

**PERMANENT EASEMENT
FOR UTILITIES**

Grantor: Morning Side Ministries Foundation

Grantor's Mailing Address (including county):

700 Babcock Rd
San Antonio, Bexar County, Texas

Grantee: City of Boerne, A Municipal Corporation,
of Kendall County, Texas

Grantee's Mailing Address (including county):

Post Office Box 1677,
Boerne, Kendall County, Texas

Property:

All those certain tracts, pieces, or parcels of land, lying and being situated in the County of Kendall, State of Texas, described as a 0.694 of an acre, or 30,212 square feet more or less, easement located a 7.963 acre tract described in deed recorded in volume 1479, page 827-834, a 2.875 acre tract in deed recorded in volume 1033, page 744-749, both of the official public records of Kendall County, Texas, and on Morningside Ministries Boerne Campus II Subdivision recorded in Volume 6, page 50 of the map and plat records of Kendall County, Texas, out of the John Small Survey No. 183, Abstract 441, in Kendall County, Texas (the "Property").

Grant of Easement:

For and in consideration the sum of TEN AND NO/100 DOLLARS (\$10.00), the benefits to be derived herefrom, and other good and valuable consideration, all paid to and received by the undersigned from the Grantee, the receipt and sufficiency of which is hereby acknowledged and confessed, the undersigned Grantor GRANTS, SELLS, and CONVEYS unto the Grantee an easement and right-of-way over, and upon the Property (the "Easement") for the following purposes.

Utilities, including, without limitation, sewer, water, gas, electric, telephone and cable television, with all necessary and/or desirable lines, laterals and/or appurtenances thereto (the "Utilities").

Said Easement being a variable width strip of land, described in Exhibits "A" and "B" attached hereto and made a part hereof for all purposes.

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 of the Utilities; and the right to place temporary structures for use in constructing or repairing the Utilities.

TO HAVE AND TO HOLD the above described Easement unto the Grantee, its successors and assigns, until the Easement shall be abandoned by the Grantee, as evidenced by a Certificate of Abandonment executed by the Mayor or his designated representative.

This Easement is MADE and ACCEPTED subject to the following:

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. However, the easement shall be kept clear of all structures, trees, large plants and other improvements.
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 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 Grantee's usual and customary practices.
3. The Grantee shall install double swing gates with a minimum clear opening of twelve (12) feet wide wherever fences cross the Easement.

Each person signing this Permanent Easement for Utilities represents and warrants that he or she is duly authorized and has the legal capacity to enter into and execute this Permanent Easement for Utilities. Grantor warrants and represents to Grantee that execution of this Permanent Easement for Utilities and the performance of such Grantor's obligations hereunder have been duly authorized and that the Permanent Easement for Utilities is valid and legally binding on such Grantor and is enforceable in accordance with its terms

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on this 21st day of September, 2016

Grantor: Morningside Ministries Foundation

By: Alvin A. Loewenberg

Name: Alvin A. Loewenberg

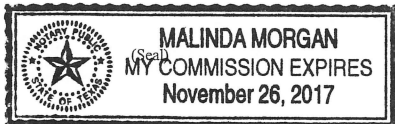
Title: President, CEO

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF Brewer §

This instrument was acknowledged before me on the 21 day of September, 2016, by

Malinda L. Morgan



Malinda L. Morgan
Notary Public In and For
The State of Texas

My Commission Expires: 11-26-17

Printed Name of Notary:

MALINDA L. MORGAN



METES AND BOUNDS DESCRIPTION
FOR
VARIABLE WIDTH UTILITY EASEMENT

A 0.694 of an acre, or 30,212 square feet more or less, easement located a 7.963 acre tract described in deed recorded in Volume 1479, Page 827-834, a 2.875 acre tract in deed recorded in Volume 1033, Page 744-749, both of the Official Public Records of Kendall County, Texas, and on Morningside Ministries Boerne Campus II Subdivision recorded in Volume 6, Page 50 of the Map and Plat Records of Kendall County, Texas, out of the John Small Survey No. 183, Abstract 441, in Kendall County, Texas. Said 0.694 of an acre easement tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

BEGINNING: At a found ½" iron rod on the east right-of-way line of Upper Balcones Road, a variable width right-of-way, the northwest corner of a 1.948 acre tract recorded in Volume 1017, Page 594-599 of the Official Public Records of Kendall County, Texas, the western most southwest corner of said 2.874 acre tract;

THENCE: N 01°14'56" W, with the east right-of-way line of said Upper Balcones Road, the west line of said 2.874 acre tract, a distance of 15.04 feet to a point;

