

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



70 2015 15036554

Instrument Number: 2015-15036554

As

Recorded On: November 16, 2015

OPR RECORDINGS

Parties: KYLE CITY OF

Billable Pages: 5

To CROSSWINDS MUNICIPAL UTILITY DISTRICT

Number of Pages: 6

Comment:

( Parties listed above are for Clerks reference only )

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

OPR RECORDINGS	42.00
Total Recording:	42.00

\*\*\*\*\* 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: 2015-15036554  
Receipt Number: 414005  
Recorded Date/Time: November 16, 2015 02:38:29P  
Book-Vol/Pg: BK-OPR VL-5375 PG-883  
User / Station: R Hatmaker - Cashiering #4

Record and Return To:

TRAVIS BAIRD  
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

**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.**

**UTILITY EASEMENT**

Bk Vol Pg  
15036554 OPR 5375 884

**THE STATE OF TEXAS**

§

**KNOW ALL MEN BY THESE PRESENTS**

**COUNTY OF HAYS**

§

§

THAT, the City of Kyle, a municipal corporation, hereinafter referred to as "Grantors", whether one or more, for and in consideration of the sum of ONE DOLLAR AND NO/100 (\$1.00) and other good and valuable consideration to Grantors in hand paid by the CROSSWINDS MUNICIPAL UTILITY DISTRICT, 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 CROSSWINDS MUNICIPAL UTILITY DISTRICT, situated in the County of Hays, a non-exclusive, permanent 30-foot wide utility easement for the construction, operation, inspection, maintenance, removal, replacement and repair of a waterline and wastewater line with appurtenances over, upon, across and under that certain 19.181-acre tract of land in Hays County, Texas, more particularly described in instrument recorded in Volume 3436, Page 415 of the Official Public Records of Hays County, Texas, and that certain 10.00-acre tract of land in Hays County, Texas, more particularly described in instrument recorded in Volume 3371, Page 721 of the Official Public Records of Hays County, Texas, save and except that 2.637 acre tract conveyed to Hays County in Volume 5192, Page 268 of the Official Public Records of Hays County, Texas.

Said UTILITY EASEMENT is more particularly described in attached Exhibit A.

It is expressly understood and agreed that this conveyance is made by Grantors and accepted by CROSSWINDS MUNICIPAL UTILITY DISTRICT subject to visible and apparent easements not appearing of record and all easements presently of record in the Official Public Records of Hays County, Texas that affect the property described in attached Exhibit A, but only to the extent that said items are still valid and in force and effect at this time.

TO HAVE AND TO HOLD the 30-foot wide utility easement perpetually to the CROSSWINDS MUNICIPAL UTILITY DISTRICT, 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 constructing, reconstructing and maintaining said utility lines, and for making connections thereto; all upon the following conditions being performed by the CROSSWINDS MUNICIPAL UTILITY DISTRICT.

Utility Easement  
City of Kyle to Crosswinds MUD

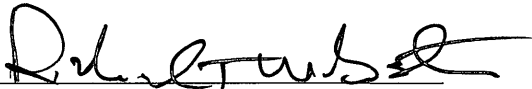
**Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.**

1. The CROSSWINDS MUNICIPAL UTILITY DISTRICT will at all times after doing any work in connection with the construction 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 City of Kyle has caused the execution of this instrument on this 6<sup>th</sup> day of November, 2015.

**GRANTOR:**

**City of Kyle, a municipal corporation**

BY: 

Name: R. Todd Webster

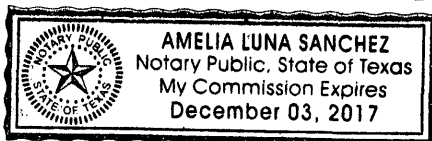
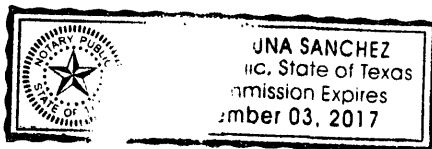
Title: Mayor of the City of Kyle

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**Acknowledgement**

State of Texas  
County of Hays

This instrument was acknowledged before me on November 6, 2015 by R. Todd Webster, in the capacity and for the purposes and consideration recited herein.



