

CAUSE NO. 24CV-07636

CITY OF SAN MARCOS, TEXAS,	§	EMINENT DOMAIN PROCEEDING
	§	
<i>Condemnor,</i>	§	
	§	
v.	§	IN THE COUNTY COURT AT LAW
	§	
MARY BETH HARPER a/k/a MARY	§	
NANCE HARPER, individually and as	§	
Independent Executor of the ESTATE OF	§	
RAY STEWART HARPER, and JAIME	§	
LYNN HARPER,	§	
	§	
<i>Condemnees.</i>	§	OF CALDWELL COUNTY

AWARD OF SPECIAL COMMISSIONERS

On February 28, 2025, 1:00 p.m., in the Dr. Eugene Clark Library, Fireplace Room, 217 S. Main Street, Lockhart, Texas 78644, the parties convened the Special Commissioners' Hearing and the above-styled cause came on to be heard before the undersigned, three disinterested real property owners residing in Caldwell County, Texas, heretofore appointed as Special Commissioners by the Judge of this Court to assess just compensation in this condemnation proceeding, and came Condemnor, City of San Marcos, Texas ("Condemnor"), represented by counsel, having announced ready, and Condemnee, Mary Beth Harper a/k/a Mary Nance Harper,

☒ not appearing

☐ having appeared in person

☐ having appeared represented by counsel, announcing ready; and

Condemnee, Jaime Lynn Harper,

☒ not appearing

☐ having appeared in person

☐ having appeared represented by counsel, announcing ready.

I.

On October 17, 2024, Condemnor filed Condemnor's Original Petition in Condemnation ("Petition") and, upon the facts and for the purposes stated therein, Condemnor seeks to condemn certain property interests in and to property situated in Caldwell County, Texas, as described in said Petition, which is attached hereto as Exhibit "A".

II.

The Judge of this Court appointed three disinterested real property owners residing in Caldwell County, Texas, as Special Commissioners to assess the damages caused by the condemnation of said property and property rights.

III.

The Special Commissioners are duly qualified as such, each having taken the oath, prescribed by law, to assess damages fairly, impartially, and according to the law.

IV.

That a Special Commissioners' hearing is scheduled in the above-captioned matter for February 18, 2025 at 1:00 p.m., in the Dr. Eugene Clark Library, Fireplace Room, 217 S. Main Street, Lockhart, Texas 78644.

V.

That the Special Commissioners issued written notice of such date, time and location of the hearing, and Condemnee received notice of said hearing.

VI.

That the Special Commissioners convened on February 28, 2025, along with the parties and interested persons as noted herein, and said Special Commissioners are entering the award amount indicated below. Further, the award amount will be paid to Condemnee by reason of the

condemnation of the property and, after hearing and considering such evidence, said Special Commissioners did find and determine and, accordingly, the award amount to be paid by Condemnor for this condemnation according to the rules of just compensation as set forth in TEX.

PROP. CODE ANN. § 21.042 in the total amount of:
four hundred and eight thousand five hundred Dollars
(\$ 408,500) to Condemnee, as Condemnee's interests may appear.

The costs of this proceeding are adjudged against Condemnor.

Rendered this 28th day of February 2025.

John E. Walker
John E. Walker

Tammy Francis
Tammy Francis

Armando Fierro
Armando Fierro

SPECIAL COMMISSIONERS

The costs which have accrued to date are as follows:

Fees due to Special Commissioners as set by the Court.

No. of Hours: 5 \$ 1,000.00 to John E. Walker.

No. of Hours: 5 \$ 1,000.00 to Tammy Francis.

No. of Hours: 5 \$ 1,000.00 to Armando Fierro.

The foregoing decision and Award was filed with me this 11 day of ~~February~~ ^{March} 2025.

M. E. A.
PRESIDING JUDGE

CLERK OF THE COURT: PURSUANT TO TEXAS PROPERTY CODE §21.049 - THE CLERK OF THE COURT MUST SEND COPIES OF THE NOTICE OF EMINENT DOMAIN AWARD VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED OR REGISTERED MAIL, TO THE PARTIES IN THE PROCEEDING, OR TO THEIR ATTORNEY(S) OF RECORD, AT THEIR ADDRESSES OF RECORD.

