




4-1



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0112  
Address: 4209 & 4213 HIDDEN CANYON COVE



1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

C15-2015-0112

41  
2

*From the office of*  
**PERMIT PARTNERS, LLC**

105 W. Riverside, Suite 225

Austin, Texas 78704

David C. Cancialosi

512.593.5361 o

512.213.0261 f

david@permit-partners.com

September 24, 2015

VIA EMAIL:

Leane Heldenfels c/o

City of Austin Board of Adjustments

One Texas Center

505 Barton Springs Rd.

Austin, Texas 78704

RE: C15-2015-0112 / BOA requests - Tramway at 4209 Hidden Canyon Cove

Dear Commissioners,

I am filing a request for reconsideration on behalf of my client and property owner, Dr. Carl Lauryssen. The original request submitted to your board was to allow: (1) mechanized pedestrian access within a shoreline setback area, and (2) to permit development which cannot be reasonably located elsewhere on a slope with a gradient of more than 35%. The commission voted at its September 14<sup>th</sup> hearing to deny the two (2) requests.

Upon review of the case and discovery of significant information that sheds new light on the requests, I am requesting the Board reconsider the requests at its October 12<sup>th</sup> meeting and postpone the case to the November 9<sup>th</sup> meeting while the applicant seeks potential administrative remedy via the Chapter 245 / 1704 vested rights process.

A quick summary of the new facts are as follows:

1. The tramway was granted a non-exclusive easement for the benefit of lot 16 concurrent with the building permit issued for lot 16's primary use. And, the purpose of the boat dock use easement was initiated by the 1988 building permit issuance for the primary residence.
2. There are a number of clarifications to make for the Board in terms of safety, proper access, aesthetics, and a potential modification of the BOA application to address an obstruction in the easement caused by the existing tramway.

41  
3

3. The Preserve HOA has approved the proposed design at the subject site. They agree that the tram is more appropriate than significant cut and fill that would be required for stair or road access. Per The Preserve HOA regulations sec. 9.04, they have the right to determine the protection of the dramatic and sylvan views of the subdivision. This HOA approval is in keeping with Lake Austin aesthetics echoed by the Board.
4. Staff advised the Board at the September 14<sup>th</sup> hearing that no site plan had been filed with the City. That is not correct. Site Plan 2015-03878 was filed August 26<sup>th</sup>, 2015 with the Land Use Review department, who approved the completeness check on September 11, 2015.
5. Upon review of the case documentation it was not made clear to the Board that this project may be, in fact, a remodel to an existing tram facility. We are seeking further evidence and will be able to supply that at the October 12 hearing. As such we need more time to determine exactly how to modify the current BOA requests.
6. The City of Austin extended a water service line with the approval of the 1988 house permit for lot 16. This furthers our belief that a Vested Rights case may be appropriate and would like to pursue this while the BOA case is postponed 1 month.

It is my belief that when presented with the correct materials, the Board may be inclined to approved the original requests, however, the applicant would like the opportunity to seek a Vested Rights approval. If that is approved, then the variance application would be withdrawn. If the Vested Rights is not approved then the applicant will move forward with new evidence at the November hearing where the Board may or may not decide to hear the case at that time.

Sincerely,



David C. Cancialosi

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

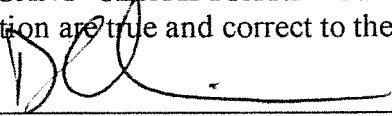
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed



Mail Address

105 W. Burnside Dr. #225

City, State & Zip

Austin TX 78704

Printed

David Canales

Phone

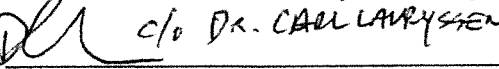
512 593 5361

Date

9/28/15

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed

 c/o Dr. CARL LARSSON

Mail Address

105 W. Burnside Dr. #225

City, State & Zip

Austin TX 78704

Printed

David Canales

Phone

512 593 5361

Date

9/28/15

C15-2015-0112

9209 Hidden Canyon Cove

Change of applicant Notice





City of Austin  
BUILDING PERMIT

41/5

PERMIT NO: 1985-022969-BP

Type: COMMERCIAL Status: Expired

4213 HIDDEN CANYON CV

Issue Date: 08/28/1985

EXPIRY DATE: 09/22/1986

LEGAL DESCRIPTION

SITE APPROVAL

ZONING

PROPOSED OCCUPANCY:

WORK PERMITTED: New

ISSUED BY:

New Two-Slip Covered Boat Dock

TOTAL SQFT	VALUATION	TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES
	Tot Val Rem: \$0.00		318			1	
	Tot Job Val: \$10,000.00						
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE				

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	200.00	8/28/1985	Electrical Permit Fee	41.00	3/3/1986			
<b>Fees Total:</b>	<b>241.00</b>							

**Inspection Requirements**

Building Inspection

Mechanical Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.

A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

**Comments**

Pard Review 3/26/85. Water Way Development Permit #85050002 This Permit Does Not Include Any Dredging In The Channel. A New Re Quest Is Necessary To Dredge\*\*\*  
Dormant Per Dd Pmt Expired 5/8/87

/ Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True  
acts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin  
BUILDING PERMIT

4/6

PERMIT NO: 1985-022969-BP

Type: COMMERCIAL Status: Expired

4213 HIDDEN CANYON CV

Issue Date: 08/28/1985 EXPIRY DATE: 09/22/1986

LEGAL DESCRIPTION						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY: New Two-Slip Covered Boat Dock		WORK PERMITTED: New				ISSUED BY:			
TOTAL SQFT		VALUATION Tot Val Rem: \$0.00 Tot Job Val: \$10,000.00		TYPE CONST.	USE CAT. 318	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE				
<u>Type</u>		<u>Date</u>	<u>Status</u>	<u>Comments</u>				<u>Inspector</u>	
101 Building Layout		2/12/1986	Pass	MIGRATED FROM PIER.					

47



4213 Hidden Canyon Cove C: 00000 [EP]

Folder | Property (1) | People | Info (11) | Fee/Charge (1) | Process (1) | Document | Inspection Req. | Comment (2) | Attachment

Folder#	Ref
1985 022969 00 00 EP	8520396
1985 022969 00 00 MP	8520396
1985 022969 00 00 BP	8520396

Folder: 85 022969 00 00 EP

PIER Owner: ROCKCLIFF JOINT VENTURE  
PIER Building contractor: ROCKCLIFF JOINT VENTURE

Reminder Date  
Made On Thu May 26, 2011  
Comment Date Thu May 26, 2011

Remind FBILDCONV  
Made By FBILDCONV

Include

List View Related View

2 Rows Returned

Show no. of rows on tabs

< Back

Forward >

3 Rows Returned

Ready



$\frac{41}{8}$



City of Austin  
BUILDING PERMIT

419

PERMIT NO: 1988-010880-BP      Type: RESIDENTIAL      Status: Final  
1209 HIDDEN CANYON CV      Issue Date: 10/03/1988      EXPIRY DATE: 01/31/1989

LEGAL DESCRIPTION LOT 16 BLK B PRESERVE THE	SITE APPROVAL	ZONING
--	---------------	--------

PROPOSED OCCUPANCY:	WORK PERMITTED: Addition	ISSUED BY:
Add To Residence For A Garage & Breezeway		

TOTAL SQFT	VALUATION Tot Val Rem: \$0.00 Tot Job Val: \$20,000.00	TYPE CONST.	USE CAT. 434	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE		

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	78.00	10/3/1988	Electrical Permit Fee	43.00	10/21/1988			
Fees Total:	121.00							

<b>Inspection Requirements</b>	
Building Inspection	Mechanical Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.  
City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.  
A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

<b>Comments</b> Drng Ok Inv Fee Mech/Plb 1-26-89 S.Dixon* **
---

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True  
Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin  
BUILDING PERMIT

PERMIT NO: 1988-010880-BP

Type: RESIDENTIAL

Status: Final

4209 HIDDEN CANYON CV

Issue Date: 10/03/1988

EXPIRY DATE: 01/31/1990

41  
10

LEGAL DESCRIPTION LOT 16 BLK B PRESERVE THE						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY: Add To Residence For A Garage & Breezeway		WORK PERMITTED: Addition				ISSUED BY:			
TOTAL SQFT		VALUATION Tot Val Rem: \$0.00 Tot Job Val: \$20,000.00		TYPE CONST.	USE CAT. 434	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE	# OF BATHROOMS		METER SIZE	

Type	Date	Status	Comments	Inspector
101 Building Layout	10/4/1988	Pass	MIGRATED FROM PIER.	
102 Foundation	10/27/1988	Fail	MIGRATED FROM PIER.	Blue Delgado
103 Framing	10/27/1988	Fail	MIGRATED FROM PIER.	Blue Delgado
105 Wallboard	11/18/1988	Fail	MIGRATED FROM PIER.	Blue Delgado
111 Energy Final	1/23/1989	Fail	MIGRATED FROM PIER.	
112 Final Building	1/31/1989	Pass	MIGRATED FROM PIER.	Buddy Graves



City of Austin

# CERTIFICATE OF COMPLIANCE

\*\*\*\*\* NOT FOR OCCUPANCY \*\*\*\*\*

4/11

**BUILDING PERMIT NO. 1988-010880 BP**

**ISSUE DATE: 01/31/1989**

**BUILDING ADDRESS:** 4209 Hidden Canyon Cove C 00000

**LEGAL DESCRIPTION:** LOT 16 BLK B PRESERVE THE

**PROPOSED OCCUPANCY:** R- 434 Addition & Alterations  
Addition - Add To Residence For A Garage & Breezeway

**REMODEL BUILDING SQUARE FOOTAGE:** 0

**SPRINKLER SYSTEM:**

**CODE YEAR:** **CODE TYPE:**

**CONTRACTOR:**

\*\*\*\*\* **CERTIFICATE OF COMPLIANCE** \*\*\*\*\*

**THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED ABOVE HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE, APPROVED PLANS AND BUILDING CODE FOR THE GROUP AND DIVISION LISTED FOR THE SOLE PURPOSE OF COMPLETION. THIS CERTIFICATE DOES NOT ALLOW THE OCCUPANCY OF THIS BUILDING OR STRUCTURE.**

NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISE, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISE.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION OR REINSPECTION OF THE PREMISE; OR THE ISSUANCE OF THIS "CERTIFICATE OF COMPLIANCE"; OR BY ANY REASON OF ANY APPROVAL OR DISAPPROVAL.

**BUILDING CODE REVIEWER:**

---

**For Carl Wren Building Official**

$$\frac{41}{12}$$





City of Austin  
BUILDING PERMIT

PERMIT NO: 1988-009869-BP  
4209 HIDDEN CANYON CV

Type: RESIDENTIAL Status: Final  
Issue Date: 07/07/1988 EXPIRY DATE: 01/31/1988

4/13

LEGAL DESCRIPTION LOT 16 BLK B PRESERVE THE	SITE APPROVAL	ZONING
--	---------------	--------

PROPOSED OCCUPANCY: Two Stry Frm Res W/Brk Ven & Att Garage	WORK PERMITTED: New	ISSUED BY:
--	---------------------	------------

TOTAL SQFT	VALUATION Tot Val Rem: \$0.00 Tot Job Val: \$268,065.00	TYPE CONST.	USE CAT. 101	GROUP	FLOORS 2	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE		

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	588.00	7/7/1988	Building Permit Fee	20.00	7/7/1988	Electrical Permit Fee	335.00	9/7/1988
Mechanical Permit Fee	181.00	9/1/1988	Plumbing Permit Fee	199.00	7/25/1988			
<b>Fees Total:</b>	<b>1,323.00</b>							

<b>Inspection Requirements</b>			
Building Inspection	Driveway Inspection	Electric Inspection	Health Inspection
Mechanical Inspection	Plumbing Inspection	Sidewalks Inspection	

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.  
**City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.**  
**A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.**

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

<b>Comments</b> Private Water Sewer Tap # 348843 Living Area = 4277. No Sidewalk Required/Rein Fee Ener 1/23/89&1/25/88jj-Rein Fee Ener 1/30/89 2 Fee Pd-Ro*** Undergd/ 1gas
---

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True  
Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin  
BUILDING PERMIT

PERMIT NO: 1988-009869-BP  
4209 HIDDEN CANYON CV

Type: RESIDENTIAL Status: Final  
Issue Date: 07/07/1988 EXPIRY DATE: 01/31/1989

LI  
14

LEGAL DESCRIPTION LOT 16 BLK B PRESERVE THE						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY: Two Stry Frm Res W/Brk Ven & Att Garage		WORK PERMITTED: New				ISSUED BY:			
TOTAL SQFT	VALUATION Tot Val Rem: \$0.00 Tot Job Val: \$268,065.00		TYPE CONST.	USE CAT. 101	GROUP	FLOORS 2	UNITS 1	# OF PKG SPACES	
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS		METER SIZE			

Type	Date	Status	Comments	Inspector
101 Building Layout	7/14/1988	Pass	MIGRATED FROM PIER.	
102 Foundation	8/4/1988	Pass	MIGRATED FROM PIER.	
103 Framing	9/23/1988	Pass	MIGRATED FROM PIER.	
104 Insulation	1/30/1989	Pass	MIGRATED FROM PIER.	
105 Wallboard	1/9/1989	Pass	MIGRATED FROM PIER.	Buddy Graves
111 Energy Final	1/30/1989	Pass	MIGRATED FROM PIER.	
112 Final Building	1/31/1989	Pass	MIGRATED FROM PIER.	Buddy Graves



City of Austin

4/15

# CERTIFICATE OF OCCUPANCY

**BUILDING PERMIT NO. 1988-009869 BP**

**ISSUE DATE:** 01/31/1989

**BUILDING ADDRESS:** 4209 Hidden Canyon Cove C .00000

**LEGAL DESCRIPTION:** LOT 16 BLK B PRESERVE THE

**PROPOSED OCCUPANCY:**

R- 101 Single Family Houses  
New - Two Stry Frm Res W/Brk Ven & Att Garage

**REMODEL BUILDING SQUARE FOOTAGE:** 0

**SPRINKLER SYSTEM:**

**CODE YEAR:**

**CODE TYPE:**

**FIXED OCCUPANCY:**

**NON FIXED OCCUPANCY:**

**CONTRACTOR:**

\*\*\*\*\* **CERTIFICATE OF OCCUPANCY** \*\*\*\*\*

**THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED ABOVE HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR THE GROUP AND DIVISION OF OCCUPANCY LISTED ABOVE.**

NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION

OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISE, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISE.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION OR REINSPECTION OF THE PREMISE; OR THE ISSUANCE OF THIS "CERTIFICATE OF OCCUPANCY"; OR BY ANY REASON OF ANY APPROVAL OR DISAPPROVAL.

**BUILDING CODE REVIEWER:**

*Dick Anzola*

For Carl Wren Building Official

41  
14



City of Austin  
BUILDING PERMIT

PERMIT NO: 1989-004944-BP  
4209 HIDDEN CANYON CV

Type: COMMERCIAL Status: Expired  
Issue Date: 01/25/1989 EXPIRY DATE: 11/27/1989

LEGAL DESCRIPTION LOT 16 BLK B PRESERVE THE	SITE APPROVAL	ZONING
--	---------------	--------

PROPOSED OCCUPANCY:	WORK PERMITTED: New	ISSUED BY:
---------------------	---------------------	------------

Private Swimming Pool W/Req'D Enclosure Device

TOTAL SQFT	VALUATION Tot Val Rem: \$.00 Tot Job Val: \$18,000.00	TYPE CONST.	USE CAT. 329	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE				

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	78.00	1/25/1989	Electrical Permit Fee	43.00	1/27/1989	Plumbing Permit Fee	37.00	1/31/1989
<b>Fees Total:</b>	<b>158.00</b>							

Inspection Requirements

Building Inspection                      Mechanical Inspection                      Plumbing Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.  
City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.  
A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments

Fence 4' Hght W/4" Opening Gate Must Be Equipped W/Self-Clo- Sing & Self-Latching Devices. Dmt Pmt Per D.J.S. 11/20/92\*\*\*

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin  
BUILDING PERMIT

4/18

PERMIT NO: 1989-004944-BP  
4209 HIDDEN CANYON CV

Type: COMMERCIAL Status: Expired  
Issue Date: 01/25/1989 EXPIRY DATE: 11/27/1989

LEGAL DESCRIPTION LOT 16 BLK B PRESERVE THE						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY:		WORK PERMITTED: New				ISSUED BY:			
Private Swimming Pool W/Req'D Enclosure Device									
TOTAL SQFT	VALUATION Tot Val Rem: \$0.00 Tot Job Val: \$18,000.00		TYPE CONST.	USE CAT. 329	GROUP	FLOORS	UNITS 1	# OF PKG SPACES	
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE					
<u>Type</u>	<u>Date</u>	<u>Status</u>	<u>Comments</u>				<u>Inspector</u>		
101 Building Layout	1/31/1989	Pass	MIGRATED FROM PIER.				Buddy Graves		

**Land Use Review  
Site Plan Completeness Check  
Boat Docks**



**Planning and Development  
Review Dept.**

**4/19**

**Completeness Check Results Due:**

A completeness check application **must be deemed complete** before formal application can be submitted.

Completeness Check Results: Complete		45 Day Expiration date: 10/10/2015	
Tracking #: 11406762	Revision #: 00	Watershed: Lake Austin	
Project Name: 4209 Hidden Canyon Cove			
Ch.245 Team Review Req'd: No	Orig. Submittal Date: 08/26/2015	Resubmittal Date:	
Date Sent to Ch.245:	Current Results to Applicant: 09/09/2015		
Date Rec'd.back in LUR:			

**Checked for Completeness by the following reviewers:**

			Complete/Incomplete	Initials
Site Plan	Lynda Courtney	974-2810	Complete	LC
Environmental	Sue Barnett	974-2711	Complete	SB
Env.Res.Mgmt.	Sylvia Pope	974-3429	Complete	SP
Floodplain	Henry Price	974-1275	Complete	HP

<b>Mandatory Distribution:</b>		<b>Case Manager: Scott Grantham</b>	
Rosemary Avila (SP)	Christine Barton-Holmes (SP)	Donna Galati (SP)	<u>Scott Grantham (SP)</u>
Nikki Hoelter (SP)	Brad Jackson (SP)	Michael Simmons-Smith (SP)	
Pamela Abee-Taulli (EV)	Jim Dymkowski (EV)	Mike McDougal (EV)	<u>Atha Phillips (EV)</u>
Taylor Horton (EV)			
<b>Partner Department Mandatory Distribution:</b>			
<u>Electric</u>	<u>Floodplain</u>	<u>Mapping</u>	<u>Wetlands Biologist/Johnston</u>
<b>Optional Distribution: Circle to receive distribution</b>			
Fire	<u>Hydrogeologist/Hiers</u>	Industrial Waste	<u>Heritage Tree/Keith Mars</u>
ERM Review Comment (Functional Assessment):			

A formal application must be filed within 45 calendar days of the initial completeness check (by 10/10/2015) or the application will expire and a new completeness check application must be filed.

Applicants must pick up the completeness check packet at the Intake office within 72 hours of receiving a response. The City is not responsible for lost or stolen packets. **The applicant must schedule an appointment with the Intake office for formal application submittal.** Please call 974-2681, 974-2350, or 974-7208 for more information.

RSMP: Yes/No  
Offsite Drainage: Yes/No

Waiver: Yes/No

Onsite Drainage: Yes/No

Additional Copies to:

Small Project: Yes/No

**Fees: \$4614.48 - \$200.00 (Pd @ CC) = \$4414.48 due at Formal Submittal.**

Total # of Plans 9 / Engineering Reports 0 required at formal

The City of Austin encourages applicants to contact neighborhood organizations prior to formal submittal. To find out contact information for neighborhood associations visit our web page at <http://www.ci.austin.tx.us/neighborhoodservices/> or contact our Neighborhood Liaisons for more information: Carol Gibbs @ 974-7219 or Jody Zemel @ 974-7117.

**Comments:** *(Please respond to each comment in letter form)*

**ORES:** License Agreement Required for Site Plan Approval.

**Email:** [REDACTED]

**FYI:** Tram within the PUE Easement. Please contact Andy Halm to discuss.




41  
20



41  
21

## Fwd: PHOA ACC Meeting Minutes

DC david cancialosi

To: ☐ Heidi Sauer;  Reply all | 

Tue 9/22/2015 11:44 AM

Inbox

Print for file

Kind Regards,  
DC

Sent from a mobile device. There will be typos.

Begin forwarded message:

**From:** GMAIL <[REDACTED]>**Date:** September 22, 2015 at 11:44:03 AM CDT**To:** Terry Irion <[REDACTED]>, David Cancialosi <[REDACTED]>**Subject:** Fwd: PHOA ACC Meeting Minutes Reply all |   Delete Junk ...

X

CL

Begin forwarded message:

**From:** GMAIL <[REDACTED]>**Date:** September 1, 2015 at 14:21:39 CDT**To:** Natalie Renee Bricker <[REDACTED]>**Subject:** Fwd: PHOA ACC Meeting Minutes

CL

4  
22

Begin forwarded message:

**From:** John Stockton <jstockton@phoa.org>  
**Date:** September 1, 2015 at 12:10:50 CDT  
**To:** clarys@phoa.org, seattleparker@gmail.com,  
sharonparker@gmail.com  
**Cc:** Val Luessenhop <val@luessenhop.com>, Tina Stockton  
<tina@stockton.com>, Mukul Sharma  
<msharma@mail.utexas.edu>  
**Subject:** Re: PHOA ACC Meeting Minutes

A subset of the PHOA Architectural Control Committee (ACC) met at 1:00pm, August 30, 2015 to review the proposed tramway addition to the Lauryssen residence. This group included John Stockton, chair of the ACC, Henry Green, Rich Sperling and Melodie Summersett. We decided not include Sharon Parker since she is a conflicted committee member on this matter.

Given the ACC's interest in making sure that Structures, as defined in the PHOA CC&Rs meet minimum standards and add to the value of the neighborhood, we felt like an approval of this proposal was within our duties as a committee.

After a discussion about the proposed tramway, the committee decided to approve the proposed construction as long as it met the general requirements called out in Section 4 of the "Boat Dock Use and Access Easement" agreement, dated September 13, 1989. This Agreement has been recorded in the Real Property Records of Travis County, Texas, as document number: 89085541.

