

NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

WASTEWATER LINES EASEMENT

Date: _____, 2021

Grantor: MAJESTIC KYLE, LLC, a Delaware limited liability company

Grantor's Address: 13191 Crossroads Parkway North, 6th Floor
Industry, Los Angeles County, California 91746-3497

City: CITY OF KYLE, TEXAS, situated in Hays County, Texas

City's Address: 100 W. Center Street
Kyle, Hays County, Texas 78640

Easement Tract: All that parcel of land situated in Hays County, Texas,
described in the attached Exhibit A

Easement Duration: Perpetual

Easement Purpose: To access, install, construct, operate, use, maintain, repair,
modify, upgrade, monitor, inspect, replace, make connections
with, remove, and decommission the Facilities

Facilities: Wastewater lines with all associated appurtenances

Permitted Encumbrances: Any easements, liens, encumbrances, and other matters not
subordinated to the Easement Tract and of record in the Real
Property Records of the Texas county in which the Easement
Tract is located that are valid, existing, and affect the Easement
Tract as of the Date

Repairable Improvements: Irrigation systems which are installed perpendicular to the Facilities, asphalt or concrete walkways, driveways, parking areas, and access roads at grade level, and barbed-wire, chain-link, or wooden fences which are installed parallel to the Facilities that do not interfere in any material way or are not inconsistent with the rights granted the City under this Easement for the Easement Purpose as determined by the City in its reasonable discretion

Grantor, for **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration paid to Grantor, the receipt and sufficiency of which is acknowledged by Grantor, **GRANTS, SELLS, AND CONVEYS** to the City a non-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 interfere in any material way or are inconsistent with the rights granted the City under this instrument for the Easement Purpose as determined by the City in its reasonable discretion, 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, but in no event shall Grantor enter upon or use any portion of the Easement Tract in any 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. City shall be obligated to restore or replace to a good and functioning condition as determined by the City in its reasonable discretion only the Repairable Improvements which have been removed, relocated, altered, damaged, or destroyed as a result of City's use of 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.

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Executed effective the Date first above stated.

MAJESTIC KYLE, LLC,
a Delaware limited liability company

By: Majestic Realty Co.,
a California corporation,
Manager's Agent

By: 
Name: _____
Title: **EDWARD P. ROSKI, JR.**
President and Chairman of the Board

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

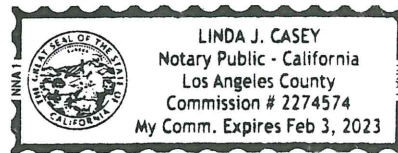
STATE OF CALIFORNIA §
 §
COUNTY OF LOS ANGELES §

On February 2, 2021 before me, Linda J. Casey, Notary Public, personally appeared Edward P. Roski, Jr., who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Linda J. Casey
Notary Public



CITY OF KYLE, TEXAS,
a municipal corporation and political subdivision of
the State of Texas

By: _____
Name: _____
Title: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the ____ day of _____, 2021, by _____ of the City of Kyle, a municipal corporation and political subdivision of the State of Texas, for and on behalf of said city.

[NOTARY SEAL]

Notary Public, State of Texas

15-FOOT PRIVATE SANITARY SEWER EASEMENT

Part of Lot 2A, Block 1
Majestic Industrial Park
Replat of Lots 2 & 3
Jesse Day Survey, Abstract No. 159,
Jesse Day Survey, Abstract No. 152
City of Kyle, Hays County, Texas

DESCRIPTION, of a 7,283 square foot (0.167 acre) tract of land situated in the Jesse Day Survey, Abstract No. 159, Jesse Day Survey, Abstract No. 152, Hays County, Texas; said tract being part of Lot 2A, Block 1 Majestic Industrial Park Replat of Lots 2 & 3, an addition to the City of Kyle, Texas according to the plat recorded in Instrument No. 20027536 of the Official Public Records of Hays County, Texas; said tract also being part of that certain tract of land described in Special Warranty Deed to Majestic Kyle, LLC. recorded in Instrument No. 18025706 of the Deed Records of Hays County, Texas; said 7,283 square foot tract being more particularly described as follows (Bearing basis for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas South Central Zone 4204. Distances reported have been scaled by applying the Hays County TxDOT surface adjustment factor of 1.000130000.)

