



The Presidio at Manvel

Brazoria County
Municipal Utility District 30

City of Manvel

City Council &
Planning, Development & Zoning Commission

Open Planned Unit Development

August 21, 2007

Prepared for:
Diversified Asset Planning
and
The Milestone Companies



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Text Color Interpretation

Text in Black color:	Version as submitted May 30 th . 2007.
Text in Orange color:	Revisions made May 24 th . 2007.
Text in Green color:	Revisions after first meeting with Kent Marsh and Ron Cox, June 20 th . 2007.
Text in Blue color:	Revisions after second meeting with Kent Marsh, Sue Darcy, Ron Cox and Mayor Martin, July 11 th . 2007.
Text in Red color:	Revisions after PD&Z Recommendation, August 20 th . 2007.

Executive Summary

This application was prepared on behalf of Diversified Asset Planning and The Milestone Companies pursuant to the City of Manvel's ordinances related to Open-Planned Unit Development District (O-PUD). As contemplated in the City's zoning ordinance, the O-PUD designation will allow the implementation of this comprehensively planned project providing flexibility of development.

This site is programmed to be developed within an urban framework with approximately 165 acres, roughly 42% of the gross acreage, being Commercial Tracts promoting the opportunity of retail, entertainment, and employment services within aesthetically pleasing unified "themed" districts that are easily accessible and inviting. If market conditions determine other type(s) of retail or commercial concepts are more conducive at the time of development then alternate programming of these districts will be developed. Housing opportunities within the proposed Urban Density Residential District, totaling ±18.5 acres/4.7% of the gross acreage, would include patio homes, townhomes, brownstones, lofts and/or other higher density residential products. We acknowledge that since high density residential land uses are not allowed in an O-PUD designated tract per City of Manvel Zoning Ordinance, it will be necessary to submit a Re-zoning application to the City for the tract(s) that proposes such land use. The proposed density for this tract considers a range between 20 to 30 dwelling units per acre not to exceed 552 dwelling units total. The Single-Family detached residential component comprises ±77.5 acres/19.6% including pedestrian trails and common open space. Housing opportunities within this district would include minimum lot widths from of 50' 55' to over 65' 60', with a minimum lot square footage averaging 6,300 square feet, and a density range between 3.5 to 5.0 dwelling units per acre not to exceed 388 dwelling units in this parcel. The detached housing district shall be complimented with recreational opportunities such as a recreation center, common open space, an amenity/detention lake, and a connecting walkway/trail system. This pedestrian trail system is proposed to connect to all components of the development along drainage channels and a proposed micro-pool system. Refer to the Amenities, Open Space & Pedestrian Circulation section for an explanation of the micro-pool system.

Another recommendation this development proposes is the dual use of a

detention basin for recreational purposes. This development will meet the City's Park Land dedication requirements as per Ordinance No. 2003-O-09. The project will include a Waste Water Treatment Plant and a Water Plant.

The project will benefit the City by providing quality housing, retail, and employment opportunities with strong architectural schemes and tax revenues will be much greater than those accrued from the existing or conventional zoning. In addition, the proposed 120' R.O.W. Manvel Parkway will provide an important segment to the City of Manvel's major thoroughfare system. It is important to mention that this development provides a ±5.3 acre civic center site for the City of Manvel that considers a City Hall site.

The proposed O-PUD shall comply with all ordinances of the City of Manvel, unless specifically mentioned in the O-PUD as being revised.

I. Definitions

Accessory building – An "accessory use or structure" is a structure that is incidental and secondary to permitted use and is located on the same lot as the primary structure, and is not attached to the primary building. These structures shall include garages, greenhouses, tool sheds, bath house and swimming pools.

Brownstone Style Homes – Architectural style inspired in the 1800's through the 1900's of attached, narrow row of homes, usually no wider than 28' and rising two to four stories tall. Generally known for high architectural charm.

Dwelling Unit – Any building or portion thereof which is designed or used exclusively for residential purposes.

Gross Acreage – Total land area of land inclusive of all encumbrances, i.e., roadways, drainage right-of-ways, pipeline easements, detention facilities, parks and open space.

Lot, Tract, or Parcel – A designated area of land established by a properly recorded subdivision plat or otherwise permitted by law to be separately owned, used, developed or built upon.

Net Acreage – Land area exclusive of Major Thoroughfares, collectors, drainage rights-of-ways, detention facilities, pipeline easements and external parks and open space, and inclusive of developable lots, internal street right-of-way,

internal tot lots and landscape reserves.

Patio Home – A patio home is a detached single family residence in which one of the side lot lines is a zero lot line.

Single Family Residential Home – A single family detached residence, not a mobile or manufactured home, primarily designed for occupancy by one family or individual.

Townhouse – One (1) of a group of attached single family residences, separated by fire rated wall and each residence is located on a separate lot. Each townhouse will be owned separately and a subdivision plat will be filed to indicate that each unit constitutes a separate lot.

Urban Density Residential – A tract that comprises higher density residential products for own or rent such as patio homes, townhomes, brownstones, lofts and/or multi-family.

II. Existing Conditions

SITE DESCRIPTION

The Presidio at Manvel Open Planned Unit Development (Brazoria County Municipal Utility District 30) is a proposed ±394.24 acre mixed-use development bounded generally on the west by Nolan Ryan Expressway (Texas Route 288), the south by Texas Route 6, the east by a Brazos River Authority Canal Easement and on the north by unimproved agricultural land use. The site is entirely within the City of Manvel corporate limits. Refer to Exhibit 1 – Area Location.

Consistent with property in the region, the subject tract is relatively flat with elevations ranging from approximately 58 feet in the northwest corner to approximately 52 feet in the southeast corner. Surface drainage runoff from the site eventually flows into Chocolate Bayou. No wetland areas have been determined within the property.

The site is generally void of quality vegetation with the majority acreage void of any vegetation, consisting of open cultivated farm use. There is an existing tree line along the Nolan Ryan Expressway (Texas Route 288).

Acreage fronting Texas Route 6 consists of low quality vegetation, primarily Chinese Tallow (*Sapium sebiferum*).

Based on the fault study by The Murillo Company Geotechnical Consultants the site is located between two northeast-southwest surface fault lines. The Iowa Colony Fault line is located northwest of the project site and the Stevens Road Fault line is located southeast of the project site. Currently there has been no evidence of faulting observed within the property.

Existing physical constraints affecting development of the property include impaired access to the ±2,660 linear feet of frontage along Texas Route 288 which is currently denied by TXDOT. There are also a 22' wide H.L.&P. (CenterPoint Energy) easement and a 250' wide H.L.&P. (CenterPoint Energy) easement running northwest to southeast through the southernmost parcels of the site south of Texas Route 6, in addition to the Topeka and Santa Fe Railroad following a similar alignment along the south boundary lines of these parcels. The American Canal runs adjacent to and south of the rail right-of-way. These parcels are reserved for detention basins. The limited size of box culverts and drainage pipes both under Texas Route 6, the railroad and the canal will need to be addressed with this project to insure the natural flow of surface and storm drainage from the property into tributaries of the Chocolate Bayou. Chocolate Bayou, which is the natural drainage basin for the M.U.D. 30 area, accommodates the proposed improvements.

SURROUNDING LAND USE

Land uses surrounding *The Presidio at Manvel O-PUD* include undeveloped agricultural land to the north and east. The Texas Route 288 corridor bounds the site on the west. Land uses to the south include commercial and some light industrial uses along the Texas Route 6 corridor mixed with mostly unimproved parcels currently being marketed for commercial development. The Texas Route 6 corridor is primarily zoned for light commercial and industrial uses within the City. There is some single tract residential within the area surrounding the site, but not within any developed subdivision.