IN REGARD TO THE ABOVE-NAMED MATTER, PLEASE SEND COPIES TO THE FOLLOWING:

A. A. Jack Ross, IV
Katherine Ramos-Reiley
Allison Surginer
ROSS MOLINA OLIVEROS, P.C.
4118 Pond Hill Road, Ste. 100
San Antonio, Texas 78231
Attorneys for Condemnor

Nicholas P. Laurent
BARRON ADLER CLOUGH & ODDO, PLLC
808 Nueces Street
Austin, Texas 78701
Attorney for Condemnees

III. PARTIES

4. The City of San Marcos, Texas, a municipal corporation of Hays County, Texas, pursuant to the authority contained in Section 251.070 of the Texas Local Government Code and Section 2.02 of the Home Rule Charter, and their predecessors. Condemnor seeks to acquire interests in real property by its eminent-domain powers pursuant to Section 2.02 of the Home Rule Charter and Chapter 21 of the Texas Property Code. Condemnor's principal office and place of business is 630 E. Hopkins, San Marcos, Texas 78666.

5. The owner and other persons or entities having or claiming legal, equitable or security interests in, to or on the Property, hereinafter called Condemnee, whether one or more, are as follows:

- a. Condemnee, Mary Beth Harper a/k/a Mary Nance Harper, is an individual and may be served with hearing/process at 20057 San Marcos Hwy, San Marcos, Texas 78666-8150, or by and through her attorney, Nicholas P. Laurent of BARRON ADLER CLOUGH & ODDO, PLLC, at 808 Nueces Street, Austin, Texas 78701, or wherever Condemnee may be found.
- b. Condemnee, Jaime Lynn Harper, is an individual and may be served with hearing/process at 1902 Highway 21, San Marcos, Texas 78666-5126, or by and through her attorney, Nicholas P. Laurent of BARRON ADLER CLOUGH & ODDO, PLLC, at 808 Nueces Street, Austin, Texas 78701, or wherever Condemnee may be found.

6. Condemnor reserves the right to add the name or names of any additional parties who may subsequently appear to possess an interest in the Property.

IV. PUBLIC USE AND NECESSITY

7. The City Council of the City of San Marcos has determined that a public use and necessity exists for undertaking water, wastewater, recycled water, and related electric improvements alongside Highway 80 (the "Project") for the use and benefit of the constituents of the City of San Marcos. The City Council of the City of San Marcos has further determined that

to advance and achieve such public use it is necessary for the City to acquire easements over, under, across and upon certain properties affected by the Project, including the Property.

V. PROPERTY RIGHTS SOUGHT

8. Using its power of eminent domain pursuant to Chapter 251 of the Texas Local Government Code and in accordance with Chapter 21 of the Texas Property Code and all other applicable laws, Condemnor seeks to acquire by this condemnation proceeding the property rights and interests described below.

A. *Water Line Easement*

9. Condemnor seeks to acquire by condemnation a permanent easement and right-of-way for the purposes of constructing, laying, installing, reconstructing, replacing, repairing, operating and maintaining one potable water line of twelve inches (12") in nominal diameter, and related valves, manholes, connections, controls, monitoring devices, and other associated equipment and appurtenances (collectively, the "Water Line Facilities"), across, through and over the Property (the "Water Line Easement"). The Water Line Easement and the Property out of which the same is sought are more particularly described and shown in **Exhibit A** attached hereto and incorporated herein for all purposes.

10. Condemnor seeks the rights and benefits necessary for the full enjoyment and use of the rights described herein, together with the right of ingress and egress over the Water Line Easement for constructing, reconstructing, realigning, inspecting, patrolling, maintaining, operating, repairing, adding, removing and/or replacing the Water Line Facilities; and the right to relocate said Water Line Facilities within the Water Line Easement.

B. Wastewater Line Easement

11. Condemnor seeks to acquire by condemnation a permanent easement and right-of-way for the purposes of constructing, laying, installing, reconstructing, replacing, repairing, operating and maintaining one wastewater line of eighteen inches (18") in nominal diameter, and related valves, manholes, connections, controls, monitoring devices, and other associated equipment and appurtenances (collectively, the "Wastewater Facilities"), across, through and over the Property (the "Wastewater Line Easement"). The Wastewater Line Easement and the Property out of which the same is sought are more particularly described and shown in Exhibit A attached hereto and incorporated herein for all purposes.

12. Condemnor seeks the rights and benefits necessary for the full enjoyment and use of the rights described herein, together with the right of ingress and egress over the Wastewater Line Easement for constructing, reconstructing, realigning, inspecting, patrolling, maintaining, operating, repairing, adding, removing and/or replacing the Wastewater Facilities; and the right to relocate said Wastewater Facilities within the Wastewater Line Easement.

C. Recycled Water Line Easement

13. Condemnor seeks to acquire by condemnation a permanent easement and right-of-way for the purposes of constructing, laying, installing, reconstructing, replacing, repairing, operating and maintaining one recycled water line of sixteen inches (16") in nominal diameter, and related valves, manholes, connections, controls, monitoring devices, and other associated equipment and appurtenances (collectively, the "Recycled Water Facilities"), across, through and over the Property (the "Recycled Water Line Easement"). The Recycled Water Line Easement and the Property out of which the same is sought are more particularly described and shown in Exhibit A attached hereto and incorporated herein for all purposes.

