#### MEMORANDUM OF AGREEMENT

This <b>MEMORANDUM OF AGREEMENT</b> ("MOA") is entered into this	_ day of
, 20201, by and between the CITY OF NEW BRAUNFELS (the "C	'ity''), a
home-rule city under the laws of the State of Texas, whose address is 550 Landa Street	et, New
Braunfels, Comal County, TX 78130, and John Gannon, Inc. ("JGI"), a Texas Corporation	n whose
address is 525 Park Grove, Katy, Harris County, Texas.	

#### RECITALS

**WHEREAS,** JGI is the owner of a billboard structure located within a 0.024 acre billboard easement located within the northwest right of way of Alves Lane at the intersection of SH 46 as described in the metes and bounds description attached hereto as Exhibit "A" (the "Alves Billboard"); and

**WHEREAS,** JGI is the owner of a billboard structure located on the property addressed as 970 Loop 337, New Braunfels, TX 78130 as depicted on the attached Exhibit "B" (the "Loop 337 Billboard"); and

**WHEREAS,** JGI is requesting to relocate the Alves Billboard to an adjacent property due to its location within the right of way of Alves Lane, and the City is requesting the Loop 337 Billboard be removed due to its status of an illegal sign;

**NOW, THEREFORE, in** consideration of the representation, covenants, and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

#### **AGREEMENT**

- 1. Contemporaneously with the execution of this agreement, JGI shall deliver a After execution and delivery of the Performance Bond to the City and within sixty (60) days of the date of this agreement, JGI, at its own expense, shall cause the Alves Billboard to be removed in its entirety and relocated to the 10'x30' sign easement as dedicated in the On the Grind Subdivision referenced on the plat recorded as Document number 201806023131, Map and Plat Records of Comal County, Texas, attached to this agreement as Exhibit "C"
- 2. JGI agrees that all work related to the relocation of the Alves Billboard shall be done in accordance with all City Codes and shall have the appropriate permits issued by the City whenever applicable. JGI is solely responsible for compliance with the State of Texas and Texas Department of Transportation rules and regulations regarding the Alves Billboard relocation. JGI further agrees that the relocated billboard shall be substantially similar in

size, height and utility to the existing Alves Billboard and may be installed on a metal monopole. Under no circumstances shall the relocated billboard be electronic in nature.

- 3. Before March April 1, 20201 and after the removal and relocation of the Alves Billboard, JGI shall execute a transfer of the of .024 acre billboard easement to the City, which was reserved in the Deed from John Gannon, Inc. to NB Kaffee Investments, LLC recorded as Document No. 201706002465, Real Property Records of Comal County, Texas, attached hereto as Exhibit "D". Said transfer shall be at no cost to the City and shall be on the form attached to this agreement as Exhibit "E".
- 4. JGI shall release the City from any and all claims it may have against City, including maintenance, or any other claims it may have, whether known or unknown, which could be brought against the City related in any way to rights JGI may have under the Billboard Easement.
- 5. Within twelve eighteen (182) months from December 3, 2020, JGI, at its own expense, shall cause the Loop 337 Billboard to be removed in its entirety.
- 6. JGI agrees that all work related to the removal of the Loop 337 Billboard shall be done in accordance with all City Codes and shall have the appropriate permits issued by the City whenever applicable.
- 7. JGI shall issue a performance and payment bond in the amount of \$20,000 as security for the faithful performance of the obligation of the removal of the Loop 337 Billboard. Performance and payment bonds shall be issued by a solvent company authorized to do business in the State of Texas and shall meet any other requirements established by law or by Owner pursuant to applicable law.
- 8. This MOA may only be terminated by mutual agreement by both parties.
- 9. This MOA shall become effective upon execution and delivery of the MOA and the Performance Bond by both parties.

**IN WITNESS WHEREAS,** the City and JGI mutually consent to enter into this MOA on the date set forth above in Comal County, Texas.

