

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 record in the public records: your Social Security number or your driver's license number.

**ORIGINAL
FILED FOR RECORD**

EXCLUSIVE TRAIL AND RECREATIONAL EASEMENT

Date: October 22, 2020

Grantor: **KB Home Lone Star Inc.**, a Texas corporation

Grantor's Address: 10800 Pecan Park Boulevard, Suite 200
Austin, Travis County, Texas 78750

City: **CITY OF AUSTIN, TEXAS**, a Texas home-rule municipal corporation situated in the counties of Hays, Travis, and Williamson

City's Address: P.O. Box 1088
Austin, Travis County, Texas 78767-1088

Easement Tract: All that parcel of land situated in Travis County, Texas, described in the attached **Exhibit A**

Easement Duration: Perpetual

Easement Purpose: To access, install, construct, operate, use, maintain, repair, modify, upgrade, monitor, inspect, replace, make connections with, and remove the Facilities

Facilities: Walkways, multi-use trails, and promenade structures with all associated steps, stairs, ramps, tunnels, walls, and other appurtenances which provide public connectivity and an area with structures and associated appurtenances for public recreational and community gathering activities and providing public connectivity as determined by the City in its reasonable discretion

Permitted Encumbrances: Any easements, liens, encumbrances, and other matters not subordinated to the Easement Tract and of record in the Real Property Records of the Texas county in which the Easement Tract is located that are valid, existing, and affect the Easement Tract as of the Date


City Reviewer Initials

Grantor, for **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration paid to Grantor, the receipt and sufficiency of which are acknowledged by Grantor, **GRANTS, SELLS, AND CONVEYS** to the City an exclusive easement in, over, under, on, and across the Easement Tract for the Easement Purpose as a dedication to the City for park and recreational purposes within the meaning of Article II, Section 7, Paragraph (A) of the Austin City Charter and as may be necessary or desirable subject to the Permitted Encumbrances which must be construed as being prior in time to the dedication of the Easement Tract for park and recreational purposes, and subject to the rules and regulations promulgated, modified and amended by City from time to time governing the use of park and recreation property, together with (i) the right of free and uninterrupted ingress and egress at all times over, on, and across the Easement Tract for use of the Easement Tract for the Easement Purpose, (ii) the right to eliminate any encroachments in the Easement Tract that interfere in any material way or are inconsistent with the rights granted the City under this instrument for the Easement Purpose as determined by the City in its reasonable discretion, and (iii) any and all rights and appurtenances pertaining to use of the Easement Tract (collectively, the "**Easement**").

TO HAVE AND TO HOLD the Easement to the City and City's successors and assigns for the Easement Duration and Easement Purpose.

Grantor binds Grantor and Grantor's heirs, successors, and assigns to **WARRANT AND FOREVER DEFEND** the title to the Easement, subject to the Permitted Encumbrances, to the City against every person whomsoever lawfully claiming or to claim the Easement Tract or any part of the Easement Tract when the claim is by, through, or under Grantor, but not otherwise.


Except where the context otherwise requires, *Grantor* includes *Grantor's heirs, successors, and assigns* and *City* includes *City's employees, agents, consultants, contractors, successors, and assigns*; and where the context requires, singular nouns and pronouns include the plural.

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City Reviewer Initials

Executed effective the Date first above stated.

KB Home Lone Star Inc., A Texas Corporation

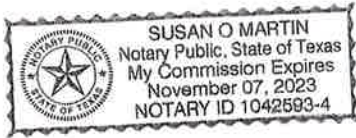
By: 
Name: John Zinsmeyer
Title: Vice President

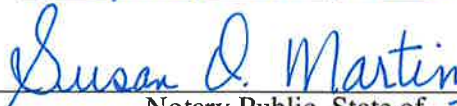
STATE OF TEXAS §
COUNTY OF TRAVIS §

Before me, the undersigned notary, on this day personally appeared John Zinsmeyer, Vice President of KB Home Lone Star Inc., 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 OCTOBER 28th, 2020

[Seal]




