

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS, AUTHORIZING THE ACQUISITION IN FEE SIMPLE OF VARIOUS TRACTS OF LAND GENERALLY DEPICTED IN EXHIBITS “A1-A6,” WHICH ARE ATTACHED HERETO AND IS INCORPORATED HEREIN FOR ALL PURPOSES, AS PART OF THE SOLMS/MORNINGSIDE/RUECKLE ROAD RECONSTRUCTION PROJECT. SUCH ACQUISITIONS ARE NECESSARY TO ADVANCE AND ACHIEVE THE PUBLIC USES OF IMPROVING PEDESTRIAN SAFETY AND ADA ACCESSIBILITY BY PROVIDING SIDEWALKS ON BOTH SIDES OF THE ROAD; PROVIDING CONNECTIVITY TO MULTIPLE RESIDENTIAL AND COMMERCIAL AREAS; AND BUILDING ROAD IMPROVEMENTS TO ALLEVIATE TRAFFIC CONGESTION. THIS RESOLUTION AUTHORIZES THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE THE NECESSARY LAND RIGHTS TO THE EXTENT NEGOTIATIONS ARE UNSUCCESSFUL.

WHEREAS, the City of New Braunfels, Texas (“City”) has determined that 6 tracts described in **Exhibits “A1-A6”** of varying sizes of privately-owned real property must be acquired in fee simple interest, along with Temporary Construction Easements for the construction of the Solms/Morningside/Rueckle Road Reconstruction Project (the “Project”); and

WHEREAS, the acquisition of such property is necessary to complete the Project, to advance and achieve the public uses of improving pedestrian safety and ADA accessibility by providing sidewalks on both sides of the road; providing connectivity to multiple residential and commercial areas; and building road improvements to alleviate traffic congestion; and

WHEREAS, the Project is in the best interest of the health, safety, and welfare of the public;

WHEREAS, the City has been unable to acquire said land by negotiation and/or further negotiations may become futile, and therefore, the City may be compelled to exercise its power of eminent domain; and

WHEREAS, relating to the acquisition of such land, it may be necessary for the City or one of its agents or contractors to enter upon the property to investigate and survey the needed land so that they may be defined and described with specificity for inclusion in any deed, easement, or, if necessary, as part of any filings to institute proceedings in eminent domain to acquire the necessary land.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, THAT:

SECTION 1.

The above caption and recitals are incorporated herein for all purposes.

SECTION 2.

The City Council declares a public use and necessity for the City of New Braunfels to acquire fee simple interest of the properties described in **Exhibits "A1-A6"** for the improvements needed for the Project.

SECTION 3.

The City Council declares that the acquisition of such property is necessary to complete the Project, which has the public uses of improving pedestrian safety and ADA accessibility by providing sidewalks on both sides of the road; providing connectivity to multiple residential and commercial areas; and building road improvements to alleviate traffic congestion.

The City Council authorizes the utilization of the power of eminent domain to acquire the necessary land located in the City of New Braunfels, to the extent that the City is unable to acquire said land by negotiation and/or further negotiations with the landowner become futile.

SECTION 4.

The City Council authorizes its authorized officers or their designees and retained attorneys, to create, execute, and deliver such further documents, instruments, certificates, opinions, consents, pleadings, and other papers, for and on behalf of the City, and to do and cause to be done such further acts and things as may be necessary, appropriate, or advisable to effect the intent of this Resolution, including, but not limited to (a) filing temporary injunctions or other causes of action necessary to obtain access to the property impacted by the acquisitions; (b) performing lineal surveys for metes and bounds purposes and conducting archaeological, species and environmental walk-throughs, inspections and/or testing (including obtaining water and soil samples, if necessary), as required by applicable state and federal laws (collectively the "Preliminary Surveys"), appraising, designing, planning, obtaining title information, and specifying the preparation, location, and routing or re-rerouting of the Project should such become necessary for any reason; (c) entering into good-faith negotiations with the landowner to make bona fide offer for the property; (d) appraising the property; (e) causing eminent domain proceedings to be filed should the bona-fide offer and good-faith negotiations fail; and (f) obtaining, or causing to be applied for and obtained, surety bonds as may be necessary or desirable regarding any eminent domain proceedings hereinabove authorized or any injunctive proceedings necessary or related to or as a condition precedent to any such eminent domain proceedings. Such documents, instruments, certificates, opinions, consents, pleadings, and other papers, and any amendments, supplements, or modifications thereto shall be in such form and contain such terms and conditions, whether material or non-material, as such officers, or any of

them, shall deem necessary, appropriate, or advisable, and all that such officers, their designees, employees, and retained attorneys have done or may do under or by reason of this and any foregoing resolutions are hereby approved, confirmed, and ratified. The City Council finds that it is in the best interest to obtain the fee simple interest (or an easement where necessary) from whomever holds legal and equitable title as identified according to the procedure adopted through this Resolution and if necessary, the Director of Finance is directed to disburse funds in accordance herewith.

SECTION 5.

The determination of necessity to exercise the power of eminent domain in this matter is made according to reason and judgment with due regard and consideration of the relevant facts, circumstances, and alternatives, and the knowledge, which existed at this time. Therefore, the City, acting by and through its contractual eminent domain attorneys, is hereby directed and authorized to institute and prosecute to conclusion all necessary proceedings in eminent domain to condemn the land described herein and to acquire such interest in land if the City is unable to acquire such through negotiation, and to take any other legal action necessary or incidental to such acquisition or eminent domain proceeding to investigate, survey, specify, define, and secure the necessary property right.

All acts and proceedings done or initiated by the employees, agents, and attorneys of the City for the acquisition of such land are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such land is being purchased or acquired.

SECTION 6.

Severability: If any provision, section, subsection, sentence, clause, or phrase of this Resolution, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Resolution shall not be affected thereby, it being the intent of the Commissioners Court in adopting this Resolution that no portion hereof, or provisions, or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Resolution are declared to be severable for that purpose.

SECTION 7.

This Resolution shall become effective from and after its passage.

PASSED AND APPROVED this the _____ day of _____, 2017.

