

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



Dana DeBeauvoir

Dana DeBeauvoir, County Clerk
Travis County, Texas

Sep 02, 2021 10:07 AM Fee: \$ 102.00

2021196986

Electronically Recorded

This page is
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electronic file stamp.

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 that 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.

**PUBLIC PEDESTRIAN ACCESS EASEMENT
WITH PERMITTED OBSTRUCTION AND REQUIRED MAINTENANCE**

Date: August 6, 2021

Grantor: Michael Carl Pfluger, an individual, William Reid Pfluger, an individual, and William Reid Pfluger, Trustee of the Pfluger Spousal Irrevocable Trust, a Texas Trust

Grantor's Address: 2133 Office Park Drive
San Angelo, Tom Green County, Texas 76904

City: CITY OF AUSTIN, TEXAS, a Texas home-rule municipal corporation situated in the counties of Hays, Travis, and Williamson

City's Address: P.O. Box 1088
Austin, Travis County, Texas 78767-1088

Easement Tract: All that parcel of land situated in Travis County, Texas, described in the attached Exhibit A

Easement Duration: Perpetual

Easement Purpose: To access, install, construct, operate, use, maintain, repair, modify, upgrade, monitor, inspect, replace, make connections with, and remove the Facilities, and to ensure continuous public access

Facilities: Public open space, public plaza, or pedestrian access-way with all associated culverts, bridges, drainage, and other appurtenances

City Permit: The approved and released City of Austin Site Plan No. SP-2019-0297C as the site plan is amended, revised, or corrected from time to time

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Permitted Encumbrances:

Any easements, liens, encumbrances, and other matters not subordinated to the Easement Tract and of record in the Real Property Records of the Texas county in which the Easement Tract is located that are valid, existing, and affect the Easement Tract as of the Date

Non-Permitted Activity:

Installation, construction, operation, use, maintenance, repair, modification, upgrade, and replacement of any structure, building, retaining wall, fence which is installed other than parallel to the Facilities, detention or water quality control, rainwater harvesting system, or other similar improvement in the Easement Tract

Grantor, for ~~TEN AND NO/100 DOLLARS (\$10.00)~~ and other good and valuable consideration paid to Grantor, the receipt and sufficiency of which is acknowledged by Grantor, **GRANTS, SELLS, AND CONVEYS** to the City a ~~non-exclusive~~ easement in, over, under, on, and across the Easement Tract for the Easement Purpose as may be necessary or desirable subject to the Permitted Encumbrances, together with (i) the right of ingress and egress at all times over, on, and across the Easement Tract for use of the Easement Tract for the Easement Purpose, (ii) the right to eliminate any encroachments in the Easement Tract that interfere in any material way or are inconsistent with the rights granted the City under this instrument for the Easement Purpose as determined by the City in its reasonable discretion, and (iii) any and all rights and appurtenances pertaining to use of the Easement Tract (collectively, the "**Easement**").


TO HAVE AND TO HOLD the Easement to the City and City's successors and assigns for the Easement Duration and Easement Purpose; provided, however, Grantor reserves the right to enter upon and use any portion of the Easement Tract and to install, construct, operate, use, maintain, repair, modify, upgrade, and replace within the Easement Tract the improvements allowed under the City Permit, but in no event shall Grantor, except with respect to the improvements allowed under the City Permit, enter upon or use any portion of the Easement Tract for any Non-Permitted Activity or in any other manner that interferes in any material way or is inconsistent with the rights granted the City under this Easement for the Easement Purpose as determined by City in its reasonable discretion. **Grantor (i) shall be obligated to maintain a good and functioning condition in accordance with the requirements of the City as determined by the City in its reasonable discretion the Facilities in the Easement Tract, (ii) is liable to the City for such maintenance obligations, and (iii) in the event Grantor does not perform the required maintenance obligations, agrees to indemnify the City for all City costs necessary to maintain the Facilities.** Grantor may enter into an agreement with a third party regarding the maintenance obligations, but in no such event shall the agreement with the third party release Grantor from its obligations to City under this Easement.


