

**THIRD AMENDMENT TO THE  
REVISED AND RESTATED DEVELOPMENT AGREEMENT FOR  
THE PRESIDENTIAL GLEN SUBDIVISION**

**THIS THIRD AMENDMENT TO REVISED AND RESTATED DEVELOPMENT AGREEMENT FOR THE PRESIDENTIAL GLEN SUBDIVISION** (this "Amendment") is dated effective this \_\_\_\_ day of \_\_\_\_\_, 2021 and is entered into between THE CITY OF MANOR, TEXAS, a Texas home-rule municipal corporation ("City"); PRESIDENTIAL GLEN, LTD., a Texas limited partnership ("Presidential Glen"); WEST ELGIN DEVELOPMENT CORPORATION, a Texas corporation ("Elgin"); CW-WP TWO, LLC, a Texas limited liability company ("CW-WP") and Terrell Timmermann Farms, LP, a Texas limited partnership, successor-in-interest to Geraldine Timmermann, Individually and as the Independent Executor of The Estate of Terrell Timmermann, Deceased ("Timmerman"). Presidential Glen and/or Elgin are sometimes referred to herein as the "Developer". The City, Timmermann, Presidential Glen and Elgin are referred to collectively herein as the "Parties".

**RECITALS:**

A. The City and Presidential Glen, individually and as agent for BAD Gunn Limited Partnership, a Texas limited partnership ("BAD Gunn"), the Estate of Robert Andrew Gunn ("Gunn"), and Elgin (collectively sometimes referred to herein as the "Original Developer") entered into that certain Revised and Restated Development Agreement for the Presidential Glen Subdivision dated June 19, 2009, as amended by the certain First Amendment to the Revised and Restated Development Agreement for the Presidential Glen Subdivision dated effective January 18, 2012, and that Second Amendment to the Revised and Restated Development Agreement for the Presidential Glen Subdivision dated effective November 29, 2016 (as amended, the "Development Agreement").

B. Timmermann currently owns the land described in Exhibit "B-3" attached to the Development Agreement (the "Gunn Tract"). Presidential Glen owns all of the remaining land covered by the Development Agreement that has not already been conveyed to individual homeowners.

C. The Parties desire to amend the Development Agreement to, among other things, remove the Gunn Tract from the terms, conditions and obligations of the Development Agreement, update exhibits to reflect the removal of the Gunn Tract and otherwise reflect current conditions and provide updated architectural standards and guidelines for the Property.

**AGREEMENT:**

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Incorporation of Recitals. The recitals set forth above are incorporated herein and made a part of this Amendment to the same extent as if set forth herein in full.

2. Capitalized Terms. All capitalized terms in this Amendment shall have the same meanings as in the Agreement unless expressly provided otherwise herein.

3. Term. Notwithstanding the terms of the first sentence of Section 1.07, the Parties hereby agree that the Term of the Agreement shall be extended for ten (10) years from the date of this Amendment, subject to the remaining provisions of Section 1.07.

4. Property. Section 1.02 is hereby deleted in its entirety and replaced with the following:

“1.02. **Property**. The Developer and CW-WP owns 212 acres, more or less, which is more particularly described in **Exhibit “A”** attached hereto and incorporated herein for all purposes (the “Property”). The Developer has obtained approval of a Concept Plan for the subdivision and development of the Property to be known as the Presidential Glen Subdivision (the “Subdivision”) as a mixed-use development. The Property has been zoned and will be developed as set forth on **Exhibit “E”** attached hereto. The City desires to obtain completion of the Subdivision in compliance with the Applicable Regulations (as hereinafter defined) and the terms and conditions of this Agreement, without further amendment of this Agreement.”

5. Additional Properties. Section 1.03 is hereby deleted in its entirety and replaced with the following:

“1.03. **Additional Properties**. The Developer owns 200.77 acres, more or less, that is adjacent to the Property. The 200.77 acres consists of the two tracts of land more particularly described in **Exhibits “B-1”** and **“B-2”** attached hereto and incorporated herein for all purposes. The land described in **Exhibits “B-1”** and **“B-2”** as further referenced and described hereinafter in Section 9.01 (the “Additional Properties”) shall be subject to the terms, provisions and conditions of this Agreement. The Additional Properties will be developed as a mixed-use development, in accordance with **Exhibit “E”** herein and the Applicable Regulations. The Additional Properties are not included within the meaning of the defined word “Subdivision”.”

6. Exhibit “B-3”. Exhibit B-3 to the Development Agreement is hereby deleted in its entirety. All references to Exhibit “B-3” and/or the Gunn Tract shall be deleted from the Development Agreement.

7. Exhibit “E”. Exhibit “E” is hereby deleted in its entirety and replaced with Exhibit “E” attached hereto.

8. Zoning Applications. Notwithstanding the terms contained in Section 9.02 of the Agreement, it is hereby acknowledged and agreed that concurrently with submission of this Amendment to the City, the Developer shall also submit an application for re-zoning of the 10 acres, more or less, of the Property from “R-1” to District “MF”.

9. Commercial and Multifamily Uses. The following provisions shall apply to Commercial and Multifamily uses within the Property:

“Architectural Standards,” Chapter 14, Article 14.02, Division 6, of the City of Manor Code of Ordinances; “Outdoor Lighting,” Article 15.05, of the City of Manor Code of Ordinances; “Landscaping and Screening” Article 15.03 of the City of Manor Code of Ordinances; and “Parking Standards” Article 15.02 of the City of Manor Code of Ordinances.

10. Assignment. Pursuant to that certain Warranty Deed, recorded on August 12, 2021 (“CW-WP Deed”), as document number 2021179729, in Travis County, Texas, Elgin has conveyed to CW-WP approximately 10.24 acres of the Property. Notwithstanding the fact that the CW-WP Deed was recorded prior to the execution of this Amendment, by its execution of this Amendment, the City is deemed to have approved the assignment by Elgin to CW-WP in accordance with the requirements of Article 11 of the Development Agreement. Nothing in this Section shall release the parties from their obligations under the Development Agreement. CW-WP agrees to complete the development of its portion of the Property in accordance with the Development Agreement. Nothing further is required from the parties relating to the assignment pursuant to the CW-WP Deed.

