

## **VILLAGE GLEN, SECTION TWO**

### **RESTRICTIONS**

Volume 246, Page 127, Deed Records of Kerr County, Texas; Volume 6, Page 240, Plat Records of Kerr County, Texas; Volume 799, Page 682, Real Property Records of Kerr County, Texas, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

### **OTHER EXCEPTIONS**

- Easement to L.C.R.A., dated May 21, 1959, recorded in Volume 3, Page 157, Easement Records of Kerr County, Texas.
- Right Of Way and Easement to Kerrville Telephone Company and L.C.R.A., notarized on October 27, 1978, recorded in Volume 10, Page 275, Easement Records of Kerr County, Texas.
- Right Of Way Easement to Central Texas Electric Cooperative, Inc., dated October 1, 1984, recorded in Volume 21, Page 548, Easement Records of Kerr County, Texas.
- Easements and Building Set Back Lines as per the Plat recorded in Volume 6, Page 240, Plat Records of Kerr County, Texas.
- All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
- Any visible and/or apparent roadways or easements over or across the subject property.
- Rights of Parties in Possession. (AS PER OWNER POLICY ONLY)

LOWER COLORADO RIVER AUTHORITY  
AUSTIN, TEXAS  
TRANSMISSION LINE EASEMENT PLAT

EXHIBIT A

LINE NO. 52 FROM KERRVILLE TO HUNT EASEMENT NO. 15  
SCALE: 1"-600' DATE MARCH 1959 GRANTOR SAM BALLARD

Filed for record 25 May 1959 at 8:20 o'clock A.M.  
Recorded 24 May 1959 at 11:40 o'clock A.M. (gg)  
Vol. 3, P. 154  
EMMIE M. MUEHNER, County Clerk

By George Charles Jordan Deputy

U-O-O-D-U-O  
EASEMENT

THE STATE OF TEXAS |  
COUNTY OF KERR |

KNOW ALL MEN BY THESE PRESENTS:

Line No. 52 OK  
Easement No. 12 MN

That Walter A. Wenzel & wife Erma Wenzel and - - hereinafter referred to as "Grantor" (whether one or more), for and in consideration of Two hundred seventy and no/100 Dollars (\$270.00) to Grantor in hand paid by Lower Colorado River Authority, of Austin, Texas, (hereinafter called the "Authority") have granted, sold and conveyed and by these presents do grant, sell and convey unto the said Authority, as easement and right-of-way for an electric transmission and/or distribution line, consisting of variable number of wires, and all necessary or desirable appurtenances (including towers, H-Frames or poles made of wood, metal or other materials, telephone and telegraph wire, props and guys) at or near the location and along the general course now located and staked out by the said Authority, over, across and upon the following described lands located in Kerr County, Texas, to-wit:

All that certain tract or parcel of land being 460 acres of land, more or less, out of the Florentine Lara Survey No. 123, and being the same land conveyed to Grantor by deed from Mrs. Elizabeth Ann Marks et vir, dated October 15, 1948, recorded in Vol. 85, Page 107 of the Kerr County Deed Records, which instrument and the record thereof is adopted herein for all descriptive purposes.

This easement shall consist of a strip of land one hundred feet wide along the following described centerline:

Beginning at a point of entrance in Grantor's S.E. line at approximately 1584 ft. S. 45° W. from Grantor's E. corner; Thence N. 44° 47' W. with said centerline as established on the ground approximately 2639 ft. to the point of exit in Grantor's N.W. line at approximately 1584 ft. S. 45° W. from Grantor's N. corner.

An additional 12.5 Kv distribution line to be built along the following described center-

Beginning at Engineer's Station 198+84 on above described strip of land; Thence S. 45° W. and parallel with Grantor's S.E. line approximately 6342.7 feet to the point of exit in Grantor's S.E. line, the N.E. line of Goat Creek Road at 2 ft. northwesterly from Grantor's S. corner.

Grantor warrants that grantor is the owner of said property and has the right to execute this easement.

The centerline described above is shown on plat attached hereto and marked Exhibit A and incorporated herein by reference.

This easement does not include the release from recurrent damages to land or crops occasioned by construction, reconstruction, operation or maintenance of said transmission line.

