

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, bed, 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 courses, 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 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.

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.

- 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 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

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.

Sidewalk Note:

At such time as lot is developed, a ten-foot wide reinforced concrete sidewalks shall be installed adjacent to all street frontage property lines of each lot fronting a street.

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. 2017-13, Section 1.10 (5)

Tax Certificate Note:

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

Heritage Legacy Tree Note:

There are forty-five (45) heritage legacy trees, as defined in Subsection 2.02.002, identified on this plat.

Building Setback Note:

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.

Open Space Note:

Total open space provided shall be 5% of all building footprints and areas of impervious surface dedicated to vehicle access and parking on each lot.

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.

Drainage Basin Note:

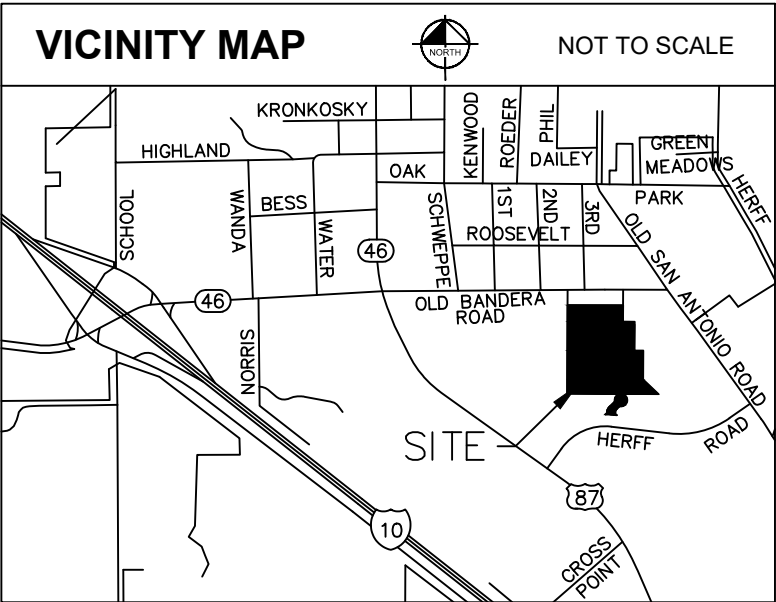
The subject area is not upstream from a City water supply lake.

Acreage and Density:

Total R.O.W.: 0.605 acres  
Total Open Space: 0.014 acres  
Total Lot : 15.552 acres  
Gross Density: 0.129 lot/acres

FLOOD STATEMENT:

According to Map No. 48259C0415F, dated December 17, 2010 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Kendall County, Texas and Incorporated Areas, Federal Emergency Management Agency, Federal Insurance Administration, and according to the Conditional Letter of Map Revision Case No. 17-06-0762R, approved on September 26, 2017, the property is within Zone "X" (un-shaded) defined by FEMA as "areas determined to be outside the 0.2% annual chance floodplain." All zone delineations shown hereon are approximate. This statement does not imply that any portion of the subject tract is totally free of potential flood hazard. Localized flooding can occur due to natural and/or man-made influences. This flood statement shall create no liability on the part of Kimley-Horn or the undersigned



Owner's Acknowledgement:

State of Texas  
County of \_\_\_\_\_

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.

Menger Development, LLC  
619 Menger Springs  
Boerne, Texas 78006

By: \_\_\_\_\_

State of Texas  
County of \_\_\_\_\_

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 consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_ 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

Surveyors Notes:

- Property corners are monumented with 5/8" iron rod with a plastic cap stamped "KHA", unless noted otherwise.
- The bearings shown hereon are Texas State Coordinate System grid, South Central Zone (FIPS 4204 - NAD'83). The distances shown hereon are grid only. The unit of linear measurement is U.S. Survey Feet.

State of Texas  
County of Bexar

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.

\_\_\_\_\_  
John G. Mosier  
Registered Professional Land Surveyor #6330

PRELIMINARY

THIS DOCUMENT SHALL  
NOT BE RECORDED FOR  
ANY PURPOSE AND  
SHALL NOT BE USED OR  
VIEWED OR RELIED  
UPON AS A FINAL  
SURVEY DOCUMENT

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 consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

State of Texas  
County of Bexar

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.

