

MEMORANDUM OF INTEREST

Please take notice that Art Investment & Mortgage Co. is hereby asserting rights in and to that certain Joint Use Access Easement (the "New Easement") between Cathy Nguyen ("Lot 1 Owner"), whose address is 6701 Jester Blvd, Austin, Texas 78750, Lawrence Alan Kroman and Debbie G. Kroman ("Lot 2 Owner"), whose address is 6709 Jester Blvd., Austin, Texas 78750, and Art Investment & Mortgage Co., a Texas corporation ("Lot 3 Owner"), whose address is P.O. Box 161775, Austin, Texas 78716. Lot 1 Owner, Lot 2 Owner and Lot 3 Owner may be referred to herein, collectively, as the "Parties" and individually as a "Party".

## RECITALS:

A. WHEREAS, Lot 1 Owner is the owner of that certain real property known as Lot 1, Block A, Resubdivision of the Beard Family Subdivision, Section One, Lot 1 in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200700248 in the Official Public Records of Travis County, Texas ("Lot 1").

B. WHEREAS, Lot 2 Owner is the owner of that certain real property known as Lot 2, Block A, Resubdivision of the Beard Family Subdivision, Section One, Lot 1 in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200700248 in the Official Public Records of Travis County, Texas ("Lot 2").

C. WHEREAS, Lot 3 Owner is the owner of that certain real property known as Lot 3, Block A, Resubdivision of the Beard Family Subdivision, Section One, Lot 1 in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200700248 in the Official Public Records of Travis County, Texas ("Lot 3").

D. WHEREAS, there is that certain existing easement across Lot 1 and Lot 2 provides access to Lot 3, as shown on the Plat dated June 13, 2007, recorded in Document No. 200700248 in the Official Public Records of Travis County, Texas, attached hereto as Exhibit A. The easement on said Plat (labeled on the Plat as "30' ACCESS EMST") shall be described herein as the "Original Easement".

E. WHEREAS, Lot 2 Owner and Lot 3 Owner seek to terminate the Original Easement, and enter into that certain New Easement with Lot 1 Owner attached hereto as Exhibit B, in compliance with the City of Austin requirements.

F. WHEREAS, said New Easement was presented to Lot 1 Owner for her review and signature.

G. WHEREAS, Lot 1 Owner has not provided consent to terminate the Original Easement and enter into the New Easement.

H. WHEREAS, Lot 3 Owner desires to set forth its interest in that certain easement area as described on the New Easement attached hereto.

MEMORANDUM:

NOW, THEREFORE, Lot 3 Owner claims an interest across Lot 1, Block A, Resubdivision of the Beard Family Subdivision, Section One, Lot 1, as described in said Original Easement which is also the subject property of the New Easement. Lot 3 Owner seeks to terminate the Original Easement in compliance with City of Austin requirements and execute the New Easement. Lot 3 Owner shall retain its interest claim in the Original Easement until the execution of the New Easement by Lot 1 Owner, Lot 2 Owner, and Lot 3 Owner.

Signed this 26 day of February 2019.

Art Investment & Mortgage Co.,  
a Texas corporation

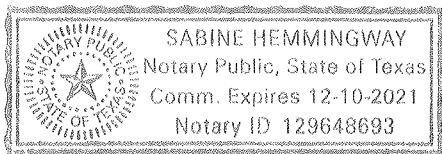
By: [Signature]  
L.H. Hardy, Jr. President

THE STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS

This document was acknowledged before me on the 26 day of February 2019, by L.H. Hardy, Jr., President of Art Investment & Mortgage Co., a Texas corporation, on behalf of said corporation.



[Signature]  
Notary Public, State of Texas

**AFTER RECORDING RETURN TO:**

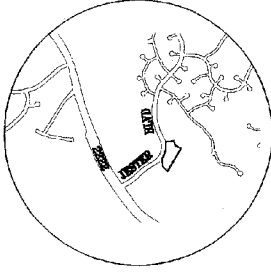
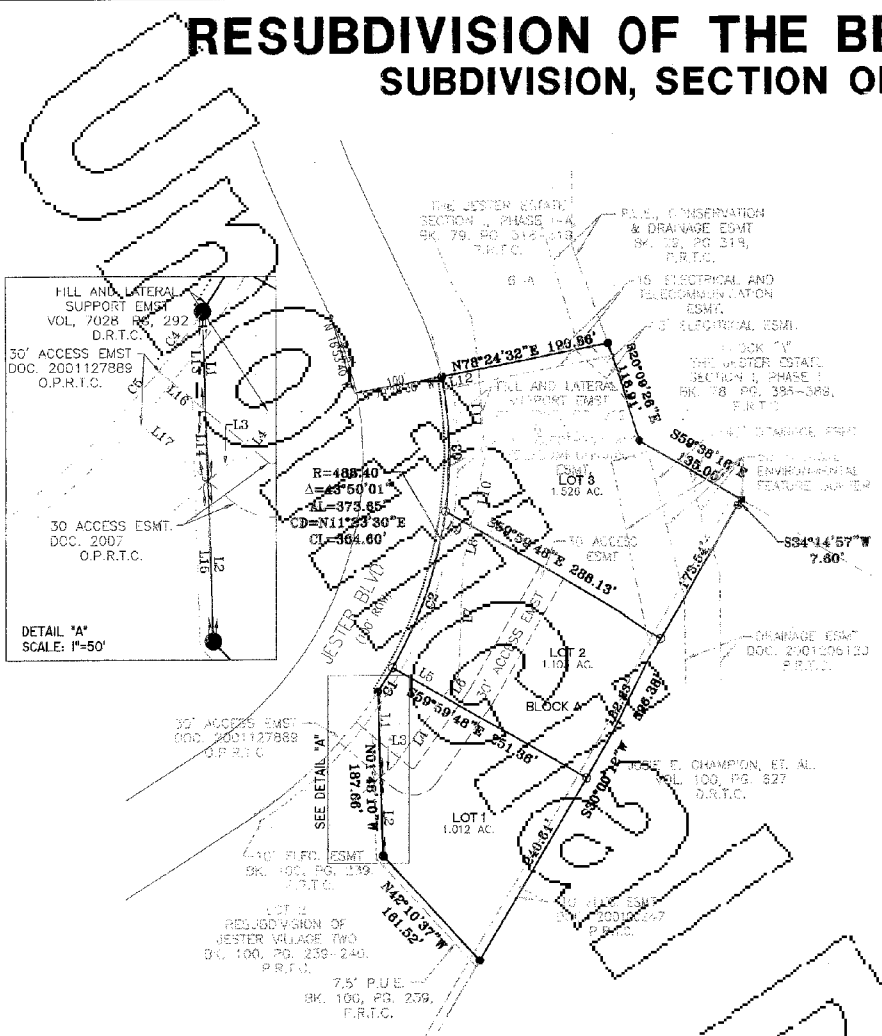
Courtney Mogonye-McWhorter  
SPOUSE SHRADER SMITH PLLC  
1250 Capital of Texas Hwy. South  
Building 3, Suite 601  
Austin, TX 78746

