

Zoning Case No. C14-2018-0052

## STREET DEED

**Date:** September 26, 2018

**Grantor:** HB EXP., LLC, a Texas limited liability company

**Grantor's Address:** 2055 3<sup>rd</sup> Avenue, Suite C  
San Diego, CA 92101

**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:** 5,292 square feet of land being a portion of Lot 1, Amended Plat of Lots 1-4, Harris Parmer Crossing, a subdivision recorded in Document No. 201400173, Official Public Records of 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.

*--- The remainder of this page is intentionally blank ---*

Executed effective the Date first above stated.

Grantor: **HB EXP., LLC**, a Texas limited liability company

By:   
Name: Donald Clauson  
Title: Managing Member

STATE OF TEXAS           §  
COUNTY OF TRAVIS   §

Before me, the undersigned notary, on this day personally appeared Donald Clauson, managing member of HB Exp., LLC, a Texas limited liability company, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on \_\_\_\_\_ 2018.

[Seal]

*See attached  
certificate*

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

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

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

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of San Diego  
 On 9-26-18 before me, Diana Victoria Buchheit, notary public  
 Date Donald R. Clawson Here Insert Name and Title of the Officer  
 personally appeared Donald R. Clawson  
 Name of Signer to

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]  
 Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Street Deed Document Date: \_\_\_\_\_  
 Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

**CRICHTON AND ASSOCIATES, INC.**  
6448 HIGHWAY 290 EAST SUITE B-105  
AUSTIN, TEXAS 78723  
512-244-3395

**PROPOSED 5,292 S.F.  
R.O.W. DEDICATION**

**FIELD NOTES**

**FIELD NOTES FOR 5,292 SQUARE FEET BEING A PORTION OF LOT 1, AMENDED PLAT OF LOTS 1-4, HARRIS PARMER CROSSING, A SUBDIVISION RECORDED IN DOCUMENT NO. 201400173, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXA, SAID 5,292 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a ½" iron found in the westerly R.O.W. of Harris Branch Parkway, being a southeasterly corner of Lot 5, Harris Parmer Crossing, a subdivision recorded in Document No. 200300111, Official Public Records, Travis County, Texas and the northeast corner of Lot 1 of said Amended Plat of Lots 1-4, Harris Parmer Crossing, for the northeast corner of this tract and the **POINT OF BEGINNING**;

**THENCE** with the west R.O.W. line of said Harris Branch Parkway and the east line of said Lots 1, the following two (2) courses:

- 1) S27°58'11"W a distance of 22.73 feet to ½" iron rod found;
- 2) S28°27'36"W a distance of 596.12 feet to ½" iron rod set, being the east common corner of said Lots 1 & 2, for the Southeast corner of this tract.

**THENCE** N62°56'51"W with the common line of said Lot 2 and said Lot 1, a distance of 6.82 feet to a ½" iron rod set for the Southwest corner of this tract.

**THENCE** through the interior of said Lot 1 the following two (2) courses:

- 1) N28°08'20"E a distance of 596.00 feet to a ½" iron rod set;
- 2) N27°53'37"E a distance of 22.31 feet to a ½" iron rod set in the common line of said Lot 1 and said Lot 5, Harris Parmer Crossing;

**THENCE** S63°01'24"E with the common line of said Lot 1 and said Lot 5 a distance of 10.19 feet to the **POINT OF BEGINNING** and containing 5,292 square feet of land, more or less.

(BEARING BASIS = STATE PLANE COORDINATES (NAD 83), CENTRAL TEXAS ZONE (4203))

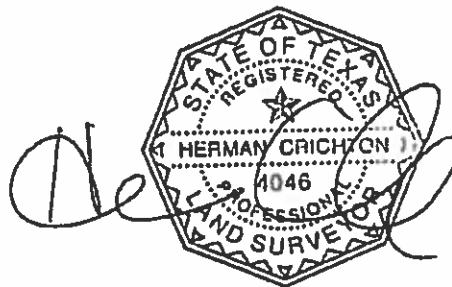
I hereby certify that the foregoing field notes were based on a survey on the ground, under my supervision and are true and correct to the best of my knowledge and belief.

