

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF DENTON, TEXAS (“CITY”) TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN EASEMENT PURCHASE AND ABANDONMENT AGREEMENT (“AGREEMENT”), FOR THE PURCHASE PRICE OF NINETEEN THOUSAND FOUR HUNDRED DOLLARS AND NO CENTS (\$19,400.00), AND OTHER CONSIDERATION, AS PRESCRIBED IN THE AGREEMENT, AS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT “A”, BY AND BETWEEN THE CITY AND MOHAMAD R. HAGHIGHI AND SORAYA IRANNEJAD, PROVIDING FOR (A) THE PURCHASE BY THE CITY OF (I) A SANITARY SEWER EASEMENT, ENCUMBERING A 0.1105 ACRE TRACT, BEING MORE PARTICULARLY DESCRIBED IN THE SANITARY SEWER EASEMENT, BEING ATTACHED TO AND MADE A PART OF THE AGREEMENT; AND (II) A TEMPORARY CONSTRUCTION EASEMENT ENCUMBERING 0.0403 ACRE TRACT OF LAND, BEING MORE PARTICULARLY DESCRIBED IN THE TEMPORARY CONSTRUCTION EASEMENT, BEING ATTACHED TO AND MADE A PART OF THE AGREEMENT; (B) THE PARTIAL ABANDONMENT AND RELEASE BY THE CITY OF A PORTION OF THAT CERTAIN WATER AND SANITARY SEWER EASEMENT, DATED FEBRUARY 12, 1960, FROM DWIGHT L. ARCHER, JR. AND DUANE H. ARCHER TO THE CITY, RECORDED IN VOLUME 454, PAGE 6, DEED RECORDS, DENTON COUNTY, TEXAS; AND (C) THE COMPLETE ABANDONMENT AND RELEASE OF (I) THAT CERTAIN WATER AND SANITARY SEWER EASEMENT, DATED FEBRUARY 12, 1960, FROM RAVANELLE MCMAHAN TO THE CITY, RECORDED IN VOLUME 454, PAGE 1, DEED RECORDS, DENTON COUNTY, TEXAS; (II) THAT CERTAIN WATER AND SANITARY SEWER EASEMENT, DATED FEBRUARY 18, 1960, FROM HERBERT COTTLE AND WIFE, FAE COTTLE TO THE CITY, RECORDED IN VOLUME 454, PAGE 117, DEED RECORDS, DENTON COUNTY, TEXAS; (III) THAT WATER AND SANITARY SEWER EASEMENT, DATED FEBRUARY 12, 1960, FROM RUTH RICH TO THE CITY, RECORDED IN VOLUME 454, PAGE 3, DEED RECORDS, DENTON COUNTY, TEXAS; AND (IV) THAT CERTAIN PUBLIC UTILITY EASEMENT DATED APRIL 5, 1974, FROM JOE BELEW AND TERRY SCHNEIDER TO THE CITY, RECORDED IN VOLUME 702, PAGE 243, DEED RECORDS, DENTON COUNTY, TEXAS; ALL TRACTS OF REAL PROPERTY BEING IN THE WILLIAM DANIEL SURVEY, ABSTRACT NO. 378, GENERALLY LOCATED IN THE 2300 BLOCK OF FORT WORTH DRIVE; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (FORT WORTH DRIVE UTILITY RELOCATIONS PROJECT – PARCEL12E)

WHEREAS, the City of Denton, Texas (“City”) has approved of the Fort Worth Drive Utility Relocations Project, necessitating the need to acquire certain interests in real property;

WHEREAS, Mohamad R. Haghighi and Soraya Irannejad are the owners of certain property on which the City needs to obtain easements; and

WHEREAS, following the completion of the in-progress Mission Street Sanitary Sewer project, the City will no longer need certain existing easements; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The City Manager, or his designee, is hereby authorized to execute, for and on behalf of the City of Denton, the Easement Purchase and Abandonment Agreement (the "Agreement"), by and between the City of Denton, Texas and Mohamad R. Haghighi and Soraya Irannejad, in the form as attached hereto and made part of this ordinance as Exhibit "A".

