

CHESTER ECKHARDT, ET AL

TO

DORAN SMITH, ET AL

ROAD EASEMENT AND AGREEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GILLESPIE §

WHEREAS, CHESTER ECKHARDT, joined herein pro forma by his wife, MILDRED ECKHARDT, owns the West approximately 102 2/5 acres of the "Koennecke Place" according to the Last Will and Testament of Edwin A. Eckhardt, recorded in Cause No. 6253 of the Probate Records of Gillespie County, Texas; and

WHEREAS, EDWARD A. PETER and wife, RAYE J. PETER own that 50.0 acre tract described in Deed dated May 27, 1983, recorded in Volume 153, Pages 535-538 of the Deed Records of Gillespie County, Texas; and

WHEREAS, NAN MARET KOONE, joined herein pro forma by her husband, RICHARD D. KOONE, owns that 13.0 acre (South) tract described in Deed dated September 6, 1991, recorded in Volume 219, Pages 866-874 of the Deed Records of Gillespie County, Texas; and

WHEREAS, DORAN SMITH and wife, JOYCE SMITH, own that 65.1 acre tract described in Deed dated July 8, 1983, recorded in Volume 154, Pages 357-360 of the Deed Records of Gillespie County, Texas; and

WHEREAS, CHARLES J. SAGEBIEL and wife, MELITHA SAGEBIEL, own that 6.2 acre tract described in Deed dated July 10, 1978, recorded in Volume 126, Pages 29-30 of the Deed Records of Gillespie County, Texas; and

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WHEREAS, CHARLES J. SAGEBIEL and wife, MELITHA SAGEBIEL, own that 218.0 acre Tract "A" of land described in Deed dated July 10, 1978, recorded in Volume 126, Pages 21-26 of the Deed Records of Gillespie County, Texas; and

WHEREAS, THOMAS WAHRMUND, joined herein pro forma by his wife, ELFRIEDA WAHRMUND, owns that 458 acre tract of land described in Deed dated October 15, 1982, recorded in Volume 149, Pages 693-694 of the Deed Records of Gillespie County, Texas; and

WHEREAS, JAMES A. ECKHARDT, a single man, owns that approximately 189 acre tract described in Deed dated June 6, 1978, recorded in Volume 126, Pages 450-451 of the Deed Records of Gillespie County, Texas, SAVE AND EXCEPT that 89 acre tract described in a Gift Deed from James A. Eckhardt to Bryan Keith Eckhardt, et al, dated October 21, 1991, recorded in Volume 221, Pages 940-941 of the Real Property Records of Gillespie County, Texas; and

WHEREAS, BRYAN KEITH ECKHARDT, joined herein pro forma by his wife, SHIRLEY ECKHARDT, KIM SUZANNE ^{Theriot} ~~Theriot~~ ^{Walt} ~~Walt~~ ^{Theriot} ~~Theriot~~ ^{Walt} ~~Walt~~ joined herein pro forma by her husband, KEN ~~Theriot~~ ^{Walt} ~~Walt~~ ^{Theriot} ~~Theriot~~ ^{Walt} ~~Walt~~, and KYLE ROSS ECKHARDT, joined herein pro forma by his wife, LOURIE ECKHARDT, own that 89 acre tract described in a Gift Deed from James A. Eckhardt, dated October 21, 1991, recorded in Volume 221, Pages 940-941 of the Real Property Records of Gillespie County, Texas; and

WHEREAS, LEE HARRY ECKHARDT owns that approximate 194 acre tract described in a Deed dated June 6, 1978, recorded in Volume 126, Pages 452-453 of the Deed Records of Gillespie County, Texas; and

WHEREAS, JERALDINE PEHL, owns that 130.67 acre tract described in a Deed dated December 23, 1988, recorded in Volume 190, Pages 790-791 of the Real Property Records of Gillespie County, Texas; and

WHEREAS, DORAN SMITH and wife, JOYCE SMITH, CHARLES J. SAGEBIEL and wife, MELITHA SAGEBIEL, THOMAS WAHRMUND, JAMES A. ECKHARDT, BRYAN KEITH ECKHARDT, KIM SUZANNE ^{The riot Vest} THEROIT, KYLE ROSS ECKHARDT, JERALDINE PEHL and LEE HARRY ECKHARDT, are herein collectively referred to as "Grantees" and are desirous of having a road easement granted to each of their respective properties across that way described on Exhibit "A", attached hereto and made a part hereof.

