

**AMENDMENT TO EASEMENT AGREEMENT No. 1**

STATE OF TEXAS           §  
                                  §  
COUNTY OF DENTON       §

KNOW ALL MEN BY THESE PRESENTS:

This Amendment to Easement Agreement No. 1, is executed effective \_\_\_\_\_, 2010, by and between **Teasley Commons, Ltd.** (hereinafter referred to as "**TCL**"), the **City of Denton, Texas**, a Texas home rule municipal corporation (hereinafter referred to as "**CITY**"), and the **Denton Independent School District**, an independent school district and political subdivision of the State of Texas (hereinafter referred to as the "**DISD**"), to wit:

**WITNESSETH**

WHEREAS, Nations Bank of Texas, N.A., **CITY** and **DISD** did on or about August 17, 1993 enter into an Easement Agreement (hereinafter referred to as the "**AGREEMENT**") for the purpose of a perpetual and non-exclusive easement for joint driveway access for the benefit of the parties therein, as more particularly described in and as evidenced by the recordation of the **AGREEMENT** under Clerk's File Number 93-R0058368, Real Property Records, Denton County, Texas; and

WHEREAS, there is a current initiative to provide for access driveway approach improvements at the connection of the easement granted in the Agreement to Teasley Lane (F.M. 2181) that necessitates the granting of additional easement area; and

WHEREAS, **TCL** is successor in title and interest to all those certain tracts of land, formerly owned by Nations Bank of Texas, N.A., being more particularly described in the conveyance to Teasley Commons, Ltd. by Special Warranty Deed recorded in Volume 5320, Page 02275, Real Property Records, Denton County, Texas; and

WHEREAS, **TCL**, as successor in title and interest to Nations Bank of Texas, N.A., is subject to and bound by the terms of the **AGREEMENT** as if an original party; and

WHEREAS, **TCL**, **CITY** and **DISD** desire to amend the **AGREEMENT** as set forth herein.

NOW, THEREFORE, in consideration of One Dollar (\$1.<sup>00</sup>) and other good and valuable consideration, including the mutual promises contained herein, the receipt and sufficiency of which is acknowledged by all parties hereto, **TCL**, **CITY** and **DISD** do hereby agree as follows:

1. That, in addition to the easement tract described in Exhibit "D" in the **AGREEMENT**, and being referred to therein as "Easement Tract", the land described and depicted in Exhibit "D-1", attached hereto and made a part hereof for all purposes, is hereby annexed into the **AGREEMENT** for all purposes and intents and shall hereinafter constitute, together with the lands described in said Exhibit "D" to the Agreement, the "Easement Tract" for all purposes of the Agreement.

2. In addition to the lands included within the "Access Drive", as described in Section 3 of the AGREEMENT, the Access Drive shall also include the lands described and depicted in Exhibit "D-1", attached hereto and made a part hereof for all purposes, and the Access Drive shall hereafter constitute, together with the lands described in Section 3 of the AGREEMENT, the "Access Drive" for all purposes of the AGREEMENT.

3. The Easement Tract and Access Drive, as amended hereby, shall be subject to all terms, conditions and provisions of the AGREEMENT, as if originally included therein.

4. Except as expressly amended hereby, the AGREEMENT shall be and remain effective as originally provided. **TCL, CITY and DISD** do hereby ratify, adopt, and confirm the AGREEMENT, as amended hereby, and stipulate that same is in full force and effect, and agree to be bound thereby. This agreement may be signed by each party in any number of counterparts, all of which taken together shall constitute one and the same agreement.

Dated to be effective as set forth above.

**CITY OF DENTON, TEXAS**

By \_\_\_\_\_  
George C. Campbell,  
City Manager

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
ANITA BURGESS, CITY ATTORNEY

BY: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF TEXAS           §  
  §  
COUNTY OF DENTON       §

This instrument was acknowledged before me on \_\_\_\_\_, 2010, by George C. Campbell, City Manager of the City of Denton, Texas, on behalf of the City of Denton, Texas.

GIVEN under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Notary's Printed Name  
My Commission Expires: \_\_\_\_\_

**DENTON INDEPENDENT SCHOOL DISTRICT**

By \_\_\_\_\_  
Jim Alexander, President  
Board of Trustees

ATTEST:

\_\_\_\_\_  
Glenna G. Harris, Secretary  
Board of Trustees

**ACKNOWLEDGMENT**

STATE OF TEXAS           §  
  §  
COUNTY OF DENTON       §

This instrument was acknowledged before me on \_\_\_\_\_, 2010, by Jim Alexander, President of the Board of Trustees of the Denton Independent School District, on behalf of said school district.

GIVEN under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public, State of Texas  
\_\_\_\_\_  
Notary's Printed Name  
My Commission Expires: \_\_\_\_\_

**TEASLEY COMMONS, LTD.**  
**BY: KEY RETAIL, INC., GENERAL PARTNER**

By \_\_\_\_\_  
Kent Key, President

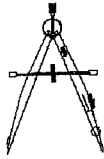
**ACKNOWLEDGMENT**

STATE OF TEXAS           §  
  §  
COUNTY OF DENTON       §

This instrument was acknowledged before me on \_\_\_\_\_, 2010 by Kent Key, President of Key Retail, Inc., General Partner of Teasley Commons, Ltd., on behalf of said limited partnership.

