

April 10, 2018

Mr. Jeffrey S. Howard  
McLean & Howard, LLP  
Barton Oaks Plaza, Building II  
901 South MoPac Expressway  
Austin, Texas 78746

Re: Response to your letter regarding Zoning Case: ZC 05-18

Dear Mr. Howard:

Although your recitation of the law, under supporting facts, is largely correct, it does not apply to the present situation. First, nothing in respect to a manufactured housing development was reserved prior to the initiation of annexation. In fact, the only writing prior to that date states: "the proposed development will consist of a 120 lots in a single family residential subdivision." It takes more than one's dream to legally vest a project. Knowledge of the specifics of the development were not known by the City until after the City Council had taken its initial action on the annexation (including your reference of a discussion between your client and the mayor).

More importantly in this situation no approved preliminary plat exists. Your client's preliminary plat filing is void *ab initio*, as a matter of law, and reserves nothing in his favor. The City does not take countenance to applicants making material misrepresentation on applications.

On top of this fact, the preliminary plat failed to meet the City's requirements, and your client did nothing to remedy this. Approval was "conditional" and the conditions were never met. More importantly, the approval was prior to the City's knowledge of your client's subterfuge.

Secondly, your client sat on his hands, thinking that he could use legal threats to cure a problem that he himself caused. Such tactics do not work here. Your client had ample opportunity to cure, but took no advantage of such opportunity. Your waiting until the 11<sup>th</sup> hour to request that the City work with your client is too little too late, and much in the same vein as your client's previous actions.

The City will not pull this case from tonight's Planning and Zoning. Your letter, along with this response, will be made part of the record.

**CITY ATTORNEY'S OFFICE**

You are, however, welcome to appear at the next City Council meeting, being held Tuesday, April 17, 2018, at 5:30 p.m., to express your views. At that meeting there will be a public hearing on the recommendation made by the Planning and Zoning Commission, prior to any Council action.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. J. B.", is written in black ink.