

SCANNED



AFTER RECORDING RETURN TO:

Robert D. Burton
Winstead, PC
401 Congress Ave., Suite 2100
Austin, Texas 78701
rburton@winstaed.com



PI2-20120194194-17

NOTICE OF NON-UNIFORM ASSESSMENT

PEVETO TRACT

Bexar County, Texas

Cross Reference that certain Declaration of Covenants, Conditions, Easements and Restrictions for the Dominion Planned Unit Development, recorded as Volume 2956, Page 0061, Official Public Records of Bexar County, Texas as amended and that certain Amended and Restated Declaration of Protective Covenants for Multi-Use Zoning (Peveto Tract) recorded as Document No. 20120194184 in the Official Public Records of Bexar County, Texas, as amended.

Notice of Non-Uniform Assessment – Peveto Tract

This Notice of Non-Uniform Assessment – Peveto Tract (this “**Notice**”) is made and executed on this 6 day of September, 2012, by INTCO-DOMINION PARTNERSHIP, a Texas general partnership (“**Declarant**”), and is as follows:

RECITALS

1. **Authority Under Umbrella Declaration.** Pursuant to Article III, Section 10 of the Declaration of Covenants, Conditions, Easements and Restrictions for The Dominion Planned Unit Development dated October 18, 1983, and recorded in Volume 2956, Page 61, of the Official Public Records of Real Property of Bexar County, Texas, as amended (the “**Umbrella Declaration**”), Declarant may, in its sole discretion, elect to modify the assessments imposed on non-residential property on a non-uniform basis by filing a Notice of Non-Uniform Assessment.

2. **Designation of Non-Uniform Assessment.** This Notice of Designation of Non-Uniform Assessment is filed with respect to the property known as the “Peveto Tract”, described on Exhibit "A" attached hereto and made a part hereof for all purposes. The Peveto Tract is comprised of two sub-tracts, the first sub-tract being approximately 21 acres described on Exhibit "B" attached hereto and made a part hereof for all purposes (the “**MF-18 Peveto Tract**”), and the second sub-tract being described on Exhibit "C" attached hereto and made a part hereof for all purposes (the “**C-2 Peveto Tract**”). Assessments will be levied against the MF-18 Peveto Tract and the C-2 Peveto Tract in increments known as a “Non-Uniform Commercial Assessment”. The Non-Uniform Commercial Assessment is currently set at \$250 per month. Assessments will be levied against the MF-18 Peveto Tract in an amount equivalent to one (1) Non-Uniform Commercial Assessment and against the C-2 Peveto Tract in an amount equivalent to three (3) Non-Uniform Commercial Assessments.

3. **Adjustment to Non-Uniform Commercial Assessments.** Beginning on January 1, 2014, and continuing annually each year thereafter, each Non-Uniform Commercial Assessment shall be increased by the greater of:

(i) the percentage of increase, if any, in the cost of living index at the beginning of January 1, 2014 and each calendar year thereafter, over and above the cost of living index at the commencement of the immediately preceding calendar year. For purposes of this Paragraph 3(i), increases in the cost of living index shall be measured by the Consumer Price Index for “All Urban Consumers, U.S. City Average, All Items,” issued by the Bureau of Labor Statistics of the United States Department of Labor. The figures for purposes of calculating the percentage increase, if any, shall be the last figures published prior to the applicable measurement date. If for any reason the Bureau of Labor Statistics does not furnish such an index and such information, the Board of Directors of the Association may use such other index or comparable

statistics on the cost of living for Bexar County, Texas, as shall be computed and published by an agency of the United States or by a responsible financial periodical of recognized authority;

OR

(ii) the percentage of increase, if any, in the uniform regular monthly assessment to be levied by the Board of Directors of the Association for residential lots subject to the Umbrella Declaration for the calendar year 2014 and each calendar year thereafter, over and above the uniform regular monthly assessment levied by the Board of Directors of the Association during the immediately preceding calendar year.

