



Attachment 1

City of Dripping Springs

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

512.858.4725 • cityofdrippingsprings.com

## ZONING/PDD AMENDMENT APPLICATION

Case Number (staff use only): \_\_\_\_\_ - \_\_\_\_\_

### CONTACT INFORMATION

PROPERTY OWNER NAME Cypress Fork Ranch, L.P. - Attention: Doyle M. and Claireen Fellers

STREET ADDRESS 1300 Creek Road

CITY Dripping Springs STATE Texas ZIP CODE 78620

PHONE \_\_\_\_\_ EMAIL [REDACTED]

APPLICANT NAME Pat Helgeson

COMPANY Tri Pointe Homes

STREET ADDRESS 13640 Briarwick Drive, Suite 170

CITY Austin STATE Texas ZIP CODE 78729

PHONE 512-298-1170 EMAIL [REDACTED]

### REASONS FOR AMENDMENT

☐ TO CORRECT ANY ERROR IN THE REGULATION  
OR MAP

☐ TO RECOGNIZE CHANGES IN TECHNOLOGY, STYLE  
OF LIVING, OR MANNER OF CONDUCTING BUSINESS

☒ TO RECOGNIZE CHANGED CONDITIONS OR  
CIRCUMSTANCES IN A PARTICULAR LOCALITY

☐ TO MAKE CHANGES IN ORDER TO IMPLEMENT  
POLICIES REFLECTED WITHIN THE COMPREHENSIVE  
PLAN

## PROPERTY & ZONING INFORMATION

PROPERTY OWNER NAME	Cypress Fork Ranch, L.P. - Attention: Doyle M. and Claireen Fellers
PROPERTY ADDRESS	1300 Creek Road, Dripping Springs, TX 78620
CURRENT LEGAL DESCRIPTION	A0222 BENJAMIN F HANNA SURVEY, ACRES 52.7742
TAX ID#	136311
LOCATED IN	<input type="checkbox"/> CITY LIMITS <input checked="" type="checkbox"/> EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	None (ETJ)
REQUESTED ZONING/AMENDMENT TO PDD	SF-2
REASON FOR REQUEST <i>(Attach extra sheet if necessary)</i>	This request is for the annexation of approximately 14 Acres of the existing tract listed above. The developer (Tri Pointe Homes) wishes to build a small single-family subdivision with City of Dripping Springs roads and wastewater service. Water service to be provided by DSWSC.
INFORMATION ABOUT PROPOSED USES <i>(Attach extra sheet if necessary)</i>	The developer intends to zone this subdivision as SF-2 and the development will consist of 18 - 0.5 acre lots with the necessary associated infrastructure (pond, streets, water, wastewater etc.).

### COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? \*

*(See attached agreement).*

☒ YES (REQUIRED)\* ☐ YES (VOLUNTARY)\* ☐ NO\*

\* If proposed subdivision is in the City Limits, compliance with Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria (*see Outdoor Lighting tab on the CORDS webpage and online Lighting Ordinance under Code of Ordinances tab for more information*).

**APPLICANT'S SIGNATURE**

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Jacob Garrise Kinley Korn is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Vol. \_\_\_\_\_, Pg. \_\_\_\_\_.)

Claircen Fellers Clinton  
Name

Owner/manager  
Title

STATE OF TEXAS §

§

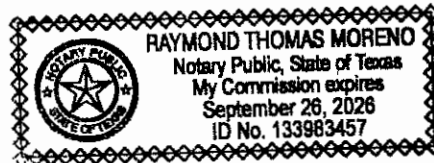
COUNTY OF HAYS §

This instrument was acknowledged before me on the 16 day of October,  
2025 by Claircen Fellers. Raymond Moreno

[Signature]  
Notary Public, State of Texas

My Commission Expires: 9/26/26

Pat Helgeson  
Name of Applicant



## ZONING AMENDMENT SUBMITTAL

All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

### CHECKLIST

STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee-Zoning Amendment or PDD Amendment ( <i>refer to Fee Schedule</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	PDF/Digital Copies of all submitted Documents  <b>When submitting digital files, a cover sheet must be included outlining what digital contents are included.</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	GIS Data
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings ( <i>required if marked "Yes (Required)" on above Lighting Ordinance Section of application</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Description
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Concept Plan
<input type="checkbox"/>	<input type="checkbox"/>	Plans <b>N/A - Prelim Plan and Construction Documents will be provided after zoning approval</b>
<input type="checkbox"/>	<input type="checkbox"/>	Maps <b>N/A</b>
<input type="checkbox"/>	<input type="checkbox"/>	Architectural Elevation <b>N/A</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation for request ( <i>attach extra sheets if necessary</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Information about proposed uses ( <i>attach extra sheets if necessary</i> )
<input type="checkbox"/>	<input type="checkbox"/>	Public Notice Sign ( <i>refer to Fee Schedule</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of Ownership-Tax Certificate or Deed
<input type="checkbox"/>	<input type="checkbox"/>	Copy of Planned Development District ( <i>if applicable</i> ) <b>N/A</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Digital Copy of the Proposed Zoning or Planned Development District Amendment

Received on/by: \_\_\_\_\_

Project Number: \_\_\_\_\_  
Only filled out by staff



**DRIPPING SPRINGS**  
Texas

**BILLING CONTACT FORM**

Project Name: Roger Hanks Cypress Fork

Project Address: 1300 Creek Road, Dripping Springs, TX 78620

Project Applicant Name: Pat Helgeson

**Billing Contact Information**

Name: Tri Pointe Homes Texas, Inc.

Mailing Address: 13640 Briarwick Drive, Suite 170  
Austin, TX 78729

[Redacted] Phone Number: 512.298.1170

Type of Project/Application (check all that apply):

- |                                                         |                                                 |
|---------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Alternative Standard           | <input type="checkbox"/> Special Exception      |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Street Closure Permit  |
| <input type="checkbox"/> Conditional Use Permit         | <input checked="" type="checkbox"/> Subdivision |
| <input type="checkbox"/> Development Agreement          | <input type="checkbox"/> Waiver                 |
| <input type="checkbox"/> Exterior Design                | <input type="checkbox"/> Wastewater Service     |
| <input type="checkbox"/> Landscape Plan                 | <input type="checkbox"/> Variance               |
| <input type="checkbox"/> Lighting Plan                  | <input type="checkbox"/> Zoning                 |
| <input type="checkbox"/> Site Development Permit        | <input type="checkbox"/> Other _____            |

*Applicants are required to pay all associated costs associated with a project's application for a permit, plan, certificate, special exception, waiver, variance, alternative standard, or agreement, regardless of City approval. Associated costs may include, but are not limited to, public notices and outside professional services provided to the City by engineers, attorneys, surveyors, inspectors, landscape consultants, lighting consultants, architects, historic preservation consultants, and others, as required. Associated costs will be billed at cost plus 20% to cover the City's additional administrative costs. Please see the online Master Fee Schedule for more details. By signing below, I am acknowledging that the above listed party is financially accountable for the payment and responsibility of these fees.*

[Signature]  
Signature of Applicant

10/4/15  
Date



**VICINITY MAP**  
NOT TO SCALE

The map shows a winding road labeled "Creek Road" running from the bottom left towards the top right. To the left of the road, the area is labeled "DRIPPING SPRING CITY LIMITS". To the right of the road, there is a residential area with a street labeled "Roger Hooks". A shaded polygon labeled "SITE" is located on Roger Hooks, just north of its intersection with Creek Road.

PROPERTY ID: 136311  
CYPRESS FORK RANCH, L.P.  
CALLED 111.181 ACRES  
VOL. 4118, PG. 681  
DOC. NO. 11011538  
O.P.R.H.C.T.

PROPERTY ID: 136311  
CYPRESS FORK RANCH, L.P.  
CALLED 111.181 ACRES  
VOL. 4118, PG. 681  
DOC. NO. 11011538  
O.P.R.H.C.T.

PROPERTY ID: 175430  
BAREFOOT DS LLC  
CALLED 23.50 ACRES  
DOC. NO. 22044168  
O.P.R.H.C.T.

TITLE COMMITMENT NOTES:

COMMITMENT FOR TITLE INSURANCE PREPARED BY CAPSTONE TITLE AND FIDELITY NATIONAL TITLE INSURANCE COMPANY, GF. NO. FILE NO. 20250167, EFFECTIVE DATE OF APRIL 15, 2025, AND ISSUED ON MAY 08, 2025.

