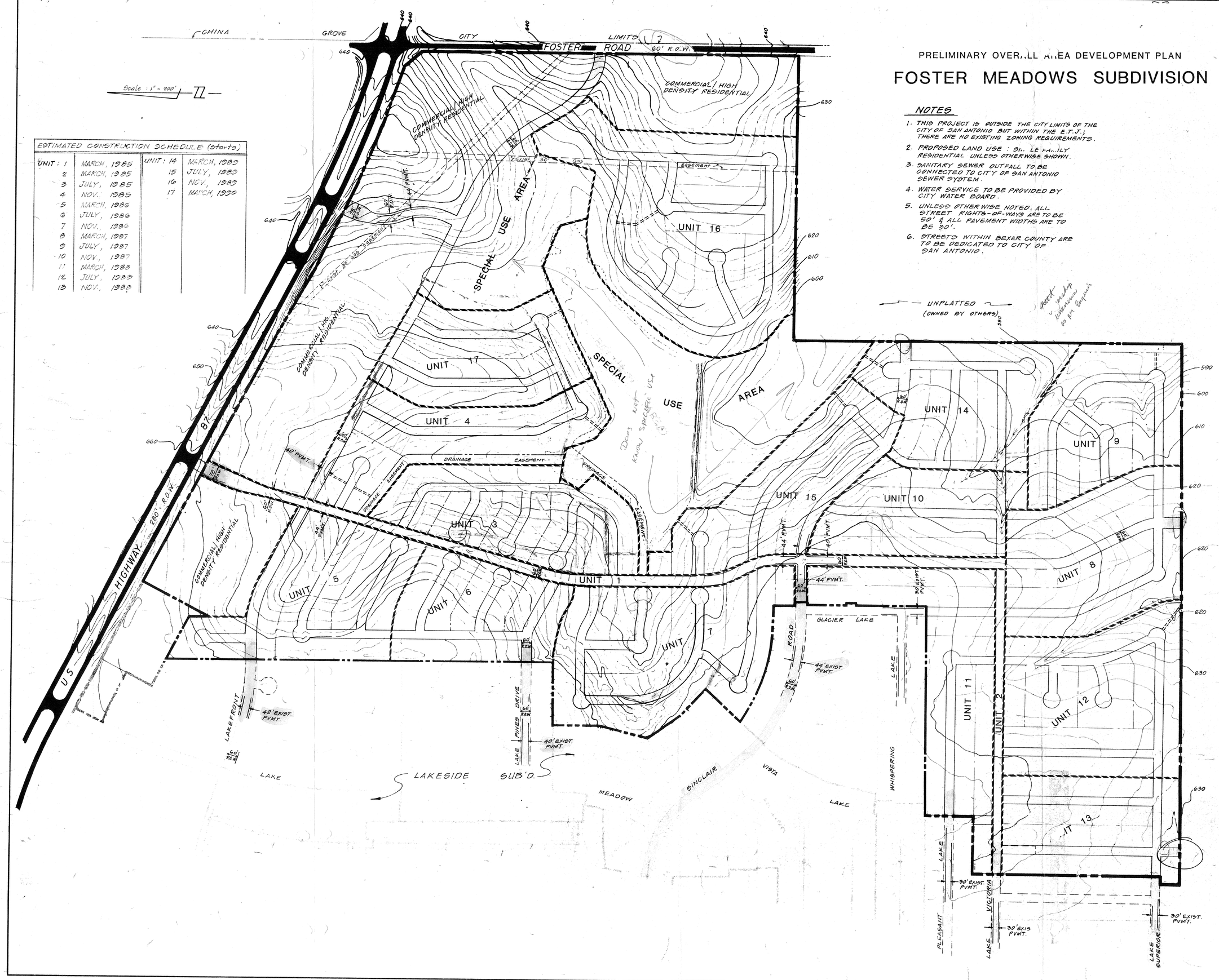
PRELIMINARY OVERALL AREA DEVELOPMENT PLAN

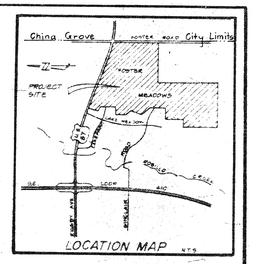
FOSTER MEADOWS SUBDIVISION



ESTIMATED CONSTRUCTION SCHEDULE (starts)			
UNIT : 1	MARCH, 1985	UNIT : 14	MARCH, 1989
2	MARCH, 1985	15	JULY, 1989
3	JULY, 1985	16	NOV., 1989
4	NOV., 1985	17	MARCH, 1990
5	MARCH, 1986		
6	JULY, 1986		
7	NOV., 1986		
8	MARCH, 1987		
9	JULY, 1987		
10	NOV., 1987		
11	MARCH, 1988		
12	JULY, 1988		
13	NOV., 1988		

NOTES

1. THIS PROJECT IS OUTSIDE THE CITY LIMITS OF THE CITY OF SAN ANTONIO BUT WITHIN THE E.T.J.; THERE ARE NO EXISTING ZONING REQUIREMENTS.
2. PROPOSED LAND USE : SINGLE FAMILY RESIDENTIAL UNLESS OTHERWISE SHOWN.
3. SANITARY SEWER OUTFALL TO BE CONNECTED TO CITY OF SAN ANTONIO SEWER SYSTEM.
4. WATER SERVICE TO BE PROVIDED BY CITY WATER BOARD.
5. UNLESS OTHERWISE NOTED, ALL STREET RIGHTS-OF-WAYS ARE TO BE 50' & ALL PAVEMENT WIDTHS ARE TO BE 30'.
6. STREETS WITHIN BEXAR COUNTY ARE TO BE DEDICATED TO CITY OF SAN ANTONIO.



LOCATION MAP

DATE	NO.	DESCRIPTION
		REVISIONS

DRAWN BY: A.S.M.
CHECKED BY:
APPROVED BY:
FILE NO.
FILE LOCATION

VICKREY & ASSOCIATES, Inc.
CONSULTING ENGINEERS & SURVEYORS
7334 Blanco Road Suite 109 San Antonio, Texas 78216
Telephone (512) 349-3271

Prepared For
Morton Southwest Inc.
P. O. Box 18428
San Antonio, Texas
78286

PRELIMINARY OVERALL AREA DEVELOPMENT PLAN FOR FOSTER MEADOWS SUB'D.

DATE: FEB. 1985
SCALE
Vertical 1" =
Horizontal 1" = 200
0 100 200 300

SHEET 1 OF 1

PROJ NO. 0544-30-04

172

PRELIMINARY OVERALL AREA DEVELOPMENT PLAN

FOSTER MEADOWS SUBDIVISION

Scale : 1" = 200'

ESTIMATED CONSTRUCTION SCHEDULE (starts)			
UNIT : 1	MARCH, 1985	UNIT : 14	MARCH, 1989
2	MARCH, 1985	15	JULY, 1989
3	JULY, 1985	16	NOV., 1989
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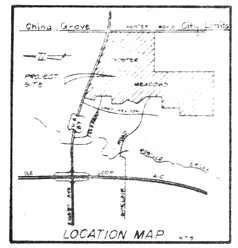

