

DRAINAGE EASEMENT AGREEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF DENTON §

GRANT OF EASEMENT

DENTON INDEPENDENT SCHOOL DISTRICT (hereinafter called “DISD”), for and in consideration of the sum of TEN DOLLARS, (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey unto, CITY OF DENTON, whose principal business is situated at 215 East McKinney Street, Denton, Denton County, Texas, and to its respective successors and assigns, a perpetual easement for the operation of a storm drainage easement (hereinafter referred to as the “Easement”) in, across, and under and through the tract of land (hereinafter sometimes referred to as the "Easement Tract") situated in Denton County, Texas, described in Exhibit s "A" and “B”, attached hereto and made apart hereof for all purposes.

PURPOSE OF EASEMENT

The Easement, rights, and privileges herein granted shall be used only for the purposes of constructing, maintaining, and operating a storm drainage line necessary to accept the volume and velocity of anticipated storm drainage from adjacent real estate as the same exists at the time of this grant.

CITY OF DENTON shall have the reasonable right of ingress and egress over and across the Easement Tract and the reasonable right from time to time to remove any obstructions that may injure the drainage line or interfere with the construction, maintenance, inspection, operation, or repair thereof.

The grant of the Easement is expressly made subject to the purposes stated herein and to any and all easements, restrictions, reservations, conditions or other matters or record in the Office of the County Clerk of Denton County, Texas affecting the Easement Tract.

DURATION OF EASEMENT

TO HAVE AND TO HOLD said Easement unto CITY OF DENTON for the purposes mentioned above, until the storm drainage line is constructed hereunder and so long thereafter as said drainage line is located and operated thereon, and DISD hereby binds itself, its successors and assigns, to warrant and forever defend said premises unto CITY OF DENTON against every person whomsoever claiming or to claim the same or any part hereof, subject to the terms herein, by, through, or under DISD but not otherwise.

ENCROACHMENTS

By acceptance of this grant and utilization of any rights granted hereby, CITY OF DENTON agrees that it will at all times, after doing any work pursuant to the rights hereby granted, restore the surface of the Easement Tract to the same conditions in which same was found before such work was undertaken; that it shall bury the storm drainage line so that such line will not create a nuisance, and that CITY OF DENTON will not do any act, or fail to do any act, that will be detrimental or create a hazard to the surface of the lands covered thereby or to the use thereof.

RIGHTS RESERVED

The Easement herein granted is a non-exclusive easement and DISD and its successors and assigns shall have the right to use and enjoy the Easement Tract for all purposes which do not unreasonably interfere with the use thereof by CITY OF DENTON for the purposes for which said Easement is granted.

TERMINATION

The easement, rights, and privileges granted hereunder shall terminate when, or at such time, that the terms provided herein are violated, the purposes hereof cease to exist or are abandoned by CITY OF DENTON, or the purposes herein become impossible of performance.

The foregoing Drainage Easement Agreement was offered for approval on motion made by _____, seconded by _____, and after discussion was adopted by the Board of Trustees of the Denton Independent School District at a regularly scheduled meeting called, posted, and held in Denton, Denton County, Texas, on _____, 2009, at which _____ Trustees were present, by the following vote: ____ For, ____ Against, and ____ Abstaining.

DENTON INDEPENDENT SCHOOL DISTRICT

Charles Stafford, President
Board of Trustees

ATTEST:

Mia Price, Secretary

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared, Charles Stafford, known to me to be the person whose name is subscribed to the foregoing instrument, and who, in his capacity as President of the Board of Trustees of the Denton Independent School District, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this ___ day of March, 2009.

Notary Public, State of Texas

Notary's Printed Name

My Commission Expires: _____

Accepted this _____ day of _____, 2008 for the City of Denton, Texas (Resolution No. 91-073).

By: _____
Paul Williamson
Real Estate and Capital Support Manager

AFTER RECORDING RETURN TO:
CITY OF DENTON
901A Texas Street
Denton, Texas 76209
ATTN: Paul Williamson

EXHIBIT "A"

16-FOOT DRAINAGE EASEMENT
0.024 of an Acre

FIELD NOTES to all that certain tract of land situated in the M. Forrest Survey Abstract Number 417, City of Denton, Denton County, Texas and being a part of Lot 1R(3), Block A, Denton High School #2 as shown by the Replat thereof recorded in Cabinet W, Page 923 of the Plat Records of Denton County, Texas; the subject easement being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found at the Northwest corner of the said Lot 1R(3) and the Northeast corner of Lot 1, Block A, DISD Mayhill Service Center Addition as shown by the plat thereof recorded in Cabinet O, Page 195 of the said Plat Records;

