

## AGENDA ITEM # 16

JULY 20, 1999

Consider approving transfer of the following fixed asset from Communications to Juvenile Services:

(1) 88 Chevrolet Pick-up 2GFC24K2J1234493 (Previously approved for disposal on March 9, 1999):

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To approve transfer of one (1) 88 Chevrolet Pick-up 2GFC24K2J1234493 (Previously approved for disposal on March 9, 1999) from Communications to Juvenile Services.

Vote: Motion carried 3 - 0

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216

## CHANGE OF FIXED ASSET STATUS

DATE March 3, 1999

True - this

THE FOLLOWING FIXED ASSET IS TO BE: (Circle One) was orig. on

TRANSFERRED

3/9/99 Agenda

to be disposed.

It should have been sent to Transfer.

## FIXED ASSET

Quantity	Description	Lic	Model	Serial #
1	88 Chev. PK		535622	2GFC24K2J1234493

FROM (Transferor): \_\_\_\_\_

TO (Transferee): \_\_\_\_\_

The Transferor requests that this fixed asset be removed from the inventory for his/her office and placed in the inventory for the Transferee's office as of the date shown above.

Geniva Simpson

Transferor - Elected Official/Department Head

Charles M. Smith

Transferee - Elected Official/Department Head

approved 7-20-99  
John C. Doerfler

AGENDA ITEM # 17

JULY 20, 1999

Review Tax Assessor/Collector's monthly report:

Moved: Commissioner Boatright  
Seconded: Judge Doerfler  
Motion: To note in minutes monthly report of Tax Assessor/Collector.  
Vote: Motion carried 3 - 0

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YEAR TO DATE - COLLECTION REPORT  
Williamson County/RFM Property Taxes  
June 1-30, 1999

Description	Tax Roll	Adjustments	Adjusted Tax Roll	Tax Collected	P & I Collected	Uncollected Balance	YTD Collected	Percent Collected	Percent Collected w/P & I	Percent Collected w/P & I & Prior Years
1998	\$34,211,958.75	\$826,577.54	35,038,536.29	\$115,848.13	\$17,132.72	\$733,455.32	\$34,305,080.97	97.91%	97.96%	99.24%
1997 & Prior	1,066,590.03	(54,969.48)	1,011,620.55	13,286.33	8,190.41	\$663,419.59	348,200.96	34.42%	35.23%	
Rollbacks	68,788.54	95,413.10	164,201.64	4,779.04	46.64	\$70,930.71	93,270.93	56.80%	56.83%	
Total All	\$35,347,337.32	\$867,021.16	\$36,214,358.48	\$133,913.50	\$25,369.77	\$1,467,805.62	\$34,746,552.86	95.95%	96.02%	

1998 MONTHLY BREAKDOWN

Oct-98	\$35,347,337.32	\$701,771.43	\$36,049,108.75	\$118,410.49	\$14,840.53	\$35,930,698.26	\$118,410.49			
Nov-98	\$35,930,698.26	\$3,353.33	\$35,934,051.59	\$1,720,941.96	\$15,101.76	\$34,213,109.63	\$1,839,352.45			
Dec-98	\$34,213,109.63	\$24,504.89	\$34,237,614.52	\$9,984,280.61	\$18,997.69	\$24,253,333.91	\$11,823,633.06			
Jan-99	\$24,253,333.91	\$20,113.19	\$24,273,447.10	\$21,259,030.05	\$558,876.30	\$3,014,417.05	\$33,082,663.11			
Feb-99	\$3,014,417.05	\$103,917.30	\$3,118,334.35	\$558,876.30	\$56,054.41	\$2,559,458.05	\$33,641,539.41			
Mar-99	\$2,559,458.05	(\$7,121.85)	\$2,552,336.20	\$498,673.10	\$53,793.42	\$2,053,663.10	\$34,140,212.51			
Apr-99	\$2,053,663.10	(\$4,438.65)	\$2,049,224.45	\$240,176.58	\$37,259.19	\$1,809,047.87	\$34,380,389.09			
May-99	\$1,809,047.87	(\$2,601.72)	\$1,806,446.15	\$232,258.61	\$36,086.41	\$1,574,187.54	\$34,612,647.70			
June-99	\$1,574,187.54	\$27,531.58	\$1,601,719.12	\$133,913.50	\$25,369.77	\$1,467,805.62	\$34,746,552.86			

noted 7-20-99  
John C. Doerfler

7/14/99

YTD Monthly Rpt

12:42 PM

**AGENDA ITEM # 18****JULY 20, 1999****Consider approving property tax refunds over \$500.00 submitted by Tax Assessor/Collector.**

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To approve property tax refunds over \$500.00 submitted by Tax Assessor/Collector.

Vote: Motion carried 3 - 0

&lt; Clerk copy here &gt;

Williamson County Tax Office  
 710 South Main Street,  
 Suite 102  
 Georgetown TX 78626-5701  
 (512)943-1601  
 Fax (512) 943-1618

# Memo

**To: Commissioner's Court**  
**From: Deborah Hunt, CTA**  
**Date: July 12, 1999**  
**Re: Property Tax Refunds**

In accordance with Section 31.11 of the Property Tax Code, the court needs to approve all refunds in excess of \$500.00. We are presenting these property tax refunds for your approval.

Please contact me at 943-1601 ext. 7015 if you have any questions

Thank you.

Property Tax Refunds - Over \$500.00

Date	Check No.	Payee	Property ID	Entity	Reason	Amount
06/09/99	3336	Bernard Charniadour	R302794	Williamson County - GVI	Double payment	\$504.24
06/10/99	3337	Nicholas S. Johnson	R313166	Williamson County - GVI	Double payment	\$620.70
06/15/99	3412	Melina Wilson	R071375	Williamson County - GVI	Double payment	\$688.38
06/17/99	3416	Fidelity National Title Insurance	R360358	Williamson County - GVI	Overpayment	\$763.68
06/22/99	3433	LandAmerica OneStop	R038696	Williamson County - GVI	Erroneous payment	\$632.32
06/30/99	3448	Green Tree Financial Servicing Corp.	R076111	Williamson County - GVI	Overpayment	\$2,816.11
		TOTAL				\$6,025.43

Approved 7-20-99  
John C. Daugherty

AGENDA ITEM # 19JULY 20, 1999

Consider noting donation of three (3) boxes stuffed animals from Kaleidoscope Toys to be used by law enforcement and EMS for children in crisis.

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To note donation of three (3) boxes stuffed animals from Kaleidoscope Toys to be used by law enforcement and EMS for children in crisis.

Vote: Motion carried 3 - 0

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## OFFICE OF CONSTABLE BOBBY GUTIERREZ

#19

Williamson County  
Precinct Three  
State of Texas



312 Main Street  
Georgetown, Texas 78626  
Office (512) 930-3312  
Fax (512) 930-4497

July 14, 1999

To the Honorable Williamson County Commissioner's Court

Dear Sirs:

Ms. Terry Myers owner of Kaleidoscope Toys in Round Rock, Texas, presented my office with 3 large boxes of brand new stuffed animals valued at approximately \$1,400.00.

Ms. Myers' donation is intended for these toys to go to Williamson County Public Safety agencies and distributed to children involved in crisis.

My office plans to distribute these toys to Williamson County Sheriff Victims Assistance and Patrol sections, Williamson County E.M.S. and the other three Williamson County Constable's Offices.

These toys will be greatly beneficial when presented to children involved in crisis situations either as victims or witnesses. The toys will help establish a psychological comfort and begin the healing process of the crisis for which they are involved.

Please include this item in the next Commissioner's Court agenda to formally accept Ms. Myers' generous donation to Williamson County Precinct Three Constable Office for distribution to other public safety agencies.

Feel free to contact me should you need additional information on this matter.

Sincerely,

Bobby Gutierrez, Constable  
Williamson County Precinct Three

approved 7-20-99  
John C. Doerfler

XC: John Sneed, Director - Williamson Co. EMS  
Ed Richards, Sheriff  
Gary Griffin, Constable, Precinct One  
Jim Wilson, Constable, Precinct Two  
Marty Ruble, Constable, Precinct Four

**AGENDA ITEM # 20****JULY 20, 1999****\***

Consider accepting roads for county maintenance in Ranch at Cypress Creek, Section 5.

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To accept Ranch at Cypress Creek, Section 5 roads for county maintenance.

Vote: Motion carried 3 - 0

**AGENDA ITEM # 21****JULY 20, 1999**

Consider accepting roads for county maintenance in Ranch at Cypress Creek, Section 12.

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To accept Ranch at Cypress Creek, Section 12 roads for county maintenance.

Vote: Motion carried 3 - 0

**Regular Agenda****AGENDA ITEM # 22****JULY 20, 1999****\***

Consider accepting copies of the FY 2000 and FY 2001 Community Supervision and Corrections Department Budgets for the Basic Supervision Fund, The Diversion Target Program funds and the Community Corrections Program funds, and note date of public hearing on budget will be Tuesday, August 3, 1999, at 4:00 p.m. in the Commissioners Courtroom.

Moved: Judge Doerfler

Seconded: Commissioner Limmer

Motion: To accept copies of the FY 2000 and FY 2001 Community Supervision and Corrections Department Budgets for the Basic Supervision Fund, The Diversion Target Program funds and the Community Corrections Program funds, and note date of public hearing on budget will be Tuesday, August 3, 1999, at 4:00 p.m. in the Commissioners Courtroom.

Vote: Motion carried 3 - 0

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Fiscal Years 2000-2001  
Budget Summary

Williamson County  
Community Supervision &  
Corrections Department

Basic Supervision Services  
Substance Abuse Treatment Facility  
Pre-Trial Services  
Electronic Monitoring  
Sex Offender Caseload  
Substance Abuse Caseload  
Project: Better Chance

Total Budget for FY 2000	\$5,143,601
Total Budget for FY 2001	\$5,011,242

Total Grants, Per Capita Funding-2000	\$2,957,244
Total Grants, Per Capita Funding-2001	\$2,959,115

noted 7-20-99  
John C. Daerfler

## BUDGET-FISCAL YEARS 2000 AND 2001

DATE SUBMITTED: \_\_\_\_\_

CHIEF COUNTY:		PROGRAM TITLE:		CJAD SERIAL #
Williamson		Basic Supervision		
Requested TDCJ-CJAD Funding (Check):		If this program has partial funding from another source, please specify source and the amount:		
Basic Supervision		<input checked="checked" type="checkbox"/>		
Community Corrections Programs (CCP)		<input type="checkbox"/>		
Diversion Programs (DP)		<input type="checkbox"/>		
Treatment Alternative to Incarceration (TAIP)		<input type="checkbox"/>		
REVENUE:		PROJECTED FY 2000	PROJECTED FY 2001	
Requested TDCJ-CJAD Funding		\$773,776	\$773,776	
PSI Payments (Basic Supervision only)				
Community Supervision Fees Collected (Basic Supervision only)		\$1,600,000	\$1,682,549	
Payments by Program Participants		\$125,000	\$135,000	
Interest Income (Basic Supervision Only)		\$50,000	\$55,152	
Carry Over from Previous FY		\$400,000	\$163,206	
Other Revenue		\$0	\$0	
Interfund Transfer [+ or -]		-\$175,314	-\$201,252	
TOTAL REVENUE		\$2,773,462	\$2,608,431	
TYPE OF EXPENDITURE:		PROJECTED FY 2000	PROJECTED FY 2001	
Salaries/Fringe Benefits		\$2,198,756	\$2,198,756	
Travel/Furnished Transportation		\$58,300	\$58,300	
Contract Services for Offenders		\$80,800	\$83,800	
Professional Fees		\$68,603	\$68,603	
Supplies & Operating Expenditures		\$290,306	\$129,100	
Facilities, Utilities & Equipment		\$76,697	\$69,872	
TOTAL EXPENDITURES		\$2,773,462	\$2,608,431	
FOR CJAD USE ONLY				
REVIEWED BY:		RECOMMENDATION/AWARD:		



## BUDGET-FISCAL YEARS 2000 AND 2001

DATE SUBMITTED: \_\_\_\_\_

28-Jul-99

CHIEF COUNTY:	PROGRAM TITLE:	CJAD SERIAL #
Williamson	Pre-Trial Services	122
Requested TDCJ-CJAD Funding (Check):	If this program has partial funding from another source, please specify source and the amount:	
Basic Supervision <input type="checkbox"/>	\$approx \$110,000 in FY00, \$117000 in FY 01	
Community Corrections Programs (CCP) <input type="checkbox"/>	Basic Supervision	
Diversion Programs (DP) <input checked="" type="checkbox"/>		
Treatment Alternative to Incarceration (TAIP) <input type="checkbox"/>		
REVENUE:	PROJECTED FY 2000	PROJECTED FY 2001
Requested TDCJ-CJAD Funding	\$115,375	\$115,375
PSI Payments (Basic Supervision only)	\$0	\$0
Community Supervision Fees Collected (Basic Supervision only)	\$0	\$0
Payments by Program Participants		
Interest Income (Basic Supervision Only)	\$0	
Carry Over from Previous FY	\$0	\$0
Other Revenue	\$0	\$0
Interfund Transfer (+ or -)	\$90,507	\$97,755
<b>TOTAL REVENUE</b>	<b>\$205,882</b>	<b>\$213,130</b>
TYPE OF EXPENDITURE:	PROJECTED FY 2000	PROJECTED FY 2001
Salaries/Fringe Benefits	\$205,882	\$213,130
Travel/Furnished Transportation	\$0	\$0
Contract Services for Offenders	\$0	\$0
Professional Fees	\$0	\$0
Supplies & Operating Expenditures	\$0	\$0
Facilities, Utilities & Equipment	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$205,882</b>	<b>\$213,130</b>
FOR CJAD USE ONLY		
REVIEWED BY:	RECOMMENDATION/AWARD:	

## BUDGET-FISCAL YEARS 2000 AND 2001

DATE SUBMITTED: \_\_\_\_\_

28-Jul-99

CHIEF COUNTY:		PROGRAM TITLE:		CJAD SERIAL #
Williamson		SATF/CTTC		121
Requested TDCJ-CJAD Funding (Check):		If this program has partial funding from another source. Please specify source and the amount.		
Basic Supervision <input type="checkbox"/>		Basic Supervision Fund		
Community Corrections Programs (CCP) <input type="checkbox"/>		ccp-\$21,715		
Diversion Programs (DP) <input checked="" type="checkbox"/>		Basic-\$62,807		
Treatment Alternative to Incarceration (TAIP) <input type="checkbox"/>				
REVENUE:		PROJECTED FY 2000	PROJECTED FY 2001	
Requested TDCJ-CJAD Funding		\$1,682,563	\$1,682,563	
PSI Payments (Basic Supervision only)		\$0	\$0	
Community Supervision Fees Collected (Basic Supervision only)		\$0	\$0	
Payments by Program Participants		\$0	\$0	
Interest Income (Basic Supervision Only)		\$0	\$0	
Carry Over from Previous FY		\$0	\$0	
Other Revenue		\$11,055	\$11,055	
Interfund Transfer (+ or -)		\$84,522	\$102,212	
TOTAL REVENUE		\$1,778,140	\$1,795,830	
TYPE OF EXPENDITURE:		PROJECTED FY 2000	PROJECTED FY 2001	
Salaries/Fringe Benefits		\$647,090	\$664,250	
Travel/Furnished Transportation		\$21,270	\$21,970	
Contract Services for Offenders		\$807,517	\$807,517	
Professional Fees		\$12,360	\$12,720	
Supplies & Operating Expenditures		\$53,770	\$53,970	
Facilities, Utilities & Equipment		\$236,133	\$235,403	
TOTAL EXPENDITURES		\$1,778,140	\$1,795,830	
FOR CJAD USE ONLY				
REVIEWED BY:		RECOMMENDATION/AWARD:		

## BUDGET-FISCAL YEARS 2000 AND 2001

DATE SUBMITTED: \_\_\_\_\_

CHIEF COUNTY:	PROGRAM TITLE:	CJAD SERIAL #
Williamson	Central TX Trmt Center/SATF	
Requested TDCJ-CJAD Funding (Check):	If this program has partial funding from another source, please specify source and the amount:	
Basic Supervision	<input type="checkbox"/>	
Community Corrections Programs (CCP)	<input checked="" type="checkbox"/>	
Diversion Programs (DP)	<input type="checkbox"/>	
Treatment Alternative to Incarceration (TAIP)	<input type="checkbox"/>	
REVENUE:	PROJECTED FY 2000	PROJECTED FY 2001
Requested TDCJ-CJAD Funding	\$21,715	\$21,715
PSI Payments (Basic Supervision only)	\$0	\$0
Community Supervision Fees Collected (Basic Supervision only)	\$0	\$0
Payments by Program Participants	\$0	\$0
Interest Income (Basic Supervision Only)	\$0	\$0
Carry Over from Previous FY	\$0	\$0
Other Revenue	\$0	\$0
Interfund Transfer [+ or -] To Satt-DP fund	-\$21,715	-\$21,715
<b>TOTAL REVENUE</b>	<b>\$0</b>	<b>\$0</b>
TYPE OF EXPENDITURE:	PROJECTED FY 2000	PROJECTED FY 2001
Salaries/Fringe Benefits	\$0	\$0
Travel/Furnished Transportation	\$0	\$0
Contract Services for Offenders	\$0	\$0
Professional Fees		
Supplies & Operating Expenditures	\$0	\$0
Facilities, Utilities & Equipment	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$0</b>	<b>\$0</b>
FOR CJAD USE ONLY		
REVIEWED BY:	RECOMMENDATION/AWARD:	

## BUDGET-FISCAL YEARS 2000 AND 2001

DATE SUBMITTED: \_\_\_\_\_

CHIEF COUNTY:	PROGRAM TITLE:	CJAD SERIAL #
Williamson	substance abuse caseload	
Requested TDCJ-CJAD Funding (Check):		If this program has partial funding from another source, please specify source and the amount: Basic-\$5,000 for supplies, travel expenses, training, etc.
Basic Supervision	<input type="checkbox"/>	
Community Corrections Programs (CCP)	<input checked="" type="checkbox"/>	
Diversion Programs (DP)	<input type="checkbox"/>	
Treatment Alternative to Incarceration (TAIP)	<input type="checkbox"/>	
REVENUE:	PROJECTED FY 2000	PROJECTED FY 2001
Requested TDCJ-CJAD Funding	\$40,276	\$42,147
PSI Payments (Basic Supervision only)	\$0	\$0
Community Supervision Fees Collected (Basic Supervision only)	\$0	\$0
Payments by Program Participants	\$0	\$0
Interest Income (Basic Supervision Only)	\$0	\$0
Carry Over from Previous FY	\$0	\$0
Other Revenue	\$0	\$0
Interfund Transfer [+ or -]	\$0	\$0
<b>TOTAL REVENUE</b>	<b>\$40,276</b>	<b>\$42,147</b>
TYPE OF EXPENDITURE:	PROJECTED FY 2000	PROJECTED FY 2001
Salaries/Fringe Benefits	\$40,276	\$42,147
Travel/Furnished Transportation	\$0	\$0
Contract Services for Offenders	\$0	\$0
Professional Fees	\$302	\$316
Supplies & Operating Expenditures	\$0	\$0
Facilities, Utilities & Equipment	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$40,578</b>	<b>\$42,463</b>
FOR CJAD USE ONLY		
REVIEWED BY:	RECOMMENDATION/AWARD:	

## BUDGET-FISCAL YEARS 2000 AND 2001

DATE SUBMITTED: \_\_\_\_\_

CHIEF COUNTY:	PROGRAM TITLE:	CJAD SERIAL #
Williamson	Sex Offender Caseload	
Requested TDCJ-CJAD Funding (Check):		If this program has partial funding from another source, please specify source and the amount: Basic Supervision- \$40,000-addl CSO, supplies, ua's, etc.
Basic Supervision	<input type="checkbox"/>	
Community Corrections Programs (CCP)	<input checked="" type="checkbox"/>	
Diversion Programs (DP)	<input type="checkbox"/>	
Treatment Alternative to Incarceration (TAIP)	<input type="checkbox"/>	
REVENUE:	PROJECTED FY 2000	PROJECTED FY 2001
Requested TDCJ-CJAD Funding	\$157,665	\$157,665
PSI Payments (Basic Supervision only)	\$0	\$0
Community Supervision Fees Collected (Basic Supervision only)	\$0	\$0
Payments by Program Participants	\$0	\$0
Interest Income (Basic Supervision Only)	\$0	\$0
Carry Over from Previous FY	\$0	\$0
Other Revenue	\$0	\$0
Interfund Transfer [+ or -]		\$4,849
<b>TOTAL REVENUE</b>	<b>\$157,665</b>	<b>\$162,514</b>
TYPE OF EXPENDITURE:	PROJECTED FY 2000	PROJECTED FY 2001
Salaries/Fringe Benefits	\$81,665	\$85,514
Travel/Furnished Transportation	\$11,000	\$12,000
Contract Services for Offenders	\$65,000	\$65,000
Professional Fees		
Supplies & Operating Expenditures	\$0	\$0
Facilities, Utilities & Equipment	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$157,665</b>	<b>\$162,514</b>
FOR CJAD USE ONLY		
REVIEWED BY:	RECOMMENDATION/AWARD:	

BUDGET-FISCAL YEARS 2000 AND 2001

DATE SUBMITTED: \_\_\_\_\_

CHIEF COUNTY:		PROGRAM TITLE:		CJAD SERIAL #	
Williamson		Project: Better Chance		125	
Requested TDCJ-CJAD Funding (Check):			If this program has partial funding from another source, please specify source and the amount:		
Basic Supervision					
Community Corrections Programs (CCP)					
Diversion Programs (DP)					
Treatment Alternative to Incarceration (TAIP)					
REVENUE:		PROJECTED FY 2000		PROJECTED FY 2001	
Requested TDCJ-CJAD Funding		\$117,392		\$117,392	
PSI Payments (Basic Supervision only)		\$0		\$0	
Community Supervision Fees Collected (Basic Supervision only)		\$0		\$0	
Payments by Program Participants		\$0		\$0	
Interest Income (Basic Supervision Only)		\$0		\$0	
Carry Over from Previous FY		\$0		\$0	
Other Revenue		\$0		\$0	
Interfund Transfer (+ or -)		\$0		\$0	
TOTAL REVENUE		\$117,392		\$117,392	
TYPE OF EXPENDITURE:		PROJECTED FY 2000		PROJECTED FY 2001	
Salaries/Fringe Benefits		\$0		\$0	
Travel/Furnished Transportation		\$0		\$0	
Contract Services for Offenders		\$117,392		\$117,392	
Professional Fees		\$0		\$0	
Supplies & Operating Expenditures		\$0		\$0	
Facilities, Utilities & Equipment		\$0		\$0	
TOTAL EXPENDITURES		\$117,392		\$117,392	
FOR CJAD USE ONLY					
REVIEWED BY:			RECOMMENDATION/AWARD:		

## BUDGET-FISCAL YEARS 2000 AND 2001

DATE SUBMITTED: \_\_\_\_\_

CHIEF COUNTY:	PROGRAM TITLE:	CJAD SERIAL #
Williamson	Electronic Monitoring	123
Requested TDCJ-CJAD Funding (Check): Basic Supervision <input type="checkbox"/> Community Corrections Programs (CCP) <input type="checkbox"/> Diversion Programs (DP) <input checked="" type="checkbox"/> Treatment Alternative to Incarceration (TAIP) <input type="checkbox"/>		If this program has partial funding from another source, please specify source and the amount: \$42,000 each year, Basic Supervision Fund for staff expenses
REVENUE:	PROJECTED FY 2000	PROJECTED FY 2001
Requested TDCJ-CJAD Funding	\$48,482	\$48,482
PSI Payments (Basic Supervision only)	\$0	\$0
Community Supervision Fees Collected (Basic Supervision only)	\$0	\$0
Payments by Program Participants		
Interest Income (Basic Supervision Only)	\$0	\$0
Carry Over from Previous FY	\$0	\$0
Other Revenue	\$0	\$0
Interfund Transfer [+ or -]	\$22,000	\$23,000
<b>TOTAL REVENUE</b>	<b>\$70,482</b>	<b>\$71,482</b>
TYPE OF EXPENDITURE:	PROJECTED FY 2000	PROJECTED FY 2001
Salaries/Fringe Benefits	\$0	\$0
Travel/Furnished Transportation	\$0	\$0
Contract Services for Offenders	\$70,482	\$71,482
Professional Fees	\$0	\$0
Supplies & Operating Expenditures	\$0	\$0
Facilities, Utilities & Equipment	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$70,482</b>	<b>\$71,482</b>
FOR CJAD USE ONLY		
REVIEWED BY:	RECOMMENDATION/AWARD:	

**AGENDA ITEM # 23****JULY 20, 1999**Consider granting final plat approval to Texas Traditions, Phase One.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To grant final plat approval to Texas Traditions, Phase One.

Vote: Motion carried 3 - 0

**AGENDA ITEM # 24****JULY 20, 1999**Consider authorizing advertising and setting date to receive bids on rock excavation and pre-cast concrete culverts for Booty's Crossing.

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To authorize County Auditor to advertise 10 o'clock a.m. August 17, 1999, to receive bids for rock excavation for Booty's Crossing and 10:15 a.m. August 17, 1999, to receive bids for pre-cast concrete culverts for Booty's Crossing.

Vote: Motion carried 3 - 0

**AGENDA ITEM # 25****JULY 20, 1999**\*Consider authorizing advertising and setting date for public hearing on the resubdivision of Lot 30, South San Gabriel Ranches.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To authorize advertising 10:30 a.m. August 17, 1999, for public hearing on the resubdivision of Lot 30, South San Gabriel Ranches.

Vote: Motion carried 3 - 0

&lt; Clerk copy here &gt;

**AGENDA ITEM # 26****JULY 20, 1999**Open and consider awarding, rejecting or extending bid for construction on Brushy Creek Road from Great Oaks to Farmer Lane.

No action was taken on this item which has been rescheduled for August 10, 1999.

**AGENDA ITEM # 27****JULY 20, 1999**\*Discuss and take appropriate action on Williamson County lien against DeerPark/Live Oak/Dominique Subdivision, Section One.

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Gary Brown advised Pohl Brown and Associates granted a second lien deed of trust to Williamson County in 1991. The firm is now in the process of refinancing the first deed of trust and the title company is requesting a reintegration of the agreement with the county on the second lien deed of trust.

Moved: Commissioner Limmer

Seconded: Judge Doerfler

Motion: To approve reintegration of Pohl, Brown and Associates second lien deed of trust to Williamson County.

Vote: Motion carried 3 - 0

&lt; Clerk copy here &gt;



STATE OF TEXAS  
COUNTY OF WILLIAMSON

**SUBORDINATION  
OF DEED OF TRUST  
TO DEED OF TRUST LIEN**

DATE: July 20, 1999

**SUBORDINATED DEED OF TRUST:**

DATE: April 22, 1991

GRANTORS: O DOMINIQUE, LTD.  
A Texas Limited Partnership

ADDRESS: 1000 Tower of the Hills  
13809 Research Blvd.  
Austin, TX 78750

BENEFICIARY: The County of Williamson, Texas

ADDRESS: 710 Main Suite 201  
Georgetown, TX 78627

TRUSTEE: \_\_\_\_\_  
(Trustee Not Named)

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

**ORIGINAL OBLIGATION SECURED:**

Agreement not to place or construct improvements on the Property (as defined in the Deed of Trust) without the contemporaneous full installation of sidewalks and water and wastewater utilities as described in an *Agreement Regarding Installation of Sidewalks and Water and Wastewater Utilities*, between Grantor and Beneficiary, of even date as the Subordinated Deed of Trust.

RECORDING INFORMATION: *Deed of Trust* recorded in Volume 2021, Page 622, Official Records of Williamson County, Texas.

**SUPERIOR DEED OF TRUST:**

DATE: July \_\_\_\_\_ 1999

GRANTOR: **DOMINIQUE, LTD.**  
A Texas Limited Partnership

ADDRESS: 1000 Tower of the Hills  
13809 Research Blvd.  
Austin, TX 78750

BENEFICIARY: **BEAL BANK, S.S.B.**  
A State Savings Bank

ADDRESS: 15770 N. Dallas Parkway  
Suite 300, LB 66  
Dallas, Texas 75248

TRUSTEE: **Lawrence C. Adams**

ADDRESS: Jenkins & Gilchrist, PC  
1445 Ross Ave., Suite 3200  
Dallas, Texas 75202

RECORDING INFORMATION: *Deed of Trust* recorded in Document No. \_\_\_\_\_, Official Records of Williamson County, Texas.

**NOTE SECURED BY SUPERIOR DEED OF TRUST:**

DATE: July \_\_\_\_\_, 1999

MAKER: **Dominique, Ltd.**  
a Texas Limited Partnership

PAYEE: **BEAL BANK, S.S.B.**  
A State Savings Bank

ORIGINAL PRINCIPAL: **\$1,200,000.00**

**PROPERTY:**

*Lots 1 & 2, Block "A", and Lot 1, Block "B", DEER PARK/LIVE OAK/DOMINIQUE SECTION TWO, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet J, Slides 398-400, Plat Records of Williamson County, Texas.*

Beneficiary of the Subordinated Deed of Trust holds that Deed of Trust lien dated April 22, 1991 against the Property. In return for valuable consideration, advancing the funds, and accepting the Note and Superior Deed of Trust, Lender (Payee and Beneficiary under Superior Note and Deed of Trust) requires that Beneficiary under the Subordinated Deed of Trust make the following agreements and warranties.

In return for valuable consideration, Beneficiary under the Subordinated Deed of Trust subordinates its Deed of Trust lien and all of its rights thereunder to the Superior Deed of Trust lien; said Beneficiary further agrees that the Superior Deed of Trust lien shall remain superior to its own Subordinated Deed of Trust lien and any rights thereunder, regardless of the frequency and manner of renewal, extension, change, or alteration of the Superior Note and the liens securing it.