COMMENCING, at a 1/2-inch iron rod found for corner at the southwest corner of Lot 3A, Block 1 of said Majestic Industrial Park Replat of Lots 2 & 3, and a southeast corner of that certain tract of land described in Deed without Warranty to Mountain Plum, Ltd. Recorded in Volume 2297, Pg. 139 of said Deed Records;

THENCE, North 04 degrees, 37 minutes, 34 seconds East, along the west line of said Lot 3A and the east line of said Mountain Plum tract, a distance of 4.04 feet to a point for corner;

THENCE, departing the said west line of Lot 3A and the said east line of Mountain Plum tract, and into and across said Lot 3A, the following two (2) calls:

North 44 degrees, 21 minutes, 24 seconds East, a distance of 276.56 feet to a point for corner;

North 45 degrees, 40 minutes, 53 seconds East, at a distance of 39.63 feet to the **POINT OF BEGINNING**; said point being a point for corner on the east line of said Lot 3A and the west line of said Lot 2A;

THENCE, North 04 degrees, 29 minutes, 35 seconds West, along the said east line of Lot 3A and the said west line of Lot 2A and the said southwest line of Lot 2A, a distance of 19.53 feet to a point for corner;

THENCE, departing the said east line of Lot 3A, said west line of Lot 2A, and into and across said Lot 2A, the following two (2) calls:

North 45 degrees, 40 minutes, 53 seconds West, a distance of 166.55 feet to a point for corner;

North 23 degrees, 08 minutes, 39 seconds East, a distance of 309.68 feet to a point for corner, in the northeast line of said Lot 2A and the southwest line of Lot 1, Majestic Industrial Park, an addition to the City of Kyle, Texas according to the plat recorded in Instrument No. 18025013 of said Official Public Records;

15-FOOT PRIVATE SANITARY SEWER EASEMENT

(Continued)

THENCE, South 67 degrees, 21 minutes, 37 seconds East, along the said northeast line of Lot 2A and the said southwest line of Lot 1, a distance of 15.00 feet to a point for corner;

THENCE, departing the said northeast line of Lot 2A, the said southwest line of Lot 1, and into and across said Lot 2A, the following two (2) calls:


South 23 degrees, 08 minutes, 39 seconds West, a distance of 312.80 feet to a point for corner;

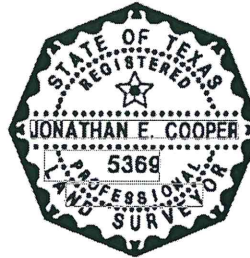
South 45 degrees, 40 minutes, 53 seconds West, at a distance of 182.05 feet to **POINT OF BEGINNING**;

CONTAINING: 7,283 square feet or 0.167 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.

