



**DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS
REGARDING THE MAINTENANCE OF DRAINAGE FACILITIES FOR
4111 SPICEWOOD SPRINGS ROAD**

This Declaration of Easements and Restrictive Covenants Regarding the Maintenance of Drainage Facilities for 4111 Spicewood Springs, SP-2013-0364C, (the "Restrictive Covenant"), is executed on May 15, 2014, by Spicewood Springs, LP, ("Declarant") and is as follows:

23

RECITALS:

OWNER: SPICEWOOD SPRINGS, LP, a Texas Limited Partnership
ADDRESS: 2003 SOUTH 1ST ST, AUSTIN, TRAVIS COUNTY, TX 78704
CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.
PROPERTY: Declarant owns land (the "Property") within Travis County, more particularly described on **EXHIBIT A** attached and incorporated by reference.

A. Definitions.

1. Owners. The term "Owner" means, individually, and the term "Owners" means, collectively, Declarant and all future owners of the fee interest of any portion of the Property (whether such fee interest is obtained through a purchase from Declarant or through a purchase at a foreclosure sale or trustee's sale or through a deed in lieu of foreclosure) and their successors and assigns.
2. Facilities. The term "Facilities" means those drainage facilities that convey and receive stormwater runoff and that are more particularly described on **EXHIBIT B** attached and incorporated by reference.

B. Declaration.

Each contract, deed or conveyance of any kind conveying all or a portion of the Property will conclusively be held to have been executed, delivered, and accepted subject to the following covenants, conditions and restrictions, regardless of whether or not they are set out in full or by reference in said contract, deed or conveyance. Declarant declares that the Property is subject to the following covenants, conditions and restrictions, which run with the Property and bind all parties having right, title, or interest in or to the Property or

any part, their respective heirs, successors, and assigns and inure to the benefit of each Owner.

(Remainder of page intentionally left blank)

AGREEMENTS:

1. Recitals Incorporated. The above Recitals and all terms defined therein are incorporated into this Restrictive Covenant for all purposes.
- 2.1 Easement to the Owners. Declarant hereby grants and conveys and by these presents does GRANT AND CONVEY unto the Owners, a non-exclusive easement for the inspection, monitoring, operation, maintenance, replacement, upgrade and repair, as applicable, of the Facilities in, upon and across portions of the Property as more particularly described in **EXHIBIT C** attached hereto and incorporated by reference (the "Easement Tract").

TO HAVE AND TO HOLD the same perpetually to the Owners and its successors and assigns, together with the privilege at any and all times to enter the Easement Tract for the purpose of operating, inspecting, monitoring, maintaining, replacing, upgrading and repairing, as applicable, the Facilities. This easement is made and accepted subject to all easements, covenants, restrictions, liens, and other encumbrances of record in Travis County, Texas affecting the Easement Tract.

- 2.2 Easement to the City of Austin. Declarant hereby grants and conveys and by these presents does GRANT AND CONVEY unto the City of Austin, whose address is Post Office Box 1088, Austin, Texas 78767-1088, Attn: Planning and Development Review Department, a non-exclusive easement for the inspection, monitoring, operation, maintenance, replacement, upgrade and repair, as applicable, of the Facilities in, upon and across the Easement Tract.

TO HAVE AND TO HOLD the same perpetually to the City of Austin and its successors and assigns, together with the privilege at any and all times to enter the Easement Tract for the purpose of operating, inspecting, monitoring, maintaining, replacing, upgrading and repairing, as applicable, the Facilities. This easement is made and accepted subject to all easements, covenants, restrictions, liens, and other encumbrances of record in Travis County, Texas affecting the Easement Tract.

3. Maintenance. The Owners shall continuously maintain the Facilities in accordance with the requirements of the City and in a good and functioning condition. The portion of the Property on which the Facilities are located may not be used for any purpose inconsistent with or detrimental to the proper operation of the Facilities. Each Owner is jointly and severally liable for the maintenance of the Facilities. Owner may enter into an agreement with a third party regarding the maintenance obligations, but in no such event shall the agreement with the third party release Owner from its obligations to City under this Easement.
4. Notice of City Entry. The City shall give the Owners thirty (30) days' prior written notice of the City's intent to enter all or part of the Easement Tract for the purpose of operating, maintaining, replacing, upgrading or repairing, as applicable, the Facilities; provided, however, that in the event of an emergency, the City shall be required to give

prior notice within a reasonable period of time. Reasonableness shall be determined in accordance with the nature of circumstances of the emergency. The City shall have the right to enter the Easement Tract without prior written notification for the purposes of monitoring and inspection only.

5. General Provisions.

- A. Enforcement. If any person, persons, corporation, or entity of any other character violates or attempts to violate this Restrictive Covenant, it will be lawful for the City of Austin, its successors and assigns, to prosecute proceedings at law, or in equity, against the person, or entity violating or attempting to violate such covenant and to prevent the person or entity from violating or attempting to violate such covenant. The failure at any time to enforce this Restrictive Covenant by the City of Austin, its successors and assigns, whether any violations hereof are known or not, does not constitute a waiver or estoppel of the right to do so.
- B. Modification and Amendment. This Restrictive Covenant may only be modified, amended or terminated upon the filing of such modification, amendment or termination in the Official Records of Travis County, Texas, executed, acknowledged and approved by (a) the Director of the Planning and Development Review Department of the City of Austin or successor department; (b) the Owners of the Property; 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 and their respective mortgagees, if any, and the Director of the Planning and Development Review Department of the City of Austin or its successor department and filed in the Real Property Records of Travis County.
- C. Duration. Unless modified, amended, or terminated in accordance with Paragraph 5(B), this Restrictive Covenant remains in effect in perpetuity.
- D. Inurement. This Restrictive Covenant and the restrictions created hereby inure to the benefit of and bind the Declarant and the Owners, and their successors and assigns. When an Owner conveys all or any portion of the Property, the former Owner will thereupon be released and discharged from any and all further obligations, if any, under this Restrictive Covenant that it had in connection with the Property conveyed by it from and after the date of recording of such conveyance, but no such sale releases that Owner from any liabilities, if any, actual or contingent, existing as of the time of such conveyance.
- E. Non-Merger. This Restrictive Covenant will 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.

