



*Dyana Limon-Mercado*

Dyana Limon-Mercado, County Clerk  
Travis County, Texas

Feb 16, 2023 09:16 AM Fee: \$62.00

**2023015924**

\*Electronically Recorded\*

**LANDSCAPE AND IRRIGATION EASEMENT AGREEMENT**

THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS           §

This Landscape and Irrigation Easement Agreement (this "Agreement") is made effective as of the 15th day of February, 2023, the ("Effective Date"), by and between KB HOME LONE STAR INC., a Texas corporation ("Grantor"), and VILLAS AT SCENIC PASS CONDOMINIUM COMMUNITY, INC., a Texas nonprofit corporation ("Grantee"), and is as follows:

**RECITALS**

A. Grantor is the owner of Unit 1A and Unit 21A of Villas at Scenic Pass Condominiums (collectively, the "Units"), a condominium regime established pursuant to that certain Amended and Restated Declaration of Condominium Regime for Villas at Scenic Pass Condominiums, recorded under Document No. 2022178048 in the Official Public Records of Travis County, Texas, as amended (the "Declaration"). Capitalized terms used but not defined herein shall have the meaning ascribed to such terms in the Declaration.

B. Grantee is the homeowners' association established pursuant to the Declaration.

C. Grantor desires to grant to Grantee, and Grantee desires to accept, an easement over, across, under, and through a portion of the Units, as more particularly described herein.

NOW, THEREFORE, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, Grantor and Grantee do hereby agree as follows:

1. **Grant of Easement.** Grantor hereby grants and conveys to Grantee, its successors and assigns, for use by Grantee and Grantee's agents, employees, and invitees, an easement over, across, under, and through a portion of the Units as more particularly described on Exhibit "A" (collectively, the "Easement Tract"), attached hereto and incorporated herein, for the purpose of placing, installing, planting, maintaining, inspecting, operating, and replacing landscaping, irrigation lines and related improvements located on the Easement Tract (collectively, the "Landscape and Irrigation Improvements"), which easement shall be perpetual and non-exclusive, including the right of ingress and egress over and across the Units, but only to the extent necessary and required to utilize the easement reserved hereunder and provided further that the easement granted herein shall not permit entry into the residence(s) constructed on the Units. Upon completion of the Landscape and Irrigation Facilities, Grantor and Grantor's successors and assigns may not use the Easement Tract in any manner which interferes with the Landscape and Irrigation Improvements. Grantee shall maintain the Landscape and Irrigation Improvements located within the Easement Tract in

good condition and repair as determined from time to time by the Board, and in accordance with Applicable Law. In the event Grantee damages any portion of the Units, or any improvements located thereon, in exercising the easement granted hereunder, Grantee will be required to restore the damage to the condition which existed prior to any such damage, at Grantee's sole cost and expense, which damage shall be repaired within a reasonable period of time not to exceed thirty (30) days after receiving notice thereof. The easement reserved herein, and Grantee's use of the Easement Tract, is made subject to all presently recorded or validly existing easements, rights-of-way, and other existing instruments affecting the same.

2. **No Liability.** Grantor shall not be liable to Grantee for any loss or damage to property or any injuries to or death of any person occurring as a result of use of the Easement Tract by Grantee, unless directly caused by the gross negligence or willful misconduct of Grantor.

3. **Governing Law.** This Agreement shall be governed by the laws of the state of Texas. Venue for any action brought in connection with this Agreement shall be in Travis County, Texas.

4. **Binding Effect.** The terms, covenants and conditions herein runs with the Units and shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of each of the parties hereto.

5. **Severability.** If any clause or provision of this Agreement is or should ever be held to be illegal, invalid or unenforceable under any present or future law applicable to the terms hereof, then and in that event, it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby, and that in lieu of each such clause or provision of this Agreement that is illegal, invalid or unenforceable, such clause or provision shall be judicially construed and interpreted to be as similar in substance and content to such illegal, invalid or unenforceable clause or provision, as the context thereof would reasonably suggest, so as to thereafter be legal, valid and enforceable.

