

**ACCESS EASEMENT PUBLIC DEDICATION**  
**(Trail Improvements/Ethan's View)**

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This Access Easement dedication ("Dedication") is made by **TERRACE PARTNERS, LLC**, a Delaware limited liability company ("Grantor") and is as follows:

**RECITALS**

A. Grantor is the Owner for that certain tract of real property located in Travis County, Texas, which is more particularly described on **Exhibit "A"**, attached hereto and incorporated herein by reference (the "Grantor Tract").

B. Grantor has agreed to construct and dedicate for public access a concrete hiking and jogging trail of various widths up to ten (10) feet (the "Trail Improvements") on the Grantor's Tract as specified in **Exhibit "B"** attached hereto (the "Easement Tract").

C. This Dedication is subject to the terms, conditions and other matters set forth herein.

NOW, THEREFORE, Grantor hereby dedicates to the public an access easement for the limited purposes of using the Trail Improvements on the Easement Tract, subject to the reservations, terms and conditions of this Dedication and subject to any and all encumbrances and easements of record, to the extent the same are valid and enforceable. The Easement shall be subject to the following terms and provisions:

1. Character of Easement. The Easement is an easement in gross.
2. Duration of Easement. The Easement is perpetual.
3. Exclusiveness of Easement. The Easement is non-exclusive and the Public's use shall be in common with Grantor and its successors and assigns. Grantor hereby reserves, for itself and its successors and assigns, the right to enter upon and use the surface of the Easement Tract, subsurface of the Easement Tract and the air space over the Easement Tract for any purposes (i) that are not prohibited under the City of Bee Cave Code of Ordinances; (ii) that do not unreasonably interfere with the rights granted to the Public hereunder; and (iii) that do not interfere with rights granted under any prior easements of record affecting the Easement Tract. Grantor may dedicate all or any portion of the Easement Tract so long as such dedication and use recognizes, accepts and does not unreasonably interfere or conflict with the use of the Easement Tract by the Public for the purposes, uses and rights herein provided. Notwithstanding anything contained herein to the contrary, Grantor shall not use the Easement Tract in any other manner that interferes in any material way with the easements, rights, and privileges granted hereunder or the terms and conditions hereof. Grantor specifically reserves the right to construct, maintain and repair the driveway to be constructed on the Grantor's Tract depicted in **Exhibit "C"**, attached

hereto and such activities shall not be deemed a conflict with the purposes, uses and rights granted to the Public by this Easement.

4. Purpose of Easement. The Easement shall be used only for the purposes of providing public access for pedestrian and non-motorized vehicular uses.

5. Repairs and Restoration. Grantor shall be solely responsible for any and all maintenance and repairs required for the Trail Improvements. If the Trail Improvements become damaged, Grantor shall make such repairs as necessary pursuant to their maintenance obligations contemplated by this Dedication.

[6. Impervious Cover. The City agrees that any impervious cover utilized in the construction of Trail Improvements on the Easement Tract shall not count against the impervious cover limitations imposed by the City or any other applicable limitation for the Grantor Tract. **TO BE INSERTED IF APPROVED BY COUNCIL**]

7. Permitted Encroachments. Any and all improvements required by the Public Development District established by Ordinance No. 334 adopted by the City, as such ordinance may be amended from time to time, shall be permitted encroachments into the Easement Tract.

8. Amendment. This Dedication may be amended only with consent of the City of Bee Cave, and filed of record in the Official Public Records of Travis County, Texas.

9. Headings. Any section headings in this Dedication are for reference only and shall not modify or affect the interpretation of this Agreement in any manner whatsoever.

*[Signature pages to follow]*

IN WITNESS WHEREOF, this Dedication of Public Access Easement is executed to be effective as of the \_\_\_\_ day of \_\_\_\_\_ 2018 (the “Effective Date”).

**GRANTOR:**

**TERRACE PARTNERS, LLC,**  
a Delaware limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_, \_\_\_\_\_ of Terrace Partners, LLC, Delaware limited liability company on behalf of said company.

\_\_\_\_\_  
NOTARY PUBLIC, State of Texas

***CONSENT AND SUBORDINATION OF LENDER***

The undersigned Lender hereby consents to the recordation of this instrument and subordinates the lien of the Deed of Trust recorded as Instrument No. 2016058102 in the Official Public Records of Travis County, Texas to secure payment of a promissory note of even date therewith payable to Lender for so long as this instrument remains in effect.

