

Zoning Case No. C14-2016-0136

STREET DEED

Date: _____, 2018

Grantor: **BROADMOOR AUSTIN ASSOCIATES**, a Texas joint venture

Grantor's Address: 2929 Walnut Street, Suite 1700, Philadelphia, PA 19104

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

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

Property: 0.449 acres of land, more or less, situated in Travis County, Texas, being more particularly described in the attached **Exhibit "A"**

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

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

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

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

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

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

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

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Executed effective the Date first above stated.

Grantor: **BROADMOOR AUSTIN ASSOCIATES**, a Texas joint venture

By: _____

Name: _____

Title: _____

STATE OF _____ §

COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared Leon Shadowen, Vice President of Broadmoor Austin Associates, a Texas joint venture, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on _____ 2018.

[Seal]

Notary Public, State of _____

APPROVED AS TO FORM:
CITY OF AUSTIN, TEXAS

By: _____

Name: _____

Title: Assistant City Attorney

0.449 ACRE
F.M. 1325 - BURNET ROAD
R.O.W. DEDICATION

FN NO. 18-114(MJJ)
APRIL 19, 2018
JOB NO. 222010716

DESCRIPTION

OF A 0.449 ACRE TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A TEN (10) FOOT WIDE STRIP OF LAND OUT OF LOT 2A AMENDED PLAT OF LOTS 1 AND 2, BLOCK "A" IBM SUBDIVISION EAST, A SUBDIVISION OF RECORD IN DOCUMENT NO. 201200035 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOT 2A CONVEYED TO BRANDYWINE AUSTIN, LLC, A DELAWARE LIMITED LIABILITY COMPANY BY SPECIAL WARRANTY DEED DATED JUNE 22, 2015 OF RECORD IN DOCUMENT NO. 2015097716 OF SAID OFFICIAL PUBLIC RECORDS; SAID 0.449 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found in the curving easterly right-of-way line of Burnet Road (F.M. 1325 - R.O.W. varies), being the southwesterly corner of that certain forty (40) foot wide Roadway Easement of record in Volume 844, Page 303 of the Deed Records of Travis County, Texas and also being the northwesterly corner of said Lot 2A, for the northwesterly corner hereof;

THENCE, S61°40'49"E, leaving the curving easterly right-of-way line of Burnet Road, along the southerly line of said 40 foot wide Roadway Easement, being a portion of the northerly line of said Lot 2A, for the northerly line hereof, a distance of 10.00 feet to a 1/2 inch iron rod with "STANTEC" cap set for the northeasterly corner hereof, from which a 1/2 inch iron rod with "BURY & PARTNERS" cap found being an angle point in the northerly line of said Lot 2A bears, S61°40'49"E, a distance of 338.32 feet;

THENCE, leaving the southerly line of said 40-foot-wide Roadway Easement, along a line ten (10) foot east of and parallel to the easterly right-of-way line of Burnet Road, the following four (4) courses and distances:

- 1) Along a non-tangent curve to the left having a radius of 3749.72 feet, a central angle of 02°07'27", an arc length of 139.02 feet and a chord which bears, S26°38'46"W, a distance of 139.01 feet to a 1/2 inch iron rod with "STANTEC" cap set for the end of said curve;
- 2) S25°29'53"W, a distance of 1263.77 feet to a 1/2 inch iron rod with "STANTEC" cap set for the point of curvature of a curve to the left;
- 3) Along said curve to the left having a radius of 2784.50 feet, a central angle of 10°08'12", an arc length of 492.63 feet and a chord which bears, S20°38'38"W, a distance of 491.99 feet to a 1/2 inch iron rod with "STANTEC" cap set for the end of said curve;

Exhibit A

- 4) S15°23'49"W, a distance of 58.23 feet to a 1/2 inch iron rod with "BURY & PARTNERS" cap found at the northwesterly corner of Lot 1, Resubdivision of Lot 1A, Block "A" Amended Plat of Lots 1 and 2, Block "A" IBM Subdivision East, a subdivision of record in Document No. 201200036 of said Official Public Records, same being a point in the southerly line of said Lot 2A and also being an angle point in the easterly right-of-way line of Burnet Road, for the southeasterly corner hereof;

THENCE, N62°24'54"W, leaving the northwesterly corner of said Lot 1, along a portion of the southerly line of said Lot 2A, same being a portion of the easterly right-of-way line of Burnet Road, for the southerly line hereof, a distance of 10.23 feet to a 1/2 inch iron rod found at the southwesterly corner of said Lot 2A, for the southwesterly corner hereof;