  
Notary Public's Signature

Utility Easement  
City of Kyle to Crosswinds MUD

0.927 ACRES  
FN 15-014  
21 OCT 2015

EXHIBIT A

CMA ENGINEERING, INC.  
SURVEY FIRM NO. 10193988  
1665/1666-001

**0.927 ACRES**

**FIELD NOTE DESCRIPTION OF 0.927 ACRES OF LAND, MORE OR LESS, OUT OF THE ELISHA PRUETT SURVEY, NO. 23, ABSTRACT NO. 376, HAYS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF THAT CERTAIN 10.00 ACRE TRACT CONVEYED TO THE CITY OF KYLE BY WARRANTY DEED RECORDED IN VOLUME 3371, PAGE 721, AND A PORTION OF THE REMAINDER OF THAT CERTAIN 19.181 ACRE TRACT CONVEYED TO THE CITY OF KYLE BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 3436, PAGE 415, BOTH OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 0.927 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a capped 1/2 inch iron rod [Chaparral] found for the southeast corner of the remainder of said 19.181 acre, southwest corner of the remainder of that certain 24.454 acre tract conveyed to Hays Consolidated Independent School District by General Warranty Deed recorded in Volume 2618, Page 466, Official Public Records of Hays County, Texas, and northeast corner of that certain 2.637 acre tract conveyed to Hays County by Deed recorded in Volume 5192, Page 268, Official Public Records of Hays County, Texas, for the **POINT OF BEGINNING** and southeast corner of the herein described tract;

**THENCE**, with the north line of said 2.637 acre tract and south lines of the remainders of said adjacent City of Kyle 19.181 acre and 10.00 acre tracts, the following four (4) courses:

- 1) **S 87°38'49" W**, a distance of **221.01 feet**, to a capped 1/2 inch iron rod [Chaparral] found,
- 2) along a non-tangent curve to the left, having a radius of 740.00 feet, an arc length of 856.08 feet, and a chord which bears **S 54°31'29" W**, a distance of **809.14 feet**, to a capped 1/2 inch iron rod [Chaparral] found,
- 3) **S 21°23'26" W**, a distance of **197.72 feet**, to a capped 1/2 inch iron rod [Chaparral] found,
- 4) along a non-tangent curve to the right, having a radius of 875.00 feet, an arc length of 59.07 feet, and a chord which bears **S 23°19'06" W**, a distance of **59.06 feet**, to a cotton spindle found for the northwest corner of said 2.637 acre tract, southwest corner of the remainder of said 10.00 acre tract, and southeast corner of the remainder of Lot 2, Silver Mills, a subdivision recorded in Volume 4, Page 45, Plat Records of Hays County, Texas;

**THENCE**, with southwest line of the remainder of said 10.00 acre tract and northeast line of the remainder of said Lot 2, **N 50°38'29" W**, a distance of **30.97 feet**, to a calculated point and northwest corner of the herein described tract;

**THENCE**, over and across the remainders of said adjacent City of Kyle 10.00 acre and 19.181 acre tracts, along the north line of the herein described tract, the following four (4) courses:

- 1) along a non-tangent curve to the left, having a radius of 845.00 feet, an arc length of 49.50 feet, and a chord which bears **N 23°03'45" E**, a distance of **49.49 feet**, to a calculated point,
- 2) **N 21°23'26" E**, a distance of **197.71 feet**, to a calculated point,
- 3) along a non-tangent curve to the right, having a radius of 770.00 feet, an arc length of 890.78 feet, and a chord which bears **N 54°31'28" E**, a distance of **841.93 feet**, to a calculated point, and
- 4) **N 87°38'49" E**, a distance of **220.95 feet**, to a calculated point in the east line of the remainder of said 19.181 tract and west line of the remainder of said 24.454 acre tract, for the northeast corner of the herein described tract;

