

**STREET DEED**

**Date:** \_\_\_\_\_, 2020

**Grantor:** **DEVCH, L.P., A TEXAS LIMITED PARTNERSHIP**

**Grantor's Address:** 18512 Rio Chama Lane  
Austin, Texas 78738

**City:** **CITY OF AUSTIN, TEXAS**, a Texas home-rule municipal corporation situated in the counties of Hays, Travis, and Williamson

**City's Address:** P.O. Box 1088  
Austin, Travis County, Texas 78767-1088

**Property:** 1,304 square feet of land out of Thomas Anderson Survey No. 17 situated in the City of Austin, Travis County, said 1,304 square feet of land being more particularly described by metes and bounds in the attached **Exhibit "A"**.

**Consideration:** Ten Dollars (\$10.00) and other good and valuable consideration paid to Grantor for which no lien either express or implied is retained

**Permitted Encumbrances:** Any easements, liens, encumbrances, general real estate taxes on the Property for the current year, zoning laws, regulations and ordinances of municipal and other governmental authorities, and other matters not subordinated to the Property and of record in the Real Property Records of the Texas county in which the Property is located that are valid, existing, and affect the Property as of the Date

**GRANTOR**, for the Consideration, does **GRANT, SELL, AND CONVEY** unto **CITY** the Property, together with all improvements on it and all rights and appurtenances thereto (including, without limitation, any right, title, and interest of Grantor in and to (i) any water and wastewater rights, utility and development rights, (ii) mineral rights and royalty interests, (iii) all easements, and adjacent streets, waterways, roads, alleys, or rights-of-way, currently in existence, and (iv) any reversionary rights, if any; to the extent such items pertain to the Property) (collectively, the **"Rights and Appurtenances"**).

**TO HAVE AND TO HOLD** the Property, together with all and singular the Rights and Appurtenances thereto in anywise belonging, unto City forever; and Grantor binds Grantor and Grantor's heirs, successors, and assigns to **WARRANT AND FOREVER DEFEND**, all and singular, the title to the Property, subject to the Permitted Encumbrances, to the City against every person

whomsoever lawfully claiming, or to claim the Property, or any part of the Property, when the claim is by, through, or under Grantor, but not otherwise.

City assumes the payment of ad valorem taxes and assessments for the current year and for subsequent years, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

Except where the context otherwise requires, *Grantor* includes *Grantor's heirs, successors, and assigns* and *City* includes *City's employees, agents, consultants, contractors, successors, and assigns*; and where the context requires, singular nouns and pronouns include the plural.

Executed effective the Date first above stated.

Grantor: **DEVCH, L.P., A TEXAS LIMITED PARTNERSHIP**

**BY: 4011 CONVICT HILL LLC, A TEXAS LIMITED  
LIABILITY COMPANY, ITS GENERAL PARTNER**

\_\_\_\_\_  
Rick Anderson, Managing Member

STATE OF TEXAS           §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned notary, on this day personally appeared Rick Anderson, managing member of 4011 Convict Hill LLC, a Texas limited liability company, general partner of DEVCH L.P., a Texas limited partnership, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on \_\_\_\_ 2020.

[Seal]

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

**APPROVED AS TO FORM:**  
CITY OF AUSTIN, TEXAS  
LAW DEPARTMENT

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Assistant City Attorney

**EXHIBIT "A "**  
**AREA: 1304 SQ. FT.**

**RIGHT-OF-WAY  
DEDICATION**

**BEING 1304 SQUARE FEET OF LAND OUT OF THOMAS ANDERSON SURVEY NO. 17 SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT 2.985 ACRE TRACT (CALLED 2.986 ACRES) CONVEYED TO DEVCH LP BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT NO. 2019161653, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1304 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a ½" iron rebar found in the existing south right-of-way line of Convict Hill Road at the northeast corner of said 2.985 acre tract same being the southwest corner of that tract called 603 square feet (sq.ft.) of land conveyed to the City Of Austin by Street Deed recorded in Volume 10639, Page 908, Real Property Records of Travis County, Texas, for the northeast corner hereof;