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Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

Approval of the Planning and Zoning Commission:

This plat of THE COMMONS AT MENDER CREEK, UNIT 5 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

PRELIMINARY PLAT OF  
THE COMMONS AT MENDER CREEK,  
UNIT 5  
LOTS 12A & 12B, BLOCK A

16.157 ACRES  
1 COMMERCIAL LOT  
1 OPEN SPACE LOT  
BEING PORTION OF A CALLED 5.609 ACRES IN VOL. 1614, PG. 965,  
AND A PORTION OF TRACT 1 IN VOL. 1614, PG. 971 OF THE  
OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS  
JOHN SMALL SURVEY NO. 183, ABSTRACT NO. 441  
CITY OF BOERNE, KENDALL COUNTY, TEXAS

ENGINEER:

Kimley-Horn and Associates, Inc.  
601 NW Loop 410, Suite 350  
San Antonio, Texas 78216  
TBPE #928

SURVEYOR:

Kimley-Horn and Associates, Inc.  
601 NW Loop 410, Suite 350  
San Antonio, Texas 78216  
TBPLS #10193973

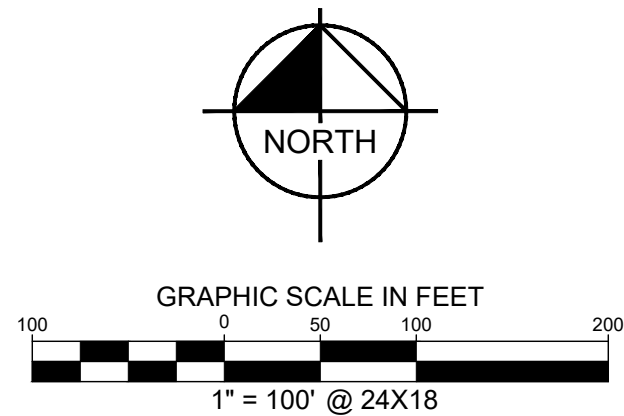
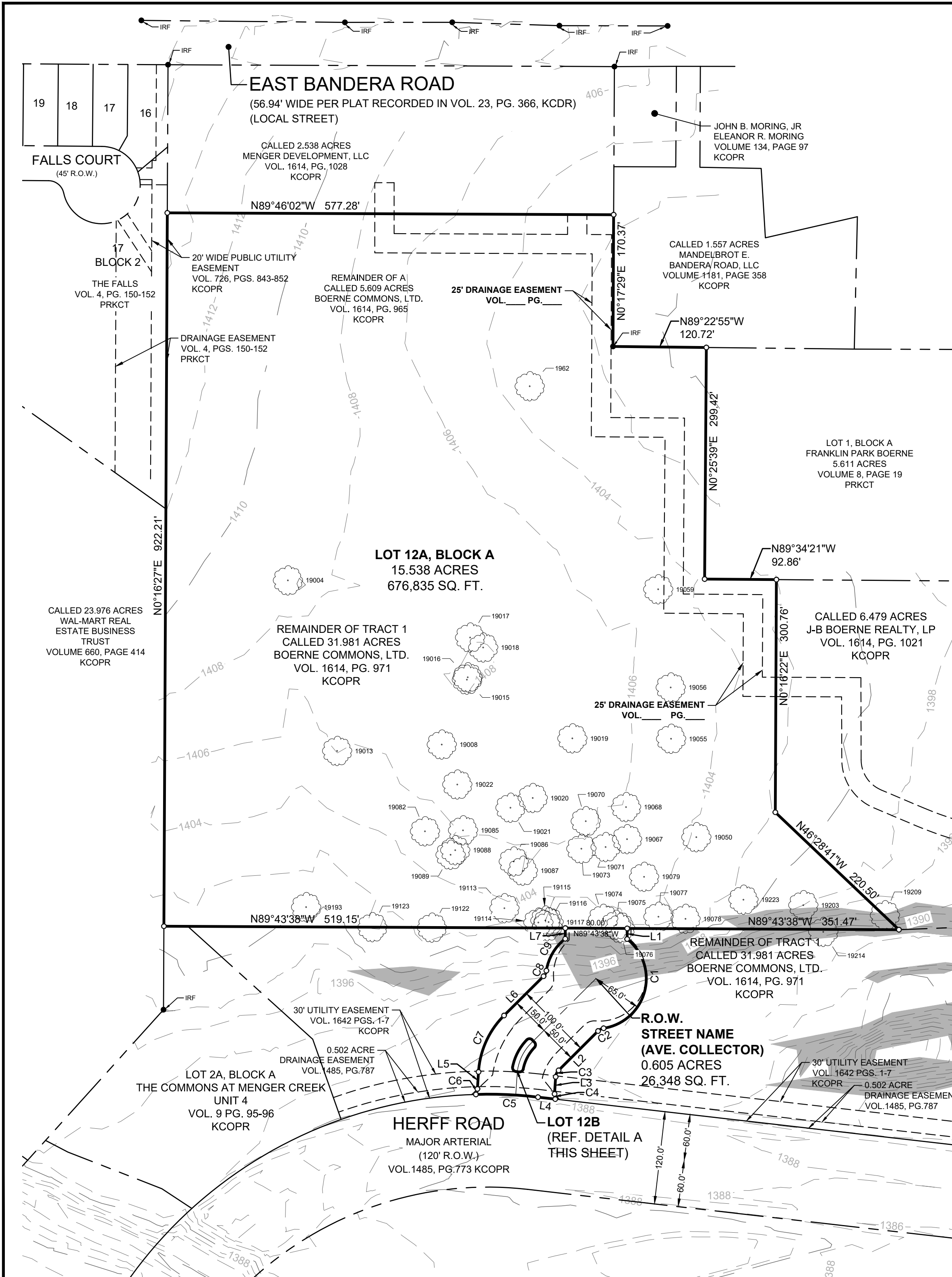
**Kimley»Horn**

