

STATE OF TEXAS)
) KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS)

RECITALS

As of the Effective Date of this First Amendment, fee simple title in and to all real property underlying the "Easement Tract" as restated in its entirety hereinbelow, remains vested in

Grantor, and the Required Consent Parties are joining herein solely for the purpose of witnessing their written consent to this First Amendment as required pursuant to Section 4 of the Easement.

NOW, THEREFORE, subject to the written consent and acknowledgment of the Required Consent parties and the City, Grantor and Grantee do hereby modify, amend and restate the Easement as follows:

1. Restatement of Easement Area. The Easement Area, as described in the Easement, is hereby deleted in its entirety and restated as follows:

“The “Easement Area” encumbers and is herein defined as two contiguous parcels of land which are described by meters and bounds in **Exhibit “A-1”** and **Exhibit “A-2”**, attached hereto and incorporated herein by reference, and each such parcel is depicted in the rendering thereof attached hereto as **Exhibit “B-1”** and **Exhibit “B-2”**, respectively. All such exhibits are attached hereto and fully incorporated herein for all purposes.”
2. Capitalized Terms/Interpretation. All capitalized terms that are not defined herein shall have the meanings assigned to such terms in the Easement. Except as modified hereby, all terms and conditions of the Easement are hereby ratified and confirmed. In the event of any conflict between the terms of this First Amendment and the terms of the Easement, the terms of this First Amendment shall govern.
3. Multiple Counterparts. This First Amendment may be executed in multiple counterparts, which, when taken together, shall constitute one instrument.

EXECUTED on the dates witnessed below, to become effective as of the _____ day of _____, 2015 (the “**Effective Date**” of this Easement).

GRANTOR:

By: _____
Timothy P. Skaggs

Date executed: _____, 2015

By: _____
Brenda F. Skaggs

Date executed: _____, 2015

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF _____ §

 This instrument was acknowledged before me on the _____ day of _____,
2015, by Timothy P. Skaggs, and Brenda F. Skaggs.

NOTARY PUBLIC, STATE OF TEXAS

Grantor's Address for Notice Purposes:
13618 West Highway 71
Bee Cave, Texas 78738

GRANTEE:

TCHMALL SPORTS, LLC, a Texas limited liability company

By: _____
JEFFREY FRANKLIN KENT, Manager

Date executed: _____, 2015

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2015, by JEFFREY FRANKLIN KENT, Manager of TCHMALL SPORTS, LLC, a Texas limited liability company, on behalf of said limited liability company and in the capacity stated.

NOTARY PUBLIC, STATE OF TEXAS

Grantee's Address for Notice Purposes:
c/o Jeff Kent
12006 Pleasant Panorama View
Austin, Texas 78738

JOINED HEREIN TO WITNESS CONSENT PURSUANT TO SECTION 4 OF THE EASEMENT BY THE REQUIRED CONSENT PARTIES:

JOINING J FAMILY PARTNERSHIP, a Texas family limited partnership

By: Caliza Partners, LLC, a Texas limited liability company
Its: general partner

Jason P. Skaggs, President

Date executed: _____, 2015

SKAGGS FAMILY PARTNERSHIP, a Texas family limited partnership

By: Caliza Partners, LLC, a Texas limited liability company
Its: general partner

Jason P. Skaggs, President

Date executed: _____, 2015

THE TIMOTHY AND BRENDA REVOCABLE TRUST

By: _____
Its: _____

Date executed: _____, 2015

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF _____ §

 This instrument was acknowledged before me on the _____ day of _____, 2015, by Jason P. Skaggs, President of Caliza Partners, LLC, a Texas limited liability company, the general partner of Joining J Family Partnership, a Texas limited partnership, on behalf of said limited liability company and family limited partnership and in the capacity stated.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS §
 §
COUNTY OF _____ §

 This instrument was acknowledged before me on the _____ day of _____, 2015, by Jason P. Skaggs, President of Caliza Partners, LLC, a Texas limited liability company, the general partner of Skaggs Family Partnership, a Texas limited partnership, on behalf of said limited liability company and family limited partnership and in the capacity stated.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS §
 §
COUNTY OF _____ §

 This instrument was acknowledged before me on the _____ day of _____, 2015, by _____, Trustee of the Tim and Brenda Revocable Trust, on behalf of said trust and in the capacity stated.

NOTARY PUBLIC, STATE OF TEXAS

APPROVED AS TO FORM
AND SUBSTANCE:

THE CITY OF BEE CAVE, TEXAS

By: _____
Print Name: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____,
2015, by _____, _____ of the City of Bee Cave,
Texas, a Texas municipal corporation, on behalf of said corporation and in the capacity stated.