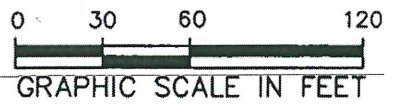
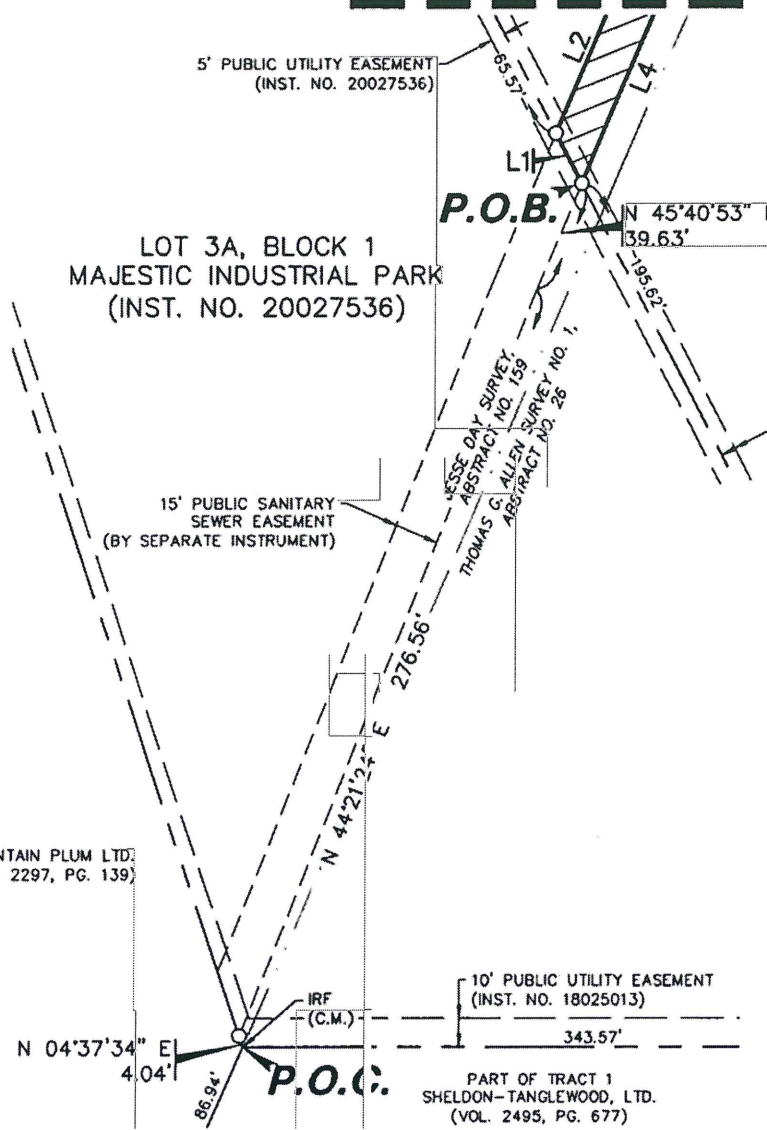
	12-21-2020
Jonathan E. Cooper	Date
Registered Professional Land Surveyor No. 5369	
Pacheco Koch Consulting Engineers, Inc.	
7557 Rambler Road, Suite 1400, Dallas TX 75231	
(972) 235-3031	
TX Reg. Surveying Firm LS-10008000	



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MATCH LINE (SEE PAGE 4)



LOT 3A, BLOCK 1
 MAJESTIC INDUSTRIAL PARK
 (INST. NO. 20027536)

LOT 2A, BLOCK 1
 MAJESTIC INDUSTRIAL PARK
 (INST. NO. 20027536)

MAJESTIC KYLE, LLC
 (INST. NO. 18025706)

5' PUBLIC UTILITY EASEMENT
 (INST. NO. 20027536)

15' PUBLIC SANITARY
 SEWER EASEMENT
 (BY SEPARATE INSTRUMENT)

MOUNTAIN PLUM LTD;
 (VOL. 2297, PG. 139)

10' PUBLIC UTILITY EASEMENT
 (INST. NO. 18025013)

PART OF TRACT 1
 SHELDON-TANGLEWOOD, LTD.
 (VOL. 2495, PG. 677)

LINE TABLE

LINE	BEARING	LENGTH
L1	N 04°29'35" W	19.53'
L2	N 45°40'53" E	166.55'
L3	S 67°21'37" E	15.00'
L4	S 45°40'53" W	182.05'

LEGEND

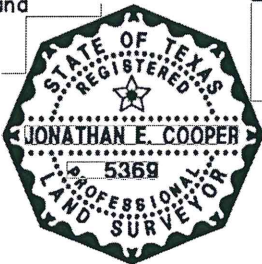
	PROPERTY LINE
	ABSTRACT LINE
	PROPOSED EASEMENT LINE
	PROPOSED EASEMENT (BY SEPARATE INSTRUMENT)
	EXISTING EASEMENT LINE
	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
	(C.M.) - CONTROLLING MONUMENT
	IRF 1/2-INCH IRON ROD FOUND
	IRF 5/8-INCH IRON ROD
	"PK" W/"PACHECO KOCH" CAP FOUND
	P.O.C - POINT OF COMMENCING
	P.O.B - POINT OF BEGINNING

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (Adjustment Realization 2011), Texas South Central Zone (4204). Distances shown have been scaled by applying the Hays County TxDOT surface combined factor of 1.000130000.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement tract described.

