

Ordinance amending the Unified Development Code (“UDC”), upon application by AAF-Vantage at Corpus Christi, Inc. (“Owner”), by changing the UDC Zoning Map in reference to 19.74 acres out of the remainder of a 20.26 acre tract described as Parcel 5, in a Special Warranty Deed from William E. McKinzie, Jr. to William E. McKinzie, Jr. Family Limited Partnership, from the “RS-6” Single-Family 6 District to the “RM-1” Multifamily 1 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding the application of AAF-Vantage at Corpus Christi, Inc. (“Owner”), for an amendment to the City of Corpus Christi’s Unified Development Code (“UDC”) and corresponding UDC Zoning Map;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, April 22, 2015, during a meeting of the Planning Commission, and on Tuesday, May 19, 2015, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the City Council has determined that this amendment would best serve the public health, necessity, convenience and general welfare of the City of Corpus Christi and its citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. Upon application made by AAF-Vantage at Corpus Christi, Inc. (“Owner”), the Unified Development Code (“UDC”) of the City of Corpus Christi, Texas (“City”), is amended by changing the zoning on 19.74 acres out of the remainder of a 20.26 acre tract described as Parcel 5, in a Special Warranty Deed from William E. McKinzie, Jr. to William E. McKinzie, Jr. Family Limited Partnership, located on the south side of Up River Road between Deer Run Drive and Carbon Plant Road (the “Property”), from the “RS-6” Single-Family 6 District to the “RM-1” Multifamily 1 District (Zoning Map No. 060049) as shown in Exhibit “A” and Exhibit “B”. Exhibit A, which is a metes and bounds of the Property, and Exhibit B, which is a land title survey, are attached to and incorporated in this ordinance by reference as if fully set out herein in their entirety.

SECTION 2. The official UDC Zoning Map of the City is amended to reflect changes made to the UDC by Section 1 of this ordinance.

SECTION 3. The UDC and corresponding UDC Zoning Map of the City, made effective July 1, 2011, and as amended from time to time, except as changed by this ordinance, both remain in full force and effect.

SECTION 4. To the extent this amendment to the UDC represents a deviation from the City’s Comprehensive Plan, the Comprehensive Plan is amended to conform to the UDC, as it is amended by this ordinance.

SECTION 5. All ordinances or parts of ordinances specifically pertaining to the zoning of the Property and that are in conflict with this ordinance are hereby expressly repealed.

SECTION 6. Publication shall be made in the City's official publication as required by the City's Charter.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

PASSED AND APPROVED this the _____ day of _____, 20_____.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor



Job No. 42987.B500
March 7, 2015

19.74 Acres

STATE OF TEXAS
COUNTY OF NUECES

Fieldnotes for a 19.74 Acre Tract of Land, situated in BS&F Survey No. 417, A-571 and BS&F Survey No. 422, A-850, being a portion of a 388.26 Acre Tract as recorded in Volume 1450, Page 514, of the Deed Records of Nueces County, Texas, out of a 35.26 Acre Tract described as Tract 3 of Charles McKinzie's Share, as recorded in Volume 1450, Page 514, being the remainder of a 20.26 Acre Tract described as Parcel 5, in a Special Warranty Deed from William E. McKinzie, Jr. to William E. McKinzie, Jr. Family Limited Partnership, as recorded in Document No. 2010040869 of the Official Public Records of Nueces County, Texas, said 19.74 Acre Tract being more fully described as follows:

Beginning at a 5/8 Inch Iron Rod Found, on the apparent South Right-of-Way line of Up River Road, a 60 foot public roadway, the West boundary line of a 10 Acre Tract described as Parcel 2, in a Warranty Deed from Iris Powell Grant to Betty Jane Grant Armstrong, as recorded in Volume 2079, Page 88, of the said Deed Records, the East boundary line of the said 388.26 Acre Tract, the said 35.26 Acre Tract and the said 20.26 Acre Tract, being the Southeast corner of a 30.00 foot wide strip of Land, described as Parcel 1 in a Quit Claim Deed, from William E. McKinzie, Jr., Robert L. McKinzie, and Juaneil McKinzie Graham to the City of Corpus Christi, as recorded in Document No. 1997036728, of the said Official Public Records, for the Northeast corner of this Tract;

Thence, South 09°00'26" West, with the West boundary line of the said 10 Acre Tract, the East boundary line of the said 388.26 Acre Tract, the said 35.26 Acre and the said 20.26 Acre Tract, 1132.91 Feet, to a 1 Inch Iron Rod Found, on the North boundary line of Lot 21, Block 1, of the Rolling Acres Subdivision No.2, a map which is recorded in Volume 11, Page 47, of the Map Records of Nueces County, Texas, being the Southwest corner of the said 10 Acre Tract, for the Southeast corner of the said 388.26 Acre Tract, the said 35.26 Acre Tract, the said 20.26 Acre Tract and this Tract, from whence a 5/8 Inch Iron Rod Found, for the Southeast corner of the said 10 Acre Tract and an inner ell corner of the said Rolling Acres Subdivision No.2, bears South 80°58'23" East, 393.91 Feet;

Thence, North 79°49'05" West, with the North boundary line of the said Rolling Acres Subdivision No.2, 233.35 Feet, to 3/4 Inch Iron Pipe Found, being the Northeast corner of Highway Village Subdivision, as recorded in Volume 11, Page 54, of the said Map Records, the Northwest corner of the said Rolling Acres Subdivision No.2, for a corner of this Tract;