SECTION 2. The City Manager, or his designee, is authorized to execute, for and on behalf of the City of Denton, any and all documents related to closing the transactions contemplated by the Agreement, including without limitation, the Abandonment and Release.

SECTION 3. If any section, article, paragraph, sentence, phrase, clause or word in this ordinance, or application thereof to any persons or circumstances, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; the City Council declares that it would have ordained such remaining portion despite such invalidity, and such remaining portion shall remain in full force and effect.

SECTION 4. This ordinance shall become effective immediately upon its passage and approval.

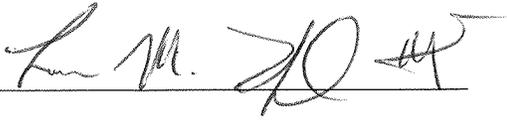
PASSED AND APPROVED this the _____ day of _____, 2016.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM
ANITA BURGESS, CITY ATTORNEY

BY: 

new

EASEMENT PURCHASE AND ABANDONMENT AGREEMENT

This Easement Purchase and Abandonment Agreement (the "AGREEMENT") is dated November 3, 2016 between Mohamad R. Haghighi and Irannejad Soraya ("OWNER"), and the City of Denton, Texas ("CITY").

WITNESSETH:

WHEREAS, Mohamad R. Haghighi and Irannejad Soraya, are the owners of a tract of real property described in a Warranty Deed from Mohamad R. Haghighi and Irannejad Soraya, recorded under Volume 5350, Page 4751, in the Real Property Records of Denton County, Texas ("PROPERTY"), being affected by the public improvement project called the FORT WORTH DRIVE UTILITY RELOCATIONS ("PROJECT");

WHEREAS, CITY is in need of certain easements for sanitary sewer utility purposes and temporary construction easement purposes, in, along, over, upon, under and across a portion of the PROPERTY related to the PROJECT; and

WHEREAS, the CITY is amenable, upon the terms, provisions and conditions set forth herein, to partially abandon the following easement as a component of the purchase of sanitary sewer utility easement and temporary construction easement to the CITY by OWNER, to-wit:

- a. That certain water and sanitary sewer easement, dated February 12, 1960, from Dwight L. Archer, Jr. and Duane H. Archer to the City of Denton, Texas, recorded in Volume 454, Page 6, Deed Records, Denton County, Texas (the "Archer Easement"), SAVE & EXCEPT from abandonment herein that portion of said Archer Easement tract described and depicted in Exhibit "A" and Exhibit "B" respectively and being attached hereto as Attachment 1 and made a part hereof ("Archer Easement Save & Except Tract").

WHEREAS, the CITY is amenable, upon the terms, provisions and conditions set forth herein, to completely abandon the following easements as a component of the purchase of sanitary sewer utility easement and temporary construction easement to the CITY by OWNER, to-wit:

- a. That certain water and sanitary sewer easement, dated February 12, 1960, from Ravanelle McMahan to the City of Denton, Texas, recorded in Volume 454, Page 1, Deed Records, Denton County, Texas, (the "McMahan Easement");
- b. That certain water and sanitary sewer easement, dated February 18, 1960, from Herbert Cottle and wife, Fae Cottle to the City of Denton, Texas,

recorded in Volume 454, Page 117, Deed Records, Denton County, Texas, as referred to therein (the “Cottle Easement”)

- c. That certain water and sanitary sewer easement, dated February 12, 1960, from Ruth Rich to the City of Denton, Texas, recorded in Volume 454, Page 3, Deed Records, Denton County, Texas, as referred to therein (the “Rich Easement”)
- d. That certain public utility easement, dated April 5, 1974, from Joe Belew and Terry Schneider to the City of Denton, Texas, recorded in Volume 702, Page 243, Deed Records, Denton County, Texas, as referred to therein (the “Belew & Schneider Easement”)

WHEREAS, the Archer Easement is hereinafter referred to as the “Partial Abandonment Tract”;

WHEREAS, the McMahan Easement, the Cottle Easement, the Rich Easement, and the Belew & Schneider Easement are hereinafter collectively referred to as the “Complete Abandonment Tracts”;

WHEREAS, both parties desire to stipulate and agree to the terms, conditions, abandonments and conveyances associated with the installation of sanitary sewer utility improvements for the PROJECT, including (i) the purchase by the CITY and conveyance by the OWNER of the sanitary sewer easement; and (ii) the purchase by the CITY and conveyance by the OWNER of the temporary construction easement; and (iii) the partial abandonment by the CITY of the Partial Abandonment Tract, and; (iv) the complete abandonment by the CITY of the Complete Abandonment Tracts.