Barron Casteel, Mayor

ATTEST:

Patrick Aten
City Secretary



ROW Acquisition
Morningside Drive
MOE096 – Morningside
Parcel No: 7
CC Parcel ID: 106492

Legal Description

BEING 0.007 OF AN ACRE OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A PORTION OF LOT 1A, BLOCK 1 MEADOWS OF MORNINGSID, UNIT ONE, AS RECORDED IN VOLUME 14 PAGE 88 OF THE MAP AND PLAT RECORDS OF COMAL COUNTY TEXAS AND CONVEYED IN DOCUMENT NO. 200706045346 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron pin found in the Southeasterly right-of-way line of Morningside Drive, being the Northeasterly corner of said Lot 1A, Block 1, Meadows of Morningside Unit One, the Northwesternly corner of Bee Blvd, with the intersection of the Southwest line of Morningside Drive, and being the Northerly corner of this herein described 0.007 of an acre tract of land;

Thence with the Southwest line of Bee Blvd., S 24° 29' 46" E a distance of 25.00 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Southeasterly corner of this herein described 0.007 of an acre tract of land;

Thence departing said Bee Blvd. right-of-way, and across and through said Lot 1A, Block 1, N 70° 12' 50" W a distance of 34.91 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Southeasterly line of said Morningside Drive, for the Westerly corner of this herein described 0.007 of an acre tract of land;

Thence with the Southeast right-of-way line of Morningside Drive, N 64° 04' 06" E a distance of 25.00 feet to the POINT OF BEGINNING and containing a 0.007 acre tract of land;

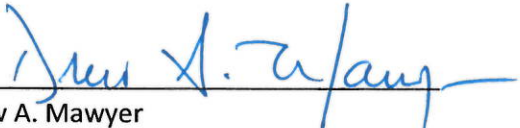
BEARING BASIS NOTE

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

REFERENCES

Reference Comal County Parcel ID Number 106492 - Morningside Homeowners Association INC.

Surveyed on the ground this the 25th day of August 2016.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
132 Caddell, New Braunfels, Tx 78130
(830)632-5092 8/31/17 REV





ROW Acquisition
Morningside Drive
MOE096 – Morningside
Parcel No: 7
CC Parcel ID: 106492

Legal Description

BEING 0.061 OF AN ACRE OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A PORTION OF LOT 1A, BLOCK 1 MEADOWS OF MORNINGSID, UNIT ONE, AS RECORDED IN VOLUME 14 PAGE 88 OF THE MAP AND PLAT RECORDS OF COMAL COUNTY TEXAS AND CONVEYED IN DOCUMENT NO. 200706045346 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron pin found in the Southeasterly right-of-way line of Morningside Drive, being the Northeasterly corner of a 104.5 acre tract of land as described in Document No. 200706043090 of the Official Public Records of Comal County, Texas, the Northwesterly corner of said Lot 1A, Block 1, Meadows of Morningside Unit One, and being the Northwesterly corner of this herein described 0.061 of an acre tract of land;

Thence with the Southeast right-of-way line of Morningside Drive, N 64° 04' 06" E a distance of 146.97 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Northeasterly corner of this herein described 0.061 of an acre tract of land;

Thence departing said Morningside Drive, and across and through said Lot 1A, Block 1, the following calls:

S 25° 55' 54" E a distance of 16.75 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in for the most Easterly corner of this herein described 0.061 of an acre tract of land;

S 64° 04' 06" W a distance of 113.65 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for an interior corner of this herein described 0.061 of an acre tract of land;

S 44° 13' 50" W a distance of 36.18 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Northeasterly line of said 104.5 acre tract of land for the Southwesterly corner of this herein described 0.061 of an acre tract of land;

Thence with the Northwest line of said 104.5 acre tract of land, the Southeasterly line of said Lot 1A, Block 1, N 24° 30' 44" W a distance of 29.04 feet to the POINT OF BEGINNING and containing a 0.061 acre tract of land;

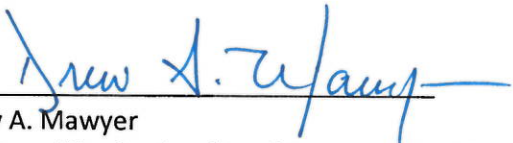
BEARING BASIS NOTE

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

REFERENCES

Reference Comal County Parcel ID Number 106492 - Morningside Homeowners Association INC.

Surveyed on the ground this the 25th day of August 2016.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
132 Caddell, New Braunfels, Tx 78130
(830)632-5092 *REV 8/31/17*



BEING 0.007 OF AN ACRE AND 0.061 OF AN ACRE OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A PORTION OF LOT 1A, BLOCK 1, MEADOWS OF MORNINGSIDE, UNIT 1, AS DESCRIBED IN DOC. NO. 200706045346 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

NOTES:

