

#90

Late Backup ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1141 SHADY LANE AND 5300 JAIN LANE IN THE
3 JOHNSTON TERRACE NEIGHBORHOOD PLAN AREA FROM FAMILY
4 RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT AND
5 LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD
6 PLAN (LO-MU-CO-NP) COMBINING DISTRICT TO PLANNED UNIT
7 DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT.

8
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10
11 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base district from family residence-neighborhood plan (SF-3-NP) combining
13 district and limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-
14 NP) combining district to planned unit development-neighborhood plan (PUD-NP)
15 combining district on the property described in Zoning Case No. C814-2012-0128.SH, on
16 file at the Planning and Development Review Department, as two parcels of land
17 consisting of approximately 24.37 acres in Travis County, Texas, shown in Exhibit "A"
18 (the "Property"). The Property is locally known as 1141 Shady Lane and 5300 Jain Lane
19 and generally identified in the map attached as Exhibit "B".

20
21 PART 2. This ordinance and the attached Exhibits A through D are the land use plan (the
22 "Land Use Plan") for the ~~think~~EAST planned unit development district (the "PUD")
23 created by this ordinance. Development of and uses within the PUD shall conform to the
24 limitations and conditions set forth in this ordinance and in the Land Use Plan. If this
25 ordinance and the attached exhibits conflict, this ordinance controls. Except as otherwise
26 provided by this ordinance or by Section 245.004 of the Local Government Code,
27 development within the PUD is subject to the ordinances, regulations, and rules in effect
28 on the effective date of this ordinance.

29
30 PART 3. The attached exhibits are incorporated into this ordinance in their entirety as
31 though set forth fully in the text of this ordinance. The exhibits are as follows:

- 32 Exhibit A: Legal description of the Property
- 33 Exhibit B: Zoning Map
- 34 Exhibit C: Land Use Plan
- 35 Exhibit D: Grow Green Native and Adapted Landscape Plants
- 36
- 37

1 **PART 4. Definitions.**

2
3 A. In this ordinance:

- 4
5 1. LIVE WORK means a type of mixed-use land use that is predominantly
6 residential, but may include commercial, office, and/or any other
7 permitted land use. If non-residential uses are included, connecting
8 commercial and residential units is not required.
9
10 2. CREATIVE STUDIO means type of mixed-use land use that is
11 predominantly commercial, office, and/or any other permitted non-
12 residential land use, but may also include residential uses. If residential
13 uses are included, connecting commercial and residential units is not
14 required.
15

16 **PART 5. Use Regulations**

17
18 A. Land Use Areas identified on Exhibit C shall conform to the following base
19 districts, except as modified by this ordinance.
20

- 21 (1) Land Use Area 1: limited office-mixed use (LO-MU) combining district
22 zoning.
23 (2) Land Use Area 2: multifamily residence highest density (MF-6)
24 district zoning.
25 (3) Land Use Area 3: limited office-mixed use (LO-MU) combining district
26 zoning.
27 (4) Land Use Area 4: limited office -mixed use (LO-MU) combining district
28 zoning.
29 (5) Land Use Area 5: general commercial services-mixed use (CS-MU)
30 combining district zoning.
31 (6) Parkland: Public (P) district zoning.
32

33 B. Development of the Property may not exceed 54 multifamily residential units
34 per acre.
35

36 C. Development of the Property may not exceed 444 multifamily residential units.
37

38 D. Development of the Property may not exceed 37,400 square feet of retail and
39 office development.
40

1 E. Development of the Property may not exceed 118,800 square feet of live-work
2 land use.

3
4 F. Development of the Property may not exceed 62,400 square feet of creative
5 studio land use.

6
7 G. Development of the Property must include two civic facilities totaling 4,800
8 square feet.

9
10 H. The maximum height, as defined by City Code, of a building or structure in
11 Land Use areas 1-5 shall not exceed 40 feet or 3 stories.

12
13 I. The following uses are prohibited uses on Land Use Area 5:

- 14
- | | |
|---------------------------------|--|
| Automotive repair services | Bail bond services |
| Automotive sales | Automotive washing (of any type) |
| Commercial off-street parking | Drop-off recycling collection facility |
| Exterminating services | Commercial blood plasma center |
| Hospital services-general | Residential treatment |
| Kennels | Monument retail sales |
| Laundry services | Funeral services |
| Equipment repair services | Campground |
| Off-site accessory parking | Outdoor sports and recreation |
| Pawn shop services | Service station |
| Construction sales and services | Vehicle storage |

15
16 J. Outdoor entertainment is a conditional use in Land Use Area 5.

17
18 K. The following uses are permitted uses in all the PUD Land Use Areas:

- 19
- | | |
|--|--|
| Community recreation | Business or trade school |
| College and university facilities | Private primary educational facilities |
| Private secondary educational facilities | Public primary educational facilities |
| Public secondary educational facilities | |

20
21 **PART 6. Open Space and Parkland.**

22
23 A. All trails on the Property shall be open and accessible to the public.

- 1
- 2 B. The developer's costs of publicly accessible trails constructed on the Property
- 3 will be credited towards Parkland Dedication fees.
- 4
- 5 C. Development of the Property shall provide a minimum of 37 percent of gross
- 6 site area to open space.
- 7
- 8 D. Development of the Property shall include a 1.30 acre Parkland Dedication, as
- 9 indicated on the Land Use Plan.
- 10
- 11 E. The Parkland Dedication credit will be transferable up to 1/2 mile from the
- 12 Property and parkland within the 100 year floodplain is credited at 50 percent.
- 13

14 **PART 7. Environmental.**

15

- 16 A. The developer of the Property shall remove trash and debris, as well as non-
- 17 native woody species within the riparian corridor of the tributary to Boggy
- 18 Creek. The applicant will identify the invasive trees for removal on the site
- 19 development plan.
- 20
- 21 B. The developer of the Property will use Green Storm Water Quality
- 22 Infrastructure (e.g. bio-filtration, vegetative filter strips, rain gardens, etc.) for at
- 23 least 50 percent of the required water quality controls.
- 24
- 25 C. At the time of development, the City of Austin shall provide a Health and
- 26 Safety Plan for developer and contractor use to address the potential for
- 27 encountering residual hydrocarbons that may remain in the soils or groundwater
- 28 from historical releases in the area.
- 29
- 30 D. The developer of the Property shall restore all disturbed areas within the
- 31 Critical Water Quality Zones and priority woodlands with native plantings as
- 32 per City of Austin Standard Specification 609.S Native Grasslands Seeding and
- 33 Plantings for Erosion Control.
- 34
- 35 E. The developer of the Property will plant a minimum of fifty 4-inch caliper street
- 36 trees from the list in the Environmental Criteria Manual, Appendix F along
- 37 Shady Lane/Jain Lane meeting the Core Transit Corridor spacing and species
- 38 requirements. The trees will count toward mitigation for trees proposed to be
- 39 removed within the Shady Lane realignment and anywhere else on the Property.
- 40