Thence, North 80°58'02" West, with the North boundary line of the said Highway Village Subdivision, 460.50 Feet, to a 5/8 Inch Iron Rod Found, being the Southeast corner of a 14.962 Acre Tract described in a Special Warranty Deed from Juanell McKinzie Graham and Lisa Coffey to MVR Construction, as recorded in Document No. 2013054702, of the said Official Public Records, for the Southwest corner of the said 20.26 Acre Tract and this Tract, from whence a 5/8 Inch Iron Rod Found, for the Southwest corner of the said 14.962 Acre Tract, bears North 81°04'45" West, 450.54 Feet;

Thence, North 08°55'59" East, with the East boundary line of the said 14.962 Acre Tract, the West Boundary line of the said 20.26 Acre Tract, pass a 5/8 Inch Iron Rod Found, on line, at 1344.54 Feet, in all a distance of 1345.65 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR C.C. TX" Set, on the said apparent South Right-of-Way, the Southwest boundary line of the said Parcel 1, for the Northwest corner of this Tract, from whence a 5/8 Inch Iron Rod Found, being the Southwest corner of the said Parcel 1, for the Northwest corner of the said 14.962 Acre Tract, bears North 63°36'39" West, 472.48 Feet;

Thence, South 63°36'39" East, with the said apparent Southwest Right-of-Way, the South boundary line of the said Parcel 1, 728.83 Feet, to the Point of Beginning, containing 19.74 (859,725 Sq. Ft.) of land, more or less.

Bearings based on GPS, NAD83, State Plane Coordinate System, Texas South Zone 4205.

Unless this fieldnote description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

Also reference accompanying map of tract described herein.



URBAN ENGINEERING

A handwritten signature in black ink that reads "James D. Carr".

James D. Carr, R.P.L.S.
License No. 6458

Exhibit "A"

Title Commitment:

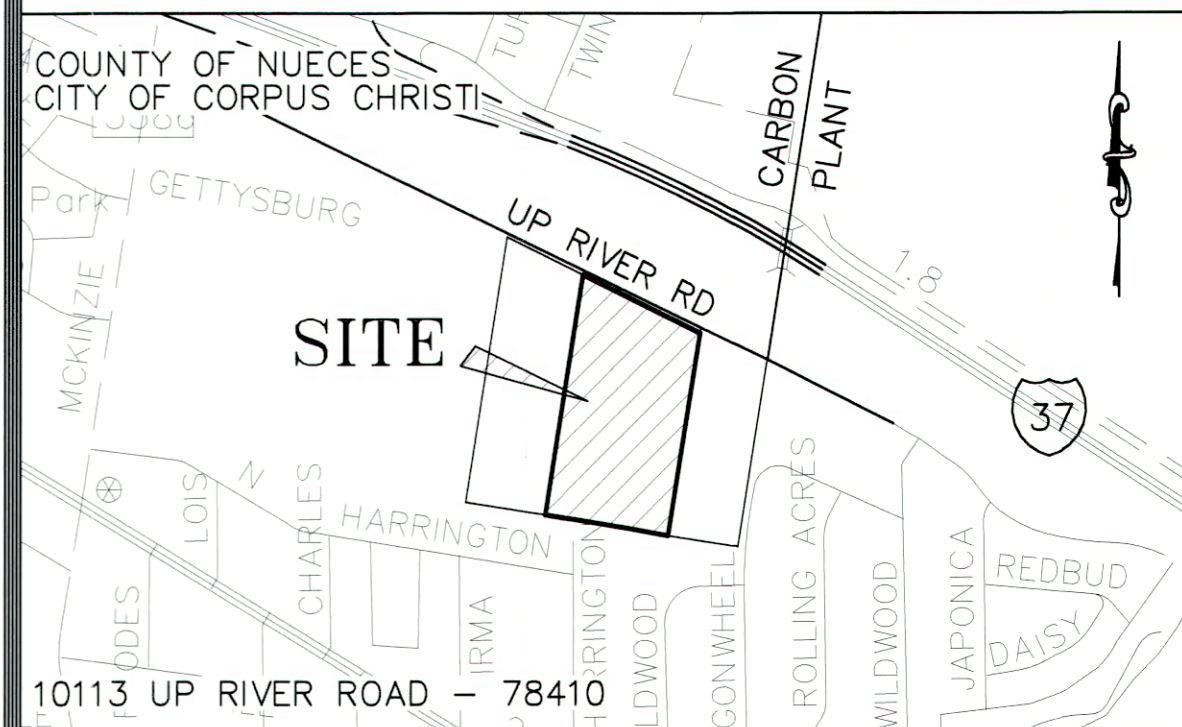
Alamo Title Insurance
G.F. No. 4042000491
Effective Date: February 2, 2015
Issued Date: February 23, 2015

This Survey was prepared in reference to the above Title Commitment and is Certified to the Parties shown hereon, for this transaction only and is not intended for any subsequent transactions or parties. It does not constitute a title search by the surveyor. All information regarding record easements, adjoiners, and other documents that might affect the quality of a title to the tract shown hereon was gained from the Title Commitment.

