

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.

CITY OF SAN MARCOS PUBLIC WASTEWATER UTILITY EASEMENT

Date: _____

Grantor: BKCK LTD., a Texas limited liability partnership

Grantor's Address: 5802 N. Navarro, Suite 100, Victoria, Texas 77904

Grantee: City of San Marcos, Texas, a home rule municipal corporation

Grantee's Address: 630 East Hopkins Street, San Marcos, Hays County, Texas 78666

Consideration: Ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged.

Easement Area: A 0.4945 of an acre (21,541 square feet) tract of land, being a 20 foot wide Sewer Easement, over and across the William H. Vanhorn Survey, Abstract No. 464, situated in the City of San Marcos, Hays County, Texas, over and across Lot 2, Block A, San Marcos Toyota Subdivision, a plat of record in Volume 9, Page 155-156, recorded March 13, 2000, in the Plat Records of Hays County, Texas also called Tract 1, as conveyed to BKCK LTD. of record in Document No. 20009852, dated March 2, 2020, recorded March 13, 2020 of the Deed Records of Hays County, Texas and being more particularly described by metes and bounds in Exhibit "A," attached hereto and made a part hereof for all purposes.

Grant of Easement:

Grantor, for the Consideration, grants, sells and conveys to the Grantee a perpetual non-exclusive easement and right-of-way within, across, through and over the Easement Area for the purposes of constructing, laying, installing, reconstructing, replacing, repairing, operating and maintaining (all at Grantee's sole cost and expense) one or more wastewater lines, and valves, manholes, connections, controls, monitoring devices, and other associated equipment and appurtenances (the "Public Wastewater Facilities"), together with a right of ingress and egress at all times to, across, over and within the Easement Area for these purposes, to have and to hold this easement to Grantee and Grantee's successors or assigns forever. All Public Wastewater Facilities shall be installed a minimum of 6 feet from the edge of Grantor's anticipated concrete/paved parking and at a minimum depth as to not conflict with the driveway/bridge as shown in Exhibit B and incorporated herein by reference as to ensure there are no Public Wastewater Facilities located under such parking lot area. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend this easement and the rights and premises granted herein to Grantee and Grantee's successors and assigns against every person whomever lawfully claiming or to claim the same or any part thereof.

Except as provided herein, Grantor covenants for itself and its successors and assigns, not to place or maintain any building, structure, or any other obstruction on or within the Easement Area, or to use the surface of the Easement Area for any purpose that would interfere with or prevent the use by Grantee of the Easement Area for the purposes set forth herein without the consent of Grantee. Except for those structures/obstructions permitted herein, Grantee shall have the right to remove any building, structure or other improvements in the Easement Area to which it has not consented. Notwithstanding the foregoing, Grantor, its successor and assigns is expressly permitted to construct, install, reconstruct, replace, repair, operate and maintain a concrete bridge and any associated footings, columns, piers, pilings and/or approaches (the "Bridge") within, across, through and over the Easement Area. The Bridge is to provide pedestrian and vehicular traffic over and upon the drainage channel located adjacent the Easement Area. The approximate location of the Bridge is identified on Exhibit B.

Except for structures/obstructions expressly permitted herein, Grantee shall have the right to cut, trim, and control the growth of trees and other vegetation and to remove or alleviate other such obstructions on and in the Easement Area without payment to the Grantor, which interferes with or threatens the operation and maintenance of the Public Wastewater Facilities.

Grantor acknowledges that any and all Public Wastewater Facilities in the Easement Area shall remain the property of Grantee.

Grantor acknowledges that this easement may be freely assigned, in whole or in part, by Grantee.

Nothing contained herein shall be construed as creating any rights in any third parties. Nothing contained herein shall be interpreted or construed to create a public dedication of the easement granted herein. It is understood and agreed that this agreement is an easement only and in no way grants or conveys any part of the underlying fee simple estate of any lands owned by Grantor.

Grantor expressly subordinates all rights of surface use of the Easement Area, subject to any reservations of the mineral estate, or other reservations, of record, to the above-described uses of said surface by Grantee and agrees to any lien holder subordinations as may be requested by Grantee.

