

**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 AND YOUR DRIVER'S LICENSE NUMBER.**

## **PUBLIC SIDEWALK AND ACCESS EASEMENT**

**Date:** March 29, 2017

**Grantor:** Comanche A.S.H. One Ltd.

**Grantor's Address:** 5450 Bee Cave Road Unit 1-B  
Austin, Texas 78746-5250

**Grantee:** City of Kyle, Hays County, Texas for the  
Use and Benefit of the Public

**Grantee's Address:** 100 West Center Street  
Kyle, Texas 78640

**Easement Tract:** 160 square foot sidewalk and public access easement out of Lot 1, Block 1, of the D. A. Young Addition, a subdivision recorded in Volume U, Page 62, Hays County Plat Records, as conveyed to Comanche A.S.H. One Ltd. by Deed recorded in Volume 5007, Page 743, Official Public Records, Hays County, Texas, as shown in Exhibit B and more particularly described by metes and bounds in Exhibit A, attached hereto.

**Easement Duration:** Perpetual or until the easement ceases to be used as a sidewalk for public access.

**Easement Purpose:** To accept, operate, use and decommission the sidewalk for access by the Public.

**Improvements:** Sidewalk, curbing, paving, and associated appurtenances.

**Permitted Encumbrances:** Any easements, liens, encumbrances, and other matters that are valid, existing, and affect the Easement Tract as of the Date set forth herein and of record in the Real Property Records of Hays County, Texas in which the Easement Tract is located.

For ten and no/100 dollars (\$10.00), Grantee's acceptance of the Improvements on the Easement, and other good and valuable consideration paid to Grantor, the receipt and sufficiency of which is acknowledged, Grantor grants, sells, and conveys to the City, as Trustee for the use and benefit of the Public, an 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 are not otherwise permitted hereunder, 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 and the Eligible Improvements, but in no event shall Grantor, except with respect to the improvements allowed under the City Permit and the Eligible Improvements, 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 reserves its interest in all oil, gas, and other minerals in and under and that may be produced from the Easement Tract.

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.

Executed to be effective the Date first above stated.

Grantor: ONE A/H  
Comanche A.S.H. Ltd.

By: [Signature]  
Its General Partner

By: [Signature]  
Its President

Accepted by Grantee effective as of the Date first above stated.

Grantee:  
City of Kyle, Texas

By: \_\_\_\_\_  
Its \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 4TH day of MAY, 2017, by SPRING HAVEN the PRESIDENT of Comanche A.S.H. Ltd., on behalf of said entity for the purposes set forth herein.



[Signature]  
Notary Public in and for the State of Texas

STATE OF TEXAS  
COUNTY OF HAYS

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_, the \_\_\_\_\_ of the City of Kyle, Texas, on behalf of said City for the purposes set forth herein

[NOTARY SEAL]

\_\_\_\_\_  
Notary Public in and for the State of Texas

AFTER RECORDING RETURN TO:  
City of Kyle, Texas  
c/o Mr. Leon Barba, City Engineer  
100 West Center Street  
Kyle, Texas 78640



## METES & BOUNDS

(METES AND BOUNDS DESCRIPTION TO ACCOMPANY SKETCH OF 160 SQUARE FOOT SIDEWALK AND PUBLIC ACCESS EASEMENT OUT OF LOT 1, BLOCK 1, OF THE D.A. YOUNG ADDITION, A SUBDIVISION RECORDED IN VOLUME U, PAGE 62 HAYS COUNTY PLAT RECORDS, AS CONVEYED TO COMANCHE A.S.H. ONE, LTD. BY DEED RECORDED IN VOLUME 5007, PAGE 743, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.)

### DESCRIPTION:

BEING all that certain tract or parcel of land lying and situated in Hays County, Texas, and being a part or portion of that certain tract called Lot 1, Block 1, D.A. Young Addition, a subdivision recorded in Volume U, Page 62, Hays County Plat Records, as conveyed to Comanche A.S.H. One Ltd. by deed recorded in Volume 5007, Page 743 of the Official Public Records of Hays County, Texas, which reference is hereby made for all purposes and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a Cotton Gin Spindle found for the North corner of said Lot 1, same being at the intersection of the Southwest right-of-way line of Allen Street and the Southeast right-of-way line of Scott Street for the North corner of the tract herein described;

THENCE, leaving said Scott Street with the Southwest right-of-way line of said Allen Street, S 44°57'08" E 8.84 feet to the East corner of the tract herein described;

THENCE, leaving said Allen Street along the following three courses:

- 1.) S 63°32'15" W 5.13',
- 2.) S 59°36'17" W 9.96',
- 3.) S 54°55'12" W 27.46 feet to the Southeast right-of-way line of said Scott Street for the Southwest corner of the tract herein described,

THENCE, N 45°02'41" E 41.56" to the POINT OF BEGINNING, containing 160 Square Feet.

By   
Kelly Kilber  
Registered Professional Land Surveyor No. 2219



THIS METES AND BOUNDS DESCRIPTION IS  
PREPARED WITH AN EXHIBIT OF THE SAME  
DATE.

