

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DESIGNATING A CERTAIN AREA AS THE PFLUGERVILLE RENEWABLE ENERGY REINVESTMENT ZONE #2 FOR THE CITY OF PFLUGERVILLE, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pflugerville, Texas (hereinafter referred to as the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone, as authorized by chapter 312 of the Texas Tax Code, cited as the Property Re-development and Tax Abatement Act; and

WHEREAS, a public hearing before the City Council was set for 7:00 p.m. on the 23rd day of August, 2011, such date being at least seven (7) days after the date of publication of the notice of such public hearing, pursuant to Section 312.201(d) of the Texas Tax Code; and

WHEREAS, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone; and

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory should be included in such proposed reinvestment zone, the concept of tax abatement; and

WHEREAS, upon full review and consideration of the all matters attendant and related thereto, the City Council is of the opinion that the area described in **Exhibit A, B, C, D, E, F, G & H** of this Ordinance, which is attached hereto and incorporated herein, meets the criteria for designating an area as tax abatement reinvestment zone, pursuant to Section 312.202(a)(6) of the Texas Tax Code, because the designation of the area as described in **Exhibit A, B, C, D, E, F, G & H** as a reinvestment zone is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the" City of Pflugerville, Texas.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, THAT:

Section 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. **Definitions.**

- (a) *Improvements* - Improvements shall include any activity at the location, including but not limited to new construction.
- (b) *Taxable Real Property* - Taxable real property shall be as defined in the Texas Tax Code and shall not include personal property as defined in said Code.
- (c) *Base Year* - The base year for determining increased value shall be the taxable real property value assessed the year in which the agreement is executed.
- (d) *Personal Property* - Personal property shall be as defined in the Texas Tax Code and shall include all equipment, office furnishings, and inventory, and other items contained within the confines of the reinvestment zone.

Section 3. **Findings and Determinations.** The City, after conducting such public hearings, and having heard such evidence and testimony, has made the following findings and determinations based upon the testimony presented:

- (a) That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted, and that notices of such hearings have been published at least seven (7) days before the hearing in a newspaper of general circulation within the City, and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone at least seven (7) days prior to the hearing; and
- (b) That the boundaries of the reinvestment zone should be the areas as described and depicted on the attached ***Exhibit A, B, C, D, E, F, G & H***; and
- (c) That creation of the reinvestment zone for renewable energy production with boundaries as described in ***Exhibit A, B, C, D, E, F, G & H*** will result in benefits to the City, and to the land included within the zone, and the improvements sought are feasible and practical; and
- (d) That the investment zone as defined in ***Exhibit A, B, C, D, E, F, G & H*** meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202(a)(6) of the Texas Tax Code in that it is “reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City”; and
- (e) That the reinvestment zone as defined in ***Exhibit A, B, C, D, E, F, G & H*** meets the criteria for the creation of a reinvestment zone as set forth in the City of Pflugerville Tax Abatement Guidelines and Criteria.

Section 4. **Zone Designation.** Pursuant to Section 312.201 of the Texas Tax Code,

the City hereby creates a reinvestment zone for renewable energy production encompassing only the area described and depicted on the attached **Exhibit A, B, C, D, E, F, G & H**, and such reinvestment zone is hereby designated and shall hereafter be designated as the Pflugerville Renewable Energy Reinvestment Zone, City of Pflugerville, Texas. The Pflugerville Renewable Energy Reinvestment Zone, City of Pflugerville, Texas is effective for thirty (30) years and may be renewed for periods not to exceed fifteen 15 years. The expiration of the designation does not affect an existing tax abatement agreement.

Section 5. Conditions for Application for Tax Abatement. To be considered for execution of an agreement for tax abatement, the commercial-industrial project shall:

- (a) Be located wholly within the zone as established herein.
- (b) Not include property that is owned or leased by a member of the City Council of the City of Pflugerville, Texas, or by a member of the Planning and Zoning Commission of the City of Pflugerville.
- (c) Conform to the requirements of the City's Zoning Ordinance and all other applicable laws and regulations.
- (d) Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

Section 6. Terms of Exemption. A written agreement with property owner located within the zone shall provide the terms regarding duration of exemption and share of eligible taxable real and personal property value from taxation.

Section 7. Criteria for Written Agreements. Written agreements under Section 312.205 of the Texas Tax Code must include provisions for:

- (a) Listing the kind, number, and location of all proposed improvements of the property.
- (b) Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements.
- (c) Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect.
- (d) Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

Section 8. **Severability.** The provisions of this ordinance are severable. If any section, paragraph, sentence, subdivision, clause, or phrase of this ordinance or the application thereof to any person or circumstance is held invalid or held unconstitutional, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Section 9. **Effective.** This Ordinance will take effect after the second reading and its passage by three affirmative votes on August 23, 2011; provided that this Ordinance will be posted and published in accordance with the provisions of the City Charter.

Jeff Coleman, Mayor

ATTESTED TO:

Karen Thompson
City Secretary

DATE: _____

APPROVED AS TO FORM:

Floyd Akers
City Attorney

**Description and Depiction of the
Pflugerville Renewable Energy Reinvestment
Zone #2
for the
City of Pflugerville, Texas**

Legal Descriptions of Eight (8) Parcels of Land

Tract 1: That certain 319.09 acres of land described in Exhibit A attached hereto.

Tract 2: That certain 211.51 acres of land described in Exhibit B attached hereto.

Tract 3: That certain 78.130 acres of land described in Exhibit C, SAVE AND EXCEPT that certain 11.331 acres of land described in Exhibit C-1 attached hereto.

Tract 4: That certain 71.247 acres of land described in Exhibit D attached hereto.

Tract 5: That certain 56.05 acres of land described in Exhibit E attached hereto.

Tract 6: That certain 3.942 acres of land described in Exhibit F attached hereto.

Tract 7: That certain 17.667 acres of land described in Exhibit G and attached hereto.

