



353RD DISTRICT COURT

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November 8, 2007

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Re: Cause No. D-1-GN-07-001957; *Responsible Growth for Northcross, Inc. and Allandale Neighborhood Association v. The City of Austin, Lincoln Property Company Commercial, Inc., and Lincoln Northcross, Ltd.*; in the 200th Judicial District Court, Travis County, Texas

Dear Counsel:

The Motion for Summary Judgment of Plaintiff Allandale Neighborhood Association, The City of Austin's Cross-Motion for Partial Summary Judgment and Lincoln Property Company Commercial, Inc. and Lincoln Northcross, Ltd.'s Cross-Motion for Partial Summary Judgment came on for hearing on November 1, 2007. Having considered the motions, responses, summary judgment evidence and arguments of counsel, the court denies Allandale Neighborhood Association's motion, grants the City of Austin's motion, and grants Lincoln's motion on the ground that a garden center use may qualify as an "accessory" use, denies Lincoln's motion on the grounds of standing and ripeness, and does not find it necessary to reach Lincoln's ground relating to the appropriate remedy.

Counsel should prepare an appropriate order, circulate to opposing counsel for approval as to form and submit to the court for signature.

Yours very truly,



MARGARET A. COOPER
Judge, 353rd District Court
Travis County, Texas

xc: Ms. Amalia Rodriguez-Mendoza, District Clerk