

DECLARATION OF RESTRICTIVE COVENANTS

This **DECLARATION OF RESTRICTIVE COVENANTS** (this "*Declaration*") is made by **LUMBERMEN'S INVESTMENT CORPORATION**, a Delaware corporation ("*Declarant*"), as of the Effective Date (herein defined).

RECITALS

A. Declarant is the owner of an aggregate of approximately 2,855.7473 acres of real property in Bexar County, Texas, consisting of the Annexation Tracts (defined herein), and the Non-Contiguous Tract (defined herein and together with the Annexation Area, referred to herein as the "*Land*"), which are located within the exclusive extraterritorial jurisdiction of the City of San Antonio, Texas, a home rule city under Article 11, Section 5 of the Texas Constitution and municipal corporation primarily situated in Bexar County, Texas ("*City*").

B. The Land is located within the Edwards Aquifer Recharge Zone and/or the Edwards Aquifer Contributing Zone in northeastern Bexar County, Texas, and does or may have landforms which permit recharge to underground aquifers, including (without limitation) caves, sinkholes, solution cavities, faults and similar formations.

C. Declarant desires to develop the Land with a high quality, master-planned community; a full service, resort style hotel; single and multi-family residential housing; related commercial uses and two (2) or more golf courses.

D. Pursuant to *Section 43.0563, Texas Local Government Code*, City, the five representatives appointed by the Bexar County Commissioners Court under *Section 43.0562(b)* and Declarant have entered into that certain Agreement For Services In Lieu of Annexation (the "*Services Agreement*"), pursuant to which City has agreed to the continuation of the extraterritorial status of the Annexation Tracts for a period of fifteen (15) years, subject to the terms of such Services Agreement.

E. As a condition of the Services Agreement, City requires and Declarant has covenanted and agreed to restrict the Land, and such divisions, subdivisions and phases thereof, by and with the covenants and restrictions described herein and to the extent herein provided (collectively, the "*Restrictions*") and to grant, dedicate and/or convey the easements herein described.

F. In order to effectuate the Restrictions, Declarant has agreed to execute and to be bound by and to comply with this Declaration.

G. Pursuant to the Services Agreement, this Declaration is to be fully effective from and after the Effective Date.

H. This Declaration terminates and extinguishes that Declaration of Restrictive Covenants dated May 20, 2002, executed by Declarant, and filed in the Official Records in Volume 9395, Page 368.

NOW, THEREFORE, Declarant does hereby declare that each portion of the Land shall be owned, held, mortgaged, transferred, sold, conveyed, occupied and enjoyed subject to those Restrictions and easements expressly made applicable to such portion of the Land pursuant to this Declaration, which Restrictions and easements shall run with such Land, shall be binding upon Declarant and all parties having right, title, or interest in or to the Land or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each owner thereof. Each contract or deed conveying the Land or any portion thereof shall conclusively be held to have been executed, delivered and accepted subject to the Restrictions and easements made applicable thereto in accordance with this Declaration, regardless of whether or not the same are set out in full or by reference in said contract or deed, from and after the Effective Date.

VOL 9766 PG 1682

Definitions

For purposes hereof, the following terms shall be defined as set forth below:

"Above Ground Storage Tank System" means a non-vehicular device (including any associated piping) that is made of non-earthen materials, located on or above the ground surface, and containing an accumulation of static hydrocarbons or hazardous substances, but excluding containers, less than two gallons in size, of gasoline, oil or household products used for normal household uses, which are not otherwise prohibited under applicable Governmental Rules.

"Annexation Tracts" means the six separate tracts of land as described on Exhibit A-1.

"City" means as defined in the Recitals.

"Completion of Construction" means the date on which Bexar County has issued a final certificate of compliance to the owner of the Hotel (as defined in the Services Agreement) inspected pursuant to Section 233.064, Local Government Code, evidencing the inspector's determination that the completed building complies with Bexar County's fire code.

"Declarant" means Lumbermen's Investment Corporation, a corporation organized under the laws of the State of Delaware, and its successors and permitted assigns.

"Declaration" means as defined in the Recitals of this Declaration.

"ERZD" means the Edward Aquifer Recharge Zone.

"Effective Date" means the date on which this Declaration is filed in the Official Records.

"Enforcing Authorities" means, individually and collectively, Declarant, City, SAWS and their respective successors and assigns.

"ETJ" means the extraterritorial jurisdiction of City established pursuant to Chapter 212, Texas Local Government Code, as amended.

"GAC" means the Geologic Assessment Team which consists of (i) a geologist selected by Declarant, (ii) a geologist selected by SAWS, and (iii) a geologist selected by City Council.

"General Monitoring Easement" means the right of ingress and egress across, over and under the Land in favor of each of the Enforcing Authorities for all activities necessary to undertake, from time to time, evaluation and monitoring of surface water and groundwater quality in accordance with the Golf Course Environmental Management Plan.

"Geologic Map" means the site geologic map of the Land prepared by the GAC and filed with the City Clerk of City, as amended from time to time by SAWS in accordance with this Declaration.

"Golf Course Environmental Management Plan" means the "Cibolo Canyon Golf Course Environmental Management Plan" attached to this Declaration as Exhibit "B", as same may be amended or supplemented from time to time in accordance with the terms thereof.

"Golf Course Permitted Uses" means the construction, operation, and maintenance of an eighteen (18) hole or executive golf course, rest areas, pedestrian paths, golf cart paths, utilities and utility access, driving ranges, and

related uses and facilities, but excluding all Golf Course Related Improvements.

"Golf Course Tracts" means those portions of the Land hereafter identified and described in any Supplement as "Golf Course Tracts."

"Golf Course Related Improvements" means, collectively, those improvements related to the operation of a golf course, including (without implied limitation) clubhouses, golf learning or teaching facilities, pro shops, vending or snack facilities, maintenance facilities and areas, golf cart repair and parking areas.

"Governmental Authority" means any applicable federal, state, county or municipal governmental entity, authority or agency, court, tribunal, regulatory commission or other body, whether legislative, judicial or executive (or a combination or permutation thereof) with jurisdiction over the Land or its inhabitants.

"Governmental Rules" means any statute, law, treaty, rule, code, ordinance, regulation or order of any Governmental Authority, or any judgment, decision, decree, injunction, writ, order or like action of any court, arbitrator or other Governmental Authority.

"Impervious Cover" means roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface; this shall include, but not be limited to, all streets and pavement on the Land.

"Land" means, collectively, the Annexation Tracts and the Non-Contiguous Tract.

"Landowner" means, individually and collectively, Declarant and each other owner of any part of or interest in the Land (including, without limitation, a leasehold interest) other than a lien or security interest.

"Non-Contiguous Tract" means the tract of land as described on Exhibit A-2.

"Non-Golf Course Land" means all portions of the Land other than the Golf Course Tracts.

"Official Records" means the Official Public Records of Real Property of Bexar County, Texas.

"Open Space Area" means a land or water area which has been restricted pursuant to Article 3 of this Declaration to permit human use and enjoyment thereof but to remain relatively free of man-made structures.

"Regulated Activity" means as defined in the TCEQ Development Rules.

"Restrictions" means as defined in the Recitals of this Declaration.

"SAWS" means San Antonio Water System, the City-owned water and sewer utility or its designated representative.

"Sensitive Feature" means as defined in Title 30, Section 213.3(27), Texas Administrative Code, as amended.

"Services Agreement" means as defined in the Recitals of this Declaration.

"Specific Monitoring Easement" means the right of ingress and egress across, over and under those portions of the Land specifically identified and described by Declarant, in favor of each of the Enforcing Authorities for the purposes of monitoring compliance with the applicable Restrictions and/or for all activities necessary to undertaken, from time to time, evaluation and monitoring of surface water and groundwater quality in accordance with the Golf Course Environmental Management Plan, in lieu of the General Monitoring Easement.

"**Supplement**" means a Supplement to Declaration of Restrictive Covenants in the form attached to this Declaration as Exhibit "C", executed and filed in the Official Records in accordance with Article 3 of this Declaration.

"**TCEQ**" means the Texas Commission on Environmental Quality, formerly the Texas Natural Resource Conservation Commission, and its successors.

"**TCEQ Development Rules**" means Title 30, Section 213.1, et. seq., Texas Administrative Code.

"**Tree Preservation Ordinance**" means Section 35-523 of the UDC as adopted by City on May 3, 2001.

"**Underground Storage Tank System**" means any one or combination of underground tanks and any connecting underground pipes, containing one or more hydrocarbons or hazardous substances, the volume of which, including the volume of the connecting underground pipes, is ten percent (10%) or more beneath the surface of the ground.

"**WPAP**" means a water pollution abatement plan and other "Edwards Aquifer Protection Plan" documentation (as described in the TCEQ Development Rules) which must be submitted for approval in accordance therewith.

"**UDC**" means Chapter 35, San Antonio Municipal Code, entitled the "Unified Development Code," as adopted by City on May 3, 2001.

Article 1. General Restrictions

The Land shall be and is hereby encumbered by this Declaration and the following covenants and restrictions:

1.1 Application of City Codes. Subject to Subsection 1.1.4 and the development rights described therein, the Land shall be subject to, and each Landowner shall abide by, comply with, observe and be governed by:

1.1.1 Unified Development Code, Chapter 35. All provisions and requirements of the UDC as if the Land were located within the municipal boundaries of City, including without limitation the land use prohibitions applicable to the ERZD (Tables 311-1 and 311-2) and the Tree Preservation Ordinance (Section 35-523), but excluding those provisions of Chapter 35, Article III, San Antonio Municipal Code entitled "Zoning" which are not otherwise applicable to land in the ERZD.

1.1.2 Aquifer Protection Ordinances of City of San Antonio. Without limiting the generality of Subsection 1.1.1 hereof, all provisions and requirements of City's ordinances regarding drainage, flood plain regulation and aquifer protection, including (without implied limitation):

- 1.1.2.1** Aquifer Protection Ordinance No. 81491, reflected in the San Antonio City Code, Chapter 34, Article VI, Division 6, Sections 901 - 999, inclusive;
- 1.1.2.2** Underground Storage Tank Ban on the Edwards Recharge Zone Ordinance Nos. 74981, 81147 and 82935, reflected in the San Antonio City Code, Chapter 35, Article 3, Division 6, Subdivision A, Section 35-3106;
- 1.1.2.3** Underground Storage Tank Management Program Ordinance No. 83200, reflected in the San Antonio City Code, Section 34, Article VI, Division 7, Sections 1000 - 1100, inclusive;
- 1.1.2.4** Construction Site Ordinance No. 94002, reflected in the San Antonio City Code, Section 34, Article VI, Division 4, Subdivision B, Sections 801 - 900, inclusive;

- 1.1.2.5 Aquifer Management Plan Ordinance No. 80574, reflected in the San Antonio City Code, Chapter 34, Article IV, Divisions 1-4, Sections 287 - 350, inclusive, sometimes known as the 'Critical Period Management Rules,' except in its application as set forth in Section 3.5 hereof (with reference to the Golf Course Environmental Management Plan) as such ordinance relates to the Golf Course Tracts and Golf Course Related Improvements.
- 1.1.2.6 Water Waste Enforcement Ordinance No. 92179, reflected in the City Code of San Antonio as Sections 34-287 through 34-315, inclusive;
- 1.1.2.7 Water Quality Control and Pollution Prevention Ordinance No. 80574, reflected in the San Antonio City Code, Chapter 34, Article VI, Sections 551 - 712, inclusive.

1.1.3 Geographic Application of Aquifer Protection Ordinances. Notwithstanding that certain provisions set forth in the ordinances described in Subsections 1.1.2.1 through 1.1.2.7 (inclusive) limit the application of such ordinances to lands located within the municipal boundaries of City or within a specified distance outside the municipal boundaries of City, all such ordinances shall apply to the Land and all Landowners. By acquiring title to or possession of any part of the Land or any interest therein, each Landowner (including, without limitation, Declarant) confirms the authority of City and/or SAWS to implement and enforce such ordinances, to exercise the rights and powers conferred by such ordinances, and to levy and impose the civil and other penalties authorized by such ordinances.

1.1.4 Amendments to Ordinances. The Land and all Landowners will be subject to future amendments and supplementations to the UDC except those amendments or supplementations which conflict with the terms of this Declaration, including, but not limited to Subsection 1.1.1 or which would be inapplicable to the development of the Land under *Chapter 245, Texas Government Code* or Section 35-712 of the UDC.

1.2 WPAP Required For Any Regulated Activity. These Restrictions are intended to supplement the requirements imposed pursuant to the TCEQ Development Rules. A WPAP required to be submitted pursuant to the TCEQ Development Rules must also be submitted and approved in writing or deemed approved by SAWS in accordance with this Declaration before the Regulated Activity may be undertaken on any part of the Land. Notwithstanding the above, any WPAP applicable to the Land and approved prior to October 24, 2002, shall not be subject to this Section 1.2.

1.2.1 Procedure. The applicant shall submit a complete WPAP to SAWS.

1.2.2 Contents. Each WPAP will include the documentation and information required by the TCEQ Development Rules. In addition, each WPAP will include a calculation of Impervious Cover on the Land. The calculation of Impervious Cover will be made in accordance with the formula set forth in this Article 1 and will be expressed as a percentage of the total area of the Land.

1.2.3 Review Standards. The Director of Resource Protection and Compliance of SAWS (or such person or persons who may hereafter perform the duties of such office) will review each submitted WPAP to determine compliance with (1) TCEQ Development Rules, (2) the Golf Course Environmental Management Plan (to the extent such WPAP covers the Golf Course Tracts), and (3) this Declaration.

1.2.4 Deemed Approval by SAWS. A WPAP will be deemed approved by SAWS if SAWS has not rejected the submitted WPAP by written notice to the WPAP applicant on or before the forty-fifth (45th) day following the date on which a complete WPAP has been submitted to SAWS. Such notice of rejection of a submitted WPAP will identify any deficiency in the WPAP. A rejected WPAP will not preclude the subsequent submission of

a revised WPAP for the same Regulated Activity.

1.3 Impervious Cover. The area of all Impervious Cover on the Land shall not exceed twenty-five percent (25%) of total area of the Land, as calculated in accordance herewith. The percentage of Impervious Cover will be determined by dividing

1.3.1 the sum of (i) the area of all Impervious Cover described in each approved WPAP which has not been withdrawn or canceled following approval, and (ii) the area of the Impervious Cover described in the submitted WPAP (as stated therein), by

1.3.2. the total area of the Land.

SAWS's approval of a WPAP shall evidence that the Impervious Cover described in such approved WPAP complies with the twenty-five percent (25%) limitation on the area of Impervious Cover set forth herein, subject to a field audit by SAWS to determine that the area of Impervious Cover actually placed on the Land does not exceed the calculated area of Impervious Cover described in the approved WPAP(s). A field audit may be conducted, if deemed necessary by SAWS, in the exercise of its discretion, or if directed by City; provided, however, that such field audit shall be conducted, if at all, not later than six (6) months after all improvements under the approved WPAP have been fully completed. If the Impervious Cover actually placed on the Land differs from the calculation of Impervious Cover described in the approved WPAP, such difference shall be taken into account in future calculations of Impervious Cover pursuant to Section 1.3. If SAWS determines that the total of all Impervious Cover has reached or exceeded the twenty-five percent (25%) Impervious Cover limitation set forth in this Declaration, then additional Impervious Cover on the Land shall be strictly prohibited.

1.4. Sensitive Features. Sensitive Features known to exist on the Land at the time of the execution of this Declaration, as well as areas identified for additional study and determination, are shown on the Geologic Map. The following requirements are intended to supplement the requirements imposed pursuant to the TCEQ Development Rules.

1.4.1 Buffering. All Sensitive Features shown on the Geologic Map and those additional Sensitive Features discovered upon further study of the Land or during development of the Land shall be buffered or otherwise protected by measures determined by SAWS to be appropriate under the attendant circumstances of such feature.

1.4.2 Discovery During Construction. If a potential Sensitive Feature is detected on the Land during development, construction or otherwise, all related construction activities which could adversely impact or affect such potential Sensitive Feature shall cease until the Landowner or the Landowner's contractor has notified the SAWS Resource Protection and Compliance Department Director. If SAWS and Declarant do not agree as to whether the feature is a Sensitive Feature or the extent to which construction activities should be curtailed in response to the discovery of the potential Sensitive Feature, the GAC shall make such determinations. Related construction activities may resume after Landowner has obtained all authorization(s) for resumption of construction activities from SAWS or the GAC, as applicable, and otherwise as may be required under applicable law. Each Landowner shall implement, at the Landowner's sole expense, such temporary and permanent best management practices to protect Sensitive Features required by SAWS on an immediate basis. All further construction activity which could affect such Sensitive Feature(s) shall incorporate temporary and permanent best management practices required by SAWS, if any.

1.4.3. Amendment of Geologic Map. Declarant agrees that the Geologic Map may be updated by SAWS from time to time only to reflect any additional Sensitive Features jointly approved by SAWS and Developer or identified by the GAC. SAWS may impose reasonable requirements for buffering or other protective measures with respect to such additional Sensitive Feature(s). Upon delivery of such amended Geologic Map to Declarant and City, the amended Geologic Map will supercede and replace the then existing Geologic Map. Upon request of any

VOL 9766 PG 1687

Landowner, SAWS shall provide a copy of the current Geologic Map to such Landowner and may impose a reasonable charge to defray the costs of reproducing said Geologic Maps.

1.5. Underground Storage Tanks. The installation or operation of an Underground Storage Tank System, whether on a temporary or permanent basis, is prohibited.

1.6. Above Ground Storage Tank Systems. No Above Ground Storage Tank Systems may be installed or operated on the Land unless such systems comply with the requirements of the Golf Course Environmental Management Plan.

1.7. Private Sewage Facilities. Private on-site sewage facilities, as defined in *Title 30, Section 285.2, Texas Administrative Code*, may only be installed (i) on the Non-Contiguous Tract and (ii) in a total of two locations situated on the Golf Course Tracts north of Cibolo Canyon Boulevard, provided the two private on-site sewage facilities on the Golf Course Tracts comply with the requirements applicable thereto set forth in Section 4.32 of the Golf Course Environmental Management Plan.

1.8. Fire Service Support. So long as City has contractually agreed with Declarant to provide fire protection and fire fighting services, each Landowner which constructs or causes to be constructed commercial buildings and related improvements on the Land shall provide:

1.8.1 Two (2) copies of the plans and specifications for all such improvements to City's Director of Developmental Services;

1.8.2. Reasonable access to persons designated by City for the purposes of inspecting such improvements; and

1.8.3 An engineer's site plan which depicts the location of such improvements to City's Fire Chief prior to commencement of construction of such improvements.

Article 2. Restrictions Applicable to Non-Golf Course Land

The Non-Golf Course Land is hereby encumbered by the Restrictions set forth in Article 1 of this Declaration and the following covenants and restrictions:

2.1 Landscaping. Only low-water use landscapes will be permitted in landscaping lawns, ornamental landscape areas, greenbelts and open space areas on the Non-Golf Course Land. The landscapes shall comply with City guidelines established for new construction, including:

2.1.1 Use of native species which are drought tolerant and require low-water usage;

2.1.2 Preservation of existing tree canopy or installation of high-quality shade trees, using species identified by the Texas Forestry Service as appropriate; and

2.1.3 Irrigation systems which comply with the UDC.

2.2 Pesticides and Herbicides; Fertilizers. Unless otherwise approved by SAWS, all Non-Golf Course Land shall be subject to any requirements and restrictions relating to pesticide, herbicide or fertilizer use which may be generally imposed by SAWS from time to time to protect water quality in the ERZD, including (without limitation) moratoria on the application of specific or all pesticides, herbicides, or fertilizers believed to have the potential for degrading water quality. Without limiting the authority of SAWS to impose additional requirements or

restrictions regarding such substances (including moratoria), the following shall apply:

2.2.1 Fertilizers. Only approved organic fertilizers may be applied to the Non-Golf Course Land. An organic fertilizer will be deemed approved for so long as such substance has been certified for use by SAWS. No fertilizer applications may occur in buffer zone areas identified on the Geologic Map, as amended.

2.2.2 Pesticides and Herbicides. In landscaped areas on the Non-Golf Course Land, only approved organic pesticides and herbicides may be used to control potential pests, including without limitation, fire ants, mosquitoes, roaches, rodents, fleas, termites and turfgrass weeds, diseases and pests, unless otherwise approved in writing by SAWS. An organic pesticide or herbicide will be deemed approved for so long as such substance has been certified for use by SAWS. No pesticide or herbicide applications may occur in buffer zone areas identified on the Geologic Map, as amended.

2.3 Construction Requirements. All construction activities on the Non-Golf Course Land shall be subject to the following limitations, conditions and requirements:

2.3.1 Waste. All construction related waste, including without limitation, oils, grease, tires, batteries, cleaning solvents and empty containers, shall be disposed of in approved, covered, non-leaking containers, in a timely manner in accordance with applicable regulations.

2.3.2 Fuel Storage. Fuels shall not be stored on the Non-Golf Course Land.

2.3.3 Fuel Spills. In accordance with all applicable regulations, any spills or releases of fuels or other potentially polluting substances or materials shall be cleaned immediately and disposed of. All details concerning such spill or release shall be documented, including the subject product, quantity spilled or released, location, time, date, action taken and any other requested information, and shall be reported to SAWS Construction Compliance Section.

Article 3. Restrictions on Golf Course Tracts

Portions of the Land to be hereafter identified by Developer as Golf Course Tracts are intended to be used for two (2) or more golf courses. The Golf Course Tracts shall be encumbered by the Restrictions set forth in Article 1 of this Declaration and the following further covenants and restrictions:

3.1 Designation of Golf Course Tracts; Amendments. Prior to commencing any Golf Course Permitted Uses on any portion of the Land, Declarant shall execute and cause to be filed for record in the Official Records a Supplement, a plat or plat amendment to identify and describe such portion of the Land as a Golf Course Tract. Such portion of the Land will be thereby designated and restricted as a Golf Course Tract for the purposes of this Declaration. To accommodate the physical design dimensions of a Golf Course Permitted Use, Declarant may file any amended Supplement(s) or plat amendments as necessary to correct the metes and bounds description of such Golf Course Tract.

3.2 Permitted Uses. The Golf Course Tracts shall not be used, leased, or occupied, directly or indirectly for any purpose other than either Golf Course Permitted Uses or Open Space Area. If any portion of a Golf Course Tract is not improved for Golf Course Permitted Uses, or if so improved and such use has been permanently abandoned, such unused portion shall be and is hereby restricted as Open Space Area in perpetuity.

3.3 Minimum Acreage. If three (3) or more golf courses are constructed on the Land, the land area of all Golf Course Tracts and Open Space Area on the Land shall be not less than a total of eight hundred (800) acres. If less than three (3) golf courses are constructed on the Land, the land area of all Golf Course Tracts and Open Space Area shall be not less than a total of five hundred (500) acres. For the purpose of this calculation, all Open Space Area

must be either contiguous to a Golf Course Tract, or if not contiguous to a Golf Course Tract, at least five (5) acres in area.

3.4 Designation of Open Space Area Tracts. Declarant shall execute and cause to be filed for record in the Official Records a Supplement, a plat or plat amendment to identify and describe each portion of the Land to be restricted as Open Space Area. Such portion of the Land will be thereby designated and restricted as Open Space Area for the purposes of this Declaration.

3.5 Golf Course Environmental Management Plan. The Golf Course Tracts, if used for Golf Course Permitted Uses, and all Golf Course Related Improvements shall be subject to the terms, conditions, restrictions, duties and obligations to be observed and performed pursuant to the Golf Course Environmental Management Plan, as same may be amended from time to time according to its terms. Notwithstanding Subsection 1.1.2.5 hereof, irrigation of the Golf Course Tracts and the Golf Course Related Improvements shall be subject to Section 4.36.6 of the Golf Course Environmental Management Plan.

3.6 Mandatory Payment for Water Quality Monitoring. Declarant and each Landowner owning any part of a Golf Course Tract used for Golf Course Permitted Uses shall be jointly and severally liable to pay to SAWS the sum of One Hundred Thousand Dollars (\$100,000.00) per year until the termination of the Services Agreement, as required pursuant to the terms of the Golf Course Environmental Management Plan.

Article 4. Easements and Access.

The Land shall be and is hereby encumbered by the following easement and covenants, each to run with the Land and to bind the Declarant and its successors and assigns and each Landowner:

4.1 General Monitoring Easement and Right to Inspect. A General Monitoring Easement is hereby created in favor of and granted to the Enforcing Authorities for the purpose of monitoring ground water quality in accordance with the Golf Course Environmental Management Plan, subject to the limitation that the easement rights hereby created and granted may not be exercised in a manner or at a time which unreasonably interferes with the use and enjoyment of the Golf Course Tracts, the Golf Course Related Improvements or the Non-Golf Course Land. The easement rights hereby created and granted shall continue to be exercised and enjoyed by the Enforcing Authorities unless and until limited, replaced or superceded by Specific Monitoring Easements pursuant to Section 4.3.

4.2 Right to Inspect. A right to inspect is hereby created in favor of and granted to the Enforcing Authorities for the purpose of monitoring compliance with these Restrictions, subject to the limitation that the inspection rights hereby created and granted may not be exercised in a manner or at a time which unreasonably interferes with the use and enjoyment of the Land.

