

**A METES AND BOUNDS  
DESCRIPTION OF A  
63.578 ACRE TRACT OF LAND**

**BEING** a 63.578 acre (2,769,448 square feet) tract of land situated in the A.M. Esnaurizar Survey, aka A. M. Esnanrizar Survey, Abstract No. 6, Hays County, Texas, and being a portion of the A.M. Esnaurizar Eleven League Grant Subdivision 149, plat of which is recorded in Volume 34, Page 303, Deed Records Comal County, and containing all of that certain tract 50.00 acre Tract A, and a portion of that certain 50.00 acre Tract B, both described in instrument to Donald W. Tuff and Germaine Tuff in Volume 312, Page 837, Deed Records Hays County, and Volume 802, Page 397, Deed Records Comal County; and being more particularly described as follows:

**BEGINNING** at a 6-inch wood fence post found on the southwesterly line of that certain 4.56 acre tract described in instrument to Hays Energy Limited Partnership in Volume 1512, Page 495, Official Public Records Hays County, marking the North corner of said 50.00 acre Tract A, and the East corner of that certain 0.80 acre tract described in instrument to Hays Energy Limited Partnership in Volume 1648, Page 485, Official Public Records Hays County; and marking the north corner of the herein described tract;

**THENCE**, South 60°09'54" East, 2.99 feet along the southwesterly line of said 4.56 acre tract to a 1/2-inch iron rod found marking the West corner of that certain 136.912 acre tract described in instrument to Highlander SM, LLC in Document No. 22004858, Official Public Records Hays County;

**THENCE**, along the common line of said 136.912 acre tract and said 50.00 acre Tract A, the following three (3) calls:

1. South 45°04'42" East, 413.36 feet to a wood fence post found for corner;
2. South 45°21'46" East, 733.15 feet to a wood fence post found for corner;
3. South 45°19'47" East, at 256.73 feet passing a 60d-nail with washer stamped "BYRN Survey" found marking the southwest corner of said 136.912 acre tract; continuing for a total distance of 262.16 feet to a 1/2-inch iron rod with cap stamped "KHA" set under a barbed wire fence on the northwesterly line of that certain 75.9 acre Tract One, described in instrument to John D. Doster and Eva J. Doster, recorded in Volume 265, Page 178, Deed Records Hays County, and marking the East corner of herein described tract;

**THENCE**, South 44°24'42" West, 1736.82 feet along the common line of said 50.00 acre Tract A and said 75.9 acre tract, to a found 1-inch iron pipe called for as the west corner of said 75.9 acre tract, and the northeast corner of that certain 46.8 acre Tract Three, recorded in said in Volume 265, Page 178;

**THENCE**, along the common line of said 46.8 acre tract and aforesaid 50.00 acre Tract A, the following two (2) calls:

1. South 44°40'50" West, 283.13 feet to a 6-inch wood corner post marking the South corner of herein described tract, and an interior North corner of said 46.8 acre tract;
2. North 29°48'52" West, 286.88 feet to an 8-inch wood corner post found marking the northern-most northwest corner of said 46.8 acre tract, and a southeast corner of aforesaid 50.00 acre Tract B;

**THENCE**, North 45°16'07" West, 1151.95 feet crossing said 50.00 acre Tract B to a 1/2-inch iron rod with cap stamped "KHA" set on the southeasterly line of that certain called 49.68 acre tract described in instrument to Connie D. Martin in Document No. 80031113, Official Public Records Hays County, and marking the West corner of the herein described tract; said set rod bears South 44°58'19" West, 687.46 feet to a 1/2-inch iron rod with illegible cap found at the called North corner of Subdivision 124 of Esnaurizar Grant, and marking:

1. the South corner of said 49.68 acre tract;
2. the East corner of that certain tract 3.02 acre tract described in instrument to Connie Martin in Document No. 2008-80031897, Official Public Records Hays County, and Document No. 20080604468 Official Public Records Comal County;
3. the North corner of that certain 2.54 acre tract out of a 3.74 acre tract, described in instrument to Donald and Germaine Tuff in Volume 928, Page 471, Deed Records Comal County; said found rod bears: South 67°37'49" East, 36.85 feet to a found 25" fallen live oak (called 15" live oak in Volume 312, Page 831, Deed Records Hays County - shot in center of root ball), and North 11°50'10" West, 56.35 feet to a found 22" fallen live oak (called 15" live oak in Volume 312, Page 831, Deed Records Hays County - shot in center of root ball);

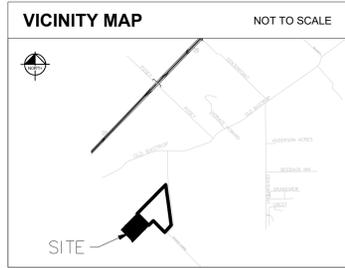
**THENCE**, along common line of said 49.68 acre tract, and of said 50.00 acre Tract A and said 50.00 acre Tract B, the following three (2) calls:

1. North 44°58'19" East, 1,073.33 feet to a 1/2-inch iron rod with cap stamped "ASH 5687" found for corner;
2. North 44°53'34" East, 869.27 feet to the **POINT OF BEGINNING**, and containing 63.578 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid South Central Zone (FIPS 4204) (NADd'83). All distances are on the Grid and shown in U.S. Survey Feet. This description was generated on 8/28/2024 at 2:31 pm, based on geometry in the drawing file k:\sna\_survey\highlander real estate partners\068727800-Francis Harris\Dwg\Francis Harris Base.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.