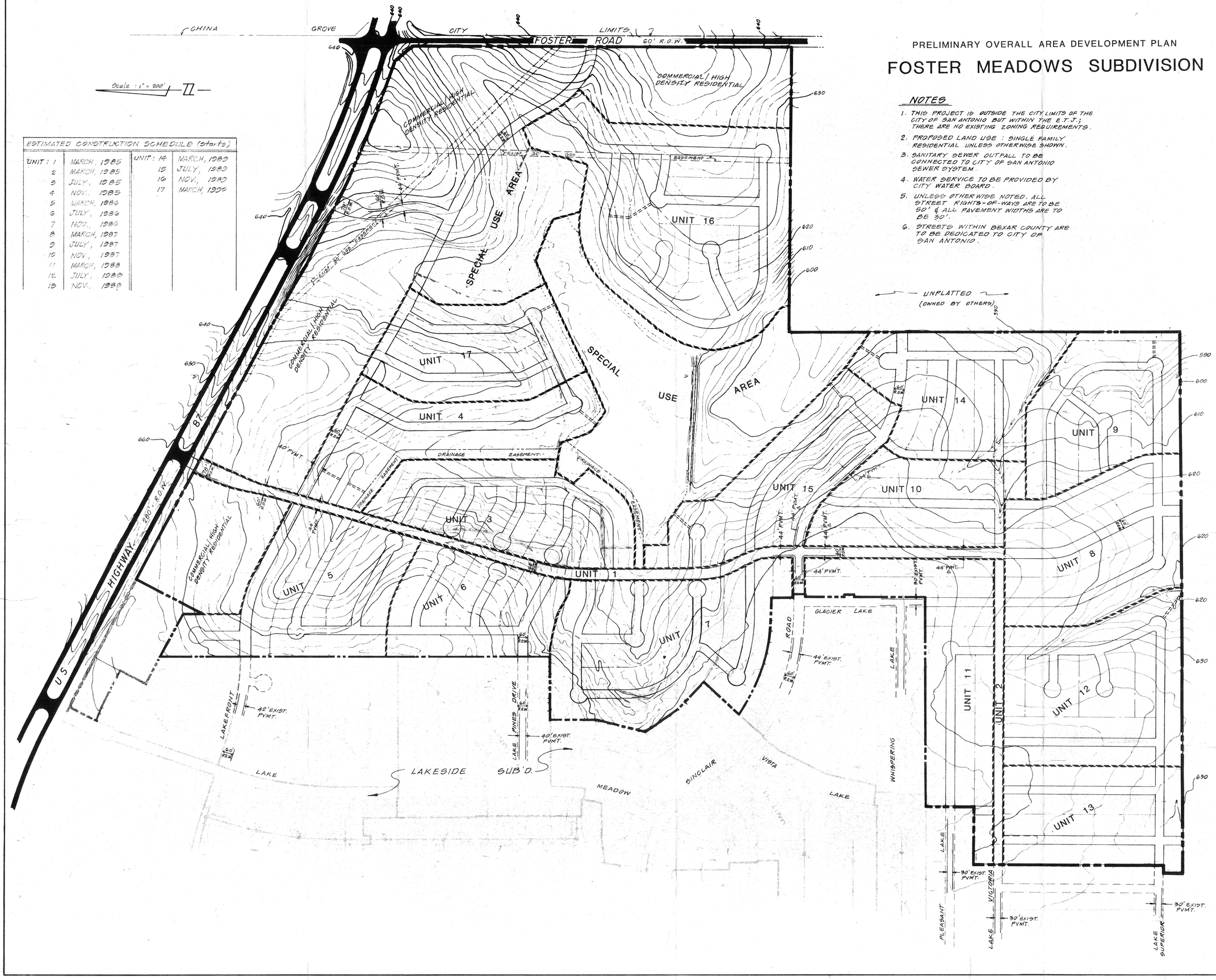

RECEIVED
APR 15 1985
DEPARTMENT OF PLANNING
Subdivision Section

#172

DATE	DESCRIPTION	DRAWN	CHECKED BY	APPROVED	FILE NO.
4-12-85	44' PVMT.	A.B.M.			

REVISIONS

VICKERY & ASSOCIATES, Inc.
CONSULTING ENGINEERS & SURVEYORS
7334 Blanco Road Suite 100 San Antonio, Texas 78216
Telephone (512) 348-3271

Prepared For
Morton Southwest Inc.
P. O. Box 18428
San Antonio, Texas
78286

PRELIMINARY OVERALL AREA DEVELOPMENT PLAN FOR FOSTER MEADOWS SUB'D.

DATE: FEB. 1985

SCALE
Vertical 1" =
Horizontal 1" = 200'
0 100 200 300

SHEET 1 OF 1

PROJ NO. 0544-30-04

INFORMATION SHEET FOR
PRELIMINARY OVERALL AREA DEVELOPMENT PLAN
(P.O.A.D.P.)

FILE NO. 85-20-56-26
(To be assigned by the Planning Dept.

FOSTER MEADOWS POADP.
P.O.A.D.P. NAME

MORTON/SOUTHWEST
NAME OF DEVELOPER/SUBDIVIDER

ADDRESS

PHONE NO.

VICKREY & ASSOCIATES
NAME OF CONSULTANT

7334 BLANCO Rd., SUITE 109
ADDRESS
ZIP: 78216

349-3271
PHONE NO.

GENERAL LOCATION OF SITE Southwest corner of the intersection of Hwy 87 and Foster Rd.

EXISTING ZONING (If Applicable) O.C.L. - proposed Single fam. residence and High density residential.

PROPOSED WATER SERVICE

( ) City Water Board
( ) Other District _____
Name
( ) Water Wells

PROPOSED LAND USE

(✓) Single Family
( ) Duplex
(✓) Multi-Family
( ) Business
( ) Industrial

PROPOSED SEWER SERVICE

( ) City of San Antonio
( ) Other System _____
Name
( ) Septic Tank(s)

DATE FILED Mar. 4, 1985

REVISIONS FILED: _____
(if applicable)

DUE DATE OF RESPONSE 3/25/85
(Within 20 working days of receipt)

DATE OF RESPONSE _____
(Within 15 working days of receipt)

_____
(Date of expiration of plan, if no plats are received within 18 months of the plan filing)

REVIEWED BY STAFF ON _____

COMMENTS: _____

NEEDED INFORMATION:

INFORMATION REQUESTED: The POADP as an overview of the developer's projected land use shall include, at least the following information:

✓ (a) perimeter property lines;
✓ (b) name of the plan and the subdivisions;
✓ (c) scale;
✓ (d) proposed land use(s) by location and type;
✓ (e) existing and proposed circulation system of collector and arterial streets and their relationship to any adjacent major thoroughfares and any proposed alternative pedestrian circulation systems; sidewalks, lanes, paths, etc.);
✓ (f) the proposed source and type of sewage disposal and water supply;
✓ (g) contour lines at no greater than ten (10) foot intervals;
✓ (h) projected sequence of phasing;
✓ (i) existing and/or proposed zoning classification(s);
_____ (j) known ownership and proposed development of adjacent undeveloped land; and
✓ (k) existing adjacent streets or development which impact upon access decisions within the proposed POADP.

DISTRIBUTION: TRAFFIC ✓ TRANSPORTATION STUDY OFFICE ✓

COMMENTS: The committee met with Sam Pames and his engineer to discuss the need for 60' collectors with 44' of paving. Mr. Pames agreed to provide said request. (see amended plan) However, the request for not putting lots on collector by stepp was not agreed on by the developer. The committee approved his plan with lots putting onto collectors.

Rg 6/19/85.

CITY OF SAN ANTONIO
P. O. BOX 9066
SAN ANTONIO, TEXAS 78285

April 14, 1987

Mr. Anibal Gutierrez
Vickrey & Associates
7334 Blanco Road, Suite 109
San Antonio, Texas 78216

RE: Foster Meadows POADP
File #172

Dear Gutierrez:

The Development Review Committee has reviewed and accepted your revised plan for Foster Meadows.

Please note that this action by the Committee does not establish any commitment for the provision of utilities, services or zoning of any type now or in the future by the City of San Antonio. Additionally, this action does not confer any vested rights to plat under the existing Subdivision Regulations. Any platting will have to comply with the Subdivision Regulations in force at the time of platting.

If you have any questions, please contact Roy Ramos at 299-7900.

Sincerely,

M C O'Neal

Michael C. O'Neal, AICP
Planning Administrator
Dept. of Planning

MCO/RR/sm
Encl.

"AN EQUAL OPPORTUNITY EMPLOYER"

CITY OF SAN ANTONIO

P O BOX 9066
SAN ANTONIO, TEXAS 78285

May 19, 1986

Vickrey & Associates
Mr. Anibal Gutierrez
7334 Blanco Road, Suite 109
San Antonio, Texas 78216

RE: Foster Meadows
File #85-20-56-26
(Revised April 23, 1986)

Dear Mr. Gutierrez:

The POADP Committee has reviewed and accepted your revised plan for Foster Meadows with the alteration of Unit-3.

Please note that this action by the committee does not establish any commitment for the provision of utilities, services or zoning of any type now or in the future by the City of San Antonio. Additionally, this action does not confer any vested rights to plat under the existing Subdivision Regulations. Any platting will have to comply with the Subdivision Regulations in force at the time of platting.

If you have any questions, please contact Roy Ramos at 299-7896.

Sincerely,

M C O'Neal

Michael C. O'Neal
Planning Administrator
Dept. of Planning

MCO/RR/sm
Encl.

CITY OF SAN ANTONIO

P. O. BOX 9066
SAN ANTONIO, TEXAS 78285

April 22, 1985

Applicant: Vickrey & Associates
Attn: Anibal Gutierrez
Address: 7334 Blanco Rd., Suite 109
San Antonio, Texas 78216

Re: Foster Meadows
File #: 85-20-56-26 (Revised March 25, 1985

☐ Preliminary Plan
☒ P.O.A.D.P.

The above has been reviewed by Planning and Traffic staff and it has been determined that it:

(X) is in general compliance with the Subdivision Regulations

( ) lacks compliance with the Subdivision Regulations regarding:

- ( ) Street layout
- ( ) Relation to adjoining street system
- ( ) Stub streets
- ( ) Street jogs or intersections
- ( ) Dead-end streets
- ( ) Cul-de-sac streets in excess of 500'
- ( ) Low density lots fronting onto major thoroughfares
- ( ) 24' alley(s)
- ( ) _____

( ) See annotations/comments on attached copy of your plan.

(X) Comments: (See comments)

Please note that these are staff comments and not Planning Commission comments. This action does not establish any commitment for the provision of utilities or services of any type now or in the future by the City of San Antonio. Additionally, this action does not confer any vested rights to plat under the existing Subdivision Regulations. Any platting will have to comply with the Subdivision Regulations in force at the time of platting.

The POADP Committee extends their appreciation for meeting with us to review your plan. The new amended plan with 60' collectors has been accepted by staff. The subdivision plats may be submitted for formal consideration. Thank you for your patience and time.

If we may be of further service, please contact our office at 299-7900.

Sincerely,

Edward Guzman

for Michael C. O'Neal
Planning Administrator

sm

cc: Sam Parnes, P.O. Box 18428, San Antonio, Texas 78286

Ray

CITY OF SAN ANTONIO

P O BOX 9066
SAN ANTONIO TEXAS 78285

March 25, 1985

Applicant: Vickrey & Associates
Address: 7334 Blanco Rd, Suite 109
San Antonio, Tx 78216

☐ Preliminary Plan
☒ P.O.A.D.P.