601 NW Loop 410, Suite 350  
San Antonio, Texas 78216

FIRM # 10193973

Tel. No. (210) 541-9166  
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	Oct. 2018	063929023	1 OF 2



LINE TABLE		
NO.	BEARING	LENGTH
L1	N00°16'22"E	13.78'
L2	N45°07'46"E	72.00'
L3	N03°38'22"E	22.17'
L4	S83°27'34"E	22.44'
L5	S03°38'22"W	22.04'
L6	S45°07'46"W	72.00'
L7	S00°16'22"W	13.78'
L8	N83°14'39"W	4.01'
L9	S44°52'14"E	4.00'
L10	S76°11'36"E	43.15'

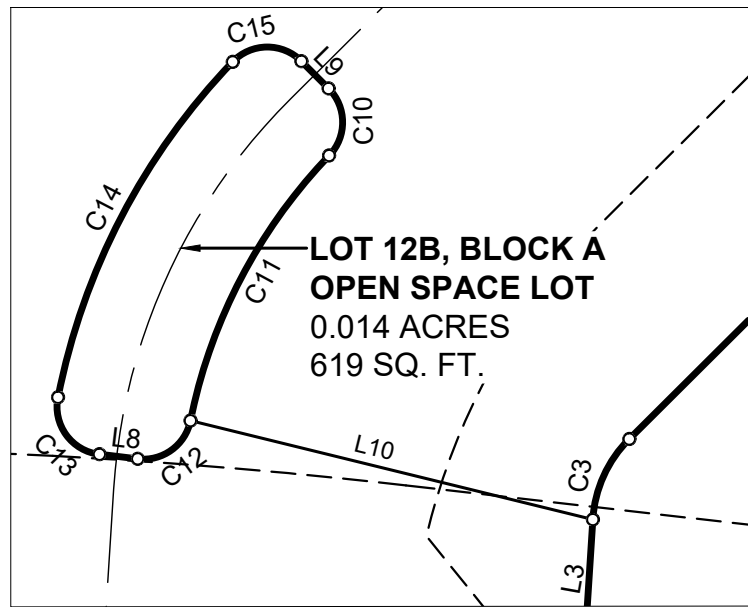
Surveyors notes:

- Property corners are monumented with 5/8" iron rod with a plastic cap stamped "KHA", unless noted otherwise.
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BENCH MARK LIST

TBM #101 - MAG NAIL SET IN ASPHALT ON THE SOUTHWEST SIDE OF OLD SAN ANTONIO ROAD LOCATED 58± NORTHEAST OF A 35" LIVE OAK AND 59± EAST OF A 25" LIVE OAK  
ELEVATION =1386.01'

