

NOTES ADDRESSING SCHEDULE B EXCEPTIONS

insert matters or delete this exception.)

(Pursuant to Commitment for Title Insurance listed in General Note 1.)

- 10. The following matters and all terms of the documents creating or offering evidence of the matters (We must
- Rights of parties in possession. (Owner's Policy Only) This exception may a. 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.
- 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
- In the event of a conflict between this exception and Covered Risk '1.(c)', this exception shall control. (Applies to Owner's Policy only)
- Rights of tenants in possession under unrecorded leases or rental agreements. e. Any portion of the property lying within the boundary of any road or roadway.
- Subject to any and all rights and/or privileges existing or which may later exist by virtue of that portion of the subject property being used as a cemetery including, but not limited to, the rights of sepulcher and internment and the rights of ingress and egress in and to said cemetery, as reserved in Deed recorded in Volume 61, Page 509, Deed Records of Hays County, Texas.
- Easement granted to Southwestern Bell Telephone Company, recorded in Volume 124, Page 302, Deed Records of Hays County, Texas, and being transferred to San Marcos Telephone Company by instrument recorded in Volume F, Page 509, Bill of Sale Records of Hays County, Texas.
- Easement awarded to Lower Colorado River Authority, by Judgment dated October 18, 1972, under Cause No. 9.413. District Court Records. Havs County. Texas, as recorded in Volume R Page 462, Civil Minute Records of District Court of Hays County, Texas, and amended by instrument recorded in Volume 1348, Page 104, Official Public Records of Hays County, Texas.
- Easement granted to Pedernales Electric Cooperative, Inc., recorded in Volume 857, Page 640, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
- Easements, terms, conditions, and stipulations in that certain Easement Agreement, as recorded in Document No. 9926160, of the Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
- Easement granted to Crystal Clear W.S.C., recorded in Volume 3826, Page 630, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN
- Terms, conditions, and stipulations in that certain Notice of Land Purchase Right, by and between Hays Energy, LLC, a Delaware limited liability company and successor by conversion to Hays Energy Limited Partnership, a Delaware limited partnership, and ENGIE Development, LLC Delaware limited liability company, as recorded in Document No. 17003581, of the Official Public Records of Hays County, Texas.
- m. Right of first refusal as set forth in Notice of Land Purchase Right, dated m. January 3, 2017. recorded in Document No. 17003581, of the Official Public Records of Hays County, Texas.
- Subject property lies within the boundaries of York Creek Improvement District and may be subject to taxes or special assessments as provided by law.

LEGAL DESCRIPTION:

(SUBJECT TO AS SHOWN)

(Pursuant to Commitment for Title Insurance listed in General Note 1.)

DESCRIPTION OF 135.96 ACRES MORE OR LESS OF LAND AREA BEING A 136.96 ACRE TRACT LESS AND EXCEPT A ONE ACRE TRACT RESERVED FOR CEMETERY PURPOSES BEING A PORTION OF LOTS 148 149 AND 167 OF THE DIVISION OF THE AM ESNAURRIZAR SURVEY HAYS COUNTY TEXAS AS SHOWN ON THE PLAT OF SUBDIVISION DATED MARCH 1848 AND RECORDED IN VOLUME 84 PAGE 471 OF THE HAYS COUNTY DEED RECORDS AND BEING ALL OF THAT TRACT DESCRIBED AS 136.96 ACRES IN A DEED JAMES W RAGSDALE TO HAYS ENERGY LIMITED PARTNERSHIP DATED AUGUST 9.1999 AND RECORDED IN HAYS COUNTY DOCUMENT NO 9918986 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS (BEING RESERVED IN PREVIOUS DEED A ONE ACRE TRACT OF LAND FOR A CEMETERY PURPOSES)

METES AND BOUNDS:

BEING a 136.912 acre (5,963,888 square feet) tract of land less and except a one acre tract reserved for cemetery purposes for a total Net Acreage of 135.912 (5,920,320 square feet) of land situated in the A.M. Esnanrizar Survey, Abstract No. 6, Hays County, Texas; and being a all of that certain 136.96 acre tract (less and except one acre) in instrument to Hays Energy Limited Partnership in Document No. 9918986 of the Official Public Records of Hays County; and being more particularly described as

BEGINNING at a mag nail found in concrete on the intersection of the westerly line of Francis Harris Lane (variable public width public right-of-way) with the southeasterly line of Grant Harris Road (30 feet wide private drive) marking the northeast corner of the said 136.96 acre tract and the east corner of that certain 1.00 acre tract described in

THENCE, along the westerly right-of-way line of Francis Harris Lane the following ten

Volume 4187 Page 894 of the Official Public Records of Hays County;

