

After recording, return to:

Kevin W. Haney
Miller & Haney, L.L.P.
c/o 7701 South Stemmons
Corinth, Texas 76210

STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DENTON

AGREEMENT DEFINING AREA EMBRACED WITHIN EASEMENT

WHEREAS, Denton Independent School District (the "Owner"), is the owner of record of that certain tract of land described on Exhibit A attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Property is burdened by that certain Right of Way Easement, dated November 7, 1939, and recorded at Volume 404, Page 307 of the Real Property Records of Denton County, Texas (the "Easement"), having been executed in favor of Denton County Electric Cooperative, Inc., now doing business as CoServ Electric, a Texas electric cooperative corporation ("CoServ"), and being affected by that certain Agreement Defining Area Embraced Within Easements of Denton County Electric Cooperative, Inc. recorded at Volume 1142, Page 141 of the Real Property Records of Denton County, Texas; and

WHEREAS, Owner has requested that CoServ amend the Easement to limit that portion of the Property affected by the Easement; and

WHEREAS, CoServ is agreeable to limiting the Easement, as to that portion that affects the Property, to the area described or depicted on Exhibit B attached hereto and incorporated herein by this reference (the "Retained Easement Area").

NOW THEREFORE, CoServ and Owner, for and in consideration of the mutual advantages to accrue to each party and to future owners of the Property, agree as follows:

1. With respect to only the Property, the Easement and rights of way of CoServ therein are hereby modified to cover the Retained Easement Area, and all rights of CoServ under and by virtue of the Easement shall remain in full force and effect and are in no manner waived or impaired as to the Retained Easement Area. If and to the extent necessary, Owner hereby GRANTS, SELLS and CONVEYS to CoServ effective for all purposes as of November 7, 1939, an easement appurtenant to and right of way in, upon and across the Retained Easement Area, together with all and singular the rights and appurtenances thereto in any wise belonging, in accordance with and subject to all of the respective rights, benefits and obligations set forth in the Easement. As to all other portions of the Property not included in the Retained Easement Area, the Easement and rights of way of CoServ therein are released and of no further force or effect. This Agreement Defining Area Embraced Within Easement (this "Agreement") applies only to the Property as expressly provided in this Agreement, and the Easement and all other

easements and rights of CoServ remain in full force and effect and are in no manner waived or impaired as to areas that are not within the Property.

2. Owner certifies that it is the current owner of the Property and agrees that CoServ may rely on this certification in connection with entering into this Agreement. Owner agrees that the Easement, as amended hereby, is in full force and effect and is binding on the Property. CoServ and Owner agree to execute or procure and deliver to each other such other and further documents or instruments, or perform such other acts, as may be reasonably necessary to effect the agreements set forth in this Agreement.

3. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original for all purposes and all of which shall be deemed collectively to be one agreement.

{Remainder of page intentionally left blank.}

IN WITNESS WHEREOF, the undersigned have caused their duly authorized representatives to execute this Agreement effective as of the date and in the capacities shown below.

EXECUTED this ____ day of _____, 2015.

OWNER:

DENTON INDEPENDENT SCHOOL DISTRICT

By: _____
Name: _____
Title: _____

COSERV:

**DENTON COUNTY ELECTRIC COOPERATIVE, INC.,
d/b/a COSERV ELECTRIC**

By: _____
Name: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2015,
by _____,
of Denton Independent School District, a _____, on
behalf of said district.

Notary Public in and for the State of Texas

STATE OF TEXAS §
 §
COUNTY OF DENTON §

This instrument was acknowledged before me on the _____ day of _____, 2015,

of Denton County Electric Cooperative, Inc., d/b/a CoServ Electric, a Texas electric cooperative
corporation, on behalf of said corporation.

Notary Public in and for the State of Texas

EXHIBIT A

Legal Description of the Property

All that certain tract of land situated in the T. Navo Survey Abstract Number 964, Denton County, Texas and being all of the called 66.732 acre tract of land described in the deed from GY-Denton 380, LP to Gene McCutchin recorded in Document Number 2012-37842 of the Real Property Records of Denton County, Texas; the subject tract being more particularly described as follows with bearings based on Texas Coordinate System of 1983 North Central Zone (4202) based on GPS ties to Geodetic Control:

BEGINNING for the Southwest corner of the tract being described herein at to a 5/8 Inch Iron rod found at the Southwest corner of the said 66.732 acre tract and the Westerly Northwest corner of the 51.565 acre tract from Joe Spiritas to Spiritas Ranch Enterprises, LP recorded in Volume 5184, Page 5000 of the said Real Property Records on the East side of Navo Road;

