

\*\*\*\* Electronically Filed Document \*\*\*\*

Hays County Texas  
Liz Q. Gonzalez  
County Clerk

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Parties:

Direct- OWEN JIMMY CHARLES  
Indirect- DEVELOPMENT SOLUTIONS CW LLC

Receipt Number: 424687  
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\*\*\*\*\* 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.

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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**

**THE STATE OF TEXAS**

§

**KNOW ALL MEN BY THESE PRESENTS**

§

**COUNTY OF HAYS**

§

THAT, Jimmy Charles Owen and Diane Louise Owen, aka Diana Louise Owen, of the County of Hays, State of Texas, hereinafter together with all successors and assigns referred to as "Grantors", whether one or more, for and in consideration of the sum of TEN DOLLARS and 00/100 Dollars (\$10.00) and other good and valuable consideration to Grantors in hand paid by Development Solutions CW, LLC, a Delaware limited liability company ("Grantee"), the receipt and sufficiency of which are 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 Grantee, 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 force main with appurtenances over, upon, across and under a portion of the remainder of Lot 2, Silver Mills, a subdivision recorded in Volume 4, Page 45 of the Plat Records of Hays County, Texas, including the right to relocate within the limits of said easement, and the right to remove from said lands all trees and parts thereof, or other obstructions which endanger or may interfere with the efficiency of said lines or their appurtenances.

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 Grantee 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 this time. Grantors represent and warrant to Grantee that Grantors (i) have the power and authority to grant the easement contained herein, and (ii) have good and indefeasible title in and to the property described in Exhibit A, subject only to the exceptions permitted herein.

TO HAVE AND TO HOLD the 30-foot wide utility easement perpetually to the Grantee, 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 Grantee:

1. Grantee 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, reasonable wear and tear excepted.

03-01247-35893

Grantee shall have the right to assign its rights, title and interest in and to the easement granted herein without Grantor's consent, which right shall run with the land.

Grantors shall not grant any easement rights that will unreasonably interfere with the rights granted hereunder.

IN WITNESS WHEREOF the said Jimmy Charles Owen and Diane Louise Owen  
aka Diana Louise Owen has caused the execution of this instrument on  
this 25 day of March, 2016.

GRANTORS:

Jimmy Charles Owen  
Jimmy Charles Owen

Diane Louise Owen  
Diane Louise Owen, aka Diana Louise Owen

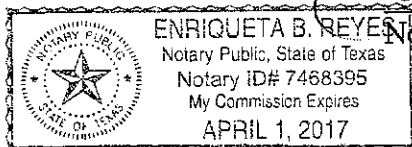
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**Acknowledgment**

State of Texas

County of Hays

This instrument was acknowledged before me on March 25, 2016 by  
Jimmy Charles Owen and Diane Louise Owen, aka Diana  
Louise Owen.



Enriqueta B. Reyes  
Notary Public's Signature

After Recording, Return to:

Lockwood, Andrews & Newnam, Inc.

8911 N. Capital of Texas Hwy, Bldg 2, Ste 2300

Austin, TX 78759

Utility Easement

Owen to Development Solutions CW, LLC

0.287 ACRES  
FN 15-016 OWEN  
23 OCT 2015

EXHIBIT A

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

**0.287 ACRES**

**FIELD NOTE DESCRIPTION OF 0.287 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 LOT 2, SILVER MILLS, A SUBDIVISION RECORDED IN VOLUME 4, PAGE 45, PLAT RECORDS OF HAYS COUNTY, TEXAS, SAID 0.287 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a cotton spindle found for the east corner of said remainder of Lot 2, south corner 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, Official Public Records of Hays County, Texas, and north corner of that certain 0.601 acre tract conveyed to Hays County by Deed recorded in Volume 5239, Page 756, Official Public Records of Hays County, Texas, for the **POINT OF BEGINNING**;

**THENCE**, with the southeast line of said remainder of Lot 2 and northwest line of said 0.601 acre tract the following three (3) courses:

- 1) along a non-tangent curve to the right, having a radius of 875.00 feet, an arc length of 132.42 feet, a chord bearing of **S 29°35'17" W**, and a chord distance of **132.30 feet** to a capped 1/2 inch iron rod [Chaparral] found,
- 2) **S 33°54'15" W**, a distance of **269.58 feet** to a capped 1/2 inch iron rod [Chaparral] found, and
- 3) **S 83°36'39" W**, a distance of **39.33 feet** to the west corner of the herein described tract, from which a capped 1/2 inch iron rod [Chaparral] found bears **S 83°36'39" W**, a distance of **11.10 feet**;

**THENCE**, over and across said remainder of Lot 2 the following two (2) courses:

- 1) **N 33°54'15" E**, a distance of **295.02 feet**, and
- 2) along a non-tangent curve to the left, having a radius of 845.00 feet, an arc length of 135.44 feet, a chord bearing of **N 29°19'56" E**, and a chord distance of **135.29 feet** to a calculated point in the northeast line of said remainder of Lot 2 and southwest line of the remainder of said 10.00 acre tract, for the north corner of the herein described tract;

**THENCE**, with said line, **S 50°38'29" E**, a distance of **30.97 feet** to the **POINT OF BEGINNING**, containing **0.287 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

23 Oct 15

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

DATE OF SURVEY: JUN 2015



