

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

ELECTRIC UTILITY AND COMMUNICATION EASEMENT

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

THAT, Denton Independent School District, a subdivision of the State of Texas (the “GRANTOR”), for and in consideration of Ten Dollars (\$10.00), and other good and valuable consideration, to GRANTOR in hand paid by the CITY OF DENTON, a Texas home rule municipal corporation, which is located in Denton County, Texas, and whose mailing address is 215 E. McKinney, Denton, Texas 76201 (“GRANTEE”) has granted, sold, and conveyed and by these presents does grant, sell and convey unto the GRANTEE perpetual, exclusive and unobstructed easements and rights of way (collectively, the “EASEMENT”) for the purposes of erecting, operating, maintaining and servicing thereon one or more underground and/or above ground electric transmission and electric distribution power and/or communication lines, each consisting of a variable number of wires and cables, along with all necessary, convenient or desirable appurtenances, attachments and supporting structures, including without limitation, foundations, guy wires and guy anchorages, and structural components (collectively referred to herein as the “FACILITIES”), in, on, over, under and across that certain real property situated in the S. McCracken Survey, Abstract No. 817, Denton County, Texas, being approximately 5.193 acres and being more particularly described in Exhibit “A”, and depicted in Exhibit “B”, respectively, each attached hereto and incorporated into and made a part of this document by reference (the “EASEMENT PROPERTY”).

GRANTEE shall have the right of ingress, egress and regress in, on, over, under and across the EASEMENT PROPERTY for the purposes of, and right to, construct, maintain, operate, improve, reconstruct, increase or reduce the size and capacity, repair, relocate, inspect, patrol, maintain, remove or replace such FACILITIES within the EASEMENT PROPERTY as GRANTEE may from time to time find necessary, convenient or desirable, along with all rights necessary or convenient for full use and enjoyment of the above grant, including access over, across and upon the EASEMENT PROPERTY. GRANTEE shall have the right to trim or remove trees or shrubbery within said EASEMENT PROPERTY, to the extent, in the sole judgment of GRANTEE, necessary or desirable to prevent possible interference with the efficiency, safety and/or convenient operation of the FACILITIES or to remove possible efficiency, safety or operational hazards thereto. GRANTOR shall not make changes in grade, elevation or contour of the EASEMENT PROPERTY or impound water within, over and/or across the EASEMENT PROPERTY without prior written consent of GRANTEE. GRANTEE, at GRANTEE'S sole cost and expense, shall have the right to install gates in existing fences within such EASEMENT PROPERTY.

GRANTOR, for itself, its successors and assigns, subject to the terms herein, expressly reserves the right to occupy and use the EASEMENT PROPERTY for all other purposes that will not interfere with the GRANTEE'S full enjoyment of the EASEMENT and/or the exercise of GRANTEE's rights hereunder.

GRANTOR acknowledges the EASEMENT granted herein is exclusive, so as to exclude all other utility providers or any other party's use of the EASEMENT PROPERTY; provided, however, the EASEMENT is nonexclusive as to GRANTOR'S right to use the EASEMENT PROPERTY in accordance with the terms hereof. Upon written consent of GRANTEE, such consent to be exercised at the sole discretion of GRANTEE, other utility providers may be permitted by GRANTEE under

separate grant from GRANTOR to construct, operate, maintain, repair, replace and remove their respective utilities in, on, over, under, and across the EASEMENT PROPERTY perpendicularly or as otherwise may be permitted by GRANTEE in writing. Nothing herein shall be construed to require GRANTEE to allow such use or grant, and such use or grant shall be at the sole and absolute discretion of GRANTEE.

GRANTOR represents and warrants to GRANTEE that as of the execution date hereof, no buildings, structures, signs, obstructions or other facilities or improvements of any kind (“UNPERMITTED STRUCTURES”) exist on the EASEMENT PROPERTY. GRANTOR shall not construct, and GRANTEE shall have the right to prevent the construction of, UNPERMITTED STRUCTURES on the EASEMENT PROPERTY, and if any UNPERMITTED STRUCTURES are hereafter constructed or permitted by GRANTOR to exist within the EASEMENT PROPERTY without prior written consent of GRANTEE, then GRANTEE shall have the right to remove the same and GRANTOR agrees to pay to GRANTEE the reasonable actual costs of such removal.

