

**ORDINANCE NO. 29**

**AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS AMENDING THE ZONING FROM CURRENT ZONING AS TC - TOWN CENTER DISTRICT TO A PD - PLANNED DEVELOPMENT TOWN CENTER DISTRICT FOR THE PROPERTY DESCRIBED AS A 2.091 ACRE TRACT OF LAND OUT OF THE JOHN HOBSON SURVEY NO. 527, ABSTRACT 387, SITUATED AT THE NE INTERSECTION OF HIGHWAY 71 AND RR620, IN THE CITY OF BEE CAVE, TRAVIS COUNTY, TEXAS, WHICH PROPERTY IS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; APPROVING A CONCEPT PLAN, ATTACHED AS EXHIBIT "B"; PROVIDING SPECIAL PLANNED DEVELOPMENT STANDARDS AND CONDITIONS, ATTACHED AS EXHIBIT "C"; APPROVING ELEVATIONS, ATTACHED AS EXHIBIT "D"; APPROVING A LANDSCAPE PLAN, ATTACHED AS EXHIBIT "E"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PROPER NOTICE AND MEETING; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Owner of the land described herein and described in Exhibit "A" attached hereto (the "Property") has filed an application to change the zoning from TC - Town Center District to PD - Planned Development District - Town Center; and

**WHEREAS**, Section 32.03.015 of the City's Zoning Ordinance provides that the purpose of a Planned Development District is to provide for the development of land as an integral unit for single or mixed use in accordance with a Planned Development Concept Plan ("Concept Plan") attached hereto as Exhibit "B", that may include uses, regulations and other requirements that vary from the provisions of other zoning districts, and to encourage flexible and creative planning to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community; and

**WHEREAS**, the development proposed by the applicant complies with the current City ordinances except as modified by the Planned Development Standards attached hereto as Exhibit "C" ("Planned Development Standards");

**WHEREAS**, the Planning and Zoning Commission of the City of Bee Cave and the City Council of the City of Bee Cave, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held two public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Bee Cave is of the opinion and finds that said zoning change should be granted and that the Zoning Map should be amended as set forth herein; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:**

**SECTION 1. Findings of Fact.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION 2.** That the zoning for the herein described Property is hereby amended so as to grant a change of zoning from TC - Town Center District to PD - Planned Development District with base zoning of Town Center for the Property described as a 2.091 acre tract of land out of the John Hobson Survey No. 527, Abstract 387, situated at the NE intersection of Highway 71 and RR620, in the City of Bee Cave, Travis County, Texas, which Property is described in Exhibit "A" attached hereto and made a part hereof for all purposes. The Property shall be a Planned Development District pursuant to, and subject to compliance with, the terms and conditions of the City Code of Ordinances except as modified by this Ordinance, the Concept Plan attached hereto as Exhibit "B", and the Planned Development Standards attached hereto as Exhibit "C", which exhibits are incorporated herein for all purposes.

**SECTION 3.** That the Concept Plan for this Planned Development District which is attached hereto as Exhibit "B" and made a part hereof for all purposes is hereby approved for said Planned Development District as required by Chapter 32 of the Code of Ordinances of the City of Bee Cave, Texas. Any proposed use or development depicted on the Concept Plan shall not be deemed authorized or approved by the City of Bee Cave until a final site plan is approved for such use and/or development in accordance with the terms and conditions of Chapter 32 of the Code of Ordinances.

**SECTION 4.** That the Elevations (Exhibit "D"), the Landscape Plan (Exhibit "E") and the Conservation Easement (Exhibit "F") which are attached hereto and incorporated herein for all purposes for this Planned Development District are all hereby approved.

