

# ANNEXATION APPLICATION

Updated: March, 2023



## CONTACT INFORMATION

Applicant's Name	Michael J. Whellan	Property Owner	Donald and Germaine Tuff
Company	Armbrust & Brown, PLLC	Company	(Attorney: Kristen Quinney Porter)
Applicant's Mailing Address	100 Congress Ave., #1300 Austin, TX 78701	Owner's Mailing Address	P.O. Box 312643, New Braunfels, Texas 78131
Applicant's Phone #	[REDACTED]	Owner's Phone #	[REDACTED]
Applicant's Email	[REDACTED]	Owner's Email	[REDACTED]

## PROPERTY INFORMATION

Is the property adjacent to city limits: ☒ YES ☐ NO

Is the property proposing to connect to City utilities: ☐ YES, WATER ☒ YES, WASTE WATER ☐ NO

Is the property subject to an approved development or other agreement: ☐ YES ☒ NO

Proposed Use: Data Center Proposed Zoning: LI

Reason for Annexation / Other Considerations: To allow for orderly development as part of assemblage that includes a tract already annexed into the City of San Marcos (900 Francis Harris Ln.).

## AUTHORIZATION

*By submitting this digital application, I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Filing Fee \$1,800      Technology Fee \$15      TOTAL COST \$1,815

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

PROPERTY OWNER AUTHORIZATION

I, Germaine Tuff (owner name) on behalf of  
-- (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1789 York Creek Rd. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of  
Armbrust & Brown, PLLC (agent company) to file this application for  
annexation, preferred (application type), and, if necessary, to work with  
scenario map amendment, and zoning  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: Germaine Tuff Date: 12/10/24  
Printed Name, Title: Germaine Tuff

Signature of Agent: Michael J. Whellan Date: 12/11/24  
Printed Name, Title: Michael J. Whellan, Agent

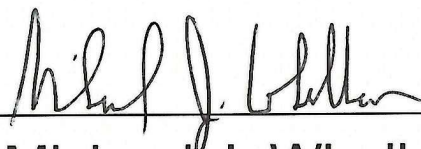
Form Updated October, 2019

PROPERTY OWNER AUTHORIZATION

I, Donald Tuff (owner name) on behalf of  
-- (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1789 York Creek Rd. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of  
Armbrust & Brown, PLLC (agent company) to file this application for  
annexation, preferred (application type), and, if necessary, to work with  
scenario map amendment, and zoning  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 12/10/24  
Printed Name, Title: Donald Tuff

Signature of Agent:  Date: 12/11/24  
Printed Name, Title: Michael J. Whellan, Agent

Form Updated October, 2019

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.

---

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:

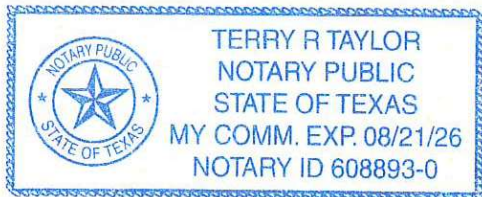
Donald Tuft

ACKNOWLEDGMENT

STATE OF Texas §

COUNTY OF Comal §

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



Terry R. Taylor  
Notary Public, State of Texas



OWNER:

Germaire Tuft

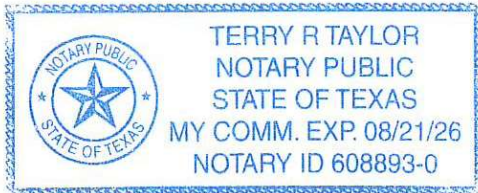
ACKNOWLEDGMENT

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

Att 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: \_\_\_\_\_

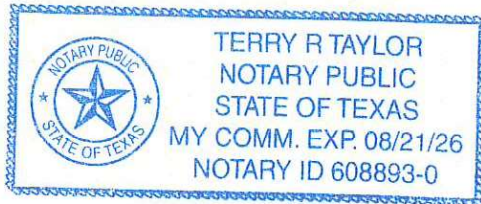
[OR]

## 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)



## 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):**

Germaine Tuff  
Date: 12/10/24

**OWNER (Entity):**

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

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

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

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

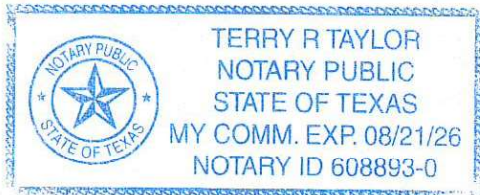
[OR]

## ACKNOWLEDGMENT

STATE OF Texas §

COUNTY OF Comal §

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



Terry R. Taylor  
Notary Public, State of Texas

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

# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

January 17, 2025

Amanda Hernandez, Director of Planning & Development Services  
Planning & Development Services Department  
City of San Marcos  
630 E. Hopkin St.  
San Marcos, TX 78666

Subject: Applications for 900 Francis Harris Ln. and a portion of 1789 York Creek Rd. (also known as 904 Francis Harris Ln.)

