

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.

ACCESS EASEMENT

Date: _____, 2015

Grantor: City of San Marcos, Texas, 630 East Hopkins Street, San Marcos, Hays County, Texas 78666

Grantee: William A. Taylor, 1621 West San Antonio Street, San Marcos, Hays County, Texas 78666

Burdened Property: That certain 0.133 acre, more or less, tract of land situated in the J.M. Veramendi Survey No. 1, Abstract No. 17, Hays County, Texas, as more fully described by metes and bounds in Exhibit A, attached hereto and made a part hereof.

Benefitted Property: Lot 1, WILLIAM A. TAYLOR SUBDIVISION, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 4, Page 118, Plat Records of Hays County, Texas

Consideration: \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

Grant of Easement:

Grantor, for the Consideration, grants and conveys to Grantee a non-exclusive access easement (the "Easement") over, upon and across the Burdened Property, for the purpose of installing, operating, maintaining, repairing and replacing a single concrete driveway to provide vehicular access, ingress and egress to and from Grantee's adjacent Benefitted Property, TO HAVE AND TO HOLD this Easement unto the Grantee, its successors and assigns.

The driveway installed, including its location, dimensions and specifications, shall be subject to approval by Grantor in accordance with applicable City of San Marcos, Texas ordinances. After installation, such driveway shall be operated and maintained in accordance with applicable City of San Marcos, Texas ordinances. The final approved location and dimensions of such driveway, upon its completion, shall constitute the "Easement Area" to which the rights granted herein shall be limited.

Grantor may convey the same or other rights and easements to others, so long as any such further conveyance is subject to the Easement and Grantee's rights hereunder. Grantor may continue to use and enjoy the Burdened Property and Easement Area for all purposes, such as public safety, utility and capital improvements projects, which do not unreasonably interfere with the purposes herein or

interrupt Grantee's use and enjoyment of the Easement Area. For example, Grantor may install underground utilities under the driveway.

Grantor may trench or cut into the driveway in connection with such allowed purposes of Grantor described above, provided Grantor shall restore the damaged portion of the driveway to a condition reasonably comparable to the condition as existed before the work. Similarly, Grantor may relocate or realign the driveway or sections thereof as reasonably necessary in connection with such purposes of Grantor. However, if any work of Grantor in furtherance of such purposes requires that the driveway be blocked or closed to vehicular traffic during regular business hours of Grantee, Grantor shall provide temporary alternate vehicular access to the Benefitted Property.

If, at any time, a permanent alternate driveway providing vehicular access to and from a public right-of-way to the Benefitted Property is approved by Grantor or the State of Texas, as applicable, and installed in a location other than the Burdened Property, then Grantor may terminate this Easement by providing written notice of termination to Grantee.

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

GRANTOR:

GRANTEE:

By: _____
Jared Miller, City Manager

William A. Taylor

ACKNOWLEDGMENTS

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on _____, 2015 by Jared Miller, City Manager of the City of San Marcos, Texas, in such capacity, on behalf of said municipality.

Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on _____, 2015 by William A. Taylor.

Notary Public, State of Texas

EXHIBIT A

Description of Burdened Property

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EXHIBIT " _ "

County: Hays
Parcel No.: HAYS CO
Project: FM 2439 Roadway Improvements
Halff AVO: 28533

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1/15/2013

DESCRIPTION FOR HAYS COUNTY 5 ACRES TRACT – R.O.W.

BEING A 0.133 ACRE (5,790 SQUARE FEET) TRACT SITUATED IN THE J.M. VERAMENDI SURVEY NO. 1, ABSTRACT NO. 17, HAYS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 5 ACRES TRACT AS DESCRIBED IN A DOCUMENT TO HAYS COUNTY, TEXAS AND RECORDED IN VOLUME 63, PAGE 392 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with plastic cap stamped "BYRN SURVEY" found in the south right-of-way line of San Antonio Road, a varying width right-of-way, for an angle point in the north line of said 5 acres tract, same being an angle point in the north line of a called 0.98 acre tract as described in a Quitclaim Deed to South Hays County Emergency Service District Number Three, and recorded in Volume 2408, Page 55 of said Deed Records of Hays County, Texas;

THENCE with said south right-of-way line of San Antonio Road and said north line of the 5 acres tract, S73°05'44"W, passing at a distance of 283.56 feet a 1/2-inch iron rod with plastic cap stamped "BYRN SURVEY" found for the northwest corner of said 0.98 acre tract, and from which northwest corner, a 1/2-inch iron rod with plastic cap stamped "BYRN SURVEY" found for the southwest corner of said 0.98 acre tract bears S30°47'26"E a distance of 103.00 feet, and continuing in all a distance of 656.02 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set in said south right-of-way line of San Antonio Road and said north line of the 5 acres tract for the **POINT OF BEGINNING** of the tract described herein;

