

EXHIBIT " "

CITY OF AUSTIN
TO WESAUS, LLC.
(UNDERGROUND LICENSE AGREEMENT)

0.050 ACRE
PORTION OF EAST 5TH ST.
RIGHT-OF-WAY

FN. NO. 13-249(CLW)
MAY 29, 2013
JOB NO. R0101649-10006

DESCRIPTION

OF A 0.050 ACRE TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE EAST 5TH STREET (80' R.O.W.) RIGHT-OF-WAY, ADJOINING LOTS 1-3, BLOCK 58 OF THE ORIGINAL CITY OF AUSTIN ACCORDING TO THE MAP OR PLAT ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; SAID LOTS 1-3 HAVING BEEN CONVEYED TO WESAUS, LLC, AN INDIANA LIMITED LIABILITY COMPANY BY WARRANTY DEED DATED DECEMBER 18, 2012 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.050 ACRE TRACT OF LAND BEING LOCATED BELOW GRADE ON A LEVEL PLANE BEGINNING APPROXIMATELY 12 FEET BELOW THE FUTURE FINISHED FLOOR ELEVATION OF 486.0' (BASED ON NAVD88) OF THE BUILDING TO BE SITUATED ON SAID LOTS 1-3 AND EXTENDING TO A DEPTH OF 43 FEET BELOW SAID FINISHED FLOOR ELEVATION OF 486.0'; SAID 0.050 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a cut "X" in concrete found at the intersection of the easterly right-of-way line of San Jacinto Boulevard (80' R.O.W.) with the northerly right-of-way line of East 5th Street, being the southwesterly corner of said Lot 1, from which a PK nail with washer set in the easterly right-of-way line of San Jacinto Boulevard, being the common westerly corner of said Lot 1 and that certain 20 foot wide alley of said Block 58, bears, N16°34'06"E, a distance of 128.00 feet;

THENCE, S73°30'54"E, leaving the easterly right-of-way line of San Jacinto Boulevard, along the northerly right-of-way line of East 5th Street, being a portion of the southerly line of said Lot 1, a distance of 1.52 feet to the **POINT OF BEGINNING** and northwesterly corner hereof;

THENCE, S73°30'54"E, continuing along the northerly right-of-way line of East 5th Street and a portion of the southerly line of said Lot 1, also along the southerly lines of said Lots 2 and 3, for the northerly line hereof, a distance of 135.08 feet to a the northeasterly corner hereof, from which a cut "X" in concrete found in the northerly right-of-way line of East 5th Street, being the common southerly corner of said Lot 3 and Lot 4 of said Block 58, bears, S73°30'54"E, a distance of 1.40 feet;

THENCE, leaving the southerly line of said Lot 3, over and across East 5th Street, for the easterly, southerly, and westerly lines hereof, the following seven (7) courses and distances:


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- 1) S16°29'06"W, a distance of 15.67 feet to the southeasterly corner hereof;
- 2) N73°30'54"W, a distance of 52.42 feet to an angle point;
- 3) S16°29'06"W, a distance of 2.00 feet to an angle point;
- 4) N73°30'54"W, a distance of 29.00 feet to an angle point;
- 5) N16°29'06"E, a distance of 2.00 feet to an angle point;
- 6) N73°30'54"W, a distance of 53.67 feet to the southwesterly corner hereof, from which a PK nail found at the intersection of the southerly right-of-way line of East 5th Street with the easterly right-of-way line of San Jacinto Boulevard, being the northwesterly corner of Lot 12, Block 40 of said Original City of Austin, bears, S17°22'46"W, a distance of 64.34 feet;
- 7) N16°29'06"E, a distance of 15.67 feet to the **POINT OF BEGINNING**, containing an area of 0.050 acre (2,174 sq. ft.) of land, more or less, within these metes and bounds.

BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATIONS (CORS) NETWORK AND ADDITIONALLY REFERENCED TO CITY OF AUSTIN GPS CONTROL MONUMENTS.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.
221 WEST SIXTH STREET
SUITE 600
AUSTIN, TEXAS 78701


MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS

5/29/13
DATE

REFERENCES

TCAD MAP NO. 020502
GRID MAP NO. J-22





LOT 12

BLOCK 58

LOT 11

LOT 10

20' ALLEY

SAN JACINTO
BOULEVARD
(80' R.O.W.)

PK

S73°30'54"E 138.00'

PK

LOT 1

LOT 2

LOT 3

LOT 4

BLOCK 58
ORIGINAL CITY OF AUSTIN

WESAUS, LLC.
DOC. NO. 2012214584

N16°34'06"E 128.00'

N16°34'06"E 128.00'

P.O.B.

