

April 10, 2026

Mr. Mark Merrell  
McFarland PLLC  
811 Louisiana St., Suite 2520  
Houston, Texas 77002

Via Email: [mmerrell@mcfarlandpllc.com](mailto:mmerrell@mcfarlandpllc.com)

Re: **TRE 408 Rule 11 Agreement** – Acquisition of 2.309 acre parcel in fee simple title Cause No. 2025CV0719, *City of New Braunfels, Texas v. Joe Henry Tays, Individually and as Independent Executor of the Estate of Frederick Frueholz, Jr. (Deceased)*, in The County Court at Law No. 3, Comal County, Texas.

Mr. Merrell:

This letter shall serve as a binding Rule 11 Agreement between the parties regarding the above-referenced Cause No. and serves to memorialize the agreement between our clients regarding the acquisition of fee simple title to a portion of a tract owned by your client, Joe Henry Tays, Individually and as Independent Executor of the Estate of Frederick Frueholz, Jr. (the “Landowner”) in Comal County, Texas. This agreement includes the amount of compensation to be paid by the City of New Braunfels, Texas (“City”) to your client. We appreciate your client’s cooperation in reaching an agreement on the acquisition of the rights that City seeks to acquire. The parties have agreed to the total compensation of One Million Twenty-Five Thousand Two Hundred and No/100 Dollars (\$1,025,200.00) for all of the rights detailed below and subject to the following terms:

1. The parties agree that upon approval of the settlement by the City of New Braunfels City Council, City will pay Landowner the sum of \$1,025,200.00 for fee simple title to a 2.309-acre tract, or 100,568 square feet more or less (the “Subject Property”) out of the 42.532-acre tract owned by Landowner in Comal County, Texas, said tract is described and depicted in **Exhibit A**, which is appended hereto and incorporated for all purposes;
2. The transaction will be closed at Corridor Title Company, whose office is located at 410 W. San Antonio, Texas 78130 (the “Title Company”);
3. Upon approval of the settlement by the City of New Braunfels City Council, City will deliver a check for the agreed upon compensation to the Title Company, said check to be held in escrow. The check from the title company for acquisition will be made out as follows: McFarland PLLC F/B/O Joe H. Tays, Individually and as Independent Executor of the Estate of Frederick Frueholz, Jr. The City shall be responsible for all costs associated with the closing;
4. At the closing, an Executor’s Deed will be executed by Mr. Tays as set forth in Exhibit B, which is appended hereto and incorporated for all purposes. Mr. Tays will also execute a Warranty Deed as set forth in Exhibit C, which is appended hereto and incorporated for all

purposes. Upon execution of the Executor's Deed and Warranty Deed conveying the Subject Property, Title Company shall disburse funds to counsel for Landowner and record the documents in the Official Public Records of Comal County, Texas;

5. Within 30 days of the recording of the Executor's Deed and Warranty Deed, counsel for City shall file a Notice of Non-Suit with the Court and record a Release of Lis Pendens in the Official Public Records of Comal County, Texas.
6. This agreement is subject to Texas Rule of Evidence 408.

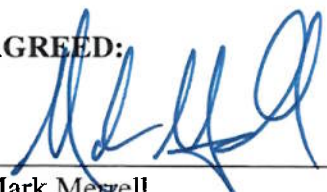
Please sign in the space provided below to signify that the terms above reflect the agreement of the parties in this matter and return this letter to me at your earliest convenience.

If Landowner is not in agreement with these settlement terms, please contact me so that we may discuss this matter further.

Respectfully,

  
A.A. Jack Ross, IV  
**ATTORNEY FOR**  
**CITY OF NEW BRAUNFELS, TEXAS**

**AGREED:**

  
\_\_\_\_\_  
Mark Merrell  
**ATTORNEY FOR LANDOWNER,**  
**JOE HENRY TAYS, INDIVIDUALLY AND**  
**AS INDEPENDENT EXECUTOR OF THE**  
**ESTATE OF FREDERICK FRUEHOLZ, JR. (DECEASED)**

# EXHIBIT A



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

2806 W. Bitters Road, Suite 218 • San Antonio, Texas 78248 • Phone (210) 641-9999

**FIELD NOTES  
FOR  
PARCEL 4 – FREDERICK FRUEHOLZ JR.  
KOHLENBERG ROAD R.O.W.  
2.309 Acres (100,568 Square Foot)**

Being a 2.309 acre (100,568 square foot) tract of land in the A.M. Esnaurizar Survey No. 98, of Comal County, Texas and being out of the called 239.708 acre tract recorded in Document No. 201306045302 of the Official Public Records (O.P.R.C.C.) of Comal County, Texas; and being more specifically out of the called 49.64 acre 1<sup>st</sup> Parcel of said 239.708 acres recorded as Volume 78, Page 399 - Tr. 2, O.P.R.C.C, said 2.309 acre tract being more particularly described by metes and bounds as follows:

**COMMENCING** at ½” iron rod found in the existing southwest right-of-way (ROW) line of Kohlenberg Road (variable width ROW); a second found ½” iron rod with Sherwood cap at the south corner of Lot 1, Block 1 of the Continental Nautilus Subdivision as shown on the plat recorded in Document No. 202106015426 of the Official Map Records (O.M.R.C.C.) of Comal County, Texas bears S 42°42’02” W – 1378.78 feet;

THENCE S 44°38’41” E, with said southwest ROW of Kohlenberg Road, for a distance of 347.78 feet to a set ½” iron rod with KCI plastic cap for the **POINT OF BEGINNING** at the north corner of this description;

THENCE S 44°38’41” E, continuing with said southwest ROW line of Kohlenberg Road, for a distance of 1302.05 feet to a set ½” iron rod with KCI plastic cap at the west existing right-of-way (ROW) cutback line of FM 1101;

THENCE S 00°22’39” E, with said cutback line, for a distance of 71.91 feet to a set ½” iron rod with KCI plastic cap;

THENCE with a curve to the left having a radius of 1168.28 feet and a central angle of 01°11’40”, the chord bears S 46°16’07” W – 24.73 feet to a set ½” iron rod with KCI plastic cap;

THENCE S 45°40’17” W with the existing northwest ROW line of FM 1101 for a distance of 58.80 feet to a set 5/8” iron rod with aluminum cap stamped “TxDOT ROW” at the south corner of this description;

THENCE through the 239.708 acre tract for the following three (3) courses:

N 01°40'29" W for a distance of 69.85 feet to a set 5/8" iron rod with aluminum cap stamped "TxDOT ROW" for an angle point;

N 40°33'19" W for a distance of 178.02 feet to a set 5/8" iron rod with aluminum cap stamped "TxDOT ROW" for an angle point;

N 44°36'02" W for a distance of 1123.74 feet to a set 5/8" iron rod with aluminum cap stamped "TxDOT ROW" on the southeast line of the remainder of the Lynn Wohlfahrt 92.49 acre tract recorded in Document No. 200306025956 O.P.R.C.C., Comal County, Texas:

THENCE N 45°02'10" E with said southeast line for a distance of 72.55 feet to the **POINT OF BEGINNING**, and containing 2.309 acres (100,568 square foot) of land, more or less

- Bearings source is between the first and last two 1/2" iron rods described above found on the southeast line of Lot 1, Block 1, and shown as N 42°42'02" E as derived from GPS observation based on NAD 83(2011), Texas State Plane Coordinate System - South Central Zone (4203).

I hereby certify that this description conforms to the minimum standards set forth by the Texas Board of Professional Engineers and Land Surveyors according to an actual survey made on the ground by employees of KCI Technologies."

Date: *October 23, 2024*

*Gary B Neill*

Gary B. Neill  
R.P.L.S. #3964  
Firm No. 101943-65



Warning: Only those copies with the Signature and Seal in red should be relied upon.

CONB Kohlenberg  
Project Number: 45E0619602  
00002476\_00004.004

Q:\Proj\_2023\_KCI\45E0619602 - CONB Kohlenberg\M&Bs\M&B-2.309Ac-Parcel 4\_TxDOT\_ROW.docx  
Page 2 of 2

**A.M. ESNAURIZAR SURVEY  
ABSTRACT NO. 98  
KOHLEBERG ROAD  
(VARIABLE WIDTH ROW)  
S44°38'41"E 1302.05'**

POINT OF BEGINNING

POINT OF COMMENCING



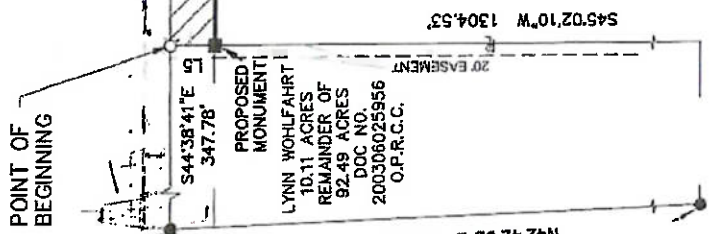
**LEGEND**

- PROPOSED R.O.W. LINE
- EXISTING R.O.W. LINE
- PROPERTY LINE
- SURVEY LINE
- FENCE LINE
- OFFICIAL PUBLIC RECORDS
- OFFICIAL MAP RECORDS
- O.P.R.C.C. - COMAL COUNTY
- O.M.R.C.C. - COMAL COUNTY
- D.R.C.C. - DEED RECORDS
- S.L. - SUBDIVISION LINE
- U.E. - UTILITY EASEMENT
- S.B.L. - SETBACK LINE
- A.E. - AERIAL EASEMENT
- D.E. - DRAINAGE EASEMENT

- = 5/8-INCH IRON ROD WITH ALUMINUM CAP STAMPED "TXDOT R.O.W." SET, UNLESS OTHERWISE NOTED.
- ⊙ = TXDOT ROW MARKER FOUND (DM TYPE II)
- ⊙ = TXDOT ROW MARKER FOUND (DM TYPE III)
- ⊙ = TXDOT ROW MARKER FOUND (CONC MON TYPE I)
- = 1/2" IRON ROD FOUND UNLESS OTHERWISE DESCRIBED AS NOTED
- = 1/2" IRON ROD WITH SHERWOOD ID CAP FOUND
- = 1/2" IRON ROD SET WITH KCI CAP

**NOTES:**

1. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, (4203), NORTH AMERICAN DATUM OF 1983 (NAD 83). ALL COORDINATES SHOWN ARE SURFACE COORDINATES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE TXDOT SCALE FACTOR OF 1.000014.
2. FIELD SURVEYS WERE COMPLETED IN JULY 3, 2024. MONUMENTS SET OCTOBER 14, 2024
3. SURVEY LINES SHOWN ARE APPROXIMATE AND BASED ON THE BEST AVAILABLE INFORMATION.
4. REMAINDER AC. (ACREAGE) AREAS ARE THE DIFFERENCE BETWEEN THE RECORD DEED DESCRIPTION'S AREAS OR THEIR REMAINDERS (PER THE DOCUMENT NO. SHOWN) AND THE MEASURED AREA OF THE PROPOSED RIGHT OF WAY.



