

**CITY OF SHAVANO PARK
PLANNING & ZONING COMMISSION MEETING
CITY HALL, COUNCIL CHAMBERS
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231
November 7, 2018**

**6:30 P.M.
AGENDA**

1. Call to order
2. Vote under Section 36-69 of the Shavano Park City Code (“Code”) concerning a finding that each of the items following item 2 on the agenda are “planning issues” or otherwise prescribed Planning & Zoning Commission duties under 36-69(1) of the Code or the severance of one or more of such items for an individual vote on such item or items.
3. Citizens to be heard – Rules for Citizen’s Comments: The Planning & Zoning Commission welcomes citizen participation and comments at all of their meetings. As a courtesy to your fellow citizens and out of respect to Board members; we request that if you wish to speak that you follow these guidelines.
 - A. Direct your comments to the entire Board, not to an individual member;
 - B. Limit your discussion to one or two issues that you wish to address rather than a generalized statement; and
 - C. Show the Board the same respect and courtesy that you expect to be shown to you.
 - D. As stated in Resolution No. 04-11, residents are given three (3) minutes to speak during Citizens to be heard. Residents are only allowed to speak once and cannot pass their time allotment to someone else.

The Presiding Officer will rule any disruptive behavior, including shouting or derogatory statements or comments, out of order. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Note: The Commission may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time; however, the Board may present any factual response to items brought up by citizens [Attorney General Opinion – JC 0169]

4. Consent Agenda:
 - A. Approval – Planning & Zoning Commission minutes, October 3, 2018
5. Nomination and appointment of Chairman.
6. Nomination and appointment of Vice-chairman.
7. Discussion – Welcome new members and thanks to departing members and information on open meeting and open records training – City Manager Hill.

8. Public Hearing – Proposed re-plat of Lot 2143, Block 35, CB 4784 of the Shavano Park Unit-19C Phase II (PUD) and Lots 2160 and 2161, Block 35, CB 4784 of the Shavano Park Unit-19C Phase IV (PUD) to combine into new Lot 2164 – City Manager Hill.
9. Discussion / action – Proposed re-plat of Lot 2143, Block 35, CB 4784 of the Shavano Park Unit-19C Phase II (PUD) and Lots 2160 and 2161, Block 35, CB 4784 of the Shavano Park Unit-19C Phase IV (PUD) to combine into new Lot 2164 – City Manager Hill.
10. Report / update – City Council items considered at previous City Council meetings and discussion concerning the same – City Manager Hill.
11. Chairman Announcements:
 - A. Advise members to contact City staff to add new or old agenda items.
 - B. Advise members of pending agenda items, as follows:
 - i. December – Discussion regarding possible changes in the City’s ordinances regarding minimum gate width in Residential Zoning District A-1.
 - ii. December – Discussion regarding possible changes in the City’s ordinances regarding landscaping and trees in commercial zoning districts.
 - iii. February, 2019 – Semiannual presentation by Denton Communities regarding residential and commercial development in Shavano Park and surrounding areas and discussion concerning the same.
12. Adjournment

Accessibility Statement:

The City of Shavano Park City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in the front and sides of the building. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the A.D.A. Coordinator at 817-447-5400 or TDD 1-800-735-2989.

Decorum Required:

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Commission Authorized:

The Planning and Zoning Commission may vote and/or act upon any item within this Agenda. The Commission reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Executive Sessions Authorized:

This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter

551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of City Council or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named Shavano Park Planning and Zoning Commission is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards, of the City Hall of said City Shavano Park, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on October 31st at 3:45 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

ZINA TEDFORD
City Secretary

1. Call to order

Chairman Janssen called the meeting to order at 6:30 p.m.

PRESENT:

Konrad Kuykendall

Albert Aleman

Carla Laws

Bill Simmons

Shawn Fitzpatrick

Kerry Dike

Jason Linahan

Michael Janssen

ABSENT:

Carols Ortiz

2. Vote under Section 36-69 of the Shavano Park City Code (“Code”) concerning a finding that each of the items following item 2 on the agenda are “planning issues” or otherwise prescribed Planning & Zoning Commission duties under 36-69(l) of the Code or the severance of one or more of such items for an individual vote on such item or items.

Upon a motion made by Commissioner Aleman and a second made by Commissioner Dike, the Planning & Zoning Commission voted seven (7) for and none (0) opposed to approve the agenda as it was provided as Planning & Zoning Commission issues. The motion carried.

3. Citizens to be Heard

No one signed up to address the Planning & Zoning Commission at this time.

4. Consent Agenda:**A. Approval – Planning & Zoning Commission minutes, August 1, 2018**

Upon a motion made by Commissioner Linahan and a second made by Commissioner Kuykendall, the Planning & Zoning Commission voted seven (7) for and none (0) opposed to approve the Planning & Zoning Commission August 1, 2018 minutes as presented. The motion carried.

5. Discussion / action – Consider the changes proposed by City Staff to the Local Schools section of the 2018 Town Plan – City Manager Hill.

City Manager Hill discussed an outline of events regarding changes proposed by City Staff in the Local Schools section of the 2018 Town Plan. Commissioner Kuykendall presented a letter on behalf of Commissioner Ortiz, who is unable to attend tonight’s meeting. The letter presented Commissioner Ortiz’s concerns about the additional schools in the area that are not named in the Town. Plan.

Upon a motion made by Commissioner Fitzpatrick and a second made by Commissioner Laws, the Planning & Zoning Commission voted seven (7) for and none (0) opposed to approve revisions to the Local Schools section as recommended by the Planning & Zoning Commission. The motion carried.

6. Discussion / action – Consider change or elimination of the term “Disproportionate aging population” included as one of the Weaknesses in the 2018 Town Plan – City Manager Hill.

Upon a motion made by Commissioner Laws and a second made by Commissioner Simmons, the Planning & Zoning Commission voted seven (7) for and none (0) opposed to approve elimination of the term “Disproportionate aging population” and replace it with the following 2 bullets:

- Limited sales and property tax revenue
- Challenges attracting younger families

The motion carried.

7. Discussion / update – Progress update on drainage improvements by City Staff and discussion on recent flooding experience across City – City Manager Hill.

City Manager Hill and City Engineer Ott presented an update on drainage improvements and then led a discussion regarding the recent flooding experienced in various locations of the City.

8. Report / update – City Council items considered at previous City Council meetings and discussion concerning the same – City Manager Hill.

City Manager Hill provided an overview of items considered at the previous City Council Meeting.

9. Chairman Announcements:

A. Advise members to contact City staff to add new or old agenda items.

B. Advise members of pending agenda items, as follows:

- October Special – Public Hearing and consideration of proposed re-plat of Lot 2143, Block 35, CB 4784 of the Shavano Park Unit-19C Phase II (PUD) and Lots 2160 and 2161, Block 35, CB 4784 of the Shavano Park Unit-19C Phase IV (PUD) to combine into new Lot 2164.
- October Special - Public Hearing and consideration of proposed re-plat of Lot 2188, Block 32, CB 4784 of Shavano Park, Unit-19C, Phase II (PUD) to revise the rear lot line.
- November – Discussion regarding possible changes in the City’s ordinances regarding minimum gate width in Residential Zoning District A-1.
- November – Discussion regarding possible changes in the City’s ordinances regarding landscaping and trees in commercial zoning districts.
- November – Nomination and appointment of Chairman.
- November – Nomination and appointment of Vice-chairman.
- Welcome new members and thanks to department members and presentation on opening meeting and open records training.
- February, 2019 – Semiannual presentation by Denton Communities regarding residential and commercial development in Shavano Park and surrounding areas and discussion concerning the same.

10. Adjournment

Upon a motion made by Commissioner Dike and a second made by Commissioner Kuykendall, the Planning & Zoning Commission voted seven (7) for and none (0) opposed to adjourn the meeting. The meeting adjourned at approximately 8:00 p.m.