Respectfully submitted,  
John Stockton  
Vice President Operations  
Architectural Control Committee Chair



# 4209 Hidden Canyon Cove

100-Year Fully Developed and  
FEHA Floodplain @ 494.1  
Shoreline @ Elev. 492.9

Lake Austin

75' LA Setback & CVOZ

NO.	TREE LIST	NO.	TREE LIST
1	100' Oak	101	100' Oak
2	100' Oak	102	100' Oak
3	100' Oak	103	100' Oak
4	100' Oak	104	100' Oak
5	100' Oak	105	100' Oak
6	100' Oak	106	100' Oak
7	100' Oak	107	100' Oak
8	100' Oak	108	100' Oak
9	100' Oak	109	100' Oak
10	100' Oak	110	100' Oak
11	100' Oak	111	100' Oak
12	100' Oak	112	100' Oak
13	100' Oak	113	100' Oak
14	100' Oak	114	100' Oak
15	100' Oak	115	100' Oak
16	100' Oak	116	100' Oak
17	100' Oak	117	100' Oak
18	100' Oak	118	100' Oak
19	100' Oak	119	100' Oak
20	100' Oak	120	100' Oak
21	100' Oak	121	100' Oak
22	100' Oak	122	100' Oak
23	100' Oak	123	100' Oak
24	100' Oak	124	100' Oak
25	100' Oak	125	100' Oak
26	100' Oak	126	100' Oak
27	100' Oak	127	100' Oak
28	100' Oak	128	100' Oak
29	100' Oak	129	100' Oak
30	100' Oak	130	100' Oak
31	100' Oak	131	100' Oak
32	100' Oak	132	100' Oak
33	100' Oak	133	100' Oak
34	100' Oak	134	100' Oak
35	100' Oak	135	100' Oak
36	100' Oak	136	100' Oak
37	100' Oak	137	100' Oak
38	100' Oak	138	100' Oak
39	100' Oak	139	100' Oak
40	100' Oak	140	100' Oak
41	100' Oak	141	100' Oak
42	100' Oak	142	100' Oak
43	100' Oak	143	100' Oak
44	100' Oak	144	100' Oak
45	100' Oak	145	100' Oak
46	100' Oak	146	100' Oak
47	100' Oak	147	100' Oak
48	100' Oak	148	100' Oak
49	100' Oak	149	100' Oak
50	100' Oak	150	100' Oak
51	100' Oak	151	100' Oak
52	100' Oak	152	100' Oak
53	100' Oak	153	100' Oak
54	100' Oak	154	100' Oak
55	100' Oak	155	100' Oak
56	100' Oak	156	100' Oak
57	100' Oak	157	100' Oak
58	100' Oak	158	100' Oak
59	100' Oak	159	100' Oak
60	100' Oak	160	100' Oak
61	100' Oak	161	100' Oak
62	100' Oak	162	100' Oak
63	100' Oak	163	100' Oak
64	100' Oak	164	100' Oak
65	100' Oak	165	100' Oak
66	100' Oak	166	100' Oak
67	100' Oak	167	100' Oak
68	100' Oak	168	100' Oak
69	100' Oak	169	100' Oak
70	100' Oak	170	100' Oak
71	100' Oak	171	100' Oak
72	100' Oak	172	100' Oak
73	100' Oak	173	100' Oak
74	100' Oak	174	100' Oak
75	100' Oak	175	100' Oak
76	100' Oak	176	100' Oak
77	100' Oak	177	100' Oak
78	100' Oak	178	100' Oak
79	100' Oak	179	100' Oak
80	100' Oak	180	100' Oak
81	100' Oak	181	100' Oak
82	100' Oak	182	100' Oak
83	100' Oak	183	100' Oak
84	100' Oak	184	100' Oak
85	100' Oak	185	100' Oak
86	100' Oak	186	100' Oak
87	100' Oak	187	100' Oak
88	100' Oak	188	100' Oak
89	100' Oak	189	100' Oak
90	100' Oak	190	100' Oak
91	100' Oak	191	100' Oak
92	100' Oak	192	100' Oak
93	100' Oak	193	100' Oak
94	100' Oak	194	100' Oak
95	100' Oak	195	100' Oak
96	100' Oak	196	100' Oak
97	100' Oak	197	100' Oak
98	100' Oak	198	100' Oak
99	100' Oak	199	100' Oak
100	100' Oak	200	100' Oak

Existing

4209 Hidden Canyon Cove

AUPPER COMPANY

Engineering & Surveying  
10000 DOWNEY ROAD, SUITE 200, DALLAS, TEXAS 75243  
PHONE: 214.358.8341



DATE: 10/10/2024	BY: J. SMITH
SCALE: 1" = 40'	APP'D: J. SMITH
PROJECT: 4209 Hidden Canyon Cove	CHECKED: J. SMITH
SHEET: 1 OF 1	

5/2



# 4209 Hidden Canyon Cove

17 1/2

THE PRESERVE

STATE OF TEXAS  
COUNTY OF DALLAS  
I, the undersigned, being a duly qualified and licensed Surveyor in and for the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in the books of the County Clerk of said County, Texas, to which said books the original has been duly recorded.

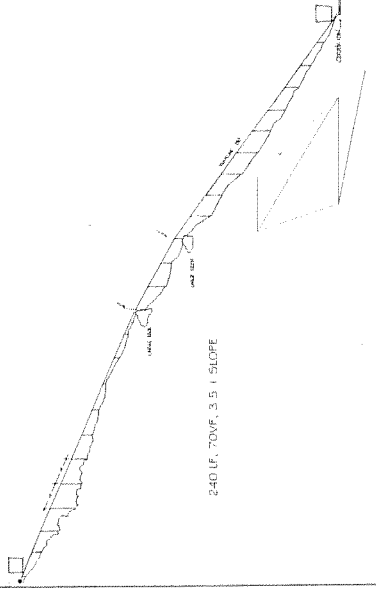
WITNESSED my hand and seal of office this 12th day of May, 1915.  
Notary Public for the State of Texas  
J. H. [Signature]  
My Comm. Expires [Date]

APPROVED AND FORWARDED:  
[Signature]  
[Title]  
[Date]

APPROVED AND FORWARDED:  
[Signature]  
[Title]  
[Date]

APPROVED AND FORWARDED:  
[Signature]  
[Title]  
[Date]

TRAM PROFILE



Val. 62 Page 123

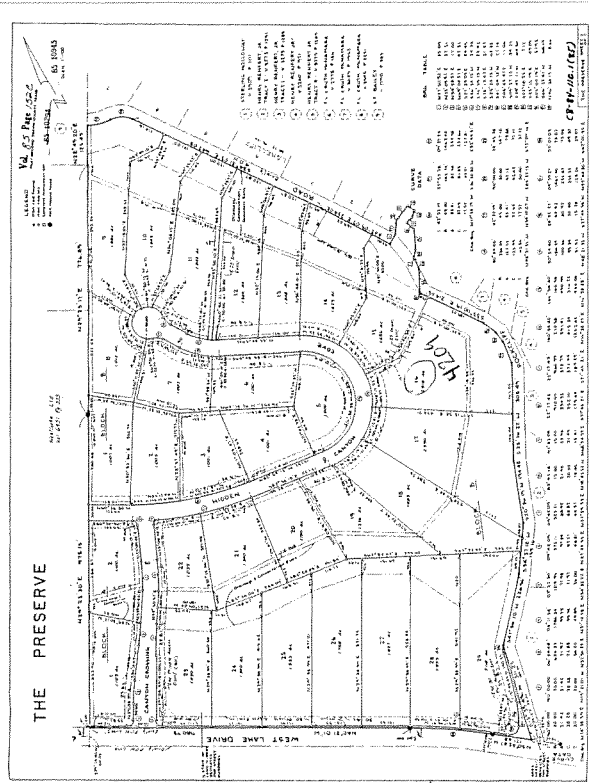
THE PRESERVE

APPROVED AND FORWARDED:  
[Signature]  
[Title]  
[Date]

APPROVED AND FORWARDED:  
[Signature]  
[Title]  
[Date]

APPROVED AND FORWARDED:  
[Signature]  
[Title]  
[Date]

APPROVED AND FORWARDED:  
[Signature]  
[Title]  
[Date]



4209 Hidden Canyon Cove  
SUBDIVISION PLAT #  
TRAM PROFILE

AUPPERLE COMPANY  
Engineering, Planning & Development Services  
1008 Commerce Drive, Suite 100, Dallas, Texas 75213  
Phone: 214-342-1234



NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

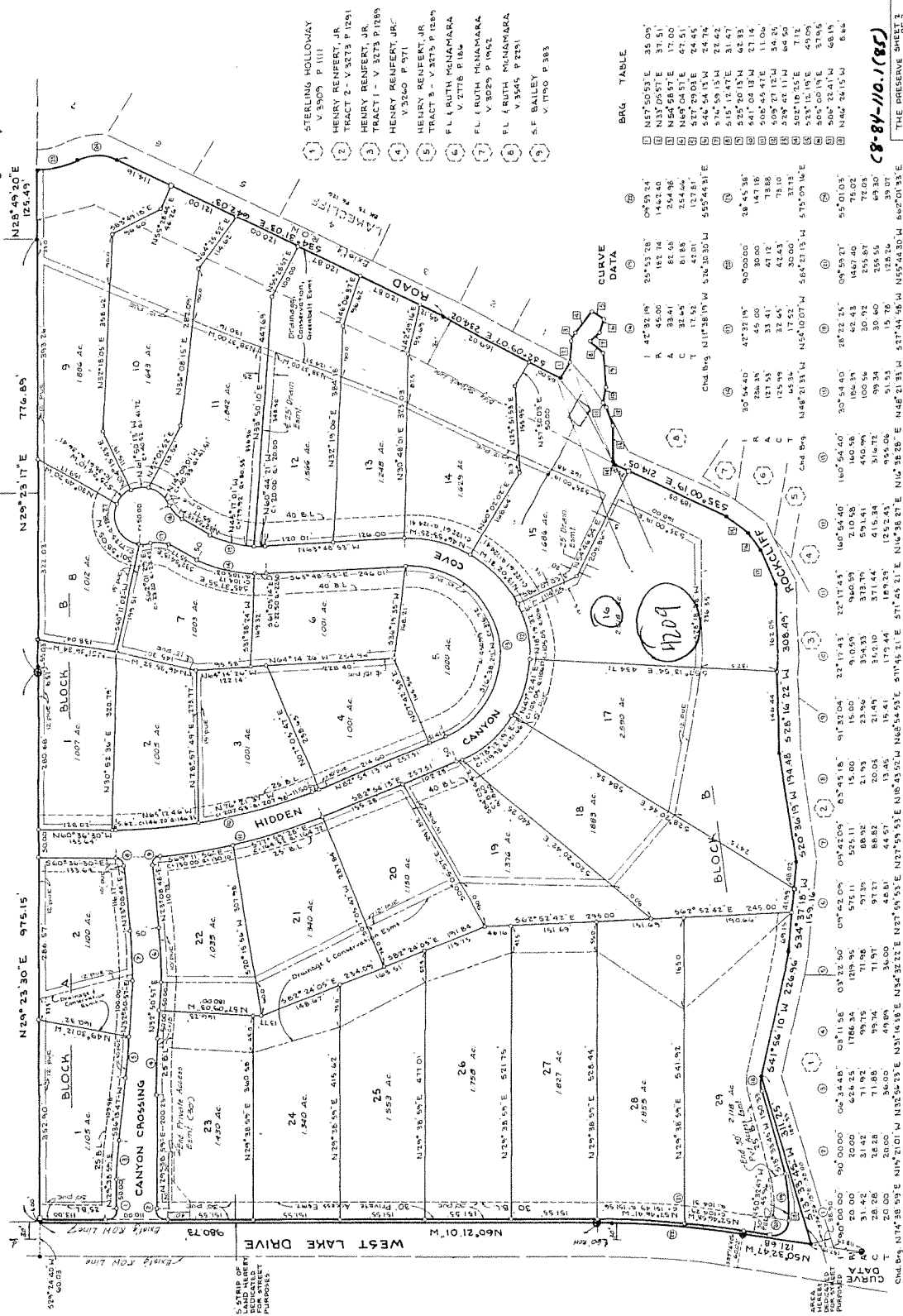
4209 Hidden Canyon Cove
Subdivision Plat #
Tram Profile
Sheet
4

Vol. 85 Page 152C

LEGEND

Westlake Ltd.  
Vol. 6951 Pg. 333

85 10945  
scale: 1"=100'

$$\frac{1}{2}$$


Amot Kitz Vit 9833 to 309

THE PRESERVE


STATE OF TEXAS:  
COUNTY OF TRAVIS:

KNOW ALL MEN BY THESE PRESENTS:  
That Resclair Joint Venture, a Texas Joint Venture in Travis County, Texas, acting herein by and through its duly authorized officers and agents, do hereby certify that the land out of the William Brown Survey No. 2 in Travis County, Texas, as conveyed to it in deed of Volume 9503, Page 128; Volume 9501, Page 703; Volume 9504, Page 61; Volume 9501, Page 1661 and tract of land in accordance with this plat, said subdivision to be known as

THE PRESERVE

and do hereby grant to the public the streets and easements shown hereon, subject to any easements or restrictions hereafter granted.

WITNESS MY HAND, this the 24th day of April, 1985 A.D.

ATTEST:  
  
Charles H. V. Williams  
2200 N. Hill Avenue, Suite 303  
Austin, Texas 78701  
COUNTY OF TRAVIS:

BEFORE ME, the undersigned authority, on this the 24th day of April, 1985 A.D., personally appeared \_\_\_\_\_, who having first been by me duly sworn, upon his oath declared and acknowledged that he is the person whose name is subscribed to the foregoing instrument of writing.

SUBSCRIBED TO AND SIGNED BEFORE ME on this the 24th day of April, 1985 A.D.

My Commission Expires:  
Notary Public in and for Travis County, Texas  
Print Name: MELISSA WEBB  
8-12-87


In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the plat shall be subject to the provisions of the Public Utilities Act, Chapter 49, Article 1, Section 1, of the Texas Constitution, and that the plat shall be subject to the provisions of the Public Utilities Act, Chapter 49, Article 1, Section 1, of the Texas Constitution, and that the plat shall be subject to the provisions of the Public Utilities Act, Chapter 49, Article 1, Section 1, of the Texas Constitution.

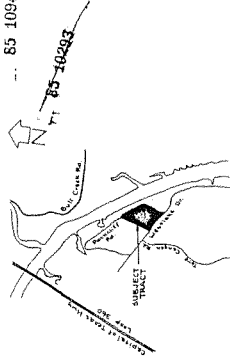
Be it resolved by the Commissioners Court of Travis County, Texas: That acceptance for maintenance by Travis County, Texas, of the roads or streets in Real-Estate Subdivisions does not obligate the County to install street marking signs, as this is considered to be a part of the developer's construction; but the responsibility of the County, such as for speed limits and STOP and YIELD signs, shall remain the responsibility of the County.

HEALTH DEPARTMENT NOTES:

- 1) This subdivision is restricted to single family dwellings only.
- 2) No dwelling in this subdivision shall be occupied until connected to the City of Austin water system, or to a potable water supply from an approved community water system with adequate quantity for family use.
- 3) Prior to the construction of any dwelling, the owner shall obtain approval for the proposed wastewater disposal system from the Austin-Travis County Health Department.
- 4) All lots shall be restricted to some type of on site disposal system approved by the Austin-Travis County Health Department.

AUSTIN-TRAVIS COUNTY HEALTH DEPARTMENT

  
James H. Brown, P.E.  
County Engineer  
3-21-85  
Date



LOCATION MAP

APPROVED FOR ACCEPTANCE:  
  
James B. Duncan, Director, Officer of Land Development Services  
Date 5-7-85

ACCEPTED AND AUTHORIZED FOR RECORD by the Planning Commission, City of Austin, Travis County, Texas, this the 7th day of MAY, 1985 A.D.

  
Juanita E. Fowler  
County Clerk, Travis County, Texas

FILED FOR RECORD, this the 3rd day of June, 1985 A.D., at 1:10 o'clock A.M.  
Boris Shupshire, Clerk, County Court, Travis County, Texas.

Deputy  
  
E. WALL  
COUNTY OF TRAVIS:

STATE OF TEXAS:  
COUNTY OF TRAVIS:  
I, Boris Shupshire, County Clerk of Travis County, Texas, within and for the County and State aforesaid, do hereby certify that on the 24th day of April, 1985 A.D., the Commissioners Court of Travis County, Texas, did approve and authorize the recording of this plat, and that said plat was duly entered in the Minutes of said Court in Book 82, Page 418.

WITNESS MY HAND AND SEAL OF OFFICE, this the 29th day of May, 1985 A.D.

Deputy  
  
E. WALL  
COUNTY OF TRAVIS:

I, Boris Shupshire, County Clerk of Travis County, Texas, within and for the County and State aforesaid, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record on the 3rd day of June, 1985 A.D., at 1:10 o'clock A.M. and duly recorded on the 3rd day of June, 1985 A.D., at 1:10 o'clock A.M. in the Public Records of said County in Book 82, Page 418.

WITNESS MY HAND AND SEAL OF THE COURT OF said County, the date last written above.

Deputy  
  
E. WALL  
COUNTY OF TRAVIS:

SURVEYOR'S NOTE: I, Judith K. Terrell, being authorized under the laws of the State of Texas to practice the art of Surveying, hereby certify that this plat complies with Chapter 13-3 of the Austin City Code, is true and correct, and was prepared from a survey made on the ground under my supervision.

MCDAY & MCDAY LAND SURVEYORS, INC.  
10000 North Loop West, Suite 6  
Austin, Texas 78753

  
Judith K. Terrell  
Professional Surveyor No. 4591-8591  
Date April 1985

REMARKS:

1. Measurements of the plat have been made in accordance with the requirements of the Public Utilities Act, Chapter 49, Article 1, Section 1, of the Texas Constitution.
2. No lot or any lot shall exceed a maximum of four (4) acres in area, and no lot shall be greater than one-half (1/2) section.
3. All building foundations on lots of fifteen (15) acres or more shall be constructed on a permanent and stable foundation and shall be subject to the provisions of the Public Utilities Act, Chapter 49, Article 1, Section 1, of the Texas Constitution.
4. Every lot shall be reasonably divisible by a well-defined street or road, and the owner of the lot shall be responsible for the maintenance of the same.
5. A public-use driveway, constructed by the owner of the lot, shall be subject to the provisions of the Public Utilities Act, Chapter 49, Article 1, Section 1, of the Texas Constitution.

2/1/85



41  
29

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet**

**DATE: Monday, September 14, 2015**

**CASE NUMBER: C15-2015-0112**

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Michael Benaglio 2<sup>nd</sup> the Motion  
☐ Y ☐ William Burkhardt  
☐ N/A ☐ Eric Goff  
☐ Y ☐ Vincent Harding (Chair)  
☐ Y ☐ Melissa Hawthorne (Vice-Chair)  
☐ Y ☐ Don Leighton-Burwell  
☐ OUT ☐ Melissa Neslund  
☐ Y ☐ James Valadez  
☐ Y ☐ Michael Von Ohlen **Motion to Deny both Items A & B**

**APPLICANT: Bruce S. Aupperle, P.E.**

**OWNER: Carl Lauryssen**

**ADDRESS: 4209 AND 4213 HIDDEN CANYON CV**

**VARIANCE REQUESTED:** The applicant has requested variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations):

A. (B) (3) (a) to permit a mechanized pedestrian access facility within a shoreline setback area, where no structures are allowed except that: (a) a bulkhead, retaining wall, dock, non-mechanized pedestrian facility, or marina may be constructed and maintained in accordance with applicable regulations of this title (requested); and from

B. (E) (2) to permit development other than a fence, driveway, road or utility that cannot be reasonably placed elsewhere on a slope with a gradient of more than 35% (requested)

in order to construct a tram in an in a "LA", Lake Austin zoning district.

**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to September 14, 2015, Board Member Michael Benaglio second on a 8-0 vote; **POSTPONED TO SEPTEMBER 14, 2015, NEED TO RENOTIFY & ADD 4213 ADDRESS**

**RENOTIFICATION REQUEST:** The applicant has requested variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations):

A. (B) (3) (a) to permit a mechanized pedestrian access facility within a shoreline setback area, where no structures are allowed except that: (a) a bulkhead, retaining wall, dock, non-mechanized pedestrian facility, or marina may be constructed and maintained in accordance with applicable regulations of this title (requested); and from

B. (E) (2) to permit development other than a fence, driveway, road or utility that cannot be reasonably placed elsewhere on a slope with a gradient of more than 35% (requested)

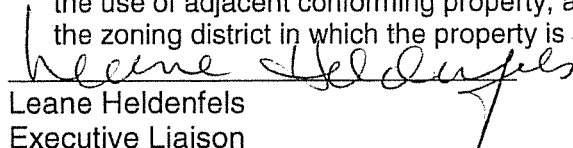
in order to construct a tram on these lots in an in a "LA", Lake Austin zoning district.

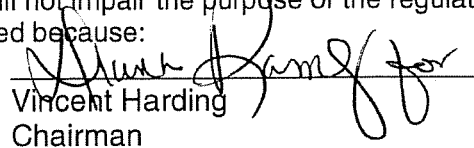
**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Deny Items A and B, Board Member Michael Benaglio second on a 8-0 vote; **DENIED BOTH ITEMS A and B.**

41  
30

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

  
Leane Heldenfels  
Executive Liaison

  
Vincent Harding  
Chairman

Heldenfels, Leane

C15-2015-0112

**From:** david cancelosi <davidcancelosi@gmail.com>  
**Sent:** Tuesday, September 22, 2015 2:38 PM  
**To:** Heldenfels, Leane; Ramirez, Diana  
**Cc:** daryssen@gmail.com; Terry Irion Office; [REDACTED]  
**Subject:** 4209 Hidden Canyon Cove

41/31

Leane, Diana,

Regarding the above mentioned case there will be a agent change from Bruce to me. I will be filing a reconsideration prior to close of business this Thursday and asking the board for a postponement while we work on a few very important issues that have only recently come to light which were not available during the preparation of the original case file.

Please let me know if there's anything in particular you need from me or if there is a date certain that I need to supply you my formal letter of reconsideration by. Otherwise I'll be working on the letter and will get it to you on or before Thursday close of business.

Please confirm receipt. Thanks!

Kind Regards,  
DC

Sent from a mobile device. There will be typos.

CASE# CG-2015-0112  
ROW# 11385463  
TAX# 0129090111  
ICAD ✓

LI  
32

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

**WARNING: Filing of this appeal stops all affected construction activity.**

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED  
INFORMATION COMPLETED.

STREET ADDRESS: 4209 Hidden Canyon Cove

LEGAL DESCRIPTION: Subdivision – The Preserve

Lot(s) 16 & 15 Block B Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Bruce S Aupperle, P.E. on behalf of myself/ourselves as authorized agent for

Carl Lauryssen affirm that on 6/1, 2015,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development  
Code you are seeking a variance from)

X ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL \_\_\_ MAINTAIN

Variance from Sections 25-2-551(B)(3)(a) and 25-2-551(E)(2) to allow construction of a tram in the shoreline  
setback that will be used to provide pedestrian access to an existing boat dock over steep and rugged terrain.

in a LA district.  
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence  
supporting the findings described below. Therefore, you must complete each of the applicable  
Findings Statements as part of your application. Failure to do so may result in your application  
being rejected as incomplete. Please attach any additional support documents.

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

41  
33

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The shoreline setback area is only applicable to property zoned "LA" and does not apply to other zoning districts along Lake Austin. Without the variance the applicant would not be able to access all areas of the property.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

The property has extreme slope challenges (greater than 35% between the home and the dock and shoreline) without the construction of a tram there is no other means of access to the proposed boat dock.

