

#### Easement Notes

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-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, rehill, 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.

1. 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.
2. 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.
3. 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, 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 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 Utilities; the right to place new or additional Utilities in the Easement and to change the size of the Utilities within the Easement; 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.

1. 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.
2. The City shall make commercially reasonable efforts to ensure that damage to the Property is minimized and the City will at all times, after doing any work in connection with the Utilities, 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 usual and customary practices.

#### PLAT NOTES:

##### SETBACK NOTE:

Setbacks in City Limits: Lot setbacks are determined by the City of Boerne Zoning Ordinance enforced at the time of development and are based on zoning/lot size. Unless otherwise identified, the front setback for a pie shaped lot or a lot on a curvilinear street or cul-de-sac is measured wherever the lot width meets frontage requirements for the lot category.

##### 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 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 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). Xenscaping is permitted as described in the City of Boerne Zoning Ordinance, Article 3, Section 3.07.003D.

##### SIDEWALK NOTES:

At such time as a lot is developed, a five-foot wide [Substitute "larger where required"] reinforced concrete sidewalks shall be installed adjacent to all property lines of each lot where the lot abuts public or private street.

##### IMPACT FEE ASSESSMENT:

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. 2017-13, Section 1.10(5)

##### HERITAGE LEGACY TREE:

There are no Heritage Legacy Trees, as defined in subsection 2.02.002, identified on this plat.

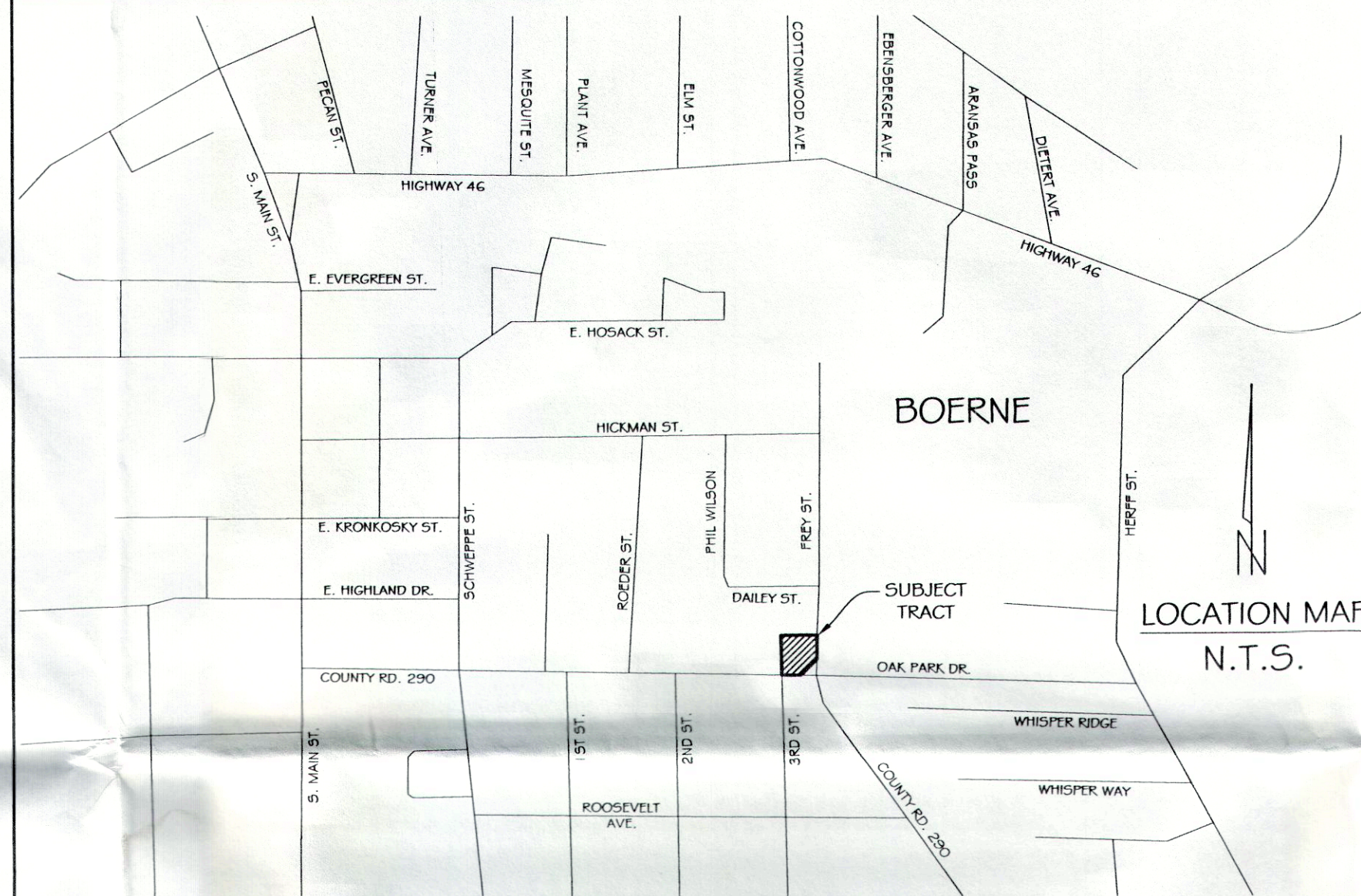
##### GRID STREET SETBACKS:

Lots on Grid Network streets have varying setbacks as defined in the zoning ordinance.

