

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.

WASTEWATER LINE EASEMENT

Date: _____, 2023

Grantor: **Dripping Springs Partners, LLC**, a Texas limited liability company (“DSP”)

Grantor’s Address: 7401 Highway 71 West, Suite 160, Austin, Texas 78735

Grantee: **CITY OF DRIPPING SPRINGS, TEXAS**, a Texas general law municipality situated in Hays County, Texas (“City”)

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

Property: A nonexclusive easement and right-of-way in, upon, over, under, along, through, and across a portion of the parcel of real property of Grantor (“Easement”), the Wastewater Line Easement consisting of approximately 1.033 acres, more or less, being 30 feet in width, more or less, and more particularly described on **Exhibit “A”**, attached hereto and incorporated herein by reference (“Wastewater Line Easement Tract”).

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration paid to Grantor for which no lien either express or implied is retained.

Permitted Encumbrances: None

GRANT OF EASEMENT:

DSP is the grantee in that certain Roadway, Drainage and Utility Easement (the “Master Easement”) between DSP and Rebecca Burke (“Burke”) as grantor therein, the Master Easement being recorded in Document No. 22038006, of the Official Public Records of Hays County, Texas. The Master Easement provides that DSP has the right to assign an easement granted in the Master Easement to City. Therefore, DSP, as Grantor herein, 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 assign unto **THE CITY OF DRIPPING SPRINGS, TEXAS**, a Texas general law municipality located in Hays County, Texas, the Grantee

herein, the Wastewater Line Easement in, upon, over, under, along, through, and across the Wastewater Line Easement Tract in perpetually to Grantee and its successors and assigns, together with the right and privilege at any and all times to enter the Wastewater Line Easement Tract for the purpose of construction, operation, maintenance, replacement, upgrade, and repair an underground wastewater line and related equipment (the "Facilities, hereinafter defined).

Grantor, on behalf of Grantor and its successors and assigns, does hereby covenant and agree to WARRANT AND FOREVER DEFEND title to the Wastewater Line Easement herein assigned unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same.

CHARACTER OF EASEMENT:

The Wastewater Line Easement granted herein is "in gross," in that there is no "Benefitted Property." Nevertheless, the easement rights herein granted shall pass to Grantee's successors and assigns, subject to all of the terms hereof. The Easement rights of use granted herein are irrevocable. The Wastewater Line Easement is for the benefit of Grantee and is specifically subject to the terms of the Master Easement. Grantor shall have the right to place utility lines and the Roadway within the Wastewater Line Easement, provided that they do not interfere with the Facilities.

PURPOSE OF EASEMENT:

The Wastewater Line Easement shall be nonexclusive and used by Grantee for public sanitary sewer purposes, including placement, construction, installation, replacement, repair, maintenance, upgrade, relocation, removal, and operation of public sanitary sewer pipelines and related appurtenances, or making connections thereto ("Facilities"). The Wastewater Line Easement shall also be used by Grantee for the purpose of providing access for the operation, repair, maintenance, replacement and expansion of the Facilities.

Upon completion of construction of the Facilities, Grantee agrees to restore the surface of the Wastewater Line 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 to existing or better condition, unless requested otherwise by Grantor.

DURATION OF EASEMENT:

The Wastewater Line Easement shall be perpetual.

GRANTOR USE:

Grantor hereby retains the right to construct within the Wastewater Line Easement, the Roadway and Utility Portion and Drainage Portion as described in the Master Easement.

Grantor hereby retains surface use of the Wastewater Line Easement Tract and the right to plant and maintain ground cover and grasses only. Grantor relinquishes the authority for planting or

cultivation of bushes, trees or other living matter, and building and maintaining any structures within the Wastewater Line Easement Tract, and acknowledges that such uses are specifically prohibited. Grantor grants to Grantee the right to remove any living material or structures located within the Wastewater Line Easement Tract, without Grantor recourse, to prevent interference with the operation or repairs to Grantee's facilities or use within the Wastewater Line Easement Tract.

In witness whereof, this instrument is executed this ___ day of _____, 2023.