EXECUTED this 20th day of July, 1999.

**BENEFICIARY:**  
(UNDER SUBORDINATED  
DEED OF TRUST LIEN)

The County of Williamson, Texas

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

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

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

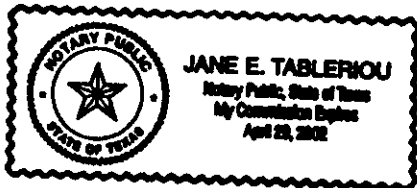
NOTARIAL CERTIFICATE

STATE OF TEXAS

COUNTY OF WILLIAMSON

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•  
•

ACKNOWLEDGED BEFORE ME by the said John C. Doerfler as  
County Judge of The County of Williamson, Texas, a political subdivision of  
the State of Texas, on this 20 day of July, 1999, on behalf of said County.



Jane E. Tableriou  
NOTARY PUBLIC - State of TEXAS

**AGENDA ITEM # 28****JULY 20, 1999**

Consider receiving petition requesting creation of Williamson County Development District #2 (Avery Ranch Development) and setting time, date and place for a public hearing concerning matters related thereto and authorizing publication of notice of said hearing.

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To receive petition requesting creation of Williamson County Development District #2 (Avery Ranch Development) and setting public hearing at 10 o'clock a.m. August 24, 1999, for the purpose of creating a county development district for reimbursement of cost of construction of the east west arterial road running from Brushy Creek Municipal Utility District to 183A and the hike and bike trail running along the tract at Brushy Creek.

Vote: Motion carried 3 - 0

< Clerk copy here >

THE STATE OF TEXAS

:

KNOW ALL MEN BY THESE PRESENTS

THE COUNTY OF WILLIAMSON

:

That on this, the 20th day of July, A.D. 1999, the Commissioners' Court of Williamson County, Texas, met in duly called Session at the Courthouse in Georgetown, Texas, with the following members present:

John C. Doerfler, County Judge,

Greg Boatright, Commissioner Precinct Two,

and

Frankie Limmer, Commissioner Precinct Four;

and at said meeting, among other business, the Court considered the following:

#### RESOLUTION

WHEREAS, the landowners of hereinafter described property have filed with the Commissioners' Court of Williamson County, Texas (the "County") a petition requesting creation of a Williamson County Development District No. 2 (Avery Ranch Development (the "District") under and pursuant to the provisions of Chapter 383, Local Government Code, as amended; and

WHEREAS, the petition requests the creation of the proposed District within the boundaries described in said petition; and

WHEREAS, the petition, attached hereto as Exhibit "A", contains the information required by Section 383.023, Local Government Code, as amended.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS' COURT OF WILLIAMSON COUNTY, TEXAS,

Section 1. That the petition, attached hereto as Exhibit "A" filed with the Commissioners' Court is hereby formally received by the Commissioners' Court of the County.

Section 2. The Commissioners' Court hereby finds that it is advisable for the County to consider such petition after due notice and a public hearing as required by Chapter 383, Local Government Code, as amended. Attorneys for the County are hereby authorized to publish notice, in substantially the form attached hereto as Exhibit "B" of a public hearing to be held on the 24th of August, 1999 at 10:00 a.m. at the Williamson County Courthouse, Commissioners' Courtroom.

Section 3. The County Judge and County Clerk and their duly authorized representatives are hereby authorized to do all things necessary to carry out the intent and purposes of this Resolution. The foregoing Resolution was duly moved by Greg Boatright and seconded by Frankie Limmer, and was then adopted by a vote of three voting for and none voting against. County Judge John C. Doerfler was duly authorized to sign said Resolution as the act and deed of Commissioners' Court of Williamson County and of said County.

John C. Doerfler 7-20-99  
JOHN C. DOERFLER, County Judge

ATTEST:

Nancy E. Rister  
NANCY RISTER, County Clerk

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PETITION REQUESTING THE CREATION  
OF WILLIAMSON COUNTY DEVELOPMENT DISTRICT NO. 2

THE STATE OF TEXAS :

THE COUNTY OF WILLIAMSON :

TO THE HONORABLE COMMISSIONERS COURT  
OF WILLIAMSON COUNTY, TEXAS:

The undersigned ("Petitioners"), who intend to further the development of the land hereinafter described by metes and bounds, acting pursuant to the provisions of Chapter 383, Local Government Code, V.A.T.S., as amended, hereby respectfully petitions the Commissioners Court of Williamson County, Texas, requesting the creation of a County Development District ("District") and would show the following:

## ARTICLE I

The name of the proposed District shall be WILLIAMSON COUNTY DEVELOPMENT DISTRICT NO. 2 - AVERY RANCH DEVELOPMENT.

## ARTICLE II

The District shall be created and organized under the terms and provisions of Article XVI, Section 59, Article III, Section 52, and Article III, Section 52.a. of the Constitution of the State of Texas, and Chapter 383, Local Government Code, V.A.T.S., as amended.

## ARTICLE III

The District shall contain an area of approximately 1700 acres, more or less, situated in Williamson County, Texas. All of the land proposed to be included may be properly included within the District. The boundaries of the proposed District are described by metes and bounds in Exhibit "A", attached hereto and incorporated herein.

## ARTICLE IV

Attached to this petition are the sworn statements of the holders of fee simple title to all of the land to be included within the proposed District stating the owner's consent to the creation of the District as set forth in this petition.

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## ARTICLE V

The general nature of the work proposed to be done is the construction of permanent improvements within the District, including, but not limited to, arterial roadways, sidewalks and related drainage, and a hike and bike trail and other such recreational facilities. The estimated cost of said improvements is \$17,000,000.

## ARTICLE VI

The proposed district is feasible and necessary to construct the above-described improvements in an expedited fashion and to provide recreational facilities for residents of Williamson County. The proposed District will serve the public purpose of attracting visitors and tourists to Williamson County, Texas and diversifying the economy of the state.

## ARTICLE VII

The following persons are at least twenty-one (21) years of age, residents of the State of Texas, qualified voters within Williamson County, Texas, willing and qualified to serve as temporary directors of the District:

Robert Azis  
Tim Harris  
Randall Jones  
Richard Marek  
Jim Shield

WHEREFORE, Petitioner prays that this petition be heard and that the Commissioners Court of Williamson County, Texas publish notice and conduct a hearing, make the findings, and enter an order creating Williamson County Development District No. 2 in the manner specified in Chapter 383, Local Government Code, V.A.T.S., as amended.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ day of \_\_\_\_\_, 1999.



**Pebble Creek Joint Venture**  
(a Texas joint venture partnership)

By: Rathgeber Investment Company, Ltd.  
(a Texas limited partnership)  
Managing Partner

By: Rathgeber Investment GP, Inc.  
(a Texas corporation)  
Its General Partner

By:

  
Edward R. Rathgeber, Jr.  
President

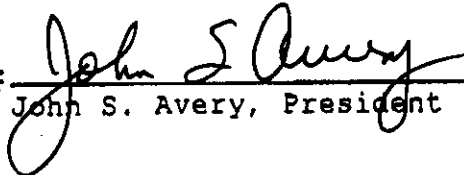
**AVERY FAMILY:**

Charles Needham Avery, III, Trustee of the  
Exemption Equivalent Trust created under  
the Will of Charles Needham Avery, Jr.,  
Deceased

**Avery Ranch Company, Ltd.**  
(a Texas limited partnership)

By: CJAC, Inc.  
(a Texas corporation)  
Its General Partner

By:

  
John S. Avery, President

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**Pebble Creek Joint Venture**  
(a Texas joint venture partnership)

By: Rathgeber Investment Company, Ltd.  
(a Texas limited partnership)  
Managing Partner

By: Rathgeber Investment GP, Inc.  
(a Texas corporation)  
Its General Partner

By: \_\_\_\_\_  
Edward R. Rathgeber, Jr.  
President

**AVERY FAMILY:**

*Charles N. Avery III, Trustee*  
Charles Needham Avery, III, Trustee of the  
Exemption Equivalent Trust created under  
the Will of Charles Needham Avery, Jr.,  
Deceased

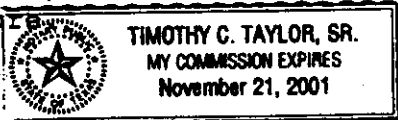
**Avery Ranch Company, Ltd.**  
(a Texas limited partnership)

By: CJAC, Inc.  
(a Texas corporation)  
Its General Partner

By: \_\_\_\_\_  
John S. Avery, President

STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me this 19th day of July, 1999, by Edward R. Rathgeber, Jr., President of Rathgeber Investment GP, Inc., a Texas corporation, General Partner of Rathgeber Investment Company, Ltd., a Texas limited partnership, the Managing Partner of Pebble Creek Joint Venture, a Texas joint venture, on behalf of said corporation, partnership, and joint venture.



Timothy C Taylor, Sr.  
Notary Public, State of Texas

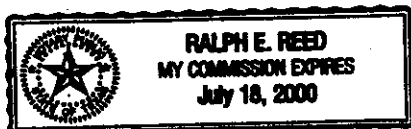
STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me this \_\_\_\_\_ day of July, 1999, by Charles Needham Avery, III, Trustee for the Exemption Equivalent Trust created under the will of Charles Needham Avery, Jr., Deceased.

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

STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me this 16 day of July, 1999, by John S. Avery, President of CJAC, Inc., a Texas corporation, general partner of Avery Ranch Company, Ltd., a Texas limited partnership, on behalf of said corporation and said partnership.



Ralph E Reed  
Notary Public, State of Texas

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STATE OF TEXAS

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§  
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COUNTY OF \_\_\_\_\_

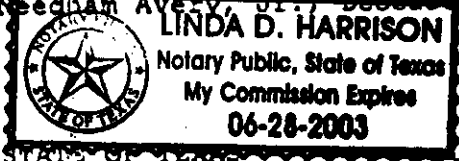
This instrument was acknowledged before me this \_\_\_\_ day of July, 1999, by Edward R. Rathgeber, Jr., President of Rathgeber Investment GP, Inc., a Texas corporation, General Partner of Rathgeber Investment Company, Ltd., a Texas limited partnership, the Managing Partner of Pebble Creek Joint Venture, a Texas joint venture, on behalf of said corporation, partnership, and joint venture.

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

STATE OF TEXAS

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§  
§COUNTY OF HARRIS

This instrument was acknowledged before me this 16<sup>TH</sup> day of July, 1999, by Charles Needham Avery, III, Trustee for the Exemption Equivalent Trust created under the will of Charles Needham Avery, Jr., deceased.



Linda D. Harrison  
Notary Public, State of Texas

STATE OF TEXAS

§  
§  
§

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_ day of July, 1999, by John S. Avery, President of CJAC, Inc., a Texas corporation, general partner of Avery Ranch Company, Ltd., a Texas limited partnership, on behalf of said corporation and said partnership.

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

**EXHIBIT "A"**

**To Petition for Requesting the Creation of  
Williamson County Development District No. 2  
Avery Ranch Development**

1,502.425 acres of land, more or less, in Williamson County, Texas, owned by Pebble Creek Joint Venture, and being more particularly described on Exhibit One attached hereto and made a part hereof, and all accompanying exhibits thereto.

*and*

372.685 acres of land, more or less, in Williamson County, Texas, owned by Avery Ranch Company, Ltd. and Charles Needham Avery, III, Trustee of the Exemption Equivalent Trust created under the will of Charles Needham Avery, Jr., Deceased, and being more particularly described on Exhibit Two attached hereto and made a part hereof, and all accompanying exhibits thereto.

**EXHIBIT ONE****Avery Ranch Land owned by Pebble Creek Joint Venture****TRACT A**

Approximately 1,501.181 acres of land, more or less, situated in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, the JOHN H. DILLARD SURVEY, ABSTRACT NO. 179, and the RACHAEL SAUL SURVEY, ABSTRACT NO. 551, in Williamson County, Texas, being out of and a part of property commonly known as the "Avery Ranch", as more particularly described on Exhibit "A-1" attached to and incorporated herein by reference; **SAVE AND EXCEPT** a 0.3839 acre tract of land, more or less, in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, Williamson County, Texas, conveyed to Wilson Land and Cattle Company by deed dated February 9, 1999, and more particularly described by metes and bounds in Exhibit "A-2" attached hereto and made a part hereof; and **FURTHER SAVE AND EXCEPT** that certain 2.2644 acre tract of land, more or less, in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, Williamson County, Texas, deeded to Williamson County by Deed dated December 15, 1998, and recorded in the real property records of Williamson County, Texas and more particularly described by metes and bounds in Exhibit "A-3" attached hereto and made a part hereof; and **FURTHER SAVE AND EXCEPT** that certain 15.0 acre tract of land, more or less, in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, Williamson County, Texas, being more particularly described by metes and bounds in Exhibit "A-4" attached hereto and made a part hereof.

**TRACT B**

That certain tract or parcel of land being 1.244 acres of land, more or less, out of the RACHAEL SAUL SURVEY, ABSTRACT NO. 551, in Williamson County, Texas, and being more particularly described by metes and bounds in Exhibit "A-5" attached hereto and made a part hereof.

**EXHIBIT "A-1"****Avery Ranch Land owned by Pebble Creek Joint Venture****TRACT I**

Being all of that certain tract or parcel of land containing 1,304.520 acres, more or less, situated in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, the JOHN H. DILLARD SURVEY, ABSTRACT NO. 179, and the RACHAEL SAUL SURVEY, ABSTRACT NO. 551, Williamson County, Texas, and said tract being more particularly described by metes and bounds, shown on Exhibit "B" attached hereto and made a part hereof, **SAVE AND AS EXCEPT THEREFROM** all of that certain tract or parcel of land containing 16.800 acres, more or less, conveyed to the State of Texas by instrument recorded in Volume 1796, Page 508 of the Official Records of Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "C" attached hereto and made a part hereof, and **FURTHER SAVE AND AS EXCEPT THEREFROM** all of that certain tract or parcel of land containing 5.00 acres, more or less, conveyed to John E. Henry, et ux, Linda Henry, by instrument recorded in Volume 1980, Page 977, of the Official Records of Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "D" attached hereto and made a part hereof, and **SAVE AND EXCEPT THEREFROM** all of that certain 372.685 acre tract of land described by metes and bounds shown on Exhibit "E" attached to and made a part of the instrument to which this exhibit is attached, reference to which is hereby made for all purposes.

**TRACT II:**

Being all of that certain tract or parcel of land containing 591.146 acres, more or less, situated in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "F" attached hereto and made a part hereof.

## FIELD NOTES FOR 1394.520 ACRES

Field notes describing a 1394.520 acre tract in the J.H. Dillard Survey, Abstract No. 179, and the Rachel Saul Survey, Abstract No. 551, in Williamson County, Texas being all of a 344 acre tract of land conveyed to C.N. Avery et al by deed recorded in Volume 362 Page 447 of the Deed Records of Williamson County, Texas, all of a 531 acre tract conveyed to C.N. Avery Jr. et al by deed recorded in Volume 340 Page 440 of the said Deed Records, all of a 200 acre tract of land conveyed to C.N. Avery Jr. et al by deed recorded in Volume 344 Page 515 of the said Deed Records, all of a tract of land called 15 acres in a quitclaim deed to C.N. Avery Jr. et al recorded in Volume 500 Page 670 of the said Deed Records, all of a 9.06 acre tract, designated as the Third Tract, a part of a 116 acre tract of land, designated as Tract 2 in the Second Tract, a part of a 244 acre tract, designated as Tract 1 in the Second Tract, and a part of a 100 acre tract, designated as Tract 3 in the Second Tract, in a deed to C.N. Avery, Jr. et al recorded in Volume 305 Page 228 of the Deed Records of Williamson County, Texas and being more particularly described as follows:

BEGINNING at a 30" live oak tree found in the occupied Southwest corner of the J.H. Dillard Survey and the occupied Southeast corner of the S. Damon Survey, Abstract No. 170, for the Southeast corner of the above said 200 acre tract, from which tree an old rock mound found bears S 71° 35' 26" W 51.76 feet.

THENCE S 70° 41' 17" W 341.28 feet to a 60d nail found in a 11' elm tree for an angle point.

THENCE S 70° 30' 44" W 284.71 feet to a 60d nail found in a 13' live oak tree for an angle point.

THENCE S 71° 52' 58" W 247.20 feet to a 60d nail found in a 12' cedar tree for an angle point.

THENCE S 70° 27' 36" W 389.60 feet to a 60d nail found in an 8' elm tree for an angle point.

THENCE S 69° 29' 37" W 144.61 feet to a 60d nail found in a 13' cedar tree for an angle point.

THENCE S 68° 44' 26" W 81.38 feet to a 60d nail found in a 9' elm tree for an angle point.

THENCE S 69° 07' 04" W 220.43 feet to an iron pin found for an angle point.

THENCE S 70° 32' 38" W 1930.89 feet to an iron pin set at a fence corner post found for an angle point.

THENCE S 70° 14' 25" W 1175.70 feet to an iron pin set in the intersection of the occupied South line of the said Damon Survey and the East right-of-way line of the Southern Pacific Railroad Co. for the Southwest corner of this tract.

THENCE N 00° 31' 58" W with the East right-of-way line of the said Railroad 1880.03 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 2815.32 feet and a central angle of 35° 01' 10".

THENCE with the arc of the said curve 1720.73 feet the long chord of which bears N 14° 58' 37" E 1694.07 feet to an iron pin set for the PT of the said curve.

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THENCE N 34° 29' 12" E 481.37 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 1577.89 feet and a central angle of 27° 46' 00".

THENCE with the arc of the said curve 764.68 feet the long chord of which bears N 20° 36' 12" E 757.22 feet to an iron pin set for the PT of the said curve and the PC of a curve to the left said curve having a radius of 766.20 feet and a central angle of 48° 01' 00".

THENCE with the arc of the said curve 642.11 feet the long chord of which bears N 17° 17' 18" W 623.49 feet to an iron pin set for the PT of the said curve and the PC of a curve to the left said curve having a radius of 789.30 feet and a central angle of 16° 08' 10".

THENCE with the arc of the said curve 222.29 feet the sub-chord of which bears N 49° 21' 53" W 221.56 feet to an iron pin set in the West corner of the above mentioned 9.06 acre tract for the Northwest corner of this tract.

THENCE N 33° 43' 21" E 345.24 feet to an iron pin found for an angle point of this tract.

THENCE N 70° 53' 14" E 175.40 feet to an iron pin found on the South line of County Road #174 for an angle point.

THENCE with the South line of County Road #174 for the following six (6) courses:

- (1) S 85° 00' 15" E 233.48 feet to an iron pin set.
- (2) S 80° 05' 03" E 162.04 feet to an iron pin set.
- (3) S 50° 12' 48" E 464.35 feet to an iron pin set.
- (4) S 76° 21' 34" E 463.84 feet to an iron pin set.
- (5) N 77° 15' 21" E 371.18 feet to an iron pin set.
- (6) N 83° 19' 00" E 577.65 feet to an iron pin set at a fence corner post found in the intersection of the occupied South line of the said County Road #174 and the occupied East line of the above mentioned 100 acre tract for an angle point of this tract.

THENCE with the occupied East line of the said Damon Survey and the occupied West line of the said Dillard Survey, said line being the occupied East line of the said 100 acre tract and the occupied East line of the said 15 acre tract, for the following three (3) courses:

- (1) S 19° 59' 52" E 1082.71 feet to an iron pin set.
- (2) S 15° 08' 17" E 178.03 feet to an iron pin set.
- (3) S 20° 39' 48" E 900.38 feet to an iron pin set at a fence corner post found in the occupied Southeast corner of the said 15 acre tract and the occupied Northwest corner of the above mentioned 531 acre tract for an angle point of this tract.

THENCE N 58° 12' 16" E 1050.19 feet to an iron pin set at a fence post found for an angle point.

THENCE N 12° 37' 14" W 555.07 feet to an iron pin set at a fence corner post found in the occupied Southwest corner of a tract of land conveyed to Will Wilson by deed recorded in Volume 406 Page 507 of the said Deed Records.

THENCE with the South line of the said Will Wilson tract for the following ten (10) courses:

- (1) N 88° 35' 14" E 358.33 feet to an iron pin set.
- (2) N 61° 05' 13" E 486.11 feet to an iron pin set.
- (3) N 65° 50' 13" E 680.55 feet to an iron pin set.
- (4) N 49° 45' 13" E 1150.00 feet to an iron pin set.
- (5) S 86° 54' 47" E 186.11 feet to an iron pin set.
- (6) N 69° 05' 13" E 404.17 feet to an iron pin set.
- (7) N 89° 35' 13" E 347.22 feet to an iron pin set.
- (8) S 16° 54' 47" E 195.83 feet to an iron pin set.
- (9) N 79° 05' 13" E 416.67 feet to an iron pin set.
- (10) N 88° 35' 13" E 355.33 feet to an iron pin set in the intersection of the occupied West line of the above said 344 acre tract and the approximate centerline of South Brushy Creek for the Northeast corner of the said 531 acre tract.

THENCE N 19° 12' 18" W 1378.13 to an iron pin set in the intersection of the occupied West line of the said 344 acre tract and the occupied South line of County Road #174.

THENCE with the South line of County Road #174, as fenced and occupied, for the following four (4) courses:

- (1) N 83° 02' 43" E 821.80 feet to an iron pin set.
- (2) N 74° 41' 45" E 152.48 feet to an iron pin set.
- (3) N 63° 12' 16" E 294.17 feet to an iron pin set.
- (4) N 55° 36' 32" E 837.77 feet to an iron pin found for an angle point.

THENCE S 38° 40' 29" E 82.88 feet to an iron pin found on the approximate centerline of South Brushy Creek for an angle point of this tract.

THENCE down the approximate centerline of South Brushy Creek for the following nine (9) courses:

- (1) N 40° 20' 05" E 107.41 feet to an iron pin found.
- (2) N 57° 59' 02" E 270.37 feet to an iron pin found.
- (3) N 73° 16' 25" E 155.30 feet to an iron pin found.
- (4) N 68° 49' 03" E 175.46 feet to an iron pin found.
- (5) N 61° 51' 38" E 155.97 feet to an iron pin found.
- (6) N 68° 14' 10" E 282.23 feet to an iron pin found.
- (7) N 56° 51' 25" E 793.41 feet to an iron pin found.
- (8) N 47° 40' 12" E 145.53 feet to an iron pin found.
- (9) N 59° 19' 11" E 114.08 feet to an iron pin found in the Northeast corner of the said 344 acre tract for the Northeast corner of this tract.

THENCE S 19° 14' 57" E 4244.41 feet to an iron pin found at a fence corner post, on the occupied South line of the said Dillard Survey, for the occupied Southeast corner of the said 344 acre tract and the Southeast corner of this tract.

THENCE S 69° 33' 04" W with the occupied South line of the said Dillard Survey and the occupied South line of the said 344 acre tract 773.74 feet to an iron pin found in the Northwest corner of Block C of the Meadows of Brushy Creek, a subdivision recorded in Cabinet F Slides 210 through 218 of the Plat Records of Williamson County, Texas.

THENCE S 70° 00' 00" W with the occupied South line of the said Dillard Survey 3477.17 feet to an iron pin set at a fence corner post found in the occupied Southwest corner of the said 344 acre tract and an exterior corner of the said 531 acre tract.

THENCE S 69° 07' 27" W 715.03 feet to an iron pin set at a fence post found for an angle point.

THENCE S 69° 13' 27" W 442.04 feet to an iron pin set at a fence corner post found in an interior corner of the said 531 acre tract for an angle point of this tract.

THENCE S 19° 19' 21" E 3128.69 feet to an iron pin set at a fence post found in the occupied Southeast corner of the said 531 acre tract.

THENCE S 70° 35' 04" W with the occupied South line of the said 531 acre tract 341.39 feet to an iron pin found at a fence corner post for an angle point.

THENCE S 70° 47' 06" W 708.01 feet to an iron pin found at a fence corner post for an angle point.

THENCE S 70° 41' 07" W 2066.35 feet to an iron pin found at a fence corner post in the occupied Southwest corner of the said 531 acre tract for a reentrant corner of this tract.

THENCE N 18° 17' 21" W with the occupied West line of the said 531 acre tract 459.42 feet to an iron pin found for an angle point.

THENCE N 18° 04' 08" W 1415.41 feet to an iron pin found for an angle point of this tract.

THENCE N 18° 12' 58" W 883.96 to an iron pin found for an angle point.

THENCE N 18° 07' 43" W 415.50 feet to an iron axle found on the occupied South line of the said Dillard Survey for an interior corner of the said 531 acre tract and an angle point of this tract.

THENCE S 70° 46' 13" W 1067.85 feet to the POINT OF BEGINNING containing 1304.520 acres of land more or less.

I, Timothy E. Haynie, A REGISTERED PUBLIC SURVEYOR, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my direction and supervision on the 9th day of October, 1985. All corners located are as shown. The property described herein is correct and has no visible discrepancies, protrusions, encroachments, easements, conflicts in boundary, overlapping of improvements, roads in place, nor shortages in area except as shown. This tract has access to and from a dedicated roadway.

HAYNIE KALLMAN AND GRAY, INC.



*Timothy E. Haynie*  
Timothy E. Haynie,  
Registered Public Surveyor No. 2380

100

11-25-85

Date  
Job No. 817-521

RECORDERS MEMORANDUM

All or parts of the text on this page was not clearly legible for satisfactory recordation.

EXHIBIT "B"

EXHIBIT "C"

## FIELD NOTES FOR 16.800 ACRES

FIELD NOTES describing a 16.800 acre tract or parcel of land, in the Samuel Daymon Survey, Abstract No. 170, situated in Williamson County, Texas, being a portion of those certain lands known as the Alda Avery Estate, as described in a deed recorded in Volume 303, Page 229 of the Deed Records of Williamson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point on the south line of said Avery Estate, being on the north line of the remainder of those certain lands conveyed to Nash Phillips/Copus, Inc., by deed recorded in Volume 317, Page 401 of said Deed Records, from which the northwest corner of said Nash Phillips/Copus, Inc. tract bears  $S71^{\circ}08'57''W$ , 33.72 feet;  $S70^{\circ}27'36''W$ , 389.60 feet;  $S69^{\circ}13'20''W$ , 225.99 feet and  $S69^{\circ}07'04''W$ , 220.43 feet, for southwest corner and POINT OF BEGINNING of the hereinafter described tract:

THENCE along the west line hereof, the following three (3) courses:  
 1.)  $N23^{\circ}06'18''W$ , 893.16 feet to the PC of a curve to the right having a radius of 3919.72 feet and a central angle of  $40^{\circ}15'37''$ ;  
 2.) along the arc of said curve 2754.29 feet, the long chord of which bears  $N02^{\circ}53'30''W$ , 2697.38 feet to the PT of said curve;  
 3.)  $N17^{\circ}09'19''E$ , 206.03 feet to a point on the west line of the remainder of that certain tract of land conveyed to Will Wilson by deed recorded in Volume 406, Page 507 of said Deed Records, for the most northerly corner hereof;

THENCE along the division line between said Avery Estate and said Wilson tract, for an east line hereof, the following five (5) courses:

- 1.)  $S19^{\circ}54'09''E$ , 5.00 feet to an angle point hereof;
- 2.)  $S18^{\circ}13'09''E$ , 46.58 feet to an angle point hereof;
- 3.)  $S25^{\circ}40'39''E$ , 18.03 feet to an angle point hereof;
- 4.)  $S26^{\circ}02'26''E$ , 91.83 feet to an angle point hereof;
- 5.)  $S20^{\circ}02'06''E$ , 169.89 feet to the PC of a curve to the left having a radius of 3719.72 feet and a central angle of  $39^{\circ}22'20''$ ;

THENCE departing said division line, for an east line hereof, the following two (2) courses:

- 1.) along the arc of said curve 2556.10 feet, the sub-chord of which bears  $S03^{\circ}25'08''E$ , 2506.10 feet to the PT of said curve;
- 2.)  $S23^{\circ}06'18''E$ , 908.04 feet to a point on the south line of said Avery Estate, for the southeast corner hereof;

THENCE along the south line of said Avery Estate, being the north line of said Nash Phillips/Copus, Inc. tract, for the south line hereof,  $S71^{\circ}08'57''W$ , 200.55 feet to the POINT OF BEGINNING of the herein described tract, containing 16.800 acres of land.

## RECORDERS MEMORANDUM

All or parts of the text on this page was not clearly legible for satisfactory recordation.

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EXHIBIT "C"

# EXHIBIT "D"

VOL 0105 PAGE 234

5.00 ACRES

ALL THAT CERTAIN tract or parcel of land lying and being situated in Williamson County, Texas, a part of the John H. Dillard Survey, A-179, and being a part of a tract described as 531 acres in a deed to C. N. Avery, Jr. of record in Volume 340, Page 440 of the Deed Records of Williamson County, Texas, and being more fully described by metes and bounds as follows:

BEGINNING at a concrete nail set in a rock on the high bank of Brushy Creek for the Northeast corner of the herein described tract from which the Northeast corner of the said 531 acre tract bears North 79° 30' East 712.67 feet;

THENCE South 12° 04' West 640.94 feet to a  $\frac{1}{4}$  inch steel pin set for the Southeast corner of the herein described tract;

THENCE North 65° 48' West 511.49 feet to a  $\frac{1}{4}$  inch steel pin set on a ridge for the Southwest corner hereof;

THENCE along the said ridge North 49° 36' East 117.11 feet to a  $\frac{1}{4}$  inch steel pin set for an angle point; North 38° 22' East 107.65 feet to a  $\frac{1}{4}$  inch steel pin set for an angle point; North 13° 43' East 105.67 feet to a  $\frac{1}{4}$  inch steel pin set for an angle point; and North 01° 20' East 132.80 feet to a concrete nail set in a rock on the high bank of Brushy Creek for the Northwest corner hereof;

THENCE along the high bank of Brushy Creek South 85° 55' East 184.20 feet to a  $\frac{1}{4}$  inch steel pin set for an angle point and North 82° 20' East 234.54 feet to the POINT OF BEGINNING and containing 5.00 acres.

