

# STAFF REPORT

Case No. 1120-01

INFOR No. 20ZN1025

**Planning Commission Hearing Date:** November 11, 2020

Applicant & Legal Description	<b>Owner:</b> Mary Hutchins Triestman Partnership <b>Applicant:</b> Mary Hutchins Triestman Partnership <b>Location Address:</b> 1902 Rand Morgan Road <b>Legal Description:</b>  Tract 1: Being 9.564 acre tract of land, more or less, a portion of Survey 416, A.B.& M. Certificate No. 962, Abstract 838, and being a portion of an 80 acre tract described by deed as “Rand Morgan Road Property” in Document No. 2001007773  Tract 2: Being 45.670 acre tract of land, more or less, a portion of Survey 416, A.B.& M. Certificate No. 962, Abstract 838, and being a portion of an 80 acre tract described by deed as “Rand Morgan Road Property” in Document No. 2001007773, located along the east side of Rand Morgan Road, south of Leopard Street, and north of McNorton Road.			
	<b>Zoning Request</b> <b>From:</b> “FR” Farm Rural District and “RS-6” Single-Family 6 District <b>To:</b> “CN-1” Neighborhood Commercial District (Tract 1) and “RS-4.5/PUD” Single-Family 4.5 District with a Planned Unit Development (Tract 2) <b>Area:</b> 55.23 total acres <b>Purpose of Request:</b> To develop commercial properties and a single-family residential subdivision.			
Existing Zoning and Land Uses		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
	Site	“FR” Farm Rural and “RS-6” Single-Family 6	Vacant	Medium Density Residential
	North	“RS-6” Single-Family 6	Vacant	Medium Density Residential
	South	“RS-4.5” Single Family 4.5	Vacant and Low Density Residential	Medium Density Residential
	East	“IH” Heavy Industrial	Vacant and Heavy Industrial	Heavy Industrial
	West	“RS-6” Single-Family 6 and “RS-4.5” Single Family 4.5	Mobile Home Park and Low Density Residential	Medium and High Density Residential

<b>ADP, Map &amp; Violations</b>	<b>Area Development Plan:</b> The subject property is located within the boundaries of the Northwest Area Development Plan and is planned for a Medium Density Residential use. The proposed rezoning to the “CN-1” Neighborhood Commercial District is inconsistent with the Future Land Use map. However, the proposed “RS-4.5/PUD” Single-Family 4.5 District with a Planned Unit Development is consistent with the Future Land Use Map. <b>Map No.:</b> 058047 <b>City Council District:</b> 1 <b>Zoning Violations:</b> None				
<b>Transportation</b>	<b>Transportation and Circulation:</b> The subject property has approximately 1,500 feet of street frontage along Rand Morgan Road which is designated as an “A2” Secondary Arterial Street. According to the Urban Transportation Plan, “A2” Secondary Arterial Streets can convey a capacity between 20,000 and 32,000 Average Daily Trips (ADT).				
<b>Street R.O.W.</b>	<b>Street</b>	<b>Urban Transportation Plan Type</b>	<b>Proposed Section</b>	<b>Existing Section</b>	<b>Traffic Volume</b>
	<b>Rand Morgan Road</b>	“A2” Secondary Arterial Street	100’ ROW 54’ paved	100’ ROW 50’ paved	N/A

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a rezoning from the “FR” Farm Rural District and “RS-6” Single-Family 6 District to the “CN-1” Neighborhood Commercial District and “RS-4.5/PUD” Single-Family District and a Planned Unit Development to allow for a commercial properties and a single-family residential subdivision.

**Development Plan:** The subject property is a total of 55.23 acres in size. Approximately, 9 acres is for the proposed commercial development. The remaining 45 acres is for the proposed planned unit development. Royal Oak Future Units is a Planned Unit Development (PUD), is proposing three commercial lots and a single-family residential development consisting of 209 lots.

<b>Minimum Dimensions</b>	<b>“RS-4.5” District Standards</b>	<b>Proposed PUD</b>	<b>Deviation</b>
<b>Block 1, Lot 6 Buffer Yard</b>			
Minimum Lot Width	50 feet and 50 points	10 foot side yard & 2 trees east side	<u><b>Yes</b></u>
<b>Block 10, Lots 1-35 Buffer Yard</b>			
Buffer Yard: “RS-4.5” and “IH”	50 feet and 50 points	20 foot rear yard & 2 trees east side	<u><b>Yes</b></u>
<b>Street Design</b>			
Cul-de-sac Design	Allowed with Technical Review Committee (TRC) Approval	Allowed	<u><b>Yes</b></u>

**Existing Land Uses & Zoning:** The subject property is currently zoned “FR” Farm Rural District and “RS-6” Single-Family 6 District and consists of vacant property and has remained undeveloped since annexation in 1962. To the north is a vacant property zoned “RS-6” Single-Family 6 District. To the south is a developing single-family residential subdivision recently zoned “RS-4.5” Single-Family 4.5 District in 2019. To the east is a large industrial area zoned “IH” Heavy Industrial District. The industrial area consists of the former Celanese Technical Center and STX Beef processing plant and slaughterhouse. To the west is a mobile home park constructed in the 1960s, Fire Station #12 both zoned “RS-6” Single-Family 6 District. Further to the west across Rand Morgan Road are single-family residences (Northwest Crossing, 2001) and the Tuloso-Midway Intermediate School zoned “RS-4.5” Single-Family 4.5 District.

**AICUZ:** The subject property is not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ).

**Plat Status:** The property is unplatted.

**Utilities:**

**Water:** 16-inch DIP line located along Rand Morgan Road.

**Wastewater:** 2.5-inch PVC line located along Rand Morgan Road.

**Gas:** 4-inch line located along Rand Morgan Road.

**Storm Water:** N/A

**Plan CC & Area Development Plan Consistency:** The subject property is located within the boundaries of the Northwest Area Development Plan (ADP). The proposed rezoning to the “CN-1” Neighborhood Commercial District is inconsistent with the Future Land Use map. However, the proposed “RS-4.5/PUD” Single-Family 4.5 District with a Planned Unit Development is consistent with the Future Land Use Map. Overall, the proposed rezoning is inconsistent with the adopted Comprehensive Plan (Plan CC) as a whole. The following policies should be considered:

- Encourage orderly growth of new residential, commercial, and industrial areas (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Promote a balanced mix of land uses to accommodate continuous growth and promote the proper location of land uses based on compatibility, locational needs, and characteristics of each use (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Encourage residential infill development on vacant lots within or adjacent to existing neighborhoods. (Future Land Use, Zoning, and Urban Design Policy Statement 3)
- Support the separation of high-volume traffic from residential areas or other noise-sensitive land uses (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- Encourage the design of commercial centers in a manner that minimizes the impacts of automobile intrusion, noise and visual blight on surrounding areas (Future Land Use, Zoning, and Urban Design Policy Statement 3).

