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WHEN RECORDED, RETURN TO:

City of New Braunfels
550 Landa Street
New Braunfels, Texas 78130

Exempt from Affidavit of Value
under A.R.S. § 11-1134(A)(2, 3)



**CITY OF NEW BRAUNFELS
AVIGATION EASEMENT**

Project No. _____

APN _____

STATE OF TEXAS

COUNTY OF COMAL

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KNOW ALL MEN BY THESE PRESENTS:

AVIGATION EASEMENT

That **Rockspring Saur LLC**, a Texas limited liability company ("Grantor"), for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Grantor, does hereby GIVE, GRANT, and CONVEY unto **City of New Braunfels, Texas**, a Texas municipal corporation ("Grantee"), a perpetual, non-exclusive easement upon, over and across the parcel of land (the "Easement Property") described on the legal description and the sketch attached hereto as Exhibits "A". The purpose of the easement is for a right of flight for aircraft in the airspace above the Easement Property and related appurtenant rights and benefit to the Grantee and the New Braunfels Airport for the use and benefit of the public. Grantee shall include the City, its current and former, elected officials, employees, agents, and assigns as well as the United States of America, its current and former, elected officials, employees, agents, and assigns as a real property interest owner in the real property where the New Braunfels Airport is located.

1. "Aircraft" means any manned or unmanned device that flies.
2. Without limitation, the right of flight includes the right to operate aircraft over and near the Easement Property, and cause any noise, vibration, fumes, light, exhaust, odors, fuel vapor particles, electronic interference, dust, annoyances, nuisances, emissions, and any other effects relating to operating aircraft (collectively "Aircraft Effects").
3. All Aircraft Effects are included within the scope of the easement, including without limitation those that reach or affect the Easement Property or improvements to the Easement Property, interfere with other uses of the Easement Property, annoy users of the Easement Property, and are caused or made worse by any changes in the following:
 - 3.1 The size, number, method of propulsion, weight, noisiness, design, fuel, category, type or other characteristics of aircraft, and in any aircraft practices, laws, rules, .

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policies, circumstances, customs, protocols or procedures.

- 3.2 The airport size, orientation, configuration, location, runway length, improvements or other characteristics, and in any airport practices, laws, rules, policies, circumstances, customs, protocols or procedures.
- 3.3 The flight paths, flight frequency, flight timing, airport operations, climbing and descending, altitudes, takeoff and landing, air traffic control, and in any related aircraft and airport practices, laws, rules, policies, circumstances, customs, protocols or procedures.
- 3.4 Grantor's or others' personal perceptions of Aircraft Effects or sensitivity to Aircraft Effects including but not limited to fear, interference with sleep or communication, and other effects caused by Aircraft Effects.
4. Grantor shall not cause or allow the Easement Property to be used to discharge fumes; smoke; dust; or electronic, light, laser or other emissions, which may obstruct visibility or adversely affect or interfere with the operation of aircraft or any navigational facilities. No building, mast, tree, vegetation, or other thing upon the Easement Property shall exceed Federal Aviation Administration approved height restrictions.
5. Grantor has been advised and understands that:
 - 5.1. All or a portion of the Easement Property is located in a noise-influence area.
 - 5.2. Aircraft Effects might be annoying to users of the Easement Property and might interfere with the unrestricted use and enjoyment of the Easement Property.
 - 5.3. Aircraft Effects may increase over time.
6. Grantor waives all rights, claims, and damages that Grantor may ever have against, and agrees not to sue, Grantee regarding Aircraft Effects. Grantor makes its waivers and agreements for itself, its successors and assigns, in favor of Grantee, and all Grantee's officers, officials, employees, agents, lessees, permittees, invitees, successors and assigns.

Grantor warrants and covenants to Grantee and its successors and assigns that Grantor is lawfully seized and possessed of the Easement Property; that Grantor has a good and lawful right to make the conveyance described herein; and that Grantee shall have title and quiet possession against the claims of all persons.

The person executing this document on behalf of a corporation, trust or other organization warrants his or her authority to do so and that all persons necessary to bind Grantor have joined in this document. This document runs with the land in favor of Grantee's successors and assigns.

TO HAVE AND TO HOLD the Easement Property unto the Grantee for the purposes herein set forth, Grantor hereby binds itself, its successors and assigns to warrant and forever defend the Easement Property and rights granted herein unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

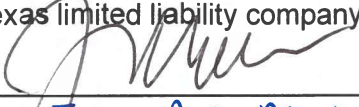
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WITNESS THE GRANTOR'S HAND this 8th day of May, 2024.