Access to the above described 5.00 acre tract is obtained by an easement thirty feet in width described as follows:

BEGINNING at a concrete nail set in a rock on the high bank of Brushy Creek for the Northwest corner of the said 5.00 acre tract and the Northeast corner of the herein described easement;

THENCE with the West line of the said 5.00 acre tract South 01° 20' West 30.26 feet to a point for the Southeast corner hereof;

THENCE South 83° 45' West 328.01 feet to an angle point on the dam of a Brushy Creek W. C. I. D. reservoir for an angle point and South 85° 10' West 558.33 feet to a point in the North or Northwest line of the said 531 acre tract for the Southwest corner hereof;

THENCE with the said property line North 49° 45' East 51.77 feet to a point for the Northwest corner hereof;

THENCE along the aforesaid dam North 85° 10' East 515.77 feet to an angle point;

THENCE North 83° 45' East 331.63 feet to the POINT OF BEGINNING.

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RECORDERS MEMORANDUM  
All or parts of the text on this page was not  
clearly legible for satisfactory recordation.

EXHIBIT "D"

AUSTIN SURVEYORS

P.O. BOX 198243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6685

VOL 0105 PAGE 235  
EXHIBIT "E"

FIELD NOTES FOR 372.685 ACRES

All that certain tract or parcel of land situated in the J.H. Dillard Survey, A-179, in Williamson County, Texas and being a part of a 344 acre tract of land conveyed to Chas. N. Avery, Jr., et al by deed recorded in Volume 362, Page 477 of the Deed Records of Williamson County, Texas and being also a part of a 531 acre tract of land conveyed to C.N. Avery, Jr., et al by deed recorded in Volume 640, Page 440 of the said Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found on the North line of Block C of The Meadows of Brushy Creek as recorded in Cabinet F, Slide 210 of the Plat Records of Williamson County, Texas, in the Southwest corner of a 215.608 acre tract of land conveyed to Scott Felder Ltd. Partnership, Inc by deed recorded in Volume 2361, Page 430 of the said Deed Records, for the Southeast corner of the above mentioned 344 acre tract and the Southeast corner of this tract.

THENCE S 69°33'04" W 773.74 feet to an iron pin found in the Northwest corner of the said Block C and the Northeast corner of a 390.22 acre tract of land conveyed to Claretta England et al by deed recorded in Volume 637, Page 535 of the said Deed Records for an angle point of this tract..

THENCE S 70°00'00" W with the North line of the said 390.22 acre tract 3477.17 feet to a 60d nail set in a fence corner post found in the occupied Southwest corner of the said 344 acre tract and the Southeast corner of the above mentioned 320 acre tract for an angle point of this tract.

THENCE S 69°07'27" W with the South line of the said 320 acre tract and the North line of the said 390.22 acre tract of land 715.03 feet to an iron pin set at a fence post for the Southwest corner of this tract.

THENCE N 14°45'21" W 179.49 feet to an iron pin set on the approximate centerline of a draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following four (4) courses:

- (1) N 08°10'24" W 282.31 feet to an iron pin set for an angle point.
- (2) N 03°15'27" E 200.51 feet to an iron pin set for an angle point.
- (3) N 20°42'12" W 82.19 feet to a hilti nail set for an angle point.
- (4) N 00°29'49" E 76.77 feet to a P-K nail set for an angle point.

THENCE N 63°25'11" W 222.44 feet to an iron pin set for an angle point of this tract.

THENCE N 11°53'41" W 109.84 feet to an iron pin set for an angle point of this tract.

THENCE N 68°41'52" E 230.20 feet to a hilti nail set on the approximate centerline of the above mentioned draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following six (6) courses:

- (1) N 02°22'46" W 132.28 feet to an iron pin set for an angle point.
- (2) N 08°55'39" E 98.85 feet to an iron pin set for an angle point.
- (3) N 12°06'30" W 161.10 feet to a cotton spindle set for an angle point.
- (4) N 07°28'43" W 267.11 feet to an iron pin set for an angle point.
- (5) N 24°08'23" E 183.37 feet to an iron pin set for an angle point.
- (6) N 20°16'17" W 386.52 feet to an iron pin set for an angle point.

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EXHIBIT "E"

THENCE N 01°24'47" W 355.71 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 88°35'13" E 101.66 feet to an iron pin set on the East line of the said 320 acre tract and the West line of the said 344 acre tract for an angle point of this tract.

THENCE S 87°04'20" E 154.38 feet to an iron pin set for an angle point of this tract.

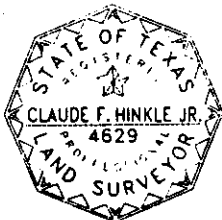
THENCE N 34°22'01" E 2411.06 feet to a point in the approximate centerline of South Brushy Creek for an angle point of this tract.

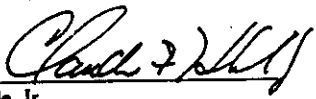
THENCE down the approximate centerline of the said Creek for the following nine (9) courses:

- (1) N 40°20'05" E 107.41 feet to an angle point.
- (2) N 57°59'02" E 270.37 feet to an angle point.
- (3) N 73°16'25" E 155.30 feet to an angle point.
- (4) N 68°49'03" E 175.46 feet to an angle point.
- (5) N 61°51'38" E 155.97 feet to an angle point.
- (6) N 68°14'10" E 282.23 feet to an angle point.
- (7) N 56°51'25" E 793.41 feet to an angle point.
- (8) N 47°40'12" E 145.53 feet to an angle point.
- (9) N 59°19'11" E 114.08 feet to a P-K nail found in the Northeast corner of the said 344 acre tract and the Northwest corner of the above mentioned 215.608 acre tract for the Northeast corner of this tract.

THENCE S 19°14'57" E 4244.41 feet to the POINT OF BEGINNING containing 372.685 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes were prepared from an on-the-ground survey made under my supervision during December of 1997 and are correct to the best of my knowledge and belief.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 6-01-98 836.DOC

# EXHIBIT "F"

VOL 0105 PAGE 237

PAGE 1 OF 3

## FIELD NOTES FOR 591.146 ACRES

Field notes describing a 591.146 acre tract in the Samuel Damon Survey, Abstract No. Abstract No. 170, being all of a 75 acre tract of land, designated as Tract 1 in the First Tract, all of a 5 acre tract, designated as Tract 2 in the First Tract, all of a 150 acre tract, designated as Tract 3 in the First Tract, a part of a 116 acre tract of land, designated as Tract 2 in the Second Tract, and a part of a 244 acre tract, designated as Tract 1 in the Second Tract, in a deed to C.N. Avery, Jr. et al recorded in Volume 305 Page 228 of the Deed Records of Williamson County, Texas and being more particularly described as follows:

BEGINNING at an iron pin set in the intersection of the West line of the Southern Pacific Railroad and the occupied South line of the above mentioned Damon Survey for the Southeast corner of this tract.

THENCE S 71° 17' 55" W with the occupied South line of the said Damon Survey 2097.40 feet to an iron pin set at a fence corner post found in the occupied Southwest corner of the said 244 acre tract and the occupied Southeast corner of the said 150 acre tract for an angle point of this tract.

THENCE S 29° 43' 36" W 11.19 feet to an iron pin set at a fence post found for an angle point.

THENCE S 54° 39' 55" W 65.28 feet to an iron pin set at a fence post found for an angle point.

THENCE S 70° 57' 55" W 1298.04 feet to an iron pin set at a fence corner post found for an angle point of this tract.

THENCE S 71° 22' 31" W 939.49 feet to an iron pin set at a fence corner post found in the occupied Southwest corner of the said 150 acre tract for the Southwest corner of this tract.

THENCE N 19° 32' 10" W with the occupied West line of the said 150 acre tract 2496.88 feet to an iron pin set at a fence post found for an angle point.

THENCE N 15° 49' 54" W 317.98 feet to an iron pin set at a fence post found for an angle point.

THENCE N 49° 19' 01" W 94.93 feet to an iron pin set at a fence post found for an angle point.

THENCE N 15° 24' 57" W 181.53 feet to an iron pin set on the approximate centerline of South Brushy Creek for the Northwest corner of the said 150 acre tract and a reentrant corner of this tract.

THENCE N 63° 51' 07" E with the approximate centerline of South Brushy Creek 558.62 feet to an iron pin set for the Southwest corner of the above mentioned 75 acre tract.

THENCE N 20° 04' 33" W with the occupied West line of the said 75 acre tract 146.04 feet to an iron pin found at a fence corner post for an angle point.

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RECORDERS MEMORANDUM  
All or parts of the text on this page was not  
clearly legible for satisfactory recordation.

# EXHIBIT "F"



PAGE 2 OF 3

THENCE N 20° 04' 33" W with the occupied West line of the said 75 acre tract 385.44 feet to an iron pin found at a 10" pecan tree for an angle point.

THENCE N 19° 55' 08" W with the occupied West line of the said 75 acre tract 796.83 feet to an iron pin found in a 30" hackberry tree for an angle point.

THENCE N 19° 42' 14" W with the occupied West line of the said 75 acre tract and the occupied West line of the above mentioned 5 acre tract 830.87 feet to an iron pin set on the curving South line of the Southern Pacific Railroad for the Northwest corner of the said 5 acre tract and the Northwest corner of this tract.

THENCE with the arc of the curving South line of the said Railroad 994.39 feet said curve having a radius of 1432.63 feet, a central angle of 39° 46' 09" and a sub-chord which bears N 70° 12' 17" E 974.55 feet to an iron pin set for the PT of the said curve.

THENCE N 50° 19' 12" E 874.60 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 1859.86 feet and a central angle of 01° 04' 54".

THENCE with the arc of the said curve 35.11 feet the sub-chord of which bears N 50° 51' 39" E 35.11 feet to an iron pin set in the Northeast corner of the said 75 acre tract for a reentrant corner of this tract.

THENCE with the occupied East line of the said 75 acre tract for the following five (5) courses:

- (1) S 20° 36' 46" E 1469.77 feet to an iron pin set at a fence corner post found for an angle point.
- (2) S 24° 09' 33" E 207.93 feet to an iron pin set for an angle point.
- (3) S 08° 40' 19" W 34.77 feet to an iron pin set for an angle point.
- (4) S 08° 42' 22" E 64.52 feet to an iron pin set for an angle point.
- (5) S 37° 22' 01" E 63.63 feet to an iron pin set on the approximate centerline of South Brushy Creek for the Southeast corner of the said 75 acre tract and the Northwest corner of the above mentioned 116 acre tract.

THENCE down the approximate centerline of South Brushy Creek and the North line of the said 116 acre tract for the following twenty (20) courses:

- (1) N 25° 21' 39" E 1030.02 feet
- (2) N 48° 29' 05" E 250.38 feet
- (3) N 83° 59' 46" E 51.93 feet
- (4) N 55° 45' 41" E 311.12 feet
- (5) N 64° 49' 56" E 158.24 feet
- (6) N 81° 47' 46" E 54.93 feet

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RECORDERS MEMORANDUM

All or parts of the text on this page was not clearly legible for satisfactory recordation.

EXHIBIT "F"

# EXHIBIT "F"

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PAGE 3 OF 3

- (7) N 59° 12' 03" E 149.76 feet
- (8) N 51° 14' 42" E 556.45 feet
- (9) N 68° 43' 38" E 468.01 feet
- (10) N 78° 08' 21" E 344.07 feet
- (11) S 76° 35' 07" E 273.98 feet
- (12) S 58° 09' 24" E 117.39 feet
- (13) S 51° 36' 08" E 150.27 feet
- (14) N 79° 39' 17" E 75.56 feet
- (15) S 80° 47' 50" E 130.01 feet
- (16) S 78° 36' 53" E 84.00 feet
- (17) S 55° 24' 20" E 39.87 feet
- (18) S 71° 06' 56" E 380.66 feet
- (19) S 64° 23' 15" E 210.30 feet
- (20) S 73° 47' 07" E 321.51 feet to an iron pin set in the intersection of the approximate centerline of South Brushy Creek and the curving West line of the Southern Pacific Railroad for the Northeast corner of this tract.

THENCE with the arc of the curving West line of the said Railroad 432.11 feet said curve having a radius of 1477.89 feet, a central angle of 16° 45' 08" and a sub-chord of which bears S 26° 06' 38" W 430.57 feet to an iron pin set for the PT of the said curve.

THENCE S 34° 29' 12" W 481.37 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 2915.32 feet and a central angle of 35° 01' 10".

THENCE with the arc of the said curve 1781.85 feet the long chord of which bears S 16° 58' 37" W 1754.25 feet to an iron pin set for the PT of the said curve.

THENCE S 00° 31' 58" E 1913.43 feet to the POINT OF BEGINNING containing 591.146 acres of land more or less.

I, Timothy E. Haynie, A REGISTERED PUBLIC SURVEYOR, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my direction and supervision on the 9th day of October, 1985. All corners located are as shown. The property described herein is correct and has no visible discrepancies, protrusions, encroachments, easements, conflicts in boundary, overlapping of improvements, roads in place, nor shortages in area except as shown. This tract has access to and from a dedicated roadway.

HAYNIE KALLMAN AND GRAY, INC.



*Timothy E. Haynie*  
 Timothy E. Haynie  
 Registered Public Surveyor No. 2380

11-25-85

Date  
 Job No. 917-886

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## RECORDERS MEMORANDUM

All or parts of the text on this page was not clearly legible for satisfactory recordation.

# EXHIBIT "F"

0.3839 Acres  
County Road No. 174  
Avery Out-Parcel  
Page 1

Samuel Damon Survey Abstract No. 170  
97546.11  
November 16, 1998

## EXHIBIT "A-2"

VOL 0105 PAGE 240

STATE OF TEXAS

COUNTY OF WILLIAMSON

FIELDNOTE DESCRIPTION of 0.3839 of an acre of land in the Samuel Damon Survey, Abstract No. 170, Williamson County, Texas and being a part of that 1304.520 acre tract of land (Parcel One-Tract 1) conveyed to Pebble Creek Joint Venture and Neal A. Watt by partition deed recorded as Document No. 9843836 in the Official Public Records of Williamson County, Texas; said 0.3839 acre of land is more particularly described by metes and bounds as follows:

COMMENCING at a  $\frac{1}{2}$ " iron rod found on the southerly existing right-of-way line of Brushy Creek Road (C. R. 174) for the northwesterly corner of the aforesaid 1304.520 acre tract and being the northeast corner of that 24.67 acre tract (Tract One) conveyed to Edward H. Ball, Jr., M. I. Summerlin, Ben Ryon, J. E. Spring and William S. McIlvain by trustee's deed recorded in Volume 1680, Page 690 of the Deed Records of Williamson County, Texas;

THENCE, S86°42'52"E, with the common southerly, existing right-of-way line of Brushy Creek Road (C. R. 174) and the northerly line of said 1304.520 acre tract, a distance of 15.29 feet to a  $\frac{1}{2}$ " iron rod set for the POINT OF BEGINNING of the herein described tract;

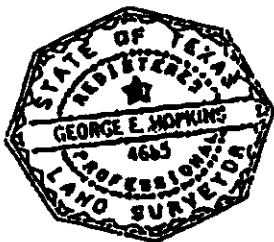
THENCE, continuing with the common southerly, existing right-of-way line of Brushy Creek Road and northerly line of said 1304.520 acre tract, the following three (3) courses;

- 1) S86°42'52"E, a distance of 217.81 feet to a fence post for an angle point;
- 2) S81°50'49"E, a distance of 162.36 feet to a 60d nail found at a fence post for an angle point;
- 3) S51°57'17"E, a distance of 148.43 feet to a  $\frac{1}{2}$ " iron rod set on the proposed northerly right-of-way line of Brushy Creek Road (C.R.-174) and being the easterly corner of the herein described tract;

THENCE, N75°36'50"W, with the proposed northerly right-of-way line of Brushy Creek Road (proposed 90.0 feet wide right-of-way), across said 1304.520 acre tract, a distance of 511.08 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 0.3839 of an acre of land area.

I, George E. Hopkins, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 16 day of NOVEMBER, 1998.



GEORGE E. HOPKINS  
Registered Professional Land Surveyor  
No. 4685 - State of Texas

108

EXHIBIT "A-2"

2.2644 Acres  
County Road No. 174  
Parcel No. 7  
Page 1

## EXHIBIT "A-3"

Samuel Damon Survey Abstract No. 170  
97546.11  
August 18, 1998

VOL 0105  
PAGE 241

STATE OF TEXAS

§  
§  
§

COUNTY OF WILLIAMSON

**FIELDNOTE DESCRIPTION** of 2.2644 acres of land in the Samuel Damon Survey, Abstract No. 170, Williamson County, Texas and being a part of that 1304.520 acre tract of land (Parcel One-Tract 1) conveyed to Pebble Creek Joint Venture and Neal A. Watt by partition deed recorded as Document No. 9843836 in the Official Public Records of Williamson County, Texas; said 2.2644 acres of land are more particularly described by metes and bounds, in two parcels, as follows:

### Parcel 7-A

**BEGINNING** at an iron rod found on the southerly right-of-way line of Brushy Creek Road (C. R. 174) for the northwesterly corner of the aforesaid 1304.520 acre tract and being the northeast corner of that 24.67 acre tract (Tract One) conveyed to Edward H. Ball, Jr., M. L. Summerlin, Ben Ryon, J. H. Spring and William S. Melvain by trustee's deed recorded in Volume 1680, Page 690 of the Deed Records of Williamson County, Texas;

**THENCE**, S86°42'52"E, with the common southerly right-of-way line of Brushy Creek Road (C. R. 174) and the northerly line of said 1304.520 acre tract, a distance of 15.29 feet to a 1/2" iron rod set for corner;

**THENCE**, S75°36'50"E, leaving the common northerly line of said 1304.520 acre tract and fenced, southerly right-of-way line of Brushy Creek Road (C. R. 174), crossing the 1304.520 acre tract, a distance of 511.08 feet to a 1/2" iron rod set on the common northerly line of said 1304.520 acre tract and southerly fenced right-of-way line of Brushy Creek Road;

**THENCE**, S51°57'17"E, with the common northerly line of said 1304.520 acre tract and southerly right-of-way line of Brushy Creek Road, a distance of 224.27 feet to a 1/2" iron rod set for corner;

**THENCE**, N75°36'50"W leaving the common northerly line of said 1304.520 acre tract and southerly right-of-way line of Brushy Creek Road, crossing the 1304.520 acre tract, a distance of 854.73 feet to a 1/2" iron rod set on the common westerly line of said 1304.520 acre tract and easterly line of the aforesaid 24.67 acre tract, from which a 1/2" iron rod found for the southeast corner of the 24.67 acre tract bears S69°08'39"W, 24.78 feet and S31°59'02"W, 392.37 feet;

**THENCE**, N69°08'39"E, with the common easterly line of said 24.67 acre tract and westerly line of said 1304.520 acre tract, a distance of 150.87 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 1.4218 acres of land area.

### Parcel 7-B

**BEGINNING** at a 60d nail found at a fence corner on the southerly fenced right-of-way line of Brushy Creek Road (C. R. No. 174), being the northeast corner of the aforesaid 1304.520 acre tract and also being the northwest corner of the remainder of that 201.5 acre tract conveyed to Will Wilson by deed recorded in Volume 406, Page 504 of the Deed Records of Williamson County, Texas;

**THENCE**, S22°09'45"E, with the common easterly line of said 1304.520 acre tract and westerly line of the remainder of said 201.5 acre tract, a distance of 29.54 feet to a 1/2" iron rod set for corner;

**THENCE**, leaving said common line across the 1304.520 acre tract, the following three (3) courses:

- 1) Southwesterly with a curve to the right (non-tangent to the previous course) having a radius of 1545.00 feet and a central angle of 09°40'23" (chord bears S76°39'17"W, 260.53 feet) for an arc distance of 260.84 feet to a 1/2" iron rod set for a point of tangency;
- 2) S81°29'28"W, a distance of 376.85 feet to a 1/2" iron rod set for the point of curvature of a curve to the right.

EXHIBIT "A-3"

2.2644 Acres  
County Road No. 174  
Parcel No. 7  
Page 2

## EXHIBIT "A-3"

Samuel Damon Survey Abstract No. 170  
97546.11  
August 18, 1998

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- 3) Southwesterly with said curve to the right having a radius of 1200.00 feet and a central angle of  $11^{\circ}04'28''$  (chord bears  $S87^{\circ}01'43''W$ , 231.58 feet) for an arc distance of 231.95 feet to a  $\frac{1}{2}$ " iron rod set on the common northerly line of said 1304.520 acre tract and southerly right-of-way of Brushy Creek Road.

THENCE, with the common northerly line of said 1304.520 acre tract and southerly right-of-way line of Brushy Creek Road, the following two (2) courses:

- 1)  $N75^{\circ}32'24''E$ , a distance of 283.88 feet to an angle point;
- 2)  $N81^{\circ}36'03''E$ , a distance of 577.63 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 0.8426 acres of land, for a total land area of 2.2644 acres in Parcel 7A and 7B combined.

That I, George E. Hopkins, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 18 day of AUGUST, 1998.



*George E. Hopkins*  
GEORGE E. HOPKINS  
Registered Professional Land Surveyor  
No. 4685 - State of Texas

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## EXHIBIT "A-3"

FIELD NOTES  
FOR

## EXHIBIT "A-4"

15.00 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SAMUEL DAMON SURVEY, ABSTRACT NO. 170 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO PEBBLE CREEK JOINT VENTURE BY INSTRUMENTS RECORDED IN DOC. NO. 9828294, DOC. NO. 9843833, DOC. NO. 9843836 AND DOC. NO. 9844081 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pin found at the intersection of the South line of said Pebble Creek Joint Venture Tract and the West r.o.w. line of Farmer Lane, for the Southeast corner and PLACE OF BEGINNING hereof:

THENCE along the South line of said Pebble Creek Joint Venture Tract for the following courses:

S 70°04'54" W for a distance of 33.89 feet to a 60-d nail found in a tree

S 70°27'39" W for a distance of 359.54 feet to a 60-d nail found in a tree

S 69°30'13" W for a distance of 144.59 feet to a 60-d nail found in a tree

S 68°42'13" W for a distance of 81.33 feet to a 60-d nail found in a tree

S 69°06'21" W for a distance of 220.47 feet to a 1/2 inch iron pin found

S 70°32'24" W for a distance of 82.93 feet to a 1/2 inch iron pin set for the Southwest corner hereof:

THENCE along the West line of the herein described tract, N 19°27'36" W for a distance of 704.41 feet to a 1/2 inch iron pin set for the Northwest corner hereof:

THENCE along the North line of the herein described tract, N 69°51'51" E for a distance of 907.86 feet to a 1/2 inch iron pin set in the West r.o.w. line of Farmer Lane, for the Northeast corner hereof:

## RECORDERS MEMORANDUM

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EXHIBIT "A-4"

FIELD NOTES  
FOR

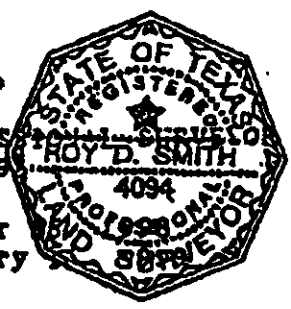
15.00 ACRES OF LAND - Page Two

THENCE along the West r.o.w. line of Parmer Lane, S 23°06'18" E for a distance of 705.00 feet to the PLACE OF BEGINNING and containing 15.00 acres of land, more or less.

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

*Roy D. Smith*  
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 4094  
September 15, 1994



Revised: October  
February

RECORDERS MEMORANDUM  
All or parts of the text on this page was not  
clearly legible for satisfactory recordation.

EXHIBIT "A-4"

Standard Pacific of Texas, Inc.  
Fee Strip  
1.244 Acres

## EXHIBIT "A-5"

F.N. 1283(BDN)  
December 03, 1998  
SAM, Inc. Job No. 98287-01

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DESCRIPTION OF 1.244 ACRES OF LAND LOCATED IN THE RACHAEL SAUL SURVEY, ABSTRACT NO. 551 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF THAT TRACT OF LAND DESCRIBED AS PARCEL 2 IN THE DEED TO STANDARD PACIFIC OF TEXAS, INC. RECORDED IN VOLUME 2224, PAGE 533, OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, AND A PORTION OF THE REMAINDER OF THAT CERTAIN 26.40 ACRE TRACT OF LAND DESCRIBED AS TRACT 2 IN THE DEED TO STANDARD PACIFIC OF TEXAS, INC. RECORDED IN DOCUMENT No. 9623940, OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 1.244 ACRES, AS SHOWN ON SAM, INC. DRAWING No. 98287-01, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod found on the east right-of-way line of Parmer Lane West (F.M. 734 - 200' wide) as dedicated by Volume 1796, Page 485, Deed Records of Williamson County, Texas, being the northwest corner of said 66.26 acre tract, said point being on the south line of that called 1304.520 acre tract described in the deed to Pebble Creek Joint Venture, recorded in Document No. 9844081, Official Records of Williamson County, Texas;

THENCE with the common line of said 66.26 acre tract and said 1304.520 acre tract, the following four (4) courses and distances:

1. N 70° 03' 49" E, a distance of 13.05 feet to a 60d nail found in a live oak tree,
2. N 68° 47' 57" E, a distance of 284.47 feet to a 60d nail found in a live oak tree,
3. N 69° 22' 20" E, a distance of 340.34 feet to a 60d nail found in a an elm tree, and
4. N 68° 55' 09" E, passing at a distance of 394.66 feet, a ½-inch iron rod found for the northeast corner of said 66.26 acre tract, being the northwest corner of said 26.20 acre tract, and continuing in all, a distance of 574.45 feet to a ½-inch iron rod set for the northeast corner of the tract described herein, being the northwest corner of that 0.451 acre Wastewater Easement described in the deed to the City of Austin, recorded in Document No. 9606122, Official Records of Williamson County, Texas, and from which point, an axle found for the northeast corner of said 26.20 acre tract, being an interior ell corner of said 1304.520 acre tract bears, N 68° 55' 09" E, a distance of 494.11 feet;

THENCE S 19° 51' 53" E, leaving said common line and crossing said 26.20 acre tract, a distance of 44.78 feet to a ½-inch iron rod set on the north line of that 0.226 acre Drainage Easement described in the deed to the City of Austin, recorded in Document No. 9606118, Official Records of Williamson County, Texas, being the southeast corner of the tract described herein, being the most western southwest corner of said 0.451 acre tract, also being the northwest corner of that 1.245 acre Drainage and public Utility Easement described in the deed to the City of Austin, recorded in Document No. 9606120, Official records of Williamson County, Texas;

THENCE S 69° 00' 42" W, with the north line of said 0.226 acre tract, passing at a distance of 203.37 feet, the northwest corner of said 0.226 acre tract, being the northeast corner of that 1.110 acre Drainage Easement described in the deed to the City of Austin, recorded in Document No. 9606121, Official Records of Williamson County, Texas; said point being on the common line of said 26.20 acre tract and said 66.26 acre tract, and continuing in all, with the north line of said 1.110 acre tract, an overall distance of 1208.40 feet to a ½-inch iron rod set on the east right-of-way line of said Parmer Lane West, being the west line of said 66.26 acre tract, for the southwest corner of the tract described herein, and from which point, a Texas Department of Transportation Type I monument found for the north end of the curving east right-of-way line of said Parmer Lane West bears, S 24° 49' 08" E, a distance of 84.55 feet;

### RECORDERS MEMORANDUM

All or parts of the text on this page was not clearly legible for satisfactory recordation.

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## EXHIBIT "A-5"



Standard Pacific of Texas, Inc.  
Fee Strip  
1.244 Acres

## EXHIBIT "A-5"

F.N. 1293(BDN)  
December 03, 1998  
SAM, Inc. Job No. 98287-01

THENCE N 24° 49' 08" W, with the east line of said Parmer Lane West, being the west line of said 56.26 acre tract, a distance of 45.28 feet to the POINT OF BEGINNING and containing 1.244 acres of land, more or less.

STATE OF TEXAS

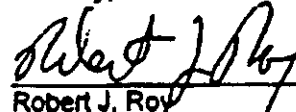
KNOW ALL MEN BY THESE PRESENTS:

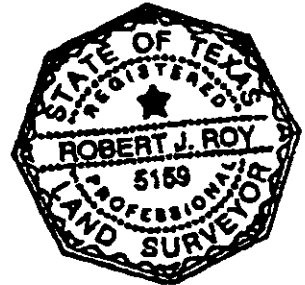
COUNTY OF WILLIAMSON

That I, Robert J. Roy, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 3rd day of December, 1998, A.D.

SURVEYING AND MAPPING, INC.  
4029 Capital of Texas Hwy., So., Suite 125  
Austin, Texas 78704

  
Robert J. Roy  
Registered Professional Land Surveyor  
No. 5159 - State of Texas



## RECORDERS MEMORANDUM

All or parts of the text on this page was not clearly legible for satisfactory recordation.