11. Remaining Obligations. Presidential Glen and Elgin hereby confirm that they are responsible for all remaining obligations under the Agreement, including but not limited to, dedication of Parkland. The Parties acknowledge and agree that Timmerman and the Gunn Tract are fully released from any and all obligations under the Development Agreement.

12. Ratification of Agreement/Conflict. All terms and conditions of the Development Agreement are hereby ratified and affirmed, as modified by this Amendment. To the extent there is any inconsistency between the Development Agreement and this Amendment, the provisions of this Amendment shall control.

13. No Waiver. No Party’s execution of this Amendment shall (a) constitute a waiver of any of its rights and remedies under the Development Agreement or at law with respect to any other Party’s obligations under the Development Agreement or (b) be construed as a bar to any subsequent enforcement of any of its rights or remedies against any other Party.

14. Governing Law. This Amendment shall be construed and enforced in accordance with the laws of the State of Texas.

15. Entire Agreement; Binding Effect. This Amendment sets forth the entire understanding of the Parties and supersedes all prior agreements and understandings, whether written or oral, with respect to the subject matter hereof. The Parties hereto agree and understand that this Amendment shall be binding on them and their successors and permitted assigns.

16. Counterparts. This Amendment may be executed in multiple counterparts, each of which will be deemed an original, and all of which will constitute one and the same agreement.

**IN WITNESS WHEREOF**, the Parties have executed this Amendment to be effective as of the date first written above.

[SIGNATURE PAGES FOLLOW]

**COUNTERPART SIGNATURE PAGE TO  
THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE  
PRESIDENTIAL GLEN SUBDIVISION**

**CITY:**

**CITY OF MANOR, TEXAS**, a Texas home-rule  
municipal corporation

By: \_\_\_\_\_  
Dr. Larry Wallace Jr., Mayor

Attest:

By: \_\_\_\_\_  
Lluvia T. Almaraz, City Secretary

Approved as to form:

By: \_\_\_\_\_  
Veronica Rivera, Assistant City Attorney

STATE OF TEXAS                   §  
   §  
COUNTY OF TRAVIS           §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
2021, by Dr. Larry Wallace Jr., Mayor of THE CITY OF MANOR, TEXAS, a Texas home-rule  
municipal corporation, on behalf of said municipal corporation.

[ S E A L ]

\_\_\_\_\_  
Notary Public, State of Texas



**COUNTERPART SIGNATURE PAGE TO  
THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE  
PRESIDENTIAL GLEN SUBDIVISION**

**ELGIN:**

**WEST ELGIN DEVELOPMENT  
CORPORATION**, a Texas corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF TEXAS                   §

§

COUNTY OF TRAVIS           §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
2021, by \_\_\_\_\_, \_\_\_\_\_ of West Elgin Development  
Corporation, a Texas corporation, on behalf of said corporation.

**COUNTERPART SIGNATURE PAGE TO  
THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE  
PRESIDENTIAL GLEN SUBDIVISION**

**CW-WP:**

**CW-WP TWO, LLC**, a \_\_\_\_\_ limited liability  
company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ §

§

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2021, by \_\_\_\_\_, \_\_\_\_\_ of CW-WP TWO, LLC, a  
\_\_\_\_\_ limited liability company, on behalf of said limited liability company.

[ S E A L ]

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

**COUNTERPART SIGNATURE PAGE TO  
THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE  
PRESIDENTIAL GLEN SUBDIVISION**

**TIMMERMANN:**

**TERRELL TIMMERMANN FARMS, LP,** a  
Texas limited partnership

By: Timmermann GP, LLC, a Texas limited  
liability company, its General Partner

By: \_\_\_\_\_  
Barth Timmermann, Manager

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS           §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by Barth Timmermann, Manager of Timmermann GP, LLC, a Texas limited liability company, General Partner of Terrell Timmermann Farms, LP, a Texas limited partnership, on behalf of said limited liability company and limited partnership.

[ S E A L ]

\_\_\_\_\_  
Notary Public, State of Texas



## **Exhibit A**

## FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE A. C. CALDWELL SURVEY NO. 52, ABSTRACT 154 SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO MUSTANG MESA II, LTD. IN VOLUME 13309, PAGE 2071 OF THE TRAVIS COUNTY, TEXAS REAL PROPERTY RECORDS, SAID TRACT BEING 212.56 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron pipe found in the east right-of-way line of Bois D'Arc Lane, a 60 foot wide existing public right-of-way, at the southwest corner of said Mustang Mesa tract, same point being the most northerly corner of that certain tract of land conveyed to Timmermann Properties, Inc. in Volume 11958, Page 567 of said real property records, for the POINT OF BEGINNING of the herein described 212.56 acre tract of land,

THENCE, with the west line of said Mustang Mesa tract, being also the east right-of-way line of said Bois D'Arc Lane, the following three (3) courses and distances, numbered 1 through 3,

1. N30°38'15"E, a distance of 2650.87 feet to an iron rod found,
2. N30°34'43"E, a distance of 742.31 feet to an iron rod found, and
3. N29°49'27"E, a distance of 618.73 feet to a nail found in a fence post in the north line of said Mustang Mesa tract, being also the south line of that certain tract of land conveyed to Carpenter Development Company recorded in Volume 8822, Page 116 of said Real Property Records, for the northwest corner of the herein described tract,

THENCE, with the north line of said Mustang Mesa tract, being also the south line of said Carpenter tract, for the north line of the herein described tract, the following three (3) courses and distances, numbered 1 through 3,

1. S61°21'37"E, a distance of 910.20 feet to a nail found in a fence post,
2. S62°35'14"E, a distance of 669.11 feet to a nail found in a fence post, and
3. S62°51'18"E, a distance of 813.39 feet to an iron rod found at the northeast corner of said Mustang Mesa tract, same point being the southeast corner of said Carpenter tract and in the west line of that certain tract of land conveyed to Royce Abrahamson in Volume 9478, Page 871 of said Real Property Records, for the northeast corner of the herein described tract,

