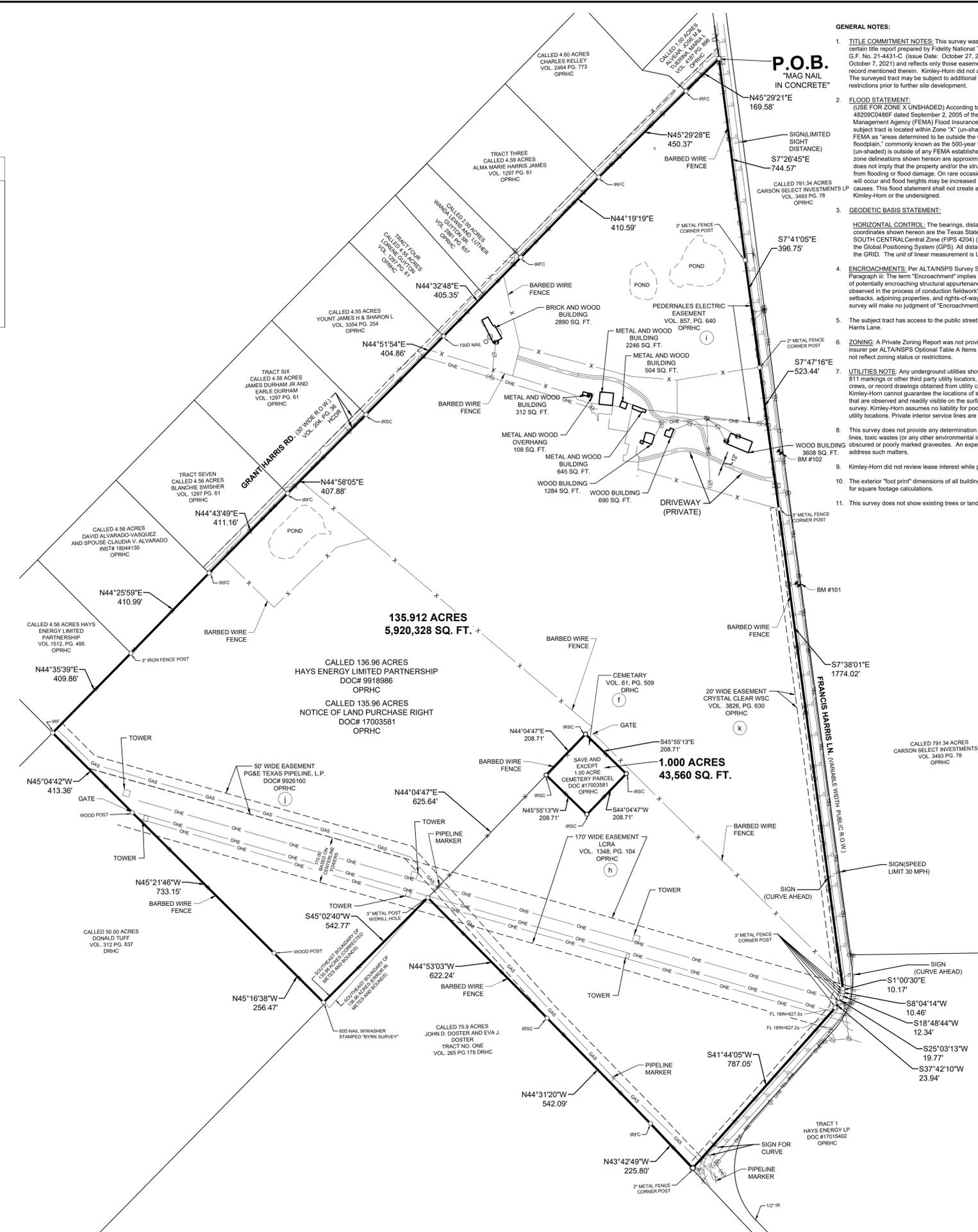


**LINE TYPE LEGEND**

	BOUNDARY LINE
	EASEMENT LINE
	BUILDING LINE
	UNDERGROUND GAS LINE
	OVERHEAD UTILITY LINE
	UNDERGROUND UTILITY LINE
	FENCE
	ASPHALT PAVEMENT