14. Condemnor seeks the rights and benefits necessary for the full enjoyment and use of the rights described herein, together with the right of ingress and egress over the Recycled Water Line Easement for constructing, reconstructing, realigning, inspecting, patrolling, maintaining, operating, repairing, adding, removing and/or replacing the Recycled Water Facilities; and the right to relocate said Recycled Water Facilities within the Recycled Water Line Easement.

15. The Water Line Easement, Wastewater Line Easement, and Recycled Water Easement, shall hereafter be collectively referred to as the "Permanent Easement."

D. Terms of the Easements

16. Condemnor shall have the right to remove from the Permanent Easement all trees and parts thereof or other obstructions which might interfere with the exercise of the rights granted hereunder.

17. Following construction, Condemnor agrees that it will remove from the Permanent Easement all surplus material and, subject to Condemnor's facilities in the Permanent Easement, will cause the Permanent Easement to be left as near as reasonably possible in the condition as it existed before the construction of said improvements.

18. No building or structure of any kind may be constructed within the Permanent Easement by Condemnee or Condemnee's legal representatives, successors and/or assigns.

VI. RIGHTS RETAINED BY CONDEMNEE

19. Condemnee shall have and reserve the right to use all or any part of the Permanent Easement for any purpose that does not damage, destroy, injure and/or interfere with Condemnor's use of the Permanent Easement for the purposes for which they are being sought herein.

20. There shall be reserved to Condemnee and others, as applicable, all the oil, gas and other minerals in, on and under the Permanent Easement; however, Condemnee shall not be permitted to drill or operate equipment for the production of minerals on the Permanent Easement, but will be permitted to extract the oil, gas and other minerals from and under the Permanent Easement by directional drilling and other means if Condemnor's use of the Permanent Easement is not disturbed.

21. As stated in § 21.023 of the Texas Property Code, Condemnee or Condemnee's heirs, successors, or assigns may be entitled to (1) repurchase the Permanent Easement pursuant to Subchapter E of Chapter 21 of the Texas Property Code, or (2) request from Condemnor certain information relating to the use of the Permanent Easement and any actual progress made toward that use. Should Condemnee repurchase the Permanent Easement pursuant to Subchapter E of Chapter 21 of the Texas Property Code, the repurchase price will be the price paid to Condemnee by Condemnor at the time Condemnor acquired the Permanent Easement through eminent domain.

VII. NEGOTIATIONS

22. Condemnor, acting by and through its authorized agent, provided Condemnee with the Landowner's Bill of Rights Statement in accordance with § 21.0112 of the Texas Property Code and made a bona fide offer to acquire the rights sought herein from Condemnee voluntarily pursuant to § 21.0113 of the Texas Property Code. However, Condemnee did not accept Condemnor's offer, Condemnor and Condemnee are unable to agree on the damages, and negotiations have become futile.

23. Accordingly, all conditions precedent to instituting this condemnation proceeding have occurred or have been performed.

VIII. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Condemnor prays:

1. That three disinterested real property owners residing in Caldwell County be appointed as Special Commissioners to assess the damages, if any, to Condemnee's property as required by law;
2. That two disinterested real property owners residing in Caldwell County be appointed as Alternate Special Commissioners who, upon the unavailability of any Special Commissioner, whether due to being struck or otherwise, shall, in the order in which such Alternate Special Commissioners are appointed, take the place and perform the duties of the unavailable Special Commissioner;
3. That the Court specify in the order appointing Special Commissioners that the reasonable period during which a party may strike one (1) of the Special Commissioners is ten (10) calendar days after appointment;
4. That the Special Commissioners so appointed set a date and time for a hearing;
5. That Condemnee be notified of the hearing in writing;
6. That at said hearing, the Special Commissioners assess the value of the property interests belonging to Condemnee that are sought to be condemned and assess damages, if any, to Condemnee's property by the acquisition and use of the rights sought herein;
7. That the Court enter judgment vesting in Condemnor, its successors and assigns, the rights sought herein;
8. That upon payment into the Registry of the Court of the amount awarded by the Special Commissioners, Condemnor have a Writ of Possession issued on its behalf and any other process necessary to enforce the judgment of condemnation, all as provided by law;
9. That Condemnor recover its costs of these proceedings; and
10. For such other and further relief, both general and special, at law and in equity, to which Condemnor may be justly entitled.