John Gannon, Inc.	CITY OF NEW BRAUNFELS		
John Gannon, President	Robert Camareno, City Manager		

### ACKNOWLEDGMENT

STATE OF TEXAS	§ §	
COUNTY OF COMAL	§ §	
personally known to me (or prove	ed to me on within instru	, personally appeared John G. Gannon, the basis of satisfactory evidence) to be the person ment and acknowledged to me that he executed the f JGI, Inc.
WITNESS my hand and of	fficial seal.	
		Notary Public, State of Texas
STATE OF TEXAS COUNTY OF COMAL	§ § §	
CAMARENO, personally known be the person whose name is subso	cribed to the	, personally appeared ROBERT oved to me on the basis of satisfactory evidence) to within instrument and acknowledged to me that he acity as City Manager of the CITY OF NEW
WITNESS my hand and of	fficial seal.	
		Notary Public State of Texas



# SURVEYING · ENGINEERING · ARCHITECTURE

"Serving the Community of Texas"
142 Jackson Lane
San Marcos, Texas 78666
Phone: 512-392-1719
ashandassociates.net

STATE OF TEXAS COUNTY OF COMAL BILLBOARD EASEMENT # 1 - 0.024 ACRES A.M. ESNAURIZAR SURVEY ELEVEN, A-1

BEING A PROPOSED BILLBOARD EASEMENT SITUATED IN THE A.M. ESNAURIZAR SURVEY ELEVEN, ABSTRACT NO. 1, COMAL COUNTY, TEXAS, SAME BEING OVER A PORTION OF THAT CERTAIN CALLED 1.489 ACRE TRACT OF LAND CONVEYED TO JOHN GANNON, INC. BY DEED RECORDED UNDER CLERK'S DOCUMENT NO. 201406031065, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the intersection of the northwest line of Alves Lane, a variable width public right-of-way, with the curving northeast line of State Highway No. 46, a called 120 foot wide public right-of-way, same being at the south corner of said Gannon called 1.489 acre tract, for the south corner of the easement herein described, and from which a 1/2" iron rod found at the east corner of said Gannon called 1.489 acre tract bears North 44°37'35" East (N 46°49'13" E Record), a distance of 250.35 feet (250.11' Record);

THENCE in a northwesterly direction a distance of 20.89 feet along the southwest line of said Gannon called 1.489 acre tract and the common northeast line of said State Highway No. 46 and along the arc of said curve to the right, having a radius 5669.65 feet (Record), a delta angle of 00°12'40", and a chord which bears North 62°10'43" West, a distance of 20.89 feet to the west corner of the easement herein described;

THENCE leaving said State Highway No. 46, through said Gannon called 1.489 acre tract, North 44°37'35" East, a distance of 56.04 feet to the north comer of the easement herein described;

THENCE South 45°22'25" East, a distance of 20.00 feet to the southeast line of said Gannon called 1.489 acre tract and the common northwest line of aforesaid Alves Lane, for the east corner of the easement herein described;

THENCE South 44°37'35" West (S 46°49'13" W Record), along the common line of said Gannon called 1.489 acre tract and said Aives Lane, a distance of 50.00 feet to the POINT OF BEGINNING and CONTAINING 0.024 ACRES OF LAND.

BEARING BASIS HEREIN DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (TEXAS SOUTH CENTRAL ZONE) & NAD83.

I. Richard H. Taylor, do certify that this description and associated exhibit were prepared this date December 15, 2016 from a boundary survey performed under my direction during December, 2016, and is true and correct to the best of my knowledge and belief.

Richard H. Taylor

Registered Professional Land Surveyor

No. 3986 State of Texas

Attachment: Drawing of 1.49 Acres & Easements

Job: 16-6390

12/15/16

Date

EXHIBIT "D

Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
01/17/2017 09:44:33 AM
MEDINM 6 Pages(s)
201706002465

RICHARD'