- (b) The hardship is not general to the area in which the property is located because:

The majority of the properties along this area of Lake Austin do not have the same topography issues as this lot. The terrain of the adjacent lots are more gradual in nature and are accessible using other means of pedestrian access.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The variance will not alter the character of the area because the tram will be screened with existing and proposed vegetation, and all setbacks will be adhered to. For property zoned LA, other improvements are allowed in the shoreline setback which would have a greater impact environmentally and visually on surrounding properties, such as a driveway and road. However, these types of improvements are not feasible due to existing site conditions. Therefore a tram is the only means of access for this applicant.

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

41  
34

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

---

---

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

---

---

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

---

---

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] M.D. Mail Address 4209 Hidden Canyon Cove

City, State & Zip Austin, Texas, 78746

Printed Carl Lanyssen Phone 310 7706849 Date 6/1/2015

41  
35

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

---

---

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

---

---

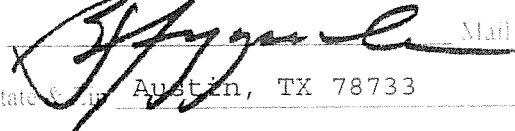
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

---

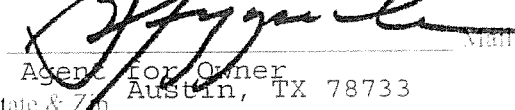
---

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 10088 Circlevue Dr.  
City, State & Zip Austin, TX 78733  
Printed 6/1/15 Phone 512-329-8241 Date 6/1/15








**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 10088 Circlevue Dr.  
Agent for Owner  
City, State & Zip Austin, TX 78733  
Printed 6/1/15 Phone 512-329-8241 Date 6/1/15

4209 HIDDEN CANYON AERIAL 2012



Legend

-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.



41/31

L. GORDON STEARNS & ASSOCIATES, INC.		SURVEY PLAT
11303 TEDFORD STREET, AUSTIN, TEXAS 78753 / 512-835-0633		
LOCAL ADDRESS: 4209 HIDDEN CANYON COVE	REFERENCE NAME: ROBBY KEITH MORRIAM	
LEGAL DESCRIPTION: Lot - 16	Block - 8 LUCINDA S. MORRIAM, of	
THE PRESERVE		
a subdivision in the COUNTY of TRAVIS, Texas, of record in Plat Book 83 of Page 1320 & 1320		
of the TRAVIS County, Texas, Plat Records.		

**LOT 16**

Easement for boat access as recorded in Vol. 14721, Page 1362, Property Records of Travis County, Texas.

Conservation, maintenance, drainage, access and right (to make changes and additions to easements as recorded in Vol. 9189, Page 442 and Vol. 10721, Page 1362, Property Records of Travis County, Texas.)

Overflow easement to height of high tide (PLAT) constructed as recorded in Vol. 106, Page 53 and Vol. 275, Page 68, Deed Records of Travis County, Texas, easements made in 1892 and 1915.

STATE OF TEXAS COUNTY OF TRAVIS	TO THE LIEN HOLDERS AND OWNERS OF THE PROPERTIES SURVEYED AND TO THE PRIME LENDING, INC.
THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE TRACT LEGALLY DESCRIBED HEREON AND IS CORRECT AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON AND THAT SAID TRACT HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.	
I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FED. INS. ADM. DEPT. OF HUD. FLOOD HAZARD BOUNDARY MAP DATED APRIL 1, 82, SEPT 81.	
<i>L. Gordon Stearns</i>	DATED - FEBRUARY 5TH, 1992 A.D.
L. GORDON STEARNS / REGISTERED PROFESSIONAL LAND SURVEYOR / NO. 2467	

JOB NO.  
10533



DOC. NO.

89085541

FILM CODE

00004525159

BOAT DOCK USE AND ACCESS  
EASEMENT

STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS: 890855.41-0004

19.00 IN

10/03/89

14.61-CHK

THAT ROCKCLIFF JOINT VENTURE, a Texas joint venture, owners of Lot 15, Block "B" of the Preserve subdivision, a plat of record recorded at Plat Book 85, page 152-C, Plat Records of Travis County, Texas (hereinafter referred to as the Servient Estate) joined by ALLIANCE BANK, NATIONAL ASSOCIATION, a National banking association, owners of an equitable interest in the Servient Estate, hereinafter collectively referred to as "Grantor," for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, to Grantor in hand paid by Bobby Keith Moreland (hereinafter referred to as "Grantee"), has this day GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto Grantee, his (its) heirs, administrators and executors (successors and assigns), an unobstructed, perpetual and nonexclusive easement of access in, on, under, over, through and across a strip of land 20 feet in width on the Servient Estate, as fully described on Exhibit "A" hereto, for the purpose of constructing, installing, maintaining, using and repairing one or more water and/or electric utility facilities and pedestrian access ways to a boat dock and mooring slip located on the said Lot 15, Block B and a use easement to the easternmost boat dock slip located on said Lot 15, Block B (hereinafter collectively referred to as the Subject Easement), for the benefit of and as an easement appurtenant to Grantee's adjacent tract of land, more particularly described as LOT 16, BLOCK B, The Preserve Subdivision, a plat of record in

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

MISC\EASEMENT.1

- 1 -

11035 2594

44/40

Book 85, Page 152-C, Plat Records of Travis County, Texas, hereinafter referred to as the "Dominant Estate."

This Easement is granted for the purpose of providing naval access to Lake Austin from the adjacent Servient Estate and mooring rights for a boat to be harbored in the easternmost boat dock slip located and maintained on the Servient Estate as an easement appurtenant to the recreational activities incident to the use and enjoyment of the Dominant Estate, subject, however, to the following restriction:

1. Lighting - any lighting installed by Grantee shall be of low intensity. The lighting shall be shaded with metal or other opaque covering to direct all illumination downward. No mercury vapor, high pressure or low pressure sodium, or other type of high intensity lights shall be used. No lights shall be installed on poles or standards more than four (4) feet in height. All lighting shall be installed according to all City of Austin construction codes. Grantee shall keep all lighting in good condition and repair.
2. Electric/Water Connections - All electric and/or water connections shall be installed at or below ground level, and any electric connections shall be installed according to all City of Austin construction codes. All connections shall be solely for the use of the owners of the Dominant Estate, and the connections shall not be used for any commercial or business purpose. Grantee shall keep all electric and/or water connections in good condition and repair. Grantor retains the right to install electric and/or water connections adjacent to those installed by Grantee.
3. Walkways - Any walkway installed by Grantee shall be no more than forty-eight (48") inches in width. The walkway must be constructed of

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

41

cement, iron, steel, stone, wood or similar material. No asphalt or other oil based material shall be used. No trees shall be removed for a walkway or tramway without Grantor's prior written consent, which shall not be unreasonably withheld. Any walkways shall not be enclosed or bordered by fencing. No canopy or roof over the walkway is allowed. No motorized vehicles of any kind shall be used on the walkway or within the Subject Easement. Prior to any construction, Grantee shall provide to Grantor and the Architectural Control Committee of The Preserve subdivision (the ACC) copies of all drawings or blueprints for the proposed walkway, and shall obtain the written consent of Grantor and the ACC to the design, which shall not be unreasonably withheld.

4. Tramway - Any design for a tramway shall be submitted to Grantor and the ACC for approval and Grantee shall obtain the prior written consent of Grantor and to the ACC to the design, which shall not be unreasonably withheld. Any tramway shall be electrically powered. The specifications for tramway shall be engineered so as to minimize noise using equipment such as rubber wheels. The tramway must be designed in accordance with all City of Austin construction codes. Any tramway must be designed to travel on rails or a track; no overhead suspended or overhead powered design shall be allowed.
5. Boat Dock - Grantee agrees to keep the easternmost boat dock in good condition and repair. Grantee shall not allow any personal property, other than one boat, to remain at the boat dock, unless stored in the adjacent storage building. Grantor and Grantee agree to divide the cost of general maintenance to the boat dock structure.

L1  
42

6. Indemnity - Grantee agrees to indemnify and hold harmless Grantor, his heirs, executors, assigns, from all claims, demands, or causes of action including attorney fees incurred in defending any such actions, whether for property damage, personal injury or both, to any property or person using or occupying the subject easement at Grantee's request or with Grantee's permission including damage or injury due in any part to the negligence of Grantor, resulting from use of or occurring on the Subject Easement, including the boat slip. Provided, further, that Grantee agrees to repair any damage to Grantor's property caused by Grantees use of the Subject Easement or construction thereon.

Grantee shall have the right to enter upon the land covered by the Subject Easement at any time the Grantee deems proper for the purpose of exercising Grantee's rights and privileges hereunder. Grantee shall at all times conduct its uses on and with respect to the Subject Easement in such a manner as not to create a nuisance or to cause any detrimental effects to the Servient Estate.

The parties hereto expressly disclaim the creation of any rights in or for the benefit of the public in the granting of this Easement.

TO HAVE AND TO HOLD the Subject Easement, together with all and singular the rights and appurtenances thereunto in any wise belonging unto Grantee, his (its) heirs, administrators and executors (successors and assigns), forever; and Grantor does hereby bind itself its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Subject Easement unto Grantee, his heirs, administrators and executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

MISC\EASEMENT.1

- 4 -

11035 2597

EXECUTED this 13th day of September, 1989.

4  
43

ROCKCLIFF JOINT VENTURE,  
a Texas joint venture

BY: Alston Boyd, Managing Venturer  
ALSTON BOYD, Managing Venturer

ALLIANCE BANK, NATIONAL ASSOCIATION,  
a National Banking Association

BY: Amy P. Hur  
Banking Officer, Alliance Bank, N.A.

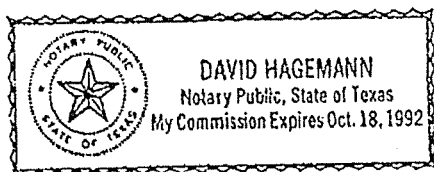
BY: \_\_\_\_\_

BY: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 13th day of September, 1989, by ALSTON BOYD, Managing Venturer of ROCKCLIFF JOINT VENTURE, a Texas joint venture.



David Hagemann  
NOTARY PUBLIC, STATE OF TEXAS

David Hagemann  
PRINTED OR TYPED NAME OF NOTARY  
MY COMMISSION EXPIRES: Oct 18, 1992

(After recording please return to:

Terrence Lang Irion, Esq.  
CLARK, THOMAS, WINTERS & NEWTON  
P. O. Box 1148  
Austin, TX 78767)

MISC\EASEMENT.1

- 5 -

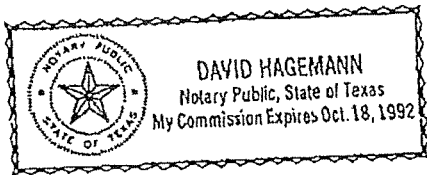
REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

11035 2598

41/44

STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 13<sup>th</sup> day of September, 1989, by Amy P. Hue, BANKING OFFICER of ALLIANCE BANK, NATIONAL ASSOCIATION, a National banking association.



David Hagemann  
NOTARY PUBLIC, STATE OF TEXAS  
David Hagemann  
PRINTED OR TYPED NAME OF NOTARY  
MY COMMISSION EXPIRES: Oct. 18, 1992

STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 1989 by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS  
\_\_\_\_\_  
PRINTED OR TYPED NAME OF NOTARY  
MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 1989, by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS  
\_\_\_\_\_  
PRINTED OR TYPED NAME OF NOTARY  
MY COMMISSION EXPIRES: \_\_\_\_\_



## EXHIBIT "A"

4/45

20' Easement  
The Preserve

## DESCRIPTION

FEET IN

Q3 APH

DESCRIPTION OF A STRIP OF LAND TWENTY (20) WIDTH, SAME BEING OUT OF LOT 15, BLOCK B, OF THE PRESERVE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, OF RECORD IN PLAT 85, PAGE 152B-152C, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; THE CENTERLINE OF SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the southeast line of said Lot 15, same being the northwest line of Lot 16, of said Block B, same being the most southerly point of the herein described centerline, and from which point of beginning a spindle found at the common southwest lot corner of said Lots 15 and 16, same being in the northeast line of Hidden Canyon Cove, bears S54°46'54"W 161.44 feet to a 1/2" iron rod found and N86°07'03"W 114.55 feet;

THENCE, crossing said Lot 15, with the centerline of said twenty (20) foot strip of land, same being generally with an exposed three inch PVC pipe and an exposed one inch steel conduit, the following nine (9) courses:

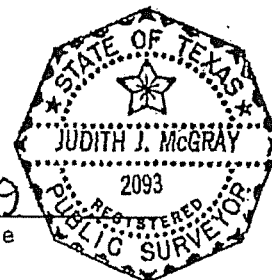
- 1) N18°36'31"W 6.90 feet to a point;
- 2) N08°43'41"W 18.73 feet to a point;
- 3) N00°15'44"E 21.94 feet to a point;
- 4) N07°13'15"E 19.40 feet to a point;
- 5) N09°27'07"W 25.79 feet to a point;
- 6) N16°38'06"W 26.93 feet to a point;
- 7) N14°23'15"W 30.19 feet to a point;
- 8) N05°28'24"W 25.19 feet to a point; and
- 9) N07°03'31"E 17.10 feet to a point where said pipe and conduit become buried;

THENCE, N08°19'39"E 15.97 to a valve box and N34°45'47"W 27.87 feet to the southwest corner of a boat dock, same being the POINT OF TERMINATION, from which point of termination a 1/2 inch iron rod found at an angle point in the east line of said Lot 15 bears N37°17'19"W 38.35 feet.

SURVEYED BY: McGRAY & McGRAY LAND SURVEYORS, INC.  
3301 Hancock Drive, Suite 6  
Austin, Texas 78731 451-8591

*Judith J. McGray*  
Judith J. McGray, Reg. Public Surveyor No. 2093  
890091

4-19-89 Date



REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

11035 2600

EXHIBIT "A" PAGE 1

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS  
2604 11035 98011

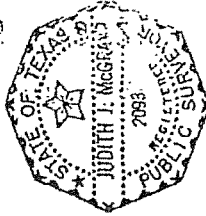
14

SKETCH OF  
CENTERLINE OF A TWENTY  
FOOT WIDE STRIP OF LAND  
IN LOT 15 BLOCK B  
THE PRESERVE

EX. 85 P. 152 B & 152C  
TRAVIS COUNTY, TEXAS

SCALE: 1"=50'

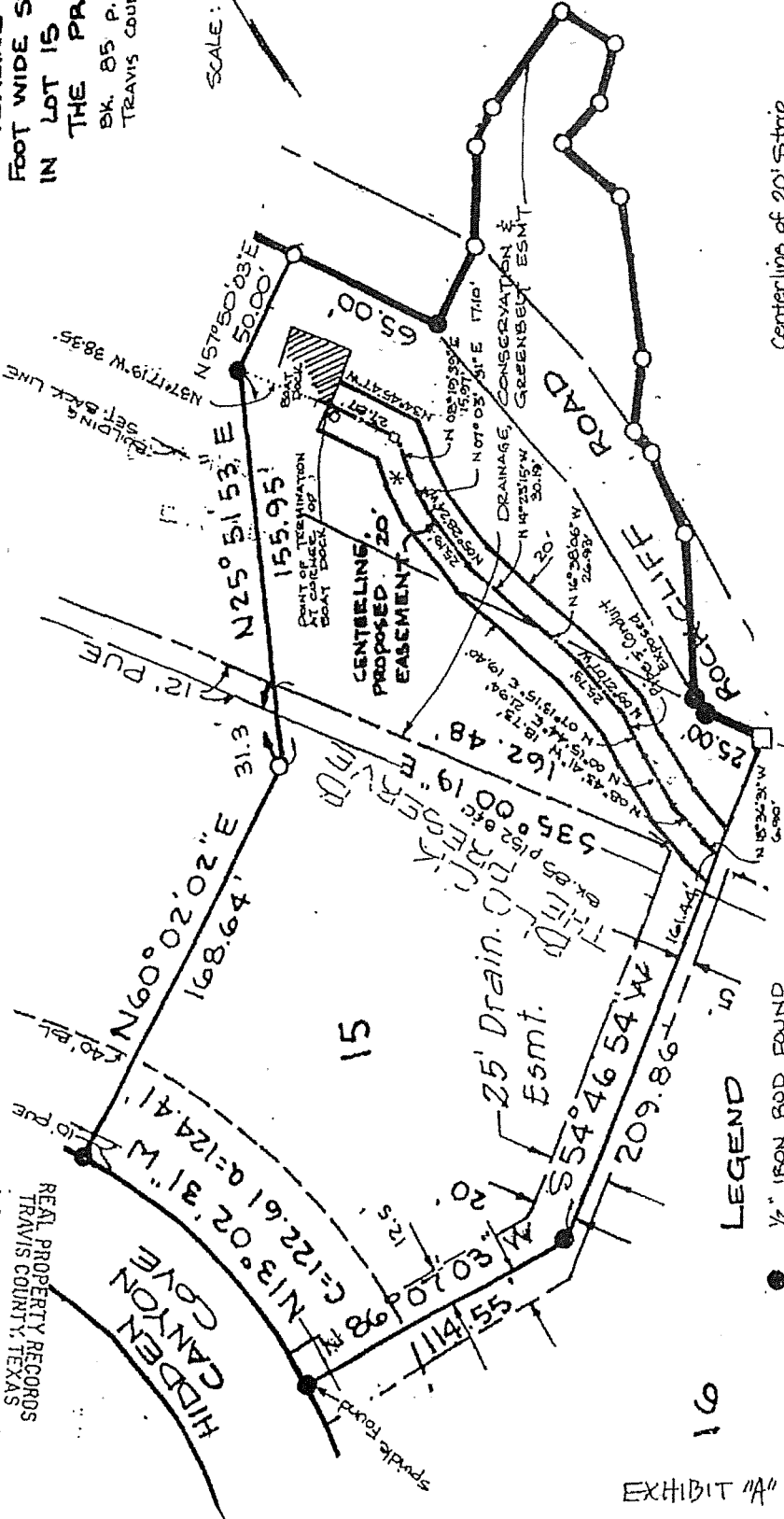
EXHIBIT "A" 0322



Centerline of 20' Strip  
SURVEYED BY:  
McGRAY & McGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE, SUITE 6  
AUSTIN, TEXAS 78731

Judith J. McGray 4-19-89  
JUDITH J. McGRAY  
REG. PUBLIC SURVEYOR NO. 2093 DATE

46



LEGEND  
● 1/2" IRON ROD FOUND  
□ VALVE BOX

Notes: 1/2 of 20' Strip follows generally an exposed 3" PVC pipe and an exposed 1" steel conduit. \* the pipe and conduit become buried at this point.

The base sketch is an enlargement of the record subdivision plat and may be out of scale.

DD: 215  
JES: 8500001  
FB: MM 5320/64

EXHIBIT "A" PAGE 2

41  
47

1035 2601

STATE OF TEXAS                      COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on  
the date and at the time and place herein by me, and  
was duly RECORDED, in the Volume and Page of the  
named RECORDS of Travis County, Texas, on

OCT 3 1989



*Anna DeBeauvoir*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED  
OCT 3 4:32 PM '89  
DANA DEBEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

RECORDER'S MEMORANDUM:  
At the time of recording, this instrument was  
found to be inadequate for the best photographic  
reproduction because of illegibility, carbon or  
photocopy, discolored paper, etc. All blockouts,  
additions, and changes were present at the time  
the instrument was filed and recorded.

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS  
1035 2602

8606 3313 SM  
5.00

4/43

AMENDMENT TO  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR  
THE PRESERVE SUBDIVISION

4 10 6776

2000 243020 5.00 MISC  
2 09/13/86

The Declaration of Covenants, Conditions and Restrictions for The Preserve Subdivision, hereinafter referred to as the "Declaration", was adopted and signed by Allan Nutt, Christopher Yurkanan and Boyd & Associates, general partners of Rockcliff Joint Venture, a Texas joint venture, hereinafter referred to as the "Declarant", on May 6, 1985, and recorded in volume 9189, pages 442 - 463 of the Real Property Records of Travis County, Texas.

The Declarant hereby amends that Declaration of May 6, 1986, by the addition of the following, which are specific exceptions to Section 9.03, titled "Conservation Easement":

A driveway may be built within the Conservation Easement, starting at Rockcliff Road and extending across Lots B9, B10, B11, B12, B13, B14 and B15 in order to provide access for boat dock construction, use and maintenance.

Clearing and construction of a stairway or elevator from the top of the bluff down to the boat dock area will be allowed in the Conservation Easement on Lots B9, B10, B11, B12, B13, B14 and B15. Before construction, plans must be submitted and approved by the ACC.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has set its hand and seal this 18th day of July, 1986.

BY A. Nutt  
Allan Nutt  
BY Alston Boyd  
Alston Boyd - Boyd & Associates  
BY Christopher Yurkanan  
Christopher Yurkanan

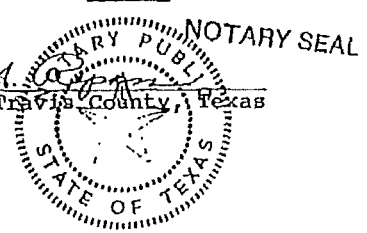
STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Allan Nutt, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, and the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 18th day of July, 1986.

REAL PROPERTY RECORDS  
Travis County, Texas  
Printed name: Geraldine A. Repass  
My commission expires: 3-28-86

Geraldine A. Repass  
Notary Public, Travis County, Texas



09833 0309

41/49

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Alston Boyd, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, and the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 18<sup>th</sup> day of July, 1986.

Geraldine A. Repass  
Notary Public, Travis County, Texas

Printed name: Geraldine A. Repass

My commission expires: 3-28-87

NOTARY SEAL

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Christopher Yurkanan, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, and the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 18<sup>th</sup> day of July, 1986.

Geraldine A. Repass  
Notary Public, Travis County, Texas

Printed name: Geraldine A. Repass

My commission expires: 3-28-88

NOTARY SEAL

*Copy & return to:  
Shary Pitts Co/860633/35m*

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was filed on  
the date and at the time stamped hereon by me, and  
was duly RECORDED, in the Volume and Page of the  
County RECORDS of Travis County, Texas on

AUG 13 1986



Geraldine A. Repass  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED

1986 AUG 13 PM 4:26

Doris S. Longshore  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

09833 0310

41/50

WARRANTY DEED WITH VENDOR'S LIEN

1100  
3-65-6828

APR 11 1984 7332 \* 11:00  
THE STATE OF TEXAS §  
COUNTY OF TRAVIS § KNOW ALL MEN BY THESE PRESENTS:

THAT WE, JEAN HOLLOWAY, Individually and THE ESTATE OF STERLING G. HOLLOWAY, DECEASED, acting through its Independent Executrix, Jean Holloway (herein called "Grantors"), for and in consideration of Ten Dollars (\$10.00) and other good and valuable cash considerations to Grantors in hand paid and caused to be paid in the manner hereinafter stated by HARVEY R. CORN, TRUSTEE for A.H.N. EXCHANGE TRUST, HARVEY R. CORN, TRUSTEE for A. B. EXCHANGE TRUST and CHRISTOPHER V. YURKANAN (herein called "Grantees"), the receipt and sufficiency of which are hereby acknowledged, have GRANTED, SOLD and CONVEYED and by these presents do hereby GRANT, SELL and CONVEY unto Grantees the following described real property in Travis County, Texas, together with all improvements located thereon and rights and appurtenances pertaining thereto, including all right, title and interest of Grantors in and to adjacent streets, alleys, rights-of-way, roadways, easements and in-the-ground utilities (herein called the "Property"), to-wit:

8.83 acres of land out of and a part of the William Brown Survey No. 2 in Travis County, Texas, same being a portion of that certain tract of land described in a Deed to Sterling Holloway, of record in Volume 3839, Page 2288, Deed Records of Travis County, Texas, and corrected in Volume 3908, Page 129, Deed Records of Travis County, Texas, one-half interest of which is described in a Correction Deed to Joyce Shelton, of record in Volume 3909, Page 1111, Deed Records of Travis County, Texas; said 8.83 acres of land being more particularly described by metes and bounds in Exhibit "A" attached hereto.