**LENDER:**

**ROMSPEN MORTGAGE LIMITED PARTNERSHIP,**  
an Ontario limited partnership

By: Romspen Fund GP Inc., an Ontario corporation,  
its general partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

PROVINCE OF ONTARIO            )  
  )  
CITY OF TORONTO                )

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2018,  
by \_\_\_\_\_, \_\_\_\_\_ of Romspen Mortgage Limited  
Partnership, an Ontario limited partnership, on behalf of said limited partnership.

\_\_\_\_\_  
Notary Public, Province of Ontario  
Notary's name (printed): \_\_\_\_\_

Notary's commission expires:  
  
\_\_\_\_\_

**EXHIBIT A**  
**Grantor Tract**

LOT 4, BLOCK B, HILL COUNTRY GALLERIA, ACCORDING TO PLAT RECORDED UNDER DOCUMENT NO. 200600357, and LOT 5, BLOCK B AMENDED FINAL PLAT HILL COUNTRY GALLERIA OF LOTS 1-3, 6-8 AND 10-26, BLOCK A, LOTS 1-3 AND 5-8, BLOCK B AND LOT 1, BLOCK C, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded under Document No. 200700378, both of the Official Public Records of Travis County, Texas, together with all Improvements thereon and all easements, rights, and appurtenances thereto, and includes every Unit and Common Element thereon.

## EXHIBIT B

### [Easement Tract]

0.389 ACRES  
TERRACE CONDOS, BEE CAVE  
SIDEWALK EASEMENT

FN.NO. 17-363(ABB)  
NOVEMBER 30, 2017  
JOB NO. 222010167

#### DESCRIPTION

OF 0.389 ACRES OF LAND OUT OF THE JOHN HOBSON SURVEY ABSTRACT NO. 527, SITUATED IN THE CITY OF BEE CAVE, TRAVIS COUNTY, TEXAS BEING A PORTION OF LOT 5, BLOCK B AMENDED FINAL PLAT HILL COUNTY GALLERIA OF LOTS 1-3, 6-8 AND 10-26, BLOCK A, LOTS 1-3 AND 6-8, BLOCK B AND LOT 1, BLOCK C, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200700378 OF THE OFFICIAL PUBLIC RECORD OF TRAVIS COUNTY, TEXAS AND A PORTION OF LOT 4, HILL COUNTRY GALLERIA, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200600357 OF SAID OFFICIAL PUBLIC RECORDS; SAID LOTS 1 AND 2 CONVEYED TO TERRACE PARTNERS, LLC BY DEED OF RECORD IN DOCUMENT NO. 2014044270 OF SAID OFFICIAL PUBLIC RECORDS; SAID 0.389 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron pipe found in the northerly right-of-way line of Bee Cave Parkway (110' R.O.W.), being the southwesterly corner of that certain tract of land conveyed to the City of Austin by deed of record in Volume 12396, Page 1204 of said Official Public Records, being the southeasterly corner of said Lot 5 and hereof;

**THENCE**, leaving the southwesterly corner of said City of Austin Tract, along the northerly right-of-way line of Bee Cave Parkway, being the southerly line of said Lot 5, for a portion of the southerly line hereof, along a curve to the right, having a radius of 942.89 feet, a central angle of 6°59'16", an arc length of 114.99 feet, and a chord which bears, N42°31'16"W, a distance of 114.92 feet to the end of said curve;

**THENCE**, leaving the northerly right-of-way line of Bee Cave Parkway, over and across said Lot 5 and said Lot 4, for a portion of the southerly line hereof, the following five (5) courses and distances:

- 1) N14°15'18"W, a distance of 55.38 feet to an angle point hereof;
- 2) N29°59'54"W, a distance of 294.97 feet to an angle point hereof;

- 3) N47°02'42"W, a distance of 47.09 feet to an angle point hereof;
- 4) N29°17'41"W, a distance of 146.49 feet to an angle point hereof;
- 5) S60°42'19"W, a distance of 10.00 feet to a point in the northerly right-of-way line of Bee Cave Parkway, being the southerly line of said Lot 4, for an angle point hereof;