NOW, THEREFORE, the parties agree as follows:

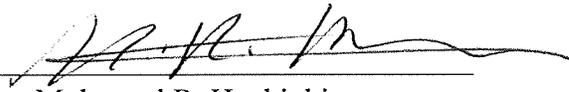
1. At Closing, the OWNER shall grant, execute, and deliver to the CITY (i) easement in, along, over, upon, under and across the tract of land being described and depicted in Exhibit “A” and Exhibit “B” respectively (the “Sanitary Sewer Easement”) attached to that certain Sanitary Sewer Easement, being attached hereto as Attachment 2 and made part hereof; and (ii) easement in, along, over, upon, under and across the tract of land being described and depicted in Exhibit “A” and Exhibit “B” respectively (the “Temporary Construction Easement”) attached to that certain Temporary Construction Easement, being attached hereto as Attachment 3 and made part hereof (the Sanitary Sewer Easement and the Temporary Construction Easement are collectively referred to herein as the “Easements”).

ANITA BURGESS, CITY ATTORNEY

BY: 

Date: November 28, 2016

OWNER:

By: 
Mohamad R. Haghighi

Date: 11/30, 2016

OWNER:

By: 
Irannejad Soraya

Date: 11/30, 2016

"ATTACHMENT 1" to Easement Purchase and Abandonment Agreement

ARCHER EASEMENT SAVE AND EXCEPT TRACT

EXHIBIT "A" LEGAL DESCRIPTION

BEING a 0.0106 acre tract of land situated in the William Daniel Survey, Abstract No. 378, City of Denton, Denton County, Texas, and being part of a 15.00 foot wide Water and Sanitary Sewer Easement as described in a Deed to the City of Denton, Texas, and recorded in Volume 454, Page 6 of the Deed Records of Denton County, Texas (D.R.D.C.T.), and being further described as part of a called 3.244 acre tract of land described in Deed to Mohamad R. Haghghi, as recorded in Document No. 2003-0090814 of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1-inch by 1-inch angle iron found at the northwest corner of a tract of land described in Deed to Mohamad R. Haghghi and Soraia Irannejad, as recorded in Document No. 2015-149745 of the Official Records of Denton County, Texas (O.R.D.C.T.), common with the northeast corner of a 20.00 foot wide Water and Sanitary Sewer Easement as described in a Deed to the City of Denton, Texas, and recorded in Volume 454, Page 1 of the Deed Records of Denton County, Texas (D.R.D.C.T.);

THENCE North 89°33'38" West, departing the west line of said Mohamad R. Haghghi and Soraia Irannejad tract and along the north line of said Water and Sanitary Sewer Easement tracts, passing the northwest corner of said 20.00 foot easement and the northeast corner of said 15.00 foot easement at a distance of 79.83 feet, and continuing for a total distance of 259.08 feet to the **POINT OF BEGINNING**;

THENCE South 02°20'05" West, departing the north line of said 15.00 foot Water and Sanitary Sewer Easement, a distance of 15.01 feet to the intersection with the south line of same;

THENCE North 89°33'38" West, along the south line of said 15.00 foot Water and Sanitary Sewer Easement, a distance of 31.22 feet to the intersection with the common westerly line of said 3.244 acre tract and the existing easterly right-of-way line of U.S. Highway 377 (Fort Worth Drive, variable width R.O.W.), for the beginning of a non-tangent curve to the left, having a radius of 3334.02 feet, a central angle of 00°15'32", and a chord bearing of North 05°24'31" West, 15.06 feet;

THENCE in a northwesterly direction, along the last stated common line and said curve to the left, an arc distance of 15.06 feet to the northwest corner of said 15.00 foot Water and Sanitary Sewer Easement;

THENCE South 89°33'38" East, departing said common line and along the north line of said 15 foot Water and Sanitary Sewer Easement, a distance of 30.42 feet to the **POINT OF BEGINNING**, and containing 0.0106 acres of land, more or less.

