

## RECIPROCAL EASEMENT AGREEMENT

Date: 10/28

**First Property Owner:** City of San Antonio  
(Hereinafter the "City")

**Mailing Address:** P.O. Box 839966  
San Antonio, Texas 78283  
Bexar County

**Second Property Owner:** Henrietta Investment Partners  
(Hereinafter Henrietta)

**Mailing Address:** 115 East Travis Street, Ste. 404  
San Antonio, Texas 78205

**Consideration:** The granting of reciprocal easement rights

**Recital:** This is a two party easement agreement between the City of San Antonio, and Henrietta Investment Partners. Each of the parties owns real property adjacent to each other and seeks to gain access to existing roads. Each owner is willing to grant an access easement over its property to the other owner, their successors and assigns, in exchange for similar access over the other owners' property. Exhibit A, attached hereto and made a part hereof is a depiction of the properties and easement tracts, which are more particularly described by metes and bounds in other exhibits.

**Benefitted Lands:** **Hardberger Park Tract A:** 101.5 acres, more or less, in San Antonio, Bexar County, Texas, described in a Warranty Deed recorded in Volume 12359, Page 2329, Official Public Records of Real Property of Bexar County, Texas.

**Hardberger Park Tract B:** A 2.000 acres, or 87,120 square feet more or less, tract of land being a portion of Lot 1, Block 3, of the North Castle Hills Subdivision, recorded in Volume 7500, Pages 77-97 of the Deed and Plat Records of Bexar County, Texas, in New City Block 16161 in the City of San Antonio, Bexar County, Texas. Said 2.000 acre tract of land being that same tract described in a certain Warranty Deed of Gift from Henrietta to the Phil Hardberger Park Conservancy, dated December 26, 2013, and recorded in, Vol.

15871, Page 2386, Official Public Records of Real Property of Bexar County, Texas.

**Henrietta Tract:** An approximately 3.826 acres or 166,660.53 sq. ft. tract of land, being originally 5.826 acres, or 253,793 sq. ft., more or less, out of a portion of Lot 1, Block 3, of the North Castle Hills Subdivision, recorded in Volume 7500, Pages 77-97 of the Deed and Plat Records of Bexar County, Texas, New City Block 16161 in the City of San Antonio, Bexar County, Texas, which 5.826 ac. Tract was the North Remainder following the condemnation of right of way for the Wurzbach Parkway, PASS Project 6015-5-02, Parcel 4, recorded in Volume 7265, Pages 283 - 289, Official Public Records of Real Property of Bexar County, Texas, SAVE and Except, less the 2.000 acre Hardberger Park Tract B Tract described herein above, leaving 3.826 acres left in the Henrietta Tract. The Parties anticipate that the Henrietta Tract will be replatted and developed into three commercial lots. The Easements herein will provide access from the Henrietta Tract and its three commercial lots to Blanco Road and Wurzbach Parkway and will also provide access from the Hardberger Park Tract B to Blanco Road and Wurzbach Parkway.

**Permanent Easement Area I (“Easement I”):**

Approximately .671 ac. in area owned by the City, described with particularity on the attached field notes attached hereto as Exhibit B which are made of part hereto.

**Permanent Easement Area II (“Easement II”):**

Approximately .105 ac. in area owned by Henrietta, described with particularity on the attached field notes attached hereto as Exhibit C which are made of part hereto.

**Purpose of All Easements: Rights of Owners and Agreements of the Parties regarding use of All Easements:**

Easement I and Easement II shall be used as a paved shared-use motor vehicle entrance driveway (“Driveway”) for each Owner’s adjacent property depicted in Exhibit A and described herein (the “Benefitted Property”) and for City’s use as a emergency access/service entrance and possible future public motor vehicle for the public along with associated improvements for use by the general public as an entrance to Hardberger Park, for pedestrians, bicycles

and other non-motorized public park use. The easements may have underground utilities buried below. Easement construction, use, and maintenance shall be subject to the following mutual covenants and agreements between the Parties:

\* Henrietta shall be responsible for all costs associated with the construction of the Driveway to be used by the Benefitted Properties and associated sidewalks.

\* Construction of Driveway and associated sidewalks will be accordance with all City Development standards.