THENCE, with the east line of said Mustang Mesa tract, being also the west line of said Abrahamson tract, for the east line of the herein described tract, S28°38'38"W, a distance of 379.75 feet to a nail set in a fence post at the southwest corner of said Abrahamson tract, being also the northwest corner of that certain tract of land conveyed to Mary E. H. Gunn in Volume 3706, Page 476 of said Real Property Records,

THENCE, continuing with the east line of said Mustang Mesa tract, S29°13'09"W, a distance of 1181.41 feet to an iron rod found in the west right-of-way line of Gunn Lane, a 30 foot wide existing public right-of-way,


THENCE, continuing with the east line of said Mustang Mesa tract, being also the west right-of-way line of said Gunn Lane, the following two (2) courses and distances, numbered 1 and 2,

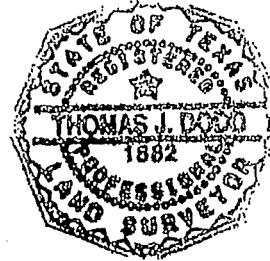
1. S29°49'41"W, a distance of 1139.88 feet to an iron rod found, and
2. S29°49'41"W, a distance of 560.61 feet to an iron rod found in the south line of said Mustang Mesa tract, being also the north right-of-way line of U.S. Highway No. 290, for the southeast corner of the herein described tract,

THENCE, departing said west line of Gunn Lane, with the south line of said Mustang Mesa tract, for the south line of the herein described tract, the following two (2) courses and distances, numbered 1 and 2,

1. S88°06'34"W, a distance of 1583.77 feet to an iron rod found, and
2. N60°18'17"W, a distance of 1111.34 feet to the POINT OF BEGINNING containing 212.56 Acres Of Land.

Surveyed By:

  
Thomas J. Dadd ~ R.P.L.S. No. 1882  
CARLSON, BRIGANCE & DOERING, INC.  
3401 Slaughter Lane West  
Austin, Texas 78748  
(512) 280-5160 Fax: (512) 280-5165



Filename: g:\docs\3696\fn-bndy.doc

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SURVEY OF 212.56 ACRES OF LAND OUT OF THE A. C. CALDWELL SURVEY NO. 52, ABSTRACT 154 LOCATED IN TRAVIS COUNTY, TEXAS

BOIS D'ARC LANE (60' ROW)  
N30°38'15"E 2650.87'

MUSTANG MESA II, LTD.  
VOL. 13309 PG. 2071  
212.56 ACRES

GUNN LANE (30' ROW)

ROBERT A. GUNN AND CHARLOTTE RUTH HILL GUNN  
VOL. 11513 PG. 34  
33.22 ACRES

MARY GUNN  
VOL. 3706 PG. 476  
33.22 ACRES

ROYCE ABRAHAMSON  
VOL. 9478 PG. 871  
96.75 ACRES

CARPENTER DEVELOPMENT CO.  
VOL. 8822 PG. 115  
115.13 ACRES

TIMMERMAN PROPERTIES, INC.  
VOL. 11858 PG. 557  
115.11 ACRES

U.S. HIGHWAY NO. 290

LEGEND:  
IRON PIPE 30"  
IRON PIPE 24"  
COPPER RODS 30"  
IRON PIPE 24"  
PVC PIPES 24"  
PVC PIPES 30"  
PVC PIPES 36"

NOTES:  
1. THE 1ST WATERLINE EXISTENCE RECORDED IN VOLUME 4821, PAGE 1075 OF THE DEED RECORDS OF BROWN COUNTY, TEXAS IS A GENERAL TYPE CONDUIT AND IS CONSIDERED ON THE PRELIMINARY AS INSTALLED. UNABLE TO FOLLOW WITH DESCRIPTION PROVIDED.  
2. THE 1ST WATER AND SEWERAGE LINE EXISTENCE RECORDED IN VOLUME 11096, PAGE 451 HAS BEEN TRANSFERRED TO THE SOUTH OF ROAD IN VOLUME 11014, PAGE 772 OF THE DEED RECORDS OF BROWN COUNTY, TEXAS IS UNRELIABLE WITH THE DESCRIPTION PROVIDED.

DATE OF FIELD WORK: MAY 1, 2001  
COUNTY OF BROWN

I, the undersigned, do hereby certify that this survey was made on the ground of the property herein described herein and is correct, and that there are no discrepancies, conflicts, shortages or overages, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements or encroachments, except as shown hereon and that, and property has access to and from a public roadway except as shown hereon. The Surveyor's Office will make a careful check of all records filed by the Department of Planning and Urban Development, Federal Insurance Administration (Flood Hazard Boundary Map No. 14302-0002) for Brown County, Texas, dated 8-16-83.

Dated, this 1st day of May, 2001 A.D.

Carlson, Briganca & Doering, Inc.  
3401 Shepherd Lane West - Austin, Texas 78748  
Phone (512) 260-3183 - FAX (512) 260-3183

Job Engineering - Surveying  
3401 Shepherd Lane West - Austin, Texas 78748  
Phone (512) 260-3183 - FAX (512) 260-3183

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SURVEY OF 212.56 ACRES OF LAND OUT OF THE A. C. CALDWELL SURVEY NO. 52, ABSTRACT 154 LOCATED IN TRAVIS COUNTY, TEXAS

BOIS D'ARC LANE (60' ROW)  
N30°38'15"E 2650.87'

MUSTANG MESA II, LTD.  
VOL. 13309 PG. 2071  
212.56 ACRES

GUNN LANE (30' ROW)

ROBERT A. GUNN AND CHARLOTTE RUTH HILL GUNN  
VOL. 11513 PG. 34  
33.22 ACRES

MARY GUNN  
VOL. 3706 PG. 476  
33.22 ACRES

ROYCE ABRAHAMSON  
VOL. 9478 PG. 871  
96.75 ACRES

CARPENTER DEVELOPMENT CO.  
VOL. 8822 PG. 115  
115.13 ACRES

TIMMERMAN PROPERTIES, INC.  
VOL. 11858 PG. 557  
115.11 ACRES

U.S. HIGHWAY NO. 290

LEGEND:  
IRON PIPE 30"  
IRON PIPE 24"  
COPPER RODS 30"  
POST AND RAIL FENCE POST  
FENCE LINE  
DITCH  
DITCH BUILT BY THE

NOTES:  
1. THE 1ST WATERLINE EXISTENCE RECORDED IN VOLUME 4821, PAGE 1075 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS IS A GENERAL TYPE CONDUIT AND IS COVERED ON THE PROFILE AS INSTALLED. UNABLE TO PLY WITH DESCRIPTION PROVIDED.  
2. THE 1ST WATER AND SEWERAGE LINE EXISTENCE RECORDED IN VOLUME 11096, PAGE 451 HAS BEEN TRANSFERRED TO THE SOUTH OF ROAD IN VOLUME 1311A, PAGE 772 OF THE DEED PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS IS UNRELIABLE WITH THE DESCRIPTION PROVIDED.