The EASEMENT, and all covenants and provisions hereof, shall constitute covenants running with the land and shall bind and inure to the benefit of GRANTOR and GRANTEE, and their respective successors, and assigns. This EASEMENT is subject to the terms of that certain Easement Purchase and Abandonment Agreement, dated _____, 2014, by and between GRANTOR and GRANTEE.

TO HAVE AND TO HOLD the above EASEMENT unto GRANTEE, its successors and assigns, forever, and GRANTOR hereby warrants and forever agrees to defend the above described EASEMENT unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part hereof, by, through, or under GRANTOR, and not otherwise.

WITNESS THE EXECUTION HEREOF as the _ day of _____, 2014.

GRANTOR:

Denton Independent School District,
a subdivision of the State of Texas

By: _____

Name: _____

Title: _____

CONSENTED TO BY:

ERI-Mills Road, L.P.
a Texas limited partnership

By: Elk Rivers Investments, Inc.
a Texas corporation, it's General Partner

By: _____
John W. Pearson

Title: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

This instrument was acknowledged before me on _____, 2014 by Glenna G. Harris, M.D., in her capacity as President of the Board of Trustees, Denton Independent School District, on behalf of the School District.

Notary Public in and for the
State of Texas

My Commission Expires: _____

ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF DENTON)

This instrument was acknowledged before me on the ____ day of _____, 2014 by John W. Pearson, _____ (Title) on behalf of Elk River Investments, a Texas corporation, as the General Partner of ERI-Mills Road., a Texas limited partnership, on behalf of said limited partnership.

Notary Public, in and for the State of Texas
My Commission expires:_____

AFTER RECORDING RETURN TO:
City of Denton – Engineering Department
Real Estate and Capital Support
901-A Texas Street, 2nd Floor
Denton, Texas 76209
Attn: Paul Williamson

EXHIBIT "A"
LEGAL DESCRIPTION

BEING A 5.193 ACRE TRACT OF LAND SITUATED IN THE S. McCracken Survey, Abstract Number 817, Denton County, Texas, and being a portion of that certain tract of land described in deed to Denton Independent School District (DISD) recorded in document number 97-83710 of the deed records of Denton County, Texas, said 5.193 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a broken concrete monument found at the most easterly southeast corner of said DISD tract and being the most southwesterly corner of a tract of land as described in deed to SEL SHERMAN DRIVE, LLC as recorded in document number 08-00710 of said deed records and also being on the northerly right-of-way line of State Highway Loop 288 (A Variable Width Right-of-Way);

THENCE South 85° 59' 15" West, along the northerly right-of-way line of said State Highway Loop 288, a distance of 30.79 feet to a point for corner, from which a broken concrete monument found at the most southerly southeast corner of said DISD tract bears South 85° 59' 15" West, a distance of 13.94 feet;

THENCE, departing the northerly right-of-way line of said State Highway Loop 288 and across said DISD tract the following courses:

North 60° 23' 53" West, a distance of 125.00 feet to a point for corner;

North 62° 20' 02" West, a distance of 205.75 feet to a point for corner;

North 65° 54' 29" West, a distance of 203.36 feet to a point for corner, from which a broken concrete monument found on the northerly right-of-way line of said Loop 288 bears South 17° 33' 17" West, a distance of 10.05 feet;

North 75° 26' 38" West, a distance of 533.86 feet to a point for corner;

North 78° 31' 05" West, a distance of 351.87 feet to a point for corner;

North 80° 04' 13" West, a distance of 354.00 feet to a point for corner;

North 79° 47' 27" West, a distance of 303.28 feet to a point for corner;

North 82° 23' 17" West, a distance of 373.84 feet to a point for corner;

North 86° 59' 37" West, a distance of 367.81 feet to a point for corner;