If any clause, sentence, paragraph or article of this easement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such determination shall not be deemed to impair, invalidate, or nullify the remainder of this Agreement if the easement can be given effect without the invalid portion. To this extent, the provisions of this easement are declared to be severable.

When the context requires, singular nouns and pronouns include the plural.

This easement may be executed in multiple counterparts or by legible electronic copy, each of which shall constitute an original, but all of which, taken together, shall constitute one and the same agreement.

Grantee is signing below to evidence its acceptance of and agreement to all of the terms and provisions hereof.

GRANTOR: BKCK LTD., a Texas limited partnership

By: Keat LLC, a Texas limited liability company, General Partner

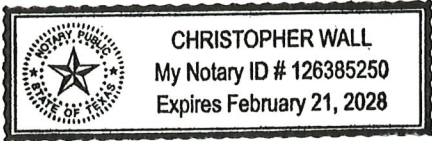
Ben Keating
By: Benjamin Keating, Manager

THE STATE OF TEXAS §
 §
COUNTY OF VICTORIA §

This instrument was acknowledged before me on JUNE 24, 2024 by Benjamin Keating, Manager of Keat LLC, a Texas limited liability company, General Partner of BKCK LTD., a Texas limited partnership in such capacity on behalf of said entity.

Christopher Wall

Notary Public, State of Texas



*REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.
ADDITIONAL SIGNATURE(S) ON FOLLOWING PAGE.*

GRANTEE: City of San Marcos, Texas, a home rule municipal corporation

City Manager, Stephanie Reyes

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on _____, by Stephanie Reyes, City Manager of the City of San Marcos, Texas in such capacity, on behalf of the said municipal corporation.

Notary Public, State of Texas

After recording, return to:

City of San Marcos
630 East Hopkins Street
San Marcos, Texas 78666

EXHIBIT "A"

Description of Easement Area
(next page)

**DESCRIPTION FOR
A 0.4945 OF AN ACRE TRACT
(20' WIDE SEWER EASEMENT)**

A 0.4945 of an acre (21,541 square feet) tract of land, being a 20 foot wide Sewer Easement, over and across the William H Vanhorn Survey, Abstract No. 464, situated in the City of San Marcos, Hays County, Texas, over and across Lot 2, Block A, San Marcos Toyota Subdivision, a plat of record in Volume 9 Pages 155-156, recorded March 31, 2000 in the Plat Records of Hays County, Texas, also called Tract 1, as conveyed to BRCK LTD of record in Document No. 20009852, recorded March 13, 2020 of the Deed Records of Hays County, Texas (DR) and being more particularly described by metes and bounds as follows:

BEGINNING at a set ½" iron rod with a Yellow Plastic Cap Stamped "KFW EASEMENT" (from hereon called KFW-E) in the southeast right-of-way line of Interstate Highway No. 35, a variable width right-of-way, and the northwest line of said Lot 2, for the northwest corner of the easement described herein, from which a found ½" iron rod with a Plastic Cap Stamped "BRYN" for the common corner of Lot 2 and a 14.86 acre tract as conveyed to Kimberley Gunnarson of record in Volume 3281 Page 47 (DR) bears, S 43°32'52" W, a distance of 265.07 feet;

THENCE: N 43°32'52" E, along and with the common line of Interstate Highway No. 35 and Lot 2, a distance of 20.00 feet to a SET KFW, for the northeast corner of the easement described herein;

THENCE: over and across Lot 2 the following eight (8) courses:

1. S 46°27'08" E, a distance of 30.83 feet to a SET KFW-E, for an angle point of the easement described herein,
2. S 37°00'10" E, a distance of 658.28 feet to SET KFW-E, for an angle point of the easement described herein,
3. S 06°12'49" E, a distance of 155.91 feet to a SET-KFW-E, for an interior angle point of the easement described herein,
4. S 31°00'43" E, a distance of 49.16 feet to a SET-KFW-E, for an interior corner of the easement described herein,
5. N 43°40'00" E, a distance of 7.79 feet to a SET-KFW-E, for an easterly exterior corner of the easement described herein,
6. S 46°17'15" E, a distance of 20.00 feet to a SET-KFW-E, for an easterly exterior corner of the easement described herein,