- Promote interconnected neighborhoods with appropriate transitions between lower-intensity and higher-intensity land uses. (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- Encourage the design of commercial centers in a manner that minimizes the impacts of automobile intrusion, noise and visual blight on surrounding areas. (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- Incompatible industrial and commercial land uses should not abut residential areas. Many of the activities allowed in the industrial and commercial districts are incompatible with residential areas. Whenever possible, such uses should be separated from residential areas. When these uses must abut residential areas, steps shall be taken to minimize conflicts, i.e., provision of open space, landscaping, screening fences, etc. (Corpus Christi Policy Statements, Land Use, Residential Policy Statement i.)

**Department Comments:**

- The proposed rezoning to the “CN-1” Neighborhood Commercial District is inconsistent with the Future Land Use map. However, the proposed “RS-4.5/PUD” Single-Family 4.5 District with a Planned Unit Development is consistent with the Future Land Use Map. Overall, the proposed rezoning is inconsistent with the adopted Comprehensive Plan (Plan CC) as a whole.
- The proposed rezoning is incompatible with neighboring properties and with the general character of the surrounding area. The proposed “RS-4.5” District constitutes an increase in density of single-family homes which is incompatible with the large industrial properties to the east.
- The proposed commercial rezoning will be the only commercial node south of the intersection of Rand Morgan Road and Leopard Street approximately 0.30 miles to the north of the subject property.
- Additionally, all of the higher density single-family residential neighborhoods are located to the west of Rand Morgan Road and across the road from the subject property and there is sufficient interconnectivity between neighborhoods. The subject property is isolated with no possible connectivity with the mobile home park to the east causing the need cul-de-sac streets and only one street of connectivity to the southern developing single-family subdivision.
- This rezoning does have a negative impact upon the surrounding neighborhood. An increase in density next to the large tract heavy industrial facilities will potentially subject additional residential homes to hazards such as: noise, smoke, vibration, dust, and odors.
- During previous adjacent rezoning cases in 2016 and 2019, staff made the following points:
  - Rand Morgan Road is essentially the dividing line between the planned industrial used lands and residentially used land on the Future Land Use map.
  - The subject property has not developed under the current adopted Future Land Use Plan designation and the existing zoning.
  - The McNorton Subdivision to the south of the subject property is designated as a “neighborhood in transition” in the Port/Airport/Violet Area Development Plan (ADP) since the neighborhood is surrounded on three sides with industrial uses or zoning. The term “In Transition” in the ADP suggests that the location of the

- McNorton Subdivision is not an ideal residential location due to potential negative impacts from industrial used or zoned property.
- The proposed 6+ acre buffer proposed by the applicant may be sufficient to protect the proposed residential subdivision from the negative impacts of the abutting “IH” Heavy Industrial zoned property.
  - Staff is of the opinion that the applicant has made a significant effort to address Comprehensive Plan land use issues by proposing the “FR” Farm Rural District as a protective buffer to the neighborhood. Therefore, a change to the Future Land Use Plan map is warranted.
- The site currently only has access to Rand Morgan Road which will present connectivity issues. During the review process, the Texas Department of Transportation (TXDOT) raised concerns with the significant increase in potential traffic and the inability of Rand Morgan Road to absorb such traffic in its current state as a two lane road. TXDOT commented that due to the increased traffic concerns, the proposed commercial lots will not have direct access to Rand Morgan Road. Additional concerns were raised focused on the lack of a traffic signal at the intersection of Oregon Trail and Rand Morgan Road. Oregon Trail serves as not only the primary entrance to the residential subdivision to the west and TMISD school, but also as the primary entrance to the subject property. Primarily, this issues will be addressed during the platting process.
  - A 230’ wide buffer area was established during the previous rezoning case in 2016 to the adjacent industrial areas. This proposed PUD is not continuing the buffer as established by the adjacent subdivision to the south. Additionally, this proposed PUD is requesting relief from the required UDC zoning district buffer yard of 50-feet and 50-points.
  - The adjacent industrial facilities consist of the STX Beef (formerly Sam Kane) slaughterhouse and meat packing plant and the former Celanese Technical Center. Both facilities are zoned “IH” Heavy Industrial District.
  - Members of the Technical Review Committee from the Fire, Solid Waste, Planning Departments have raised several concerns on the design of the proposed PUD. The concerns are specific to the use of the “hammerhead” cul-de-sac design and the proximity to an active heavy industrial use without a significant buffer.
  - Lastly, adjacent to the subject property is the STX Beef (formerly Sam Kane) slaughterhouse and meat packing plant. Within the last 3 years, 341 separate violations for Air Quality have been filed with the Texas Commission on Environmental Quality (TCEQ).

**Staff Recommendation:**

Approval of the change of zoning from the “FR” Farm Rural District and the “RS-6” Single-Family 6 District to the “CN-1” Neighborhood Commercial District and “RS-4.5/PUD” Single-Family District and a Planned Unit Development with the following conditions:

1. **Planned Unit Development Guidelines and Master Site Plan:** The Owners shall develop the Property in accordance with The Royal Oak Future Units Planned Unit Development (PUD) Guidelines.
2. **Buffer Yard:** The lots identified as Lots 1-35, Block 10 must have a buffer yard consisting of a minimum 20-foot rear yard setback, must have two trees per lot with a minimum of a 2.5 inch caliper, and a 7-foot solid wooden screening fence along the