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SURVEY OF 212.56 ACRES OF LAND OUT OF THE A. C. CALDWELL SURVEY NO. 52, ABSTRACT 154 LOCATED IN TRAVIS COUNTY, TEXAS

BOIS D'ARC LANE (60' ROW)  
N30°38'15"E 2650.87'

MUSTANG MESA II, LTD.  
VOL. 13309 PG. 2071  
212.56 ACRES

GUNN LANE (30' ROW)

ROBERT A. GUNN AND CHARLOTTE RUTH HILL GUNN  
VOL. 11513 PG. 34  
33.22 ACRES

MARY GUNN  
VOL. 3706 PG. 476  
33.22 ACRES

ROYCE ABRAHAMSON  
VOL. 9478 PG. 871  
96.75 ACRES

CARPENTER DEVELOPMENT CO.  
VOL. 8822 PG. 115  
115.13 ACRES

TIMMERMAN PROPERTIES, INC.  
VOL. 11858 PG. 557  
115.11 ACRES

U.S. HIGHWAY NO. 290

LEGEND:  
IRON PIPE 30"  
IRON PIPE 24"  
COPPER RODS 30"  
POSTING PLUM  
PAV. STREET W/ FENCE POST  
FENCE LINE  
OLD ANCHOR  
DITCH ADJACENT TO

NOTES:  
1. THE 1ST WATERLINE EXISTENCE RECORDED IN VOLUME 4821, PAGE 1075 OF THE DEED RECORDS OF BROWN COUNTY, TEXAS IS A GENERAL TYPE CONDUIT AND IS CONSIDERED ON THE PRELIMINARY AS INSTALLED. UNABLE TO FOLLOW WITH DESCRIPTION PROVIDED.  
2. THE 1ST WATER AND SEWERAGE LINE EXISTENCE RECORDED IN VOLUME 11096, PAGE 451 HAS BEEN TRANSFERRED TO THE CORNER OF TOWNSHIP 101N, RANGE 77E OF THE REAL PROPERTY RECORDS OF BROWN COUNTY, TEXAS IS UNRELIABLE WITH THE DESCRIPTION PROVIDED.

DATE OF FIELD WORK: MAY 1988  
COUNTY OF BROWN

I, the undersigned, do hereby certify that this survey was made on the ground of the property herein described herein and is correct, and that there are no discrepancies, conflicts, shortages or overages, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements or encroachments, except as shown hereon and that, and property has access to and from a public roadway except as shown hereon. The highly developed property is not subject to condemnation by the Department of Planning and Urban Development Federal Insurance Administration Flood Hazard Boundary Map No. 14000-00000 for Brown County, Texas, dated 8-16-83.

Dated, this 1st day of May, 2001 A.D.

Carlson, Brigrance & Doering, Inc.  
Civil Engineering - Surveying  
3401 Shepherd Lane West - Austin, Texas 78748  
Phone (512) 260-3183 - FAX (512) 260-3183

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SURVEY OF 212.56 ACRES OF LAND OUT OF THE A. C. CALDWELL SURVEY NO. 52, ABSTRACT 154 LOCATED IN TRAVIS COUNTY, TEXAS

BOIS D'ARC LANE (60' ROW)  
N30°38'15"E 2650.87'

MUSTANG MESA II, LTD.  
VOL. 13309 PG. 2071  
212.56 ACRES

GUNN LANE (30' ROW)  
S29°49'41"W 560.61'  
S29°49'41"W 1139.88'  
S29°13'09"W 1181.41'  
S28°38'38"W 379.75'

TIMBERMANN PROPERTIES, INC.  
VOL. 11958 PG. 557  
N45°11'11"E 14181.08'

CARPENTER DEVELOPMENT CO.  
VOL. 8922 PG. 115  
115.13 ACRES

U.S. HIGHWAY NO. 290  
S89°06'34"W 1585.77'

ROBERT A. GUNN AND CHARLOTTE RUTH HILL GUNN  
VOL. 11513 PG. 34  
33.22 ACRES

MARY GUNN  
VOL. 3706 PG. 476  
33.22 ACRES

ROYCE ABRAHAMSON  
VOL. 9478 PG. 871  
96.75 ACRES

LEGEND:  
IRON PIPE 30"  
IRON PIPE FOUND  
FOUNDER'S MARKING 30"  
IRON PIPE FOUND  
PAV. STREET W/ FENCE POST  
FENCE LINE  
CUT ANCHOR  
DITCHED WATER LINE

NOTES:  
1. THE 1ST WATERLINE EXISTENCE RECORDED IN VOLUME 4821, PAGE 1075 OF THE DEED RECORDS OF BROWN COUNTY, TEXAS IS A GENERAL TYPE CONDUIT AND IS CONSIDERED ON THE PRELIMINARY AS INSTALLED. UNABLE TO PLY WITH DESCRIPTION PROVIDED.  
2. THE 1ST WATER AND SEWERAGE LINE EXISTENCE RECORDED IN VOLUME 11506, PAGE 451 HAS BEEN TRANSFERRED TO THE SOUTH OF ROAD IN VOLUME 15114, PAGE 772 OF THE DEED PROPERTY RECORDS OF BROWN COUNTY, TEXAS IS UNRELIABLE WITH THE DESCRIPTION PROVIDED.