*John G. Mosier 1-16-2025*

John G. Mosier  
Registered Professional Land Surveyor No. 6330  
Kimley-Horn and Associates, Inc.  
601 NW Loop 410, Suite 350  
San Antonio, Texas 78216  
Ph. 210-541-9166  
greg.mosier@kimley-horn.com





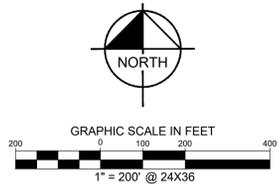
**TITLE COMMITMENT LEGAL DESCRIPTION:**

TRACT 1: BEING 50 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNANRIZAR ELEVEN LEAGUE GRANT, SITUATED IN HAYS COUNTY, TEXAS AND COMAL COUNTY, TEXAS, BEING THAT SAME TRACT CALLED TRACT A CONVEYED IN VOLUME 312, PAGE 837, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND VOLUME 802, PAGE 397, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND AS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO.

TRACT 2: BEING 50 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNANRIZAR ELEVEN LEAGUE GRANT, SITUATED IN HAYS COUNTY, TEXAS AND COMAL COUNTY, TEXAS, BEING THAT SAME TRACT CALLED TRACT B CONVEYED IN VOLUME 312, PAGE 837, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND VOLUME 802, PAGE 397, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND AS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "B" ATTACHED HERETO.

TRACT 3: BEING 1.2 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNANRIZAR SURVEY, SITUATED IN COMAL COUNTY, TEXAS, BEING THAT SAME TRACT CONVEYED IN VOLUME 496, PAGE 300, OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND VOLUME 386, PAGE 188, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND AS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "C" ATTACHED HERETO.

TRACT 4: BEING 2.54 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNANRIZAR SURVEY, SITUATED IN COMAL COUNTY, TEXAS, BEING THAT SAME TRACT CONVEYED IN VOLUME 928, PAGE 471, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS.



**LINE TYPE LEGEND**

---	BOUNDARY LINE
---	EASEMENT LINE
---	BUILDING LINE
---	SIDEWALK
---	WATER LINE
---	SANITARY SEWER LINE
---	STORM DRAIN LINE
---	IRON ROD W/ CAP STAMPED
---	"BYRN SURVEY" FOUND
---	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY
---	DRHC DEED RECORDS OF HAYS COUNTY
---	DRCC DEED RECORDS OF COMAL COUNTY
---	DRHC DEED RECORDS OF COMAL COUNTY
---	CONCRETE PAVEMENT
---	ASPHALT PAVEMENT
○	TRACT CORNER (CALCULATED POINT UNLESS OTHERWISE LABELED)

**LEGEND**

---	GUY ANCHOR
---	UTILITY POLE
---	1/2" IRON ROD W/ "KHA" CAP SET
---	IRON ROD W/ CAP SET
---	WATER LINE
---	SANITARY SEWER LINE
---	STORM DRAIN LINE
---	IRON ROD W/ CAP STAMPED
---	"BYRN SURVEY" FOUND
---	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY
---	DRHC DEED RECORDS OF HAYS COUNTY
---	DRCC DEED RECORDS OF COMAL COUNTY
---	DRHC DEED RECORDS OF COMAL COUNTY
---	CONCRETE PAVEMENT
---	ASPHALT PAVEMENT
---	TRACT CORNER (CALCULATED POINT UNLESS OTHERWISE LABELED)

**A METES AND BOUNDS DESCRIPTION OF A 63.578 ACRE TRACT OF LAND**

BEING A 63.578 ACRE (2,769,448 SQUARE FEET) TRACT OF LAND SITUATED IN THE A. M. ESNANRIZAR SURVEY AKA A. M. ESNANRIZAR, ABSTRACT NO. 6, HAYS COUNTY, TEXAS, AND BEING A PORTION OF THE A. M. ESNANRIZAR ELEVEN LEAGUE GRANT SUBDIVISION 149, PLAT OF WHICH IS RECORDED IN VOLUME 34, PAGE 303, DEED RECORDS COMAL COUNTY, AND CONTAINING ALL OF THAT CERTAIN TRACT A, AND A PORTION OF THAT CERTAIN 50.00 ACRE TRACT B, BOTH DESCRIBED IN INSTRUMENT TO DONALD W. TUFF AND GERMAINE TUFF IN VOLUME 312, PAGE 837, DEED RECORDS HAYS COUNTY, AND VOLUME 802, PAGE 397, DEED RECORDS COMAL COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 6-INCH WOOD FENCE POST FOUND ON THE SOUTHWESTERLY LINE OF THAT CERTAIN 4.56 ACRE TRACT DESCRIBED IN INSTRUMENT TO HAYS ENERGY LIMITED PARTNERSHIP IN VOLUME 1512, PAGE 495, OFFICIAL PUBLIC RECORDS HAYS COUNTY, MARKING THE NORTH CORNER OF SAID 50.00 ACRE TRACT A, AND THE EAST CORNER OF THAT CERTAIN 0.80 ACRE TRACT DESCRIBED IN INSTRUMENT TO HAYS ENERGY LIMITED PARTNERSHIP IN VOLUME 1648, PAGE 485, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND MARKING THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE** SOUTH 60°09'54" EAST, 2.99 FEET ALONG THE SOUTHWESTERLY LINE OF SAID 4.56 ACRE TRACT TO A 1/2-INCH IRON ROD FOUND MARKING THE WEST CORNER OF THAT CERTAIN 136.912 ACRE TRACT DESCRIBED IN INSTRUMENT TO HIGHLANDER SM, LLC IN DOCUMENT NO. 22004858, OFFICIAL PUBLIC RECORDS HAYS COUNTY;