4.3 Specific Monitoring Easements For Water Quality Monitoring. With respect to each location on the Land to be used to conduct surface water sampling and each well to be used to monitor ground water quality in accordance with, and for any other locations on the Land to be used by the Enforcing Authorities to monitor compliance with the applicable Restrictions, Declarant, at its option, shall have the right to identify and describe by metes and bounds each such location and a means of ingress and egress to each such location across a public street or easement to be dedicated on the subdivision plat for such portion of the Land by executing Specific Monitoring Easements, the means of ingress and egress to the locations referenced in the Specific Monitoring Easements shall be limited to the routes described in the Specific Monitoring Easements in lieu of the General Monitoring Easement, provided, however, that the means of ingress and egress, the location and routes described in each Specific Monitoring Easements are reasonably adequate for the monitoring purposes thereof and are not unreasonably burdensome to the Enforcing Authorities. Notwithstanding the foregoing, if the location of a monitoring well or other improvement must be changed because Declarant has altered the location of the easement required to access such location, Declarant shall

reimburse the affected Enforcing Authority for the costs of relocation of such improvement.

Article 5. Enforcement.

The Enforcing Authorities are hereby authorized to enforce the Restrictions, acting individually or in any combination thereof. Enforcement of the Restrictions of this Declaration set forth herein may be by each of the Enforcing Authorities, acting individually or in any combination thereof. Enforcement of the Restrictions of this Declaration may be by a proceeding at law or in equity against any person(s) or entity(ies) violating or attempting to violate the Restrictions, whether the relief sought is an injunction or the recovery of damages, or otherwise. Any failure or delay in enforcing any Restriction set forth herein shall in no event be deemed to be a waiver of the right to do so or to seek damages or other relief thereafter. The failure of any person to comply with these Restrictions shall in no event be deemed or construed to impose liability of any nature on any of the Enforcing Authorities, or the governing body or authorized representative of each of them, except to the extent such liability is imposed upon any of them (i) in its capacity as a Landowner or (ii) pursuant to the terms of the Golf Course Environmental Management Plan. The Enforcing Authorities have no affirmative duty to police, control or enforce such Restrictions for the benefit of any third party.

Article 6. Amendment, Termination and Survival.

6.1 Amendment. This Declaration may be amended or supplemented as to all or any portion of the Land pursuant to a written agreement containing such amendments or supplemental restrictive covenants, which shall be effective when signed by (i) Declarant or its successor in ownership of such portion of the Land to which the authority to amend this Declaration has been expressly assigned by Declarant, and (ii) the governing body or an authorized representative of City and recorded in the Official Records. Notwithstanding the foregoing, City's joinder shall not be required for a Supplement which identifies Golf Course Tracts, the Open Space Area or for any amendment to this Declaration after annexation of the Land by City.

6.2 Termination and Survival. Declarant may terminate this Declaration if the Services Agreement has terminated prior to the Completion of Construction of the first hotel on the Land. If the Services Agreement is terminated prior to the Completion of Construction of the first hotel on the Land, Declarant shall file in the Official Records, an affidavit signed and sworn to by Declarant, stating that (i) the Services Agreement has terminated and (ii) Completion of Construction of the first hotel on the Land has not occurred. Thereafter, this Declaration shall be of no further force or effect; provided, however, that if, at the time of termination, any portion of the Annexation Tracts is used and operated as a golf course, the Restriction set forth in Article 3.2 hereof and all related easements shall survive the termination of this Declaration and be enforceable in accordance herewith.

Article 7. Miscellaneous Provisions.

7.1 Notices. Any demand, request or other notice (collectively, a "notice") required or permitted to be given hereunder, or otherwise given in regard to this Declaration shall be in writing and the same shall be given and be deemed to have been served and received (a) if hand delivered, when delivered in person to the address set forth hereinafter for the party to whom notice is being given (or, if applicable, when delivery is refused by the party to whom notice is being given), or (b) if mailed, on the date which is two (2) business days following the date on which such notice is placed in the United States mail, postage pre-paid, by certified mail, return receipt requested, addressed to the party to whom notice is being given at the address for such party hereinafter specified.

7.2 Severability. The invalidation of any one of the Restrictions or covenants herein contained, or the failure to enforce any of such Restrictions or covenants at the time of its violation, shall in no event affect any of the other Restrictions or covenants contained nor be deemed a waiver of the right to enforce the same or any other restriction or covenant thereafter.

VOL 9766 PG 1691

7.3 Constructive Notice; Acceptance. Every person who, now or hereafter, owns or acquires any right, title, or interest in or to any portion of the Land, whether as an owner, tenant, or occupant in any right or capacity, is and shall be conclusively deemed to have consented and agreed to every covenant, condition, and restriction herein contained, whether or not any reference to this Declaration shall be contained in the instrument by which such party acquires an interest in such portion of the Land.

7.4 Headings. The titles, headings, and captions used in this instrument are for convenience only and are not to be used in construing this instrument or any part hereof.

7.5 Continuing Effect. This Declaration, and all of its terms, provisions, covenants, conditions, and restrictions, shall run with the Land and be binding upon all future owners, tenants, and/or occupants of all or any portion of the Land, and their respective heirs, legal representatives, successors, and assigns, except to the extent this Declaration may be terminated pursuant to the terms hereof.

7.6 Exhibits. All documents referred to herein and all documents attached hereto are incorporated herein for all purposes.

7.7 Interpretation. If this Declaration or anything set forth herein is or may be capable of interpretation in two or more conflicting ways, then the interpretation which is most nearly in accord with the general principals, purposes and objectives of this Declaration shall govern and control the meaning thereof. If any punctuation, word, clause or provision necessary to give effect to any other word, clause or provision hereof has been omitted, then it is understood that such omission was unintentional and the omission may be supplied by inference.

7.8 Attorney's Fees. If any Enforcing Authority incurs reasonable expenses of any kind, including attorneys' fees, to enforce this Declaration and shall prevail in such enforcement, the Enforcing Authority is entitled to recover such expenses from the person(s) against whom enforcement actions were taken.

7.9 Waiver. The Restrictions shall not be waived or rendered unenforceable by reason of any lack of enforcement by any Enforcing Authority.

Dated as of the date of the acknowledgment.

EXHIBITS:

- Exhibit "A-1":** Legal Description of Annexation Tracts
- Exhibit "A-2":** Legal Description of Non-Contiguous Tract
- Exhibit "B":** Golf Course Environmental Management Plan
- Exhibit "C":** Form of Supplemental Declaration of Restrictive Covenants

[SIGNATURE PAGE FOLLOWS]

Witness the hand of an authorized representative of Declarant on the acknowledgment date noted below.

DECLARANT:

LUMBERMEN'S INVESTMENT CORPORATION,
a Delaware corporation

By: *John Pierret*
JOHN PIERRET
EXECUTIVE VICE PRESIDENT

THE STATE OF TEXAS §
COUNTY OF BEXAR Dallas §

This instrument was acknowledged before me on January 6, ²⁰⁰³2002, by JOHN PIERRET, Executive Vice President of LUMBERMEN'S INVESTMENT CORPORATION, a Delaware corporation, on behalf of said corporation.

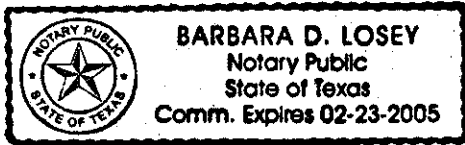
[seal]

Barbara D Losey
Notary Public, State of Texas

My Commission Expires:

2/23/05

Barbara D. Losey
Printed/Typed Name



VOL 9766 PG 1693

EXECUTION PAGE OF DECLARATION OF RESTRICTIVE COVENANTS

EXHIBIT A - 1
TO
DECLARATION OF RESTRICTIVE COVENANTS
DESCRIPTION OF ANNEXATION TRACTS

TRACT ONE

A 1392.7 acre, or 60,666,506 square feet, more or less, tract of land being comprised of Evans – North Loop Subdivision recorded in Volume 9544, Page 33 of the Deed and Plat Records of Bexar County, Texas, and that 1394.189 acre tract recorded in Volume 5792, Pages 1701-1709 of the Official Public Records of Real Property of Bexar County, Texas. Said tract being out of the E. Martin Survey No. 89, Abstract 524, County Block 4909, the Rompel Koch & Voges Survey No. 1, Abstract 1020, County Block 4901, the W.M. Brisbin Survey No. 89½, Abstract 54, County Block 4900, the El Paso Irr. Co. Survey No. 92.1, Abstract 845, County Block 4910 and the Adolphus Harnden Survey No. 478 1/3, Abstract 350, County Block 4911 of Bexar County Texas. Said 1392.7 acre tract being more fully described as follows:

- BEGINNING:** At a found ½" iron rod with a yellow cap marked "Pape-Dawson" in the north right-of-way line of Evans Road, a 110-foot right-of-way, said iron rod also being the southeast corner of Fossil Ridge Subdivision, Unit 1, recorded in Volume 9548, Pages 197-204 of the Deed and Plat Records of Bexar County, Texas, out of a 403.9458 acre tract described in instrument recorded in Volume 5257, Pages 1293-1301 of the Official Public Records of Real Property of Bexar County, Texas, a corner of the aforementioned 1394.189 acre tract;
- THENCE:** N 23°23'37"W, bearings being based of the North American Datum of 1983, from State Plane Coordinates established for the Texas South Central Zone, departing the north right-of-way line of Evans Road, along and with the east line of Fossil Ridge Subdivision, a distance of 1203.02 feet to a found ½" iron rod at an angle point, (N 24°59'47"W, 1274.56' by deed, the distance of 1274.56 feet being comprised of this call for 1203.02 feet, and the remainder being the distance to the old right-of-way line of Evans Road which is described in a Evans Road right-of-way map dated April of 1987);
- THENCE:** N 23°30'17"W, along and with the east line of Fossil Ridge Subdivision, a distance of 450.07 feet to a found ½" iron rod set in concrete at an angle point;
- THENCE:** N 23°32'11"W, along and with the east line of Fossil Ridge Subdivision, a distance of 709.21 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point, said iron rod also being the southwest corner of a 229.000 acre save and except tract described in instrument recorded in Volume 5792, Pages 1701-1709 of the Official Public Records of Real Property of Bexar County, Texas, said 229.00 acre save and except tract being out of a 1623.189 acre tract recorded in Volume 3041, Pages 979-983 of the Official Public Records of Real Property of Bexar County, Texas, (N 25°07'30"W by deed);
- THENCE:** N 73°12'18"E, departing said east line of Fossil Ridge Subdivision, a distance of 2007.69 feet to a point;
- THENCE:** N 01°22'40"W, a distance of 376.50 feet to a point;
- THENCE:** N 13°37'20"E, a distance of 825.00 feet to a point;
- THENCE:** N 23°30'23"W, a distance of 400.85 feet to a point;

VOL 9766 PG 1694

THENCE: Along the arc of a curve to the left, said curve having a radial bearing of N65°11'27" W, a radius of 760.00 feet, a central angle of 48°18'57", a chord bearing and distance of N 00°39'05" E, 622.06 feet, and an arc length of 640.89 feet to a point;

THENCE: Along the arc of a curve to the right, said curve having a radial bearing of N58°53'08" E, a radius of 1000.00 feet, a central angle of 55°55'25", a chord bearing and distance of N 03°09'09" W, 937.77 feet, and an arc length of 976.05 feet to a point;

THENCE: N 31°06'52"W, a distance of 110.00 feet to a point;

THENCE: S 58°53'08"W, a distance of 486.65 feet to a point;

THENCE: Along the arc of a curve to the left, said curve having a radial bearing of S23°53'08" W, a radius of 1000.00 feet, a central angle of 55°00'00", a chord bearing and distance of S 86°23'08" W, 923.50 feet, and an arc length of 959.93 feet to a point;

THENCE: N 66°06'52"W, a distance of 1650.00 feet to a point;

THENCE: Along the arc of a curve to the right, said curve having a radial bearing of N06°06'52" W, a radius of 1400.00 feet, a central angle of 30°00'00", a chord bearing and distance of N 81°06'52" W, 724.69 feet, an arc length of 733.04 feet to a point;

THENCE: S 83°53'08"W, a distance of 126.94 feet to a point;

THENCE: S 23°30'23"E, a distance of 603.61 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson" at an interior corner of the said 1394.189 acre tract being the northeast corner of the aforementioned 403.9458 acre Fossil Ridge Subdivision parent tract;

THENCE: S 89°24'59"W, along and with the north line of the 403.9458 acre tract, a distance of 1581.35 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point, (S 87°49'00"W, 7167.93' by deed, the distance of 7167.93 feet being comprised of this call for 1581.35 feet, the next call for 1373.99 feet, 4091.02 feet along the north line of the aforementioned 194.2434 acre tract and a distance of 21.92 feet to the old right-of-way line of Bulverde Road which is described in a Bulverde Road right-of-way map dated November of 1985);

THENCE: S 89°24'59"W, along and with the north line of the 403.9458 acre tract, a distance of 1373.99 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at the northwest corner of the 403.9458 acre tract and the northeast corner of the aforementioned 194.2434 acre tract;

THENCE: S 89°24'59"W, along and with the south line of the 1394.189 acre tract and the north line of the 194.2434 acre tract, a distance of 4090.16 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson" in the east right-of-way line of Bulverde Road and at the northwest corner of the said 194.2434;

THENCE: Along and with the east right-of-way line of Bulverde Road the following bearings and distances;

N 10°32'43" W, a distance of 2.67 feet to a point;

Northeasterly with a curve to the right, said curve having a radius of 999.00 feet, a central angle of 22°37'38", a chord bearing and distance of N 00°46'06"E, 391.97 feet and an arc length of 394.52 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at a point of tangency;

N 12°04'55"E, a distance of 214.65 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at a point of curvature;

Northeasterly, with a curve to the right, said curve having a radius of 1102.00 feet, a central angle of 30°40'02", a chord bearing and distance of N 27°24'56" E, 582.82 feet, and an arc length of 589.84 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at a point of tangency;

N 42°44'57"E, a distance of 274.54 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson" at the southwest corner of a 135.532 acre tract described in instrument recorded in Volume 5350, Page 2076-2081 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: N 89°25'08"E, departing the east right-of-way line of Bulverde road, along and with the south line of the 135.532 acre tract, a distance of 5968.30 feet to a found ½" iron rod at the southeast corner of the said 135.532 acre tract;

THENCE: N 23°29'40"W, a distance of 1190.36 feet, (N 25°05'12"W, 3406.40' by deed, the combined deed distance of 3406.40 feet in this call and that of the deed distance of 1064.15 feet quoted in the next call, being comprised of this call of 1190.36 feet, and next two calls of 2783.83 feet, and 494.80 feet), to a found ½" iron rod at the northeast corner of the 135.532 acre tract and the southeast corner of a 1350.297 acre tract recorded in Volume 4859, Pages 292-312 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: N 23°29'40"W, along and with the east line of the 1350.297 acre tract, a distance of 2783.83 feet, (N 25°18'04"W, 1064.15' by deed) to a found ½" iron rod marked MBC at an angle point;

THENCE: N 23°54'32"W, along and with the east line of the 1350.297 acre tract, a distance of 494.80 feet to a found ½" iron rod at the northwest corner of this tract;

THENCE: N 55°13'56"E, along and with the south line of the 1350.297 acre tract, a distance of 346.08 feet to a found ½" iron rod at an angle point;

THENCE: N 55°17'34"E, along and with the south line of the 1350.297 acre tract, a distance of 381.68 feet to a found ½" iron rod at an angle point;

THENCE: N 54°44'11"E, along and with the south line of the 1350.297 acre tract, a distance of 894.23 feet to a found ½" iron rod at an angle point, (N 53°31'36"E, 2026.43' by deed);

THENCE: N 55°46'21"E, along and with the south line of the 1350.297 acre tract, a distance of 403.85 feet to a found iron rod in the northwest corner of a 785.4 acre tract out of a 927.064 acre tract recorded in Volume 5362, Pages 756-764 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: S 54°16'26"E, departing the south line of the 1350.297 acre tract, along and with the west line of the 785.4 acre tract, a distance of 3325.13 feet to a found iron rod at an angle point, (S 55°52'24"E, 3325.13' by deed);

THENCE: S 54°11'40"E, along and with the west line of the 785.4 acre tract, a distance of 5267.86 feet to a fence post at an angle point, (S 55°47'33"E, 5277.27' by deed);

THENCE: S 50°09'55"E, along and with the west line of the 785.4 acre tract, a distance of 253.64 feet to a found iron rod in the northeast corner of a 51.788 acre tract described in instrument recorded in Volume 7002, Pages 658-662 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: S 03°57'49"E, departing the west line of the 785.4 acre tract, along and with the west line of the 51.788 acre tract, passing at 1048.25 feet a fence post at the southwest corner of the 51.788 acre tract and the northwest corner of a 30.04 acre tract described in instrument recorded in Volume 5362,

VOL 9766 PG 1696

Pages 1539-1542 of the Official Public Records of Real Property of Bexar County, Texas and continuing along and with the west line of the 30.04 acre tract a total distance of 1479.02 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point, (S 05°30'33"E, 1478.86' by deed);

THENCE: S 08°30'05"E, along and with the west line of the 30.04 acre tract, a distance of 382.99 feet to a found ½" iron rod at an angle point (S 09°56'00"E, 382.42' by deed);

THENCE: S 01°31'55"W, along and with the west line of the 30.04 acre tract, passing at 396.50 feet a fence post at the southwest corner of the said 30.04 acre tract and the northwest corner of a 24.95 acre tract described in instrument recorded in Volume 4884, Pages 1495-1498 of the Official Public Records of Real Property of Bexar County, Texas, and continuing along and with the west line of the 24.95 acre tract a total distance of 1192.66 feet to a found 5/8" iron rod at the southwest corner of the 24.95 acre tract and the northwest corner of a 185.610 acre tract of land described in instrument recorded in Volume 4525, Pages 164-167 of the Deed Records of Bexar County, Texas, (S 00°10'35"E, 1193.13' by deed);

THENCE: S 16°01'29"W, along and with the west line of the 185.610 acre tract, a distance of 5051.21 feet, (S 14°18'24"W, 2685.40' and S 14°33'47"W, 2366.39' by deed); to a found ½" iron rod in the north right-of-way line of Evans Road, a 110 foot right-of-way;

THENCE: N 77°10'31"W, along and with the north right-of-way line of Evans Road, passing at 1600.26 feet the southwest corner of Evans - North Loop Subdivision recorded in Volume 9544, Page 33 of the Deed and Plat Records of Bexar County, Texas, and continuing for a total distance of 2134.38 feet to a found ½" iron rod at a point of curvature;

THENCE: Northwesterly, along the arc of a curve to the right, said curve having a radius of 2578.39 feet, a central angle of 8°52'15", a chord bearing and distance of N 72°44'24" W, 398.80 feet, and an arc length of 399.20 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at a point of tangency;

THENCE: N 68°18'16"W, a distance of 213.96 feet to the POINT OF BEGINNING and containing 1392.7 acres of land, in Bexar County, Texas. Said tract being described in accordance with a survey prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: October 22, 2002
JOB No.: 3538-24
DOC.ID.: H:\3538\24\WORK\FN\021018-A4-1394.doc

VOL 9766 PG 1697

TRACT TWO

A 229.0 acre, or 9,973,288 square feet, more or less, tract of land being comprised of that 229.00 acre save and except tract described in instrument recorded in Volume 5792, Pages 1701-1709 of the Official Public Records of Real Property of Bexar County, Texas, said 229.00 acre save and except tract being out of a 1623.189 acre tract recorded in Volume 3041, Pages 979-983 of the Official Public Records of Real Property of Bexar County, Texas. Said tract being out of the E. Martin Survey No. 89, Abstract 524, County Block 4909, the El Paso Irr. Co. Survey No. 92.1, Abstract 845, County Block 4910 and the Adolphus Harnden Survey No. 478 1/3, Abstract 350, County Block 4911 of Bexar County Texas. Said 229.0 acre tract being more fully described as follows:

- COMMENCING: At a found ½" iron rod with a yellow cap marked "Pape-Dawson" in the north right-of-way line of Evans Road, a 110-foot right-of-way, said iron rod also being the southeast corner of Fossil Ridge Subdivision, Unit 1, recorded in Volume 9548, Pages 197-204 of the Deed and Plat Records of Bexar County, Texas, out of a 403.9458 acre tract described in instrument recorded in Volume 5257, Pages 1293-1301 of the Official Public Records of Real Property of Bexar County, Texas, and a corner of a 1,394.189 acre tract described in instrument recorded in Volume 5792, Pages 1701-1709 of the Official Public Records of Real Property of Bexar County, Texas;
- THENCE: N 23°23'37" W, bearings being based of the North American Datum of 1983, from State Plane Coordinates established for the Texas South Central Zone, departing the north right-of-way line of Evans Road, along and with the east line of Fossil Ridge Subdivision, a distance of 1,203.02 feet to a found ½" iron rod at an angle point, (N 24°59'47" W, 1,274.56' by deed, the distance of 1,274.56 feet being comprised of this call for 1,203.02 feet, and the remainder being the distance to the old right-of-way line of Evans Road which is described in a Evans Road right-of-way map dated April of 1987);
- THENCE: N 23°30'17" W, along and with the east line of Fossil Ridge Subdivision, a distance of 450.07 feet to a found ½" iron rod set in concrete at an angle point;
- THENCE: N 23°32'11" W, along and with the east line of Fossil Ridge Subdivision, a distance of 709.21 feet to the POINT OF BEGINNING at a found ½" iron rod with a yellow cap marked "Pape-Dawson", being the southwest corner of the 229.0 acre tract herein described;
- THENCE: N 23°31'11" W, along and with the east line of Fossil Ridge Subdivision, passing at 104.93 feet a found ½" iron rod with a yellow cap marked "Pape-Dawson" at the northeast corner of Lot 17, Block 4 of Fossil Ridge Subdivision, and continuing for a total distance of 1,289.32 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson" at the northeast corner of said Fossil Ridge Subdivision;
- THENCE: N23°31'11" W, along and with the east line of the aforementioned 403.9458 acre Fossil Ridge Subdivision parent tract, a distance of 2,726.01 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson" at an interior corner of the said 1,394.189 acre tract;
- THENCE: N 23°30'23" W, a distance of 603.61 feet to a point;
- THENCE: N 83°53'08" E, a distance of 126.94 feet to a point;
- THENCE: Along the arc of a curve to the right, said curve having a radial bearing of S 06°06'52" E, a radius of 1,400.00 feet, a central angle of 30°00'00", a chord bearing and distance of S 81°06'52" E, 724.69 feet, an arc length of 733.04 feet to a point;
- THENCE: S 66°06'52" E, a distance of 1,650.00 feet to a point;

VOL 9766 PG 1698

THENCE: Along the arc of a curve to the left, said curve having a radial bearing of N 23°53'08" E, a radius of 1,000.00 feet, a central angle of 55°00'00", a chord bearing and distance of N 86°23'08" E, 923.50 feet, and an arc length of 959.93 feet to a point;

THENCE: N 58°53'08" E, a distance of 486.65 feet to a point;

THENCE: S 31°06'52" E, a distance of 110.00 feet to a point;

THENCE: Along the arc of a curve to the right, said curve having a radial bearing of S 58°53'08" W, a radius of 1,000.00 feet, a central angle of 55°55'25", a chord bearing and distance of S 03°09'09" E, 937.77 feet, and an arc length of 976.05 feet to a point;

THENCE: Along the arc of a curve to the left, said curve having a radial bearing of S 5°11'27" E, a radius of 760.00 feet, a central angle of 48°18'57", a chord bearing and distance of S00°39'05" W, 622.06 feet, and an arc length of 640.89 feet to a point;

THENCE: S 23°30'23" E, a distance of 400.85 feet to a point;

THENCE: S 13°37'20" W, a distance of 825.00 feet to a point;

THENCE: S 01°22'40" E, a distance of 376.50 feet to a point;

THENCE: S 73°12'18" W, a distance of 2,007.69 feet to the POINT OF BEGINNING and containing 229.0 acres of land in Bexar County, Texas. Said tract being described in accordance with a survey prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: October 22, 2002
JOB No.: 3538-24
DOC.ID.: 3538\24\Word\FN\021018-A3-229

VOL 9766 PG 1699

TRACT THREE

A 187.20 acre, or 8,154,390 square feet, more or less, tract of land out of that 194.2434 acre tract recorded in Volume 3812, Pages 1580-1584 of the Official Public Records of Real Property of Bexar County, Texas, being out of the W.M. Brisbin Survey No. 89½, Abstract 54, County Block 4900 in Bexar County, Texas. Said 187.20 acre tract being more fully described as follows:

BEGINNING: At a found ½" iron rod with a yellow cap marked "Pape-Dawson" in the east right-of-way line of Bulverde Road, an 86-foot right-of-way, being at a northwest corner of Fossil Creek Subdivision, Unit 1, recorded in Volume 9541, Pages 177-178 of the Deed and Plat Records of Bexar County, Texas, and the southernmost corner of the herein described tract;

THENCE: Northwesterly, along and with the east right-of-way line of Bulverde Road with a curve to the left, having a radial bearing of S 67°45'32" W, a radius of 1,313.00 feet, a central angle of 22°59'41", a chord bearing and distance of N 33°44'18" W, 523.42 feet and an arc length of 526.95 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at the south corner of a 1.511 acre tract known as Parcel 12E, formerly being a portion of the right-of-way of Old Bulverde Road and deeded to Evans Road North Loop Venture in an unrecorded deed executed by County Judge Tom Vickers in July of 1988;

THENCE: Departing the east right-of-way line of Bulverde Road, along and with the boundary of the 1.511-acre tract the following bearings and distances;

N 04°41'26" W, a distance of 198.12 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 21°13'51" W, a distance of 59.48 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 44°11'00" W, a distance of 83.79 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 63°24'38" W, a distance of 432.95 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 70°15'43" W, a distance of 71.04 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 79°40'49" W, a distance of 370.52 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" on the east right-of-way line of Bulverde Road;