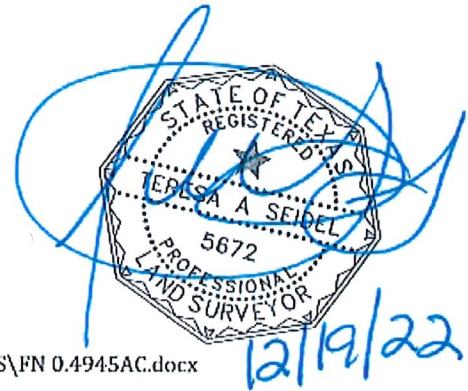
7. **S 43°40'00" W**, a distance of **13.25 feet** to a SET-KFW-E, for an interior corner of the easement described herein,
8. **S 31°00'43" E**, a distance of **145.61 feet** to SET KFW-E in the common line of Lot 2 and the remaining portion of a 56.228 acre tract as conveyed to JMC Realty LP of record in Volume 1662 Page 628 (DR), for the southeast corner of the easement described herein, from which a found ½" iron rod with a Plastic Cap Stamped "HMT" in the southwest right-of-way line of Posey Road, a 40 foot wide right-of-way, for the common corner of the remaining portion of the 56.288 acre tract and a 2.571 acre tract, called Tract 2, conveyed to BRCK LTD of record in Document No. 20009852 (DR) bears, N 43°33'04" E, a distance of 985.16 feet;

THENCE: S 43°33'04" W, along and with the common line of Lot 2 and the remaining portion of the 56.228 acre tract, a distance of **20.99 feet** to a SET KFW-E for the southwest corner of the easement described herein, from which found ½" iron rod in the northeast line of a 417.630 acre tract as conveyed to Highpointe Trace LLC of record in Document No. 16010858 (DR), for the common corner of Lot 2 and the remaining portion of the 56.288 acre tract bears, S43°33'04" W, a distance of 2.60 feet;

THENCE: over and across Lot 2 the following four (4) courses:

1. **N 31°10'13" W**, a distance of **223.65 feet** to a SET KFW-E, for an angle point of the easement described herein,
2. **N 06°12'49" W**, a distance of **156.84 feet** to a SET KFW-E, for an interior angle point of the easement described herein,
3. **N 37°00'10" W**, a distance of **651.12 feet** to a SET KFW-E, for an interior angle point of the easement described herein, and
4. **N 46°27'08" W**, a distance of **29.17 feet** to the **POINT OF BEGINNING** and containing **0.4945 of an acre** (21,541 square feet), situated in the City of San Marcos, Hays County, Texas. Said tract being described in accordance with an exhibit prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane South Central Zone.

Job No.: 19-115
Prepared by: KFW Surveying
Date: April 29, 2022
Revised: December 19, 2022
File: S:\Draw 2019\19-115 Posey Road Detention Project\DOCS\FN 0.4945AC.docx



April 29, 2022

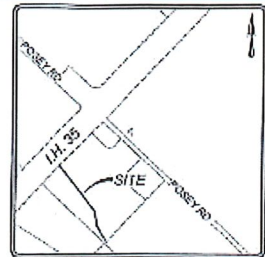
Page 2 of 4

NOTES:

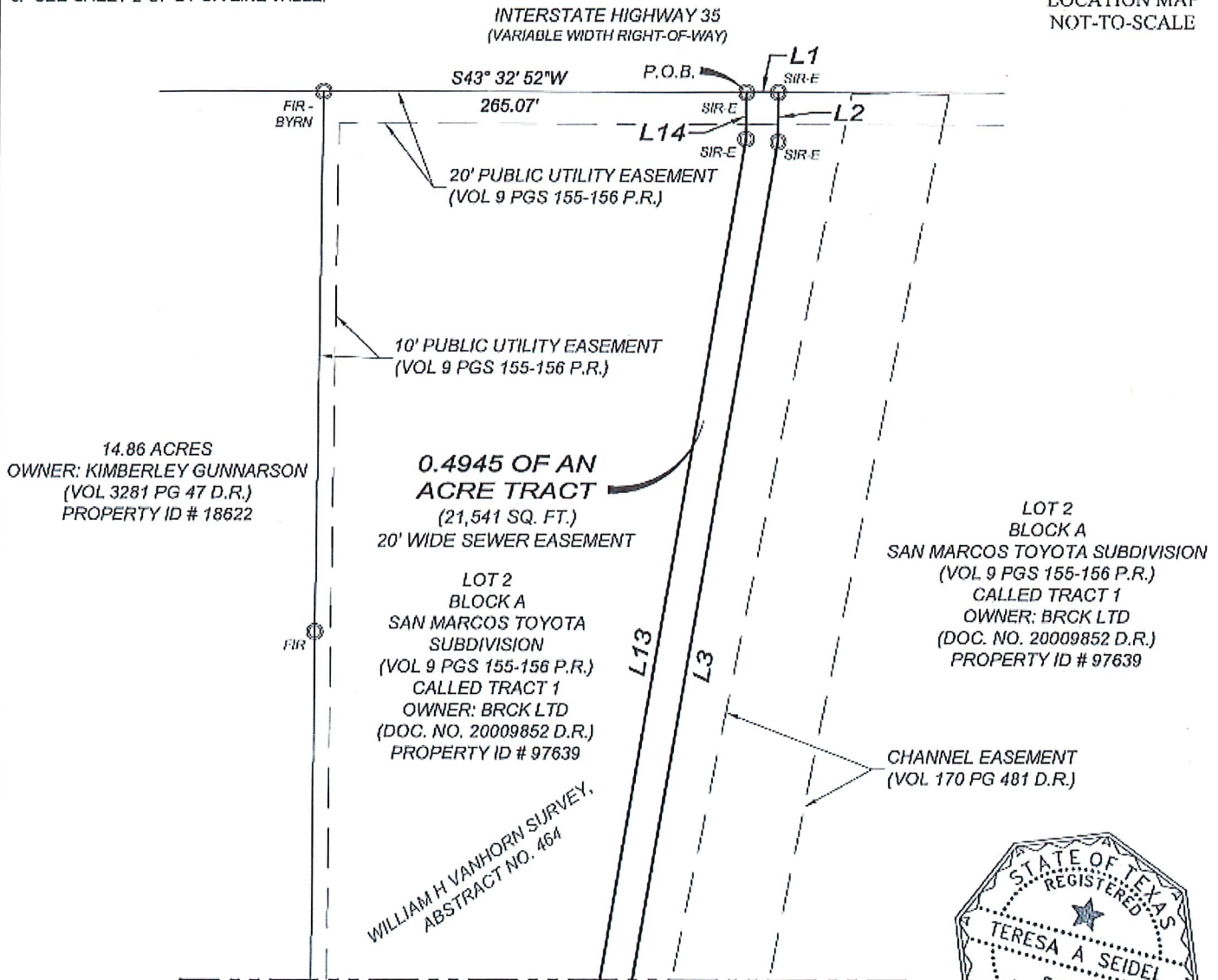
1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
2. THE TRACT SHOWN HEREON IS SUBJECT TO ALL CITY OF SAN MARCOS AND HAYS COUNTY ORDINANCES AND RESTRICTIONS.
3. METES AND BOUNDS WERE PREPARED FOR THIS EXHIBIT.
4. SET IRON PINS ARE 1/2" DIAMETER REBAR WITH A YELLOW CAP STAMPED "KFW EASEMENT".
5. ADJOINERS SHOWN HEREON ARE PER CURRENT HAYS COUNTY APPRAISAL DISTRICT RECORDS AND OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.
6. SEE SHEET 2 OF 2 FOR LINE TABLE.