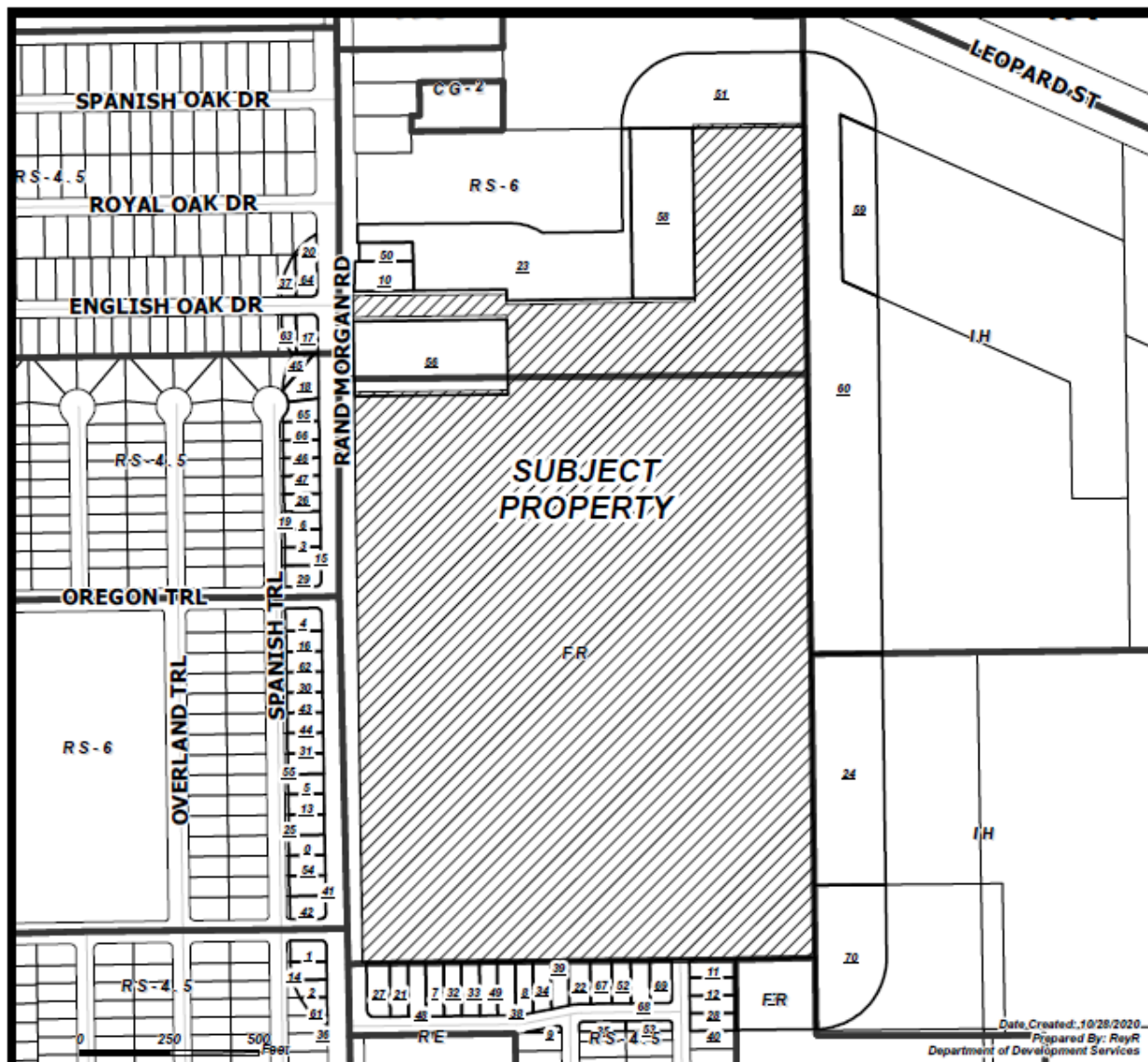
property line shared with the “IH” Heavy Industrial District. The lot identified as Lot 6, Block 1 must have a buffer yard consisting of a minimum 10-foot side yard setback, must have two trees with a minimum of a 2.5 inch caliper, and a 7-foot solid wooden screening fence along the property line shared with the “IH” Heavy Industrial District.

3. **Other Requirements:** The conditions listed herein do not preclude compliance with other applicable UDC and Building and Fire Code Requirements.
4. **Time Limit:** An approved development plan shall expire 24 months after the date that the development plan was approved, unless a complete building permit application has been submitted or, if no building permit is required, a certificate of occupancy has been issued.

<b>Public Notification</b>	Number of Notices Mailed – 70 within 200-foot notification area 6 outside notification area
	<b><u>As of November 6, 2020:</u></b>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 0 inside notification area – 0 outside notification area
	Totaling 0.00% of the land within the 200-foot notification area in opposition.

**Attachments:**

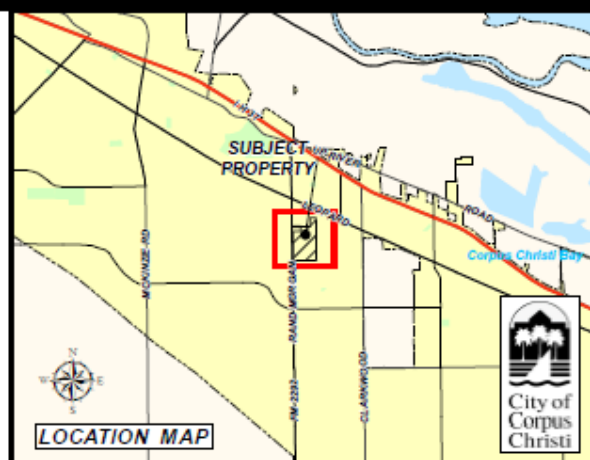
- A. Location Map (Existing Zoning & Notice Area)
- B. Public Comments Received (if any)
- C. Planned Unit Development (PUD) Guidelines and Master Site Plan



# **CASE: 1120-01** **ZONING & NOTICE AREA**

RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
OH Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-8 Single-Family 8
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF Two-Family
CR-1 Resort Commercial	RS-16 Single-Family 16
CR-2 Resort Commercial	RE Residential Estate
CG-1 General Commercial	RS-TH Townhouse
CG-2 General Commercial	SP Special Permit
CI Intensive Commercial	RV Recreational Vehicle Park
CBD Downtown Commercial	RMH Manufactured Home
CR-3 Resort Commercial	
FR Farm Rural	
H Historic Overlay	
BP Business Park	

- ☒ Subject Property with 200' buffer  
☐ Owners in favor  
☒ Owners within 200' listed on attached ownership table  
☐ Owners in opposition



# ROYAL OAK FUTURE UNITS

PUD

Corpus Christi, Texas

Owner/Developer

MPM DEVELOPMENT, LP  
P.O. BOX 331308 CORPUS CHRISTI, TX 78463  
774-3832

Submitted by:

**BASS & WELSH ENGINEERING**  
P.O. Box 6397  
Corpus Christi, TX 78466-6397

November 5, 2020



A handwritten signature in blue ink, appearing to read "Nixon M. Welsh", written over the bottom right portion of the professional seal.



**ROYAL OAK FUTURE UNITS**  
**PUD**  
**Corpus Christi, Texas**

**DEVELOPMENT DESCRIPTION:**

Royal Oak Future Units, a Planned Unit Development (PUD), is a proposed commercial (3 lots) and single family residential development (208 lots). The developer is requesting a change of zoning from RS-6 to RS-4.5/PUD and FR to CN-1/PUD and RS4.5/PUD to allow deviations from the Unified Development Code.

The deviations are in proposed RS4.5/PUD areas only, not in CN-1 areas, in that 1) Block 1, Lot 6 would be required to have a 50' east side yard setback whereas a 10' YR/UE and two reasonably mature trees are proposed on the east side of this lot, and 2) Block 10, Lots 1 – 35 would be required to have a 50' rear yard setback whereas a 20' rear yard setback and two reasonably mature trees in these lots are proposed. UDC allows no hammerheads whereas two hammerheads are proposed as shown.