Exhibit A

(see attached)

Unofficial's Document

# RESUBDIVISION OF THE BEARD FAMILY SUBDIVISION, SECTION ONE, LOT 1



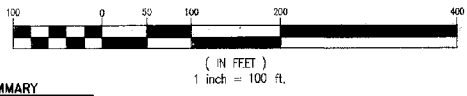
LOCATION MAP

SCALE: 1" = 2000'

**LEGEND**

- CONCRETE MONUMENT FOUND
- IRON ROD FOUND
- IRON PIN SET
- BOUNDARY LINES
- - - EASEMENT LINES
- - - PROPOSED SIDEWALK
- - - PLAT RECORDS OF TRAVIS COUNTY
- - - DEED RECORDS OF TRAVIS COUNTY
- - - OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY

GRAPHIC SCALE



LOT SUMMARY

LOTS	ACREAGE
1	1.012 AC
2	1.03 AC
3	1.526 AC
TOTAL	3.646 AC

LINE TABLE

NUMBER	DISTANCE	BEARING
L1	97.05'	N01°48'10"W
L2	90.61'	N01°46'10"W
L3	19.04'	N01°20'00"E
L4	96.27'	N35°25'44"E
L5	66.22'	S59°59'48"E
L6	30.35'	N35°25'44"E
L7	128.83'	N02°07'44"E
L8	40.14'	N11°47'44"E
L9	32.82'	S59°59'48"E
L10	79.40'	N11°47'44"E

LINE TABLE (CONT.)

NUMBER	DISTANCE	BEARING
L11	101.76'	N03°41'16"W
L12	42.38'	N61°04'47"E
L13	56.65'	N01°48'10"W
L14	40.34'	N01°48'10"W
L15	90.68'	N01°48'10"W
L16	34.71'	S49°50'29"E
L17	61.66'	N49°50'29"W

CURVE TABLE

CURVE	DELTA	BEARING	RADIUS	ARC	CHORD
C1	03°44'24"	N31°26'18"E	488.40	31.88	31.88
C2	21°56'35"	N18°35'50"E	488.40	187.05	185.91
C3	18°09'03"	N01°26'59"W	488.40	154.72	154.07
C4	04°57'26"	N40°06'51"E	488.40	42.26	42.24
C5	03°31'12"	N35°52'32"E	488.40	30.00	30.00

- NOTES:**
- NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER SYSTEMS.
  - WATER AND WASTEWATER SYSTEMS SERVING THIS SUBDIVISION SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF AUSTIN PLANS AND SPECIFICATIONS. PLANS AND SPECIFICATIONS SHALL BE SUBMITTED TO THE CITY OF AUSTIN WATER AND WASTEWATER UTILITY DEPARTMENT FOR REVIEW.
  - BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH THE CITY OF AUSTIN ZONING ORDINANCE REQUIREMENTS.
  - THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLATING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
  - PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY OR DUPLEX ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.
  - AUSTIN ENERGY HAS THE RIGHT TO CUT AND TRIM TREES AND SHRUBBERY AND REMOVE OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR OF OBSTRUCTIONS. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25-8, SUBCHAPTER B OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
  - THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT MAY PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES WITHIN OR ALONG THE PERIMETER OF THIS SUBDIVISION/LOT. THESE EASEMENTS/ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDINGS AND WILL NOT BE LOCATED AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 25-8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
  - THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION AND TREE PROTECTION. THE OWNER SHALL INCLUDE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.
  - WATERSHED STATUS: THIS SUBDIVISION IS LOCATED WITHIN THE WEST BULL CREEK WATERSHED WHICH IS CLASSIFIED AS WATER SUPPLY SUBURBAN AND SHALL BE MAINTAINED IN CONFORMANCE WITH THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
  - BY APPROVING THIS PLAT, THE CITY OF AUSTIN ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS, AND/OR CERTIFICATES OF OCCUPANCY.
  - EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL DEVELOPMENT, INCLUDING SINGLE FAMILY AND DUPLEX CONSTRUCTION PURSUANT TO SECTION 25-8-1B1 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE AND THE ENVIRONMENTAL CRITERIA MANUAL.
  - FOR A MINIMUM TRAVEL DISTANCE OF 25 FT. FROM THE ROADWAY EDGE, DRIVEWAY GRADES MAY EXCEED 14% ONLY WITH SPECIFIC APPROVAL OF SURFACE AND GEOMETRIC DESIGN PROPOSALS BY THE CITY OF AUSTIN.
  - PUBLIC SIDEWALKS, BUILT TO CITY OF AUSTIN STANDARDS, ARE REQUIRED ALONG THE FOLLOWING STREETS AND AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT, JESTER BLVD. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE LOTS BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.
  - PRIOR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. RAINFALL RUNOFF SHALL BE HELD TO THE AMOUNT ESTABLISHED BY THE REGIONAL DETENTION PLANS APPROVED BY THE CITY OF AUSTIN, EXCEPT THAT RUN-OFF IN EXCESS OF THE AMOUNT ESTABLISHED FOR THE REGIONAL DETENTION SYSTEM SHALL BE DETAINED BY THE USE OF ON-SITE PONDING OR OTHER APPROVED METHODS.
  - NO OBJECTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, FENCES, LANDSCAPING, OR OTHER STRUCTURES IN DRAINAGE EASEMENTS ARE PERMITTED EXCEPT AS APPROVED BY THE CITY OF AUSTIN AND TRAVIS COUNTY, TEXAS.
  - ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER AND HIS ASSIGNS.
  - PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO THE DRAINAGE EASEMENT AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES FOR INSPECTION AND MAINTENANCE OF SAID EASEMENT.
  - ALL WATER QUALITY DESIGNS AND THEIR APPURTENANCES REQUIRED FOR COMMERCIAL OR MULTI-FAMILY DEVELOPMENT SHALL BE MAINTAINED BY THE OWNER AND HIS/HER ASSIGNS AND MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE STANDARDS OF THE ENVIRONMENTAL CRITERIA MANUAL AND OTHER ORDINANCES AND REGULATIONS OF THE CITY.
  - OFF-STREET LOADING AND UNLOADING FACILITIES SHALL BE PROVIDED ON ALL COMMERCIAL AND INDUSTRIAL LOTS.
  - MAINTENANCE OF WATER QUALITY CONTROLS, REQUIRED ABOVE, SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN STANDARDS.
  - DRAINAGE EASEMENTS MAY BE REQUIRED DURING SITE DEVELOPMENT PERMIT STAGE TO CONVEY OFF-SITE RUN-OFF.
  - NO DEVELOPMENT WILL BE PERMITTED WITHIN THE DRAINAGE AND PUBLIC UTILITY EASEMENTS, EXCEPT FOR DRAINAGE FACILITIES AND UTILITIES.
  - A VARIANCE TO SECTIONS 25-8-341 & 342 (CUT AND FILL) AND SECTION 25-8-301 (CONSTRUCTION ON SLOPES OVER 15%) WAS APPROVED BY THE PLANNING COMMISSION ON AUGUST 7, 2001.
  - IMPERVIOUS COVER ON SLOPES WITH A GRADIENT OF MORE THAN 15% MAY NOT EXCEED 10% OF THE TOTAL AREA OF THE SLOPES.
  - THE TERRACING TECHNIQUES IN THE ENVIRONMENTAL CRITERIA MANUAL ARE REQUIRED FOR CONSTRUCTION THAT IS UPHILL OR DOWNHILL OF A SLOPE WITH A GRADIENT OF MORE THAN 15%.
  - HILLSIDE VEGETATION MAY NOT BE DISTURBED EXCEPT AS NECESSARY FOR CONSTRUCTION, AND DISTURBED AREAS MUST BE RESTORED WITH NATIVE VEGETATION.
  - FOR CONSTRUCTION DESCRIBED IN THIS SECTION, A CUT OR FILL MUST BE REVEGETATED, OR IF A CUT OR FILL HAS A FINISHED GRADIENT OF MORE THAN 33%, STABILIZED WITH A PERMANENT STRUCTURE. THIS DOES NOT APPLY TO A STABLE CUT.
  - WITH THE EXCEPTION OF THE ACCESS EASEMENT, NO IMPERVIOUS COVER WILL BE CONSTRUCTED ON SLOPED OVER 25%.
  - FOR ALL SECTIONS OF DRIVEWAY WHERE SIDE SLOPES WILL EXCEED 3%, DRIVEWAY IS TO BE STABILIZED WITH DRY STACKED ROCK WALL THAT UTILIZES STABILIZING TENDONS.
  - THIS SITE IS NOT LOCATED OVER THE EDWARDS AQUIFER RECHARGE ZONE.
  - WATER QUALITY CONTROLS ARE REQUIRED FOR ALL DEVELOPMENT WITH IMPERVIOUS COVER IN EXCESS OF 20% OF THE NET-SITE AREA OF EACH LOT PURSUANT TO L.D.C. SECTION 25-8-211.
  - NO DEVELOPMENT, DISTURBANCE OF THE NATIVE VEGETATION OR PLACEMENT OF STRUCTURES IS PERMITTED WITHIN THE CRITICAL ENVIRONMENTAL FEATURE BUFFER PER THE RESTRICTIONS OF L.D.C. 25-8-281.
  - ALL RESTRICTIONS AND NOTES FROM THE PREVIOUS EXISTING SUBDIVISION(S) BEARD FAMILY SUBDIVISION, SECTION ONE, LOT A, SHALL APPLY TO THIS AMENDED/RESUBDIVISION PLAT.
  - PARTICIPATION IN THE REGIONAL STORMWATER MANAGEMENT PROGRAM WAS GRANTED FOR THIS SUBDIVISION ON NOVEMBER 9, 2006 BY THE CITY OF AUSTIN WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT, WATERSHED ENGINEERING DIVISION.