Tract 8: That certain 1.79 acres of land described in Exhibit H and attached hereto.

EXHIBIT "A"

HOLT CARSON INCORPORATED
1904 FORTVIEW ROAD
AUSTIN, TX 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

January 29, 2007

FIELD NOTE DESCRIPTION OF 319.089 ACRES OF LAND OUT OF ISAAC LINDSAY SURVEY NO. 67, ABSTRACT NO. 476, THE WALTON, HILL AND WALTON SURVEY NO. 77, ABSTRACT NO. 2328, AND THE STYLES FOWLER SURVEY NO. 42, ABSTRACT NO. 302, ALL IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (319.834 ACRE) TRACT OF LAND AS CONVEYED TO CARRIAGE OAKS ESTATES, INC. BY DEED RECORDED IN VOLUME 13302, PAGE 5198 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" Iron rod found in the Northwest right-of-way line of Carlson Road, also known as "Manda Road and/or Manda Carlson Road", same being a point in the approximate Southwest line of the Walton, Hill and Walton Survey No. 77, Abstract No. 2328 and the Northeast line of the Styles Fowler Survey No. 42, Abstract No. 302, also being the most Easterly corner of that certain (319.834 acre) tract of land as conveyed to Carriage Oaks Estates, Inc. by deed recorded in Volume 13302, Page 5198 of the Real Property records of Travis County, Texas, and also being the most Southerly corner of that certain (80.59 acre) tract of land as conveyed to Nina Covington, et al. by deed recorded in Volume 5180, Page 688 of the Deed Records of Travis County, Texas and the PLACE OF BEGINNING of the herein described tract, from which a ½" Iron rod found at the most Northerly corner of that certain (12.87 acre) tract of land as conveyed to Marvin Amhahn by deed recorded in Volume 12003, Page 477 of the Real Property Records of Travis County, Texas bears, N 40 deg. 31'44" E 288.50 ft.;

THENCE with the Northwest right-of-way line of Carlson Road, same being a Southeast line of said Carriage Oaks Estates, Inc. (319.834 acre) tract, S 29 deg. 49' 09" W 1784.44 ft. to a ½" iron rod found at the most Southerly corner of said Carriage Oaks Estates, Inc. (319.834 acre) tract, same being the East corner of that certain (56.05 acre) tract of land as conveyed to Leonard E. Anderson by deed recorded in Volume 1449, Page 476 of the Deed Records of Travis County, Texas and defined by Boundary Line Agreement recorded in Volume 13305, Page 2264 of the Real Property Records of Travis County, Texas;

THENCE leaving the Northwest right-of-way line of Carlson Road with the Northeast line of said Anderson (56.05 acre) tract, same being the Southwest line of said Carriage Oaks Estates, Inc. (319.834 acre) tract, as defined by said Boundary Line Agreement, N 60 deg. 19' 32" W 2616.10 ft. to a 2" iron pipe found at the North corner of said Anderson (56.05 acre) tract, same being the East corner of that certain (80.16 acre) tract of land as conveyed to W.C. Roundtree and wife, Dorothy Anne Roundtree by deed recorded in Volume 12121, Page 172 of the Real Property Records of Travis County, Texas;

THENCE with the Northeast line of said Roundtree (80.16 acre) tract, same being the Southwest line of said Carriage Oaks Estates, Inc. (319.834 acre) tract, N 60 deg. 33' 32" W 2853.35 ft. to a calculated point in the Southeast line of that certain (12.0 acre) tract of land as conveyed to John R. Rowland by deed recorded in Volume 12741, Page 947 of the Real Property Records of Travis County, Texas, for the West corner of the herein described tract, from which a bent 2" iron pipe found in concrete, on the interior of said Rowland (12.0 acre) tract, at the West corner of said Carriage Oaks Estates, Inc. (319.834 acre) tract, same being the North corner of said Roundtree (80.16 acre) tract bears, N 60 deg. 33'32" W 7.21 ft.;

THENCE entering the interior of said Carriage Oaks Estates, Inc. (319.834 acre) tract with the Southeast line of said Rowland (12.0 acre) tract, N 30 deg. 26'58" E 185.13 ft. to a ½" iron rod found at the East corner of said Rowland (12.0 acre) tract, same being the South corner of that certain (12.0 acre) tract of land as conveyed to Berlingo J. Valdez and wife, Irma Valdez by deed recorded in Document No. 2002088232 of the Official Public Records of Travis County, Texas;

THENCE continuing through the interior of said Carriage Oaks Estates, Inc. (319.834 acre) tract, with the Southeast line of said Valdez (12.0 acre) tract, N 30 deg. 29'47" E 405.66 ft. to a ½" iron rod found at the East corner of said Valdez (12.0 acre) tract;

Page 1 of 2

EXHIBIT A

THENCE continuing through the interior of said Carriage Oaks Estates, Inc. (319.834 acre) tract, with the record Northeast line of said Valdez (12.0 acre) tract, N 59 deg. 52'00" W 7.93 ft. to a calculated point in a Northwest line of said Carriage Oaks Estates, Inc. (319.834 acre) tract;

THENCE leaving the Northeast line of said Valdez (12.0 acre) tract, with a Northwest line of said Carriage Oaks Estates, Inc. (319.834 acre) tract, N 30 deg. 24' 21" E, 1748.94 ft. to a 1/2" iron rod found at the base of an old wood post in an approximate Northeast line of the Walton, Hill and Walton Survey No. 77, Abstract No. 2326, same being an approximate Southwest line of the Isaac Lindsay Survey No. 67, Abstract No. 476 and an angle corner of said Carriage Oaks Estates, Inc. (319.834 acre) tract;