THENCE: Departing the boundary of the 1.511-acre tract, along and with the east right-of-way line of Bulverde Road the following bearings and distances;

N 58°46'37" W, a distance of 310.51 feet, to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at a point of curvature;

Northeasterly with a curve to the right, said curve having a radius of 1002.00 feet, a central angle of 34°57'20", a chord bearing and distance of N 41°17'57" W, 601.87 feet and an arc length of 611.31 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at a point of tangency;

N 23°49'18" W, a distance of 788.47 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson" at a point of curvature;

VOL 9766 PG 1700

Northwesterly with a curve to the left, said curve having a radius of 1,475.00 feet, a central angle of 14°53'03", a chord bearing and distance of N 31°15'49" W, 382.10 feet and an arc length of 383.17 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at the south corner of a 0.034 acre tract known as Parcel 12G, formerly being a portion of the right-of-way of Old Bulverde Road and deeded to Evans Road North Loop Venture in an unrecorded deed executed by County Judge Tom Vickers in July of 1988;

THENCE: Departing the east right-of-way line of Bulverde Road, along and with the boundary of the 0.034-acre tract the following bearings and distances;

N 30°24'18" W, a distance of 110.18 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 64°10'27" W, a distance of 52.20 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" on the east right-of-way line of Bulverde Road;

THENCE: Departing the boundary of the 0.034-acre tract, along and with the east right-of-way line of Bulverde Road the following bearings and distances;

N 41°59'45" W, a distance of 123.38 feet to a found ½" iron rod at a point of curvature;

Northeasterly with a curve to the right, said curve having a radius of 999.00 feet, a central angle of 31°27'02", a chord bearing and distance of N 26°16'14" W, 541.51 feet and an arc length of 548.37 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at a point of tangency;

N 10°32'43" W, a distance of 219.57 feet to a found ½" iron rod at the northwest corner of the aforementioned 194.2434 acre tract, the west corner of a 1394.189 acre tract recorded in Volume 5792, Pages 1701-1709 of the Official Public Records of Real Property of Bexar County, Texas and at an angle point;

THENCE: N 89°24'59" E, departing the east right-of-way line of Bulverde road, along and with the south line of the 1,394.189 acre tract, a distance of 4,090.16 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson" at the northwest corner of a 403.9458 acre tract described in instrument recorded in Volume 5257, Pages 1293-1301 of the Official Public Records of Real Property of Bexar County, Texas and the northeast corner of the aforementioned 194.2434 acre tract;

THENCE: S 19°21'43" W, along and with the west line of the 403.9458 acre tract, a distance of 1,027.05 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point, (S17°48'10" W, 1,026.69 feet by deed);

THENCE: S 89°26'18" W, along and with the 403.9458 acre tract, a distance of 480.00 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

THENCE: S 00°19'34" E, along and with the 403.9458 acre tract, passing at 1,437.69 feet a found 60 penny nail at the northwest corner of Fossil Creek Subdivision, Unit 1, and continuing for a total distance of 2,422.64 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point, (S 01°56'52" E, 2,422.66 feet by deed);

THENCE: S 60°02'12" W, along and with Fossil Creek Subdivision, Unit 1, a distance of 500.02 feet to the POINT OF BEGINNING and containing 187.20 acres of land, in Bexar County, Texas. Said tract being described in accordance with a survey prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: October 18, 2002; JOB No.: 3538-24; DOC.ID.: 3538\24\Word\FN021018-a1-194

VOL 9766 PG 1701

TRACT FOUR

A 785.4 acre, or 34,210,000 square feet, tract of land being the remainder of that 927.064 acre tract described in deed from Henry Van de Walle et al to Dan F. Parman in Volume 3089, Page 1393-1399 of the Official Public Records of Real Property of Bexar County, Texas, and conveyed to Peter Wolverton in Volume 5382, Page 756-764 of the Official Public Records of Real Property of Bexar County, Texas out of the E. Martin Survey 89, Abstract 524, County Block 4909, the E. Gonzales Survey 441, Abstract 288, County Block 4902, the Salvador Flores Survey No. 440, Abstract 243, County Block 4907, the Jil Jimenez Survey 358, Abstract 821(Bexar) 682(Comal), County Block 4905, the W. H. Hughes Survey No. 478, Abstract 345(Bexar) 364(Comal), County Block 4906, and the F. Valdez Survey No. 478½, Abstract 787, County Block 4908, in Bexar and Comal Counties, Texas. Said 785.4 acres being more particularly described as follows:

BEGINNING: at a set ½" iron rod with yellow cap marked "Pape-Dawson" at the southernmost corner of this tract, on the south line of said 927.064 acre tract, at the southwest corner of a 99.900 acre tract out of said 927.064 acre tract, the southwest corner of said 99.900 acre tract and said 927.064 acre tract being S 64°40'20" E, a distance of 780.00 feet to a found ½" iron rod, S 65°48'16" E, a distance of 1696.16 feet to a found ½" iron rod;

THENCE: Along and with the south line of said 927.064 acre tract the following calls and distances:

N 65°40'20"W, at 29.25 feet passing the northeast corner of a 51.788 acre tract conveyed to John B. Webb in Volume 7002, Page 658-682 of the Official Public Records of Real Property of Bexar County, Texas, and continuing with the south line of said 927.064 acre tract for a total distance of 1636.13 feet to a found ½" iron rod;

N 49°15'20"W, a distance of 1274.99 feet to a found ½" iron rod at the northwest corner of said 51.788 acre tract, the northeast corner of a 1394.189 acre tract conveyed to Lumbermans Investment Corporation in Volume 5792, Page 1701-1709 of the Official Public Records of Real Property of Bexar County, Texas, by deed N 50°51'38" W, 1276.71 feet;

N 50°09'55"W, a distance of 253.64 feet to a found ½" iron rod, by deed N 51°46'13"W, 246.49 feet;

N 54°11'40"W, a distance of 5267.86 feet to a found ½" iron rod in a 30" Live Oak, by deed N 55°47'33" W, 5276.83 feet;

N 54°16'26"W, a distance of 3325.13 feet to a found ½" iron rod at the southwest corner of the said 927.064 acres, the northwest corner of said 1394.189 acre tract, on the southeast line of a 1350.297 acre tract conveyed to the Poerner Family Partnership in Volume 4869, Page 292-312 of the Official Public Records of Real Property of Bexar County, Texas, by deed N 55°52'19" W, 3325.35 feet;

THENCE: N 54°59'55"E, a distance of 2448.93 feet to a found ½" iron rod at the northwest corner of said 927.064 acre tract, by deed N 53°24'02" E, 2449.06 feet;

THENCE: Continuing with the north line of said 927.064 acre tract the following calls and distances:

S 41°19'21"E, a distance of 1536.97 feet to a found ½" iron rod, by deed S 42°55'36" E, 1536.87 feet;

N 79°13'24"E, a distance of 849.81 feet to a found ½" iron rod, by deed N 77°37'30" E, 849.79 feet;

S 80°58'59"E, a distance of 1577.28 feet to a found ½" iron rod in 18" Cedar, by deed S 82°36'03" E, 1577.43 feet;

VOL 9766 PG 1702

S 19°36'38"E, a distance of 238.56 feet to a found ½" iron rod in 17" Cedar, by deed S 21°16'00" E, 238.76 feet;

S 31°12'31"E, a distance of 408.74 feet to a found ½" iron rod in 20" Cedar, by deed S 32°46'48" E, 408.62 feet;

THENCE: S 38°28'19"E, a distance of 513.61 feet to a found ½" iron rod at the north corner of a 7.312 acre tract conveyed to John L. and Mary H. McClung in Volume 6934, Page 826-829 of the Official Public Records of Real Property of Bexar County, Texas, the north corner of that 40.955 acre tract out of said 927.064 acre tract conveyed to John O. Spice in Volume 6932, Page 279-286 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Along and with the south line of said 40.955 acre tract the following calls and distances:

S 76°31'41"W, a distance of 408.43 feet to a set ½" iron rod with cap marked "Pape-Dawson", by deed S74°57'31" W, 408.99 feet;

S 09°28'05"E, a distance of 244.99 feet to a found ½" iron rod, by deed S 11°10'57"E, 245.63 feet;

S 44°28'05"E, a distance of 310.27 feet to a found ½" iron rod, by deed S 46°10'57" E, a distance of 310.00 feet;

S 59°36'52"E, a distance of 289.82 feet to a found ½" iron rod, by deed S 61°10'57" E, 290.07 feet;

S 88°19'58"E, a distance of 1558.63 feet to a found ½" iron rod, by deed East 1558.42 feet;

S 66°02'47"E, a distance of 318.27 feet to a found ½" iron rod, by deed S 67°40'05" E, 318.43 feet;

S 88°18'36"E, a distance of 895.37 feet to a found ½" iron rod, by deed East, 894.76 feet;

N 74°47'26"E, a distance of 418.72 feet to a found ½" iron rod, bent, by deed N 73°10'20" E, 417.94 feet;

S 88°07'27"E, at 626 feet passing the centerline of the Cibolo Creek and continuing for a total distance of 954.80 feet to a found ½" iron rod at the southeast corner of said 40.955 acre tract, on the east line of said 927.064 acre tract;

THENCE: Along and with the east line of said 927.064 acre tract the following calls and distances:

S 16°12'32"E, a distance of 527.73 feet to a set ½" iron rod with cap marked "Pape-Dawson" in the centerline of said Cibolo Creek, by deed S 17°50'29" E;

THENCE: S 63°21'01"E, a distance of 311.99 feet to a set ½" iron rod with cap marked "Pape-Dawson" on the northeast corner of the said E. Martin Survey, on the south line of the said W. H. Hughes Survey 478, from which a 60" Live Oak bears N 43°E, a distance of 32.6 feet (11 ¾ varas) called a double 20" Live Oak in the deed of 392.0 acres from Dierks to 4D Bar Ranch recorded in Document 98-06026868 of the Official Records of Comal County, by deed S63°15'29"E, 328.78 feet;

THENCE: S 10°13'15"E, along and with the west line of said 392.0 acres, called as southerly line of the Joseph Thompson Survey 758, a distance of 2453.77 feet to a set ½" iron rod with cap marked "Pape-Dawson" in the centerline of the Cibolo Creek, the northeast corner of the aforementioned 99.900 acre tract, by deed S 11°45'29" E;

VOL 9766 PG 1703

THENCE: Along and with the north and west line of said 99.900 acre tract the following calls and distances:

S 79°50'41" W, a distance of 1149.13 feet to a set ½" iron rod with cap marked "Pape-Dawson", by deed S78°14'31"W, 1150.73 feet;

S 08°48'58" W, a distance of 1577.45 feet to a set ½" iron rod with cap marked "Pape-Dawson", by deed S 07°12'48" W, 1577.45 feet;

THENCE: S 24°18'58"W, a distance of 249.84 feet, by deed S 22°42'48" W, 250.00 feet, to the POINT OF BEGINNING and containing 785.4 acres in 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..

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: September 19, 2000
JOB No.: 9988-00
DOC.ID.: N:\SURVEY00\0-10000\9988-00\9988-00.doc

JUL 9 7 56 PM '04

TRACT FIVE

A 2.858 acre, or 124,493 square feet, more or less, tract of land being out of that 194.2434 acre tract recorded in Volume 3812, Pages 1580-1584 of the Official Public Records of Real Property of Bexar County, Texas, and being out of the W. M. Brisbin Survey No. 89½, Abstract 54, County Block 4900 of Bexar County Texas. Said 2.858 acre tract being more fully described as follows:

BEGINNING: At a set ½" iron rod with a yellow cap marked "Pape-Dawson" in the west right-of-way line of Bulverde Road, an 86-foot right-of-way, said iron rod located 43.00 feet left of Bulverde Road center line Station 39+03.31, at the most southerly northeast corner of Parcel 12F, a 1.904 acre tract of land being a portion of the old right-of-way of Bulverde Road;

THENCE: Departing the west right-of-way line of Bulverde Road, along and with the east line of Parcel 12F the following bearings and distances;

S 87°28'16"W, a distance of 418.13 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 73°07'57"W, a distance of 151.84 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 30°12'08"W, a distance of 113.80 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 01°05'28"E, a distance of 97.95 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 33°47'18"E, a distance of 229.50 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" on the west right-of-way line of said Bulverde Road;

THENCE: Northeasterly, along and with the west right-of-way line of Bulverde Road, with a curve to the left, said curve having a radial bearing of N 55°47'04" E, a radius of 1088.00 feet, a central angle of 24°33'41", a chord bearing and distance of S 46°29'46" E, 462.84 feet and an arc length of 466.40 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

THENCE: S 58°46'37"E, along and with the west right-of-way line of Bulverde Road, a distance of 181.34 feet to the POINT OF BEGINNING and containing 2.858 acres of land 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.

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: July 17, 2001

JOB No.: 3538-17

DOC.ID.: F:\Data\3767 City of San Antonio\007 Cibolo Creek project\Annexation\Declaration of Restrictive Covenants\FINAL - Declaration of Restrictive Covenants (12-10-02).wpd

VOL 9766 PG 1705

TRACT SIX

A 0.4893 acre, or 21,313 square feet, more or less tract of land being out of that 194.2434 acre tract recorded in Volume 3812, Pages 1580-1584 of the Official Public Records of Real Property of Bexar County, Texas, and being out of the W.M. Brisbin Survey No. 89½, Abstract 54, County Block 4900 of Bexar County Texas. Said 0.4893 acre tract being more fully described as follows:

BEGINNING At a set ½" iron rod with a yellow cap marked "Pape-Dawson" in the west right-of-way line of Bulverde Road, an 86-foot right-of-way, said iron rod located 43.00 feet left of Bulverde Road center line Station 21+68.58 at the southeast corner of this tract;

THENCE: S 60°26'26"W, departing the west right-of-way line of Bulverde Road, a distance of 26.83 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" on the east line of Parcel 12D, a 0.769 acre tract of land being a portion of the old right-of-way of Bulverde Road;

THENCE: Along and with the east line of Parcel 12D, the following bearings and distances;

N 32°32'25"W, a distance of 52.11 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 47°54'19"W, a distance of 128.87 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 27°44'21"W, a distance of 98.42 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at an angle point;

N 04°41'26"W, a distance of 135.59 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" in the west right-of-way line of Bulverde Road;

THENCE: Southeasterly, along and with the west right-of-way line of Bulverde Road, along the arc of a curve to the right, said curve having a radial bearing of S49°42'58" W, a radius of 1227.00 feet, a central angle of 18°34'00", a chord bearing and distance of S 31°00'02" E, 395.87 feet, and an arc length of 397.61 feet to the POINT OF BEGINNING and containing 0.4893 acres of land 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..

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: July 17, 2001

JOB No.: 3538-17

DOC.ID.: F:\Data\3767 City of San Antonio\007 Cibolo Creek project\Annexation\Declaration of Restrictive Covenants\FINAL - Declaration of Restrictive Covenants (12-10-02).wpd

VOL 9766 PG 1706

EXHIBIT A-2
TO
DECLARATION OF RESTRICTIVE COVENANTS

NON-CONTIGUOUS TRACT

A 258.1 acre, or 11,244,000 square foot tract of land out of W. W. Allen Survey No. 353, Abstract 34, County, Block 4866, the C. Vogel and F. Koch Survey No. 422, Abstract 984, County Block 4872; the Rompel, Koch & Voges Survey No. 1, Abstract 1020, County Block 4901, the Antonio Ruiz Survey No. 448, Abstract 638, County Block 4895, the J. W. Esther Survey No. 364, Abstract 219, County Block 4897, the E. Gonzalez Survey No. 441, Abstract 288, County Block 4902, the W. M. Brisbin Survey No. 89 ½, Abstract 54, County Block 4900, and the Charles Rompel Survey No. 448, Abstract 1089, County Block 4880, Bexar County, Texas, the same 258.1 acre tract described in conveyance to Michael A. Carabetta in Warranty Deed recorded in Volume 5352, Pages 500-504 of the Official Public Records of Real Property of Bexar County, Texas, said 258.1 acre being more particularly described by metes and bounds as follows:

BEGINNING: At a found ½" iron rod, said point being on the east right-of-way line of Smithson Valley Road, right-of-way varies, the southeast corner of a called 4.9715 acre tract described in Volume 5535, Pages 1084-1085 of the Official Public Record of Real Property of Bexar County, Texas;

THENCE: Departing the east right-of-way line of said Smithson Valley Road, along and with the south line of said 4.9715 acre tract the following calls and distances:

N 80°22'30" E, a distance of 3053.24 feet to a found ½" iron rod;

N 80°22'20" E, a distance of 6664.34 feet to a found ½" iron rod;

N 80°32'09" E, a distance of 4387.96 feet to a set ½" iron rod with yellow cap marked "Pape Dawson"; and

N 83°34'30" E, a distance of 34.5 feet to the southeast corner of said 4.9715 acre tract, and continuing along and with the south line of a 1.898 acre tract described in Volume 6602, Pages 845-848 of the Official Public Records of Real Property of Bexar County, Texas, for a distance of 426.3 feet to the southeast corner of said 1.898 acre and continuing along and with the south line of a 14.843 acre tract described in Volume 5033, Page 1989-1992 of the Official Public Records of Real Property of Bexar County, Texas for a total distance of 1051.01 feet to a found ½" iron rod, the southeast corner of said 14.843 acre tract;

THENCE: N 11°00'02" E, along and with the east line of said 14.843 acre tract, a distance of 549.69 feet to a found ½" iron rod, the easterly northeast corner of said 14.843 acre tract on the south line of a 45.74 acre tract of land described in Volume 1906, Pages 1-6 of the Official Public Records of Real Property of Bexar County;

THENCE: N 89°57'11" E, along and with the south line of said 45.74 acre tract of land, a distance of 541.06 feet to a found ½" iron rod;

THENCE: N 03°33'04" W, along and with the east line of said 45.74 acre tract of land, a distance of 1580.54 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", an angle point on the west line of a 50 acre tract described in Volume 6471, Pages 284-290 of the Deed Records of Bexar County, Texas;

THENCE: S 31°15'35" E, along and with the west line of said 50 acre tract, a distance of 2024.00 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", the southwest corner of said 50 acre tract;

VOL 9766 PG 1707

THENCE: Along and with the northeast corner of a 671.13 acre tract of land described in Volume 64, Page 621-623 of the Deed Records of Bexar County, Texas the following calls and distances:

S 71°15'21" W, a distance of 12.14 feet to a found ½" iron rod;

S 80°18'18" W, a distance of 10.61 feet to a found ½" iron rod;

S 75°51'52" W, a distance of 54.34 feet to a found ½" iron rod;

S 03°17'35" E, a distance of 87.63 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 62°13'40" E, a distance of 69.88 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", the northeast corner of a 613.30 acre tract of land described in Volume 4719, Pages 422-429 of the Deed Records of Bexar County, Texas;

THENCE: Along and with the northwest line of said 613.30 acre tract of land the following calls and distances:

S 55°06'33" W, a distance of 1447.64 feet to a set ½" iron rod a with yellow cap marked "Pape-Dawson";

S 55°22'44" W, a distance of 290.63 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 55°05'33" W, a distance of 1414.12 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 55°05'18" W, a distance of 2874.22 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

THENCE: Departing the northwest line of said 613.30 acre tract, along and with the northeast line of a 1350.297 acre tract described in Volume 4869, Pages 292-312 of the Official Public Records of Real Property of Bexar County, Texas

N 43°22'42" W, a distance of 275.13 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 57°35'24" W, a distance of 246.81 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 31°45'56" W, a distance of 756.76 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 19°43'56" W, a distance of 541.29 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 19°40'32" W, a distance of 213.89 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 81°30'06" W, a distance of 291.96 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 36°33'53" W, a distance of 140.19 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 81°24'04" W, a distance of 272.95 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 31°02'32" W, a distance of 204.10 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 30°04'50" W, a distance of 384.05 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

THENCE: S 80°22'20" W, along and with the north line of said 1350.297 acre tract, a distance of 6684.18 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

THENCE: S 80°22'30" W, continuing along and with the north line of said 1350.297 acre tract a distance of 3074.17 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", on the east right-of-way line of said Smithson Valley Road;

THENCE: N 09°36'02" E, along and with the east right-of-way line of said Smithson Valley Road, a distance of 63.54 feet to a the POINT OF BEGINNING and containing 258.1 acre in the City of San Antonio, Bexar County, Texas, said tract being described in accordance with a survey prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: December 8, 2000

JOB No.: 1475-00

DOC.ID.: N:\survey00\0-1500\1475-00\fieldnotes.doc

VOL 9766 PG 1709

EXHIBIT B
TO
DECLARATION OF RESTRICTIVE COVENANTS

GOLF COURSE ENVIRONMENTAL MANAGEMENT PLAN

VOL 9766 PB1710

TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY.....	1
2.0	INTRODUCTION	2
2.1	Purpose	2
2.2	Goals and Objectives	2
2.3	Applicability	3
2.4	Relationship to Other Legal Requirements	3
2.5	Amendments	3
3.0	SURFACE AND GROUNDWATER PROTECTION	3
3.1	Operation Plans	4
3.2	Review and Approval Process	4
3.3	Geology Considerations	6
3.4	Recharge Sensitivity	7
3.5	Water Quality Management Zones	10
3.6	Identification of WQ Management Zones	10
3.7	Best Management Practices	11
4.0	REQUIRED DESIGN AND BEST MANAGEMENT PRACTICES	12
	REQUIRED DESIGN & BEST MANAGEMENT PRACTICES	12
4.1	Golf Course Design Criteria	12
4.2	General Principles	12
4.3	Retention/Closed Loop Irrigation System	14
4.4	Vegetation Selection	15
4.5	Sustainable Maintenance	15
4.6	Recharge Features	15
4.7	Maintenance Facilities	16
4.8	Restaurants and Food Service Areas	16
4.9	Construction Requirements	16
4.10	Qualified Contractor	17
4.11	Schedule of Construction	17
4.12	Golf Course Manager	17
4.13	Construction Requirements	17
4.14	Water Pollution Abatement Plan	18
4.15	National Pollutant Discharge Elimination System ("NPDES")	19
4.16	Texas Pollutant Discharge Elimination System	19
4.17	City of San Antonio Construction Ordinance No. 94002	19
4.18	Impervious Cover	20
4.19	Preservation of Sensitive Recharge Features	21
4.20	Construction Waste	21
4.21	Fuel Storage and Use	21
4.22	Water Supply Protection	22

VOL 9766 PB1711

4.23	Materials Management	22
4.24	Pesticides	22
4.25	Fertilizers	23
4.26	Secondary Containment	23
4.27	Specific Management Requirements	24
4.28	Used Oil, Antifreeze and Lead-Acid Batteries	24
4.29	Solvents and Degreasers	25
4.30	Aboveground Storage Tanks	25
4.31	Underground Storage Tanks	26
4.32	On-site Sewage Facilities	26
4.33	Integrated Pest Management	27
4.33.1	Insects	27
4.33.2	Nematodes	27
4.33.3	Weeds	27
4.33.4	Diseases	28
4.34	Pest Control Requirements	28
4.34.1	Least Toxic Pest Control Strategy	30
4.34.2	Selection of Pesticides	30
4.34.3	Specific BMPs for Pesticide Applications	33
4.35	Nutrient Practices	37
4.35.1	Required Nutrient Practices	38
4.35.2	Establish Nutrient Budgets	39
4.35.3	Reduction of Fertilizer Input	39
4.35.4	Turf/Leaf Tissue Analysis	40
4.35.5	Soil Analysis	40
4.35.6	Use of Slow Release Formulations of Nitrogen	40
4.35.7	Buffer Zones and Set Backs	41
4.35.8	Control the Timing of Fertilizer Applications in Relation to Precipitation Events	41
4.35.9	Use Appropriate Application Technology	41
4.35.10	Recordkeeping	42
4.36	Turf Grass Management	43
4.36.1	Turf Selection and Installation	43
4.36.2	Non-Play Areas	43
4.36.3	Irrigation Plan	44
4.36.4	Irrigation Schedules	44
4.36.5	Irrigation Zoning	44
4.36.6	Water Conservation	45
4.36.7	Audubon International	46
4.36.8	Maintenance	46
4.37	Wellhead Protection	47
4.37.1	Methodology	47
4.37.2	Delineation	47
4.37.3	Inventory	48
5.0	WATER QUALITY MONITORING PLAN	50
5.1	Responsibility for Monitoring	51

VOL 9766 PG 1712

5.2	Annual Payment by Developer For Water Quality Monitoring.....	53
5.3	Sampling Protocol.....	53
5.4	Golf Course Surface Water Sampling.....	53
5.5	Golf Course Leachate Sampling.....	57
5.6	Non-Golf Course Surface Water Monitoring.....	60
5.7	Groundwater Monitoring.....	60
6.0	CORRECTIVE ACTION.....	60
6.1	Golf Course Trigger Levels.....	61
6.2	Non-Golf Course Trigger Levels.....	61
6.3	Groundwater Trigger Levels.....	61
6.4	Corrective Action Plan.....	61
6.4.1	Notice.....	61
6.4.2	10 Day Period for Establishing No Responsibility.....	62
6.4.3	Phase I Corrective Action Plan.....	62
6.4.4	Phase II Corrective Action Plan.....	63
6.4.5	Phase III Corrective Action Plan.....	64
6.5	Responsibility for Corrective Action.....	64
7.0	Enforcement.....	66
7.1	Termination of Services Agreement.....	66
7.2	Termination of Golf Course Operations.....	66
7.3	Failure to Comply with Management Practices.....	67
8.0	Definitions.....	69

LIST OF FIGURES AND TABLES

Figure 1	USGS Cross-Section
Figure 2	Vulnerability Map
Table 1	Pesticide Leachate Potential Chart
Table 2	Potential Sources of Contaminants
Table 3	Golf Course Surface Water Sampling Requirements
Table 4	Irrigation Lake Sampling Requirements
Table 5	Lysimeter Sampling Requirements

1.0 EXECUTIVE SUMMARY

This Cibolo Canyon Golf Course Environmental Management Plan ("PLAN") sets forth certain design, construction, management, water quality monitoring and corrective action requirements applicable to all golf courses and golf learning centers located within that certain real property more particularly described on Exhibit "A" attached hereto (the "Property"). The purpose of this PLAN is to protect the quality of surface water; maintain the quality of recharge to groundwater supplies, particularly the Edwards Aquifer and Trinity Aquifer; minimize erosion and transport of soil resulting from development activities; and preserve and protect native plant and wildlife habitats to the greatest extent practicable.