- 1 F. Developer of the Property will, wherever possible, irrigate landscapes with
2 reclaimed water supplied by the City of Austin Reclaimed Water Division.
3
4 G. Development of the Property shall comply with the requirements of the Austin
5 Energy Green Building Program (GBP) multifamily, single family, or
6 commercial rating system for a minimum two-star rating. Certification from
7 the GBP shall be based on the version in effect at the time ratings applications
8 are submitted for individual buildings.
9
10 H. An Integrated Pest Management (IPM) plan shall be submitted to the Watershed
11 Protection Department or successor Department for review and approval. The
12 IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the
13 Environmental Criteria Manual in effect on the effective date of this ordinance.
14
15 I. At the time an application for approval of a site plan is submitted for
16 development of the Property, or any portion of the Property, a landscape plan
17 for the use of native and adapted plant materials according to the City of Austin
18 Preferred Plant List, attached as Exhibit "D", shall be submitted to the
19 Watershed Protection Department or successor Department for review and
20 approval.
21

22 **PART 8. Affordable Housing Program.**

- 23
24 A. Subject to and conditioned upon public or private development subsidies, 100%
25 of the residential units in Land Use Areas 1 and 2 will be for rental occupancy
26 by households whose income is between 30%-60% of the median family
27 income and owned occupancy between 30%-80% of the median family income
28 (MFI) in the Austin metropolitan statistical area as established annually by the
29 director of Austin Neighborhood Housing and Community Development
30 Office.
31
32 B. Without public or private development subsidies, 10% of the residential units in
33 Land Use Areas 1 and 2 will be for owned or rental housing at 60% of Austin
34 MFI and 10% of the residential units in Land Use Areas 1 and 2 will be for
35 owned or rental housing at 80% of Austin MFI. Affordability requirements
36 under this paragraph shall expire on the 10th anniversary of the issuance of a
37 certificate of occupancy for the unit.
38
39 C. Rents for any affordable unit will be established annually by the director of
40 Austin Neighborhood Housing and Community Development Office.

- 1
2 D. The owner must accept tenants that are receiving government housing choice
3 vouchers or other similar program that may be developed in the future (so long
4 as such tenants otherwise meet owner's tenant requirements) for a minimum of
5 10% of any affordable units provided under paragraph A above.
6
7 E. The owner must enter into a Land Use Restriction Agreement with the
8 Neighborhood Housing and Community Development Office to be executed
9 and recorded in the Travis County real property records applicable to the
10 property that contractually commits any owner of the property to comply with
11 the requirements of Part 8, Sections A through D of this ordinance.
12
13 F. The owner may not file a development application with the City of Austin for
14 the Property before recording the executed Land Use Restriction Agreement.
15

16 **PART 9. Transportation and Bicycle Plan.**

- 17
18 A. The number of bicycle parking spaces shall equal to at least 5 percent of
19 required motor vehicle parking.
20
21 B. A minimum of 50 percent of all required bicycle parking shall be secure,
22 located within 50 feet of the principal building entrance and shall not be
23 obscured from view. The remainder of all bicycle parking shall be secure,
24 located within 50 feet of other building entryways; and/or at employee only
25 entrances; and/or within a building; and/or in a covered motor vehicle parking
26 facility within 50 feet of a street entrance. The location of the closest bicycle
27 parking facility must be no further than the closest motor vehicle parking space,
28 excluding accessible parking spaces.
29
30 C. A building containing one or more commercial uses that total 5,000 square feet
31 or more shall include shower facilities for bicycle riders. A building containing
32 one or more commercial uses that total 5,000 square feet or larger, but less than
33 20,000 square feet shall contain one private unisex shower. A building
34 containing more than 20,000 square feet, but less than 100,000 square feet of
35 commercial uses shall provide a minimum of one private shower facility for
36 each gender. A building containing more than 100,000 square feet, but less
37 than 500,000 square feet of commercial uses shall provide two shower facilities
38 each for both sexes. A building containing more than 500,000 square feet of
39 commercial uses shall provide private shower facilities with a minimum of
40 three showers for each of both sexes. All shower requirements shall include an

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FIELD NOTE DESCRIPTION OF 22.37 ACRES OF LAND OUT OF THE JESSE C. TANNEHILL SURVEY ABSTRACT No. 22 IN TRAVIS COUNTY, TEXAS, BEING COMPRISED OF ALL OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO COASTAL STATES MARKETING, INC., NOW KNOWN AS EL PASO MERCHANT ENERGY PETROLEUM COMPANY, BY DEED RECORDED IN VOLUME 4131 PAGE 2307 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, TOGETHER WITH ALL OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO EL PASO MERCHANT ENERGY PETROLEUM COMPANY BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT No. 2003017135 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, TOGETHER WITH ALL OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO EL PASO MERCHANT ENERGY PETROLEUM COMPANY BY WARRANTY DEED RECORDED IN DOCUMENT No. 2003135554 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, TOGETHER WITH ALL OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO EL PASO MERCHANT ENERGY PETROLEUM COMPANY BY WARRANTY DEED RECORDED IN DOCUMENT No. 2003264332 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND TOGETHER WITH A PORTION OF THAT CERTAIN STRIP OF LAND LOCALLY KNOWN AS "JAIN LANE" AS ESTABLISHED BY INSTRUMENT RECORDED IN BOOK U PAGE 33 OF THE COMMISSIONERS' COURT MINUTES OF TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THAT CERTAIN (22.41 ACRE) TRACT OF LAND AS DESCRIBED IN THAT AFFIDAVIT OF OWNERSHIP IDENTITY AND CONSOLIDATED REAL PROPERTY DESCRIPTION AS RECORDED IN DOCUMENT No. 2004096950 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, LESS THAT CERTAIN (1,585 SQUARE FEET) TRACT OF LAND AS CONVEYED TO THE CITY OF AUSTIN BY QUIT CLAIM DEED RECORDED IN DOCUMENT No. 2012076626 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found at the intersection of two fences in the South line of that certain (16.05 acre) tract of land as conveyed to Hugo Anderson by deed recorded in Volume 429 Page 248 of the Deed Records of Travis County, Texas, and in the North line of that certain (7.35 acre) tract of land described as "First Tract" and as conveyed to Otto Friedrich by deed recorded in Volume 376 Page 276 of the Deed Records of Travis County, Texas, for the Southeast corner of that certain (3.2 acre) tract of land as conveyed to J.E. Hamby, et ux, by deed recorded in Volume 569 Page 15 of the Deed Records of Travis County, Texas, and for the Southeast corner of that certain (2.024 acre) tract of land as conveyed to Paubla Gutierrez by deed recorded in Volume 13304 Page 3132 of the Real Property Records of Travis County, Texas, and for an angle corner of that certain (11.256 acre) tract of land as conveyed to James H. Crockett by deed recorded in Volume 8775 Page 500 of the Deed Records of Travis County, Texas, and for an angle corner of that certain tract of land as conveyed to Stephen Craig Anderson and Rodney Milton Anderson by Warranty Deed recorded in Volume 13127 Page 2576 of the Real Property Records of Travis County, Texas, and being an angle corner of that certain tract of land as conveyed to El Paso Merchant Energy Petroleum Company by Special Warranty Deed recorded in Document No. 2003017135 of the Official Public Records of Travis County, Texas, and being the **PLACE OF BEGINNING** of the herein described tract;