Together with the right of ingress and egress over Grantor's adjacent lands to or from said right-of-way for the purpose of constructing, reconstructing, inspecting, patrolling, hanging new wire on, operating, maintaining and removing said lines and appurtenances, the right to relocate along the same general direction of said lines; the right to remove from said lands all trees and parts thereof, or other constructions, which endanger or may interfere

with the efficiency of said lines or their appurtenances; and the right to place temporary guys, poles, and supporting structures for use in erecting or repairing said line.

Not more than 0 openings in cultivated land and 54 openings in pasture land shall be made in the ground along said right-of-way in which shall be placed poles, lower foundations, or guy anchors unless Authority, its successor or assigns shall pay to Grantor, his heirs or legal representatives Ten dollars and no/100 Dollars (\$10.00) for each such opening in excess of said number of cultivated land, and Five dollars and no/100 Dollars (\$5.00) for each such opening in excess of said number in pasture land, and upon such payment Authority, its successors or assigns, shall have the right and the right is hereby granted, to make additional openings in the ground for poles, tower foundations, or guy anchors in excess of the number specified above.

To have and to hold the above described easement and rights unto the Authority, its successors and assigns, until said easement and rights shall be relinquished by Authority.

Grantor does hereby bind himself, his heirs and legal representatives, to warrant and forever defend all and singular the above described easement and rights unto Authority, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS our hands this 21st day of May 1959.

Mrs Erma Wenzel  
Walter A. Wenzel

THE STATE OF TEXAS |

COUNTY OF KERR | BEFORE ME, the undersigned authority, a Notary Public in and for Kerr County, Texas, on this day personally appeared Walter A. Wenzel known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21st day of May, A.D. 59.

SEAL

Darrell G. Lochte  
Notary Public, Kerr County, Texas

THE STATE OF TEXAS |

COUNTY OF KERR | BEFORE ME the undersigned authority, a Notary Public in and for Kerr County, Texas, on this day personally appeared Erma Wenzel, wife of Walter A. Wenzel, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Erma Wenzel acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

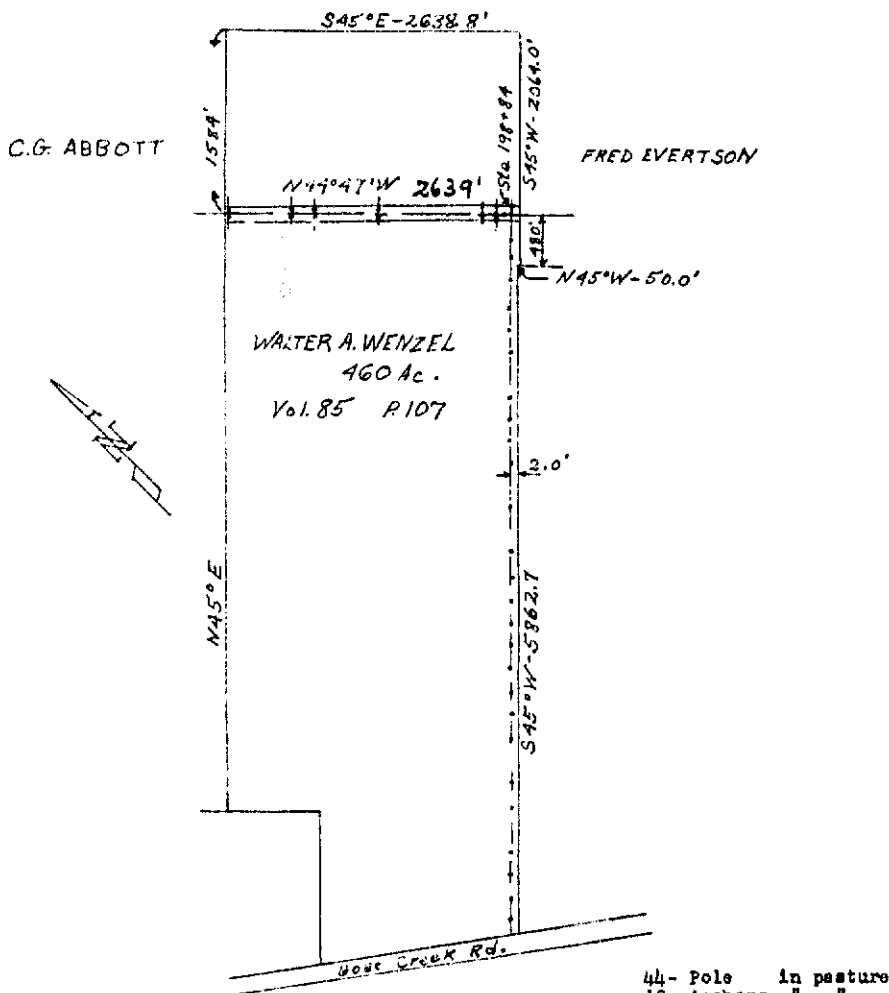
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21st day of May, A. D. 1959.