**SECTION 5.** That the granting of this Planned Development District is subject to all applicable development regulations contained in the Code of Ordinances of the City of Bee Cave, except as modified herein including, without limitation Chapter 32 as well as the following special conditions:

- A. That the proposed Project shall be constructed in accordance with the Concept Plan, which is attached hereto as Exhibit "B", as same may be amended from time to time as authorized in Chapter 32 of the Code of Ordinances, and with a detailed site plan, which must be submitted, reviewed and approved as required by Chapter 32 of the Code of Ordinances prior to any development taking place on the Property;
- B. That the Planned Development on the Property must comply with (i) the Development Standards applicable to land located in the TC - Town Center District as set forth in Chapter 32 of the Code of Ordinances; except as same are modified by the terms of Exhibit "C" to this Ordinance; (ii) the Concept Plan for this Project as approved by the City Council or (iii) as otherwise required by this Ordinance.

C. That all of the requirements of the Code of Ordinances of the City including, without limitation, Chapter 32 (the Zoning Ordinance), and Chapter 30 (the Subdivision Ordinance), shall apply to this project and the Property, except for those requirements, which are modified for the project by this Ordinance, the Concept Plan, and the Planned Development Standards contained in Exhibit "C" attached hereto.

**SECTION 6.** The City Administrator is hereby authorized and directed to note the zoning change on the official Zoning Map of the City of Bee Cave, Texas.

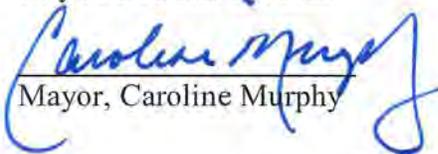
**SECTION 7.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjusted or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of Chapter 32, Zoning, of the City of Bee Cave Code of Ordinances and Map as a whole.

**SECTION 8.** That this Ordinance shall take effect immediately from and after its passage and publication as required by law.

**DULY PASSED** by the City Council of the City of Bee Cave, Texas, on the 28<sup>th</sup> day of April, 2009.

**APPROVED:**

City of Bee Cave, Texas

  
Mayor, Caroline Murphy

**ATTEST:**

  
Kaylynn Holloway, City Secretary

Seal

- Exhibit "A" - Description of Property
- Exhibit "B" - Concept Plan
- Exhibit "C" - Planned Development Standards
- Exhibit "D" - Elevations
- Exhibit "E" - Landscape Plan
- Exhibit "F" - Conservation Easement

**APPROVED AS TO FORM:**

A handwritten signature in black ink, appearing to read "Patty L. Akers", written over a horizontal line.

Patty L. Akers, City Attorney  
City of Bee Cave, Texas

EXHIBIT "A"

Property Description

2.091 ACRES  
JOHN HOBSON SURVEY  
IBC BEE CAVES

FN.NO. 08-787(ACD)  
DECEMBER 15, 2008  
BPI JOB NO. 1783-03

**DESCRIPTION**

OF A 2.091 ACRE TRACT OF LAND OUT OF THE JOHN HOBSON SURVEY NO. 527, ABSTRACT 387, SITUATED IN THE CITY OF BEE CAVE, TRAVIS COUNTY, TEXAS, BEING THAT CERTAIN 2.09 ACRE TRACT CONVEYED TO ROBERT B. BALDWIN, III, BY DEED OF RECORD IN DOCUMENT NO. 2008139728, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.091 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2-inch iron rod found on the easterly right-of-way line of R.M. 620 (R.O.W. Varies), being the southwesterly corner of that certain 1.633 acre tract conveyed to Baldwin Properties, Ltd., by Deed of record in Document No. 2002036917, of said Official Public Records, for the northwesterly corner of said 2.09 acre tract and hereof;

**THENCE**, S66°46'45"E, leaving said easterly right-of-way line of R.M. 620, along the southerly line of said 1.633 acre tract, for the northerly line of said 2.09 acre tract and hereof, a distance of 353.37 feet to a 1/2-inch iron rod found at the southeasterly corner of said 1.633 acre tract, being on the westerly line of that certain 45.760 acre tract conveyed to Baldwin Properties, Ltd., by said Deed of record in Document No. 2002036917, of said Official Public Records, for the northeasterly corner of said 2.09 acre tract and hereof;

**THENCE**, S13°14'26"W, along the westerly line of said 45.760 acre tract, for the easterly line of said 2.09 acre tract and hereof, a distance of 418.19 feet to a 1/2-inch iron pipe found at the southwesterly corner of said 45.760 acre tract, being on the northerly right-of-way line of S.H. 71 (R.O.W. Varies), for the southeasterly corner of said 2.09 acre tract and hereof;