- F. Captions. The captions preceding the text of each section and subsection hereof are included only for convenience of reference and will be disregarded in the construction and interpretation of this Restrictive Covenant.
- G. Governing Law; Place of Performance. This Restrictive Covenant and all rights and obligations created hereby will be governed by the laws of the State of Texas. This Restrictive Covenant is performable only in the county in Texas where the Property is located.
- H. Notices. Any Notice to the Owners or the City must be in writing and given by delivering the same to such party in person, by expedited, private carrier services (such as Federal Express) or by sending the same by certified mail, return receipt requested, with postage prepaid to the intended recipient's last known mailing address. All notices under this Restrictive Covenant will be deemed given, received, made or communicated on the date personal delivery is effected or, if mailed, on the delivery date or attempted delivery date shown on the return receipt. Any change in ownership or address requires notice to all Owners and the City.

City of Austin:

City of Austin
Planning and Development Review Department
P.O. Box 1088
Austin, Texas 78767-1088
ATTN: Benny Ho
Case No. SP-2013-0364C

**Declarant: Spicewood Springs, LP, a Texas Limited Partnership
2003 South 1st Street, Austin, Travis County, TX 78704**

- I. Negation of Partnership. None of the terms or provisions of this Restrictive Covenant will be deemed to create a partnership between or among the Declarant, any Owner, or the City of Austin in their respective businesses or otherwise; nor will it cause them to be considered joint ventures or members of any joint enterprise.
- J. Breach Does Not Permit Termination. Notwithstanding anything to the contrary contained herein, no breach of this Restrictive Covenant entitles the Owners to cancel, rescind or otherwise terminate this Restrictive Covenant, but such limitations do not affect in any manner any other rights or remedies which the Owners may have hereunder by reason of any breach of this Restrictive Covenant.
- K. Excusable Delays. Whenever performance is required of the Owners, the Owners shall use all due diligence to perform and take all reasonable and necessary

measures in good faith to perform; provided, however, that if completion of performance is delayed at any time by reasons of acts of God, war, civil commotion, riots, strikes, picketing, or other labor disputes, unavailability of labor or material, damage to work in progress by reason of fire or other casualty, or any other cause beyond the reasonable control of the Owner (financial inability, imprudent management or negligence excepted), then the time for performance as herein specified will be extended by the amount of delay actually so caused.

- L. Existing Encumbrances. The easement and other rights granted or created by this Restrictive Covenant are subject to any and all matters of record affecting the Property.
- M. Severability. The provisions of this Restrictive Covenant must be deemed to be independent and severable, and the invalidity or partial invalidity of any provision or portion hereof does not affect the validity or enforceability of any other provision.
- N. Entire Agreement. This Restrictive Covenant, and the exhibits attached hereto, contain all the representations and the entire agreement between the parties to this Restrictive Covenant with respect to the subject matter hereof. Any prior correspondence, memoranda or agreements are superseded in total by this Restrictive Covenant and the exhibits attached hereto. The provisions of this Restrictive Covenant will be construed as a whole according to their common meaning and not strictly for or against any Owner.

Executed to be effective this on May 15, 2014.

**DECLARANT: Spicewood Springs, LP, a
Texas Limited Partnership**



By: Anthony Siela-Owner, Spicewood Springs, LP,
a Texas Limited Partnership

STATE OF TEXAS §

COUNTY OF TRAVIS §

Before me SHANA DANETTE REID, Notary Public, on this day personally appeared Anthony Siela, Owner of Spicewood Springs, LP a Texas Limited Partnership, known to me to 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 15TH day of May 2014



[Handwritten Signature]
Notary Public

ACCEPTED: PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

CITY OF AUSTIN

By: *[Signature]*
Name: BENNY HU
Title: Engineer e

APPROVED AS TO FORM:

By: *[Signature]*

LIENHOLDER CONSENT TO GRANT OF RESTRICTIVE COVENANT

STATE OF TEXAS §

COUNTY OF TRAVIS §

Recitals:

SPICEWOOD SPRINGS, LP , is the Owner (called "Owner", whether one or more) of the following property:

That tract of land situated in Travis County, Texas described in the attached and incorporated **EXHIBIT "A"** ("Property").

Green Bank, NA ("Lienholder") holds a lien against the Property under the following described documents:

That certain lien created by Deed of Trust, dated October 3, 2013 from Spicewood Springs, LP to Geoffrey D. Greenwade, Trustee, securing the payment of one promissory note of even date in the amount of \$1,329,000.00 payable to Green Bank, NA of record in Document Number 2013184067 of the Official Public Records of Travis County, Texas and all other liens against the Property held by Lien Holder regardless of how created or evidenced.

Owner has granted to the City of Austin ("City") a Restrictive Covenant against and running with the Property.

Agreement

In consideration of \$10, and other good and valuable consideration, the receipt of which is acknowledged, the Lienholder agrees as follows:

1. consent to the Grant Document, its contents and recording;
2. acknowledges the rights and interests of the City under the Grant Document and agrees that foreclosure of any of the Liens, or other sale of the Property under judicial or non-judicial proceedings, will be sold subject to the Grant Document and will not extinguish the rights and interests of City in the Grant Document or the Property and that the Grant Document shall remain in effect and shall be fully enforceable; and
3. affirm that the undersigned has the authority to bind the Lien Holder, and that all acts necessary to bind Lien Holder have been taken.