Notary Public, State of TEXAS


City Reviewer Initials

APPROVED AS TO FORM:
CITY OF AUSTIN, TEXAS
LAW DEPARTMENT

By: Debra Thomas
Name: Debra Thomas
Title: Assistant City Attorney

REVIEWED:
CITY OF AUSTIN, TEXAS
PARKS AND RECREATION DEPARTMENT

By: Justin Stewart
Name: Justin Stewart
Title: Senior Planner

REVIEWED:
CITY OF AUSTIN, TEXAS
DEVELOPMENT SERVICES DEPARTMENT

By: _____
Name: _____
Title: _____

AS
City Reviewer Initials

Exhibit A

0.887 ACRES (38,625 S.F.)
SANTIAGO DEL VALLE SURVEY, ABSTRACT NO. 24
TRAVIS COUNTY, TX
TRAIL EASEMENT

FIELD NOTES

BEING ALL OF THAT CERTAIN 0.887 ACRE (38,625 S.F.) TRACT OF LAND OUT OF AND A PORTION OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NUMBER 24, SITUATED IN TRAVIS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF A CALLED 94.441 ACRE TRACT OF LAND CONVEYED TO KB HOME LONE STAR, INC. IN DOCUMENT NUMBER 2018195329, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.887 ACRE (38,625 S.F.) TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2 inch iron rod found at the southernmost corner of said 94.441 acre tract of land, being in the northeast line of a called 133.849 acre tract of land conveyed to Carma Easton, LLC. in Document Number 2015069748, Official Public Records of Travis County, Texas, same being at the westernmost corner of a called 232.233 acre tract of land conveyed to Carma Easton, LLC. in Document Number 2009003190, Official Public Records of Travis County, Texas, for the **POINT OF COMMENCEMENT** of the herein described tract,

THENCE, N26°58'58"E, with the southeast line of said 94.441 acre tract and the northwest line of said 232.233 acre tract of land, a distance of 56.33 feet to a calculated point for the southernmost corner and **POINT OF BEGINNING** of the herein described tract of land,

THENCE, over and across said 94.441 acre tract the following forty-one (41) courses and distances, numbered 1 through 41,

- 1) N63°01'02"W, a distance of 144.00 feet to a calculated point for the westernmost corner of the herein described tract of land,
- 2) N26°58'58"E, a distance of 20.00 feet to a calculated point for corner,
- 3) S63°01'02"E, a distance of 100.00 feet to a calculated point for corner,
- 4) N87°14'17"E, a distance of 16.12 feet to a calculated point for corner,
- 5) N26°58'58"E, a distance of 213.68 feet to a calculated point for corner,
- 6) N38°31'11"E, a distance of 56.07 feet to a calculated point for corner,
- 7) N07°19'15"E, a distance of 33.33 feet to a calculated point for corner,
- 8) N51°31'24"W, a distance of 20.41 feet to a calculated point for corner,
- 9) N63°01'02"W, a distance of 94.00 feet to a calculated point for corner,
- 10) N26°58'58"E, a distance of 20.00 feet to a calculated point for corner,
- 11) S63°01'02"E, a distance of 93.83 feet to a calculated point for corner,
- 12) N78°40'42"E, a distance of 25.71 feet to a calculated point for corner,
- 13) N40°34'09"E, a distance of 32.11 feet to a calculated point for corner,
- 14) N26°58'58"E, a distance of 354.20 feet to a calculated point for corner,
- 15) N39°00'28"E, a distance of 14.92 feet to a calculated point for corner,
- 16) N12°24'03"E, a distance of 12.34 feet to a calculated point for corner,
- 17) N03°34'08"E, a distance of 29.83 feet to a calculated point for corner,
- 18) N51°58'21"W, a distance of 45.25 feet to a calculated point for corner,
- 19) S83°01'39"W, a distance of 50.85 feet to a calculated point for corner at the beginning of a curve to the left,
- 20) Along said curve to the left, having a radius of 50.00 feet, an arc length of 20.27 feet, and a chord that bears N00°30'44"W, a distance of 20.13 feet to a calculated point for corner,
- 21) N83°01'50"E, a distance of 84.22 feet to a calculated point for corner,
- 22) N55°00'19"E, a distance of 30.07 feet to a calculated point for corner,
- 23) N26°58'59"E, a distance of 110.64 feet to a calculated point for corner,
- 24) N34°28'59"E, a distance of 13.57 feet to a calculated point for corner,
- 25) N41°58'59"E, a distance of 17.99 feet to a calculated point for corner,
- 26) N34°28'59"E, a distance of 8.35 feet to a calculated point for corner,
- 27) N26°58'58"E, a distance of 151.08 feet to a calculated point for corner,

