

**Milam County  
Jodi Morgan  
Milam County Clerk**

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**Instrument Number:** 4349

Real Property eRecording

DECLARATION

Recorded On: September 15, 2022 01:31 PM

Number of Pages: 16

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**" Examined and Charged as Follows: "**

Total Recording: \$82.00

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**\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\***

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 4349  
Receipt Number: 20220915000010  
Recorded Date/Time: September 15, 2022 01:31 PM  
User: Annisha W  
Station: Clerk Station

**Record and Return To:**

Corporation Service Company  
  
Pharr TX



STATE OF TEXAS  
COUNTY OF MILAM

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Milam County, Texas.

Jodi Morgan  
Milam County Clerk  
Milam County, TX

A handwritten signature in cursive script that reads "Jodi Morgan".

**DECLARATION OF SHARED ACCESS EASEMENT**

This Declaration of Shared Access Easement (this "Declaration") is executed by Glaser Farm Partners, LP, a Texas limited partnership (the "Declarant"), effective as of 9/12, 2022.

**RECITALS:**

1. Declarant is the owner of those eight (8) parcels of land in Milam County, Texas more particularly described in Exhibit A attached hereto and incorporated herein (the "Lots").
2. Declarant has constructed or is constructing certain roadway improvements on the portion of the Lots described in Exhibit B attached hereto and incorporated herein (the "Easement Area").
3. Declarant declares that the Lots will be subject to, burdened by and benefitted by a shared access easement benefiting the owners of the Lots from time to time and their respective successors and assigns, all as further set forth herein.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each party hereto, Declarant hereby agrees and declares that the Lots shall be hereafter owned, held, sold, used, mortgaged and conveyed subject to the easement rights, covenants and conditions hereinafter provided, which shall run with the land and shall be binding upon Declarant and all parties having or acquiring any right, title or interest in the Lots, or any part thereof, their grantees, heirs, successors, assigns, tenants, guests or invitees, and shall inure to the benefit of Declarant and each subsequent owner of all or any portion of the Lots, subject to the following terms and provisions:

**COVENANTS, CONDITIONS, AND EASEMENTS:**

1. Declarant hereby reserves nonexclusive easement rights (herein called the "Shared Access Easement") over and across the Easement Area for access to and from the Lots and S. 8<sup>th</sup> St. (C.R. 1915). The Shared Access Easement shall burden the Easement Area and benefit the owners (collectively, "Owners" and individually an "Owner") of each of the Lots and their respective grantees, heirs, successors and assigns. Each Owner and its guests and invitees shall be entitled to use the roadway in the Easement Area for access to and from its Lot and S. 8<sup>th</sup> St. (C.R. 1915).
2. The costs of any maintenance, repair or replacement of the roadway within the Easement Area approved by a majority of the Lot Owners shall be shared on a pro-rata basis by the Owners (i.e., 1/8<sup>th</sup> or 12.5%). Each Owner shall at its sole cost and expense mow and otherwise maintain the grassy and non-improved portions of the Easement Area located on its Lot that are not located within the roadway area in good condition.
3. Any Owner, including Declarant as long as it owns a Lot, shall be entitled to enforce the provisions of this Declaration by prosecuting proceedings, at law or in equity, in any court in

Milam County, Texas to prevent the violation of such covenants and terms of this Declaration, to enforce specifically compliance with and performance of such covenants and to recover damages for any such violation, including reasonable attorney's fees.

4. Nothing contained in this Declaration shall be deemed to be or interpreted to be a gift or dedication of any portion of the Easement Area to the general public or for any public purpose whatsoever, such intent being hereby expressly disavowed.

5. Deeds of conveyance of any Lot may contain the provisions, covenants and conditions contained herein by reference to this Declaration; however, whether or not such reference is made in any or all said deeds, by becoming an Owner of a Lot, such Owner, for itself, its heirs, personal representatives, successors, transferees and assigns, agrees to all of the provisions, restrictions, covenants and conditions now or hereafter imposed by or under the authority of this Declaration.

