

**TEMPORARY CONSTRUCTION AND
PERMANENT UTILITY EASEMENT AGREEMENT**

THE STATE OF TEXAS §
§
COUNTY OF BELL §

1. **Grant of Easement.** That BTM Holding, LLC (“Grantor”), for valuable considerations, paid by the City of Killeen, Texas acting by and through its Authorized Officer (“Grantee”), does hereby grant, sell, and convey unto Grantee a permanent utility easement (“Utility Easement”) and a temporary construction easement (“Construction Easement”) upon certain property of the Grantor located in Killeen, Bell County, Texas; collectively the “Easements.” Said Easements are more fully described in Exhibit “A”, attached hereto, and incorporated herein for all intents and purposes.

2. **Character of Easement.** The Easements granted herein are appurtenant to the dominant tenement.

3. **Purpose of Easement.**

3.1 **Utility Easement.** The easement, rights, and privileges herein granted shall be used solely for the lawful construction, installation, maintenance, operation, repair, replacement and use of utility systems and necessary appurtenances (the “Improvements”), and for providing pedestrian and vehicular ingress and egress as necessary for access to the Utility Easement.

3.2 **Construction Easement.** The easement, rights, and privileges herein granted shall be used in the initial construction and installation of the Improvements and other construction purposes reasonably related to the initial construction of the Improvements. Prior to commencement of the Construction Easement, Grantee shall have access to the Property during normal business hours to conduct all studies, tests, examinations and surveys necessary to design and construct the improvements.

4. **Duration.**

4.1 **Utility Easement.** The permanent utility easement, rights, and privileges herein granted shall become effective upon the date that the last required signature is affixed below and shall run with the land in perpetuity. Grantor hereby binds himself, his heirs, and legal representatives, to warrant and forever defend the above-described easement and rights unto Grantee, its successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

4.2 **Construction Easement.** The temporary construction easement and the rights, and privileges herein granted shall become effective upon the date that the last required signature is affixed below and shall automatically terminate upon Grantee’s completion of the construction and installation of said utility infrastructure and appurtenances within the Utility Easement.

5. **Exclusiveness of Easement.** The Easements, rights, and privileges granted herein are exclusive, and Grantor covenants not to convey any other easement or conflicting rights within the area covered by this grant.

6. **Encroachments.** Grantee shall have the right to cut and trim trees or shrubbery which may encroach upon the easement areas herein conveyed, and Grantee shall dispose of all cuttings and trimmings either by piling and burning within the easement area or by loading and hauling away from the premises.

7. **Entire Agreement.** This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligation herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing, signed by the party to be charged.

8. **Attorney's Fees.** In the event of any controversy, claim, or dispute relating to this instrument or breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees, and costs.

(signature page follows)

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 20____.

By: Tyrone McLaurin
Managing Member

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

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,

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this ____ day of _____,
20____.

Notary Public of Texas
My Commission Expires _____

The City of Killeen does hereby accept the above-described dedication and conveyance.

DATE

CITY OF KILLEEN

Wallis Meshier
Executive Dir. of Development Services

ATTEST

Helen Crathers
Executive Assistant

**24-INCH HWY 195 WATERLINE
CITY PROJECT NO. 220000
PARCEL NO. 2 PE
TRIMMIER ROAD
M.T. MARTIN SURVEY, ABSTRACT No. 963**

EXHIBIT "A"

Being a permanent waterline easement situated in the M.T. Martin Survey, Abstract No. 963 in the City of Killeen, Bell County, Texas, said permanent waterline easement being a portion of a 180.358 acre tract of land (by deed) deeded to BTM Holding, LLC as recorded in Instrument No. 2023037443 of the Real Property Records of Bell County, Texas, said permanent waterline easement being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for the northwest corner of a 0.524 acre tract of land (by deed) deeded to Samuel Mota and Viviana N. Mota as recorded in Instrument No. 2021039891 of said Real Property Records of Bell County, Texas, said 1/2 inch iron rod being in the southeasterly line of the remainder of a 1526.34 acre tract of land (by deed) deeded to the United States of America as recorded in Volume 514, Page 225 of the Deed Records of Bell County, Texas, said 1/2 inch iron rod also being in the east right-of-way line of SH 195 (a variable width right-of-way), from which a 1/2 inch iron rod found for an angle point in the east right-of-way line of said SH 195 bears North 03 degrees 30 minutes 38 seconds East, a distance of 187.42 feet; **THENCE** North 69 degrees 22 minutes 08 seconds East, with the northwesterly line of said 0.524 acre tract of land and with the southeasterly line of said 1526.34 acre tract of land, a distance of 342.08 feet to the **POINT OF BEGINNING** of the herein described permanent waterline easement, said point being the apparent southwest corner of said 180.358 acre tract of land, said point also being the apparent southeast corner of said 1526.34 acre tract of land;

THENCE North 21 degrees 35 minutes 55 seconds West, with the apparent southwesterly line of said 180.358 acre tract of land and with the apparent northeasterly line of said 1526.34 acre tract of land, a distance of 139.61 feet to a point for corner;

THENCE North 11 degrees 39 minutes 59 seconds East, a distance of 238.79 feet to a point for corner;

THENCE North 20 degrees 50 minutes 00 seconds West, a distance of 241.69 feet to a point for corner;

THENCE North 18 degrees 02 minutes 49 seconds West, a distance of 317.82 feet to a point for corner;

THENCE North 20 degrees 19 minutes 44 seconds West, a distance of 13.94 feet to a point for corner;

THENCE North 21 degrees 19 minutes 00 seconds West, a distance of 27.29 feet to a point for corner;

THENCE North 16 degrees 19 minutes 11 seconds West, a distance of 22.96 feet to a point for corner;

THENCE North 24 degrees 49 minutes 05 seconds West, a distance of 49.91 feet to a point for corner;

THENCE North 26 degrees 28 minutes 35 seconds West, a distance of 220.71 feet to a point for corner;

THENCE North 36 degrees 43 minutes 09 seconds West, a distance of 60.65 feet to a point for corner;