- 10 a. Rights of tenants in possession under any and all outstanding lease agreements, recorded or unrecorded.
- 10 b. Rights of the Public in and to any portion of subject property lying within a public road.
- 10 c. Oil, Gas and Mineral Lease dated June 9, 1979 executed by William E. McKinzie, et al to Kelly Bell, recorded in counterparts under County Clerk's file No. 173285, Volume 335, Page 289, 011 and Gas Records of Nueces County, Texas; County Clerk's file No. 173286, Volume 335, Page 303, Oil and Gas Records of Nueces County, Texas; County Clerk's file No. 173287, Volume 335, Page 317, Oil and Gas Records of Nueces County, Texas; County Clerk's file No. 173288, Volume 335, Page 331, Oil and Gas Records of Nueces County, Texas; County Clerk's file No. 173289, Volume 335, Page 345, Oil and Gas Records of Nueces County, Texas; County Clerk's file No. 173290, Volume 335, Page 359, Oil and Gas Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 d. Oil, Gas and Mineral Lease dated September 23, 1963 executed by William E. McKinzie, et al to R. B. King, et al recorded under County Clerk's file No. 635879, Volume 195, Page 328, Oil and Gas Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 e. Oil, Gas and Mineral Lease dated November 25, 1981 executed by William E. McKinzie, et al to Oil and Gas Reserves, Inc., recorded under County Clerk's file No. 249447, Volume 350, Page 413, Oil and Gas Records of Nueces County, Texas and County Clerk's file No. 253626, Volume 351, Page 386, Oil and Gas Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 f. Oil, Gas and Mineral Lease dated December 10, 1981 executed by William E. McKinzie, et al to Oil and Gas Reserves, Inc., recorded under County Clerk's file No. 251256, Volume 350, Page 921, Oil and Gas Records of Nueces County, Texas together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 g. Oil, Gas and Mineral Lease dated December 21, 1981 executed by William E. McKinzie, et al to Oil and Gas Reserves, Inc., recorded under County Clerk's file No. 255330, Volume 351, Page 861, Oil and Gas Records of Nueces County, Texas together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 h. Oil, Gas and Mineral Lease dated December 23, 1981 executed by William E. McKinzie, et al to Oil and Gas Reserves, Inc., recorded under County Clerk's file No. 255329, Volume 351, Page 852, Oil and Gas Records of Nueces County, Texas together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 i. Oil, Gas and Mineral Lease dated October 7, 1983 executed by William E. McKinzie, et al to Sinclair Minerals, Inc., recorded under County Clerk's file No. 348619, Volume 365, Page 709, Oil and Gas Records of Nueces County, Texas together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 j. Oil, Gas and Mineral Lease dated October 17, 1983 executed by William E. McKinzie, et al to Sinclair Minerals, Inc., recorded under County Clerk's file No. 408005, Volume 374, Page 342, Oil and Gas Records of Nueces County, Texas together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 k. Oil, Gas and Mineral Lease dated February 14, 1989 executed by William E. McKinzie, et al to J. D. Cobbs, recorded under County Clerk's file No. 658840, Volume 402, Page 484, Oil and Gas Records of Nueces County, Texas together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 l. Memorandum of Oil and Gas Lease date May 30, 1995 executed by Robert L. McKinzie, et al to J. D. Cobbs, recorded under County Clerk's file No. 966544, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)

