

EASEMENT NOTES

ALL PROPERTIES DESIGNATED AS EASEMENT 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-WAY 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 EMBANKMENTS 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 FOR 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 COMMERCIALY 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.

UTILITY EASEMENT:

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 REPAIRING THE UTILITIES.

- 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 IMPROVEMENTS.
- THE CITY (AND/OR DISTRICT) SHALL MAKE COMMERCIALY 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 102-109 SHALL BE DRAINAGE, SIDEWALK, AND UTILITY EASEMENT.

LARGE LEGACY TREE NOTE:

THERE ARE 6 LARGE LEGACY TREES, AS DEFINED IN SUBSECTION 2.02.002, IDENTIFIED ON THIS PLAT.

PLAT NOTES

FENCE NOTES:

GATES ACROSS EASEMENT: DOUBLE SWING GATES WITH A MINIMUM CLEAR OPENING OF 12 FEET WIDE SHALL BE INSTALLED WHEREVER FENCES CROSS UTILITY AND DRAINAGE EASEMENT.

OBSTRUCTIONS OF DRAINAGE: ADEQUATE STRUCTURES SHALL BE PROVIDED TO ALLOW THE UNHINDERED PASSAGE OF ALL STORM AND DRAINAGE FLOWS WHEREVER FENCES CROSS DRAINAGE EASEMENT.

LANDSCAPE NOTE: RESIDENTIAL LOTS IN EXCESS OF 12,500 SQUARE FEET SHALL ONLY IRRIGATE 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.

SIDEWALK NOTE:

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 DEVELOPED.

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).

DATUM NOTE:

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 \_\_\_\_\_, KENDALL COUNTY OFFICIAL RECORDS.

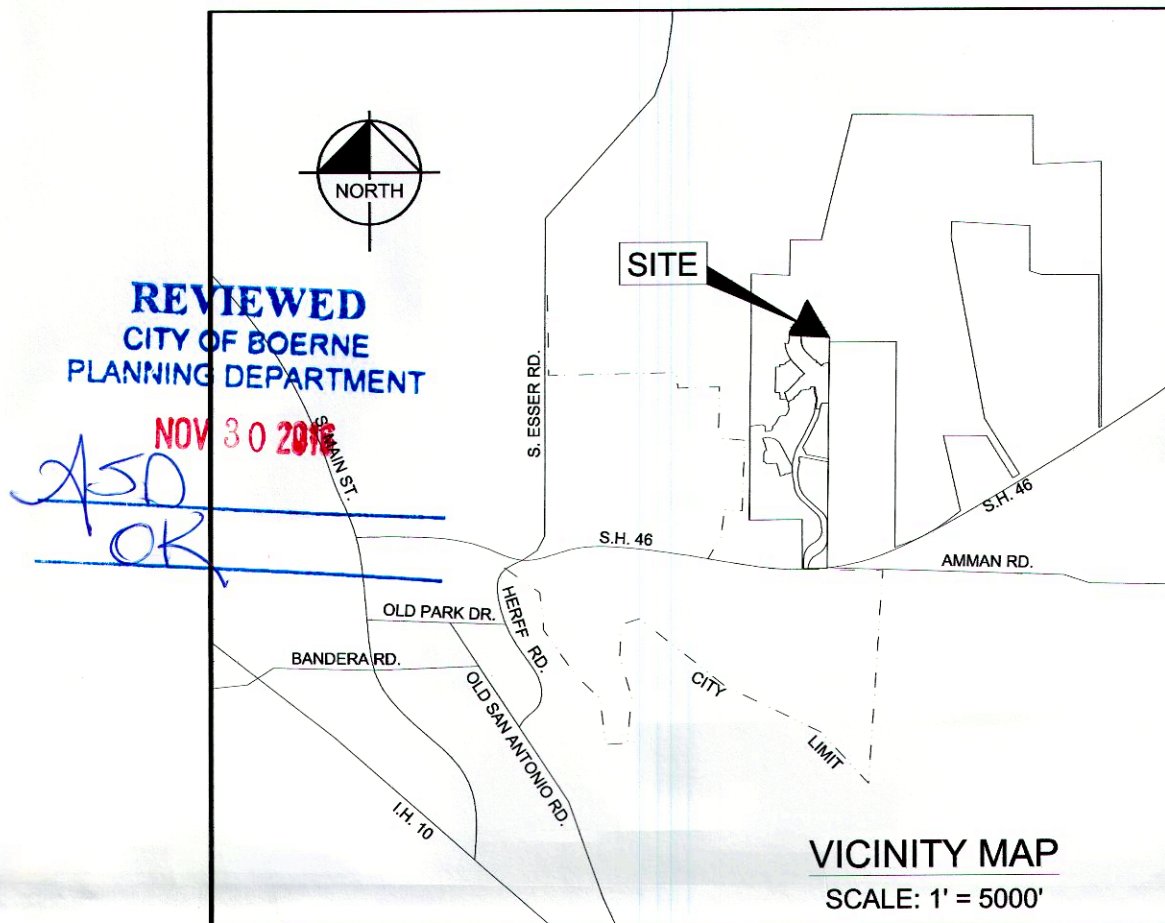
PRELIMINARY PLAT  
ESTABLISHING  
**ESPERANZA AMENITY  
CENTER**  
SUBDIVISION PLAT

