



ALEDO ISD BOARD MEETING TEMPLATE

MEETING DATE: May 21, 2012

AGENDA ITEM: Well Site and Waterline and Sanitary Control Easements with the Town of Annetta

PRESENTER: Earl Husfeld

ALIGNS TO BOARD GOAL(S):

6. Provide resources and facilities consistent with the growth of the District.

BACKGROUND INFORMATION:

- During January 2012, the District was approached by Patrick Lawler, Assistant City Administrator with the City of Hudson Oaks, wanting to discuss the possibility of granting the Town of Annetta water well easements on the Stuard Elementary School property.
- Stuard Elementary School water utilities are provided by the Town of Annetta. However, the Town of Annetta has contracted with the City of Hudson Oaks to manage their water utilities operation.
- The Town of Annetta is proposing to drill two water wells at this site. These wells will enhance the water production capacity for the residents of Annetta.
- The Annetta Town Council has approved the easements presented to you this evening.

ADMINISTRATIVE CONSIDERATIONS:

- The proposed easements are located between the parking lot and property line on the west side of the Stuard Elementary School Campus. This easement site will not interfere with any current, nor future, plans for utilization of the Stuard property.
- The proposed site of the water wells will be surrounded with a black, coated chain link fence that is eight (8) feet tall. The Town of Annetta will be responsible for maintenance of the fence and well site for the duration of the easements.
- Rather than a direct cash payment to the District for the easement, a water bill credit of \$35,000 will be provided. Based on current water usage of the Stuard Campus, this credit will provide five to seven years of reduced operating costs for the District.
- Pending approval of these easements by the Aledo ISD Board of Trustees, the Town of Annetta will seek approval from the Upper Trinity Groundwater Conservation District to drill the proposed wells. If this approval is not granted, the easements are null and void.

FISCAL NOTE:

As noted above, reduced operating costs for five to seven years based on current water usage.

ADMINISTRATIVE RECOMMENDATION:

The Administration recommends approval of the Well Site and Waterline Easement, Sanitary Control Easement (Well 1), and Sanitary Control Easement (Well 2) with the Town of Annetta, Texas as presented, subject to approval of the Upper Trinity Groundwater Conservation District to drill the water wells.



Stuard Well Easement
Town of Annetta
Parker County, Texas

APRIL 2012

6060.01.101

WELL SITE AND WATERLINE EASEMENT

THE STATE OF TEXAS §
 §
COUNTY OF PARKER §

That ALEDO INDEPENDENT SCHOOL DISTRICT, as owner of the property and GRANTOR herein, for and in consideration of a \$35,000 water bill credit and other good and valuable consideration in hand paid by the TOWN OF ANNETTA, TEXAS, a Type A municipality of the County of Parker, State of Texas, GRANTEE herein, the receipt and sufficiency of which is hereby acknowledged and confessed, does hereby grant, sell and convey unto the said GRANTEE, its successors and assigns, a permanent and perpetual easement for the purpose of installing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing, and operating a water well site and a waterline in, into, upon, over, across, under and through all that land in Parker County, Texas described as follows:

for the aforementioned water well site, being a 0.11-acre tract of land being more particularly described in Exhibit "A" and depicted in Exhibit "C" attached hereto and incorporated herein, together with the right of ingress and egress as necessary for such purposes; and

for the aforementioned waterline, being a 0.14-acre tract of land being more particularly described in Exhibit "B" and depicted in Exhibit "C" attached hereto and incorporated herein, together with the right of ingress and egress as necessary for such purposes.

GRANTOR covenants and agrees that GRANTOR and GRANTOR's heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under any easements granted herein any temporary or permanent structures, and it is further agreed that GRANTEE shall have the right to excavate and fill upon said permanent easement and to remove from said permanent easement, any fences, buildings or other obstructions as may now be found upon said permanent easement.

It is further intended that the permanent easement herein granted to the GRANTEE shall run with the land and forever be a right in and to the land belonging to GRANTOR, and GRANTOR'S successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in GRANTOR's chain of title. The permanent easement and the rights and privileges granted herein are exclusive, and GRANTOR covenants that it will not convey any other easement or conflicting rights within the area covered by the grant to any other person.