**LOCATION MAP – See attached**

**METES AND BOUNDS PROPERTY DESCRIPTION AND SKETCH FOR REZONING – See attached**

**PROPOSED PRELIMINARY PLAT – See Attached**

**DEED – See Attached**

**UDC – PUD COMPARISON**

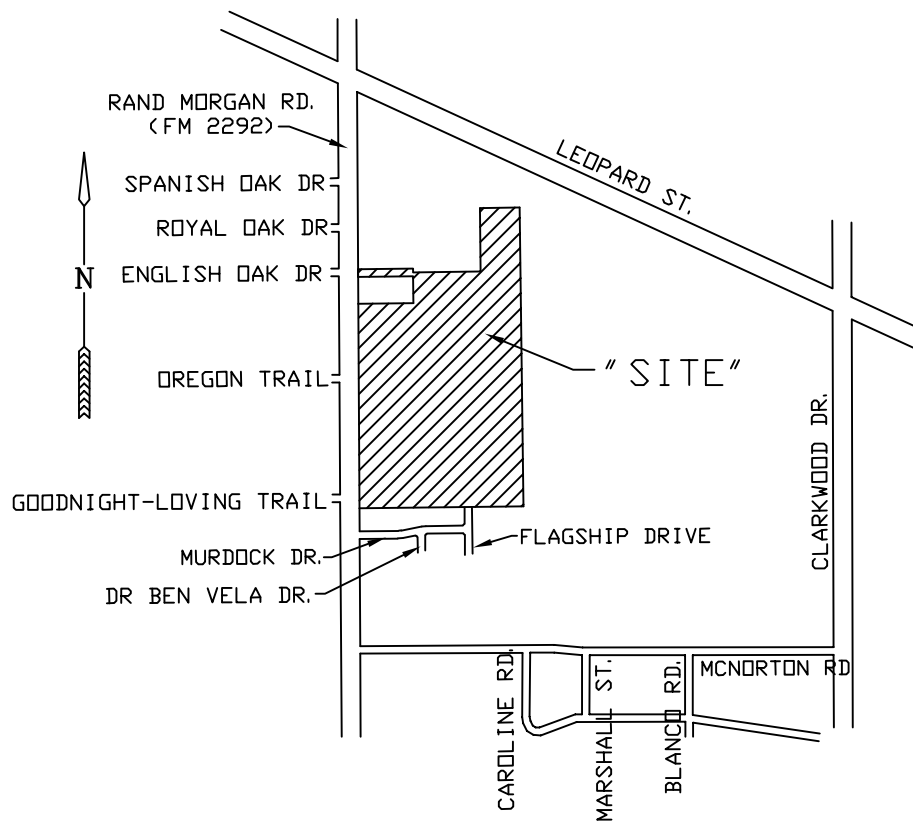
DESCRIPTION	UDC	PUD REQUIREMENT
HAMMERHEADS	NOT ALLOWED	2 Hammerheads OK

DESCRIPTION - BLOCK 1, LOT 6	UDC	PUD REQUIREMENT
MINIMUM EAST YR	50 FT	10'UE/YR & 2 trees East side

DESCRIPTION – Block 10, Lots 1 - 35	UDC	PUD REQUIREMENT
MINIMUM REAR YARD	50 FT	20' YR & 2 trees rear/east

**Amenities to include:**

Secluded Residential Neighborhood  
All streets contain walks



LOCATION MAP - ROYAL OAK FUTURE UNITS PUD  
1"=1500'

**BASS & WELSH ENGINEERING**  
**Engineering Firm Reg. No. F-52**  
**Surveying Firm Reg. No. 100027-00**  
P.O. Box 6397  
Corpus Christi, TX 78466-6397

September 29, 2020  
20027-M&B-Zoning CN-1.doc

STATE OF TEXAS                   §

COUNTY OF NUECES           §

Description of a 9.564 acre tract of land, more or less, a portion of Survey 416, A.B. & M. Certificate No. 962, Abstract 838, and being a portion of an 80 acre tract described by deed as "Rand Morgan Road Property" in Document No. 2001007773, Official Records of said county, said 9.564 acre tract of land as further described by metes and bounds as follows:

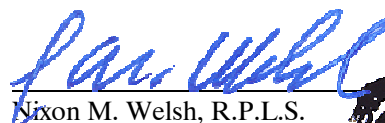
**BEGINNING** at a point in the east right-of-way line of Rand Morgan Road (FM Highway 2292) for the northwest corner of the tract herein described and southwest corner of a 2.07 acre City of Corpus Christi tract described by deed recorded at Volume 1027, Page 584, Deed Records of said county;

THENCE N89°15'35"E 261.91' along the south boundary line of said 2.07 acre tract to a point for the northeast corner of the tract herein described;

THENCE S00°45'07"E 1596.84' to a point for the southeast corner of the tract herein described in the north boundary line of Tuloso Reserve Unit 1, a map of which is recorded in Volume 69, Pages 347 and 348, Map Records of said county;

THENCE S89°23'36"W 260.00' along the north boundary line of said Tuloso Reserve Unit 1 and along a right-of-way line of said Rand Morgan Road to a point for the southwest corner of the tract herein described and right-of-way corner of said Rand Morgan Road;

THENCE N00°49'15"W 1596.24' along said east right-of-way line of Rand Morgan to the **POINT OF BEGINNING**, a sketch showing said 9.564 acre tract for CN-1 Zoning being attached hereto as Exhibit "C".

  
Nixon M. Welsh, R.P.L.S.



**EXHIBIT "A"**

**BASS & WELSH ENGINEERING**  
**Engineering Firm Reg. No. F-52**  
**Surveying Firm Reg. No. 100027-00**  
P.O. Box 6397  
Corpus Christi, TX 78466-6397

September 29, 2020  
20027-M&B-Zoning RS4.5.doc

STATE OF TEXAS                   §

COUNTY OF NUECES           §

Description of a 45.670 acre tract of land, more or less, a portion of Survey 416, A.B. & M. Certificate No. 962, Abstract 838, and being a portion of an 80 acre tract described by deed as "Rand Morgan Road Property" in Document No. 2001007773, Official Records of said county, said 45.670 acre tract of land as further described by metes and bounds as follows:

**BEGINNING** at a point in the east right-of-way line of Rand Morgan Road (FM Highway 2292) for a northwesterly corner of the tract herein described and northwest corner of a 2.07 acre City of Corpus Christi tract described by deed recorded at Volume 1027, Page 584, Deed Records of said county;

THENCE N00°49'15"W 60.00' along said east right-of-way line of Rand Morgan Road to a point for the northwest corner of the tract herein described and southwest corner of a 52' x 210' tract of land conveyed to H.C. Davis by deed recorded at Volume 888, Page 295, said deed records;

THENCE N89°27'46"E 430.12' along the south boundary line of said 52' x 210' tract and along the south boundary line of Tract 10, Hutchins Tracts, a map of which is recorded at Volume 34, Page 113, Map Records of said county, to a point for south central corner of said Tract 10, Hutchins Tracts and north central corner of the tract herein described;

THENCE S00°47'47"E 29.82' along a south central boundary line of said Tract 10, Hutchins Tracts, to a point for north central interior corner of the tract herein described and south central corner of said Tract 10, Hutchins Tracts;

THENCE N89°01'08"E 526.98' along the south boundary of said Tract 10, Hutchins Tracts and along the south boundary line of a 2-acre tract described by deed, Document No. 2019047552, said official records, to a point for the southeast corner of said 2-acre tract and the north central or northeasterly corner of the tract herein described;

THENCE N00°39'38"W 495.26' along the east boundary of said 2-acre tract to a point for the northeast corner of said 2-acre tract and westernmost northeast corner of the tract herein described and being in the south boundary line of Tract 6, Hutchins Tracts, a map of which is recorded in Volume 32, Page 98, said map records;

THENCE N89°12'53"E 310.81' along the south boundary line of said Tract 6, Hutchins Tracts, to a point for the southeast corner of said Tract 6, Hutchins Tracts and northeast corner of the tract herein described in the west boundary line of a 70.25 acre tract described by deed recorded at Document No. 2019011303, said official records;