SEAL

Darrell G. Lochte  
Notary Public, Kerr County, Texas

KERR COUNTY, TEXAS  
 F. LARA SURVEY 123

LINE NO. 52  
 GRANTOR WALTER A. WENZEL  
 EASEMENT NO. 12



LOWER COLORADO RIVER AUTHORITY  
 AUSTIN, TEXAS  
 TRANSMISSION LINE EASEMENT PLAT

EXHIBIT A

LINE NO. 52 FROM KERRVILLE TO HUNT EASEMENT NO. 12  
 SCALE: 1" = 1000 Ft DATE FEBRUARY 1959 GRANTOR WALTER A. WENZEL

Filed for record June 1, 1959 at 2:15 o'clock P.M.  
 Recorded June 4th 1959 at 10:30 o'clock A.M. (ek)  
 Vol. 3, page 157  
 ENNIE M. MUEKNER County Clerk

By Eas Kennedy Deputy

0-0-0-0-0-0-0-0  
 EASEMENT

31

THE STATE OF TEXAS |  
 COUNTY OF KERR |

KNOW ALL MEN BY THESE PRESENTS:

Line No. 52 OK  
 Easement No. 19 MN

That Mrs. Louisa H. Ninitz and husband Otto Ninitz and - - hereinafter referred to as "Grantor", (whether one or more), for and in consideration of Eighty dollars and No/100 Dollars (\$80.00) to Grantor in hand paid by Lower Colorado River Authority, of Austin, Texas (hereinafter called the "Authority") have granted, sold and conveyed and by these presents do grant, sell and convey unto the said Authority, as easement and right-of-way for an electric trans-

RIGHT OF WAY AND EASEMENT

THE STATE OF TEXAS I  
COUNTY OF KERR I

790052

VOL. 10 PAGE 275  
KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Erma Wenzel and Walton J. Wenzel, Co-Independent Executors of the Estate of Walter A. Wenzel, Deceased, hereinafter called Grantor (whether one or more) for and in consideration of the sum of \$1.00 in hand paid by the KERRVILLE TELEPHONE COMPANY and the LOWER COLORADO RIVER AUTHORITY of Kerrville, Texas, referred to herein as Grantee, the receipt of which is hereby acknowledged, has granted, sold and conveyed, and does hereby grant, sell and convey unto the said Grantee, its successors and assigns, a right of way and easement for the purpose of erecting, constructing, maintaining, operating, replacing and removing telephone, electrical and telegraph lines, poles and underground telephone, electrical and telegraph cable or cables with the necessary fittings and appliances and appurtenances necessary and reasonable and proper, for transmitting telephonic communications, and electrical service, which right of way and easement shall be a breadth of 10' X 20' Down Guy Easement upon, over, under and through the following lands of Grantor, lying and being situated in KERR County, Texas, and described as follows:

All that remaining 379.238 acre tract or parcel of land out of the original 458 acre tract of land conveyed by Norman L. Marks to Walter Wenzel by deed dated October 5, 1948, and recorded in Vol. 85, Page 107 of the Deed Records of Kerr County, Texas; said tract or parcel of land being situated in Kerr County, Texas, and being part of Survey No. 123, Florentine Lara, Abstract No. 225; to which instruments and the records thereof, reference is here made for all purposes, and more particularly described on the plat marked Exhibit A which is attached hereto and incorporated herein by reference.

Said down guy easements being more particularly described as follows:

The centerline of a 10 foot by 20 foot down guy easement being located N. 47° 40' E., 320.00 feet from the most southwestern corner of a 25.755 acre tract or parcel of land. Said tract or parcel of land being part of the 60.0 acre tract of land conveyed by Walter Wenzel to Casas Montanas, Inc. by deed dated August 1, 1971, and recorded in Vol. 151, Page 151 of the deed records of Kerr County, Texas, and being the same and identical tract of land conveyed by Casas Montanas, Inc. to John Miller by deed dated June 23, 1978, and recorded in Vol. 167, Page 184 of the Deed Records of Kerr County, Texas.