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 [ ].

a. RIGHTS OF PARTIES IN POSSESSION. (OWNER TITLE POLICY ONLY)  
-- NOT CONSIDERED

D. ANY VISIBLE AND APPARENT ROAD OR OTHER EASEMENT CROSSING THE LAND, WHETHER PUBLIC OR PRIVATE EASEMENT, THE EXISTENCE OF WHICH IS NOT DISCLOSED BY THE PUBLIC RECORDS, INCLUDING, BUT NOT LIMITED TO, EXISTING UTILITY LINES AND EQUIPMENT IN PLACE.

-- NOT CONSIDERED

C. ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED.

-- NOT CONSIDERED

d. EASEMENT AS RECORDED IN VOLUME 790, PAGE 654 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.  
-- SUBJECT TO, AS SHOWN HEREON

e. TEMPORARY EASEMENT AS RECORDED IN VOLUME 2452, PAGE 893 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.  
-- DOES NOT AFFECT

f. PUBLIC WATER EASEMENT AS RECORDED IN DOCUMENT NUMBER 18036828 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.  
SUBJECT TO AS SHOWN HEREON.

g. RIGHT OF WAY EASEMENT AS RECORDED IN DOCUMENT NUMBER 21041554 OF THE  
OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.  
-- DOES NOT AFFECT

h. TEMPORARY EASEMENT AS RECORDED IN DOCUMENT NUMBER 21041555 OF THE  
OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.  
--- DOES NOT AFFECT

I. ACCESS EASEMENT AS RECORDED IN DOCUMENT NUMBER 22024264 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

j. TEMPORARY CONSTRUCTION EASEMENT AS RECORDED IN DOCUMENT NUMBER 22024265 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.  
-- DOES NOT AFFECT

k. TERMS, CONDITIONS AND STIPULATIONS IN THAT CERTAIN BOUNDARY LINE AGREEMENT AS RECORDED IN VOLUME 311, PAGE 736 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

I. TERMS, CONDITIONS AND STIPULATIONS IN THAT CERTAIN MEMORANDUM OF ACCESS AGREEMENT AS RECORDED IN VOLUME 1916, PAGE 133 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

m.TERMS, CONDITIONS AND STIPULATIONS IN THAT CERTAIN FINAL JUDGMENT AS  
RECORDED IN DOCUMENT NUMBER 21019242 OF THE OFFICIAL PUBLIC RECORDS OF  
HAYS COUNTY, TEXAS.

n. NOTICE CONCERNING FAMILY CEMETERY AS RECORDED IN DOCUMENT NUMBER 16017880 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. FIRST ADDENDUM TO FAMILY CEMETERY AS RECORDED IN DOCUMENT NUMBER 20044931 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. CERTIFICATE OF CONSENT CONCERNING FAMILY CEMETERY AS RECORDED IN DOCUMENT NUMBER 22024267 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

-- DOES NOT AFFECT

o. RIGHT OF FIRST REFUSAL AS RECORDED IN DOCUMENT NUMBER 20044979 OF THE  
OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

p. INTEREST IN AND TO ALL COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THERETO, AS DESCRIBED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 22024266 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, NO FURTHER SEARCH OF TITLE HAS BEEN MADE AS TO THE INTEREST(S) EVIDENCED BY THIS INSTRUMENT, AND THE COMPANY MAKES NO REPRESENTATION AS TO THE OWNERSHIP OR HOLDER OF SUCH INTEREST(S).

-- NOT CONSIDERED

q. RIGHTS OF TENANTS, AS TENANTS ONLY, UNDER VALIDLY EXISTING UNRECORDED LEASES.  
-- NOT CONSIDERED

r. ANY RIGHT, CLAIM OR ASSERTION OF TITLE BY THE ADJOINING LAND OWNER IN AND TO THAT STRIP OF LAND LOCATED BETWEEN THE PROPERTY LINE AND THE INSET OF FENCE AS SHOWN ON SURVEY DATED 12/01/2023 BY JOSHUA P. ARMENDARIZ RPLS# 6822.

-- NOT CONSIDERED

9. THIS POLICY EXPRESSLY DOES NOT INSURE TITLE TO THAT AREA LYING WITHIN THE  
FENCES EVIDENTLY BOUNDING THE PROPERTY, BUT OUTSIDE THE BOUNDARY LINES OF  
THE SUBJECT PROPERTY.  
-- NOT CONSIDERED

CONTROL NOTE:

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983 (NAD83), 2011 ADJUSTMENT (EPOCH 2010) AND A VERTICAL DATUM OF NAVD83, GEOID 12B. ALL COORDINATE VALUES AND DISTANCES SHOWN ARE GRID VALUES AND MAY BE CONVERTED TO SURFACE BY USING THE SURFACE ADJUSTMENT FACTOR OF 1.0002409.

US SURVEY FEET.

FLOODPLAIN NOTE:

THIS PROPERTY (AS SHOWN HEREON) IS LOCATED WITHIN UNSHADED (NO SCREEN) ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), AS SHOWN ON F.I.R.M. MAP NO. 48209C0115F, TRAVIS COUNTY, TEXAS EFFECTIVE FEBRUARY 18, 1998, REVISED SEPTEMBER 2, 2005 REVISED JANUARY 17, 2025

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.

SURVEYOR'S NOTE:

1. A SEPARATE METES AND BOUNDS DESCRIPTION TO BE PROVIDED WITH THIS SURVEY.

SURVEYOR'S CERTIFICATION:

TO: CAPSTONE TITLE  
FIDELITY NATIONAL TITLE INSURANCE COMPANY  
TRI POINTE HOMES TEXAS, INC.  
CYPRESS FORK RANCH, L.P. A TEXAS LIMITED PARTNERSHIP


I, JOSHUA P. ARMENDARIZ, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT A SURVEY OF THE PROPERTY SHOWN HEREON WAS ACTUALLY MADE UPON THE GROUND UNDER MY DIRECTION AND SUPERVISION ON THE DATE SHOWN. THIS SURVEY WAS SUBSTANTIAL IN ACCORDANCE WITH THE STANDARDS AND CONDITIONS SET FORTH FOR A CATEGORY 1A, CONDITION II LAND TITLE SURVEY, BASED ON THE 2024 MANUAL OF PRACTICE FOR LAND SURVEYING IN THE STATE OF TEXAS, PREPARED BY THE TEXAS SOCIETY OF PROFESSIONAL LAND SURVEYORS.

THE FIELD WORK WAS COMPLETED ON MAY 27, 2025.

John P. Cunniff 05/29/2025

JOSHUA P. ARMENDARIZ  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6822  
DOUCET, A KLEINFELDER COMPANY  
JARMENDARIZ@KLEINFELDER.COM

© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 221–228

 <h1 style="margin: 0;">DOUCET</h1> <p style="margin: 0;">A Kleinfelder Company</p>	<p>Date: 05/29/2025</p> <p>Scale: 1" = 50'</p> <p>Drawn by: JRT</p> <p>Reviewed by: JAM</p>
	<p>Project: 24003214.001A</p>
	<p>Sheet: 1 OF 1</p>
	<p>Field Book: 5725</p>
	<p>Party Chief: AM</p> <p>Survey Date: 05-27-2025</p>



70 2011 11011538

Hays County  
Liz Q. Gonzalez  
County Clerk  
San Marcos, Texas 78666

Instrument Number: 2011-11011538

As

Recorded On: May 23, 2011

OPR RECORDINGS

Parties: FELLERS DOYLE M

Billable Pages: 17

To CYPRESS FORK RANCH LP

Number of Pages: 18

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

OPR RECORDINGS	80.00
Total Recording:	80.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2011-11011538

Receipt Number: 274251

Recorded Date/Time: May 23, 2011 10:16:39A

Book-Vol/Pg: BK-OPR VL-4118 PG-681

User / Station: P Hernandez - Cashiering #3

**Record and Return To:**

STEVEN RAY HAKE ATTORNEY AT LAW  
1306 GUADALUPE ST  
AUSTIN TX 78701



State of Texas |  
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and  
time stamped hereon and was recorded on the volume and page of the named records  
of Hays County, Texas.

*Liz Q. Gonzalez*

Liz Q. Gonzalez, County Clerk

## Special Warranty Deed

**Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.**

Date: May 5, 2011

Grantor: Doyle M. Fellers and wife Claireen Fellers

Grantor's Mailing Address: 1300 Creek Road  
Dripping Springs, Hays County, TX 78620

Grantee: Cypress Fork Ranch, L.P., a Texas limited partnership

Grantee's Mailing Address: 1300 Creek Road  
Dripping Springs, Hays County, TX 78620

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration.

Property (including any improvements):

That certain property in Hays County described on the attached Exhibit "A".