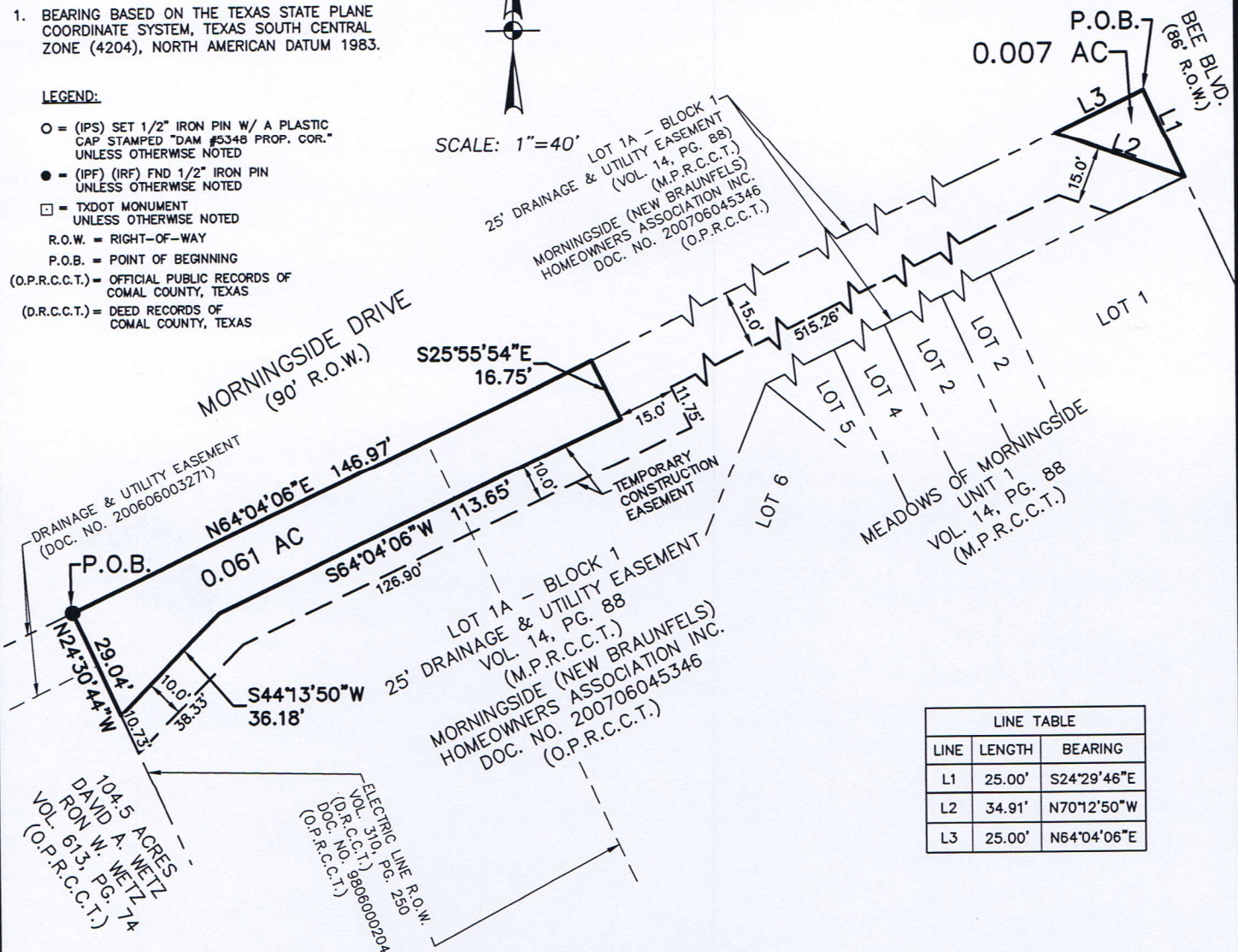
1. BEARING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983.

LEGEND:

- = (IPS) SET 1/2" IRON PIN W/ A PLASTIC CAP STAMPED "DAM #5348 PROP. COR." UNLESS OTHERWISE NOTED
- = (IPF) (IRF) FND 1/2" IRON PIN UNLESS OTHERWISE NOTED
- = TXDOT MONUMENT UNLESS OTHERWISE NOTED
- R.O.W. = RIGHT-OF-WAY
- P.O.B. = POINT OF BEGINNING
- (O.P.R.C.C.T.) = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- (D.R.C.C.T.) = DEED RECORDS OF COMAL COUNTY, TEXAS



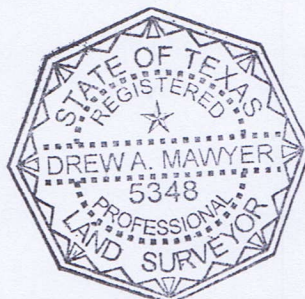
SCALE: 1"=40'



LINE TABLE		
LINE	LENGTH	BEARING
L1	25.00'	S24°29'46"E
L2	34.91'	N70°12'50"W
L3	25.00'	N64°04'06"E

PARCEL NO.	7
PARCEL SQ. FT.	2,984 SQ.FT.
TEMPORARY CONSTRUCTION EASEMENT SQ. FT.	10,044 SQ. FT.

D.A. MAWYER
 LAND SURVEYING
 132 CADDELL LANE
 NEW BRAUNFELS, TX 78130
 PH: (830)632-5092
 drewm@dam-tx.com
 FRM #10191500



STATE OF TEXAS
 COUNTY OF COMAL

THIS SURVEY IS CERTIFIED TO:
 THE CITY OF NEW BRAUNFELS

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION

THIS 31 DAY OF OCT 2016

DREW A. MAWYER
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348

DATE: OCTOBER 2016 JOB MOE096



ROW Acquisition
Morningside Drive
MOE096 – Morningside
Parcel No: 8
CC Parcel ID: 106493

Legal Description

BEING 0.010 OF AN ACRE OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A PORTION OF LOT 1A, MEADOWS OF MORNINGSID, UNIT 2, AS RECORDED IN VOLUME 14 PAGE 117 OF THE MAP AND PLA RECORDS OF COMAL COUNTY TEXAS AND CONVEYED IN DOCUMENT NO. 200706051630 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron pin found in the Southeasterly right-of-way line of Morningside Drive, being the Northwesterly corner of Lot 1R, Comal ISD Morningside Property, the Northeasterly corner of Lot said Lot 1A, and being the Northerly corner of this herein described 0.010 of an acre tract of land;

Thence with the Northeast line of said Lot 1A, the Southwest line of Lot 1R, S 23° 48' 04" E a distance of 2.94 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Most Easterly corner of this herein described 0.010 of an acre tract of land;

Thence departing said Lot 1R Comal ISD Morningside Property, and across and through said Lot 1A, the following calls:

S 64° 08' 14" W a distance of 75.47 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for a corner and the beginning of a curve to the right;

With said curve to the right having a Radius of 2033.00 feet, a Tangent of 33.07 feet, a Delta Angle of 01° 51' 51", having a Chord and Bearing Distance of S 65° 04' 09" W, 66.14 feet, and having a Total Arc Distance of 66.14 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for a corner;

and S 66° 00' 04" W a distance of 50.02 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in said Southeasterly line of Morningside Drive;

Thence with said Morningside Drive right-of-way, N 64° 04' 06" E a distance of 191.70 feet to the POINT OF BEGINNING and containing a 0.010 acre tract of land;

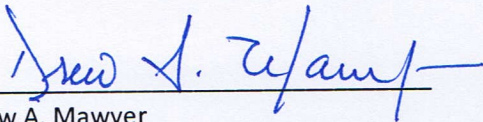
BEARING BASIS NOTE

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

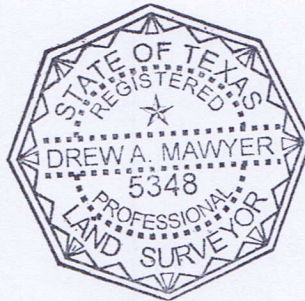
REFERENCES

Reference Comal County Parcel ID Number 106493 - Morningside Homeowners Association INC.

Surveyed on the ground this the 25th day of August 2016.



Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
132 Caddell, New Braunfels, Tx 78130
(830)632-5092



NOTES:

1. BEARING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983.

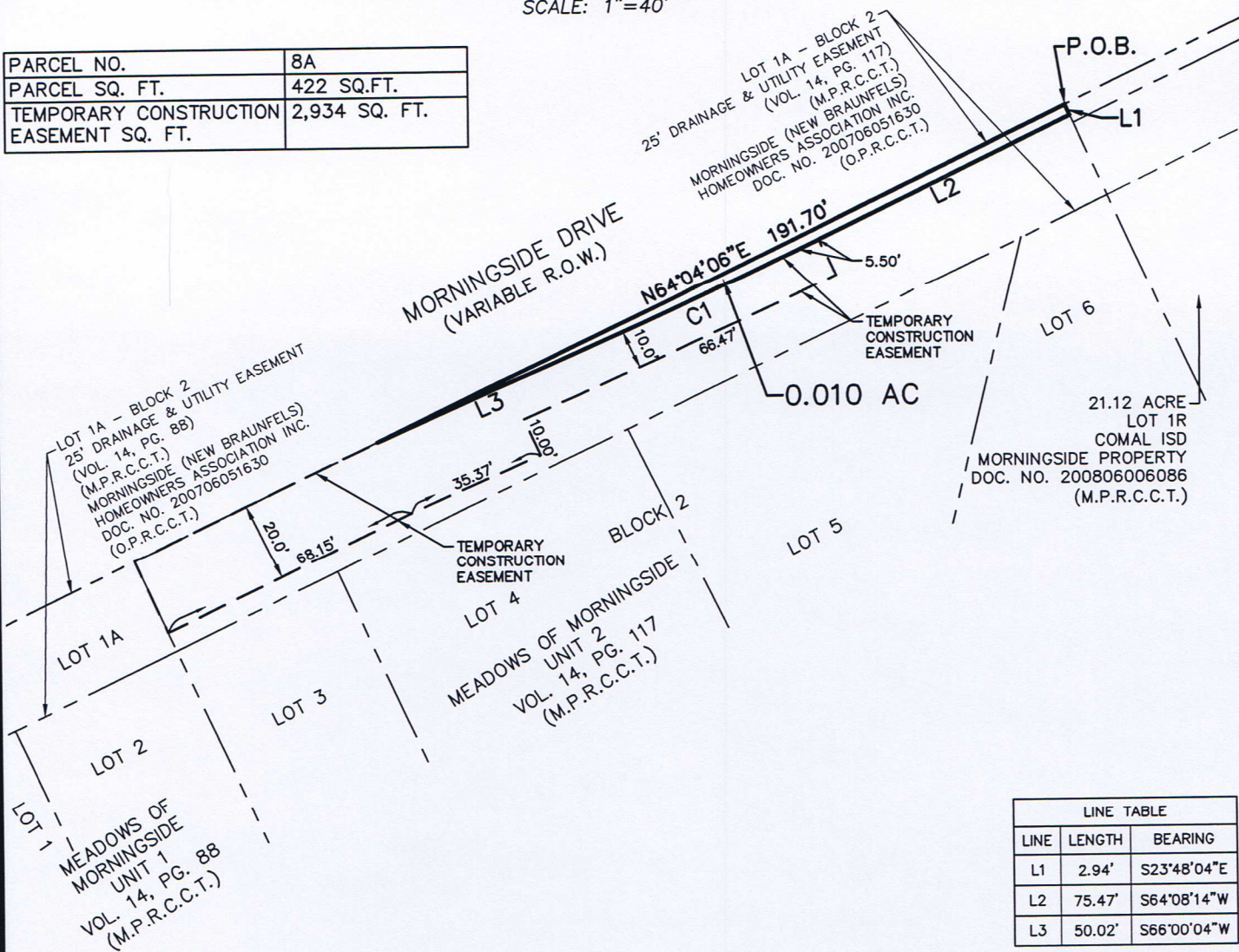


SCALE: 1"=40'

PARCEL NO.	8A
PARCEL SQ. FT.	422 SQ.FT.
TEMPORARY CONSTRUCTION EASEMENT SQ. FT.	2,934 SQ. FT.

LEGEND:

- = (IPS) SET 1/2" IRON PIN W/ A PLASTIC CAP STAMPED "DAM #5348 PROP. COR." UNLESS OTHERWISE NOTED
- = (IPF) (IRF) FND 1/2" IRON PIN UNLESS OTHERWISE NOTED
- ☐ = TXDOT MONUMENT UNLESS OTHERWISE NOTED
- R.O.W. = RIGHT-OF-WAY
- P.O.B. = POINT OF BEGINNING
- (O.P.R.C.C.T.) = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- (D.R.C.C.T.) = DEED RECORDS OF COMAL COUNTY, TEXAS



LINE TABLE		
LINE	LENGTH	BEARING
L1	2.94'	S23°48'04"E
L2	75.47'	S64°08'14"W
L3	50.02'	S66°00'04"W

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C1	66.14'	2033.00'	1°51'51"	33.07'	66.14'	S65°04'09"W



132 CADDELL LANE
NEW BRAUNFELS, TX 78130
PH: (830) 632-5092
drewm@dorn-tx.com
FIRM #10191500



STATE OF TEXAS
COUNTY OF COMAL

THIS SURVEY IS CERTIFIED TO:
THE CITY OF NEW BRAUNFELS

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF
THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN
ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION

THIS 31 DAY OF OCT 2016

DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348



ROW Acquisition
Morningside Drive
MOE096 – Morningside
Parcel No: 8
CC Parcel ID: 106493

Legal Description

BEING 0.007 OF AN ACRE OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A PORTION OF LOT 1A, BLOCK 2, MEADOWS OF MORNINGSID, UNIT ONE, AS RECORDED IN VOLUME 14 PAGE 88 OF THE MAP AND PLAT RECORDS OF COMAL COUNTY TEXAS AND CONVEYED IN DOCUMENT NO. 200706051630 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron pin found in the Southeasterly right-of-way line of Morningside Drive, being the Northwesterly corner of said Lot 1A, Block 2, Meadows of Morningside Unit One, the Northeasterly corner of Bee Blvd, with the intersection of the Southeast line of Morningside Drive, and being the Northwesterly corner of this herein described 0.007 of an acre tract of land;

Thence with said Morningside Drive right-of-way, N 64° 04' 06" E a distance of 25.00 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Northeasterly corner of this herein described 0.007 of an acre tract of land;

Thence departing said Morningside Drive right-of-way, and across and through said Lot 1A, S 19° 47' 10" W a distance of 35.80 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Northeast line of said Bee Blvd, for the Southerly corner of this herein described 0.007 of an acre tract of land;

Thence with the Northeast line of Bee Blvd., N 24° 29' 46" W a distance of 25.00 feet to the POINT OF BEGINNING and containing a 0.007 acre tract of land;

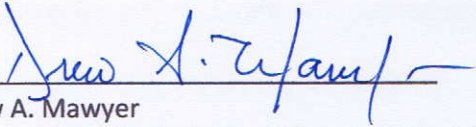
BEARING BASIS NOTE

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

REFERENCES

Reference Comal County Parcel ID Number 106493 – Morningside Homeowners Association INC.