THENCE North 43 degrees 57 minutes 59 seconds West, a distance of 49.18 feet to a point for corner;

THENCE North 46 degrees 43 minutes 59 seconds West, a distance of 23.19 feet to a point for corner;

THENCE North 48 degrees 52 minutes 14 seconds West, a distance of 39.75 feet to a point for corner in the west line of said 180.358 acre tract of land, said point being in the east right-of-way line of said SH 195;

THENCE North 10 degrees 04 minutes 23 seconds West, with the west line of said 180.358 acre tract of land and with the east right-of-way line of said SH 195, a distance of 38.82 feet to a point for corner from which a TxDOT Type II monument found for an angle point in the west line of said 180.358 acre tract of land bears North 10 degrees 04 minutes 23 seconds West, a distance of 18.72 feet, said TxDOT Type II monument being an angle point in the east right-of-way line of said SH 195;

THENCE South 51 degrees 14 minutes 35 seconds East, a distance of 16.32 feet to a point for corner;

THENCE South 48 degrees 52 minutes 14 seconds East, a distance of 54.14 feet to a point for corner;

THENCE South 46 degrees 50 minutes 20 seconds East, a distance of 60.92 feet to a point for corner;

THENCE South 36 degrees 43 minutes 09 seconds East, a distance of 79.37 feet to a point for corner;

THENCE South 26 degrees 28 minutes 35 seconds East, a distance of 274.62 feet to a point for corner;

THENCE South 18 degrees 02 minutes 49 seconds East, a distance of 383.45 feet to a point for corner;

THENCE South 20 degrees 50 minutes 00 seconds East, a distance of 177.64 feet to a point for corner;

THENCE North 69 degrees 10 minutes 00 seconds East, a distance of 3.26 feet to a point for corner;

THENCE North 70 degrees 53 minutes 56 seconds East, a distance of 676.06 feet to a point for corner;

THENCE North 72 degrees 58 minutes 52 seconds East, a distance of 44.45 feet to a point for corner;

THENCE North 72 degrees 07 minutes 19 seconds East, a distance of 160.66 feet to a point for corner;

THENCE North 70 degrees 27 minutes 23 seconds East, a distance of 83.47 feet to a point for corner;

THENCE North 71 degrees 33 minutes 11 seconds East, a distance of 252.54 feet to a point for corner;

THENCE North 71 degrees 47 minutes 56 seconds East, a distance of 390.21 feet to a point for corner;

THENCE North 69 degrees 20 minutes 26 seconds East, a distance of 50.11 feet to a point for corner in the southwesterly line of a 0.366 acre tract of land (by deed) deeded to the City of Killeen as recorded in Instrument No. 2008-00035808 of said Real Property Records of Bell County, Texas, from which a chain link fence corner post found or the northwest corner of said 0.366 acre tract of land bears North 20 degrees 49 minutes 33 seconds West, a distance of 28.26 feet, said chain link fence corner post also being the southwest corner of a 0.168 acre tract of land (by deed) deeded to Mid-Texas Telephone Co. as recorded in Volume 1659, Page 603 of said Deed Records of Bell County, Texas;

THENCE South 20 degrees 49 minutes 33 seconds East, with the southwesterly line of said 0.366 acre tract of land, a distance of 25.00 to a point for corner, from which a chain link fence corner post found for the southwest corner of said 0.366 acre tract of land bears South 20 degrees 49 minutes 33 seconds East, a distance of 106.32 feet;

THENCE South 69 degrees 20 minutes 26 seconds West, a distance of 50.72 feet to a point for corner;

THENCE South 71 degrees 47 minutes 56 seconds West, a distance of 390.69 feet to a point for corner;

THENCE South 71 degrees 33 minutes 11 seconds West, a distance of 252.25 feet to a point for corner;

THENCE South 70 degrees 27 minutes 23 seconds West, a distance of 83.60 feet to a point for corner;

THENCE South 72 degrees 07 minutes 19 seconds West, a distance of 161.21 feet to a point for corner;

THENCE South 72 degrees 58 minutes 52 seconds West, a distance of 44.19 feet to a point for corner;

THENCE South 70 degrees 53 minutes 56 seconds West, a distance of 675.22 feet to a point for corner;

THENCE South 69 degrees 10 minutes 00 seconds West, a distance of 2.89 feet to a point for corner;

THENCE South 20 degrees 50 minutes 00 seconds East, a distance of 45.73 feet to a point for corner;

THENCE South 11 degrees 39 minutes 59 seconds West, a distance of 246.81 feet to a point for corner;

THENCE South 20 degrees 40 minutes 44 seconds East, a distance of 125.61 feet to a point for corner in the southeasterly line of said 180.358 acre tract of land, said point being in the northwesterly line of said 0.524 acre tract of land, from which a 3/8 inch iron rod found for the northeast corner of said 0.524 acre tract of land bears North 69 degrees 22 minutes 08 seconds East, a distance of 723.86 feet, said 3/8 inch iron rod being in the southeasterly line of a 1.262 acre tract of land (by deed) described as a Save & Except in Instrument No. 2023037443 of said Real Property Records of Bell County, Texas and being deeded to Garland Kelley and wife, Jo Ann Kelley as recorded in Volume 874, Page 630 of said Deed Records of Bell County, Texas;

THENCE South 69 degrees 22 minutes 08 seconds West, with the southeasterly line of said 180.358 acre tract of land and with the northwesterly line of said 0.524 acre tract of land, a distance of 18.48 feet to the **POINT OF BEGINNING** and containing 77,655 square feet or 1.783 acres of land, more or less.

TEMPORARY CONSTRUCTION EASEMENT (PART 1)

(35,597 square feet or 0.817 acres of land, more or less)

Being a variable width temporary construction easement parallel with and contiguous to the southeasterly line of the above described permanent waterline easement and also being depicted in Exhibit "B", said variable width temporary construction easement shall expire upon completion of the waterline project.

