

**STORMWATER DRAINAGE AND DETENTION EASEMENT AGREEMENT**

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

**GRANT OF EASEMENT**

DENTON INDEPENDENT SCHOOL DISTRICT (hereinafter called "The District"), 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 of Denton, Texas, and to its respective successors and assigns, a perpetual easement for the operation of a storm water drainage and detention facilities easement (hereinafter referred to as the "Easement") in, across, under, over and through the tract of land (hereinafter sometimes referred to as the "Easement Tract") situated in Denton County, Texas, described in Exhibit "A" and depicted in Exhibit "B", both 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 storm water drainage and detention facilities.

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 storm water drainage and detention facilities 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 water drainage and detention facilities are constructed hereunder and so long thereafter as said storm water drainage and detention facilities are located and operated thereon, and the District 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 The District 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 construct, operate and maintain such storm water drainage and detention facilities within the Easement Tract so that such facilities 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 the District 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 conveyance of a Storm Water Drainage and Detention Easement was offered for approval on a motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, and after discussion was adopted by the Board of Trustees of the Denton Independent School District at a regular scheduled meeting called, posted, and held in Denton, Denton County, Texas, on \_\_\_\_\_ 2010, at which Trustees were present, by the following vote: \_\_\_\_ For, \_\_\_\_ Against, and \_\_\_\_ Abstaining

**DENTON INDEPENDENT SCHOOL DISTRICT**

\_\_\_\_\_  
Jim Alexander, Ph.D.,  
President of the Board of Trustees

ATTEST:

\_\_\_\_\_  
Glenna Harris, M.D.,  
Secretary of the Board of Trustees

**ACKNOWLEDGMENT**

STATE OF TEXAS           §  
  §  
COUNTY OF DENTON       §

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

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

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

\_\_\_\_\_  
Notary's Printed Name

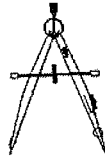
My Commission Expires: \_\_\_\_\_

Accepted this the \_\_\_\_\_ day of \_\_\_\_\_ 2010 for the City of Denton, Texas  
(Resolution No. 91-073).

By: \_\_\_\_\_  
Paul Williamson  
Real Estate Manager

**After Recording Return to:**

**CITY OF DENTON**  
901A Texas Street  
Denton, Texas 76209  
Attn: Paul Williamson  
Utilities-Engineering



# Arthur Surveying Co., Inc.

*Professional Land Surveyors*

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

**EXHIBIT A**  
**8.319 ACRES**  
**CITY OF DENTON, DENTON COUNTY, TEXAS**

**BEING** all that certain lot, tract or parcel of land situated in the B.B.B. and C. R.R. Company Survey, Abstract Number 186, City of Denton, Denton County, Texas, and being a part of that certain tract of land described in deed to Denton Independent School District (D.I.S.D.), recorded in Volume 535, Page 558 of the Deed Records of Denton County, Texas, and being more particularly described as follows:

**COMMENCING** at a 5/8 inch iron rod found at the southeast corner of Lot 1, Block A, Food Lion T-2 Addition, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet I, Page 61 of the Plat Records of Denton County, Texas, and the northeast corner of Lot 8, Block A, Jamart Addition, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet W, Page 963 of the Plat Records of Denton County, Texas, said point also being in west line of said D.I.S.D. tract, from which the northwest corner thereof bears North 00 degrees 16 minutes 12 seconds West, a distance of 413.76 feet being in the south line of West Windsor Drive, a public roadway;

**THENCE** South 00 degrees 16 minutes 12 seconds East, with the west line of said D.I.S.D. tract for a distance of 85.49 feet to a 1/2 inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for the **POINT OF BEGINNING**;

**THENCE** over, across and through said D.I.S.D. tract the following five (5) calls:

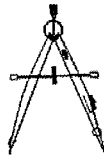
North 89 degrees 56 minutes 36 seconds East, a distance of 424.35 feet to a 1/2 inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner;

South 45 degrees 46 minutes 27 seconds East, a distance of 171.11 feet to a 1/2 inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner;

South 00 degree 28 minutes 54 seconds East, a distance of 180.84 feet to a 1/2 inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner;

South 13 degrees 45 minutes 54 seconds West, a distance of 306.05 feet to a 1/2 inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner;

South 01 degrees 35 minutes 50 seconds East, a distance of 112.01 feet to a 1/2 inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner in the north line of Block 4, Heritage Oaks, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Volume 6, Page 41 of the Plat Records of Denton County, Texas;



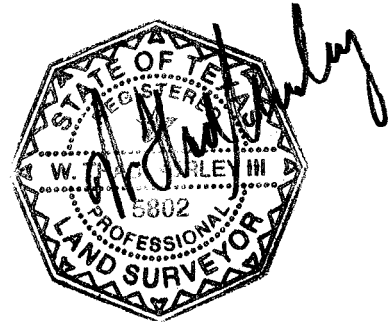
# Arthur Surveying Co., Inc.