Jonathan E. Cooper
 Registered Professional Land Surveyor No. 5369
 Date 12-21-2020



**15-FOOT PRIVATE
 SANITARY SEWER
 EASEMENT**

PART OF LOT 2A, BLOCK 1
 MAJESTIC INDUSTRIAL PARK
 REPLAT OF LOTS 2 & 3
 JESSE DAY SURVEY, ABSTRACT NO. 159,
 JESSE DAY SURVEY, ABSTRACT NO. 152,
 CITY OF KYLE, HAYS COUNTY, TEXAS
 PAGE 3 OF 4



7557 RAMBLER ROAD SUITE 1400
 DALLAS, TX 75231 972.235.3031
 TX REG. ENGINEERING FIRM F-469
 TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
JMC	MWW/JEC	1"=60'	DEC. 2020	4385-20.136

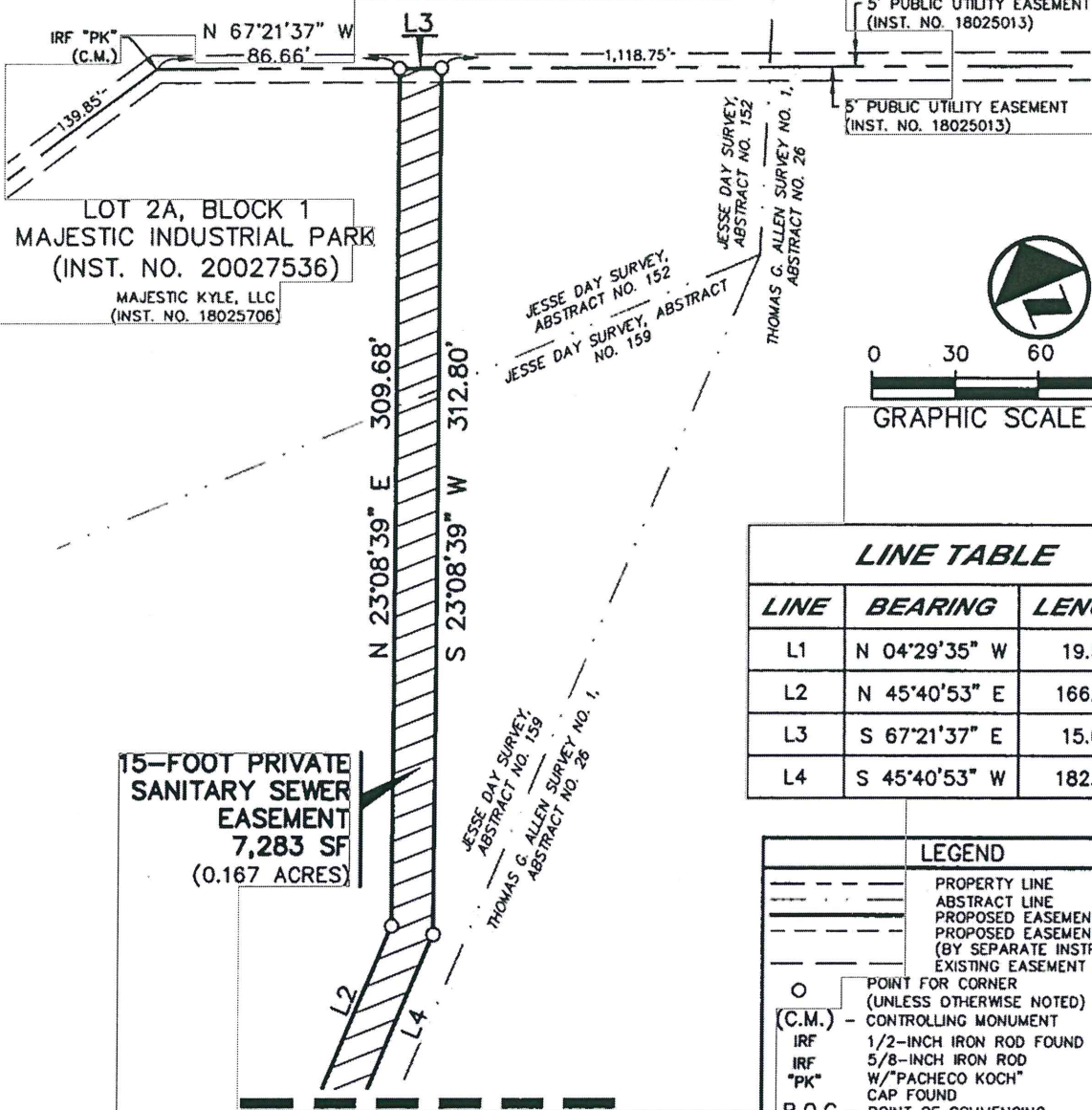
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**LOT 1
MAJESTIC INDUSTRIAL PARK
(INST. NO. 18025013)**