This Environmental Management Plan consists of the following sections:

- Introduction
- Surface and Groundwater Protection
- Design & Best Management Practices
- Water Quality Monitoring
- Corrective Action
- Enforcement
- Definitions

This PLAN shall be interpreted and applied to protect environmental quality in general, and so as to prevent degradation of surface and groundwater quality in particular.

2.0 INTRODUCTION

2.1 Purpose

The purpose of this PLAN is to set forth the design, construction, management, water quality monitoring and corrective action requirements for all golf courses and golf learning centers constructed within the Property (collectively, the "Golf Courses"). This PLAN identifies a wide range of cultural, mechanical, chemical, and structural practices to be employed to protect water quality, preserve and protect habitat, and otherwise preserve environmental quality within the Property.

2.2 Goals and Objectives

The specific objectives of the PLAN are to:

- Identify site, climate, irrigation, soils, geology, water resources, turfgrass, and vegetation conditions at the Golf Courses.
- Identify turfgrass, soil, and water quality risks.
- Identify specific alternate management practices and current Best Management Practices ("BMPs") for controlling runoff, construction, environmentally sound irrigation, soil and water conservation, fertilization, pest and disease control, and otherwise protecting water quality. BMPs change from time to time, however, and the San Antonio Water System, a wholly-owned municipal utility of the City of San Antonio ("SAWS") reserves the right to impose different, and more stringent BMPs, upon the Golf Courses as such practices are revised.
- Develop and implement a water quality monitoring plan to protect water resources in general, and the Edwards Aquifer and Trinity Aquifer in particular.
- Identify action thresholds to meet water, soil and turfgrass quality standards.
- Establish remedial action to be taken in the event any action thresholds are exceeded.
- Establish documentation requirements to record irrigation practices, fertilization and pesticide application practices, water quality monitoring results, soil fertility tests, and turfgrass nutrient content tests.

VOL 9766 P81716

2.3 Applicability

The requirements set forth in this PLAN shall apply to any and all Golf Courses constructed within the Property, and shall be binding upon Lumbermen's Investment Corporation (the "Developer") and each successive owner, lessee and operator of any one or more of the Golf Courses. The Developer may assign responsibility for compliance with this PLAN to future owners, lessees and/or operators of the Golf Courses provided prior written notice and a copy of such assignment is furnished to SAWS and the City of San Antonio (the "City"), and provided further that SAWS and the City consent to such assignment. The City and SAWS hereby consent to the assignment of responsibility for compliance with this PLAN by the Developer to the Professional Golfers' Association of America or a wholly-owned subsidiary or affiliate thereof (hereinafter, "PGA") in accordance with the terms and conditions of the Services Agreement (as hereinafter defined). Any conveyance of the Golf Courses by the Developer or agreement relating to the operation of one or more of the Golf Courses shall be made expressly subject to this PLAN and the specific operation plans approved by SAWS, and shall obligate the purchaser, lessee and operator to comply with the provisions hereof.

2.4 Relationship to Other Legal Requirements

This PLAN constitutes an exhibit to that certain "Agreement for Services In Lieu of Annexation Between the City of San Antonio and Lumbermen's Investment Corporation" (the "Services Agreement") and is incorporated therein for all purposes.

Under no circumstances shall this PLAN be construed to release the Developer, any contractor or any golf course operator from compliance with any other applicable federal, state or local law, rule or requirement that may otherwise be applicable to the construction, operation or management of the Golf Courses. In the event of a conflict between this PLAN and any such legal requirement, the more rigorous (i.e., environmentally protective) practice shall control. Further, this PLAN shall in no manner be construed to exempt the Golf Courses from compliance with any applicable local, state or federal ordinance, law or regulation that may become effective after execution of the Services Agreement. Finally, any determination that the Golf Courses are exempt from any other local, state or federal requirement shall not be construed to exempt or relieve the Golf Courses from compliance with any requirement set forth in this PLAN, except as expressly provided in this PLAN.

2.5 Amendments

This PLAN may be amended from time to time only by written agreement of SAWS, the City of San Antonio, and by the owner(s) of the lands to be impacted by such amendment.

3.0 SURFACE AND GROUNDWATER PROTECTION

3.1 Operation Plans

The following operation plans, the minimum requirements concerning each of which are more fully set forth in this PLAN, shall be submitted to SAWS for review and approval for each Golf Course:

- Golf Course Design Plan
- Water Pollution Abatement Plan
- Storm Water Pollution Prevention Plan
- Integrated Pest Management Plan
- Nutrient Management Plan
- Irrigation Plan
- Wellhead and Source Water Protection Plan
- Water Quality Monitoring Plan

The Developer may submit one or more plans concurrently to expedite review and approval by SAWS. By way of example and not in limitation, the Developer may submit one or more of the individual operation plans as part of a Water Pollution Abatement Plan.

Construction of the Golf Courses shall not commence unless and until SAWS has approved the specific operation plans required by this PLAN, or SAWS otherwise provides written authorization to commence specified clearing activities.

3.2 Review and Approval Process

To ensure that information and data within the operation plans is complete, to expedite SAWS' review and approval, and to ensure that potential adverse environmental impacts are identified as early as possible in the review process, SAWS staff shall participate in each of the following processes associated with the design and construction of the Golf Courses:

- Review of initial Golf Course routing and design plans
- Review of geologic features within the Golf Courses
- On-site inspection of proposed Golf Course routing

Cibolo Canyon Golf Course Environmental Management Plan

- Attend concept design meetings relating to proposed establishment of water quality management zones, if any
- Attend concept design meetings relating to the establishment of all proposed water quality monitoring locations
- Review Golf Course preliminary grading plans
- Review preliminary operation plans
- Review final draft operation plans (including Water Pollution Abatement Plans)
- Review of proposed topsoil sources
- Attend pre-construction meetings
- Attend monthly construction progress meetings
- On-site inspection of construction activities
- Inspect installation of lysimeters, catch basins, and any other water quality monitoring sites
- Attend final walk-through

The results of SAWS' review of individual operation plans (whether combined with a Water Pollution Abatement Plan or not) will be communicated to the applicant not later than forty-five (45) calendar days following the date of receipt of each complete operation plan. Failure to notify the applicant of the results of SAWS' review within said forty-five day period shall constitute deemed approval of the plan(s).

In the event that SAWS does not approve all or a portion of any operation plan, SAWS shall specifically identify the basis for such disapproval during the forty-five (45) day period. The basis for such disapproval must relate to environmental protection or other matters within SAWS' jurisdiction or this PLAN. In the event SAWS withholds its approval, SAWS and the applicant shall utilize good faith efforts to reach a mutually-agreeable solution to the issue(s) of concern identified by SAWS as promptly as practicable.

SAWS' approvals required under this PLAN are limited to the purposes described in this PLAN and do not reflect any commitment, approval, representation, warranty or obligation with respect to the sufficiency, accuracy, completeness or integrity of any matters so approved by SAWS, all of which are expressly disclaimed by SAWS. Moreover, each approval by SAWS is in addition to the usual and customary approvals required by SAWS under ordinances adopted by the City.

3.3 Geology Considerations

The Edwards Aquifer is one of the most productive carbonate-rock aquifers in the world. It displays typical karst-type landforms including caves, sinkholes, solution cavities and similar formations. The landforms have been further modified by the results of geologic activities associated with the Balcones Fault Zone. The modifications are seen in the presence of faulting and fracturing of the Edwards Formation and the associated dissolution along these features. Additionally, soil development over the Edwards Recharge Zone is typically shallow (less than 18 inches) and not very widespread.

Most recharge to the Edwards Aquifer results from the percolation of streamflow loss and the infiltration of precipitation through porous parts of the outcropping recharge zone. It is estimated that stream loss accounts for 60-80 percent of the recharge to the Edwards Aquifer in the San Antonio area and the rest of the recharge is derived from direct infiltration in the interstream areas (MacClay and Land, 1988). Carbonate (karst) aquifers can be quite susceptible to contamination where the pollutants are in and near the outcrop or recharge zone. This fact is the basis for several methods of aquifer protection included in typical BMPs for development over the Edwards Aquifer Recharge Zone.

The Property, including the proposed Golf Course areas, lies over an area currently designated as the Edwards Aquifer Recharge Zone in northeastern Bexar County. The site is effectively divided into two portions by a northeast to southwest trending fault. The movement of this fault has placed units of the lower Edwards, the Kainer Formation, at the surface to the north of the fault. Units of the upper Edwards, the Person Formation, are at the surface to the south of the fault (Figure 1 USGS reference).

Multiple geologic assessments have been performed for lands within the Property, including, most recently, the assessment performed by the three-person "Geologic Assessment Committee." Sensitive features, including karst features, identified as a result of the assessments are identified on the Geologic Map attached as Exhibit "A" hereto. Karst features found on the subject site include two small caves with one known as Elm Waterhole Cave. These features are not located in the proposed Golf Course area, however their presence indicates that other features may be found during construction of the overall development. The units of the Person Formation typically exhibit more porosity and permeability, particularly the Leached & Collapsed member that is present across a large portion of the southern part of the subject site, and therefore are more likely to have karst features present.

Additionally, the U.S. Geological Survey ("USGS") and SAWS cooperated in the development of a Vulnerability Assessment Report (Figure 2) for the Edwards Aquifer Recharge Zone. In this report, the area to the south of the fault previously discussed, especially where the Leached & Collapsed Member is at the surface, is rated as a higher vulnerable area than the adjacent area to the north.

3.4 Recharge Sensitivity

As described in Section 3.3, the Edwards Aquifer is a karst limestone aquifer. While other factors contribute to the creation of pathways that recharge the Edwards Aquifer, such as faulting and bedding planes, the dissolution of bedrock by water flow is the prime ingredient in their creation. Features such as sinkholes and caves are given added importance because they represent areas where greatest flow and discharge of water through subsurface pathways have occurred. The northern portion of the land within the Property is in the very lowest portion of the Edwards geologic section. While caves can be found in this unit, they are localized and generally the geologic unit acts to confine water in the Edwards Aquifer. The northern portion of the land within the Property, therefore, potentially recharges the Trinity Aquifer versus the Edwards Aquifer. The Trinity Aquifer is a source of water for many in north Bexar County and will act as one of the many sources of water that will be developed in the future for the City of San Antonio.

The southern portion of the land within the Property lies within the upper portion of the Edwards geologic section within one of the most sensitive units. While there was a lack of sensitive features at the surface, there is a potential for features in the shallow subsurface. This highlights the importance of Best Management Practices, the Integrated Pest Management Plan, and the Water Quality Monitoring Plan required hereunder.

An unnamed tributary of Elm Creek bisects the Property centrally from north to south. Therefore, it probably acts to recharge the Trinity Aquifer to the north and as water flows across the southern portion of the Property, it provides recharge to the Edwards Aquifer. As previously cited, streams and tributaries are the features that recharge a majority of the water to the Edwards Aquifer. Therefore, their buffering and sampling is critical to the successful protection of the water sources in the area.

VOL 9766 PG 1721

Figure 1*cross section*****

VOL 9766 PG 1722

Figure 2*VULNERABILITY MAP*****

VOL 9766 PG 1723

3.5 Water Quality Management Zones

The Golf Courses shall be designed, constructed and operated in accordance with the water quality controls, management practices and monitoring requirements set forth in this PLAN in order to minimize any potential adverse effects of Golf Course construction and operation on the Edwards Aquifer, the Trinity Aquifer and other water resources.

To achieve this result, the Golf Courses may be managed through the creation of one or more Water Quality Management Zones ("WQ Management Zones"). The WQ Management Zones shall be designed to identify potential water quality risks for specific conditions present within areas of each Golf Course for purposes of preparing specific management practices that shall be implemented within each zone. The Golf Course designers and engineers shall be responsible for the identification and creation of WQ Management Zones based upon the proposed golf course layout and water quality risk factors.

The WQ Management Zones concept has several technical and practical advantages. Use of the WQ Management Zones allows for:

- Flexible development and maintenance of practices to protect water quality and healthy turfgrass.
- Consistent basis for long-term evaluation and monitoring of the success of this PLAN.
- Development and evaluation of practices to mitigate potential adverse water quality effects.

3.6 Identification of WQ Management Zones

Areas within the Golf Courses that contain similar environmental risk factors should be categorized in the same WQ Management Zone. The areas within a WQ Management Zone need not be physically contiguous, and instead should be based on water quality risk factors. All proposed WQ Management Zones shall be submitted to SAWS with the Design Plan (as hereinafter defined).

In developing the WQ Management Zones, water quality risk factors shall be identified and considered, including soils, proximity to surface water, depth to permeable bedrock, proximity to Sensitive Features (as hereinafter defined), topography and other relevant matters. Each WQ Management Zone should be designed to address the following processes potentially affecting water quality:

- Subsurface leaching of compounds to groundwater.

Cibolo Canyon Golf Course Environmental Management Plan

- Drift of applied chemicals during initial application and volatilization.
- Movement of dissolved chemicals in surface runoff water.
- Movement of suspended particulate (e.g. granular) formulations in runoff water.
- Movement of eroded soils and sediment-bound compounds in runoff water.

The foregoing determinations shall be based upon manufacturers' recommendations and commercially-available information concerning chemicals proposed for application to the Golf Courses, and Developer may, but shall not be required to, perform laboratory testing or analysis of chemicals.

To make the WQ Management Zones concept viable, several practical considerations may be used to delineate the WQ Management Zones. These considerations include:

- If a fairway can be delineated into two zones, the more protective unit shall be used for the entire fairway. This conservative method of delineation (1) protects water quality; (2) maintains quality turfgrass; and (3) provides for consistent use of management practices.
- Greens and tees may be delineated in management zones different than the fairway on the same hole. Greens and tees have their own specific mechanical, nutrient, and pest and disease control strategies.
- Structural and vegetative controls may be incorporated into boundaries of the WQ Management Zones.

3.7 Best Management Practices

Each of the Best Management Practices required by this PLAN shall be tailored to the specific conditions and risks present within each WQ Management Zone.

4.0 REQUIRED DESIGN AND BEST MANAGEMENT PRACTICES

4.1 Golf Course Design Criteria

A "Design Plan" meeting the requirements set forth in this section shall be submitted to the SAWS Resource Protection and Compliance Department Director for approval prior to the scheduled pre-construction meeting and construction phase of each of the Golf Courses. The Developer may include the Design Plan as part of a Water Pollution Abatement Plan ("WPAP").

Under no circumstances shall Golf Course construction commence until SAWS has approved the Design Plan in writing, or is deemed to have approved the Design Plan. In the event that SAWS withholds its approval for any portion of the Design Plan, it shall specifically identify the basis for such disapproval, and such basis must relate to matters within the scope of this PLAN or otherwise within SAWS' regulatory jurisdiction.

4.2 General Principles

The Design Plan shall incorporate the following general principles:

- All "Sensitive Features" on the Golf Courses shall be preserved and protected, except as otherwise approved by SAWS and the TCEQ. For purposes of this PLAN, Sensitive Features shall be defined as any permeable geologic or manmade feature located on the Golf Courses where a potential for hydraulic interconnectedness with the Edwards Aquifer or the Trinity Aquifer exists, and rapid infiltration to the subsurface may occur. The identification of Sensitive Features shall be made utilizing established regulatory criteria, including the "TNRCC Instructions to Geologists for Geological Assessments" dated June 6, 1999, as amended or superceded from time to time. The Sensitive Features currently identified to be protected in the Design Plan are those features identified by the "Geological Arbitration Committee", as depicted on the Geologic Map attached as Exhibit "B" hereto.
- Golf Course holes shall be designed to provide the greatest buffer practicable between managed turfgrass areas and Sensitive Features. The design shall provide a minimum buffer zone for all Sensitive Features in an amount determined by SAWS to be appropriate under the attendant circumstances of such feature, but in no event less than those buffer zones set forth in the San Antonio City Code Aquifer Recharge Zone and Watershed Protection Ordinance, City Code Chapter 34, Article VI, Section 920, regardless of whether such ordinance would otherwise be applicable to the Golf Courses. SAWS may grant individual exemptions to the minimum buffer zone requirement set forth herein.
- The design shall incorporate and provide for adequate soil depths.

Cibolo Canyon Golf Course Environmental Management Plan

- All irrigation lakes located on the Golf Courses shall be designed to include a synthetic impervious liner to prevent subsurface migration of contaminants.
- The Golf Courses shall be designed to ensure that runoff from the Golf Courses may be sampled and analyzed in accordance with the Water Quality Monitoring Plan requirements set forth in Article V of this PLAN.
- The design shall include natural vegetative buffer zone strips around the perimeters of natural drainageways and 100-year flood plains.
- The Design Plan shall include topographic contour maps, showing lightly dashed lines for existing contours and solid lines for proposed contours, having a contour interval not greater than two (2) feet.
- For detention/filtration control devices, the Design Plan shall include a summary of calculations for runoff and sizing in accordance with TCEQ's Technical Guidance Manual.
- The design of erosion control and sedimentation facilities, including channels, storm sewer inlets, detention ponds and water quality facilities, shall be based on TCEQ's Technical Guidance Manual.
- Where practicable, the design shall direct overland flows into irrigation lakes for reuse, or overland flows will be directed into catch basins, vegetated filter strips, or other approved treatment facilities prior to leaving the Golf Course.
- The design shall include temporary rock/silt fence berms and other controls in major drainage pathways that may be impacted by construction activities.
- The design shall include a Computer Controlled Irrigation System ("CCIS") that interfaces with a digital weather station. The CCIS should be programmed to operate based on real-time Evapo-transpiration ("ET") rates collected from the on-site weather station. The CCIS should be programmed to terminate irrigation operations during rainfall events.
- The design shall promote the preservation of large native trees and associated understory vegetation, where practicable.
- The design shall incorporate underdrain systems for all tees and greens with discharge to grass-lined catchment treatment areas.

- The design shall incorporate sand filter basins (or approved equivalent) for treatment of stormwater runoff from maintenance barns, clubhouse areas, and parking areas.
- The design shall provide for a covered wash rack area that meets SAWS' criteria and that drains to an oil/water separator consistent with American Petroleum Institute specifications.
- The design shall provide for a leak detection alarm system for all aboveground storage tanks.
- The design shall provide for double-walled tanks and piping for aboveground fuel storage tanks with electronic inventory control.
- The design shall provide for 150 percent spill containment volume for aboveground fuel storage.
- The design shall minimize elements that encourage development of gullies, rerouting of streams, and changes to the natural surface and subsurface drainage. Where Golf Course grading creates potentially erosive flows, the design will incorporate structural features to reduce flow velocity and sediment.
- Cart paths shall be designed and located to control traffic in order to protect Sensitive Features.

4.3 Retention/Closed Loop Irrigation System

An alternate water quality pollution abatement system for capturing any pollutants generated by the Golf Courses is the establishment of an approved stormwater retention and irrigation system. Under this system, the design of the Golf Courses would provide for the capture of runoff from each Golf Course and routing the runoff to the irrigation lakes where the runoff would be used as irrigation water. In the event that a stormwater retention and recycling system is utilized on any part of the Golf Courses, the proposed design of the retention/closed loop irrigation system shall be included as part of the Design Plan.

Design alternatives for a stormwater capture/irrigation system shall include:

- Golf Course runoff may be captured in grass lined catchment basins and routed to the irrigation lakes via gravity based piping or pump systems.
- Golf Course runoff may also be captured in amenity lakes that are designed to provide additional storage capacity for Golf Course runoff. Captured runoff would be routed to the irrigation lakes via gravity based piping or pump systems.

- Golf Course runoff capture volumes will be based on TCEQ's Technical Guidance Manual, but in no case will the volume be less than one-half inch of runoff from the respective drainage area.

A stormwater capture/irrigation system may be utilized on an entire Golf Course or a portion of the Golf Course. Topography, location and number of irrigation lakes, and design of the Golf Courses are considerations that impact the location and practicality of this pollution abatement strategy. In the event that the design of the Golf Course incorporates such a system, the Developer may request that other pollution abatement requirements set forth in this PLAN be modified accordingly. For example, water quality monitoring, Trigger Level, and Corrective Action requirements applicable to the Golf Course surface water runoff may be adjusted if runoff is captured and directed to an irrigation lake that is sampled. Any such modifications shall require SAWS' prior written approval.

4.4 Vegetation Selection

Native and/or naturalized vegetation shall be incorporated into the design of the Golf Courses in areas that are not designated as play areas. In the play areas, landscape designers should select grasses that are best adapted to the local environmental conditions for the San Antonio, Texas climate. The selected grasses shall meet the necessary characteristics of play area yet permit the use of environmentally sustainable maintenance techniques.

As part of the Design Plan, a Turfgrass Management Plan meeting the requirements of Section 4.35 of this PLAN shall be submitted to the SAWS Resource Protection and Compliance Department Director for review and written approval. The plan shall identify types of grasses, locations of grasses and vegetation, and maintenance plans.

4.5 Sustainable Maintenance

The Design Plan shall incorporate integrated plant management and resource conservation practices that are environmentally responsible and efficient. Integrated plant management includes integrated pest management and emphasizes plant nutrition and overall plant health, as more fully described throughout this PLAN.

4.6 Recharge Features

All Sensitive Features at the Golf Courses shall be identified in the Design Plan, which shall include those Sensitive Features identified on Exhibit "B" attached hereto. An updated map identifying all Sensitive Features identified during construction shall be furnished to SAWS at the completion of construction of each Golf Course as part of the "as-built" plan submittal.

4.7 Maintenance Facilities

On-site maintenance facilities, storage areas for vehicles and off-road equipment often result in used oils, tires, batteries, cleaning solvents and other wastes. Other potential waste generators include restaurants and/or food service areas.

A waste management plan shall be developed for on-site maintenance facilities and submitted as part of the Design Plan. The plan shall address vehicle maintenance and repair operations, vehicle and equipment washing, fueling operations, and painting operations.

4.8 Restaurants and Food Service Areas

Restaurants and food service areas in the Golf Courses shall have an oil/grease trap at the facility of a type approved by SAWS. A maintenance plan for the oil/grease trap must be submitted as part of the Design Plan. Small concession stands where only prepackaged food items are sold shall be exempt from the oil/grease trap requirement.

4.9 Construction Requirements

Construction activities within the Golf Courses shall be performed so as to effectively control sediment, protect water resources and reduce disruption to wildlife, plant species and designated environmental resource areas.

No construction shall take place until all approvals required under applicable laws, the Services Agreement, if any, and this PLAN have been received or deemed received. Construction for each phase of the Golf Courses may commence once the Developer has demonstrated to SAWS that all approvals for such phase have been obtained.

For each Golf Course, SAWS shall be furnished copies of the final plans for the proposed Golf Course and such additional documentation as SAWS may reasonably request. Not later than forty-five (45) days following receipt of all documentation described in the preceding sentence, SAWS shall either acknowledge in writing that the proposed Golf Course plans and design are in compliance with the requirements of this PLAN or shall identify in writing the deficiencies which must be addressed prior to receipt of approvals for commencement of construction of such Golf Course. Failure by SAWS to identify in writing any deficiencies within such forty-five (45) day period shall be deemed approval by SAWS of the submitted documentation. Upon receipt of a notice of deficiency, the Developer must submit revised plans that address the deficiency and receive SAWS approval therefor in accordance with the procedures described in this paragraph prior to commencement of construction of the Golf Course. The basis for withholding approval by SAWS must relate to environmental protection matters within the scope of this PLAN or SAWS' jurisdiction.

Upon the completion of construction, the Developer shall submit as-built plans, and land surveys, to SAWS for all Golf Course improvements.

4.10 Qualified Contractor

Only qualified and competent contractors who are experienced in the special requirements of golf course construction shall be utilized in connection with the Golf Courses.

4.11 Schedule of Construction

A construction schedule shall be prepared and furnished to SAWS at the pre-construction meeting. The construction schedule should allow for the most efficient progress of the work while optimizing environmental conservation and resource management.

4.12 Golf Course Manager

A qualified and competent Golf Course manager shall oversee all construction in order to integrate sustainable maintenance practices in the development, maintenance, and operation of the Golf Courses.

4.13 Construction Requirements

Construction of the Golf Courses shall include the following controls to minimize adverse environmental impacts:

- Civil engineering construction plans prepared by the Developer or its assigns must be prepared under the supervision of a professional engineer licensed in the State of Texas. This will be witnessed by the engineer affixing his or her seal and signature to each plan sheet and any reports or calculations submitted to support the plans.
- Representative sampling of each borrow area used for offsite soils delivered to the Golf Courses shall be sampled for indicator pollutants to be approved by SAWS at their source prior to delivery to confirm that they are free of contamination. The Developer shall provide documentation identifying the origin of the imported soils.
- Where construction is to occur in a channel that drains greater than five (5) acres, a note shall be included in the construction plans specifying that the contractor shall remove spoil material from the channel of any creek or drainage way at the end of each work day.
- Temporary erosion control devices shall be used to mitigate offsite transport of runoff and sediment.