- 28) N34°21'40"E, a distance of 13.36 feet to a calculated point for corner,
- 29) N41°44'23"E, a distance of 12.95 feet to a calculated point for corner,
- 30) N35°46'12"W, a distance of 34.11 feet to a calculated point for corner,
- 31) N48°30'32"W, a distance of 17.64 feet to a calculated point for corner,
- 32) N61°14'51"W, a distance of 40.91 feet to a calculated point for corner at the beginning of a curve to the left,
- 33) Along said curve to the left, having a radius of 50.00 feet, an arc length of 20.27 feet, and a chord that bears N35°12'55"E, a distance of 20.13 feet to a calculated point for corner,
- 34) S61°14'51"E, a distance of 38.64 feet to a calculated point for corner,
- 35) S48°30'32"E, a distance of 26.46 feet to a calculated point for corner,
- 36) S35°46'12"E, a distance of 29.68 feet to a calculated point for corner,
- 37) N47°29'32"E, a distance of 26.01 feet to a calculated point for corner,
- 38) N25°16'40"E, a distance of 45.20 feet to a calculated point for corner,
- 39) N26°58'58"E, a distance of 22.81 feet to a calculated point for corner,
- 40) N30°15'23"E, a distance of 20.73 feet to a calculated point for corner, and
- 41) N70°13'34"E, a distance of 28.48 feet to a calculated point for the northernmost corner of the herein described tract of land, being in the southeast line of said 94.441 acre tract, and being in the northwest line of said 232.233 acre tract,

THENCE, S26°58'58"W, with the southeast line of said 94.441 acre tract and the northwest line of said 232.233 acre tract, a distance of 34.89 feet to a calculated point for corner,

THENCE, over and across said 94.441 acre tract the following five (5) courses and distances, numbered 1 through 5,

- 1) S28°19'16"W, a distance of 29.73 feet to a calculated point for corner,
- 2) S29°03'47"W, a distance of 45.07 feet to a calculated point for corner,
- 3) S35°24'05"W, a distance of 7.95 feet to a calculated point for corner,
- 4) S41°44'23"W, a distance of 25.01 feet to a calculated point for corner, and
- 5) S58°23'20"E, a distance of 9.90 feet to a calculated point for corner in the southeast line of said 94.441 acre tract, and being in the northwest line of said 232.233 acre tract,

THENCE, S26°58'58"W, with the southeast line of said 94.441 acre tract and the northwest line of said 232.233 acre tract, a distance of 20.00 feet to a calculated point for corner,

THENCE, over and across said 94.441 acre tract the following ten (10) courses and distances, numbered 1 through 10,

- 1) N57°31'14"W, a distance of 15.03 feet to a calculated point for corner,
- 2) S41°44'23"W, a distance of 10.50 feet to a calculated point for corner,
- 3) S34°21'40"W, a distance of 8.22 feet to a calculated point for corner,
- 4) S26°58'58"W, a distance of 151.08 feet to a calculated point for corner,
- 5) S34°28'59"W, a distance of 13.57 feet to a calculated point for corner,
- 6) S41°58'59"W, a distance of 17.99 feet to a calculated point for corner,
- 7) S34°28'59"W, a distance of 8.35 feet to a calculated point for corner,
- 8) S26°58'59"W, a distance of 128.69 feet to a calculated point for corner,
- 9) S37°59'05"E, a distance of 1.81 feet to a calculated point for corner, and
- 10) N77°02'52"E, a distance of 32.04 feet to a calculated point for corner in the southeast line of said 94.441 acre tract, and being in the northwest line of said 232.233 acre tract,

THENCE, S26°58'58"W, with the southeast line of said 94.441 acre tract and the northwest line of said 232.233 acre tract, a distance of 26.08 feet to a calculated point for corner,

THENCE, over and across said 94.441 acre tract the following five (5) courses and distances, numbered 1 through 5,