Respectfully submitted,

ROSS MOLINA OLIVEROS, P.C.

/s/ A.A. Jack Ross, IV

A.A. Jack Ross, IV, Attorney-in-Charge

State Bar No. 17283940

jross@rmolawfirm.com

Katherine Ramos Reiley

State Bar No. 24033103

kramos@rmolawfirm.com

Allison K. Surginer

State Bar No. 24132262

asurginer@rmolawfirm.com

4118 Pond Hill Road, Suite 100

San Antonio, Texas 78231

(210) 249-3200 – Telephone

(210) 249-3201 – Facsimile

**ATTORNEYS FOR CONDEMNOR
CITY OF SAN MARCOS**

CERTIFICATE OF MAILING

Condemnor will mail a copy of this Petition by regular and certified mail, return receipt requested to all Condemnees whose addresses are listed in Section III, above.

/s/ A.A. Jack Ross, IV

A.A. Jack Ross, IV

EXHIBIT A

Project Name: Hwy 80 Merged Projects #661 & #555
Parcel: 00016.0004

Job No. 2300000074.000.2
February 21, 2023

Exhibit "A"

3.004 Acre
Water Line, Wastewater Line and
Recycled Water Line Easement

State of Texas
County of Caldwell

Fieldnotes, for a 3.004 Acre (130,876 Square Feet) Water Line, Wastewater Line and Recycled Water Line Easement, situated in the William Pettus Survey, Abstract Number 21, Caldwell County, Texas, over and across a 99.95 Acre tract, described in a Deed from Arthur A. Harper, Jr., Ray Stewart Harper and Dudley Gene Harper to Arthur A. Harper, Jr., as recorded in Volume 386, Page 196 of the Official Public Records of Caldwell County, Texas; said 3.004 Acres being more fully described by metes and bounds as follows;

Commencing, at a ½ Inch Iron Rod with Aluminum Cap stamped "Guadalupe-Blanco River Authority" found, on the apparent East Right-of-Way of Old Bastrop Road, for a corner of the said 99.95 Acre tract, from **Whence** a ½ Inch Iron Rod found, for a corner of the said 99.95 Acre tract bears North 07°33'17" East, 1044.92 Feet;

Thence, South 10°26'17" West, with the said apparent East Right-of-Way, the West line of the said 99.95 Acre tract, 73.76 Feet, to the Northeast Right-of-Way of State Highway 80, a Southwest corner of the said 99.95 Acre tract;

Thence, South 23°53'43" East, with the Northeast Right-of-Way of the said State Highway 80, 91.21 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "ESMT" set, for the **Point of Beginning** and West corner of this tract;

Thence, departing the said Northeast Right-of-Way, with the Northwest and Northeast boundary of this tract, as follows;

- North 66°06'17" East, 65.00 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "ESMT" set, for the North corner of this tract;
- South 23°53'43" East, 145.22 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "ESMT" set, for an Inner Ell corner of this tract;
- South 55°48'00" East, 1468.32 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "ESMT" set, for a corner of this tract and the Beginning of a curve to the Left with a Radius of 2749.79 Feet, a Delta of 07°44'43" an Arc Length of 371.71 Feet and a Chord which bears South 59°51'44" East, 371.43 Feet;

Exhibit "A"
Parcel 00016.0004

- with the Arc of the said Curve to the Left, 371.71 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "ESMT" set, on the Northwest line of a 84.27 Acre tract, in a Probate Muniment of Title from Dudley Gene Harper to Jaime Lynn Harper, as recorded in Document Number 370-2019-005417 of the said Official Public Records and further described in a Deed from Arthur A. Harper, Jr., Ray Stewart Harper and Dudley Gene Harper to Dudley Gene Harper, as recorded in Volume 386, Page 186 of the said Official Public Records, the Southeast line of the said 99.95 Acre tract, for the East corner of this tract;

Thence, South 17°20'17" West, with the said common line of the said 84.27 Acre tract and the said 99.95 Acre tract, 65.78 Feet, to a ½ Inch Iron Rod with Yellow Plastic Cap stamped "Baseline Corp." set, on the Northeast Right-of-Way of the said State Highway 80, for the West corner of the said 84.27 Acre tract, the South corner of the said 99.95 Acre tract and this tract, and the Beginning of a curve to the Right with a Radius of 2814.79 Feet, a Delta of 07°57'19" an Arc Length of 390.82 Feet and a Chord which bears North 59°57'54" West, 390.50 Feet;

Thence, with the Arc of the said Curve to the Right, the said Northeast Right-of-Way and the Southwest line of the said 99.95 Acre tract, 390.82 Feet to a ½ Inch Iron Rod with Red Plastic Cap stamped "ESMT" set, for a corner of the said 99.95 Acre tract and this tract;

