

Zoning Case No. C14-2020-0001

STREET DEED

Date: March 5, 2020

Grantor: BMR LAND, LLC, A TEXAS LIMITED LIABILITY COMPANY

Grantor's Address: 901 S. MoPac Expressway, Building 2, Suite 225
Austin, Texas 78746

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: Being a 0.029 acre tract of land out of the Santiago Del Valle Grant, Abstract No. 24, in Travis County, Texas, being a portion of that certain called 23.235 acre tract of land described in a Special Warranty Deed to BML Land, LLC, as recorded in Document No. 2018195592 of the Official Public Records of Travis County, Texas, said 0.029 acre of land being more particularly described by metes and bounds in the attached Exhibit "A", and

Being a 0.057 acre tract of land out of the Santiago Del Valle Grant, Abstract No. 24, in Travis County, Texas, being a portion of that certain called 23.235 acre tract of land described in a Special Warranty Deed to BML Land, LLC, as recorded in Document No. 2018195592 of the Official Public Records of Travis County, Texas, said 0.057 acre of land being more particularly described by metes and bounds in attached Exhibit "B".

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

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

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

TO HAVE AND TO HOLD the Property, together with all and singular the Rights and Appurtenances thereto in anywise belonging, unto City forever; and Grantor binds Grantor and Grantor’s heirs, successors, and assigns to WARRANT AND FOREVER DEFEND, all and singular, the title to the Property, subject to the Permitted Encumbrances, to the City against every person whomsoever lawfully claiming, or to claim the Property, or any part of the Property, when the claim is by, through, or under Grantor, but not otherwise.

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

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

Executed effective the Date first above stated.

Grantor: BML LAND, LLC, A TEXAS LIMITED LIABILITY COMPANY

William P. McLean

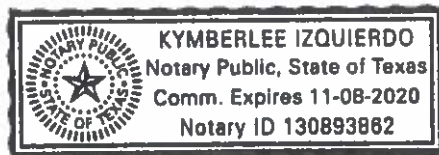
Name: William McLean Member

STATE OF TEXAS §
COUNTY OF TRAVIS §

Before me, the undersigned notary, on this day personally appeared William McLean, Member of BML Land, 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 March 5, 2020.

[Seal]



KyMBERLEE IZQUIERDO
Notary Public, State of TEXAS

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

By: _____
Name: _____
Title: Assistant City Attorney



Partners for a Better Quality of Life

EXHIBIT "A"

McKinney Falls Parkway 2.50' Wide Right-Of-Way Acquisition

BEING A 0.029 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, IN TRAVIS COUNTY, TEXAS; SAID 0.029 ACRE TRACT BEING A PORTION OF THAT CERTAIN CALLED 23.235 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO BMR LAND LLC, AS RECORDED IN DOCUMENT NO. 2018195592 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.); SAID 0.029 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point for the northeast corner of said 23.235 acre tract and the herein described tract, said point also being at the intersection of the southerly right-of-way (R.O.W.) line of Colton Bluff Springs Road (having a variable width) and the westerly R.O.W. line of McKinney Falls Parkway (having a variable width), and from which a 5/8-inch iron rod with aluminum cap stamped "Travis County Survey Dept" found bears North 11° 58' 13" East, at a distance of 0.64 feet;

THENCE, South 27° 09' 00" West, with the common westerly R.O.W. line of said McKinney Falls Parkway and the easterly line of said 23.235 acre tract, a distance of 502.17 feet to a 5/8-inch iron rod with yellow plastic cap stamped "CP&Y" set for the southeast corner of said 23.235 acre tract and the herein described tract, said iron rod also being on the northerly line of the remainder of that certain called 25.0 acre tract of land described in a Special Warranty Deed to Stan West, Christopher Vincel West, Melissa Bernice West and Lashell Kay West, as recorded in Document No. 2016074607, O.P.R.T.C.T.;