**FREDERICK FRUEHOLZ JR**  
239.708 ACRES  
DOC NO. 201306045302  
(1ST. PARCEL VOL. 78, PG. 399  
TR 2--49.64 AC.)  
O.P.R.C.C.

**LYNN WOHLFAHRT**  
10.11 ACRES  
REMAINDER OF  
92.49 ACRES  
DOC NO.  
200306025956  
O.P.R.C.C.

PARENT TRACT INSET FOR  
PARCEL NO. 4

LINE	BEARING	LENGTH
L1	S00°22'39"E	71.91'
L2	S45°40'17"W	58.80'
L3	N01°40'29"W	69.85'
L4	N40°33'19"W	178.02'
L5	N45°02'10"E	72.55'

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	DISTANCE
C1	1186.28'	24.73'	117°40'	S46°16'07"W	24.73'



I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

*Gary B. Neill 10/23/2024*  
GARY B. NEILL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 3954  
DATE

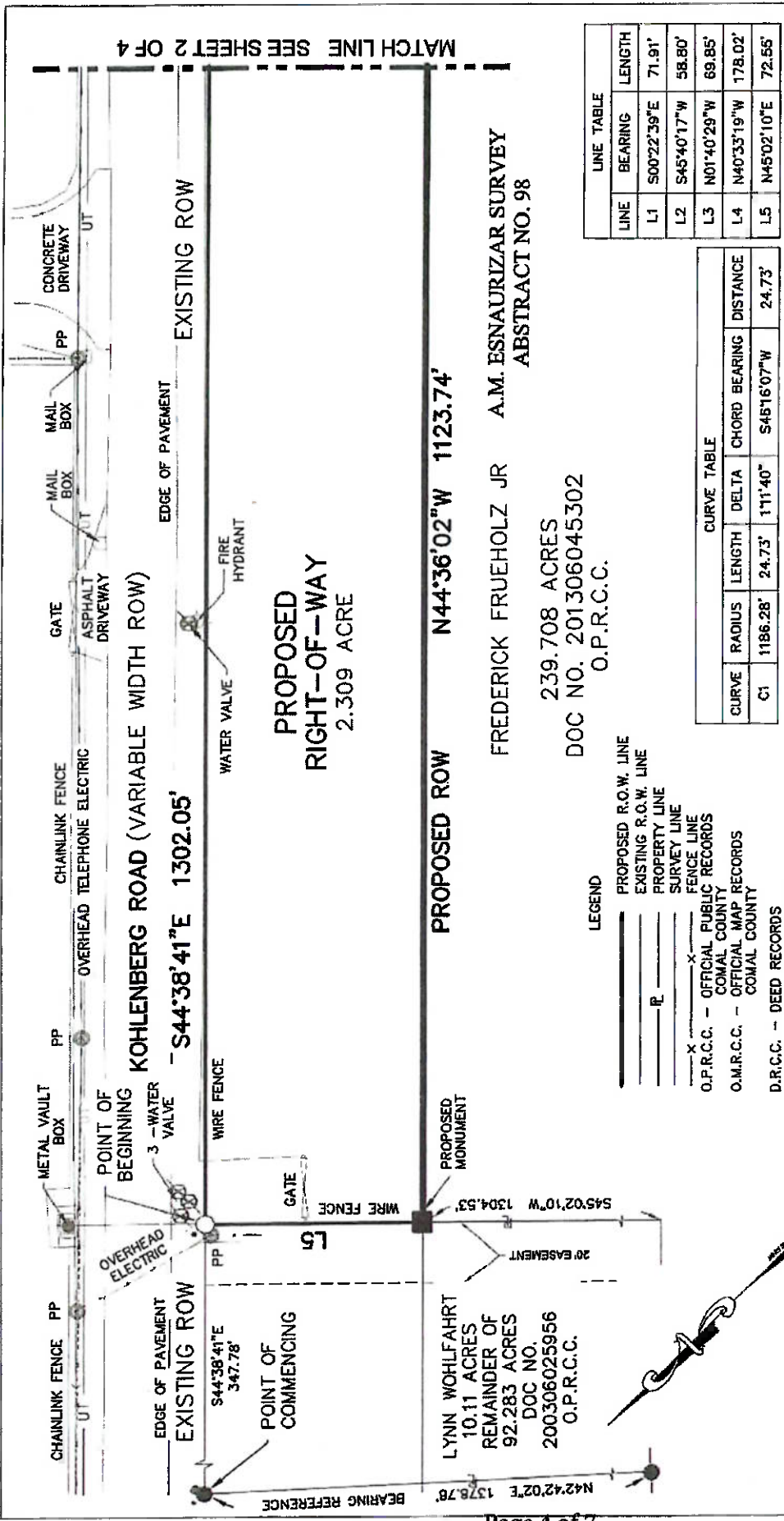
AREA TABLE (ACRES)		REMAINDER AC.	
EXISTING AC.	TAKING AC./S.F.	LEFT	RIGHT
239.708	2,309		237.399
PER DEED	100,568		

**KCI TECHNOLOGIES, INC.**  
2005 W. BERTHOUD ROAD  
SUITE 100  
FRANKLIN, TEXAS 78729  
PHONE: (512) 441-1100  
FAX: (512) 441-1100  
RESIDENTIAL PROFESSIONAL SURVEYORS

**KCI TECHNOLOGIES**  
PARCEL PLAT  
SHOWING

PARCEL NO. 4  
KOHLEBERG ROAD  
COMAL COUNTY

PAGE 4 OF 4  
SCALE: 1" = 300'



MATCH LINE SEE SHEET 2 OF 4

**PROPOSED  
RIGHT-OF-WAY  
2.309 ACRE**

**PROPOSED ROW N44°36'02"W 1123.74'**

FREDERICK FRUEHOLZ JR A.M. ESNAURIZAR SURVEY  
ABSTRACT NO. 98

239.708 ACRES  
DOC NO. 201306045302  
O.P.R.C.C.

LYNN WOHLFAHRT  
10.11 ACRES  
REMAINDER OF  
92.283 ACRES  
DOC NO.  
200306025956  
O.P.R.C.C.

LINE	BEARING	LENGTH
L1	S00°22'39"E	71.91'
L2	S45°40'17"W	58.80'
L3	N01°40'29"W	69.85'
L4	N40°33'19"W	178.02'
L5	N45°02'10"E	72.55'

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	DISTANCE
C1	1186.28'	24.73'	1°11'40"	S48°16'07"W	24.73'

**LEGEND**

- PROPOSED R.O.W. LINE
- EXISTING R.O.W. LINE
- PROPERTY LINE
- SURVEY LINE
- FENCE LINE
- X — O.P.R.C.C. — OFFICIAL PUBLIC RECORDS COMAL COUNTY
- O.M.R.C.C. — OFFICIAL MAP RECORDS COMAL COUNTY
- D.R.C.C. — DEED RECORDS COMAL COUNTY
- UT — UNDERGROUND TELEPHONE
- P.U.E. — UTILITY EASEMENT
- S.B.L. — SETBACK LINE
- UG. — UNDERGROUND GAS
- PBX — ELECTRIC PULL BOX
- CMP — CORRUGATED METAL PIPE
- P.P. — POWER POLE
- = 5/8-INCH IRON ROD WITH ALUMINUM CAP STAMPED "TXDOT R.O.W." SET, UNLESS OTHERWISE NOTED.
- ⊙ = TXDOT ROW MARKER FOUND (DM TYPE II)
- ⊙ = TXDOT ROW MARKER FOUND (DM TYPE III)
- ⊙ = 1/2" IRON ROD FOUND (CONC MON TYPE I) DESCRIBED AS NOTED
- ⊙ = 1/2" IRON ROD WITH SHERWOOD ID CAP FOUND
- ⊙ = 1/2" IRON ROD SET WITH KCI CAP

**NOTES:**

1. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983 (NAD 83). ALL COORDINATES SHOWN ARE SURFACE COORDINATES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE TXDOT SCALE FACTOR OF 1.00014.
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HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

*Gary B. McMill*  
DATE 10/23/2024

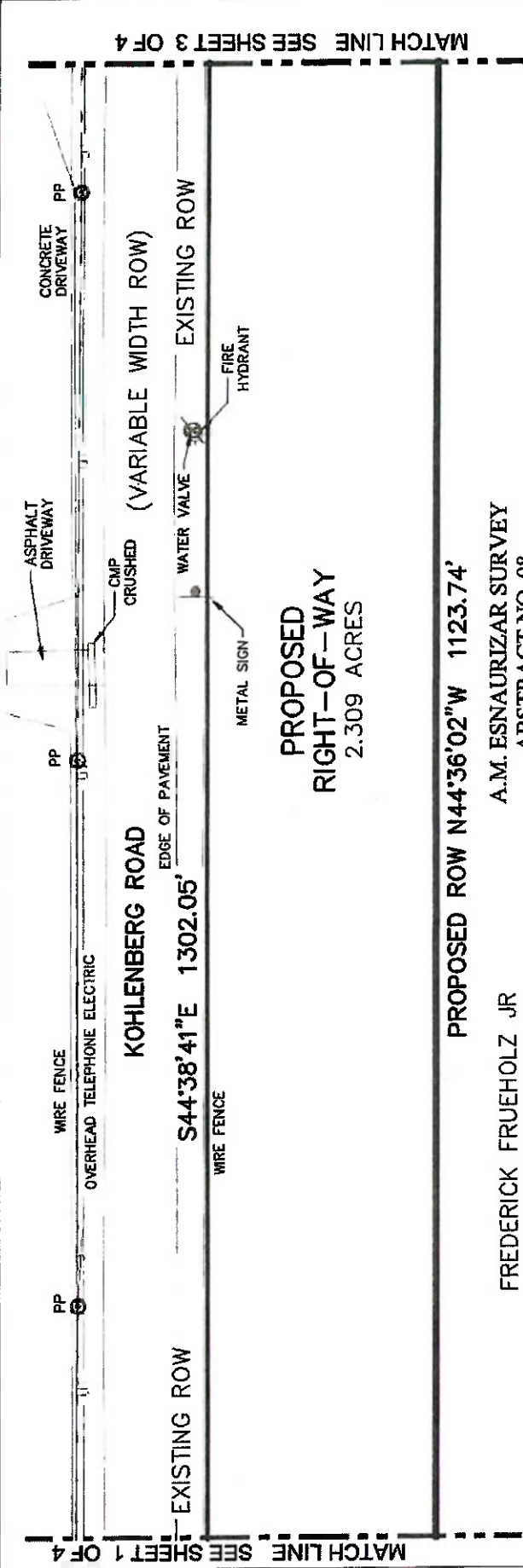
GARY B. McMILL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 3964