6. This Declaration may be modified, amended or terminated only by the unanimous agreement of all of the Owners of the Lots at the time of such modification, amendment or termination.

7. Declarant intends that there not be, and there shall not in any event be, a merger of the easement rights under this Declaration with title to or any other interest of Declarant or any other Owner in the Easement Area and Declarant parties expressly provide that the easement rights in the Easement Area under this Declaration on the one hand and title to the Easement Area on the other be, and remain at all times, separate and distinct.

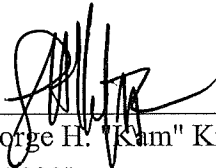
[Remainder of Page Intentionally Left Blank]

Executed effective as of the date first set forth above.

**DECLARANT:**

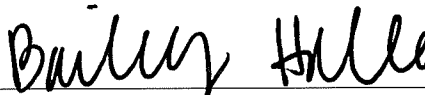
GLASER FARM PARTNERS, LP, a Texas limited partnership, a Texas limited partnership

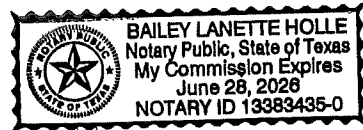
By: Glaser Farm Partners GP, LLC, a Texas limited liability company, its General Partner

By:   
Name: George H. "Kam" Kronenberg, III  
Title: Manager

THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS           §

This instrument was acknowledged before me on Sept 12, 2022, by George H. "Kam" Kronenberg, III, Manager of Glaser Farm Partners GP, LLC, a Texas limited liability company, on behalf of said company as General Partner on behalf of Glaser Farm Partners, LP, a Texas limited partnership.

  
Notary Public in and for  
the State of Texas



Attachments:

- Exhibit A – The Lots
- Exhibit B –Easement Area

Exhibit A

The Lots  
[attached]









DESCRIPTION - AS SURVEYED:

A 5.64 ACRE (245,853 SQUARE FEET) TRACT OF LAND, LINGE HEREIN, THE JOSE ANTONIO DEPENA SURVEY, ABSTRACT NO. 43, MILAM COUNTY, TEXAS, DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE FOUND FOR AN EXTREMEST CORNER OF SAID 136.835 ACRE TRACT, ALSO BEING THE SOUTHWEST CORNER OF A CALLED 2.42 ACRE TRACT TO CONVEY TO JOSE SUZUKI IN DOCUMENT NO. 2018-17583, OFFICIAL RECORDS OF MILAM COUNTY, TEXAS, ALSO BEING THE NORTHWESTERN RIGHT-OF-WAY LINE OF S. 8TH ST. (COUNTY ROAD 1915) (55' RIGHT-OF-WAY);

THENCE WITH A SOUTHWESTERN LINE OF SAID 136.835 ACRE TRACT, ALSO BEING SAID NORTHWEST CORNER OF SAID 136.835 ACRE TRACT, 172°42'27"W, A DISTANCE OF 1492.93 FEET TO A 5/8" IRON ROD WITH CAP STAMPED 'AVWELL' SET FOR THE WESTERNMOST CORNER OF THE HEREN DESCRIBED TRACT, 517°23'27"W, A DISTANCE OF 50.00 FEET TO A 5/8" IRON ROD WITH CAP STAMPED 'AVWELL' SET FOR THE SOUTHWEST CORNER OF THE HEREN DESCRIBED TRACT;

THENCE, LEAVING SAID NORTHWEST S. 8TH ST. (COUNTY ROAD 1915) RIGHT-OF-WAY, OVER AND ACROSS SAID 136.835 ACRE TRACT, 172°42'27"W, A DISTANCE OF 1492.93 FEET TO A 5/8" IRON ROD WITH CAP STAMPED 'AVWELL' SET FOR THE WESTERNMOST CORNER OF THE HEREN DESCRIBED TRACT, 517°23'27"W, A DISTANCE OF 50.00 FEET TO A 5/8" IRON ROD WITH CAP STAMPED 'AVWELL' SET FOR THE SOUTHWEST CORNER OF THE HEREN DESCRIBED TRACT;

