

EXHIBIT A

The Land

TRACT 1 METES AND BOUNDS

BEING a 41.312 acre (1,799,537 square feet) tract of land situated in the Thomas G. Stuart Survey, Abstract 689, Travis County, Texas; and being a portion of that certain 52.92 acre tract described in instrument recorded in Volume 7721, Page 203 Deed Records of Travis County, save and except that certain 10.57 acre tract described in instrument recorded in Volume 7756, Page 926 of the Deed Records of Travis County; also being all of that certain 41.317 acre tract described in instrument recorded in Document No. 2007197531 of the Official Public Records of Travis County; and being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found on the southwesterly right of way line of Wilke Lane (width varies) marking the northern-most northeast corner of the said 41.317 acre tract, and marking the northern-most corner of that certain 23.538 acre tract described in instrument recorded in Document No. 2007195233 of the Official Public Records of Travis County;

THENCE, South 27°44'21" West, 1705.98 feet along the northwesterly line of the said 23.538 acre tract to a 1/2-inch iron rod with "KHA" cap set marking the southwest corner of the said 23.538 acre tract and an interior corner of the said 41.317 acre tract;

THENCE, South 62°14'08" East, 623.09 feet along the southwesterly line of said 23.538 acre tract to a 1/2-inch iron rod found on the northwesterly line of Lot 14-R, Block 1, of Stone Hill Town Center Lot 14 Replat No. 2, plat of which is recorded in Document No. 201800198 of the Official Public Records of Travis County, marking the southern-most of the said 23.538 acre tract;

THENCE, South 28°37'15" West; along the northwesterly boundary of said Lot 14-R; at 666.19 feet passing a 1/2-inch iron rod with cap found; continuing for a total distance of 772.27 feet to a 5/8-inch iron rod found marking the southern-most corner of the said 41.317 acre tract;

THENCE, North 62°06'44" West; along the southwesterly line of the said 41.317 acre tract; at 283.93 feet passing a 1/2-inch iron rod with cap found at the northeasterly terminus of the westerly right-of-way line of Pfluger Farm Lane (70 feet wide), marking the northeast corner of Lot 22, Block 7 of Stone Hill Town Center Section Two, Phase Two, plat of which is recorded in Document No. 201500009 of the Official Public Records of Travis County; continuing for a total distance of 1126.19 feet to a 1/2-inch iron rod found marking the south corner of that certain 34.098 acre tract described in instrument Roeder Holdings, LLC, recorded in Document No. 2017134084 of the Official Public Records of Travis County, and the southwestern corner of the said 41.317 acre tract;

THENCE, North 26°50'36" East, 2476.91 feet along the southeasterly boundary of the said 34.098 acre tract to a 1/2-inch iron rod found on the southwesterly right of way line of Wilke Lane marking the northeast corner of the said 34.098 acre tract and the north corner of the said 41.317 acre tract;

THENCE, South 62°08'51" East, 553.70 feet along the said southwesterly right-of-way line of Wilke Lane to the **POINT OF BEGINNING**, and containing 41.312 acres of land in Travis County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, Central Zone (FIPS 4203) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

TRACT 2 METES AND BOUNDS

BEING a 23.540 acre (1,025,423 square feet) tract of land situated in the Thomas G. Stuart Survey, Abstract 689, Travis County, Texas; and being all of that certain 23.5585 acre tract described in instrument recorded in Volume 12783, Page 1753 of the Official Public Records of Travis County, also being all of that certain 23.538 acre tract described in Document No. 2007195235 of the Official Public Records of Travis County; and being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found on the southwesterly right of way line of Wilke Lane (width varies) marking the northern-most northeast corner of that certain 41.317 acre tract recorded in Document No. 2007197531 of the Official Public Records of Travis County, and marking the northern-most corner of the said 23.538 acre tract;

THENCE, South 62°08'51" East, 600.15 feet along the said southwesterly right-of-way line of Wilke Lane to a 1/2-inch iron rod found marking the north corner of that certain 0.2664 acre strip of land recorded in Document No. 2016205034 of the Official Public Records of Travis County;

THENCE, South 27°44'40" West, 1618.70 feet along the northwesterly boundary of the said 0.2664 acre tract to a 1/2-inch iron rod found for corner;

THENCE, South 60°56'41" East; at 9.07 feet passing a 1/2-inch iron rod found marking the southern-most corner of the said 0.2664 acre tract and the most western corner of Lot 14-R, Block 1, of Stone Hill Town Center Lot 14 Replat No. 2, plat of which is recorded in Document No. 201800198 of the Official Public Records of Travis County; continuing for a total distance of 23.17 feet to a 1/2-inch iron rod found for an interior corner of said Lot 14-R;

THENCE, South 27°47'05" West, 85.83 feet along the northwesterly boundary of said Lot 14-R to a 1/2-inch iron rod found marking the eastern-most common corner of the aforesaid 41.317 acre tract and the southern-most of the said 23.538 acre tract;

THENCE, along the boundary of the said 41.317 acre tract the following two (2) courses and distances:

1. North 62°14'08" West, 623.09 feet along the southwesterly line of said 23.538 acre tract to a 1/2-inch iron rod with "KHA" cap set marking the western-most corner of the said 23.538 acre tract;
2. North 27°44'21" East, 1,705.98 feet along the northwesterly line of said 23.538 acre tract to the **POINT OF BEGINNING**, and containing 23.540 acres of land in Travis County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, Central Zone (FIPS 4203) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

**TRACT 1
METES AND BOUNDS**

BEING a 41.312 acre (1,799,537 square feet) tract of land situated in the Thomas G. Stuart Survey, Abstract 689, Travis County, Texas; and being a portion of that certain 52.92 acre tract described in instrument recorded in Volume 7721, Page 203 Deed Records of Travis County, save and except that certain 10.57 acre tract described in instrument recorded in Volume 7756, Page 926 of the Deed Records of Travis County; also being all of that certain 41.317 acre tract described in instrument recorded in Document No. 2007197531 of the Official Public Records of Travis County; and being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found on the southwesterly right of way line of Wilke Lane (width varies) marking the northern-most northeast corner of the said 41.317 acre tract, and marking the northern-most corner of that certain 23.538 acre tract described in instrument recorded in Document No. 2007195233 of the Official Public Records of Travis County;

THENCE, South 27°44'21" West, 1705.98 feet along the northwesterly line of the said 23.538 acre tract to a 1/2-inch iron rod with "KHA" cap set marking the southwest corner of the said 23.538 acre tract and an interior corner of the said 41.317 acre tract;

THENCE, South 62°14'08" East, 623.09 feet along the southwesterly line of said 23.538 acre tract to a 1/2-inch iron rod found on the northwesterly line of Lot 14-R, Block 1, of Stone Hill Town Center Lot 14 Replat No. 2, plat of which is recorded in Document No. 201800198 of the Official Public Records of Travis County, marking the southern-most of the said 23.538 acre tract;

THENCE, South 28°37'15" West, along the northwesterly boundary of said Lot 14-R; at 666.19 feet passing a 1/2-inch iron rod with cap found; continuing for a total distance of 772.27 feet to a 5/8-inch iron rod found marking the southern-most corner of the said 41.317 acre tract;

THENCE, North 62°06'44" West, along the southwesterly line of the said 41.317 acre tract; at 283.93 feet passing a 1/2-inch iron rod with cap found at the northeasterly terminus of the westerly right-of-way line of Pfluger Farm Lane (70 feet wide), marking the northeast corner of Lot 22, Block 7 of Stone Hill Town Center Section Two, Phase Two, plat of which is recorded in Document No. 201500009 of the Official Public Records of Travis County; continuing for a total distance of 1126.19 feet to a 1/2-inch iron rod found marking the south corner of that certain 34.098 acre tract described in instrument recorded in Document No. 2011734084 of the Official Public Records of Travis County, and the southwest corner of the said 41.317 acre tract;

THENCE, North 26°50'36" East, 2476.91 feet along the southeasterly boundary of the said 34.098 acre tract to a 1/2-inch iron rod found on the southwesterly right of way line of Wilke Lane marking the northeast corner of the said 34.098 acre tract and the north corner of the said 41.317 acre tract;

THENCE, South 62°08'51" East, 553.70 feet along the said southwesterly right-of-way line of Wilke Lane and the north corner of the **POINT OF BEGINNING**, and containing 41.312 acres of land in Travis County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, Central Zone (FIPS 4203) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

**TRACT 2
METES AND BOUNDS**

BEING a 23.540 acre (1,025,423 square feet) tract of land situated in the Thomas G. Stuart Survey, Abstract 689, Travis County, Texas; and being all of that certain 23.5585 acre tract described in instrument recorded in Volume 12783, Page 1753 of the Official Public Records of Travis County, also being all of that certain 23.538 acre tract described in Document No. 2007195235 of the Official Public Records of Travis County; and being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found on the southwesterly right of way line of Wilke Lane (width varies) marking the northern-most northeast corner of that certain 41.317 acre tract recorded in Document No. 2007197531 of the Official Public Records of Travis County, and marking the northern-most corner of the said 23.538 acre tract;

THENCE, South 62°08'51" East, 553.70 feet along the said southwesterly right-of-way line of Wilke Lane to a 1/2-inch iron rod found marking the north corner of that certain 0.2664 acre strip of land recorded in Document No. 2016295034 of the Official Public Records of Travis County;

THENCE, South 27°44'40" West, 1618.70 feet along the northwesterly boundary of the said 0.2664 acre tract to a 1/2-inch iron rod found for corner;

THENCE, South 60°56'41" East; at 9.07 feet passing a 1/2-inch iron rod found marking the southern-most corner of the said 0.2664 acre tract and the most western corner of Lot 14-R, Block 1, of Stone Hill Town Center Lot 14 Replat No. 2, plat of which is recorded in Document No. 201800198 of the Official Public Records of Travis County, continuing for a total distance of 23.17 feet to a 1/2-inch iron rod found for an interior corner of said Lot 14-R;

