



70 2009 90029785

Hays County  
Linda C. Fritsche  
County Clerk  
San Marcos, Texas 78666

Instrument Number: 2009-90029785

As

Recorded On: November 16, 2009

OPR RECORDINGS

Parties: DRIPPING SPRINGS INDEPENDENT SCHOOL

Billable Pages: 5

To DRIPPING SPRINGS CITY OF

Number of Pages: 6

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

OPR RECORDINGS	32.00
Total Recording:	32.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2009-90029785  
Receipt Number: 233201  
Recorded Date/Time: November 16, 2009 12:03:10P  
Book-Vol/Pg: BK-OPR VL-3772 PG-757  
User / Station: O Martinez - Cashiering #3

Record and Return To:

CITY OF DRIPPINGS SPRINGS  
TO CUSTOMER  
SAN MARCOS TX 78666



State of Texas |  
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and  
time stamped hereon and was recorded on the volume and page of the named records  
of Hays County, Texas

*Linda C. Fritsche*  
Linda C. Fritsche, County Clerk

**RIGHT OF WAY EASEMENT**

**60'**

**THE STATE OF TEXAS**

§

**COUNTY OF HAYS**

§

§

**KNOW ALL MEN BY THESE PRESENTS:**

That, Dripping Springs Independent School District of the County of Hays, State of Texas, a political subdivision of the State of Texas, Acting by and through the President of the Board of Trustees, pursuant to its Resolution dated November 11, 2009, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) to Grantors in hand paid by the City of Dripping Springs, Texas, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and do by these presents Grant, Bargain, Sell and Convey unto the City of Dripping Springs, Texas an easement for road purposes of laying out, opening, constructing, operating, maintaining and reconstructing a road facility thereon, together with necessary incidentals and appurtenances thereto, in, along, upon and across the tract or parcel of land in Hays County, Texas, more particularly described in Exhibit "A," which is attached hereto and incorporated herein for any and all purposes.

The further covenant, consideration and condition is that the following restrictions shall in all things be observed, followed and complied with:

- (a) The above-described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study, or instruction which discriminates against any person because of his race, color, or national origin, regardless of whether such discrimination be effected by design or otherwise.
- (b) The above-described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study, or instruction which creates, maintains, reinforces, renews, or encourages, or which tends to create, maintain, reinforce, renew, or encourage, a dual school system.

These restrictions and conditions shall be binding upon Grantee, its successors and assigns, for a period of fifty (50) years from the date hereof; and in case of a violation of either or both of the above restrictions, the estate herein granted shall, without entry or suit, immediately revert to and vest in the Grantor herein and its successors, this instrument shall be null and void, and Grantor and its successors shall be entitled to immediate possession of such premises and the improvements thereon; and no act or omission upon the part of the Grantor herein and its successors shall be a waiver of the operation or enforcement of such condition.

The restriction set out in (a) above shall be construed to be for the benefit of any person prejudiced by its violation. The restriction specified in (b) above shall be construed to be for the benefit of any public school district or any person prejudiced by its violation.

**TO HAVE AND TO HOLD** the premises described in Exhibit "A" together with all and singular the rights, privileges and appurtenances thereto in any manner belonging, unto the said City of Dripping Springs, Texas forever; and Grantor hereby binds itself, its heirs, successors or assigns, to Warrant and Forever Defend, all and singular, the said easement described in Exhibit "A" unto the City of Dripping

Springs, Texas, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed on this the 12 day of November, 2009.



Steve Benesh  
President of the Board of Trustees

Acknowledgement

State of Texas  
County of Hays

This instrument was acknowledged before me on November 12, 2009

by Texas Drivers License

  
Notary Public's Signature

B:\05560\05560-04\City Exchange\Right of Way Easement ROA to City 60 foot.doc

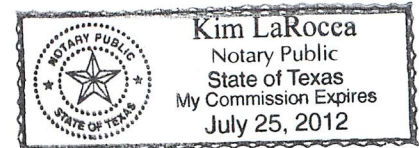


Exhibit " " "  
Page 1 of 2  
October 29, 2009

Easement  
0.936 Acres  
Phillip A. Smith, Survey No. 26  
Abstract Number 415  
Hays County, Texas

DESCRIPTION

DESCRIPTION OF 0.936 ACRES OF LAND SITUATED IN THE PHILLIP A. SMITH SURVEY NO. 26, ABSTRACT NUMBER 415, IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 14.68 ACRE TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF DRIPPING SPRINGS, TEXAS, OF RECORD IN VOLUME 1878, PAGE 628 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 0.936 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod, found for the northeast corner of said 14.68 acre tract, same point being in the west line of that certain called 45.53 acre tract of land described in Volume 2953, Page 181 said Official Public Records and same point being the southeast corner of Lot 24, Block B, Hidden Springs Ranch Section II, recorded in Volume 14, Page 69, of the Plat Records of Hays County, Texas, for the northeast corner of the herein described tract;

THENCE, South 01°15'19" East, with the common line of said 14.68 acre tract and said 45.53 acre tract, a distance of 60.00 feet, to a point for the southeast corner of the herein described tract, from which point a ½ inch iron rod found for the southeast corner of said 14.68 acre tract bears South 01°15'19" East a distance of 799.85 feet;