DATE OF FIELD WORK: MAY 19, 2001  
COUNTY OF BROWN

I, the undersigned, do hereby certify that this survey was made on the ground of the property herein described herein and is correct, and that there are no discrepancies, conflicts, shortages or errors, boundaries, easements, encroachments, or other matters, visible or otherwise, except as shown hereon and that, and property has access to and from a public roadway except as shown hereon. The Surveyor's Office will make a careful check of all records filed by the Department of Planning and Urban Development, Federal Insurance Administration (State Boundary Map No. 1430) and the State of Texas, Texas Atlas (1-14-15).

Dated, this 19th day of May, 2001 AD.

Surveyor's Seal: CARLSON, BRIGANCE & DOERING, INC. Civil Engineering - Surveying 3401 Shepherd Lane West - Austin, Texas 78748 Phone (512) 260-3183 FAX (512) 260-3183

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SURVEY OF 212.56 ACRES OF LAND OUT OF THE A. C. CALDWELL SURVEY NO. 52, ABSTRACT 154 LOCATED IN TRAVIS COUNTY, TEXAS

BOIS D'ARC LANE (60' ROW)  
N30°38'15"E 2650.87'

MUSTANG MESA II, LTD.  
VOL. 13309 PG. 2071  
212.56 ACRES

U.S. HIGHWAY NO. 290

GUNN LANE (30' ROW)

ROBERT A. GUNN AND CHARLOTTE  
RUTH HILL GUNN  
VOL. 11513 PG. 34  
33.22 ACRES

MARY GUNN  
VOL. 3706 PG. 476  
33.22 ACRES

ROYCE ABRAHAMSON  
VOL. 9478 PG. 871  
96.75 ACRES

CARPENTER DEVELOPMENT CO  
VOL. 8822 PG. 115  
115.13 ACRES

TIMMERMAN PROPERTIES, INC.  
VOL. 11858 PG. 557  
115.11 ACRES

LEGEND

1. THE 1/4 SECTION EXISTENCE RECORDED IN VOLUME 4821, PAGE 1075 OF THE PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS IS A GENERAL TYPE CORNER AND IS CONSIDERED ON THE PRELIMINARY AS METALLED. UNABLE TO FIND WITH DESCRIPTION PROVIDED.

2. THE 1/4 SECTION AND QUARTER SECTION LINE EXISTENCE RECORDED IN VOLUME 11858, PAGE 557 HAS BEEN RECORDED TO THE CORNER OF TRAVIS COUNTY, TEXAS, AND THE 1/4 SECTION PROPERTY OF TRAVIS COUNTY, TEXAS IS UNLAWFUL WITH THE DESCRIPTION PROVIDED.

DATE OF RECORD  
COUNTY OF TRAVIS

I, the undersigned, do hereby certify that this survey was made on the ground of the property hereby described herein and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, or anything of importance, visible or otherwise, except as shown herein and that, and property has access to and from a public roadway except as shown herein. The survey described herein is not a survey of land owned by the Government of Texas and Texas Department of Transportation (Interstate Road System Boundary Map No. 1, 1962) or Texas County, Texas, and is not a survey of land owned by the Government of Texas and Texas Department of Transportation (Interstate Road System Boundary Map No. 1, 1962).

Surveyed by the *CB&D* day of *Nov*, 2001 A.D.

Corlson, Briganca & Doering, Inc.  
3401 Shepherd Lane West - Austin, Texas 78748  
Phone (512) 260-3183 - FAX (512) 260-3183

Job No. 3656

**Exhibit B-1**

169.374 ACRES  
PERRY TRACT  
DWYER REALTY

FN. NO. 05-654 (MAZ)  
DECEMBER 21, 2005  
BPI JOB NO. 1344-02

DESCRIPTION

OF A 169.374 ACRE TRACT OF LAND OUT OF THE GREENBURY GATES SURVEY NO. 63 SITUATED IN TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN 184.013 ACRE TRACT HAVING BEEN CONVEYED TO J.L. PERRY, JR. BY DEEDS OF RECORD IN VOLUME 11862, PAGE 268 AND VOLUME 11862, PAGE 270, BOTH OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 184.013 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS IN A DEED OF TRUST/SUBSTITUTE TRUSTEE DEED OF RECORD IN VOLUME 11601, PAGE 274 OF SAID REAL PROPERTY RECORDS; SAID 169.374 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at 60D nail found in a corner fence post for the common northerly corner of said 184.013 acre tract and that certain 196.236 acre tract described in the deed to The Parke at Hawk Hollow, L.P. of record in Document No. 2001154813 of the Official Public Records of Travis County, Texas, same being the southerly common corner of Tract 1 and Tract 2 described in the deed to Randall A. White of record in Document No. 2000168879 of said Official Public Records, for the northwesterly corner hereof, from which a 1/2 inch iron rod with cap found in the northerly line of said 196.236 acre tract being the southwesterly corner of said Tract 2 and the southeasterly corner of that certain 11.487 acre tract described in the deed to Rich Barrick of record in Document No. 2001093380 of said Official Public Records bears N62°24'38"W, a distance of 478.29 feet;

THENCE, S62°23'33"E, along the line common to the northerly line of said 184.013 acre tract and southerly line of said Tract 1, for a portion of the northerly line hereof, a distance of 716.44 feet to a 1/2 inch iron rod found for the southerly common corner of said Tract 1 and that certain 14.761 acre tract described in the deed to Pedro Araujo & Zandra Araujo of record in Document No. 2002220615 of said Official Public Records and being the southwesterly corner of that certain 100.046 acre tract described in the deed to James Boswell and Helen Boswell of record in Volume 11603, Page 212 of said Real Property Records;

THENCE, along the line common to the southerly line of said 100.046 acre tract and the northerly line of said 184.013 acre tract, for a portion of the northerly line hereof, the following two (2) courses and distances:

- 1) S62°08'14"E, a distance of 582.41 feet to a 1/2 inch iron rod with cap set for an angle point;

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- 2) S63°02'14"E, a distance of 479.23 feet to a 1/2 inch iron rod found for the southeasterly corner of said 100.046 acre tract and being the southwesterly corner of that certain 10.000 acre tract described in the deed to Gary L. Srnensky of record in Volume 7873, Page 455 of the Deed Records of Travis County, Texas, for an angle point hereof;

