

Project: 2021-35626; Yarrington Commons Wastewater Improvements  
Parcel: 00022.0002

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.

### CITY OF SAN MARCOS PUBLIC WASTEWATER LINE EASEMENT

**Date:** April 23, 2024

**Grantor:** EC Champions Crossing, LLC, a Texas limited liability company

**Grantor's Address:** 105 Tallapoosa Street, Suite, 300, Montgomery, Montgomery County, Alabama 36104-2655

**Grantee:** City of San Marcos, Texas, a home rule municipal corporation

**Grantee's Address:** 630 East Hopkins Street, San Marcos, Hays County, Texas 78666

**Consideration:** Ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged.

**Easement Area:** Being a 0.2675-acre [11,651 square foot] easement in the William Ward Survey Number 3, Abstract Number 467, Hays County, Texas, said easement being a portion of Lot 17-A of Champions Business Park, a subdivision recorded in Volume 9, Page 356 Plat Records, of Hays County, Texas, described in a deed to EC Champions Crossing, LLC, a Texas limited liability company, recorded in Document Number 22033513 of the Official Public Records of Hays County, Texas, and being more particularly described by metes and bounds in Exhibit "A," attached hereto and made a part hereof for all purposes.

#### Grant of Easement:

Grantor, for the Consideration, grants, sells and conveys to the Grantee a perpetual easement and right-of-way within, across, through and over the Easement Area for the purposes of constructing, laying, installing, reconstructing, replacing, repairing, operating and maintaining one or more wastewater lines, and valves, manholes, connections, controls, monitoring devices, and other associated equipment and appurtenances (the "Public Wastewater Facilities"), together with a right of ingress and egress at all times to, across, over and within the Easement Area for these purposes, to have and to hold this easement to Grantee and Grantee's successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend this easement and the rights and premises granted herein to Grantee and Grantee's successors and assigns against every person whomever lawfully claiming or to claim the same or any part thereof.

The Grantor covenants for itself and its successors and assigns, not to place or maintain any building, structure, or any other obstruction on or within the Easement Area, or to use the surface of the Easement Area for any purpose that would interfere with or prevent the use by Grantee of the Easement Area for the purposes set forth herein without the consent of Grantee. Grantee shall have the right to remove any building, structure or other improvements in the Easement Area to which it has not consented.

Grantee shall have the right to cut, trim, and control the growth of trees and other vegetation and to remove or alleviate other such obstructions on and in the Easement Area without payment to the Grantor, which interferes with or threatens the operation and maintenance of the Public Wastewater Facilities.

Grantor acknowledges that any and all Public Wastewater Facilities in the Easement Area shall remain the property of Grantee.

Grantor acknowledges that this easement may be freely assigned, in whole or in part, by Grantee.

Grantor expressly subordinates all rights of surface use of the Easement Area incident to the mineral estate to the above described uses of said surface by Grantee and agrees to any lien holder subordinations as may be requested by Grantee.

If any clause, sentence, paragraph or article of this easement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such determination shall not be deemed to impair, invalidate, or nullify the remainder of this Agreement if the easement can be given effect without the invalid portion. To this extent, the provisions of this easement are declared to be severable.

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

[SIGNATURES ON NEXT PAGE]

GRANTOR: EC Champions Crossing, LLC, a Texas limited liability company

By: EC Champions Crossing MM, LLC, a Texas limited liability company, Manager

By: LRC GP, LLC, a Texas limited liability company, Member

By: Envolve Communities, LLC, a Texas limited liability company, Member

By: Ty Tyson  
Ty Tyson, Authorized Person

ACKNOWLEDGMENT

THE STATE OF AL §  
COUNTY OF Jefferson §

This instrument was acknowledged before me on 4/23, 2024 by Ty Tyson, Authorized Person of Envolve Communities, LLC, a Texas limited liability company, Member of LRC GP, LLC, a Texas limited liability company, Member of EC Champions Crossing MM, LLC, a Texas limited liability company, Manager of EC Champions Crossing, LLC, a Texas limited liability company, in such capacity on behalf of said entity.

