

**CORRECTION
DRAINAGE EASEMENT**

Effective Date: May 5, 2020

Grantor: JAPHET III, LLC, a Texas limited liability company
RRHJ, LTD., a Texas limited partnership
RR-1604, LTD., a Texas limited partnership
4372 N. Loop 1604 W. #206
Shavano Park, TX 78249

Grantee: CITY OF NEW BRAUNFELS
550 Landa Street
New Braunfels, TX 78130

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which Grantor acknowledges.

Grantor's Property: Lot 1, VILLAGE AT GRUENE SUBDIVISION, according to map or plat recorded in Document No. 201806043791, Comal County, Texas Map and Plat Records.

Easement Property: That certain 1.976-acre portion of Grantor's Property located in the City of New Braunfels, Comal County, Texas, described by metes and bounds on *Exhibit A* attached and depicted on *Exhibit B* attached.

Easement Purpose: Periodic inspection of privately owned and maintained drainage improvements on the Easement Property and maintenance of such privately owned drainage improvements on the Easement Property if required pursuant to Chapter 143 of the Code of Ordinances of the Grantee and Grantee's Drainage and Erosion Control Manual.

Recitals: Construction of new improvements is contemplated on Grantor's Property. In connection with such new improvements, Grantor must construct privately-owned water detention and drainage facilities on the Easement Property (collectively, the "Drainage Facilities") which constitute private drainage improvements required to be maintained by Grantor or its successors in ownership of Grantor's Property pursuant to Chapter 143 of the Code of Ordinances of the City of New Braunfels. Grantee requires an easement on and over the Easement Property for the Easement Purpose as a condition to issuance of building permits for such new improvements to Grantor's Property.

Reservations from and Exceptions to Conveyance and Warranty:

A. Reservations. Grantor reserves for Grantor and Grantor's heirs, successors and assigns the right to place, divert and direct stormwater, runoff and surface water drainage to the Drainage Facilities

in the Easement Property, and to use the Easement Property for (i) the detention and filtration of stormwater and surface water drainage and (ii) such other purposes as Grantor deems reasonably necessary and convenient for the use of Grantor's Property which do not interfere with the function of the Drainage Facilities. Grantor reserves the right to convey the Easement Property to a property owners association ("POA") whereupon the POA will be responsible for Grantor's obligations hereunder.

B. Exceptions.

- (1) All easements, rights-of-way and prescriptive rights, whether of record or not, pertaining to any portion(s) of the Easement Property, including the rights of all utility providers who may use the publicly dedicated utility easement to which this drainage easement is subordinate.
- (2) All presently recorded and valid mineral estate exceptions, rights of development or leases, royalty reservations and other instruments constituting mineral interest severance of any kind.
- (3) All presently recorded instruments, restrictive covenants, terms, conditions, contracts, provisions, zoning and subdivision ordinances and other items, but only to the extent they are still in effect.
- (4) Any conditions that would be revealed by a physical inspection and survey.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants and conveys to Grantee an easement over, upon and across the Easement Property for the Easement Purpose and portions thereof, to have and to hold it to Grantee and Grantee's successors and assigns forever, subject to the terms hereof. Grantor binds Grantor and Grantor's heirs, successors and assigns to warrant and forever defend all and singular the Easement Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions to Conveyance and Warranty, when the claim is made by, through or under Grantor, but not otherwise.

Terms of Easement: The following terms and conditions apply to the easement:

1. Duration of Easement. The easement is perpetual.
2. Exclusiveness of Easement. The easement is exclusive, subject to Grantor's rights herein reserved.
3. Maintenance. Grantor is obligated to maintain the Drainage Facilities constructed on the Easement Property. Grantee has the right to maintain such privately-owned drainage improvements on the Easement Property if Grantor fails to do so. This easement is granted in order that Grantee may enter upon the Easement Property for inspection purposes and to perform such maintenance activities as may be necessary pursuant to the authority granted under Chapter 143 of the Grantee's Code of Ordinances.
4. Binding Effect. This Easement is binding upon and will inure to the benefit of the parties hereto and their respective successors and assigns.