THENCE entering the interior of said Hugo Anderson (16.05 acre) tract with the East line of said Gutierrez (2.024 acre) tract and with a Westerly line of said Stephen and Rodney Anderson tract, N 29 deg. 45' 31" E 236.82 ft. to a ½" iron pipe found at a chain-link fence corner post for the Northeast corner of said Gutierrez (2.024 acre) tract, and for the Southeast corner of a twenty-five foot (25') wide "Roadway" strip of which title was reserved and retained in said deed recorded in Volume 569 Page 15 of the Deed Records of Travis County, Texas, and for an angle corner of said Stephen and Rodney Anderson tract, same being an angle corner of this tract;

THENCE with the South line of said 25 ft. "Roadway" strip and with the common line of said Stephen and Rodney Anderson tract and Gutierrez (2.024 acre) tract, N 58 deg. 50' 36" W 355.68 ft. to a spindle set in the interior of the improved Shady Lane and in the Westerly line of said Hugo Anderson (16.05 acre) tract, and for the Northwest corner of said Gutierrez (2.024 acre) tract and for the Northwest corner of that certain tract of land as conveyed to the City of Austin by Street Deed recorded in Volume 9647 Page 182 of the Real Property Records of Travis County, Texas, same being an angle corner of this tract;

THENCE with the most Westerly line of said Stephen and Rodney Anderson tract and with the West line of said Hugo Anderson (16.05 acre) tract, N 72 deg. 35' 00" E 34.23 ft. to a spindle set in the interior of the improved Shady Lane for the Southwest corner of that certain tract of land as conveyed to Fidel Estrada, Jr. by deed recorded in Volume 3709 Page 1867 of the Deed Records of Travis County, Texas, and being an angle corner of said Stephen and Rodney Anderson tract, same being an angle corner of this tract;

THENCE re-entering the interior of said Hugo Anderson (16.05 acre) tract with the common line of said Stephen and Rodney Anderson tract and said Estrada tract and with the North line of said 25 ft. "Roadway" strip, S 58 deg. 50' 36" E 332.27 ft. to a ½" iron pipe found at the base of an old fence corner post for the Southeast corner of said Estrada tract and for an angle corner of said Stephen and Rodney Anderson tract, and being an angle corner of this tract;

THENCE continuing across the interior of said Hugo Anderson (16.05 acre) tract, N 29 deg. 22' 23" E 163.88 ft. to a ½" iron pipe found at an old fence corner post for an angle corner of said Stephen and Rodney Anderson tract and for the Northeast corner of said Hamby (3.2 acre) tract and for the Northeast corner of that certain (one acre) tract of land as conveyed to F.F. Gooding by deed recorded in Volume 812 Page 583 of the Deed Records of Travis County, Texas, and for the Northeast corner of that certain tract of land as conveyed to William A. Gouldie by deed recorded in Volume 8450 Page 753 of the Deed Records of Travis County, Texas, and being an angle corner of this tract;

THENCE along an old wire fence, S 60 deg. 30' 37" E 108.21 ft. to a ½" iron pipe found in the centerline of a small creek for an angle corner of said Stephen and Rodney Anderson tract and for the Southeast corner of that certain tract of land as conveyed to Steven DePaz by deed recorded in Volume 10936 Page 977 of the Real Property Records of Travis County, Texas, and being an angle corner of this tract;

THENCE with the common line of said Stephen and Rodney Anderson tract and said DePaz tract, N 30 deg. 09' 08" E at 188.63 ft. passing a PK nail found in asphalt in the South line of Jain Lane, a thirty-foot (30') wide Right-of-Way as established by instrument dated April, 1930, and recorded in Book U Page 33 of the Commissioners' Court Minutes of Travis County, Texas, and continuing with the same course for a total distance of 203.63 ft. to a spindle found in the centerline of Jain Lane an angle corner of this tract;

THENCE with the centerline of "Jain Lane", N 59 deg. 58' 10" W 142.22 ft. to a ½" iron rod found with a plastic cap imprinted with "Carson and Bush Professional Surveyors" at a point of intersection with the Westerly projection of the North line of that certain (3.08 acre) tract of land as conveyed to Coastal States Marketing, Inc., now known as El Paso Merchant Energy Petroleum Company, by deed recorded in Volume 4131 Page 2307 of the Deed Records of Travis County, Texas, and the South line of the Southern Pacific Railroad, and being a Northwesterly angle corner of this tract;

THENCE with the South line of the Southern Pacific Railroad, N 73 deg. 02' 50" E 753.42 ft. to a ½" iron rod found with a plastic cap imprinted with "Carson and Bush Professional Surveyors" for the Northeast corner of said (3.08 acre) tract and for the Northwest corner of that certain tract of land as conveyed to El Paso Merchant Energy Petroleum Company by Warranty Deed recorded in Document No. 2003135554 of the Official Public Records of Travis County, Texas;