GRANTOR:

Dripping Springs Partners, LLC
A Texas limited liability company

By: _____
Matthew Scrivener
Title: Manager

STATE OF TEXAS

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CORPORATE ACKNOWLEDGMENT

§

COUNTY OF HAYS

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This instrument was acknowledged before me, the undersigned authority, this ___ day of _____, 2023, by Matthew Scrivener, Manager of Dripping Springs Partners, LLC, a Texas limited liability company, on behalf of said limited liability company.

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

EXHIBIT "A"

Wastewater Line Easement Tract:



74010 Highway 71 West, Suite 160
Austell, TX 78735
Office: 512-583-2600
Fax: 512-583-2601
DoucetEngineers.com

1.033-Acre Easement
Hays County, Texas

D&A Job No. 2372-001B
November 16, 2023

DESCRIPTION
For a 1.033-Acre
Wastewater Lines Easement

BEING A 1.033-ACRE EASEMENT OUT OF THE PHILIP A. SMITH LEAGUE SURVEY, SECTION 26, ABSTRACT NUMBER 415, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 22.248 ACRE TRACT, CONVEYED TO REBECCA SHELTON BURKE, RECORDED IN VOLUME 918, PAGE 710, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.]; SAID 1.033 ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found (bent) in the existing southerly right-of-way line of Highway 290 West, a variable width right-of-way, no recording information found, for the northwest corner of said 22.248-acre Burke tract and for the northeast corner of a called 22.248-acre tract, conveyed to Poe Shelton, recorded in Volume 918, Page 706 [O.P.R.H.C.T.];

THENCE N89°41'01"E, with the existing southerly right-of-way line of said Highway 290 West and with the north line of said 22.248-acre Burke tract, for a distance of 343.31 feet to a calculated point for the **POINT OF BEGINNING** and for the northwest corner of the easement described herein;

THENCE, N89°41'01"E, continuing with the existing southerly right-of-way of said Highway 290 West and the north line of said 22.248-acre Burke tract, for a distance of 30.18 feet to a calculated point for the northeast corner of the easement described herein;

THENCE, over and across said 22.248-acre Burke tract, the following four (4) courses:

- 1) S06°34'24"E, for a distance of 210.72 feet to a calculated point for an angle corner of the easement described herein,
- 2) S23°13'52"E, for a distance of 464.17 feet to a calculated point for an angle corner of the easement described herein,
- 3) S16°33'07"E, for a distance of 241.74 feet to a calculated point for an angle corner of the easement described herein, and
- 4) S03°04'20"W, for a distance of 582.63 feet to a calculated point in the southerly line of said 22.428-acre Burke tract, same point being in the north line of a called 80.31-acre tract, described to Dripping Springs Partners, LLC, as recorded in Document No. 21066285 [O.P.R.H.C.T.], and for the southeast corner of the easement described herein;

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VG/WWA/cityeasemet/burke

VG/WWA/cityeasemet/burke

VG/WWA/cityeasemet/burke



DOUCET

THENCE S88°37'30"W, with the common line of said 22.248-acre Burke tract and said 80.31-acre tract, for a distance of 30.09 feet to a calculated point for the southwest corner of the easement described herein, from which a 1/2-inch iron rod found for the southwest corner of said 22.248-acre Burke tract, for the southeast corner of said 22.248-acre Shelton tract, bears S88°37'30"W, a distance of 503.89 feet;

THENCE over and across said 22.248-acre Burke tract, the following four (4) courses:

- 1) N03°04'20"E, for a distance of 579.77 feet to a calculated point for an angle corner of the easement described herein,
- 2) N16°33'07"W, for a distance of 234.80 feet to a calculated point for an angle corner of the easement described herein,
- 3) N23°13'52"W, for a distance of 466.81 feet to a calculated point for an angle corner of the easement described herein, and
- 4) N06°34'24"W, for a distance of 218.40 feet to the **POINT OF BEGINNING** of the tract described herein and containing 1.033-acres more or less.

Notes:

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010. All coordinate values and distances shown are surface values and may be converted to grid by dividing the surface adjustment factor of 1.000077936.

Units: U.S. Survey Feet.

This survey was performed without the benefit of a title commitment. Easements or other matters of record may exist where none are shown.