TEMPORARY CONSTRUCTION EASEMENT (PART 2)

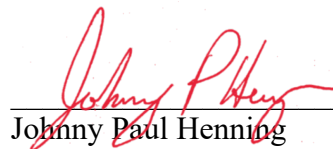
(43,073 square feet or 0.989 acres of land, more or less)

Being a variable width temporary construction easement parallel with and contiguous to a portion of the northeasterly line of the above described permanent waterline easement and also being depicted in Exhibit "B", said variable width temporary construction easement shall expire upon completion of the waterline project.

Notes:

- (1) A plat of even survey date herewith accompanies this legal description.
- (2) All bearings and coordinates are referenced to the Texas Coordinate System, NAD-83, The Central Zone 4203, all distances and areas shown are surface.

Date: January 23, 2024



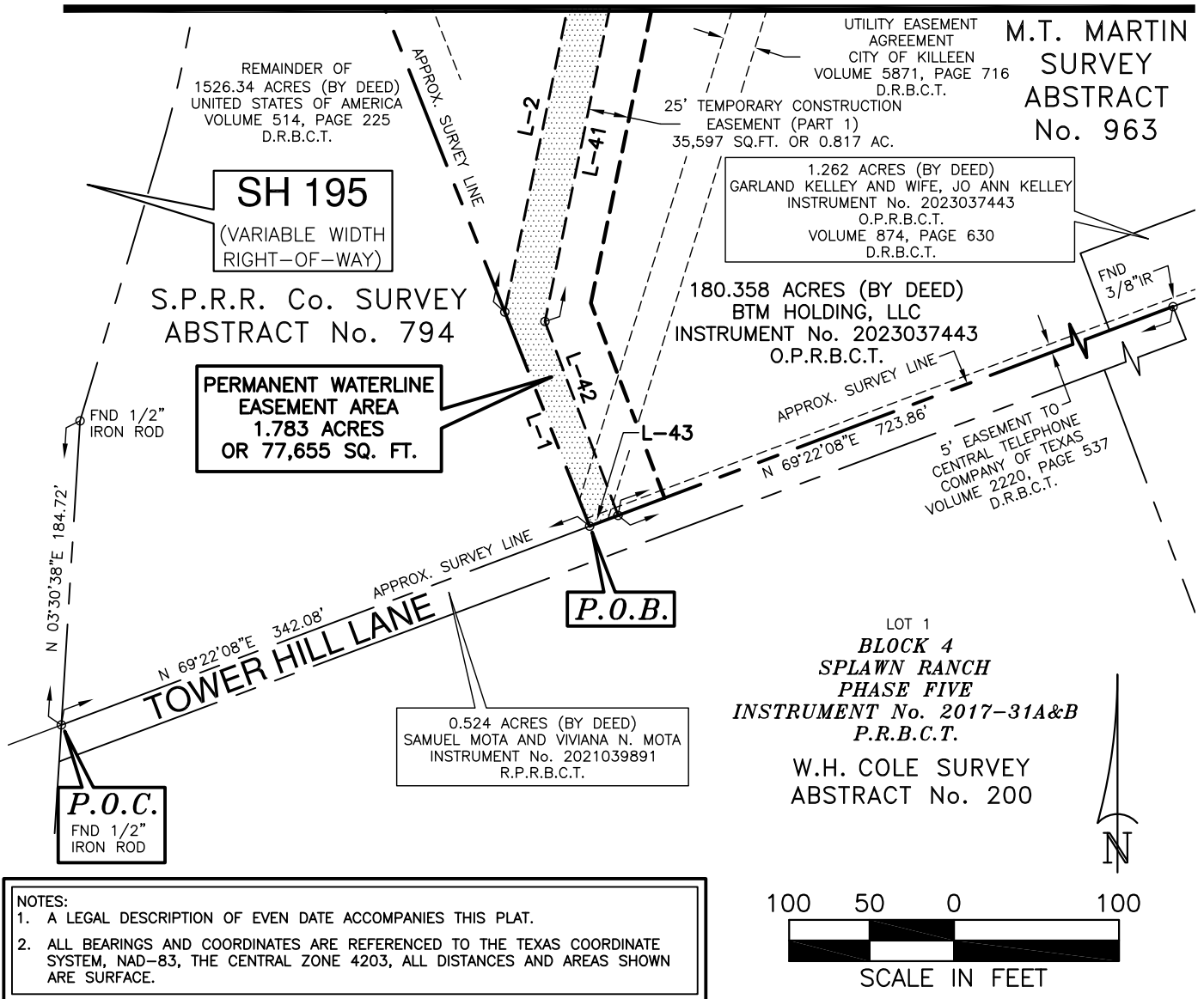
Johnny Paul Henning
Registered Professional Land Surveyor
No. 6933
Texas Firm No. 10106900



EXHIBIT "B"

PARCEL No. 2 PE

MATCHLINE "A"



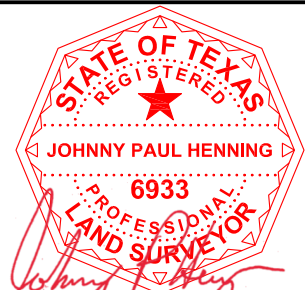
City of Killeen

101 N COLLEGE STREET • KILLEEN, TEXAS 76541

24-INCH HWY 195 WATERLINE

PARCEL NO. 2 PE	PROJ. NO. 220000
PERMANENT WATER LINE EASEMENT	
OWNER: BTM HOLDING, LLC	
SURVEY: M.T. MARTIN SURVEY, ABSTRACT No. 963	
LOCATION: CITY OF KILLEEN, BELL COUNTY, TEXAS	
ACQUISITION AREA: 1.783 ACRES OR 77,655 SQUARE FEET	
WHOLE PROPERTY ACREAGE: 180.358 ACRES (BY DEED)	

JOB No. KHA_2206.00	DRAWN BY: JM	CAD FILE: 2PE.DWG
DATE: JANUARY 23, 2024	EXHIBIT B PAGE 1 OF 7	SCALE: 1" = 100'