Reservations from Conveyance: Grantor reserves a perpetual, non-exclusive easement for Grantor and Grantor's successors for ingress and egress to and from Grantor's homestead property (referenced and described in Exhibit "A" and not conveyed herein) and Creek Road, Roger Hanks Parkway, and any other public streets or roadways adjacent to the Property now or in the future, including an easement over, on, and across the existing private drive currently providing access from Grantor's homestead property to Creek Road as shown on the attached Exhibit "B". The easement binds and inures to the benefit of both parties and their respective heirs, successors, and assigns. The easement is appurtenant to and runs with the Grantor's retained property, whether or not it is referenced in any conveyance of such property.

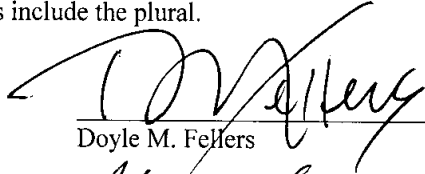
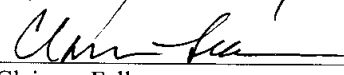
Exceptions to Conveyance and Warranty: All easements and rights-of-way of record; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, that certain Lease dated December 30, 2009 between Doyle and Claireen Fellers as Lessor and Forestar (USA) Real Estate Group, Inc. as Lessee, and other instruments, other than conveyances of the surface fee estate, that affect the Property; any encroachments or overlapping of improvements; and taxes for the current year, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to



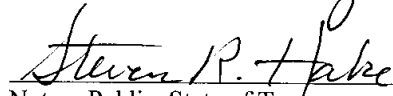
claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

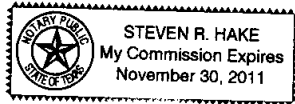
As a material part of the Consideration for this deed, Grantor and Grantee agree that Grantee is taking the Property "AS IS", with any and all latent and patent defects, and that there is no warranty by Grantor that the Property is fit for a particular purpose. Grantee acknowledges that Grantee is not relying on any representation, statement, or other assertion with respect to the Property condition. Grantee takes the Property with the express understanding and stipulation that there are no express or implied warranties except for the limited warranties of title set forth in this deed. When the context requires, singular nouns and pronouns include the plural.

  
Doyle M. Fellers  
  
Claireen Fellers

State of Texas §  
§  
County of Hays §

This instrument was acknowledged before me on this 5<sup>th</sup> day of May, 2011 by Doyle M. Fellers and wife, Claireen Fellers.

  
Notary Public, State of Texas



After recording, please return to:

Doyle Fellers  
Cypress Fork Ranch, LP  
1300 Creek Road  
Dripping Springs, TX 78620

## Exhibit "A"

### Legal Description

The Property conveyed is described in this Exhibit "A" and may be generally described as a tract of land consisting of 111.181 acres out of the B. G. Hanna League, Hays County, Texas, as described by metes and bounds in this Exhibit "A", SAVE AND EXCEPT the following four (4) tracts of land which are also described in this Exhibit "A" and excluded from the Property as conveyed:

- (1) Excluding that certain parcel containing a 1.304 acre tract of land as described in that certain Deed Without Warranties from Doyle M. Fellers and Claireen H. Fellers to Hays County, Texas, recorded as document number 9815804 in the Real Property Records of Hays County, Texas;
- (2) And also excluding that certain parcel containing approximately 17.746 acres which comprise Lots 1, 2, and 3 as described in the plat of Cypress Fork Ranch, a Subdivision of Hays County, Texas, as recorded in the Real Property Records of Hays County, Texas, a copy of which plat is included as part of this Exhibit "A";
- (3) And also excluding that certain parcel containing 12.374 acres of land previously conveyed by Warranty Deed from Doyle Fellers and wife, Claireen Fellers to Forestar (USA) Real Estate Group and described by metes and bounds in the legal description included as part of this Exhibit "A";
- (4) And also excluding the Fellers homestead property consisting of a 7.0532 acre tract of land that is reserved and retained by Grantor and which is described by metes and bounds in the legal description and drawing included as part of this Exhibit "A".

Thus the Property conveyed consists of a tract of land of 111.181 acres less 1.304 acres, less 17.746 acres, less 12.374 acres, and less 7.5032 acres, for a resulting tract of approximately 72.7038 acres more or less, as described in this Exhibit "A".

111.181 ACRES  
OUT OF THE B. F. HANNA LEAGUE  
HAYS COUNTY, TEXAS

700 523

Being 111.181 acres out of the Benjamin F. Hanna League number 428, abstract 222, Hays County, Texas, and also being the same property described in deed from M. Z. Piland, receiver of the estate of Nona Ennis Pollis, to Billy Floyd Peel recorded in volume 229, page 295, of the Real Property Records of Hays County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at the intersection of the centerline of Onion Creek also known as Archers Creek, and the centerline of Boiling Springs Branch, a point for corner of the herein described tract.

Thence S 64° 39' 27" E with the centerline of Onion Creek 2.91 feet to a point for corner of the herein described tract and the southwest corner of a 5.24 acre tract conveyed by Nona E. Pollis to N. B. Hutto and wife by deed recorded in volume 217 page 340 of the Real Property Records of Hays County, Texas.

Thence with the west line of said 5.24 acre tract N 64° 53' 57" E, at 147.60 feet pass a fence corner and a 12 inch corner post in the south margin of County Road 190 (also known as Dripping Springs-Mt. Sharp Road) a total distance in all of 181.42 feet to a point in the centerline of said road and the northwest corner of the said 5.24 acre tract.

Thence with the centerline of County Road 190 the following courses and distances:

- 1) S 82° 36' 05" E 14.77 feet;
- 2) S 69° 50' 44" E 1327.88 feet;
- 3) S 82° 46' 16" E at 49.39 feet pass the northeast corner of said 5.24 acre tract and the northwest corner of a 3.5 acre tract exempted out of Tract One in volume 229 page 295 of the Hays County Real Property Records, a total distance in all of 85.67 feet;
- 4) N 67° 25' 45" E 76.81 feet;
- 5) N 44° 38' 27" E 310.65 feet;
- 6) N 28° 23' 27" E 70.85 feet;

Thence S 62° 23' 33" E 25.60 feet to a 5/8 inch iron rod set in the east margin of the said county road.

Thence N 02° 49' 45" E with the east line of the B. F. Hanna League as occupied and the west line of a 388 acre tract of land conveyed to Lois E. Slaughter by deed recorded in volume 184 page 597 of the Real Property Records of Hays County, Texas, at 600.99 feet pass a fence corner in the south margin of County Road 190 a total distance in all of 739.97 feet to a point in the north margin of County Road 190.

Thence N 85° 20' 15" W with an existing fence line 37.84 feet to a found fence corner.

Thence continuing with the east line of the B. F. Hanna League as fenced and occupied the following courses and distances:

- 1) N 04° 39' 45" E 636.32 feet to fence corner;
- 2) N 81° 02' 23" W 16.44 feet to a fence corner;
- 3) N 02° 21' 24" E 1426.91 feet to angle point;
- 4) N 03° 40' 47" E 275.86 feet to a fence post for angle point on the break of high bank of Cave Springs Branch;
- 5) N 29° 58' 14" E 33.90 feet to a point in the centerline of a stream known as Cave Springs Branch.

700 52.

111.181 Acres  
Page 2 of 2:

Thence with the centerline of said Cave Spring Branch the following meanders:

- 1) N 79° 46' 10" W 236.15 feet;
- 2) S 18° 53' 53" W 275.86 feet;
- 3) N 88° 36' 12" W 95.57 feet;
- 4) S 57° 07' 24" W 299.07 feet;
- 5) S 54° 04' 50" W 250.12 feet;
- 6) S 30° 01' 34" W 265.33 feet to the southeast corner of a called 8.35 acre tract described as Tract Two in volume 229, page 295 of the Hays County Real Property Records.

Thence leaving the centerline of Cave Spring Branch N 45° 31' 46" W at 25.29 feet pass a 1/2 inch iron rod found at a fence corner, a total distance in all of 204.83 feet to a 1/2 inch iron rod found at a fence corner.

Thence N 04° 56' 28" W with an existing fence line 277.78 feet to a 1/2 inch iron rod found for corner.

Thence N 44° 24' 00" W 277.89 feet to a 1/2 inch iron rod found for corner.

Thence S 86° 00' 39" W with the north line of the said 8.35 acre tract at 304.57 feet pass a 2 inch diameter iron fence post a total distance in all of 342.09 feet to the centerline of Boiling Springs Branch.