5. Legal Construction. If one or more of the provisions of this Easement are invalid, illegal or unenforceable in any respect, to the extent the invalidity or unenforceability does not destroy the basis of the bargain among the parties, it will not affect any other provision and this Easement will be construed as if such invalid, illegal or unenforceable provision had never existed. When required by the context, singular nouns and pronouns include the plural and the neuter includes the masculine or feminine gender. Headings are for convenience of reference only and are not intended to limit or define the text. This Easement is not to be construed more or less favorably between the parties by reason of authorship or origin of language.
6. Notices. Any notice or communication required or permitted hereunder will be deemed to be delivered, whether or not actually received, when deposited in the United States mail, postage fully prepaid, registered or certified mail, and addressed to the intended recipient at the address shown, and if not shown, then at the last known address according to the records of the party delivering the notice. Notice given in any other manner will be effective only if and when received by the addressee. Any address for notice may be changed by written notice delivered in the same manner.

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

This Correction Drainage Easement is made in substitution of the Drainage Easement dated effective May 5, 2020 and recorded as Document No. 202006017562, Official Public Records of Comal County, Texas, in which the Easement Property was incorrectly described as containing 1.956 acres. The legal description of the Easement Property should have referred to a 1.976 acre tract as described and depicted respectively on Exhibit A and Exhibit B attached to this Correction Drainage Easement. Other than the stated correction, this document is intended to restate in all respects the corrected Drainage Easement, and the effective date of this Correction Drainage Easement relates back to the effective date of the corrected Drainage Easement.

JAPHET III, LLC,

a Texas limited liability company

By: _____

Name: James H. Japhet

Title: Member

RRHJ, LTD.,

a Texas limited partnership

By: _____

Name: James H. Japhet

Title: Agent

RR-1604, LTD.,

a Texas limited partnership

By: _____

Name: James H. Japhet

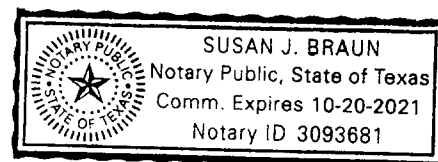
Title: Agent

THE STATE OF TEXAS §

COUNTY OF BEXAR §

This instrument was acknowledged before me on June 16th, 2020, by JAMES H. JAPHET, Member of JAPHET III, LLC, a Texas limited liability company, on behalf of same and in the capacity herein stated.

Susan J. Braun
Notary Public, State of Texas

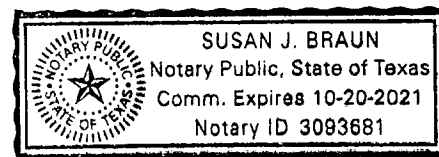


THE STATE OF TEXAS §

COUNTY OF BEXAR §

This instrument was acknowledged before me on June 16th, 2020, by JAMES H. JAPHET, Agent for RRHJ, LTD., a Texas limited partnership, on behalf of same and in the capacity herein stated.

Susan J. Braun
Notary Public, State of Texas

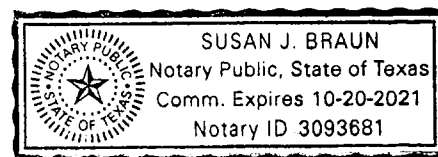


THE STATE OF TEXAS §

COUNTY OF COMAL §

This instrument was acknowledged before me on June 16th, 2020, by JAMES H. JAPHET, Agent for RR-1604, LTD., a Texas limited partnership, on behalf of same and in the capacity herein stated.

Susan J. Braun
Notary Public, State of Texas



METES AND BOUNDS DESCRIPTION
FOR A 1.976 ACRE VARIABLE WIDTH DRAINAGE EASEMENT
EXHIBIT "A"

Being a 1.976-acre variable width drainage easement located in the J.M. Veramendi Survey No. 1, Abstract No. 2, Comal County, Texas, out of Lot 1, Village at Gruene Subdivision, recorded in Document No. 2301806043791, Map and Plat Records, Comal County, Texas, said 1.976 acre variable width drainage easement being more particularly described as follows:

COMMENCING at a point for a corner in the Northwest Right of Way line of Gruene Road for a Southern corner of a called 2 acre tract, recorded in Volume 349, Page 624, Deed Records, Comal County, Texas, same point being a Southern corner of Lot 1, Village at Gruene Subdivision, recorded in Document No. 2301806043791, Map and Plat Records, Comal County, Texas;

THENCE departing the Northwest Right of Way line of Gruene Road, with the Southwest line of the said 2 acre tract and a Southern line of said Lot 1, N 31° 46' 13" W, a distance of 20.25 feet to the POINT OF BEGINNING of the herein described easement;

THENCE, departing the Southwest line of said 2 acre tract, over and across said Lot 1, the following twenty-two (22) calls:

1. S 67°13'58" W, a distance of 99.05 feet to a point for a corner of the herein described easement;
2. S 56°27'16" W, a distance of 92.85 feet to a point for a corner of the herein described easement;
3. N 30°58'26" W, a distance of 43.48 feet to a point for a corner of the herein described easement;
4. N 42°35'51" W, a distance of 38.80 feet to a point for a corner of the herein described easement;
5. N 22°52'15" W, a distance of 20.98 feet to a point for a corner of the herein described easement;
6. N 65°28'29" E, a distance of 10.03 feet to a point for a corner of the herein described easement;
7. S 76°13'19" E, a distance of 15.61 feet to a point for a corner of the herein described easement;
8. N 39°40'54" E, a distance of 27.11 feet to a point for a corner of the herein described easement;
9. N 70°17'46" E, a distance of 135.42 feet to a point for a corner of the herein described easement;
10. N 31°49'18" W, a distance of 322.25 feet to a point for a corner of the herein described easement;
11. N 57°35'39" E, a distance of 217.71 feet to a point for a corner of the herein described easement;
12. N 13°29'20" E, a distance of 163.92 feet to a point for a corner of the herein described easement;
13. N 76°30'40" W, a distance of 113.00 feet to a point for a corner of the herein described easement, and the beginning of a curve;
14. Along the arc of a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet and a chord bearing N 31°30'40" W, a distance of 21.21 feet to a point for a corner of the herein described easement;
15. N 13°29'20" E, a distance of 319.56 feet to a point for a corner of the herein described easement, and the beginning of a curve;
16. Along the arc of a curve to the right, having a radius of 28.00 feet, an arc length of 43.96 feet and a chord bearing N 58°06'47" E, a distance of 39.58 feet to a point for a corner of the herein described easement;
17. S 76°54'43" E, a distance of 100.25 feet to a point for a corner of the herein described easement;
18. N 13°28'11" E, a distance of 184.00 feet to a point for a corner of the herein described easement;
19. N 76°54'43" W, a distance of 122.50 feet to a point for a corner of the herein described easement;

**HMT**

ENGINEERING & SURVEYING

290 S. Castell Avenue, Ste. 100
 New Braunfels, TX 78130
 (830) 625-8555
 TBPE-FIRM F-10961
 TBPLS FIRM 10153600

20. N 65°35'13" W, a distance of 35.65 feet to a point for a corner of the herein described easement;
21. N 76°54'43" W, a distance of 210.01 feet to a point for a corner of the herein described easement;
22. N 13°29'20" E, a distance of 8.00 feet to a point in the Southwest line of a called 12.195 acre tract, recorded in Document No. 200706026391, Official Public Records, Comal County, Texas, same point being in the North line of the aforementioned Lot 1, and a North corner of the herein described easement;

THENCE with the Southwest line of said 12.195 acre tract and the North line of said Lot 1, S 76°54'43" E, a distance of 382.50 feet to a point for the South corner of said 12.195 acre tract, a Northwest corner of Lot 3, Block 1, Gruene River Resort and Recreation Center, recorded in Document No(s). 201606028456 and 201606028457, Map and Plat Records, Comal County, Texas, a Northeast corner of the aforementioned Lot 1, and a corner of the herein described easement;

THENCE with an Eastern line of said Lot 1, the North line of said Lot 3, continuing with the North line of a called 3 acre tract, recorded in Document No. 199506480232, Official Public Records, Comal County, Texas, S 13°28'03" W, a distance of 732.27 feet to a point for the North corner of a called 2 acre tract, recorded in Volume 349, Page 624, Deed Records, Comal County, Texas, same point being the Northwest corner of said 3 acre tract, an East corner of the aforementioned Lot 1, and a corner of the herein described easement;

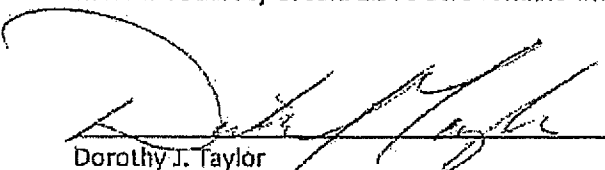
THENCE continuing with the North and West line of said 2 acre tract, common with an East line of the aforementioned Lot 1, the following two (2) calls:

1. S 57°35'39" W, a distance of 208.98 feet to a point for the Northwest corner of said 2 acre tract, an East corner of said Lot 1, and a corner of the herein described easement;
2. S 31°46'13" E, a distance of 390.27 feet to the POINT OF BEGINNING, containing 1.976 acre variable width drainage easement in Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Written April 21, 2020.