THENCE, North 62° 46' 20" West, departing the westerly R.O.W. line of said McKinney Falls Parkway, and with the common southerly line of said 23.235 acre tract and the northerly line of said 25.0 acre remainder tract, a distance of 2.50 feet to a 5/8-inch iron rod with yellow plastic cap stamped "CP&Y" set for the southwest corner of the herein described tract;

THENCE, North 27° 09' 00" East, traveling across the interior of said 23.235 acre tract, with a line 2.50 feet west of and parallel with the westerly R.O.W. line of said McKinney Falls Parkway, a distance of 502.17 feet to a 5/8-inch iron rod with yellow plastic cap stamped "CP&Y" set for the northwest corner of the herein described tract, said iron rod also being on the common southerly R.O.W. line of said Colton Bluff Springs Road and the northerly line of said 23.235 acre tract;

THENCE, South 62° 52' 04" East, with the common southerly R.O.W. line of said Colton Bluff Springs Road and the northerly line of said 23.235 acre tract, a distance of 2.50 feet to the **POINT OF BEGINNING** and containing 0.029 acre of land, more or less, based on a survey performed on the ground by CP&Y, Inc. in January and February of 2020

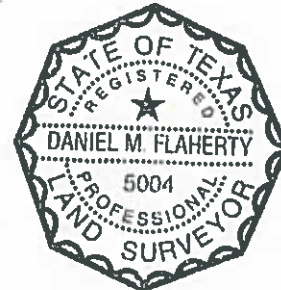


Exhibit "A" continued - Description of a 0.029 acre tract

Bearings are based on the Texas Central Zone Coordinate System, NAD '83 (HARN '93), which is based on the Trimble RTKNet, AllTerra VRS Network.



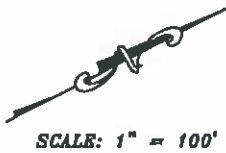
Daniel M. Flaherty, R.P.L.S. No. 5004
CP&Y, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Ph. (512) 248-0065
TBPLS Firm No. 10194125
Project No. 2000215



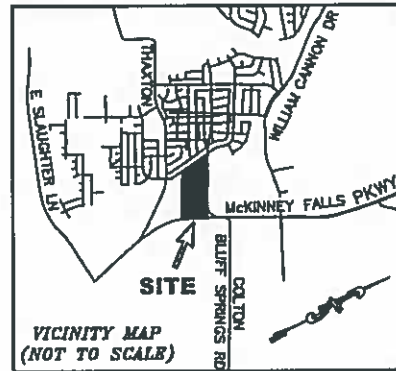
02-28-2020
Date

EXHIBIT "A"

DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION OF A 2.50 FOOT WIDE RIGHT-OF-WAY ACQUISITION PARCEL (0.029 ACRE) AND BEING PART OF A CALLED 23.235 ACRE TRACT OF LAND (EXHIBIT "A") DESCRIBED IN A DEED TO BMR LAND LLC AS RECORDED IN DOCUMENT NUMBER 2018195592, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



LINE TABLE		
NO.	BEARING	DIST.
L1	N 62°46'20" W	2.50'
L2	S 62°52'04" E	2.50'
L3	N 11°58'13" E	0.64'



ALUM ROCK DRIVE
(VARIABLE WIDTH R.O.W.)

SANTIAGO DEL VALLE SURVEY,
ABSTRACT No. 24,
TRAVIS COUNTY, TEXAS

REMAINDER OF
CALLED 25.0 ACRES
STAN WEST
CHRISTOPHER VINCE WEST
MEJUSSA BERNICE WEST
LASHELL KAY WEST
DOC. NO. 2018074607
O.P.R.T.C.T.