MICHAEL JANSSEN
Chairman

ZINA TEDFORD, City Secretary

Public Information and Open Meetings

Charles E. Zech
Denton Navarro Rocha Bernal & Zech, P.C.
San Antonio, Texas

Public Information Act

Section 552.002:

In this chapter, "public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

- (1) by a governmental body;
- (2) for a governmental body and the governmental body:
 - (A) owns the information;
 - (B) has a right of access to the information; or
 - (C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
- (3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Public Information Act

The term “in connection with the transaction of official business” is defined as information

(a-1) created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

The definition of “public information” will now specifically apply to:

(a-2)(a) any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

“Official business” will be defined as

(2-a) any matter over which a governmental body has any authority, administrative duties, or advisory duties.

Public Information Act

(c) The general forms in which the media containing public information exist include a book, paper, letter, document, email, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

Public Information Act

- Bottom line, every e-mail, text message and social media post, written by any government employee that “pertains” to any matter over which the governmental body has authority or some kind of duty, is subject to the Act.
- Public information officers will be responsible for providing these emails, text messages and social media posts to the requestor or the AG for a ruling.

Public Information Act

- Every form of information covered
- Only information in existence at the time
- Compilation and manipulation of data may be necessary
- Protect privileged and confidential information

Request for Information

- ***The Public Can:***
 - request copies of information
 - request to inspect information on-site

Request for Information

- ***Governmental Bodies Can't:***
 - inquire into the requestor's motives
- ***Governmental Bodies Should:***
 - date stamp the request
 - require that requests be made in writing
 - develop a policy and procedure

Governmental Body Responses

- **Must** treat all requests uniformly.
- **Must** make available during business hours.
- **Must** provide copies within reasonable time (10 days).

Violations

- Criminal Penalties.
- Refusing to provide public information: up to 6 months in jail and/or up to \$1,000.
- Providing confidential information: up to 6 months in jail and/or up to \$1,000.

Violations

- Destroying governmental information: up to 3 months in jail and/or up to \$4,000.
- Civil Remedies.
 - Requestor or AG can file suit for writ of mandamus or declaratory judgment action.
 - Winner can recover attorney fees and court costs.

Violations

- Violators of the PIA can be assessed fines up to \$500 per each written request to which the violation applies
- **Plus** up to \$100/day after the 10th day if the violation is not cured
- Requestor must notify the governmental body in writing the governmental body is in violation of specific provision

Exceptions from Release

- Section 552.101 Information Confidential by Law
 - Statutory
 - Medical Records
 - Child Abuse Records
 - Certain EMS Records
 - Doctor/Patient Communications

Exceptions from Release

- Section 552.101 Information Confidential by Law
 - Judicial Decision
 - Common Law Privacy
 - Highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and be of no legitimate concern to the public
 - Certain Financial Information
 - Constitutional Privacy
 - Facts must contain "most intimate aspects of human affairs."

Exceptions from Release

- Section 552.103 Information Related to Litigation
 - Information relating to civil or criminal litigation to which the City is a party or may be a party.

Exceptions from Release

- Section 552.104 Information relating to Competition or Bidding
 - Information which if released would give advantage to a competitor or bidder
- Section 552.105 Information Relating to Location or Price of Property

Exceptions from Release

- Section 552.107 Certain Legal Matters
 - Attorney/Client Privilege
 - Work Product Privilege
 - Attorney Bills

TEXAS OPEN MEETINGS ACT

Open Meetings

- Public business should be conducted in public.
- The general rule is **every** meeting is open to the public.
- Citizens have the right to observe deliberations and votes.
 - No right to choose subject matter
 - No right to speak

Open Meetings

- Meeting

(A) a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action; or

Open Meetings

■ Meeting

- (B) except as otherwise provided by this subdivision, a gathering:
- (i) that is conducted by the governmental body or for which the governmental body is responsible;
 - (ii) at which a quorum of members of the governmental body is present;
 - (iii) that has been called by the governmental body; and
 - (iv) at which the members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the governmental body, about the public business or public policy over which the governmental body has supervision or control.

Open Meetings

■ Meeting

The term does not include the gathering of a quorum of a governmental body at a social function unrelated to the public business that is conducted by the body, or the attendance by a quorum of a governmental body at a regional, state, or national convention or workshop, ceremonial event, or press conference, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, or press conference.

Open Meetings

- Quorum - means a majority of a governmental body, unless defined differently by applicable law or rule or the charter of the governmental body.

Open Meetings

- Requirements
 - Notice
 - Recordation

Agendas

- Who, what, where, when and why
- Notice 72 hours in advance
- Notice must be accessible
- Individual notice not required
- Specificity of notice
- Notice of executive sessions
- Recess

Minutes

- Must keep certified copy of written minutes or a recording for all meetings (both open and closed)
- Minutes must:
 - State the subject of each deliberation; and
 - Indicate each vote, order, decision or other Action taken

Executive Sessions

- Real Property Deliberations
- Security Measures
- Receipt of Gifts
- Personnel Matters
- Economic Development
- Consultation with Attorney
- Individual notes and recordings

Violations

- Conspiracy to circumvent the OMA – Class B
- Calling/participating in an illegal closed session – Class B
- Closed meeting without agenda or tape recording – Class C
- Disclosure of certified agenda or tape recording of closed meeting – Class B + Civil Damages

Violations

- Punishment can include fines and/or jail
- Might create liability for civil damages
- Actions taken are **voidable**
- **Affirmative Defense**

PLANNING AND ZONING STAFF SUMMARY

Meeting Date: November 7, 2018

Agenda item: 8 / 9

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

8. Public Hearing – Proposed Re-plat of Lot 2143, Block 35, CB 4784 of the Shavano Park Unit-19C Phase II (PUD) and Lots 2160 and 2161, Block 35, CB 4784 of the Shavano Park Unit-19C Phase IV (PUD) to combine into new Lot 2164.

9. Discussion / action – Proposed Re-plat of Lot 2143, Block 35, CB 4784 of the Shavano Park Unit-19C Phase II (PUD) and Lots 2160 and 2161, block 35, CB 4784 of the Shavano Park Unit-19C Phase IV (PUD) to combine into new Lot 2164.

X

Attachments for Reference:

- 1) 8a Pape-Dawson Request Letter
- 2) 8b Artist Depiction of Lot after Re-plat
- 3) 8c Third Re-plat Huntington Phase II & IV
- 4) 8d Re-plat Checklist
- 5) 8e Engineer Approval Letter
- 6) 8f Deed Restrictions on re-platted property

BACKGROUND / HISTORY: On September 5, 2018 City staff received Pape-Dawson's request for the proposed re-plat of lots in Huntington Phase II & IV (see attachment 8a).

Letters and paper notice for the public hearing were made on October 23 & 24 respectively, as required by City Ordinance. The City Engineer provided approval of the re-plat on September 11, 2018 (attachment 8e).

Conditions for approving a re-plat request are under Section 28-46 of the City's Code of Ordinances:

Sec. 28-46. - Replatting without vacating a previous plat.

(a) *Conditions.* A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat under the following conditions:

- (1) The replat must be signed and acknowledged by only the owners of the property being replatted.
- (2) The replat does not attempt to alter, amend or remove any covenants or restrictions.
- (3) The replat must be approved by the Planning and Zoning Commission and the City Council after respective public hearings in relation thereto at which interested parties and citizens shall have had an opportunity to be heard.

The purpose of Planning & Zoning (and City Council) review is prescribed in Sec. 28-4 of the City's Ordinances:

Sec. 28-4. - Interpretation and purpose.

- (a) The interpretations and application of the provisions of this chapter shall be deemed to be minimal in nature, and whenever the principles, standards or requirements of any other applicable provision of other ordinances of the City which are higher or more restrictive, the latter shall control; and when circumstances warrant, as determined by the City Council, the City Council shall have the authority to impose more restrictive conditions to this chapter.
- (b) The purpose of this chapter is to achieve orderly urban development through land subdivision; to promote and develop the utilization of land to ensure the best possible community environment in accordance with a comprehensive plan of the City; to provide for adequate municipal services and safe streets; and to protect and promote the public health, safety and general welfare.

DISCUSSION: This proposed action re-plats to combine three residential lots between Wellesley Loop and Kinnan Way in Huntington to create an estate for a large home. Deed restrictions on the property will ensure the new rear facing property line towards Kinnan Way maintains a masonry wall and landscaping in a 60 foot setback as depicted in attachment 8b. The deed restrictions for the new lot, if approved, are available in attachment 8f.

