

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL 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.

NON-EXCLUSIVE WASTEWATER EASEMENT

Date: *DRAFT*

Grantor: DRIPPING SPRINGS INDEPENDENT SCHOOL DISTRICT, an independent school district and political subdivision of the State of Texas

Grantor's Address: 510 W. Mercer Street
Dripping Springs, Hays County, Texas 78620

Grantee: **CITY OF DRIPPING SPRINGS, TEXAS**, a General Law municipality situated in Hays County, Texas

Grantee's Address: P.O. Box 384
511 Mercer Street
Dripping Springs, Hays County, Texas 78620

Property: A non-exclusive easement over, under, along, through, and across the parcel of real property of Grantor ("Easement"), said Easement consisting of a 0.277__ acre tract of land, and more particularly described on **Exhibit "A"**, attached hereto and incorporated herein by reference ("Easement Tract").^[A1]

Consideration: _____ and other good and valuable consideration^[A2]

GRANT OF NON-EXCLUSIVE EASEMENT:

Grantor, for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby GRANT, SELL AND CONVEY unto Grantee the 15 foot wide Non-Exclusive Easement in, upon, **over, under, along, through, and across the** Easement Tract TO HAVE AND TO HOLD the same perpetually to Grantee and its successors and assigns, together with the right and privilege as necessary for the Grantee herein, its agents, employees and representatives of ingress and egress to and from the adjoining property of Grantor, or any part thereof, for the purpose of construction, operation, maintenance, replacement, upgrade, and repair of a sanitary sewer line that will be approximately between 6' and 10' below the surface, which will be constructed and installed therein or thereon under the terms of this Easement.

The non-exclusive easement is made and accepted subject to any and all conditions, encumbrances and restrictions, if any, relating to the hereinabove described property to the extent, and only to the extent, that the same may still be in force and effective, either apparent or shown of record in the public records of Hays County, Texas.

Except as otherwise noted, the non-exclusive easement, rights and privileges herein granted shall be perpetual; however, that said non-exclusive easement, rights and privileges shall cease and revert to Grantor in the event the said sanitary sewer main is abandoned, or shall cease to be used, for a period of two (2) consecutive years.

~~To the extent permitted by the laws and Constitution of the State of Texas, the Grantee shall indemnify Grantor against any loss and damage which shall be caused by the exercise of the rights set forth in this non-exclusive easement, and further, t~~The Grantee shall immediately return Grantor's property to its original condition, including repair of any improvements to Grantor's property.^[A3]

Upon completion of construction and any maintenance, repairs, or other Grantee or assigns activities on Grantor's property, Grantee agrees to restore the surface of the Easement Tract as follows: remove any construction debris or other material remaining on the site after construction, remove any disturbed rock, roots, and soil, remove any temporary barriers, remove any temporary access roads and drainage facilities, revegetate disturbed vegetated areas, and restore roadway surfaces any another Grantor improvements to existing or better condition, unless requested otherwise by Grantor.

Grantor also retains, reserves, and shall continue to enjoy the surface of such Easement Area for any and all purposes that do not interfere with and prevent the use by Grantee of the Easement Area, including the right to retain any structure or improvement currently within the Easement Area, and to further build and use the surface of the Easement Area for any other uses; provided Grantor shall not erect or construct on the Easement Area any additional building or other structure in or on the Easement Area.

TO HAVE AND TO HOLD the rights and interests described unto Grantee and its successors and assigns forever, so long as the non-exclusive easement remains a public non-exclusive easement, available for Grantor's use, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns forever, and Grantor is hereby bound, together with all heirs, executors, administrators or successors, to warrant and forever defend all and singular the above-described non-exclusive easement and rights and interest unto the Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof, except as stated herein, when the claim is by, through or under Grantor, but not otherwise.

