



70 2014 14030014

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

Instrument Number: 2014-14030014

As

Recorded On: October 08, 2014

OPR RECORDINGS

Parties: F M 158 LAND LTD

To KYLE CITY OF

Billable Pages: 7

Number of Pages: 8

Comment:

(Parties listed above are for Clerks reference only)

**** THIS IS NOT A BILL ****

OPR RECORDINGS	50.00
Total Recording:	50.00

***** 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: 2014-14030014
Receipt Number: 379430
Recorded Date/Time: October 08, 2014 04:19:24P
Book-Vol/Pg: BK-OPR VL-5042 PG-187
User / Station: A Herzog - Cashiering #8

Record and Return To:

LAN PIGG
ORIGINAL TO CUSTOMER
SAN MARCOS TX 78666



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

WATER LINE EASEMENT

THE STATE OF TEXAS

COUNTY OF HAYS

§
§
§

KNOW ALL MEN BY THESE PRESENTS

THAT, F.M. 158 Land, LTD., a Texas limited partnership, of the County of Hays, State of Texas, hereinafter referred to as "Grantors", whether one or more, for and in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00) and other good and valuable consideration to Grantors in hand paid by the CITY OF KYLE, TEXAS, the receipt and sufficiency of which is hereby ACKNOWLEDGED AND CONFESSED, and for which no lien, expressed or implied, is retained, have this date GRANTED AND CONVEYED, and by these presents do GRANT AND CONVEY unto the CITY OF KYLE, a municipal corporation situated in the County of Hays, a permanent 20-foot wide easement for the construction, operation, inspection, maintenance, removal, replacement and repair of a water line with appurtenances over and across that certain 132.101 acre tract of land in Hays County, Texas, more particularly described in instrument recorded in Document 00005934, Volume 1,644, Pages 499 through 507 of the Official Public Records of Hays County, Texas.

Said WATER LINE EASEMENT is more particularly described in attached Exhibit A and shown on the attached sketch marked Exhibit B.

TO HAVE AND TO HOLD the 20-foot wide easement perpetually to the CITY OF KYLE, and its successors and assigns, together with the right and privilege at any and all times, to enter said premises, or any part thereof, for the purpose of installing, constructing, reconstructing, monitoring, upgrading, repairing, operating and maintaining said utility line, and for making connections thereto; all upon the following conditions being performed by the CITY OF KYLE.

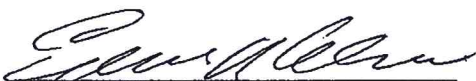
The CITY OF KYLE will at all times after doing any work in connection with the installation, construction, reconstruction or repair of said utility line restore the surface of said premises to the general condition in which the same was found before such work was undertaken.

IN WITNESS WHEREOF the said F.M. 158 Land, LTD., has caused the execution of this instrument on this 28th day of August, 2014.

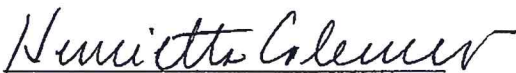
GRANTORS:

F.M. 158 Land, LTD., a Texas Limited partnership

By: H & R Land Development, L.L.C., a Texas limited liability company, its General Partner



Edward R. Coleman, Member

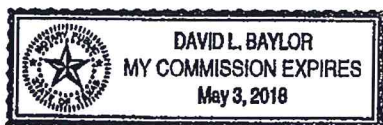


Henrietta Coleman, Member

Corporate Acknowledgment

State of Texas
County of Travis

This instrument was acknowledged before me on August 28, 2014 by Edward R. Coleman, Member of H & R Land Development, LLC, a Texas limited liability company, as General Partner of F.M. 158 Land, LTD., a Texas limited partnership, on behalf of said entities.

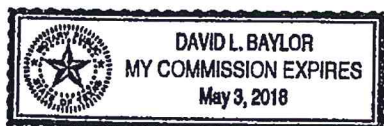



Notary Public's Signature

Corporate Acknowledgment

State of Texas
County of Travis

This instrument was acknowledged before me on August 28, 2014 by Henrietta Coleman, Member of H & R Land Development, LLC, a Texas limited liability company, as General Partner of F.M. 158 Land, LTD., a Texas limited partnership, on behalf of said entities.