North 89° 29' 12" West, a distance of 168.67 feet to a point for corner on the easterly line of a Right-of-Way Dedication as shown on the final plat of the Denton Early Childhood Center as recorded in document number 10-0000113 of said deed records and from which a 5/8 inch iron rod with cap found on the northerly right-of-way line of said State Highway Loop 288 and the most southerly southeast corner of said Denton Early Childhood Center bears South 00° 07' 48" West, a distance of 10.00 feet;

THENCE North 00° 07' 48" East, along said Right-of-Way Dedication line, passing a 5/8 inch capped iron rod stamped "TNP" set at the intersection of the centerline of the herein described tract and said right-of-way line, continuing in all a total distance of 75.00 feet to a point for corner;

THENCE, departing said Right-of-Way Dedication line and across said DISD tract the following courses:

South 89° 29' 12" East, a distance of 170.81 feet to a point for corner;

South 86° 59' 37" East, a distance of 372.46 feet to a point for corner;

South 82° 23' 17" East, a distance of 378.56 feet to a point for corner;

South 79° 47' 27" East, a distance of 304.80 feet to a point for corner;

South 80° 04' 13" East, a distance of 354.83 feet to a point for corner;

South 78° 31' 05" East, a distance of 354.90 feet to a point for corner;

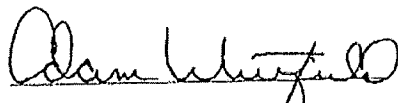
South 75° 26' 38" East, a distance of 542.13 feet to a point for corner;

South 65° 54' 29" East, a distance of 211.95 feet to a point for corner;

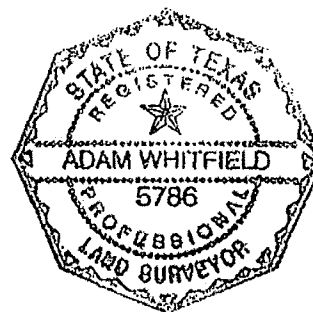
South 62° 20' 02" East, a distance of 209.36 feet to a point for corner;

South 60° 23' 53" East, a distance of 117.67 feet to a point for corner of the easterly line of said DISD tract and the westerly line of said Sel Sherman Drive tract and from which a 1/2 inch iron rod found at an angle point in the easterly line of said DISD tract bears North 00° 58' 04" West, a distance of 217.09 feet;

THENCE South 00° 58' 04" East, along the common line of said DISD and Sel Sherman Drive tracts, passing a 5/8 inch capped iron rod stamped "TNP" set at the intersection of the centerline of the herein described tract and said common line, continuing in all a total distance of 67.31 feet to the **POINT OF BEGINNING** and containing 5.193 acres of land, more or less.



Adam Whitfield
Texas Registered Professional Land Surveyor
Texas Registration No. 5786