**THENCE**, N29°17'41"W, along the northerly right-of-way line of Bee Cave Parkway, being the southerly line of said Lot 4, for a portion of the southerly line hereof, a distance of 142.10 feet to a 1/2 inch iron rod with "DELTA SURVEYING" cap found, being the common southerly corner of said Lot 4 and Lot 3, Block B of said Amended Final Plat Hill Country Galleria, for the southwesterly corner hereof;

**THENCE**, N59°02'10"E, leaving the northerly right-of-way line of Bee Cave Parkway, along the easterly line of said Lot 3, being the westerly line of said Lot 4, for the westerly line hereof, a distance of 30.01 feet to the northwesterly corner hereof;

**THENCE**, leaving the easterly line of said Lot 3, over and across said Lot 4 and said Lot 5, for the northerly line hereof, the following five (5) courses and distances:

- 1) S29°17'41"E, a distance of 286.34 feet to an angle point hereof;
- 2) S47°02'42"E, a distance of 46.96 feet to an angle point hereof;
- 3) S29°59'54"E, a distance of 300.74 feet to an angle point hereof;
- 4) S14°15'18"E, a distance of 58.43 feet to an angle point hereof;
- 5) S39°48'58"E, a distance of 96.29 feet to a point in the westerly line of said City of Austin Tract, being the easterly line of said Lot 5, for the northeasterly corner hereof, from which a square bolt found at the common easterly corner of said Lot 4 and said Lot 5, bears N12°36'32"E, a distance of 311.30 feet;

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DECEMBER 1, 2017  
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**THENCE**, S12°36'32"W, along the common line of said City of Austin Tract and said Lot 5, a distance of 15.76 feet to the **POINT OF BEGINNING**, containing an area of 0.389 acres (16,951 square feet) of land, more or less, within these metes and bounds.

THE BASIS OF BEARING OF THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

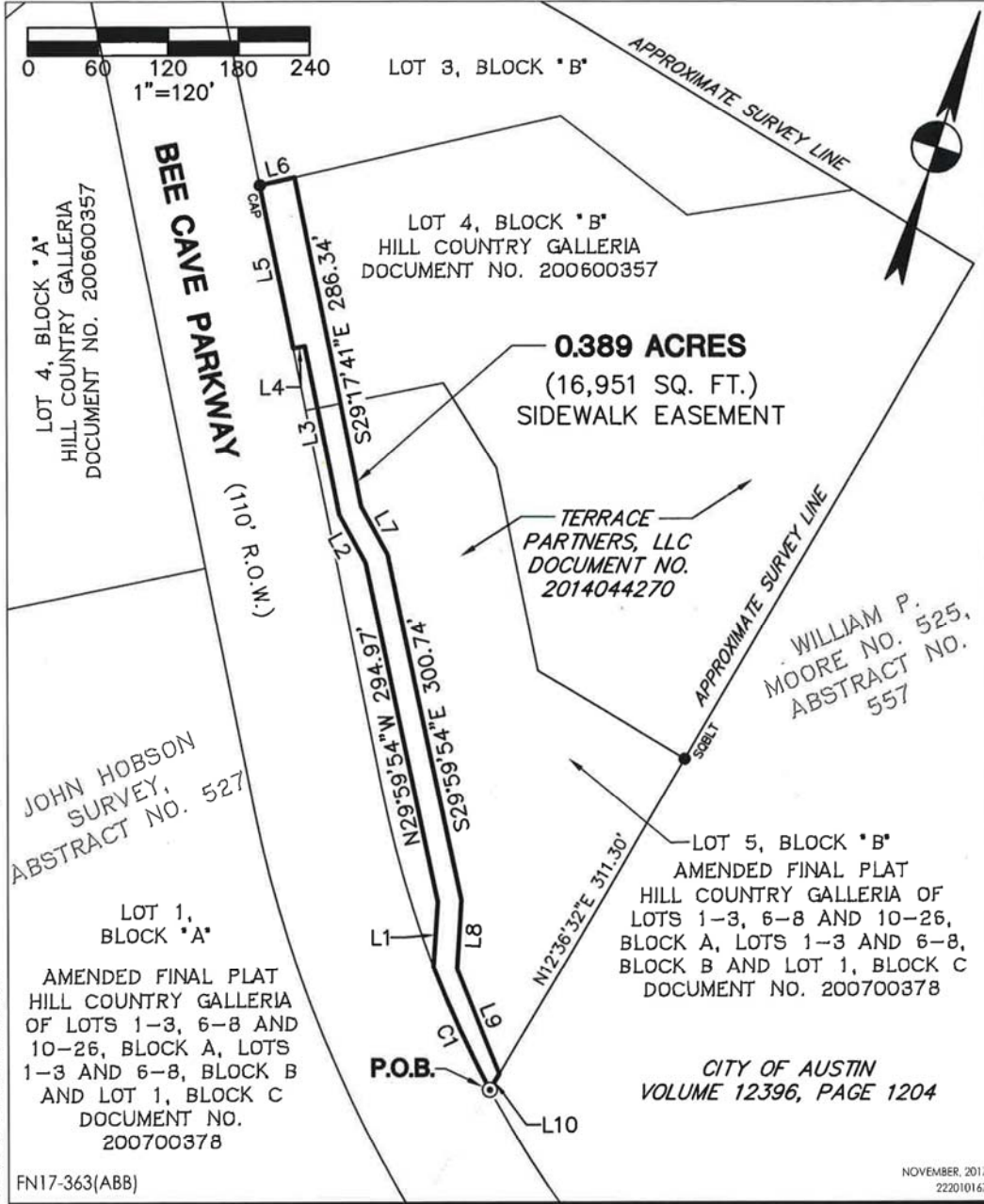
I, MATTHEW J. RAABE, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