**THENCE** ALONG THE COMMON LINE OF SAID 136.912 ACRE TRACT AND SAID 50.00 ACRE TRACT A, THE FOLLOWING THREE (3) CALLS:

1. SOUTH 45°04'42" EAST, 413.36 FEET TO A WOOD FENCE POST FOUND FOR CORNER;
2. SOUTH 45°14'01" EAST, 733.15 FEET TO A WOOD FENCE POST FOUND FOR CORNER;
3. SOUTH 45°19'47" EAST, AT 256.73 FEET PASSING A 600-NAIL W/ WASHES STAMPED "BYRN SURVEY" FOUND MARKING THE SOUTHWEST CORNER OF SAID 136.912 ACRE TRACT; CONTINUING FOR A TOTAL DISTANCE OF 262.16 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "KHA" SET ON THE NORTHWESTERLY LINE OF THAT CERTAIN 75.9 ACRE TRACT ONE, DESCRIBED IN INSTRUMENT TO JOHN D. DOSTER AND EVA J. DOSTER, RECORDED IN VOLUME 265, PAGE 178, DEED RECORDS HAYS COUNTY, AND MARKING THE EAST CORNER OF HEREIN DESCRIBED TRACT;

**THENCE** SOUTH 44°24'42" WEST, 1736.82 FEET ALONG THE COMMON LINE OF SAID 50.00 ACRE TRACT A AND SAID 75.9 ACRE TRACT, TO A FOUND 1-INCH IRON PIPE CALLED FOR AS THE WEST CORNER OF SAID 75.9 ACRE TRACT, AND THE NORTHEAST CORNER OF THAT CERTAIN 46.8 ACRE TRACT THREE, RECORDED IN SAID IN VOLUME 265, PAGE 178;

**THENCE** ALONG THE COMMON LINE OF SAID 46.8 ACRE TRACT AND AFORESAID 50.00 ACRE TRACT A, THE FOLLOWING TWO (2) CALLS:

1. SOUTH 44°40'50" WEST, 283.13 FEET TO A 6-INCH WOOD CORNER POST MARKING THE SOUTH CORNER OF HEREIN DESCRIBED TRACT, AND AN INTERIOR NORTH CORNER OF SAID 46.8 ACRE TRACT;
2. NORTH 29°48'52" WEST, 286.88 FEET TO A 8-INCH WOOD CORNER POST MARKING THE NORTHERN-MOST NORTHWEST CORNER OF SAID 46.8 ACRE TRACT, AND A SOUTHEAST CORNER OF AFORESAID 50.00 ACRE TRACT B;

**THENCE** NORTH 45°16'07" WEST, 1151.95 FEET CROSSING SAID 50.00 ACRE TRACT B TO A 1/2-INCH IRON ROD WITH CAP STAMPED "KHA" SET ON THE SOUTHEASTERLY LINE OF THAT CERTAIN CALLED 46.8 ACRE TRACT, DESCRIBED IN INSTRUMENT TO CONNIE D. MARTIN IN DOCUMENT NO. 80031113, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND MARKING THE WEST CORNER OF THE HEREIN DESCRIBED TRACT; SAID SET ROD BEARS SOUTH 44°58'19" WEST, 687.46 FEET TO A 1/2-INCH IRON ROD WITH ILLIGIBLE CAP FOUND AT THE CALLED NORTH CORNER OF SUBDIVISION 124 OF ESNANRIZAR GRANT, AND MARKING:

1. THE SOUTH CORNER OF SAID 49.88 ACRE TRACT;
2. THE EAST CORNER OF THAT CERTAIN TRACT 3.02 ACRE TRACT DESCRIBED IN INSTRUMENT TO CONNIE MARTIN IN DOCUMENT NO. 2008-80031897, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND DOCUMENT NO. 20089004488 OFFICIAL PUBLIC RECORDS COMAL COUNTY;
3. THE NORTH CORNER OF THAT CERTAIN 2.54 ACRE TRACT OUT OF A 3.74 ACRE TRACT, DESCRIBED IN INSTRUMENT TO DONALD AND GERMAINE TUFF IN VOLUME 928, PAGE 471, DEED RECORDS COMAL COUNTY; SAID FOUND ROD BEARS: SOUTH 67°37'49" EAST, 36.85 FEET TO A FOUND 2" FALLEN LIVE OAK, CALLED 15" LIVE OAK IN VOLUME 312, PAGE 831, DEED RECORDS HAYS COUNTY (SHOT IN CENTER OF ROOT BALL), AND NORTH 11°50'10" WEST, 56.35 FEET TO A FOUND 22" FALLEN LIVE OAK, CALLED 15" LIVE OAK IN VOLUME 312, PAGE 831, DEED RECORDS HAYS COUNTY (SHOT IN CENTER OF ROOT BALL);

**THENCE**, ALONG COMMON LINE OF SAID 49.88 ACRE TRACT, AND OF SAID 50.00 ACRE TRACT A AND SAID 50.00 ACRE TRACT B, THE FOLLOWING THREE (3) CALLS:

1. NORTH 44°58'19" EAST, 1,073.33 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "ASH 5687" FOUND FOR CORNER;
2. NORTH 44°53'34" EAST, 869.27 FEET TO THE POINT OF BEGINNING, AND CONTAINING 63.578 ACRES OF LAND IN HAYS COUNTY, TEXAS, THE BASIS OF BEARING FOR THIS DESCRIPTION IS THE TEXAS STATE PLANE COORDINATE SYSTEM GRID SOUTH CENTRAL ZONE (FIPS 4204) (NAD83). ALL DISTANCES ARE ON THE GRID AND SHOWN IN U.S. SURVEY FEET. THIS DESCRIPTION WAS GENERATED ON 8/26/2024 AT 2:31 PM, BASED ON GEOMETRY IN THE DRAWING FILE K:\SNA\_SURVEY\HIGHLANDER\_REAL\_ESTATE\_PARTNERS\0682780\FRANCIS\_HARRIS\DWG\FRANCIS\_HARRIS\_BASIS.DWG, IN THE OFFICE OF KIMLEY-HORN AND ASSOCIATES IN SAN ANTONIO, TEXAS.

**NOT PART OF THIS SURVEY 39.814 ACRES 1,734,298 SQ. FT.**

A.M. ESNANRIZAR AKA A.M. ESNANRIZAR SURVEY NO. 1 ABSTRACT NO. 98

CALLLED TRACT 1 - 409.78 ACRES MULTIPLE OWNERS PARTITION DEED DOC# 202406013269 OPRCC

CALLLED LOT 15 YORK CREEK ESTATES VOL. 4, PG. 30 PRCC N15°58'44"E 253.38'

THENCE SOUTH 60°09'54" EAST, 2.99 FEET ALONG THE SOUTHWESTERLY LINE OF SAID 4.56 ACRE TRACT TO A 1/2-INCH IRON ROD FOUND MARKING THE WEST CORNER OF THAT CERTAIN 136.912 ACRE TRACT DESCRIBED IN INSTRUMENT TO HIGHLANDER SM, LLC IN DOCUMENT NO. 22004858, OFFICIAL PUBLIC RECORDS HAYS COUNTY;