\* Henrietta shall be responsible for all maintenance of the Driveway until such time as the Driveway becomes a shared use motor vehicle entrance Driveway, at which time said maintenance costs will be shared equally by Henrietta, its successors and assigns, and the City. Once the development of the Henrietta Tract is complete, the future maintenance obligation of Henrietta will devolve upon the owners of the developed tracts in proportion to the fraction that each tract bears to the whole of the Henrietta Tract. Once Henrietta has conveyed the tracts, Henrietta will be automatically released from any further liability with regard to the maintenance of the driveway or sidewalks.

\* The City shall be responsible for future maintenance of the associated sidewalks on its property.

\* During Construction, Root zones of adjacent trees shall be protected to every reasonably practical extent consistent with the Henrietta being able to build a driveway through the easement area.

\* Henrietta shall present all construction improvements or maintenance plans to City for City's approval prior to commencing construction. City's approval of said construction improvements and/or maintenance plans shall not be unreasonably withheld or denied.

\* City shall both facilitate and expedite any approval necessary for the design, construction, operation and permitting of appropriate traffic control out of the subject Driveway onto Blanco Road.

**Conveyances:**

City, for the consideration and subject to the Agreements of the Parties regarding use of the Easements, grants, sells, and conveys to the Henrietta, their successors and assigns, Easement I, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to

the Henrietta, their heirs, executors, administrators, successors, or assigns for so long as it is used in accordance with this Agreement and for the purposes herein stated. Easement I and the rights granted herein shall expressly inure to the benefit of the Benefitted Properties which will be served by such easement, and shall constitute an easement appurtenant to Benefitted Property running with th titles to the affected lands.

Henrietta, for the consideration and subject to the Agreements of the Parties regarding use of the Easements, grants, sells, and conveys to the City, their successors and assigns Easement II, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to the City, administrators, successors, or assigns for so long as it is used in accordance with this Agreement and for the purposes herein stated. Easement II and the rights granted herein shall expressly inure to the benefit of the Benefitted Properties which will be served by such easement, and shall constitute an easement appurtenant to Benefitted Property running with the titles to the affected lands.

#### **Ancillary Agreements:**

The parties acknowledge, grant, and agree that a Party hereto or owner of the Benefitted Property may need to cross a portion of the adjacent properties in order to construct or maintain utility and drainage improvements and related appurtenances necessary to serve the Benefitted Tract. Any such construction shall be completed so as to strictly minimize the environmental impact on the affected property such as by placement underground. The City shall maintain the right to access the utility lines within utility easements located on the other properties.

Henrietta agrees to replat the property showing the easements granted herein. Henrietta, its successors and assigns will be responsible for remediation of any environmental contamination issues encountered on the easement tracts which was not caused by the City.

No breach of this Agreement shall entitle any party to cancel, rescind, or otherwise terminate the easements set forth herein, but such limitation shall not affect, in any manner, any other rights or remedies which the parties may be hereunder by reason of any breach of this Agreement.

Should any portion of the Agreement be found invalid for any reason, the remainder of this Agreement shall remain in full force and effect.

This Agreement may be amended or terminated only by an instrument recorded in the Official Public Records of Bexar County, Texas and executed by the Parties, their successors or assigns and the City.

The Parties will at all times after doing any work in connection with the construction, installation, operation, repair, relocation, replacement, removal or maintenance of the improvements in Easement Tracts I and II, hereby agree to leave the Easement Tracts in substantially the condition in which the same was found before such work was undertaken.

The easements granted herein are subject to all existing covenants, agreements, easements, and restrictions of record in the Official Public Records of Bexar County, Texas.

The Parties also agree to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms provisions, and conditions of this Agreement and all transactions contemplated by the Agreement.

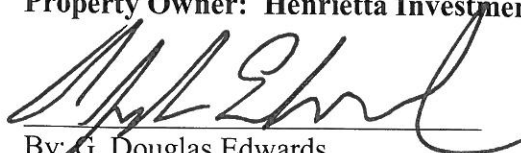
Effective this \_\_\_\_ day of \_\_\_\_\_, 2013

**Execution:**

**City: City of San Antonio, Texas**

\_\_\_\_\_  
By: Sheryl Sculley  
Title : City Manager

**Property Owner: Henrietta Investment Partners**

  
\_\_\_\_\_  
By: G. Douglas Edwards  
Title: Managing General Partner

STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR    §

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2013, by \_\_\_\_\_ on behalf of the City of San Antonio, known to me to be the person whose name is subscribed to the foregoing instrument and she acknowledged to me that she executed same for the purposes therein contained and in the capacity therein stated.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR    §

This instrument was acknowledged before me on this 29<sup>th</sup> day of October, 2013, by G. Douglas Edwards, Managing General Partner of Henrietta Investment Partners, a Texas General Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed same for the purposes therein contained and in the capacity therein stated.

