



Travis County Commissioners Court Agenda Request

Meeting Date: September 24, 2013

Prepared By: Michael Hettenhausen, Planner **Phone #:** (512) 854-7563

Division Director/Manager: Anna Bowlin, Division Director of Development Services and Long Range Planning

Carol B. Ford for
Department Head/Title: Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Member: Commissioner Davis, Precinct One

AGENDA LANGUAGE:

Consider and take appropriate action on the following requests in Precinct One:

- A) A plat for recording: Village at Northtown Section Three Final Plat (Long Form Final Plat – 26 total lots – 243.57 acres – Wells Branch Parkway – City of Austin ETJ) ; and
- B) A Subdivision Construction Agreement between Travis County, Village at Northtown Ltd. and Jeffercindershan Ltd.

BACKGROUND/SUMMARY OF REQUEST:

A) This long form final plat consists of 26 total lots (10 retail/commercial lots, 5 multi-family lots, 2 condo lots, 1 office lot, 1 fire station lot, 2 parkland lots, and 5 green space lots) on 243.57 acres. There are 4,584 linear feet of public streets (John Henry Faulk Drive) proposed with this final plat. Parkland dedication and fees in lieu of dedication have been satisfied with the Northtown Municipal Utility District (MUD). Fiscal surety has been posted with Travis County. Water and wastewater service to be provided by Northtown MUD.

B) The applicant proposes to enter into a subdivision construction agreement between Travis County, Village at Northtown Ltd. and Jeffercindershan Ltd. to outline construction of the subdivision's infrastructure improvements.

STAFF RECOMMENDATIONS:

A variance to Title 30-2-151 to not extend Lantern Drive was approved by Commissioners Court on September 3, 2013. This final plat is recommended for approval by the City of Austin Zoning and Platting Commission on September 17, 2013, and meets all City of Austin/Travis County subdivision standards; Single Office staff recommends approval of the final plat.



ISSUES AND OPPORTUNITIES:

Staff has not been contacted by anyone via e-mail, telephone, or letter on this development, and staff has not registered any interested parties nor received any other inquiries for this project.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

EXHIBITS/ATTACHMENTS:

- Precinct map
- Location map
- Proposed final plat
- Copy of Subdivision Construction Agreement

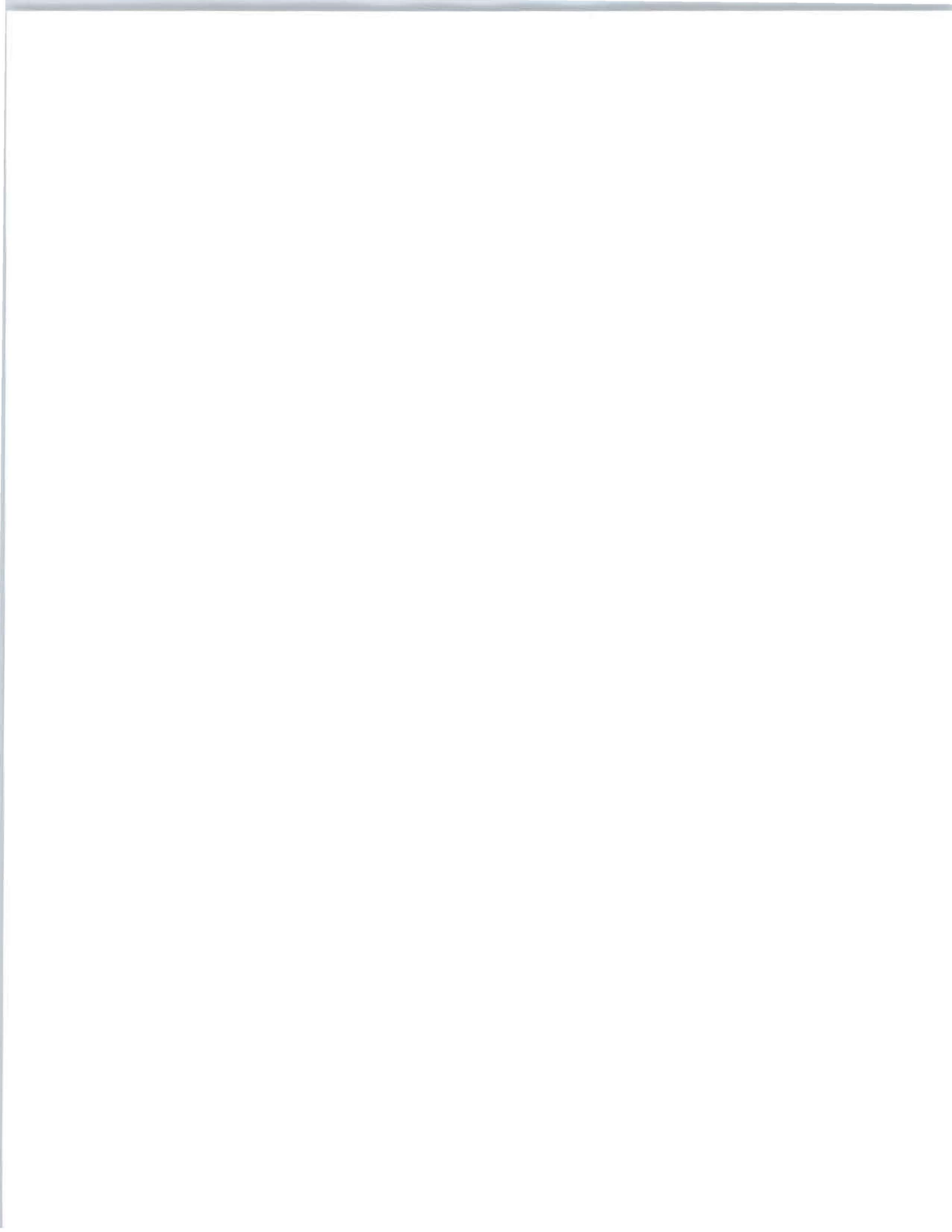
REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429

CC:

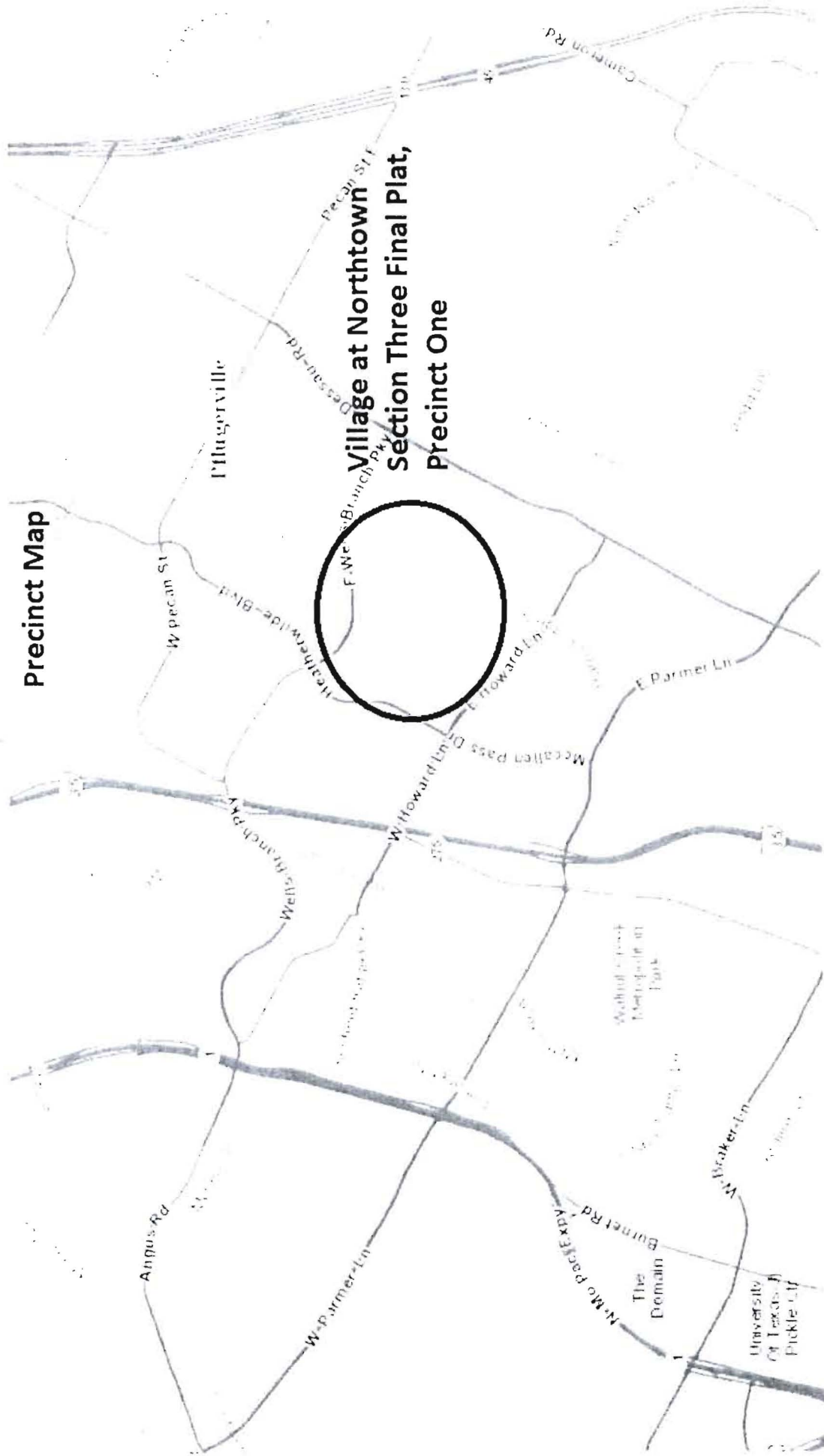
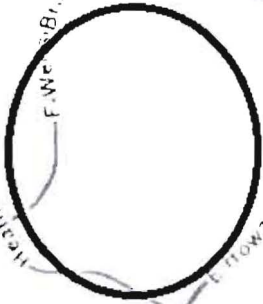
SM:AB:mh

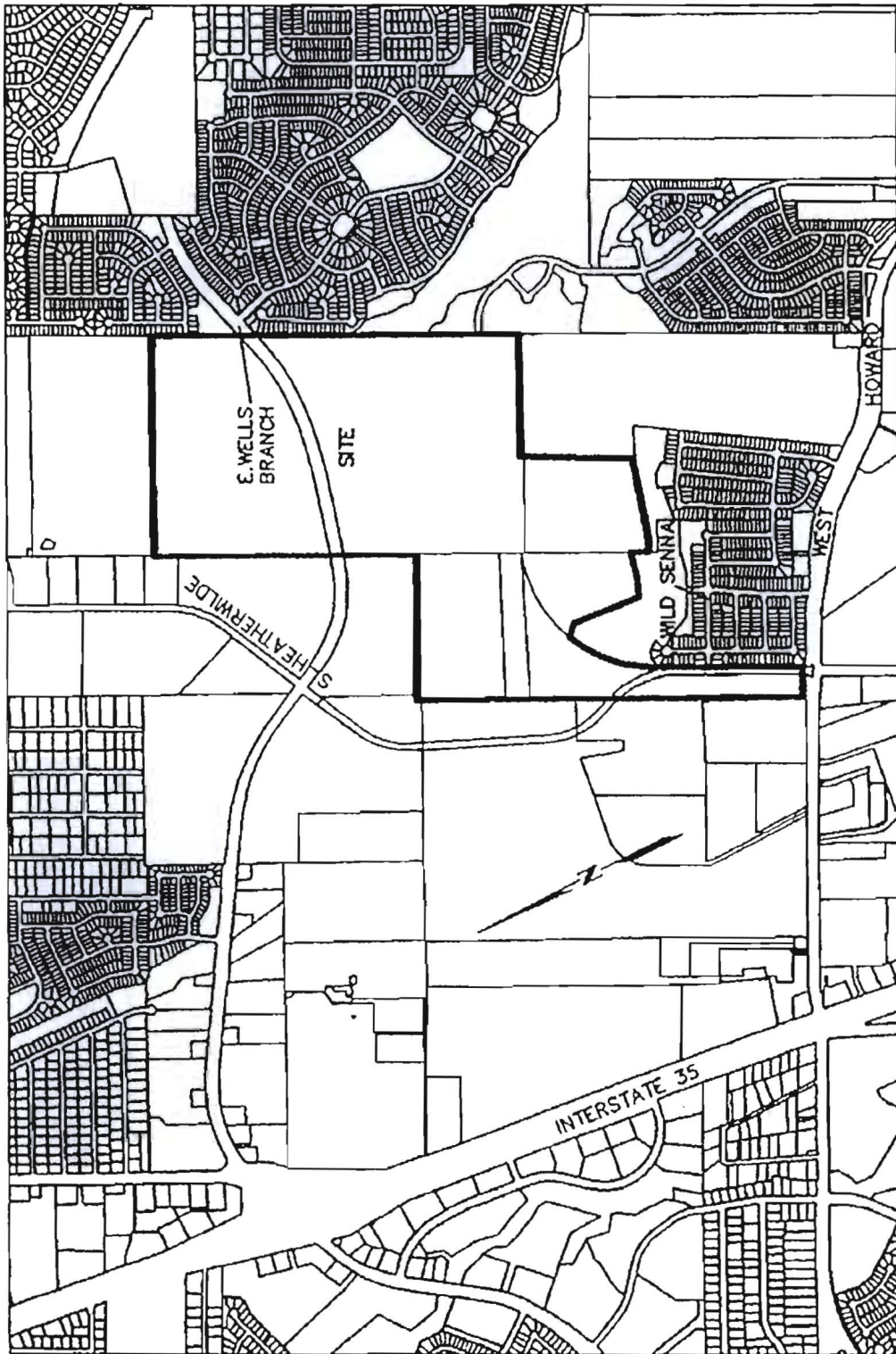
1101 - Development Services Long Range Planning- Village at Northtown Section Three Final Plat



Precinct Map

**Village at Northtown
Section Three Final Plat,
Precinct One**





VICINITY MAP
NOT TO SCALE

VILLAGE AT NORTHTOWN SECTION THREE, FINAL PLAT



CONSUMER PROTECTION NOTICE FOR HOMEBUYERS

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THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY
PURPOSE AND SHALL NOT BE USED OR REFERRED OR
RELIED UPON AS A FINAL SURVEY DOCUMENT.
CUNNINGHAM-ALLEN, INC.
APPROX. 1-2013

IF YOU ARE BUYING A LOT IN THIS SUBDIVISION, YOU SHOULD DETERMINE WHETHER THE SUBDIVISION AND THE LAND AROUND IT ARE INSIDE OR OUTSIDE THE CITY LIMITS. THIS CAN AFFECT THE ENJOYMENT AND VALUE OF YOUR HOME. DEPENDING ON STATE LAW AND OTHER FACTORS, LAND OUTSIDE THE CITY LIMITS MAY BE SUBJECT TO FEWER LOCAL GOVERNMENT CONTROLS OVER THE DEVELOPMENT AND USE OF LAND THAN INSIDE THE CITY LIMITS. THE SUBDIVISION'S RESTRICTIVE COVENANTS MAY CREATE PRIVATELY ENFORCEABLE RESTRICTIONS AGAINST INCOMPATIBLE LAND USES WITHIN THE SUBDIVISION, WHETHER IT IS INSIDE OR OUTSIDE THE CITY LIMITS. DEPENDING ON STATE LAW AND OTHER FACTORS, HOWEVER, OUTSIDE THE CITY LIMITS NEITHER PRIVATE NOR GOVERNMENTAL RESTRICTIONS MAY BE AVAILABLE TO (1) RESTRICT EITHER THE NATURE OR EXTENT OF DEVELOPMENT NEAR THE SUBDIVISION, OR (2) PROHIBIT LAND USES NEAR THE SUBDIVISION THAT ARE INCOMPATIBLE WITH A RESIDENTIAL NEIGHBORHOOD.