4. **Subdivision.** In the event the MF-18 Peveto Tract is subdivided into additional platted lots, each resulting lot will be allocated one (1) Non-Uniform Commercial Assessment. In the event the C-2 Peveto Tract is subdivided into two (2) platted lots, the smaller lot will be allocated one (1) Non-Uniform Commercial Assessment and the larger lot will be allocated two (2) Non-Uniform Commercial Assessments. In the event the C-2 Peveto Tract is subdivided into three or more platted lots, each lot will be allocated one (1) Non-Uniform Commercial Assessment. In no circumstance or event, including the combination of tracts or lots, will the Peveto Tract be allocated less than four (4) Non-Uniform Commercial Assessments.

5. **Miscellaneous.** This notice constitutes a notice of non-uniform assessment under Article III, Section 10 the Umbrella Declaration. Any capitalized terms used and not otherwise defined in this notice shall have the meanings set forth in the Umbrella Declaration.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, Declarant has executed this instrument as of the date first set forth above.

DECLARANT:

INTCO-DOMINION PARTNERSHIP,
a Texas general partnership

By: INTCO Properties III, L.P.,
a Texas limited partnership
its managing general partner

By: INTCO Properties G.P. III, Inc.,
a Texas corporation,
its General Partner

By: *Larry W. Slayter*
Larry W. Slayter, Vice President

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO BEFORE ME this 6 day of September, 2012, by LARRY W. SLAYTER, Vice President of INTCO Properties G.P. III, Inc., a Texas corporation, as general partner of INTCO Properties III, L.P., a Texas limited partnership, as managing general partner of INTCO-Dominion Partnership, a Texas general partnership, on behalf of said corporation, said limited partnership and said general partnership.

[SEAL]

Laura A. Syphers
Notary Public, State of Texas

Laura A. Syphers
(Name - Typed or Printed)

4/7/2014
(Date Commission Expires)

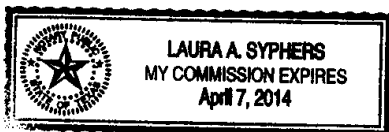


EXHIBIT "A"

LEGAL DESCRIPTION OF
PEVETO TRACT

[SEE ATTACHED]



FIELD NOTES

FOR

A 30.62 acre, 1,333,706 square foot more or less, tract of land being all of a called 30.600 acre tract as recorded and conveyed to Leon Creek Venture, L.C. in Special Warranty Deed recorded in Volume 6069, Pages 1417-1421 of the Official Public Records of Real Property of Bexar County, Texas, also out of the J.M. Arocha Survey Number 26, Abstract 27, County Block 4752, and the John W. Smith Survey Number 27, Abstract 708, county Block 4732, and now being in New City Block (N.C.B.) 34752 in the City of San Antonio, Bexar County, Texas, and being more particularly described as follows;

BEGINNING: At a point on the northeast right-of-way line of the Southern Pacific Railroad, the northwest corner of a 5.496 acre tract recorded in Volume 6246, Page 1626 of the Official Public Records of Real Property of Bexar County, Texas, the southwest corner of the herein described tract;

THENCE: Along the northeast right-of-way line of said Southern Pacific Railroad, the following calls and distances;

N 16°36'45" W, a distance of 190.00 feet to a point;

N 16°36'45" W, continuing along said line, a distance of 1,953.67 feet to a point;

N 15°30'57" W, a distance of 622.17 feet to a point;

N 22°04'31" W, a distance of 50.00 feet to a point, a corner of a 16.665 acre tract, recorded in Volume 6031, Page 1726 of the Official Public Records of Real Property of Bexar County, Texas, the north corner of the herein described tract;

THENCE: Departing the northeast right-of-way line of said Southern Pacific Railroad, the following calls and distances;

S 88°49'51" E, a distance of 220.87 feet to a point;

S 64°43'20" E, a distance of 199.06 feet to a point;

S 49°11'06" E, a distance of 145.34 feet to a point;

S 64°03'28" E, a distance of 205.73 feet to a point;

S 59°55'53" E, a distance of 109.77 feet to a point;

S 45°00'00" E, a distance of 169.71 feet to a point;

S 38°20'35" E, a distance of 187.63 feet to a point;

S 29°16'13" E, a distance of 288.44 feet to a point;

S 09°55'56" E, a distance of 131.00 feet to a point;

S 16°14'04" W, a distance of 218.00 feet to a point;

PAPE-DAWSON ENGINEERS, INC.