NOTARY PUBLIC, STATE OF TEXAS

EXHIBIT "A-1"

LEGAL DESCRIPTION OF PARCEL 1 OF EASEMENT AREA

EXHIBIT "A-2"

LEGAL DESCRIPTION OF PARCEL 2 OF EASEMENT AREA

EXHIBIT “B-1”

RENDERING OF PARCEL 1 OF EASEMENT AREA

EXHIBIT “B-2”

RENDERING OF PARCEL 2 OF EASEMENT AREA

MORTGAGEE CONSENT

Bank of America, N.A., a national banking association, having a mailing address of 515 Congress Avenue, 10th Floor, Austin, Travis County, Texas 78701, holder of that certain promissory note made by TCHMALL SPORTS, L.L.C., secured by that certain deed of trust filed on November 3, 2014, and recorded under Doc. No. 2014164995 of the Official Public Records of Travis County, Texas (the "First Lien Mortgage"), hereby consents to the execution and recording of the above and foregoing instrument and agrees that a foreclosure of the First Lien Mortgage will not extinguish the Easement as modified by the First Amendment.

IN WITNESS WHEREOF, the said Bank of America, N.A., has caused this instrument to be signed by its duly authorized officers on its behalf, all done on this _____ day of _____, 20____.

By: _____
Name: _____
Title: _____

STATE OF TEXAS)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me this _____ day of _____, 20____, by _____, as _____ of _____ Bank, _____, on behalf of and as the act of said bank.

Notary Public
Commission Expires: _____

AFTER RECORDING RETURN TO:
TCHMALL SPORTS, L.L.C.
12006 Pleasant Panorama View
Austin, Texas 78738



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

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

3500 McCall Lane
Austin, Texas 78744

**0.041 AC. DRAINAGE EASEMENT
CITY OF BEE CAVE, TEXAS**

A DESCRIPTION OF 0.041 ACRES (APPROXIMATELY 1803 SQ. FT.), BEING A PORTION OF LOT 2, BLOCK A, HCI SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 201300022, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, DESCRIBED IN A WARRANTY DEED TO JOINING J FAMILY PARTNERSHIP, LP DATED JANUARY 29, 2013, RECORDED IN DOCUMENT NO. 2013019589 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.041 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with "Chaparral" cap found in the east line of said Lot 2, being also the southwest corner of Lot 1, Block A of said HCI Subdivision, being also an angle point in the north line of a 9.351 acre tract described in Document No. 2013019590 of the Official Public Records of Travis County, Texas;

THENCE with the east line of Lot 2, being the north line of the 9.351 acre tract the following two (2) courses and distances:

1. With a curve to the right, having a radius of 330.03 feet, a delta angle of 10°21'30", an arc length of 59.67 feet, and a chord which bears South 31°20'07" West, a distance of 59.58 feet to a 1/2" rebar with "Chaparral" cap found;
2. South 36°30'52" West, a distance of 20.34 feet to a calculated point, from which a 1/2" rebar with "Chaparral" cap found for the southeast corner of Lot 2 bears South 36°30'52" West, a distance of 18.18 feet;

THENCE over and across Lot 2, the following four (4) courses and distances:

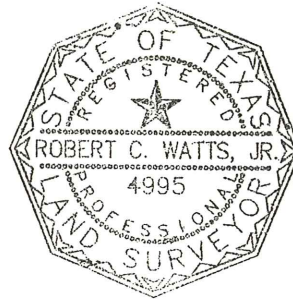
1. North 73°15'57" West, a distance of 23.91 feet to a calculated point in the east line of an existing 0.202 acre drainage easement described in Document No. 2013017833 of the Official Public Records of Travis County, Texas;
2. North 36°30'48" East, with the east line of said easement, a distance of 28.43 feet to a calculated point;
3. With a curve to the left, with the east line of said easement, having a radius of 307.53 feet, a delta angle of 09°39'42", an arc length of 51.86 feet, and a chord which bears North 31°41'01" East, a distance of 51.80 feet to a calculated point;

4. South 73°16'14" East, a distance of 22.83 feet to the **POINT OF BEGINNING**, containing 0.041 acres of land, more or less.

Surveyed on the ground February 2012, updated June 2012, revised January 2013.
BEARING BASIS: Grid azimuth for Texas Central Zone state plane coordinates, 1983/93 HARN, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS).

Attachments: Survey Drawing No. 844-001-DE-LOT-2.