SCALE: 1"=100'



LOCATION MAP NOT-TO-SCALE



SYMBOL LEGEND

MATCHLINE
SEE SHEET 2 OF 2

- FIR FOUND 1/2" IRON ROD OR AS NOTED
- SIR-E SET 1/2" IRON ROD WITH A YELLOW CAP STAMPED "KFW EASEMENT"
- D.R. DEED RECORDS OF HAYS COUNTY, TEXAS
- P.R. PLAT RECORDS OF HAYS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING



Teresa A. Seidel
TERESA A. SEIDEL
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 5672
 EMAIL: TSEIDEL@KFWENGINEERS.COM
 DATE OF SURVEY: 04/29/2022
 REVISED: 11/03/2022, 12/19/2022
 PROJECT NO.: 19-115

ANY COMPLAINTS REGARDING THE SERVICES YOU HAVE RECEIVED CAN BE DIRECTED TO THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS (TPE&LS) 1917 S. INTERSTATE 35, AUSTIN, TEXAS, 78747 PHONE: 512-445-7123, FAX: 512-445-1414 - EMAIL: INFO@PELS.TEXAS.GOV



has joined Collins Engineering & Design
 TEL: 714 931-1177 / 707 467-1177 / FAX: 714 931-1177

EXHIBIT "A" OF

A 0.4945 OF AN ACRE TRACT, BEING A 20' WIDE SEWER EASEMENT, SITUATED IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

REVISIONS:
 REMOVE PROPOSED EASEMENT
 ADD ADJOINING EASEMENTS

ISSUE DATE:
 11/03/2022
 12/19/2022

JOB NO. 19-115
 DATE: 04/29/2022
 DRAWN: J30

DESIGNER: TAS
 CHECKED: TAS



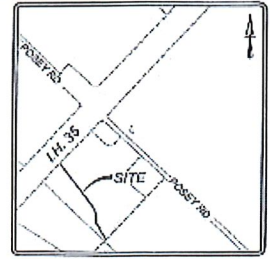
SHEET: 3 OF 4

NOTES:

1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
2. THE TRACT SHOWN HEREON IS SUBJECT TO ALL CITY OF SAN MARCOS AND HAYS COUNTY ORDINANCES AND RESTRICTIONS.
3. METES AND BOUNDS WERE PREPARED FOR THIS EXHIBIT.
4. SET IRON PINS ARE 1/2" DIAMETER REBAR WITH A YELLOW CAP STAMPED "KFW EASEMENT".
5. ADJOINERS SHOWN HEREON ARE PER CURRENT HAYS COUNTY APPRAISAL DISTRICT RECORDS AND OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