6. **Counterparts.** This Agreement may be executed in separate counterparts. It shall be fully executed when each party whose signature is required has signed at least one counterpart even though no one counterpart contains the signatures of all the parties.

*[SIGNATURE PAGES FOLLOW]*

**GRANTOR:**

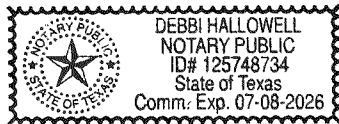
**KB HOME LONE STAR INC.,**  
a Texas corporation

By: [Signature]  
Printed Name: John Zinsmeyer  
Title: VP Land Development

STATE OF TEXAS           §  
COUNTY OF Williamson   §

This instrument was acknowledged before me on this 14<sup>th</sup> day of February, 2023, by John Zinsmeyer, the VP Land Development of KB HOME LONE STAR INC., a Texas corporation, on behalf of said corporation.

[SEAL]



[Signature]  
Notary Public Signature

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

GRANTEE:

VILLAS AT SCENIC PASS CONDOMINIUM  
COMMUNITY, INC., a Texas nonprofit  
corporation

By: Shawn A. Kirkpatrick  
Printed Name: Shawn Kirkpatrick  
Title: Director

By: [Signature]  
Printed Name: ~~Steven~~ Plevak  
Title: Director ~~Stephen~~

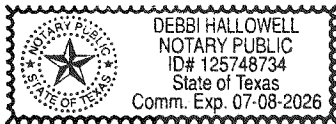
By: [Signature]  
Printed Name: April Miertschin  
Title: Director

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

THE STATE OF TEXAS §  
COUNTY OF Williamson §

This instrument was acknowledged before me on this 15th day of February, 2023, by Shawn Kirkpatrick, Director of Villas at Scenic Pass Condominium Community, Inc., a Texas nonprofit corporation, on behalf of said nonprofit corporation.

[SEAL]

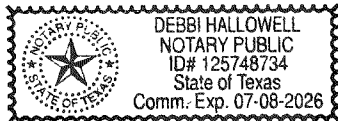


[Signature]  
Notary Public Signature

THE STATE OF TEXAS §  
COUNTY OF Williamson §

~~Steven~~ Stephen This instrument was acknowledged before me on this 15th day of February, 2023, by ~~Steven~~ Plevak, Director of Villas at Scenic Pass Condominium Community, Inc., a Texas nonprofit corporation, on behalf of said nonprofit corporation.

[SEAL]

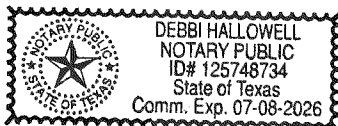


[Signature]  
Notary Public Signature

THE STATE OF TEXAS §  
COUNTY OF Williamson §

This instrument was acknowledged before me on this 15th day of February, 2023, by April Miertschin, Director of Villas at Scenic Pass Condominium Community, Inc., a Texas nonprofit corporation, on behalf of said nonprofit corporation.

[SEAL]



[Signature]  
Notary Public Signature

**AFTER RECORDING RETURN TO:**  
**ROBERT D. BURTON, ESQ.**  
**WINSTEAD PC**  
**401 CONGRESS AVENUE, SUITE 2100**  
**AUSTIN, TEXAS 78701**  
**RBURTON@WINSTEAD.COM**

EXHIBIT "A"

*[SEE ATTACHED]*

0.013 ACRES (583 SQ.FT.)  
 LOT 7, BLOCK A, SIMON-CASKEY SUBDIVISION  
 A.J. BOND SURVEY NUMBER 91, ABSTRACT NUMBER 114  
 TRAVIS COUNTY, TX