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EXHIBIT "A-5"

**AUSTIN SURVEYORS**

P.O. BOX 198243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6685

**EXHIBIT TWO**

VOL 0105 PAGE 247

**FIELD NOTES FOR 372.685 ACRES**

All that certain tract or parcel of land situated in the J.H. Dillard Survey, A-179, in Williamson County, Texas and being a part of a 344 acre tract of land conveyed to Chas. N. Avery, Jr., et al by deed recorded in Volume 362, Page 477 of the Deed Records of Williamson County, Texas and being also a part of a 531 acre tract of land conveyed to C.N. Avery, Jr., et al by deed recorded in Volume 640, Page 440 of the said Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found on the North line of Block C of The Meadows of Brushy Creek as recorded in Cabinet F, Slide 210 of the Plat Records of Williamson County, Texas, in the Southwest corner of a 215.608 acre tract of land conveyed to Scott Felder Ltd. Partnership, Inc by deed recorded in Volume 2361, Page 430 of the said Deed Records, for the Southeast corner of the above mentioned 344 acre tract and the Southeast corner of this tract.

THENCE S 69°33'04" W 773.74 feet to an iron pin found in the Northwest corner of the said Block C and the Northeast corner of a 390.22 acre tract of land conveyed to Claretta England et al by deed recorded in Volume 637, Page 535 of the said Deed Records for an angle point of this tract..

THENCE S 70°00'00" W with the North line of the said 390.22 acre tract 3477.17 feet to a 60d nail set in a fence corner post found in the occupied Southwest corner of the said 344 acre tract and the Southeast corner of the above mentioned 320 acre tract for an angle point of this tract.

THENCE S 69°07'27" W with the South line of the said 320 acre tract and the North line of the said 390.22 acre tract of land 715.03 feet to an iron pin set at a fence post for the Southwest corner of this tract.

THENCE N 14°45'21" W 179.49 feet to an iron pin set on the approximate centerline of a draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following four (4) courses:

- (1) N 08°10'24" W 282.31 feet to an iron pin set for an angle point.
- (2) N 03°15'27" E 200.51 feet to an iron pin set for an angle point.
- (3) N 20°42'12" W 82.19 feet to a hilti nail set for an angle point.
- (4) N 00°29'49" E 76.77 feet to a P-K nail set for an angle point.

THENCE N 63°25'11" W 222.44 feet to an iron pin set for an angle point of this tract.

THENCE N 11°53'41" W 109.84 feet to an iron pin set for an angle point of this tract.

THENCE N 68°41'52" E 230.20 feet to a hilti nail set on the approximate centerline of the above mentioned draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following six (6) courses:

- (1) N 02°22'46" W 132.28 feet to an iron pin set for an angle point.
- (2) N 08°55'39" E 98.85 feet to an iron pin set for an angle point.
- (3) N 12°06'30" W 161.10 feet to a cotton spindle set for an angle point.
- (4) N 07°28'43" W 267.11 feet to an iron pin set for an angle point.
- (5) N 24°08'23" E 183.37 feet to an iron pin set for an angle point.
- (6) N 20°16'17" W 386.52 feet to an iron pin set for an angle point.

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**EXHIBIT TWO**

372.685 acres

PAGE 2 OF 2

EXHIBIT TWO  
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THENCE N 01°24'47" W 355.71 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 88°35'13" E 101.66 feet to an iron pin set on the East line of the said 320 acre tract and the West line of the said 344 acre tract for an angle point of this tract.

THENCE S 87°04'20" E 154.38 feet to an iron pin set for an angle point of this tract.

THENCE N 34°22'01" E 2411.06 feet to a point in the approximate centerline of South Brushy Creek for an angle point of this tract.

THENCE down the approximate centerline of the said Creek for the following nine (9) courses:

- (1) N 40°20'05" E 107.41 feet to an angle point.
- (2) N 57°59'02" E 270.37 feet to an angle point.
- (3) N 73°16'25" E 155.30 feet to an angle point.
- (4) N 68°49'03" E 175.46 feet to an angle point.
- (5) N 61°51'38" E 155.97 feet to an angle point.
- (6) N 68°14'10" E 282.23 feet to an angle point.
- (7) N 56°51'25" E 793.41 feet to an angle point.
- (8) N 47°40'12" E 145.53 feet to an angle point.
- (9) N 59°19'11" E 114.08 feet to a P-K nail found in the Northeast corner of the said 344 acre tract and the Northwest corner of the above mentioned 215.608 acre tract for the Northeast corner of this tract.

THENCE S 19°14'57" E 4244.41 feet to the POINT OF BEGINNING containing 372.685 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes were prepared from an on-the-ground survey made under my supervision during December of 1997 and are correct to the best of my knowledge and belief.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 4-01-98  
836.DOC

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EXHIBIT TWO

**AFFIDAVIT**

The undersigned, **Edward R. Rathgeber, Jr.**, President of Rathgeber Investment GP, Inc., the General Partner of Rathgeber Investment Company, Ltd., the Managing Partner of **Pebble Creek Joint Venture**, a Texas joint venture partnership, hereby swears and affirms as follows:

1. I represent **Pebble Creek Joint Venture**, a Texas joint venture partnership. Pebble Creek Joint Venture is the owner of the following real property:

Approximately 1,502.425 acres of land, more or less, in Williamson County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached to and incorporated in this Affidavit by reference.

2. The fee simple title to all of the property described in the attached Exhibit "A" is held by Pebble Creek Joint Venture, a Texas joint venture partnership.

3. Pebble Creek Joint Venture hereby consents to the creation of Williamson County Development District No. 2 (Avery Ranch Development), and the inclusion of said property in the District.

**FURTHER AFFIANT SAITH NOT.**

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EXECUTED this 19<sup>th</sup> day of July, 1999.

AFFIANT:

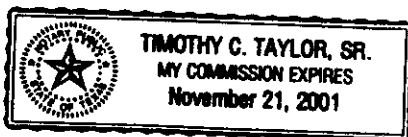
**Pebble Creek Joint Venture**  
(a Texas joint venture partnership)

By: Rathgeber Investment Company, Ltd.  
(a Texas limited partnership)  
*Managing Partner*

By: Rathgeber Investment GP, Inc.  
(a Texas corporation)  
*Its General Partner*

By: *Edward R. Rathgeber Jr.*  
Edward R. Rathgeber, Jr.  
President

SUBSCRIBED TO AND SWORN before me, the undersigned authority, this 19<sup>th</sup> day of July, 1999, by Edward R. Rathgeber, Jr., President of Rathgeber Investment GP, Inc., a Texas corporation, general partner of Rathgeber Investment Company, Ltd., a Texas limited partnership, the Managing Partner of Pebble Creek Joint Venture, on behalf of said corporation, limited partnership, and joint venture partnership.



*Timothy C. Taylor, Sr.*  
Notary Public - State of Texas

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STATE OF TEXAS

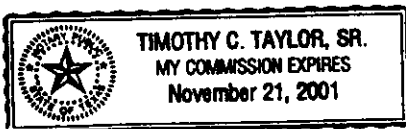
§

§

COUNTY OF TRAVIS

§

This instrument was acknowledged before me this 19<sup>th</sup> day of July, 1999, by Edward R. Rathgeber, Jr., President of Rathgeber Investment GP, Inc., a Texas corporation, General Partner of Rathgeber Investment Company, Ltd., a Texas limited partnership, the Managing Partner of Pebble Creek Joint Venture, a Texas joint venture, on behalf of said corporation, partnership, and joint venture.



Timothy C. Taylor, Sr.  
Notary Public, State of Texas  
Name: TIMOTHY C. TAYLOR, SR.  
My Commission Expires: NOV. 21, 2001

**EXHIBIT "A"****Avery Ranch Land owned by Pebble Creek Joint Venture****TRACT A**

Approximately 1,501.181 acres of land, more or less, situated in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, the JOHN H. DILLARD SURVEY, ABSTRACT NO. 179, and the RACHAEL SAUL SURVEY, ABSTRACT NO. 551, in Williamson County, Texas, being out of and a part of property commonly known as the "Avery Ranch", as more particularly described on Exhibit "A-1" attached to and incorporated herein by reference; **SAVE AND EXCEPT** a 0.3839 acre tract of land, more or less, in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, Williamson County, Texas, conveyed to Wilson Land and Cattle Company by deed dated February 9, 1999, and more particularly described by metes and bounds in Exhibit "A-2" attached hereto and made a part hereof; and **FURTHER SAVE AND EXCEPT** that certain 2.2644 acre tract of land, more or less, in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, Williamson County, Texas, deeded to Williamson County by Deed dated December 15, 1998, and recorded in the real property records of Williamson County, Texas and more particularly described by metes and bounds in Exhibit "A-3" attached hereto and made a part hereof; and **FURTHER SAVE AND EXCEPT** that certain 15.0 acre tract of land, more or less, in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, Williamson County, Texas, being more particularly described by metes and bounds in Exhibit "A-4" attached hereto and made a part hereof.

**TRACT B**

That certain tract or parcel of land being 1.244 acres of land, more or less, out of the RACHAEL SAUL SURVEY, ABSTRACT NO. 551, in Williamson County, Texas, and being more particularly described by metes and bounds in Exhibit "A-5" attached hereto and made a part hereof.

**EXHIBIT "A-1"****Avery Ranch Land owned by Pebble Creek Joint Venture****TRACT I**

Being all of that certain tract or parcel of land containing 1,304.520 acres, more or less, situated in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, the JOHN H. DILLARD SURVEY, ABSTRACT NO. 179, and the RACHAEL SAUL SURVEY, ABSTRACT NO. 551, Williamson County, Texas, and said tract being more particularly described by metes and bounds, shown on Exhibit "B" attached hereto and made a part hereof, **SAVE AND AS EXCEPT THEREFROM** all of that certain tract or parcel of land containing 16.800 acres, more or less, conveyed to the State of Texas by instrument recorded in Volume 1796, Page 508 of the Official Records of Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "C" attached hereto and made a part hereof, and **FURTHER SAVE AND AS EXCEPT THEREFROM** all of that certain tract or parcel of land containing 5.00 acres, more or less, conveyed to John E. Henry, et ux, Linda Henry, by instrument recorded in Volume 1980, Page 977, of the Official Records of Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "D" attached hereto and made a part hereof, and **SAVE AND EXCEPT THEREFROM** all of that certain 372.685 acre tract of land described by metes and bounds shown on Exhibit "E" attached to and made a part of the instrument to which this exhibit is attached, reference to which is hereby made for all purposes.

**TRACT II:**

Being all of that certain tract or parcel of land containing 591.146 acres, more or less, situated in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "F" attached hereto and made a part hereof.



# EXHIBIT "B"

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PAGE 1 OF 4

## FIELD NOTES FOR 1394.520 ACRES

Field notes describing a 1394.520 acre tract in the J.H. Dillard Survey, Abstract No. 179, and the Rachel Saul Survey, Abstract No. 551, in Williamson County, Texas being all of a 344 acre tract of land conveyed to C.N. Avery et al by deed recorded in Volume 362 Page 447 of the Deed Records of Williamson County, Texas, all of a 531 acre tract conveyed to C.N. Avery Jr. et al by deed recorded in Volume 340 Page 440 of the said Deed Records, all of a 200 acre tract of land conveyed to C.N. Avery Jr. et al by deed recorded in Volume 344 Page 515 of the said Deed Records, all of a tract of land called 15 acres in a quitclaim deed to C.N. Avery Jr. et al recorded in Volume 500 Page 670 of the said Deed Records, all of a 9.06 acre tract, designated as the Third Tract, a part of a 116 acre tract of land, designated as Tract 2 in the Second Tract, a part of a 244 acre tract, designated as Tract 1 in the Second Tract, and a part of a 100 acre tract, designated as Tract 3 in the Second Tract, in a deed to C.N. Avery, Jr. et al recorded in Volume 305 Page 228 of the Deed Records of Williamson County, Texas and being more particularly described as follows:

BEGINNING at a 30° live oak tree found in the occupied Southwest corner of the J.H. Dillard Survey and the occupied Southeast corner of the S. Damon Survey, Abstract No. 170, for the Southeast corner of the above said 200 acre tract, from which tree an old rock mound found bears S 71° 35' 26" W 51.76 feet.

THENCE S 70° 41' 17" W 341.28 feet to a 60d nail found in a 11' elm tree for an angle point.

THENCE S 70° 30' 44" W 284.71 feet to a 60d nail found in a 13' live oak tree for an angle point.

THENCE S 71° 52' 58" W 247.20 feet to a 60d nail found in a 12' cedar tree for an angle point.

THENCE S 70° 27' 36" W 389.60 feet to a 60d nail found in an 8' elm tree for an angle point.

THENCE S 69° 29' 37" W 144.61 feet to a 60d nail found in a 13' cedar tree for an angle point.

THENCE S 68° 44' 26" W 81.38 feet to a 60d nail found in a 9' elm tree for an angle point.

THENCE S 69° 07' 04" W 220.43 feet to an iron pin found for an angle point.

THENCE S 70° 32' 38" W 1930.89 feet to an iron pin set at a fence corner post found for an angle point.

THENCE S 70° 14' 25" W 1175.70 feet to an iron pin set in the intersection of the occupied South line of the said Damon Survey and the East right-of-way line of the Southern Pacific Railroad Co. for the Southwest corner of this tract.

THENCE N 00° 31' 58" W with the East right-of-way line of the said Railroad 1880.03 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 2815.32 feet and a central angle of 35° 01' 10".

THENCE with the arc of the said curve 1720.73 feet the long chord of which bears N 16° 58' 37" E 1694.07 feet to an iron pin set for the PT of the said curve.

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EXHIBIT "B"

# EXHIBIT "B"

PAGE 2 OF 4

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THENCE N 34° 29' 12" E 481.37 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 1577.89 feet and a central angle of 27° 46' 00".

THENCE with the arc of the said curve 764.68 feet the long chord of which bears N 20° 36' 12" E 737.22 feet to an iron pin set for the PT of the said curve and the PC of a curve to the left said curve having a radius of 766.20 feet and a central angle of 48° 01' 00".

THENCE with the arc of the said curve 642.11 feet the long chord of which bears N 17° 17' 18" W 623.49 feet to an iron pin set for the PT of the said curve and the PC of a curve to the left said curve having a radius of 789.30 feet and a central angle of 16° 08' 10".

THENCE with the arc of the said curve 222.29 feet the sub-chord of which bears N 49° 21' 53" W 221.56 feet to an iron pin set in the West corner of the above mentioned 9.06 acre tract for the Northwest corner of this tract.

THENCE N 33° 43' 21" E 385.24 feet to an iron pin found for an angle point of this tract.

THENCE N 70° 53' 14" E 175.40 feet to an iron pin found on the South line of County Road #174 for an angle point.

THENCE with the South line of County Road #174 for the following six (6) courses:

- (1) S 85° 00' 15" E 233.48 feet to an iron pin set.
- (2) S 80° 05' 03" E 162.04 feet to an iron pin set.
- (3) S 50° 12' 48" E 464.35 feet to an iron pin set.
- (4) S 76° 21' 34" E 463.84 feet to an iron pin set.
- (5) N 77° 15' 21" E 371.18 feet to an iron pin set.
- (6) N 83° 19' 00" E 577.65 feet to an iron pin set at a fence corner post found in the intersection of the occupied South line of the said County Road #174 and the occupied East line of the above mentioned 100 acre tract for an angle point of this tract.

THENCE with the occupied East line of the said Damon Survey and the occupied West line of the said Dillard Survey, said line being the occupied East line of the said 100 acre tract and the occupied East line of the said 15 acre tract, for the following three (3) courses:

- (1) S 19° 59' 52" E 1082.71 feet to an iron pin set.
- (2) S 15° 08' 17" E 178.03 feet to an iron pin set.
- (3) S 20° 39' 48" E 900.38 feet to an iron pin set at a fence corner post found in the occupied Southeast corner of the said 15 acre tract and the occupied Northwest corner of the above mentioned 531 acre tract for an angle point of this tract.

THENCE N 58° 12' 16" E 1050.19 feet to an iron pin set at a fence post found for an angle point.

THENCE N 12° 37' 14" W 555.07 feet to an iron pin set at a fence corner post found in the occupied Southwest corner of a tract of land conveyed to Will Wilson by deed recorded in Volume 406 Page 507 of the said Deed Records.

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# EXHIBIT "B"

# EXHIBIT "B"

PAGE 3 OF 4

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PAGE 256

THENCE with the South line of the said Will Wilson tract for the following ten (10) courses:

- (1) N 88° 35' 14" E 358.33 feet to an iron pin set.
- (2) N 61° 05' 13" E 486.11 feet to an iron pin set.
- (3) N 65° 50' 13" E 680.55 feet to an iron pin set.
- (4) N 49° 45' 13" E 1150.00 feet to an iron pin set.
- (5) S 86° 54' 47" E 186.11 feet to an iron pin set.
- (6) N 69° 05' 13" E 404.17 feet to an iron pin set.
- (7) N 89° 35' 13" E 347.22 feet to an iron pin set.
- (8) S 16° 54' 47" E 195.83 feet to an iron pin set.
- (9) N 79° 05' 13" E 416.67 feet to an iron pin set.
- (10) N 88° 35' 13" E 355.33 feet to an iron pin set in the intersection of the occupied West line of the above said 344 acre tract and the approximate centerline of South Brushy Creek for the Northeast corner of the said 531 acre tract.

THENCE N 19° 12' 18" W 1378.13 to an iron pin set in the intersection of the occupied West line of the said 344 acre tract and the occupied South line of County Road 1174.

THENCE with the South line of County Road 1174, as fenced and occupied, for the following four (4) courses:

- (1) N 83° 02' 43" E 821.80 feet to an iron pin set.
- (2) N 74° 41' 45" E 152.48 feet to an iron pin set.
- (3) N 63° 12' 16" E 294.17 feet to an iron pin set.
- (4) N 55° 36' 32" E 837.77 feet to an iron pin found for an angle point.

THENCE S 38° 40' 29" E 82.88 feet to an iron pin found on the approximate centerline of South Brushy Creek for an angle point of this tract.

THENCE down the approximate centerline of South Brushy Creek for the following nine (9) courses:

- (1) N 40° 20' 05" E 107.41 feet to an iron pin found.
- (2) N 57° 59' 02" E 270.37 feet to an iron pin found.
- (3) N 73° 16' 25" E 155.30 feet to an iron pin found.
- (4) N 68° 49' 03" E 175.46 feet to an iron pin found.
- (5) N 61° 51' 38" E 155.97 feet to an iron pin found.
- (6) N 68° 14' 10" E 282.23 feet to an iron pin found.
- (7) N 56° 51' 25" E 793.41 feet to an iron pin found.
- (8) N 47° 40' 12" E 145.53 feet to an iron pin found.
- (9) N 59° 19' 11" E 114.08 feet to an iron pin found in the Northeast corner of the said 344 acre tract for the Northeast corner of this tract.

THENCE S 19° 14' 57" E 4244.41 feet to an iron pin found at a fence corner post, on the occupied South line of the said Dillard Survey, for the occupied Southeast corner of the said 344 acre tract and the Southeast corner of this tract.

THENCE S 69° 33' 04" W with the occupied South line of the said Dillard Survey and the occupied South line of the said 344 acre tract 773.74 feet to an iron pin found in the Northwest corner of Block C of the Meadows of Brushy Creek, a subdivision recorded in Cabinet F Slides 210 through 218 of the Plat Records of Williamson County, Texas.

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# EXHIBIT "B"

# EXHIBIT "B"

PAGE 4 OF 4

THENCE S 70° 00' 00" W with the occupied South line of the said Dillard Survey 3477.17 feet to an iron pin set at a fence corner post found in the occupied Southwest corner of the said 344 acre tract and an exterior corner of the said 531 acre tract.

THENCE S 69° 07' 27" W 715.03 feet to an iron pin set at a fence post found for an angle point.

THENCE S 69° 13' 27" W 442.04 feet to an iron pin set at a fence corner post found in an interior corner of the said 531 acre tract for an angle point of this tract.

THENCE S 19° 19' 21" E 3188.69 feet to an iron pin set at a fence post found in the occupied Southeast corner of the said 531 acre tract.

THENCE S 70° 35' 04" W with the occupied South line of the said 531 acre tract 341.39 feet to an iron pin found at a fence corner post for an angle point.

THENCE S 70° 47' 06" W 708.01 feet to an iron pin found at a fence corner post for an angle point.

THENCE S 70° 41' 07" W 2066.35 feet to an iron pin found at a fence corner post in the occupied Southwest corner of the said 531 acre tract for a reentrant corner of this tract.

THENCE N 18° 17' 21" W with the occupied West line of the said 531 acre tract 459.42 feet to an iron pin found for an angle point.

THENCE N 18° 04' 08" W 1415.41 feet to an iron pin found for an angle point of this tract.

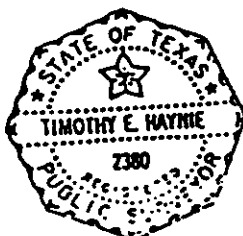
THENCE N 18° 12' 58" W 883.96 to an iron pin found for an angle point.

THENCE N 18° 07' 43" W 415.50 feet to an iron axle found on the occupied South line of the said Dillard Survey for an interior corner of the said 531 acre tract and an angle point of this tract.

THENCE S 70° 46' 13" W 1067.85 feet to the POINT OF BEGINNING containing 1304.520 acres of land more or less.

I, Timothy E. Haynie, A REGISTERED PUBLIC SURVEYOR, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my direction and supervision on the 9th day of October, 1985. All corners located are as shown. The property described herein is correct and has no visible discrepancies, protrusions, encroachments, easements, conflicts in boundary, overlapping of improvements, roads in place, nor shortages in area except as shown. This tract has access to and from a dedicated roadway.

HAYNIE KALLMAN AND GRAY, INC.



*Timothy E. Haynie*  
Timothy E. Haynie,  
Registered Public Surveyor No. 2380

11-25-85

Date  
Job No. 917-521

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# EXHIBIT "B"

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# EXHIBIT "C"

## FIELD NOTES FOR 16,800 ACRES

FIELD NOTES describing a 16,800 acre tract or parcel of land, in the Samuel Daymon Survey, Abstract No. 170, situated in Williamson County, Texas, being a portion of those certain lands known as the Alda Avery Estate, as described in a deed recorded in Volume 303, Page 228 of the Deed Records of Williamson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point on the south line of said Avery Estate, being on the north line of the remainder of those certain lands conveyed to Nash Phillips/Copus, Inc., by deed recorded in Volume 917, Page 401 of said Deed Records, from which the northwest corner of said Nash Phillips/Copus, Inc. tract bears  $S71^{\circ}08'57''W$ , 33.72 feet;  $S70^{\circ}27'16''W$ , 389.60 feet;  $S69^{\circ}13'20''W$ , 225.99 feet and  $S69^{\circ}07'04''W$ , 220.43 feet, for southwest corner and POINT OF BEGINNING of the hereinafter described tract;

THENCE along the west line hereof, the following three (3) courses:  
1.)  $N23^{\circ}06'18''W$ , 893.16 feet to the PC of a curve to the right having a radius of 3919.72 feet and a central angle of  $40^{\circ}15'37''$ ;  
2.) along the arc of said curve 2754.29 feet, the long chord of which bears  $N02^{\circ}53'30''W$ , 2697.38 feet to the PT of said curve;  
3.)  $N17^{\circ}09'19''E$ , 206.03 feet to a point on the west line of the remainder of that certain tract of land conveyed to Will Wilson by deed recorded in Volume 406, Page 507 of said Deed Records, for the most northerly corner hereof;

THENCE along the division line between said Avery Estate and said Wilson tract, for an east line hereof, the following five (5) courses:

- 1.)  $S19^{\circ}54'09''E$ , 5.00 feet to an angle point hereof;
- 2.)  $S18^{\circ}13'09''E$ , 46.58 feet to an angle point hereof;
- 3.)  $S25^{\circ}40'39''E$ , 18.03 feet to an angle point hereof;
- 4.)  $S26^{\circ}02'26''E$ , 91.83 feet to an angle point hereof;
- 5.)  $S20^{\circ}02'06''E$ , 169.89 feet to the PC of a curve to the left having a radius of 3719.72 feet and a central angle of  $39^{\circ}22'20''$ ;

THENCE departing said division line, for an east line hereof, the following two (2) courses:

- 1.) along the arc of said curve 2556.10 feet, the sub-chord of which bears  $S03^{\circ}25'08''E$ , 2506.10 feet to the PT of said curve;
- 2.)  $S23^{\circ}06'18''E$ , 908.04 feet to a point on the south line of said Avery Estate, for the southeast corner hereof;

THENCE along the south line of said Avery Estate, being the north line of said Nash Phillips/Copus, Inc. tract, for the south line hereof,  $S71^{\circ}08'57''W$ , 200.55 feet to the POINT OF BEGINNING of the herein described tract, containing 16,800 acres of land.

# EXHIBIT "D"

5.00 ACRES

ALL THAT CERTAIN tract or parcel of land lying and being situated in Williamson County, Texas, a part of the John H. Dillard Survey, A-179, and being a part of a tract described as 531 acres in a deed to C. N. Avery, Jr. of record in Volume 340, Page 440 of the Deed Records of Williamson County, Texas, and being more fully described by metes and bounds as follows:

BEGINNING at a concrete nail set in a rock on the high bank of Brushy Creek for the Northeast corner of the herein described tract from which the Northeast corner of the said 531 acre tract bears North 79° 30' East 712.67 feet;

THENCE South 12° 04' West 640.94 feet to a ½ inch steel pin set for the Southeast corner of the herein described tract;

THENCE North 65° 48' West 511.49 feet to a ½ inch steel pin set on a ridge for the Southwest corner hereof;

THENCE along the said ridge North 49° 36' East 117.11 feet to a ½ inch steel pin set for an angle point; North 38° 22' East 107.65 feet to a ½ inch steel pin set for an angle point; North 13° 43' East 105.67 feet to a ½ inch steel pin set for an angle point; and North 01° 20' East 132.80 feet to a concrete nail set in a rock on the high bank of Brushy Creek for the Northwest corner hereof;

THENCE along the high bank of Brushy Creek South 85° 55' East 184.20 feet to a ½ inch steel pin set for an angle point and North 82° 20' East 234.54 feet to the POINT OF BEGINNING and containing 5.00 acres.

Access to the above described 5.00 acre tract is obtained by an easement thirty feet in width described as follows:

BEGINNING at a concrete nail set in a rock on the high bank of Brushy Creek for the Northwest corner of the said 5.00 acre tract and the Northeast corner of the herein described easement;

THENCE with the West line of the said 5.00 acre tract South 01° 20' West 30.26 feet to a point for the Southeast corner hereof;

THENCE South 83° 45' West 328.01 feet to an angle point on the dam of a Brushy Creek W. C. I. D. reservoir for an angle point and South 85° 10' West 558.33 feet to a point in the North or Northwest line of the said 531 acre tract for the Southwest corner hereof;

THENCE with the said property line North 49° 45' East 51.77 feet to a point for the Northwest corner hereof;

THENCE along the aforesaid dam North 85° 10' East 515.77 feet to an angle point;

THENCE North 83° 45' East 331.63 feet to the POINT OF BEGINNING.

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# EXHIBIT "D"

**AUSTIN SURVEYORS**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2185 JUSTIN LANE #103  
(512) 454-6605

EXHIBIT "E"

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**FIELD NOTES FOR 372.685 ACRES**

All that certain tract or parcel of land situated in the J.H. Dillard Survey, A-179, in Williamson County, Texas and being a part of a 344 acre tract of land conveyed to Chas. N. Avery, Jr., et al by deed recorded in Volume 362, Page 477 of the Deed Records of Williamson County, Texas and being also a part of a 531 acre tract of land conveyed to C.N. Avery, Jr., et al by deed recorded in Volume 640, Page 440 of the said Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found on the North line of Block C of The Meadows of Brushy Creek as recorded in Cabinet F, Slide 210 of the Plat Records of Williamson County, Texas, in the Southwest corner of a 215.608 acre tract of land conveyed to Scott Felder Ltd. Partnership, Inc by deed recorded in Volume 2361, Page 430 of the said Deed Records, for the Southeast corner of the above mentioned 344 acre tract and the Southeast corner of this tract.

THENCE S 69°33'04" W 773.74 feet to an iron pin found in the Northwest corner of the said Block C and the Northeast corner of a 390.22 acre tract of land conveyed to Claretta England et al by deed recorded in Volume 637, Page 535 of the said Deed Records for an angle point of this tract..

THENCE S 70°00'00" W with the North line of the said 390.22 acre tract 3477.17 feet to a 60d nail set in a fence corner post found in the occupied Southwest corner of the said 344 acre tract and the Southeast corner of the above mentioned 320 acre tract for an angle point of this tract.

THENCE S 69°07'27" W with the South line of the said 320 acre tract and the North line of the said 390.22 acre tract of land 715.03 feet to an iron pin set at a fence post for the Southwest corner of this tract.

THENCE N 14°45'21" W 179.49 feet to an iron pin set on the approximate centerline of a draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following four (4) courses:

- (1) N 08°10'24" W 282.31 feet to an iron pin set for an angle point.
- (2) N 03°15'27" E 200.51 feet to an iron pin set for an angle point.
- (3) N 20°42'12" W 82.19 feet to a hilti nail set for an angle point.
- (4) N 00°29'49" E 76.77 feet to a P-K nail set for an angle point.

THENCE N 63°25'11" W 222.44 feet to an iron pin set for an angle point of this tract.

THENCE N 11°53'41" W 109.84 feet to an iron pin set for an angle point of this tract.

THENCE N 68°41'52" E 230.20 feet to a hilti nail set on the approximate centerline of the above mentioned draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following six (6) courses:

- (1) N 02°22'46" W 132.28 feet to an iron pin set for an angle point.
- (2) N 08°55'39" E 98.85 feet to an iron pin set for an angle point.
- (3) N 12°06'30" W 161.10 feet to a cotton spindle set for an angle point.
- (4) N 07°28'43" W 267.11 feet to an iron pin set for an angle point.
- (5) N 24°08'23" E 183.37 feet to an iron pin set for an angle point.
- (6) N 20°16'17" W 386.52 feet to an iron pin set for an angle point.

