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**NEW BRAUNFELS UTILITIES
UTILITY EASEMENT**

Effective Date:

May 22, 2020

Grantor:

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

Grantee:

NEW BRAUNFELS UTILITIES
An Agency of the City of New Braunfels
Attention: CEO
P.O. Box 310289
New Braunfels, TX 78131

Easement Property: Those properties described in *Exhibit "A" and Exhibit "C"* and depicted on *Exhibit "B" and Exhibit "D"* attached hereto, located in Comal County, Texas.

Easement Purpose: The purpose of the Easement is for erecting, constructing, installing, replacing, repairing, operating, using, inspecting, reconstructing, modifying, removing and maintaining Grantee's water lines, wastewater lines, electric service, distribution and/or transmission lines, electronic data transmission lines and devices, and preventative maintenance telecommunication devices, together with all pipes, conduits, poles, guy wires, anchors and other equipment, improvements and appurtenances used in the supply, distribution, transmission, and provision of such utilities (the "Facilities").

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration.

Grant: Grantor, for the Consideration grants, sells and conveys to Grantee an easement over, under, upon and across the Easement Property for the Easement Purpose and for the benefit of Grantee; to have and hold it to Grantee, subject to the terms hereof. Grantor binds Grantor and Grantor's heirs, successors and assigns to warrant and defend all and singular the easements, rights and property interests herein conveyed to Grantee against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Reservation from Conveyance: Subject to the limitations hereinafter provided, Grantor reserves the right to continue to use and enjoy the surface of the Easement Property for all purposes that do not interfere with or interrupt the use or enjoyment of the easement by Grantee for the Easement Purpose. If Grantor proposes to (i) use surfacing materials other than asphalt, caliche, or base material for parking and/or driveways or walkways over and across the Easement Property, (ii) change the level of the surface of the Easement Property, (iii) plant trees on the Easement Property, and/or (iv) make any other improvements to the Easement Property, Grantor must obtain Grantee's approval in the form of a written easement encroachment agreement prior to making such improvements.

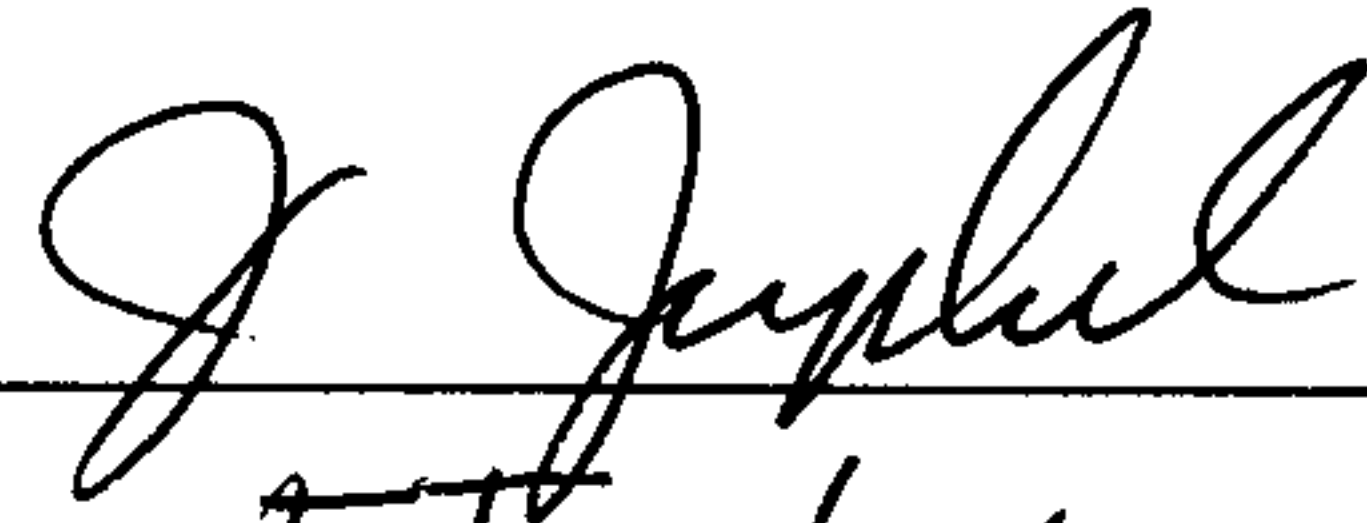
Terms: The following terms apply to this easement:

1. *Character of Easement.* The easement is exclusive. No other utility provider may use the Easement Property without the prior written consent of Grantee. Grantee will also have rights of ingress and egress to and from said Easement Property, together with working space on, over and across Grantor's property adjacent to the Easement Property for the purposes of erecting, installing, operating, maintaining, replacing, inspecting and removing the Facilities, together with the additional right to remove from the Easement Property and land immediately adjoining thereto, all bushes, trees and parts thereof, any vegetation or other structures or improvements which are within, protrude, bisect, encroach or overhang into the Easement Property and which, in the sole opinion of Grantee, endanger or may interfere with the efficient, safe and proper operation and maintenance of the Facilities.
2. *Duration.* The duration of the easement is perpetual and irrevocable.
3. *Easement Facilities and Improvements.* All matters concerning the design, construction, installation, maintenance, replacement and removal of the Facilities are at the sole discretion of Grantee and/or its assigns, subject to performance of its obligations under this agreement. All Facilities or other Grantee improvements constructed within, on or under the Easement Property will be and remain the property of Grantee or its assigns. In the event Grantor places surfacing materials or other permitted improvements over and across the Easement Property or portions thereof (the "Grantor Improvements"), Grantee and/or its assigns will use ordinary care to minimize damage to the Grantor Improvements in the event repair, replacement or maintenance of the Facilities is required. However, Grantee and/or its assigns will not be obligated to restore the Grantor Improvements to their condition prior to the time Grantee commenced work except to the extent the negligent acts or omissions of Grantee and/or its assigns caused the damage to the Grantor Improvements.