Thence, North 55°48'00" West, with the common line of the said North Right-of-Way and the Southwest line of the said 99.95 Acre tract, 1487.00 Feet to a ½ Inch Iron Rod with Red Plastic Cap stamped "ESMT" set, for a corner of this tract;

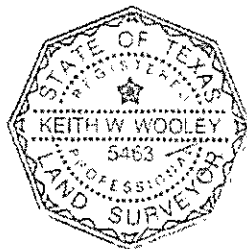
Thence, North 23°53'43" West, continuing with the said Common line, 163.80 Feet to the **Point of Beginning**, containing 3.004 Acres (130,876 Square Feet) of Land, more or less.

Bearings are based on GPS, NAD83, State Plane Coordinates, Texas South Central Zone 4204.

Unless this fieldnote description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

Also reference accompanying Sketch of tract described herein.

BASELINE CORPORATION



Keith W. Wooley
Keith W. Wooley, R.P.L.S.
License No. 5463

THOMAS G. McGENEE SURVEY
ABSTRACT NO. 11
HAYS COUNTY, TEXAS

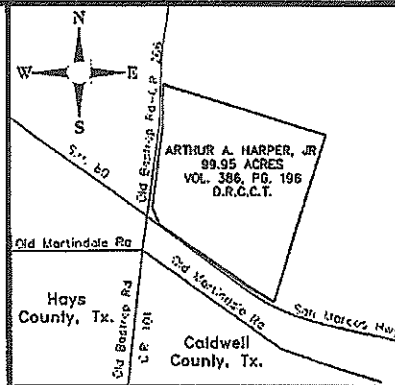
Exhibit "A" Parcel: 00016.0004

GUADALUPE-BLANCO RIVER AUTHORITY (GBRA)
AMENDED PIPELINE EASEMENT
40' FOOT WIDE-PERMANENT EASEMENT
VOL. 386, PG. 117
O.P.R.C.C.T.

GUADALUPE-BLANCO RIVER AUTHORITY (GBRA)
40' FOOT WIDE-PERMANENT EASEMENT
VOL. 210, PG. 735 O.P.R.C.C.T.

BLUEBONNET ELECTRIC
COOPERATIVE INC.
20' WIDE EASEMENT
VOL. 640, PG. 735
O.P.R.C.C.T.

LINE TABLE		
LINE	BEARING	LENGTH
A1 (DEED)	S10°26'17"W S11°06'14"	73.76 73.76
A2 (DEED)	S7°33'17"W S7°15'14"	1044.92 1044.92



LOCATION MAP
Caldwell County, Tx.

SYMBOL LEGEND:

- 1/2 Incl Iron Rod Found
- 1/2 Incl Iron Rod Set with Red Plastic Cap "ESMT"
- 1/2 Incl Iron Rod Found with Yellow Plastic Cap "BURY & PARTNERS"
- Set 60d Nail
- Monument TxDot Type "I"
- Monument TxDot Type "II"
- Property Line/R.O.W.
- Proposed Easement
- (N02°03'21"E 1168.37') Record Bearing/Distance

LINE TABLE		
LINE	BEARING	LENGTH
L1	N66°08'17"E	65.00
L2	S23°53'43"E	145.22
L3	S55°48'00"E	1468.32
L4	S17°20'17"W	65.78
L5	N23°53'43"W	163.80'

MAXWELL WATER SUPPLY CORP.
15' WIDTH-RIGHT OF WAY EASEMENT
VOL. 421, PG. 775
D.R.C.C.T.
AS AFFECT BY
EASEMENT MODIFICATION
20' EASEMENT
VOL. 261, PG. 203
O.P.R.C.C.T.

3.004 ACRE
(130,876 SQ FT)
WATER LINE AND WASTEWATER
LINE AND RECYCLED WATER
LINE EASEMENT

ARTHUR A. HARPER, JR.
99.95 ACRES
(VOL. 386, PG. 196)
D.R.C.C.T.

Exhibit "A" Sketch to Accompany

3.004 Acre (130,876 Square Feet) Water Line, Wastewater Line and Recycled Water Line Easement, situated in the William Pettus Survey, Abstract Number 21, Caldwell County, Texas, over and across a 99.95 Acre tract, described in a Deed from Arthur A. Harper, Jr., Ray Stewart Harper and Dudley Gene Harper to Arthur A. Harper, Jr., as recorded in Volume 386, Page 196 of the Official Public Records of Caldwell County, Texas.