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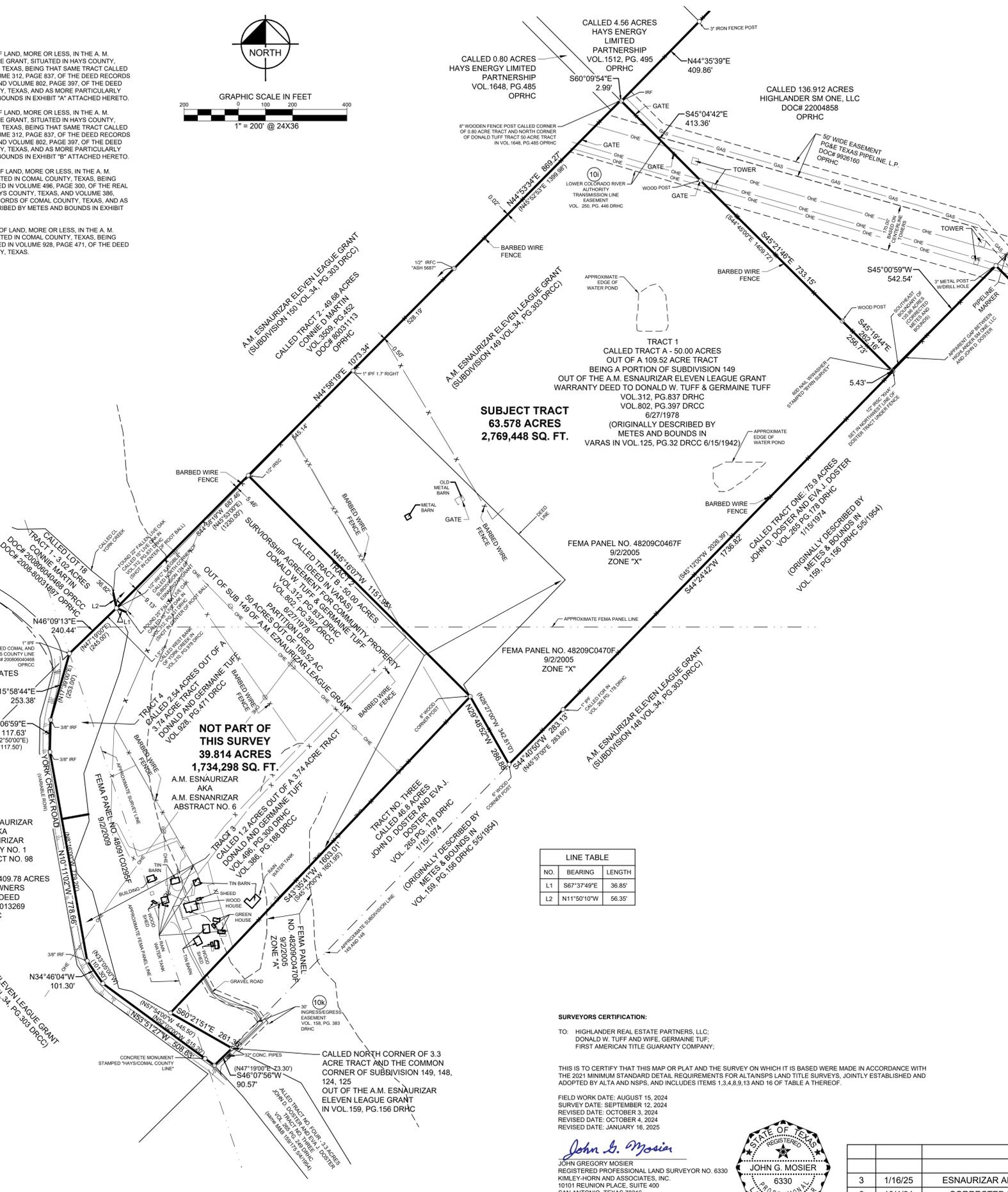
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2. NORTH 29°48'52" WEST, 286.88 FEET TO A 8-INCH WOOD CORNER POST MARKING THE NORTHERN-MOST NORTHWEST CORNER OF SAID 46.8 ACRE TRACT, AND A SOUTHEAST CORNER OF AFORESAID 50.00 ACRE TRACT B;

**THENCE** NORTH 45°16'07" WEST, 1151.95 FEET CROSSING SAID 50.00 ACRE TRACT B TO A 1/2-INCH IRON ROD WITH CAP STAMPED "KHA" SET ON THE SOUTHEASTERLY LINE OF THAT CERTAIN CALLED 46.8 ACRE TRACT, DESCRIBED IN INSTRUMENT TO CONNIE D. MARTIN IN DOCUMENT NO. 80031113, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND MARKING THE WEST CORNER OF THE HEREIN DESCRIBED TRACT; SAID SET ROD BEARS SOUTH 44°58'19" WEST, 687.46 FEET TO A 1/2-INCH IRON ROD WITH ILLIGIBLE CAP FOUND AT THE CALLED NORTH CORNER OF SUBDIVISION 124 OF ESNANRIZAR GRANT, AND MARKING:

1. THE SOUTH CORNER OF SAID 49.88 ACRE TRACT;
2. THE EAST CORNER OF THAT CERTAIN TRACT 3.02 ACRE TRACT DESCRIBED IN INSTRUMENT TO CONNIE MARTIN IN DOCUMENT NO. 2008-80031897, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND DOCUMENT NO. 20089004488 OFFICIAL PUBLIC RECORDS COMAL COUNTY;
3. THE NORTH CORNER OF THAT CERTAIN 2.54 ACRE TRACT OUT OF A 3.74 ACRE TRACT, DESCRIBED IN INSTRUMENT TO DONALD AND GERMAINE TUFF IN VOLUME 928, PAGE 471, DEED RECORDS COMAL COUNTY; SAID FOUND ROD BEARS: SOUTH 67°37'49" EAST, 36.85 FEET TO A FOUND 2" FALLEN LIVE OAK, CALLED 15" LIVE OAK IN VOLUME 312, PAGE 831, DEED RECORDS HAYS COUNTY (SHOT IN CENTER OF ROOT BALL), AND NORTH 11°50'10" WEST, 56.35 FEET TO A FOUND 22" FALLEN LIVE OAK, CALLED 15" LIVE OAK IN VOLUME 312, PAGE 831, DEED RECORDS HAYS COUNTY (SHOT IN CENTER OF ROOT BALL);

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2. NORTH 44°53'34" EAST, 869.27 FEET TO THE POINT OF BEGINNING, AND CONTAINING 63.578 ACRES OF LAND IN HAYS COUNTY, TEXAS, THE BASIS OF BEARING FOR THIS DESCRIPTION IS THE TEXAS STATE PLANE COORDINATE SYSTEM GRID SOUTH CENTRAL ZONE (FIPS 4204) (NAD83). ALL DISTANCES ARE ON THE GRID AND SHOWN IN U.S. SURVEY FEET. THIS DESCRIPTION WAS GENERATED ON 8/26/2024 AT 2:31 PM, BASED ON GEOMETRY IN THE DRAWING FILE K:\SNA\_SURVEY\HIGHLANDER\_REAL\_ESTATE\_PARTNERS\0682780\FRANCIS\_HARRIS\DWG\FRANCIS\_HARRIS\_BASIS.DWG, IN THE OFFICE OF KIMLEY-HORN AND ASSOCIATES IN SAN ANTONIO, TEXAS.