THENCE: Departing the east right-of-way line of said Upper Balcones Road, over and across said 2.874 acre tract the following bearings and distances:

S 86°52'56" E, a distance of 341.66 feet to a point;

S 86°41'41" E, a distance of 306.44 feet to a point;

N 00°01'51" W, a distance of 86.67 feet to a point on the north line of said 2.874 acre tract, the south line of said 7.963 acre tract;

THENCE: N 00°02'34" E, over and across said 7.963 acre tract, a distance of 574.23 feet to a point on the north line of said 7.963 acre tract, the south line of a 10.941 acre tract recorded in Volume 1112, Page 48 of the Official Public Records of Kendall County, Texas;

THENCE: S 89°30'08" E, with the north line said 7.963 acre tract, the south line of said 10.941 acre tract, a distance of 5.00 feet to a point for the northeast corner of said 7.963 acre tract, the northwest corner of said Morningside Ministries Boerne Campus II;

THENCE: S 89°58'22" E, with the north line of said Morningside Ministries Boerne Campus II, the south line of said 10.941 acre tract, a distance of 352.81 feet to a point;

THENCE: Departing the south line of said 10.941 acre tract, over and across said Morningside Ministries Boerne Campus II the following bearings and distances:

S 01°44'36" W, a distance of 12.94 feet to a point;

N 89°57'34" W, a distance of 142.46 feet to a point;

S 00°02'26" W, a distance of 2.10 feet to a point;

N 89°58'22" W, a distance of 199.96 feet to a point;

S 00°02'34" W, a distance of 559.19 feet to a point;

S 00°01'51" E, a distance of 91.12 feet to a point;

N 90°00'00" E, a distance of 21.61 feet to a point;

S 00°00'00" E, a distance of 15.00 feet to a point;

N 90°00'00" W, a distance of 21.60 feet to a point;

S 00°01'51" E, a distance of 129.50 feet to a point;

S 65°48'02" E, a distance of 202.23 feet to a point;

S 24°11'58" W, a distance of 15.00 feet to a point;

N 65°48'02" W, at a distance of 206.43 feet, passing the west line of said Morningside Ministries Boerne Campus II, the east line of said 2.874 acre tract and continuing for a total distance of 211.93 feet to a point;

THENCE: N 00°01'51" W, over and across said 2.874 acre tract, a distance of 143.63 feet to a point;

THENCE: N 86°41'41" W, continuing over and across said 2.874 acre tract, a distance of 307.29 feet to a point for the northeast corner of said 1.948 acre tract;

THENCE: N 86°52'56" W, with the north line of said 1.948 acre tract, a south line of said 2.874 acre tract, a distance of 340.49 feet to the POINT OF BEGINNING, and containing 0.694 of an acre in Kendall County, Texas. Said easement tract being described in accordance with an exhibit prepared under job number 4748-71 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: September 12, 2016
JOB NO. 4748-71
DOC. ID. N:\CIVIL\4748-71\WORD\4748-71 ESUT-0.694 AC.docx

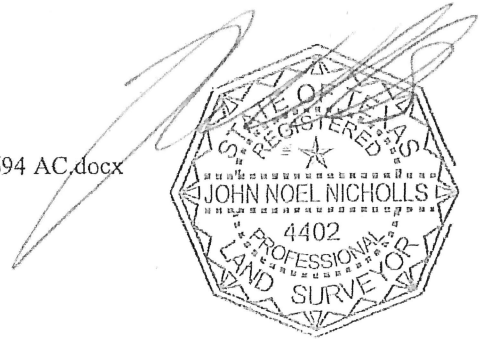


Exhibit "B"

LEGEND:

DR DEED RECORDS OF KENDALL COUNTY, TEXAS
 OPR OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS
 DPR DEED AND PLAT RECORDS OF KENDALL COUNTY, TEXAS
 FIR FOUND 1/2" IRON ROD

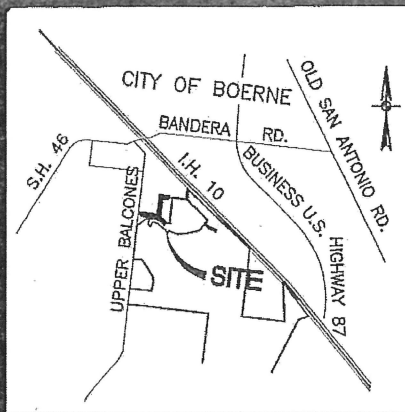
NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD 83 (NA2011) EPOCH 2010.00.

