

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

TEMPORARY CONSTRUCTION EASEMENT

STATE OF TEXAS §
§
COUNTY OF GUADALUPE §

Date:

Grantor: Seguin Economic Development Corporation

Grantor's Mailing Address: 211 North River Street, Seguin, Texas 78155

Grantee: City of Seguin

Grantee's Mailing Address: 205 N. River Street, Seguin, Guadalupe County, Texas 78155

Easement Property: Upon, across, and over 1.240 acres of variable width property out of a 33.68 acre portion of a 60.95 acre tract of land located in the Humphreys Branch Survey No.17, Abstract 6 as recorded in Document 201999014434 of the Official Records of Guadalupe County, Texas, and as more particularly described on the attached Exhibit A.

Easement Purpose: The purpose of the Temporary Construction Easement is for the City of Seguin's access for the construction of an expansion and improvement of 8th Street, including the right to make improvements in such manner and according to such plans and specifications as will, in its opinion, best serve the public purpose (the "Improvements"). The consideration described for the Property herein conveyed shall be considered full compensation for the Temporary Construction Easement and for any diminution in value that may result to remaining Property by virtue of projects in proximity thereto, grade alignment, utility installation, or the alteration of drainage patterns and facilities.

Consideration: For and in consideration of ten and no/100 dollars (\$10.00) and other good and valuable consideration in hand paid by the City of Seguin, a corporation (hereinafter called "City").

Grant of Easement: That the Grantor, for the consideration stated herein the receipt and sufficiency of which is hereby acknowledged, and the further benefits to be derived as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto the City, its successors

and assigns, a temporary construction easement upon, over, and across the property depicted in Exhibit "A" and described herein in conjunction with the construction, operation and perpetual maintenance and placement of improvements to 8th Street.

Should one or more of the Grantors herein by a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such party has been duly and legally authorized to sign and there shall be no necessity for a seal or attestation.

Indemnity; Covenants. Except if arising from the negligent or willful acts of Grantor or its agents or employees, Grantee, to the extent allowed by law, agrees to indemnify, defend and hold Grantor harmless from any and all claims, costs, liability, damage or expense, including attorneys' fees, for any death, damage or injury to persons or property occurring in, on or around the Easement Property resulting from the activities of Grantee, its agents, contractors or employees under and pursuant to the Easement granted hereby. Any work on and over the Easement Property shall be performed in a good and workmanlike manner that causes as little disturbance to Grantor, the Easement Property, any adjacent property of Grantor and any business operated on the Easement Property and/or any adjacent property of Grantor as may be practicable under the circumstances and any and all portions of the surface area of the Easement Property and/or any adjacent property of Grantor which may have been excavated, damaged or otherwise disturbed as a result of such work shall be restored, at the sole cost and expense of Grantee, to essentially the same condition as the same were in prior to the commencement of any such work.

DURATION: The duration of this Temporary Construction Easement is from the date hereof and automatically terminates upon the completion and acceptance by the City upon the completion of the 8th Street Road Project.

TO HAVE AND TO HOLD the above-described temporary construction easement, together with all and singular the rights and appurtenance thereto in any wise belonging unto said City of Seguin, its successors and assigns, and Grantor is hereby bound, together with all heirs, executors, administrators or successors, to warrant and defend the said easement unto the City of Seguin, its successors and assigns, against every whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise.

EXECUTED THIS ____ DAY OF _____, 2022.

GRANTOR: SEGUIN ECONOMIC DEVELOPMENT CORPORATION

By: Joshua Schneuker
Its: Executive Director

Date

GRANTEE: CITY OF SEGUIN

By: Steve Parker
Its: City Manager

Date

EXHIBIT A

METES AND BOUNDS DESCRIPTION
FOR VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT

A 1.240 acre (54,028 square feet) variable width temporary construction easement on that calculated 33.68 acre portion of the 60.95 acre tract of land described in a deed to Seguin Economic Development Corporation recorded in Document 201999014434 of the Official Public Records of Guadalupe County, Texas, situated in the Humphreys Branch Survey No. 17, Abstract 6, of Guadalupe County, Texas. Said 1.240 acre easement being more fully described as follows:

COMMENCING at a found 1/2 inch iron rod on the north right-of-way line of the Galveston Harrisburg and San Antonio Railway, recorded in Volume N, Page 723 of the Deed Records of Guadalupe County, Texas, at the most southerly corner of said 60.95 acre tract;

THENCE, North 76°40'14" West, along the north right-of-way line of said Railway, the south line of said 60.95 acre tract, a distance of 846.08 feet to the southeast corner and the POINT OF BEGINNING of herein described easement. Said point being 142.40 feet left of and at a right angle to 8th Street proposed alignment station 19+12.42 and having surface coordinates of N 13,763,820.89 and E 2,294,296.10;

- (1) THENCE, North 76°40'14" West, continuing along the north right-of-way line of said Railway, the south line of said 60.95 acre tract, a distance of 123.08 feet to the southeast corner of the existing right-of-way of 8th Street, a 55-foot wide right-of-way, established in Volume 373, Page 440 of the Official Public Records of Guadalupe County, Texas, and widened in Volume 8, Page 351 of the Map and Plat Records of Guadalupe County, Texas, the southwest corner of said 60.95 acre tract and herein described easement, from which a found iron rod with cap marked "Tri-County", held for the south line of said 60.95 acre tract, bears North 76°40'14" West, a distance of 0.21 feet;
- (2) THENCE, North 01°09'13" West, departing the north right-of-way line of said Railway, along the existing east right-of-way line of said 8th Street, the west line of said 60.95 acre tract, a distance of 648.05 feet to a found iron rod with cap marked "Tri-County" at the southwest corner of Lot 1 of 8th Street Industrial Park Unit 1, recorded in Volume 9, Page 227 of the Map and Plat Records of Guadalupe County, Texas, the northwest corner of herein described easement;

EXHIBIT A

- (3) THENCE, North 88°30'44" East, departing the existing east right-of-way line of said 8th Street, over and across said 60.95 acre tract, along the south line of said Lot 1, a distance of 58.18 feet to the northeast corner of herein described easement;

THENCE, departing the south line of said Lot 1, over and across said 60.95 acre tract, the following courses and distances:

- (4) South 01°09'13" East, a distance of 410.99 feet to a point;
- (5) North 88°50'47" East, a distance of 60.99 feet to a point;
- (6) South 01°09'13" East, a distance of 268.18 feet to the POINT OF BEGINNING, and containing 1.240 acres (54,028 square feet) in Guadalupe County, Texas.

All bearings and coordinates are based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00. All distances and coordinates shown hereon are surface values represented in U.S. Survey Feet and may be converted to grid by dividing by a surface adjustment factor of 1.00016.

Note: A parcel plat of even date was prepared in conjunction with this property description.

PREPARED BY: Pape-Dawson Engineers, Inc., Texas Surveying Firm #10028800
2000 NW Loop 410, San Antonio, Texas, 78213
210-375-9000

DATE: December 17, 2021

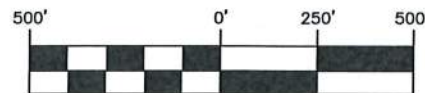
JOB NO. 12460-00

DOC. ID. N:\Transpo\Civil\12460-00\Word\MB-12460-00-ES_1.240 AC-CONST.docx



NOTES:

- 1) THE BEARINGS AND COORDINATES FOR THIS SURVEY ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NA 2011) EPOCH 2010.00 FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE, WITH A SURFACE ADJUSTMENT FACTOR OF 1.00016 APPLIED.
- 2) A METES AND BOUNDS DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.