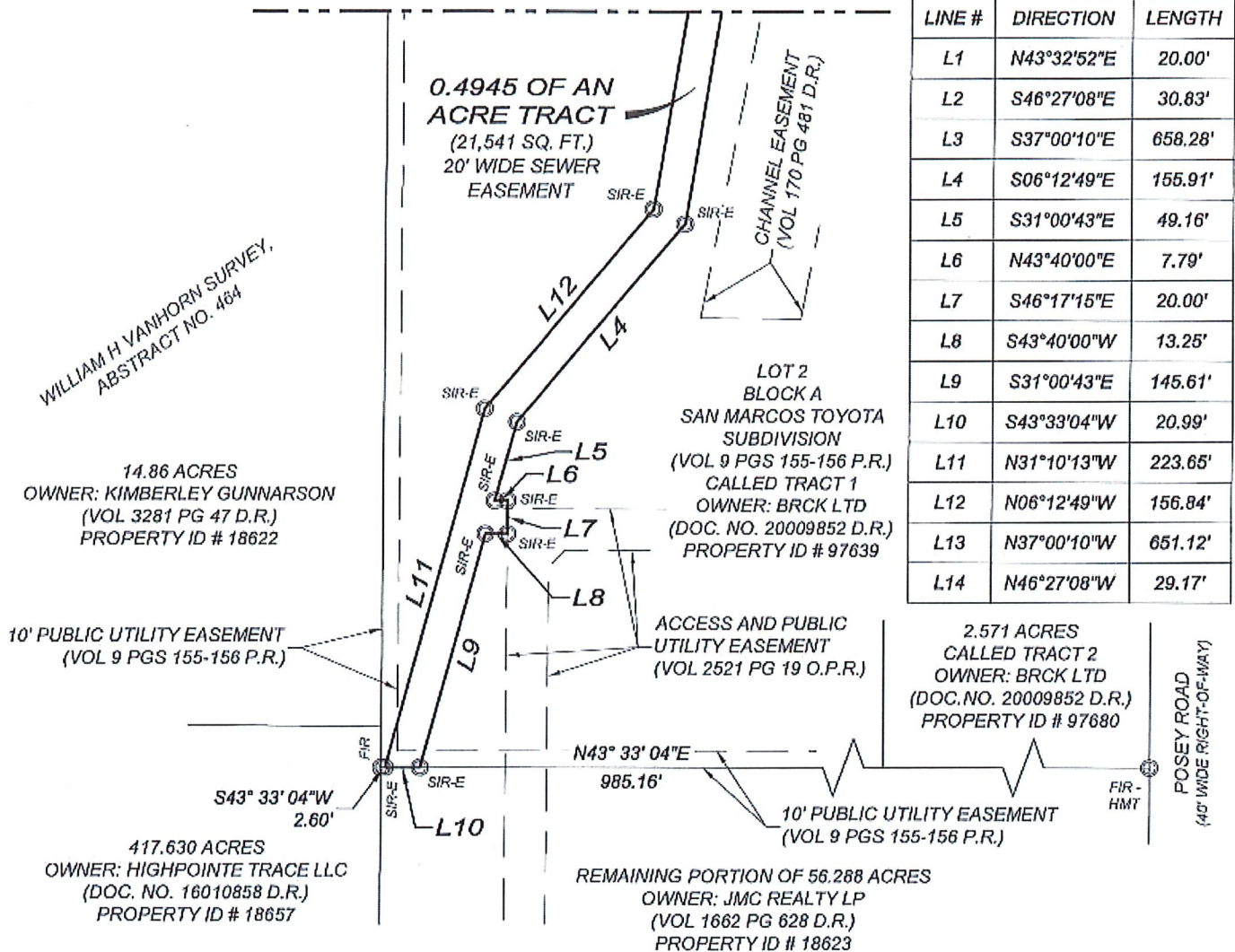


SCALE: 1"=100'



LOCATION MAP NOT-TO-SCALE

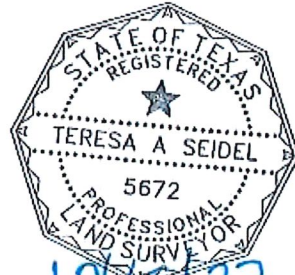
MATCHLINE
SEE SHEET 1 OF 2



Line Table		
LINE #	DIRECTION	LENGTH
L1	N43°32'52"E	20.00'
L2	S46°27'08"E	30.83'
L3	S37°00'10"E	658.28'
L4	S06°12'49"E	155.91'
L5	S31°00'43"E	49.16'
L6	N43°40'00"E	7.79'
L7	S46°17'15"E	20.00'
L8	S43°40'00"W	13.25'
L9	S31°00'43"E	145.61'
L10	S43°33'04"W	20.99'
L11	N31°10'13"W	223.65'
L12	N06°12'49"W	156.84'
L13	N37°00'10"W	651.12'
L14	N46°27'08"W	29.17'

SYMBOL LEGEND

- FIR FOUND 1/2" IRON ROD OR AS NOTED
- SIR-E SET 1/2" IRON ROD WITH A YELLOW CAP STAMPED "KFW EASEMENT"
- D.R. DEED RECORDS OF HAYS COUNTY, TEXAS
- P.R. PLAT RECORDS OF HAYS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING



[Signature]
 TERESA A. SEIDEL
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 5672
 EMAIL: TSEIDEL@KFWENGINEERS.COM
 DATE OF SURVEY: 04/29/2022
 REVISED: 11/03/2022, 12/19/2022
 PROJECT NO.: 19-115

ANY COMPLAINTS REGARDING THE SERVICES YOU HAVE RECEIVED CAN BE DIRECTED TO:
 THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS (TBPELS)
 1977 S UTENSHUTE ST, AUSTIN, TEXAS 78747
 PHONE: 612-445-7228, FAX: 612-442-1414, EMAIL: TBPELS@REGS.TEXAS.GOV