Notary Public's Signature

Water Line Easement
FM 158 Land to City of Kyle

CONSENT AND ACKNOWLEDGMENT BY LIENHOLDER
(WATER LINE EASEMENT)

Green Bank, N.A., (Lienholder), is the holder of a lien on the fee simple title to the Easement Property, more fully described in the Deed of Trust dated December 18, 2007 from FM 158 Land, Ltd. to James A. Murphy, II, Trustee for Jefferson Bank, recorded in Volume 3302, Page 66 of the Official Public Records of Hays County, Texas (O.P.R.H.TX). Said Lien having been assigned to Green Bank, N.A., by instrument recorded in Volume 3897, Page 719 of the O.P.R.H.TX. Said Note and Deed of Trust being modified and/or extended by Modification and Renewal of Note and Extension of Lien (Real Estate) recorded in Volume 3803, Page 467, Volume 3926, Page 504, Volume 3795, Page 735, Volume 4122, Page 760, Volume 4250, Page 295, Volume 4538, Page 474 and Volume 4804, Page 763 of the O.P.R.H.TX.

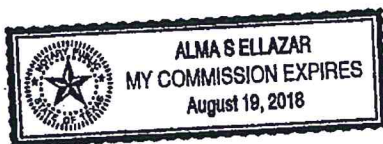
Lienholder consents to and acknowledges the above grant of an easement, including the terms and conditions of such grant, such that a foreclosure of the lien(s) will not extinguish the rights and interests of the easement.

Green Bank, N.A.

By: [Signature]
Name: Jim Floyd
Title: Senior Vice-President

STATE OF TEXAS §
COUNTY OF Travis §
§

This instrument was acknowledged before me on 8/28, 2014 by Jim Floyd, Senior Vice President of Green Bank, N.A., in such capacity, on behalf of said bank.



[Signature]
Notary Public, State of Texas

After Recording, Return to:

Lockwood, Andrews & Newnam, Inc.
10801 N. Mopac Expressway, Bldg. 1, Ste. 120
Austin, TX 78759

Water Line Easement
FM 158 Land to City of Kyle

14030014 Bk Vol Pg
OPR 5042 191

EXHIBIT "A"

DESCRIPTION OF A 0.265 ACRE (11,535 SQUARE FEET) TRACT OF LAND SITUATED IN THE JAMES W. WILLIAM SURVEY, ABSTRACT NO. 11 HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 132.101 ACRE TRACT OF LAND (PARCEL 1, TRACT 1) DESCRIBED IN A SPECIAL WARRANTY DEED FROM EDWARD R. COLEMAN AND SPOUSE, HENRIETTA COLEMAN TO F.M. 158 LAND, LTD, A TEXAS LIMITED PARTNERSHIP, AND RECORDED IN VOLUME 2702, PAGE 613, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS (O.P.R.H.C.TX.), DATED JUNE 9, 2005; SAID 0.265 ACRE (11,535 SQUARE FEET) TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCING at a Texas Department of Transportation (TxDOT) Type II Concrete Monument found on the common existing east right-of-way line of Interstate Highway (I.H.) 35, as conveyed to the State of Texas, recorded in Volume 181, Page 369 of the Deed Records of Hays County, Texas (D.R.H.C.TX.), and conveyed to Hays County, recorded in Volume 4881, Page 153 of the O.P.R.H.C.TX., and the west line of said 132.101 acre tract, said point also being on the west line of an existing 20 foot wide water line easement recorded in Volume 1258, Page 92, O.P.R.H.C.TX.;

THENCE, S 04°35'45" W, along the existing east right-of-way line of said I.H 35, over and across said 20 foot water line easement a distance of 91.11 feet to a calculated point on the east line of said water line easement, for the **POINT OF BEGINNING** and the northwest corner of the tract described herein;

THENCE, over and across said 132.101 acre tract the following seven (7) courses and distances numbered 1 through 7:

- 1) N 17°16'30" E, with the east line of said water line easement, a distance of 91.12 feet to a 1/2-inch iron rod with yellow plastic cap stamped "SAM" set for the northernmost corner of the tract described herein,
- 2) S 04°35'45" W, departing said water line easement, a distance of 114.12 feet to a 1/2-inch iron rod with yellow plastic cap stamped "SAM" set,
- 3) S 17°36'15" W, a distance of 319.39 feet to a 1/2-inch iron rod with yellow plastic cap stamped "SAM" set,
- 4) S 23°29'52" W, a distance of 192.62 feet to a 1/2-inch iron rod with yellow plastic cap stamped "SAM" set,
- 5) S 21°30'08" E, a distance of 7.50 feet to a 1/2-inch iron rod with yellow plastic cap stamped "SAM" set on a curve to the right on the north line of an existing 20 foot wide water line easement, and recorded in Volume 4923, Page 676 of the O.P.R.H.C.TX, said point being the southeast corner of the tract described herein,