SCALE: 1" = 500'

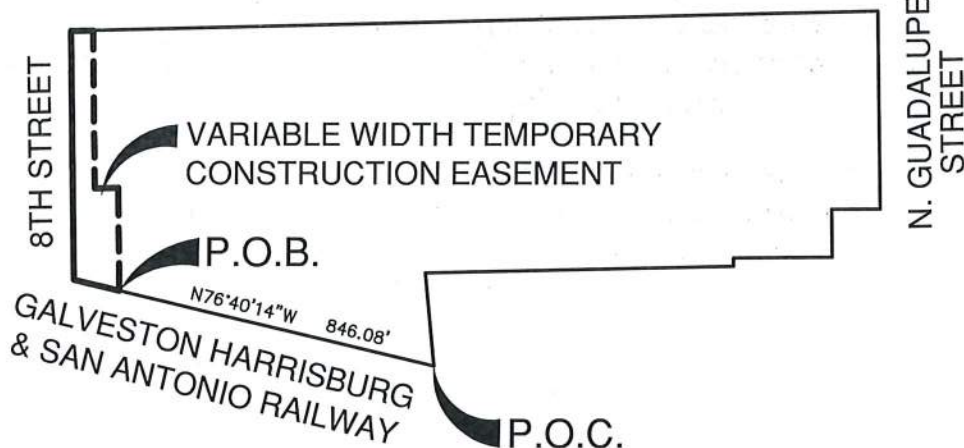
LEGEND:

CR COURT RECORDS OF GUADALUPE COUNTY, TEXAS
 DR DEED RECORDS OF GUADALUPE COUNTY, TEXAS
 MPR MAP AND PLAT RECORDS OF GUADALUPE COUNTY, TEXAS
 OPR OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS
 FD. FOUND
 FOUND MONUMENT AS NOTED

SET 1/2" IRON ROD WITH PAPE-DAWSON CAP

-GAS- GAS LINE
 -OHE- OVERHEAD ELECTRIC LINE
 -SS- SANITARY SEWER LINE
 -UFO- UNDERGROUND FIBER OPTIC LINE
 → GUY ANCHOR
 HCR HANDICAP RAMP
 IICV IRRIGATION CONTROL VALVE
 • LP LIGHT POLE
 • PP POWER POLE
 • SIGN
 • WM WATER METER
 • WV WATER VALVE
 • SANITARY SEWER MANHOLE

PARENT TRACT
 CALCULATED 33.68 ACRE
 PORTION OF 60.95 ACRES
 SEGUIN ECONOMIC
 DEVELOPMENT CORPORATION
 DOCUMENT 201999014434, OPR



I hereby certify that this drawing is based on an actual survey made on the ground under my supervision.