The centerline of said down guy easement thence continuing N. 62° 16' W. for 20 feet.

An additional 10 foot by 20 foot down guy easement to originate from the same and identical point as the above said down guy easement. Thence N. 62° 16' W. for 5 feet to the centerline of the 10 foot by 20 foot down guy easement. Thence S. 27° 40' W. for 20 feet.

The Grantee, its successors and assigns are hereby expressly given and granted the right to assign this right of way and easement, of any part thereof, or interest therein, and the same shall be divisible among two or more owners, as to any right or rights created hereunder, so that each assignee or owner shall have the full right and privileges herein granted, to be owned and enjoyed either in common or severally.

The Grantee shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the free right of ingress and egress over and across said lands to and from said right of way and easement.

TO HAVE AND TO HOLD said right of way and easement, unto said grantee, its successors and assigns until such first telephone, electrical and telegraph line or lines or underground telephone, electrical or telegraph cable or cables be constructed, and for so long thereafter as a telephone, electrical and telegraph line or lines or telephone, electrical and telegraph cable or cables are maintained thereon; and the undersigned hereby binds himself, his heirs, executors and administrators to warrant and forever defend all and singular said premises unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The undersigned grantor, his heirs or assigns, reserves the right fully to use and enjoy said premises except as the same may be necessary for the purposes herein granted; providing however, that the grantee shall have the right from time to time to cut and keep clear all trees, undergrowth and other obstruction on or over said right of way and easement that may injure, endanger or interfere with the use of said telephone or electrical or telegraph lines or fittings and appliances appurtenant to any of said lines.

The grantee, by the acceptance hereof, agrees to bury all telephone, electrical, and telegraph cable or cables so that they will not interfere with the cultivation of the land and so as not to create a hazard to the use of the land, and also to pay for any damage to crops, fences and timber which may arise from laying, constructing, maintaining, operating, altering, repairing, removing, changing the size of, and replacing such telephone, electrical, and telegraph cable or cables.

IN TESTIMONY WHEREOF, witness the execution hereof on this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

*Erma M. Wenzel*  
Grantor Co-Independent Executor of Walter A. Wenzel Estate, Deceased  
*Walter Wenzel*  
Grantor Co-Independent Executor of Walter A. Wenzel Estate, Deceased

THE STATE OF TEXAS I  
County of KERR I BEFORE ME, the undersigned authority, on this day personally appeared ERMA M. WENZEL known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same, for the purposes and consideration therein expressed.

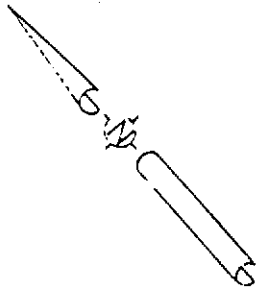
A.D. 1978 Given under my hand and seal of office, this 27th day of October  
*William Amell Potts Jr.*  
Notary Public KERR County, Texas

THE STATE OF TEXAS I  
County of Bexar I BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, for the purposes and consideration therein expressed.

A.D. 1979 Given under my hand and seal of office, this 1st day of November  
**ALDEN M. PITTS**  
Notary Public, Bexar County, Texas *Alden M. Pitts*  
My Commission Expires Jan. 31, 1979 Notary Public \_\_\_\_\_  
County, Texas

2658.86'

S. 44° E



S. 45° W

2663.86'

N. 45° W  
49.89'

ERNA WENZEL and WALTER J.  
WENZEL as Independent Executors  
of the Estate of WALTER A.  
WENZEL, Deceased  
319.238 Ac.  
Vol. 85 - Page 107

1957.74'

S. 45° W

N. 45° E

N. 44° 25' W 1753.76'

John W. MILLER, JR.  
227.95 Ac.  
Vol. 187 - pg. 231

John W. MILLER, JR.  
12.247 Ac.  
Vol. 184 -  
Pg. 247

12.94 Ac.  
Vol. 3 - Pg. 91

S. 01° 53' E  
14.00'

10' x 20' Easement  
buy  
N. 62° 16' W - 20'

13' x 20' Easement  
EASEMENT  
S. 27° 45' W - 20'