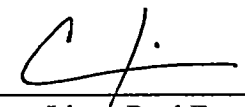


Wade Wood  
Notary Public, State of \_\_\_\_\_

[ADDITIONAL SIGNATURES ON NEXT PAGE]

ACCEPTED BY GRANTEE:

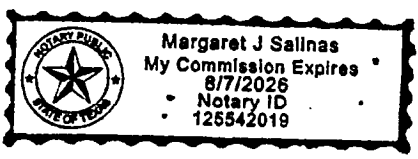
CITY OF SAN MARCOS

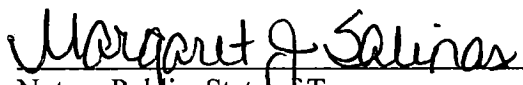
By:   
Cory Lime, Real Estate Manager  
Engineering / Capital Improvements

ACKNOWLEDGMENT

The State of Texas §  
  §  
County of Hays §

This instrument was acknowledged before me on April 29, 2024 by Cory Lime, Real Estate Manager, Engineering/Capital Improvements, City of San Marcos, in such capacity on behalf of said entity.



  
Notary Public, State of Texas

CONSENT OF LIENHOLDER

BOKF, NA, as Fiscal Agent, as the holder of liens(s) against the Easement Area, consents to the above grant of an easement, including the terms and conditions of such grant, and Lienholder agrees that a foreclosure of its lien(s) will not extinguish the rights and interests created by the easement in the Easement Area.

BOKF, NA, as Fiscal Agent

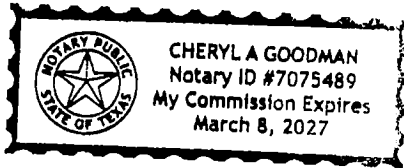
By: *Kathy McQuiston*  
Kathy McQuiston, Vice-President

ACKNOWLEDGMENT

THE STATE OF Tx §  
  §  
COUNTY OF Dallas §

This instrument was acknowledged before me on April 22, 2024 by Kathy McQuiston, Vice-President of BOKF, NA, in such capacity, on behalf of said entity.

*Cheryl Goodman*  
Notary Public, State of Texas



After recording, return to:

City of San Marcos  
630 East Hopkins Street  
San Marcos, Texas 78666

**EXHIBIT "A"**  
**Description of Easement Area**



7401B Highway 71 West, Suite 160, Austin, TX 78735  
Office: 512.583.2600  
Fax: 512.583.2601  
Doucetengineers.com

“Exhibit “A”

**Project: 2021-35626**  
**Yarrington Commons Wastewater Improvements**  
**Hays County, Texas**

**Parcel: 00022.0002**  
**D&A Job No. 448-004**  
**May 31, 2023**

EC Champions Crossing, LLC, a Texas limited liability company

**METES & BOUNDS DESCRIPTION**

**BEING A 0.2675-ACRE [11,651 SQUARE FOOT] EASEMENT IN THE WILLIAM WARD SURVEY NUMBER 3, ABSTRACT NUMBER 467, HAYS COUNTY, TEXAS, SAID EASEMENT BEING A PORTION OF LOT 17-A OF CHAMPIONS BUSINESS PARK A SUBDIVISION RECORDED IN VOLUME 9, PAGE 356 PLAT RECORDS OF HAYS COUNTY, TEXAS [P.R.H.C.T.], DESCRIBED IN A DEED TO EC CHAMPIONS CROSSING LLC RECORDED IN DOCUMENT NUMBER 22033513 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], SAID 0.2675-ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a 60d nail found on the southeast right-of-way line of Post Road (0.330-acre right-of-way dedication, recorded in Volume 4, Page 198, P.R.H.C.T.) at the most westerly corner of a called 15.739-acre tract described in a deed to Blanco Trace Development recorded in Document Number 21004507 [O.P.R.H.C.T.], same being for the most northerly corner of a called 54.980-acre tract described in a deed to Blanco Trace Development, LLC., recorded in Document Number 21004508 [O.P.R.H.C.T.], from which a 1/2-inch iron rod with cap stamped “RPLS 4069” found at the intersection of the south right-of-way line of Champions Boulevard (a 60-foot right-of-way, Volume 4, Page 198) and the west right-of-way line of Premier Parkway (a 60-foot right-of-way, Volume 4, Page 198), for an angle corner of the said 15.739-acre tract bears N84°53'13"E, a distance of 1,113.27 feet;

**THENCE** N35°02'44"E with the southeast right-of-way line of the said Post Road, a distance of 1,071.76 feet to a point on the northwest line of the said Champions Business Park and for the **POINT OF BEGINNING** and the southwest corner of the easement described herein;

**THENCE** N35°02'44"E, continuing with the southeast right-of-way line of the said Post Road, a distance of 22.08 feet to a point on the northwest line of the said Champions Business Park and for the northwest corner of the easement described herein;

