

15.166RE

16-01322

WAIVER OF ENCROACHMENTS

THE STATE OF TEXAS *

COUNTY OF LLANO *

BEFORE ME, the undersigned authority, on this day personally appeared the following persons, who, on their oaths duly stated as follows:

"I, STAN R. FARMER, am the City Manger of the City of Horseshoe Bay, which has the responsibility of enforcement of violations of any city ordinances of lots situated in the City of Horseshoe Bay, Llano County, Texas.

"I, SAM J. TARBET, Chairman of the Horseshoe Bay Architectural Committee, which has the responsibility of approval of any construction and enforcement of violations of restrictions regarding improvements on lots in Horseshoe Bay West a subdivision situated in the City of Horseshoe Bay, Llano County, Texas. The City of Horseshoe Bay, Horseshoe Bay Resort, Ltd. and the Horseshoe Bay Architectural Committee are collectively referred to as the "Waiving Parties."

It has come to the attention of The City of Horseshoe Bay and the Horseshoe Bay Architectural Committee that a current survey (attached hereto as Exhibit "A") of the improvements situated on Lot No. 50001, Horseshoe Bay, a subdivision located in the City of Horseshoe Bay, Llano County, Texas, according to Plat No. 50.2, recorded in Volume 6, Page 86, Plat Records of Llano County, Texas, (the "Property") reflects (i) an encroachment ("Utility Encroachment") into the utility easement and building setback affecting the Property; and (ii) an encroachment of the 2nd floor wood deck onto the Adjoining Property.

We, on behalf of the Waiving Parties, hereby waive any objection to the Utility Encroachment and the wood deck encroachment on the Property and onto the Adjoining Property and in particular waive any right to require removal of such potential violations."

DATED and effective on the 3 day of March, 2016.

CITY OF HORSESHOE BAY

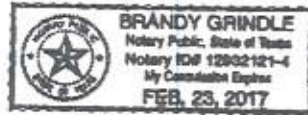
By: 
STAN FARMER, City Manager

**HORSESHOE BAY ARCHITECTURAL
COMMITTEE**

By: 
SAM J. TARBET, Chairman

THE STATE OF TEXAS, §
 §
COUNTY OF LLANO. §

This instrument was acknowledged before me on the 3rd day of ~~February~~ ^{March}, 2016, by Sam J. Tarbet, Chairman of Horseshoe Bay Architectural Committee, on behalf of said committee.




Notary Public, State of Texas

After recording, return to:
Wade Hutto – Attorney at Law
P. O. Box 667
Llano, TX 78643



LOT 50003
HORSESHOE BAY
PLAT NO. 30.1
5/84-P.R.L.C.

LEGEND	
●	1/2" IRON PIN FOUND
△	CALC POINT
—/—	VOLUME/PAGE
P.R.L.C.	PLAT RECORDS LLANO CO.
D.R.L.C.	DEED RECORDS LLANO CO.
O.P.R.L.C.	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY LLANO CO.
O.P.R.L.C.	OFFICIAL PUBLIC RECORDS OF LLANO COUNTY
C.M.	CONTROLLING MONUMENT
()	RECORD INFO/SUBJECT
B.S.L.	BLDG. SETBACK LINE
U.E.	UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
⊕	AIR CONDITIONER
⊙	SANITARY
⊗	TELEPHONE PEDESTAL
⊘	WATER METER

EXHIBIT **A**



CURVE	RADIUS	ARC LEN	CHD LEN	CHD BRG
C1	191.51'	14.22'	14.22'	S54°51'06"W
(C1)	191.51'	14.62'	14.62'	S55°50'57"W

BOUNDARY & IMPROVEMENT SURVEY

LOCAL ADDRESS: 215 HALF MOON, HORSESHOE BAY, TEXAS.

LEGAL DESCRIPTION: BEING ALL OF LOT NO. 50001, HORSESHOE BAY, PLAT NO. 30.2, A SUBDIVISION LOCATED IN THE CITY OF HORSESHOE BAY, LLANO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 6, PAGE 86 OF THE PLAT RECORDS OF LLANO COUNTY, TEXAS.

SUBJECT TO RECORDED PLAT: 6/86-P.R.L.C. AND ALL CURRENT TERMS, CONDITIONS, & ORDINANCES FOR THE CITY OF HORSESHOE BAY, TEXAS.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND MAY HAVE ADDITIONAL ENCUMBRANCES, SURVEYOR NOT RESPONSIBLE FOR ANY ENCUMBRANCES THAT A TITLE COMMITMENT MAY DISCLOSE.