Surveyed on the ground this the 25th day of August 2016.



Drew A. Mawyer

Registered Professional Land Surveyor No. 5348

TBPLS Firm Registration #10191500

132 Caddell, New Braunfels, Tx 78130

(830)632-5092

REV 7/8/2017



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ROW Acquisition
Morningside Drive
MOE096 – Morningside
Parcel No: 13
CC Parcel ID: 106442

Legal Description

BEING 0.007 OF AN ACRE OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A PORTION OF LOT 1A, BLOCK 12, MEADOWS OF MORNINGSIDES, UNIT 5, AS RECORDED IN VOLUME 14 PAGE 130 OF THE MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS AND CONVEYED IN DOCUMENT NO. 200706045346 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron pin found along the Southeasterly right-of-way line of Morningside Drive intersection with the Southwesterly right-of-way line of Delta Drive (86' ROW), being the Northerly corner of said Lot 1A, and being the Northerly corner of this herein described 0.007 of an acre tract of land;

Thence with the Southwesterly right-of-way line of Delta Drive, S 26° 10' 46" E a distance of 25.00 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Northerly corner of a 0.3420 acre tract (Lot 17) of land conveyed to Greg S. McFerren as described in Document No. 20060601798 of the Official Public Records of Comal County, Texas, being the Easterly corner of this said Lot 1A, and being the Easterly corner of this herein described 0.007 of an acre tract of land;

Thence departing the Southwesterly right-of-way line of Delta Drive, and across and through said LOT 1A, N 71° 01' 05" W a distance of 35.45 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Southeasterly right-of-way line of Morningside Drive, and being the Westerly corner of this herein described 0.007 of an acre tract of land;

Thence with the Southeasterly right-of-way line of Morningside Drive, N 64° 08' 35" E a distance of 25.00 feet to the POINT OF BEGINNING and containing a 0.007 of an acre tract of land;

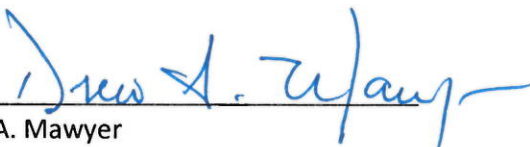
BEARING BASIS NOTE

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

REFERENCES

Reference Comal County Parcel ID Number 106442 – Morningside Homeowners Association INC

Surveyed on the ground this the 25th day of August 2016.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
132 Caddell, New Braunfels, Tx 78130
(830)632-5092 *REV 8/31/17*



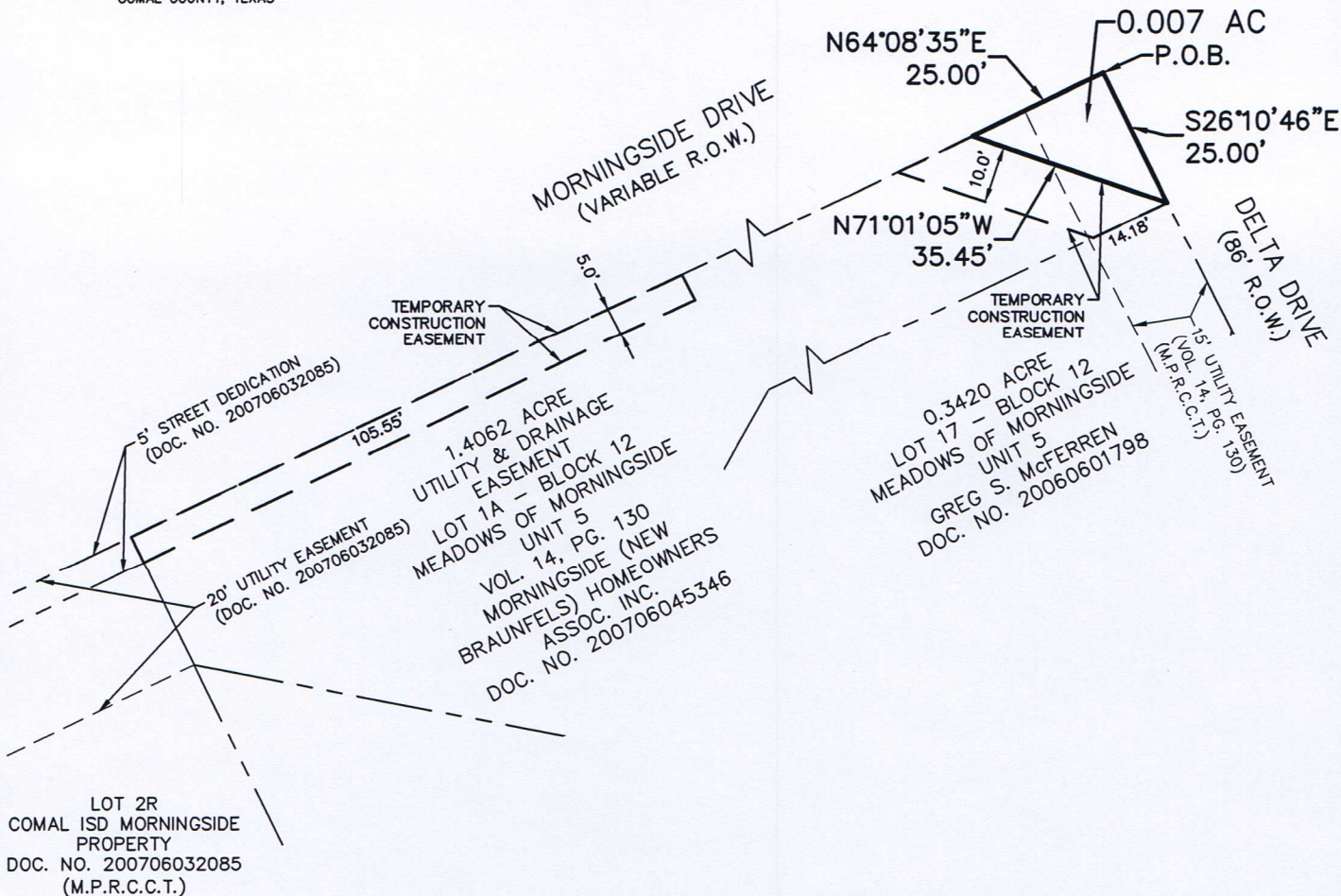
BEING 0.007 OF AN ACRE OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A PORTION OF 0.0864 ACRE, LOT 1A, BLOCK 12, MEADOWS OF MORNINGSIDE, UNIT 5, AS DESCRIBED IN DOCUMENT NO. 200706045346 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.