Executed on 5/15, 2014.

Gren Bank, NA
A National Bank

By: [Signature]
Name: Jim C. Floyd
Title: Sr. Vice President

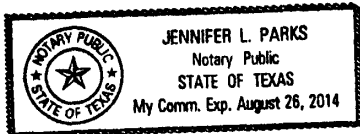
ACKNOWLEDGMENT

STATE OF TX §
COUNTY OF Travis §

Before me Jennifer Parks (Notary name), Notary Public, on this day personally appeared Jim C. Floyd (signer's name), Sr. Vice President (title) of Green Bank N.A. (name of lienholder Ex: First Federal Big Bank) a National Association [insert name of state of incorporation if entity, insert National Association or State Association, if bank-ask which type], known to me to through personally "either insert state and driver's license number or delete word through and insert personally" to be the person whose name is subscribed to the foregoing instrument and acknowledged that [insert letter s in front word 'he' if person signing is female] he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 15 day of May, 2014.

[Signature] Jennifer L. Parks
Notary Public, State of TX



AFTER RECORDING, RETURN TO:

City of Austin
Planning and Development Review Department
P.O. Box 1088
Austin, Texas 78767
Project Name: 4111 Spicewood Springs
Attn: Benny Ho [Project Manager]
Case No. SP-2013-0364C

Exhibit A

Lot 1, Block A, Mesa Forest Addition, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 93, Pages 386-387 of the Plat Records of Travis County, Texas.



SPICEWOOD

EXHIBIT B
FACILITIES MAP



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PSW HOMES LLC

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p. 512.326.3905
f. 888.866.8175

www.pswrealestate.com
TBPE FIRM # 15189

PRINT DATE: 05/13/2014

SCALE: 1" = 60'

PROJECT NUMBER: 1301

Exhibit C

**FIELD NOTES
RAIN GARDEN # 1**

BEING 0.009 ACRE OF LAND OR 377 SQUARE FEET OUT OF THE JAMES M. MITCHELL SURVEY NO. 17, BEING A PORTION OF LOT 1, BLOCK A, MESA FOREST ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 93, PGS. 386-387, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:


COMMENCING at a point in the Northeast line of Lot 30, Block D, Mesa Forest P.U.D., a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Vol. 93, Pgs 388-390, Plat Records, Travis County, Texas, same being at the most Southerly corner of Lot 1, Spicewood Springs Road Office Park, according to the map or plat thereof recorded in Vol. 85 Pgs. 124A-124B, Plat Records, Travis County, Texas, same being a Westerly corner of said Lot 1, Block A, Mesa Forest Addition, from which the Northeast corner of said Lot 30, Block D, Mesa Forest P.U.D., and an ELL corner of the said Lot 1, Block A, Mesa Forest Addition, bears S 62°54'20" E 25.57 feet;

THENCE: N 72°08'27" E 148.79 feet, over and across said Lot 1, Block A, to a calculated point for the most Westerly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: over and across said Lot 1, Block A, the following five (5) courses:

1. N 39°22'53" E 16.18 feet to a calculated point for the most Northerly corner hereof;
2. S 60°37'07" E 20.68 feet to a calculated point for the most Easterly corner hereof;
3. S 29°22'53" W 3.64 feet to a calculated point for an angle point hereof;
4. S 39°22'53" W 16.18 feet to a calculated point for the most Southerly corner hereof;
5. N 50°37'07" W 21.00 feet to the **POINT OF BEGINNING**, containing 0.009 acre or 377 square feet of land, more or less.

Bearings cited hereon are based on MESA FOREST ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.



Hugh M. Coston Jr.

Registered Professional Land Surveyor No. 4346

May 14, 2014

References: TCAD Parcel GEOID: 0144010104; Austin Grid: H-31

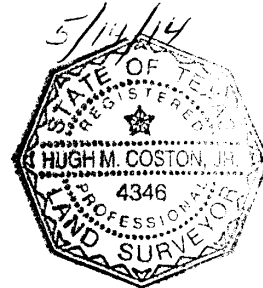


Exhibit C

**FIELD NOTES
RAIN GARDEN # 2**

BEING 0.004 ACRE OF LAND OR 160 SQUARE FEET OUT OF THE JAMES M. MITCHELL SURVEY NO. 17, BEING A PORTION OF LOT 1, BLOCK A, MESA FOREST ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 93, PGS. 386-387, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

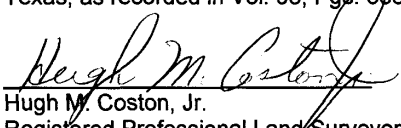
COMMENCING at a point in the Northeast line of Lot 30, Block D, Mesa Forest P.U.D., a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Vol. 93, Pgs 388-390, Plat Records, Travis County, Texas, same being at the most Southerly corner of Lot 1, Spicewood Springs Road Office Park, according to the map or plat thereof recorded in Vol. 85 Pgs. 124A-124B, Plat Records, Travis County, Texas, same being a Westerly corner of said Lot 1, Block A, Mesa Forest Addition, from which the Northeast corner of said Lot 30, Block D, Mesa Forest P.U.D., and an ELL corner of the said Lot 1, Block A, Mesa Forest Addition, bears S 62°54'20" E 25.57 feet;

THENCE: N 88°29'22" E 197.79 feet, over and across said Lot 1, Block A, to a calculated point for the most Westerly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: over and across said Lot 1, Block A, the following four (4) courses:

1. N 39°22'53" E 24.00 feet to a calculated point for the most Northerly corner hereof;
2. S 60°37'07" E 6.60 feet to a calculated point for the most Easterly corner hereof;
3. S 39°22'53" W 25.14 feet to a calculated point for the most Southerly corner hereof;
4. N 50°37'07" W 6.50 feet to the **POINT OF BEGINNING**, containing 0.004 acre or 160 square feet of land, more or less.

