

CITY OF SAN MARCOS WASTEWATER EASEMENT

Date: DECEMBER 8, 2003
Grantor: Capital Foresight Limited Partnership
9892 Goucester Drive, Beverly Hills, CA 90210
Grantee: CITY OF SAN MARCOS, TEXAS
630 E. Hopkins Street, San Marcos, Texas 78666

Consideration: Ten Dollars (\$10.00) and other valuable consideration.

Easement Area: All of 0.199 acres of real property out of the J.M. Veramendi League, Abstract 17, Hays County, Texas, and being a portion of that certain 121.52 acres tract described in a deed from JASBA GFMBH to Capital Foresight Limited Partnership dated August 11, 1997 and recorded in Volume 1336, Page 595 of the Official Public Records of Hays County, Texas, and being described by metes and bounds on the attached Exhibit "A", which is incorporated herein for all intents and purposes.

Grant of Easement: Grantor, for the consideration, grants, bargains, sells and conveys unto Grantee, its successors and assigns, a perpetual easement and right-of-way for the specific purpose of laying, erecting, constructing, operating, repairing, replacing, and maintaining a wastewater pipe line and related appurtenances including necessary valves and fittings, (the utility facilities and related appurtenances being referred to collectively as the "Utility Facilities"), to be located at least 3 feet below the surface of the real property under the Easement Area which Grantor owns ("Grantor's Property"), together with surface uses incidental to the reasonable use of the Easement such as valves, fittings, and manholes, including the right of ingress and egress over and across the Easement Area and the right to excavate and refill ditches and trenches for the construction, repair, replacement, maintenance and operation of the wastewater pipe line (the foregoing grant and rights being collectively referred to herein as the "Easement"), PROVIDED HOWEVER that Grantee shall restore the surface of the Easement Area and the Temporary Easement described below to the condition it was in prior to such construction or maintenance.

To have and to hold it to Grantee and Grantee's successors or assigns forever. Grantor binds Grantor and Grantors heirs, executors, administrators, successors and assigns to warrant and forever defend this Easement to Grantee and Grantee's successors and assigns against every person whomever lawfully claiming or to claim the same or any part thereof, when the claim is by, through or under Grantor, but not otherwise.

Grant of Temporary Easement: It is further understood and agreed that Grantor also grants, bargains, sells, rents and conveys unto Grantee a temporary easement and right-of-way in connection with the laying and constructing of the Utility Facilities (the "Temporary Easement"). The Temporary Easement shall allow Grantee to use the Temporary Easement Area (defined below) to perform the construction of the Utility Facilities as provided under the Easement granted above. The "Temporary Easement Area" shall be a strip of land along and adjoining the Easement Area as illustrated on the plat attached as part of Exhibit "A". It is understood and agreed that the Temporary Easement shall expire upon the completion of the construction of the Utility Facilities and restoration of the Easement Area and the Temporary Easement Area, which shall be completed within 270 days of commencement of construction, and Grantee shall prepare and file at Grantee's expense a release of the Temporary Easement Area in the Official Public Records of Hays County, Texas.

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

GRANTOR: Capital Foresight Limited Partnership
By: [Signature]
Print Name and Title: Nancy Sandoff, Gil

STATE OF CALIFORNIA

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COUNTY OF LOS ANGELES

This instrument was acknowledged before me on the 18th day of NOVEMBER 2003, by NATY SAIDOFF, as _____ of Capital Foresight Limited Partnership, on behalf of said limited partnership.



Hi Young Kim

Notary Public

DESCRIPTION OF 0.199 ACRES, MORE OR LESS, OF LAND AREA IN THE J.M. VERAMENDI SURVEY NO. 1, ABSTRACT NO. 17, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 121.52 ACRES IN A DEED FROM JASBA GMBH TO CAPITAL FORESIGHT LIMITED PARTNERSHIP DATED AUGUST 11, 1997 AND RECORDED IN VOLUME 1336, PAGE 595 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a $\frac{1}{4}$ " iron rod set in the northwest line of the Capital Foresight 121.52 acre tract and southeast line of that tract described as a 200 foot wide strip of land in a deed from Jas. I. Malone and E. P. Malone to the International Railroad Company dated October 27, 1871 and recorded in Volume H, Page 40 of the Hays County Deed Records for the northwest corner of this description, from which a $\frac{1}{4}$ " iron rod found for the west corner of the Capital Foresight 151.52 acre tract and north corner of that tract described in a deed from Tereso Tobias et ux to Pablo H. Vasquez et ux dated March 6, 1978 and recorded in Volume 307, Page 168 of the Hays County Deed Records bears S 46°39'44" W 1850.59 feet;

