

ORDINANCE NO. 53-2005

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-98 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 13th day of October A.D. 2005.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 13th day of September, 2005, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 25th day of October, 2005, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 25th day of October, A.D. 2005.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

ORDINANCE NO.

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with the maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development District must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space) and PDD-2 (Planned Development) District to PDD (Planned Development District).

That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PART 5: Legal Description. The legal description of this PDD is as follows:

Three tracts out of Survey 46, Blind Asylum Lands, Abilene, Taylor County, Texas.

FIELD NOTES
FOR
A 155.16 ACRE TRACT
OUT OF

THE SOUTHEAST ONE-QUARTER OF SURVEY 46, BLIND ASYLUM LANDS
TAYLOR COUNTY, TEXAS

BEING a 155.16 acre tract out of the Southeast One-Quarter (SE/4) of Survey 46, Blind Asylum Lands, Taylor County, Texas, and being Tract Two conveyed to Morris G. McDonald, Scott G. McDonald, and Cynthia M. Pruitt, recorded in Volume 2567, Page 660, Official Public Records, Taylor County, Texas, said 155.16 acres being more particularly described as follows:

(Basis of Bearings is Grid North, established by GPS observations.)

BEGINNING at a set 1/2" iron rod with plastic cap, stamped "H&T", for the northeast corner of the said SE/4 of Survey 46, being on the west line of the West 1/2 of Section 45, Blind Asylum Lands, Taylor County, Texas, conveyed to David K. Lenz, Sr. and wife, Sarah L. Lenz, recorded in Volume 2131, Page 889, Official Public Records, Taylor County, Texas;

THENCE South 00 degrees 40 minutes 00 seconds West (being the Reference Bearing for this description) for a distance of 2590.02 feet to a found 3/8" iron rod on the north right of way of FM 18 for the southeast corner of this tract, same being the southwest corner of the said Lenz tract, where the calculated southeast corner of the said SE/4 of Survey 46 bears 50.0' South 00 degrees 40 minutes 00 seconds West ;

THENCE North 89 degrees 06 minutes 20 seconds West, along the north right of way of FM 18, for a distance of 2461.04 feet to a set 1/2" iron rod with plastic cap, stamped "H&T" for the southernmost southwest corner of this tract, being a point of intersection of the north right of way of FM 18 and the east right of way of Highway 36, where a found concrete right of way marker bears 1.09' South 47 degrees 18 minutes 21 seconds West;

THENCE North 56 degrees 11 minutes 36 seconds West, along the east right of way of Highway 36, for a distance of 76.34 feet to a wooden fence corner post, for the beginning of a non-tangent curve;

THENCE along a curve to the right, along the east right of way of Highway 36, having a radius of 1820.08 feet and an arc length of 595.01 feet, being subtended by a chord of North 08 degrees 42 minutes 21 seconds West for a distance of 592.36 feet to a found brass right of way marker set in concrete for the end of the non-tangent curve;

THENCE North 00 degrees 52 minutes 10 seconds East, along the west line of the said SE/4 of Survey 46, same being along the east right of way of Highway 36, for a distance of 1964.45 feet to a set 1/2" iron rod with plastic cap, stamped "H&T" for the northwest corner of the said SE/4 of Survey 46;

THENCE South 89 degrees 06 minutes 20 seconds East for a distance of 2614.48 feet to the Point of Beginning, containing 155.16 acres.

FIELD NOTES
FOR
A 76.75 ACRE TRACT
OUT OF

THE NORTHEAST ONE-FOURTH OF SURVEY 46, BLIND ASYLUM LANDS
TAYLOR COUNTY, TEXAS

BEING a 76.75 acre tract out of the Northeast One-Fourth (NE/4) of Survey 46, Blind Asylum Lands, Taylor County, Texas, and being Tract One conveyed to Morris G. McDonald, Scott G. McDonald, and Cynthia M. Pruitt, recorded in Volume 2567, Page 660, Official Public Records, Taylor County, Texas, said 76.39 acres being more particularly described as follows:

(Basis of Bearings is Grid North, established by GPS observations.)

BEGINNING at a set 1/2" iron rod with plastic cap, stamped "H&T", for the southeast corner of the said NE/4 of Survey 46, being on the west line of the West 1/2 of Section 45, Blind Asylum Lands, Taylor County, Texas, conveyed to David K. Lenz, Sr. and wife, Sarah L. Lenz, recorded in Volume 2131, Page 889, Official Public Records, Taylor County, Texas;

THENCE North 89 degrees 06 minutes 20 seconds West for a distance of 2614.48 feet to a set 1/2" iron rod with plastic cap, stamped "H&T", for the southwest corner of the said NE/4 of Survey 46, being on the east line a 36.848 acre tract conveyed to the State of Texas, recorded in Volume 564, Page 560, Deed Records, Taylor County, Texas, for the east right of way of Highway 36;

THENCE North 00 degrees 52 minutes 10 seconds East, along the west line of the said NE/4 of Survey 46, for a distance of 1669.21 feet to a set 1/2" iron rod with plastic cap, stamped "H&T", for the northwest corner of this tract, being on the east line of a tract conveyed to the City of Abilene, Texas, recorded in Volume 829, Page 726, Deed Records, Taylor County, Texas, and being on the south line of the old Texas and Pacific Railroad right of way, being 200' wide as shown on the Texas & Pacific Ry. Co. Right of Way and Track Map, dated Sept. 4, 1956;

THENCE South 72 degrees 29 minutes 46 seconds East, along the south right of way of the old Texas and Pacific Railroad, for a distance of 2725.38 feet to a set 1/2" iron rod with plastic cap, stamped "H&T", for the northeast corner of this tract, being on the west line of the said West 1/2 of Section 45;

THENCE South 00 degrees 40 minutes 00 seconds West (being the Reference Bearing for this description) for a distance of 890.17 feet to the Point of Beginning, containing 76.75 acres.