TO HAVE AND TO HOLD the above described permanent easement with the right of ingress and egress thereto, together with all and singular the rights and appurtenances thereto in any wise belonging unto GRANTEE, its successors and assigns, forever, and GRANTOR does hereby bind itself, its heirs, successors and assigns to warrant and forever defend, all and singular, the said premises unto the GRANTEE its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed this 21st day of May, 2012.

GRANTOR:

ALEDO INDEPENDENT SCHOOL DISTRICT

By: _____

Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF PARKER §

Before me _____ on this day personally appeared _____ known to me (or proved to me on the oath of _____ or through _____ (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____, A.D. 2012.

Notary Public in and for
The State of Texas

My Commission Expires:

Typed or Printed Name of Notary

After Recording Return to:

Town of Annetta
PO Box 1150
Aledo, Texas 76008

EXHIBIT "A"
WELL SITE

Being a tract of land situated in the Edenton Thompson Survey, Abstract Number 1294, Parker County, Texas. Said tract of land being a portion of a tract described in the Warranty Deeds to Aledo Independent School District as recorded in Volume 1794, Page 1757 and Volume 1794, Page 1761 of the Deed Records of Parker County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

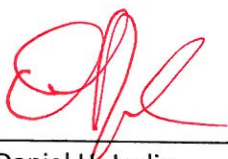
Commencing at a found 1/2 inch iron rod being the southeast corner of Lot 7, Block 17, Deer Creek Phase VII, as recorded in Cabinet B-180 of the Plat Records of Parker County, Texas and also being the northeast corner of a tract of land described in the Warranty Deed to Denzell Bruce Kongable and Margaret V. Kongable Living Trust (Tract 3) as recorded in Volume 1578, Page 363 of said Deed Records, said found 1/2 inch iron rod also being on the accepted west line of said Edenton Thompson Survey, Abstract Number 1294, and also being the accepted northeast corner of the James Billings Survey, Abstract Number 104, THENCE South 23 degrees 57 minutes 31 seconds East, a distance of 433.47 feet to a set 5/8 inch capped iron rod stamped "BHB INC", being the POINT OF BEGINNING of said tract hereon described;

THENCE North 89 degrees 51 minutes 08 seconds East, a distance of 50.00 feet to a set 5/8 inch capped iron rod stamped "BHB INC";

THENCE South 00 degrees 08 minutes 52 seconds East, a distance of 100.00 feet to a set 5/8 inch capped iron rod stamped "BHB INC";

THENCE South 89 degrees 51 minutes 08 seconds West, a distance of 50.00 feet to a set 5/8 inch capped iron rod stamped "BHB INC";

THENCE North 00 degrees 08 minutes 52 seconds West, a distance of 100.00 feet to the POINT OF BEGINNING and containing 5,000 Square Feet or 0.11 acre of land.



Daniel H. Joslin
R.P.L.S. 4749
Dated: March 21, 2012

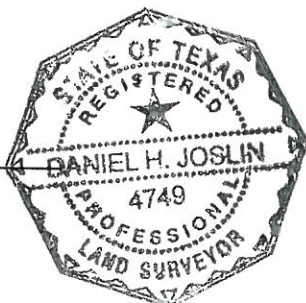


EXHIBIT "B"
WATERLINE EASEMENT

Being a tract of land situated in the Edenton Thompson Survey, Abstract Number 1294, Parker County, Texas. Said tract of land being a portion of a tract described in the Warranty Deed to Aledo Independent School District as recorded in Volume 1794, Page 1761 of the Deed Records of Parker County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Commencing at a found 1/2 inch iron rod being the southeast corner of Lot 7, Block 17, Deer Creek Phase VII, as recorded in Cabinet B-180 of the Plat Records of Parker County, Texas, said found 1/2 inch iron rod also being on the accepted west line of said Edenton Thompson Survey, Abstract Number 1294, and also being the accepted northeast corner of the James Billings Survey, Abstract Number 104, THENCE South 00 degrees 08 minutes 52 seconds East, along the west line of a tract deeded to Aledo Independent School District as recorded in Volume 1794, Page 1757 of said Deed Records, passing the southwest corner of last mentioned Aledo Independent School District tract at a distance of 414.78 feet and continuing for a total distance of 441.57 feet to the POINT OF BEGINNING of said tract hereon described;