Comarca

Babie Koepp

W/



NAD\_1983\_StatePlane\_Texas\_South\_Central\_FIPS\_4204\_Feet

Comal County GIS

## Exhibit "B" - Loop 337 Billboard





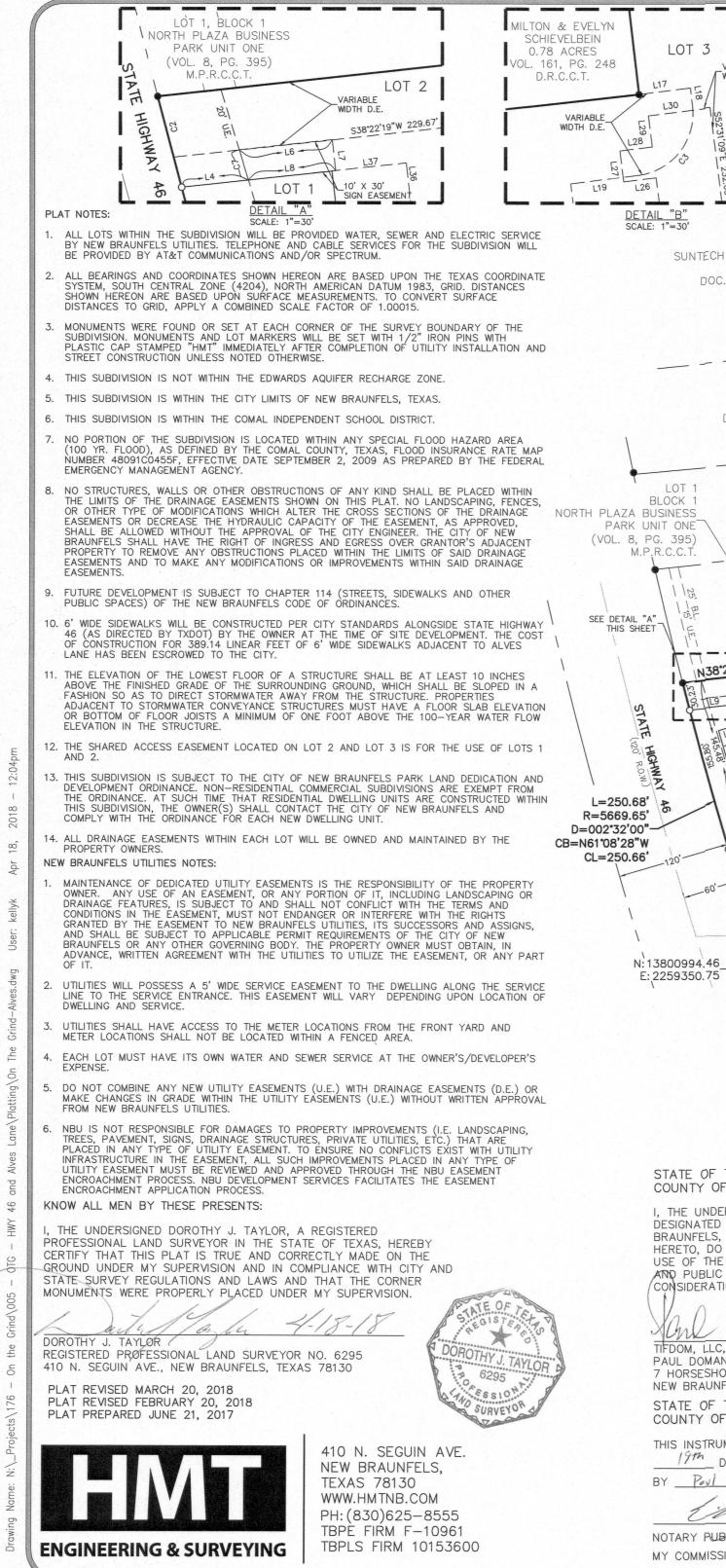
Blue: Band\_3

Notes

current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

# Exhibit "C"



BEING 4.11 ACRES OF LAND, SITUATED IN THE A.M. ESNAURIZAR SURVEY NO. ABSTRACT NO. 1, COMAL COUNTY, TEXAS. BEING ALL OF A CALLED 2.629 ACRE TRACT, DESCRIBED IN DOCUMENT NO. 201606042168, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS AND ALL OF A CALLED 1.489 ACRE TRACT, DESCRIBED IN

LOT 17. BLOCK 1 CADDELL SUBDIVISION DONALD M. BOWEN BLOCK ONE 0.094 ACRE DOC. NO. 9506481522 VOL. 4, PG. 55 M.P.R.C.C.T. 0.P.R.C.C.T 105.18 N: 13801726.48 E: 2259030.13 SUNTECH BUILDING SYSTEMS, INC. 1.239 ACRES DOC. NO. 201306050296 D.R.C.C.T. TOMMY D. & WANDA G. MORGAN 0.8 ACRES DOC. NO. 200606006886 O.P.R.C.C.T.