NOTES:

1. *Bearings of lines shown hereon are referenced to Grid North of the Texas Coordinate System (North Central Zone 4202: 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 hereon represent surface values utilizing an Average Combination Factor of 1.000150630 to scale from grid to surface.*
2. *A Parcel Exhibit of even date herewith accompanies this Legal Description. See Exhibit "B"*

Marvin King 10/18/16
Marvin King, R.P.L.S. No. 5581
Teague Nall and Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
(940) 383-4177
T.B.P.L.S. Firm 10011601
Date: October 18, 2016



"ATTACHMENT 2" to Easement Purchase and Abandonment 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.

SANITARY SEWER EASEMENT

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

THAT Mohamad R. Haghghi and Soraya Irannejad (collectively known as "Grantor"), of Denton County, whose mailing address is 3605 Forrestridge Drive, Denton, TX 76210-5547, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by the City of Denton, Texas, receipt of which is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED and does by these presents GRANT, BARGAIN, SELL and CONVEY unto the City of Denton, Texas ("Grantee") a 0.1105 acre perpetual sanitary sewer easement in, along, upon, under, over and across the following described property (the "Property"), owned by Grantor, and situated in Denton County, Texas, located in the William Daniel Survey, Abstract Number 378 to wit:

**PROPERTY AREA DESCRIBED IN EXHIBIT "A",
AND DEPICTED IN EXHIBIT "B"**

BOTH ATTACHED HERETO AND MADE A PART HEREOF

For the following purposes:

Constructing, reconstructing, installing, repairing, relocating, operating, and perpetually maintaining sanitary sewer pipelines and all related facilities and appurtenances, respectively, in, along, upon, under, over and across said Property, including without limitation, the free and uninterrupted use, liberty, passage, ingress, egress and regress, at all times in, along, upon, under, over and across the Property to Grantee herein, its agents, employees, contractors, workmen and representatives, for the purposes set forth herein, including without limitation, the making additions to, improvements on and repairs to said facilities or any part thereof.

This Easement is subject to the following:

1. Structures. No buildings, fences, structures, signs, facilities, improvements or obstructions of any kind, or portions thereof, shall be constructed, erected, reconstructed or placed in, along, upon, under, over or across the Property. Further, Grantor stipulates and acknowledges that the Grantee, in consideration of the benefits above set out, may remove from the Property, such buildings, fences, structures, signs, facilities, improvements and other obstructions as may now or hereafter be found upon said Property and dispose of any such buildings, fences, structures, signs, facilities, improvements or obstructions in any manner it deems appropriate without liability to Grantee.

2. Access. For the purpose of exercising and enjoying the rights granted herein, the Grantee shall have access to the Property by way of existing public property or right-of-way.

3. Trees and Landscaping. No shrub or tree shall be planted upon the Property or that may encroach upon the Property. Grantee may cut, trim, or remove any shrubs or trees, or portions of shrubs or trees now or hereafter located within or that may overhang upon the Property without liability to Grantee, including without limitation, the obligation to make further payment to Grantor.

4. Grantor's Rights. Grantor shall have the right, subject to the restrictions contained herein, to make use of the Property for any purpose that does not interfere with the City's rights granted to it herein for the purposes granted.

5. Successors and Assigns. This grant and the provisions contained herein shall constitute covenants running with the land and shall be binding upon the Grantor and Grantee, and their heirs, successors and assigns.

TO HAVE AND TO HOLD unto the said City of Denton, Texas as aforesaid for the purposes aforesaid the premise above described.

Witness our hands, this the _____ day of _____, 2016.

Mohamad R. Haghghi

Soraya Irannejad

ACKNOWLEDGMENT

THE STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2016, by
Mohamad R. Haghghi.