EXHIBIT "A" OF
 A 0.4945 OF AN ACRE TRACT, BEING A 20' WIDE SEWER
 EASEMENT, SITUATED IN THE CITY OF SAN MARCOS,
 HAYS COUNTY, TEXAS

REVISIONS: REMOVE PROPOSED ESMT ADD ADJOINING EASMS	ISSUE DATE: 11/03/2022 12/19/2022
JOB NO: 19-115	DESIGNER: JSD
DATE: 04/29/2022	TAX: JAS
DRAWN: JSD	DATE: 12/19/2022

SHEET: 4 OF 4

Date: 11/15/2022 7:28am User: th. jason File: S:\Draw 2019\19-115 Posey Road Orientation Project.dwg

EXHIBIT "B"
Description of Easement Area
(next page)

EXHIBIT "B"

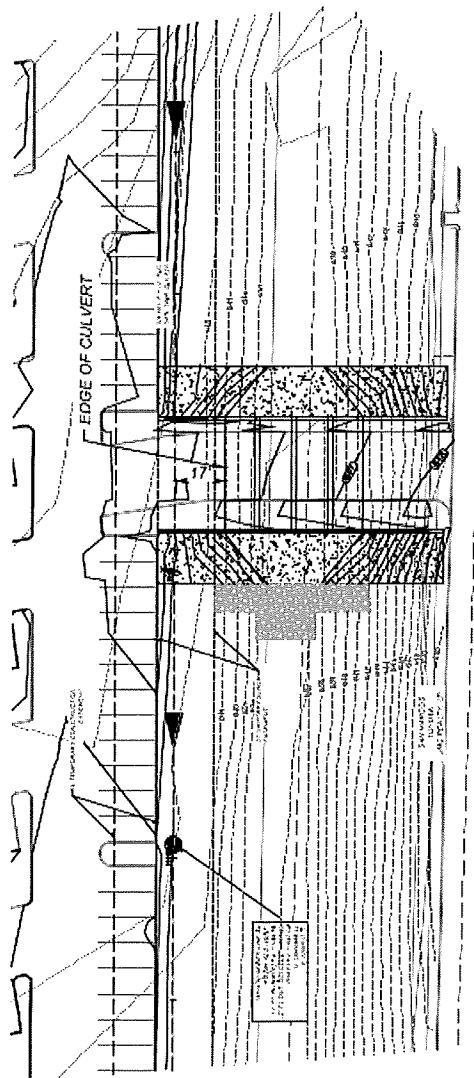


LEGEND

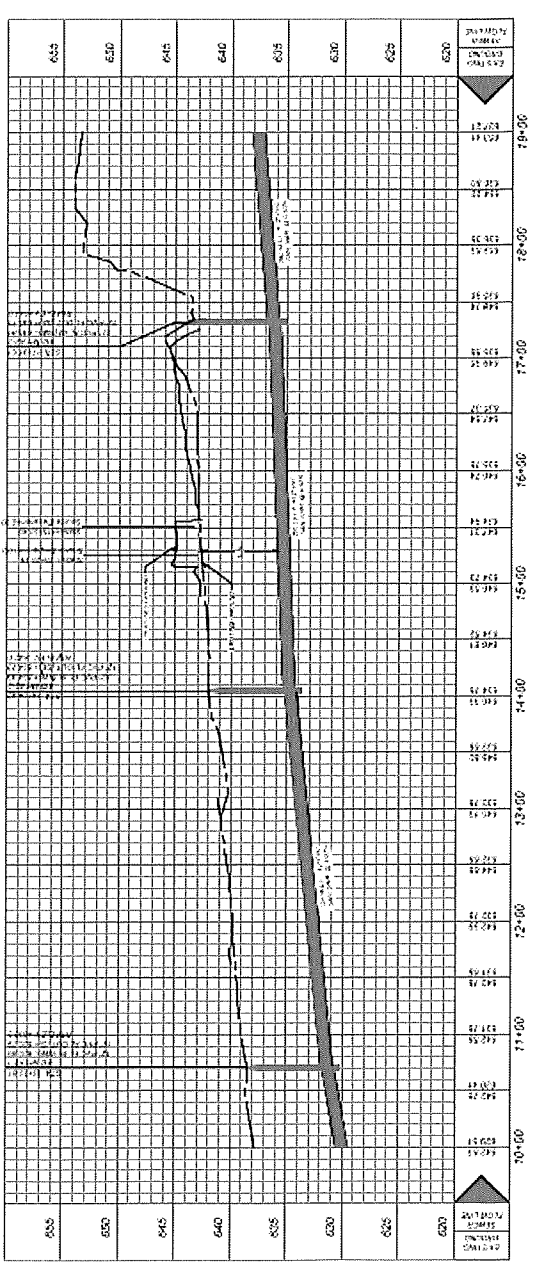
- PROPOSED SEWER LINES
- EXISTING SEWER LINES
- EXISTING SANITARY LINES
- EXISTING WATER LINES
- EXISTING GAS LINES
- EXISTING TELEPHONE LINES
- EXISTING CABLE LINES
- EXISTING ELECTRIC LINES
- EXISTING LIGHTNING RODS
- EXISTING UTILITY LOCATIONS
- EXISTING ERECTIONS
- EXISTING FOUNDATIONS
- EXISTING CONCRETE
- EXISTING BRICK
- EXISTING MASONRY
- EXISTING WOOD
- EXISTING METAL
- EXISTING GLASS
- EXISTING PLASTER
- EXISTING STUCCO
- EXISTING PAINT
- EXISTING ROOFING
- EXISTING FLOORING
- EXISTING CEILING
- EXISTING WALLS
- EXISTING DOORS
- EXISTING WINDOWS
- EXISTING PORCHES
- EXISTING PATIOS
- EXISTING DRIVeways
- EXISTING SIDEWALKS
- EXISTING CURBS
- EXISTING STREETS
- EXISTING ALLEYS
- EXISTING RIGHTS-OF-WAY