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GRANTOR:

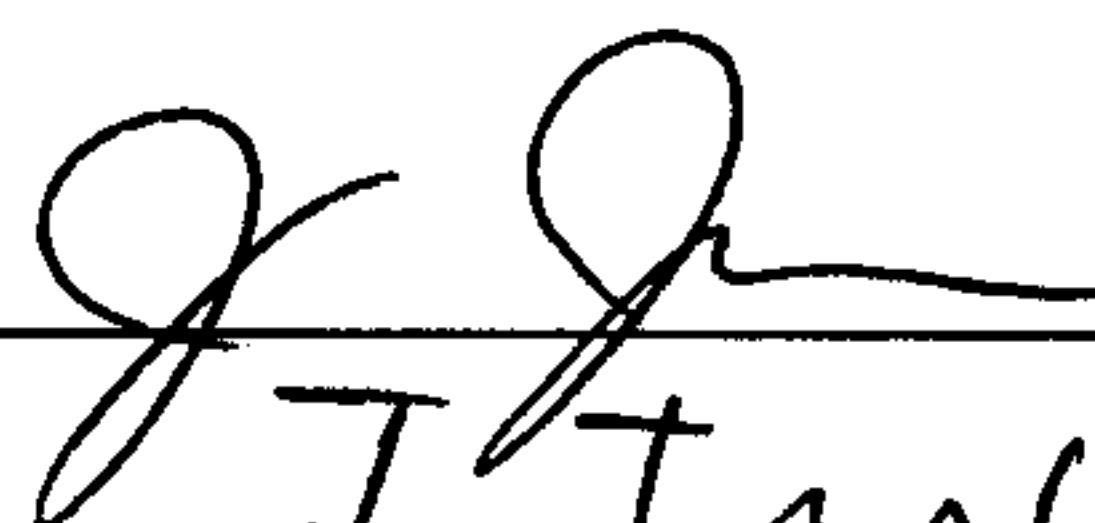
JAPHET III, LLC,
a Texas limited liability company

By: 
Name: J Japhet
Title: Pres

RRHJ, LTD.,
a Texas limited partnership

By: 
Name: J Japhet
Title: member

RR-1604, LTD.,
a Texas limited partnership

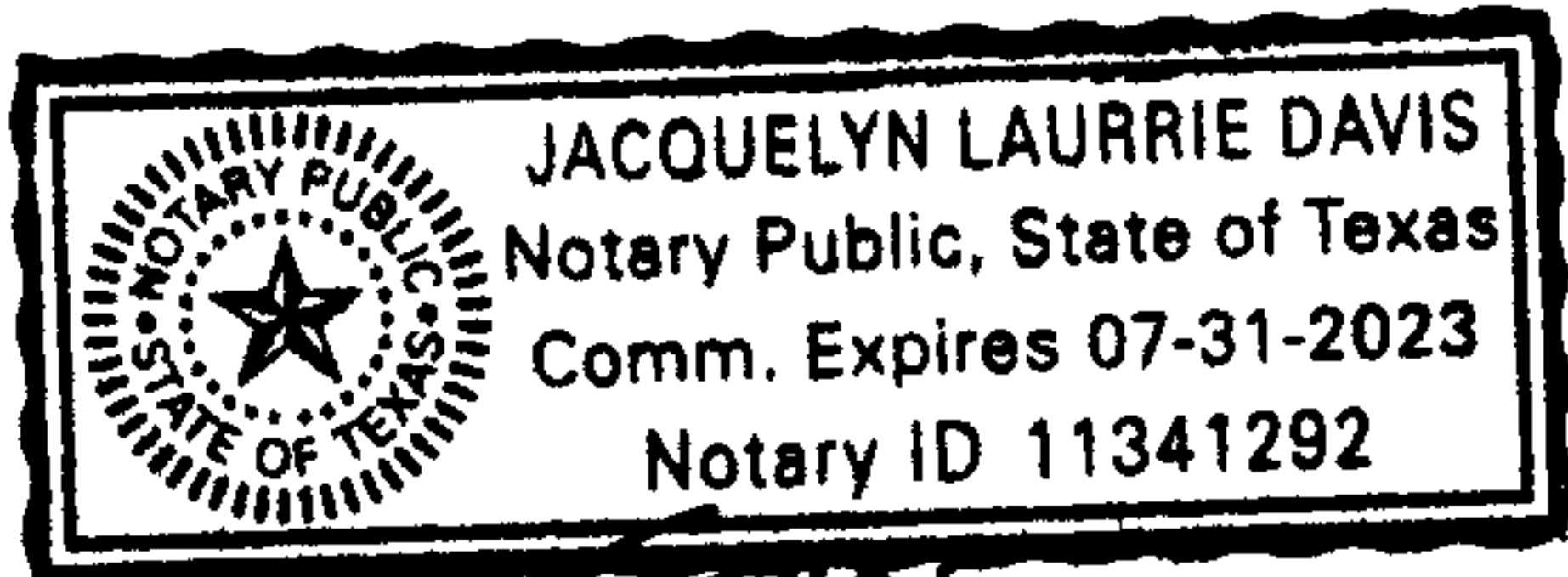
By: 
Name: J Japhet
Title: member

[This space intentionally left blank. Notarization page follows.]

THE STATE OF Texas §

COUNTY OF Bexar §

This instrument was acknowledged before me on May 22, 2020, by
James H. Japhet [name of individual],
President [title or position held by individual],
of JAHPET III, LLC, a Texas limited liability company, on behalf of same and in the capacity herein
stated.

