

THE ARBOR AT CENTERBROOK
13905 Oak Meadows
Universal City, Bexar County, Texas 78148

February 26, 2024

VIA ELECTRONIC DELIVERY

Ms. Karen Treadwell
Asset Manager
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701-2410

Re: The Arbor at Centerbrook (the "**Development**")
APC Live Oak I, Ltd. ("**Owner**")
TDHCA File No. 14285

Dear Ms. Treadwell:

Owner is the current owner of the Development. The Development is subject to the terms of that Declaration of Land Use Restrictive Covenants/Land Use Restriction Agreement for Low-Income Housing Credits dated as of May 10, 2016, recorded in the Real Property Records of Bexar County, Texas as Document Number 20160110951 (as amended from time to time, the "**LURA**"). This letter constitutes as request for a material HTC Application amendment and corresponding LURA amendment to remove a portion of the land from the encumbrance of the LURA.

Background Information

The land that is subject to the terms of the LURA consists of approximately 13.13 acres as more particularly described and depicted on Exhibit A (the "**Current LURA Land**"). All of the buildings, parking areas, driveways, and all other improvements utilized in connection with the operation of the Development are owned by Owner and are located on approximately 9.72 acres of the Current LURA Land and as more particularly described on Exhibit B (the "**Development Land**"). The remaining approximately 3.41 acres of land of the Current LURA Land is vacant and is more particularly described and depicted on Exhibit C (the "**Vacant Land**"). The City of Universal City, a home-rule municipality chartered in the State of Texas (the "**City**"), has requested that Owner sell and convey to the City the Vacant Land. Although the Vacant Land is adjacent to the Development Land, the Vacant Land does not contain any improvements, has not been materially landscaped or cleared of vegetation and debris, and is not used by the tenants of the Development in any way. Attached hereto as Exhibit D is a Google satellite view of the Development Property and the Vacant Land, further illustrating the footprint of the Development and boundaries of the Vacant Land.

Amendment to Application – Change to Development Site Acreage

The release of the Vacant Land will result in a change to the Current LURA Land acreage described in the HTC Application for the Development, and results in a modification to the residential density of more than 5%. Therefore, given that the Vacant Land does not provide any benefit to the Development or its tenants, has never been part of the Development or its amenities, and has never been used in any way by the tenants, the Owner respectfully requests that the HTC Application for the Development be amended to reflect such modification.

Request to Release Vacant Land from LURA

Upon the Department's review and the Board's approval of the amendment to the HTC Application reflecting the modification in residential density, the Owner respectfully requests that the Vacant Land be released from the LURA, and that the legal description currently attached to the LURA be revised as set forth on Exhibit B (the Development Land) attached hereto and be inserted in lieu thereof.

Application and LURA Amendment

The removal of the Vacant Land from the LURA will not impact the Development, the ingress/egress to the Development, or the tenants of the Development in any way. There is no financial impact to the tenants of the Development, the Development Owner, or the management and maintenance of the Development. Therefore, in order to accommodate the prospective acquisition of the Vacant Land by the City, the Development Owner respectfully requests that Vacant Land be removed from the restrictions enforced under the LURA as those restrictions on the Vacant Land were never needed for the operation and use of the Development. The fee in the amount of \$2,500 will be delivered simultaneously with the electronic filing of this amendment request.

Thank you very much for your assistance. Please do not hesitate to contact us if you require any additional information.