Bearings cited hereon are based on MESA FOREST ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.


Hugh M. Coston, Jr.
Registered Professional Land Surveyor No. 4346
May 14, 2014

References: TCAD Parcel GEOID: 0144010104; Austin Grid: H-31

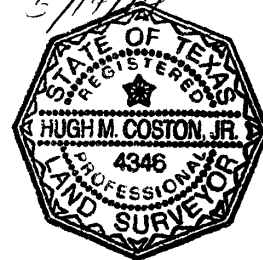


Exhibit C

**FIELD NOTES
RAIN GARDEN # 3**

BEING 0.003 ACRE OF LAND OR 115 SQUARE FEET OUT OF THE JAMES M. MITCHELL SURVEY NO. 17, BEING A PORTION OF LOT 1, BLOCK A, MESA FOREST ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 93, PGS. 386-387, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

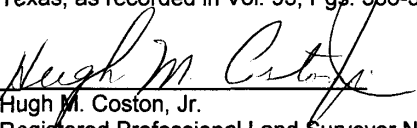
COMMENCING at a point in the Northeast line of Lot 30, Block D, Mesa Forest P.U.D., a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Vol. 93, Pgs 388-390, Plat Records, Travis County, Texas, same being at the most Southerly corner of Lot 1, Spicewood Springs Road Office Park, according to the map or plat thereof recorded in Vol. 85 Pgs. 124A-124B, Plat Records, Travis County, Texas, same being a Westerly corner of said Lot 1, Block A, Mesa Forest Addition, from which the Northeast corner of said Lot 30, Block D, Mesa Forest P.U.D., and an ELL corner of the said Lot 1, Block A, Mesa Forest Addition, bears S 62°54'20" E 25.57 feet;

THENCE: S 82°16'34" E 274.92 feet, over and across said Lot 1, Block A, to a calculated point for the most Westerly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: over and across said Lot 1, Block A, the following four (4) courses:

1. N 39°23'11" E 22.56 feet to a calculated point for the most Northerly corner hereof;
2. S 60°37'07" E 5.08 feet to a calculated point for the most Easterly corner hereof;
3. S 39°23'11" W 23.44 feet to a calculated point for the most Southerly corner hereof;
4. N 50°36'49" W 5.00 feet to the **POINT OF BEGINNING**, containing 0.003 acre or 115 square feet of land, more or less.

Bearings cited hereon are based on MESA FOREST ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.


Hugh M. Coston, Jr.
Registered Professional Land Surveyor No. 4346
May 14, 2014

References: TCAD Parcel GEOID: 0144010104; Austin Grid: H-31

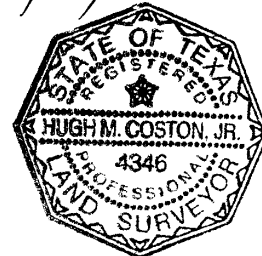


Exhibit C

**FIELD NOTES
RAIN GARDEN # 4**

BEING 0.018 ACRE OF LAND OR 784 SQUARE FEET OUT OF THE JAMES M. MITCHELL SURVEY NO. 17, BEING A PORTION OF LOT 1, BLOCK A, MESA FOREST ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 93, PGS. 386-387, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

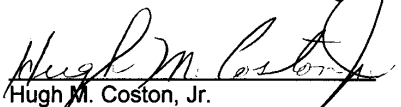
COMMENCING at a point West R.O.W. line of Spicewood Springs Road, at the most Easterly corner of Lot 1, Spicewood Springs Road Office Park, according to the map or plat thereof recorded in Vol. 85 Pgs. 124A-124B, Plat Records, Travis County, Texas, same being the most Northerly corner of said Lot 1, Block A, Mesa Forest Addition;

THENCE: S 07°19'13" E 94.40 feet, over and across said Lot 1, Block A, to a calculated point for the Northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: over and across said Lot 1, Block A, the following five (5) courses:

1. S 14°00'05" E 24.09 feet to a calculated point for the Southeast corner hereof;
2. S 75°59'17" W 30.42 feet to a calculated point for Southwest corner hereof;
3. N 50°37'07" W 17.13 feet to a calculated point for the most Westerly Northwest corner hereof;
4. N 51°22'53" E 22.59 feet to a calculated point for the an angle point hereof;
5. N 73°19'15" E 20.12 feet to the **POINT OF BEGINNING**, containing 0.018 acre or 784 square feet of land, more or less.

Bearings cited hereon are based on MESA FOREST ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.



