

ATTACHMENT 1
TO
EASEMENT PURCHASE AGREEMENT

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

ELECTRIC UTILITY EASEMENT

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

THAT, Pensco Trust Company Custodian FBO Randall D. Smith Roth IRA, Bonnie Brac Malone County, Inc., Trustee of the COTI Property Trust, and Edward F. Wolski (collectively the "GRANTOR"), for and in consideration of Ten Dollars (\$10.00), and other good and valuable consideration, to GRANTOR in hand paid by the CITY OF DENTON, a Texas home rule municipal corporation, which is located in Denton County, Texas, and whose mailing address is 215 E. McKinney, Denton, Texas 76201 ("GRANTEE") has granted, sold, and conveyed and by these presents does grant, sell and convey unto the GRANTEE perpetual, exclusive and unobstructed easements and rights of way (collectively, the "EASEMENT") for the purposes of erecting, operating, maintaining and servicing thereon one or more underground and/or above ground electric transmission and electric distribution power and/or communication lines, each consisting of a variable number of wires and cables, along with all necessary, convenient or desirable appurtenances, attachments and supporting structures, including without limitation, foundations, guy wires and guy anchorages, and structural components (collectively referred to herein as the "FACILITIES"), in, on, over, under and across that certain real property situated in Denton County, Texas, being approximately 1.253 acres and being more particularly described in Exhibit "A" and illustrated in Exhibit "B" attached hereto and incorporated into this document by reference (the "EASEMENT PROPERTY").

GRANTEE shall have the right of ingress, egress and regress in, on, over, under and across the

EASEMENT PROPERTY for the purposes of and right to construct, maintain, operate, improve, reconstruct, increase or reduce the size and capacity, repair, relocate, inspect, patrol, maintain, remove or replace such FACILITIES within the EASEMENT PROPERTY as GRANTEE may from time to time find necessary, convenient or desirable, along with all rights necessary or convenient for full use and enjoyment of the above grant, including access over, across and upon the EASEMENT PROPERTY. GRANTEE shall have the right to trim or remove trees or shrubbery within said EASEMENT PROPERTY, to the extent, in the sole judgment of GRANTEE, necessary or desirable to prevent possible interference with the efficiency, safety and/or convenient operation of the FACILITIES or to remove possible efficiency, safety or operational hazards thereto. GRANTOR shall not make changes in grade, elevation or contour of the EASEMENT PROPERTY or impound water within, over and/or across the EASEMENT PROPERTY without prior written consent of GRANTEE.

GRANTOR, for itself, its successors and assigns, subject to the terms herein, expressly reserves the right to occupy and use the EASEMENT PROPERTY for all other purposes that will not interfere with the GRANTEE's full enjoyment of the EASEMENT and/or the exercise of GRANTEE's rights hereunder.

GRANTOR acknowledges the EASEMENT granted herein is exclusive, so as to exclude all other utility providers or any other party's use of the EASEMENT PROPERTY; provided, however, the EASEMENT is nonexclusive as to GRANTOR'S right to use the EASEMENT PROPERTY in accordance with the terms hereof. Upon written consent of GRANTEE, such consent to be exercised at the sole discretion of GRANTEE, other utility providers may be permitted by GRANTEE under separate grant from GRANTOR to construct, operate, maintain, repair, replace and remove their respective utilities in, on, over, under, and across the EASEMENT PROPERTY perpendicularly or as otherwise may be permitted by GRANTEE in writing. Nothing herein shall be construed to require GRANTEE to allow such use or grant, and such use or grant shall be at the sole and absolute discretion

of GRANTEE.

GRANTEE, at GRANTEE's sole cost and expense, shall have the right to trim or remove trees as provided herein, together with the right to install gates in existing fences within such EASEMENT PROPERTY.

GRANTOR represents and warrants to GRANTEE that as of the execution date hereof, no buildings, structures, signs, obstructions or other facilities or improvements of any kind ("UNPERMITTED STRUCTURES") exist on the EASEMENT PROPERTY. GRANTOR shall not construct, and GRANTEE shall have the right to prevent the construction of, UNPERMITTED STRUCTURES on the EASEMENT PROPERTY and if any UNPERMITTED STRUCTURES are hereafter constructed or permitted by GRANTOR to exist within the EASEMENT PROPERTY without prior written consent of GRANTEE, then GRANTEE shall have the right to remove the same and GRANTOR agrees to pay to GRANTEE the reasonable actual costs of such removal.