MILTON & EVELYN SCHIEVELBEIN SEE DETAIL "B" \_\_\_\_\_\_
O 78 ACRES THIS SHEET LOT 1 BLOCK 1 NORTH PLAZA BUSINESS VOL. 161, PG. 248 D.R.C.C.T. N3817'11"E 168.75' PARK UNIT ONE (VOL. 8, PG. 395) M.P.R.C.C.T. VARIABLE ARIABLE WIDTH

LOT 3

# FINAL PLAT ESTABLISHING#201806023131 ON THE GRIND

DOCUMENT NO. 201706002465, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.



.14' ALVES LN VARIABLE WIDTH	CURVE TABLE						
(R.O.W. VARIES) R.O.W. DEDICATION 0.26 AC.	CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
0.20 7.0.	C1	49.03'	37.00'	075°55'39"	28.87'	45.52'	N80°49'23"E
	C2	20.21	5669.65	000°12'15"	10.11'	20.21'	N59°58'35"W
	C3	31.42'	20.00'	090°00'00"	20.00'	28.28'	S07°31'09"E
	C4	6.22'	3.00'	118°47'58"	5.07'	5.16'	S83°07'10"E
	C5	22.85	60.00'	021°49'14"	11.57'	22.71'	S34°37'48"E
	C6	7.88'	5.00'	090°19'37"	5.03'	7.09'	S00°22'36"E
	C7	10.17	5689.65	000°06'09"	5.08'	10.17	N62°06'51"W
	C9	30.48	23.00'	075°55'39"	17.95	28.30'	N80°49'23"E

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT, AND

DESIGNATED HEREIN AS ON THE GRIND, LOTS 1 & 2, A SUBDIVISION TO

THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE

AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS,

NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY

DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS

STATE OF TEXAS

COUNTY OF COMAL

NB KAPFEE INVESTMENTS, LCC

170 EAST SAN ANTONIO STREET

NEW BRAUNFELS, TEXAS 78130

BY Mark Parmerlee

STATE OF TEXAS

COUNTY OF COMAL

MARK PARMERLEE + AUTHORIZED AGENT

19th DAY OF April

NOTARY PUBLIC, STATE OF TEXAS

MY COMMISSION EXPIRES: 4/7/19

L24 | 20.05' | N44°57'48"E

L25 | 136.80' | N41°06'47"W

L26 | 10.50' | S37°28'51"W

L27 | 10.00' | N52°31'09"W

S44°48'32"W 389.14'

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS LOT 3, A SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

TIFDOM, LLC, A TEXAS LIMITED LIABILITY COMPANY PAUL DOMANSKI - AUTHORIZED AGENT 7 HORSESHOE TRAIL NEW BRAUNFELS, TEXAS 78132 STATE OF TEXAS

COUNTY OF COMAL THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS

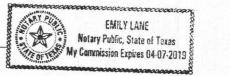
NOTARY PUBLIC, STATE OF TEXAS MY COMMISSION EXPIRES: 4/7/19

19th DAY OF April

E: 2259350.75

STATE OF TEXAS

COUNTY OF COMAL



= FND 1/2" IRON PIN (UNLESS NOTED OTHERWISE) O = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT"

B.L. = BUILDING SETBACK LINE U.E. = UTILITY EASEMENT D.E. = DRAINAGE EASEMENT

COMAL COUNTY, TEXAS

R.O.W. = RIGHT-OF-WAYM.P.R.C.C.T. = MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS COMAL COUNTY, TEXAS D.R.C.C.T. = DEED RECORDS,

	LINE TA	BLE			LINE TA	BLE
LINE #	LENGTH	DIRECTION		LINE #	LENGTH	DIRECTION
L1	56.23	N81°30'41"E		L28	10.50'	N37°28'51"E
L2	38.51	N45°10'15"W		L29	10.00'	N52°31'09"W
L3	72.61	N44°47'12"E		L30	20.00'	N37°28'51"E
L4	21.53'	S38°21'06"W		L31	137.42	S41°06'47"E
L6	30.00'	N38°21'06"E		L32	52.11'	S28°47'12"W
L7	10.00'	\$51°38'54"E		L33	52.25	S28°47'12"W
L8	28.15	S38°21'06"W		L34	20.00'	S61°12'48"E
L9	48.46'	N38°21'06"E		L35	93.37'	S61°12'48"E
L10	22.44	\$51°38'54"E		L36	33.70'	S51°38'54"E
L11	20.20'	S28°53'14"W		L37	24.00'	N38°21'06"E
L13	63.00'	\$61°12'48"E				
L14	28.00'	N28°47'12"E			TYPOT	NOTES:
L15	45.50'	S61°12'48"E				NOTES:  R RESIDENTIAL D
L16	37.92'	\$45°02'12"E			DEV	VELOPER SHALL ASURES FOR FU
L17	16.66	N37°28'51"E				NER/DEVELOPER
L18	5.70'	\$52°31'09"E	DRAINAGE SYS AQUIFER RECH			AINAGE SYSTEM UIFER RECHARGE
L19	22.00'	S37°28'51"W	DETENTION PO ENCROACH BY			
L20	40.87	S59°53'04"E				RUCTURAL BEST ATE R.O.W. WILL
L21	11.55	N37°28'51"E				XIMUM ACCESS I
L22	72.61	N44°47'12"E	MAXIMUM CON			XIMUM COMBINED HWAY FRONTAGE
L23	21.21	S49°34'38"W				STING CONDITION NECTION SPACE