GRANTOR:

Rockspring Saur LLC,
a Texas limited liability company,


Name: James A. McAlister IV
Title: Managing Member

STATE OF TEXAS

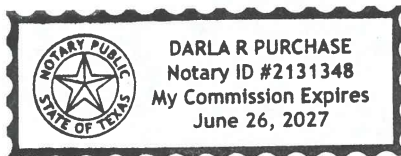
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COUNTY OF COMAL

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This instrument was acknowledged before me on, this 8th day of May, 2024, by James A. McAlister IV, Managing Member of Rockspring Saur LLC, a Texas limited liability company, on behalf of said Texas company.




Notary Public in and for State of Texas

ACCEPTED BY:

CITY OF NEW BRAUNFELS, TEXAS,
A Texas home-rule municipality,

By _____
Name: _____
Title: _____
Date Signed: _____

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SAUR LANE
GUADALUPE COUNTY, TEXAS
92.387 ACRE TRACT

EXHIBIT "A"

BEING a 92.387 acre (4,024,388 SQ. FT.) tract of land lying in the Antonio Maria Esnauirizar Survey, Abstract 20, Guadalupe County, Texas, being all of a called 52.50 acre tract of land described in a deed to Rockspring Saur LLC, a Texas Limited Liability Company and recorded in document number 202399002975, Official Public Records of Guadalupe County, Texas, same being all of a called 17.08 acre tract of land described in a deed to Rockspring Saur LLC, a Texas Limited Liability Company and recorded in document number 202399002927, Official Public Records of Guadalupe County, Texas, same being all of a called 22.80 acre tract of land described in a deed to Rockspring Saur LLC, a Texas Limited Liability Company and recorded in document number 202399002929, Official Public Records of Guadalupe County, Texas, and more particularly described as follows:

BEGINNING at a found $\frac{1}{8}$ " iron rod in the southeast right-of-way line of Saengerhalle Road (varying width right-of-way) for the west corner of the aforementioned 52.50 acre tract and the north corner of Lot 1, Block 1 of the Saengerhall Estates Subdivision as described and recorded in volume 8, page 451, Map and Plat Records of Guadalupe County, Texas, for the west corner of the herein described 92.387 acre tract;

THENCE along the southeast right-of-way line of the aforementioned Saengerhalle Road and the northwest line of the aforementioned 52.50 acre tract, N45°35'28"E a distance of 2,815.83 feet to a found $\frac{1}{8}$ " iron rod for a north corner of said 52.50 acre tract, the west corner of a called 10.37 acre tract of land described in a deed to Charles C. Saur and Suzette K. Saur and recorded in document number 202399003051, Official Public Records of Guadalupe County, Texas and a north corner of the herein described 92.387 acre tract;

THENCE leaving the southeast right-of-way line of the aforementioned Saengerhalle Road, along north line of the aforementioned 52.50 acre tract and the southwest line of the aforementioned 10.37 acre tract, S44°45'47"E a distance of 809.25 feet to a found $\frac{1}{8}$ " iron rod in the northwest line of the aforementioned 17.08 acre tract for the east corner of said 52.50 acre tract, the south corner of said 10.37 acre tract and an interior corner of the herein described 92.387 acre tract;

THENCE along the northwest line of the aforementioned 17.08 acre tract, a southeast line of the aforementioned 10.37 acre tract, the southeast line of a called 1 acre tract of land described in a deed to James Foerg and wife, Janet Foerg and recorded in Volume 425, Page 285, Deed Records of Guadalupe County, Texas and the southeast line of the aforementioned 1 acre tract (Volume 399, Page 106), N45°29'32"E a distance of 665.64 feet to a found $\frac{1}{8}$ " iron rod in the southwest right-of-way line of Saur Lane (varying width right-of-way) for the north corner of the aforementioned 17.08 acre tract and the east corner of a called 1 acre tract of land described in deed to James E. Foerg and wife, Janet F. Foerg and recorded in volume 399, page 106, Deed Records of Guadalupe County, Texas and a north corner of the herein described 92.387 acre tract;

THENCE along the southwest right-of-way line of the aforementioned Saur Lane and the northeast line of the aforementioned 17.08 acre tract, S44°36'43"E a distance of 324.00 feet to a set $\frac{1}{8}$ " iron rod with CDS cap for the north corner of a 0.671 Acre Tract described in deed to Leona M. Schuetz of record in Volume 782, Page 652, Deed Records, Guadalupe County, Texas, and a north east corner of the herein described 92.387 acre tract;