The Property described above is herein conveyed to, and shall be owned by, the said Grantees in the following undivided interests: the said A.H.N. Exchange Trust an undivided 38-1/2% interest; the said A. B. Exchange Trust an undivided 35-1/2%

grantee's address 620 Congress Avenue #305 Austin, TX 78701 8541 684

DEEDS  
Travis County, Texas

41  
51

3-65-6829

interest; and the said Christopher V. Yurkanan an undivided 26% interest.

This conveyance is made and accepted subject to the following to the extent the same are valid and subsisting and pertain to the Property, to-wit:

Five (5') foot by one hundred seventy three (173') foot electric easement to the City of Austin, recorded in Volume 1917, Page 313, Deed Records, Travis County, Texas.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, subject to the foregoing terms, provisions and the vendor's lien herein retained and herein described, unto Grantees in the respective interests stated above, their heirs, legal representatives, successors and assigns, forever; and Grantors do hereby bind themselves, their heirs, legal representatives, successors and assigns, to warrant and forever defend all and singular the Property, subject, however, as aforesaid, unto Grantees, their heirs, legal representatives, successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

Grantees acknowledge and agree, however, that part of the consideration for the Property is the execution and delivery by Grantees of their one certain promissory note (herein called the "Note") of even date herewith, being in the principal sum of Three Hundred Twenty Thousand and No/100 Dollars (\$320,000.00), payable to the order of Grantors, reference being made to the Note for all relevant purposes. To secure the payment of the Note, Grantors do hereby expressly retain a Vendor's Lien and Superior Title upon and against the Property, until the Note is fully paid according to the face, tenor, effect and reading of the Note, whereupon this Deed shall become absolute. The Note is further and additionally secured by a Deed of Trust of even date herewith executed by Grantees covering the Property, to which reference is here made for all relevant purposes.

8541 685

3-65-6830

4  
52

There shall be no more than nine (9) detached single family dwellings constructed on the Property. In addition, there shall be no mobile homes placed on the Property which serve as residences.

EXECUTED AND DELIVERED to be effective the 5<sup>th</sup> day of April, 1984.

Grantees' Address:

620 Congress Avenue  
Suite 305  
Austin, Texas 78701

Jean Holloway  
Jean Holloway, Individually

THE ESTATE OF STERLING C. HOLLOWAY,  
DECEASED

By Jean Holloway  
Jean Holloway, Independent  
Executrix

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 10<sup>th</sup> day of April, 1984, by Jean Holloway, Individually and as Independent Executrix of The Estate of Sterling C. Holloway, Deceased, for said Estate.

NOTARY SEAL

W.H. Thurman  
Notary Public in and for  
the State of Texas

W.H. THURMAN  
My Commission Expires April 18, 1985

My Commission Expires: \_\_\_\_\_

After recording please return to:

Michael A. Wren  
McGinnis, Lochridge & Kilgore  
Fifth Floor, RepublicBank Building  
900 Congress Avenue  
Austin, Texas 78701

8541 686

ivn16a



EXHIBIT "A"

8.83 Acres

DESCRIPTION

3-65-6831

DESCRIPTION OF 8.83 ACRES OF LAND OUT OF AND A PART OF THE WILLIAM BROWN SURVEY NO. 2 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO STERLING HOLLOWAY, OF RECORD IN VOLUME 3839, PAGE 2280, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND CORRECTED IN VOLUME 3908, PAGE 129, DEED RECORDS OF TRAVIS COUNTY, TEXAS, ONE-HALF INTEREST OF WHICH IS DESCRIBED IN A CORRECTION DEED TO JOYCE SHELTON, OF RECORD IN VOLUME 3909, PAGE 1111, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 8.83 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod set at the intersection of the northwest line of said Holloway and Shelton tract, and the northeast line of Westlake Drive as dedicated in Volume 1597, Page 470, Deed Records of Travis County, Texas, same also being in the southeast line of that certain tract of land described in a deed to Joe B. Mitchell of record in Volume 1596, Page 14, Deed Records of Travis County, Texas, for the most westerly corner hereof; and from which Point of Beginning an iron rod found in the southwest line of Westlake Drive bears S29°42'10"W 60.39 feet, and from which point an iron rod in a rock mound found in the northeast line of Westlake Drive bears N60°14'17"W 25.47 feet;

THENCE, with the northwest line of said Holloway and Shelton tract, and the southeast line of said Mitchell tract, N29°42'10"E at 1092.90 feet passing 8.72 feet southeast of a 60d nail found in a rock mound, at 1270.93 feet passing an iron rod found, and at 1276.04 feet passing 10.08 feet southeast of a 60d nail found in a rock mound, in all a total distance of 1359.88 feet to an iron rod set at the intersection of said line with the southwest line of a 35 foot wide Roadway Easement, the centerline of which is described in a deed of record in Volume 4342, Page 847, Deed Records of Travis County, Texas, for the most northerly corner hereof;

THENCE, with the southwest and west lines of said Roadway Easement, the following ten (10) courses:

- 1) S02°18'25"E 7.12 feet to an iron rod set;
- 2) S35°00'19"E 214.05 feet to an iron rod set;
- 3) S23°12'19"E 49.09 feet to an iron rod set;
- 4) S05°00'19"E 37.95 feet to an iron rod set;
- 5) S06°22'41"W 68.19 feet to an iron rod set;
- 6) S28°16'22"W 308.49 feet to an iron rod set, from which point a 60d nail found in the centerline of said 35 foot easement bears S65°33'40"E 17.54 feet;
- 7) S20°36'19"W 194.48 feet to an iron rod set;
- 8) S34°37'18"W 159.16 feet to an iron rod set, from which

8541 687

21  
54

8.83 Acres  
Page 2

3-65-6832

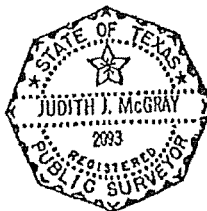
- point a 60d nail found in the centerline of said 35 foot easement bears S51°43'16"E 17.54 feet;
- 9) S41°56'10"W 226.96 feet to an iron rod set; and
- 10) S13°33'45"W 311.25 feet to an iron rod set in the northeast line of said Westlake Drive for the most southerly corner hereof, from which point an iron rod in a rock mound found at the point of intersection of the southeast line of said Holloway and Shelton tract and the northeast line of Westlake Drive, same being the south corner of the second easement described in Volume 1745, Page 235, Deed Records of Travis County, Texas, bears S50°32'47"E 157.19 feet;

THENCE, with the northeast line of Westlake Drive, N50°32'47"W 121.68 feet to an iron rod found in a rock mound for the point of curvature of a curve, the radius of which is 1462.40 feet and from which point an iron rod found in the southwest line of Westlake Drive bears S39°16'40"W 60.02 feet;

THENCE, continuing with the northeast line of Westlake Drive, along said curve to the left an arc distance of 229.52 feet, the chord of which arc bears N55°14'35"W 229.28 feet to the Point of Beginning and continuing 8.83 acres within these metes and bounds.

SURVEYED BY: McGRAY & McGRAY LAND SURVEYORS, INC.  
3301 Hancock Drive, Suite 6  
Austin, Texas 78731 451-8591

*Judith J. McGray*  
Judith J. McGray, Reg. Public Surveyor No. 2093 Date 3-2-84  
84119



STATE OF TEXAS  
COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
date and at the time stamped hereon by me; and was duly  
RECORDED, in the Volume and Page of the named RECORDS  
of Travis County, Texas, as stamp hereon by me, on

APR 11 1984



*Doris Angeline*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED  
APR 12 10 26 AM '84  
*Doris Angeline*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

page 2

8541 688

4  
55

## PUBLIC UTILITY, DRAINAGE AND ACCESS EASEMENT

THE STATE OF TEXAS §  
§  
COUNTY OF TRAVIS §

THAT Centex Homes, a Nevada partnership (called "Grantors" whether one or more), for good and valuable consideration, the receipt and sufficiency of which is acknowledged, do hereby **GRANT** and **CONVEY** to the City of Lakeway (called "Grantee" whether one or more) a public utility, drainage and access easement to construct, operate, maintain, replace, upgrade, inspect and repair a public utility, drainage facilities and related facilities in, upon, over, under and across the following described property:

All that parcel of land, situated in Travis County, Texas, described in the attached EXHIBIT "A" and made a part hereof for all purposes ("Property").

**TO HAVE AND TO HOLD** the same perpetually to Grantee, and its successors and assigns together with the right and privilege at any reasonable time to enter all or part of the Property to construct, operate, maintain, replace, upgrade, inspect and repair public utilities, and related facilities, and to make connections. This easement replaces the easement previously recorded in Document No. 2004229202.

**GRANTORS** do hereby bind themselves, their respective heirs, successors, assigns and legal representatives to warrant and forever defend all and singular the above described easement and rights unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Executed on AUGUST 8<sup>TH</sup>, 2005.

**GRANTOR:**

Centex Homes,  
A Nevada general partnership

By: Centex Real Estate Corporation,  
a Nevada corporation,  
its managing general partner

By: Keith H. Pearson

Keith H. Pearson

Director of Land Development

456

ACKNOWLEDGEMENT

STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 8<sup>th</sup> day of August, 2005, by Keith H. Pearson, Director of Land Development for the Central Texas Division of Centex Real Estate Corporation, a Nevada corporation, managing general partner of Centex Homes, a Nevada general partnership, on behalf of said corporation and partnership.



*Emily S. Lee*  
\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed Name: Emily S. Lee  
My commission expires: February 25, 2006

After recording, return to:

Aaron C. Googins, P. E.  
3302 Enfield Road  
Austin, Texas 78703

41  
57EXHIBIT A

BEING A 1.908 ACRE TRACT LOCATED IN THE FIDELE SEEHOLZER SURVEY No. 24, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THE TERRACE AT THE PRESERVE SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT No. 200500016, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS. SAID 1.908 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a calculated point in the south right-of-way (ROW) line of Dorothy Drive (50' ROW) as dedicated in Cardinal Hills Unit 4, a subdivision of record in Book 58, Page 20, Plat Records, Travis County, Texas, from which a ½ inch iron rod found at the intersection of the south ROW line of said Dorothy Drive and the east ROW line of Farris Lane (50' ROW) as dedicated in said Unit 4, bears N62°12'15"W, a distance of 96.88 feet, for the **POINT OF BEGINNING**;

**THENCE** with the south ROW line of said Dorothy Drive, S62°12'15"E, a distance of 53.16 feet to a calculated point in the said south ROW line of Dorothy Drive, from which a ½ inch iron rod found for the northeast corner of said Terrace at The Preserve bears, S62°12'15"E, a distance of 813.22 feet;

**THENCE** leaving said common line and crossing said Terrace at The Preserve Subdivision the following thirty-two (32) courses and distances;

1. S32°12'18"W, a distance of 21.85 feet to a calculated point,
2. N57°47'42"W, a distance of 3.00 feet to a calculated point,
3. S32°12'18"W, a distance of 121.50 feet to a calculated point,
4. With the arc of a curve to the left a distance of 67.36 feet, through a central angle of 21°05'18", having a radius of 183.00 feet, and whose chord bears S21°39'39"W, a distance of 66.98 feet to a calculated point,
5. S11°07'00"W, a distance of 153.48 feet to a calculated point,
6. With the arc of a curve to the left a distance of 20.42 feet, through a central angle of 89°59'59", having a radius of 13.00 feet, and whose chord bears S33°53'00"E, a distance of 18.38 feet to a calculated point,
7. S78°52'59"E, a distance of 37.63 feet to a calculated point,
8. With the arc of a curve to the left a distance of 141.07 feet, through a central angle of 44°24'39", having a radius of 182.00 feet, and whose chord bears N78°54'41"E, a distance of 137.57 feet to a calculated point,
9. With the arc of a curve to the right a distance of 351.00 feet, through a central angle of 68°52'23", having a radius of 292.00 feet, and whose chord bears S88°51'27"E, a distance of 330.25 feet to a calculated point,
10. S54°25'17"E, a distance of 44.30 feet to a calculated point,
11. With the arc of a curve to the left a distance of 38.69 feet, through a central angle of 58°19'54", having a radius of 38.00 feet, and whose chord bears

U  
58

- S83°35'14"E, a distance of 37.04 feet to a calculated point,
12. With the arc of a curve to the right a distance of 191.90 feet, through a central angle of 134°05'15", having a radius of 82.00 feet, and whose chord bears S45°42'33"E, a distance of 151.01 feet to a calculated point,
  13. S63°25'04"E, a distance of 3.34 feet to a calculated point,
  14. S26°34'56"W, a distance of 15.00 feet to a calculated point,
  15. N63°25'04"W, a distance of 3.34 feet to a calculated point,
  16. With the arc of a curve to the right a distance of 217.65 feet, through a central angle of 152°04'50", having a radius of 82.00 feet, and whose chord bears N72°07'47"W, a distance of 159.16 feet to a calculated point,
  17. With the arc of a curve to the left a distance of 38.69 feet, through a central angle of 58°19'54", having a radius of 38.00 feet, and whose chord bears N25°15'19"W, a distance of 37.04 feet to a calculated point,
  18. N54°25'17"W, a distance of 44.30 feet to a calculated point,
  19. With the arc of a curve to the left a distance of 261.71 feet, through a central angle of 61°57'45", having a radius of 242.00 feet, and whose chord bears N85°24'08"W, a distance of 249.14 feet to a calculated point,
  20. S28°09'35"E, a distance of 3.00 feet to a calculated point,
  21. S61°50'25"W, a distance of 15.00 feet to a calculated point,
  22. N28°09'35"W, a distance of 3.00 feet to a calculated point,
  23. With the arc of a curve to the left a distance of 14.19 feet, through a central angle of 3°21'30", having a radius of 242.00 feet, and whose chord bears S58°23'07"W, a distance of 14.18 feet to a calculated point,
  24. With the arc of a curve to the right a distance of 179.83 feet, through a central angle of 44°24'39", having a radius of 232.00 feet, and whose chord bears S78°54'41"W, a distance of 175.36 feet to a calculated point,
  25. N78°52'59"W, a distance of 23.98 feet to a calculated point,
  26. S11°07'01"W, a distance of 3.00 feet to a calculated point,
  27. N78°52'59"W, a distance of 21.95 feet to a calculated point,
  28. S36°15'33"W, a distance of 11.05 feet to a calculated point,
  29. S11°07'00"W, a distance of 8.77 feet to a calculated point,
  30. With the arc of a curve to the right a distance of 105.47 feet, through a central angle of 60°25'56", having a radius of 100.00 feet, and whose chord bears S41°19'57"W, a distance of 100.65 feet to a calculated point,
  31. S71°32'55"W, a distance of 45.21 feet to a calculated point, and
  32. N82°12'18"W, a distance of 45.81 feet to a calculated point in the east ROW line of said Farris Drive.

**THENCE** with the east ROW line of said Farris Drive, N07°47'42"E, a distance of 67.09 feet to a calculated point in said ROW line.

**THENCE** leaving said ROW line and crossing said Terrace at The Preserve Subdivision, the following five (5) courses and distances;

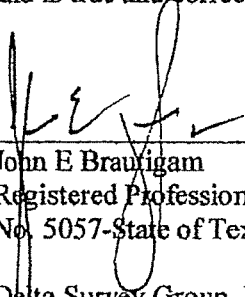
1. S82°21'46"E, a distance of 68.63 feet to a calculated point,
2. With the arc of a curve to the left a distance of 47.71 feet, through a central

L1  
59

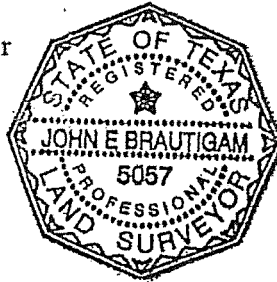
- angle of 54°40'32", having a radius of 50.00 feet, and whose chord bears N38°27'15"E, a distance of 45.92 feet to a calculated point,
3. N11°07'00"E, a distance of 238.25 feet to a calculated point,
  4. With the arc of a curve to the right a distance of 85.76 feet, through a central angle of 21°05'18", having a radius of 233.00 feet, and whose chord bears N21°39'39"E, a distance of 85.28 feet to a calculated point, and
  5. N32°12'18"E, a distance of 139.27 feet to the **POINT OF BEGINNING** and containing 1.908 acres of land, more or less.

**BEARING BASIS:** Assumed Bearing Basis.

I, John E Brautigam hereby certify that the foregoing description represents an on-the-ground survey performed under my direction and supervision during November 2004, and is true and correct to the best of my knowledge and belief.

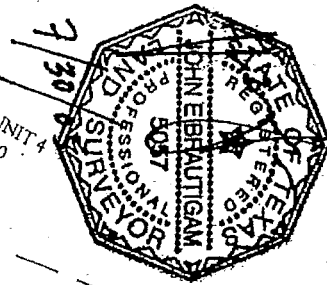
  
\_\_\_\_\_  
John E Brautigam  
Registered Professional Land Surveyor  
No. 5057-State of Texas

Delta Survey Group, Inc.  
8213 Brodie Lane, Suite 102  
Austin, Texas 78745



7/30/05  
Date

7119



NO ACCOMPANY FIELD NOTES \*



GRAPHIC SCALE

1" = 100'  
JULY 2005

FIDEL SEEHOLZER SURVEY No. 24

TRAVIS COUNTY  
TEXAS

CARDINAL HILLS UNIT 4  
BOOK 58 PAGE 20  
P.R.T.C.TX

FARRIS DRIVE  
(50' R.O.W.)

THE TERRACE AT THE PRESERVE  
DOC. NO. 200500016  
O.P.R.T.C.TX

DOROTHY DRIVE  
(50' R.O.W.)  
S62°12'15"E 813.22'

LINE	BEARING	DISTANCE
L1	S62°12'15"E	53.16'
L2	S32°12'18"W	21.85'
L3	N57°47'42"W	3.00'
L4	S32°12'18"W	121.50'
L5	S11°07'00"W	153.48'
L6	S78°52'59"E	37.63'
L7	S54°25'17"E	44.30'
L8	S63°25'04"E	3.34'
L9	S26°34'56"W	15.00'
L10	N63°25'04"W	3.34'
L11	N54°25'17"W	44.30'
L12	S26°09'35"E	3.00'
L13	S61°50'25"W	15.00'
L14	N28°09'35"W	3.00'
L15	N78°52'59"W	23.98'
L16	S11°07'01"W	3.00'
L17	N78°52'59"W	21.95'
L18	S36°15'33"W	11.05'
L19	S11°07'00"W	8.77'
L20	S71°32'55"W	45.21'
L21	N82°12'18"W	45.81'
L22	N07°47'42"E	67.09'
L23	S82°21'46"E	68.63'
L24	N11°07'00"E	238.25'
L25	N32°12'18"E	139.27'
L26	N62°12'15"W	96.88'

LEGEND

1/2" IRON ROD FOUND

OFFICIAL PUBLIC RECORDS  
TRAVIS COUNTY, TEXAS

P.O.B. POINT OF BEGINNING

CURVE	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	21°05'18"	183.00'	67.36'	S21°39'39"W	66.98'
C2	89°59'59"	13.00'	20.42'	S33°53'00"E	18.38'
C3	44°24'39"	182.00'	141.07'	N78°54'41"E	137.57'
C4	68°52'23"	292.00'	351.00'	S88°51'27"E	330.25'
C5	58°19'54"	38.00'	38.69'	S83°35'14"E	37.04'
C6	134°05'15"	82.00'	191.90'	S45°42'33"E	151.01'
C7	152°04'50"	82.00'	217.65'	N72°07'47"W	159.16'
C8	58°19'54"	38.00'	38.69'	N25°15'19"W	37.04'
C9	61°57'45"	242.00'	261.71'	N85°24'08"W	249.14'
C10	03°21'30"	242.00'	14.19'	S58°23'07"W	14.18'
C11	44°24'39"	232.00'	179.83'	S78°54'41"W	175.36'
C12	60°25'56"	100.00'	105.47'	S41°19'57"W	100.65'
C13	54°40'32"	50.00'	47.71'	N38°27'15"E	45.92'
C14	21°05'18"	233.00'	85.76'	N21°39'39"E	85.28'

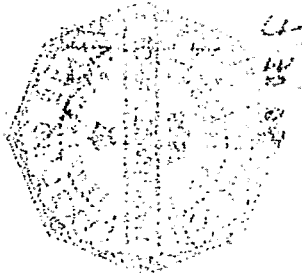
ALL POINTS ARE CALCULATED POINTS  
UNLESS OTHERWISE NOTED

Delta Survey Group, Inc.

8213 Brodie Lane, Suite 102, Austin, TX. 78745  
Office: (512) 282-5200 Fax: (512) 282-5230



41  
61



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2005 Aug 30 11:13 AM 2005160267

CANTUD \$28.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

90107397

FILM CODE

00004661240

THIRD AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR THE PRESERVE SUBDIVISION

3:06 PM 0766

9.00 INBX

3 3 12/19/90

10.01-CHK#

901073.97-DOC#

WHEREAS, ROCKCLIFF JOINT VENTURE ("Declarant"), as owner of that certain real property hereinafter referred to as the "Property," known as the THE PRESERVE SUBDIVISION, a plat of record in Plat Book 85, Page 152-C, Plat Records of Travis County, Texas, on May 6, 1985, adopted a Declaration of Covenants, Conditions and Restrictions (the "Declaration") for the benefit of the Property and recorded same in Volume 9189, Pages 442-462, Real Property Records of Travis County, Texas; and

WHEREAS, on July 18, 1986, Declarant amended said Declaration of Covenants, Conditions and Restrictions for The Preserve Subdivision by adding certain specific exceptions to Section 9.03, Conservation Easement, which Amendment was recorded in Volume 9833, Page 309, Real Property Records of Travis County, Texas; and

WHEREAS, on June 22, 1988, Declarant further amended said Declaration of Covenants, Conditions and Restrictions on the Property to provide for access to and maintenance of boat docks, water, electric and drainage facilities for said boat docks; channel dredging; and shoreline maintenance and channel circulation for the benefit of Bluff Lot Owners, which Amendment was recorded at Volume 10721, Page 1362-1367, Real Property Records of Travis County, Texas; and

WHEREAS, Declarant desires to further amend the Declaration of Covenants, Conditions, and Restrictions on the Property to increase the minimum floor area of Single Family Residential Structures, subject to discretionary variances by the Architectural Control Committee; to establish a timetable and escrow fund for completion of certain improvements on lots; to delete authority to change existing lot lines; to exclude construction of Single Family Residential Structures not intended for immediate sale; to revise restrictions on exterior construction materials; to revise the composition and selection of the Architectural Control Committee; and to revise the procedures for subsequent amendments to this Declaration.