THENCE North 89 degrees 51 minutes 08 seconds East, departing the west line of Aledo Independent School District tract as recorded in Volume 1794, Page 1761 of said Deed Records, a distance of 175.00 feet;

THENCE South 00 degrees 08 minutes 52 seconds East, a distance of 10.00 feet;

THENCE South 89 degrees 51 minutes 08 seconds West, a distance of 165.00 feet being 10.00 feet east of said west line of last mentioned Aledo Independent School District tract;

THENCE South 00 degrees 08 minutes 52 seconds East, being 10.00 feet east of and parallel with said west line of Aledo Independent School District tract, a distance of 433.95 to the south line of last mentioned Aledo Independent School District tract also being the north line of a tract deeded to Aledo Lions Youth Activities, Inc. as recorded in Volume 1979, Page 1217 of said Deed Records;

THENCE South 88 degrees 31 minutes 53 seconds West, along said south line and said north line, a distance of 10.00 feet to a found 1/2 inch iron rod being the southwest corner of said last mentioned Aledo Independent School District tract and also being the northwest corner of said Aledo Lions Youth Activities, Inc. tract;

THENCE North 00 degrees 08 minutes 52 seconds West, along said west line of last mentioned Aledo Independent School District tract, a distance of 444.18 feet to the POINT OF BEGINNING and containing 6090.6 Square Feet or 0.14 acre of land.



Daniel H. Joslin
R.P.L.S. 4749
Dated: March 21, 2012



EXHIBIT "C"
WELL SITE & WATERLINE EASEMENT

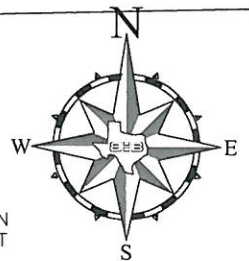
LOT 7, BLOCK 17
DEER CREEK, PHASE VII
CAB. B-180, P.R.P.C.T.

LOT 6, BLOCK 17
DEER CREEK, PHASE VII
CAB. B-180, P.R.P.C.T.

LOT 5, BLOCK 17
DEER CREEK, PHASE VII
CAB. B-180, P.R.P.C.T.

POINT OF
COMMENCING
Well Site &
Waterline Esmt.
(CM)
Found
1/2 Inch
Iron Rod

ALEDO INDEPENDENT SCHOOL DISTRICT
VOLUME 1794, PAGE 1757, D.R.P.C.T.



0 60'
SCALE: 1" = 60'