THENCE, WITH SAID 78.976 ACRE TRACT AND SAID 136.835 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. N12°10'59"E, A DISTANCE OF 554.59 FEET TO A 5/8" IRON ROD WITH CAP STAMPED 'AVWELL' SET;
2. N17°05'40"E, A DISTANCE OF 420.81 FEET TO A FOUND 1/2" IRON ROD WITH CAP STAMPED '17467' FOR THE NORTHWEST CORNER OF SAID 78.976 ACRE TRACT;
3. S73°56'04"E, A DISTANCE OF 287.81 FEET TO A 5/8" IRON ROD WITH CAP STAMPED 'AVWELL' SET;

THENCE, LEAVING THE SOUTHERN LINE OF SAID 78.976 ACRE TRACT OVER AND ACROSS SAID 136.835 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. S17°05'40"E, A DISTANCE OF 750.01 FEET TO A 5/8" IRON ROD WITH CAP STAMPED 'AVWELL' SET;
2. S17°05'40"E, A DISTANCE OF 1228.21 FEET TO A FOUND 1/2" IRON ROD WITH CAP STAMPED 'AVWELL' SET;

CONTAINING 5.64 ACRES OR 245,853 SQUARE FEET, MORE OR LESS.

FLOOD INSURANCE INFORMATION:

FLOOD ZONE DESIGNATION IN ZONE "X" FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 48154920D DATED APRIL 7, 2007.

(THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND THE SURVEYOR ASSUMES NO LIABILITY FOR THE LOCATION OF THE FLOOD ZONE BOUNDARY. IN ADDITION, THE ABOVE STATEMENT DOES NOT REPRESENT THE SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING.)

GENERAL NOTES:

1. BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 (NAD83) TEXAS CENTRAL (4303) ZONE.
2. SUBJECT PROPERTY CONTAINS A TOTAL AREA OF 5.64 ACRES (245,853 SQUARE FEET).
3. ENCROACHMENTS ARE AS SHOWN ON SURVEY.
4. PHYSICAL ADDRESS: N/A
5. ZONING: N/A
6. UTILITIES LOCATED BY OBSERVED EVIDENCE.
7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT.

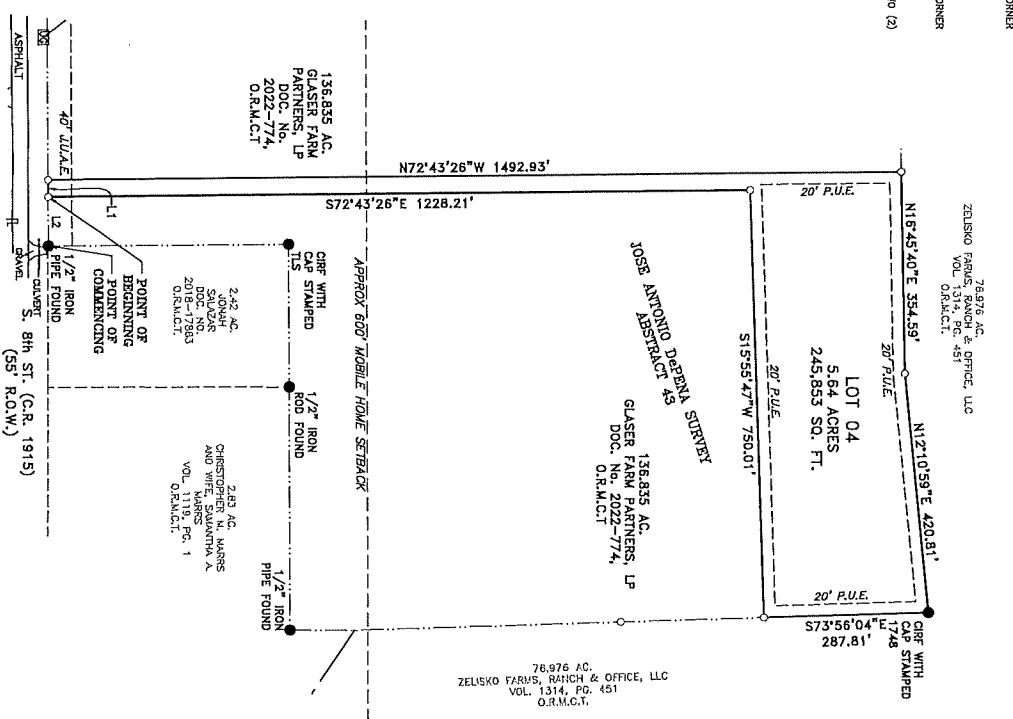
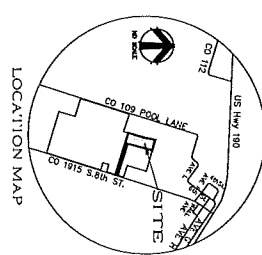
SURVEYORS CERTIFICATE:

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AS PER THE LEGAL DESCRIPTION SHOWN HEREON AND SHOWS THE LAND INDICATED HEREON; (1) ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST, AND THE LOCATION, SIZE AND TYPE OF SUCH MONUMENTS ARE CORRECTLY SHOWN; AND TYPE OF BUILDINGS, STRUCTURES AND OTHER VISIBLE IMPROVEMENTS ON THE SUBJECT PROPERTY; (2) THAT THERE ARE NO VISIBLE ENCROACHMENTS OR INTERFERENCES, OR EQUIPMENT OF RIGHT-OF-WAYS AS SHOWN ON THE MAP HEREON.

THIS SURVEY SUBSTANTIALLY COMPLES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION 1A SURVEY.

DATED THIS THE 7TH DAY OF JUNE, 2022

ROBERT J. GERTSON, RPLS# 6367  
 Atwell LLC  
 805 Las Cintas Parkway, Ste. 310  
 Austin, Texas 78746  
 (512)904-0505  
 (rjg@atwell-group.com)



LINE DATA TABLE		
LINE #	DIRECTION	LENGTH
L1	S17°05'40"W	30.00'

DR.	EB	CH.	RG	DATE
P.M.	RG			JUNE 2022
NO.	FILE			
21004696				
REVISIONS				

PROJECT: 5.64 ACRES (245,853 SQUARE FEET) OUT OF THE JOSE ANTONIO DEPENA SURVEY ABSTRACT 43 MILAM COUNTY, TEXAS

TITLE SURVEY

DESCRIPTION - AS SURVEYED:

A 6.62 ACRE (288,360 SQUARE FEET) TRACT OF LAND, LING WITHIN THE JOSE ANTONIO DEPENA SURVEY, ABSTRACT NO. 43, MILAM COUNTY, TEXAS, BEING THE SOUTHWEST CORNER OF SAID 136.835 ACRE TRACT, ALSO BEING SAID NORTHWEST CORNER OF WAY LINE OF S. 8TH ST. (COUNTY ROAD 1915), 57728.30"W, A DISTANCE OF 116.15 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "ATWELL LCC" SET FOR THE EASTERNMOST CORNER AND THE POINT OF BEGINNING OF SAID 136.835 ACRE TRACT, ALSO BEING SAID NORTHWEST CORNER OF WAY LINE OF S. 8TH ST. (COUNTY ROAD 1915), 57728.30"W, A DISTANCE OF 30.00 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "ATWELL LCC" SET; THE FOLLOWING TRACTS (S) COURSES AND DISTANCES:

1. N72°42'29"W, A DISTANCE OF 706.83 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "ATWELL LCC" SET; FOR THE SOUTHERNMOST CORNER OF THE HEREN DESCRIBED TRACT; TO A 3/4" IRON ROD WITH CAP STAMPED "ATWELL LCC" SET ON THE WESTERN LINE OF SAID 136.835 ACRE TRACT, BEING THE EASTERN LINE OF A CALLED 76.976 ACRE TRACT CONVEYED TO ZELSSO GRASS, RANCH & OFFICE, L.L.C. IN VOLUME 1314, PAGE 451, O.R.M.C.I.T. AND ALSO BEING THE WESTERNMOST CORNER OF THE HEREN DESCRIBED TRACT;

THENCE WITH THE WESTERN LINE OF SAID 136.835 ACRE TRACT, ALSO BEING THE WESTERN LINE OF SAID 76.976 ACRE TRACT, N16°45'40"E, A DISTANCE OF 340.36 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "ATWELL LCC" SET FOR THE NORTHERN CORNER OF THE HEREN DESCRIBED TRACT; FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "ATWELL LCC" SET FOR AN EL CORNER OF SAID 136.835 ACRE TRACT, ALSO BEING ON THE WESTERNMOST CORNER OF SAID 2.42 ACRE TRACT BEARS S78°57'23"E, A DISTANCE OF 1,079.60 FEET; THENCE LEAVING THE SOUTHERN LINE OF SAID 76.976 ACRE TRACT OVER AND ACROSS SAID 136.835 ACRE TRACT, S72°43'26"E, A DISTANCE OF 1,492.93 FEET TO A POINT OF BEGINNING.

CONTAINING 6.62 ACRES OR 288,360 SQUARE FEET, MORE OR LESS.

FLOOD INSURANCE INFORMATION:

FLOOD ZONE DESIGNATION IN ZONE "X" BEING FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 4815490200 DATED APRIL 7, 2007 (THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND THE SURVEYOR DOES NOT GUARANTEE THE CORRECTNESS OF THE OTEI MAP OR THE LOCATION OF THE FLOOD ZONE BOUNDARY. IN ADDITION, THE ABOVE STATEMENT DOES NOT REPRESENT THE SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING.)

GENERAL NOTES:

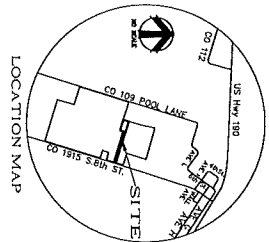
1. BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 (NAD83) TEXAS CENTRAL (T42D) ZONE.
2. SUBJECT PROPERTY CONTAINS A TOTAL AREA MORE OR LESS (288,360 SQUARE FEET).
3. ENCROACHMENTS ARE AS SHOWN ON SURVEY.
4. PHYSICAL ADDRESS: N/A
5. ZONING: N/A
6. UTILITIES LOCATED BY OBSERVED EVIDENCE.
7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE EXAMINATION.

SURVEYOR'S CERTIFICATE:

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AS PER THE BEST DESCRIPTION OF THE PROPERTY AND THAT THE AREA OF LAND INDICATED HEREON: (1) ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST; AND THE LOCATION, SIZE AND TYPE OF BUILDINGS, STRUCTURES AND OTHER VISIBLE IMPROVEMENTS ON THE SUBJECT PROPERTY; (2) THAT THERE ARE NO UNDISCOVERED ENCUMBRANCES, EASEMENTS, OR PROMISSORY RIGHTS-OF-WAYS EXCEPT AS SHOWN ON THE MAP HEREON. THIS SURVEY SUBSTANTIALLY COMPLES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION 1V SURVEY.