The Easement shall be used by Grantee for public wastewater utility purposes, including placement, construction, installation, replacement, repair, maintenance, upgrade, relocation, removal, and operation of public wastewater pipelines and related appurtenances, or making connections thereto ("Facilities"). The Easement shall also be used by Grantee for the purpose of

providing access for the operation, repair, maintenance, replacement and expansion of the Facilities.

||[A4][A5][A6]

In witness whereof, this instrument is executed this ___ day of _____, 20__.

GRANTOR:

**DRIPPING SPRINGS INDEPENDENT
SCHOOL DISTRICT**

By: _____

Board President

STATE OF TEXAS

§

ACKNOWLEDGMENT

§

COUNTY OF HAYS

§

This instrument was acknowledged before me, the undersigned authority, this ___ day of _____, 20__, by _____, the President of the Board of Trustees of Dripping Springs Independent School District, an independent school district and political subdivision of the State of Texas, on behalf of said entity, as authorized by the Board of Trustees by action taken by Resolution during an open meeting on _____.

Notary Public In and For
The State of Texas

My Commission expires: _____

AFTER RECORDING RETURN TO:

City Secretary

City of Dripping Springs
P.O. Box 384
Dripping Springs, Texas 78620

DRAFT

EXHIBIT "A"

EASEMENT TRACT

**A METES AND BOUNDS
DESCRIPTION OF A
0.227 ACRE TRACT OF LAND**

BEING a 0.227 acre (9,868 square feet - 15 feet wide) tract of land situated in the Phillip Smith Survey, Abstract No. 415, Hays County, Texas; and being a portion of that certain 0.65 acre tract called Second Tract described in instrument to Trustees of Dripping Springs Independent School District, recorded in Volume 154, Page 354 of the Deed Records of Hays County, and a portion of that certain 11.000 acre tract of land described in instrument to Dripping Springs Independent School District, recorded in Volume 139, Page 625 of the Official Public Records of Hays County; and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found with plastic cap stamped "STAUDI" marking the northeast corner of said 0.65 acre tract, and southern-most southeast corner of that certain 16.21 acre tract of land called Lot 1 described in instrument to Brookfield Residential RDS, LLC, recorded in Volume 5231, Page 486 of the Official Public Records of Hays County, and a point on the westerly boundary line of that certain 3.58 acre tract of land described in instrument to Charles William Haydon, recorded in Document No. 06021037 of the Official Public Records of Hays County,

THENCE, South 80°13'59" West, 5.31 feet along the northwesterly boundary of the said 0.65 acre tract to the **POINT OF BEGINNING** of the herein described tract of land;

THENCE, crossing said 0.65 acre tract the following four (4) courses and distances:

1. South 9°55'40" East, 25.76 feet to a point for corner;
2. South 32°17'56" East, 13.85 feet to a point for corner;
3. South 9°52'33" East, 492.13 feet along the northeasterly boundary line of said 0.65 acre tract and westerly boundary line of said 3.58 acre tract to a point for corner;
4. South 63°26'51" West, 53.97 feet along the westerly line of said 0.65 acre tract to a point for corner on the easterly boundary line of said 11.000 acre tract;

THENCE, crossing said 11.000 acre tract the following six (6) courses and distances:

1. South 9°52'30" East, 53.95 feet along the easterly boundary line of said 11.000 acre tract and westerly boundary line of said 3.58 acre tract to a point for corner;
2. South 62°41'57" West, 30.55 feet departing the easterly boundary line of 11.000 acre tract to a point for corner;
3. North 17°15'32" West, 15.23 feet along the easterly easement line of a 25' Sanitary Sewer Easement dedicated to City of Dripping Springs, Texas recorded in Volume 3415, Page 491 of the Official Public Records of Hays County;
4. North 62°41'57" East, 16.88 feet to a point for corner;
5. North 9°52'30" West, 54.10 feet to a point for corner;
6. North 63°26'51" East, 53.97 feet crossing said 11.000 acre tract and crossing said 0.65 acre tract to a point for corner;