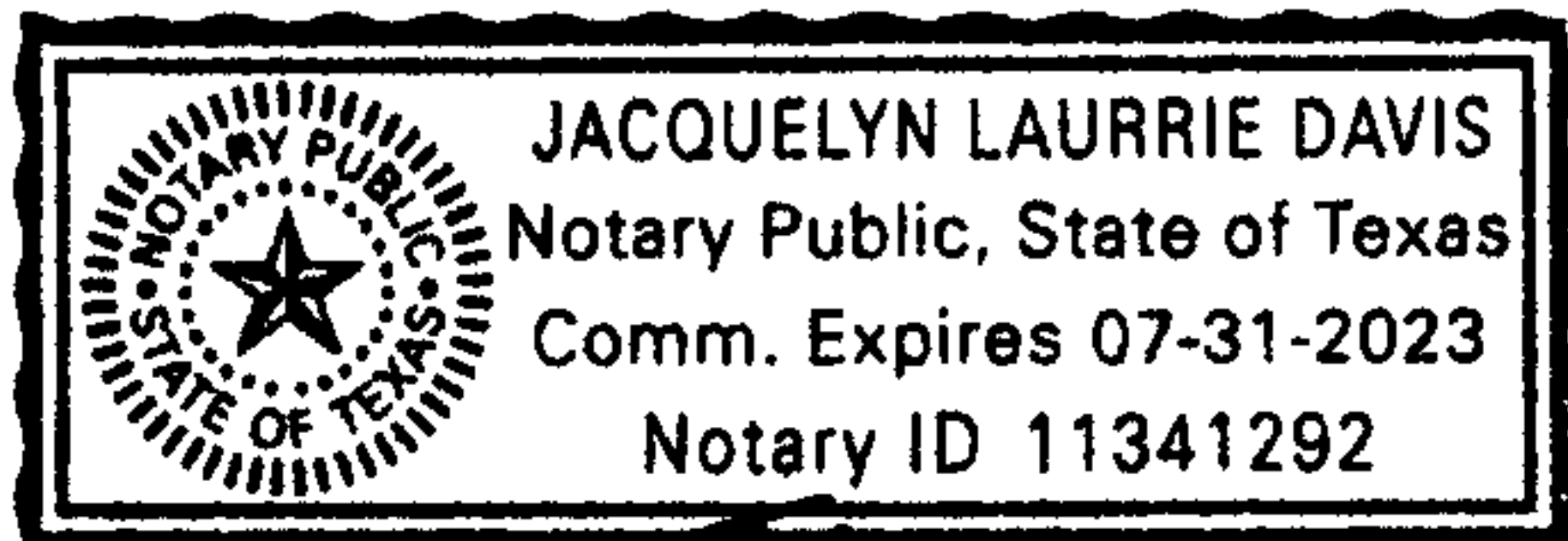


Jacquelyn Laurie Davis
Notary Public, State of Texas

THE STATE OF Texas §

COUNTY OF Bexar §

This instrument was acknowledged before me on May 22, 2020, by
James H. Japhet [name of individual],
Member [title or position held by individual],
of RRHJ, LTD., a Texas limited partnership, on behalf of same and in the capacity herein stated.

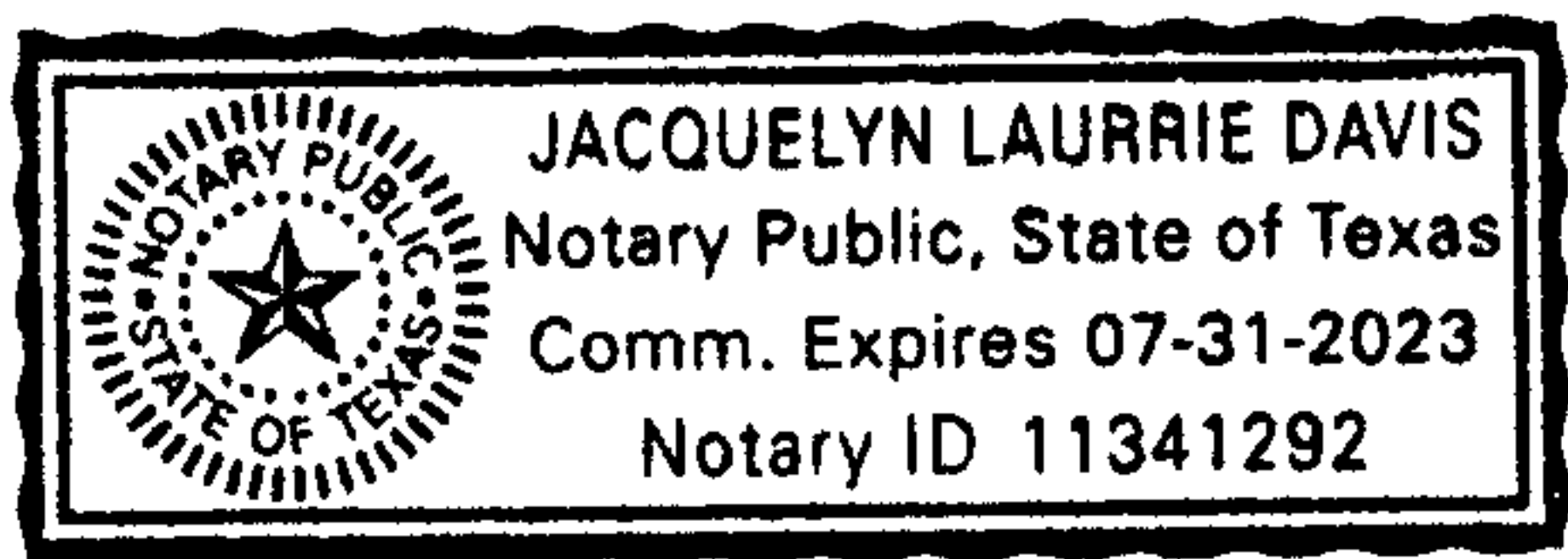


Jacquelyn Laurie Davis
Notary Public, State of Texas

THE STATE OF Texas §

COUNTY OF Bexar §

This instrument was acknowledged before me on May 22, 2020, by
James H. Japhet [name of individual],
member [title or position held by individual],
of RR-1604, LTD., a Texas limited partnership, on behalf of same and in the capacity herein stated.



Jacquelyn Laurie Davis
Notary Public, State of Texas

**METES AND BOUNDS DESCRIPTION
FOR A 3.761 VARIABLE WIDTH UTILITY EASEMENT,
(5.751 ACRES - 1.990 ACRES = 3.761 ACRES)
EXHIBIT "A"**

Being a 3.761 acre (5.751 acres – 1.990 acres = 3.761 acres) variable width utility 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, save and except a 1.990 acre tract out of Lot 1 Village at Gruene Subdivision, recorded in Document No. 2301806043791, Map and Plat Records, Comal County, Texas, said 5.751 acre variable width utility 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 an Eastern corner of a called 3.216 acre tract, recorded in Document No. 201506046914, Official Public Records, Comal County, Texas, same point being the Southernmost corner of Lot 1, Village at Gruene Subdivision, recorded in Document No. 2301806043791, Map and Plat Records, Comal County, Texas;

THENCE with the Northwest Right of Way line of Gruene Road and the Southern line of said Lot 1, Village at Gruene Subdivision, N 56°27'16" E, a distance of 89.70 feet to the POINT OF BEGINNING of the herein described easement;

THENCE departing the Northwest Right of Way line of Gruene Road, over and across the aforementioned Lot 1, the following ten (10) calls:

1. N 30°58'26" W, a distance of 66.22 feet to a point for a corner of the herein described easement, and the beginning of a curve;
2. Along the arc of a curve to the right, having a radius of 375.50 feet, an arc length of 55.43 feet and a chord bearing N 26°44'43" W, a distance of 55.37 feet to a point for a corner of the herein described easement;
3. N 22°31'01" W, a distance of 57.61 feet to a point for a corner of the herein described easement, and the beginning of a curve;
4. Along the arc of a curve to the left, having a radius of 304.50 feet, an arc length of 50.42 feet and a chord bearing N 27°15'38" W, a distance of 50.36 feet to a point for a corner of the herein described easement;
5. N 32°00'16" W, a distance of 283.31 feet to a point for a corner of the herein described easement, and the beginning of a curve;
6. Along the arc of a curve to the right, having a radius of 160.50 feet, an arc length of 126.29 feet and a chord bearing N 09°27'46" W, a distance of 123.06 feet to a point for a corner of the herein described easement;
7. N 13°04'45" E, a distance of 673.34 feet to a point for a corner of the herein described easement, and the beginning of a curve;
8. Along the arc of a curve to the right, having a radius of 60.50 feet, an arc length of 184.69 feet and a chord bearing N 60°10'26" E, a distance of 120.88 feet to a point for a corner of the herein described easement;
9. S 76°55'15" E, a distance of 171.68 feet to a point for a corner of the herein described easement;

10. N 13°29'28" E, a distance of 97.20 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 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 60.00 feet to a point for a corner of the herein described easement;

THENCE departing the Southwest line of said 12.195 acre tract and the North line of said Lot 1, over and across Lot 1, the following two (2) calls:

1. S 13°29'16" W, a distance of 170.00 feet to a point for a corner of the herein described easement;
2. S 76°54'43" E, a distance of 122.55 feet to a point in the Northwest line 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, same point being in the Northeast line of the aforementioned Lot 1, and a corner of the herein escribed easement;

THENCE with the Northwest line of Lot 3 and the Northeast line of Lot 1, S 13°28'03" W, a distance of 29.00 feet to a point for a corner of the herein described easement;

THENCE departing the Northwest line of Lot 3 and the Northeast line of Lot 1, over and across said Lot 1, the following eighteen (18) calls:

1. N 76°54'43" W, a distance of 115.26 feet to a point for a corner of the herein described easement, and the beginning of a curve;
2. Along the arc of a curve to the left, having a radius of 28.00 feet, an arc length of 43.79 feet and a chord bearing S 58°17'19" W, a distance of 39.46 feet to a point for a corner of the herein described easement;
3. S 13°29'20" W, a distance of 319.73 feet to a point for a corner of the herein described easement, and the beginning of a curve;
4. Along the arc of a curve to the left, having a radius of 15.00 feet, an arc length of 23.56 feet and a chord bearing S 31°30'40" E, a distance of 21.21 feet to a point for a corner of the herein described easement;
5. S 76°30'40" E, a distance of 5.50 feet to a point for a corner of the herein described easement;
6. S 13°29'10" W, a distance of 75.06 feet to a point for a corner of the herein described easement, and the beginning of a curve;
7. Along the arc of a curve to the right, having a radius of 57.50 feet, an arc length of 180.11 feet and a chord bearing S 68°55'28" W, a distance of 115.00 feet to a point for a corner of the herein described easement;
8. N 76°55'15" W, a distance of 150.20 feet to point for a corner of the herein described easement;
9. S 13°04'45" W, a distance of 149.47 feet to a point for a corner of the herein described easement, and the beginning of a curve;
10. Along the arc of a curve to the left, having a radius of 94.50 feet, an arc length of 74.36 feet and a chord bearing S 09°27'46" E, a distance of 72.45 feet to a point for a corner of the herein described easement;

11. S 32°00'16" E, a distance of 281.24 feet to a point for a corner of the herein described easement, and the beginning of a curve;
12. Along the arc of a curve to the right, having a radius of 375.50 feet, an arc length of 62.18 feet and a chord bearing S 27°15'38" E, a distance of 62.11 feet to a point for a corner of the herein described easement;
13. S 22°31'01" E, a distance of 33.88 feet to a point for a corner of the herein described easement;
14. S 39°40'54" W, a distance of 23.22 feet to a point for a corner of the herein described easement;
15. S 22°52'15" E, a distance of 22.78 feet to a point for a corner of the herein described easement;
16. S 42°35'51" E, a distance of 38.80 feet to a point for a corner of the herein described easement;
17. S 30°58'26" E, a distance of 43.48 feet to a point for a corner of the herein described easement;
18. S 30°58'26" E, a distance of 20.02 feet to a point in the Northwest Right of Way line of Gruene Road, same point being in the Southeast line of said Lot 1, for a corner of the herein described easement;

THENCE with the Northwest Right of Way line of Gruene Road and the Southeast line of Lot 1, S 56°27'16" W, a distance of 60.56 feet to the POINT OF BEGINNING, containing a 5.751 acre variable width utility easement in Comal County, Texas.

SAVE AND EXCEPT a 1.990 acre tract out of Lot 1, Village at Gruene Subdivision, recorded in Document No. 2301806043791, Map and Plat Records, Comal County, Texas, said 1.990 acre tract being more particularly described as follows:

COMMENCING at a found iron pin in the Southeast Right of Way line of the M.K. & T. Railroad for the Southwest corner of a called 12.195 acre tract, recorded in Document No. 200706026391, Official Public Records, Comal County, Texas, same point being the Northernmost corner of Lot 1, Village at Gruene Subdivision, recorded in Document No. 2301806043791, Map and Plat Records, Comal County, Texas;

THENCE departing the Southeast Right of Way line of the M.K. & T. Railroad, over and across said Lot 1, S 31°47'21" E, a distance of 227.53 feet to the POINT OF BEGINNING of the herein described tract;

THENCE continuing over and across said Lot 1, the following four (4) calls;

1. S 76°55'15" E, a distance of 183.76 feet to a point for a corner of the herein described tract;
2. S 13°29'20" W, a distance of 476.11 feet to a point for a corner of the herein described tract;
3. N 76°55'15" W, a distance of 180.36 feet to a point for a corner of the herein described tract;
4. N 13°04'47" E, a distance of 476.09 feet to the POINT OF BEGINNING, containing a 1.990 acre tract of land in Comal County, Texas

