ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: September, 2020

CONTACT INFORMATION

Applicant's Name	Tyler Sibley, Manager	**Property Owner**	Tyler Sibley, Manager
Company	Centerpoint Commons, LLC	**Company**	Centerpoint Commons, LLC
Applicant's Mailing Address	415 N. Guadalupe St. #400 San Marcos, TX 78666	**Owner's Mailing Address**	515 Congress Avenue, Ste. 1515 Austin, TX 78701
Applicant's Phone #	214.282.8970	**Owner's Phone #**	214.282.8970
Applicant's Email	tylersibley1@gmail.com	**Owner's Email**	tylersibley1@gmail.com

PROPERTY INFORMATION

Subject Property Address(es): See Survey - Portions of the tax parcels R124963, R13080, R126529 -including lands that are currently in the ETJ

Legal Description: Lot _____ **Block** _____ **Subdivision** _____

Total Acreage: 70.894 acres - 3,088,160 square feet - including lands that are currently in the ETJ **Tax ID #: R** 124963, R13080, R126529

Preferred Scenario Designation: Employment Area **Existing Zoning:** PA (CD-5 & EC), GC & FD

Existing Land Use(s): Vacant - Raw Land

DESCRIPTION OF REQUEST

Proposed Zoning District(s): CD-5 for the entirety of the property - including lands that are currently in the ETJ

Proposed Land Uses / Reason for Change: CD-5 land uses due to the Sportsplex San Marcos project not moving forward.

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee* $1,057 plus $100 per acre **Technology Fee $13** ***MAXIMUM COST $3,013***

**Existing Neighborhood Regulating Plan Included.*

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

PROPERTY OWNER AUTHORIZATION

I, Tyler Sibley (owner name) on behalf of Centerpoint Commons, LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at The 70.894 acres outlined in this rezoning application (address).

I hereby authorize Tyler Sibley (agent name) on behalf of Centerpoint Commons, LLC (agent company) to file this application for the rezoning of the property (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: Digitally signed by Tyler Sibley Date: 2021.10.31 19:33:25 -05'00' Date: 10/31/2021

Printed Name, Title: Tyler Sibley, Manager

Signature of Agent: Digitally signed by Tyler Sibley Date: 2021.10.31 19:34:07 -05'00' Date: 10/31/2021

Printed Name, Title: Tyler Sibley, Manager

Form Updated October, 2019

AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $91 plus a $13 technology fee.***

- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $91 plus a $13 technology fee.***

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

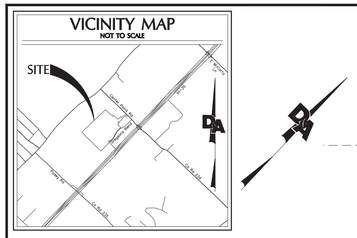
Signature: Digitally signed by Tyler Sibley Date: 2021.10.31 19:34:49 -05'00'

Date: 10/31/2021

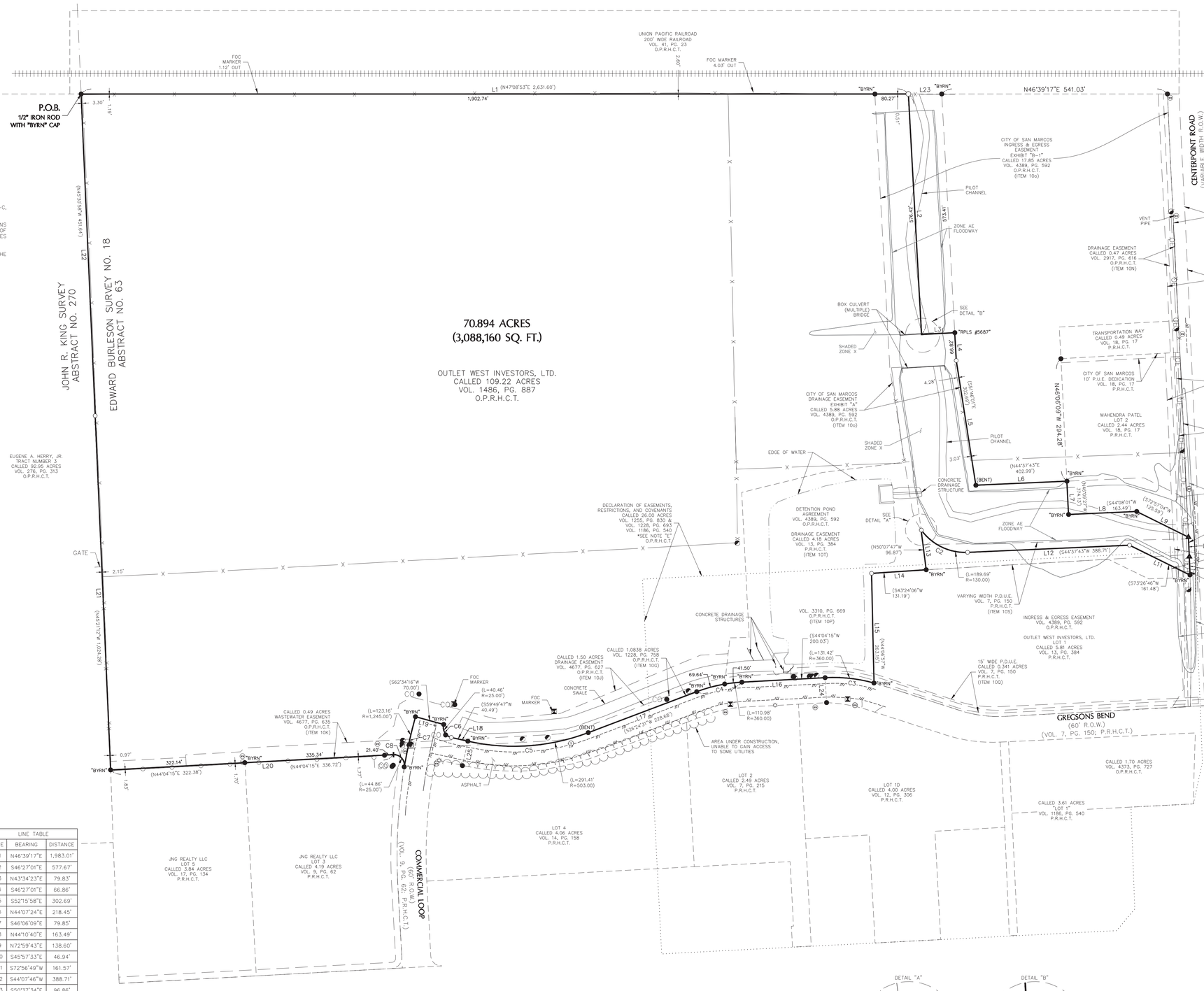
Print Name: Tyler Sibley, Manager

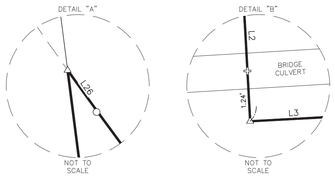
Form Updated October, 2019

VICINITY MAP
NOT TO SCALE



0 1" 2"
GRAPHIC SCALE: 1" = 120'





LEGEND

	PROPERTY LINE
	EXISTING PROPERTY LINE
	EXISTING EASEMENT
	ADJOINER PROPERTY LINE
OE	OVERHEAD ELECTRIC
X	EXISTING WIRE FENCE
	EXISTING CHAINLINK FENCE
	EDGE OF PAVEMENT
	APPROXIMATE SURVEY LINE
	RAILROAD TRACK CENTERLINE
●	1/2" IRON ROD FOUND [UNLESS NOTED]
○	1/2" IRON ROD WITH "DOUCET" CAP SET
CO●	CLEAN OUT
WW	WASTEWATER MANHOLE
	LIGHT POLE
	WATER VALVE
	CHISELED PLUS IN CONCRETE FOUND
	MAGNAIL WITH SHINER SET
S	STORM SEWER MANHOLE
	CHISELED PLUS IN CONCRETE FOUND
△	CALCULATED POINT
	POWER POLE
	ELECTRIC PULL BOX
P.O.B.	POINT OF BEGINNING
FOC	FIBER OPTIC CABLE
(.....)	RECORD INFORMATION
P.R.H.C.T.	PLAT RECORDS, HAYS COUNTY, TEXAS
O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS

TITLE COMMITMENT NOTES:
COMMITMENT FOR TITLE INSURANCE PREPARED BY OLD REPUBLIC TITLE INSURANCE COMPANY, GF. NO. 16-0331-C, EFFECTIVE DATE OF JUNE 15, 2020, AND ISSUED ON JUNE 23, 2020.

