

A DESCRIPTION OF THE COMMON BOUNDARY OF LOT 3-B AND LOT 5 OF BROOKS HOLLOW RESUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN BOOK 6 AT PAGE 157 OF THE TRAVIS COUNTY PLAT RECORDS, AS ESTABLISHED PURSUANT TO THE SETTLEMENT AGREEMENT SIGNED APRIL 18, 2013 IN CAUSE NO. D-1-GN-11-001263, STYLED *KAREN WHITE, PLAINTIFF V. JACOB CLIFTON RICHARDSON AND LAURA RICHARDSON, DEFENDANTS*, IN THE 200TH JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS;

Said common line of Lots 3-B and 5 being more particularly described by metes and bounds from a survey performed upon the ground by Kent Neal McMillan, Registered Professional Land Surveyor, as follows :

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Note that in the following description:

- 1. Bearings of Lines** refer to **Grid North** of the Texas Coordinate System of 1983 (Central Zone) as computed from GPS vectors,
- 2. Distances** are **Horizontal Surface Distances** in units of **US Survey Feet**, computed using a project average Combined Scale Factor of 0.999909
Surface Distance = Grid Distance / 0.999909.
- 3. "Standard Rod and Cap"** denotes a Punchmark on a 2 in. Aluminum Cap stamped "KENT MCMILLAN, SURVEYOR, RPLS, 4341" and numbered as noted, affixed to a 5/8 in. Iron Rod;
"Standard Spike and Washer" denotes a Punchmark on a 3/8 in. Steel Spike with a 2 in. Aluminum Washer stamped "KENT MCMILLAN, SURVEYOR, RPLS, 4341" and numbered as noted;
"TERRA FIRMA Rod and Cap" denotes a 1/2 in. Iron Rod with a Yellow Plastic Cap imprinted "TERRA, FIRMA";
"LAI Rod and Cap" denotes a 1/2 in. Iron Rod with a Red Plastic Cap imprinted "LAI" understood to have been placed in 2007 under the direction of John Barnard, RPLS, of Loomis Austin
- 4. Elevations** noted in this description refer to **Mean Sea Level Datum (the National Geodetic Vertical Datum of 1929, NGVD29)** as established from the benchmark known

as “BM USBR SEC” in the records of the National Geodetic Survey and as NGS PID AG9947, (30°23’42.15610”N, 97°54’32.56306”W, NAD83 (2011) Epoch 2010.0) a 3-3/4 in. Bronze Tablet inscribed “BUREAU OF RECLAMATION B.M.” in the top of a 12 inch Concrete Retaining Wall at the Northwest end of Mansfield Dam, approximately 22 ft. Southeast of the Northwest end of the Concrete Wall, on the Northeast side of a public road now used as a park road, but formerly as F.M. Hwy. 620. The records of the US Geological Survey indicate that the elevation of this benchmark was determined by them in 1957 to be 754.432 ft. NGVD29 via spirit leveling from a nearby benchmark known as “H 121 1930” established in 1930, adopting the elevation of 746.276 ft. NGVD29 for the latter, the same elevation that the records of the US Geological Survey have stated it to have since at least 1938.

5. Bearings and Distances in Parentheses are those given by the subdivision plat or other instrument of record referenced as follows:

“**R1:**” refers to the Warranty Deed dated March 13, 1945 from Nick Hornsby to Alden Davis recorded in Volume 754 at Page 592, Travis County Deed Records and to the Warranty Deed dated April 25, 1945 from Davis to James P. Yeates recorded in Volume 765 at Page 8, Travis County Deed Records;

“**R2:**” refers to the plat of BROOKS HOLLOW recorded in Book 5 Page 123, Travis County Plat Records;

“**R3:**” refers to the plat of BROOKS HOLLOW RESUBDIVISION recorded in Book 6 at Page 157, Travis County Plat Records;

“**R4:**” refers to the instrument entitled “Access Easement and Boundary Line Agreement” executed by Park Yeates et ux June 15, 1978 recorded in Volume 6197 at Page 1613, Travis County Deed Records

“**R5:**” refers to the Warranty Deed from Randall Kent Yeates to James F. Biggart, Jr. dated December 13, 2002 recorded as Doc. No. 2002244443, Travis County Official Public Records,