THENCE North 01 Degrees 49 Minutes 10 Seconds East along the East side of Navo Road with the West line of the 66.732 acre tract a distance of 1,820.86 feet to a 1/2 Inch Iron rod with a yellow plastic cap stamped "COLEMAN RPLS 4001" set (herein after referred to as 1/2IRS) for the beginning of a flare in the South right-of-way line of U. S. Highway 380 from which a 1/2 Inch Iron rod found bears North 03 Degrees 20 Minutes 27 Seconds a distance of 7.6 feet;

THENCE North 46 Degrees 00 Minutes 49 Seconds East along the said flare a distance of 108.15 feet to a brass right-of-way monument found at the Northwest corner thereof in the flare in the South right-of-way line of U. S. Highway 380;

THENCE South 87 Degrees 44 Minutes 07 Seconds East with the said South right-of-way line and the North line of the 66.732 acre tract a distance of 1,699.26 feet to the Northeast corner thereof in a hackberry tree and also being the Northwest corner of the said 51.565 acre tract from which a 1/2IRS for reference bears South 00 Degrees 06 Minutes 09 West a distance of 10.0 feet;

Thence Westerly along a wire fence with the common line between the 66.732 acre tract and the 51.565 acre tract the following three calls:

1. South 00 Degrees 06 Minutes 09 West passing at a distance of 10.0 feet the said 1/2IRS for reference and continuing, in all, a total distance of 826.70 feet to a 4 inch metal fence corner post;
2. South 89 Degrees 51 Minutes 47 Seconds West a distance of 424.02 feet to a 4 inch metal fence corner post;
3. South 05 Degrees 14 Minutes 35 Seconds West a distance of 1,036.75 feet to the Southerly Southeast corner of the 66.732 acre tract from which a 4 inch metal fence post bears North 70 Degrees 20 Minutes 52 Seconds West a distance of 1.9 feet;

THENCE North 88 Degrees 35 Minutes 41 Seconds West a distance of 1,313.72 feet to the PLACE OF BEGINNING and enclosing 66.729 acres of land, more or less.

EXHIBIT B



Coleman & Assoc. Land Surveying

P. O. Box 686
Denton, Texas 76202
Phone (940)565-8215 Fax (940)565-9800
REGISTRATION #10095100

Retained Easement Area
0.018 of an acre

FIELD NOTES to all that certain tract of land situated in the T. Navo Survey Abstract Number 964, Denton County, Texas and being a part of the called 66.729 acre tract of land described in the deed from Gene McCutchin to Denton Independent School District recorded in Document Number 2014-20118 of the Real Property Records of Denton County, Texas and also being a portion of a 20-Ft. Easement described in the document to Denton County Electric Cooperative recorded in Volume 1142, Page 141 of the Deed Records of Denton County, Texas; the subject tract being more particularly described as follows with bearings based on Texas Coordinate System of 1983 North Central Zone (4202) based on GPS ties to Geodetic Control:

BEGINNING for the Southwest corner of the tract being described herein at to a 5/8 inch iron rod found at the Southwest corner of the said 66.729 acre tract and the Southwest corner of the said 20-Ft. Denton County Electric Cooperative Easement on the East side of Navo Road;