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EXHIBIT "E"

THENCE N 01°24'47" W 355.71 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 88°35'13" E 101.66 feet to an iron pin set on the East line of the said 320 acre tract and the West line of the said 344 acre tract for an angle point of this tract.

THENCE S 87°04'20" E 154.38 feet to an iron pin set for an angle point of this tract.

THENCE N 34°22'01" E 2411.06 feet to a point in the approximate centerline of South Brushy Creek for an angle point of this tract.

THENCE down the approximate centerline of the said Creek for the following nine (9) courses:

- (1) N 40°20'05" E 107.41 feet to an angle point.
- (2) N 57°59'02" E 270.37 feet to an angle point.
- (3) N 73°16'25" E 155.30 feet to an angle point.
- (4) N 68°49'03" E 175.46 feet to an angle point.
- (5) N 61°51'38" E 155.97 feet to an angle point.
- (6) N 68°14'10" E 282.23 feet to an angle point.
- (7) N 56°51'25" E 793.41 feet to an angle point.
- (8) N 47°40'12" E 145.53 feet to an angle point.
- (9) N 59°19'11" E 114.08 feet to a P-K nail found in the Northeast corner of the said 344 acre tract and the Northwest corner of the above mentioned 215.608 acre tract for the Northeast corner of this tract.

THENCE S 19°14'57" E 4244.41 feet to the POINT OF BEGINNING containing 372.685 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes were prepared from an on-the-ground survey made under my supervision during December of 1997 and are correct to the best of my knowledge and belief.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 6-01-98 836.DOC



# EXHIBIT "F"

PAGE 1 OF 3

## FIELD NOTES FOR 591.146 ACRES

Field notes describing a 591.146 acre tract in the Samuel Damon Survey, Abstract No. Abstract No. 170, being all of a 75 acre tract of land, designated as Tract 1 in the First Tract, all of a 5 acre tract, designated as Tract 2 in the First Tract, all of a 150 acre tract, designated as Tract 3 in the First Tract, a part of a 116 acre tract of land, designated as Tract 2 in the Second Tract, and a part of a 244 acre tract, designated as Tract 1 in the Second Tract, in a deed to C.N. Avery, Jr. et al recorded in Volume 305 Page 228 of the Deed Records of Williamson County, Texas and being more particularly described as follows:

BEGINNING at an iron pin set in the intersection of the West line of the Southern Pacific Railroad and the occupied South line of the above mentioned Damon Survey for the Southeast corner of this tract.

THENCE S 71° 17' 55" W with the occupied South line of the said Damon Survey 2097.40 feet to an iron pin set at a fence corner post found in the occupied Southwest corner of the said 244 acre tract and the occupied Southeast corner of the said 150 acre tract for an angle point of this tract.

THENCE S 29° 43' 36" W 11.19 feet to an iron pin set at a fence post found for an angle point.

THENCE S 54° 39' 55" W 65.28 feet to an iron pin set at a fence post found for an angle point.

THENCE S 70° 57' 55" W 1298.04 feet to an iron pin set at a fence corner post found for an angle point of this tract.

THENCE S 71° 22' 31" W 939.49 feet to an iron pin set at a fence corner post found in the occupied Southwest corner of the said 150 acre tract for the Southwest corner of this tract.

THENCE N 19° 32' 10" W with the occupied West line of the said 150 acre tract 2496.88 feet to an iron pin set at a fence post found for an angle point.

THENCE N 15° 49' 54" W 317.98 feet to an iron pin set at a fence post found for an angle point.

THENCE N 49° 19' 01" W 94.93 feet to an iron pin set at a fence post found for an angle point.

THENCE N 15° 24' 57" W 181.53 feet to an iron pin set on the approximate centerline of South Brushy Creek for the Northwest corner of the said 150 acre tract and a reentrant corner of this tract.

THENCE N 63° 51' 07" E with the approximate centerline of South Brushy Creek 558.62 feet to an iron pin set for the Southwest corner of the above mentioned 75 acre tract.

THENCE N 20° 04' 33" W with the occupied West line of the said 75 acre tract 146.04 feet to an iron pin found at a fence corner post for an angle point.

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# EXHIBIT "F"

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THENCE N 20° 04' 33" W with the occupied West line of the said 75 acre tract 385.44 feet to an iron pin found at a 10" pecan tree for an angle point.

THENCE N 19° 55' 08" W with the occupied West line of the said 75 acre tract 796.83 feet to an iron pin found in a 30" hackberry tree for an angle point.

THENCE N 19° 42' 14" W with the occupied West line of the said 75 acre tract and the occupied West line of the above mentioned 5 acre tract 830.87 feet to an iron pin set on the curving South line of the Southern Pacific Railroad for the Northwest corner of the said 5 acre tract and the Northwest corner of this tract.

THENCE with the arc of the curving South line of the said Railroad 994.39 feet said curve having a radius of 1432.63 feet, a central angle of 39° 46' 09" and a sub-chord which bears N 70° 12' 17" E 974.55 feet to an iron pin set for the PT of the said curve.

THENCE N 50° 19' 12" E 874.60 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 1859.86 feet and a central angle of 01° 04' 54".

THENCE with the arc of the said curve 35.11 feet the sub-chord of which bears N 50° 51' 39" E 35.11 feet to an iron pin set in the Northeast corner of the said 75 acre tract for a reentrant corner of this tract.

THENCE with the occupied East line of the said 75 acre tract for the following five (5) courses:

- (1) S 20° 36' 46" E 1469.77 feet to an iron pin set at a fence corner post found for an angle point.
- (2) S 24° 09' 33" E 207.93 feet to an iron pin set for an angle point.
- (3) S 08° 40' 19" W 34.77 feet to an iron pin set for an angle point.
- (4) S 08° 42' 22" E 64.52 feet to an iron pin set for an angle point.
- (5) S 37° 22' 01" E 63.63 feet to an iron pin set on the approximate centerline of South Brushy Creek for the Southeast corner of the said 75 acre tract and the Northwest corner of the above mentioned 116 acre tract.

THENCE down the approximate centerline of South Brushy Creek and the North line of the said 116 acre tract for the following twenty (20) courses:

- (1) N 25° 21' 39" E 1030.02 feet
- (2) N 48° 29' 05" E 250.38 feet
- (3) N 83° 59' 46" E 51.93 feet
- (4) N 55° 45' 41" E 311.12 feet
- (5) N 64° 49' 56" E 158.24 feet
- (6) N 81° 47' 46" E 54.93 feet

# EXHIBIT "F"

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- (7) N 59° 12' 03" E 149.76 feet
- (8) N 51° 14' 42" E 556.45 feet
- (9) N 68° 43' 38" E 468.01 feet
- (10) N 78° 08' 21" E 344.07 feet
- (11) S 76° 35' 07" E 273.98 feet
- (12) S 58° 09' 24" E 117.39 feet
- (13) S 51° 36' 08" E 150.27 feet
- (14) N 79° 39' 17" E 75.56 feet
- (15) S 80° 47' 50" E 130.01 feet
- (16) S 78° 36' 53" E 84.00 feet
- (17) S 55° 24' 20" E 39.87 feet
- (18) S 71° 06' 56" E 380.66 feet
- (19) S 64° 23' 15" E 210.30 feet
- (20) S 73° 47' 07" E 321.51 feet to an iron pin set in the intersection of the approximate centerline of South Brushy Creek and the curving West line of the Southern Pacific Railroad for the Northeast corner of this tract.

THENCE with the arc of the curving West line of the said Railroad 432.11 feet said curve having a radius of 1477.89 feet, a central angle of 16° 45' 08" and a sub-chord of which bears S 26° 06' 38" W 430.57 feet to an iron pin set for the PT of the said curve.

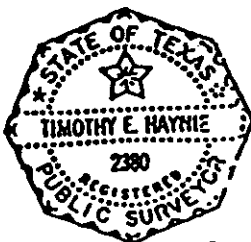
THENCE S 34° 29' 12" W 481.37 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 2915.32 feet and a central angle of 35° 01' 10".

THENCE with the arc of the said curve 1781.85 feet the long chord of which bears S 16° 58' 37" W 1754.25 feet to an iron pin set for the PT of the said curve.

THENCE S 00° 31' 58" E 1913.43 feet to the POINT OF BEGINNING containing 591.146 acres of land more or less.

I, Timothy E. Haynie, A REGISTERED PUBLIC SURVEYOR, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my direction and supervision on the 9th day of October, 1985. All corners located are as shown. The property described herein is correct and has no visible discrepancies, protrusions, encroachments, easements, conflicts in boundary, overlapping of improvements, roads in place, nor shortages in area except as shown. This tract has access to and from a dedicated roadway.

HAYNIE KALLMAN AND GRAY, INC.



*Timothy E. Haynie*  
Timothy E. Haynie  
Registered Public Surveyor No. 2380

11-25-85  
Date  
Job No. 917-886

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# EXHIBIT "F"

0.3839 Acres  
County Road No. 174  
Avery Out-Parcel  
Page 1

Samuel Damon Survey Abstract No. 170  
97546.11  
November 16, 1998

## EXHIBIT "A2"

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STATE OF TEXAS  
COUNTY OF WILLIAMSON

§  
§  
§

FIELDNOTE DESCRIPTION of 0.3839 of an acre of land in the Samuel Damon Survey, Abstract No. 170, Williamson County, Texas and being a part of that 1304.520 acre tract of land (Parcel One-Tract 1) conveyed to Pebble Creek Joint Venture and Neal A. Watt by partition deed recorded as Document No. 9843836 in the Official Public Records of Williamson County, Texas; said 0.3839 acre of land is more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod found on the southerly existing right-of-way line of Brushy Creek Road (C. R. 174) for the northwesterly corner of the aforesaid 1304.520 acre tract and being the northeast corner of that 24.67 acre tract (Tract One) conveyed to Edward H. Ball, Jr., M. L. Summerlin, Ben Ryon, J. E. Spring and William S. McIlvain by trustee's deed recorded in Volume 1680, Page 690 of the Deed Records of Williamson County, Texas;

THENCE, S86°42'52"E, with the common southerly, existing right-of-way line of Brushy Creek Road (C. R. 174) and the northerly line of said 1304.520 acre tract, a distance of 15.29 feet to a 1/2" iron rod set for the POINT OF BEGINNING of the herein described tract;

THENCE, continuing with the common southerly, existing right-of-way line of Brushy Creek Road and northerly line of said 1304.520 acre tract, the following three (3) courses;

- 1) S86°42'52"E, a distance of 217.81 feet to a fence post for an angle point;
- 2) S81°50'49"E, a distance of 162.36 feet to a 60d nail found at a fence post for an angle point;
- 3) S51°57'17"E, a distance of 148.43 feet to a 1/2" iron rod set on the proposed northerly right-of-way line of Brushy Creek Road (C.R.-174) and being the easterly corner of the herein described tract;

THENCE, N75°36'50W, with the proposed northerly right-of-way line of Brushy Creek Road (proposed 90.0 feet wide right-of-way), across said 1304.520 acre tract, a distance of 511.08 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 0.3839 of an acre of land area.

I, George E. Hopkins, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 16 day of NOVEMBER, 1998.



*George E. Hopkins*  
GEORGE E. HOPKINS  
Registered Professional Land Surveyor  
No. 4685 - State of Texas

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## EXHIBIT "A-2"

2.2644 Acres  
County Road No. 174  
Parcel No. 7  
Page 1

## EXHIBIT "A-3"

Samuel Damon Survey Abstract No. 170  
97546.11  
August 12, 1998

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STATE OF TEXAS  
COUNTY OF WILLIAMSON

FIELDNOTE DESCRIPTION of 2.2644 acres of land in the Samuel Damon Survey, Abstract No. 170, Williamson County, Texas and being a part of that 1304.520 acre tract of land (Parcel One-Tract 1) conveyed to Pebble Creek Joint Venture and Neal A. Watt by partition deed recorded as Document No. 9843836 in the Official Public Records of Williamson County, Texas; said 2.2644 acres of land are more particularly described by meter and bounds, in two parcels, as follows:

### Parcel 7-A

BEGINNING at an iron rod found on the southerly right-of-way line of Brushy Creek Road (C. R. 174) for the northwesterly corner of the aforesaid 1304.520 acre tract and being the northeast corner of that 24.67 acre tract (Tract One) conveyed to Edward H. Ball, Jr., M. I. Summerlin, Ben Ryon, J. H. Spring and William S. McIlvain by trustee's deed recorded in Volume 1680, Page 690 of the Deed Records of Williamson County, Texas;

THENCE, S86°42'52"E, with the common southerly right-of-way line of Brushy Creek Road (C. R. 174) and the northerly line of said 1304.520 acre tract, a distance of 15.29 feet to a 1/2" iron rod set for corner;

THENCE, S75°36'50"E, leaving the common northerly line of said 1304.520 acre tract and fenced, southerly right-of-way line of Brushy Creek Road (C. R. 174), crossing the 1304.520 acre tract, a distance of 511.08 feet to a 1/2" iron rod set on the common northerly line of said 1304.520 acre tract and southerly fenced right-of-way line of Brushy Creek Road;

THENCE, S51°57'17"E, with the common northerly line of said 1304.520 acre tract and southerly right-of-way line of Brushy Creek Road, a distance of 224.27 feet to a 1/2" iron rod set for corner;

THENCE, N75°36'50"W leaving the common northerly line of said 1304.520 acre tract and southerly right-of-way line of Brushy Creek Road, crossing the 1304.520 acre tract, a distance of 854.73 feet to a 1/2" iron rod set on the common westerly line of said 1304.520 acre tract and easterly line of the aforesaid 24.67 acre tract, from which a 1/2" iron rod found for the southeast corner of the 24.67 acre tract bears S69°08'39"W, 24.78 feet and S31°59'02"W, 392.37 feet;

THENCE, N69°08'39"E, with the common easterly line of said 24.67 acre tract and westerly line of said 1304.520 acre tract, a distance of 150.87 feet to the POINT OF BEGINNING, CONTAINING within these meter and bounds 1.4218 acres of land area.

### Parcel 7-B

BEGINNING at a 60d nail found at a fence corner on the southerly fenced right-of-way line of Brushy Creek Road (C. R. No. 174), being the northeast corner of the aforesaid 1304.520 acre tract and also being the northwest corner of the remainder of that 201.5 acre tract conveyed to Will Wilson by deed recorded in Volume 406, Page 504 of the Deed Records of Williamson County, Texas;

THENCE, S22°09'45"E, with the common easterly line of said 1304.520 acre tract and westerly line of the remainder of said 201.5 acre tract, a distance of 29.54 feet to a 1/2" iron rod set for corner;

THENCE, leaving said common line across the 1304.520 acre tract, the following three (3) courses:

- 1) Southwesterly with a curve to the right (non-tangent to the previous course) having a radius of 1545.00 feet and a central angle of 09°40'23" (chord bears S76°39'17"W, 260.53 feet) for an arc distance of 260.84 feet to a 1/2" iron rod set for a point of tangency;
- 2) S81°29'28"W, a distance of 376.85 feet to a 1/2" iron rod set for the point of curvature of a curve to the right.

## EXHIBIT "A-3"

2.2644 Acres  
County Road No. 174  
Parcel No. 7  
Page 2

## EXHIBIT "A-3"

Samuel Damon Survey Abstract No. 170  
97546.11  
August 18, 1998

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PAGE 267

- 3) Southwesterly with said curve to the right having a radius of 1200.00 feet and a central angle of  $11^{\circ}04'28''$  (chord bears  $S87^{\circ}01'43''W$ , 231.58 feet) for an arc distance of 231.95 feet to a  $\frac{1}{4}$ " iron rod set on the common northerly line of said 1304.520 acre tract and southerly right-of-way of Brushy Creek Road.

THENCE, with the common northerly line of said 1304.520 acre tract and southerly right-of-way line of Brushy Creek Road, the following two (2) courses:

- 1)  $N75^{\circ}32'24''E$ , a distance of 283.88 feet to an angle point;
- 2)  $N81^{\circ}36'03''E$ , a distance of 577.63 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 0.8426 acres of land, for a total land area of 2.2644 acres in Parcel 7A and 7B combined.

That I, George B. Hopkins, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 18 day of AUGUST, 1998.



*George B. Hopkins*  
GEORGE B. HOPKINS  
Registered Professional Land Surveyor  
No. 4685 - State of Texas

135

## EXHIBIT "A-3"

FIELD NOTES  
FOR

EXHIBIT "A-4"

VOL 0105 PAGE 268

15.00 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SAMUEL DAMON SURVEY. ABSTRACT NO. 170 IN WILLIAMSON COUNTY, TEXAS. BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO PEBBLE CREEK JOINT VENTURE BY INSTRUMENTS RECORDED IN DOC. NO. 9528294, DOC. NO. 9843833, DOC. NO. 9843836 AND DOC. NO. 9844031 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS. THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pin found at the intersection of the South line of said Pebble Creek Joint Venture Tract and the West r.o.w. line of Farmer Lane, for the Southeast corner and PLACE OF BEGINNING hereof:

THENCE along the South line of said Pebble Creek Joint Venture Tract for the following courses:

S 70°04'54" W for a distance of 33.39 feet to a 60-d nail found in a tree

S 70°27'39" W for a distance of 359.54 feet to a 60-d nail found in a tree

S 69°30'13" W for a distance of 144.59 feet to a 60-d nail found in a tree

S 68°42'13" W for a distance of 31.33 feet to a 60-d nail found in a tree

S 69°06'21" W for a distance of 220.47 feet to a 1/2 inch iron pin found

S 70°32'24" W for a distance of 32.93 feet to a 1/2 inch iron pin set for the Southwest corner hereof:

THENCE along the West line of the herein described tract, N 19°27'36" W for a distance of 704.41 feet to a 1/2 inch iron pin set for the Northwest corner hereof:

THENCE along the North line of the herein described tract, N 69°51'51" E for a distance of 907.86 feet to a 1/2 inch iron pin set in the West r.o.w. line of Farmer Lane, for the Northeast corner hereof:

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EXHIBIT "A-4"

FIELD NOTES  
FOR

EXHIBIT "A-4"

15.00 ACRES OF LAND - Page Two

THENCE along the West r.o.w. line of Parmer Lane, S 23°06'18" E for a distance of 705.00 feet to the PLACE OF BEGINNING and containing 15.00 acres of land, more or less.

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

*Roy D. Smith*

ROY D. SMITH  
REGISTERED PROFESSIONAL SURVEYOR NO. 4094  
September 15, 1990

Revised: October  
February



VOL 0105 PAGE 269

EXHIBIT "A-4"



Standard Pacific of Texas, Inc.  
 Fee Strip  
 1.244 Acres

EXHIBIT "A-5"

F.N. 1283(BDN)  
 December 03, 1998  
 SAM, Inc. Job No. 98287-01

DESCRIPTION OF 1.244 ACRES OF LAND LOCATED IN THE RACHAEL SAUL SURVEY, ABSTRACT NO. 551 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF THAT TRACT OF LAND DESCRIBED AS PARCEL 2 IN THE DEED TO STANDARD PACIFIC OF TEXAS, INC. RECORDED IN VOLUME 2224, PAGE 533, OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, AND A PORTION OF THE REMAINDER OF THAT CERTAIN 26.40 ACRE TRACT OF LAND DESCRIBED AS TRACT 2 IN THE DEED TO STANDARD PACIFIC OF TEXAS, INC. RECORDED IN DOCUMENT No. 9623940, OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 1.244 ACRES, AS SHOWN ON SAM, INC. DRAWING No. 98287-01, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod found on the east right-of-way line of Parmer Lane West (F.M. 734 - 200' wide) as dedicated by Volume 1796, Page 485, Deed Records of Williamson County, Texas, being the northwest corner of said 66.26 acre tract, said point being on the south line of that called 1304.520 acre tract described in the deed to Pebble Creek Joint Venture, recorded in Document No. 9844081, Official Records of Williamson County, Texas;

THENCE with the common line of said 66.26 acre tract and said 1304.520 acre tract, the following four (4) courses and distances:

1. N 70° 03' 49" E, a distance of 13.05 feet to a 60d nail found in a live oak tree,
2. N 68° 47' 57" E, a distance of 284.47 feet to a 60d nail found in a live oak tree,
3. N 69° 22' 20" E, a distance of 340.34 feet to a 60d nail found in a an elm tree, and
4. N 68° 55' 09" E, passing at a distance of 394.66 feet, a ½-inch iron rod found for the northeast corner of said 66.26 acre tract, being the northwest corner of said 26.20 acre tract, and continuing in all, a distance of 574.45 feet to a ½-inch iron rod set for the northeast corner of the tract described herein, being the northwest corner of that 0.451 acre Wastewater Easement described in the deed to the City of Austin, recorded in Document No. 9606122, Official Records of Williamson County, Texas, and from which point, an axle found for the northeast corner of said 26.20 acre tract, being an interior ell corner of said 1304.520 acre tract bears, N 68° 55' 09" E, a distance of 494.11 feet;

THENCE S 19° 51' 53" E, leaving said common line and crossing said 26.20 acre tract, a distance of 44.78 feet to a ½-inch iron rod set on the north line of that 0.226 acre Drainage Easement described in the deed to the City of Austin, recorded in Document No. 9606118, Official Records of Williamson County, Texas, being the southeast corner of the tract described herein, being the most western southwest corner of said 0.451 acre tract, also being the northwest corner of that 1.245 acre Drainage and public Utility Easement described in the deed to the City of Austin, recorded in Document No. 9606120, Official records of Williamson County, Texas;

THENCE S 69° 00' 42" W, with the north line of said 0.226 acre tract, passing at a distance of 203.37 feet, the northwest corner of said 0.226 acre tract, being the northeast corner of that 1.110 acre Drainage Easement described in the deed to the City of Austin, recorded in Document No. 9606121, Official Records of Williamson County, Texas; said point being on the common line of said 26.20 acre tract and said 66.26 acre tract, and continuing in all, with the north line of said 1.110 acre tract, an overall distance of 1208.40 feet to a ½-inch iron rod set on the east right-of-way line of said Parmer Lane West, being the west line of said 66.26 acre tract, for the southwest corner of the tract described herein, and from which point, a Texas Department of Transportation Type I monument found for the north end of the curving east right-of-way line of said Parmer Lane West bears, S 24° 49' 08" E, a distance of 84.55 feet;

EXHIBIT "A-5"

Standard Pacific of Texas, Inc.  
Fee Strip  
1.244 Acres

# EXHIBIT "A-5"

F.N. 1293(BDN)  
December 03, 1998  
SAM, Inc. Job No. 98287-01

THENCE N 24° 49' 08" W. with the east line of said Parmer Lane West, being the west line of said 66.26 acre tract, a distance of 45.28 feet to the POINT OF BEGINNING and containing 1.244 acres of land, more or less.

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WILLIAMSON

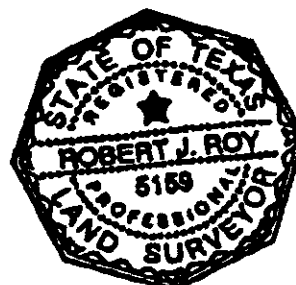
That I, Robert J. Roy, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 3rd day of December, 1998, A.D.

SURVEYING AND MAPPING, INC.  
4029 Capital of Texas Hwy., So., Suite 125  
Austin, Texas 78704

*Robert J. Roy*

Robert J. Roy  
Registered Professional Land Surveyor  
No. 5159 - State of Texas



**AFFIDAVIT**

The undersigned, John S. Avery, President of CJAC, Inc., the General Partner of Avery Ranch Company, Ltd., hereby swears and affirms as follows:

1. I represent Avery Ranch Company, Ltd., a Texas limited partnership. Avery Ranch Company, Ltd. and Charles Needham Avery, III, Trustee of the Exemption Equivalent Trust created under the will of Charles Needham Avery, Jr., Deceased (the "Avery Trust") are the owners of the following real property:

Approximately 372.685 acres of land, more or less, in Williamson County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached to and incorporated in this Affidavit by reference.

2. The fee simple title to all of the property described in the attached Exhibit "A" is held by Avery Ranch Company, Ltd. and the Avery Trust.

3. Avery Ranch Company, Ltd. hereby consents to the creation of Williamson County Development District No. 2 (Avery Ranch Development), and the inclusion of said property in the District.

FURTHER AFFIANT SAITH NOT.

EXECUTED this 16<sup>th</sup> day of July, 1999.

AFFIANT:

**Avery Ranch Company, Ltd.**  
(a Texas limited partnership)

By: CJAC, Inc.  
(a Texas corporation)  
*Its General Partner*

By: John S. Avery  
John S. Avery, President

SUBSCRIBED TO AND SWORN before me, the undersigned authority, this 16 day of July, 1999, by John S. Avery, President of CJAC, Inc., a Texas corporation, general partner of Avery Ranch Company, Ltd., a Texas limited partnership, on behalf of said corporation and said partnership.



*Ralph E. Reed*

Notary Public - State of Texas

STATE OF TEXAS

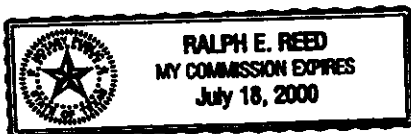
§

§

COUNTY OF TRAVIS

§

This instrument was acknowledged before me this 16<sup>th</sup> day of July, 1999, by John S. Avery, President of CJAC, Inc., a Texas corporation, general partner of Avery Ranch Company, Ltd., a Texas limited partnership, on behalf of said corporation and said partnership.



*Ralph E. Reed*

Notary Public - State of Texas

Name: RALPH E. REED

My Commission Expires: 7-18-2000

**AUSTIN SURVEYORS**

P.O. BOX 188243  
AUSTIN, TEXAS 78718

2185 JUSTIN LANE #183  
(512) 454-6685

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EXHIBIT "A"

**FIELD NOTES FOR 372.685 ACRES**

All that certain tract or parcel of land situated in the J.H. Dillard Survey, A-179, in Williamson County, Texas and being a part of a 344 acre tract of land conveyed to Chas. N. Avery, Jr., et al by deed recorded in Volume 362, Page 477 of the Deed Records of Williamson County, Texas and being also a part of a 531 acre tract of land conveyed to C.N. Avery, Jr., et al by deed recorded in Volume 640, Page 440 of the said Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found on the North line of Block C of The Meadows of Brushy Creek as recorded in Cabinet F, Slide 210 of the Plat Records of Williamson County, Texas, in the Southwest corner of a 215.608 acre tract of land conveyed to Scott Felder Ltd. Partnership, Inc by deed recorded in Volume 2361, Page 430 of the said Deed Records, for the Southeast corner of the above mentioned 344 acre tract and the Southeast corner of this tract.

THENCE S 69°33'04" W 773.74 feet to an iron pin found in the Northwest corner of the said Block C and the Northeast corner of a 390.22 acre tract of land conveyed to Claretta England et al by deed recorded in Volume 637, Page 535 of the said Deed Records for an angle point of this tract..

THENCE S 70°00'00" W with the North line of the said 390.22 acre tract 3477.17 feet to a 60d nail set in a fence corner post found in the occupied Southwest corner of the said 344 acre tract and the Southeast corner of the above mentioned 320 acre tract for an angle point of this tract.

THENCE S 69°07'27" W with the South line of the said 320 acre tract and the North line of the said 390.22 acre tract of land 715.03 feet to an iron pin set at a fence post for the Southwest corner of this tract.

THENCE N 14°45'21" W 179.49 feet to an iron pin set on the approximate centerline of a draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following four (4) courses:

- (1) N 08°10'24" W 282.31 feet to an iron pin set for an angle point.
- (2) N 03°15'27" E 200.51 feet to an iron pin set for an angle point.
- (3) N 20°42'12" W 82.19 feet to a hilti nail set for an angle point.
- (4) N 00°29'49" E 76.77 feet to a P-K nail set for an angle point.

THENCE N 63°25'11" W 222.44 feet to an iron pin set for an angle point of this tract.

THENCE N 11°53'41" W 109.84 feet to an iron pin set for an angle point of this tract.

THENCE N 68°41'52" E 230.20 feet to a hilti nail set on the approximate centerline of the above mentioned draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following six (6) courses:

- (1) N 02°22'46" W 132.28 feet to an iron pin set for an angle point.
- (2) N 08°55'39" E 98.85 feet to an iron pin set for an angle point.
- (3) N 12°06'30" W 161.10 feet to a cotton spindle set for an angle point.
- (4) N 07°28'43" W 267.11 feet to an iron pin set for an angle point.
- (5) N 24°08'23" E 183.37 feet to an iron pin set for an angle point.
- (6) N 20°16'17" W 386.52 feet to an iron pin set for an angle point.

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EXHIBIT "A"

THENCE N 01°24'47" W 355.71 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 88°35'13" E 101.66 feet to an iron pin set on the East line of the said 320 acre tract and the West line of the said 344 acre tract for an angle point of this tract.

THENCE S 87°04'20" E 154.38 feet to an iron pin set for an angle point of this tract.

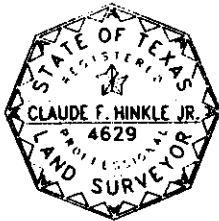
THENCE N 34°22'01" E 2411.06 feet to a point in the approximate centerline of South Brushy Creek for an angle point of this tract.

THENCE down the approximate centerline of the said Creek for the following nine (9) courses:

- (1) N 40°20'05" E 107.41 feet to an angle point.
- (2) N 57°59'02" E 270.37 feet to an angle point.
- (3) N 73°16'25" E 155.30 feet to an angle point.
- (4) N 68°49'03" E 175.46 feet to an angle point.
- (5) N 61°51'38" E 155.97 feet to an angle point.
- (6) N 68°14'10" E 282.23 feet to an angle point.
- (7) N 56°51'25" E 793.41 feet to an angle point.
- (8) N 47°40'12" E 145.53 feet to an angle point.
- (9) N 59°19'11" E 114.08 feet to a P-K nail found in the Northeast corner of the said 344 acre tract and the Northwest corner of the above mentioned 215.608 acre tract for the Northeast corner of this tract.

