

RIGHT OF WAY EASEMENT

**THE STATE OF TEXAS,
COUNTY OF GUADALUPE**

That the Undersigned, **CITY OF SCHERTZ** (hereinafter referred to as Grantor) for a good and valuable consideration, the receipt of which hereby acknowledged, do hereby grant unto GUADALUPE VALLEY ELECTRIC COOPERATIVE, INC. (hereinafter referred to as GVEC), a cooperative corporation, whose post office address is P.O. Box 118, Gonzales, Texas 78629, and to its successors or assigns, an easement for the purpose of erection, construction, reconstruction, replacement, removal, maintenance and use of one or more electric distribution lines, fiber optic and other communications equipment, (collectively "Facilities") for the transmission of electricity and communications upon and over the lands of the undersigned, and more particularly described as follows: Being a tract of **0.6810** acres of land, more or less out of the **LOT: 31 BLK: 1 SCHERTZ BUIESS PARK 0.6810 AC.** original survey, identified as parcel number **40833**, and being the same land described in a deed from **BIRY MICHAEL F & JENNIFER S** to **CITY OF SCHERTZ**, dated the **27** day of **SEPTEMBER**, **2013**, of record in Vol/Page or Document Number **V. 4150 P. 0882** of the Official Records of Real Property of **GUADALUPE** County, Texas.

- **SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS EASEMENT.**

GVEC shall have all rights necessary for the full use herein granted, including, but not limited to, the right of ingress and egress for pedestrians, equipment and vehicles over Grantor's adjacent lands to and from said right-of-way for the purpose of constructing said Facilities, including the installation of a variable number of guy wires, anchors, and appurtenances as needed, improving, reconstructing, upgrading, repairing, inspecting, patrolling, installing, said Facilities on Grantor's land described above, operating, maintaining, providing adequate clearances and removing said Facilities, over, under, and upon said land, and the right to remove, trim, cut down or chemically treat with herbicides, trees or shrubbery or parts thereof within 15 feet of said Facilities or any other obstructions which may endanger, interfere or impair the efficiency, safety or convenient operation of said Facilities and their appurtenances. Grantor shall not construct any structure or improvement, nor impound any water, nor place any temporary or permanent erection of any mast-type equipment or appurtenances nearer than 15 feet to Facilities in any manner as to conflict with the National Electric Safety Code or any applicable law, as either of the same now exists or may be amended in the future, and this restriction shall be a covenant running with the land. Such prohibited construction within the easement shall include but not be limited to new construction or major modification to a preexisting habitable structure, as well as, stock tanks, swimming pools, spas, water wells or oil wells including construction both above and below existing grade.

It is further understood that, whenever necessary, words used in this instrument in the singular shall be construed to read in the plural and that words used in the masculine gender shall be construed to read in the feminine.

This easement runs with the land, is assignable in whole or in part, and inures to the benefit of the parties and their respective successors and assigns.

The undersigned warrant that they are the owners of the above described lands.

Dated this _____ day of _____, 20____

Printed
Signature of Grantor or Authorized Signatory

Printed
Signature of Grantor or Authorized Signatory

**THE STATE OF TEXAS,
COUNTY OF _____**

This instrument was acknowledged before me on this the _____ day of _____, 20____ by _____ (Grantor or Authorized Signatory)

Notary Public in and for the State of Texas
1794002 Form #169-----02/18

UTILITY EASEMENT - 0.02 ACRES

LEGAL DESCRIPTION: Being 0.02 acres of land for a Utility Easement out of Lot 31, Block 1, Schertz Business Park Resubdivision Plat, Guadalupe County, Texas according to the map or plat recorded thereof in Volume 5, Page 225-B of the Plat Records of Guadalupe County, Texas and also being out of that certain Tract 3 described in Volume 4150, Page 882 of the Official Public Records of Guadalupe County, Texas; Said 0.02 acre Utility Easement being more particularly described as follows and as surveyed under the supervision of Intrepid Surveying & Engineering Corporation in May, 2021:

BEGINNING at a point in northwest line of Lot 31 for the west corner hereof and from which a 1/2 inch iron rod found in the northwest line of Commercial Place for the east corner of Lot 31 bears South 38°24'41" East a distance of 299.44 feet.

THENCE North 59°57'54" East a distance of 20.00 feet along the northwest line of Lot 31 to a point for the north corner hereof;

THENCE over and across Lot 31, the following 3 courses:

1. South 29°44'12" East a distance of 39.30 feet to a point for the east corner hereof;
2. South 60°15'48" West a distance of 20.00 feet to a point for the south corner hereof;
3. North 29°44'12" West a distance of 39.19 feet to the **POINT OF BEGINNING** being 0.02 acres more or less for a Utility Easement, and as shown hereon.