**BEARING REFERENCE:**  
 ALL BEARINGS ARE REFERENCED TO THE MOST EASTERLY COMMON LINE OF LOTS 1, 2, AND 3, BECK & BEARD FAMILY SUBDIVISION, SAME BEING THE MOST NORTHERLY PORTION OF THE WEST LINE OF THE JOSIE E. CHAMPION, ET. AL. TRACT, RECORDED IN VOL. 100, PG. 627, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. (S 30°00'12" W)

**ATS** Engineers Inspectors & Surveyors  
 4011 BEE CAVE RD., #200 AUSTIN, TEXAS 78746  
 CIVIL • STRUCTURAL • MEP • SURVEYING • INSPECTION

PROJECT NO.	080700248
FLAT DATE	JUN 07
SHEET	1 OF 2

C8-07-0016.0A

200700248  
# 65.00  
8-8-07

# RESUBDIVISION OF THE BEARD FAMILY SUBDIVISION, SECTION ONE, LOT 1

STATE OF TEXAS  
COUNTY OF TRAVIS

### OWNER'S ACKNOWLEDGMENT

KNOW ALL MEN BY THESE PRESENTS, CATHY NGUYEN, OWNER OF THAT 3.644 ACRES OF LAND OUT OF THE O. DALTON SURVEY, NO. 427, TRAVIS COUNTY, TEXAS AS CONVEYED BY DEED RECORDED IN DOCUMENT NUMBER 2001004579, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, BEING ALL OF LOT 1, BLOCK A, BEARD FAMILY SUBDIVISION SECTION ONE, ACCORDING TO THE PLAT RECORDED IN DOCUMENT NUMBER 200100247, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID SUBDIVISION HAVING BEEN APPROVED FOR RESUBDIVISION PURSUANT TO THE PUBLIC NOTIFICATION AND HEARING PROVISIONS OF CHAPTER 212.015, OF THE LOCAL GOVERNMENT CODE, DO HEREBY RESUBDIVIDE SAID 3.644 ACRES IN ACCORDANCE TO THE PLAT OR MAPS SHOWN HEREON AND CHAPTERS 212 AND 232 OF THE TEXAS LOCAL GOVERNMENT CODE, TO BE KNOWN AS "RESUBDIVISION OF THE BEARD FAMILY SUBDIVISION, SECTION ONE, LOT 1", AND DEDICATE EASEMENTS SHOWN THEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND NOT RELEASED.

WITNESS MY HAND THIS 12<sup>th</sup> DAY OF June 2007.

*Cathy Nguyen*  
CATHY NGUYEN  
5525 BALCONES DRIVE, SUITE 242  
AUSTIN, TEXAS 78731-4907

THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL JURISDICTION OF THE CITY OF AUSTIN ON THIS THE 12<sup>th</sup> DAY OF June 2007.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE 12<sup>th</sup> DAY OF June 2007 A.D.

*Victoria Hsu*  
VICTORIA HSU, P.E., DIRECTOR  
WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT

ACCEPTED AND AUTHORIZED FOR RECORD BY THE ZONING & PLATTING COMMISSION OF THE CITY OF AUSTIN, TEXAS, THIS THE 12<sup>th</sup> DAY OF June 2007.