**LEGEND**

	CABLE TV HANDHOLE
	TELEPHONE HANDHOLE
	ANCHOR
	ELECTRIC METER
	UTILITY POLE
	SIGN
	A/C UNIT
	MAIL BOX
	SANITARY SEWER CLEAN OUT
	TREE
	IRON ROD WITH 'WHA' CAP SET
	IRON ROD WITH 'BYRN SURVEY' FOUND
	IRON ROD FOUND
	P.O.B. POINT OF BEGINNING
	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY
	DEED RECORDS OF HAYS COUNTY



**GENERAL NOTES:**

- TITLE COMMITMENT NOTES:** This survey was performed utilizing that certain title report prepared by Fidelity National Title Insurance Company, G.F. No. 214431-C, (Issue Date: October 27, 2021, Effective Date: October 7, 2021) 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:** (USE FOR ZONE X UNSHADED) According to Community Panel No. 48209C0486F 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 will be 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.
- GEODETTIC BASIS STATEMENT:**  
**HORIZONTAL CONTROL:** The bearings, distances, areas and coordinates shown hereon are the Texas State Plane Coordinate System, SOUTH CENTRAL 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 attachments and projections observed in the process of conducting 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".
- The subject tract has access to the public street right-of-ways of Francis Harris Lane.
- 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 records/drawings obtained from utility companies representatives. Kimley-Horn cannot guarantee the locations 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 grave sites. 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.
- This survey does not show existing trees or landscaping.

**NOTES ADDRESSING SCHEDULE B EXCEPTIONS:**

- (Pursuant to Commitment for Title Insurance listed in General Note 1.)
- The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):
    - Rights of parties in possession. (Owner's Policy Only) This exception may 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 therefor.
    - 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 filed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interests 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 land in the event of a conflict between this exception and Covered Risk 1(c), this exception shall control. (Applies to Owner's Policy only)
    - Rights of tenants in possession under unrecorded leases or rental agreements.
    - Any portion of the property lying within the boundary of any road or roadway.
    - Subject to any and all rights and/or privileges existing or which may later exist by virtue of that portion of the subject property being used as a cemetery including, but not limited to, the rights of ascendant and intestate and the rights of ingress and egress in and to said cemetery, as reserved in Deed recorded in Volume 61, Page 509, Deed Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
    - Easement granted to Southwestern Bell Telephone Company, recorded in Volume 124, Page 302, Deed Records of Hays County, Texas, and transferred to San Marcos Telephone Company by instrument recorded in Volume F, Page 509, Bill of Sale Records of Hays County, Texas. (DOES NOT AFFECT)
    - Easement awarded to Lower Colorado River Authority, by Judgment dated October 18, 1972, under Cause No. 9413, District Court Records, Hays County, Texas, as recorded in Volume R, Page 462, Civil Minute Records of District Court of Hays County, Texas, and amended by instrument recorded in Volume 1348, Page 104, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
    - Easements, terms, conditions, and stipulations in that certain Easement Agreement, as recorded in Document No. 9626150, of the Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
    - Easement granted to Crystal Clear W.S.C., recorded in Volume 3826, Page 630, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
    - Terms, conditions, and stipulations in that certain Notice of Land Purchase Right, by and between Hays Energy, LLC, a Delaware limited liability company and successor by conversion to Hays Energy Limited Partnership, a Delaware limited liability company, and ENGIE Development, LLC, a Delaware limited liability company, as recorded in Document No. 17003081, of the Official Public Records of Hays County, Texas.
    - Right of first refusal as set forth in Notice of Land Purchase Right, dated m. January 3, 2017, recorded in Document No. 17003081, of the Official Public Records of Hays County, Texas.
    - Subject property lies within the boundaries of York Creek Improvement District and may be subject to taxes or special assessments as provided by law.

**LEGAL DESCRIPTION:**

(Pursuant to Commitment for Title Insurance listed in General Note 1.)  
 DESCRIPTION OF 136.96 ACRES MORE OR LESS OF LAND AREA BEING A 136.96 ACRE TRACT LESS AND EXCEPT A ONE ACRE TRACT RESERVED FOR CEMETERY PURPOSES BEING A PORTION OF LOTS 149 AND 167 OF THE DIVISION OF THE AM ENSANRIZAR SURVEY HAYS COUNTY TEXAS AS SHOWN ON THE PLAT OF SUBDIVISION DATED MARCH 1948 AND RECORDED IN VOLUME 84 PAGE 471 OF THE HAYS COUNTY DEED RECORDS AND BEING ALL OF THAT TRACT DESCRIBED AS 136.96 ACRES IN A DEED JAMES W RAGSDALE TO HAYS ENERGY LIMITED PARTNERSHIP DATED AUGUST 9, 1999 AND RECORDED IN HAYS COUNTY DOCUMENT NO 9918986 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS (BEING RESERVED IN PREVIOUS DEED A ONE ACRE TRACT OF LAND FOR A CEMETERY PURPOSES)

