



ALEDO ISD BOARD MEETING TEMPLATE

MEETING DATE: May 28, 2021

AGENDA ITEM: Consider Approval of Well Site and Waterline Easement and Sanitary Control Easement between Aledo Independent School District and Town of Annetta, Texas

PRESENTER: Earl Husfeld, Chief Financial Officer

BACKGROUND INFORMATION:

- The site for Annetta Elementary School is located within the Town of Annetta. The water supply for this campus will be provided by a water well located on the site.
- As required by Texas Commission on Environmental Quality (TCEQ) regulations, the Sanitary Control Easement is meant to provide a means of protecting the water supply of the well from possible contamination. As depicted on Exhibit B of this easement, the easement area is within a 150-foot radius of the water well.
- Pursuant to the Developers Agreement between the District and Town of Annetta that was approved by the Board of Trustees on September 21, 2020, the Town of Annetta will operate, maintain, repair, etc. the water well, waterline, and related structures/facilities (the Easement Area) on the Annetta Elementary School site.
- The Well Site and Waterline Easement provides the Town of Annetta the right of ingress and egress to access the Easement Area depicted on Exhibit B of this easement.
- The following Sanitary Control Easement between Aledo Independent School District and Town of Annetta, Texas and Well Site and Waterline Easement between Aledo Independent School District and Town of Annetta, Texas have been reviewed and approved by the District's legal counsel.

FISCAL INFORMATION:

None

ATTACHMENTS:

Sanitary Control Easement between Aledo Independent School District and Town of Annetta, Texas and Well Site and Waterline Easement between Aledo Independent School District and Town of Annetta, Texas

ADMINISTRATIVE RECOMMENDATION:

The Administration recommends the Board of Trustees approve the Sanitary Control Easement between Aledo Independent School District and Town of Annetta, Texas and the Well Site and Waterline Easement between Aledo Independent School District and Town of Annetta, Texas as presented and authorize the Superintendent to execute the easement documents.

Texas Commission on Environmental Quality

SANITARY CONTROL EASEMENT

DATE: May 28, 2021

GRANTOR(S): Aledo Independent School District

GRANTOR'S ADDRESS: 1008 Bailey Ranch Road
Aledo, Texas 76008

GRANTEE: Town of Annetta, Texas

GRANTEE'S ADDRESS: 450 Thunder Head Lane
Annetta, Texas 76008

SANITARY CONTROL EASEMENT:

Purpose, Restrictions, and Uses of Easement:

1. The purpose of this easement is to protect the water supply of the well described and located below by means of sanitary control.
2. The construction, existence, and/or operation of the following within a 150-foot radius of the well described and located below are prohibited: septic tank or sewage treatment perforated drain fields; areas irrigated by low dosage, low angle spray on-site sewage facilities; absorption beds; evapotranspiration beds; abandoned, inoperative or improperly constructed water wells of any depth; underground petroleum and chemical storage tanks or liquid transmission pipelines; sewage treatment plants; sewage wet wells; sewage pumping stations; drainage ditches which contains industrial waste discharges or wastes from sewage treatment systems; animal feed lots; solid waste disposal sites, landfill and dump sites; lands on which sewage plant or septic tank sludge is applied; lands irrigated by sewage plant effluent; military facilities; industrial facilities; wood -treatment facilities; liquid petroleum and petrochemical production, storage, and transmission facilities; Class 1, 2, 3, 4 and 5 injection wells; pesticide storage and mixing facilities; and all other constructions or operations that could pollute the groundwater sources of the well that is the subject of this easement. For the purpose of this easement, improperly constructed water wells are those wells which do not meet the surface and subsurface construction standards for a public water supply well.
3. The construction, existence and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, cemeteries, and/or the existence of livestock in pastures is specifically prohibited within a 50-foot radius of the water well described and located below.
4. This easement permits the construction of homes or buildings upon the Grantor's property, and farming and ranching operations, as long as all items in Restrictions Nos. 2 and 3 are recognized and followed.

The Grantor's property subject to this Easement is described in the documents recorded at: Instrument #201817306 of the Deed Records of Parker County, Texas.

PROPERTY SUBJECT TO EASEMENT:

All of that area within a 150-foot radius of the water well as described and shown in Exhibit "A", attached.

TERM:

This easement shall run with the land and shall be binding on all parties and persons claiming under the Grantor(s) for a period of two years from the date that this easement is recorded; after which time, this easement shall be automatically extended until the use of the subject water well as a source of water for public water systems ceases.

ENFORCEMENT:

Enforcement of this easement shall be proceedings at law or in equity against any person or persons violating or attempting to violate the restrictions in this easement, either to restrain the violation or to recover damages.

INVALIDATION:

Invalidation of any one of these restrictions or uses (covenants) by a judgment or court order shall not affect any of the other provisions of this easement, which shall remain in full force and effect.

FOR AND IN CONSIDERATION, of the sum of One Dollar (\$1.00) and for other good and valuable consideration paid by the Grantee to the Grantor(s), the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to Grantee and to its successors and assigns the sanitary control easement described in this easement.

GRANTOR(S) By:

ALEDO INDEPENDENT SCHOOL DISTRICT

By: _____

Name: Dr. Susan K. Bohn

Title: Superintendent

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF PARKER §

BEFORE ME, the undersigned authority, on the day of May 28, 2021, personally appeared Dr. Susan K. Bohn, known to me to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument and acknowledged to me that executed the same for the purposes and consideration therein expressed.

Notary Public in and for
THE STATE OF TEXAS
My Commission Expires:
Typed or Printed Name of Notary

Recorded in _____ Courthouse, _____ Texas on _____, 2021

EXHIBIT "A"

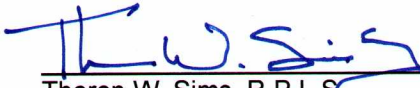
"SANITARY CONTROL EASEMENT"

BEING 70,686 square feet of land situated in the B. Stephenson Survey, Abstract No. 1219, Town of Annetta, Parker County, Texas, and being a portion of a tract of land conveyed to Aledo Independent School District (Aledo I.S.D.), according to the deed filed in County Clerk's (C.C.) #201817306, Deed Records of Parker County, Texas (D.R.P.C.T.); and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod with cap stamped "TNP", recovered in the east Right-of-Way (R-O-W) line of W. F.M. 5 (variable width), at the most westerly northwest corner of a tract of land conveyed to Aledo I.S.D., according to the deed filed in C.C. #201817304, D.R.P.C.T., also being in the south line of a tract of land described in deed to Charles P. Carter, according to the deed recorded in C.C. #201505308, D.R.P.C.T., from which a 1/2 inch iron rod with cap stamped "Harlan Tx2074", found at the southwest corner of said Carter tract, bears N 89°38'21" W, a distance of 10.00 feet, and from which a 1/2 inch iron rod with cap stamped "Harlan Tx2074", found in the south line of said Carter tract, also being in the north line of said Aledo I.S.D. tract (#201817304), bears S 89°38'21" E, a distance of 85.67 feet, and also from which a 1/2 inch iron rod found in the east R-O-W line of said W. FM 5, also being in the west line of said Aledo I.S.D. tract (#201817306), bears S 00°38'21" E, a distance of 591.98 feet;

THENCE S 00°38'21" E, along the east R-O-W line of said W. FM 5, passing along the west line of said Aledo I.S.D. tract (#201817304), also passing along the west line of said Aledo I.S.D. tract (#201817306), in all a distance of 329.60 feet for the **POINT OF BEGINNING** of the hereafter described tract of land;

THENCE N 89°21'39" E, leaving said line, passing over and across said Aledo I.S.D. tract (#201817306), a distance of 150.00 feet to a Drinking Water Well at the center of said Sanitary Control Easement (300 feet in diameter) and containing 70,686 square feet or 1.623 acres of land.


Theron W. Sims, R.P.L.S.
Texas Registration No. 5887

Sept. 24, 2020



Surveyed on the ground July 1, 2020

1. Bearings of lines shown hereon refer to Grid North of the Texas Coordinate System of 1983 (North Central Zone; NAD83 (2011) Epoch 2010) as derived locally from Allterra's Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) methods. An average Combination Factor of 1.00016139100 was used to scale grid coordinates and distances to surface.

2. Integral parts of this survey:
- a. Legal Description
 - b. Sketch

NOTES:

1) Bearings of lines shown hereon refer to Grid North of the Texas Coordinate System of 1983 (North Central Zone; NAD83 (2011) Epoch 2010) as derived locally from Allterra's Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) methods. An average Combination Factor of 1.00016139100 was used to scale grid coordinates and distances to surface.

2) Integral parts of this survey:
a. Legal Description
b. Sketch

**B. STEPHENSON SURV.
ABST. NO. 1219**

ANNETTA COMMUNITY STORAGE, LLC
C.C. #201605351
D.R.P.C.T.

CHARLES P. CARTER
C.C. #201505308
D.R.P.C.T.

1/2" IRF WITH
CAP STAMPED
"HARLAN TX2074"

P.O.C.

5/8" IR RECOVERED
WITH CAP STAMPED
"TNP"
(CONTROL MON.)

A 1/2" IRF WITH
CAP STAMPED
"HARLAN TX2074",
BEARS N89°38'21"W,
10.00'

S89°38'21"E
85.67'

W. F.M. 5
VARIABLE WIDTH R-O-W

ALEDO INDEPENDENT SCHOOL DISTRICT
INST. #201817304
D.R.P.C.T.

329.60'

90'

P.O.B.

DRINKING
WATER WELL

150' SANITARY
CONTROL EASEMENT

N89°21'39"E
150.00'

SANITARY CONTROL ESM'T.
(70,686 S.F.)

LINE FOR DIRECTIONAL CONTROL
S00°38'21"E, 591.98'

ALEDO INDEPENDENT SCHOOL DISTRICT
INST. #201817306
D.R.P.C.T.

**B. STEPHENSON SURV.
ABST. NO. 1219**



SCALE 1"=100'

100'

1/2" IRF
(CONTROL MON.)

DRAINAGE ESM'T.
VOL. 368, PG. 347
D.R.P.C.T. (PART 1)

S00°13'45"E
31.45'

5/8" IR
RECOVERED WITH
CAP STAMPED
"TNP"

BARBARA LYNNE CARPENTER
VOL. 1677, PG. 1418
D.R.P.C.T.
(Remainder Tract)

BARBARA LYNNE
CARPENTER
VOL. 1743, PG. 653
D.R.P.C.T.
(Remainder Tract)

Theron W. Sims

THERON W. SIMS, R.P.L.S.
TEXAS REGISTRATION NO. 5887

Date: Sept. 24, 2020

Surveyed on the ground
July 1, 2020



EXHIBIT "B"
**SANITARY CONTROL
EASEMENT**

Situated in the B. Stephenson Survey, Abstract No.
1219, Town of Annetta, Parker County, Texas.

teague nall & perkins

5237 N. Riverside Drive, Suite 100

Fort Worth, Texas 76137

817.336.5773 ph 817.332.7756 fx

www.tnpsc.com / TBPELS Registration No. 100116-00

SHEET 2 OF 2

JOB No. ALO 20104

WELL SITE AND WATERLINE EASEMENT

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

THAT, Aledo Independent School District, hereafter called “Grantor”, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by the Town of Annetta, Texas, hereafter called “Grantee,” the receipt and sufficiency of which is hereby acknowledged by Grantor, does hereby GRANT, BARGAIN, SELL, GIVE, TRANSFER AND CONVEY unto said Grantee, an exclusive and perpetual easement upon, in, on, over, under and across that property more particularly described in Exhibit A and depicted on Exhibit B attached hereto and incorporated herein for all purposes (the “Easement Property”), for the Easement Purpose (as defined below), together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the “Easement”).

The Easement may be used for the purposes of constructing, installing, improving, inspecting, repairing, maintaining, reconstructing, replacing, relocating, removing, and operating a water well and waterline, together with all and singular the rights and appurtenances, facilities, equipment and attachments thereto in any way belonging or related (the foregoing activities referred to as the “Easement Purpose” and the foregoing physical elements referred to as the “Facilities”). Grantee, its officers, officials, employees, agents, representatives, contractors, subcontractors, licensees, successors and assigns shall at all times have the right and privilege to access the Easement Property for the Easement Purpose.

Grantee has, together with the Easement, and for the consideration set forth herein, the right of ingress and egress upon, over and across as much of Grantor’s adjacent lands as may be reasonably necessary to carry out the Easement Purpose; the right to prevent possible interference with the operation of the Facilities and to remove possible hazards thereto; and the right to remove, and keep removed, all or parts of any building, structure, or other improvement, or any shrub, tree, or other growth, of any character that is located within the Easement Property which, in the judgment of Grantee, may endanger or in any way interfere with the construction, efficiency, or convenient and safe operation and maintenance of the Facilities or the exercise of Grantee’s rights hereunder.