DATED THIS THE 7th DAY OF JUNE, 2022

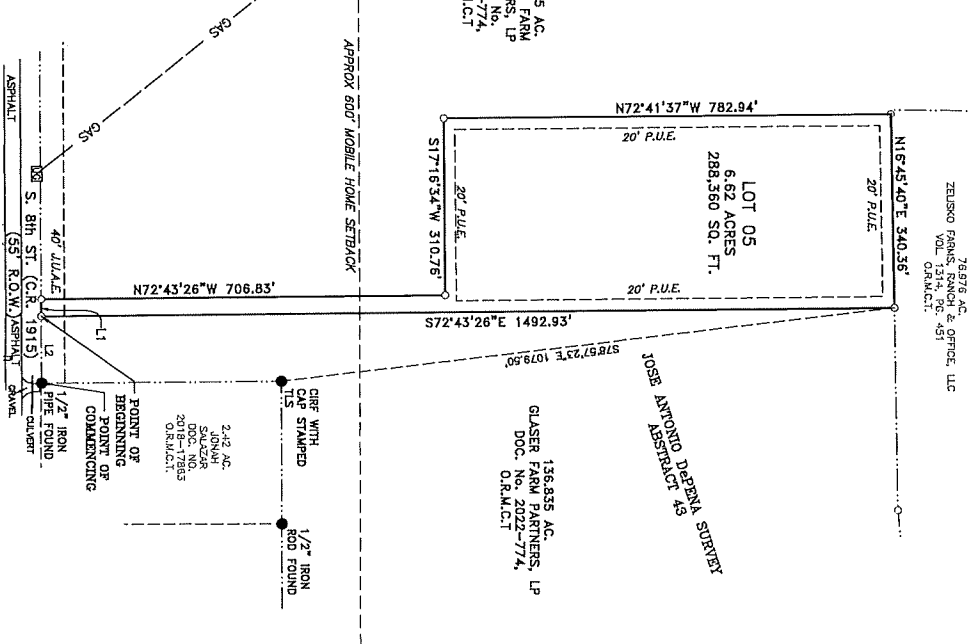
ROBERT J. GERTSON, RPLS# 6357  
Atwell LLC  
805 Las Omas Parkway, Ste. 310  
Austin, Texas 78748  
(512)964-0300  
gertson@atwell-group.com



DR.	EB	CR.	RG	DATE	JUNE 2022
P.L.	RG				
CAD	FILE				
JOB	21004696				
SHEET NO.	1 OF 1				
REVISIONS					

PROJECT: 6.62 ACRES (288,360 SQUARE FEET)  
OUT OF THE JOSE ANTONIO DEPENA SURVEY  
ABSTRACT 43  
MILAM COUNTY, TEXAS

TITLE SURVEY



LINE DATA TABLE

LINE #	DIRECTION	LENGTH
L1	S17°28'30"W	30.00'
L2	S17°28'30"W	116.15'

LEGEND:  
 ○ IRON ROD SET WITH CAP  
 ● PROPERTY CORNER FOUND AS NOTED  
 ○ GNS MARKER  
 --- ADJACENT PROPERTY LINE  
 --- BOUNDARY LINE  
 --- JOINT USE ACCESS EASEMENT  
 --- OFFICIAL PUBLIC OF MILAM COUNTY, TEXAS

**ATWELL**  
 www.atwell-group.com  
 805 LAS OMAS PARKWAY, SUITE 310  
 AUSTIN, TX 78748  
 512.964.0305  
 T91E 53 18185726







**Exhibit B**

**Easement Area  
[attached]**

**EXHIBIT "A"  
DESCRIPTION**

A 2.823 acre (122,962 square feet), tract of land, lying within the Jose Antonio DePena Survey, Abstract No. 43, Milam County, Texas, being a portion of a called 136.835 acre tract, conveyed to Glaser Farm Partners, LP in Document No. 2022-774, Official Records of Milam County, Texas, described as follows:

**BEGINNING**, at a 1/2" iron pipe found for an easternmost corner of said 136.835 acre tract, also being the southernmost corner of a called 2.42 acre tract to conveyed to Jonah Salazar in Document No. 2018-17863, Official Records of Milam County, Texas, also being the northwestern right of way line of S. 8<sup>th</sup> St. (County Road 1915) (55' right-of-way) and being the easternmost corner and the **POINT OF BEGINNING** of the herein described tract,