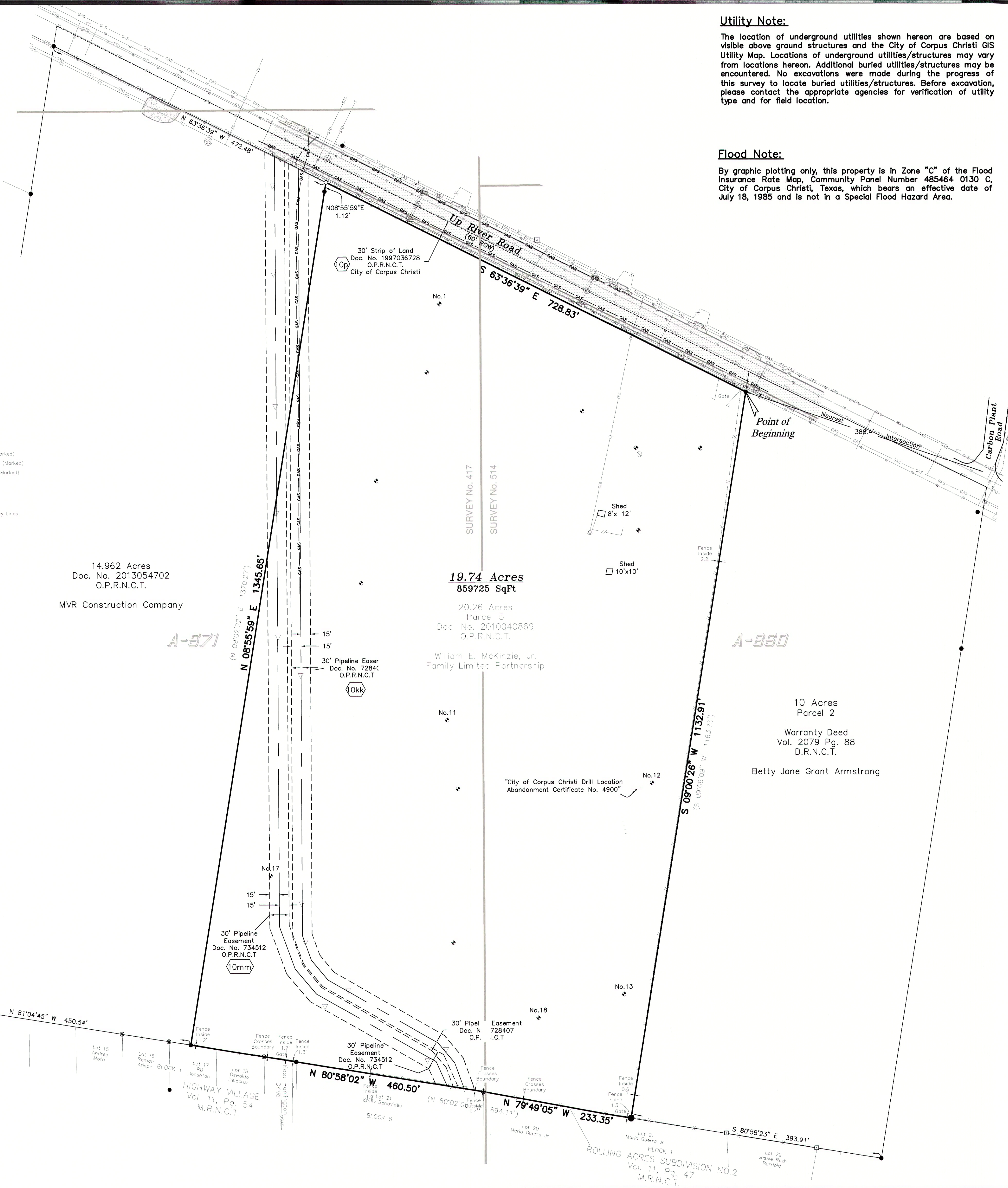
Cont. Page 2 of 2

LOCATION MAP N.T.S.



Legend

- 3/8" Iron Rod Found
- Iron Rod Found
- ⊙ 3/4" Iron Pipe Found
- ⊠ 1" Square Rebar Found
- ⊙ Gas Meter
- ⊙ Fire Hydrant
- ⊙ Water Valve
- ⊙ Water Meter
- ⊙ Electric Box
- ⊙ Light Pole
- ⊙ Power Pole
- ⊙ Guy Wire
- ⊙ Storm Water Manhole
- ⊙ Sanitary Sewer Manhole
- ⊙ Water Faucet
- ⊙ Sign
- ⊙ Pipeline Marker
- ⊙ Bore Hole
- ⊙ Wire Fence
- ⊙ Wood Fence
- ⊙ Overhead Line
- ⊙ Underground Gas Line (Marked)
- ⊙ Underground Electric Line (Marked)
- ⊙ Underground Water Line (Marked)
- ⊙ Gas Line-GIS
- ⊙ Water Line-GIS
- ⊙ Storm Water Line-GIS
- ⊙ Sanitary Sewer Line-GIS
- ⊙ Original Texas Land Survey Lines
- ⊙ Asphalt
- ⊙ Concrete



Utility Note:

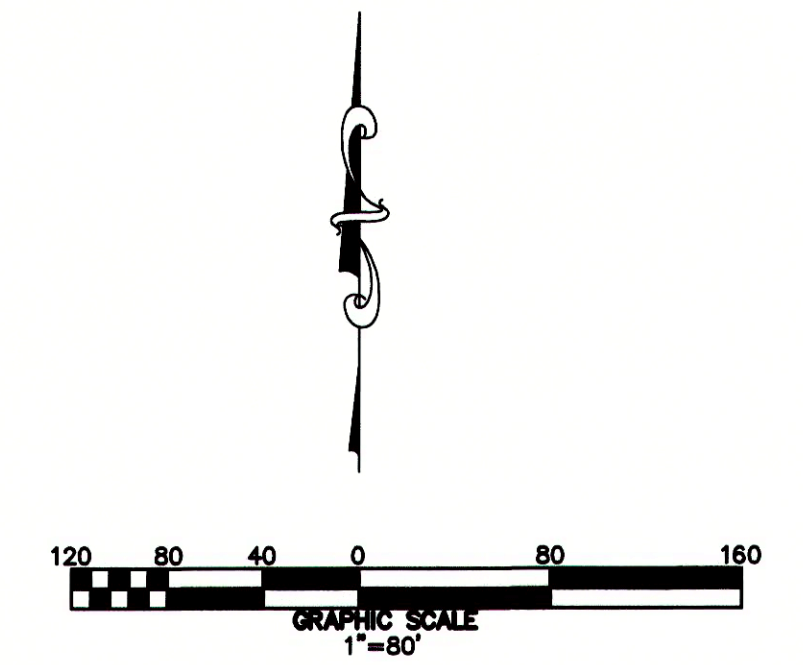
The location of underground utilities shown hereon are based on visible above ground structures and the City of Corpus Christi GIS Utility Map. Locations of underground utilities/structures may vary from locations hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities/structures. Before excavation, please contact the appropriate agencies for verification of utility type and for field location.

Flood Note:

By graphic plotting only, this property is in Zone "C" of the Flood Insurance Rate Map, Community Panel Number 485464 0130 C, City of Corpus Christi, Texas, which bears an effective date of July 18, 1985 and is not in a Special Flood Hazard Area.