FIELD NOTES
FOR
A 33.968-ACRE TRACT
OUT OF
THE WEST ONE-HALF OF SECTION 46
BLIND ASYLUM LANDS
TAYLOR COUNTY, TEXAS

BEING a 33.968-acre tract out of the West One-Half (W ½) of Section 46, Blind Asylum Lands, Taylor County, Texas, and being comprised of:

the remainder of the South 20-acres of the Northwest One-Quarter (NW/4) and the North 50-acres of the Southwest One-Quarter (SW/4), of Section 46, conveyed to the City of Abilene, Texas, a municipal corporation, recorded in Volume 467, Page 620, Deed Records, Taylor County, Texas,

together with, the remainder of a Part of the Northwest One-Fourth (NW/4) of Section 46, conveyed to the CITY OF ABILENE, TEXAS, a Municipal Corporation, recorded in Volume 829, Page 726, Deed Records, Taylor County, Texas,

together with, a 1.335-acre tract out the Northwest One-Quarter (NW/4) of Section 46 and a 23.863-acre tract out of the West One-Half (W ½) of Section 46, Blind Asylum Lands, Taylor County, Texas, conveyed to THE CITY OF ABILENE, TEXAS, recorded in Volume 2963, Page 690, Official Public Records, Taylor County, Texas, said 33.968-acres being more particularly described as follows:

BEGINNING at a found ½" iron rod with cap, stamped "H&T", at the intersection of the south line of the old Texas and Pacific Railway Company right of way and the half-line of Section 46, being the northeast corner of the said remainder of the South 20-acres of the NW/4 and the North 50-acres of the SW/4, out of Section 46, same being the northwest corner of a 76.75-acre tract conveyed to the Development Corporation of Abilene, Inc., recorded in Volume 2767, Page 941, and Volume 2767, Page 948, Official Public Records, Taylor County, Texas, for the northeast corner of this tract, where the calculated southeast corner of Section 46 bears 4309' South 00 degrees 52 minutes 10 seconds West and 2624' South 89 degrees 06 minutes 20 seconds East;

THENCE South 00 degrees 52 minutes 10 seconds West (being the Reference Bearing for this description), along the half-line of Section 46, for a distance of 3633.66 feet to a found brass right of way marker, for the end of a curve to the right of the east right of way of old State Highway 36, for the southeast corner of the said 23.863-acre tract, same being an end of curve

point in the west line of a 155.16-acre tract conveyed to the Development Corporation of Abilene, Inc., recorded in Volume 2767, Page 941, and Volume 2767, Page 948, Official Public Records, Taylor County, Texas, for the southeast corner of this tract;

THENCE North 31 degrees 29 minutes 51 seconds West, along the current east right of way of State Highway 36, for a distance of 506.44 feet to a found concrete right of way marker, for an angle point in the west line of the said 23.863-acre tract;

THENCE North 35 degrees 08 minutes 04 seconds West, along the current east right of way of State Highway 36, for a distance of 484.73 feet to a found concrete right of way marker, for an angle point in the west line of the said 23.863-acre tract;

THENCE North 20 degrees 35 minutes 13 seconds West, along the current east right of way of State Highway 36, at a distance of 464.99 feet, pass the intersection point of the north right of way of the old State Highway 36 and the east right of way of Loop 322, continuing for a total distance of 568.18 feet to a found concrete right of way marker, for an angle point in the east right of way of Loop 322, same being an angle point in the west line of the said remainder of the South 20-acres of the NW/4 and the North 50-acres of the SW/4, of Section 46;

THENCE North 28 degrees 07 minutes 05 seconds East, along the east right of way of Loop 322, for a distance of 491.84 feet to a found concrete right of way marker, for a point of right of way curvature, same being a point of curve in the west line of the said remainder of the South 20-acres of the NW/4 and the North 50-acres of the SW/4, of Section 46;

THENCE along the east right of way of Loop 322, being a curve to the left having a radius of 2059.86 feet and an arc length of 60.28 feet, being subtended by a chord of North 31 degrees 22 minutes 04 seconds East for a distance of 60.28 feet to a set ½" iron rod with plastic cap, stamped "H&T", for an angle point of the east right of way of Loop 322, same being the northwest corner of the said remainder of the South 20-acres of the NW/4 and the North 50-acres of the SW/4, of Section 46;

THENCE North 89 degrees 31 minutes 22 seconds East for a distance of 10.13 feet to a point where a found brass right of way marker bears 0.58' North 04 degrees 14 minutes 11 seconds East, for the point of intersection of the east right of way of Loop 322 and the west right of way of the old State Highway 36, same being the southwest corner of the said 1.335-acre tract;

THENCE North 00 degrees 51 minutes 22 seconds East, along the east right of way of Loop 322, for a distance of 17.74 feet to a set ½" iron rod with plastic cap, stamped "H&T", for a point of right of way curvature, same being a point of curve of the west line of the said 1.335-acre tract;