THENCE S00°45'07"E 2335.56' along the west boundary line of said 70.25 acre tract, along the west boundary line of 1 acre tract called "Hutchins Ditch Tract" in said Document No. 2001007773, along the west

**EXHIBIT "B"**

Metes and Bounds Description, 45.670 Acre Tract, September 29, 2020, Continued;

boundary line of 85.022 acre Parcel 1 described by deed recorded in Document No. 2010036915, said official records and along the west boundary line of 5.100 acre Parcel 3 described by deed recorded at Document No. 2004017839, said official records, to a point for the northeast corner of 25.998 acre Parcel 2 described by said deed recorded at Document No. 2010036915, for the southeast corner of the tract herein described;

THENCE S89°23'36"W 1006.48' along the north boundary line of said 25.998 acre Parcel 2 and continuing along the north boundary line of Tuloso Reserve Unit 1, a map of which is recorded in Volume 69, Pages 347 and 348, said map records, to a point for the southwest corner of the tract herein described;

THENCE N00°45'07"W 1596.84' to a point for a northwesterly corner of the tract herein described in the south boundary line of said 2.07 acre tract;

THENCE S89°15'35"E 168.09' along the south boundary line of said 2.07 acre tract to a point for the southeast corner of said 2.07 acre tract and northwesterly interior corner of the tract herein described;

THENCE N00°49'15"W 210.00' along the east boundary line of said 2.07 acre tract to a point for the northeast corner of said 2.07 acre tract and northwesterly interior corner of the tract herein described;

THENCE S89°15'35"W 430.00' along the north boundary line of said 2.07 acre tract to the **POINT OF BEGINNING**, a sketch showing said 45.670 acre tract for RS-4.5 Zoning being attached hereto as Exhibit "C".

  
Nixon M. Welsh, R.P.L.S.



EXHIBIT "B"

Page 2 of 2

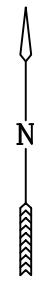
HUTCHINS TRACTS  
TRACT 6  
V. 32, P. 98, M. R.

N89° 12' 53" E  
310.81'

52' X 210' TRACT,  
CONVEYED TO H. C.  
DAVIS, V. 888, P.  
295, D. R.

HUTCHINS TRACTS  
TRACT 10  
V. 34, P. 113, M. R.

2 AC. TRACT, 2130  
RAND MORGAN RD, LLC,  
DOC. NO. 2019047552,  
O. R.



N89° 27' 46" E  
430.12'  
S00° 47' 47" E  
29.82'  
N89° 01' 08" E  
526.98'  
N00° 39' 38" W 495.26'  
N00° 49' 15" W 60.00'  
S89° 15' 35" W 430.00'  
2.07 AC. TRACT,  
V. 1027, P. 584,  
D. R., CITY OF C. C.  
N89° 15' 35" E 430.00'  
261.91' 168.09' N00° 49' 15" W 210.00'

70.25 AC. TRACT, DOC.  
NO. 2019011303, O. R.,  
STX BEEF CO., LLC

RS 4.5 ZONING TRACT, PORTION  
SURVEY 416, A. B. & M. CERT. 962,  
ABS. 838 AND BEING A PORTION OF AN  
80 AC. TRACT DESCRIBED AS RAND  
MORGAN ROAD PROPERTY IN DEED, DOC.  
NO. 2001007773, O. R., 45.670 AC

CN-1 ZONING TRACT, PORTION SURVEY 416, A. B. & M.  
CERT. 962, ABS. 838 AND BEING A PORTION OF AN 80  
AC. TRACT DESCRIBED AS RAND MORGAN ROAD PROPERTY IN  
DEED, DOC. NO. 2001007773, O. R., 9.564 AC.

N00° 49' 15" W 1596.24'  
S00° 45' 07" E 1596.84'

AC X 17.46' WIDE  
HUTCHINS DITCH  
TRACT, DOC. NO.  
2001007773, O. R.

85.022 AC. PARCEL 1,  
DOC. NO. 2010036915,  
O. R., DBL T & C  
PROPERTIES, INC.

5.100 AC. PARCEL 3,  
DOC. NO. 2004017839,  
O. R., C. C.  
INDUSTRIAL PARK, LLC

EXHIBIT "C"  
SKETCH TO ACCOMPANY METES  
AND BOUNDS DESCRIPTIONS  
1" = 300'

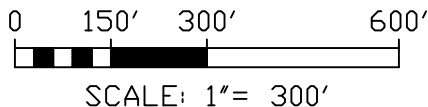
CL RAND MORGAN RD. (FM 2292)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16  
① S89° 23' 36" W 1266.48' ②

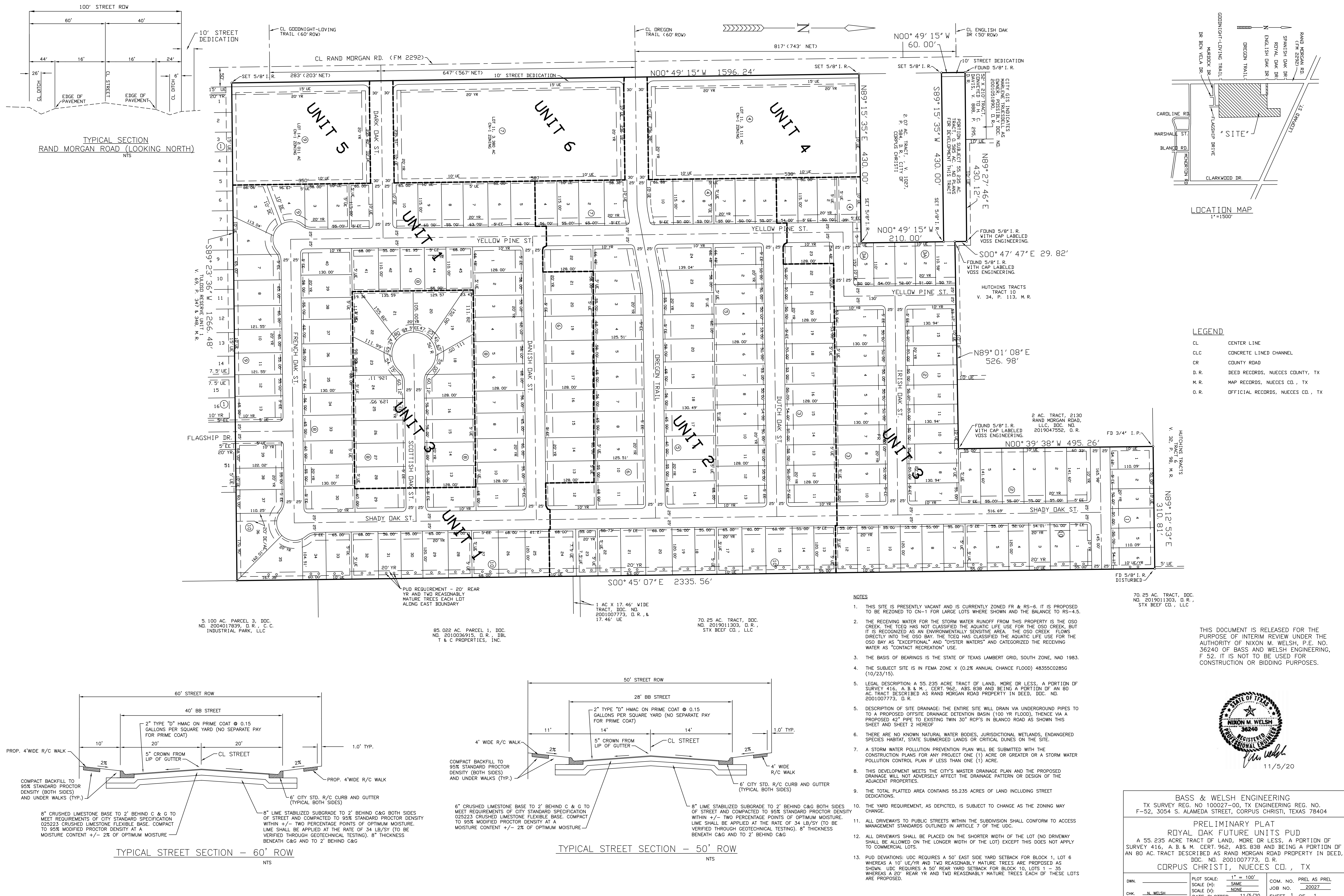
TULSO RESERVE UNIT 1  
V. 69, P. 347 & 348,  
M. R.