LOCATION MAP WIDTH -SHARED ACCESS ESMT WIDTH D.E. LOT SHARED ACCESS-ESMT ALVES LN

SCALE: 1"=100'

RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE RIGHT-OF-WAY, THE LOPER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT

R/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING AGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY. FOR PROJECTS IN THE EDWARDS ER RECHARGE OR CONTRIBUTING ZONES, OUTFALLS FOR WATER QUALITY AND /OR ITION PONDS TREATING IMPERVIOUS COVER RELATED TO THE DEVELOPMENT, WILL NOT DACH BY STRUCTURE OR GRADING INTO STATE R.O.W. PLACEMENT OF PERMANENT CTURAL BEST MANAGEMENT PRACTICE DEVICES OR VEGETATIVE FILTER STRIPS WITHIN R.O.W. WILL NOT BE ALLOWED.

UM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS TED BY TXDOT'S, "ACCESS MANAGEMENT MANUAL". THE PROPERTY IS ELIGIBLE FOR MUM COMBINED TOTAL OF 0 (ZERO) ACCESS POINTS, BASED ON AN OVERALL PLATTED WAY FRONTAGE OF APPROXIMATELY 186.02 FEET. WHERE TOPOGRAPHY OR OTHER ING CONDITIONS MAKE IT INAPPROPRIATE OR NOT FEASIBLE TO CONFORM TO THE CONNECTION SPACING INTERVALS, THE LOCATION OF REASONABLE ACCESS WILL BE DETERMINED WITH CONSIDERATION GIVEN TO TOPOGRAPHY, ESTABLISHED PROPERTY OWNERSHIPS, UNIQUE PHYSICAL LIMITATIONS, AND/OR PHYSICAL DESIGN CONSTRAINTS. THE SELECTED LOCATION SHOULD SERVE AS MANY PROPERTIES AND INTERESTS AS POSSIBLE TO REDUCE THE NEED FOR ADDITIONAL DIRECT ACCESS TO THE HIGHWAY. IN SELECTING LOCATIONS FOR FULL MOVEMENT INTERSECTIONS, PREFERENCE WILL BE GIVEN TO PUBLIC ROADWAYS THAT ARE ON LOCAL THOROUGHFARE PLANS.

4. IF SIDEWALKS ARE REQUIRED BY APPROPRIATE CITY ORDINANCE, A SIDEWALK PERMIT MUST BE APPROVED BY TXDOT, PRIOR TO CONSTRUCTION WITHIN STATE RIGHT-OF-WAY. LOCATIONS OF SIDEWALKS WITHIN STATE RIGHT-OF-WAY SHALL BE AS DIRECTED BY TXDOT.

5. ANY TRAFFIC CONTROL MEASURES (LEFT-TURN LANE, RIGHT-TURN LANE, SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF

DAY OF HON

BY THE PLANNING COMMISSION OF THE CIT BRAUNFELS, TEXAS. Hermund Lee Edwards

APPROVED FOR ACCEPTANCE

NEW BRAUNFELS UTILITIES

STATE OF TEXAS COUNTY OF COMAL

EMILY LANE

Notary Public, State of Texas My Commission Expires 04-07-2019

, Bobbie Koepp do Hereby Certify that the foregoing INSTRUMENT WAS FILED FOR RECORD IN THE MAP AND PLAT RECORDS, DOC# 201806023131 \_\_\_ OF COMAL COUNTY ON THE Z DAY of June \_\_\_\_, 20**18**, AT

WITNESS MY HAND AND OFFICIAL SEAL, THIS THE 12 DAY OF June 2018

COUNTY CLERK, COMAL COUNTY, TEXAS

3:28 P M.