The EASEMENT shall constitute a covenant running with the land and shall bind and inure to the benefit of GRANTOR and GRANTEE, and their respective successors and assigns.

TO HAVE AND TO HOLD the above EASEMENT unto GRANTEE, its successors and assigns, forever, and GRANTOR hereby warrants and forever agrees to defend the above described EASEMENT unto GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part hereof, by, through, or under GRANTOR, and not otherwise.

WITNESS THE EXECUTION HEREOF on the _____ day of _____, 2016.

GRANTOR:

**PENSCO TRUST COMPANY CUSTODIAN FBO
RANDALL D. SMITH ROTH IRA**

EXHIBIT "A"

ELECTRIC EASEMENT

BEING a 1.253 acre tract of land situated in the J.S. Collard Survey, Abstract No. 297 City of Denton, Denton County, Texas, and being part of a called 14.198 acre tract of land as described in Deeds to Bonnie Brae Malone County, Inc., Trustee of the COTI Property Trust, a 50% undivided interest, recorded in Document No. 2005-50248, and corrected in Document No. 2016-6300 of the Official Records of Denton County, Texas (O.R.D.C.T.), to Pensco Trust Company, Custodian FBO Randall D. Smith Roth IRA (Account No. SM 148), a 25% undivided interest, recorded in Document No. 2003-064647 (O.R.D.C.T.), and to Edward F. Wolski, a 25% undivided interest, recorded in Document No. 2015-70377 (O.R.D.C.T.), and being more particularly described as follows:

BEGINNING at the most Easterly corner of said 14.198 acre tract and located in the existing Southwesterly right-of-way line of U.S. Highway 77 (a variable width right-of-way), from which a 1/2 inch iron rod found bears North 47°06'14" East, a distance of 3.06 feet;

THENCE South 10°45'55" West, along the most Easterly line of said 14.198 acre tract and the existing Southwesterly right-of-way line of said U.S. Highway 77, for a distance of 10.06 feet to a point for corner;


THENCE North 89°25'33" West, departing the most Easterly line of said 14.198 acre tract and the existing Southwesterly right-of-way line of said U.S. Highway 77, for a distance of 1303.49 feet to a point for corner at the intersection with the common Westerly line of said 14.198 acre tract and the Easterly line of a called 22.537 acre tract of land as described in Deed to Brentwood Place Development, Ltd., and recorded in Document No. 2015-123929 (O.R.D.C.T.), from which a Railroad Spike found at the Southwest corner of said 14.198 acre tract bears South 00°04'27" West, a distance of 32.68 feet;

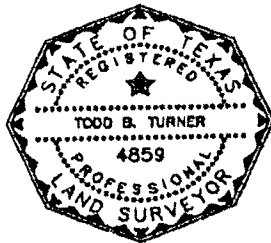
THENCE North 00°04'27" East, along the common Westerly line of said 14.198 acre tract and the Easterly line of said 22.537 acre tract, for a distance of 42.50 feet to a point for corner, from which a 1/2 inch iron rod found at the most Northerly corner of said 14.198 acre tract bears North 00°04'27" East, a distance of 745.75 feet;

THENCE South 89°25'32" East, departing said common line, for a distance of 1250.69 feet to a point for corner at the intersection with the Northeasterly line of said 14.198 acre tract and the existing Southwesterly right-of-way line of said U.S. Highway 77;

THENCE South 58°45'03" East, along the common Northeasterly line of said 14.198 acre tract and the existing Southwesterly right-of-way line of said U.S. Highway 77, for a distance of 63.89 feet to the **POINT OF BEGINNING**, and containing 1.253 acres of land, more or less.

NOTE: Bearings are referenced to grid north of the Texas Coordinate System of 1983 (North Central Zone, NAD83(2011) Epoch 2010) as derived locally from Western Data Systems Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) survey methods. Distances represent surface values utilizing an average combination scale factor of 1.000147317 to scale from grid to surface.