555 East Ramsey | San Antonio, Texas 78216 | Phone: 210.375.9000 | Fax: 210.375.9010 | info@pape-dawson.com

S 37°29'04" W, a distance of 356.00 feet to a point;
S 25°49'04" W, a distance of 220.00 feet to a point;
S 17°34'04" W, a distance of 269.00 feet to a point;
S 16°55'56" E, a distance of 631.12 feet to a point;
S 86°56'40" E, a distance of 5.69 feet to a point;
S 16°37'59" E, a distance of 185.41 feet to a point, the northeast corner of
said 5.496 acre tract, the southeast corner of the herein described tract;
~~N 87°57'59" W, along and with the north line of said 5.496 acre tract, a~~
distance of 112.00 feet to a point;

THENCE: N 88°53'59" W, along and with the north line of said 5.496 acre tract, a
distance of 68.80 feet to a point to the POINT OF BEGINNING, and
containing 30.62 acres in the City of San Antonio, Bexar County, Texas.

PREPARED BY: PAPE DAWSON ENGINEERS INC.
DATE: April 29, 2003
JOB No.: 3083-43
FILE: H:\3083\3\Word\field Notes\DOMINIONPH8FN.doc

EXHIBIT "B"

LEGAL DESCRIPTION AND DEPICTION
OF
MF-18 PEVETO TRACT

[SEE ATTACHED]

FIELD NOTES
FOR
ZONING TRACT

A 21.279 acre, or 926,926 square feet more or less, tract of land, comprised of 0.056 of an acre out of that called 2.075 acre tract conveyed to Financial Resources, Inc. by instrument recorded in Volume 6385, Pages 788-792, 0.122 of an acre of a 4.404 acre tract surveyed December 7, 2007, said 4.404 acres being a remaining portion of Old Fredericksburg Road, 0.175 of an acre out of that 6.368 acre tract conveyed to Leon Creek, LTD. by instrument recorded in Volume 9690, Pages 948-954 and 20.927 acres out of that called 30.60 acre tract conveyed to Leon Creek Venture, L.C. by instrument recorded in Volume 6069, Pages 1417-1421, all of the Official Public Records of Bexar County, Texas, out of the J.M. Arocha Survey No. 26, Abstract 27, County Block 4752, now in New City Block (N.C.B.) 34752 and 34732 of the City of San Antonio, Bexar County, Texas. Said 21.279 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

COMMENCING: At a TxDOT monument with plate at and "+" 60 feet right of Engineers Centerline Station 88+35.31, on the east right-of-way of Old Highway 87, also the south line of the Old Boerne Stage Road right-of-way, the northwest corner of said 2.075 acre tract;

THENCE: S 23°57'28" E, along and with the east right-of-way line of said Old Highway 87, the west line of said 2.075 acre tract, a distance of 816.04 feet to the POINT OF BEGINNING of the herein described tract;

THENCE: N 66°00'23" E, departing the east right-of-way line of said Old Highway 87, over and across said 2.075 acre tract, said 4.404 acre tract and said 6.368 acre tract, a distance of 223.00 feet to a point on the east line of said 30.60 acre tract, the west line of said 6.368 acre tract;

THENCE: N 24°38'30" W, departing the west line of said 30.60 acre tract, over and across said 6.368 acre tract, a distance of 133.37 feet to a point;

THENCE: N 68°30'53" E, over and across said 6.368 acre tract and said 30.60 acre tract, a distance of 87.34 feet to a point;

THENCE: Over and across said 30.60 acre tract, the following bearings and distances:

N 37°11'19" E, a distance of 37.10 feet to a point;

N 23°58'03" W, a distance of 33.67 feet to a point;

N 13°55'20" E, a distance of 79.02 feet to a point;

N 52°32'00" E, a distance of 61.12 feet to a point;