Thence with the centerline of Boiling Springs Branch the following meanders:

- 1) S 22° 16' 51" E 381.36 feet;
- 2) S 03° 50' 08" W 155.83 feet;
- 3) S 01° 59' 34" W 72.67 feet;
- 4) S 01° 47' 39" E 223.94 feet;
- 5) S 06° 22' 14" E 212.65 feet;
- 6) S 00° 31' 37" W 80.91 feet to the intersection with the centerline of Cave Springs Branch;
- 7) S 05° 41' 47" W 336.24 feet;
- 8) S 24° 36' 40" W 261.13 feet;
- 9) S 62° 01' 53" W 56.80 feet;
- 10) S 24° 40' 24" W 205.33 feet;
- 11) S 21° 51' 23" W 422.89 feet;
- 12) S 31° 26' 29" W 294.74 feet;

Thence continuing with the centerline of said Boiling Springs Branch S 24° 18' 47" E at 352.62 feet pass a "+" in the deck of a concrete bridge across Onion Creek a total distance in all of 361.97 feet to the place of beginning containing in all 4,843,041 square feet or 111.181 acres more or less.



5/6/87  
870601  
GWH/ts

*G. W. Hans*  
Gordon W. Hans  
Registered Public Surveyor #1748  
COBB, FENDLEY AND ALLEN COMPANY  
3355 BEE CAVE, SUITE 606  
AUSTIN, TEXAS, 78746  
(512) 329-8208

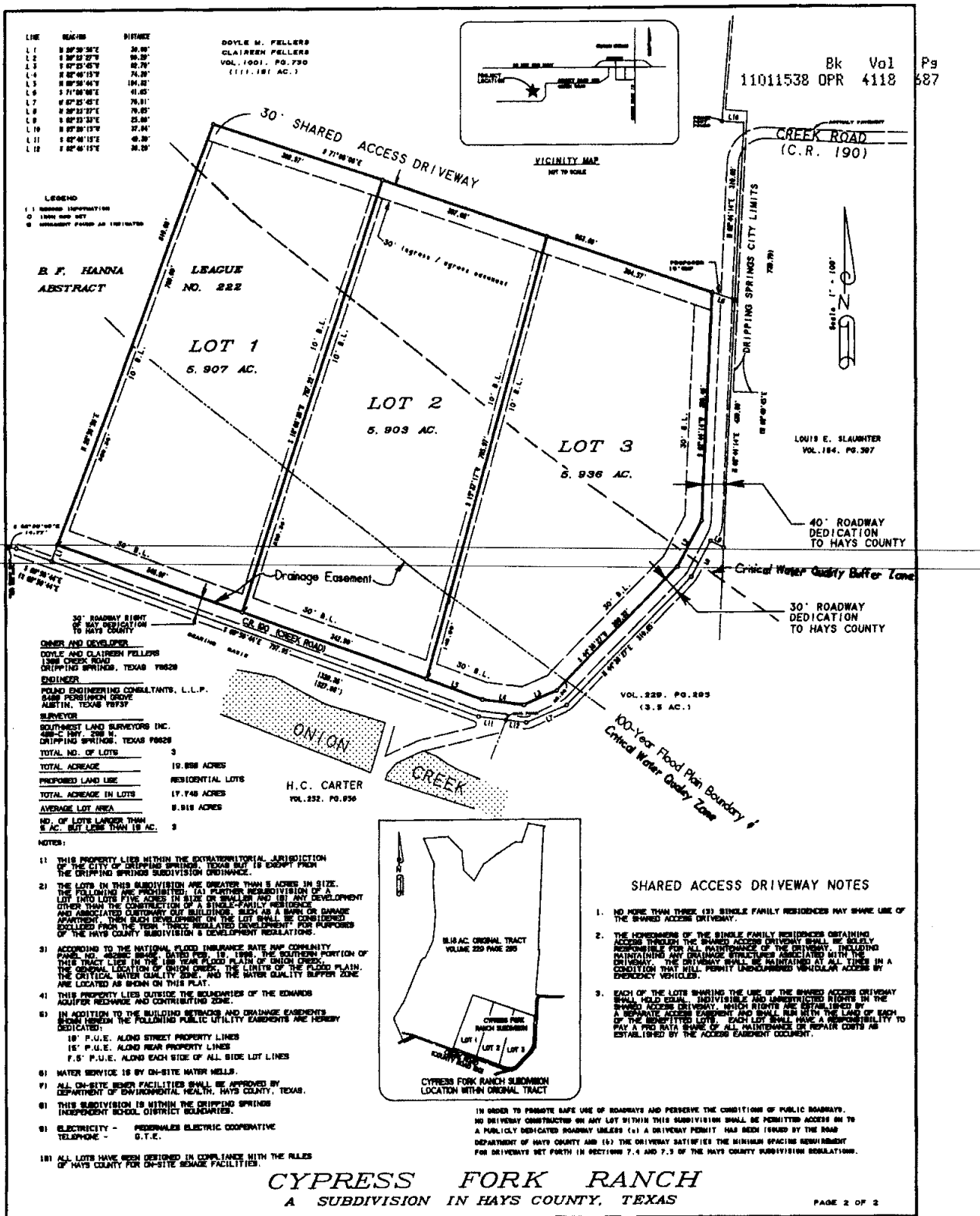
STATE OF TEXAS  
COUNTY OF HAYS

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED, in the Volume and Page of the named RECORDS of Hays County, Texas, as stamped hereon by me.



*James D. Dandley*  
COUNTY CLERK  
HAYS COUNTY, TEXAS

OCT 9 1987



STATE OF TEXAS  
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS: THAT WE, DOYLE M. FELLERS AND WIFE, CLAIREN FELLERS OWNERS OF 111.181 ACRES OF LAND OUT OF THE S.P. MANNA LEAGUE, ABSTRACT NO. 282, HAYS COUNTY, TEXAS, AS CONVEYED TO US BY DEED DATED JUNE 28, 1993, AND RECORDED IN VOLUME 1001, PAGE 730, HAYS COUNTY OFFICIAL PUBLIC RECORDS, DO HEREBY SUBDIVIDE 18.959 ACRES OUT OF SAID 111.181 ACRE TRACT TO BE KNOWN AS "CYPRESS FORK RANCH" IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF STREETS AND EASEMENTS SHOWN HEREON.

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, WARRANT THAT ANY RIGHT, PRIVILEGE, OBLIGATION, OR REMEDY GRANTED TO ME BY THE SUBDIVISION ORDINANCE AND OTHER RELEVANT LAWS OF HAYS COUNTY, TEXAS, SHALL ALSO RUN IN FAVOR OF MY SUCCESSORS IN INTEREST, AGENTS, EMPLOYEES, OR ANY OTHER PERSON, NO PURSUANT TO THE DIRECTIONS OF ANY OF THE FOREGOING, OR UNDER COLOR OF THE SAME.

IN WITNESS WHEREOF, DOYLE M. FELLERS AND CLAIREN FELLERS HAS CAUSED THESE PRESENTS TO BE EXECUTED, AND THERE DULY AUTHORIZED.

THIS THE 9<sup>th</sup> DAY OF JULY A.D., 1998.

*Doyle M. Fellers*  
DOYLE M. FELLERS  
OWNER

*Clairen Fellers*  
CLAIREN FELLERS  
OWNER

STATE OF TEXAS  
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DOYLE M. FELLERS AND CLAIREN FELLERS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.



*Deborah G. Galt*  
NOTARY PUBLIC IN AND FOR HAYS  
COUNTY, TEXAS.  
COMMISSION EXPIRES 1-22-02  
PRINT NAME Deborah Galt

IN APPROVING THIS PLAT BY THE COMMISSIONERS COURT OF HAYS COUNTY TEXAS, IT IS UNDERSTOOD THAT THE BUILDING OF ALL STREETS, ROADS, AND OTHER PUBLIC THOROUGHFARES DELINEATED AND SHOWN ON THIS PLAT, AND ALL BRIDGES AND CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH STREETS, ROADS, OR OTHER PUBLIC THOROUGHFARES, OR IN CONNECTION THEREWITH, SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANNING AND LOCATION PRESCRIBED BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS AND THE COMMISSIONERS COURT OF HAYS COUNTY ASSUMES NO LIABILITY TO BUILD THE STREETS, ROADS, OR OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT OR OF CONSTRUCTING ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH.

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE 100 YEAR FLOODPLAIN IS CONTAINED WITHIN THE DRAINAGE EASEMENTS AS SHOWN HEREON.

*Deborah A. Parnell*  
DALE A. PARNELL, P.E.  
P.E. NO. 61576

7-14-98  
DATE



STATE OF TEXAS  
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEY RELATED REQUIREMENTS OF THE HAYS COUNTY SUBDIVISION SPECIFICATIONS AND FURTHER CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

*Gary P. Pennington*  
GARY P. PENNINGTON  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 4808 - STATE OF TEXAS  
SOUTHWEST LAND SURVEYORS, INC.  
4001C HIGHWAY 280 WEST  
DRIPPING SPRINGS, TEXAS 76620

7-14-98  
DATE



HEALTH DEPARTMENT NOTES:

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE APPROVED WATER TREATMENT PLANT. SUBSIDIARY WATER SUPPLIES AND WATER QUALITY PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY THE COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABLE FOR RAIN WATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER SOURCE.