THENCE, crossing said 0.65 acre tract the following three (3) courses and distances:

1. North 9°52'33" West, 477.99 feet to a point for corner;
2. North 32°17'56" West, 13.85 feet to a point for corner;
3. North 9°55'40" West, 28.77 feet to a point for corner;

THENCE, North 80°13'59" East, 15.00 feet along the northerly line of said 0.65 acre tract to the **POINT OF BEGINNING**, and containing 0.227 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

JOHN G. MOSIER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6330
601 NW LOOP 410, SUITE 350
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
greg.mosier@kimley-horn.com



**EXHIBIT OF A - 0.227 ACRE
15' SANITARY SEWER EASEMENT
PHILIP SMITH SURVEY, ABSTRACT NO. 415
CITY OF DRIPPING SPRINGS,
HAYS COUNTY, TEXAS**

Kimley»Horn

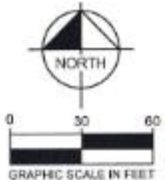
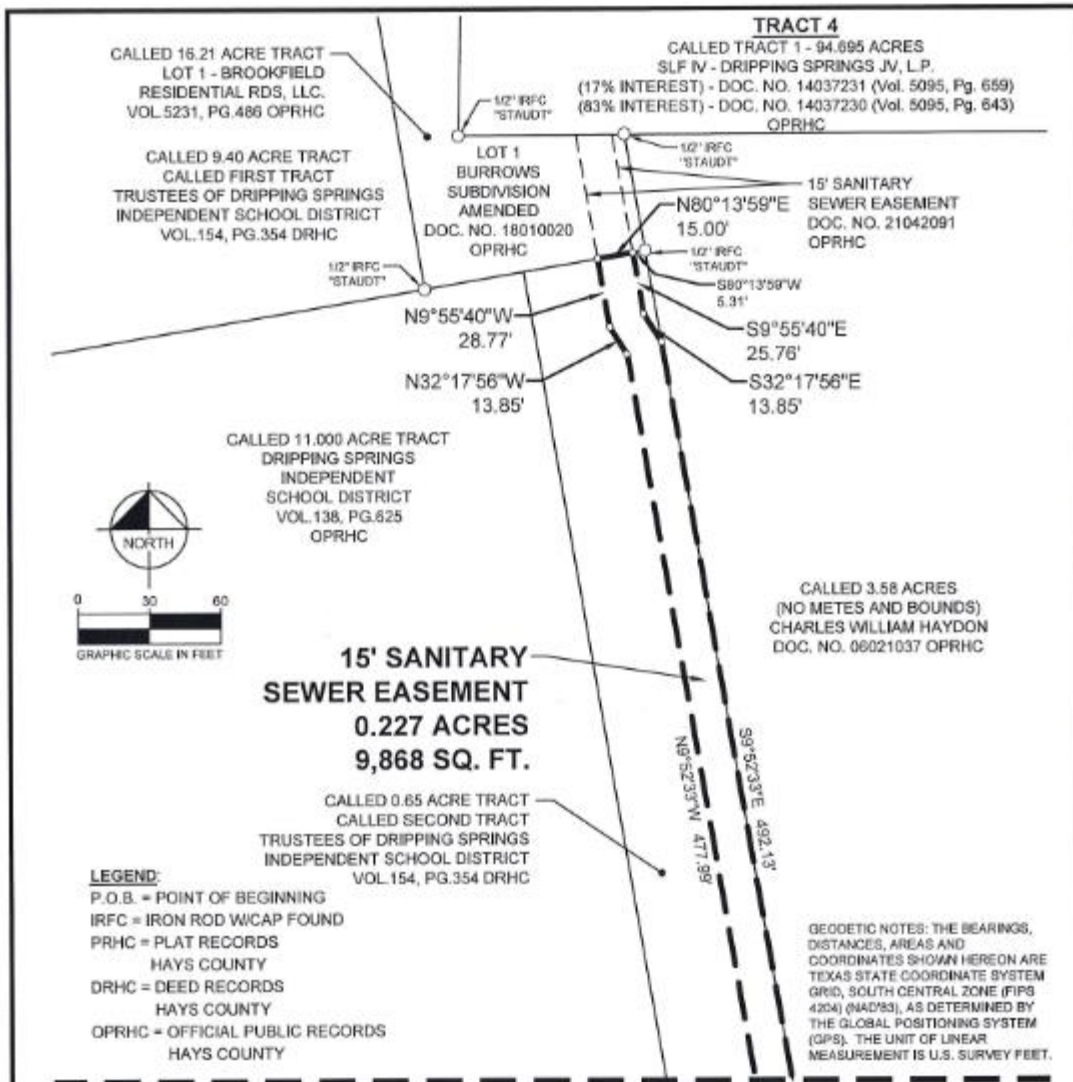
601 NW Loop 410, Suite 350
San Antonio, Texas 78216

