ALL PROPERTIES DESIGNATED AS EASEMENTS SHALL OR MAY BE UTILIZED FOR THE FOLLOWING PURPOSES

DRAINAGE EASEMENT:
DRAINAGE, WATER DIVERSION AND SANITARY CONTROL, INCLUDING WITHOUT LIMITATION, WALLS, BEDS, EMBANKMENTS, SPILLWAYS, APPURTENANCES AND OTHER ENGINEERED DEVICES (THE "DRAINAGE SYSTEM").

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER PASSABLE AREAS OF THE GRANTOR'S ADJACENT LAND, WHEN THE DELINEATED ENTRANCE POINT THAT ABUTS PUBLIC RIGHT—OF—AWAY IS OBSTRUCTED AND/OR INACCESSIBLE, EITHER IN WHOLE OR IN PART, IN ORDER TO ACCESS OR LEAVE THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING AND REMOVING THE DRAINAGE SYSTEM; THE RIGHT TO CHANGE THE SIZE OF THE DRAINAGE SYSTEM WITHIN THE EASEMENT; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE DRAINAGE SYSTEM; THE RIGHT TO CREATE AND/OR DREDGE A STREAM COURSE, REFILL, OR DIG OUT SUCH STREAM COURSE, ESTABLISH OR CHANGE STREAM EMBANKMÉNTS WITHIN THE EASEMENT, INSTALL STORM SEWER SYSTEMS, CULVERTS, WATER GAPS AND PROTECTING RAILS; THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS, WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OF THE DRAINAGE SYSTEM; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE DRAINAGE SYSTEM.
WITH RESPECT TO THE DRAINAGE SYSTEM, IT IS EXPRESSLY AGREED AND UNDERSTOOD BY ALL PARTIES HERETO, THAT THE INTENTION IS TO IMPROVE CONDITIONS OF SANITATION AND WATER DRAINAGE CONTROL ON THE PROPERTY AND THE BENEFIT OF

THE PROPERTY, ADJACENT PROPERTY AND THE COMMUNITY, BUT THE CITY DOES NOT GUARANTEE OR WARRANT THAT SUCH CONTROL WORK WILL BE EFFECTIVE, NOR DOES THE CITY ASSUME ANY ADDITIONAL LIABILITY WHATSOEVER FOR THE EFFECTS OF FLOOD, STANDING WATER, OR DRAINAGE ON OR TO THE PROPERTY, OR ANY OTHER PROPERTY OR PERSONS THAT MIGHT BE AFFECTED BY SAID STREAM, WASH OR GULLY IN ITS NATURAL STATE OR AS CHANGED BY THE CITY.

THE GRANTOR SPECIFICALLY RESERVES THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE, WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR UNREASONABLY INTERFERE WITH THE GRANTEE'S USE OF THE EASEMENT.

THE GRANTEE SHALL MAKE COMMERCIALLY REASONABLE EFFORTS TO ENSURE THE DAMAGE TO THE PROPERTY IS MINIMIZED AND WILL AT ALL TIMES, AFTER DOING ANY WORK IN CONNECTION WITH THE DRAINAGE SYSTEM, RESTORE THE PROPERTY TO THE CONDITION IN WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATION IS REASONABLE IN

ACCORDANCE WITH THE GRANTEE'S USUAL AND CUSTOMARY PRACTICES.
THE GRANTEE SHALL MAKE NECESSARY MODIFICATIONS AND IMPROVEMENTS TO CONFORM WITH THE CITY OF BOERNE DRAINAGE POLICY AND PLAN AT SUCH A TIME AS THE SAID PLAN AND POLICY ARE ENACTED BY CITY COUNCIL OF THE CITY OF BOERNE, TEXAS.

<u>UTILITY EASEMENT:</u>

UTILITIES, INCLUDING, WITHOUT LIMITATION, SEWER, WATER (DOMESTIC AND RECLAIM) GAS, ELECTRICITY, TELEPHONE AND CABLE TELEVISION, WITH ALL NECESSARY AND/OR DESIRABLE LINES, LATERALS AND/OR APPURTENANCES THERETO (THE "UTILITIES") TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER THE ADJACENT LAND TO OR FROM THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING AND REMOVING THE UTILITIES; THE RIGHT TO PLACE NEW OR ADDITIONAL UTILITIES IN THE EASEMENT AND TO CHANGE THE SIZE THEREOF; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE UTILITIES; THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF OR OTHER OBSTRUCTIONS, WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OR OPERATION OF THE UTILITIES; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR

- THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE AND/OR UNREASONABLY INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER
- 2. THE CITY (AND/OR DISTRICT) SHALL MAKE COMMERCIALLY REASONABLE EFFORTS TO ENSURE THAT DAMAGE TO THE PROPERTY IS MINIMIZED AND THE CITY (AND/OR DISTRICT) WILL AT ALL TIMES, AFTER DOING ANY WORK IN CONNECTION WITH THE SYSTEM, RESTORE THE PROPERTY TO THE CONDITION IN WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATION IS REASONABLE IN ACCORDANCE WITH THE CITY'S (AND/OR DISTRICT) USUAL AND CUSTOMARY PRACTICES.
- THE CITY (AND/OR DISTRICT) SHALL MAKE NECESSARY MODIFICATIONS AND IMPROVEMENTS TO CONFORM WITH THE CITY OF BOERNE DRAINAGE POLICY AND PLAN AT SUCH A TIME AS THE SAID PLAN AND POLICY ARE ENACTED BY CITY COUNCIL OF THE CITY OF BOERNE, TEXAS.

OPEN SPACE LOTS 100-103, 105-108, & 110-112 SHALL BE DRAINAGE, SIDEWALK, AND

OPEN SPACE LOTS 104 & 109 SHALL BE FOR GREENBELT/MONUMENT PURPOSES ONLY AND SHALL NOT BE DRAINAGE OR UTILITY EASEMENTS.

<u>LARGE LEGACY TREE NOTE:</u>
THERE ARE 0 LARGE LEGACY TREES, AS DEFINED IN SUBSECTION 2.02.002, IDENTIFIED

ON THIS PLAT.

GATES ACROSS EASEMENT: DOUBLE SWING GATES WITH A MINIMUM CLEAR OPENING OF

12 FEET WIDE SHALL BE INSTALLED WHEREVER FENCES CROSS UTILITY AND DRAINAGE EASEMENTS. OBSTRUCTIONS OF DRAINAGE: ADEQUATE STRUCTURES SHALL BE PROVIDED TO ALLOW
THE UNHINDERED PASSAGE OF ALL STORM AND DRAINAGE FLOWS WHEREVER FENCES CROSS DRAINAGE EASEMENTS.

LANDSCAPE NOTE: RESIDENTIAL LOTS IN EXCESS OF 12,500 SQUARE FEET SHALL ONLY THE AREA THAT LIES WITHIN 75 FEET OF THE MAIN RESIDENCE. TURF GRASSES SHALL BE LIMITED TO ZOYSIA, BUFFALO OR BERMUDA GRASSES OR OTHER GRASSES APPROVED BY THE CITY MANAGER OR HIS OR HER DESIGNATED REPRESENTATIVE. (ORD. NO. 2004-20). XERISCAPING IS PERMITTED AS DESCRIBED IN THE CITY OF BOERNE ZONING ORDINANCE, ARTICLE 3, SECTION 3.07.003D.

CLEAR VISION NOTE: CLEAR VISION AREAS MUST BE FREE OF VISUAL OBSTRUCTIONS, E.G. STRUCTURES, WALLS, FENCES, AND VEGETATION, WHICH ARE HIGHER THAN THREE (3) FEET AND LOWER THAN EIGHT (8) FEET ABOVE THE PAVEMENT.

FIVE-FOOT WIDE (OR LARGER WHERE REQUIRED) REINFORCED CONCRETE SIDEWALKS (INCLUDING CURB RAMPS) SHALL BE INSTALLED IN THE SIDEWALK EASEMENT WHERE PROVIDED OR ADJACENT TO PROPERTY LINE WHERE NO SIDEWALK EASEMENT IS PROVIDED, OF EACH LOT FRONTING A STREET AT SUCH TIME AS THAT LOT IS

IMPACT FEE ASSESSMENT NOTE:
ASSESSMENT AND COLLECTION OF THE CITY OF BOERNE WATER AND WASTEWATER UTILITIES' CAPITAL RECOVERY FEES SHALL BE THE AMOUNT PER LOT AS SET FORTH IN CITY ORDINANCE NO. 2015 - 03, SECTION 1.10 (5).

<u>Datum note</u> all bearings shown are based on the texas coordinate system of 1983, south CENTRAL ZONE (4204).