- NOTES:**
- 1) SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREAS OUTSIDE THE 100 YR FLOOD) AS GRAPHICALLY IDENTIFIED ON FEMA F.I.R.M., MAP NO. 48299C0550C, EFFECTIVE 5/02/2012.
 - 2) BASIS OF BEARINGS ARE TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE.
 - 3) BUILDING SETBACKS AND EASEMENTS AS SHOWN HEREON ARE PER THE RECORDED PLAT.

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PROFESSIONAL SERVICE MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS OF PRACTICE AS ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.



K.P. Cuplin DATED 4/17/2015
KYLE P. CUPLIN, R.P.L.S., NO. 5938

1 OF 1 SHEET	PROJ. NO. 15701	3932 WEST RR 1431 PO BOX 1095 KINGSLAND, TX. 78610 PH.325-388-3300 FAX.325-388-3320 WWW.CUPLINASSOCIATES.COM	SCALE 1" = 30'	2	
	PREPARED FOR: THOMAS H. MICHNIS		0 15 30	1	
	TECH: D.ROSE		DATE	NO.	DESCRIPTION
	APPROVED: K.CUPLIN		REVISIONS		
FIELDWORK PERFORMED ON: 4/02/2015	PROFESSIONAL FIRM NO: 10128900				

RECORDER'S MEMORANDUM
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed and recorded.

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STATE OF TEXAS
COUNTY OF LLANO

KNOW ALL MEN BY THESE PRESENTS, That LARRY L. HAY, INCORPORATED, a corporation organized and existing under the laws of the State of Texas, acting through its duly authorized President, WALTER RIFE, does hereby sell and convey unto the undersigned, JOHN DANIEL SURVEY NO. 4, and being out of the certain tract of land described in and to the plat of the same recorded in the Public Records of Llano County, Texas, Book 201, Page 433 of the Llano County Deed Records, Llano County, Texas, and does hereby dedicate the streets and easements to the use of the public.

13 WITNESSES WHEREOF, the said LARRY L. HAY, INCORPORATED, attorneys, has caused the presents to be signed by WALTER RIFE, its said President and the seal to be affixed by this day of December, 1953.

ATTEST: *[Signature]*
COUNTY CLERK

Notary Public, Notarized Walter Rife to and for said County and State, on this day personally appeared Walter Rife, known to me to be the person whose name and signature appear upon the foregoing instrument and acknowledged that he had signed the same for the purposes and considerations therein expressed and as the property therein stated.

STATE OF TEXAS
COUNTY OF LLANO

The attached plat of a portion of the town of Berlin Survey No. 4 and being out of that certain tract of land described in and to the plat of the same recorded in the Public Records of Llano County, Texas, Book 201, Page 433 of the Llano County Deed Records, Llano County, Texas, and was approved for filing thereof in the Public Records of Llano County, Texas.

TO CERTIFY WHICH, the undersigned as County Judge of Llano County, Texas, this 23 day of Dec 1953.

ATTEST: *[Signature]*
COUNTY CLERK, Llano County, Texas

1. B. A. Bassett, County Clerk of County Court of said County, do hereby certify that the foregoing instrument, this day of December, 1953, at 2:00 o'clock P.M., was filed for record in the Public Records of Llano County, Texas, Book 201, Page 433 of the Llano County Deed Records, Llano County, Texas.

1. A. L. Thompson, County Surveyor of Llano County, Texas, have checked the accompanying plat of Horseshoe Bay Plat No. 4 and hereby certify that it does meet all the requirements of Llano County as stated in Volume 211, Page 204 of the Amalgamated Court Minutes of Llano County, Texas.

1. This plat has been filed under and pursuant to that certain Declaration (Declaration) filed July 1, 1951, recorded in Volume 117, Page 250 et seq. of the Deed Records of Llano County, Texas, and these certain supplemental and amended Declaration recorded in Volume 117, Page 250 et seq., Volume 141, Page 422 et seq., and Volume 211, Page 20 et seq., of the Deed Records of Llano County, Texas, and these certain supplemental and amended Declaration recorded in Volume 205 et seq. and Volume 221, Pages 72 et seq. of the Deed Records of Llano County, Texas, which are all incorporated herein and made a part hereof for all purposes.