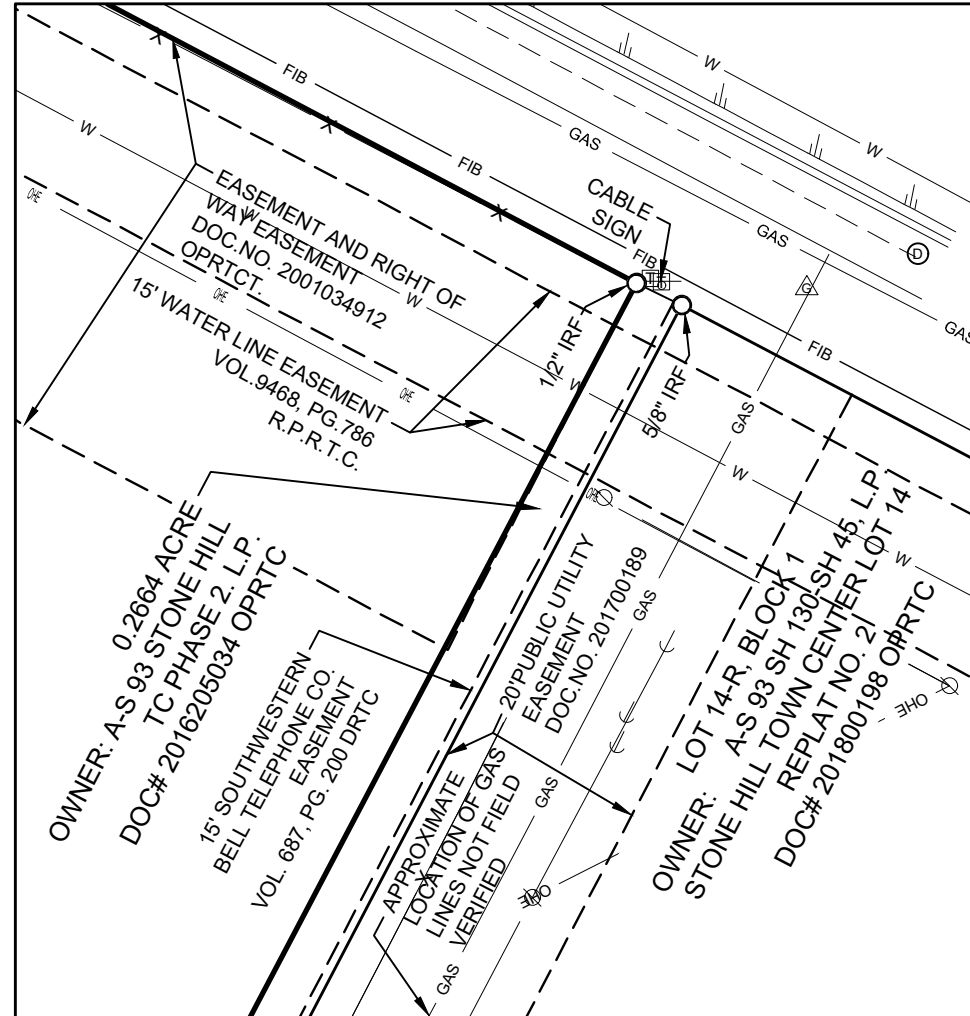
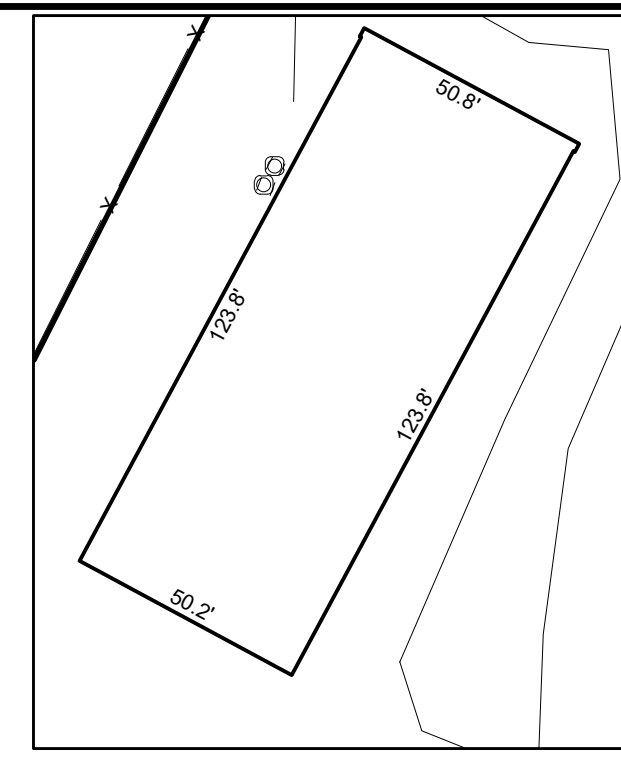
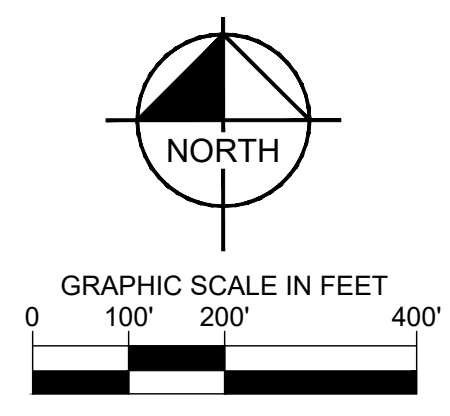
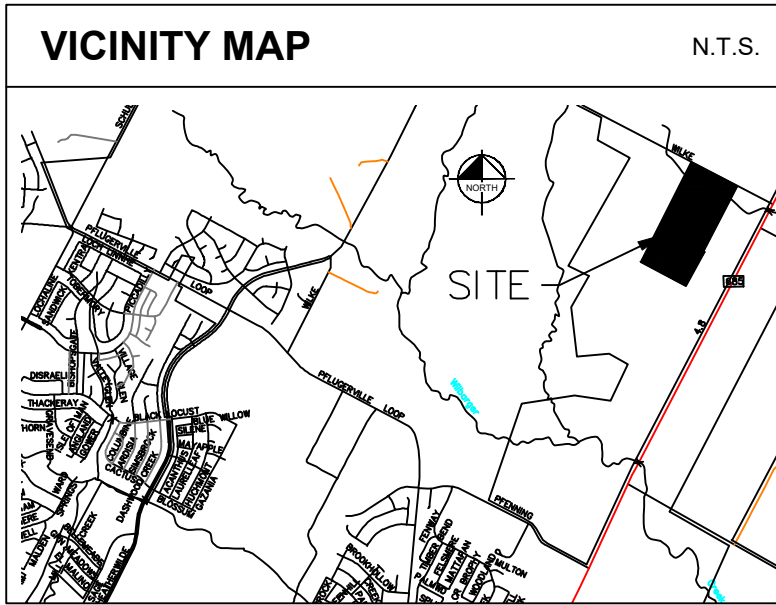
THENCE, South 27°47'05" West, 85.83 feet along the northwesterly boundary of said Lot 14-R to a 1/2-inch iron rod found marking the eastern-most common corner of the aforesaid 41.317 acre tract and the southern-most of that certain 23.538 acre tract;

THENCE, along the boundary of the said 41.317 acre tract the following two (2) courses and distances:

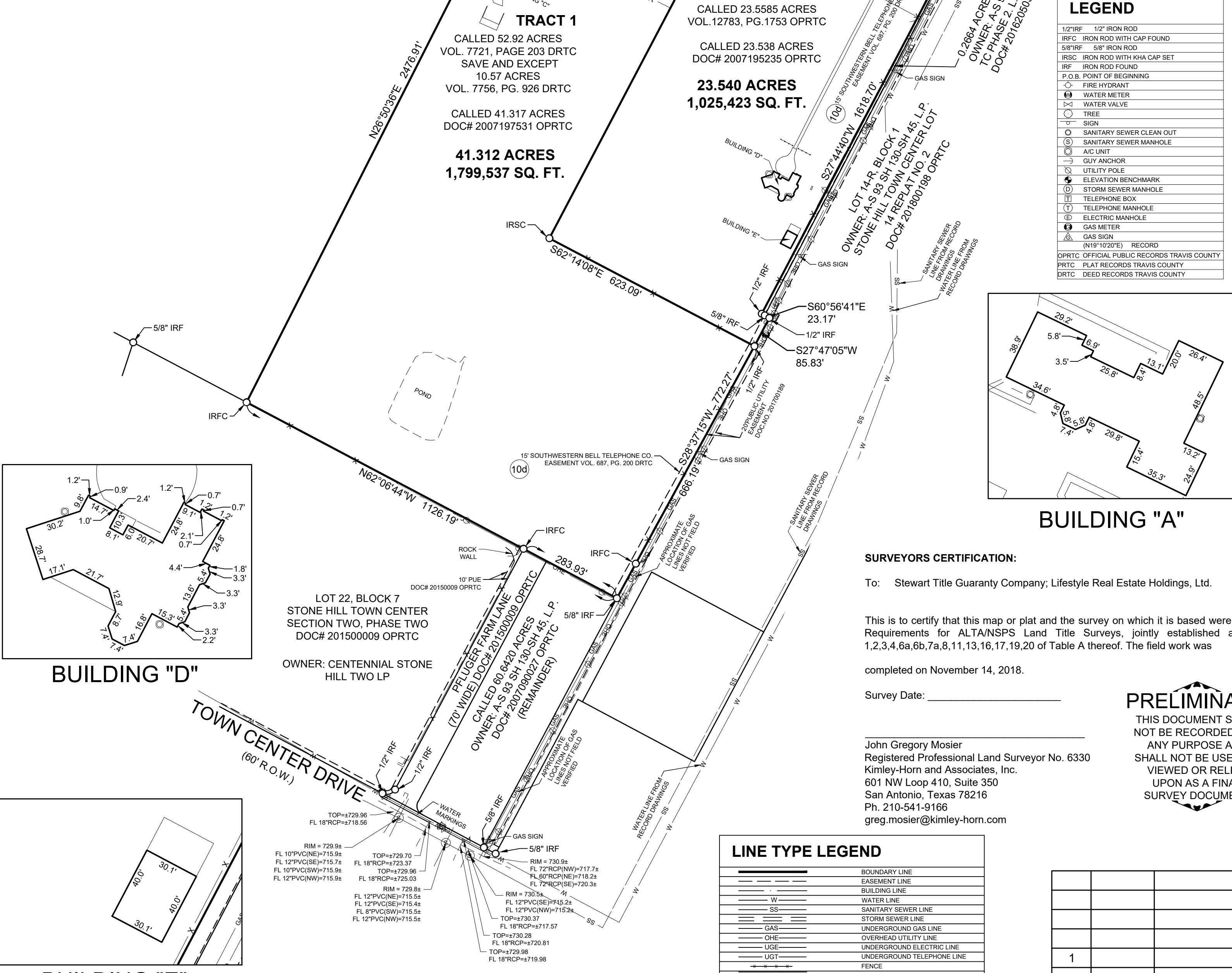
- North 62°14'08" West, 623.09 feet along the southwesterly line of said 23.538 acre tract to a 1/2-inch iron rod with "KHA" cap set marking the western-most corner of the said 23.538 acre tract.
- North 27°44'21" East, 1705.98 feet along the northwesterly line of said 23.538 acre tract to the **POINT OF BEGINNING**, and containing 23.540 acres of land in Travis County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, Central Zone (FIPS 4203) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