THE SURVEYOR HAS RELIED SOLELY UPON SAID TITLE COMMITMENT FOR THE DEPICTION OF EASEMENTS, RESTRICTIONS AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS PERFORMED FOR THE PURPOSE OF THIS SURVEY. ITEMS LISTED ARE WORDED ACCORDING TO SAID TITLE COMMITMENT, FOLLOWED BY SURVEYORS NOTES SHOWN IN BRACKETS [ ].

10. THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:

A. RIGHTS OF PARTIES IN POSSESSION. (OWNER'S POLICY ONLY) THIS EXCEPTION MAY A. BE DELETED AT THE REQUEST OF THE PROPOSED INSURED, UPON A PHYSICAL INSPECTION BY THE TITLE COMPANY AND PAYMENT OF ITS REASONABLE AND ACTUAL COSTS THEREOF.

F. ANY AND ALL UNRECORDED LEASES WITH RIGHTS OF TENANTS IN POSSESSION.

G. WATER LINE EASEMENT GRANTED TO ELIM WATER COMPANY, AS RECORDED IN VOLUME 1228, PAGE 758, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND SHOWN ON SURVEY DATED APRIL 29, 2020, PREPARED BY GARRETT CAVAIUOLO, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6714. [SUBJECT TO AS SHOWN]

J. DRAINAGE EASEMENT GRANTED TO CITY OF SAN MARCOS, AS RECORDED IN VOLUME 4677, PAGE 627, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND SHOWN ON SURVEY DATED APRIL 29, 2020, PREPARED BY GARRETT CAVAIUOLO, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6714. [SUBJECT TO AS SHOWN]

K. WASTEWATER LINE EASEMENT GRANTED TO CITY OF SAN MARCOS, AS RECORDED IN VOLUME 4677, PAGE 635, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND SHOWN ON SURVEY DATED APRIL 29, 2020, PREPARED BY GARRETT CAVAIUOLO, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6714. [SUBJECT TO AS SHOWN]

L. EASEMENT AS RECORDED IN VOLUME 5285, PAGE 106, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND NOTED ON SURVEY DATED APRIL 29, 2020, PREPARED BY GARRETT CAVAIUOLO, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6714. [SUBJECT TO, SEE NOTE "D"]

M. ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC., AS RECORDED IN VOLUME 1472, PAGE 171, AND CORRECTED IN VOLUME 1484, PAGE 811, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND NOTED ON SURVEY DATED APRIL 29, 2020, PREPARED BY GARRETT CAVAIUOLO, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6174. [SUBJECT TO AS SHOWN]

N. PERMANENT DRAINAGE EASEMENT AWARDED TO HAYS COUNTY UNDER CAUSE NO. 8633-C, COUNTY COURT AT LAW # 1, HAYS COUNTY, TEXAS, A CERTIFIED COPY OF THE JUDGMENT HAVING BEEN RECORDED IN VOLUME 2917, PAGE 616, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND NOTED ON SURVEY DATED APRIL 29, 2020, PREPARED BY GARRETT CAVAIUOLO, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6714. [SUBJECT TO AS SHOWN]

O. DRAINAGE EASEMENT AND DETENTION POND AGREEMENT, BY AND BETWEEN OUTLET WEST INVESTORS, LTD., AND THE CITY OF SAN MARCOS, RECORDED IN VOLUME 4389, PAGE 592, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND NOTED ON SURVEY DATED APRIL 29, 2020, PREPARED BY GARRETT CAVAIUOLO, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6714. [SUBJECT TO AS SHOWN]

P. TERMS, CONDITIONS AND STIPULATIONS OF THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANTS RECORDED IN VOLUME 3310, PAGE 669, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. [SUBJECT TO AS SHOWN]

Q. PUBLIC DRAINAGE UTILITY EASEMENT 15' WIDE AND 15' OFF THE PROPERTY LINE, ALONG GREGSON'S ROAD, AS DEDICATED BY PLAT RECORDED IN VOLUME 7, PAGE 150, PLAT RECORDS OF HAYS COUNTY, TEXAS, AND NOTED ON SURVEY DATED APRIL 29, 2020, PREPARED BY GARRETT CAVAIUOLO, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6714. [SUBJECT TO AS SHOWN]

R. NATURAL GAS EASEMENT GRANTED TO CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY TEXAS GAS OPERATIONS, INC., RECORDED IN DOCUMENT NO. 19008805, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND NOTED ON SURVEY DATED APRIL 29, 2020, PREPARED BY GARRETT CAVAIUOLO, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6714. [SUBJECT TO AS SHOWN]

S. PUBLIC DRAINAGE UTILITY EASEMENT OF VARYING WIDTH LOCATED IN THE MOST EASTERN PORTION OF PROPERTY, AS DEDICATED BY PLAT RECORDED IN VOLUME 7, PAGE 150, PLAT RECORDS OF HAYS COUNTY, TEXAS, AND NOTED ON SURVEY DATED APRIL 29, 2020, PREPARED BY GARRETT CAVAIUOLO, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6714. [SUBJECT TO AS SHOWN]

T. DRAINAGE EASEMENT OVER THAT CERTAIN 4.18 ACRES DESCRIBED AS A DRAINAGE EASEMENT TRACT, PER THE LOWMAN RANCH SUBDIVISION, SECTION 2, A SUBDIVISION RECORDED IN VOLUME 13, PAGE 384, OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, SHOWN ON SURVEY DATED APRIL 29, 2020, PREPARED BY GARRETT CAVAIUOLO, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6714. [SUBJECT TO AS SHOWN]

SURVEY NOTES:
A. RECORDING INFORMATION FOR THE PORTION OF CENTERPOINT ROAD AFFECTING THIS TRACT IS AS FOLLOWS:
A.1. CALLED 0.88 ACRE R.O.W. PARCEL VOL. 2917, PG. 616 O.P.R.H.C.T.
A.2. CALLED 0.11 ACRE R.O.W. DEDICATION VOL. 18, PG. 17 P.R.H.C.T.

B. CLOSEST INTERSECTION, CENTERPOINT ROAD AND GREGSONS BEND, IS LOCATED S52°42'04E, APPROXIMATELY 336' FROM THE NORTHEAST CORNER OF THIS TRACT.

C. FENCE DIMENSIONS ARE LOCATED ON THE SIDE OF THE SUBJECT TRACT PROPERTY LINE THAT THE FENCE IS ON.

D. TELECOMMUNICATIONS EASEMENT APPEARS TO BE ALONG THE NORTH LINE OF THE SUBJECT TRACT, CENTERED ON THE FIBER OPTIC CABLE MARKERS WITHIN THE RAILROAD RIGHT-OF-WAY TRACT. EASEMENT WIDTH APPEARS TO BE 10 FEET EITHER SIDE OF THE MARKERS. EXACT EASEMENT GEOMETRY CANNOT BE PLOTTED DUE TO UNCLEAR AND AMBIGUOUS DESCRIPTION WITHIN DOCUMENT.