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Sincerely,

APC LIVE OAK I, LTD.,
a Texas limited partnership

By: APC Live Oak GP, LLC,
a Texas limited liability company,
its general partner

By: APC Live Oak MM, LLC,
a Texas limited liability
company, its managing member


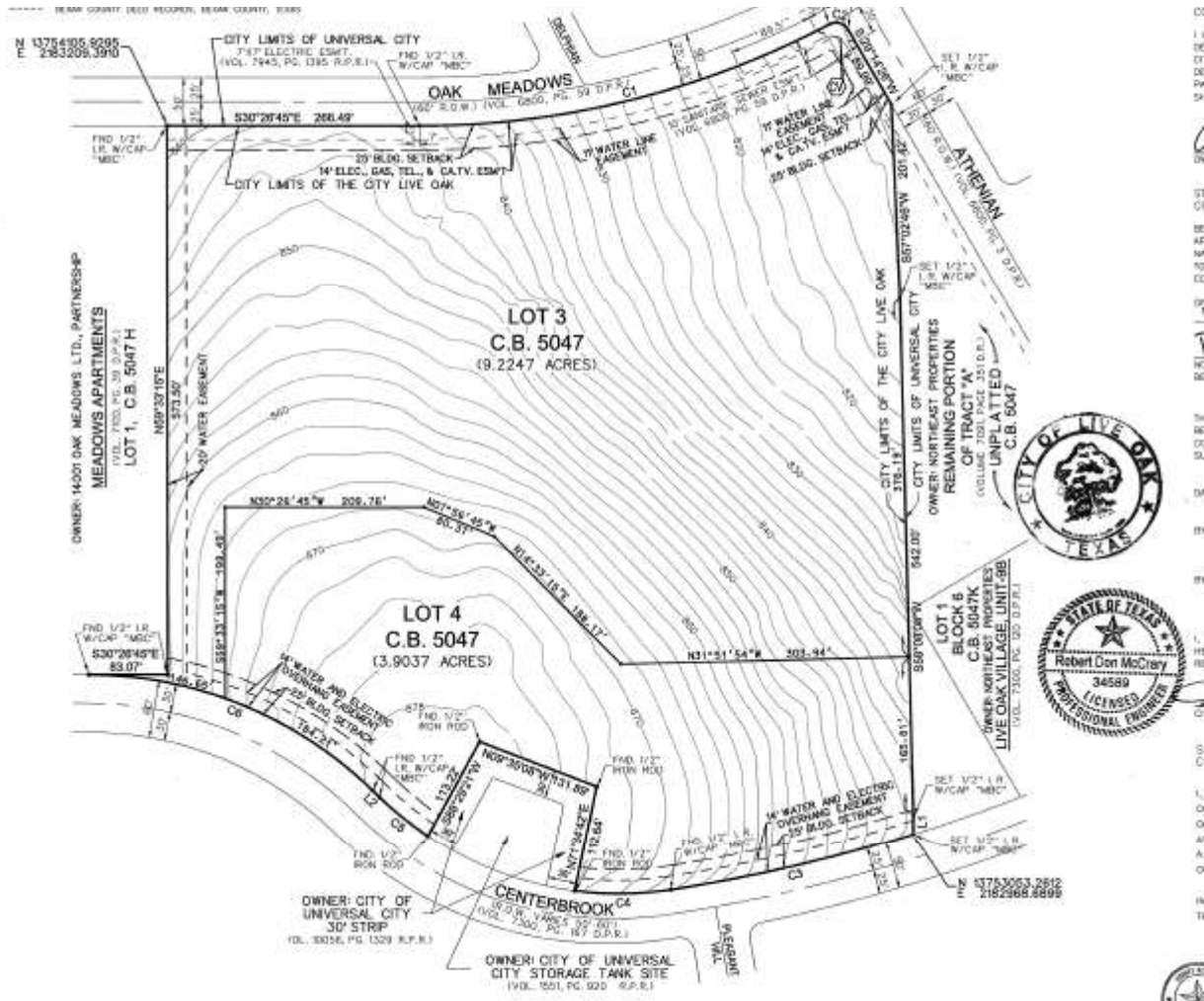
By: 
Name: Howard D. Cohen
Title: Chief Executive Officer

EXHIBIT A **CURRENT LURA LAND**

Lots 3 and 4 ARBOR AT CENTERBROOK, in the City of Live Oak, Bexar County, Texas, according to plat thereof recorded in Volume 9676, Page 198, Deed and Plat Records of Bexar County.



AMENDMENT REQUEST
(ARBOR AT CENTERBROOK) – EXHIBIT A
133199886v.1

EXHIBIT B
DEVELOPMENT LAND

Lots 3 and 4 ARBOR AT CENTERBROOK, in the City of Live Oak, Bexar County, Texas, according to plat thereof recorded in Volume 9676, Page 198, Deed and Plat Records of Bexar County.