Refer to Exhibit 2 – Existing Conditions for an aerial photograph of Existing Conditions and Surrounding Land Use. Refer to Exhibit 3 – Topography.

III. Project Objectives

The goals of *The Presidio at Manvel O-PUD* are to provide guidelines for the creation of a planned long-term development that provides community cohesiveness, variety and options in housing and retail uses, uniformity in building construction, long-term sustainability, orderly growth and desired visual results. Further, the goals reflect the flexibility to achieve a quality mixed-use development in a coordinated suburban setting.

The goals and objectives will be achieved through the implementation of a series of planning strategies designed to maintain flexibility in the market place. The variety offered for single-family detached and other type residential development is intended to appeal to a broad spectrum of buyers and lifestyles. The proposed development will provide retail opportunities, office and other commercial uses as well as service and employment centers. These components will be coupled with park and recreational uses, aesthetic common open space paired with other community and neighborhood amenities, and a walk/trail system for recreational uses as well as connecting pedestrian movement from the residential to the projects' varied components.

Orderly growth will be achieved through a master plan. This will ensure a completed project that is consistent in character and content, providing residents, businesses, and visitors with a clear sense of community. The goals and objectives outlined in the following matrix are intended to facilitate a successful long-term development offering variety.

Goal

Objective

▪Flexible Growth

Provide the ability for flexibility in the development program to respond to

coordinated and controlled environment will provide the residents with the quality and convenience essential to the community.

In summary, the planning strategies that will be implemented in *The Presidio at Manvel O-PUD* will ensure the future success of the community and its neighborhoods, providing flexible land use controls, high quality planning, thoughtful architectural and aesthetic guidelines, and meaningful neighborhood recreation spaces.

IV. Project Description & Quantitative Data

Quantitative Data

The Presidio at Manvel O-PUD consists of ±394.24 acre mixed-use project located within the City of Manvel, Texas. This application was prepared on behalf of Diversified Asset Planning and The Milestone Companies pursuant to the City of Manvel ordinances related to Open Planned Unit Development (O-PUD). The purpose of the O-PUD is to encourage flexibility in the use and development of land in order to promote the most appropriate uses, and to provide a variety of housing opportunities both in design and price range, surrounded by adjacent recreational amenities and open space.

The proposed development will consist primarily of Commercial Districts and a Single-Family Residential Tract with approximately 20.7% of the overall land dedicated to recreation, walkways, trails and common open space. Table 1 illustrates the composition of land uses proposed by the Developer.

Table – 1. Composition of Land Uses

Use	Approximate Acres
Commercial Districts (including Office and Hotel).....	176.9
Single-Family Residential.....	77.5
Urban Density Residential.....	18.4
Civic (Manvel Town Center).....	5.2
Common Open Space/Detention/Amenity Lakes.....	81.6
Waste Water Treatment Plant.....	3.3

Water Plant Site.....	1.0
Circulation.....	30.3
Total Acreage.....	394.2

The Presidio at Manvel O-PUD will establish a comprehensive land use plan and zoning regulations to guide future improvements within the development. The plan and ordinance will provide a flexible guideline for development. It will ensure the character of the community, promote the efficient use of land through land use controls, design standards, and quality planning while offering to potential residents and businesses amenities, housing options, and open space. The O-PUD provisions will ensure the long-term aesthetic continuity of the development and preserve the character of *The Presidio at Manvel* over time.

LAND USE

The property will be comprised of multiple land uses dominated by commercial and single-family detached residential. Other anticipated uses include urban density residential, civic, and common open space with a trail system that connects the residential component to the rest of the development. The uses are illustrated on Exhibit 4 – Proposed Land Use.

The Proposed Land Use Plan illustrates a collection of individual commercial and residential cells formed by the various constraints (existing and proposed) associated with the subject property including easements, drainage facilities and the collector/thoroughfare street system. The commercial and pad tracts are generally situated along the frontage of Texas Route 6 and Texas Route 288 frontage with primary access to the project from Route 6. Commercial Land Use is the largest individual component of *The Presidio at Manvel O-PUD*, by land area being approximately 165.2 Acres. If market conditions determine other type(s) of retail or commercial concepts are more conducive at the time of development then alternate programming of these tracts will be developed. Another component in the development include Urban Density Residential tracts that consider land uses such as [Patio Homes](#), [Townhomes](#), [Brownstones](#), [Lofts](#), and/or other higher density residential products. [The developer of *The Presidio*](#)

at Manvel O-PUD acknowledges that urban density land use is not allowed in an O-PUD designated zone per City of Manvel Zoning Ordinance. It is understood that it will be necessary to submit a Re-zoning application to the City for the tract(s) that proposes such land use. The two tracts allowed for these uses are approximately 18.4 Acres in size and propose a density of 20 to 30 dwelling units per acre not to exceed 552 dwelling units total in these two tracts. The Presidio at Manvel O-PUD hosts the Manvel Civic Center, being a tract of approximately 5.3 acres that considers a City Hall site. Commercial Tracts COM-18 and COM-19 are physically separated from the rest of the developable land within the project and are situated at the corner of existing Brazoria County Road 82 (Iowa Lane) and Texas Route 6. These tracts comprise approximately 30.9 acres.

The single-family residential component is situated toward the eastern portion of the overall site. This component of the proposed development is comprised of approximately 77.5 acres of Single-Family medium density detached housing complimented with a recreation center, common open space, a connecting walkway/trail system, and an amenity/detention lake. Housing opportunities in this tract would propose minimum lot square footages averaging of 6,300 square feet, a minimum lot width of 50' 55' 60', and a proposed density range of 3.5 to 5.0 dwelling units per acre not to exceed 388 dwelling units total in this parcel.

The following table lists the various land uses illustrated on the Proposed Land Use Plan (Exhibit 4), along with their respective acreages and percentage of the gross land area.

Table 2 - Acreage per Land Use Summary

Land Use Category	±Acreage	% Of Gross Acreage
CONSTRAINTS	86.0 Ac	21.8%
Collector Streets	30.3 Ac	
Proposed Drainage / Detention Facilities	55.7 Ac	
COMMUNITY ELEMENTS	31.1 Ac	7.9%

Land Use Category	±Acreage	% Of Gross Acreage
Manvel Town Center	5.2 Ac	
Common Open Space, & Trails*	25.9 Ac	
FACILITIES	4.3 Ac	1.1%
Waste Water Treatment Plant	3.3 Ac	
Water Plant	1.0 Ac	
Commercial (Pad, Office, Hotel)	176.9 Ac	44.9%
Single-Family Detached Residential*	77.5 Ac	19.6%
Urban Density Residential	18.4 Ac	4.7%
TOTALS	394.2 Ac	100.0%

*A portion of this acreage considers drainage/detention pertinent requirements.

LAND USE CATEGORIES

Existing and surrounding Zoning Categories.

The subject property is zoned O-PUD. Surrounding undeveloped properties are zoned Light Commercial (LC), Open Planned Unit Development (O-PUD), and Open Single Family (OSF). Refer to Exhibit 5 for Re-zoning Boundary and Survey.

Proposed Land Use Categories.

