

**Village Creek Reclaimed Water Project
Parcel # 2-3
Doe # P275-705140021330
Vacant Land on Mosier Valley Road
Tract 2-C, G. W. Couch Survey, Abst. No. 278**

**STATE OF TEXAS §
 §
COUNTY OF TARRANT §**

**RECLAIMED-WATER LINE
EASEMENT**

DATE: July 24, 2009

GRANTOR: CITY OF EULESS

**GRANTOR'S MAILING ADDRESS (including County):
201 N. ECTOR DRIVE
EULESS, TARRANT COUNTY, TX 76039**

GRANTEE: CITY OF FORT WORTH

**GRANTEE'S MAILING ADDRESS (including County):
1000 THROCKMORTON ST.
FORT WORTH, TARRANT COUNTY, TX 76102**

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, for installation, construction, reconstruction, operation, maintenance, replacement, upgrade, and repair of no more than one water-transmission main and related facilities—a reclaimed-water main—on, under, across, and through the described property.

EASEMENT PROPERTY: Being a portion of that certain tract situated in the G. W, Couch Survey, Abstract No. 278, being part of the called 2.823 acre tract as recorded in Tarrant County Clerk's Instrument Number D208421559, Deed Records, Tarrant County, Texas and being more particularly described in Exhibit "A", attached and incorporated for all pertinent purposes. (Property)

Grantor, for the considerations paid to Grantor and other good and valuable consideration, hereby grants, sells, and conveys to Grantee, and its assigns an exclusive, perpetual easement on, under, across, and through the Property for the installation, construction, reconstruction, operation, maintenance, replacement, upgrade, and repair of pipelines for a reclaimed-water main hereafter referred to as

“Facility.” The Facility includes all incidental underground and aboveground attachments, equipment and appurtenances, connections, structures, including, but not limited to manholes, manhole vents, lateral line connections, pipelines, junction boxes in, over, upon, under, along, through and across a portion of the Property, together with the right and privilege at any and all times to enter Property, or any part thereof, for the purpose of installing, constructing, reconstructing, operating, maintaining, replacing, upgrading, and repairing the Facilities.

Grantor (i) shall not use or allow use of the Property in any manner which interferes in any material way or is inconsistent with the rights granted hereunder, or (ii) erect or permit to be erected within the Property a permanent structure or building, including, but not limited to, monument sign, pole sign, billboard, brick or masonry fences or walls or other structures that require a building permit. However, Grantor shall be permitted to maintain any existing concrete driveway or road on the Property. Grantee shall be obligated to restore the surface of the Property at Grantee's sole cost and expense, including the restoration of any sidewalks, driveways, or similar surface improvements located upon or adjacent to the Property which may have been removed, relocated, altered, damaged, or destroyed as a result of the Grantee's use of the easement granted hereunder. Provided, however, that Grantee shall not be obligated to restore or replace irrigation systems or other improvements installed in violation of the provisions and intended use of this easement.

Grantor may grant other utility providers the right to cross the easement area only (i) if the crossing is at an angle between 45° and 90° and (ii) if the crossing is below the reclaimed-water main pipeline with a clearance of five feet.

At least 30 days before the date on which construction of an asphalt or concrete road or street that will be located wholly or partly on or over the reclaimed-water main pipeline is scheduled to begin, the Grantor or its successors and assigns must submit plans for the proposed construction to the Grantee.

TO HAVE AND TO HOLD the above-described permanent exclusive easement, together with all and singular the rights and appurtenances thereto in anyway belonging unto Grantee, and Grantee's successors and assigns forever; and Grantor does hereby bind itself and its successor and assigns to warrant and forever defend all and singular the easement to Grantee, its successor and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

When the context requires, singular nouns and pronouns include the plural.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