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY ENVIRONMENTAL HEALTH.

NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

*Allen G. Walther*  
ALLEN G. WALTHER, DIRECTOR  
HAYS COUNTY ENVIRONMENTAL HEALTH  
HAYS COUNTY FLOODPLAIN ADMINISTRATOR

STATE OF TEXAS  
COUNTY OF HAYS

I, MARGIE T. VILLALPANDO, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE 14<sup>th</sup> DAY OF JULY A.D., 1998.

THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT, AND SAID ORDER HAS BEEN ENTERED IN THE MINUTES OF SAID COURT IN BOOK 2, PAGE 72.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE 14<sup>th</sup> DAY OF JULY A.D., 1998.

*Margie T. Villalpando*  
MARGIE T. VILLALPANDO  
COUNTY CLERK  
HAYS COUNTY, TEXAS  
*Deborah A. Parnell*  
DALE A. PARNELL, P.E.  
P.E. NO. 61576

STATE OF TEXAS  
COUNTY OF HAYS

I, MARGIE T. VILLALPANDO, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IN WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 14<sup>th</sup> DAY OF JULY A.D., 1998 AT 4:00 O'CLOCK

2 P.M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK 2 PAGE(S) 167-168 WITNESS MY HAND AND SEAL OF OFFICE, THIS THE 14<sup>th</sup> DAY OF JULY A.D., 1998.



*Margie T. Villalpando*  
MARGIE T. VILLALPANDO  
COUNTY CLERK  
HAYS COUNTY, TEXAS  
*Deborah A. Parnell*  
DALE A. PARNELL, P.E.  
P.E. NO. 61576

# CYPRESS FORK RANCH

A SUBDIVISION IN HAYS COUNTY, TEXAS



12.374 ACRES  
ARROWHEAD RANCH

FN NO. 07-836(TM)  
December 27, 2007  
BPI JOB NO. 1161538-01  
Vol Pg  
4118 689

#### DESCRIPTION

OF 12.374 ACRES OF LAND OUT OF THE B.F. HANNA SURVEY, ABSTRACT NO. 222; SITUATED IN HAYS COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN 111.181 ACRE TRACT DESCRIBED IN THE DEED TO DOYLE M. FELLERS AND WIFE, CLAIREEN FELLERS, OF RECORD IN VOLUME 1001, PAGE 750, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 12.374 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found for the southerly most corner of that certain 18.37 acre "Tract One" described in the deed to Lester E. R. Doty, of record in Volume 1197, Page 162, of the said Official Public Records, being an angle point in the northerly line of said 111.181 acre tract, also being in the approximate centerline of a creek locally known as Cave Springs Branch, for an angle point in the easterly line hereof, from which a 1/2-inch iron rod found in the southerly line of said 18.37 acre tract, bears along the approximate centerline meanders of Cave Springs Branch, N24°50'24"E, a distance of 120.80 feet;

**THENCE**, leaving the southerly line of said 18.37 acre tract, over and across said 111.181 acre tract along a portion of the easterly and irregular southerly lines hereof, the following ten (10) courses and distances:

- 1) S09°42'35"E, a distance of 23.08 feet to a 1/2-inch iron rod with cap set;
- 2) S62°49'07"E, a distance of 67.45 feet to a 1/2-inch iron rod with cap set;
- 3) S15°12'57"W, a distance of 309.27 feet to a 1/2-inch iron rod with cap set;
- 4) S47°32'45"W, a distance of 188.44 feet to a 1/2-inch iron rod with cap set;
- 5) S43°49'18"W, a distance of 191.91 feet to a 1/2-inch iron rod with cap set;

- 6) N42°24'49"W, a distance of 263.24 feet to a 1/2-inch iron rod with cap set;
- 7) S77°25'19"W, a distance of 43.88 feet to a 1/2-inch iron rod with cap set;
- 8) S05°23'39"E, a distance of 287.17 feet to a 1/2-inch iron rod with cap set;
- 9) S25°06'46"W, a distance of 37.38 feet to a 1/2-inch iron rod with cap set;
- 10) N87°22'16"W, a distance of 21.35 feet to a 1/2-inch iron rod with cap set in the approximate centerline meander of a creek locally known as Boiling Springs Creek, being on the easterly line of that certain 361.83 acre tract described in the deed to Forestar (USA) Real Estate Group, Inc., of record in Volume 3083, Page 733, of said Official Public Records, for the southwesterly corner hereof;

**THENCE**, along the approximate centerline meanders of said Boiling Springs Creek, being a portion of the easterly line of said 361.83 acre tract, for the westerly line hereof, the following seven (7) courses and distances:

- 1) N02°45'03"E, a distance of 240.39 feet to a calculated point;
- 2) N02°25'07"W, a distance of 80.90 feet to a calculated point;
- 3) N09°18'58"W, a distance of 212.62 feet to a 1/2-inch iron rod with cap set;
- 4) N04°44'23"W, a distance of 223.91 feet to a calculated point;
- 5) N08°20'46"W, a distance of 245.40 feet to a calculated point;
- 6) N28°21'28"W, a distance of 295.23 feet to a calculated point;

- 7) N03°42'45"E, a distance of 51.04 feet to a calculated point for the southwesterly corner of said 18.37 acre tract, and the northwesterly corner of said 111.181 acre tract and hereof, from which a 1/2-inch iron rod found for an angle point in the westerly line of said 18.37 acre tract, same being the easterly line of said 361.83 acre tract, bears N03°42'45"E, a distance of 173.70 feet;

**THENCE**, leaving the easterly line of said 361.83 acre tract and the approximate centerline meanders of Boiling Springs Creek, along a portion of the northerly line of said 111.181 acre tract, being a portion of the southerly line of said 18.37 acre tract, the following five (5) courses and distances:

- 1) N82°55'33"E, a distance of 340.85 feet to a 1/2-inch iron rod found;
- 2) S47°24'23"E, a distance of 277.77 feet to a 1/2-inch iron rod found;
- 3) S08°01'22"E, a distance of 277.75 feet to a 1/2-inch iron rod found;
- 4) S48°33'56"E, a distance of 179.56 feet to a 1/2-inch iron rod found;

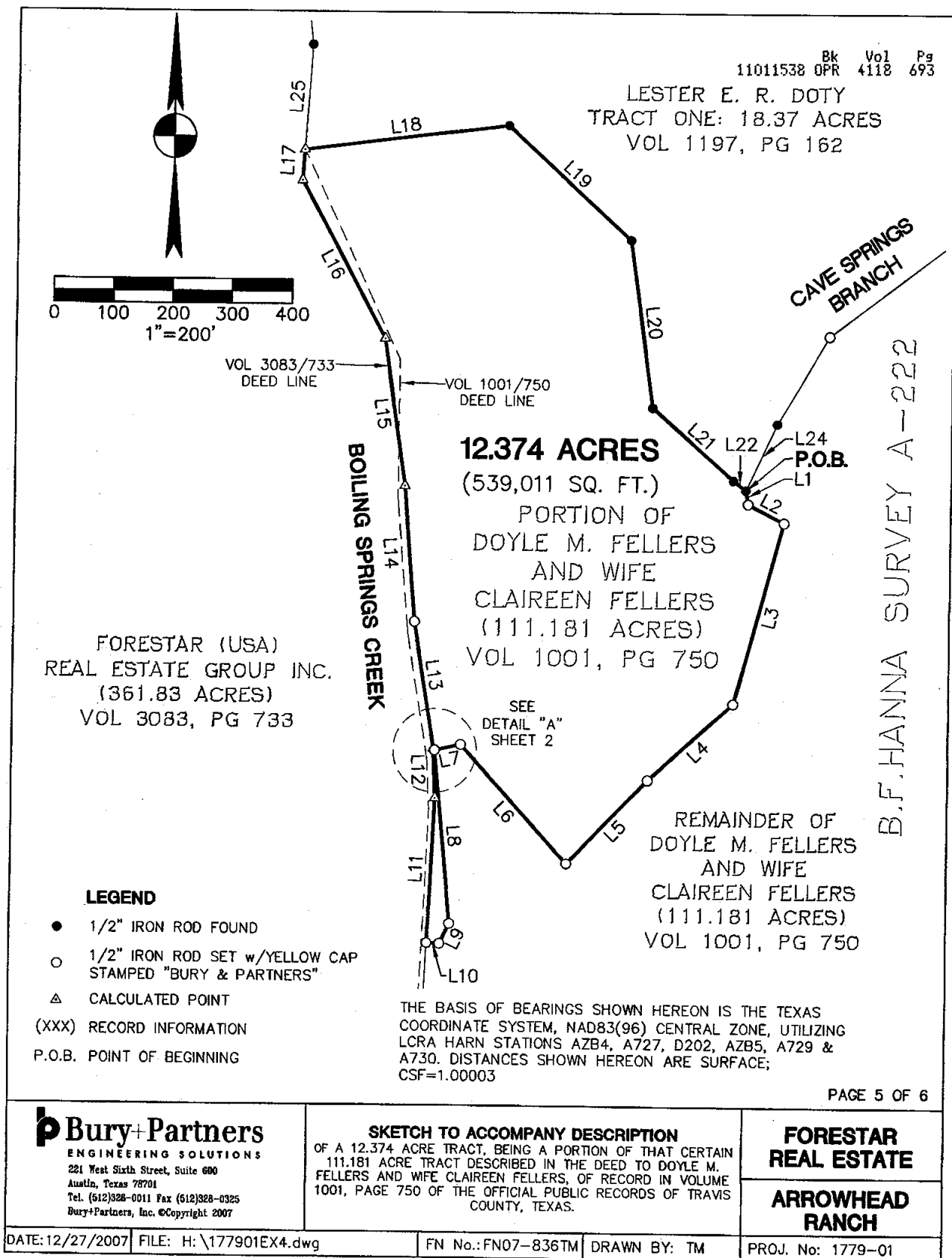
- 5) S52°45'32"E, a distance of 26.36 feet to the **POINT OF BEGINNING**, and containing an area of 12.374 acres of land, more or less, within these metes and bounds.