- Turfgrass or other protective cover (including vegetative mats) shall be established as soon as practicable after each part of the Golf Course construction is finished.
- In order to prevent erosion, mulches, matting, blankets or similar practices shall be utilized where necessary to control or minimize runoff until vegetation or long-term measures are in place.
- Newly constructed areas shall be shaped using swales, berms, and contours for temporary detention of runoff water and sediment to minimize concentrated erosive flows.
- Construction shall utilize sodding and long-term stabilization measures where necessary to prevent erosion.
- Small check dams or weirs shall be constructed to flatten upstream slopes and decrease the velocity of runoff.
- The Golf Course contractors shall construct temporary silt fences to stop movement of eroded soil from construction areas.
- Construction shall be phased so as to minimize impact to streams and geologic features.
- BMPs shall be inspected during construction and subsequent to construction. SAWS shall be furnished a copy of the certification from a registered engineer submitted to TCEQ that structural BMPs are constructed in accordance with the design and specifications.

4.14 Water Pollution Abatement Plan

Construction within the Golf Courses shall comply with Chapter 213 of the TCEQ's rules, as amended from time to time, including the preparation of one or more WPAPs.

The Developer agrees to prepare and submit a WPAP for each Golf Course to SAWS for approval simultaneously with submission of the WPAP to the TCEQ. In the event that it is ever determined that any portion of the Property is not subject to the TCEQ's rules, such determination shall not relieve Developer of its obligation to prepare WPAP(s) for review and approval by SAWS.

SAWS shall review and approve each WPAP in accordance with the standards set forth in Chapter 213 of the TCEQ's rules and the requirements of this PLAN. In the event that SAWS does not approve all or part of any WPAP, SAWS shall specifically identify the matter(s) for which approval is withheld and the basis therefore, which must relate to environmental matters

under the scope of this PLAN. SAWS and the Developer shall thereafter attempt in good faith to reach a mutually-agreeable solution as promptly as practicable.

4.15 National Pollutant Discharge Elimination System ("NPDES")

Construction activities within the Golf Courses that will result in the disturbance of five or more acres require a Storm Water Discharge Permit under Section 402 of the federal Clean Water Act (as amended). In accordance with the Clean Water Act, a Storm Water Pollution Prevention Plan ("SWPPP") shall be prepared that complies with the Monday, July 6, 1998 Federal Register, Part II, Environmental Protection Agency, Re-issuance of NPDES General Permits for Storm Water Discharges from Construction Activities in Region 6; Notice, as applicable and as amended from time to time. The SWPPP shall be present on site at all times for regulatory review and shall be adhered to in all respects. All required EPA postings shall be posted in a visible location and accessible to the public.

The Developer or contractor shall submit the SWPPP to the SAWS Resource Protection and Compliance Department, Construction Compliance Section prior to commencing regulated construction activities. SAWS shall retain the right to inspect all regulated construction activities without prior notice to confirm that SWPPP practices are adhered to in all respects.

4.16 Texas Pollutant Discharge Elimination System

Scheduled construction activities shall be subject to the applicable regulatory requirements of the Texas Pollutant Discharge Elimination System ("TPDES") program. SAWS shall have the right to inspect the Golf Courses routinely to confirm that all activities are in compliance with applicable TPDES requirements.

4.17 City of San Antonio Construction Ordinance No. 94002

The City of San Antonio Construction Site Ordinance No. 94002 ("Ordinance No. 94002") regulates the discharge of pollutants into the Municipal Separate Storm Sewer System pursuant to Federal Permit No. TXS001901. Ordinance No. 94002 provides that it is unlawful for any person to engage in construction activity that results in a measurable volume of sediment, soils, soils material, or pollutants entering the City's storm sewer system. Violations of Ordinance No. 94002 may result in a "Stop Work Order", civil injunctive relief, or fines and penalties.

The Developer and all contractors shall comply with Ordinance No. 94002.

The SAWS Construction Compliance Section of the Resource Protection and Compliance Department will conduct routine site inspections for compliance with Ordinance No. 94002. Failure to comply will result in enforcement action.

VOL 9766 PG 1733

4.18 Impervious Cover

Impervious cover is one of the most important factors that can affect water quality and the watershed. Impervious cover can change the hydrologic cycle by:

- Reducing the ability of surface water to infiltrate.
- Increasing the velocity of runoff.
- Increasing the volume of runoff.
- Reducing the ability of soil to store water due to regrading.
- Changing evapotranspiration rates due to loss of vegetation in an area.

For purposes of this PLAN, "Impervious Cover" is defined as roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface. "Percent impervious cover" shall be calculated according to the methodology set forth in the Declaration of Restrictive Covenants attached as Exhibit "A" to the Services Agreement (the "Restrictive Covenants").

Each WPAP submitted to SAWS for review and approval with respect to any one or more of the Golf Courses shall specify (i) the area and percent of all existing Impervious Cover on the Golf Courses; (ii) the area and percent of all future Impervious Cover described in each approved WPAP for the Golf Courses which has not been withdrawn or canceled following approval, and (iii) the area and percent of the Impervious Cover described in the proposed WPAP.

VOL 9766 PG 1734

4.19 Preservation of Sensitive Recharge Features

All construction activities within the Golf Courses shall preserve all Sensitive Features unless approved otherwise by the TCEQ. Buffer zones and other protective measures shall be maintained during all construction activities to protect Sensitive Features.

In the event that additional Sensitive Features are identified on the Golf Courses during construction, all related construction activities in the immediate area of the feature shall cease immediately. The Developer and/or contractor shall notify immediately the TCEQ and any other governmental entity with jurisdiction, and simultaneous notice shall be given to SAWS. The feature shall be protected immediately and subsequent construction shall incorporate temporary and permanent BMPs to protect the Sensitive Feature, as required by all regulatory agencies with jurisdiction. If SAWS and Developer do not agree as to whether a feature is a Sensitive Feature or the extent to which construction activities should be curtailed in response to the discovery of the potential Sensitive Feature, the "Geologic Assessment Team" (also known as the "GAC", as defined in the Restrictive Covenants) shall make such determinations.

4.20 Construction Waste

Construction waste is generated by the maintenance of vehicles, construction equipment and normal construction activities. These wastes include, but are not limited to, used oils, grease, tires, batteries, cleaning solvents, and empty containers. To the extent possible, all vehicle and equipment maintenance shall be performed in a maintenance/storage area. This area shall be constructed to contain any spills or releases. Used oils, grease, solvents and batteries shall be stored in a covered container until proper disposal off-site is completed in a timely manner. Spills or releases shall be cleaned immediately and disposed of in accordance with applicable regulations. All persons associated with maintenance activities shall be trained in pollution prevention practices. The construction superintendent shall be qualified, competent and "OSHA 40-Hour HAZWOPER" certified. All other construction related waste shall be disposed of in approved, covered, non-leaking containers within the maintenance/storage area and disposed of in a timely manner in accordance with applicable regulations.

4.21 Fuel Storage and Use

The storage of fuels in containers greater than five (5) gallons on the Golf Courses is prohibited during the construction phase of the Golf Courses. Mobile fueling stations (fuel/maintenance trucks) are permitted on the site only for short time durations while required fueling/maintenance of construction equipment is performed. The operator(s) of the fuel/maintenance equipment shall be trained in pollution prevention practices. Any spills on the site shall be cleaned immediately and disposed of in accordance with all applicable regulations. Spills greater than five (5) gallons shall be documented (product, quantity, location, date, time, etc.) and reported

immediately to the SAWS Construction Compliance Section, and to any other governmental entity with jurisdiction.

4.22 Water Supply Protection

Water shall be used during all construction activities for dust control, moisture applications to soils and road construction preparation. When water is delivered from a SAWS main to stand tanks or water trucks, an approved air-break tank or "RPZ" check valve shall be installed to provide backflow protection. Air gaps at the fill point of service trucks shall be in place to prevent back siphoning.

4.23 Materials Management

Pesticides, fertilizers, hydrocarbon-based products and waste from equipment maintenance, if not properly managed, may contribute to point-source and non-point source contamination of soil, surface water, and groundwater.

A materials management plan shall be submitted to SAWS for review and approval with the Design Plan. The materials management plan shall include the minimum requirements set forth in this Article IV.

4.24 Pesticides

Pesticides shall be stored in a lockable, concrete or metal building that allows for fire fighting access. The pesticide storage area shall be separate from other buildings or separated from areas used to store other materials, especially fertilizers. Shelving shall be plastic or reinforced metal. Metal shelving shall be kept painted to avoid corrosion. Wood shelving is prohibited because it may absorb spilled pesticide materials. Floors shall be seamless metal or concrete and sealed with a chemical resistant coating, and shall have a continuous sill to retain spilled materials. The floors shall not have drains, although a sump may be included.

Sloped ramps shall be provided at the entrance to the pesticide storage area to allow wheeled handcarts to move material in and out of the storage area safely. Exhaust fans and an emergency wash area shall be provided. The light/fan switch shall be located outside the storage area so that both are on when entering or leaving the storage area. An inventory of the pesticides kept in the storage building and the associated Material Safety Data Sheets ("MSDS") for the chemicals used in the operation shall be maintained on the premises. The inventory list and MSDS sheets shall not be stored inside the pesticide storage area itself, as this would make them unavailable in case of an emergency.

Pesticide containers shall be cleaned immediately upon emptying. Containers shall be properly cleaned by pressure-rinsing or triple-rinsing and the rinse water dumped into the sprayer as part of the make-up water. Non-rigid bags shall be shaken clean so that all dust and material falls

into the application equipment. The clean containers shall be stored in a clean area, out of the rain and weather, until they are disposed of in accordance with all applicable regulatory requirements.

Washwater from pesticide application equipment must be managed properly as it contains pesticide residues. The currently required BMP for this material is to collect it and utilize it as a pesticide in accordance with label instructions for that pesticide. This applies to washwater generated from both the inside and outside of the application equipment.

For small spills in the pesticide mixing and loading areas, absorbents such as cat litter or sand shall be used to clean up the spill and then applied as a top dressing in accordance with the label rates, or properly disposed of as waste. Large spills shall be remediated in accordance with all applicable state and federal regulatory requirements.

4.25 Fertilizers

Fertilizers shall be stored separately and away from solvents, fuels and pesticides since many fertilizers are oxidants. Fertilizers shall be stored in a concrete building with a metal or other flame resistant roof. Fertilizers shall always be stored in an area that is protected from rainfall.

Cleaning of the fertilizer storage area shall be performed by washing down the loading area or dry collection methods such as sweeping and vacuuming. Any washwater generated shall be collected and applied to the courses. Discharge of this washwater to storm drains is unlawful and prohibited.

Flammable pesticides and fertilizers shall be separated from non-flammable products. Dry bags must be stored on raised pallets to prevent contamination by liquid spills. Labels should be clearly visible.

4.26 Secondary Containment

Areas where pesticides or fertilizers are stored, mixed and loaded, or where containers or equipment for such materials are rinsed, must have proper secondary containment to collect spills and facilitate product recycling. The volume of the secondary containment must be not less than 150 percent of total storage volume. All secondary containment areas shall be included in the WPAP.

Secondary containment structures shall be constructed of concrete or other approved materials. The floor shall be sloped to a sump where liquid can be pumped into a holding tank for recycling. Due to concrete's porosity and low chemical resistance, concrete coming in contact with pesticides and fertilizers shall be protected with a chemically resistant coating or liner.

VOL 9766 PG 1737

Pesticide, fertilizer, and other chemical operations shall be isolated from other operations such as material storage and equipment and golf cart maintenance.

4.27 Specific Management Requirements

The following additional management requirements shall be applicable to the Golf Courses:

- All liquid accumulated in containment structures shall be pumped from the structure and placed in a container for proper disposal or recycling.
- Gravity underground drains are prohibited in secondary containment structures.
- Buried pits or underground storage of hazardous materials, including, but not limited to, petroleum products, are prohibited.
- Sumps shall be emptied and cleaned daily.
- Pesticide and chemical mixing, loading and equipment washing shall be performed under a roof and in a structure elevated above storm water runoff.
- The loading area shall always be clean to prevent tires of vehicles tracking residues out of the loading area.
- If vehicle tires should come in contact with residues, they shall be cleaned before driving off of the loading pad.
- Empty containers shall be promptly rinsed and properly stored prior to disposal or recycling.
- All instructions provided by the manufacturer for all chemicals shall be strictly adhered to by maintenance personnel.
- All bulk storage tanks for chemicals shall have lockable valves.

4.28 Used Oil, Antifreeze and Lead-Acid Batteries

Used oil and antifreeze shall be collected in marked containers and offered for recycling. Antifreeze must be disposed by a licensed recycler in accordance with all applicable laws.

Lead-acid storage batteries, such as used in golf carts and for starting other equipment, must be disposed by a licensed recycler in accordance with all applicable laws.

4.29 Solvents and Degreasers

Solvents and degreasers are generally flammable and toxic and shall be stored in lockable metal cabinets in an area with adequate ventilation, away from ignition sources. They shall not be stored near an area where welding or other similar activities are performed, nor shall they be stored with pesticides or fertilizers. An inventory of the solvents stored and the MSDS sheets for these materials shall be kept on the premises, but not in the solvent storage area. Any emergency response equipment recommended by the manufacturer of the solvent shall remain accessible at all times, but not inside the area itself.

Solvents and degreasers shall be used over a collection basin or pad that is ample to collect all used material. Solvents shall never be allowed to drain onto pavement or soil, or discharge into storm drains, sewers or septic systems, even in small amounts. Routine discharge of even small amounts of solvents can result in the accumulation of contaminants in soil or ground water and is prohibited.

Used solvents and degreasers shall be collected, placed into containers marked with the contents and the date, and then picked up by a licensed hazardous waste management firm that will properly recycle or dispose of these materials in accordance with all applicable state and local regulations.

4.30 Aboveground Storage Tanks

The Design Plan shall identify all proposed Aboveground Storage Tank Systems ("ASTs") to be located at the Golf Courses. ASTs shall comply with the state rules and regulations. All ASTs shall be placed within an impervious containment basin designed to capture and retain a minimum of 150 percent of the storage capacity of the AST. All valves, pipes, fittings and other controls connected to the AST shall be placed within the containment basin. A spill containment kit and approved absorbent materials designed to capture and retain potential spills shall be clearly labeled and displayed within 20 feet of the containment area. SAWS shall have the authority to inspect all ASTs at all reasonable times.

If a fuel storage facility is utilized, only ASTs with appropriate controls approved in writing by TCEQ will be allowed. The above ground fuel storage tank facility must meet the following minimum design and operation requirements:

- Double walled.
- Electronic inventory control.
- Leak detection alarm system.

- Provisions for a 150 percent spill containment volume for total volume of above ground fuel storage within the containment structure.
- The fuel dispenser shall be located inside the containment structure for the AST.
- The vehicle fueling area will be constructed of sloped impervious concrete draining into a grated spill recovery sump (sump volume to hold not less than 150 percent of the largest equipment fuel tank to be fueled) or filtration basin to prevent fuel spills from entering the environment.
- Any discharge of rain water from the spill recovery sump shall be authorized by the site superintendent only after a determination has been made that there is no contamination of rain water through sampling or other objective means. Recordkeeping of all sampling results shall be kept and shall remain available for inspection by SAWS at all reasonable times.
- A spill response kit shall be maintained at the facility.
- All personnel who will be fueling equipment shall be trained concerning proper pollution prevention, proper fueling procedures and spill response kit use.
- Records shall be kept concerning all fuel deliveries, consumption and spills.
- A SAWS representative from the Resource Protection and Compliance Department will inspect the facility at least once each year to review records and assure that the fueling facility is operated in a manner that will not adversely impact the environment.

4.31 Underground Storage Tanks

The installation or operation of underground storage tanks for hazardous materials including, but not limited to petroleum products, permanent or temporary, at the Golf Courses is prohibited.

4.32 On-site Sewage Facilities

The installation or operation of septic systems and other on-site sewage facilities are prohibited within any portion of the Golf Course(s) located on the southern portion of the Property, as defined by the northeast to southwest trending fault identified in the Vulnerability Assessment Report.

The design of any septic systems or other on-site sewage facilities proposed within other areas of the Golf Course(s) must be approved by SAWS. In addition, SAWS shall be authorized to enter the Property at any time without prior notice to inspect the on-site sewage facilities. At the time

VOL 9766 PG 1740

of entry to the Golf Courses, SAWS shall endeavor to provide notice to any representative of the Golf Courses that may be present, but such person's consent shall not be required for SAWS to enter the Golf Courses for such purposes. Based upon the results of such inspections, SAWS shall have the right to perform leachate analysis and other water quality sampling or monitoring related to the operation of the on-site sewage facilities. SAWS shall coordinate with the operator of the Golf Course to minimize any disruption to play associated with such inspections, sampling and/or monitoring activities.

4.33 Integrated Pest Management

4.33.1 Insects

Of the numerous insects residing in golf course turf, very few actually injure the turfgrass. The few that do injure the turfgrass are classified as burrowing and root-feeding or shoot feeding. Several species of white grub, mole crickets and older billbug larvae feed on turfgrass roots. Armyworms, sod webworms, cutworms, leafhoppers, spittlebugs, chinch bugs and adult and larvae billbugs feed on the aerial shoots. Several insects are preferential feeders, which limit the injuring to the turfgrass. Others will injure the turfgrass as they feed on stems, roots and leaves. Burrow bees, wasps and ants generally are not considered a major turfgrass pest.

4.33.2 Nematodes

Nematodes are microscopic round worms that reproduce eggs and molt four times prior to becoming an adult. All soils contain nematodes and most are harmless, however a limited number, at some time during their life, parasitize turfgrasses. Plant parasitic nematodes are classified based on their feeding habits and are ectoparasitic or endoparasitic.

The tolerance levels of turfgrasses to parasitic nematodes range and is dependent on several factors. Areas of turfgrass damage are noted by an irregular shape and will vary in size. Aerial shoots often change from green to light green, to yellow and subsequently to brown. In addition, the turfgrass will appear stunted. Roots will be very short with few, if any, root hairs. Brown or red lesions may be visible at the tips and the root may appear swollen. The turfgrass root systems under attack from these nematodes will be severely weakened and therefore, not able to take up nutrients from the soil.

4.33.3 Weeds

Weed control is a significant part of the overall turfgrass program as many are prolific seed producers. Water, wind, maintenance equipment and golfers may transport seeds and therefore, spread weeds throughout the courses. Topsoil and straw used to mulch soil surfaces may also contain plant segments capable of growing into a mature weed.

There are two major groups of weeds, based on plant form, that are of concern to the aesthetic of the turfgrasses. These two groups are weed grasses and broadleaf weeds. Weed grasses, such as crabgrass, dallisgrass and goosegrass are monocots, which emerge from a seed with a single seedling leaf. The leaves of monocots display parallel veins. Dicots, which include dandelions and white clover, have two seedling leaves as they emerge from the soil. The veins of a dicot plant form a network-like pattern.

The weeds are further subdivided into five groups based on their season growth: summer and winter annual weed grasses, summer and winter annual broadleaf weeds, and perennial weeds. Summer annual weed grasses germinate from seed and compete with turfgrass for available moisture, nutrients, light and space. These aggressive weeds begin to emerge from a seed in the spring and grow very fast during the summer months. By the fall, these weeds have completed their life cycle and die. Winter annual weeds germinate late in summer, fall and winter. These plants usually complete their life cycle in the spring.

Summer annual broadleaf weeds emerge from seed in the spring and enter turfgrass in the summer months. Winter annual broadleaf weeds invade cool season turfgrasses and complete their life cycle in the spring. Perennial weed grasses and broadleaf weeds live for more than two years.

4.33.4 Diseases

Diseases can adversely affect turfgrasses and are generally a result of poor nutrition, soil compaction, extreme temperatures, drought and/or excessive rainfall. In addition, turfgrasses are injured physically by divots, shoe spikes, golf cart tires and hydraulic fluid leaks. Injury from physical means often resemble diseases. Most turfgrass diseases are caused from fungal parasites or pathogens. Diseased turfgrasses display bleached leaves, discolored spots or lesions on the leaves and/or depressed circular areas of blighted turfgrass.

The biological control of turfgrasses consists of utilizing other living organisms to prevent or suppress the pathogen growth in plants, thatch or soils. Microorganisms suppress pathogens by occupying space and preventing contact, reducing the availability of shared energy sources, and by producing toxins that restrict pathogens' growth rate. Biological controls include certain composts that can also suppress some turfgrass diseases.

4.34 Pest Control Requirements

An Integrated Pest Management Plan shall be prepared and submitted to SAWS and TCEQ for approval as part of the WPAP. An integrated pest management system relies on preventing and controlling pests (e.g., weeds, diseases, insects) in which monitoring is utilized to identify pests, action thresholds are identified, management options are evaluated, and the most environmentally-beneficial control is implemented. For purposes of this PLAN, all references to "pesticides" shall include fungicides, insecticides, nematicides, herbicides and any other

Cibolo Canyon Golf Course Environmental Management Plan

chemicals used to control pests, weeds, or disease. The Integrated Pest Management Plan shall include the following general pest and disease control components:

- Documentation of action thresholds and turfgrass quality guidelines.
- Maintaining permanent paper or electronic records of practices and their relative success.
- Identification of application rates, time of application, and method of application to meet quality goals. The information shall be specific to each WQ Management Zone.
- Selecting appropriate pesticides based on label information and chemical and site characteristics limiting mobility.
- Reducing the frequency, extent of application, and the amounts of pesticide applied. Reducing the frequency and extent of application is accomplished by using lower rates of application and alternate pest and disease control.
- Using buffer zones and appropriate set backs from surface water and environmentally-sensitive features.
- Controlling the timing of pesticide application in relation to precipitation.
- Maintaining healthy, dense turfgrass.
- Using appropriate pesticide technology for application, clean-up, and disposal of containers.
- Provide staff training on the Edwards Aquifer in general, and practices to be employed to prevent degradation thereof. Training will be performed annually.
- A Texas Licensed Pesticide Applicator shall be employed.
- Covered chemical mixing center with spill containment.
- Mix only amount of pesticide required for affected area.
- No spray application of chemicals during windy conditions.
- Store chemicals in temperature controlled facility if recommended by manufacturer with access limited to authorized personnel.

- Maintain chemical inventory and keep records of chemical use to balance inventory.
- Utilize insect traps to aid in determining what pests are present.

4.34.1 Least Toxic Pest Control Strategy

The Integrated Pest Management Plan shall provide for use of the least toxic control approach to address pest problems. This approach requires that once an action threshold for a specific pest is reached, the least toxic, effective control available will be used to reduce the pest population to acceptable levels. The control measures set forth in the Integrated Pest Management Plan shall provide for the introduction of natural pest enemies (e.g., parasites and predators), utilizing syringing techniques, improving air movement, soil, aerification techniques and mechanical traps prior to chemicals. The Integrated Pest Management Plan shall provide that chemical control strategies shall be utilized only when other strategies are not effective.

The Integrated Pest Management Plan shall identify the combination of control strategies that will be utilized to suppress pest populations with minimal environmental impact. Control measures include biological, cultural, physical, mechanical and chemical methods. The Integrated Pest Management Plan must include an hierarchy of agronomic, cultural, biological, mechanical and chemical controls.

4.34.2 Selection of Pesticides

A list of all proposed pesticides shall be included in the Integrated Pest Management Plan, along with the proposed maximum application rate, which shall not exceed manufacturer's recommendations.

Table 1 identifies pesticides currently commercially available and their leaching potential. The selection of pesticides shall be based on leaching potential, soil pH, volatilization, microbial decomposition and photodecomposition. Only pesticides approved by SAWS in writing may be applied to the Golf Courses. This PLAN shall not be construed as authorizing the use of the pesticides set forth in Table 1.

Cibolo Canyon Golf Course Environmental Management Plan

Table 1 PESTICIDE LEACHATE POTENTIAL CHART

Example Trade Name	Common Name	Index	Rate
<i>Fungicides</i>			
Aliette	Fosetyl-AL	25	17.4
Banner	Propiconazole	45	1.5
Banol	Propamocarb	51	7.24
Bayleton	Triadimefon	43	1.3
Chipco	Iprodione	33	2.5
Cleary's 3336	Thiophanate methyl	31	2.7
Curalan	Vinclozolin	20	2.7
Daconil	Chlorothalonil	46	19.6
Dyrene	Anilazine	31	5.4
Fore	Mancozeb	36	8.7
Koban	Etridiazole	65	6.5
Manzate	Maneb	56	13
Rubigan	Fenarimol	51	2
Subdue	Metalaxyl	50	1.36
Terraneb	Chloroneb	51	7
<i>Insecticides or Nematicides</i>			
Astro	Permethrin	12	0.9
Award	Fenoxycarb	19	1.5
Baygon	Propoxur	76	8.1
Crusade	Fonofos	37	3.9
Mocap	Ethoprop	55	4.9
Nemacur	Fenamiphos	36	10
Oftanol	Isofenphos	44	1.9
Orthene	Acephate	36	3
Proxol	Trichlorfon	52	8.16
Sevin	Carbaryl	39	2.1

VOL 9766 PG 1745

Cibolo Canyon Golf Course Environmental Management Plan

Tempo	Cyfluthrin	0	0.09
Triumph	Isazofos	44	2
Turcam	Bendiocarb	38	4.1
<i>Herbicides</i>			
Aatrex	Atrazine	52	2
Acclaim	Fenoxaprop	0	0.18
Asulox	Asulam	47	2
Balan	Benefin	36	3
Banvel	Dicamba	54	0.5
Barricade	Prodiamine	1	0.75
Basagran	Bentazon	36	2
Betasan	Bensulide	44	10
Devrinol	Napropamide	46	3
Dimension	Dithiopyr	20	0.5
Gallery	Isoxaben	44	1
Illoxan	Diclofop-methyl	10	1.5
Image	Imazaquin	58	0.5
Kerb	Pronamide	34	1.5
MCPPP	Mecoprop	61	1.75
Methar	DSMA	41	5
MSMA	MSMA	27	3
Pendulum	Pendimethalin	18	3
Pennant	Metolachlor	22	4
Princep	Simazine	54	2
Prograss	Ethofumesate	41	1
Ronstar	Oxadiazon	36	3
Roundup	Glyphosate	36	4
Sencor	Metribuzin	48	0.5
Surflan	Oryzalin	44	3
Treflan	Trifluralin	32	3

Cibolo Canyon Golf Course Environmental Management Plan

Tupersan	Siduron	64	10
2,4-D	2,4-D	41	0.75

Index: scale 0 to 100, 0 = very low leaching potential and 100 = very high leaching potential.
Rough guideline: pesticides with a PLP Index <40 have a low leaching potential compared to those with a PLP Index >70, indicating that potential leaching is a concern.
Rate: The maximum recommended application rate expressed as pound(s) active ingredient per acre.