**THENCE**, N54°34'04"W, along said northerly right-of-way line of S.H. 71, for the southerly line of said 2.09 acre tract and hereof, a distance of 117.22 feet to a 1/2-inch iron rod found at the intersection of said northerly right-of-way line of S.H. 71 and said easterly right-of-way line of R.M. 620, for the southwesterly corner of said 2.09 acre tract and hereof;

FN 08-787(ACD)  
DECEMBER 15, 2008  
PAGE 2 of 2

**THENCE**, N15°35'17"W, along said easterly right-of-way line of R.M. 620, for the westerly line of said 2.09 acre tract and hereof, a distance of 496.72 feet to the **POINT OF BEGINNING**, and containing 2.091 acres (91,087 square feet) of land, more or less, within these metes and bounds.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83(93), CENTRAL ZONE.

I, ABRAM C. DASHNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES. A SURVEY SKETCH WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.  
ENGINEERS-SURVEYORS  
221 WEST 6TH STREET SUITE 600  
AUSTIN, TEXAS 78701

 3-20-09  
\_\_\_\_\_  
ABRAM C. DASHNER  
R.P.L.S. NO. 5901  
STATE OF TEXAS





Exhibit "C"

**PLANNED DEVELOPMENT STANDARDS**

The following Planned Development Standards shall be applicable within this Planned Development District – Town Center Zoning District. To the extent that any of the following standards conflict with other City Ordinances, the following shall control. All development activity undertaken on the Property shall comply with the development standards for Town Center Zoning and with all other City zoning and subdivision requirements in effect on January 20, 2009, except as modified by Section 32.03.015 of the City of Bee Cave Code of Ordinances or as modified herein. Capitalized terms contained herein shall be defined as indicated in these Planned Development Standards, as reflected on the Concept Plan or as defined in the City of Bee Cave Code of Ordinances, depending upon context.

**1. General Project Design Requirements**

The Property is located generally at the northeast corner of the intersection of US Hwy 71 and RR 620 in the City of Bee Cave. The Project shall consist of, among other things, (i) a building containing approximately 6,506 square feet (the Building); (ii) three drive-through banking lanes, one drive-through ATM lane, and one bypass lane; (iii) an outdoor seating area; (iv) associated parking and drive aisles; (v) water quality controls and rainwater harvesting system; (vi) landscaping; and (vii) other ancillary improvements.

**2. Building Floor Area and Architectural Standards**

(a) The Building may have a maximum Building Footprint so as to comply with Chapter 32 of the Code of Ordinances. The front and side Building Facades of the Building shall be constructed as depicted in Exhibit "D" attached hereto and incorporated herein. The rear elevation of the Building shall comply with the City's architectural standards. Building Facades for all other buildings in the Project shall conform to the City's Exterior Building Design Standards within the Bee Cave Code of Ordinances, unless the City Council, in its sole discretion, approves an alternate design in conjunction with approval of the Site Plan. The City Council has authority to approve a building design which deviates from the City's Exterior Building Design Standards if the City Council determines that an alternate design adequately meets the intent of the City's Exterior Building Design Standards as well as the intent of the Project. Approval of Building Elevations and Facades for buildings that are not approved herein shall be considered for approval at the time the applicable Site Plan is considered for approval.

(b) Any expansion of the Building shall not increase the building foot print greater than 6506 square feet or the impervious cover to more than 53.83%.

**3. Impervious Cover and Non-Point Source Pollution Control Standards for Water Quality Controls**

(a) Impervious cover for the project described herein shall not exceed 53.83%. This 53.83% impervious cover limitation includes an impervious cover credit increase of 5% based on the rainwater harvesting system to be constructed pursuant to Section 20.04.043(c)(3)(A)(i) of the Code of Ordinances, and an impervious cover credit increase of 8.83% based on use of a conservation easement for transfer of development intensity pursuant to Section 20.04.042(c)(3)(B) of the Code of Ordinances, which Conservation Easement is attached hereto as Exhibit "F".