Dear Ms. Hernandez,

On behalf of Highlander SM One, LLC and Donald and Germaine Tuff (collectively, the “Owners”), I am submitting the attached application packages to allow 900 Francis Harris Ln. (“Tract 1”) and a portion of 1789 York Creek Rd. (“Tract 2”) (collectively, the “Property”) to be developed as a data center. This letter replaces the letter dated December 11, 2024.

At this time, we believe the Property will need the following approvals to provide for the ability to develop a data center use on the Property:

- **Annexation.** The Owners request that the City annex Tract 2 into the City’s full-purpose jurisdiction. (Tract 1 is already located within the City of San Marcos.)
- **Preferred Scenario Map Amendment.** The Owners request that the City amend the Preferred Scenario Map to designate the Property for Commercial/Employment Low.
- **Zoning.** The Owners request that the City designate the Property for Light Industrial (“LI”) zoning.

I have summarized these requests in Figure 1 below.

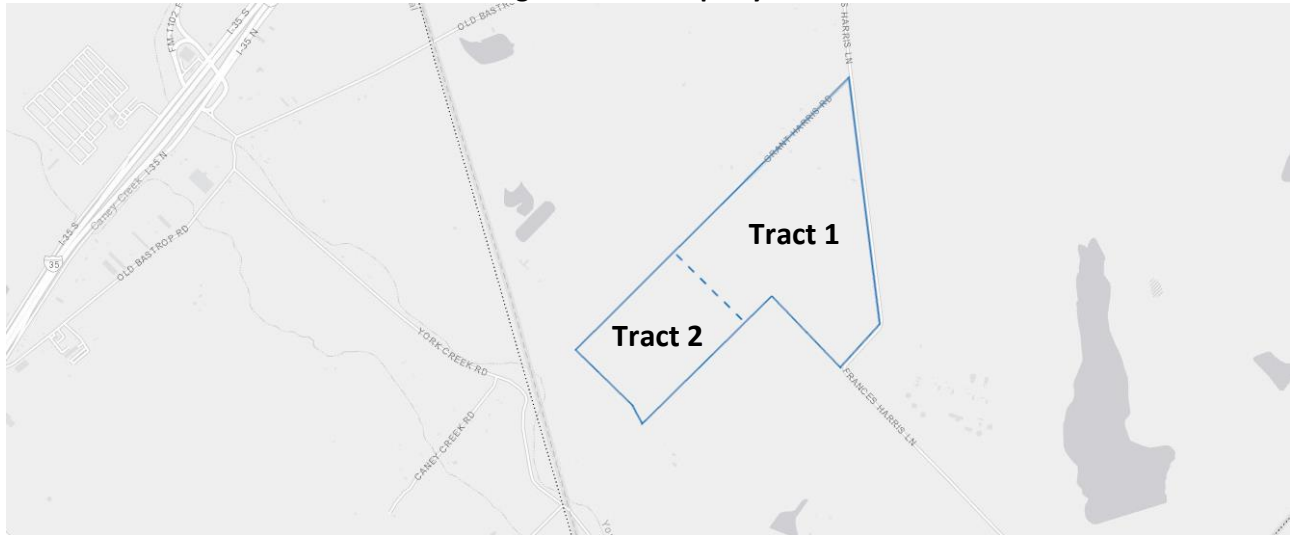
**Figure 1. Application Package Summary**

	Tract 1	Tract 2
<b>Size</b>	135.91 acres	63.58 acres
<b>Jurisdiction</b>		
<b>Current Jurisdiction</b>	City of San Marcos	Extraterritorial Jurisdiction
<b>Requested Jurisdiction</b>	City of San Marcos	City of San Marcos
<b>Zoning</b>		
<b>Current Zoning</b>	Character District 2.5	Unzoned
<b>Requested Jurisdiction</b>	Light Industrial	Light Industrial

## Land Use Context

The Property consists of a nearly 200-acre assemblage of two large tracts between Francis Harris Lane and York Creek Road, as shown in Figure 2 below.

**Figure 2. The Property**



The City has designated the entire Property for “Conservation/Cluster” on the Preferred Scenario Map and has designated Tract 1 for Character District 2.5 (“CD-2.5”) zoning. Tract 2 is in the City’s extraterritorial jurisdiction (“ETJ”) and is unzoned.