WHEREAS, the said CHESTER ECKHARDT, EDWARD A. PETER and wife, RAYE J. PETER, NAN MAPET KOONE, DORAN SMITH and wife, JOYCE SMITH, CHARLES J. SAGEBIEL and wife, MELITHA SAGEBIEL, THOMAS WAHRMUND, JAMES A. ECKHARDT, BRYAN KEITH ECKHARDT, KIM SUZANNE ^{The riot Vest} THEROIT, and KYLE ROSS ECKHARDT, are herein collectively referred to as "Grantors" and each own a portion of that way described on Exhibit "A", attached hereto and made a part hereof; and are willing to grant a road easement to the Grantees.

NOW, THEREFORE, in consideration of the premises, and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS in hand paid by said Grantees to said Grantors, the receipt and sufficiency of which is hereby acknowledged, Grantors hereby grant and convey to Grantees, across each of the Grantors' respective portions of that way described on Exhibit "A", attached hereto and made a part hereof, the free nonexclusive and uninterrupted use, liberty, privilege and easement of passage in and along that way described on Exhibit "A", attached hereto and made a part hereof, together with free ingress, egress and regress, over and across the same, at all times and seasons forever, in, along, upon and out of said way, subject to the further provisions hereof. The right to use and enjoy said easement shall exist in favor of and shall inure to the benefit of Grantees, their heirs, successors and assigns, of any of the herein referred lands owned respectively by Grantees, and their respective heirs, successors and assigns, and all of their tenants, guests and invitees, in common with the Grantors, their successors and assigns. This easement shall further be deemed an easement appurtenant to the respective lands of each Grantee, and each and every portion thereof. The right of ingress and egress provided herein may be exercised by any reasonable means; to have and to hold all and singular the rights and privileges aforesaid to the herein named Grantees, their heirs, successors and assigns, to their proper use and behoof, in common with the Grantors, their

successors and assigns.

The cost of reasonable repairs and maintenance of the herein described easement road shall be shared by those who use such road in proportion to such use.

EXECUTED this 21 day of December, 1994.

Chester Eckhardt
CHESTER ECKHARDT

Mildred Eckhardt
MILDRED ECKHARDT, Pro Forma

Edward A. Peter
EDWARD A. PETER

Raye J. Peter
RAYE J. PETER

Nan Maret Koone
NAN MARET KOONE

Richard D. Koone
RICHARD D. KOONE, Pro Forma

Doran Smith
DORAN SMITH

Joyce Smith
JOYCE SMITH

Charles J. Sagebiel
CHARLES J. SAGEBIEL

THE STATE OF TEXAS, *
COUNTY OF GILLESPIE. *

Field notes of a survey of the centerline of a road made at the request of Charles J. Sagebiel, et al. Said road is situated in Gillespie County, Texas, and passes through part of the George W. Hunt Survey No. 222, Abstract No. 286; through part of the Wilhelm Koennecke Survey No. 726, Abstract No. 385; through part of the Robert J. Calder Survey No. 195, Abstract No. 105; through parts of the following nine (9) tracts, being a 30 feet wide easement through tract 1) described below, and a 40 feet wide easement through tracts 2)-9) described below:

- 1) The West approximately 102 2/5 acres of the Koennecke Place Devised to Chester Eckhardt by the Last Will and Testament of Edwin A. Eckhardt, found of record in Cause No. 6253 of the Probate Records of Gillespie County, Texas;
- 2) That 50.0 acre tract described in a conveyance to Edward A. Peter, et ux, by Woodrow Durst, et ux, dated May 27, 1983, found of record in Volume 153, pages 535-538 of the Deed Records of Gillespie County, Texas;
- 3) That 13.0 acre (south) tract described in a conveyance to the Veterans Land Board of the State of Texas by Delton J. Sagebiel, dated September 6, 1991, found of record in Volume 219, pages 866-874 of the Real Property Records of Gillespie County, Texas;
- 4) That 13.0 acre (north) tract described in a conveyance to the Veterans Land Board of the State of Texas by Delton J. Sagebiel, dated September 6, 1991, found of record in Volume 219, pages 847-856 of the Real Property Records of Gillespie County, Texas;
- 5) That 65.1 acre tract described in a conveyance to Doran Smith, et ux, by Johnny D.M. Sagebiel, et ux, dated July 8, 1983, found of record in Volume 154, pages 357-360 of the Deed Records of Gillespie County, Texas;
- 6) That 6.2 acre tract described in a conveyance to Charles J. Sagebiel, et ux, by Johnny D.M. Sagebiel, et ux, dated July 10, 1978, found of record in Volume 126, pages 29-30 of the Deed Records of Gillespie county, Texas;
- 7) That 218.0 acre Tract "A" described in a conveyance to Charles J. Sagebiel, et ux, by Partition Deed, dated July 10, 1978, found of record in Volume 126, pages 21-26 of the Deed Records of Gillespie county, Texas;
- 8) That 458 acre tract described in a conveyance to Thomas Wahrmond by Elfrieda Wahrmond, dated October 15, 1982, found of record in Volume 149, pages 693-694 of the Deed Records of Gillespie County, Texas;
- 9) That approximately 189 acre tract described in a conveyance to James Eckhardt by Harry F. Eckhardt, et ux, dated June 6, 1978, found of record in Volume 126, pages 450-451 of the Deed Records of Gillespie County, Texas, and including various existing road easements described in aforesaid conveyances.