THENCE continuing with the South line of the Southern Pacific Railroad, N 73 deg. 02' 50" E 612.18 ft. to a currently inundated point on a concrete drainage channel for the Northeast corner of said El Paso tract (Document No. 2003135554) and for the North common corner of Lots 10 and 11, Block C, Pecan Grove, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 59 Page 3 of the Plat Records of Travis County, Texas, and for a Northwesterly corner of that certain (49.99 acre) tract of land as conveyed to Joe Stanzel and Victor Stanzel by deed recorded in Volume 3099 Page 196 of the Deed Records of Travis County, Texas, and being the Northeast corner of this tract;

THENCE with the common line of said El Paso tract (Document No. 2003135554) and said Pecan Grove, S 30 deg. 19' 41" W at 322.14 ft. passing a ½" iron rod found for the West common corner of Lot 9 and Lot 10, Block C, Pecan Grove, and at 577.10 ft. passing a ½" iron rod found for the West common corner of Lot 6 and Lot 7, Block C, Pecan Grove, and continuing along the same course for a total distance of 936.44 ft. to a spindle found in asphalt paving for a Southeasterly corner of this tract and being in the curving North right-of-way line of Jain Lane;

THENCE with the North right-of-way line of Jain Lane (as described in the aforementioned Commissioners' Court Book U Page 33), the following three (3) courses;

- 1) along a curve to the left with a radius of 71.79 ft. for an arc length of 13.18 ft. and which chord bears S 49 deg. 43' 19" W 13.16 ft. to a spindle found in asphalt for a point of reverse curvature;
- 2) along a curve to the right with a radius of 46.14 ft. for an arc length of 60.86 ft. and which chord bears S 82 deg. 14' 51" W 56.54 ft. to a spindle found in asphalt for a point of tangency;
- 3) N 59 deg. 58' 10" W 10.19 ft. to a spindle found for an angle corner of this tract;

THENCE crossing the interior of "Jain Lane", S 29 deg. 58' 06" W at 30.00 ft. passing a ½" iron pipe found for the Northeast corner of that certain (0.432 acre) tract of land as conveyed to El Paso Merchant Energy Petroleum Company by Warranty Deed recorded in Document No. 2003264332 of the Official Public Records of Travis County, Texas, and continuing with the same course for a total distance of 216.48 ft. to a PK nail found in concrete at the base of a fence corner post for an angle corner in the West line of Lot 3, Block B, of said Pecan Grove and for an angle corner of the aforementioned El Paso tract (Document No. 200317135) and for the South corner of said El Paso (0.432 acre) tract, and being an angle corner of this tract;

THENCE with the common line of said Stephen and Rodney Anderson tract and said Pecan Grove, the following two (2) courses;

- 1) S 17 deg. 10' 06" E 83.36 ft. to a ½" iron pipe found;
- 2) S 18 deg. 31' 39" W 381.02 ft. to a ½" iron rod found in the West line of Lot 10, Pecan Grove, for the Southeast corner of said Stephen and Rodney Anderson tract and for the Northeast corner of that certain tract of land as conveyed to the City of Austin by Warranty Deed recorded in Volume 11297 Page 1112 of the Real Property Records of Travis County, Texas, and being the Southeast corner of this tract, and from which a chiseled "X" found in concrete for the Southeast corner of said City of Austin tract bears S 18 deg. 32' 48" W 132.41 ft.;

THENCE with the North line of said City of Austin tract, S 80 deg. 56' 48" W 37.40 ft. to a point in an Easterly deed line of that certain (23.32 acre) tract of land as conveyed to the City of Austin in September, 1946, by deed recorded in Volume 828 Page 5 of the Deed Records of Travis County, Texas, and being the Southeast corner of that certain (1,585 square feet) tract of land as conveyed to the City of Austin by Quit Claim Deed recorded in Document No. 2012076626 of the Official Public Records of Travis County, Texas, same being an angle corner of this tract, and from which a ½" iron rod found for an angle corner of said El Paso Merchant Energy (22.41 acre) tract bears S 80 deg. 56' 48" W 11.32 ft.;

THENCE with the East line of said City of Austin (1,585 square feet) tract, N 03 deg. 16' 30" E 286.50 ft. to a ½" iron pipe found at an old fence corner post for a common angle corner of said Stephen and Rodney Anderson tract and said City of Austin (23.32 acre) tract, same being an angle corner of this tract;

THENCE with the common line of said Stephen and Rodney Anderson tract and City of Austin (23.32 acre) tract and along old wire fence remnants, N 60 deg. 09' 07" W 123.14 ft. to a ½" iron pipe found at the end of said old wire fence for a common angle corner of said Stephen and Rodney Anderson tract and said City of Austin (23.32 acre) tract, and being an angle corner of this tract;

THENCE, S 29 deg. 49' 25" W 244.60 ft. to a ½" iron pipe found at an old fence corner post for an angle corner of said Stephen and Rodney Anderson tract and for the Northeast corner of the aforementioned Friedrich (7.35 acre) tract, and being an angle corner of this tract, and from which a ½" iron rod found at a chain-link fence corner post for an angle corner of said City of Austin (23.32 acre) tract bears S 29 deg. 39' 06" W 325.33 ft.;

THENCE with a Southerly or Southwesterly line of said Stephen and Rodney Anderson tract, N 58 deg. 52' 07" W 687.85 ft. to the **PLACE OF BEGINNING** containing 22.37 acres of land.