E. THOSE RECORDED IN VOLUME 1186, PAGE 540, VOLUME 1228, PAGE 693, AND VOLUME 1255, PAGE 830, OFFICIAL PUBLIC RECORDS HAYS OF COUNTY, TEXAS. NOTE: TO THE EXTENT THAT THESE RESTRICTIONS VIOLATE 42 USC 3604(C) BY INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN, SUCH RESTRICTIONS ARE HEREBY OMITTED.

BEARING BASIS:
BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983 (NAD 83), 2011 ADJUSTMENT (EPOCH 2010) AND A VERTICAL DATUM OF NAVD88, GEOID 12B.. ALL DISTANCES SHOWN ARE GRID VALUES.
UNITS: US SURVEY FEET.

FLOODPLAIN NOTE:
A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE AND SHADED ZONE X, AS SHOWN ON THE FLOOD INSURANCE RATE MAP NUMBER 48209C0478F REVISED SEPTEMBER 02, 2005 AND REVISED TO REFLECT LOMR WITH AN EFFECTIVE DATE OF MAY 28, 2013, ISSUED BY FEMA FOR HAYS COUNTY, TEXAS.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

FLOOD ZONE LINES SHOWN HEREON ARE PER FEMA'S NATIONAL FLOOD HAZARD LAYER.

CERTIFICATION:
TO: PURSUANT VENTURES DEVELOPMENT, LLC AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 7A, 8, 9, 11, 13, 14, 19, AND 20 OF TABLE A THEREOF.

07/23/2020
GARRETT CAVAIUOLO DATE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6714
DOUCET & ASSOCIATES
GCAVAIUOLO@DOUCETENGINEERS.COM

STATE OF TEXAS REGISTERED GARRETT CAVAIUOLO 6714 PROFESSIONAL LAND SURVEYOR

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N46°39'17"E	1,983.01'
L2	S46°27'01"E	577.67'
L3	N43°34'23"E	79.83'
L4	S46°27'01"E	66.86'
L5	S52°15'58"E	302.69'
L6	N44°07'24"E	218.45'
L7	S46°06'09"E	79.85'
L8	N44°10'40"E	163.49'
L9	N72°59'43"E	138.60'
L10	S45°57'33"E	46.94'
L11	S72°56'49"W	161.57'
L12	S44°07'46"W	388.71'
L13	S50°37'34"E	96.86'
L14	S42°55'45"W	131.15'
L15	S44°35'32"E	263.15'
L16	S43°35'02"W	199.87'
L17	S25°57'04"W	277.95'
L18	S59°25'00"W	40.54'
L19	S61°56'40"W	70.19'
L20	S43°33'40"W	678.88'
L21	N45°50'11"W	850.32'
L22	N45°50'47"W	772.32'
L23	N46°39'17"E	79.95'
L24	S46°40'54"E	59.92'
L25	S30°47'18"E	60.09'
L26	S78°02'57"E	1.17'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	44.07'	4,930.00'	0°30'44"	S45°31'09"E	44.07'
C2	129.28'	130.00'	56°58'48"	S72°37'05"W	124.02'
C3	118.31'	360.00'	18°49'48"	S52°54'58"W	117.78'
C4	111.13'	360.00'	17°41'15"	S34°43'23"W	110.69'
C5	293.35'	503.00'	33°24'56"	S42°36'21"W	289.21'
C6	40.46'	25.00'	92°44'15"	N73°50'48"W	36.19'
C7	122.99'	1,245.00'	5°39'36"	S30°44'00"E	122.94'
C8	44.68'	25.00'	102°23'45"	N85°09'56"W	38.97'

ALTA/NSPS SURVEY OF 70.894 ACRES
EDWARDS BURLSON SURVEY
CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

REV1: UPDATED FLOOD ZONE NOTE. ADDED AREA UNDER CONSTRUCTION
REV2: ROTATED VIEW AND MOVED DESCRIPTION
REV3: UPDATED BOUNDARY
REV4: UPDATED BOUNDARY

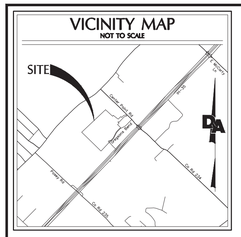
D&A DOUCET & ASSOCIATES
Civil Engineering - Planning - Geospatial
7401 B. Highway 71 W, Suite 160
Austin, Texas 78735, Phone: (512)-583-2600
www.doucetengineers.com
TBPELS Firm No.: 10105800
TBPE Firm No.:F-3937

Date:	07/23/2020
Scale:	1" = 120'
Drawn by:	JWF
Reviewer:	GC
Project:	2055-001
Sheet:	1 OF 2
Field Book:	523
Party Chief:	ADM
Survey Date:	02/03/2020

X:\Departments\Geospatial\Projects\2055-001 Sportsplex Centerpoint SM\CADD\dwg\Working\2055-001 - ALTA EXHIBIT - Grid.dwg

ALTA/NSPS SURVEY OF 70.894 ACRES
EDWARDS BURLSON SURVEY
CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

VICINITY MAP
NOT TO SCALE



METES AND BOUNDS DESCRIPTION:

BEING A 70.894 ACRE [3,088,160 SQUARE FEET] TRACT OUT OF THE EDWARD BURLESON SURVEY NUMBER 18, ABSTRACT NUMBER 63, HAYS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 109.22 ACRE TRACT, DESCRIBED TO OUTLET WEST INVESTORS, LTD, RECORDED IN VOLUME 1486, PAGE 887 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], AND BEING ALL OF A CALLED 4.18 ACRES, DESCRIBED AS A DRAINAGE EASEMENT TRACT, PER LOWMAN RANCH SUBDIVISION, SECTION 2, RECORDED IN VOLUME 13, PAGE 384 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS [P.R.H.C.T.] ; SAID 70.894 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE WEST CORNER OF SAID REMAINDER TRACT, SAME BEING THE NORTH CORNER OF A CALLED 92.95 ACRE TRACT, RECORDED IN VOLUME 276, PAGE 313 [O.P.R.H.C.T.], AND ALSO BEING IN THE SOUTHEAST LINE OF THE UNION PACIFIC RAILROAD COMPANY TRACT, A CALLED 200 FOOT WIDE STRIP OF LAND AS DESCRIBED IN VOLUME 41, PAGE 23 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS [D.R.H.C.T.];

THENCE N46°39'17"E, WITH THE NORTHWEST LINE OF SAID REMAINDER TRACT, SAME BEING THE SOUTHEAST LINE OF SAID RAILROAD TRACT, PASSING AT A DISTANCE OF 1,902.74 FEET, A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE WEST CORNER OF A CALLED 17.85 ACRE TRACT, AND A CALLED 5.88 ACRE DRAINAGE EASEMENT TRACT, RECORDED IN VOLUME 4389, PAGE 592, AND CONTINUING FOR A TOTAL DISTANCE OF 1,983.01 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET FOR THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE NORTH CORNER OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT, BEARS N46°39'17"E, A DISTANCE OF 79.95 FEET;

THENCE OVER AND ACROSS SAID REMAINDER TRACT THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

1) S46°27'01"E, ALONG THE CENTERLINE OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT, PASSING AT A DISTANCE OF 576.43 FEET, A CHISELED "+" IN CONCRETE ON TOP OF A BRIDGE CULVERT, SET FOR REFERENCE, AND CONTINUING FOR A TOTAL DISTANCE OF 577.67 FEET TO A CALCULATED POINT,

2) N43°34'23"E, FOR A DISTANCE OF 79.83 FEET TO A 1/2-INCH IRON ROD WITH "5687" CAP, FOUND FOR AN EXTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING ON THE NORTHEAST LINE OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT,

3) S46°27'01"E, WITH A NORTHEAST LINE OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT, A DISTANCE OF 66.86 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET;

4) S52°15'58"E, CONTINUING WITH THE NORTHEAST LINE OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT, A DISTANCE OF 302.69 FEET TO A FOUND 1/2-INCH IRON ROD (BENT),