THENCE with a Southwest line of said Carriage Oaks Estates, Inc. (319.834 acre) tract, N 60 deg. 16' 26" W 136.43 ft. to a 1 1/2" iron pipe found at the South corner of that certain (76.066 acre) tract of land as conveyed to Kenneth Schmidt and wife, Irene F. Heine by deed recorded in Document No. 2000083124 of the Official Public Records of Travis County, Texas, from which a 1/2" iron rod found for the East corner of said Schmidt (76.066 acre) tract bears, N 30 deg. 42'43" E 3207.19 ft.;

THENCE with a Northwest line of said Carriage Oaks Estates, Inc. (319.834 acre) tract, N 30 deg. 59' 22" E 802.63 ft. to a 1/2" iron rod found at the North corner of said Carriage Oaks Estates, Inc. (319.834 acre) tract, from which a 2" iron pipe found at the North corner of that certain (132.18 acre) tract of land as conveyed to Nina Covington, et al. by deed recorded in Volume 5180, Page 666 of the Deed Records of Travis County, Texas bears, N30 deg. 59'45" E 1886.90 ft.(direct tie);

THENCE entering the interior of said Carriage Hills Estates, Inc. (319.834 acre) tract, S 59 deg. 56' 43" E, passing a calculated point at the South corner of said Covington (132.18 acre) tract, same being an exterior angle corner of said Covington (80.59 acre) tract, at a distance of 3063.63 ft., continuing along said bearing for a total distance of 3407.83 ft. to a 1" iron pipe found at an interior angle corner of said Covington (80.59 acre) tract, from which a 1" iron rod set an Easterly exterior angle corner of said Carriage Oaks Estates, Inc. (319.834 acre) tract bears, N 83 deg. 46' E 5.78 ft.;

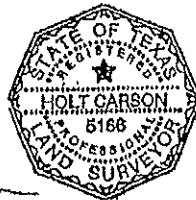
THENCE continuing through the interior of said Carriage Hills Estates, Inc. (319.834 acre) tract, with a Northwest line of said Covington (80.59 acre) tract, S 31 deg. 07' 37" W 1308.07 ft. to a 1" hex bolt found at the most Westerly corner of said Covington (80.59 acre) tract;

THENCE continuing through the interior of said Carriage Hills Estates, Inc. (319.834 acre) tract, with a Northeast line of said Covington (80.59 acre) tract, S 59 deg. 52' 35" E 27.44 ft. to a 1/4" iron rod found at an interior angle corner of said Carriage Hills Estates, Inc. (319.834 acre) tract;

THENCE with a Northeast line of said Carriage Hills Estates, Inc. (319.834 acre) tract, same being a Southwest line of said Covington (80.59 acre) tract, S 59 deg. 52' 35" E 1966.33 ft. to the PLACE OF BEGINNING and containing 319.089 acres of land.

Surveyed January 29th, 2007
BY:

Holt Carson



Holt Carson
Registered Professional Land Surveyor No. 5166

see survey map B 792012

Page 2 of 2

EXHIBIT A

FIELD NOTES TO ACCOMPANY MAP OF SURVEY
211.51 ACRES OF LAND
ISAAC LINDSEY SURVEY NO. 67, A-476
WALTON HILL & WALTON SURVEY NO. 77
TRAVIS COUNTY, TEXAS

FIELD NOTE DESCRIPTION OF 211.51 ACRES OF LAND OUT OF THE ISAAC LINDSEY SURVEY NO. 67, ABSTRACT NO. 476 AND THE WALTON HILL & WALTON SURVEY NO. 77, TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN FIRST TRACT-TRACT II, CALLED TO CONTAIN 132.18 ACRES, AND ALL OF THAT CERTAIN SECOND TRACT, CALLED TO CONTAIN 80.99 ACRES, DESCRIBED IN A DEED TO NINA COVINGTON, VAL C. COVINGTON BUCK, MARY ELIZABETH BUCK VANCE, ROSEMARY COVINGTON DIAZ AND SARAH ANN COVINGTON FENLEY RECORDED IN VOLUME 5180, PAGE 668 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, **SAVE AND EXCEPT** THAT CERTAIN 1 ACRE PORTION OF THE SAID SECOND TRACT DESCRIBED IN A DEED TO DEBRA SUE SRNESKY RECORDED IN DOCUMENT NUMBER 2001184869 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, BEING THE SAME 1 ACRE TRACT PREVIOUSLY DESCRIBED IN A DEED TO EDMOND A. SRNESKY AND WIFE, GLADYS SRNESKY RECORDED IN VOLUME 5373, PAGE 1835 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 211.51 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found at the northwest corner of the said First Tract-Tract II, being on the east line of that certain 76.066 acre tract described in a deed to Kenneth Schmidt and wife, Elizabeth Schmidt by deed recorded in Document Number 2000083124 of the Official Public Records of Travis County, Texas, and being at an angle point in Felder Lane;

THENCE, S 60°56'55" E, along the south line of Felder Lane, at 3030.97 feet passing a ½ inch diameter steel pin found 0.55 feet south of line and continuing a **total distance of 3280.94 feet** to an iron pipe found at the northerly northeast corner of the said Second Tract, the same being the northwest corner of that certain 19.806 acre tract described in a deed to Homer L. Johnson recorded in Volume 7799, Page 697 of the Deed Records of Travis County, Texas;

THENCE, S 30°20'58" W, along the west line of the said 19.806 acre Johnson tract, then the west line of that certain 30.001 acre tract described in a deed to Homer L. Johnson recorded in Volume 5335, Page 1624 of the Deed Records of Travis County, Texas, and then the west line of that certain 25.005 acre tract described in a deed to Richard Row Weaver recorded in Volume 11939, Page 87 of the Real Property Records of Travis County, Texas, at 428.58 feet passing an iron pipe found 0.21 feet east of line, at 1075.12 feet passing an iron pipe found 0.41 feet west of line, continuing a **total distance of 1611.02 feet** to an iron pipe found at the southwest corner of the said 25.005 acre Weaver tract, being an interior corner of the said Second Tract;