01-16-13

Date: January 16, 2013

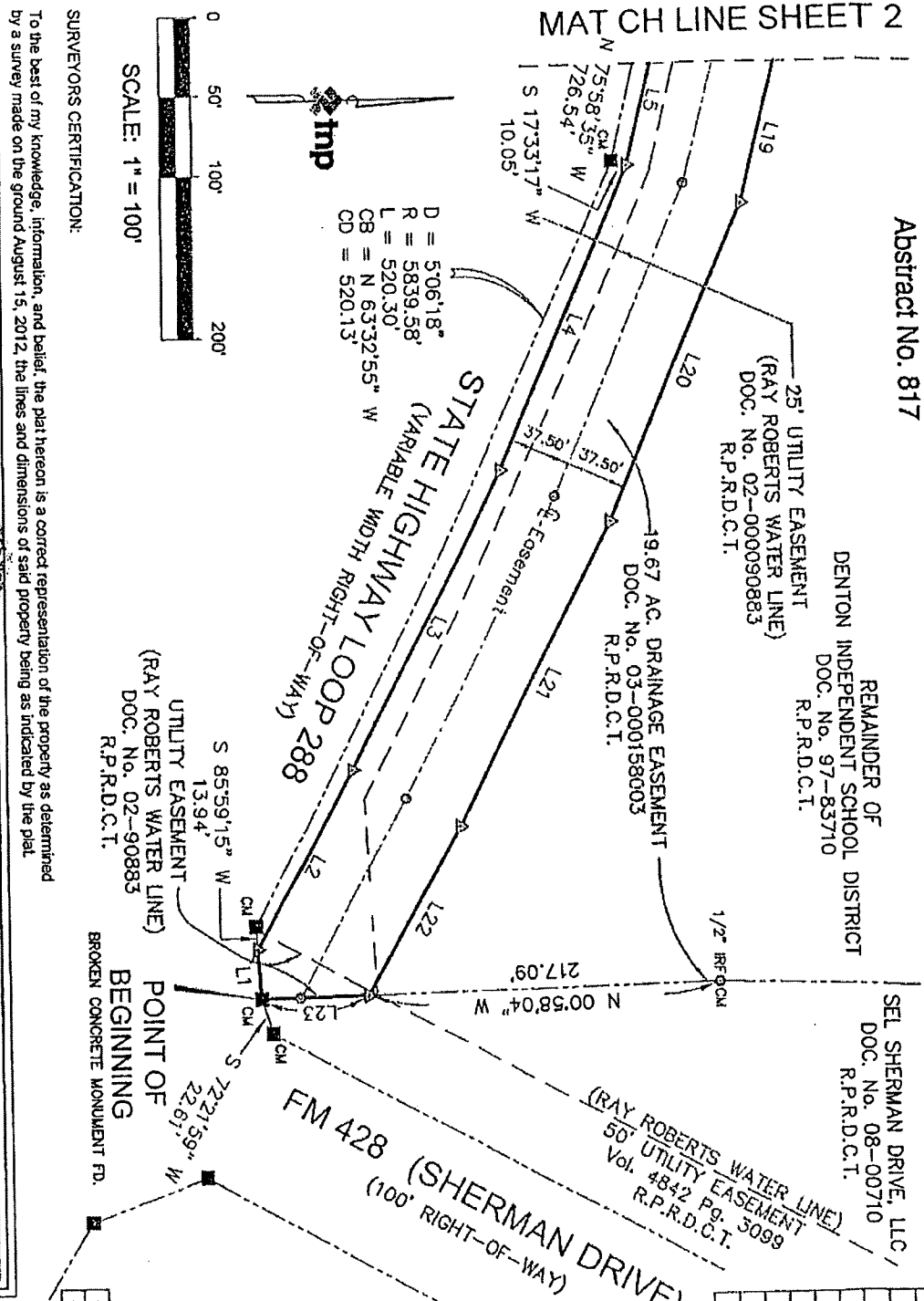
S. McCracken Survey
Abstract No. 817

EXHIBIT "B"

REMAINDER OF
DENTON INDEPENDENT SCHOOL DISTRICT
DOC. No. 97-83710
R.P.R.D.C.T.

SEL SHERMAN DRIVE, LLC
DOC. No. 08-00710
R.P.R.D.C.T.

MATCH LINE SHEET 2



D = 506.18'
R = 5839.58'
L = 520.30'
CB = N 63.32.55" W
CD = 520.13'

SCALE: 1" = 100'

SURVEYORS CERTIFICATION:

To the best of my knowledge, information, and belief, the plat hereon is a correct representation of the property as determined by a survey made on the ground August 15, 2012, the lines and dimensions of said property being as indicated by the plat.

LINE	BEARING	DISTANCE
L1	S 85.59.15" W	30.79'
L2	N 60.23.55" W	125.00'
L3	N 62.20.02" W	205.75'
L4	N 65.54.29" W	203.36'
L5	N 75.26.38" W	533.86'
L19	S 75.26.38" E	542.13'
L20	S 65.54.29" E	211.95'
L21	S 62.20.02" E	209.36'
L22	S 60.23.55" E	117.67'
L23	S 00.58.04" E	67.31'

TONY A. RILEY
DOC. No. 93-0019780
R.P.R.D.C.T.