5) N44°07'24"E, A DISTANCE OF 218.45 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND IN THE SOUTHWEST LINE OF LOT 2 OF LOWMAN RANCH SUBDIVISION, SECTION 2, RECORDED IN VOLUME 18, PAGE 17 [P.R.H.C.T.], FROM WHICH A 1/2-INCH IRON ROD, FOUND FOR THE WEST CORNER OF SAID LOT 2, BEARS N46°06'09"W, A DISTANCE OF 294.28 FEET;

THENCE WITH THE LINES COMMON TO SAID LOT 2 AND SAID REMAINDER TRACT, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1) S46°06'09"E, A DISTANCE OF 79.85 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE SOUTH CORNER OF SAID LOT 2,

2) N44°10'40"E, A DISTANCE OF 163.49 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR AN ANGLE POINT, AND

3) N72°59'43"E, A DISTANCE OF 138.60 FEET TO A MAG NAIL WITH "DOUCET" SHINER, SET FOR THE EAST CORNER OF SAID LOT 2, SAME BEING IN THE SOUTHWEST RIGHT-OF-WAY LINE OF CENTERPOINT ROAD, A VARIABLE WIDTH RIGHT-OF-WAY, PER VOLUME 2917, PAGE 616, [O.P.R.H.C.T.] AND VOLUME 18, PAGE 17 [P.R.H.C.T.] ;

THENCE WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID CENTERPOINT ROAD, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) S45°57'33"E, FOR A DISTANCE OF 46.94 FEET TO A MAG NAIL WITH "DOUCET" SHINER, SET AT THE BEGINNING OF A CURVE TO THE RIGHT, AND

2) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 44.07 FEET, A RADIUS OF 4,930.00 FEET, A DELTA ANGLE OF 00°30'44", AND A CHORD WHICH BEARS S45°31'09"E, FOR A DISTANCE OF 44.07 FEET, TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE EAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE WITH THE SOUTHEAST LINES OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT AND OVER AN ACROSS SAID REMAINDER TRACT THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1) S72°56'49"W, A DISTANCE OF 161.57 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET

2) S44°07'46"W, A DISTANCE OF 388.71 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET AT THE BEGINNING OF A CURVE TO THE RIGHT, AND

3) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 129.28 FEET, A RADIUS OF 130.00 FEET, A DELTA ANGLE OF 56°58'48", AND A CHORD WHICH BEARS S72°37'05"W, FOR A DISTANCE OF 124.02 FEET TO A POINT ON THE SOUTH LINE OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT, SAME BEING ON THE NORTHEAST LINE OF SAID 4.18 ACRE TRACT, FROM WHICH A 1/2-INCH IRON ROD WITH "DOUCET", SET FOR REFERENCE, BEARS S78°02'57"E, A DISTANCE OF 1.17 FEET;

THENCE S50°37'34"E, WITH THE NORTHEAST LINE OF SAID 4.18 ACRE TRACT AND A SOUTHEAST LINE OF SAID REMAINDER TRACT, A DISTANCE OF 96.86 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND AT THE NORTHERLY NORTHEAST CORNER OF SAID 4.18 ACRE TRACT, SAME BEING ON THE NORTH LINE OF LOT 1, A CALLED 5.81 ACRE TRACT, OF SAID LOWMAN RANCH SUBDIVISION, SECTION 2;

THENCE WITH THE LINES COMMON TO SAID LOT 1 AND SAID 4.18 ACRE DRAINAGE EASEMENT TRACT THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) S42°55'45"W, A DISTANCE OF 131.15 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET

2) S44°35'32"E, A DISTANCE OF 263.15 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE SOUTH CORNER OF SAID LOT 1, SAME BEING THE EAST CORNER OF SAID 4.18 ACRE TRACT, ALSO BEING IN THE NORTHWEST RIGHT-OF-WAY LINE OF GREGSONS BEND, A 60 FOOT WIDE RIGHT-OF-WAY, AS DESCRIBED IN PLATS RECORDED IN VOLUME 7, PAGE 150, VOLUME 7, PAGE 215, VOLUME 7, PAGE 275, VOLUME 9, PAGE 62, AND VOLUME 14, PAGE 158, [P.R.H.C.T.], AND SAME BEING A POINT IN A CURVE TO THE LEFT;

THENCE WITH THE SOUTHEAST LINE OF SAID 4.18 ACRE EASEMENT TRACT AND THE NORTHWEST RIGHT-OF-WAY LINE OF SAID GREGSONS BEND, THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

1) WITH SAID CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 118.31 FEET, A RADIUS OF 360.00 FEET, A DELTA ANGLE OF 18°49'48", AND A CHORD WHICH BEARS S52°54'58"W, FOR A DISTANCE OF 117.78 FEET, TO A FOUND 1/2-INCH IRON ROD, FROM WHICH A 1/2-INCH IRON ROD, FOUND AT A POINT OF TANGENCY IN THE SOUTHEAST RIGHT-OF-WAY LINE OF GREGSONS BEND, SAME BEING IN THE NORTH LINE OF LOT 10, A CALLED 4.00 ACRE TRACT, DESCRIBED IN PLAT OR MAP THEREOF RECORDED IN VOLUME 12, PAGE 306 [P.R.H.C.T.], BEARS S46°40'54"E, A DISTANCE OF 59.92 FEET,

2) S43°35'02"W, A DISTANCE OF 199.87 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND AT THE START OF A CURVE TO THE LEFT,

3) WITH SAID CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 111.13 FEET, A RADIUS OF 360.00 FEET, A DELTA ANGLE OF 17°41'15", AND A CHORD WHICH BEARS S34°43'23"W, FOR A DISTANCE OF 110.69 FEET, TO A FOUND 1/2-INCH IRON ROD WITH "BYRN" CAP,

4) S25°57'04"W, A DISTANCE OF 277.95 FEET TO A 1/2-INCH IRON ROD (BENT), FOUND AT THE START OF A CURVE TO THE RIGHT,

5) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 293.35 FEET, A RADIUS OF 503.00 FEET, A DELTA ANGLE OF 33°24'56", AND A CHORD WHICH BEARS S42°36'21"W, FOR A DISTANCE OF 289.21 FEET, TO A FOUND 1/2-INCH IRON ROD WITH "BYRN" CAP, FROM WHICH A 1/2-INCH IRON ROD, FOUND AT A POINT OF TANGENCY IN THE SOUTHEAST RIGHT-OF-WAY LINE OF GREGSONS BEND, SAME BEING IN THE NORTHWEST LINE OF LOT 4, A CALLED 4.06 ACRE TRACT, DESCRIBED IN PLAT OR MAP THEREOF RECORDED IN VOLUME 14, PAGE 158 [P.R.H.C.T.], BEARS S30°48'18"E, A DISTANCE OF 60.09 FEET,

6) S59°25'00"W, A DISTANCE OF 40.54 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET AT THE START OF A CURVE TO THE RIGHT, AND

7) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 40.46 FEET, A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 92°44'15", AND A CHORD WHICH BEARS N73°50'48"W, FOR A DISTANCE OF 36.19 FEET, TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND IN THE NORTHEAST RIGHT-OF-WAY LINE OF COMMERCIAL LOOP, A 60 FOOT WIDE RIGHT-OF-WAY PER VOLUME 9, PAGE 62 [P.R.H.C.T.];

THENCE WITH THE LINES COMMON TO SAID REMAINDER TRACT, AND THE RIGHT-OF-WAY OF SAID COMMERCIAL LOOP, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) S61°56'40"W, A DISTANCE OF 70.19 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND AT THE START OF A CURVE TO THE LEFT, AND

2) WITH SAID CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 122.99 FEET, A RADIUS OF 1,245.00 FEET, A DELTA ANGLE OF 05°39'36", AND A CHORD WHICH BEARS S30°44'00"E, FOR A DISTANCE OF 122.94 FEET, TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE EASTERLY NORTH CORNER OF LOT 3 OF PLAT RECORDED IN SAID VOLUME 9, PAGE 62 [P.R.H.C.T.], AND ALSO BEING AT THE START OF A CURVE TO THE LEFT;