MAJESTIC KYLE LLC
(INST. NO. 18025706)



5' PUBLIC UTILITY EASEMENT
(INST. NO. 18025013)

5' PUBLIC UTILITY EASEMENT
(INST. NO. 18025013)

**LOT 2A, BLOCK 1
MAJESTIC INDUSTRIAL PARK
(INST. NO. 20027536)**

MAJESTIC KYLE, LLC
(INST. NO. 18025706)



0 30 60 120

GRAPHIC SCALE IN FEET

LINE TABLE

LINE	BEARING	LENGTH
L1	N 04°29'35" W	19.53'
L2	N 45°40'53" E	166.55'
L3	S 67°21'37" E	15.00'
L4	S 45°40'53" W	182.05'

LEGEND

	PROPERTY LINE
	ABSTRACT LINE
	PROPOSED EASEMENT LINE
	PROPOSED EASEMENT (BY SEPARATE INSTRUMENT)
	EXISTING EASEMENT LINE
	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
	(C.M.) - CONTROLLING MONUMENT
	IRF 1/2-INCH IRON ROD FOUND
	IRF 5/8-INCH IRON ROD
	"PK" W/"PACHECO KOCH" CAP FOUND
	P.O.C - POINT OF COMMENCING
	P.O.B - POINT OF BEGINNING

**15-FOOT PRIVATE
SANITARY SEWER
EASEMENT
7,283 SF
(0.167 ACRES)**

MATCH LINE (SEE PAGE 3)

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (Adjustment Realization 2011), Texas South Central Zone (4204). Distances shown have been scaled by applying the Hays County TxDOT surface combined factor of 1.000130000.



7557 RAMBLER ROAD SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-489
TX REG. SURVEYING FIRM LS-10008000

**15-FOOT PRIVATE
SANITARY SEWER
EASEMENT**

PART OF LOT 2A, BLOCK 1
MAJESTIC INDUSTRIAL PARK
REPLAT OF LOTS 2 & 3
JESSE DAY SURVEY, ABSTRACT NO. 159,
JESSE DAY SURVEY, ABSTRACT NO. 152,
CITY OF KYLE, HAYS COUNTY, TEXAS
PAGE 4 OF 4

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
JMC	MWW/JEC	1"=60'	NOV. 2020	4385-20.136

15-FOOT PUBLIC SANITARY SEWER EASEMENT

Part of Lots 2A & 3A, Block 1
Majestic Industrial Park
Replat of Lots 2 & 3
Jesse Day Survey, Abstract No. 159,
Jesse Day Survey, Abstract No. 152
City of Kyle, Hays County, Texas

DESCRIPTION, of a 4,704 square foot (0.108 acre) tract of land situated in the Jesse Day Survey, Abstract No. 159 and the Jesse Day Survey, Abstract No. 152 Hays County, Texas; said tract being part of Lot 3A, Block 1 Majestic Industrial Park Replat of Lots 2 & 3, an addition to the City of Kyle, Texas according to the plat recorded in Instrument No. 20027536 of the Official Public Records of Hays County, Texas; said tract also being part of that certain tract of land described in Special Warranty Deed to Majestic Kyle, LLC. recorded in Instrument No. 18025706 of the Deed Records of Hays County, Texas; said 4,704 square foot tract being more particularly described as follows (Bearing basis for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas South Central Zone 4204. Distances reported have been scaled by applying the Hays County TxDOT surface adjustment factor of 1.000130000.):