THENCE, along the line common to the southerly line of said 10.000 acre tract and the northerly line of said 184.013 acre tract, for a portion of the northerly line hereof, the following two (2) courses and distances:

- 1) S62°20'00"E, a distance of 476.88 feet to a 60D nail found;
- 2) S62°10'00"E, a distance of 559.63 feet to a 1/2 inch iron rod with cap set for the common easterly corner of said 10.000 acre tract and said 184.013 acre tract, for the northeasterly corner hereof, being in the westerly right-of-way line of Bois D' Arc Lane as fenced and used on the ground;

THENCE, along the westerly right-of-way line of Bois D' Arc Lane as fenced and used on the ground, being the easterly line of said 184.013 acre tract, for the easterly line hereof, the following two (2) courses and distances:

- 1) S27°09'20"W, a distance of 1864.31 feet to a corner fence post found at a gate entrance;
- 2) S27°32'48"W, a distance of 25.75 feet to a 1/2 inch iron rod with cap set for the easterly most southeasterly corner hereof;

THENCE, leaving said westerly right-of-way line of Bois D' Arc Lane, over and across said 184.013 tract, the following two (2) courses and distances:

- 1) N61°28'16"W, a distance of 738.57 feet to a 1/2 inch iron rod set for a interior ell corner hereof;
- 2) S22°50'19"W, in part along an existing wire fence, a distance of 948.29 feet to a fence corner post found at the end of said existing wire fence, being in the southerly line of said 184.013 acre tract and the northerly line of said Tower Lane, from which a 1/2 inch iron rod with cap found by a fence corner post, for the southwesterly corner of a 0.037 acre "Easement for Equipment Station", of record in Document No. 2001191480 of said Official Public Records bears S62°27'33"E, a distance of 283.78 feet;

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FN 05-654(MAZ)  
DECEMBER 21, 2005  
PAGE 3 OF 4

THENCE, N64°12'16"W, leaving said existing fence line and along the northerly margin of Tower Lane, on a line approximately 20.0 feet north of the approximate centerline of pavement as located on the ground at the time of this survey, for a portion of the southerly line hereof, a distance of 826.27 feet to a 1/2 inch iron rod with cap set for an angle point;

THENCE, N62°54'12"W, continuing along the northerly margin of Tower Lane and the apparent southerly line of said 184.013 acre tract, a distance of 1347.80 feet to a 1/2 inch iron rod found for the southeasterly corner of said 196.236 acre tract, for the southwesterly corner of said 184.013 acre tract and hereof, from which a 1/2 inch iron rod found on the northerly line of Tower Lane, being the southwesterly corner of said 196.236 acre tract bears N62°30'09"W, a distance of 1959.87 feet;

THENCE, N27°41'13"E, along the easterly line of said 196.236 acre tract, being the apparent westerly line of said 184.013 acre tract, for the westerly line hereof, a distance of 2861.17 feet to the POINT OF BEGINNING, containing an area of 169.374 acres (7,377,923 square feet) of land, more or less, within these metes and bounds.

BASIS OF BEARINGS: THE TEXAS COORDINATE SYSTEM NAD83(93) CENTRAL ZONE UTILIZING LCRA GPS CONTROL MONUMENTS A260, A839, AND AZF5

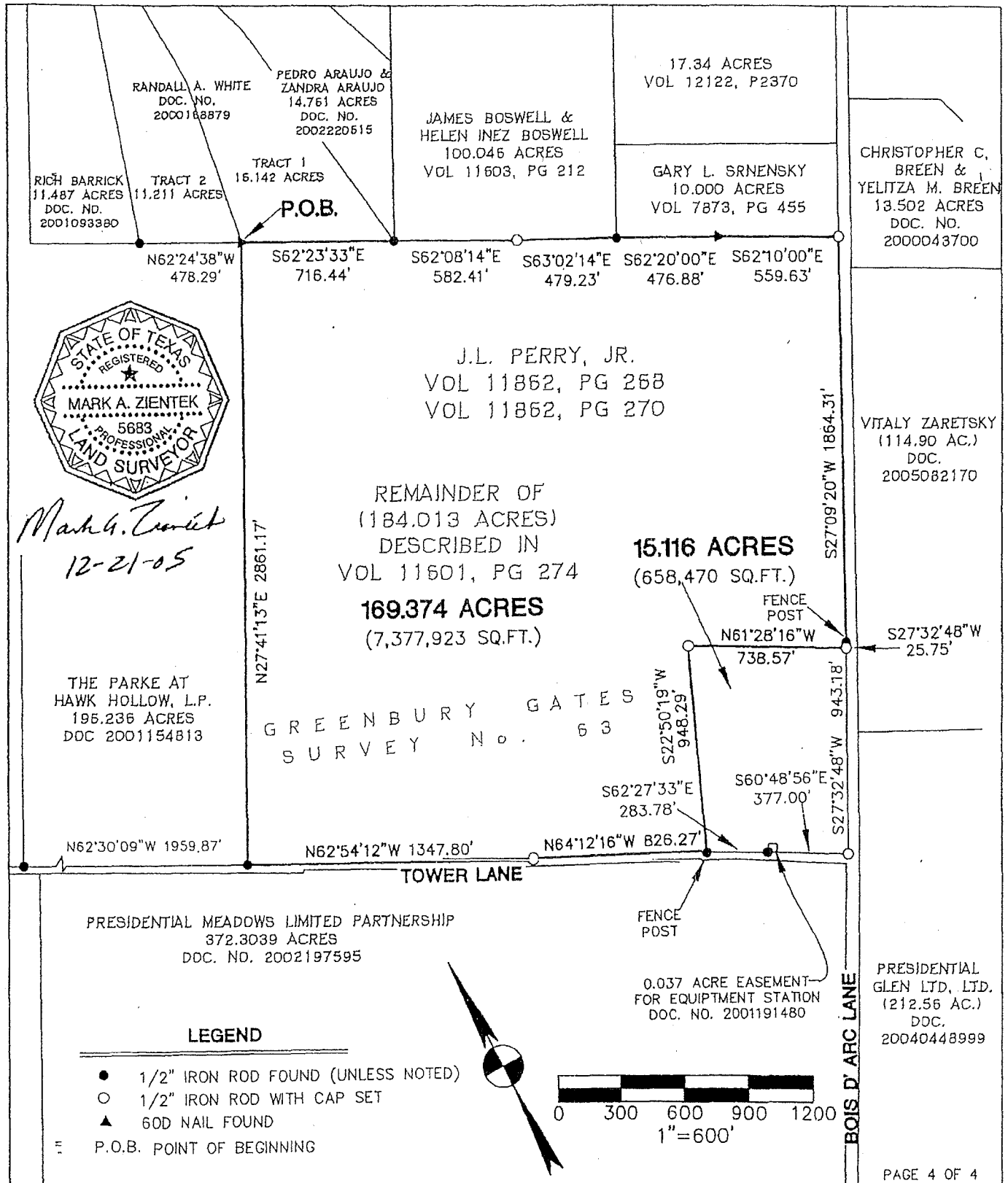
I, MARK A. ZIENTEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS DETERMINED BY A SURVEY MADE ON THE GROUND DURING THE MONTHS OF AUGUST AND DECEMBER, 2005, UNDER MY DIRECTION AND SUPERVISION. A SURVEY SKETCH WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY & PARTNERS, INC.  
ENGINEERING SOLUTIONS  
3345 BEE CAVE ROAD  
AUSTIN, TEXAS 78746