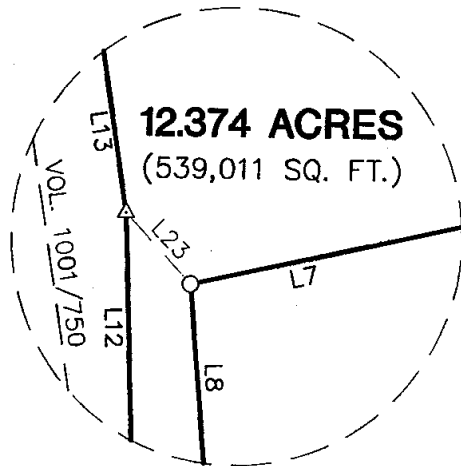
**BEARING BASIS:** THE BASIS OF BEARINGS FOR THIS SURVEY IS THE TEXAS COORDINATE SYSTEM, NAD83-HARN CENTRAL ZONE, UTILIZING GPS CALIBRATION TO LCRA HARN NETWORK CONTROL STATIONS AZB4, AZB5, A728, & A730,

I, MARK A. ZIENTEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND BY BURY+PARTNERS, INC., UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES. A SURVEY SKECTH PLAT WAS PREPARED TO ACCOMPANY THIS DESCRIPTION

BURY + PARTNERS, INC.  
ENGINEERING-SOLUTIONS  
221 SIXTH STREET, SUITE 600  
AUSTIN, TEXAS 78701

MARK A. ZIENTEK, R.P.L.S.  
NO. 5683  
STATE OF TEXAS





**LINE TABLE**

NO.	BEARING	DISTANCE
L1	S09°42'35"E	23.08'
L2	S62°49'07"E	67.45'
L3	S15°12'57"W	309.27'
L4	S47°32'45"W	188.44'
L5	S43°49'18"W	191.91'
L6	N42°24'49"W	263.24'
L7	S77°25'19"W	43.88'
L8	S05°23'39"E	287.17'
L9	S25°06'46"W	37.38'
L10	N87°22'16"W	21.35'
L11	N02°45'03"E	240.39'
L12	N02°25'07"W	80.90'
L13	N09°18'58"W	212.62'
L14	N04°44'23"W	223.91'
L15	N08°20'46"W	245.40'
L16	N28°21'28"W	295.23'
L17	N03°42'45"E	51.04'
L18	N82°55'33"E	340.85'
L19	S47°24'23"E	277.77'
L20	S08°01'22"E	277.75'
L21	S48°33'56"E	179.56'
L22	S52°45'32"E	26.36'
L23	N43°37'48"W	3.00'
L24	N24°50'24"E	120.80'
L25	N03°42'45"E	173.70'

PAGE 6 OF 6

**Bury+Partners**  
ENGINEERING SOLUTIONS

221 West Sixth Street, Suite 600  
Austin, Texas 78701  
Tel. (512)328-0011 Fax (512)328-0325  
Bury+Partners, Inc. ©Copyright 2008

**SKETCH TO ACCOMPANY DESCRIPTION**

OF A 12.374 ACRE TRACT, BEING A PORTION OF THAT  
CERTAIN 111.181 ACRE TRACT DESCRIBED IN THE DEED TO  
DOYLE M. FELLERS AND WIFE CLAIREEN FELLERS, OF RECORD  
IN VOLUME 1001, PAGE 750 OF THE OFFICIAL PUBLIC RECORDS  
OF TRAVIS COUNTY, TEXAS.

**FORESTAR  
REAL ESTATE**

**ARROWHEAD  
RANCH**

DATE: 12/27/2007 FILE: H:\177901EX4.dwg

FN No.: FN07-836TM

DRAWN BY: TM

PROJ. No: 1779-01



**EXHIBIT "A"**

**DESCRIPTION OF A TRACT OF LAND CONTAINING 7.0532 ACRE (307,237 SQUARE FEET), SITUATED IN HAYS COUNTY TEXAS, BEING OUT OF THE BENJAMIN F. HANNA LEAGUE SURVEY NO. 428, ABSTRACT NO. 222, AND BEING A PORTION OF THE DOYLE M. FELLERS, AND WIFE, CLAIREEN FELLERS TRACT PER DEED RECORDED IN VOLUME 1001, PAGE 750, OF OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 7.0532 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, SOUTH CENTRAL ZONE (4204), NAD83 (CORS), ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000080832644):**

**BEGINNING**, at a 1/2-inch iron rod with "Bury" cap found at the most southerly corner of that certain 12.374 acre tract conveyed by Doyle Fellers and wife, Claireen Fellers to Forestar (USA) Real Estate Group, Inc., per warranty deed recorded as Instrument No. 2010-10000170, in Volume 3802, Page 475 of the Official Public Records of Hays County, Texas;

**THENCE**, along the boundary of said 12.374 acre tract the following four (4) courses:

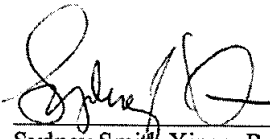
1. N25°48'45"E, a distance of 37.37 feet to a found ½-inch iron rod with "Bury" cap,
2. N04°41'40"W, a distance of 287.17 feet to a found ½-inch iron rod with "Bury" cap,
3. N78°18'13"E, a distance of 44.20 feet to a found ½-inch iron rod with "Bury" cap, and the most northerly corner hereof,
4. S41°41'26"E, a distance of 263.28 feet to a found ½-inch iron rod with "Bury" cap,

**THENCE**, departing the boundary of said 12.374 acre tract, and continuing over and across said Doyle Fellers and wife, Claireen Fellers tract the following nine (9) courses and distances:

1. S48°57'59"E, a distance of 355.80 feet to a calculated point for the most easterly corner hereof and the beginning of a non-tangent 387.00 foot radius curve concave southeasterly, a radial to which bears N48°57'59"W,
2. Southwesterly along the arc of said curve a distance of 63.26 feet through a central angle of 9°21'58" to a calculated point,
3. Tangent to said curve, S31°40'03"W, a distance of 191.17 feet to a calculated point and the beginning of a tangent 237.00 foot radius curve concave easterly,

4. Southerly along the arc of said curve a distance of 169.33 feet through a central angle of 40°56'08" to a calculated point,
5. S83°09'01"W, a distance of 563.50 feet to a calculated point for the most westerly corner hereof,
6. N22°25'39"E, a distance of 195.10 feet to a calculated point,
7. N59°47'08"E, a distance of 56.79 feet to a calculated point,
8. N22°21'55"E, a distance of 261.10 feet to a calculated point,
9. N03°27'02"E, a distance of 95.81 feet to a found ½-inch iron rod with "Bury" cap at a corner of said 12.374 acre tract;

**THENCE**, S86°40'21"E, a distance of 21.35 feet along the boundary of said 12.374 acre tract to the **POINT OF BEGINNING** and containing 7.0532 acres of land, more or less.