(b) A water quality pond with a retention/irrigation system shall be located on the Property as depicted on the Concept Plan.

(c) A rainwater harvesting system shall be incorporated into the Building, together with a rainwater harvesting tank as depicted on the Concept Plan.

**4. Permitted Uses in the District**

(a) All uses authorized within the Town Center Zoning District are authorized uses and the following additional uses are hereby permitted.

Contractor's Temporary On-Site Construction Office (Only during Construction)

(b) No Conditional Uses are authorized herein.

**5. Landscaping**

(a) Landscaping shall be in accordance with Exhibit "E" (the Landscape Plan) which is attached hereto and incorporated herein. Such landscaping shall be used to act as a screen to the parking lot and water quality pond from view along Hwy 71 and RR 620.

(b) The City's 20% landscaping requirement within the parking areas shall not be required.

**6. Special conditions that vary from City Code Requirements**

(a) The use of pervious pavers for outdoor seating areas and sidewalks in the rear of the Building is allowed to reduce impervious cover, but the credit for such pervious pavers is limited to 50%. A satisfactory maintenance plan for the pervious pavers shall be submitted and approved by the City at Site Plan approval.

(b) The number of stacking spaces for drive-thru lanes is reduced from 5 to 4.

(c) The setbacks from both Hwy 71 and RR 620 shall be as follows: (i) 25' for all parking and driveway structures or improvements; and (ii) 75' for all vertical structures and improvements. All building setbacks shall be as shown on the Concept Plan.

(d) The 20% open space requirement for Planned Development Districts is waived.

**7. Other Requirements**

(a) A Traffic Impact Analysis is not required for the Project. Any future expansion or redevelopment of the Property may require a Traffic Impact Analysis if such an analysis is otherwise required pursuant to the then applicable Ordinances of the City.

(b) Utilities located within the Project shall be buried.

(c) In the event that any item shown on the Concept Plan is contrary to the provisions of these Development Standards, the provisions of these Development Standards shall apply. In the event that an item shown on the Concept Plan is not covered by the Development Standards, such item or development must be in compliance with the City's Code of Ordinances or the approved Site Plan.

(d) Signage that may be depicted on the Concept Plan or on the Elevations is not approved by these Development Standards and must be approved and in compliance with the City's sign ordinance. A City of Bee Cave sign may be located on the Project.

(e) The Conservation Easement described in Exhibit "F" shall not be required to comply with the City's platting requirements.

EXHIBIT "D"

Elevations



**FRONT ELEVATION**



**REAR ELEVATION**

**IBC BANK**  
 HWY 620 & HWY 71  
 BEECAVE, TEXAS



**ARCHITECTURA S A**  
 ARCHITECTURE • INTERIOR DESIGN • CONSULTANTS

10223 HWY 281 N. SUITE 104, SAN ANTONIO, TEXAS 78216  
 t. 210.384.8200 t. 210.384.8212 f. 210.384.8477  
 architecturasa@yahoo.com

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 IN ANY FORM WITHOUT PRIOR AUTHORIZATION FROM JOSE CALZADA A.I.A.

**PROJECT #**  
**08-093**

**DATE: MAY 08, 2009**



**SIDE ELEVATION**



**SIDE ELEVATION**

**IBC BANK**  
 HWY 620 & HWY 71  
 BEECAVE, TEXAS



**ARCHITECTURA S A**  
 ARCHITECTURE • INTERIOR DESIGN • CONSULTANTS

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**PROJECT #**  
 08-093

**DATE: MAY 08, 2009**

EXHIBIT "E"

Landscape Plan





EXHIBIT "F"

Conservation Easement

Exhibit F

CONSERVATION EASEMENT

THE STATE OF TEXAS                    §  
  §        KNOW ALL BY THESE PRESENTS;  
COUNTY OF TRAVIS                   §

**GRANTOR:**            **126 BEE CAVE INVESTMENTS, LP**, a Texas limited partnership

Grantor's Mailing Address            13453 Highway 71 West  
  Bee Cave, TX 78738