Re: Foster Meadows
File #: 85-20-56-26

The above has been reviewed by Planning and Traffic staff and it has been determined that it:

(XX) is in general compliance with the Subdivision Regulations

( ) lacks compliance with the Subdivision Regulations regarding:

- ( ) Street layout
- ( ) Relation to adjoining street system
- ( ) Stub streets
- ( ) Street jogs or intersections
- ( ) Dead-end streets
- ( ) Cul-de-sac streets in excess of 500'
- ( ) Low density lots fronting onto major thoroughfares
- ( ) 24' alley(s)
- ( ) _____

( ) See annotations/comments on attached copy of your plan.

(XX Comments: See Attached

Please note that these are staff comments and not Planning Commission comments. This action does not establish any commitment for the provision of utilities or services of any type now or in the future by the City of San Antonio. Additionally, this action does not confer any vested rights to plat under the existing Subdivision Regulations. Any platting will have to comply with the Subdivision Regulations in force at the time of platting.

MCO

Michael C. O'Neal
Chief, Current Planning

March 25, 1985
85-20-56-26

Foster Meadows

The staff POADP committee has reviewed the Foster Meadows plan and has identified a concern regarding the two major streets, specifically Sinclair Road and the proposed north-south street. Because these streets will continue beyond the boundaries of your subdivision and will function as major collectors, the committee strongly recommends that they be designed as collectors with 44 feet of paving for their entire length and that the plan be revised to minimize the number of residential lots fronting onto these two streets.

Please submit a new POADP if you concur with these recommendations. If you wish to discuss these comments, please contact Eddie Guzman at 299-7900.

Sincerely,

MCO'Neal

Michael C. O'Neal
Planning Aministrator

CITY OF SAN ANTONIO
P. O. BOX 9066
SAN ANTONIO, TEXAS 78285

April 14, 1987

Mr. Anibal Gutierrez
Vickrey & Associates
7334 Blanco Road, Suite 109
San Antonio, Texas 78216

RE: Foster Meadows POADP
File #172

Dear Gutierrez:

The Development Review Committee has reviewed and accepted your revised plan for Foster Meadows.

Please note that this action by the Committee does not establish any commitment for the provision of utilities, services or zoning of any type now or in the future by the City of San Antonio. Additionally, this action does not confer any vested rights to plat under the existing Subdivision Regulations. Any platting will have to comply with the Subdivision Regulations in force at the time of platting.

If you have any questions, please contact Roy Ramos at 299-7900.

Sincerely,

M C O'Neal

Michael C. O'Neal, AICP
Planning Administrator
Dept. of Planning

MCO/RR/sm
Encl.

HARRY JEWETT ASSOCIATES, INC.

Engineers ▾ Planners ▾ Consultants

TRANSMITTAL

FILE
FOSTER
MEADOW
P.O.A.D.P.
(ORIG)
#172

Date: June 4, 2002

To: KB Homes - Land Planning

Attn: Herb Quiroga

Project: Foster Meadows, Unit 14-B

Job No. 99017

We are transmitting:

✔ attached
❑ under separate cover via:_____

❑ agreement	❑ by mail	❑ for your use
❑ check	✔ hand delivered	❑ for review and comment
✔ plans	❑ to be picked up	❑ for approval
❑ plat	❑ local courier	✔ as requested
❑ submittal	❑ long distance courier	❑ revised as requested
❑ survey		
✔ text		

Accompanying this transmittal please find the following:

1) One (1) set of construction plans, dated September 12, 2000
2) Annexation Court Order signed by judge August 14, 2000
3) Grandfather Court Order signed by Judge James Barlow, September 25, 2000
4) Grandfather Affidavit signed by Thomas Wendorf, dated July 20, 2000
5) Ordinance #91037, dated December 16, 1999

By: Joe Hernandez
Joseph C. Hernandez

2611 North Main Avenue ▲ San Antonio, Texas 78212-2920 ▲ (210) 737-3417 ▲ (210) 733-5384 Fax

CAUSE NO. 2000CI-17663

R. BROOKS HARDEE, TRUSTEE OF THE FARMCO TRUST, DAVENPORT, L.L.C., GENERAL PARTNER OF VWC, LTD., and CLIFFORD E. MORTON,	§	IN THE DISTRICT COURT
Plaintiffs,	§	
v.	§	BEXAR COUNTY, TEXAS
THE CITY OF SAN ANTONIO, TIM BANNWOLF, INDIVIDUALLY AND AS CHAIRMAN OF THE ANNEXATION COMMITTEE OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, MARIO M. SALAS, JR., INDIVIDUALLY AND AS A MEMBER OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, and EMIL R. MONCIVAIS, DIRECTOR OF THE DEPARTMENT OF PLANNING OF THE CITY OF SAN ANTONIO,	§	
Defendants.	§	57th JUDICIAL DISTRICT

ACREED ORDER

On the 14th day of December 2000 the Court considered Plaintiffs' Application for Temporary Injunction in the above-referenced cause. Plaintiffs R. Brooks Hardee, Trustee of the Farmco Trust; Davenport, L.L.C., General Partner of VWC, Ltd.; and Clifford E. Morton, and Defendants City of San Antonio, Tim Bannwolf, Mario M. Salas, Jr., and Emil R. Moncivais appeared by and through counsel of record and announced to the Court that they requested the Court to enter an agreed order to abate the need for a temporary restraining order by confirming certain agreements between the parties. Accordingly, it is hereby

ORDERED as follows:

I. FARMCO TRUST TRACT

From and after the date of this order, the real property currently owned by the Farmco Trust, identified by outlined yellow highlighting on Exhibit A hereto, which is incorporated into this order as if copied herein in total, may be used or put to use by Plaintiff R. Brooks Hardee, Trustee of the Farmco Trust, his successors, grantees, and assigns, and all other persons or entities to whom said property or any part thereof is granted, sold, conveyed, assigned, leased, or otherwise transferred, for the development, construction and use as a manufactured home community within Units 1 through 18 as shown on Exhibit A, and for Commercial and High Density Residential uses on the frontage tracts along the south side of Highway 87 East. These uses shall not be subject to expiration or termination as non-conforming rights under Chapter 35 of the Code of the City of San Antonio, to the extent said said chapter is in conflict with section 43.002 of the Texas Local Government Code. The right of current and future land uses of the Farmco Trust Tract, granted by this order shall be allowed to continue under the protection of section 43.002 of the Texas Local Government Code. Any future zoning ordinance(s) enacted by Defendant City of San Antonio shall not limit the uses allowed by this order, to the extent such ordinances are in conflict with Section 43.002 of the Texas Local Government Code.

II. MORTON TRACT

From and after the date of this order, the real property currently owned by Clifford E. Morton ("Morton"), identified by the blue highlight outline on Exhibit A hereto, which is incorporated into this order as if written fully herein, may be used or put to use by Morton, his successors, grantees, and assigns, and all other persons or entities to whom said property or any part thereof is granted, sold, conveyed, assigned, leased, or otherwise transferred, for the development, construction and use for Commercial or High Density Residential uses. Such current or future use(s) protected by section

43.002 of the Texas Local Government Code shall not be subject to any restrictions that would ordinarily apply to terminate or limit the duration of non-conforming rights under Chapter 35 of the San Antonio City Code, to the extent said chapter is in conflict with section 43.002 of the Texas Local Government Code. The right of current and future land uses of the Morton Tract, granted by this order shall be allowed to continue under the protection of section 43.002 of the Texas Local Government Code. Any future zoning ordinance(s) enacted by Defendant City of San Antonio shall not limit the uses allowed by this order, to the extent such ordinances are in conflict with Section 43.002 of the Texas Local Government Code.

III. VWC TRACT

From and after the date of this order, the real property currently owned by VWC, Ltd. identified by the yellow highlight outline on Exhibit B hereto, which is incorporated into this order as if written fully herein, may be used or put to use by VWC, Ltd., its successors, grantees, and assigns, and all other persons or entities to whom said property or any part thereof is granted, sold, conveyed, assigned, leased, or otherwise transferred, for the development, construction and use for High Density Residential or Commercial uses, including Light Industrial uses. Such current or future use(s), as a use protected under Section 43.002 of the Texas Local Government Code, shall not be subject to any restrictions that would ordinarily apply to limit or terminate the duration of non-conforming rights under Chapter 35 of the San Antonio City Code, to the extent said chapter is in conflict with section 43.002 of the Texas Local Government Code. The right of current and future land uses of the VWC Tract, granted by this order shall be allowed to continue under the protection of section 43.002 of the Texas Local Government Code. Any future zoning ordinance(s) enacted by Defendant City of San Antonio shall not limit the uses allowed by this order, to the extent such ordinances are in conflict with Section 43.002 of the Texas Local Government Code.

IV. GENERAL

The Plaintiffs agree that the uses allowed by this order shall not include:

1. Racetracks;
2. Rendering plants or stockyards;
3. Plants for the manufacture, refining, or storage of gas,
4. Asbestos products manufacturing,
5. Hazardous products or materials manufacturing,
6. Non-medical nuclear or radiation products manufacturing,
7. Pesticides manufacturing;
8. Industrial or municipal waste facilities or junk or salvage yards;
9. Batching or bulk plants or terminals;
10. Electroplating, smelting, or metal forging plants; or
11. Sexually oriented business.