SURVEYED: December 15, 2011



Holt Carson
Registered Professional Land Surveyor No. 5166

see accompanying map: B 692002



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FIELD NOTE DESCRIPTION OF 1.926 ACRES OF LAND OUT OF THE JESSE C. TANNEHILL SURVEY ABSTRACT No. 22 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (1.923 ACRE) TRACT OF LAND AS CONVEYED TO DERALD PHILLIP GUTIERREZ BY WARRANTY DEED RECORDED IN DOCUMENT No. 2011025780 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found at the intersection of two fences in the South line of that certain (16.05 acre) tract of land as conveyed to Hugo Anderson by deed recorded in Volume 429 Page 248 of the Deed Records of Travis County, Texas, and in the North line of that certain (7.35 acre) tract of land described as "First Tract" and as conveyed to Otto Friedrich by deed recorded in Volume 376 Page 276 of the Deed Records of Travis County, Texas, for the Southeast corner of that certain (3.2 acre) tract of land as conveyed to J.E. Hamby, et ux, by deed recorded in Volume 569 Page 15 of the Deed Records of Travis County, Texas, and for the Southeast corner of that certain (2.024 acre) tract of land as conveyed to Paubla Gutierrez by deed recorded in Volume 13304 Page 3132 of the Real Property Records of Travis County, Texas, and for the Southeast corner of that certain (1.923 acre) tract of land as conveyed to Derald Phillip Gutierrez by Warranty Deed recorded in Document No. 2011025780 of the Official Public Records of Travis County, Texas, and for an angle corner of that certain (11.256 acre) tract of land as conveyed to James H. Crockett by deed recorded in Volume 8775 Page 500 of the Deed Records of Travis County, Texas, and for an angle corner of that certain tract of land as conveyed to Stephen Craig Anderson and Rodney Milton Anderson by Warranty Deed recorded in Volume 13127 Page 2576 of the Real Property Records of Travis County, Texas, and being an angle corner of that certain tract of land as conveyed to El Paso Merohant Energy Petroleum Company by Special Warranty Deed recorded in Document No. 2003017135 of the Official Public Records of Travis County, Texas, and for an angle corner of that certain (22.41 acre) tract of land as described in that Affidavit of Ownership Identity and Consolidated Real Property Description as recorded in Document No. 2004096950 of the Official Public Records of Travis County, Texas, and being the Southeast corner and **PLACE OF BEGINNING** of the herein described tract, and from which a ½" iron pipe found at an old fence corner post for the Northeast corner of said Friedrich (7.35 acre) tract and for an angle corner of said (22.41 acre) tract bears S 58 deg. 52' 07" E 687.85 ft.;

end of Page 1

Exhibit "A"

Page 2 of 2
1.926 ACRES

THENCE with the common line of said Friedrich (7.35 acre) tract and said Gutierrez (1.923 acre) tract, N 59 deg. 02' 18" W 362.66 ft. to a square-head bolt found in the East right-of-way line of Shady Lane for the Southwest corner of said Gutierrez (1.923 acre) tract and for the Southeast corner of that certain (4,428 square feet) tract of land as conveyed to the City of Austin by Street Deed recorded in Volume 9647 Page 182 of the Real Property Records of Travis County, Texas, and being the Southwest corner of this tract;

THENCE with the East right-of-way line of Shady Lane and with the West line of said Gutierrez (1.923 acre) tract and with the East line of said City of Austin (4,428 square feet) tract, the following two (2) courses;

- 1) N 29 deg. 43' 22" E 87.47 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." for a point of curvature;
- 2) along a curve to the right with a radius of 270.00 ft. for an arc length of 158.42 ft. and which chord bears N 46 deg. 34' 26" E 156.16 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." in the South line of a twenty-five feet (25') wide "Roadway" strip of which title was reserved and retained in said deed recorded in Volume 569 Page 15 of the Deed Records of Travis County, Texas, for the Northwest corner of said Gutierrez (1.923 acre) tract and for the Northeast corner of said City of Austin (4,428 square feet) tract, and being the Northwest corner of this tract, and from which a spindle found in the interior of the improved Shady Lane for an angle corner of said (22.41 acre) tract bears N 58 deg. 50' 36" W 38.13 ft.;

THENCE with the common line of said Gutierrez (1.923 acre) tract and said (22.41 acre) tract, S 58 deg. 50' 36" E 317.55 ft. to a ½" iron pipe found at a chain-link fence corner post for the Northeast corner of said Gutierrez (1.923 acre) tract and for the Southeast corner of said twenty-five (25') wide "Roadway" strip and for an angle corner of said (22.41 acre) tract and being the Northeast corner of this tract;

THENCE with the common line of said Gutierrez (1.923 acre) tract and said (22.41 acre) tract, S 29 deg. 45' 31" W 236.82 ft. to the PLACE OF BEGINNING, containing 1.926 acres of land