City Reviewer Initials

Grantor binds Grantor and Grantor's heirs, successors, and assigns to **WARRANT AND FOREVER DEFEND** the title to the Easement, subject to the Permitted Encumbrances, to the City against every person whomsoever lawfully claiming or to claim the Easement Tract or any part of the Easement Tract when the claim is by, through, or under Grantor, but not otherwise.

Except where the context otherwise requires, *Grantor* includes *Grantor's heirs, successors, and assigns* and *City* includes *City's employees, agents, consultants, contractors, successors, and assigns*; and where the context requires, singular nouns and pronouns include the plural.

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City Reviewer Initials

UNOFFICIAL DOCUMENT

Executed by the undersigned Grantor effective as of the Date first above stated.

GRANTOR:

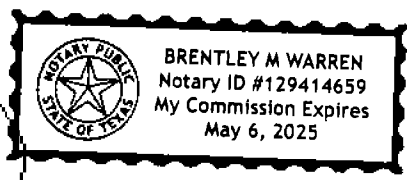
Michael Carl Pfluger
Michael Carl Pfluger

STATE OF Texas §
COUNTY OF Tarrant §

Before me, the undersigned notary, on this day personally appeared Michael Carl Pfluger, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on 08/06/2021.

[Seal] *Brentley M Warren*
Notary Public, State of TX



[Signatures Continue on Following Page]

PA
City Reviewer Initials

Executed by the undersigned Grantor effective as of the Date first above stated.

GRANTOR:

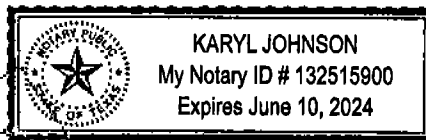
William Reid Pfluger
William Reid Pfluger

STATE OF Texas §
COUNTY OF Tarrant §

Before me, the undersigned notary, on this day personally appeared William Reid Pfluger, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on Aug. 4, 2021.

[Seal] *Karyl Johnson*
Notary Public, State of Texas



[Signatures Continue on Following Page]

RH
City Reviewer Initials

Executed by the undersigned Grantor effective as of the Date first above stated.

GRANTOR:

**Pfluger Spousal Irrevocable Trust,
a Texas Trust**

By: William Reid Pfluger, Trustee
Name: William Reid Pfluger
Title: Trustee

STATE OF Texas
COUNTY OF Tom Green

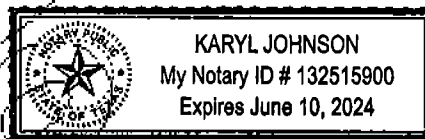
Before me, the undersigned notary, on this day personally appeared William Reid Pfluger, Trustee of the Pfluger Spousal Irrevocable Trust, a Texas Trust, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in such capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on Aug. 4, 2021.

[Seal]

Karyl Johnson

Notary Public, State of Texas



APPROVED AS TO FORM:
CITY OF AUSTIN, TEXAS
LAW DEPARTMENT

REVIEWED:
CITY OF AUSTIN, TEXAS
DEVELOPMENT SERVICES DEPARTMENT

By: Deborah Thomas
Name: Deborah Thomas
Title: Assistant City Attorney

By: Rosemary Avila
Name: Rosemary Avila
Title: Planning Officer

RA
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EXHIBIT A

EASEMENT TRACT

[ATTACHED]

Unofficial Document

RA
City Reviewer Initials

EXHIBIT " A "

(Access Easement)
Lot B, G. C. Seiders Subdivision No. 2Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.1464 ACRE (6,378 SQUARE FEET) OUT OF LOT B, G. C. SEIDERS SUBDIVISION NO. 2, A SUBDIVISION RECORDED IN VOLUME 80, PAGE 120 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.), CONVEYED TO WILLIAM REID PFLUGER, TRUSTEE OF THE PFLUGER SPOUSAL IRREVOCABLE TRUST IN DOCUMENT NO. 2018101306, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 0.1464 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