GIVEN under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public, State of Texas  
\_\_\_\_\_  
Notary's Printed Name  
My Commission Expires: \_\_\_\_\_



**Arthur Surveying Co., Inc.**  
*Professional Land Surveyors*

P.O. Box 54 ~ Lewisville, Texas 75067  
Office: (972) 221-9439 ~ Fax: (972) 221-4675

**EXHIBIT D-1  
EASEMENT TRACT  
0.065 ACRE  
CITY OF DENTON, DENTON COUNTY, TEXAS**

**BEING** all that certain lot, tract or parcel of land situated in the C. Poullalier Survey, Abstract Number 1006, City of Denton, Denton County, Texas, and being a part of that certain tract of land described by deed to Teasley Commons, Ltd., recorded in Volume 5320, Page 2275 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at a ½ inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner for the northeast corner of an easement to the City of Denton, recorded under County Clerk's File Number 93-R0058368 of the Real Property Records of Denton County, Texas and being in the east line of said Teasley Commons Ltd. tract, from which the southeast corner thereof bears South 01 degrees 21 minutes 05 seconds East, a distance of 40.13 feet, said beginning point being in the west line of Teasley Lane, also known as F.M. 2181, a public roadway;

**THENCE** over, through and across said Teasley Commons tract the following four (4) calls:

South 88 degrees 31 minutes 22 seconds West, continuing with the north line of said easement to the City of Denton, a distance of 240.54 feet to a ½ inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner;

North 82 degrees 44 minutes 31 seconds East, a distance of 187.88 feet to a ½ inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner;

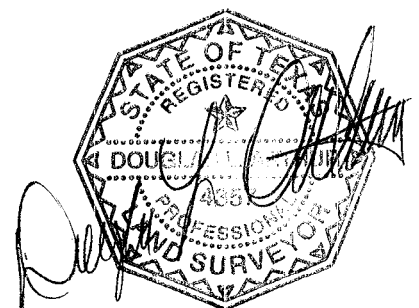
North 88 degrees 18 minutes 34 seconds East, a distance of 40.24 feet to a ½ inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner;

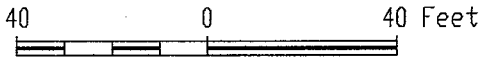
North 67 degrees 54 minutes 24 seconds East, a distance of 13.97 feet to a ½ inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner in the west line of said Teasley Lane said point being the beginning of a non-tangent curve to the right having a radius of 671.77 feet;

**THENCE** continuing with said Teasley Lane and said curve to the right an arc length of 21.79 feet, through a delta angle of 01 degree 51 minutes 32 seconds, whose chord bears South 02 degrees 17 minutes 09 seconds East, a distance of 21.79 feet to a ½ inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner;

**THENCE** South 01 degree 21 minutes 05 seconds East, continuing with the west line of said Teasley Lane, a distance of 2.20 feet to the **POINT OF BEGINNING**, and containing 0.065 acre of land, more or less.

Sheet 1 of 2





Lot 2, Block A  
Teasley Commons, Phase II  
Cabinet V, Page 816

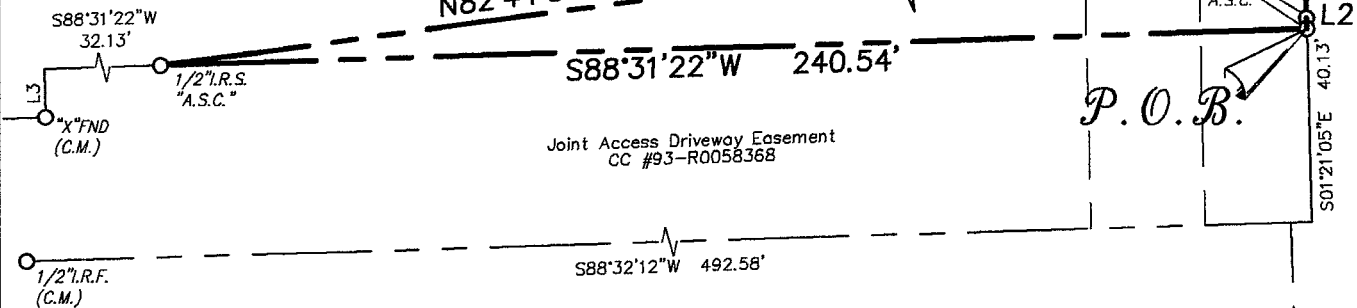
LINE TABLE		
LINE	BEARING	LENGTH
L1	N67°54'24"E	13.97'
L2	S01°21'05"E	2.20'
L3	N01°28'38"W	10.00'
L4	S88°31'14"W	17.50'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHD BRG	CHORD
C1	671.77'	21.79'	01°51'32"	S02°17'09"E	21.79'
C2	671.77'	57.66'	04°55'05"	N05°40'27"W	57.64'

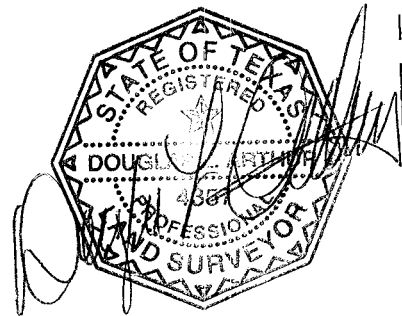
Teasley Commons, Ltd.  
Volume 5320, Page 2275  
(Remainder)

TEMPORARY  
DRAINAGE EASEMENT  
INST. NO. 2004-111117

**EASEMENT TRACT**  
0.065 ACRE



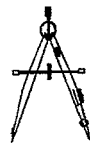
Lot A, Block One  
R.N.W. Addition  
Cabinet H, Page 338



**EXHIBIT D-1**  
**EASEMENT TRACT**

0.065 Acre in the  
C. Poullalier Survey, Abst. No. 1006  
City of Denton  
Denton County, Texas

- 2010 -  
SHEET 2 OF 2



**Arthur Surveying Co., Inc.**

Professional Land Surveyors

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Lewisville, Texas 75067