0.927 ACRES  
FN 15-014  
21 OCT 2015

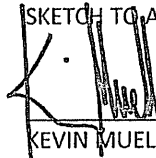
EXHIBIT A

CMA ENGINEERING, INC.  
SURVEY FIRM NO. 10193988  
1665/1666-001

**THENCE**, with the east line of the remainder of said 19.181 acre tract and the west line of the remainder of said 24.454 acre tract, **S 02°27'58" E**, a distance of **30.00 feet**, to the **POINT OF BEGINNING** containing 0.927 acres, more or less.

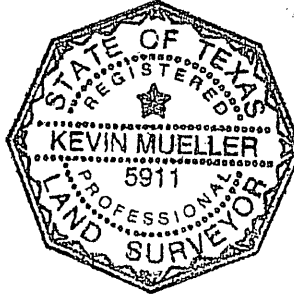
I, Kevin Mueller, do hereby certify that this description and associated sketch was prepared from a survey performed under my supervision during June of 2015, and is true and correct to the best of my knowledge.

SKETCH TO ACCOMPANY FIELD NOTES



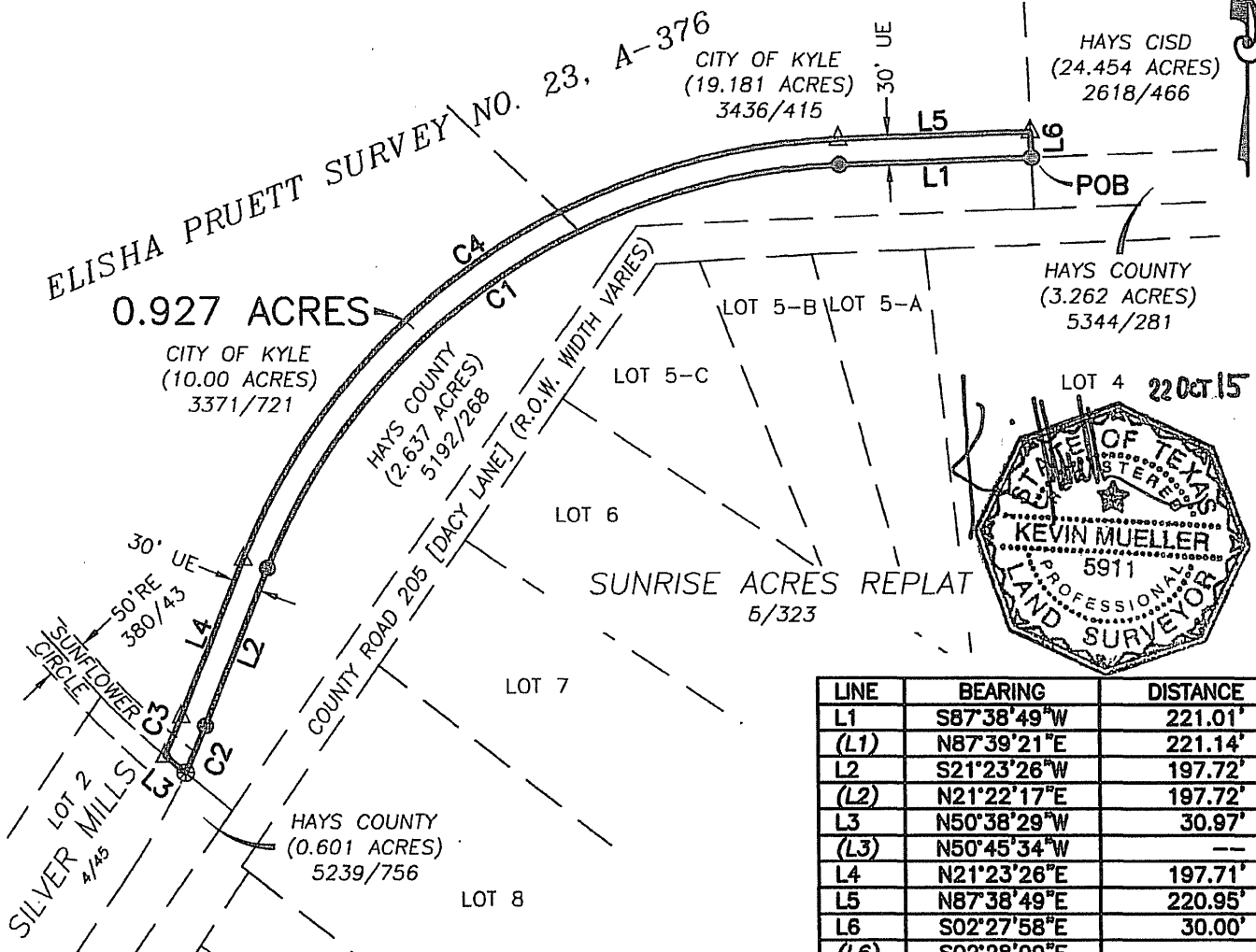
22 OCT 15

KEVIN MUELLER, RLS No. 5911  
CMA ENGINEERING, INC.  
235 LEDGE STONE DRIVE  
AUSTIN, TX 78737  
PHONE (512) 432-1000



DATE OF SURVEY: JUN 2015

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	740.00'	856.08'	S54°31'29"W	809.14'
(C1)	740.00'	856.09'	N54°30'49"E	809.15'
C2	875.00'	59.07'	S23°19'06"W	59.06'
(C2)	875.00'	59.03'	N23°18'14"E	59.02'