Todd B. Turner, R.P.L.S. No. 4859
Teague Nall & Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940-383-4177
Date: August 8, 2016



**J.S. COLLARD SURVEY
ABSTRACT NO. 297**

EXHIBIT "B"

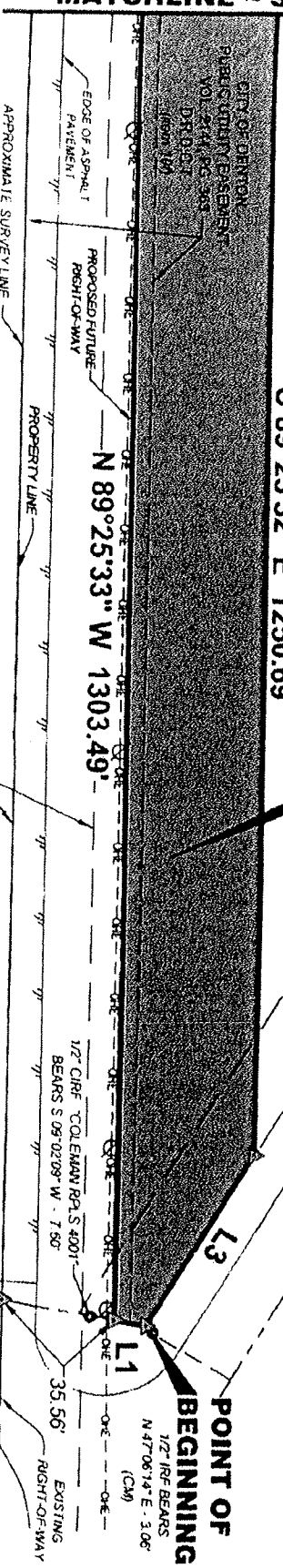
BONNIE BRAE MALONE COUNTY, INC.,
PENSCO TRUST COMPANY, AND EDWARD F. WOLSKI
CALLED 14.198 ACRES
DOC. NO. 2005-50248, DOC. NO. 2016-6300,
DOC. NO. 2003-064647, AND DOC. NO. 2015-70377
O.R.D.C.T.

S 89°25'32" E 1250.69'

**ELECTRIC
EASEMENT
1.253 ACRES**

U.S. HIGHWAY 77
VARIABLE WIDTH RIGHT-OF-WAY
VOL. 4331, PG. 2951
R.P.R.D. C.T.

MATCHLINE - SEE SH. 3 OF 4



LINE	BEARING	DISTANCE
L1	S 10°45'55" W	10.06'
L3	S 58°45'03" E	63.89'

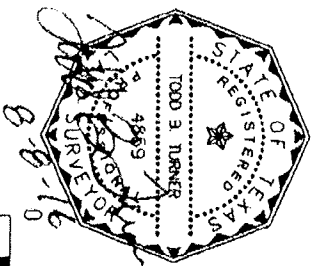
NOTES

1. Bearings of lines shown hereon are referenced to G. of North of the Texas Coordinate System of 1943 (North Central Zone NAD83(2011)) (EPOCH 2010), as derived locally from Western Data Systems Continuously Operating Reference Station (CORS) via Real Time Kinematic (RTK) methods. The distances shown hereon represent surface values using an average landward factor of 1.000147317 to scale from GAD 83 to SADS.
2. This Exhibit was prepared with the benefit of that certain The Commitment Of No. 2027-15853-SubD, with effective date of June 27, 2015, provided by Registrar. The fee assessor's rights of way and/or other matters of record that may affect this tract, the Surveyor makes solely on said The Commitment.
3. This tract is subject to the following easements: (18) Vol. 2144, Pg. 363 D.R.D.C.T. as shown (10g) Vol. 433, Pg. 295 R.P.R.D. C.T. as shown, (10h) Vol. 433, Pg. 2950 R.P.R.D.C.T. as shown.
4. The easement hereon is Vol. 1022, Pg. 807 D.R.D.C.T. (10a) shown relative to this tract as shown.