THENCE S 61°03'24" E, a distance of 2035.33 feet to a ½ inch diameter steel pin found on the west line of Manda-Carlson Road at the southeast corner of the said 25.005 acre Weaver tract, the same being an exterior corner of the said Second Tract;

THENCE, S 29°06'58" W, a distance of 776.96 feet along the west line of Manda-Carlson Road, the same being the east line of the said Second Tract, to an iron pipe found at the northeast corner of the said 1 acre tract described in a deed to Debra Sue Srnesky recorded in Document Number 2001184869 of the Official Public Records of Travis County, Texas, being the same 1 acre tract described in Volume 5373, Page 1835 of the Deed Records of Travis County, Texas;

THENCE, traversing the interior of the said Second Tract, along the north, west and south lines of the said 1 acre tract, the following three (3) courses and distances:

- 1) N 80°53'45" W, 215.16 feet to a ½ inch diameter steel pin found with cap;
- 2) S 29°08'48" W, 194.87 feet to a ½ inch diameter steel pin found with cap;
- 3) S 60°48'35" E, a distance of 253.38 feet to an iron pipe found on the west line of Manda-Carlson Road at the southeast corner of the said 1 acre tract;

THENCE, along the west line of Manda-Carlson Road, the same being the east line of the said Second Tract, the following two (2) courses and distances:

- 1) S 05°44'49" W, 70.92 feet to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc;
- 2) S 28°19'58" W, 544.51 feet to a ½ inch diameter steel pin found at the southeast corner of the said Second Tract, the same being the easterly most northeast corner of that certain 319.834 acre tract described in a deed to Carriage Oaks Estates, Inc. recorded in Volume 13302, Page 5198 of the Real Property Records of Travis County, Texas, from which a ½ inch diameter steel pin found at the southeast corner of the said 319.834 acre tract bears S 28°42'52" W, 1784.44 feet;

THENCE, N 60°58'24" W, at 1966.40 feet passing a ½ inch diameter steel pin found at an interior corner of the said 319.834 acre Carriage Oaks Estates, Inc. tract, and continuing a total distance of 1993.85 feet to an iron pipe found at the southerly southwest corner of the said Second Tract in the interior of the said 319.834 acre Carriage Oaks Estates, Inc. tract;

THENCE, N 30°01'22" E, a distance of 1312.15 feet along a line of the said Second Tract, being in conflict with the said 319.834 acre Carriage Oaks Estates, Inc. tract, to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. on a common line between the said Second Tract and the said 319.834 acre Carriage Oaks Estates, Inc. tract, for an interior corner of the said Second tract, from which an iron pipe found at an exterior corner of the said 319.834 acre Carriage Oaks Estates, Inc. tract bears S 61°06'00" E, 4.48 feet;


THENCE, N 61°06'00" W, along the north line of the said 319.834 acre Carriage Oaks Estates, Inc. tract, at 344.20 feet passing the record location of an exterior corner of the said Second Tract, the same being the southeast corner of the said First Tract - Tract II, continuing a total distance of 3407.81 feet to a ½ inch diameter steel pin found on the east line of the said 76.066 acre Schmidt tract at the southwest corner of the said First Tract - Tract II, the same being the northwest corner of the said 319.834 acre Carriage Oaks Estates, Inc. tract, from which an iron pipe found at an exterior corner of the said 319.834 acre Carriage Oaks Estates, Inc. tract bears S 29°53'24" W, 802.78 feet;

EXHIBIT B
Pg. 2 of 3

211.51 Acres
Page 3 of 3

THENCE, N 29°53'24" E, a distance of 1886.72 feet along the common line between the said First Tract - Tract II and the said 76.066 acre Schmidt tract to the **PLACE OF BEGINNING**, containing 211.51 acres of land, of which 0.48 acres is in conflict with the said 319.834 acre Carriage Oaks Estates, Inc. tract as depicted on the map of survey attached hereto.

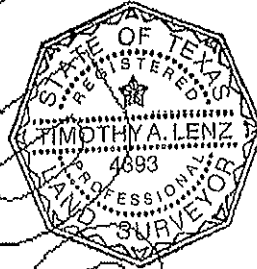
I HEREBY CERTIFY THAT THIS METES AND BOUNDS DESCRIPTION WAS PREPARED FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION.



7-14-07

TIMOTHY A. LENZ, R.P.L.S. No. 4393
Lenz & Associates, Inc
1714 Fort View Road, Suite 200
Austin, Texas 78704
(2007-0551.doc)

DATE



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2007 Aug 16 03:57 PM 2007153496

MORALES \$32.00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS

EXHIBIT B
Pg 3 of 3

DALE L. OLSON
Registered Professional Land Surveyor
711 Water Street
Bastrop, TX 78602
Phone (512) 321-5476 * Fax (512) 303-5476

FIELD NOTES FOR A 78.130 ACRE TRACT IN THE ROBERT FLETCHER SURVEY NO. 69
IN TRAVIS COUNTY, TEXAS.

BEING a 78.130 acre tract or parcel of land out of and being a part of the Robert Fletcher Survey No. 69, A-287, in Travis County, Texas, and being all of that certain tract said to contain 78.133 acres described in a deed from Edwin S. Magnuson and wife, Anna Magnuson to Kevin Keshvari, et ux, dated June 5, 1995, recorded in Vol. 12349, Page 2127, Travis County Deed Records. Said tract being a part of that certain 80 acre tract described in a deed from Mrs. Hattie Schiller to Edwin S. Magnuson, et ux, recorded in Vol. 5358, Page 801, Travis County Deed Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of the said 80 acre tract, a 5/8 Inch iron rod found near a fence corner in the occupied north line of the James P. Kempa Survey NO. 27 and north line of that certain 142 acre tract described in a deed from Lester C. Nelson to The Lester C. Nelson Living Trust, recorded in Vol. 11917, Page 243, Travis County Deed Records, the southwest corner of the William Smith Survey No. 39, and that certain 44.19 acre tract described in a deed from Lester C. Nelson to The Lester C. Nelson Living Trust, recorded in Vol. 11917, Page 241, Travis County Deed Records, the southeast corner of the said Robert Fletcher Survey, for the southeast corner of this tract.