- 1) S78°00'06"W, a distance of 11.53 feet to a calculated point for corner,
- 2) S37°15'27"W, a distance of 32.69 feet to a calculated point for corner,
- 3) S04°00'45"E, a distance of 23.96 feet to a calculated point for corner,
- 4) S26°58'58"W, a distance of 392.98 feet to a calculated point for corner, and
- 5) S15°40'59"W, a distance of 12.54 feet to a calculated point for corner in the southeast line of said 94.441 acre tract, and being in the northwest line of said 232.233 acre tract,

THENCE, S26°58'58"W, with the southeast line of said 94.441 acre tract and the northwest line of said 232.233 acre tract, a distance of 100.81 feet to a calculated point for corner,

THENCE, over and across said 94.441 acre tract the following three (3) courses and distances, numbered 1 through 3,

- 1) S38°31'06"W, a distance of 50.01 feet to a calculated point for corner,
- 2) S26°58'58"W, a distance of 194.86 feet to a calculated point for corner, and
- 3) S07°57'21"E, a distance of 17.46 feet to a calculated point for corner in the southeast line of said 94.441 acre tract, and being in the northwest line of said 232.233 acre tract,

THENCE, S26°58'58"W, with the southeast line of said 94.441 acre tract and the northwest line of said 232.233 acre tract, a distance of 30.49 feet to the **POINT OF BEGINNING** and containing 0.887 acres (38,625 S.F.) of land.

Surveyed by:

 31 Jan 2020

AARON V. THOMASON, R.P.L.S. NO. 6214
Carlson, Brigrance and Doering, Inc.
5501 West William Cannon
Austin, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
aaron@cbdeng.com



BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203)

SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'