*Betty Baker* *Clarke Hammond*  
BETTY BAKER, CHAIRPERSON  
CLARKE HAMMOND, SECRETARY

STATE OF TEXAS }  
COUNTY OF TRAVIS }  
KNOW ALL MEN BY THESE PRESENTS

I, DANA DEBEAUMOR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 12<sup>th</sup> DAY OF August 2007 A.D., AT 10:50 O'CLOCK A.M., DULY RECORDED ON THE 8<sup>th</sup> DAY OF August 2007 A.D., AT 10:51 O'CLOCK A.M., PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NUMBER 200700248 OFFICIAL RECORDS OF TRAVIS COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE 8<sup>th</sup> DAY OF August 2007 A.D.

*Dana Debeaumor*  
DANA DEBEAUMOR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

*Emartinez*  
DEPUTY



BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED SHARON SARGENT KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT AS OWNER OF THE PROPERTY DESCRIBED HEREON.

*Stacy McCollum*  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
PRINTED NAME OF NOTARY AND NOTARY STAMP  
DATE NOTARY COMMISSION EXPIRES



I, RICHARD M. ROBERTS, JR., AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF TITLE 25 OF THE AUSTIN LAND DEVELOPMENT CODE, OF 1999 AS AMENDED, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

THIS TRACT LIES WITHIN ZONE "X"; (NO PORTION OF THIS TRACT LIES WITHIN AREAS DETERMINED TO BE IN THE 500 YEAR FLOOD PLAIN OR AREAS OF THE 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE 100-YEAR FLOOD), AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, AS SHOWN ON COMMUNITY PANEL NO. 48453C 0200 E, DATED JUNE 16, 1993, FOR TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA, THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE ENGINEER.

*Richard M. Roberts, Jr.*  
RICHARD M. ROBERTS, JR.  
R.P.E. NO. 64716

ENGINEERING BY:  
ATS ENGINEERS, INSPECTORS & SURVEYORS  
4611 BEE CAVE RD., SUITE 200  
AUSTIN, TX 78746  
(512) 328-6995



I, PAUL UTTERBACK, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH TITLE 25, 1999 OF THE AUSTIN LAND DEVELOPMENT CODE; IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE; AND WAS PREPARED FROM AN ACTUAL SURVEY, MADE UNDER MY SUPERVISION PERFORMED ON THE GROUND, OF THE PROPERTY.

*Paul Utterback*  
PAUL UTTERBACK  
R.P.L.S. NO. 5738

SURVEYED BY:  
ATS ENGINEERS, INSPECTORS & SURVEYORS  
4611 BEE CAVE RD., SUITE 200  
AUSTIN, TX 78746  
(512) 328-6995



200700248  
\$65.00  
8-8-07

200700248



PROJECT NO.	060828C1
PLOT DATE	JAN 07
SHEET	

Exhibit B

(see attached)

Unofficial's Document

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORDS IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**JOINT USE ACCESS EASEMENT**

**Date:** May 1, 2018

**Owner 1:** Cathy Nguyen

**Owner 1's  
Mailing Address:** 6701 Jester Blvd  
Austin, Texas 78750

**Owner 2:** Lawrence Alan Kroman and Debbie G. Kroman

**Owner 2's  
Mailing Address:** 6709 Jester Blvd  
Austin, Texas 78750

**Owner 3:** Art Investment & Mortgage Co., a Texas corporation

**Owner 3's  
Mailing Address:** P.O. Box 161775  
Austin, Texas 78716

**Owners:** Collectively Owner 1, Owner 2, and Owner 3.

**Property:** (All of the following Tracts)

**Tract 1:** Lot 1, Block A, Resubdivision of the Beard Family Subdivision Section One, Lot 1, according to the map or plat, recorded in Document No. 200700248, Official Public Records, Travis County, Texas (Owner 1's Property).

**Tract 2:** Lot 2, Block A, Resubdivision of the Beard Family Subdivision Section One, Lot 1, according to the map or plat, recorded in Document No. 200700248, Official Public Records, Travis County, Texas (Owner 2's Property).

**Tract 3:** Lot 3, Block A, Resubdivision of the Beard Family Subdivision Section One, Lot 1, according to the map or plat, recorded in Document No.

200700248, Official Public Records, Travis County, Texas (Owner 3's Property).

Each owner declares that the Property must be held, sold, and conveyed subject to the following easements and restrictions to assure access to and from the Property for pedestrian and vehicular traffic.

### DEFINITIONS

- 1.01 "Owner" or "Owners" means the record owner, whether one or more persons or entities, his, her or its heirs, successors and assigns, of any right, title, or interest in or to the Property or any part thereof.
- 1.02 "Tract" or "Tracts" means the real property, or a part of the real property, defined above as "Property."
- 1.03 "Access Tract" means the ~~the~~ 4465 square feet of land located on Tract 1 described in metes and bounds and accompanying sketch attached and incorporated as **Exhibit 1**, and means the ~~the~~ 6259 square feet of land located on Tract 2 described in metes and bounds and accompanying sketch attached and incorporated as **Exhibit 2**.
- 1.04 "Improvements" means all driveway, curb and gutter, if any; drainage, if any; and all other access related improvements installed within the Access Tract.

### RESERVATION OF EASEMENTS

- 2.01 The Access Tract is reserved for the nonexclusive right for vehicular and pedestrian ingress and egress for all of the Owners of Tracts 1, 2, and 3 and their respective heirs, successors, assigns, tenants, employees, and invitees:
- (1) to and from the adjacent right-of-way Jester Boulevard;
  - (2) across common boundaries across, between, and among the Tracts.

### MAINTENANCE OF ACCESS TRACT

2.02 Each Owner must maintain its Tract, and that portion of the Access Tract located on its Tract if any, and all Improvements, to allow continuous free vehicular and pedestrian ingress and egress as set out in Section 2.01. Notwithstanding the following, the Owners have agreed to enter into a separate unrecorded maintenance agreement, which expressly details the maintenance of the Access Tract.



### **ENFORCEMENT**

3.01 Any Owner or the City of Austin may enforce, by any proceeding at law or in equity, including specific performance, the easements and restrictions imposed by this Joint Use Access Easement. Failure to enforce any easement or restriction created in this Declaration does not waive the future right to do so.

### **MODIFICATION OR TERMINATION**

4.01 This Joint Use Access Easement may be modified, amended, or terminated only by the joint action of both (a) the Director of the Development Services Department of the City of Austin, or successor department, (b) all of the Owners of the Property at the time of such modification, amendment, or termination and (c) any mortgagees holding first-lien security interests on any portion of the Property. Such joint action only becomes effective after it is reduced to writing, signed by all Owners of the Property and their respective mortgagees, if any, and the Director of the Development Services Department of the City of Austin or its successor department and filed in the Real Property Records of Travis County.