THENCE along the east right of way of Loop 322, being a curve to the left having a radius of 2059.86 feet and an arc length of 1046.16 feet, being subtended by a chord of North 15 degrees

24 minutes 20 seconds East for a distance of 1034.95 feet to a found damaged concrete right of way marker, for the end of right of way curvature, same being a point of curve in the west line of the said remainder of a Part of the NW/4 of Section 46;

THENCE North 00 degrees 51 minutes 22 seconds East, along the east right of way of Loop 322, for a distance of 291.65 feet to a set 30" detachable monument with 2" aluminum cap, stamped "Hibbs & Todd", for the intersection of the east right of way of Loop 322 and the south right of way of the old Texas and Pacific Railway Company right of way, same being the northwest corner of the said remainder of the South 20-acres of the NW/4 and the North 50-acres of the SW/4, out of Section 46;

THENCE South 72 degrees 29 minutes 46 seconds East, along the south line of the old Texas and Pacific Railway Company right of way, for a distance of 146.53 feet to the Point of Beginning, containing 33.968-acres.

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EXHIBIT "A"

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Location:

The northeast corner of Highway 36 and FM 18.

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for commercial and industrial development and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District:

A. Permitted Uses:

1. Assembly
2. Manufacturing
3. Warehousing
4. Offices
5. Animal Lot (private)
6. Cultivation of agricultural products

B. Setbacks:

1. No structures or outdoor storage shall be permitted within 40' of the exterior boundary of the PDD.
2. No structures or outdoor storage shall be permitted within 25' of any property line adjacent to dedicated roads within the PDD.

C. Outdoor Storage:

1. Outdoor storage is prohibited with the exception of the following:
 - a. Items or materials may be stored outdoors if effectively screened from view of any public right-of-way. Screening may be achieved by use of masonry, wood, natural vegetation, plastic or metal materials that appear as masonry or wood, or any combination thereof.
2. Freight containers are prohibited.

D. Signage:

1. Free-standing signs shall comply with the following:
 - a. A maximum of one free-standing sign per business, per street frontage (this does not include any necessary directional or instructive signage) shall be located on-site.
 - b. Free-standing signs shall be monument signs with a maximum height of 10 feet and a maximum area of 100 square feet.
 - c. The sign shall be designed with masonry and/or designed in a manner consistent with the materials used on the building housing the use being identified.
2. Wall Signs shall not exceed 10% of the area of the wall on which the signage is located. In no case shall wall signage exceed 200 square feet in area.
3. Prohibited Signs: Off-site advertising (billboards) and portable signs shall be prohibited.

E. Landscaping:

1. Landscaping shall consist of xeriscape materials and shall be designed and maintained according to xeriscape principles.
2. Landscaping may include the use of berms, trees, shrubs, bushes, or other similar means.
3. Landscaping requirements and design shall be negotiated between the developer and City staff during site plan review. In the event that the parties are unable to agree upon said requirements or design, the developer may file an application to amend this PDD to resolve the outstanding issues.
4. Landscaping shall be provided along the boundary of any parcel in the development where it adjoins the public right-of-way.
5. Clusters of trees should be located along the perimeter of the PDD where it adjoins FM 18, Highway 36, and Loop 322 to provide focal points of visual interest and enhance the appearance of large industrial buildings and outdoor storage. Existing trees and tall shrubs may be preserved to meet this requirement.

F. Driveway Access:

All driveways onto State right-of-way shall comply with State of Texas access management requirements.

G. Airport and Height related Provisions:

The development of this property will be subject to the restrictions stated in the attached Avigation Easement (Exhibit B with its attached exhibits), incorporated herein, or any amendments thereto.

PART 8: Development Schedule. If a subdivision plat for all or a portion of this PDD is not approved within 24 months of the date of this ordinance, the Planning Director shall initiate rezoning of the PDD to the zoning districts as they existed prior to the date of this ordinance.

-END-

EXHIBIT B

CORRECTED AND AMENDED
AVIGATION EASEMENT

WHEREAS, the **CITY OF ABILENE**, a Texas Municipal Corporation, and the **DEVELOPMENT CORPORATION of ABILENE, Inc.** and **BBP BIRD, L.P.**, hereinafter called the Grantors, are the owners in fee of that certain parcel of land situated in the City of Abilene, County of Taylor, State of Texas, more particularly described as follows:

SEE EXHIBIT "A" (TRACTS 1S, 2S, 1N, 2N and 3N), ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

hereinafter called "Grantors' property";

NOW, THEREFORE, in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors, for themselves, their heirs, administrators, executors, successors and assigns, do hereby grant, bargain, sell, and convey unto the City of Abilene, Texas, hereinafter called the Grantee, its successors and assigns, for the use and benefit of the public, an easement and right of way, appurtenant to Abilene Regional Airport (Airport ID: "KABI") for the unobstructed use and passage of all types of aircraft (as hereinafter defined), in and through the airspace above Grantors' property above the imaginary planes rising and extending over Grantors' property, as depicted on attached Exhibit B, said imaginary planes running from the Mean Sea level elevations depicted on Exhibit B above each property line in accordance with the imaginary plane contours depicted on Exhibit "B", to an infinite height above said

imaginary plane.

Said easement shall be appurtenant to and for the benefit of the real property now known as Abilene Regional Airport including any additions thereto wherever located, hereafter made by the City of Abilene or its successors and assigns, guests, and invitees, including any and all persons, firms, or corporations operating aircraft to or from the airport.