NOTES:

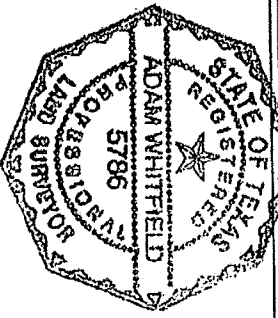
- Bearings are based on the Texas State Plane Coordinate System, North Central Zone (NAD83). Units US Survey Feet

LEGEND

▲	CALCULATED POINT
■	CONC. MONUMENT FD.
⊙	5/8" IRS STAMPED TNP
○	IRON ROD FOUND
CM	CONTROL MONUMENT
---	CENTERLINE ELEC. ESURT
---	ADJACENT PROPERTY LINE

Adam Whitfield
Adam Whitfield, RPLS

01-16-13
Date: January 16, 2013



teague hall & perkins
1517 Canine Place Drive
Denton, Texas 76205
940.383.4177 Ph 940.383.8026 Fx
www.thpinc.com

SHEET 3 OF 6

JOB NO. SGE 12223

5.193 ACRES
Situated in the
S. McCracken Survey
Abstract No. 817
Denton County, Texas

S. McCracken Survey
Abstract No. 817

EXHIBIT "B"

NOTES:

1. Bearings are based on the Texas State Plane Coordinate System, North Central Zone (NAD83). Units US Survey Feet

16' PUBLIC UTILITY EASEMENT
DOC. No. 03-000158003
R.P.R.D.C.T.
CORRECTION DEED REPLACES
DOC. No. 02-000097027

REMAINDER OF
DENTON INDEPENDENT SCHOOL DISTRICT
DOC. No. 97-83710
R.P.R.D.C.T.

19.67 AC. DRAINAGE EASEMENT
DOC. No. 03-000158003
R.P.R.D.C.T.

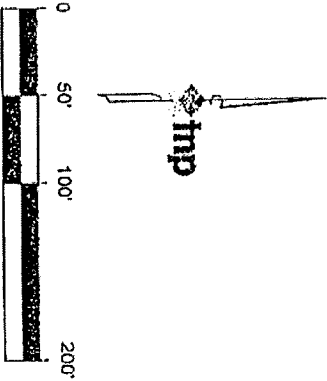
30' DRAINAGE EASEMENT
DOC. No. 02-000097029
R.P.R.D.C.T.

25' UTILITY EASEMENT
(RAY ROBERTS WATER LINE)
DOC. No. 02-000090835
R.P.R.D.C.T.

MATCH LINE SHEET 3

MATCH LINE SHEET 1

STATE HIGHWAY LOOP 288
(VARIABLE WIDTH RIGHT-OF-WAY)



LINE	BEARING	DISTANCE
L4	N 65.54°29' W	203.36'
L5	N 75.26°38' W	533.86'
L6	N 78.31°05' W	351.87'
L18	S 78.31°05' E	354.90'
L19	S 75.26°38' E	542.13'
L20	S 65.54°29' E	211.95'

LEGEND
▲ CALCULATED POINT
■ CONC. MONUMENT FD.
○ 5/8" IRS STAMPED TNP
○ IRON ROD FOUND
○ CONTROL MONUMENT
○ CENTERLINE ELEC. ENST.
○ ADJACENT PROPERTY LINE

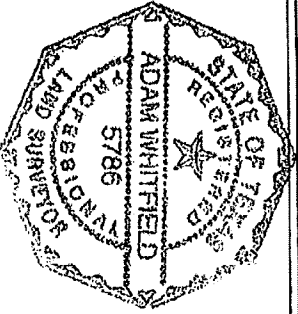
D = 5'06'18"
R = 5839.58'
L = 520.30'
CB = N 63°32'55" W
CD = 520.13'

SURVEYORS CERTIFICATION:

To the best of my knowledge, information, and belief, the plat hereon is a correct representation of the property as determined by a survey made on the ground August 15, 2012, the lines and dimensions of said property being as indicated by the plat.