THENCE leaving the PLACE OF BEGINNING as shown on that plat numbered 25352-02-1.2-a dated January 30, 2003 prepared for the City of San Marcos by Byrn & Associates, Inc., of San Marcos, Texas, with the common northwest line of the Capital Foresight 121.52 acre tract and southeast line of the International Railroad Company 200 foot strip N 46°39'44" E 17.50 feet to a $\frac{1}{4}$ " iron rod set for the north corner of this description;

THENCE leaving the International Railroad Company 200 foot strip entering the Capital Foresight 121.52 acre tract with the northeast line of this description, the following four courses:

1. S 43°20'16" E 40.00 feet to a $\frac{1}{4}$ " iron rod set for exterior corner,
2. S 46°39'44" W 21.78 feet to a $\frac{1}{4}$ " iron rod set for interior corner,
3. S 11°19'36" E 167.29 feet to a $\frac{1}{4}$ " iron rod set for angle point, and
4. S 33°45'39" E 358.64 feet to a $\frac{1}{4}$ " iron rod set in the northeast line of that tract described as a 2.51 acre drainage and public utility easement in an unrecorded deed from Capital Foresight, Limited Partnership to the City of San Marcos dated October 9, 2001, for the most easterly south corner of this description,


THENCE with the northeast and northwest lines of the City of San Marcos 2.51 acre drainage and public utility easement, the following two courses:

1. N 55°23'29" W 33.67 feet to a $\frac{1}{4}$ " iron rod found with plastic cap stamped "Byrn Survey" for interior corner, and
2. S 23°36'58" W 3.07 feet to a $\frac{1}{4}$ " iron rod set for the most westerly south corner of this description,

TRENCE leaving the City of San Marcos 2.51 acre drainage and public utility easement with the southwest line of this description the following three courses:

1. N 33°45'39" W 331.97 feet to a 1/2" iron rod set for angle point,
2. N 11°19'36" W 202.34 feet to a 1/2" iron rod set for angle point, and
3. N 43°23'59" W 4.85 feet to the PLACE OF BEGINNING.

There are contained within these metes and bounds 0.199 acres, more or less, as prepared from public records and a survey made on the ground on January 30, 2003 by Byrn & Associates, Inc. of San Marcos, Texas. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey". The bearing basis for this description is based on the Texas State Plane Coordinate System, South Central Zone, and refers to grid north.



Kyle Smith, R.P.L.S. NO. 5307

CLIENT: City of San Marcos
DATE: January 30, 2003
SURVEY: Veramendi, J. M. A-17
COUNTY: Hays, Texas
JOB NO.: 25352-02-1.2
FNDO.199AC.DOC

ORIGINAL SCALE
1"=60'



SURVEYORS NOTES

1. FENCES MEANDER.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED JANUARY 30, 2003, PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.
4. THE BEARING BASIS FOR THIS SURVEY IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE AND REFERS TO GRID NORTH.
5. THERE MAY BE IMPROVEMENTS WITHIN THE TEMPORARY CONSTRUCTION EASEMENTS NOT SHOWN HEREON.

