

F# 9930-1802

18 SQUARE FEET
SUBSURFACE ENCROACHMENT AGREEMENT
NUECES STREET R.O.W.

FIELD NOTE FILE: 18.061

PROJECT NO.: 115-014

MAY 30, 2018

FIELD NOTES

BEING AN 18 SQUARE FOOT TRACT OF LAND OUT OF THE NUECES STREET (80' R.O.W.) RIGHT-OF-WAY ADJACENT TO THOSE CERTAIN TRACTS AS LEASED BY AND BETWEEN CPG AMH PROPERTY LP, (ASSIGNOR), MICHAEL J. KUHN (GROUND LESSOR) AND 208 NUECES STREET, LLC, (LESSEE), AS BY ASSIGNMENT AND ASSUMPTION OF GROUND LEASE, RECORDED UNDER DOCUMENT NO. 2015104299 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND CONVEYED TO MICHAEL J. KUHN BY WARRANTY DEED WITH VENDOR'S LIEN OF RECORD IN VOLUME 12186, PAGE 629, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ADJACENT TO LOTS 5, 6, 7 AND 8, OF BLOCK 188, MAP OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, ACCORDING TO THE MAP ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; SAID 18 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a PK nail with washer marked "KBGE Survey Boundary" set for southwesterly corner of the herein described tract, being the intersection of the west right-of-way line of Nueces Street (80' R.O.W.), and the north right-of-way line of a 20' wide Alley as shown on the map on file in the General Land Office of the State of Texas within said Block 188, a portion of said 20' Alley having been conveyed to the City of Austin (called Second Tract) by deed of record in Volume 362, Page 148 of the Deed Records of Travis County, Texas, same being the southeast corner of said Lot 5, Block 188;

THENCE, N16°49'40"E, along the west right-of-way line of said Nueces Street, being the east line of said Lot 5, Block 188, a distance of 93.93 feet to a calculated point, for the northwesterly corner of the herein described tract, from which a PK nail with washer marked "KBGE Survey Boundary" set, for the intersection of said west right-of-way line and the south right-of-way line of West 3rd Street (80' R.O.W.), same being the northeast corner of said Lot 5, Block 188, bears N16°49'40"E, a distance of 34.07 feet;

THENCE, leaving the west right-of-way line of said Nueces Street, over and across said Nueces Street right-of-way, the following five (5) courses and distances:

- 1.) S73°10'20"E, a distance of 0.07 feet to a calculated point, for the northeasterly corner of the herein described tract;
- 2.) S16°42'57"W, a distance of 69.35 feet to the point of curvature of a non-tangent curve to the right;
- 3.) Along said non-tangent curve to the right having a radius of 1.50 feet, a central angle of 164°17'51", an arc length of 4.30 feet and a chord which bears S16°42'57"W, a distance of 2.97 feet to a calculated point, for the end of said non-tangent curve;
- 4.) S16°42'57"W, a distance of 21.60 feet to a calculated point, for the southeasterly corner of the herein described tract;

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5.) N73°16'44"W, a distance of 0.25 feet to the **POINT OF BEGINNING**, and
containing 18 square feet of land, more or less

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83(2012A), CENTRAL ZONE,
REFERENCING THE LEICA SMARTNET REFERENCE NETWORK.

I HEREBY CERTIFY THAT THIS DESCRIPTION AND ANY ACCOMPANYING
SKETCHES ARE THE RESULT OF AN ACTUAL ON-THE-GROUND SURVEY
PERFORMED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF APRIL,
2018, AND ARE TRUE AND CORRECT TO THE BEST OF MY ABILITIES.