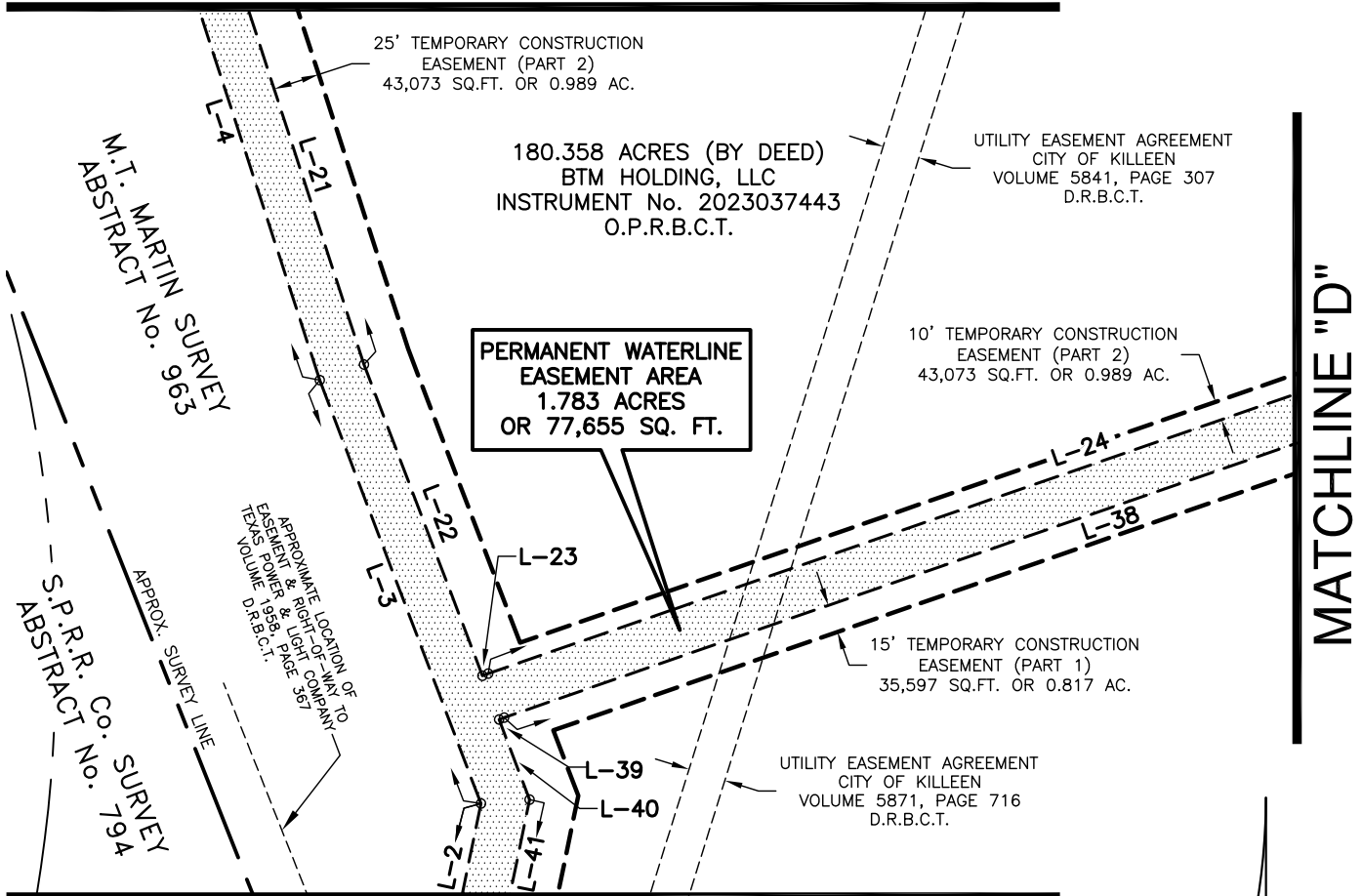


JOHNNY PAUL HENNING
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6933 TEXAS FIRM No. 10106900

EXHIBIT "B"

PARCEL No. 2 PE

MATCHLINE "B"



NOTES:

1. A LEGAL DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
2. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD-83, THE CENTRAL ZONE 4203, ALL DISTANCES AND AREAS SHOWN ARE SURFACE.



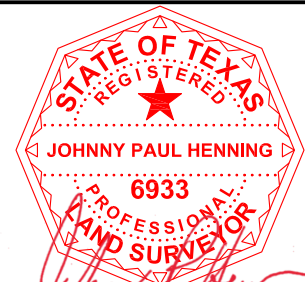
City of Killeen

101 N COLLEGE STREET • KILLEEN, TEXAS 76541

24-INCH HWY 195 WATERLINE

PARCEL NO. 2 PE	PROJ. NO. 220000
PERMANENT WATER LINE EASEMENT	
OWNER: BTM HOLDING, LLC	
SURVEY: M.T. MARTIN SURVEY, ABSTRACT No. 963	
LOCATION: CITY OF KILLEEN, BELL COUNTY, TEXAS	
ACQUISITION AREA: 1.783 ACRES OR 77,655 SQUARE FEET	
WHOLE PROPERTY ACREAGE: 180.358 ACRES (BY DEED)	