0.265 Acre Easement
James W. William Survey, Abstract No. 11
Hays County, Texas

Page 2 of 4

6) with said curve to the right, with said existing 20 foot wide water line easement, having an arc distance of 9.45 feet, through a central angle of 00°56'53", having a radius of 571.00 feet and a chord that bears N 41°19'59" W, a distance of 9.45 feet to a 1/2-inch iron rod with yellow plastic cap stamped "SAM" found

7) N 40°51'32" W, with the north line of said 20 foot wide water line easement, a distance of 18.58 feet to a calculated point in the existing east right-of-way line of I.H. 35, from which a TxDOT Type II concrete monument found bears S 23°29'52" W, a distance of 27.73 feet,

THENCE, with the existing east right-of-way line of I.H. 35, the following three (3) courses and distances numbered 8 through 10:

8) N 23°29'52" E, a distance of 184.84 feet to a TxDOT Type II concrete monument found,

9) N 17°36'15" E, a distance of 316.08 feet to a TxDOT Type II concrete monument found,

10) N 04°35'45" E, a distance of 22.95 feet to the **POINT OF BEGINNING**, containing 0.265 acre (11,535 square feet) of land, more or less.

This property description is accompanied by a separate plat.

Bearing Basis:

Texas State Plane Coordinate System, North American Datum of 1983, (CORS 1996, Epoch 2002), South Central Zone (4204) adjusted to surface values by multiplying by a Combined Scale Factor of 1.00011. All distances are in U.S. Survey Feet.

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, Gina Loftis-Franklin, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on date shown below.

SURVEYING AND MAPPING, LLC
4801 Southwest Parkway
Parkway Two, Suite 100
Austin, Texas 78735
Texas Firm Registration No. 10064300


Gina Loftis-Franklin 8-14-14
Registered Professional Land Surveyor Date
Texas Registration No. 6087



FN17748(CLC)

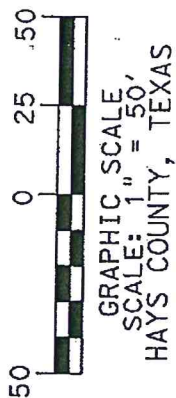
32487-07

EXHIBIT "B"

MATCH LINE PAGE 4 OF 4

- LEGEND**
- TYPE 1 CONCRETE MONUMENT FOUND
 - TYPE 11 MONUMENT FOUND
 - 1/2" IRON ROD W/YELLOW PLASTIC CAP STAMPED "SAM" SET UNLESS NOTED
 - 1/2" IRON ROD FOUND UNLESS NOTED
 - ⊕ MAG NAIL W/SAM WASHER
 - △ CALCULATED POINT
 - PROPERTY LINE
 - P.O.B.
 - P.O.C.
 - ROW
 - N.T.S.
 - NOT TO SCALE
 - DEED RECORDS OF HAYS COUNTY, TEXAS
 - O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

JAMES W. WILLIAM SURVEY
ABSTRACT No. II



F.M. 158 LAND, LTD.
A TEXAS LIMITED PARTNERSHIP
PARCEL 1, TRACT 1
CALLED 132.101 ACRES
VOLUME 2702, PAGE 613
O.P.R.H.C.TX.

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	S04°35'45"W	91.11'
L2	S23°29'52"W	27.73'
L3	N04°35'45"E	22.95'

P.O.B.
PROPOSED 20' WIDE
WATER LINE EASEMENT

CALLED 20 FOOT WIDE
WATER LINE EASEMENT
VOLUME 1258, PAGE 92
O.P.R.H.C.TX.

S17°36'15"W 319.39'

EXISTING ROW

N17°36'15"E 316.08'

HAYS COUNTY
VOL. 4881, PG. 153
O.P.R.H.C.TX.

N17°16'30"E 91.12'

N17°16'30"E 187.88'

INTERSTATE HIGHWAY 35
(ROW WIDTH VARIES)

STATE OF TEXAS
VOL. 181, PG. 369
D.R.H.C.TX.

NOTES:

- THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A TITLE REPORT BY LOCKWOOD, ANDREWS & NEWMAN, INC. PLOTTABLE EXCEPTIONS LISTED THEREIN ARE SHOWN HEREON. THERE MAY BE EASEMENTS OR OTHER MATTERS, RECORDED OR UNRECORDED, THAT ARE NOT SHOWN.
- ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. (1961) ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
- IMPROVEMENTS SHOWN HEREON ARE BASED UPON TYPED AERIAL SURVEY DIGITAL FILES IN CONJUNCTION WITH ON THE GROUND SURVEY DATA.
- THE ENGINEER'S CENTERLINE AND PROPOSED RIGHT-OF-WAY LINEWORK SHOWN HEREON FOR INTERSTATE HIGHWAY 35 AND YARRINGTON ROAD WAS PROVIDED BY CHIANG PATEL & YERBY, INC. DATED NOVEMBER 27, 2012.
- THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

TIME: 12:51:52 PM
DATE: 8/14/2014
FILE: X:\LAN\32487 IH 35 Yarrington\WLDGN\Easement\Parcel 2E.dgn

PAGE 3 OF 4
REF. FIELD NOTE NO. 17748



4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
(512) 447-0575
Fax: (512) 326-3029
Texas Firm Registration No. 1068300

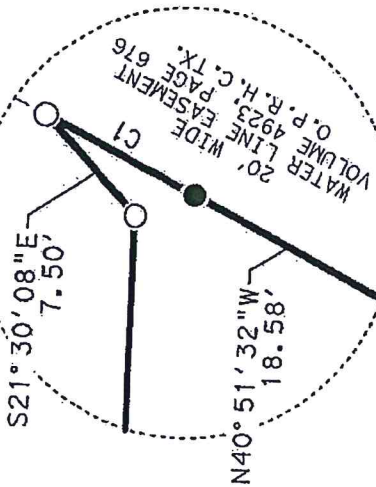
EASEMENT SKETCH
SHOWING PROPERTY OF
F.M. 158 LAND, LTD.
0.265 AC. (11,535 SQ. FT.)
HAYS COUNTY, TEXAS



GRAPHIC SCALE
SCALE: 1" = 50'
HAYS COUNTY, TEXAS

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	100° 56' 53"	571.0'	9.45'	9.45'	N41° 19' 59" W



JAMES W. WILLIAM SURVEY
ABSTRACT No. II

20' WIDE
WATER LINE EASEMENT
VOLUME 4923, PAGE 676
O.P.R.H.C.TX.

F.M. 158 LAND, LTD.
A TEXAS LIMITED PARTNERSHIP
PARCEL 1, TRACT 1
CALLED 132.101 ACRES
VOLUME 2702, PAGE 613
O.P.R.H.C.TX.

DETAIL
NOT TO SCALE

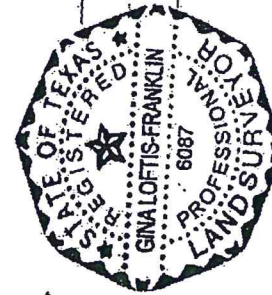
S17° 36' 15" W 319.39' S23° 29' 52" W 192.62'

EXISTING ROW

N17° 36' 15" E 316.08' N23° 29' 52" E 184.84'

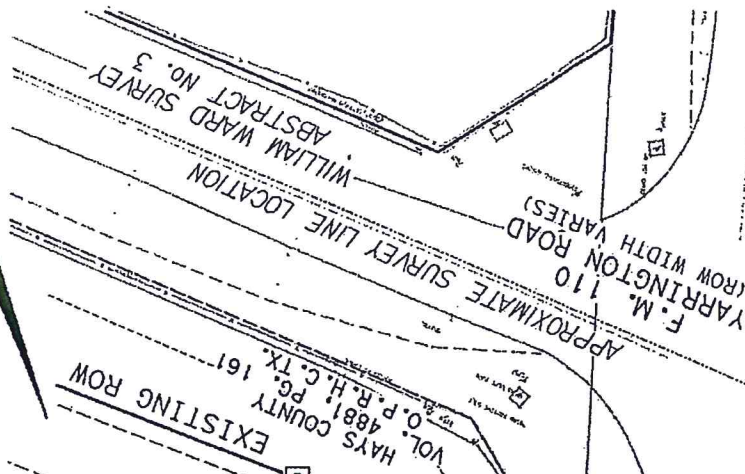
HAYS COUNTY
VOL. 4881, PG. 153
O.P.R.H.C.TX.

SEE
DETAIL



INTERSTATE HIGHWAY 35
(ROW WIDTH VARIES)
STATE OF TEXAS
VOL. 181, PG. 369
D.R.H.C.TX.

15' WIDE
WATER LINE EASEMENT
VOLUME 1894, PAGE 728
O.P.R.H.C.TX.



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY
DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Gina Loftis-Franklin
GINA LOFTIS-FRANKLIN
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6087, STATE OF TEXAS

8-14-14
DATE



4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
(512) 447-0575
Fax (512) 326-3029
Texas File Registration No. 10084300

EASEMENT SKETCH
SHOWING PROPERTY OF
F.M. 158 LAND, LTD.
0.265 AC. (11,535 SQ. FT.)
HAYS COUNTY, TEXAS

PAGE 4 OF 4
REF. FIELD NOTE NO. 17748

MATCH LINE PAGE 3 OF 4