THENCE WITH THE LINES COMMON TO SAID LOT 3, TO SAID REMAINDER TRACT, AND THE NORTHWEST LINE OF LOT 5 OF PLAT RECORDED IN VOLUME 17, PAGE 134 [P.R.H.C.T.], THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) WITH SAID CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 44.68 FEET, A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 102°23'45", AND A CHORD WHICH BEARS N85°09'56"W, FOR A DISTANCE OF 38.97 FEET, TO CHISELED "+" IN CONCRETE, FOUND FOR AN ANGLE POINT,

2) S43°33'40"W, PASSING AT A DISTANCE OF 21.40 FEET, A 1/2-INCH IRON ROD, FOUND FOR REFERENCE, AND PASSING AT A DISTANCE OF 335.34 FEET, A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE COMMON NORTH CORNER OF SAID LOT 3 AND SAID LOT 5, AND CONTINUING FOR A TOTAL DISTANCE OF 678.88 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE NORTHWEST CORNER OF SAID LOT 5, SAME BEING IN THE NORTHEAST LINE OF SAID 92.95 ACRE TRACT, AND ALSO BEING THE SOUTH CORNER OF SAID REMAINDER TRACT AND THE TRACT DESCRIBED HEREIN;

THENCE WITH THE LINES COMMON TO SAID REMAINDER TRACT AND SAID 92.95 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) N45°50'11"W, A DISTANCE OF 850.32 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET, AND

2) N45°50'47"W, A DISTANCE OF 772.32 FEET BACK TO THE POINT OF BEGINNING OF THERE HEREIN DESCRIBED TRACT, AND CONTAINING 70.894 ACRES [3,088,160 SQUARE FEET].

LEGEND

	PROPERTY LINE
	EXISTING PROPERTY LINE
	EXISTING EASEMENT
	ADJOINER PROPERTY LINE
OE	OVERHEAD ELECTRIC
X	EXISTING WIRE FENCE
	EXISTING CHAINLINK FENCE
W	EDGE OF PAVEMENT
	APPROXIMATE SURVEY LINE
	RAILROAD TRACK CENTERLINE
●	1/2" IRON ROD FOUND [UNLESS NOTED]
○	1/2" IRON ROD WITH "DOUCET" CAP SET
CO ●	CLEAN OUT
WW	WASTEWATER MANHOLE
	LIGHT POLE
	WATER VALVE
+	CHISELED PLUS IN CONCRETE FOUND
▲	MAGNAIL WITH SHINER SET
S	STORM SEWER MANHOLE
+	CHISELED PLUS IN CONCRETE FOUND
△	CALCULATED POINT
	POWER POLE
	ELECTRIC PULL BOX
P.O.B.	POINT OF BEGINNING
FOC	FIBER OPTIC CABLE
(.....)	RECORD INFORMATION
P.R.H.C.T.	PLAT RECORDS, HAYS COUNTY, TEXAS
O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS

REV1: UPDATED FLOOD ZONE NOTE. ADDED AREA UNDER CONSTRUCTION
REV2: ROTATED VIEW AND MOVED DESCRIPTION
REV3: UPDATED BOUNDARY
REV4: UPDATED BOUNDARY

DOUCET & ASSOCIATES
Civil Engineering - Planning - Geospatial
7401 B. Highway 71 W, Suite 160
Austin, Texas 78735, Phone: (512)-583-2600
www.doucetengineers.com
TBPELS Firm No.: 10105800
TBPE Firm No.:F-3937

Date:	07/23/2020
Scale:	1" = 120'
Drawn by:	JWF
Reviewer:	GC
Project:	2055-001
Sheet:	2 OF 2
Field Book:	523
Party Chief:	ADM
Survey Date:	02/03/2020

21016508 DEED Total Pages: 14
Filed and Recorded: 04/01/2021 03:42:40 PM

AFTER RECORDING, RETURN TO:

Corridor Title
Attn: Cindy Carroll
133 W. San Antonio Street, Suite 100
San Marcos, TX 78666

STATE OF TEXAS §

COUNTY OF HAYS §

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT WHICH TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

OUTLET WEST INVESTORS, LTD., a Texas limited partnership ("Grantor"), for the consideration hereinafter stated, does GRANT, SELL, AND CONVEY unto **CENTERPOINT COMMONS LLC**, a Texas limited liability company ("Grantee"), the following described tract of land situated in Hays County, Texas (the "Land"):

> The tract of land containing approximately 70.894 acres, more or less, described on Exhibit "A" attached hereto and incorporated herein by this reference;

together with Grantor's interest, if any, in and to (i) all and singular the estates, rights and privileges, (ii) any easements and appurtenances, (iii) any adjacent streets, alleys and right-of-ways, but only to the centerline thereof, and (iv) any improvements, plans, permits, applications, and utility and development rights, belonging or in any way appertaining to the Land, but not to the extent belonging or appertaining to any other real property owned by Grantor (the foregoing being the "Appurtenances," and together with the Land, the "Property").

Notwithstanding anything to the contrary in this Deed, the Property does not include, and Grantor hereby reserves for Grantor and its successors and assigns forever, all oil, gas and other minerals in and under and that may be produced from the above described Property, which oil, gas and other minerals are hereby expressly excluded from the Property for all purposes (the "Mineral Reservation"). In connection with such Mineral Reservation, Grantor hereby waives all right to use the surface of the Property, including without limit all rights of ingress and egress to and from the surface of the Property; provided however that nothing shall restrict or prohibit the pooling or unitization of the portion of the mineral estate owned by Grantor with land other

than the Property; or the exploration or production of the oil, gas and other minerals by means of wells that are drilled or mines that are opened on land other than the Property but enter or bottom under the Property, provided that these operations in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property from time to time.

This conveyance is made subject and subordinate to the following (collectively, the "Permitted Exceptions"): (a) those matters described in Exhibit "B" attached hereto and incorporated herein by reference for all purposes, including without limit that certain Declaration of Restrictive Covenants recorded in Volume 3310, Page 669 of the Official Public Records of Hays County, Texas (the "Pond Declaration"); and (b) the Mineral Reservation reserved herein by Grantor. The Permitted Exceptions on Exhibit "B" are solely for the purpose of qualifying the estate conveyed herein and the Grantor's special warranty of title, and no reference or recital herein shall create, enlarge, extend, ratify, confirm or be the basis for any right, title, estate, claim or demand in favor of any party other than Grantor and Grantee and their respective heirs, legal representatives, successors and assigns.

Grantee acknowledges and agrees that the portion of the Property shown on Exhibit D to the Pond Declaration as being not included within the approximately 68 acres defined as the Other Served Property in the Pond Declaration (referred to herein as the "Unserved Land"), is not permitted to drain any surface water runoff from the Unserved Land directly or indirectly into the detention pond (the "Detention Pond") located in the Drainage Easement (as such term is defined in the Pond Declaration), or otherwise use such Detention Pond to in any way satisfy any of the storm water detention requirements applicable to the Unserved Land, unless and until Grantee (or its successors and assigns having ownership of the Unserved Land) obtains and records an amendment to the Pond Declaration from the then current owners of the Other Served Property, permitting such drainage to or use of the Detention Pond by the Unserved Land. Nothing in the Pond Declaration or herein prevents such Unserved Land from having an onsite detention pond or other drainage facilities on the Unserved Land as may be approved by the City of San Marcos, so long as water from such onsite detention pond or other drainage facilities does not drain to the Detention Pond or use the Detention Pond to satisfy in any way any of the storm water detention requirements applicable to the Unserved Land.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging (but not any such rights and appurtenances to the extent belonging solely to other land owned by Grantor) unto Grantee and Grantee's heirs, executors, successors and assigns, forever.