PAGE 1 OF 1

# Exhibit "D"

New Braunfels Title Co. G.F.# 084962KB

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.

# GENERAL WARRANTY DEED RESERVING VENDOR'S LIEN IN FAVOR OF THIRD PARTY

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COMAL

THAT JOHN GANNON, INC., a Texas Corporation, hereinafter called Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration in hand paid by NB KAFFEE INVESTMENTS, LLC, whose address is 170 East San Antonio Street, New Braunfels, Texas, 78130, hereinafter called Grantee, the receipt and sufficiency of which is hereby acknowledged and confessed, and the further consideration of the execution and delivery by the said Grantee of one certain Promissory Note of even date herewith in the principal sum of THREE HUNDRED TWENTY-TWO THOUSAND, FIVE HUNDRED AND NO/100 (\$322,500.00) DOLLARS, executed by Grantee herein, and payable to the order of JEFFERSON BANK, hereinafter called Mortgagee, said Note being payable as therein provided, bearing interest at the rate therein specified, providing for attorney's fees and acceleration of maturity at the rate and in the events therein set forth, and payment of said Note being secured by a vendor's lien and superior title retained herein in favor of said Mortgagee, and by Deed of Trust of even date herewith from Grantee to DANNY B. BUTLER, Trustee, to which reference is hereby made for all purposes; and,

WHEREAS, Mortgagee has, at the special instance and request of said Grantee herein, paid to Grantor herein \$322,500.00 of the purchase money for the property hereinafter described as represented by the above described Note, said Note, together

with the vendor's lien and Deed of Trust Lien against said property securing the payment of said Note is, without recourse upon the Grantor herein, hereby assigned, transferred and delivered to Mortgagee, the Grantor hereby conveying to the said Mortgagee the said superior title to said property, and subrogating the said Mortgagee unto all the rights and remedies of Grantor in the premises by virtue of said Note and liens; the indebtedness evidenced by said Note being due and payable as therein provided, both principal and interest being due and payable at the office of JEFFERSON BANK;

HAS GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the said Grantee, the following described property, to-wit:

Being 1.489 acres of land, more or less, out of the A.M. Esnaurizar Eleven League Grant, Abstract No. 1, City of New Braunfels, Comal County, Texas, more particularly described by metes and bounds in <u>Exhibit "A"</u>, attached hereto, and made a part hereof.

This conveyance is made subject to, all and singular, the restrictions, 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.

Further, Grantor herein reserves for itself, its successors and assigns a Billboard Advertising Sign Easement covering a **0.024** acre tract more fully described in **Exhibit** "B" attached hereto upon the following terms:

a) The easement retained herein shall be for the purpose of providing for Grantor herein its agents, employees, invitees, licensees, lessees, successors and assigns a nonexclusive, appurtenant easement and right of way for ingress and egress over and across the herein described property in order that Grantor might reasonably maintain, change the advertising displayed, repair, replace, remove, prune vegetation that obstructs the visibility of such sign and otherwise operate a



billboard advertising sign owned and licensed in the name of Grantor which is located near the property line fronting State Highway 46 at a point approximately 25 feet north of the most southeasterly point of the herein conveyed property.

- b) Grantee hereby agrees and covenants not to erect, build, or construct any sign, building, or other improvement of any kind, including vegetation, or place any object on the herein conveyed property that will or could potentially block visibility of the said billboard advertising sign from vehicular traffic on State Highway 46.
- c) Grantor herein agrees to indemnify and hold harmless Grantee their successors and assigns from and against any and all claims, losses, damages, lawsuits and liability for injuries or damage to property arising out of or in connection with the utilization of the rights herein retained by Grantor unless such damage or injury is the direct result of Grantee's own negligence.
- d) The rights and responsibilities of this retained easement shall bind and inure to the benefit of the Grantor and Grantee herein their successors and assigns.

Taxes for the current year have been prorated and are assumed by Grantee.

It is expressly agreed and stipulated that a vendor's lien is retained in favor of the payee in said Note against the above described property, premises and improvements, until said Note, and all interest thereon, is fully paid according to the face and tenor, effect and reading thereof, when this deed shall become absolute.

TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs and assigns forever.

Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators and successors to warrant and forever defend, all and singular, the said premises unto the



said Grantee, Grantee's heirs, executors, administrators, successors and assigns, against every person whomsoever claiming or to claim the same or any part thereof.

DATED this the  $12^{\frac{1}{1}}$  day of January, 2017 but EFFECTIVE as of the  $12^{\frac{1}{1}}$  day of January, 2017.

JOHN GANNON, INC., a Texas Corporation

BY: XXX ANNON, President

OK JOHN P. GANNON

STATE OF TEXAS
COUNTY OF HAYYIS

§

This instrument was acknowledged before me on this the 12 day of January, 2017, by JOHN GANNON, President of JOHN GANNON, INC., a Texas Corporation.

WENDI ACOSTA
Notary Public, State of Texas
My Commission Expires
February 03, 2019

Notary Public in and for the State of Texas.

53.DEEDS
New Braunfels Title Co. (KB)
GF #84962NBT

# River City Engineering

1011 W. County Line Road \* NEW BRAUNFELS, TX. 78130 PHONE (830) 625-0337 FAX (830) 625-0858 dlamberts@rcetx.com Firm Registration #10193949

All that certain tract or parcel of land containing 1.489 acres of land out of the A.M. Esnaurizar Eleven League Grant, Abstract No. 1, City of New Braunfels, Comal County, Texas, being the same land, as surveyed and found on the ground on June 26, 2014, as that certain called 1.487 acre parcel described in Document No. 200006035292 of the Official Public Records of Comal County, Texas; Said 1.489 acre parcel being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch rebar found at the intersection of the northwesterly right-ofway line of Alves Lane and the northeasterly right-of-way line of State Highway 46 for the most southerly corner and POINT OF BEGINNING of this parcel;

THENCE with said right-of-way line of State Highway 46, along the arc of a curve to the right having a radius of 5669.65 feet, a delta angle of 02 deg 31' 11", a chord bearing of North 59 deg 30' 02" West and a chord distance of 250.96 feet, an arc length of 250.98 feet (called 250.67 feet) to a ½ inch rebar found for the most westerly corner of this parcel, same being the most southerly corner of Lot 1, Block 1, NORTH PARK BUSINESS PLAZA UNIT ONE, as recorded in Volume 8, Page 359 of the Pap and Plat Records of Comal County, Texas;

THENCE departing said right-of-way line and with the common line of this parcel with said Lot 1 and a portion of the residue of that certain called 4.114 acre parcel described in Document No. 200306047841 of said Official Public Records, North 40 deg 25' 00" East, a distance of 249.94 feet (called North 40 deg 20' 43" East, 250.00 feet) to a ½ inch rebar set (capped "RPLS 4907") for the most northerly comer of this parcel;

THENCE continuing with the common line of this parcel with said residue of said 4.114 acre parcel, South 57 deg 49' 26" East, a distance of 278.31 feet (called South 57 deg 49' 26" East, 278.27 feet) to a ½ inch rebar found (capped "RPLS 4069) on the aforementioned right-of-way line of Alves Lane for the most easterly corner of this parcel;

THENCE with said right-of-way line, South 46 deg 49' 13" West (basis of bearings (obtained from said Document No. 200006035292)), a distance of 250.11 feet (called South 46 deg 49' 13" West, 250.00 feet) to the POINT OF BEGINNING and containing 1.489 acres of land.

DAVID A. LAMBERTS

David A. Lamberts R.P.L.S. No. 4907
J.O. No. 14-0225 (DRAWING PREPARED)

EXTIDIT 66



# SURVEYING - ENGINEERING - ARCHITECTURE

"Serving the Community of Texas" 142 Jackson Lane San Marcos, Texas 78666 Phone: 512-392-1719 ashandassociates.net