N 11°01'22" E, a distance of 83.70 feet to a point;
N 36°38'23" E, a distance of 193.18 feet to a point;
N 78°41'15" E, a distance of 35.34 feet to a point;
N 24°55'24" E, a distance of 105.54 feet to a point on the northeast line of said 30.60 acre tract;

THENCE: Along and with the northeast line of said 30.60 acre tract, the following bearings and distances:

S 65°04'36" E, a distance of 129.31 feet to a point;
S 60°57'01" E, a distance of 109.77 feet to a point;
S 46°01'08" E, a distance of 169.71 feet to a point;
S 39°21'43" E, a distance of 187.63 feet to a point;
S 30°17'21" E, a distance of 288.44 feet to a point;
S 10°57'04" E, a distance of 131.00 feet to a point;
S 15°12'56" W, a distance of 217.99 feet to a point;
S 36°27'56" W, a distance of 356.00 feet to a point;
S 24°47'56" W, a distance of 220.00 feet to a point;
S 16°32'56" W, a distance of 213.97 feet to a point;

THENCE: Over and across said 30.60 acre tract the following bearings and distances:

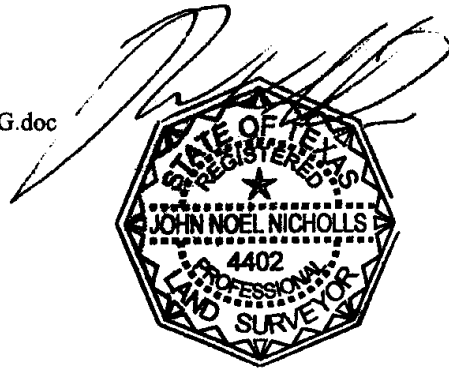
N 73°27'04" W, a distance of 124.89 feet to a point;
N 23°56'59" W, a distance of 152.98 feet to a point;
N 66°43'32" E, a distance of 22.10 feet to a point;
N 23°52'47" W, a distance of 808.29 feet to a point;

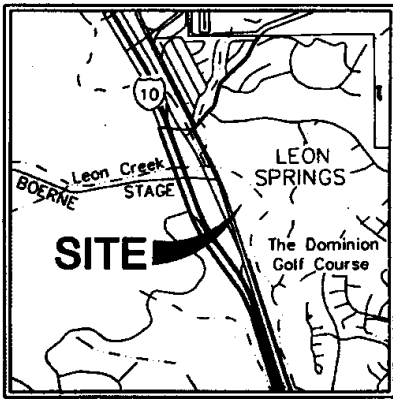
THENCE: S 66°00'23" W, over and across said 30.06, said 6.368 acre tract, said 4.404 acre tract and said 2.075 acre tract and a distance of 222.92 feet to a point on the east right-of-way line of aforementioned Old Highway 87, the west line of said 2.075 acre tract;

THENCE: N 23°57'28" W, along and with the east right-of-way line of said Old Highway 87, the west line of said 2.075 acre tract along and with the a distance of 65.00 feet to the POINT OF BEGINNING, and containing 21.279 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

“This document was prepared under 22TAC663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.”

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: November 10, 2011
REVISED: January 20, 2012
JOB No.: 7032-00
FILE: N:\CIVIL\7032-00\WORD\7032-00 FN - ZONING.doc
TBPE Firm Registration #470
TBPLS Firm Registration #100288-00