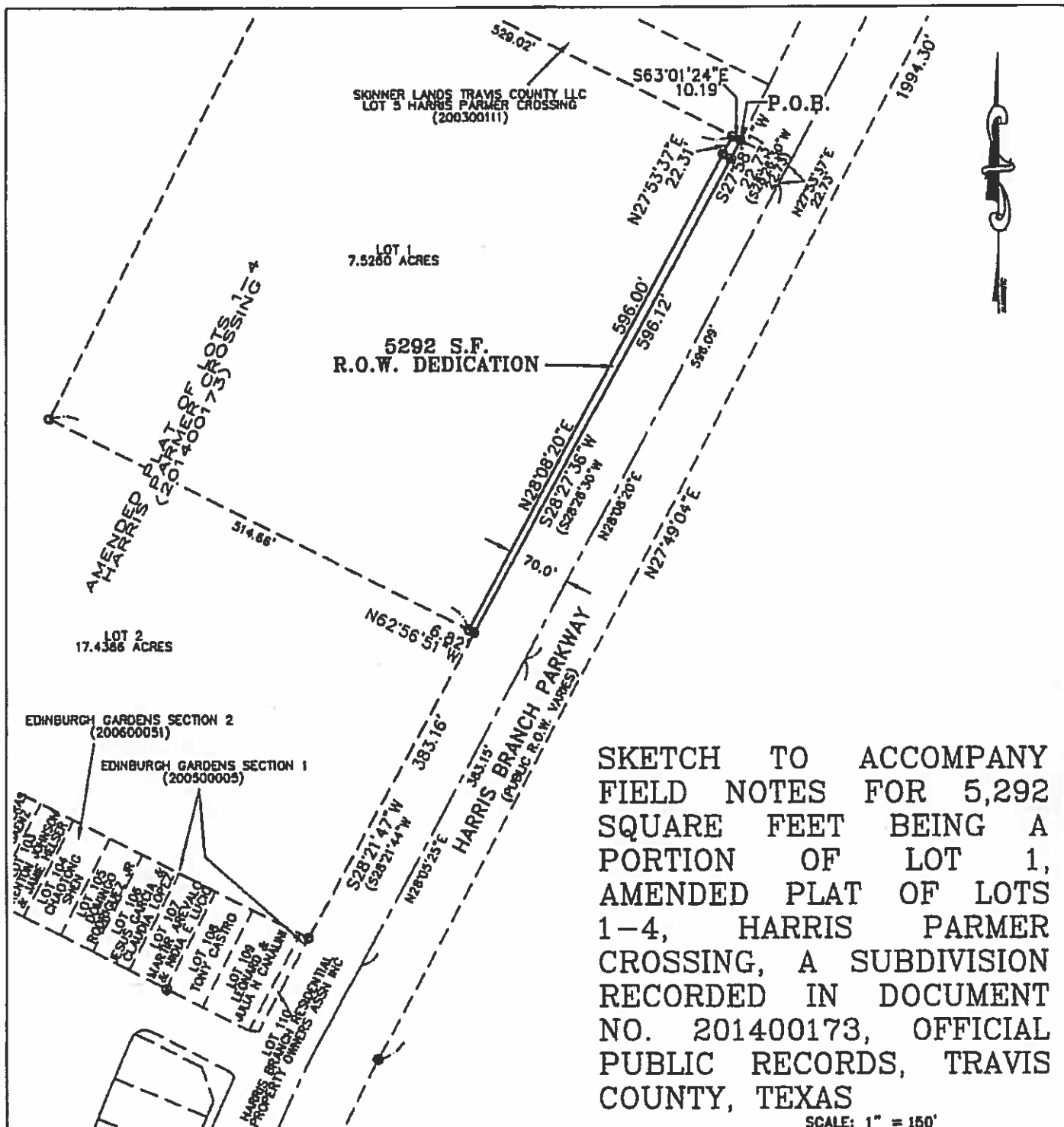
Witness my hand and seal this SEPT. 7<sup>th</sup>, 2018.

**Exhibit A**

Herman Crichton, R.P.L.S. 4046  
13\_318\_ESMT

References:  
Austin Grid Q-31  
TCAD: RefID2 02-42410137





SKETCH TO ACCOMPANY  
FIELD NOTES FOR 5,292  
SQUARE FEET BEING A  
PORTION OF LOT 1,  
AMENDED PLAT OF LOTS  
1-4, HARRIS PARMER  
CROSSING, A SUBDIVISION  
RECORDED IN DOCUMENT  
NO. 201400173, OFFICIAL  
PUBLIC RECORDS, TRAVIS  
COUNTY, TEXAS

SCALE: 1" = 150'