LINE TABLE	
NO.	BEARING
L1	S67°37'49"E 36.85'
L2	N11°50'10"W 56.35'

**SURVEYORS CERTIFICATION:**

TO: HIGHLANDER REAL ESTATE PARTNERS, LLC, DONALD W. TUFF AND WIFE, GERMAINE TUFF; FIRST AMERICAN TITLE GUARANTY COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1,3,4,8,9,13 AND 16 OF TABLE A THEREOF.

FIELD WORK DATE: AUGUST 15, 2024  
SURVEY DATE: SEPTEMBER 12, 2024  
REVISED DATE: OCTOBER 3, 2024  
REVISED DATE: OCTOBER 4, 2024  
REVISED DATE: JANUARY 16, 2025

John G. Mosier  
JOHN GREGORY MOSIER  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6330  
KIMLEY-HORN AND ASSOCIATES, INC.  
10101 REUNION PLACE, SUITE 400  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
GREG.MOSIER@KIMLEY-HORN.COM



No.	DATE	REVISION DESCRIPTION
3	1/16/25	ESNAURIZAR AKA ESNANRIZAR
2	10/4/24	CORRECTED BEARING CALL
1	10/3/24	UPDATE 10K REFERENCE

**ALTA/NSPS LAND TITLE SURVEY**  
63.578 ACRES

A. M. ESNANRIZAR SURVEY AKA A. M. ESNANRIZAR SURVEY, ABSTRACT NO. 6 HAYS COUNTY, TEXAS

**Kimley-Horn**

10101 Reunion Place, Suite 400  
San Antonio, Texas 78216  
FIRM # 10193973  
Tel. No. (210) 541-9166  
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	MAV	JGM	11/10/2021	06827800	1 OF 1

**EXCEPTIONS FROM COVERAGE**

IN ADDITION TO THE EXCLUSIONS AND CONDITIONS AND STIPULATIONS, YOUR POLICY WILL NOT COVER LOSS, COSTS, ATTORNEY'S FEES, AND EXPENSES RESULTING FROM:

1. THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW (WE MUST EITHER INSERT SPECIFIC RECORDING DATA OR DELETE THIS EXCEPTION):  
DELETED
- a. RIGHTS OF PARTIES IN POSSESSION (OWNER'S POLICY ONLY) THIS EXCEPTION MAY BE DELETED AT THE REQUEST OF THE PROPOSED INSURED, UPON A PHYSICAL INSPECTION BY THE TITLE COMPANY AND PAYMENT OF ITS REASONABLE AND ACTUAL COSTS THEREOF.
- b. ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED.
- c. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND, THE TERM "ENCROACHMENT" INCLUDES ENCROACHMENT OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND, AND ENCROACHMENTS ON THE LAND OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND, IN THE EVENT OF A CONFLICT BETWEEN THIS EXCEPTION AND COVERED RISK "C", THIS EXCEPTION SHALL CONTROL. (APPLIES TO OWNER'S POLICY ONLY)
- d. RIGHTS OF TENANTS IN POSSESSION UNDER UNRECORDED LEASES OR RENTAL AGREEMENTS.
- e. ALL CONVEYANCES, CONTRACTS, DEEDS, RESERVATIONS, EXCEPTIONS, LIMITATIONS, LEASES, AND SIMILAR INTERESTS IN OR TO ANY GEOTHERMAL ENERGY AND ASSOCIATED RESOURCES BELOW THE SURFACE OF LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT, ALL AS PROVIDED BY SECTION 2703.056 (A) OF THE TEXAS INSURANCE CODE.
- f. EASEMENT EXECUTED BY JOHANAH HARDEMAN, TO HOPE ENGINEERING AND SUPPLY COMPANY, A CORPORATION, DATED JANUARY 11, 1928, RECORDED IN VOLUME 54, PAGE 638, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENT RECORDED IN VOLUME 144, PAGE 359 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- g. EASEMENT RESERVED IN PARTITION DEED EXECUTED BY AND BETWEEN EMMA GLENEWINKEL, AND IDA H. SOECHTING (NEE GLENEWINKEL) JOINED BY HUSBAND EGON SOECHTING, RICHARD O. GLENEWINKEL, HARRY GLENEWINKEL, AND CARL W. GLENEWINKEL, AS RECORDED IN VOLUME 125, PAGE 32 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENTS RECORDED IN VOLUME 146, PAGE 407 (SUBJECT TO), VOLUME 146, PAGE 409 (SUBJECT TO), AND VOLUME 146, PAGE 413 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- h. EASEMENT EXECUTED BY JOHANAH HARDEMAN, TO UNITED GAS PIPE LINE COMPANY, DATED MARCH 10, 1948, RECORDED IN VOLUME 90, PAGE 624 (SUBJECT TO), OF THE COMAL RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENT RECORDED IN VOLUME 144, PAGE 359 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- i. EASEMENT EXECUTED BY JEROME DIETERT AND WIFE, MARGARET DIETERT, TO LOWER COLORADO RIVER AUTHORITY, DATED MARCH 20, 1972, RECORDED IN VOLUME 250, PAGE 446 (SUBJECT TO AS SHOWN), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- j. RESERVATION OF ALL SUBTERRANEAN WATERS INCLUDING, WITHOUT LIMITATION, ALL PERCOLATING WATERS AND UNDERGROUND RESERVOIRS AND ALL OTHER RIGHTS IN CONNECTION WITH SAME, AS SET FORTH BY INSTRUMENT(S) RECORDED IN VOLUME 125, PAGE 32 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENTS RECORDED IN VOLUME 146, PAGE 407 (SUBJECT TO), AND VOLUME 146, PAGE 409 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- k. TERMS, CONDITIONS, AND STIPULATIONS IN THAT CERTAIN AGREEMENT, BY AND BETWEEN IDA H. SOECHTING AND RICHARD O. GLENEWINKEL AND WIFE, HEIDWIG GLENEWINKEL, AS RECORDED IN VOLUME 146, PAGE 411, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENT RECORDED IN VOLUME 158, PAGE 383, (DOES NOT AFFECT) OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- l. UNDIVIDED INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS IN, ON, UNDER OR THAT L. MAY BE PRODUCED FROM THE HEREIN DESCRIBED PROPERTY, TOGETHER WITH ALL RIGHTS RELATING THERETO, EXPRESS OR IMPLIED, RESERVED UNTO JEROME DIETERT AND MARGARET DIETERT IN DEED TO DONALD W. TUFF AND WIFE, GERMAINE TUFF, DATED 11/19/1974, AND RECORDED IN VOLUME 312, PAGE 837, (NOT A SURVEY MATTER) OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND VOLUME 802, PAGE 397, (NOT A SURVEY MATTER) OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, SAID MINERAL INTEREST NOT TRACED SUBSEQUENT TO THE DATE OF THE ABOVE CITED INSTRUMENT.
- m. SUBJECT PROPERTY LINES WITHIN THE BOUNDARIES OF YORK CREEK IMPROVEMENT DISTRICT. (SUBJECT TO)