TBM #102 - MAG NAIL SET IN ASPHALT LOCATED 67± FROM THE NORTHEASTERLY CORNER OF LOT 1, BLOCK A, FRANKLIN PARK  
ELEVATION =1393.57'



DETAIL A  
SCALE 1" = 20'

CIVIL ENGINEER:  
KIMLEY-HORN AND ASSOCIATES, INC.  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216  
TBPE #928

SURVEYOR:  
KIMLEY-HORN AND ASSOCIATES, INC.  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216

TREE TABLE		TREE TABLE		TREE TABLE	
NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION
1962	27" LIVE OAK	19059	31" HACKBERRY	19087	37" LIVE OAK
19004	25" LIVE OAK	19067	49" LIVE OAK	19088	37" LIVE OAK
19008	35" LIVE OAK	19068	33" LIVE OAK	19089	32" LIVE OAK
19013	57" LIVE OAK	19070	30" LIVE OAK	19113	28" LIVE OAK
19015	24" LIVE OAK	19071	25" LIVE OAK	19114	28" LIVE OAK
19016	25" LIVE OAK	19073	31" LIVE OAK	19115	35" LIVE OAK
19017	40" LIVE OAK	19074	33" LIVE OAK	19116	34" LIVE OAK
19018	42" LIVE OAK	19075	26" LIVE OAK	19117	27" LIVE OAK
19019	36" LIVE OAK	19076	26" LIVE OAK	19122	41" LIVE OAK
19020	31" LIVE OAK	19077	34" LIVE OAK	19123	46" LIVE OAK
19021	48" LIVE OAK	19078	41" LIVE OAK	19193	25" LIVE OAK
19022	25" LIVE OAK	19079	37" LIVE OAK	19203	24" LIVE OAK
19050	25" LIVE OAK	19082	26" LIVE OAK	19209	29" LIVE OAK
19055	26" CEDAR	19085	27" LIVE OAK	19214	30" LIVE OAK
19056	25" POST OAK	19086	34" LIVE OAK	19223	26" LIVE OAK

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	133°00'20"	65.00'	150.89'	N14°45'20"E	119.22'
C2	36°07'44"	13.00'	8.20'	N63°11'38"E	8.06'
C3	41°29'24"	13.00'	9.41'	N24°23'04"E	9.21'
C4	21°32'39"	18.00'	6.77'	N07°07'57"W	6.73'
C5	8°38'39"	533.18'	80.44'	N87°30'08"W	80.36'
C6	23°35'28"	18.00'	7.41'	N15°26'06"E	7.36'
C7	41°29'24"	113.00'	81.83'	S24°23'04"W	80.05'
C8	36°07'44"	13.00'	8.20'	S27°03'54"W	8.06'
C9	43°17'33"	65.00'	49.11'	S30°38'48"W	47.95'
C10	88°38'37"	5.00'	7.74'	S00°32'55"E	6.99'
C11	32°18'56"	56.00'	31.58'	S27°36'55"W	31.17'
C12	85°17'54"	5.00'	7.44'	S54°06'24"W	6.78'
C13	94°24'42"	5.00'	8.24'	N36°02'18"W	7.34'
C14	32°41'20"	70.00'	39.94'	N27°30'44"E	39.40'
C15	91°16'22"	5.00'	7.97'	N89°29'35"E	7.15'

LEGEND

1/2" IRF 1/2" IRON ROD FOUND  
○ 1/2" IRON ROD W/ "KHA" CAP SET  
IRFC 1/2" IRON ROD FOUND W/ CAP  
P.O.B. POINT OF BEGINNING  
T.B.M. TEMPORARY BENCH MARK  
XXXX ADDRESS  
ELEVATION BENCHMARK  
XF "X" CUT IN CONCRETE FOUND  
KCOPR OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS  
PRKCT PLAT RECORDS OF KENDALL COUNTY, TEXAS  
AREA WITH SLOPE >15%

PRELIMINARY PLAT OF  
THE COMMONS AT MENDER CREEK,  
UNIT 5  
LOTS 12A & 12B, BLOCK A

16.157 ACRES  
1 COMMERCIAL LOT  
1 OPEN SPACE LOT  
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1" = 100'	APS	JGM	Oct. 2018	063929023	2 OF 2