FLAGSHIP DR.

REMAINDER OF 25.998 ACRE  
PARCEL 2, DOC. NO.  
2010036915, O. R., DOUBLE  
T & C PROPERTIES, INC.



BASS AND WELSH ENGINEERING  
CORPUS CHRISTI, TX  
SURVEY REG. NO. 100027-00,  
TX ENGINEERING REG. NO. F-52,  
FILE: EXB-ZONING, JOB NO.  
20027, SCALE: 1" = 300'  
PLOT SCALE: SAME, PLOT DATE:  
9/29/20, SHEET 1 OF 1



WARRANTY DEED

Doc# 2001007773

THE STATE OF TEXAS  
COUNTY OF NUECES

§  
§ KNOW ALL MEN BY THESE PRESENTS:  
§

THAT Mary Hutchins Triestman (hereinafter called "Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid to her by the Grantee named below, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY to The Mary Hutchins Triestman Limited Partnership, a New Jersey limited partnership, (together with its successors and assigns being hereinafter called "Grantee"), all of her interest in the following described property:

(a) Land. The real property (the "Land") located in Nueces County, Texas, described in Schedule One attached hereto and made a part hereof for all purposes; together with

(b) Rights and Appurtenances. The benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in anywise appertaining thereto, and any and all right, title and interest of Grantor in and to adjacent roads, and rights-of-way (herein collectively called the "Rights and Appurtenances"); and together with

(c) Improvements. Grantor's right, title and interest in any improvements located on the Land (herein called the "Improvements").

The Land, Improvements, and Rights and Appurtenances are hereinafter collectively called the "Property".

This conveyance is made and accepted, however, subject to the following (hereinafter collectively called the "Qualifications"):



(1) Any and all restrictive covenants, easements, and mineral interests, if any, held or owned by others, relating to the Property, but only to the extent they are still in effect and are shown of record in Nueces County, Texas.

(2) All zoning laws, platting laws or ordinances, environmental laws, and other ordinances and municipal and governmental regulations, relating to the Property.

(3) The liens for all governmental assessments and ad valorem taxes for the year 2001 and all subsequent years; the payment of which are hereby assumed by Grantee.

TO HAVE AND TO HOLD the Property unto Grantee forever; and I do hereby bind myself and my heirs, personal representatives, successors, and assigns, to warrant and forever defend all and singular the Property unto Grantee against every person whomsoever lawfully claiming or to claim the Property or any part thereof except as to the Qualifications, by, through or under Grantor, but not otherwise.

Executed this 22 day of Feb, 2001.

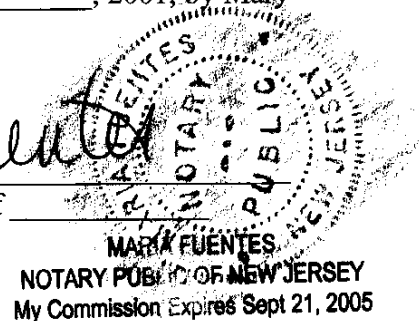
Mary Hutchins Triestman  
Mary Hutchins Triestman

STATE OF New Jersey §  
COUNTY OF Union §

This instrument was acknowledged before me on the 22 day of Feb, 2001, by Mary Hutchins Triestman.



NOTARY PUBLIC, State of \_\_\_\_\_



**AFTER RECORDING RETURN TO:**

Richard L. Leshin  
The Kleberg Law Firm, P.C.  
800 N. Shoreline Blvd., Suite 900 North  
Corpus Christi, Texas 78401

**GRANTEE'S ADDRESS:**

The Mary Hutchins Triestman Limited  
Partnership  
1001 Wyandotte Trail  
Westfield, New Jersey 07090

## SCHEDULE ONE

(1) **Rand Morgan Road Property.** The property described as follows:

Beginning at a stake in the center of a 40 foot road on the West line of Survey No. 416, at a point 724.2 varas North from the Southwest corner of said Survey No. 416 (said beginning point being the Northwest corner of Share No. 1, and the Southwest corner of Share No. 2, in the partition deed hereinafter referred to) for the beginning, and Southwest corner of this tract;

Thence North along the center of said road, 959.61 varas to a point, for the Northwest corner of this tract; thence East 471 varas (to the East line of Share No. 2 hereinafter referred to) for the Northeast corner of this tract;

Thence South 959.61 varas (to the Southeast corner of Share No. 2, and Southwest corner of Share No. 3 on the Northern boundary line of Share No. 1, hereinafter referred to), for the Southeast corner of this tract;

Thence North 89° 56' west 471 varas to the place of beginning;

Being eighty (80) acres off the South end of Share No. 2, as conveyed to George Frank, in a mutual partition of the foregoing and other lands, dated September 3rd, 1923, and filed for record in the Office of the County Clerk of Nueces County, Texas, on October 4th, 1923; being and situated in the County of Nueces, State of Texas, and being a parcel of Survey No. 416, patented by Patent No. 451, Vol. 37, to George Frank, (A.B. & M. Cert. No. 962, State Abstract No.838);

Being the property conveyed by Deed from George O. Frank and wife, Helen Frank, to W. S. Hutchins dated October 20, 1923; filed for record under Nueces County Clerks File No. 12043 and recorded in Volume 144, Page 73, *et. Seq.*, in the Deed of Records of Nueces County, Texas.