CU-03-0199 03 34
SUBMITTAL DATE: MAY 8, 2013

CA CunninghamAllen Engineers - Surveyors	3103 Bee Cave Road, Suite 202 Tel: (512) 327-2946 Austin, Texas 78746-8819 Fax: (512) 327-2973 www.cunninghamallen.com
	PROJECT NO. 134 TRIPLE NO. 13000000 DATE: MAY 07 13 PROJECT NO. 421018 DRAWN BY: CED SHEET 1 OF 13

VILLAGE AT NORTHTOWN SECTION THREE FINAL PLAT



SECURITY MAP
NOT TO SCALE

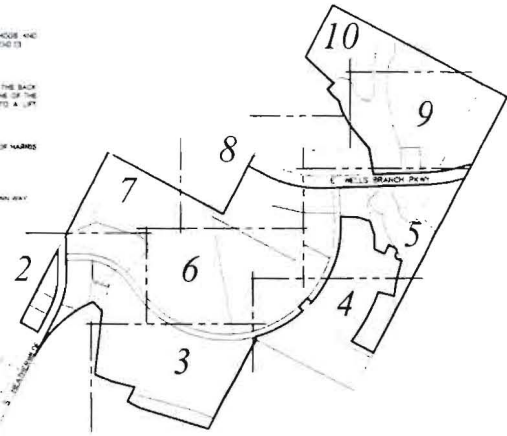
VERTICAL REFERENCE
VERTICAL POSITIONS WERE DETERMINED USING SPI STATIC SURVEY METHODS AND ARE REFERENCED TO NORTH AMERICAN VERTICAL DATUM NA82 UTM USING GRID 13

BENCHMARKS

BM 1
TOP CORNER OF SIDEWALK 40' WEST OF A FIRE HYDRANT 40' SOUTH EAST OF THE BACK OF CURB AT S HEATHERWILDE BOULEVARD AND 12 SOUTH OF THE CENTERLINE OF THE DRIVE WAY INTERSECTING S HEATHERWILDE BOULEVARD AND LEADING TO A LOT STATION. ELEVATION = 771.72

BM 2
TOP CORNER OF TOP OF CURB IN FRONT OF A FIRE HYDRANT ON THE SOUTH SIDE OF NARRIS RIDGE BLVD WHERE IT MEETS NORTH PARK'S EAST PROPERTY LINE. ELEVATION = 772.88

BM 3
SQUARE CORNER ON SW CORNER OF CURB INLET ON SOUTH SIDE OF CIVIL SERVICE INTERSECTION OF SASKIYAKAS TRL & SALLY LOAN WAY. ELEVATION = 772.19



LAND-USE SUMMARY			
USE	LOTS	NO. LOTS	ACRES
RETAIL/ COMMERCIAL	LOT 7, BLOCK A LOT 9, BLOCK A LOT 4-7, BLOCK B LOT 2, BLOCK C LOT 3-4, BLOCK D LOT 9, BLOCK E	10	28.77
MULTI-FAMILY ** 22 DU/AC	LOT 4, BLOCK E LOT 8, BLOCK E LOT 1-3, BLOCK B	3	122.01
SINGLE FAMILY ATTACHED/TOWNHO 14 DU/AC	LOT 5, BLOCK C LOT 2, BLOCK D	2	43.19
OFFICE	LOT 5, BLOCK D	1	3.37
FIRE STATION	LOT 3, BLOCK C	1	1.25
PARK LAND	LOT 4, BLOCK C LOT 5, BLOCK E	2	9.08
GREEN SPACE	LOT 8, BLOCK A LOT 1, BLOCK C LOT 7, BLOCK C LOT 6, BLOCK D LOT 9, BLOCK E	5	28.52
R.O.W. DEDICATION			7.40
TOTALS		28	243.57

PARKLAND DEDICATION WAS SATISFIED THROUGH THE DEDICATION OF 37.86 ACRES OF PARKLAND AND GREEN SPACE AS STIPULATED IN ARTICLE IV SUBSECTION F OF THE CONSENT AGREEMENT AND AS AMENDED BY ORDINANCE 1984214. A 111.42 ACRES WAS PREVIOUSLY DEDICATED THROUGH SUBSECTION C AND SUBSECTION D OF A TOTAL OF 156 ACRES FOR THE CONSENT AGREEMENT.

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OWNERS
VILLAGE @ NORTHTOWN
GENERAL PARTNERS, INC.
22 LAS BRISAS
AUSTIN, TEXAS 78746

ENGINEER
CUNNINGHAM ALLEN INC.
3103 See Cave Road, Suite 202
Austin, Texas 78746
(512) 327-2948

SURVEYOR
CUNNINGHAM ALLEN INC.
3103 See Cave Road, Suite 202
Austin, Texas 78746
(512) 327-2948

- LEGEND**
- 4" IRON PIPE FOUND (UNLESS STATED)
 - 6" IRON REBAR FOUND (UNLESS STATED)
 - "X" FOUND IN CONCRETE
 - 8" IRON REBAR SET IN CAP (SET STAMPED)
 - CUNNINGHAM ALLEN INC.
 - *** WASTE WATER EASEMENT
 - P.U.E. PUBLIC UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - E.E. ELECTRIC EASEMENT
 - ESMT EASEMENT
 - P.R.T.C. PLAT RECORD TEXAS COUNTY TEXAS
 - R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS
 - O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS
 - WATERWAY CENTERLINE
 - CRITICAL WATER QUALITY ZONE
 - FEWA 100 YR FLOOD PLAN
 - PROPOSED SIDEWALKS
 - SET CONCRETE W/REINFORCEMENT WITH BRASS CAP STAMPED "CA"

PUBLIC STREET EASEMENT						
STREET NAME	CLASSIFICATION	ROW WIDTH	LENGTH (LF)	PAVEMENT WIDTH LOG-LOG	SIDEWALK LOCATION	SIDEWALK WIDTH
JOHN HENRY FAULK DRIVE	COMMERCIAL COLLECTOR	70'	4,554'	65'	BOTH SIDES	8/8 FEET

ABUTMENT
NORTHTOWN MUNICIPAL UTILITY DISTRICT
CITY OF AUSTIN 2-MILE E.T.J.

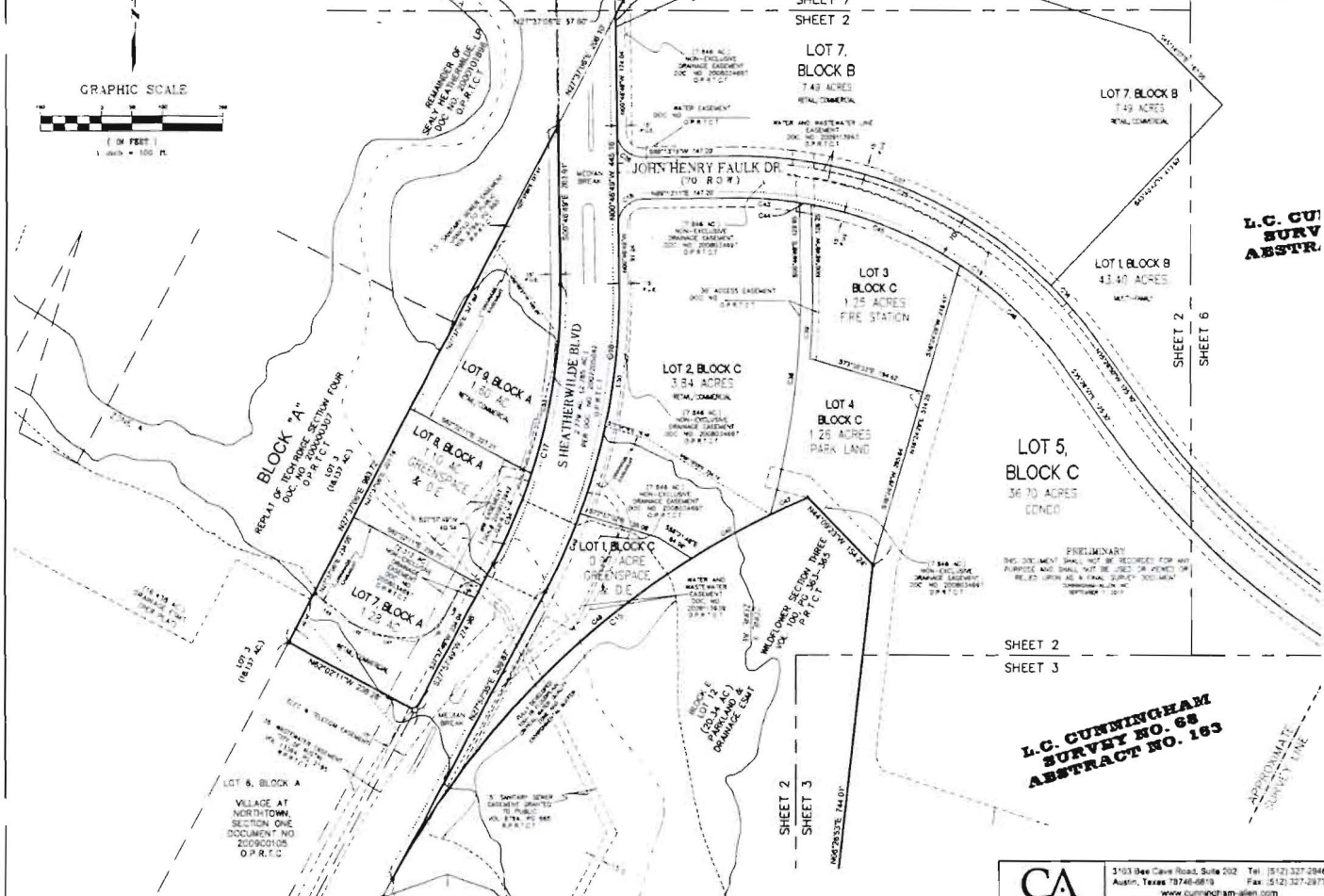
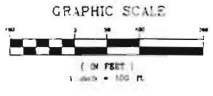
BOUNDARIES
NARRIS BRANCH
SUBURBAN

LEGAL DESCRIPTION
243.57 ACRES OF LAND OUT OF THE L.C. CUNNINGHAM SURVEY NO. 88 AND ALEXANDER WATERS SURVEY NO. 87

BEARING REFERENCE
GRID NORTH, TEXAS COORDINATE SYSTEM OF 1983 CENTRAL ZONE (CORNER), AS DERIVED FROM AN SPIES SOLUTION DATED APRIL 24, 2007 DISTANCES BEGIN HEREON ARE SURFACE USING A CORNERED SCALE FACTOR OF 0.9999022
GRID = SURFACE + CORNERED SCALE FACTOR

VILLAGE AT NORTHTOWN SECTION THREE FINAL PLAT

SHEET 1
SHEET 6

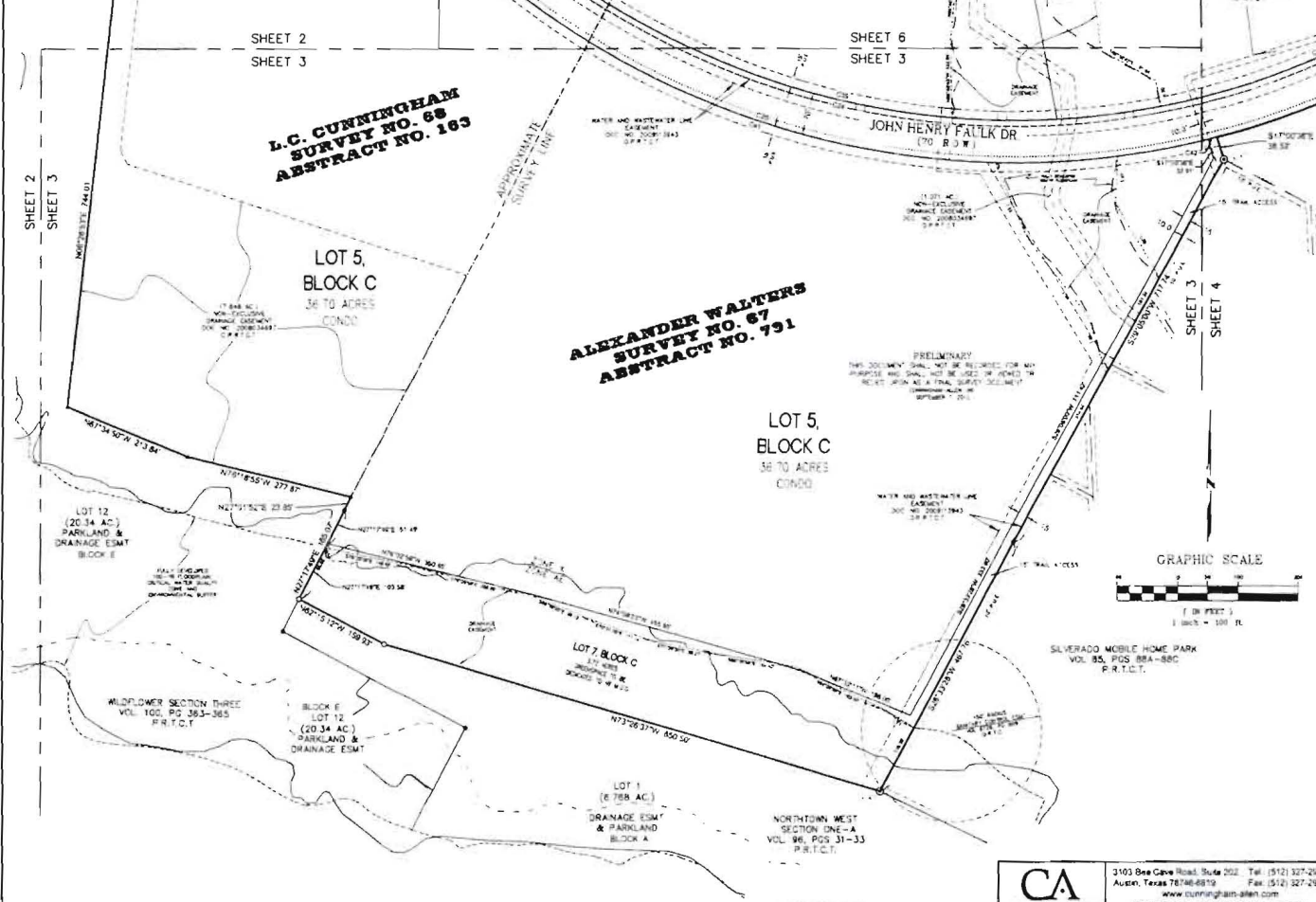


**L.C. CUNNINGHAM
SURVEY NO. 68
ABSTRACT NO. 163**

<p>CunninghamAllen Engineers Surveyors</p>	3103 Bee Cave Road, Suite 202 Austin, Texas 78746-0819 www.cunningham-allen.com FAX# 512-327-2973	Tel: (512) 327-2946 Fax: (512) 327-2973
	DATE: MAY 2013 DRAWN BY: ESD	PROJECT NO: 1309990 SHEET 2 OF 13

Drawing File: S:\210108_Creek\210108_FINAL_PLAT_NORTHTOWN SECTION 3.dwg Plotted by: Tom Vulture Date: 5/8/2013 10:10:44 AM Layout: Sheet 2

VILLAGE AT NORTHTOWN SECTION THREE FINAL PLAT



<p>CA CunninghamAllen Engineers Surveyors</p>	3103 Bee Cave Road, Suite 202, Tel: (512) 327-2646 Austin, Texas 78746-6879, Fax: (512) 327-2973 www.cunninghamallen.com
	FIRM #301, TYPE: NO. F204, T201 & NO. 3000040
	DATE: MAY 2013, PROJECT NO.: 470208
	DRAWN BY: DEJ, SHEET 2 OF 13

Drawing File: 3:4270158_02.dwg, 04/22/13, FINAL PLAT NORTH TOWN SECTION 3.dwg, Plotted by Tom Anzures, Date: 05/20/13 01:18 AM, Layout: sheet 1

CSJ-03-0159 03.3A
SUBMITTAL DATE: MAY 8, 2013

VILLAGE AT NORTHTOWN SECTION THREE FINAL PLAT

**ALEXANDER WALTERS
SURVEY NO. 67
ABSTRACT NO. 791**

**ALEXANDER WALTERS
SURVEY NO. 67
ABSTRACT NO. 791**

**LOT 2,
BLOCK B**
23.88 ACRES
MULTI-FAMILY

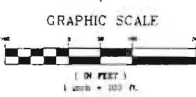
**LOT 6,
BLOCK D**
9.24 ACRES
DRAINAGE
EASTMENT
GREEN SPACE

**LOT 2,
BLOCK B**
23.88 ACRES
MULTI-FAMILY

**LOT 2,
BLOCK D**
6.43 ACRES
SINGLE FAMILY HOMES

**ALEXANDER WALTERS
SURVEY NO. 67
ABSTRACT NO. 791**

**LOT 1
(3.819 AC.)
BLOCK H**
PARKSIDE SUBDIVISION
DOCUMENT NO. 200400029
O.P.R.T.C.T.



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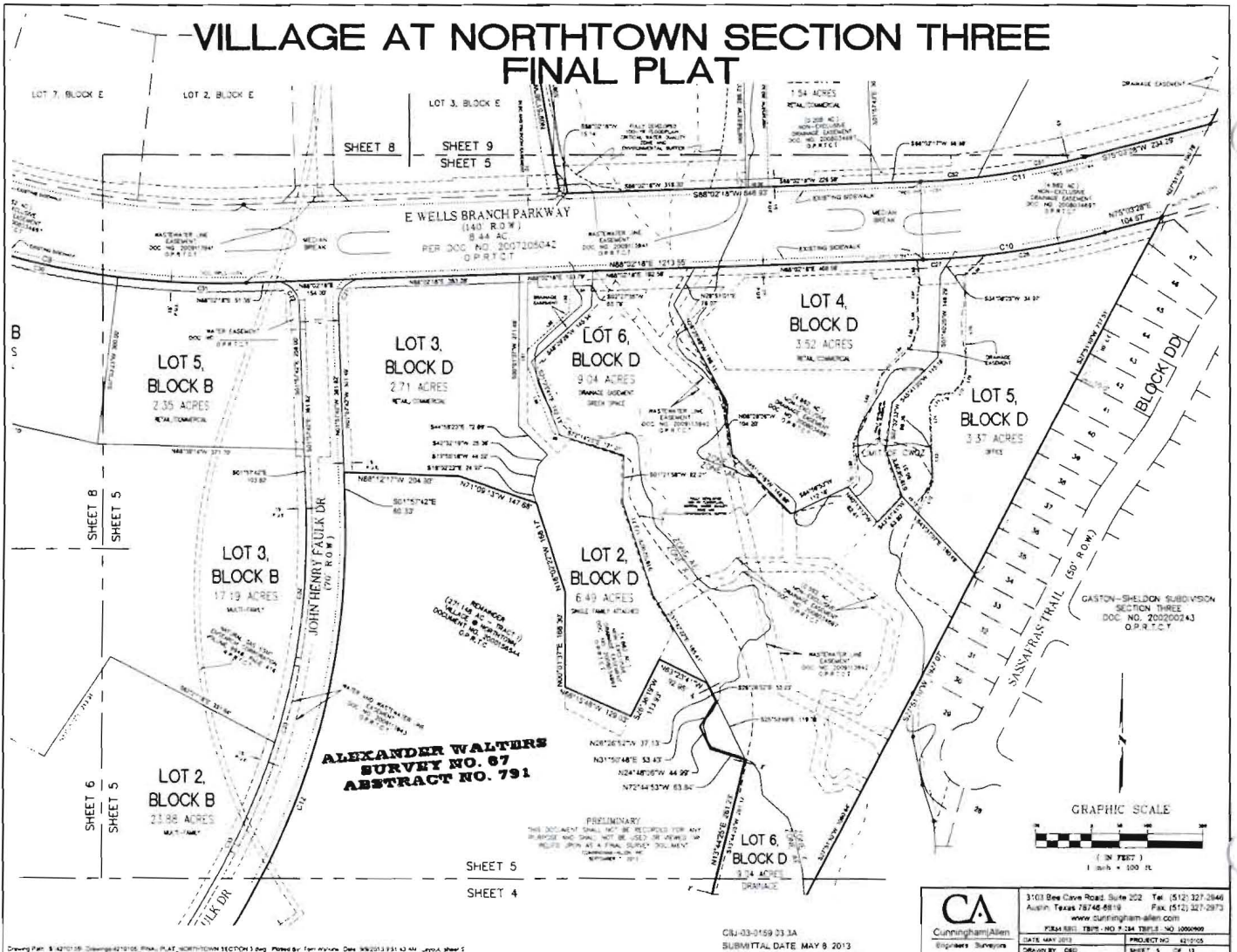
CSJ-03-0159-03.3A
SUBMITTAL DATE: MAY 8, 2013

