

AFFIDAVIT

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS**
COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared Thomas Anker of Travis County, Texas, being known by me to be the person whose name is subscribed below, and after being by me first duly sworn did depose and say as follows:

“My name is Thomas Anker. I am at least 18 years of age, of sound mind capable of making this affidavit and fully competent to testify to the matters stated herein. I have personal knowledge of each of the facts stated herein and the same is true and correct of my own personal knowledge as follows:

1. The averments made herein are made in my capacity as Chairman of the Pflugerville Planning and Zoning Commission.
2. The purpose of this affidavit is to memorialize both the Resolution of the City of Pflugerville Planning and Zoning Commission (attached hereto as **Exhibit “A”** and incorporated herein for all purposes) concerning the “*Final Plat of Cornerstone at Kelly Phase I*”, recorded in the Public Records of Travis County on July 2, 2009, and assigned document no. 200900101; and the letter of consent executed by the owners of the lots created by “*the Final Plat of Cornerstone at Kelly Phase I*” (attached hereto as **Exhibit “B”** and incorporated herein for all purposes). A copy of the “*Final Plat of Cornerstone at Kelly Phase I*”, is attached hereto as **Exhibit “C”**.
3. The purpose of the aforementioned Resolution is to remove and rescind the “*Final Plat of Cornerstone at Kelly Phase I*” plat notes 16 and 17 which reads as follows:
 - Note 16. Access to Lot 4/Lot 5 (future) Block A at Colorado Sand Drive shall be limited to right and left-turn in, and right-turn out traffic movements.
 - Note 17. Access to Lot 1 and Lot 2 (Future) Block B at Colorado Sand Drive shall be limited to right in and right turn out traffic movements.
4. The “*Final Plat of Cornerstone at Kelly Phase I*” shall in all things continue in full force and effect save and except enforcement of plat notes 16 and 17, which have been removed and rescinded by Resolution of the City of Pflugerville Planning and Zoning Commission.

Further, Affiant sayeth not.”

EXECUTED this _____ day of _____, 2012.

Thomas Anker, Chairman Zoning and Planning
Commission, City of Pflugerville, Texas

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ____ day of _____ 2012, by
Thomas Anker, signing in the capacity noted herein.

Notary Public, State of Texas

EXHIBIT "A"
**RESOLUTION OF THE CITY OF PFLUGERVILLE TEXAS PLANNING
AND ZONING COMMISSION**

A Resolution

OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PFLUGERVILLE TO REMOVE AND RESCIND PLAT NOTES 16 AND 17 ON THE FINAL PLAT CORNERSTONE AT KELLY PHASE 1

WHEREAS, on June 23, 2009 this commission approve the Final Plat of Cornerstone at Kelly Phase 1 (hereinafter the "Plat"), and

WHEREAS, the Plat was recorded in the Public Records of Travis County on July 2, 2009, and was assigned document no. 200900101; and

WHEREAS, the Plat contains Plat Note 16 which reads "*Access to Lot 4/ Lot 5 (future), Block A of Colorado Sand Drive shall be limited to right and left-turn in, and right-turn out traffic movements*"; and

WHEREAS, the Plat also contains Plat Note 17 which reads "*Access to Lot 1 and Lot 2 (Future) Block B at Colorado Sand Drive shall be limited to right in and right turn out traffic movements*"; and

WHEREAS, the Owners of all lots shown on the Plat have filed a written request that the Plat Note 16 and Plat Note 17 be removed by the this commission; and

WHEREAS, the Director of Planning recommends that Plat Note 16 and Plat Note 17 be removed as the plat notes no longer serve their intended purpose; **NOW THEREFORE**;

BE IT RESOLVED BY THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF PFLUGERVILLE:

Section one. That Plat Note 16 and 17 shown on the Final Plat of Cornerstone at Kelly Phase 1 are hereby removed and rescinded and shall have no further force or effect as of the effective date of this Resolution.

Section two. That the Chairman of the Planning and Zoning Commission is hereby authorized to execute a written instrument, approved by the city attorney, to be filed with the public records of Travis County memorializing this action.