Adam Whitfield
Adam Whitfield, RPLS

Date: January 16, 2013



teague hall & perkins

1517 Centre Place Drive
Denton, Texas 76205
940.383.4177 ph 940.383.8026 fx
www.thpinc.com

SHEET 4 OF 6

JOB NO. SGE 12223

5.193 ACRES
Situated in the
S. McCracken Survey
Abstract No. 817
Denton County, Texas

EXHIBIT "B"

DRAINAGE EASEMENT
 DOC. No. 05-000057735
 R.P.R.D.C.T.

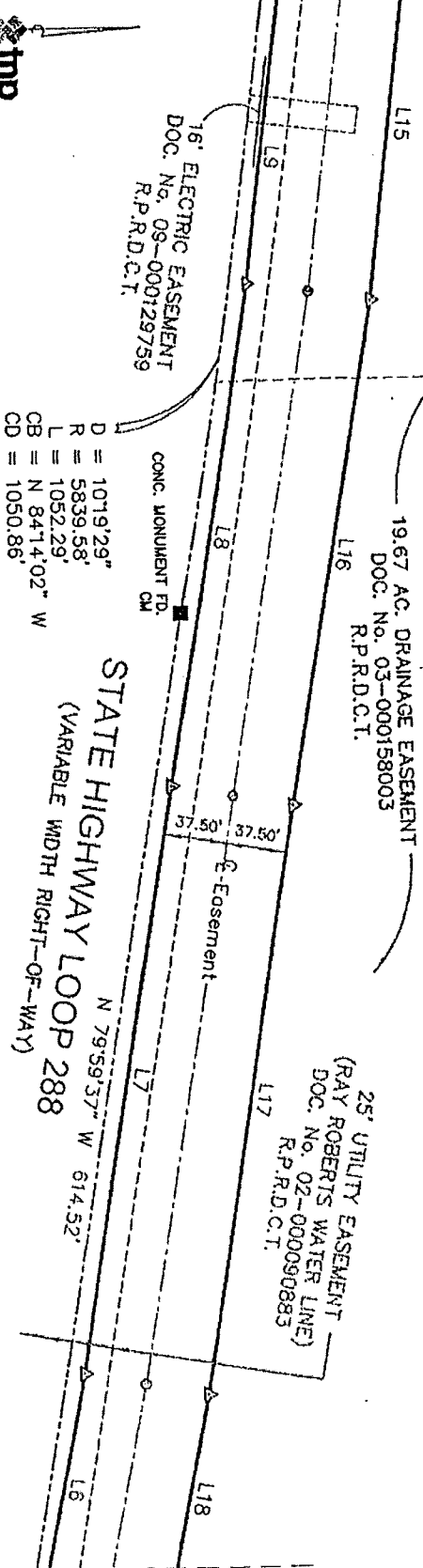
S. McCracken Survey
 Abstract No. 817

REMAINDER OF
DENTON INDEPENDENT SCHOOL DISTRICT
 DOC. No. 97-83710
 R.P.R.D.C.T.

NOTES:
 1. Bearings are based on the Texas State Plane Coordinate System, North Central Zone (NAD83), Units US Survey Feet

MATCH LINE SHEET 4

MATCH LINE SHEET 2

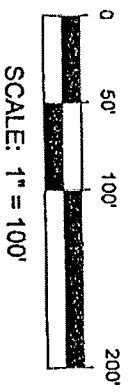


D = 1019'29"
 R = 5839.58'
 L = 1052.29'
 CB = N 84°14'02" W
 CD = 1050.86'

LINE	BEARING	DISTANCE
L6	N 78°31'05" W	351.87'
L7	N 80°04'13" W	354.00'
L8	N 79°47'27" W	303.28'
L9	N 82°23'17" W	373.84'
L15	S 82°23'17" E	378.56'
L16	S 79°47'27" E	304.80'
L17	S 80°04'13" E	354.83'
L18	S 78°31'05" E	354.90'