FURTHER ORDERED from and after the date of this order Defendant City of San Antonio, its officers, agents, attorneys, servants, employees, and all other persons in active concert and participation shall permit all Plaintiffs, their respective successors, grantees, and assigns, and all other persons or entities to whom any of the described properties of said Plaintiffs or any part thereof is granted, sold, conveyed, assigned, leased, or otherwise transferred to put said properties to any use permitted in this order and shall not take any action to interfere with, alter, prohibit, restrict, diminish, impair, hinder, or otherwise adversely affect the uses to which said properties may be put under the terms of this order.

This agreed order is interlocutory ~~and~~ pending final disposition of ~~the~~ all matters ~~ordered~~ herein ~~shall abide trial hereof and final judgment herein~~.

SIGNED and ORDERED ENTERED this date: Dec 14, 2000

JUDGE PRESIDING

THE GARDNER LAW FIRM
A Professional Corporation
745 E. Mulberry, Suite 100
San Antonio, Texas 78212-3149
(210) 733-8191 - Telephone
(210) 733-5538 - Facsimile

By: _____
William W. Sommers
State Bar No. 18842600
Kevin M. Warburton
State Bar No. 20836600

ATTORNEYS FOR PLAINTIFFS

DENTON, McKAMIE & NAVARRO
A Professional Corporation
1700 Tower Life Building
310 South St. Mary's Street
San Antonio, Texas 78205-3111

By _____
SUSAN C. ROCHA
State Bar No. ~~05764700~~ 17127500

ATTORNEYS FOR DEFENDANTS

CAUSE NO. 2000-CI-05220

SURVIVOR, INC. and BROOKS HARDEE, as Trustee for and on behalf of THE FARMCO TRUST,	§	IN THE DISTRICT COURT
Plaintiffs,	§	
vs.	§	224TH JUDICIAL DISTRICT
THE CITY OF SAN ANTONIO,	§	
Defendant	§	BEXAR COUNTY, TEXAS

ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND REQUESTS FOR MANDAMUS AND INJUNCTIVE RELIEF AND DENYING DEFENDANT'S FIRST AMENDED MOTION FOR SUMMARY JUDGMENT

On the 17th day of August, 2000, came on to be heard Plaintiff's Motion for Summary Judgment and requests for mandamus and injunctive relief, and Defendant's First Amended Motion for Summary Judgment.

The Court, having considered said Motions and requests, as well as the summary judgment evidence and arguments of counsel, is of the opinion and finds that Defendant's First Amended Motion for Summary Judgment should be DENIED, and that Plaintiffs' Motion for Summary Judgment and requests for mandamus and injunctive relief be GRANTED.

It is, therefore, ORDERED, ADJUDGED and DECREED that Defendant's First Amended Motion for Summary Judgment be, and the same is hereby DENIED; that Plaintiffs' Motion for Summary Judgment and requests for mandamus and injunctive relief be, and the same are hereby GRANTED; and the Court hereby declares, finds and orders as follows:

1. Plaintiffs have alleged that Defendant has attempted to apply Ordinance No. 81491 (Edwards Aquifer) to Churchill Estates Unit 12-B, Foster Meadows Units 4-18, and Woodridge

Units 8A and 8B, whereas Defendant has denied applying said Ordinance to said units. The parties have now acknowledged and agreed that Defendant has not applied and will not apply said Ordinance to said units. The parties have stipulated and agreed that Plaintiffs have vested rights under Chapter 245 of the Texas Local Government Code as to said Ordinance No. 81491 and, therefore, said Ordinance is "grandfathered" as to Plaintiffs and, therefore, inapplicable and does not apply to the subject Churchill Estates Unit 12B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B;

2. Plaintiffs have alleged that Defendant has attempted to apply Ordinance No. 78663 (landscaping) to Churchill Estates Unit 12-B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B, whereas Defendant has denied applying said Ordinance to said units. The parties have now acknowledged and agreed that Defendant has not applied and will not apply said Ordinance to said units. The parties have stipulated and agreed that Plaintiffs have vested rights under Chapter 245 of the Texas Local Government Code as to said Ordinance No. 78663 and, therefore, said Ordinance is "grandfathered" as to Plaintiffs and, therefore, inapplicable and does not apply to the subject Churchill Estates Unit 12B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B;

3. Plaintiffs have alleged that Defendant has attempted to apply Ordinance No. 85262 (tree preservation) to Churchill Estates Unit 12-B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B, whereas Defendant has denied applying said Ordinance to said units. The parties have now acknowledged and agreed that Defendant has not applied and will not apply said Ordinance to said units. The parties have stipulated and agreed that Plaintiffs have vested rights under Chapter 245 of the Texas Local Government Code as to said Ordinance No. 85262 and, therefore, said

Ordinance is "grandfathered" as to Plaintiffs and, therefore, inapplicable and does not apply to the subject Churchill Estates Unit 12B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B;

4. Plaintiffs have alleged that Defendant has attempted to apply Ordinance No. 84917 (traffic impact analysis) to Churchill Estates Unit 12-B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B, whereas Defendant has denied applying said Ordinance to said units. The parties have now acknowledged and agreed that Defendant has not applied and will not apply said Ordinance to said units. The parties have stipulated and agreed that Plaintiffs have vested rights under Chapter 245 of the Texas Local Government Code as to said Ordinance No. 84917 and, therefore, said Ordinance is "grandfathered" as to Plaintiffs and, therefore inapplicable and does not apply to the subject Churchill Estates Unit 12B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B;

5. Plaintiffs have alleged that Defendant has attempted to apply Ordinance No. 91307 (new single family residential district) to Churchill Estates Unit 12-B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B, whereas Defendant has denied applying said Ordinance to said units. The parties have now stipulated, acknowledged and agreed that Defendant has not applied and will not apply said Ordinance to said units. The parties have stipulated and agreed that Plaintiffs have vested rights under Chapter 245 of the Texas Local Government Code as to said Ordinance No. 91307 and, therefore, said Ordinance is "grandfathered" as to Plaintiffs and, therefore, inapplicable and does not apply to the subject Churchill Estates Unit 12B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B;

6. The Court declares and find that, as to Ordinance No. 86711 (drainage), Plaintiffs have vested rights pursuant to Chapter 245 of the Texas Local Government Code and, therefore, said

Ordinance is "grandfathered" as to Plaintiffs development of the subject Churchill Estates Unit 12B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B, and, as set forth herein, Defendant is enjoined from applying said Ordinance to said units;

7. The Court declares and finds that, as to Ordinance No. 88292 (pavement, right-of-way widths and street cross sections), Plaintiffs have vested rights pursuant to Chapter 245 of the Texas Local Government Code and, therefore, said Ordinance is "grandfathered" as to Plaintiffs' development of the subject Churchill Estates Unit 12B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B, and, as set forth herein, Defendant is enjoined from applying said Ordinance to said units;

8. The Court declares and finds that, as to Ordinance No. 86715 (development permits), Plaintiffs have vested rights pursuant to Chapter 245 of the Texas Local Government Code and, therefore, said Ordinance is "grandfathered" as to Plaintiffs' development of the subject Churchill Estates Unit 12B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B, and, as set forth herein, Defendant is enjoined from applying said Ordinance to said units;

9. The Court further declares, finds and orders that each of the above enumerated ordinances are not effective against and may not be applied to or enforced by Defendant against Plaintiffs as to the subject Churchill Estates Unit 12B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B;

10. The Court further declares, finds and orders that Plaintiffs are entitled to the requested mandamus pursuant to the provisions of Chapter 245, Section 245.006 of the Texas Local Government Code and, therefore, it is hereby ORDERED that Defendant, including all officials, employees, agents and representatives, be and is hereby directed to promptly conduct any and all

required current and future inspections and/or reviews concerning Plaintiffs development of Churchill Estates Unit 12B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B based solely on the above established vested rights pursuant to said Chapter 245 and to promptly issue letters of approval for and release all pending or filed plat applications and other permits or approvals based solely on said vested rights, and not on the above enumerated ordinances.

11. The Court further declares, finds and orders that Plaintiffs are entitled to the requested injunctive relief pursuant to the provisions of Chapter 245, Section 245.006 of the Texas Local Government Code and, therefore, ORDERS that Defendant, including all officials, employees, agents, and representatives, be and is hereby enjoined from taking any action to apply any of the above enumerated ordinances to the subject Churchill Estates Unit 12B, Foster Meadows Units 4-18, and Woodridge Units 8A and 8B being developed by Plaintiffs or from otherwise taking any action or inaction to avoid or deny Plaintiffs vested rights in the permitting and development of said units This paragraph of this ORDER shall not be effective unless and until Plaintiffs execute and file with the clerk a bond, in conformity with the law, in the amount of One Thousand Dollars ($1,000.00). The clerk shall forthwith on the filing by Plaintiffs of the bond, and on approving the bond according to the law, issue a temporary injunction in conformity with the law and the terms of this ORDER.

All other relief requested in Plaintiffs' Petition herein, including damages and the amount of attorneys fees, shall be determined at the time of the trial herein, which is hereby set for Dec 11, 2000 @ 9:00

SIGNED and SO ORDERED this 25th day of September, 2000.

