

**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, John Kimbro, 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 AND NO/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 and temporary 20-foot wide construction 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 that certain 30.458 acre tract of land in Hays County, Texas, more particularly described in instrument recorded in Volume 33317, Page 19 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, 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.

TO HAVE AND TO HOLD the 30-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.
2. THE TEMPORARY 20-foot overlapping construction easement shall terminate upon completion and acceptance by the Grantee.

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 John Kimbro has caused the execution of this instrument on this 19 day of April, 2017.

GRANTORS:

John Kimbro  
John Kimbro

**Acknowledgment**

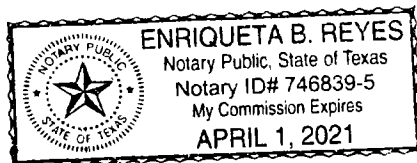
STATE OF TEXAS       §

§

COUNTY OF HAYS     §

§

This instrument was acknowledged before me on April 19, 2017 by John Kimbro.



[Signature]  
Notary Public in the State of Texas

After Recording, Return to:

Lockwood, Andrews & Newnam, Inc.  
8911 N. Capital of Texas Hwy  
Bldg 2, Ste. 2300  
Austin, Texas 78759

**EXHIBIT A**  
**LEGAL DESCRIPTION**

0.982 ACRES  
FN 15-019-KIMBRO  
9 NOV 2015

EXHIBIT A

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

**0.982 ACRES**

FIELD NOTE DESCRIPTION OF 0.982 ACRES OF LAND, MORE OR LESS, OUT OF THE JESSE B. EAVES SURVEY NO. 5, ABSTRACT NO. 166, JAMES L. GOFORTH SURVEY, ABSTRACT NO. 197, AND THE ELISHA PRUETT SURVEY, NO. 23, ABSTRACT NO. 376, HAYS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 30.458 ACRE TRACT CONVEYED TO JOHN KIMBRO AND JEAN PENICK SPILLAR BY GENERAL WARRANTY DEED RECORDED IN VOLUME 3317, PAGE 19, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 0.982 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch Iron pipe found for a re-entrant corner along the south line of said 30.458 acre tract, same being the northwest corner of that certain 5.491 acre tract conveyed to Jose Ayala and Anna Ayala by Special Warranty Deed recorded in Volume 3112, Page 673, Official Public Records of Hays County, Texas, for the POINT OF BEGINNING of the herein described tract;

THENCE over and across said 30.458 acre tract, S 88°29'02"W, a distance of 709.39 feet to the east right-of-way line of County Road 205, also known as Dacy Lane (right-of-way width varies);

THENCE with the west line of said 30.458 acre tract and east right-of-way line of said County Road, N 01°25'44" W, a distance of 30.00 feet;

THENCE leaving said right-of-way line, over and across said 30.458 acre tract, the following four (4) courses:


- 1) N 88°29'02" E, a distance of 704.99 feet,
- 2) N 71°56'19" E, a distance of 533.77 feet,
- 3) N 35°27'25" E, a distance of 173.93 feet, and
- 4) S 49°04'03" E, a distance of 30.14 feet to the southeast line of said 30.458 acre tract and northwest line of that certain 12.957 acre tract conveyed to Joseph P. Salmon by General Warranty Deed recorded in Volume 2016, Page 222, Official Public Records of Hays County, Texas, for the east corner of the herein described tract, from which a 5/8" iron pipe found in the southeast line of said 30.458 acre tract bears N 35°27'25" E, a distance of 241.64 feet;

THENCE with the southeast line of said 30.458 acre tract and northwest line of said 12.957 acre tract, S 35°27'25" W, at 30.14 feet passing a 1/2 inch Iron pipe found for the west corner of said 12.957 acre tract and north corner of that certain 7.44 acre tract conveyed to Leobardo Sanchez and Maria Sanchez by Warranty Deed recorded in Volume 732, Page 163, Real Property Records of Hays County, Texas, for a total distance of 180.94 feet;

THENCE with the southeast line of said 30.458 acre tract and northwest line of said 7.44 acre tract, S 71°56'19"W, at 398.05 feet passing a 1/2 inch Iron rod found for the west corner of said 7.44 acres and northeast corner of said 5.491 acre tract, for a total distance of 548.02 feet to the POINT OF BEGINNING, containing 0.982 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

