AMENDMENT TO STORM SEWER AND DRAINAGE EASEMENT

By Storm Sewer and Drainage Easement dated September 8, 2022, recorded under Document No. 22045719, Official Public Records of Hays County, Texas (the "Original Easement"), M/I HOMES OF AUSTIN, LLC, an Ohio limited liability company ("M/I") and TRI POINTE HOMES TEXAS, INC., a Texas corporation ("TPH" and, together with M/I, the "Grantor"), granted to the CITY OF DRIPPING SPRINGS, TEXAS ("Grantee"), certain easements in, upon, over, under, through, and across certain property owned by Grantor and more particularly described in the Original Easement. Grantor now desires to amend the Original Easement, as provided herein. Therefore, for full and valuable consideration, the receipt and sufficient of which are hereby acknowledged, Grantor agrees as follows:

- 1. <u>Amendment to Easement Area</u>. Exhibit A to the Original Easement is deleted and replaced with <u>Exhibit "A"</u> to this Amendment to Storm Sewer and Drainage Easement (this "**Amendment**"). For the avoidance of doubt, the Original Easement is hereby terminated and released in its entirety as to all areas of the Easement Area not included in <u>Exhibit "A"</u> to this Amendment.
- 2. <u>Amendment to Name of M/I</u>. All references to M/I in the Original Easement are hereby amended to read as follows: "M/I Homes of Austin, LLC, an Ohio limited liability company".
- 3. <u>Effect of Amendment</u>. Except as provided by this Amendment, the terms and provisions of the Original Easement will continue to govern the rights and obligations of the parties, and all provisions and covenants of the Original Easement, as amended by this Amendment, will remain in full force and effect. In the event of any inconsistency between the Original Easement and this Amendment, this Amendment will control and modify the terms and provisions of the Original Easement.
- 4. Execution. This Amendment may be executed in any number of counterparts, and it will not be necessary that the signatures of all parties be contained on any one counterpart. Additionally, for purposes of facilitating the execution of this Amendment: (a) the signature pages from separate, individually executed counterparts of this Amendment may be combined to form multiple fully executed counterparts; and (b) a facsimile signature will be deemed to be an original signature for all purposes. All executed counterparts of this Amendment will be deemed to be originals, but all counterparts, when taken together, will constitute one and the same instrument.

EXECUTED to be effective as of February	, 2024.

[signature pages follow]

GRANTOR:

M/I HOMES OF AUSTIN, LLC, an Ohio limited liability company

		By: Name: Title:							 	
STATE OF TEXAS	§									
COUNTY OF	§									
This instrument was AUSTIN, LLC, an Ohio limited	,								2024, MES	
, ,	, 1	•				J				
(SEAL)		Notary	Publi	ic Si	gna	ture				

GRANTOR:

TRI POINTE HOMES TEXAS, INC.,

a Texas corporation

		u Texus coi	porutio	11		
		Name:				
STATE OF TEXAS	§					
COUNTY OF						
This instrument was					day of February, 2024, of TRI POINTE HON	
TEXAS, INC., a Texas corpora	tion, on behalf o	of said corpor	ation.			
(SEAL)		Notary Pub	lic Sigr	nature		

ACCEPTED AND ACKNOWLEDGED BY GRANTEE:

CITY OF DRIPPING SPRINGS, TEXAS

Title:		_ _ _			
STATE OF TEXAS	§				
COUNTY OF	. §				
	as acknowledged be		•		•
behalf of the city.			or city of Drippi	ng springs, reaus,	OII
(SEAL)		Notary Public	Signature		

EXHIBIT "A"

A METES AND BOUNDS DESCRIPTION OF A DRAINAGE EASEMENT 36.108 ACRE TRACT OF LAND

BEING a 36.108 acre (1,572,873 square feet) tract of land situated in the Philip Smith Survey, Abstract No. 415, City of Dripping Springs, Hays County, Texas; and being portion of that certain 188.130 acre tract described in instrument to M/I Homes of Austin, LLC. and TRI Pointe Homes Texas, Inc. recorded in Document No. 21023136 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod (with plastic cap stamped "CHAPARRAL") found marking a point along the southerly boundary line of Roger Hanks Parkway (variable width public width right-of-way) of the Heritage Dripping Springs - Phase 1, plat of which is recorded in Document No. 22033539 of the Official Public Records of Hays County, and marking the northwest corner of that certain 6.033 acre tract described in instrument to Bob White Investments, L.P., recorded in Document No. 15003085 of the Official Public Records of Hays County;