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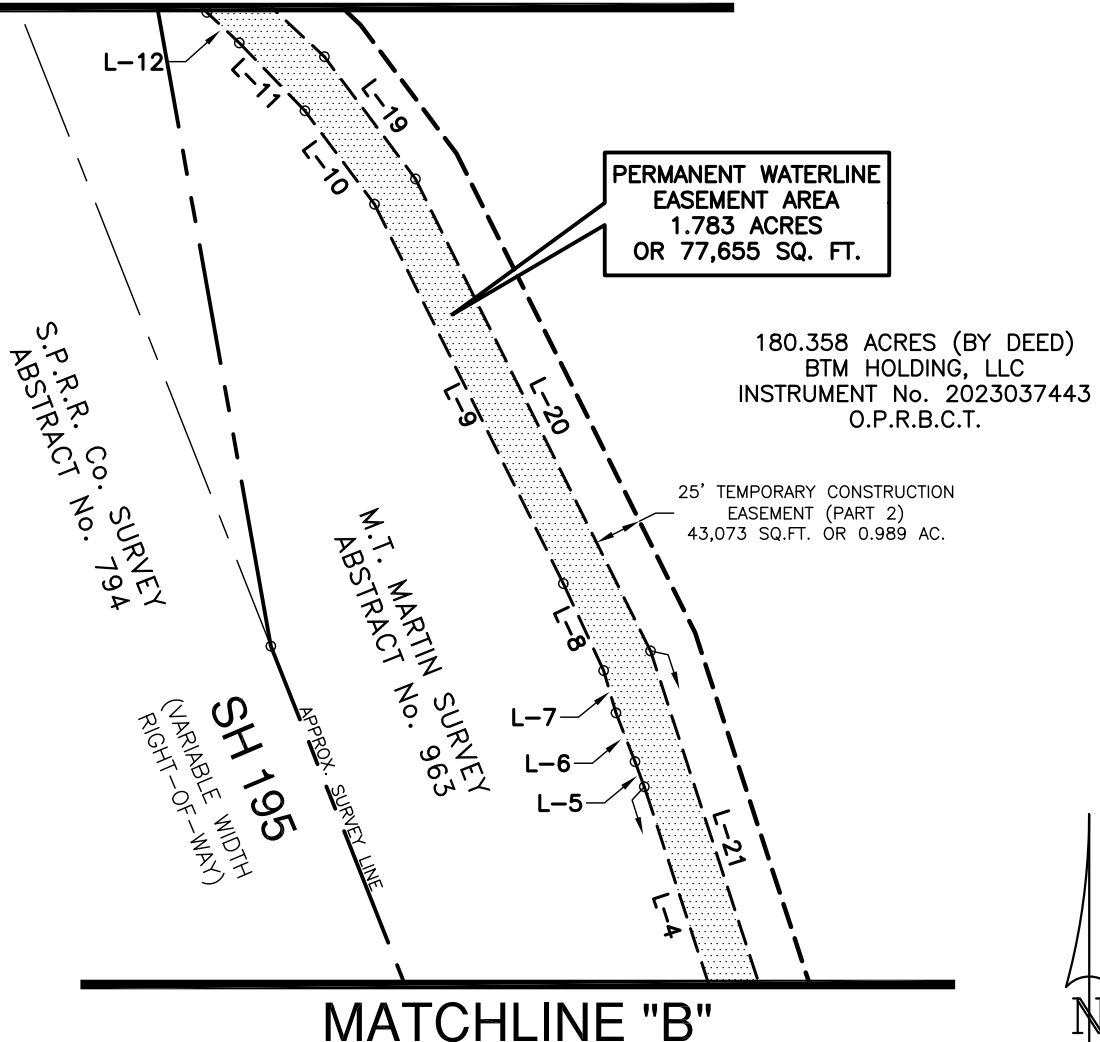


JOHNNY PAUL HENNING
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6933 TEXAS FIRM No. 10106900

EXHIBIT "B"

PARCEL No. 2 PE

MATCHLINE "C"



NOTES:

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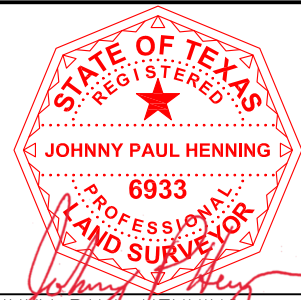
City of Killeen

101 N COLLEGE STREET • KILLEEN, TEXAS 76541

24-INCH HWY 195 WATERLINE

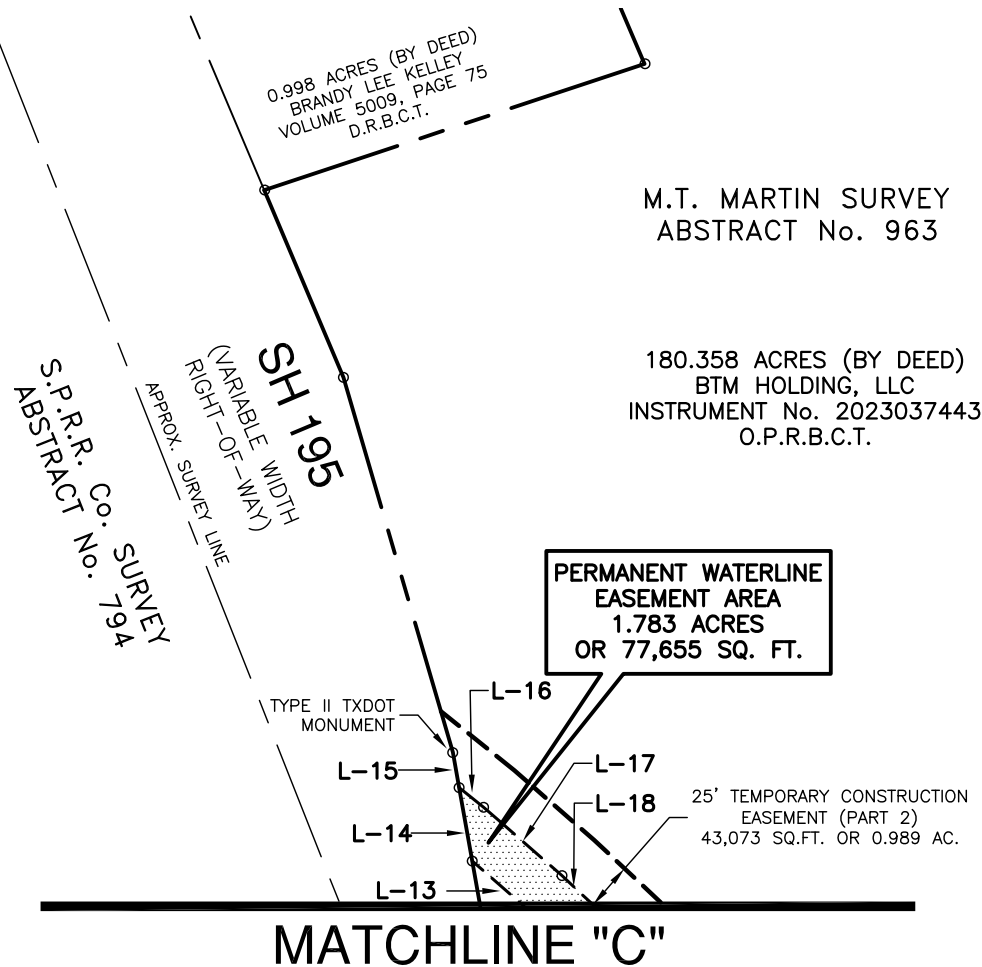
PARCEL NO. 2 PE	PROJ. NO. 220000
PERMANENT WATER LINE EASEMENT	
OWNER: BTM HOLDING, LLC	
SURVEY: M.T. MARTIN SURVEY, ABSTRACT No. 963	
LOCATION: CITY OF KILLEEN, BELL COUNTY, TEXAS	
ACQUISITION AREA: 1.783 ACRES OR 77,655 SQUARE FEET	
WHOLE PROPERTY ACREAGE: 180.358 ACRES (BY DEED)	