**SURVEYORS CERTIFICATION:**

To: Highlander Real Estate Partners, LLC;  
 (name of lender, if known);  
 (name of insurer, if known);  
 (names of others as negotiated with the client):

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 3, 4, 8, 9, 13 and 16 of Table A thereof.

Field Work Date: 10/21/2021  
 Survey Date: 11/09/2021

*John G. Mosier*  
 John Gregory Mosier  
 Registered Professional Land Surveyor No. 6330  
 Kimley-Horn and Associates, Inc.  
 601 NW Loop 410, Suite 350  
 San Antonio, Texas 78216  
 Ph. 210-541-9166  
 greg.mosier@kimley-horn.com

**METS AND BOUNDS:**

- BEING a 136.912 acre (5,963,888 square feet) tract of land less and except a one acre tract reserved for cemetery purposes for a total Net Acreage of 135.912 (5,920,328 square feet) of land situated in the A.M. ESNANRIZAR SURVEY, Abstract No. 6, Hays County, Texas, and being a all of that certain 136.96 acre tract (less and except one acre) in instrument to Hays Energy Limited Partnership in Document No. 9918986 of the Official Public Records of Hays County, Texas, and being more particularly described as follows:
- BEGINNING** at a mag nail found in concrete on the intersection of the westerly line of Francis Harris Lane (variable public width public right-of-way) with the southeasterly line of Grant Harris Road (20 feet wide private drive) marking the northeast corner of the said 136.96 acre tract and the east corner of that certain 1.00 acre tract described in Volume 4187 Page 894 of the Official Public Records of Hays County;
- THENCE**, along the westerly right-of-way line of Francis Harris Lane the following ten (10) courses and distances:
- South 07°26'45" East, 744.57 feet to a 3-inch metal fence post found for corner;
  - South 07°41'05" East, 396.75 feet to a 2-inch metal fence post found for corner;
  - South 07°47'16" East, 523.44 feet to a 3-inch metal fence post found for corner;
  - South 07°38'01" East, 1774.02 feet to a 3-inch metal fence post found for corner;
  - South 01°00'30" East, 10.17 feet to a 3-inch metal fence post found for corner;
  - South 08°04'14" West, 12.34 feet to a 3-inch metal fence post found for corner;
  - South 18°49'44" West, 12.34 feet to a 3-inch metal fence post found for corner;
  - South 25°03'13" West, 19.77 feet to a 3-inch metal fence post found for corner;
  - South 37°42'10" West, 23.94 feet to a 3-inch metal fence post found for corner;
  - South 41°43'03" West, 787.65 feet to a 3-inch metal fence post found for corner;
- THENCE**, departing the westerly right-of-way line of Francis Harris Lane and following along the southeasterly line of that certain 75.9 acre tract described as tract No. One (1) in instrument to John D. Doster and Eva J. Doster in Volume 265 Page 178 Deed Records Hays County the following three (3) courses and distances;
- North 43°42'49" West, 225.80 feet to a 1/2-inch capped iron rod found for corner;
  - North 44°31'20" West, 542.09 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
  - North 44°53'03" West, 622.24 feet to a 3-inch metal fence post found for corner;
- THENCE**, South 45°02'40" West, 542.77 feet along the northwesterly line of said 75.9 acre tract to a 600 nail washer stamped "BYRN SURVEY" found for corner;

**Easements**, terms, conditions, and stipulations in that certain Easement Agreement, as recorded in Document No. 9626150, of the Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)

**THENCE**, departing the aforesaid 75.9 acre tract and following along the northwesterly line of that certain 50.00 acre tract described in instrument to Donald Tuff in Volume 312 Page 837 in the Deed Records of Hays County the following three (3) courses and distances:

  - North 45°16'38" West, 256.47 feet to a wood post found for corner;
  - North 45°16'38" West, 733.15 feet to a wood post found for corner;
  - North 45°04'42" West, 413.36 feet to a 1/2-inch iron rod found for corner;