Pape-Dawson Engineers and Bitterblue will provide further background at the November meeting.

COURSES OF ACTION: Recommend approval or alternatively decline and give guidance to staff on proposed re-plat of Lot 2143, Block 35, CB 4784 of the Shavano Park Unit-19C Phase II (PUD) and Lots 2160 and 2161, block 35, CB 4784 of the Shavano Park Unit-19C Phase IV (PUD) to combine into new Lot 2164.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Recommend approval of proposed re-plat of Lot 2143, Block 35, CB 4784 of the Shavano Park Unit-19C Phase II (PUD) and Lots 2160 and 2161, block 35, CB 4784 of the Shavano Park Unit-19C Phase IV (PUD) to combine into new Lot 2164.



September 5, 2018

City of Shavano Park
Attn: Curtis Leeth
900 Saddletree Ct
San Antonio, TX 78231

Re: Description of Replat
Third Replat of Shavano Park Unit-19C, Phase II

Dear Mr. Leeth:

We are submitting this letter to inform you about the Third Replat of Shavano Park, Unit-19C Phase II. The developer is requesting to eliminate two lot lines between lots 2143, 2160 and 2161. This will combine what is now three existing lots into one new lot 2164.

If you have any questions or require any additional information, please do not hesitate to contact our office at your earliest convenience.

Sincerely,
Pape-Dawson Engineers, Inc.

Andrew Lowry, P.E.
Project Manager

Attachments

P:\8796\10 Word Letters\180905 - ShavanoPark.docx

Denton Communities
...developing a difference.

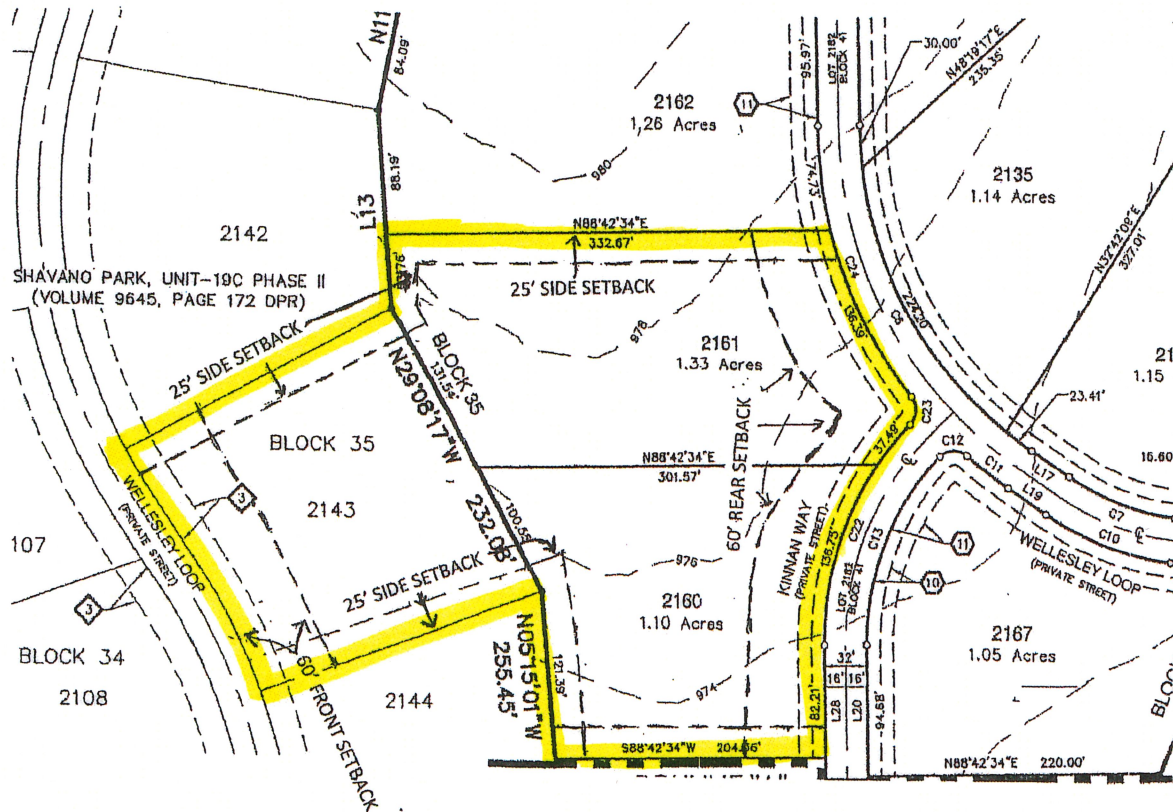


Casady Proposed Lot Consolidations

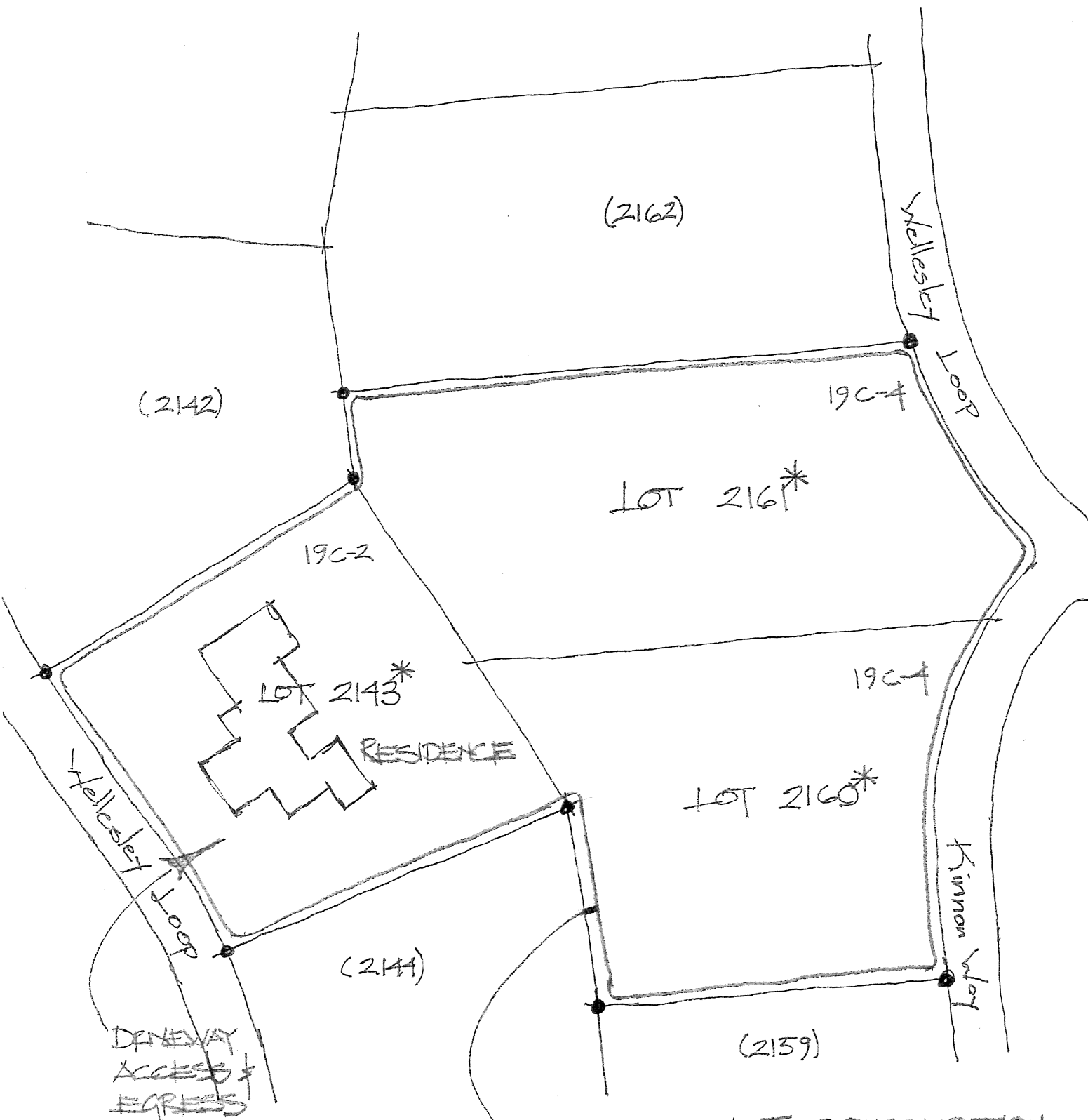
EXHIBIT C-1
FRONT, SIDE AND REAR YARDS, LOT LINES AND SETBACKS