J. D. STEIN  
27.8 Ac.  
Vol. 193 - pg. 251

N. 44° 10' W  
1111.15'

230.25' N. 45° W

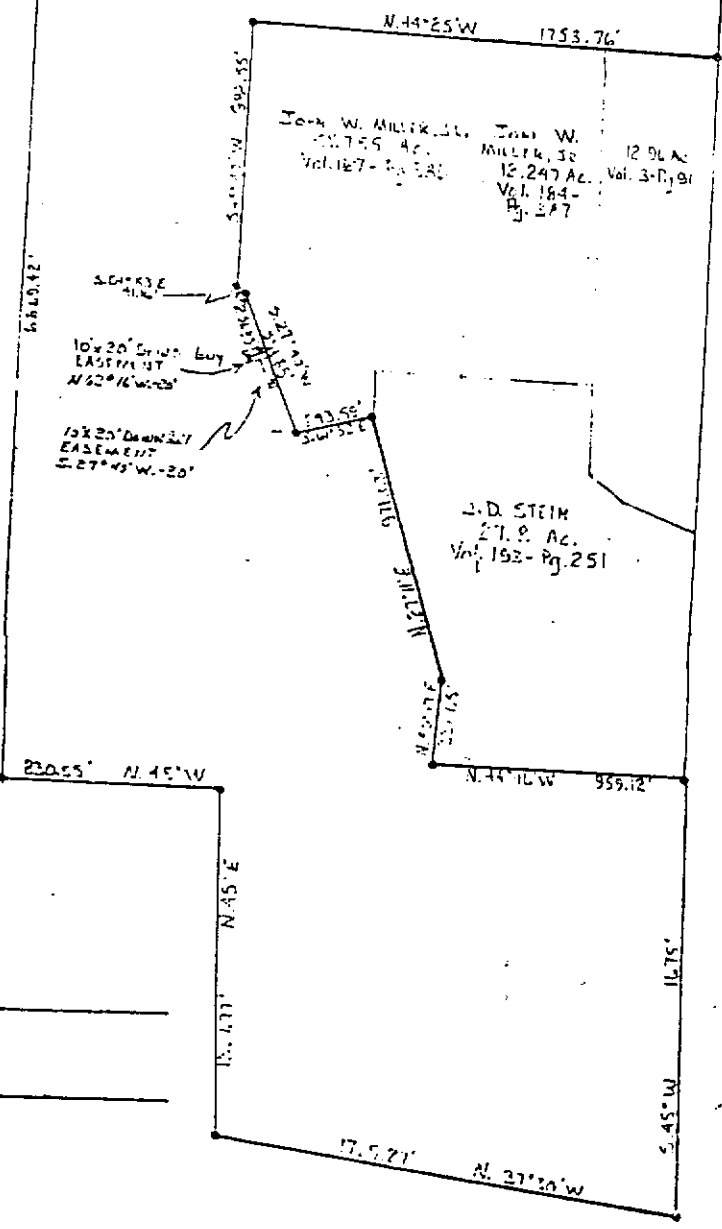
N. 44° 10' W 959.12'

S. E

ERNA WENZEL and WALTON J.  
 WENZEL and WALTER A. WENZEL  
 AS THE HEIRS OF WALTER A.  
 WENZEL, DECEASED  
 319.239 Ac.  
 Vol. 25 - Page 107

N. 45° E

1937.74'  
 S. 45° W



John W. MILLER, JR. 12.96 AC  
 207.75 Ac. MILLER, JR. 12.247 AC. Vol. 3-P. 91  
 Vol. 187 - Pg. 180 Vol. 184 - Pg. 277

J. D. STEIN  
 27.8 Ac.  
 Vol. 192 - Pg. 251

EXHIBIT A

\_\_\_\_\_  
 Grantor

\_\_\_\_\_  
 Grantor



R

#790052

VOL. 10 PAGE 278

Right of Way & Easement

Case of Walter A. Wenzel  
Deceased

vs

Kerrville Telephone Co.,  
& al

FILED FOR RECORD

at 3:40 o'clock P.M.

JAN 2 1979

EMMIE M. MUENKER

Clerk County Court, Kerr County, Texas  
By SAMUEL WOODHALL Deputy

Filed for record January 2, 1979 at 3:40 o'clock P.M.  
Recorded January 4, 1979  
EMMIE M. MUENKER, Clerk

By SAMUEL WOODHALL Deputy

10/1/84  
7/5/85

After Recording Return to  
**CENTRAL TEXAS ELECTRIC  
 COOPERATIVE, INC.**  
 P. O. Box 553  
 Fredericksburg, Texas 78624

LINE NO. 85-010P  
 EASEMENT NO. ....  
 NAME .....