**PASSED AND APPROVED AT PFLUGERVILLE, TEXAS TO BE EFFECTIVE
THIS ___ DAY OF _____ 2012.**

**CITY OF PFLUGERVILLE PLANNING
AND ZONING COMMISSION , TEXAS**

Thomas Anker. Chairman

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM

George Hyde, City Attorney

EXHIBIT "B"
LETTER OF CONSENT

October 24, 2012

Mr. Thomas Anker, Chair
City of Pflugerville Planning & Zoning Commission
c/o Trey Fletcher
Assistant City Manager
201-B Pecan Street
P.O. Box 589
Pflugerville, Texas 78691

RE: Notes 16 and 17 (the "Plat Notes"), Cornerstone at Kelly Lane Phase 1 Final Plat; Recorded Document Number 200900101 (the "Plat").

Chair Anker:

The above-referenced Plat Notes restrict access to Lot 1 and Lot 4 and future Lot 2 and Lot 5 (that are not a part of the Plat). Plat Note 16 specifically states "Access to Lot 4/Lot 5 (future), Block A at Colorado Sand Drive shall be limited to right and left-turn in, and right-turn out traffic movements". Plat Note 17 specifically states "Access to Lot 1 and Lot 2 (Future) Block B of Colorado Sand Drive shall be limited to right in and right turn out traffic movements".

The Plat consists of Lot 1 and Lot 4 and is currently under the ownership of two separate entities. The current owners of Lots 1 and 4 desire for the Plat Notes to be removed and no longer be in full force and effect. Several transportation improvements and mitigation measures have improved circulation in the area and the Plat Notes are no longer needed as left turns are now viable. The City of Pflugerville Staff is in agreement that the Plat Notes are no longer necessary and supports their removal.

By signing this letter, both owners of Lots 1 and 4 acknowledge their consent for the Plat Notes to be removed pending approval by the City of Pflugerville Planning and Zoning Commission. At that time, the Plat Notes will no longer be valid. In the event, however, a resolution for providing removal of the Plat Notes is not approved by the Planning and Zoning Commission, then each of the undersigned owners will sign a plat vacation, which will remove the Plat Notes.