BASELINE

DCCM

Baseline Corporation | TxSurv F-10030200
190 S Seguin Ave, New Braunfels, TX 78130
830.606.3913 | BaselineSurveyors.net

DRAWN BY: M.H.

DATE: FEBRUARY 2023

CHECKED BY: K.W.W.

JOB NO.: 2206.07.NB

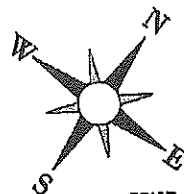
SHEET 3 OF 6

MATCH-LINE SEE SHEET 3

Exhibit "A"

Parcel: 00016.0004

WILLIAM PETTUS SURVEY
ABSTRACT NO. 21
CALDWELL COUNTY, TEXAS



SCALE: 1"=100'
SCALE IN FEET



LINE TABLE		
LINE	BEARING	LENGTH
L1	N66°06'17"E	65.00
L2	S23°53'43"E	145.22
L3	S55°48'00"E	1468.32
L4	S17°20'17"W	65.78
L5	N23°53'43"W	163.80

SYMBOL LEGEND:

- 1/2 Inch Iron Rod Found
- 1/2 Inch Iron Rod Set with Red Plastic Cap "ESMT"
- ⊙ 1/2 Inch Iron Rod Found with Yellow Plastic Cap "BURY & PARTNERS"
- ▲ Set 60d Nail
- Monument TxDot Type "I"
- Monument TxDot Type "II"
- Property Line/R.O.W.
- - - Proposed Easement
- Record Bearing/Distance

STATE HIGHWAY 80
(R.O.W. Varies)

ARTHUR A. HARPER, JR.
99.95 ACRES
(VOL. 386, PG. 196)
D.R.C.C.T.

3.004 ACRE
(130,876 SQ FT)
WATER LINE AND
WASTEWATER LINE AND
RECYCLED WATER LINE
EASEMENT

MAXWELL WATER SUPPLY CORP.
15' WIDTH-RIGHT OF WAY EASEMENT
VOL. 421, PG. 776
D.R.C.C.T.
AS AFFECT BY
EASEMENT MODIFICATION
20' EASEMENT
VOL. 251, PG. 203
O.P.R.C.C.T.

N55°48'00"N 1487.00'
(N55°11'E 1487.26')

MATCH-LINE SEE SHEET 5

Exhibit "A"

Sketch to Accompany

3.004 Acre (130,876 Square Feet) Water Line, Wastewater Line and Recycled Water Line Easement, situated in the William Pettus Survey, Abstract Number 21, Caldwell County, Texas, over and across a 99.95 Acre tract, described in a Deed from Arthur A. Harper, Jr., Ray Stewart Harper and Dudley Gene Harper to Arthur A. Harper, Jr., as recorded in Volume 386, Page 196 of the Official Public Records of Caldwell County, Texas.

BASELINE

DCCM

Baseline Corporation | TxSurv F-10030200
190 S Seguin Ave, New Braunfels, TX 78130
830.606.3913 | BaselineSurveyors.net

DRAWN BY: M.H.

DATE: FEBRUARY 2023

CHECKED BY: K.W.W.

JOB NO.: 2206.07.NB

SHEET 4 OF 6

Exhibit "A"