**GRANTEE:**            **CITY OF BEE CAVE, TEXAS**

Grantee's Mailing Address            4000 Galleria Parkway  
  Bee Cave, TX 78738

Grantor, for a full and valuable consideration in hand paid, hereby grants, sells and conveys to Grantee a permanent and perpetual conservation easement upon and across the property described on Exhibit "A" attached hereto ("Easement Tract"), to have and to hold to Grantee and Grantee's successors or assigns forever ("Easement"), subject to all valid and subsisting easements, reservations, covenants, restrictions and other documents or matters related to the Easement Tract, to the extent, and only to the extent, that the same are valid and enforceable against the Easement Tract, and either shown by instruments filed in the Real Property Records of Travis County, Texas, or visible or apparent on the ground that a true, correct and current survey would reveal. The Easement Tract shall be used solely for conservation and the preservation of open space, except as otherwise permitted in this Agreement. Grantor hereby grants the Easement, and Grantee hereby accepts the Easement, subject to the following covenants, conditions and restrictions:

1. No use shall be made of or on the Easement Tract that will interfere, inhibit or reduce the preservation of scenic and open space and the natural treatment of stormwater runoff.
2. The Grantor reserves to itself and its representatives, successors, and assigns, all rights accruing by virtue of owning the Easement Tract, including the following rights:
  - a. The right to undertake or continue any activity or use of the Easement Tract not prohibited by nor inconsistent with this Easement.
  - b. The right to give, lease, sell, grant, or otherwise convey the underlying fee title of any part or all of the Easement Tract subject to this Easement.
  - c. The right to install and use a crushed stone path, which will not exceed ten feet in width, for pedestrian use only, over and across the Easement Tract, such path being more particularly shown on the attached Exhibit "B".

- d. The right to engage in and permit others to engage in recreational and educational uses of the Easement Tract, including, without limitation, hiking, and instruction related to native plants, animals and ecology, that require no surface alteration or other development of the land.
3. Except as provided in this Conservation Easement (“Agreement”), neither Grantor nor Grantee shall construct or add any impervious cover, whether temporary or permanent, including, but not limited to buildings, outbuildings, sheds, signs, parking, sidewalks, driveways, paving, or any other structures on the Easement Tract. Except for the foregoing limitations contained in this Easement, all development rights associated with the Easement Tract are retained by Grantor.
4. No substantial removal or clearing of vegetation (other than cedar tree removal) shall occur on the Easement Tract. Minor clearing or removal of vegetation for the purposes of ensuring the health and safety of the owners or residents of the adjacent properties or soil relocation for the enhancement of vegetation shall be permitted. Grantor shall be responsible for maintaining the Easement Tract in accordance with the purposes stated in Item 1 above.
5. If any person or entity shall violate or attempt to violate this Easement, Grantor, Grantee, or their successors or assigns, may bring proceedings at law or in equity against the person or entity violating or attempting to violate the same, and the defaulting party shall be liable for reasonable attorney’s fees and costs of court. Notwithstanding anything else to the contrary, this Easement does not create any rights of enforcement in any third-party. Only the Grantor and the Grantee shall have rights of enforcement.
6. Failure to enforce this Easement shall not constitute a waiver of the right of enforcement.
7. Nothing contained in this Easement shall give or grant to the general public any rights, titles, or interests with respect to the Easement Tract, including a right to enter upon or use the Easement Tract.
8. This Easement may not be amended or terminated except with the written consent of the City of Bee Cave, or its successors or assigns, and Grantor, its successors or assigns.
9. Grantee shall have the right to assign its rights and obligations under this Easement to any person or entity as evidenced by a written assignment recorded in the real property records of Travis County, Texas.
10. No provision of this Conservation Easement shall be construed as impairing the ability of Grantor to use part or all of the Easement Tract as collateral for subsequent borrowings, provided that any mortgage or liens arising from such loans must be subordinate to this Easement.
11. Grantee accepts this Easement as evidenced by Grantee’s execution of this Agreement.