AREA TABLE (ACRES)	
EXISTING AC.	REMAINDER AC.
239.708	
PER DEED	237.399

**KCI TECHNOLOGIES, INC.**  
200 W. SHERWOOD ROAD  
SUITE 100  
DALLAS, TEXAS 75244  
REGISTRATION NO. 010207/RENEWED 04/24

**PARCEL PLAT**  
SHOWING  
**PARCEL NO. 4**  
KOHLENBERG ROAD  
COMAL COUNTY

SCALE: 1:50  
PAGE 1 OF 4



MATCHLINE SEE SHEET 1 OF 4

MATCHLINE SEE SHEET 3 OF 4

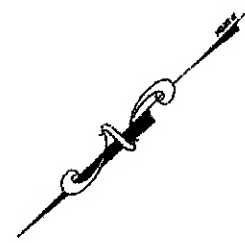
**PROPOSED  
RIGHT-OF-WAY  
2.309 ACRES**

**PROPOSED ROW N44°36'02"W 1123.74'**

**A.M. ESNAURIZAR SURVEY  
ABSTRACT NO. 98**

**FREDERICK FRUEHOLZ JR**

**239.708 ACRES  
DOC NO. 201306045302  
O.P.R.C.C.**



- LEGEND**
- PROPOSED R.O.W. LINE
  - EXISTING R.O.W. LINE
  - PROPERTY LINE
  - SURVEY LINE
  - FENCE LINE
  - O.P.R.C.C. - OFFICIAL PUBLIC RECORDS COMAL COUNTY
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  - P.P. - POWER POLE
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  - ⊙ = TXDOT ROW MARKER FOUND (DM TYPE II)
  - ⊙ = TXDOT ROW MARKER FOUND (DM TYPE III)
  - ⊙ = TXDOT ROW MARKER FOUND (CONC MON TYPE I)
  - = 1/2" IRON ROD FOUND UNLESS OTHERWISE DESCRIBED AS NOTED
  - = 1/2" IRON ROD SET WITH KCI CAP

**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	DISTANCE
C1	1186.28'	24.73'	111°40'	S46°16'07"W	24.73'

**LINE TABLE**

LINE	BEARING	LENGTH
L1	S00°22'39"E	71.91'
L2	S45°40'17"W	56.80'
L3	N01°40'29"W	69.85'
L4	N40°33'19"W	178.02'
L5	N45°02'10"E	72.55'

**AREA TABLE (ACRES)**

EXISTING AC.	TAKING AC./S.F.	REMAINDER AC.
239.708	2.309	237.399
PER DEED	100,568	

**KCI TECHNOLOGIES, INC.**  
 2024 W. WATKINS ROAD  
 SAN ANTONIO, TEXAS 78248  
 PHONE: (214) 441-1000  
 REGISTRATION NO. 14712/14102/246

**GARY B. NEILL**  
 I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

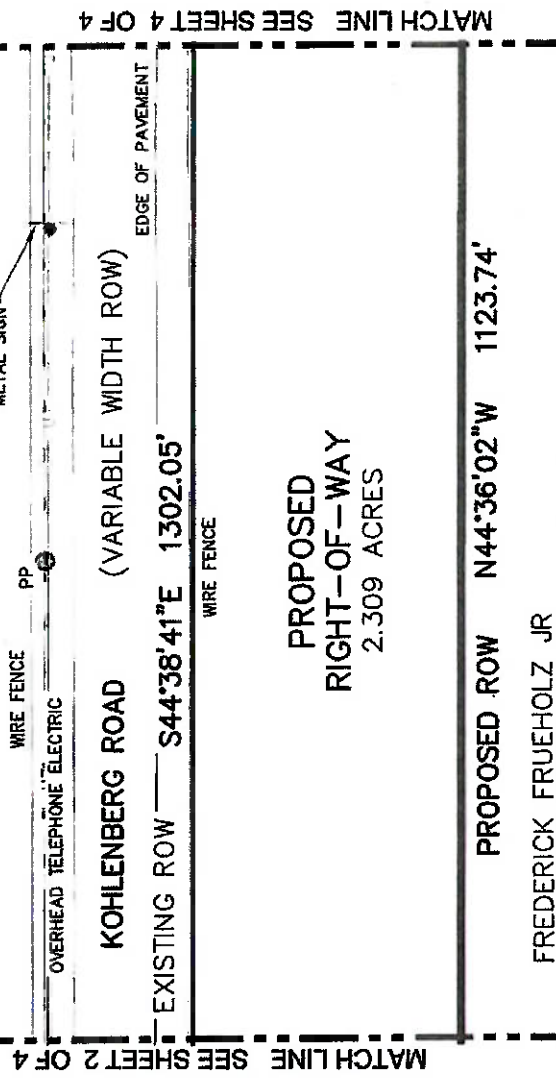
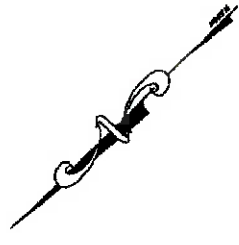
*Gary B. Neill 10/23/2024*  
 DATE

**GARY B. NEILL**  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 3984

- NOTES:**
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**PARCEL PLAT  
SHOWING**

**PARCEL NO. 4  
KOHLENBERG ROAD  
COMAL COUNTY**



MATCH LINE SEE SHEET 4 OF 4

MATCH LINE SEE SHEET 2 OF 4

**PROPOSED  
RIGHT-OF-WAY  
2.309 ACRES**

**PROPOSED ROW N44°36'02"W 1123.74'**

**FREDERICK FRUEHOLZ JR**  
**A.M. ESNAURIZAR SURVEY**  
**ABSTRACT NO. 98**  
 239.708 ACRES  
 DOC NO. 201306045302  
 O.P.R.C.C.

**LEGEND**

- PROPOSED R.O.W. LINE
- EXISTING R.O.W. LINE
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**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	DISTANCE
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*Gary B. Neill* 10/29/2024  
 GARY B. NEILL DATE  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 3964

**AREA TABLE (ACRES)**

EXISTING AC.	TAKING AC./S.F.	REMAINDER AC.
239.708	2.309	237.399
PER DEED	100,568	

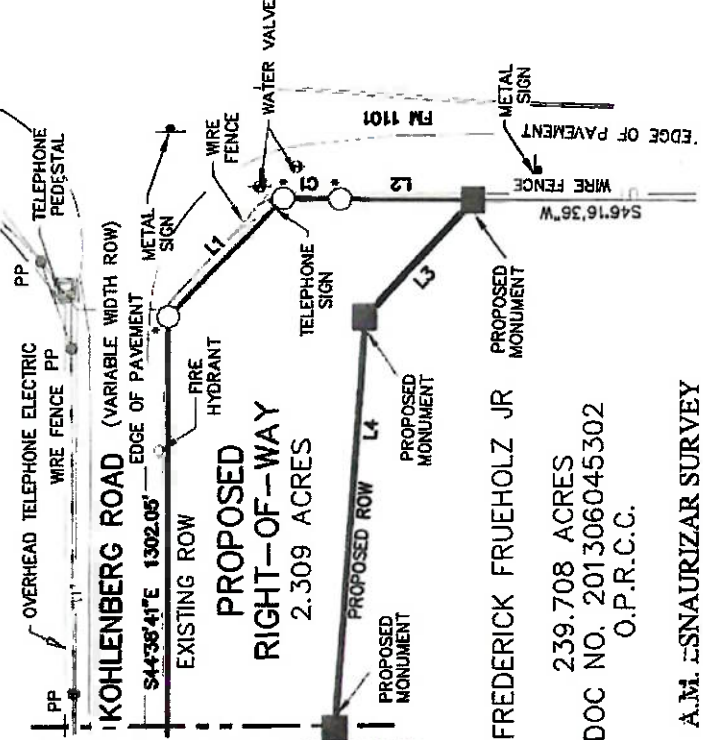
**KCI TECHNOLOGIES, INC.**  
 KCI TECHNOLOGIES  
 10000 W. UNIVERSITY BLVD  
 SUITE 1000  
 FORT WORTH, TEXAS 76134  
 REGISTRATION NO. 201306045302

PARCEL PLAT SHOWING

PARCEL NO. 4  
 KOHLENBERG ROAD  
 COMAL COUNTY



3 OF 4 SHEETS



FREDERICK FRUEHOLZ JR  
 239.708 ACRES  
 DOC NO. 201306045302  
 O.P.R.C.C.  
 A.M. SNAURIZAR SURVEY  
 ABSTRACT NO. 98

- LEGEND**
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  - COMAL COUNTY

- D.R.C.C. — DEED RECORDS
- UT — UNDERGROUND TELEPHONE
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L1	S00°22'39"E	71.91'
L2	S45°40'17"W	58.80'
L3	N01°40'29"W	69.85'
L4	N40°33'19"W	178.02'
L5	N45°02'10"E	72.55'

CURVE TABLE			
CURVE	RADIUS	LENGTH	CHORD BEARING
C1	1186.28'	24.73'	S46°16'07"W

AREA TABLE (ACRES)		
EXISTING AC.	TAKING AC./S.F.	REMAINDER AC.
239.708	2.309	237.399
PER DEED		100,568

**KCI TECHNOLOGIES, INC.**  
 2005 W. JEFFERSON ROAD  
 SUITE 100  
 FORT WORTH, TEXAS 76104-4408  
 REGISTRATION #007126104-08



I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

*Gary B Neill* 10/31/2024  
 GARY B. NEILL DATE  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 3964

PARCEL PLAT  
 SHOWING  
 PARCEL NO. 4  
 KOHLENBERG ROAD  
 COMAL COUNTY

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS:  
YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

### **EXECUTOR'S DEED**

Date: **April \_\_\_\_**, 2026

Grantor: **JOE HENRY TAYS, Independent Executor of the Estate of FREDERICK FRUEHOLZ, JR., Deceased, Cause Number 2019PCB0079, County Court at Law of Comal County, Texas, Sitting in Matters Probate**

Grantee: **JOE HENRY TAYS, as his sole and separate property**

Grantee's Address: **2286 River Oaks Drive  
New Braunfels, Texas 78132**

Consideration:

**In accordance with the terms of the Last Will and Testament of FREDERICK FRUEHOLZ, JR., Deceased, Cause Number 2019PCB0079, County Court at Law of Comal County, Texas, Sitting in Matters Probate**

Property: (including any improvements) All of Grantor's interest in and to:

See Exhibits "A" attached hereto and made a part hereof.