General Notes:

- 1.) Bearings based on GPS, NAD83, State Plane Coordinate System, Texas South Zone 4205. (Record Bearing/Distance)
- 2.) Some features shown on this survey may be out of scale for clarity.
- 3.) This survey was prepared from field data obtained on February 26,27, and March 3,4,7, 2015.
- 4.) Exceptions pertaining to Oil, Gas, and Mineral Leases, Rights, Royalties and/or Reservations were not reviewed to determine if they do or do not affect the Subject Tract.
- 5.) Exterior dimensions of all buildings are at ground level. Square footage of all buildings are per the exterior footprint at ground level.
- 6.) There was no evidence of any earth moving work, building construction or building additions.
- 7.) Surveyor has no knowledge of proposed Right of Way changes and observed no evidence of recent street or sidewalk construction or repairs.
- 8.) Surveyor has no knowledge of party walls nor have they been designated by the client.
- 9.) Reference also, accompanying Field Notes of the Tract shown hereon (Page 2 of 2).



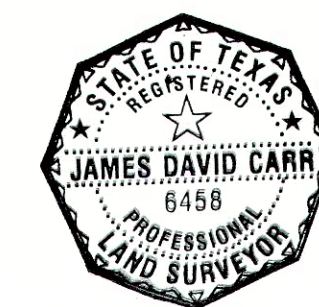
Surveyors Certificate:

To AAF-Vantage at Corpus Christi, Inc., and Alamo Title Insurance:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 7(a), 8, 10, 11(b), 13, 14, 16, 17, of Table A thereof.

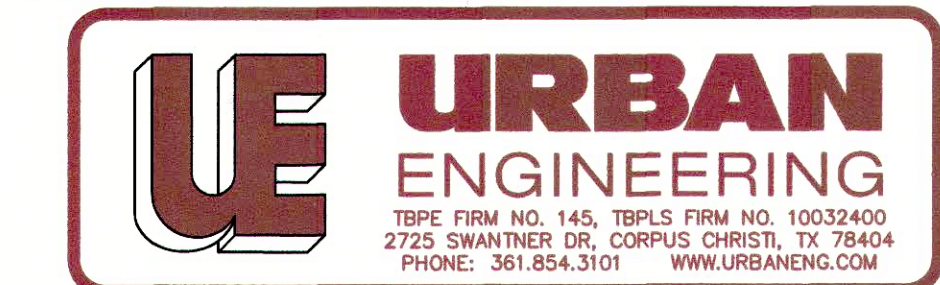
The field work was completed on February 26,27, and March 3,4,7, 2015.

Date of Plat or Map: February 9, 2015.



URBAN ENGINEERING
James D. Carr, RPLS
License No. 6458

REV. BY	DATE	DESCRIPTION	APPROVED
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ALTA/ACSM LAND TITLE SURVEY

Legal Description: Fieldnotes for a 19.74 Acre Tract of Land, situated in B5&F Survey No. 417, A-571 and B5&F Survey No. 422, A-850, being a portion of a 388.26 Acre Tract as recorded in Volume 1450, Page 514, of the Deed Records of Nueces County, Texas, out of a 35.26 Acre Tract described as Tract 3 of Charles McKinzie's Share, as recorded in Volume 1450, Page 514, being the remainder of a 20.26 Acre Tract described as Parcel 5, in a Special Warranty Deed from William E. McKinzie, Jr. to William E. McKinzie, Jr. Family Limited Partnership, as recorded in Document No. 2010040869 of the Official Public Records of Nueces County, Texas

DRAWN BY: JDC SCALE: 1" = 80' JOB NO: 42987.0000
CHK'D BY: DATE: 3/6/2015 SHEET: 1 OF 2
urbansurvey@urbaneng.com © 2015 by Urban Engineering

Title Commitment: (Cont.)

Alamo Title Insurance
G.F. No. 4042000491
Effective Date: February 2, 2015
Issued Date: February 23, 2015

This Survey was prepared in reference to the above Title Commitment and is Certified to the Parties shown hereon, for this transaction only and is not intended for any subsequent transactions or parties. It does not constitute a title search by the surveyor. All information regarding record easements, adjoiners, and other documents that might affect the quality of a title to the tract shown hereon was gained from the Title Commitment.

