

RESOLUTION

COPPELL INDEPENDENT SCHOOL DISTRICT

WATER EASEMENT

STATE OF TEXAS

§

§

COUNTY OF DALLAS

§

WHEREAS, as part of the Settlement Agreement between the Coppell Independent School District, CB Parkway Business Center VI, Ltd., Trammell Crow Company No. 43, Ltd. (the "Billingsley Companies"), and the City of Coppell, the District entered into an Infrastructure Development Agreement with Billingsley Development Corporation on October 3, 2008 whereby the parties agreed upon terms and conditions regarding the future construction of public infrastructure for development of the Cypress Waters property; and

WHEREAS, according to the terms of the Infrastructure Development Agreement, the District agreed to act in good faith in the creation of utility easements over the District's properties for any utility reasonably needed to serve the Billingsley Companies' properties; and

WHEREAS, in accordance with the Infrastructure Development Agreement, Coppell Independent School District's civil engineers and architects have been working with the Billingsley Company's civil engineers in negotiating and drafting an underground water easement on District property located within the Cypress Waters Phase I development that will serve both the Billingsley Companies' property and the District's property and such water easement will be granted to the City of Dallas for the purpose of laying, constructing, maintaining, repairing and replacing a City water main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future in, under, through, across and along District property;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Coppell Independent School District that the District is hereby authorized to enter into a water easement with the City of Dallas, a municipality of the State of Texas, in, under, through, across and along one tract of land totaling approximately 1.045 acres of land owned by the District, said tract being located in Dallas County, Texas, including the performance of certain obligations related to the easement as listed in the water easement attached hereto as Exhibit "A", upon the terms and conditions hereby approved by the Board of Trustees.

BE IT FURTHER RESOLVED that the water easement attached hereto as Exhibit "A" is approved and adopted by the Coppell Independent School District Board of Trustees.

BE IT FURTHER RESOLVED that the President, Vice President, Secretary of the Board of Trustees, the Superintendent of Schools, and the Assistant Superintendent for Business and Support Services are each authorized to sign on behalf of the Coppell Independent School District the attached water easement, or a water easement that is similar in form and substance to the attached Exhibit A including any revision, addendum, or any amendment thereto, and any other document necessary to close this transaction or effectuate the purposes of this Resolution.

BE IT FURTHER RESOLVED that the School District Administration is authorized to take any and all appropriate action to accomplish and effectuate the purposes of this Resolution.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE COPPELL INDEPENDENT SCHOOL DISTRICT, DALLAS COUNTY, TEXAS on the 26th day of September, 2011.

COPPELL INDEPENDENT SCHOOL DISTRICT

By: _____
Anthony Hill, President
Board of Trustees

ATTEST:

By: _____
Susie Kemp, Secretary
Board of Trustees

WATER EASEMENT

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS §

That Coppel Independent School District (CISD) (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, an easement for the purpose of laying, constructing, maintaining, repairing and replacing a City water main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future in, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of laying, constructing, maintaining, repairing and replacing a City water main or mains and appurtenances, and such additional main or mains and appurtenances as are needed in the future, according to such plans and specifications as will, in City's opinion, best serve the public purpose. The payment of the purchase price shall be considered full and adequate compensation for the easement rights herein granted.

Should one or more of the Grantors herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City 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 right of ingress and egress over and across said property to and from said easement for the purpose of constructing, reconstructing, maintaining, inspecting or repairing said main or mains and appurtenances.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance, repair or operation of the said main or mains. (Grantor, its successors or assigns, shall not place or store any material upon, or cover, bury, pave over or otherwise obstruct any cleanout, valve, meter or manhole located within the herein described permanent easement.)

Grantor, its successors or assigns, shall not be permitted to plant trees or shrubs of any kind within the boundaries of the herein described permanent easement.