*Professional Land Surveyors*

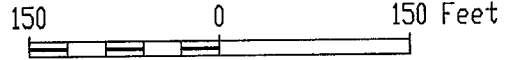
P.O. Box 54 ~ Lewisville, Texas 75067  
Office: (972) 221-9439 ~ Fax: (972) 221-4675

**THENCE** South 89 degrees 30 minutes 51 seconds West, with the north line of said Block 4 and continuing with the north line of that certain tract of land described in deed to Genesis 201 Coronado Partners, LLC, recorded under Document Number 2007-110655 of the Real Property Records of Denton County, Texas, a distance of 475.45 feet to a ½ inch square tube found for the northwest corner of said Genesis tract and being in the east line of that certain tract of land described in deed to North Point Apartments, Ltd., recorded in Volume 4248, Page 1213 of the Real Property Records of Denton County, Texas;

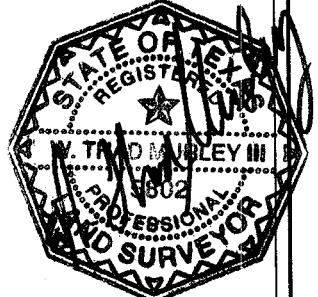
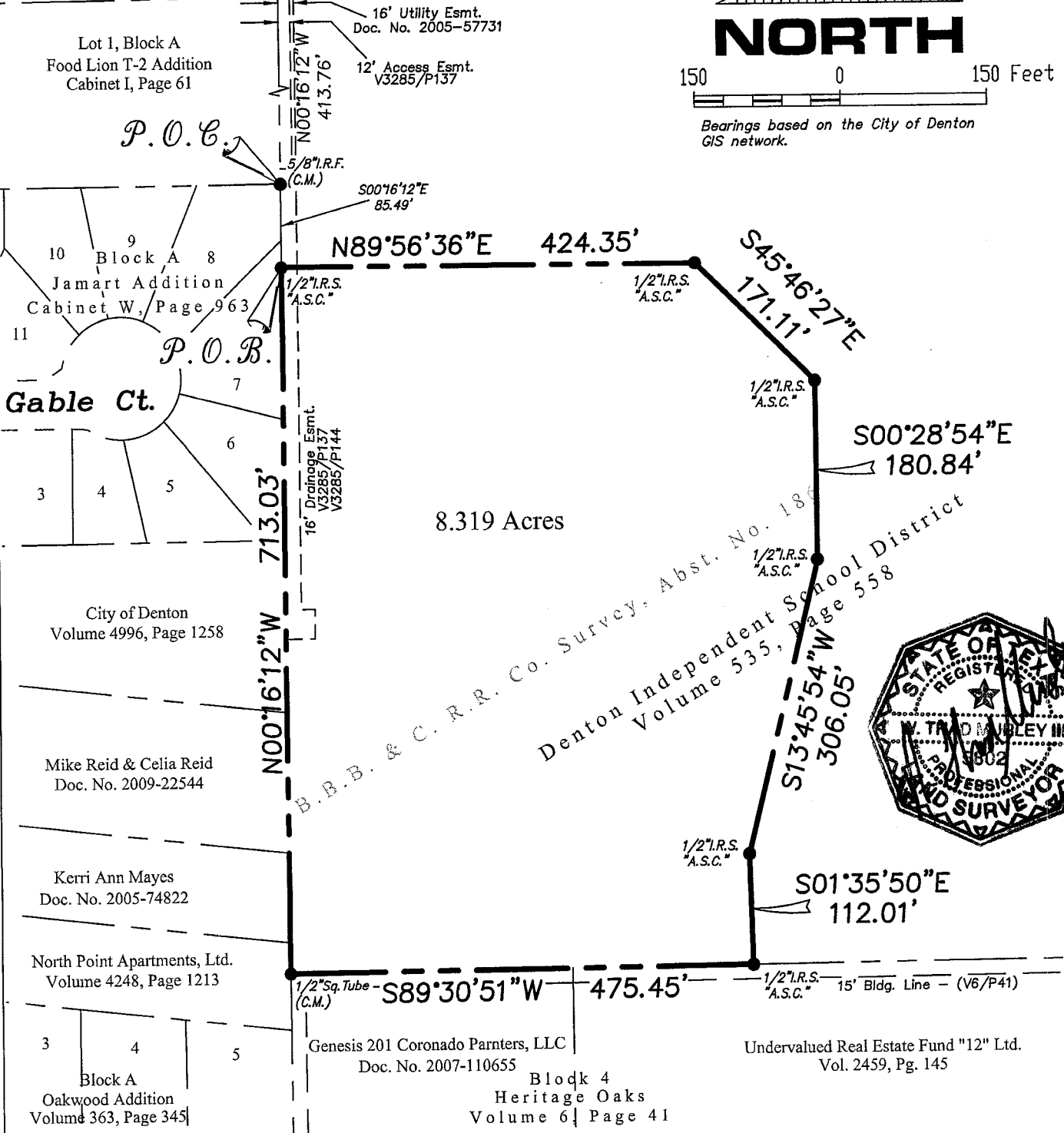
**THENCE** North 00 degrees 16 minutes 12 seconds West, with the east line of said North Point Apartments tract and continuing with the east lines of those certain tracts of land described in deed to Kerri Ann Mayers, recorded under Document Number 2005-74822 of the Real Property Records of Denton County, Texas, Mike Reid and Celia Reid, recorded under Document Number 2009-22544 of the Real Property Records of Denton County, Texas, City of Denton, recorded in Volume 4996, Page 1258 of the Real Property Records of Denton County, Texas, and continuing with the east line of said Block A, Jamart Addition, a distance of 713.03 feet to the **POINT OF BEGINNING**, and containing 8.319 acres of land, more or less.



# West Windsor Drive



Bearings based on the City of Denton GIS network.



## EXHIBIT B

8.319 Acres

in the  
**B.B.B. & C. R.R. Co. Survey, Abst No. 86**  
 City of Denton  
 Denton County, Texas

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

972-221-9439 ~ Fax 972-221-4675  
 220 Elm Street, Suite 200 ~ P.O. Box 54  
 Lewisville, Texas 75067

- 2010 -