THENCE with the south line of the Robert Fletcher Survey and 80 acre tract, the north line of the James P. Kempa Survey and Nelson 142 acre tract, N 62 deg. 30 min. 00 sec. W, 2613.81 feet to a 5/8 inch iron rod found where same intersects the east line of Manda-Carlson Road, for the southwest corner of this tract.

THENCE with the east line of Manda-Carlson Road, N 27 deg. 07 min. 15 sec. E, 1307.87 feet to a 5/8 Inch iron rod with aluminum cap found where same intersects the north line of the 80 acre tract, the southwest corner of that certain 23.704 acre tract described as Tract II in a deed from Marjorie Carlson Kerwin, et al, to Carl G. Strubbe, et ux, recorded in Vol. 12811, Page 0897, Travis County Deed Records, for the northwest corner of this tract.

THENCE with the north line of the 80 acre tract and south line of the Stubbe 23.704 acre tract, S 62 deg. 15 min. 07 sec. E, 2613.41 feet to a 5/8 inch iron rod found at a fence corner in the east line of the Robert Fletcher Survey, the west line of the William Smith Survey and that certain 44.57 acre tract described in a deed from Viola Maurine Ekerstam to Carl Carlson, recorded in Doc. No. 200205340, Travis County Deed Records, the southeast corner of the Strubbe 23.704 acre tract and northeast corner of the 80 acre tract, for the northeast corner of this tract.

THENCE with the east line of the Robert Fletcher Survey and 80 acre tract, the west line of the Carlson 44.57 acre tract and before mentioned Nelson 44.19 acre tract, S 27 deg. 05 min. 56 sec. W, 1296.56 feet to the POINT OF BEGINNING, containing 78.130 acres of land.

Dale L. Olson
Reg. Pro. Land Surveyor 1753

OR Michael D. Olson
Reg. Pro. Land Surveyor 5386

©2010 Dale L. Olson Surveying Co.

Order #: 121210

Date Created: 08/27/10

EXHIBIT C
Pg. 1 of 1

TRAVIS COUNTY, TEXAS
ROBERT FLETCHER SURVEY No. 69, ABSTRACT No. 287
LOWER COLORADO RIVER AUTHORITY
KIMBRO SUBSTATION

KIMBRO SUBSTATION TITLE SURVEY
11.331 ACRES

EXHIBIT "C-1"

DESCRIPTION FOR A 11.331 ACRE TRACT OF LAND SITUATED IN THE ROBERT FLETCHER SURVEY No. 69, ABSTRACT No. 287, TRAVIS COUNTY, TEXAS; SAID 11.331 ACRE TRACT BEING A PORTION OF A 78.133 ACRE TRACT DESCRIBED IN THE DEED FROM EDWIN S. MAGNUSON AND WIFE, ANNA MAGNUSON, TO KEIVAN KESHVARI AND WIFE, REGINA HOOTEN-KESHVARI, DATED JANUARY 5, 1995 AND RECORDED IN VOLUME 12349, PAGE 2127 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; THE PERIMETER OF SAID 11.331 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod with aluminum cap found (Grid Coordinates: N10126421.75 USft; E3202102.42 USft) in the easterly right-of-way line of Manda Carlson Road (60' R.O.W.), being the northwesterly corner of that certain 142 acre tract of land described in the deed from Lester C. Nelson, to Lester C. Nelson, as Trustee of the Lester C. Nelson Revocable Living Trust, with life estate reserved to the grantor, dated April 5, 1993 and recorded in Volume 11917, Page 243 of the Real Property Records of Travis County, Texas and the southwestly corner of said 78.133 acre tract of land, for the southwestly corner hereof;

THENCE N 27°05'50" E, along the easterly right-of-way line of Manda Carlson Road, being a portion of the westerly line of said 78.133 acre tract of land, a distance of 75.00 feet to the most westerly northwest corner hereof, from which a 5/8 inch iron rod with aluminum cap found in the easterly right-of-way line of Manda Carlson Road, being the southwestly corner of that certain 23.704 acre tract of land called "Tract II" described in the deed from Marjorie Carlson Kerwin and Adelee Carlson Almquist to Carl G. Strubbe and wife, Mary B. Strubbe, dated October 31, 1996 and recorded in Volume 12811, Page 897 of the Real Property Records of Travis County, Texas and the northwesterly corner of said 78.133 acre tract of land bears, N 27°05'50" E, a distance of 1232.77 feet;

THENCE leaving the easterly right-of-way line of Manda Carlson Road, being the westerly line of said 78.133 acre tract of land, through the interior of said 78.133 Acre Tract, the following four (4) courses and distances:

1. S 62°30'53" E, a distance of 814.07 feet to a point for a calculated point, and
2. N 27°29'07" E, a distance of 735.00 feet to the most northerly northwest corner hereof, and
3. S 62°30'53" E, a distance of 534.00 feet to the northeasterly corner hereof, and
4. S 27°29'07" W, a distance of 810.00 feet to a point in the northerly line of said 142 acre tract of land, being the southerly line of said 78.133 acre tract of land for the southeasterly corner hereof, from which a 5/8 inch iron rod with aluminum cap found in the northerly line of said 142 acre tract of land, being the southwestly corner of that certain 44.19 acre tract of land described in the deed from Lester C. Nelson, to Lester C. Nelson, as Trustee of the Lester C. Nelson Revocable Living Trust, with life estate reserved to the grantor, dated April 5, 1993 and recorded in Volume 11917, Page 241 of the Real Property Records of Travis County, Texas and also being the southeasterly corner of said 78.133 acre tract of land bears, S 62°30'53" E, a distance of 1266.07 feet;

THENCE N 62°30'53" W, with the common boundary line of said 142 acre tract of land and said 78.133 acre tract of land, for the southerly line hereof, a distance of 1347.56 feet to the POINT OF BEGINNING and containing 11.331 acres of land within the bearing and distance calls contained herein.