1 inch = 200'



Doc # 0030546
 Vol 1543 Pg 091



LOCATION MAP

NOT-TO-SCALE

10.941 ACRES
 ACA INVESTMENTS, LLC
 VOL. 1112 PGS. 48 OPR

7.963 ACRES
 MORNINGSIDE MINISTRIES FOUNDATION
 (VOL. 1479, PG. 827-834 OPR)

JOHN SMALL
 SURVEY
 NUMBER 183,
 ABSTRACT 441

VARIABLE WIDTH
 UTILITY EASEMENT
**0.694 OF
 AN ACRE**
 (30,212 SQUARE FEET
 MORE OR LESS)

MORNINGSIDE MINISTRIES,
 BOERNE CAMPUS II
 (7.722 ACRES)
 (VOL. 6, PG. 50 P.R.K.C.T.)

UPPER BALCONES ROAD
 (VARIABLE WIDTH PUBLIC R.O.W.)

P.O.B.
 FD. 1/2" I.R.
 1.948 ACRES
 KENNETH E. & DERENDA S.
 SHEWBERT
 (VOL. 1017, PGS. 594-599
 O.R.K.C.T.)

2.874 ACRES
 MORNINGSIDE MINISTRIES
 FOUNDATION, INC.
 (VOL. 1033, PGS. 744-749
 O.R.K.C.T.)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N01°14'56"W	15.04'
L2	S86°52'56"E	341.66'
L3	S86°41'41"E	306.44'
L4	N00°01'51"W	86.67'
L5	N00°02'34"E	574.23'
L6	S89°30'08"E	5.00'
L7	S89°58'22"E	352.81'
L8	S01°44'36"W	12.94'
L9	N89°57'34"W	142.46'
L10	S00°02'26"W	2.10'
L11	N89°58'22"W	199.96'
L12	S00°02'34"W	559.19'
L13	S00°01'51"E	91.12'
L14	N90°00'00"E	21.61'
L15	S00°00'00"E	15.00'
L16	N90°00'00"W	21.60'
L17	S00°01'51"E	129.50'
L18	S65°48'02"E	202.23'
L19	S24°11'58"W	15.00'
L20	N65°48'02"W	211.93'
L21	N00°01'51"W	143.63'
L22	N86°41'41"W	307.29'
L23	N86°52'56"W	340.49'

EXHIBIT
 FOR

VARIABLE WIDTH UTILITY EASEMENT

A 0.694 OF AN ACRE, OR 30,212 SQUARE FEET MORE OR LESS, EASEMENT LOCATED A 7.963 ACRE TRACT DESCRIBED IN DEED RECORDED IN VOLUME 1479, PAGE 827-834, A 2.875 ACRE TRACT IN DEED RECORDED IN VOLUME 1033, PAGE 744-749, BOTH OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS, AND ON MORNINGSIDE MINISTRIES BOERNE CAMPUS II SUBDIVISION RECORDED IN VOLUME 6, PAGE 50 OF THE MAP AND PLAT RECORDS OF KENDALL COUNTY, TEXAS, OUT OF THE JOHN SMALL SURVEY NO. 183, ABSTRACT 441, IN KENDALL COUNTY, TEXAS.

SHEET 1 OF 1

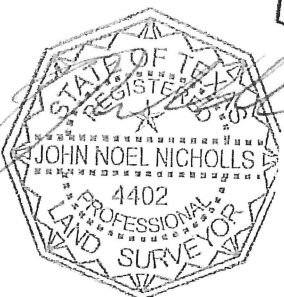
SEPTEMBER 12, 2016

JOB No.:

4748-71

**PAPE-DAWSON
 ENGINEERS**

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
 TOLPE FIRM REGISTRATION #470 | TOLPE FIRM REGISTRATION #10028800



Filed & Recorded in:

**KENDALL COUNTY
DARLENE HERRIN
COUNTY CLERK**

09/26/2016 02:11PM

Document Number : 00305469

Total Fees

: \$50.00 *City of Boerne*

Receipt Number - 70028

By Deputy: Beth A Steinruck

This Document has been received by this Office for
Recording into the Official Public Records.

We do hereby swear that we do not discriminate due to
Race, Creed, Color, Sex or National Origin.

STATE OF TEXAS, COUNTY OF KENDALL

I hereby certify that this instrument was filed in File Number
Sequence on the date and at the time stamped hereon and
was duly recorded in the OFFICIAL RECORDS Records of
Kendall County, Texas on

09/26/2016

DARLENE HERRIN, COUNTY CLERK

Kendall County, Texas

By: *bar* Deputy