- EXISTING EASEMENTS
- EXISTING ENCROACHMENTS
- EXISTING OBSTRUCTIONS
- EXISTING HAZARDOUS MATERIALS
- EXISTING POLLUTANTS
- EXISTING CONTAMINANTS
- EXISTING RESTRICTIONS
- EXISTING REGULATIONS
- EXISTING STANDARDS
- EXISTING CODES
- EXISTING ORDINANCES
- EXISTING DECREES
- EXISTING STATUTES
- EXISTING CONSTITUTIONS
- EXISTING TREATIES
- EXISTING AGREEMENTS
- EXISTING CONTRACTS
- EXISTING COVENANTS
- EXISTING EASEMENTS
- EXISTING ENCUMBRANCES
- EXISTING LIENS
- EXISTING TAXES
- EXISTING FEES
- EXISTING FINES
- EXISTING PENALTIES
- EXISTING DAMAGES
- EXISTING COSTS
- EXISTING EXPENSES
- EXISTING REVENUES
- EXISTING PROFITS
- EXISTING LOSSES
- EXISTING GAINS
- EXISTING INTERESTS
- EXISTING RIGHTS
- EXISTING POWERS
- EXISTING PRIVILEGES
- EXISTING IMMUNITIES
- EXISTING EXEMPTIONS
- EXISTING DEFERMENTS
- EXISTING EXCUSES
- EXISTING EXCUSES
- EXISTING EXCUSES

7002 COUNTY RD. 19
SAN MARCOS, TEXAS 78666
TEL. (512) 395-1100
FAX (512) 395-1101
WWW.KRW.COM

**POSEY ROAD SEWER EXTENSION
SAN MARCOS, TEXAS
TOYOTA FUTURE DRIVE EXHIBIT**



HORIZ. SCALE: 1" = 20'
VERT. SCALE: 1" = 5'



7002 COUNTY RD. 19
SAN MARCOS, TEXAS 78666
TEL. (512) 395-1100
FAX (512) 395-1101
WWW.KRW.COM

POSEY ROAD SEWER EXTENSION
SAN MARCOS, TEXAS
TOYOTA FUTURE DRIVE EXHIBIT

PERMIT SET

SHEET NUMBER
EX