Witness my hand and seal May 30, 2018

Mark Antonio Mercado 5/30/18
Mark Antonio Mercado, R.P.L.S. 6350
PROJECT NO. 115-014



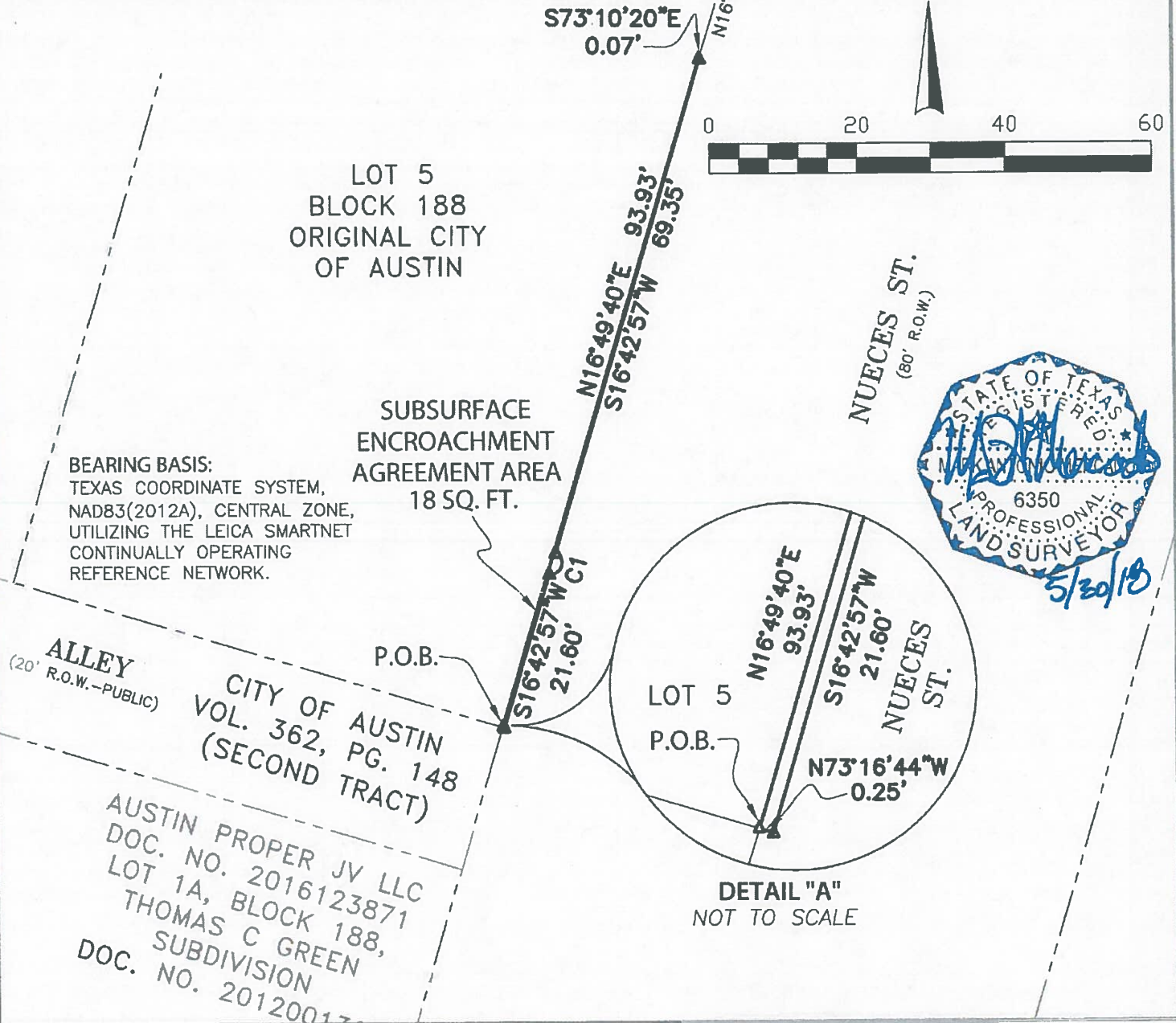
FIELD NOTES REVIEWED
BY: *John D. Del* DATE: *06-20-2018*
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT


LEGEND

- ▲ PK NAIL WITH "KBGE SURVEY BOUNDARY" WASHER SET
- ▲ CALCULATED POINT
- P.O.B. POINT OF BEGINNING

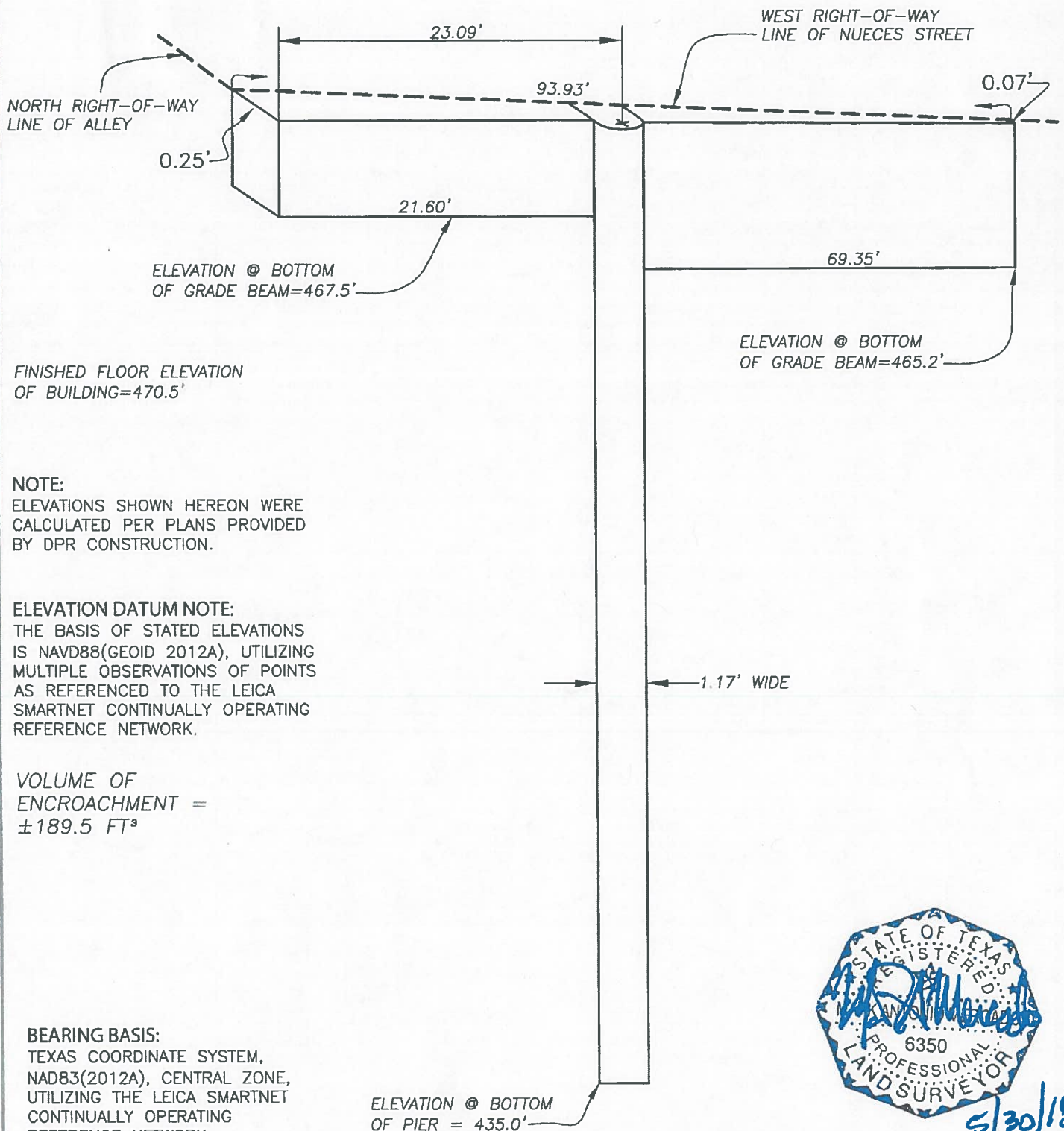
CURVE TABLE


CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	4.30'	1.50'	164°17'51"	S16°42'57"W	2.97'



FIELD NOTE NUMBER: 18.061		18 SQUARE FEET OUT OF THE NUECES STREET RIGHT-OF-WAY ADJACENT TO LOTS 5-8, BLOCK 188, ORIGINAL CITY OF AUSTIN.	 ENGINEERING SURVEYING KIMBELL BRUEHL GARCIA ESTES 105 West Riverside Drive, Ste 110, Austin, Texas 78704 T (512) 439-0400 www.kbge-eng.com TBPE No. F-12802 TBPLS No. 10193943	CLIENT INFORMATION
JOB NUMBER: 115-014	ISSUE DATE: 05/30/18			CIELO
SHEET: 1 OF 1		EXHIBIT		