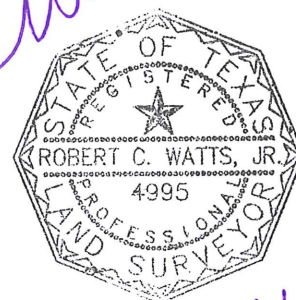
mw *2-13-15*
Robert C. Watts, Jr. Date
Registered Professional Land Surveyor
State of Texas No. 4995
T.B.P.L.S. Firm No. 10124500



SKETCH TO ACCOMPANY A DESCRIPTION OF 0.041 ACRES (APPROXIMATELY 1803 SQ. FT.)
IN THE I.G.& N. R.R. CO. SURVEY NO. 56, TRAVIS COUNTY, TEXAS, BEING A PORTION OF
LOT 2 BLOCK A, HCI SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO.
201300022 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	330.03'	10°21'30"	59.67'	S31°20'07"W	59.58'
C2	307.53'	9°39'42"	51.86'	N31°41'01"E	51.80'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S36°30'52"W	20.34'
L2	N73°15'57"W	23.91'
L3	N36°30'48"E	28.43'
L4	S73°16'14"E	22.83'
L5	S36°30'52"W	18.18'



DATE OF SURVEY: JANUARY 2013
PLOT DATE: 02/13/15
DRAWING NO.: 844-001
PROJECT NO.: 844-001-DE-LOT-2
T.B.P.L.S. FIRM NO. 10124500
DRAWN BY: RCW
SHEET 1 OF 2

Chaparral

BEARING BASIS: THE TEXAS COORDINATE
SYSTEM OF 1983 (NAD83), CENTRAL ZONE,
BASED ON GPS SOLUTIONS FROM THE
NATIONAL GEODETIC SURVEY (NGS) ON-LINE
POSITIONING USER SERVICE (OPUS)

ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 844-001-DE-LOT-2



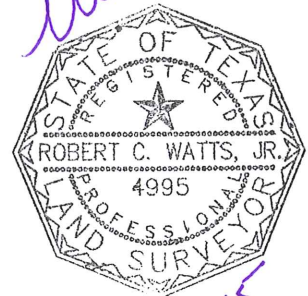
1" = 40'

SKAGGS DRIVE
(60' R.O.W. - PRIVATE STREET)
(201300022)

LOT 2
BLOCK A
HCI SUBDIVISION
(201300022)

JOINING J FAMILY
PARTNERSHIP, LP
24.211 ACRES
(2013019589)

STORM WATER
DRAINAGE EASEMENT
0.202 ACRES
(2013017833)



LOT 1
BLOCK A
HCI SUBDIVISION
(201300022)

JSJMC, LLC
(2013019588)

P.O.B.

0.041 ACRES
APPROX. 1803 SQ. FT.

JOINT ACCESS
EASEMENT
0.812 ACRES
(2013017835)

SKAGGS FAMILY
PARTNERSHIP, LP
9.351 ACRES
(2013019590)

24.211 AC.
JOINING J FAMILY
PARTNERSHIP, LP
(2013019589)

I.G. & N. R.R. CO.
SURVEY NO. 56



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

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

3500 McCall Lane
Austin, Texas 78744

**0.812 AC. DRAINAGE EASEMENT
CITY OF BEE CAVE, TEXAS**

A DESCRIPTION OF 0.812 ACRES (APPROX. 35,375 SQ. FT.) IN THE I.G.&N. R.R. CO. SURVEY NO. 56, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 9.351 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO SKAGGS FAMILY PARTNERSHIP LP, DATED JANUARY 29, 2013, OF RECORD IN DOCUMENT NO. 2013019590 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.812 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:.

BEGINNING at a 1/2" rebar with "Chaparral" cap found for an angle point in the north line of the 9.351 acre tract, being in the east line of Lot 2, Block A and being also the southwest corner of Lot 1, Block A of HCI Subdivision, a subdivision of record in described in Document No. 201300022 of the Official Public Records of Travis County, Texas;

THENCE South 73°16'14" East, with the north line of the 9.351 acre tract, being also the south line of said Lot 1, a distance of 413.21 feet to a calculated point, from which a 1/2" rebar with "Chaparral" cap found for an angle point in said line bears South 73°16'14" East, a distance of 104.43 feet;

THENCE over and across the 9.351 acre tract, the following four (4) courses and distances:

1. South 13°40'25" West, a distance of 68.97 feet to a calculated point;
2. South 48°45'52" West, a distance of 65.54 feet to a calculated point;
3. With a curve to the left, an arc distance of 126.03 feet, a delta angle of 30°01'01", having a radius of 240.56 feet and a chord which bears North 50°48'09" West, a distance of 124.59 feet to a calculated point;
4. North 73°15'57" West, a distance of 288.89 feet to a calculated point in the north line of the 9.351 acre tract, being also the east line of said Lot 2, from which a 1/2" rebar with "Chaparral" cap found for the southeast corner of Lot 2, being an angle point in the north line of the 9.351 acre tract, bears South 36°30'52" West, a distance of 18.18 feet;

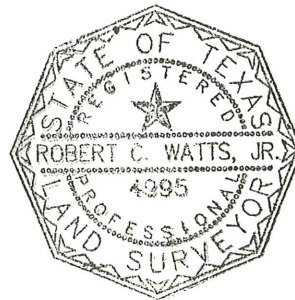
THENCE with the north line of the 9.351 acre tract, being also the east line of Lot 2, the following two (2) courses and distances:

1. North $36^{\circ}30'52''$ East, a distance of 20.34 feet to a 1/2" rebar with "Chaparral" cap found;
2. With a curve to the left, an arc distance of 59.67 feet, a delta angle of $10^{\circ}21'30''$, having a radius 330.03 feet and a chord which bears North $31^{\circ}20'07''$ East, a distance of 59.58 feet to the **POINT OF BEGINNING**, containing 0.812 acres of land, more or less.