Said easement and burden, together with all things which may be alleged to be incident to or resulting from the use and enjoyment of said easement, including, but not limited to the right to cause in all airspace above or in the vicinity of the surface of Grantors' property such noise, vibrations, fumes, deposits of dust or other particulate matter, fuel particles (which are incidental to the normal operation of said aircraft), fear, interference with sleep and communication and any and all other effects that may be alleged to be incident to or caused by the operation of aircraft over or in the vicinity of Grantors' property or in landing at or taking off from, or operating at or on said Abilene Regional Airport is hereby granted; and Grantors do hereby fully waive, remise, and release any right or cause of action which they may now have or which they may have in the future against Grantee, its successor and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on said Abilene Regional Airport.

As used herein, the term "aircraft" shall mean any and all types of aircraft, whether now in existence or hereafter manufactured and developed, to include, but not limited to, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or

future noise levels, for the purpose of transporting persons or property through the air, by whoever owned or operated.

The easement and right-of-way hereby grants to the Grantee the continuing right to prevent the erection or growth upon Grantors' property of any building, structure, tree, or other object, extending into the airspace above the aforesaid imaginary planes, and to remove from said air space, or at the sole option of the Grantee, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects now upon, or which in the future may be upon Grantors' property, together with the right of ingress to, egress from, and passage over Grantors' property for the above purpose.

AND for the consideration hereinabove set forth, the Grantors, for themselves, their heirs, administrators, executors, successors, and assigns, do hereby agree that for and during the life of said easement and right of way, they will not hereafter erect, permit the erection or growth of, or permit or suffer to remain upon Grantors' property any building, structure, tree or other object extending into the airspace above the aforesaid imaginary planes, and that they shall not hereafter use or permit or suffer the use of Grantors' property in such a manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and others, or to permit any use of the Grantors' land that causes a discharge of fumes, dust or smoke so as to impair visibility in the vicinity of the airport or as otherwise to endanger the landing, taking off or maneuvering of aircraft. Grantors furthermore waive all damages and claims for damages caused or alleged to be caused by or incidental to such activities.

TO HAVE AND TO HOLD said easement and right of way, and all rights appertaining thereto

unto the Grantee, its successors, and assigns, until said Abilene Regional Airport shall be abandoned and shall cease to be used for public airport purposes.

It being understood and agreed that the aforesaid covenants and agreements shall run with the land and shall be binding upon the heirs, administrators, executors, successors and assigns of the Grantors until said Abilene Regional Airport shall be abandoned and cease to be used for public airport purposes.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals this 22nd day of August 2005.


This Easement is made to correct said Easement executed by Grantor(s) herein to Grantee(s), dated January 26th, 2005, and recorded in Volume 3053, Page 984, Official Public Records of Taylor County, Texas, wherein by error, mistake or oversight, Exhibit "B" inaccurately illustrates certain gradients and to further amend this easement by adding additional lands all controlled by Exhibit B. This instrument is made by Grantor(s) and accepted by Grantee(s) in order to clarify those conditions, and in all other respects confirming said former Easement, Including the effective date of the previous easement.



Larry Gilley, City Manager for
Grantor, City of Abilene



Richard Burdine, CEO for
Grantor, Development Corporation of
Abilene, Inc.



Charlie Pigeon, President of
BBP Bird Management, LLC,
Managing General Partner of BBP Bird, LP.
Grantor

ACKNOWLEDGMENT

COUNTY OF TAYLOR

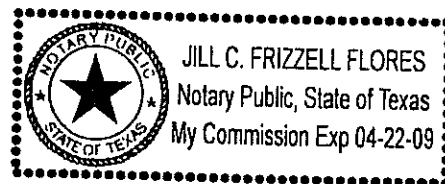
STATE OF TEXAS

BE IT REMEMBERED, that on this 21 day of July, 2005, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Larry Gilley, City Manager for the City of Abilene, Texas and Richard Burdine, CEO of the Development Corporation of Abilene, Inc., who are personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.

Jill C. Frizzell Flores
Notary Public

My commission expires 4-22-09



ACKNOWLEDGMENT

**COUNTY OF TAYLOR
STATE OF TEXAS**

BE IT REMEMBERED, that on this 22nd day of August, 2005, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Charlie Pigeon, President of BBP Bird Management, LLC, Managing General Partner of BBP Bird, L.P. who is personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.

Diane Taylor

Notary Public

My commission expires 12.5.06

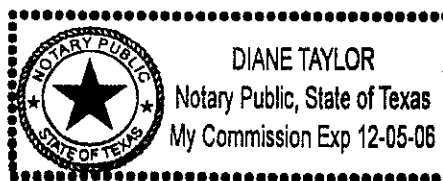


EXHIBIT A
(TRACT 1S)
FIELD NOTES
FOR
TIGE' BOATS ADDITION
ABILENE, TAYLOR COUNTY, TEXAS

BEING TIGE' BOATS ADDITION, ABILENE, TAYLOR COUNTY, TEXAS, and being a 50.990 acre tract out of the Northeast One-Quarter (NE/4) of Section 53, Blind Asylum Lands, Taylor County, Texas, being 16.94 acres (called 16.88 acres) conveyed to the CITY OF ABILENE, a Texas Municipal Corporation, recorded in Volume 976, Page 931, Deed Records, Taylor County, Texas, together with a 34.05 acre tract out of a 94.68 acre tract conveyed as Tract 3 to the Development Corporation of Abilene, Inc., recorded in Volume 2767, Page 941, and Volume 2767, Page 948, Official Public Records, Taylor County, Texas, said TIGE' BOATS ADDITION being more particularly described as follows:

BEGINNING at a found concrete right of way marker for an angle point of the east right of way of State Highway 36 at the intersection of State Highway 36 and F.M. 18 for the westernmost northwest corner of the said 16.94 acre tract, where a found 3/8" iron rod for the southeast corner of the NE/4 of Section 53 bears 2758.10' South 23 degrees 17 minutes 06 seconds East and 1290.10' South 89 degrees 17 minutes 36 seconds East;

THENCE North 33 degrees 47 minutes 54 seconds East, along the eastern right of way of State Highway 36, for a distance of 107.89 (called North 33 degrees 15 minutes East, 108.7 feet) to a set 1/2" iron rod with plastic cap, stamped "H&T", for the northernmost northwest corner of the said 16.94 acre tract, where a found concrete right of way marker bears 1.19' North 38 degrees 03 minutes 27 seconds East;

THENCE South 89 degrees 06 minutes 20 seconds East, along the south right of way of F.M. 18, at 685.94 feet (called 686') pass a found concrete nail for the northeast corner of the said 16.94 acre tract, continuing for a total distance of 1496.74 feet to a set 30" detachable monument with 2" aluminum cap, stamped "Hibbs & Todd", for the northeast corner of this tract, where a found 3/8" iron rod for the northeast corner of the said 94.68 acre tract bears 850.00' South 89 degrees 06 minutes 20 seconds East;

THENCE South 04 degrees 35 minutes 18 seconds East for a distance of 1524.51 feet to a set 30" detachable monument with 2" aluminum cap, stamped "Hibbs & Todd" for the southeast corner of this tract;

TIGE' BOATS ADDITION

THENCE South 66 degrees 42 minutes 54 seconds West for a distance of 967.31 feet to a set 30" detachable monument with 2" aluminum cap, stamped "Hibbs & Todd" on the east right of way of State Highway 36, where a found 3/8" iron rod for the southwest corner of the said 94.68 acre tract bears 759.62' South 23 degrees 17 minutes 06 seconds East;

THENCE North 23 degrees 17 minutes 06 seconds West (being the Reference Bearing for this description), along the east right of way of State Highway 36, at 390.41' pass a found concrete right of way marker, at a distance of 892.12' pass a found 1/2" iron rod with plastic cap, stamped "H&T", for the southernmost corner of the said 16.94 acre tract, continuing for a total distance of 1998.48 feet to the Point of Beginning, containing 50.99 acres.

EXHIBIT A
(TRACT 2S)

BEING a 60.633 acre tract out of the Northeast One-Quarter (NE/4) of Section 53, Blind Asylum Lands, Taylor County, Texas, and being a part of a 94.68 acre tract, recorded in Volume 2767, Page 948, Official Public Records, Taylor County, Texas, being more particularly described as follows:

BEGINNING at found 3/8" iron rod for the southeast corner of the said NE/4 of Section 53, same being the northeast corner of a tract conveyed to Wolfe & Larned, Inc., a Texas corporation, and being on the west line of a 678.97 acre tract conveyed to DODGCO, Inc., a Texas non-profit corporation, recorded in Volume 2508, Page 937, Official Public Records, Taylor County Texas.

THENCE North 89 degrees 17 minutes 36 seconds West along the south line of the said NE/4 of section 53 for a distance of 1290.10 feet (Bearing Line) to a found 3/8" iron rod on the east right of way of Highway 36 for the southwest corner of this tract, same being the northwest corner of 2.0 acre tract conveyed to Marvin L. Dean and wife, Myra A. Dean, recorded in Volume 1289, Page 600, Deed Records, Taylor County, Texas;

THENCE North 23 degrees 17 minutes 06 seconds West along the east right of way of Highway 36 for a distance of 759.62 feet to a 30 inch detachable monument with 2 inch aluminum cap stamped "Hibbs & Todd," being the southwest corner of Tige' Boats Addition as recorded in Plat Cab 3, Slide 715, Plat Records, Taylor County Texas;

THENCE North 66 degrees 42 minutes 54 seconds East along said Tige' Boats Addition for a distance of 967.31 feet to a 30 inch detachable monument with 2 inch aluminum cap stamped "Hibbs & Todd," same being southeast corner of said Tige Boat Addition;

THENCE North 04 degrees 35 minutes 18 seconds West along said Tige' Boats Addition for a distance of 1524.51 feet to a 30 inch detachable monument with 2 inch aluminum cap stamped "Hibbs & Todd," same being the northeast corner of said Tige' Boats Addition and south right of way of FM 18;

THENCE South 89 degrees 06 minutes 20 seconds East along the south right of way of FM 18 for a distance of 850 feet to a found 3/8 inch iron rod for the northeast corner of this tract, being an angle point of south right of way of FM 18, from whence the calculated northeast corner of the said NE/4 of Section 53 bears 50.0' North 00 degrees 34 minutes 35 seconds East;

THENCE South 00 degrees 34 minutes 35 seconds West, along the east line of the said NE/4 of Section 53, at 40' pass an angle point of the south right of way of FM 18, continuing for a total distance of 2602.53 feet to Point of Beginning, and containing 60.633 acres of land.