Lot 1 Owner
Cornerstone Kelly Lane, LLC

By: Larry Meenenbruch
Name: LARRY MEENENBRUCH
Title: MANAGER

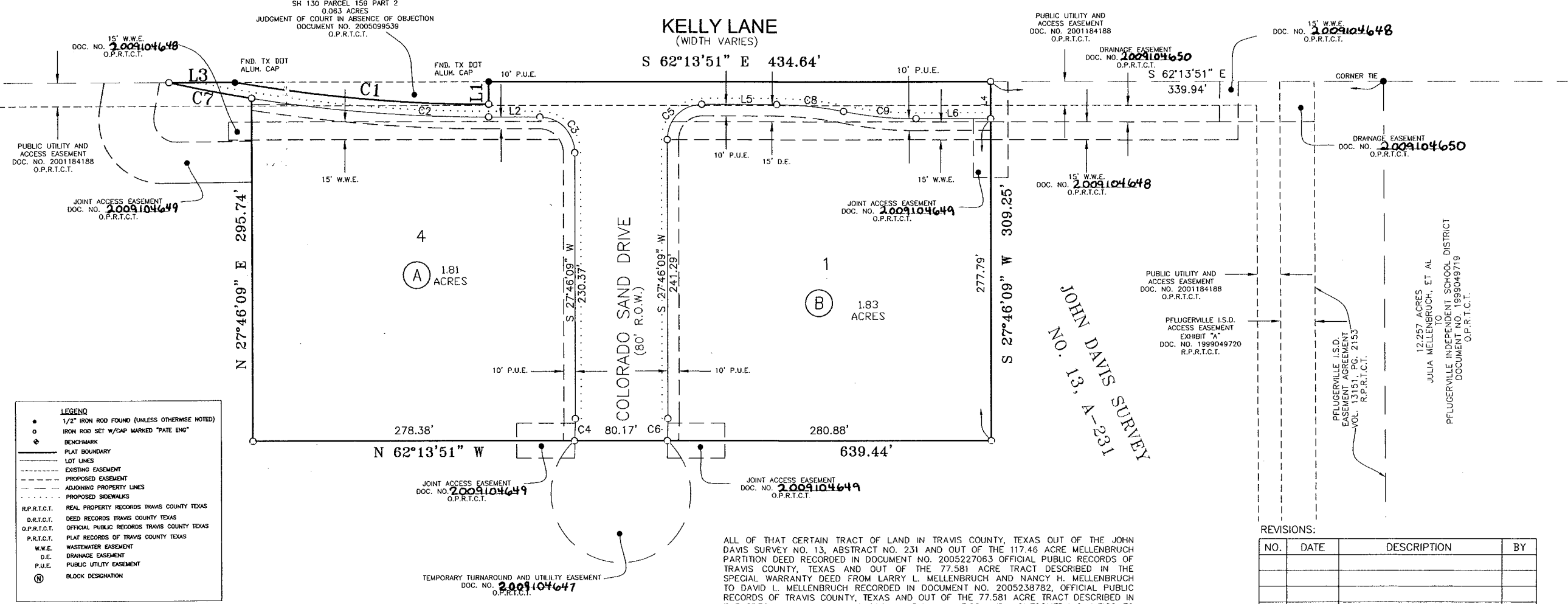
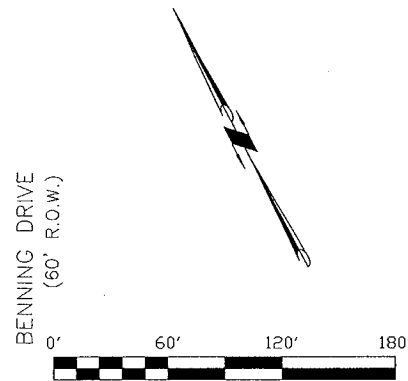
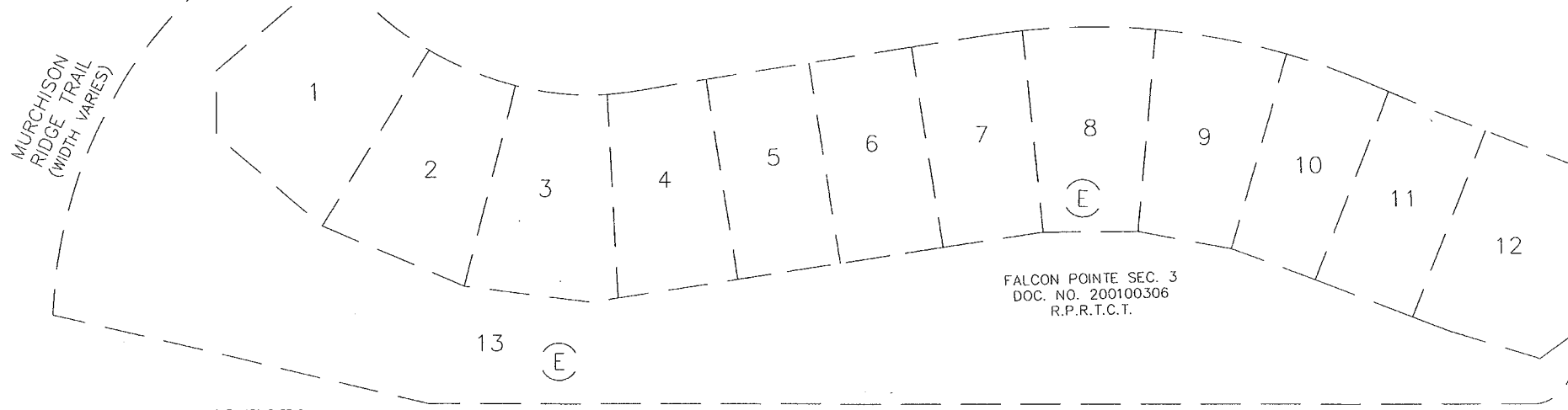
Lot 4 Owner
Landmark Petroleum

By: [Signature]
Name: V. KANTORIAN
Title: RAVONIA

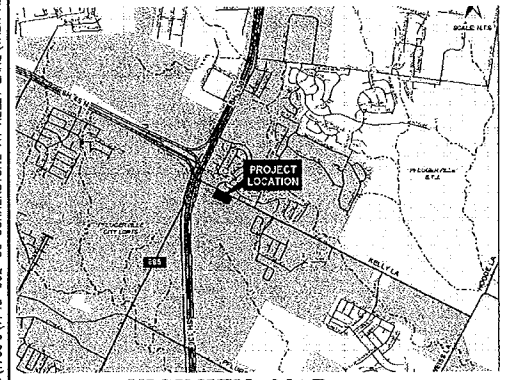
EXHIBIT "C"
FINAL PLAT OF CORNERSTONE AT KELLY PHASE 1