CA CunninghamAllen Engineers & Surveyors	3103 Bee Cave Road, Suite 202 Austin, Texas 78746-0819 www.cunninghamallen.com	Tel: (512) 327-3946 Fax: (512) 327-3973
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Drawing File: 14712108_091000000308_FINAL_PLAT_NORTHTOWN SECTION 3.dwg, Plotted By: Tom Hinkle, Date: 5/22/13 11:24 AM, Layout Sheet: 1

VILLAGE AT NORTHTOWN SECTION THREE FINAL PLAT



Drawing Plan: 8:4270138 (2009)4212105_FINAL_PLAT_NORTHTOWN_SECTION_3.dwg Printed By: Tom Moline Date: 5/8/2013 8:31:43 AM User: gsd

VILLAGE AT NORTHTOWN SECTION THREE FINAL PLAT

LOT 3,
BLOCK B
17.18 ACRES
MULTI-FAMILY



SHEET 7
SHEET 6

SHEET 8
SHEET 6

SHEET 8
SHEET 5

LOT 7, BLOCK B
7.49 ACRES
MULTI-FAMILY

LOT 1, BLOCK B
43.40 ACRES
MULTI-FAMILY

**L.C. CUNNINGHAM
SURVEY NO. 68
ABSTRACT NO. 163**

**ALEXANDER WALTERS
SURVEY NO. 67
ABSTRACT NO. 791**

LOT 1,
BLOCK B
43.40 ACRES
MULTI-FAMILY

LOT 2,
BLOCK B
23.86 ACRES
MULTI-FAMILY

**CUNNINGHAM
SURVEY NO. 68
ABSTRACT NO. 163**



3103 Bee Cave Road, Suite 202 Tel: (512) 327-2346
Austin, Texas 78746-6819 Fax: (512) 327-2973
www.cunningham-allen.com
PERM 8805, TBRS, MO # 261, 7805, MO 000906

CSA-03-0159-03.3A
SUBMITTAL DATE: MAY 8, 2013

DATE: MAY 2013 PROJECT NO.: 210109
DRAWN BY: DED SHEET # OF 13
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Drawing File: 3-1421029-Drawing-03-0159-FINAL PLAT, NORTHTOWN SECTION 3.dwg, Printed By: tom.mahone Date: 11/02/13 02:14 PM, Project: 210109

VILLAGE AT NORTHTOWN SECTION THREE FINAL PLAT

GRAPHIC SCALE



**L.C. CUNNINGHAM
SURVEY NO. 68
ABSTRACT NO. 163**

(36.46 AC)
HW TOPSA INVESTMENT
DOCUMENT NO. 2007112142
O.P.R.T.C.

REMAINDER OF
THE PHASED
DEVELOPMENT OF
L.P.
D.P.R.T.C.

**LOT 1,
BLOCK B**
43.40 ACRES
RESIDENTIAL

**LOT 6,
BLOCK B**
3.14 ACRES
RESIDENTIAL

SHEET 7
SHEET 2

**LOT 7,
BLOCK B**
7.49 ACRES
RESIDENTIAL

LOT 7, BLOCK B
7.49 ACRES
RESIDENTIAL

**L.C. CUNNINGHAM
SURVEY
ABSTRACT**

(36.46 AC)
HW TOPSA INVESTMENT
DOCUMENT NO. 2007112142
O.P.R.T.C.

S HEATHERWILDE BLVD

JOHN HENRY FAULK DR

SHEET 7
SHEET 6

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DATE MAY 2013 PROJECT NO. 420719
DRAWN BY GED SHEET 7 OF 13
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CSJ-03-0159 03.34
SUBMITTAL DATE MAY 8 2013

VILLAGE AT NORTHTOWN SECTION THREE FINAL PLAT



SHEET 10
SHEET 8

**ALEXANDER WALTERS
SURVEY NO. 67
ABSTRACT NO. 791**

VILLAGE AT NORTHTOWN, SECTION ONE
DOCUMENT NO. 200900105
O.P.R.T.C.

(8.947 AC)
LOT 1, BLOCK A
CARMEN SUBDIVISION
DOCUMENT NO. 201100198
O.P.R.T.C.

E WELLS BRANCH PARKWAY
DCC (140' R.O.W.)
DCC NO. 200225043
O.P.R.T.C.

E WELLS BRANCH PARKWAY
DCC (140' R.O.W.)
DCC NO. 200225043
O.P.R.T.C.

**L.C. CUNNINGHAM
SURVEY NO. 68
ABSTRACT NO. 163**

(34.46 AC)
NW 103/4 INCREMENT
DOCUMENT NO. 201112142
O.P.R.T.C.

LOT 4,
BLOCK B
2.29 ACRES
RETAIL/COMMERCIAL

LOT 5,
BLOCK B
2.35 ACRES
RETAIL/COMMERCIAL

LOT 3,
BLOCK D
2.71 ACRES
RETAIL/COMMERCIAL

LOT 3,
BLOCK B
17.19 ACRES
RETAIL/COMMERCIAL

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DATE: 5/13/13

SHEET 8
SHEET 6

SHEET 8
SHEET 5

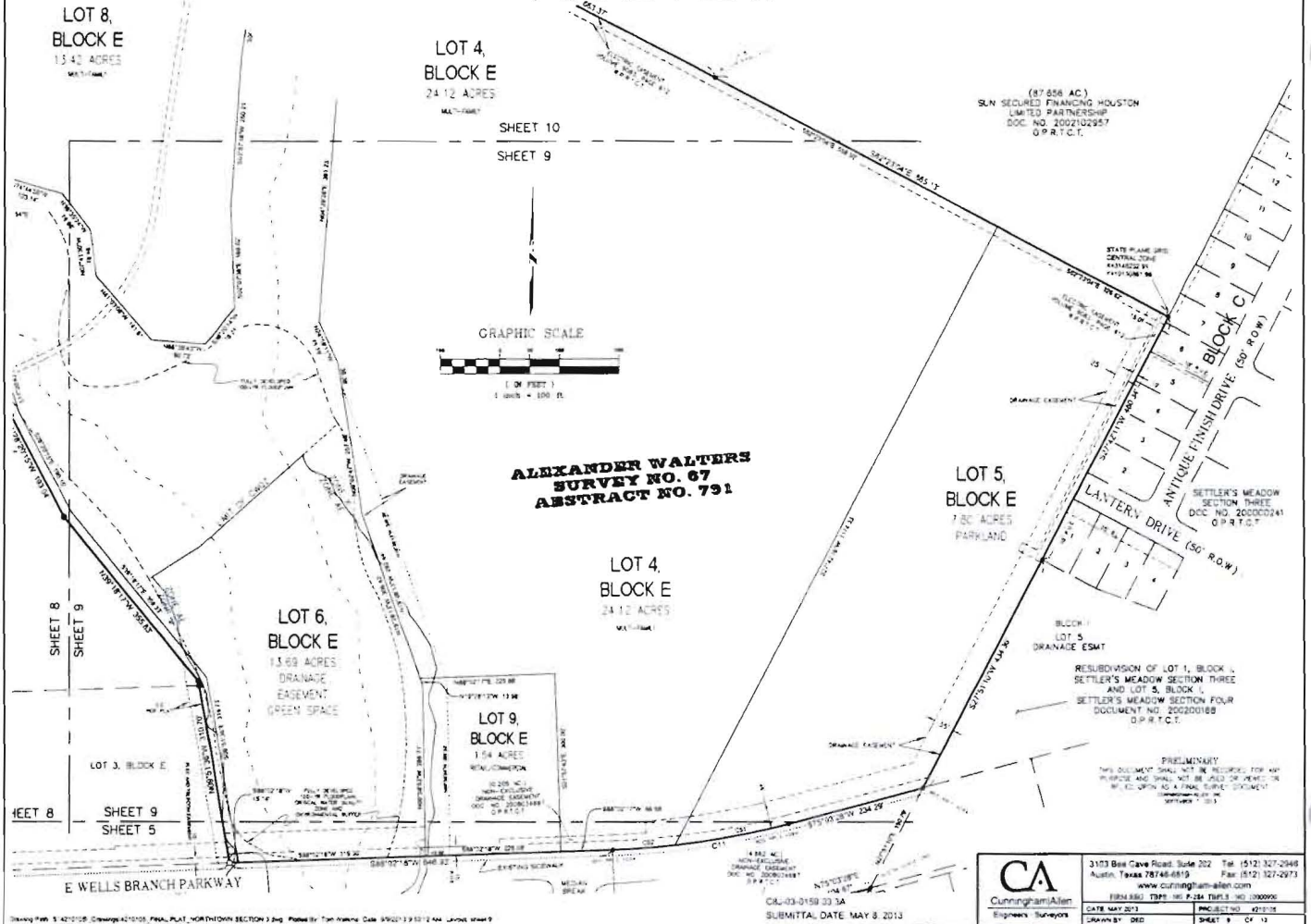
Drawing No. 3-4712-08, Drawing 4103, FINAL PLAT, NORTHTOWN SECTION 3, 3rd. Plotted by Tom Malone, Date: 5/8/13 8:52 AM, Layout sheet 8

CA-03-0159-03-3A
SUBMITTAL DATE: MAY 8 2013

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	<p>FIRM REG. TERS. NO. #2M TERS. NO. 1000909 DATE: MAY 2013 PROJECT NO. 421026 DRAWN BY: GED SHEET 8 OF 13</p>

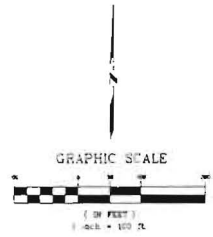
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VILLAGE AT NORTHTOWN SECTION THREE FINAL PLAT



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	DATE MAY 2013 DRAWN BY DMD PROJECT NO. 03-019 SHEET 9 OF 12

VILLAGE AT NORTHTOWN SECTION THREE FINAL PLAT



**L.C. CUNNINGHAM
SURVEY NO. 68
ABSTRACT NO. 163**

DRAINAGE ESMT AGREEMENT
DOC. NO. 2008127401
O.P.R.T.C.

(10.51 AC.)
CITY OF PFLUGERVILLE
DOC. NO. 2003293775
O.P.R.T.C.

(8347)
LOT 1, BLOCK A
CARMEN SUBDIVISION
DOCUMENT NO. 201100198
O.P.R.T.C.

LOT 1, BLOCK E
VILLAGE AT NORTHTOWN, SECTION ONE
DOCUMENT NO. 200900105
O.P.R.T.C.

SHEET 10
SHEET 8

WELLSPRING ONE
SECTION TWO
DOC. NO. 200700093
O.P.R.T.C.
(4.449 AC.)

10.51 AC. DRNG ESMT
THE CITY OF PFLUGERVILLE
VOL. 12175, PG. 87
R.P.R.T.C.T.

(7.65 AC.)
LAND TO FURNISH HOUSTON
DOC. NO. 200701283
O.P.R.T.C.

LOT 8,
BLOCK E
13.42 ACRES
MULTI-FAMILY

LOT 6,
BLOCK E
13.69 ACRES
DRAINAGE
EASEMENT
GREEN SPACE

LOT 4,
BLOCK E
24.12 ACRES
MULTI-FAMILY

SHEET 10
SHEET 9

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DATE: MAY 8, 2013

EXHIBIT 82.401 (E) SUBDIVISION CONSTRUCTION AGREEMENT

STATE OF TEXAS
COUNTY OF TRAVIS

This Agreement is made and entered into by and between Village @ Northtown, Ltd. and Jeffercindershan, Ltd. (jointly the "Subdivider"), and Travis County, Texas, (the "County"), hereinafter collectively referred to as the "Parties".

WHEREAS, the Subdivider owns the tract of real property described in Exhibit "A", which is attached hereto and made a part hereof, (the "Property"); and

WHEREAS, the Subdivider desires to subdivide the Property, pursuant to the proposed final plat of "Village at Northtown Section Three Final Plat" (the "Subdivision"); and

WHEREAS, the County desires to set forth the Subdivider's responsibility for the construction of the Subdivision's roads and drainage facilities (the "Improvements"); and

WHEREAS, the Subdivider desires to set forth the County's responsibility to accept the constructed Improvements for maintenance;

NOW, THEREFORE, the Parties agree as follows:

I. Subdivider's Obligations

A. Improvements. The Subdivider shall construct the Improvements required to comply with the County's Standards for the Construction of Streets and Drainage in Subdivisions (the "Standards"). The Improvements will conform to the construction plans, permits, and specifications approved by the County prior to commencement of construction.

B. Security. To secure the Subdivider's obligations, the Subdivider will provide a financial guarantee of performance in the amount of the estimated cost of constructing the Improvements (the "Security"), which has been determined by a professional engineer and approved by the County's Transportation and Natural Resources Department ("TNR"). The Security must be in a form approved for use in the Standards or otherwise approved by the County Attorney's Office.

C. Alternative Fiscal. Notwithstanding any other provisions of this Agreement, the Subdivider may request the Commissioners Court to hold the administratively approved plat in abeyance until all streets, alleys, sidewalks, and drainage improvements in the Subdivision. The Subdivider must post fiscal security to secure restoration of disturbed areas should construction not be completed. Upon satisfactory completion, the submitted plat shall be forwarded to the Commissioners Court for approval and recording, provided adequate fiscal security has been posted to secure the one year Construction Performance Period described below.

D. Completion. The Improvements must be constructed no later than three (3) years after the effective date of this Agreement. This period may be extended by the delivery to the County at least forty five (45) days prior to the expiration of the Security of an extension of the Security in a form approved by the County. Upon completion of the Improvements, the Subdivider will provide the County with a complete set of construction plans for the Improvements, certified "as built" by the engineer responsible for preparing the approved construction plans and specifications.

E. Warranty. The Subdivider warrants the public Improvements will be free from defects for a period of one (1) year from the date the County accepts the construction of the public Improvements (the "Performance Period"). The Subdivider shall correct and repair any defects in materials or workmanship, including design inadequacies and damage to or deterioration of the public Improvements that occur before and during this Performance Period due to any cause. As a condition of the County's acceptance of dedication of any of the public Improvements, the Subdivider must post fiscal security in the form of cash, a performance bond, or other approved form and in the amount of ten percent (10%) of the cost of constructing the public Improvements, to secure the warranty established by this Agreement. It is expressly acknowledged that the public Improvements must meet County Standards at the end of the one year Construction Performance Period in order for the County to release the construction performance fiscal security.

F. Increase in Security. If the County determines the cost of constructing the Improvements exceeds the posted Security, within thirty (30) days after notice and demand, the Subdivider shall provide additional Security in an amount equal to the additional estimated cost.

G. Reduction in Security. During the construction of the Improvements, the Security may be reduced in accordance with the percentage of completion of the construction. The County Executive of TNR will execute Statements of Partial Reductions in the Amount of Security, when provided with the following documentation:

- 1) a professional engineer's certification of quantities of work completed;
- 2) a contractor's invoice for work completed; and
- 3) a TNR inspection report, indicating the completion of the portion of the work represented by the contractor's invoice.

After the approval and acceptance of the construction of the Improvements, the Security for the public Improvements may be reduced by ninety percent (90%) of the cost of the approved construction and held for the one-year Performance Period. After the approval of the construction of the private Improvements, the Security posted for the private Improvements will be fully released. In addition, the County agrees to release or reduce, as appropriate, the Security provided by the Subdivider, if the County accepts a substitute Security for all or any portion of the Improvements.

H. Covenant, Restriction, and Condition. In the event that the Improvements are not constructed to County Standards and the required Security has expired, the Subdivider shall not sell, transfer, or convey any of the lots in the Subdivision until sufficient Security has been posted with the County for the completion of the construction.

II. County's Obligations

A. Inspection and Approval. The County will inspect the Improvements during and at the completion of construction. If the Improvements are completed in accordance with the Standards, the County will approve the Improvements and accept the public Improvements.