4.34.3 Specific BMPs for Pesticide Applications

The Integrated Pest Management Plan shall include the following specific BMPs for pesticide applications to meet environmental goals:

4.34.3.1 Management Options

Management options for control of pests and diseases shall include a well-balanced program of cultural, mechanical, structural, biological and chemical control practices. Using a combination of practices (1) reduces the reliance on pesticides to control pests and diseases; (2) reduces local resistance of pests and diseases to specific compounds; and (3) reduces site loading with chemical compounds.

4.34.3.2 Action Thresholds

Action levels for pests shall be included in the Integrated Pest Management Plan. Establishing action thresholds permits control of pests and reduces the total quantity of pesticides applied in a given area. Another factor includes the use of turfgrass species and cultivars resistant to known pests and diseases. Early detection of pest problems allows for proactive use of alternate control options. Applying pesticides only when and where necessary significantly decreases chemical loading and adverse effects on water quality and the environment.

4.34.3.3 Follow Labels

Pesticides shall be applied only by or under the direct supervision of properly registered, certified, and trained personnel and only in accordance with label instructions. All pesticide use shall comply strictly with local, state, and federal regulations.

4.34.3.4 Buffer Zones

The Integrated Pest Management Plan shall provide for no pesticide or fertilizer applications in buffer zones. In addition to the general buffer zone criteria, the Integrated Pest Management

VOL 9766 PG 1747

Plan shall prohibit the application of persistent and mobile pesticides in areas near surface water, Sensitive Features, steep slopes, offsite drainage ways, impervious surfaces (e.g., cart paths), or on thin soils.

4.34.3.5 Frequency, Amount and Location of Applications

The Integrated Pest Management Plan shall minimize the frequency and extent of pesticide applications. Reducing the frequency and extent of pesticide applications to turfgrass are two of the most effective practices used to reduce potential adverse effects on the environment and water quality. Combining cultural and mechanical practices with chemical control reduces the frequency of chemical applications. Reducing the number of preemergent applications of herbicides and making applications only to areas with known problems reduces the total environmental load for each pesticide.

Proper application rates, equipment selection and calibration, and careful application to the target site ensures effective use of the applied pesticide. Spot applications shall be used to reduce the amount of chemical applied to turfgrass and to limit total environmental loading. Application of preemergent herbicides shall be applied only to areas with known infestations of weeds reduces the extent of herbicide application. The Integrated Pest Management Plan shall also provide for the placement of pesticides below the soil/thatch surface, and "watering-in" to reduce exposure to runoff process and enhance soil adsorption.

Controlling the timing and amount of a pesticide application in relation to local environmental conditions, especially rainfall, determines the potential for offsite movement and onsite decomposition. The Integrated Pest Management Plan shall restrict pesticide applications prior to anticipated storm events in order to reduce surface and subsurface losses of pesticides in accordance with the criteria set forth below. The following precipitation criteria shall be used in the Integrated Pest Management Plan to schedule pesticide applications:

- Pesticides shall not be applied if, at the time of application, there is greater than a 30 percent probability of rain occurring on the day of the scheduled application.
- Pesticides shall not be applied if, at the time of application, there is greater than a 35 percent probability of rain occurring on the day following the scheduled application.
- Pesticides shall not be applied if, at the time of application, there is greater than a 45 percent probability of rain occurring two days following the scheduled application.

Drift losses of pesticides can be deposited offsite and potentially affect water quality. Drift losses of applied pesticides shall be minimized by (1) determining wind speed and direction; (2) assessing air turbulence or stability; (3) optimizing droplet density and size distribution; (4)

VOL 9766 PG 1748

evaluating evaporation rate; (5) controlling the height and swath pattern of spray delivery; (6) controlling volume and amount of pesticide carrier solution; and (7) controlling the proximity of application to sensitive areas with nontarget organisms. Loss of wildlife or aquatic species shall be avoided by restricting application of chemicals with high toxicity during critical migratory or lifestage periods.

4.34.3.6 Risk Assessment

Assessment of potential offsite transport of chemicals by runoff or leaching loss prior to application provides essential information on selection of pesticides appropriate for a specific site. The Integrated Pest Management Plan shall identify the pesticides proposed for application to the Golf Courses and areas on which application is proposed. The Integrated Pest Management Plan shall prohibit the application of pesticides in buffer zones for Sensitive Features and other areas that have a greater potential for impacting water quality. The identification of areas which merit additional protection through the prohibition of pesticides is subject to the approval by SAWS, to be provided in connection with its review and approval of the WPAP and/or Integrated Pest Management Plan.

4.34.3.7 Equipment Maintenance and Calibration

Proper equipment maintenance and calibration is essential for even applications at the intended volumes. All label instructions, storage requirements, and regulations shall be followed to insure safe handling of pesticides. Proper mixing, handling, and loading prior to application will reduce fill-site contamination. Closed systems for loading and mixing pesticides shall be used to prevent contamination of the site and nearby waters. Good housekeeping practices shall be used in loading areas to ensure that any spilled pesticides are not exposed to surface runoff or leaching.

4.34.3.8 Proper Disposal

Proper disposal of unused chemicals and containers will ensure safety of the user, water resources, and non-target organisms. Pesticide applicators shall avoid chemical exposure by safe handling practices including use of protective clothing, respirators, gloves, and shoes.

4.34.3.9 Chemigation

The Integrated Pest Management Plan shall identify whether chemigation is proposed for use at the Golf Courses and the extent of such proposed chemigation. The Integrated Pest Management Plan shall require the use of anti-back-siphoning devices in the equipment to reduce the potential for pesticide contamination of groundwater and other water supplies during irrigation. Pesticides should be applied through irrigation equipment only when appropriate and when specific label instructions are available. Environmentally safe chemigation practices that shall be included in the Integrated Pest Management Plan include:

- Flushing of injection equipment to prevent pesticide accumulation.
- Flushing the irrigation system after pesticide injection.
- Using properly calibrated equipment.
- Preventing runoff of the mixture of irrigation water and pesticide.
- Avoiding application to permanent surface water, semi-permanent standing water, or near sensitive areas.
- Periodic monitoring of equipment to ensure proper application to the intended target.

4.34.3.10 Periodic Review

Periodic review of the success of pest and disease management strategies and program is essential. The Integrated Pest Management Plan shall provide for periodic review of (1) management objectives; (2) the success of control practices; (3) new problems; and (4) results of water and soil monitoring programs. All reviews and results shall be made available to SAWS.

4.34.3.11 Recordkeeping

Detailed records shall be kept for not less than three years identifying all types, amounts and locations of pesticides applied to the Golf Courses.

VOL 9766 PG 1750

4.35 Nutrient Practices

Fertilizers applied to golf courses contain nutrients (e.g. nitrogen, phosphorus and potassium). These are the primary nutrients most often applied to turf grass. Nitrate is the nutrient posing the most significant threat to water quality. Phosphorus losses are associated with sediment transport and is, therefore, a factor during the construction of the Golf Courses. Nitrogen can be transported by surface runoff, especially if applied prior to a rain event or if there is excess irrigation. As the time between application of the product and runoff increases, the amount of nitrogen subject to transport decreases.

The leaching potential of nitrate is reduced if turfgrass is properly maintained. The potential for leaching increases when nitrogen is applied in excess of individual plant requirements or subsequent to a significant rain event. In addition, drought or high salinity may increase nitrate leaching. To reduce the possibility of nitrate losses, slow release nitrogen sources shall be used. Timing of the application of the nitrates, coupled with limiting irrigation to the amount needed by the turfgrass is the most effective method to minimize leaching capabilities.

Healthy turfgrass roots are ideally suited to allow for uptake of these nutrients from the soils. Healthy turfgrasses have root systems that are extensive, fibrous and contain a large surface area. All nutrients are mobile inside plants, but the mobility in soil varies among the nutrients. Soils rarely supply the needed nitrogen to support high quality, wear resistant turf. The amount of nitrogen required varies by the type of turfgrass. Excess nitrogen fertilization will result in poor turfgrass rooting which allows for a greater susceptibility for disease to attack the plant.

Turfgrasses deficient in nitrogen often appear stunted, with short leaves and lack of color. Older leaves may first turn pale green in color, followed by a yellow color as the deficiency symptoms progress toward the base of the blades.

Phosphorus is very important in the transfer and storage of energy within the turfgrass. In addition, phosphorus-containing compounds have an effect on the genetic information. Phosphorus is relatively immobile in most soil types and therefore is less likely to move in soil solution and leach, as compared to nitrogen. However, phosphorus use can pose a threat to the quality of surface water if fertilizers are not applied properly and in the correct locations.

Potassium is associated with several processes of turfgrass. It activates enzymes, is involved with photosynthesis and helps regulate the stomates on the exterior of the turfgrass, which is responsible for releasing water from the plant into the atmosphere. Turfgrasses with low potassium are not very tolerant to the stress of either high or low temperatures or even drought.

4.35.1 Required Nutrient Practices

A Nutrient Management Plan shall be submitted with the WPAP (as part of the Integrated Pest Management Plan or otherwise) to SAWS for review and approval. The Nutrient Management Plan shall incorporate the following BMPs:

- Identification of application rates, time of application, and method of application to meet quality goals. The information shall be specific to each WQ Management Zone.
- Use of soil and tissue tests to establish proper application rates.
- Use of nutrient application history or credits for all sources of nitrogen.
- Sampling to analyze soils to determine chemical content and to set fertilizer application rates so as to correspond to nutrient uptake.
- Monitor and maintain thatch level.
- Conduct top dressing to enhance thatch layer.
- Periodic soil aeration. Penetrations into soil profile shall not exceed 50 percent of soil profile.
- Establish nutrient budgets for all sources of nitrogen and phosphorus.
- Minimize the total input of fertilizers.
- Utilize buffer zones and set backs from surface water and environmentally-sensitive features.
- Control the timing of fertilizer applications in relation to precipitation events.
- Use of appropriate application technology including multiple low rate applications, granular formulations, proper equipment calibration and maintenance, proper disposal of unused fertilizer, and no application to bare soil or impervious surfaces.
- Maintenance of healthy turfgrass using appropriate irrigation, pest, and compaction control strategies.

VOL 9766 PR 1752

4.35.2 Establish Nutrient Budgets

The Nutrient Management Plan shall include complete nutrient budgets for each WQ Management Zone fairway, green, and tee. The budgets shall include the following components:

- Quantifying the total input of fertilizers and nutrients: inorganic, organic, and irrigation water.
- Use of soil tests, tissue tests, and application history or nutrient credits to establish proper application rates. Clipping management is a part of nutrient credits.

The timing of fertilizer application will depend on weather conditions and stage of turfgrass development. Fertilizers are to be applied only commensurate with turfgrass need. Nitrogen or phosphorus applied in excess of turfgrass uptake ability can be lost in runoff, interflow, drainage, or leachate, and is prohibited.

4.35.3 Reduction of Fertilizer Input

Fertilizer applications shall be based on need, not calendar dates. Using appropriate (and not excessive) rates of nitrogen and phosphorus to maintain nutrient levels to sustain turfgrass quality is one of the primary BMPs to protect water resources. The following are additional general requirements that shall be followed concerning the timing of fertilizer applications that shall be incorporated into the Nutrient Management Plan:

- The optimum time of application depends on turfgrass species and weather, soil conditions, and chemical formulation of the fertilizer. Application of nitrogen after turfgrass uptake of nitrogen has ceased is prohibited.
- Fall applied inorganic nitrogen and residual soil nitrates are at risk of leaching past the root zone during the fall, winter and early spring, especially on areas with dormant bermudagrass. Fall or winter application of nitrogen shall only be used on areas overseeded with cool season grasses.
- Fairway fertilizer applications to bermudagrass shall be made only when soil temperatures are at least 65 degrees at a soil depth of two inches.
- Light irrigation or "watering-in" after application shall be employed to reduce runoff and leaching losses of fertilizers.
- Over-application of any form of nitrogen is prohibited.
- Drift losses of nutrients can be deposited offsite and potentially affect water quality. Drift losses of applied nitrogen shall be minimized by (1) determining

wind speed and direction; (2) assessing air turbulence or stability; (3) optimizing droplet density and size distribution; (4) evaluating evaporation rate; (5) controlling the height and swath pattern of spray delivery; and (6) controlling volume and amount of applied nutrient carrier solution.

4.35.4 Turf/Leaf Tissue Analysis

The Nutrient Management Plan shall require turf grass/leaf tissue analysis on not less than a quarterly basis. Analytical results shall be made available to SAWS.

Plant tissue samples shall identify the amount of nitrogen and phosphorus in plants. This data, combined with of an evaluation the aesthetics of the turf, will determine the next set of fertilizer application rates which will based upon nutrient deficiencies.

Fairway plant tissue parameters to be analyzed shall include, at a minimum, phosphorus and nitrogen. Sampling results shall be incorporated into the nutrient budgets.

4.35.5 Soil Analysis

Applications of fertilizers at rates higher than those recommended by soil tests, plant tissue analysis, or those estimates based on realistic growth requirements, increases the risk of off-site nutrient movement by surface runoff or leaching, and is prohibited. Soil tests shall be taken regularly to determine specific nutrient requirements. All soil testing results shall be furnished to SAWS.

Fertilizer applications shall be based on plant tissue analysis, soil tests, soil temperatures, conditions of turfgrass, and weather conditions. Soil test results will aid in the development and modification of the nutrient budget.

4.35.6 Use of Slow Release Formulations of Nitrogen

Except as otherwise approved by SAWS, the Golf Courses shall utilize slow release fertilizers, which reduce environmental impacts resulting from losses of nitrates. However, the release of available nitrogen from the slow release fertilizers must match the time of active turfgrass uptake. Nitrogen released from slow release formulations during turfgrass dormancy is subject to long-term losses in leachate and runoff. Over-application of slow release and organic forms of nitrogen is prohibited in order to reduce the long-term potential for both surface water and groundwater contamination.

The application of liquid fertilizers to the Golf Courses is permitted only under terms and conditions approved in advance by SAWS.

4.35.7 Buffer Zones and Set Backs

The Design Plan shall include the use of buffer zones adjacent to surface water areas and areas with environmentally-sensitive features. Buffer zones of untreated vegetation, especially riparian vegetation, are extremely effective for removal of nutrients in runoff, interflow and percolating water.

No pesticide and fertilizer applications shall occur in buffer zone areas, except as may otherwise be approved in writing by SAWS.

In addition to the general buffer zone criteria, the application of mobile nitrogen fertilizers is prohibited in areas near surface water, recharge features, steep slopes, offsite drainage ways or on thin soils.

4.35.8 Control the Timing of Fertilizer Applications in Relation to Precipitation Events

Research on turfgrass and water quality demonstrates that major runoff and leaching losses of nitrogen, phosphorus, and pesticides will occur if rain events occur on the day of application or the day after application. The following criteria shall be incorporated into the Nutrient Management Plan and shall be utilized to schedule fertilizer applications:

- Fertilizer shall not be applied if, at the time of application, there is greater than 30 percent probability of rain occurring on the day of the scheduled application.
- Fertilizer shall not be applied if, at the time of application, there is greater than 35 percent probability of rain occurring on the day following the scheduled application.
- Fertilizer shall not be applied if, at the time of application, there is greater than 45 percent probability of rain occurring two (2) days following the scheduled application.

Light irrigation or "watering-in" after application shall be utilized to reduce the risk of runoff and leaching losses of fertilizer.

4.35.9 Use Appropriate Application Technology

Application techniques that reduce surface and leaching losses must be included in the Nutrient Management Plan. These techniques include:

- Incorporation, placement below the soil/thatch surface, and "watering in" of fertilizer reduces fertilizer losses in runoff and enhances soil adsorption.

Cibolo Canyon Golf Course Environmental Management Plan

- Frequent applications at reduced rates. This practice reduces the total load of nitrogen available for surface and subsurface losses and increases the efficacy of turfgrass uptake.
- Granular formulations shall be used whenever possible as opposed to surface applied liquid formulations of nitrogen.
- Application of fertilizers shall never occur on bare soil surfaces or impervious surfaces such as cart paths or maintenance roads.
- Maintenance and calibration of all application equipment is essential to provide for proper placement and rate of nutrient delivery. Improper calibration and equipment maintenance will result in over- or under-application and uneven distribution of nutrients and are prohibited.
- Maintenance of clean loading pads and clean up of any fertilizer spills in the maintenance areas is required.
- Disposal of granular fertilizer sacks, liquid fertilizer containers, and unused fertilizer shall be disposed in accordance with all applicable regulatory requirements. Plastic containers shall be triple rinsed prior to disposal.

4.35.10 Recordkeeping

Detailed records shall be kept identifying all forms and sources of nutrients applied to all turfgrass in order to determine loading rates of fertilizer application. Records of nutrient applications shall include:

- Types and amounts of commercial fertilizers.
- Whether clippings are returned to fairways and roughs from tees and greens.
- Available nutrients in irrigation water. The amount of irrigation water for a given area and concentration of the nutrient in the water is needed to determine the total mass of nutrient applied.

4.36 Turf Grass Management

The goal of irrigation is to provide the minimum amount of water required to produce the desired playing characteristics. Among the factors that are important to water need are grass selection and installation, plants in non-turf areas, irrigation zoning, determining when to water, and maintenance.

4.36.1 Turf Selection and Installation

The Design Plan shall identify all proposed turfgrasses for the Golf Course Golf Courses.

“Hybrid Bermuda Grass” is the turf selected by most golf courses in the South Central Texas area. It is well adapted to local environmental conditions and offers good playing characteristics. Baseline irrigation and pesticide practices are well documented.

If “Hybrid Bermuda Grass” such as Tifdwarf for greens and Tifway for tees and fairways are not selected, the alternative must be justified by advantages in reduced irrigation, reduced pesticide need and/or other environmentally advantageous management practices.

Turfgrass is most efficient when it grows on soil sufficiently enriched with organic material. All turf areas on the golf courses shall have not less than 8 inches of friable soil containing organic material.

Any off-site sources for fill dirt transported to the Golf Courses shall be sampled for pollutants prior to delivery of the fill dirt to the Golf Courses.

Sodding is more desirable than plugging for turf establishment because it reduces the water required to establish the grass and it reduces the threat of erosion during establishment of grass coverage. Where appropriate because of steep slopes or other water quality risk factors, solid sodding or other erosion control techniques are required to prevent erosion.

4.36.2 Non-Play Areas

Non-play areas that surround the fairway and roughs will be left as native Hill Country habitat. Native wildflowers may be added for additional beauty. With appropriate turf selection and management, non-play areas of the golf course may perform their function without irrigation. The Golf Courses shall not irrigate non-play areas in critical drought management periods.

Measures that shall be utilized to preserve the non-play areas include:

- The non-play preserved areas shall be protected during all phases of construction to protect root-zones and prevent compaction of soil.

- There will be a few understory plants that will be undesirable in the non-play areas. These shall be cleared only with hand tools or otherwise to prevent compaction of soils.
- Written procedures for management of non-play native areas shall be established.

4.36.3 Irrigation Plan

An Irrigation Plan shall be included within the WPAP. The Irrigation Plan shall identify BMPs for irrigation operations within each WQ Management Zone. Control and management of irrigation timing, rate, and frequency is a critical component for controlling both runoff and leaching of water from turfgrass and shall be addressed in the Irrigation Plan. If the application of irrigated water does not exceed soil infiltration and storage capacity, runoff and leaching do not occur.

4.36.4 Irrigation Schedules.

The Irrigation Plan shall utilize programmable irrigation control systems to meet the needs of the plant materials in order to prevent overwatering. Modern irrigation technologies shall be utilized to provide highly efficient water usage. The Irrigation Plan shall require use of an on-site weather station to compute the ET loss from the turfgrass daily. Irrigation head placement shall be designed to provide complete coverage of the golf course turf areas. Replacement irrigation will be based on ET as determined by the on-site weather station and shall utilize best management practices to conserve water. Actual irrigation rates must be recorded and a report summarizing irrigation practices shall be made available to SAWS annually upon request.

The Irrigation Plan shall establish irrigation schedules and volume based on need. Irrigation schedules shall minimize evaporation and reduce the potential for disease. Irrigation scheduling and control of irrigation volume effectively conserves water resources and protects water quality. Use of calendar irrigation methods are prohibited. Manipulation of irrigation volume, timing, and rate of application are the principal components of irrigation scheduling. Irrigation scheduling shall also be utilized to avoid runoff and leaching caused by over-watering.

Controllers shall be used to control irrigation systems. Controllers are electrical timing devices used to open or close valves that regulate flow of water to sprinkler heads. Optimal conservation of irrigation water is achieved by connecting effective moisture sensing devices to irrigation system controllers.

4.36.5 Irrigation Zoning

The Golf Course irrigation systems shall be designed so as to allow individual sprinkler zones to operate independently. The irrigation systems shall be designed to operate based on ET in accordance with the following criteria:

- The Golf Courses shall utilize an onsite weather station to measure ET.
- The weather station shall interface with the irrigation system to operate the zones based on water need determined by the ET rate.
- Best Management Practices shall be employed to conserve water and prevent over-watering in connection with all irrigation operations.

4.36.6 Water Conservation

The Irrigation Plan shall provide for the efficient management and conservation of water supplies to prevent unnecessary depletion of local water resources. As noted above, the plan shall include specific irrigation schedules based on replacing ET loss.

Water conservation shall also be achieved by minimizing the amount of acreage to be irrigated for golf course purposes. Specifically, not more than an average of 90 acres of each Golf Course envelope shall be irrigated.

Irrigation of the Golf Courses shall be subject to all conservation provisions set forth in the City of San Antonio City Code, Sections 34-271 through 34-350, as amended from time to time, but as applied in accordance with the Water Provision Agreement, by and between SAWS and the Developer, as such application is authorized by the Services Agreement.

The Irrigation Plan shall also establish an overall water conservation strategy. Water conservation plans target conservation of water on a continuous basis using the following general strategies:

- Establish lower boundary for deficit irrigation strategy (e.g. reduce percentage of ET replacement). The Irrigation Plan shall provide for field trials conducted by WQ Management Zone or by soil mapping unit to establish lower limits of deficit irrigation.
- Establish priority turfgrass areas requiring irrigation. Greens and tees have the highest priority followed by fairways, roughs, ornamental plantings, and unmanaged/natural areas. Irrigation priorities should be established prior to emergency conditions.
- Reduce total area irrigated and total volume applied to irrigated areas during water shortage conditions.

4.36.7 Audubon International

The Golf Courses shall comply with the design, construction, maintenance and facility operation principles, precepts and guidelines adopted by Audubon International.

4.36.8 Maintenance

Maintenance is critical to efficiently and effectively utilize irrigation water. The Irrigation Plan shall provide for regular inspection of irrigation systems to identify leaks and to monitor water usage. The Irrigation Plan shall specify the frequency of regular mechanical performance evaluations to detect problems such as worn nozzles, leaking valves/heads, valve operation, satellite controller security and pump station operation.

Golf Course staff will be trained to identify leaks and malfunctioning irrigation heads. A formal system shall be established to report conditions and initiate repair work immediately. All irrigation heads shall be inspected not less than weekly. The inspection will be documented in a report completed and retained on site and made available for review by SAWS upon request.

An annual audit of the irrigation system shall be conducted by a licensed irrigator. The audit will include an efficiency determination and identify new technologies and solutions (if they exist) to maintain the Golf Course irrigation system(s) at a minimum of 85 percent efficiency.

VOL 9766 PG 1760

4.37 Wellhead Protection

An established and effective Wellhead and Source Water Protection Program is an essential element in the protection of groundwater resources. The amendments to the federal Safe Drinking Water Act of 1986 provide for groundwater protection through the Wellhead and Source Water Protection Program, prevention approaches, and a source water protection assessment program.

At the time of submission of the WPAP, a detailed Wellhead and Source Water Protection Plan ("Wellhead Protection Plan") shall be submitted to SAWS for review and approval. The Wellhead Protection Plan must include BMPs that meet or exceed all set-back distances required by all applicable regulatory authorities for potential sources of contamination. Potential sources of contamination are identified in Table 2. An emergency contingency procedure shall be included in the Wellhead Protection Plan to address the response, containment and remediation of any hazardous materials spilled.