Grantor hereby binds itself, its heirs, representatives, successors, and assigns to WARRANT AND FOREVER DEFEND title to the Easement unto Grantee and its successor and assigns against claims of all persons whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise; provided, however that this conveyance is made by Grantor and accepted by Grantee subject to all valid and subsisting easements, reservations, covenants, restrictions and other documents or matters related to the Easement Tract, to the extent, and only to the extent, that the same are valid and enforceable against the Easement Tract, and either shown by instruments filed in the Real Property Records of Travis County, Texas, or visible or apparent on the ground that a true, correct and current survey would reveal. Grantor expressly represents and warrants that there are no other easements, reservations, covenants, restrictions or other matters related to the Easement Tract that would prevent the Easement Tract from being used by Grantee for the purposes intended by this Easement.

Grantor has caused this Easement to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**GRANTOR:** **126 BEE CAVE INVESTMENTS, LP**, a Texas limited partnership

By: 126 GP, LLC, a Texas limited liability company, its General Partner

By: \_\_\_\_\_  
Daniel B. Porter  
President and CEO

THE STATE OF TEXAS           §  
  §       KNOW ALL BY THESE PRESENTS;  
COUNTY OF TRAVIS         §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2009 by Daniel B. Porter, as President & CEO 126 GP, LLC, a Texas limited liability company, General Partner of 126 Bee Cave Investments, LP, a Texas limited partnership, on behalf of said limited liability company and partnership.

\_\_\_\_\_  
Notary Public Signature

**GRANTEE:**

**THE CITY OF BEE CAVE, TEXAS**, a municipal corporation in Travis County, Texas

By: \_\_\_\_\_  
Caroline Murphy, Mayor

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2009 by Caroline Murphy, Mayor, of The City of Bee Cave, Texas, a Texas municipal corporation, on behalf of said municipal corporation.

(SEAL)

\_\_\_\_\_  
Notary Public Signature

**AFTER RECORDING, RETURN TO:**

Patty L. Akers, City Attorney  
Bickerstaff Heath Delgado Acosta LLP  
816 Congress Avenue, Suite 1700  
Austin, Texas 78701-2443

- Exhibit A - Legal Description of Easement Tract
- Exhibit B - Depiction of Path

1.110 ACRES  
CONSERVATION EASEMENT  
IBC-BEE CAVE

FN. NO. 09-133(KWA)  
MAY 04, 2009  
BPI JOB NO. 1783-03.91

#### DESCRIPTION

OF 1.110 ACRES OF LAND SITUATED IN THE CITY OF BEE CAVE, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 126.55 ACRE TRACT OF LAND CONVEYED TO 126 BEE CAVE INVESTMENTS, L.P., BY DEED OF RECORD IN DOCUMENT NO. 2003202592 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 1.110 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron rod found at the southeasterly corner of Lot 9, Block "A" Shops at the Galleria, a subdivision of record in Document No. 200600169 of said Official Public Records, for the southwesterly corner of that certain Remainder of 87.620 acre tract conveyed to HCS Holding Company, by Deed of Record in Document No. 2003286366 of said Official Public Records, for an angle point in the northerly line of said 126.55 acre tract and hereof;

**THENCE**, along the southerly line of said Remainder of 87.620 acre tract, being the northerly line of said 126.55 acre tract, for a portion of the northerly line hereof, the following two (2) courses and distances:

- 1) S75°32'23"E, a distance of 17.84 feet to a 1/2 inch iron rod found for an angle point;
- 2) N64°32'04"E, a distance of 143.35 feet to the northeasterly corner hereof, from which the southeasterly corner of said Remainder of 87.620 acre tract bears N64°32'04"E, a distance of 38.82 feet;

**THENCE**, leaving the southerly line of said Remainder of 87.620 acre tract, over and across said 126.55 acre tract, for the easterly and westerly lines hereof, the following six (6) courses and distances:

- 1) S05°42'24"W, a distance of 33.95 feet to an angle point;
- 2) S18°35'58"E, a distance of 25.06 feet to an angle point;
- 3) S13°56'28"W, a distance of 147.65 feet to an angle point;
- 4) S08°45'04"W, a distance of 135.60 feet to the most southerly corner hereof;
- 5) ~~N38°42'15"W, a distance of 180.06 feet to an angle point;~~
- 6) N46°46'53"W, a distance of 285.14 feet to the northerly line of said 126.55 acre tract, being the southerly line of said Lot 9, for the northwesterly corner hereof, from which a 1/2 inch iron rod found at an angle point in the southerly line of said Lot 9 bears N75°32'23"W, a distance of 70.05 feet;

FN NO. 09-133(KWA)  
MAY 04, 2009  
PAGE 2 OF 2

**THENCE**, S75°32'23"E, along the southerly line of said Lot 9, being the northerly line of said 126.55 acre tract, for a portion of the northerly line hereof, a distance of 232.64 feet to the **POINT OF BEGINNING**, containing an area of 1.110 acres (48,355 sq. ft.) of land, more or less, within these metes and bounds.

I, ABRAM C. DASHNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY+PARTNERS, INC.  
ENGINEERING SOLUTIONS  
221 WEST SIXTH STREET  
SUITE 600  
AUSTIN, TEXAS 78701

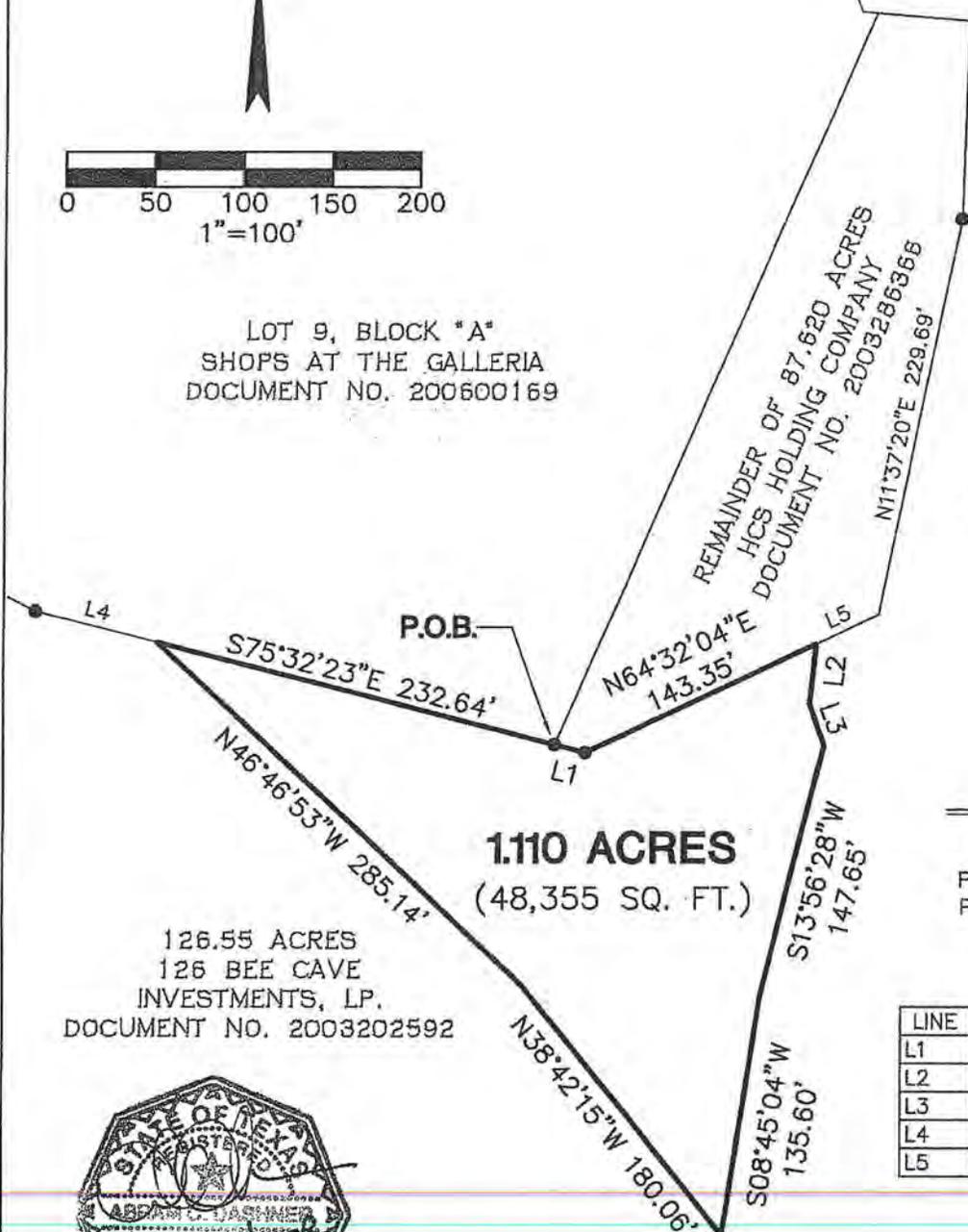
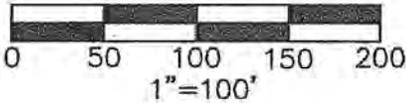
 5-4-09  
\_\_\_\_\_  
ABRAM C. DASHNER, R.P.L.S.  
NO. 5901  
STATE OF TEXAS