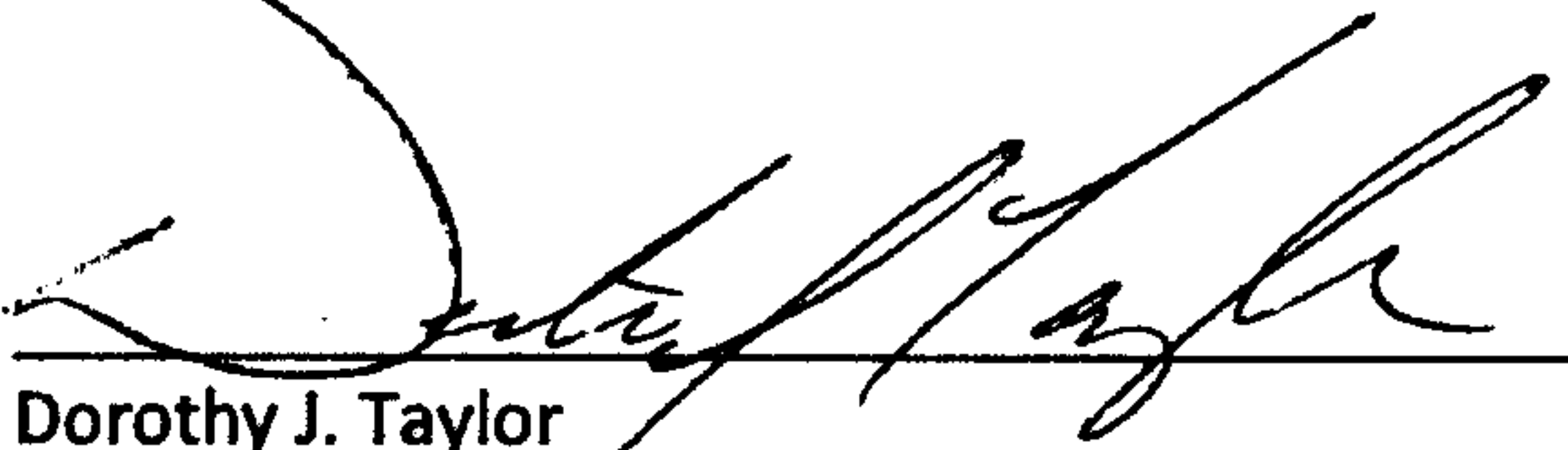


290 S. Castell Avenue, Ste. 100
New Braunfels, TX 78130
(830) 625-8555
TBPE-FIRM F-10961
TBPLS FIRM 10153600

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

Written May 5, 2020.

Reference exhibit of said 3.761 acre variable width utility easement prepared this same date.

A handwritten signature in black ink, appearing to read "Dorothy J. Taylor", written over a horizontal line.

Dorothy J. Taylor

Registered Professional Land Surveyor No. 6295

S:\Projects\170 - James Japhet\170.004 - Village at Gruene\Easements\M&B\5.751 AC. M&B.docx

5-11-20



EXHIBIT "B" - 3.761 ACRE VARIABLE WIDTH UTILITY EASEMENT, LOCATED IN THE J.M. VERAMENDI SURVEY NO. 1, ABSTRACT NO. 2, COMAL COUNTY, TEXAS, BEING (5.751 ACRES-1.990 ACRES= 3.761 ACRES) OUT OF LOT 1, VILLAGE AT GRUENE SUBDIVISION, RECORDED IN DOCUMENT NO. 201806043791, MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS, SAVE AND EXCEPT A 1.990 ACRE TRACT OUT OF LOT 1, VILLAGE AT GRUENE SUBDIVISION, RECORDED IN DOCUMENT NO. 201806043791, MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS.

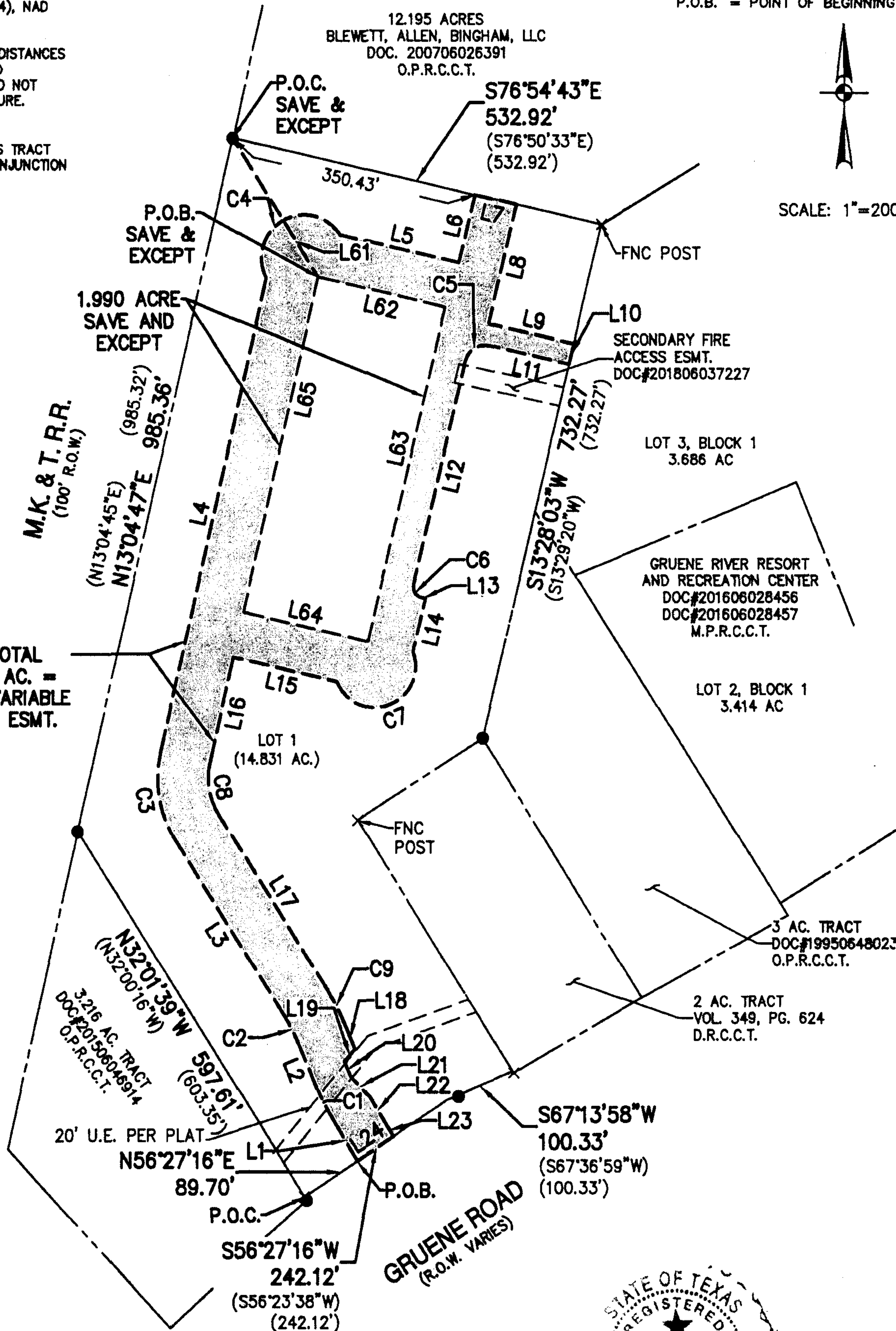
BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83.