Reference survey of said 1.976 acre variable width drainage easement prepared this same date.


 Dorothy J. Taylor

Registered Professional Land Surveyor No. 6295

S:\Projects\170 - James Japinet\170.004 - Village at Gruene\Easements\M&B\1.976 AC, M&B.dwg

5-11-20

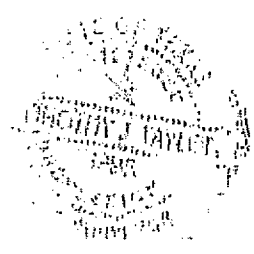


EXHIBIT "B" - 1.976 ACRE VARIABLE WIDTH DRAINAGE EASEMENT
1.976 ACRE VARIABLE WIDTH DRAINAGE EASEMENT LOCATED IN THE J.M. VERAMENDI SURVEY NO. 1, ABSTRACT NO. 2, COMAL COUNTY, TEXAS, OUT OF LOT 1, VILLAGE AT GRUENE SUBDIVISION, RECORDED IN DOCUMENT NO. 201806043791, MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS.

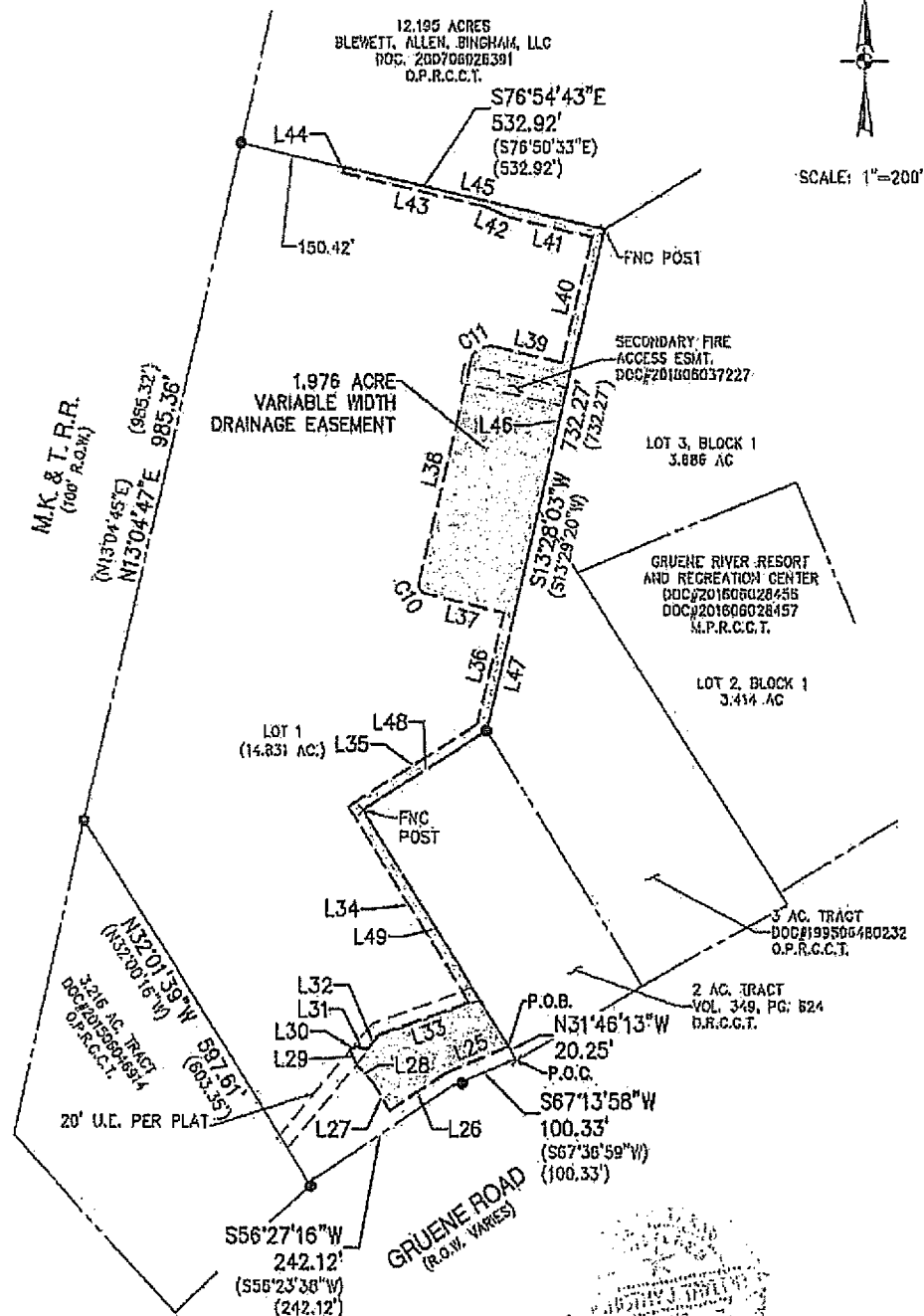
BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83.