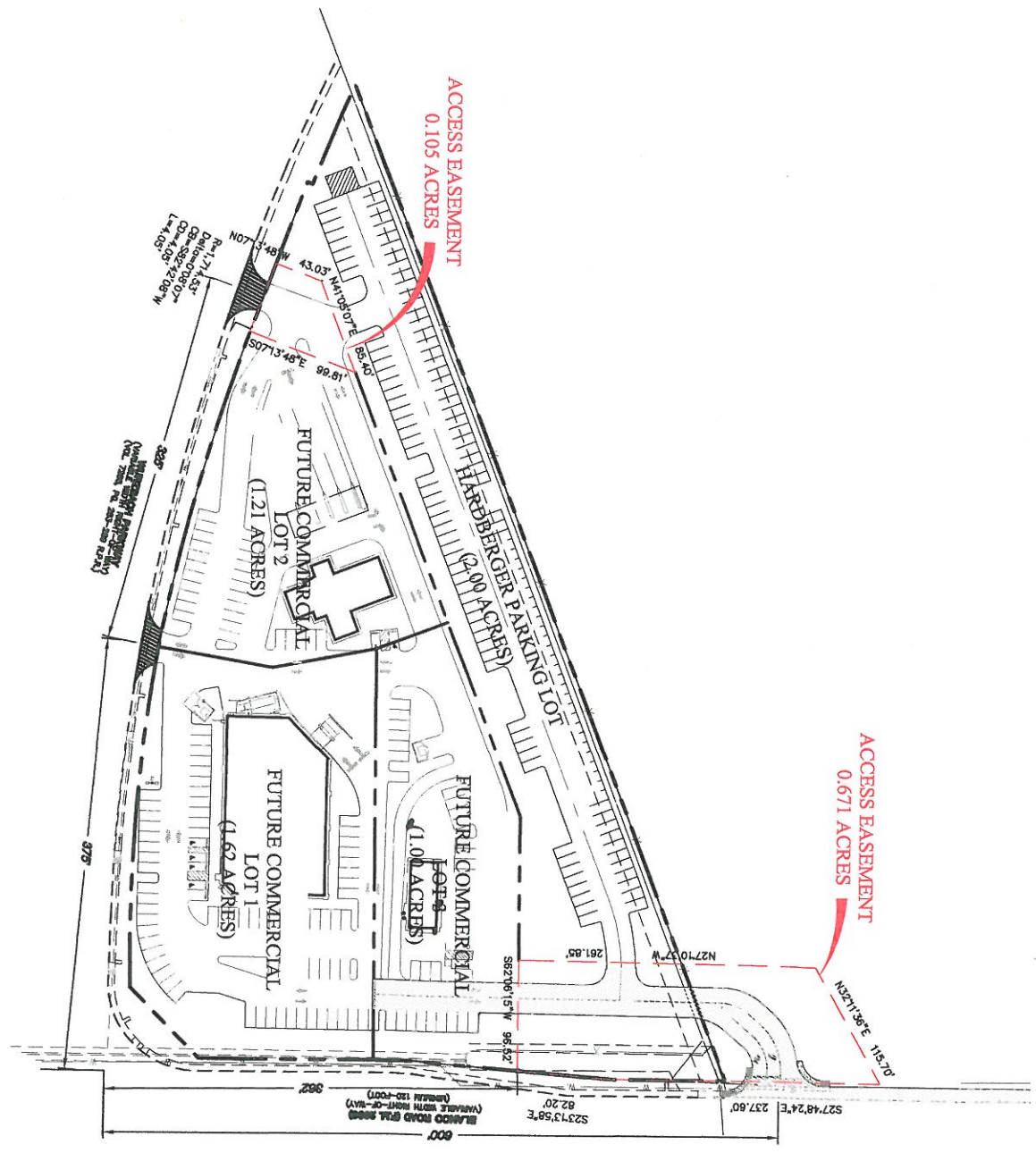


\_\_\_\_\_  
Notary Public, State of Texas

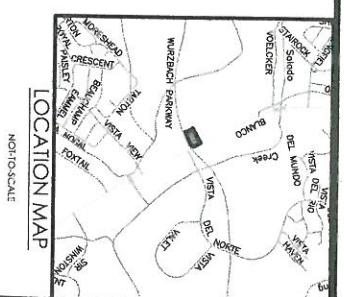
*[Handwritten signature in blue ink]*

AFTER RECORDING, RETURN TO:

City of San Antonio  
Department of Parks and Recreation  
Post Office Box 839966  
San Antonio, Texas 78283-3966



Ex A



JOB NO. 130383  
 DATE OCTOBER 2013  
 DESIGNER TL  
 CHECKED BK  
 DRAWN TL  
 SHEET 1 of 1

**WURZBACH PARKWAY AT BLANCO ROAD**  
 SAN ANTONIO, TEXAS  
 DRIVEWAY LOCATION EXHIBIT

**Pape-Dawson Engineers**  
 355 EAST RAUSEY | SAN ANTONIO, TEXAS 78216 | PHONE: 210.375.0000  
 FAX: 210.375.9010  
 TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 410

FIELDNOTE  
DESCRIPTION FOR

A 0.671 of an acre, or 29,234 square feet more or less, being on that 101.5 acre tract described in deed recorded in Volume 12359, Page 2329 of the Real Property Records of Bexar County, Texas and on that 2.00 acre tract described to Phil Hardberger Park Conservancy in deed recorded in Volume 15871, Page 2386 of the Real Property Records of Bexar County, Texas. Said 0.671 of an acre being more fully described as follows, with bearings based on the Texas State Plane Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (CORS1996);

**BEGINNING:** At a found ½ inch iron rod with yellow cap marked "Pape-Dawson" on the southwest right-of-way line of Blanco Road, (F.M. 2696), a variable width right-of-way, the north corner of a remaining portion of 52.2262 acre tract conveyed to Henrietta Investments Partners recorded in Volume 14820, Page 2335 of the Official Public Records of Bexar County, Texas, the east corner of said 2.00 acre tract;

**THENCE:** S 62°06'15" W, along and with the southeast line of said 2.00 acre tract, a distance of 96.52 feet to a point;

**THENCE:** Departing the southeast line of said 2.00 acre tract, over and across said 2.00 acre tract and said 101.5 acre tract the following bearings and distances:

N 27°10'37" W, at a distance of 143.19 feet passing the northwest line of said 2.00 acre tract, the southeast line of said 101.5 acre tract, for a total distance of 261.85 feet to a point;

N 32°11'36" E, continuing over and across said 101.5 acre tract a distance of 115.70 feet to a point on the southwest right-of-way line of said Blanco Road;

**THENCE:** Along and with the southwest right-of-way line of said Blanco Road, the northeast line of said 101.5 and said 2.00 acre tract, the following bearings and distances:

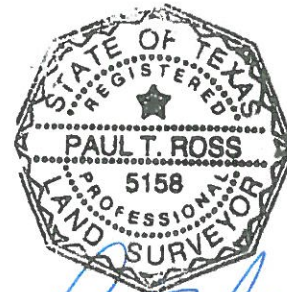
S 27°48'24" E, at a distance of 137.32 passing a found ½ inch iron rod at the southeast corner of said 101.5 acre tract, the northeast corner of said 2.00 acre tract for a total distance of 237.60 feet to a found nail with washer marked "Pape-Dawson";



0.671 of an acre  
Job No. 9261-13  
Page 2 of 2

THENCE: S 23°13'58" E, a distance of 82.20 feet to the POINT OF BEGINNING, and containing 0.671 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with map prepared under job number 9261-13 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: October 10, 2013  
JOB NO. 9261-13  
DOC. ID. N:\Survey\13\13-9200\9261-13\Word\EX9261-13 0.671 AC.docx  
TBPE Firm Registration #470  
TBPLS Firm Registration #100288-00