Hugh M. Coston, Jr.
Registered Professional Land Surveyor No. 4346
May 14, 2014
References: TCAD Parcel GEOID: 0144010104; Austin Grid: H-31

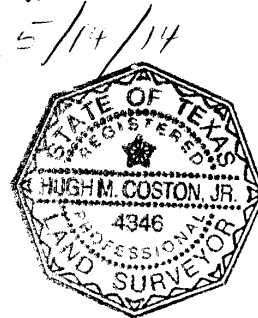


Exhibit C

**FIELD NOTES
RAIN GARDEN # 5**

BEING 0.009 ACRE OF LAND OR 405 SQUARE FEET OUT OF THE JAMES M. MITCHELL SURVEY NO. 17, BEING A PORTION OF LOT 1, BLOCK A, MESA FOREST ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 93, PGS. 386-387, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

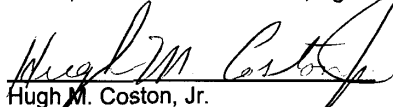
COMMENCING at a point in the curving southwest right-of-way line of Spicewood Springs Road, at the most Northerly corner of Common Area Lot 3, Charleston Place I-B, a Planned Unit Development, according to the map or plat thereof recorded in Vol. 85, Pgs 178A-178B, Plat Records, Travis County, Texas, same being at the most Easterly corner of said Lot 1, Block A, Mesa Forest Addition;

THENCE: N 66°07'38" W 174.15 feet, over and across said Lot 1, Block A, to a calculated point for the most Easterly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: over and across said Lot 1, Block A, the following four (4) courses:

1. S 39°22'53" W 15.00 feet to a calculated point for the most Southerly corner hereof;
2. N 50°37'07" W 27.00 feet to a calculated point for the most Westerly corner hereof;
3. N 39°22'53" E 15.00 feet to a calculated point for the most Northerly corner hereof;
4. S 50°37'07" E 27.00 feet to the **POINT OF BEGINNING**, containing 0.009 acre or 405 square feet of land, more or less.

Bearings cited hereon are based on MESA FOREST ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.



Hugh M. Coston, Jr.

Registered Professional Land Surveyor No. 4346

May 14, 2014

References: TCAD Parcel GEOID: 0144010104; Austin Grid: H-31

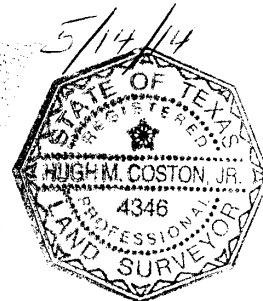


Exhibit C

**FIELD NOTES
RAIN GARDEN # 6**

BEING 0.004 ACRE OF LAND OR 168 SQUARE FEET OUT OF THE JAMES M. MITCHELL SURVEY NO. 17, BEING A PORTION OF LOT 1, BLOCK A, MESA FOREST ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 93, PGS. 386-387, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

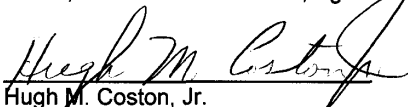
COMMENCING at a point in the curving southwest right-of-way line of Spicewood Springs Road, at the most Northerly corner of Common Area Lot 3, Charleston Place I-B, a Planned Unit Development, according to the map or plat thereof recorded in Vol. 85, Pgs 178A-178B, Plat Records, Travis County, Texas, same being at the most Easterly corner of said Lot 1, Block A, Mesa Forest Addition;

THENCE: N 77°39'59" W 133.04 feet, over and across said Lot 1, Block A, to a calculated point for the most Easterly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: over and across said Lot 1, Block A, the following eight (8) courses:

1. S 39°22'53" W 8.12 feet to a calculated point for the most Southerly corner hereof;
2. N 60°37'07" W 17.77 feet to a calculated point for the most Westerly corner hereof;
3. N 39°22'53" E 5.58 feet to a calculated point for an angle point hereof;
4. S 60°37'07" E 3.81 feet to a calculated point for an angle point hereof;
5. N 39°22'53" E 6.96 feet to a calculated point for the most Northerly corner hereof;
6. S 50°37'07" E 9.60 feet to a calculated point for an angle point hereof;
7. S 39°22'53" W 2.00 feet to a calculated point for an angle point hereof;
8. S 50°37'07" E 4.15 feet to the **POINT OF BEGINNING**, containing 0.004 acre or 168 square feet of land, more or less.

Bearings cited hereon are based on MESA FOREST ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.


Hugh M. Coston, Jr.
Registered Professional Land Surveyor No. 4346
May 14, 2014

References: TCAD Parcel GEOID: 0144010104; Austin Grid: H-31

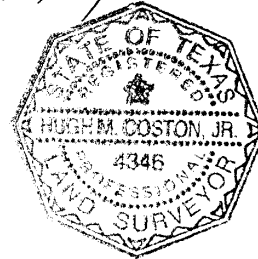


Exhibit C

**FIELD NOTES
RAIN GARDEN # 7**

BEING 0.003 ACRE OF LAND OR 147 SQUARE FEET OUT OF THE JAMES M. MITCHELL SURVEY NO. 17, BEING A PORTION OF LOT 1, BLOCK A, MESA FOREST ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 93, PGS. 386-387, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

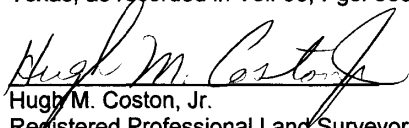
COMMENCING at a point in the curving southwest right-of-way line of Spicewood Springs Road, at the most Northerly corner of Common Area Lot 3, Charleston Place I-B, a Planned Unit Development, according to the map or plat thereof recorded in Vol. 85, Pgs 178A-178B, Plat Records, Travis County, Texas, same being at the most Easterly corner of said Lot 1, Block A, Mesa Forest Addition;

THENCE: S 65°14'52" W 54.25 feet, over and across said Lot 1, Block A, to a calculated point for the Northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: over and across said Lot 1, Block A, the following five (5) courses:

1. S 07°47'02" W 7.00 feet to a calculated point for the Southeast corner hereof;
2. along a curve to the right, the radius of which is 25.00 feet, the arc of which is 12.80 feet, and the chord bears S 88°52'55" W 12.66 feet to a calculated point for an angle point hereof;
3. N 50°37'07" W 6.44 feet to a calculated point for the Southwest corner hereof;
4. N 07°47'02" E 5.58 feet to a calculated point for the Northwest corner hereof;
5. S 82°12'58" E 18.00 feet to the **POINT OF BEGINNING**, containing 0.003 acre or 147 square feet of land, more or less.