SCALE: 1"=30'

LEGEND:

- = (IFS) SET 1/2" IRON PIN W/ A PLASTIC CAP STAMPED "DAM #5348 PROP. COR." UNLESS OTHERWISE NOTED
- = (IPF) (IRF) FND 1/2" IRON PIN UNLESS OTHERWISE NOTED
- = TXDOT MONUMENT UNLESS OTHERWISE NOTED
- R.O.W. = RIGHT-OF-WAY
- P.O.B. = POINT OF BEGINNING
- (O.P.R.C.C.T.) = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- (D.R.C.C.T.) = DEED RECORDS OF COMAL COUNTY, TEXAS

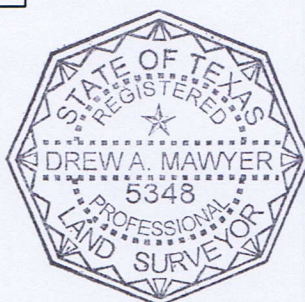


NOTES:

1. BEARING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983.

PARCEL NO.	13
PARCEL SQ. FT.	313 SQ.FT.
TEMPORARY CONSTRUCTION EASEMENT SQ. FT.	823 SQ. FT.

DAMAWYER
LAND SURVEYING
132 CADDELL LANE
NEW BRAUNFELS, TX 78130
PH: (830)632-5092
drawm@dam-bx.com
FIRM #10191500



STATE OF TEXAS
COUNTY OF COMAL

THIS SURVEY IS CERTIFIED TO:
THE CITY OF NEW BRAUNFELS

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION

THIS 31 DAY OF OCT 2016

DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348

DATE: OCTOBER 2016 JOB MOE096



ROW Acquisition
Morningside Drive
MOE096 – Morningside
Parcel No: 24
CC Parcel ID: 106489

Legal Description

BEING 0.007 OF AN ACRE OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A PORTION OF A 0.0864 ACRE TRACT CALLED LOT 1A, BLOCK 15, MEADOWS OF MORNINGSID, UNIT 5, AS RECORDED IN VOLUME 14 PAGE 130 OF THE MAP AND PLATRECORDS OF COMAL COUNTY TEXAS AND CONVEYED IN DOCUMENT NO. 200706051630 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron pin found in the Southeasterly right-of-way line of Morningside Drive and the intersection with the Northeasterly right-of-way line of Delta Drive (86' ROW), being the Westerly corner of said 0.0864 acre tract of land, and being the Westerly corner of this herein described 0.007 of an acre tract of land;

Thence with the Southeasterly right-of-way line of Morningside Drive, N 64° 08' 35" E a distance of 25.00 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Northerly corner of this herein described 0.007 of an acre tract of land;

Thence departing the Southeasterly right-of-way line of Morningside Drive, and across and through said LOT 1A, S 18° 58' 55" W a distance of 35.26 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Northeasterly right-of-way line of Delta Drive, being the Westerly corner of Lot 36 of Meadows of Morningside as conveyed to Norma S. Keller and described in Document No. 201206015425 of the Official Public Records of Comal County, Texas, and being the Southerly corner of this herein described 0.007 of an acre tract of land;

Thence along the Northeasterly right-of-way line of Delta Drive, N 26° 10' 46" W a distance of 25.00 feet to the POINT OF BEGINNING and containing 0.007 of an acre tract of land;

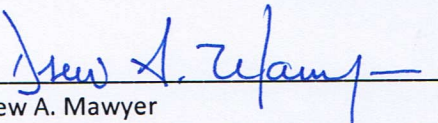
BEARING BASIS NOTE

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

REFERENCES

Reference Comal County Parcel ID Number 106489 – Morningside Homeowners Association INC

Surveyed on the ground this the 25th day of August 2016.