### **CONFORMITY WITH ALL APPLICABLE LAWS**

5.01 Nothing in this Joint Use Access Easement will be construed as requiring or permitting any person or entity to perform any act or omission that violates any local, state or federal law, regulation or requirement in effect at the time the act or omission would occur. Provisions in this agreement which may require or permit such a violation will yield to the law, regulation or requirement.

### **OBLIGATIONS TO RUN WITH THE LAND**

6.01 The obligations of each Owner created in this Joint Use Access Easement run with the land defined as the Property.

### **SEVERABILITY**

7.01 If any part, or the application of, this Joint Use Access Easement is for any reason held to be unconstitutional, invalid, or unenforceable, the validity of the remaining portions of this Joint Use Access Easement are not affected thereby. All provisions of this Joint Use Access Easement are severable to maintain in full force and effect the remaining provisions of this Joint Use Access Easement.

### **NON-MERGER**

8.01 This Joint Use Access Easement shall not be subject to the doctrine of merger, even though the underlying fee ownership of the Property, or any parts thereof, is vested in one party or entity.

Executed on the date first written above.

**Tract 1**

By: \_\_\_\_\_  
Cathy Nguyen

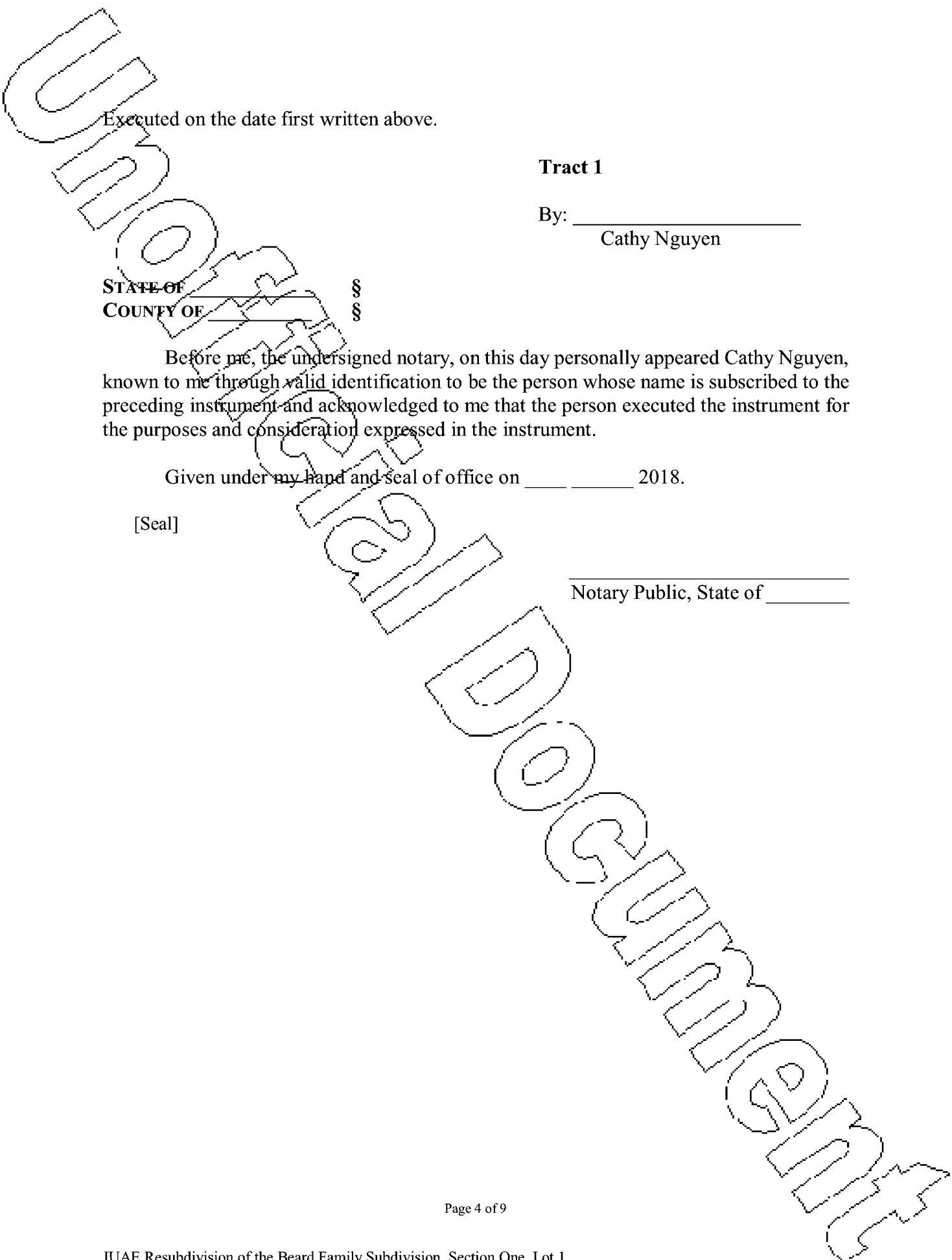
STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned notary, on this day personally appeared Cathy Nguyen, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on \_\_\_\_\_ 2018.

[Seal]

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_



**Tract 2**

By: \_\_\_\_\_  
Lawrence Alan Kroman

By: \_\_\_\_\_  
Debbie G. Kroman

STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned notary, on this day personally appeared Lawrence Alan Kroman, known to me through personally to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on \_\_\_\_\_, 2018.

[Seal]

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned notary, on this day personally appeared Debbie G. Kroman, known to me through personally to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on \_\_\_\_\_, 2018.

[Seal]