Bearings cited hereon are based on MESA FOREST ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.


Hugh M. Coston, Jr.
Registered Professional Land Surveyor No. 4346
May 14, 2014
References: TCAD Parcel GEOID: 0144010104; Austin Grid: H-31

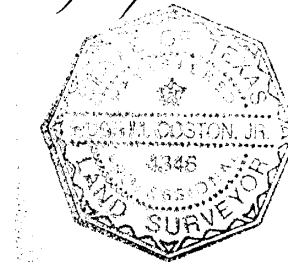


Exhibit C

**FIELD NOTES
RAIN GARDEN # 8**

BEING 0.012 ACRE OF LAND OR 544 SQUARE FEET OUT OF THE JAMES M. MITCHELL SURVEY NO. 17, BEING A PORTION OF LOT 1, BLOCK A, MESA FOREST ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 93, PGS. 386-387, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

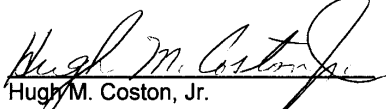
COMMENCING at a point in the curving southwest right-of-way line of Spicewood Springs Road, at the most Northerly corner of Common Area Lot 3, Charleston Place I-B, a Planned Unit Development, according to the map or plat thereof recorded in Vol. 85, Pgs 178A-178B, Plat Records, Travis County, Texas, same being at the most Easterly corner of said Lot 1, Block A, Mesa Forest Addition;

THENCE: N 33°47'10" W 39.99 feet, over and across said Lot 1, Block A, to a calculated point for the most Easterly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: over and across said Lot 1, Block A, the following nine (9) courses:

1. S 59°01'20" W 8.76 feet to a calculated point for the most Southerly corner hereof;
2. N 28°46'17" W 46.59 feet to a calculated point for an angle point hereof;
3. N 23°31'55" W 16.09 feet to a calculated point for an angle point hereof;
4. N 03°14'57" W 2.77 feet to a calculated point for an angle point hereof;
5. N 27°11'36" E 2.64 feet to a calculated point for the most Northerly corner hereof;
6. S 81°28'53" E 2.52 feet to a calculated point for an angle point hereof;
7. S 50°27'01" E 2.69 feet to a calculated point for an angle point hereof;
8. S 32°01'04" E 16.00 feet to a calculated point for an angle point hereof;
9. S 28°46'17" E 46.25 feet to the **POINT OF BEGINNING**, containing 0.012 acre or 544 square feet of land, more or less.

Bearings cited hereon are based on MESA FOREST ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.


Hugh M. Coston, Jr.
Registered Professional Land Surveyor No. 4346
May 14, 2014

References: TCAD Parcel GEOID: 0144010104; Austin Grid: H-31



Exhibit C

**FIELD NOTES
RAIN GARDEN # 9**

BEING 0.017 ACRE OF LAND OR 732 SQUARE FEET OUT OF THE JAMES M. MITCHELL SURVEY NO. 17, BEING A PORTION OF LOT 1, BLOCK A, MESA FOREST ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 93, PGS. 386-387, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a point West R.O.W. line of Spicewood Springs Road, at the most Easterly corner of Lot 1, Spicewood Springs Road Office Park, according to the map or plat thereof recorded in Vol. 85 Pgs. 124A-124B, Plat Records, Travis County, Texas, same being the most Northerly corner of said Lot 1, Block A, Mesa Forest Addition;

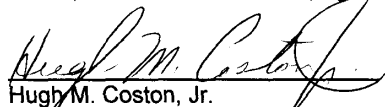
THENCE: S 14°08'00" E 116.96 feet, along the west R.O.W. line of Spicewood Springs Road and the east line of said Lot 1, Block A, to a calculated point for an angle point of said Lot 1, Block A;

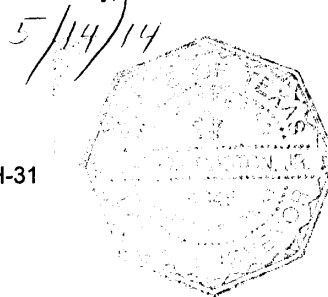
THENCE: S 00°43'28" W 18.75 feet for the most Northerly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: over and across said Lot 1, Block A, the following ten (10) courses:

1. S 49°24'39" E 1.72 feet to a calculated point for an angle point hereof;
2. S 32°29'19" E 9.28 feet to a calculated point for an angle point hereof;
3. S 20°45'31" E 8.94 feet to a calculated point for an angle point hereof;
4. along a curve to the left, the radius of which is 826.41 feet, the arc of which is 63.26 feet, and the chord bears S 18°27'29" E 63.24 feet to a calculated point for the Southeast corner hereof;
5. S 69°20'00" W 9.50 feet to a calculated point for the Southwest corner hereof;
6. along a curve to the right, the radius of which is 835.91 feet, the arc of which is 64.46 feet, and the chord bears N 18°26'31" W 64.44 feet to a calculated point an angle point hereof;
7. N 10°48'52" W 8.42 feet to a calculated point for an angle point hereof;
8. N 01°39'31" E 9.42 feet to a calculated point for an angle point hereof;
9. N 11°18'25" E 1.64 feet to a calculated point for an angle point hereof;
10. N 74°46'52" E 0.81 feet to the **POINT OF BEGINNING**, containing 0.017 acre or 732 square feet of land, more or less.

Bearings cited hereon are based on MESA FOREST ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.