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

*M. Raabe 12-7-17*  
MATTHEW J. RAABE  
R.P.L.S. NO. 6402  
STATE OF TEXAS  
TBPLS # 10194230  
matthew.raabe@stantec.com







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FN17-363(ABB)

NOVEMBER, 2017  
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1905 Aldrich Street, Suite 300  
 Austin, TX 78723  
 TBPE # F-6324 TBPLS # 10194230  
 www.stantec.com

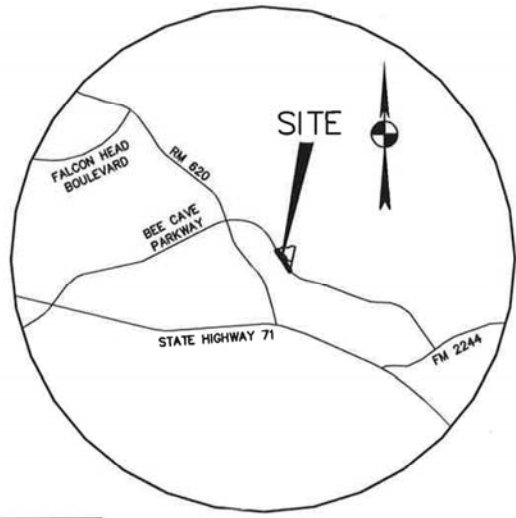


Client/Project  
 INTERNATIONAL DEVELOPMENT MANAGEMENT  
 TERRACE CONDOS  
 BEE CAVE

Figure No.  
 SHEET 1 OF 2

Title  
 SIDEWALK EASEMENT

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**LEGEND**

- CAP 1/2" IRON ROD WITH "DELTA SURVEY" CAP FOUND
- ⊙ 1/2" IRON PIPE FOUND
- SQBLT SQUARE BOLT FOUND
- P.O.B. POINT OF BEGINNING

**VICINITY MAP**  
N.T.S.

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N14°15'18"W	55.38'
L2	N47°02'42"W	47.09'
L3	N29°17'41"W	146.49'
L4	S60°42'19"W	10.00'
L5	N29°17'41"W	142.10'
L6	N59°02'10"E	30.01'
L7	S47°02'42"E	46.96'
L8	S14°15'18"E	58.43'
L9	S39°48'58"E	96.29'
L10	S12°36'32"W	15.76'

**BEARING BASIS NOTE:**

THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

CURVE TABLE					
NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	114.99'	942.89'	6°59'16"	N42°31'16"W	114.92'