The Wellhead Protection Plan shall also identify and protect the general geology and occurrence of groundwater in the area, land use, and shall include an inventory of historical and present potential sources of contamination within one-quarter mile of each well.

Any abandoned wells not utilized by SAWS for water quality monitoring purposes located at the Golf Courses must be identified in the Wellhead Protection Plan and shall be plugged in accordance Chapter 34, Article VI, Section 36-576 of the City's Utility Development Code and 30 Texas Administrative Code Chapter 338.

4.37.1 Methodology

The Wellhead Protection Plan shall include the following minimum elements:

- Delineation and location of each well located at each of the Golf Courses.
- Inventory of potential sources of contamination within the delineated areas.

4.37.2 Delineation

The delineation of Wellhead Protection Areas ("WHPAs") is an important means for safeguarding water supplies. As defined in the 1986 Safe Drinking Water Act amendments, a WHPA is the surface and subsurface area surrounding a water well or well-field through which contaminants are reasonably likely to move toward and reach such water well or well-field. The Wellhead Protection Plan shall include an initial delineation of one-quarter mile around each well. Conditions of both surface and groundwater flow patterns must be noted in the delineation of each well site.

4.37.3 Inventory

The Wellhead Protection Plan shall locate all well locations and shall inventory all potential sources of contamination within one-quarter mile of the Golf Courses using a Global Positioning Satellite system. The GPS information shall be made available to SAWS in a format for downloading into a SAWS Geographic Information System ("GIS") where it can be used for mapping and/or for reference and analysis. The Wellhead Protection Plan shall be updated promptly to identify any new well locations and/or possible sources of contamination.

VOL 9766 PG 1762

Table 2

POTENTIAL SOURCES OF GROUND WATER QUALITY DEGRADATION

<p>Potential Ground Water Quality Pollution Sources that Originate on the Land Surface</p> <ul style="list-style-type: none"> • Aboveground storage tanks • Accidental spills • Animal feedlots • De-icing salt usage and storage • Dumps • Fertilizers and pesticides • Grain storage bins • Industrial activities • Infiltration of polluted surface water • Land disposal of either solid or liquid wastes • Particulate matter from airborne sources • Stockpiles • Surface runoff
<p>Potential Ground Water Quality Pollution Sources that Originate in the Ground Above the Water Table</p> <ul style="list-style-type: none"> • Artificial recharge • Graveyards • Holding ponds and lagoons • Leakage from underground storage pipelines • Leakage from underground storage tanks • Sanitary landfills • Septic tanks, cesspools, and privies • Sumps and dry wells • Waste disposal in excavations
<p>Potential Ground Water Quality Pollution Sources that Originate Below the Water Table</p> <ul style="list-style-type: none"> • Abandoned wells • Drainage wells and canals • Exploratory wells • Improperly constructed or deteriorated water wells • Mines • Secondary recovery • Underground storage tanks • Waste disposal in well excavations • Well disposal of wastes

VOL 9766 P01763

5.0 WATER QUALITY MONITORING PLAN

The Golf Courses shall be subject to comprehensive water quality monitoring in accordance with the framework set forth in this PLAN. As more fully set forth below, the Water Quality Monitoring Plan shall include surface water, leachate, and groundwater sampling and monitoring components. The Developer and its successors and assigns shall be responsible for performing the Golf Course runoff, Golf Course surface water, and leachate sampling components of the Water Quality Monitoring Plan, while SAWS shall be authorized to perform monitoring of surface water in adjacent creeks and groundwater. Notwithstanding Developer's responsibility for performing sampling for Golf Course runoff, surface water, and leachate in accordance with this PLAN, SAWS shall be authorized to enter the Property at any time without prior notice to perform sampling of surface water, leachate and/or groundwater within the Property. At the time of entry to the Golf Courses, SAWS shall endeavor to minimize any disruption or interference with Golf Course play and shall provide notice to any representative of the Golf Courses that may be present, but such person's consent shall not be required for SAWS to enter the Golf Courses.

The stormwater, surface water, and leachate sampling components of the Water Quality Monitoring Plan shall be included in the WPAP(s) for the Golf Courses. These components shall provide for comprehensive sampling of Golf Course runoff and leachate to ensure that construction activities and Golf Course operations are detected prior to any adverse impact on the Edwards Aquifer, the Trinity Aquifer and other water resources.

The stormwater, surface water, and leachate sampling components of the Water Quality Monitoring Plan shall provide for the comprehensive sampling of runoff and leachate within the Golf Courses. This component shall be achieved through comprehensive sampling at Golf Course surface water sampling locations, lysimeters, irrigation lakes, catch basins and other on-site testing in order to monitor the quality of water within the Golf Courses. The sampling locations shall be approved by SAWS based on proximity to Sensitive Features and other water quality risk factors. The minimum sampling parameters for the Golf Courses are established in Sections 5.3 and 5.4.

The minimum parameters to be sampled in the stormwater sampling and leachate sampling components of the Water Quality Monitoring Plan are identified in the tables set forth in this Article V. With respect to fertilizers and pesticides, however, the parameters to be monitored shall be based on the specific compounds applied to the Golf Courses. In identifying such compounds, the owner or owners of each Golf Course shall identify the manufacturers' Material Safety Data Sheets ("MSDS") for the pesticides, herbicides, fungicides, algaecides and other materials to be applied to the Golf Courses and shall develop a list of proposed analytes, subject to SAWS' approval, from these MSDS sheets. This method will provide for the sampling of

indicator metals and other materials that may be present in the pesticides, herbicides, fungicides, algaecides and other materials applied to the Golf Courses. A copy of all such MSDS sheets shall be furnished to SAWS upon request. SAWS shall approve the proposed list of analytes to be sampled, and may change the analytes from time to time, based on the leachate potential and other water quality risk factors presented by the compounds proposed for application to the Golf Courses.

The Water Quality Monitoring Plan set forth herein includes specific "Trigger Levels" for Corrective Action. Trigger Levels will be based upon specified percentages of the following regulatory standards as follows:

- **Golf Course Trigger Levels:** Except as otherwise provided in Section 6.1 or as may be approved by SAWS in the context of a closed loop irrigation system, Trigger Levels for surface water and leachate within the Golf Courses (including runoff) shall be fifty percent (50%) of the maximum contaminant level ("MCL") under the Safe Drinking Water Act, if any. In the event that the Safe Drinking Water Act does not specify an MCL for a compound, then the Trigger Level shall be equal to fifty percent (50%) of the Texas Risk Reduction Program ("TRRP") tier 1 residential PCL. In the event that a compound is not addressed by the Safe Drinking Water Act or the TRRP, then the Trigger Level shall be equal to 50% of the Texas Surface Water Quality Standards ("TSWQS"). The applicable MCL, TRRP or TSWQS standards are hereinafter referred to collectively as the "Regulatory Standards." As noted in Section 4.3 and Section 6.1, the Developer may request modifications of Trigger Levels that would otherwise be applicable to Golf Course surface water runoff in the event that a closed loop irrigation system is utilized.
- **Non-Golf Course Trigger Levels:** Trigger Levels for surface water within adjacent creeks shall be thirty percent (30%) of Regulatory Standards.
- **Groundwater Trigger Levels:** For groundwater, Trigger Levels shall be twenty percent (20%) of Regulatory Standards.

5.1 Responsibility for Monitoring

Except as otherwise set forth in this PLAN, the Developer shall be responsible for acquisition and proper construction and installation of all water quality sampling devices and equipment required under the stormwater sampling and leachate sampling components of the Water Quality Monitoring Plan at its sole cost and expense. The Developer and its successors shall provide as much prior notice to SAWS as practicable of each sampling event, so that an authorized representative of SAWS may be present to observe such sampling event and take "split

Cibolo Canyon Golf Course Environmental Management Plan

samples," at SAWS' discretion. SAWS shall be responsible for all costs and expenses that it incurs in connection with such observation and/or sampling.

The Developer shall be responsible for performing the stormwater sampling, Golf Course surface water sampling, and leachate sampling components of the Water Quality Monitoring Plan at its sole cost and expense. Responsibility for sampling may be assigned by the Developer to successive owners, lessees and operators of any one or more of the Golf Courses, provided prior notice and a copy thereof are furnished to SAWS and the City, and provided further that SAWS and the City approve such assignment. SAWS and the City hereby consent to the assignment of responsibility for the water quality monitoring components of this PLAN to PGA in accordance with the terms and conditions of the Services Agreement. Notwithstanding any provision in this PLAN or the Services Agreement to the contrary, all sales, leases or operating agreements the subject of which is any one or more of the Golf Courses shall expressly provide that the purchaser, lessee or operator (as applicable) covenants and agrees to comply with the stormwater sampling, Golf Course surface water sampling, and leachate sampling components of the Water Quality Monitoring Plan.

In addition to the scheduled stormwater, surface water, and leachate sampling components of the Water Quality Monitoring Plan to be performed by the Developer and/or subsequent owners, lessees or operators, SAWS shall have the right to enter the Property at any time without prior notice to perform water quality sampling and monitoring at any location determined in the sole discretion of SAWS, including surface water in creeks and groundwater wells located on the Property. SAWS shall minimize any disruption of Golf Course play caused by any such entry. A representative of the Golf Courses may be present to observe such events. SAWS shall be responsible for all costs and expenses that it incurs in connection with its sampling and monitoring activities. The Developer and/or other authorized representative(s) of the Golf Courses shall be authorized to take "split samples" at the same time as SAWS performs such sampling and monitoring, provided all costs and expenses incurred by such persons shall be their sole responsibility and SAWS shall have no responsibility therefor.

SAWS shall be authorized to construct, at its sole cost and expense, groundwater monitoring wells and surface water sampling and monitoring stations within the Property; provided such wells and sampling devices shall be located in areas that do not unreasonably interfere with play on the Golf Courses and do not unreasonably interfere with Developer's construction of improvements within the Property. SAWS and the Developer shall coordinate in good faith concerning the proposed location(s) of any such sampling and monitoring devices and wells.

The Developer agrees on behalf of itself and its successors and assigns that it shall not plug any groundwater well(s) on the Property (whether in existence or constructed hereafter), or take any other actions which may prevent SAWS from utilizing such wells for groundwater monitoring purposes, without SAWS' prior written consent.

The person(s) or entities responsible for water quality sampling and monitoring hereunder shall be responsible for maintaining all water quality sampling and monitoring devices and locations in proper operating condition at all times.

5.2 Annual Payment by Developer For Water Quality Monitoring

The Developer agrees to pay to SAWS a sum equal to \$100,000 per year during the term of the Services Agreement. The initial payment shall be made within thirty (30) days of the effective date of the Services Agreement, and shall thereafter be paid on or before December 31 of each year that the Services Agreement remains in effect. Upon expiration of the Services Agreement, Developer's and any successive Golf Course owner's obligation to pay the annual \$100,000 payment to SAWS shall terminate simultaneously therewith. The purpose of the foregoing financial contribution is to contribute to certain costs that may be incurred by SAWS under this PLAN, including administrative, review, monitoring, and investigation costs.

As set forth in the Services Agreement, the Developer and each successive owner of the Golf Courses, or any portion thereof, shall be jointly and severally liable for annual payment of the \$100,000 sum.

5.3 Sampling Protocol

Sample collection methods, documentation, handling and analysis will be conducted in accordance with standard scientific methods recognized by EPA. The Water Quality Monitoring Program may include a combination of automatic sampling devices and hand collected samples.

All samples shall be analyzed by State-approved laboratories. The Developer shall submit samples only to laboratories that utilize detection limits that are lower than the applicable Regulatory Standard for each analyte. Quality assurance/quality control samples shall be submitted to the laboratory with each sample. The testing laboratories' quality assurance/quality control data, together with the analytical reports, shall be furnished to SAWS upon request.

For purposes of the Water Quality Monitoring Plan, a rain event shall be defined as an event that is greater than 0.1 inches in magnitude, that generates sufficient runoff to collect valid samples, and that occurs at least 72 hours from the previously measurable (greater than 0.1 inches) rain event.

5.4 Golf Course Surface Water Sampling

The surface water sampling component of the Water Quality Monitoring Plan shall provide for sampling of surface water runoff on not less than two holes on each Golf Course and in all irrigation lakes. The Golf Courses shall be designed and constructed to allow for such water quality sampling. The holes to be sampled shall be approved by SAWS and shall be selected based on location to creek, location to Sensitive Features, and other water quality risk factors.

Cibolo Canyon Golf Course Environmental Management Plan

The two holes will each be set up to take not less than four samples, as well as leachate sampling as described below. The first surface water sampling location will be from the fairway at a location to be approved by SAWS. As a best management practice, the fairway must be designed to retain stormwater in an area longer and allow infiltration and uptake by the turf rather than allowing stormwater to quickly run offsite. Stormwater runoff must be directed to a discharge point. The discharge point will be designed to allow representative sampling of water quality.

The second surface water sampling point will be from the green area. The sampling location, to be approved by SAWS, shall allow for comprehensive sampling of the quality of any stormwater runoff from the green area.

Sampling will be performed on each Golf Course hole (consisting of not less than four locations on each of two holes per golf course) and each of the three additional lysimeter locations (as selected by SAWS pursuant to Section 5.5) not less than four times per year, on a quarterly basis. A grab sample will be taken from the first flush during the first 30 minutes of the runoff event from each sampling point. Sampling stations shall also be constructed and located on the Golf Courses so as to allow composite samples taken approximately 20 minutes apart during an entire storm event or for the first three hours, whichever is shorter.

Sampling must also be performed during the first rain event that generates sufficient runoff after each blanket application of pesticides or fertilizers. Such sampling may qualify as one of the required quarterly sampling events, provided it meets all applicable requirements of the approved Water Quality Monitoring Plan.

In addition to Golf Course surface water runoff sampling, all irrigation lakes on each Golf Course shall be sampled bi-monthly (i.e., every other month) for the first two years, and four times per year thereafter. The Water Quality Monitoring Plan shall also require that all irrigation lakes, ponds and water features constructed on the Golf Courses be monitored on a regular basis for leakage. Any leakage or leaching into sub-surface water resources shall be immediately reported to the SAWS Resource Protection and Compliance Department Director. Immediate action shall be taken by the Developer to stop the leakage, and depending upon surrounding circumstances, including the quality of irrigation water within the irrigation lake(s) and the potential quantity of irrigation water that may have leaked, SAWS may require Corrective Action in accordance with Section 6.4 of this PLAN.

The following tables summarize the minimum requirements to be included in the Water Quality Monitoring Plan for parameters to be sampled, sampling frequency, and Corrective Action Trigger Levels for Golf Course surface water runoff and irrigation lake sampling:

Cibolo Canyon Golf Course Environmental Management Plan

Table 3 GOLF COURSE SURFACE WATER SAMPLING REQUIREMENTS

SURFACE RUNOFF SAMPLING (GOLF COURSE SAMPLING POINTS)						
	Regulatory Standard(A)	Units	Trigger Level(B)	Sample Frequency		
				First and Second Years	Third, Fourth, and Fifth Years	Sixth Year and Forward(I)
General Quality Parameters						
Temperature	NA	°F	NA	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
PH	6.5-8.5(D)	S.U.	NA	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Conductivity, Specific	NA	µS/cm	NA	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Total Suspended Solids	NA	mg/l	NA	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Nutrients						
Nitrate-N	10	mg/l	5	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Nitrite-N	1	mg/l	0.5	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Nitrate-nitrite-N	10(E)	mg/l	5	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Ammonia-N	30(F)	mg/l	15	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Sulfate	200(G)	mg/l	100	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Phosphorus (J)						
Pesticides/Herbicides/Fungicides/Algaecides						
Pesticides	C	mg/l	B	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Herbicides	C	mg/l	B	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Fungicide	C	mg/l	B	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Algaecides	C	mg/l	B	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Key Code						
A. MCLs, TCEQ Tier 1 Residential Groundwater Ingestion PCLs, or TSWQS.						
B. Trigger Levels are 50% of Regulatory Standards						
C. Chemical Specific Per Compound Applied						
D. EPA Secondary Drinking Water Standard						
E. EPA MCL						
F. EPA Lifetime Health Advisory						
G. TSWQS						
H. Blanket application of pesticides or fertilizers refers to applications that are made over large portions of a Golf Course, as opposed to spot applications.						
I. To Be Determined by SAWS – Historical record will be assessed and a determination will be made for future sampling analysis requirements; provided, however, that sampling requirements shall not be more frequent than applicable in years three through five without Developer's consent.						
J. Trigger levels to be established by SAWS based on historical sampling data						

VOL 9766 PG 1769

Cibolo Canyon Golf Course Environmental Management Plan

Table 4 IRRIGATION LAKE SAMPLING REQUIREMENTS

IRRIGATION LAKE SAMPLING						
				Sample Frequency		
	Regulatory Standard(A)	Units	Trigger Level(B)	First Year(J)	Second through Fifth Years	Sixth Year and Forward(H)
General Quality Parameters						
Temperature	NA	°F	NA	Bi-Monthly	4 Times/Year	TBD
PH	6.5-8.5(D)	S.U.	NA	Bi-Monthly	4 Times/Year	TBD
Conductivity, Specific	NA	µS/cm	NA	Bi-Monthly	4 Times/Year	TBD
Total Suspended Solids	NA	mg/l	NA	Bi-Monthly	4 Times/Year	TBD
Nutrients						
Nitrate-N	10	mg/l	5	Bi-Monthly	4 Times/Year	TBD
Nitrite-N	1	mg/l	0.5	Bi-Monthly	4 Times/Year	TBD
Nitrate-nitrite-N	10(E)	mg/l	5	Bi-Monthly	4 Times/Year	TBD
Ammonia-N	30(F)	mg/l	15	Bi-Monthly	4 Times/Year	TBD
Sulfate	200(G)	mg/l	100	Bi-Monthly	4 Times/Year	TBD
Phosphorus (I)						
Pesticides/Herbicides/Fungicides/Algaecides						
Pesticides	C	mg/l	B	Bi-Monthly	4 Times/Year	TBD
Herbicides	C	mg/l	B	Bi-Monthly	4 Times/Year	TBD
Fungicide	C	mg/l	B	Bi-Monthly	4 Times/Year	TBD
Algaecides	C	mg/l	B	Bi-Monthly	4 Times/Year	TBD
Key Code						
A. MCLs, TCEQ Tier 1 Residential Groundwater Ingestion PCLs, or TSWQS.						
B. Trigger Levels are 50% of Regulatory Standards						
C. Chemical Specific Per Compound Applied						
D. EPA Secondary Drinking Water Standard						
E. EPA MCL						
F. EPA Lifetime Health Advisory						
G. TCEQ Secondary MCL						
H. To Be Determined by SAWS – Historical record will be assessed and a determination will be made for future sampling analysis requirements; provided, however, that sampling requirements shall not be more frequent than applicable in years three through five without Developer's consent.						
I. Trigger Levels to be established by SAWS based on historical sampling data						
J. "Bi-monthly" sampling shall be performed once every two months.						

VOL 9766 PG 1770

5.5 Golf Course Leachate Sampling

The Design Plan and Water Quality Monitoring Plan shall provide for the installation and monitoring of lysimeters on each Golf Course at locations to be approved by SAWS in the Design Plan for purposes of providing comprehensive sampling and analysis of leachate water quality below the Golf Courses. The lysimeters shall be installed at those locations that present the greatest potential for subsurface leaching, as identified by a Water Quality Management Zone or as otherwise approved by SAWS. The Developer shall be required to install at its sole cost and expense up to twenty (20) lysimeters on each Golf Course. The final number of lysimeters to be constructed on each Golf Course shall be determined by SAWS at the time of review and approval of the Design Plan and the Water Quality Monitoring Plan based on the topography of each Golf Course, proximity to Recharge Features, and other water quality risk factors. In the event that SAWS determines that more than twenty lysimeters are required on any one or more of the Golf Courses, then SAWS and the Developer shall each pay one-half (1/2) of the cost of installation of each such additional lysimeter. Upon completion of construction of each Golf Course, SAWS shall not require or perform the installation of additional lysimeters unless previous water quality sampling data indicates a potential impact of Golf Course operations on water quality and determines such additional sampling is necessary for source identification, remediation, or other water quality purposes.

The Design Plan and Water Quality Monitoring Plan shall identify the proposed depth of all lysimeters, which shall be representative of soil depths in each Water Quality Management Zone.

Not less than two of the four required sampling locations for each of the two Golf Course holes (per Golf Course) designed for comprehensive sampling shall consist of lysimeter sampling locations approved by SAWS. The first lysimeter sampling location shall be located at the tee box. An underdrain system must be designed and constructed to collect water from the tee box area and carry the water to a discharge point. Sampling shall be performed with a lysimeter to be placed at a depth and location to be approved by SAWS in the vegetated catchment area adjacent to the tee that captures water from the underdrain system installed below the tee.

The second lysimeter sampling point shall be located adjacent to the green area. Specifically, such lysimeter must be placed at a depth and location to be approved by SAWS in the vegetated catchment area adjacent to the green that captures water from the underdrain system installed below such green.

SAWS shall select not more than three lysimeters per Golf Course (in addition to the two lysimeters to be sampled on each of the two Golf Course holes set up for comprehensive sampling pursuant to Section 5.4) to be sampled by Developer during each sampling event. Leachate sampling shall be performed not less than four times per year for the first five years after Golf Course construction and after blanket application of pesticides or fertilizers.

VOL 9766 PG 1771

Cibolo Canyon Golf Course Environmental Management Plan

Thereafter, SAWS may change the frequency of sampling based on historical sampling data. Testing after blanket application of pesticides or fertilizers can count as two of the four required tests. The same sampling protocol as described above with respect to surface water runoff sampling shall apply to leachate sampling.

The following table summarizes the minimum requirements to be included in the Water Quality Monitoring Plan for parameters to be sampled, sampling frequency, and Corrective Action Trigger Levels for Golf Course leachate monitoring:

VOL 9766 P01772

Cibolo Canyon Golf Course Environmental Management Plan

Table 5 LYSIMETER SAMPLING REQUIREMENTS

LYSIMETER SAMPLING						
				Sample Frequency		
	Regulatory Standard(A)	Units	Trigger Level(B)	First and Second Years	Third, Fourth, and Fifth Years	Sixth Year and Forward(I)
General Quality Parameters						
Temperature	NA	°F	NA	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
PH	6.5-8.5(D)	S.U.	NA	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Conductivity, Specific	NA	µS/cm	NA	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Total Suspended Solids	NA	mg/l	NA	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Nutrients						
Nitrate-N	10	mg/l	5	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Nitrite-N	1	mg/l	0.5	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Nitrate-nitrite-N	10(E)	mg/l	5	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Ammonia-N	30(F)	mg/l	15	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Sulfate	300(G)	mg/l	150	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Phosphorus (J)						
Pesticides/Herbicides/Fungicides/Algaecides						
Pesticides	C	mg/l	B	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Herbicides	C	mg/l	B	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Fungicide	C	mg/l	B	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Algaecides	C	mg/l	B	4 Events/Year Including Twice After Blanket Applications(H)	4 Times/Year	TBD
Key Code						
A. TCEQ Tier 1 Residential Groundwater Ingestion PCLs, unless otherwise noted.						
B. Trigger Levels are 50% of Regulatory Standards						
C. Chemical Specific Per Compound Applied						
D. EPA Secondary Drinking Water Standard						
E. EPA MCL						
F. EPA Lifetime Health Advisory						
G. TCEQ Secondary MCL						
H. The term Blanket application of pesticides or fertilizers which are made only once or twice a year over large portions of the Golf Course, as opposed to spot applications. Post-blanket application sampling may qualify as a quarterly sampling event.						
I. To Be Determined by SAWS – Historical record will be assessed and a determination will be made for future sampling analysis requirements; provided, however, that sampling requirements shall not be more frequent than applicable in years three through five without Developer's consent.						
J. Trigger levels to be established by SAWS based on historical sampling data						

VOL 9766 PG 1773

5.6 Non-Golf Course Surface Water Monitoring

SAWS shall be authorized to enter the Property at all times to perform sampling of surface water of creeks and runoff to evaluate the quality of surface water prior to Golf Course areas and the quality of water exiting the Golf Courses, including water exiting catchment basins, in locations so as to minimize any disruption to Golf Course play. In connection therewith, SAWS shall be authorized to install monitoring stations and related improvements. SAWS shall be responsible for all costs associated with monitoring surface water in non-Golf Course areas. An authorized representative of the Developer or its successors may be present and take "split samples" at the same time as SAWS performs its sampling and monitoring, provided SAWS shall have no responsibility for any costs or expenses incurred by the Developer or its successors in connection with such sampling.

The Developer consents to the installation by SAWS of a surface water quality monitoring station "upstream" of the Golf Courses at a location to be selected by SAWS, for purposes of analyzing the quality of surface water prior to entering the Golf Courses. SAWS shall select a site that does not materially interfere with construction activities by Developer. SAWS shall pay all costs and expenses associated with the installation of the monitoring station utilizing Developer's annual financial contribution (as set forth in Section 5.2 of this PLAN) or other available funds.

5.7 Groundwater Monitoring

SAWS shall be authorized to enter the Property at all times to perform groundwater monitoring utilizing all groundwater wells that may exist or be constructed from time to time on the Property. In addition, SAWS shall be authorized to construct additional groundwater monitoring wells on the Property; provided, however, such wells must be constructed at locations that do not materially interfere with play on the Golf Course or construction of improvements by Developer and its successors. SAWS shall be responsible for payment of all costs and expenses incurred by SAWS in connection with groundwater monitoring, and the Developer shall have no responsibility therefore.