## KERNAGHAN ADDITION LOTS 6A, 6B AND 6C

A replat of a subdivision of a 0.557 acre tract of land recorded in Volume 1635, Pages 959-963, Official Records, Kendall County, Texas, said 0.557 acre tract being a portion of Lot 6, Kernaghan Addition in the City of Boerne recorded in Volume 2, Page 557, Deed Records, Kendall County, Texas.

The purpose of this plat is to create Lot 6A, Lot 6B and Lot 6C, KERNAGHAN ADDITION out of a portion of Lot 6, KERNAGHAN ADDITION to the City of Boerne.  
THE TOTAL NUMBER OF LOTS CREATED BY THIS PLAT IS THREE.



Approval of the Planning and Community Development Director as follows:

This administrative replat of Lots 6A, 6B and 6C in the Kernaghan Addition, Kendall County, Texas has been submitted to and considered by the Planning and Community Development Director of the City of Boerne and is hereby approved by such this the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2018.

By: Laura Talley  
Planning and Community Development Director

STATE OF TEXAS  
COUNTY OF KENDALL

I, \_\_\_\_\_, County Clerk of said county, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2018 at \_\_\_\_\_ M. in the plat records of said county in Volume \_\_\_\_\_ on Pages \_\_\_\_\_.

Tax Certificate Affidavit filed this date in Volume, \_\_\_\_\_ Pages \_\_\_\_\_, Kendall County Official Records.

In testimony whereof, witness my hand and official seal of office, this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2018.

County Clerk  
Kendall County, Texas

By: \_\_\_\_\_, Deputy

STATE OF TEXAS  
COUNTY OF KENDALL

The owner of 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, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

Robert T. Grier  
for Boerne Townhomes LLC  
407 Schryver St.  
Boerne TX, 78006



STATE OF TEXAS  
COUNTY OF KENDALL

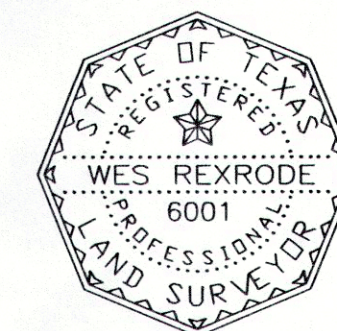
Before me, the undersigned authority, on this day personally appeared Robert T. Grier for Boerne Townhomes LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated. Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2018.

State of Texas Notary Public

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.  
Date: May 25, 2018.

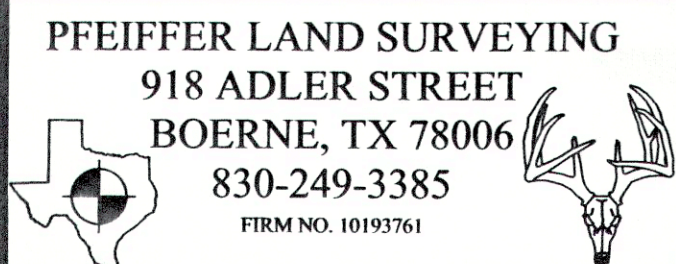
Wes Rexrode  
Registered Professional Land Surveyor  
No. 6001  
918 Adler Street  
Boerne, Texas 78006  
Job No. 95-18



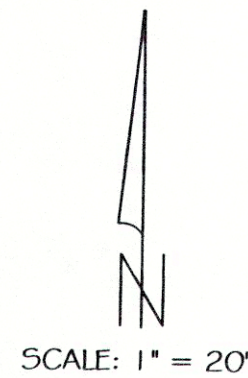
STATE OF TEXAS  
COUNTY OF KENDALL

Before me, the undersigned authority, on this day personally appeared Wes Rexrode, 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 and seal of office this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2018.