The proposed land use categories include land uses consistent with the current City of Manvel Zoning regulations and additional proposed land use categories. Proposed land use categories include: Single Family Residential (SF), Urban Density Residential (UDR), Retail/Commercial (COM), Pad/Retail (PAD), Office (O), Hotel (H), and Manvel Town Center (MTC). Of these categories listed, SF is a current City of Manvel Zoning category; all other categories are considered proposed specifically for *The Presidio at Manvel* development. The total number of residential units shall not exceed 940 dwelling units, including all housing types.

This mix of land use categories intends to appeal to a broad range of potential residents and lifestyles by providing shopping, recreational uses, aesthetic

open space, connectivity trails, and other neighborhood and community amenities.

Land use categories shall be regulated on a total gross acreage basis. Individual land use acreages may be increased by up to ~~15%~~ 10% by the developer without required approval from the Planning and Zoning Commission and City Council. This fluctuation in acreage does not apply to open space category.

The percentage land use area range is required to ensure the success of the development by maintaining the flexibility to modify land use size dictated by changes in economic and market conditions.

By allowing a variation in the percentage of land uses *The Presidio at Manvel* is ensured to remain competitive in the real estate market.

Category Descriptions.

The Single Family Residential (SF) tract provides for single family detached dwelling units. The lot width sizes ~~include, but are not limited to, a range from 50' 55' to 65' or larger~~ a minimum of 60'. The average area of a Single Family Residential lot is 6,300 square feet minimum. Building lines, setbacks are as follows:

- Front Building Line minimum of twenty (20) feet including cul-de-sacs,
- Interior side minimum five (5) foot setback with an aggregate of ten (10) feet,
- Corner lots minimum ten (10) foot side setback along street,
- Rear setback minimum fifteen (15) feet with a detached garage,
- Accessory buildings shall be located behind the front building line and behind the corner building line; however, along the rear or interior side, the accessory building may be located no closer to the property line than the designated utility easement or five (5) feet, whichever is greater.

The Urban Density Residential (UDR) category includes land uses such as Patio Homes, Townhomes, Brownstones, Lofts, and /or other higher density residential products. The density proposed for these tracts is between twenty (20) and thirty (30) dwelling units per acre.

The maximum building height of any building in an Urban Density Residential development shall not exceed fifty (50) feet measured from the finished grade to the highest point of the roof, not including ancillary structure such as chimneys. Minimum Setbacks for Urban Density Residential development are as follows:

- **Front** setbacks adjacent to a street shall be a minimum of five (5) feet,
- Rear or side yard setbacks not adjacent to a street shall be a minimum of fifteen (15) feet and five (5) feet for accessory structures.

Townhome land use provides for maximum density attached single family lots. One (1) of a group of attached dwelling units, separated by fire rated wall and a maximum of one (1) dwelling unit on a lot. The minimum lot size for townhomes shall be 2,500 square feet with a minimum lot width of twenty-five (25) feet and a density not to exceed seven (7) dwelling units per net acreage. Building lines are as follows:

- Front building line minimum twenty (20) feet,
- Corner side building lines minimum ten (10) feet,
- Rear building line minimum five (5) feet,
- Minimum distance between buildings ten (10) feet.

Rear loaded townhouse:

- Front building line minimum ten (10) feet,
- Corner side building lines minimum ten (10) feet,
- Rear building line minimum five (5) feet,
- Minimum of ten (10) feet between buildings.

The Commercial district within *The Presidio at Manvel* incorporates a mixed use of commercial, retail, hotel and office land uses. An example of mixed use would include restaurant/retail on the first floor and medical office/office on the second floor. Landscaping will be required as a buffer between different categories. The landscaping requirements will be detailed with Landscaping guidelines to follow. The building lines are as follows:

- Front building line minimum ten (10) feet,
- Side and rear building lines are zero (0) if adjacent to commercial/retail or ten (10) feet if adjacent to **Urban Density Residential**.

Land uses may be relocated within the boundaries of *The Presidio at Manvel O-PUD*, provided that they are in compliance with the acreage restrictions referred to above and otherwise conform to existing City of Manvel regulations for such changes. *The Presidio at Manvel O-PUD* will comply with the standards as outlined for each land use category unless otherwise noted. The land uses permitted will be based upon those categories that are permitted in the Zoning Ordinance unless otherwise noted. Refer to Exhibit 4 – Proposed Land Use Plan

for land use designations for each parcel within *The Presidio at Manvel O-PUD*.

AUTOMOBILE CIRCULATION

The Presidio at Manvel O-PUD will have superior traffic mobility and connectivity with the implementation of the planned arterial system and to the Texas Route 6 corridor and Texas Route 288.

The site possesses significant frontage along Texas Route 6. Access along Route 6 will be limited to enhance the efficiency of that facility in conformance with intersection and driveway guidelines as dictated by TXDOT.

Most of the project will be served by a proposed 120' wide Manvel Parkway right-of-way that traverses the project's central area in a north/south axis from Texas Route 6 through the site and connecting to the primary contiguous land mass. This roadway is designated by the City of Manvel's Major Thoroughfare Plan as a major thoroughfare. A traffic signal is programmed for the intersection of this proposed Manvel Parkway R.O.W. and Texas Route 6. **At this intersection Manvel Parkway's R.O.W. is increased to 150' in width and tapers down for the next 150' to 120' in R.O.W. width.**

Based on H-GAC's Brazoria County Thoroughfare Map, updated in 2005, Iowa Lane is a proposed 120' north/south thoroughfare right-of-way traversing through the eastern portion of the project. Through the proposed development's site improvements, Iowa Lane is suggested to be re-aligned north of Texas Route 6, on a south/north-west axis, eventually intersecting the proposed Manvel Parkway. It is also proposed to revise its ROW width from 120' to 80' thus downgrading its Major Thoroughfare category to Collector Road. A traffic signal is also considered at the intersection of Iowa Lane and Texas Route 6. **Lewis Lane is a designated 80' right-of-way collector road within a minor transportation corridor. This is a road that originates intersecting Iowa Lane and connecting the project site to the east through the proposed residential tracts.** These roadway alignments are proposed to be improved as part of *The Presidio at Manvel O-PUD* development plan.

Minimum Right-of-ways are as follows:

- **Manvel Parkway: Minimum one hundred twenty (120) feet in width.**

- Paving section comprised of two (2) twenty-five (25) foot wide paving sections with landscaped medians. Medians along Manvel Parkway have average a minimum width of ~~20'~~ thirty (30) feet except at turning lanes.
- Iowa Lane, Lewis Lane, and Collector Streets: Minimum eighty (80) feet in width with a paving section of twenty-eight (28) to thirty-six (36) feet depending upon the location either within the commercial district or the residential area. Parking will not be allowed on the twenty-eight (28) feet paving section unless separate parallel parking is provided in addition to the twenty-eight (28) foot section.
 - Non collector/auxiliary streets: Minimum of ~~fifty~~ sixty (60) foot right-of-way.

Note that at this time the Developer of *The Presidio at Manvel O-PUD* is in discussions with TXDOT for possible access to the Texas Route 288 Right-of-Way.

Refer to Exhibit 6 – Proposed Arterial Plan.

AMENITIES, COMMON OPEN SPACE & PEDESTRIAN CIRCULATION

A recreation center is proposed to serve the Single-Family detached residential community. The opportunity for pocket parks and/or tot lots will be explored with the planning of each individual residential cell to encourage neighborhood play and social activities.

Common Open space accounts for approximately 5.2% (±20.6 acres) of the gross acreage within *The Presidio at Manvel O-PUD*. A pedestrian trail system is planned to connect tracts within the development with the various amenities located throughout the project, including parks and amenity lakes.