*Mark A. Zientek* 12-21-05  
MARK A. ZIENTEK DATE  
R.P.L.S. NO. 5683







<b>Bury+Partners</b> ENGINEERING SOLUTIONS 3346 Bee Caves Road, Suite 200 Austin, Texas 78746 Tel. (512)328-0011 Fax (512)328-0325 Bury+Partners, Inc. ©Copyright 2005	<b>SKETCH TO ACCOMPANY DESCRIPTION</b> OF 169.374 ACRES BEING A PORTION OF 184.013 ACRES OUT OF THE GREENBURY GATES SURVEY NO. 63, SITUATED IN TRAVIS COUNTY, TEXAS; HAVING BEEN CONVEYED TO J.L. PERRY, JR. BY THE DEEDS OF RECORD IN VOL 11862, PG 268 AND VOL 11862, PG 270, BOTH OF THE REAL PROPERTY RECORDS OF SAID COUNTY, AND BEING DESCRIBED IN A DEED OF TRUST/APPOINTMENT OF SUBSTITUTE TRUSTEE OF RECORD IN VOL 11601, PG 274 OF SAID REAL PROPERTY RECORDS	<b>PERRY TRACT</b>  <b>DWYER REALTY</b>
DATE: 12/21/05	FILE: H:\1344\02\134402EX5.dwg	FN No.: 05-654(MAZ)
DRAWN BY: MAZ PROJ. No: 1344-02		

**Exhibit B-2**

GENERAL NOTES:

- 1) ONLY VISIBLE ABOVE GROUND EVIDENCE OF IMPROVEMENTS AND UTILITIES IS SHOWN HEREON.
- 2) THE BASIS OF BEARINGS SHOWN HEREON IS THE TEXAS COORDINATE SYSTEM, NAD83(13) CENTRAL ZONE, VELDING LEVA OF CONTROL MONUMENTARY ADJUST.
- 3) A FIELDNOTE DESCRIPTION HAS BEEN PREPARED TO ACCOMPANY THE SURVEY SHOWN HEREON; BURT & PARTIDES FIELDNOTE NO. FNO-311(402)

Approved by: M42	MARY EMMA H
Project No.: 1344-03	

GUNN

[illegible]

REALTY  
LL GUNN TRACT

OF 33.631 ACRES OUT OF THE A.C. COLDWELL SURVEY NO. 52, ABSTRACT NO. 154 SITUATED IN TRAVIS COUNTY, TEXAS; BEING ALL OF THAT CERTAIN 33.22 ACRE "MARY ELUHA HILL GUNN" TRACT OF RECORD IN VOL. 3706, PG. 476, DEED RECORDS OF TRAVIS COUNTY, AND A PORTION OF THAT CERTAIN "CHARLOTTE RUTH HILL GUNN ET AL" TRACT OF RECORD IN VOL. 3541, PG. 1931, OF SAID DEED RECORDS.

**Bury+Partners**  
ENGINEERING SOLUTIONS  
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Austin, Texas 78748  
Tel. (512)221-0011 Fax (512)221-0712  
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33.631 ACRES  
MARY EMMA HILL GUNN TRACT  
PETE A. DWYER, TRUSTEE

FN. NO. 05-519(ACD)  
OCTOBER 7, 2005  
BPI JOB NO. 1344-03

#### DESCRIPTION

OF A 33.631 ACRE TRACT OF LAND OUT OF THE A.C. CALDWELL SURVEY NO. 52, ABSTRACT 154, SITUATED IN TRAVIS COUNTY, TEXAS; BEING ALL OF THAT CERTAIN 33.22 ACRE TRACT CONVEYED TO MARY EMMA HILL GUNN BY THE PARTITION DEED OF RECORD IN VOLUME 3706, PAGE 476 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND ALSO INCLUDING A PORTION OF GUNN LANE SITUATED WITHIN THAT CERTAIN 95-1/2 ACRE TRACT DESCRIBED IN THE DEED TO CHARLOTTE RUTH HILL GUNN, MARY EMMA HILL GUNN AND SHARON GAYE HILL PITTMAN OF RECORD IN VOLUME 3541, PAGE 1932 OF SAID DEED RECORDS; SAID 33.631 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING**, for reference, at a 1/2 iron rod with cap found on the northerly right-of-way line of US Highway 290 (R.O.W. varies) at the intersection of the westerly margin of Gunn Lane, for the southeasterly corner of that certain 212.56 acre tract described in the deed to Presidential Glen Ltd, recorded in Document No. 2004048999 of the Official Public Records of Travis County, Texas, being the southwesterly corner of a remaining portion of said 95-1/2 acre tract and being hereby noted for reference in the easterly line of that certain 162.28 acre First Tract surveyed by Metcalf Engineering in 1943 and described in the deed to J.A. & C.T. Jackson recorded in Volume 829, Page 340 of said Deed Records, from which a TXDOT brass disc found on the northerly right-of-way line of US Highway 290 at the intersection of the westerly right-of-way line of Bois D'Arc Lane, being 159.0' left of record Highway Station 262+88.5 bears S85°57'20"W, a distance of 2965.28 feet;