All expenses in the construction and maintenance of said main or mains and appurtenances shall be borne by the City. In the construction of said main or mains and appurtenances, should the City find it necessary to remove any improvements now on the above-described property, all of those expenses shall also be borne by the City. Upon completion of construction, all surplus excavation, debris, trash or litter resulting from construction shall be cleaned up and hauled off the premises, and the easement property, including any fences disturbed, shall be restored to its original contour and condition.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: "None".

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said easement unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

(Name and Title)

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____

by _____, _____ of _____,
on behalf of said _____.

Notary Public, State of Texas

* * * * *

After recording return to:

City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn:
Water Easement Log No.

FIELD NOTES DESCRIBING A
27,838 SQ.FT. (0.639 ACRE) WATER EASEMENT
SITUATED IN BLOCKS 8465 & 8467
JOHN L. WHITMAN SURVEY, ABSTRACT NO. 1521
SAMUEL LAYTON SURVEY, ABSTRACT NO. 784
CITY OF DALLAS, DALLAS COUNTY, TEXAS
TO BE ACQUIRED FROM COPPELL INDEPENDENT SCHOOL DISTRICT

BEING a 27,838 square foot (0.639 acre) tract of land situated in the John L. Whitman Survey, Abstract No. 1521 and the Samuel Layton Survey, Abstract No. 784, City of Dallas Blocks 8465 and 8467, Dallas County, Texas, and being part of a tract of land described as "Tract 1" in Correction Special Warranty Deed to Coppell Independent School District, recorded in Instrument No. 20080370170, and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with "KHA" cap set at the northernmost end of a right-of-way corner clip at the intersection of the east right-of-way line of Belt Line Road (a variable width right-of-way) and the north right-of-way line of Hackberry Road (a variable width right-of-way);

THENCE with said right-of-way corner clip, South 45°18'57" East, a distance of 42.43 feet to the southernmost end of said right-of-way corner clip;

THENCE with the north right-of-way line of Hackberry Road and the north right-of-way line of Ranch Trail (a variable width right-of-way), the following courses and distances:

North 89°41'03" East, a distance of 590.00 feet to a point for corner;

North 89°08'11" East, a distance of 2147.68 feet to a point for corner in the said north right-of-way line of Ranch Trail at the east terminus of said Hackberry Road;

South 89°18'32" East, a distance of 31.04 feet to a 5/8" iron rod with "KHA" cap found at the southwest corner of said Coppell Independent School District tract (hereafter referred to as CISD tract);

THENCE departing said north right-of-way line and with the west line of said CISD tract, North 00°41'28" East, a distance of 15.00 feet to the **POINT OF BEGINNING**;

THENCE continuing with said west line, North 00°41'28" East, a distance of 1657.27 feet to a 5/8" iron rod with "KHA" cap set for corner; from said point the northwest corner of said CISD tract bears North 00°41'28" East, a distance of 738.74 feet;

THENCE departing said west line, South 58°18'21" East, a distance of 2.92 feet to a 5/8" iron rod with "KHA" cap set for corner;

THENCE South 00°41'28" West, a distance of 1635.76 feet to a 5/8" iron rod with "KHA" cap set for corner;

THENCE South 89°18'32" East, a distance of 1189.94 feet to a 5/8" iron rod with "KHA" cap set in the east line of said CISD tract and in the west line of a Transmission Easement recorded in Volume 2001248, Page 11540, Deed Records of Dallas County, Texas and in Volume 2004174, Page 8960, Official Public Records of Dallas County, Texas;

THENCE with said east line and the west line of said transmission easement, South 27°40'25" West, a distance of 22.44 feet to a point for corner; from said point a 5/8" iron rod with cap found in said north right-of-way line of Ranch Trail at the southeast corner of said CISD tract bears South 27°40'25" West, a distance of 16.83 feet;

THENCE departing said west line, North 89°18'32" West, a distance of 1182.26 feet to the **POINT OF BEGINNING** and containing 0.639 acres or 27,838 square feet of land .