COMMENCING, at a 1/2-inch iron rod found for corner at the southwest corner of said Lot 3A and a southeast corner of that certain tract of land described in Deed without Warranty to Mountain Plum, Ltd. Recorded in Volume 2297, Pg. 139 of said Deed Records;

THENCE, North 04 degrees, 37 minutes, 34 seconds East, along the west line of said Lot 3A and the east line of said Mountain Plum tract, a distance of 4.04 feet to the **POINT OF BEGINNING**; said point being a point for corner;

THENCE, North 04 degrees, 37 minutes, 34 seconds East, along the said west line of Lot 3A and the said east line of Mountain Plum tract, a distance of 23.47 feet to a point for corner;

THENCE, departing the said west line of Lot 3A and the said east line of Mountain Plum tract, and into and across said Lot 3A, the following two (2) calls:

North 44 degrees, 21 minutes, 24 seconds East, a distance of 258.68 feet to a point for corner;

North 45 degrees, 40 minutes, 53 seconds East, a distance of 52.32 feet to a point for corner, said point being the east line of said Lot 3A and the west line of Lot 2A, Block 1 of said plat;

THENCE, South 04 degrees, 29 minutes, 35 seconds East, along the said northeast line of Lot 3A and the said southwest line of Lot 2A, a distance of 19.53 feet to a point for corner;

THENCE, departing the said northeast line of Lot 3A and the said southwest line of Lot 2A, and into and across said Lot 3A, the following two (2) calls:

South 45 degrees, 40 minutes, 53 seconds West, at a distance of 39.63 feet to a point for corner;


15-FOOT PRIVATE SANITARY SEWER EASEMENT
(Continued)

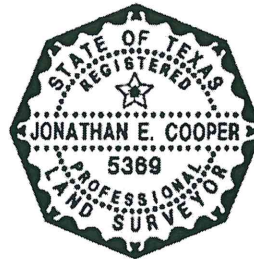
South 44 degrees, 21 minutes, 24 seconds West, a distance of 276.56 feet to the **POINT OF BEGINNING;**

CONTAINING: 4,704 square feet or 0.108 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