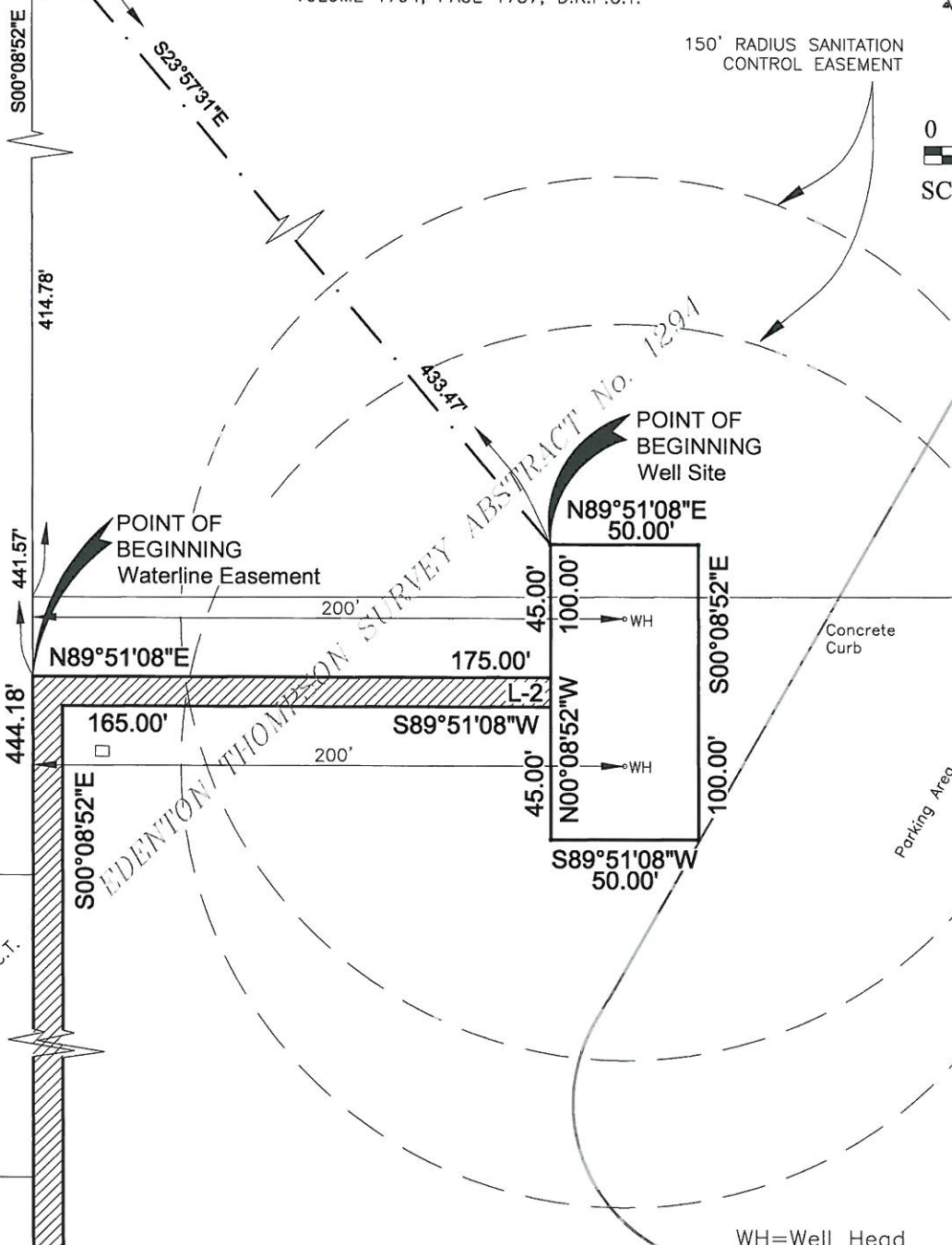
150' RADIUS SANITATION
CONTROL EASEMENT

JAMES BILLINGS SURVEY ABSTRACT No. 104

(Tract 3)
Denzell B. Kongable and wife,
Margaret V. Kongable Living Trust
Vol. 1578, Pg. 363, D.R.P.C.T.

Denzell B. Kongable and wife,
Margaret V. Kongable
Vol. 246, Pg. 421, D.R.P.C.T.

(Tract 3)
Denzell B. Kongable and wife,
Margaret V. Kongable Living Trust
Vol. 1578, Pg. 363, D.R.P.C.T.



ALEDO INDEPENDENT SCHOOL DISTRICT
VOLUME 1794, PAGE 1761, D.R.P.C.T.

WH=Well Head
CM=Controlling Monument

NUM	BEARING	DISTANCE
L1	S88°31'53"W	10.00'
L2	S00°08'52"E	10.00'

ALEDO LIONS YOUTH ACTIVITIES, INC.
VOLUME 1979, PAGE 1217, D.R.P.C.T.

1. Basis of bearing being State Plane Grid – Texas North Central Zone (4202) NAD83 as established using GPS Technology in conjunction with the RTK Cooperative Network.
2. All distances shown are at ground.
3. All property corners are set 5/8 inch capped iron rod stamped "BHB INC" unless otherwise noted.

Sketch showing to the best of my knowledge and belief an accurate delineation of field surveys and office computations performed by me or under my supervision.