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FIELD NOTES
FOR
A 33.968-ACRE TRACT
OUT OF
THE WEST ONE-HALF OF SECTION 46
BLIND ASYLUM LANDS
TAYLOR COUNTY, TEXAS

BEING a 33.968-acre tract out of the West One-Half (W ½) of Section 46, Blind Asylum Lands, Taylor County, Texas, and being comprised of:

the remainder of the South 20-acres of the Northwest One-Quarter (NW/4) and the North 50-acres of the Southwest One-Quarter (SW/4), of Section 46, conveyed to the City of Abilene, Texas, a municipal corporation, recorded in Volume 467, Page 620, Deed Records, Taylor County, Texas,

together with, the remainder of a Part of the Northwest One-Fourth (NW/4) of Section 46, conveyed to the CITY OF ABILENE, TEXAS, a Municipal Corporation, recorded in Volume 829, Page 726, Deed Records, Taylor County, Texas,

together with, a 1.335-acre tract out the Northwest One-Quarter (NW/4) of Section 46 and a 23.863-acre tract out of the West One-Half (W ½) of Section 46, Blind Asylum Lands, Taylor County, Texas, conveyed to THE CITY OF ABILENE, TEXAS, recorded in Volume 2963, Page 690, Official Public Records, Taylor County, Texas, said 33.968-acres being more particularly described as follows:

BEGINNING at a found ½" iron rod with cap, stamped "H&T", at the intersection of the south line of the old Texas and Pacific Railway Company right of way and the half-line of Section 46, being the northeast corner of the said remainder of the South 20-acres of the NW/4 and the North 50-acres of the SW/4, out of Section 46, same being the northwest corner of a 76.75-acre tract conveyed to the Development Corporation of Abilene, Inc., recorded in Volume 2767, Page 941, and Volume 2767, Page 948, Official Public Records, Taylor County, Texas, for the northeast corner of this tract, where the calculated southeast corner of Section 46 bears 4309' South 00 degrees 52 minutes 10 seconds West and 2624' South 89 degrees 06 minutes 20 seconds East;

THENCE South 00 degrees 52 minutes 10 seconds West (being the Reference Bearing for this description), along the half-line of Section 46, for a distance of 3633.66 feet to a found brass right of way marker, for the end of a curve to the right of the east right of way of old State Highway 36, for the southeast corner of the said 23.863-acre tract, same being an end of curve

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A 33.968-ACRE TRACT

point in the west line of a 155.16-acre tract conveyed to the Development Corporation of Abilene, Inc., recorded in Volume 2767, Page 941, and Volume 2767, Page 948, Official Public Records, Taylor County, Texas, for the southeast corner of this tract;

THENCE North 31 degrees 29 minutes 51 seconds West, along the current east right of way of State Highway 36, for a distance of 506.44 feet to a found concrete right of way marker, for an angle point in the west line of the said 23.863-acre tract;

THENCE North 35 degrees 08 minutes 04 seconds West, along the current east right of way of State Highway 36, for a distance of 484.73 feet to a found concrete right of way marker, for an angle point in the west line of the said 23.863-acre tract;

THENCE North 20 degrees 35 minutes 13 seconds West, along the current east right of way of State Highway 36, at a distance of 464.99 feet, pass the intersection point of the north right of way of the old State Highway 36 and the east right of way of Loop 322, continuing for a total distance of 568.18 feet to a found concrete right of way marker, for an angle point in the east right of way of Loop 322, same being an angle point in the west line of the said remainder of the South 20-acres of the NW/4 and the North 50-acres of the SW/4, of Section 46;

THENCE North 11 degrees 24 minutes 27 seconds East, along the east right of way of Loop 322, for a distance of 535.29 feet to a found concrete right of way marker, for an angle point in the west line of the said remainder of the South 20-acres of the NW/4 and the North 50-acres of the SW/4, of Section 46;

THENCE North 28 degrees 07 minutes 05 seconds East, along the east right of way of Loop 322, for a distance of 491.84 feet to a found concrete right of way marker, for a point of right of way curvature, same being a point of curve in the west line of the said remainder of the South 20-acres of the NW/4 and the North 50-acres of the SW/4, of Section 46;

THENCE along the east right of way of Loop 322, being a curve to the left having a radius of 2059.86 feet and an arc length of 60.28 feet, being subtended by a chord of North 31 degrees 22 minutes 04 seconds East for a distance of 60.28 feet to a set 1/2" iron rod with plastic cap, stamped "H&T", for an angle point of the east right of way of Loop 322, same being the northwest corner of the said remainder of the South 20-acres of the NW/4 and the North 50-acres of the SW/4, of Section 46;

THENCE North 89 degrees 31 minutes 22 seconds East for a distance of 10.13 feet to a point where a found brass right of way marker bears 0.58' North 04 degrees 14 minutes 11 seconds East, for the point of intersection of the east right of way of Loop 322 and the west right of way of the old State Highway 36, same being the southwest corner of the said 1.335-acre tract;

THENCE North 00 degrees 51 minutes 22 seconds East, along the east right of way of Loop 322, for a distance of 17.74 feet to a set 1/2" iron rod with plastic cap, stamped "H&T", for a point of right of way curvature, same being a point of curve of the west line of the said 1.335-acre tract;

THENCE along the east right of way of Loop 322, being a curve to the left having a radius of 2059.86 feet and an arc length of 1046.16 feet, being subtended by a chord of North 15 degrees

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A 33.968-ACRE TRACT

24 minutes 20 seconds East for a distance of 1034.95 feet to a found damaged concrete right of way marker, for the end of right of way curvature, same being a point of curve in the west line of the said remainder of a Part of the NW/4 of Section 46;

THENCE North 00 degrees 51 minutes 22 seconds East, along the east right of way of Loop 322, for a distance of 291.65 feet to a set 30" detachable monument with 2" aluminum cap, stamped "Hibbs & Todd", for the intersection of the east right of way of Loop 322 and the south right of way of the old Texas and Pacific Railway Company right of way, same being the northwest corner of the said remainder of the South 20-acres of the NW/4 and the North 50-acres of the SW/4, out of Section 46;

THENCE South 72 degrees 29 minutes 46 seconds East, along the south line of the old Texas and Pacific Railway Company right of way, for a distance of 146.53 feet to the Point of Beginning, containing 33.968-acres.