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

**Tract 3**

Art Investment and Mortgage Co.,  
a Texas corporation

By: \_\_\_\_\_  
L.H. Hardy, Jr., President

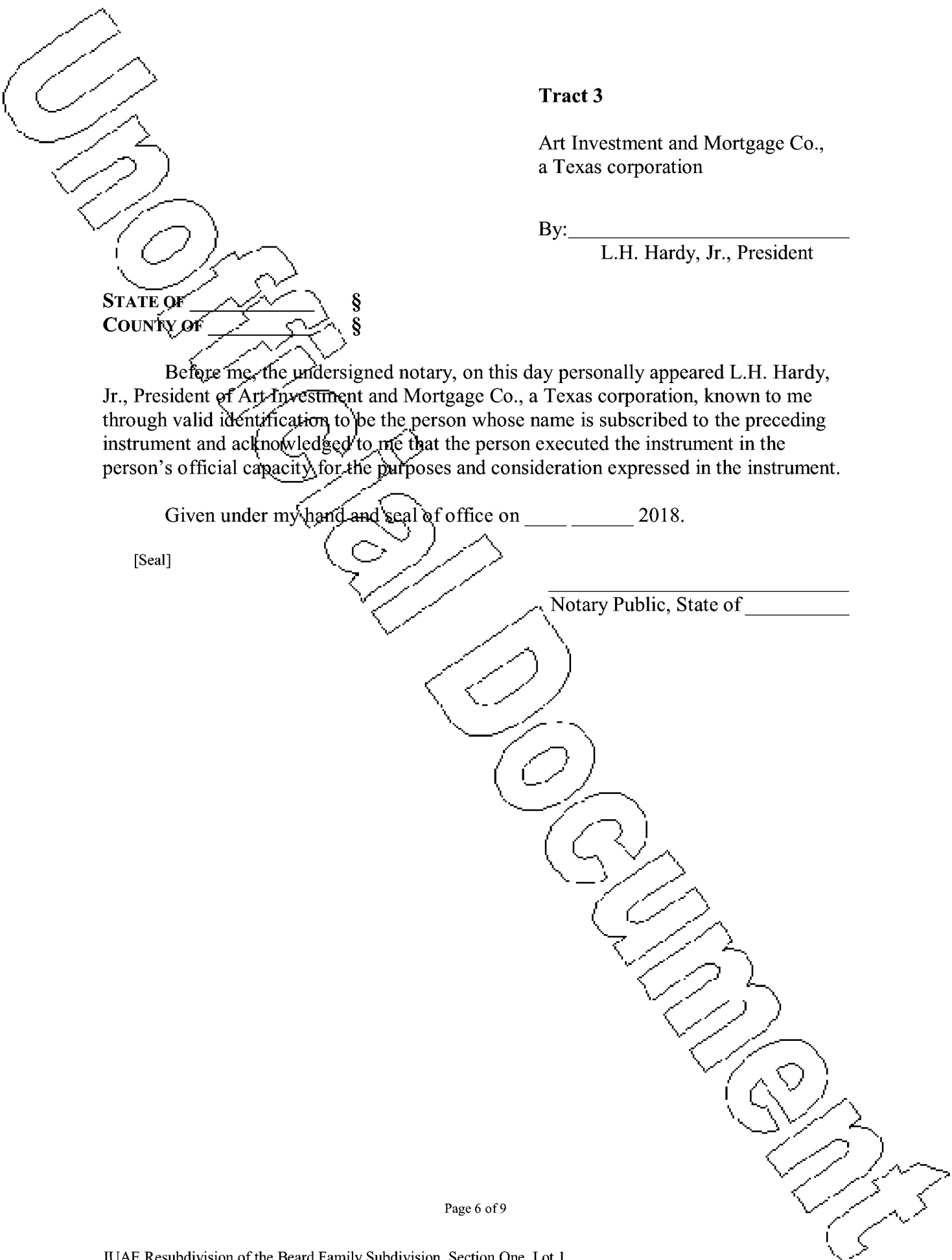
STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned notary, on this day personally appeared L.H. Hardy, Jr., President of Art Investment and Mortgage Co., a Texas corporation, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on \_\_\_\_\_ 2018.

[Seal]

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_



APPROVED AS TO FORM  
CITY OF AUSTIN, TEXAS  
LAW DEPARTMENT

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Assistant City Attorney

REVIEWED & ACCEPTED  
CITY OF AUSTIN, TEXAS  
DEVELOPMENT SERVICES DEPARTMENT

By: \_\_\_\_\_  
Sangeeta Jain  
Development Services Planning Officer

**Exhibit 1**

Unofficial's Document

4,465 SQ. FT. ACCESS EASEMENT

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 13°35'17" W	25.96'
L2	S 42°46'48" W	20.70'
L3	N 49°50'29" W	31.83'
L4	S 60°46'12" E	15.87'
L5	N 66°07'00" E	25.40'
L6	N 35°48'25" E	18.38'

SCALE 1" = 40'



JESTER BOULEVARD  
(100 FT. R.O.W.)

0.033 ACRES  
30' WIDE

JOINT USE ACCESS EASEMENT  
(DOC. 2001127889)

LOT 2, BLOCK A  
RESUBDIVISION OF JESTER VILLAGE TWO  
(VOL. 100, PG. 239)  
CHILDREN'S CENTER OF AUSTIN  
3.5480 ACRES  
(PROPERTY ID# 522694)

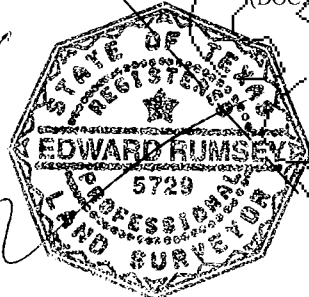
LEGEND

- 1/2" ROD FOUND
- CALCULATED POINT
- EE ELECTRIC ESMT
- ( ) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING

SURVEY DATE	MAY 16, 2018	
JOB NO.	A0500318	
FILED BY:	JAKEB NOWLIN	11/15/2017
CALC. BY:	CHRIS ZOTTER	11/29/2017
DRAWN BY:	SEAN SUTTON	05/03/2018
RPLS CHECK	EDWARD RUMSEY	05/16/2018

**ALLSTAR**  
Land surveying

9020 ANDERSON MILL RD  
AUSTIN, TEXAS 78729  
(512) 249-8149 PHONE  
(512) 331-5217 FAX  
TBPLS FIRM NO. 10135000



LOT 2, BLOCK A  
RESUBDIVISION OF THE BEARD FAMILY SUBDIVISION  
SECTION ONE, LOT ONE  
(DOC. NO. 200700248)  
ART INVESTMENTS AND MORTGAGE CO.  
(DOC. NO. 2016029977)

P.O.B.  
BEARING BASIS  
(S 59°59'48" E, 251.36')

FILL AND  
LATERAL SUPPORT  
EASEMENT  
(VOL. 7028, PG. 292)  
(DOC. NO. 200700248)

CONCRETE  
DRIVE

APPROX. LOCATION OF 30'  
ACCESS EASEMENT  
(SCALED)  
(DOC. NO. 200700248)

4,465 SQ. FT.  
ACCESS  
EASEMENT

LOT 1, BLOCK A  
RESUBDIVISION OF THE BEARD FAMILY SUBDIVISION  
SECTION ONE, LOT ONE  
(DOC. NO. 200700248)  
CATHY NGUYEN  
3.644 ACRES  
(DOC. 2006048319)

CHAMPION SUBDIVISION  
(DOC. NO. 200100361)

LEGAL DESCRIPTION

BEING 4,465 SQUARE FEET OF LAND OUT OF LOT 1, BLOCK A, BEARD FAMILY SUBDIVISION, SECTION ONE, LOT ONE, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NUMBER 200700248, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING THAT CERTAIN CATHY NGUYEN TRACT RECORDED IN DOCUMENT NUMBER 2006048319, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 4,465 SQUARE FEET OF LAND TO BE, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

FILE#  
EXHIBIT "A"