4WARD
Land Surveying

PO Box 90876
Austin, TX 78709
512.554 3371
jward@4wards.com
www.4wards.com

BEGINNING, at a calculated point, in the north line of said Lot B, being in the south line of a called 26.65 acres tract conveyed to the City of Austin in Volume 681, Page 199 of the Deed Records of Travis County, Texas (D.R.T.C.T.), and being the northwest corner and **POINT OF BEGINNING** hereof, from which a 1/2-inch iron rod with "4Ward-Boundary" cap set (from which an iron rod with "Chaparral" cap found bears S28°38'27"W, a distance of 0.70 feet) for the common north corner of said Lot B and Lot A of said G. C. Seiders Subdivision No. 2 bears, N62°33'39"W, a distance of 63.30 feet;

THENCE, with the north line of said Lot B and the south line of said City of Austin tract, S62°33'39"E, a distance of 5.09 feet to a calculated point for the most northerly northeast corner hereof, from which a 1/2-inch iron rod with "4Ward-Boundary" cap set (from which an iron rod with illegible cap found bears S00°03'58"E, a distance of 1.27 feet) in the west right-of-way line of said South Lamar Boulevard (120' right-of-way), being the common east corner of said Lot B and said City of Austin tract bears, S62°33'39"E, a distance of 131.40 feet;

THENCE, leaving the south line of said City of Austin tract, over and across said Lot B the following fourteen (14) courses and distances:

- 1) S10°36'36"W, a distance of 128.12 feet to a calculated point for an interior ell-corner hereof,
- 2) S74°21'30"E, a distance of 107.86 feet to a calculated point for the most southerly northeast corner hereof,
- 3) S18°21'53"W, a distance of 7.51 feet to a calculated point for the southeast hereof,
- 4) N74°22'31"W, a distance of 136.39 feet to a calculated point for an angle point hereof,
- 5) N13°08'50"E, a distance of 1.39 feet to a calculated point for an angle point hereof,
- 6) N74°00'15"W, a distance of 23.86 feet to a calculated point for an angle point hereof,
- 7) N30°02'59"W, a distance of 31.36 feet to a calculated point for the southwest corner hereof,
- 8) N21°27'02"E, a distance of 47.70 feet to a calculated point for an angle point hereof,
- 9) S63°47'41"E, a distance of 16.04 feet to a calculated point for an angle point hereof,
- 10) S62°23'13"E, a distance of 19.72 feet to a calculated point for an angle point hereof,
- 11) N27°36'24"E, a distance of 45.24 feet to a calculated point for an angle point hereof,
- 12) S62°23'36"E, a distance of 12.68 feet to a calculated point for an angle point hereof, and
- 13) N10°43'29"E, a distance of 30.83 feet to the **POINT OF BEGINNING**, and containing 0.1464 Acres (6,378 Square Feet) more or less.

NOTES:

1. All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000075758226. See attached sketch (reference drawing: 00911-AE.dwg)
2. This access easement begins at an elevation 457.76' (NAVD 88) and extends vertically to an elevation of 470.96' (NAVD 88). This 3D access easement has a volume of 84,189.6 cubic feet.