GENERAL NOTES

- TITLE COMMITMENT:** TRACT 1 (41.317 acre) This survey was performed utilizing that certain title report prepared by Stewart Title Guaranty Company, File No. 18000033982 (Issue Date: November 06, 2018, Effective Date: July 11, 2018).
- TITLE COMMITMENT:** TRACT 2 (23.538 acre) This survey was performed utilizing that certain title report prepared by Stewart Title Guaranty Company, File No. 18000033981 (Issue Date: November 06, 2018, Effective Date: July 11, 2018) and reflects only those easements and encumbrances of record mentioned therein. Kimley-Horn did not abstract the public records. The surveyed tract may be subject to additional government regulations and restrictions prior to further site development.
- FLOOD STATEMENT:** (USE FOR ZONE X UNSHADED) According to Community Panel No. 48453C0280J, dated August 18, 2014 of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the subject tract is located within Zone "X" (un-shaded) which is defined by FEMA as "areas determined to be outside the 0.2% annual chance floodplain," commonly known as the 500-year floodplain. Zone "X" (un-shaded) is outside of any FEMA established flood hazard zone. All zone delineations shown hereon are approximate. This flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create any liability on the part of Kimley-Horn or the undersigned.
- GEODETIC BASIS STATEMENT:**
HORIZONTAL CONTROL: The bearings shown hereon are based on the Texas State Plane Coordinate System GRID, Central Zone (FIPS 4203) (NAD'83), as determined by the Global Positioning System (GPS) post processing. All distances shown hereon are on the SURFACE. The unit of linear measurement is U.S. Survey Feet.
VERTICAL CONTROL: This drawing shows existing spot elevations based upon a field survey conducted by survey personnel. All elevations shown hereon are tied to the North American Vertical Datum of 1988 (NAVD '88) based on GPS observations.
- ENCROACHMENTS:** Per ALTA/NSPS Survey Standards Item 5, Section C. Paragraph iii: The term "Encroachment" implies a legal opinion. "Evidence of potentially encroaching structural appurtenances and projections observed in the process of conduction fieldwork" relative to title lines, setbacks, adjoining properties, and rights-of-ways, will be shown, but the survey will make no judgment of "Encroachment" or "Non-encroachment".
- The subject tract has access to the public street right-of-ways of Wilke Lane and Pfluger Farm Lane.
- ZONING:** A Private Zoning Report was not provided by the owner or the insurer per ALTA/NSPS Optional Table A Items 6(a)(b). This survey does not reflect zoning status or restrictions.
- Any underground utilities shown hereon are from Texas 811 markings located by survey crews, or record drawings obtained from utility companies representatives. Kimley-Horn cannot guarantee the locations of said utilities, except those that are observed and readily visible on the surface at the time of this survey. Kimley-Horn assumes no liability for poorly or improperly marked utility locations. Private interior service lines are not shown.
- The surveyor is unaware of any proposed changes to street right-of-ways and there is no visible evidence of changes to street right of ways.
- There is no evidence of recent earth moving work on the surveyed property.
- The survey crew observed no evidence of readily visible markers delineating the wetlands.
- Kimley-Horn did not review lease interest while performing survey.
- Tract 1 and Tract 2 are contiguous.

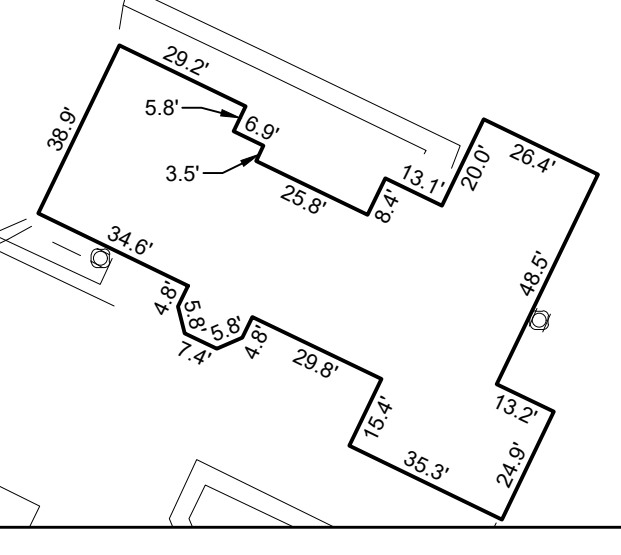


DETAIL "E"



LEGEND

- 1/2" IRF: 1/2" IRON ROD
- IRFC: IRON ROD WITH CAP FOUND
- SIRF: 5/8" IRON ROD
- IRSC: IRON ROD WITH RMA CAP SET
- IRF: IRON ROD FOUND
- P.O.B.: POINT OF BEGINNING
- FS: FIRE HYDRANT
- WM: WATER METER
- WV: WATER VALVE
- T: TREE
- S: SIGN
- SSC: SANITARY SEWER CLEAN OUT
- SSM: SANITARY SEWER MANHOLE
- A/C: A/C UNIT
- U: UTILITY POLE
- G: GUY ANCHOR
- E: ELEVATION BENCHMARK
- SSM: STORM SEWER MANHOLE
- TB: TELEPHONE BOX
- TM: TELEPHONE MANHOLE
- EM: ELECTRIC MANHOLE
- GM: GAS METER
- GS: GAS SIGN
- OPRT: OFFICIAL PUBLIC RECORDS TRAVIS COUNTY
- PLRC: PLAT RECORDS TRAVIS COUNTY
- DRTC: DEED RECORDS TRAVIS COUNTY



BUILDING "A"

SURVEYORS CERTIFICATION:

To: Stewart Title Guaranty Company; Lifestyle Real Estate Holdings, Ltd.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6b, 7a, 8, 11, 13, 16, 17, 19, 20 of Table A thereof. The field work was completed on November 14, 2018.

Survey Date: _____

John Gregory Mosier
Registered Professional Land Surveyor No. 6330
Kimley-Horn and Associates, Inc.
601 NW Loop 410, Suite 350
San Antonio, Texas 78216
Ph. 210-541-9166
greg.mosier@kimley-horn.com

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

LINE TYPE LEGEND

| | |
|-----|----------------------------|
| --- | BOUNDARY LINE |
| --- | EASEMENT LINE |
| --- | BUILDING LINE |
| --- | WATER LINE |
| --- | SANITARY SEWER LINE |
| --- | STORM SEWER LINE |
| --- | UNDERGROUND GAS LINE |
| --- | OVERHEAD UTILITY LINE |
| --- | UNDERGROUND ELECTRIC LINE |
| --- | UNDERGROUND TELEPHONE LINE |
| --- | FENCE |
| --- | CONCRETE PAVEMENT |
| --- | ASPHALT PAVEMENT |

NOTES ADDRESSING SCHEDULE B EXCEPTIONS:

- (Pursuant to Commitment for Title Insurance listed in General Note 1.)
- TRACT 1**
- The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):
 - Those recorded in/under Volume 7721, Page 203 (Subject to) of the Deed Records of Travis County, Texas; but omitting any covenants, condition, or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin or (b) relates to handicap, but does not discriminate against handicapped persons.
 - The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception):
 - Rights of parties in possession. (Owner Title Policy only)
 - 1/16th non-participating royalty interest reserved as set forth in Volume 684, Page 229, transferred in Volume 939, Page 246 of the Deed Records, and transferred in Assignment and Bill of Sale set forth in Volume 13227, Page 791 of the Real Property Records of Travis County, Texas. (Not a Survey matter)
 - Electric easement granted to Texas Power and Light Co. in Volume 551, Page 107 of the Deed Records of Travis County, Texas. (Unable to determine with description given)
 - Easement granted to Southwestern Bell Telephone Co. in Volume 687, Page 200 of the Deed Records of Travis County, Texas. (Subject to as shown)
 - Pipeline easement to Manville Water Supply Corp. set forth in Volume 4822, Page 1533 of the Deed Records of Travis County, Texas. (15' in width, over and across 100 acres, Unable to determine with description given)
 - Easement and right of way granted to Southwestern Bell Telephone Company in Volume 7873, Page 742 of the Deed Records of Travis County, Texas. (Electric distribution line and telephone line) (Subject to as shown)
 - A Water Pipeline Easement, Right of Way and/or Agreement granted to Manville Water Supply Corp., by instrument dated September 16, 1985, recorded in/under Volume 9468, Page 786 of the Real Property Records, Travis County, Texas. (Subject to)
 - Electric power and communication line easement together with the rights of ingress and egress over adjacent lands to TXU Electric Company as set forth in Document No. 2001043177 of the Official Public Records of Travis County, Texas. (Subject to as shown)
 - Terms, conditions and provisions of that certain Ordinance No. 720-03-11-11 as set forth in Document No. 2003297149 of the Official Public Records of Travis County, Texas. (Subject to)
 - Subject to the Affidavit Concerning Order of United States Bankruptcy Court for the District of Delaware, in re DBSI, Inc., et al, Debtors Chapter 11 Case No. 08-12687 (PJW) Rejecting Option Agreement to Purchase Land recorded in Document Number 2009127183, Official Public Records of Travis County, Texas. (Subject to)
 - All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interests that are not listed. (Not a survey matter)
 - Rights of tenants, and assigns, as tenants only, under currently effective lease agreements. (Not a survey matter)

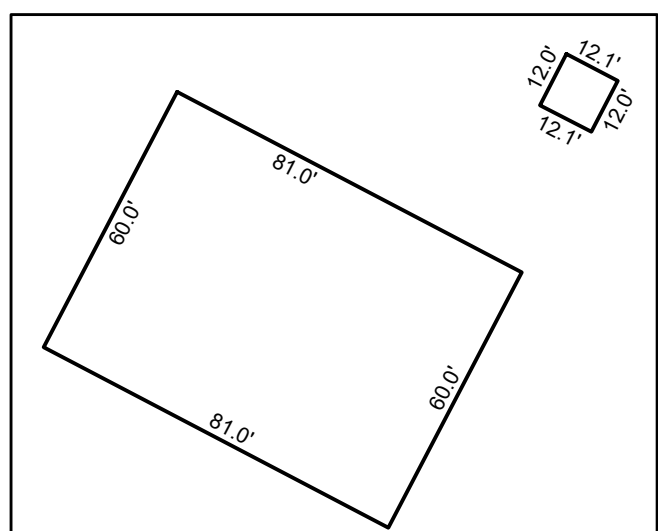
(Pursuant to Commitment for Title Insurance listed in General Note 2.)

- TRACT 2**
- The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception):
 - Rights of parties in possession. (Owner Title Policy only)
 - 1/16th non-participating royalty interest reserved as set forth in Volume 684, Page 229, transferred in Volume 939, Page 246 of the Deed Records, and transferred in Assignment and Bill of Sale set forth in Volume 13227, Page 791 of the Real Property Records of Travis County, Texas. (Not a Survey matter)
 - Electric easement granted to Texas Power and Light Co. in Volume 551, Page 107 of the Deed Records of Travis County, Texas. (Unable to determine with description given)
 - Easement granted to Southwestern Bell Telephone Co. in Volume 687, Page 200 of the Deed Records of Travis County, Texas. (Subject to as shown)
 - Pipeline easement to Manville Water Supply Corp. set forth in Volume 4822, Page 1533 of the Deed Records of Travis County, Texas. (15' in width, over and across 100 acres, Unable to determine with description given)
 - Electric power and communication line easement together with the rights of ingress and egress over adjacent lands to TXU Electric Company as set forth in Document No. 2001034912 of the Official Public Records of Travis County, Texas. (Subject to as shown)
 - Terms, conditions and provisions of that certain Ordinance No. 720-03-11-11 as set forth in Document No. 2003297149 of the Official Public Records of Travis County, Texas. (Subject to)
 - Subject to the Affidavit Concerning Order of United States Bankruptcy Court for the District of Delaware, in re DBSI, Inc., et al, Debtors Chapter 11 Case No. 08-12687 (PJW) Rejecting Option Agreement to Purchase Land recorded in Document Number 2009149270, Official Public Records of Travis County, Texas. (Subject to)
 - All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interests that are not listed. (Not a survey matter)
 - Rights of tenants, and assigns, as tenants only, under currently effective lease agreements. (Not a survey matter)

LEGAL DESCRIPTION PER TITLE COMMITMENT:

Being 41.317 acres of land, more or less out of the THOMAS G. STUART SURVEY, ABSTRACT NO. 689, Travis County, Texas, being all of that tract called 52.92 acres conveyed to Preston Wayne Harvey and wife, Jeanne Marie Harvey as recorded in Volume 7721, Page 203, Deed Records, Travis County, Texas, SAVE AND EXCEPT a tract called 10.57 acres conveyed to Dudley Harvey as recorded in Volume 7756, Page 926, Deed Records, Travis County, Texas.
OWNER:
Kenneth L. Hackman; 162 E 92nd St., LLC, a New York limited liability company; Freres Lumber Co., Inc., an Oregon Corporation; DBSI North Austin Units LLC, an Idaho limited liability company; Alva A. Marsh; Jewel R. Mooleenaar-Marsh; Rees Legacy, LLC, a Utah limited liability company; Peter R. Schemm; Warren S. Marsh; Ken Thwaits and Shelli Thwaits as Trustees of the Thwaits Family Trust dated July 2, 2002; Steven M. Raio and Susan M. Raio as Trustee of the Steven M. Raio and Susan M. Raio Family Trust; Moh's Food Company Inc., a Florida Corporation.