07075

**RIGHT OF WAY EASEMENT**  
 (Distribution)

VOL. 21 PAGE 548

THE STATE OF TEXAS )  
 )  
 COUNTY OF Kerr )

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Erma M. Wenzel  
 for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant unto the CENTRAL TEXAS ELECTRIC COOPERATIVE, INC., a corporation, whose postoffice address is P.O. BOX 553, FREDERICKSBURG, TEXAS 78624, and its successors or assigns, the right to enter upon the lands of the undersigned, situated in the County of Kerr, State of Texas and more particularly described as follows:

A tract of land located approximately 1 miles Northwest  
 (Show Direction Above)  
 from the town of Kerrville; and bounded on  
 the north by land owned by:  
John Miller  
 on the south by land owned by:  
Goat Creek Rd.  
 on the east by land owned by:  
Subdivision  
 and on the west by land owned by:

and to place, construct, operate, repair, maintain, relocate and replace thereon and in or upon all streets, roads, or high-way abutting said lands an electric transmission or distribution line or system, and to clear, cut and trim trees and shrubbery to the extent necessary to keep them clear of said electric line or system and to clear, cut and trim from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling;

Together with the right of ingress and egress over my (our) adjacent lands to or from said right-of-way for the purpose of constructing, operating, repairing, maintaining, relocating, replacing and removing said lines and appurtenances.

In granting this easement it is understood that at pole locations, the location of the poles will be such as to form the least possible interference to farm operations, so long as it does not materially increase the cost of construction.

The undersigned covenants that he is the owner of the above described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

It is further understood that, whenever necessary, words used in this instrument in the singular shall be construed to read in the plural and that words used in the masculine gender shall be construed to read in the feminine.

IN WITNESS WHEREOF, the undersigned has set his hand and seal this 1st day of October, 1984.  
 Sealed and delivered in the presence of:

Judith A. Brandt  
 Judith A. Brandt

Erma M. Wenzel L.S.

Date October 1, 1984

Erma M. Wenzel L.S.

For the single acknowledgement of one person, man or woman, married or unmarried, use:  
The State of Texas, )

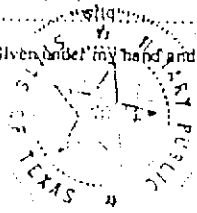
VOL. 21 PAGE 549

County of Kerr )

Before me, the undersigned authority, on this day personally appeared Erma M. Wenzel  
known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that

executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 1st day of October, A.D. 19 84



*George C. Bruner*  
Notary Public, Kerr County, Texas.

JUDITH A. ROBERT  
Notary Public, Kerr County, Texas  
My commission expires 12/28/87

For the joint acknowledgement of man and wife, use:  
The State of Texas, )

County of )

Before me, the undersigned authority, on this day personally appeared and wife,

known to me to be the persons whose names are subscribed to the foregoing instrument,  
and acknowledged to me that they each executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this day of, A.D. 19

Notary Public, County, Texas.

For the acknowledgement of a person who has signed in a representative capacity, corporate officer, independent  
executor, or whatever, use:  
The State of Texas, )

County of )

Before me, the undersigned authority, on this day personally appeared

known to me to be the person whose name is subscribed to the

foregoing instrument, and acknowledged to me that  
executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office, this day of, A.D. 19

Notary Public, County, Texas.

WITNESS ACKNOWLEDGEMENT

The State of Texas, )

County of )

Before me, the undersigned authority in and for said County and State, on this day personally appeared

known to me to be the person whose name is subscribed as a witness to the foregoing instrument of writing, and, after

being duly sworn by me, stated on oath that he saw  
the Grantor, subscribe the same and that he signed the same as a witness at the request of the Grantor.

Given under my hand and seal of office, this day of, A.D. 19

Notary Public, County, Texas.

EASEMENT	From	To	Filed	Records.
		CENTRAL TEXAS ELECTRIC COOPERATIVE, INC.	The 31 day of July, A.D. 19 85 at 3:10 o'clock P.M. in Kerr County	I, the Clerk of said County do hereby certify that the foregoing is recorded in Volume pages <i>PATRICIA ROYE</i> County Clerk By: <i>Debra Miller</i> Deputy
				After Recording Return To CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. P. O. Box 533 Fredericksburg, Texas 78624

Fredericksburg Publishing Co.

Filed for record July 31, 1985 at 3:10 o'clock P.M.  
Recorded August 5, 1985