**Reservations from and Exceptions to Conveyance:**

All and singular, the restrictions, conditions, easements and covenants, if any, applicable to and enforceable against the above described property as reflected by the records of the County Clerk of Comal County, Texas.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

---

**JOE HENRY TAYS, Independent Executor of the  
Estate of FREDERICK FRUEHOLZ, JR., Deceased,  
Cause Number 2019PCB0079, County Court at  
Law of Comal County, Texas, Sitting in Matters  
Probate**

STATE OF TEXAS  
COUNTY OF COMAL

§  
§

This instrument was acknowledged before me on this the \_\_\_\_ day of April, 2026, by **JOE HENRY TAYS, Independent Executor of the Estate of FREDERICK FRUEHOLZ, JR., Deceased, Cause Number 2019PCB0079, County Court at Law of Comal County, Texas, Sitting in Matters Probate.**

---

Notary Public, State of Texas

22aaa Executors deed

# EXHIBIT A



ISO 9001:2015 CERTIFIED

ENGINEERS · PLANNERS · SCIENTISTS · CONSTRUCTION MANAGERS

2806 W. Bitters Road, Suite 218 • San Antonio, Texas 78248 • Phone (210) 641-9999

**FIELD NOTES  
FOR  
PARCEL 4 – FREDERICK FRUEHOLZ JR.  
KOHLENBERG ROAD R.O.W.  
2.309 Acres (100,568 Square Foot)**

Being a 2.309 acre (100,568 square foot) tract of land in the A.M. Esnaurizar Survey No. 98, of Comal County, Texas and being out of the called 239.708 acre tract recorded in Document No. 201306045302 of the Official Public Records (O.P.R.C.C.) of Comal County, Texas; and being more specifically out of the called 49.64 acre 1<sup>st</sup> Parcel of said 239.708 acres recorded as Volume 78, Page 399 - Tr. 2, O.P.R.C.C, said 2.309 acre tract being more particularly described by metes and bounds as follows:

**COMMENCING** at ½" iron rod found in the existing southwest right-of-way (ROW) line of Kohlenberg Road (variable width ROW); a second found ½" iron rod with Sherwood cap at the south corner of Lot 1, Block 1 of the Continental Nautilus Subdivision as shown on the plat recorded in Document No. 202106015426 of the Official Map Records (O.M.R.C.C.) of Comal County, Texas bears S 42°42'02" W – 1378.78 feet;

**THENCE** S 44°38'41" E, with said southwest ROW of Kohlenberg Road, for a distance of 347.78 feet to a set ½" iron rod with KCI plastic cap for the **POINT OF BEGINNING** at the north corner of this description;

**THENCE** S 44°38'41" E, continuing with said southwest ROW line of Kohlenberg Road, for a distance of 1302.05 feet to a set ½" iron rod with KCI plastic cap at the west existing right-of-way (ROW) cutback line of FM 1101;

**THENCE** S 00°22'39" E, with said cutback line, for a distance of 71.91 feet to a set ½" iron rod with KCI plastic cap;

**THENCE** with a curve to the left having a radius of 1168.28 feet and a central angle of 01°11'40", the chord bears S 46°16'07" W – 24.73 feet to a set ½" iron rod with KCI plastic cap;

**THENCE** S 45°40'17" W with the existing northwest ROW line of FM 1101 for a distance of 58.80 feet to a set 5/8" iron rod with aluminum cap stamped "TxDOT ROW" at the south corner of this description;

THENCE through the 239.708 acre tract for the following three (3) courses:

- N 01°40'29" W for a distance of 69.85 feet to a set 5/8" iron rod with aluminum cap stamped "TxDOT ROW" for an angle point;
- N 40°33'19" W for a distance of 178.02 feet to a set 5/8" iron rod with aluminum cap stamped "TxDOT ROW" for an angle point;
- N 44°36'02" W for a distance of 1123.74 feet to a set 5/8" iron rod with aluminum cap stamped "TxDOT ROW" on the southeast line of the remainder of the Lynn Wohlfahrt 92.49 acre tract recorded in Document No. 200306025956 O.P.R.C.C., Comal County, Texas:

THENCE N 45°02'10" E with said southeast line for a distance of 72.55 feet to the POINT OF BEGINNING, and containing 2.309 acres (100,568 square foot) of land, more or less

- Bearings source is between the first and last two 1/2" iron rods described above found on the southeast line of Lot 1, Block 1, and shown as N 42°42'02" E as derived from GPS observation based on NAD 83(2011), Texas State Plane Coordinate System - South Central Zone (4203).

I hereby certify that this description conforms to the minimum standards set forth by the Texas Board of Professional Engineers and Land Surveyors according to an actual survey made on the ground by employees of KCI Technologies."

Date: *October 23, 2024*

*Gary B Neill*

Gary B. Neill  
R.P.L.S. #3964  
Firm No. 101943-65



Warning: Only those copies with the Signature and Seal in red should be relied upon.

CONB Kohlenberg  
Project Number: 45E0619602  
00002476\_00004.004

Q:\Proj\_2023\_KCM45E0619602 - CONB Kohlenberg\M&B\M&B-2.309Ac-Parcel 4\_TxDOT\_ROW.docx  
Page 2 of 2

**A.M. ESNAURIZAR SURVEY  
ABSTRACT NO. 98**

KOHLBERG ROAD  
(VARIABLE WIDTH ROW)

S44°38'41"E 1302.05'

EXISTING ROW

PROPOSED ROW

M44°36'02"W 1123.74'

PARCEL NO. 4

FREDERICK FRUEHOLZ JR

239.708 ACRES

DOC NO. 2013065045302

(1ST. PARCEL VOL. 78, PG. 399

TR 2-48.64 AC.)

O.P.R.C.C.

POINT OF BEGINNING

POINT OF COMMENCING

544°38'41"E 347.78'

PROPOSED MONUMENT

LYNN WOHLFAHRT

10.11 ACRES

REMAINDER OF

92.48 ACRES

DOC NO.

200306029556

O.P.R.C.C.

BEARING REFERENCE

N42°42'02"E 1378.78'

EXISTING ROW

PROPOSED ROW

M44°36'02"W 1123.74'

PARCEL NO. 4

FREDERICK FRUEHOLZ JR

239.708 ACRES

DOC NO. 2013065045302

(1ST. PARCEL VOL. 78, PG. 399

TR 2-48.64 AC.)

O.P.R.C.C.

PROPOSED MONUMENT

PROPOSED MONUMENT

EXISTING ROW

546°16'36"W

PL 1101

SCALE: 1" = 300'

ON 8 1/2" X 11"

**LEGEND**

PROPOSED R.O.W. LINE

EXISTING R.O.W. LINE

PROPERTY LINE

SURVEY LINE

FENCE LINE

— X — OFFICIAL PUBLIC RECORDS

— O.P.R.C.C. — COMAL COUNTY

— O.M.R.C.C. — COMAL COUNTY

— D.R.C.C. — DEED RECORDS

— S.L. — SUBDIVISION LINE

— U.E. — UTILITY EASEMENT

— S.B.L. — SETBACK LINE

— A.E. — AERIAL EASEMENT

— D.E. — DRAINAGE EASEMENT

— 5/8" IRON ROD WITH ALUMINUM CAP

— STAMPED "TxDOT R.O.W." SET,

UNLESS OTHERWISE NOTED.

— TxDOT ROW MARKER FOUND (DM TYPE II)

— TxDOT ROW MARKER FOUND (DM TYPE III)

— TxDOT ROW MARKER FOUND (CONC MON TYPE I)

— 1/2" IRON ROD FOUND UNLESS OTHERWISE

DESCRIBED AS NOTED

— 1/2" IRON ROD WITH SHERWOOD ID CAP FOUND

— 1/2" IRON ROD SET WITH KCI CAP

**NOTES:**

- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, (4203), NORTH AMERICAN DATUM OF 1983 (NAD 83). ALL COORDINATES SHOWN ARE SURFACE COORDINATES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE TxDOT SCALE FACTOR OF 1.00014.
- FIELD SURVEYS WERE COMPLETED IN JULY 3, 2024. MONUMENTS SET OCTOBER 14, 2024
- SURVEY LINES SHOWN ARE APPROXIMATE AND BASED ON THE BEST AVAILABLE INFORMATION.
- REMAINDER AC. (ACREAGE) AREAS ARE THE DIFFERENCE BETWEEN THE RECORD DEED DESCRIPTION'S AREAS OR THEIR REMAINDERS (PER THE DOCUMENT NO. SHOWN) AND THE MEASURED AREA OF THE PROPOSED RIGHT OF WAY.

LINE	BEARING	LENGTH
L1	S00°22'39"E	71.91'
L2	S45°40'17"W	58.80'
L3	N01°40'29"W	69.85'
L4	N40°33'19"W	178.02'
L5	N45°02'10"E	72.55'

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	DISTANCE
C1	1186.28'	24.73'	115°50'	S46°16'07"W	24.73'



I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

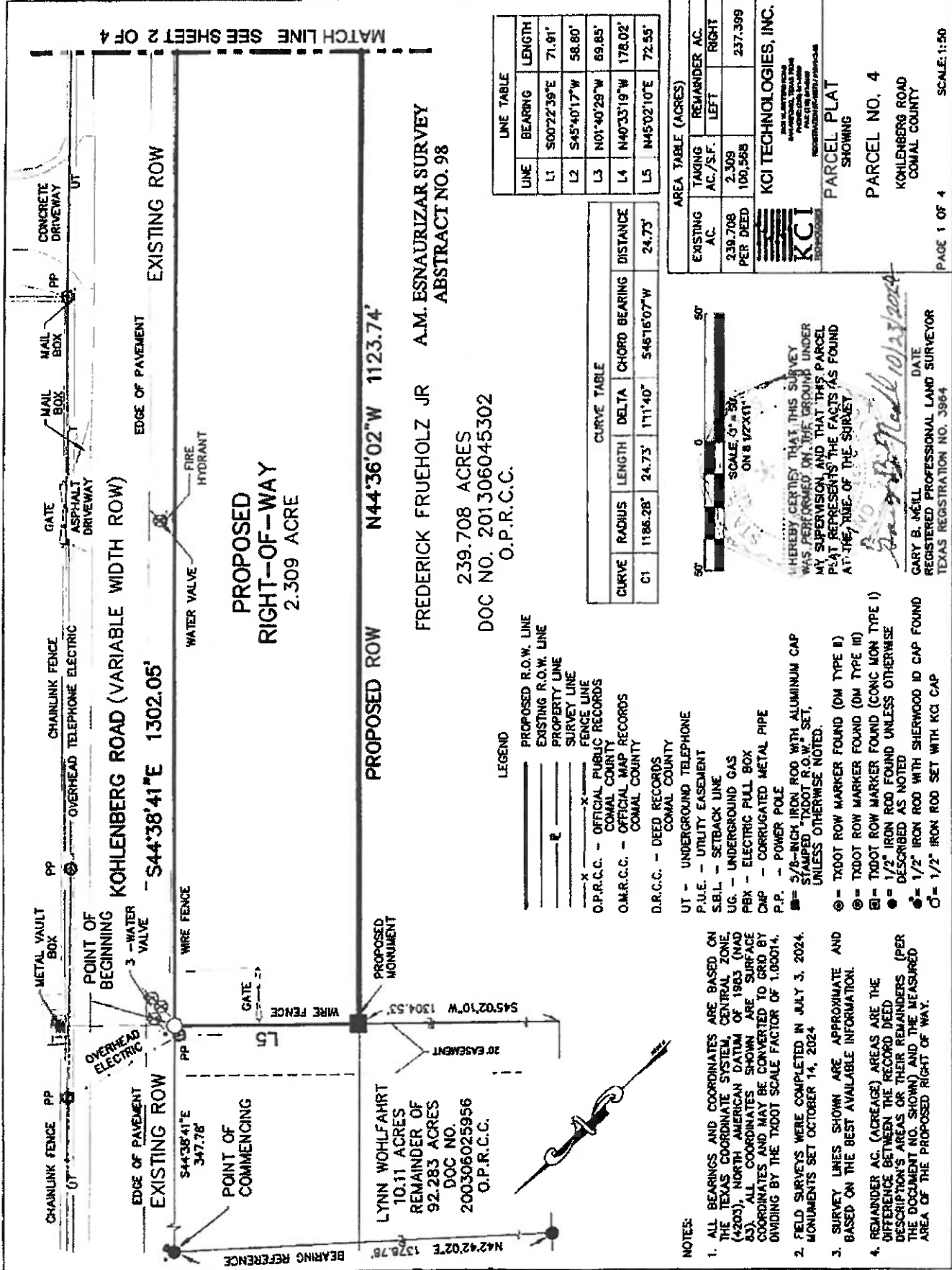
*Gary B. Neill* 10/23/2024  
DATE  
GARY B. NEILL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 3964