THENCE S 19°14'57" E 4244.41 feet to the POINT OF BEGINNING containing 372.685 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes were prepared from an on-the-ground survey made under my supervision during December of 1997 and are correct to the best of my knowledge and belief.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 6-01-98 836.DOC

**AFFIDAVIT**

The undersigned, Charles Needham Avery, III, Trustee of the Exemption Equivalent Trust created under the will of Charles Needham Avery, Jr., Deceased hereby swears and affirms as follows:

1. I am the Trustee of the Exemption Equivalent Trust created under the will of Charles Needham Avery, Jr., Deceased (the "Avery Trust"). The Avery Trust and Avery Ranch Company, Ltd. are the owners of the following real property:

Approximately 372.685 acres of land, more or less, in Williamson County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached to and incorporated in this Affidavit by reference.


2. The fee simple title to all of the property described in the attached Exhibit "A" is held by the Avery Trust and the Avery Ranch Company, Ltd.

3. Charles Needham Avery, III, as trustee and on behalf of the Avery Trust, hereby consents to the creation of Williamson County Development District No. 2 (Avery Ranch Development), and the inclusion of said property in the District.

FURTHER AFFIANT SAITH NOT.

EXECUTED this 16<sup>TH</sup> day of July, 1999.

AFFIANT:

  
Charles Needham Avery, III, Trustee of the  
Exemption Equivalent Trust created under the will of  
Charles Needham Avery, Jr., Deceased

SUBSCRIBED TO AND SWORN before me, the undersigned authority, this 16<sup>TH</sup> day of July, 1999, by Charles Needham Avery, III, Trustee of the Exemption Equivalent Trust created under the will of Charles Needham Avery, Jr., Deceased.



Linda D. Harrison  
Notary Public - State of Texas

STATE OF TEXAS

§  
§  
§COUNTY OF HARRIS

This instrument was acknowledged before me this 16<sup>TH</sup> day of July, 1999, by Charles Needham Avery, III, Trustee of the Exemption Equivalent Trust created under the will of Charles Needham Avery, Jr., Deceased.



Linda D. Harrison  
Notary Public - State of Texas  
Name: LINDA D. HARRISON  
My Commission Expires: 6-28-2003



**AUSTIN SURVEYORS**

P.O. BOX 188243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6685

**EXHIBIT "A"**

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PAGE 278

**FIELD NOTES FOR 372.685 ACRES**

All that certain tract or parcel of land situated in the J.H. Dillard Survey, A-179, in Williamson County, Texas and being a part of a 344 acre tract of land conveyed to Chas. N. Avery, Jr., et al by deed recorded in Volume 362, Page 477 of the Deed Records of Williamson County, Texas and being also a part of a 531 acre tract of land conveyed to C.N. Avery, Jr., et al by deed recorded in Volume 640, Page 440 of the said Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found on the North line of Block C of The Meadows of Brushy Creek as recorded in Cabinet F, Slide 210 of the Plat Records of Williamson County, Texas, in the Southwest corner of a 215.608 acre tract of land conveyed to Scott Felder Ltd. Partnership, Inc by deed recorded in Volume 2361, Page 430 of the said Deed Records, for the Southeast corner of the above mentioned 344 acre tract and the Southeast corner of this tract.

THENCE S 69°33'04" W 773.74 feet to an iron pin found in the Northwest corner of the said Block C and the Northeast corner of a 390.22 acre tract of land conveyed to Claretta England et al by deed recorded in Volume 637, Page 535 of the said Deed Records for an angle point of this tract..

THENCE S 70°00'00" W with the North line of the said 390.22 acre tract 3477.17 feet to a 60d nail set in a fence corner post found in the occupied Southwest corner of the said 344 acre tract and the Southeast corner of the above mentioned 320 acre tract for an angle point of this tract.

THENCE S 69°07'27" W with the South line of the said 320 acre tract and the North line of the said 390.22 acre tract of land 715.03 feet to an iron pin set at a fence post for the Southwest corner of this tract.

THENCE N 14°45'21" W 179.49 feet to an iron pin set on the approximate centerline of a draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following four (4) courses:

- (1) N 08°10'24" W 282.31 feet to an iron pin set for an angle point.
- (2) N 03°15'27" E 200.51 feet to an iron pin set for an angle point.
- (3) N 20°42'12" W 82.19 feet to a hilti nail set for an angle point.
- (4) N 00°29'49" E 76.77 feet to a P-K nail set for an angle point.

THENCE N 63°25'11" W 222.44 feet to an iron pin set for an angle point of this tract.

THENCE N 11°53'41" W 109.84 feet to an iron pin set for an angle point of this tract.

THENCE N 68°41'52" E 230.20 feet to a hilti nail set on the approximate centerline of the above mentioned draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following six (6) courses:

- (1) N 02°22'46" W 132.28 feet to an iron pin set for an angle point.
- (2) N 08°55'39" E 98.85 feet to an iron pin set for an angle point.
- (3) N 12°06'30" W 161.10 feet to a cotton spindle set for an angle point.
- (4) N 07°28'43" W 267.11 feet to an iron pin set for an angle point.
- (5) N 24°08'23" E 183.37 feet to an iron pin set for an angle point.
- (6) N 20°16'17" W 386.52 feet to an iron pin set for an angle point.

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**EXHIBIT "A"**

EXHIBIT "A"

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THENCE N 01°24'47" W 355.71 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 88°35'13" E 101.66 feet to an iron pin set on the East line of the said 320 acre tract and the West line of the said 344 acre tract for an angle point of this tract.

THENCE S 87°04'20" E 154.38 feet to an iron pin set for an angle point of this tract.

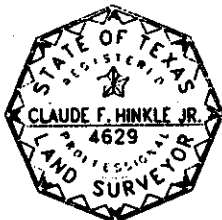
THENCE N 34°22'01" E 2411.06 feet to a point in the approximate centerline of South Brushy Creek for an angle point of this tract.

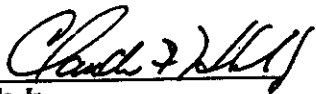
THENCE down the approximate centerline of the said Creek for the following nine (9) courses:

- (1) N 40°20'05" E 107.41 feet to an angle point.
- (2) N 57°59'02" E 270.37 feet to an angle point.
- (3) N 73°16'25" E 155.30 feet to an angle point.
- (4) N 68°49'03" E 175.46 feet to an angle point.
- (5) N 61°51'38" E 155.97 feet to an angle point.
- (6) N 68°14'10" E 282.23 feet to an angle point.
- (7) N 56°51'25" E 793.41 feet to an angle point.
- (8) N 47°40'12" E 145.53 feet to an angle point.
- (9) N 59°19'11" E 114.08 feet to a P-K nail found in the Northeast corner of the said 344 acre tract and the Northwest corner of the above mentioned 215.608 acre tract for the Northeast corner of this tract.

THENCE S 19°14'57" E 4244.41 feet to the POINT OF BEGINNING containing 372.685 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes were prepared from an on-the-ground survey made under my supervision during December of 1997 and are correct to the best of my knowledge and belief.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 6-01-98  
836.DOC

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EXHIBIT "A"

PETITION REQUESTING THE CREATION  
OF WILLIAMSON COUNTY DEVELOPMENT DISTRICT NO. 2

THE STATE OF TEXAS :

THE COUNTY OF WILLIAMSON :

TO THE HONORABLE COMMISSIONERS COURT  
OF WILLIAMSON COUNTY, TEXAS:

The undersigned ("Petitioners"), who intend to further the development of the land hereinafter described by metes and bounds, acting pursuant to the provisions of Chapter 383, Local Government Code, V.A.T.S., as amended, hereby respectfully petitions the Commissioners Court of Williamson County, Texas, requesting the creation of a County Development District ("District") and would show the following:

ARTICLE I

The name of the proposed District shall be WILLIAMSON COUNTY DEVELOPMENT DISTRICT NO. 2 - AVERY RANCH DEVELOPMENT.

ARTICLE II

The District shall be created and organized under the terms and provisions of Article XVI, Section 59, Article III, Section 52, and Article III, Section 52.a. of the Constitution of the State of Texas, and Chapter 383, Local Government Code, V.A.T.S., as amended.

ARTICLE III

The District shall contain an area of approximately 1700 acres, more or less, situated in Williamson County, Texas. All of the land proposed to be included may be properly included within the District. The boundaries of the proposed District are described by metes and bounds in Exhibit "A", attached hereto and incorporated herein.

ARTICLE IV

Attached to this petition are the sworn statements of the holders of fee simple title to all of the land to be included within the proposed District stating the owner's consent to the creation of the District as set forth in this petition.

RECORDERS MEMORANDUM

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clearly legible for satisfactory recordation.

## ARTICLE V

The general nature of the work proposed to be done is the construction of permanent improvements within the District, including, but not limited to, arterial roadways, sidewalks and related drainage, and a hike and bike trail and other such recreational facilities. The estimated cost of said improvements is \$17,000,000.

## ARTICLE VI

The proposed district is feasible and necessary to construct the above-described improvements in an expedited fashion and to provide recreational facilities for residents of Williamson County. The proposed District will serve the public purpose of attracting visitors and tourists to Williamson County, Texas and diversifying the economy of the state.

## ARTICLE VII

The following persons are at least twenty-one (21) years of age, residents of the State of Texas, qualified voters within Williamson County, Texas, willing and qualified to serve as temporary directors of the District:

Robert Azis  
Tim Harris  
Randall Jones  
Richard Marek  
Jim Shield

WHEREFORE, Petitioner prays that this petition be heard and that the Commissioners Court of Williamson County, Texas publish notice and conduct a hearing, make the findings, and enter an order creating Williamson County Development District No. 2 in the manner specified in Chapter 383, Local Government Code, V.A.T.S., as amended.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

RECORDERS MEMORANDUM  
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clearly legible for satisfactory recordation.

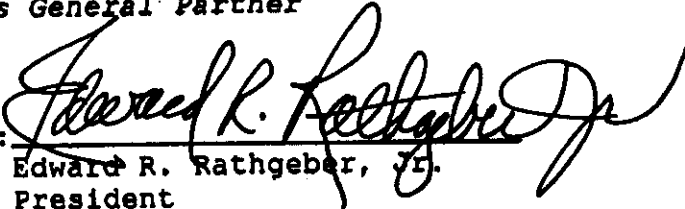
149

**Pebble Creek Joint Venture**  
(a Texas joint venture partnership)

By: Rathgeber Investment Company, Ltd.  
(a Texas limited partnership)  
Managing Partner

By: Rathgeber Investment GP, Inc.  
(a Texas corporation)  
Its General Partner

By:

  
Edward R. Rathgeber, Jr.  
President

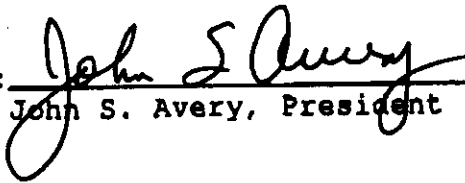
**AVERY FAMILY:**

Charles Needham Avery, III, Trustee of the  
Exemption Equivalent Trust created under  
the Will of Charles Needham Avery, Jr.,  
Deceased

**Avery Ranch Company, Ltd.**  
(a Texas limited partnership)

By: CJAC, Inc.  
(a Texas corporation)  
Its General Partner

By:

  
John S. Avery, President

**Pebble Creek Joint Venture**  
(a Texas joint venture partnership)

By: Rathgeber Investment Company, Ltd.  
(a Texas limited partnership)  
Managing Partner

By: Rathgeber Investment GP, Inc.  
(a Texas corporation)  
Its General Partner

By: \_\_\_\_\_  
Edward R. Rathgeber, Jr.  
President

**EVERY FAMILY:**

*Charles N. Avery III, Trustee*  
Charles Needham Avery, III, Trustee of the  
Exemption Equivalent Trust created under  
the Will of Charles Needham Avery, Jr.,  
Deceased

**Avery Ranch Company, Ltd.**  
(a Texas limited partnership)

By: CJAC, Inc.  
(a Texas corporation)  
Its General Partner

By: \_\_\_\_\_  
John S. Avery, President

STATE OF TEXAS

COUNTY OF TRAVIS§  
§  
§

This instrument was acknowledged before me this 19th day of July, 1999, by Edward R. Rathgeber, Jr., President of Rathgeber Investment GP, Inc., a Texas corporation, General Partner of Rathgeber Investment Company, Ltd., a Texas limited partnership, the Managing Partner of Pebble Creek Joint Venture, a Texas joint venture, on behalf of said corporation, partnership, and joint venture.



TIMOTHY C. TAYLOR, SR.  
MY COMMISSION EXPIRES  
November 21, 2001

Timothy C Taylor, Sr.  
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

§  
§  
§

This instrument was acknowledged before me this \_\_\_\_ day of July, 1999, by Charles Needham Avery, III, Trustee for the Exemption Equivalent Trust created under the will of Charles Needham Avery, Jr., Deceased.

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

STATE OF TEXAS

COUNTY OF TRAVIS§  
§  
§

This instrument was acknowledged before me this 16 day of July, 1999, by John S. Avery, President of CJAC, Inc., a Texas corporation, general partner of Avery Ranch Company, Ltd., a Texas limited partnership, on behalf of said corporation and said partnership.



RALPH E. REED  
MY COMMISSION EXPIRES  
July 18, 2000

Ralph E Reed  
Notary Public, State of Texas

STATE OF TEXAS

§  
§  
§

COUNTY OF \_\_\_\_\_

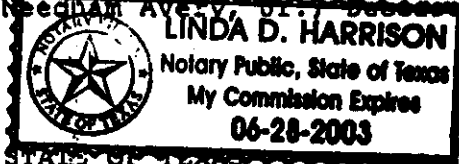
This instrument was acknowledged before me this \_\_\_\_ day of July, 1999, by Edward R. Rathgeber, Jr., President of Rathgeber Investment GP, Inc., a Texas corporation, General Partner of Rathgeber Investment Company, Ltd., a Texas limited partnership, the Managing Partner of Pebble Creek Joint Venture, a Texas joint venture, on behalf of said corporation, partnership, and joint venture.

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

STATE OF TEXAS

§  
§  
§COUNTY OF HARRIS

This instrument was acknowledged before me this 16<sup>TH</sup> day of July, 1999, by Charles Needham Avery, III, Trustee for the Exemption Equivalent Trust created under the will of Charles Needham Avery, Jr., deceased.



Linda D. Harrison  
Notary Public, State of Texas

STATE OF TEXAS

§  
§  
§

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_ day of July, 1999, by John S. Avery, President of CJAC, Inc., a Texas corporation, general partner of Avery Ranch Company, Ltd., a Texas limited partnership, on behalf of said corporation and said partnership.

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



**EXHIBIT "A"**

**To Petition for Requesting the Creation of  
Williamson County Development District No. 2  
Avery Ranch Development**

1,502.425 acres of land, more or less, in Williamson County, Texas, owned by Pebble Creek Joint Venture, and being more particularly described on Exhibit One attached hereto and made a part hereof, and all accompanying exhibits thereto.

*and*

372.685 acres of land, more or less, in Williamson County, Texas, owned by Avery Ranch Company, Ltd. and Charles Needham Avery, III, Trustee of the Exemption Equivalent Trust created under the will of Charles Needham Avery, Jr., Deceased, and being more particularly described on Exhibit Two attached hereto and made a part hereof, and all accompanying exhibits thereto.

**EXHIBIT ONE****Avery Ranch Land owned by Pebble Creek Joint Venture****TRACT A**

Approximately 1,501.181 acres of land, more or less, situated in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, the JOHN H. DILLARD SURVEY, ABSTRACT NO. 179, and the RACHAEL SAUL SURVEY, ABSTRACT NO. 551, in Williamson County, Texas, being out of and a part of property commonly known as the "Avery Ranch", as more particularly described on Exhibit "A-1" attached to and incorporated herein by reference; **SAVE AND EXCEPT** a 0.3839 acre tract of land, more or less, in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, Williamson County, Texas, conveyed to Wilson Land and Cattle Company by deed dated February 9, 1999, and more particularly described by metes and bounds in Exhibit "A-2" attached hereto and made a part hereof; and **FURTHER SAVE AND EXCEPT** that certain 2.2644 acre tract of land, more or less, in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, Williamson County, Texas, deeded to Williamson County by Deed dated December 15, 1998, and recorded in the real property records of Williamson County, Texas and more particularly described by metes and bounds in Exhibit "A-3" attached hereto and made a part hereof; and **FURTHER SAVE AND EXCEPT** that certain 15.0 acre tract of land, more or less, in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, Williamson County, Texas, being more particularly described by metes and bounds in Exhibit "A-4" attached hereto and made a part hereof.

**TRACT B**

That certain tract or parcel of land being 1.244 acres of land, more or less, out of the RACHAEL SAUL SURVEY, ABSTRACT NO. 551, in Williamson County, Texas, and being more particularly described by metes and bounds in Exhibit "A-5" attached hereto and made a part hereof.

**EXHIBIT "A-1"****Avery Ranch Land owned by Pebble Creek Joint Venture****TRACT I**

Being all of that certain tract or parcel of land containing 1,304.520 acres, more or less, situated in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, the JOHN H. DILLARD SURVEY, ABSTRACT NO. 179, and the RACHAEL SAUL SURVEY, ABSTRACT NO. 551, Williamson County, Texas, and said tract being more particularly described by metes and bounds, shown on Exhibit "B" attached hereto and made a part hereof, **SAVE AND AS EXCEPT THEREFROM** all of that certain tract or parcel of land containing 16.800 acres, more or less, conveyed to the State of Texas by instrument recorded in Volume 1796, Page 508 of the Official Records of Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "C" attached hereto and made a part hereof, and **FURTHER SAVE AND AS EXCEPT THEREFROM** all of that certain tract or parcel of land containing 5.00 acres, more or less, conveyed to John E. Henry, et ux, Linda Henry, by instrument recorded in Volume 1980, Page 977, of the Official Records of Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "D" attached hereto and made a part hereof, and **SAVE AND EXCEPT THEREFROM** all of that certain 372.685 acre tract of land described by metes and bounds shown on Exhibit "E" attached to and made a part of the instrument to which this exhibit is attached, reference to which is hereby made for all purposes.

**TRACT II:**

Being all of that certain tract or parcel of land containing 591.146 acres, more or less, situated in the SAMUEL DAMON SURVEY, ABSTRACT NO. 170, Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "F" attached hereto and made a part hereof.

## FIELD NOTES FOR 1304.520 ACRES

Field notes describing a 1304.520 acre tract in the J.M. Dillard Survey, Abstract No. 179, and the Rachel Saul Survey, Abstract No. 551, in Williamson County, Texas being all of a 344 acre tract of land conveyed to C.N. Avery et al by deed recorded in Volume 362 Page 447 of the Deed Records of Williamson County, Texas, all of a 531 acre tract conveyed to C.N. Avery Jr. et al by deed recorded in Volume 340 Page 440 of the said Deed Records, all of a 200 acre tract of land conveyed to C.N. Avery Jr. et al by deed recorded in Volume 344 Page 515 of the said Deed Records, all of a tract of land called 15 acres in a quitclaim deed to C.N. Avery Jr. et al recorded in Volume 500 Page 670 of the said Deed Records, all of a 9.06 acre tract, designated as the Third Tract, a part of a 116 acre tract of land, designated as Tract 2 in the Second Tract, a part of a 244 acre tract, designated as Tract 1 in the Second Tract, and a part of a 100 acre tract, designated as Tract 3 in the Second Tract, in a deed to C.N. Avery, Jr. et al recorded in Volume 305 Page 228 of the Deed Records of Williamson County, Texas and being more particularly described as follows:

BEGINNING at a 30° live oak tree found in the occupied Southwest corner of the J.M. Dillard Survey and the occupied Southeast corner of the S. Damon Survey, Abstract No. 170, for the Southeast corner of the above said 200 acre tract, from which tree an old rock mound found bears S 71° 35' 26" W 51.76 feet.

THENCE S 70° 41' 17" W 341.28 feet to a 60d nail found in a 11' elm tree for an angle point.

THENCE S 70° 30' 44" W 284.71 feet to a 60d nail found in a 13' live oak tree for an angle point.

THENCE S 71° 52' 58" W 247.20 feet to a 60d nail found in a 12' cedar tree for an angle point.

THENCE S 70° 27' 36" W 389.60 feet to a 60d nail found in an 8' elm tree for an angle point.

THENCE S 69° 29' 37" W 144.61 feet to a 60d nail found in a 13' cedar tree for an angle point.

THENCE S 68° 44' 26" W 81.38 feet to a 60d nail found in a 9' elm tree for an angle point.

THENCE S 69° 07' 04" W 220.43 feet to an iron pin found for an angle point.

THENCE S 70° 32' 38" W 1930.89 feet to an iron pin set at a fence corner post found for an angle point.

THENCE S 70° 14' 25" W 1175.70 feet to an iron pin set in the intersection of the occupied South line of the said Damon Survey and the East right-of-way line of the Southern Pacific Railroad Co. for the Southwest corner of this tract.

THENCE N 00° 31' 58" W with the East right-of-way line of the said Railroad 1880.03 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 2815.32 feet and a central angle of 35° 01' 10".

THENCE with the arc of the said curve 1720.73 feet the long chord of which bears N 14° 58' 37" E 1694.07 feet to an iron pin set for the PT of the said curve.

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# EXHIBIT "B"

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THENCE N 34° 29' 12" E 481.37 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 1577.89 feet and a central angle of 27° 46' 00".

THENCE with the arc of the said curve 764.68 feet the long chord of which bears N 20° 36' 12" E 757.22 feet to an iron pin set for the PT of the said curve and the PC of a curve to the left said curve having a radius of 766.20 feet and a central angle of 48° 01' 00".

THENCE with the arc of the said curve 642.11 feet the long chord of which bears N 17° 17' 18" W 623.49 feet to an iron pin set for the PT of the said curve and the PC of a curve to the left said curve having a radius of 789.30 feet and a central angle of 16° 08' 10".

THENCE with the arc of the said curve 222.29 feet the sub-chord of which bears N 49° 21' 53" W 221.56 feet to an iron pin set in the West corner of the above mentioned 9.06 acre tract for the Northwest corner of this tract.

THENCE N 33° 43' 21" E 385.24 feet to an iron pin found for an angle point of this tract.

THENCE N 70° 53' 14" E 175.40 feet to an iron pin found on the South line of County Road #174 for an angle point.

THENCE with the South line of County Road #174 for the following six (6) courses:

- (1) S 85° 00' 15" E 233.48 feet to an iron pin set.
- (2) S 80° 05' 03" E 162.04 feet to an iron pin set.
- (3) S 50° 12' 48" E 464.35 feet to an iron pin set.
- (4) S 76° 21' 34" E 463.84 feet to an iron pin set.
- (5) N 77° 15' 21" E 371.18 feet to an iron pin set.
- (6) N 83° 19' 00" E 577.65 feet to an iron pin set at a fence corner post found in the intersection of the occupied South line of the said County Road #174 and the occupied East line of the above mentioned 100 acre tract for an angle point of this tract.

THENCE with the occupied East line of the said Damon Survey and the occupied West line of the said Dillard Survey, said line being the occupied East line of the said 100 acre tract and the occupied East line of the said 15 acre tract, for the following three (3) courses:

- (1) S 19° 59' 52" E 1082.71 feet to an iron pin set.
- (2) S 15° 08' 17" E 178.03 feet to an iron pin set.
- (3) S 20° 39' 28" E 900.38 feet to an iron pin set at a fence corner post found in the occupied Southeast corner of the said 15 acre tract and the occupied Northwest corner of the above mentioned 531 acre tract for an angle point of this tract.

THENCE N 58° 12' 16" E 1050.19 feet to an iron pin set at a fence post found for an angle point.

THENCE N 12° 37' 14" W 555.07 feet to an iron pin set at a fence corner post found in the occupied Southwest corner of a tract of land conveyed to Will Wilson by deed recorded in Volume 406 Page 507 of the said Deed Records.

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# EXHIBIT "B"

RECORDERS MEMORANDUM  
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clearly legible for satisfactory recordation.

# EXHIBIT "B"

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THENCE with the South line of the said Will Wilson tract for the following ten (10) courses:

- (1) N 88° 35' 14" E 358.33 feet to an iron pin set.
- (2) N 61° 05' 13" E 486.11 feet to an iron pin set.
- (3) N 65° 50' 13" E 680.55 feet to an iron pin set.
- (4) N 49° 45' 13" E 1150.00 feet to an iron pin set.
- (5) S 86° 54' 47" E 186.11 feet to an iron pin set.
- (6) N 69° 05' 13" E 404.17 feet to an iron pin set.
- (7) N 89° 35' 13" E 347.22 feet to an iron pin set.
- (8) S 16° 54' 47" E 195.83 feet to an iron pin set.
- (9) N 79° 05' 13" E 416.67 feet to an iron pin set.
- (10) N 88° 35' 13" E 355.33 feet to an iron pin set in the intersection of the occupied West line of the above said 344 acre tract and the approximate centerline of South Brushy Creek for the Northeast corner of the said 531 acre tract.

THENCE N 19° 12' 18" W 1378.13 to an iron pin set in the intersection of the occupied West line of the said 344 acre tract and the occupied South line of County Road #174.

THENCE with the South line of County Road #174, as fenced and occupied, for the following four (4) courses:

- (1) N 83° 02' 43" E 821.80 feet to an iron pin set.
- (2) N 74° 41' 45" E 152.48 feet to an iron pin set.
- (3) N 63° 12' 16" E 294.17 feet to an iron pin set.
- (4) N 55° 36' 32" E 837.77 feet to an iron pin found for an angle point.

THENCE S 38° 40' 29" E 82.88 feet to an iron pin found on the approximate centerline of South Brushy Creek for an angle point of this tract.

THENCE down the approximate centerline of South Brushy Creek for the following nine (9) courses:

- (1) N 40° 20' 05" E 107.41 feet to an iron pin found.
- (2) N 57° 59' 02" E 270.37 feet to an iron pin found.
- (3) N 73° 16' 25" E 155.30 feet to an iron pin found.
- (4) N 68° 49' 03" E 175.46 feet to an iron pin found.
- (5) N 61° 51' 38" E 155.97 feet to an iron pin found.
- (6) N 68° 14' 10" E 282.23 feet to an iron pin found.
- (7) N 56° 51' 25" E 793.41 feet to an iron pin found.
- (8) N 47° 40' 12" E 145.53 feet to an iron pin found.
- (9) N 59° 19' 11" E 114.08 feet to an iron pin found in the Northeast corner of the said 344 acre tract for the Northeast corner of this tract.

THENCE S 19° 14' 57" E 4244.41 feet to an iron pin found at a fence corner post, on the occupied South line of the said Dillard Survey, for the occupied Southeast corner of the said 344 acre tract and the Southeast corner of this tract.

THENCE S 69° 33' 04" W with the occupied South line of the said Dillard Survey and the occupied South line of the said 344 acre tract 773.74 feet to an iron pin found in the Northwest corner of Block C of the Meadows of Brushy Creek, a subdivision recorded in Cabinet F Slides 210 through 218 of the Plat Records of Williamson County, Texas.

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RECORDERS MEMORANDUM  
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clearly legible for satisfactory recordation.

# EXHIBIT "B"

# EXHIBIT "B"

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THENCE S 70° 00' 00" W with the occupied South line of the said Dillard Survey 3477.17 feet to an iron pin set at a fence corner post found in the occupied Southwest corner of the said 344 acre tract and an exterior corner of the said 531 acre tract.

THENCE S 69° 07' 27" W 715.03 feet to an iron pin set at a fence post found for an angle point.

THENCE S 69° 13' 27" W 442.04 feet to an iron pin set at a fence corner post found in an interior corner of the said 531 acre tract for an angle point of this tract.

THENCE S 19° 19' 21" E 3188.69 feet to an iron pin set at a fence post found in the occupied Southeast corner of the said 531 acre tract.

THENCE S 70° 35' 04" W with the occupied South line of the said 531 acre tract 341.39 feet to an iron pin found at a fence corner post for an angle point.

THENCE S 70° 47' 06" W 708.01 feet to an iron pin found at a fence corner post for an angle point.

THENCE S 70° 41' 07" W 2066.35 feet to an iron pin found at a fence corner post in the occupied Southwest corner of the said 531 acre tract for a reentrant corner of this tract.

THENCE N 18° 17' 21" W with the occupied West line of the said 531 acre tract 459.42 feet to an iron pin found for an angle point.

THENCE N 18° 04' 08" W 1415.41 feet to an iron pin found for an angle point of this tract.

THENCE N 18° 12' 58" W 883.96 to an iron pin found for an angle point.

THENCE N 18° 07' 43" W 415.50 feet to an iron axle found on the occupied South line of the said Dillard Survey for an interior corner of the said 531 acre tract and an angle point of this tract.

THENCE S 70° 46' 13" W 1067.85 feet to the POINT OF BEGINNING containing 1304.520 acres of land more or less.

I, Timothy E. Haynie, A REGISTERED PUBLIC SURVEYOR, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my direction and supervision on the 9th day of October, 1985. All corners located are as shown. The property described herein is correct and has no visible discrepancies, protrusions, encroachments, easements, conflicts in boundary, overlapping of improvements, roads in place, nor shortages in area except as shown. This tract has access to and from a dedicated roadway.

HAYNIE KALLHAN AND GRAY, INC.