Being 23.538 acres of land, more or less out of the THOMAS G. STUART SURVEY, ABSTRACT NO. 689, Travis County, Texas, being all of that tract called 23.545 acres conveyed to John and Alice Burns as recorded in Volume 12783, Page 1753, Deed Records, Travis County, Texas.
OWNER:
Oliver W. Davidson and Nancy Jo Davidson; Leslie D. Miro; New Life Properties LLC, a California limited liability company; Kevin C O'Malley; Clifford A. Vige as Trustee of the Life Living Trust, dated February 21, 1992; and DBSI North Austin II Units LLC, an Idaho limited liability company.



BUILDING "B"

ALTA/NSPS LAND TITLE SURVEY
BEING 41.312 ACRES AND 23.540 ACRES OUT OF THE THOMAS G. STUART SURVEY, ABSTRACT NO. 689, CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS.

Kimley Horn
601 NW Loop 410, Suite 350
San Antonio, Texas 78216
FIRM # 10193973
Tel. No. (210) 541-9166
www.kimley-horn.com

| No. | DATE | REVISION DESCRIPTION |
|-----|------|----------------------|
| 1 | | |

| Scale | Drawn by | Checked by | Date | Project No. | Sheet No. |
|-----------|----------|------------|-----------|-------------|-----------|
| 1" = 200' | MAV | JGM | NOV. 2018 | 067260002 | 1 OF 1 |

**DESCRIPTION OF A
4.557 ACRE TRACT OF LAND**

BEING a 4.557 acre (198,487 square feet) tract of land situated in the Thomas G. Stuart Survey, Abstract 689, Travis County, Texas; and being a portion of that certain 60.6420 acre tract described in instrument to A-S 93 SH 130-SH 45, L.P., in Document Number 2007090027 of the Official Public Records of Travis County, and a portion of Lot 14-R, Block 1, of Stone Hill Town Center Lot 14 Replat No. 2, plat of which is recorded in Document No. 201800198 of the Official Public Records of Travis County; and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with "MBC" cap found at the intersection of the northwesterly right-of-way line of Pfluger Farm Lane, (70' wide right-of-way) as described in Stone Hill Town Center Section Two, Phase Two Subdivision, plat of which is recorded in Document number 201500009 of the Official Public Records of Travis County, with the southwesterly line of that certain 41.317 acre tract described in instrument to DBSI North Austin III Units, LLC., recorded in Document Number 2007227199 of the Official Public Records of Travis County, for the northern-most corner of said Pfluger Farm Lane; whence a 1/2" iron rod with plastic cap found at the west corner of said 41.317 acre tract bears North 62°06'44" West, a distance of 842.26 feet;

THENCE, along the southwesterly line of said 41.317 acre tract, the following two (2) courses and distances:

1. South 62°06'44" East, 70.00 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set marking the eastern-most corner of said Pfluger Farm Lane, the **POINT OF BEGINNING**, and the westerly north corner of the herein described tract;
2. South 62°06'44" East, 213.93 feet to a 5/8-inch iron rod found on the northwesterly line of said Lot 14-R, Block 1, and marking the southern-most corner of the said 41.317 acre tract, for an interior corner of this tract;

THENCE, North 28°37'15" East, 106.08 feet along the southeasterly line of said 41.317 acre tract and the northwesterly line of said Lot 14-R, Block 1 to a 1/2-inch iron rod with a plastic cap found for the easterly north corner of this tract;

THENCE, South 61°56'04" East, 48.41 feet crossing said Lot 14-R, Block 1 to a 1/2-inch iron rod with a plastic cap stamped "KHA" set at the north corner of Lot 14-C, Block 1, of said Stone Hill Town Center Lot 14 Replat No. 2, and at an interior corner of said Lot 14-R, Block 1, for the east corner of this tract;

THENCE, along a southeasterly line of said Lot 14-R, Block 1, the following three (3) courses and distances:

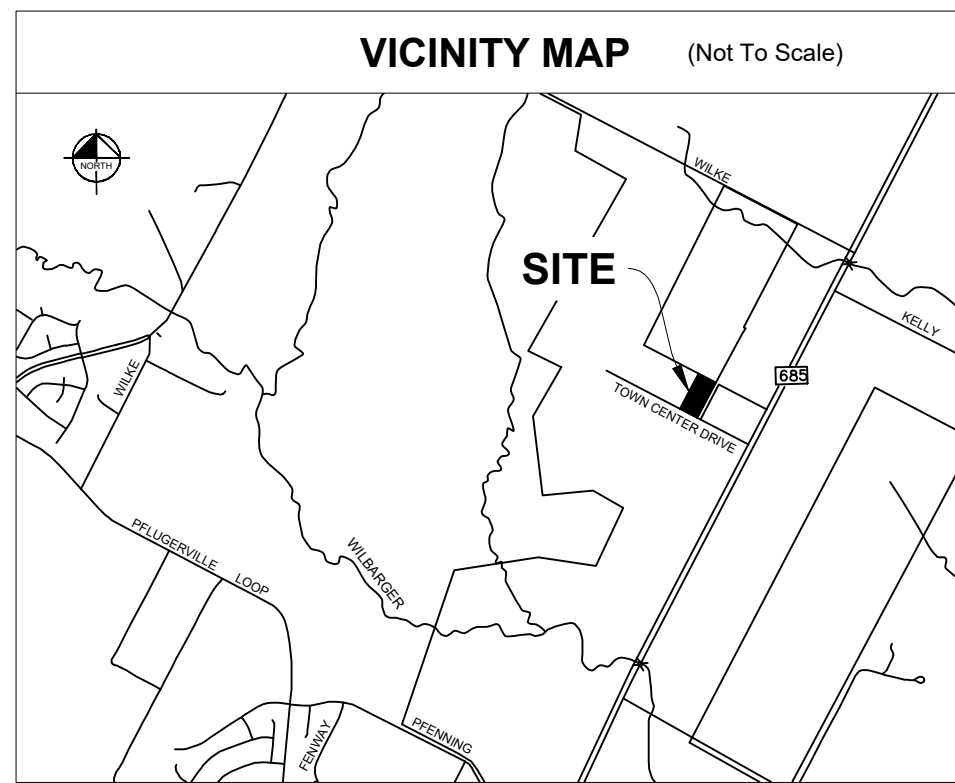
1. South 28°04'51" West, 395.14 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set in the northeasterly line of Lot 14-B, Block 1, of said Stone Hill Town Center, Lot 14 Replat No. 2, plat of which is recorded in Document No. 201700189 of the Official Public Records of Travis County; marking the west corner of said Lot 14-C, Block 1, for an exterior corner of this tract;
2. North 61°55'09" West, 13.69 feet to a 5/8-inch iron rod found marking the north corner of said Lot 14-B, Block 1, for an interior corner of this tract;
3. South 28°04'51" West, at a distance of 245.40 feet passing a 5/8-inch iron rod found marking the west corner of said Lot 14-B, Block 1, and the north corner of Lot 14-A, Block 1, Stone Hill Town Center, Lot 14 Replat No. 1, plat of which is recorded in Document No. 201700177 of the Official Public Records of Travis County; then continuing for a total distance of 470.40 feet to a 5/8-inch iron rod found on the northeasterly right-of-way line of Town Center Drive (60' wide right-of-way), at the west corner of said Lot 14-A, Block 1, for a south corner of said Lot 14-R, Block 1 and the south corner of this tract;

THENCE, along the northeasterly right-of-way line of said Town Center Drive, the following two (2) courses and distances:

1. North 61°55'09" West, 35.68 feet to a 5/8-inch iron rod found marking the west corner of said Lot 14-R, Block 1;
2. North 61°55'00" West, 188.87 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set at a point of curvature marking the southeastern end of a right-of-way cutback curve with the southeasterly line of aforesaid Pfluger Farm Lane;

THENCE, along the southeasterly right-of-way line of said Pfluger Farm Lane, the following two (2) courses and distances:

1. in a northwesterly direction, along the southeasterly right-of-way line of said Pfluger Farm Lane, and a tangent curve to the right, a central angle of 89°59'23", a radius of 25.00 feet, a chord bearing and distance of North 16°55'18" West, 35.35 feet, and a total arc length of 39.27 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for a point of tangency;
2. North 28°04'23" East, 733.72 feet to the **POINT OF BEGINNING** and containing 4.557 acres of land in Travis County, Texas, as shown in the document saved in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, Central Zone (FIPS 4203) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.



| LINE TABLE | | | |
|------------|-------------|---------|--|
| NO. | BEARING | LENGTH | |
| L1 | S62°06'44"E | 70.00' | |
| L2 | N28°37'15"E | 106.08' | |
| L3 | S61°56'04"E | 48.41' | |
| L4 | N61°55'09"W | 13.69' | |
| L5 | N61°55'09"W | 35.68' | |

| CURVE TABLE | | | | | |
|-------------|-----------|--------|--------|---------------|--------|
| NO. | DELTA | RADIUS | LENGTH | CHORD BEARING | CHORD |
| C1 | 89°59'23" | 25.00' | 39.27' | N16°55'18"W | 35.35' |

A METES AND BOUNDS DESCRIPTION OF A 4.556 ACRE TRACT OF LAND

BEING a 4.556 acre (198,454 square feet) tract of land situated in the Thomas G. Stuart Survey, Abstract 689, Travis County, Texas; and being a portion of that certain 60.6420 acre tract described in instrument to A-S 93 SH 130-SH 45, L.P., in Document Number 2007090027 of the Official Public Records of Travis County, and a portion of Lot 14-D, Block 1, of Stone Hill Town Center Lot 14 Replat No. 4, a replat of which is recorded in Document No. 201900219 of the Official Public Records of Travis County; and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with "MBC" cap found at the intersection of the northwesterly right-of-way line of Pflugler Farm Lane, (70' wide right-of-way) as described in Stone Hill Town Center Section Two, Phase Two Subdivision, plat of which is recorded in Document Number 201500009 of the Official Public Records of Travis County, with the southwesterly line of that certain 41.317 acre tract described in instrument to Kenneth L. Hackman, recorded in Document Number 2007197531 of the Official Public Records of Travis County, for the northern-most corner of said Pflugler Farm Lane; whence a 1/2" iron rod with plastic cap found at the west corner of said 41.317 acre tract bears North 62°06'44" West, a distance of 842.35 feet;