B. Notice of Defect. The County will notify the Subdivider, if an inspection reveals that any portion of the Improvements is not constructed in accordance with the Standards or is otherwise defective. However, the County is not responsible for the construction of the Improvements, the quality of the material, or the construction methods utilized. In addition, the County is not responsible for making continuous on-site inspections of the construction work and the County has no privity with or responsibility for the construction contractor or any subcontractors. The Subdivider will have thirty (30) days from such notice to cure the defect. It is an event of default under this Agreement, if the defect is not cured prior to the expiration of the time to cure.

C. Performance Period Security Release. Upon the expiration of the one-year Performance Period with no damages or defects which the County Executive notifies the Subdivider must be corrected, the County Executive will release the Performance Period Security.

D. Conditions to Draw on Security. The County may draw upon any Security posted under this Agreement upon the occurrence of one or more of the following events:

- a. The failure of the Subdivider to construct the Improvements to the applicable County Standards;
- b. The Subdivider's failure to renew or replace the Security at least forty-five (45) days prior to its expiration;
- c. The acquisition of the Property or a portion of the Property by the issuer of the Security or other creditor through foreclosure or an assignment or conveyance in lieu of foreclosure;
- d. The arrangement by the Commissioners Court for the completion of one or more of the Improvements; or
- e. The determination by the Commissioners Court that the completion of one or more of the public Improvements is in the public Interest.

E. Notice of Intent to Draw. The County shall provide ten (10) days written notice of the occurrence of such an event to the Subdivider with a copy provided to any fiscal surety, lender, or escrow agent. The notice will include a statement that the County intends to provide for the performance of some or all of Subdivider's obligations hereunder for the construction of the Improvements, if the failure is not cured. The County shall be entitled to draw the amount it considers necessary to perform the Subdivider's obligations under this Agreement up to the total amount allocated for the Improvements. In lieu of a drawing based on an event described in subparagraphs (b) or (c), above, the County may accept a substitute Security.

F. Use of Proceeds.

1) The County must utilize the proceeds of any posted security solely for the purpose of completing the Improvements to the County's Standards or to correct defects in or failures of the Improvements.

2) The County may in its sole discretion complete some or all of the unfinished Improvements at the time of default, regardless of the extent to which development has taken place in the Subdivision or whether development ever commenced, without incurring any obligation to complete any of the unfinished Improvements. If the County uses the proceeds to complete, repair, or reconstruct the Improvements, it will do so as a public trustee of the development process in order to protect purchasers and taxpayers from the adverse consequences of a subdivider default or to protect the public interest by completing the Improvements.

3) The County is not a private subdivision developer and its draft on the Security and utilization of the proceeds to complete, repair, or reconstruct the Improvements is not an acceptance of the dedication of the Improvements. The acceptance of the Improvements is specifically contingent upon the delivery to the County of Improvements, which have been constructed to County Standards or the express order of acceptance by the County's Commissioners Court.

4) The Subdivider has no claim or rights under this Agreement to funds drawn under the Security or any accrued interest earned on the funds to the extent the same are used by the County hereunder.

5) All funds obtained by the County pursuant to one or more draws under the Security shall be maintained by the County in an interest bearing account or accounts until such funds, together with accrued interest thereon (the "Escrowed Funds"), are disbursed by the County.

6) The County shall disperse all or portions of the Escrowed Funds as Improvements are completed by the County, or in accordance with the terms of a written construction contract between the County and a third party for the construction of the Improvements.

7) Escrowed Funds not used or held by the County for the purpose of completing an Improvement or correcting defects in or failures of an Improvement, together with any interest accrued thereon, shall be paid by the County to the Issuer of the Security or, if the Security was originally in the form of cash, to the Subdivider, no later than sixty (60) days following the County's acceptance of the Improvement or its decision not to complete the Improvements using Escrowed Funds, whichever date is earlier.

G. Releases. The County Executive will, subject to the performance of the Subdivider of its obligations under this agreement and the Travis County Standards for Construction of Streets & Drainage in Subdivisions, execute such releases of this Agreement as are necessary and reasonable upon the request of the Subdivider or a purchaser of a portion of the Property.

III. MISCELLANEOUS

A. Covenants, Restrictions, and Conditions. These Covenants, Restrictions, and Conditions will operate as covenants running with the land and will be binding upon the Subdivider and the Subdivider's legal representatives, successors and assigns.

B. Measure of Damages. The measure of damages for breach of this Agreement by the Subdivider is the actual cost of completing the Improvements in conformance with the County's Standards, including without limitation its associated administrative expenses.

C. Remedies. The remedies available to the County and the Subdivider under this Agreement and the laws of Texas are cumulative in nature.

D. Third Party Rights. No non-party shall have any right of action under this Agreement, nor shall any such non-party, including without limitation a trustee in bankruptcy, have any interest in or claim to funds drawn on the posted Security and held in escrow by the County in accordance with this Agreement.

E. Indemnification. The Subdivider shall indemnify and hold the County harmless from and against all claims, demands, costs, and liability of every kind and nature, including reasonable attorney's fees, for the defense of such claims and demands, arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements. The Subdivider further agrees to aid and defend the County, if the County is named as a defendant in an action arising from any breach on the part of Subdivider of any provision in this Agreement or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements.

F. No Waiver. The waiver of any provision of this Agreement will not constitute a waiver of any other provision, nor will it constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement. The County's failure to enforce any provision will not constitute a waiver or estoppel of the right to do so.

G. Attorney's Fees. The prevailing party in any litigation hereunder is entitled to recover its costs, including reasonable attorney's fees, court costs, and expert witness fees, from the other party. If the court awards relief to both parties, each will bear its own costs.

H. Successors and Assigns. This Agreement is binding on the Subdivider and the heirs, successors, and assigns of the Subdivider and on any person acquiring an ownership interest in the Property through the Subdivider. The Subdivider's obligations under this Agreement may not be assigned without the written approval of the County; provided the County's approval shall not be unreasonably withheld if the Subdivider's assignee expressly assumes all obligations of the Subdivider under this Agreement. An assignment shall not be construed as releasing the Subdivider from Subdivider's obligations under this Agreement and Subdivider's obligations hereunder shall continue notwithstanding any assignment approved pursuant to this Paragraph unless and until the County executes and delivers to the Subdivider a written release. The County agrees to release the Subdivider, if the Subdivider's assignee expressly assumes the Subdivider's obligations under this Agreement and has posted the Security required by this Agreement. The County in its sole discretion may assign some or all of its rights under this Agreement and any such assignment shall be effective upon notice to the Subdivider.

I. Expiration. This Agreement will terminate upon the vacation of the Subdivision by the Subdivider or the completion of the Subdivider's obligations under this Agreement, whichever occurs first.

J. Notice. Any notice under this Agreement must be in writing and will be effective when personally delivered or three (3) days after deposit in the U.S. Mail, postage prepaid, certified with return receipt requested, and addressed as follows:

Subdivider: Village @ Northtown, Ltd.
Attn: Clifton E. Lind
#2 Las Brisas
Austin, Texas 78746

and

Jeffercindershan, Ltd.
Attn: Clifton E. Lind
#2 Las Brisas
Austin, Texas 78746

County: Transportation & Natural Resources Department
P.O. Box 1748
Austin, Texas 78767
Attn: County Executive

Copy to: Travis County Attorney's Office
P.O. Box 1748
Austin, Texas 78767

The parties may change their respective addresses for notice to any other location in the United States in accordance with the provisions of this Paragraph.

K. Severability. If any provision of this Agreement is held by a court to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability shall not affect the validity of any other provision and the rights of the parties will be construed as if such provision was never part of this Agreement.

L. Jurisdiction and Venue. This Agreement concerns real property located in Travis County, Texas, and shall be governed and construed under Texas law. Venue for any action arising under this Agreement shall be exclusively in Travis County, Texas.

M. Captions Immaterial. The captions or headings of the paragraphs of this Agreement are for convenience only and shall not be considered in construing this Agreement.

N. Entire Agreement. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof. Any oral representations or modifications concerning this Agreement shall be of no force or effect, except a subsequent written modification executed by both parties. NO OFFICIAL, EMPLOYEE, OR AGENT OF THE COUNTY HAS ANY AUTHORITY, EITHER EXPRESS OR IMPLIED, TO AMEND, MODIFY, OR OTHERWISE CHANGE THIS AGREEMENT, EXCEPT PURSUANT TO SUCH EXPRESS AUTHORITY AS MAY BE GRANTED BY THE COMMISSIONERS COURT.

This Agreement is executed as of the dates set forth below and is effective upon approval by the County of the final plat for the Subdivision or upon approval of Alternative Fiscal in accordance with County regulations.

TRAVIS COUNTY, TEXAS

SUBDIVIDER:

County Judge

Date: _____

Village @ Northtown, Ltd.,
a Texas limited partnership

By: Village @ Northtown General
Partner, Inc., a Texas corporation,
Its General Partner

By: _____
Name: Clifton E. Lind
Title: President
Date: _____

Jeffercindershan, Ltd.,
a Texas limited partnership

By: Jeffercindershan General
Partner, Inc., a Texas corporation,
Its General Partner

By: _____
Name: Clifton E. Lind
Title: President
Date: _____

ACKNOWLEDGEMENTS

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the ____ day of _____, 2013, by Clifton E. Lind, the President of Village @ Northtown General Partner, Inc., a Texas corporation, acting as General Partner of Village @ Northtown, Ltd., a Texas limited partnership, on behalf of said corporation and limited partnership in the capacity stated herein.

Signature of Notary-State of Texas

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the ____ day of _____, 2013, by Clifton E. Lind, the President of Jeffercindershan General Partner, Inc., a Texas corporation, acting as General Partner of Jeffercindershan, Ltd., a Texas limited partnership, on behalf of said corporation and limited partnership in the capacity stated herein.

Signature of Notary-State of Texas

After Recording Return to:

County Executive, Transportation and Natural Resources
P.O. Box 1748
Austin, Texas 78767

EXHIBIT A: METES AND BOUNDS DESCRIPTION OF PROPERTY

EXHIBIT A

**LEGAL DESCRIPTION OF PROPOSED
VILLAGE AT NORTHTOWN SECTION THREE FINAL PLAT**

Approximately 243.57 acres of land, being the approximately 326.72 acres more particularly described by metes and bounds in the attached **Exhibit A-1**:

SAVE AND EXCEPT the following:

1. Approximately 12.746 acres of land, being the proposed Village at Northtown Section 2, Phase 1, Final Plat, and more particularly described by metes and bounds in the attached **Exhibit A-2**;
2. Approximately 6.008 acres of land, being the proposed Village at Northtown Section 2, Phase 2, Final Plat, and more particularly described by metes and bounds in the attached **Exhibit A-3**;
3. Approximately 12.525 acres of land, conveyed to the Board of Trustees of the Pflugerville Independent School District by Special Warranty Deed recorded at Document No. 2010157725 of the Official Public Records of Travis County, Texas, and more particularly described by metes and bounds in the attached **Exhibit A-4**;
4. Approximately 1.638 acres of land, dedicated to the Public for the right of way of Harris Ridge Blvd. by the Right-of-Way Dedication instrument recorded at Document No. 2010148072 of the Official Public Records of Travis County, Texas, and more particularly described by metes and bounds in the attached **Exhibit A-5**;
5. Approximately 8.44 acres of land, conveyed to Travis County for the right of way of Wells Branch Parkway by the Special Warranty Deed recorded at Document No. 2007205042 of the Official Public Records of Travis County, Texas, and more particularly described by metes and bounds in the attached **Exhibit A-6**;
6. Approximately 2.785 acres of land, conveyed to Travis County for the right of way of Heatherwilde Blvd. by the Special Warranty Deed recorded at Document No. 2007205042 of the Official Public Records of Travis County, Texas, and more particularly described by metes and bounds in the attached **Exhibit A-7**;
7. Approximately 35.03 acres of land, previously final platted as Village at Northtown, Section One Final Plat, and more particularly described by **Exhibit A-8**.

DESCRIPTION OF 326.72 ACRES OF LAND SITUATED IN THE ALEXANDER WALTERS SURVEY NUMBER 67, ABSTRACT NUMBER 791, AND THE L.C. CUNNINGHAM SURVEY NUMBER 68, ABSTRACT NUMBER 163, IN TRAVIS COUNTY, TEXAS, AND BEING COMPRISED OF FOUR (4) TRACTS OF LAND; BEING THAT SAME 271.148 ACRES TRACT DESCRIBED AS (TRACT I) OF LAND CONVEYED TO VILLAGE @ NORTHTOWN, LTD, BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2000156544, ALL OF THAT 29.551 ACRE TRACT OF LAND CONVEYED TO JEFFERCINDERSHAM, LTD, BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2000102831, AND ALL OF THAT 26.221 ACRES OF LAND DESCRIBED AS TWO TRACTS BEING 9.094 ACRES AND 17.126 ACRES, SAID 26.221 ACRES CONVEYED TO VILLAGE @ NORTHTOWN, LTD., BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2000167035, ALL OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1/2 inch iron rebar found in the east line of Lot 2, Wellpoint One, Section Two, a subdivision of record in Document No. 200100093 of the Official Public Records of Travis County, Texas, the westernmost point of a boundary line agreement by and between Richard T. Weber and Leon Pfluger and wife, Gladys L. Pfluger, filed March 21, 1983 in Volume 8028, Page 448 of the Deed Records of Travis County, Texas, the southwest corner of a 87.656 acre tract of land conveyed to Sun Secured Financing Houston Limited Partnership by instrument of record in Document Number 2002102957 of the Official Public Records of Travis County, Texas, and being the northwest corner of said 271.148 acre tract;

THENCE with said boundary line agreement, the south line of said 87.656 acre tract, and the north line of the 271.148 acre tract the following three (3) courses:

1. S 62°07'19" E a distance of 799.11 feet (record-S 62°07'01" E a distance of 798.90 feet) to a 5/8 inch iron rebar found with plastic cap which reads "RL Surveying 4532",
2. S 62°24'19" E a distance of 663.37 feet (record-S 62°23'32" E a distance of 663.25 feet) to a 5/8 inch iron rebar found with plastic cap which reads "RL Surveying 4532";
3. S 62°23'04" E a distance of 865.13 feet (record-S 62°23'18" E a distance of 865.62 feet) to a 1/2 inch iron rebar found in the west line of Lot 7, Block C, Settler's Meadow, Section Three, a subdivision of record in Document Number 200000241 of the Official Public Records of Travis County, Texas, the southeast corner of said 87.656 acre tract, the northeast corner of said 271.148 acres, and being the northeast corner of this tract;

THENCE S 27°42'11" W (record-S 27°42'27" W), with the east line of said 271.148 acre tract, the west line of said Block C, Settler's Meadow Section Three, and the west line of Lot 1, Block I, Resubdivision of Lot 1, Block I, Settler's Meadow, Section Three, and Lot 5, Block I, Settler's Meadow, Section Four, a subdivision of record in Document No. 200200168 of the Official Public Records of Travis County, Texas, a distance of 460.34 feet (record-460.38 feet) to a 1/2 inch iron rebar found for an angle point in the east line of said 271.148 acre tract, and being the

southwest corner of said Lot 1, Block I, and the westernmost northwest corner of Lot 5, Block I, both of said Resubdivision of Lot 1, Block I, Settler's Meadow, Section Three, and Lot 5, Block I, Settler's Meadow Section Four;

THENCE S 27°51'10" W (record-S 27°51'27" W), continuing with the east line of said 271.148 acre tract, and with the west line of said Block I, Resubdivision of Lot 1, Block I, Settler's Meadow, Section Three, and Lot 5, Block I, Settler's Meadow Section Four, the west line of Gaston-Sheldon Subdivision, Section Three, a subdivision of record in Document Number 200200243 of the Official Public Records of Travis County, Texas, and the west line of Parkside Subdivision, a subdivision of record in Document Number 200400029 of the Official Public Records of Travis County, Texas, a distance of 2552.22 feet (record-2552.22 feet) to a 1/2 inch iron rebar found for an angle point in the east line of said 271.148 acre tract, and the west line of Lot 1, Block H, of said Parkside Subdivision;

THENCE S 27°50'13" W (record-S 27°50'30" W), continuing with the east line of said 271.148 acre tract, and with the west line of said Parkside Subdivision, a distance of 887.72 feet (887.72 feet) to a 1/2 inch iron rebar found at the southeast corner of said 271.148 acre tract, the northeast corner of Silverado Mobile Home Park, a subdivision of record in Volume 85, Pages 88A-88C, Plat Records of Travis County, Texas, an angle point in the west line of said Parkside Subdivision, and being the easternmost southeast corner of this tract, from which point a 1/2 inch iron rebar found bears S 89°10'20" E a distance of 1.21 feet, and from said point, a 1/2 inch iron rebar found for an angle point in the west line of said Parkside Subdivision, and the east line of said Silverado Mobile Home Park bears, S 27°18'50" E a distance of 363.95 feet;

THENCE N 62°32'44" W (record-N 62°32'27" W), with the south line of said 271.148 acre tract and the north line of said Silverado Mobile Home Park, a distance of 1288.68 feet (record-1288.63 feet) to a 3/4 inch iron pipe found for an angle point in the south line of said 271.148 acre tract, the northwest corner of said Silverado Mobile Home Park, the northeast corner of said 29.551 acre tract, and being an interior corner of this tract;

THENCE with the west line of said Silverado Mobile Home Park, and the east line of said 29.551 acre tract the following two (2) courses:

1. S 29°05'00" W a distance of 717.74 feet (record-S 29°05'42" W a distance of 717.86 feet) to a 1/2 inch iron rebar found;
2. S 28°33'28" W a distance of 467.76 feet (record- S 28°34'10" W a distance of 467.76 feet) to a 3/4 inch iron pipe found in the north line of Lot 1, Block A, Northtown West Section One-A, a subdivision of record in Volume 96, Pages 31-33, Plat Records of Travis County, Texas, an angle point in the west line of Silverado Mobile Home Park, the southeast corner of said 29.551 acre tract, and being the southernmost southeast corner of this tract;

THENCE with the south line of said 29.551 acre tract, and the north line of said Lot 1, Block A, Northtown West Section One-A, the following two (2) courses:

MTC

1. N 73°26'37" W a distance of 850.50 feet (record-N 73°25'55" W a distance of 850.50 feet) to a 1/2 inch iron rebar set with aluminum cap stamped "Cunningham-Allen, Inc.";
2. N 62°15'12" W a distance of 159.93 feet (record-N 62°39'01" W a distance of 159.83 feet) to a 1/2 inch iron rebar set with aluminum cap stamped "Cunningham-Allen, Inc." in the east line of Lot 12, Block E, described as Parkland and Drainage Easement, Wildflower Section One, a subdivision of record in Volume 99, Pages 13-16. Plat Records of Travis County, Texas, and being the northwest corner of said Lot 1, Block A, Northtown West Section One-A, and the southwest corner of said 29.551 acre tract, from which point a 1/2 iron rebar found for an angle point in the west line of said Lot 1, Block A, Northtown West Section One-A, and the east line of Lot 12, Block E, Wildflower Section One, bears S 27°18'21" W a distance of 60.00 feet;

THENCE with the west line of the 29.551 acre tract and the east line of said Lot 12, Block E, Wildflower Section One, the following two (2) courses:

1. N 27°17'49" E a distance of 165.07 feet to a 1/2 inch iron rebar found;
2. N 27°01'52" E a distance of 23.85 feet to a 60d Nail found for the southeast corner of said 17.126 acre tract for an interior corner of this tract;

THENCE with the south and west line of said 17.126 acre tract and the north line said Lot 12, Block E, Wildflower Section One, the following four (4) courses:

1. N 76°18'55" W a distance of 277.87 feet (record-N 76°19'05" W a distance of 278.05 feet) to a 60d Nail found;
2. N 67°34'50" W a distance of 213.84 feet (record-N 67°35'00" W a distance of 213.84 feet) to a 60d Nail found for the southwest corner of said 17.126 acre tract and a corner of this tract;
3. N 06°26'53" E a distance of 744.01 feet (record-N 06°26'43" E a distance of 744.01 feet) to a 60d Nail found for an interior corner of this tract;
4. N 44°09'23" W a distance of 154.24 feet (record-N 44°06'24" W a distance of 154.25 feet) to a 60d Nail found for a point on a curve, in the southeast line of a 7.7466 acre tract of land dedicated as Public R.O.W. by instrument of record in Volume 10768, Page 974 of the Real Property Records of Travis County, Texas, the east line of said 271.148 acre tract, and being the northwest corner of said 17.126 acre tract, and being a corner of this tract;

THENCE with the east line of said 271.148 acre tract, the east line of said 7.7466 acre tract, and the west lines of said Wildflower Section One, Wildflower Section Three, a subdivision of record in Document Volume 100, Page 363-365 of the Plat Records of Travis County, Texas, Wildflower Section Four, a subdivision of record in Volume 101, Page 172 of the Plat Records of Travis County, Texas, and the west line of Wildflower Section Five, a subdivision of record in

Document Number 199900299 of the Official Public Records of Travis County, Texas, the following two (2) courses:

1. Along a curve to the left having a radius of 1402.92 feet (record-1402.92 feet), an arc length of 951.03 feet (record-951.11 feet), a delta angle of 38°56'20" (record-38°50'37"), and a chord which bears S 47°24'57" W a distance of 932.93 feet (record-S 47°26'14" W a distance of 933.00 feet) to a found 1/2 inch iron rebar for a point of tangency;

2. S 27°58'44" W a distance of 1583.38 feet (record-S 27°58'55" W a distance of 1583.43 feet to a found "X" in concrete at the southeast corner of said 271.148 acre tract and the 7.7466 acre tract, the southwest corner of Lot 32, Block A, of said Wildflower Section Five, and being in the north right-of-way line of Howard Lane West (R.O.W. varies);

THENCE N 61°53'42" W (record-N 61°53'41" W), along the south line of said 271.148 acre tract and the north-right-of-way line of Howard Lane West, a distance of 320.94 feet to a found "X" in concrete at the southwest corner of said 271.148 acre tract and the southeast corner of Lot 3, Block A, Replat of Tech.Ridge Section Four, a subdivision of record in Document Number 200000307 of the Official Public Records of Travis County, Texas, from which point a found "X" in concrete for the southwest corner of Lot 4, and the southeast corner of Lot 1, of said Block A, Replat of Tech.Ridge Section Four, bears N 61°53'42" W a distance of 46.50 feet;

THENCE with the west line of said 271.148 acre tract and the east line of Replat of Tech.Ridge Section Four, the following three (3) courses:

1. N 27°36'52" E a distance of 730.00 feet (record-N 27°38'43" E a distance of 730.34 feet) to a found 1/2 inch iron rebar;

2. N 27°12'15" E a distance of 523.00 feet (record-N27°12'28" E a distance of 522.86 feet) to a found 1/2 inch iron rebar;

3. N 27°37'06" E (record-N 27°37'18" E), passing at a distance of 1188.80 feet (record-1180.70 feet) a 1/2 inch iron rebar at the northeast corner of Lot 3, Block A, Replat of Tech.Ridge Section Four and the southeast corner of a 17.041 acre tract conveyed as Tract II to Sealy Heatherwilde, LP by instrument of record in Document Number 2000101896 of the Official Public Records of Travis County, Texas, passing at a distance of 1759.39 feet (record-1759.29 feet) a 1/2 inch iron rebar found at an angle point in the west line of the 271.148 acre tract and being the southwest corner of said 9.094 acre tract, from which point a 1/2 inch iron rebar found at an angle point in the south line of the 9.094 acre tract and the north line of the 7.7466 acre tract, bears S 63°15'34" E a distance of 1441.81 feet (record-S 63°15'17" E a distance of 1441.77 feet); and continuing with the west line of the 9.094 acre tract and the east line of the 17.041 acre tract a distance of 1821.92 feet to a found 3/8 inch iron rebar;

THENCE N 31°20'20" E (record-N 31°19'54" E), with the west line of the 9.094 acre tract and continuing with the east line of the 17.041 acre tract a distance of 19.29 feet (record-19.28 feet) to a found 3/8 inch iron rebar;

THENCE N 27°29'11" E (record-N 27°29'33" E), with the west lines of the 9.094 acre tract and the 271.148 acre tract, and continuing with the east line of the 17.041 acre tract a distance of 1002.48 feet (record-1002.51 feet) to a found 1/2 inch iron rebar for an exterior angle point in the west line of the 271.148 acre tract, the northeast corner of the 17.041 acre tract, and being in the south line of a 116.9180 acre tract of land conveyed as Exhibit A-2 Tract Two to New Wells Point Partners, LTD, by instrument of record in Document Number 1999046435 of the Official Public Records of Travis County, Texas;

THENCE with the south line of said 116.9180 acre tract and the west line of the 271.148 acre tract the following two (2) courses:

1. S 63°20'10" E a distance of 71.42 feet (record-S 63°21'00" E a distance of 71.40 feet) to a found 1/2 inch iron pipe;
2. S 61°49'50" E (record-S61°49'33" E), a distance of 1469.09 feet (record-1469.08 feet) to a 1/2 inch iron rebar found for an interior ell corner of this tract;

THENCE with the west line of the 271.148 acre tract, and the east line of said 116.9180 acre tract, a 10.51 acre tract of land described as a drainage easement conveyed to the City of Pflugerville by Instrument of record in Document Number 2006127401 Official Public Records of Travis County, Texas, the following two (2) courses:

1. N 27°48'03" E a distance of 1331.18 feet (record-N 27°48'11" E a distance of 1331.18 feet) to a 1/2 inch iron rebar found;
2. N 27°42'35" E a distance of 1454.15 feet (record-N 27°42'43" E a distance of 1454.12 feet) to the POINT OF BEGINNING, containing 326.72 acres of land more or less within this Metes and Bounds description.

Notes:

1. Bearing Reference: Texas Coordinate System of 1983 Central Zone (CORS96), as derived from an OPUS solution dated April 06.
2. Reference is herein made to a separate survey plat accompanying this Metes & Bounds description.
3. All iron rods set with plastic cap stamped "CUNNINGHAM ALLEN INC."

I hereby certify that this description was prepared from the results of a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.



Miguel A. Escobar
Registered Professional Land Surveyor No. 5630
State of Texas
Date: 12 FEB 08



DESCRIPTION

BEING 12.746 ACRES OF LAND SITUATED IN THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT NO. 791, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 271.148 ACRE TRACT OF LAND DESCRIBED AS TRACT 1, CONVEYED TO VILLAGE @ NORTHTOWN, LTD., IN DEED RECORDED IN DOCUMENT NO. 2000156544, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" in concrete (concrete monument) found for the beginning of a curve to the left in the southeasterly right-of-way line of John Henry Faulk Drive (70' R.O.W.) and the northeasterly right-of-way line of Harris Ridge Boulevard (64' R.O.W.), as described in that certain right-of-way dedication recorded in Document No. 2010148072, of the Official Public Records of Travis County, Texas;

THENCE with said curve to the left, having a radius of 1339.00 feet, an arc length of 27.21 feet, a delta angle of 01°09'51", and a chord which bears North 42°29'17" East, a distance of 27.21 feet to a ½ inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" found for the easternmost corner of said John Henry Faulk Drive from which a ½ inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" found the north corner of said John Henry Faulk Drive, bears North 47°56'15" West, a distance of 70.00 feet;

THENCE over and across said 271.148 acre tract the following sixty-one (61) courses and distances:

- 1) Continuing with said curve to the left, having a radius of 1339.00 feet, an arc length of 0.79 feet, a delta angle of 0°02'02", and a chord which bears North 41°53'28" East, a distance of 0.79 feet to a point;
- 2) South 78°37'20" East, a distance of 119.51 feet to a point at the beginning of a non-tangential curve to the right
- 3) With said non-tangential curve to the right, having a radius of 60.00 feet, an arc length of 81.34 feet, a delta angle of 77°40'26", and a chord which bears North 49°03'46" East, a distance of 75.25 feet to a point at the beginning of a curve to the left;
- 4) With said curve to the left, having a radius of 25.39 feet, an arc length of 23.85 feet, a delta angle of 53°50'10", and a chord which bears North 60°58'53" East, a distance of 22.99 feet to a point
- 5) North 34°03'48" East, a distance of 19.51 feet to a point;
- 6) South 55°56'12" East, a distance of 50.00 feet to a point;
- 7) South 34°03'48" West, a distance of 11.13 feet to a point;

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23 JUNE 2011

- 8) South $55^{\circ}56'12''$ East, a distance of 137.78 feet to a point;
- 9) North $31^{\circ}20'13''$ East, a distance of 138.09 feet to a point;
- 10) North $26^{\circ}05'13''$ East, a distance of 159.32 feet to a point;
- 11) North $18^{\circ}48'13''$ East, a distance of 187.96 feet to a point;
- 12) North $63^{\circ}37'38''$ West, a distance of 20.43 feet to a point;
- 13) North $26^{\circ}22'22''$ East, a distance of 171.83 feet to a point;
- 14) North $66^{\circ}15'48''$ West, a distance of 40.04 feet to a point;
- 15) North $63^{\circ}37'49''$ West, a distance of 80.00 feet to a point;
- 16) North $66^{\circ}47'04''$ West, a distance of 15.00 feet to a point;
- 17) North $23^{\circ}12'56''$ East, a distance of 38.71 feet to a point;
- 18) North $29^{\circ}50'13''$ West, a distance of 27.62 feet to a point;
- 19) North $60^{\circ}09'47''$ East, a distance of 58.00 feet to a point;
- 20) North $01^{\circ}47'33''$ East, a distance of 160.50 feet to a point;
- 21) North $66^{\circ}12'27''$ West, a distance of 16.36 feet to a point;
- 22) North $88^{\circ}12'27''$ West, a distance of 62.58 feet to a point at the beginning of a non-tangential curve to the left;
- 23) With said non-tangential curve to the left, having a radius of 23.50 feet, an arc length of 12.50 feet, a delta angle of $30^{\circ}28'56''$, and a chord which bears South $17^{\circ}02'02''$ West, a distance of 12.36 feet to a point;
- 24) South $01^{\circ}47'33''$ West, a distance of 23.00 feet to a point;
- 25) North $88^{\circ}12'27''$ West, a distance of 30.00 feet to a point;
- 26) North $01^{\circ}47'33''$ East, a distance of 23.00 feet to a point at the beginning of a curve to the left;
- 27) With said curve to the left, having a radius of 23.50 feet, an arc length of 36.91 feet, a delta angle of $90^{\circ}00'00''$, and a chord which bears North $43^{\circ}12'27''$ West, a distance of 33.23 feet to a point;
- 28) North $88^{\circ}12'27''$ West, a distance of 23.00 feet to a point;
- 29) North $01^{\circ}47'33''$ East, a distance of 30.00 feet to a point;
- 30) South $88^{\circ}12'27''$ East, a distance of 38.23 feet to a point;
- 31) North $01^{\circ}47'43''$ East, a distance of 98.50 feet to a point;
- 32) South $88^{\circ}12'27''$ East, a distance of 108.89 feet to a point;
- 33) South $71^{\circ}09'13''$ East, a distance of 147.68 feet to a point;

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23 JUNE 2011

- 34) South $18^{\circ}02'22''$ East, a distance of 168.17 feet to a point;
- 35) South $00^{\circ}01'37''$ West, a distance of 168.30 feet to a point;
- 36) South $66^{\circ}15'48''$ East, a distance of 129.03 feet to a point;
- 37) North $26^{\circ}36'19''$ East, a distance of 113.93 feet to a point;
- 38) South $63^{\circ}23'41''$ East, a distance of 92.95 feet to a point;
- 39) South $26^{\circ}26'52''$ East, a distance of 37.13 feet to a point;
- 40) South $31^{\circ}50'48''$ West, a distance of 53.43 feet to a point;
- 41) South $24^{\circ}48'06''$ East, a distance of 44.99 feet to a point;
- 42) South $72^{\circ}44'53''$ East, a distance of 63.84 feet to a point;
- 43) South $13^{\circ}44'25''$ West, a distance of 261.23 feet to a point;
- 44) South $09^{\circ}43'56''$ West, a distance of 165.50 feet to a point;
- 45) North $76^{\circ}17'11''$ West, a distance of 189.26 feet to a point;
- 46) South $21^{\circ}20'01''$ West, a distance of 14.00 feet to a point;
- 47) South $21^{\circ}50'15''$ West, a distance of 42.16 feet to a point;
- 48) South $22^{\circ}53'26''$ West, a distance of 42.21 feet to a point;
- 49) South $23^{\circ}56'39''$ West, a distance of 42.21 feet to a point;
- 50) South $24^{\circ}59'53''$ West, a distance of 42.21 feet to a point;
- 51) South $26^{\circ}03'06''$ West, a distance of 42.21 feet to a point;
- 52) South $27^{\circ}06'19''$ West, a distance of 42.21 feet to a point;
- 53) South $28^{\circ}09'33''$ West, a distance of 42.21 feet to a point;
- 54) South $29^{\circ}12'46''$ West, a distance of 42.21 feet to a point;
- 55) South $30^{\circ}16'00''$ West, a distance of 42.21 feet to a point;
- 56) South $31^{\circ}19'13''$ West, a distance of 42.21 feet to a point;
- 57) South $32^{\circ}22'27''$ West, a distance of 42.21 feet to a point;
- 58) South $33^{\circ}25'40''$ West, a distance of 42.21 feet to a point;
- 59) South $34^{\circ}28'53''$ West, a distance of 42.21 feet to a point;
- 60) South $35^{\circ}31'01''$ West, a distance of 40.75 feet to a point;
- 61) South $35^{\circ}55'55''$ West, a distance of 52.84 feet to a point in the curving northeast right-of-way line of said Harris Ridge Boulevard, from which a $\frac{1}{2}$ inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" found in said northeast right-of-way, for a point of

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23 JUNE 2011

tangency, bears a chord bearing and distance of South 60°56'45" East, a distance of 61.97 feet;

THENCE with said northeast right-of-way, the following three (3) courses and distances:

- 1) With a curve to the right, having a radius of 1,468.00 feet, an arc length of 379.07 feet, a delta angle of 14°47'43", and a chord which bears North 52°20'20" West, a distance of 378.02 feet to a ½ inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" found;
- 2) North 44°56'29" West, a distance of 259.47 feet to a ½ inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" found at the beginning of a curve to the right;
- 3) With said curve to the right, having a radius of 15.00 feet, an arc length of 23.04 feet, a delta angle of 88°00'41", and a chord which bears North 00°56'09" West, a distance of 20.84 feet to the POINT OF BEGINNING, containing 12.746 acres, more or less, of land.

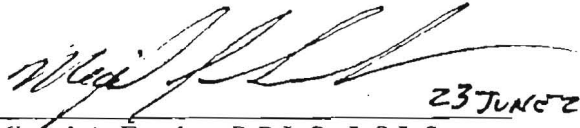
Reference is herein made to the sketch of this tract accompanying this metes and bounds description.

Subject tract shown hereon is for a Construction Agreement. No monumentation set for corners. Monuments will be set at time of platting.