SURVEYED: May 23, 2012



Holt Carson

Registered Professional Land Surveyor No. 5166



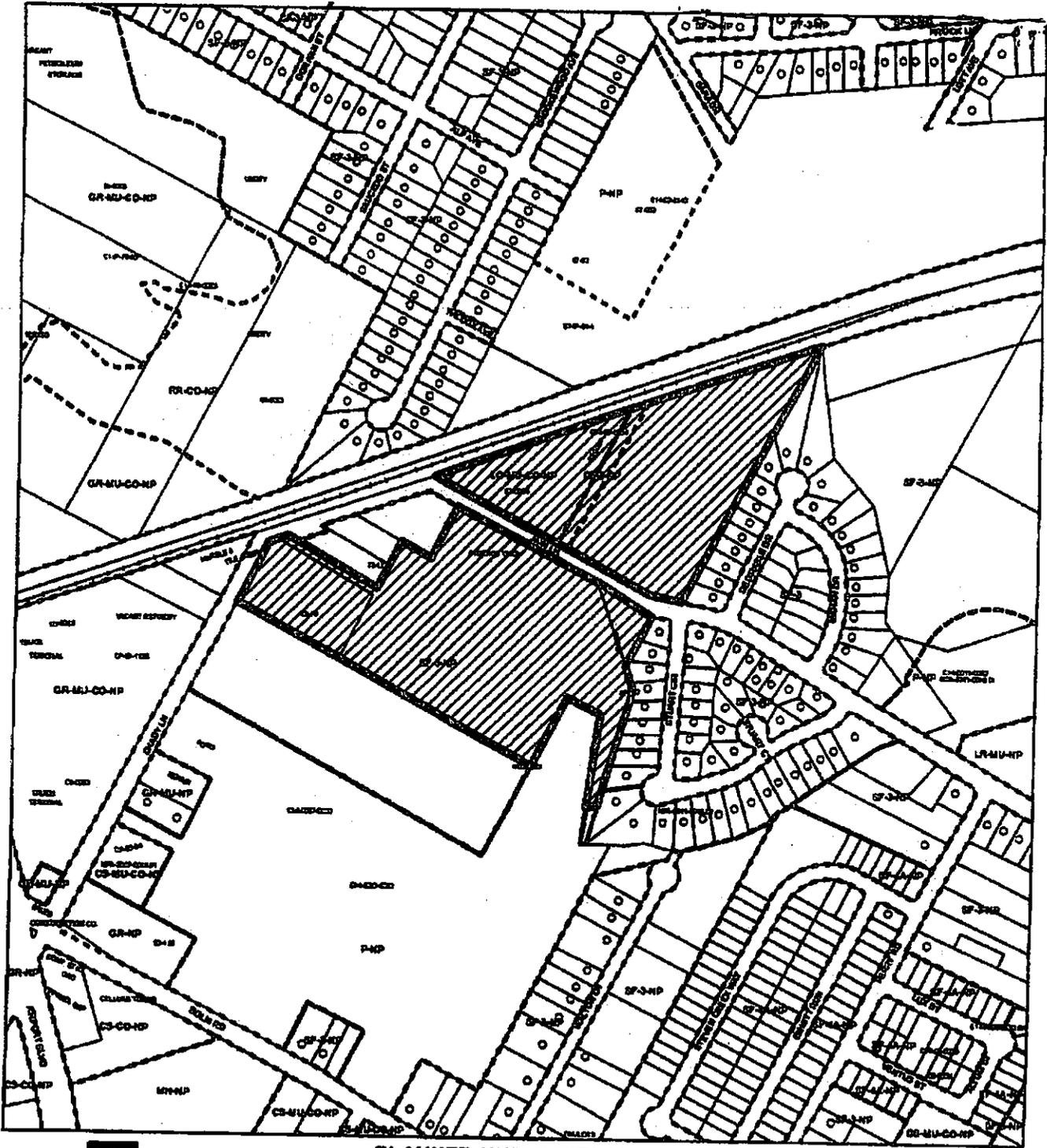
EXHIBIT B

Permitted Exceptions

1. Taxes for the year 2012, a lien not yet due and payable.
2. Telecommunications/Cable easement awarded to AT&T Corp., by Supplemental Final Order and Judgment dated September 18, 2007, recorded under Document No. 2007201886, Official Public Records of Travis County, Texas.
3. Unrecorded lease dated June 1, 2012, between Shady Lane Property LLC, as lessor, and Brynda Lynn Gutierrez, as lessee.
4. The Ground Water Restriction contained herein.

11-GF# 201201000 JPB
RETURN TO: HERITAGE TITLE
401 CONGRESS, SUITE 1500
AUSTIN, TEXAS 78701

#90



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

PLANNED UNIT DEVELOPMENT

ZONING CASE#: C814-2012-0128.SH

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**APPENDIX N
CITY OF AUSTIN PREFERRED PLANT LIST**

Other plants may be used if approved by the City of Austin. This list is a guide and is not meant to be exclusive. Any other native or well adapted plant may be used if drawings are sealed by a registered Texas Landscape Architect.

EVERGREEN TREES	HEIGHT	FEATURES (N = Native)
Arizona Cypress <i>Cupressus arizonica</i>	30'-75'	good heat and drought tolerance, aromatic foliage
Cherry Laurel <i>Prunus caroliniana</i>	25'-30'	N, screening plant, wildlife food
Deodar Cedar <i>Cedrus deodara</i>	40'-50'	fine texture, needs drainage
Live Oak <i>Quercus virginiana</i>	50'-60'	N, oak wilt susceptible
Mountain Laurel <i>Sophora secundiflora</i>	15'-25'	N, fragrant purple spring blossoms, small tree, large shrub
Texas Madrone <i>Arbutus texana</i>	25'-30'	N, distinctive, attractive bark, difficult to propagate and transplant
Yaupon Holly <i>Ilex vomitoria</i>	15'-20'	N, red berries in winter, small tree, large shrub
DECIDUOUS TREES	HEIGHT	FEATURES (N = Native)
American Elm <i>Ulmus americana</i>	60'-80'	N, vase-shaped canopy, susceptible to Dutch Elm disease
American Smoketree <i>Cotinus obovatus</i>	15'-25'	N, spring floral "clouds", fall color
Arizona Walnut <i>Juglans major</i>	40'-50'	N, nuts attract wildlife
Bald Cypress <i>Taxodium distichum</i>	60'-70'	N, fine texture, rust fall color
Bigtooth Maple <i>Acer grandidentatum</i>	30'-40'	N, outstanding fall foliage, requires drainage
Blackjack Oak <i>Quercus marilandica</i>	50'-60'	N, short-lived, bell-shaped leaves
Bradford Pear	30'-40'	showy white spring flowers

Pyrus calleryana 'Bradford'		
Bur Oak <i>Quercus macrocarpa</i>	60'-100'	N, large fringed acorn, majestic, adaptable tree
Cedar Elm <i>Ulmus crassifolia</i>	50'-60'	N, fall color, small leaves
Chinese Pistache <i>Pistacia chinensis</i>	30'-40'	brilliant fall color, very adaptable
Chinquapin Oak <i>Quercus Muhlenbergii</i>	40'-60'	N, tall, slender form, dark glossy lush foliage
Crape Myrtle* <i>Lagerstroemia indica</i>	25'-30'	summer flowers, many varieties
Desert Willow <i>Chilopsis linearis</i>	15'-25'	N, orchid-like blooms, not a true willow
Drake Elm <i>Ulmus parvifolia 'Drake'</i>	20'-30'	nearly evergreen, drought tolerant
Durand Oak <i>Quercus sinuata</i>	50'-70'	N, large oak, prefers moist sites
Eastern Walnut <i>Juglans nigra</i>	70'-80'	N, large tree, valued for nuts
Escarpment Cherry <i>Prunus serotina</i>	20'-30'	N, fall color, fruit for wildlife and jellies
Eve's Necklace <i>Sophora affinis</i>	20'-30'	N, same genus as Mi. Laurel, pink blooms in late spring
Flameleaf Sumac <i>Rhus copallina</i> and <i>R. glabra</i>	15'-20'	N, brilliant fall color, may colonize
Fragrant Ash <i>Fraxinus cuspidata</i>	10'-12'	N, fragrant white flowers in late spring
Golden Rain Tree <i>Koelreuteria bipinnata*</i> and <i>K. paniculata</i>	20'-30'	yellow spring blooms, drought tolerant
Honey Mesquite <i>Prosopis glandulosa</i>	25'-30'	N, drought tolerant, wood valued for smoking meat
Kidneywood <i>Eysenhardtia texana</i>	10'-15'	N, fragrant fall flowers, small tree, large shrub
Lacey Oak <i>Quercus glaucoides</i> and <i>Q. laceyi</i>	20'-40'	N, small tree, peach colored foliage in spring and fall
Little Walnut <i>Juglans microcarpa</i>	20'-30'	N, small tree, strongly scented, good for attracting wildlife
Mexican Buckeye	10'-15'	N, pink spring flowers, small tree,