**METES AND BOUNDS**

BEING ALL OF THAT CERTAIN 0.013 ACRE (583 SQ. FT.) TRACT OR PARCEL OF LAND SITUATED IN THE A.J. BOND SURVEY NUMBER 91, ABSTRACT NUMBER 114, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 7, BLOCK A, SIMON-CASKEY FINAL PLAT, A SUBDIVISION RECORDED IN DOCUMENT NUMBER 202000222, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF UNIT 21A, VILLAS AT SCENIC PASS CONDOMINIUMS, RECORDED IN DOCUMENT NUMBER 2022178048, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.013 ACRE (583 SQ.FT.) TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a capped 1/2 inch Iron rod found stamped "CBD SETSTONE" at the northwest corner of said Lot 7, being at the northwest corner of said Unit 21A, same being on the east right-of-way line of Oak Forest Lane (R.O.W. varies), also being at a western corner of a called 13.334 acre tract of land conveyed to 5606 South Rice LLC by deed recorded in Document Number 2022056415, Official Public Records, Travis County, Texas, for the **POINT OF COMMENCEMENT** of the herein described tract,

THENCE, S61°45'44"E, with the common line of said Lot 7, said 13.334 acre tract of land, and said Unit 21A, a distance of 10.63 feet to a calculated point for the northwest corner and the **POINT OF BEGINNING** of the herein described tract,

THENCE, S61°45'44"E, continuing with the common line of said Lot 7, said 13.334 acre tract of land, and said Unit 21A, a distance of 5.30 feet to a calculated point for the northeast corner of the herein described tract of land, being at the beginning of a curve to the right,

THENCE, continuing over and across said Lot 7 and said Unit 21A, the following two (2) courses and distances, numbered 1 and 2,

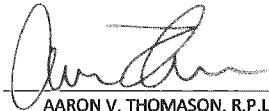
- 1) Along said curve to the right, having a radius of 245.00 feet, an arc length of 76.69 feet, and a chord that bears S18°10'47"W, a distance of 76.38 feet to a calculated point, and
- 2) S27°08'49"W, a distance of 39.80 feet to a calculated point on the south line of said Unit 21A, being on the north line of Sika Rose Lane (G.C.E.), for the southeast corner of the herein described tract of land,

THENCE, N61°45'44"W, with the common line of said Unit 21A and said Sika Rose Lane, a distance of 5.00 feet to a calculated point for the southwest corner of the herein described tract of land,

THENCE, continuing over and across said Lot 7 and said Unit 21A, the following two (2) courses and distances, numbered 1 and 2,

- 1) N27°08'49"E, a distance of 39.71 feet to a calculated point, being at the beginning of a curve to the left, from which a capped 1/2 inch capped iron rod found stamped "CBD SETSTONE" on the west right-of way line of said Oak Forest Lane, being on the west line of said Lot 7, Block A, same being on the west line of said Unit 21A, bears N62°51'11"W a distance of 10.00 feet, and
- 2) Along said curve to the left, having a radius of 240.00 feet, an arc length of 76.85 feet, and a chord that bears N17°58'25"E, a distance of 76.52 feet to the **POINT OF BEGINNING** and containing 0.013 acres (583 SQ.FT.) of land, as shown on the attached sketch.

Surveyed by:



12/19/2022

AARON V. THOMASON, R.P.L.S. NO. 6214

Carlson, Briggance & Doering, Inc.