**THENCE** S 29°01'00" W (Bearing Basis) with the easterly line of said 2.985 acre tract, at a distance of 1.42 feet pass a ½" iron pipe found at the northwest corner of Lot A, McCarty Lane Subdivision, a subdivision recorded in Volume 54, Page 32, Plat Records of Travis County, Texas and continuing for a total distance of 6.07 feet to a ½ iron rod with cap stamped "B & G Surveying" set for the southeast corner hereof;

**THENCE** into and across said 2.985 acre tract, N 60°19'10" W, a distance of 200.36 feet to a ½ iron rod with cap stamped "B & G Surveying" set in the west line of said 2.985 acre tract, same being the east line of that tract called 3.995 acres of land conveyed to Swenson Family Trust by Distribution Deed recorded in Document No. 2012040376, Official Public Records of Travis County, Texas, for the southwest corner hereof;

**THENCE** following the common line of said 2.985 acre tract and said 3.995 acre tract, N 28°57'38" E, a distance of 6.94 feet to a ½" iron rebar found in the existing south right-of-way line of Convict Hill Road at the northwest corner of said 2.985 acre tract same being the southwest corner of said 603 sq.ft. City of Austin tract, for the northwest corner hereof;


**THENCE** with the existing south right-of-way of Convict Hill Road, same being the north line of said 2.985 acre tract, S 60°04'12" E, a distance of 200.38 feet to the **PLACE OF BEGINNING** hereof and containing 1304 square feet, more or less.

**THIS DESCRIPTION TO BE USED WITH THE ATTACHED SKETCH ONLY.**

Witness my hand this:

I, Victor M. Garza, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey, that all visible and apparent protrusions and encroachments into the easement area are accounted for, including but not limited to building footprint, eaves and roof overhangs and all visible improvements whatsoever.

Witness my hand and seal this 12 day of MARCH, 2020.

  
VICTOR M. GARZA, R.P.L.S. 4740  
B & G SURVEYING, LLC  
1404 W. NORTH LOOP BLVD.  
AUSTIN, TEXAS 78756  
(512) 458-6969



B0302020\_ROW  
TCAD Property ID: 324366  
TCAD Geographic ID: 0415300403  
<http://www.bandgsurvey.com>