SAVE and EXCEPT the surface estate to a tract of land of approximately 10 acres of land, more or less, and to a tract of land of approximately 2 acres of land, more or less, both of which tracts were conveyed by Deed dated March 20, 1937, executed by W. S. Hutchins and wife, Katherine Hutchins, as grantors, to H. H. Howell, as grantee, recorded in Volume 228, Page 371 *et seq.* of the Deed Records of Nueces County, Texas (the "*Deed to Howell*"), but which Deed to H. H. Howell reserved to W. S. Hutchins and Katherine Hutchins all of the oil, gas, and other minerals in and to such 10 Acre Tract and such 2 Acre Tract;

SAVE and EXCEPT the surface estate to a tract of land which measures approximately 52 feet by 210 feet which was conveyed by Deed dated April 29, 1960, executed by W. S. Hutchins and Katherine Hutchins, as grantors, to Harold C. Davis, as grantee ("the Davis Tract"), recorded in Volume 888, Page 295 of the Deed Records of Nueces County, Texas, but which Deed to

Harold C. Davis reserved to W. S. Hutchins and Katherine Hutchins all of the oil, gas, and other minerals in and to the Davis Tract.

SAVE and EXCEPT the surface estate to a tract of land which measures approximately 210 feet by 430 feet (approximately 2.073 acres), which was conveyed by Deed dated January 21, 1964, executed by W.S. Hutchins and wife, Katherine Hutchins, as grantors to the City of Corpus Christi, recorded in Volume 1027, Page 584 of the Deed Records of Nueces County, Texas, but which Deed to the City of Corpus Christi, reserved to W.S. Hutchins and Katherine Hutchins all of the oil, gas, and other minerals in and to said tract.

SAVE and EXCEPT the surface estate to a tract of land which measures approximately 260 feet by 466 feet, which was conveyed by Deed dated February 25, 1964, executed by W.S. Hutchins and wife, Katherine Hutchins, as grantors to Penton E. White and wife, Margaret White, recorded in Volume 1032, Page 259 of the Deed Records of Nueces County, Texas, but which Deed to Penton E. White and wife, Margaret White, reserved to W.S. Hutchins and Katherine Hutchins all of the oil, gas, and other minerals in and to said tract.

SAVE and EXCEPT the surface estate to a tract of approximately 4 acres of land, which was conveyed by Deed dated July 16, 1968, executed by W.S. Hutchins and wife, Katherine Hutchins, as grantors to Melvin R. Vaughn and John L. Schneider, recorded in Volume 1283, Page 408 of the Deed Records of Nueces County, Texas, but which Deed to Melvin R. Vaughn and John L. Schneider, reserved to W.S. Hutchins and Katherine Hutchins all of the oil, gas, and other minerals in and to said tract.

SAVE and EXCEPT the surface estate to a tract of approximately 2 acres of land, which was conveyed by Deed dated January 16, 1978, executed by Corpus Christi State National Bank, Trustee for Mary Katherine Hutchins, as grantor to Melvin R. Vaughn and John L. Schneider, recorded in Volume 1641, Page 807 of the Deed Records of Nueces County, Texas, but which Deed to Melvin R. Vaughn and John L. Schneider, reserved to Corpus Christi State National Bank, Trustee for Mary Katherine Hutchins all of the oil, gas, and other minerals in and to said tract.

SAVE and EXCEPT all other conveyances and easements as shown of record in Nueces County, Texas.

**(2) Violet Road Property.** The property described as follows:

Being the southwest 108.5 acres of land out of a tract of 217 acres conveyed by C.C. Berryman and wife to Charles Heflebower and W. B. Myers, by deed of record in Vol. 143, Pages 309 and 310, of the Deed Records of Nueces County, Texas, said 217 acre tract being composed of 179.4 acres out of the Gregorio Farias Original Grant, and 37.6 acres out of Survey No. 304,

patented to McCampbell and Givens, Assignee of Fred Steubing and being in Nueces County, Texas, and the part thereof hereby conveyed, being by metes and bounds described as follows:

BEGINNING at the south corner of said Survey No. 304, a mesquite post marked X, same being on the east line of said Gregorio Farias Tract;

Thence with said East line, South 10 deg. 23' West, 657 varas, to a stake for the Southeast corner of this tract, which bears 16 varas North, 10 deg. 23' East, of an old post marked V, a corner of Survey No. 418;

Thence North 53 deg. 14' West at 308.8 varas, past the Southeast corner of Farm Lot No. 12, continue with the Southwest line of said Farm Tract No. 12 at 1078.6 varas, the West corner of said Farm Tract No. 12, for the West corner of this tract, same being also the West corner of said 217 acre tract;

Thence with the Northwest line of said 217-acre tract, 672.3 varas;

Thence South 53 deg. 17' East 790.4 varas, to a point on the East side of said 217-acre tract;

Thence South 44 deg. 57' East, 85.4 varas; to the place of beginning, and containing 108.5 acres of land;

Being the property conveyed by Deed from Charles Heflebower and Jennie Heflebower to W. S. Hutchins and wife, Katherine Hutchins, dated October 1, 1934, filed for record under Nueces County Clerk's File No. 89766 and recorded in Volume 213, Page 38, *et seq.*, in the Deed Records of Nueces County, Texas.

SAVE and EXCEPT the tract of land of 1 acre, more or less, conveyed by Mary Hutchins Triestman *et al* to Juan Aguilar and Simon Carmen Aguilar by Deed recorded in Volume 1597, Page 169 *et seq.* of the Deed Records of Nueces County, Texas;

SAVE and EXCEPT the surface estate (reserving the oil, gas, and other minerals) to two tracts of land of 1.404 and .031 acres, more or less, conveyed by Mrs. H. S. Stillwell, Trustee and William Hutchins, Trustee by Right-of-Way Deed dated February 1, 1952, to Nueces County, Texas, recorded in Volume 548, Page 3 *et seq.* of the Deed Records of Nueces County, Texas.

SAVE and EXCEPT all other conveyances and easements as shown of record in Nueces County, Texas.

(3) **Clarkwood Road Property.** The property described as follows:

A portion of Farm Lots Nos. 26, 29 and 30 of the H.B. Sheppard Farm Lots, described by

metes and bounds as follows:

Beginning at a point in the center of a public road, the S.W. corner of land owned by John Sagarino and the N.W. corner of Farm Lot No. 30, for a corner of this tract;

Thence with the fence on the South line of the Sagarino tract East 1104.5 feet, set an iron axle at an iron stake driven in the ground the original S.E. corner of the Sagarino tract and the N.E. corner of Farm Lot No. 30, for a corner of this tract;

Thence with the fence on the West line of Farm Lot No. 35, S 1° 36' E 602.2 feet, set a Mesquite post 5.8 feet south of fence corner for S.W. corner of Farm Lot No. 35, and a corner of this tract;

Thence with the South line of Farm Lot No. 35, East 697.2 feet, set an iron axle .5 feet South of the fence from the E.N.E. corner of this tract and the W.N.W. corner of a tract of 122.5 acres of land belonging to Bessie H. Elder, now Bessie H. Stillwell;

Thence with the West line of Bessie H. Elder tract South 2567.7 feet to the North line of 122.5 acres of land belonging to Lura LaGasse, set an Iron Post for S.E. corner of this tract and the S.W. corner of Bessie H. Elder, tract;

Thence with the North line of the Lura LaGasse tract West at 1795.5 feet set an iron pipe on East side of Public road, at 1818.5 feet to center of a public road for the N.W. corner of Lura LaGasse tract and the S.W. corner of this tract;