Surveyed on the ground February 2012, updated June 2012, revised January 2013.
BEARING BASIS: Grid azimuth for Texas Central Zone state plane coordinates, 1983/93 HARN, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS).

Attachments: Survey Drawing No. 844-001-DE-SKAGGS.

Robert C. Watts, Jr. *2-13-15*
Robert C. Watts, Jr. Date
Registered Professional Land Surveyor
State of Texas No. 4995
T.B.P.L.S. Firm No. 10124500



SKETCH TO ACCOMPANY A DESCRIPTION OF 0.812 ACRES (APPROX. 35,375 SQ. FT.) IN THE I.G.&N. R.R. CO. SURVEY NO. 56, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 9.351 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO SKAGGS FAMILY PARTNERSHIP LP DATED JANUARY 29, 2013, OF RECORD IN DOCUMENT NO. 2013019590 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND

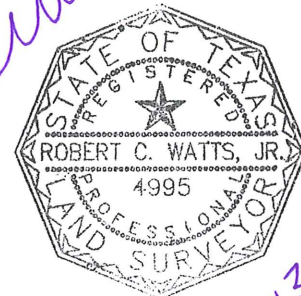
- ^{BC} 1/2" REBAR WITH "BRITAIN-CRAWFORD" CAP FOUND
- ^{CH} 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
- △ CALCULATED POINT

LINE TABLE

No.	BEARING	LENGTH
L1	S13°40'25"W	68.97'
L2	S48°45'52"W	65.54'
L3	N36°30'52"E	20.34'
L4	S36°30'52"W	18.18'

CURVE TABLE

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	30°01'01"	240.56'	64.50'	126.03'	124.59'	N50°48'09"W
C2	10°21'30"	330.03'	29.91'	59.67'	59.58'	N31°20'07"E



BEARING BASIS: GRID AZIMUTH FOR TEXAS
CENTRAL ZONE STATE PLANE COORDINATES,
1983/93 HARN, BASED ON GPS SOLUTIONS
FROM THE NATIONAL GEODETIC SURVEY (NGS)
ON-LINE POSITIONING USER SERVICE (OPUS).

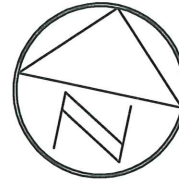
ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 844-001-DE-SKAGGS

Chaparral

DATE OF SURVEY: JAN. 2013
PLOT DATE: 02/13/2015
DRAWING NO.: 844-001-DE-SKAGGS
PROJECT NO.: 844-001
SHEET: 1 OF 2

BEE CAVE PARKWAY
CITY OF BEE CAVE
2.737 AC
(2009036806)

SKAGGS DRIVE
R.O.W. - PRIVATE STREET
(201300022)
(60')



1"=100'

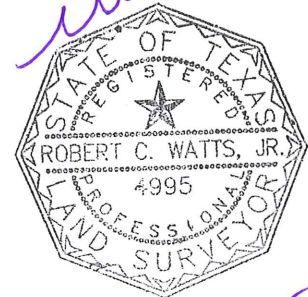
LOT 2
BLOCK A
HCI SUBDIVISION
(201300022)
JOINING J FAMILY
PARTNERSHIP, LP
(2013019589)

LOT 1, BLOCK A
HCI SUBDIVISION
(201300022)

JSJMC, LLC
(2013019588)

STORM WATER
DRAINAGE
EASEMENT
0.202 ACRES
(2013017833)

P.O.B.



S73°16'14"E 413.21'
APPROX. 35,375 SQ. FT.
0.812 ACRES
N73°15'57"W 288.89'

24.211 AC.
JOINING J FAMILY
PARTNERSHIP, LP
(2013019589)

SKAGGS FAMILY
PARTNERSHIP, LP
9.351 ACRES
(2013019590)

I.G. & N. R.R. CO.
SURVEY NO. 56

Chaparral

DATE OF SURVEY: JAN. 2013
PLOT DATE: 02/13/2015
DRAWING NO.: 844-001-DE-SKAGGS
PROJECT NO.: 844-001
SHEET: 2 OF 2