

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 GRANT AND ABANDONMENT AGREEMENT (“AGREEMENT”), AS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT “A”, BY AND BETWEEN THE CITY AND JNJ PROMINENCE SQUARE LP (“OWNER”), PROVIDING FOR (I) THE GRANTING TO THE CITY OF THREE (3) SANITARY SEWER EASEMENTS, ENCUMBERING A 0.545 ACRE TRACT, A 0.414 ACRE TRACT AND A 0.132 ACRE TRACT, MORE PARTICULARLY DESCRIBED IN THE SANITARY SEWER EASEMENTS, BEING ATTACHED TO AND MADE A PART OF THE AGREEMENT; (II) TWO (2) TEMPORARY CONSTRUCTION EASEMENTS ENCUMBERING A 0.570 ACRE TRACT AND A 0.417 ACRE TRACT, MORE PARTICULARLY DESCRIBED IN THE TEMPORARY CONSTRUCTION EASEMENTS, BEING ATTACHED TO AND MADE A PART OF THE AGREEMENT; (III) THE ABANDONMENT AND RELEASE (“RELEASE”) BY THE CITY OF THAT CERTAIN WATER AND SANITARY SEWER EASEMENT, DATED ON NOVEMBER 9, 1972, FROM JUNCTION 288 TO THE CITY, RECORDED IN VOLUME 659, PAGE 569, DEED RECORDS, DENTON COUNTY, TEXAS, AND THE PARTIAL ABANDONMENT AND RELEASE OF THAT CERTAIN PUBLIC UTILITIES EASEMENT, DATED NOVEMBER 6, 1997 FROM JUNCTION 288 TO THE CITY RECORDED AS DOCUMENT NUMBER 97-082593, DEED RECORDS, DENTON COUNTY, TEXAS; ALL TRACTS OF REAL PROPERTY BEING LOCATED IN THE WILLIAM LLOYD SURVEY, ABSTRACT NO. 774 AND THE M.E.P. & P.R.R. SURVEY, ABSTRACT 1469, GENERALLY LOCATED IN THE 1400 BLOCK OF LOOP 288 NORTH; AND (IV) THE CONSTRUCTION BY THE CITY OF APPROXIMATELY 383 LINEAR FEET OF 15 INCH SANITARY SEWER LINE, VALUED AT \$58,000, FOR THE BENEFIT OF THE LANDOWNER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (COOPER CREEK INTERCEPTOR I – JNJ PROMINENCE SQUARE LP)

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 Grant and Abandonment Agreement (the “Agreement”), by and between the City of Denton, Texas and JNJ Prominence Square LP, 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 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. Notwithstanding anything to the contrary contained in this ordinance, the City of Denton retains and reserves any and all easements, rights of way and any other rights or interests, other than public drainage easements which will be released, abandoned, vacated in the ordinance caption above, whether acquired, obtained, owned, or claimed by the City of Denton or public, by, through, or under conveyance, dedication by plat or other express dedication, implied dedication, prescription, or by any other manner or means, in or to lands in which the Drainage Easements may cover, encumber, include, cross, or overlap.

SECTION 5. This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM
AARON LEAL, INTERIM CITY ATTORNEY

BY: _____

EASEMENT GRANT AND ABANDONMENT AGREEMENT

This Easement Grant and Abandonment Agreement (the "AGREEMENT") is dated September 5, 2017 between JNJ PROMINENCE SQUARE LP, ("OWNER"), and the City of Denton, Texas ("CITY").

WITNESSETH:

WHEREAS, JNJ PROMINENCE SQUARE LP, is the owner of a tract of real property described in a Warranty Deed from Danny Johnson, recorded under Clerk's File Number 2009-27978, in the Real Property Records of Denton County, Texas ("PROPERTY"), being affected by the public improvement project called the Cooper Creek I Sanitary Sewer Interceptor Project ("PROJECT");

WHEREAS, CITY is in need of: (i) a certain 0.545 acre easement for sanitary sewer [UT1]purposes ("SSE-1"), (ii) a certain 0.414 acre easement for sanitary sewer purposes ("SSE-2"), (iii) a certain 0.132 acre easement for sanitary sewer purposes ("SSE-3"), (iv) a certain 0.570 acre easement temporary construction and access purposes ("TCGAE-1"); and (v) a certain 0.417 acre easement for temporary construction and access purposes ("TCGAE-2"); all easements being in, along, over, upon, under and across a portion of the PROPERTY related to the PROJECT; and hereinafter collectively referred to as the "Conveyance Tracts."