James E. Barlow

JAMES E. BARLOW
JUDGE PRESIDING

APPROVED AS TO FORM:

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ATTORNEYS FOR PLAINTIFFS
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HARDEE, as Trustee for and on behalf
of THE FARMCO TRUST

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ATTORNEY FOR DEFENDANT
THE CITY OF SAN ANTONIO

Sec. 35-3077. R-4 manufactured home residence districts.

(a) These districts are composed of areas suitable for manufactured homes and compatible uses. The districts are intended to provide suitable locations for HUD-code manufactured homes on individual lots as well as for manufactured home parks. The district regulations are designed to provide adequate protection both for the manufactured homes and for the surrounding development.

(b) HUD-code manufacture homes may be located on individual lots outside of a manufactured home park provided they are permanently installed and limited to one home per lot. In addition they shall be subject to the following standards which are designed to ensure acceptable compatibility in exterior appearance between HUD-code manufactured homes and site built dwellings that have been or may be constructed in adjacent or nearby locations.

(1) HUD-code manufactured homes shall be permanently affixed to a foundation with a visible foundation system and skirting acceptably similar in appearance to foundations of site built residences. The foundation shall form a complete enclosure under exterior walls. Wheels and axles shall be removed. All units must also have covered front and rear entries, and site built steps and porches.

(2) The minimum width of a HUD-code manufactured home, excluding any attendant structures or additions assembled on the site, shall be twenty (20) feet.

(3) Each HUD-code manufactured home shall have a sloping roof with eave projections of at least six (6) inches, constructed with material generally acceptable for site built housing. The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run.

(4) Any materials that are generally acceptable for site built housing may be used for exterior finish if applied in such a manner as to be similar in appearance, provided, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, semigloss enamel paint.

(c) Development standards for manufactured home parks are specified in Article IV of this chapter.

(Ord. No. 65513, § 2(f), 8-13-87; Ord. No. 67518, 7-21-88)

Sec. 35-3078. R-5 single-family residence district.

(a) *Purpose.* The R-5 district is intended for single-family residential use with a minimum lot size of five thousand (5,000) square feet. The district is appropriate for existing single-family neighborhoods as well as for development of additional single family areas which meet the minimum lot requirement. Its regulations are designed to protect the district's residential character by generally prohibiting nonresidential uses, by encouraging a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches, and by preserving the openness of the area through yard and area standards. While intended primarily for detached dwellings, the R-5 district permits the attachment of two (2) dwelling units.

(b) *Setbacks.* The minimum setbacks shall be as specified in Section 35-3351 with the following exceptions permitted for single-family dwellings.

(1) *Front setback.* For lots platted after April 15, 1991, the front setback may be staggered between sixteen (16) and twenty-four (24) feet provided an average setback of twenty (20) feet is maintained within any one block. If staggered setbacks are elected, the applicant shall designate the setbacks on the building permit application. In all cases, there shall be a minimum of twenty (20) feet between the property line and a front entry garage or carport.

(2) *Accessory structures.* Accessory structures may be built on the side and/or rear property line irrespective of the location of the principal dwelling unit provided they do not encroach upon an easement. Accessory structures which are located off the prop-

(A) 1965 Zoning District	(B) 1938 Zoning District	(C) New Classification
--	--	CS, RM-4, RM-6, MF-25, MF-40, MF-50, NC, O-1, L
R-8a	--	RE
R-8	--	R-20
R-1C	--	NP-15
R-A	N/a	R-20
R-1B,	--	NP-10
R-1A	--	NP-8
R-7	B	R-4
R-3	C, D Apartment	MF-33
R-1	--	R-6
R-5	A	R-5
R-2, R-2A, R-6	--	RM-4
R-4	--	Manufactured Home "MH"
--	E Office	O-2
O-1	E	O-2
B-1	--	C-1 (subject to subsection (d), above)
B-2	F, G, GG	C-2 (subject to subsection (d), above)
B-2NA	--	C-2NA (subject to subsection (d), above)
B-3	H, HH	C-3
B-3NA	--	C-3NA
B-3R	--	C-3R
B-4		D
BP	--	BP
I-1	I*, II, J, JJ, K, KK	I-1
I-2	L, LL, M, MM	I-2
Sand & Gravel "SG"	n/a	Sand & Gravel District "SG"
Quarry "QD"	n/a	Quarry District "QD"
Entertainment "ED"	n/a	Entertainment District "ED"
ERZD	n/a	ERZD
Historic District "H	n/a	Historic District "H"
Military Airport Overlay 1 "MAO-1"	n/a	Military Airport Overlay 1 "MAO-1"
Military Airport Overlay 2 "MAO-2"	n/a	Military Airport Overlay 2 "MAO-2"
Military Reservation "MR"	n/a	Military Reservation "MR"
Planned Unit Development "PUD"	n/a	Planned Unit Development "PUD"
River Walk Overlay District "RWOD"	N/a	River Walk Overlay-3 "RW-3"
Temporary R-1 (see Ord. No. 65513, '§ 2(f) [8-13-87]; and Ord. No. 74489, § 1(Att. I) [10-3-91]), § 35-3011 of former UDC	Temporary A	R-6

JOB # 98079

CAUSE NO. 2000-CI-05220

SURVIVOR, INC. and BROOKS HARDEE, as Trustee for and on behalf of THE FARMCO TRUST,	§	IN THE DISTRICT COURT
Plaintiffs,	§	
vs.	§	224TH JUDICIAL DISTRICT
THE CITY OF SAN ANTONIO,	§	
Defendant	§	BEXAR COUNTY, TEXAS

AFFIDAVIT OF THOMAS G. WENDORF

STATE OF TEXAS §
§
COUNTY OF BEXAR §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Thomas G. Wendorf, the undersigned affiant, known to me to be the person whose name is subscribed to the foregoing instrument, who, after being by me duly sworn on his oath, deposed and stated the following:

1. My name is Thomas G. Wendorf. I am over eighteen (18) years of age, am fully competent to testify to the matters herein stated, and have personal knowledge of every statement contained herein. These statements are true and correct.

2. I have been a licensed professional engineer since 1987. From 1983 to 1985 I was a staff engineer for the City of Missouri City, Texas. From 1985 to 1987, I was the Assistant Director of Public Works for the City of Missouri City, Texas. From 1987 to 1990, I was employed as a city engineer for the City of Missouri City, Texas. Thereafter, beginning in 1990 until my employment with the City of San Antonio in 1999, I was the Director of Public Works and city engineer for the City of Missouri City, Texas.

3. I am currently employed by the City of San Antonio as Assistant Director of Public Works. In that capacity, I am partially responsible for the supervision of and am familiar with the process by which land is developed within the City of San Antonio and the rules, regulations and ordinances that apply to such developments. A general overview of the development process for the City of San Antonio begins with the submittal of a preliminary overall area development plan (POADP). Once the POADP is accepted, the developers then submit a plat application for specific areas shown on the POADP and payment of the applicable plat fees. After the plat application is received by the city, the plat application and supporting documents are then routed to and reviewed by various departments within the city, such as the water

EXHIBIT C

and sewer provider(s), electrical provider(s), other utility provider(s) and taxing entities. After the various departments within the city, as well as other utility providers and the taxing entities have reviewed the application and accompanying documentation, recommendations are then made by the reviewing staff to the Planning Director as to whether or not the plat should be filed with the Planning Commission. If the plat is approved by the City's Planning Commission and the land to be developed is within the city limits, the plat is sent for recording. If the plat is approved by the City's Planning Commission and the land to be developed is located outside of the city limits, then the plat is routed to the Bexar County Commissioners Court for approval.

4. I am aware that on June 28, 2000, the parties to this suit entered into a joint stipulation wherein the following facts were stipulated to:

The CITY OF SAN ANTONIO (the "CITY") represents to the Court that it is a home rule municipality.

Plaintiff, SURVIVOR, INC. represents to the Court that it is a corporation that conducts business in Bexar County, Texas and is duly organized and existing under the laws of the State of Texas.

Plaintiff, BROOKS HARDEE, represents to the Court that it is the Trustee of THE FARMCO TRUST, a grantor trust organized and existing under the laws of Texas that is in its own right a successor in interest to Frio Ranch Trust, N.C.V. Trust and Schaefer Trust as to certain reservations of property rights involved herein.

THE FARMCO TRUST owns and is developing a tract of property, known as Churchill Estates, Unit 12, Phase B (and referred to herein as "Churchill Estates"), located in northwest San Antonio. No part of Churchill Estates is located within a Federal Emergency Management Agency ("FEMA") one-hundred (100) year flood plain.

THE FARMCO TRUST also owns a tract of property, known as Foster Meadows, comprised of Units 4-18 as depicted in the Preliminary Overall Area Development Plan ("POADP") (and referred to herein as "Foster Meadows"), located just southeast of the San Antonio city limits, but within the CITY's extra-territorial jurisdiction ("ETJ").

The CITY has not made drainage service available to Foster Meadows. The topography of Foster Meadows causes drainage to flow away from and not enter into the CITY's corporate limits or any stormwater facilities or other drainage systems owned or maintained by the CITY at this time. There have been no structures built on Foster Meadows, Units 4 - 18 as depicted on the POADP, nor has the CITY issued a certificate of occupancy for Foster Meadows, Units 4 - 18, as depicted on the POADP.