SCALE: *NOT TO SCALE*



FIELD NOTE NUMBER 18.061	SUBSURFACE ENCROACHMENT OF BUILDING WITHIN NUECES STREET RIGHT-OF-WAY	 ENGINEERING SURVEYING KIMBELL BRUEHL GARCIA ESTES	CLIENT INFORMATION CIELO
JOB NUMBER: 115-014			
SHEET: 1 OF 1	EXHIBIT	105 West Riverside Drive, Ste 110, Austin, Texas 78704 T (512) 439-0400 www.kbge-eng.com TBPE No. F-12802 TBPLS No. 10193943	

F# 9930-1802
16 SQUARE FEET
ENCROACHMENT AGREEMENT
NUECES STREET R.O.W.

FIELD NOTE FILE: 18.006
PROJECT NO.: 115-014
JANUARY 23, 2018

FIELD NOTES

BEING A 16 SQUARE FOOT TRACT OF LAND OUT OF THE NUECES STREET (80' R.O.W.) RIGHT-OF-WAY ADJACENT TO THOSE CERTAIN TRACTS CONVEYED BY AND BETWEEN MICHAEL J. KUHN AS LESSOR AND 208 NUECES STREET, LLC, AS LESSEE, AS BY MEMORANDUM OF LEASE RECORDED UNDER DOCUMENT NO. 2015104299 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND CONVEYED BY DEED OF RECORD IN VOLUME 12186, PAGE 629, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ADJACENT TO LOTS 5, 6, 7 AND 8, OF BLOCK 188, MAP OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, ACCORDING TO THE MAP ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; SAID 16 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a PK nail with washer marked "KBGE Survey Boundary" set for southwesterly corner of the herein described tract, being the intersection of the west right-of-way line of Nueces Street (80' R.O.W.), and the north right-of-way line of a 20' wide Alley as shown on the map on file in the General Land Office of the State of Texas within said Block 188, a portion of said 20' Alley having been conveyed to the City of Austin (called Second Tract) by deed of record in Volume 362, Page 148 of the Deed Records of Travis County, Texas, same being the southeast corner of said Lot 5, Block 188;

THENCE, N16°49'40"E, along the west right-of-way line of said Nueces Street, being the east line of said Lot 5, Block 188, a distance of 128.00 feet to a PK nail with washer marked "KBGE Survey Boundary" set for the most northerly corner of the herein described tract, being the intersection of said west right-of-way line and the south right-of-way line of West 3rd Street (80' R.O.W.), same being the northeast corner of said Lot 5, Block 188;

THENCE, leaving the west right-of-way line of said Nueces Street, over and across said Nueces Street right-of-way, the following two (2) courses and distances:

- 1.) S16°42'57"W, a distance of 128.00 feet to a calculated point, for the southeasterly corner of the herein described tract;
- 2.) N73°16'44"W, a distance of 0.25 feet to the **POINT OF BEGINNING**, and containing 16 square feet of land, more or less.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83(2012A), CENTRAL ZONE, REFERENCING THE LEICA SMARTNET REFERENCE NETWORK.

I HEREBY CERTIFY THAT THIS DESCRIPTION AND ANY ACCOMPANYING SKETCHES ARE THE RESULT OF AN ACTUAL ON-THE-GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF OCTOBER, 2017, AND ARE TRUE AND CORRECT TO THE BEST OF MY ABILITIES.

Witness my hand and seal January 23, 2018

Mark Antonio Mercado 1/23/18
Mark Antonio Mercado, R.P.L.S. 6350
PROJECT NO. 115-014



FIELD NOTES REVIEWED

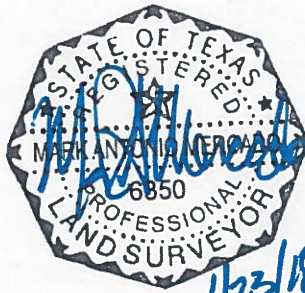
BY *John L. Lutz* DATE: *01.04.2018*

CITY OF AUSTIN

PUBLIC WORKS DEPARTMENT

LEGEND

- ▲ PK NAIL WITH "KBGE SURVEY BOUNDARY" WASHER SET
- ▲ CALCULATED POINT
- P.O.B. POINT OF BEGINNING



LOT 5
BLOCK 188
ORIGINAL CITY
OF AUSTIN

BEARING BASIS:
TEXAS COORDINATE SYSTEM,
NAD83(2012A), CENTRAL ZONE,
UTILIZING THE LEICA SMARTNET
CONTINUALLY OPERATING
REFERENCE NETWORK.