LEGEND

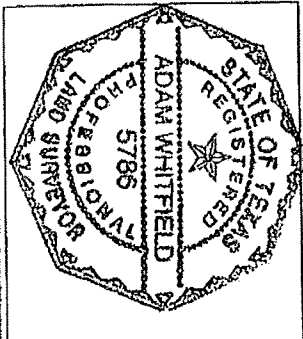
▲	CALCULATED POINT
■	CONC. MONUMENT FD.
⊙	5/8" IRS STAMPED TNP
○	IRON ROD FOUND
CM	CENTERLINE MONUMENT
---	CENTERLINE ELEC. ESMI.
---	ADJACENT PROPERTY LINE



SURVEYORS CERTIFICATION:

To the best of my knowledge, information, and belief, the plat hereon is a correct representation of the property as determined by a survey made on the ground August 15, 2012, the lines and dimensions of said property being as indicated by the plat.

Adam Whitfield
 Adam Whitfield, RPLS
 Date: January 16, 2013



teague noll & perkins
 1517 Centre Plaza Drive
 Denton, Texas 76205
 940.383.4177 ph 940.383.2026 fx
 www.tnplc.com

tnp
 SHEET 5 OF 6
 JOB NO. SGE 12223

5.193 ACRES
 Situated in the
S. McCracken Survey
 Abstract No. 817
 Denton County, Texas

S. McCracken Survey
Abstract No. 817

EXHIBIT "B"

NOTES:
1. Bearings are based on the Texas State Plane Coordinate System, North Central Zone (NAD83). Units US Survey Feet

LOT 1, BLOCK A
DENTON EARLY CHILDHOOD CENTER
DOC. No. 10-0000113
R.P.R.D.C.T.

16' PUBLIC UTILITY ESMT
DOC. No. 05-57734
R.P.R.D.C.T.

REMAINDER OF
DENTON INDEPENDENT SCHOOL DISTRICT
DOC. No. 97-83710
R.P.R.D.C.T.

25' UTILITY EASEMENT
(RAY ROBERTS WATER LINE)
DOC. No. 02-000090883
R.P.R.D.C.T.

90° R.O.W. DEDICATION
DOC. No. 10-0000113
R.P.R.D.C.T.

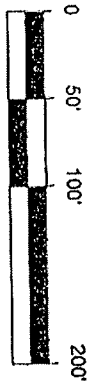
STATE HIGHWAY LOOP 288
(VARIABLE WIDTH RIGHT-OF-WAY)

LINE	BEARING	DISTANCE
L9	N 82°23'17" W	373.84'
L10	N 86°59'37" W	367.81'
L11	N 89°29'12" W	168.67'
L12	N 00°07'48" E	75.00'
L13	S 89°29'12" E	170.81'
L14	S 86°59'37" E	372.46'
L15	S 82°23'17" E	378.56'

D = 10°19'29"
R = 5839.58'
L = 1052.29'
CB = N 84°14'02" W
CD = 1050.86'

LEGEND

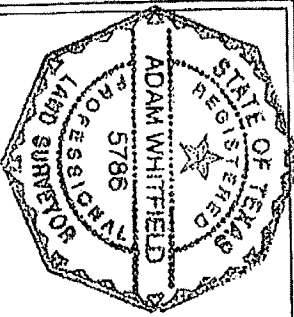
▲	CALCULATED POINT
■	CONC. MONUMENT FD.
⊙	5/8" IRS STAMPED TWP
○	IRON ROD FOUND
CM	CONTROL MONUMENT
---	CENTERLINE ELEC. ESMT.
---	ADJACENT PROPERTY LINE



SURVEYORS CERTIFICATION:
To the best of my knowledge, information, and belief, the plat hereon is a correct representation of the property as determined by a survey made on the ground August 15, 2012, the lines and dimensions of said property being as indicated by the plat.

Adam Whitfield
Adam Whitfield, RPLS

01-16-13
Date: January 16, 2013



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SHEET 6 OF 6

JOB NO. SGE 12223

5.193 ACRES
Situated in the
S. McCracken Survey
Abstract No. 817
Denton County, Texas

MATCH LINE SHEET 3