And Grantor does hereby bind Grantor and Grantor's heirs, executors, successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the Property unto Grantee and Grantee's heirs, executors, successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise, subject however, to the Permitted Exceptions; provided, however, that notwithstanding anything to the contrary, this conveyance with respect to the Appurtenances is made without warranty of title, whether statutory, express, implied or arising by common law, including, but not limited to any implied covenants and warranties provided for under Section 5.023 of the Texas Property Code, all of which are hereby disclaimed.

The consideration for this conveyance, receipt of which is hereby acknowledged, is as follows:

(1) $10.00 and other valuable consideration paid to Grantor for which no lien either express or implied is retained.

(2) An additional sum advanced and paid at the instance and request of Grantee by Guaranty Bank & Trust, N.A. ("Lender"), for which Grantee has executed a promissory note (the "Note") of even date herewith, payable to Lender. The Note is further secured by a Deed of Trust of even date herewith to Kirk L. Lee, as Trustee.

To secure the payment of the Note, Grantor does hereby expressly retain a Vendor's Lien and Superior Title upon and against the Property to the extent that proceeds of the Note are used towards the payment of the purchase price of the Property, until said amount of proceeds under the Note is fully paid according to the face, tenor, effect and reading of said Note, whereupon this Deed shall become absolute. The said Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold and conveyed without recourse to Lender, its successors and assigns, the payee named in the Note.

AS A MATERIAL PART OF THE CONSIDERATION FOR THIS DEED, GRANTOR AND GRANTEE AGREE THAT GRANTEE IS TAKING THE PROPERTY "AS IS" WITH ANY AND ALL LATENT AND PATENT DEFECTS AND THAT THERE IS NO WARRANTY BY SELLER THAT THE PROPERTY IS FIT FOR A PARTICULAR PURPOSE. SAVE AND EXCEPT SECTION 19.A. OF THE REAL ESTATE PURCHASE CONTRACT BY AND BETWEEN GRANTOR AND GRANTEE (AS SUCCESSOR-IN-INTEREST TO PURSUANT VENTURES DEVELOPMENT, LLC), DATED AS OF OCTOBER 17, 2016 (AS AMENDED, THE "CONTRACT"), GRANTEE ACKNOWLEDGES THAT IT IS NOT RELYING UPON ANY REPRESENTATIONS, STATEMENTS, ASSERTIONS, OR NONASSERTIONS BY THE GRANTOR WITH RESPECT TO THE PROPERTY, BUT IS RELYING SOLELY UPON GRANTEE'S OWN EXAMINATION OF THE PROPERTY. GRANTEE TAKES THE PROPERTY UNDER THE EXPRESS UNDERSTANDING THERE ARE NO EXPRESS OR IMPLIED WARRANTIES (EXCEPT AS EXPRESSLY PROVIDED IN THE CONTRACT AND EXCEPT FOR THE SPECIAL WARRANTY OF TITLE SET FORTH IN THIS DEED). EXCEPT FOR THOSE WARRANTIES EXPRESSLY SET FORTH IN THE CONTRACT AND THE SPECIAL WARRANTY OF TITLE SET FORTH HEREIN, ALL WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTY ARE HEREBY WAIVED BY GRANTEE.

When the context requires, singular nouns and pronouns include the plural.

Grantee's Mailing Address: 415 N. Guadalupe Street, Suite 400
San Marcos, Texas 78666
Attn: Tyler Sibley

Taxes for 2021 have been prorated and taxes for 2021 and subsequent years are assumed by Grantee.

[*Remainder of page intentionally left blank*]

EXECUTED as of the date of the acknowledgment set forth below, TO BE EFFECTIVE as of the 31st day of ~~April~~ March, 2021.

GRANTOR:

OUTLET WEST INVESTORS, LTD.,
a Texas limited partnership

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

By: _____
Robert C. Wilson, III, President

STATE OF TEXAS §
§
COUNTY OF Harris §

This instrument was acknowledged before me this 31 day of March, 2021, by Robert C. Wilson, III, President of JOQ GP, LLC, a Texas limited liability company, as general partner of Outlet West Investors, Ltd., a Texas limited partnership, on behalf of said limited liability company and said limited partnership.

_____
Notary Public - State of Texas

SHANNON COLLINS ALFONSO
Notary Public, State of Texas
Comm. Expires 07-15-2024
Notary ID 132570216

EXHIBIT "A"

DESCRIPTION OF THE LAND

Being a 70.894 acre (3,088,160 square feet) tract of land, more or less, out of the EDWARD BURLESON SURVEY NO. 18, ABSTRACT NO. 63, in Hays County, Texas, being a portion of the remainder of a called 109.22 acre tract, described to Outlet West Investors, Ltd., recorded in Volume 1486, Page 887, of the Official Public Records of Hays County, Texas, and being all of a called 4.18 acres, described as a drainage easement tract, per the LOWMAN RANCH SUBDIVISION, SECTION 2, a subdivision recorded in Volume 13, Page 384, of the Plat Records of Hays County, Texas. Said 70.894 acres, more or less, being more particularly described by metes and bounds in Exhibit "A-1" attached hereto.

EXHIBIT "A-1"

DOUCET
& ASSOCIATES

7800 Highway 71 West, Suite 160
Austin, TX 78735
Office 512.583.2600
Fax: 512.583.2601

doucetengineers.com

METES AND BOUNDS DESCRIPTION:

BEING A 70.894 ACRE [3,088,160 SQUARE FEET] TRACT OUT OF THE EDWARD BURLESON SURVEY NUMBER 18, ABSTRACT NUMBER 63, HAYS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 109.22 ACRE TRACT, DESCRIBED TO OUTLET WEST INVESTORS, LTD, RECORDED IN VOLUME 1486, PAGE 887 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], AND BEING ALL OF A CALLED 4.18 ACRES, DESCRIBED AS A DRAINAGE EASEMENT TRACT, PER LOWMAN RANCH SUBDIVISION, SECTION 2, RECORDED IN VOLUME 13, PAGE 384 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS [P.R.H.C.T.] ; SAID 70.894 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE WEST CORNER OF SAID REMAINDER TRACT, SAME BEING THE NORTH CORNER OF A CALLED 92.95 ACRE TRACT, RECORDED IN VOLUME 276, PAGE 313 [O.P.R.H.C.T.], AND ALSO BEING IN THE SOUTHEAST LINE OF THE UNION PACIFIC RAILROAD COMPANY TRACT, A CALLED 200 FOOT WIDE STRIP OF LAND AS DESCRIBED IN VOLUME 41, PAGE 23 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS [D.R.H.C.T.];

THENCE N46°39'17"E, WITH THE NORTHWEST LINE OF SAID REMAINDER TRACT, SAME BEING THE SOUTHEAST LINE OF SAID RAILROAD TRACT, PASSING AT A DISTANCE OF 1,902.74 FEET, A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE WEST CORNER OF A CALLED 17.85 ACRE TRACT, AND A CALLED 5.88 ACRE DRAINAGE EASEMENT TRACT, RECORDED IN VOLUME 4389, PAGE 592, AND CONTINUING FOR A TOTAL DISTANCE OF 1,983.01 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET FOR THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE NORTH CORNER OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT, BEARS N46°39'17"E, A DISTANCE OF 79.95 FEET;

THENCE OVER AND ACROSS SAID REMAINDER TRACT THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

1) S46°27'01"E, ALONG THE CENTERLINE OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT, PASSING AT A DISTANCE OF 576.43 FEET, A CHISELED "+" IN CONCRETE ON TOP OF A BRIDGE CULVERT, SET FOR REFERENCE, AND CONTINUING FOR A TOTAL DISTANCE OF 577.67 FEET TO A CALCULATED POINT,

2) N43°34'23"E, FOR A DISTANCE OF 79.83 FEET TO A 1/2-INCH IRON ROD WITH "5687" CAP, FOUND FOR AN EXTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING ON THE NORTHEAST LINE OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT,