NOTE:

1. BEARINGS, DISTANCES & ACREAGE ARE GRID, NAD 83 US TX SOUTH CENTRAL ZONE AND ARE OBTAINED BY NORMAL GPS TECHNIQUES.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THERE MAY BE EASEMENTS AND/OR COVENANTS AFFECTING THIS PROPERTY, NOT SHOWN HEREON.
3. IRON ROD SET ARE 1/2 INCH IRON REBAR WITH PLASTIC CAPS MARKED "INTREPID"
4. ALL BURIED PIPELINES/UTILITIES SHOWN HEREON WERE LOCATED BY VISIBLE SURFACE EVIDENCE.
5. **CONTRACTORS:** IT IS YOUR RESPONSIBILITY TO CALL DIGTESS 48 HOURS PRIOR TO STARTING CONSTRUCTION.

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE SURVEY INFORMATION FOUND ON THIS PLAT WAS DERIVED FROM ACTUAL FIELD NOTES OF ON-THE-GROUND SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AT THE TIME OF THIS SURVEY. NO WARRANTY IS MADE OR INTENDED FOR THE LOCATION OF ANY OR ALL EASEMENTS THAT MAY EXIST WITHIN THE BOUNDS OF THIS SURVEY.

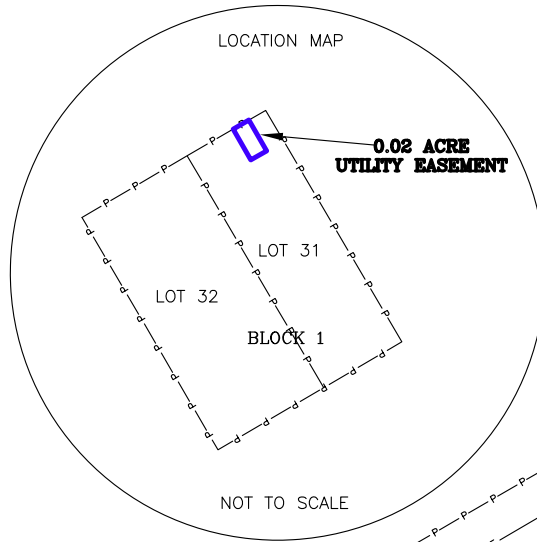
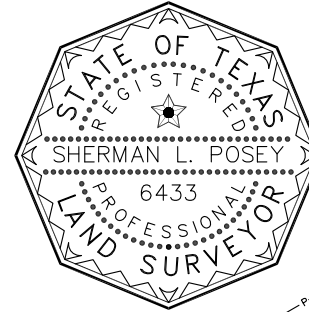
REGISTERED PROFESSIONAL LAND SURVEYOR
05-28-2021

LEGEND:

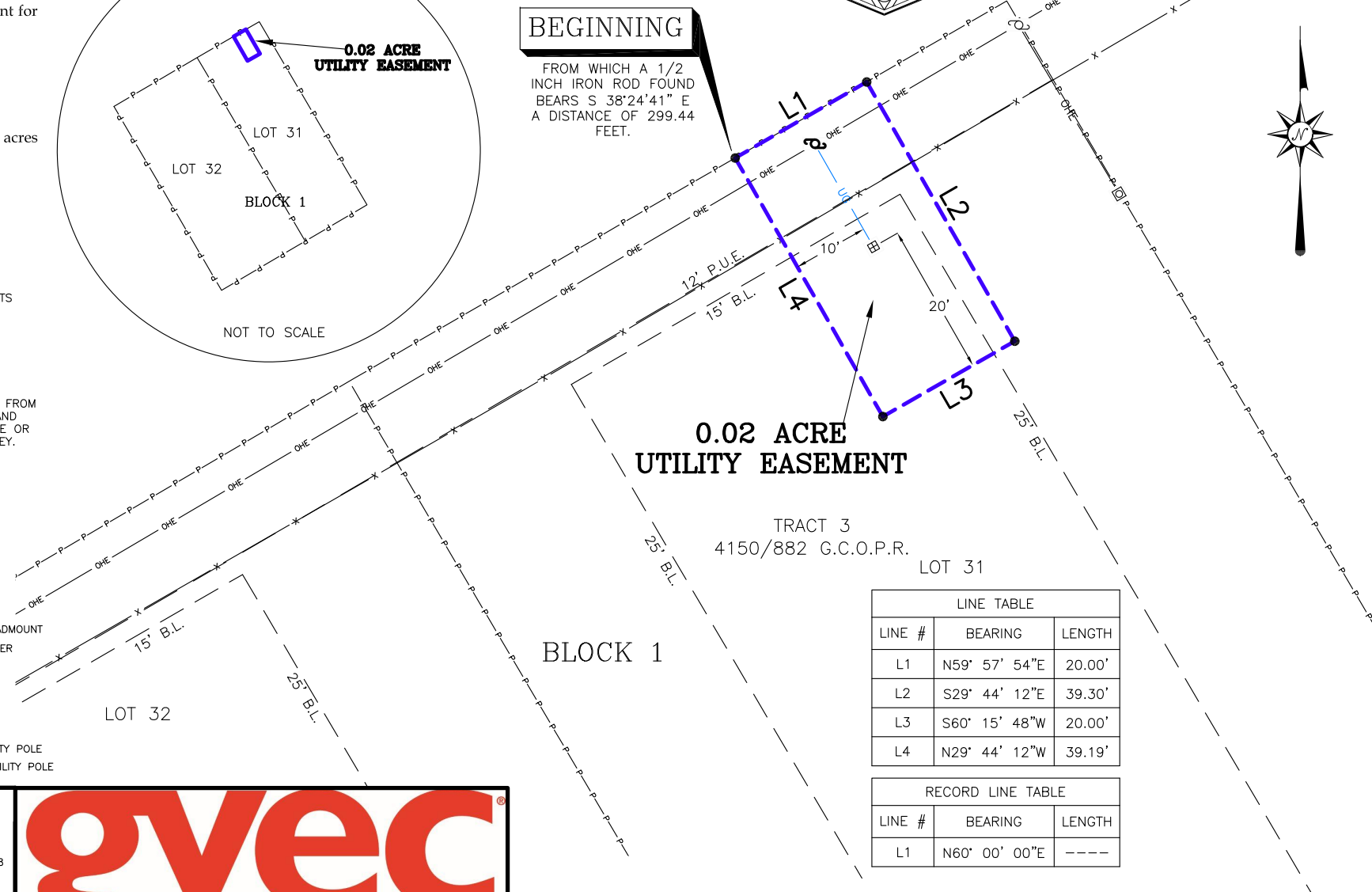
- BOUNDARY LINE
- - - ADJOINER LINE
- SURVEY LINE
- x-x- FENCE
- BURIED PIPELINE
- PROPOSED OVERHEAD ELECTRIC LINE
- PROPOSED UNDERGROUND UTILITY LINE
- EXISTING OVERHEAD ELECTRIC LINE
- EXISTING UNDERGROUND UTILITY LINE
- P.U.E. - PUBLIC UTILITY EASEMENT
- B.L. - BUILDING SETBACK LINE (BRG.-DIST.) RECORD CALL
- G.C.P.R. - GUADALUPE COUNTY PLAT RECORDS
- G.C.D.R. - GUADALUPE COUNTY DEED RECORDS
- G.C.O.P.R. - GUADALUPE COUNTY OFFICIAL PUBLIC RECORDS
- POINT
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- △ 120D NAIL FOUND
- ☆ IRON PIPE FOUND
- ⊙ NAIL SET
- ⊕ 3/8" IRON ROD FOUND
- ⊙ PIPE FENCE CORNER POST FOUND
- ⊙ WOOD FENCE CORNER POST FOUND
- AS MARKED
- ⊕ PROPOSED PADMOUNT
- ⊕ ELECTRIC METER
- ⊕ AS MARKED
- ⊕ BENCH MARK
- ⊕ GAS WELL
- ⊕ WATER WELL
- ⊕ EXISTING UTILITY POLE
- ⊕ PROPOSED UTILITY POLE

FILE: 2021\ENERGY\GVEC\PENDING\21-0413 27 Commercial Place

GUADALUPE COUNTY, TEXAS
SCHERTZ BUSINESS PARK RESUBDIVISION PLAT
5/225-B G.C.P.R.
EXHIBIT "A"



BEGINNING
FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS S 38°24'41" E A DISTANCE OF 299.44 FEET.



0.02 ACRE UTILITY EASEMENT

TRACT 3
4150/882 G.C.O.P.R.

LOT 31

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N59° 57' 54"E	20.00'
L2	S29° 44' 12"E	39.30'
L3	S60° 15' 48"W	20.00'
L4	N29° 44' 12"W	39.19'

RECORD LINE TABLE		
LINE #	BEARING	LENGTH
L1	N60° 00' 00"E	----

BLOCK 1



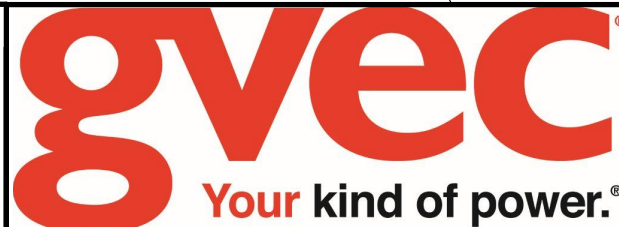
P.O. Box 519 • 1004 C STREET
FLORESVILLE, TX 78114
O. 830.393.8833 • F. 830.393.3388
WWW.INTREPIDTX.COM
TBPLS #10193936 • TBPE #16550

GVEC JOB No.:

JOB No.: 21-0413

REV: --
AFE No.: --
DRAWN BY: AJS
DATE: 20210528

PAGE 1 OF 1



GVEC

PROPOSED EASEMENT ON THE PROPERTY
OF CITY OF SCHERTZ, TEXAS