REPLATTED LOT MINIMUM SETBACK REQUIREMENTS	
FRONT SETBACK	SIXTY FEET (60')
SIDE SETBACK	TWENTY-FIVE FEET (25')
REAR SETBACK	SIXTY FEET (60')

- 3 20' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT [VOLUME 9645, PAGES 172-177 DPR]
 10 10' WATER EASEMENT
 11 20' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT



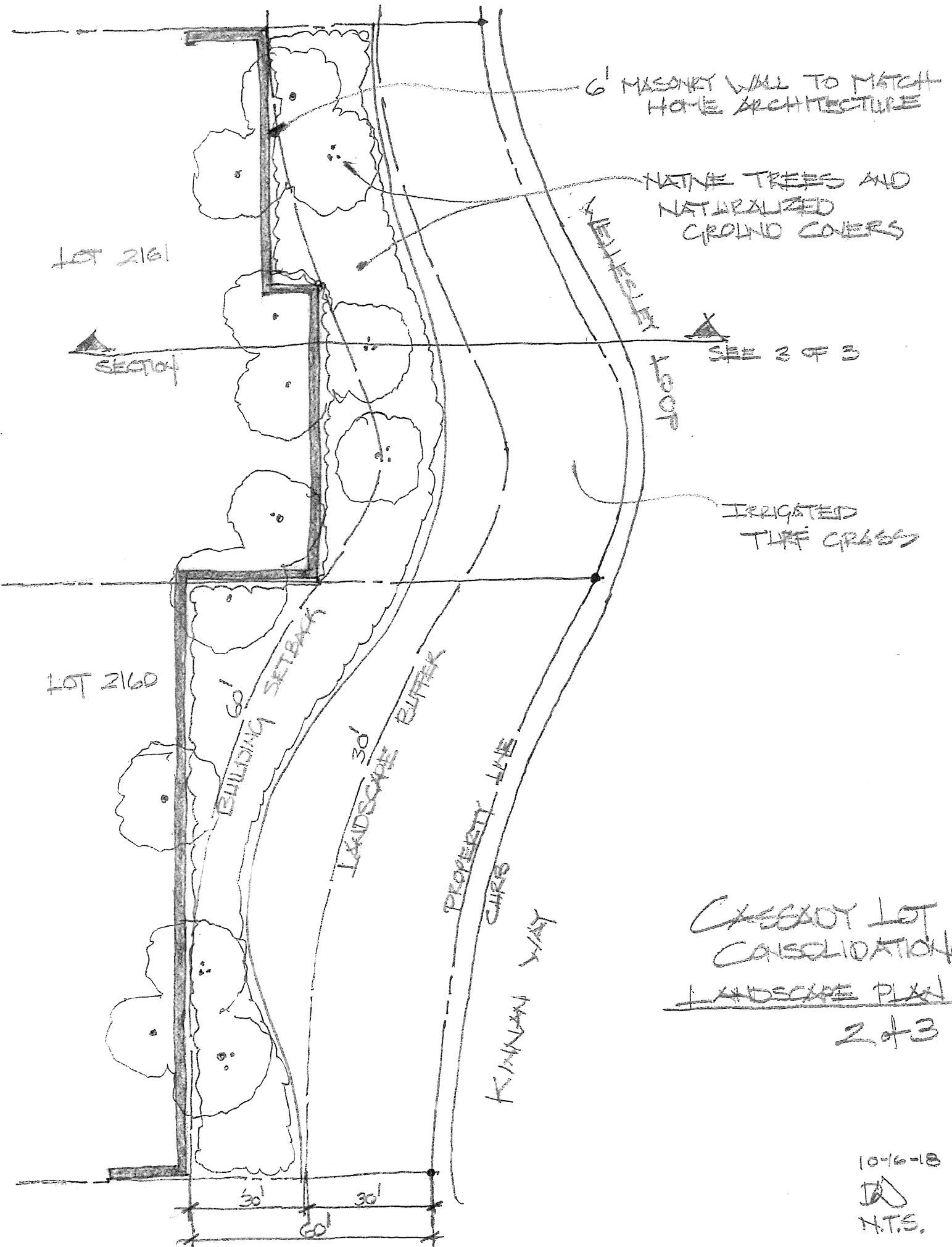
Initialed for Identification
 Buyer WAD
 Seller LAD



* PROPOSED LOT CONSOLIDATION
OF LOTS 2143 WITH
2160 AND 2161

CASSADY LOT CONSOLIDATION
PLAT MAP; UNIT 19C-2 & 19C-4
1 of 3

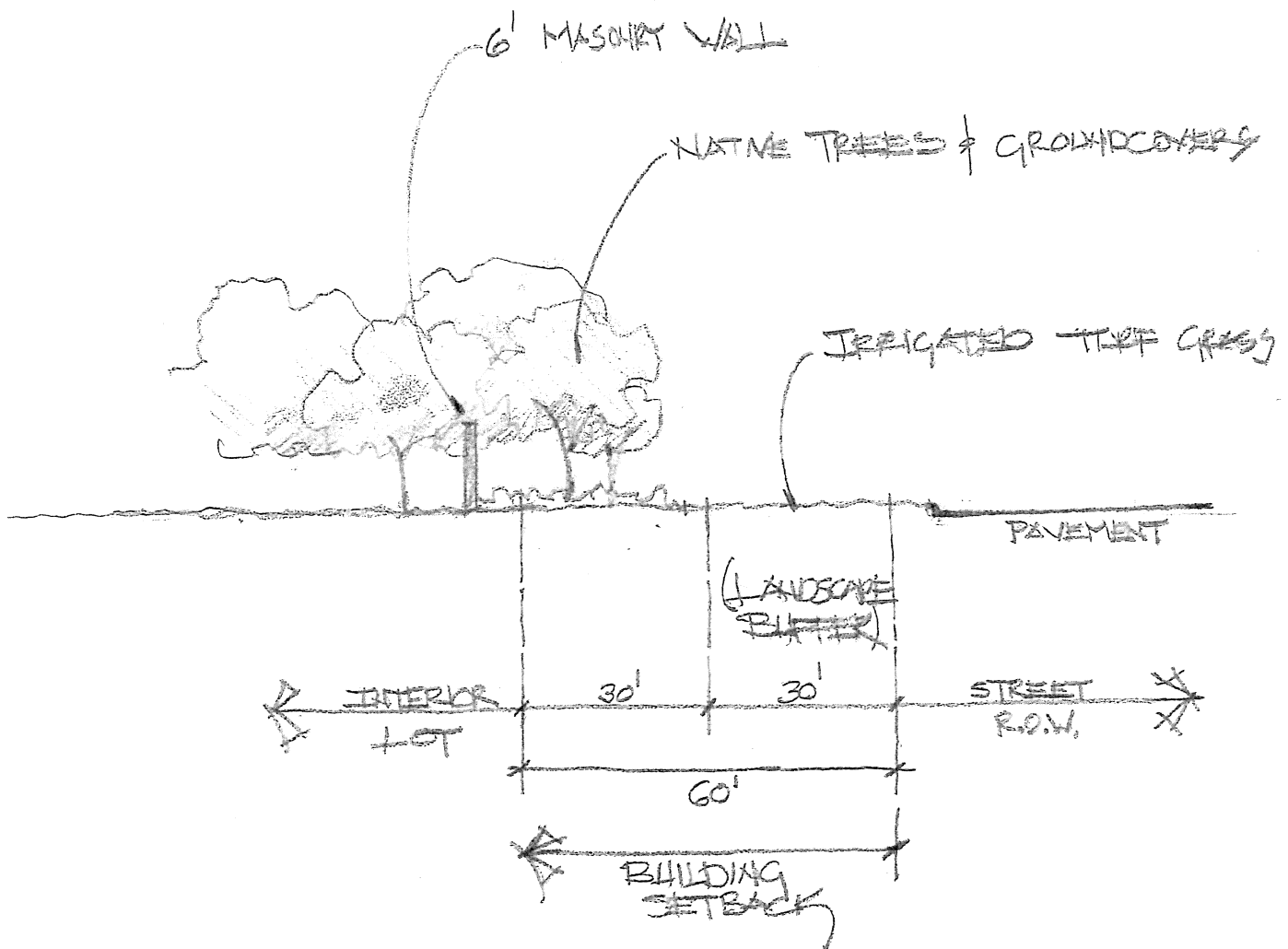
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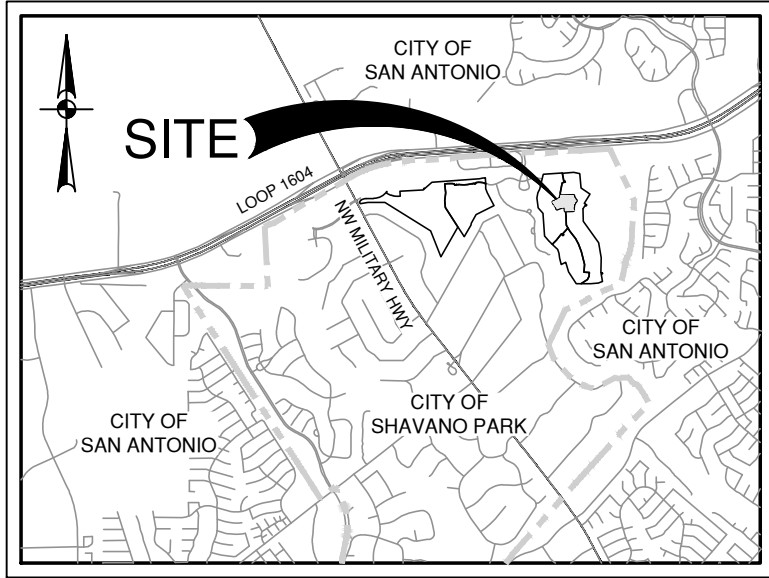
CASSADY LOT CONSOLIDATION