4.029 ACRES  
71 BEE CAVE, LTD.  
DOCUMENT NO. 2004025069

LOT 9, BLOCK "A"  
SHOPS AT THE GALLERIA  
DOCUMENT NO. 200600169

126.55 ACRES  
126 BEE CAVE  
INVESTMENTS, LP.  
DOCUMENT NO. 2003202592



**1.10 ACRES**  
(48,355 SQ. FT.)

126.55 ACRES  
126 BEE CAVE  
INVESTMENTS, LP.  
DOCUMENT NO. 2003202592

**LEGEND**

- 1/2" IRON ROD FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

**LINE TABLE**

LINE	BEARING	LENGTH
L1	S75°32'23"E	17.84
L2	S05°42'24"W	33.95
L3	S18°35'58"E	25.06
L4	N75°32'23"W	70.05
L5	N64°32'04"E	38.82



**Bury+Partners**  
ENGINEERING SOLUTIONS  
221 West Sixth Street, Suite 600  
Austin, Texas 78701  
Tel. (512)328-0011 Fax (512)328-0325  
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**SKETCH TO ACCOMPANY DESCRIPTION**  
OF 1.110 ACRES OF LAND SITUATED IN THE CITY OF BEE CAVE, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 126.55 ACRE TRACT OF LAND CONVEYED TO 126 BEE CAVE INVESTMENTS, L.P., BY DEED OF RECORD IN DOCUMENT NO. 2003202592 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**ARCHITECTURA  
SA**



NOTE:  
 THE CONSERVATION  
 EASEMENT HAS SLOPES  
 RANGING FROM 0-4%  
 ACCORDING TO CITY OF  
 AUSTIN GIS CONTOUR DATA.

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**IBC - BEE CAVE  
 BEE CAVE, TEXAS**

**ARCHITECTURA SA**

**CONSERVATION  
 EASEMENT  
 EXHIBIT** RECEIVED  
 APR 24 2009

DATE: Apr 24, 2009 | SCALE: N.T.S. | DRAWN BY: PSD | FILE: G:\1783\03\EXHIBITS\178303EXH29 CONSERVATION ESMT | PROJECT No.: 1783-03

City of Bee Cave





**FRONT ELEVATION**



**REAR ELEVATION**

**IBC BANK**  
 HWY 620 & HWY 71  
 BEECAVE, TEXAS



**SIDE ELEVATION**



**SIDE ELEVATION**

**IBC BANK**  
 HWY 620 & HWY 71  
 BEECAVE, TEXAS



**ARCHITECTURA S A**  
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**PROJECT #**  
 08-093

**DATE: MAY 08, 2009**