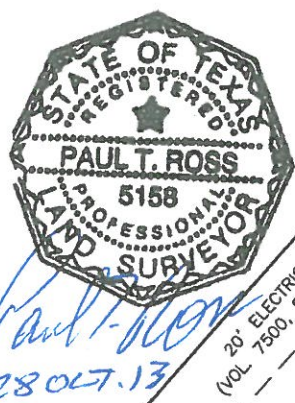
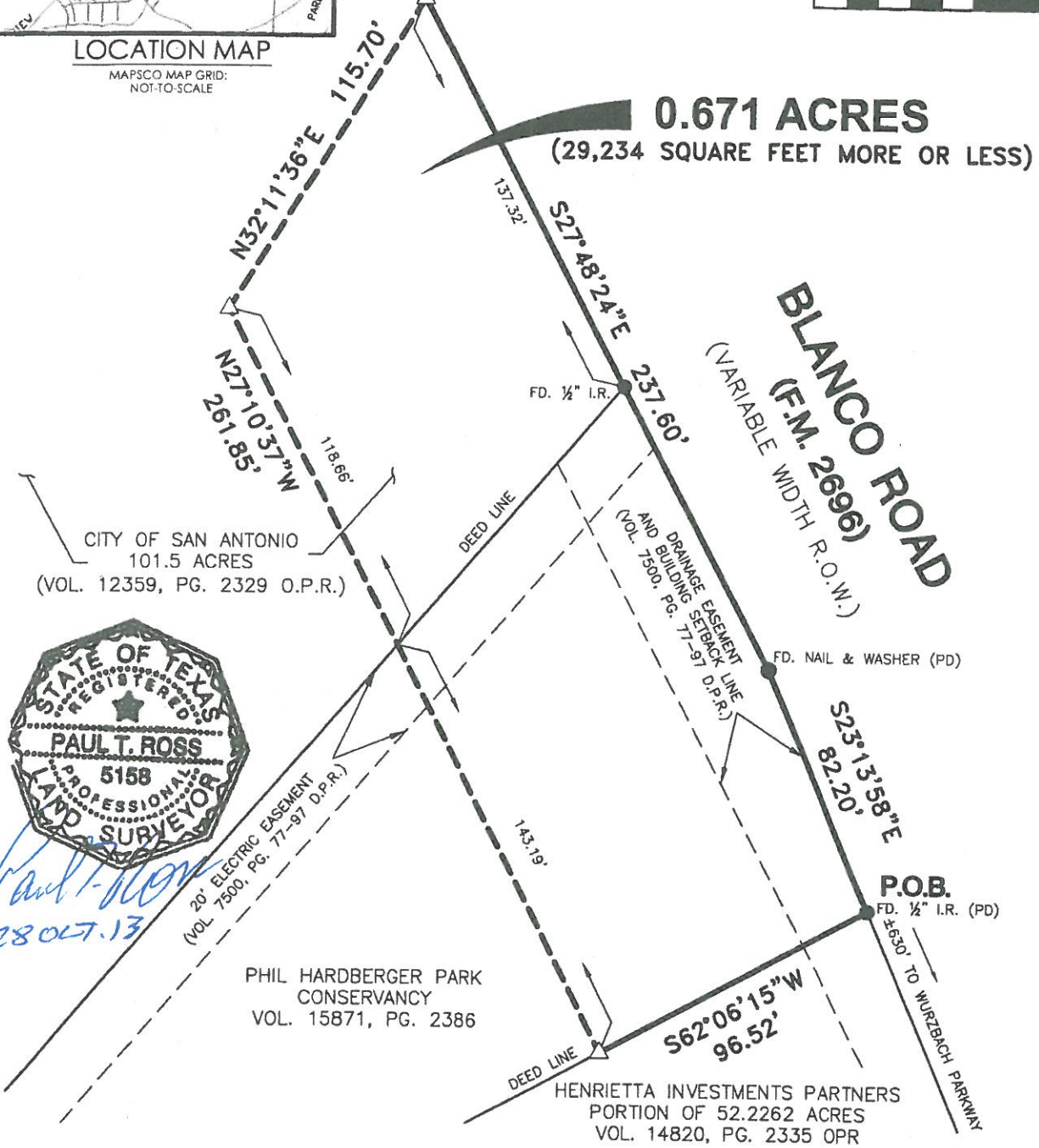
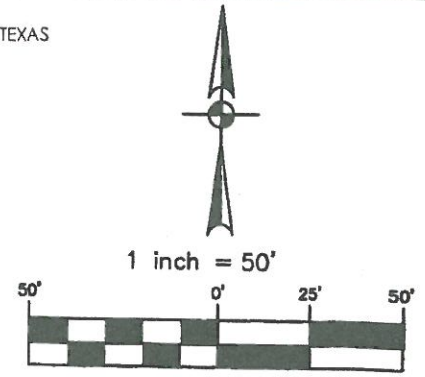
*Paul T. Ross*  
28 OCT. 13



**LOCATION MAP**  
 MAPSCO MAP GRID:  
 NOT-TO-SCALE

**LEGEND:**  
 OPR OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS

- NOTES:**
1. THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.
  2. THE BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.