Thence with the center of said public road North 3168.7 feet to the place of beginning;

Being the property conveyed by Deed from Chessie Perkins and husband, L.G. Perkins, Bessie H. Stillwell (formerly Bessie H. Elder ) and husband, H. S. Stillwell, and Lura LaGasse to Katherine Hutchins dated October 3, 1929, filed for record under Nueces County Clerks File No. 60642 and recorded in Volume 192, Page 70, *et seq.*, in the Deed Records of Nueces County, Texas, which deed is in correction of the former deed, dated May 31, 1928, executed by Annie K. Elder and the grantors in said correction deed, which former deed is recorded in Volume 179, Page 324 *et seq.* of the Deed Records of Nueces County, Texas;

SAVE and EXCEPT the surface estate to a tract of land conveyed by Deed dated June 7, 1938, executed by W. S. Hutchins and wife, Katherine Hutchins, as grantors, to M. M. Roden and Nell Roden, as grantee ("*Roden Tract*"), recorded in Volume 228, Page 371 *et seq.* of the Deed Records of Nueces County, Texas, but which Deed to M. M. Roden and Nell Roden reserved to W. S. Hutchins and Katherine Hutchins all of the oil, gas, and other minerals in and to the Roden Tract out of the Clarkwood Road Property.

SAVE and EXCEPT all other conveyances and easements as shown of record

in Nueces County, Texas.

(4) **"Hutchins Ditch"**. The property described as follows:

A tract of land of 1 acre, more or less, in Nueces County, Texas, described as follows:

One acre out of Survey Number 416, by virtue of Certificate 962, issued to A.B. & M. Abstract 838, and number 500 by virtue of certificate 88, issued to Con. El Paso Irrigation and Manufacturing Company, Abstract 582, said one acre being off of the north side of the first and third tracts conveyed to the said Mrs. M. B. Mastin by T.H. Issensee and wife, Emma Issensee by their deed dated June 23, 1924, recorded in Volume 147, on Pages 365 to 367 thereof, of the Deed Records of Nueces County, Texas, reference being here made to the said Deed and record thereof for a better description of said first tract and said third tract. Said one acre tract being more particularly described as follows:

Beginning at an iron stake, the Northeast Corner of the abovementioned third tract said beginning point being 1149.9 feet south 89° 56' East and 1231.7 feet North 0° 4' east from the Southwest corner of said Survey 500;

Thence north 89° 56' west 2495.3 feet to an iron stake, the Northwest corner of said first tract conveyed in the abovementioned Deed;

Thence South with the West line of said first tract 17.46 feet;

Thence south 89° 56' east, 2495.3 feet to East line of said tract;

Thence north 0° and 4' East with said East line of said third tract 17.46 feet to the place of beginning, containing one acre of land.

Being the property conveyed by Deed dated May 28, 1928, executed by Mrs. M.B. Mastin, as Grantor, to W.S. Hutchins, as Grantee, filed for record under Nueces County Clerk's File No. 46859 and recorded in Volume 180, Page 147 *et seq.* of the Deed Records of Nueces County, Texas, but which Deed reserved to Mrs. M. B. Mastin all of the oil, gas, and other minerals in and to the 1 Acre Tract.

SAVE and EXCEPT all other conveyances and easements as shown of record in Nueces County, Texas.

(5) **Nonparticipating Royalty Interest Reserved in the Deed Conveying the Gregory Property to Du Pont.** The nonparticipating royalty interest in lands in Nueces and San Patricio Counties, Texas Conveying the Gregory Property reserved in equal shares to (1) Katherine Ann Hutchins Johnson (the "Katherine Ann Hutchins Johnson Share of the Nonparticipating Royalty Interest Reserved in the Deed Conveying the Gregory Property to Du Pont"), (2) Mary Amelia Hutchins Egner (the "Mary Amelia Hutchins Egner Share of the Nonparticipating Royalty Interest Reserved in the Deed Conveying the Gregory Property to Du Pont"), and (3) to Corpus Christi State

National Bank, as Guardian of the Estate of William Merritt Hutchins (the "William Merritt Hutchins Estate Share of the Nonparticipating Royalty Interest Reserved in the Deed Conveying the Gregory Property to Du Pont") in Deed dated June 15, 1971, filed for record under Nueces County Clerk's File No. 213278 and recorded in Volume 429, Page 148, *et seq.*, of the Deed Records of Nueces County, Texas (the "Deed to Du Pont"), which Deed to Du Pont conveyed a tract of land of approximately 336.47 acres, more or less (the "Gregory Property") situated in and a part of the T. T. Williamson Survey, A-290, San Patricio County, Texas, and Nueces Bay, Nueces County, Texas said 336.47 acre tract being comprised of the same land conveyed in two tracts by deed from W. S. Hutchins, *et ux*, to William Merritt Hutchins, Trustee, *et al* dated May 7, 1948, and recorded in Volume 156, page 121 *et seq.* in the Deed Records of San Patricio County, Texas, and a 27.28 acre tract of land situated in Corpus Christi Bay, Nueces County, Texas, described in a deed of mutual conveyance between the Nueces County Navigation District No. 1 and Mrs. H. S. Stillwell, Trustee, *et al*, dated April 9, 1952, and recorded in Volume 178, Page 295 *et seq.* of the Deed Records of San Patricio County, Texas.

The Gregory Property was given by gift deeds dated May 7, 1948 by W. S. Hutchins and wife, Mary Katherine Hutchins conveying an undivided one-third interest each respectively to William Merritt Hutchins, Trustee for Katherine Ann Hutchins Johnson, to William Merritt Hutchins, Trustee for Mary Amelia Hutchins Egner, and Mrs. H. S. Stillwell, Trustee for William Merritt Hutchins, in equal undivided one-third shares, which deed to William Merritt Hutchins, Trustee for Katherine Ann Hutchins Johnson and for Mary Amelia Hutchins Egner is recorded in Volume 396, Page 33 *et seq.* of the Deed Records of Nueces County, Texas, and in Volume 156, Page 121 *et seq.* of the Deed Records of San Patricio County, Texas, and which deed to Mrs. H. S. Stillwell, Trustee is recorded in the Deed Records of Nueces County, Texas, and in Volume 156, Page 120 *et seq.* of the Deed Records of San Patricio County, Texas.

STATE OF TEXAS  
COUNTY OF NUECES

I hereby certify that this instrument was FILED in File Number  
Sequence on the date and at the time stamped herein by me, and  
was duly RECORDED, in the Official Public Records of  
Nueces County, Texas



*[Signature]*  
COUNTY CLERK  
NUECES COUNTY, TEXAS

Doc# 2001007773  
# Pages 9  
Date: 2/27/2001 12:46:42 PM  
Filed & Recorded in  
Official Records of  
NUECES COUNTY  
ERNEST M. BRIONES  
COUNTY CLERK  
Fees \$25.00

Pg.3

Any provision herein which restricts the Sale, Rental or use  
of the described REAL PROPERTY because of Race, Color,  
Religion, Sex, Handicap, Familial Status or National Origin, is  
Invalid and unenforceable under FEDERAL LAW, 3/12/89