DATA INTERFERENCES SURVEY
VOL. 1022, PG. 807
D.R.D.C.T.
(Item 10a)

LEGEND

▲	CALCULATED POINT	
○	1/2" IRF BEARS (MAGNETIC INTERFERENCE)	
□	CONTROL POINT MONUMENT	
⊗	POWER POLE	EASEMENT BOUNDARY
---	PROPERTY LINE	EXISTING EASEMENT
---	APPROXIMATE SURVEY LINE	EDGE OF ASPHALT
---	OHE	OVERHEAD ELECTRICAL
---	FENCELINE	



50 100

SCALE: 1" = 50'



1317 Centre Plaza Drive, Suite 330
Dallas, Texas 75205
940.333.4177 / 940.333.8078 fax
www.tnp.com

**1.253 ACRE
ELECTRIC EASEMENT**

SITUATED IN THE
J.S. COLLARD SURVEY, ABSTRACT NO. 297
CITY OF DENTON, DENTON COUNTY, TEXAS

DME13222

SHEET 2 OF 4

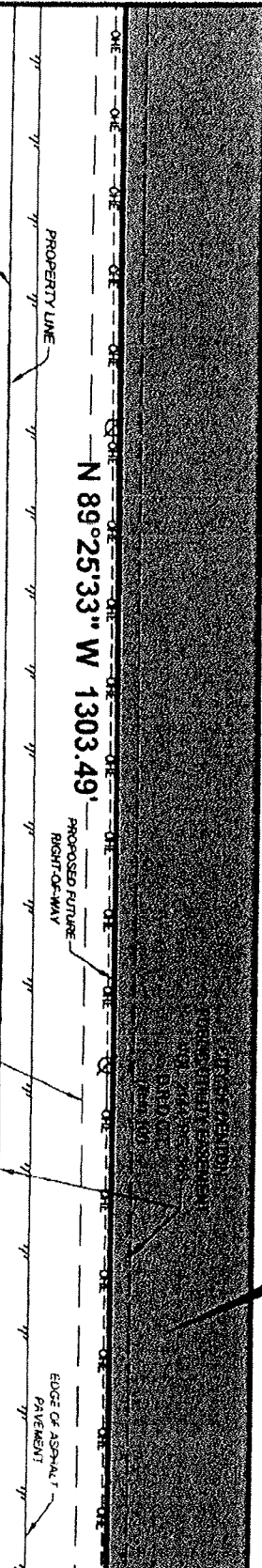
EXHIBIT "B"

BONNIE BRAE MALONE COUNTY, INC.,
 PENSCO TRUST COMPANY, AND EDWARD F. WOLSKI
 CALLED 14.198 ACRES
 DOC. NO. 2005-50248, DOC. NO. 2016-6300,
 DOC. NO. 2003-064647, AND DOC. NO. 2015-70377
 O.R.D.C.T.

J.S. COLLARD SURVEY
 ABSTRACT NO. 297

**ELECTRIC
 EASEMENT**
 1.253 ACRES

MATCHLINE - SEE SH. 4 OF 4



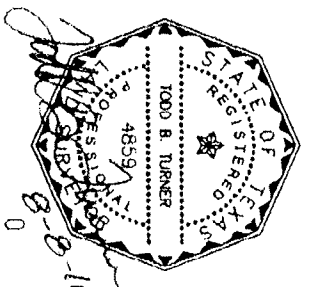
MATCHLINE - SEE SH. 2 OF 4

RINEY ROAD
 (VARIABLE WIDTH RIGHT-OF-WAY)

CITY OF DENTON
 PUBLIC UTILITY EASEMENT
 VOL. 1022, PG. 907
 O.R.D.C.T.
 (Item 10e)

NOTES

1. Bearings and lines shown in this plan are referenced to Grid North of the Texas Coordinate System of 1983 (North Central Zone NAD83, 2011) EPOCH 2010, as derived locally from Western Data Systems' Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) methods. The distances shown here are representative surface values utilizing an Average Correction Factor of 1.000142317 to scale from grid to surface.
2. This Exhibit was prepared with the benefit of final certain Title Commitment, Cf. No. X071-134833-RU with effective date of June 21, 2016, provided by Reliance Title. For easements, rights-of-way and/or other interests or records that may affect this road, the Surveyor relied solely on said Title Commitment.
3. This tract is subject to the following easements: (1) Cf. Vol. 2144, Pg. 903 D.R.D.C.T. as shown (105) Vol. 4331, Pg. 2951 R.P.R.D.C.T. as shown (115); Vol. 4331, Pg. 2950 R.P.R.D.C.T. as shown.
4. The easement is recorded in Vol. 1022, Pg. 907 O.R.D.C.T. (10e) does not include this tract as shown.