Hugh M. Coston, Jr.
Registered Professional Land Surveyor No. 4346
May 14, 2014
References: TCAD Parcel GEOID: 0144010104; Austin Grid: H-31



Reference: PSW Homes, LLC

Address: 4111 Spicewood Springs Road, Austin, Texas
 Nine "Rain Garden" tracts of land out of the James M. Mitchell Survey No. 17, same being a portion of Lot 1, Block A, MESA FOREST ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.

- RAIN GARDEN AREAS:**
 RAIN GARDEN #1: 0.009 ACRE OR 377 SQUARE FEET
 RAIN GARDEN #2: 0.004 ACRE OR 160 SQUARE FEET
 RAIN GARDEN #3: 0.003 ACRE OR 115 SQUARE FEET
 RAIN GARDEN #4: 0.018 ACRE OR 784 SQUARE FEET
 RAIN GARDEN #5: 0.009 ACRE OR 405 SQUARE FEET
 RAIN GARDEN #6: 0.004 ACRE OR 168 SQUARE FEET
 RAIN GARDEN #7: 0.003 ACRE OR 147 SQUARE FEET
 RAIN GARDEN #8: 0.012 ACRE OR 544 SQUARE FEET
 RAIN GARDEN #9: 0.017 ACRE OR 732 SQUARE FEET

LEGEND	
o	CALCULATED POINT
()	RECORD INFORMATION
P.U.E.	PUBLIC UTILITY EASEMENT
E.T.E.	ELECTRIC AND TELEPHONE EASEMENT
P.R.T.C.T.	PLAT RECORDS TRAVIS COUNTY TEXAS
R.O.W.	RIGHT-OF-WAY
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R.G.	RAIN GARDEN

FOR LINE AND CURVE TABLES SEE PAGE 2

Surveyor's Note:
 Bearings shown hereon are based on MESA FOREST ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.

- Notes:
 1) This map and the survey on which it is based have been prepared without the benefit of a title report and are not intended to reflect all easements, encumbrances or other circumstances affecting the title to the property shown hereon.
 2) Easements shown are per the recorded plat of MESA FOREST ADDITION unless noted.

Prepared by:

Hugh M. Coston Jr.
 Hugh M. Coston Jr., PLS No. 4346
 Client: PSW Homes, LLC
 Prepared From Record
 Tech: MBolton
 Date Drawn: 5/12/2014
 Path: Projects\BULK\SpicewoodSpgs4111\Production\DWGs\Exhibit_RAIN_GARDENS_140509.dwg

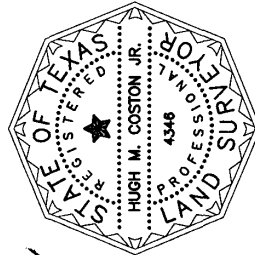
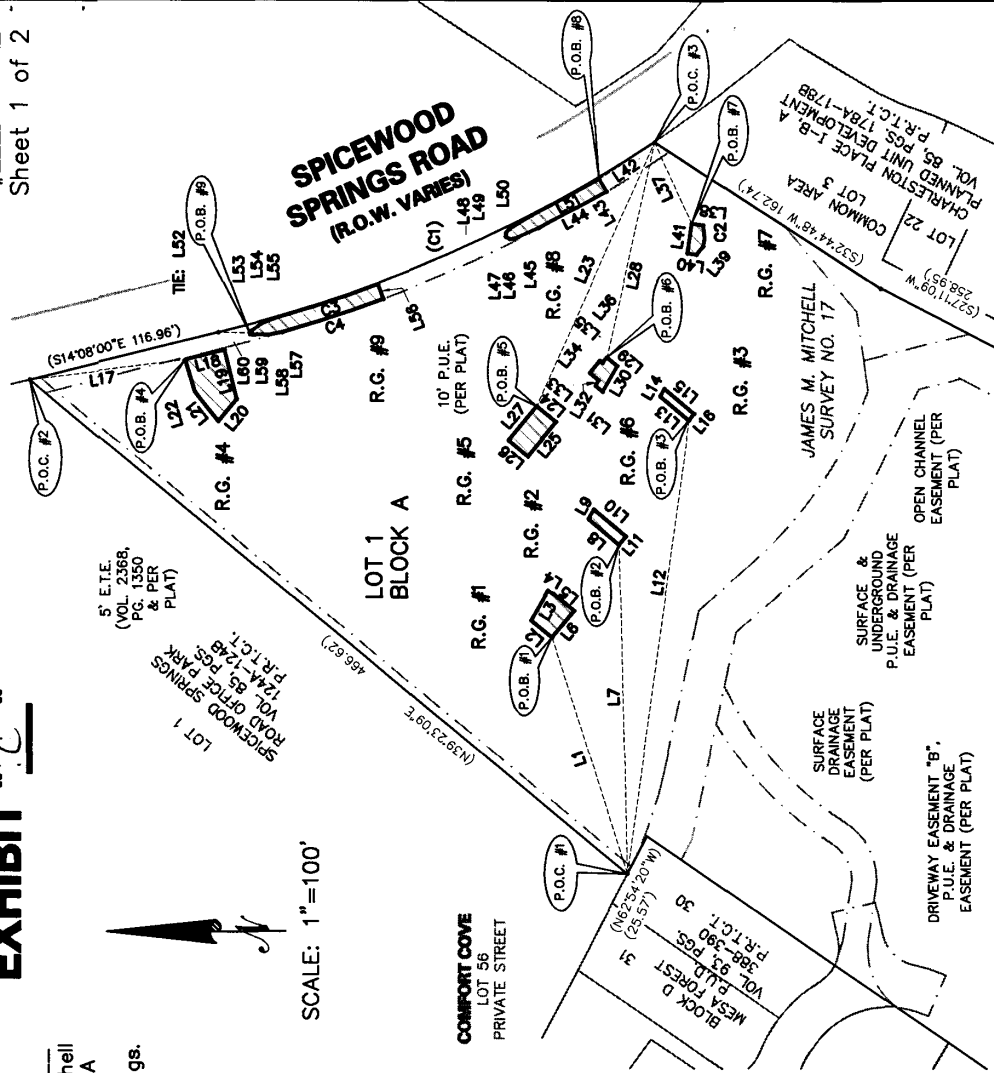