The Property features the following land-use context:

- **The Property is primarily surrounded by ETJ parcels designated for Conservation/Cluster** (with one exception, as described below). The Property is located in the southernmost part of San Marcos, connected to the rest of the City by Francis Harris Lane. Most of the surrounding parcels (including Tract 2 of the Property) are in the ETJ and thus are not subject to San Marcos zoning. The Preferred Scenario Map generally designates these parcels for Conservation/Cluster.
- **The Property is immediately adjacent to a power plant – the only other zoned parcel in the area.** Tract 1 is one of only two parcels in this area of San Marcos that is within City limits (and, thus, is zoned). As noted, Tract 1 is currently zoned for CD-2.5. The only other zoned parcel in the area – 109 acres of land immediately adjacent to Tract 1 – is designated for Commercial/Employment Low, zoned for Heavy Industrial (“HI”), and used for a power plant.

## Case Background

In 2022, Highlander SM One, LLC requested that the City annex Tract 1 and zone it to allow for development of approximately 470 single-family lots. Council later voted to annex Tract 1 and designate it for the corresponding CD-2.5 single-family zoning district. However, this project failed to proceed.

Since then, the Owners have collaborated on a new vision for the broader Property: assembling Tracts 1 and 2 together and developing a data center – a use much more consistent with the adjacent power plant

and with a lower overall traffic footprint for Francis Harris Lane. (Example images of data center developments are attached to this letter. These images are intended to provide a general reference point for this type of use and are not renderings for this particular Property.)

To accomplish this, the Owners are submitting the attached applications for annexation, zoning, and a Preferred Scenario Map amendment. In accordance with San Marcos policy, I met with City staff for two pre-development meetings (on Wednesday, October 16, 2024 and Monday, November 4, 2024), to review our forthcoming applications and seek initial feedback. During those meetings, staff provided information on City policies and procedures and specified the zoning designation required to seek a data center use (Light Industrial).

### **Utilities**

The project intends to use the Crystal Clear Special Utility District (“CCSUD”) for water service, the City for wastewater service, and Pedernales Electric Cooperative (“PEC”) for electricity. Ultimately, information on water service and electricity consumption will be finalized through the site development process and will be subject to CCSUD, PEC, and Lower Colorado River Authority (“LCRA”) approval.

### **Environmental**

The Owners are not aware of any floodplain or other environmentally sensitive features impacting the Property at this time, and the Property is not located in the ‘Environmental Overlay’ shown in Vision SMTX. Through this process, the Owners are proposing to annex the Property into San Marcos, which will provide greater protections than are otherwise afforded in the ETJ.

### **Case Rationale**

We believe that these requests are appropriate, reasonable, and consistent with the City’s goals and with good planning and land use practices. Specifically, we believe that:

- **A data center use will produce new tax revenues with limited need for City services.** Vision SMTX prioritizes development patterns that have a positive fiscal impact, with new revenues balanced against long-term responsibilities for providing City services and maintaining City infrastructure. This is particularly important at this location, given that it is located on the edge of the city limits in an area that is mostly undeveloped today. While a data center use will generate meaningful new tax revenues, it will have only limited needs for City services – and thus will have a positive fiscal impact as described in greater detail in the *Fiscal Analysis* section below. In contrast, the previous proposal for this Property – a 470-unit single-family subdivision – would generate a higher demand for City services for things like police, fire, emergency services, transportation infrastructure, and parkland, among other things.
- **A data center use will have a lower traffic footprint and produce less ‘wear and tear’ on roads.** The Property is currently connected to the rest of the City via one roadway, Francis Harris Lane. Thus, any traffic entering or exiting the Property will largely be concentrated on that one road. Higher-volume uses will thus generate greater congestion and ‘wear and tear’ for the City to manage. This is discussed in greater detail in the *Fiscal Analysis* section below.

- **This is the right location for a data center use, from a planning perspective.** Data center uses often require large tracts of land that an owner can readily secure against unauthorized access and that are not vulnerable to environmental hazards or other such features. These characteristics generally mean that properties on the edge of the City are likelier to be appropriate for a data center use.

Of those areas, Vision SMTX notes that large portions of the northwest are environmentally sensitive, thus prioritizing development in *other* areas. Vision SMTX also prioritizes developing within Hays County, noting that “Most of the city and its future growth potential is within Hays County, which is more convenient for service provision since San Marcos is the Hays County seat” and that “New development in other counties generates greater coordination needs and added service burdens.” Finally, data centers often benefit from proximity to other uses with robust electrical infrastructure, like power plants.