3) S46°27'01"E, WITH A NORTHEAST LINE OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT, A DISTANCE OF 66.86 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET,

COMMITMENT YOU EXPECT.
EXPERIENCE YOU NEED.
PEOPLE YOU TRUST

DOUCET
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4) S52°15'58"E, CONTINUING WITH THE NORTHEAST LINE OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT, A DISTANCE OF 302.69 FEET TO A FOUND 1/2-INCH IRON ROD (BENT),

5) N44°07'24"E, A DISTANCE OF 218.45 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND IN THE SOUTHWEST LINE OF LOT 2 OF LOWMAN RANCH SUBDIVISION, SECTION 2, RECORDED IN VOLUME 18, PAGE 17 [P.R.H.C.T.], FROM WHICH A 1/2-INCH IRON ROD, FOUND FOR THE WEST CORNER OF SAID LOT 2, BEARS N46°06'09"W, A DISTANCE OF 294.28 FEET;

THENCE WITH THE LINES COMMON TO SAID LOT 2 AND SAID REMAINDER TRACT, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1) S46°06'09"E, A DISTANCE OF 79.85 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE SOUTH CORNER OF SAID LOT 2,

2) N44°10'40"E, A DISTANCE OF 163.49 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR AN ANGLE POINT, AND

3) N72°59'43"E, A DISTANCE OF 138.60 FEET TO A MAG NAIL WITH "DOUCET" SHINER, SET FOR THE EAST CORNER OF SAID LOT 2, SAME BEING IN THE SOUTHWEST RIGHT-OF-WAY LINE OF CENTERPOINT ROAD, A VARIABLE WIDTH RIGHT-OF-WAY, PER VOLUME 2917, PAGE 616, [O.P.R.H.C.T.] AND VOLUME 18, PAGE 17 [P.R.H.C.T.] ;

THENCE WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID CENTERPOINT ROAD, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) S45°57'33"E, FOR A DISTANCE OF 46.94 FEET TO A MAG NAIL WITH "DOUCET" SHINER, SET AT THE BEGINNING OF A CURVE TO THE RIGHT, AND

2) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 44.07 FEET, A RADIUS OF 4,930.00 FEET, A DELTA ANGLE OF 00°30'44", AND A CHORD WHICH BEARS S45°31'09"E, FOR A DISTANCE OF 44.07 FEET, TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE EAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE WITH THE SOUTHEAST LINES OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT AND OVER AN ACROSS SAID REMAINDER TRACT THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1) S72°56'49"W, A DISTANCE OF 161.57 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET

2) S44°07'46"W, A DISTANCE OF 388.71 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET AT THE BEGINNING OF A CURVE TO THE RIGHT, AND

COMMITMENT YOU EXPECT.
EXPERIENCE YOU NEED.
PEOPLE YOU TRUST.

DOUCET
& ASSOCIATES

3) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 129.28 FEET, A RADIUS OF 130.00 FEET, A DELTA ANGLE OF 56°58'48", AND A CHORD WHICH BEARS S72°37'05"W, FOR A DISTANCE OF 124.02 FEET TO A POINT ON THE SOUTH LINE OF SAID 5.88 ACRE DRAINAGE EASEMENT TRACT, SAME BEING ON THE NORTHEAST LINE OF SAID 4.18 ACRE TRACT, FROM WHICH A 1/2-INCH IRON ROD WITH "DOUCET", SET FOR REFERENCE, BEARS S78°02'57"E, A DISTANCE OF 1.17 FEET;

THENCE S50°37'34"E, WITH THE NORTHEAST LINE OF SAID 4.18 ACRE TRACT AND A SOUTHEAST LINE OF SAID REMAINDER TRACT, A DISTANCE OF 96.86 FEET TO A 1/2-INCH IRON ROD WITH "BRYN" CAP, FOUND AT THE NORTHERLY NORTHEAST CORNER OF SAID 4.18 ACRE TRACT, SAME BEING ON THE NORTH LINE OF LOT 1, A CALLED 5.81 ACRE TRACT, OF SAID LOWMAN RANCH SUBDIVISION, SECTION 2;

THENCE WITH THE LINES COMMON TO SAID LOT 1 AND SAID 4.18 ACRE DRAINAGE EASEMENT TRACT THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) S42°55'45"W, A DISTANCE OF 131.15 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET

2) S44°35'32"E, A DISTANCE OF 263.15 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE SOUTH CORNER OF SAID LOT 1, SAME BEING THE EAST CORNER OF SAID 4.18 ACRE TRACT, ALSO BEING IN THE NORTHWEST RIGHT-OF-WAY LINE OF GREGSONS BEND, A 60 FOOT WIDE RIGHT-OF-WAY, AS DESCRIBED IN PLATS RECORDED IN VOLUME 7, PAGE 150, VOLUME 7, PAGE 215, VOLUME 7, PAGE 275, VOLUME 9, PAGE 62, AND VOLUME 14, PAGE 158, [P.R.H.C.T.], AND SAME BEING A POINT IN A CURVE TO THE LEFT;

THENCE WITH THE SOUTHEAST LINE OF SAID 4.18 ACRE EASEMENT TRACT AND THE NORTHWEST RIGHT-OF-WAY LINE OF SAID GREGSONS BEND, THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

1) WITH SAID CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 118.31 FEET, A RADIUS OF 360.00 FEET, A DELTA ANGLE OF 18°49'48", AND A CHORD WHICH BEARS S52°54'58"W, FOR A DISTANCE OF 117.78 FEET, TO A FOUND 1/2-INCH IRON ROD, FROM WHICH A 1/2-INCH IRON ROD, FOUND AT A POINT OF TANGENCY IN THE SOUTHEAST RIGHT-OF-WAY LINE OF GREGSONS BEND, SAME BEING IN THE NORTH LINE OF LOT 1D, A CALLED 4.00 ACRE TRACT, DESCRIBED IN PLAT OR MAP THEREOF RECORDED IN VOLUME 12, PAGE 306 [P.R.H.C.T.], BEARS S46°40'54"E, A DISTANCE OF 59.92 FEET,

2) S43°35'02"W, A DISTANCE OF 199.87 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND AT THE START OF A CURVE TO THE LEFT,

3) WITH SAID CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 111.13 FEET, A RADIUS OF 360.00 FEET, A DELTA ANGLE OF 17°41'15", AND A CHORD WHICH BEARS S34°43'23"W, FOR A DISTANCE OF 110.69 FEET, TO A FOUND 1/2-INCH IRON ROD WITH "BYRN" CAP,

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EXPERIENCE YOU NEED.
PEOPLE YOU TRUST

DOUCET
& ASSOCIATES

4) S25°57'04"W, A DISTANCE OF 277.95 FEET TO A 1/2-INCH IRON ROD (BENT), FOUND AT THE START OF A CURVE TO THE RIGHT,

5) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 293.35 FEET, A RADIUS OF 503.00 FEET, A DELTA ANGLE OF 33°24'56", AND A CHORD WHICH BEARS S42°36'21"W, FOR A DISTANCE OF 289.21 FEET, TO A FOUND 1/2-INCH IRON ROD WITH "BYRN" CAP, FROM WHICH A 1/2-INCH IRON ROD, FOUND AT A POINT OF TANGENCY IN THE SOUTHEAST RIGHT-OF-WAY LINE OF GREGSONS BEND, SAME BEING IN THE NORTHWEST LINE OF LOT 4, A CALLED 4.06 ACRE TRACT, DESCRIBED IN PLAT OR MAP THEREOF RECORDED IN VOLUME 14, PAGE 158 [P.R.H.C.T.], BEARS S30°48'18"E, A DISTANCE OF 60.09 FEET,

6) S59°25'00"W, A DISTANCE OF 40.54 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET AT THE START OF A CURVE TO THE RIGHT, AND

7) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 40.46 FEET, A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 92°44'15", AND A CHORD WHICH BEARS N73°50'48"W, FOR A DISTANCE OF 36.19 FEET, TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND IN THE NORTHEAST RIGHT-OF-WAY LINE OF COMMERCIAL LOOP, A 60 FOOT WIDE RIGHT-OF-WAY PER VOLUME 9, PAGE 62 [P.R.H.C.T.];

THENCE WITH THE LINES COMMON TO SAID REMAINDER TRACT, AND THE RIGHT-OF-WAY OF SAID COMMERCIAL LOOP, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) S61°56'40"W, A DISTANCE OF 70.19 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND AT THE START OF A CURVE TO THE LEFT, AND

2) WITH SAID CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 122.99 FEET, A RADIUS OF 1,245.00 FEET, A DELTA ANGLE OF 05°39'36", AND A CHORD WHICH BEARS S30°44'00"E, FOR A DISTANCE OF 122.94 FEET, TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE EASTERLY NORTH CORNER OF LOT 3 OF PLAT RECORDED IN SAID VOLUME 9, PAGE 62 [P.R.H.C.T.], AND ALSO BEING AT THE START OF A CURVE TO THE LEFT;

THENCE WITH THE LINES COMMON TO SAID LOT 3, TO SAID REMAINDER TRACT, AND THE NORTHWEST LINE OF LOT 5 OF PLAT RECORDED IN VOLUME 17, PAGE 134 [P.R.H.C.T.], THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) WITH SAID CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 44.68 FEET, A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 102°23'45", AND A CHORD WHICH BEARS N85°09'56"W, FOR A DISTANCE OF 38.97 FEET, TO CHISELED "+" IN CONCRETE, FOUND FOR AN ANGLE POINT,

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EXPERIENCE YOU NEED.
PEOPLE YOU TRUST

DOUCET
& ASSOCIATES

2) S43°33'40"W, PASSING AT A DISTANCE OF 21.40 FEET, A 1/2-INCH IRON ROD, FOUND FOR REFERENCE, AND PASSING AT A DISTANCE OF 335.34 FEET, A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE COMMON NORTH CORNER OF SAID LOT 3 AND SAID LOT 5, AND CONTINUING FOR A TOTAL DISTANCE OF 678.88 FEET TO A 1/2-INCH IRON ROD WITH "BYRN" CAP, FOUND FOR THE NORTHWEST CORNER OF SAID LOT 5, SAME BEING IN THE NORTHEAST LINE OF SAID 92.95 ACRE TRACT, AND ALSO BEING THE SOUTH CORNER OF SAID REMAINDER TRACT AND THE TRACT DESCRIBED HEREIN;

THENCE WITH THE LINES COMMON TO SAID REMAINDER TRACT AND SAID 92.95 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) N45°50'11"W, A DISTANCE OF 850.32 FEET TO A 1/2-INCH IRON ROD WITH "DOUCET" CAP, SET, AND

2) N45°50'47"W, A DISTANCE OF 772.32 FEET BACK TO THE POINT OF BEGINNING OF THERE HEREIN DESCRIBED TRACT, AND CONTAINING 70.894 ACRES [3,088,160 SQUARE FEET].

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EXHIBIT "B"

EXISTING TITLE EXCEPTIONS

1. The following restrictive covenants of record itemized below:

   Those recorded in Volume 1186, Page 540, Volume 1228, Page 693, and Volume 1255, Page 830, OFFICIAL PUBLIC Records of HAYS County, Texas.

2. The rights of the lessee under the Grazing Lease dated May 1, 2007, by and between Outlet West Investors, Ltd. as Lessor, and David Howard and Cody Howard, as Lessees, as amended.

3. WATER LINE easement granted to ELIM WATER COMPANY, as recorded in Volume 1228, Page 758, OFFICIAL PUBLIC Records of HAYS County, Texas, and shown on survey July 23, 2020, prepared by Garrett Cavaiuolo, Registered Professional Land Surveyor No. 6714.

4. DRAINAGE easement granted to CITY OF SAN MARCOS, as recorded in Volume 4677, Page 627, OFFICIAL PUBLIC Records of HAYS County, Texas, and shown on survey dated July 23, 2020, prepared by Garrett Cavaiuolo, Registered Professional Land Surveyor No. 6714.

5. WASTEWATER LINE easement granted to CITY OF SAN MARCOS, as recorded in Volume 4677, Page 635, OFFICIAL PUBLIC Records of HAYS County, Texas, and shown on survey dated July 23, 2020, prepared by Garrett Cavaiuolo, Registered Professional Land Surveyor No. 6714.

6. Easement as recorded in Volume 5285, Page 106, OFFICIAL PUBLIC Records of HAYS County, Texas, and noted on survey dated July 23, 2020, prepared by Garrett Cavaiuolo, Registered Professional Land Surveyor No. 6714.

7. ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE easement granted to Pedernales Electric Cooperative, Inc., as recorded in Volume 1472, Page 171, and corrected in Volume 1484, Page 811, Official Public Records of Hays County, Texas, and noted on survey dated July 23, 2020, prepared by Garrett Cavaiuolo, Registered Professional Land Surveyor No. 6714.

8. PERMANENT DRAINAGE easement awarded to Hays County under Cause No. 8633-C, County Court at Law # 1, Hays County, Texas, a certified copy of the Judgment having been recorded in Volume 2917, Page 616, Official Public Records of Hays County, Texas, and noted on survey dated July 23, 2020, prepared by Garrett Cavaiuolo, Registered Professional Land Surveyor No. 6714.

9. DRAINAGE EASEMENT AND DETENTION POND AGREEMENT, by and between Outlet West Investors, Ltd., and the City of San Marcos, recorded in Volume 4389,

Page 592, Official Public Records of Hays County, Texas, and noted on survey dated July 23, 2020, prepared by Garrett Cavaiuolo, Registered Professional Land Surveyor No. 6714.

10. Terms, conditions and stipulations of that certain Declaration of Restrictive Covenants recorded in Volume 3310, Page 669, Official Public Records of Hays County, Texas.

11. PUBLIC DRAINAGE UTILITY EASEMENT 15' wide and 15' off the property line, along Gregson's Road, as dedicated by plat recorded in Volume 7, Page 150, Plat Records of Hays County, Texas, and noted on survey dated July 23, 2020, prepared by Garrett Cavaiuolo, Registered Professional Land Surveyor No. 6714.

12. NATURAL GAS easement granted to Centerpoint Energy Resources Corp., d/b/a Centerpoint Energy Texas Gas Operations, Inc., recorded in Document No. 19008805, Official Public Records of Hays County, Texas, and noted on survey dated July 23, 2020, prepared by Garrett Cavaiuolo, Registered Professional Land Surveyor No. 6714.

13. PUBLIC DRAINAGE UTILITY EASEMENT of varying width located in the most eastern portion of property, as dedicated by plat recorded in Volume 7, Page 150, Plat Records of Hays County, Texas, and noted on survey dated July 23, 2020, prepared by Garrett Cavaiuolo, Registered Professional Land Surveyor No. 6714.

14. DRAINAGE EASEMENT over that certain 4.18 acres described as a drainage easement tract, per the LOWMAN RANCH SUBDIVISION, SECTION 2, a subdivision recorded in Volume 13, Page 384, of the Plat Records of Hays County, Texas, shown on survey dated July 23, 2020, prepared by Garrett Cavaiuolo, Registered Professional Land Surveyor No. 6714.

15. Terms, conditions and stipulations of that certain Declaration of Sign Easement Agreement recorded in Document No. 20059360, Official Public Records of Hays County, Texas.

THE STATE OF TEXAS
COUNTY OF HAYS

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

21016508 DEED
04/01/2021 03:42:40 PM Total Fees: $74.00

Elaine H. Cárdenas, MBA, PhD,County Clerk
Hays County, Texas