NOW, THEREFORE, Declarant, joined in by owners of not less than sixty-six percent (66%) of the lots in The Preserve Subdivision, in accordance with Section 8.09 of the Declaration, HEREBY AMENDS said Declaration of May 6, 1985, as amended on July 18, 1986 and June 22, 1988, by this Third Amendment to Declaration of Covenants, Conditions and Restrictions for The Preserve Subdivision, to hereinafter read as follows:

3.02. Development Plan. Each Owner shall be required to submit a detailed Development Plan, pursuant to the Rules of the ACC, and such plan must be approved in writing prior to the commencement of construction of any Improvement. The Development Plan shall include, but is not limited to:

(a) a topographic survey

(b) a site plan with grades at 2' intervals showing location of the home, fences, driveways, septic systems and all other Improvements to the Lot as well as all trees 4" or larger in diameter within 30' of all planned improvements, unless steep topography renders it impractical.

(c) a set of house plans by a registered architect who has been approved by the ACC in writing that include a demonstration that the house described by the plans is designed for the specific Lot in addition to: floor plans, foundation plans, building section, all elevations, and all specifications including detailed descriptions and color samples of all exterior materials and finishes.

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

4  
62

(d) a stakeout on the lot of the homesite, driveway, septic area and all Improvements to the Lot.

(e) a landscape plan, showing type and location of all external lighting, and the location, size and type of all vegetation to be preserved or added to the landscape, and all other proposed landscape Improvements, including, but not limited to, pools, spas, walls, berms, and outbuildings.

3.03. Time for Construction and Escrow for Landscaping Improvements.

(a) Construction of Structure or Improvement shall be continuous and proceed in an orderly fashion without interruption and any Structure or Improvement on a Lot shall be completed in a reasonable time, not to exceed eighteen (18) months from the commencement of construction,

(b) Construction of landscape Improvements shall be completed within eighteen (18) months from the commencement of construction of a Structure, or within six (6) months from the completion of construction of a Structure, whichever comes first.

(c) Commencement of construction shall mean the first onsite work for construction, including, but not by way of limitation, clearing of trees, excavation or site preparation for the purpose of foundation.

(d) Materials and equipment necessary for construction, and all debris resulting from clearing or construction shall be confined to the Lot, and shall not be left on any other Lots, Common Areas, or roadway.

(e) Upon commencement of construction, Owner shall deposit or cause to be deposited with Owner's title insurance company or lender a sum of money (herein called "the Deposit") determined by the ACC to be sufficient to complete or ensure completion of landscape Improvements between the street or streets bordering the Lot and the Structure, (herein called "Streetside Landscape Improvements") as contained in Owner's landscape plan approved by the ACC. The Deposit shall be held in trust by the title insurance company or lender, for the benefit of the Association and the Owner, and shall be withdrawn in whole or in part solely for payments for labor and materials to complete Streetside Landscape Improvements. Upon substantial completion of the Streetside Landscape Improvements, and payment therefor, the remainder, if any, of the Deposit shall be refunded to the Owner upon the written approval of the Chairperson of the ACC.

4.01.

(b) Minimum Floor Areas. All Single Family Residential Structures constructed on a Bluff Lot, on or after December 1, 1990, shall have a floor area of not less than 4,000 square feet, exclusive of open and closed porches, patios, garages, carports, balconies or decks. All Single Family Residential Structures constructed on a Lot, other than a Bluff Lot, on or after December 1, 1990, shall have a floor area of not less than 3,500 square feet, exclusive of open and closed porches, patios, garages, carports, balconies or decks. The ACC may grant a variance for homes that are smaller than the minimum floor areas stated herein, if the Owner can demonstrate an extraordinarily high standard of quality design and construction, or in the event of compelling unique or special circumstances unique to that Lot or Bluff Lot.

4.01.

(1) Exterior Materials. The exterior walls of any Single Family Residential Structure shall consist of at least eighty percent (80%) masonry construction. No plywood, masonite or

41  
63

aluminum siding may be used as an exterior sheathing material, except as soffits.

5.17. Model Homes. No Single Family Residential Structure shall be constructed in the Preserve Subdivision other than for occupancy by an Owner or tenant, or for immediate sale by a builder. No Single Family Residential Structure shall be constructed or used as a "model home" by an Owner or builder.

6.01. Establishment and Composition. There is hereby established an Architectural Control Committee (ACC) which shall consist of six (6) members, including a Chairperson. All members of the ACC shall be Owners. Members of the ACC shall serve without salary or pay, and none of the members shall be required to be an architect or to meet any other particular qualifications for membership.

6.02. Voting. A vote or written consent of a majority of the regular members of the ACC at a meeting or otherwise shall constitute the act of the ACC. In the event the ACC is deadlocked or tied on a vote of the Committee, the matter shall be presented as soon as possible to a vote of the Board of Directors.

6.03. Election and Terms of Office. Members of the ACC and the Chairperson of the ACC shall be elected by majority vote of the Board of Directors, at the first regular meeting of the Board of Directors following the annual meeting of Members of the Association. The term of office for each member of the ACC, and the Chairperson, shall be for one (1) year, or until their successors have been elected and qualified. At such time as the composition of the ACC is added or altered, a writing referring to and identifying this Declaration by Recording data shall be recorded in the real property records of Travis County, Texas, setting forth the name and address of each member of the ACC as it is constituted.

6.04. Removal and Appointment. Any member, including the Chairperson of the ACC, may be removed by a majority vote of the Board of Directors, with or without cause. Vacancies on the ACC, however caused, shall be filled by majority vote of the Board of Directors of any regular or special meeting, or by unanimous written consent.

6.05. Resignations. Any member of the ACC may resign at any time from the ACC by giving written notice to the Board of Directors.

6.06. Deleted

6.07. Deleted

6.08. Address. The address of the ACC shall be 4226 Hidden Canyon Cove, Austin, Texas 78746, or any such other place as may from time to time be designated by the ACC by written instrument recorded in the real property records of Travis County, Texas; and the last instrument so recorded shall be deemed the ACC's proper address.

8.09. Modification or Repeal During Initial Term. Any of the provisions of this Declaration may be amended or repealed during the initial twenty (20) year term by a recorded written instrument, executed and acknowledged by the Owners of not less than 66% of the Lots. Provided, however, that for the purposes of this Article 8.09., in the event that two or more Lots are owned by the same individual or entity, those Lots shall be deemed to constitute one Lot, and the total number of Lots in the Subdivision shall be deemed to equal the number of separately owned Lots in the Subdivision.

8.10. Modification or Repeal During Extension Terms. Any of the provisions of this Declaration may be amended or repealed during any extension term (ten years) by recorded written instrument executed and acknowledged by the Owners of not less than 51% of

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

41  
64

the Lots. Provided, however, that for the purposes of this Article 8.10, in the event that two or more Lots are owned by the same individual or entity, those Lots shall be deemed to constitute one Lot, and the total number of Lots in the Subdivision shall be deemed to equal the number of separately owned Lots in the Subdivision.

8.22. Resubdivision. No Lot within the Subdivision shall be further subdivided or separated into smaller Lots or parcels by any Owner without the written consent of the Association. No portion of any Lot, or any easement, or any other interest, other than a security interest or a rental or lease, therein, shall be conveyed or transferred by any Owner. Each Owner hereby makes, constitutes and appoints the Association, with full power of substitution, as his or its lawful attorney-in-fact, with power to execute, acknowledge, file and record with any governmental authority any appropriate documents for the purpose of effecting the resubdivision of any Lot or portion thereof, in accordance with the terms of this Declaration. The foregoing power (i) is coupled with an interest, (ii) is irrevocable, (iii) shall survive the dissolution of or resignation of the Declarant, (iv) may be exercised for each Owner individually or by listing all of the Owners and executing any instrument with a single signature as attorney-in-fact for all of them, and (v) shall be binding upon all assignees and successors of each Owner.

IN WITNESS HEREOF, the undersigned, being the Declarant herein and the Owner of at least sixty-six percent (66%) of the Lots, have set their hands and seal to be effective this 18<sup>th</sup> day of December, 1990.

ROCKCLIFF JOINT VENTURE,  
a Texas joint venture

By:

BOYD & ASSOCIATES,  
a Texas general partnership

By: Alston Boyd, General Partner and Managing Partner  
ALSTON BOYD, General Partner

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 18<sup>th</sup> day of December, 1990 by Alston Boyd, General Partner of Boyd & Associates, a Texas general partnership.

FILED

DEC 19 2 59 PM '90

DANA DEBEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

Marilu B. Reyma  
NOTARY PUBLIC, STATE OF TEXAS

Marilu B. Reyma  
TYPED OR PRINTED NAME OF NOTARY  
MY COMMISSION EXPIRES: 9/12/94

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on  
the date and at the time stamped herein by me; and  
was duly RECORDED, in the Volume and Page of the  
named RECORDS of Travis County, Texas, on

DEC 19 1990

Return to: CAROLYN BOLENBACH  
P.O. Box 163776  
AUSTIN, TX 78716



Dana Debeauvoir  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS  
REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

MISC\AMEND.1

- 4 - 11337 0532

DOC. NO:  
00058519

FILM CODE  
00004376344

15.00

4  
66

SECOND AMENDMENT TO  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR  
THE PRESERVE SUBDIVISION

4:46 PM 2453

15.00 INDX  
1 1 06/29/88  
585.19-0004  
10.83-CHK4

WHEREAS, ROCKCLIFF JOINT VENTURE ("Declarant"), as owner of that certain real property hereinafter referred to as the "Property," known as the THE PRESERVE SUBDIVISION, a plat of record in Plat Book 85, Page 152-C, Plat Records of Travis County, Texas, on May 6, 1985, adopted a Declaration of Covenants, Conditions and Restrictions (the "Declaration") for the benefit of the Property and recorded same in Volume 9189, Pages 442-462, Real Property Records of Travis County, Texas; and

WHEREAS, on July 18, 1986, Declarant amended said Declaration of Covenants, Conditions and Restrictions for The Preserve Subdivision by adding certain specific exceptions to Section 9.03, Conservation Easement, which Amendment was recorded in Volume 9833, Page 309, Real Property Records of Travis County, Texas; and

WHEREAS, Declarant desires to further amend the Declaration of Covenants, Conditions and Restrictions on the Property to provide for access to and maintenance of boat docks; water, electric and drainage facilities for said boat docks; channel dredging; and shoreline maintenance and channel circulation for the benefit of Bluff Lot Owners, as further defined herein;

NOW, THEREFORE, Declarant, joined in by owners of not less than sixty-six percent (66%) of the lots in The Preserve Subdivision, in accordance with Section 8.09 of the Declaration, HEREBY AMENDS said Declaration of May 6, 1985, as amended on July 18, 1986, by this Second Amendment to Declaration of Covenants, Conditions and Restrictions for The Preserve Subdivision, to hereinafter read as follows:

ARTICLE I  
DEFINITIONS

Section 1.04 "Conservation Easement" shall be the areas designated on the plat as "Drainage and Conservation Easement" and shall include any creeks, streams, sedimentation basins or bar ditches therein designated or constructed. Any reference in

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

10721 1362

4  
67

this Declaration to "Drainage Easement" shall have the same meaning as "Conservation Easement," as defined herein, and shall refer to those areas designated on the plat of The Preserve Subdivision as "Drainage and Conservation Easement."

Section 1.05 "Declarant" shall mean Rockcliff Joint Venture, a Texas joint venture.

Section 1.08 "Greenbelt Easement" shall be the areas shown on the plat across Lots B-9, B-10, B-11, B-12, B-13, B-14 and B-15 and described on the plat of The Preserve Subdivision as "Drainage, Conservation and Greenbelt Easement."

Section 1.10

a) "Lot" shall mean each parcel of land shown as a lot on the recorded final Plat Map of the Property and designated on said map by a separate number, or any subsequent subdivision thereof.

b) "Bluff Lot" shall mean each parcel of land shown as a lot on the recorded final Plat Map of the Property and designated on said map as Lot B-9, B-10, B-11, B-12, B-13, B-14, B-15 and B-16.

Section 1.11

a) "Owner(s)" shall mean and refer to the record Owner, whether one or more persons, associations or entities, of legal, equitable or beneficial title of or to any Lot. Owner shall include purchaser of a Lot under an executory contract of sale of real property. The foregoing does not include persons or entities who hold interest in any Lot merely for the security for the performance of an obligation. Any reference herein to Owners shall include Owners as defined herein and as defined or included in any Supplemental Declaration.

b) "Bluff Lot Owner(s)" shall mean and refer to the record Owner, whether one or more persons, associations or entities, of Lots B-9, B-10, B-11, B-12, B-13, B-14, B-15 and B-16. A Bluff Lot Owner shall have all the rights, duties, privileges and obligations of an Owner, as defined in Subsection (a) above, in addition to those rights, duties, privileges and obligations of a Bluff Lot Owner as described in Articles VIII and IX of this Declaration, as amended.

41  
68

ARTICLE VII.

THE PRESERVE HOMEOWNER ASSOCIATION

Section 7.08 Assessments. The Association shall have the right to make assessments in accordance with this Declaration and subject to the provisions of Section 7.09 (limitation) hereof.

a) The use of assessments levied by the Association shall be limited to those expenses reasonably necessary for the performance of the duties and functions of the Association and the Association shall have no right to assess for, nor to create, any recreational activities, Improvements or Structures, including, but not limited to, swimming pools, tennis courts, golf courses, country clubs and other similar recreational facilities. This limitation shall not preclude the maintenance of the Conservation Easement or Greenbelt Easement.

b) The primary duties of the Association, for which the Association is authorized to make assessments, shall be as follows: (i) Care and maintenance of erosion control measures; (ii) removal of restrictions or obstructions to flow in drainage easements; (iii) lighting, landscaping and maintenance of entry-way; (iv) maintenance of the Conservation Easement and Greenbelt Easement; and (v) enforcement of the use-restrictions within the Conservation Easement and Greenbelt Easement.

c) The Association shall be authorized to make assessments on the Bluff Lot Owners for the maintenance of the Greenbelt, in accordance with Section 9.03 below.

Section 7.09 Limitation on Annual Assessment. Until changed by the Association in accordance with the Bylaws in this Section, the maximum annual assessment on each Lot shall be \$750 per Lot; provided, however, the Association may approve a separate and higher maximum annual assessment on each Bluff Lot, as defined in Section 1.10(b), from that assessment levied on each lot not defined as a Bluff Lot.

a) On January 2nd of each year or at such other time as the Board of Directors may set the annual assessment for the calendar year at whatever level it deems appropriate within the Seven Hundred Fifty and No/100 Dollars (\$750.00) limitation set forth above.

b) Until such time as the Board of Directors sets the annual assessment for each Lot, the annual assessment shall be Four Hundred and No/100 Dollars (\$400.00) per Lot.



41  
69

c) Once the annual assessment has reached the \$750 maximum level, the Board of Directors may increase the annual assessment by a maximum of twenty percent (20%) of the then current assessment in any given year. Further, such percentage increases are not cumulative and may be prospective only.

(d) Any increase in assessment not provided for in this section on any Lot within the subdivision must be made by the Association as a whole in the same manner as an amendment to the Articles of Incorporation of the Association. Any increase in assessment not provided for in this section on a Bluff Lot must be made by the Association's Bluff Lot Owners in the same manner as an amendment to the Articles of Incorporation of the Association.

#### ARTICLE IX.

##### EASEMENTS

#### Section 9.03      Greenbelt Easement.

a) The Greenbelt Easement shall be left in its natural state to the greatest extent possible. Except for the construction and maintenance of any accessways (including any stairways or elevators from the top of the bluff down to the boat dock area across any Bluff Lot) and for construction of the boat docks themselves and as provided in subsection (b) below, there shall be no improvements, structures or clearing of any kind, temporary or permanent, in any Greenbelt Easement unless and until approved in writing by a two-thirds (2/3rd) majority of the Bluff Lot Owner members of the Association. "Clearing" includes, but is not limited to, cutting, trimming, pruning and mowing of trees, shrubs, undergrowth, and native annuals and perennials. The Association's Bluff Lot Owners, in considering whether to allow or permit any improvement or structure which might adversely affect to any extent the environmental integrity of the Greenbelt Easement, shall not permit such improvement, structure or clearing unless it would clearly serve the beneficial interest of all the Bluff Lot Owners.

b) Notwithstanding the foregoing provisions of Section 9.03(a), the ACC may approve limited cutting and trimming of trees within the Greenbelt Easement for the purpose of opening up limited lake views. Such approval may only be granted by the ACC upon written application by a Bluff Lot Owner requesting permission to cut or trim trees individually marked and numbered on the ground. The ACC shall make an on-the-ground inspection of the marked trees for which application to cut or trim is being made and thereafter approve only so much tree trimming and

41  
70

cutting within the Greenbelt Easement as is required in their judgment to open limited dramatic views of Lake Austin as would be in keeping with the natural sylvan beauty of The Preserve Subdivision.

c) Each Bluff Lot Owner covenants to provide easements for access to the boat docks located within the Greenbelt Easement and for the installation, use and maintenance of any and all electric, water and drainage facilities and lagoon embankment facilities necessary for the use, enjoyment, operation and maintenance of said boat docks and the control of water quality and water depth in the lagoon providing naval access to said boat docks.

d) The Association shall keep a separate record of its costs and expenses in maintaining the Greenbelt Easement; vehicle access within the Greenbelt Easement; water, electric and drainage facilities within the Greenbelt Easement; and lagoon pumping, dredging and embankment shoring expenses for the benefit of the Bluff Lot Owners within said Greenbelt Easement. The Association shall have the right to levy assessments for the expenses reasonably necessary to maintain the Greenbelt Easement exclusively on the Bluff Lot Owners. No assessments for the separately expensed Greenbelt Easement maintenance shall ever be levied on any owner not defined herein as a "Bluff Lot Owner."

IN WITNESS HEREOF, the undersigned, being the Declarant herein, have set their hands and seal this 22nd day of June, 1988.

ROCKCLIFF JOINT VENTURE,  
a Texas joint venture

By: A. H. Nutt

ALLAN H. NUTT

BOYD & ASSOCIATES,  
a Texas general partnership

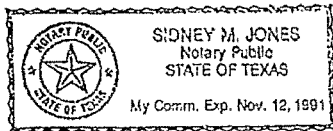
By: Alston Boyd, General Partner

ALSTON BOYD, General Partner

4/11

STATE OF TEXAS            §  
COUNTY OF                §

This instrument was acknowledged before me on the 22 day  
of June, 1988, by ALLAN H. NUTT



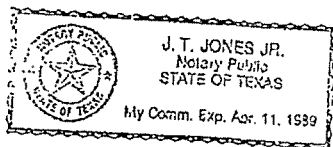
Sidney M. Jones  
Notary Public, State of Texas

(PRINT NAME OF NOTARY)

My commission expires: \_\_\_\_\_

STATE OF TEXAS            §  
COUNTY OF                §

This instrument was acknowledged before me on the 22 day  
of June, 1988, by ALSTON BOYD, General Partner of  
BOYD & ASSOCIATES, a Texas general partnership.



J. T. Jones Jr.  
Notary Public, State of Texas

(Print Name of Notary)

My commission expires: \_\_\_\_\_

ELECTRONICALLY RECORDED

2014171089

TRV

3

PGS

41  
72

Chicago Title  
GF# 10-14085005P General Warranty Deed

NOTICE OF CONFIDENTIALITY RIGHTS

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: November 14, 2014

Grantor: Bobby Keith Moreland and Lucinda S. Moreland

Grantor's Mailing Address: 2005 S. DAK CANYON AUSTIN TX  
78746

Grantee: Carl Lauryssen

Grantee's Mailing Address: 4209 Hidden Canyon Cr. Austin  
TX 78746

Consideration: Cash and other good and valuable consideration.

Property (including any improvements):

Lot 16, Block B, THE PRESERVE, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 85, Page 152B, Plat Records of Travis County, Texas.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:


Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters arising from and existing by reason of any water, utility, road, or improvement districts which affect the Property; standby fees, taxes, and assessments by any

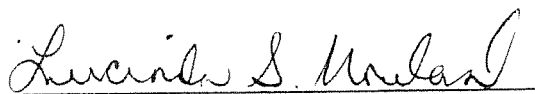
taxing authority for the current year, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

LI  
73

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

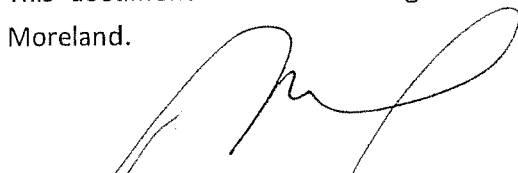
When the context requires, singular nouns and pronouns include the plural.

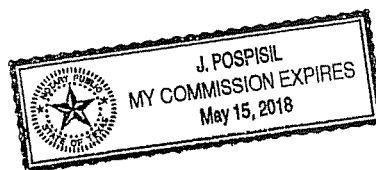
  
Bobby Keith Moreland

  
Lucinda S. Moreland

State of Texas  
County of Travis

This document was acknowledged before me on November 14, 2014 by Bobby Keith Moreland.

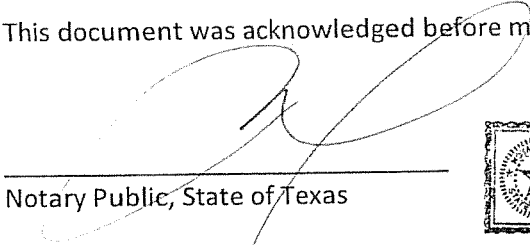
  
Notary Public, State of Texas

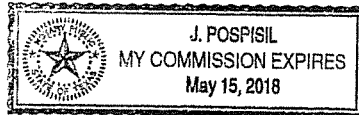


41  
74

State of Texas  
County of Travis

This document was acknowledged before me on November 14, 2014 by Lucinda S. Moreland.

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



AFTER RECORDING RETURN TO:



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS



DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

November 14 2014 02:10 PM

FEE: \$ 34.00 2014171089

JOC. NO.