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NOVEMBER, 2017  
222010167



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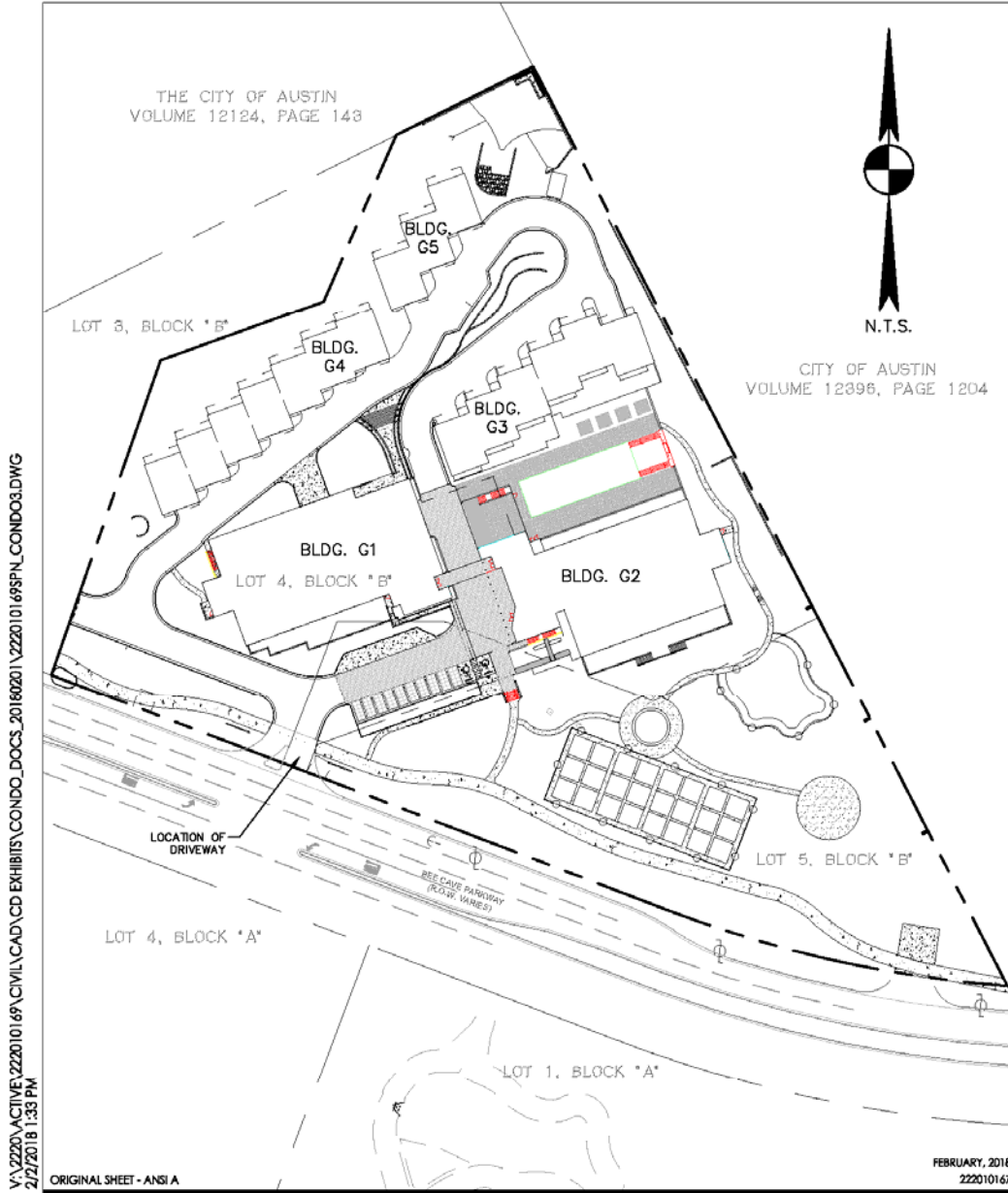
Client/Project  
INTERNATIONAL DEVELOPMENT MANAGEMENT  
TERRACE CONDOS  
BEE CAVE

Figure No.  
SHEET 2 OF 2

Title  
SIDEWALK EASEMENT

# EXHIBIT C

## LOCATION OF DRIVEWAY



1905 ALDRICH STREET, SUITE 300  
AUSTIN, TX 78723  
TBPE # F-6324 TBPLS # 10194230  
www.stantec.com

EXHIBIT "C"

ETHAN'S VIEW TRACT