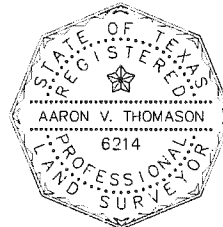
Reg. No. 10024900

5501 West William Cannon

Austin, TX 78749

Ph: 512-280-5160

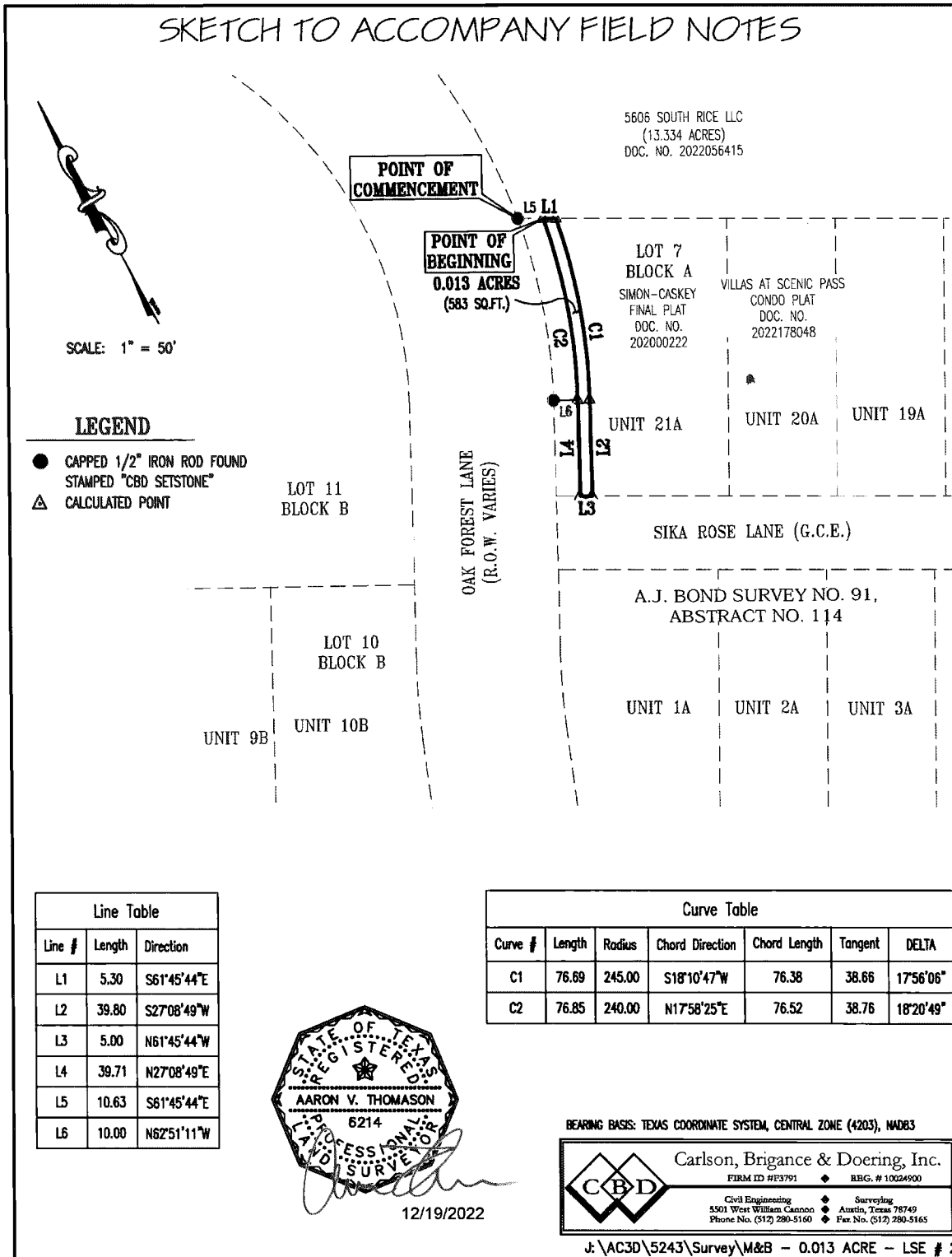
[aaron@ctdeng.com](mailto:aaron@ctdeng.com)



BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (4203)

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# SKETCH TO ACCOMPANY FIELD NOTES





0.013 ACRES (578 SQ.FT.)  
 LOT 7, BLOCK A, SIMON-CASKEY SUBDIVISION  
 A.J. BOND SURVEY NUMBER 91, ABSTRACT NUMBER 114  
 TRAVIS COUNTY, TX

**METES AND BOUNDS**

BEING ALL OF THAT CERTAIN 0.013 ACRE (578 SQ. FT.) TRACT OR PARCEL OF LAND SITUATED IN THE A.J. BOND SURVEY NUMBER 91, ABSTRACT NUMBER 114, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 7, BLOCK A, SIMON-CASKEY FINAL PLAT, A SUBDIVISION RECORDED IN DOCUMENT NUMBER 202000222, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF UNIT 1A, VILLAS AT SCENIC PASS CONDOMINIUMS, RECORDED IN DOCUMENT NUMBER 2022178048, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.013 ACRE (578 SQ.FT.) TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a capped 1/2 inch iron rod found stamped "CBD SETSTONE" on the west line of said Lot 7, being on the west line of said Unit 1A, same being on the east right-of-way line of Oak Forest Lane (R.O.W. varies), for the POINT OF COMMENCEMENT of the herein described tract,