**THENCE**, leaving the northerly right-of-way line of US Highway 290 along the easterly line of said 212.56 acre tract, being the westerly line of a remaining portion of said 95-1/2 acre tract and the westerly line of Gunn Lane, the following two (2) courses and distances:

- 1) N27°39'55"E, a distance of 560.81 feet to a 1/2 inch iron rod with cap found for an angle point;
- 2) N27°39'57"E, a distance of 833.26 feet a 1/2 inch iron rod set for the **POINT OF BEGINNING** and the southwesterly corner hereof;

**THENCE**, continuing along the easterly line of said 212.56 acre tract, being the westerly line of said 95-1/2 acre tract and Gunn Lane, the following two (2) courses and distances:

- 1) N27°39'57"E, a distance of 306.56 feet to a 1/2 inch iron rod found for an angle point;

- 2) N27°03'38"E, a distance of 1181.11 feet to a 1/2 inch iron rod found for the northwesterly corner of said 33.22 acre tract, same being the southwesterly corner of that certain 64.5 acre "First Tract" described in the deed to Royce Abramson of record in Volume 1409, Page 294 of said deed records, for the northwesterly corner hereof, from which a 1/2 inch iron rod found for the northeasterly corner of said 212.56 acre tract bears N26°30'25"E, a distance of 379.95 feet;

**THENCE**, along the line common to the northerly line of said 95-1/2 acre tract and southerly line of said 64.5 acre tract, being in part along a fence and the northerly line of said 33.22 acre tract and in part the southerly line of that certain 36.086 acre tract described in the deed to Benitez Construction, Inc. of record in Document No. 2003135062 of said Official Public Records, for the northerly line hereof, the following three (3) courses and distances:

- 1) S62°42'05"E, passing at a distance of 13.0 feet the record northwesterly corner of said 33.22 acre tract, continuing and passing at a distance of 29.8 feet a 60D nail found in a fence post for the southwesterly corner of said 36.086 acre tract, continuing for a total distance of 330.84 feet to a 2-inch iron pipe found for an angle point;
- 2) S62°38'20"E, a distance of 696.54 feet to a 2-inch iron pipe found for an angle point;
- 3) S64°08'01"E, a distance of 67.24 feet to a 60D nail found in a fence post for the common northerly corner of said 33.22 acre tract and that certain 52.7158 acre tract described in the deed to Eldon L. Johnson, et al of record in Volume 13130, Page 847 of the Real Property Records of Travis County, Texas, for the northeasterly corner hereof, from which an 1" iron pipe found in the westerly line of Old Kimbro Road for the northeasterly corner of said 52.7158 acre tract bears S62°42'32"E, a distance of 1242.87 feet (direct survey tie);

**THENCE**, with the line common to the westerly line of said 52.7158 acre tract and the easterly line of said 33.22 acre tract, for the easterly line hereof, as fenced and used on the ground, the following two (2) courses and distances:

- 1) S27°15'50"W, a distance of 598.10 feet to a fence post found for an angle point;

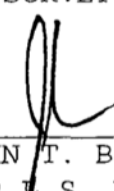
- 2) S27°28'42"W, a distance of 599.92 feet to a 1/2 iron rod with cap set for the common easterly corner of said Mary Emma Hill Gunn 33.22 acre tract and that certain 33.22 acre tract conveyed to Charlotte Ruth Hill Gunn by said Partition Deed of Record in Volume 3706, Page 476, said 33.22 acres subsequently being conveyed To Robert A. Gunn and Charlotte Ruth Hill Gunn by Substitute Trustee's Deed of Record in Volume 11513, Page 34, of said Real Property Records and later an undivided one-half interest being conveyed to Robert A. Gunn by Special Warranty Deed recorded in Document No. 2003055963 of said Official Public Records;

**THENCE**, N77°37'33"W, along the line common to the northerly line of said Robert A. Gunn 33.22 acre tract and the southerly line of said Mary Emma Hill Gunn 33.22 acre tract, passing at a distance of 1097.80 feet a 60D nail found near a fence corner in the easterly line of Gunn Lane, continuing and passing at a distance of 1112.10 feet to a 1/2 inch iron rod found in the approximate center of Gunn Lane for the common westerly corner of said Robert A. Gunn 33.22 acre tract and said Mary Emma Hill Gunn 33.22 acre tract, continuing for a total distance of 1128.19 feet to the **POINT OF BEGINNING**, and containing 33.631 acres (1,464,959 square feet) of land, more or less, within these metes and bounds.

**BASIS OF BEARINGS:** IS THE TEXAS COORDINATE SYSTEM NAD83(93) CENTRAL ZONE UTILIZING LCRA GPS CONTROL MONUMENTS A260, A839, AND AZF5

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS DETERMINED BY A SURVEY MADE ON THE GROUND DURING THE MONTH OF OCTOBER, 2005 UNDER MY DIRECTION AND SUPERVISION. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

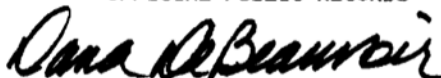
BURY & PARTNERS, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVE ROAD  
AUSTIN, TEXAS 78746

  
JOHN T. BILNOSKI  
R.P.L.S. NO. 4998

10/7/05

**FILED AND RECORDED**

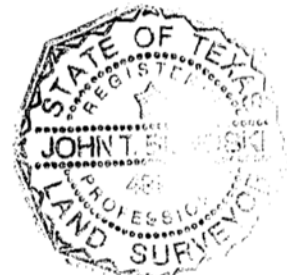
OFFICIAL PUBLIC RECORDS



2005 Dec 05 12:34 PM 2005224430

KNOWLESR \$52.75

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS



**Exhibit E**