THE BEARINGS AND DISTANCES FROM THE RECORDED SUBDIVISION PLAT DO NOT FORM A CLOSED FIGURE.

A METES & BOUNDS DESCRIPTION OF THIS TRACT WAS CREATED IN CONJUNCTION WITH THIS EXHIBIT.

LEGEND:

- = FND 1/2" IRON PIN
- B.L. = BUILDING SETBACK LINE
- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- R.O.W. = RIGHT-OF-WAY
- () = RECORD CALLS
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- M.P.R.C.C.T. = MAP & PLAT RECORDS OF COMAL COUNTY, TEXAS
- D.R.C.C.T. = DEED RECORDS OF COMAL COUNTY, TEXAS
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING



DRAWN BY: J. AFL



290 S. CASTELL AVE., STE. 100
 NEW BRAUNFELS, TX 78130
 TBPE FIRM F-10961
 TBPLS FIRM 10153600

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION

THIS 15th DAY OF May, 2019

DOROTHY S. PALER
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6285

1656 GRUENE ROAD
 NEW BRAUNFELS, TEXAS

5-13-2020

EXHIBIT "B" - 1.976 ACRE VARIABLE WIDTH DRAINAGE EASEMENT
 1.976 ACRE VARIABLE WIDTH DRAINAGE EASEMENT LOCATED IN THE J.M.
 VERAMENDI SURVEY NO. 1, ABSTRACT NO. 2, COMAL COUNTY, TEXAS, OUT
 OF LOT 1, VILLAGE AT GRUENE SUBDIVISION, RECORDED IN DOCUMENT
 NO. 201806043791, MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS.

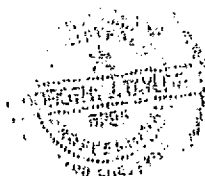
LINE TABLE			LINE TABLE		
LINE #	BEARING	LENGTH	LINE #	BEARING	LENGTH
L25	S67°13'58"W	99.05	L45	S76°54'43"E	382.50
L26	S58°27'16"W	92.85	L46	S13°28'03"W	556.52
L27	N30°58'26"W	43.48	L47	S13°28'03"W	175.75
L28	N42°35'51"W	35.80	L48	S57°35'39"W	208.98
L29	N22°52'15"W	20.98	L49	S31°46'13"E	390.27
L30	N65°28'28"E	10.03			
L31	S76°13'19"E	15.61			
L32	N39°40'54"E	27.11			
L33	N70°17'46"E	135.42			
L34	N31°49'18"W	322.25			
L35	N57°35'39"E	217.71			
L36	N13°29'20"E	163.92			
L37	N76°30'40"W	113.00			
L38	N13°29'20"E	319.56			
L39	S76°54'43"E	100.25			
L40	N13°28'11"E	184.00			
L41	N76°54'43"W	122.50			
L42	N65°35'13"W	35.65			
L43	N76°54'43"W	210.01			
L44	N13°29'20"E	8.00			

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD
C10	23.56	15.00	N31°30'40"W	21.21
C11	43.96	26.00	N58°08'47"E	39.58

Filed and Recorded
 Official Public Records
 Bobbie Koepp, County Clerk
 Comal County, Texas
 06/16/2020 12:29:41 PM
 LAURA 8 Pages(s)
 202006022863



Bobbie Koepp



1656 GRUENE ROAD
 NEW BRAUNFELS, TEXAS

DRAWN BY: JAF



290 S. CASTELL AVE., STE. 100
 NEW BRAUNFELS, TX 78130
 TBPE FIRM F-10861
 TBPLS FIRM 10153800

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION

DATE: 5/13/2020 BY: Gregory A. Meyer

GREGORY A. MEYER
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6205

5-13-2020