THENCE leaving said south right-of-way line of San Antonio Road and said north line of the 5 acres tract, crossing said 5 acres tract, S46°27'37"W a distance of 150.42 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set in the southwest line of said 5 acres tract, same being the northeast line of Lot 1, William A. Taylor Subdivision, a subdivision according to the plat of record in Volume 4, Page 118 of the Plat Records of Hays County, Texas, and from which a 1/2-inch (inside diameter) iron pipe found for the south corner of said 5 acres tract bears S45°49'43"E a distance of 249.90 feet;

THENCE with said southwest line of the 5 acres tract and said northeast line of Lot 1, N45°49'43"W, passing at a distance of 44.53 feet a 5/8" iron rod with aluminum cap stamped "CHARLES R. SWART—SURVEYOR 1968" found for the northeast corner of said Lot 1, and continuing with said southwest line of the 5 acres tract in all a distance of 77.05 feet to a point being the northwest corner of said 5 acres tract;

EXHIBIT " _ "

County: Hays
Parcel No.: HAYS CO
Project: FM 2439 Roadway Improvements
Halff AVO: 28533

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1/15/2013


DESCRIPTION FOR HAYS COUNTY 5 ACRES TRACT – R.O.W.

THENCE with said south right-of-way line of San Antonio Road and said north line of the 5 acres tract, N73°05'44"E a distance of 171.72 feet to said **POINT OF BEGINNING** and containing 0.133 acre (5,790 square feet).

NOTES:

All bearings shown hereon are based upon the Texas Coordinate System of 1983, South Central Zone. All distances shown hereon are surface distances. The Grid to Surface adjustment scale factor is 1.00015.

I, Dan H. Clark, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying plat of even date herewith, are true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey on the ground under my direction and supervision.



Dan H. Clark, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 6011
Halff Associates, Inc.,
4030 W. Braker Ln, Suite 450, Austin, Texas 78759, 512-252-8184

1/17/2013
Date



I:\28533\28533\CA\ADD\Survey\EXH-F60-HAYSCO-ROW-28533-R1.dgn

1/15/2013 4:48:43 PM a2172 TXDOT

GRAPHIC SCALE

1"=30'



LOT 5

LOT 6

NICK LARA
VOL. 212 PG. 58
D.R.H.C.T.

BLOCK 3
J H COMBS ADDITION
VOL. 53, PG. 137
P.R.H.C.T.

LOT 7

SAN ANTONIO ROAD
VARYING WIDTH RIGHT-OF-WAY
VOL. 53, PG. 137
P.R.H.C.T.

PROPOSED
R.O.W. ACQUISITION
5,790 SQ. FT.
0.133 AC.

5/8" ALUMINUM
"CHARLES R. SWART
SURVEYOR 1968"

N45°49'43"W 77.05'

WILLIAM ALLEN TAYLOR
VOL. 1859, PG. 461
D.R.H.C.T.

LOT 1 (1.0742 AC)
WILLIAM A. TAYLOR
SUBDIVISION
VOL. 4, PG. 118
P.R.H.C.T.

J.M VERAMENDI SURVEY
NO. 1, A-17

HAYS COUNTY
(5 AC.)
VOL. 63 PG. 392
D.R.H.C.T.

LEGEND:

- △ CALCULATED POINT
- 1/2" IRON ROD SET W/ "HALFF ASSOC INC." CAP
- 1/2" IRON ROD FOUND (CAP/ SIZE NOTED)
- TXDOT BRASS DISC IN CONCRETE
- D.R.H.C.T. DEED RECORDS OF HAYS CO., TX
- P.R.H.C.T. PLAT RECORDS OF HAYS CO., TX
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT-OF-WAY
- () RECORD INFORMATION
- DISTANCE NOT SHOWN TO SCALE
- PROPERTY LINE

LINE	BEARING	DISTANCE
L1	N45°49'43"W	32.52'
L2	S73°05'44"W	372.46'



HALFF
4030 WEST BRAKER LANE, SUITE 450
AUSTIN, TEXAS 78759-5358
TEL (512) 252-8184
FAX (512) 252-8141

HUNTER RD

R.O.W. ACQUISITION FOR
5 ACRES TRACT

Project No.: 28533

Issued: 1/15/2013

Accompanying file Name:
SV-LD-HAYSCO-28533.doc

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EXHIBIT B

Description of Benefitted Property

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1014 pg 118

WILLIAM A. TAYLOR SUBDIVISION
LOCATED IN

THE J. M. VERAMENDI LEAGUE NO. 1,
CITY OF SAN MARCOS,
HAYS COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF HAYS

I, WILLIAM A. TAYLOR, do hereby certify that I am the owner of all of the land shown on the plat of the subdivision of the J. M. Veramendi League No. 1, Hays County, Texas, and that I have caused this plat to be surveyed and plotted in accordance with the laws of the State of Texas, and that I have caused the same to be recorded in the Public Records of Hays County, Texas, in Volume 576, pages 94-97 of the deed records of Hays County.