In this case, the Property is located in the southernmost part of San Marcos (*not* in the more sensitive northwest), in Hays County, and is directly adjacent to an existing power plant – all of which indicates that this is a desirable location for this particular use.

- **This proposal is fully consistent with City precedent in this area and will complement the existing adjacent power plant use.** The City has already designated the adjacent power plant use for the Commercial/Employment Low Place Type and for Heavy Industrial zoning. The Owners’ request is fully consistent with this precedent. We are requesting the same Preferred Scenario designation as the power plant (Commercial/Employment Low) and a less intense zoning designation (Light Industrial). Additionally, a data center use is fully consistent with and complementary to the adjacent power plant use – and can help serve as a ‘transition area’ buffer between the more intense power plant and lower intensity ETJ areas.

We believe that this information demonstrates that a data center use is valuable generally – and that, from a planning perspective, this particular location is both appropriate and desirable for a data center.

### **Fiscal Analysis**

As part of its Vision SMTX planning process, the City considered how different development patterns affect both “the estimated revenues generated by new development” and “the estimated costs of public services required to serve that development,” with the goal of ensuring that the City grows in a fiscally responsible and sustainable manner.

In short, the City generally prioritizes development patterns that balance new tax revenues against the long-term costs of public services (for infrastructure, policing, fire and emergency services, and more). Development patterns that produce greater tax revenues than they demand in public services will help support the City’s fiscal sustainability over the long term.

By this metric, a data center is a prudent choice at this location. When compared to the most recent proposed use of this site (single-family subdivision), a data center will have a lower overall need for City services while producing meaningful tax revenues.



As noted above, the Property is located on the edge of San Marcos' city limits and is connected to the rest of the City by a single roadway, Francis Harris Lane. This site context has several important implications for fiscal sustainability:

- **Property Location.** First, the Property's location at the edge of the city limits means that development patterns which demand higher levels of City services will stress City resources over time. Vision SMTX notes that outlying development that demands higher levels of police, fire, and emergency services coverage can lengthen response times and generate the need for more facilities and personnel. Location can also affect other important City services; for instance, outlying residential development in areas without existing amenities often adds pressure for the City to develop and maintain new parkland, which can spread parks resources out more thinly over a larger parks system.

Data centers require less police, fire, and emergency services coverage than single-family subdivisions – and have little to no impact on other City services like parks and open space.

Given the sensitive nature of data centers – as well as the large amount of expensive technology that they hold – owners operate their own on-site security, which deters crime and reduces the need for police services; they also invest in fire suppression systems to protect their investment. In contrast, even in safe and secure subdivisions, residents often expect their City to ensure a certain level of police presence, and the large volume of households increases the probability that one or more will likely require fire or emergency services at some point.

Likewise, residents often expect their City to invest in parks and other recreational amenities near their homes. This becomes particularly important in outlying areas without easy access to existing parkland, pressuring the City to acquire and develop new parks spaces that ultimately serve a limited number of households. Data centers produce no such demand, allowing the City to use its resources to maintain and improve its existing parks system without stressing existing resources.

Finally, as described above, the project intends to use CCSUD for water service and PEC for electricity, and thus will not require City service for either utility.

- **Limited Connectivity.** Second, the limited connectivity to the City means that traffic traveling to and from the Property will largely be concentrated on one roadway (Francis Harris Lane); higher-volume uses would result in greater 'wear and tear' on this roadway and will require more maintenance and more frequent replacement.

Data centers produce very little traffic compared to other uses. Residential subdivisions generally feature a large volume of morning and evening commuting, in addition to trips to grocery stores, libraries, friends' homes, and more. Commercial uses generally operate by attracting as many customers as possible. Industrial uses often feature heavy trucks dropping off and picking up various materials. Data centers, instead, feature none of these dynamics. They are secure facilities that feature fewer people than a residential subdivision and that neither attract outside visitors nor require trucking. As a result, data centers have a meaningfully lower impact on roadway infrastructure and maintenance.

For reference, the Urban Land Institute, a respected land-use think tank, has reported that data centers "require fewer employees to operate than most other commercial properties, leaving

minimal impacts on traffic in surrounding areas” and that “[u]nlike industrial facilities, there is no fleet of trucks going in and out, which further minimizes traffic congestion.”

The other major consideration related to fiscal sustainability is the Property’s ability to produce tax revenues that can help cover the costs of the services described above.