THENCE, along the westerly boundary line of said 6.033 acre tract and easterly boundary line of said 188.130 acre tract the following two (2) courses and distances:

- 1. South 38°42'44" West, 192.59 feet to a 1/2-inch iron rod (with plastic cap stamped "CHAPARRAL") found marking a point for corner;
- South 00°43'52" West, 587.78 feet to a 1/2-inch iron rod found marking the southwest corner of said 6.033 acre tract, and marking the
 northwest corner of that certain 0.883 acre tract described in instrument to Bob White Investments, L.P., recorded in Document No.
 15003085 of the Official Public Records of Hays County;

THENCE, South 00°43'09" West, 128.99 feet to a 1/2-inch iron rod found along the easterly line of said 188.130 acre tract, marking the southwest corner of said 0.883 acre tract;

THENCE, North 87°20'02" East, 61.67 feet to a 1/2-inch iron rod found along the easterly line of said 188.130 acre tract, and a point along the southerly boundary line of said 0.883 acre tract, marking the northwest corner of that certain 2.60 acre tract described in instrument to Ramiro Cordova Garza recorded in Document No. 11030500 of the Official Public Records of Hays County;

THENCE, South 15°43'02" West, 521.42 feet to a 1/2-inch iron rod found along the easterly line of said 188.130 acre tract, marking the southwest corner of said 0.260 acre tract, and marking the northwest corner of Lot 1 of the Old Town Cottage Subdivision, plat of which is recorded in Document No. 17003745 of the Official Public Records of Hays County;

THENCE, South 15°33'22" West, 499.51 feet to a 2-inch iron pipe found along the easterly line of said 188.130 acre tract, marking the southwest corner of said Lot 1, and marking a point along the northerly boundary of that certain Second Tract - 2.07 acre tract described in instrument to Charlie N. Haydon recorded in Volume 178, Page 571of the Deed Records of Hays County;

THENCE, along the easterly boundary line of said 188.130 acre tract, and the northerly and westerly boundary of said 2.07 acre tract, the following two (2) courses and distances:

- 1. North 89°32'38" West, 183.86 feet to a 1/2-inch iron rod found marking the northwest corner of said 2.07 acre tract;
- 2. South 09°06'29" West, 215.70 feet to a found nail in a 18" live oak tree for corner, marking the southwest corner of said 2.07 acre tract, and marking a point along the northerly boundary line of that certain Tract 1 6.38 acre tract described in instrument to Los Olivos Village, LLC recorded in Document No. 19024931of the Official Public Records of Hays County;

(CONTINUED ON PAGE 2)

EXHIBIT OF A 36.108 ACRE DRAINAGE EASEMENT

PHILIP SMITH SURVEY, ABSTRACT NO. 415 CITY OF DRIPPING SPRINGS, HAYS COUNTY, TEXAS

SEE PAGE 4 OF 6 FOR SURVEYOR'S SIGNATURE AND SEAL | NA | DJG |

GONZALEZ, DAVID 1/25/2024 11:33 AM K\SNA_SURVEY\HERITAGE DRIPPING SPRINGS\05783118-HERITAGE DRIPPING SPRINGS\05783118-HER

A METES AND BOUNDS DESCRIPTION OF A DRAINAGE EASEMENT 36.108 ACRE TRACT OF LAND

THENCE, along the easterly boundary line of said 188.130 acre tract, and the northerly and westerly boundary of said 6.38 acre tract, the following two (2) courses and distances:

- 1. South 89°58'04" West, 53.55 feet to a found nail in concrete marking the northwest corner of said 6.38 acre tract;
- 2. South 13°58'01" West, 743.74 feet to a 1/2-inch iron rod (with a busted cap) found, marking the southeast corner of said 188.130 acre tract, and marking a point along the northerly boundary line of that certain 3.61 acre tract described in instrument to Richard T. Garza recorded in Volume 269, Page 226 of the Deed Records of Hays County;

THENCE, South 88°00'49" West, 10.90 feet to a point along the southerly boundary line of said 188.130 acre tract, and the northerly boundary line of said 3.61 acre tract;

THENCE, departing the northerly boundary line of said 3.61 acre tract and crossing said 188.130 acre tract the following thirty-five (35) courses and distances:

- 1. North 00°25'15" West, 215.25 feet to a point of curvature;
- 2. in a northerly direction along a tangent curve to the left, having a radius of 526.00 feet, a chord of North 08°51'21" West, 154.32 feet, a central angle of 16°52'12", and an arc length of 154.88 feet to a point of tangency;
- 3. North 17°17'27" West, 85.70 feet to a point of curvature;
- 4. in a northerly direction along a tangent curve to the right, having a radius of 474.00 feet, a chord of North 07°40'51" West, 158.26 feet, a central angle of 19°13'12", and an arc length of 159.00 feet to a point of tangency;
- 5. North 01°55'45" East, 592,22 feet to a point of curvature;
- 6. in a northwesterly direction along a tangent curve to the left, having a radius of 226.00 feet, a chord of North 48°25'03" West, 348.00 feet, a central angle of 100°41'37", and an arc length of 397.18 feet to a point of tangency;
- 7. South 81°14'08" West, 34.65 feet to a point of curvature;
- 8. in a northwesterly direction along a tangent curve to the right, having a radius of 15.00 feet, a chord of North 54°08'51" West, 21.07 feet, a central angle of 89°14'02", and an arc length of 23.36 feet to a point of reverse curvature;
- 9. in a northwesterly direction along a reverse tangent curve to the left, having a radius of 776.00 feet, a chord North 21°34'41" West, 323.94 feet, a central angle of 24°05'42", and an arc length of 326.34 feet to a point of tangency,
- 10. North 33°37'32" West, 243.57 feet to a point of curvature;
- 11. in a northwesterly direction along a tangent curve to the right, having a radius of 724.00 feet, a chord of North 24°21'11" West, 233.31 feet, a central angle of 18°32'41", and an arc length of 234.33 feet to a point of tangency;
- 12. North 15°04'51" West, 124.17 feet to a point of curvature;
- 13. in a northeasterly direction along a tangent curve to the right, having a radius of 25.00 feet, a chord of North 27°45'44" East, 34.00 feet, a central angle of 85°41'10", and an arc length of 37.39 feet to a point of reverse curvature;
- 14. in a northeasterly direction along a reverse tangent curve to the left, having a radius of 653.00 feet, a chord North 62°14'37" East, 189.92 feet, a central angle of 16°43'24", and an arc length of 190.59 feet to a point of reverse curvature;
- 15. in a easterly direction along a reverse tangent curve to the right, having a radius of 25.00 feet, a chord South 82°51'49" East, 34.26 feet, a central angle of 86°30'33", and an arc length of 37.75 feet to a point of tangency;
- 16. South 39°36'32" East, 209.96 feet to a point of curvature;
- 17. in a southerly direction along a tangent curve to the right, having a radius of 15.00 feet, a chord of South 13°28'26" East, 13.21 feet, a central angle of 52°16'12", and an arc length of 13.68 feet to a point of reverse curvature;

(CONTINUED ON PAGE 3)

EXHIBIT OF A 36.108 ACRE DRAINAGE EASEMENT

PHILIP SMITH SURVEY, ABSTRACT NO. 415 CITY OF DRIPPING SPRINGS, HAYS COUNTY, TEXAS

JOHN G. MOSIER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6330
10101 REUNION PLACE, SUITE 400
SAN ANTONIO, TEXAS 78216
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greg.mosier@kimley-horn.com



A METES AND BOUNDS DESCRIPTION OF A DRAINAGE EASEMENT 36.108 ACRE TRACT OF LAND

- 18. in a easterly direction along a reverse tangent curve to the left, having a radius of 52.00 feet, a chord South 84°36'32" East, 103.16 feet, a central angle of 194°32'24", and an arc length of 176.56 feet to a point of reverse curvature:
- 19. in a northeasterly direction along a reverse tangent curve to the right, having a radius of 15.00 feet, a chord North 24°15'22" East, 13.21 feet, a central angle of 52°16'12", and an arc length of 13.68 feet to a point of tangency;
- 20. North 50°23'28" East, 218.97 feet to a point of curvature;
- 21. in a easterly direction along a tangent curve to the right, having a radius of 15.00 feet, a chord of South 84°36'32" East, 21.21 feet, a central angle of 90°00'00", and an arc length of 23.56 feet to a point of tangency;
- 22. South 39°36'32" East, 251.82 feet to a point of curvature;
- 23. in a southerly direction along a tangent curve to the right, having a radius of 15.00 feet, a chord of South 13°28'26" East, 13.21 feet, a central angle of 52°16'12", and an arc length of 13.68 feet to a point of reverse curvature;
- 24. in a easterly direction along a reverse tangent curve to the left, having a radius of 52.00 feet, a chord South 84°36'32" East, 103.16 feet, a central angle of 194°32'24", and an arc length of 176.56 feet to a point of reverse curvature;
- 25. in a northerly direction along a reverse tangent curve to the right, having a radius of 15.00 feet, a chord North 08°57'48" East, 5.64 feet, a central angle of 21°41'05", and an arc length of 5.68 feet to a point for corner;
- 26. South 39°36'32" East, 117.91 feet to a point for corner;
- 27. North 50°23'28" East, 190.61 feet to a point for corner;
- 28. North 38°18'13" East, 58.21 feet to a point for corner;
- 29. North 38°35'54" East, 58.62 feet to a point for corner;
- 30. North 24°16'21" East, 58.64 feet to a point for corner;
- 31. North 14°27'25" East, 116.75 feet to a point for corner;
- 32. North 00°11'05" West, 152.32 feet to a point for corner;
- 33. South 89°48'55" West, 120.00 feet to a point for corner;
- 34. North 00°11'05" West, 184.14 feet to a point of curvature;
- 35. in a northeasterly direction along a tangent curve to the right, having a radius of 25.00 feet, a chord of North 44°48'55" East, 35.36 feet, a central angle of 90°00'00", and an arc length of 39.27 feet to a point of tangency, marking a point along the southerly right-of-way line of aforesaid Roger Hanks Parkway;

THENCE, along the southerly right-of-way line of said Roger Hanks Parkway, the following two (2) courses and distances:

- 1. North 89°48'55" East, 379.49 feet to a point for corner;
- 2. South 00°11'05" East, 11.61 feet to the POINT OF BEGINNING and containing 36.108 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System, Central Zone (FIPS 4203) (NAD'83). All distances are on the GRID and shown in U.S. Survey Feet. This description was generated on 1/25/2024 at 10:45 AM, based on geometry in the drawing file K:\SNA_Survey\HERITAGE DRIPPING SPRINGS\06783118-HERITAGE DRIPPING SPRINGS\0778319 by \u03b3\06783189 by \u03b3\06783189 by \u03b3\0678319 by \u03b3\0678319 by \u03b3\06783189 by \u03b3\0678319 by \u03b3\067831 by \u03b3\0678319 by \u03b3\067831 by \u03b3\067831 by \u03b3\007831 by

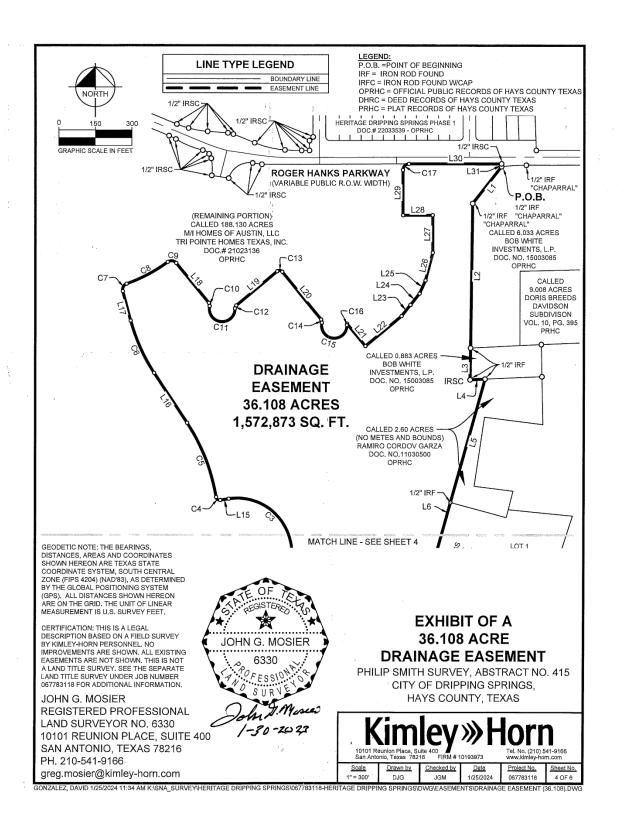
EXHIBIT OF A 36.108 ACRE DRAINAGE EASEMENT