GRANTOR
City of Euless

By: _____
Name _____
Title _____

GRANTEE
City of Fort Worth

By: _____
Fernando Costa
Assistant City Manager

APPROVED AS TO FORM AND LEGALITY

Assistant City Attorney

Date: _____

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, _____ of the City of Euless, known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the City of Euless and that he/she executed the same as the act of said City of Euless for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared Fernando Costa, Assistant City Manager of the City of Fort Worth, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of the City of Fort Worth, a municipal corporation of Tarrant County, Texas, for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas

EXHIBIT "A"

Being a variable width permanent reclaimed water pipeline easement situated in the G.W. Couch Survey, Abstract Number 278, City of Fort Worth, Tarrant County, Texas and being a portion of that same called 2.823 acre tract of land conveyed to the **CITY OF EULESS** by special warranty deed as recorded in Tarrant County Clerk's Instrument Number (T.C.C.I.No.) D208421559, Deed Records of Tarrant County, Texas (D.R.T.C.T.), said easement being herein more particularly described by metes and bounds as follows:

BEGINNING at a point on the south property line of the said 2.823 acre tract, same being the north right-of-way line of Mosier Valley Road, being a variable width right-of-way, said beginning point being located North 82°43'46" East a distance of 171.02 feet from a 5/8" iron rod with a partially unreadable cap, with remaining stamp of "T.L. Thompson RPLS ...237" found at the southwest property corner of the said 2.823 acre tract, said property corner being on the east property line of a tract of land conveyed to the City of Euless, by deed as recorded in Volume 11966, Page 1137, D.R.T.C.T.;

THENCE North 73°52'12" East a distance of 231.53 feet to a point;

THENCE South 30°46'28" East a distance of 25.84 feet to a point on the south property line of the said 2.823 acre tract, same being the north right-of-way line of 100 feet right-of-way conveyed to the cities of Fort Worth and Dallas by deed as recorded in Volume 7726, Page 1848, D.R.T.C.T.;

THENCE South 73°40'49" West, along the said south property line and along the said north railroad right-of-way line, a distance of 76.08 feet to a point at the intersection between the said north railroad right-of-way line and the said north right-of-way line of Mosier Valley Road;

THENCE continuing along the said south property line and along the said north right-of-way line of Mosier Valley Road South 82°43'46" West a distance of 163.94 feet to the Point of Beginning containing 0.089 acres (3,874.6 Sq. Ft.) of land more or less.

REVISED: 6-11-09



EXHIBIT "B"

Being a variable width temporary construction easement situated in the G.W. Couch Survey, Abstract Number 278, City of Fort Worth, Tarrant County, Texas and being a portion of that same called 2.823 acre tract of land conveyed to the **CITY OF EULESS** by special warranty deed as recorded in Tarrant County Clerk's Instrument Number (T.C.C.I.No.) D208421559, Deed Records of Tarrant County, Texas (D.R.T.C.T.), said easement being herein more particularly described by metes and bounds as follows:

BEGINNING at a point on the south property line of the said 2.823 acre tract, same being the north right-of-way line of Mosier Valley Road, being a variable width right-of-way, said beginning point being located North 82°43'46" East a distance of 8.69 feet from a 5/8" iron rod with a partially unreadable cap, with remaining stamp of "T.L. Thompson RPLS ...237", found at the southwest property corner of the said 2.823 acre tract, said property corner being on the east property line of a tract of land conveyed to the City of Euless, by deed as recorded in Volume 11966, Page 1137, D.R.T.C.T.;

THENCE North 73°52'12" East a distance of 368.74 feet to a point on a north property line of the said 2.823 acre tract, same being the south property line of Lot 1, Block 1, Arco Addition, being an addition to the City of Fort Worth according to the plat recorded in Cabinet A, Slide 617, Plat Records of Tarrant County, Texas, said point also being at the beginning of a curve to the left with a radius of 334.26;

THENCE in an easterly direction along the said property lines and along the said curve an arc length of 19.18 feet across a chord bearing South 87°53'59" East a distance of 19.18 feet to a point;

THENCE South 30°46'28" East a distance of 19.64 feet to a point;

THENCE South 73°52'12" West, a distance of 231.53 feet to a point on the said south property line of the 2.823 acre tract, same being the said north right-of-way line of Mosier Valley Road;

THENCE South 82°43'46" West, along the said south property line and along the said north right-of-way line, a distance of 162.32 feet to the Point of Beginning containing **0.176 acres (7,659.8 Sq. Ft.)** of land more or less.