THENCE, along the southwesterly line of said 41.317 acre tract, the following two (2) courses and distances:

- South 62°06'44" East, 70.00 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set marking the eastern-most corner of said Pflugler Farm Lane, the **POINT OF BEGINNING**, and the westerly north corner of the herein described tract;
- South 62°06'44" East, 213.84 feet to a 5/8-inch iron rod found on the northwesterly line of said Lot 14-D, Block 1, and marking the southern-most corner of the said 41.317 acre tract, for an interior corner of this tract;

THENCE, North 28°37'15" East, 106.08 feet along the southeasterly line of said 41.317 acre tract and the northwesterly line of said Lot 14-D, Block 1 to a 1/2-inch iron rod with a plastic cap found for this tract;

THENCE, South 61°56'04" East, 48.41 feet crossing said Lot 14-D, Block 1 to a 1/2-inch iron rod with a plastic cap stamped "KHA" set at the north corner of Lot 14-C, Block 1, of said Stone Hill Town Center Lot 14 Replat No. 2, and at an interior corner of said Lot 14-D, Block 1, for the east corner of this tract;

THENCE, along a southeasterly line of said Lot 14-D, Block 1, the following three (3) courses and distances:

- South 28°04'51" West, 395.14 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set in the northwesterly line of Lot 14-B, Block 1, of said Stone Hill Town Center, Lot 14 Replat No. 2, plat of which is recorded in Document No. 201700189 of the Official Public Records of Travis County; marking the west corner of said Lot 14-C, Block 1, for an exterior corner of this tract;
- North 61°55'09" West, 13.69 feet to 5/8-inch iron rod found marking the north corner of said Lot 14-B, Block 1, for an interior corner of this tract;
- South 28°04'51" West, at a distance of 245.40 feet passing a 5/8-inch iron rod found marking the west corner of said Lot 14-B, Block 1, and the north corner of Lot 14-A, Block 1, Stone Hill Town Center, Lot 14 Replat No. 1, plat of which is recorded in Document No. 201700177 of the Official Public Records of Travis County; then continuing for a total distance of 470.40 feet to a 5/8-inch iron rod found on the northwesterly right-of-way line of Town Center Drive (60' wide right-of-way), at the west corner of said Lot 14-A, Block 1, for a south corner of said Lot 14-D, Block 1 and the south corner of this tract;

THENCE, along the northwesterly right-of-way line of said Town Center Drive, the following two (2) courses and distances:

- North 61°55'09" West, 35.68 feet to a 5/8-inch iron rod found marking the west corner of said Lot 14-D, Block 1;
- North 61°55'00" West, 188.87 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set at a point of curvature marking the southeastern end of a right-of-way setback curve with the southeasterly line of aforesaid Pflugler Farm Lane;

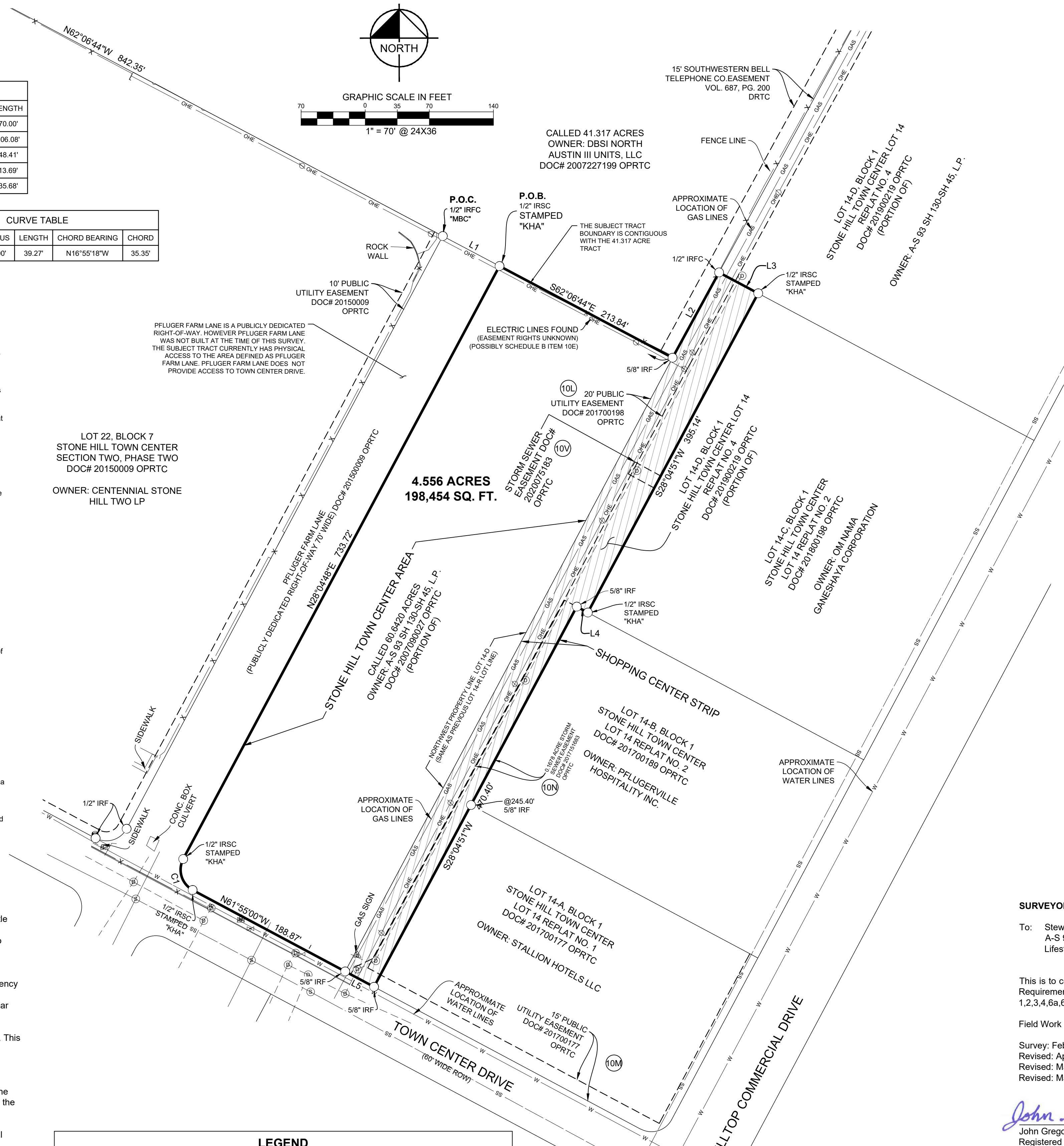
THENCE, along the southeasterly right-of-way line of said Pflugler Farm Lane, the following two (2) courses and distances:

- in a northwesterly direction, along the southeasterly right-of-way line of said Pflugler Farm Lane, and a tangent curve to the right, a central angle of 89°59'23", a radius of 25.00 feet, a chord bearing and distance of North 16°55'18" West, 35.35 feet, and a total arc length of 39.27 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for a point of tangency;
- North 28°04'48" East, 733.72 feet to the **POINT OF BEGINNING** and containing 4.556 acres of land in Travis County, Texas, as shown in the document saved in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, Central Zone (FIPS 4203) (NAD83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

GENERAL NOTES

- TITLE COMMITMENT:** This survey was performed utilizing that certain title report prepared by Stewart Title Guaranty Company Title Company, G.F. No. 2045322027 (Issue Date: May 12, 2020, Effective Date: May 3, 2020) and reflects only those easements and encumbrances of record mentioned therein. Kimley-Horn did not abstract the public records. The surveyed tract may be subject to additional government regulations and restrictions prior to further site development.
- FLOOD STATEMENT:** (USE FOR ZONE X UNSHADED) According to Community Panel No. 484530280J, dated August 18, 2014 of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the subject tract is located within Zone "X" (un-shaded) which is defined by FEMA as "areas determined to be outside the 0.2% annual chance floodplain," commonly known as the 500-year floodplain. Zone "X" (un-shaded) is outside of any FEMA established flood hazard zone. All zone delineations shown hereon are approximate. This flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create any liability on the part of Kimley-Horn or the undersigned.
- GEODETIC BASIS STATEMENT:**
HORIZONTAL CONTROL: The bearings shown hereon are based on the Texas State Plane Coordinate System GRID, Central Zone (FIPS 4203) (NAD83), as determined by the Global Positioning System (GPS) post processing. All distances shown hereon are on the Grid. The unit of linear measurement is U.S. Survey Feet.
- ENCROACHMENTS:** Per ALTA/NSPS Survey Standards Item 5, Section C. Paragraph iii: The term "Encroachment" implies a legal opinion. "Evidence of potentially encroaching structural appearances and projections observed in the process of conduction fieldwork" relative to title lines, setbacks, adjoining properties, and rights-of-ways, will be shown, but the survey will make no judgment of "Encroachment" or "Non-encroachment".
- The subject tract has access to the public street right-of-ways of Town Center Drive.
- ZONING:** A Private Zoning Report was not provided by the owner or the insurer per ALTA/NSPS Optional Table A Items 6(a)(b). This survey does not reflect zoning status or restrictions.
- Any underground utilities shown hereon are from Texas 811 markings located by survey crews, or record drawings obtained from utility companies representatives. Kimley-Horn cannot guarantee the locations of said utilities, except those that are observed and readily visible on the surface at the time of this survey. Kimley-Horn assumes no liability for poorly or improperly marked utility locations. Private interior service lines are not shown.
- The surveyor is unaware of any proposed changes to street right-of-ways and there is no visible evidence of changes to street right of ways.
- There is no evidence of recent earth moving work on the surveyed property.
- The survey crew observed no evidence of readily visible markers delineating the wetlands.
- Kimley-Horn did not review lease interest while performing survey.
-
-