1. South 07°26'45" East, 744.57 feet to a 3-inch metal fence post found for corner; 2. South 07°41'05" East, 396.75 feet to a 2-inch metal fence post found for corner; 3. South 07°47'16" East, 523.44 feet to a 3-inch metal fence post found for corner; 4. South 07°38'01" East, 1774.02 feet to a 3-inch metal fence post found for corner; 5. South 01°00'30" East, 10.17 feet to a 3-inch metal fence post found for corner; 6. South 08°04'14" West, 10.46 feet to a 3-inch metal fence post found for corner; 7. South 18°48'44" West, 12.34 feet to a 3-inch metal fence post found for corner; 8. South 25°03'13" West, 19.77 feet to a 3-inch metal fence post found for corner; 9. South 37°42'10" West, 23.94 feet to a 3-inch metal fence post found for corner; 10. South 41°44'05" West, 787.05 feet to a 3-inch metal fence post found for corner;

FHENCE, departing the westerly right-of-way line of Francis Harris Lane and following along the northeasterly line of that certain 75.9 acre tract described as tract No. One (1) in instrument to John D. Doster and Eva J. Doster In Volume 265 Page 178 Deed Records Hays County the following three (3) courses and distances;

- 1. North 43°42'49" West, 225.80 feet to a ½-inch capped iron rod found for corner; 2. North 44°31'20" West, 542.09 feet to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 3. North 44°53'03" West, 622.24 feet to a 3-inch metal post found for corner;
- **THENCE**, South 45°02'40" West, 542.77 feet along the northwesterly line of said 75.9 acre tract to a 60D nail with washer stamped "BYRN SURVEY" found for corner;
- **THENCE**, departing the aforesaid 75.9 acre tract and following along the northeasterly line of that certain 50.00 acre tract described in instrument to Donald Tuff in Volume 312 Page 837 in the Deed Records of Hays County the following three (3) courses and
- 1. North 45°16'38" West, 256.47 feet to a wood post found for corner; 2. North 45°21'46" West, 733.15 feet to a wood post found for corner; 3. North 45°04'42" West, 413.36 feet to a ½-inch iron rod found for corner;
- THENCE, North 44°35'39" East, 409.86 feet to a 3-inch iron fence post found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to Hays Energy Limited Partnership in Volume. 1512, Page 495 of the Official Public Records of Havs County:
- **THENCE**, North 44°25'59" East, 410.99 feet to a ½-inch capped iron rod found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to David Alvarado-Vasquez and spouse Claudia V. Alvarado Document. No. 18044130 of the Official Public Records of Havs County:
- **THENCE**, along the southeasterly right-of-way line of the said Grant Harris Road the
- following seven (7) courses and distances; 1. North 44°43'49" East, 411.16 feet to a ½-inch capped iron rod found for corner;
- 2. North 44°58'05" East, 407.88 feet to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner
- 3. North 44°51'54" East, 404.86 feet to a 100D nail found for corner: 4 North 44°32'48" East, 405.35 feet to a ½-inch capped iron rod found for corner;
- 5. North 44°19'19" East, 410.59 feet to a 1/2-inch capped iron rod found for corner: 6. North 45°29'28" East, 450.37 feet to a ½-inch capped iron rod found for corner;
- THENCE. North 45°29'21" East, 169.58 feet along southeasterly right-of-way line of Grant Harris Road to the **POINT OF BEGINNING** and containing 136.912 acres in Hays County, Texas Less and Except that certain 1.00 acre tract reserved for cemetery purposes, and being more particularly described as follows:

COMMENCING at a ½-inch drill hole in a 3-inch metal fence post found at a three-way fence corner for an interior corner said 136.96 acre tract;

THENCE, North 44°04'47" East 625.64 feet along a fence line to a ½-inch iron rod with a plastic cap stamped "KHA" to the **POINT OF BEGINNING** of the Save and Except

Thence the following three (3) courses and distances across the said 136.96 acre tract:

- 1. North 44°04'47" East, 208.71 feet to a to a ½-inch iron rod with a plastic cap
- stamped "KHA" set for corner; 2. South 45°55'13" East, 208.71 feet to a to a 1/2-inch iron rod with a stamped "KHA" set fore corner;
- 3. South 44°04'47" West, 208.71 feet to a to a $\frac{1}{2}$ -inch iron rod with a plastic cap stamped "KHA" set for corner;
- THENCE, North 45°55'13" West 208.71 feet to the POINT OF BEGINNING, and containing 1.000 acre (43,560 square feet), for a total of 135.912 acres of land in Hays

The basis of bearing for this description is the Texas State Plane Coordinate System Grid South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

SURVEYORS CERTIFICATION:

To: Highlander Real Estate Partners, LLC;

(name of lender, if known); (name of insurer, if known);

(names of others as negotiated with the client)

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

Field Work Date: 10/21/2021

Survey Date: 11/09/2021

John S. Mosier John Gregory 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



ALTA/NSPS LAND TITLE SURVEY

136.912 ACRES

TIA

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

JGM 11/10/2021 068727800

				Kimley» Horn						
				601 NW Loop 410, Suite 350 San Antonio, Texas 78216 FIRM # 10193973				Tel. No. (210) 541-9166 www.kimley-horn.com		
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No.	DATE	REVISION DESCRIPTION	<u>Scale</u> 1" = 200'	<u>Drawn by</u> TIA	Checked by	<u>Date</u> 11/10/2021	Project No. 068727800	Sheet No		

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;
- 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

Registered Professional Land Surveyor No. 6330

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