(SEE DETAIL "A" ON
SHEET 2 OF 2)

(SEE DETAIL "B" ON
SHEET 2 OF 2)

S73°30'54"E 138.00'

P.O.C.

X" FOUND

L1

X" FOUND

L7

L6

L4

L3

L2

0.050 ACRE
(2,174 SQ. FT.)

UNDERGROUND LICENSE
AGREEMENT

S17°22'46"W 64.34'

EAST 5TH STREET

(80' R.O.W.)

BLOCK 40
ORIGINAL CITY OF AUSTIN

PK

LOT 12

LOT 11

LOT 10

BEARING BASIS NOTE:

THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE
COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA
SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

Bury+Partners

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Austin, Texas 78701
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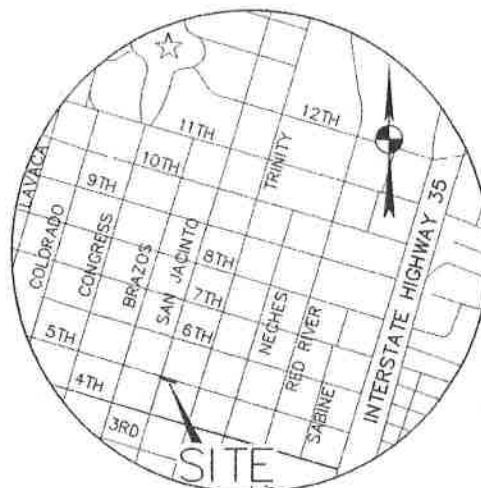
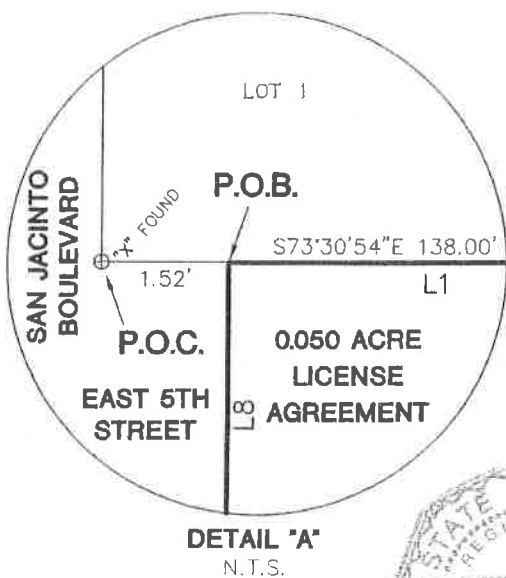
SKETCH TO ACCOMPANY DESCRIPTION
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PORTION OF EAST 5TH STREET (80' R.O.W.) AND SAN
JACINTO STREET (80' R.O.W.) RIGHTS-OF-WAY.

**HKS
EAST 5TH
STREET**



DATE: 05/29/13 FILE: H:\101649\006\101649006EX5.DWG FN No.: FN13-249(CLW) DRAWN BY: cLw

PROJ. No: R0101649-10006

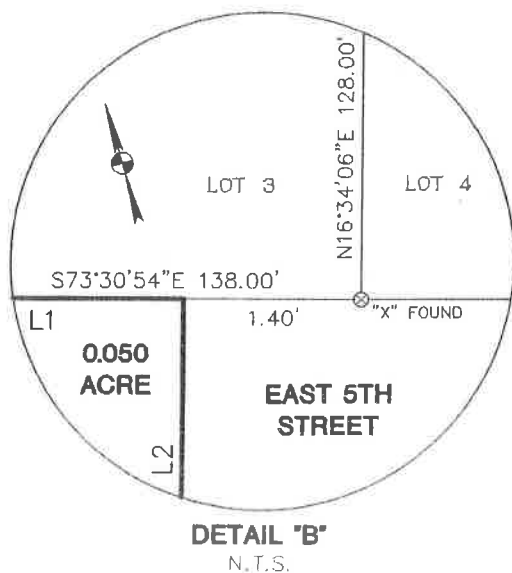


VICINITY MAP
N.T.S.



LEGEND

- Δ_{PK} P/K NAIL WITH WASHER SET
 \blacktriangle NAIL FOUND AS NOTED
 \otimes CUT "X" IN CONCRETE FOUND
 P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCEMENT



LINE TABLE

No.	BEARING	DISTANCE
L1	S73°30'54"E	135.08'
L2	S16°29'06"W	15.67'
L3	N73°30'54"W	52.42'
L4	S16°29'06"W	2.00'
L5	N73°30'54"W	29.00'
L6	N16°29'06"E	2.00'
L7	N73°30'54"W	53.67'
L8	N16°29'06"E	15.67'

Bury+Partners

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EAST 5TH
STREET**