JOB No. KHA_2210.00	DRAWN BY: JM	CAD FILE: 2PE.DWG
DATE: JANUARY 23, 2024	EXHIBIT B PAGE 3 OF 7	SCALE: 1" = 100'

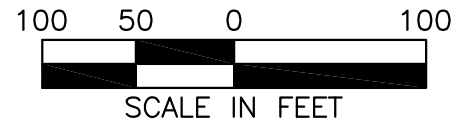


JOHNNY PAUL HENNING
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6933 TEXAS FIRM No. 10106900

EXHIBIT "B"
PARCEL No. 2 PE



- NOTES:
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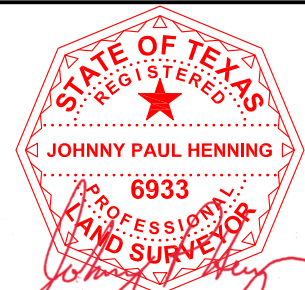
City of Killeen

101 N COLLEGE STREET • KILLEEN, TEXAS 76541

24-INCH HWY 195 WATERLINE

PARCEL NO. 2 PE	PROJ. NO. 220000
PERMANENT WATER LINE EASEMENT	
OWNER: BTM HOLDING, LLC	
SURVEY: M.T. MARTIN SURVEY, ABSTRACT No. 963	
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JOB No. KHA_2210.00	DRAWN BY: JM	CAD FILE: 2PE.DWG
DATE: JANUARY 23, 2024	EXHIBIT B PAGE 4 OF 7	SCALE: 1" = 100'

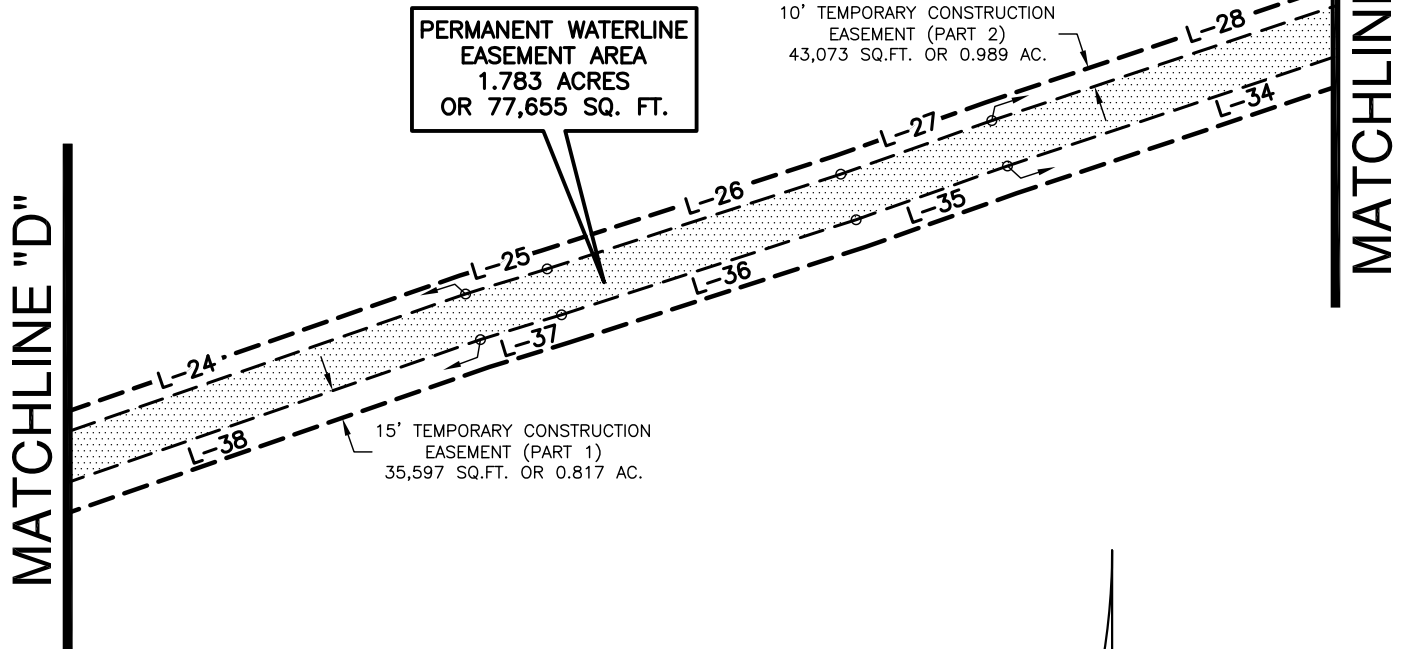


JOHNNY PAUL HENNING
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6933 TEXAS FIRM No. 10106900

EXHIBIT "B"
PARCEL No. 2 PE

180.358 ACRES (BY DEED)
BTM HOLDING, LLC
INSTRUMENT No. 2023037443
O.P.R.B.C.T.

M.T. MARTIN SURVEY
ABSTRACT No. 963



- NOTES:
1. A LEGAL DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
 2. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD-83, THE CENTRAL ZONE 4203, ALL DISTANCES AND AREAS SHOWN ARE SURFACE.