C3	845.00'	49.50'	N23°03'45"E	49.49'
C4	770.00'	890.78'	N54°31'28"E	841.93'



LINE	BEARING	DISTANCE
L1	S87°38'49"W	221.01'
(L1)	N87°39'21"E	221.14'
L2	S21°23'26"W	197.72'
(L2)	N21°22'17"E	197.72'
L3	N50°38'29"W	30.97'
(L3)	N50°45'34"W	---
L4	N21°23'26"E	197.71'
L5	N87°38'49"E	220.95'
L6	S02°27'58"E	30.00'
(L6)	S02°28'09"E	---

#### LEGEND

- 1/2" IRON ROD FOUND W/CAP [CHAPARRAL]
- ⊗ COTTON SPINDLE FOUND
- △ CALCULATED POINT
- UE UTILITY EASEMENT
- RE ROAD EASEMENT
- POB POINT OF BEGINNING
- ( ) RECORD INFORMATION

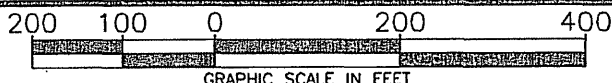
THIS SURVEY IS BEING RELEASED WITHOUT BENEFIT OF TITLE COMMITMENT AND DOES NOT NECESSARILY INDICATE ALL INCUMBRANCES ON THIS PROPERTY.

ORIENTATION - STATE PLANE (TXSC 4204); CSF=0.99990219  
ALL DISTANCES SHOWN HEREON ARE SURFACE VALUES

## CMA ENGINEERING, INC.

235 LEDGE STONE DRIVE  
AUSTIN, TEXAS 78737  
(512) 432-1000 Fax: (512) 432-1015  
Licensed Surveying Firm No. 10193988

SKETCH TO ACCOMPANY FIELD NOTES OF  
0.927 ACRES  
UTILITY EASEMENT  
HAYS COUNTY, TEXAS



JOB: 1665/1666-001

EXHIBIT: A

FN: 15-014

PAGE: 3 OF 3