EXISTING AC.	TAKING AC./S.F.	REMAINDER AC.	
		LEFT	RIGHT
239.708	2,309		237.399
PER DEED	100,568		

**KCI TECHNOLOGIES, INC.**  
3000 WEST 10TH STREET  
SUITE 1000, ARLING, TEXAS 76010  
817.461.1111  
www.kci-technologies.com

**PARCEL PLAT**  
SHOWING  
PARCEL NO. 4  
KOHLBERG ROAD  
COMAL COUNTY

MATCH LINE SEE SHEET 2 OF 4



**PROPOSED  
RIGHT-OF-WAY  
2.309 ACRES**

**PROPOSED ROW N44°36'02\"W 1123.74'**  
**PROPOSED ROW N44°38'41\"E 1302.05'**

**FREDERICK FRUEHOLZ JR A.M. ESNAURIZAR SURVEY  
 ABSTRACT NO. 98**  
**239.708 ACRES  
 DOC NO. 201306045302  
 O.P.R.C.C.**

**LYNN WOHLFAHRT  
 10.11 ACRES  
 REMAINDER OF  
 92.283 ACRES  
 DOC NO.  
 200308025956  
 O.P.R.C.C.**

LINE	BEARING	LENGTH
L1	S00°22'39\"E	71.91'
L2	S45°40'17\"W	58.80'
L3	N01°40'29\"W	69.85'
L4	N40°33'19\"W	178.02'
L5	N45°02'10\"E	72.55'

CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING
C1	1185.28'	24.73'	171°40'	S48°16'07\"W
				24.73'

**AREA TABLE (ACRES)**

EXISTING AC.	TAKING AC./S.F.		REMAINDER AC.
	LEFT	RIGHT	
239.708 PER DEED	2.309	100.568	237.399



**PARCEL PLAT  
 SHOWING  
 PARCEL NO. 4  
 KOHLENBERG ROAD  
 COMAL COUNTY**

- LEGEND**
- PROPOSED R.O.W. LINE
  - EXISTING R.O.W. LINE
  - PROPERTY LINE
  - SURVEY LINE
  - x- FENCE LINE
  - x- O.P.R.C.C. - OFFICIAL PUBLIC RECORDS COMAL COUNTY
  - o- O.M.R.C.C. - OFFICIAL MAP RECORDS COMAL COUNTY
  - o- D.R.C.C. - DEED RECORDS COMAL COUNTY
  - UT - UNDERGROUND TELEPHONE
  - P.U.E. - UTILITY EASEMENT
  - S.B.L. - SETBACK LINE
  - UG - UNDERGROUND GAS
  - PBX - ELECTRIC PULL BOX
  - CWP - CORRUGATED METAL PIPE
  - P.P. - POWER POLE
  - ⊕ = 3/8-INCH IRON ROD WITH ALUMINUM CAP STAMPED "TODOT R.O.W." SET, UNLESS OTHERWISE NOTED.
  - ⊙ = TODOT ROW MARKER FOUND (DM TYPE II)
  - ⊚ = TODOT ROW MARKER FOUND (DM TYPE III)
  - ⊛ = 1/2" IRON ROD FOUND (CONC MON TYPE I) DESCRIBED AS NOTED
  - ⊜ = 1/2" IRON ROD WITH SHERWOOD ID CAP FOUND
  - ⊝ = 1/2" IRON ROD SET WITH KCI CAP



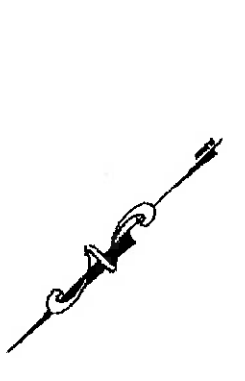
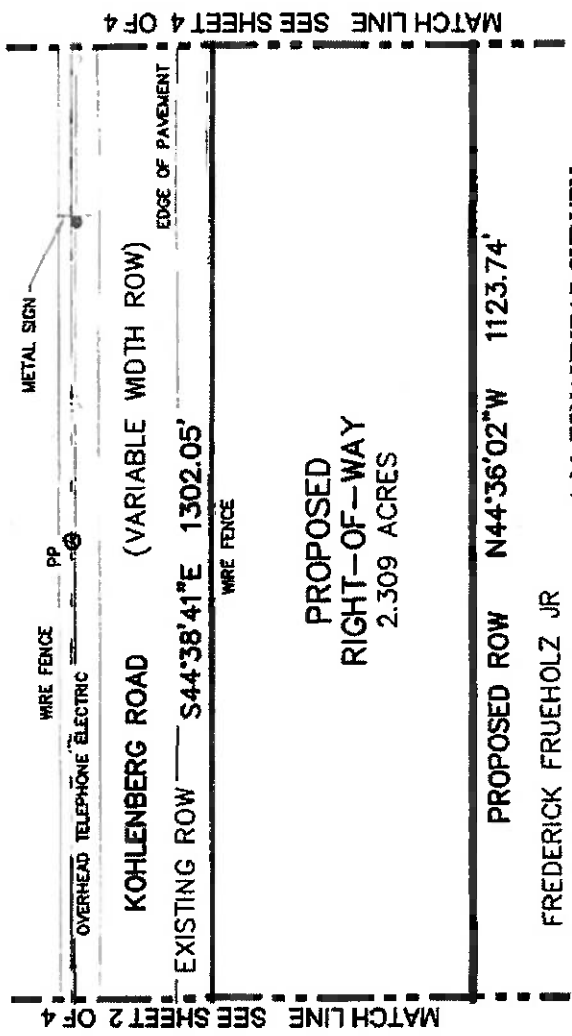
HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY

*Gary B. McNeil*  
 DATE 10/23/2024  
**GARY B. McNEIL  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 3964**

- NOTES:**
- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, (4203), NORTH AMERICAN DATUM OF 1983 (NAD 83). ALL COORDINATES SHOWN ARE SURFACE COORDINATES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE TODOT SCALE FACTOR OF 1.00014.
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  - REMAINDER AC. (ACREAGE) AREAS ARE THE DIFFERENCE BETWEEN THE RECORD DEED DESCRIPTION'S AREAS OR THEIR REMAINDERS (PER THE DOCUMENT NO. SHOWN) AND THE MEASURED AREA OF THE PROPOSED RIGHT OF WAY.







MATCH LINE SEE SHEET 4 OF 4

MATCH LINE SEE SHEET 2 OF 4

**PROPOSED  
RIGHT-OF-WAY  
2.309 ACRES**

**PROPOSED ROW N44°36'02"W 1123.74'**

**FREDERICK FRUEHOLZ JR**  
**A.M. ESNAURIZAR SURVEY**  
**ABSTRACT NO. 98**  
**239.708 ACRES**  
**DOC NO. 201306045302**  
**O.P.R.C.C.**

LINE	BEARING	LENGTH
L1	S00°22'39"E	71.91'
L2	S45°40'17"W	58.80'
L3	N01°40'29"W	69.85'
L4	N40°33'19"W	178.02'
L5	N45°02'10"E	72.55'

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	DISTANCE
C1	1186.28'	24.73'	131°14'0"	S46°16'07"W	24.73'

AREA TABLE (ACRES)	
EXISTING AC.	239.708
TAKING AC./S.F.	100,568
REMAINDER AC.	237.389

**KCI TECHNOLOGIES, INC.**  
3000 N. GARDNER ROAD  
 SUITE 1000, DALLAS, TEXAS 75245  
 PHONE: (214) 416-1000  
 FAX: (214) 416-1001

**PARCEL PLAT  
SHOWING**

**PARCEL NO. 4**  
 KOHLENBERG ROAD  
 COMAL COUNTY

PAGE 3 OF 4      SCALE: 1:50

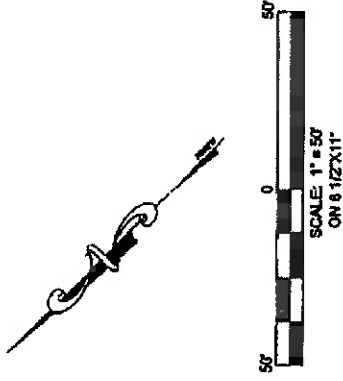
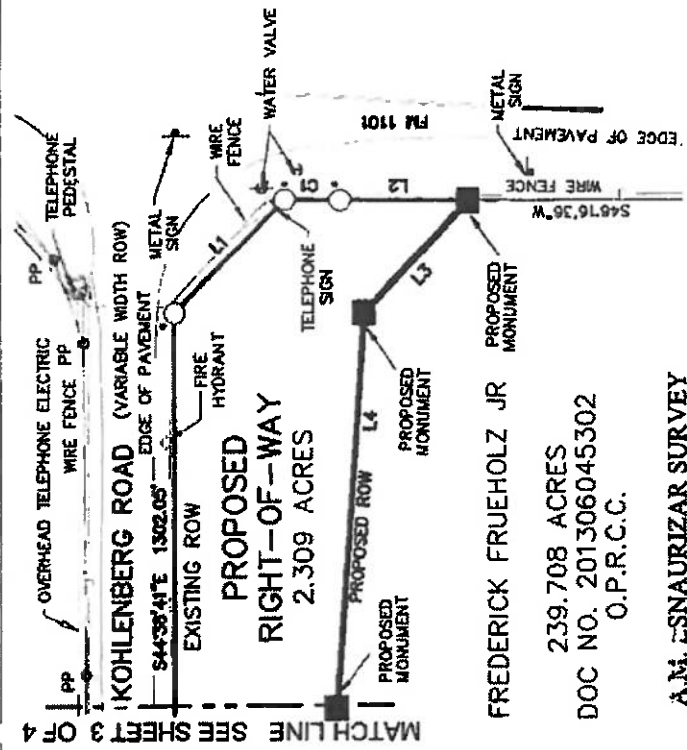
**NOTES:**