(N 62°46'21" W - 1839.62')
(N 62°46'20" W - 1839.62')

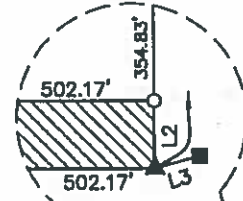
1837.12'

L1

502.17'

502.17'

CALLED 23.235 ACRES
BMR LAND LLC
DOC. NO. 2018195592
O.P.R.T.C.T.



2.50' WIDE RIGHT-OF-WAY
ACQUISITION PARCEL
0.029 ACRE (1,255 SQ. FT.)

EXISTING R.O.W. LINE

S 62°52'04" E - 357.33'
(S 62°51'54" E - 357.33')

COLTON-BLUFF SPRINGS ROAD
(VARIABLE WIDTH R.O.W.)

S 27°12'51" W
324.23'

EXISTING R.O.W. LINE

N 27°09'00" E - 502.17'

S 27°09'00" W - 502.17'
(S 27°08'04" W - 502.12')

McKINNEY FALLS PARKWAY
(115' R.O.W. WIDE R.O.W.)

FIELD NOTE
POINT OF
BEGINNING

GENERAL NOTES:

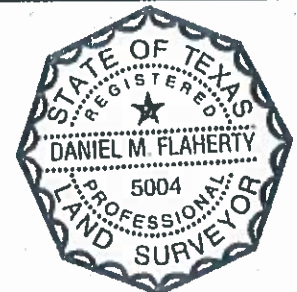
- 1.) ALL PROPERTY CORNERS FOUND ARE CONTROL MONUMENTS.
- 2.) SUBJECT TO ANY AND ALL COVENANTS, RESTRICTIONS, EASEMENTS AND CONDITIONS THAT MAY BE APPLICABLE.
- 3.) THIS DRAWING IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION.
- 4.) BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM (CENTRAL ZONE, NAD 83), WHICH IS BASED ON THE TRIMBLE TEXAS CENTRAL TEXAS GPS COOPERATIVE CORS RTK NETWORK.

LEGEND

- - 1/2" IRON ROD FOUND (UNLESS NOTED)
- - 5/8" IRON ROD WITH ALUMINUM CAP STAMPED "TRAVIS COUNTY SURVEY DEPT." FOUND
- ▲ - CALCULATED POINT
- - 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CP&Y" SET
- () - RECORD INFORMATION
- O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS



1 Chisholm Trail, Suite 130
Round Rock, Texas 78681 512.248.0065
TEXAS REGISTERED ENGINEERING FIRM F-1741
TBPLS 10194125

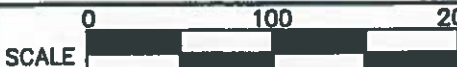


I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED MEETS THE REQUIREMENTS FOR LAND SURVEYS IN THE STATE OF TEXAS. THIS THE 28TH DAY OF FEBRUARY, 2020.

Daniel M. Flaherty
DANIEL M. FLAHERTY, RPLS NO. 5004

SURVEYED: 02-27-2020

3 OF 3



SCALE

PLAT NO. A-5244 DRAFT DATE 2-28-2020 DRAWN BY DLM

WORK ORDER NO. 2000288R FIELDBOOK/PG. RR 412/19 TAB # A-5244

DIGITAL FILE 2000288R 0.029 AC ROW TAKE F/N # 2000288R-FN01

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Partners for a Better Quality of Life

EXHIBIT "B"

Alum Rock Drive 4.00' Wide Right-Of-Way Acquisition

BEING A 0.057 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, IN TRAVIS COUNTY, TEXAS; SAID 0.057 ACRE TRACT BEING A PORTION OF THAT CERTAIN CALLED 23.235 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO BMR LAND LLC, AS RECORDED IN DOCUMENT NO. 2018195592 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.); SAID 0.057 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a p.k. nail with washer stamped "CP&Y" set in asphalt for the westernmost northwest corner of said 23.235 acre tract and the herein described tract, said p.k. nail also marking the intersection of the easterly R.O.W. line of Alum Rock Drive (having a variable width) and the southerly R.O.W. line of Colton Bluff Springs Road (having a variable width);

