

**AFFIDAVIT AS PROOF OF OWNERSHIP****THE STATE OF TEXAS**

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**COUNTY OF TRAVIS**

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BEFORE ME, the undersigned authority, on this day personally appeared Will Davis, Jr., President of Austin Christian Fellowship, a Texas non-profit corporation ("Affiant") who, being by me duly sworn, made the following statements under oath as follows:

"My name is Will Davis, Jr. and I am the duly authorized President and Founding Pastor of Austin Christian Fellowship, a Texas non-profit corporation.

I am of sound mind and capable of making this affidavit on behalf of Affiant who acquired and holds title to the real property legally described as follows:

**Lot 3, Block A, of AUSTIN CHRISTIAN FELLOWSHIP PHASE TWO SUBDIVISION, an Addition in Travis County, Texas, according to the Map or Plat recorded in Document No. 200700102, Plat Records of Travis County, Texas ("Property").**

On behalf of Affiant, I am personally acquainted with the facts herein stated concerning Affiant's, and Affiant's predecessor's in interest use of the Property which has been open, notorious, continuous, exclusive and adverse to the interests of others for a period exceeding the last 10 years.

Affiant hereby disputes all facts, claims, assertions or purported rights of any third parties, including without limitation, any parties who own or lease any real property tracts of land that are located nearby or neighboring to the Property, and specifically including any rights of any kind or character whatsoever to use any purported road existing upon or benefiting the Property, as recited in that one affidavit executed by N.L. Gault and recorded in Volume 2888, Page 482 of the Official Real Property Records of Travis County, Texas on December 3, 1964 ("Prior Affidavit") and which is located on the Property.

Specifically, Affiant hereby asserts as follows:

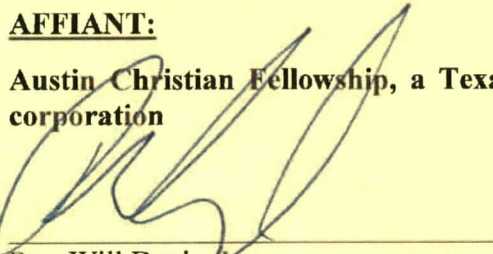
1. Affiant disputes the existence of any purported road ("old road") as recited in the Prior Affidavit as no written evidence or instrument of record exists to support the existence of any 'old road' or the rights of third parties to use any 'old road';
2. To the extent that any 'old road' exists, which Affiant disputes, such road is located on Affiant's Property and has not been used by any third parties for a period exceeding 10 years, nor have any third parties intended to use such 'old road';

3. To the extent that any 'old road' exists, which Affiant disputes, such road and the use thereof has been exclusively used by Affiant or Affiant's predecessors in interest openly, notoriously, continuously, exclusively and adverse to the interests of others for over 10 years and accordingly, any purported rights of third parties, which Affiant disputes, have been claimed by Affiant and abandoned by any third parties who may claim a right to such purported 'old road';
4. Affiant asserts that no evidence exists to support any implication in the Prior Affidavit, or otherwise, that the purported 'old road' is a legitimate County Road appearing on any official maps of Travis County, Texas and any cost of any maintenance that may have been performed on any 'old road' was incurred and paid by Affiant or Affiant's predecessors in interest; and
5. Any purported 'old road' has not been acquired by any third parties by a prescriptive easement, implied easement or implied dedication.

WITNESS MY HAND this 30th day of October, 2019.

**AFFIANT:**

**Austin Christian Fellowship, a Texas nonprofit corporation**



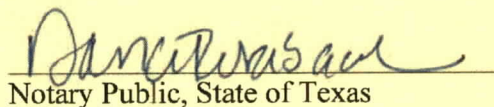
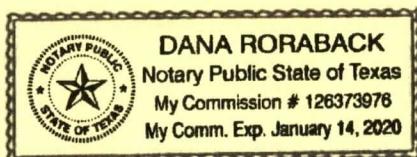
By: Will Davis, Jr.

Title: President and Founding Pastor

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Will Davis, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same on behalf of Austin Christian Fellowship, a nonprofit corporation on behalf of said corporation for the purposes herein expressed.

SWORN AND SUBSCRIBED to before me, the undersigned authority on this 30, day of October, 2019, A.D.



Notary Public, State of Texas



# COATS | ROSE

A PROFESSIONAL CORPORATION

JOHN M. JOSEPH  
DIRECTOR

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FAX: (512) 469-9408

October 30, 2019

Sherri Sirwaitis, Case Manager  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

Re: Zoning Case Number C14-2018-0124

Dear Ms. Sirwaitis:

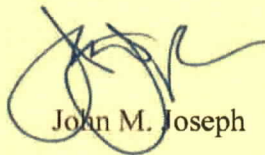
Please be advised that this firm represents the Austin Christian Fellowship, a Texas non-profit corporation ("Church") which owns and occupies property immediately adjacent to the real property sought to be rezoned in the referenced application. The Church has in the past entered a formal objection to the zoning application.

It has come to the attention of the Church elders that the Applicant, in the referenced matter, is claiming the right to use the real property owned by the Church for access to the property that is the subject of the referenced zoning application. The Church elders have reviewed this matter and the assertion made to Council by Applicant and wish to make known to the City Council that the Church disputes, in the strongest terms, the assertion made by Applicant related to Applicant's assertion of access to a purported road located on the Church's property. As such the Church has filed of record an affidavit, a copy of which is attached for your convenience, setting forth the Church's position.

The Church states that the Applicant has no right to enter, possess, encumber or otherwise use the property of the Church without the express prior written consent of the Church, which consent has not been given.

If you should need additional information or should have any questions, please do not hesitate to contact me.

Very truly yours,



John M. Joseph

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October 30, 2019

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cc: Mayor Steve Adler  
Mayor Pro Tem Delia Garza  
Austin City Council Members  
Mitzi Cotton, City Attorney  
Jerry Rusthoven, Assistant Director of Planning and Zoning Dept.  
Applicant c/o Jeff Howard, McLean & Howard, LLP