State of Texas Notary Public

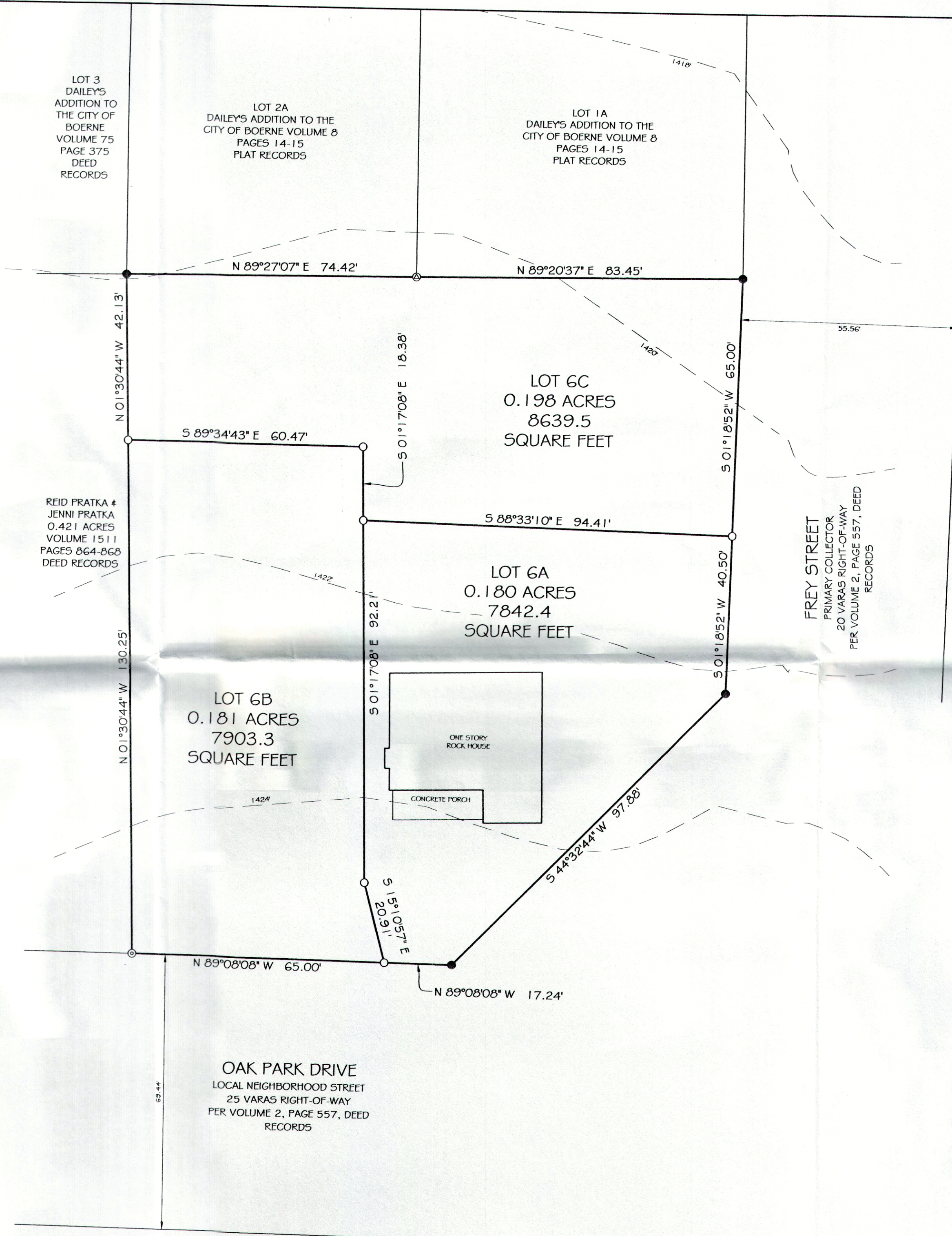






NOTES:

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THEREFORE ALL SETBACKS, EASEMENTS AND ENCUMBRANCES MAY NOT BE SHOWN HEREON.
- 2) ADJOINING PROPERTY INFORMATION SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY.
- 3) BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 4204, NAD 83.
- 4) FENCES NEAR THE BOUNDARY LINE MEASUREMENT AND ARE NOT NECESSARILY ON THE BOUNDARY LINE.
- 5) NOT ALL IMPROVEMENTS ARE SHOWN HEREON.
- 6) ALL BUILDING SETBACK LINES, RECORDED EASEMENTS, UNRECORDED EASEMENTS, PLAT RESTRICTIONS, DEED RESTRICTIONS AND ZONING ORDINANCES, IF ANY, SHOULD BE CONFIRMED BY THE HOME OWNERS ASSOCIATION, CITY OF BOERNE, LANDOWNER AND/OR THE ARCHITECTURAL CONTROL COMMITTEE BEFORE ANY PLANNING OR CONSTRUCTION.
- 7) CONTOURS SHOWN HEREON ARE TAKEN FROM THE SAN ANTONIO RIVER AUTHORITY WEBSITE.
- 8) RIGHT-OF-WAY WIDTHS SHOWN HEREON ARE PER THE KERNAGHAN ADDITION TO THE CITY OF BOERNE PLAT RECORDED IN VOLUME 2, PAGE 557, DEED RECORDS, KENDALL COUNTY, TEXAS. NO ATTEMPT WAS MADE IN THE FIELD TO RECOVER RIGHT-OF-WAY ON THE SOUTH SIDE OF OAK PARK DRIVE OR THE EAST SIDE OF FREY STREET.



AS AMENDED

Creating Lot 6A, Lot 6B and Lot 6C, KERNAGHAN ADDITION.