While single-family subdivisions often generate new tax revenues, they also meaningfully increase demand for City services. Vision SMTX notes that development patterns similar to that previously proposed for this Property (a 470-unit single-family subdivision) have the “the “Highest cost to serve (per new person) of all Place Types” and “generates [the] largest increase in new streets to maintain.”<sup>1</sup>

Data centers, instead, often produce meaningful new property tax revenues – buoyed by the types of improvements needed to house expensive computing technology – while generating a *lower* demand on City services. While Vision SMTX found that the Commercial/Employment Low Place Type (the designation requested for the Property) generally has a negative fiscal impact it also caveated this finding by specifying that the “value of non-residential development will vary fiscal impact” and that “[i]mpact on calls for service varies by use (e.g. retail more, industrial less).” In this case, as demonstrated above, the data center use in particular has a *positive* fiscal impact, producing meaningful new revenues with only a limited need for City services.

A briefing in the American Planning Association’s *Zoning Practice* publication sums up the comparison between the previous proposed use (single-family subdivision) and the current proposed use (data center) concisely, stating that data centers can be “highly desirable from an economic development perspective because they often generate a large property tax surplus that can subsidize more service-intensive land uses, such as single-family homes.”

## Conclusion

We believe that this revised cover letter demonstrates that our annexation, Preferred Scenario Map amendment, and zoning requests, to allow for the development of a data center use on the Property, are reasonable, appropriate, and consistent with the City’s policies and with good planning principles.

We appreciate your consideration – and I am available to discuss this case further and answer questions.

Respectfully,



Michael J. Whellan

---

<sup>1</sup> Technically, the Preferred Scenario Map currently designates the Property for Conservation/Cluster, which primarily consists of parks, open space, and agricultural or ranchland. However, Vision SMTX notes that Conservation/Cluster actually “has the potential to perform like a Neighborhood Low or Medium Place Type if a cluster-style development is pursued.” In this case, the Property has most recently been planned for a new subdivision consisting of an estimated 470 detached single-family homes, a development pattern that more closely reflects the Neighborhood Low-New Place Type (primary land use: detached single-family).

## Attachment A: Example Images

*(These images are intended to provide a general reference point for the data center use and are **not** renderings for this particular Property.)*



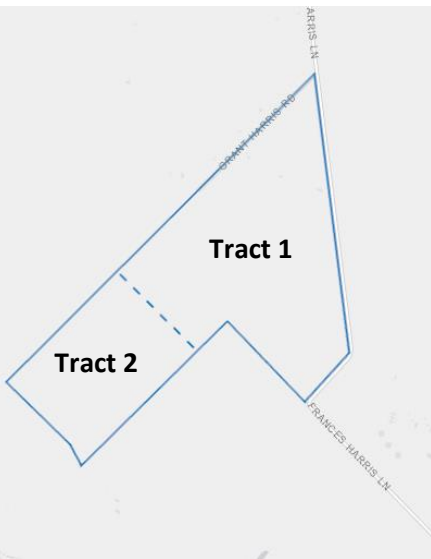


## Francis Harris Lane Data Center – Case Summary

- **The applicant is seeking to develop a data center at 900 Francis Harris Ln. (also known as 904 Francis Harris Lane) – a site formerly planned for a large single-family subdivision.**
  - The applicant has submitted annexation, Preferred Scenario Map amendment, and zoning cases related to a 200-acre assemblage at the edge of San Marcos (Figure 1).
  - In 2022, the owner of a portion of the site (Tract 1) requested the city annex Tract 1 for a 470-unit residential subdivision – though that project ultimately did not proceed.

**Figure 1. The Property**

	Tract 1	Tract 2
Size	135.91 acres	63.58 acres
Cases		
Annexation	<i>(Already Annexed)</i>	Requested
Place Type		
Current	Conservation/Cluster	Conservation/Cluster
Request	Commercial/ Employment Low	Commercial/ Employment Low
Zoning		
Current	Character District 2.5	Unzoned
Request	Light Industrial	Light Industrial