LEGEND

- HAYS COUNTY PLAT RECORDS
- HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND
- CALCULATED POINT
- BREAK SCALE

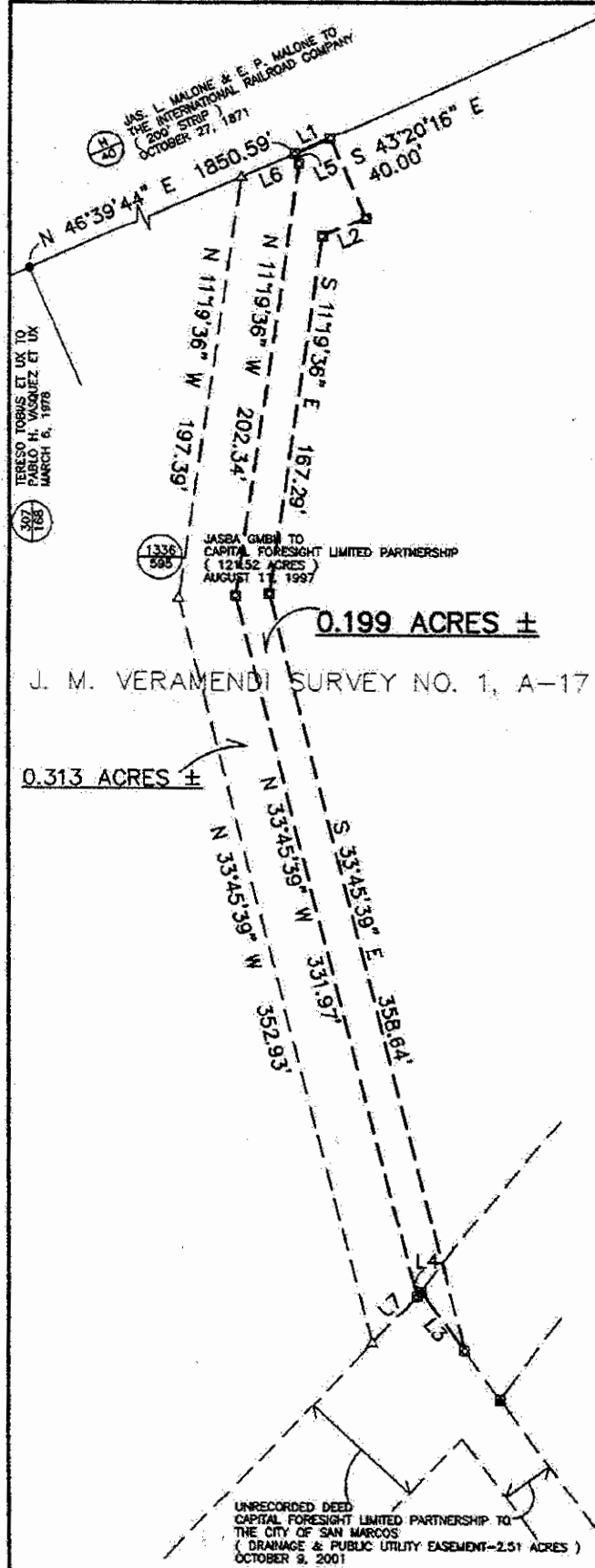
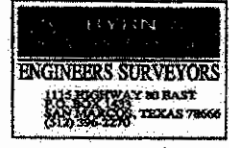
LINE TABLE

L1	N 46°39'44" E	17.50'
L2	S 46°39'44" W	21.78'
L3	N 55°23'29" W	33.67'
L4	S 23°36'58" W	3.07'
L5	N 43°23'59" W	4.85'
L6	N 46°39'44" E	26.44'
L7	S 23°36'59" W	29.68'

TO THE CITY OF SAN MARCOS EXCLUSIVELY, AND FOR USE WITH THIS TRANSACTION ONLY.

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON JANUARY 30, 2003 AND THAT ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREON.

[Signature]
KYLE SMITH, R.P.L.S. NO. 5307



CLIENT: CITY OF SAN MARCOS
DATE: JANUARY 30, 2003
OFFICE: BRYANT
CREW: HANKS, LOZANO
FB/PG: 585/18, 591/17
PLAT NO. S 25352-02-1.2-d

PLAT OF 0.512 ACRES, MORE OR LESS, IN THE J. M. VERAMENDI SURVEY NO. 1, A-17, CITY OF SAN MARCOS HAYS COUNTY, TEXAS

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Dec 10, 2003 at 09:53A

Document Number: 03039495

Amount 19.00

By
Lynn Curry
Lee Carlisle, County Clerk
Hays County

RETURN TO: DAVID BISETT
P.O. BOX 706
WIMBERLEY, TX
78676