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: 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 3rd DAY OF May 2019

DOROTHY J. TAYLOR
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295

5-13-2020

EXHIBIT "B" - 3.761 ACRE VARIABLE WIDTH UTILITY EASEMENT, LOCATED IN THE J.M. VERAMENDI SURVEY NO. 1, ABSTRACT NO. 2, COMAL COUNTY, TEXAS, BEING (5.751 ACRES-1.990 ACRES= 3.761 ACRES) OUT OF LOT 1, VILLAGE AT GRUENE SUBDIVISION, RECORDED IN DOCUMENT NO. 201806043791, MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS, SAVE AND EXCEPT A 1.990 ACRE TRACT 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
L1	N30°58'26"W	66.22	L21	S42°35'51"E	38.80
L2	N22°31'01"W	57.61	L22	S30°58'26"E	43.48
L3	N32°00'16"W	283.31	L23	S30°58'26"E	20.02
L4	N13°04'45"E	673.34	L24	S56°27'16"W	60.56
L5	S76°55'15"E	171.68			
L6	N13°29'28"E	97.20			
L7	S76°54'43"E	60.00			
L8	S13°29'16"W	170.00			
L9	S76°54'43"E	122.55			
L10	S13°28'03"W	29.00			
L11	N76°54'43"W	115.26			
L12	S13°29'20"W	319.73			
L13	S76°30'40"E	5.50			
L14	S13°29'20"W	75.06			
L15	N76°55'15"W	150.20			
L16	S13°04'45"W	149.47			
L17	S32°00'16"E	281.24			
L18	S22°31'01"E	33.88			
L19	S39°40'54"W	23.22			
L20	S22°52'15"E	22.78			

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD
C1	55.43	375.50	N26°44'43"W	55.37
C2	50.42	304.50	N27°15'38"W	50.36
C3	126.29	160.50	N09°27'46"W	123.06
C4	184.69	60.50	N60°10'26"E	120.88
C5	43.79	28.00	S58°17'19"W	39.46
C6	23.56	15.00	S31°30'40"E	21.21
C7	180.11	57.50	S68°55'28"W	115.00
C8	74.36	94.50	S09°27'46"E	72.45
C9	62.18	375.50	S27°15'38"E	62.11

LINE TABLE		
LINE #	BEARING	LENGTH
L61	S31°47'21"E	227.53
L62	S76°55'15"E	183.76
L63	S13°29'20"W	476.11
L64	N76°55'15"W	180.36
L65	N13°04'47"E	476.09



1656 GRUENE ROAD
NEW BRAUNFELS, TEXAS

DRAWN BY: 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 13th DAY OF May 2020

DOROTHY J. TAYLOR
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295

5-13-2020

**METES AND BOUNDS DESCRIPTION
FOR A 130 SQ. FT., 10' WIDE UTILITY EASEMENT
EXHIBIT "C"**

Being a 130 square feet, 10' wide utility 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 130 square feet utility easement being more particularly described as follows:

COMMENCING at a point for a corner in the Southeast Right of Way line of the M.K. & T. Railroad for a North corner of a called 3.216 acre tract, recorded in Document No. 201506046914, Official Public Records, Comal County, Texas, same point being a Western corner of Lot 1, Village at Gruene Subdivision, recorded in Document No. 2301806043791, Map and Plat Records, Comal County, Texas;

THENCE departing the Southeast Right of Way line of the M.K. & T. Railroad, over and across said Lot 1, S 55°02'25" E, a distance of 481.02 feet to the POINT OF BEGINNING of the herein described easement;

THENCE continuing over and across said Lot 1, the following five (5) calls:

1. N 52°28'58" E, a distance of 10.00 feet to a point for a corner of the herein described easement;
2. S 37°31'02" E, a distance of 14.22 feet to a point lying in the North line of an existing 20' Utility Easement, for a corner of the herein described easement;
3. With the North line of said 20' Utility Easement, S 70°17'46" W, a distance of 6.42 feet to a point for a corner of the herein described easement;
4. Continuing with the North line of said 20' Utility Easement, S 39°40'54" W, a distance of 3.98 feet to a point for a corner of the herein described easement;
5. Departing the North line of said 20' Utility Easement, N 37°31'02" W, a distance of 13.13 feet to the POINT OF BEGINNING, containing 130 square feet, 10' wide utility easement in Comal County, Texas.

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

Written April 23, 2020.

Reference survey of said 130 square feet, 10' wide utility easement prepared this same date.



Dorothy J. Taylor

Registered Professional Land Surveyor No. 6295

S:\Projects\170 - James Japhet\170.004 - Village at Gruene\Easements\M&B\130 Sq. Ft. M&B.docx

4-23-20

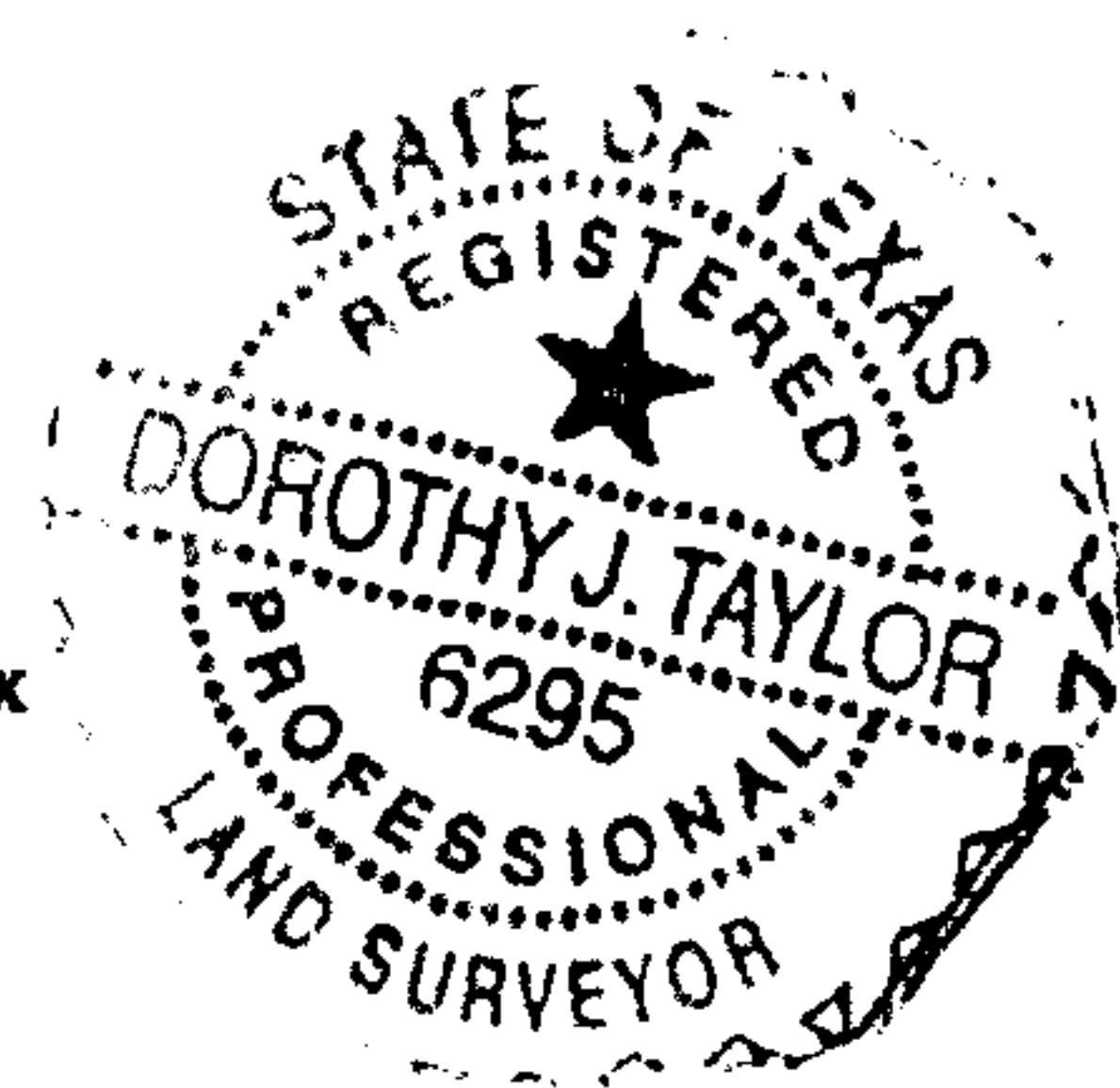


EXHIBIT "D" - 130 SQ. FT., 10' WIDE UTILITY EASEMENT
130 SQ. FT., 10' WIDE UTILITY EASEMENT LOCATED IN THE J.M. VERAMENDI
SURVEY NO. 1, ABSTRACT NO. 2, COMAL COUNTY, TEXAS, OUT OF LOT 1,
VILLAGE AT GRUENE SUBDIVISION, RECORDED IN DOCUMENT NO.
201806043791, MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS.

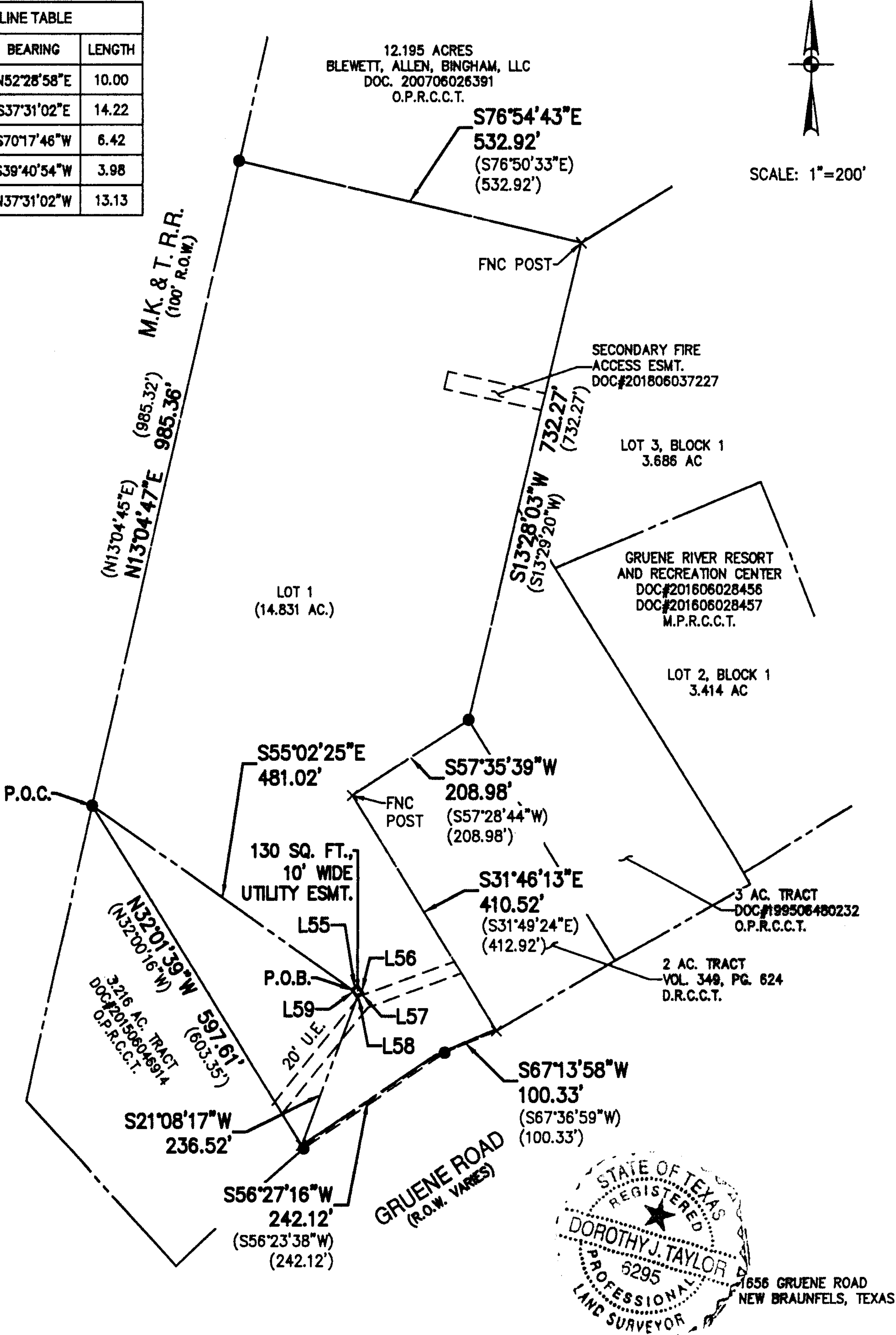
BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM,
SOUTH CENTRAL ZONE (4204), NAD 83.