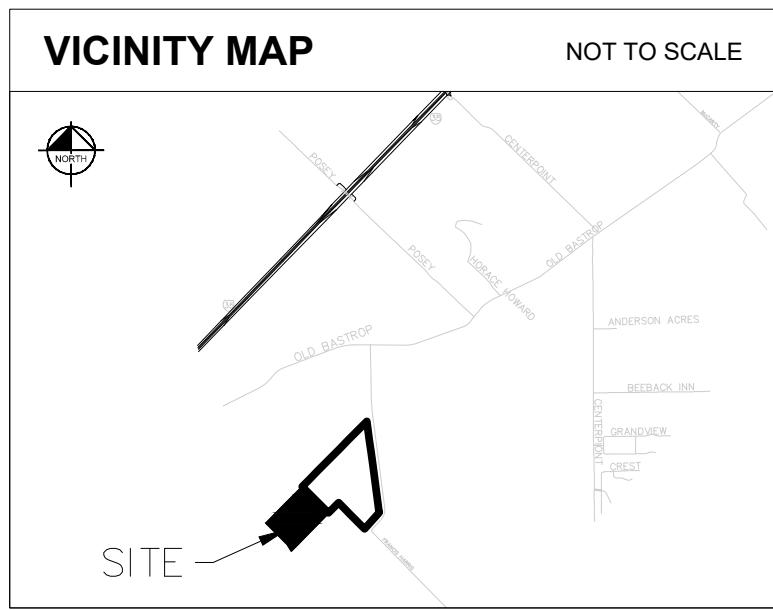


- **Today, the owners have re-envisioned the site for a data center – a use that meaningfully improves over the previous residential proposal and better meets city goals and good planning principles.**
  - The site is located on the edge of the city limits, currently has only one main connection to the rest of the city (Francis Harris Lane), and is adjacent to an existing power plant.
  - A data center offers new tax revenue while generating *lower* overall demand for city services and *lower* traffic than a single-family project, and it is more compatible with the adjacent power plant.

**Figure 2. Fiscal Impact Summary**

Area	Data Center	Large Single-Family Subdivision
New Tax Revenues	Meaningful New Revenues	Meaningful New Revenues
Demand on City Service	Limited Overall Demand	Meaningful New Demand
<i>Police, Fire, EMS</i>	<i>Limited Demand</i>	<i>Meaningful New Demand</i>
<i>Street Maintenance</i>	<i>Limited Demand</i>	<i>Meaningful New Demand</i>
<i>Parkland</i>	<i>No Demand</i>	<i>Meaningful New Demand</i>
Water and Electricity	(Other Providers; <b>Not</b> City Service)	(Other Providers; <b>Not</b> City Service)
<b>Overall Fiscal Impact</b>	<b>New Revenue, Limited Service Needs</b>	<b>New Revenue, More Service Need</b>





TITLE COMMITMENT  
LEGAL DESCRIPTION:

TRACT 1: BEING 50 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNAURIZAR 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. ESNAURIZAR 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. ESNAURIZAR 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. ESNAURIZAR 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
---	IRON ROD FOUND
---	WATER LINE
---	SANITARY SEWER LINE
---	STORM DRAIN LINE
---	UNDERGROUND GAS LINE
---	OVERHEAD UTILITY LINE
---	UNDERGROUND ELECTRIC LINE
---	UNDERGROUND TELEPHONE LINE
---	FENCE
---	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 FOUND
---	POINT OF BEGINNING
---	RECORDS OF HAYS COUNTY
---	IRON ROD W/ CAP STAMPED "BYRN SURVEY" FOUND
---	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY
---	DEED RECORDS OF HAYS COUNTY
---	OFFICIAL PUBLIC RECORDS OF COMAL COUNTY
---	DEED RECORDS OF COMAL COUNTY
---	PLAT RECORDS OF COMAL COUNTY
---	DEED CALL

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. ESNAURIZAR, 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 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:

- SOUTH 45°04'42" EAST, 413.36 FEET TO A WOOD FENCE POST FOUND FOR CORNER;
- SOUTH 45°21'40" EAST, 733.15 FEET TO A WOOD FENCE POST FOUND FOR CORNER;
- SOUTH 45°19'47" EAST, AT 256.73 FEET PASSING A 600-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 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:

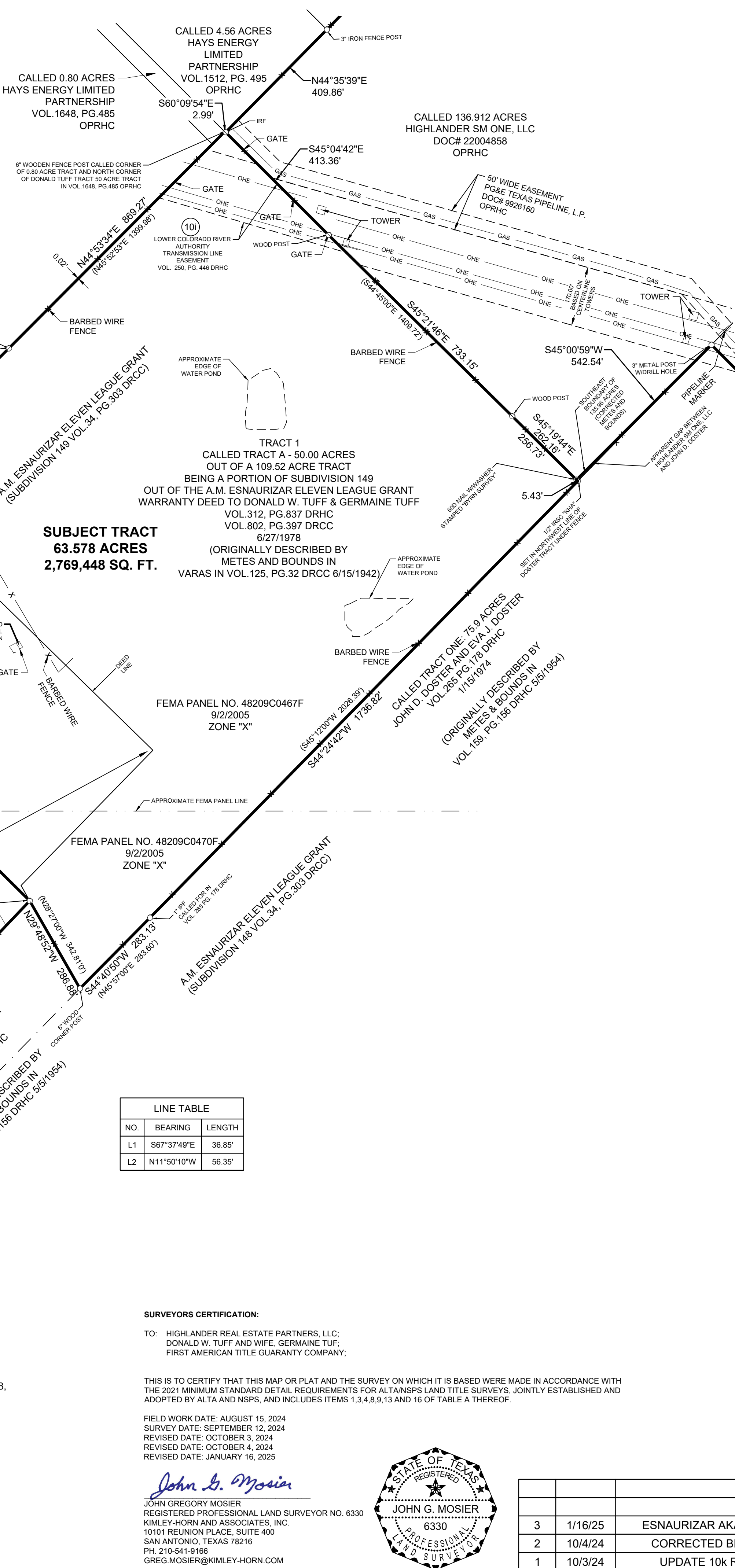
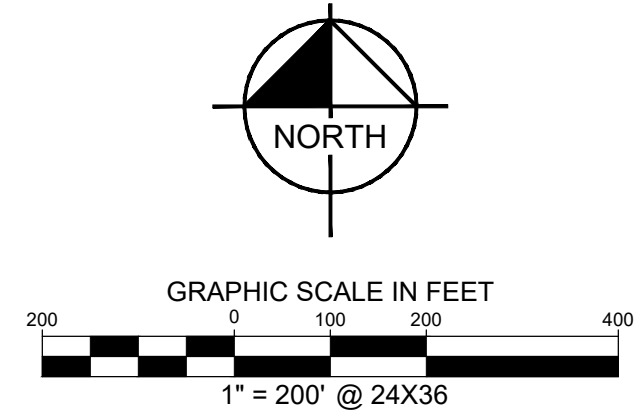
- SOUTH 44°40'50" WEST, 283.13 FEET TO A 6-INCH WOOD CORNER POST MARKING THE SOUTH CORNER OF HEREIN DESCRIBED TRACT, AND AN INTERIOR NORTH CORNER OF SAID 46.8 ACRE TRACT;
- NORTH 29°48'52" WEST, 286.88 FEET TO A 8-INCH WOOD CORNER POST MARKING THE NORTHERN-MOST NORTHWEST CORNER OF SAID 46.8 ACRE TRACT, 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 ILLEGIBLE CAP FOUND AT THE CALLED NORTH CORNER OF SUBDIVISION 124 OF ESNAURIZAR GRANT, AND MARKING:

- 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. 2008060468 OFFICIAL PUBLIC RECORDS COMAL COUNTY;
- 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:

- NORTH 44°58'19" EAST, 1,073.33 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "ASH 5687" FOUND FOR CORNER;
- 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\0827780-FRANCIS HARRIS\DWG\FRANCIS HARRIS BASE DWG, IN THE OFFICE OF KIMLEY-HORN AND ASSOCIATES IN SAN ANTONIO, TEXAS.