*Paul T. Ross*  
 28 OCT. 13

**PAPE-DAWSON ENGINEERS**

553 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PHONE: 210.375.9000  
 FAX: 210.375.9010  
 TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470  
 TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100288-00

**EXHIBIT OF**  
 A 0.761 OF AN ACRE  
 CITY OF SAN ANTONIO  
 BEXAR COUNTY, TEXAS

Date: Oct. 28, 2013 9:36am User ID: pcrs  
 File: N:\Survey\3\13-9261\9261-13\EX9261-13.dwg

FIELDNOTE  
DESCRIPTION FOR

A 0.105 of an acre, or 4555 square feet more or less, being out of that the remainder of that 52.2262 acre tract described to Henrietta Investments Partners in deed recorded in Volume 14820, Page 2335 of the Official Public Records of Bexar County, Texas. Said 0.105 of an acre tract being more fully described as follows, with bearings based on the Texas State Plane Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (CORS1996);

**BEGINNING:** At a found ½ inch iron rod with yellow cap marked "Pape-Dawson" on the north right-of-way line of Wurzbach Parkway, a variable width right-of-way, the southwest corner of the remainder of said 52.2262 acre tract, the southeast corner of that 2.000 acre tract described to Phil Hardberger Park Conservancy recorded in Volume 15871, Page 2386 of said Official Records;

**THENCE:** Departing the north right-of-way line of said Wurzbach Parkway, along and with the common line between said 2.00 acre tract and said remainder of 52.2262 acre tract, the following bearings and distances:

N 07°13'48" W, a distance of 43.03 feet to a found ½ inch iron rod with yellow cap marked "Pape-Dawson";

N 41°05'07" E, a distance of 85.40 feet to a point;

**THENCE:** S 07°13'48" E, departing the southeast line of said 2.00 acre tract, over and across said 52.2262 acre tract, a distance of 99.81 feet to a point on the north right-of-way line of said Wurzbach Parkway;

**THENCE:** Along and with the north right-of-way line of said Wurzbach Parkway, the following bearings and distances:

Along curve to the right, said curve having a radius of 1714.53 feet, a central angle of 00°08'07", a chord bearing and distance of S 82°42'08" W, 4.05 feet, for an arc length of 4.05 feet to a found ½ inch iron rod with yellow cap marked "Pape-Dawson";

0.105 of an acre  
Job No. 9261-13  
Page 2 of 2

THENCE: S 82°46'12" W, a distance of 59.72 feet to the POINT OF BEGINNING, and containing 0.105 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey map prepared under job number 9261-13 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: October 11, 2013  
JOB NO. 9261-13  
DOC. ID. N:\Survey13\13-9200\9261-13\Word\EX9261-13 0.105 AC.docx  
TBPE Firm Registration #470  
TBPLS Firm Registration #100288-00



*Paul T. Ross*  
28 OCT. 13



**LOCATION MAP**

MAPSCO MAP GRID:  
NOT-TO-SCALE

**LEGEND:**

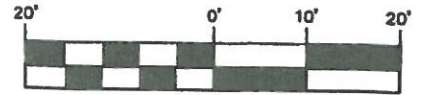
OPR OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS

**NOTES:**

1. THE PROFESSIONAL SERVICES PROVIDED HEREWITH INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.



1 inch = 20'



PHIL HARDBERGER PARK  
CONSERVANCY  
VOL. 15871, PG. 2386

N41°05'07"E 85.40'

HENRIETTA INVESTMENTS PARTNERS  
PORTION OF 52.2262 ACRES  
VOL. 14820, PG. 2335 OPR

FD. 1/2" I.R. (PD)

N07°13'48"W  
43.03'

**0.105 ACRES**  
(4,555 SQUARE FEET MORE OR LESS)

S07°13'48"E 99.81'

FD. 1/2" I.R. (PD)

±630' TO BLANCO RD.

S82°46'12"W 59.72'

P.O.B.

**WURZBACH PARKWAY**  
(VARIABLE WIDTH R.O.W.)

R=1,714.53'  
Delta=0°08'07"  
CB=S82°42'08"W  
CD=4.05'  
L=4.05'



*Paul T. Ross*  
28 OCT. 13

**EXHIBIT OF**

A 0.105 OF AN ACRE  
CITY OF SAN ANTONIO BEXAR COUNTY,  
TEXAS



555 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PHONE: 210.375.9000  
FAX: 210.375.8010

TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470  
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100208-00