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I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND, UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

*Gary B. Neill* 10/23/2024  
 GARY B. NEILL      DATE  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 3964

- LEGEND**
- PROPOSED R.O.W. LINE
  - EXISTING R.O.W. LINE
  - PROPERTY LINE
  - SURVEY LINE
  - FENCE LINE
  - X — OFFICIAL PUBLIC RECORDS COMAL COUNTY
  - O.M.F.C.C. — OFFICIAL MAP RECORDS COMAL COUNTY
  - D.R.C.C. — DEED RECORDS COMAL COUNTY
  - UT — UNDERGROUND TELEPHONE
  - P.U.E. — UTILITY EASEMENT
  - S.B.L. — SETBACK LINE
  - U.S. — UNDERGROUND GAS
  - P.B.X. — ELECTRIC PULL BOX
  - C.M.P. — CORRUGATED METAL PIPE
  - P.P. — POWER POLE
  - 5/8" IRON ROD WITH ALUMINUM CAP STAMPED "TMDT R.O.W. SET," UNLESS OTHERWISE NOTED.
  - 1/2" IRON ROD SET WITH KCI CAP



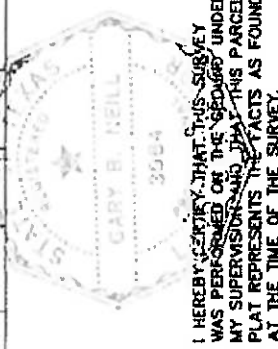
LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°22'39"E	71.91'
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L4	N40°35'19"W	178.02'
L5	N45°02'10"E	72.55'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	1186.28'	247.41'	110.40°
			CHORD BEARING
			S46°16'07"W
			DISTANCE
			24.73'

AREA TABLE (ACRES)		
EXISTING AC.	TAKING AC./S.F.	REMAINDER AC.
239.708	2.309	
PER DEED	100,568	237.399

**KCI TECHNOLOGIES, INC.**  
200 N. W. 100TH ROAD  
 SUITE 200, WILLOW PARK  
 TEXAS 75077-1000  
 PHONE: 972.419.1100  
 FAX: 972.419.1101

PARCEL PLAT SHOWING  
**PARCEL NO. 4**  
 KOHLENBERG ROAD  
 COMAL COUNTY



I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE PROPERTY UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

*Gary B. Nail* 10/23/2024  
 GARY B. NAIL DATE  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 3964

- NOTES:
- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, (42ED3) NORTH AMERICAN DATUM OF 1983 (NAD 83). ALL COORDINATES SHOWN ARE SURFACE COORDINATES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE TxDOT SCALE FACTOR OF 1.00014.
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  - REMAINDER AC. (ACREAGE) AREAS ARE THE DIFFERENCE BETWEEN THE RECORD DEED DESCRIPTION'S AREAS OR THEIR REMAINDERS (PER THE DOCUMENT NO. SHOWN) AND THE MEASURED AREA OF THE PROPOSED RIGHT OF WAY.

- LEGEND
- PROPOSED R.O.W. LINE
  - EXISTING R.O.W. LINE
  - PROPERTY LINE
  - SURVEY LINE
  - FENCE LINE
  - X — PUBLIC RECORDS
  - O.P.R.C.C. — OFFICIAL PUBLIC RECORDS
  - O.M.R.C.C. — OFFICIAL MAP RECORDS
  - COMAL COUNTY
  - D.P.C.C. — DEED RECORDS
  - COMAL COUNTY
  - UT — UNDERGROUND TELEPHONE
  - P.U.E. — UTILITY EASEMENT
  - S.B.L. — SETBACK LINE
  - U.C. — UNDERGROUND GAS
  - P.B.X. — ELECTRIC PULL BOX
  - C.U.P. — CORRUGATED METAL PIPE
  - P.P. — POWER POLE
  - — 5/8-INCH IRON ROD WITH ALUMINUM CAP STAMPED "TxDOT R.O.W." SET, UNLESS OTHERWISE NOTED.
  - ⊙ — TxDOT ROW MARKER FOUND (DM TYPE I)
  - ⊙ — TxDOT ROW MARKER FOUND (DM TYPE III)
  - ⊙ — TxDOT ROW MARKER FOUND (CONC. MON. TYPE I)
  - — 1/2" IRON ROD FOUND UNLESS OTHERWISE DESCRIBED AS NOTED
  - ⊙ — 1/2" IRON ROD SET WITH KCI CAP

FREDERICK FRUEHOLZ JR  
 239.708 ACRES  
 DOC NO. 201306045302  
 O.P.R.C.C.  
 A.M. SNOURIZAR SURVEY  
 ABSTRACT NO. 98

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER**

**GENERAL WARRANTY DEED**

**DATE:** \_\_\_\_\_

**GRANTOR: JOE HENRY TAYS**

**GRANTOR'S MAILING ADDRESS (including county):**

2206 River Oaks Drive  
New Braunfels, Comal County, TX 78132

**GRANTEE: THE CITY OF NEW BRAUNFELS, TEXAS, a Municipal Corporation**

**GRANTEE'S MAILING ADDRESS (including county):**

550 Landa Street  
New Braunfels, Comal County, Texas 78130

**CONSIDERATION:** Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

**PROPERTY (including any improvements):** being described in Exhibit "A" attached hereto and made a part hereof.

**RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:** This conveyance is made and accepted subject to any and all restrictions, covenants, conditions, reservations, setback lines and easements, if any, now outstanding and of record in Comal County, Texas, and to all zoning laws, regulations and ordinances of municipal and/or governmental authorities, if any, but only to the extent that they are still in effect, relating to the Property.

**Grant of Property:** Grantor, for the Consideration and subject to the Reservations From and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, its successors or assigns forever.



**TO HAVE AND TO HOLD** the Property herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto Grantee and its successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto the Grantee, its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

When the context requires, singular nouns and pronouns include the plural.

**GRANTOR:**

\_\_\_\_\_  
Joe Henry Tays,

**ACCEPTED:**

CITY OF NEW BRAUNFELS, TEXAS

\_\_\_\_\_  
By: Robert Camareno, City Manager

**ACKNOWLEDGMENTS**

**STATE OF TEXAS**                   §  
**COUNTY OF COMAL**           §

Before me, a Notary Public, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ personally appeared Joe Henry Tays, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same..

WITNESS my hand and official seal.

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

STATE OF TEXAS

§

COUNTY OF COMAL

§

§

Before me, a Notary Public, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ personally appeared ROBERT CAMARENO, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in her authorized capacity as City Manager of the CITY OF NEW BRAUNFELS, TEXAS.

WITNESS my hand and official seal.

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

**After Recording Return to:**

City of New Braunfels Public Works  
c/o Matthew Eckmann  
424 S. Castell Ave.  
New Braunfels, TX 78130

# EXHIBIT A



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

2806 W. Bitters Road, Suite 218 • San Antonio, Texas 78248 • Phone (210) 641-9999

**FIELD NOTES  
FOR  
PARCEL 4 – FREDERICK FRUEHOLZ JR.  
KOHLENBERG ROAD R.O.W.  
2.309 Acres (100,568 Square Foot)**

Being a 2.309 acre (100,568 square foot) tract of land in the A.M. Esnaurizar Survey No. 98, of Comal County, Texas and being out of the called 239.708 acre tract recorded in Document No. 201306045302 of the Official Public Records (O.P.R.C.C.) of Comal County, Texas; and being more specifically out of the called 49.64 acre 1<sup>st</sup> Parcel of said 239.708 acres recorded as Volume 78, Page 399 - Tr. 2, O.P.R.C.C, said 2.309 acre tract being more particularly described by metes and bounds as follows:

**COMMENCING** at ½” iron rod found in the existing southwest right-of-way (ROW) line of Kohlenberg Road (variable width ROW); a second found ½” iron rod with Sherwood cap at the south corner of Lot 1, Block 1 of the Continental Nautilus Subdivision as shown on the plat recorded in Document No. 202106015426 of the Official Map Records (O.M.R.C.C.) of Comal County, Texas bears S 42°42’02” W – 1378.78 feet;

THENCE S 44°38’41” E, with said southwest ROW of Kohlenberg Road, for a distance of 347.78 feet to a set ½” iron rod with KCI plastic cap for the **POINT OF BEGINNING** at the north corner of this description;

THENCE S 44°38’41” E, continuing with said southwest ROW line of Kohlenberg Road, for a distance of 1302.05 feet to a set ½” iron rod with KCI plastic cap at the west existing right-of-way (ROW) cutback line of FM 1101;

THENCE S 00°22’39” E, with said cutback line, for a distance of 71.91 feet to a set ½” iron rod with KCI plastic cap;

THENCE with a curve to the left having a radius of 1168.28 feet and a central angle of 01°11’40”, the chord bears S 46°16’07” W – 24.73 feet to a set ½” iron rod with KCI plastic cap;

THENCE S 45°40’17” W with the existing northwest ROW line of FM 1101 for a distance of 58.80 feet to a set 5/8” iron rod with aluminum cap stamped “TxDOT ROW” at the south corner of this description;

THENCE through the 239.708 acre tract for the following three (3) courses:

- N 01°40'29" W for a distance of 69.85 feet to a set 5/8" iron rod with aluminum cap stamped "TxDOT ROW" for an angle point;
- N 40°33'19" W for a distance of 178.02 feet to a set 5/8" iron rod with aluminum cap stamped "TxDOT ROW" for an angle point;
- N 44°36'02" W for a distance of 1123.74 feet to a set 5/8" iron rod with aluminum cap stamped "TxDOT ROW" on the southeast line of the remainder of the Lynn Wohlfahrt 92.49 acre tract recorded in Document No. 200306025956 O.P.R.C.C., Comal County, Texas:

THENCE N 45°02'10" E with said southeast line for a distance of 72.55 feet to the **POINT OF BEGINNING**, and containing 2.309 acres (100,568 square foot) of land, more or less

- Bearings source is between the first and last two 1/2" iron rods described above found on the southeast line of Lot 1, Block 1, and shown as N 42°42'02" E as derived from GPS observation based on NAD 83(2011), Texas State Plane Coordinate System - South Central Zone (4203).