STATE OF TEXAS COUNTY OF COMAL BILLBOARD EASEMENT # 1 - 0.024 ACRES AM ESNAURIZAR SURVEY ELEVEN, A-1

BEING A PROPOSED BILLBOARD EASEMENT SITUATED IN THE A.M. ESNAURIZAR SURVEY ELEVEN, ABSTRACT NO. 1, COMAL COUNTY, TEXAS, SAME BEING OVER A PORTION OF THAT CERTAIN CALLED 1.489 ACRE TRACT OF LAND CONVEYED TO JOHN GANNON, INC. BY DEED RECORDED UNDER CLERK'S DOCUMENT NO. 201406031065, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the intersection of the northwest line of Alves Lane, a variable width public right-of-way, with the curving northeast line of State Highway No. 46, a called 120 foot wide public right-of-way, same being at the south comer of said Gannon called 1.489 acre tract, for the south comer of the easement herein described, and from which a 1/2" iron rod found at the east comer of said Gannon called 1.489 acre tract bears North 44°37'35" East (N 46°49'13" E Record), a distance of 250.35 feet (250.11' Record);

THENCE in a northwesterly direction a distance of 20.89 feet along the southwest line of said Gannon called 1.489 acre tract and the common northeast line of said State Highway No. 46 and along the arc of said curve to the right, having a radius 5669.65 feet (Record), a delta angle of 00°12'40", and a chord which bears North 62°10'43" West, a distance of 20.89 feet to the west comer of the easement herein described;

THENCE leaving said State Highway No. 46, through said Gannon called 1.489 acre tract, North 44°37'35" East, a distance of 56.04 feet to the north comer of the easement herein described;

THENCE South 45°22'25" East, a distance of 20.00 feet to the southeast line of said Gannon called 1.489 acre tract and the common northwest line of aforesaid Alves Lane, for the east corner of the easement herein described;

THENCE South 44°37'35" West (S 46°49'13" W Record), along the common line of said Gannon called 1.489 acre tract and said Aives Lane, a distance of 50.00 feet to the POINT OF BEGINNING and CONTAINING 0.024 ACRES OF LAND.

BEARING BASIS HEREIN DERIVED BY GPS/MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (TEXAS SOUTH CENTRAL ZONE) & NAD83.

I. Richard H. Taylor, do certify that this description and associated exhibit were prepared this date December 15, 2016 from a boundary survey performed under my direction during December, 2016, and is true and correct to the best of my knowledge and belief.

Richard H. Taylor

Registered Professional Land Surveyor

No. 3986 State of Texas

Attachment: Drawing of 1.49 Acres & Easements

Job: 16-6390

12/15/16

Date

Filed and Recorded Official Public Records Bobbie Koepp, County Clerk **Comal County, Texas** 01/17/2017 09:44:33 AM MEDINM 6 Pages(s)

RICHARD'

201706002465



Babie Koepp

## Exhibit "E"

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

#### TRANSFER OF EASEMENT

DATE:	
GRANTOR:	JOHN GANNON, INC ("JGI")
GRANTOR'	S MAILING ADDRESS (including county):
	525 Park Grove Katy, Harris County, Texas 77450
<b>GRANTEE:</b>	THE CITY OF NEW BRAUNFELS, TEXAS, a Municipal Corporation ("City")

### **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:** 0.024 acre billboard Easement reserved in General Warranty Deed Reserving Vendor's Lien in Favor of Third Party from John Gannon, Inc to NB Kaffee Investments, LLC filed as Document No. 201706002465 of the Official Public Records of Comal County, Texas as more particularly described in the metes and bounds description attached hereto as Exhibit "A" and made a part hereof (the "Billboard Easement").

**GRANT OF PROPERTY:** Grantor, for the Consideration, transfers and conveys to Grantee, its successors and assigns, the Billboard Easement.

JGI hereby releases the City from any and all claims it may have against City, including maintenance thereon, or any other claims it may have, whether known or unknown, which could be brought against the City related in any way to rights JGI may have under the Billboard Easement.

**TO HAVE AND TO HOLD** the Easement, together with all the rights and appurtenances thereto in anywise belonging to Grantee, its successors and assigns forever.

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

	John Gannon, l a Texas corpora	
	John Gannon, Pr	resident
	ACKNOWLEDGM	MENT
The State of County of		
2020, by		on this day of an authorized John Gannon, Inc.
	Notary P	Public, State of
	City of New Bra	aunfels
	Robert Camaren	no, City Manager
	ACKNOWLEDGM	MENT
The State of Texas County of Comal	§ §	
personally known to me whose name is subscribe	or proved to me on the basis d to the within instrument ar	onally appeared ROBERT CAMARENO of satisfactory evidence) to be the person acknowledged to me that he executed r of the CITY OF NEW BRAUNFELS
	Notary P	Public State of Texas