4,465 SQUARE FOOT  
ACCESS EASEMENT

BEING 4,465 SQUARE FEET OF LAND OUT OF LOT 1, BLOCK A, BEARD FAMILY SUBDIVISION, SECTION ONE, LOT ONE, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NUMBER 200700248, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING THAT CERTAIN CATHY NGUYEN TRACT RECORDED IN DOCUMENT NUMBER 2006048319, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 4,465 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING in the southerly line of Lot 2, Block A, said subdivision, in the northerly line of said Lot 1, for the northeast corner hereof, from which an iron rod found for the northwest corner of said Lot 1, Block A, bears North 60 degrees 01 minutes 45 seconds West, 77.07 feet;

THENCE South 60 degrees 01 minutes 45 seconds East, along the common line of said Lots 1 and 2, 42.93 feet for the southeast corner hereof, from which an iron rod found at the northeast corner of said Lot 1 bears, South 60 degrees 01 minutes 45 seconds East, 42.93 feet;

THENCE through said lot 1, the following 5 calls,

1. South 13 degrees 35 minutes 17 seconds West, 25.96 feet,
2. South 35 degrees 55 minutes 39 seconds West, 46.06 feet,
3. South 42 degrees 46 minutes 48 seconds West, 20.70 feet,
4. South 81 degrees 21 minutes 40 seconds West, 46.61 feet,
5. North 49 degrees 50 minutes 29 seconds West, 31.83 feet to the easterly line of lot 2, Block A, Resubdivision of Jester Village Two, a subdivision recorded in Volume 100, Page 239, Plat Records, said county, at the southeast corner of a 0.033 acre access easement recorded in Document Number 2001127889, Official Public Records, said county, same being in the westerly line of said Lot 1, for the southwest corner hereof;

THENCE North 01 degrees 46 minutes 07 seconds West, along the common lines of said Lots 1 and 2, along the easterly line of said access easement, 40.34 feet to the northeast corner of said access easement, for the northwest corner hereof;

THENCE through said Lot 1, the following 5 calls,

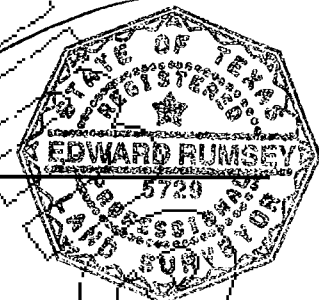
1. South 49 degrees 50 minutes 40 seconds East, 44.05 feet,
2. South 60 degrees 46 minutes 12 seconds East, 15.87 feet,
3. North 66 degrees 07 minutes 00 seconds East, 25.40 feet,
4. North 35 degrees 48 minutes 25 seconds East, 18.38 feet,
5. North 00 degrees 08 minutes 39 seconds East, 56.29 feet to the Point of Beginning.

**WITNESS MY HAND THIS (ACCESS EASEMENT)**

I, Edward Rumsey, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey, that all protrusions and encroachments into the easement area are accounted for including but not limited to, building footprint, caves and roof overhangs and all visible improvements whatsoever.

Witness my hand and seal this, 16th day of May, 2018.

EDWARD C. RUMSEY, TX. RPLS #5729  
ALL STAR LAND SURVEYING  
9020 ANDERSON MILL ROAD  
AUSTIN, TEXAS 78729  
PROP. I.D.# 754283  
JOB # A0500318



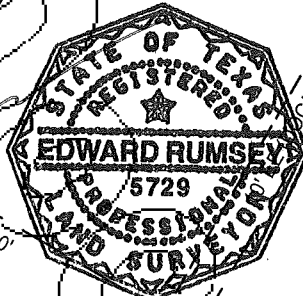
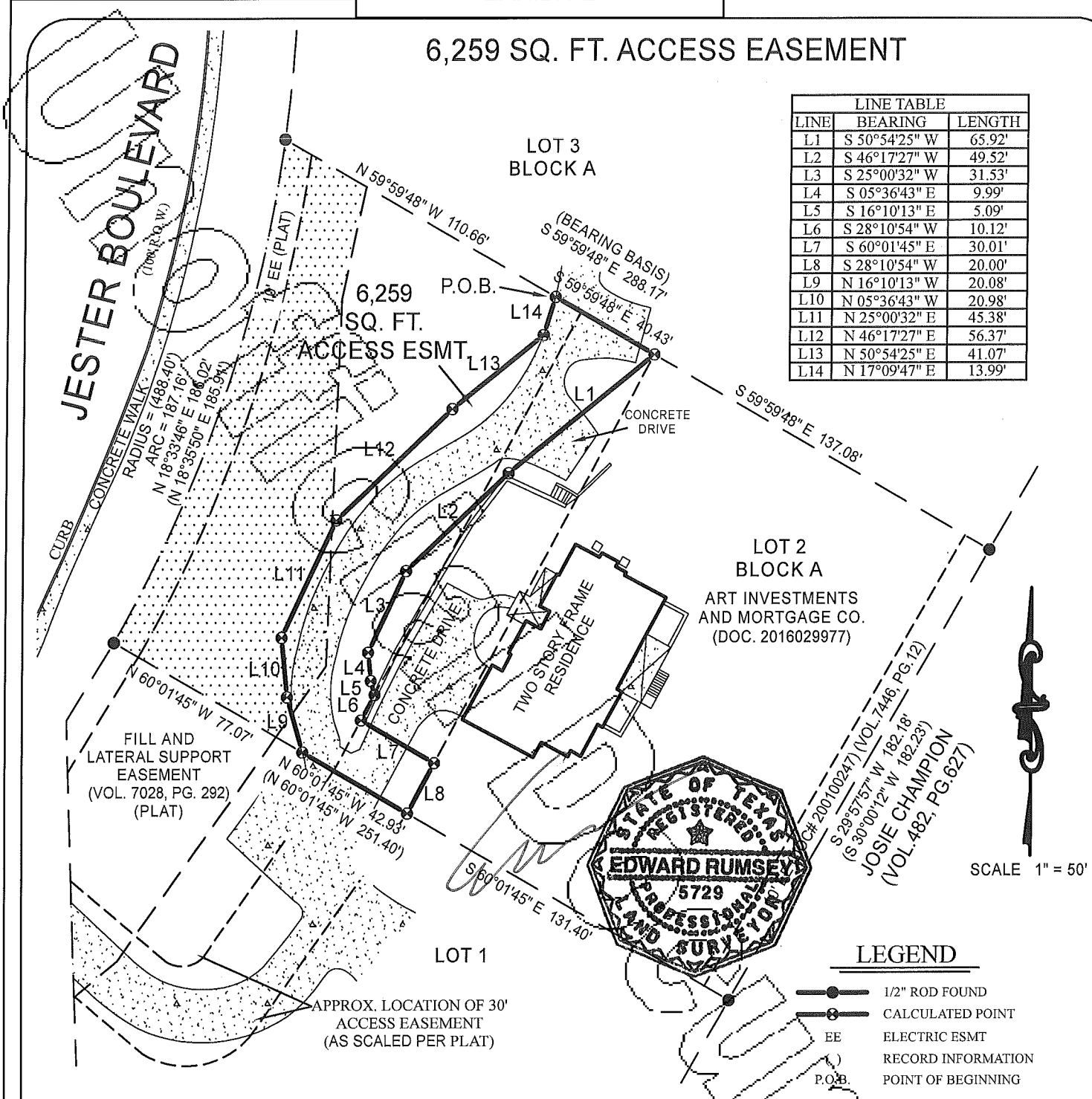