“**R6:**” refers to the Deed Without Warranty from Randall Kent Yeates to James F. Biggart, Jr. dated February 26, 2004 recorded as Doc. No. 2004066276, Travis County Official Public Records,

“**R7:**” refers to the Quitclaim Deed from Bailey Ranch Holdings, LP et al. to Crosswater Yacht Club, L.P. dated February 28, 2007 recorded as Doc. No. 2007036179, Travis County Official Public Records,

“R8:” refers to the Settlement Agreement between Crosswater Yacht Club Management, LLC, et al. and Clift Richardson et ux dated June 20, 2008 recorded as Doc. No. 2009045181, Travis County Official Public Records,

4. **Underlined Numbers** appearing throughout this description are the Point Nos. appearing in the following list of coordinates. Coordinates are in units of **US Survey Feet** and refer to the **Texas Coordinate System of 1983 (Central Zone); NAD83 (2011) Epoch 2010.0** as derived from connections to the National CORS network via six one-hour sessions of L1/L2 GPS observations logged on two different days and processed using the National Geodetic Survey’s OPUS-RS utility. The coordinates in the following list were obtained by a combination of GPS and conventional methods and are estimated from analysis of variance to have standard errors in N and E components of less than +/- 0.01 ft.

| Point No. | C o o r d i n a t e s | |
|--------------|-----------------------|-------------|
| | N (ft.) | E (ft.) |
| 2 | 10113476.021 | 3042356.552 |
| 3 | 10113298.058 | 3042360.577 |
| 50 | 10113503.443 | 3042421.925 |
| 51 | 10113494.114 | 3042471.196 |
| 76 | 10113905.150 | 3042777.623 |
| 82 | 10113932.940 | 3042919.405 |
| 119 | 10113172.171 | 3042503.772 |
| 121 | 10113517.501 | 3042240.231 |
| 122 | 10113517.551 | 3042240.178 |
| 124 | 10113562.471 | 3042201.964 |
| 125 | 10113562.502 | 3042202.036 |
| 126 | 10113540.716 | 3042111.587 |
| 128 | 10113387.564 | 3042068.192 |
| 129 | 10113387.481 | 3042068.259 |
| 130 | 10113024.222 | 3042255.613 |
| 132 | 10112928.274 | 3042220.941 |
| 136 | 10113510.437 | 3042688.667 |
| 137 | 10113253.982 | 3042548.556 |
| 138 | 10113504.620 | 3042381.243 |
| 139 | 10113487.102 | 3042379.753 |
| 143 | 10113364.863 | 3042368.680 |
| 144 | 10113696.633 | 3042548.607 |
| 145 | 10113880.443 | 3042694.071 |
| 146 | 10113441.359 | 3042304.966 |
| 147 | 10113489.762 | 3042372.979 |
| 200 | 10113120.176 | 3042290.162 |
| 202 | 10113197.078 | 3042226.322 |
| 205 | 10113317.258 | 3042353.404 |
| 206 | 10113403.279 | 3042336.683 |
| 239 | 10113510.037 | 3042478.053 |
| 240 | 10113490.412 | 3042369.744 |

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BEGINNING at the center of the top section of an old 1/2 in. Iron Rod No. 143 found (Rod leans approximately 0.14 ft. Northwesterly from center of base) (Approximate Elevation of Rod = 691.8 ft.) marking the common corner of Lot 3-B and Lot 5 of BROOKS HOLLOW RESUBDIVISION according to the plat recorded in Book 6 at Page 157 of the Travis County Plat Records, and being taken for the identical Rod found in place in December, 2002 by Michael Samford, RPLS and described by him as marking “the east corner of Lot 5 and west corner of Lot 3-B” in his field notes for a certain 0.50 acre Southeast part of Lot 5 designated as “TRACT 2” recorded in Doc. No. 2002244443 of the Travis County Official Public Records (TCOPR), said Iron Rod No.143 presently falling under the rock veneer of a pillar at the Northwest end of a concrete block wall evidently constructed after 2002, and noting that from said Rod:

- a Standard Spike and Washer No.3 set for reference (Elevation = 697.69 ft.) in Asphalt Pavement bears S6°54'57"W, 67.30 ft.;
- a Standard Spike and Washer No.2 set for reference (Elevation = 671.50 ft.) in the Concrete Pavement of a Boat Ramp bears N6°13'36"W, 111.83 ft.;
- a Standard Rod and Cap No.205 set for reference Elevation = 695.95 ft.) bears S17°47'28"W, 50.00 ft.;
- a Standard Rod and Cap No.206 set for reference bears N39°47'28"W, 50.00 ft.;
- an old 1/2 in. Iron Rod No.119 found (Elevation = 705.43 ft.) marking the South corner of Lot 3-B at the intersection of Hurst Hollow and Hurst Creek Road bears S35°02'00"E, 235.35 ft. (R3: S35°46'E, 233.28 ft.);
- an old 3/8 in. Iron Rod No.137 found (Elevation = 700.57 ft.) (8 in. Down and with three different faded colors of surveyors's plastic ribbon; 0.16 ft. SW of the SW edge of a Concrete Strip Footing of a Concrete Block Wall running NW'ly) marking the Southeast common corner of Lots 3-A and 3-B of BROOKS HOLLOW RESUBDIVISION bears S35°02'00"E, 235.35 ft. and N28°41'48"E, 93.28 ft. (R1: N29°38'E) (R2: N28°39'E) (R3: N22°39'E, 93.5 ft.);
- an old 3/8 in. Iron Rod No.136 found (Elevation = 696.36 ft.) (flush with ground) marking the Southeast common corner of Lots 1 and 2-A of BROOKS HOLLOW RESUBDIVISION bears S35°02'00"E, 235.35 ft.; N28°41'48"E, 93.28 ft.; and N28°38'58"E, 292.26 ft. (R1: N29°38'E) (R2: N28°39'E) (R3: N22°39'E, 293.5 ft.);
- an old 3/8 in. Iron Rod No.144 found (Elevation = 673.43 ft.) (flush with ground) marking the meander corner on the common line of Lots 1 and 2-A of BROOKS

HOLLOW RESUBDIVISION bears S35°02'00"E, 235.35 ft.; N28°41'48"E, 93.28 ft.; N28°38'58"E, 292.26 ft.; and N36°57'04"W, 233.01 ft. (R3: N35°12'W, 235.66 ft.);

- an old 1/2 in. Iron Rod No.239 found (Elevation = 667.52 ft.) (7 in. Down) evidently marking the meander corner on the prolongation of the common line of Lots 2-B and 3-A past the 670 ft. contour bears S35°02'00"E, 235.35 ft.; N28°41'48"E, 93.28 ft.; N28°38'58"E, 292.26 ft.; N36°57'04"W, 233.01 ft.; and S20°42'44"W, 199.51 ft. (R3: S22°25'W, 200 ft.);
- an LAI Rod and Cap No.82 found (Elevation of Cap = 670.01 ft.) marking the true Northeast corner of Lot 1 of BROOKS HOLLOW on the 670 ft. elevation contour bears S35°02'00"E, 235.35 ft.; N28°41'48"E, 93.28 ft.; N28°38'58"E, 292.26 ft.; and N28°38'24"E, 481.45 ft. (R1: N29°38'E) (R2: N28°39'E) (R3: N22°39'E, 300 ft.);
- an LAI Rod and Cap No.76 found (Elevation of Cap = 670.00 ft.) marking a point on the 670 ft. elevation contour and true North boundary of said Lot 1 bears S35°02'00"E, 235.35 ft.; N28°41'48"E, 93.28 ft.; N28°38'58"E, 292.26 ft.; N28°38'24"E, 481.45 ft.; and S78°54'37"W, 144.49 ft.;
- an LAI Rod and Cap No.145 found (Elevation of Cap = 670.00 ft.) marking another point on the 670 ft. elevation contour and true North boundary of said Lot 1 bears S35°02'00"E, 235.35 ft.; N28°41'48"E, 93.28 ft.; N28°38'58"E, 292.26 ft.; N28°38'24"E, 481.45 ft.; S78°54'37"W, 144.49 ft.; and S73°31'36"W, 87.14 ft.;
- an old 5/8 in. Iron Rod No.146 found (Elevation of Rod = 679.78 ft.) in native caliche under turf grass and imported sandy loam, taken for that reported in place in 2002 by Michael Samford, RPLS, and marking the Northeast common corner of Tracts 1 and 2 as described in the Deed from Yeates to Biggart recorded as Doc. No. 2002244443 TCOPR bears N39°47'28"W, 99.56 ft. (R5 & R6: N37°55'15"W, 99.53 ft.);
- an old 5/8 in. Iron Rod No.121 found (Elevation of Rod = 678.87 ft.) in caliche soil and taken for one of what were described in the above Deed from Yeates to Biggart as "two 1/2 in. iron rods found driven side by side" marking the North corner of Tract 1 bears 39°47'28"W, 99.56 ft. and N40°22'15"W, 99.95 ft. (R5 & R6: N38°30'17"W, 100.00 ft.),, and noting that from Rod No.121 :
 - a 1/2 in. Iron Rod No.122 found (Elevation of Rod = 678.86 ft.) and taken for the other of the two rods bears N46°40'W, 0.07 ft. (found this rod with top section severely bent, but lower section plumb and firm in caliche soil, straightened rod, and carefully reset it in same hole in ground);