*Timothy E. Haynie*  
Timothy E. Haynie,  
Registered Public Surveyor No. 2380

11-25-85

File  
Job No. 417-521

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# EXHIBIT "B"

RECORDERS MEMORANDUM  
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# EXHIBIT "C"

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## FIELD NOTES FOR 16.800 ACRES

FIELD NOTES describing a 16.800 acre tract or parcel of land, in the Samuel Daymon Survey, Abstract No. 170, situated in Williamson County, Texas, being a portion of those certain lands known as the Alda Avery Estate, as described in a deed recorded in Volume 305, Page 228 of the Deed Records of Williamson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point on the south line of said Avery Estate, being on the north line of the remainder of those certain lands conveyed to Nash Phillips/Copus, Inc., by deed recorded in Volume 917, Page 401 of said Deed Records, from which the northwest corner of said Nash Phillips/Copus, Inc. tract bears  $S71^{\circ}08'57''W$ , 33.72 feet;  $S70^{\circ}27'16''W$ , 389.60 feet;  $S69^{\circ}13'20''W$ , 225.99 feet and  $S69^{\circ}07'04''W$ , 220.43 feet, for southwest corner and POINT OF BEGINNING of the hereinafter described tract;

THENCE along the west line hereof, the following three (3) courses:  
1.)  $N23^{\circ}06'18''W$ , 893.16 feet to the PC of a curve to the right having a radius of 3919.72 feet and a central angle of  $40^{\circ}15'37''$ ;  
2.) along the arc of said curve 2754.29 feet, the long chord of which bears  $N02^{\circ}53'30''W$ , 2697.38 feet to the PT of said curve;  
3.)  $N17^{\circ}09'19''E$ , 206.03 feet to a point on the west line of the remainder of that certain tract of land conveyed to Will Wilson by deed recorded in Volume 406, Page 507 of said Deed Records, for the most northerly corner hereof;

THENCE along the division line between said Avery Estate and said Wilson tract, for an east line hereof, the following five (5) courses:

- 1.)  $S19^{\circ}54'09''E$ , 5.00 feet to an angle point hereof;
- 2.)  $S18^{\circ}13'09''E$ , 46.58 feet to an angle point hereof;
- 3.)  $S25^{\circ}40'39''E$ , 18.03 feet to an angle point hereof;
- 4.)  $S26^{\circ}02'26''E$ , 91.83 feet to an angle point hereof;
- 5.)  $S20^{\circ}02'06''E$ , 169.89 feet to the PC of a curve to the left having a radius of 3719.72 feet and a central angle of  $39^{\circ}22'20''$ ;

THENCE departing said division line, for an east line hereof, the following two (2) courses:

- 1.) along the arc of said curve 2556.10 feet, the sub-chord of which bears  $S03^{\circ}25'08''E$ , 2506.10 feet to the PT of said curve;
- 2.)  $S23^{\circ}06'18''E$ , 908.04 feet to a point on the south line of said Avery Estate, for the southeast corner hereof;

THENCE along the south line of said Avery Estate, being the north line of said Nash Phillips/Copus, Inc. tract, for the south line hereof,  $S71^{\circ}08'57''W$ , 200.55 feet to the POINT OF BEGINNING of the herein described tract, containing 16.800 acres of land.



# EXHIBIT "D"

5.00 ACRES

ALL THAT CERTAIN tract or parcel of land lying and being situated in Williamson County, Texas, a part of the John H. Dillard Survey, A-179, and being a part of a tract described as 531 acres in a deed to C. N. Avery, Jr. of record in Volume 340, Page 440 of the Deed Records of Williamson County, Texas, and being more fully described by metes and bounds as follows:

BEGINNING at a concrete nail set in a rock on the high bank of Brushy Creek for the Northeast corner of the herein described tract from which the Northeast corner of the said 531 acre tract bears North 79° 30' East 712.67 feet;

THENCE South 12° 04' West 640.94 feet to a ½ inch steel pin set for the Southeast corner of the herein described tract;

THENCE North 65° 48' West 511.49 feet to a ½ inch steel pin set on a ridge for the Southwest corner hereof;

THENCE along the said ridge North 49° 36' East 117.11 feet to a ½ inch steel pin set for an angle point; North 38° 22' East 107.65 feet to a ½ inch steel pin set for an angle point; North 13° 43' East 105.67 feet to a ½ inch steel pin set for an angle point; and North 01° 20' East 132.80 feet to a concrete nail set in a rock on the high bank of Brushy Creek for the Northwest corner hereof;

THENCE along the high bank of Brushy Creek South 86° 55' East 184.20 feet to a ½ inch steel pin set for an angle point and North 82° 20' East 234.54 feet to the POINT OF BEGINNING and containing 5.00 acres.

Access to the above described 5.00 acre tract is obtained by an easement thirty feet in width described as follows:

BEGINNING at a concrete nail set in a rock on the high bank of Brushy Creek for the Northwest corner of the said 5.00 acre tract and the Northeast corner of the herein described easement;

THENCE with the West line of the said 5.00 acre tract South 01° 20' West 30.26 feet to a point for the Southeast corner hereof;

THENCE South 83° 45' West 328.01 feet to an angle point on the dam of a Brushy Creek W. C. I. D. reservoir for an angle point and South 85° 10' West 558.33 feet to a point in the North or Northwest line of the said 531 acre tract for the Southwest corner hereof;

THENCE with the said property line North 49° 45' East 51.77 feet to a point for the Northwest corner hereof;

THENCE along the aforesaid dam North 85° 10' East 515.77 feet to an angle point;

THENCE North 83° 45' East 331.63 feet to the POINT OF BEGINNING.

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# EXHIBIT "D"

VOL 0105 PAGE 294

**AUSTIN SURVEYORS**

P.O. BOX 188243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6085

**EXHIBIT "E"**

**FIELD NOTES FOR 372.685 ACRES**

All that certain tract or parcel of land situated in the J.H. Dillard Survey, A-179, in Williamson County, Texas and being a part of a 344 acre tract of land conveyed to Chas. N. Avery, Jr., et al by deed recorded in Volume 362, Page 477 of the Deed Records of Williamson County, Texas and being also a part of a 531 acre tract of land conveyed to C.N. Avery, Jr., et al by deed recorded in Volume 640, Page 440 of the said Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found on the North line of Block C of The Meadows of Brushy Creek as recorded in Cabinet F, Slide 210 of the Plat Records of Williamson County, Texas, in the Southwest corner of a 215.608 acre tract of land conveyed to Scott Felder Ltd. Partnership, Inc by deed recorded in Volume 2361, Page 430 of the said Deed Records, for the Southeast corner of the above mentioned 344 acre tract and the Southeast corner of this tract.

THENCE S 69°33'04" W 773.74 feet to an iron pin found in the Northwest corner of the said Block C and the Northeast corner of a 390.22 acre tract of land conveyed to Claretta England et al by deed recorded in Volume 637, Page 535 of the said Deed Records for an angle point of this tract..

THENCE S 70°00'00" W with the North line of the said 390.22 acre tract 3477.17 feet to a 60d nail set in a fence corner post found in the occupied Southwest corner of the said 344 acre tract and the Southeast corner of the above mentioned 320 acre tract for an angle point of this tract.

THENCE S 69°07'27" W with the South line of the said 320 acre tract and the North line of the said 390.22 acre tract of land 715.03 feet to an iron pin set at a fence post for the Southwest corner of this tract.

THENCE N 14°45'21" W 179.49 feet to an iron pin set on the approximate centerline of a draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following four (4) courses:

- (1) N 08°10'24" W 282.31 feet to an iron pin set for an angle point.
- (2) N 03°15'27" E 200.51 feet to an iron pin set for an angle point.
- (3) N 20°42'12" W 82.19 feet to a hilti nail set for an angle point.
- (4) N 00°29'49" E 76.77 feet to a P-K nail set for an angle point.

THENCE N 63°25'11" W 222.44 feet to an iron pin set for an angle point of this tract.

THENCE N 11°53'41" W 109.84 feet to an iron pin set for an angle point of this tract.

THENCE N 68°41'52" E 230.20 feet to a hilti nail set on the approximate centerline of the above mentioned draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following six (6) courses:

- (1) N 02°22'46" W 132.28 feet to an iron pin set for an angle point.
- (2) N 08°55'39" E 98.85 feet to an iron pin set for an angle point.
- (3) N 12°06'30" W 161.10 feet to a cotton spindle set for an angle point.
- (4) N 07°28'43" W 267.11 feet to an iron pin set for an angle point.
- (5) N 24°08'23" E 183.37 feet to an iron pin set for an angle point.
- (6) N 20°16'17" W 386.52 feet to an iron pin set for an angle point.

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**EXHIBIT "E"**

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THENCE N 01°24'47" W 355.71 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 88°35'13" E 101.66 feet to an iron pin set on the East line of the said 320 acre tract and the West line of the said 344 acre tract for an angle point of this tract.

THENCE S 87°04'20" E 154.38 feet to an iron pin set for an angle point of this tract.

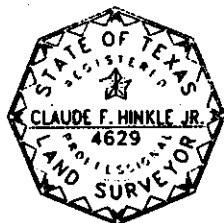
THENCE N 34°22'01" E 2411.06 feet to a point in the approximate centerline of South Brushy Creek for an angle point of this tract.

THENCE down the approximate centerline of the said Creek for the following nine (9) courses:

- (1) N 40°20'05" E 107.41 feet to an angle point.
- (2) N 57°59'02" E 270.37 feet to an angle point.
- (3) N 73°16'25" E 155.30 feet to an angle point.
- (4) N 68°49'03" E 175.46 feet to an angle point.
- (5) N 61°51'38" E 155.97 feet to an angle point.
- (6) N 68°14'10" E 282.23 feet to an angle point.
- (7) N 56°51'25" E 793.41 feet to an angle point.
- (8) N 47°40'12" E 145.53 feet to an angle point.
- (9) N 59°19'11" E 114.08 feet to a P-K nail found in the Northeast corner of the said 344 acre tract and the Northwest corner of the above mentioned 215.608 acre tract for the Northeast corner of this tract.

THENCE S 19°14'57" E 4244.41 feet to the POINT OF BEGINNING containing 372.685 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes were prepared from an on-the-ground survey made under my supervision during December of 1997 and are correct to the best of my knowledge and belief.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 6-01-98  
836.DOC

# EXHIBIT "F"

PAGE 1 OF 3

## FIELD NOTES FOR 591.146 ACRES

Field notes describing a 591.146 acre tract in the Samuel Damon Survey, Abstract No. Abstract No. 170, being all of a 75 acre tract of land, designated as Tract 1 in the First Tract, all of a 5 acre tract, designated as Tract 2 in the First Tract, all of a 150 acre tract, designated as Tract 3 in the First Tract, a part of a 116 acre tract of land, designated as Tract 2 in the Second Tract, and a part of a 244 acre tract, designated as Tract 1 in the Second Tract, in a deed to C.N. Avery, Jr. et al recorded in Volume 305 Page 228 of the Deed Records of Williamson County, Texas and being more particularly described as follows:

BEGINNING at an iron pin set in the intersection of the West line of the Southern Pacific Railroad and the occupied South line of the above mentioned Damon Survey for the Southeast corner of this tract.

THENCE S 71° 17' 55" W with the occupied South line of the said Damon Survey 2097.40 feet to an iron pin set at a fence corner post found in the occupied Southwest corner of the said 244 acre tract and the occupied Southeast corner of the said 150 acre tract for an angle point of this tract.

THENCE S 29° 43' 36" W 11.19 feet to an iron pin set at a fence post found for an angle point.

THENCE S 54° 39' 55" W 65.28 feet to an iron pin set at a fence post found for an angle point.

THENCE S 70° 57' 55" W 1298.04 feet to an iron pin set at a fence corner post found for an angle point of this tract.

THENCE S 71° 22' 31" W 939.49 feet to an iron pin set at a fence corner post found in the occupied Southwest corner of the said 150 acre tract for the Southwest corner of this tract.

THENCE N 19° 32' 10" W with the occupied West line of the said 150 acre tract 2496.88 feet to an iron pin set at a fence post found for an angle point.

THENCE N 15° 49' 54" W 317.98 feet to an iron pin set at a fence post found for an angle point.

THENCE N 49° 19' 01" W 94.93 feet to an iron pin set at a fence post found for an angle point.

THENCE N 15° 24' 57" W 181.53 feet to an iron pin set on the approximate centerline of South Brushy Creek for the Northwest corner of the said 150 acre tract and a reentrant corner of this tract.

THENCE N 63° 51' 07" E with the approximate centerline of South Brushy Creek 558.62 feet to an iron pin set for the Southwest corner of the above mentioned 75 acre tract.

THENCE N 20° 04' 33" W with the occupied West line of the said 75 acre tract 146.04 feet to an iron pin found at a fence corner post for an angle point.

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# EXHIBIT "F"

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THENCE N 20° 04' 33" W with the occupied West line of the said 75 acre tract 385.44 feet to an iron pin found at a 10" pecan tree for an angle point.

THENCE N 19° 55' 08" W with the occupied West line of the said 75 acre tract 796.83 feet to an iron pin found in a 30" hackberry tree for an angle point.

THENCE N 19° 42' 14" W with the occupied West line of the said 75 acre tract and the occupied West line of the above mentioned 5 acre tract 830.87 feet to an iron pin set on the curving South line of the Southern Pacific Railroad for the Northwest corner of the said 5 acre tract and the Northwest corner of this tract.

THENCE with the arc of the curving South line of the said Railroad 994.39 feet said curve having a radius of 1432.63 feet, a central angle of 39° 46' 09" and a sub-chord which bears N 70° 12' 17" E 974.55 feet to an iron pin set for the PT of the said curve.

THENCE N 50° 19' 12" E 874.60 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 1859.86 feet and a central angle of 01° 04' 54".

THENCE with the arc of the said curve 35.11 feet the sub-chord of which bears N 50° 51' 39" E 35.11 feet to an iron pin set in the Northeast corner of the said 75 acre tract for a reentrant corner of this tract.

THENCE with the occupied East line of the said 75 acre tract for the following five (5) courses:

- (1) S 20° 36' 46" E 1469.77 feet to an iron pin set at a fence corner post found for an angle point.
- (2) S 24° 09' 33" E 207.93 feet to an iron pin set for an angle point.
- (3) S 08° 40' 19" W 34.77 feet to an iron pin set for an angle point.
- (4) S 08° 42' 22" E 64.52 feet to an iron pin set for an angle point.
- (5) S 37° 22' 01" E 63.63 feet to an iron pin set on the approximate centerline of South Brushy Creek for the Southeast corner of the said 75 acre tract and the Northwest corner of the above mentioned 116 acre tract.

THENCE down the approximate centerline of South Brushy Creek and the North line of the said 116 acre tract for the following twenty (20) courses:

- (1) N 25° 21' 39" E 1030.02 feet
- (2) N 48° 29' 05" E 250.38 feet
- (3) N 83° 59' 46" E 51.93 feet
- (4) N 55° 45' 41" E 311.12 feet
- (5) N 64° 49' 56" E 158.24 feet
- (6) N 81° 47' 46" E 54.93 feet

# EXHIBIT "F"

PAGE 3 OF 3

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- (7) N 59° 12' 03" E 149.76 feet
- (8) N 51° 14' 42" E 556.45 feet
- (9) N 68° 43' 38" E 468.01 feet
- (10) N 78° 08' 21" E 344.07 feet
- (11) S 76° 35' 07" E 273.98 feet
- (12) S 58° 09' 24" E 117.39 feet
- (13) S 51° 36' 08" E 150.27 feet
- (14) N 79° 39' 17" E 75.56 feet
- (15) S 80° 47' 50" E 130.01 feet
- (16) S 78° 36' 53" E 84.00 feet
- (17) S 55° 24' 20" E 39.87 feet
- (18) S 71° 06' 56" E 380.66 feet
- (19) S 64° 23' 15" E 210.30 feet
- (20) S 73° 47' 07" E 321.51 feet to an iron pin set in the

Intersection of the approximate centerline of South Brushy Creek and the curving West line of the Southern Pacific Railroad for the Northeast corner of this tract.

THENCE with the arc of the curving West line of the said Railroad 432.11 feet said curve having a radius of 1477.89 feet, a central angle of 16° 45' 08" and a sub-chord of which bears S 26° 06' 38" W 430.57 feet to an iron pin set for the PT of the said curve.

THENCE S 34° 29' 12" W 481.37 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 2915.32 feet and a central angle of 35° 01' 10".

THENCE with the arc of the said curve 1781.85 feet the long chord of which bears S 16° 58' 37" W 1754.25 feet to an iron pin set for the PT of the said curve.

THENCE S 00° 31' 58" E 1913.43 feet to the POINT OF BEGINNING containing 591.146 acres of land more or less.

I, Timothy E. Haynie, A REGISTERED PUBLIC SURVEYOR, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my direction and supervision on the 9th day of October, 1985. All corners located are as shown. The property described herein is correct and has no visible discrepancies, protrusions, encroachments, easements, conflicts in boundary, overlapping of improvements, roads in place, nor shortages in area except as shown. This tract has access to and from a dedicated roadway.

HAYNIE KALLMAN AND GRAY, INC.



*Timothy E. Haynie*  
Timothy E. Haynie  
Registered Public Surveyor No. 2380

11-25-85

Date  
Job No. 917-886

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# EXHIBIT "F"

## EXHIBIT "A-2"

VOL 0105 PAGE 300

STATE OF TEXAS  
COUNTY OF WILLIAMSON

FIELDNOTE DESCRIPTION of 0.3839 of an acre of land in the Samuel Damon Survey, Abstract No. 170, Williamson County, Texas and being a part of that 1304.520 acre tract of land (Parcel One-Tract 1) conveyed to Pebble Creek Joint Venture and Neal A. Wait by partition deed recorded as Document No. 9843836 in the Official Public Records of Williamson County, Texas; said 0.3839 acre of land is more particularly described by metes and bounds as follows:

COMMENCING at a 1/4" iron rod found on the southerly existing right-of-way line of Brushy Creek Road (C. R. 174) for the northwesterly corner of the aforesaid 1304.520 acre tract and being the northeast corner of that 24.67 acre tract (Tract One) conveyed to Edward H. Ball, Jr., M. L. Summerlin, Ben Ryon, J. E. Spring and William S. McIlvain by trustee's deed recorded in Volume 1680, Page 690 of the Deed Records of Williamson County, Texas;

THENCE, S86°42'52"E, with the common southerly, existing right-of-way line of Brushy Creek Road (C. R. 174) and the northerly line of said 1304.520 acre tract, a distance of 15.29 feet to a 1/4" iron rod set for the POINT OF BEGINNING of the herein described tract;

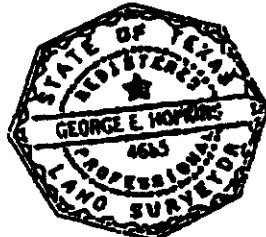
THENCE, continuing with the common southerly, existing right-of-way line of Brushy Creek Road and northerly line of said 1304.520 acre tract, the following three (3) courses;

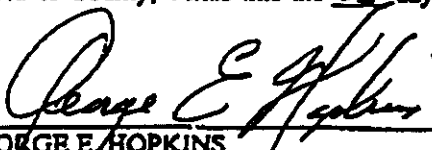
- 1) S86°42'52"E, a distance of 217.81 feet to a fence post for an angle point;
- 2) S81°50'49"E, a distance of 162.36 feet to a 60d nail found at a fence post for an angle point;
- 3) S51°57'17"E, a distance of 148.43 feet to a 1/4" iron rod set on the proposed northerly right-of-way line of Brushy Creek Road (C.R.-174) and being the easterly corner of the herein described tract;

THENCE, N75°36'50"W, with the proposed northerly right-of-way line of Brushy Creek Road (proposed 90.0 feet wide right-of-way), across said 1304.520 acre tract, a distance of 511.08 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 0.3839 of an acre of land area.

I, George E. Hopkins, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 16 day of NOVEMBER, 1998.



  
GEORGE E. HOPKINS  
Registered Professional Land Surveyor  
No. 4685 - State of Texas

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## EXHIBIT "A-2"

2.2644 Acres  
County Road No. 174  
Parcel No. 7  
Page 1

Samuel Damon Survey Abstract No. 170  
97546.11  
August 18, 1998

## EXHIBIT "A-3"

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STATE OF TEXAS

§  
§  
§

COUNTY OF WILLIAMSON

FIELDNOTE DESCRIPTION of 2.2644 acres of land in the Samuel Damon Survey, Abstract No. 170, Williamson County, Texas and being a part of that 1304.520 acre tract of land (Parcel One-Tract 1) conveyed to Pebble Creek Joint Venture and Neal A. Wall by partition deed recorded as Document No. 9843836 in the Official Public Records of Williamson County, Texas; said 2.2644 acres of land are more particularly described by meter and bounds, in two parcels, as follows:

### Parcel 7-A

BEGINNING at an iron rod found on the southerly right-of-way line of Brushy Creek Road (C. R. 174) for the northwesterly corner of the aforesaid 1304.520 acre tract and being the northeast corner of that 24.67 acre tract (Tract One) conveyed to Edward H. Ball, Jr., M. I. Summerlin, Ben Ryon, J. E. Spring and William S. McIlvain by trustee's deed recorded in Volume 1680, Page 690 of the Deed Records of Williamson County, Texas;

THENCE, S86°42'52"E, with the common southerly right-of-way line of Brushy Creek Road (C. R. 174) and the northerly line of said 1304.520 acre tract, a distance of 15.29 feet to a ½" iron rod set for corner;

THENCE, S75°36'50"E, leaving the common northerly line of said 1304.520 acre tract and fenced, southerly right-of-way line of Brushy Creek Road (C. R. 174), crossing the 1304.520 acre tract, a distance of 511.08 feet to a ½" iron rod set on the common northerly line of said 1304.520 acre tract and southerly fenced right-of-way line of Brushy Creek Road;

THENCE, S51°57'17"E, with the common northerly line of said 1304.520 acre tract and southerly right-of-way line of Brushy Creek Road, a distance of 224.27 feet to a ½" iron rod set for corner;

THENCE, N75°36'50"W leaving the common northerly line of said 1304.520 acre tract and southerly right-of-way line of Brushy Creek Road, crossing the 1304.520 acre tract, a distance of 854.73 feet to a ½" iron rod set on the common westerly line of said 1304.520 acre tract and easterly line of the aforesaid 24.67 acre tract, from which a ½" iron rod found for the southeast corner of the 24.67 acre tract bears S69°08'39"W, 24.78 feet and S31°59'02"W, 392.37 feet;

THENCE, N69°08'39"E, with the common easterly line of said 24.67 acre tract and westerly line of said 1304.520 acre tract, a distance of 150.87 feet to the POINT OF BEGINNING, CONTAINING within these meters and bounds 1.4218 acres of land area.

### Parcel 7-B

BEGINNING at a 60d nail found at a fence corner on the southerly fenced right-of-way line of Brushy Creek Road (C. R. No. 174), being the northeast corner of the aforesaid 1304.520 acre tract and also being the northwest corner of the remainder of that 201.5 acre tract conveyed to Will Wilson by deed recorded in Volume 406, Page 504 of the Deed Records of Williamson County, Texas;

THENCE, S22°09'45"E, with the common easterly line of said 1304.520 acre tract and westerly line of the remainder of said 201.5 acre tract, a distance of 29.54 feet to a ½" iron rod set for corner;

THENCE, leaving said common line across the 1304.520 acre tract, the following three (3) courses:

- 1) Southwesterly with a curve to the right (non-tangent to the previous course) having a radius of 1545.00 feet and a central angle of 09°40'23" (chord bears S76°39'17"W, 260.53 feet) for an arc distance of 260.74 feet to a ½" iron rod set for a point of tangency;
- 2) S81°29'28"W, a distance of 376.85 feet to a ½" iron rod set for the point of curvature of a curve to the right.

### RECORDERS MEMORANDUM

All or parts of the text on this page was not clearly legible for satisfactory recordation.

## EXHIBIT "A-3"



2.2644 Acres  
County Road No. 174  
Parcel No. 7  
Page 2

EXHIBIT "A-3" Samuel Denson Survey Abstract No. 170  
97546.11  
August 18, 1998

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PAGE 302

- 3) Southwesterly with said curve to the right having a radius of 1200.00 feet and a central angle of  $11^{\circ}04'28''$  (chord bears  $S87^{\circ}01'43''W$ , 231.58 feet) for an arc distance of 231.95 feet to a  $\frac{1}{2}$ " iron rod set on the common northerly line of said 1304.520 acre tract and southerly right-of-way of Brushy Creek Road.

ATTENTION, with the common northerly line of said 1304.520 acre tract and southerly right-of-way line of Brushy Creek Road, the following two (2) courses:

- 1)  $N75^{\circ}32'24''E$ , a distance of 283.88 feet to an angle point;
- 2)  $N81^{\circ}36'03''E$ , a distance of 577.63 feet to the POINT OF BEGINNING, CONTAINING within these miles and bounds 0.8426 acres of land, for a total land area of 2.2644 acres in Parcel 7A and 7B combined.

That I, George E. Hopkins, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 18 day of AUGUST, 1998.



*George E. Hopkins*  
GEORGE E. HOPKINS  
Registered Professional Land Surveyor  
No. 4685 - State of Texas

RECORDERS MEMORANDUM  
All or parts of the text on this page was not  
clearly legible for satisfactory recordation.

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EXHIBIT "A-3"

FIELD NOTES  
FOR

EXHIBIT "A-4"

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PAGE 303

15.00 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SAMUEL DAMON SURVEY, ABSTRACT NO. 170 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO PEBBLE CREEK JOINT VENTURE BY INSTRUMENTS RECORDED IN DOC. NO. 9828294, DOC. NO. 9843833, DOC. NO. 9843836 AND DOC. NO. 9844031 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pin found at the intersection of the South line of said Pebble Creek Joint Venture Tract and the West r.o.w. line of Farmer Lane, for the Southeast corner and PLACE OF BEGINNING hereof:

THENCE along the South line of said Pebble Creek Joint Venture Tract for the following courses:

S 70°04'54" W for a distance of 33.89 feet to a 60-d nail found in a tree

S 70°27'39" W for a distance of 359.54 feet to a 60-d nail found in a tree

S 69°30'13" W for a distance of 144.59 feet to a 60-d nail found in a tree

S 68°42'13" W for a distance of 81.33 feet to a 60-d nail found in a tree

S 69°06'21" W for a distance of 220.47 feet to a 1/2 inch iron pin found

S 70°33'24" W for a distance of 82.93 feet to a 1/2 inch iron pin set for the Southwest corner hereof;

THENCE along the West line of the herein described tract, N 19°27'36" W for a distance of 704.41 feet to a 1/2 inch iron pin set for the Northwest corner hereof;

THENCE along the North line of the herein described tract, N 69°51'51" E for a distance of 907.86 feet to a 1/2 inch iron pin set in the West r.o.w. line of Farmer Lane, for the Northeast corner hereof:

RECORDERS MEMORANDUM

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EXHIBIT "A-4"

EXHIBIT "A-4"

FIELD NOTES  
FOR

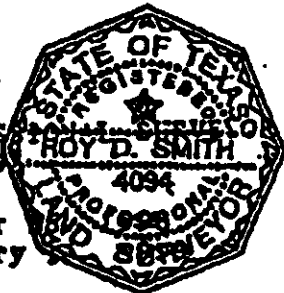
15.00 ACRES OF LAND - Page Two

THENCE along the West r.o.w. line of Parmer Lane, S 23°06'18" E for a distance of 705.00 feet to the PLACE OF BEGINNING and containing 15.00 acres of land, more or less.

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

*Roy D. Smith*  
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 4094  
September 15, 1994



Revised: October  
February

RECORDERS MEMORANDUM  
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clearly legible for satisfactory recordation.