SURVIVOR, INC. represents to the Court that it owns a tract of property, known as Woodridge Village, Units 8A and 8B (and referred to herein as "Woodridge"), located in northwest San Antonio.

On January 12, 1995, the CITY adopted Ordinance No. 81491 for the regulation of certain activities over the Edwards Aquifer Recharge Zone. Ordinance No. 81491 amended Chapter 34, Article VI of City of San Antonio City Code by adding new Division 6 Aquifer Recharge Zone and Watershed Protection. It is codified at SAN ANTONIO CITY CODE §§ 34-901 thru 34-980.

On September 9, 1993, the CITY adopted Ordinance No. 78663 for the regulation of landscaping at all new building sites within the CITY. Ordinance No. 78663 amended Chapter 35 by adding a new Article–Article VI: Landscaping. Ordinance 78663 is codified at SAN ANTONIO CITY CODE §§ 35-6001 thru 35-6016.

On December 5, 1996, the CITY amended Article VI: Landscaping by adopted Ordinance No. 85262. Among other amendments, Ordinance 85262 renamed Article VI as "Landscape and Tree Preservation" and added a new division–Division 2: Tree Preservation. Ordinance No. 85262 is codified at SAN ANTONIO CITY CODE §§ 35-6001 thru 35-6121.

On September 25, 1997, the CITY adopted Ordinance No. 86711 amending SAN ANTONIO CITY CODE § 35-4029. Ordinance No. 86711 significantly revised the CITY's regulations related to drainage and was passed under the authority of and subject to the provisions of TEX. LOC. GOV'T CODE § 402.041 *et seq.* (Vernon 1999), also known as the Texas Municipal Drainage Utility Systems statute. San Antonio City Code § 35-4029 was originally adopted on August 13, 1987 by Ordinance No. 65513.

On October 3, 1996, the CITY adopted Ordinance No. 84917 requiring Traffic Impact Analysis in certain circumstances. Ordinance No. 84917 amended Chapter 19 of the San Antonio City Code and was codified at SAN ANTONIO CITY CODE §§ 19-82 through 19-84. The CITY amended SAN ANTONIO CITY CODE § 19-82 on February 6, 1997, by adopting Ordinance No. 85561 clarifying the requirements for the Traffic Impact Analysis. Ordinance No. 85561 is codified at SAN ANTONIO CITY CODE §§ 19-82. Finally, the CITY further amended SAN ANTONIO CITY CODE §§ 19-82 through 19-84 on April 27, 2000 by adopting Ordinance No. 91700. Ordinance No. 91700 has been codified at SAN ANTONIO CITY CODE §§ 19-82 through 19-84.

On August 13, 1998, the CITY adopted Ordinance No. 88292 amending, in part, the CITY's standards for street cross sections and pavement design. Ordinance No. 88292 was codified at SAN ANTONIO CITY CODE § 35-A211 and amended Chapter 35, Article IV, Division 4: Streets and Sidewalks,

originally adopted by Ordinance No. 65513 on August 13, 1987 and codified at SAN ANTONIO CITY CODE § 35.4101 *et seq.*

A City ordinance amending the Unified Development Code to provide for the establishment of four new single-family residential districts based on lot size was passed as Ordinance No. 91037 on December 16, 1999. Ordinance No. 91307 is codified at SAN ANTONIO CITY CODE §§ 35-3073. The City of San Antonio originally created the single-family residential districts on August 13, 1987 by adopting Ordinance No. 65513. Ordinance 65513 was codified at and is the predecessor of SAN ANTONIO CITY CODE § 35-3073.

On September 25, 1997, the CITY added Section 35-1027 of the SAN ANTONIO CITY CODE by adopting Ordinance No. 86715 governing development permits. Ordinance No. 86715 amended Chapter 35 of the San Antonio City Code, also known as the Unified Development Code, adopted on August 13, 1987, by Ordinance No. 65513.

A master water line plat (Plat No. 930340) for Churchill Estates was submitted to the CITY on July 27, 1993. A plat application including Churchill Estates was submitted to the CITY in October 1993, and platting fees of $7,304.00 were paid to and accepted by the CITY on October 20, 1993.

A POADP for Foster Meadows was approved by the CITY on April 12, 1985. Plats for Foster Meadows Unit Nos.1,2 and 3 were approved by the CITY on August 14, 1985, August 21, 1985, and May 14, 1986, respectively.

A POADP was approved by the CITY for Woodridge on August 6, 1993. SURVIVOR applied for an amendment/modification of the POADP on October 21, 1993.

Plaintiffs, SURVIVOR, INC. and BROOKS HARDEE, as Trustee for and on behalf of THE FARMCO TRUST understand, acknowledge and agree that Plaintiffs are not disputing, contesting or challenging the legality, validity, content (including both substantive and procedural provisions) and intent of the ordinances specified in Paragraphs 8 to 15. The parties stipulate that the Plaintiffs are challenging the application of the above-referenced ordinances to the Plaintiffs' projects identified herein on the basis that Chapter 245 of the Texas Local Government Code precludes the enforcement of the ordinances against the Plaintiffs.

5. With the exception of the corrected Foster Meadows POADP date of April 14, 1987, to the best of my knowledge these stipulations are true and correct and reflect accurately the events that have occurred with respect to these developments.

6. Specifically, I am aware and have knowledge of the following facts regarding the proposed development of Churchill Estates, including Unit 12-B: On June 16, 1983,

the original developer, J.H. Uptmore submitted to the City of San Antonio's Planning Department a Master Plan for Churchill Estates. Thereafter, revised POADP (Master Plans) for Churchill Estates was received by the City's Planning Department on August 23, 1983, July 26, 1984, August 10, 1984 and May 16, 1985. The May 16, 1985 POADP for Churchill Estates was approved by the City's POADP Committee on June 4, 1984. A revised POADP for Churchill Estates was received by the City's Planning Department on October 22, 1985. The October 22, 1985 POADP for Churchill Estates was accepted by the City's POADP Committee on November 7, 1985. Subsequently, on December 20, 1985, the City's Planning Department received a revised POADP for Churchill Estates. The December 20, 1985 POADP for Churchill Estates was accepted by the City's POADP Committee on January 13, 1986. Thereafter, the City's Planning Department received a revised POADP for Churchill Estates, Units 12A and 12B.

The plat application for Churchill Estates, Unit 12-B was submitted by the N.C.V. Trust to the City's Planning Department on October 22, 1993. N.C.V. Trust paid a plat application fee in the amount of $7,304.00 thereby setting the deadline to file the plat of Churchill Estates Unit 12-B with the City's Planning Commission or pay a plat application renewal fee by October 22, 1995. The records of the City reflect that Schaefer Investments paid to the City a plat application renewal fee in the amount of $7,304.00 on September 29, 1995, thereby extending the deadline to file the plat of Churchill Estates Unit 12-B with the City's Planning Commission to October 22, 1997. N.C.V. Trust did not file the plat for Churchill Estates, Unit 12-B with the City's Planning Commission or pay a plat application renewal fee by the October 22, 1997 deadline. Later, on January 11, 1999, Schaefer Homes Trust & Assigns submitted a new plat application for Churchill Estates, Unit 12-B P.U.D. to the City's Planning Department, and paid plat fees in the amount of $14,589.00. Thereafter, on January 25, 1999, a revised plat application for Churchill Estates, Unit 12-B was again submitted to the City's Planning Department again by Schaefer Homes Trust & Assigns, along with the revised plat fee which totaled $11,686.00. This revised plat application for Churchill Estates, Unit 12-B was not submitted as a Planned Unit Development. On August 18, 1999 the City's Planning Department received a variance request by the developer, and a variance fee in the amount of $145.00 was paid to the City of San Antonio. Thereafter, on October 8, 1999, the Farmco Trust submitted a signed second revised plat application for Churchill Estates Unit 12-B to the City's Planning Department, along with a plat fee in the amount of $14,355.00. On October 13, 1999, the City's Planning Commission approved the plat and variance request for private streets for Churchill Estates, Unit 12-B. Shortly after March 8, 2000, the City recorded the plat.

7. I am also aware and have knowledge of the following facts regarding the proposed development of Foster Meadows, including Units 4-18: On March 4, 1985 the original developer, Morton/Southwest submitted to the City of San Antonio's Planning Department a POADP for Foster Meadows. On April 15, 1985, a revised POADP for Foster Meadows was submitted to the City's Planning Department reflecting 44 feet of pavement on Sinclair Road and the proposed north-south street. On April 23, 1986, a revised POADP for Foster Meadows was submitted to the

City's Planning Department for Foster Meadows indicating that (i) the street alignment was revised in Unit 3, and (ii) the drainage right-of-way and lift station site was revised in Unit 3. The City's POADP Committee accepted the revised POADP for Foster Meadows on May 19, 1986. Subsequently, on April 2, 1987, a revised POADP for Foster Meadows was submitted to the City's Planning Department for Foster Meadows indicating that one unit (i.e. Unit 4) was added and the old Unit-4 became Unit-4A. The City's POADP Committee accepted this revised POADP for Foster Meadows on April 14, 1987. Later, in 1999, a revised POADP for Foster Meadows was submitted to the City's Planning Department indicating that the cul-de-sacs abutting Foster Meadows Road were being eliminated in Units 8, 9, and 10 and that these proposed streets were extended to intersect Foster Meadows Road. The revised POADP for Foster Meadows was accepted by the City's POADP Committee on July 2, 1999.