**THENCE** over and across the said Champions Business Park Subdivision, the following two (2) courses and distances:

- 1) S80°00'05"E, a distance of 240.10 feet to a point for an angle corner of the easement described herein, and
- 2) N89°44'44"E, a distance of 335.69 feet to a point on the west Right-of-Way line of Premier Parkway (a 60-foot Right-of-Way, per plat) for the northeast corner of the easement described herein;

**THENCE** with a curve to the left along the west Right-of-Way line of the said Premier Parkway, with an arc length of 20.02 feet, a radius of 212.52 feet, a delta angle of 05°23'55", and a chord bearing of S02°29'44"E, a distance of 20.02 feet to a point for the southeast corner of the easement described herein;

**CONTINUED ON NEXT PAGE**



7401B Highway 71 West, Suite 160, Austin, TX 78735

Office: 512.583.2600

Fax: 512.583.2601

Doucetengineers.com

"Exhibit "A"

**THENCE** over and across the said Champions Business Park Subdivision, the following two (2) courses and distances:

- 1) S89°44'44"W, a distance of 338.26 feet to a point of the easement described herein, and
- 2) N80°00'05"W, a distance of 251.25 feet to the **POINT OF BEGINNING** and containing 0.2675-acres [11,651 square foot], more or less.

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010. All distances are surface values and may be converted to grid by using the surface adjustment factor of 1.000107.

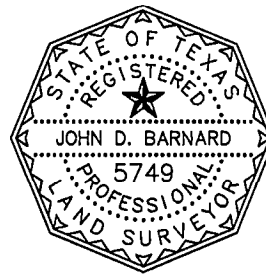
Units: U.S. Survey Feet.

This survey was performed without the benefit of a title commitment. Easements or other matters of record may exist where none are shown.

I, John Barnard, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date represent an actual survey performed on the ground.

05/31/2023

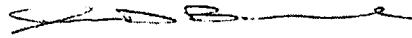
\_\_\_\_\_  
 John Barnard Date  
 Registered Professional Land Surveyor  
 Texas Registration No. 5749  
 Doucet & Associates  
 JBarnard@DoucetEngineers.com  
 TBPELS Firm Registration No. 10105800





| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE       | BEARING     | DISTANCE |
| L1         | N35°02'44"E | 22.08'   |
| L2         | S80°00'05"E | 240.10'  |
| L3         | N89°44'44"E | 335.69'  |
| L4         | S89°44'44"W | 338.26'  |
| L5         | N80°00'05"W | 251.25'  |


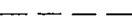



I, JOHN BARNARD, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION.