REVISED: 6-11-09

PARCEL 2-3 ~ Pg. 2 of 7



PLAT OF EXHIBITS "A" & "B"

SEE ATTACHED LEGAL DESCRIPTIONS
ON PAGE 5 AND 6 OF EXHIBITS "A" & "B" HEREIN

15' PIPELINE EASEMENT TO
KOCH REFINING CO.
T.C.C.I.No. D190002614
D.R.T.C.T.

G.W. COUCH SURVEY, ABS 278
CITY OF EULESS
CALLED 154.769 ACRES
VOL. 11966, PG. 1137
D.R.T.C.T.

EXHIBIT "B"
TEMPORARY VARIABLE WIDTH
CONSTRUCTION EASEMENT
0.176 ACRES (7,659.8 SQ. FT.)

LOT 1, BLOCK 1
ARCO ADDITION
CAB. A, SLIDE 617
P.R.T.C.T.

R = 334.26'
L = 19.18'
CH = S87°53'59"E
CL = 19.18 FT

CALLLED 2.823 ACRES
(IN MOAK SURVEY SEPT. 2006)
G.W. COUCH SURVEY
ABSTRACT No. 278

CITY OF EULESS
T.C.C.I.No. D208421559
D.R.T.C.T.

5/8" CIRF
T.L. THOMPSON RPLS ..237"
(PARTIALLY UNREADABLE)

L1 P.O.B.
EXHIBIT "B"

N73°52'12"E

N82°43'46"E

MOSIER VALLEY ROAD
VARIABLE WIDTH R.O.W.

P.O.B.
EXHIBIT "A"

N73°52'12"E

S82°43'46"W

162.32'

171.02'

163.94'

R.O.W. LINE

S82°43'46"W

231.53'

S73°40'49"W
76.08'

R.O.W. LINE

S30°46'28"E
25.84'

1/2" CIRF MOAK

RAILROAD RIGHT-OF-WAY TO
THE CITY OF FORT WORTH & DALLAS
100' R.O.W.

0 50' 100'



GRAPHIC SCALE IN FEET

1" = 50'

No.	DIRECTION	DIST.
L1	N82°43'46"E	8.69'
L2	S30°46'28"E	19.64'

EXHIBIT "A"
PERMANENT VARIABLE WIDTH
RECLAIMED WATER PIPELINE EASEMENT
0.089 ACRES (3,874.6 SQ. FT.)

NOTE: THE BASIS OF BEARINGS FOR THIS SURVEY IS ESTABLISHED FROM COORDINATES SHOWN FOR CONTROL POINTS ON SHEETS 4-5 OF THE TRANSYSTEM'S PLANS FOR THE 36" WATER MAIN EXTENSION ALONG TRINITY RAILWAY EXPRESS ROW FROM GREENBELT TO FM 157, CONTRACT 1.

VILLAGE CREEK RECLAIMED WATER DELIVERY SYSTEM

PARCEL NO. 2-3
SURVEY: G.W. COUCH SURVEY, ABSTRACT No. 278
LOCATION: CITY OF FORT WORTH, TARRANT COUNTY, TEXAS
WHOLE PROPERTY ACREAGE: CALLED 2.823 (IN MOAK SURVEY SEPT. 2006)

D.O.E. #P275-705140021330

PERMANENT RECLAIMED WATER PIPELINE EASEMENT

S&A JOB NO.: 08-0085
DATE: 2-4-09

DRAWN BY: J.W.C.
CHECKED BY: E.S.S.

EXHIBITS "A" & "B" PAGE 7 OF 7

SPOONER & ASSOC., INC. 309 BYERS STREET, #100, EULESS, TX 76039, PH 817-281-2355 FAX 817-685-8508

REV. 6-11-09