THENCE, In an Easterly direction, with the common southerly R.O.W. line of said Colton Bluff Springs Road and the northerly line of said 23.235 acre tract, and with a curve to the left, having a central angle of $01^{\circ} 08' 23''$, a radius of 297.04 feet, an arc length of 5.91 feet, and a chord bearing and distance of **South $49^{\circ} 23' 33''$ East – 5.91 feet** to a p.k. nail with washer stamped "CP&Y" set in asphalt for the northeast corner of the herein described;

THENCE, **South $06^{\circ} 47' 24''$ East**, traveling across the interior of said 23.235 acre tract, with a line 4.00 feet east of and parallel with the easterly R.O.W. line of said Alum Rock Drive, a distance of 619.70 feet to a 5/8-inch iron rod with yellow plastic cap stamped "CP&Y" set for the southeast corner of the herein described tract, said iron rod also being on the common southerly line of said 23.235 acre tract and the northerly line of the remainder of that certain called 25.0 acre tract of land described in a Special Warranty Deed to Stan West, Christopher Vincel West, Melissa Bernice West and Lashell Kay West, as recorded in Document No. 2016074607, O.P.R.T.C.T.;

THENCE, **North $62^{\circ} 46' 20''$ West**, with the common southerly line of said 23.235 acre tract and the northerly line of said 25.0 acre remainder tract, a distance of 4.83 feet to a 1/2-inch iron rod found for the southwest corner of the herein described tract, said iron rod marking the common southwest corner of said 23.235 acre tract and the northwest corner of said 25.0 acre remainder tract, and also being on the easterly R.O.W. line of said Alum Rock Drive;

THENCE, **North $06^{\circ} 47' 24''$ West**, with the common easterly R.O.W. line of said Alum Rock Drive and the westerly line of said 23.235 acre tract, a distance of 621.35 feet to the **POINT OF BEGINNING** and containing 0.057 acre of land, more or less, based on a survey performed on the ground by CP&Y, Inc. in January and February of 2020

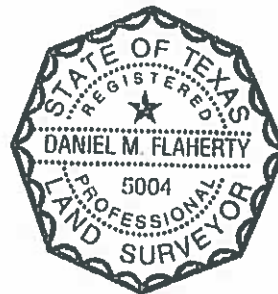


Exhibit "A" continued - Description of a 0.057 acre tract

Bearings are based on the Texas Central Zone Coordinate System, NAD '83 (HARN '93), which is based on the Trimble RTKNet, AllTerra VRS Network.



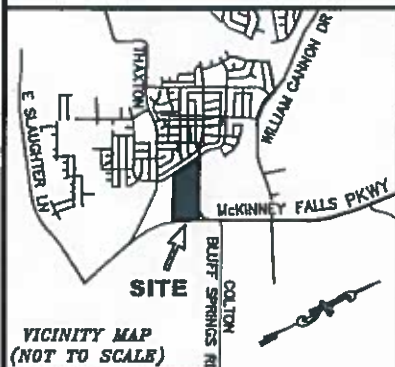
Daniel M. Flaherty, R.P.L.S. No. 5004
CP&Y, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Ph. (512) 248-0065
TBPLS Firm No. 10194125
Project No. 2000288



02-28-2020
Date

EXHIBIT "A"

DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION OF A 4.00 FOOT WIDE RIGHT-OF-WAY ACQUISITION PARCEL (0.057 ACRE) AND BEING PART OF A CALLED 23.235 ACRE TRACT OF LAND (EXHIBIT "A") DESCRIBED IN A DEED TO BMR LAND LLC AS RECORDED IN DOCUMENT NUMBER 2018195592, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



- LEGEND**
- = 1/2" IRON ROD FOUND (UNLESS NOTED)
 - = 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CP&Y" SET
 - () = RECORD INFORMATION
 - O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS

FIELD NOTE
POINT OF
BEGINNING

COLTON-BLUFF SPRINGS ROAD
(VARIABLE WIDTH R.O.W.)