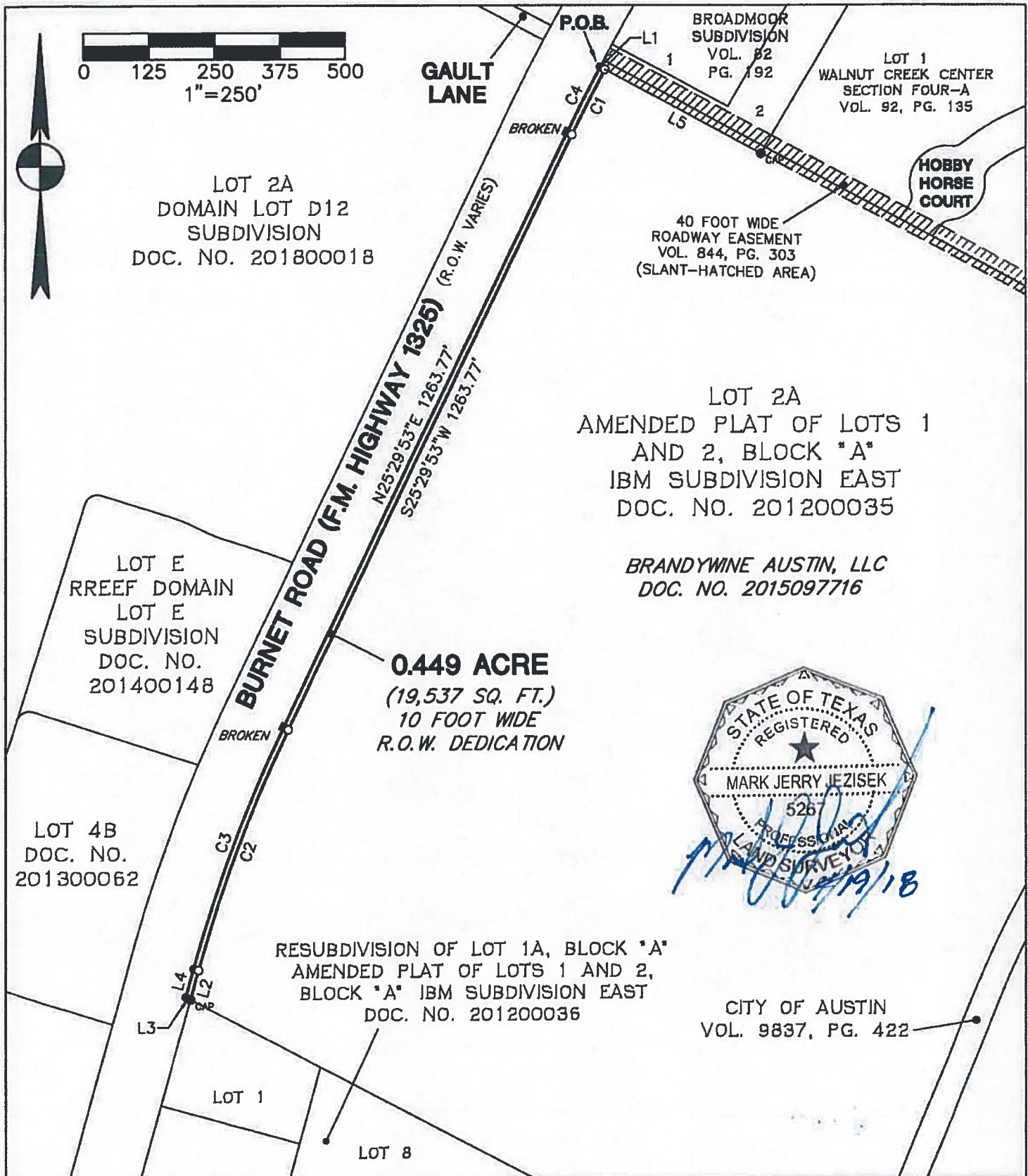
THENCE, continuing along the easterly right-of-way line of Burnet Road, being the westerly line of said Lot 2A, for the westerly line hereof, the following four (4) courses and distances:

- 1) N15°23'49"E, a distance of 56.07 feet to a 1/2 inch iron rod found for the point of curvature of a curve to the right;
- 2) Along a curve to the right having a radius of 2794.50 feet, a central angle of 10°08'12", an arc length of 494.40 feet and a chord which bears, N20°28'38"E, a distance of 493.75 feet to a broken TXDOT concrete monument found for the end of said curve;
- 3) N25°29'53"E, a distance of 1263.77 feet to a broken TXDOT concrete monument found for the point of curvature of a curve to the right;
- 4) Along said curve to the right having a radius of 3759.72 feet, a central angle of 02°07'33", an arc length of 139.50 feet and a chord which bears, N26°38'48"E, a distance of 139.50 feet to the **POINT OF BEGINNING**, containing an area of 0.449 acre (19,537 sq. ft.) of land, more or less, within these metes and bounds.