"Declaration Area", but is not part of the "Target Tract", "Developer Tract", "Shopping Center", "Parcel" or "Tract", as those terms are defined in the Operation and Easement Agreement and the Property is not located within the "Shopping Center Boundary" as shown on Exhibit X-3



| LEGEND | | | |
|----------------------------|----------------------|-----------------------------|-------------------------------------|
| AD UNIT | GAS HANDHOLE | SANITARY SEWER LIFT STATION | UNIDENTIFIED MARKER SIGN |
| AIR RELEASE VALVE | GAS METER | SANITARY SEWER MANHOLE | UNIDENTIFIED METER |
| BRIQUET BALL SIGN | GAS MANHOLE | SANITARY SEWER MARKER FLAG | UNIDENTIFIED POLE |
| BURE LOCATION | GAS MARKER FLAG | SANITARY SEWER MARKER SIGN | UNIDENTIFIED TANK |
| CABLE TV BOX | GAS SIGN | SANITARY SEWER METER | UNIDENTIFIED VALVE |
| CABLE TV HANDHOLE | GAS SIGN | SANITARY SEWER SEPTIC TANK | UNIDENTIFIED VALVE |
| CABLE TV MANHOLE | GAS SIGN | SANITARY SEWER SEPTIC TANK | UNIDENTIFIED VALVE |
| CABLE TV MARKER FLAG | GREASE TRAP | SANITARY SEWER VALVE | UTILITY POLE |
| CABLE TV MARKER SIGN | GAS VALVE | SECURITY CAMERA | WATER BOX |
| CABLE TV VALVE | GAS WELL | SECURITY CAMERA | WATER HAND HOLE |
| COMMUNICATIONS BOX | SOON POLE | STORM SEWER BOX | WATER MANHOLE |
| COMMUNICATIONS HANDHOLE | GUY ANCHOR | STORM SEWER DRAIN | WATER MARKER FLAG |
| COMMUNICATIONS MARKER FLAG | GUY HITCHER POLE | STORM SEWER HANDHOLE | WATER MARKER SIGN |
| COMMUNICATIONS MARKER SIGN | HANDICAPPED PARKING | STORM SEWER MANHOLE | WATER METER |
| COMMUNICATIONS VALVE | IRRIGATION VALVE | STORM SEWER MARKER FLAG | WATER TANK |
| CROSS WALK SIGNAL | MAIL BOX | STORM SEWER MARKER SIGN | WATER VALVE |
| ELECTRIC BOX | MARQUEE BILLBOARD | STORM SEWER METER | WATER WELL |
| ELECTRIC METER | MONITORING WELL | STORM SEWER VALVE | WATER WELL |
| ELECTRIC MANHOLE | NEWS STAND | TELEPHONE BOX | ADP ALUMINUM DISK FOUND |
| ELECTRIC MARKER FLAG | PARKING METER | TELEPHONE HANDHOLE | BOF BRASS TIGHT DISK FOUND |
| ELECTRIC MARKER SIGN | PHONE BOOTH | TELEPHONE MANHOLE | BM BENCHMARK |
| ELECTRIC SWITCH | PIPELINE BOX | TELEPHONE MARKER SIGN | CONCRETE MEASUREMENT FOUND |
| ELECTRIC TRANSFORMER | PIPELINE HANDHOLE | TELEPHONE VALVE | SPF IRON PIPE FOUND |
| ELECTRIC VALVE | PIPELINE MANHOLE | TELEPHONE METER | IRF IRON ROD FOUND |
| ELEVATION BENCHMARK | PIPELINE MARKER | TELEPHONE METER | IRF IRON ROD WITH CAP FOUND |
| FIBER OPTIC BOX | PIPELINE MARKER FLAG | TRAFFIC BANNER | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| FIBER OPTIC HANDHOLE | PIPELINE MARKER SIGN | TRAFFIC BOLLARD | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| FIBER OPTIC MANHOLE | PIPELINE VALVE | TRAFFIC CAMERA | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| FIBER OPTIC MARKER FLAG | PIPELINE VALVE | TRAFFIC CAMERA | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| FIBER OPTIC MARKER SIGN | PIPELINE VALVE | TRAFFIC CAMERA | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| FIBER OPTIC VALVE | RAILROAD HANDHOLE | TRAFFIC CAMERA | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| FIRE DEPTH CONNECTION | RAILROAD SIGNAL | TRAFFIC CAMERA | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| FIRE HYDRANT | RAILROAD VALVE | TRAFFIC CAMERA | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| FLAG POLE | RAILROAD VALVE | TRAFFIC CAMERA | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| FLOOD LIGHT | RAILROAD VALVE | TRAFFIC CAMERA | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| FLOW DIRECTION | RAILROAD VALVE | TRAFFIC CAMERA | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| FUEL TANK | RAILROAD VALVE | TRAFFIC CAMERA | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| GAS BOX | RAILROAD VALVE | TRAFFIC CAMERA | IRSC 1/2" IRON ROD W/ "KHA" CAP SET |
| | | | |

| LINE TYPE LEGEND | |
|------------------|----------------------------|
| --- | BOUNDARY LINE |
| --- | EASEMENT LINE |
| --- | BUILDING LINE |
| --- | WATER LINE |
| --- | SANITARY SEWER LINE |
| --- | STORM SEWER LINE |
| --- | UNDERGROUND GAS LINE |
| --- | OVERHEAD UTILITY LINE |
| --- | RAILROAD SPIKE FOUND |
| --- | UNDERGROUND TELEPHONE LINE |
| --- | FENCE |
| --- | CONCRETE PAVEMENT |
| --- | ASPHALT PAVEMENT |

SURVEYORS CERTIFICATION:

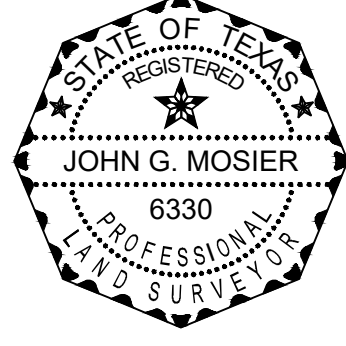
To: Stewart Title Guaranty Company;
A-S 93 SH 130-SH 45, LP, a Texas limited partnership;
Lifestyle Real Estate Holdings, Ltd., an Ohio liability company;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6b, 7a, 8, 11, 13, 16, 17, 19, 20 of Table A thereof.

Field Work Completed: November 20th, 2019

Survey: February 28th, 2020
Revised: April 21, 2020
Revised: May 25, 2020
Revised: May 26, 2020

John G. Mosier
John Gregory Mosier
Registered Professional Land Surveyor No. 6330
Kimley-Horn and Associates, Inc.
601 NW Loop 410, Suite 350
San Antonio, Texas 78216
Ph. 210-541-9166
greg.mosier@kimley-horn.com

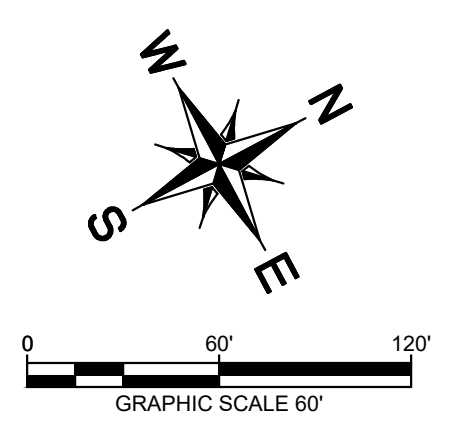


ALTA/NSPS LAND TITLE SURVEY
BEING 4.556 ACRES
OUT OF THE
THOMAS G. STUART SURVEY, ABSTRACT NO. 689
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS.

Kimley»Horn
601 NW Loop 410, Suite 350 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166 www.kimley-horn.com

| No. | DATE | REVISION DESCRIPTION |
|-----|---------|---|
| 3 | 5/26/20 | rev. for counsel remarks |
| 2 | 5/25/20 | rev. for new title commitment and counsel remarks |
| 1 | 4/21/20 | update title commitment |

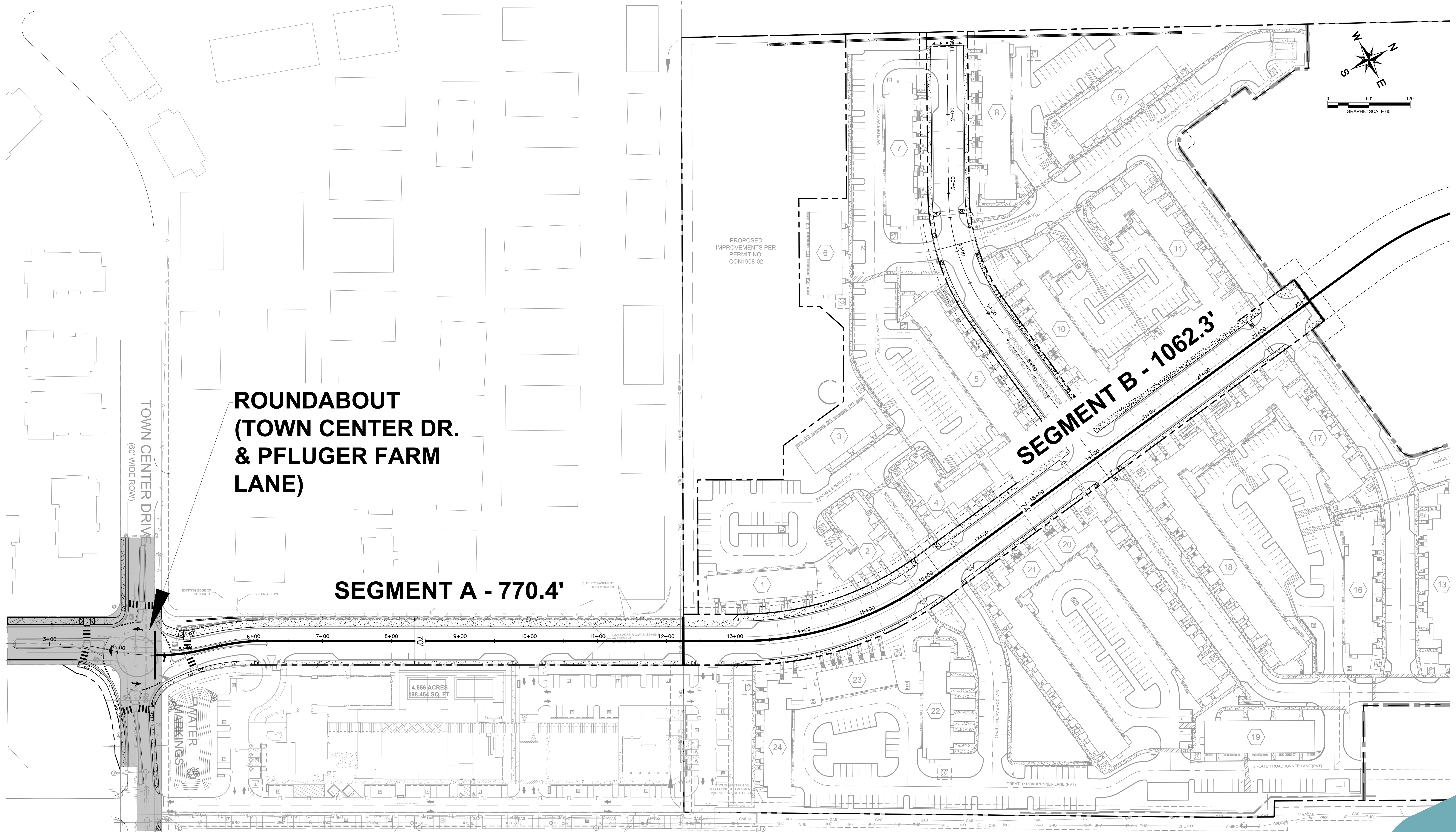
ADDRESS: 1400 TOWN CENTER DR.



**ROUNDBOUT
(TOWN CENTER DR.
& PFLUGER FARM
LANE)**

SEGMENT A - 770.4'

SEGMENT B - 1062.3'



PROPOSED IMPROVEMENTS PER PERMIT NO. CON1908-02

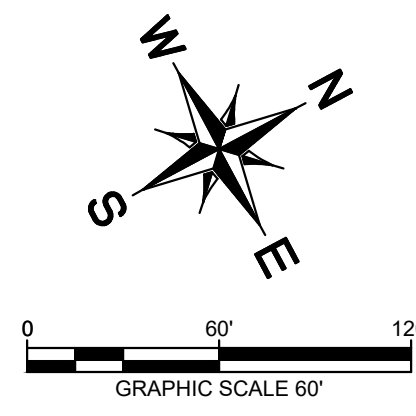
4.556 ACRES
198,454 SQ. FT.