The pedestrian trail system is intended to connect the proposed micro-pool concept within the 185' wide common open space easements as well as connecting the single family and the urban density residential tracts with the Commercial Districts, thus allowing for pedestrian and bicycle movement to and from the residential tracts, the recreational/open space opportunities and the Commercial Districts.

The micro-pool concept allows for the enhancement of drainage channels (conveyance systems) and easements without impairing the intended function of these facilities. In lieu of the traditional v-shaped pilot channel, with

uniform slopes, this alternative introduces fluctuation of grades along the primary channel introducing high as well as low points. At the low points, small “pools” of water, typically from 1 to 3 acres are integrated into the channel. A pilot channel is defined by grading away from the pool or basin. Berms and other variations in grading are introduced to provide a look more similar to that of nature as an aesthetic component that mimics a natural stream bed. Native grasses, some trees and other vegetation are introduced along the “stream bed” to provide a more natural setting without impairing “peak flow” water movement. This approach requires less mowing and maintenance needs, promotes vegetative areas of native plant materials and reinforces habitat.

Typically, concrete walkways that are aligned in a serpentine way fluctuate from higher elevations along the perimeter of the easement to the lower elevations in close proximity to the “stream bed” allowing ample opportunities for connectivity to other pedestrian trails and/or pathways. It is to be expected that during extreme events, these walks could potentially be submerged, typically only for short periods of time. Experience has shown that when properly constructed, there are no potential maintenance problems or damage to the walks.

The end product is an aesthetically pleasing linear park with a series of small pools or lakes very attractive and inviting to users, unlike typical drainage systems where the traditional channel is unappealing to the eye, non inviting and in general requires more maintenance. The Army Corps of Engineers endorses the ‘micro-pool’ concept, considered a creditable solution as a bio-filter, and one that is recognized by the U.S. Green Building Council for LEED Certification.

The Presidio at Manvel’s pedestrian pathway system calls for a single 6’ wide “serpentine” pathway along the collector street system in lieu of traditional back of curb sidewalks along both sides of the collector. This pedestrian pathway is suggested to be on both sides of Manvel Parkway and Iowa Lane to maximize connectivity between residential parcels and the commercial district. The wider walkway on one side of the street with an accompanying greenbelt has proven to be a more practical and functional element for pedestrians utilizing the walkway/trail system. Compliance with the City of Manvel’s typical sidewalk requirements will be maintained throughout the balance of the

project, completing the overall pedestrian network.

The detention/drainage way system will be integral to The Presidio at Manvel's amenity system. Detention facilities will be comprised of both wet and dry facilities. Dry detention area DET-1 provides double land use by allowing amenity opportunities with improvements such as proposed sports fields and encircled by a pedestrian trail.

Compliance with Parks and Open Space City of Manvel requirements states that one acre of land for every 100 proposed dwelling units be dedicated to the City of Manvel for the use of parks. Considering the maximum estimated number of dwelling units, *The Presidio at Manvel O-PUD* will be required to provide ±9.4 acres of park land.

Compliance with the Parks and Open Space Requirements for land dedication will be achieved by the provision of ±20.62 acres of Common Open Space (parcels COS-1 through COS-3 showcase the micro-pool concept as described above) and including amenities and improvements to the Dry Detention DET-1. The Homeowners Association and/or Commercial Property Owners Association will also be responsible for maintaining all landscaped areas, recreation center, and open spaces utilized by the neighborhood residents as amenity spaces.

Refer to Exhibit 7 – Conceptual Amenities Plan.

DEVELOPMENT DESIGN STANDARDS

The Presidio at Manvel developer will create design criteria and guidelines for residential and commercial uses. It is proposed that at final platting approval for the commercial developments, detailed site plans will be submitted to the City for review and approval to ensure compliance with the zoning ordinance. The developer will also provide copies of its deed restriction and development covenants to the City for review and comment at least 30 days prior to filing same. These covenants and restrictions shall provide for a common development aesthetic covering the development in its entirety.

GENERAL LANDSCAPE TREATMENT AND SIGNAGE

Landscape.

The public areas of *The Presidio at Manvel O-PUD* will be thoroughly landscaped along the streets and common areas. Street trees will be planted

along thoroughfares, collectors and interior streets. The project will have fully landscaped entry statements utilizing trees, shrubs, seasonal plantings and ground covers. Utility facilities will be fully landscaped, screened and buffered. Entry statements, major streetscape improvements, as well as screened and buffered areas will be irrigated. **The landscaping guidelines will at the least comply with the City of Manvel current landscape regulations. Detailed landscape guidelines and plans will be submitted prior to final plat approval.**

Signage.

In order to keep cohesiveness within *The Presidio at Manvel*, an unified signage program will be developed, separate from this document for the development in its entirety. The proposed signage program will be forthcoming and will require review and approval by the City of Manvel City Council, independent from this O-PUD plan approval.

V. Proposed Land Use Revisions & Regulatory Compliance

In order to implement the Proposed Land Plan each of the proposed land uses has been assigned zoning categories consistent with the current City of Manvel Zoning regulations. Land use shall be regulated on a total acreage basis. It is proposed that either the accumulative acreage of each proposed land use and/or each land use/zoning category may be increased or decreased in acreage by up to ~~15%~~ 10% during the actual development of the phases. The percentage land use area change is required to ensure the success of the development by maintaining the flexibility to modify land use sizes in response to changes in economic and market conditions. This will allow the project to remain competitive in the real estate market over the life of the project and the ability to make adjustments as necessary to accommodate specific end users in a timely manner.

Land uses may be interchanged within the boundaries of the O-PUD, provided they are in compliance with the acreage restrictions referred to above and otherwise conform to the City of Manvel regulations for such uses. In the event a proposed land use exceeds the established acreage by more than 10%, a

variance must be requested and approved by the City of Manvel City Council.

VI. Phasing and Development Schedule

It is anticipated that *The Presidio at Manvel O-PUD* will be developed in three phases over a 5 to 15 year period. It is the developer's intention to start the project as soon as feasibly possible. The initial phases of Manvel Parkway, Iowa Lane, project entry statements and monumentation, as well as landscaping are scheduled for construction as part of the initial phasing of the project, estimated to start in approximately 18 months. There will be milestones developed that tie the implementation of infrastructure to the residential development schedule as shown in the Proposed Phasing Plan exhibit. The implementation of Lewis Lane will be tied to the development of the residential schedule. The location and timing of future phases might be dependent upon market driven forces and the Country's economy. Refer to Exhibit 8 – Proposed Phasing Plan.

VII. Utilities

The Presidio at Manvel O-PUD shares a common boundary with Brazoria County Municipal Utility District 30.

Proposed Improvements

A complete utility system is planned to include a water distribution system, a wastewater collection system and a storm drainage system including onsite detention and outfall channel improvements. Design and construction of these facilities will be in conformance with criteria published by the City of Manvel, Brazoria County Engineering Department, and the Texas Commission on Environmental Quality ("TCEQ").

The proposed District is planned to serve a total of approximately 396.48 acres. The construction of the water distribution system, wastewater collection, and storm drainage for the proposed District will be achieved

by phasing construction of the improvements to coincide with the overall rate of development. The District will construct its internal water distribution system, wastewater collection system, and storm drainage. After the District serves 500 equivalent single family connections with water, the City may, after giving the District notice six months in advanced, require that upon completion of a District Facility in accordance with all permits and approvals (including any then-existing Facilities), the District will convey such Facility (and all existing Facilities) to the City, free and clear of all liens and encumbrances (but subject to the rights of reimbursement for funds advanced to the District with respect thereto), for ownership, operation and maintenance by the City. Once the City exercises this option, all future Facilities shall be conveyed to the City in the same manner. All utilities will be designed in accordance with the criteria established by the City of Manvel, Brazoria County, TCEQ and the Texas Department of Health.