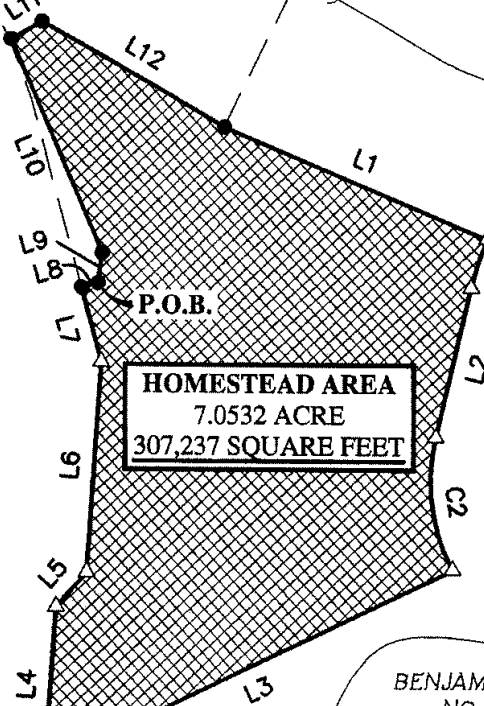
  
Sydney Smith Xinos, R.P.L.S. 5361      12/3/10      Date  
Doucet & Associates Inc.,  
7401 B Hwy. 71 West, Suite 160,  
Austin, Texas 78735



FORESTAR (USA)  
REAL ESTATE GROUP, INC.  
VOL. 3802, PG. 475

Bk Vol Ps  
11011538 OPR 4118 697

FORESTAR (USA)  
REAL ESTATE GROUP, INC.  
VOL. 3083, PG. 733



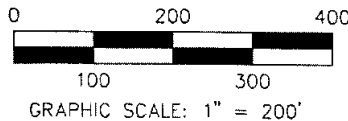
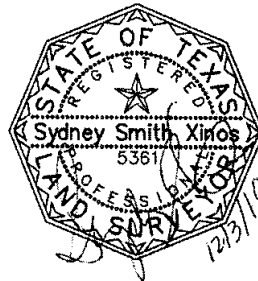
N48°57'59"W  
387.00' (R)

DOYLE FELLERS  
AND WIFE,  
CLAIREEN FELLERS  
VOL. 1001, PG. 750  
O.P.R.H.C.T.

BENJAMIN F. HANNA LEAGUE SURVEY  
NO. 428, ABSTRACT NO. 222

## LEGEND

- EASEMENT BOUNDARY
- EXISTING PROPERTY LINES
- 1/2" IRON ROD FOUND BURY & PARTNERS
- △ CALCULATED POINT
- VOL. VOLUME
- PG. PAGE
- D.R.H.C.T. DEED RECORDS, HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT



LINE TABLE		
NO.	BEARING	DISTANCE
L1	S48°57'59"E	355.80'
L2	S31°40'03"W	191.17'
L3	S83°09'01"W	563.50'
L4	N22°25'39"E	195.10'
L5	N59°47'08"E	56.79'
L6	N22°21'55"E	261.10'
L7	N03°27'02"E	95.81'
L8	S86°40'21"E	21.35'
L9	N25°48'45"E	37.37'
L10	N04°41'40"W	287.17'
L11	N78°18'13"E	44.20'
L12	S41°41'26"E	263.28'

CURVE TABLE			
NO.	LENGTH	RADIUS	DELTA
C1	63.26'	387.00'	9°21'58"
C2	169.33'	237.00'	40°56'08"

**BEARING BASIS:**  
ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, SOUTH CENTRAL ZONE, NAD83 (CORS). ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000080832644.

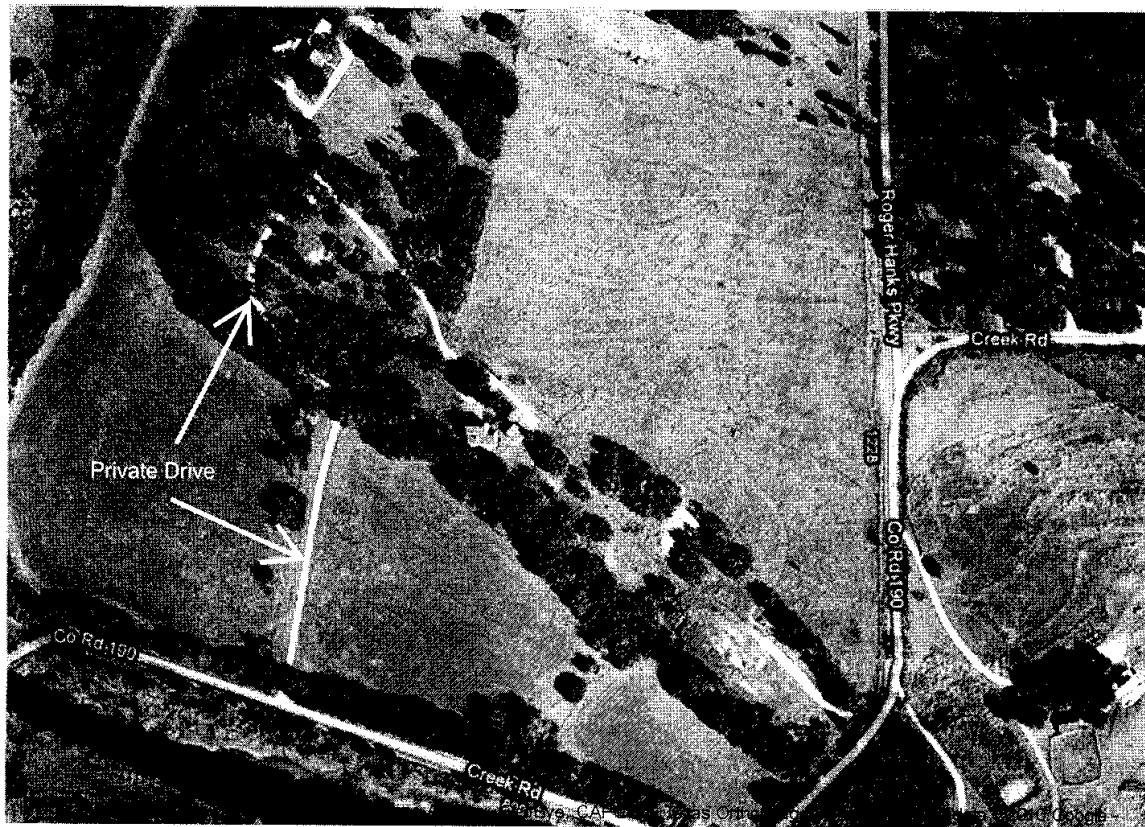
A TRACT OF LAND TOTALING  
7.0532 ACRE  
HOMESTEAD AREA  
CITY OF DRIPPING SPRINGS,  
HAYS COUNTY, TEXAS

**D&A** Doucet & Associates, Inc.  
7401 B Hwy. 71 West, Suite 160  
Austin, TX 78735, Phone: (512) 583-2600 Fax: (512) 583-2601  
AUSTIN, TEXAS - NORTHAMPTON, MASSACHUSETTS - ROSEVILLE, CALIFORNIA  
www.doucetandassociates.com

Date:	12/3/2010
Scale:	1"=200'
Drawn by:	RC
Reviewer:	SSX
Project:	1039-002
Sheet:	3 of 3
Field Book:	-
Party Chief:	-
Survey Date:	-

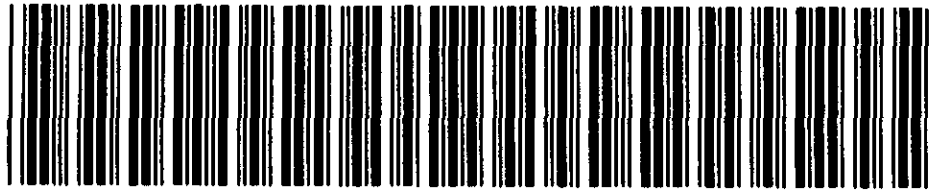
P:\1039-002\survey\DA\_drawings\1039-001\_HOMESTEAD.dwg

Homestead Location



Map showing existing private drive to Creek Road

Exhibit "B"



70 2012 12008148

Hays County  
Liz Q. Gonzalez  
County Clerk  
San Marcos, Texas 78666

Instrument Number: 2012-12008148

As

Recorded On: March 30, 2012

OPR RECORDINGS

Parties: FELLERS DOYLE M

Billable Pages: 2

To CYPRESS FORK RANCH LP

Number of Pages: 3

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

OPR RECORDINGS 20.00

Total Recording: 20.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2012-12008148

Receipt Number: 299689

Recorded Date/Time: March 30, 2012 03:04:06P

Book-Vol/Pg: BK-OPR VL-4310 PG-698

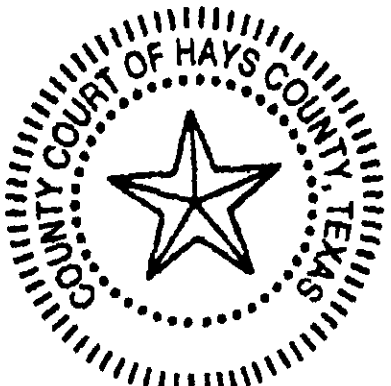
User / Station: L Curry - Cashiering #4

Record and Return To:

STEVEN RAY HAKE

1306 GUADALUPE STREET

AUSTIN TX 78701



State of Texas |  
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and  
time stamped hereon and was recorded on the volume and page of the named records  
of Hays County, Texas

*Liz Q. Gonzalez*

Liz Q. Gonzalez, County Clerk

## Correction Deed

State of Texas           §  
County of Hays         §

This deed of correction is made on March 28, 2012, by Doyle M. Fellers and wife Claireen Fellers of 1300 Creek Road, Dripping Springs, Hays County, Texas 78620, referred to as Grantor, and Cypress Fork Ranch, L.P., a Texas limited partnership, of 1300 Creek Road, Dripping Springs, Hays County, Texas 78620, referred to as Grantee.