DATE: 10-27-2016  
DRAWN BY: RPB  
BEC-LIN JOB NO.: P-14-1024  
BEARING BASIS: TXSC ZONE 4204



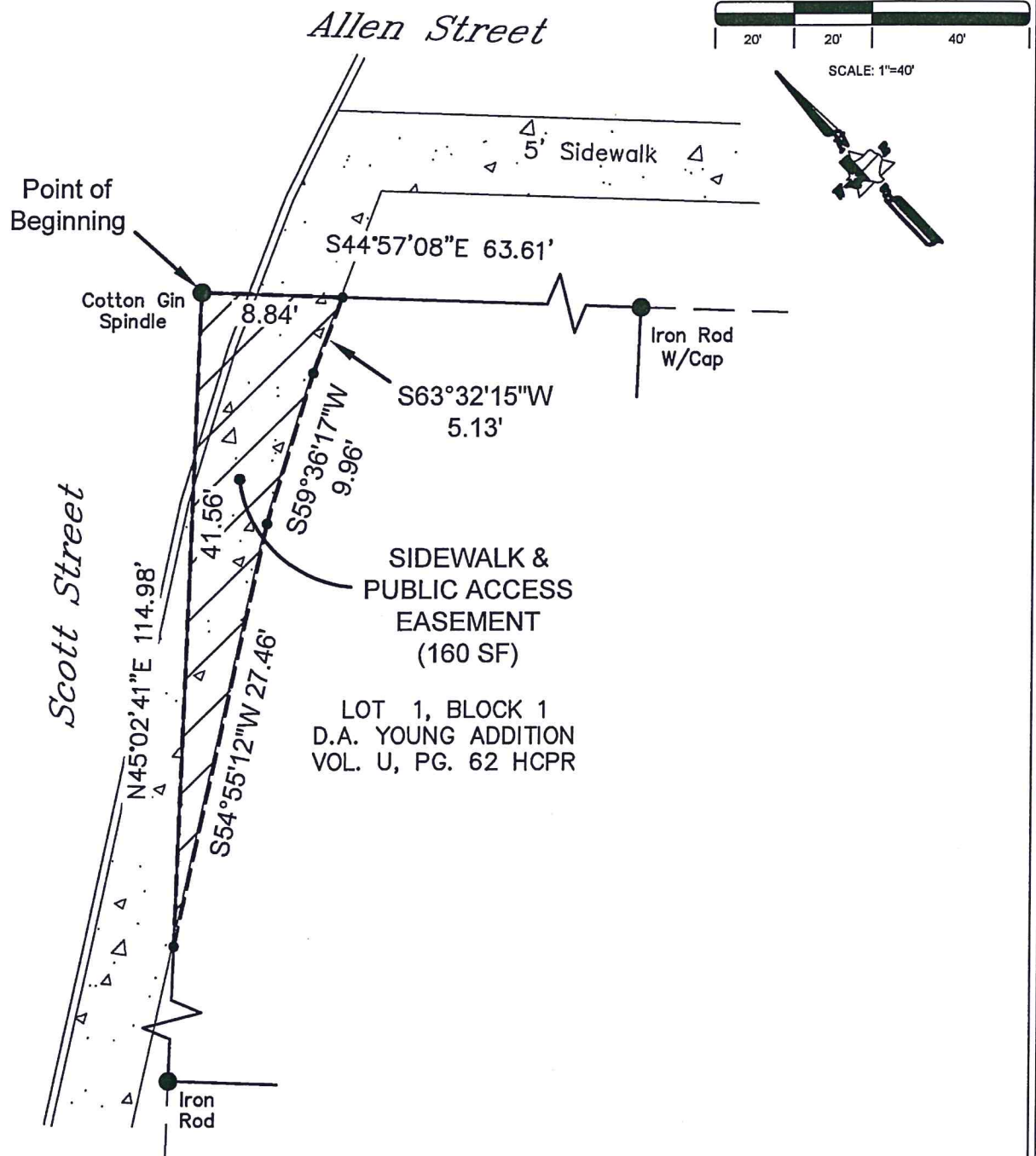
**TRI-TECH**  
**SURVEYING COMPANY, L.P.**

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## EXHIBIT A

(SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION OF 160 SQUARE FOOT SIDEWALK AND PUBLIC ACCESS EASEMENT OUT OF LOT 1, BLOCK 1, OF THE D.A. YOUNG ADDITION, A SUBDIVISION RECORDED IN VOLUME U, PAGE 62 HAYS COUNTY PLAT RECORDS, AS CONVEYED TO COMANCHE A.S.H. ONE LTD BY DEED RECORDED IN VOLUME 5007, PAGE 743, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.)



### LEGEND

BL = BUILDING LINE  
 PL = PROPERTY LINE  
 MH = MANHOLE  
 FNC = FENCE  
 FND = FOUND  
 ROW = RIGHT OF WAY  
 I.R. = IRON ROD  
 I.P. = IRON PIPE  
 PUE = PUBLIC UTILITY ESMT.  
 UE = UTILITY EASEMENT  
 ESMT LINE

Nx°x'E xxx' SURVEY BOUNDARY CALLS  
 H.C.P.R. HAYS COUNTY PLAT RECORDS  
 O.P.R.H.C. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY

THIS EXHIBIT IS PREPARED WITH A METES & BOUNDS DESCRIPTION OF THE SAME DATE.

DATE: 10-27-2016  
 DRAWN BY: RPB  
 BEC-LIN JOB NO.: P-14-1024  
 BEARING BASIS: TXSC ZONE 4204



**TRI-TECH**  
**SURVEYING COMPANY, L.P.**

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