2. Existing Utilities & Easements

There is a 60' canal easement running east to west along the northwest boundary of the District. There are also a 22' H.L.&P. easement and a 250' H.L.&P. easement running northwest to southeast through the south region of the District between Texas Route 6 and the Topeka and Santa Fe Railroad. The Brazos River Authority Canal easement runs north to south along the east boundary of the District.

3. Water Supply and Distribution System

This section describes the water supply and distribution system necessary to serve the District at full development. At full development, the District will have 2,146 equivalent single-family connections (ESFC), two water wells will be required to supply the proposed water supply and distribution system. The District will construct, and at the appropriate time the District will convey the

facilities to the City of Manvel and the City will own and operate the system.

b. Design Criteria

All water distribution facilities will be designed to meet or exceed the City of Manvel and 30 TAC 290.45 (b) (1) (D) requirements.

c. Proposed Water Supply and Distribution Facilities

The water distribution facilities required by the design criteria listed above and as described in 30 TAC 290.45(b) (1) (D) will be constructed in phases to coincide with the rate of development. The water distribution system for the proposed District will be looped where feasible to provide alternate service routes during emergencies and maintenance periods, and to equalize pressure in the systems.

There are no existing water production facilities in the vicinity of the proposed District that are adequate to provide the projected demand of the District. The District will construct a water plant facility to serve its needs. Refer to Exhibit 9 – Water Distribution System.

4. Wastewater Collection System

a. General

The wastewater generated by the development within the District will flow by gravity through internal sanitary sewer lines. It will be conveyed to the Districts' wastewater treatment plant by a combination of gravity trunk lines and force mains where necessary.

At full development, the ultimate ESFC's of the proposed District will be 2,146. The wastewater generated by this development is estimated as 751,100 gpd (average dry weather flow) and 3,004,400 gpd (maximum wet weather flow).

Currently, there is no existing wastewater treatment facilities in the vicinity of the proposed District that can provide the wastewater treatment capacity required for the District.

b. Proposed Wastewater Collection System

The wastewater collection system for full development of the proposed District will consist of gravity sewer lines ranging in size from 8-inches to 20-inches in diameter. Refer to Exhibit 10 – Wastewater Collection System.

c. Wastewater Treatment

The treatment facilities will be designed to accommodate average daily flows of 350 gallons per ESFC and a peak flow of four times the average daily flow. Effluent quality shall conform to the requirements of the TCEQ currently being applied for Chocolate Bayou.

5. Storm Drainage System

a. General

The storm water runoff within the District will be routed through a curb and gutter street system to collector lines that will outfall into detention lakes throughout the District and ultimately into Chocolate Bayou. The District will construct all storm water trunk lines and detention facilities for storm water collection.

b. Design Criteria

All storm drainage improvements will be designed in accordance with criteria established by the City of Manvel and Brazoria County Drainage District.

The U.S. Army Corps of Engineers HEC-1 and HEC-2 computer models were used to model the proposed detention system. The proposed internal detention lake system was sized to contain the difference between the developed and undeveloped run-off resulting from a 24-hour 100-year frequency rainfall event while maintaining a minimum freeboard of one foot.

c. Proposed Storm Sewer System

The District's internal storm sewer system will consist of a concrete curb and gutter street system with inlets and reinforced concrete pipe and box culverts. Reinforced concrete storm sewer pipe will range in size from 24 inches to 72 inches in diameter. The storm sewers will discharge directly into the internal detention lake within the development.

The District will provide approximately 9,628 linear feet of storm trunk lines ranging in size from 18 inches in diameter reinforced concrete pipe to 10ft. x 6 ft. reinforced concrete boxes. In addition, it also has approximately 58 acres of lakes for amenity and detention purposes. Box culverts and pipes are designed to connecting all the lakes together. Headwalls are also constructed at the edge of all culverts connecting the lakes. Refer to Exhibit 11 – Storm Sewer System.

Other Utilities

Dry utilities are available from the local public utility companies that serve the area. A list of the utility companies and the services to be provided are as follows:

1. Telephone service – AT&T Telephone
2. Electrical Service – Centerpoint Energy
3. Gas Service – Centerpoint Energy
4. Cable Service – Texas Mid Gulf Cable Vision

VIII. Legal Description

Legal Description

City of Manvel, Texas

The Presidio at Manvel (Brazoria County Municipal Utility District 30)

DESCRIPTION OF
394.232 ACRES

All those certain tracts or parcels containing a total of 394.232 acres of land in the Kate R. Ehrmann Survey, (H.T.& B.R.R. Company Survey, Section 72), A-460, the H.T.& B.R.R. Company Survey, Section 65, A-285 and the H.T.& B.R.R. Company Survey, Section 71, A-291, Brazoria County, Texas, and being more particularly described as Part One containing 1.033 acres; Part Two containing 260.308 acres; Part Three containing 54.522 acres; Part Four containing 32.821 acres and Part Five containing 45.548 acres by metes and bounds as follows, all bearings referenced to the Texas State Plane Coordinate System, South Central Zone (NAD 83);

PART ONE
1.033 ACRES

All of that certain tract or parcel containing 1.033 acres of land in the H.T.& B.R.R. Company Survey, Section 71, A-291, Brazoria County, Texas, being part of the called 1.06 acre residue of Lot No. 58, (called 10.2 acres less 9.140 acres in State Highway 288), of the Emigration Land Company Subdivision Of Section 71, a subdivision of record in Volume 2, Page 81 of the Map Records of said Brazoria County, being all of said Lot No. 58 that lies east of the east right-of-way line of State Highway No. 288 conveyed to Milestone South Six Development, Ltd., by an instrument of record in said File No. 03-061748 of the Public Records of said Brazoria County and being more particularly described by metes and bounds as follows;

COMMENCING for reference at an old one (1) inch axle found marking the northeast corner of Lot No. 254 of said Emigration Land Company Subdivision, same being in the west right-of-way line of County Road No. 82, (Iowa Lane), varying width;

Thence South 86° 49' 17" West, with the north line of said Lot No. 254 and with the north lines of Lot No. 253, Lot No. 252, Lot No. 251 and Lot No, 250 and with a south line of that certain 25.0 feet wide Platted Roadway (not open) as shown on said subdivision, at 3155.39 feet pass a found 5/8-inch iron rod and continue with the north line of Lot No. 250 and Lot No. 249 in all a total of 4139.40 feet to a point;

Thence North 02° 56' 34" West, 50.00 feet to the southeast corner of the aforesaid Lot No. 58 and the POINT OF BEGINNING of the herein described tract;

Thence South 86° 49' 17" West, 240.35 feet with the south line of said Lot No. 58 to a point for corner on the easterly right-of-way line of State Highway No. 288, varying width, and from said point a found TxDOT concrete monument bears South 29° 41' 19" West, 115.09 feet;

Thence North 29° 41' 19" East, 445.72 feet with a westerly line of said residue of Lot No. 58 and with an easterly right-of-way line of said State Highway No. 288 to a point for corner on the westerly line of a 40.0 foot wide Platted Roadway (not open) from which point a found TxDOT concrete monument bears North 29° 41' 19" East, 567.07 feet;

Thence South 02° 56' 34" East, 374.37 feet with an east line of said residue of Lot No. 58 and with the west right-of-way line of said 40.0 foot wide Platted Roadway (not open) to the POINT OF BEGINNING and containing 1.033 acres of land.