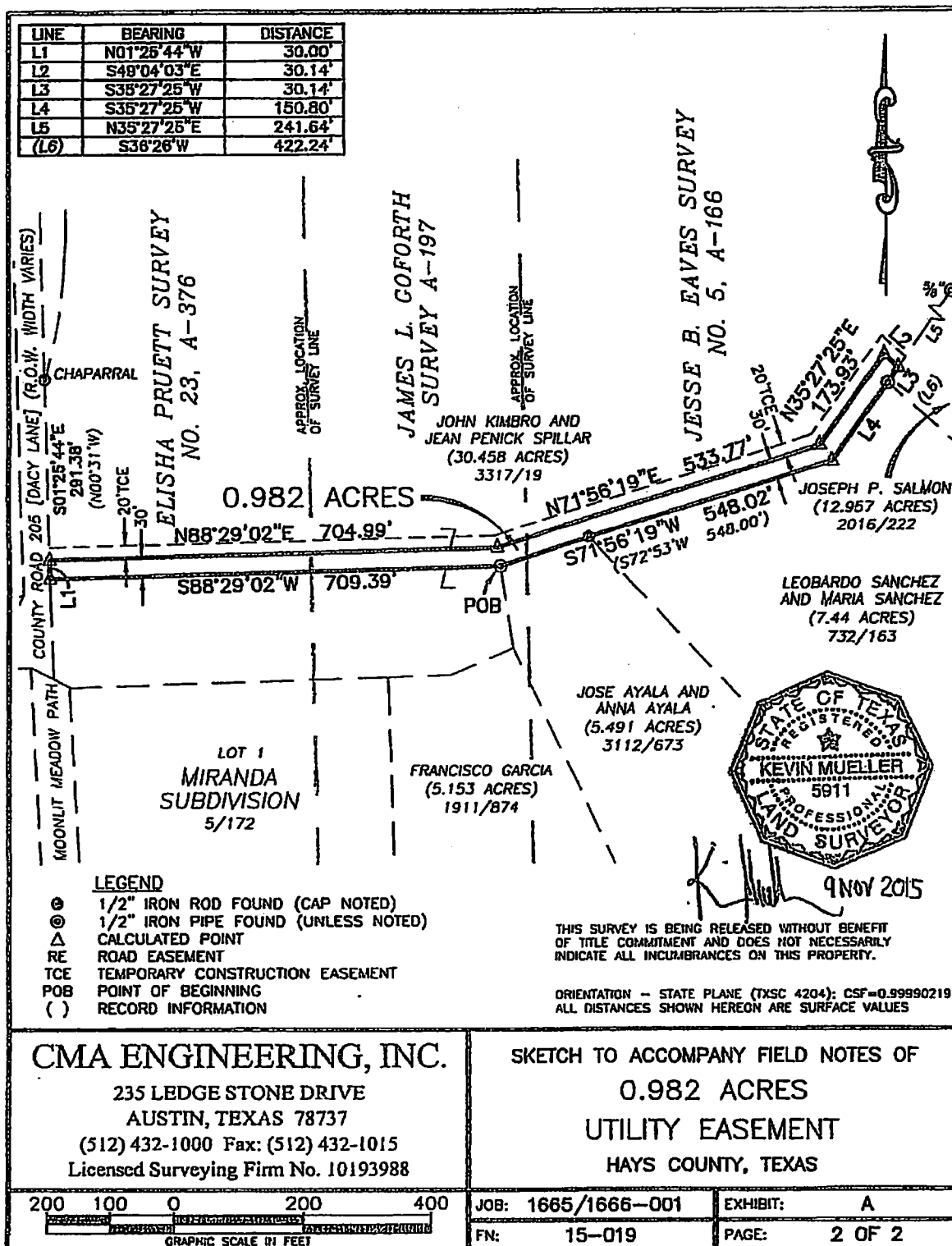
  
9 Nov 2015  
KEVIN MUELLER, RPLS No. 5911  
CMA ENGINEERING, INC.  
235 LEDGE STONE DRIVE  
AUSTIN, TX 78737

PHONE (512) 432-1000



DATE OF SURVEY: JUN 2015

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Utility Easement  
 John Kimbro to Crosswinds MUD  
 3130632.2

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