Grantor agrees, for the consideration set forth herein, not to construct or place within the Easement Property, any buildings, structures, or other improvements of any nature whatsoever, or any shrubs, trees or other growth of any kind, or otherwise interfere with the Easement, without the prior written consent of Grantee.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns forever and said Grantor does hereby bind itself, its successors and assigns, to WARRANT and FOREVER DEFEND, all and singular the said Easement unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 28th day of May 2021

GRANTOR:

ALEDO INDEPENDENT SCHOOL DISTRICT

By: _____

Name: Dr. Susan K. Bohn

Title: Superintendent

ACKNOWLEDGEMENT

STATE OF TEXAS §
§
COUNTY OF PARKER §

Before me, the undersigned authority, appeared Dr. Susan K. Bohn, the Superintendent of Grantor, who after being by me duly sworn, acknowledged that she executed the above document for the purposes and consideration stated therein, and in the capacity stated therein, with full authority to so act.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 28th day of May 2021.

Notary Public in and for the State of Texas

My Commission Expires:

After Recording Return to:
Town of Annetta
P.O. Box 1150
Aledo, Texas 76008

EXHIBIT "A"

**"WELL SITE AND
WATERLINE EASEMENT"**

BEING 15,886 square feet of land situated in the B. Stephenson Survey, Abstract No. 1219, Town of Annetta, Parker County, Texas, and being a portion of those certain tracts of land as conveyed to Aledo Independent School District (Aledo I.S.D.), according to the deed filed in County Clerk's (C.C.) #201817304 and C.C. #201817306, Deed Records of Parker County, Texas (D.R.P.C.T.); and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod with cap stamped "TNP", set in the east Right-of-Way (R-O-W) line of W. F.M. 5 (variable width), at the most westerly northwest corner of said Aledo I.S.D. tract (C.C. #201817304), also being in the south line of a tract of land described in deed to Annetta Community Storage, LLC, according to the deed recorded in C.C. #202023101, D.R.P.C.T., from which a 1/2 inch iron rod with cap stamped "Harlan Tx2074", found at the southwest corner of said Annetta Community Storage tract, bears N 89°38'21" W, a distance of 10.00 feet, and from which a 1/2 inch iron rod found in the east R-O-W line of said W. FM 5, also being in the west line of said Aledo I.S.D. tract (C.C. #201817306), bears S 00°38'21" E, a distance of 591.98 feet;

THENCE S 89°38'21" E, along the most westerly north line of said Aledo I.S.D. tract (C.C. #201817304), and along the south line of said Annetta Community Storage tract, a distance of 85.67 feet to a 1/2 inch iron rod found with cap stamped "Harlan Tx2074";

THENCE S 10°28'06" E, passing over and across said Aledo I.S.D. tract (C.C. #201817304), a distance of 21.08 feet to a 1/2 inch iron rod set with cap stamped "TNP INC ESMT" (hereinafter all 1/2 inch iron rods set are marked the same) for the **POINT OF BEGINNING** of the hereinafter described tract of land;

THENCE continuing over and across said Aledo I.S.D. tract (C.C. #201817304), also passing over and across said Aledo I.S.D. tract (C.C. #201817306), the following courses and distances;

S 38°53'36" E, a distance of 87.21 feet to a 1/2 inch iron rod set;

S 51°06'24" W, a distance of 55.94 feet;

S 05°08'36" E, a distance of 162.47 feet;

S 50°08'36" E, a distance of 45.78 feet to a 1/2 inch iron rod set;

S 36°06'24" E, a distance of 5.82 feet to a 1/2 inch iron rod set;

S 53°53'36" E, a distance of 20.00 feet to a 1/2 inch iron rod set;

S 36°06'24" W, a distance of 30.00 feet to a 1/2 inch iron rod set;

N 53°53'36" W, a distance of 20.00 feet to a 1/2 inch iron rod set;

N 36°06'24" E, a distance of 9.15 feet to a 1/2 inch iron rod set;

N 50°08'36" W, a distance of 52.98 feet;

N 05°08'36" W, a distance of 158.49 feet;

S 50°53'20" W, a distance of 6.13 feet to the beginning of a non-tangent curve to the left whose radius is 125.69 feet, and whose long chord bears S 38°19'10" W, a distance of 57.88 feet;

Along said curve in a southwesterly direction through a central angle of $26^{\circ}37'29''$, an arc length of 58.41 feet to a 1/2 inch iron rod set at the end of said curve;

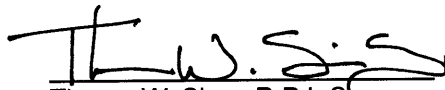
N $64^{\circ}45'59''$ W, a distance of 34.43 feet;

N $00^{\circ}38'21''$ W, a distance of 118.70 feet;

N $89^{\circ}21'39''$ E, a distance of 38.75 feet;

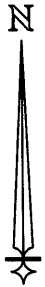
N $51^{\circ}06'24''$ E, a distance of 47.76 feet to the **POINT OF BEGINNING** and containing 15,886 square feet or 0.365 of an acre of land.