PART TWO
260.308 ACRES

All that certain tract or parcel containing 260.308 acres of land in the H.T.& B.R.R. Company Survey, Section 65, A-285, and the Kate R. Ehrmann Survey, A-460, Brazoria County, Texas, being all of those certain tracts called 120.000 acres and 23.595 acres both conveyed to Sonmar of Albuquerque, L.L.C., by an instrument of record in File No. 2006018645 of the B.C.P.R. and all of that certain tract called 95.710 acres conveyed to Sonmar of Scottsdale, L.L.C., by an instrument of record in File No. 2006021816 of the B.C.P.R. and part of those certain tracts called 194.7158 acres, the residue of a called 38.1005 acre and 38.1231 acre tracts, the residue of a called 6.115 acre tract, the residue of a called 3.8029 acre tract and the residue of a called 0.3515 acre tract all conveyed to Milestone South Six Development, Ltd., by an instrument of record File No. 03-061748 of the B.C.P.R. and part of that certain tract called 10.82 acres conveyed to Global New Millenium Partners, Ltd., by an instrument of record in File No. 01-054877 of the B.C.P.R. as well as part of that certain 25.0 foot wide platted roadway (not open), and part of that certain 40.0 foot wide platted roadway (not open) as shown on the Emigration Land Company Subdivision of the H.T.& B.R.R. Company Survey, Section 65, A-285, a subdivision of record in Volume 2, Page 81 of the Map Records of said Brazoria County, Texas;

BEGINNING at a 5/8-inch iron rod with a "Kalkomey" cap found at the intersection or the north line of said 23.595 acre tract with the west right-of-way line of County Road 82 (Iowa Lane), 60.0 feet wide at this point, same being the southeast corner of that certain tract called 41.0900 acres conveyed to SLP 288 & Rodeo Palms III, L.P., by an instrument of record in File No. 2005-007053 of the B.C.P.R.;

Thence South 02° 29' 45" East, 2595.70 feet departing said north and south lines and with said west right-of-way line and the east line of the aforesaid 95.710 acre tract to a point for corner, the southeast corner of said 95.710

acre tract and on the common line between the aforesaid Ehrmann Survey and the H.T.&B.R.R. Company Survey, Section 65, A-285, and on the north line of a 25.0 foot wide platted roadway (not open) as shown on the Emigration Land Company Subdivision of the H.T.&B.R.R. Company Survey, Section 65, A-285 as shown on Volume 2, Page 81 of the Map Records of said Brazoria County;

Thence South $86^{\circ} 49' 17''$ West, 1512.55 feet with said common survey lines, with the south line of said 95.710 acre tract, with the south line of said 23.595 acre tract and with the north line of said 25.0 foot wide platted roadway (not open) to a point for corner;

Thence South $02^{\circ} 56' 05''$ East, departing said survey lines and said north and south lines, at 25.00 feet pass the northeast corner of the aforesaid 38.1005 and 38.123 acre tracts, the northwest corner of that certain tract called 7.41 acres conveyed to Fredrick Lee Huffman, et al, by an instrument of record in File No. 01-052769 of the B.C.P.R. and the common north corner of Lot No. 252 and Lot No. 253 of the aforesaid Emigration Land Subdivision, and continue with the common line between said 38.1005 and 38.123 acre tracts and that certain tract called 10 acres conveyed to Jane Meadows Cotter Allen, Trustee, by an instrument of record in File No. 03-043040 of the B.C.P.R., at 1173.79 feet pass the southeast corner of said 38.1005 and 38.1231 acre tracts, the southwest corner of said 10 acre tract, the common south corner of Lot No. 230 and Lot No. 231 of said Emigration Land Company Subdivision, on the north line of a 40.0 foot wide platted roadway (not open) as shown on the aforesaid Emigration Land Company Subdivision, at 1213.79 feet pass the northeast corner of the aforesaid 3.8029 acre tract and the northwest corner of that certain tract called 3.030 acres conveyed to Todd Properties, Ltd., by an instrument of record in File No. 98-036507 of the B.C.P.R., same being the common north corner of Lot No. 226 and Lot No. 227 of said subdivision, being on the south line of said 40 foot wide platted roadway (not open) and continue with the common line between said 3.8029 acre and 3.030 acre tracts in all a total of 1549.24 feet to a point for corner, the southwest corner of said 3.030 acre tract and on the northerly right-of-way line of State Highway No. 6, 200.0 feet wide, and from said point a previously found TxDOT brass disk in concrete bears South $70^{\circ} 28' 11''$ East, 1588.41 feet;

Thence North $70^{\circ} 28' 11''$ West, 2147.18 feet departing said 3.030 acre tract and with the northerly right-of-way line of said State Highway No. 6 to a point for corner, the southeast corner of the residue of that certain tract called 1.116 acres conveyed to Land Three, Ltd., by an instrument of record in File No. 02-48633 of the B.C.P.R., same being the southwest corner of the aforesaid residue of 6.115 acre tract

Thence North $02^{\circ} 37' 58''$ West, 206.42 feet with the common line between said residue of 6.115 acre and 1.166 acre tracts to a point for corner, the common north corner of said residue of 6.115 acre and 1.166 acre tracts and on the south line of the aforesaid 10.82 acre tract;

Thence South $86^{\circ} 42' 16''$ West, 416.54 feet with the south line of said 10.82 acre tract, the north line of said 1.166 acre tract and with the common line between Lot 234 and Lot 249 of said subdivision to a point for corner;

Thence North $03^{\circ} 28' 32''$ West, 384.02 feet departing said south and north lines and said common line to a point for corner;

Thence South $86^{\circ} 32' 02''$ West, 226.68 feet to a point for corner on the east line of the aforesaid 40.0 foot wide platted roadway (not open), on the west line of said 10.82 acre tract and on the west line of said Lot 249;

Thence North 03° 22' 47" West, 106.87 feet with said east, west and common lines to a point for corner, the northwest corner of Lot 249 of said Emigration Land Company Subdivision, same being the northwest corner of said 10.82 acre tract and at the intersection of the south line of a 25.0 foot wide platted roadway (not open) with the east line of a 40.0 foot wide platted roadway (not open) as shown on said subdivision;

Thence North 86° 49' 17" East, 36.01 feet departing said east line, with the north line of Lot 249 of said subdivision, with the north line of said 10.82 acre tract and with the south line of said 25.0 foot wide platted roadway (not open) to a point for corner;

Thence North 02° 56' 34" West, departing said south and north lines, at 25.00 feet pass the north line of said 25.0 foot wide platted roadway (not open), the southerly southwest corner of the aforesaid 120.000 acre tract and continuing with said west line in all a total of 486.68 feet to a point for corner, the northerly southwest corner of said 120.000 acre tract and on an easterly right-of-way line of the aforesaid State Highway No. 288 and from which point a found TxDOT concrete monument bears South 29° 41' 19" West, 634.98 feet;

Thence North 29° 41' 19" East, 492.89 feet with said easterly right-of-way line and with the westerly line of said 120.000 acre tract to a 4 inch x 4 inch TXDOT concrete monument found for corner;