- 10 m. Mineral Conveyance of an undivided 1/4th interest of all oil, gas and other minerals in Special Warranty Deed dated December 4, 1996 executed by William B. McKinzie, Jr., Independent Executor of the Estate of Charles McKinzie, Jr., deceased to William E. McKinzie, Jr., recorded under County Clerk's file No. 1996046778, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 n. Memorandum of Oil and Gas Lease dated April 11, 1995 executed by Robert L. McKinzie, et al to J. D. Cobb, recorded under County Clerk's file No. 957276, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 o. Gift and Contribution Mineral Deed dated August 1, 1997 executed by L. W. D. Jensen, Individually and as Independent Co-Executor of the Estate of Leona North Jensen, deceased to The Frost National Bank as Trustee of the Jensen Revocable Living Trust, recorded under County Clerk's file No. 1997028248, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 p. Reverter clause as contained in Quit Claim Deed dated September 8, 1997 executed by William B. McKinzie, Jr., et al to the City of Corpus Christi, Texas, recorded under County Clerk's file No. 1997036728, Official Public Records of Nueces County, Texas. (Does Affect, as Shown Hereon)
- 10 q. Mineral Conveyance of an undivided 1/4th interest in Special Warranty Deed dated July 17, 1996 executed by William E. McKinzie, Jr., et al to William E. McKinzie, Jr., et al, recorded under County Clerk's file No. 1997041506, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 r. Memorandum of Oil and Gas Lease dated July 1, 1997 executed by Robert L. McKinzie, et al to Pecos Oil & Gas, Inc., recorded under County Clerk's file No. 1997041737, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (388.26 acres) (Not a Survey Matter)
- 10 s. Oil, Gas, and Mineral Lease dated May 5, 1998 from Gloria I. North, Individually and as Independent Executrix for the Estate of John C. North, Jr., deceased to T. S. Dudley Land Company, Inc., recorded under Clerk's File No. 1998028640, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (Not a Survey Matter)
- 10 t. Oil, Gas, and Mineral Lease dated May 5, 1998 from John C. Cutler to CNG Producing Company, recorded under Clerk's File No. 1998032200, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (Not a Survey Matter)
- 10 u. Oil, Gas, and Mineral Lease dated May 5, 1998 from Sarah L. Fenton, acting by and through her attorney-in-fact Edward J. Fenton to CNG Producing Company, recorded under Clerk's File No. 1998032201, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (Not a Survey Matter)
- 10 v. Oil, Gas, and Mineral Lease dated May 5, 1998 from Doris S. Brown to CNG Producing Company, recorded under Clerk's File No. 1998032202, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (Not a Survey Matter)
- 10 w. Oil, Gas, and Mineral Lease dated May 5, 1998 from Deborah North Ashley to CNG Producing Company, recorded under Clerk's File No. 1998040871, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (Not a Survey Matter)
- 10 x. Oil, Gas, and Mineral Lease dated May 5, 1998 from Thomas B. North to CNG Producing Company, recorded under Clerk's File No. 1998045344, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (Not a Survey Matter)
- 10 y. Memorandum of Seismic Permit and Lease Option Agreement dated April 12, 1999 from T. S. Dudley Land Company, Inc. recorded under Clerk's File No. 1999015933, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (Does Not Affect, Term Expired)
- 10 z. Memorandum of Seismic Permit and Lease Option Agreements dated July 16, 1997 executed by T. S. Dudley Land Company, Inc. recorded under County Clerk's file No. 1997026017, Official Public Records of Nueces County, Texas. (Does Not Affect, Term Expired)

- 10 aa. Memorandum of Seismic Permit and Lease Option Agreement dated December 4, 1997 executed by T. S. Dudley Land Company, Inc., recorded under County Clerk's file No. 1997045308, Official Public Records of Nueces County, Texas. (Does Not Affect, Term Expired)
- 10 ab. Reservation of all oil, gas and other minerals as shown by conveyance of "surface estate" only in Partition Deed dated December 21, 1972 executed by and between Charles McKinzie, et al to and with each other, recorded under County Clerk's file No. 901922, Volume 1450, Page 514, Deed Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 ac. Easement as shown in Appraisal Map U234 prepared by the Appraisal District of Nueces County, Texas, (note: no recorded information shown) (May Affect, Ambiguous and Non-Plottable)
- 10 ad. Terms, provisions, right of way and conditions as contained in Partition Deed dated December 21, 1972 executed by and between Charles McKinzie, et al to and with each other, recorded under County Clerk's file No. 901922, Volume 1450, Page 514, Deed Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Does not Affect. Affected 388.26 Acre Tract and a 35.25 Acre Tract (Tract 1)).
- 10 ae. Oil, Gas and Mineral Lease dated July 13, 1966 executed by William E. McKinzie, et al to J. D. Haynes, et al, recorded in counterparts under County Clerk's file No. 720294, Volume 241, Page 429, Oil and Gas Records of Nueces County, Texas; County Clerk's file No. 720295, No. 720297, Volume 241, Page 467, Oil and Gas Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 af. Oil, Gas and Mineral Lease dated November, 1981 executed by William B. McKinzie, et al to Oil & Gas Reserves, Inc., recorded under County Clerk's file No. 253626, Volume 351, Page 386, Oil and Gas Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to which has not been checked subsequent to the date of aforesaid instrument. (Not a Survey Matter)
- 10 ag. Oil, Gas, and Mineral Lease dated May 6, 2001 from Gloria I. North, Individually and as Independent Executrix for the Estate of John C. North, Jr., deceased to Dominion Exploration & Production, Inc., recorded under Clerk's File No. 2001019346, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (Not a Survey Matter)
- 10 ah. Right of Way Agreement dated February -, 1995 from William E. McKinzie, Jr., et al to Valero Transmission L.P. recorded under Clerk's file No. 956308, Official Public Records of Nueces County, Texas, (parallel to Up River Road) (Does Not Affect, Affects R-O-W)
- 10 ai. Quitclaim Mineral Deed dated March 31, 2004 from Jo Ann McKinzie Cox formerly Jo Ann McKinzie to William E. McKinzie, Jr., recorded under Clerk's file No. 2004017577, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (388.26 acre tract) (Not a Survey Matter)
- 10 aj. Oil and Gas Waste Disposal Agreement as evidenced in Application filed May 21, 2003, executed by and between William E. McKinzie to and with Johnson Resources, Inc., recorded under Clerk's File No. 2003028108, Official Public Records of Nueces County, Texas; together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (Not a Survey Matter)
- 10 ak. Right of Way dated July 25, 1966 executed by William E. McKinzie, et al to Lo-Vaca Gathering Company recorded under Clerk's file No. 728407, Volume 1193, Page 120, Deed Records of Nueces County, Texas. (Does Affect, as Shown Hereon. Referenced beginning point of "Abstract 570" appears to be erroneous. Easement placement based on supporting adjacent descriptions.)
- 10 al. Building, Zoning, Platting and/or Regulatory Laws and/or Ordinances of any Municipal and/or other Governmental Authority.
- 10 am. Right of Way dated June 21, 1990 executed by Charles McKinzie and William E. McKinzie, Jr. to Ozy Petrochemicals, Inc. recorded under Clerk's file No. 734512, Volume 2227, Page 829, Deed Records of Nueces County, Texas. (Does Affect, as Shown Hereon)
- 10 an. Temporary Construction Easement dated December 7, 2007 executed by William E. McKinzie, Jr. to City of Corpus Christi, Texas recorded under Clerk's file No. 2007060619, Official Public Records of Nueces County, Texas. Release of Pipeline Easements and Rights of Way recorded under Clerk's file No. 2011025793, Official Public Records of Nueces County, Texas. (Does Not Affect, Term Expired)
- 10 ao. Right of Way dated January 13, 1934 executed by Charles McKinzie and wife, Leona McKinzie to Southern Pipe Line Corporation, a corporation recorded under Clerk's file No. 84156, Volume 208, Page 540, Deed Records of Nueces County, Texas. (Blanket in Nature, Does Not Affect, Affects Abstract 570)