Ungnadia speciosa		large shrub
Mexican Plum <i>Prunus mexicana</i>	15'-25'	N, white spring blossoms, wildlife food
Orchid Tree <i>Bauhinia spp.</i>	6'-12'	N, showy white blossoms, small understory or patio tree
Pecan <i>Carya illinoensis</i>	60'-80'	N, shade tree, nut producing
Possumhaw <i>Ilex decidua</i>	15'-20'	N, red winter berries, large shrub, small tree
Post Oak <i>Quercus stellata</i>	50'-75'	N, large oak, roots sensitive to disturbance
Red Buckeye <i>Aesculus pavia</i>	10'-20'	N, good understory tree, requires deep well-drained soils
Rusty Blackhaw <i>Viburnum rufidulum</i>	10'-15'	N, good understory tree, glossy leaves, fall color
Shin Oak <i>Quercus sinuata brevifolia</i>	30'-35'	N, small tree, attractive bark, grows in thickets
Shumard Oak <i>Quercus shumardii</i>	50'-75'	N, fast growing, good fall red foliage coloration, tolerant of limestone soils
Texas Ash <i>Fraxinus texensis</i>	40'-50'	N, fast growing, shade tree exceptional fall foliage coloration
Texas Persimmon <i>Diospyros texana</i>	15'-25'	N, wildlife food, multi-trunk
Texas Redbud <i>Cercis canadensis var. 'Texensis'</i>	20'-25'	N, early pink blossoms, drought tolerant
Texas Red Oak <i>Quercus texana</i>	30'-40'	N, white patches on bark, fall color
Vitex, Lilac Tree <i>Vitex Agnus-castus</i>	15'-20'	late spring lavender blooms, small tree
Western Soapberry <i>Sapindus Drummondii</i>	30'-40'	N, showy winter fruit, yellow fall color

*susceptible to severe freeze

EVERGREEN SHRUBS

	SUN	SHADE	FEATURES (N = Native)
Agarita <i>Berberis trifoliolata</i>	o		N, prickly leaves, bright red berries
Barbados Cherry* <i>Malpighia glabra</i>	o	o	N, pale pink flowers; berries attract wildlife

Burford Holly <i>Ilex cornuta 'Burfordii'</i>	o	o	glossy dark green foliage, red fruit
Dwarf Burford Holly <i>Ilex cornuta 'Burfordii nana'</i>	o	o	glossy leaves, berries not prominent
Dwarf Chinese Holly <i>Ilex cornuta 'Rotunda nana'</i>	o	o	spiney foliage, no berries
Dwarf Yaupon Holly <i>Ilex vomitoria 'Nana'</i>	o	o	low mound-like shrub, no berries
Elaeagnus <i>Elaeagnus pungens</i>	o	o	silver foliage, fragrant white fall flowers
Evergreen Sumac <i>Rhus virens</i>	o	o	N, glossy leaves, red fall color when mature
Indian Hawthorn* <i>Raphiolepis indica</i>	o		pink flowers, copper colored new foliage
Mountain Laurel <i>Sophora secundiflora</i>	o	o	N, showy fragrant purple flower, large shrub
Nandina <i>Nandina domestica</i>	o	o	red berries, red fall winter color
Oleander* <i>Nerium oleander</i>	o		summer flowers, large shrub
Pampas Grass* <i>Cortaderia selloana</i>	o		large clumping grass
Red Yucca <i>Hesperaloe parviflora</i>	o		N, coral flower spike, not a true yucca
Rock Cotoneaster <i>Cotoneaster horizontalis</i>	o		red fall fruit, small leaves
Rosemary* <i>Rosmarinus officinalis</i>	o		aromatic leaves, 'Prostratus' cultivar
Sacahuista, Bear Grass <i>Nolina texana</i>	o	o	N, grass-like mounding clumps
Shore Juniper <i>Juniperus conferta</i>	o		spreading, ground cover, blue-green
Silverleaf Cotoneaster <i>Cotoneaster glaucophyllus</i>	o		silver leaves, red fall fruit
Texas Sage <i>Leucophyllum frutescens</i>	o		N, lavender flowers, gray or green foliage
Texas Sotol <i>Dasylirion texanum</i>	o		N, long blade-like leaf with spines
Wax Myrtle <i>Myrica cerifera</i>	o	o	N, very adaptable, aromatic leaves, berries used for Bayberry fragrance

* susceptible to severe freeze

SEMI-EVERGREEN SHRUBS**

	SUN	SHADE	FEATURES (N = Native)
Cast Iron Plant* <i>Aspidistra elatior</i>	o		broad strap shaped leaves to 2' height
Glossy Abelia <i>Abelia grandiflora</i>		o	small pink flowers, glossy leaves
Muhly Grass <i>Muhlenbergia lindheimeri</i>	o		N, looks like small pampas grass
Pineapple Guava* <i>Feijoa sellowiana</i>	o		exotic fragrant flowers
Pomegranate* <i>Punica granatum</i>	o	o	orange flowers, yellow fall color
Primrose Jasmine* <i>Jasminum mesnyi</i>	o		yellow flowers, mounding form

* susceptible to severe freeze

**influenced by severity or duration of winter

DECIDUOUS SHRUBS

	SUN	SHADE	FEATURES (N = Native)
Althaea <i>Hibiscus syriacus</i>	o		showy summer flowers
American Beautyberry <i>Callicarpa americana</i>	o	o	N, purple fruit in autumn, wildlife food
Aromatic Sumac <i>Rhus aromatica</i>	o	o	N, red berries in late spring, brilliant fall foliage
Arrowwood <i>Viburnum dentatum</i>	o	o	N, spring flowers, fall color
Black Dalea <i>Dalea frutescens</i>	o		N, purple summer flowers, fine foliage
Butterfly Bush <i>Buddleia Davidii</i>	o		N, lavender/lilac flowers, small fuzzy leaves
Flame Acanthus <i>Anisacanthus Wrightii</i>	o	o	N, orange flowers attracts hummingbirds
Possumhaw Holly <i>Ilex decidua</i>	o	o	N, red winter berries large shrub
Texas Lantana* <i>Lantana horrida</i> and <i>L. camara</i>	o		N, good summer color, many varieties
Trailing Lantana*	o	o	N, lilac colored flowers summer