STANTEC CONSULTING
SERVICES INC.
1905 ALDRICH STREET
SUITE 300
AUSTIN, TEXAS 78723

Mark J. Jezisek 4/19/18
MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS
TBPLS # F-10194230
Mark.Jezisek@stantec.com





Stantec

221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512) 328-0011 Fax (512) 328-0325
TBPE # F-6324 TBPLS # F-10194230
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SKETCH TO ACCOMPANY DESCRIPTION
OF 0.449 ACRE OF LAND SITUATED IN THE CITY OF AUSTIN,
TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2A,
AMENDED PLAT OF LOTS 1 AND 2, BLOCK "A" IBM
SUBDIVISION EAST OF RECORD IN DOCUMENT NO. 201200035
OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**BRANDYWINE
AUSTIN, LLC**

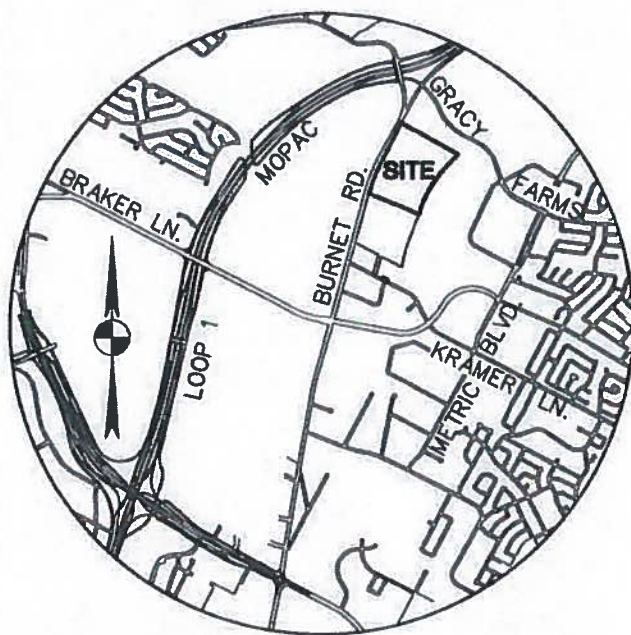
DATE: 04/19/18

FILE: V:\2220\SURVEY\222010716EX1.DWG

FN No.: 18-114(MJJ)

DRAWN BY: MJJ

PROJ. No: 222010716



VICINITY MAP
(N.T.S.)



LEGEND

- CAP 1/2" IRON ROD WITH "BURY & PARTNERS" CAP FOUND
- 1/2" IRON ROD WITH "STANTEC" CAP SET
- TXDOT CONCRETE MONUMENT FOUND
- P.O.B. POINT OF BEGINNING

BEARING BASIS:

THE BASIS OF BEARINGS SHOWN HEREON IS TEXAS STATE PLANE COORDINATES CENTRAL ZONE (HARN-NAD83) AND WERE DETERMINED BY GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS CONNECTED TO THE FOLLOWING:

MM02-HIGH PRECISION CONTROL POINT LOCATED ON THE ROOF OF THE OFFICES OF McGRAY & McGRAY LAND SURVEYORS, 3301 HANCOCK DRIVE, AUSTIN, TEXAS 78731

AUSIN RRP-COOPERATIVE BASE NETWORK CONTROL STATION AND AN "A" ORDER HARN STATION LOCATED ON THE ROOF OF BUILDING 4 OF THE TEXAS DEPARTMENT OF TRANSPORTATION OFFICES AT CAMP HUBBARD, LOOP 1 @ 35th STREET, AUSTIN, TEXAS 78731

LINE TABLE

NO.	BEARING	DISTANCE
L1	S61°40'49"E	10.00'
L2	S15°23'49"W	58.23'
L3	N62°24'54"W	10.23'
L4	N15°23'49"E	56.07'
L5	S61°40'49"E	338.32'

CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	139.02'	3749.72'	2°07'27"	S26°38'46"W	139.01'
C2	492.63'	2784.50'	10°08'12"	S20°28'38"W	491.99'
C3	494.40'	2794.50'	10°08'12"	N20°28'38"E	493.75'
C4	139.50'	3759.72'	2°07'33"	N26°38'48"E	139.50'



Stantec

221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512) 328-0011 Fax (512) 328-0325
TBPE # F-6324 TBPLS # F-10194230
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SKETCH TO ACCOMPANY DESCRIPTION

OF 0.449 ACRE OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2A, AMENDED PLAT OF LOTS 1 AND 2, BLOCK "A" IBM SUBDIVISION EAST OF RECORD IN DOCUMENT NO. 201200035 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**BRANDYWINE
AUSTIN, LLC**

DATE: 04/19/18

FILE: V:\2220\SURVEY\222010716EX1.DWG

FN No.: 18-114(MJJ)

DRAWN BY: MJJ

PROJ. No: 222010716

AFFIDAVIT AS TO DEBTS, LIENS, AND OCCUPANCIES

Date: _____ 2018

Affiant: **Leon Shadowen**

Affiant Title: Vice President

Owner: Broadmoor Austin Associates, a Texas joint venture.