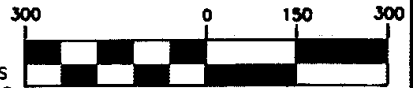


LOCATION MAP

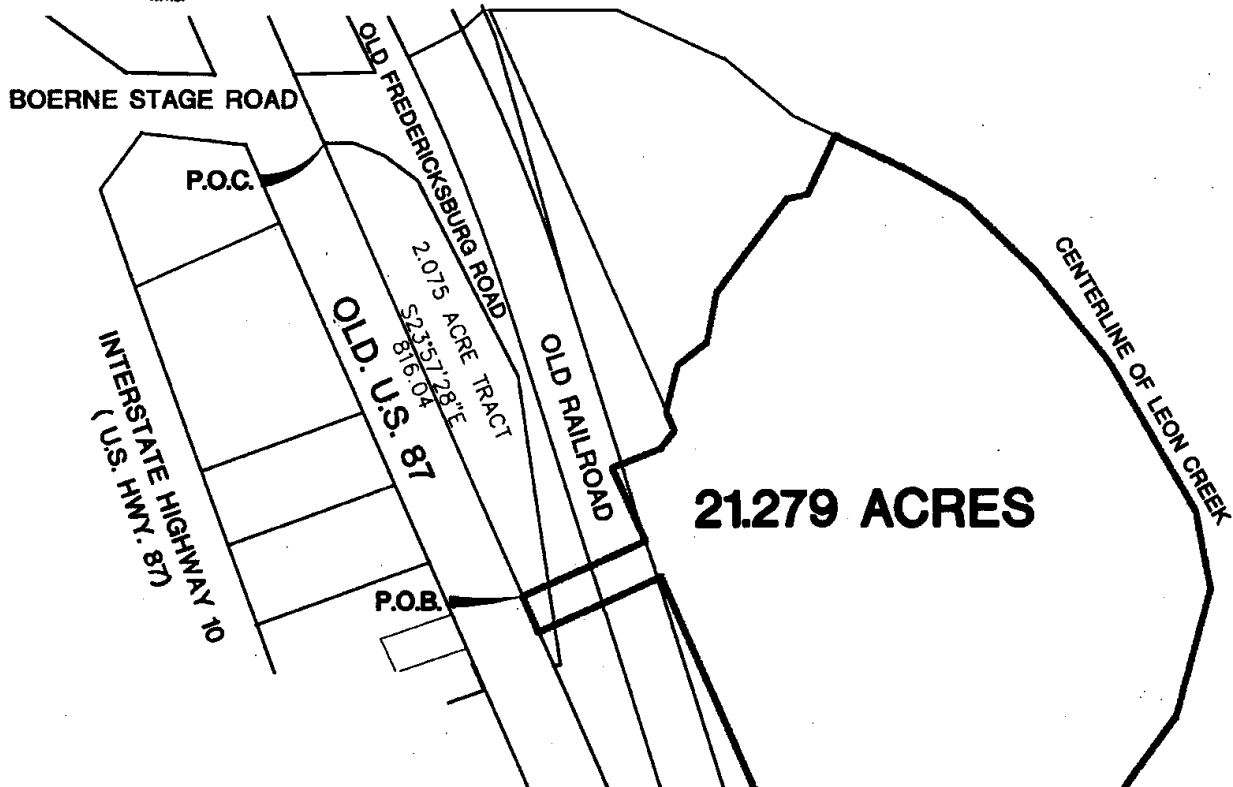
N.T.S.

DEED/PLAT REFERENCE

O.R. DEED RECORDS OF BEXAR COUNTY, TEXAS
 D.P.R. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
 O.P.R. OFFICIAL PUBLIC RECORDS (OFFICIAL PUBLIC RECORDS OF REAL PROPERTY) OF BEXAR COUNTY, TEXAS



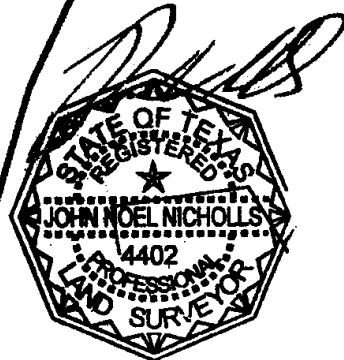
(IN FEET)
 1 inch = 300 ft.