**GENERAL NOTES:**

1. TITLE COMMITMENT NOTES: THIS SURVEY WAS PERFORMED UTILIZING THAT CERTAIN TITLE REPORT PREPARED BY FIRST AMERICAN TITLE GUARANTY COMPANY, G.F. NO. 24-1545-C, (ISSUE DATE: JUNE 3, 2024, EFFECTIVE DATE: MAY 28, 2024) AND REFLECTS ONLY THOSE EASEMENTS AND ENCUMBRANCES OF RECORD MENTIONED THEREIN. KIMLEY-HORN DID NOT ABSTRACT THE PUBLIC RECORDS. THE SURVEYED TRACT MAY BE SUBJECT TO ADDITIONAL GOVERNMENT REGULATIONS AND RESTRICTIONS PRIOR TO FURTHER SITE DEVELOPMENT.
2. FLOOD STATEMENT: ACCORDING TO COMMUNITY PANEL NO. 48209C0467F DATED SEPTEMBER 2, 2005 AND 48209C0470F DATED SEPTEMBER 2, 2005 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM), THE SUBJECT TRACT IS LOCATED WITHIN ZONE "X" (UN-SHADED) WHICH IS DEFINED BY FEMA AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN," COMMONLY KNOWN AS THE 500-YEAR FLOODPLAIN. ZONE "X" (UN-SHADED) IS OUTSIDE OF ANY FEMA ESTABLISHED FLOOD HAZARD ZONE. ALL ZONE DELINEATIONS SHOWN HEREON ARE APPROXIMATE. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE ANY LIABILITY ON THE PART OF KIMLEY-HORN OR THE UNDERSIGNED.
3. GEODETIC BASIS STATEMENT:  
HORIZONTAL CONTROL: THE BEAR

**AGREEMENT FOR THE PROVISION OF SERVICES**  
(Pursuant to Tex. Local Gov't Code §43.0672)

**Date:** February 18, 2025

**Owners:** Highlander SM One, LLC, P.O Box 470249, Fort Worth, TX 76147  
Donald and Germaine Tuff, P.O Box 312643, New Braunfels, Texas 78131

**City:** City of San Marcos, Texas, a home rule municipal corporation, 630 East Hopkins Street, San Marcos, Texas 78666

**Property:** As described in Exhibit A.

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1. The Owner has petitioned the City and the City has elected to annex the Property into the corporate limits of the City. Pursuant to Tex. Local Gov't Code §43.0672, the Owner and the City enter this agreement (the "Agreement") for the provision of services to the Property when annexed.