Jason Ward 7/1/2021
 Jason Ward, RPES #5811-
 4Ward Land Surveying, LLC



TCAD Parcel # 104343
 COA Grid # H-22

Unofficial Document

RA

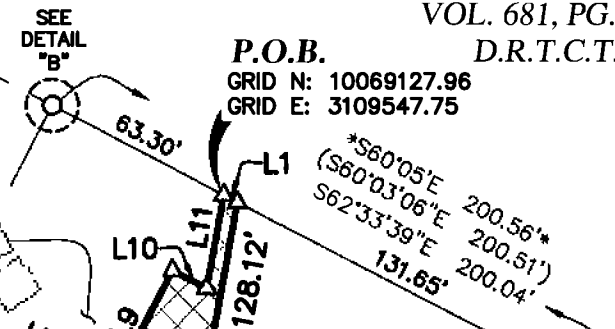
ISAAC DECKER LEAGUE ABSTRACT NO. 8

CALLED 26.65 ACRES
CITY OF AUSTIN
VOL. 681, PG. 199
D.R.T.C.T.

P.O.B.
GRID N: 10069127.96
GRID E: 3109547.75

LOT A
G. C. SEIDERS
SUBDIVISION NO. 2
VOL. 80, PG. 120
P.R.T.C.T.

OWNER:
ZACHARY SCOTT
THEATRE CENTER
DOC. NO. 2008040744
O.P.R.T.C.T.



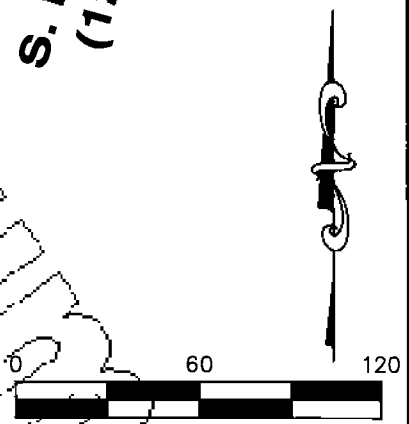
LOT B
[A]
TOP=470.96'
BOTTOM=457.76'

ACCESS EASEMENT
0.1464 ACRE(S)
6,378 SQUARE FEET

TOOMEY ROAD
(50' R.O.W.)

S. LAMAR BLVD
(120' R.O.W.)

CALLED 1.78 ACRES
SOUTH LAMAR -
AUSTIN GLASS PO LP
DOC. NO. 2006050849
O.P.R.T.C.T.



**0.1464 ACRE
ACCESS EASEMENT
City of Austin,
Travis County, Texas**

4WARD
Land Surveying
A Limited Liability Company
PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPLS FIRM #10174300

Date:	7/1/2021
Project:	00911
Scale:	1" = 60'
Reviewer:	PRB
Tech:	EBD
Field Crew:	JO/SV
Survey Date:	SEP. 2019
Sheet:	1 OF 3

KA

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S62°33'39"E	5.09'
L2	S18°21'53"W	7.51'
L3	N13°08'50"E	1.39'
L4	N74°00'15"W	23.86'
L5	N30°02'59"W	31.36'
L6	N21°27'02"E	47.70'
L7	S63°47'41"E	16.04'
L8	S62°23'13"E	19.72'
L9	N27°36'24"E	45.24'
L10	S62°23'36"E	12.68'
L11	N10°43'29"E	30.83'

LEGEND	
	PROPOSED EASEMENT LINE
	EXISTING PROPERTY LINES
	EXISTING EASEMENTS
	1/2" IRON ROD WITH "4WARD BOUNDARY" CAP SET
	1/2" IRON ROD FOUND (UNLESS NOTED)
	IRON ROD WITH "CHAPARRAL" CAP FOUND
	1/2" IRON PIPE FOUND (UNLESS NOTED)
	MAG WITH "CHAPARRAL" WASHER SET
	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
DOC. NO.	DOCUMENT NUMBER
B.L.	BUILDING LINE
VOL./PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER DOC. NO. 2018101306
.....	RECORD INFORMATION PER VOL. 80, PG. 120