- a 1/2 in. Iron Rod No.124 found (Elevation of Rod = 677.24 ft.) marking an Angle Point on the meander line along the lakeward sides of Lot 5 as shown on the plat of BROOKS HOLLOW RESUBDIVISION bears N39°47'28"W, 99.56 ft.; N40°22'15"W, 99.95 ft.; and N40°23'45"W, 59.05 ft. (R4: N38°00'E, 59.00 ft.) and noting that from Rod No.124 :

the center of a severely bent 5/8 in. Iron Rod No.125 where it enters the ground bears N66°42'E, 0.08 ft.;

- an old 5/8 in. Iron Rod No.126 found (Elevation of Rod = 676.29 ft.) marking another Angle Point on the meander line along the lakeward sides of Lot 5 bears N39°47'28"W, 99.56 ft.; N40°22'15"W, 99.95 ft.; N40°23'45"W, 59.05 ft.; and S76°27'56"W, 92.97 ft. (R3: S78°52'W, 93.2 ft.) (R4: S78°52'W, 93.20 ft.) ;
- an old 60d Nail No.129 found (Elevation of Nail = 682.69 ft.) with remnants of old red plastic flagging approximately at the point where an old 3/4 in. Iron Rod (leaning about 30° off plumb) enters the ground and taken to mark the Northwest common corner of Lots 5 and 7 of BROOKS HOLLOW RESUBDIVISION bears N39°47'28"W, 99.56 ft.; N40°22'15"W, 99.95 ft.; N40°23'45"W, 59.05 ft.; S76°27'56"W, 92.97 ft.; and S15°47'19"W, 159.26 ft. (R3: S25°40'W, 160 ft.) (R4: S18°09'W, 162.32 ft.);
- a Standard Rod and Cap No.200 set in a landscaped area to mark the Southeast common corner of Lots 5 and 7 bears S17°47'28"W, 257.00 ft. (R3: S20°00'W, 258.18 ft.; R5: S19°40'24"W, 257.02 ft.) said Rod and Cap No.200 marking also the South corner of Tract 2 conveyed by Yeates to Biggart as described in Deed recorded as Doc. No. 2002244443 TCOPR;
- an old 1/2 in. Iron Rod No.130 found (in undisturbed-appearing caliche soil) marking the Southeast common corner of Lots 7 and 8 of BROOKS HOLLOW RESUBDIVISION S17°47'28"W, 257.00 ft. and S19°48'07"W, 101.99 ft. (R3: S21°45'W, 101.78 ft.);
- an old 1/2 in. Iron Rod No.132 found (in undisturbed-appearing caliche soil) marking the Southeast common corner of Lots 8 and 10 of BROOKS HOLLOW RESUBDIVISION bears S17°47'28"W, 257.00 ft.; S19°48'07"W, 101.99 ft.; and S19°52'05"W, 102.03 ft. (R3: S21°45'W, 101.78 ft.);
- the old 60d Nail No.129 found as described above and taken to mark the Northwest common corner of Lots 5 and 7 of BROOKS HOLLOW RESUBDIVISION bears S17°47'28"W, 257.00 ft. and N39°41'52"W, 347.44 ft. (R3: N37°50'W, 347.50 ft.);