THENCE South 88 Degrees 14 Minutes 55 Seconds East with the North line of Lot 1R(3) a distance of 191.20 feet to a 1/2 inch iron rod found at an angle point therein;

THENCE South 88 Degrees 52 Minutes 38 Seconds East with the North line of Lot 1R(3) a distance of 226.00 feet to an iron rod found at an angle point therein;

THENCE South 89 Degrees 06 Minutes 34 Seconds East with the North line of Lot 1R(3) a distance of 17.72 feet to a 1/2 inch iron rod found at an angle point therein and the Southwest corner of the tract of land described in the deed to H. McCurley et ux recorded in Volume 876, Page 734 of the Deed Records of Denton County, Texas;

THENCE South 86 Degrees 15 Minutes 47 Seconds East with the North line of Lot 1R(3) a distance of 9.43 feet to a 1/2 inch iron rod found at an angle point therein;

THENCE South 88 Degrees 49 Minutes 49 Seconds East with the North line of Lot 1R(3) a distance of 36.0 feet to the PLACE OF BEGINNING at the Northwest corner of the herein described easement;

THENCE South 88 Degrees 49 Minutes 49 Seconds East with the North line of the Lot 1R(3) a distance of 16.00 feet to the Northeast corner of the herein described easement;

THENCE South 01 Degrees 10 Minutes 11 Seconds West across Lot 1R(3) a distance of 78.80 feet to the Southeast corner of the herein described easement;

THENCE North 88 Degrees 49 Minutes 49 Seconds West across Lot 1R(3) a distance of 16.00 feet to the Southwest corner of the herein described easement;

THENCE North 01 Degrees 10 Minutes 11 Seconds East across Lot 1R(3) a distance of 78.80 feet the PLACE OF BEGINNING and enclosing 0.024 of an acre of land.

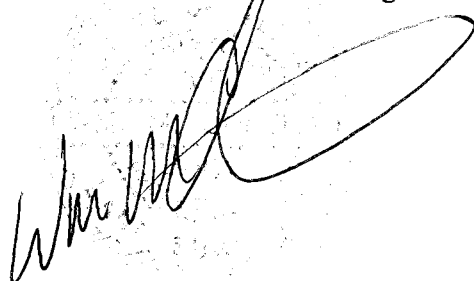
A handwritten signature in black ink, appearing to be "Wm. McCurley", is written over the bottom portion of the text. The signature is cursive and somewhat stylized.

EXHIBIT "B"

M. FORREST SY. A-417

BEARING BASIS = NORTH LINE OF LOT 1R(3),
 BLOCK A, DENTON HIGH SCHOOL #2
 CAB. W. P. 923
 P.R.D.Co.Tx.

H. McCURLEY et ux
 VOL. 876/P. 734

D.I.S.D.
 VOL. 649/P. 178

P.O.C.

P.O.B.

LOT 1, BLOCK A
 DISD MAYHILL SERVICE CENTER
 ADDITION
 CAB. O. P. 195
 P.R.D.Co.Tx.

S88°14'55"E 191.20'

S88°52'38"E 226.00'

S89°06'34"E
 17.72'

S88°49'49"E
 36.0'

S88°49'49"E
 16.00'

1/2" IRF AT N.W.C. LOT 1R(3), BLOCK A

1/2" IRF CM
 S86°15'47"E
 9.43'

1/2" IRF CM
 16' U.E.

N 01°10'11" E 78.80'

S 01°10'11" W 78.80'

20' P.U.E. V.3061, P.501

16' S.S.E. V.2680, P.186

CHAIN LINK FENCE

WOOD FENCE

STORM DRAIN INLET

N88°49'49"W
 16.00'

LOT 1R(3), BLOCK A,
 DENTON HIGH SCHOOL #2
 CAB. W. P. 923
 P.R.D.Co.Tx.

LEGEND

- IRF IRON ROD FOUND
- CM CONTROLLING MONUMENT
- UE UTILITY ESMT.
- PUE PUBLIC UTIL. ESMT.
- SSE SANITARY SEWER ESMT.

SEE ACCOMPANYING METES
 & BOUNDS DESCRIPTION

[Handwritten Signature]



**Coleman & Associates
 Land Surveying**

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 PH(940)565-8215, FAX (940)565-9800,
 WWW.COLEMANSURVEYING.COM

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16-FT. DRAINAGE ESMT.
 0.024 OF AN AC.
 M. FORREST A-417
 CITY OF DENTON
 DENTON COUNTY, TEXAS

DRAWN:	MGD	JOB #:	1526
CHECKED:		DATE:	02-24-09
REVISED:		SCALE:	1"=30'

Z:\CALC RECORDS\2009\02021526-EP-16-FT Drainage Esmt.dwg - SH user\11/19/09 1:52:18 PM