

PERMANENT UTILITY EASEMENT

Grantor: Methodist Healthcare System of San Antonio LTD

Grantor's Mailing Address (including county):

8109 Fredericksburg Road
San Antonio, Bexar County, Texas 78229

**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 78006

Property:

Lot 1, Menger Springs, Unit 1, recorded in Volume 4, Page 170 of the Deed and Plat Records of Kendall County, State of 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, electric, telephone and cable television, with all necessary and/or desirable lines, laterals and/or appurtenances thereto (the "Utilities").

Said easement being 0.0552 of an acre, or 2,405 square feet more or less, tract of land being a variable width utility easement situated within Lot 1, Menger Springs, Unit 1 recorded in Volume 4, Page 170 of the Deed and Plat Records of Kendall County, Texas, and being within a 313.40 acre tract recorded in Volume 411, Pages 501-503 of the Official Public Records of Kendall County, Texas, in the City of Boerne, Kendall County, Texas, described in Exhibit "A" and shown in Exhibit "B" both attached hereto and made a part hereof for all purposes.

Together with the right of ingress and egress over the Grantor's 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 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 City Manager 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 that inhibit Grantees 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 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.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on this 18th day of September, 2006 A.D.

By: 

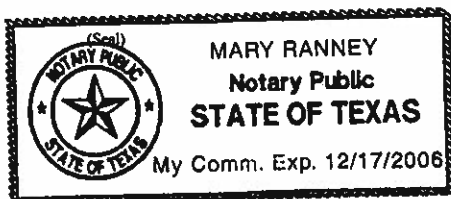
Geoffrey Crabtree

Its: Senior Vice President

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
 COUNTY OF Bexar §

This instrument was acknowledged before me on the 18th day of Sept., 2006 A.D., by
 Geoffrey Crabtree, Senior Vice President of Methodist Healthcare System of San Antonio LTD.



Mary Ranney
 Notary Public In and For
 The State of Texas
 My Commission Expires: 12-17-06
 Printed Name of Notary: Mary Ranney

AFTER RECORDING RETURN TO:

The City of Boerne
 P. O. Box 1677
 Boerne, TX 78006-1677



**EXHIBIT A
FIELD NOTES FOR
A VARIABLE WIDTH UTILITY EASEMENT**

A 0.0552 of an acre, or 2,405 square feet more or less, tract of land being a variable width utility easement situated within Lot 1, Menger Springs, Unit 1 recorded in Volume 4, Page 170 of the Deed and Plat Records of Kendall County, Texas, and being within 313.40 acre tract recorded in volume 411, pages 501-503 of the Official Public Records of Kendall County, Texas, in the City of Boerne, Kendall County, Texas. The bearings are based on the North American Datum of 1983, from state plane coordinates established for the Texas South Central Zone. Said 0.0552 of an acre tract being more fully described as follows:

COMMENCING: At a found $\frac{1}{2}$ " iron rod with a cap marked "Pfeiffer" on the northwest corner of Lot 1, said point being on the southwest right-of-way line of Interstate Highway 10, a variable width right-of-way, 335-foot minimum width, recorded in Volume 87, Page 517 of the Official Records of Kendall County, Texas;

THENCE: S $51^{\circ}09'35''$ E, along and with the southwest right-of-way line of said Interstate Highway 10, a distance of 41.91 feet to an angle point;

THENCE: S $38^{\circ}50'25''$ W, departing from the south right-of-way line of said Interstate Highway 10, a distance of 24.73 feet to a point on the south line of a 25-foot utility easement recorded in said Menger Springs, Unit-1 and the POINT OF BEGINNING;

THENCE: Over and across said Lot 1 the following calls and distances:

S $39^{\circ}39'42''$ W, a distance of 277.51 feet to an angle point;

S $24^{\circ}21'41''$ W, a distance of 31.16 feet to a point on the south line of said Lot 1;

THENCE: N $75^{\circ}17'54''$ W, along and with the south line of said Lot 1, a distance of 6.26 feet to the southwest corner of said Lot 1, at a point of a non-tangent curvature;

PAPE-DAWSON ENGINEERS, INC.

EXHIBIT A
0.0554 ACRES
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THENCE: N 16°13'45" W, along and with the south line of said Lot 1, a distance of 5.89 feet to a point on the north line of said Lot 1;

THENCE: N 24°21'41" E, over and across said Lot 1, a distance of 29.18 feet to an angle point;

THENCE: N 40°41'41" E, over and across said Lot 1, a distance of 278.74 feet to point on the south line of said 25-foot utility easement;

THENCE: S 51°09'05" E, along and with the south line of said 25-foot utility easement, a distance of 5.00 feet to the POINT OF BEGINNING and containing 0.0552 acres of land in the City of Boerne, Kendall County, Texas. Said easement described in accordance with an exhibit prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.