- the top of an old 3/4 in. Iron Rod No.128 found (leaning about 30° off plumb) bears S17°47'28"W, 257.00 ft. and N39°41'51"W, 347.55 ft. (R3: N37°50'W, 347.50 ft.);
- a TERRA FIRMA Rod and Cap No.138 found (Elevation of Cap = 668.39 ft.) bears N5°08'12"E, 140.33 ft. (R7 & R8 : N6°52'12"E, 140.21 ft.), said Rod and Cap being evidently intended to mark a corner of that certain 0.162 acre tract of land described by Craig C. Cregar, RPLS (dba Terra Firma Land Surveying) in Quitclaim Deed dated February 28, 2007 executed by Bailey Ranch Holdings, LP et al. in favor of Cross Water Yacht Club, LP recorded as Doc. No. 2007036179 TCOPR, apparently in the mistaken belief that Lots 3-A and 3-B did not actually extend to the 670 ft. elevation contour and also reciting a mistaken location for said 670 ft. contour on the ground, said Rod and Cap also marking the North corner of that certain 3,530 sq. ft. triangle of land designated as "Lot 3B Contour Property" in that certain Settlement Agreement dated June 20, 2008 between J. Clift Richardson and Laura Richardson, Grantees, and Crosswater Yacht Club Management, LLC et al, Grantors, recorded as Doc. No. 2009045181 TCPOR, same being the West corner of that certain 3,539 sq. ft. tract of land designated as "Lot 3A Contour Property" in that certain Settlement Agreement dated June 20, 2008 between Travis and Theresa Thompson, Grantees, and Crosswater Yacht Club Management, LLC et al, Grantors, recorded as Doc. No. 2009045180 TCPOR
- a Concrete Nail No.50 found (Elevation = 670.31 ft.) with old plastic ribbon attached, in a Rock Outcrop, bears N5°08'12"E, 140.33 ft. and S88°20'34"E, 40.70 ft. (R7: S86°40'40"E, 40.74 ft.), said Nail being evidently intended to mark an Angle Point on the North line of the 0.162 acre tract described in the above-mentioned Quitclaim Deed and marking also an Angle Point on the North line of the 3,539 sq. ft. "Lot 3A Contour Property" described in Doc. No. 2009045180 TCPOR
- a TERRA FIRMA Rod and Cap No.51 found (Elevation of Cap = 670.71 ft.) bears N5°08'12"E, 140.33 ft.; S88°20'34"E, 40.70 ft.; and S79°16'43"E, 50.15 ft. (R7: S77°38'55"E, 50.08 ft.), said Rod and Cap being taken as intended to mark the Northeast corner of the 0.162 acre tract described in the above-mentioned Quitclaim Deed and the Northeast corner of the "Lot 3A Contour Property", also described above;

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THENCE from the **POINT OF BEGINNING, N0°29'08"E, 125.56 ft.** to a Standard Rod and Cap No.240 set on the elevation contour 670 ft. above Mean Sea Level as established from US Geological Survey bench marks (approximately 3.4 ft. East of the East edge of the Concrete Pavement of a Boat Ramp) to mark the common corner of Lots 3-B and 5 of BROOKS HOLLOW RESUBDIVISION fixed pursuant to the Settlement Agreement signed April 18, 2013 in Cause No. D-1-GN-11-001263, styled *Karen White*,

Plaintiff v. Jacob Clifton Richardson and Laura Richardson, Defendants, in the 200th Judicial District Court of Travis County, Texas and the **POINT OF TERMINATION** of the common boundary here described.