On June 23, 1999 plat applications for Units 9, 13-A, 14-A and 14-B in Foster Meadows was submitted to the City's Planning Department and plat fees in the amount of $4,939.00, $1,633.00, $5,566.00 and $3,058.00, respectively, were paid by the Developer on or about June 29, 1999. Further, on May 12, 2000, a plat application for Unit 10 in Foster Meadows was submitted to the City's Planning Department and plat fees in the amount of $6,496.21 were paid on or about May 12, 2000.

8. I am also aware and have knowledge of the following facts regarding the proposed development of Woodridge Village, including Units 8A and 8B: On April 5, 1983, the original developer Schaefer-Burdick submitted to the City's Planning Department a Master Plan for Woodridge. On May 4, 1983, a revised Master Plan for Woodridge was submitted to the City's Planning Department reflecting certain stub streets. On March 5, 1984, a revised Master Plan for Woodridge was submitted to the City's Planning Department indicating an amended street layout for Units 4, 5, 6 and 7. Revised Master Plans for Woodridge were also submitted to the City's Planning Department on August 8, 1985, March 7, 1986 and March 27, 1986. The March 27, 1986 Master Plan was accepted by the City's POADP Committee on March 31, 1986. A revised Master Plan and POADP for Woodridge were submitted to the City's Planning Department on July 16, 1993. The July 16, 1993 Master Plan and POADP for Woodridge were accepted by the City's POADP Committee on August 6, 1993. A sketch of the proposed Woodridge Units 3C, 8A, 8B, 9 and 10 were submitted to the City's Planning Department on October 21, 1993. A POADP for Woodridge (Units 8A and 8B) was submitted to the City's Planning Department on January 19, 1999. Additionally, plan review fees in the amount of $370.00 were paid to the City of San Antonio by Survivor, Inc. on January 20, 1999.

I also have knowledge of the plat applications for Woodridge Village, Units 8A and 8B which were submitted to the City's Planning Department by Survivor, Inc. The initial plat application for Woodridge Unit 8A was filed with the City's Planning Department on October 21, 1993 and plat application fees in the amount of $2,796.00 were paid by the developer on October 21, 1993. The deadline to file the plat of Woodridge Unit 8A with the Planning Commission was October 21, 1995. Plat

application renewal fees in the amount of $2,796.00 were paid to the City of San Antonio on September 29, 1995. The new deadline to file the plat of Woodridge Unit 8A with the Planning Commission was October 21, 1997. The developer did not file a plat of Woodridge Unit 8A with the Planning Commission or pay a plat renewal fee by the October 21, 1997 deadline. Thereafter a plat application for Woodridge Unit 8A was filed with the City of San Antonio Planning Department on December 17, 1998 and plat application fees in the amount of $7,750.00 were paid by Survivor, Inc. on December 21, 1998. A revised plat application for Woodridge Unit 8A was filed on March 29, 1999 which deleted six (6) lots from the previous plat application. The subdivision plat for Woodridge was approved by the City's Planning Commission on May 10, 1999. The initial plat application for Woodridge Unit 8B was filed by Woodridge/Prue Co. on October 21, 1993 and plat application fees in the amount of $2,152.00 were paid by the developer on October 21, 1993. The deadline to file the plat of Woodridge Unit 8B with the Planning Commission was October 21, 1995. Plat application renewal fees in the amount of $2,152.00 were paid to the City's Planning Department on September 29, 1995. The new deadline to file the plat of Woodridge Unit 8B with the Planning Commission was October 21, 1997. The developer did not file a plat of Woodridge Unit 8B with the Planning Commission or pay a plat renewal fee by the October 21, 1997 deadline. Thereafter, another plat application for Woodridge Unit 8B was filed on December 15, 1998 and plat application fees in the amount of $5,929.00 were paid to the City's Planning Department on January 7, 1999. The subdivision plat for Woodridge Unit 8B was approved by the City's Planning Commission on April 28, 1999.

9. The City has determined that the developments of Churchill Estates, Foster Meadows and Woodridge are Category 1 developments and therefore exempt from the City's Edward Aquifer Recharge Zone Ordinance (No. 81491).

10. The City has determined that the developments of Churchill Estates, Foster Meadows and Woodridge are exempt from the City's Landscaping Ordinance (Ordinance No. 78663).

11. The City has determined that the developments of Churchill Estates, Foster Meadows and Woodridge are exempt from the Tree Preservation Ordinance (Ordinance No. 85262).

12. Based on my understanding of applicable state law, the facts in this affidavit, as well as my understanding of the provisions of all applicable city ordinances and sections of the city code, Ordinance No. 86711 is applicable to Churchill Estates Unit 12-B and Woodridge Units 8A and 8B. However, it should be noted that the City has determined that Ordinance No. 86711 does not apply to Foster Meadows because the City has stipulated that the drainage from the proposed subdivision units drains away from the City limits and no connection is required to the City's drainage utility facilities or service.

13. The developer of Churchill Estates has already provided the City with a traffic impact analysis for 1000 Peak Hour Trips to the Zoning Commission when Plaintiffs requested that the proposed development be re-zoned as a Planned Unit Development

17. Further Affiant sayeth not.

THOMAS G. WENDORF

('PUD'). The same traffic impact analysis was submitted along with the subdivision plat to the Planning Commission in 1999. Therefore, compliance with Ordinance No. 84917 should not be an issue. Because the POADPs predate the enactment or adoption date of the Traffic Impact Analysis Ordinance No. 84917 (October 3, 1996), the City has determined that no traffic impact analysis is required for Foster Meadows and Woodridge.

14. The City has neither imposed nor has it intended to impose the new residential zone classes on Plaintiffs because "permits," as the term is defined in Chapter 245 of the Vested Rights Act have been filed by Plaintiffs for each of the developments prior to the enactment or adoption of Ordinance No. 91037.

15. The Planning Commission granted The Farmco Trust an application for a variance to classify the streets within Churchill Estates as private streets. The Farmco Trust did not obtain a variance from the new street construction standards of Ordinance No. 88292.

16. Based on my understanding of applicable state law, the facts in this affidavit, as well as my understanding of the provisions of the city ordinances listed below and all applicable sections of the City Code, the City has determined that the ordinances listed below apply to the Plaintiffs' three developments as follows:

	Churchill Estates Units 12A and 12 B	Foster Meadows Units 4-18	Woodridge Units 8A and 8B
Ordinance No. 81491 (Edwards Aquifer)	Grandfathered	Grandfathered	Grandfathered
Ordinance No. 78663 (Landscaping)	Grandfathered	Grandfathered	Grandfathered
Ordinance No. 85262 (Tree Preservation)	Grandfathered	Grandfathered	Grandfathered
Ordinance No. 86711 (Drainage)		Does Not Apply[1]	
Ordinance No. 84917 (Traffic Impact Analysis)	TIA Submitted	Grandfathered	Grandfathered
Ordinance No. 88292 (Street Cross Sections)			
Ordinance No. 91307 (New Zone Class)	Grandfathered	Grandfathered	Grandfathered
Ordinance No. 86715 (Development Permits)			

[1] Ordinance No. 86711 does not apply to Foster Meadows because the City has stipulated that the CITY has not made drainage service available to Foster Meadows. The topography of Foster Meadows causes drainage to flow away from and not enter into the CITY's corporate limits or any stormwater facilities or other drainage systems owned or maintained by the CITY at this time.

17. Further Affiant sayeth not.

THOMAS G. WENDORF

SUBSCRIBED and SWORN to me by the said THOMAS G. WENDORF on this 20th day of July, 2000.

Notary Public, State of Texas
My Commission Expires: 6-5-01

MELANIE L. HAESE
NOTARY PUBLIC
State of Texas
Comm. Exp. 06-05-2001

HHE:dd
12/16/99
Item No. 57

AN ORDINANCE 91037

AMENDING THE UNIFIED DEVELOPMENT CODE, TO PROVIDE FOR THE ESTABLISHMENT OF FOUR (4) NEW SINGLE-FAMILY RESIDENTIAL DISTRICTS BASED ON LOT SIZE.

(AMENDS CHAPTER 35, OF THE CITY CODE)

* * * * *

WHEREAS, a need has been defined for preserving and conserving existing neighborhoods and housing stock; and

WHEREAS, a need has been defined for providing additional opportunities for the development of residential housing stocks; and

WHEREAS, the mix of various single-family lot sizes in a given area can lead to a diversified housing supply; and

WHEREAS, the amendments are in furtherance of the goals adopted in the 1997 Master Plan Policies; and

WHEREAS, the staff recommends approval of the amendment; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Code of the City of San Antonio Chapter 35 (entitled "Unified Development Code") Article III, (entitled "Zoning") is amended by adding new sections 35-3073.1 through 35-3072.3, new Sec. 35-3080.1a and by reflecting such additions in Sec. 35-3261 (entitled "Table of Permitted uses in residential districts"), Sec. 35-3342 (entitled "lot frontage") and Sec. 35-3351 (entitled "Yard and area setback") as set out in Appendix I. Appendix I is incorporated herein for all purposes.