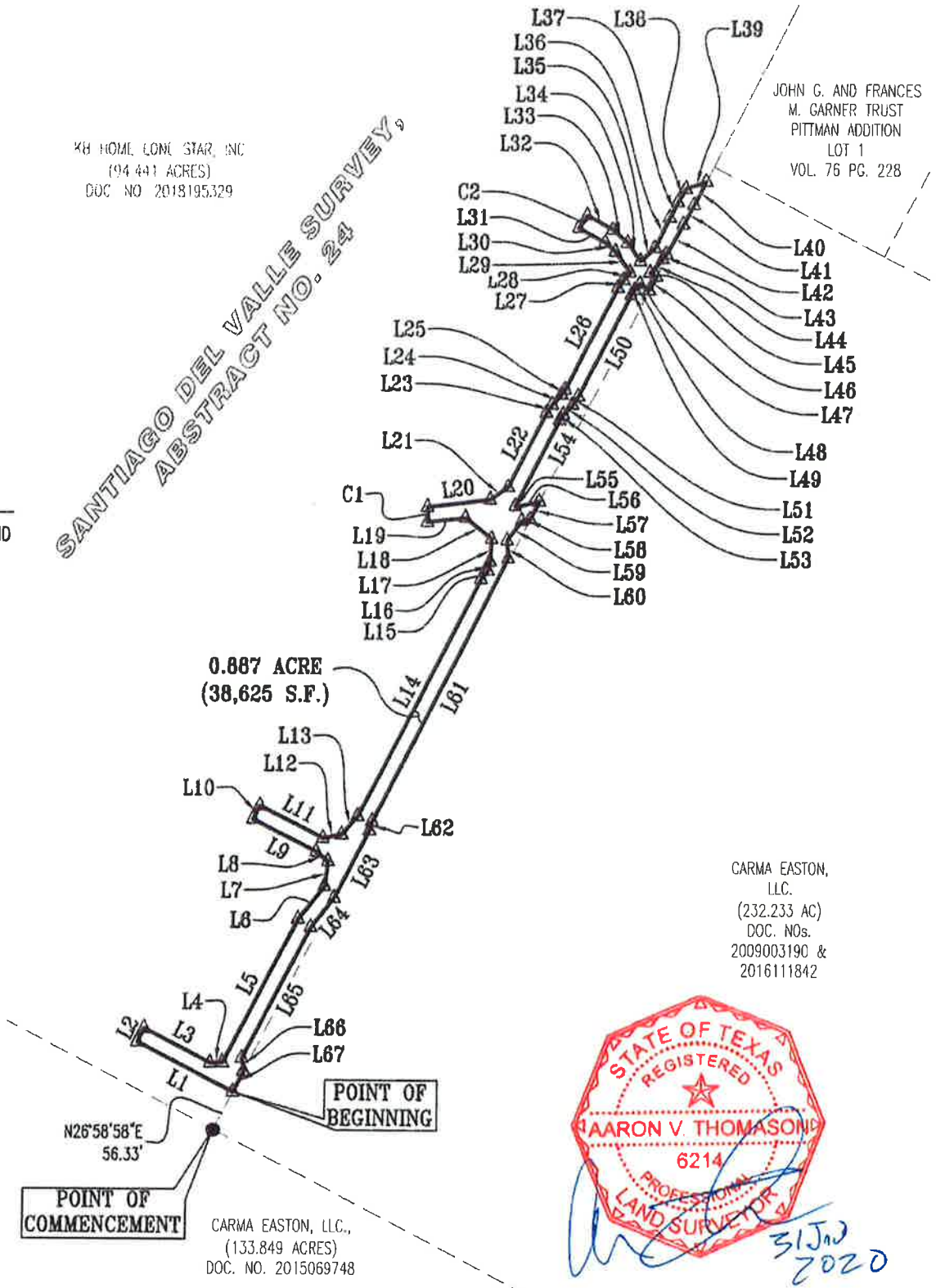
LEGEND

- 1/2" IRON ROD FOUND
- △ CALCULATED POINT

KB HOME LOML STAR, INC
(94.441 ACRES)
DOC NO 2018195329

SANTIAGO DEL VALLE SURVEY,
ABSTRACT NO. 24

JOHN G. AND FRANCES
M. GARNER TRUST
PITTMAN ADDITION
LOT 1
VOL. 76 PG. 228



0.887 ACRE
(38,625 S.F.)

CARMA EASTON,
LLC.
(232.233 AC)
DOC. NOS.
2009003190 &
2016111842



POINT OF COMMENCEMENT

POINT OF BEGINNING

CARMA EASTON, LLC.,
(133.849 ACRES)
DOC. NO. 2015069748

BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NAD83

Carlson, Brigrance & Doering, Inc.

FIRM ID #E3791 REG. # 10024900

Civil Engineering	Surveying
5501 West Willam Cannon	Austin, Texas 78749
Phone No. (512) 280-5160	Fax No. (512) 280-5165

SKETCH TO ACCOMPANY FIELD NOTES

Line Table		
Line #	Length	Direction
L1	144.00	N63°01'02"W
L2	20.00	N26°58'58"E
L3	100.00	S63°01'02"E
L4	16.12	N87°14'17"E
L5	213.68	N26°58'58"E
L6	56.07	N38°31'11"E
L7	33.33	N07°19'15"E
L8	20.41	N51°31'24"W
L9	94.00	N63°01'02"W
L10	20.00	N26°58'58"E
L11	93.83	S63°01'02"E
L12	25.71	N78°40'42"E
L13	32.11	N40°34'09"E
L14	354.20	N26°58'58"E
L15	14.92	N39°00'28"E
L16	12.34	N12°24'03"E
L17	29.83	N03°34'08"E
L18	45.25	N51°58'21"W
L19	50.85	S83°01'39"W
L20	84.22	N83°01'50"E
L21	30.07	N55°00'19"E
L22	110.64	N26°58'59"E
L23	13.57	N34°28'59"E

Line Table		
Line #	Length	Direction
L24	17.99	N41°58'59"E
L25	8.35	N34°28'59"E
L26	151.08	N26°58'58"E
L27	13.36	N34°21'40"E
L28	12.95	N41°44'23"E
L29	34.11	N35°46'12"W
L30	17.64	N48°30'32"W
L31	40.91	N61°14'51"W
L32	38.64	S61°14'51"E
L33	26.46	S48°30'32"E
L34	29.68	S35°46'12"E
L35	26.01	N47°29'32"E
L36	45.20	N25°16'40"E
L37	22.81	N26°58'58"E
L38	20.73	N30°15'23"E
L39	28.48	N70°13'34"E
L40	34.89	S26°58'58"W
L41	29.73	S28°19'16"W
L42	45.07	S29°03'47"W
L43	7.95	S35°24'05"W
L44	25.01	S41°44'23"W
L45	9.90	S58°23'20"E
L46	20.00	S26°58'58"W