Said centerline of road is described by metes and bounds as follows, to wit:

BEGINNING at a point in the N.W. right-of-way line of R.M. Highway No. (continued on page 2)

EXHIBIT "A"

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1631, approx. 291.2 feet S. 6 deg. 11 min. E. from the S.E. corner of the Robert J. Calder Survey No. 195, Abstract No. 105, and being a point in the centerline of that road through Eckhardt tract described in a said conveyances to Veterans Land Board of the State of Texas by Delton J. Sagebiel, found of record in Volume 219, pages 847-856 and pages 866-874 of the Real Property Records of Gillespie County, Texas, a concrete right-of-way monument bears S. 14 deg. 00 min. W. 294.7 feet;

THENCE with the centerline of said road, being the road through Eckhardt tract described in said conveyance to the Veterans Land Board of the State of Texas, found of record in Volume 219, pages 847-856 and pages 866-874 of the Real Property Records of Gillespie county, Texas as follows:

N. 15 deg. 55 min. W. 93.1 feet;
N. 31 deg. 45 min. W. 49.4 feet;
N. 57 deg. 00 min. W. 64.8 feet;
N. 75 deg. 42 min. W. 70.8 feet;
N. 86 deg. 03 min. W. 119.5 feet;
N. 80 deg. 14 min. W. 109.1 feet;
N. 53 deg. 20 min. W. 54.8 feet;
N. 10 deg. 00 min. W. 46.4 feet to a point in the north line of

said Chester Eckhardt tract, and in the south boundary of that 50.0 acre tract described in said conveyance to Edward A. Peter, et ux, found of record in Volume 153, pages 535-538 of the Deed Records of Gillespie County, Texas, 11.1 feet west of the S.E. corner of said 50.0 acre tract;

THENCE with the centerline of that road through 50.0 acre tract described of record in Volume 219, pages 847-856 and pages 866-874 of the Real Property Records of Gillespie County, Texas as follows:

N. 10 deg. 00 min. W. 49.5 feet;
N. 0 deg. 25 min. 40 sec. E. 801.8 feet to a point in the north boundary of said 50.0 acre tract and in the south boundary of that 13.0 acre (south) tract described of record in Volume 219, pages 866-874 of the Real Property Records of Gillespie County, Texas, 20.0 feet S. 89 deg. 59 min. W. of the S.E. corner of said 13.0 acre tract;

THENCE with the centerline of road through said 13.0 acre (south) tract and that 13.0 acre (north) tract described of record in Volume 219, pages 847-856 of the Real Property Records of Gillespie County, Texas as follows:

N. 0 deg. 25 min. 40 sec. E. 529.7 feet;
N. 0 deg. 25 min. 40 sec. E. 462.0 feet to a point in the north boundary of said 13.0 acre (north) tract, and in the south boundary of that 65.1 acre tract described of record in said conveyance to
(continued on page 3)

EXHIBIT "A"

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Doran Smith, et ux, found of record in Volume 154, pages 357-360 of the Deed Records of Gillespie County, Texas, 20.2 feet N. 81 deg. 37 min. W. from the S.E. corner of said 65.1 acre tract;

THENCE with the centerline of said road, N. 0 deg. 25 min. E. 698.5 feet to a point in the north boundary of said 65.1 acre tract and in the south boundary of that 6.2 acre tract described in said conveyance to Charles J. Sagebiel, et ux, found of record in Volume 126, pages 29-30 of the Deed Records of Gillespie County, Texas, 20.2 feet N. 82 deg. 02 min. W. of the S.E. corner of said 6.2 acre tract;

THENCE with the centerline of said road, as follows:

N. 0 deg. 25 min. E., crossing Spring Creek, 626.4 feet in all;
N. 6 deg. 46 min. W. 75.2 feet;
N. 0 deg. 34 min. E. 419.0 feet, a steel bar set in fence for reference bears N. 68 deg. 09 min. E. 22.3 feet;
N. 45 deg. 32 min. W. 198.7 feet, a steel bar set for reference bears N. 55 deg. E. 20.8 feet;
N. 24 deg. 39 min. W. 110.8 feet;
N. 41 deg. 21 min. W. 100.5 feet;
N. 67 deg. 47 min. W. 316.7 feet;
N. 71 deg. 38 min. W. 241.4 feet;
N. 60 deg. 36 min. W. 207.8 feet;
N. 56 deg. 18 min. W. 342.7 feet;
N. 43 deg. 01 min. W. 283.3 feet;
N. 63 deg. 47 min. W. 475.4 feet;
N. 79 deg. 51 min. W. 292.2 feet;
N. 63 deg. 44 min. W. 164.8 feet;
N. 44 deg. 33 min. W. 220.8 feet;
N. 58 deg. 27 min. W. 90.2 feet to a point in the west boundary of that 218.0 acre Tract "A" described in said conveyance to Charles J. Sagebiel, et ux, found of record in Volume 126, pages 21-26 of the Deed Records of Gillespie County, Texas, and in the east boundary of that 458 acre tract described in said conveyance to Thomas Wahrmond by Elfrieda Wahrmond, found of record in Volume 149, pages 693-694 of the Deed Records of Gillespie County, Texas, approximately 1834 feet south of it's N.E. corner;

THENCE with the centerline of said road as follows:

N. 54 deg. 37 min. W. 457.9 feet;
N. 50 deg. 23 min. W. 270.9 feet;
N. 38 deg. 58 min. W. 118.7 feet;
N. 22 deg. 13 min. W. 120.1 feet;
N. 12 deg. 48 min. W. 129.6 feet;
N. 21 deg. 20 min. W. 80.9 feet;
N. 48 deg. 04 min. W. 831.7 feet;
N. 34 deg. 17 min. W. 105.0 feet;
N. 53 deg. 47 min. W. 226.0 feet;
N. 46 deg. 59 min. W. 270.4 feet to a point in road intersection;
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THENCE with the right-hand fork of said road, N. 2 deg. 50 min. W. 59.3 feet to a point in the north boundary of said 458 acre tract and in the south boundary of that 130.67 acre tract, more or less, described in said conveyance to Jeraldine Pehl, found of record in Volume 190, pages 790-791 of the Deed Records of Gillespie County, Texas, 20.0 feet N. 89 deg. 27 min. E. of it's S.W. corner, for the end of said right-hand fork of said road;

THENCE continuing with the left hand fork of said road, from said intersection point, N. 39 deg. 38 min. W. 77.0 feet to a point in the north boundary of said 458 acre tract, and in the south boundary of that approx. 189 acre tract described in said conveyance to James Eckhardt, found of record in Volume 126, pages 450-451 of the Deed Records of Gillespie County, Texas, 26.2 feet N. 89 deg. 22 min. W. of the S.E. corner of said 189 acre tract;

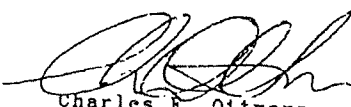
THENCE with the centerline of said road as follows:

N. 41 deg. 31 min. W. 418.7 feet;
N. 35 deg. 58 min. W. 605.1 feet;
N. 39 deg. 28 min. W. 228.2 feet;
N. 34 deg. 02 min. W. 229.1 feet;
N. 35 deg. 41 min. W. 610.7 feet;
N. 27 deg. 46 min. W. 149.9 feet;
N. 35 deg. 49 min. W. 191.3 feet to a point in road intersection;

THENCE with the left hand fork of said road as follows:

N. 52 deg. 42 min. W. 110.0 feet;
S. 57 deg. 28 min. W. 94.0 feet;
S. 83 deg. 28 min. W. 208.6 feet;
N. 39 deg. 29 min. W. 403.6 feet;
N. 51 deg. 55 min. W. 75.3 feet;
N. 27 deg. 18 min. W. 173.1 feet;
N. 52 deg. 01 min. W. 178.6 feet;
N. 81 deg. 01 min. W. 38.5 feet to a point in the west boundary of said 189 acre tract and in the east boundary of that approx. 194 acre tract described in said conveyance to Lee Harry Eckhardt, found of record in Volume 126, pages 452-453 of the Deed Records of Gillespie County, Texas, approximately 183 feet south of a S.E. reentrant corner of said 194 acre tract, for the end of this survey and description of the centerline of said 40 ft. wide road.

Survey completed June 16, 1993


Charles E. Ottmers
Reg. Prof. Land Surveyor

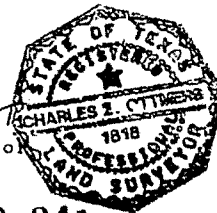


EXHIBIT "A"

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