

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, Steven Bruce Thomas, Trustee of the Thomas Marital Trust and the Thomas Survivor's Trust, 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 NO/100 (\$10.00) and other good and valuable consideration to Grantors in hand paid by Crosswinds Municipal Utility District ("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 15-foot wide utility easement and a one-time temporary 20-foot wide construction easement for the construction, of a waterline and wastewater force main with appurtenances over, upon, across and under that certain 25 acre tract of land in Hays County, Texas, more particularly described in instrument recorded in Volume 3822, Pages 386 and 391, and Pages 363 and 366 of the Official Public 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 and TEMPORARY CONSTRUCTION EASEMENT are 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, including, but not limited to, that certain Easement Agreement for Access, effective January 15, 2015, filed of record as Document No. 2015-15002028 in the property records of Hays County, Texas, 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 easements 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, including, but not limited to, that certain Easement Agreement for Access, effective January 15, 2015, filed of record as Document No. 2015-15002028 in the property records of Hays County, Texas.

TO HAVE AND TO HOLD the 15-foot wide utility easement perpetually and the temporary 20-foot wide construction easement 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, which restoration shall be subject to the reasonable approval of the grantee under that certain Easement Agreement for Access, effective January 15, 2015, filed of record as Document No. 2015-15002028 in the property records of Hays County, Texas.
2. THE TEMPORARY 20-foot overlapping construction easement shall terminate within thirty (30) days of the completion of the construction of the waterline and wastewater force main with appurtenances.
3. Grantee hereby agrees that during construction of utilities in the easement area, it will construct the improvements in a manner such that there will always be unimpeded vehicular access over 15 feet lengthwise of the existing roadway on easement area, allowing ingress and egress from the public road to Grantor's business.

Grantee shall have the right to assign its rights, title and interest in and to the easements 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 Steven Bruce Thomas has caused the execution of this instrument on this 12 day of Dec, 2016.

GRANTORS:

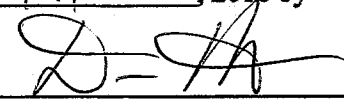
Steven Bruce Thomas, Trustee
of the Thomas Marital Trust
and the Thomas Survivor's Trust


Steven Bruce Thomas

Acknowledgment

State of Florida
County of Sevilla

This instrument was acknowledged before me on Dec. 12, 2016 by
Steven Bruce Thomas.


Notary Public's Signature

3680062.2 Thomas



Devin Miller
State of Florida
MY COMMISSION # FF 77759
Expires: December 18, 2017

After Recording, Return to:
Development Solutions CW, LLC
12222 Merit Drive, Suite 1020
Dallas, Texas 75251

0.169 ACRES
FN 15-021PT1 THOMAS
11 NOV 2015

EXHIBIT A

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

0.169 ACRES

FIELD NOTE DESCRIPTION OF 0.169 ACRES OF LAND, MORE OR LESS, OUT OF THE AUGUSTUS BRICHTA SURVEY, ABSTRACT NO. 517, AND THE JOHN STEWART LEAGUE, ABSTRACT NO. 14, HAYS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF THAT CERTAIN 25.001 ACRE TRACT CONVEYED TO THE THOMAS TRUST BY WARRANTY DEED RECORDED IN VOLUME 3822, PAGE 386 AND 391, BOTH OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS, SAID 0.169 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2 inch iron rod [Chaparral] found for the southwest corner of that certain 0.424 acre tract conveyed to County of Hays by General Warranty Deed recorded in Volume 3857, Page 1, Official Public Records of Hays County, Texas, and southeast corner of the remainder of said 25.001 acre tract, for the **POINT OF COMMENCEMENT**;

THENCE with the southwest line of the remainder of said 25.001 acre tract, N 61°06'33" W, a distance of 15.09 feet to the **POINT OF BEGINNING** and southeast corner of the herein described tract;

THENCE continuing with the southwest line of the remainder of said 25.001 acre tract, N 61°06'33" W, a distance of 15.06 feet;

THENCE over and across the remainder of said 25.001 acre tract, N 33°54'16" E, a distance of 490.75 feet to the northeast line of the remainder of said 25.001 acre tract;

THENCE with the northeast line of the remainder of said 25.001 acre tract, S 61°06'34" E, a distance of 15.06 feet, from which a 1/2 inch iron rod [Chaparral] found for the northeast corner of the remainder of said 25.001 tract bears S 61°06'34" E, a distance of 15.03 feet;

THENCE over and across the remainder of said 25.001 acre tract, S 33°54'16" W, a distance of 490.75 feet to the **POINT OF BEGINNING**, containing 0.169 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