Line Table		
Line #	Length	Direction
L47	15.03	N57°31'14"W
L48	10.50	S41°44'23"W
L49	8.22	S34°21'40"W
L50	151.08	S26°58'58"W
L51	13.57	S34°28'59"W
L52	17.99	S41°58'59"W
L53	8.35	S34°28'59"W
L54	128.69	S26°58'59"W
L55	1.81	S37°59'05"E
L56	32.04	N77°02'52"E
L57	26.08	S26°58'58"W
L58	11.53	S78°00'06"W
L59	32.69	S37°15'27"W
L60	23.96	S04°00'45"E
L61	392.98	S26°58'58"W
L62	12.54	S15°40'59"W
L63	100.81	S26°58'58"W
L64	50.01	S38°31'06"W
L65	194.86	S26°58'58"W
L66	17.46	S07°57'21"E
L67	30.49	S26°58'58"W

Curve Table						
Curve #	Length	Radius	Chord Direction	Chord Length	Tangent	DELTA
C1	20.27	50.00	N00°30'44"W	20.13	10.28	23°13'42"
C2	20.27	50.00	N35°12'55"E	20.13	10.27	23°13'25"

BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NAD83



Carlson, Brigance & Doering, Inc.

FIRM ID #F3791 ♦ REG. # 10024900

Civil Engineering	Surveying
5501 West William Cannon	Austin, Texas 78749
Phone No. (512) 280-5160	Fax No. (512) 280-5165

AFFIDAVIT OF NO LIENS
[OWNERSHIP TYPE - ENTITY]

Date: October 22, 2020
Affiant: John Zinsmeyer
Affiant Title: Vice President of KB Lone Star, Inc.

Owner: The person or entity in the Grant Document that is the holder of title to the Property.
Grant Document: The document to which this Affidavit of No Liens is attached and referred to.
Property: The property identified in the Grant Document that is the subject of the Grant Document.

Affiant on oath swears or affirms that the following statements are true and are within the personal knowledge of Affiant:

My name is set forth above as Affiant. In my capacity listed above as Affiant Title, I am authorized by the Owner to make this affidavit. I am above the age of eighteen years, have never been convicted of a felony or a crime of moral turpitude, am of sound mind and am fully qualified to make this affidavit. I have personal knowledge of the facts contained in this affidavit in my capacity with the Owner that holds title to the Property, I have recently reviewed the Owner's records of ownership concerning the Property, and on the basis of this personal knowledge, after diligent inquiry, as of the date of this affidavit, I attest that:

1. Owner holds title to the Property;
2. there is no lien not subordinated to the Grant Document held by any person, including any bank or similar financial institution, against the Property;
3. there is no lease not subordinated to the Grant Document entered into with any person with respect to the Property;
4. all labor, services, and materials (the "**Labor and Materials**") provided to the Property for improvements, fixtures, and furnishings, or otherwise, at the instance and request of Owner, have been paid in full and no liens with respect to the Labor and Materials have been filed or exist with respect to the Property;

5. there are no actions, proceedings, judgments, bankruptcies, liens not subordinated to the Grant Document, or executions filed or pending against the Owner that would affect the Property; and
6. the Owner is not a debtor in bankruptcy.

Executed effective the Date first above stated.

KB Home Lone Star, Inc.,
A Texas corporation


By: 
Name: John Zinsmeyer
Title: Vice President

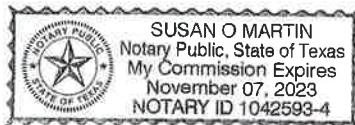
STATE OF TEXAS §
COUNTY OF TRAVIS §

Before me, the undersigned notary, on this day personally appeared John Zinsmeyer, Vice President of KB Home Lone Star Inc., 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 October 28th, 2020

[Seal]


Notary Public, State of TEXAS



AFTER RECORDING, RETURN TO:

City of Austin
Development Services Department
P.O. Box 1088
Austin, Texas 78767
Project Name: Colton Buff Phase 1
Attn: Justin Stewart
Case No. C8-2019-0217.1B
Related Subdivision File No. SP-2019-0129D



2020230649

COPY

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

**Dana DeBeauvoir, County Clerk
Travis County, Texas**

Nov 30, 2020 02:55 PM

Fee: \$70.00 RENTERIAKI