The Developer agrees on behalf of itself and its successors and assigns that it shall not plug any groundwater well(s) on the Property (whether in existence or constructed hereafter), or take any other actions which may prevent SAWS from utilizing such wells for groundwater monitoring purposes, without SAWS' prior written consent.

6.0 CORRECTIVE ACTION

This PLAN is intended to ensure that there is no degradation of surface water or groundwater quality as a result of the construction and operation of the Golf Courses within the Property. To achieve this result, substance-specific numerical standards for contaminants shall serve as "Trigger Levels" for purposes of triggering the need for Corrective Action. The applicable

Trigger Levels shall be based on a specified percentage of the applicable Regulatory Standards for the pollutants as follows:

6.1 Golf Course Trigger Levels

The level of pollutants in surface water and leachate sampled within the Golf Courses shall not exceed fifty percent (50%) of Regulatory Standards. The Golf Course Trigger Levels shall not be applicable to surface water runoff that is undergoing proper treatment within catchment basins. Further, in the event that a closed loop irrigation system is utilized, the Developer may request modification of Golf Course Trigger Levels applicable to other surface water runoff within the Golf Courses prior to treatment by catchment basins or other water quality features. Any such modifications will require SAWS' prior written approval. Further, in the event that SAWS grants its written approval to such request, SAWS shall retain the right to subsequently withdraw any such approval based upon subsequent sampling results or other water quality concerns.

6.2 Non-Golf Course Trigger Levels

The level of pollutants in surface water monitored by SAWS in and entering adjacent creeks shall not exceed thirty percent (30%) of Regulatory Standards.

6.3 Groundwater Trigger Levels

The level of pollutants in surface water monitored by SAWS in groundwater shall not exceed twenty percent (20%) of Regulatory Standards.

6.4 Corrective Action Plan

In the event that any water quality sampling or monitoring by Developer or SAWS indicates the presence of any Golf Course related constituent above Trigger Levels, then immediate Corrective Action shall be taken by Developer and continued until the constituent(s) stabilize to approved cleanup levels, in accordance with the phased procedures hereinafter set forth.

6.4.1 Notice.

In the event that any water quality sampling performed by Developer indicates the presence of any analyte above applicable Trigger Levels, then the Developer shall provide immediate written notice thereof to SAWS, along with a copy of the analytical results. In the event that any water quality sampling performed by SAWS indicates the presence of any analyte above applicable Trigger Levels, then SAWS shall provide immediate written notice to the Developer, along with a copy of the laboratory analyses reports.

6.4.2 10 Day Period for Establishing No Responsibility

Upon receipt of sampling results that indicate the presence of any analyte above applicable Trigger Levels (or the receipt of written notice thereof from SAWS based on SAWS' sampling), the Developer shall have a ten (10) day period to produce clear and convincing objective evidence that the elevated constituents identified by the sampling are unrelated to the Golf Course operations as reasonably determined by SAWS.

6.4.3 Phase I Corrective Action Plan

In the event that the Developer fails to timely establish by clear and convincing objective evidence that the elevated constituents identified by sampling are unrelated to Golf Course operations as reasonably determined by SAWS in accordance with Section 6.4.2, then SAWS shall notify the Developer in writing. Thereafter, the Developer shall have ten (10) days to prepare and submit to SAWS "Phase I" of a Corrective Action Plan for review and approval. Any applicable phase of the Corrective Action Plan shall also be submitted to TCEQ to the extent that the agency has jurisdiction. The Phase I Corrective Action Plan submitted to SAWS shall include the following minimum components, except as otherwise determined not applicable by SAWS:

Phase I Corrective Action Plan Requirements:

- Subsequent sampling to confirm presence of elevated constituent(s);
- Identification of potential source;
- Continued monitoring of the constituent of concern;
- A procedure specifying subsequent samplings and analysis which shall be tailored for the purpose of specifically identifying the Golf Course operation practices and procedures which have the potential to have contributed to the resulting elevated constituents;
- A proposed timeframe by which Phase 1 sampling shall terminate and Phase II of the Corrective Action Plan shall commence; and
- Any components required by SAWS in its written notice to Developer, including by way of example and not in limitation, any Golf Course related management practice modifications.

The Phase I Corrective Action Plan requirements, including any modifications thereto required by SAWS in connection with its approval, shall be implemented immediately upon receipt of SAWS' approval.

In the event that Phase I sampling does not confirm the existence of an analyte above Trigger Levels or demonstrates by clear and convincing objective evidence that the constituent is not Golf Course-related, then the Developer shall provide such sampling results to SAWS for review and approval. Upon receipt of written approval from SAWS, Phase I of the Corrective Action Plan shall terminate and the Developer shall be released from further responsibility for compliance therewith.

6.4.4 Phase II Corrective Action Plan

Upon the completion or expiration of Phase I of the Corrective Action Plan, the Developer shall immediately submit to SAWS a Phase II Corrective Action Plan for review and approval. The Phase II portion of the Corrective Action Plan shall be based on the investigative findings produced in the Phase I portion of the Corrective Action Plan, and shall be designed to eliminate the potential source(s) of the elevated constituent identified and confirmed by subsequent sampling in Phase I. The Phase II Corrective Action Plan shall include the following minimum components, except as otherwise determined not applicable by SAWS:

Phase II Corrective Action Plan Requirements:

- Continued monitoring of the constituent of concern;
- Modification of fertilizer application, nutrient application, irrigation rates and other management practices to address the constituent of concern;
- Structural remediation shall take place as necessary;
- Proposed schedule for implementation and completion of Phase II Corrective Action; and
- Proposed cleanup level(s), which shall be no less stringent than the applicable Trigger Level or as otherwise approved in writing by SAWS.

The Phase II Corrective Action Plan components, including any modifications thereto required by SAWS in connection with its approval, shall be implemented immediately upon approval of SAWS.

If a complete Phase I or Phase II Corrective Action Plan is not timely submitted to SAWS or any deficiencies in the above-referenced components identified by SAWS are not incorporated into the applicable phase of the Corrective Action Plan, then SAWS shall have the right to impose mandatory changes in management practices, including the suspension of pesticide and fertilizer applications in one or more areas of the Golf Courses, until the source is located and corrected, or exercise any of the other enforcement rights provided for under this PLAN.

6.4.5 Phase III Corrective Action Plan.

If constituent concentrations do not decrease to approved cleanup levels after implementation of the management practice modifications set forth in the approved Phase II Corrective Action Plan, then Developer shall commence Phase III of the Corrective Action Plan immediately upon the expiration of Phase II Corrective Action. The Phase III Corrective Action Plan shall include the following minimum components, as determined and approved by SAWS:

- A comprehensive evaluation of the potential source medium and source location shall be conducted in a manner and according to a schedule approved by SAWS and any other regulatory authority with jurisdiction. Additional sampling shall be performed, or soil leachate to groundwater modeling shall be utilized, as necessary to identify the source of the contamination.
- In the event that the Phase II management practice modifications do not timely lower concentrations to cleanup levels, then SAWS may require as part of Phase III the preparation and implementation of a formal remediation plan to be approved by SAWS. Remediation shall be undertaken in accordance with the methodology set forth in the TCEQ's Texas Risk Reduction Program for residential property, or other methodology reasonably required by SAWS in the event that TCEQ's Texas Risk Reduction Program for residential property does not provide for remediation under the circumstances. Except as otherwise determined by SAWS, the cleanup levels to be achieved in connection with any such remediation plan shall be below the specified percentage of Regulatory Standards that triggered Corrective Action, as identified in Sections 6.1 through 6.3 above. Upon request by Developer that SAWS impose a different cleanup level, SAWS will consider the quality of water supplied by SAWS for irrigation and other factors that may be relevant to the appropriate cleanup level.

6.5 Responsibility for Corrective Action

The Developer shall be responsible for all corrective action hereunder. Responsibility for corrective action may be assigned by Developer to successive owners, lessees and/or operators of any one or more of the Golf Courses provided prior notice and a copy of such assignment is furnished to SAWS, and provided further that the prior approval of the City and SAWS is received for such assignment. The City and SAWS hereby consent to the assignment of responsibility for corrective action under this PLAN by the Developer to PGA in accordance with the terms and conditions of the Services Agreement.

Notwithstanding any provision in this PLAN or the Services Agreement to the contrary, all sales or leases of any one or more of the Golf Courses shall expressly provide that the purchaser or

Cibolo Canyon Golf Course Environmental Management Plan

lessee (as applicable) covenants and agrees to comply with and assume the corrective action obligations set forth herein.

All corrective action shall be at the sole cost and expense of the Developer and successive owners, lessees and operators of the Golf Courses (except to the extent that that an authorized representatives of the City and SAWS have released the Developer from all or a portion of its corrective action obligations).

SAWS acknowledges and agrees that the Developer shall have no responsibility to perform corrective action for contamination unrelated to Golf Course operations. The Developer shall have the burden of demonstrating, through clear and convincing objective evidence, that any elevated constituents identified by sampling performed by SAWS or the Developer is unrelated to Golf Course operations. Such demonstration must be made within the ten (10) day period for submission of a corrective action plan as set forth in Section 6.4.2 as a result of Phase I sampling, or such different period of time as may be approved by SAWS.

VOL 9766 PG 1779

ENFORCEMENT

7.0 Enforcement

The Developer acknowledges and agrees that it is contractually obligated to comply with the applicable provisions of this PLAN and all operation plans approved by SAWS pursuant hereto, including the WPAP. Further, these obligations shall run with the land and shall be binding on any subsequent owner, lessee, and operator of the Golf Courses. In addition to any rights at law or in equity that may be available to SAWS or the City of San Antonio, the Developer agrees, as a matter of contract and on behalf of its respective successors and assigns, that any failure to comply with this PLAN or an operation plan approved by SAWS shall entitle the City and/or SAWS to exercise one or more of the enforcement rights described below.

Notwithstanding any provision in this PLAN or the Services Agreement to the contrary, all sales or leases of any one or more of the Golf Courses shall expressly provide that the purchaser or lessee (as applicable) covenants and agrees to comply with, and be subject to, the enforcement provisions set forth herein. Upon assignment to PGA, SAWS and the City shall release the Developer from enforcement action only in accordance with the terms and conditions set forth in the Services Agreement.

7.1 Termination of Services Agreement

At any time prior to an authorized assignment of Developer's rights under this PLAN to PGA, failure by Developer to submit any operation plan required pursuant to this PLAN, commencement of construction of the Golf Courses prior to approval by SAWS, or failure to perform and complete any Corrective Action Plan requirements, including remediation of any environmental contamination caused by Golf Course operations, shall constitute a material breach of the Services Agreement and shall entitle the City to terminate the Services Agreement, or perform any and all other actions authorized under the Services Agreement for breach thereof.

7.2 Termination of Golf Course Operations

Failure by Developer or its successors and assigns to perform and complete any Corrective Action Plan requirements, including remediation of any environmental contamination caused by Golf Course operations, shall constitute a material breach of this PLAN and shall entitle SAWS to terminate operation of the Golf Courses (including, but not limited to, the suspension of application of all chemicals to the Golf Courses and the suspension of all play on the Golf Courses) until such time as SAWS determines that the environmental contamination has been fully remediated in accordance with the requirements of this PLAN.

7.3 Failure to Comply with Management Practices

In the event that the Developer or any subsequent owner, lessee, or operator of the Golf Course(s) fails to comply with any requirement set forth in this PLAN, an approved operation plan, or an approved phase of a Corrective Action Plan, then SAWS shall provide written notice and reasonable evidence of the alleged violation or failure to all potentially-responsible parties. The recipients of such written notice shall have ten (10) business days from the date of the notice to either: (i) demonstrate by clear and convincing evidence that no violation has taken place; or (ii) correct the violation or failure, and furnish written evidence of such corrective action to SAWS within said ten (10) day period.

SAWS acknowledges that the nature of certain violations may not be subject to "cure" within ten (10) days, either because the violation is an isolated event that is not ongoing in nature and cannot be "undone" (e.g., application of pesticides in a buffer zone) or because the nature of violation is such that notwithstanding the Developer's best efforts, the violation may not be corrected within ten days. In the event of the former circumstance, then SAWS shall be entitled to initiate any of the enforcement actions described in this PLAN immediately upon the expiration of the ten (10) day period. In the event of the latter circumstance, then SAWS may, but shall not be required, to specify an alternative deadline for completion of corrective action by Developer.

Failure to correct the alleged violation or to furnish written evidence to SAWS in accordance with this PLAN shall entitle SAWS to impose one or more of the following enforcement actions:

- SAWS shall have the right, as a matter of contract, to institute mandatory changes in Golf Course management practices directly related to the alleged violation. By way of example and not in limitation, if the violation relates to the application of pesticides, SAWS shall have the right to suspend further applications of pesticides in one or more areas of the Golf Courses.
- SAWS shall have the right to perform additional monitoring or sampling.
- SAWS shall have the right, as a matter of contract, to receive a payment upon expiration of the notice and cure period described above. Specifically, the Developer agrees on behalf of itself and its successors and assigns that SAWS will be damaged by any failure to comply with the requirements of this PLAN or any operation plan, and further recognizes the delays, expense, and difficulties involved in proving in a legal proceeding the actual loss suffered by SAWS in the event of such failure or violation. Accordingly, instead of requiring such proof, the Developer agrees as a matter of contract that it (and any subsequent owners, lessees and operators) shall be responsible for payment to SAWS (for so long as each is a responsible party under the terms of this PLAN) the following sums for failure to comply with the applicable requirements of this PLAN or any operation plan approved by SAWS pursuant

Cibolo Canyon Golf Course Environmental Management Plan

hereto, and each day such failure or violation continues after notification and the cure period shall be considered a separate incident:

Application of pesticides/fertilizers during prohibited weather conditions	\$1,000
Application of pesticides/fertilizers in buffer zones	\$5,000
Application of prohibited pesticide/fertilizer	\$5,000
Unauthorized Damage or Destruction of Known Sensitive Feature	\$10,000
Failure to cease construction activities that impact, or failure to preserve, previously-unknown Sensitive Feature in accordance with TCEQ requirements	\$10,000
Violation of WPAP requirement	\$5,000
Failure to perform required sampling	\$10,000
Violation of other management practices	\$1,000

For isolated events that constitute violations under this PLAN and that are not subject to cure by their nature, the violation shall be construed to have occurred on the date of occurrence of the event in question. By way of example, in the event that Developer applies pesticides in a buffer zone on two consecutive days, two violations shall be deemed to have occurred, and Developer shall be required to pay to SAWS a total sum of \$10,000 under this PLAN for such violations.

The foregoing contractual payments shall be joint and several obligations of the Developer and any subsequent owners, lessees and operators of the Golf Courses, except to the extent the Developer is expressly released therefrom by authorized representatives of the City and SAWS. Notwithstanding any provision in this PLAN or the Services Agreement to the contrary, all sales or leases of any one or more of the Golf Courses shall expressly provide that the purchaser or lessee (as applicable) covenants and agrees to make the contractual payments described herein in accordance with the terms of this PLAN.

The contractual payments shall not prevent SAWS or the City from exercising any other enforcement rights that either entity may have under the laws of the State of Texas or that may be set forth in the City's ordinances, as amended from time to time, and shall in no manner be construed to relieve Developer or subsequent owners, lessees and operators from their Corrective Action obligations under this PLAN.

DEFINITIONS

8.0 Definitions

In addition to the terms defined in the text of this PLAN, the following definitions shall apply to defined terms, except when the context provides otherwise:

Abandoned Well: A well that has not been used for six consecutive months. A well is considered to be in use in the following cases: a non-deteriorated well which contains the casing, pump and pump column in good condition; or a non-deteriorated well which has been properly capped.

(AST): Above Ground Storage Tank System, defined as a non-vehicular device (including any associated piping) that is made of non-earthen materials, located on or above the ground surface and containing an accumulation of static hydrocarbons or hazardous substances, but excluding containers of gasoline, oil or household products used for normal household uses less than two gallons in size, and which are not otherwise prohibited under applicable laws and regulations.

(Ac-ft) Acre feet: The quantity of water required to cover one acre of land one foot deep; 325,851 gallons.

(BMP) Best Management Practice: An effective integration of stormwater management systems, with appropriate combinations of landscape conservation, enhancement, structural control, impervious operation, and effectiveness of structural controls, impervious cover, schedules of activities, prohibitions of practices, maintenance procedures and other management practices which provide an optimum way to convey, store and release runoff, so as to reduce peak discharge, remove pollutants, and enhance the environment

(BOD) Biochemical oxygen demand or biological oxygen demand: A measure of the amount of oxygen consumed in the biological processes that break down organic matter in water. The greater the BOD, the greater the degree of pollution.

Buffer Zone: Strip or area of vegetation used for removing sediment, organic matter, and/or other pollutants from runoff and wastewater

(COD) Chemical Oxygen Demand: A measurement of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

Composite Sample: A series of water samples taken over a given time and weighted by flow rate or time.

Corrective Action: Those actions taken to verify the existence of a potential threat of possible degradation of the surface water or groundwater quality as a result of the construction and

operation of the Golf Courses, and, if so verified, to remove, remediate, or minimize such threat, pursuant to the requirements of this PLAN.

Corrective Action Plan: A plan submitted by Developer and approved by SAWS which is prepared in response to the Developer's obligation to perform Corrective Action under this PLAN, and which contains those phases and components described in Section 6.4.

Detection Limit: The lowest concentration of an analyte that can be determined with reasonable confidence.

Detention: The temporary storage of storm runoff, which is used to control the peak discharge rate and which provides gravity settling of pollutants.

Developer: Lumbermen's Investment Corporation

(EARZ) Edwards Aquifer Recharge Zone: Generally, that area where the stratigraphic units constituting the Edwards Aquifer out crop, and including the outcrops of other formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer.

(EPA) Environmental Protection Agency

Erosion: The wearing away of the land surface by running water, waves, or moving ice and wind, or by such processes as mass wasting and corrosion (solution and other chemical processes).

(ET) Evapo-transpiration: Evapotranspiration is loss of moisture through the processes of evaporation from land and water surfaces and through transpiration by plants.

Fertilizer: Any of a large number of natural or synthetic materials, including manure and nitrogen, phosphorus, and potassium compounds, spread on or worked into soil to increase its capacity to support plant growth.

First Flush: At least the first one-half inch of runoff from a storm event that flushes off and contains a disproportionately large loading of the accumulated pollutants from impervious and non-impervious surfaces.

Impervious Cover: Roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface. "Percent impervious cover" shall be calculated as the area of Impervious Cover within a lot, tract or parcel or within the total site being developed, divided by the total areas within the perimeter of such lot, tract, parcel or development.

Interflow: The lateral movement of water into the unsaturated zone during and immediately after a precipitation event.

(IPM) Integrated Pest Management

Irrigation return flow: Surface and subsurface water, which leaves the field following application of irrigation water.

Grab Sample: A sample taken at the discretion of the sampler, as to the condition or event that it would represent.

(ha) hectare: The land area equal to 10,000 square meters or 2.471 acres.

Herbicide: A chemical substance used to destroy or inhibit the growth of plants, especially weeds.

Hydraulic Gradient: In an aquifer, the rate of change of pressure head per unit distance from one point to another.

Karst: An area of irregular limestone where erosion has produced sinkholes, fissures, underground streams, and caverns.

Lysimeter: An underground water collection device designed to collect leachate water samples from different depths within the soil profile.

Material Safety Data Sheet: OSHA established guidelines for the descriptive data that should be concisely provided on a data sheet to serve as the basis for written hazard communication.

Milligrams per/liter (mg/L) A unit of concentration equal to one thousandth of a gram per one liter of water.

Miticide: An agent that kills mites.

Monitoring: Periodic or continuous surveillance or testing to determine the level of compliance with statutory requirements and/or pollutant levels in various media or in humans, plants, and animals.

Nematodes: Any of several worms of the phylum Nematoda, having unsegmented bodies, cylindrical bodies, often narrowing at each end, and including parasitic forms such as the hookworm and pinworm.

Nitrate: Plant nutrient and inorganic fertilizer that enters water supply sources from septic systems, animal feed lots, agricultural fertilizers, manure, industrial waste waters, sanitary landfill and the garage dumps.

Non-point source: Diffuse pollution sources (e.g., without a single point of origin or not introduced into a receiving stream from a specific outlet). The pollutants generally are carried off the land by storm water. Non-point sources can be divided into activities related to either land or water use including failing septic tanks, improper animal-keeping practices, and urban and rural runoff.

(NPDES) National Pollutant Discharge Elimination System

Pesticide: A chemical used to kill pests, especially insects.

(PET) Potential Evapo-Transpiration: The process that estimates actual water use by turf through measuring weather condition by means of a weather station.

Piezometer: A tube or monitoring well used to measure hydraulic head by determining the elevation of the water level in the tube or well.

Recharge Feature: a naturally occurring or man-made feature that allows water to enter an aquifer.

pH: An expression of the intensity of the basic or acidic condition of a solution.

(PVC) Polyvinyl Chloride: A common thermoplastic resin, used in a wide variety of manufactured products.

Recharge Zone: Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the appropriate regional office and groundwater conservation districts.

(SAWS): San Antonio Water System

Sensitive Feature: Permeable geologic or manmade feature located on the Edwards Aquifer or Trinity Aquifer recharge zone or transition zone where a potential for hydraulic interconnectedness between the surface and the Edwards Aquifer exists, and rapid infiltration to the subsurface may occur. The determination of the sensitivity of any feature shall be made in accordance with TCEQ's June 6, 1999 "Instructions to Geologists for Geological Assessments" as amended or superseded from time to time.

Stomate: An opening on a leaf through which water evaporates.

Structural Controls: A range of pollution prevention best management practices ranging from vegetated buffers to on-site runoff detention and treatment facilities.

(TCEQ) Texas Commission on Environmental Quality

(TPDES) Texas Pollutant Discharge Elimination System

Tifdwarf: A hybrid drought resistant bermuda turf grass used extensively for golf course greens.

Tifway: A hybrid drought resistant bermuda turf grass used extensively for golf course fairways.

Trigger Levels: The level of analytes identified in water quality monitoring or sampling that triggers Corrective Action obligations of Developer, as more fully described in Section 5.0 and Sections 6.1 through 6.4.

(TSS) Total Suspended Solids: TSS represents the total amount of solid matter in a representative water sample that is retained by a membrane filter. It includes all sediment and other constituents that are fluid suspended.

(UST) Underground Storage Tank: Any one or combination of underground storage tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is ten percent or more below grade.

Underdrain. Perforated pipe, usually surrounded by cloth or porous filter that collects excess groundwater and transports through gravity to a collection point (French drain).

Wetwell. A below ground holding tank designed for the catchment and transfer of stormwater run-off.

(WPAP) A water pollution abatement plan, as described in Chapter 213 of the TCEQ's rules.

VOL 9766 PG 1787

EXHIBIT C
TO
DECLARATION OF RESTRICTIVE COVENANTS

FORM OF SUPPLEMENTAL DECLARATION OF RESTRICTIVE COVENANTS

This **SUPPLEMENT TO DECLARATION OF RESTRICTIVE COVENANTS** (this "**Supplement**") is made this _____ day of _____, 200_ by Lumbermen's Investment Corporation, a Delaware corporation ("**Developer**") as an supplement to that certain Declaration of Restrictive Covenants ("**Declaration**") dated _____, 200_ and recorded in Volume _____, Page _____ of the Official Public Records of Real Property of Bexar County, Texas. All capitalized terms not defined herein shall have the same meaning as defined in the Declaration.

- A. Developer recorded the Declaration in the Official Records.
- B. At the time the Declaration was recorded, Developer did not know the exact location of certain [*Golf Course Tracts/Open Space Area*], as more particularly described in Article 3 of the Declaration.
- C. Developer has determined the location of [*a Golf Course Tract/ a tract of Open Space Area*] and desires to supplement the Declaration in accordance with Article 3 of the Declaration.

NOW THEREFORE, the Declaration is hereby supplemented as follows:

1. Description of Golf Course Tracts. From and after the date this Supplement is recorded in the Official Records, the portions of the Land described as set forth in **Schedule 1** attached to this Supplement will be [*a Golf Course Tract/ an Open Space Area*] within the meaning of the Declaration and shall be held, owned, used and occupied subject to the Restrictions applicable to [*Golf Course Tracts/Open Space Area*] as set forth in the Declaration..

2. Miscellaneous. Except as set forth in this Supplement, the provisions of the Declaration shall continue in full force and effect in accordance with their terms.

Witness the hand of an authorized representative of Developer on the acknowledgment date noted below.

DEVELOPER:

LUMBERMEN'S INVESTMENT CORPORATION,
a Delaware corporation

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledge before me on _____, 2002, by _____ of **LUMBERMEN'S INVESTMENT CORPORATION**, a Delaware corporation, on behalf of said corporation.

Notary Public, State of Texas

My Commission Expires:

Printed/Typed name

VOL 9766 PG 1788

SCHEDULE 1
TO

SUPPLEMENT TO DECLARATION OF RESTRICTIVE COVENANTS

[DESCRIPTION OF GOLF COURSE TRACTS/ OPEN SPACE AREA]

RECORDER'S MEMORANDUM
AT THE TIME OF RECORDATION, THIS
INSTRUMENT WAS FOUND TO BE INADEQUATE
FOR THE BEST PHOTOGRAPHIC REPRODUCTION
BECAUSE OF ILLEGIBILITY, CARBON OR
PHOTO COPY, DISCOLORED PAPER, ETC.

VOL 9766 PG 1789

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Pages 108
01/07/2003 02:30:34 PM
Filed & Recorded in
Official Records of
BEXAR COUNTY
GERRY RICKHOFF
COUNTY CLERK
Fees \$223.00

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 the 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:

JAN 07 2003



Gerry Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS