

NOTICE OF ASSIGNMENT OF IMPERVIOUS COVER

STATE OF TEXAS

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COUNTY OF TRAVIS

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A. Pursuant to (i) City of Bee Cave, Texas, Ordinance No. 201 adopted by the City Council on July 22, 2014 (amending Ordinance No. 113, previously adopted by the City Council on May 22, 2012) (the "**HCI Zoning Ordinance**"), and (ii) the approval by the City Council of the Site and NPS Pollution Control Plan (the "**HCI Site Plan**") proposed by TCHMALL SPORTS, LLC, a Texas limited liability company (the "**Developer**"), the City of Bee Cave (the "**City**") approved the Hill Country Indoor project (the "**Project**") for development. The Project is to be located and developed on the property of Developer which is described in Exhibit "A" attached hereto (the "**HCI Tract**").

B. Section 4 of the Development Standards established in Exhibit C of the HCI Zoning Ordinance allows the Developer to "acquire rights to additional impervious cover that would allow for increased parking to be constructed within the Project boundaries." The City on March 24, 2015, in conjunction with approval of the HCI Site Plan for development of the Project, has previously authorized the Developer to secure a transfer of impervious cover from another tract of land owned by KENT SPORTS HOLDINGS, L.P. ("**Assignor**"), which tract is described in Exhibit "B" attached hereto (the "**KSH Tract**").

C. The Developer desires to increase the parking to be constructed within the Project boundaries and has submitted an amendment to the HCI Site Plan as allowed and provided in the HCI Zoning Ordinance which is currently on file with the City (the "**Site Plan Amendment**"). Such increased parking requires additional impervious cover as allowed by the HCI Zoning Ordinance. The City has required a transfer of impervious cover as a condition to approving the Site Plan Amendment.

D. Assignor hereby evidences the assignment and transfer of Assignor's rights to Thirty Thousand (30,000) square feet of impervious cover from and allowable on the KSH Tract to the Project and the HCI Tract. After this assignment and transfer of impervious cover, (i) the remaining impervious cover available for development on the KSH Tract is reduced by 30,000 square feet, and (ii) the amount of impervious cover allowed on the HCI Tract is increased by 30,000 square feet. Developer acknowledges that the impervious cover transferred by this assignment shall be used to provide increased parking within the Project boundaries on the HCI Tract.

E. This assignment and transfer of impervious cover is expressly conditioned upon subsequent approval by the City of the currently filed Site Plan Amendment and any subsequently requested amendment to the HCI Zoning Ordinance necessary to effectuate changes to the Project described in such Site Plan Amendment. In the event the City hereafter fails to approve either the Site Plan Amendment or subsequent amendment to the HCI Zoning Ordinance, this assignment and transfer of impervious cover shall be void *ab initio* and of no further force or effect, and the transferred impervious cover shall revert to Assignor and the KSH Tract as if such transfer had not occurred.

Executed to be effective this _____ date of _____, 2017.

[Signature Page Follows]

ASSIGNOR:

KENT SPORTS HOLDINGS, L.P.,
a Texas limited partnership

By: KENT POWERSPORTS GP, LLC,
a Texas limited liability company,
its General Partner

By: _____
JEFF KENT, Sole Member

THE STATE OF TEXAS

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COUNTY OF TRAVIS

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This instrument was acknowledged before me on the _____ day of _____, 2017,
by JEFF KENT, Sole Member, as authorized representative on behalf of KENT POWERSPORTS, GP,
LLC, a Texas limited liability company, as General Partner on behalf of KENT SPORTS HOLDINGS,
L.P., a Texas limited partnership.

Notary Public Signature

(seal)

DEVELOPER:

TCHMALL SPORTS, LLC,
a Texas limited liability company

By: _____
JEFF KENT, Manager

THE STATE OF TEXAS §
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COUNTY OF TRAVIS §

This instrument was acknowledged before me on the _____ day of _____, 2017,
by JEFF KENT, Manager, as authorized representative on behalf of TCHMALL SPORTS, LLC, a
Texas limited liability company.

Notary Public Signature

(seal)

HCI Subdivision Final Plat Lot 1, Block A as recorded in the Official Public Records of Travis County Texas under document number 201300022.

Subject Property (Travis Central Appraisal District ID 831505)

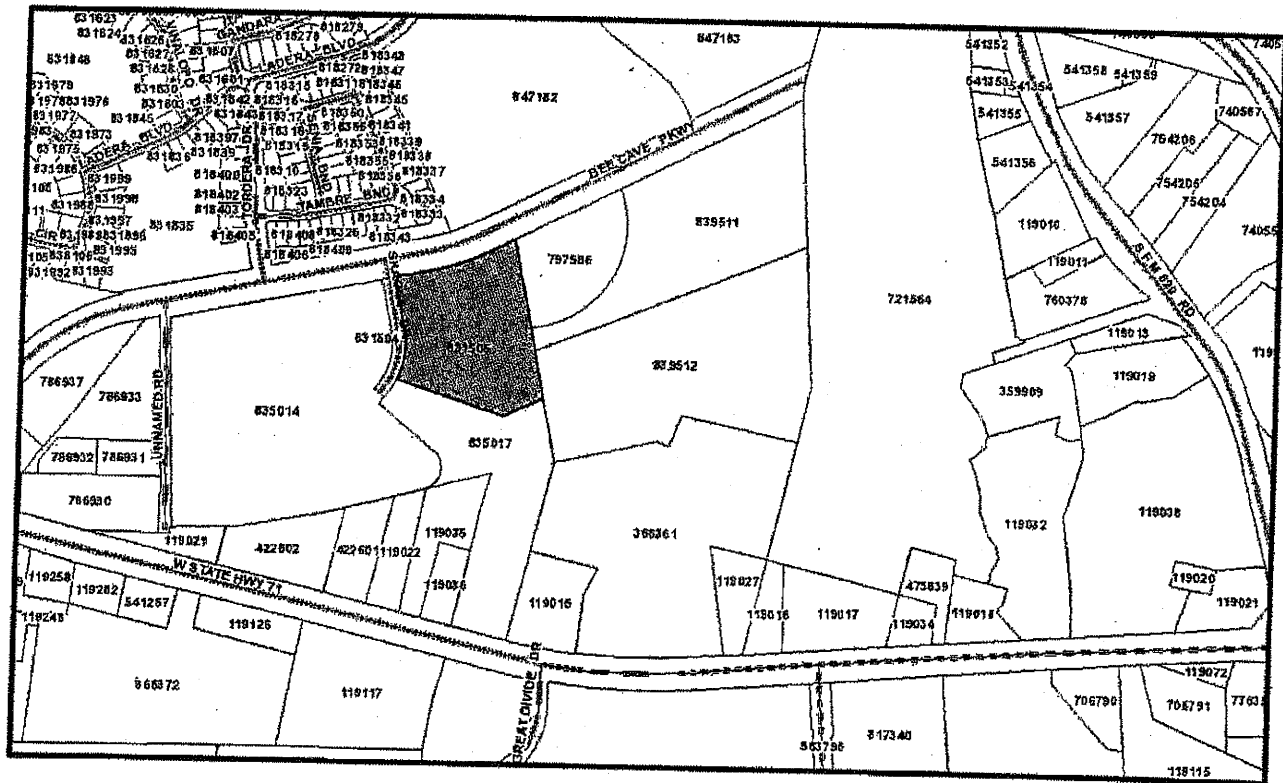


EXHIBIT B

LEGAL DESCRIPTION: BEING A 19.178 ACRE TRACT OF LAND, LYING IN AND BEING SITUATED OUT OF THE NANCY GIBSON SURVEY, NO. 521, ABSTRACT NO. 322 AND THE I. & G.N. R.R. CO. SURVEY, ABSTRACT NO. 2108, ALL IN TRAVIS COUNTY, TEXAS AND BEING THE REMAINDER OF THAT CERTAIN 56.628 ACRE TRACT OF LAND CONVEYED TO REESE COMMERCIAL PROPERTIES LTD. BY DEED RECORDED IN DOCUMENT NO. 2001091446, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 19.178 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED BY JAMES E. GARON & ASSOCIATES IN JUNE, 2014:

BEGINNING at a 1/2" iron rod found in the northerly right-of-way line of State Highway No. 71 for the most southerly southeast corner hereof and said Reese 56.628 acre tract and the southwest corner of that certain 3.020 acre tract of land conveyed to Paul Kinsella and Margaret Kinsella by deed recorded in Volume 7319, Page 95 of the Deed Records of Travis County, Texas;