Dated : 12/17/2021

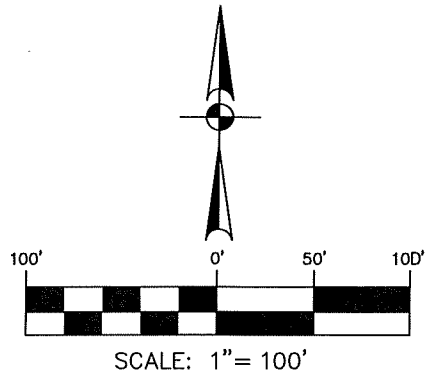
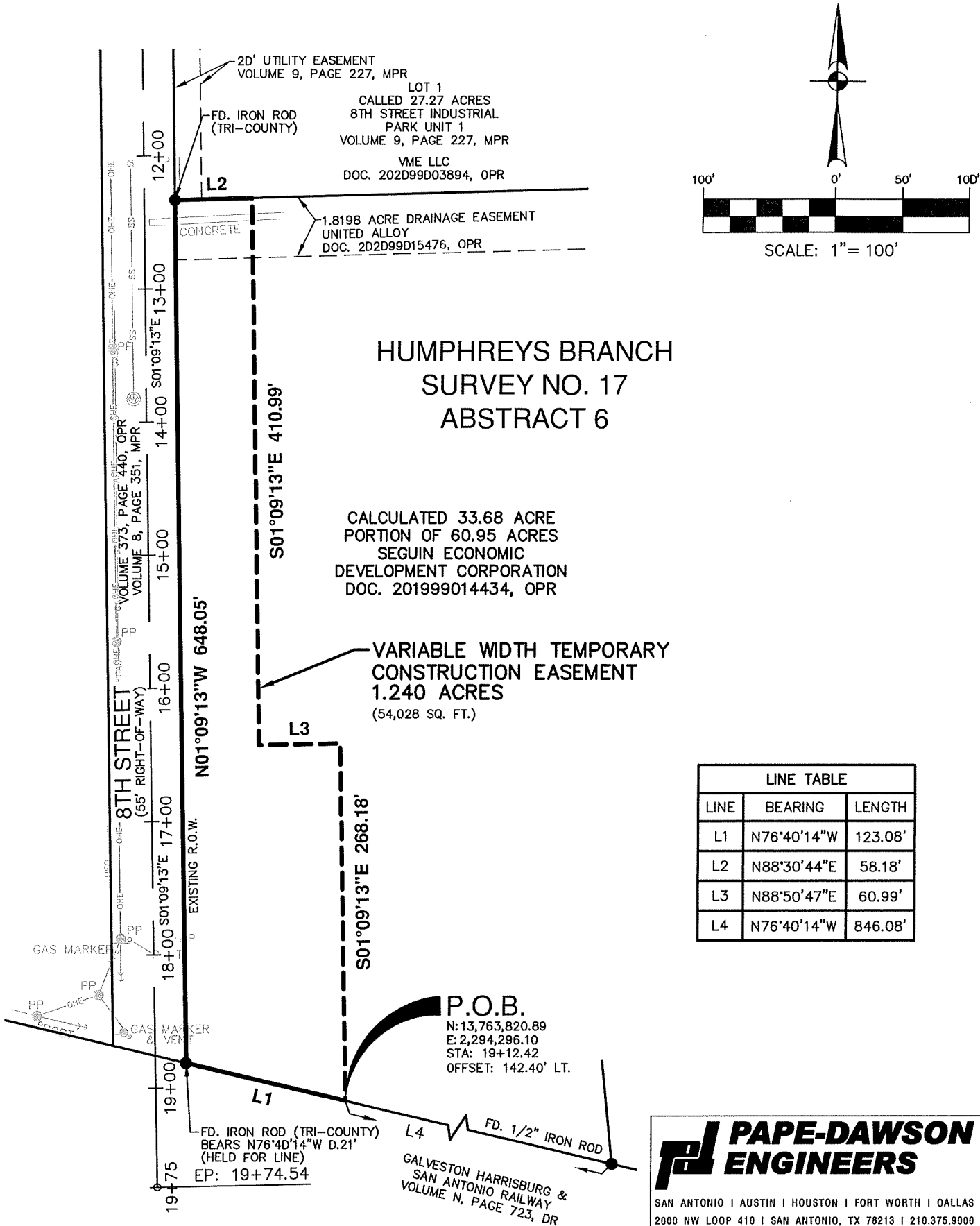
ANGELA M. WELLER
 Registered Professional Land Surveyor No. 5981

PAPE-DAWSON ENGINEERS

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
 TEXAS ENGINEERING FIRM #470 | TEXAS SURVEYING FIRM #10028800

VARIABLE WIDTH TEMPORARY
 CONSTRUCTION EASEMENT
 8TH STREET
 CITY OF SEGUIN

COUNTY	STATE	JOB NO.	SHEET NO.
GUADALUPE	TEXAS	12460-00	3 OF 4



HUMPHREYS BRANCH SURVEY NO. 17 ABSTRACT 6

CALCULATED 33.68 ACRE
 PORTION OF 60.95 ACRES
 SEGUIN ECONOMIC
 DEVELOPMENT CORPORATION
 DOC. 201999014434, OPR

VARIABLE WIDTH TEMPORARY
 CONSTRUCTION EASEMENT
 1.240 ACRES
 (54,028 SQ. FT.)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N76°40'14\"W	123.08'
L2	N88°30'44\"E	58.18'
L3	N88°50'47\"E	60.99'
L4	N76°40'14\"W	846.08'

P.O.B.
 N: 13,763,820.89
 E: 2,294,296.10
 STA: 19+12.42
 OFFSET: 142.40' LT.

**PAPE-DAWSON
ENGINEERS**

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
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**VARIABLE WIDTH TEMPORARY
 CONSTRUCTION EASEMENT
 8TH STREET
 CITY OF SEGUIN**

COUNTY	STATE	JOB NO.	SHEET NO.
GUADALUPE	TEXAS	12460-00	4 OF 4