BEARING BASIS: Texas Lambert Grid, Central Zone, NAD 83/NSRS 2007
All distances are surface values, to obtain grid distances multiply surface values by a combined scale factor of 0.99991.

EXHIBIT C-1
Pg 1 of 1

FIELD NOTES FOR CLAUD BAUNEACH:

BEING a 71.274 acre tract of land situated in the Styles J. Fowler Survey, Abstract No. 302, Travis County, Texas, and being the remainder of that certain 100.00 acre tract of land conveyed by deed to Rudolph E. Carlson as recorded in Volume 1414, Page 379, Deed Records, Travis County, Texas. Surveyed on the ground in the month of September, 1994, under the supervision of R. T. Magness, Jr., Registered Professional Land Surveyor, and being more particularly described as follows:

BEGINNING at an iron pin found in the West line of Manda Road, marking the occupied Northeast corner of the said 100.00 acre Carlson tract for the Northeast corner hereof;

TRENCES S 22° 30' 30" W, 1615.89 feet with the said West line of the Manda Road to an iron pin set at the intersection of the North line of the Sandeen Road for the Southeast corner hereof;

TRENCES S 60° 27' 45" W, 1927.66 feet with the said North line of the Sandeen Road to cur-off "T" post, marking the Southwest corner hereof, said corner also being the Southeast corner of that certain 24.563 acre survey performed for Steven A. and Dawn E. Cooper in the month of June, 1994;

TRENCES N 29° 56' 30" W, 1615.68 feet with the East line of the said Cooper survey to an iron pipe found set in concrete, marking the Northeast corner of said Cooper survey for the Northwest corner hereof;

TRENCES S 68° 28' 15" E, 1915.38 feet to the place of BEGINNING and containing 71.274 acres of land.

NOTE: Also included is that certain 20 foot right-of-way for road purposes as described in deed to Rudolph E. Carlson as recorded in Volume 3097, Page 1743, Deed Records, Travis County, Texas.

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WILLIAMSON

§

I, R. T. Magness, Jr., Registered Professional Land Surveyor, do hereby certify that this survey was made on the ground of the property legally described hereon and is correct, and that there are no apparent discrepancies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, and that said property has access to and from a dedicated roadway, to the best of my knowledge and belief.

TO CERTIFY WHICH, WITNESS my hand and seal at Taylor, Williamson County, Texas, this 16th day of September, 1994, A.D.

R. T. Magness, Jr.
R. T. Magness, Jr.
Registered Professional Land Surveyor, No. 1433
State of Texas

Job No. S-17007.01
tb/2

EXHIBIT D



Steger & Bizzell Engineering, Inc.

Consulting Engineers Surveyors
P.O. Box 650 Taylor, Texas 75772
1011 N. Main St. Taylor, Texas 75774

Property (including any improvements):

BEING all that certain tract or parcel of land being situated about 20 miles North East of the City of Austin, Travis County, Texas, and being out of and a portion of the Styles Fowler Survey No. 42, in the County of Travis and State of Texas, and being a portion of that tract of 80 acres of land conveyed to Axel Zahr, et us, Esther Zahr, by K.T. Williamson, et ux, Ruby Williamson, by deed dated the 23rd day of August, A.D. 1951, of record in Book No. 1182, Pages 460 to 461, of the Deed Records of Travis County, Texas, to which said deed reference is here made to aid in the description hereof; and BEING more particularly described as follows, to-wit:

BEGINNING at the N W corner of said Zahr tract, an iron water pipe driven into the ground under a wire fence in the south line of the Arnham 160 acre tract, said beginning point being also the N E corner of the Mrs. C.O. Carlson 80 acre tract;

THENCE along the west line of the said Zahr tract, which is the east line of the aforementioned Carlson tract, S 30 deg. W 336.2 varas to a pipe in the ground for the S W corner of this tract, and the N W corner of a 21.59 acre tract this day conveyed out of said Zahr tract;

THENCE along the north line of said 21.59 acre tract, S 60 deg. E 940.8 varas to a pipe in the West margin of the public road which bounds this tract on the East, for the N E corner of said 21.59 acre tract and the S E corner thereof;

THENCE along the West margin of said road, N. 30 deg. 08' E 336.2 varas to an iron pipe at the S E corner of the aforementioned Arnham tract and the N E corner thereof;

THENCE along a wire fence that is the south line of the said Arnham tract and the North line thereof, N 60 deg W 941.5 varas to the PLACE OF BEGINNING, and containing 56.05 acres of land, as surveyed by Sidney Perrin, Licensed State Land Surveyor, on November 21, A. D. 1953.

EXHIBIT E
Pg 1 of 1

DALE L. OLSON
Registered Professional Land Surveyor
711 Water Street
Bastrop, TX 78602
Phone (512) 321-5476 * Fax (512) 303-5476

FIELD NOTES FOR A 3.942 ACRE TRACT IN THE STYLES FOWLER SURVEY IN TRAVIS COUNTY, TEXAS.

BEING a 3.942 acre tract or parcel of land out of and being a part of the Styles Fowler Survey No. 42, in Travis County, Texas, and being a part of that certain 21.59 acre tract described in a deed from the Veterans Land Board OF Texas to Howard C. Anderson, recorded in Vol. 5275, Page 137, Travis County Deed Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

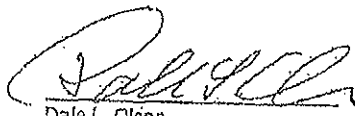
BEGINNING at the southeast corner of the said 21.59 acre tract, a 5/8 inch iron rod set in the west line of the Manda-Carlson Road and northeast corner of that certain 20 foot strip described in a deed to Mrs. Lucy Rivers, recorded in Vol. 416, Page 301, Travis County Deed Records, for the southeast corner of this tract.