**Exhibit 2**

Unofficial's Document

6,259 SQ. FT. ACCESS EASEMENT

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 50°54'25" W	65.92'
L2	S 46°17'27" W	49.52'
L3	S 25°00'32" W	31.53'
L4	S 05°36'43" E	9.99'
L5	S 16°10'13" E	5.09'
L6	S 28°10'54" W	10.12'
L7	S 60°01'45" E	30.01'
L8	S 28°10'54" W	20.00'
L9	N 16°10'13" W	20.08'
L10	N 05°36'43" W	20.98'
L11	N 25°00'32" E	45.38'
L12	N 46°17'27" E	56.37'
L13	N 50°54'25" E	41.07'
L14	N 17°09'47" E	13.99'



LEGEND

- 1/2" ROD FOUND
- CALCULATED POINT
- EE ELECTRIC ESMT
- RECORD INFORMATION
- P.O.B. POINT OF BEGINNING

SURVEY DATE	JANUARY 24, 2018	
JOB NO.	A0105218	
FILED BY:	JAKEB NOWLIN	11/15/2017
CALC. BY:	CHRIS ZOTTER	11/16/2017
DRAWN BY:	SEAN SUTTON	11/16/2017
RPLS CHECK	EDWARD RUMSEY	01/24/2018

LEGAL DESCRIPTION

BEING 6,259 SQUARE FEET OF LAND, BEING OUT OF THE O. DALTON SURVEY, ABSTRACT NO. 427, TRAVIS COUNTY, TEXAS, SAME BEING THAT LOT 2, BLOCK A, BEARD FAMILY SUBDIVISION SECTION ONE LOT ONE, ACCORDING TO THE MAP OR PEAT THEREOF RECORDED IN DOCUMENT NUMBER 200700248, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THAT SAME TRACT OF LAND CONVEYED TO ART INVESTMENT & MORTGAGE CO. IN WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2016029971, OFFICIAL PUBLIC RECORDS; SAID 6,259 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

**ALLSTAR**  
Land Surveying  
9020 ANDERSON MILL RD  
AUSTIN, TEXAS 78729  
(512) 249-8149 PHONE  
(512) 331-5217 FAX  
TBPLS FIRM NO. 10135000

FILE#  
EXHIBIT "A"

6,259 SQUARE FOOT  
ACCESS EASEMENT

BEING 6,259 SQUARE FEET OF LAND OUT OF LOT 2, BLOCK A, BEARD FAMILY SUBDIVISION, SECTION ONE, LOT ONE, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NUMBER 200700248, SAME BEING THAT CERTAIN ART INVESTMENTS AND MORTGAGE CO. RECORDED IN DOCUMENT NUMBER 2016029977, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 6,259 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING at a point in the southerly line of Lot 3, Block A, said subdivision, in the northerly line of said Lot 2, for the northwest corner hereof, from which an iron rod found for the northwest corner of said Lot 2, Block A, bears North 59 degrees 59 minutes 48 seconds West, a distance of 110.66 feet;

THENCE South 59 degrees 59 minutes 48 seconds East, along said Lot 2 and Lot 3 common line, a distance of 40.43 feet to a point said in line, for the northeast corner hereof, from which an iron rod found at the northeast corner of said Lot 2 bears, South 59 degrees 59 minutes 48 seconds East, 137.08 feet;

THENCE leaving said Lot 3 and said Lot 2 common line and through said Lot 2 the following 8 calls;

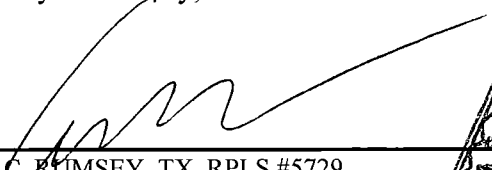
1. South 50 degrees 54 minutes 25 seconds West, 65.92 feet,
2. South 46 degrees 17 minutes 27 seconds West, 49.52 feet,
3. South 25 degrees 00 minutes 32 seconds West, 31.53 feet,
4. South 05 degrees 36 minutes 43 seconds East, 9.99 feet,
5. South 16 degrees 10 minutes 13 seconds East, 5.09 feet,
6. South 28 degrees 10 minutes 54 seconds West, 10.12 feet,
7. South 60 degrees 01 minutes 45 seconds East, 30.01 feet,
8. South 28 degrees 10 minutes 54 seconds West, 20.00 feet to a point in the common line of Lots 1 and 2, of said subdivision, for the southeast corner hereof;

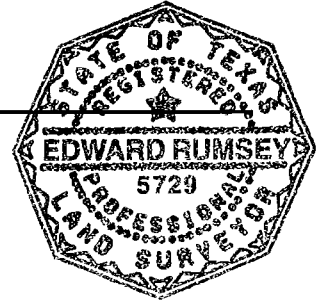
THENCE North 60 degrees 01 minutes 45 seconds West, along the common line of said Lots 1 and 2, 42.93 feet to a point in said line, for the southwest corner hereof;

THENCE through said Lot 2, the following 6 calls,

1. North 16 degrees 10 minutes 13 seconds West, 20.08 feet,
2. North 05 degrees 36 minutes 43 seconds West, 20.98 feet,
3. North 25 degrees 00 minutes 32 seconds East, 45.38 feet,
4. North 46 degrees 17 minutes 27 seconds East, 56.37 feet,
5. North 50 degrees 54 minutes 25 seconds East, 41.07 feet,
6. North 17 degrees 09 minutes 47 seconds East, 13.99 feet to the Point of Beginning;

I, Edward Rumsey, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey, that all protrusions and encroachments into the easement area are accounted for including but not limited to, building footprint, eaves and roof overhangs and all visible improvements whatsoever.  
Witness my hand and seal this, 18th day of January, 2018.


  
EDWARD C. RUMSEY, TX. RPLS #5729  
ALL STAR LAND SURVEYING  
9020 ANDERSON MILL ROAD  
AUSTIN, TEXAS 78729  
PROP. I.D.# 754284  
JOB # A1108817



PAGE 2 OF 3



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

  
DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

March 01 2019 10:46 AM

FEE: \$ 102.00 2019028569