FIRM # 10192973

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www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
NONE	SAL	JCM	6/16/2021	007783116	1 OF 3

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LEGEND:
 P.O.B. = POINT OF BEGINNING
 IRFC = IRON ROD WICAP FOUND
 PRHC = PLAT RECORDS
 HAYS COUNTY
 DRHC = DEED RECORDS
 HAYS COUNTY
 OPRHC = OFFICIAL PUBLIC RECORDS
 HAYS COUNTY

GEODETIC NOTES: THE BEARINGS, DISTANCES, AREAS AND COORDINATES SHOWN HEREON ARE TEXAS STATE COORDINATE SYSTEM GRID, SOUTH CENTRAL ZONE (FIPS 4204) (NAD83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.

CERTIFICATION: THIS IS A LEGAL DESCRIPTION BASED ON A FIELD SURVEY BY KIMLEY-HORN PERSONNEL. NO TITLE RESEARCH WAS PROVIDED IN THE PREPARATION OF THIS EXHIBIT. NO IMPROVEMENTS ARE SHOWN. ALL EXISTING EASEMENTS ARE NOT SHOWN. THIS IS NOT A LAND TITLE SURVEY.

MATCHLINE "A-A" SEE SHEET 3 OF 3

**EXHIBIT OF A - 0.227 ACRE
 15' SANITARY SEWER EASEMENT**
 PHILIP SMITH SURVEY, ABSTRACT NO. 415
 CITY OF DRIPPING SPRINGS,
 HAYS COUNTY, TEXAS