ALUM ROCK DRIVE
(VARIABLE WIDTH R.O.W.)

CALLLED 23.235 ACRES
BMR LAND LLC
DOC. NO. 2018195592
O.P.R.T.C.T.

SANTIAGO DEL VALLE SURVEY,
ABSTRACT No. 24,
TRAVIS COUNTY, TEXAS

SCALE: 1" = 100'

4.00' WIDE RIGHT-OF-WAY
ACQUISITION PARCEL
0.057 ACRE (2,482 SQ. FT.)

LINE TABLE		
NO.	BEARING	DIST.
L1	N 62°46'20" W	4.83'

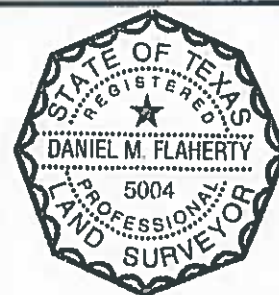
CURVE TABLE			
No.	C1	C2	(C2)
Radius	297.04'	297.04'	297.04'
Arc Length	5.91'	71.52'	71.41'
Delta Angle	01°08'23"	13°47'44"	13°46'21"
Chord Bearing	S 49°23'33" E	S 55°43'14" E	S 55°45'37" E
Chord Length	5.91'	71.35'	71.23'

GENERAL NOTES:

- 1.) ALL PROPERTY CORNERS FOUND ARE CONTROL MONUMENTS.
- 2.) SUBJECT TO ANY AND ALL COVENANTS, RESTRICTIONS, EASEMENTS AND CONDITIONS THAT MAY BE APPLICABLE.
- 3.) THIS DRAWING IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION.
- 4.) BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM (CENTRAL ZONE, NAD 83), WHICH IS BASED ON THE TRIMBLE TEXAS CENTRAL TEXAS GPS COOPERATIVE CORS RTK NETWORK.



1 Chisholm Trail, Suite 130
Round Rock, Texas 78681 512.248.0065
TEXAS REGISTERED ENGINEERING FIRM F-1741
TBPLS 10194125



I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED MEETS THE REQUIREMENTS FOR LAND SURVEYS IN THE STATE OF TEXAS. THIS THE 28TH DAY OF FEBRUARY, 2020.

SURVEYED: 02-27-2020

DANIEL M. FLAHERTY, RPLS NO. 5004

3 OF 3



PLAT NO. A-5245 DRAFT DATE 2-28-2020 DRAWN BY DLM
WORK ORDER NO. 2000288 FIELDBOOK/PG. RR 412/19 TAB # A-5245
DIGITAL FILE 2000288R 0.057 AC ROW TAKE F/N # 2000288R-FN01

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AFFIDAVIT AS TO DEBTS, LIENS, AND OCCUPANCIES
[OWNERSHIP TYPE - ENTITY]

Date: March 2 2020

Affiant: William P. McLean

Affiant Title: Member, BMR Land LLC, a Texas limited liability company

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.

BMR LAND LLC,
a Texas limited liability company

By: 

Name: William P. McLean

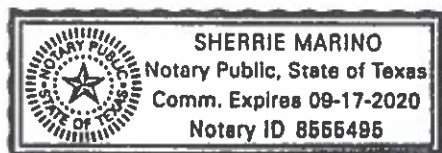
Title: Member


STATE OF Texas §
COUNTY OF Travis §

Before me, the undersigned notary, on this day personally appeared William P. McLean, Member of **BMR LAND 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 March 2 2020.

[Seal]




Notary Public, State of Texas

AFTER RECORDING RETURN TO:
City of Austin
Law Department
P.O. Box 1088
Austin, Texas 78767-1088
Attn: C. Curtis, Paralegal