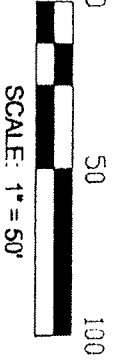


tnp

LEGEND

▲	CALCULATED POINT
○	1/2" FROM FOOT FOUND UNLESS NOTED OTHERWISE
□	CONTROL POINT MARKING
⊗	POWER POLE
---	EASEMENT BOUNDARY
---	PROPERTY LINE
---	EXISTING EASEMENT
---	APPROXIMATE SURVEY LINE
---	EDGE OF ASPHALT
---	OVERHEAD ELECTRIC
---	FENCE LINE

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 www.tnpdx.com



**1.253 ACRE
 ELECTRIC EASEMENT**
 SITUATED IN THE
 J.S. COLLARD SURVEY, ABSTRACT NO. 297
 CITY OF DENTON, DENTON COUNTY, TEXAS
 DME13222 SHEET 3 OF 4

EXHIBIT "B"

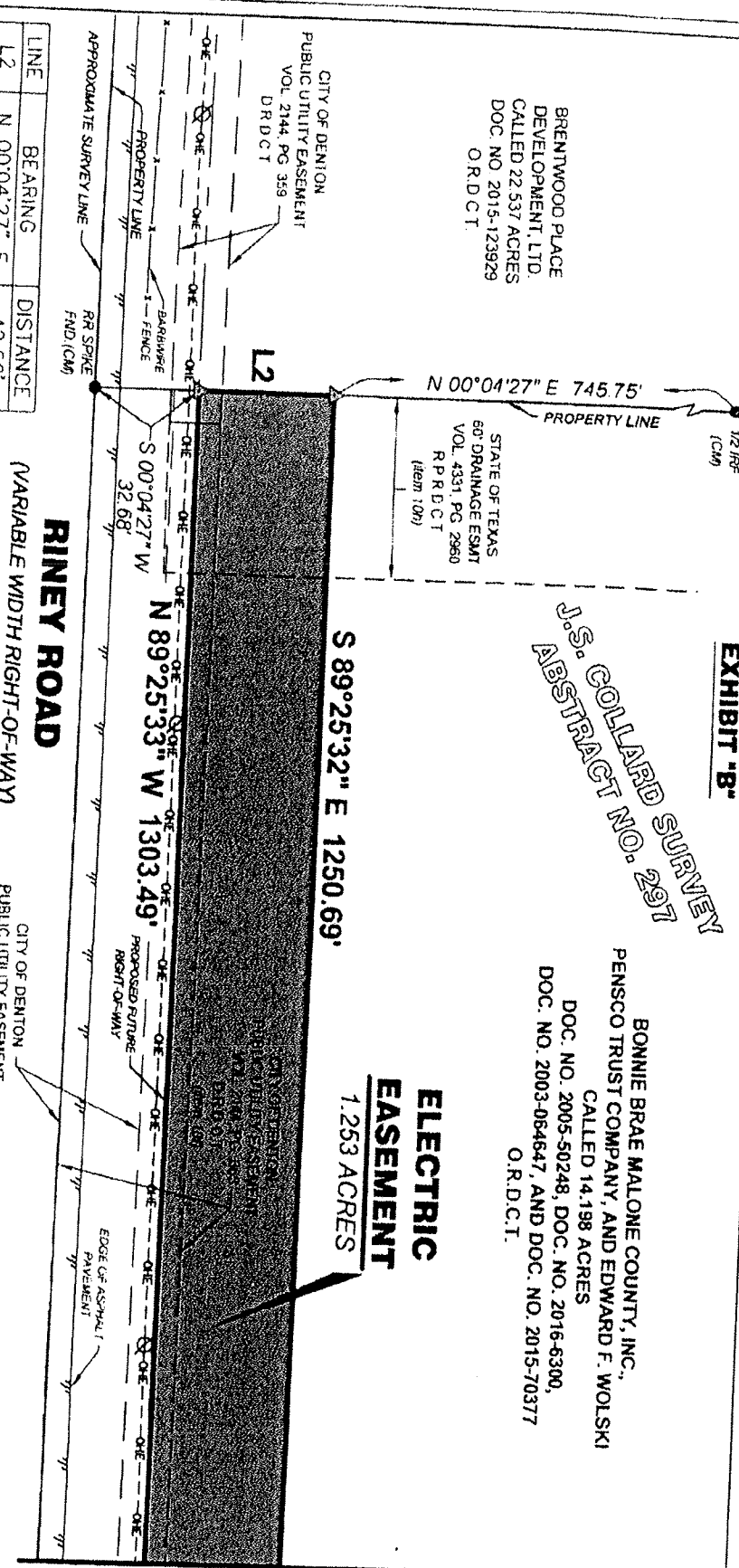
**J.S. COLLARD SURVEY
ABSTRACT NO. 297**