Grant Document: Street Deed.

Property: 0.449 acres of land, more or less, situated in Travis County, Texas, being more particularly described in the attached Exhibit "A".

Affiant on oath swears or affirms that the following statements are true and are within the personal knowledge of Affiant:

My name is set forth above as Affiant. In my capacity listed above as Affiant Title, I am authorized by the Owner to make this affidavit. I am above the age of eighteen years, have never been convicted of a felony or a crime of moral turpitude, am of sound mind and am fully qualified to make this affidavit. I have personal knowledge of the facts contained in this affidavit in my capacity with the Owner that holds title to the Property, I have recently reviewed the Owner's records of ownership concerning the Property, and on the basis of this personal knowledge, after diligent inquiry, as of the date of this affidavit, I attest that:

1. Owner holds title to the Property;
2. there is no lien not subordinated to the Grant Document held by any person, including any bank or similar financial institution, against the Property;
3. there is no lease not subordinated to the Grant Document entered into with any person with respect to the Property;
4. all labor, services, and materials (the "**Labor and Materials**") provided to the Property for improvements, fixtures, and furnishings, or otherwise, at the instance and request of Owner, have been paid in full and no liens with respect to the Labor and Materials have been filed or exist with respect to the Property;
5. there are no actions, proceedings, judgments, bankruptcies, liens not subordinated to the Grant Document, or executions filed or pending against the Owner that would affect the Property; and
6. the Owner is not a debtor in bankruptcy.

Executed effective the Date first above stated.

**BROADMOOR AUSTIN ASSOCIATES, a Texas joint
venture**

By: _____

Name: _____

Title: _____

STATE OF _____ **§**
COUNTY OF _____ **§**

Before me, the undersigned notary, on this day personally appeared Leon Shadowen of Broadmoor Austin Associates, a Texas joint venture, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on _____ 2018.

[Seal]

Notary Public, State of _____

OWNERSHIP AND LIEN CERTIFICATE

File No. CS20180159(u)

Issued: June 06, 2018

*This is to certify that we have searched the records of Travis County in the **Office of Heritage Title Company of Austin, Inc.**, through **May 29, 2018** at **8:00 a.m.** as to the following described property, to-wit:*

LEGAL DESCRIPTION

Lot(s) 2A, Amended Plat of Lots 1 and 2, Block A, IBM Subdivision East, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded under Document No. 201200035, Official Public Records of Travis County, Texas.

RECORD TITLE APPEARS TO BE VESTED IN: *Broadmoore Austin Associates, by deed recorded under Document No. 2018086833, Official Public Records of Travis County, Texas.*

LIENS:

(None of Record)

*The following information is based on a general search, from **May 7, 1998** through **May 7, 2018** as to the following person(s) and/or entity(ies):*

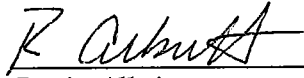
Brandywine Austin, LLC

(None of Record)

*This certificate is for the use of and shall inure to the benefit of **Stantec Consulting Services Inc.** and is issued in consideration of \$0.00 paid to **Heritage Title Company of Austin, Inc., (The Company)** by same to whom said sum shall be returned as liquidated damages in the event of any mistake, error and or omissions herein, and by accepting this certificate, same agrees that said sum and no more shall constitute the full measure of damages against **the Company**. None of the information contained herein, or the absence of other information constitutes a representation to any party as to the status of the title to the subject property. If a title defect and/or encumbrance should exist which is not disclosed herein, **the Company** shall not be liable by reason of furnishing this certificate or for any verbal statements related thereto. **The Company** shall not be liable for any title defect unless a title policy is hereafter issued by its insuring against such title defect, and the applicable title policy premium paid. The company's liability shall then*

exist only under the terms of its policy as prescribed by the Department of Insurance and as measured and limited thereby.

HERITAGE TITLE COMPANY OF AUSTIN, INC.

A handwritten signature in dark ink, appearing to read 'R Albritton', written over a horizontal line.

Rosie Albritton

Customer Service/Examiner

After Recording, Please Return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: C. Curtis, Paralegal