JOB NUMBER: 13\_318

**CRICHTON**  
AND ASSOCIATES INC.  
LAND SURVEYORS

TBLS Firm # 101727-00

6448 East Highway 290  
Suite B105

Austin, Texas 78723

(512) 244-3395

Orders@CrichtonandAssociates.com

BEARING BASIS = STATE  
PLANE COORDINATES (NAD 83),  
CENTRAL TEXAS ZONE 4203)

LEGEND	
⊙	1/2" IRON PIN FOUND
○	1/2" IRON PIN SET
△	NAIL FOUND
( )	RECORD INFORMATION



DATE: SEPTEMBER 7, 2016

AFFIDAVIT AS TO DEBTS, LIENS, AND OCCUPANCIES  
LIMITED LIABILITY COMPANY

**Date:** September 18, 2018  
**Affiant:** Donald Clauson  
**Affiant Title:** Manager

**Owner:** The person or entity in the Grant Document that is the holder of title to the Property.  
**Grant Document:** The document to which this Affidavit as to Debts, Liens, and Occupancies is attached and referred to.  
**Property:** The property identified in the Grant Document that is the subject of the Grant Document.

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.

HB EXP., LLC, a Texas limited liability company

By: Donald Clauson  
Name: Donald Clauson  
Title: Manager

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

Before me, the undersigned notary, on this day personally appeared \_\_\_\_\_, \_\_\_\_\_ of HB EXP., LLC, a Texas limited liability company, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on \_\_\_\_\_ 2018.

[Seal]

see attached  
certificate

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



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of San Diego )  
 On 9-18-18 before me, Diana Victoria Buchheit, notary public  
 Date Here Insert Name and Title of the Officer  
 personally appeared Donald R. Clabson  
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Diana Victoria Buchheit  
 Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: affidavit as to debts & liens Document Date: \_\_\_\_\_  
 Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

## CONSENT BY LIEN HOLDER

**Date:** Sept. 19<sup>th</sup> 2018

**Lien Holder:** Robert Michener and Myong Michener

**Lien Holder Notice Address:** 108 East 8<sup>th</sup> Street  
Georgetown, Texas 78626  
Attn: Josh Schroeder or Katie Porter

**Liens:** Deed of Trust dated December 8, 2015, from Grantor to Josh Schroeder or Katie Porter, Trustees, securing the payment of one promissory note of even date in the original principal amount of \$1,400,000.00, payable to Lien Holder, of record in Document Number 2015205483, of the Official Public Records of Travis County, Texas and all other liens against the Property held by Lien Holder regardless of how created or evidenced.

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

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

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

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



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

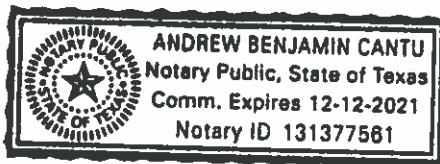
Executed effective the date first above stated.

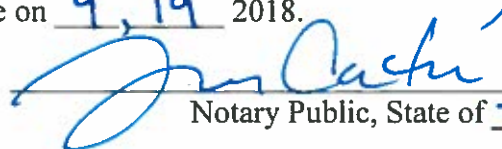
  
Robert Michener

STATE OF Texas §  
COUNTY OF Travis §

Before me, the undersigned notary, on this day personally appeared Robert Michener of **Robert Michener**, an individual, 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 9, 19 2018.  
[Seal]



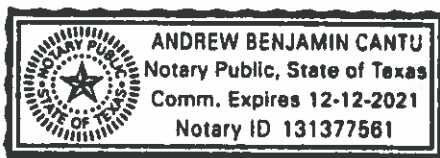
  
Notary Public, State of Texas

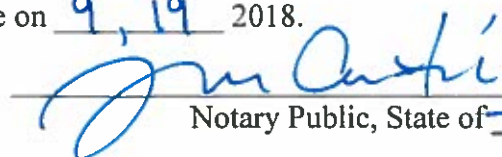
  
Myong Michener

STATE OF Texas §  
COUNTY OF Travis §

Before me, the undersigned notary, on this day personally appeared Myong Michener of **Myong Michener**, an individual, 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 9, 19 2018.  
[Seal]



  
Notary Public, State of Texas

**AFTER RECORDING RETURN TO:**

**City of Austin**

**Law Department**

**P.O. Box 1088**

**Austin, Texas 78767-1088**

**Attn: C. Curtis, Paralegal**