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FIELD NOTES
FOR
A 155.16 ACRE TRACT
OUT OF
THE SOUTHEAST ONE-QUARTER OF SURVEY 46, BLIND ASYLUM LANDS
TAYLOR COUNTY, TEXAS

BEING a 155.16 acre tract out of the Southeast One-Quarter (SE/4) of Survey 46, Blind Asylum Lands, Taylor County, Texas, and being Tract Two conveyed to Morris G. McDonald, Scott G. McDonald, and Cynthia M. Pruitt, recorded in Volume 2567, Page 660, Official Public Records, Taylor County, Texas, said 155.16 acres being more particularly described as follows:

(Basis of Bearings is Grid North, established by GPS observations.)

BEGINNING at a set 1/2" iron rod with plastic cap, stamped "H&T", for the northeast corner of the said SE/4 of Survey 46, being on the west line of the West 1/2 of Section 45, Blind Asylum Lands, Taylor County, Texas, conveyed to David K. Lenz, Sr. and wife, Sarah L. Lenz, recorded in Volume 2131, Page 889, Official Public Records, Taylor County, Texas;

THENCE South 00 degrees 40 minutes 00 seconds West (being the Reference Bearing for this description) for a distance of 2590.02 feet to a found 3/8" iron rod on the north right of way of FM 18 for the southeast corner of this tract, same being the southwest corner of the said Lenz tract, where the calculated southeast corner of the said SE/4 of Survey 46 bears 50.0' South 00 degrees 40 minutes 00 seconds West ;

THENCE North 89 degrees 06 minutes 20 seconds West, along the north right of way of FM 18, for a distance of 2461.04 feet to a set 1/2" iron rod with plastic cap, stamped "H&T" for the southernmost southwest corner of this tract, being a point of intersection of the north right of way of FM 18 and the east right of way of Highway 36, where a found concrete right of way marker bears 1.09' South 47 degrees 18 minutes 21 seconds West;

THENCE North 56 degrees 11 minutes 36 seconds West, along the east right of way of Highway 36, for a distance of 76.34 feet to a wooden fence corner post, for the beginning of a non-tangent curve;

THENCE along a curve to the right, along the east right of way of Highway 36, having a radius of 1820.08 feet and an arc length of 595.01 feet, being subtended by a

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**A 155.16 ACRE TRACT
OUT OF
THE SOUTHEAST ONE-QUARTER OF SURVEY 46, BLIND ASYLUM LANDS
TAYLOR COUNTY, TEXAS**

chord of North 08 degrees 42 minutes 21 seconds West for a distance of 592.36 feet to a found brass right of way marker set in concrete for the end of the non-tangent curve;

THENCE North 00 degrees 52 minutes 10 seconds East, along the west line of the said SE/4 of Survey 46, same being along the east right of way of Highway 36, for a distance of 1964.45 feet to a set 1/2" iron rod with plastic cap, stamped "H&T" for the northwest corner of the said SE/4 of Survey 46;

THENCE South 89 degrees 06 minutes 20 seconds East for a distance of 2614.48 feet to the Point of Beginning, containing 155.16 acres.

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**FIELD NOTES
FOR
A 76.75 ACRE TRACT
OUT OF
THE NORTHEAST ONE-FOURTH OF SURVEY 46, BLIND ASYLUM LANDS
TAYLOR COUNTY, TEXAS**

BEING a 76.75 acre tract out of the Northeast One-Fourth (NE/4) of Survey 46, Blind Asylum Lands, Taylor County, Texas, and being Tract One conveyed to Morris G. McDonald, Scott G. McDonald, and Cynthia M. Pruitt, recorded in Volume 2567, Page 660, Official Public Records, Taylor County, Texas, said 76.39 acres being more particularly described as follows:

(Basis of Bearings is Grid North, established by GPS observations.)

BEGINNING at a set 1/2" iron rod with plastic cap, stamped "H&T", for the southeast corner of the said NE/4 of Survey 46, being on the west line of the West 1/2 of Section 45, Blind Asylum Lands, Taylor County, Texas, conveyed to David K. Lenz, Sr. and wife, Sarah L. Lenz, recorded in Volume 2131, Page 889, Official Public Records, Taylor County, Texas;

THENCE North 89 degrees 06 minutes 20 seconds West for a distance of 2614.48 feet to a set 1/2" iron rod with plastic cap, stamped "H&T", for the southwest corner of the said NE/4 of Survey 46, being on the east line a 36.848 acre tract conveyed to the State of Texas, recorded in Volume 564, Page 560, Deed Records, Taylor County, Texas, for the east right of way of Highway 36;

THENCE North 00 degrees 52 minutes 10 seconds East, along the west line of the said NE/4 of Survey 46, for a distance of 1669.21 feet to a set 1/2" iron rod with plastic cap, stamped "H&T", for the northwest corner of this tract, being on the east line of a tract conveyed to the City of Abilene, Texas, recorded in Volume 829, Page 726, Deed Records, Taylor County, Texas, and being on the south line of the old Texas and Pacific Railroad right of way, being 200' wide as shown on the Texas & Pacific Ry. Co. Right of Way and Track Map, dated Sept. 4, 1956;

THENCE South 72 degrees 29 minutes 46 seconds East, along the south right of way of the old Texas and Pacific Railroad, for a distance of 2725.38 feet to a set 1/2" iron rod with plastic cap, stamped "H&T", for the northeast corner of this tract, being on the west line of the said West 1/2 of Section 45.