SCHEMATIC SECTION

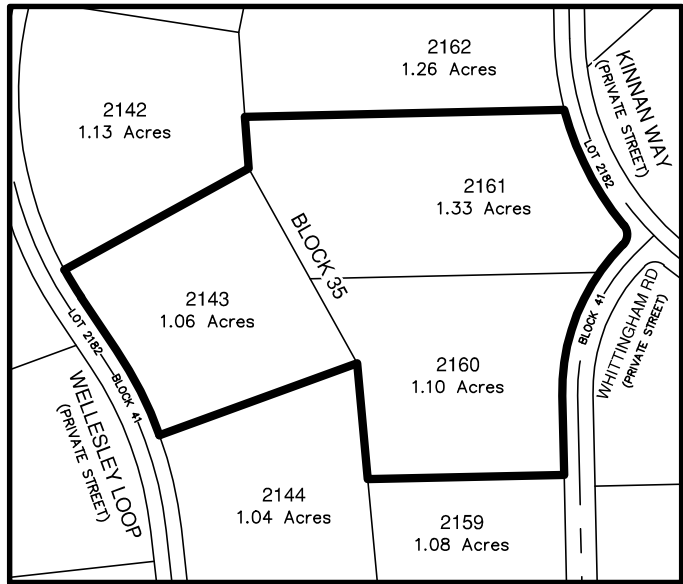
3 of 3



10-16-16
N.T.S.



LOCATION MAP
NOT-TO-SCALE



AREA BEING REPLATTED
THROUGH PUBLIC HEARING
WITH WRITTEN NOTIFICATION

SCALE: 1"=200'

THE 3.49 ACRES BEING REPLATTED WAS PREVIOUSLY PLATTED AS LOT 2143, BLOCK 35, CB 4784, OF THE SHAVANO PARK, UNIT-19C PHASE II, RECORDED IN VOLUME 9645, PAGES 172-177 & LOTS 2160 & 2161, BLOCK 35, CB 4784, OF THE SHAVANO PARK, UNIT-19C PHASE IV (PUD), RECORDED IN VOLUME 20001, PAGES 335-338 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

SAWS IMPACT FEE:

WATER AND/OR WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

CPS/SAWS/COSA UTILITY:

1. THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC, GAS, WATER, AND WASTEWATER SYSTEMS CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SAN ANTONIO WATER SYSTEM (SAWS) IS HEREBY DEDICATED EASEMENTS AND RIGHTS-OF-WAY FOR UTILITY, TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," "GAS EASEMENT," "TRANSFORMER EASEMENT," "WATER EASEMENT," "SANITARY/SEWER EASEMENT" AND/OR "RECYCLEDWATER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING UTILITY INFRASTRUCTURE AND SERVICE FACILITIES FOR THE REASONS DESCRIBED ABOVE. CPS ENERGY AND SAWS SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LANDS FOR THE PURPOSE OF ACCESSING SUCH INFRASTRUCTURE AND SERVICE FACILITIES AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF WATER, SEWER, GAS, AND/OR ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDINGS, STRUCTURES, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.

2. ANY CPS ENERGY OR SAWS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY OR SAWS INFRASTRUCTURE AND SERVICE FACILITIES, LOCATED WITHIN SAID EASEMENTS, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS.

3. THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE TV EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED HEREON.

4. CONCRETE DRIVEWAY APPROACHES ARE ALLOWED WITHIN THE FIVE (5) AND TEN (10) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED ONLY BY UNDERGROUND ELECTRIC AND GAS FACILITIES.

5. ROOF OVERHANGS ARE ALLOWED WITHIN THE FIVE (5) AND TEN (10) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC AND GAS FACILITIES ARE PROPOSED OR EXISTING WITHIN THOSE FIVE (5) AND TEN (10) FOOT WIDE EASEMENTS.

CERTIFICATION OF CITY'S ENGINEER

THE CITY ENGINEER OF THE CITY OF SHAVANO PARK HEREBY CERTIFIES THAT THIS SUBDIVISION PLAT CONFORMS TO ALL THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

CITY ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT, TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SHAVANO PARK PLANNING & ZONING COMMISSION.

LICENSED PROFESSIONAL ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY: PAPE-DAWSON ENGINEERS, INC.

PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

REGISTERED PROFESSIONAL LAND SURVEYOR

LEGEND

- DPR DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- OPR OFFICIAL PUBLIC RECORDS (OFFICIAL PUBLIC RECORDS OF REAL PROPERTY) OF BEXAR COUNTY, TEXAS
- CL CENTERLINE
- (PUD) PLANNED UNIT DEVELOPMENT
- (SURVEYOR) FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)
- SET 1/2" IRON ROD
- EXISTING CONTOURS
- PROPOSED CONTOURS

- 20' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT (VOLUME 20001, PAGES 335-338 DPR)
- 10' WATER EASEMENT (VOLUME 20001, PAGES 335-338 DPR)
- 20' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT (VOLUME 9645, PAGES 172-177 DPR)

STATE OF TEXAS
COUNTY OF BEXAR

THE AREA BEING REPLATTED WAS PREVIOUSLY PLATTED ON PLAT SHAVANO PARK, UNIT-19C PHASE II RECORDED IN VOLUME 9645, PAGES 172-177 & SHAVANO PARK, UNIT-19C PHASE IV (PUD) RECORDED IN VOLUME 20001, PAGES 335-338 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS. THE SHAVANO PARK PLANNING & ZONING COMMISSION AT ITS MEETING OF () HELD A PUBLIC HEARING WHICH INVOLVED NOTIFICATION ON THE PROPOSED REPLATTING OF THIS PROPERTY.

(I/WE), THE OWNER(S) OF THE PROPERTY SHOWN ON THIS REPLAT HEREBY CERTIFY THAT THIS REPLAT DOES NOT AMEND OR REMOVE ANY COVENANTS OR RESTRICTIONS.