**THENCE**, with the southeastern line of said of 136.835 acre tract, also being said northwestern right of way line of S. 8<sup>th</sup> St. (County Road 1915), and the eastern line of the herein described tract, S17°28'30"W, a distance of 616.67 feet to a calculated point for the southernmost corner of the herein described tract of a called 1.290 acre tract to conveyed to Buckholts Apartments, LTD in Volume 562, Page 492, Deed Records Milam County, Texas

**THENCE**, leaving said northwest S. 8<sup>th</sup>/St. (County Road 1915) right-of-way, both being said 136.835 acre tract and said 1.290 acre tract, N72°50'50"W, a distance of the of 40.00 feet to a calculated point;

**THENCE**, leaving said 1.290 acre tract , over and across said 136.835 acre tract, the following five (5) courses and distances

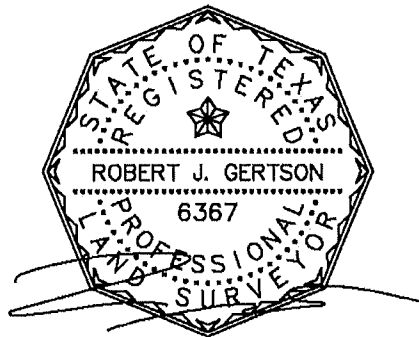
1. N17°28'30"E, a distance of 470.59 feet to a calculated point;
2. N72°43'23"W, a distance of 666.83 feet to a calculated point for the westernmost corner of the herein described tract;
3. N16°21'06"E, a distance of 120.01 feet to a calculated point;
4. N15°55'47"E, a distance of 27.92 feet to a calculated point for the northernmost corner of the herein described tract; and
5. S72°34'58"E, passing at a distance of 289.72 feet, an eastern corner of said 136.835 acre tract, also being westernmost corner of said 2.42 acre tract, to a 1/2" iron rod with cap stamped "TLS" found for the westernmost corner of said 2.42 acre tract and continuing for a total distance of 709.93 feet to the **POINT OF BEGINNING**.

Containing 2.823 acres or 122,962 square feet, more or less.

BEARING BASIS NOTE

This project is referenced for all bearing and coordinate basis to the Texas State Plane Coordinate System NAD 83 (2011 adjustment), Central Zone (4203).

Robert J. Gertson, RPLS  
Texas Registration No. 6367  
Atwell, LLC  
805 Las Cimas Parkway, Suite 310  
Austin, Texas 78746  
Ph. 512-904-0505  
TBPE LS Firm No. 10193726  
08-22-2022



08-24-2022

k:\21004696 - glaser farms\project documents\surveying\prepared documents\legal descriptions\fn-juae #5.dwg Savedate: 8/24/2022 2:42 PM Plotdate: 8/24/2022 2:42 PM