THENCE, S09°40'42"W, over and across said Lot 7 and said Unit 1A, a distance of 52.16 feet to a calculated point on the south line of said Unit 1A, being on the north line of G.C.E. # 2 of said Villas at Scenic Pass Condominiums, for the southwest corner and the POINT OF BEGINNING of the herein described tract,

THENCE, continuing over and across said Lot 7 and said Unit 1A, the following three (3) courses and distances, numbered 1 through 3,

- 1) N20°43'52"E, a distance of 51.19 feet to a calculated point, being at the beginning of a curve to the right,
- 2) Along said curve to the right, having a radius of 275.00 feet, an arc length of 30.80 feet, and a chord that bears N23°56'21"E, a distance of 30.78 feet to a calculated point, and
- 3) N27°08'50"E, a distance of 33.57 feet to a calculated point on the north line of said Unit 1A, being on the south line of Sika Rose Lane (G.C.E.), for the northwest corner of the herein described tract of land, from which a capped 1/2 inch capped iron rod found stamped "CBD SETSTONE" on the west right-of way line of said Oak Forest Lane, being on the west line of said Lot 7, Block A, same being on the west line of said Unit 1A, bears S43°44'13"W a distance of 35.02 feet,

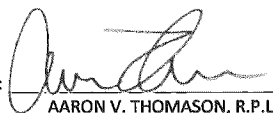
THENCE, S61°45'44"E, with the common line of said Unit 1A and said Sika Rose Lane, a distance of 5.00 feet to a calculated point for the northeast corner of the herein described tract of land,

THENCE, continuing over and across said Lot 7 and said Unit 1A, the following three (3) courses and distances, numbered 1 through 3,

- 1) S27°08'50"W, a distance of 33.47 feet to a calculated point, being at the beginning of a curve to the left,
- 2) Along said curve to the left, having a radius of 270.00 feet, an arc length of 30.24 feet, and a chord that bears S23°56'21"W, a distance of 30.22 feet to a calculated point, and
- 3) S20°43'52"W, a distance of 51.85 feet to a calculated point on the north line of said G.C.E. # 2, being on the south line of said Unit 1A, for the southeast corner of the herein described tract of land,

THENCE, N61°46'05"W, with the common line of said Unit 1A and said G.C.E. # 2, a distance of 5.04 feet to the POINT OF BEGINNING and containing 0.013 acres (578 SQ.FT.) of land, as shown on the attached sketch.

Surveyed by:



12/19/2022

AARON V. THOMASON, R.P.L.S. NO. 6214

Carlson, Brigrance & Doering, Inc.

Reg. No. 10024900

5501 West William Cannon

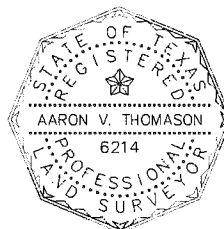
Austin, TX 78749

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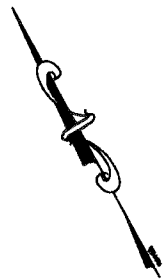
[aaron@cbdeng.com](mailto:aaron@cbdeng.com)

BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (4203)