BEARING BASIS: The Texas Coordinate System of 1983, Central Zone (NAD 83 (CORS96)). All distances were adjusted to the surface using a surface adjustment factor of 1.00009981. (surface = grid * surface adjustment factor)

I certify that this description was prepared from a survey made in April, 2011 on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.


23 JUNE 2011
Miguel A. Escobar, R.P.L.S., L.S.L.S.
Texas Reg. No. 5630
3103 Bee Caves Rd., Ste. 202
Austin, TX 78746
512.327.2946

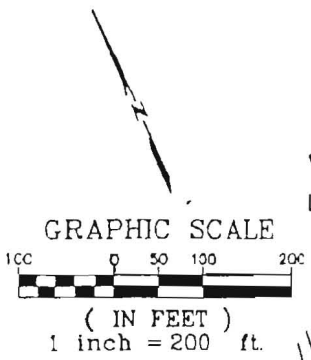


REFERENCES

TCAD #: 0267310137
AUSTIN GRID #: N35

SKETCH TO ACCOMPANY DESCRIPTION

CONSTRUCTION AGREEMENT
 VILLAGE AT NORTHTOWN, SECTION 2, PHASE 1
 SHEET 1 OF 2



(271.148 AC - TRACT I)
 VILLAGE @ NORTHTOWN, LTD.
 DOCUMENT NO. 2000156544
 OPR

ALEXANDER WALTERS
 SURVEY NO. 07
 ABSTRACT NO. 791
 TRAVIS COUNTY, TEXAS

10' NATURAL GAS ESMT.
 ENSEARCH CORPORATION
 VOLUME 9946, PAGE 416
 RPR

WATER AND
 WASTEWATER EASEMENT
 DOCUMENT NO. 2009113943
 OPR

SEE
 DETAIL

JOHN HENRY FAULK DR.
 (70' R.O.W.)
 DOCUMENT NO. 2010148072
 OPR

HARRIS RIDGE BLVD.
 (64' R.O.W.)
 DOCUMENT NO. 2010148072
 OPR

12.746
 ACRES

ZONE 1
 FULLY DEVELOPED
 100% CRITICAL WAREHOUSE/OUTLET BUTTER
 ENVIRONMENTAL

LOT 2
 BLOCK H

LOT 1
 BLOCK H
 PARKSIDE
 SUBDIVISION
 DOCUMENT NO.
 200400029
 OPR

LEGEND

- 1/2" IRON REBAR FOUND W/ CAP STAMPED "CUNNINGHAM-ALLEN, INC." (UNLESS STATED)
- 1/2" IRON REBAR FOUND W/CAP STAMPED "CUNNINGHAM ALLEN INC." IN CONCRETE
- RPR REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- OPR OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS
- R.O.W. RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING



3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Cunningham Allen

Tel: (512) 327-2946

Engineers • Surveyors

Fax: (512) 327-2973

Handwritten: H.A.C. 23 JUL 2011

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SKETCH TO ACCOMPANY DESCRIPTION

CONSTRUCTION AGREEMENT
VILLAGE AT NORTHTOWN, SECTION 2, PHASE 1
SHEET 2 OF 2

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N47°56'15"W	70.00'
L2	S78°37'20"E	119.51'
L3	N34°03'48"E	19.51'
L4	S55°56'12"E	50.00'
L5	S34°03'48"W	11.13'
L6	S55°56'12"E	137.78'
L7	N31°20'13"E	138.09'
L8	N26°05'13"E	159.32'
L9	N18°48'13"E	187.96'
L10	N63°37'38"W	20.43'
L11	N26°22'22"E	171.83'
L12	N66°15'48"W	40.04'
L13	N63°37'49"W	80.00'
L14	N66°47'04"W	15.00'
L15	N23°12'56"E	38.71'
L16	N29°50'13"W	27.62'
L17	N60°09'47"E	58.00'
L18	N01°47'33"E	160.50'
L19	N66°12'27"W	16.36'
L20	N88°12'27"W	62.58'
L21	S01°47'33"W	23.00'
L22	N88°12'27"W	30.00'
L23	N01°47'33"E	23.00'
L24	N88°12'27"W	23.00'
L25	N01°47'33"E	30.00'
L26	S88°12'27"E	38.23'
L27	N01°47'43"E	98.50'
L28	S88°12'17"E	108.89'
L29	S71°09'13"E	147.68'
L30	S18°02'22"E	168.17'
L31	S00°01'37"W	168.30'
L32	S66°15'48"E	129.03'
L33	N26°36'19"E	113.93'
L34	S63°23'41"E	92.95'
L35	S26°26'52"E	37.13'
L36	S31°50'48"W	53.43'
L37	S24°48'06"E	44.99'
L38	S72°44'53"E	63.84'
L39	S13°44'25"W	261.23'
L40	S09°43'56"W	165.50'
L41	N76°17'11"W	189.26'
L42	S21°20'01"W	14.00'
L43	S21°50'15"W	42.16'
L44	S22°53'26"W	42.21'
L45	S23°56'39"W	42.21'
L46	S24°59'53"W	42.21'
L47	S26°03'06"W	42.21'
L48	S27°06'19"W	42.21'
L49	S28°09'33"W	42.21'
L50	S29°12'46"W	42.21'
L51	S30°16'00"W	42.21'
L52	S31°19'13"W	42.21'
L53	S32°22'27"W	42.21'
L54	S33°25'40"W	42.21'
L55	S34°28'53"W	42.21'
L56	S35°31'01"W	40.75'
L57	S35°55'55"W	52.84'
L58	N44°56'29"W	259.47'

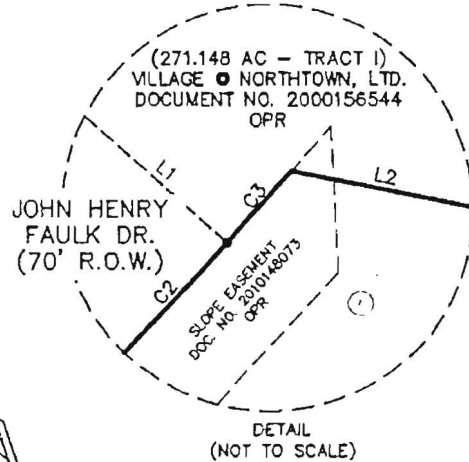
CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG.	CHORD
C1	15.00'	23.04'	88°00'41"	N00°56'09"W	20.84'
C2	1339.00'	27.21'	1°09'51"	N42°29'17"E	27.21'
C3	1339.00'	0.79'	0°02'02"	N41°53'28"E	0.79'
C4	60.00'	81.34'	77°40'26"	N49°03'46"E	75.25'
C5	25.39'	23.85'	53°50'10"	N60°58'53"E	22.99'
C6	23.50'	12.50'	30°28'56"	S17°02'02"W	12.36'
C7	23.50'	36.91'	90°00'00"	N43°12'27"W	33.23'
C8	1468.00'	61.97'	2°25'07"	S60°56'45"E	61.97'
C9	1468.00'	379.07'	14°47'43"	N52°20'20"W	378.02'

REFERENCE IS HEREON MADE TO THE METES AND BOUNDS DESCRIPTION OF THIS TRACT ACCOMPANYING THIS SKETCH.

SUBJECT TRACT SHOWN HEREON IS FOR A CONSTRUCTION AGREEMENT. NO MONUMENTATION SET FOR CORNERS. MONUMENTS WILL BE SET AT OF PLATTING.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (NAD 83 (CORSS96)). ALL DISTANCES WERE ADJUSTED TO THE SURFACE USING A SURFACE ADJUSTMENT FACTOR OF 1.00009981. (SURFACE = GRID * SURFACE ADJUSTMENT FACTOR)

DATE OF LAST FIELDWORK: APRIL, 2011



SURVEYED BY:

Miguel Angelescobar

MIGUEL A. ESCOBAR, RPLS, LSLs
TX REG. NO. 5630
DATE: 23 JUNE 2011



3103 Bee Cave Road, Suite 202
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Engineers • Surveyors

Fax: (512) 327-2973

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EXHIBIT A-3

Construction Agreement
6.008 Acres
Alexander Walters Survey No. 67
Abstract No. 791
Travis County, Texas

DESCRIPTION

BEING 6.008 ACRES OF LAND SITUATED IN THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT NO. 791, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 271.148 ACRE TRACT OF LAND DESCRIBED AS TRACT 1, CONVEYED TO VILLAGE @ NORTHTOWN, LTD., IN DEED RECORDED IN DOCUMENT NO. 2000156544, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½ inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" in concrete (concrete monument) found for the beginning of a curve to the left in the southeasterly right-of-way line of John Henry Faulk Drive (70' R.O.W.) and the northeasterly right-of-way line of Harris Ridge Boulevard (64' R.O.W.), as described in that certain right-of-way dedication recorded in Document No. 2010148072, of the Official Public Records of Travis County, Texas;

THENCE with said curve to the left, having a radius of 1339.00 feet, an arc length of 27.21 feet, a delta angle of 01°09'51", and a chord which bears North 42°29'17" East, a distance of 27.21 feet to a ½ inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" found for the easternmost corner of said John Henry Faulk Drive, from which a ½ inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" found for the north corner of said John Henry Faulk Drive, bears North 47°56'15" West, a distance of 70.00 feet;

THENCE continuing with said curve to the left, having a radius of 1339.00 feet, an arc length of 0.79 feet, a delta angle of 00°02'02", and a chord which bears North 42°53'28" East, a distance of 0.79 feet to the POINT OF BEGINNING of the herein described tract;

THENCE over and across said 271.148 acre tract the following thirty-three (33) courses and distances:

- 1) Continuing with said curve to the left, having a radius of 1339.00 feet, an arc length of 1024.40 feet, a delta angle of 43°50'02", and a chord which bears North 19°57'19" East, a distance of 999.60 feet to a point;
- 2) North 01°57'42" West, a distance of 60.33 feet to a point;
- 3) South 88°12'17" East, a distance of 95.90 feet to a point;
- 4) South 01°47'43" West, a distance of 98.50 feet to a point;
- 5) North 88°12'27" West, a distance of 38.23 feet to a point;
- 6) South 01°47'33" West, a distance of 30.00 feet to a point;
- 7) South 88°12'27" East, a distance of 23.00 feet to a point at the beginning of a curve to the right;

*Made
22 June 2011*

- 8) With said curve to the right, having a radius of 23.50 feet, an arc length of 36.91 feet, a delta angle of $90^{\circ}00'00''$, and a chord which bears South $43^{\circ}12'27''$ East, a distance of 33.23 feet to a point
- 9) South $01^{\circ}47'33''$ West, a distance of 23.00 feet to a point;
- 10) South $88^{\circ}12'27''$ East, a distance of 30.00 feet to a point;
- 11) North $01^{\circ}47'33''$ East, a distance of 23.00 feet to a point at the beginning of a curve to the right;
- 12) With said curve to the right, having a radius of 23.50 feet, an arc length of 12.50 feet, a delta angle of $30^{\circ}29'02''$, and a chord which bears North $17^{\circ}02'03''$ East, a distance of 12.36 feet to a point
- 13) South $88^{\circ}12'27''$ East, a distance of 62.58 feet to a point;
- 14) South $66^{\circ}12'27''$ East, a distance of 16.36 feet to a point
- 15) South $01^{\circ}47'33''$ West, a distance of 160.50 feet to a point;
- 16) South $60^{\circ}09'47''$ West, a distance of 58.00 feet to a point;
- 17) South $29^{\circ}50'13''$ East, a distance of 27.62 feet to a point;
- 18) South $23^{\circ}12'56''$ West, a distance of 38.71 feet to a point;
- 19) South $66^{\circ}47'04''$ East, a distance of 15.00 feet to a point;
- 20) South $63^{\circ}37'49''$ East, a distance of 80.00 feet to a point;
- 21) South $66^{\circ}15'48''$ East, a distance of 40.04 feet to a point;
- 22) South $26^{\circ}22'22''$ West, a distance of 171.83 feet to a point;
- 23) South $63^{\circ}37'38''$ East, a distance of 20.43 feet to a point;
- 24) South $18^{\circ}48'13''$ West, a distance of 187.96 feet to a point;
- 25) South $26^{\circ}05'13''$ West, a distance of 159.32 feet to a point;
- 26) South $31^{\circ}20'13''$ West, a distance of 138.09 feet to a point;
- 27) North $55^{\circ}56'12''$ West, a distance of 137.78 feet to a point;
- 28) North $34^{\circ}03'48''$ East, a distance of 11.13 feet to a point;
- 29) North $55^{\circ}56'12''$ West, a distance of 50.00 feet to a point;
- 30) South $34^{\circ}03'48''$ West, a distance of 19.51 feet to a point at the beginning of a curve to the right;
- 31) With said curve to the right, having a radius of 25.39 feet, an arc length of 23.85 feet, a delta angle of $53^{\circ}50'10''$, and a chord which bears South $60^{\circ}58'53''$ West, a distance of 22.99 feet to a point at the beginning of a curve to the left;

Mds
22 June 2011

- 32) With said curve to the left, having a radius of 60.00 feet, an arc length of 81.34 feet, a delta angle of $77^{\circ}40'26''$, and a chord which bears South $49^{\circ}03'46''$ West, a distance of 75.25 feet to a point;
- 33) North $78^{\circ}37'20''$ West, a distance of 119.51 feet to the POINT OF BEGINNING, containing 6.008 acres, more or less, of land.

Reference is herein made to the sketch of this tract accompanying this metes and bounds description.

Subject tract shown hereon is for a Construction Agreement. No monumentation set for corners. Monuments will be set at time of platting.

BEARING BASIS: The Texas Coordinate System of 1983, Central Zone (NAD 83 (CORS96)). All distances were adjusted to the surface using a surface adjustment factor of 1.00009981. (surface = grid * surface adjustment factor)

I certify that this description was prepared from a survey made in April, 2011 on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

 22 JUN 2011

Miguel A. Escobar, RPLS, LSLs
Texas Reg. No. 5630
3103 Bee Caves Rd., Ste. 202
Austin, TX 78746
512.327.2946



REFERENCES

TCAD #: 0267310137
AUSTIN GRID #: N35

SKETCH TO ACCOMPANY DESCRIPTION

CONSTRUCTION AGREEMENT
VILLAGE AT NORTHTOWN,
SECTION 2, PHASE 2
SHEET 1 OF 1

REFERENCE IS HEREON MADE TO THE METES AND BOUNDS DESCRIPTION OF THIS TRACT ACCOMPANYING THIS SKETCH.

SUBJECT TRACT SHOWN HEREON IS FOR A CONSTRUCTION AGREEMENT. NO MONUMENTATION SET FOR CORNERS. MONUMENTS WILL BE SET AT OF PLATTING.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (NAD 83 (CORS96)). ALL DISTANCES WERE ADJUSTED TO THE SURFACE USING A SURFACE ADJUSTMENT FACTOR OF 1.00009981. (SURFACE = GRID * SURFACE ADJUSTMENT FACTOR)

DATE OF LAST FIELDWORK: APRIL, 2011

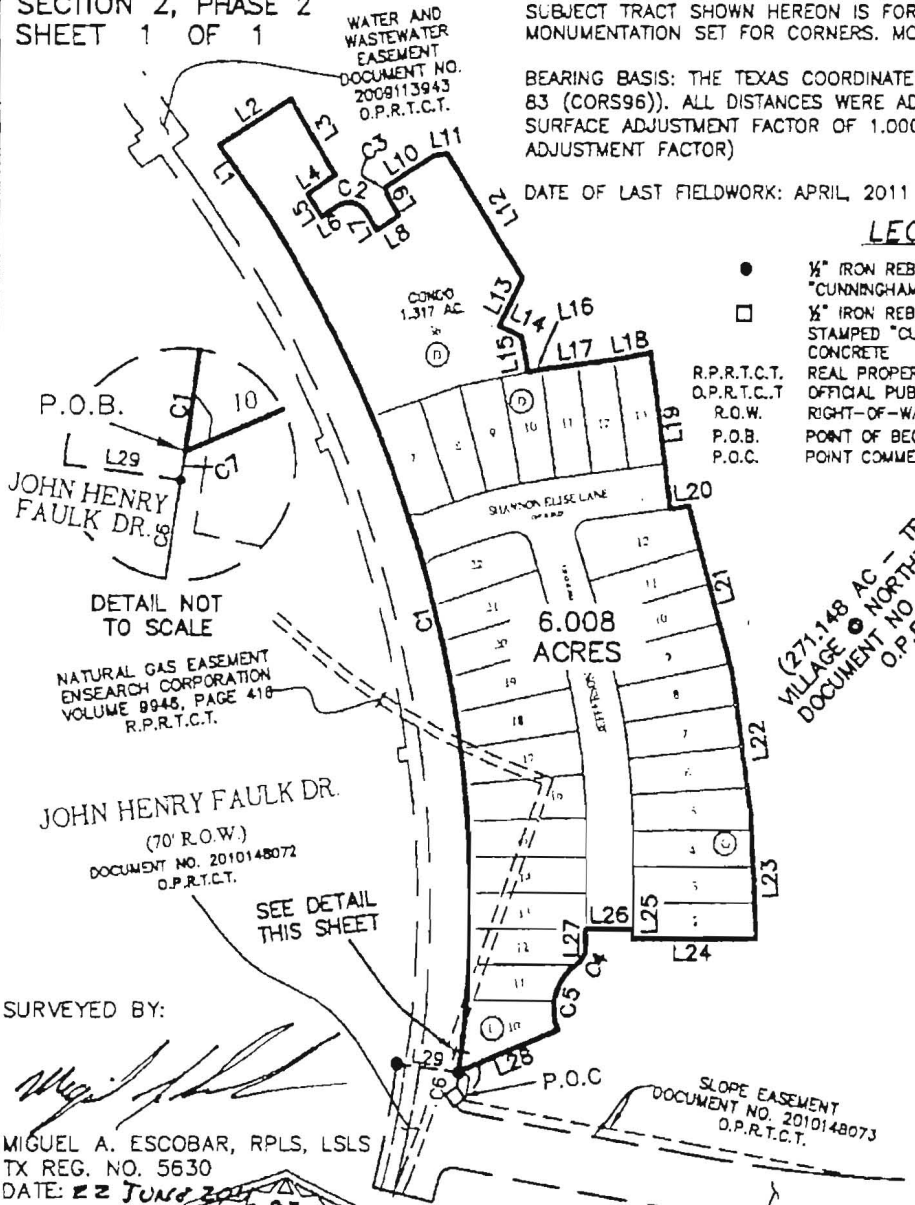
LEGEND

- ½" IRON REBAR FOUND W/ CAP STAMPED "CUNNINGHAM-ALLEN, INC." (UNLESS STATED)
- ½" IRON REBAR FOUND W/CAP STAMPED "CUNNINGHAM ALLEN INC." IN CONCRETE
- R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS
- R.O.W. RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT COMMENCEMENT

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.