FILM CODE

89085541

00004525159

BOAT DOCK USE AND ACCESS  
EASEMENT

41  
75  
19.00 INDX

343 45 5593

1 3 10/03/89

14.61-CHK4

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS: 890855.41-0004

COUNTY OF TRAVIS

THAT ROCKCLIFF JOINT VENTURE, a Texas joint venture, owners of Lot 15, Block "B" of the Preserve subdivision, a plat of record recorded at Plat Book 85, page 152-C, Plat Records of Travis County, Texas (hereinafter referred to as the Servient Estate) joined by ALLIANCE BANK, NATIONAL ASSOCIATION, a National banking association, owners of an equitable interest in the Servient Estate, hereinafter collectively referred to as "Grantor," for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, to Grantor in hand paid by Bobby Keith Moreland (hereinafter referred to as "Grantee"), has this day GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto Grantee, his (its) heirs, administrators and executors (successors and assigns), an unobstructed, perpetual and nonexclusive easement of access in, on, under, over, through and across a strip of land 20 feet in width on the Servient Estate, as fully described on Exhibit "A" hereto, for the purpose of constructing, installing, maintaining, using and repairing one or more water and/or electric utility facilities and pedestrian access ways to a boat dock and mooring slip located on the said Lot 15, Block B and a use easement to the easternmost boat dock slip located on said Lot 15, Block B (hereinafter collectively referred to as the Subject Easement), for the benefit of and as an easement appurtenant to Grantee's adjacent tract of land, more particularly described as LOT 16, BLOCK B, The Preserve Subdivision, a plat of record in

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

MISC\EASEMENT.1

- 1 -

11035 2594

4  
76

Book 85, Page 152-C, Plat Records of Travis County, Texas, hereinafter referred to as the "Dominant Estate."

This Easement is granted for the purpose of providing naval access to Lake Austin from the adjacent Servient Estate and mooring rights for a boat to be harbored in the easternmost boat dock slip located and maintained on the Servient Estate as an easement appurtenant to the recreational activities incident to the use and enjoyment of the Dominant Estate, subject, however, to the following restriction:

1. Lighting - any lighting installed by Grantee shall be of low intensity. The lighting shall be shaded with metal or other opaque covering to direct all illumination downward. No mercury vapor, high pressure or low pressure sodium, or other type of high intensity lights shall be used. No lights shall be installed on poles or standards more than four (4) feet in height. All lighting shall be installed according to all City of Austin construction codes. Grantee shall keep all lighting in good condition and repair.
2. Electric/Water Connections - All electric and/or water connections shall be installed at or below ground level, and any electric connections shall be installed according to all City of Austin construction codes. All connections shall be solely for the use of the owners of the Dominant Estate, and the connections shall not be used for any commercial or business purpose. Grantee shall keep all electric and/or water connections in good condition and repair. Grantor retains the right to install electric and/or water connections adjacent to those installed by Grantee.
3. Walkways - Any walkway installed by Grantee shall be no more than forty-eight (48") inches in width. The walkway must be constructed of

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS



4  
77

cement, iron, steel, stone, wood or similar material. No asphalt or other oil based material shall be used. No trees shall be removed for a walkway or tramway without Grantor's prior written consent, which shall not be unreasonably withheld. Any walkways shall not be enclosed or bordered by fencing. No canopy or roof over the walkway is allowed. No motorized vehicles of any kind shall be used on the walkway or within the Subject Easement. Prior to any construction, Grantee shall provide to Grantor and the Architectural Control Committee of The Preserve subdivision (the ACC) copies of all drawings or blueprints for the proposed walkway, and shall obtain the written consent of Grantor and the ACC to the design, which shall not be unreasonably withheld.

4. Tramway - Any design for a tramway shall be submitted to Grantor and the ACC for approval and Grantee shall obtain the prior written consent of Grantor and to the ACC to the design, which shall not be unreasonably withheld. Any tramway shall be electrically powered. The specifications for tramway shall be engineered so as to minimize noise using equipment such as rubber wheels. The tramway must be designed in accordance with all City of Austin construction codes. Any tramway must be designed to travel on rails or a track; no overhead suspended or overhead powered design shall be allowed.
5. Boat Dock - Grantee agrees to keep the easternmost boat dock in good condition and repair. Grantee shall not allow any personal property, other than one boat, to remain at the boat dock, unless stored in the adjacent storage building. Grantor and Grantee agree to divide the cost of general maintenance to the boat dock structure.

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

41  
78

6. Indemnity - Grantee agrees to indemnify and hold harmless Grantor, his heirs, executors, assigns, from all claims, demands, or causes of action including attorney fees incurred in defending any such actions, whether for property damage, personal injury or both, to any property or person using or occupying the subject easement at Grantee's request or with Grantee's permission including damage or injury due in any part to the negligence of Grantor, resulting from use of or occurring on the Subject Easement, including the boat slip. Provided, further, that Grantee agrees to repair any damage to Grantor's property caused by Grantees use of the Subject Easement or construction thereon.

Grantee shall have the right to enter upon the land covered by the Subject Easement at any time the Grantee deems proper for the purpose of exercising Grantee's rights and privileges hereunder. Grantee shall at all times conduct its uses on and with respect to the Subject Easement in such a manner as not to create a nuisance or to cause any detrimental effects to the Servient Estate.

The parties hereto expressly disclaim the creation of any rights in or for the benefit of the public in the granting of this Easement.

TO HAVE AND TO HOLD the Subject Easement, together with all and singular the rights and appurtenances thereunto in any wise belonging unto Grantee, his (its) heirs, administrators and executors (successors and assigns), forever; and Grantor does hereby bind itself its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Subject Easement unto Grantee, his heirs, administrators and executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

EXECUTED this 13th day of September, 1989.

4/79

ROCKCLIFF JOINT VENTURE,  
a Texas joint venture

BY: Alston Boyd, Managing Venturer  
ALSTON BOYD, Managing Venturer

ALLIANCE BANK, NATIONAL ASSOCIATION,  
a National Banking Association

BY: Amy P. Huie  
Banking Officer, Alliance Bank, N.A.

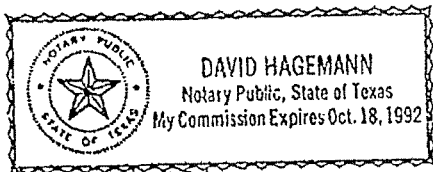
BY: \_\_\_\_\_

BY: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 13th day of September, 1989, by ALSTON BOYD, Managing Venturer of ROCKCLIFF JOINT VENTURE, a Texas joint venture.



David Hagemann  
NOTARY PUBLIC, STATE OF TEXAS

David Hagemann  
PRINTED OR TYPED NAME OF NOTARY  
MY COMMISSION EXPIRES: Oct 18 1992

(After recording please return to:

Terrence Lang Irion, Esq.  
CLARK, THOMAS, WINTERS & NEWTON  
P. O. Box 1148  
Austin, TX 78767)

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

MISC\EASEMENT.1

- 5 -

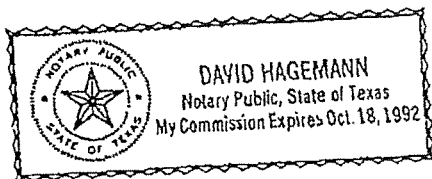
11035 2598

41  
80

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 13<sup>th</sup> day of September, 1989, by Amy P. Hue, Banking Officer of ALLIANCE BANK, NATIONAL ASSOCIATION, a National banking association.



David Hagemann  
NOTARY PUBLIC, STATE OF TEXAS

David Hagemann  
PRINTED OR TYPED NAME OF NOTARY  
MY COMMISSION EXPIRES: Oct. 18, 1992

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 1989 by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

\_\_\_\_\_  
PRINTED OR TYPED NAME OF NOTARY  
MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 1989, by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

\_\_\_\_\_  
PRINTED OR TYPED NAME OF NOTARY  
MY COMMISSION EXPIRES: \_\_\_\_\_

## EXHIBIT "A"

L1  
8120' Easement  
The Preserve

## DESCRIPTION

FEET IN

DB APH

DESCRIPTION OF A STRIP OF LAND TWENTY (20) WIDTH, SAME BEING OUT OF LOT 15, BLOCK B, OF THE PRESERVE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, OF RECORD IN PLAT 85, PAGE 152B-152C, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; THE CENTERLINE OF SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the southeast line of said Lot 15, same being the northwest line of Lot 16, of said Block B, same being the most southerly point of the herein described centerline, and from which point of beginning a spindle found at the common southwest lot corner of said Lots 15 and 16, same being in the northeast line of Hidden Canyon Cove, bears S54°46'54"W 161.44 feet to a 1/2" iron rod found and N86°07'03"W 114.55 feet;

THENCE, crossing said Lot 15, with the centerline of said twenty (20) foot strip of land, same being generally with an exposed three inch PVC pipe and an exposed one inch steel conduit, the following nine (9) courses:

- 1) N18°36'31"W 6.90 feet to a point;
- 2) N08°43'41"W 18.73 feet to a point;
- 3) N00°15'44"E 21.94 feet to a point;
- 4) N07°13'15"E 19.40 feet to a point;
- 5) N09°27'07"W 25.79 feet to a point;
- 6) N16°38'06"W 26.93 feet to a point;
- 7) N14°23'15"W 30.19 feet to a point;
- 8) N05°28'24"W 25.19 feet to a point; and
- 9) N07°03'31"E 17.10 feet to a point where said pipe and conduit become buried;

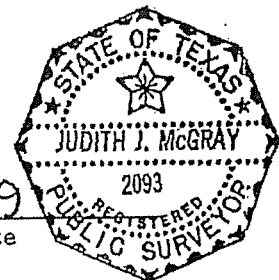
THENCE, N08°19'39"E 15.97 to a valve box and N34°45'47"W 27.87 feet to the southwest corner of a boat dock, same being the POINT OF TERMINATION, from which point of termination a 1/2 inch iron rod found at an angle point in the east line of said Lot 15 bears N37°17'19"W 38.35 feet.

SURVEYED BY: McGRAY & McGRAY LAND SURVEYORS, INC.  
3301 Hancock Drive, Suite 6  
Austin, Texas 78731 451-8591

*Judith J. McGray*  
Judith J. McGray, Reg. Public Surveyor No. 2093  
890091

4-19-89

Date



REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

11035 2600

EXHIBIT "A" PAGE 1

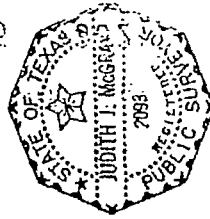
14

SKETCH OF

CENTERLINE OF A TWENTY  
FOOT WIDE STRIP OF LAND  
IN LOT 15 BLOCK B  
THE PRESERVE

BK. 85 P. 152 B & 152C  
TRAVIS COUNTY, TEXAS

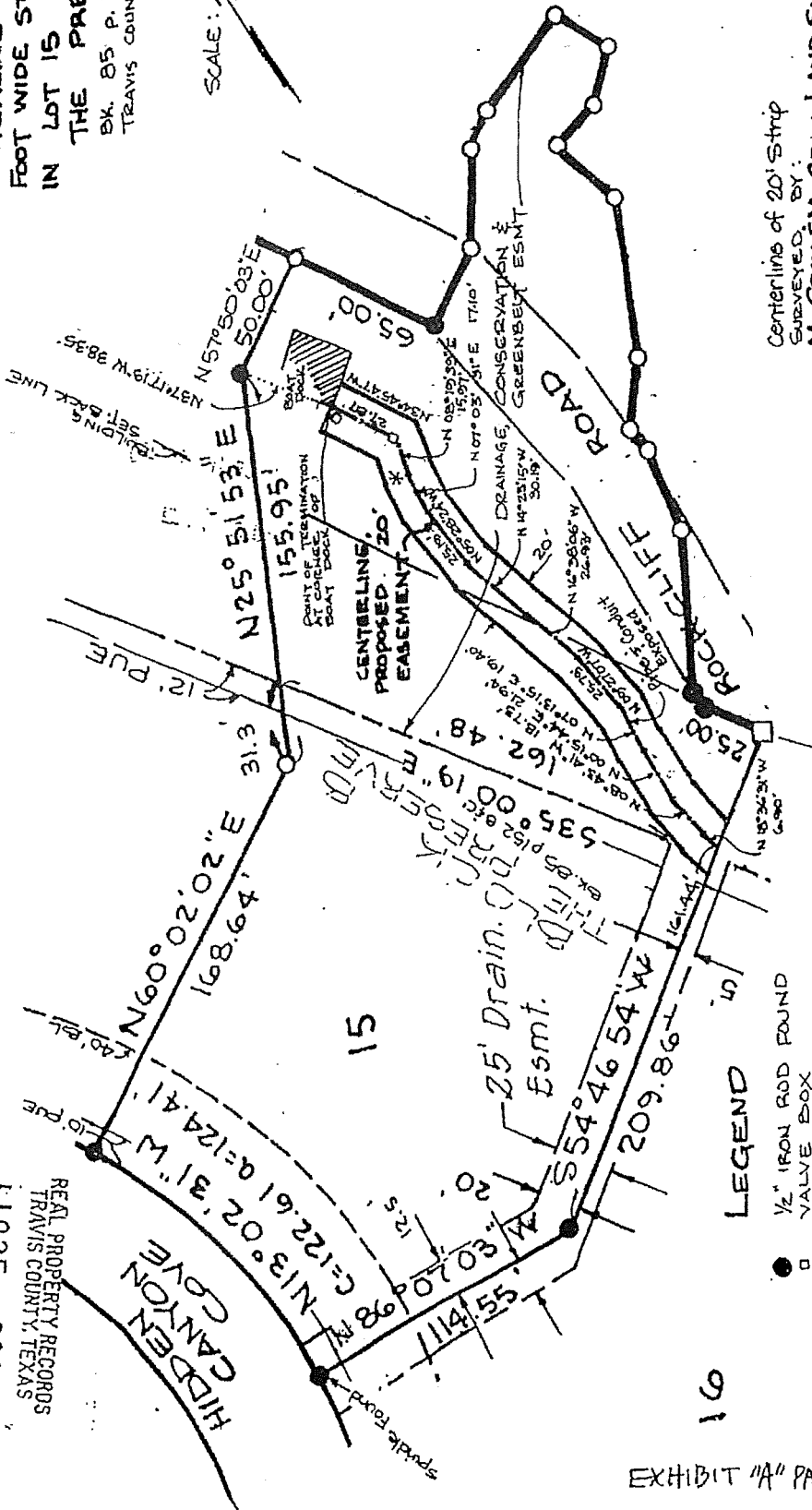
EXHIBIT "A" PAGE 2



CENTERLINE OF 20' STRIP  
SURVEYED BY:  
McGRAY & McGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE, SUITE G  
AUSTIN, TEXAS 78731

Judith J. McGray 4-19-89  
JUDITH J. McGRAY  
REG. PUBLIC SURVEYOR NO. 7893 DATE

78  
4



Notes: E of 20' Strip follows generally an exposed 3" PVC pipe and an exposed 1" steel conduit. \* - the pipe and conduit become buried at this point.  
The base sketch is an enlargement of the record subdivision plat and may be out of scale.

DD: 215  
JMS: 8900091  
FD: MM 5326/64

EXHIBIT "A" PAGE 2

41  
83

11032 5201

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on  
the date and at the time shown herein by me, and  
was duly RECORDED, in the Volume and Page of the  
named RECORDS of Travis County, Texas, on

OCT 3 1989



*Dana DeBeauvoir*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED

OCT 3 4:32 PM '89

DANA DEBEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

RECORDER'S MEMORANDUM:  
At the time of recordation, this instrument was  
found to be inadequate for the best photographic  
reproduction because of illegibility, carbon or  
photo copy, discolored paper, etc. All blockouts,  
additions, and changes were present at the time  
the instrument was filed and recorded.

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

11035 2602

4  
84

# City of Austin Environmental Resource Inventory

4209 Hidden Canyon Cove  
Austin, Travis County, Texas

April 6, 2015

Terracon Project No. 96157040



Prepared for:

Aupperle Company  
Austin, Texas

Prepared by:

Terracon Consultants, Inc.  
Austin, Texas

[terracon.com](http://terracon.com)

# Terracon

Environmental



Facilities



Geotechnical



Materials



4  
85

April 6, 2015

**Terracon**

Mr. Bruce Aupperle P.E.  
Aupperle Company  
10088 Circleview Drive  
Austin, Texas 78733

Telephone: (512) 329-8241  
Cell: (512) 422-7838  
Email: aupperle@att.net

Re: City of Austin Environmental Resource Investigation  
4209 Hidden Canyon Cove  
Austin, Travis County, Texas  
Terracon Project No. 96157040

Dear Mr. Aupperle:

Terracon Consultants, Inc. (Terracon) is pleased to provide the City of Austin (COA) Environmental Resource Inventory (ERI), prepared for the above-referenced site. In addition to satisfying the COA requirements, the scope addressed general evaluation for wetlands and threatened and endangered species.

The results of our consulting services are solely the professional opinion of Terracon based on the site conditions documented and observed at the time of the field assessment. It should be noted that some CEFs may be seasonal or ephemeral, indicating that their presence/absence and condition are dependent on various weather conditions (including rainfall) and other changes in the surrounding ecosystem. Terracon is not liable for ephemeral and/or seasonal CEFs that are exposed or created after Terracon's field assessment. Additionally, Terracon's opinion is based on the most current regulations; therefore, changes in regulations may require a re-evaluation of the findings of this report. This report should be submitted promptly to the COA. We appreciate the opportunity to provide this report. Should you have any questions or require additional information, please call us at (512) 442-1122.

Sincerely,  
**Terracon Consultants, Inc.**



Arthur D. Potts  
Project Environmental Scientist



Hilary D. Johns, P.G.  
Manager – Environmental Services

Case No.:  
(City use only)

41  
86

## Environmental Resource Inventory

For the City of Austin  
Related to LDC 25-8-121, City Code 30-5-121, ECM 1.3.0 & 1.10.0

The ERI is required for projects that meet one or more of the criteria listed in LDC 25-8-121(A), City Code 30-5-121(A).

1. SITE/PROJECT NAME: 4209 Hidden Canyon Cove
2. COUNTY APPRAISAL DISTRICT PROPERTY ID (#'s): 124845, 124846
3. ADDRESS/LOCATION OF PROJECT: 4209 Hidden Canyon Cove
4. WATERSHED: Lake Austin
5. THIS SITE IS WITHIN THE (Check all that apply)
- |   |                              |  |
|---|------------------------------|--|
| Edwards Aquifer Recharge Zone* (See note below) | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> No |
| Edwards Aquifer Contributing Zone*              | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> No |
| Edwards Aquifer 1500 ft Verification Zone*      | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> No |
| Barton Spring Zone*                             | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> No |
- \*(as defined by the City of Austin - LDC 25-8-2 or City Code 30-5-2)

Note: If the property is over the Edwards Aquifer Recharge zone, the Hydrogeologic Report and karst surveys must be completed and signed by a Professional Geoscientist Licensed in the State of Texas.

6. DOES THIS PROJECT PROPOSE FLOODPLAIN MODIFICATION?.....☐ YES\*\* ☒ NO
- If yes, then check all that apply:
- ☐ (1) The floodplain modifications proposed are necessary to protect the public health and safety;
- ☐ (2) The floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a **functional assessment** of floodplain health as prescribed by the Environmental Criteria Manual (ECM), or
- ☐ (3) The floodplain modifications proposed are necessary for development allowed in the critical water **quality zone under LDC 25-8-261 or 25-8-262, City Code 30-5-261 or 30-5-262.**
- ☐ (4) The floodplain modifications proposed are outside of the Critical Water Quality Zone in an area determined to be in poor or fair condition by a **functional assessment** of floodplain health.

\*\* If yes, then a functional assessment must be completed and attached to the ERI (see ECM 1.7 and Appendix X for forms and guidance) unless conditions 1 or 3 above apply.

7. IF THE SITE IS WITHIN AN URBAN OR SUBURBAN WATERSHED, DOES THIS PROJECT PROPOSE A UTILITY LINE PARALLEL TO AND WITHIN THE CRITICAL WATER QUALITY ZONE? ..... ☐ YES\*\*\* ☒ NO

\*\*\*If yes, then riparian restoration is required by LDC 25-8-261(E) or City Code 30-5-261(E) and a functional assessment must be completed and attached to the ERI (see ECM1.5 and Appendix X for forms and guidance).

8. There is a total of 2 (#'s) Critical Environmental Feature(s)(CEFs) on or within 150 feet of the project site. If CEF(s) are present, attach a detailed **DESCRIPTION** of the CEF(s), color **PHOTOGRAPHS**, the **CEF WORKSHEET** and provide **DESCRIPTIONS** of the proposed CEF buffer(s) and/or wetland mitigation. Provide the number of each type of CEFs on or within 150 feet of the site (Please provide the number of CEFs):

1 (#s) Spring(s)/Seep(s)    - (#s) Point Recharge Feature(s)    - (#s) Bluff(s)  
 - (#s) Canyon Rimrock(s)    1 (#s) Wetland(s)

4/8/1

**Note:** Standard buffers for CEFs are 150 feet, with a maximum of 300 feet for point recharge features. Except for wetlands, if the standard buffer is not provided, you must provide a written request for an administrative variance from LDC 25-8-281(C)(1) and provide written findings of fact to support your request. Request forms for administrative variances from requirements stated in LDC 25-8-281 are available from Watershed Protection Department.

9. The following site maps are attached at the end of this report (Check all that apply and provide):

All ERI reports must include:

- ☒ Site Specific Geologic Map with 2-ft Topography
- ☒ Historic Aerial Photo of the Site
- ☒ Site Soil Map
- ☒ Critical Environmental Features and Well Location Map on current Aerial Photo with 2-ft Topography

Only if present on site (Maps can be combined):

- ☐ Edwards Aquifer Recharge Zone with the 1500-ft Verification Zone  
(Only if site is over or within 1500 feet the recharge zone)
- ☐ Edwards Aquifer Contributing Zone
- ☒ Water Quality Transition Zone (WQTZ)
- ☒ Critical Water Quality Zone (CWQZ)
- ☐ City of Austin Fully Developed Floodplains for all water courses with up to 64-acres of drainage

10. **HYDROGEOLOGIC REPORT** – Provide a description of site soils, topography, and site specific geology below (Attach additional sheets if needed):

**Surface Soils** on the project site is summarized in the table below and uses the SCS Hydrologic Soil Groups\*. If there is more than one soil unit on the project site, show each soil unit on the site soils map.

Soil Series Unit Names, Infiltration Characteristics & Thickness		
Soil Series Unit Name & Subgroup**	Group*	Thickness (feet)
Tarrant Series - TeE	B	0 to 0.75
Tarrant Series - TeF	B	0 to 0.50
Lincoln Series - Lu	A	0 to 0.42

**\*Soil Hydrologic Groups Definitions (Abbreviated)**

- A. Soils having a high infiltration rate when thoroughly wetted.
- B. Soils having a moderate infiltration rate when thoroughly wetted.
- C. Soils having a slow infiltration rate when thoroughly wetted.
- D. Soils having a very slow infiltration rate when thoroughly wetted.

\*\*Subgroup Classification – See Classification of Soil Series Table in County Soil Survey.

41  
88

**Description of Site Topography and Drainage** (Attach additional sheets if needed):

Based on a review of the USGS Austin West, Texas topographic map, the site ranges in elevation from approximately 500 to 590 feet above sea level. An unnamed tributary to Lake Austin is depicted as traversing the southern and eastern portion of the site, flowing generally to the north towards its confluence with Lake Austin approximately 250 feet north, the tributary is mapped as intermittent by a dashed blue line.

According to the NWI Wetland Mapper (available online), no potential wetlands are noted on or within 150 feet of the site. Additionally, as mapped by the Federal Emergency Management Agency (FEMA), the site is predominantly mapped as Zone X, which corresponds to areas outside the 500-year floodplain; however, a small portion of the on-site tributary channel is mapped as Zone X (shaded), which corresponds to areas within the 500-year flood plain.