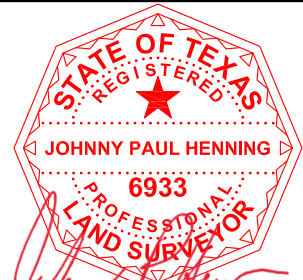
City of Killeen

101 N COLLEGE STREET • KILLEEN, TEXAS 76541

24-INCH HWY 195 WATERLINE

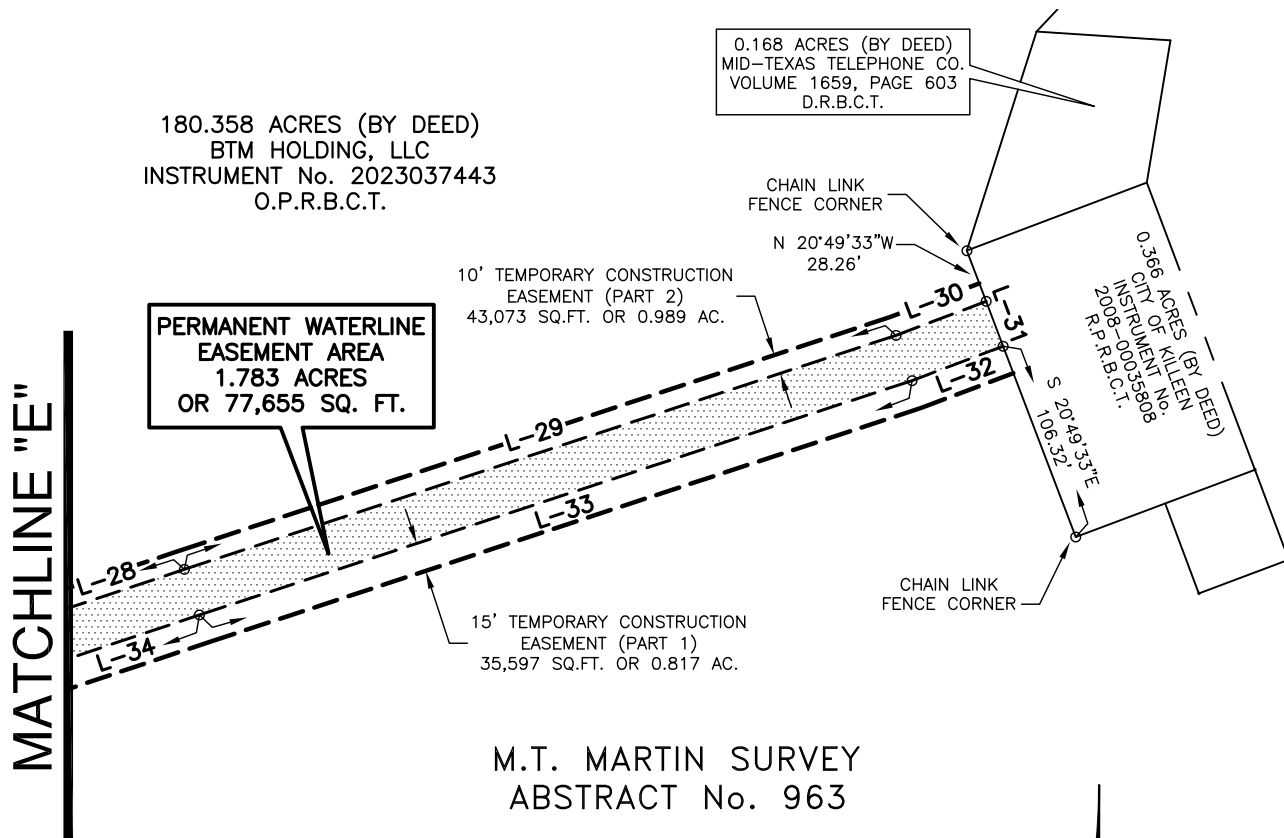
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PERMANENT WATER LINE EASEMENT	
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DATE: JANUARY 23, 2024	EXHIBIT B PAGE 5 OF 7	SCALE: 1" = 100'

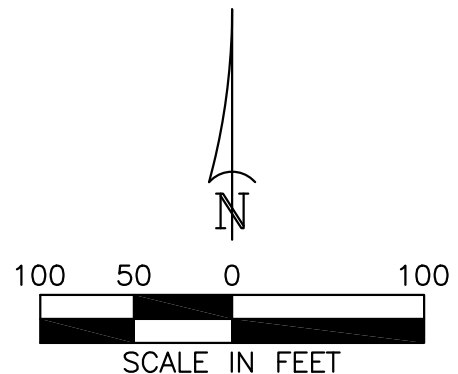


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NO. 6933 TEXAS FIRM No. 10106900

EXHIBIT "B"
PARCEL No. 2 PE



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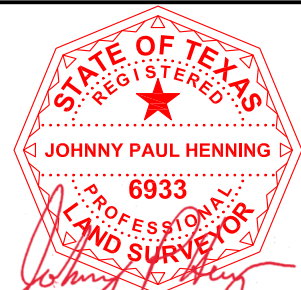
City of Killeen

101 N COLLEGE STREET • KILLEEN, TEXAS 76541

24-INCH HWY 195 WATERLINE

PARCEL NO. 2 PE	PROJ. NO. 220000
PERMANENT WATER LINE EASEMENT	
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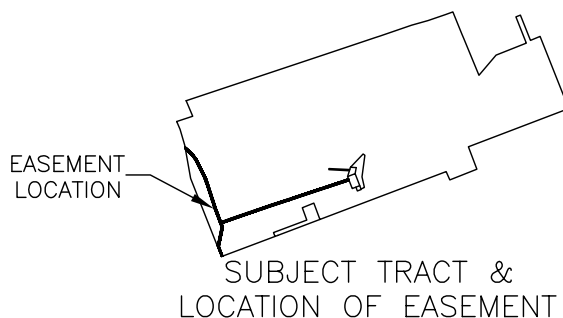
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DATE: JANUARY 23, 2024	EXHIBIT B PAGE 6 OF 7	SCALE: 1" = 100'



JOHNNY PAUL HENNING
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6933 TEXAS FIRM No. 10106900

EXHIBIT "B"

PARCEL No. 2 PE



LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N 21°35'55"W	139.61'
L-2	N 11°39'59"E	238.79'
L-3	N 20°50'00"W	241.69'
L-4	N 18°02'49"W	317.82'
L-5	N 20°19'44"W	13.94'
L-6	N 21°19'00"W	27.29'
L-7	N 16°19'11"W	22.96'
L-8	N 24°49'05"W	49.91'
L-9	N 26°28'35"W	220.71'
L-10	N 36°43'09"W	60.65'
L-11	N 43°57'59"W	49.18'
L-12	N 46°43'59"W	23.19'
L-13	N 48°52'14"W	39.75'
L-14	N 10°04'23"W	38.82'
L-15	N 10°04'23"W	18.72'
L-16	S 51°14'35"E	16.32'
L-17	S 48°52'14"E	54.14'
L-18	S 46°50'20"E	60.92'
L-19	S 36°43'09"E	79.37'
L-20	S 26°28'35"E	274.62'
L-21	S 18°02'49"E	383.45'
L-22	S 20°50'00"E	177.64'

LINE TABLE		
LINE	BEARING	DISTANCE
L-23	N 69°10'00"E	3.26'
L-24	N 70°53'56"E	676.05'
L-25	N 72°58'52"E	44.45'
L-26	N 72°07'19"E	160.66'
L-27	N 70°27'23"E	83.47'
L-28	N 71°33'11"E	252.54'
L-29	N 71°47'56"E	390.21'
L-30	N 69°20'26"E	50.11'
L-31	S 20°49'33"E	25.00'
L-32	S 69°20'26"W	50.72'
L-33	S 71°47'56"W	390.69'
L-34	S 71°33'11"W	252.25'
L-35	S 70°27'23"W	83.60'
L-36	S 72°07'19"W	161.21'
L-37	S 72°58'52"W	44.19'
L-38	S 70°53'56"W	675.22'
L-39	S 69°10'00"W	2.89'
L-40	S 20°50'00"E	45.73'
L-41	S 11°39'59"W	246.81'
L-42	S 20°40'44"E	125.61'
L-43	S 69°22'08"W	18.48'



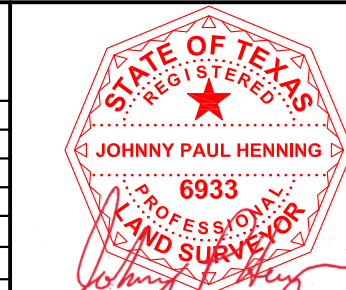
City of Killeen

101 N COLLEGE STREET • KILLEEN, TEXAS 76541

24-INCH HWY 195 WATERLINE

PARCEL NO. 2 PE PROJ. NO. 220000
 PERMANENT WATER LINE EASEMENT
 OWNER: BTM HOLDING, LLC
 SURVEY: M.T. MARTIN SURVEY, ABSTRACT No. 963
 LOCATION: CITY OF KILLEEN, BELL COUNTY, TEXAS
 ACQUISITION AREA: 1.783 ACRES OR 77,655 SQUARE FEET
 WHOLE PROPERTY ACREAGE: 180.358 ACRES (BY DEED)

JOB No. KHA_2210.00 DRAWN BY: JM CAD FILE: 2PE.DWG
 DATE: JANUARY 23, 2024 EXHIBIT B PAGE 7 OF 7 SCALE: N/A



JOHNNY PAUL HENNING
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 6933 TEXAS FIRM No. 10106900

Lot File: \\gaines04\Active\Production04\KHA_2206.00 - CoKilleen 24in Water Line\SURVEY\CAD\DWG\L

Lot: 2 PE

Bearing Distance

N 21°35'55"	W 139.61
N 11°39'59"	E 238.79
N 20°50'00"	W 241.69
N 18°02'49"	W 317.82
N 20°19'44"	W 13.94
N 21°19'00"	W 27.29
N 16°19'11"	W 22.96
N 24°49'05"	W 49.91
N 26°28'35"	W 220.71
N 36°43'09"	W 60.65
N 43°57'59"	W 49.18
N 46°43'59"	W 23.19
N 48°52'14"	W 39.75
N 10°04'23"	W 38.82
S 51°14'35"	E 16.32
S 48°52'14"	E 54.14
S 46°50'20"	E 60.92
S 36°43'09"	E 79.37
S 26°28'35"	E 274.62
S 18°02'49"	E 383.45
S 20°50'00"	E 177.64
N 69°10'00"	E 3.26
N 70°53'56"	E 676.05
N 72°58'52"	E 44.45
N 72°07'19"	E 160.66
N 70°27'23"	E 83.47
N 71°33'11"	E 252.54
N 71°47'56"	E 390.21
N 69°20'26"	E 50.11
S 20°49'33"	E 25.00
S 69°20'26"	W 50.72
S 71°47'56"	W 390.69
S 71°33'11"	W 252.25
S 70°27'23"	W 83.60
S 72°07'19"	W 161.21
S 72°58'52"	W 44.19
S 70°53'56"	W 675.22
S 69°10'00"	W 2.89
S 20°50'00"	E 45.73
S 11°39'59"	W 246.81
S 20°40'44"	E 125.61
S 69°22'08"	W 18.48

Closure Error Distance> 0.0000

Total Distance> 6313.93

77655 SQ. FT.

1.7827 ACRES

Bearing Distance