Notary Public, in and for the State of _____
My commission expires: _____

ACKNOWLEDGMENT

THE STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2016, by
Soraya Irannejad.

Notary Public, in and for the State of _____
My commission expires: _____

P12E-SSE-1

**EXHIBIT "A"
LEGAL DESCRIPTION
SANITARY SEWER EASEMENT**

BEING a 0.1105 acre tract of land situated in the William Daniel Survey, Abstract No. 378, City of Denton, Denton County, Texas, and being part of a called 3.244 acre tract of land described in Deed to Mohamad R. Haghighi, as recorded in Document No. 2003-0090814 of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1-inch iron pipe found at the northeast corner of said 3.244 acre tract and the southeast corner of a called 5.236 acre tract of land described in Deed to 4th Frame, LLC, as recorded in Document No. 2014-78415 of the Official Records of Denton County, Texas (O.R.D.C.T.);

THENCE North 89°28'30" West, along the common north line of said 3.244 acre tract and the south line of said 5.236 acre tract, a distance of 367.56 feet to the **POINT OF BEGINNING**;

THENCE South 02°20'05" West, departing said common line, a distance of 175.46 feet to the intersection with the north line of a 15.00 foot wide Water and Sanitary Sewer Easement described in Deed to the City of Denton, Texas, as recorded in Volume 454, Page 6 of the Deed Records of Denton County, Texas (D.R.D.C.T.);

THENCE North 89°33'38" West along the north line of said Water and Sanitary Sewer Easement, a distance of 30.42 feet to the intersection with the common westerly line of said 3.244 acre tract and the existing easterly right-of-way line of U.S. Highway 377 (Fort Worth Drive, variable width R.O.W.), for the beginning of a non-tangent curve to the left, having a radius of 3334.02 feet, a central angle of 03°01'11", and a chord bearing of North 03°46'10" East, 175.70 feet;

THENCE in a northeasterly direction, along the last stated common line and said curve to the left, an arc distance of 175.72 feet to the northwest corner of said 3.244 acre tract and the southwest corner of said 5.236 acre tract, from which point a 1/2-inch iron rod found bears North 69°02'19" East, a distance of 0.50 feet;

THENCE South 89°28'30" East, along the common north line of said 3.244 acre tract and the south line of said 5.236 acre tract, a distance of 26.01 feet to the **POINT OF BEGINNING**, and containing 0.1105 acres of land, more or less.

NOTES:

1. *Bearings of lines shown hereon are referenced to Grid North of the Texas Coordinate System (North Central Zone 4202: 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 hereon represent surface values utilizing an Average Combination Factor of 1.000150630 to scale from grid to surface.*
2. *An Easement Exhibit of even date herewith accompanies this Legal Description. See Exhibit "B"*

Marvin King 10/18/16
Marvin King, R.P.L.S. No. 5581
Teague Nall and Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
(940) 383-4177
T.B.P.L.S. Firm 10011601
Date: October 18, 2016



STATE OF TEXAS
RIGHT-OF-WAY ESMT.
VOL. 288, PG 303
D.R.D.C.T.

4TH FRAME, LLC
CALLED 5.236 ACRE TRACT
DOC. NO. 2014-78415
O.R.D.C.T.

POINT OF COMMENCING
1" IRON PIPE (CM)

POINT OF BEGINNING

U.S. HWY. 377
(FT. WORTH DR.)
(VARIABLE WIDTH RIGHT-OF-WAY)

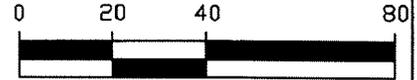
CITY OF DENTON, TX
6" WATERLINE ESMT.
DOC. NO. 2012-55528
O.R.D.C.T.

WILLIAM DANIEL SURVEY
ABSTRACT NO. 378

MOHAMAD R. HAGHIGHI
CALLED 3.244 ACRES
DOC. NO. 2003-0090814
R.P.R.D.C.T.

MOHAMAD R. HAGHIGHI
CALLED 3.244 ACRES
DOC. NO. 2003-0090814
R.P.R.D.C.T.

CITY OF DENTON, TX
15' WATER & SANITARY
SEWER EASEMENT
VOL. 454, PG. 6
D.R.D.C.T.