DATE OF SURVEY: JUN 2015


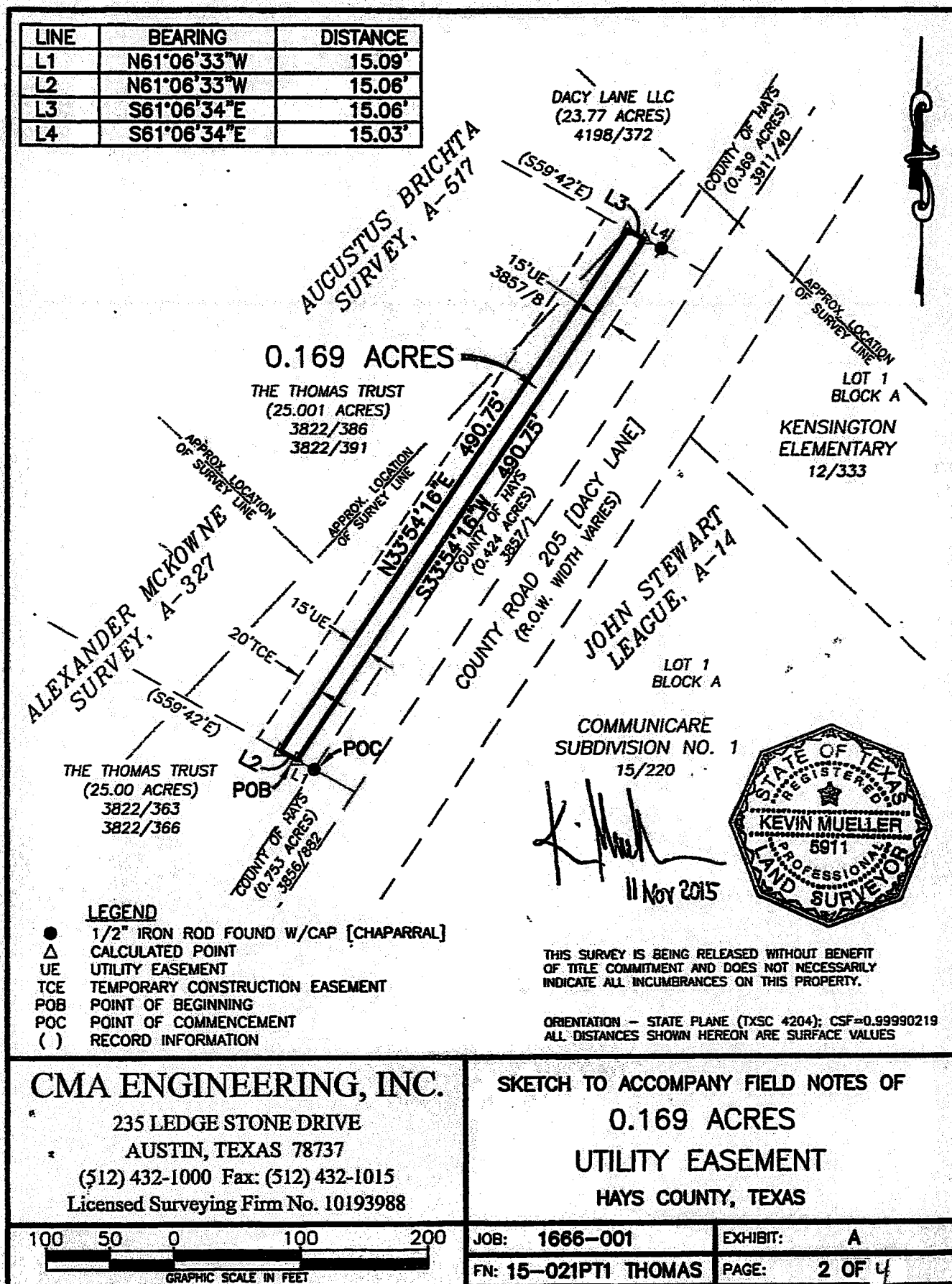

11 Nov 2015
KEVIN MUELLER, RPLS No. 5911
CMA ENGINEERING, INC.
235 LEDGE STONE DRIVE
AUSTIN, TX 78737
PHONE (512) 432-1000