05/31/2023

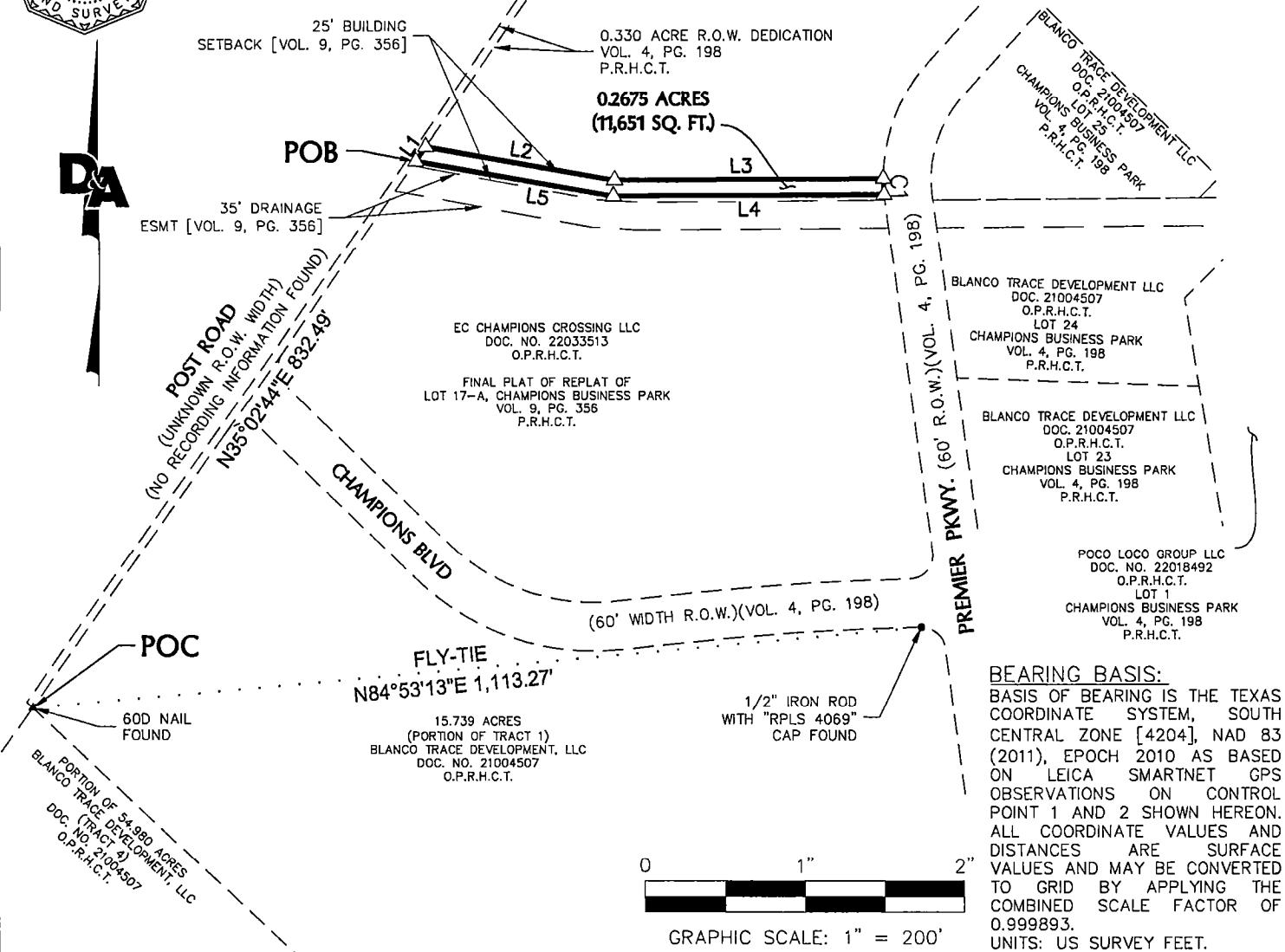
JOHN BARNARD  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5749  
DOUCET & ASSOCIATES  
JBARNARD@DOUCETENGINEERS.COM

### LEGEND

-  SUBJECT EASEMENT
-  ADJOINER PROPERTY LINE
-  1/2" IRON ROD FOUND [UNLESS NOTED]
-  NAIL FOUND
-  CALCULATED POINT
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- D.R.H.C.T. DEED RECORDS, HAYS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- DOC. NO. DOCUMENT NUMBER
- VOL. VOLUME
- PG. PAGE
- R.O.W. RIGHT-OF-WAY



| CURVE TABLE |        |         |          |               |              |
|-------------|--------|---------|----------|---------------|--------------|
| CURVE       | LENGTH | RADIUS  | DELTA    | CHORD BEARING | CHORD LENGTH |
| C1          | 20.02' | 212.52' | 5°23'55" | S2°29'44"E    | 20.02'       |



**BEARING BASIS:**  
BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE [4204], NAD 83 (2011), EPOCH 2010 AS BASED ON LEICA SMARTNET GPS OBSERVATIONS ON CONTROL POINT 1 AND 2 SHOWN HEREON. ALL COORDINATE VALUES AND DISTANCES ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY APPLYING THE COMBINED SCALE FACTOR OF 0.999893.  
UNITS: US SURVEY FEET.

**0.2675 ACRE  
(11,651 SQUARE FOOT)  
WASTE WATER LINE  
EASEMENT EXHIBIT**

HAYS COUNTY, TEXAS



**DOUCET**

Civil Engineering // Entitlements // Geospatial  
7401 B. Highway 71 W, Ste. 160  
Austin, TX 78735, Tel: (512)-583-2600  
www.doucetengineers.com  
TBPELS Firm Number: 3937  
TBPELS Firm Number: 10194551

|              |            |
|--------------|------------|
| Date:        | 05/31/2023 |
| Scale:       | 1" = 200'  |
| Drawn by:    | PD         |
| Reviewer:    | JB         |
| Project:     | 488-004    |
| Sheet:       | 1 OF 1     |
| Field Book:  | 522        |
| Party Chief: | ADM        |
| Survey Date: | 02/11/2021 |

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

24016711 EASEMENT  
05/06/2024 03:19:30 PM Total Fees: \$57.25

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas