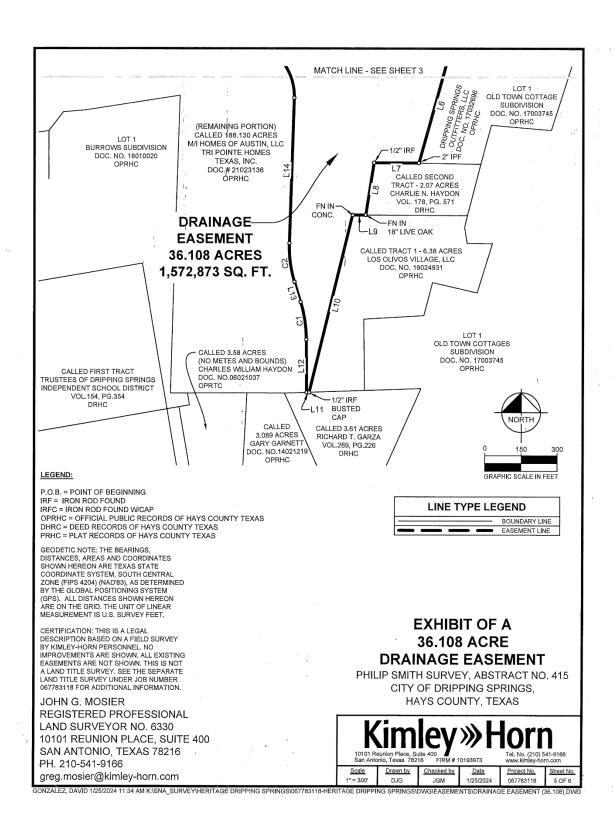
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	LINE TABL	E	LINE TABLE			CURVE TABLE					
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
L1	S38°42'44"W	192.59'	L17	N15°04'51"W	124.17'	C1	16°52'12"	526 _/ 00'	154.88'	N08°51'21"W	154.32'
L2	S00°43'52"W	587.78'	L18	S39°36'32"E	209.96'	C2	19°13'12"	474.00'	159.00	N07°40'51"W	158.26'
L3	S00°43'09"W	128.99'	L19	N50°23'28"E	218.97	СЗ	100°41'37"	226.00'	397.18'	N48°25'03"W	348.00'
L4	N87°20'02"E	61.67'	L20	S39°36'32"E	251.82	C4	89°14'02"	15.00'	23.36'	N54°08'51"W	21.07'
L5	S15°43'02"W	521.41'	L21	S39°36'32"E	117.91'	C5	24°05'42"	776.00'	326.34	N21°34'41"W	323.94'
L6	S15°33'22"W	499.51'	L22	N50°23'28"E	190.61'	C6	18°32'41"	724.00'	234.33'	N24°21'11"W	233.31'
L7 /	N89°32'38"W	183.86'	L23	N38°18'13"E	58.21'	C7	85°41'10"	25.00'	37.39'	N27°45'44"E	34.00'
L8	S09°06'29"W	215.70'	L24	N38°35'54"E	58.62'	C8	16°43'24"	653.00'	190.59'	N62°14'37"E	189.92'
L9	S89°58'04"W	53.55'	L25	N24°16'21"E	58.64'	C9	86°30'33"	25.00'	37.75'	S82°51'49"E	34.26'
L10	S13°58'01"W	743.74'	L26	N14°27'25"E	116.75'	C10	52°16'12"	15.00'	13.68'	S13°28'26"E	13.21'
L11	S88°00'49"W	10.90'	L27	N00°11'05"W	152.32'	C11	194°32'24"	52.00'	176.56'	S84°36'32"E	103.16'
L12	N00°25'15"W	215.25	L28	S89°48'55"W	120.00'	C12	52°16'12"	15.00'	13.68'	N24°15'22"E	13.21'
L13	N17°17'27"W	85.70	L29	N00°11'05"W	184.14'	C13	90°00'00"	15.00'	23.56'	S84°36'32"E	21.21'
L14	N01°55'45"E	592.22'	L30	N89°48'55"E	379.49'	C14	52°16'12"	15.00'	13.68'	S13°28'26"E	13.21'
L15	S81°14'08''W	34.651	L31	S00°11'05"E	11.61'	C15	194°32'24"	52.00'	176.56'	S84°36'32"E	103.16'
L16	N33°37'32"W	243.57'				C16	21°41'05"	15.00'	5.68'	N08°57'48"E	5.64'
						C17	90°00'00"	25.00'	39.27	N44°48'55"E	35.36'

EXHIBIT OF A 36.108 ACRE DRAINAGE EASEMENT

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