EXHIBIT A



0.311 ACRES
FN 15-021PT2 THOMAS
11 NOV 2015

EXHIBIT A

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

0.311 ACRES

FIELD NOTE DESCRIPTION OF 0.311 ACRES OF LAND, MORE OR LESS, OUT OF THE JOHN STEWART LEAGUE, ABSTRACT NO. 14, HAYS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF THAT CERTAIN 25.00 ACRE TRACT CONVEYED TO THE THOMAS TRUST BY WARRANTY DEED RECORDED IN VOLUME 3822, PAGE 363 AND 366, BOTH OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS, SAID 0.311 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2 inch iron rod [Chaparral] found for the southwest corner of that certain 0.753 acre tract conveyed to County of Hays by General Warranty Deed recorded in Volume 3856, Page 882, Official Public Records of Hays County, Texas, and southeast corner of the remainder of said 25.00 acre tract for the **POINT OF COMMENCEMENT**;

THENCE with the southwest line of the remainder of said 25.00 acre tract, **N 54°33'02" W**, a distance of 15.06 feet to the **POINT OF BEGINNING** and southeast corner of the herein described tract;

THENCE continuing with the southwest line of the remainder of said 25.00 acre tract, **N 54°33'02" W**, a distance of 15.19 feet;

THENCE over and across the remainder of said 25.00 acre tract the following two courses:

- 1) along a non-tangent curve to the left, having a radius of 860.00 feet, an arc length of 158.77 feet, a chord bearing of **N 39°11'36" E**, and a chord distance of 158.55 feet to the point of tangency, and
- 2) **N 33°54'16" E**, a distance of 742.19 feet to the northeast line of the remainder of said 25.00 acre tract;

THENCE with the northeast line of the remainder of said 25.00 acre tract, **S 61°06'33" E**, a distance of 15.06 feet, from which a 1/2 inch iron rod [Chaparral] found for the northeast corner of the remainder of said 25.00 acre tract bears **S 61°06'33" E**, a distance of 15.09 feet;

THENCE over and across the remainder of said 25.00 acre tract the following two courses:

- 1) **S 33°54'16" W**, a distance of 743.51 feet to a point of curvature, and
- 2) along a curve to the right, having a radius of 875.00 feet, an arc length of 159.16 feet, a chord bearing of **S 39°06'55" W**, and a chord distance of 158.94 feet, to the **POINT OF BEGINNING**, containing 0.311 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


11 Nov 2015

KEVIN MUELLER, RPLS No. 5911
CMA ENGINEERING, INC.
235 LEDGE STONE DRIVE
AUSTIN, TX 78737

PHONE (512) 432-1000



DATE OF SURVEY: JUN 2015

EXHIBIT A

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	860.00'	158.77'	N39°11'36"E	158.55'
C2	875.00'	159.16'	S39°06'55"W	158.94'

LINE	BEARING	DISTANCE
L1	N54°33'02"W	15.06'
L2	N54°33'02"W	15.19'
L3	S61°06'33"E	15.06'
L4	S61°06'33"E	15.09'

ALEXANDER MCKOWNE
SURVEY, A-327

0.311 ACRES

THE THOMAS TRUST
(25.00 ACRES)
3822/363
3822/366

THE THOMAS TRUST
(25.001 ACRES)
3822/386
3822/391

COUNTY OF HAYS
(0.424 ACRES)
3857/1

LOT 1
BLOCK A

COMMUNICARE
SUBDIVISION NO. 1
15/220

ALTON J. FRANKE
(12.39 ACRES)
255/323

COUNTY OF HAYS
(1.324 ACRES)
3945/79

APPROX LOCATION
OF SURVEY LINE

15'UE
20'TCE

15'UE
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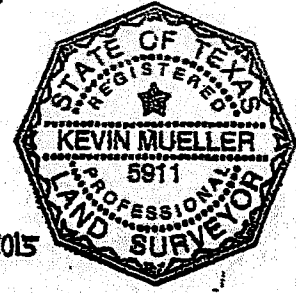
15'UE
20'TCE

15'UE
20'TCE

N33°54'16"E 742.19'
S33°54'16"W 743.51'
COUNTY ROAD 205 [DACY LANE]
(R.O.W. WIDTH VARIES)

DOWNING WAY
(80' ROW)

JOHN STEWART
LEAGUE, A-14



11 NOV 2015

LEGEND

- 1/2" IRON ROD FOUND W/CAP [CHAPARRAL]
- △ CALCULATED POINT
- UE UTILITY EASEMENT
- TCE TEMPORARY CONSTRUCTION EASEMENT
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- () 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

0.311 ACRES
UTILITY EASEMENT
HAYS COUNTY, TEXAS



JOB: 1666-001
FN: 15-021PT2 THOMAS

EXHIBIT: A
PAGE: 4 of 4

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