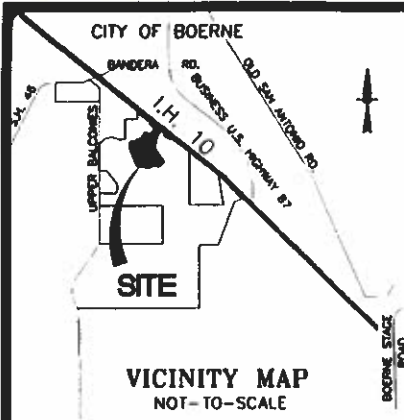
JOB NO: 6344-01

DATE: May 25, 2006

REVISED: July 6, 2006

DOC ID: P:\6344\01\Word\FIELDNOTES\060505 A.doc



**LEGEND**

*F.I.R. = FOUND 1/2" IRON ROD
WITH YELLOW PD CAP

ELEC. = ELECTRIC

TELE. = TELEPHONE

CA.TV. = CABLE TELEVISION

ESM'T. = EASEMENT

D.R. = DEED RECORDS OF KENDALL COUNTY, TEXAS

R.P.R. = OFFICIAL PUBLIC RECORDS
OF KENDALL COUNTY, TEXAS

K.C.O.R. = DEED AND PLAT RECORDS OF KENDALL COUNTY, TEXAS

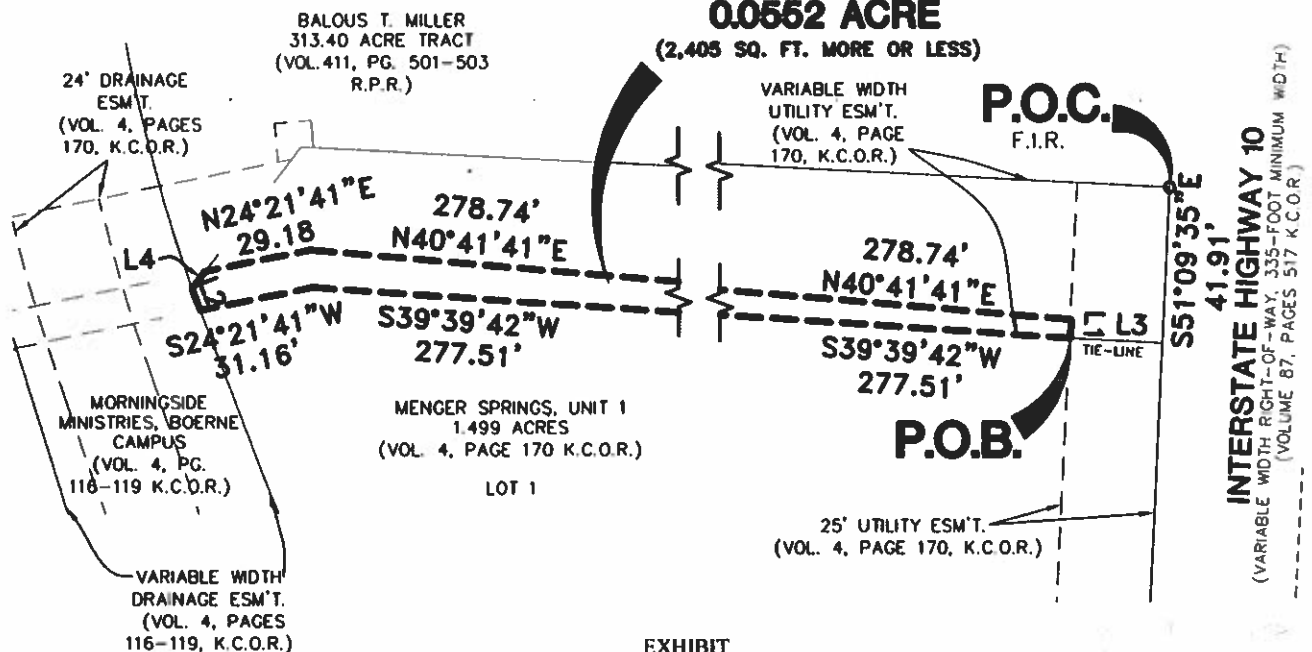
SCALE: 1"=50'

NOTES:

- 1) THE BEARINGS FOR THIS EXHIBIT ARE BASED ON MENDER SPRINGS, UNIT-1 RECORDED IN VOLUME 4, PAGE 170 OF THE DEED AND PLAT RECORDS OF KENDALL COUNTY, TEXAS.
- 2) THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.

LINE TABLE		
LINE	LENGTH	BEARING
L1	5.00	S51°09'05"E
L2	6.26	N75°17'54"W
L3	24.73	S38°50'25"W
L4	5.89	N 16°13'45"W

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	CHORD BEARING
C1	3.86	475.00	1.93	0°27'56"	3.86	N73°05'02"W

VARIABLE WIDTH UTILITY ESM'T.**0.0552 ACRE****(2,405 SQ. FT. MORE OR LESS)****EXHIBIT
OF**

A 0.0552 OF AN ACRE, OR 2,405 SQUARE FEET MORE OR LESS, TRACT OF LAND BEING A VARIABLE WIDTH UTILITY EASEMENT SITUATED WITHIN LOT 1, MENDER SPRINGS, UNIT 1 RECORDED IN VOLUME 4, PAGE 170 OF THE DEED AND PLAT RECORDS OF KENDALL COUNTY, TEXAS, AND BEING WITHIN 313.40 ACRE TRACT RECORDED IN VOLUME 411, PAGES 501-503 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS, IN THE CITY OF BOERNE, KENDALL COUNTY, TEXAS.

PAPE-DAWSON ENGINEERS

EXHIBIT B

REVISED: JULY 6, 2006

DATE: MAY 25, 2006

JOB NO. 6344.01

505 EAST RAMSEY

SAN ANTONIO TEXAS 78218

PHONE 210.375.9000

FAX 210.375.9010

Order: 07-06-2006, 12:15pm User: D. Meadows
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