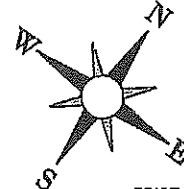
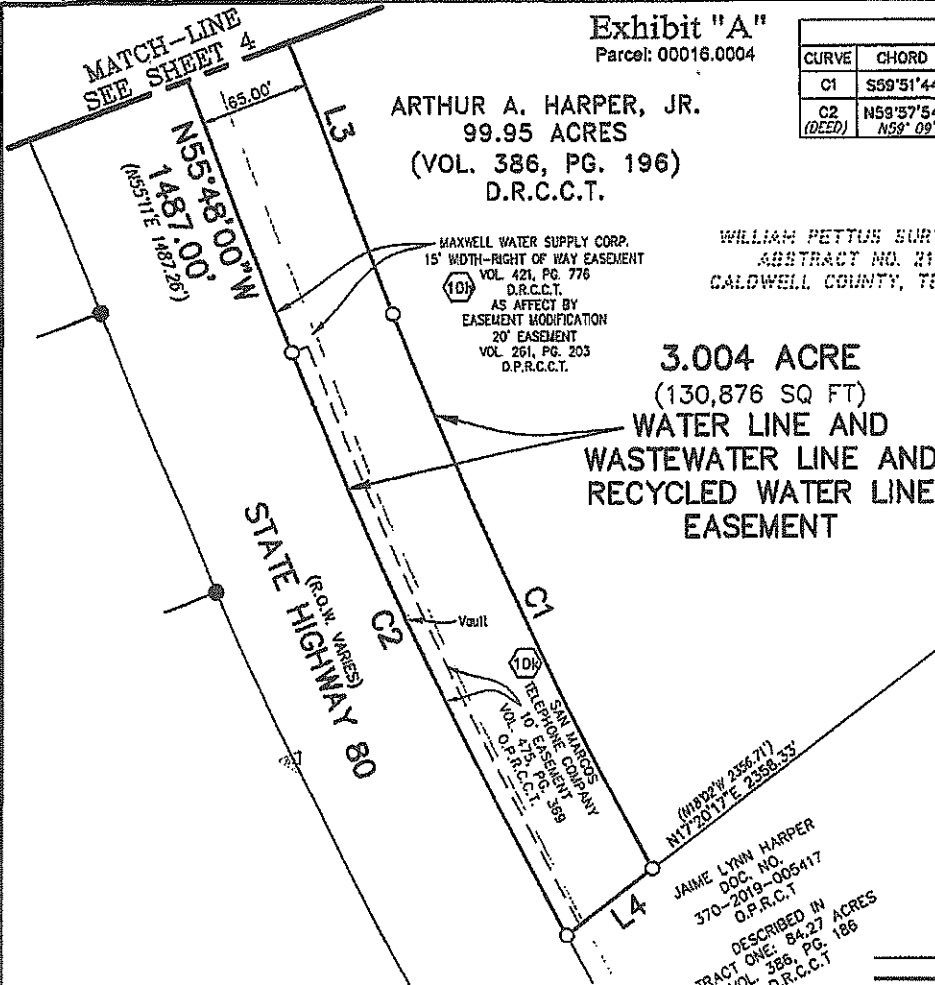
Parcel: 00016.0004

ARTHUR A. HARPER, JR.
99.95 ACRES
(VOL. 386, PG. 196)
D.R.C.C.T.

WILLIAM PETTUS SURVEY
ABSTRACT NO. 21
CALDWELL COUNTY, TEXAS

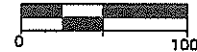
CURVE TABLE						
CURVE	CHORD B	CHORD	RADIUS	DELTA	LENGTH	TANGENT
C1	S59°31'44"E	371.43	2749.79	7°44'43"	371.71	166.14
C2 (DEED)	N58°37'54"W	380.50	2814.78	7°57'19"	390.82	195.72
	N59°09'W	389.69	2814.79	7°56'19"	390.00	195.31

LINE TABLE		
LINE	BEARING	LENGTH
L1	N66°06'17"E	65.00
L2	S23°53'43"E	145.22
L3	S55°48'00"E	1468.32
L4	S17°20'17"W	65.78
L5	N23°53'43"W	163.80'



SCALE: 1"=100'

SCALE IN FEET



SYMBOL LEGEND:

- 1/2 inch Iron Rod Found
- 1/2 inch Iron Rod Set with Red Plastic Cap "ESMT"
- ⊙ 1/2 inch Iron Rod Found with Yellow Plastic Cap "BURY & PARTNERS"
- ▲ Set 60d Nail
- Monument TxDot Type "I"
- Monument TxDot Type "II"
- Property Line/R.O.W.
- - - Proposed Easement
- (N02°03'21"E 1168.37) Record Bearing/Distance

NOTES

- GRID BEARINGS AND DISTANCES SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83 (NA2011), TEXAS SOUTH CENTRAL ZONE 4204. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES. COORDINATES WERE ADJUSTED FROM STATE PLANE GRID TO SURFACE USING A SCALED ADJUSTMENT FACTOR OF 1.00012. (RECIPROCAL OF 1.00012=0.9998800144).
- THIS MAP WAS PREPARED FROM FIELD DATA OBTAINED ON JUNE, JULY, AUGUST, SEPTEMBER 2022 AND JANUARY 2023.
- SOME FEATURES SHOWN ON THIS SURVEY MAY BE OUT OF SCALE FOR CLARITY.
- THIS MAP WAS PREPARED WITH THE BENEFIT OF A CURRENT TITLE COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY, GF NO. 2319505-SMA, EFFECTIVE DATE: JUNE 20, 2023, 8:00 am, ISSUED DATE: JUNE 27, 2023, 8:00 am.
- A LEGAL DESCRIPTION WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY EXHIBIT PREPARED IN OUR OFFICE ON FEBRUARY 21, 2023. PROJECT NUMBER 2206.07.NB.
- THIS EXHIBIT IS PREPARED FOR THE ACQUISITION OF THE SUBJECT EASEMENT AND IS NOT INTENDED FOR ANY OTHER PURPOSE OR TRANSACTION.
- SITE ADDRESS: SAN MARCOS HWY, SAN MARCOS, TEXAS 78666, CALDWELL COUNTY, TEXAS.