I further certify that I have caused this parcel to be surveyed and plotted in accordance with the laws of the State of Texas, and that I have caused the same to be recorded in the Public Records of Hays County, Texas, in Volume 576, pages 94-97 of the deed records of Hays County.

Executed this 21st day of February, 1986.

William A. Taylor
WILLIAM A. TAYLOR
1821 WEST SAN ANTONIO STREET
SAN MARCOS, TEXAS 78666

STATE OF TEXAS

COUNTY OF HAYS

Before me, the undersigned authority, on this day personally appeared William A. Taylor, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein set forth.

Given under my name and seal this 21st day of February, 1986.

Kimberly Sultemeier
Kimberly Sultemeier
Notary Public, Hays County, Texas
Residing at 1333 Quindaro
My Commission expires 11-8-87
Kimberly Sultemeier

Approved this 26th day of November, 1985, by the Planning Commission of the City of San Marcos, Texas.

Bill G. Moore
Bill G. Moore
Chairman

Jana E. Shuen
Jana E. Shuen
Secretary

Accepted and authorized for record by the Planning Commission of the City of San Marcos, Texas, this 26th day of March, 1986.

Bill G. Moore
Bill G. Moore
Chairman

Jana E. Shuen
Jana E. Shuen
Secretary

STATE OF TEXAS

COUNTY OF HAYS

I, LYDELL B. CLAYTON, COUNTY CLERK OF HAYS COUNTY, TEXAS, do hereby certify that the foregoing instrument of this day of March, A.D. 1986, at 10:15 o'clock A.M., and was duly recorded at 10:30 o'clock A.M. in the Plat Records of Hays County, Texas, in Book 1185, Page 118.

WITNESS MY HAND AND SEAL OF OFFICE this the 26th day of March, A.D., 1986.

Lydell B. Clayton
Lydell B. Clayton
County Clerk, Hays County, Texas
Deputy

226489

BEARINGS ARE BASED ON THE BEARINGS SHOWN ON THE TEXAS HIGHWAY DEPARTMENT RIGHT OF WAY MAP DATED OCTOBER 1957 OF F.M. 2439. GROUND WITH CONCRETE RIGHT OF WAY MONUMENTS.

VOL. 63, pp. 392-393

VOL. 48, pp. 548-550

POINTS 11, 12, 16, AND 18: AT EACH OF THESE POINTS I FOUND A 3/4 INCH I.D. IRON PIPE, AS SHOWN ON THAT MAP BY DON CUDE, SURVEYOR, DATED 20 MARCH 1962. THAT POINT 12 IS 0° DOWN, THAT AT POINT 16 IS 5° DOWN, AND THAT AT POINT 18 IS 6° DOWN.

POINTS 68, 70, 72, AND 74: AT EACH OF THESE POINTS I SET A 5/8 INCH DIAMETER IRON BAR, 24 INCHES LONG WITH A 2 INCH DIAMETER ALUMINUM CAP MARKED

Approved for acceptance:

25 March 1986
Date
Director of Planning

3-11-86
Date
Director of Public Works



AND WITH THE IDENTIFYING POINT NUMBER.

TAYLOR
CHARLES R. SWART
SURVEYOR

I, CHARLES R. SWART, a Land Surveyor registered under the laws of the State of Texas, do hereby certify that I have made the survey depicted by this plat and that this survey is correctly represented hereby.

IN WITNESS WHEREOF I have hereunto set my hand and seal on the 26th day of February, 1986.

Charles R. Swart

TEXAS REGISTRATION NO. 1993
519 Ranch Road 12 78666
512 353-7444



STATE OF TEXAS
COUNTY OF HAYS

SUBDIVISION

SCALE: 1" = 100'

SCALE: 1" = 50'

VOL. 216, pp. 344-346

LOT AREA = 46,793 SF.
STREET AREA = 3,578 SF.
TOTAL AREA = 50,371 SF.

VICINITY MAP

SCALE: 1" = 800'