**EXHIBIT "A"**

SHEET 3 OF 5

**SKETCH TO ACCOMPANY FIELD NOTES  
RIGHT-OF-WAY DEDICATION**

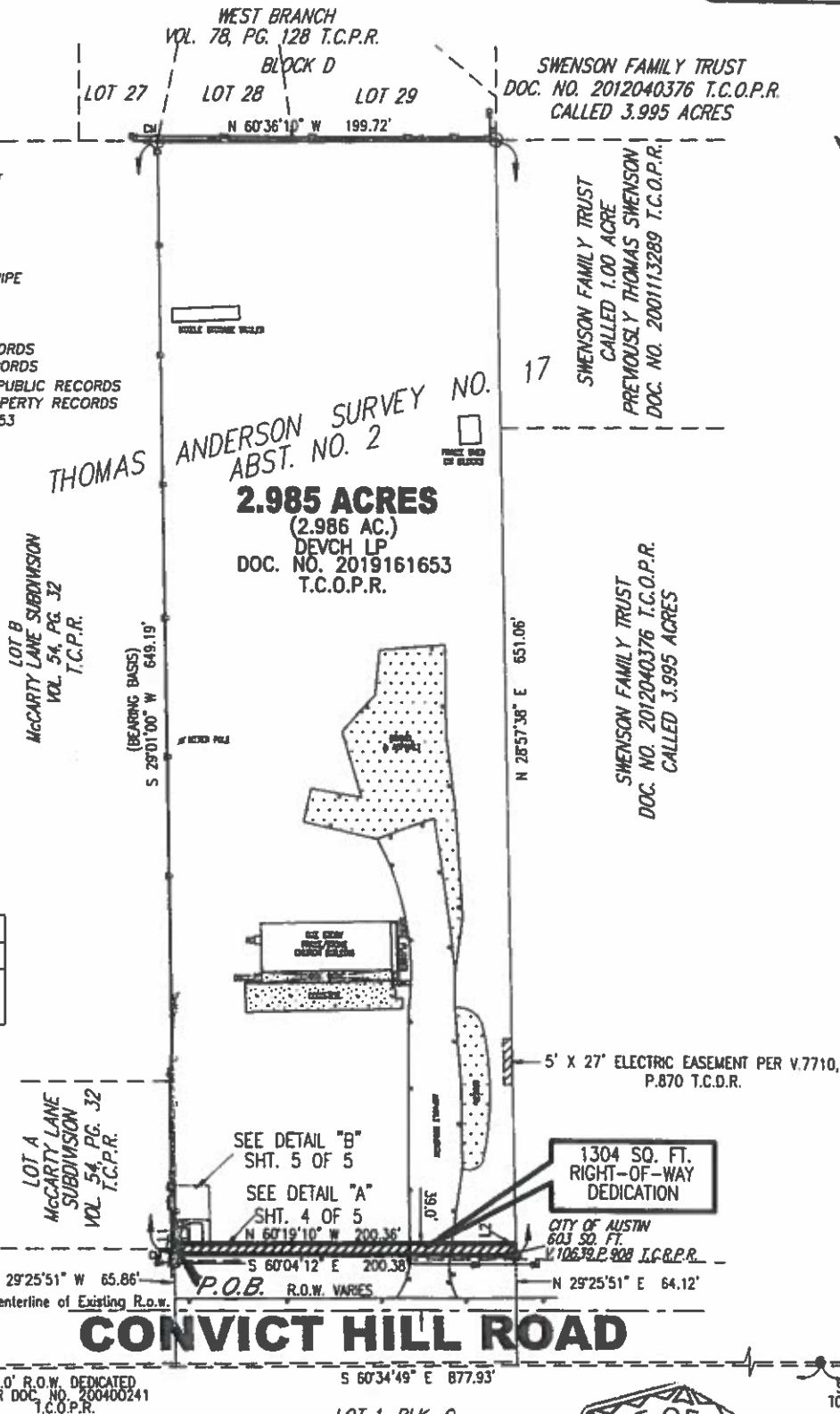
JOB #: B0302020\_ROW

DATE: 03/09/2020

SCALE: 1" = 100'

**LEGEND**

- 1/2" REBAR FOUND
- 1/2" CAPPED REBAR SET
- 1/2" IRON PIPE FOUND
- CAPPED REBAR FOUND
- CHAIN LINK FENCE
- WIRE FENCE
- R.C.P. REINFORCED CONCRETE PIPE
- C.M. CONTROL MONUMENT
- R.O.W. RIGHT OF WAY
- P.O.B. PLACE OF BEGINNING
- T.C.P.R. TRAVIS COUNTY PLAT RECORDS
- T.C.D.R. TRAVIS COUNTY DEED RECORDS
- T.C.O.P.R. TRAVIS COUNTY OFFICIAL PUBLIC RECORDS
- T.C.R.P.R. TRAVIS COUNTY REAL PROPERTY RECORDS
- ( ) PER DOC. NO. 2019161653
- OH OVERHEAD UTILITY LINE
- ⚡ POWER POLE
- BREAK IN SCALE



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 29°01'00" W	6.07'
L2	N 28°57'38" E	6.94'

**IMPORTANT NOTICE**

This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING, LLC.

**B & G SURVEYING, LLC**

FIRM REGISTRATION NO. 100363-00

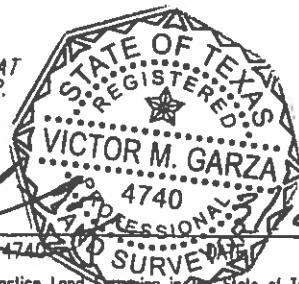
WWW.BANDGSURVEY.COM

1404 West North Loop Blvd.

Austin, Texas 78756

Office 512\*458-6969

LOT 1, BLK. C  
FORUM PUD TRACT III FINAL PLAT  
DOC. NO. 200400241, T.C.O.P.R.



VICTOR M. GARZA, R.P.L.S. 4740

I, Victor M. Garza, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey.

**EXHIBIT "A"**

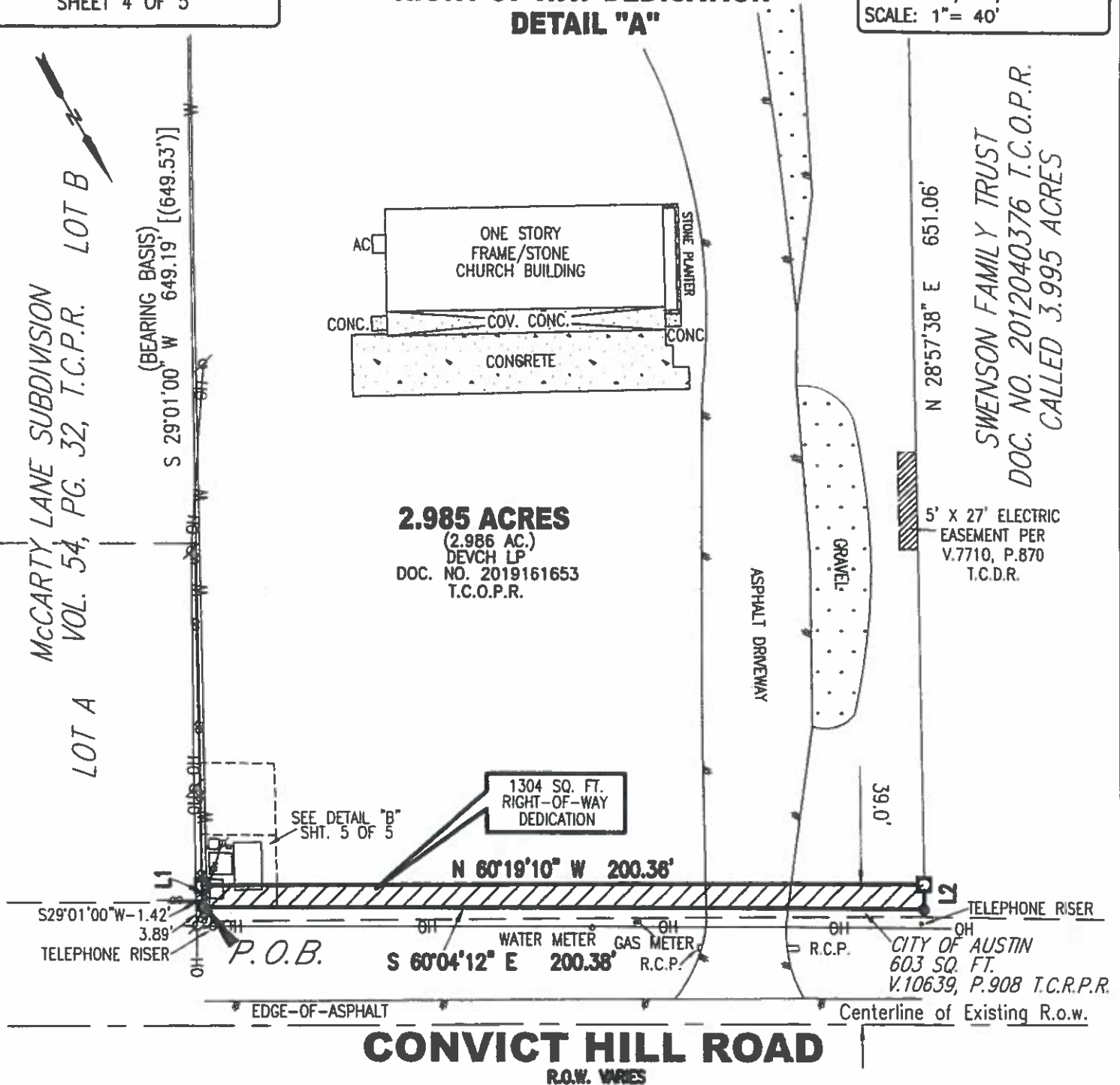
SHEET 4 OF 5

**SKETCH TO ACCOMPANY FIELD NOTES  
RIGHT-OF-WAY DEDICATION  
DETAIL "A"**

JOB #: B0302020\_ROW

DATE: 03/09/2020

SCALE: 1" = 40'



NOTE: SEE LEGEND SHEET 3 OF 5

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 29°01'00" W	6.07'
L2	N 28°57'38" E	6.94'

**B & G SURVEYING, LLC**

FIRM REGISTRATION NO. 100363-00

WWW.BANDGSURVEY.COM

1404 West North Loop Blvd.

Austin, Texas 78756

Office 512\*458-6969

**EXHIBIT "A"**

SHEET 5 OF 5

**SKETCH TO ACCOMPANY FIELD NOTES  
RIGHT-OF-WAY DEDICATION  
DETAIL "B"**

JOB #: B0302020\_ROW

DATE: 03/09/2020

NOTE TO SCALE

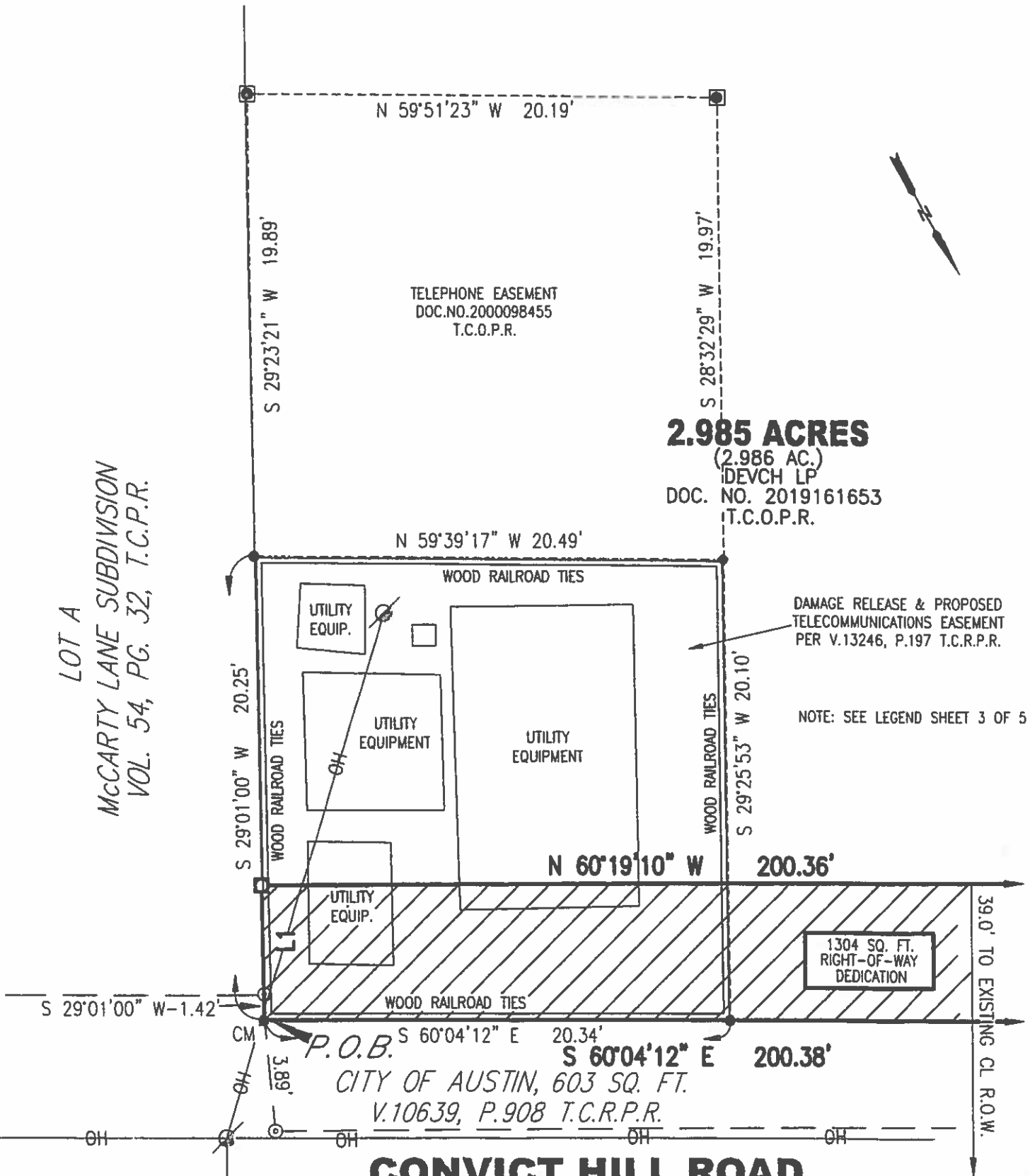
LOT A  
McCARTY LANE SUBDIVISION  
VOL. 54, PG. 32, T.C.P.R.

TELEPHONE EASEMENT  
DOC.NO.2000098455  
T.C.O.P.R.

**2.985 ACRES**(2.986 AC.)  
DEVCH LPDOC. NO. 2019161653  
T.C.O.P.R.

DAMAGE RELEASE & PROPOSED  
TELECOMMUNICATIONS EASEMENT  
PER V.13246, P.197 T.C.R.P.R.

NOTE: SEE LEGEND SHEET 3 OF 5

**CONVICT HILL ROAD**

R.O.W. VARIES

**B & G SURVEYING, LLC**

FIRM REGISTRATION NO. 100363-00  
WWW.BANDGSURVEY.COM  
1404 West North Loop Blvd.  
Austin, Texas 78756  
Office 512\*458-6969

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 29°01'00" W	6.07'

## CONSENT BY LIEN HOLDER

**Date:** March 2<sup>nd</sup>, 2020

**Lien Holder:** VCSH Convict Hill Holding, LLC

**Lien Holder Notice Address:** 801 W. 5<sup>th</sup> St Apt 2711  
Austin, TX 78703

**Liens:** Deed of Trust dated 15<sup>th</sup>, October 2019, from Grantor to M. Matthew Williams, Trustee, securing the payment of one promissory note of even date in the original principal amount of \$800,000, payable to **Lien Holder**, of record in Document Number 2019161654, of the Official Public Records of Travis County, Texas and all other liens against the Property held by Lien Holder regardless of how created or evidenced.

**Grant Document:** The document to which this Consent by Lien Holder is attached, and consented to.

**Property:** The tract of land described in the Grant Document that is the subject of the grant to City under the Grant Document.

In consideration of \$10 and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, Lien Holder, as the holder of the Liens against the Property, and its successors and assigns:

1. consent to the Grant Document, its contents and recording;
2. agrees that any monetary rights of City for performance of any Grantor obligations under the Grant Document will remain in place and unaffected by the Liens regardless of the frequency or manner of renewal, extension, change, or alteration of the Liens or the note or notes secured by the Liens and will remain the obligation of any subsequent owner of the Property so long as the City provides written notice of any claim or default to Lien Holder at least thirty calendar days prior to incurring any expense claimed as a monetary right of the City;
3. agree that foreclosure of any of the Liens, or other sale of the Property under judicial or non-judicial proceedings, will be sold subject to the Grant Document and will not extinguish the rights and interests of City in the Grant Document or the Property and that the Grant Document shall remain in effect and shall be fully enforceable; and
4. affirm that the undersigned has the authority to bind the Lien Holder, and that all acts necessary to bind Lien Holder have been taken.



As used in this consent the capitalized terms defined in the Grant Document have the same meanings assigned to each term.

Executed effective the date first above stated.

3/3/2020

By: \_\_\_\_\_

Name: **Ronald Rose**

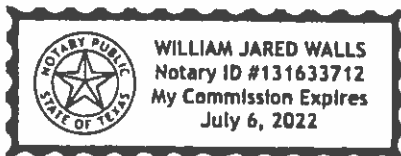
Title: **President and Member, VCSH Convict Hill Holding, LLC**

STATE OF TEXAS §  
COUNTY OF TEXAS §

Before me, the undersigned notary, on this day personally appeared Ronald Rose, ~~President and Member of VCSH Convict Hill Holding, LLC~~, a LIMITED LIABILITY COMPANY, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on 03 03 2020.

[Seal]



\_\_\_\_\_  
Notary Public, State of TEXAS

AFTER RECORDING RETURN TO:

City of Austin

Law Department

P.O. Box 1088

Austin, Texas 78767-1088

Attn: C. Curtis, Paralegal