- 10 ap. Waterline Easement and Right of Way Easement dated January 13, 1993 executed by William E. McKinzie, Jr. to Koch Refining Company recorded under Clerk's file No. 846163, Official Public Records of Nueces County, Texas, (map attached therein) Release of Pipeline Easements and Rights of Way recorded under Clerk's file No. 2011025793, Official Public Records of Nueces County, Texas, (not described by metes and bounds descriptions) (Does Not Affect)
- 10 aq. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservation of mineral interest that are not listed. (Not a Survey Matter)
- 10 ar. Those liens created at closing, if any, pursuant to Lender's instructions.
- 10 as. Rights of Parties in Possession (Owner Policy Only)
- 10 at. Visible and apparent easements over and across subject property. (Owner Policy Only)
- 10 au. If any portion of the proposed loan and/or the Owner's Title Policy coverage amount includes funds for immediately contemplated improvements, the following exceptions will appear in Schedule B of any policy issued as indicated:
Owner's and Loan Policy(ies): Any and all liens arising by reason of unpaid bills or claims for work performed or materials furnished in connection with improvements placed, or to be placed, upon the subject land. However, the Company does insure the insured against loss, if any, sustained by the insured under this policy if such liens have been filed with the County Clerk of NUECES County, Texas, prior to the date hereof.
Owner's Policy(ies) Only: Liability hereunder at the date hereof is limited to . . . Liability shall increase as contemplated improvements are made, so that any loss payable hereunder shall be limited to said sum plus the amount actually expended by the insured in improvements at the time the loss occurs. Any expenditures made for improvements, subsequent to the date of this policy, will be deemed made as of the date of this policy. In no event shall the liability of the Company hereunder exceed the face amount of this policy. Nothing contained in this paragraph shall be construed as limiting any exception or any printed provision of this policy.
Loan Policy(ies) Only: Pending disbursement of the full proceeds of the loan secured by the lien instrument set forth under Schedule A hereof, this policy insures only to the extent of the amount actually disbursed, but increase as each disbursement is made in good faith and without knowledge of any defect in, or objections to, the title up to the face amount of the policy. Nothing contained in this paragraph shall be construed as limiting any exception under Schedule B, or any printed provision of this policy.
- 10 av. The following exception will appear in any policy issued (other than the T-1R Residential Owner's Policy of Title Insurance and the T-2R Short-Form Residential Loan Policy) if the Company is not provided a survey of the Land, acceptable to the Company, for review at or prior to closing:

Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.

FieldNotes:

Fieldnotes for a 19.74 Acre Tract of Land, situated in BS&F Survey No. 417, A-571 and BS&F Survey No. 422, A-850, being a portion of a 388.26 Acre Tract as recorded in Volume 1450, Page 514, of the Deed Records of Nueces County, Texas, out of a 35.26 Acre Tract described as Tract 3 of Charles McKinzie's Share, as recorded in Volume 1450, Page 514, being the remainder of 20.26 Acre Tract described as Parcel 5, in a Special Warranty Deed from William E. McKinzie, Jr. to William E. McKinzie, Jr. Family Limited Partnership, as recorded in Document No. 2010040869 of the Official Public Records of Nueces County, Texas, said 19.74 Acre Tract being more fully described as follows:

Beginning at a 5/8 Inch Iron Rod Found, on the apparent South Right-of-Way line of Up River Road, a 60 foot public roadway, the West boundary line of a 10 Acre Tract described as Parcel 2, in a Warranty Deed from Iris Powell Grant to Betty Jane Grant Armstrong, as recorded in Volume 2079, Page 88, of the said Deed Records, the East boundary line of the said 388.26 Acre Tract, the said 35.26 Acre Tract and the said 20.26 Acre Tract, being the Southeast corner of a 30.00 foot wide strip of Land, described as Parcel 1 in a Quit Claim Deed, from William E. McKinzie, Jr., Robert L. McKinzie, and Juanell McKinzie Graham to the City of Corpus Christ, as recorded in Document No. 1997036728, of the said Official Public Records, for the Northeast corner of this Tract;

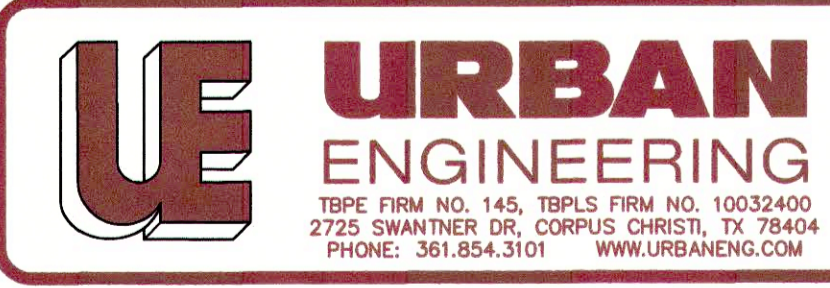
Thence, South 09°00'26" West, with the West boundary line of the said 10 Acre Tract, the East boundary line of the said 388.26 Acre Tract, the said 35.26 Acre and the said 20.26 Acre Tract, 1132.91 Feet, to a 1 Inch Iron Rod Found, on the North boundary line of Lot 21, Block 1, of the Rolling Acres Subdivision No.2, a map which is recorded in Volume 11, Page 47, of the Map Records of Nueces County, Texas, being the Southwest corner of the said 10 Acre Tract, for the Southeast corner of the said 388.26 Acre Tract, the said 35.26 Acre Tract, the said 20.26 Acre Tract and this Tract, from whence a 5/8 Inch Iron Rod Found, for the Southeast corner of the said 10 Acre Tract and an inner ell corner of the said Rolling Acres Subdivision No.2, bears South 80°58'23" East, 393.91 Feet;

Thence, North 79°49'05" West, with the North boundary line of the said Rolling Acres Subdivision No.2, 233.35 Feet, to 3/4 Inch Iron Pipe Found, being the Northeast corner of Highway Village Subdivision, as recorded in Volume 11, Page 54, of the said Map Records, the Northwest corner of the said Rolling Acres Subdivision No.2, for a corner of this Tract;

Thence, North 80°58'02" West, with the North boundary line of the said Highway Village Subdivision, 460.50 Feet, to a 5/8 Inch Iron Rod Found, being the Southeast corner of a 14.962 Acre Tract described in a Special Warranty Deed from Juanell McKinzie Graham and Lisa Coffey to MVR Construction, as recorded in Document No. 2013054702, of the said Official Public Records, for the Southwest corner of the said 20.26 Acre Tract and this Tract, from whence a 5/8 Inch Iron Rod Found, for the Southwest corner of the said 14.962 Acre Tract, bears North 81°04'45" West, 450.54 Feet;

Thence, North 08°55'59" East, with the East boundary line of the said 14.962 Acre Tract, the West Boundary line of the said 20.26 Acre Tract, pass a 5/8 Inch Iron Rod Found, on line, at 1344.54 Feet, in all a distance of 1345.65 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR. C.C. TX" Set, on the said apparent South Right-of-Way, the Southwest boundary line of the said Parcel 1, for the Northwest corner of this Tract, from whence a 5/8 Inch Iron Rod Found, being the Southwest corner of the said Parcel 1, for the Northwest corner of the said 14.962 Acre Tract, bears North 63°36'39" West, 472.48 Feet;

Thence, South 63°36'39" East, with the said apparent Southwest Right-of-Way, the South boundary line of the said Parcel 1, 728.83 Feet, to the Point of Beginning, containing 19.74 (869,725 Sq. Ft.) of land, more or less.

REV. BY	DATE	DESCRIPTION	APPROVED
 <p>URBAN ENGINEERING TBP# FIRM NO. 145, TBP#S FIRM NO. 10032400 2725 SWANWYMER DR. CORPUS CHRISTI, TX 78404 PHONE: 361.854.3101 WWW.URBANENG.COM</p>			
ALTA/ACSM LAND TITLE SURVEY			
<p>Legal Description: Fieldnotes for a 19.74 Acre Tract of Land, situated in BS&F Survey No. 417, A-571 and BS&F Survey No. 422, A-850, being a portion of a 388.26 Acre Tract as recorded in Volume 1450, Page 514, of the Deed Records of Nueces County, Texas, out of a 35.26 Acre Tract described as Tract 3 of Charles McKinzie's Share, as recorded in Volume 1450, Page 514, being the remainder of a 20.26 Acre Tract described as Parcel 5, in a Special Warranty Deed from William E. McKinzie, Jr. to William E. McKinzie, Jr. Family Limited Partnership, as recorded in Document No. 2010040869 of the Official Public Records of Nueces County, Texas</p>			
DRAWN BY: JDC SCALE: 1"= 80' JOB NO: 42987.0000			
CHK'D. BY: _____ DATE: 3/6/2015 SHEET: 2 OF: 2			
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