21.279 ACRES

EXHIBIT OF ZONING TRACT

A 21.279 ACRE, OR 926,926 SQUARE FEET MORE OR LESS, TRACT OF LAND, COMPRISED OF 0.056 OF AN ACRE OUT OF THAT CALLED 2.075 CONVEYED TO FINANCIAL RESOURCES, INC. BY INSTRUMENT RECORDED IN VOLUME 6385, PAGES 788-792, 0.122 OF AN ACRE OF A 4.404 ACRE TRACT SURVEYED DECEMBER 7, 2007, SAID 4.404 ACRES BEING A REMAINING PORTION OF OLD FREDERICKSBURG ROAD, 0.175 OF AN ACRE OUT OF THAT 6.368 ACRE TRACT CONVEYED TO LEON CREEK, LTD. BY INSTRUMENT RECORDED IN VOLUME 9690, PAGES 948-954 AND 20.927 ACRES OUT OF THAT CALLED 30.60 ACRE TRACT CONVEYED TO LEON CREEK VENTURE, L.C. BY INSTRUMENT RECORDED IN VOLUME 6069, PAGES 1417-1421, ALL OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, OUT OF THE J.M. AROCHA SURVEY NO. 26, ABSTRACT 27, COUNTY BLOCK 4752, NOW IN NEW CITY BLOCK (N.C.B.) 34752 AND 34732 OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.



Date: Jan 20, 2012, 3:39pm User ID: BWalker
 File: N:\CIVIL\7032-00\ZONING EXHIBIT.dwg

555 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PHONE: 210.375.8000
 TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470 FAX: 210.375.9016
 TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100288-00
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NOVEMBER 10, 2011
 REVISED: JANUARY 20, 2011

SHEET 1 OF 1
 JOB No.: 7032-00

EXHIBIT "C"

LEGAL DESCRIPTION AND DEPICTION
OF
C-2 PEVETO TRACT

[SEE ATTACHED]



LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

FIELD NOTES

FOR

A 10.196 acre, or 444,127 square feet more or less, tract of land comprised of 1.383 acres out of that out of that 2.946 acre tract being the south portion of the Old Fredericksburg Road described in survey prepared June 1, 2012, the south 4.162 acres of that 6.368 acre tract conveyed to Leon Creek Ltd. in Deed without Warranty recorded in Volume 9690, Pages 948-954 the Official Public Records of Real Property of Bexar County, Texas, and 4.651 acres of that called 30.60 acre tract conveyed to Leon Creek Venture L.C. in Volume 6069, Pages 1417-1421 the Official Public Records of Real Property of Bexar County, Texas, out of the J.M. Arocha Survey No. 26,, Abstract 27, County Block 4752, and the John W. Smith Survey No. 27, Abstract 708, County Block 4732 of Bexar County, Texas, now in New City Blocks 34732 and 34752 of the City of San Antonio, Bexar County, Texas. Said 10.196 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

BEGINNING at a found TxDOT (Texas Department of Transportation) Type III monument at a point of tangency on the north line of State Highway 87, 60-foot right of Engineers centerline station 72+29.54, on the west line of the aforementioned 2.946 acre tract;

THENCE: N 23°57'28" W a distance of 662.30 feet to a found ½" iron rod;

THENCE: N 70°35'42" E a distance of 10.70 feet to a set ½" iron rod with cap marked "Pape-Dawson";

THENCE: N 8°24'27" W a distance of 65.70 feet to a set ½" iron rod with cap marked "Pape-Dawson";

THENCE: N 66°0'23" E at a distance of 86.89 feet passing the west line of said 6.368 Acre tract and continuing a distance of 100.62 feet to the east line of said 6.368 acre tract and the west line of said 30.60 acre tract for a total distance of 194.64 feet to a set ½" iron rod with cap marked "Pape-Dawson" at the northeast corner of the herein described tract;

THENCE: Over and across said 30.60 acre tract the following calls and distances:

S 23°52'49" E a distance of 808.29 feet to a set ½" iron rod with cap marked "Pape-Dawson";

S 66°43'32" W a distance of 22.10 feet to a set ½" iron rod with cap marked "Pape-Dawson";

S 23°56'59" E a distance of 152.98 feet to a set ½" iron rod with cap marked "Pape-Dawson";

S 73°27'4" E a distance of 124.89 feet to to a set ½" iron rod with cap marked "Pape-Dawson" on the east line of said 30.60 acre tract;

THENCE: With the west line of said 30.60 acre tract the following calls and distances:

S 16°32'56" W a distance of 55.03 feet to a set ½" iron rod with cap marked "Pape-Dawson";

: S 17°57'45" E a distance of 631.29 feet to a set ½" iron rod with cap marked "Pape-Dawson";

S 88°0'28" E a distance of 5.83 feet to a set ½" iron rod with cap marked "Pape-Dawson";