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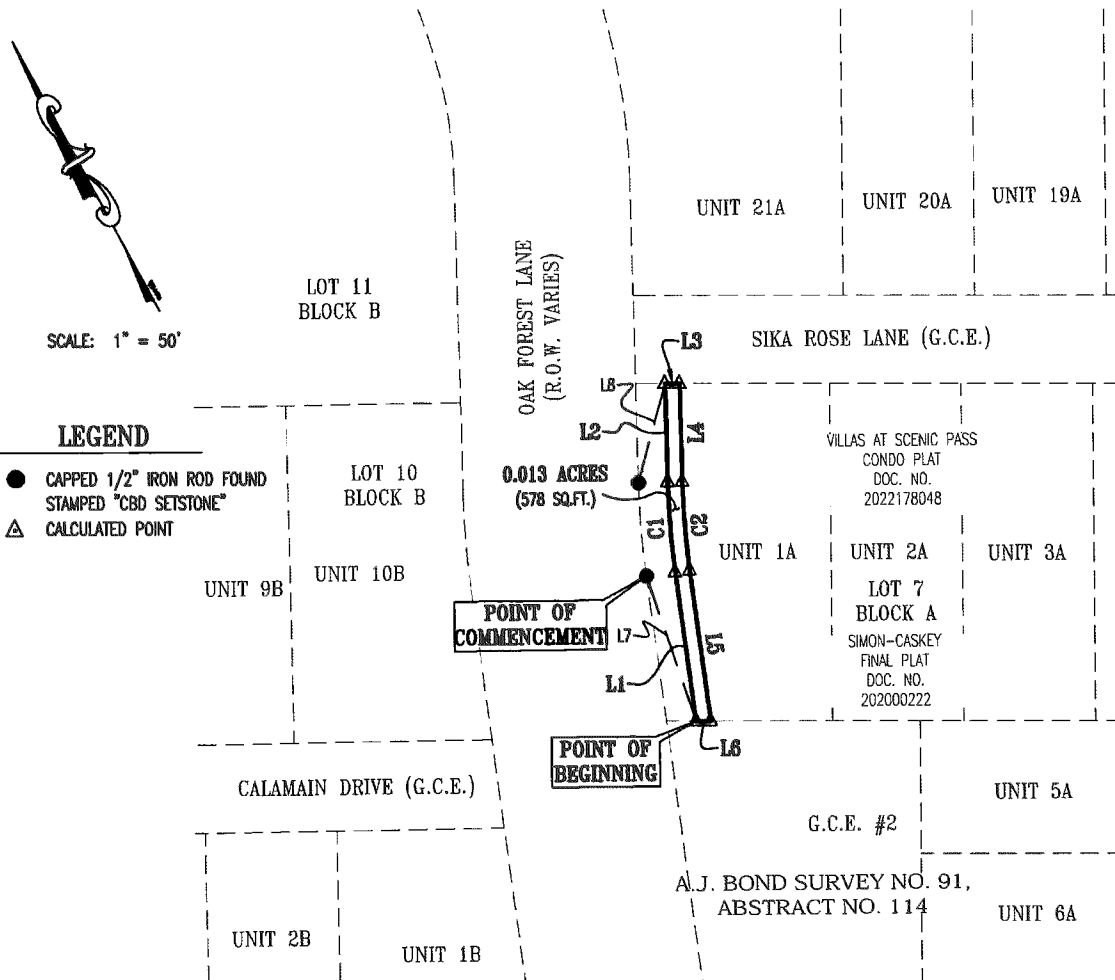
# SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 50'

## LEGEND

- CAPPED 1/2" IRON ROD FOUND  
STAMPED "CBD SETSTONE"
- △ CALCULATED POINT

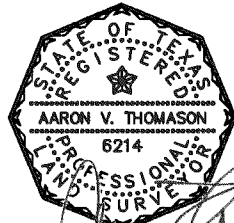


Line Table

| Line # | Length | Direction   |
|--------|--------|-------------|
| L1     | 51.19  | N20°43'52"E |
| L2     | 33.57  | N27°08'50"E |
| L3     | 5.00   | S61°45'44"E |
| L4     | 33.47  | S27°08'50"W |
| L5     | 51.85  | S20°43'52"W |
| L6     | 5.04   | N61°46'05"W |
| L7     | 52.16  | S09°40'42"W |
| L8     | 35.02  | S43°44'13"W |

Curve Table

| Curve # | Length | Radius | Chord Direction | Chord Length | Tangent | DELTA    |
|---------|--------|--------|-----------------|--------------|---------|----------|
| C1      | 30.80  | 275.00 | N23°56'21"E     | 30.78        | 15.41   | 6°24'58" |
| C2      | 30.24  | 270.00 | S23°56'21"W     | 30.22        | 15.13   | 6°24'58" |



12/19/2022

BEARING BASIS: TEXAS COORDINATE SYSTEM4, CENTRAL ZONE (4203), NAD83



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