BEING 17.077 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 BOERNE HOLDINGS, L.P., A TEXAS LIMITED PARTNERSHIP DESCRIBED IN VOLUME 1389, PAGE 572, OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS.  
NOVEMBER 18, 2016

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

CIVIL ENGINEER:  
KIMLEY-HORN AND ASSOCIATES, INC.  
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.



GENERAL NOTES:

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

THE AREA OF THE SMALLEST LOT IS 5,227 SQUARE FEET.

TOTAL PLATTED ACREAGE = 17.077 ACRES  
TOTAL PUBLIC ROW = 3.196 ACRES  
TOTAL OPEN SPACE = 9.881 ACRES (17.077 ACRES-3.196 ACRES ROW-4.0 ACRES NEIGHBORHOOD CENTER)  
TOTAL LOTS = 10 (1 NEIGHBORHOOD CENTER, 9 OPEN SPACE)  
GROSS DENSITY = 1.708 (LOTS/ACRE)

LOT 101, BLOCK 1 (TOTAL OF 11.094 AC.) OF THIS PLAT INCLUDES THE 4.0 ACRES DESIGNATED AS NEIGHBORHOOD CENTER AND THE REMAINING 7.094 AC. SHALL BE CREDITED AS OPEN SPACE TOWARDS THE TOTALS REQUIRED BY THE DEVELOPMENT AGREEMENT EXHIBITS D-2A AND D-2B.

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.

EACH LOT SHALL PROVIDE SETBACKS AS DETERMINED BY THE CITY OF BOERNE ZONING ORDINANCE IN FORCE AT THE TIME OF DEVELOPMENT. THE USE THAT IS BEING CONSTRUCTED AND THE LOT SIZE SHALL DETERMINE WHICH SETBACKS SHALL APPLY.

STATE OF TEXAS  
COUNTY OF KENDALL

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 AMENITY CENTER, AN ADDITION TO KENDALL COUNTY, TEXAS, AND DOES HEREBY DEDICATE TO THE PUBLIC AND THE CITY OF BOERNE, THE PUBLIC UTILITY EASEMENT 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 EASEMENT, AND PUBLIC USE AREAS SHOWN HEREON, AND DO HEREBY DEDICATE THE EASEMENT 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 EASEMENT OF SAID PLAT, AT THE SOLE AND EXCLUSIVE DISCRETION OF THE DISTRICT AND SUBJECT TO ITS WRITTEN APPROVAL, UTILITY EASEMENT 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 EASEMENT 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 EASEMENT. ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHTS OF INGRESS AND EGRESS TO AND FROM AND UPON ANY OF SAID EASEMENT 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, EASEMENT 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.

THIS PLAT OF ESPERANZA AMENITY CENTER HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_ CHAIR

BY: \_\_\_\_\_ SECRETARY

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, EASEMENT 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 APPEARED \_\_\_\_\_, 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 STATED.

GIVEN UNDER MY HAND SEAL OF OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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 \_\_\_\_\_, 20\_\_\_\_.

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 ZONING COMMISSION OF THE CITY OF BOERNE.

PRELIMINARY  
JEFFREY D. CARROLL  
REGISTERED PROFESSIONAL ENGINEER #93625

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC  
STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF KENDALL

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

\_\_\_\_ DAY OF \_\_\_\_\_, 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

BY: \_\_\_\_\_ DEPUTY.

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SHEET 1 OF 2

**Kimley»Horn**

601 NW Loop 410, Suite 350  
San Antonio, Texas 78216  
TBPE FIRM #928  
TBPLS FIRM #10193973

Tel. No. (210) 541-9166  
Fax No. (210) 541-8699