THENCE: S 17°42'42" E a distance of 185.41 feet to a set ½" iron rod with cap marked "Pape-Dawson" at the southeast corner of the herein described tract;

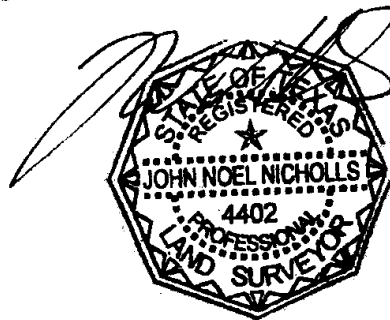
THENCE: N 89°2'42" W with the south line of said 30.60 acre tract, a distance of 112.00 feet to a set ½" iron rod with cap marked "Pape-Dawson" for an angle;

THENCE: N 89°56'50" W at a distance of 68.94 feet passing the southwest corner of said 30.60 acre tract and continuing along the south line of said 6.368 acre tract a distance of 104.96 feet for a total distance of 173.90 feet to a set ½" iron rod with cap marked "Pape-Dawson" at the southwest corner of said 6.368 acre tract, on the east line of the aforementioned Highway 87;

THENCE: N 17°37'36" W a With the east line of Highway 87 a distance of 514.23 feet to a a found iron rod with cap marked "Pape-Dawson" at the south end of said 2.946 acre tract, a point of curvature;

THENCE: Along a curve to the left, having a radius of 5789.58 feet, an angle of 5°23'57""", and a chord bearing and distance of N 21°15'30" W, 545.36 feet for an arc length of 545.56 feet to the POINT OF BEGINNING and containing 10.196 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground in November 2007 under Job No. 9370-07, and a survey map and description prepared this date under Job Number 7032-00 by Pape-Dawson Engineers, Inc.

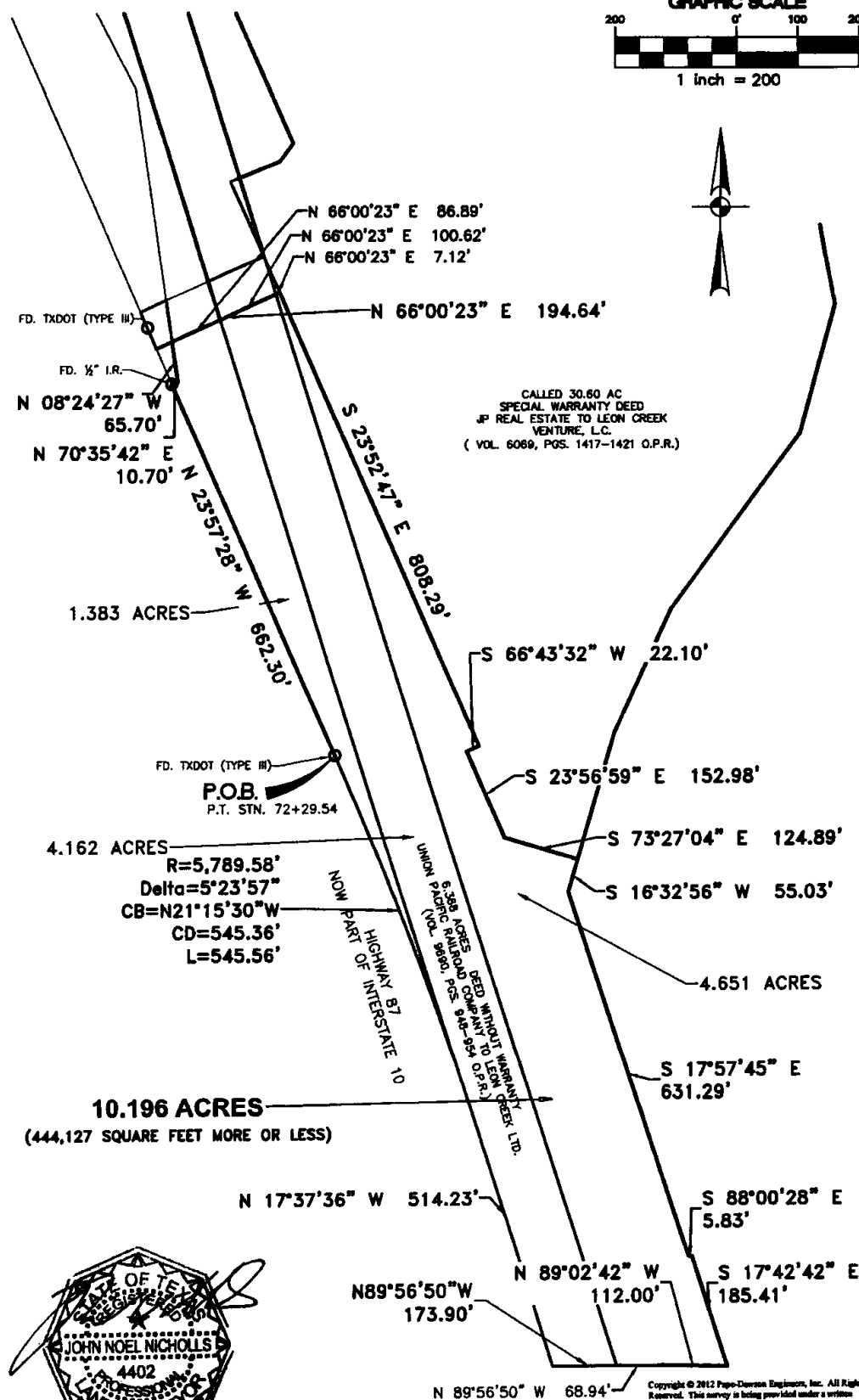
PREPARED BY: Pape-Dawson Engineers Inc.
 DATE: September 27, 2012
 Job No.: 7032-00
 N:\civil\7032-00\word\South Tract FN.docx
 TBPE Firm Registration.#470
 TBPLS Firm Registration #100288-00