200900101

APPROVED



- LEGEND**
- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
 - IRON ROD SET W/CAP MARKED "PATE ENG"
 - BENCHMARK
 - PLAT BOUNDARY
 - LOT LINES
 - - - EXISTING EASEMENT
 - - - PROPOSED EASEMENT
 - ADJOINING PROPERTY LINES
 - - - PROPOSED SIDEWALKS
 - R.P.R.T.C.T. REAL PROPERTY RECORDS TRAVIS COUNTY TEXAS
 - D.R.T.C.T. DEED RECORDS TRAVIS COUNTY TEXAS
 - O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY TEXAS
 - P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY TEXAS
 - W.W.E. WASTEWATER EASEMENT
 - D.E. DRAINAGE EASEMENT
 - P.U.E. PUBLIC UTILITY EASEMENT
 - Ⓢ BLOCK DESIGNATION



VICINITY MAP
N.T.S.

OWNER/SUBDIVIDER: LARRY MELLENRUCH
CORNERSTONE AT KELLY LANE, LLC
C/O CURTIS STEGER
HOLFORD GROUP DEVELOPMENT
4833 SPICEWOOD SPRINGS ROAD, STE. 100
AUSTIN, TEXAS 78759
(512) 346-8181

SURVEYOR: PATE SURVEYORS
NEIL HINES, R.P.L.S.
7801 N. CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN, TEXAS 78731
TELEPHONE: (512) 340-0800
FAX: (512) 340-0804

ENGINEER: PATE ENGINEERS, INC.
7801 N. CAPITAL OF TEXAS HIGHWAY,
SUITE 350
AUSTIN, TEXAS 78731
TELEPHONE: (512) 340-0800
FAX: (512) 340-0804

LINE	BEARING	DISTANCE
L1	N 27°53'28" E	19.03'
L2	S 62°19'14" E	44.32'
L3	S 62°13'51" E	57.37'
L4	S 27°46'09" W	31.46'
L5	S 62°11'44" E	65.00'
L6	S 62°11'48" E	64.61'

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	RADIAL BEARING
C1	09°41'40"	1300.00'	219.96'	S 57°15'43" E	219.70'	N 37°35'08" E
C2	08°59'10"	1311.00'	205.61'	N 57°36'58" W	205.40'	N 36°52'37" E
C3	90°05'23"	30.00'	47.17'	S 17°16'33" E	42.46'	
C4	04°20'20"	250.00'	18.93'	S 29°56'19" W	18.93'	
C5	90°02'07"	30.00'	47.14'	N 72°47'12" E	42.44'	
C6	03°17'09"	330.00'	18.92'	S 29°24'43" W	18.92'	
C7	03°10'47"	1311.00'	72.76'	N 51°31'59" W	72.75'	N 36°52'37" E
C8	11°36'24"	288.00'	58.34'	S 56°23'33" E	58.24'	
C9	11°36'27"	312.00'	63.21'	N 56°23'34" W	63.10'	

ALL OF THAT CERTAIN TRACT OF LAND IN TRAVIS COUNTY, TEXAS OUT OF THE JOHN DAVIS SURVEY NO. 13, ABSTRACT NO. 231 AND OUT OF THE 117.46 ACRE MELLENRUCH PARTITION DEED RECORDED IN DOCUMENT NO. 2005227063 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND OUT OF THE 77.581 ACRE TRACT DESCRIBED IN THE SPECIAL WARRANTY DEED FROM LARRY L. MELLENRUCH AND NANCY H. MELLENRUCH TO DAVID L. MELLENRUCH RECORDED IN DOCUMENT NO. 2005238782, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND OUT OF THE 77.581 ACRE TRACT DESCRIBED IN THE SPECIAL WARRANTY DEED FROM MARY ANN MEIGS AND MONTGOMERY C. MEIGS TO MATTHEW M. MEIGS RECORDED IN DOCUMENT NO. 2005238783, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND OUT OF THE 77.581 ACRE TRACT DESCRIBED IN THE SPECIAL WARRANTY DEED FROM MARY ANN MEIGS AND MONTGOMERY C. MEIGS TO WILLIAM B. MEIGS RECORDED IN DOCUMENT NO. 2005238784, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

REVISIONS:

NO.	DATE	DESCRIPTION	BY

FINAL PLAT
CORNERSTONE AT KELLY LANE PHASE 1
A 4.49 ACRE SUBDIVISION
OUT OF THE
JOHN DAVIS SURVEY NO. 13, ABSTRACT NO. 231
TRAVIS COUNTY, TEXAS
CONTAINING
2 LOTS, 2 BLOCKS
JOB No. 1743-002-00-A512

PATE SURVEYORS
HOUSTON • AUSTIN • ARLINGTON • SAN ANTONIO

7801 NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN, TEXAS 78731

PH: (512) 340-0800
FAX: (512) 340-0804
WWW.PATEENG.COM

SHEET
1 OF 2

PATE ENGINEERS 1743-002-00 CORNERSTONE AT KELLY LANE TASK AS12 PLAT CALCUS Task Project Work in Progress (REVISED) MAY 13 2009 17:43-002-00 AS10 PLAT BASE.dwg May 27, 2009 - 4:15pm roberts

200900101

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

That Larry Mellenbruch, Manager of Cornerstone at Kelly Lane, LLC, being the owner of 4.49 ACRE tract of land out of the John Davis Survey No. 13, Abstract-231, as recorded in Document No. 2009086862 Official Public Records of Travis County, Texas, does hereby subdivide in accordance with chapters 212 and 232 of the Texas Local Government Code, 4.49 acres to be known as Cornerstone at Kelly Lane Phase 1 in accordance with the map or plat attached hereto, and does hereby dedicate to the public the use of all streets and easements shown hereon, subject to any easements or restrictions heretofore granted and not released.

WITNESS MY HAND, this the 27 day of May, 2009, A.D.

Larry Mellenbruch
Cornerstone at Kelly Lane, LLC
Larry Mellenbruch, Manager
P.O. Box 1199
Bastrop, Texas 78602

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

Before me, the undersigned authority, on this day personally appeared Larry Mellenbruch, Manager of Cornerstone at Kelly Lane LLC

Sworn to and subscribed before me this 27 day of May, 2009, A.D.

Joyce Annette Lane
Notary Public, State of Texas

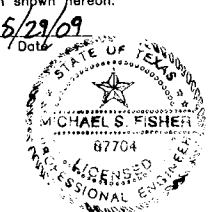


ENGINEERS CERTIFICATION
According to the Flood Insurance Rate Map No. 48453C0280H, Published by the Federal Emergency Management Agency dated September 26, 2008. No portion of this tract lies within the 100 YR floodplain.

Minimum finished floor elevation for all affected structures shall be one (1) foot above the elevation of the 100-year flood plain shown hereon.

Michael Fisher
Registered Professional Engineer No. 87704

Pate Engineers, Inc.
7801 North Capital of Texas Highway
Suite 350
Austin, Texas 78731
Phone: (512) 340-0600 Fax: (512) 340-0604



SURVEYORS CERTIFICATION

That I, Neil Hines, do hereby certify that I prepared this plat from an actual and accurate on-the-ground survey of the land, and that all corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Code of the City of Pflugerville, Texas and that all known easements within the boundary of the plat are shown hereon.

Neil Hines
Neil Hines
R.P.L.S. No. 5642
Pate Surveyors, Inc.
7801 North Capital of Texas Highway
Suite 350
Austin, Texas 78731
Phone: (512) 340-0600 Fax: (512) 340-0604

29 May 2009
Date



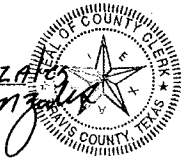
THE STATE OF TEXAS }
COUNTY OF TRAVIS }

I, Dana Debeauvoir, Clerk of Travis County, Texas do hereby certify that the foregoing instrument of writing and its certificate of authentication was filed for record in my office on the 2 day of July, 2009, A.D. at 1:25 O'Clock, P.M., duly recorded on the 2 day of July, 2009, A.D. at 1:25 O'Clock, P.M., of said County and State in Document Number 200900101 Official Public Records of Travis County.

Witness my hand and seal of office of the County Clerk, the 2 day of July, 2009, A.D.

Dana Debeauvoir, County Clerk
Travis County, Texas.

Michael P. Grodzinski
Deputy
Michael P. Grodzinski
THE STATE OF TEXAS }
COUNTY OF TRAVIS }



Approved this 1st day of June, 2009 by the Planning and Zoning Commission of the City of Pflugerville, Texas, on behalf of the City.