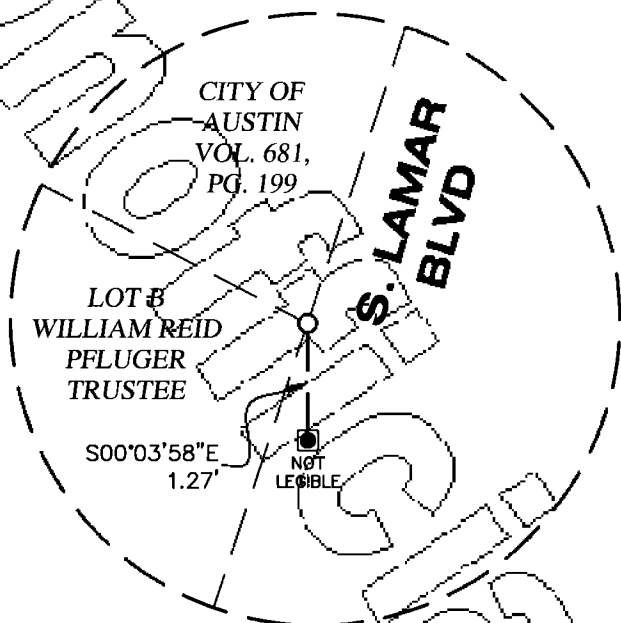
[A]
OWNER:
 WILLIAM REID PFLUGER,
 TRUSTEE OF THE PFLUGER
 SPOUSAL IRREVOCABLE TRUST
 DOC. NO. 2018101306
 O.P.R.T.C.T.

**0.1464 ACRE
 ACCESS EASEMENT
 City of Austin,
 Travis County, Texas**

 A Limited Liability Company PO Box 90876, Austin Texas 78709 WWW.4WARDLS.COM (512) 537-2384 TBPLS FIRM #10174300	Date:	7/1/2021
	Project:	00911
	Scale:	N/A
	Reviewer:	PRB
	Tech:	EBD
	Field Crew:	JO/SV
Survey Date:	SEP. 2019	
Sheet:	2 OF 3	

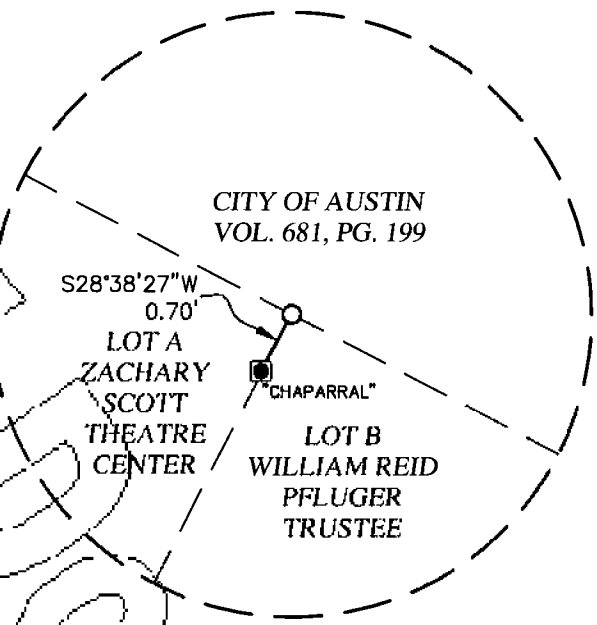
RA

DETAIL "A"

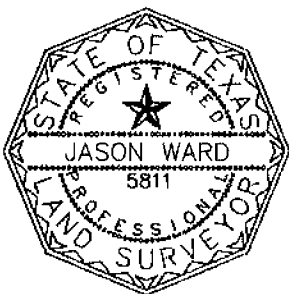


NOT TO SCALE

DETAIL "B"



NOT TO SCALE



Jason Ward
7/1/2021

TCAD PARCEL #104343
COA GRID #1-22

NOTES:

- 1) ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000075758226.
- 2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.
- 3) THIS ACCESS EASEMENT BEGINS AT AN ELEVATION 457.76' (NAVD 88) AND EXTENDS VERTICALLY TO AN ELEVATION OF 470.96' (NAVD 88). THIS 3D ACCESS EASEMENT HAS A VOLUME OF 84,189.6 CUBIC FEET.

**0.1464 ACRE
ACCESS EASEMENT
City of Austin,
Travis County, Texas**



PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPLS FIRM #10174300

Date:	7/1/2021
Project:	00911
Scale:	N/A
Reylewer:	PRB
Tech:	EBD
Field Crew:	JO/SV
Survey Date:	SEP. 2019
Sheet:	3 OF 3

RA

AFFIDAVIT OF NO LIENS
[OWNERSHIP TYPE - ENTITY]

Date: August 4, 2021

Affiant: William Reid Pfluger

Affiant Title: Trustee of the Pfluger Spousal Irrevocable Trust, a Texas Trust

Owner: The persons and entity in the Grant Document that is the holder of title to the Property.

Grant Document: The document to which this Affidavit of No Liens is attached and referred to.

Property: The property identified in the Grant Document that is the subject of the Grant Document.

Affiant on oath swears or affirms that the following statements are true and are within the personal knowledge of Affiant:

My name is set forth above as Affiant. In my capacity listed above as Affiant Title, I am authorized by the Owner to make this affidavit. I am above the age of eighteen years, have never been convicted of a felony or a crime of moral turpitude, am of sound mind and am fully qualified to make this affidavit. I have personal knowledge of the facts contained in this affidavit in my capacity with the Owner that holds title to the Property, I have recently reviewed the Owner's records of ownership concerning the Property, and on the basis of this personal knowledge, after diligent inquiry, as of the date of this affidavit, I attest that:

1. Owner holds title to the Property;
2. there is no lien not subordinated to the Grant Document held by any person, including any bank or similar financial institution, against the Property;
3. there is no lease not subordinated to the Grant Document, entered into with any person with respect to the Property;
4. all labor, services, and materials (the "**Labor and Materials**") provided to the Property for improvements, fixtures, and furnishings, or otherwise, at the instance and request of Owner, have been paid in full and no liens with respect to the Labor and Materials have been filed or exist with respect to the Property;

RA
City Reviewer Initials

- 5. there are no actions, proceedings, judgments, bankruptcies, liens not subordinated to the Grant Document, or executions filed or pending against the Owner that would affect the Property; and
- 6. the Owner is not a debtor in bankruptcy.

Executed effective the Date first above stated.

**Pfluger Spousal Irrevocable Trust,
a Texas Trust**

By: *William Reid Pfluger, Trustee*
 Name: William Reid Pfluger
 Title: Trustee

STATE OF Texas
 COUNTY OF Tom Green

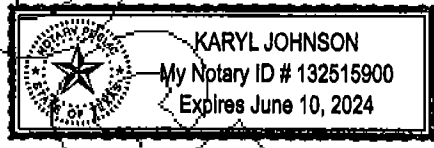
Before me, the undersigned notary, on this day personally appeared William Reid Pfluger, Trustee of the Pfluger Spousal Irrevocable Trust, a Texas Trust, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in such capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on Aug. 4, 2021.

[Seal]

Karyl Johnson

Notary Public, State of TEXAS



RA
 City Reviewer Initials

AFFIDAVIT OF NO LIENS
[OWNERSHIP TYPE - INDIVIDUAL]

Date: August 6, 2021

Affiant: Michael Carl Pfluger

Grant Document: The document to which this Affidavit of No Liens is attached and referred to.

Property: The property identified in the Grant Document that is the subject of the Grant Document.

Affiant on oath swears or affirms that the following statements are true and are within the personal knowledge of Affiant:

My name is set forth above as Affiant. I am making this affidavit on my behalf. I am above the age of eighteen years, have never been convicted of a felony or a crime of moral turpitude, am of sound mind and am fully qualified to make this affidavit. I have personal knowledge of the facts contained in this affidavit as holder of title to the Property, I have recently reviewed the records of ownership concerning the Property, and on the basis of this personal knowledge, after diligent inquiry, as of the date of this affidavit, I attest that:

1. I hold title to the Property;
2. there is no lien not subordinated to the Grant Document held by any person, including any bank or similar financial institution, against the Property;
3. there is no lease not subordinated to the Grant Document entered into with any person with respect to the Property;
4. all labor, services, and materials (the "**Labor and Materials**") provided to the Property for improvements, fixtures, and furnishings, or otherwise, at my instance and request, have been paid in full and no liens with respect to the Labor and Materials have been filed or exist with respect to the Property;
5. there are no actions, proceedings, judgments, bankruptcies, liens not subordinated to the Grant Document, or executions filed or pending against me that would affect the Property; and
6. I am not a debtor in bankruptcy.

RA
City Reviewer Initials

Executed effective the Date first above stated.

Michael Carl Pfluger

Michael Carl Pfluger

STATE OF Texas
COUNTY OF Tarrant

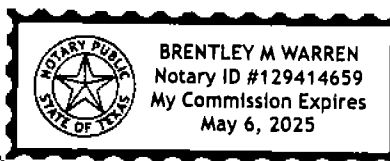
§
§

Before me, the undersigned notary, on this day personally appeared Michael Carl Pfluger, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on 08/06/2021.

[Seal]

Brentley M Warren
Notary Public, State of Texas
May 6, 2025



RIA
City Reviewer Initials

AFFIDAVIT OF NO LIENS
[OWNERSHIP TYPE - INDIVIDUAL]

Date: August 4, 2021

Affiant: William Reid Pfluger

Grant Document: The document to which this Affidavit of No Liens is attached and referred to.

Property: The property identified in the Grant Document that is the subject of the Grant Document.

Affiant on oath swears or affirms that the following statements are true and are within the personal knowledge of Affiant:

My name is set forth above as Affiant. I am making this affidavit on my behalf. I am above the age of eighteen years, have never been convicted of a felony or a crime of moral turpitude, am of sound mind and am fully qualified to make this affidavit. I have personal knowledge of the facts contained in this affidavit as holder of title to the Property, I have recently reviewed the records of ownership concerning the Property, and on the basis of this personal knowledge, after diligent inquiry, as of the date of this affidavit, I attest that:

1. I hold title to the Property;
2. there is no lien not subordinated to the Grant Document held by any person, including any bank or similar financial institution, against the Property;
3. there is no lease not subordinated to the Grant Document entered into with any person with respect to the Property;
4. all labor, services, and materials (the "**Labor and Materials**") provided to the Property for improvements, fixtures, and furnishings, or otherwise, at my instance and request, have been paid in full and no liens with respect to the Labor and Materials have been filed or exist with respect to the Property;
5. there are no actions, proceedings, judgments, bankruptcies, liens not subordinated to the Grant Document, or executions filed or pending against me that would affect the Property; and
6. I am not a debtor in bankruptcy.

RP
City Reviewer Initials

Executed effective the Date first above stated.

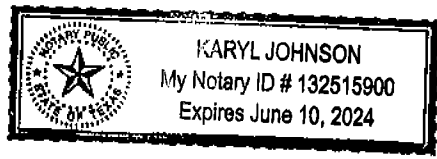
William Reid Pfluger
William Reid Pfluger

STATE OF Texas §
COUNTY OF Tom Green §

Before me, the undersigned notary, on this day personally appeared William Reid Pfluger, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on Aug. 4, 2021.

[Seal] Karyl Johnson
Notary Public, State of Texas



RA
City Reviewer Initials

AFTER RECORDING, PLEASE RETURN TO:

City of Austin
Development Services Department
P.O. Box 1088
Austin, Texas 78767

PROJECT INFORMATION:

Project Name: 215 South Lamar
Project Case Manager:
Site Plan No.: SR-2019-0297C

RA
City Reviewer Initials