GRAPHIC SCALE



1 inch = 200



CALLED 30.80 AC
SPECIAL WARRANTY DEED
JP REAL ESTATE TO LEON CREEK
VENTURE, L.C.
(VOL. 6069, PGS. 1417-1421 O.P.R.)

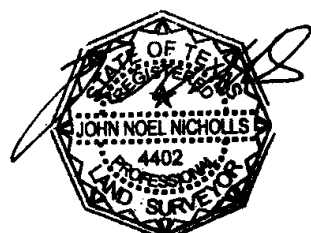
P.O.B.
P.T. STN. 72+29.54

R=5,789.58'
Delta=5°23'57"
CB=N21°15'30"W
CD=545.36'
L=545.56'

NOW PART OF
HIGHWAY BY
INTERSTATE 10

UNION PACIFIC RAILROAD COMPANY
SPECIAL WARRANTY DEED IN FAVOR OF LEON CREEK VENTURE, L.P.
(VOL. 9680, PGS. 948-954 O.P.R.)

10.196 ACRES
(444,127 SQUARE FEET MORE OR LESS)



PAPE-DAWSON ENGINEERS

Copyright © 2012 Pape-Dawson Engineers, Inc. All Rights Reserved. This survey is being provided under a written contract and may be used and reproduced only in accordance with the terms of that contract. If you are not a party to the contract, then you have no right to use or reproduce this survey in any manner. Pape-Dawson Engineers, Inc. shall not be liable for any damages related to the use of this survey in violation of the contract or from any misuse of this survey. If you are not sure of your rights and do not have a copy of the contract, please contact Pape-Dawson Engineers, Inc. at (214) 372-9500.

300 EAST HANLEY | SAN ANTONIO TEXAS 78216 | PHONE: 214.372.9500
FAX: 214.372.8010
TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 10889-00

JOB No.: 7032-00
REFERENCE: 9390-07

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law STATE OF TEXAS, COUNTY OF BEXAR
I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

OCT 03 2012



Gerard C. Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20120194194 Fees: \$80.00
10/03/2012 4:52PM # Pages 17
Filed & Recorded in the Official
Public Records of BEXAR COUNTY
GERARD C. RICKHOFF COUNTY CLERK