THENCE with the northerly right-of-way of said State Highway No. 71, S 86°53'42" W a distance of 152.09 feet to a 1/2" iron rod set at the beginning of a curve to the right;

THENCE an arc distance of 513.62 feet along said curving right-of-way line to the right having a radius of 2801.45 feet and a chord bearing N 88°05'07" W a distance of 512.90 feet to a 1/2" iron rod found at the southeast corner of Lot 1, Block A, Bee Cave Commercial Park, Phase 1, a subdivision of record in Volume 95, Page 148 Plat Records of Travis County, Texas for the most southerly southwest corner hereof;

THENCE leaving said right-of-way and with the easterly and northerly lines of said Lot 1, Block A, Bee Cave Commercial Park, Phase 1 the following three (3) calls:

- 1) N 07°28'12" E a distance of 266.00 feet to a 1/2" iron rod found for an angle point,
- 2) N 27°54'32" E a distance of 132.44 feet to a 1/2" iron rod found at the northeast corner of said Lot 1, Block A, Bee Cave Commercial Park, Phase 1 for an angle point,
- 3) N 75°32'34" W a distance of 310.61 feet to a 1/2" iron rod found in the easterly line of that certain 9.351 acre tract of land conveyed to Skaggs Family Partnership, LP by deed in Document No. 2013019590 of the Official Public Records of Travis County, Texas, being the westerly line of said Reese 56.628 acre tract, the northwest corner of said Lot 1, Block A, Bee Cave Commercial Park, Phase 1 for the most westerly southwest corner hereof;

EXHIBIT B

THENCE N 14°27'02" E a distance of 412.38 feet to a 1/2" iron rod found at the southwest corner of Lot 1, Block A, Planet Earth Music, a subdivision of record in Document No. 201000097 Official Public Records, Travis County, Texas for the northwest corner hereof;

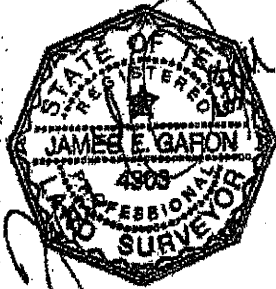
THENCE with the southerly line of said Lot 1, Block A, Planet Earth Music and the northerly line hereof the following five (5) calls:

- 1) N 78°21'02" E a distance of 465.38 feet to a 1/2" iron rod set for an angle point,
- 2) S 67°15'28" E a distance of 60.01 feet to a 1/2" iron rod set for an angle point,
- 3) N 22°44'32" E a distance of 95.97 feet to a 1/2" iron rod set at the beginning of a curve to the left,
- 4) an arc distance of 55.09 feet along said curve to the left, having a radius of 1030.00 feet and a chord bearing N 21°11'58" E a distance of 55.08 feet to a 1/2" iron rod set for corner,
- 5) S 77°01'05" E a distance of 540.27 feet to a 1/2" iron rod found in the westerly line of that certain 50.000 acre tract of land conveyed to the Village of Bee Cave by deed recorded in Document No. 2005236017 of said official records and the easterly line of said Reese 56.628 acre tract for the southeast corner of said Lot 1, Block A, Planet Earth Music and the northeast corner hereof;

THENCE with the easterly line hereof and said Reese 56.628 acre tract and the westerly line of said Village of Bee Cave 50.000 acre tract, S 14°16'31" W a distance of 445.78 feet to a 1/2" iron rod found for an angle point and S 14°43'05" W a distance of 96.43 feet to a 60D nail found in a fence corner post in the northerly line of said Kinsella 3.020 acre tract for the most easterly southeast corner hereof;

THENCE with said Kinsella 3.020 acre tract, N 77°03'14" W a distance of 262.59 feet to a 1/2" iron rod found at the northwest corner of said Kinsella 3.020 acre tract and S 07°09'42" E a distance of 493.23 feet to the POINT OF BEGINNING, containing 19.178 acres of land, more or less and as shown on map of survey prepared herewith.

Surveyed by:



James E. Garon
Registered Professional Land Surveyor
Server: Co\Travis\Surveys\Nancy Gibson\39714.doc

EXHIBIT B