By: Naji Norder
Naji Norder, Chairman

This plat reflects the approval granted by the Planning and Zoning Commission on the date indicated above.

This plat falls within the full purpose jurisdiction of the City of Pflugerville on this 23rd day of June, 2009.

By: Autumn Speer
Autumn Speer, Planning Director

ATTEST:
Karen Thompson
Karen Thompson, City Secretary



Approved this 23rd day of June, 2009, by the City Council of the City of Pflugerville, Texas, on behalf of the City.

By: Jeff Coleman
Jeff Coleman, Mayor

ATTEST:
Karen Thompson
Karen Thompson, City Secretary



BENCHMARKS:

Elevations for this project are based on NAVD-88
Benchmark #1: "X" cut in top of curb at nose of esplanade, north side of Kelly Lane at Murchison Ridge Trail +/- 800' east of SH 130
Elevation: 708.34'

NAD 83 TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE (SURFACE VALUES)
SCALE FACTOR: 1.0000734500
Northing: 10,146,194.01
Easting: 3,161,020.82

Benchmark #2: "X" cut on storm sewer inlet located on Pflugerville I.S.D. access drive +/- 943' east of SH 130 east Right-of-Way line and located +/- 1470' south of Kelly Lane
Elevation: 726.17'

NAD 83 TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE (SURFACE VALUES)
SCALE FACTOR: 1.0000734500
Northing: 10,144,687.81
Easting: 3,160,887.72

All bearings based on the Texas State Plane Coordinate System Central Zone.

GENERAL NOTES

- 1. This plot lies within the City of Pflugerville.
- 2. No objects, including but not limited to, buildings, fences, or landscaping, shall be allowed in a drainage easement except as approved by the City of Pflugerville.
- 3. All drainage easements on private property shall be maintained by the owner and/or his/her assigns.
- 4. Property owner and/or his/her assigns shall provide for access to the drainage easement as may be necessary and shall not prohibit access by the City of Pflugerville for inspection or maintenance of said easement.
- 5. Public sidewalks are required along both sides of all streets. All sidewalks to be six (6) feet wide.
- 6. Water service will be provided by the City of Pflugerville.
- 7. Wastewater service will be provided by the City of Pflugerville.
- 8. There shall be no occupancy of any lot until connection is made to an approved public sewer system.
- 9. There shall be no occupancy of any lot until water satisfactory for human consumption is available from a source in adequate and sufficient supply for the proposed development.
- 10. The current impact fee rate for one (1) service unit with a 5/8-inch meter size is \$2,403.00 for water and \$2,414.00 for wastewater. Impact fees will be paid at time of building permit.
- 11. No overhead electric lines shall be permitted.
- 12. Streetlights shall be provided by the owner/subdivider in accordance with section 156.421 of the subdivision code and any other provisions required by the City of Pflugerville.
- 13. This subdivision is subject to all City of Pflugerville ordinances related to tree conservation including but not limited to section 157.711 (K).
- 14. Colorado Sand Drive right-of-way contains a 17-foot wide raised median.
- 15. Joint access drives at Kelly Lane (Lots 3 (future) and 4, Block A and Lots 1 and 3 (future) Block B) shall be limited to right-turn in and right-turn out traffic movements.
- 16. Access to Lot 4/ Lot 5 (future), Block A at Colorado Sand Drive shall be limited to right and left-turn in, and right-turn out traffic movements.
- 17. Access to Lot 1 and Lot 2 (Future) Block B at Colorado Sand Drive shall be limited to right in and right turn out traffic movements.

TYPE OF LOT	NUMBER OF LOTS	ACREAGE
RIGHT-OF-WAY KELLY LN.	N/A	0.38
RIGHT-OF-WAY COLORADO SAND	N/A	0.47
COMMERCIAL	2	3.64
TOTAL	2	4.49

STREET NAME	LINEAR FOOTAGE	R.O.W. WIDTH
KELLY LANE	713'	WIDTH VARIES
COLORADO SAND DRIVE	260.2'	80'
TOTAL	973.2'	

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SHEET
2 OF 2

PATE ENGINEERS
C:\Users\17009\1743-002-00 CORNERSTONE AT KELLY LANE\TASK AS12 PLAT CALCS\Task\Project\Work In Progress\REVISED MAY 13 2009 1743-002-00 AS10 PLAT BASE.dwg May 27, 2009 4:19pm robertg