EXHIBIT "C"

ATS Job # 14022129s
 Sheet 1 of 2



SCALE: 1"=100'

elileen meritt's
DATS Engineers
 Inspectors
 & Surveyors
 www.ats-engineers.com
 912 S CAPITAL OF TX HWY, STE 460
 AUSTIN, TEXAS 78746
 (512) 328-6686
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 Schedule inspections and surveys quickly and easily!

EXHIBIT "C" LINE AND CURVE TABLES

Reference: PSW Homes, LLC

Address: 4111 Spicewood Springs Road, Austin, Texas
Nine "Rain Garden" tracts of land out of the James M. Mitchell Survey No. 17, same being a portion of Lot 1, Block A, MESA FOREST ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.

RAIN GARDEN AREAS:
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RAIN GARDEN #2: 0.004 ACRE OR 160 SQUARE FEET
RAIN GARDEN #3: 0.003 ACRE OR 115 SQUARE FEET
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RAIN GARDEN #7: 0.003 ACRE OR 147 SQUARE FEET
RAIN GARDEN #8: 0.012 ACRE OR 544 SQUARE FEET
RAIN GARDEN #9: 0.017 ACRE OR 732 SQUARE FEET

CURVE	RADIUS	CHORD	DIRECTION	CHORD LENGTH	ARC LENGTH
C1	(826.00')	(523'41"28"E)	(287.04')	(288.51')	
C2	25.00'	S88°52'55"W	12.66'	12.80'	
C3	826.41'	S18°27'29"E	63.24'	63.26'	
C4	835.91'	N18°26'31"W	64.44'	64.46'	

Surveyor's Note:
Bearings shown hereon are based on MESA FOREST ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 93, Pgs. 386-387, Plat Records, Travis County, Texas.

- Notes:
- 1) This map and the survey on which it is based have been prepared without the benefit of a title report and are not intended to reflect all easements, encumbrances or other circumstances affecting the title to the property shown hereon.
 - 2) Easements shown are per the recorded plat of MESA FOREST ADDITION unless noted.



Prepared by:
Hugh M. Coston Jr.
Hugh M. Coston Jr., RPLS No. 4346
Client: PSW Homes, LLC
Prepared From Record
Tech: MBolton
Date Drawn: 5/09/2014
Path: Projects\BULK\SpicewoodSpgs4111\Production\Dwgs\Exhibit_RAIN GARDENS_140509.dwg

LINE	BEARING	DISTANCE
L1	N72°08'27"E	148.79'
L2	N39°22'53"E	16.18'
L3	S60°37'07"E	20.68'
L4	S29°22'53"W	3.64'
L5	S39°22'53"W	16.18'
L6	N50°37'07"W	21.00'
L7	N88°29'22"E	197.79'
L8	N39°22'53"E	24.00'
L9	S60°37'07"E	6.60'
L10	S39°22'53"W	25.14'
L11	N50°37'07"W	6.50'
L12	S82°16'34"E	274.92'
L13	N39°23'11"E	22.56'
L14	S60°37'07"E	5.08'
L15	S39°23'11"W	23.44'
L16	N50°36'49"W	5.00'
L17	S07°19'13"E	94.40'
L18	S14°00'05"E	24.09'
L19	S75°59'17"W	30.42'
L20	N50°37'07"W	17.13'
L21	N51°22'53"E	22.59'
L22	N73°19'15"E	20.12'
L23	N66°07'38"W	174.15'
L24	S39°22'53"W	15.00'
L25	N50°37'07"W	27.00'
L26	N39°22'53"E	15.00'
L27	S50°37'07"E	27.00'
L28	N77°39'59"W	133.04'
L29	S39°22'53"W	8.12'
L30	N60°37'07"W	17.77'

LINE	BEARING	DISTANCE
L31	N39°22'53"E	5.58'
L32	S60°37'07"E	3.81'
L33	N39°22'53"E	6.96'
L34	S50°37'07"E	9.60'
L35	S39°22'53"W	2.00'
L36	S50°37'07"E	4.15'
L37	S65°14'52"W	54.25'
L38	S07°47'02"W	7.00'
L39	N50°37'07"W	6.44'
L40	N07°47'02"E	5.58'
L41	S82°12'58"E	18.00'
L42	N33°47'10"W	39.99'
L43	S59°01'20"W	8.76'
L44	N28°46'17"W	46.59'
L45	N23°31'55"W	16.09'
L46	N03°14'57"W	2.77'
L47	N27°11'36"E	2.64'
L48	S81°28'53"E	2.52'
L49	S50°27'01"E	2.69'
L50	S32°01'04"E	16.00'
L51	S28°46'17"E	46.25'
L52	S00°43'28"W	18.75'
L53	S49°24'39"E	1.72'
L54	S32°29'19"E	9.28'
L55	S20°45'31"E	8.94'
L56	S69°20'00"W	9.50'
L57	N10°48'52"W	8.42'
L58	N01°39'31"E	9.42'
L59	N11°18'25"E	1.64'
L60	N74°46'52"E	0.81'

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AUSTIN, TEXAS 78748

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FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

May 19, 2014 10:28 AM

2014071256

GONZALESM: \$114.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.