Lifestyle Communities
Exhibit B - Roundabout, Segment A, and Segment B
Pflugerville, Texas
September 2020

Kimley»Horn
10814 Jollyville Rd
Campus IV, Suite 200
Austin, Texas 78759
512-418-1771
State of Texas Registration No. F-928

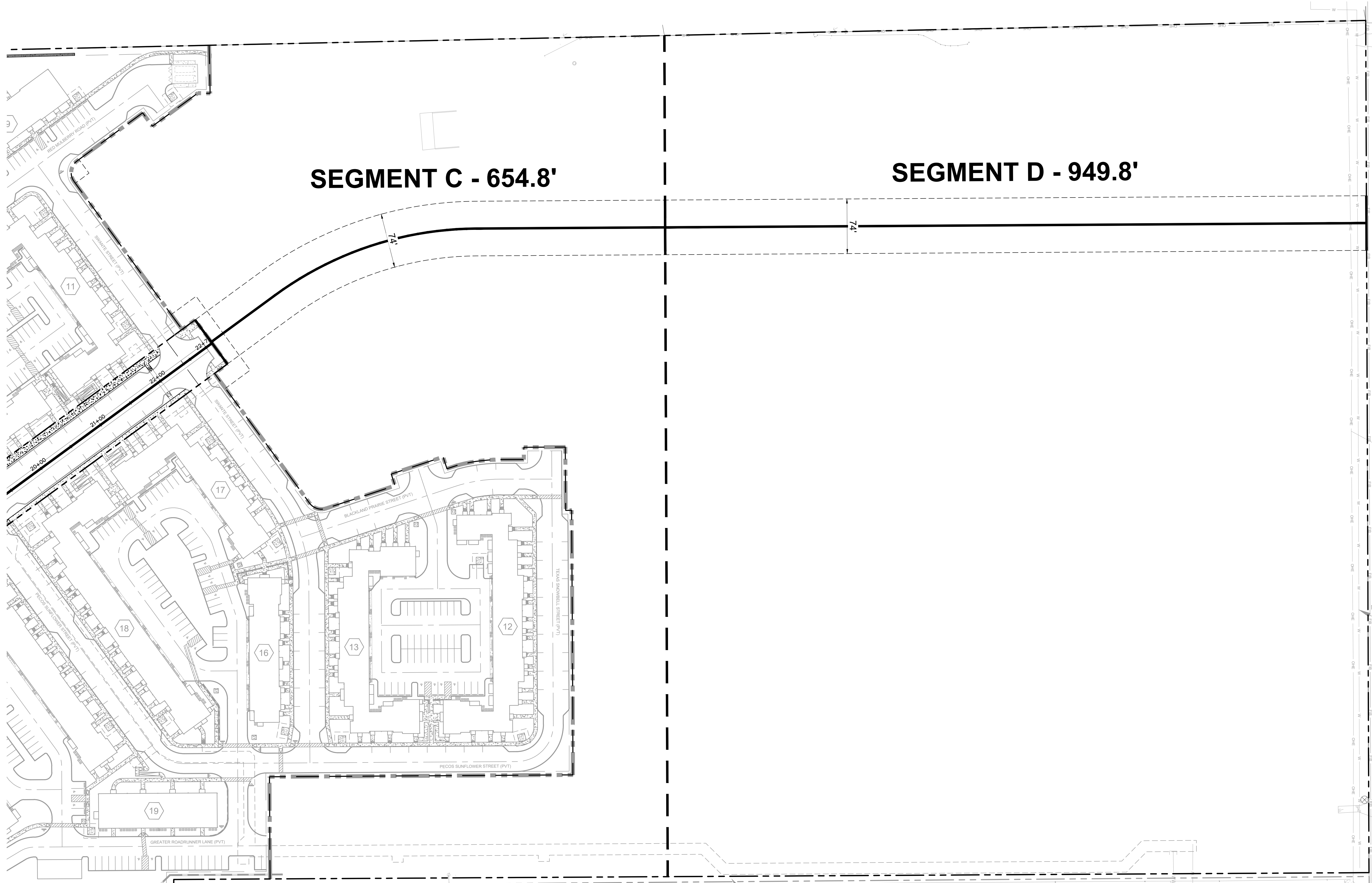
DWG NAME: K:\AUS_CIVIL\08720002 LIFESTYLE COMMUNITIES - PFLUGERVILLE SH45PHASE 1 SITE PLAN\CA\EXHIBITS\PLANSHEETS\ROAD EXHIBITS.DWG
LAST SAVED: 9/17/2020 4:05 PM

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY, TOPOGRAPHY, UTILITIES, CONTACT WITH THE CITY, ETC.



SEGMENT C - 654.8'

SEGMENT D - 949.8'



PULL BOX
(TELE)

12" WATER LINE
FROM MANVILLE
WATER SUPPLY
CORPORATION

WATER LINE FROM

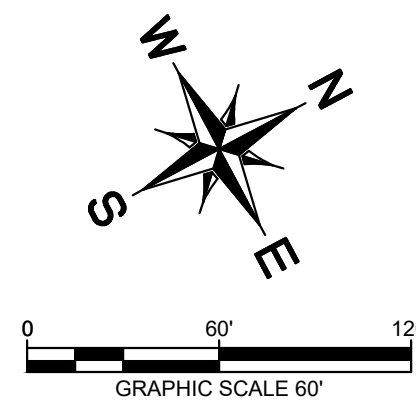
Lifestyle Communities

Exhibit C - Segment C & Segment D

Pflugerville, Texas
September 2020



10814 Jollyville Rd
Campus IV, Suite 200
Austin, Texas 78759
512-418-1771
State of Texas Registration No. F-928



SEGMENT C - 659.8'

SEGMENT D - 944.8'

**RESERVATION FOR THE
EXTENSION OF LIMESTONE
COMMERCIAL DRIVE - 60' ROW
(APPROXIMATE LOCATION,
SUBJECT TO CHANGE)**

60'

PULL BOX
(TELE)

12" WATER LINE
FROM MANVILLE
WATER SUPPLY
CORPORATION

Lifestyle Communities

Exhibit D - Limestone Commercial Drive Reservation

Pflugerville, Texas
September 2020



10814 Jollyville Rd
Campus IV, Suite 200
Austin, Texas 78759
512-418-1771
State of Texas Registration No. F-928

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.

**WASTEWATER PIPELINE EASEMENT AND TEMPORARY ACCESS
CONSTRUCTION EASEMENT AGREEMENT**

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

GRANT OF EASEMENT:

[_____] (“Grantor”), for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby grant, sell and convey unto **THE CITY OF PFLUGERVILLE, TEXAS**, a home-rule city located in Travis County, Texas (“Grantee”), an exclusive easement and right-of-way (“Easement”) upon and across the .205 acre property of Grantor which is more particularly described on Exhibit "A", attached hereto (“Easement Property”) together with a thirty (30') foot nonexclusive temporary access and construction easement (“TACE”) adjoining the Easement Property, as depicted on Exhibit “A” attached hereto. Grantor and Grantee may jointly be referred to by “the parties.”

TO HAVE AND TO HOLD the same perpetually to Grantee and its successors and assigns, together with the rights and privileges and on the terms and conditions set forth below. Grantor does hereby covenant and agree to WARRANT AND FOREVER DEFEND title to the Easement herein granted, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof to the extent that such claim arises by, through, or under Grantor, but not otherwise.

Terms and Conditions: The following terms and conditions apply to the Easement granted by this agreement:

1. *Definitions.* For the purposes of this grant of Easement certain terms shall have the meanings that follow:

SH 45 – WW & TCE Easement
Parcel 7, DBSI North Austin II Units LLC ETAL

- (a) “Holder” shall mean Grantee and Grantee's heirs, successors and assigns who at any time own any interest in the conveyance is subject to the terms of this agreement.
 - (b) “Permitted Improvements” shall mean landscaping or planting of vegetation, driveways, curbing, sidewalks, and other non-structural improvements which do not interfere with the purpose of the easement; but shall not mean the construction of a building or structure unless such installation or construction is approved in writing by the City Manager or the City Manager’s designee.
 - (c) “Public wastewater pipeline” shall mean a pipeline designed and operated to transport wastewater and its associated appurtenances.
2. *Character of Easement.* The Easement granted herein is "in gross," in that there is no "Benefitted Property." Nevertheless, the Easement rights herein granted shall pass to Grantee's successors and assigns, subject to all of the Terms hereof. The Easement rights of use granted herein is irrevocable. The Easement is for the benefit of Holder and Holder accepts the Easement subject to all covenants, conditions, restrictions, easements, and other matters filed of record in the Official Public Records of Travis County, Texas, as of the date hereof.
3. *Purpose of Easement.* The Easement shall only be used for public wastewater utility purposes, including placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of public wastewater pipelines and related appurtenances, or making connections thereto (hereinafter collectively “Facilities”). The Easement shall also be used for the purpose of providing access for the operation, repair, maintenance, replacement and expansion of the Facilities.
4. The TACE is appurtenant to the Easement and shall only be used to facilitate the construction of public infrastructure for the Facilities, which shall include use of the TACE for access, construction staging and storage, and other construction activities related to Grantee’s Facilities. Grantee shall give Grantor reasonable notice before it uses the TACE for staging and storage and other construction activities and Grantor and Grantee shall coordinate their use of the TACE so that one party’s use thereof does not interfere with other party’s use thereof.
5. *Term.* Easement shall be in perpetuity unless relinquished or abandoned by ordinance or resolution by Grantee.

SH 45 – WW & TCE Easement
Parcel 7, DBSI North Austin II Units LLC ETAL

6. *Term of TACE.* The thirty (30') foot width TACE granted herein shall terminate automatically two (2) years after the date hereof or upon completion of the construction of the Facilities, whichever occurs first.
7. *Reservation of Rights.* Save and except: Grantor retains the right to surface use. Grantor and Grantor's heirs, successors, and assigns shall retain the right to use the surface of all or part of the Easement Property in conjunction with Holder as long as such use by Grantor and Grantor's heirs, successors, and assigns neither interferes nor conflicts with the use of the Easement Property by Holder for the Easement Purpose. Grantor may place Permitted Improvements on the Easement Property and the same are not obstructions, but shall not construct any building, structure or obstruction on the Easement Property. Any improvement made by Grantor (Permitted Improvement) shall be permitted through the City of Pflugerville and must comply with applicable ordinances, development codes, and engineering guidelines of the City of Pflugerville. Grantor shall give Holder written notice prior to the start of constructing Permitted Improvements within the Easement Property. Grantor shall not construct any fencing or gating on the Easement Property without Holder's permission.
8. *Improvement and Maintenance of Easement Property.* Subject to the provisions of Section 9, immediately below, improvement and maintenance of the Easement Property and the Facilities will be at the sole expense of Holder. Holder has the right to eliminate any encroachments into the Easement Property subject to the rights of third parties disclosed in the Official Public Records of Travis County, Texas, as of the date hereof, if any. Permitted Improvements are not encroachments. Holder has the right to construct, install, maintain, replace, and remove the Facilities under or across any portion of the Easement Property. All matters concerning the Facilities and their configuration, construction, installation, maintenance, replacement, and removal are at Holder's sole discretion, subject to performance of Holder's obligations under this agreement. Holder has the right to remove or relocate any fences or other encroachments within the Easement Property or along or near its boundary lines if reasonably necessary to construct, install, maintain, replace, or remove the Facilities. Holder shall not be required to repair or replace to their original condition any landscaping, driveways, parking areas, or Permitted Improvement on the Easement Property that require removal in connection with the placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of the Facilities.
9. *Maintenance of Surface Easement Property/Permitted Improvements.* Notwithstanding any contrary provision, Grantor shall retain the obligation to regularly mow or cut back vegetation and to keep the surface of the Easement Property free of litter, debris, or trash.