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**A 76.75 ACRE TRACT
OUT OF
THE NORTHEAST ONE-FOURTH OF SURVEY 46, BLIND ASYLUM LANDS
TAYLOR COUNTY, TEXAS**

THENCE South 00 degrees 40 minutes 00 seconds West (being the Reference Bearing for this description) for a distance of 890.17 feet to the Point of Beginning, containing 76.75 acres.

COMPARED

Filed for Record in:
Taylor County

On: Aug 24, 2005 at 03:00P

As a
Recording Fee

Document Number: 05016757

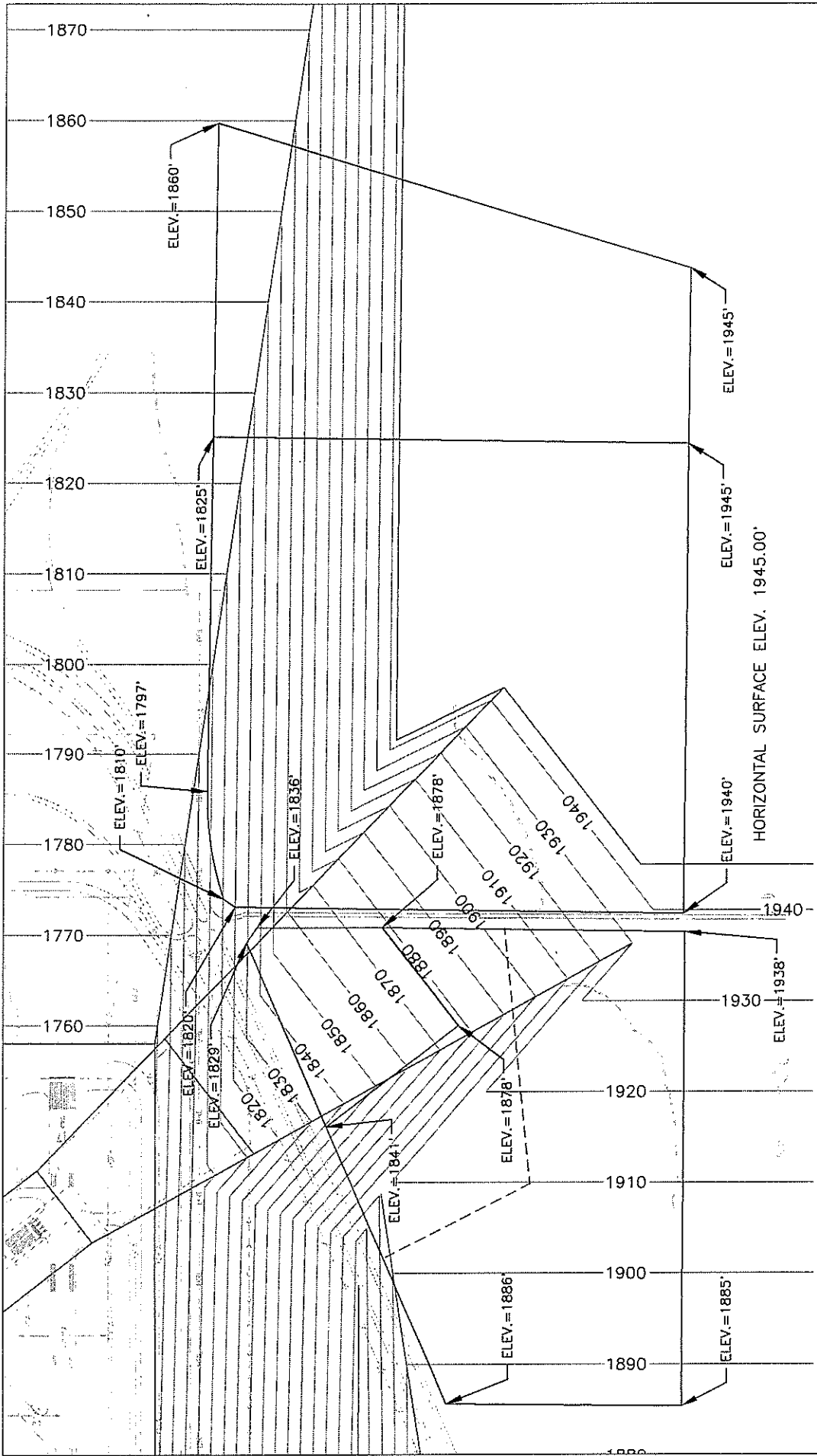
Amount 48.00

Receipt Number - 142566

By
Samantha Rollins

STATE OF TEXAS COUNTY OF TAYLOR
I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the Official Public records of:
Taylor County

Janice Lyons, County Clerk
Taylor County



ALTERNATE 1

SCALE : 1" = 500'