Bearing system based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

Dana Brown
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336



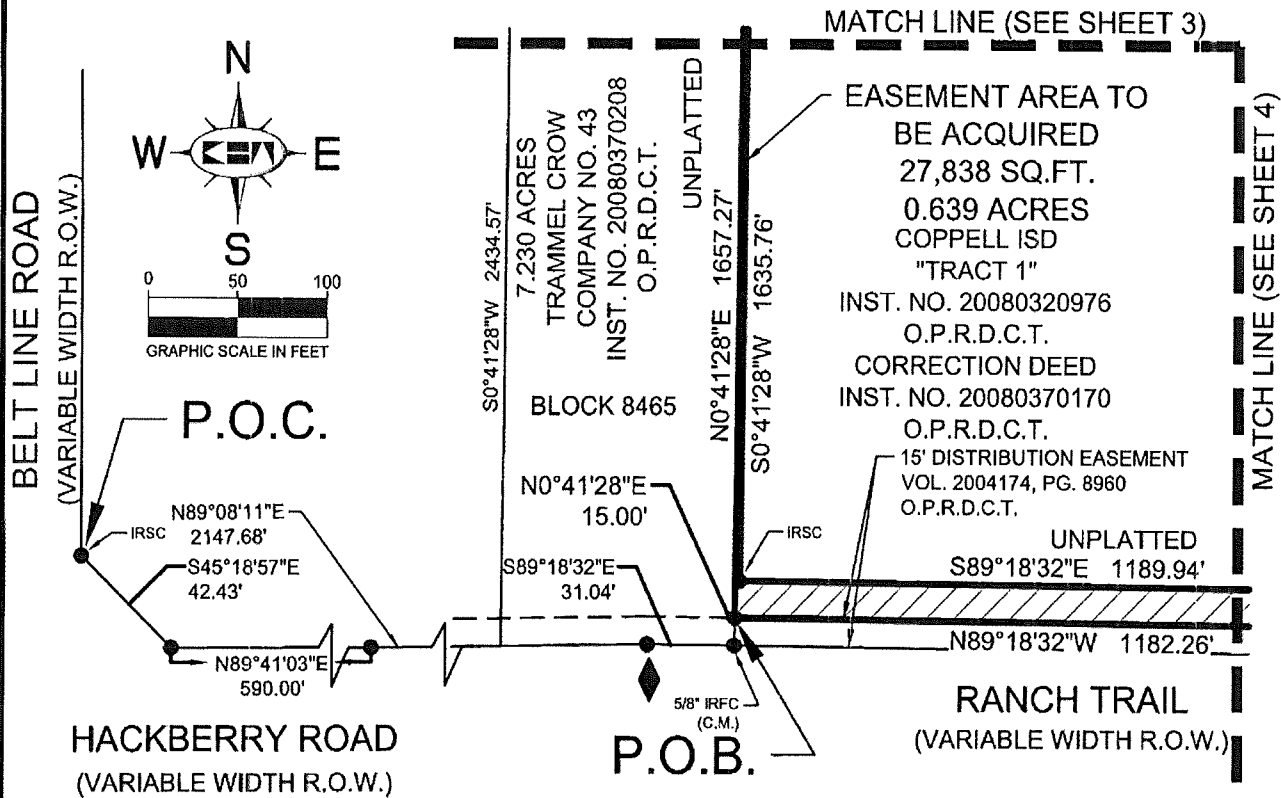
**Kimley-Horn
and Associates, Inc.**

12700 Park Central Drive, Suite 1800
Dallas, Texas 75251

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	SEPT. 2011	063973002	1 OF 5

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LEGEND:

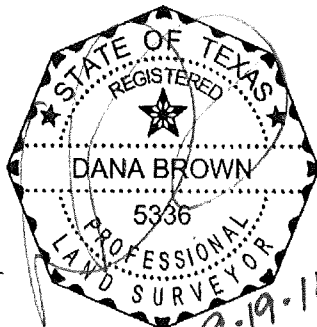
- Δ = DELTA ANGLE OR CENTRAL ANGLE
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
- 5/8" IRFC = 5/8" IRON ROD W/ "KHA" CAP FOUND
- IPF = IRON PIPE FOUND
- C.M. = CONTROLLING MONUMENT
- ESMT = EASEMENT
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