THENCE with the south line of the 21.59 acre tract and north line of the 20 foot strip, N 60 deg. 01 min. 19 sec. W, 940.74 feet to a 5/8 inch iron rod set for the southwest corner of this tract from which the southwest corner of the said 21.59 acre tract, a 5/8 inch iron rod set bears N 60 deg. 01 min. 19 sec. W, 1673.73 feet.

THENCE N 27 deg. 55 min. 59 sec. E, 174.77 feet to a 5/8 inch iron rod set in the center of a driveway for the northwest corner of this tract.

THENCE with the center of said driveway, S 61 deg. 52 min. 57 sec. E, 339.04 feet to a 5/8 inch iron rod set; S 60 deg. 14 min. 01 sec. E, 73.28 feet to a 5/8 inch iron rod set; S 59 deg. 15 min. 41 sec. E, 535.18 feet to a 5/8 inch iron rod set where same intersects the west line of Manda-Carlson Road and east line of the 21.59 acre tract, for the northeast corner of this tract.

THENCE with the west line of said road and east line of the 21.59 acre tract, S 30 deg. 04 min. 18 sec. W, 178.84 feet to the POINT OF BEGINNING, containing 3.942 acres of land.



Dale L. Olson
Reg. Pro. Land Surveyor 1753

OR

Michael D. Olson
Reg. Pro. Land Surveyor 5386

Order #: 115009

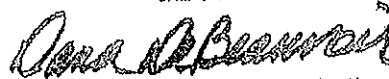
©2009 Dale L. Olson Surveying Co.

Date Created: 06/12/09

EXHIBIT F
Pg 1 of 1

AND RECORDED

TAL PUBLIC RECORDS



2010 May 10 11:48 AM 2010065611

FERGUSONLL \$24.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

DALE L. OLSON
Registered Professional Land Surveyor
711 Water Street
Bastrop, TX 78602
Phone (512) 321-5476 * Fax (512) 303-5476

FIELD NOTES FOR A 17.667 ACRE TRACT IN THE STYLES FOWLER SURVEY IN TRAVIS COUNTY, TEXAS.

BEING a 17.667 acre tract or parcel of land out of and being a part of the Styles Fowler Survey No. 42, in Travis County, Texas, and being a part of that certain 21.59 acre tract described in a deed from the Veterans Land Board OF Texas to Howard C. Anderson, recorded in Vol. 5275, Page 137, Travis County Deed Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

COMMENCING for referene at the southeast corner of the said 21.59 acre tract, a 5/8 inch iron rod set in the west line of the Manda-Carlson Road and northeast corner of that certain 20 foot strip described in a deed to Mrs. Lucy Rivers, recorded in Vol. 416, Page 301, Travis County Deed Records, for the southeast corner of this tract.

THENCE with the west line of Manda- Carlson Road and east line of the 21.59 acre tract, N 30 deg. 04 min. 18 sec. E, 178.84 feet to a 5/8 inch iron rod set where same intersects the center of a driveway, the northeast corner of a 3.942 acre tract surveyed out of said 21.59 acre tract for the POINT OF BEGINNING, the southeast corner of this tract.

THENCE with the center of said driveway and north line of the surveyed 3.942 acre tract, N 59 deg. 15 min. 41 sec. W, 535.18 feet to a 5/8 inch iron rod set; N 60 deg. 14 min. 01 sec. W, 73.28 feet to a 5/8 inch iron rod set; N 61 deg. 52 min. 57 sec. W, 339.04 feet to a 5/8 inch iron rod set for the northwest corner of the 3.942 acre tract, for an interior corner of this tract.

THENCE with the west line of the 3.942 acre tract, S 27 deg. 55 min. 59 sec. W, 174.77 feet to the southwest corner of same, a 5/8 inch iron rod set in the south line of the 21.59 acre tract and north line of the 20 foot strip, for an angle corner of this tract.

THENCE with the south line of the 21.59 acre tract and north line of the 20 foot strip, N 60 deg. 01 min. 19 sec. W, 1673.73 feet to a 5/8 Inch iron rod set in the east line of that certain 80.16 acre tract described in a deed from Rudolph R. Carlson to W.C. Roundtree, et ux, recorded in Vol. 12121, Page 172, Travis County Deed Records, the northwest corner of the 20 foot strip and southwest corner of the 21.59 acre tract, for the southwest corner of this tract.

THENCE with the west line of the 21.59 acre tract and east line of the Roundtree 80.16 acre tract, N 30 deg. 00 min. 00 sec. E, 360.00 feet to a 5/8 inch iron rod set for the northwest corner of the 21.59 acre tract and southwest corner of that certain 56.05 acre tract described in a deed to Leonard A.E. Anderson, recorded in Vol. 1449, Page 476, Travis County Deed Record, for the northwest corner of this tract.

THENCE with the north line of the 21.59 acre tract and south line of the 56.05 acre tract, S 60 deg. 01 min. 19 sec. E, 2614.92 feet to a 5/8 inch iron rod set in the west line of the Manda-Carlson Road, for the southeast corner of the 56.05 acre tract and northeast corner of he 21.59 acre tract, for the northeast corner of this tract.

THENCE with the west line of the said road and east line of the 21.509 acre tract, S 30 deg. 04 min. 18 sec. W, 181.16 feet to the POINT OF BEGINNING, containing 17.667 acres of land.



Dale L. Olson
Reg. Pro. Land Surveyor 1753

OR

Michael D. Olson
Reg. Pro. Land Surveyor 5386

©2009 Dale L. Olson Surveying Co.

Order #: 115009-1

Date Created: 06/12/09

Exhibit G

Page 1 of 2

DALE L. OLSON

Registered Professional Land Surveyor

711 Water Street

Bastrop, TX 78602

Phone (512) 321-5476 * Fax (512) 303-5476

FIELD NOTES FOR A 3.942 ACRE TRACT IN THE STYLES FOWLER SURVEY IN TRAVIS COUNTY, TEXAS.