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
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 - O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
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 - D.R.C.C.T. = DEED RECORDS OF COMAL COUNTY, TEXAS
 - P.O.C. = POINT OF COMMENCEMENT
 - P.O.B. = POINT OF BEGINNING

LINE TABLE		
LINE #	BEARING	LENGTH
L55	N52°28'58"E	10.00
L56	S37°31'02"E	14.22
L57	S70°17'46"W	6.42
L58	S39°40'54"W	3.98
L59	N37°31'02"W	13.13



DRAWN BY: [AFL]



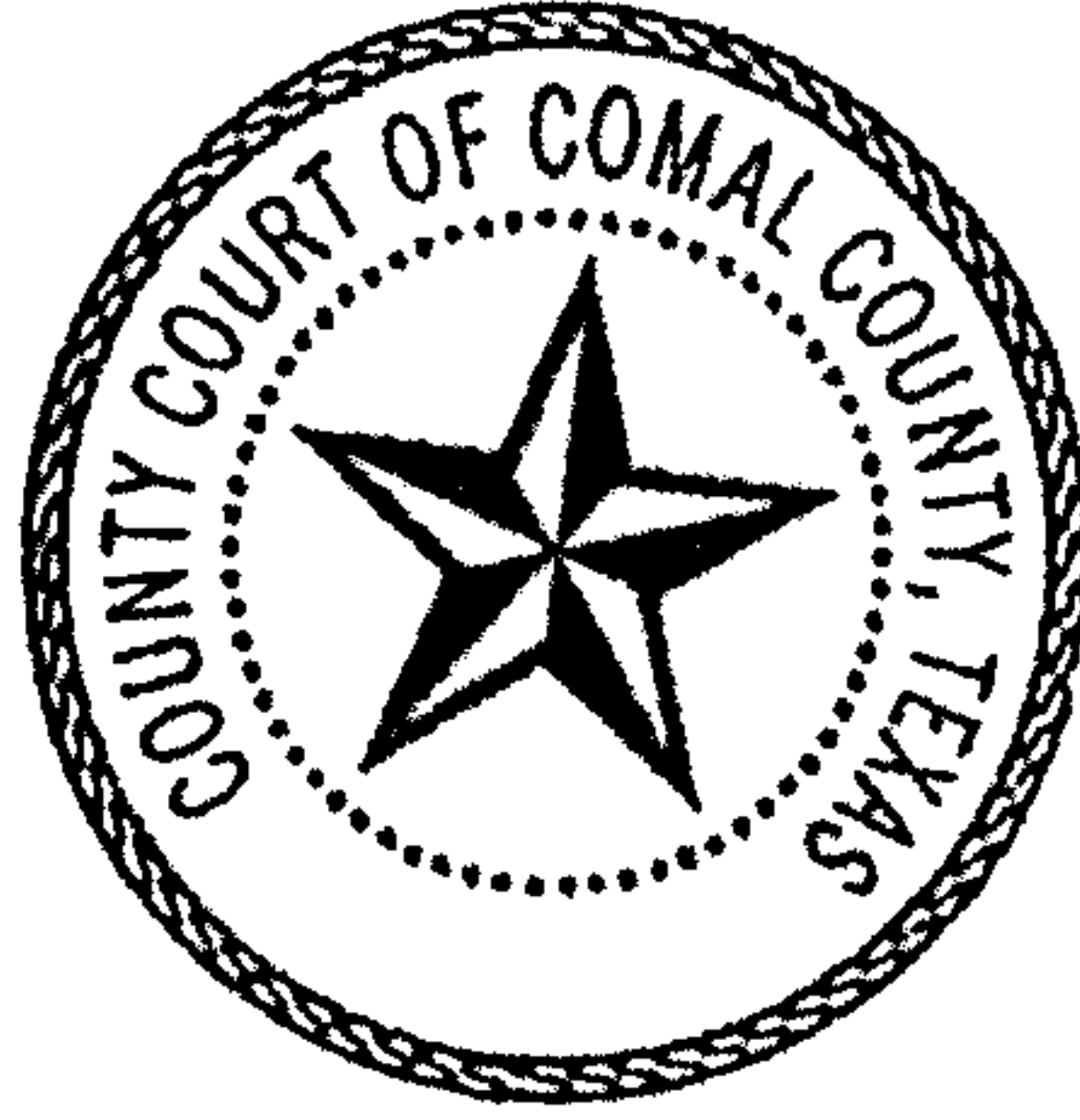
290 S. CASTELL AVE., STE. 100
NEW BRAUNFELS, TX 78130
TBPE FIRM F-10961
TBPLS FIRM 10153600

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

THIS 23RD DAY OF APRIL 2020

DOROTHY J. TAYLOR
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295

170.004



This page has been added to comply with the statutory requirement that the clerk shall stamp the recording information at the bottom of the last page.

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