LESS AND EXCEPT:

BEING A 3.41 ACRE TRACT OF LAND, SITUATED IN THE CITY OF LIVE OAK, BEXAR COUNTY, TEXAS, AND BEING OUT OF LOT 4, C.B. 5047, ARBOR AT CENTERBROOK SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 9676, PAGE 198, OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a Mag Nail with washer "MBC ENGINEERS" Found on the East Right-of-Way line of Centerbrook, and marking the Northwest corner of said Lot 4, C.B. 5047;

THENCE along the curved East Right-of-Way line of said Centerbrook (to the right) having the following parameters: Radius = 430.00 feet, Arc Length = 29.78 feet, Chord Bearing = S 09°24'30" E and a Chord Distance = 29.78 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Set for the **POINT OF BEGINNING**;

THENCE N 59°04'03" E a distance of 201.14 feet departing the East Right-of-Way line of said Centerbrook, into and across said Lot 4, C.B. 5047, to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Set;

THENCE S 24°01'44" E a distance of 62.14 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Found;

THENCE S 30°43'07" E a distance of 116.47 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Found;

THENCE S 14°08'48" W a distance of 210.06 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Found;

THENCE N 75°10'46" W a distance of 3.49 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Found;

THENCE S 12°47'42" W a distance of 12.71 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Found;

THENCE S 26°26'18" E a distance of 27.76 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Found;

AMENDMENT REQUEST

(ARBOR AT CENTERBROOK) – EXHIBIT B
133199886v.1

THENCE N 77°14'53" E a distance of 15.03 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Found;

THENCE S 21°45'09" E a distance of 23.80 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Found;

THENCE S 32°21'06" E a distance of 152.44 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Found;

THENCE S 57°38'54" W a distance of 7.00 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Found;

THENCE S 32°21'06" E a distance of 151.97 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Set on the South line of said Lot 4, County Block 5047, and being on the North line of a called 34.344 Acre Tract as described in Warranty Deed recorded in volume 7091, page 351, of the Official Public records of Bexar County, Texas;

THENCE S 57°38'54" W a distance of 153.81 feet along and with the South line of said Lot 4, County Block 5047, and with the North line of said 34.344 Acre Tract, to a 1/2-Inch Iron Rod cap Found;

THENCE S 59°43'54" W a distance of 20.11 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Found on the curved Northeast Right-of-Way line of said Centerbrook and marking the Southwest corner of said Lot 4, County Block 5047;

THENCE along the curved Northeast Right-of-Way line of said Centerbrook (to the right) having the following parameters: Radius = 1755.00 feet, Arc Length = 262.60 feet, Chord Bearing = N 43°51'24" W and a Chord Distance = 262.36 feet to a 1/2-Inch Iron Rod Found at the point of curvature of a curve to the right;

THENCE along said curve to the right having the following parameters: Radius = 362.32 feet, Arc Length = 101.82 feet, Chord Bearing = N 32°04'15" W and a Chord Distance = 101.49 feet to a 1/2-Inch Iron Rod Found and marking the Southwestern most corner of a called 0.213 of an acre tract as described in Special Warranty deed recorded in volume 10056, page 1329 of the Official Public records of Bexar County, Texas;

THENCE N 71°03'34" E a distance of 113.73 feet departing the Northeast Right-of-Way line of said Centerbrook to a 1/2-Inch Iron Rod Found and marking the Southeastern most corner of said 0.213 of an Acre Tract;

THENCE N 10°05'23" W a distance of 131.78 feet to a 1/2-Inch Iron Rod Found and marking the Northeastern most corner of said 0.213 of an Acre Tract;

AMENDMENT REQUEST

(ARBOR AT CENTERBROOK) – EXHIBIT B
133199886v.1

THENCE S 87°57'06" W a distance of 113.93 feet to a 1/2-Inch Iron Rod Found on the curved Northeast Right-of-Way line of said Centerbrook and marking the Northeastern most corner of said 0.213 of an Acre Tract;

THENCE along the Northeast curved Right-of-Way line of said Centerbrook (to the right) having the following parameters: Radius = 362.32 feet, Arc Length = 64.89 feet, Chord Bearing = N 08°08'26" E and a Chord Distance = 64.80 feet to a 1/2-Inch Iron Rod Found;

THENCE N 15°25'44" E a distance of 10.73 feet to a 1/2-Inch Iron Rod with cap "MBC ENGINEERS" Found at the point of curvature of a curve to the left;

THENCE along and with the Northeast curved Right-of-Way line of said Centerbrook (to the left) having the following parameters: Radius = 430.00 feet, Arc Length = 154.43 feet, Chord Bearing = N 02°51'51" E and a Chord Distance = 153.60 feet to the **POINT OF BEGINNING** and containing 3.41 Acres, more or less.