10. *Equitable Rights of Enforcement.* This Easement may be enforced by restraining orders and injunctions (temporary or permanent) prohibiting interference and commanding compliance. Restraining orders and injunctions will be obtainable on proof of the existence of interference or threatened interference, without the necessity of proof of inadequacy of legal remedies or irreparable harm, and will be obtainable only by the parties to or those benefited by this agreement; provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.
11. *Attorney's Fees.* If either party retains an attorney to enforce this agreement, the party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs.
12. *Binding Effect.* This agreement binds and inures to the benefit of the parties and their respective heirs, successors, and permitted assigns.
13. *Choice of Law.* This agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in the county or counties in which the Easement Property is located.
14. *Counterparts.* This agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.
15. *Waiver of Default.* It is not a waiver of or consent to default if the non-defaulting party fails to declare immediately default or delays in taking any action. Pursuit of any remedies set forth in this agreement does not preclude pursuit of other remedies in this agreement or provided by law.
16. *Further Assurances.* Each signatory party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this agreement and all transactions contemplated by this agreement.
17. *Legal Construction.* Any provision in this agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this agreement will be construed as if the unenforceable provision had never been a part of the agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this agreement are for reference only and are not

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intended to restrict or define the text of any section. This agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

18. *Notices.* Any notice required or permitted under this agreement must be in writing. Any notice required by this agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.
19. *Recitals/Exhibits.* Any recitals in this agreement are represented by the parties to be accurate, and constitute a part of the substantive agreement. All exhibits referenced herein are attached hereto and incorporated by reference herein for all purposes.
20. *Entire Agreement.* This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representation or modification concerning this instrument shall be of no force and effect except for any subsequent modification in writing, signed by the party to be charged.
21. *Assignability.* The Easement may not be assigned by Grantee, its successors or assigns, without the prior written consent of Grantor.

IN WITNESS WHEREOF, this instrument is executed this _____ day of _____ 20__.

GRANTOR:

[_____]

By: _____

Name: _____

Title: _____

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Parcel 7, DBSI North Austin II Units LLC ETAL

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, a Notary Public, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and having been sworn, upon his oath stated that he is authorized to execute such instrument; and that said instrument is executed as the free and voluntary act and deed for the purposes and consideration expressed therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the _____ day of _____ 20__.

Notary Public Signature

(seal)

GRANTEE:

AGREED AND ACCEPTED:

CITY OF PFLUGERVILLE, TEXAS, a
Texas home-rule municipality

By: _____
Sereniah Breland, City Manager

ATTEST:

Karen Thompson, City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on _____,
20__, by Sereniah Breland, City Manager of the City of Pflugerville, Texas, a Texas
home-rule municipality, on behalf of said municipality.

Notary Public Signature

(seal)

AFTER RECORDING, RETURN TO:

City of Pflugerville
Attn.: Patricia A. Davis, P.E., City Engineer
Public Works Engineering
P.O. Box 589
Pflugerville, Texas 78691

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EXHIBIT “A”

7

WWL-B EASEMENT, SOUTH OF SH 45

EXHIBIT A

County: Travis
Parcel: EASE. & T.C.E. – DBSI North Austin II Units, Et. Al.
Project: City of Pflugerville

PROPERTY DESCRIPTION FOR EASEMENT PARCEL

DESCRIPTION OF A 0.205 ACRE (8,909 SQUARE FOOT) TRACT OF LAND SITUATED IN THE THOMAS G. STUART (STEWART) SURVEY, NO. 6, ABSTRACT NO. 689, WITHIN THE CITY OF PFLUGERVILLE IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 23.538 ACRE TRACT OF LAND OF WHICH 64.44624% INTEREST WENT TO DBSI NORTH AUSTIN II UNITS, LLC IN DOCUMENT NO. 2008000072, A 13.17253% INTEREST WENT TO OLIVER W. DAVIDSON AND NANCY JO DAVIDSON IN DOCUMENT NO. 2007195233, A 3.25151% INTEREST WENT TO LESLIE D. MIRO IN DOCUMENT NO. 2007195234, A 7.31590% INTEREST WENT TO NEW LIFE PROPERTIES, LLC IN DOCUMENT NO. 2007195235, A 7.47847% INTEREST WENT TO KEVIN C. O'MALLEY IN DOCUMENT NO. 2007195236 AND A 4.33535% INTEREST WENT TO CLIFFORD A. VIGE AS TRUSTEE OF THE VIGE LIVING TRUST IN DOCUMENT NO. 2007196776 ALL OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.205 ACRE (8,909 SQUARE FOOT) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the existing southerly Right-of-Way (ROW) line of S.H. 45 (ROW width varies) a/k/a Wilke Lane, being the northeasterly corner of said 23.538 acre tract, same being the northwesterly corner of that called 0.2664 acre tract of land described in Special Warranty Deed to A-S 93 Stone Hill TC Phase 2, L.P. recorded in Document No. 2016205034 of the Official Public Records of Travis County, Texas, for the northeasterly corner and **POINT OF BEGINNING** of the herein described 30 foot wide Easement and from which, an iron rod with plastic cap (unreadable) found, being the northeasterly corner of said 0.2664 acre tract, same being the northwesterly corner of Stone Hill Town Center, Lot 14 Replat No. 2, a subdivision of record in Document No. 201700189 of the Official Public Records of Travis County, Texas bears S 62°31'28" E, at a distance of 5.27 feet;

- 1) **THENCE**, departing said existing southerly ROW line, with the common boundary line of said 23.538 acre tract and said 0.2664 acre tract, S 27°44'37" W, at a distance of 42.71 feet, pass an iron rod with plastic cap stamped "PBS&J" found, being the southeasterly corner of a variable width TXU Easement described in Easement and Right Of Way recorded in Document No. 2001034912 of the Official Public Records of Travis County, Texas, and continuing for a total distance of 296.96 feet to the calculated southeasterly corner of the herein described tract, and from which, an iron rod (spinner) found, being an ell corner in the easterly boundary line of said 23.538 acre tract, same being the southwesterly corner of said 0.2664 acre tract bears S 27°44'37" W, at a distance of 1321.99 feet;

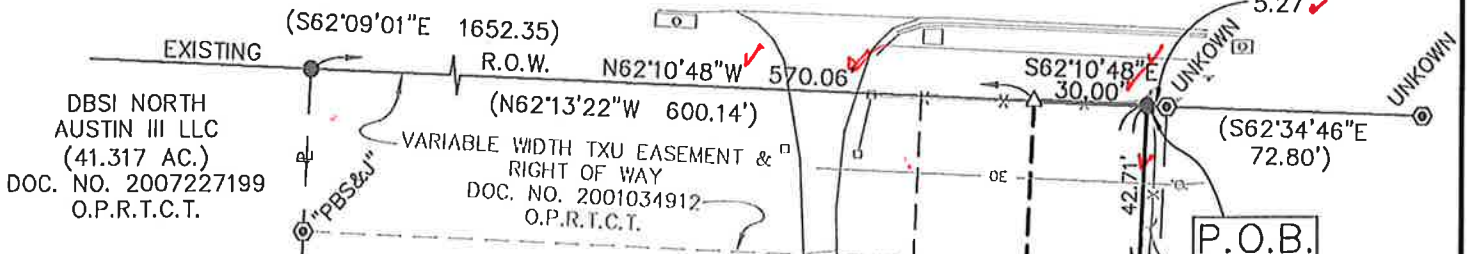
THENCE, departing said 0.2664 acre tract, through the interior of said 23.538 acre tract, the following two (2) courses:

- 2) N 62°15'23" W, for a distance of 30.00 feet to the calculated southwesterly corner of the herein described tract;

EXHIBIT
PLAT TO ACCOMPANY DESCRIPTION

04-12-2019

S.H. 45 (A.K.A. WILKE LANE)
(R.O.W. WIDTH VARIES)



LEGEND

| | |
|--------------|--|
| ⊙ | IRON ROD WITH CAP FOUND, AS NOTED |
| ● | 1/2" IRON ROD FOUND |
| ⊠ | TXDOT TYPE II CONCRETE MONUMENT FOUND |
| △ | CALCULATED POINT |
| ⌈ | PROPERTY LINE |
| R.P.R.T.C.T. | REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS |
| O.P.R.T.C.T. | OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS |
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCING |
| () | RECORD INFORMATION |
| — — | LINE BREAK |

PROPOSED 30' T.C.E. 0.205 AC. 8,911 SQ. FT.

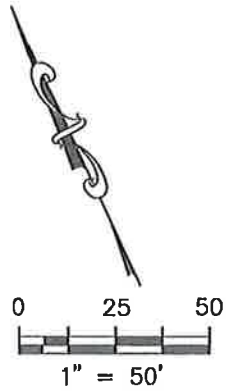
DBSI NORTH AUSTIN II UNITS, LLC, Et. Al. (23.538 AC.)
DOC. NO. 2008000072,
DOC. NO. 2007195233,
DOC. NO. 2007195234,
DOC. NO. 2007195235,
DOC. NO. 2007195236,
& DOC. NO. 2007196776
O.P.R.T.C.T.

*THOMAS G. STUART (STEWART) SURVEY
NO. 6, ABSTRACT NO. 689*

- 1) All bearings shown hereon are based on grid bearing. All distances are surface distances. Coordinates are surface values based on the Texas State Plane Coordinate System, NAD 83, Central Zone.
- 2) This survey was performed without benefit of a Title abstract. There may be other instruments of record that affect this tract not depicted hereon.

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND THAT THE PROPERTY SHOWN HEREON WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION.

Lawrence M. Russo 04/16/2019
LAWRENCE M. RUSSO DATE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5050
INLAND GEODETICS, LLC
FIRM REGISTRATION NO. 100591-00
1504 CHISHOLM TRAIL ROAD, SUITE 103
ROUND ROCK, TEXAS 78681



INLAND GEODETICS
PROFESSIONAL LAND SURVEYORS
1504 CHISHOLM TRAIL RD. STE. 103
ROUND ROCK, TX. 78681
PH. (512) 238-1200, FAX (512) 238-1251
FIRM REGISTRATION NO. 100591-00

PROPOSED EASEMENT
0.205 ACRES
8,909 SQUARE FEET