I hereby certify that this description conforms to the minimum standards set forth by the Texas Board of Professional Engineers and Land Surveyors according to an actual survey made on the ground by employees of KCI Technologies."

Date: *October 23, 2024*

*Gary B Neill*

Gary B. Neill  
R.P.L.S. #3964  
Firm No. 101943-65



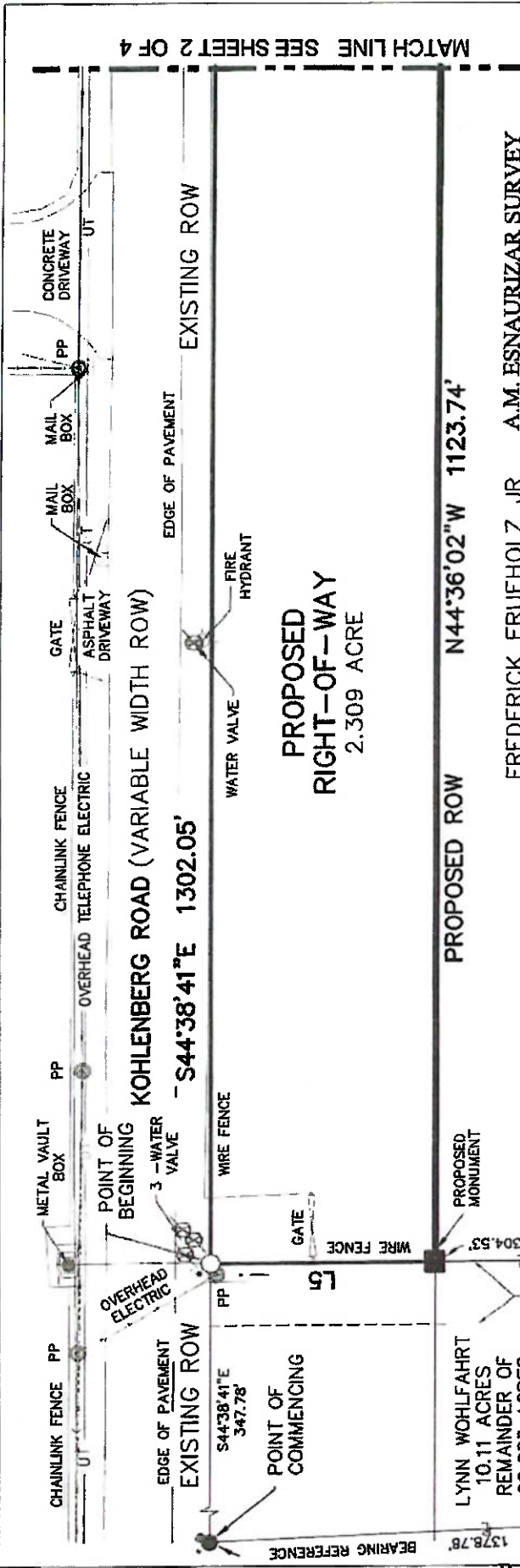
Warning: Only those copies with the Signature and Seal in red should be relied upon.

CONB Kohlenberg  
Project Number: 45E0619602  
00002476\_00004.004

Q:\Proj\_2023\_KCI\45E0619602 - CONB Kohlenberg\M&Bs\M&B-2.309Ac-Parcel 4\_TxDOT\_ROW.docx  
Page 2 of 2







MATCH LINE SEE SHEET 2 OF 4

**PROPOSED  
RIGHT-OF-WAY  
2.309 ACRES**

**PROPOSED ROW N44°36'02"W 1123.74'**

**FREDERICK FRUEHOLZ JR A.M. ESNAURIZAR SURVEY  
ABSTRACT NO. 98**

**239.708 ACRES  
DOC NO. 201306045302  
O.P.R.C.C.**

**LYNN WOHLFAHRT  
10.11 ACRES  
REMAINDER OF  
92.283 ACRES  
DOC NO.  
200306025956  
O.P.R.C.C.**

LINE	BEARING	LENGTH
L1	S00°22'39"E	71.91'
L2	S45°40'17"W	58.80'
L3	N01°40'29"W	69.85'
L4	N40°33'19"W	178.02'
L5	N45°02'10"E	72.55'

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	DISTANCE
C1	1186.28'	24.73'	1°11'40"	S46°16'07"W	24.73'

- LEGEND**
- PROPOSED R.O.W. LINE
  - EXISTING R.O.W. LINE
  - PROPERTY LINE
  - SURVEY LINE
  - FENCE LINE
  - X — O.P.R.C.C. - OFFICIAL PUBLIC RECORDS COMAL COUNTY
  - O.M.R.C.C. - OFFICIAL MAP RECORDS COMAL COUNTY
  - D.R.C.C. - DEED RECORDS COMAL COUNTY
  - UT - UNDERGROUND TELEPHONE
  - P.U.E. - UTILITY EASEMENT
  - S.B.L. - SETBACK LINE
  - UG. - UNDERGROUND GAS
  - PBX - ELECTRIC PULL BOX
  - CMP - CORRUGATED METAL PIPE
  - P.P. - POWER POLE
  - = 5/8-INCH IRON ROD WITH ALUMINUM CAP STAMPED "TxDOT R.O.W. SET, UNLESS OTHERWISE NOTED."
  - ⊙ = TxDOT ROW MARKER FOUND (DM TYPE II)
  - ⊙ = TxDOT ROW MARKER FOUND (DM TYPE III)
  - = TxDOT ROW MARKER FOUND (CONC MON TYPE I)
  - = 1/2" IRON ROD FOUND UNLESS OTHERWISE DESCRIBED AS NOTED
  - = 1/2" IRON ROD WITH SHERWOOD ID CAP FOUND
  - = 1/2" IRON ROD SET WITH KCI CAP

AREA TABLE (ACRES)	
EXISTING AC.	REMAINDER AC.
239.708	LEFT
PER DEED	RIGHT
100,568	237.399

**KCI TECHNOLOGIES, INC.**  
 1000 W. SUTTON ROAD  
 SUITE 100  
 PLEASANTON, TEXAS 75075  
 (972) 261-8444  
 KCI TECHNOLOGIES, INC. IS AN EQUAL OPPORTUNITY EMPLOYER

**PARCEL PLAT SHOWING**  
**PARCEL NO. 4**  
 KOHLENBERG ROAD  
 COMAL COUNTY

**NOTES:**

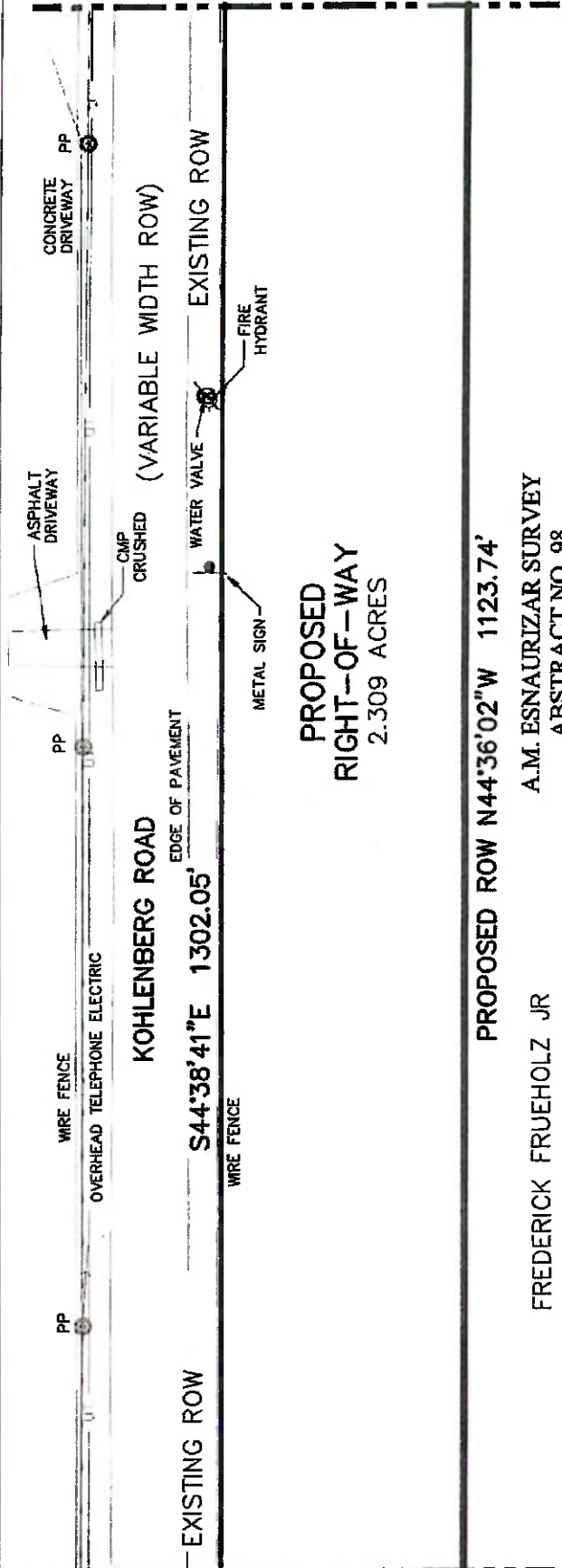
- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, (4203), NORTH AMERICAN DATUM OF 1983 (NAD 83). ALL COORDINATES SHOWN ARE SURFACE COORDINATES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE TxDOT SCALE FACTOR OF 1.00014.
- FIELD SURVEYS WERE COMPLETED IN JULY 3, 2024. MONUMENTS SET OCTOBER 14, 2024.
- SURVEY LINES SHOWN ARE APPROXIMATE AND BASED ON THE BEST AVAILABLE INFORMATION.
- REMAINDER AC. (ACREAGE) AREAS ARE THE DIFFERENCE BETWEEN THE RECORD DEED DESCRIPTION'S AREAS OR THEIR REMAINDERS (PER THE DOCUMENT NO. SHOWN) AND THE MEASURED AREA OF THE PROPOSED RIGHT OF WAY.

HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

*Gary B. McMill*  
 10/23/2024

**GARY B. McMILL**  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 3964

DATE



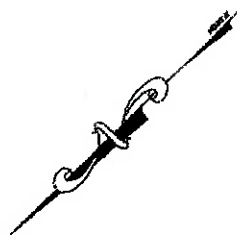
**PROPOSED  
RIGHT-OF-WAY  
2.309 ACRES**

PROPOSED ROW N44°36'02"W 1123.74'

A.M. ESNAURIZAR SURVEY  
ABSTRACT NO. 98

FREDERICK FRUEHOLZ JR

239.708 ACRES  
DOC NO. 201306045302  
O.P.R.C.C.



LINE	BEARING	LENGTH
L1	S00°22'39"E	71.91'
L2	S45°40'17"W	58.80'
L3	N01°40'29"W	69.85'
L4	N40°33'19"W	178.02'
L5	N45°02'10"E	72.55'

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	DISTANCE
C1	1186.28'	24.73'	111°40"	S46°16'07"W	24.73'

- LEGEND**
- PROPOSED R.O.W. LINE
  - EXISTING R.O.W. LINE
  - PROPERTY LINE
  - SURVEY LINE
  - FENCE LINE
  - O.P.R.C.C. - OFFICIAL PUBLIC RECORDS
  - O.M.R.C.C. - OFFICIAL MAP RECORDS
  - D.R.C.C. - DEED RECORDS
  - UT - UNDERGROUND TELEPHONE
  - P.U.E. - UTILITY EASEMENT
  - S.B.L. - SETBACK LINE
  - U.G. - UNDERGROUND GAS
  - P.B.X. - ELECTRIC PULL BOX
  - CMP - CORRUGATED METAL PIPE
  - P.P. - POWER POLE
  - 5/8-INCH IRON ROD WITH ALUMINUM CAP STAMPED "TXDOT R.O.W." SET, UNLESS OTHERWISE NOTED.
  - ⊙ = TXDOT ROW MARKER FOUND (DM TYPE II)
  - ⊙ = TXDOT ROW MARKER FOUND (DM TYPE III)
  - ⊙ = 1/2" IRON ROD FOUND UNLESS OTHERWISE DESCRIBED AS NOTED
  - ⊙ = 1/2" IRON ROD SET WITH KCI CAP

AREA TABLE (ACRES)	
EXISTING AC.	REMAINDER AC.
239.708 PER DEED	237.389

**KCI TECHNOLOGIES, INC.**  
2000 WEST 10TH AVE  
 SUITE 1000  
 AUSTIN, TEXAS 78703  
 PHONE: 512.444.1111  
 FAX: 512.444.1112  
 WWW.KCI-TECH.COM

PARCEL PLAT SHOWING  
**PARCEL NO. 4**  
 KOHLENBERG ROAD  
 COMAL COUNTY

PAGE 2 OF 4 SCALE: 1:50

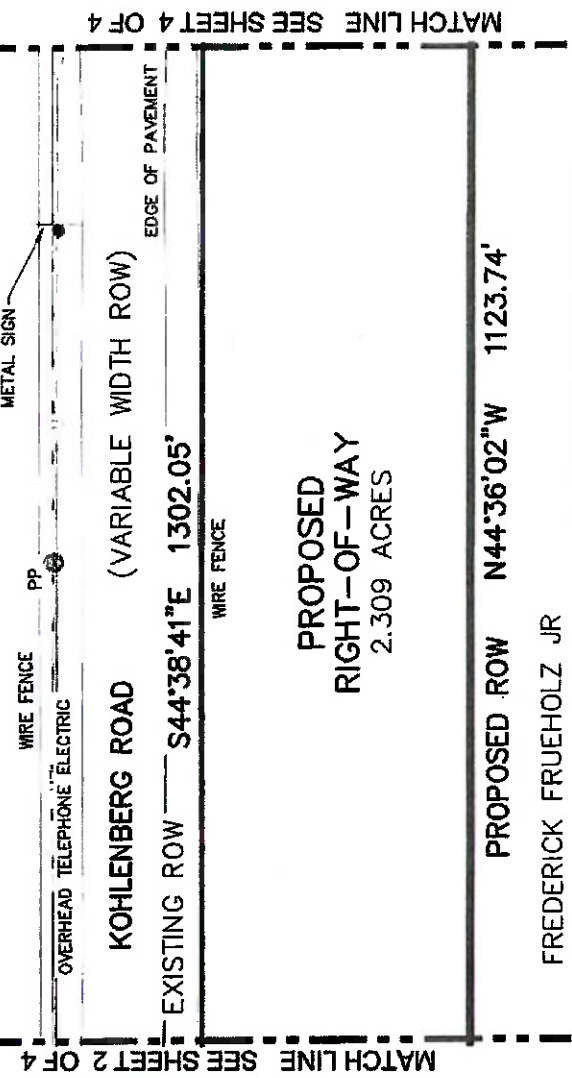
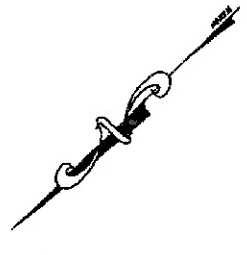
I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

**GARY B. NEILL**  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 3864

*Gary B. Neill 10/23/2024*

DATE

- NOTES:**
- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, (4203), NORTH AMERICAN DATUM OF 1983 (NAD 83). ALL COORDINATES SHOWN ARE SURFACE COORDINATES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE TXDOT SCALE FACTOR OF 1.00014.
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**PROPOSED  
RIGHT-OF-WAY  
2.309 ACRES**

**PROPOSED ROW N44°36'02"W 1123.74'**

**FREDERICK FRUEHOLZ JR**  
**A.M. ESNAURIZAR SURVEY**  
**ABSTRACT NO. 98**  
**239.708 ACRES**  
**DOC NO. 201306045302**  
**O.P.R.C.C.**

**LEGEND**

- PROPOSED R.O.W. LINE
- EXISTING R.O.W. LINE
- PROPERTY LINE
- SURVEY LINE
- FENCE LINE
- OFFICIAL PUBLIC RECORDS COMAL COUNTY
- OFFICIAL MAP RECORDS COMAL COUNTY
- DEED RECORDS COMAL COUNTY
- UNDERGROUND TELEPHONE
- UTILITY EASEMENT
- SETBACK LINE
- UNDERGROUND GAS
- ELECTRIC PULL BOX
- CORRUGATED METAL PIPE
- POWER POLE
- 5/8-INCH IRON ROD WITH ALUMINUM CAP STAMPED "TXDOT R.O.W." SET, UNLESS OTHERWISE NOTED.
- TXDOT ROW MARKER FOUND (OM TYPE I)
- TXDOT ROW MARKER FOUND (OM TYPE II)
- TXDOT ROW MARKER FOUND (CONC MON TYPE I)
- 1/2" IRON ROD FOUND UNLESS OTHERWISE DESCRIBED AS NOTED
- 1/2" IRON ROD SET WITH KCI CAP

**NOTES:**

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I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

*Gary B. Neill 10/29/2024*  
**GARY B. NEILL**  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 3964  
 DATE

LINE	BEARING	LENGTH
L1	S00°22'39"E	71.91'
L2	S45°40'17"W	58.80'
L3	N01°40'29"W	69.85'
L4	N40°33'19"W	178.02'
L5	N45°02'10"E	72.56'

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	DISTANCE
C1	1186.28'	24.73'	111.40°	S46°16'07"W	24.73'

**AREA TABLE (ACRES)**

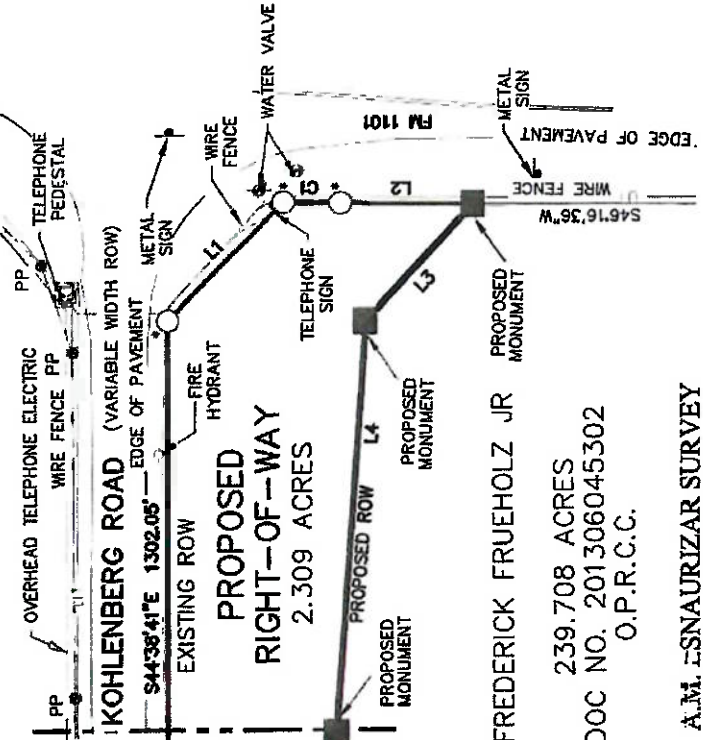
EXISTING AC.	TAKING AC./S.F.	REMAINDER AC.
239.708	2.309	
PER DEED	100,568	237.399

**KCI TECHNOLOGIES, INC.**  
 10000 LANTANA ROAD  
 SUITE 100  
 FORT WORTH, TEXAS 76116  
 REGISTRATION #1017171000004

**PARCEL PLAT**

SHOWING  
**PARCEL NO. 4**  
 KOHLENBERG ROAD  
 COMAL COUNTY

4 OF 3 SEE SHEET MATCHLINE



FREDERICK FRUEHOLZ JR  
 239.708 ACRES  
 DOC NO. 201306045302  
 O.P.R.C.C.

A.M. SNOURAZUR SURVEY  
 ABSTRACT NO. 98

- LEGEND**
- PROPOSED R.O.W. LINE
  - EXISTING R.O.W. LINE
  - PROPERTY LINE
  - SURVEY LINE
  - FENCE LINE
  - OFFICIAL PUBLIC RECORDS COMAL COUNTY
  - OFFICIAL MAP RECORDS COMAL COUNTY
  - D.R.C.C. - DEED RECORDS COMAL COUNTY
  - UT - UNDERGROUND TELEPHONE
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  - - 1/2" IRON ROD FOUND UNLESS OTHERWISE DESCRIBED AS NOTED
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**NOTES:**

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LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°22'39"E	71.91'
L2	S45°40'17"W	58.80'
L3	N01°40'29"W	69.85'
L4	N40°33'19"W	178.02'
L5	N49°02'10"E	72.55'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	DISTANCE
C1	1186.28'	24.73'	111.40"	S46°16'07"W	24.73'



I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

*Gary B Neill* 10/23/2024  
 GARY B. NEILL DATE  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 3984

AREA TABLE (ACRES)		
EXISTING AC.	TAKING AC./S.F.	REMAINDER AC.
239.708	2.309	RIGHT
PER DEED	100,568	237.399

**KCI TECHNOLOGIES, INC.**  
 10000 W. STATE HIGHWAY 1430  
 SUITE 1000  
 FORT WORTH, TEXAS 76134-1430  
 REGISTRATION NO. 00022701010405

PARCEL PLAT SHOWING  
 PARCEL NO. 4  
 KOHLENBERG ROAD  
 COMAL COUNTY

PAGE 3 OF 4 SCALE: 1"=50'