◆ = STREET NAME CHANGE

NOTES

Bearing system based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

Dana Brown
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336



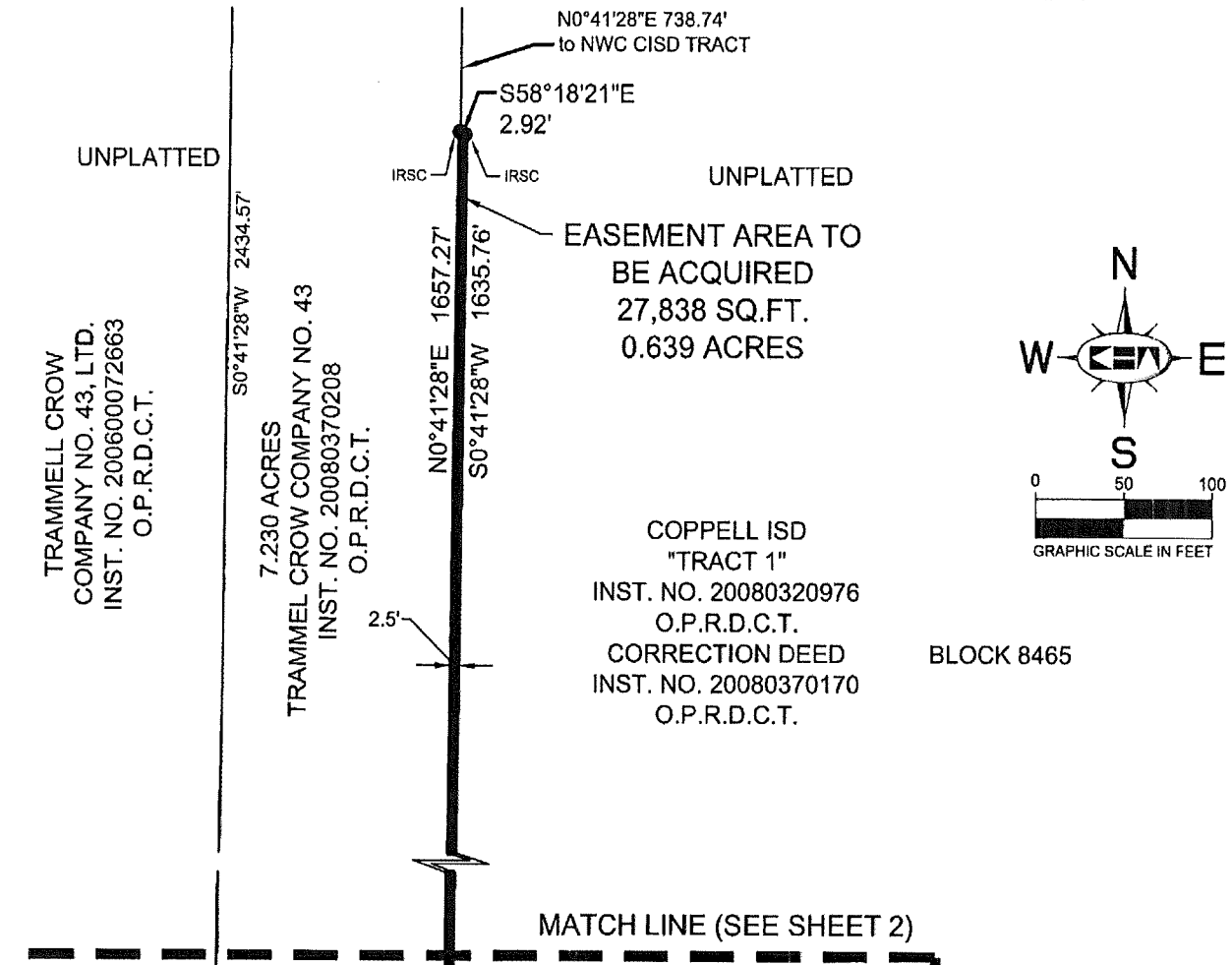