TAX CERTIFICATE NOTE
TAX CERTIFICATE AFFIDAVIT FILED THIS DATE IN VOLUME _____, PAGE _____,

Kimley » Horn

TPBE FIRM #928 TBPLS FIRM #10193973

PRELIMINARY SUBDIVISION PLAT **ESTABLISHING**

ESPERANZA

PHASE 2A

BEING 24.823 ACRES SITUATED IN THE JUAN ORTIZ SURVEY NO. 190, ABSTRACT NO. 363, KENDALL COUNTY, TEXAS, AND BEING A PORTION OF THE SAME TRACTS CONVEYED TO LOOKOUT DEVELOPMENT GROUP, L.P., A TEXAS LIMITED PARTNERSHIP DESCRIBED IN VOLUME 1389, PAGE 572, OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS

DATED THIS ___ DAY OF _____ 20__. CHAIR SECRETARY

SUCH COMMISSION.

NOVEMBER 4, 2015

OWNER: CIVIL ENGINEER: LOOKOUT DEVELOPMENT GROUP, L.P. KIMLEY-HORN AND ASSOCIATES, INC. MORNINGSIDE LAND & CATTLE CO., LLC 1001 CRYSTAL FALLS PKWY. LEANDER, TEXAS 78641 PH. (512) 260-2066 CONTACT: MIKE SIEFERT

601 NW LOOP 410, SUITE 350 SAN ANTONIO, TEXAS 78216 TBPE #928 PH: (210) 541-9166 FAX: (210) 541-8699 CONTACT: JEFFREY D. CARROLL, P.E.

SURVEYOR:
KIMLEY-HORN AND ASSOCIATES, INC. 601 NW LOOP 410, SUITE 350 SAN ANTONIO, TEXAS 78216 TBPLS #10193973 PH: (210) 541-9166 FAX: (210) 541-8699 CONTACT: JAMES W. RUSSELL, R.P.L.S.

THIS PLAT OF ESPERANZA PHASE 2A HAS BEEN SUBMITTED TO

THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY

AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF

/INIMUM FIN. FLR. ELEVATIONS			
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			BANDERARD. OF OF THE PART OF
			(A) (B)
			VICINITY MAP
			SCALE: 1' = 5000'

GENERAL NOTES:

COUNTY OF KENDALL

A PORTION OF THESE LOTS ARE IN FLOOD HAZARD AREA ZONE A AS SHOWN ON THE KENDALL COUNTY, TEXAS FLOOD INSURANCE RATE MAP. COMMUNITY PANEL NO. 48259C 0415F, EFFECTIVE DATE: DECEMBER 17, 2010. A FLOOD STUDIES HAS BEEN PREPARED BY KIMLEY-HORN AND THE PROPOSED 100YEAR FLOODPLAIN LINE IS SHOWN

ALL PRIVATE RIGHT-OF-WAYS ARE ALSO DESIGNATED AS ELECTRIC, GAS, TELEPHONE, CABLE T.V., SANITARY SEWER. WATER (DOMESTIC AND RECLAIM) AND DRAINAGE EASEMENTS. THEREFORE, SUCH EASEMENTS SHALL BE DEEMED TO HAVE BEEN DEDICATED TO THE PUBLIC FOR SUCH EASEMENTS AND PRIVATE STREETS.

BUILDING SETBACKS ARE SHOWN. THE AREA OF THE SMALLEST LOT IS 6,375 SQUARE FEET.

TOTAL PLATTED ACREAGE = 24.823 ACRES TOTAL ROW = 5.203 ACRES

TOTAL OPEN SPACE = 9.930 ACRES= 59 (46 RESIDENTIAL, 13 OPEN SPACE) TOTAL LOTS

= 2.377 (LOTS/ACRE)GROSS DENSITY

THE SUBJECT AREA IS NOT UPSTREAM FROM A CITY WATER SUPPLY LAKE.

THE SUBJECT AREA IS WITHIN THE KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO.2 AND IS SUBJECT TO TAXES BY THE DISTRICT

THE FUNCTIONAL CLASSIFICATION AND DESIGN TYPE OF ALL PROPOSED STREETS BASED THE APPROVED DEVELOPMENT AGREEMENT AND/OR THE THE PROPOSED TRANSPORTATION NETWORK PLAN. STATE OF TEXAS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT LOOKOUT DEVELOPMENT GROUP, L.P., ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS ESPERANZA, PHASE 2A, AN ADDITION TO KENDALL COUNTY, TEXAS, AND DOES HEREBY DEDICATE TO THE PUBLIC AND THE CITY OF BOERNE, THE PUBLIC UTILITY EASEMENTS SHOWN HEREON FOR THE MUTUAL USE AND ACCOMMODATION OF THE CITY OF BOERNE AND ALL PUBLIC UTILITY PROVIDERS DESIRING TO USE OR USING THE SAME. LOOKOUT DEVELOPMENT GROUP, L.P., DOES HEREBY DEDICATE TO THE PUBLIC AND KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2A (THE DISTRICT) THE STREETS HEREON TOGETHER WITH THE DRAINAGE EASEMENTS, AND PUBLIC USE AREAS SHOWN HEREON, AND DO HEREBY DEDICATE THE EASEMENTS SHOWN ON THE PLAT FOR THE PURPOSES AS INDICATED TO THE DISTRICT'S EXCLUSIVE USE FOREVER, SAID DEDICATIONS BEING FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT AS SHOWN HEREIN. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS OF SAID PLAT. AT THE SOLE AND EXCLUSIVE DISCRETION OF THE DISTRICT AND SUBJECT TO ITS WRITTEN APPROVAL, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE THE SAME UNLESS THE EASEMENT LIMITS THE USE TO A PARTICULAR UTILITY OR UTILITIES, SOLD USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE DISTRICT'S USE THEREOF. ANY PUBLIC UTILITY GIVEN THE RIGHT BY THE DISTRICT TO USE SAID EASEMENTS SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON ANY OF THESE EASEMENTS. ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHTS OF INGRESS AND EGRESS TO AND FROM AND UPON ANY OF SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEM WITHOUT THE NECESSITY AT ANY TIME PROCURING THE PERMISSION OF ANYONE. I DO HEREBY BIND MYSELF, MY SUCCESSORS AND ASSIGNS FOREVER, TO WARRANT AND DEFEND ALL AND SINGULAR THE ABOVE DESCRIBED STREETS, ALLEYS, EASEMENTS AND RIGHTS UNTO THE DISTRICT AGAINST EVERY PERSON WHOMSOEVER COMES LAWFULLY CLAIMING OR TO CLAIM THE SAME OR ANY PART THEREOF. THIS PROPERTY IS LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BOERNE. THIS PLAT APPROVED SUBJECT TO ALL THE PLATTING ORDINANCES, RULES AND REGULATIONS OF THE CITY OF BOERNE.

STATE OF TEXAS COUNTY OF KENDALL

THE OWNER OF THE LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

WILLIAM R. HINCKLEY, OPERATING MANAGER, LOOKOUT DEVELOPMENT GROUP, L.P. THE LOOKOUT GROUP INC., ITS GENERAL PARTNER

STATE OF TEXAS COUNTY OF KENDALL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY , KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN

GIVEN UNDER MY HAND SEAL OF OFFICE THIS ___ DAY OF _____

NOTARY PUBLIC STATE OF TEXAS

STATE OF TEXAS COUNTY OF KENDALL

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

PRELIMINARY JAMES W. RUSSELL REGISTERED PROFESSIONAL LAND SURVEYOR #4230

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE ___ DAY OF

NOTARY PUBLIC STATE OF TEXAS

STATE OF TEXAS COUNTY OF KENDALL

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN IN THIS PLAT TO THE MATTERS OF STREETS, LOTS, AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE, THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE PLANNING AND ZONINIG COMMISSION OF THE CITY OF BOERNE

PRELIMINARY						
JEFFREY D.	CARROLL					
REGISTERED	PROFESSIONAL	ENGINEER	#93625			

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE ___ DAY OF

NOTARY PUBLIC

STATE OF TEXAS

STATE OF TEXAS COUNTY OF KENDALL

OF SAID COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE, ON THE

____,A.D. 20__ AT ____ M, AND DULY RECORDED THE _____ DAY OF _______, A.D. 20__ AT ____M
IN THE RECORDS OF ______ OF SAID COUNTY, IN BOOK VOLUME _____ ON PAGE ____.

IN TESTIMONY WHEREOF, WITNESS MY HAND AND SEAL OF OFFICE THIS ____ DAY OF

_____,A.D. 20___,

COUNTY CLERK, KENDALL COUNTY, TEXAS

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SHEET 1 OF 2