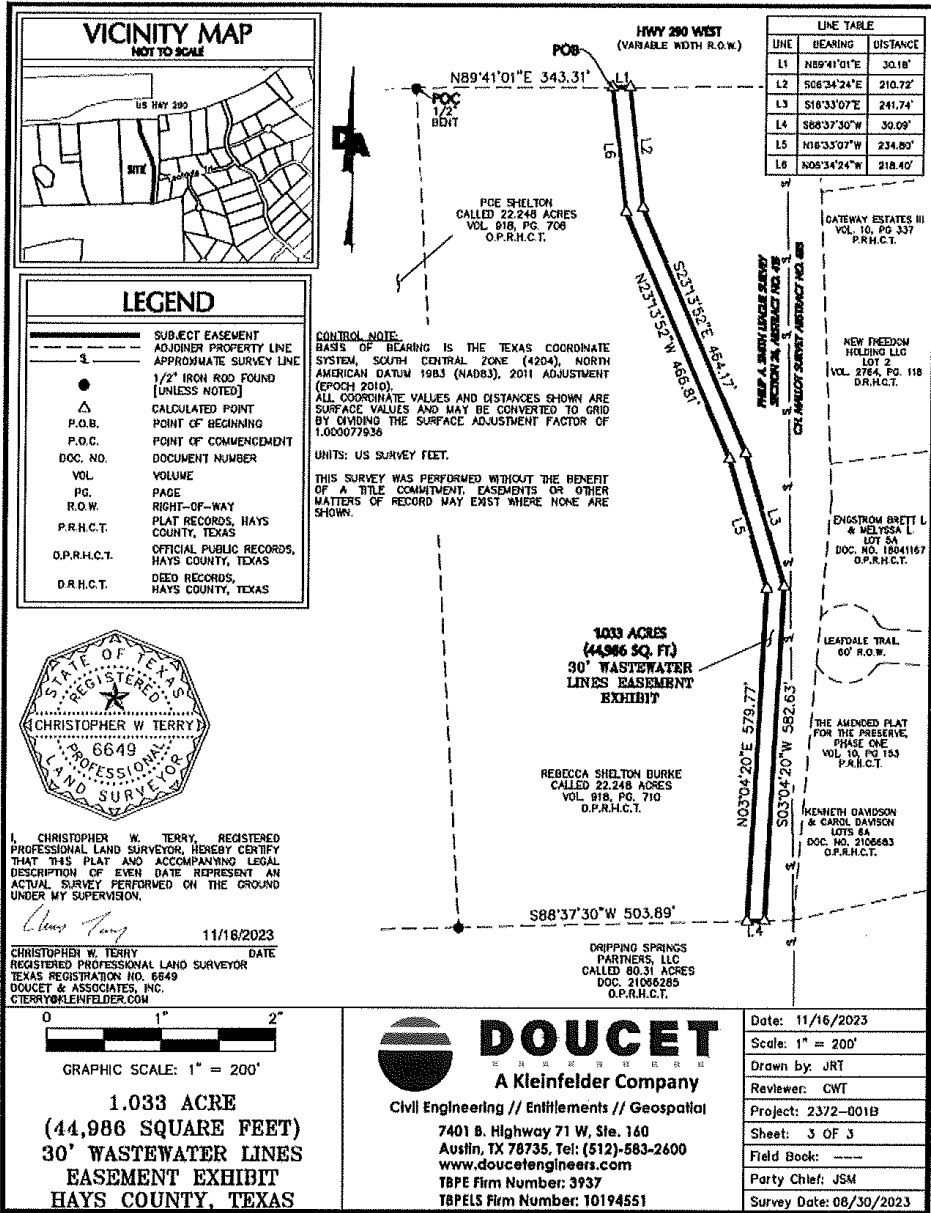
I, Christopher W. Terry, Registered Professional Land Surveyor, hereby certify that this description and accompanying plat of even date represent an actual survey performed on the ground.

11/16/2023

Date

Christopher W. Terry
Registered Professional Land Surveyor
Texas Registration No. 6649
Doucet & Associates, Inc.
Cterry@kleinfelder.com
TBPELS Firm Registration No. 10194551





VG/WWA/cityeasemet/burke