SCALE: 1" = 40'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 02°20'05" W	175.46'
L2	N 89°33'38" W	30.42'
L3	S 89°28'30" E	26.01'

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	3°01'11"	3334.02'	175.72'	N 03°46'10" E	175.70'

NOTES:

- Bearings of lines shown hereon are referenced to Grid North of the Texas Coordinate System (North Central Zone 4202: 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 hereon represent surface values utilizing an Average Combination Factor of 1.000150630 to scale from grid to surface.
- This exhibit was prepared without the benefit of a current title commitment. Additional easements, rights-of-way and/or other matters of record may affect this tract that are not shown hereon.
- A Legal Description of even date herewith accompanies this Easement Exhibit. See Exhibit "A".



10/18/16

LEGEND	
	CALCULATED POINT
	1/2 IRON ROD FOUND (UNLESS NOTED OTHERWISE)
	CONTROLLING MONUMENT
	FH (FIRE HYDRANT)
	TELEPHONE UTILITY
	GUY WIRE
	POWER POLE
	UTILITY SIGN (UNLESS NOTED OTHERWISE)
	WATER METER
	WATER VALVE
	EASEMENT BOUNDARY LINE
	PROPERTY LINE
	EXISTING EASEMENT
	EXISTING RIGHT-OF-WAY

EXHIBIT "B"

P12E-SSE-1

BEING 0.1105 ACRE SANITARY SEWER EASEMENT
SITUATED IN THE WILLIAM DANIEL SURVEY, ABSTRACT NO. 378
CITY OF DENTON, DENTON COUNTY, TEXAS



teague nall & perkins

1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940.383.4177 ph 940.383.8026 fx
www.tnplnc.com
T.B.P.L.S. Firm No. 10011601

DEN 16023

SHEET 2 OF 2

"ATTACHMENT 3" to Easement Purchase and Abandonment 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.

TEMPORARY CONSTRUCTION EASEMENT

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

THAT Mohamad R. Haghghi and Soraya Irannejad (collectively known as "Grantor"), of Denton County, whose mailing address 3605 Forrestridge Drive, Denton, TX 76210-5547, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by the City of Denton, Texas, receipt of which is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED and does by these presents GRANT, BARGAIN, SELL and CONVEY unto the City of Denton, Texas ("Grantee") a temporary construction easement being a 0.0403 acre tract in, along, upon, under, over and across the following described property (the "Property"), owned by Grantor, and situated in Denton County, Texas, located in the William Daniels Survey, Abstract Number 378 to wit:

**PROPERTY AREA DESCRIBED IN EXHIBIT "A",
AND DEPICTED IN EXHIBIT "B"**

BOTH ATTACHED HERETO AND MADE A PART HEREOF

It is agreed that the said City of Denton, Texas, in consideration of the benefits above set out, will remove from the Property above described, such fences, signage, buildings and other obstructions as may now be found upon said Property, for the purpose of construction activities, grading activities and access in, along, upon, under and across said Property. It is specifically stipulated by Grantor that the scope of the access, construction and grading activities shall include the clearing and removal of vegetation and trees that exist within the Property.

The City of Denton, its agents, employees, contractors, workmen, and representatives shall have the right of ingress, egress and regress in, along, upon, under and across said Property for the purpose of construction activities or any part thereof.

The term of this grant shall expire on the earlier to occur of (i) two (2) years from the date of

the "Contractor Notice to Proceed Letter" for the Fort Worth Drive Utility Relocations project; and (ii) June 30, 2019.

TO HAVE AND TO HOLD unto the said City of Denton, Texas as aforesaid for the purposes aforesaid the premise above described.

Witness our hand, this the _____ day of _____, 2016.

Mohamad R. Haghighi

Soraya Irannejad

ACKNOWLEDGMENT

THE STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2016, by Mohamad R. Haghighi.

Notary Public, in and for the State of _____
My commission expires: _____

ACKNOWLEDGMENT

THE STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2016, by Soraya Irannejad.

Notary Public, in and for the State of _____

My commission expires: _____

P12E-TCE-1

**EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT**

BEING a 0.0403 acre tract of land situated in the William Daniel Survey, Abstract No. 378, City of Denton, Denton County, Texas, and being part of a called 3.244 acre tract of land described in Deed to Mohamad R. Haghighi, as recorded in Document No. 2003-0090814 of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1-inch iron pipe found at the northeast corner of said 3.244 acre tract and the southeast corner of a called 5.236 acre tract of land described in Deed to 4th Frame, LLC, as recorded in Document No. 2014-78415 of the Official Records of Denton County, Texas (O.R.D.C.T.);

THENCE North 89°28'30" West, along the common north line of said 3.244 acre tract and the south line of said 5.236 acre tract, a distance of 357.56 feet to the **POINT OF BEGINNING**;

THENCE South 02°20'05" West, departing said common line, a distance of 175.44 feet to the intersection with the north line of a 15.00 foot wide Water and Sanitary Sewer Easement described in Deed to the City of Denton, Texas, as recorded in Volume 454, Page 6 of the Deed Records of Denton County, Texas (D.R.D.C.T.);

THENCE North 89°33'38" West, along the north line of said Water and Sanitary Sewer Easement, a distance of 10.01 feet to a point for corner;

THENCE North 02°20'05" East, departing the north line of said Water and Sanitary Sewer Easement, a distance of 175.46 feet to the intersection with the common north line of said 3.244 acre tract and the south line of said 5.236 acre tract;

THENCE South 89°28'30" East, along the last stated common line, a distance of 10.00 feet to the **POINT OF BEGINNING**, and containing 0.0403 acres of land, more or less.

NOTES:

1. *Bearings of lines shown hereon are referenced to Grid North of the Texas Coordinate System (North Central Zone 4202: 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 hereon represent surface values utilizing an Average Combination Factor of 1.000150630 to scale from grid to surface.*
2. *An Easement Exhibit of even date herewith accompanies this Legal Description. See Exhibit "B"*

Marvin King 10/18/16

Marvin King, R.P.L.S. No. 5581
Teague Nall and Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
(940) 383-4177
T.B.P.L.S. Firm 10011601
Date: October 18, 2016



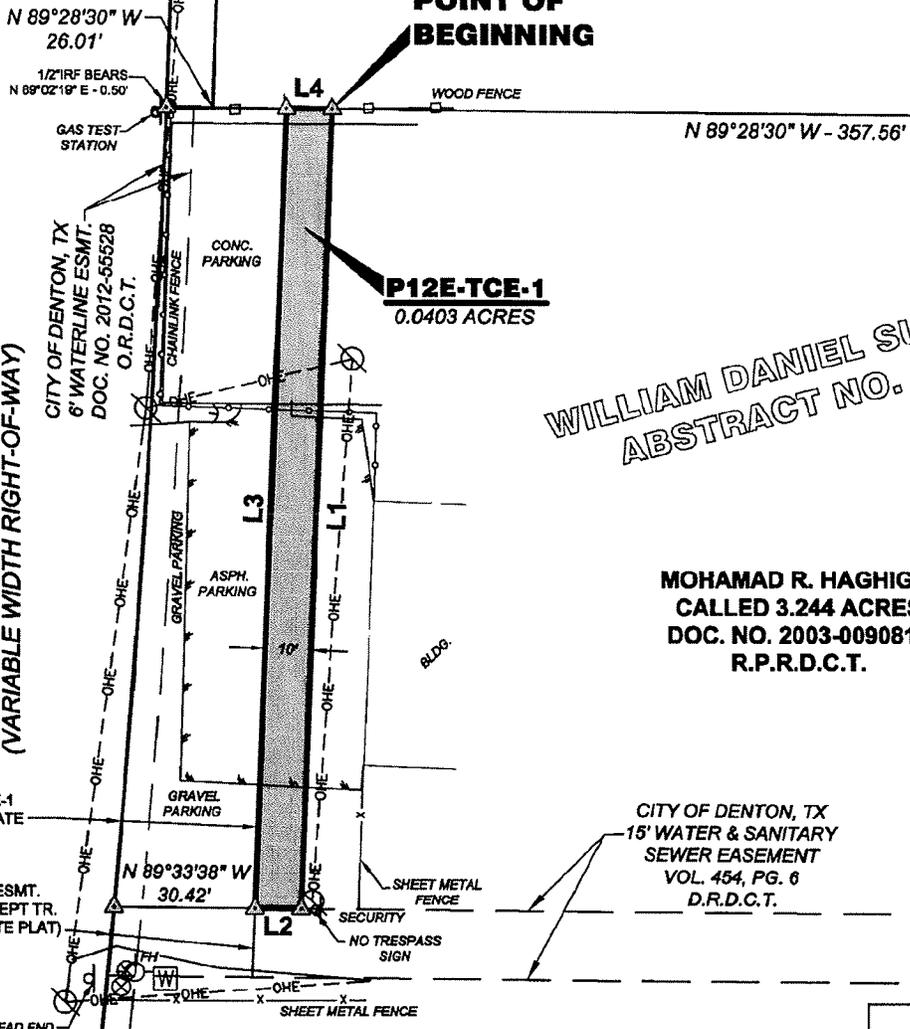
STATE OF TEXAS
RIGHT-OF-WAY ESMT.
VOL. 288, PG 303
D.R.D.C.T.

4TH FRAME, LLC
CALLED 5.236 ACRE TRACT
DOC. NO. 2014-78415
O.R.D.C.T.

POINT OF COMMENCING
1" IRON PIPE (CM)

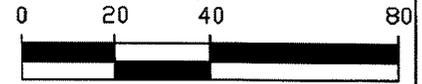
POINT OF BEGINNING

U.S. HWY. 377
(FT. WORTH DR.)
(VARIABLE WIDTH RIGHT-OF-WAY)



WILLIAM DANIEL SURVEY
ABSTRACT NO. 378

MOHAMAD R. HAGHIGHI
CALLED 3.244 ACRES
DOC. NO. 2003-0090814
R.P.R.D.C.T.



SCALE: 1" = 40'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 02°20'05" W	175.44'
L2	N 89°33'38" W	10.01'
L3	N 02°20'05" E	175.46'
L4	S 89°28'30" E	10.00'

P12W-SSE-1
(BY SEPARATE PLAT)

ARCHER ESMT.
SAVE & EXCEPT TR.
(BY SEPARATE PLAT)

CITY OF DENTON, TX
15' WATER & SANITARY
SEWER EASEMENT
VOL. 454, PG. 6
D.R.D.C.T.

MOHAMAD R. HAGHIGHI
CALLED 3.244 ACRES
DOC. NO. 2003-0090814
R.P.R.D.C.T.



NOTES:

- Bearings of lines shown hereon are referenced to Grid North of the Texas Coordinate System (North Central Zone 4202: 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 hereon represent surface values utilizing an Average Combination Factor of 1.000150630 to scale from grid to surface.
- This exhibit was prepared without the benefit of a current title commitment. Additional easements, rights-of-way and/or other matters of record may affect this tract that are not shown hereon.
- A Legal Description of even date herewith accompanies this Easement Exhibit. See Exhibit "A".

LEGEND	
	CALCULATED POINT
	1/2 IRON ROD FOUND (UNLESS NOTED OTHERWISE)
	CONTROLLING MONUMENT
	FH (FIRE HYDRANT)
	TELEPHONE UTILITY
	GUY WIRE
	POWER POLE
	UTILITY SIGN (UNLESS NOTED OTHERWISE)
	WATER METER
	WATER VALVE
	EASEMENT BOUNDARY LINE
	PROPERTY LINE
	EXISTING EASEMENT
	EXISTING RIGHT-OF-WAY

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T.B.P.L.S. Firm No. 10011601

EXHIBIT "B"
P12E-TCE-1
BEING 0.0403 ACRE TEMPORARY CONSTRUCTION EASEMENT
SITUATED IN THE WILLIAM DANIEL SURVEY, ABSTRACT NO. 378
CITY OF DENTON, DENTON COUNTY, TEXAS

DEN 16023

SHEET 2 OF 2