Thence North 33° 09' 08" East, 1573.96 feet continuing with said easterly and westerly lines to a 5/8-inch iron rod found marking the northwest corner of said 120.000 acre tract, same being on the easterly right-of-way line of State Highway No. 288, varying width, on the south line of that certain tract called 130.00 acres conveyed to William E. Allen by an instrument of record in File No. 97-023860 of the B.C.P.R. and from which point a 4 inch x 4 inch TxDOT concrete monument found on said easterly right-of-way line bears North 33° 08' 08" East, 529.07 feet;

Thence North 86° 41' 20" East, 701.40 feet, departing said easterly right-of-way line and with the common line between said 120.000 acre tract and said 130.00 acre tract to a point for corner;

Thence North 02° 56' 28" West, 443.42 feet continuing with said common line to a point for corner;

Thence North 86° 40' 24" East, 685.77 feet continuing with said common line to a one (1) inch iron pipe found for corner, the southeast corner of said 130.00 acre tract and the southwest corner of that certain tract called 41.0900 acres conveyed to SLP 288 and Rodeo Palms III, L.P., by an instrument of record in File No. 2005-007053 of the B.C.P.R.;

Thence North 86° 38' 04" East, 1547.42 feet with the common line between said 23.595 acre tract and said 41.0900 acre tract to the POINT OF BEGINNING and containing 260.308 acres of land.

PART THREE

54.522 ACRES

All that certain tract or parcel containing 54.522 acres of land in the Kate R. Ehrmann Survey, A-460, Brazoria County, Texas, being all of that certain tract called 53.948 acres conveyed to Sonmar of Scottsdale, L.L.C., by an instrument of record in File No. 2006021816 of the B.C.P.R. and part of that certain tract called 41.4819 acres, described as Tract No. 3 conveyed to Milestone Real Estate, Inc., by an instrument of record in File No. 98-195159 of the B.C.P.R.;

BEGINNING at a 1/2-inch iron rod found on the north line of said 53.948 acre tract, same being on the east right-of-way line of County Road No. 82, (Iowa Lane), 60.0 feet wide, and on the south line of that certain tract called 24.6261 acres conveyed to SLP 288 and Rodeo Palms III, L.P., by an instrument of record in File No. 2005-007053 of the B.C.P.R.;

Thence North 86° 38' 47" East, 900.43 feet departing said County Road No. 82 and with the common line between said 53.948 acre and 24.6261 acre tracts to a point for corner, the northwest corner of that certain tract called 6.676 acres conveyed to the Brazos River Authority in that certain judgment in Cause No. 54, 761A of the 149 th Judicial Court Of Brazoria County, Texas;

Thence South 03° 20' 50" East, 1190.80 feet departing said common line and with the west line of said 6.676 acre tract to a point for corner;

Thence South 02° 19' 46" West, 101.10 feet continuing with said west line to a point for corner;

Thence South 03° 20' 50" East, 1307.16 feet continuing with said west line to a point for corner on the south line of the aforesaid 41.4819 acre tract and on the common line between the aforesaid Kate R. Ehrmann Survey, A-460 and the H.T.& B.R.R. Company Survey, Section 65, A-285;

Thence South 86° 50' 08" West, 929.00 feet with the south line of said 41.4819 acre tract and with said common survey lines to a point for corner on the east line of County Road No. 82, (Iowa Lane);

Thence North 02° 29' 45" West, 2595.79 feet departing said south and common survey lines, with the east right-of-way line of said County Road No. 82, (Iowa Lane), to the POINT OF BEGINNING and containing 54.522 acres of land.

PART FOUR
32.821 ACRES

All that certain tract or parcel containing 32.821 acres of land in the H.T. & B.R.R. Company Survey, Section 65, A-285, being part of Lot No. 203, Lot 227, Lot No. 228, and Lot No. 229 of said Emigration Land Company Subdivision, more particularly being part of those certain tracts called 3.3719 acres, 17.1449 acres and 12.7523 acres all conveyed to Milestone South Six Development, Ltd., by an instrument of record in File No. 03061748 of the Public Records of said Brazoria County (B.C.P.R.); all of that certain tract called 1.000 acre conveyed to Sonmar of Albuquerque, L.L.C., by an instrument of record in File No. 2006018645 of the B.C.P.R. and part of that certain 40.0 foot wide Platted Roadway (not open) that lies between Lot 227, Lot 228, Lot 229 and Lot 230 of said Emigration Land Company Subdivision and being more particularly described by metes and bounds as follows;

COMMENCING for reference at an old one (1) inch axle found marking the northeast corner of Lot No. 254 of said Emigration Land Company Subdivision, same being on the west right-of-way line of County Road No. 82 (Iowa Lane), varying width, and the northeast corner of that certain tract called 9.51 acres conveyed to B.J. Reynolds, et al, Trustee, by an instrument of record in File No. 97-004363 of the B.C.P.R.;

Thence South 02° 37' 36" East, 489.15 feet with the east line of Lot No. 254, the west right-of-way line of said County Road No. 82 and the east line of said 9.51 acre tract to the POINT OF BEGINNING of the herein described tract, same being the southeast corner of said 9.51 acre tract, the southeast corner of said Lot No. 254, the northeast corner of the aforesaid 12.7523 acre tract and the northeast corner of Lot No. 229 of said subdivision;

Thence South 02° 37' 36" East, with the west right-of-way line of said County Road No. 82, with the east line of said Lot No. 229 and the east line of said 12.7523 acre tract, at 660.82 feet pass the southeast corner of said Lot No. 229, the southeast corner of said 12.7523 acre tract and the north line of the aforesaid 40.0 foot wide Platted Roadway (not open), at 700.83 feet pass the northeast corner of Lot No. 228 of said subdivision, the northeast corner of said 17.1449 acre tract and the south line of said 40.0 foot wide Platted Roadway (not open) and continue with said west right-of-way line, the east line of Lot No. 228 and Lot No. 203, with the east line of said 17.1449 acre tract and with the east line of the aforesaid 3.3719 acre tract in all a total of 1631.61 feet to a point for corner from which a TxDOT brass disk in concrete bears South 40° 25' 35" East, 1.22 feet;

Thence South 53° 19' 57" West, 30.42 feet departing said east and west lines to a point for corner on the northerly right-of-way line of State Highway No. 6, 200.0 feet wide;

Thence North 70° 28' 11" West, 1231.29 feet with said northerly right-of-way line to a point for corner on a west line of the aforesaid 17.1449 acre tract and on the east line of that certain tract called 3.030 acres conveyed to Todd Properties, Ltd., by an instrument of record in File No. 98-036507 of the B.C.P.R.;

Thence North 02° 46' 47" West, with the common line between said 17.1449 acre and 3.030 acre tracts, at 472.70 feet pass the common north corner of said 17.1449 acre and 3.030 acre tracts, same being on the south line of the aforesaid 40.0 foot wide Platted Roadway (not open), and continue in all a total of 492.70 feet to a point for corner on the centerline of said 40.0 foot wide Platted Roadway (not open);

Thence North 86° 50' 47" East, 329.67 feet with the centerline of said 40.0 foot wide Platted Roadway (not open) to a point for corner;

Thence North 03° 18' 49" West, departing said centerline, at 20.00 feet pass the common south corner of Lot No. 229 and Lot No. 230 of said subdivision, the southwest corner of the aforesaid 12.7523 acre tract, the southeast corner of that certain tract called 10.0 acres conveyed to Jayne Meadows Cotter Allen, Trustee, by an instrument of record in File No. 03-043040 of the B.C.P.R. and continue with the common line between Lot No. 229 and Lot No. 230 and with the common line between said 12.7523 acre and 10.0 acre tracts in all a total of 680.20 feet to a point for corner, the common north corner of Lot No. 229 and Lot No. 230, the common north corner of said 12.7523 acre and 10.0 acre tracts, the common south corner of Lot No. 253 and Lot No. 254, the common south corner of the aforesaid 9.51 acre tract and that certain tract called 7.41 acres conveyed to Fredrick Lee Huffman, et al, by an instrument of record in File No. 01-052769 of the B.C.P.R.;

Thence North 86° 48' 20" East, with the common line between said Lot No. 229 and Lot No. 254 and with the common line between said 12.7523 acre and 9.51 acre tracts, at 605.67 feet pass the northwest corner of the aforesaid 1.000 acre tract, at 815.43 feet pass the northeast corner of said 1.000 acre tract and continue with the common line between said Lot No. 229 and Lot No. 254 and with the common line between said 12.7523 acre and 9.51 acre tracts in all a total of 845.43 feet to the POINT OF BEGINNING and containing 32.821 acres of land.