Exhibit "A"

Sketch to Accompany

3.004 Acre (130,876 Square Feet) Water Line, Wastewater Line and Recycled Water Line Easement, situated in the William Pettus Survey, Abstract Number 21, Caldwell County, Texas, over and across a 99.95 Acre tract, described in a Deed from Arthur A. Harper, Jr., Ray Stewart Harper and Dudley Gene Harper to Arthur A. Harper, Jr., as recorded in Volume 386, Page 196 of the Official Public Records of Caldwell County, Texas.

BASELINE

DCCM

Baseline Corporation | TxSurv F-10030200
190 S Seguin Ave, New Braunfels, TX 78130
830.606.3913 | BaselineSurveyors.net

DRAWN BY: M.H.

DATE: FEBRUARY 2023

CHECKED BY: K.W.W.

JOB NO.: 2206.07.NB

SHEET 5 OF 6

Exhibit "A"
Parcel: 00016.0004

NOTES:

THIS MAP WAS PREPARED WITH THE BENEFIT OF A CURRENT TITLE COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY, GF NO. 2319505-SMA, EFFECTIVE DATE: JUNE 20, 2023, 8:00 am, ISSUED DATE: JUNE 27, 2023, 8:00 am.

- 10a. All leases, grants, exceptions or reservation of coal, lignite, oil, gas and other mineral, 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.
- 10b. Rights of Parties in Possession. (Owner Policy)
- 10c. Rights of tenants, as tenants only, under any and all unrecorded leases or rental agreements. (NOTE: This item can be deleted upon receipt of an Affidavit executed by the seller evidencing there are not any outstanding leases or rental agreements. If the Affidavit reveals unrecorded outstanding leases or rental agreements the exception may be modified to make specific exception to those matters.)
- 10d. Any visible and apparent easement, either public or private, located on or across the land, the existence of which is not disclosed by the Public Records as herein defined.
- 10e. 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.
- 10f. Any portion of subject property lying within the boundaries of a dedicated or undedicated public or private roadway.
- 10g. Easement:
Recorded: Volume 208, Page 809, Official Public Records, Caldwell County, Texas.
Purpose: as stated therein DOES NOT AFFECT ALIGNMENT
- 10h. Easement:
Recorded: Volume 421, Page 776, Deed Records, as affected by Volume 261, Page 203, Official Public Records, Caldwell County, Texas.
Purpose: as stated therein DOES AFFECT ALIGNMENT, AS SHOWN HEREON
- 10i. Easement:
Recorded: Volume 210, Page 736, as affected by Volume 366, Page 117, Official Public Records, Caldwell County, Texas.
Purpose: as stated therein DOES NOT AFFECT ALIGNMENT
- 10j. Easement:
Recorded: Volume 421, Page 774, Deed Records, Caldwell County, Texas.
Purpose: as stated therein DOES NOT AFFECT ALIGNMENT
- 10k. Easement:
Recorded: Volume 475, Page 369, Deed Records, Caldwell County, Texas.
Purpose: as stated therein DOES AFFECT ALIGNMENT, AS SHOWN HEREON
- 10l. Mineral and/or royalty interest in and to all coal, lignite, oil, gas and other minerals; together with all rights incident thereto:
Recorded: Volume 189, Page 332, Deed Records, Caldwell County, Texas.
Title to said interest has not been researched subsequent to the date of the above referenced instrument and the Company makes no representation as to the ownership or holder of such interest(s).

Exhibit "A"
Sketch to Accompany

3.004 Acre (130,876 Square Feet) Water Line, Wastewater Line and Recycled Water Line Easement, situated in the William Pettus Survey, Abstract Number 21, Caldwell County, Texas, over and across a 99.95 Acre tract, described in a Deed from Arthur A. Harper, Jr., Ray Stewart Harper and Dudley Gene Harper to Arthur A. Harper, Jr., as recorded in Volume 386, Page 196 of the Official Public Records of Caldwell County, Texas.

BASELINE

DCCM

Baseline Corporation | TxSurv F-10030200
190 S Seguin Ave, New Braunfels, TX 78130
830.606.3913 | BaselineSurveyors.net

DRAWN BY: M.H.	DATE: FEBRUARY 2023	SHEET 6 OF 6
CHECKED BY: K.W.W.	JOB NO.: 2206.07.NB	

Filed this 11th day of March 2026

TERESA RODRIGUEZ
COUNTY CLERK, CALDWELL COUNTY, TEXAS
By Brenda Flores Deputy

Brenda Flores