OWNER/DEVELOPER: ROGERS SHAVANO PARK UNIT 18/19, LTD.
LLOYD A. DENTON, JR.
11 LYNN BATTS LANE, SUITE 100
SAN ANTONIO, TEXAS 78218
(210) 828-6131

SWORN AND SUBSCRIBED BEFORE ME THIS THE ____ DAY OF ____
A.D. 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____.

SAWS HIGH PRESSURE NOTE:

A PORTION OF THE TRACT IS BELOW GROUND ELEVATION OF 985 FEET WHERE THE STATIC PRESSURE WILL NORMALLY EXCEED 80 PSI. AT ALL SUCH LOCATIONS, THE DEVELOPER OR BUILDER SHALL INSTALL AT EACH LOT, ON THE CUSTOMER'S SIDE OF THE METER, AN APPROVED TYPE PRESSURE REGULATOR IN CONFORMANCE WITH THE PLUMBING CODE OF THE CITY OF SAN ANTONIO.

AQUIFER NOTE:

THIS SUBDIVISION IS WITHIN THE EDWARDS AQUIFER RECHARGE ZONE. DEVELOPMENT WITHIN THIS SUBDIVISION IS SUBJECT TO CHAPTER 34, ARTICLE VI, DIVISION 6 OF THE SAN ANTONIO AND SHAVANO PARK CITY CODE ENTITLED "AQUIFER RECHARGE ZONE AND WATERSHED PROTECTION", OR LATEST REVISIONS THEREOF. ANY REGULATED ACTIVITY MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS RELATING TO DEVELOPMENT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.

PUBLIC WORKS STORM WATER:

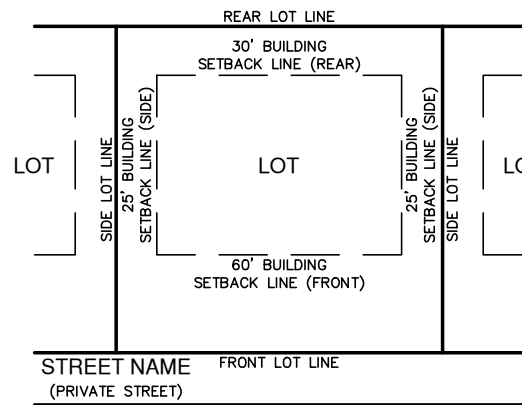
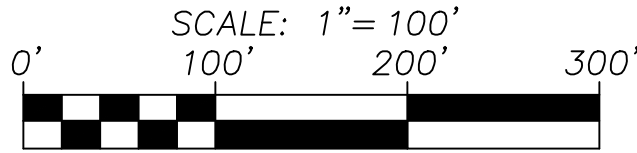
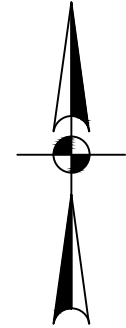
FINISHED FLOOR ELEVATIONS FOR STRUCTURES ON LOTS CONTAINING FLOODPLAIN OR ADJACENT TO THE FLOODPLAIN SHALL BE NO LESS THAN ONE FOOT ABOVE THE BASE FLOOD ELEVATION (BFE) OF THE REGULATORY FLOODPLAIN. NONRESIDENTIAL STRUCTURES SHALL BE ELEVATED OR FLOOD PROOFED TO NO LESS THAN ONE FOOT ABOVE THE BFE OF THE REGULATORY FLOODPLAIN.

INGRESS/EGRESS SEWER:

"THE SAN ANTONIO WATER SYSTEM IS HEREBY GRANTED THE RIGHT OF INGRESS AND EGRESS ACROSS GRANTOR'S ADJACENT PROPERTY TO ACCESS THE WASTEWATER EASEMENT(S) SHOWN ON THIS PLAT"

INGRESS/EGRESS WATER:

"THE SAN ANTONIO WATER SYSTEM IS HEREBY GRANTED THE RIGHT OF INGRESS AND EGRESS ACROSS GRANTOR'S ADJACENT PROPERTY TO ACCESS THE WATER EASEMENT(S) SHOWN ON THIS PLAT"



TYPICAL LOT SETBACKS
NOT-TO-SCALE

SURVEYOR'S NOTES:

- PROPERTY CORNERS ARE MONUMENTED WITH CAP OR DISK MARKED "PAPE-DAWSON" UNLESS NOTED OTHERWISE.
- COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996) FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE CORRS NETWORK.
- DIMENSIONS SHOWN ARE SURFACE.
- BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

CURVE TABLE					
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	316.00'	24°43'47"	S27°12'19"E	135.33'	136.39'
C2	15.00'	84°29'48"	S2°40'42"W	20.17'	22.12'
C3	216.00'	46°13'02"	S21°49'05"W	169.55'	174.24'
C4	416.00'	13°45'00"	N26°54'56"W	99.59'	99.83'
C5	384.00'	5°00'00"	N31°17'26"W	33.50'	33.51'

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N61°12'34"E	219.00'
L2	N4°11'45"W	53.76'
L3	N88°42'34"E	332.67'
L4	S1°17'26"E	82.21'
L5	S88°42'34"W	204.36'
L6	N5°15'01"W	121.39'
L7	S69°57'34"W	219.00'
L8	N33°47'26"W	66.01'

THIRD REPLAT & SUBDIVISION PLAT
OF
SHAVANO PARK, UNIT-19C
PHASE II & PHASE IV (PUD)

BEING A 3.49 ACRE TRACT OF LAND, ESTABLISHED LOT 2164, BLOCK 35, CB 4784, COMPRISED OF LOT 2143, BLOCK 35, CB 4784, OF THE SHAVANO PARK, UNIT-19C PHASE II, RECORDED IN VOLUME 9645, PAGES 172-177 & LOTS 2160 & 2161, BLOCK 35, CB 4784, OF THE SHAVANO PARK, UNIT-19C PHASE IV (PUD), RECORDED IN VOLUME 20001, PAGES 335-338 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS, IN THE CITY OF SHAVANO PARK, BEXAR COUNTY, TEXAS.



SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TYPE FIRM REGISTRATION #4790 | TOLPS FIRM REGISTRATION #10020000
DATE OF PREPARATION: October 19, 2018

STATE OF TEXAS
COUNTY OF BEXAR

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: ROGERS SHAVANO PARK UNIT 18/19, LTD.
LLOYD A. DENTON, JR.
11 LYNN BATTS LANE, SUITE 100
SAN ANTONIO, TEXAS 78218
(210) 828-6131

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED LLOYD A. DENTON, JR., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF ____
A.D. 20__.

NOTARY PUBLIC, BEXAR COUNTY, TEXAS

DATED THIS ____ DAY OF ____, A.D. 20__.

BY: _____ CHAIRMAN

BY: _____ CITY CLERK

THIS PLAT OF SHAVANO PARK, UNIT 19C PHASE II HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS ____ DAY OF ____, A.D. 20__.

BY: _____ MAYOR

BY: _____ CITY CLERK

CITY OF SHAVANO PARK

Preliminary Plat Submittal Checklist

This checklist is to be completed by the developer or his representative and submitted with the preliminary plat and accompanying data. If any areas are incomplete, the plat will not be accepted. Any items labeled N/A must be explained in writing. Shavano Park City Council has asked that all plats be submitted to the City with a brief description of the purpose of the plat or re-plat. Also requested is that an electronic version be sent to the City Secretary at ztedford@shavanopark.org. This checklist does not supersede the City of Shavano Park Development Ordinances.