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**SAUR LANE
GUADALUPE COUNTY, TEXAS
92.387 ACRE TRACT**

THENCE leaving the southwest right-of-way line of the aforementioned Saur Lane and along the northwest line of the aforementioned 0.671 acre tract and the southeast line of the aforementioned 17.09 acre tract, S45°17'17"W a distance of 360.78 feet to a found ½" iron rod for the west corner of said 0.671 acre tract and interior corner of the herein described 92.387 acre tract;

THENCE departing the southeast line of aforementioned 17.08 acre tract and along the southeast line of the aforementioned 0.671 acre tract and a northeast line of the aforementioned 22.80 acre tract, S44°42'43"E a distance of 81.48 feet to a found 5/8" iron rod for the south corner of said 0.671 acre tract and interior corner of the aforementioned 22.80 acre tract and an interior corner of herein described 92.387 acre tract;

THENCE along the southeast line of the aforementioned 0.671 acre tract and a northwest line of the aforementioned 22.80 acre tract, N45°17'17"E a distance of 178.61 feet to a found 5/8" iron rod along the southeast line of said 0.671 and a north corner of said 22.80 acre tract and a north corner of herein described 92.387 acre tract;

THENCE, departing the southeast line of the aforementioned 0.671 acre tract and along with the northeast line of the aforementioned 22.80 acre tract, S44°31'13"E a distance of 395.92 feet to a 5/8" iron rod along the line of a 1.485 acre tract described in deed to Gerald N. Timmermann recorded in Volume 625, Page 583, Deed Records, Guadalupe County, Texas, for the east corner of herein described 92.387 acre tract;

THENCE along the northwest line of aforementioned 1.485 acre tract and along the southeast line of the aforementioned 22.80 acre tract through the west corner of said 1.485 acre tract and north corner of a called 7.855 acre tract of land described in deed to Gerald N. Timmermann and recorded in volume 4136, page 491, Official Public Records of Guadalupe County, Texas, through a corner and along the northwest line of a called 44.267 acre tract of land described as Exhibit "A" in a deed to Gerald N. Timmermann and recorded in volume 2065, page 566, Official Public Records of Guadalupe County, Texas, S45°27'57"W a distance of 2,107.62 feet to a found 3" post for the south corner of said 22.80 acre tract, an interior corner of said 44.267 acre tract and a south corner of the herein described 92.387 acre tract;

THENCE along the southwest line of the aforementioned 22.80 acre tract, the southwest line of the aforementioned 17.08 acre tract and a northeast line of the aforementioned 44.267 acre tract, N44°46'14"W a distance of 803.02 feet to a found 3" post in the southeast line of the aforementioned 52.50 acre tract for the west corner of said 17.08 acre tract, a north corner of the said 44.267 acre tract and an interior corner of the herein described 92.387 acre tract;

THENCE along the southeast line of the aforementioned 52.50 acre tract and a northwest line of the aforementioned 44.267 acre tract, S45°29'32"W a distance of 1,193.99 feet to a found 3" post in the northeast line of a called 80.16 acre tract of land described as Exhibit "A" in deed to SA Love Boat Captain, LLC, a Texas Limited Liability Company and recorded in document number 202199014318, Official Public Records of Guadalupe County, Texas, for the south corner of said 52.50 acre tract, the east corner of said 44.267 acre tract and a south corner of the herein described 92.387 acre tract;

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SAUR LANE
GUADALUPE COUNTY, TEXAS
92.387 ACRE TRACT

THENCE along the southwest line of the aforementioned 52.50 acre tract, the northeast line of the aforementioned 80.16 acre tract, a northeast line of a called 46.01 acre tract of land described as Exhibit "A" in deed to Continental Homes of Texas, L.P., a Texas Limited Partnership and recorded in document number 202199014362, Official Public Records of Guadalupe County, Texas, the northeast line of Lot 100, Block 1 a HOA Drainage Lot of the aforementioned Saengerhall Estates Subdivision and the northeast line of the aforementioned Lot 1, Block 1 of said Saengerhall Estates Subdivision, N44°24'27"W a distance of 814.11 feet to the **PLACE OF BEGINNING** and containing 92.387 acres (4,024,388 SQ. FT.) of land.


The bearing basis for this survey is Grid North, Texas State Plane Coordinate System, NAD 1983(2011), South Central Zone.

THE STATE OF TEXAS X
 X **KNOWN TO ALL MEN BY THESE PRESENTS:**
COUNTY OF BEXAR X

I, Darryl Zercher, a Registered Professional Land Surveyor, do hereby certify that the above field notes were prepared using information obtained by a public records research made under my direction and supervision in August 2023.

Date 20 day of MARCH 2024 A.D.





Darryl L. Zercher
Registered Professional Land Surveyor
No. 5609 - State of Texas

