

MODIFICATION OF EASEMENT

THE STATE OF TEXAS

COUNTY OF DENTON

WHEREAS, the undersigned, **Denton Independent School District** (hereinafter called Grantor), whether one or more, is the owner of certain land in the Thomas Navo Survey, Abstract No. 964, Denton County, Texas, across which **Brazos Electric Power Cooperative, Inc.** (hereinafter called the Cooperative), currently operates and maintains a 138 kV electric transmission line in accordance with the terms of a written easement heretofore granted to the Cooperative, by instrument dated the 1st day of August, 1979, and recorded in Volume 982, Page 695, of the Deed Records of Denton County, Texas (hereinafter called the "Easement"); and

WHEREAS, the Easement grants the Cooperative the right to construct, operate and maintain ". . . one electric power line and communication line, consisting of a maximum of eight (8) wires and all necessary and desirable appurtenances and attachments. This shall include H-frame wooden structures, guy wires and guy anchorages . . . [t]o be built on no more than three (3) H-frame wooden structures, said structures to be constructed at a height of between sixty (60) to seventy (70) feet"; and

WHEREAS, the Cooperative now proposes to reconstruct said line into a double circuit 138 kV transmission line constructed on steel or concrete single pole structures within the Easement, and the parties desire to define more clearly the rights of the Cooperative and the Grantor under the Easement before such reconstruction is undertaken:

NOW, THEREFORE, in consideration of Ten and No/100ths Dollars (\$10.00) and other good and sufficient consideration in hand paid by the Cooperative to Grantor, the receipt and sufficiency of which is hereby acknowledged, **IT IS AGREED AS FOLLOWS:**

1. The Cooperative shall have the right to reconstruct the existing transmission line, consisting of a double circuit 138 kV transmission line (maximum of 8 wires) and all necessary and desirable appurtenances and attachments, including metal or concrete poles on, over and across the Easement.
2. The fourth typed paragraph on the original Easement shall be deleted in its entirety.
3. The covenants and agreements herein contained shall inure to the benefit of and be binding upon the parties hereto, their representative heirs, legal representatives, successors and assigns.

4. Other than the changes described hereinabove, the rights, obligations, terms and conditions of the original Easement described herein shall continue in all respects.

The foregoing Modification of 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 December 8, 2009, at which _____ Trustees were present, by the following vote: ____ For, ____ Against, and ____ Abstaining.

DENTON INDEPENDENT SCHOOL DISTRICT

Jim Alexander, Ph.D., President
Board of Trustees

ATTEST:

Glenna Harris, M.D., Secretary

Brazos Electric Power Cooperative, Inc.

By: _____
Clifton Karnei
Executive Vice President and General Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
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COUNTY OF DENTON §

This instrument was acknowledged before me on the _____ day of December, 2009, by Jim Alexander and Glenna Harris, who in their respective capacities as President and Secretary of the Board of Trustees of the Denton Independent School District stated the document was executed for the purposes and consideration therein expressed.

Notary Public, State of Texas

Notary's Printed Name

My Commission Expires: _____

STATE OF TEXAS §
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COUNTY OF MCLENNAN §

This instrument was acknowledged before me on the _____ day of _____, 2009, by Clifton Karnei, Executive Vice President and General Manager of Brazos Electric Power Cooperative, Inc., on behalf of said corporation.

Notary Public, State of Texas

AFTER RECORDING, PLEASE RETURN TO:
BRAZOS ELECTRIC POWER COOPERATIVE, INC.
ATTN: Don McKelvain
P. O. Box 2585
Waco, Texas 76702-2585