Continued in Appendix A

**List surface geologic units below:**

Geologic Units Exposed at Surface		
Group	Formation	Member
Fredericksburg Group	Glen Rose	-

**Brief description of site geology** (Attach additional sheets if needed):

According to the Geologic Atlas of Texas, the site is underlain by the Glen Rose Formation (Kgr), which consists of limestone, dolomite, and marl in alternating resistant and recessive beds, forming stair-step topography. The upper part [Kgr (u)] is separated from the lower part [Kgr (l)] by a Corbula bed (limestone with abundant Corbula harveyi fossils) that is up to five feet thick. Marine megafossils are common throughout, though less so in the relatively thinner bedded, more dolomitic upper part. The upper part is typically heavily weathered, frequently resulting in numerous springs and seeps.

No evidence of faulting was observed on the site and none is shown on the available published geologic maps of the area. Additionally, a review of aerial photographs did not reveal lineations, which typically indicate the presence of faulting. No caves, sinkholes, karst features, or significant solution cavities were observed on the site during Terracon's field assessment.

**Wells** – Identify all recorded and unrecorded wells on site (test holes, monitoring, water, oil, unplugged, capped and/or abandoned wells, etc.):

There are 0 (#) wells present on the project site and the locations are shown and labeled  
- (#s) The wells are not in use and have been properly abandoned.  
- (#s) The wells are not in use and will be properly abandoned.  
- (#s) The wells are in use and comply with 16 TAC Chapter 76.  
 There are - (#s) wells that are off-site and within 150 feet of this site.

4  
89

11. THE VEGETATION REPORT – Provide the information requested below:

**Brief description of site plant communities** (Attach additional sheets if needed):

The site is located within the Edwards Plateau Region of Texas (Gould, 1960), and can be further described as being part of the Live Oak-Mesquite Savanna region of the Edwards Plateau physiographic province (Amos and Gehlbach, 1988). Dominant vegetation associated with this region includes Texas oak (*Quercus texana*), live oak (*Q. virginiana*), plateau live oak (*Q. fusiformis*), honey mesquite (*Prosopis glandulosa*), Indiangrass (*Sorghastrum nutans*), little bluestem (*Schizachyrium scoparium*), wild rye (*Elymus* sp.), and buffalograss (*Buchloë dactyloides*).

Continued in Appendix A...

There is woodland community on site ..... ☒ YES ☐ NO (Check one).

If yes, list the dominant species below:

Woodland species	
Common Name	Scientific Name
plateau live oak	<i>Quercus fusiformis</i>
Texas oak	<i>Quercus texana</i>
Black walnut	<i>Juglans nigra</i>
American Sycamore	<i>Platanus occidentalis</i>
Chinese privet	<i>Ligustrum halepense</i>

There is grassland/prairie/savanna on site ..... ☐ YES ☒ NO (Check one).

If yes, list the dominant species below:

Grassland/prairie/savanna species	
Common Name	Scientific Name

There is hydrophytic vegetation on site ..... ☐ YES ☐ NO (Check one).

If yes, list the dominant species in table below (next page):

41  
90

Hydrophytic plant species		
Common Name	Scientific Name	Wetland Indicator Status
stiff marsh bedstraw	Galium tinctorium	OBL
inland sea oats	Chasmanthium latifolium	FAC
American sycamore	Platanus occidentalis	FAC+
wild onion	Allium canadense	FACU
dwarf palmetto	Sabal minor	FACW
flat-stem spikerush	Eleocharis compressa	FACW

A tree survey of all trees with a diameter of at least eight inches measured four and one-half feet above natural grade level has been completed on the site.

☒ YES ☐ NO (Check one).

**12. WASTEWATER REPORT** – Provide the information requested below.

Wastewater for the site will be treated by (Check of that Apply):

- ☐ On-site system(s)  
☒ City of Austin Centralized sewage collection system  
☐ Other Centralized collection system

*Note: All sites that receive water or wastewater service from the Austin Water Utility must comply with City Code Chapter 15-12 and wells must be registered with the City of Austin*

The site sewage collection system is designed and will be constructed to in accordance to all State, County and City standard specifications.

☒ YES ☐ NO (Check one).

Calculations of the size of the drainfield or wastewater irrigation area(s) are attached at the end of this report or shown on the site plan.

☐ YES ☐ NO ☒ Not Applicable (Check one).

Wastewater lines are proposed within the Critical Water Quality Zone?

☐ YES ☒ NO (Check one). If yes, then provide justification below:

LI  
91

Is the project site is over the Edwards Aquifer?

☐ YES ☒ NO (Check one).

If yes, then describe the wastewater disposal systems proposed for the site, its treatment level and effects on receiving watercourses or the Edwards Aquifer.

13. One (1) hard copy and one (1) electronic copy of the completed assessment have been provided.

Date(s) ERI Field Assessment was performed: February 4, 2015  
Date(s)

My signature certifies that to the best of my knowledge, the responses on this form accurately reflect all information requested.

Arthur D. Potts

(512) 442-1122

Print Name

Potts, Arthur D

Digitally signed by Potts, Arthur D  
DN: cn=Potts, Arthur D, ou=General Users,  
email=adpotts@terracon.com  
Date: 2015.04.06 15:27:44 -05'00'

Telephone

arthur.potts@terracon.com

Signature

Email Address

Terracon Consultants, Inc.

April 6, 2015

Name of Company

Date

For project sites within the Edwards Aquifer Recharge Zone, my signature and seal also certifies that I am a licensed Professional Geoscientist in the State of Texas as defined by ECM 1.12.3(A).

P.G.  
Seal

5	Primary Contact Name:	Arthur D. Polls
6	Phone Number:	(512) 442-1122
7	Prepared By:	Arthur D. Polls
8	Email Address:	arthur.polls@verracon.com

1	Project Name:	4209 Hidden Canyon Cove
2	Project Address:	4209 Hidden Canyon Cove
3	Site Visit Date:	February 4, 2015
4	Environmental Resource Inventory Date:	April 8, 2015

[illegible]

**please state the method of coordinate data collection and the approximate accuracy and accuracy of the points and the unit of measurement.**

City of Austin Use Only	CASE NUMBER:
-------------------------	--------------

Method	Accuracy
--------	----------

sub-meter ☐ cps ☐

GPS	<input type="checkbox"/>	sub-mete
-----	--------------------------	----------

GPS ☐ sub-meter ☐

meter	surveved
<input type="checkbox"/>	<input type="checkbox"/>

Surveyed ☐ Interviewed ☐

Other ☐ > 1 meter ☐

Professional Geologists apply seal below

For a spring or seep, locate the source of ground water that feeds a pool or stream.

For wetlands, locate the approximate centroid of the feature and the estimated area.

For rimrock, locate the midpoint of the segment that describes the feature.



U  
93

**APPENDIX A**  
**ADDITIONAL DISCUSSION**

L1  
94

#### **Description of Site Topography and Drainage *Continued...***

According to the NWI Wetland Mapper (available online), no potential wetlands are noted on or within 150 feet of the site. Additionally, as mapped by the Federal Emergency Management Agency (FEMA), the site is predominantly mapped as Zone X, which corresponds to areas outside the 500-year floodplain; however, a small portion of the on-site tributary channel is mapped as Zone X (shaded), which corresponds to areas within the 500-year flood plain.

During the site investigation, a creek was observed traversing the southern and eastern portions of the site, generally flowing northwest towards Lake Austin. A total of two CEFs were identified during the site investigation, and include one seep (identified as S1), and one wetland (identified as W1). At the time of the site visit, recent precipitation events had created wetter than normal conditions and the seep observed on-site was discharging groundwater. It is likely that flow rates are highly seasonably variable; however, an on-site irrigation system may contribute to constant flow. The CEFs are identified on Exhibit 2 in Appendix B.

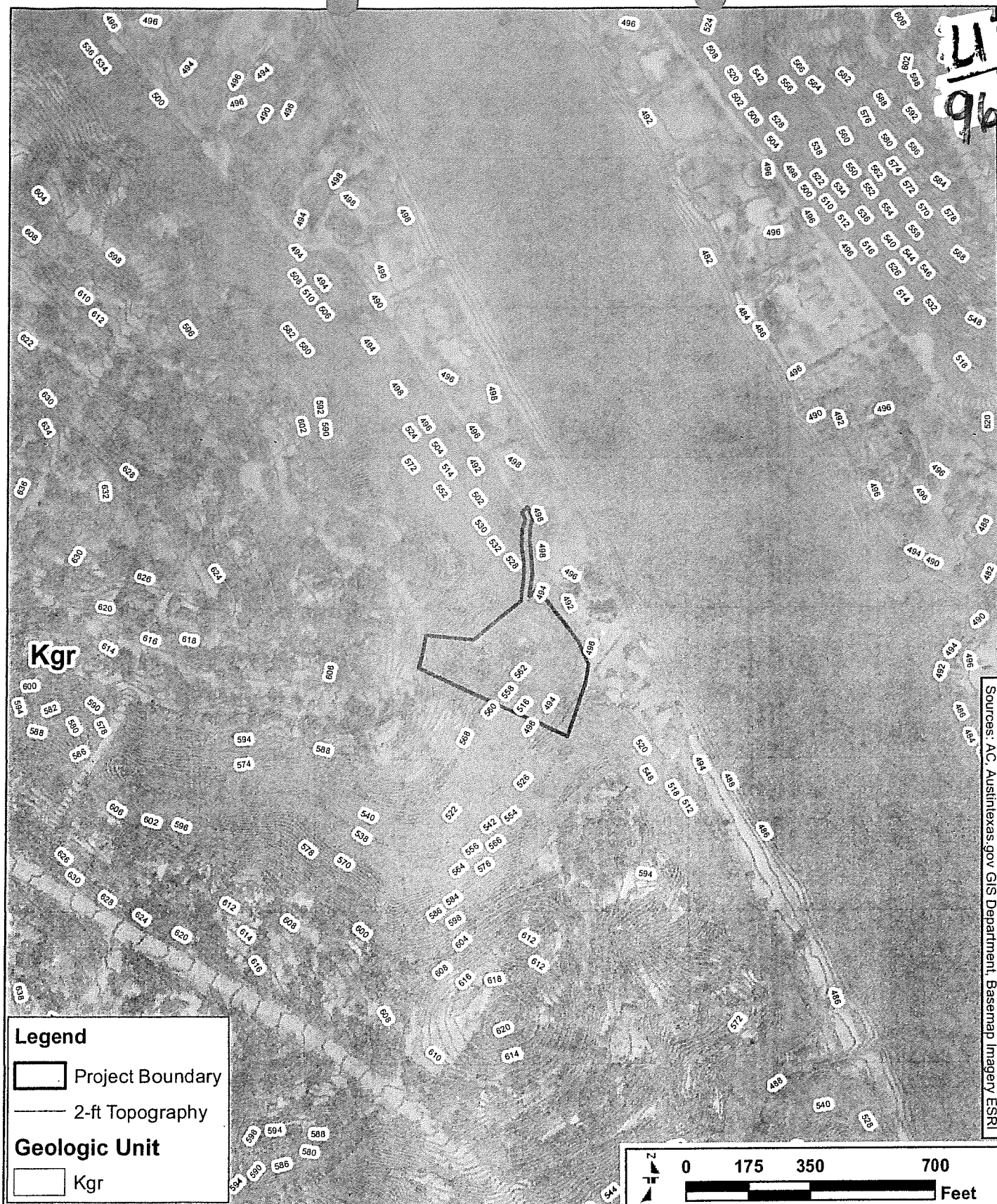
#### **Description of Site Plant Communities *Continued...***

According to the TPWD's *Vegetation Types of Texas* maps, the site is located in an area designated as "Live Oak – Ashe Juniper Woods" (27). This vegetation type occurs in areas of heavy urban development which have drastically altered the local plant community. Dominant species associated with the "LiveOak – Ashe Juniper Woods" include Texas oak, plateau live oak, Ashe juniper, shin oak (*Quercus havardii*), cedar elm (*Ulmus crassifolia*), evergreen sumac (*Rhus virens*), escarpment cherry (*Prunus serotina*), saw greenbrier (*Smilax bona-nox*), Texas mountain laurel (*Sophora secundiflora*), poison ivy (*Toxicodendron radicans*), twistleaf yucca (*Yucca rupicola*), elbowbush (*Foresteria pubescens*), cedar sedge (*Carex planostachys*), little bluestem (*Schizachyrium scoparium*), Neally grama (*Bouteloua uniflora*), Texas grama (*Bouteloua rigidiseta*), meadow dropseed (*Sporobolus drummondii*), Texas wintergrass (*Nassella leucotricha*), pellitory (*Parietaria pensylvanica*), noseburn (*Tragia urticifolia*), spreading sida (*Sida abutifolia*), woodsorrel (*Oxalis acetosella*), and prostrate spurge (*Euphorbia prostrata*).

The western portion of the site consists mostly of St. Augustine grass (*Stenotaphrum secundatum*) and other ornamental species, with interspersed plateau live oak. Dominant species observed on the site consist of plateau live oak, shin oak (*Quercus havardii*), mountain laurel (*Sophora secundiflora*), Chinese privet (*Ligustrum halepense*), heavenly bamboo (*Nandina domestica*), saw greenbrier (*Smilax bona-nox*). A stream and wetland area transect the western portion of the site and dominant species in this area include Black walnut (*Juglans nigra*), American sycamore (*Platanus occidentalis*), stiff marsh bedstraw (*Gallium tinctorium*), inland sea oats (*Chasmanthium latifolium*), wild onion (*Allium canadense*). Overall canopy cover for the site is an estimated 80 percent; however, trees were being cleared from the site at the time of the site investigation.

11  
95

**APPENDIX B**  
**EXHIBITS**



DRAWN BY	JC
CHECKED BY	AP
GIS SCALE	1 in: 350 ft
DATE	4/6/2015

<b>Terracon</b> Consulting Engineers & Scientists
Terracon Project No. 96157040

Site Specific Geologic Map with 2-ft Topography
4209 Hidden Canyon Cove Austin, Travis County, Texas

Exhibit
1



U  
97

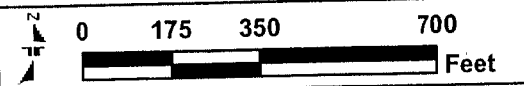



Sources: AC, AustinTexas.gov GIS Department, Basemap Imagery ESRI

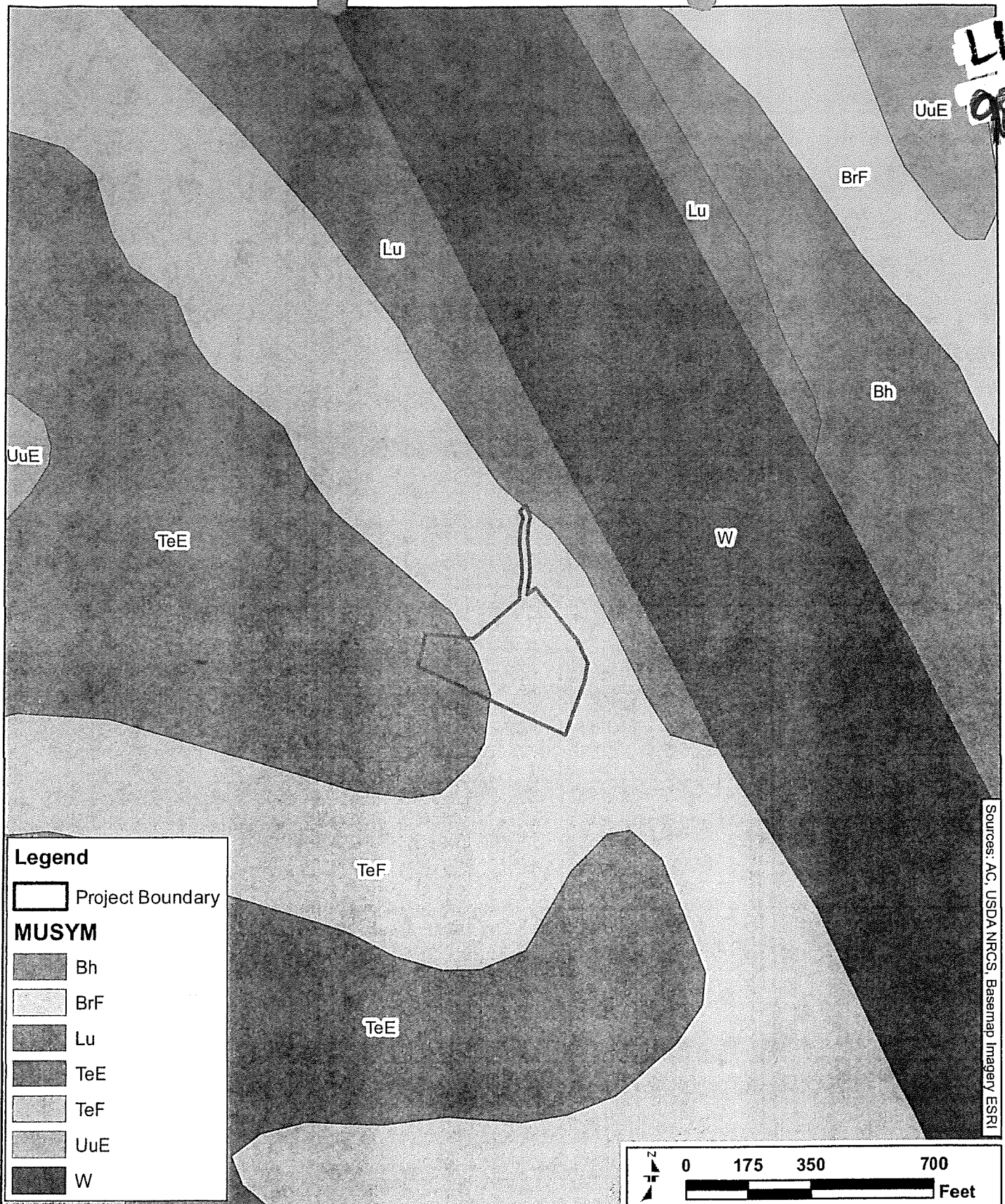
### Legend

\* Critical Environmental Feature

Project Boundary



DRAWN BY	JC		Site Historic Aerial Photo	Exhibit
CHECKED BY	AP		4209 Hidden Canyon Cove Austin, Travis County, Texas	2
GIS SCALE	1 in: 350 ft			
DATE	4/6/2015			
		Terracon Project No. 96157040		



DRAWN BY	JC	<b>Terracon</b> Consulting Engineers & Scientists Terracon Project No. 96157040	Site Soil Map	Exhibit
CHECKED BY	AP		4209 Hidden Canyon Cove	3
GIS SCALE	1 in: 350 ft		Austin, Travis County, Texas	
DATE	4/6/2015			





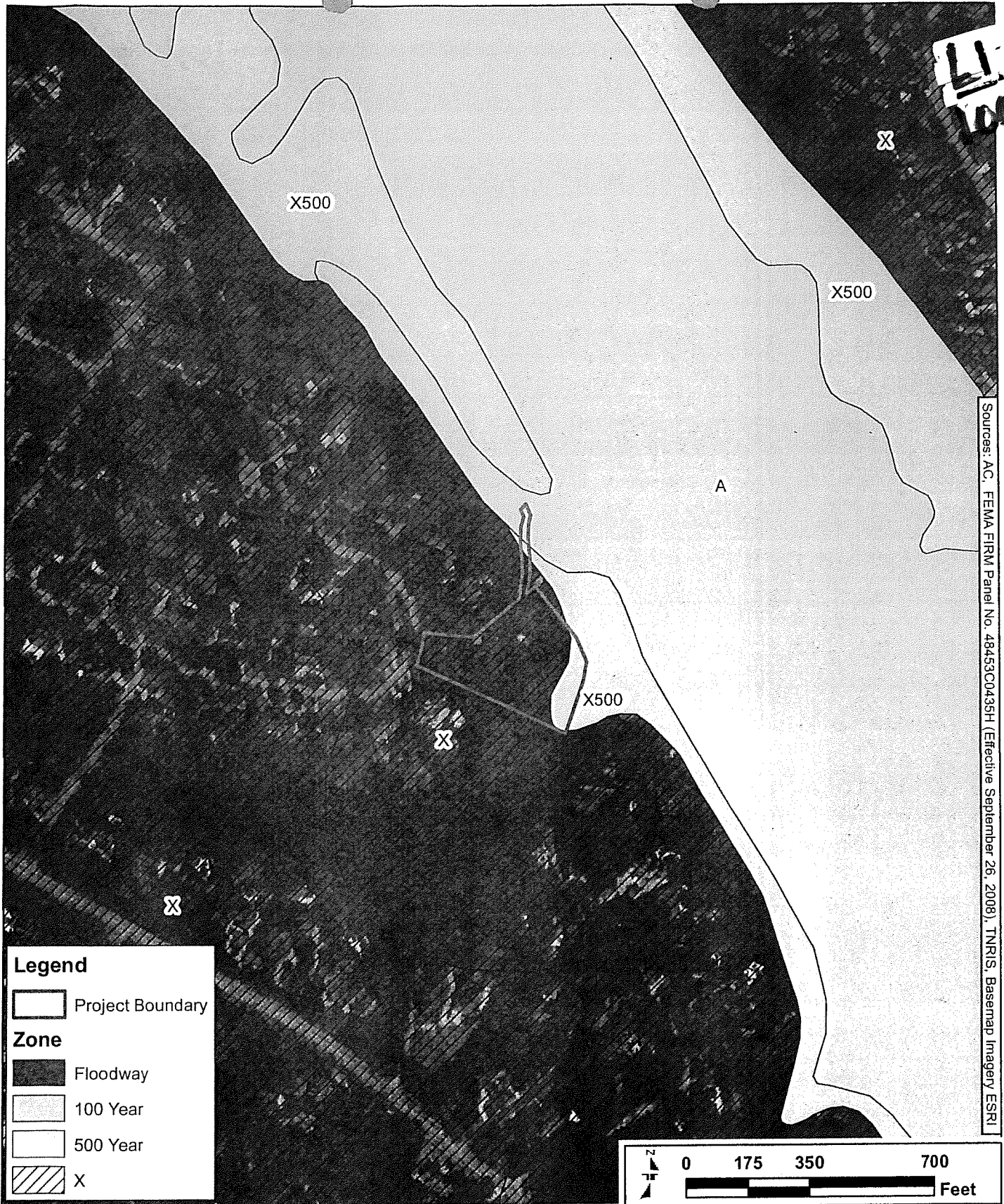
Sources: A.C., Austintexas.gov GIS Department, TWDB, Basemap Imagery ESRI

DRAWN BY	JC
CHECKED BY	AP
GIS SCALE	1 in: 350 ft
DATE	4/6/2015

<b>Terracon</b> Consulting Engineers & Scientists Terracon Project No. 96157040
---

Site Critical Environmental Features and Wells  4209 Hidden Canyon Cove Austin, Travis County, Texas
---

Exhibit
4



DRAWN BY	JC
CHECKED BY	AP
GIS SCALE	1 in: 350 ft
DATE	4/6/2015

<b>Terracon</b> Consulting Engineers & Scientists	Terracon Project No. 96157040
--	-------------------------------