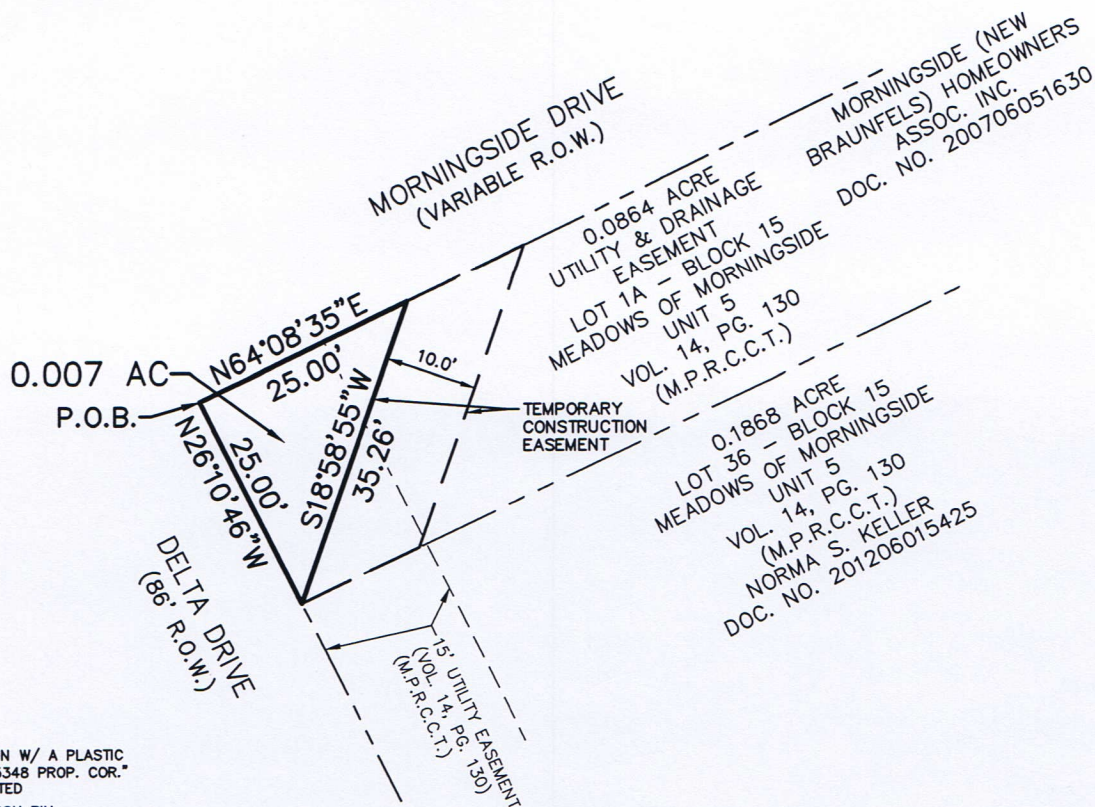

Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
132 Caddell, New Braunfels, Tx 78130
(830)632-5092



BEING 0.007 OF AN ACRE OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A PORTION OF 0.0864 ACRE, LOT 1A, BLOCK 15, MEADOWS OF MORNINGSIDE, UNIT 5, AS DESCRIBED IN VOLUME 14, PAGE 130 OF THE MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS.



SCALE: 1"=20'



LEGEND:

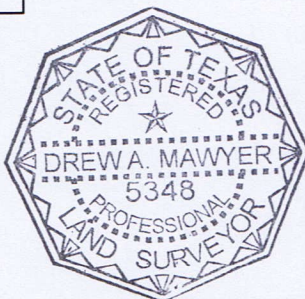
- = (IPS) SET 1/2" IRON PIN W/ A PLASTIC CAP STAMPED "DAM #5348 PROP. COR." UNLESS OTHERWISE NOTED
- = (IPF) (IRF) FND 1/2" IRON PIN UNLESS OTHERWISE NOTED
- = TXDOT MONUMENT UNLESS OTHERWISE NOTED
- R.O.W. = RIGHT-OF-WAY
- P.O.B. = POINT OF BEGINNING
- (O.P.R.C.C.T.) = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- (D.R.C.C.T.) = DEED RECORDS OF COMAL COUNTY, TEXAS

NOTES:

1. BEARING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983.

PARCEL NO.	24
PARCEL SQ. FT.	313 SQ.FT.
TEMPORARY CONSTRUCTION EASEMENT SQ. FT.	353 SQ. FT.

D.A. MAWYER
LAND SURVEYING
132 CADDELL LANE
NEW BRAUNFELS, TX 78130
PH: (830) 632-5092
drawm@dam-tx.com
FAX: 710191500



STATE OF TEXAS
COUNTY OF COMAL

THIS SURVEY IS CERTIFIED TO:
THE CITY OF NEW BRAUNFELS

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION

THIS 31 DAY OF OCT 2016

Drew A. Mawyer
DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348

DATE: OCTOBER 2016 JOB MOE096



ROW Acquisition
Morningside Drive
MOE096 – Morningside
Parcel No: 25
CC Parcel ID: 106420

Legal Description

BEING 0.050 OF AN ACRE OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A PORTION OF 5.8528 ACRE TRACT OF LAND, LOT 1A, BLOCK 15, MEADOWS OF MORNINGSID, UNIT 6, AS RECORDED IN VOLUME 14 PAGE 206 OF THE MAP AND PLAT RECORDS OF COMAL COUNTY TEXAS AND CONVEYED IN DOCUMENT NO. 200706045346 OF THE OFFICIAL PROPERTY RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron pin found in the Southeasterly right-of-way of Morningside Drive, being the Westerly corner of a 5.158 acre tract of land conveyed to Hanno F. Welsch Jr. as described in Document No. 9906023754 of the Official Public records of Comal County, Texas, being the Northerly corner of said Lot 1A, and being the Northerly corner of this herein described 0.050 of an acre tract of land;

Thence departing the Southeasterly right-of-way of Morningside Drive, and with the Southwesterly line of said 5.158 acre tract of land, S 26° 19' 19" E a distance of 7.31 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Northerly corner of this herein described 0.050 of an acre tract of land;

Thence departing the Southwesterly line of said 5.158 acre tract of land, and across and through said Lot 1A, S 65° 33' 03" W a distance of 598.33 feet to a ½" iron pin with cap stamped "DAM PROP COR #5348" set in the Southeasterly right-of-way of Morningside Drive, and being the Southerly corner of this herein described 0.050 of an acre tract of land;

Thence with the Southeasterly right-of-way line of Morningside Drive, N 64° 51' 03" E a distance of 598.13 feet to the POINT OF BEGINNING and containing a 0.050 acre tract of land;

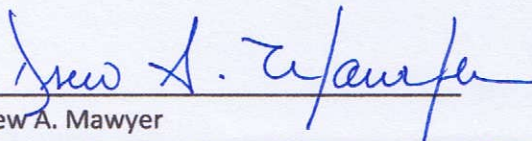
BEARING BASIS NOTE

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

REFERENCES

Reference Comal County Parcel ID Number 106420 – Morningside Homeowners Association Inc.

Surveyed on the ground this the 25th day of August 2016.



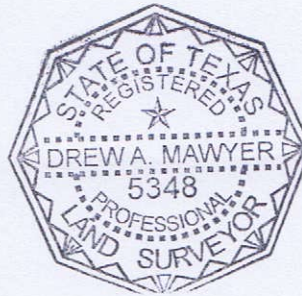
Drew A. Mawyer

Registered Professional Land Surveyor No. 5348

TBPLS Firm Registration #10191500

132 Caddell, New Braunfels, Tx 78130

(830)632-5092 *REV 7/13/2017*



BEING 0.050 OF AN ACRE OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A PORTION OF 5.8528 ACRE, LOT 1A, BLOCK 15, MEADOWS OF MORNINGSIDE, UNIT 6, AS RECORDED IN VOLUME 14, PAGE 206 OF THE MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS, AS DESCRIBED IN DOCUMENT NO. 200706045346 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

5.158 ACRE
HANNO F. WELSCH JR.
DOC. NO. 9906023754

P.O.B.
IRF

S26°19'19"E
7.31'

NOTES:

1. BEARING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983.

PARCEL NO.	25
PARCEL SQ. FT.	2,186 SQ.FT.