(271.148 AC - TRACT 1)
VILLAGE AT NORTHTOWN, LTD.
DOCUMENT NO. 2000156544
O.P.R.T.C.T.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N01°57'42"W	60.33'
L2	S88°12'17"E	95.90'
L3	S01°47'43"W	98.50'
L4	N88°12'27"W	38.23'
L5	S01°47'33"W	30.00'
L6	S88°12'27"E	23.00'
L7	S01°47'33"W	23.00'
L8	S88°12'27"E	30.00'
L9	N01°47'33"E	23.00'
L10	S88°12'27"E	62.58'
L11	S66°12'27"E	16.36'
L12	S01°47'33"W	160.50'
L13	S60°09'47"W	58.00'
L14	S29°50'13"E	27.62'
L15	S23°12'56"W	38.71'
L16	S66°47'04"E	15.00'
L17	S63°37'49"E	80.00'
L18	S66°15'48"E	40.04'
L19	S26°22'22"W	171.83'
L20	S63°37'38"E	20.43'
L21	S18°48'13"W	187.96'
L22	S26°05'13"W	159.32'
L23	S31°20'13"W	138.09'
L24	N55°56'12"W	137.78'
L25	N34°03'48"E	11.13'
L26	N55°56'12"W	50.00'
L27	S34°03'48"W	19.51'
L28	N78°37'20"W	119.51'
L29	N47°56'15"W	70.00'



HARRIS RIDGE BLVD.
(64' R.O.W.)
DOCUMENT NO. 2010148072
O.P.R.T.C.T.

ALEXANDER WALTERS
SURVEY NO. 67
ABSTRACT NO. 791

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG.	CHORD
C1	1339.00'	1024.40'	43°50'02"	N19°57'19"E	999.60'
C2	23.50'	36.91'	90°00'00"	S43°12'27"E	33.23'
C3	23.50'	12.50'	30°29'02"	N17°02'03"E	12.36'
C4	25.39'	23.85'	53°50'10"	S60°58'53"W	22.99'
C5	60.00'	81.34'	77°40'26"	S49°03'46"W	75.25'
C6	1339.00'	27.21'	1°09'51"	N42°29'17"E	27.21'
C7	1339.00'	0.79'	0°02'02"	N41°53'28"E	0.79'

CA
Cunningham | Allen
Engineers • Surveyors

3103 Bee Cave Road, Suite 202
Austin, Texas 78746-6819
Tel.: (512) 327-2946
Fax: (512) 327-2973

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EXHIBIT A-4

12.525 Acre Tract
Out of the Village @ Northtown Tract
Page 1 of 2

DESCRIPTION OF A 12.525 ACRE TRACT OF LAND SITUATED IN THE ALEXANDER WALTERS SURVEY NUMBER 67, ABSTRACT NUMBER 791, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 271.148 ACRE TRACT OF LAND DESCRIBED AS TRACT 1, IN A DEED TO VILLAGE @ NORTHTOWN LTD, RECORDED IN DOCUMENT NUMBER 2000156544, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 12.525 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING, at a 1/2 inch iron rod found with a cap marked "Austin Surveyors" in the east line of said Village @ Northtown Tract, same being a point in the south right of way line of Harris Ridge Boulevard (64 Feet right of way width) as dedicated by plat of Parkside Subdivision recorded in Document Number 200400029 of the Official Public Records of Travis County, Texas, same being the northwest corner of Lot 2, Block "F" of said Parkside Subdivision. Also being the northeast corner of the herein described tract

THENCE, S 27° 41' 46" W 432.40 following the west line of said Lot 2, Block "F" of said Parkside Subdivision to a 1/2 inch iron rod found for the northeast corner of the Silverado Mobile Home Park recorded in Volume 85, Pages 88A-88C of the Plat records of Travis County, Texas, same being the south corner of the herein described tract

THENCE, N 62° 34' 05" W 1289.55 following the north line of said Silverado Mobile Home same being the south line of said Village @ Northtown tract to a 3/4" iron pipe found for the northeast corner of a 29.551 acre tract of land described in a deed to Jeffercindershan Ltd. Recorded in Document Number 2000102831 of the Official Public Records of Travis County, Texas, Same being the most westerly southwest corner of the herein described tract

THENCE, leaving the north line of Silverado Mobile Home, and crossing said Village @ Northtown 271.148 acre tract the following six (7) courses:

1) N 17° 01' 49" W 38.54 feet to a 1/2 inch iron rod found with a cap marked "Cunningham-Allen, Inc" for the beginning of a non-tangent curve to the left

2) Along said non-tangent curve to the left having a radius of 1339.00, a length of 639.21 feet with a chord which bears N 61° 53' 50" E a chord length of 633.16 feet to a 1/2 inch iron rod found with a cap marked "Cunningham-Allen, Inc" for the beginning of a reverse curve to the right,

3.) Along said non-tangent curve to the left, having a radius of 1339.00, a length of 27.39 feet with a chord which bears N 47° 39' 44" E a chord length of 27.39 feet to a ½ inch iron rod found with a cap marked "Cunningham-Allen, Inc." for the beginning of a reverse curve to the right,

4.) Along said curve to the right, having a radius of 15.00 feet, a length of 23.03 with a chord which bears S 88° 56' 26" E a chord length of 20.83 to a ½ inch iron rod found with a cap marked "Cunningham-Allen, Inc."

5.) S 44° 57' 26" E 259.44 feet to a ½ inch iron rod found with a cap marked "Cunningham-Allen, Inc." for the beginning of a curve to the left;

6.) Along said curve to the left, having a radius of 1532.00 feet, a length of 459.90 with a chord which bears S 53° 32' 36" E a chord length of 458.17, to a ½ inch iron rod found with a cap marked "Cunningham-Allen, Inc."

7.) S 62° 08' 36" E 232.33, to the **POINT OF BEGINNING** and containing 12.525 acres more or less.

That I, Victor M. Gil, a Registered Professional Land Surveyor, do hereby state that the description provided hereon is true and correct to the best of my knowledge


Victor M. Gil R.P.L.S. No. 5417



Benchmark.
This project is referenced to the Texas Coordinate system of 1983, Central Zone. All distances are horizontal surface distances unless noted. All coordinates are referenced to Point 1. The convergence angle at Panel Point 1 is 1°23'3.83". The Combined Factor at Panel Point 1 is 0.99990160. Grid distance = Surface distance x CF. Geodetic North = Grid north + convergence angle. Coordinates for Panel Point 1 N=10127826.06 E3143670.35= US Survey Foot Orthometric height was derived from Geoid03 and is referenced to North American Vertical Datum 1988 (NAVD88) Elevation=727.166 US Survey Foot.

EXHIBIT A-5

RIGHT OF WAY DEDICATION
1.638 Acres of Land
Alexander Walters Survey No. 67
Abstract No. 791
Travis County, Texas

DESCRIPTION

BEING 1.638 ACRES OF LAND SITUATED IN THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT NUMBER 791, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF TRACT 1, (271.148 ACRES SAVE AND EXCEPT 7.750 ACRES), CONVEYED TO VILLAGE @ NORHTOWN, LTD., DESCRIBED IN DEED RECORDED IN DOCUMENT NO. 2000156544, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." found in the east line of said Village @ Northtown tract, at its intersection with the north right-of-way line of Harris Ridge Boulevard (64' right-of-way), as dedicated by Parkside Subdivision, according to the map or plat thereof recorded in Document No. 200400029, of the Official Public Records of Travis County, Texas, and for the southwest corner of Lot 1, Block "H", of said Parkside Subdivision;

THENCE South 27°50'13" West (bearing reference) along the common line of said TRACT 1 and said Parkside Subdivision, and the west line of said Harris Ridge Boulevard right of way, a distance of 64.00 feet to a 1/2 inch iron rod with cap stamped "Austin Surveyors" found for the northwest corner of Lot 2, Block F, of said Parkside Subdivision and the intersection of the south right of way line of said Harris Ridge Boulevard with the east line of said TRACT 1;

THENCE over and across said TRACT 1 the following thirteen (13) courses and distances:

1. North 62°09'19" West, a distance of 232.00 feet to a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." set at the beginning of a curve;
2. With said curve to the right having a radius of 1,532.00 feet, an arc length of 460.27 feet, a delta angle of 17°12'50", and a chord which bears North 53°32'54" West, a distance of 458.54 feet to a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." set at the point of tangency;
3. North 44°56'29" West, a distance of 259.48 feet to a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." set at the beginning of a curve;
4. With said curve to the left having a radius of 15.00 feet, an arc length of 23.04 feet, a delta angle of 88°00'36", and a chord which bears North 88°56'47" West, a distance of 20.84 feet to a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." set at the point of reverse curvature;
5. With said curve to the right having a radius of 1,339.00 feet, an arc length of 27.41 feet, a delta angle of 1°10'23", and a chord which bears South 47°38'06" West, a distance of 27.41 feet to a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." set at the end of said curve;
6. North 41°46'43" West, a distance of 70.00 feet to a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." set at the beginning of a non tangential curve;
7. With said curve to the left having a radius of 1,269.00 feet, an arc length of 140.07 feet, a delta angle of 06°19'27", and a chord which bears North 45°03'34" East, a distance of 140.00 feet to a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." set at the end of said curve;
8. South 47°56'15" East, a distance of 70.00 feet to a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." set at the beginning of a non tangential curve;
9. With said curve to the right having a radius of 1,339.00 feet, an arc length of 27.21 feet, a delta angle of 1°09'51", and a chord which bears South 42°29'17" West, a distance of 27.21 feet to a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." set at the point of reverse curvature;

RIGHT OF WAY DEDICATION
1.638 Acres of Land
Alexander Walters Survey No. 67
Abstract No. 791
Travis County, Texas

10. With said curve to the left having a radius of 15.00 feet, an arc length of 23.04 feet, a delta angle of 88°00'41", and a chord which bears South 00°56'09" East, a distance of 20.84 feet to a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." set at the point of tangency;
11. South 44°56'29" East, a distance of 259.48 feet to a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." set at the beginning of a curve;
12. With said curve to the left having a radius of 1,468.00 feet, an arc length of 441.04 feet, a delta angle of 17°12'50", and a chord which bears South 53°32'54" East, a distance of 439.39 feet to a 1/2 inch iron rod with cap stamped "Cunningham-Allen, Inc." set at the point of tangency;
13. South 62°09'19" East, a distance of 232.00 feet to the POINT OF BEGINNING containing 1.638 acres of land, more or less, within these metes and bounds.

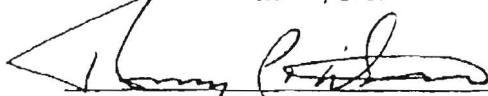
Bearing Reference: Grid North, Texas Coordinate System of 1983 Central Zone (CORS96).

The distances (U.S. Survey Feet) shown herein are surface values modified from grid using a surface adjustment factor (SAF) of 1.00009981. (Surface = Grid x SAF)

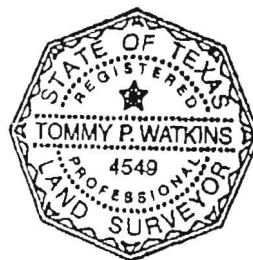
Reference is herein made to the sketch accompanying this metes and bounds description.

I hereby certify that this description was prepared from the results of a survey made on the ground on February 3, 2010, under my supervision.

CUNNINGHAM-ALLEN, INC.

 = 2/24/2010

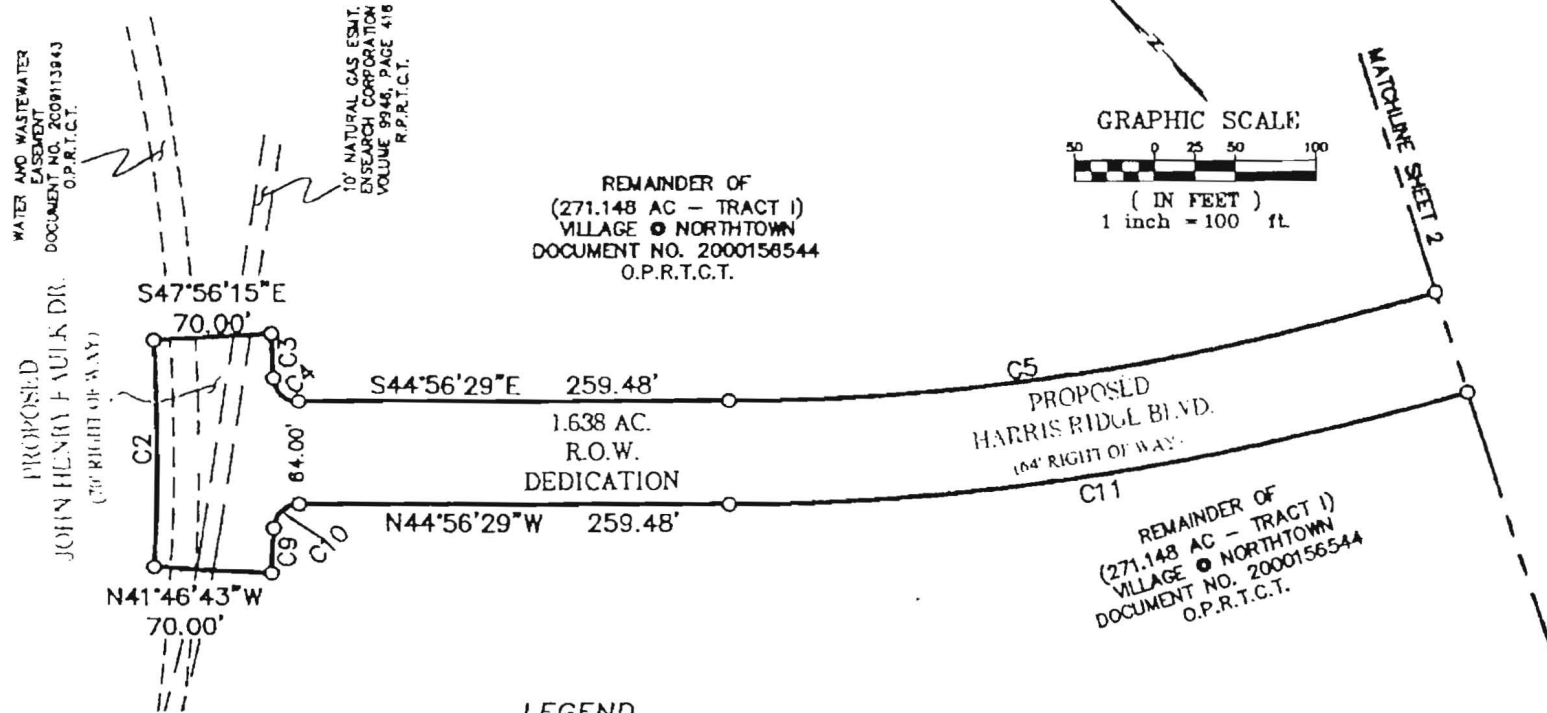
Tommy P. Watkins Date
Registered Professional Land Surveyor No. 4549
State of Texas
3103 Bee Caves Rd., Suite 202
Austin, Tx 78746
Phone: (512) 327-2946



TCAD Parcel No.: 0267310108
City of Austin Grid: N35, N36, P35, P36

SKETCH TO ACCOMPANY DESCRIPTION

RIGHT OF WAY DEDICATION
SHEET 1 OF 2



LEGEND

- 1/2" IRON REBAR FOUND (UNLESS STATED)
- 1/2" IRON REBAR SET W/CAP SET STAMPED "CUNNINGHAM ALLEN INC."
- E.E. ELECTRIC EASEMENT
- R.O.W. RIGHT OF WAY
- R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS
- DOCUMENT NO. DOCUMENT NUMBER
- P.O.B. POINT OF BEGINNING

CA
Cunningham | Allen
Engineers • Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