PASSED AND APPROVED this 16th day of December, 1999.

M A Y O R
Howard W. Peak

ATTEST:
City Clerk

APPROVED AS TO FORM:
City Attorney

Sec. 35-3073.3 "R-1c" single-family residence district.

(a) *Purpose.* These districts are composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. The district regulations are designed to protect the residential character of the areas by prohibiting commercial and industrial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches and to preserve the openness of the area by requiring certain minimum yard and area standards to be met.

The R-1c district is intended for single-family residential use with a minimum lot size of fifteen thousand (15,000) square feet with a minimum front width of ninety (90) feet

1) *Setbacks.* The minimum setbacks shall be as specified in Section 35-3351

2) *Accessory structures.* Accessory structures shall not encroach upon any platted easement. Accessory structures shall maintain a minimum setback of five (5) feet from all side and rear yard property lines.

Sec. 35-3080.1a "R-8a" single-family residence district.

(a) Purpose. These districts are intended as areas for low density single-family residential use. These districts are appropriate for locations where terrain or other limitations preclude smaller lot sizes.

The R-8a district is intended for single-family residential use with a minimum lot size of one (1) acre with a minimum front width of one hundred (100) feet.

(1) *Setbacks.* The minimum setbacks shall be as specified in Section 35-3351

(1) *Accessory structures.* Accessory structures shall not encroach upon any platted easement. Accessory structures shall maintain a minimum setback of ten (10) feet from all side and rear yard property lines.

Sec. 35-3261 Table of permitted uses in residential districts

		R-1a	R-1b	R-1c	R-8a
Accessory uses	x	x	x	x	
Athletic fields		cc	cc	cc	cc
Bed and Breakfast		cc	cc	cc	cc
Cemetery or mausoleum	cc	cc	cc	cc	
Church		x	x	x	x
Day-care center	cc	cc	cc	cc	
Dwelling, one (1) family	x	x	x	x	
Family home		x	x	x	x
Foster family home		x	x	x	x
Foster group home		cc	cc	cc	cc

VICKREY & ASSOCIATES, Inc.

CONSULTING ENGINEERS & SURVEYORS

7334 Blanco Road • Suite 109 • San Antonio, Texas 78216 (512) 349-3271

TO: Planning Dept.
Main Plaza Bldg. 4th floor
Attn: Ray Ramos

DATE: 4/2/87

PROJECT: Foster Meadows

JOB NO.: 0544-44-12-24

We are sending you:

- X Herewith
- ___ Under Separate Cover
- X By Mail
- X By Messenger
- ___ By ___
- X Tracings
- X Blue Line Prints
- ___ Xerox Copies
- ___ Other ___
- ___ Other ___
- ___ Plans
- ___ Specifications
- ___ Contracts
- ___ Estimate No. ___
- ___ Other ___

NO. OF COPIES	NO. OF SHEETS	LATEST DATE	Revision	DESCRIPTION
5	1	4-1-87	4	Revised PDADP - No. 172

These are sent:

- X As per your request
- X By request of Cynthia Gutierrez, Project Engineer
- ___ For your information
- ___ For signature
- X For construction
- X Other approval

Remarks:

We have revised the location of Unit 4 and will be submitting for plat no. soon. If you have any questions, please call.

Copies of: ___ TO: ___

Received By: William Kaw Date: 4/2/87 Submitted By: Thank you Ruth Hampton

VICKREY & ASSOCIATES, Inc.
CONSULTING ENGINEERS & SURVEYORS
7334 Blanco Road • Suite 109 • San Antonio, Texas 78216
(512) 349-3271

TO: Planning Dept
Attn: Willie Vann

DATE: 4-22-86
PROJECT: Foster Meadows
JOB NO.: 0544-33-14

We are sending you:

- X Herewith
- ___ Under Separate Cover
- ___ By Mail ___
- X By Messenger
- ___ By ___
- ___ Tracings ___
- X Blue Line Prints
- ___ Xerox Copies
- ___ Other ___
- ___ Other ___
- ___ Plans
- ___ Specifications
- ___ Contracts
- ___ Estimate No. ___
- ___ Other ___

NO. OF COPIES	NO. OF SHEETS	LATEST DATE		DESCRIPTION
5	1	2/17/86		Preliminary Overall Area Development Plan

These are sent:

- X As per your request
- ___ By request of ___
- ___ For your information
- ___ For signature
- ___ For construction
- ___ Other ___

Remarks:

Please see if this is the latest plan you have approved. If not, please review as early as possible the revisions for reapproval so that we can submit the Unit 3 plat. If you have any questions please call Anibal Gutierrez.

Copies of: ___ TO: ___

Received By: William Vann Date: ___ Submitted By: Cud Hampton

Thank you

VICKREY & ASSOCIATES, Inc.

CONSULTING ENGINEERS & SURVEYORS

7334 Blanco Road • Suite 109 • San Antonio, Texas 78216

TO: Planning Dept.
Attn: Eddie Guzman

DATE: 4-15-85

PROJECT: Foster Meadows

JOB NO.: 0544-30-04

We are sending you:

- [x] Herewith
- [ ] Under Separate Cover
- [ ] By Mail
- [x] By Messenger
- [ ] By

- [x] Tracings
- [x] Blue Line Prints
- [ ] Xerox Copies
- [ ] Other
- [ ] Other

- [ ] Plans
- [ ] Specifications
- [ ] Contracts
- [ ] Estimate No.
- [ ] Other

NO. OF COPIES	NO. OF SHEETS	LATEST DATE		DESCRIPTION
5	1	4-12-85		P.O.A.D.P. Revised

These are sent:

- [x] As per your request
- [x] By request of Aniba Gutierrez Project Engineer
- [ ] For your information
- [ ] For signature
- [ ] For construction
- [ ] Other

Remarks:

If you have any more comments or questions, please call Mr. Gutierrez.

Copies of:

TO:

Received By:

Date:

Submitted By: Rick Hampton

Thank you

VICKREY & ASSOCIATES, Inc.
CONSULTING ENGINEERS & SURVEYORS
7334 Blanco Road • Suite 109 • San Antonio, Texas 78216
(512) 349-3271

TO: Planning Dept.
Attn: Roy Ramos

DATE: 3-12-85
PROJECT: Foster Meadows
JOB NO.: 0544-30-04

We are sending you:

- X Herewith
- ___ Under Separate Cover
- ___ By Mail
- X By Messenger
- ___ By
- ___ Tracings
- X Blue Line Prints
- ___ Xerox Copies
- ___ Other
- ___ Other
- ___ Plans
- ___ Specifications
- ___ Contracts
- ___ Estimate No.
- ___ Other

NO. OF COPIES	NO. OF SHEETS	LATEST DATE		DESCRIPTION
1	1			Copy of Original Master Plan by Harry Jewett Eng.
1	1			POADP for Lakeside

RECEIVED
1985 MAR 12 PM 2:44
DEPT. OF PLANNING
CURRENT PLANNING
SECTION

These are sent:

- X As per your request
- X By request of Anibal Gutiérrez Project Engineer
- ___ For your information
- ___ For signature
- ___ For construction
- ___ Other

Remarks:

The Original master plan for Lakeside was done by Harry Jewett. The POADP that we prepared was only for the area that ~~they~~ the developers knew they would develop at that ~~of~~ time.

Copies of: ___ TO: ___

Received By: Lite Gay Date: ___ Submitted By: Ruth Hampton

Thanks

VICKREY & ASSOCIATES, Inc.

CONSULTING ENGINEERS & SURVEYORS

7334 Blanco Road • Suite 109 • San Antonio, Texas 78216

(512) 349-3271

TO: Planning Dept.
Attn: Eddie Guzman

DATE: 3-4-85

PROJECT: Foster Meadows Subd

JOB NO.: 0544-30-04

We are sending you:

- X Herewith
- ___ Under Separate Cover
- ___ By Mail
- X By Messenger
- ___ By

- ___ Tracings
- X Blue Line Prints
- ___ Xerox Copies
- ___ Other
- ___ Other

- ___ Plans
- ___ Specifications
- ___ Contracts
- ___ Estimate No.
- ___ Other

NO. OF COPIES	NO. OF SHEETS	LATEST DATE		DESCRIPTION
5	1			Prel. Overall Area Dev. Plan

RECEIVED
1985 MAR -4 PM 3:32
DEPT. OF PLANNING
CURRENT PLANNING
SECTION

These are sent:

- ___ As per your request
- X By request of Anibal Gutierrez, Project Engineer
- ___ For your information
- ___ For signature
- ___ For construction
- X Other approval.

Remarks:

If you have any questions or comments, please call Mr Gutierrez.

Copies of:

TO:

Received By: William Kamp

Date:

Submitted By: Ruth Hampton

Thank you

REVISIONS.

Relocated UNIT-#5

Reconstructed UNIT-3

ADDed drainage ROW ON UNIT-3

Committee met Mar. 22, 1985

Rec. minimize lots fronting on collector. proposal takes into consideration that some lots already front on Sinclair. also rec. north-south - east west up grade to collector standard.

Ray is this plan complete?

Prepare response.

Notified Anibal Gutierrez 3/11/85. I requested a copy of the Lakeside plan. He does not know the ownership of the adjacent property owners. He does not know if Morton/Southwest has an agreement with adjacent property owners to extend stub streets to the south.