BEING a 3.942 acre tract or parcel of land out of and being a part of the Styles Fowler Survey No. 42, in Travis County, Texas, and being a part of that certain 21.59 acre tract described in a deed from the Veterans Land Board OF Texas to Howard C. Anderson, recorded in Vol. 5275, Page 137, Travis County Deed Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

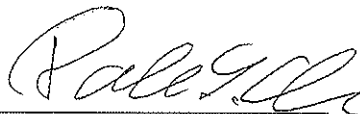
BEGINNING at the southeast corner of the said 21.59 acre tract, a 5/8 inch iron rod set in the west line of the Manda-Carlson Road and northeast corner of that certain 20 foot strip described in a deed to Mrs. Lucy Rivers, recorded in Vol. 416, Page 301, Travis County Deed Records, for the southeast corner of this tract.

THENCE with the south line of the 21.59 acre tract and north line of the 20 foot strip, N 60 deg. 01 min. 19 sec. W, 940.74 feet to a 5/8 inch iron rod set for the southwest corner of this tract from which the southwest corner of the said 21.59 acre tract, a 5/8 inch iron rod set bears N 60 deg. 01 min. 19 sec. W, 1673.73 feet.

THENCE N 27 deg. 55 min. 59 sec. E, 174.77 feet to a 5/8 inch iron rod set in the center of a driveway for the northwest corner of this tract.

THENCE with the center of said driveway, S 61 deg. 52 min. 57 sec. E, 339.04 feet to a 5/8 inch iron rod set; S 60 deg. 14 min. 01 sec. E, 73.28 feet to a 5/8 inch iron rod set; S 59 deg. 15 min. 41 sec. E, 535.18 feet to a 5/8 inch iron rod set where same intersects the west line of Manda- Carlson Road and east line of the 21.59 acre tract, for the northeast corner of this tract.

THENCE with the west line of said road and east line of the 21.59 acre tract, S 30 deg. 04 min. 18 sec. W, 178.84 feet to the POINT OF BEGINNING, containing 3.942 acres of land.



Dale L. Olson
Reg. Pro. Land Surveyor 1753

OR

Michael D. Olson
Reg. Pro. Land Surveyor 5386

©2009 Dale L. Olson Surveying Co.

Order #: 115009

Date Created: 06/12/09

Exhibit G 2 of 2

EXHIBIT "A"

DESCRIPTION FOR A 1.79 ACRE TRACT OF LAND SITUATED WITHIN THE STYLES J. FOWLER SURVEY No. 42, ABSTRACT No. 302, TRAVIS COUNTY, TEXAS; BEING A PORTION OF MANDA CARLSON ROAD, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, NO DEED RECORD INFORMATION AVAILABLE; SAID 1.79 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod with an aluminum cap found on the easterly margin of Manda Carlson Road, being the monumented northwesterly corner of a called 78.130 acre tract described in a deed from Keivan Keshvari and Regina Hooten-Keshvari to Sarvi Yajat Partnership, A Texas General Partnership, dated October 19, 2010 and recorded as Document No. 2010154832 in the Official Public Records of Travis County, Texas (O.P.R.T.C.T.), same being the southwesterly corner of that certain 23.704 acre tract of land called "Tract II" described in the deed from Marjorie Carlson Kerwin and Adelee Carlson Almquist to Carl G. Strubbe and wife, Mary B. Strubbe, dated October 31, 1996 and recorded in Volume 12811, Page 897 of the Real Property Records of Travis County, Texas, same being the most northeasterly corner of the herein described tract;

THENCE S 27°06'59" W, along the easterly margin of said Manda Carlson Road, with the westerly line of said 78.130 acre tract of land, a distance of **1,281.34 feet** to calculated point being the most southeasterly corner of the herein described tract, from which a 5/8 inch iron rod with aluminum cap found on the easterly margin of Manda Carlson Road, monumenting the southwesterly corner of said 78.130 acre tract of land, same being the northwesterly corner of that certain 142 acre tract of land described in the deed from Lester C. Nelson, to Lester C. Nelson, as Trustee of the Lester C. Nelson Revocable Living Trust, with life estate reserved to the grantor, dated April 5, 1993 and recorded in Volume 11917, Page 243 of the Real Property Records of Travis County, Texas, bears S 27°06'59" W at a distance of 26.38 feet;

THENCE N 62°53'01" W, crossing the said Manda Carlson Road right-of-way, for a distance of **60.59 feet** to a calculated point being the intersection of the westerly margin of said Manda Carlson Road with the northerly margin of Sandeen Road, a variable width public right-of-way, no deed record information available, same being the southeasterly corner of a 71.272 acre tract described in a deed to Betty Baumbach recorded in Document No. 2000059548, O.P.R.T.C.T., same being the most southwesterly corner of the herein described tract;

THENCE N 27°05'31" E, along the westerly margin of said Manda Carlson Road, with the easterly line of said 71.272 acre tract of land, for a distance of **1,282.01 feet** to calculated point being the most northwesterly corner of the herein described tract;

THENCE S 62°15'37" E, crossing the said Manda Carlson Road right-of-way, for a distance of **61.14 feet** to the **POINT OF BEGINNING** containing **1.79 acres** of land, more or less.

Exhibit H

1 of 2

This description and the accompanying sketch were made under my direct supervision.

BEARING BASIS: Texas State Plane Coordinate Grid, Central Zone 4203, NAD 83/NSRS 2007. All distances shown are surface values.

William A. Forshey

07/14/11

William A. Forshey

Date

Registered Professional Land Surveyor #5097

Baker-Aicklen & Associates, Inc.

405 Brushy Creek Road, Cedar Park, Texas 78613

(512) 260-3700



Exhibit H *2 of 2*