



**WATER QUALITY DRAINAGE EASEMENT AND RESTRICTIVE COVENANT  
AGREEMENT FOR CRITICAL ENVIRONMENTAL FEATURES**

THE STATE OF TEXAS                   §  
  §       KNOW ALL BY THESE PRESENTS:  
COUNTY OF WILLIAMSON           §

THIS WATER QUALITY DRAINAGE EASEMENT AND RESTRICTIVE COVENANT AGREEMENT FOR CRITICAL ENVIRONMENTAL FEATURES (this "Easement and Restrictive Covenant") is made and entered into this 12 day of February, 2009, by and between ZFB, Ltd., a Texas limited partnership ("Owner"), and the City of Austin, Texas ("City").

**RECITALS:**

A. Owner solely owns in fee simple certain real property in the City of Austin, Williamson County, Texas, as more particularly described as Lot 1 Block A, ZFB Re-subdivision, a subdivision plat recorded in Cabinet J, Slide 228, Williamson County Plat Records (the "Property").

B. Located on the Property are three (3) unique geological features one of which is known as a sink hole. The geological features are identified as "S-1", "S-2", and "S-3" and located on the Property generally in the location as shown in Exhibit A attached hereto and incorporated herein by reference (each such geologic feature is a "CE Feature", collectively "CE Features") and are deemed sensitive by the City.

C. It is the purpose and the intent of this Easement and Restrictive Covenant to protect the CE Features and establish an additional area on the Property, as more particularly described in Exhibit B and Exhibit C attached hereto and incorporated herein by reference (collectively the "Buffer Areas"), that will be retained and maintained predominantly in a vegetative and natural condition in order to retain or protect the natural aspects of the CE Features and allow overland storm water runoff through the Buffer Areas and into the CE Features.

D. In addition the Owner must construct, operate, maintain, replace, upgrade, repair and make connections with level flow spreaders and related drainage facilities on the Property that convey and receive the natural flow of overland storm water runoff from the Property and adjacent sites and that are more particularly described on Exhibit D attached and incorporated by reference (the "Water Quality Facilities").

D. The City of Austin has required the execution of this Easement and Restrictive Covenant as a condition to its approval of the site plan submitted by Owner in City of Austin File No. SP-2008-0090D (the "Site Plan").

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this Easement and Restrictive Covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

## **AGREEMENT AND RESTRICTIVE COVENANTS:**

1. Easement to City of Austin. Owner hereby grants and conveys and by these presents does GRANT AND CONVEY unto the City of Austin, whose address is Post Office Box 1088, Austin, Texas 78767-1088, Attn: Watershed Protection and Development Review Department, an exclusive easement located in the Buffer Areas, including the CE Feature Areas, and a non-exclusive easement located in an additional area on the Property as more particularly described in Exhibit E (collectively, the "Drainage Easement Area") to inspect, monitor, construct, operate, maintain, replace, upgrade, repair and make connections with, as applicable, the Water Quality Facilities in, under, upon and across portions of the Property.

TO HAVE AND TO HOLD the same perpetually to the City of Austin and its successors and assigns, together with the privilege at any and all times to enter the Property to access the Drainage Easement Area to inspect, monitor, construct, operate, maintain, replace, upgrade, repair and make connections with, as applicable, the Water Quality Facilities. Unless waived or consented to by the holder of the encumbrance, this easement is made and accepted subject to all easements, covenants, restrictions, liens, and other encumbrances of record in Williamson County, Texas affecting the Drainage Easement Area.

2. Permitted Uses. Except as provided herein or as shown on the Site Plan, and except to the extent approved by the City or otherwise allowed by law, the Buffer Areas are restricted to use for the preservation and protection of the CE Features, for the preservation of water quality of storm water runoff, and for the protection of flora and fauna associated with the CE Features. The Buffer Areas may be also used as follows:

(a) Within the Drainage Easement Area, Owner shall be allowed to use the Buffer Areas for the continued natural-flow and overland drainage of storm water runoff from the Property and adjacent sites. Also, except for the area that is within fifty (50) feet of the sink holes more particularly described on Exhibit F attached hereto and incorporated herein (the "Inner Buffer Area"), the Owner shall be allowed to use the Buffer Areas to construct, operate, maintain, repair, replace and upgrade the Water Quality Facilities in, under, and across the Buffer Areas, together with the right to make connections therewith.

3. Prohibited Uses. Except as provided herein or as shown on the Site Plan, and except to the extent approved by the City or otherwise allowed by law, any activity on or use of the Buffer Areas inconsistent with the purpose of this Easement and Restrictive Covenant is prohibited, including without limitation, the following activities and uses which are expressly prohibited:

(a) Construction or placing buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground.

(b) Except for the placement of soil as part of a City approved water quality facility, dumping or placing soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive materials.

(c) Except for removing soil in connection with the regrading and subsequent placement of soil as part of a City approved water quality facility, excavating, dredging or removing loam, peat, gravel, soil, rock or other material substances in such a manner as to affect the surface.

(d) Except for purposes that permit the land or water area to remain predominantly in its natural condition or for use as a City approved water quality facility, surface use.

(e) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

4. Protection of Critical Environmental Features during Development Construction. Owner shall implement the temporary erosion control and site construction plan for the protection and management of portions of the Property during the period that construction of improvements occurs (such as pavement, utility lines, drainage structures, buildings and other improvements) described in the Temporary Erosion Control Plan as shown on the Site Plan (the "Temporary EC Plan"). In addition to the requirements of the City for erosion controls applicable to similar construction activities, the Temporary EC Plan shall require the following during construction of the improvements:

(a) Installation and maintenance of (i) permanent continuous fencing around the outside perimeter of the Buffer Areas shall be provided and shall be at least a chain link fence no less than 6 feet in height, meet ASTM standards for the fence material selected (the "Fence Type Requirements") and include a minimum ten (10) foot wide access gate with a lockable latch, and (ii) permanent continuous fencing around the perimeter of the Inner Buffer Area shall be provided in accordance with the Fence Type Requirements, including a minimum four (4) foot wide access gate with a lockable latch (collectively, the "Fencing").

(b) Regular inspection of all erosion controls adjacent to and within the Buffer Areas, and repair or replacement of all poorly functioning controls.

(c) Daily inspections of the Buffer Areas and immediate removal of any construction or other materials or substances that may be an ecological or safety threat, and repair of any damage to Fencing or drainage structures.

(d) Identification of an environmental site manager, operating independently from the construction contractor to conduct the inspections described in section 4(b) and 4(c).

(e) All fill material placed on the Property should meet the Texas Commission on Environmental Quality criteria of uncontaminated earthen material (30 Tex. Admin. Code Section 330.4 (f) and Inert (30 Tex. Admin. Code Section 330.2 (61)) and essentially insoluble (30 Tex. Admin. Code Section 330.2 (44)). Also, a Backfill Load Certificate (as described in the City's Environmental Criteria Manual Section 1.3.4.2 I) must be obtained from the driver for each truck load of fill material and must be kept by the contractor onsite until the end of construction.

(f) All mulch, fill and other debris that has been deposited on the Property in the area upslope of any CE Feature must be removed, including all trash and debris within the CE Features must be rehabilitated to Environmental Criteria Manual §1.6.7(B) criteria as a vegetated filter strip and re-vegetated with City of Austin Standard Specification 609s.

5. Permanent Protection of Critical Environmental Features after Construction. Except as provided herein or as shown on the Site Plan, and except to the extent approved by the City or otherwise allowed by law, Owner, in cooperation with the City, shall follow the following guidelines for the long term implementation of the preservation of the CE Features on the Property:

(a) Maintenance of a natural setting within the Buffer Areas, including provisions for vegetation management.

(b) Maintain, repair and replace, as necessary, the Fencing.

(c) Any future pavement installed on the Property shall be concrete cement pavement. Asphaltic concrete pavement and other petroleum based pavement products are prohibited.

(d) All fill material placed on the Property should meet the Texas Commission on Environmental Quality criteria of uncontaminated earthen material (30 Tex. Admin. Code Section 330.4 (f) and Inert (30 Tex. Admin. Code Section 330.2 (61)) and essentially insoluble (30 Tex. Admin. Code Section 330.2 (44)). Also, a Backfill Load Certificate (as described in the City's Environmental Criteria Manual Section 1.3.4.2 I) must be obtained from the driver for each truck load of fill material and must be kept by the contractor onsite until the end of construction.

(e) Maintain the vegetated filter strips and level spreaders described on the Site Plan so that they provide water quality treatment, and re-vegetate whenever any bare areas greater than 10 square feet occur.

(f) Remove trash from within the Buffer Areas on a weekly basis.

(g) Inspect the vegetation and land surface within fifty (50) feet of each CE Feature on a monthly basis. Report the development of new openings, such as small sink holes, to the City within 30 calendar days. Report to Geologist, Environmental Resources Management Division, Watershed Protection and Development Review Department, P.O. Box 1088, Austin TX 78767 or such other division City designates in writing to Owner.

5. Rights of Access and Entry by the City. To accomplish the purposes stated herein, Owner conveys the following rights to the City:

(a) To enter upon and to go upon the Buffer Areas in a reasonable manner and at all reasonable times to determine if Owner or its successors and assigns are complying with the covenants and prohibitions contained in this Easement and Restrictive Covenant or to inspect, and to take actions including, but not limited to, scientific or educational observations and studies, and collection of samples.

(b) To proceed at law or in equity to enforce the provisions of this Easement and Restrictive Covenant and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and require the restoration of areas or features of the Buffer Areas that may be damaged by any activity inconsistent with this Easement and Restrictive Covenant.

Notwithstanding anything forgoing to the contrary, the public shall not have the right to enter upon or to go upon the Buffer Areas. Nothing herein shall be construed as granting or dedicating any portion of the Property to the public.

6. Notice of City Entry. The City shall give the Owners seven (7) calendar days' prior written notice of the City's intent to enter all or part of the Drainage Easement Area for the purpose of operating, maintaining, replacing, upgrading, or repairing, as applicable, the Water Quality Facilities;

provided, however, that in the event of an emergency, the City shall be required to give prior notice within a reasonable period of time. Reasonableness shall be determined in accordance with the nature of circumstances of the emergency. The City shall have the right to enter the Drainage Easement Area without prior written notification for the purpose of monitoring and inspection only.

7. Reserved Rights. Notwithstanding the prohibited activities described in this Easement and Restrictive Covenant, Owner reserves unto itself, and its successors and assigns, all rights accruing from its ownership of the Buffer Areas, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement and Restrictive Covenant, or that are approved by the City or otherwise allowed by law.

8. Assignability; Successors. This Easement and Restrictive Covenant shall bind and inure to the benefit of the parties and their respective successors and assigns and the rights and obligations created herein that concern the Property shall run with the Property. Notwithstanding anything forgoing to the contrary, it is understood that this Easement and Restrictive Covenant and any obligations under this Easement and Restrictive Covenant shall not be assigned by City, except to another organization qualified to hold such interest under the laws of the State of Texas.

9. Amendment. This Easement and Restrictive Covenant may be amended or modified, and any of the terms, provisions, covenants or conditions hereof may be waived only by a written instrument executed by Owner and the City, or their successors and assigns.

10. Severability. If any of the provisions of this Easement and Restrictive Covenant or any paragraph, sentence, clause, phrase or word or the application thereof in any circumstances be invalidated, such invalidity shall not affect the validity of the remainder of this Easement and Restrictive Covenant and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

11. Number and Gender. Unless the context otherwise requires, the singular shall include the plural, and the plural shall include the singular, and the use of any gender shall include all genders.

12. Applicable Law. This Easement and Restrictive Covenant shall be subject to, construed in accordance with and governed by the laws of the State of Texas, without resort to conflicts of law principles. This Easement and Restrictive Covenant shall be filed in the Official Records, and it is agreed that the proper jurisdiction and venue of any action pertaining to the interpretation or enforcement of this Easement and Restrictive Covenant shall be in the District Court of Williamson County, Texas.

13. Interpretation. The provisions of this Easement and Restrictive Covenant shall be liberally construed to effectuate the purposes set forth in the Recitals hereof. This Easement and Restrictive Covenant shall be subject to, construed and governed under the Laws of the State of Texas.

14. Captions. All captions and titles used in this Easement and Restrictive Covenant are intended solely for convenience of reference and shall not enlarge, limit or otherwise affect the meaning of the text set forth in any paragraph, section or article hereof.

15. Exhibits. All exhibits attached to this Easement and Restrictive Covenant are a part of, and are hereby incorporated into, this Easement and Restrictive Covenant.

Executed to be effective this 13<sup>th</sup> day of February, 2009.

OWNER:

ZFB, Ltd., a Texas limited partnership

By: William B. Pohl

William B. Pohl, General Partner

CITY:

City of Austin

By: Ronald L. Czajkowski

Name: Ronald L. Czajkowski

Title: Engineer C

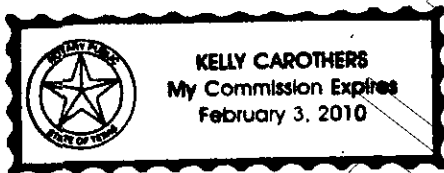
THE STATE OF TEXAS

§

COUNTY OF Travis

§

This instrument was acknowledged before me on the 13<sup>th</sup> day of February, 2009 by William B. Pohl, General Partner of ZFB, Ltd., a Texas limited partnership, on behalf of said partnership.



Kelly Carothers  
Notary Public Signature

THE STATE OF TEXAS

§

COUNTY OF \_\_\_\_\_

§

This instrument was acknowledged before me on \_\_\_\_\_, 2009, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_, City of Austin, a Texas municipal corporation, on behalf of said corporation.

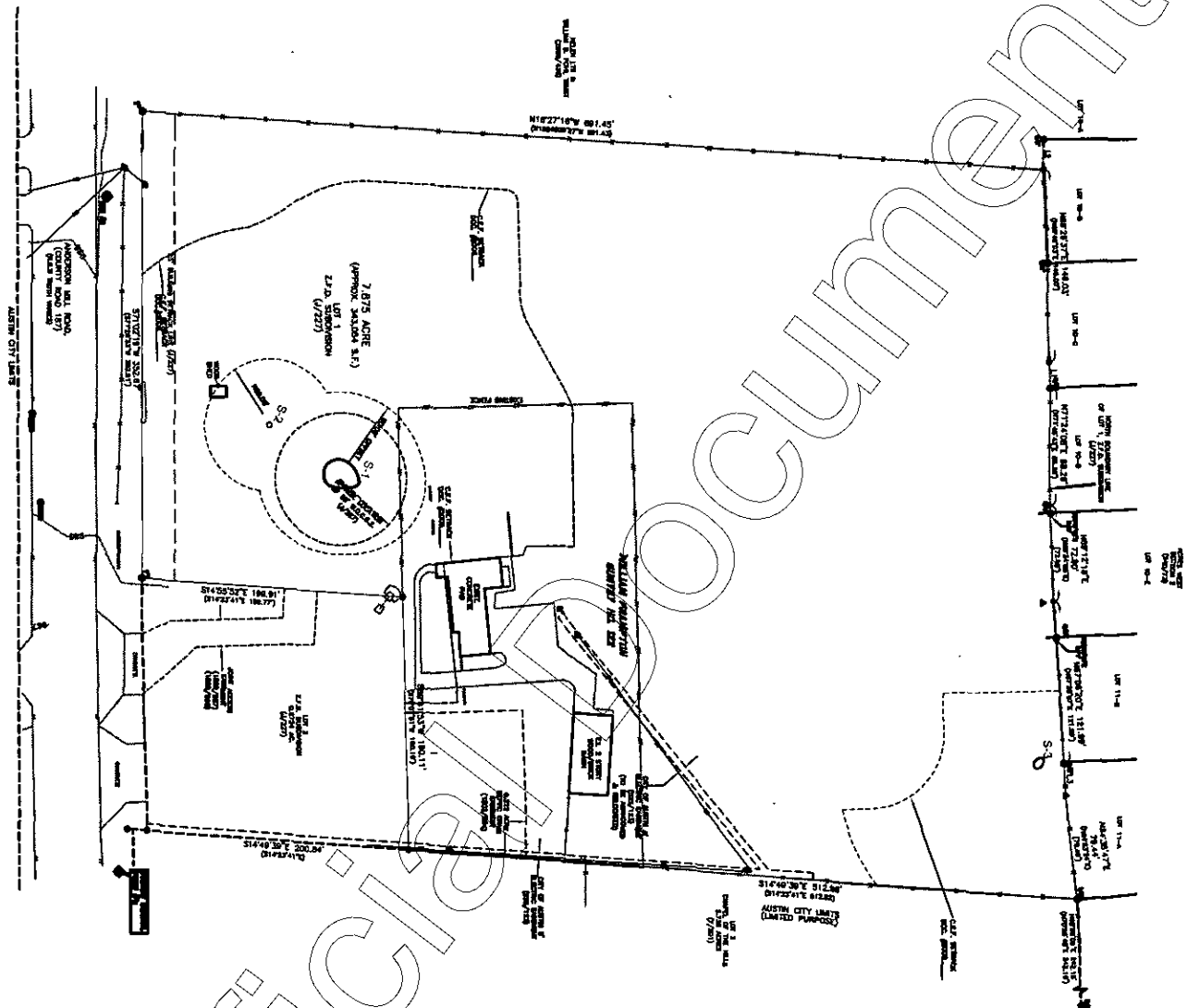
\_\_\_\_\_  
Notary Public, State of Texas

APPROVED AS TO FORM:

By: James M. Williams, Sr.

James M. Williams, Sr.  
Assistant City Attorney

EXHIBIT A



SCALE IN FEET

40 20 0

**MARQUIS RANCH  
SELF STORAGE - AUSTIN**  
8718 ANDERSON MILL RD.  
AUSTIN, TEXAS  
WILLIAMSON COUNTY

*Thrower Design*  
 2001 HUNTERDALE RD., BLDG. 2 • ALBERTA, TEXAS • 76001 • 817-476-4499  
**LAND PLANNERS**

~~AMC  
DESIGN  
GROUP~~

AL5104, 11°N, 46°20'W  
R12-088-2911  
512-005-5000 FAX  
info@marlab.org



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

Exhibit "B"

**2.089 ACRES  
WILLIAM FRAMPTON SURVEY NO. 122**

A DESCRIPTION OF A 2.089 ACRES (APPROXIMATELY 90,985 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 2.089 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a calculated point in the south line of said Lot 1, Z.F.B. Subdivision, being also in the north right-of-way line of Anderson Mill Road, (County Road 187)(right-of-way width varies) for the beginning of a non-tangent curve to the right, from which a 1" bolt found, bears South 71°02'19" West, a distance of 123.62 feet;

**THENCE** leaving the north right-of-way line of Anderson Mill Road (CR 187) over and across Lot 1, Z.F.B. Subdivision, the following fifteen (15) courses:

1. Following said non-tangent curve to the right having a radius of 150.00 feet, a delta of 34°35'38", an arc distance of 90.57 feet, and a chord which bears, North 42°38'01" West, having a distance of 89.20 feet to a calculated for the beginning of a reverse curve to the left;
2. Following said reverse curve to the left having a radius of 131.00 feet, a delta of 16°23'52", an arc distance of 37.49 feet, and a chord which bears, North 46°46'45" West, having a distance of 37.36 feet to a calculated for the beginning of a reverse curve to the right;
3. Following said reverse curve to the right having a radius of 95.00 feet, a delta of 39°31'24", an arc distance of 65.53 feet, and a chord which bears, North 35°12'59" West, having a distance of 64.24 feet to a calculated point;
4. North 15°27'16" West, a distance of 92.84 feet to a calculated point for the beginning of a curve to the right;
5. Following said curve to the right having a radius of 20.00 feet, a delta of 85°09'10", an arc distance of 29.72 feet, and a chord which bears, North 27°07'19" East, having a distance of 27.06 feet to a calculated point;
6. North 69°41'53" East, a distance of 58.62 feet to a calculated point for the beginning of a curve to the left;



7. Following said curve to the left having a radius of 55.00 feet, a delta of  $27^{\circ}42'27''$ , an arc distance of 26.60 feet, and a chord which bears, North  $55^{\circ}50'40''$  East, having a distance of 26.34 feet to a calculated point;
8. North  $41^{\circ}59'27''$  East, a distance of 63.50 feet to a calculated point for the beginning of a curve to the right;
9. Following said curve to the right having a radius of 20.00 feet, a delta of  $28^{\circ}37'36''$ , an arc distance of 9.99 feet, and a chord which bears, North  $56^{\circ}18'14''$  East, having a distance of 9.89 feet to a calculated point;
10. North  $70^{\circ}37'02''$  East, a distance of 101.33 feet to a calculated point;
11. South  $19^{\circ}22'58''$  East, a distance of 36.64 feet to a calculated point;
12. South  $87^{\circ}47'18''$  East, a distance of 7.17 feet to a calculated point;
13. South  $24^{\circ}39'37''$  East, a distance of 59.83 feet to a calculated point;
14. North  $65^{\circ}20'23''$  East, a distance of 105.30 feet to a calculated point;
15. South  $20^{\circ}18'07''$  East, a distance of 40.63 feet to a calculated point in the south line of Lot 1 Z.F.B. Subdivision, being also the north line of Lot 2, Z.F.B. Subdivision, from which a  $1/2''$  rebar with plastic cap stamped "Chaparral Boundary" set, bears North  $69^{\circ}41'53''$  East, a distance of 110.17 feet;

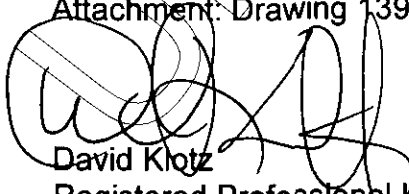
**THENCE** with the common lines of Lots 1 and 2, Z.F.B. Subdivision, the following two (2) courses:

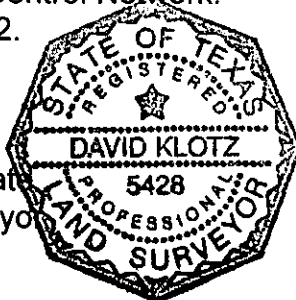
1. South  $69^{\circ}41'53''$  West, a distance of 79.93 feet to a  $1/2''$  rebar found;
2. South  $14^{\circ}55'52''$  East, a distance of 199.91 feet to a 1" bolt found for the southeast corner of Lot 1, Z.F.B. Subdivision, being also the southwest corner of Lot 2, Z.F.B. and in the north right-of-way line of Anderson Mill Road;

**THENCE** South  $71^{\circ}02'19''$  West, with the south line of Lot 1, Z.F.B., Subdivision, being also the north right-of-way line of Anderson Mill Road, a distance of 229.05 feet to the **POINT OF BEGINNING**, containing 2.089 acres of land, more or less.

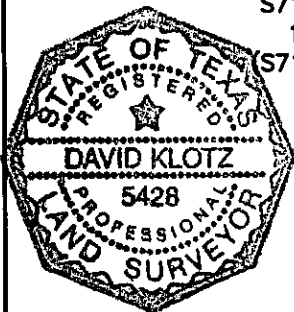
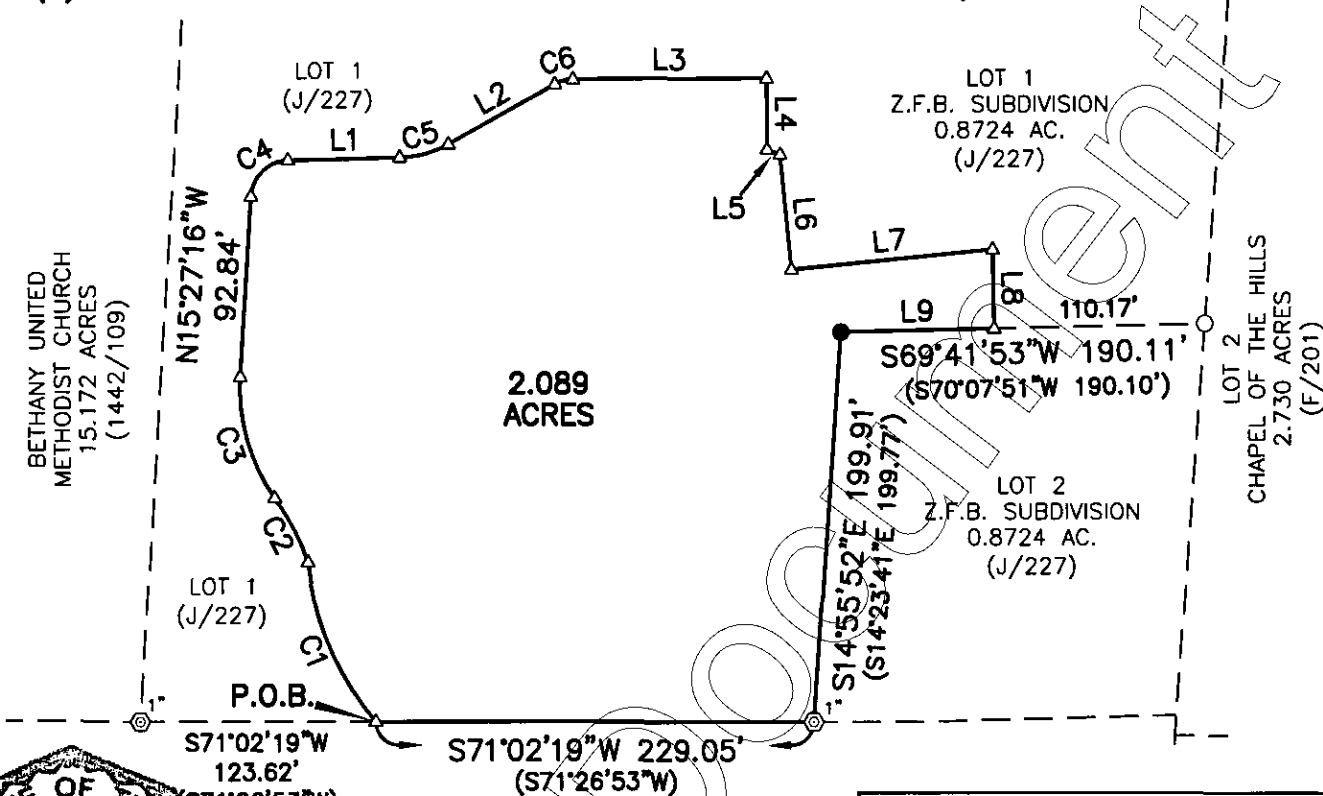
Surveyed on the ground May, 2007. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA Control Network.

Attachment: Drawing 139-003-CEF-2.

  
David Klotz  
Registered Professional Land Surveyor  
State of Texas No. 5428



SKETCH TO ACCOMPANY A DESCRIPTION OF 2.089 ACRES (APPROXIMATELY 90,985 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

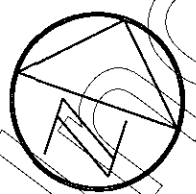


WILLIAM FRAMPTON  
ABSTRACT NO. 230  
SURVEY NO. 122

LEGEND	
●	1/2" REBAR FOUND
○	1/2" REBAR WITH CAP SET
⊙	BOLT IN CONC FOUND
△	CALCULATED POINT

LINE TABLE		
No.	BEARING	LENGTH
L1	N69°41'53"E	58.62'
L2	N41°59'27"E	63.50'
L3	N70°37'02"E	101.33'
L4	S19°22'58"E	36.64'
L5	S87°47'18"E	7.17'
L6	S24°39'37"E	59.83'
L7	N65°20'23"E	105.30'
L8	S20°18'07"E	40.63'
L9	S69°41'53"W	79.93'

SCALE  
1"=100'



CURVE TABLE						
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	34°35'38"	150.00'	46.71'	90.57'	89.20'	N42°38'01"W
C2	16°23'52"	131.00'	18.87'	37.49'	37.36'	N46°46'45"W
C3	39°31'24"	95.00'	34.13'	65.53'	64.24'	N35°12'59"W
C4	85°09'10"	20.00'	18.38'	29.72'	27.06'	N27°07'19"E
C5	27°42'27"	55.00'	13.56'	26.60'	26.34'	N55°50'40"E
C6	28°37'36"	20.00'	5.10'	9.99'	9.89'	N56°18'14"E

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE, 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION  
139-003-CEF-2

DATE OF SURVEY: 07/12/07  
PLOT DATE: 02/09/09  
DRAWING NO.: 139-003-CEF-2  
PROJECT NO.: 139-003

Chaparral

3 OF 3



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

Exhibit "C"

**0.433 ACRES  
WILLIAM FRAMPTON SURVEY NO. 122**

A DESCRIPTION OF A 0.433 ACRES (APPROXIMATELY 18,859 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 0.433 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" iron pipe found for the northeast corner of said Lot 1, Z.F.B. Subdivision, being also the southeast corner of Acres West Section 2, a subdivision of record in Cabinet B, Slide 222 of the Plat Records of Williamson County, Texas, the southwest corner of Acres West, a subdivision of record in Cabinet 4, Slide 65, of the Plat Records of Williamson County, Texas and the Northwest corner of Lot 2, Chapel of the Hills, a subdivision of record in Cabinet F, Slide 201, of the Plat Records of Williamson County, Texas, from which a 3/4" iron pipe found bears, North 68°58'05" East, a distance of 242.15 feet;

**THENCE** South 14°49'39" East, with the east line of said Lot 1, Z.F.B. Subdivision, being also the west line of Lot 2, Chapel of the Hills subdivision, a distance of 154.31 feet to a calculated point for the beginning of a non-tangent curve to the right, from which a 1/2" rebar with plastic cap stamped "Chaparral Boundary" set, bears South 14°49'39" East, a distance of 358.67 feet;

**THENCE** leaving the west line of Lot 2 Chapel of the Hills subdivision, over and across said Lot 1, Z.F.B. Subdivision, the following six (6) courses:

1. Following said non-tangent curve to the right having a radius of 152.77 feet, a delta of 23°46'29", an arc distance of 63.39 feet, and a chord which bears, South 46°27'16" West, having a distance of 62.94 feet to a calculated point;
2. North 20°18'07" West, a distance of 21.98 feet to a calculated point for the beginning of a curve to the left;
3. Following said curve to the left having a radius of 58.00 feet, a delta of 82°29'00", an arc distance of 83.50 feet, and a chord which bears, North 61°32'36" West, having a distance of 76.47 feet to a calculated point;

4. South  $69^{\circ}31'13''$  West, a distance of 34.77 feet to a calculated point;
5. North  $20^{\circ}18'07''$  West, a distance of 84.30 feet to a calculated point in the south line of Acres West Section 2, from which a 1/2" rebar with plastic cap stamped "Chaparral Boundary" set bears, South  $64^{\circ}05'53''$  West, a distance of 66.75 feet;
6. Continuing over and across Lot 1, Z.F.B. Subdivision, North  $64^{\circ}05'53''$  East, a distance of 78.99 feet to a nail found in the common line of said Lot 1, Z.F.B. Subdivision, and Acres West Section 2;

**THENCE** North  $64^{\circ}35'47''$  East, with the common line of Lot 1, Z.F.B. Subdivision, and Acres West Section 2, a distance of 79.44 feet to the **POINT OF BEGINNING**, containing 0.433 acres of land, more or less.

Surveyed on the ground May, 2007. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA Control Network.

Attachments: Drawing 139-003-CEF-1.



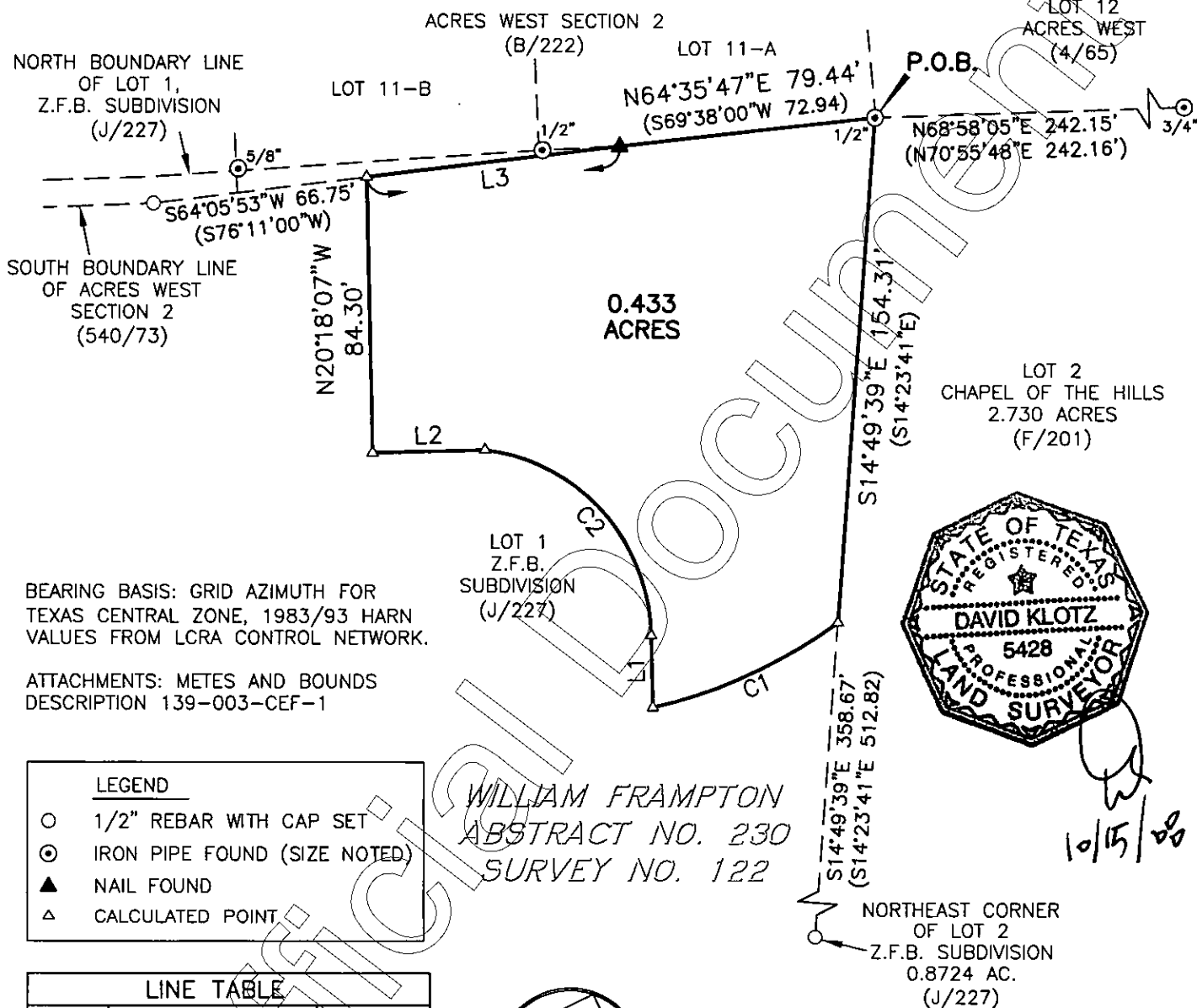
David Klotz  
Registered Professional Land Surveyor  
State of Texas No. 5428

10/15/07

Date



SKETCH TO ACCOMPANY A DESCRIPTION OF 0.433 ACRES (APPROXIMATELY 18,859 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.



#### LEGEND

- 1/2" REBAR WITH CAP SET
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ▲ NAIL FOUND
- △ CALCULATED POINT

#### LINE TABLE

No.	BEARING	LENGTH
L1	N20°18'07"W	21.98'
L2	S69°31'13"W	34.77'
L3	N64°05'53"E	78.99'

#### CURVE TABLE

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	23°46'29"	152.77'	32.16'	63.39'	62.94'	S46°27'16"W
C2	82°29'00"	58.00'	50.85'	83.50'	76.47'	N61°32'36"W

DATE OF SURVEY: 07/12/07  
 PLOT DATE: 10/15/08  
 DRAWING NO.: 139-003-CEF-1  
 PROJECT NO.: 139-003

Chaparral

3 OF 3

[illegible]

## WATER QUALITY FACILITIES EXHIBIT



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

Exhibit "E"

**2.211 ACRES  
WILLIAM FRAMPTON SURVEY NO. 122**

A DESCRIPTION OF 2.211 ACRES (APPROXIMATELY 96,296 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 2.211 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a calculated point in the south line of said Lot 1, Z.F.B. Subdivision, being also in the north right-of-way line of Anderson Mill Road, (County Road 187)(right-of-way width varies) for the beginning of a non-tangent curve to the right, from which a 1" bolt found, bears South 71°02'19" West, a distance of 123.62 feet;

**THENCE** leaving the north right-of-way line of Anderson Mill Road (CR 187) over and across Lot 1, Z.F.B. Subdivision, the following four (4) courses:

1. Following said non-tangent curve to the right having a radius of 150.00 feet, a delta of 34°35'38", an arc distance of 90.57 feet, and a chord which bears, North 42°38'01" West, having a distance of 89.20 feet to a calculated for the beginning of a reverse curve to the left;
2. Following said reverse curve to the left having a radius of 131.00 feet, a delta of 16°23'52", an arc distance of 37.49 feet, and a chord which bears, North 46°46'45" West, having a distance of 37.36 feet to a calculated for the beginning of a reverse curve to the right;
3. Following said reverse curve to the right having a radius of 95.00 feet, a delta of 30°05'14", an arc distance of 49.89 feet, and a chord which bears, North 39°56'04" West, having a distance of 49.32 feet to a calculated point;
4. North 54°28'36" West, a distance of 67.95 feet to a calculated point in the west line of Lot 1, being also in the east line of a 15.172 acre tract recorded in Volume 1442, Page 109, of the Official Records of Williamson County, Texas, from which a 1" bolt in concrete found bears South 15°27'16" East, a distance of 216.50 feet;

**THENCE** North 15°27'16" West, along the common line of Lot 1 and the 15.172 acre tract, a distance of 126.90 feet to a calculated point, from which a 1/2" rebar found bears North 15°27'16" West, a distance of 348.05 feet;

**THENCE** leaving the east line of the 15.172 acre tract, over and across Lot 1, the following 12 (twelve) courses:

1. South 54°28'32" East, a distance of 74.30 feet to a calculated point for the beginning of a non-tangent curve to the right;
2. Following said non-tangent curve to the right having a radius of 20.00 feet, a delta of 42°32'50", an arc distance of 14.85 feet, and a chord which bears, North 48°25'28" East, having a distance of 14.51 feet to a calculated point;
3. North 69°41'53" East, a distance of 58.62 feet to a calculated point for the beginning of a curve to the left;
4. Following said curve to the left having a radius of 55.00 feet, a delta of 27°42'27", an arc distance of 26.60 feet, and a chord which bears, North 55°50'40" East, having a distance of 26.34 feet to a calculated point;
5. North 41°59'27" East, a distance of 63.50 feet to a calculated point for the beginning of a curve to the right;
6. Following said curve to the right having a radius of 20.00 feet, a delta of 28°37'36", an arc distance of 9.99 feet, and a chord which bears, North 56°18'14" East, having a distance of 9.89 feet to a calculated point;
7. North 70°37'02" East, a distance of 101.33 feet to a calculated point;
8. South 19°22'58" East, a distance of 36.64 feet to a calculated point;
9. South 87°47'18" East, a distance of 7.17 feet to a calculated point;
10. South 24°39'37" East, a distance of 59.83 feet to a calculated point;
11. North 65°20'23" East, a distance of 105.30 feet to a calculated point;
12. South 20°18'07" East, a distance of 40.63 feet to a calculated point in the south line of Lot 1 Z.F.B. Subdivision, being also the north line of Lot 2, Z.F.B. Subdivision, from which a 1/2" rebar with plastic cap stamped "Chaparral Boundary" set, bears North 69°41'53" East, a distance of 110.17 feet;

**THENCE** with the common lines of Lots 1 and 2, Z.F.B. Subdivision, the following two (2) courses:



1. South  $69^{\circ}41'53''$  West, a distance of 79.93 feet to a 1/2" rebar found;
2. South  $14^{\circ}55'52''$  East, a distance of 199.91 feet to a 1" bolt found for the southeast corner of Lot 1, Z.F.B. Subdivision, being also the southwest corner of Lot 2, Z.F.B. and in the north right-of-way line of Anderson Mill Road;

**THENCE** South  $71^{\circ}02'19''$  West, with the south line of Lot 1, Z.F.B., Subdivision, being also the north right-of-way line of Anderson Mill Road, a distance of 229.05 feet to the **POINT OF BEGINNING**, containing 2.211 acres of land, more or less.

Surveyed on the ground May, 2007. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA Control Network.

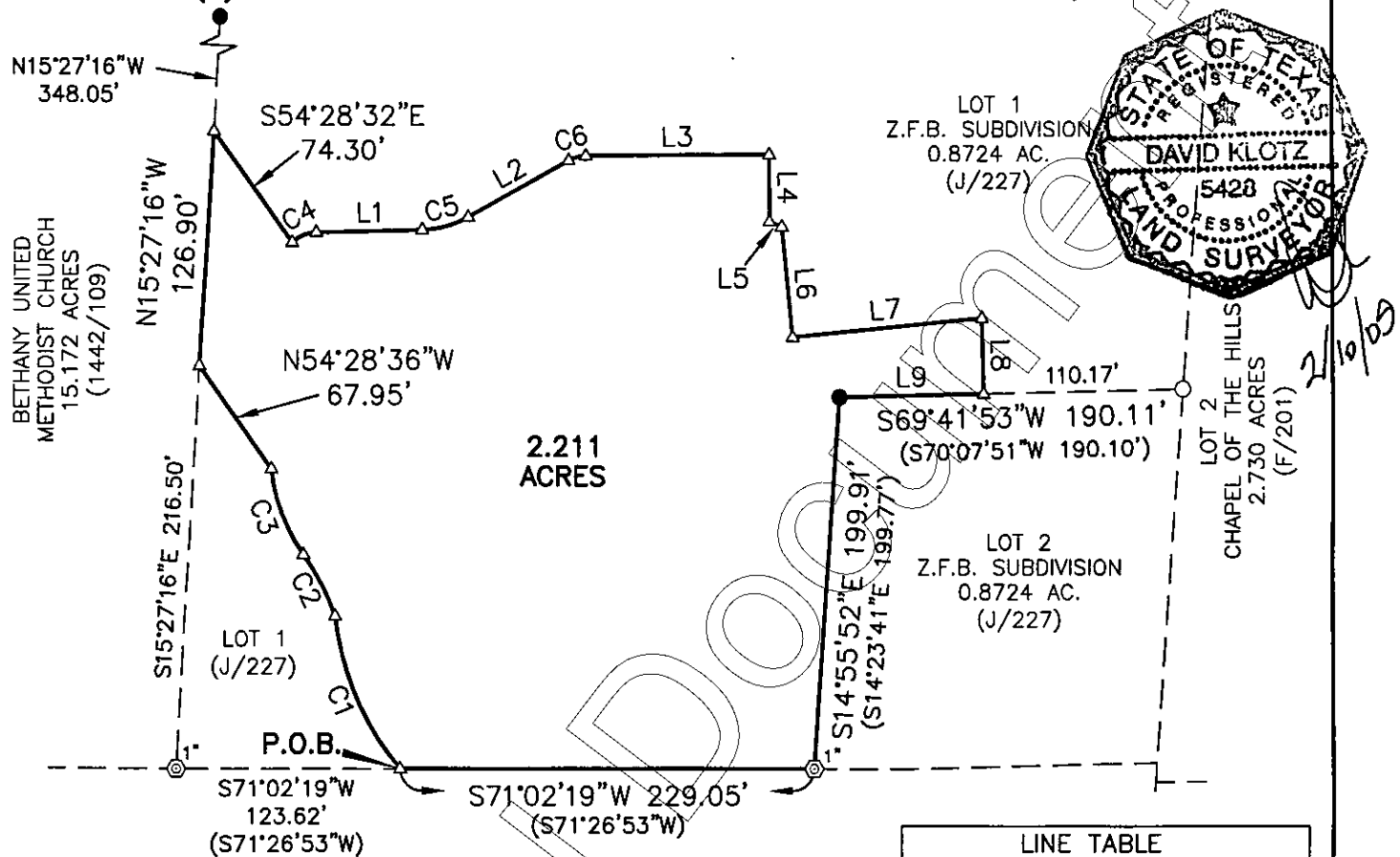
Attachment: Drawing 139-003-CEF-2-rev.

  
David Klotz

2/10/08  
Date

Registered Professional Land Surveyor  
State of Texas No. 5428

SKETCH TO ACCOMPANY A DESCRIPTION OF 2.211 ACRES (APPROXIMATELY 96,296 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.



WILLIAM FRAMPTON  
ABSTRACT NO. 230  
SURVEY NO. 122

DATE OF SURVEY: 07/12/07  
PLOT DATE: 02/10/09  
DRAWING NO.: 139-003-CEF-2-rev  
PROJECT NO.: 139-003

ATTACHMENTS: METES AND BOUNDS DESCRIPTION  
139-003-CEF-2-rev

Chaparral  
4 of 4



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

Exhibit "F"

**0.397 ACRES  
WILLIAM FRAMPTON SURVEY NO. 122**

A DESCRIPTION OF 0.397 ACRES (APPROXIMATELY 17,291 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122, ABSTRACT NO. 230 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 0.397 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a calculated point in said Lot 1, Z.F.B. Subdivision for the beginning of a non-tangent curve to the right, from which a 1" bolt in concrete found for a southeast corner of Lot 1, being also the southwest corner of Lot 2, of the said Z.F.B. Subdivision and in the north right-of-way line of Anderson Mill Road (right-of-way width varies) bears South 55°15'48" East, a distance of 112.19 feet;

**THENCE** continuing over lot 1 the following seven (7) courses:

1. 202.03 feet along the arc of said non-tangent curve to the right, having a radius of 50.00 feet, and through a central angle of 231°30'43", the chord of which bears North 74°04'29" West, a distance of 90.07 feet to a calculated point for the beginning of a non-tangent compound curve to the right;
2. 78.52 feet along the arc of said non-tangent compound curve to the right, having a radius of 65.50 feet, and through a central angle of 68°41'18", the chord of which bears North 07°49'35" East, a distance of 73.90 feet to a calculated point for the beginning of a compound curve to the right;
3. 28.88 feet along the arc of said compound curve to the right, having a radius of 77.86 feet, and through a central angle of 21°14'55", the chord of which bears North 52°47'42" East, a distance of 28.71 feet to a calculated point for the beginning of a compound curve to the right;
4. 57.46 feet along the arc of said compound curve to the right, having a radius of 52.49 feet, and through a central angle of 62°43'12", the chord of which bears South 85°13'14" East, a distance of 54.64 feet to a calculated point for the

beginning of a compound curve to the right, from which a 1/2" rebar found for an interior corner of lot 1, being also the northwest corner of Lot 2 bears North 65°07'49" East, a distance of 44.00 feet;

5. 44.33 feet along the arc of said compound curve to the right, having a radius of 65.16 feet, and through a central angle of 38°58'39", the chord of which bears South 34°22'19" East, a distance of 43.48 feet to a calculated point for the beginning of a compound curve to the right;
6. 29.45 feet along the arc of said compound curve to the right, having a radius of 107.60 feet, and through a central angle of 15°40'57", the chord of which bears South 07°02'32" East, a distance of 29.36 feet to a calculated point for the beginning of a compound curve to the right;
7. 56.91 feet along the arc of said compound curve to the right, having a radius of 51.74 feet, and through a central angle of 63°01'33", the chord of which bears South 32°18'43" West, a distance of 54.09 feet to the **POINT OF BEGINNING**, containing an area of 0.397 acres of land, more or less.

Surveyed on the ground May, 2007. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA Control Network.

Attachment: Drawing 139-003-CEF-3.



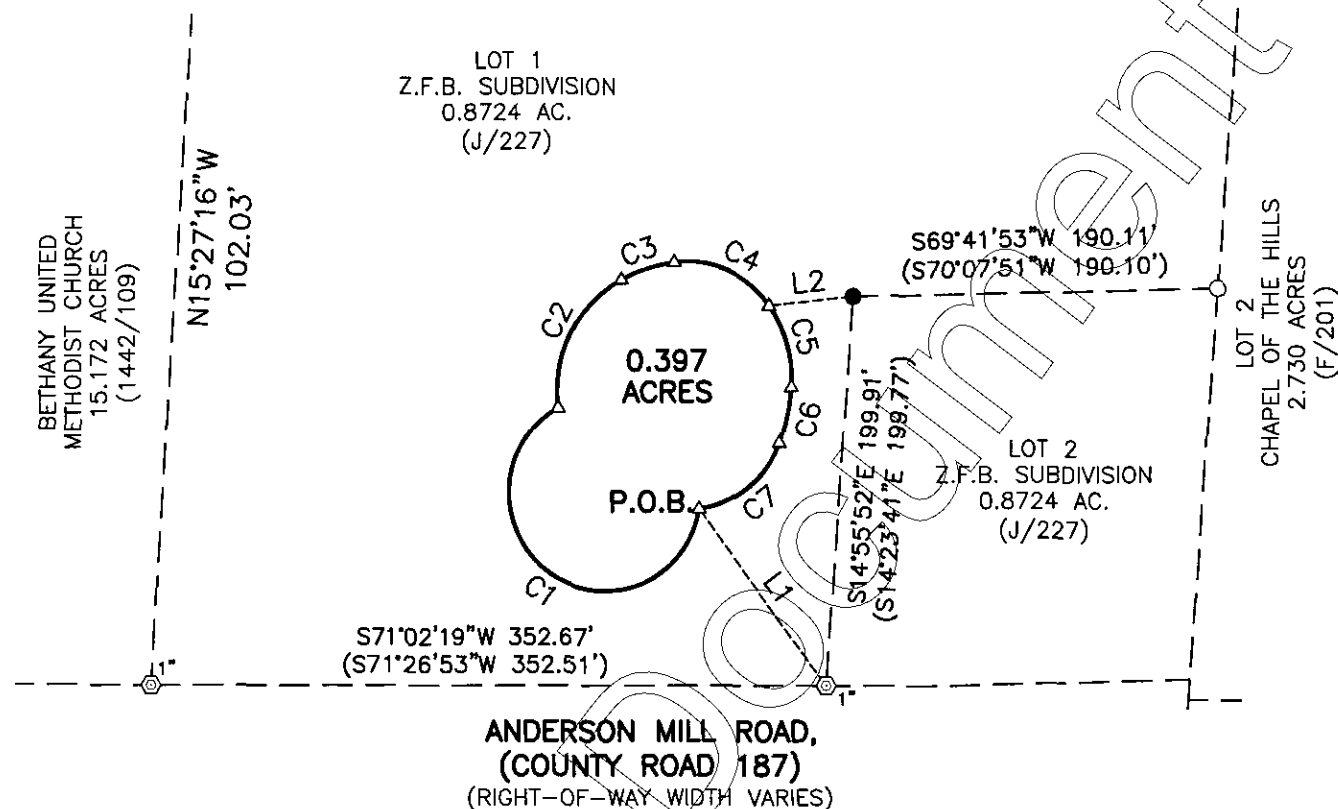
David Klotz  
Registered Professional Land Surveyor  
State of Texas No. 5428

12/16/00

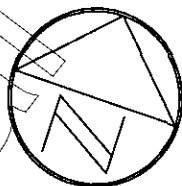
Date



SKETCH TO ACCOMPANY A DESCRIPTION OF 0.397 ACRES (APPROXIMATELY 17,291 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122, ABSTRACT NO. 230 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.



LINE TABLE		
No.	BEARING	LENGTH
L1	S55°15'48"E	112.19'
L2	N65°07'49"E	44.00'

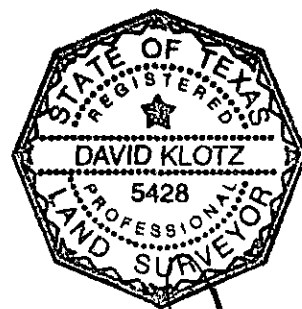


SCALE 1"=100'

#### LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR WITH CAP SET
- ⊗ BOLT IN CONC FOUND
- △ CALCULATED POINT

CURVE TABLE						
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	231°30'43"	50.00'	103.63'	202.03'	90.07'	N74°04'29"W
C2	68°41'18"	65.50'	44.75'	78.52'	73.90'	N07°49'35"E
C3	21°14'55"	77.86'	14.61'	28.87'	28.71'	N52°47'42"E
C4	62°43'12"	52.49'	31.99'	57.46'	54.64'	S85°13'14"E
C5	38°58'39"	65.16'	23.06'	44.33'	43.48'	S34°22'19"E
C6	15°40'57"	107.60'	14.82'	29.45'	29.36'	S07°02'32"E
C7	63°01'33"	51.74'	31.72'	56.91'	54.09'	S32°18'43"W



12/16/08

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE,  
1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION  
139-003-CEF-3

DATE OF SURVEY: 07/12/07  
PLOT DATE: 12/16/08  
DRAWING NO.: 139-003-CEF-3  
PROJECT NO.: 139-003

Chaparral

30F3

AFTER RECORDING, RETURN TO:

City of Austin

P.O. Box 1088

Austin, Texas 78767

Project Name: Marquis Ranch / ZFB Ltd.

Attn: Sue Welch [Project Manager]

Case No. SP-2008-0090D

**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS 2009010344**

*Nancy E. Rister*

02/18/2009 01:19 PM

CMCNEELY \$100.00

NANCY E. RISTER, COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

Easement and Restrictive Covenant for CEFs (ZFB, Ltd.) – Page 7

② Mclean + Howard  
1004 Mopac Circle  
Austin, TX 78746