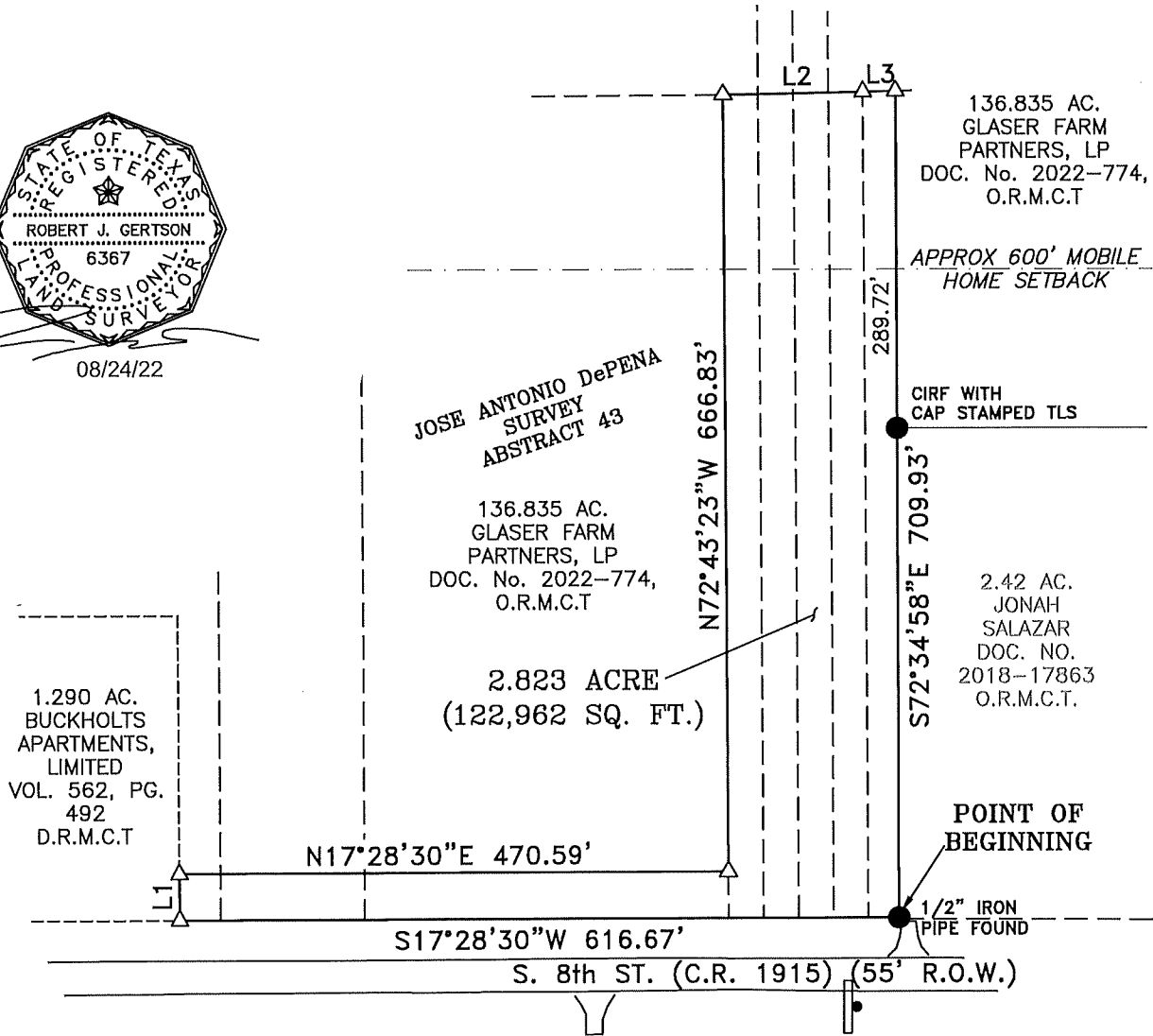
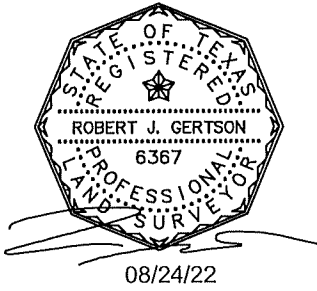
LINE DATA TABLE		
LINE #	DIRECTION	LENGTH
L1	N72°50'50"W	40.00'
L2	N16°21'06"E	120.01'
L3	N15°55'47"E	27.92'



SCALE: 1"=150'

**LEGEND**

- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- △ CALCULATED POINT
- ATWELL BOUNDARY LINE
- D.R.M.C.T. DEED RECORD MILAM COUNTY, TEXAS
- O.R.M.C.T. OFFICIAL RECORD MILAM COUNTY, TEXAS



2.823 ACRE OUT OF THE JOSE ANTONIO DePENA SURVEY, ABSTRACT NO. 43 MILAM COUNTY, TEXAS	DATE:	08/24/22	SHT. 02 OF 02
	DRAWN:	EB	
	CHECKED:	RG	
	JOB NO.:	21004696	

**ATWELL**  
 www.atwell-group.com  
 805 LAS CIMAS PARKWAY, SUITE 310  
 AUSTIN, TX 78746  
 512.804.0505  
 TBPE LS 10193728