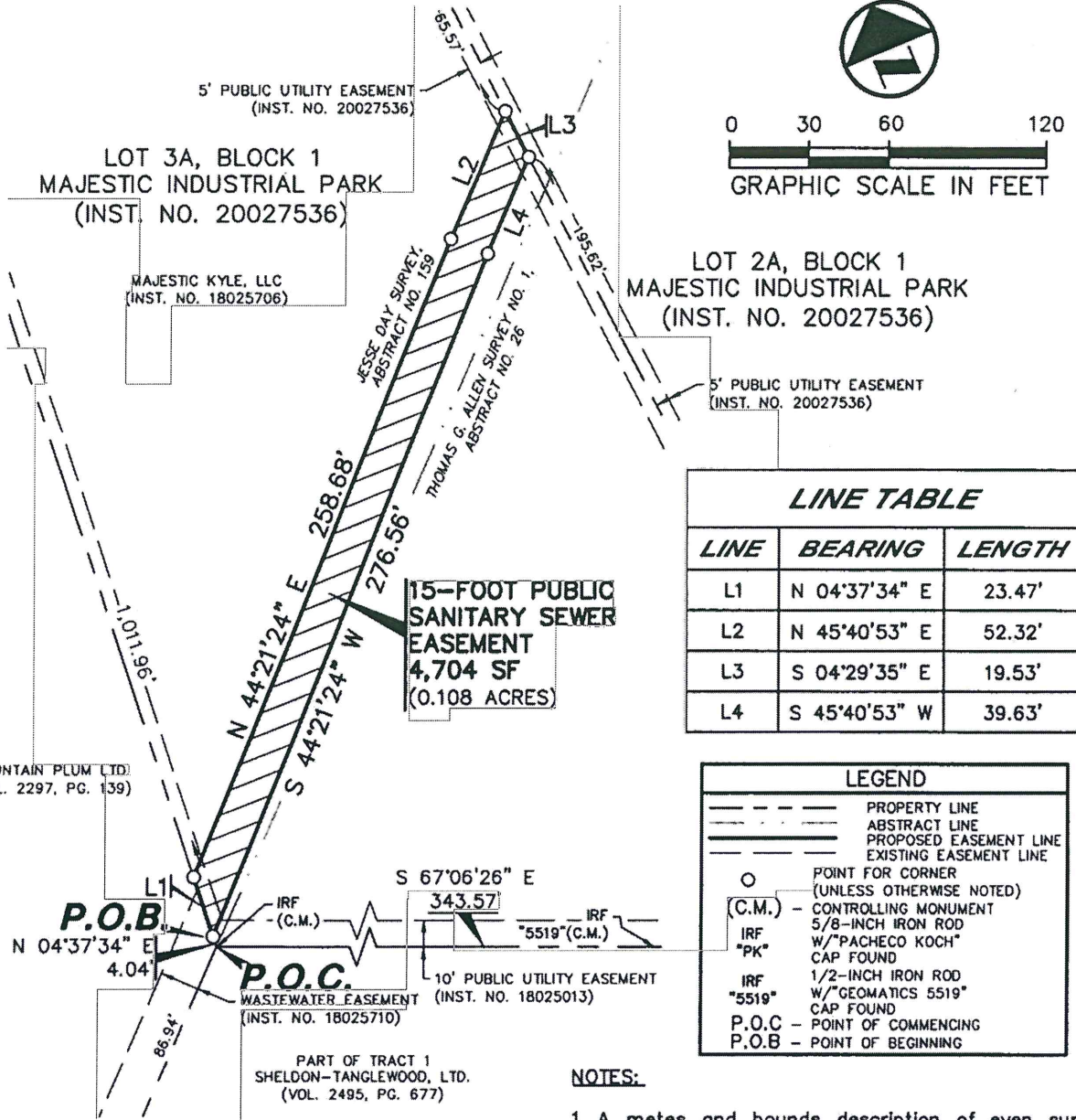
The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.


Jonathan E. Cooper
12-21-2020
Date
Registered Professional Land Surveyor No. 5369
Pacheco Koch Consulting Engineers, Inc.
7557 Rambler Road, Suite 1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10008000



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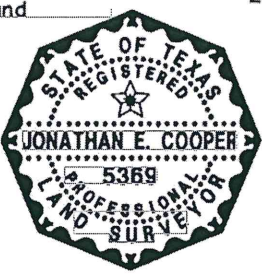
LINE TABLE		
LINE	BEARING	LENGTH
L1	N 04°37'34" E	23.47'
L2	N 45°40'53" E	52.32'
L3	S 04°29'35" E	19.53'
L4	S 45°40'53" W	39.63'

LEGEND	
---	PROPERTY LINE
---	ABSTRACT LINE
---	PROPOSED EASEMENT LINE
---	EXISTING EASEMENT LINE
○	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	CONTROLLING MONUMENT
IRF	5/8-INCH IRON ROD
"PK"	W/"PACHECO KOCH" CAP FOUND
IRF	1/2-INCH IRON ROD
"5519"	W/"GEOMATICS 5519" CAP FOUND
P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING

- NOTES:**
1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
 2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (Adjustment Realization 2011), Texas South Central Zone (4204). Distances shown have been scaled by applying the Hays County TxDOT surface combined factor of 1.000130000.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement tract described.

[Signature]
 Jonathan E. Cooper
 Registered Professional Land Surveyor No. 5369
 Date: 12-21-2020



15-FOOT PUBLIC SANITARY SEWER EASEMENT
 PART OF LOT AND 3A, BLOCK 1
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 CITY OF KYLE, HAYS COUNTY, TEXAS
 PAGE 3 OF 3

Pacheco Koch
 7557 RAMBLER ROAD SUITE 1400
 DALLAS, TX 75231 972.235.3031
 TX REG. ENGINEERING FIRM F-469
 TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
JMC	MWW/JEC	1"=60'	DEC. 2020	4385-20.136