**THENCE**, North 44°55'13" East, 409.86 feet to a 3-inch iron fence post found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to Hays Energy Limited Partnership in Volume 1512, Page 495 of the Official Public Records of Hays County;

**THENCE**, North 44°25'59" East, 410.99 feet to a 1/2-inch capped iron rod found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to David Alvarado-Vasquez and spouse Claudia V. Alvarado Document No. 18044130 of the Official Public Records of Hays County;

**THENCE**, along the southeasterly right-of-way line of the said Grant Harris Road the following seven (7) courses and distances;

  - North 44°43'49" East, 411.16 feet to a 1/2-inch capped iron rod found for corner;
  - North 44°58'05" East, 407.88 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
  - North 44°51'54" East, 404.86 feet to a 1000 nail found for corner;
  - North 44°32'48" East, 405.35 feet to a 1/2-inch capped iron rod found for corner;
  - North 44°19'19" East, 410.59 feet to a 1/2-inch capped iron rod found for corner;
  - North 45°29'28" East, 450.37 feet to a 1/2-inch capped iron rod found for corner;
  - North 45°29'21" East, 169.58 feet along southeasterly right-of-way line of Grant Harris Road to the POINT OF BEGINNING, and containing 136.912 acres in Hays County, Texas Less and Except that certain 1.00 acre tract reserved for cemetery purposes, and being more particularly described as follows:

**COMMENCING** at a 1/2-inch drill hole in a 3-inch metal fence post found at a three-way fence corner for an interior corner said 136.96 acre tract;

**THENCE**, North 44°04'47" East, 625.64 feet along a fence line to a 1/2-inch iron rod with a plastic cap stamped "KHA" to the POINT OF BEGINNING of the Save and Except described herein;

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

- North 44°04'47" East, 208.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- South 45°55'13" East, 208.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- South 44°04'47" West, 208.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;

**THENCE**, North 45°55'13" West, 208.71 feet to the POINT OF BEGINNING, and containing 1.000 acre (43,560 square feet), for a total of 135.912 acres of land in Hays 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 document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

**ALTA/NSPS LAND TITLE SURVEY**  
 136.912 ACRES  
 A.M. ESNANRIZAR SURVEY, ABSTRACT NO. 6  
 HAYS COUNTY, TEXAS

**Kimley»Horn**  
 601 NW Loop 410, Suite 350  
 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'	TIA	JGM	11/10/2021	068727800	1 OF 1

No.	DATE	REVISION DESCRIPTION
1		

ADDRESS: Francis Harris Road

**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);

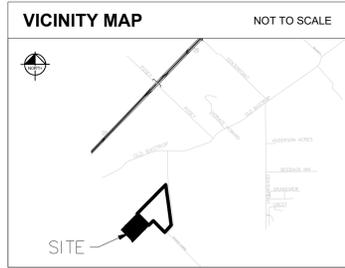
**THENCE**, along common line of said 49.68 acre tract, and of said 50.00 acre Tract A and said 50.00 acre Tract B, the following three (2) calls:

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.  
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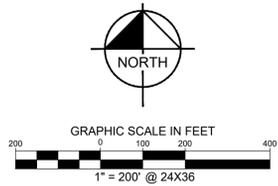
**TITLE COMMITMENT LEGAL DESCRIPTION:**

TRACT 1: BEING 50 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNANRIZAR 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. ESNANRIZAR 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. ESNANRIZAR 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. ESNANRIZAR 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 FENCE
---	WATER LINE
---	SANITARY SEWER LINE
---	STORM DRAIN LINE
---	IRON ROD W/ CAP STAMPED
---	OVERHEAD UTILITY LINE
---	UNDERGROUND UTILITY LINE
---	UNDERGROUND ELECTRIC 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 W/ CAP STAMPED
---	POINT OF BEGINNING
---	RECORDS OF HAYS COUNTY
---	RECORDS OF COMAL COUNTY
---	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. ESNANRIZAR SURVEY AKA A. M. ESNANRIZAR, ABSTRACT NO. 6, HAYS COUNTY, TEXAS, AND BEING A PORTION OF THE A. M. ESNANRIZAR 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:

1. SOUTH 45°04'42" EAST, 413.36 FEET TO A WOOD FENCE POST FOUND FOR CORNER;
2. SOUTH 45°14'01" EAST, 733.15 FEET TO A WOOD FENCE POST FOUND FOR CORNER;
3. SOUTH 45°19'47" EAST, AT 256.73 FEET PASSING A 600-NAIL W/ 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:

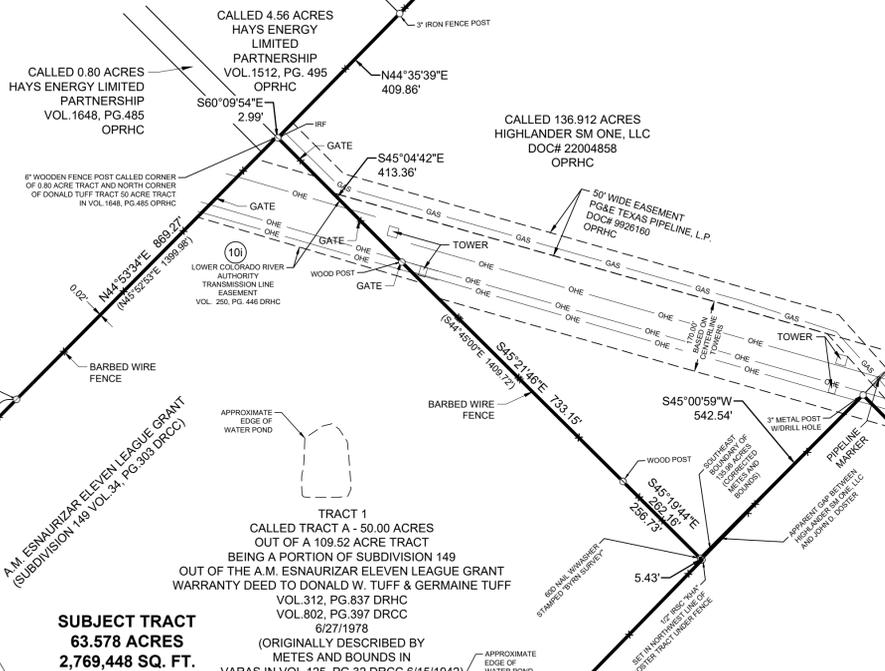
1. SOUTH 44°40'50" WEST, 283.13 FEET TO A 6-INCH WOOD CORNER POST MARKING THE SOUTH CORNER OF HEREIN DESCRIBED TRACT, AND AN INTERIOR NORTH CORNER OF SAID 46.8 ACRE TRACT;
2. NORTH 29°48'52" WEST, 286.88 FEET TO A 8-INCH WOOD CORNER POST MARKING THE NORTHERN-MOST NORTHWEST CORNER OF SAID 46.8 ACRE TRACT,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

1. THE SOUTH CORNER OF SAID 49.88 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. 20089004468 OFFICIAL PUBLIC RECORDS COMAL COUNTY;
3. THE NORTH CORNER OF THAT CERTAIN 2.54 ACRE TRACT OUT OF A 3.174 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 2" 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 49.88 ACRE TRACT, AND OF SAID 50.00 ACRE TRACT A AND SAID 50.00 ACRE TRACT B, THE FOLLOWING THREE (3) 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) (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\0682780\FRANCIS\_HARRIS\DWG\FRANCIS\_HARRIS\_BASIS.DWG, IN THE OFFICE OF KIMLEY-HORN AND ASSOCIATES IN SAN ANTONIO, TEXAS.



**SUBJECT TRACT  
63.578 ACRES  
2,769,448 SQ. FT.**

**NOT PART OF THIS SURVEY  
39.814 ACRES  
1,734,298 SQ. FT.**

LINE TABLE		
NO.	BEARING	LENGTH
L1	S67°37'49"E	36.85'
L2	N11°50'10"W	56.35'

**SURVEYORS CERTIFICATION:**

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



**EXCEPTIONS FROM COVERAGE**

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

1. THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW (WE MUST EITHER INSERT SPECIFIC RECORDING DATA OR DELETE THIS EXCEPTION):  
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**GENERAL NOTES:**

1. TITLE COMMITMENT NOTES: THIS SURVEY WAS PERFORMED UTILIZING THAT CERTAIN TITLE REPORT PREPARED BY FIRST AMERICAN TITLE GUARANTY 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.
2. 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 WILL BE 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.
3. 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 LOCATIONS 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