I, Kent Neal McMillan, a Registered Professional Land Surveyor, hereby certify that the above is a true and correct description of the results of an actual survey performed upon the ground under my direction, completed April 21, 2013

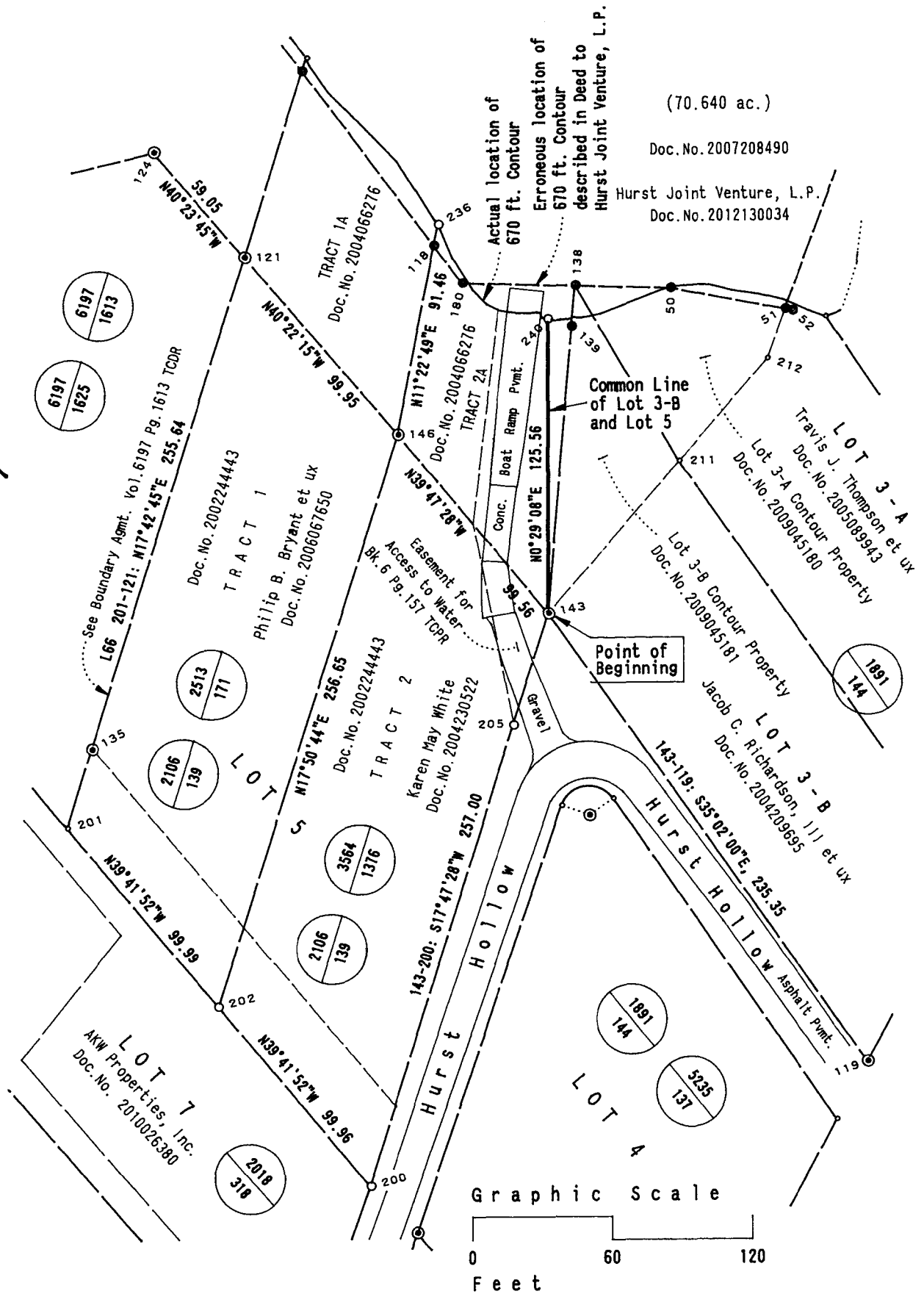
Witness my hand and seal of registration,
April 22, 2013



A handwritten signature in black ink that reads "Kent Neal McMillan".

Kent Neal McMillan
Registered Professional Land Surveyor
No. 4341
418 Ridgewood Road, Austin TX 78746
Telephone (512) 445-5441

Grid North ↑



**Illustrative Sketch to Accompany Written Description
Common Line of Lots 3-B and 5 per Settlement Agreement Page 9**