SURVEYORS CERTIFICATION:

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

EXCEPTIONS FROM COVERAGE

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

- THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW (WE MUST EITHER INSERT SPECIFIC RECORDING DATA OR DELETE THIS EXCEPTION):
  - DELETED
- 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.
- 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 "I" (C); THIS EXCEPTION SHALL CONTROL (APPLIES TO OWNER'S POLICY ONLY)
- RIGHTS OF TENANTS IN POSSESSION UNDER UNRECORDED LEASES OR RENTAL AGREEMENTS.
- 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.
- 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.
- 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, DATED JUNE 8, 1942, 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.
- EASEMENT EXECUTED BY JOHANAH HARDEMAN, TO UNITED GAS PIPE LINE COMPANY, DATED MARCH 10, 1949, 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.
- 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.
- 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) EORDED 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.
- TERMS, CONDITIONS, AND STIPULATIONS IN THAT CERTAIN AGREEMENT, BY AND BETWEEN IDA H. SOECHTING AND RICHARD O. GLENEWINKEL AND WIFE, HEDWIG 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.
- 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 JUNE 27, 1978, 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.
- SUBJECT PROPERTY LINES WITHIN THE BOUNDARIES OF YORK CREEK IMPROVEMENT DISTRICT. (SUBJECT TO)

GENERAL NOTES:

- TITLE COMMITMENT NOTES: THIS SURVEY WAS PERFORMED UTILIZING THAT CERTAIN TITLE REPORT PREPARED BY FIRST AMERICAN TITLE GUARANTEE 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.
- 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 ARE 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.
- GEODETIC BASIS STATEMENT:  
HORIZONTAL CONTROL: THE BEARINGS, DISTANCES, AREAS AND COORDINATES SHOWN HEREON ARE THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (FIPS 4204) (NAD83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). ALL DISTANCES SHOWN HEREON ARE ON THE GRID. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.
- ENCROACHMENTS: PER ALTA/NSPS SURVEY STANDARDS ITEM 5, SECTION C, PARAGRAPH III, THE TERM "ENCROACHMENT" IMPLIES A LEGAL OPINION, "EVIDENCE OF POTENTIALLY ENCROACHING STRUCTURAL APPURTENANCES AND PROJECTIONS OBSERVED IN THE PROCESS OF CONDUCTION FIELDWORK" RELATIVE TO TITLE LINES, SETBACKS, ADJOINING PROPERTIES, AND RIGHTS-OF-WAYS, WILL BE SHOWN, BUT THE SURVEY WILL MAKE NO JUDGMENT OF "ENCROACHMENT" OR "NON-ENCROACHMENT".
- ZONING: A PRIVATE ZONING REPORT WAS NOT PROVIDED BY THE OWNER OR THE INSURER PER ALTA/NSPS OPTIONAL TABLE A ITEMS 6(A)&(B). THIS SURVEY DOES NOT REFLECT ZONING STATUS OR RESTRICTIONS.
- UTILITIES NOTE: ANY UNDERGROUND UTILITIES SHOWN HEREON ARE FROM TEXAS 811 MARKINGS OR OTHER THIRD PARTY UTILITY LOCATORS, AND LOCATED BY SURVEY CREWS, OR RECORD DRAWINGS OBTAINED FROM UTILITY COMPANIES REPRESENTATIVES. KIMLEY-HORN CANNOT GUARANTEE THE LOCATION OF SAID UTILITIES, EXCEPT THOSE THAT ARE OBSERVED AND READILY VISIBLE ON THE SURFACE AT THE TIME OF THIS SURVEY. KIMLEY-HORN ASSUMES NO LIABILITY FOR POORLY OR IMPROPERLY MARKED UTILITY LOCATIONS. PRIVATE INTERIOR SERVICE LINES ARE NOT SHOWN.
- THIS SURVEY DOES NOT PROVIDE ANY DETERMINATION CONCERNING WETLANDS, FAULT LINES, TOXIC WASTES (OR ANY OTHER ENVIRONMENTAL ISSUE), ARCHEOLOGICAL SITES OR OBSCURED OR POORLY MARKED GRAVESITES. AN EXPERT CONSULTANT SHOULD ADDRESS SUCH MATTERS.
- KIMLEY-HORN DID NOT REVIEW LEASE INTEREST WHILE PERFORMING SURVEY.
- THE EXTERIOR "FOOT PRINT" DIMENSIONS OF ALL BUILDING SHOWN HEREON ARE USED FOR SQUARE FOOTAGE CALCULATIONS.

ALTA/NSPS LAND TITLE SURVEY

63.578 ACRES

A. M. ESNAURIZAR 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	068727800	1 OF 1



**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