### Recitals

1. Grantor conveyed a parcel of land to Grantee by Special Warranty Deed dated May 5, 2011, which instrument is recorded as Instrument Number 2011-11011538 in the Real Property Records of Hays County, Texas.

2. In that instrument, the property conveyed was, by mistake, incorrectly described in that the legal description failed to exclude from the parcel described a strip of land comprising 2.14 acres of land that was not conveyed and should have been excluded from the legal description, for that 2.14 acres had previously been dedicated by Grantor to the public for roadway purposes as shown on the face of the final approved plat for the Roger Hanks Park Subdivision, recorded in Volume 11, Page 324-326, of the Official Public Records of Hays County, Texas.

3. In order to correct the error and to reflect the true agreement of the parties in every respect, Grantor and Grantee desire to make and execute this Correction Deed.

Now, therefore, Grantor, in and for the considerations expressed in the above-described Special Warranty Deed paid by Grantee, the receipt and sufficiency of which are acknowledged and confessed, grants, sells, and conveys to Grantee that certain property in Hays County, Texas described on the Exhibit "A" attached to that certain Special Warranty Deed dated May 5, 2011 recorded as Instrument Number 2011-11011538 in the Real Property Records of Hays County, Texas, except that the following described tract of land is hereby excluded from the legal description of the property as conveyed:

- (5) And also excluding that certain parcel containing 2.14 acres of land previously dedicated by Grantor to the public for roadway purposes as shown on the final approved plat for the Roger Hanks Park Subdivision, recorded in Volume 11, Page 324-326, of the Official Public Records of Hays County, Texas.

Thus, the Property conveyed consists of a tract of land of 111.181 acres (1) less 1.304 acres, (2) less 17.746 acres, (3) less 12.374 acres, (4) less 7.0532 acres, and (5) less 2.14 acres, **for a resulting tract of approximately 70.5638 acres more or less.**

This Correction Deed is subject to the same Reservations from Conveyance and the same Exceptions to Conveyance and Warranty as stated in the original Special Warranty Deed described above.

To have and to hold the above-described Property, together with all and singular the rights, ways, and appurtenances belonging or appertaining to the premises, to Grantee and Grantee's heirs, successors, and assigns, and Grantor by this instrument binds Grantor and Grantor's heirs,




successors, and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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 Grantor that the Property is fit for a particular purpose. Grantee acknowledges that Grantee is not relying on any representation, statement, or other assertion with respect to the Property condition. Grantee takes the Property with the express understanding and stipulation that there are no express or implied warranties except for the limited warranties of title set forth in this deed. When the context requires, singular nouns and pronouns include the plural.

This deed is executed as a correction deed given and accepted in place of that deed executed by the Grantor to the Grantee as above set forth and is made to correct the above-mentioned error and confirm the deed, and it will be effective as of, and retroactive to, the date of the original deed. Except as corrected, the original deed shall remain in full force and effect.

Executed on the date first above mentioned.



Doyle M. Fellers



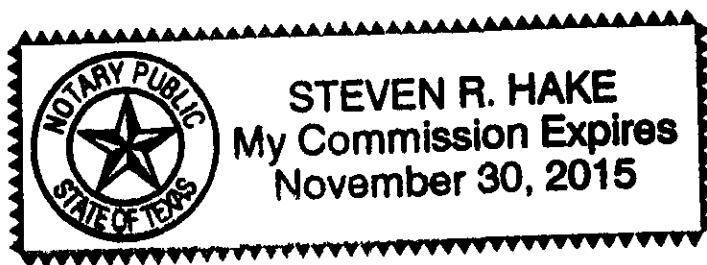
Claireen Fellers

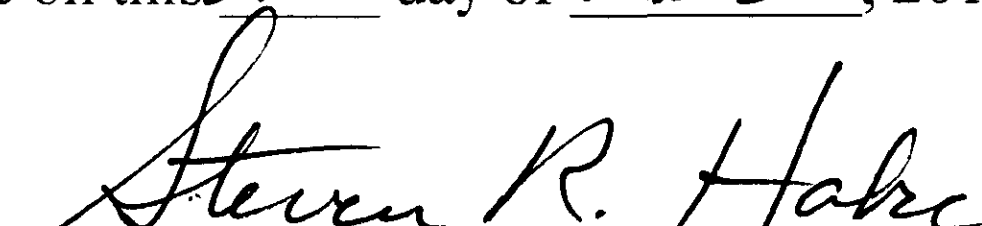
State of Texas §

§

County of Hays §

This instrument was acknowledged before me on this 28<sup>th</sup> day of March, 2012 by Doyle M. Fellers and wife, Claireen Fellers.





Notary Public, State of Texas

After recording, please return to:

Steven R. Hake  
1306 Guadalupe Street  
Austin, TX 78701

## **Exhibit "D"**

### **Capacity Reservation**

WHEREAS, Owner has agreed to grant to City a Wastewater Easement, as further detailed in this Agreement; and

WHEREAS, City, as further consideration for that Wastewater Easement being granted by Owner, has agreed to reserve capacity in its wastewater collection system as set forth in this Agreement; and

WHEREAS, the parties desire to enter into this Agreement to set forth in writing their respective rights, duties, and obligations;

#### **A. Definitions.**

"City" means the City of Dripping Springs, an incorporated Type A, general law municipality located in Hays County, Texas.

"Land" means that certain approximately 54.0822-acre tract of land in Hays County, Texas, with the legal description of the tracts of land as described in Document No. 2012-12008148 recorded 3/30/2012, and Document No. 20058437 recorded 12/16/2020, save and except the property sold in Document No. 20044978 recorded 10/6/2020, and save and except the property conveyed in Document No. 22008563 recorded 2/22/2022, Official Public Records of Hays County, Texas.

"LUE" means Living Unit Equivalent of sewer usage, as established from time to time by City Ordinance.

"Owner" means Cypress Fork Ranch, L.P., a Texas limited partnership.

#### **B. City's Obligations**

1. Reserve Capacity. City will reserve 80 LUEs of capacity in the Wastewater Collection System for Owner for up to eight (8) years, with the term beginning after notification from the City that the TPDES WWTP permitted under WQ0014488003 is operational. City will not charge any reservation fees to reserve this capacity. If the Land is fully platted within this eight-year-period and all 80 LUEs are not utilized, all remaining reserved LUEs are terminated.

#### **C. Owners' Obligations**

1. Prior to obtaining wastewater service, Owner must negotiate and execute a Wastewater Utility Agreement with the City.

2. Facilities on the Land. Owner and future wastewater customers on Owner's property shall be responsible for the cost, construction, installation and maintenance of all sewer lines, wastewater taps, and other wastewater infrastructure between the service connection that has been constructed by the City and the facilities on the Land. Further, notwithstanding this Agreement, the Owner and all future wastewater customers on the Land remain subject to but not limited to applicable City ordinances, as these ordinances may be amended from time to time, including requirements related to development plans or site plans, and all provisions related to wastewater service availability, application, and commencement of retail wastewater service; payment of all wastewater rates, fees and charges, including all connection fees and Impact Fees; all applicable pretreatment requirements; and service termination, interest, and other charges as provided in the ordinance for delinquent accounts.

#### D. Assignment

1. Assignment. Owner may assign this Agreement as to all or part of the reserved LUEs without the written consent of the City to transferees of the Land from Owner.

EXECUTED this the 4<sup>th</sup> day of April, 2022.

CITY:

CITY OF DRIPPING SPRINGS, TEXAS

By: Bill Foulds

Mayor Bill Foulds

OWNER:

CYPRESS FORK RANCH, L.P.

BY: Cypress Fork Management, LLC, its General Partner

By: Doyle M. Fellers

Doyle M. Fellers, Manager

By: Claireen Fellers

Claireen Fellers, Manager