BRENTWOOD PLACE
DEVELOPMENT, LTD.
CALLED 22.537 ACRES
DOC. NO. 2015-123929
O.R.D.C.T.

STATE OF TEXAS
60' DRAINAGE ESMT
VOL. 4331 PG. 2960
R.P.R.D.C.T.
(Item 10a)

BONNIE BRAE MALONE COUNTY, INC.,
PENSCO TRUST COMPANY, AND EDWARD F. WOLSKI
CALLED 14.198 ACRES
DOC. NO. 2005-50248, DOC. NO. 2016-6300,
DOC. NO. 2003-064647, AND DOC. NO. 2015-70377
O.R.D.C.T.

**ELECTRIC
EASEMENT
1.253 ACRES**



LINE	BEARING	DISTANCE
L2	N 00°04'27" E	42.50'

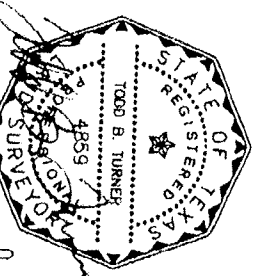
NOTES

1. Bearings of lines shown hereafter are referred to Grid North of the Texas Coordinate System of 1983 (North Central Zone: NAD83(2011), EPOCH: 2010), as shown locally from Western Texas Methods (the "Standard Operating Reference Station" (SORS) and Read From the Kilometer (RFK) Factor of 1.00047317) to scale from grid to surface.
2. This Exhibit was prepared with the benefit of the certain file Commitment (CF No. 2027-134633) R.U. and effective date of June 27, 2016, provided by Reunert, LLP. For easements and rights-of-way and/or other matters of record that may affect this tract, the Surveyor relied solely on said file Commitment.
3. This tract is subject to the following easements: (1) Vol. 2144, Pg. 359, O.R.D.C.T., as shown (10a); Vol. 4331, Pg. 2960, R.P.R.D.C.T., as shown (10a); Vol. 4331, Pg. 2960, R.P.R.D.C.T., as shown.
4. The easement depicted on Vol. 1022, Pg. 807, O.R.D.C.T. (10a) does not lie on the tract as shown.

RINEY ROAD
VARIABLE WIDTH RIGHT-OF-WAY

CITY OF DENTON
PUBLIC UTILITY EASEMENT
VOL. 1022 PG. 807
O.R.D.C.T.
(Item 10a)

THE MALONE COUNTY SURVEY
ABSTRACT NO. 297



tnp
teague nall & perkins
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Denton, Texas 76205
940.333.4177 or 940.333.8024 fs
www.tnpinc.com



SCALE: 1" = 50'

LEGEND	
▲	CALCULATED POINT
○	1/2" IRON ROD - FOUND UNLESS NOTED OTHERWISE
□	CONTROLLING MONUMENT
⊗	POWER POLE
---	EASEMENT BOUNDARY
---	PROPERTY LINE
---	EXISTING EASEMENT
---	APPROXIMATE SURVEY LINE
---	EDGE OF ASPHALT
---	OVERHEAD ELECTRIC
---	FENCE LINE

MATCHLINE 1 SEE SH. 3 OF 4

**1.253 ACRE
ELECTRIC EASEMENT**

SITUATED IN THE
J.S. COLLARD SURVEY, ABSTRACT NO. 297
CITY OF DENTON, DENTON COUNTY, TEXAS

DME13222

SHEET 4 OF 4

PROJECT NUMBER: 3222 DME CIP, Supplemental Easement to Norm, Cedar, Tuesday Survey DME13222 MALONE EE 04g