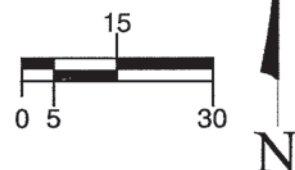
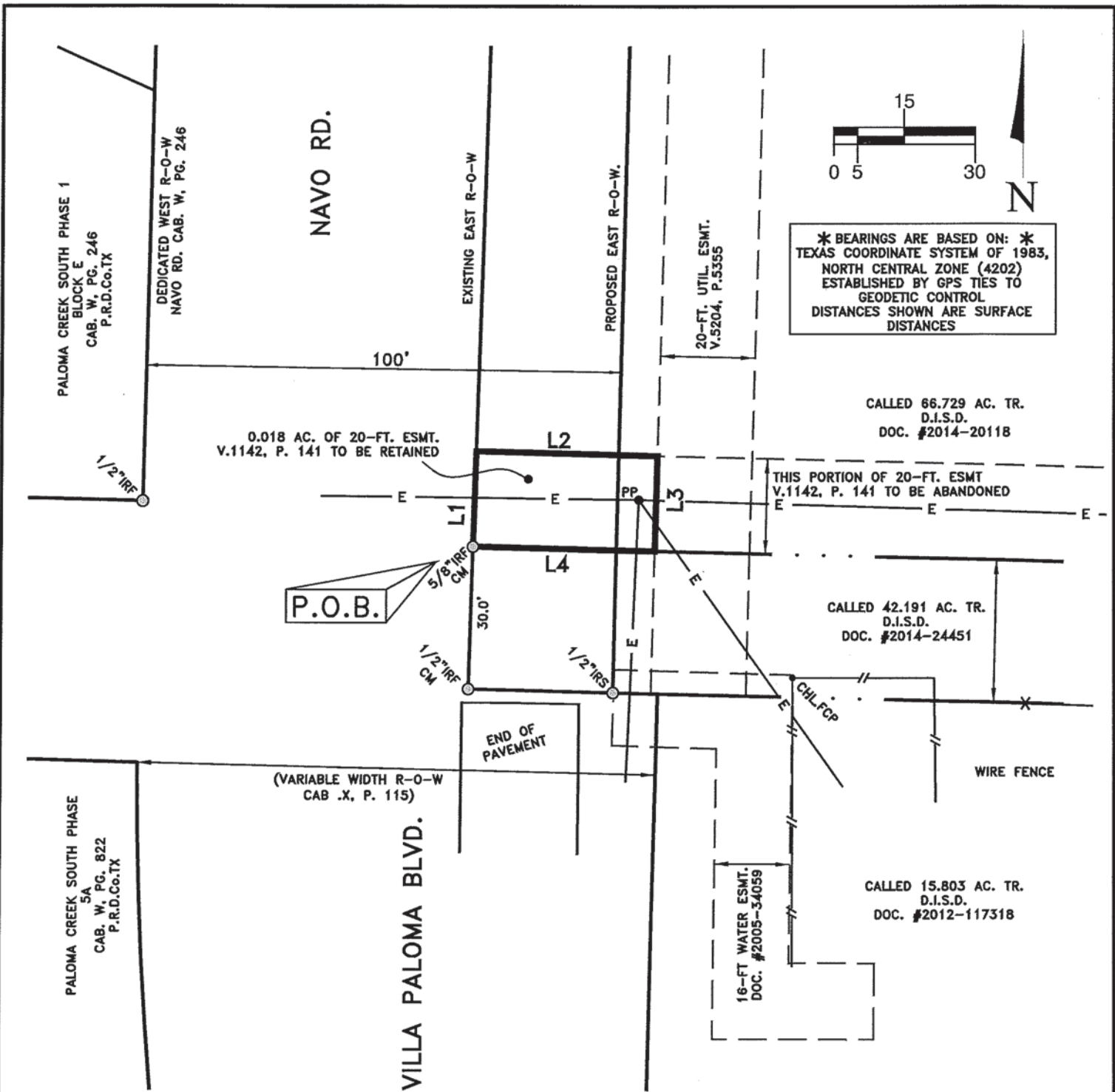
THENCE North 01 Degrees 49 Minutes 10 Seconds East along the East side of Navo Road with the West line of the 66.729 acre tract and the West line of the 20-Ft. Denton County Electric Cooperative Easement a distance of 20.00 feet to the Northwest corner thereof;

THENCE South 88 Degrees 35 Minutes 41 Seconds East across the 66.729 acre tract with the North line of the 20-Ft. Denton County Electric Cooperative Easement a distance of 38.13 feet to the West line of a 20-Ft. Utility Easement to Denton County Fresh Water Supply District #11 recorded in Volume 5204, Page 5355 of the said Real Property Records;

THENCE South 01 Degrees 27 Minutes 11 Seconds West continuing across the 66.729 acre tract with the West line of the said 20-Ft. Utility Easement a distance of 20.00 feet to the South line of the 20-Ft. Denton County Electric Cooperative Easement;

THENCE North 88 Degrees 35 Minutes 41 Seconds West with the South line of the 66.729 acre tract and the South line of the 20-Ft. Denton County Electric Cooperative Easement a distance of 38.26 feet to the PLACE OF BEGINNING and enclosing 0.018 of an acre of land, more or less.





* BEARINGS ARE BASED ON: *
 TEXAS COORDINATE SYSTEM OF 1983,
 NORTH CENTRAL ZONE (4202)
 ESTABLISHED BY GPS TIES TO
 GEODETIC CONTROL
 DISTANCES SHOWN ARE SURFACE
 DISTANCES

- L1 N01°49'10"E 20.00'
- L2 S88°35'41"E 38.13'
- L3 S01°27'11"W 20.00'
- L4 N88°35'41"W 38.26'

SEE ACCOMPANYING METES
 & BOUNDS DESCRIPTION

**RETAINED EASEMENT AREA
 OF 20-FT. EASEMENT**

0.018 OF AN ACRE
 T. NAVO SY. A-964
 CITY OF LITTLE ELM
 DENTON COUNTY, TEXAS

DRAWN: MGD JOB #: 13-1891
 CHECKED: DATE: 10-20-14
 REVISED: SCALE: 1"=30'



**Coleman & Assoc.
 Land Surveying**

P. O. BOX 686 DENTON, TEXAS 76202
 PH(940)565-8215, FAX (940)565-9800,
 WWW.COLEMANSURVEYING.COM