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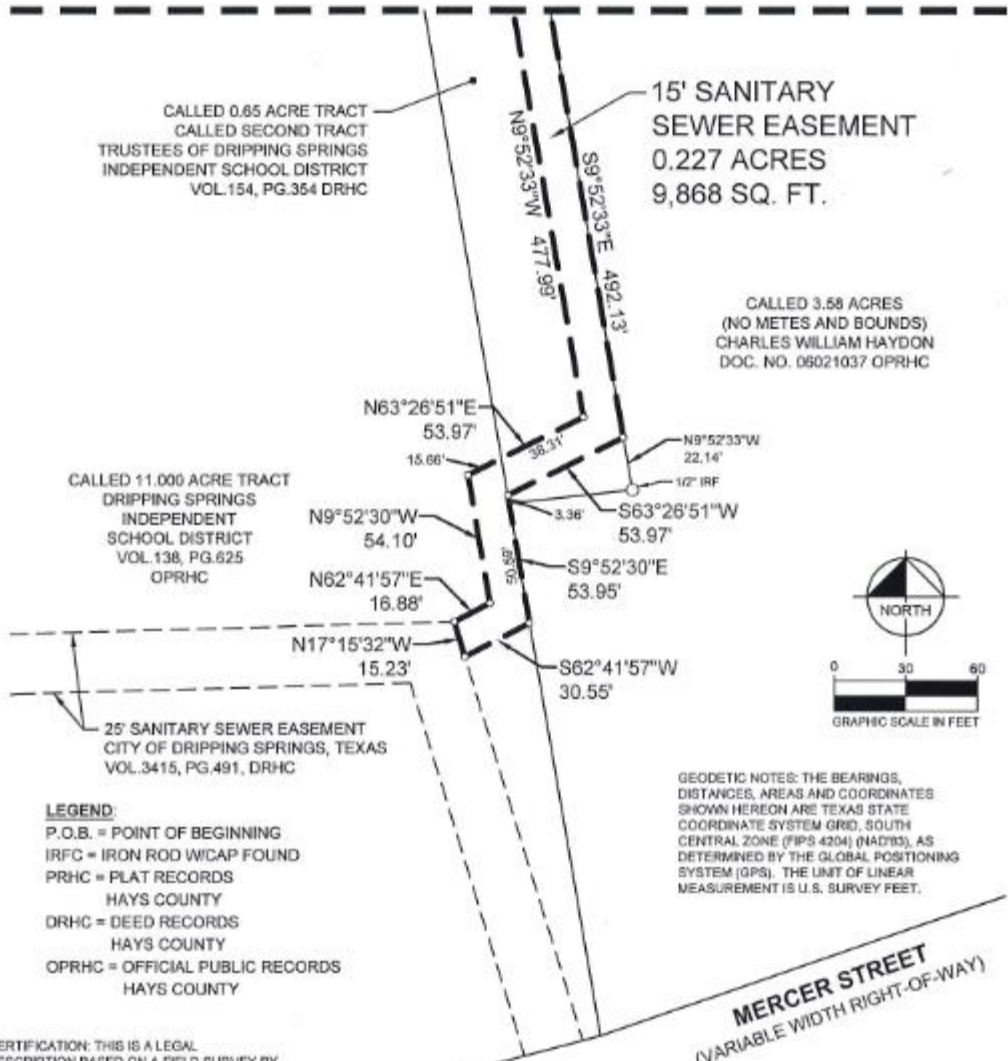
Kimley»Horn

801 NW Loop 410, Suite 350 San Antonio, Texas 78216 FIRM # 10189873 Tel. No. (210) 541-9100 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	SAL	JSM	8/19/2021	06700118	2 OF 3

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MATCHLINE "A-A" SEE SHEET 2 OF 3



CALLED 0.65 ACRE TRACT
CALLED SECOND TRACT
TRUSTEES OF DRIPPING SPRINGS
INDEPENDENT SCHOOL DISTRICT
VOL. 154, PG. 354 DRHC

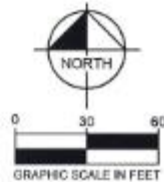
15' SANITARY
SEWER EASEMENT
0.227 ACRES
9,868 SQ. FT.

CALLED 3.58 ACRES
(NO METES AND BOUNDS)
CHARLES WILLIAM HAYDON
DOC. NO. 06021037 OPRHC

CALLED 11.000 ACRE TRACT
DRIPPING SPRINGS
INDEPENDENT
SCHOOL DISTRICT
VOL. 138, PG. 625
OPRHC

25' SANITARY SEWER EASEMENT
CITY OF DRIPPING SPRINGS, TEXAS
VOL. 3415, PG. 491, DRHC

- LEGEND:**
 P.O.B. = POINT OF BEGINNING
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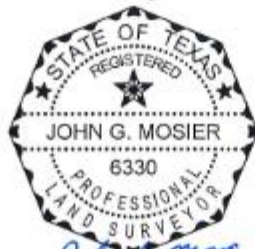
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MERCER STREET
(VARIABLE WIDTH RIGHT-OF-WAY)

**EXHIBIT OF A - 0.227 ACRE
15' SANITARY SEWER EASEMENT**
PHILIP SMITH SURVEY, ABSTRACT NO. 415
CITY OF DRIPPING SPRINGS,
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