 Date: May 5, 2021
Theron W. Sims, R.P.L.S.
Texas Registration No. 5887

Surveyed on the ground in the month of July 16, 2020

1. Bearings of lines shown hereon refer to Grid North of the Texas Coordinate System of 1983 (North Central Zone; NAD83 (2011) Epoch 2010) as derived locally from Allterra's Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) methods. An average Combination Factor of 1.00016139100 was used to scale grid coordinates and distances to surface.
2. Integral parts of this survey:
 - a. Legal Description
 - b. Sketch



SCALE 1"=100'

80'

ANNETTA COMMUNITY STORAGE, LLC
C.C. #202023101
D.R.P.C.T.

1/2" IRF WITH CAP STAMPED "HARLAN TX2074"

P.O.C.

5/8" IR RECOVERED WITH CAP STAMPED "TNP" (CONTROL MON.)

A 1/2" IRF WITH CAP STAMPED "HARLAN TX2074", BEARS N89°38'21"W, 10.00'

W. F.M. 5
VARIABLE WIDTH R-O-W

90'

LINE FOR DIRECTIONAL CONTROL
S00°38'21"E, 591.98'

100'

Line #	Direction	Length
L1	S10°28'06"E	21.08'
L2	S38°53'36"E	87.21'
L3	S51°06'24"W	55.94'
L4	S05°08'36"E	162.47'
L5	S50°08'36"E	45.78'
L6	N36°06'24"E	5.82'
L7	S53°53'36"E	20.00'
L8	S36°06'24"W	30.00'
L9	N53°53'36"W	20.00'
L10	N36°06'24"E	9.15'
L11	N50°08'36"W	52.98'
L12	N05°08'36"W	158.49'
L13	S50°53'20"W	6.13'
L14	N64°45'59"W	34.43'
L15	N00°38'21"W	118.70'
L16	N89°21'39"E	38.75'
L17	N51°06'24"E	47.76'

Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	58.41'	125.69'	26°37'29"	S38°19'10"W	57.88'

NOTES:

- 1) Bearings of lines shown hereon refer to Grid North of the Texas Coordinate System of 1983 (North Central Zone; NAD83 (2011) Epoch 2010) as derived locally from Allterra's Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) methods. An average Combination Factor of 1.00016139100 was used to scale grid coordinates and distances to surface.
- 2) All easement corners shown hereon as (●) are marked with 1/2 inch iron rods set with cap stamped "TNP INC ESMT" (Unless otherwise noted).
- 3) Integral parts of this survey:
 - a. Legal Description
 - b. Sketch

ANNETTA COMMUNITY STORAGE, LLC
C.C. #201605351
D.R.P.C.T.

P.O.B.

WELL SITE & WATERLINE ESM'T.
(15,886 S.F.)

ALEDO INDEPENDENT SCHOOL DISTRICT
C.C. #201817304
D.R.P.C.T.

WELL SITE & WATERLINE ESM'T.
(15,886 S.F.)

DRINKING WATER WELL

ALEDO INDEPENDENT SCHOOL DISTRICT
C.C. #201817306
D.R.P.C.T.

1/2" IRF (CONTROL MON.)

DRAINAGE ESM'T.
VOL. 368, PG. 347
D.R.P.C.T. (PART 1)

B. STEPHENSON SURV.
ABST. NO. 1219

BARBARA LYNNE CARPENTER
VOL. 1677, PG. 1418
D.R.P.C.T.
(Remainder Tract)

BARBARA LYNNE CARPENTER
VOL. 1743, PG. 653
D.R.P.C.T.
(Remainder Tract)

Theron W. Sims

THERON W. SIMS, R.P.L.S.
TEXAS REGISTRATION NO. 5887

Date: May 5, 2021

Surveyed on the ground in the month of July 16, 2020



EXHIBIT "B"
WELL SITE AND WATERLINE EASEMENT

Situated in the B. Stephenson Survey, Abstract No. 1219, Town of Annetta, Parker County, Texas.



teague nall & perkins

5237 N. Riverside Drive, Suite 100
Fort Worth, Texas 76137

817.336.5773 ph 817.332.7756 fx

www.tnvinc.com / TBPELS Registration No. 100116-00

SHEET 3 OF 3

JOB No. ALO 20104