SCALE: 1"=60'

LEGEND:

- = (IPS) SET 1/2" IRON PIN W/ A PLASTIC CAP STAMPED "DAM #5348 PROP. COR." UNLESS OTHERWISE NOTED
- = (IPF) (IRF) FND 1/2" IRON PIN UNLESS OTHERWISE NOTED
- = TXDOT MONUMENT UNLESS OTHERWISE NOTED
- R.O.W. = RIGHT-OF-WAY
- P.O.B. = POINT OF BEGINNING
- (O.P.R.C.C.T.) = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- (M.P.R.C.C.T.) = MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS
- (D.R.C.C.T.) = DEED RECORDS OF COMAL COUNTY, TEXAS

MORNINGSIDE DRIVE
(VARIABLE R.O.W.)

N64°51'03"E 598.13'
S65°33'03"W 598.33'

0.050 AC

5.8528 ACRE
UTILITY & DRAINAGE EASEMENT
LOT 1A - BLOCK 15
MEADOWS OF MORNINGSIDE
UNIT 6
VOL. 14, PG. 206
(M.P.R.C.C.T.)
MORNINGSIDE (NEW
BRAUNFELS) HOMEOWNERS
ASSOC. INC.
DOC. NO. 200706045346

LOT 26

LOT 27

LOT 28

LOT 29

BLOCK 15
MEADOWS OF MORNINGSIDE
UNIT 6
VOL. 14, PG. 206
(M.P.R.C.C.T.)

LOT 30

LOT 31

LOT 32

DAMAWYER
LAND SURVEYING

5151 W. SH 46
NEW BRAUNFELS, TX 78132
PH: 210.325.0858
drewm@dam-tx.com
FIRM #10191500

DATE: JULY 2017 JOB MOE096



STATE OF TEXAS
COUNTY OF COMAL

THIS SURVEY IS CERTIFIED TO:
THE CITY OF NEW BRAUNFELS

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION

THIS 13 DAY OF July 2017

DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348



ROW Acquisition
Morningside Drive
MOE096 – Morningside
Parcel No: 41
CC Parcel ID: 382380

Legal Description

BEING 0.025 OF AN ACRE OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A PORTION OF 0.2600 OF AN ACRE TRACT OF LAND CALLED LOT 915, BLOCK 3, HIGHLAND GROVE, UNIT1 AS RECORDED IN DOCUMENT NO. 201306002020 OF THE MAP AND PLAT RECORDS OF COMAL COUNTY TEXAS AND CONVEYED IN DOCUMENT NO. 201406022065 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron pin found in the Southeasterly right-of-way line of Morningside Drive, being the Westerly corner of Lot 3, Block 3, Highland Grove, Unit 1, as conveyed to Velma Development LLC and described in Document No. 201306002020 of the Map and Plat Records of Comal County, Texas, being the Northerly corner of Lot 4, Block 3, Highland Grove, Unit 1, being the Southerly corner of said Lot 915, and being the Southwesterly corner of this herein described 0.025 of an acre tract of land;

Thence along the Southeasterly right-of-way line of Morningside Drive, the following calls:

N 31° 59' 29" E a distance of 113.18 feet to a Northwesterly corner of this herein described 0.025 of an acre tract of land;

N 30° 99' 38" E a distance of 39.06 feet to a point for the Westerly cutback of the Southeasterly right-of-way line of Morningside Drive and the Southwesterly right-of-way line of Highland Vista, and being the Northwesterly corner of this herein described 0.025 of an acre tract of land;

Thence with the corner cutback of the Southeasterly right-of-way line of Morningside Drive and the Southwesterly right-of-way line of Highland Vista, N 76° 02' 51" E a distance of 10.92 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Northeasterly corner of this herein described 0.025 of an acre tract of land;

Thence departing said cutback line, and across and through said Lot 915 the following calls:

With a non-tangent curve to the right having a Radius of 3045.00 feet, a Tangent of 93.24 feet, a Delta Angle of $01^{\circ} 45' 16''$, having a Chord and Bearing Distance of S $31^{\circ} 37' 14''$ W, 93.24 feet, and having a Total Arc Distance of 93.24 feet to a $\frac{1}{2}$ " iron pin with cap stamped "DAM #5348 PROP. COR." set for a corner of this herein described 0.025 of an acre tract of land;

and S $32^{\circ} 29' 52''$ W a distance of 54.31 feet to a $\frac{1}{2}$ " iron pin with cap stamped "DAM #5348 PROP. COR." set in the Northwestern line of said Lot 3, and being the Southeasterly corner of this herein described 0.025 of an acre tract of land;

Thence with the Northwestern line of said Lot 3, S $60^{\circ} 30' 08''$ W a distance of 14.27 feet to the POINT OF BEGINNING and containing a 0.025 acre tract of land;

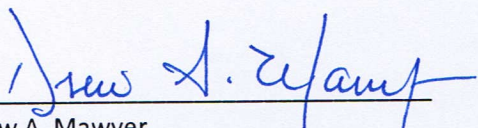
BEARING BASIS NOTE

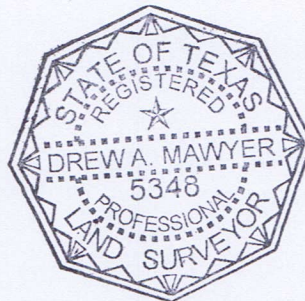
Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

REFERENCES

Reference Comal County Parcel ID Number 382380 - Highland Grove HOA INC 0.025

Surveyed on the ground this the 25th day of August 2016.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
132 Caddell, New Braunfels, Tx 78130
(830)632-5092



Tracing Name: C:\Users\MichelleVollmar\AppData\Local\Temp\AcPublish_33936\MOC096-PARCLS_090716REV.dwg User: MichelleVollmar Oct 28, 2016 - 6:26am