Name of Subdivision:	<u>Third Replat of Shavano Park, Unit-19C Phase II</u>
Proposed Use of Property:	<u>Residential</u>
Property Description:	<u>Lot 2143, 2160 & 2161, Block 35, CB 4784</u>
(Lot & block, address or location)	<u>Intersection of Kinnan Way and Whittingham Rd.</u>

Owner		Engineer	
Name:	<u>Rogers Shavano Park, Unit 18/19, Ltd.</u>	Name:	<u>Pape-Dawson Engineers, Inc.</u>
Address:	<u>11 Lynn Batts Lane, Suite 100</u>	Address:	<u>2000 NW Loop 410</u>
	<u>San Antonio, Texas. 78218</u>		<u>San Antonio, Texas. 78213</u>
Phone:	<u>(210) 828-6131</u>	Phone:	<u>(210) 375-9000</u>
Fax:	<u>(210) 828-6137</u>	Fax:	<u>(210) 375-9010</u>
Email:	<u>laddiedenton@bitterblue.com</u>	Email:	<u>alowry@pape-dawson.com</u>

Current Zoning:	<u>A-1</u>	Total Acreage:	<u>3.49</u>
Total Platting Fees:	<u></u>	Developable Acreage:	<u>2.02</u>
(Coordinate with Staff)		Greenbelts & Drainage Acreage:	<u>0</u>

S.A.W.S. Sewer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Septic System	<input type="checkbox"/> Yes <input type="checkbox"/> No
S.A.W.S. Water	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Shavano Park Water	<input type="checkbox"/> Yes <input type="checkbox"/> No

	Yes	No	N/A
1. This is an original plat of property	<u></u>	<u>X</u>	<u></u>
2. This is a replat of an existing plat	<u>X</u>	<u></u>	<u></u>
3. If item 1 was answered "No," then:	<u></u>	<u></u>	<u>X</u>
a. this is a vacate and replat	<u></u>	<u>X</u>	<u></u>
b. this is a replat with out vacating	<u>X</u>	<u></u>	<u></u>
c. this is an amending plat	<u></u>	<u>X</u>	<u></u>
d. this is a minor plat	<u></u>	<u>X</u>	<u></u>
4. If item 1 was answered "No," a copy of the original plat is included in the submittal	<u>X</u>	<u></u>	<u></u>
5. The plat is of a Planned Unit Development District (PUD)	<u>X</u>	<u></u>	<u></u>
6. If item 5 was answered "Yes" then include on plat PUD development standards that differ from the base zoning district development standards and include "PUD" in the subdivision name	<u>X</u>	<u></u>	<u></u>

7.	Is a digital copy of plans, plat, forms, and/or letter included in the submittal?	<u>X</u>	<u> </u>	<u> </u>
The following items pertain to the proposed preliminary drawing:				
		Yes	No	N/A
8.	This subdivision is one phase of a larger development	<u>X</u>	<u> </u>	<u> </u>
9.	If item 5 was answered "Yes," a PUD plan is included in this submittal	<u>x</u>	<u> </u>	<u> </u>
10.	Some portion of this property is located over the Edwards Recharge Zone	<u>X</u>	<u> </u>	<u> </u>
11.	If Item 10 was answered "Yes," a Water Pollution Abatement Plan (WPAP) has been prepared for this site	<u>X</u>	<u> </u>	<u> </u>
12.	This site requires offsite drainage or utility improvements	<u> </u>	<u>X</u>	<u> </u>
13.	If item 12 was answered "Yes," 3 copies of the construction plans are included with cost estimate	<u> </u>	<u> </u>	<u>x</u>
14.	The plat is drawn on an 18"x 24" sheet (not a 24"x 36" sheet as incorrectly stated on City Code)	<u>X</u>	<u> </u>	<u> </u>
15.	15 Folded copies of the plat are included	<u>X</u>	<u> </u>	<u> </u>
16.	The plat contains the names, addresses, and Contact information of the owner and engineer	<u>X</u>	<u> </u>	<u> </u>
17.	The plat shows complete bearings and distances on all lot line and easements	<u>x</u>	<u> </u>	<u> </u>
18.	The plat shows the location of the subject property in relation to an original survey corner or public street intersection	<u>X</u>	<u> </u>	<u> </u>
19.	The plat illustrates and identifies all adjacent properties including recording information	<u>X</u>	<u> </u>	<u> </u>
20.	The plat contains the total acreage being platted and individual lot acreage	<u>X</u>	<u> </u>	<u> </u>
21.	The plat shows location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public right-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries	<u>X</u>	<u> </u>	<u> </u>
22.	The plat shows location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, and other sites within or contiguous with the subdivision	<u>X</u>	<u> </u>	<u> </u>
23.	The plat shows location, dimensions, description, and name of all proposed streets, alleys, parks, public areas reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision	<u>X</u>	<u> </u>	<u> </u>

Please provide a copy to city

The following items pertain to the proposed preliminary drawing: Yes No N/A

- | | | | | |
|-----|--|------------|------------|------------|
| 24. | The plat shows the date of preparation, scale of plat and North arrow | <u>X</u> | <u> </u> | <u> </u> |
| 25. | The plat shows the topographical information with contour lines on a basis of two (2) vertical feet in terrain with an average slope of five percent (5%) | <u>X</u> | <u> </u> | <u> </u> |
| 26. | The plat shows a number or letter to identify each lot or site and each block. Said number shall be coordinated by the developer with the Clerk of Bexar County to prevent duplication | <u>X</u> | <u> </u> | <u> </u> |
| 27. | The plat shows front building setback lines on all lots and sites. Side yard building setback lines at street intersection and crosswalk ways and rear building setback lines. | <u>X</u> | <u> </u> | <u> </u> |
| 28. | The plat addresses the required landscape buffer in accordance with Table 6 of the Code of Ordinances | <u>X</u> | <u> </u> | <u> </u> |
| 29. | The plat shows location map at a scale of not more than 4000 feet to an inch which shall show existing adjacent subdivisions and major streets | <u>X</u> | <u> </u> | <u> </u> |
| 30. | The plat shows existing flood plain boundaries | <u> </u> | <u> </u> | <u>X</u> |
| 31. | The proposed platted property is compliant with current zoning regulations | <u>x</u> | <u> </u> | <u> </u> |


I certify that the above statements are true to the best of my knowledge and I further certify that I have read the City of Shavano Park Development Ordinances and this plat meets said ordinances except as notes.

Submitted by:  Date: 9-4-18

Accepted by:  Date: 9-5-18

City Staff Reviewed

City Secretary:  Date: 9-7-18

Fire Marshal:  Date: 6 SEP 18

Public Works / Water Director:  Date: 9/6/18

- Please provide a copy of the approved WAP.

September 11, 2018

City of Shavano Park
Public Works Department
Attn: Curtis Leeth
900 Saddletree Ct
San Antonio, TX 78231



Re: Re-Plat Review Comments
Third Replat and Subdivision plat Shavano Park U-19C ph II

Dear Mr. Leeth,

We have completed our review of the referenced Final Plat as submitted by Pape-Dawson Engineers. We find that the final plat generally conforms to the City of Shavano Park's Ordinances but have the final comment; the title should include "& Phase IV (PUD)". All of the utility purveyors need to be contacted for plat approval since this will modify the address of the property and impact the existing services.

Our review of the plat does not relieve or release the Engineer of Record or Surveyor of Record from complying with any and all the requirements of the local, state, and federal rules and regulations or guidelines impacting this project.

If you have any questions or need additional information please contact me at (210) 979-8444 or rgray@kfwengineers.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rick Gray', is written over the typed name.

Rick Gray, P.E., CFM
Plat Reviewer for the City of Shavano Park

Brenda Armstrong

From: David Rittenhouse
Sent: Tuesday, October 16, 2018 8:14 AM
To: Laddie Denton
Subject: Replat info (Casady): for Shavano Park
Attachments: Replat info for City of Shavano 101618.pdf

Per your request, attached is Exhibit C of the Casady lot contract in which the replat specifications are shown. In particular, fencing setbacks and architectural details are explained with an exhibit included as well. Similar language would be utilized for any additional replats going forward.

Thanks,
David

Denton Communities
...developing a difference.

David Rittenhouse | Land Acquisition & Development Manager

P. 210.828.6131 (EXT.123) F. 210.828.0504 11 Lynn Batts Lane #100 San Antonio, TX 78218

RESIDENTIAL COMMUNITIES
dentoncommunities.com

COMMERCIAL PROPERTIES
thepowellcompanies.com

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EXHIBIT C
RESTRICTIONS

1. **Address.** The Replatted Lot will be designated as and will maintain the current address for Lot 2143: 214 Wellesley Loop.

2. **Front, Side and Rear Lot Lines and Setbacks.** The front, side and rear yards, lot lines and setbacks for the Replatted Lot shall be as depicted on **Exhibit C-1** attached hereto and incorporated herein.