2. By this Agreement, the Owner affirms its consent to such annexation of the Property by the City and that Owner does not wish to enter into and has declined the offer from the City of a development agreement under Sections 43.016 and 212.172 of the Texas Local Government Code

3. In consideration of the mutual benefits to the Owner and the City arising from the annexation of the Property, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Owner and the City enter into this Agreement and agree that services to the Property will be provided as described in Exhibit B.

4. This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in state courts located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

5. If any word, phrase, clause, sentence, or paragraph of this Agreement is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this Agreement will continue in force if they can be given effect without the invalid portion.

6. This Agreement shall be binding upon Owner, and Owner's heirs, successors and assigns, and all future owners of all or any portion of the Property.

7. This Agreement will become effective as of the date an ordinance annexing the Property is finally passed, approved, and adopted by the City's city council (the Effective Date). In the event Council does not approve annexation of this property, this agreement shall be null and void.

[SIGNATURES ON NEXT PAGE]

**CITY:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF TEXAS           §

§

COUNTY OF HAYS         §

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, \_\_\_\_\_ of the City of San Marcos, in such capacity, on behalf of said municipality.

\_\_\_\_\_  
Notary Public, State of Texas

**OWNER:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ §

§

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_ by  
\_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_ in such  
capacity on behalf of said entity.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

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.

## OWNER'S CONSENT TO ANNEXATION OF LAND

**Date:**

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

**Owner:** Donald and Germaine Tuff

**Property:** All that parcel of land situated in Hays County, Texas, described in the attached Exhibit A.

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Owner petitioned the City to initiate proceedings to annex the Property. Owner acknowledges and agrees that, in connection with annexation of the Property:

1. Owner does not wish to enter into a development agreement with the City under Section 212.172 and has declined the offer by the City of such a development agreement.
2. Unless specifically authorized by a written agreement with Owner approved by the City Council under applicable ordinances, the City has no obligation to extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property at the City's expense, and the City has made no offers, representations or promises that the City will, at the City's expense, extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property. Such extensions to the Property shall be made available in the same manner and on the same basis as available to other areas of the City, whereby it shall be Owner's sole obligation, and at Owner's sole expense, to construct and install all infrastructure necessary to extend such services to the Property under applicable ordinances.
3. Owner waives any and all rights of Owner to assert any claim or demand, or to file suit against, and covenants not to sue, the City on the basis that the annexation of the Property by the City is invalid, void or voidable, in whole or in part.
4. This instrument is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings concerning this instrument shall lie in State courts having jurisdiction located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

**5.** If any word, phrase, clause, sentence, or paragraph of this instrument is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this instrument will continue in force if they can be given effect without the invalid portion.

**6.** This instrument may be recorded in the Official Public Records of the County or Counties in which the Property is located and is binding on Owner's successors, heirs and assigns, and any future owners of the Property.

[SIGNATURE(S) ON NEXT PAGE]

OWNER:

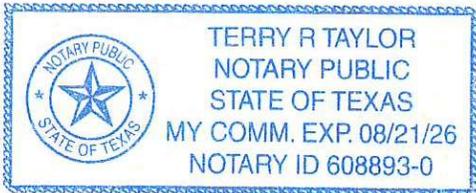
Donald Tuff

ACKNOWLEDGMENT

STATE OF Texas §

COUNTY OF Comal §

This instrument was acknowledged before me on Dec. 10, 2024 by Donald Tuff.



Terry R. Taylor  
Notary Public, State of Texas

OWNER:

Germaire Tuft

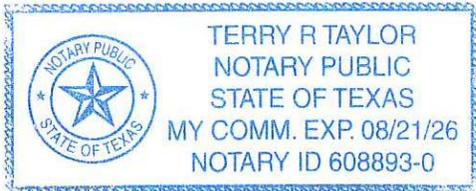
ACKNOWLEDGMENT

STATE OF Texas §

COUNTY OF Comal §

This instrument was acknowledged before me on Dec. 10, 2024 by Germaire Tuft.

Terry R Taylor  
Notary Public, State of Texas



**DECLINATION OF OFFER OF DEVELOPMENT AGREEMENT**

The attached Development Agreement was offered by the City of San Marcos to the owner of the property subject to the following application/petition (check one):

Out of City Utility Connection of Extension Application

Petition for Annexation (without OCU Request)

By signing below, the owner of the subject property declines the offer to enter into such Development Agreement.

**OWNER (individual):**

Donald Tuff

Date: 12/10/2024

**OWNER (Entity):**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

[OR]

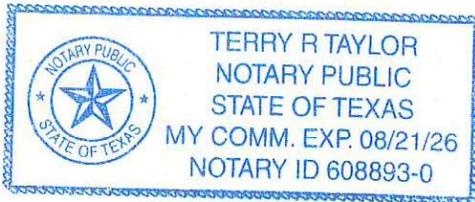
**ACKNOWLEDGMENT**

STATE OF Texas §

COUNTY OF Cornal §

This instrument was acknowledged before me on Dec. 10, 2024 by Donald Tuff.

Terry R Taylor  
Notary Public, State of Texas



Case No. AN-25-02 (to be inserted by City Staff)