THENCE, South 87°49'20" West, parallel with and 60.00 feet south of the north line of said 14.68 acre tract of land, a distance of 695.46 feet to a point on the east right-of-way line of that certain roadway known as Golden Eagle Lane dedicated by Volume 14, Page 69, said Plat Records, said east right-of-way line of Golden Eagle Lane being a curve to the right, having a radius of 645.00 feet;

THENCE, in a northeasterly direction, with said east right-of-way line of Golden Eagle Lane, an arc distance of 68.79 feet and whose chord bears North 27°04'02" East, a distance of 68.75 feet to a calculated point for the northwest corner of said 14.68 acre tract of land in the south line of Lot 27, Block B of said Hidden Springs Ranch, Section II;

*MAE  
290209*

Exhibit " \_ "  
Page 2 of 2  
October 29, 2009

Easement  
0.936 Acres  
Phillip A. Smith, Survey No. 26  
Abstract Number 415  
Hays County, Texas

THENCE, North 87°49'20" East, with the north boundary line of said 14.68 acre tract of land, same line being a south boundary line of said Hidden Springs Ranch Section II, a distance of 662.83 feet to the POINT OF BEGINNING, containing 0.936 acres of land, more or less, within these metes and bounds.

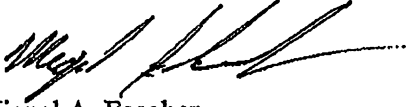
Subject tract described herein is an easement. No monumentation set for corners.

Reference is herein made to the sketch accompanying this metes and bounds description.

Bearing Basis: Grid North, Texas Coordinate System of 1983, Central Zone, as derived from OPUS solution dated February 15, 2008. Distances hereon are surface values based on a surface adjustment factor of 1.00007683. (Ground = Grid x Surface Adjustment Factor)

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

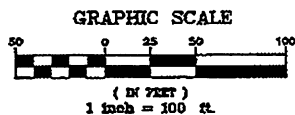
CUNNINGHAM-ALLEN, INC.

  
Miguel A. Escobar  
Registered Professional Land Surveyor No. 5630  
State of Texas  
Date: 29 Oct 09



# SKETCH TO ACCOMPANY DESCRIPTION

60' ROADWAY EASEMENT  
SHEET 1 OF 1



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG.	CHORD
C1	645.00'	68.79'	6°06'37"	N27°04'02"E	68.75'
C2	645.00'	284.79'	25°17'52"	S11°21'47"W	282.48'

DRIPPING SPRINGS  
INDEPENDENT  
SCHOOL DISTRICT  
(45.53 ACRES)  
VOL. 2953, PG. 181  
O.P.R.H.C.T.

REDADED A. SMITH  
SURVEY NO. 29  
ABSTRACT NO. 415

BLOCK "B"

HIDDEN SPRINGS RANCH  
SECTION II  
VOL. 14, PAGE 69  
P.R.H.C.T.

LOT 24

P.O.B.

LOT 27

60' ROADWAY  
EASEMENT  
(0.936 ACRES)

CITY OF  
DRIPPING SPRINGS, TEXAS.  
(14.68 AC)  
VOL. 1878, PAGE 628  
O.P.R.H.C.T.

SHANE LANE  
(60' R.O.W.)

LOT 1  
BLOCK "D"

HIDDEN SPRINGS RANCH  
SECTION II  
VOL. 14, PAGE 69  
P.R.H.C.T.

- LEGEND**
- ▽ CALCULATED POINT
  - 1/2" IRON ROD FOUND (UNLESS STATED)
  - O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
  - P.O.B. POINT OF BEGINNING
  - P.R.H.C.T. PLAT RECORDS HAYS COUNTY, TEXAS

REFERENCE IS HEREIN MADE TO THE METES AND BOUNDS DESCRIPTION TO ACCOMPANY THIS SKETCH.

SUBJECT TRACT SHOWN HEREON IS AN EASEMENT. NO MONUMENTATION SET FOR CORNERS.

BEARING REFERENCE: GRID NORTH, TEXAS COORDINATE SYSTEM OF 1983 (CORS) CENTRAL ZONE, AS DERIVED FROM OPUS SOLUTION DATED FEBRUARY 15, 2008

DISTANCES SHOWN HEREON ARE SURFACE VALUES BASED ON A SURFACE ADJUSTMENT FACTOR OF 1.00007683.  
(SURFACE = GRID X SURFACE ADJUSTMENT FACTOR)

THE CITY OF DRIPPING  
SPRINGS, TEXAS  
(4.03 AC)  
VOL. 1878, PG. 624  
O.P.R.H.C.T.

SURVEYED BY:

*Miguel A. Escobar*

MIGUEL A. ESCOBAR  
REG. PROF. LAND SURVEYOR  
NO. 5630  
DATE: 29 Oct 09



Cunningham | Allen  
Engineers • Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

S:\4520101\Drawings\4520101\_Easement\_60' Roadway.dwg 10/23/2009 10:54:50 AM CDT

OFFICE: IBP  
DATE: 10/26/09  
PROJ #: 452.0101  
FILE NAME: 4520101\_Easement\_60' Roadway.dwg

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