STATE OF TEXAS
COUNTY OF LLANO

I, Donald Sorenson, a Registered Public Surveyor in the State of Texas, do hereby certify that this plat of HORSESHOE BAY PLAT NO. 50-1 was prepared from an actual survey made on the ground under my personal supervision and that said plat is a true and correct representation of same as I have set its competent seals on the ground.

WITNESSES MY HAND AND OFFICIAL SEAL THIS 23rd day of Dec 1953.

STATE OF TEXAS
COUNTY OF LLANO

KNOW ALL MEN BY THESE PRESENTS, That ROBERTSON BAY DEVELOPMENT, LTD., a Limited Partnership, acting herein by and through its duly authorized President, WALTER RIFE, does hereby sell and convey unto the undersigned, JOHN DANIEL SURVEY NO. 4, and being out of the certain tract of land described in and to the plat of the same recorded in the Public Records of Llano County, Texas, Book 201, Page 433 of the Llano County Deed Records, Llano County, Texas, and does hereby dedicate the streets and easements to the use of the public.

13 WITNESSES WHEREOF, the said ROBERTSON BAY DEVELOPMENT, LTD., attorneys, has caused the presents to be signed by WALTER RIFE, its said President and the seal to be affixed by this day of Dec 1953.

ATTEST: *[Signature]*
COUNTY CLERK

Notary Public, Notarized Walter Rife to and for said County and State, on this day personally appeared Walter Rife, known to me to be the person whose name and signature appear upon the foregoing instrument and acknowledged that he had signed the same for the purposes and considerations therein expressed and as the property therein stated.

STATE OF TEXAS
COUNTY OF LLANO

The attached plat of HORSESHOE BAY PLAT NO. 50-1 was found to comply with the requirements of Llano County, Texas, and was approved for filing thereof in the Public Records of Llano County, Texas.

TO CERTIFY WHICH, the undersigned as District Court Clerk, this 23rd day of Dec 1953.

ATTEST: *[Signature]*
DISTRICT COURT CLERK

1. This plat has been filed under and pursuant to that certain Declaration (Declaration) filed July 1, 1951, recorded in Volume 117, Page 250 et seq. of the Deed Records of Llano County, Texas, and these certain supplemental and amended Declaration recorded in Volume 117, Page 250 et seq., Volume 141, Page 422 et seq., and Volume 211, Page 20 et seq., of the Deed Records of Llano County, Texas, which are all incorporated herein and made a part hereof for all purposes.

STATE OF TEXAS
COUNTY OF LLANO

I, Donald Sorenson, a Registered Public Surveyor in the State of Texas, do hereby certify that this plat of HORSESHOE BAY PLAT NO. 50-1 was prepared from an actual survey made on the ground under my personal supervision and that said plat is a true and correct representation of same as I have set its competent seals on the ground.

WITNESSES MY HAND AND OFFICIAL SEAL THIS 23rd day of Dec 1953.

STATE OF TEXAS
COUNTY OF LLANO

KNOW ALL MEN BY THESE PRESENTS, That ROBERTSON BAY DEVELOPMENT, LTD., a Limited Partnership, acting herein by and through its duly authorized President, WALTER RIFE, does hereby sell and convey unto the undersigned, JOHN DANIEL SURVEY NO. 4, and being out of the certain tract of land described in and to the plat of the same recorded in the Public Records of Llano County, Texas, Book 201, Page 433 of the Llano County Deed Records, Llano County, Texas, and does hereby dedicate the streets and easements to the use of the public.

13 WITNESSES WHEREOF, the said ROBERTSON BAY DEVELOPMENT, LTD., attorneys, has caused the presents to be signed by WALTER RIFE, its said President and the seal to be affixed by this day of Dec 1953.

ATTEST: *[Signature]*
COUNTY CLERK

Notary Public, Notarized Walter Rife to and for said County and State, on this day personally appeared Walter Rife, known to me to be the person whose name and signature appear upon the foregoing instrument and acknowledged that he had signed the same for the purposes and considerations therein expressed and as the property therein stated.



138.79
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69395
111032
11797.157/104

HORSESHOE BAY
PLAT NO. 50-1
3.828 ACRE
JOHN DANIEL SURVEY NO. 4
LLANO COUNTY, TEXAS