PART FIVE
45.548 ACRES

All that certain tract or parcel containing 45.548 acres of land in the H.T. & B.R.R. Company Survey, Section 65, A-285, being part of that certain tract called 19.1938 acres and part of that certain tract called 25.5279 acres both conveyed to Milestone South Six Development, Ltd., by an instrument of record in File No. 03-061748 of the B.C.P.R. and all of that certain tract called 30.244 acres conveyed to Sonmar of Albuquerque, L.L.C., by an instrument of record in File No. 2006018645 of the B.C.P.R. and part of a 40.0 foot wide platted roadway (not open) as shown on the aforesaid Emigration Land Company Subdivision;

COMMENCING for reference at an old one (1) inch axle found marking the northeast corner of Lot No. 254 of said Emigration Land Company Subdivision and on the west right-of-way line of County Road No. 82 (Iowa Lane), varying width;

Thence South $02^{\circ} 37' 36''$ East, with said west right-of-way line and with the east line of said subdivision, at 1189.97 feet pass the south line of a 40.0 foot wide platted road (not open) and the northeast corner of Lot No. 228 of said subdivision, at 2509.88 feet pass the southeast corner of Lot No. 203 of said subdivision, the southeast corner of that certain tract called 6.327 acres conveyed to William G. Neumann, Jr., by an instrument of record in File No. 97-014478 of the B.C.P.R. and on the north line of a 40.0 foot wide platted roadway (not open) and continue in all a total of 2549.88 feet to the POINT OF BEGINNING of the herein described tract, same being on the south line of said 40.0 foot wide platted roadway (not open), the northeast corner of Lot 202 of said subdivision, the northeast corner of the aforesaid 25.5279 acre tract and the northeast corner of the 30.244 acre tract;

Thence South $02^{\circ} 37' 36''$ East, 962.69 feet continuing with said west right-of-way line, with the east line of said subdivision, with the east line of said Lot No. 202 and with the east of said 25.5279 acre tract, to a point for corner, the southeast corner of said Lot 202, the southeast corner of said 25.5279 acre tract and on the northerly right-of-way line of the Topeka & Santa Fe Railroad Company's 150.00 foot wide right-of-way line;

Thence North $70^{\circ} 28' 24''$ West, departing said east and west lines, with the south line of said Lot No. 202 and Lot No. 201 of said subdivision, with the south line of said 25.5279 acre tract and with said northerly right-of-way line, at 2494.26 feet pass the west corner of said Lot No. 201, the west corner of said 25.5279 acre tract and on the south line of a 40.0 foot wide platted roadway (not open), at 2597.90 feet pass the north right-of-way line of said 40.0 foot wide platted road (not open), the westerly southeast corner of Lot No. 206 of said subdivision, a westerly southeast corner of the aforesaid 19.1938 acre tract and continue with said northerly right-of-way line and with a south line of said 19.1938 acre tract in all a total of 3029.05 feet to a point for corner, the southwest corner of Lot No. 206 and the southwest corner of said 19.1938 acre tract, same being the southeast corner of Lot No. 207 and that certain tract called "All of Lot No. 207, Lot No. 208 and Lot No. 225" conveyed to Fred McCutcheon by an instrument of record in File No. 99-030488 of the B.C.P.R.;

Thence North $03^{\circ} 08' 59''$ West, 493.86 feet with the common line between said 19.1938 acre tract and said McCutcheon tract and with the common line between said Lot No. 206 and Lot No. 207 to a point for corner on the east line of said Lot No. 207, same being the northwest corner of said Lot No. 206, the northwest corner of said 30.244 acre tract and the southwest corner of said Lot No. 225;

Thence North $86^{\circ} 46' 37''$ East, with the north line of said 30.244 acre tract, the south line of said McCutcheon tract, the south line of that certain tract called 3.696 acres conveyed to Douglas B. Wilson, Trustee, by an instrument of record in File No. 02-048631 of the B.C.P.R., with the common line between Lot No. 206 and Lot No. 225 and Lot No. 205 and Lot No. 226, at 1314.41 feet pass a found one (1) inch iron pipe and continue in all a total of 1317.67 feet to a point for corner, the northeast corner of said 30.244 acre tract and the common corner of Lot No. 204, Lot No. 205, Lot No. 226 and Lot No. 227 of said subdivision and on a west line of that certain tract called 5.021 acres conveyed to Grace United Methodist Church of Manvel and Iowa Colony, Texas by an instrument of record in File No. 2004-039311 of the B.C.P.R.;

Thence South $03^{\circ} 03' 09''$ East, with the east line of said 30.244 acre tract, with the west line of said 5.021 acre tract and with the common line between said Lot No. 205 and Lot No. 204, at 661.35 feet pass the common south corner of the aforesaid 19.1938 acre and 5.021 acre tracts and the common south corner of said Lot No. 205 and Lot No. 204 and continue in all a total of 701.35 feet to a point for corner on the south line of the aforesaid 40.0 foot wide platted road (not open) and on the north line of said 30.244 acre tract;

Thence North $86^{\circ} 49' 27''$ East, 1487.21 feet with the south line of said 40.0 foot wide platted roadway (not open) and the north line of said 30.244 acre tract to the POINT OF BEGINNING and containing 45.548 acres of land.

Said Part One, Part Two, Part Three, Part Four and Part Five containing a total of 394.232 acres of land.

LJA Engineering & Surveying, Inc.

IX. Exhibits

The Exhibits section begins on the next page and includes the following exhibits:

- ◆ Exhibit 1 - AREA LOCATION
- ◆ Exhibit 2 - EXISTING CONDITIONS
- ◆ Exhibit 3 - TOPOGRAPHY
- ◆ Exhibit 4 - PROPOSED LAND USE PLAN
- ◆ Exhibit 5 - RE-ZONING BOUNDARY SURVEY/LEGAL DESCRIPTION
- ◆ Exhibit 6 - PROPOSED ARTERIAL PLAN
- ◆ Exhibit 7 - CONCEPTUAL AMENITIES PLAN
- ◆ Exhibit 8 - PROPOSED PHASING PLAN
- ◆ Exhibit 9 - WATER DISTRIBUTION SYSTEM
- ◆ Exhibit 10 - WASTEWATER COLLECTION SYSTEM
- ◆ Exhibit 11 - STORM SEWER SYSTEM
- ◆ Exhibit 12 - BOUNDARY SURVEY