ENCROACHMENT
AGREEMENT AREA
16 SQ. FT.

W. 3RD ST.
(80' R.O.W.)



NUECES ST.
(80' R.O.W.)

ALLEY
(20' R.O.W.-PUBLIC)

CITY OF AUSTIN
VOL. 362, PG. 148
(SECOND TRACT)

AUSTIN PROPER JV LLC
DOC. NO. 2016123871
LOT 1A, BLOCK 188,
THOMAS C GREEN
SUBDIVISION
DOC. NO. 20120017

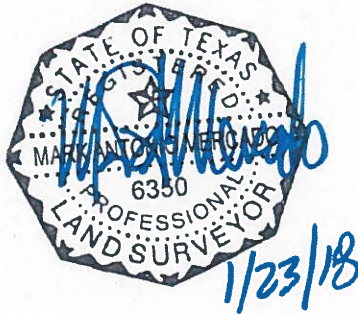
P.O.B.

LOT 5
P.O.B.

DETAIL "A"
NOT TO SCALE

FIELD NOTE NUMBER: 18.006		16 SQUARE FEET OUT OF THE NUECES STREET RIGHT-OF-WAY ADJACENT TO LOTS 5-8, BLOCK 188, ORIGINAL CITY OF AUSTIN.	<div>ENGINEERING SURVEYING kbge</div> <div>KIMBELL BRUEHL GARCIA ESTES</div> <div>105 West Riverside Drive, Ste 110, Austin, Texas 78704 T (512) 439-0400 www.kbge-eng.com TBPE No F-12802 TBPLS No. 10193943</div>	CLIENT INFORMATION
JOB NUMBER: 115-014	ISSUE DATE: 01/23/18			CIELO
SHEET: 1 OF 1		EXHIBIT		

SCALE: NOT TO SCALE



ELEVATION @ TOP
OF BUILDING =
816.08'

39.00'

35.44'

89.00'

ELEVATION @ TOP
OF BUILDING =
851.52'

349.33'

380.42'

NOTE:

TOP OF BUILDING ELEVATIONS
SHOWN HEREON WERE CALCULATED
PER ARCHITECTURAL PLANS
PROVIDED BY GENSER ARCHITECTS

ELEVATION DATUM NOTE:

THE BASIS OF STATED ELEVATIONS
IS NAVD88(GEIOD 2012A), UTILIZING
MULTIPLE OBSERVATIONS OF POINTS
AS REFERENCED TO THE LEICA
SMARTNET CONTINUALLY OPERATING
REFERENCE NETWORK.

VOLUME OF
ENCROACHMENT =
 $\pm 3,674 \text{ FT}^3$

GROUND ELEVATION
@ SOUTHEAST
PROPERTY CORNER
= 466.75'

BEARING BASIS:

TEXAS COORDINATE SYSTEM,
NAD83(2012A), CENTRAL ZONE,
UTILIZING THE LEICA SMARTNET
CONTINUALLY OPERATING
REFERENCE NETWORK.

128'

128'

0.25'

WEST RIGHT-OF-WAY
LINE OF NUECES STREET

GROUND ELEVATION
@ NORTHEAST
PROPERTY CORNER
= 471.10'

FIELD NOTE NUMBER:

18.006

JOB NUMBER:

115-014

ISSUE DATE:

01/23/18

SHEET:

1 OF 1

**VERTICAL ENCROACHMENT OF
BUILDING WITHIN NUECES STREET
RIGHT-OF-WAY**

EXHIBIT

ENGINEERING
SURVEYING

kbge

KIMBELL | BRUEHL | GARCIA | ESTES

105 West Riverside Drive, Ste 110, Austin, Texas 78704
T (512) 439-0400 www.kbge-eng.com
TBPE No F-12802
TBPLS No. 10193943

CLIENT INFORMATION

CIELO