Daniel H. Joslin
R.P.L.S. NO. 4749
Dated: March 21, 2012

BHB Baird, Hampton & Brown, Inc.
Engineering & Surveying

6300 Ridglea Place, Ste. 700 Fort Worth, TX 76116 Tel:(817)338-1277 Fax:(817)338-9245 E-Mail:Survey@bhbbinc.com

SANITARY CONTROL EASEMENT

THE STATE OF TEXAS §
 §
COUNTY OF PARKER §

DATE: May 21, 2012

GRANTOR(S): ALED0 INDEPENDENT SCHOOL DISTRICT

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

GRANTEE: TOWN OF ANNETTA, TEXAS

GRANTEE'S ADDRESS: Town of Annetta
 PO Box 1150
 Aledo, 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 and operation of underground petroleum and chemical storage tanks and liquid transmission pipelines, stock pens, feedlots, dump grounds, privies, cesspools, septic tank or sewage treatment drainfields, improperly constructed water wells of any depth, and all other construction or operation that could create an unsanitary condition within, upon, or across the property subject to this easement are prohibited within this easement. For the purpose of the 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 of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries 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 as long as all items in Restrictions Nos. 2 and 3 are recognized and followed.

5. This easement permits normal farming and ranching operations, except that livestock shall not be allowed within 50 feet of the water well.

The Grantor's property subject to this Easement is described in the documents recorded at:

Volume 1794, Page 1757 and Volume 1794, Page 1761 of the Real Property Records of Parker County, Texas.

PROPERTY SUBJECT TO EASEMENT:

All of that area within a 150 foot radius of the water well located 466.84 feet at a radial of 25.488074 degrees East from the SE corner of Lot 7, Block 17 of Deer Creek, Phase VII, Subdivision of Record, in Volume 1794, Pages 1757 and 1761 of the County Plat Records, Parker County, Texas.

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.

GRANT AND CONVEYANCE:

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:

ALEDO INDEPENDENT SCHOOL DISTRICT

By: _____

Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF PARKER §

Before me _____ on this day personally appeared
_____ known to me (or proved to me on the oath of
_____ or through _____ (description of identity card
or other document) to be the person whose name is subscribed to the foregoing instrument and
acknowledged to me that he/she executed the same for the purposes and consideration therein
expressed.

Given under my hand and seal of office this _____ day of _____, A.D.
2012.

Notary Public in and for
The State of Texas

My Commission Expires:

Typed or Printed Name of Notary

After Recording Return to:

Town of Annetta
PO Box 1150
Aledo, Texas 76008

SANITARY CONTROL EASEMENT

THE STATE OF TEXAS §
 §
COUNTY OF PARKER §

DATE: May 21, 2012

GRANTOR(S): ALED0 INDEPENDENT SCHOOL DISTRICT

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

GRANTEE: TOWN OF ANNETTA, TEXAS

GRANTEE'S ADDRESS: Town of Annetta
 PO Box 1150
 Aledo, 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 and operation of underground petroleum and chemical storage tanks and liquid transmission pipelines, stock pens, feedlots, dump grounds, privies, cesspools, septic tank or sewage treatment drainfields, improperly constructed water wells of any depth, and all other construction or operation that could create an unsanitary condition within, upon, or across the property subject to this easement are prohibited within this easement. For the purpose of the 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 of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries 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 as long as all items in Restrictions Nos. 2 and 3 are recognized and followed.

5. This easement permits normal farming and ranching operations, except that livestock shall not be allowed within 50 feet of the water well.

The Grantor's property subject to this Easement is described in the documents recorded at:

Volume 1794, Page 1757 and Volume 1794, Page 1761 of the Real Property Records of Parker County, Texas.

PROPERTY SUBJECT TO EASEMENT:

All of that area within a 150 foot radius of the water well located 512.22 feet at a radial of 23.091216 degrees East from the SE corner of Lot 7, Block 17 of Deer Creek, Phase VII, Subdivision of Record, in Volume 1794, Pages 1757 and 1761 of the County Plat Records, Parker County, Texas.

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.

GRANT AND CONVEYANCE:

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:

ALEDO INDEPENDENT SCHOOL DISTRICT

By: _____

Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF PARKER §

Before me _____ on this day personally appeared
_____ known to me (or proved to me on the oath of
_____ or through _____ (description of identity card
or other document) to be the person whose name is subscribed to the foregoing instrument and
acknowledged to me that he/she executed the same for the purposes and consideration therein
expressed.

Given under my hand and seal of office this ____ day of _____, A.D.
2012.

Notary Public in and for
The State of Texas

My Commission Expires:

Typed or Printed Name of Notary

After Recording Return to:

Town of Annetta
PO Box 1150
Aledo, Texas 76008