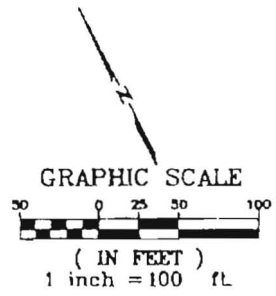
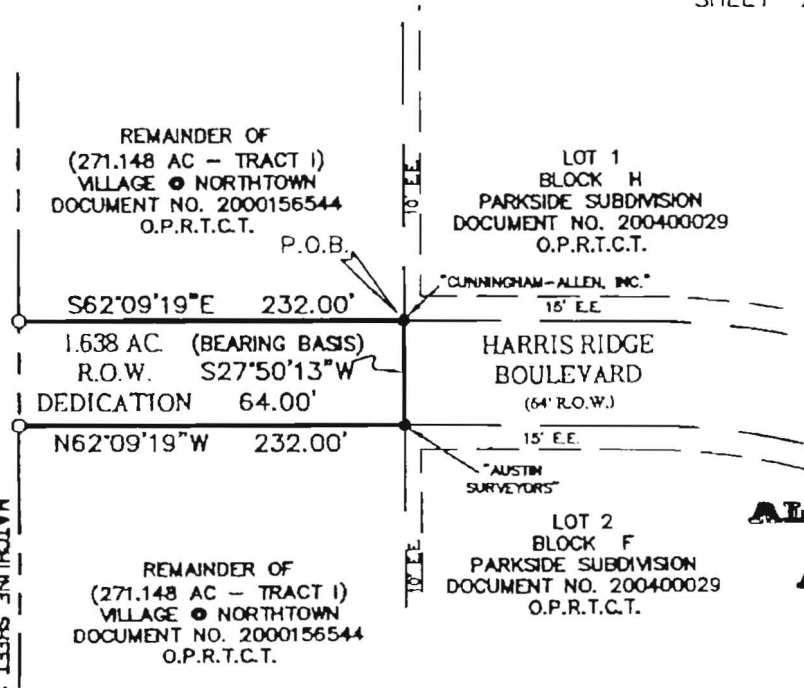
Tel.: (512) 327-2946

Fax: (512) 327-2973

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SKETCH TO ACCOMPANY DESCRIPTION

RIGHT OF WAY DEDICATION
SHEET 2 OF 2



**ALEXANDER WALTERS
SURVEY NO. 67
ABSTRACT NO. 791**

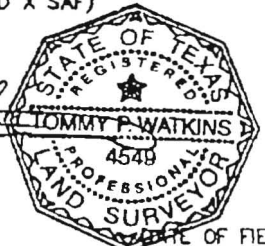
CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG.	CHORD
C2	1289.00'	140.07'	67°27'	N45°03'34"E	140.00'
C3	1339.00'	27.21'	1°08'51"	S42°28'17"W	27.21'
C4	15.00'	23.04'	88°00'41"	S00°56'09"E	20.84'
C5	1468.00'	441.04'	171°2'50"	S53°32'54"E	439.38'
C9	1339.00'	27.41'	1°10'23"	S47°38'08"W	27.41'
C10	15.00'	23.04'	88°00'36"	N88°56'47"W	20.84'
C11	1532.00'	460.27'	171°2'50"	N53°32'54"W	458.54'

BEARING REFERENCE: GRID NORTH, TEXAS COORDINATE SYSTEM OF 1983
CENTRAL ZONE (CORS98).

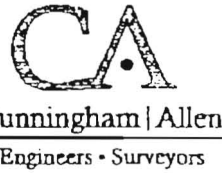
THE DISTANCES (U.S. SURVEY FEET) SHOWN HEREON ARE SURFACE VALUES
MODIFIED FROM GRID USING A SURFACE ADJUSTMENT FACTOR (SAF) OF
1.00009981. (SURFACE = GRID X SAF)

SURVEYED BY:

[Signature]
TOMMY P. WATKINS
REG. PROF. LAND SURVEYOR
NO. 4549
DATE: 9/24/2010



DATE OF FIELD WORK: 02/03/2010



3103 Bee Cave Road, Suite 202
Austin, Texas 78746-6819
Tel.: (512) 327-2946
Fax: (512) 327-2973

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MATCHLINE SHEET 1

FIELD NOTES
FOR

EXHIBIT A-6

3.44 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE ALEXANDER WALTERS SURVEY NO. 67 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO VILLAGE AT NORTH TOWN BY INSTRUMENT RECORDED IN DOCUMENT NO. 2000156544 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING A PORTION OF PROPOSED WELLS BRANCH PARKWAY AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½ inch iron pin found at an angle point in the West line of said Village at Northtown tract, being at the Southeast corner of that certain 116.918 acre tract of land described in Document No. 1999046435 of the Official Public Records of Travis County, Texas;

THENCE along the West line of said Village at Northtown tract, N 27°47'07" E for a distance of 640.47 feet to a ½ inch capped iron pin set for the Southwest corner and PLACE OF BEGINNING hereof;

THENCE continuing along the West line of said Village at Northtown tract, N 27°47'07" E for a distance of 140.00 feet to a ½ inch capped iron pin set for the Northwest corner hereof;

THENCE along the proposed North row line of Wells Branch Parkway for the following courses:

S 62°16'12" E for a distance of 199.06 feet to a ½ inch capped iron pin set at a point of curve

Along a curve to the left whose radius is 1330.00 feet, whose arc is 689.87 feet and whose chord bears S 77°07'46" E for a distance of 682.16 feet to a ½ inch capped iron pin set

N 88°00'40" E for a distance of 1213.72 feet to a ½ inch capped iron pin set at a point of curve

Along a curve to the left whose radius is 1330.00 feet, whose arc is 300.43 feet and whose chord bears N 81°32'23" E for a distance of 299.80 feet to a ½ inch capped iron pin set

N 75°04'07" E for a distance of 234.19 feet to a ½ inch capped iron pin set in the East line of said Village at Northtown tract for the Northeast corner hereof;

THENCE along the East line of said Village at Northtown tract, S 27°50'06" W for a distance of 190.70 feet to a ½ inch capped iron pin set for the Southeast corner hereof;

THENCE along the proposed South row line of Wells Branch Parkway for the following courses:

FIELD NOTES
FOR

8.44 ACRES OF LAND - Page Two

S 75°04'07" W for a distance of 194.70 feet to a ½ inch capped iron pin set at a point of curve

Along a curve to the right whose radius is 1470.00 feet, whose arc is 332.06 feet and whose chord bears S 81°32'23" W for a distance of 331.35 feet to a ½ inch capped iron pin set

S 88°00'40" W for a distance of 1213.72 feet to a ½ inch capped iron pin set at a point of curve

Along a curve to the right whose radius is 1470.00 feet, whose arc is 762.48 feet and whose chord bears N 77°07'46" W for a distance of 753.96 feet to a ½ inch capped iron pin set

N 62°16'12" W for a distance of 199.20 feet to the PLACE OF BEGINNING and containing 8.44 acres of land, more or less.

SURVEYED BY:
Roy D. Smith Surveyors, P.C.

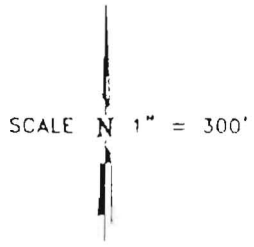


ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
August 15, 2006



8.44 ac. - Walters Sur.

EXHIBIT TO ACCOMPANY FIELD NOTES FOR
8.44 ACRES OF LAND



- 1/2" CAPULED IRON PIN SET
- 1/2" IRON PIN FOUND

VILLAGE AT NORTHTOWN
DOC NO 2000155544

NEW WELLS POINT PARTNERS
DOC NO 1999042435
1116.918 AC

ALLEGEDLY THE 100' x 10' x 10' x 10' SQUARE AREA LOCATED SOUTH OF THE MEASUREMENT LINE IS NOT TO BE DISTURBED

S77°07'46"E
C = 682.16'
L = 689.87'
T = 352.88'
Δ = 29°43'09"
R = 1330.00'

N83°32'23"E
C = 299.80'
L = 300.43'
T = 150.86'
Δ = 12°56'33"
R = 1340.00'

N77°07'46"W
C = 752.96'
L = 762.48'
T = 390.03'
Δ = 29°43'09"
R = 1470.00'

S81°52'23"W
C = 331.35'
L = 332.06'
T = 166.74'
Δ = 12°56'33"
R = 1470.00'

ALEXANDER WALKERS SURVEY NO 87

PROPOSED WELLS
BRANCH PARKWAY

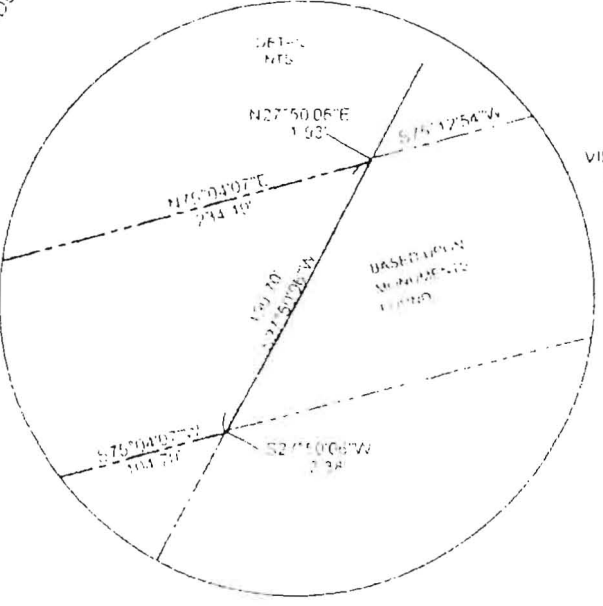
8.44 ACRES

S88°00'40"W
1213.72'

VILLAGE AT NORTHTOWN
DOC NO 2000155544

VILLAGE AT NORTHTOWN
DOC NO 2000155544

GASTON-SHELDON
SUBDIVISION
SECTION FOUR
DOC NO 2001000006



SURVEYED BY
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
1214 WEST 5th STREET - SUITE A
AUSTIN, TEXAS 78703
PHONE (512) 478 - 9821
AUGUST 15, 2006

EXHIBIT A-7

FIELD NOTES
FOR

2.785 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE J.C. CUNNINGHAM SURVEY NO. 58 IN TRAVIS COUNTY TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO VILLAGE AT NORTHTOWN, LTD. BY DOCUMENT NO. 2000156544 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING A PORTION OF PROPOSED HEATHERWILDE BOULEVARD AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

BEGINNING FOR REFERENCE at a 1/2 inch iron pin found at the Southwest corner of said Village at Northtown, Ltd. Tract, being at the Southeast corner of that certain tract of land conveyed to Centerstate '99, Ltd. By Document No. 1999041333 of the Official Public Records of Travis County, Texas, being in the North row line of Howard Lane,

THENCE along the North row line of Howard Lane, S 61°34'54" E for a distance of 114.04 feet to a 1/2 inch capped iron pin set for the Southwest corner and PLACE OF BEGINNING hereof,

THENCE along the proposed West row line of Heatherwilde Boulevard for the following courses

Along a curve to the left whose radius is 109.00 feet, whose arc is 171.48 feet and whose chord bears N 73°50'59" E for a distance of 154.33 feet to a 1/2 inch capped iron pin set

N 27°56'52" E for a distance of 2013.96 feet to a 1/2 inch capped iron pin set at a point of curve

Along a curve to the left whose radius is 951.00 feet, whose arc is 477.15 feet and whose chord bears N 13°34'27" E for a distance of 472.16 feet to a 1/2 inch capped iron pin set

N 06°47'58" W for a distance of 263.76 feet to a 1/2 inch capped iron pin set in the West line of said Village at Northtown, Ltd. Tract, for the Northwest corner hereof

THENCE along the West line of said Village at Northtown, Ltd. Tract, N 27°32'59" E for a distance of 206.40 feet to a 1/2 inch capped iron pin set in the proposed East row line of Heatherwilde Boulevard for the Northeast corner hereof,

THENCE along the proposed East row line of Heatherwilde Boulevard for the following courses

S 7°34'58" E for a distance of 445.41 feet to a 1/2 inch capped iron pin set at a point of curve

FIELD NOTES
FOR

2.785 ACRES OF LAND Page Two

Along a curve to the right whose radius is 1349.00 feet, whose arc is 526.32 feet and whose chord bears S 13°34'27" W for a distance of 520.81 feet to a 1/2 inch capped iron pin set

S 27°56'52" W for a distance of 30.09 feet to a 1/2 inch capped iron pin set in the Westerly line of that certain 90 foot wide right-of-way dedicated by Volume 10758, Page 974 of the Real Property Records of Travis County, Texas.

THENCE along the Westerly line of said 90 foot wide right-of-way for the following courses

Along a curve to the left whose radius is 1492.92 feet, whose arc is 520.49 feet and whose chord bears S 37°57'22" W for a distance of 517.86 to a 1/2 inch capped iron pin set

S 27°56'52" W for a distance of 1583.17 feet to a 1/2 inch capped iron pin set in the North row line of Howard Lane, for the Southeast corner hereof.

THENCE along the North row line of Howard Lane, N 61°54'54" W for a distance of 117.26 feet to the PLACE OF BEGINNING and containing 2.785 acres of land, more or less.

SURVEYED BY
Roy D. Smith Surveyors, P.C.


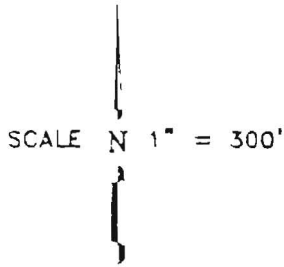

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
January 7, 2002

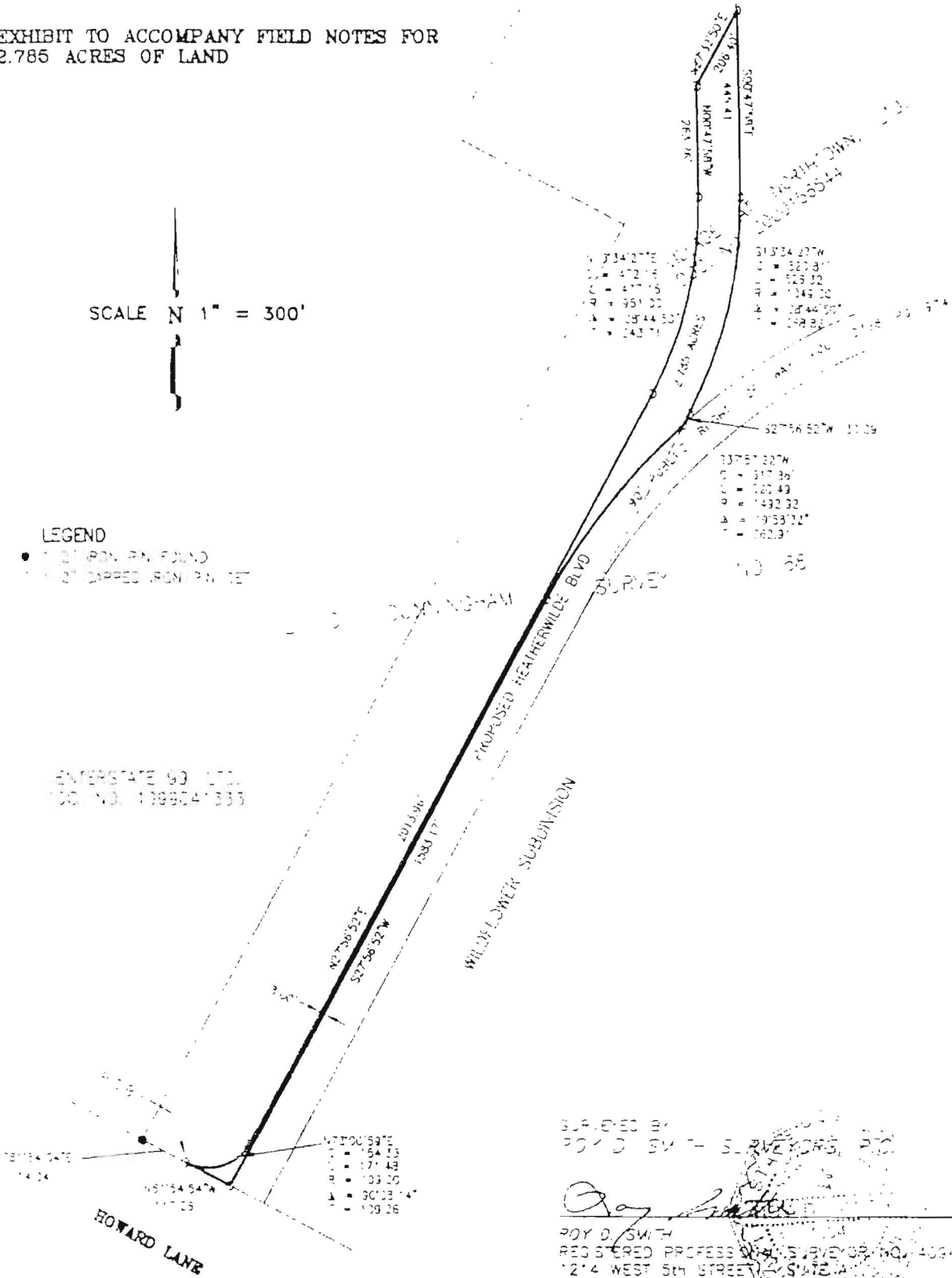


EXHIBIT TO ACCOMPANY FIELD NOTES FOR
2.785 ACRES OF LAND



- LEGEND
- 1" DIAM. IRON PIN FOUND
 - 1" DIAM. CAPPED IRON PIN SET

ENTERSTATE 93 LTD.
100 N.O. 138824-333



SURVEYED BY
ROY D. SMITH - SURVEYORS, P.C.

Roy D. Smith
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JANUARY 7, 2002

EXHIBIT A-8

Lots 1, 2, 3, 4, 5 and 6, Block A; and Lots 1, 2, 3 and 7, Block E; Village at Northtown, Section One Final Plat, according to the plat thereof recorded at Document No. 200900105 of the Official Public Records of Travis County, Texas.