3. **Fencing.** The fencing requirements for the Replatted Lot are as follows:

Fences. No fence or wall shall be built or maintained forward of the front setback line of the main residence. This setback restriction does not apply to decorative walls or fences which are part of the architectural design of the main residence, and which are not to be built or maintained nearer than the building setback line of the Replatted Lot unless otherwise approved in writing by the ACC. All fences or walls located on the Replatted Lot are to be maintained at the expense of the Lot Owner.

(1) The required and permitted fencing which may be installed by Owner on the Replatted Lot are as follows:


(i) **Rear Wall abutting Kinnan Way** - Owner shall construct a masonry wall (not less than six feet (6') in height) behind the 60' rear setback line of the Replatted Lot abutting the private street known as Kinnan Way, and a 5' long masonry return wall measured from the intersection of such rear wall and the common boundary line of Lots 2159 and 2162, Phase IV. Owner shall be responsible for installing and maintaining landscape and irrigation between such masonry wall and Kinnan Way. The plans, including location, design and materials, for all gates and a driveway on the rear of the Replatted Lot are subject to review by the ACC in accordance with the terms of the Master Declaration.

(ii) **Side Fence abutting Lots 2142 and 2144, Phase II** - Owner may construct fencing (behind the 60' front setback line of the Replatted Lot) along the boundary of the Replatted Lot abutting Lots 2142 and 2144, which fencing shall be either masonry, wrought iron, a combination of wrought iron and masonry, or non-climb fencing (as described and depicted on **Exhibit C-2** attached hereto).

(iii) **Side Fence abutting Lots 2159 and 2162, Phase IV** - Owner shall construct the balance of the fencing (from the terminus of the 5' masonry return wall described in Subsection (i) above), along the boundary of the Replatted Lot abutting Lots 2159 and 2162, Phase IV, which fencing shall be either masonry, wrought iron, a combination of wrought iron and masonry, or non-climb fencing (as described and depicted on **Exhibit C-2** attached hereto).

(iv) **Wing Walls and Gates:** Wing walls (fences located between the main structure and any side Lot line) may be all masonry or a combination of masonry and wrought iron. When wrought iron is used, columns shall be placed twenty feet (20') on center and shall be 18"-24" in size.

(2) All masonry used in a fence or wall on the Replatted Lot shall match the primary masonry used on the residence. Wing walls shall have a masonry column adjacent to the side Lot line. All masonry columns shall be six and one-half feet (6' 6") in height and shall be no further than twenty-five feet (25') apart if visible from any street. Masonry columns are required on all street side fencing. All wrought iron used in fencing shall be painted Basalt Green by Devco (1UM20A), black or the same color as the approved trim color of the residence. All gates shall be composed of the same material as the wing wall except for a masonry wing wall where a wrought iron gate will be

Initialed for Identification
Buyer 
Seller LAO

permitted. All wing wall gates shall be wrought iron. No gate shall exceed four feet (4') in width without ACC approval. No fence shall exceed six feet (6') in height unless specifically approved by the ACC and applicable Governmental Authority.

(3) The ACC is empowered to waive the composition requirements for fences and the height or setback limitation in connection with retaining walls and decorative walls if, in its sole discretion, such waiver is advisable in order to accommodate a unique, attractive or advanced building concept, design or material, and the resulting fence, decorative wall and/or retaining wall (whichever is applicable) will not detract from the general appearance of the neighborhood and it meets the requirements of the City or applicable Governmental Authority. Any materials other than wrought iron, masonry, or non-climb fencing materials to be attached to or made part of a fence must be approved in writing by the ACC prior to installation.

(4) No structure, fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner Lot within the triangular area as formed by the extension of curb lines and a line connecting them at points twenty-five feet (25') from the intersection of the curb lines into the street, or in the case of a rounded property corner, from the intersection of the street line extended. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines. Notwithstanding the foregoing, no structures, walls, fences or vegetation higher or greater than two (2) feet in height shall be constructed or maintained on any Lot within an area labeled on the Subdivision Plat as a clear vision easement.

(5) Pool and decking perimeter fencing will be required as safety fencing for pools and spas. These fences must have self-closing and self-latching gates as well as meet all other requirements herein. Pool fencing shall be installed prior to the completion of the construction of the pool.

(6) Owner shall maintain all fencing placed on the Replatted Lot, including the reconstruction or replacement of fences as needed.

4. Other Terms. Except as otherwise expressly modified herein, the Replatted Lot will be subject to and must comply with all other terms and provisions set forth in the Declarations.

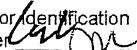
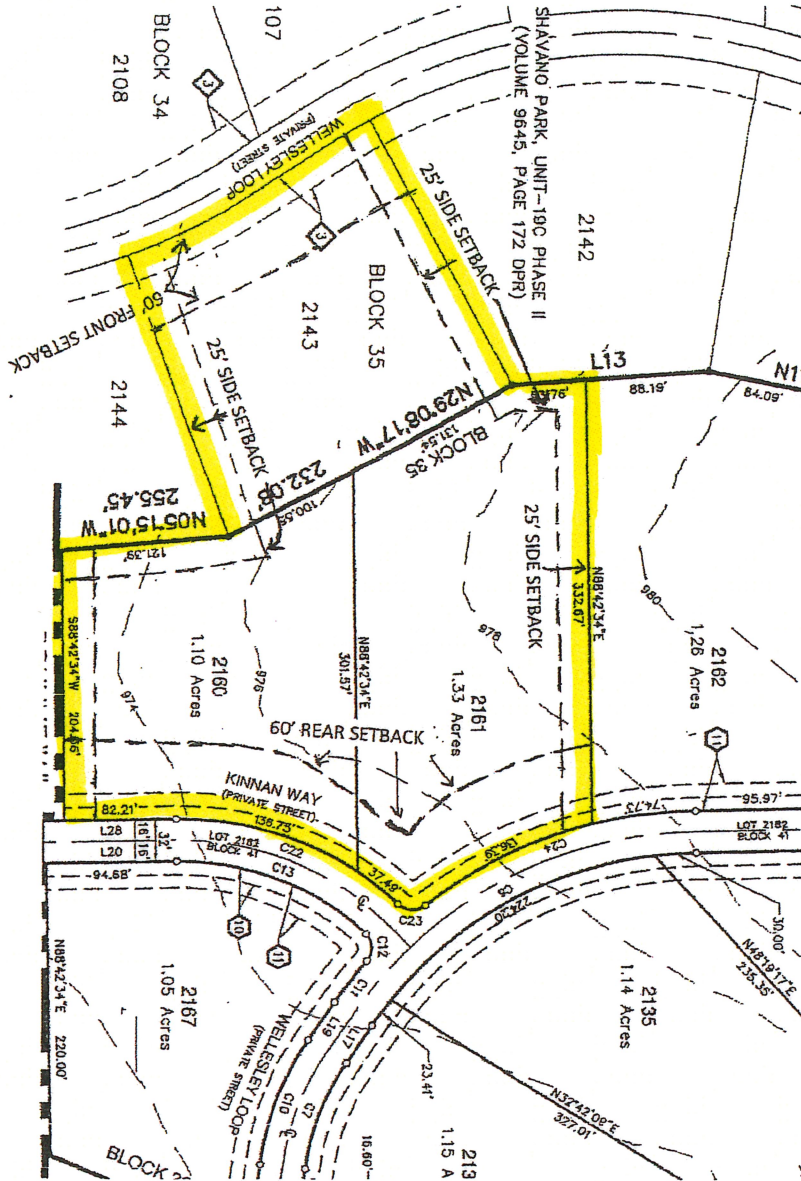
Initialed for identification
Buyer 
Seller LAD

EXHIBIT C-1
FRONT, SIDE AND REAR YARDS, LOT LINES AND SETBACKS



REPLATTED LOT MINIMUM SETBACK REQUIREMENTS	
FRONT SETBACK	SIXTY FEET (60')
SIDE SETBACK	TWENTY-FIVE FEET (25')
REAR SETBACK	SIXTY FEET (60')

- ③ 20' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT (VOLUME 9645, PAGES 172-177 DPR)
- ⑩ 10' WATER EASEMENT
- ⑪ 20' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT

Initialed for identification
 Buyer [Signature]
 Seller LAD