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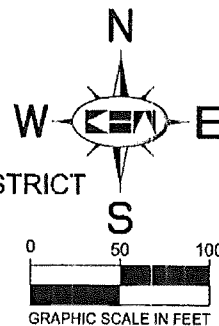
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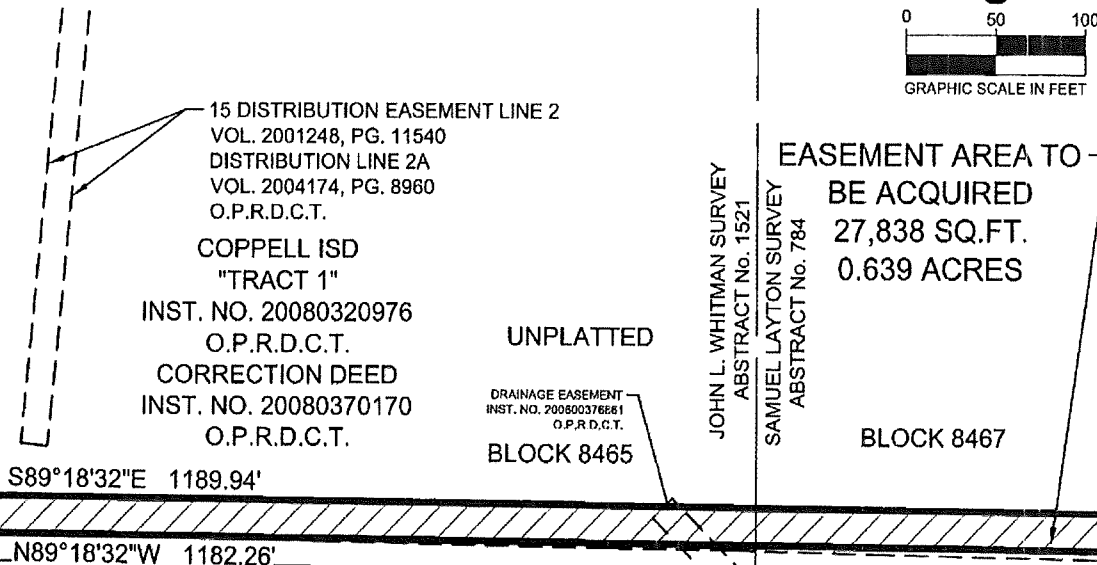
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MATCH LINE (SEE SHEET 3)