Lantana montevidensis

through fall

*susceptible to severe freeze

EVERGREEN VINES & GROUNDCOVERS		SUN	SHADE	FEATURES (N = Native)
Asian Jasmine* <i>Trachelospermum asiaticum</i>	o	o		low vigorous groundcover
Bigleaf Periwinkle <i>Vinca major</i>			o	loose groundcover, blue flowers
Carolina Jessamine <i>Gelsemium sempervirens</i>	o	o		N, fragrant yellow flowers in spring
Coral Honeysuckle <i>Lonicera sempervirens</i>	o	o		N, coral flowers, red fruit, attracts wildlife
Cross Vine <i>Bignonia capreolata</i>	o	o		N, yellow/red flowers, clinging vine
Damianita <i>Chrysactinia mexicana</i>	o			N, yellow flowers, low growing to 12" height
English Ivy <i>Hedera helix</i>			o	clinging, vigorous, self-climbing vine
Fig Vine* <i>Ficus pumila</i>	o	o		clinging vine, fine texture
Lady Banksia Rose <i>Rosa banksiae</i>	o			yellow spring flowers, large cascading form
Liriope <i>Liriope muscari</i>			o	purple spike flowers, clump-like foliage
Littleleaf Periwinkle <i>Vinca minor</i>			o	blue flowers, groundcover
Monkey Grass <i>Ophiopogon japonicus</i>			o	tufted grass-like groundcover
Oregano <i>Origanum vulgare</i>	o	o		perennial, spreading herb
Santolina <i>Santolina chamaecyparissus</i>	o			fine textured, aromatic foliage
Stonecrop <i>Sedum spp.</i>	o	o		low, fast growing groundcover

*susceptible to severe freeze

DECIDUOUS VINES & GROUNDCOVERS		SUN	SHADE	FEATURES (N = Native)
Boston Ivy <i>Parthenocissus</i>	o	o		N, red fall color, clinging vine

tricuspidata 'Veitchii'			
Bush Morning Glory Ipomoea leptophylla	o	o	N, forms 1½' - 3' mounds of foliage, lavender to purple flowers
Coral Vine Antigonon leptopus	o		pink flowers in summer and fall
Cypress Vine Ipomoea quamoclit	o		red tube-like flowers, twining vine, annual
Gregg Dalea* Dalea greggii	o	o	N, purple flowers in fall, groundcover
Mustang Grape Vitis mustangensis	o	o	N, native grape, climbs by tendrils
Old Man's Beard Clematis Drummondii	o	o	twining vine, feathery seeds
Passion Vine* Passiflora incarnata	o	o	N, lavender flowers, edible fruit: Maypop
Sweet Autumn Clematis Clematis paniculata	o		fragrant fall flowers, twining vine
Trumpet Vine Campsis radicans	o	o	N, orange-scarlet flowers, invasive
Virginia Creeper Parthenocissus quinquefolia	o	o	N, red fall color, clinging vine

*susceptible to severe freeze

FLOWERING PERNNIALS SUN SHADE FEATURES (N = Native)

Artemisia Artemisia ludoviciana	o		N, aromatic foliage, white fuzzy leaves
Black-eyed Susan Rudbeckia hirta	o	o	N, yellow dark-centered daisy, flowers May to September
Blackfoot Daisy Melampodium leucanthum	o		N, short white daisy, flowers all summer, short-lived
Butterfly Weed Asclepias tuberosa	o	o	N, orange/yellow flowers, attracts butterflies
Canna Lily	o		banana-like foliage

Canna X generalis			blooms in summer
Cedar Sage Salvia roemeriana	o		N, red flowers, naturalizes
Cherry Sage Salvia greggii	o	o	N, red, pink or white flowers
Cigar Plant Cuphea micropetala	o		orange-yellow fall flowers
Coreopsis Coreopsis lanceolata	o		N, yellow spring and fall flowers, clumping
Daylily Hemerocallis fulva	o		orange/yellow funnel- shaped flower
Fall Aster Aster spp.	o	o	N, blue/purple autumn flowers
Firebush* Hamelia patens	o		red-orange flowers, red fall color
Gayfeather Liatris spp.	o		N, purple flower spikes in autumn
Heartleaf Hibiscus Hibiscus cardiophyllus	o	o	N, red flowers all summer
Hinckley's Columbine Aquilegia Hinckleyana		o	bright yellow flowers in spring
Hymenoxys Hymenoxys scaposa	o		N, small yellow daisy, bitter smelling leaves
Lamb's Ears Stachys byzantina	o		unique foliage, low growing
Maximillian Sunflower Heliopsis scabra	o		N, yellow flower, late summer to fall
Mealy Blue Sage Salvia farinacea	o		N, blue flower spikes spring and summer
Mexican Bush Sage Salvia leucantha	o		tall purple flower spikes
Mexican Heather* Cuphea hyssopifolia	o		tiny purple, pink or white flowers
Mexican Marigold Mint Tagetes lucida	o	o	yellow fall flowers, anise flavored foliage
Mexican Oregano Pollomintha longiflora	o		lavender/pink flowers, aromatic
Oxeye Daisy Chrysanthemum leucanthemum	o		white early summer flower, yellow center
Peruvian Verbena*	o		pink, purple, red or

Verbena peruviana			white flowers,
Pink Skullcap Scutellaria suffrutescens	o	o	pink flowers in summer, low growing
Plumbago* Plumbago auriculata	o	o	low growing, blue flowers
Purple Coneflower Echinacea purpurea	o	o	N, purple daisy-like flowers
Rose Mallow Pavonia lasiopetala	o	o	N, pink hibiscus-like flowers
Scarlet Sage Salvia coccinea	o	o	N, red, pink or white flowers, spring to fall
Spiderwort Tradescantia x Andersoniana	o		N, purple-blue flowers, informal ground cover
Turk's Cap Malvaviscus arboreus 'Drummondii'	o	o	N, red flowers and fruit, colonizing
Yarrow Achillea millefolium	o	o	off-white flowers, pink variety available
White Mistflower Eupatorium Wrightii	o	o	N, white autumn flowers, attracts butterflies
Wild Petunia Ruellia nudiflora	o		N, purple flowers from March to December
Zexmenia Wedelia hispida	o	o	N, orange/yellow flowers, May to November

*susceptible to severe freeze

TURF & LOW GRASSES	SUN	SHADE	FEATURES (N = Native)
Bermuda Cynodon dactylon	o		seed or hybrid sod
Blue Grama Bouteloua gracilis	o		N, seed, fine-leaf tufted grass, good meadow grass, not for mowed lawns
Buffalograss Buchloe dactyloides	o		N, many seed varieties, sod available in '609' and Prairie hybrids
Little Bluestem Schizachyrium scoparium	o		N, seed, blue-green, fine texture, not for mowed lawns
Side Oats Gramma Bouteloua curtipendula	o	o	N, seed, not for mowed lawns

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