EXHIBIT "A-4"

Standard Pacific of Texas, Inc.  
Fee Strip  
1.244 Acres

EXHIBIT "A-5"

F.N. 1283(BDN)  
December 03, 1998  
SAM, Inc. Job No. 98287-01

DESCRIPTION OF 1.244 ACRES OF LAND LOCATED IN THE RACHAEL SAUL SURVEY, ABSTRACT NO. 551 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF THAT TRACT OF LAND DESCRIBED AS PARCEL 2 IN THE DEED TO STANDARD PACIFIC OF TEXAS, INC. RECORDED IN VOLUME 2224, PAGE 533, OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, AND A PORTION OF THE REMAINDER OF THAT CERTAIN 26.40 ACRE TRACT OF LAND DESCRIBED AS TRACT 2 IN THE DEED TO STANDARD PACIFIC OF TEXAS, INC. RECORDED IN DOCUMENT No. 9623940, OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 1.244 ACRES, AS SHOWN ON SAM, INC. DRAWING No. 98287-01, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found on the east right-of-way line of Parmer Lane West (F.M. 734 - 200' wide) as dedicated by Volume 1796, Page 485, Deed Records of Williamson County, Texas, being the northwest corner of said 66.26 acre tract, said point being on the south line of that called 1304.520 acre tract described in the deed to Pebble Creek Joint Venture, recorded in Document No. 9844081, Official Records of Williamson County, Texas;

THENCE with the common line of said 66.26 acre tract and said 1304.520 acre tract, the following four (4) courses and distances:

1. N 70° 03' 49" E, a distance of 13.05 feet to a 60d nail found in a live oak tree,
2. N 68° 47' 57" E, a distance of 284.47 feet to a 60d nail found in a live oak tree,
3. N 69° 22' 20" E, a distance of 340.34 feet to a 60d nail found in a an elm tree, and
4. N 68° 55' 09" E, passing at a distance of 394.66 feet, a 1/2-inch iron rod found for the northeast corner of said 66.26 acre tract, being the northwest corner of said 26.20 acre tract, and continuing in all, a distance of 574.45 feet to a 1/2-inch iron rod set for the northeast corner of the tract described herein, being the northwest corner of that 0.451 acre Wastewater Easement described in the deed to the City of Austin, recorded in Document No. 9606122, Official Records of Williamson County, Texas, and from which point, an axle found for the northeast corner of said 26.20 acre tract, being an interior ell corner of said 1304.520 acre tract bears, N 68° 55' 09" E, a distance of 494.11 feet;

THENCE S 19° 51' 53" E, leaving said common line and crossing said 26.20 acre tract, a distance of 44.78 feet to a 1/2-inch iron rod set on the north line of that 0.226 acre Drainage Easement described in the deed to the City of Austin, recorded in Document No. 9606118, Official Records of Williamson County, Texas, being the southeast corner of the tract described herein, being the most western southwest corner of said 0.451 acre tract, also being the northwest corner of that 1.245 acre Drainage and public Utility Easement described in the deed to the City of Austin, recorded in Document No. 9606120, Official records of Williamson County, Texas;

THENCE S 69° 00' 42" W, with the north line of said 0.226 acre tract, passing at a distance of 203.37 feet, the northwest corner of said 0.226 acre tract, being the northeast corner of that 1.110 acre Drainage Easement described in the deed to the City of Austin, recorded in Document No. 9606121, Official Records of Williamson County, Texas; said point being on the common line of said 26.20 acre tract and said 66.26 acre tract, and continuing in all, with the north line of said 1.110 acre tract, an overall distance of 1208.40 feet to a 1/2-inch iron rod set on the east right-of-way line of said Parmer Lane West, being the west line of said 66.26 acre tract, for the southwest corner of the tract described herein, and from which point, a Texas Department of Transportation Type I monument found for the north end of the curving east right-of-way line of said Parmer Lane West bears, S 24° 49' 08" E, a distance of 84.55 feet;

RECORDERS MEMORANDUM

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Page 1 of 2

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EXHIBIT "A-5"

VOL 0105 PAGE 305

Standard Pacific of Texas, Inc.  
Fee Strip  
1.244 Acres

# EXHIBIT "A-5"

F.N. 1293(BDN)  
December 03, 1998  
SAM, Inc. Job No. 98287-01

VOL 0105 PAGE 306

THENCE N 24° 49' 08" W, with the east line of said Farmer Lane West, being the west line of said 66.26 acre tract, a distance of 45.28 feet to the POINT OF BEGINNING and containing 1.244 acres of land, more or less.

STATE OF TEXAS

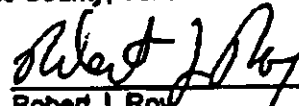
KNOW ALL MEN BY THESE PRESENTS:

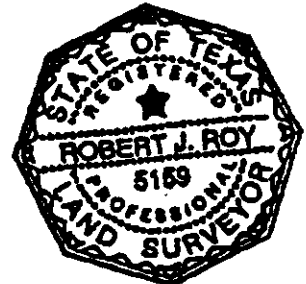
COUNTY OF WILLIAMSON

That I, Robert J. Roy, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 3rd day of December, 1998, A.D.

SURVEYING AND MAPPING, INC.  
4029 Capital of Texas Hwy., So.. Suite 125  
Austin, Texas 78704

  
Robert J. Roy  
Registered Professional Land Surveyor  
No. 5159 - State of Texas



RECORDERS MEMORANDUM  
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clearly legible for satisfactory recordation.

## AUSTIN SURVEYORS

P.O. BOX 188243  
AUSTIN, TEXAS 787182185 JUSTIN LANE #103  
(512) 454-6686

## FIELD NOTES FOR 372.685 ACRES

All that certain tract or parcel of land situated in the J.H. Dillard Survey, A-179, in Williamson County, Texas and being a part of a 344 acre tract of land conveyed to Chas. N. Avery, Jr., et al by deed recorded in Volume 362, Page 477 of the Deed Records of Williamson County, Texas and being also a part of a 531 acre tract of land conveyed to C.N. Avery, Jr., et al by deed recorded in Volume 640, Page 440 of the said Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found on the North line of Block C of The Meadows of Brushy Creek as recorded in Cabinet F, Slide 210 of the Plat Records of Williamson County, Texas, in the Southwest corner of a 215.608 acre tract of land conveyed to Scott Felder Ltd. Partnership, Inc by deed recorded in Volume 2361, Page 430 of the said Deed Records, for the Southeast corner of the above mentioned 344 acre tract and the Southeast corner of this tract.

THENCE S 69°33'04" W 773.74 feet to an iron pin found in the Northwest corner of the said Block C and the Northeast corner of a 390.22 acre tract of land conveyed to Claretta England et al by deed recorded in Volume 637, Page 535 of the said Deed Records for an angle point of this tract..

THENCE S 70°00'00" W with the North line of the said 390.22 acre tract 3477.17 feet to a 60d nail set in a fence corner post found in the occupied Southwest corner of the said 344 acre tract and the Southeast corner of the above mentioned 320 acre tract for an angle point of this tract.

THENCE S 69°07'27" W with the South line of the said 320 acre tract and the North line of the said 390.22 acre tract of land 715.03 feet to an iron pin set at a fence post for the Southwest corner of this tract.

THENCE N 14°45'21" W 179.49 feet to an iron pin set on the approximate centerline of a draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following four (4) courses:

- (1) N 08°10'24" W 282.31 feet to an iron pin set for an angle point.
- (2) N 03°15'27" E 200.51 feet to an iron pin set for an angle point.
- (3) N 20°42'12" W 82.19 feet to a hiki nail set for an angle point.
- (4) N 00°29'49" E 76.77 feet to a P-K nail set for an angle point.

THENCE N 63°25'11" W 222.44 feet to an iron pin set for an angle point of this tract.

THENCE N 11°53'41" W 109.84 feet to an iron pin set for an angle point of this tract.

THENCE N 68°41'52" E 230.20 feet to a hiki nail set on the approximate centerline of the above mentioned draw for an angle point of this tract.

THENCE down the approximate centerline of the said draw for the following six (6) courses:

- (1) N 02°22'46" W 132.28 feet to an iron pin set for an angle point.
- (2) N 08°55'39" E 98.85 feet to an iron pin set for an angle point.
- (3) N 12°06'30" W 161.10 feet to a cotton spindle set for an angle point.
- (4) N 07°28'43" W 267.11 feet to an iron pin set for an angle point.
- (5) N 24°08'23" E 183.37 feet to an iron pin set for an angle point.
- (6) N 20°16'17" W 386.52 feet to an iron pin set for an angle point.

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EXHIBIT TWO

VOL 0105 PAGE 308

THENCE N 01°24'47" W 355.71 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 88°35'13" E 101.66 feet to an iron pin set on the East line of the said 320 acre tract and the West line of the said 344 acre tract for an angle point of this tract.

THENCE S 87°04'20" E 154.38 feet to an iron pin set for an angle point of this tract.

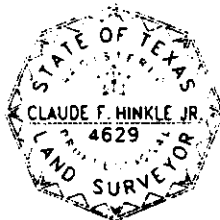
THENCE N 34°22'01" E 2411.06 feet to a point in the approximate centerline of South Brushy Creek for an angle point of this tract.

THENCE down the approximate centerline of the said Creek for the following nine (9) courses:

- (1) N 40°20'05" E 107.41 feet to an angle point.
- (2) N 57°59'02" E 270.37 feet to an angle point.
- (3) N 73°16'25" E 155.30 feet to an angle point.
- (4) N 68°49'03" E 175.46 feet to an angle point.
- (5) N 61°51'38" E 155.97 feet to an angle point.
- (6) N 68°14'10" E 282.23 feet to an angle point.
- (7) N 56°51'25" E 793.41 feet to an angle point.
- (8) N 47°40'12" E 145.53 feet to an angle point.
- (9) N 59°19'11" E 114.08 feet to a P-K nail found in the Northeast corner of the said 344 acre tract and the Northwest corner of the above mentioned 215.608 acre tract for the Northeast corner of this tract.

THENCE S 19°14'57" E 4244.41 feet to the POINT OF BEGINNING containing 372.685 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes were prepared from an on-the-ground survey made under my supervision during December of 1997 and are correct to the best of my knowledge and belief.

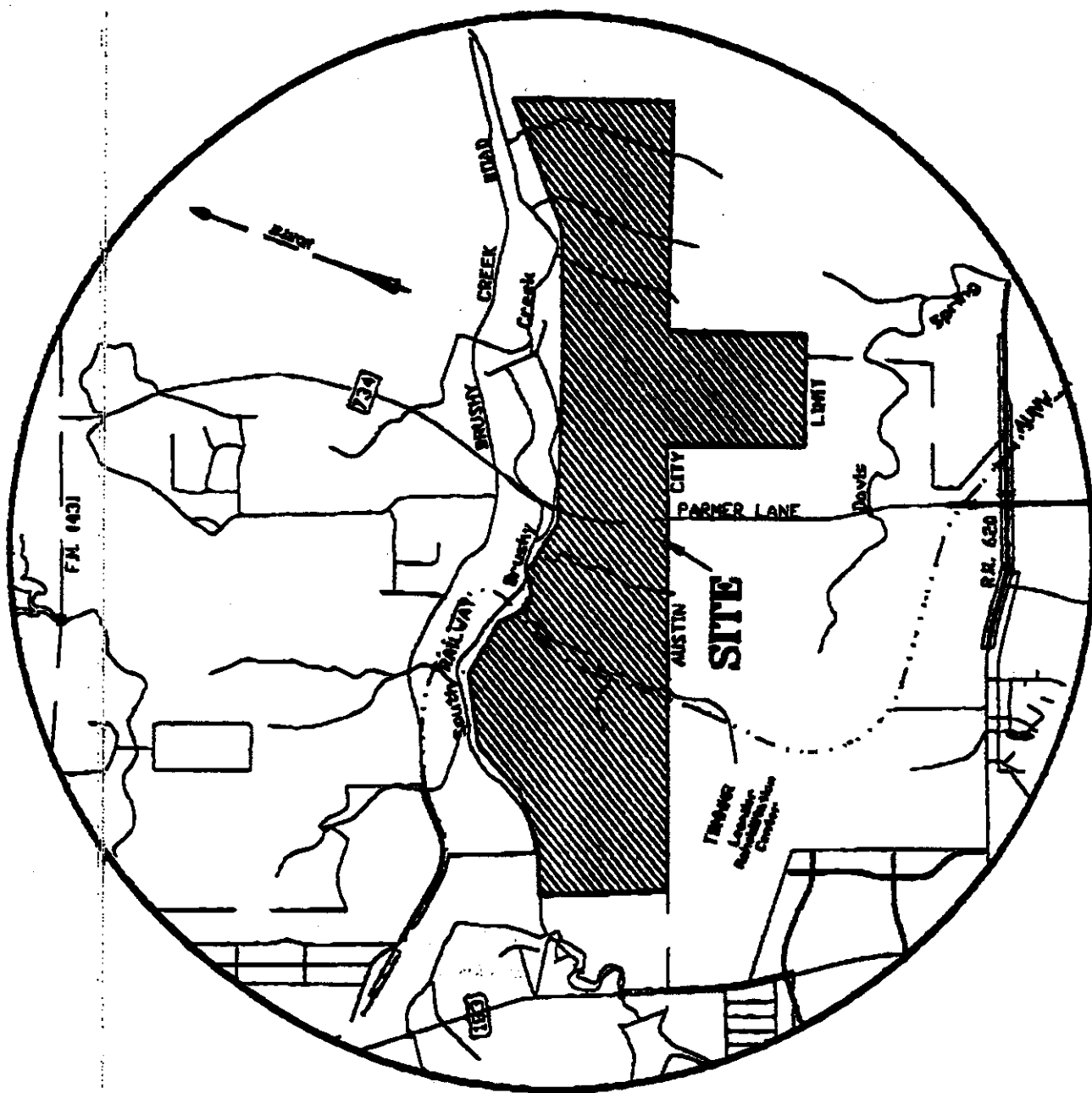


  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

6-01-98  
Date 836.DOC

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EXHIBIT TWO



VICINITY MAP  
(NOT TO SCALE)



**AGENDA ITEM # 29****JULY 20, 1999**

Discuss and take appropriate action regarding the discharging of firearms pursuant to Local Govt. Code 240.

Commissioner Boatright advised the Local Government Code 240.022 allows Commissioners Courts to ban discharging of firearms in platted subdivisions containing lots of 10 acres or less located in non incorporated areas of the county. A property owner has requested the court consider banning the discharge of firearms in Cedar Hollow Crossing.

First Assistant County Attorney Dale Rye interpreted the code as allowing the Commissioners Court to ban on an individual subdivision basis.

Commissioner Limmer requested the majority of subdivision owners sign and present to court a petition requesting the ban on discharging firearms before any further action be taken.

No action was taken on this agenda item.

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**NUISANCES & DISORDERLY CONDUCT****§ 240**

adopted under this subchapter. The court may grant appropriate relief.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

[Sections 240.005 to 240.020 reserved for expansion]

**SUBCHAPTER B. REGULATION OF DISCHARGE OF FIREARMS****§ 240.021. Subdivisions Covered by Subchapter**

This subchapter applies only to a subdivision all or a part of which is located in the unincorporated area of a county and for which a plat is required to be prepared and filed under Chapter 232.

Acts 1989, 71st Leg., ch. 1, § 55(a), eff. Aug. 28, 1989.

**§ 240.022. Authority to Regulate**

To promote the public safety, the commissioners court of a county ~~by order~~ may prohibit or otherwise regulate the discharge of firearms on lots that are 10 acres or smaller and are located in the unincorporated area of the county in a subdivision.

Acts 1989, 71st Leg., ch. 1, § 55(a), eff. Aug. 28, 1989.

**§ 240.023. Prohibited Regulations**

This subchapter does not authorize the commissioners court to regulate the transfer, ownership, possession, or transportation of firearms and does not authorize the court to require the registration of firearms.

Acts 1989, 71st Leg., ch. 1, § 55(a), eff. Aug. 28, 1989.

**§ 240.024. Injunction**

Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of a prohibition or other regulation adopted under this subchapter from continuing or occurring.

Acts 1989, 71st Leg., ch. 1, § 55(a), eff. Aug. 28, 1989.

**§ 240.025. Criminal Penalty**

A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of a regulation adopted under this subchapter by the commissioners court. An offense under this section is a Class C misdemeanor. If it is shown on the trial of an offense under this section that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.

Acts 1989, 71st Leg., ch. 1, § 55(a), eff. Aug. 28, 1989.

**SUBCHAPTER Z. MISCELLANEOUS PROVISIONS****§ 240.901. Land Use Regulation for Flood Control in Coastal Counties**

(a) This state recognizes the personal harm and economic distress caused by flood disaster since it has become uneconomical for the insurance industry alone to make flood insurance available to those in need of protection on reasonable terms and conditions. Recognizing the loss on the nation's resources, congress enacted the National Flood Insurance Act of 1968, under which flood insurance can be made available through coordinated efforts of the federal government, the private insurance industry by pooling risk by the positive cooperation of state and local governments. The purpose of this subchapter is to evidence a positive interest in securing flood insurance coverage under the federal program, thereby ensuring coverage for the citizens of this state who desire to participate, to promote the public interest by providing appropriate protection against the effects of flood losses, and to encourage sound land use by minimizing exposure of property to flood.

(b) A county bordering on the Gulf of Mexico on the tidewater limits of the gulf may determine the boundaries of any flood-prone area of the county. The suitability of that determination is conclusively established when the commissioners court of the county adopts a resolution finding that the area is a flood-prone area.

(c) The commissioners court may adopt a set of rules that regulate the management and use of land, structures, and other development in a flood-prone area of the county in order to reduce the extent of damage caused by flooding. The rules to which the rules may apply include:

(1) the floodproofing of structures located in the area;

(2) the minimum elevation of a structure required to be constructed or improved in the area;

(3) specifications for drainage; and

(4) any other action feasible to minimize flooding and rising water damage.

(d) In this section, "flood-prone area" means an area that is subject to damage from rising water flooding from the Gulf of Mexico or its tidal waters including lakes, bays, inlets, and lagoons.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

AGENDA ITEM # 38

September 8, 1998

\*

Consider adopting order prohibiting the discharge of a firearm or the use of archery equipment in a subdivision with lots of ten (10) acres or less in an unincorporated area of a county.

A couple residing in Precinct #4 discussed neighbors discharging firearms in their area and presented signed petitions favoring such an order.

The State of Texas prohibits discharging of firearms or use of archery equipment in a legally platted subdivision containing lots of 10 acres or less. The state does not have provisions for such control in unrecorded subdivisions located in unincorporated areas of the county.

Moved: Commissioner Mehevec

Motion: To approve the resolution restricting discharge of firearms and the use of archery equipment in unplatted subdivisions of ten (10) acres or less.

Motion died for lack of a second.

No action was taken on this agenda item.

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AGENDA ITEM # 30JULY 20, 1999

\*

Consider appointing Williamson County members to CAPCO General Assembly.

Moved: Judge Doerfler

Seconded: Commissioner Limmer

Motion: To appoint John Nelson and Don Nix to CAPCO General Assembly.

Vote: Motion carried 3 - 0

&lt; Clerk copy here &gt;

**John C. Doerfler**  
County Judge  
Williamson County



WILLIAMSON COUNTY COURTHOUSE  
710 MAIN, SECOND FLOOR  
GEORGETOWN, TEXAS 78626  
(512) 930-4456

July 20, 1999

Ms. Crystal Castille  
CAPCO  
2512 IH 35 South, Suite 220  
Austin, Tx 78704

Re: General Assembly Appointments

Dear Ms. Castille,

The Williamson County Commissioners Court voted on Tuesday, July 20<sup>th</sup> to fill the vacant positions in the General Assembly.

The following persons were appointed.

Williamson County Representative  
John Nelson  
Taylor Economic Development Corp  
PO Box 975  
Taylor, Tx 76574  
(512) 352-4321

Williamson County Citizen Representative  
Don Nix  
2001 Meadow Lane  
Taylor, Tx 76574  
(512) 365-1914

Please provide them with any pertinent information regarding the upcoming meeting.

Sincerely,

Jane Tableriou  
Administrative Aide

**AGENDA ITEM # 31****JULY 20, 1999****Discuss and take appropriate action on YMCA agreement with county pertaining to Hog Farm Park.**

Commissioner Boatright received a letter from Wade Todd who was unable to appear in court today because he is out of town until August 2, 1999.

Cedar Park City Councilman, Place 5, Phillip T. Duprey expressed his concerns of security, signage, public access and the overgrown pond in the Hog Farm Park.

Mr. Duprey revealed the possibility of a land swap with the City of Austin (in whose extra territorial jurisdiction Hog Farm Park is now located) in order to have the park area located in the City of Cedar Park extra territorial jurisdiction. The City of Cedar Park could then annex the park and provide immediate police protection.

Commissioner Boatright advised the City of Cedar Park turned down an earlier offer of the park. Williamson County was constantly spending money repairing vandalism in the park before the YMCA was involved.

A county parks department would be required if Williamson County took control of Hog Farm Park and opened it to the public. It is not a park which is conducive to continual traffic. If open 24 hours a day the grass would be killed, continual drug activity, vandalism and misbehavior would occur. The commissioner is in favor of having the park as accessible as possible which would require 24 hour patrol. Under the present YMCA agreement the youth of our community are able to utilize the property.

Commissioner Boatright stated one almost full time maintenance employee was required to repair the vandalism and the grass was torn up when the county was operating the park. Involving the YMCA in 1998, was the best decision the court could make. He understands the public feels slighted but at the same time he felt we cannot allow public property to be continually destroyed.

The commissioner advised YMCA has made arrangements for CSR workers to help with clearing the property.

Commissioner Boatright agreed he, Wade Todd and Mr. Duprey would meet after August 2, 1999, to see what could be accomplished to make the park more accessible to the public and still control vandalism.

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The Commissioner also advised the 50 acres is dedicated as a green belt area.

No action was taken on this item which will be added to a later agenda.

< Clerk copy here >

07/23/99 FRI 09:37 FAX 2604284

WILLIAMSON CO PCT 2

002  
001

1812 North Mays  
Post Office Box 819  
Round Rock, Texas 78680

512-246-YMCA (9622)  
Fax: 512-244-2122

President/CEO:  
Wade Todd

Board Chair:  
Keith Hickman

**Board Members:**

Joe Baker  
Jim Boles  
Bob Brent  
James Carrow  
R. Mark Dietz  
Nancy M. Faulkner  
Margaret R. Fink  
Doak Fling  
Tom Gaul  
Chaz Glaze  
Tim Kennedy  
Cynthia P. Long  
Nyle Maxwell  
Judy McLeod  
Felix Munson  
William A. Myers  
John Nelson  
Randall Pick  
Reid Ryan  
Deborah Ryle  
Jon Sloan

**Our Mission:**

To put Christian principles into practice  
through programs that build healthy  
spirit, mind, and body for all.



YMCA

We build strong kids,  
strong families, strong communities.



## YMCA of Greater Williamson County

July 19, 1999

Mr. Darrell Champeau  
805 Hall Street  
Cedar Park, TX 78613

JUDGE JOHN

COPY OF LETTER  
MAILED TO MR.  
CAMPSAU RE: PARK  
Wade

Dear Mr. Champeau:

I am writing in reply to your note of July 15, a copy of which is attached, in which you requested a copy of our agreement with Williamson County for management and operation of the 50 acre park. Your note also refers to two different "letters" previously written to the YMCA. We have not received any letters addressed to the YMCA, but I have read the attached copies of E-Mail messages you sent to other individuals regarding the park and the "prepared statement" you delivered to the Commissioners Court last week.

Enclosed is a copy of the PARK MANAGEMENT AND OPERATION AGREEMENT as requested. The agreement clearly states that "The YMCA shall operate the Property as a limited access park whereby the park and its facilities may be reserved for use primarily by youth groups and organizations...." During the time we have managed the park, it has been used by many such groups including boy scouts, girl scouts, church groups, and school groups.

Under the terms of our agreement, the YMCA is "to develop and revise as necessary a fee schedule..., designate all open use and restricted areas..., and establish the park schedule and control access to the park based on such schedule." We are managing and operating the park precisely according to the terms of our agreement.

Regrettably, there has been a high level of criminal activity within the park, including drug and alcohol abuse, vandalism, lewd behavior, and the discharge of firearms. We will take such steps as may prove necessary to "maximize the safe and effective use" of the park as required under the terms of our agreement. Access to the park is restricted in the same manner as access to many state and LCRA parks is restricted. Not every public park is open to unrestricted access by any individual citizen.

**RECORDERS MEMORANDUM**

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clearly legible for satisfactory recordation.

07/23/99 FRI 09:38 FAX 2604284  
07/19/99 10:00 FAX 314 433 2144WILLIAMSON CO PCT 2  
YMCA003  
002

We have spent thousands of dollars to improve and maintain the park, and we are presently preparing a Master Plan that will guide future improvements within the park. When completed, the park will benefit the children and families of Williamson County for many years to come-at no cost to the taxpayers.

As the YMCA is a volunteer driven, not-for-profit association, we would welcome the involvement of any individual, business, or organization sincerely sharing our vision of strong kids, strong families, strong communities. If you have suggestions for how we can better utilize the park property to this end, within the parameters of our agreement and with an appropriate emphasis on safety, please let me know.

Thus far, your actions have been destructive, disruptive, and disrespectful. You were admitted to the park for the stated purpose of fishing. Instead, you used a compound bow to shoot at targets meant for a children's archery program. You also interfered with the operation of other equipment at the pavilion. If you are admitted to the park in the future, you must comply with the rules.

Given the fact that we are serving the children and families of our county precisely in accordance with our agreement, please refrain from any further derogatory comments about the YMCA. If you have further questions about the agreement, or our management of the park, please direct them to my attention.

Sincerely,



Wade Todd  
President/CEO

Encl

xc: Greg Boatright, Williamson County Commissioner, Precinct 2  
John Doerfler, Williamson County Judge  
Keith Hickman, YMCA of Greater Williamson County Board Chair

RECORDERS MEMORANDUM  
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clearly legible for satisfactory recordation.

Remarks on Hog Farm Park, by Phil Duprey. 20 July 1999.

Seems to me that there are four concerns about Hog Farm Park right now.

1. Security

In the near term, security could be improved by the County directing the Sheriff to patrol the area of the park more frequently during the times that vandalism is more likely. In the longer term, Cedar Park should renew its effort to swap the Hog Farm Park into Cedar Park's ETJ, then annex it and add it to its patrol area.

2. Signage

Currently the signs at the park say HILL COUNTRY YMCA PARK and PRIVATE PROPERTY. Both are incorrect and have led to some irritation among intended park-goers. This is easily corrected by the YMCA.

3. Public Access

When security is improved, more reasonable access can be allowed. And the signs can reflect the new rules. As the Texas Parks and Wildlife Department letter to the YMCA says: "The park should remain available to the general public under some reasonable use guidelines or fees."

4. Overgrown Pond

If the YMCA is to be caretaker of the Hog Farm Park, then the YMCA should take care of it, including the overgrowth in the pond. They need approval from the state for the use of either special fish or chemical treatment (or both). The YMCA should pursue this.



**CITY OF CEDAR PARK**

[www.ci.cedar-park.tx.us](http://www.ci.cedar-park.tx.us)

**Phillip T. Duprey**

City Council, Place 5

800 TALLOW TRAIL  
CEDAR PARK, TEXAS 78613  
[phil@onr.com](mailto:phil@onr.com)

HOME (512) 259-7719  
FAX (512) 259-8538  
Printed on Recycled Paper

**AGENDA ITEM # 32****JULY 20, 1999****\***

Consider authorizing advertising and setting date for preliminary public hearing on the 1999/2000 County Budget.

Moved: Judge Doerfler

Seconded: Commissioner Limmer

Motion: To authorize advertising 7 p.m. August 10, 1999, for preliminary public hearing on the 1999/2000 County Budget in Justice of the Peace #3 courtroom on the second floor of the Williamson County courthouse.

Vote: Motion carried 3 - 0

**AGENDA ITEM # 33****JULY 20, 1999****\***

Hear comments from Commissioners.

Commissioner Boatright expressed his appreciation for the morning (9 a.m.) instead of afternoon budget workshop on July 22, 1999.

Commissioner Limmer discussed the department budgets he has read and mentioned he would have liked Road and Bridge to include a back hoe with hoe ram in their budget. The combined costs of the Inner Loop, Brushy Creek at Noack and anticipated rock excavation on Booty's Crossing Road would probably have paid 80% of the purchase price of a back hoe. He felt the work requiring this particular piece of equipment would pay the purchase price in no more than two (2) years at \$250.00 per hour lease price.

Judge Doerfler felt the Road and Bridge budget could be funded with very few cuts. The General fund however is another matter. The budget for this year is looking good.

The 9 o'clock a.m. Thursday, July 22, 1999, budget workshops will be held for all Constables and Justices of the Peace, EMS, Juvenile Services, Tax Assessor-Collector and Sheriff's Department.

COMMISSIONERS COURT RECESSED AT 10:32 A.M. ON TUESDAY, JULY 20, 1999



COMMISSIONERS COURT RECONVENED AT 9:00 A.M. ON THURSDAY, JULY 22, 1999, WITH  
COUNTY JUDGE JOHN C. DOERFLER  
COMMISSIONER PRECINCT #2 GREGORY W. BOATRIGHT  
COMMISSIONER PRECINCT #3 DAVID HAYS  
COMMISSIONER PRECINCT #4 FRANKIE LIMMER  
COUNTY ATTORNEY EUGENE D. TAYLOR  
COUNTY CLERK NANCY E. RISTER AND  
COUNTY AUDITOR DAVID U. FLORES PRESENT FOR THE WORK SESSION.

AGENDA ITEM #34

Work Session, 2000 County Budget - various departments

The order in which the various departments appeared before the court is as follows:

Sheriff Ed Richards  
Tax Assessor-Collector Deborah Hunt  
EMS Director John Sneed  
Precinct #1 Constable Gary Griffin  
Precinct #2 Constable Jim Wilson  
Precinct #3 Constable Bobby Guterrez  
Precinct #4 Constable Marty Ruble  
Precinct #3 Justice of the Peace Jimmy G. Bitz  
Juvenile Services Director Charles Skaggs  
Precinct #1 Justice of the Peace Patricia Ott

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County Judge John Doerfler advised a decision regarding the salaries of elected officials would be necessary by August 5, 1999, in order to publish the figures.

The County Judge is recommending a 2.5% across the board employee salary increase effective October 1, 1999, and a 2.5% merit increase to be distributed at the discretion of each department head.

< Clerk copy here >

**1999/2000 Budget Work Session**  
**Thursday, July 22, 1999**

**The following department budgets will be reviewed by the Commissioner's Court today.**

- 451 Justice of the Peace #1
- 452 Justice of the Peace #2
- 453 Justice of the Peace #3
- 454 Justice of the Peace #4
- 499 Tax Assessor/Collector
- 540 EMS
- 551 Constable #1
- 552 Constable #2
- 553 Constable #3
- 554 Constable #4
- 560 County Sheriff
- 570 Jail
- 576 Juvenile Services

**COMMISSIONERS COURT ADJOURNED AT 12:03 A.M. ON THURSDAY, JULY 22, 1999.**

THE FOREGOING MINUTES in Volume 105 on pages 133 through 319,, inclusive had at a Special Session of Commissioners Court of Williamson County, Texas, having been read are hereby approved this 27th day of July, 1999.

John C. Doerfler, County Judge

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ATTEST: Nancy E. Rister, Clerk County Court & Ex-officio Clerk,  
Commissioners Court, Williamson County, Texas

by: \_\_\_\_\_  
Deputy Clerk