MATCH LINE (SEE SHEET 5)



RANCH TRAIL
(VARIABLE WIDTH R.O.W.)

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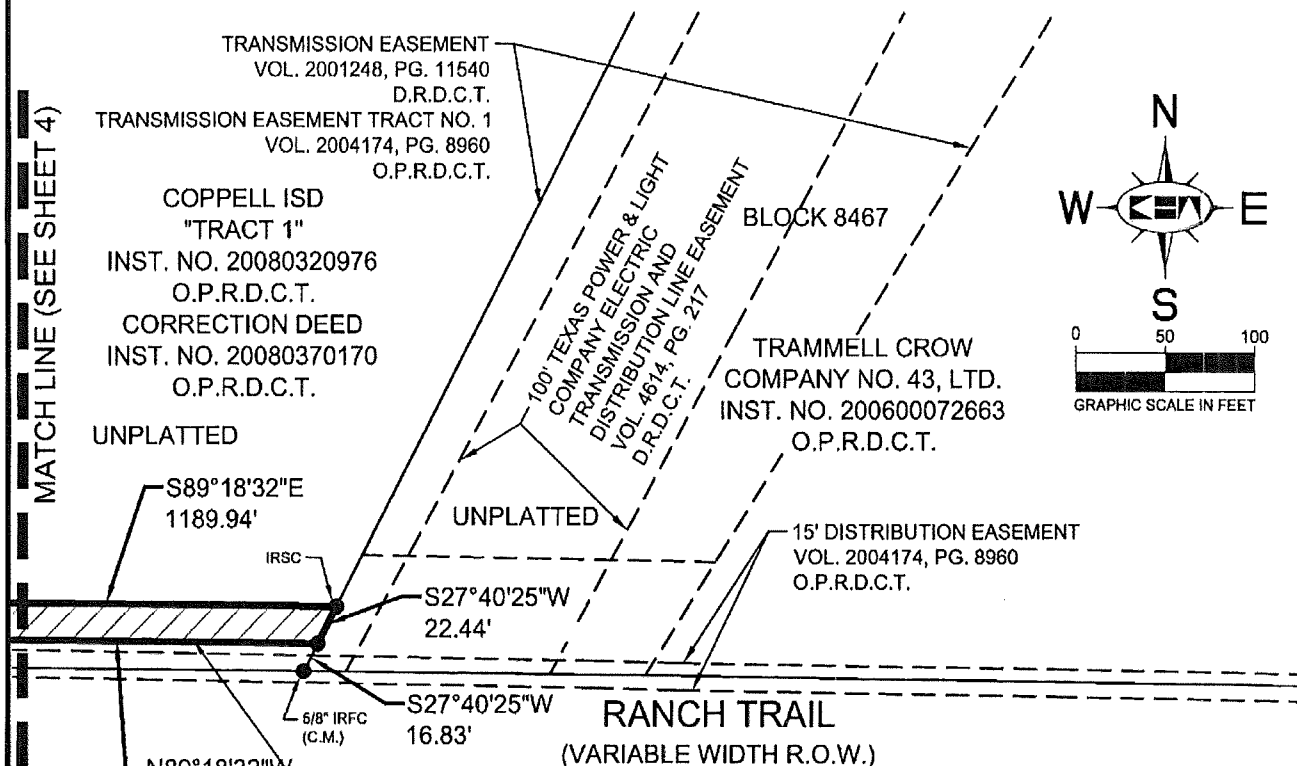
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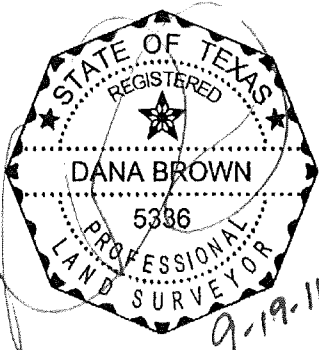
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CALLED 24.3934 ACRES
RANCH TRAIL PARTNERS, L.P.
VOL. 2001049, PG. 211
D.R.D.C.T.

NOTES

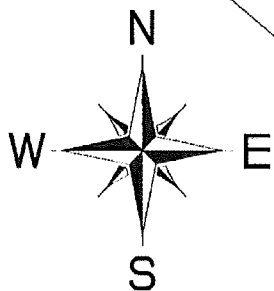
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				Sheet No.
				5 OF 5

NORTH LAKE



TRAMMELL CROW
COMPANY NO. 43, LTD.
INST. NO. 200600072663
O.P.R.D.C.T.

7.230 ACRES
TRAMMEL CROW COMPANY NO. 43
INST. NO. 20080370208
O.P.R.D.C.T.

EASEMENT AREA
TO BE ACQUIRED

COPPELL ISD
"TRACT 1"
INST. NO. 20080320976
O.P.R.D.C.T.
CORRECTION DEED
INST. NO. 20080370170
O.P.R.D.C.T.

CITY OF DALLAS

HACKBERRY ROAD

CITY OF IRVING

RANCH TRAIL