EXHIBIT C
VACANT LAND

BEING A 3.41 ACRE TRACT OF LAND, SITUATED IN THE CITY OF LIVE OAK, BEXAR COUNTY, TEXAS, AND BEING OUT OF LOT 4, C.B. 5047, ARBOR AT CENTERBROOK SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 9676, PAGE 198, OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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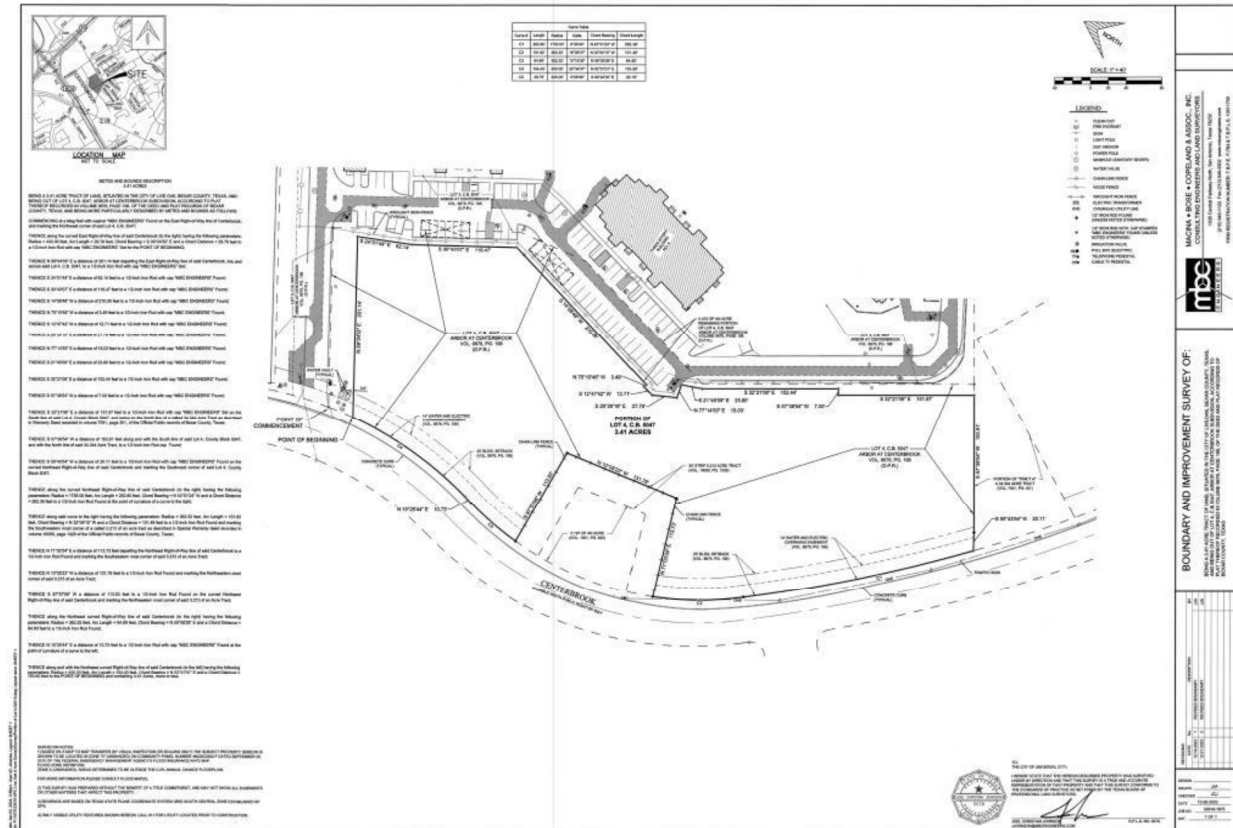


EXHIBIT D
GOOGLE SATELLITE IMAGE



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