FEMA Floodplain Map 4209 Hidden Canyon Cove Austin, Travis County, Texas
--

Exhibit
5





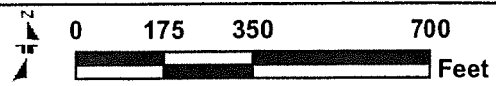
11  
101



Sources: AC, AustinTexas.gov GIS Department, Basemap Imagery ESRI

**Legend**

-  Project Boundary
-  Creek Buffer



DRAWN BY	JC
CHECKED BY	AP
GIS SCALE	1 in: 350 ft
DATE	4/6/2015

**Terracon**  
Consulting Engineers & Scientists  
Terracon Project No. 96157040

Water Quality Zones
4209 Hidden Canyon Cove Austin, Travis County, Texas

Exhibit
6

L1  
T02

**APPENDIX C**  
**SITE PHOTOGRAPHS**

Project No. 96147040  
Date Photos Taken: February 10, 2015

Terracon

LI  
103



Photo 1 On-site residence



Photo 2 View of S1 seep CEF



Photo 3 View of W1 wetland CEF

250  
4  
104

AGREEMENT CREATING ROADWAY EASEMENT

STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, JOE B. MITCHELL, CAROLINE G. MAESSON, JOYCE SHELTON and husband EMMETT SHELTON, SR., and STERLING HOLLOWAY, do hereby create a private easement for roadway purposes thirty-five (35') feet in width, as hereinafter described, over and across a portion of three tracts of land described in a Partition Deed recorded in Volume 1304, Page 259, Travis County Deed Records, said three tracts of land therein being set aside to Joe B. Mitchell, Josephine M. Johnson, and Margaret M. Foster, respectively, out of the Wm. Brown Survey No. 2, in Travis County, Texas; and subject to the conditions and covenants hereinafter set forth, said roadway easement covering a strip of land seventeen and one-half (17-1/2') feet in width on each side of the center line thereof, or a total width of thirty-five (35') feet, the center line of which easement is described as follows:

BEGINNING at an iron stake set in center of present road, in the West line of that certain 59.58 acre tract of land conveyed to Joe B. Mitchell by Partition Deed recorded in Volume 1304, Page 259, of the Deed Records of Travis County, Texas;

THENCE with the center line of the said 35.0 feet roadway easement with the courses and distances as follows: S. 60°00' E. 40.0 ft., N. 56°08' E. 50.0 ft. to a point of curve to the right, the radius of which is 20.0 ft;

THENCE with said curve to the right an arc distance of 31.42 ft., the chord of which bears S. 78° 52' E. 28.28 ft., to point of tangency of said curve;

THENCE continuing with the center line of said easement with the courses and distances as follows: S. 33° 52' E. 712.35 ft., S. 31° 30' E. 223.67 ft., S. 8° 20' E. 100.0 ft., S. 1° 31' E. 61.5 ft. to a point in the East line of that certain 55.70-acre tract conveyed to Joe B. Mitchell by deed recorded in Volume 1596, Page 14, of the Deed Records of Travis County, Texas, from which the Northeast corner of said 55.70-acre tract bears N. 30° 04' E. 211.13 ft., said Northeast corner of the 55.70 acres is also the Northwest corner of that certain 52.07 acres conveyed to Margaret M. Foster by Partition Deed recorded in Volume 1304, Page 259, of the Deed Records of Travis County, Texas;

THENCE through the Margaret M. Foster 52.07 acres with the courses and distances as follows: S. 1° 31' E. 30.0 ft., S. 34° 13' E. 210.88 ft., S. 22° 25' E. 53.7 ft., S. 4° 13' E. 42.5 ft., S. 7° 10' W. 76.14 ft., S. 29° 03' W. 330.0 ft., S. 21° 22' W. 195.0 ft., S. 35° 23' W. 162.04 ft., S. 42° 42' W. 226.0 ft., S. 13° 10' W. 320.0 ft. to point of termination in the North line of Westlake Drive; which point of termination bears N. 49° 54' W. a distance of 137.34 feet from the intersection of the East line of the Wm. Brown Survey and the North line of Westlake Drive, and also N. 49° 54' W. 19.63 feet from the West corner of Tract No. 3 covered by a Deed from L. Lee Brasfield, Trustee to Sterling Holloway of date April 30, 1970, recorded in Volume 3839, Pages 2288-91, Travis County Deed Records

CONDITIONS AND COVENANTS

I.

58-6745

It is expressly agreed and understood that this instrument does not constitute a dedication to the public of a public roadway, but grants to the respective parties hereto, their heirs, assigns, and successors in title, and to all persons who have heretofore acquired by deeds of record in Travis County, Texas, tracts located within the three tracts covered by the Partition Deed above referred to adjoining or adjacent to the easement above described, and to their heirs, assigns, and successors in title, for free and uninterrupted use of said roadway easement for access to lands owned or legally occupied by the parties for whose benefit this easement is granted, as above provided.

II.

This easement shall further inure to the benefit of and may be used by any person, or persons, having lawful reason to desire access to lands adjacent to said easement, the parties hereto, however, and each of them, reserving the right to deny the use of said easement to any person, or persons, who may make unlawful use of said easement or shall unlawfully trespass upon any lands adjacent thereto or who by their actions may create a public or a private nuisance to the detriment of the owners of the lands served by said easement. This right in the parties hereto shall continue so long as said easement shall continue to be a private easement, and to any portions thereof which may not have been dedicated as a public road.

III.

It is expressly understood that by the execution of this instrument none of the parties hereto are or shall be deemed to be expressly or impliedly obligated for the expenditure of any sum of money in the improvement or maintenance of the roadway on said easement, but any party hereto shall have the right to improve, at his or her expense, any portion of said roadway, so long as such improvement is situated within the boundaries of the easement hereby granted, and does not create a change of drainage adversely affecting lands adjacent thereto owned by any other party.

IV.

It is understood that embraced within the boundaries of the easement hereby created is a strip of land 17-1/2 feet in width along the Southwest Boundary Line of a tract of land conveyed by L. Lee Brasfield, Trustee to F. L. McNamara by deed recorded in Volume 3545, Page 291, Travis County Deed Records, and the joinder of the said McNamara in the execution of this instrument had not been obtained for the reason that by the terms of the deed to him it was recognized and declared that his Southwest line constituted a center line of a 35-foot roadway, and the center line as herein described corresponds with his Southwest Boundary Line.

V.

recorded in Volume 3545, Page 291, Travis County Deed Records

By an instrument of date February 8, 1963, L. Lee Brasfield, Substitute Trustee of the Estate of Margaret Mitchell Foster, granted to Joe B. Mitchell, his heirs and assigns, right of ingress and egress and the right to construct a roadway over and across the property of the Estate of Margaret M. Foster, Deceased, being the 52.07-acre tract set aside to said Margaret M. Foster in the Partition Deed first above mentioned, without specifying the

L1  
105

4342 348



41  
106  
18-67-45

location or description of the easement and roadway referred to therein. Joe B. Mitchell hereby expressly agrees on behalf of himself and his heirs and assigns that this instrument is executed and is accepted by him as full compliance, and in lieu of, all other rights granted to him by said instrument from L. Lee Brasfield, Substitute Trustee, and hereby acknowledges that he holds and claims no rights as to any portion of said 52.07-acre tract for easement, access, or roadway purposes save and except his rights under the easement granted by this instrument.

EXECUTED, this 14<sup>th</sup> day of March, 1972.

Joyce Shelton  
JOYCE SHELTON  
Emmett Shelton, Sr.  
EMMETT SHELTON, SR.

Joe B. Mitchell  
JOE B. MITCHELL  
Caroline G. Maesson  
CAROLINE G. MAESSON  
Sterling Holloway  
STERLING HOLLOWAY

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared JOE B. MITCHELL, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 3rd day of March, 1972.

NOTARY SEAL

Carol Sue Beasley  
Notary Public in and for  
Bexar County, Texas  
CAROL SUE BEASLEY  
Notary Public, Bexar County, Texas

STATE OF TEXAS  
COUNTY OF BEXAR

BEFORE ME, the undersigned authority, on this day personally appeared CAROLINE G. MAESSON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 3rd day of March, 1972.

NOTARY SEAL

Carol Sue Beasley  
Notary Public in and for  
Bexar County, Texas  
CAROL SUE BEASLEY  
Notary Public, Bexar County, Texas

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared JOYCE SHELTON, EMMETT SHELTON, SR., and STERLING HOLLOWAY, each known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 24<sup>th</sup> day of March, 1972.

NOTARY SEAL

Jan H. Hilly  
Notary Public in and for  
Travis County, Texas

LI  
107

INDEXED



MAY 3 9 01 AM '72  
 COUNTY CLERK  
 TARRANT COUNTY, TEXAS

ROADWAY BARNETT  
WILLOWAY, RT 11

1342 850

## Heldenfels, Leane

---

**From:** Sharon Parker <[REDACTED]>  
**Sent:** Saturday, September 12, 2015 10:55 AM  
**To:** Heldenfels, Leane; Scott Parker; Sharon Parker  
**Subject:** Case Number: C15-2015-0112, 4209 & 4213 Hidden Canyon Cove  
[REDACTED]

LI  
108

Dear Committee:

We object to the current application based only on the "positioning" of the proposed tram. The current proposal causes us to unnecessarily move our existing tram. We are happy to support the approval of a permit for the Lauryssen's, with the condition that the new tram is built in a way that does not disrupt our existing tram. There is adequate room for an additional tram without creating costly construction and disruption to our existing property.

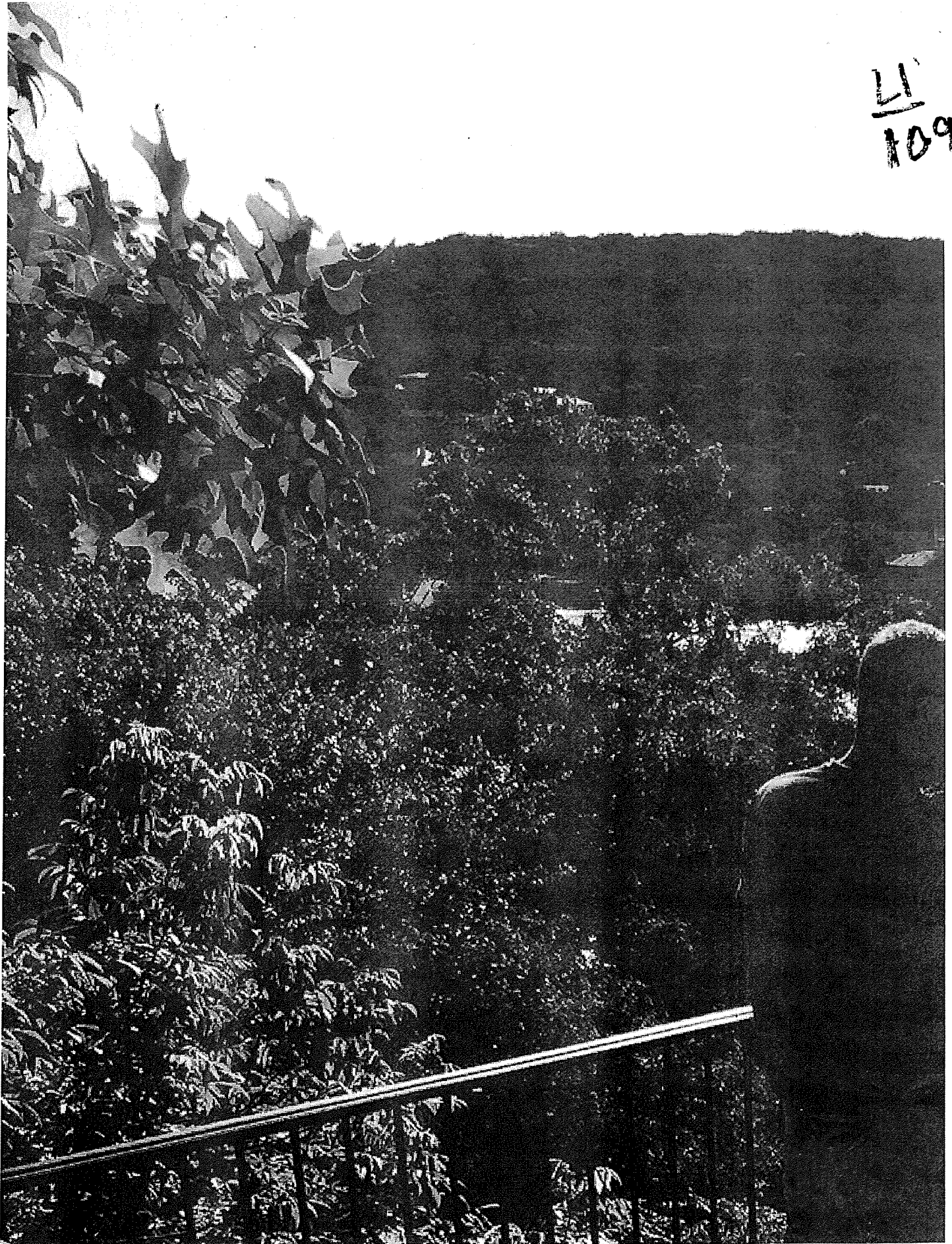
We have photos below showing existing tram; landing area; and both proposed & suggested location for new tram.

(Please see official public hearing form form on following email.

Thank you,  
The Parkers



LI  
109



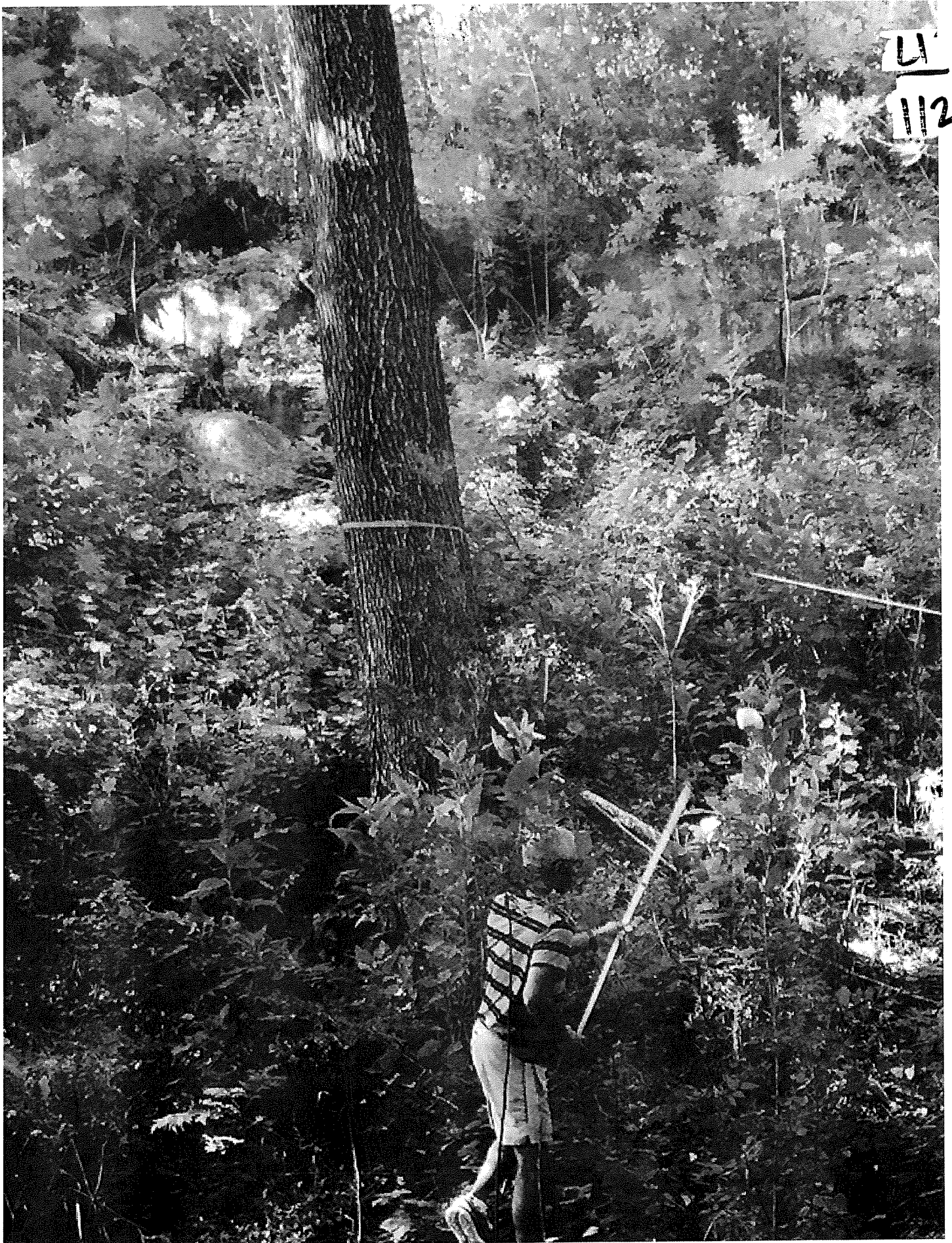
LI  
110



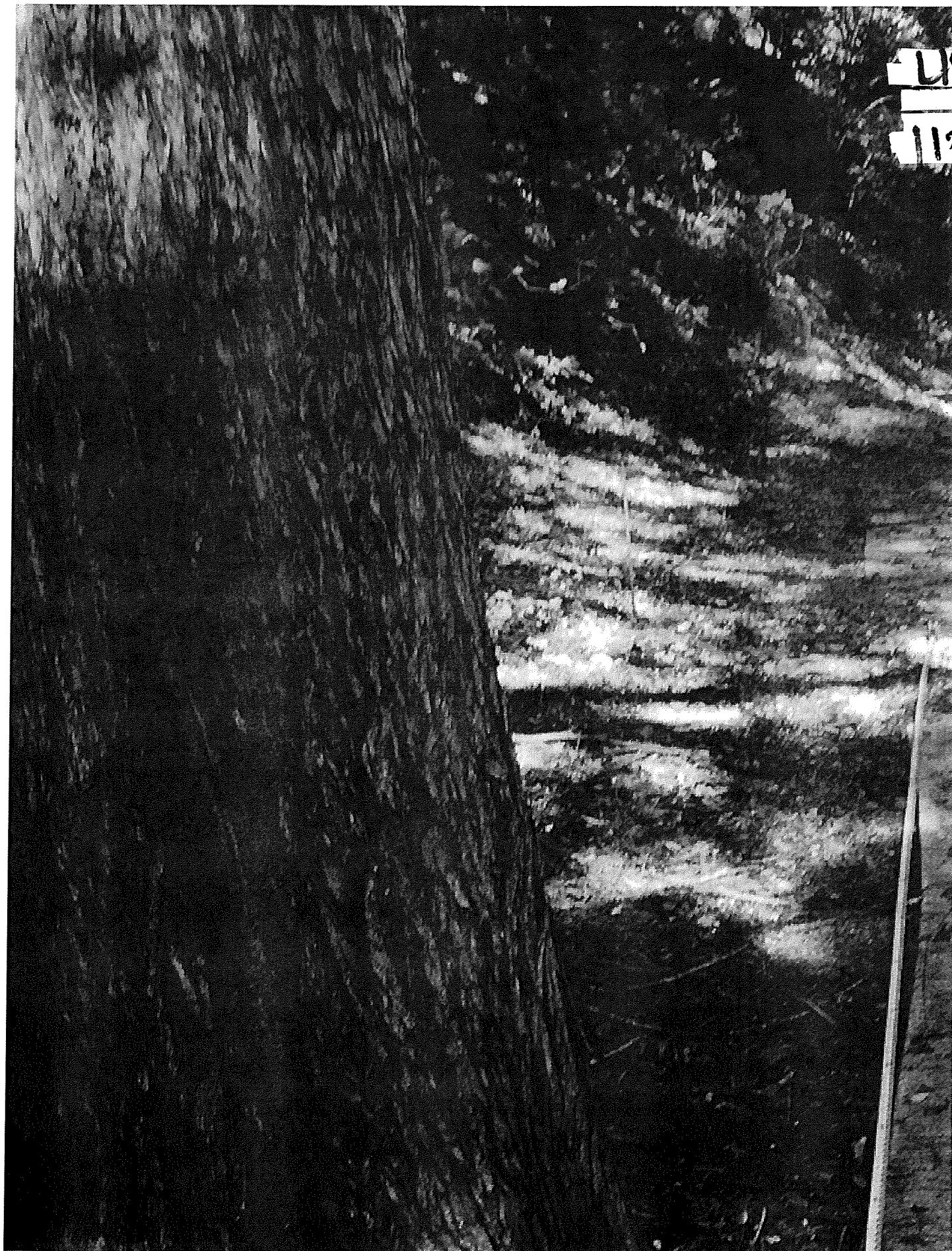












414

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2015-0112, 4209 & 4213 Hidden Canyon Cv  
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov  
Public Hearing: Board of Adjustment, September 14th, 2015

Scott L Parker

Your Name (please print)

☐ I am in favor  
☒ I object

4213 Hidden Canyon Cove

Your address(es) affected by this application

[Signature]

Signature

9-28-15

Date

Daytime Telephone: 409-718-6648

Comments: We object to the current application based only on the "positioning" of the proposed tram. The current proposal causes us to unnecessarily move our existing tram. We are happy to support the approval of a permit for the Lannyssais, with the one condition that the new tram is built via way that does not disrupt our existing tram. There is adequate room for an additional tram. If you use this form to comment, it may be returned up until noon the day of the hearing to (comments received after noon may not be seen by the Board at this hearing):

City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels  
P. O. Box 1088  
Austin, TX 78767-1088  
Fax: (512) 974-6305  
Scan & Email to: leane.heldenfels@austintexas.gov

without causing costly construction - disruption to our existing property. We have photos if you would like to

See them. Thank you. The Parkers



# 7151

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices).

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2015-0112, 4209 & 4213 Hidden Canyon CV  
Contact: Leanne Helldenfelds, 512-974-2202, [leanne.helldenfelds@austintexas.gov](mailto:leanne.helldenfelds@austintexas.gov)  
Public Hearing: Board of Adjustment, September 14th, 2015

Scott L Parker  
Your Name (please print)

☐ I am in favor  
☒ I object

4213 Hidden Canyon Cove  
Your address(es) affected by this application

Signature

Date

Daytime Telephone: 409-718-6648

Comments: We object to the current application based only on the "positioning" of the proposed tram. The current proposal causes us to unnecessarily move our existing tram. We are happy to support the approval of a permit for the launchers, with the one condition that the new tram is built in a way that does not disrupt our existing tram. There is adequate room for an additional tram. If you use this form to comment, it may be returned up until noon the day of the hearing to (comments received after noon may not be seen by the Board at this hearing):

City of Austin-Development Services Department/ 1st Floor  
Leanne Helldenfelds  
P. O. Box 1088  
Austin, TX 78767-1088  
Fax: (512) 974-6305  
Scan & Email to: [leanne.helldenfelds@austintexas.gov](mailto:leanne.helldenfelds@austintexas.gov)

without causing costly construction; disruption to our existing properties; or have photos if you would like to

See them