WHEREAS, the CITY is amenable, upon the terms, provisions and conditions set forth herein, to abandon the following easement, in exchange for the granting of the Conveyance Tracts to the CITY by OWNER, to-wit:

- a. That certain sanitary sewer easement, dated on or about November 9 , 1972, from 288 Junction, a Limited Partnership to the City of Denton, Texas, recorded in Volume 659, Page 569, Deed Records, Denton County, Texas, (the "Existing Sanitary Sewer Easement," also referred to herein as the "Abandonment Tract");

WHEREAS, the CITY is amenable, upon the terms, provisions and conditions set forth herein, to partially abandon the following easement, in exchange for the granting of the Conveyance Tracts to the CITY by OWNER, to-wit:

- b. That certain public utility easement, dated on or about November 6 , 1997, from 288 Junction, a Limited Partnership to the City of Denton, Texas, recorded in Instrument 97-0082593, Deed Records, Denton County, Texas, (the “Existing Public Utility Easement,” also referred to herein as the “Partial Abandonment Tract”) being further described in the attached Exhibit A and depicted in the Attached Exhibit B both as attached and made a part hereto;

WHEREAS, the OWNER and the CITY agree that the Abandonment Tract, together with the Partial Abandonment Tract and the Conveyance Tracts (together in total), in conjunction with the performance of the Work, as defined and stipulated hereinafter in Paragraph 4, are not of equal value, and therefore, additional consideration is due OWNER in the form installation by the CITY, of approximately 383 feet 15” diameter new sanitary sewer line within the Sanitary Sewer Easement Lands, as reflected by the PROJECT.

WHEREAS, it is desirous of both parties to stipulate and agree to the terms, conditions, abandonments, quitclaims and conveyances associated with the installation of sanitary sewer improvements for the PROJECT, including (i) the conveyance of the sanitary sewer easements, by OWNER to CITY, related to same; (ii) the conveyance of Temporary Construction, Grading and Access easements, by OWNER to CITY; and (iii) abandonment by CITY of the Abandonment Tract, and the Partial Abandonment Tract, INsofar AND ONLY INsofar as the Abandonment Tract and the Partial Abandonment Tract cover and encumber the Abandonment Tract and Partial Abandonment Tract.

NOW, THEREFORE, in consideration of the execution of this agreement and the agreements contained therein, which is accepted by both the OWNER and the CITY as if the consideration represented by the agreement were paid in cash, the parties agree as follows:

1. The OWNER shall grant, execute and deliver to the CITY, on or before five (5) days after the Effective Date hereof, SSE-1, SSE-2, and SSE-3 in, along, over, upon, under and across the tract of land being described in Exhibits "A" and depicted in Exhibits "B", at attached to their respective sanitary sewer easements(the "Sanitary Sewer Easement Land") attached hereto as Attachments 1, 2, and 3, and a made part hereof, for sanitary sewer purposes, as more particularly described therein. OWNER stipulates that CITY is in need of, and OWNER is amenable thereto, the grant of the Sanitary Sewer Easements within the time period provided herein, so that the CITY may begin construction of the work contemplated by the PROJECT.

2. The OWNER shall grant, execute and deliver to the CITY, on or before five (5) days after the Effective Date hereof, TCGAE-1 and TCGAE-2 in, along, over, upon, under and across the tract of land being described in Exhibits "A" and depicted in Exhibits "B", attached to their respective Temporary Construction, Grading, and Access Easements (the "Ingress and Egress Easement Land"), attached hereto as Attachments 4 and 5, and a made part hereof, for temporary construction and access purposes, as more particularly described therein (. OWNER stipulates that CITY is in need of, and OWNER is amenable thereto, the grant of the Temporary Construction, Grading, and Access Easements within the time period provided herein, so that the CITY may begin construction of the work contemplated by the PROJECT.

3. The CITY shall execute and deliver to the OWNER, within the time period prescribed below, the Release (the "Release") of the Abandonment Tract and the Partial Abandonment Tract. The CITY, by and through the City Manager, or his designee, shall execute and deliver to OWNER the Release, upon the completion, and acceptance by the CITY, of the installation of the public improvements contemplated by the PROJECT. OWNER stipulates and agrees that CITY is in need of the Abandonment Tract, until it completes the installation of the public improvements contemplated by the PROJECT. Upon acceptance of the public improvements contemplated by the PROJECT, the CITY stipulates and agrees the existing sanitary sewer line shall be taken off line.

4. The "Work:
 - a) The new Sanitary Sewer shall be constructed and installed as described in SSE-1, SSE-2, and SSE-3 as attached, at CITY's sole cost and expense.

5. THE LAWS OF THE STATE OF TEXAS SHALL CONTROL AND APPLY TO THIS AGREEMENT FOR ALL PURPOSES. THIS AGREEMENT IS PERFORMABLE IN DENTON COUNTY, TEXAS. VENUE FOR ANY ACTION ARISING HEREUNDER SHALL LIE SOLELY IN THE COURTS OF COMPETENT JURISDICTION OF DENTON COUNTY, TEXAS.

6. The date on which this Agreement is executed by the last to sign of the parties shall be the "Effective Date" of this Agreement.

7. In the event a party shall default in the performance of any covenant or term provided herein, and such default shall be continuing after ten (10) days written notice:

By CITY to OWNER at:
6605 Overlook Dr.
Plano, TX 75024
Attn: Danny Johnson

By OWNER to CITY at:
901-A Texas Street
Denton, TX 76205
Attn: Paul Williamson
Real Estate Manager

With a Copy To:
215 E. McKinney Street
Denton, Texas 76201
Attn: Trey Lansford
Deputy City Attorney

and opportunity to cure, the non-defaulting party may exercise any right or remedy available to it by law, contract, equity or otherwise, including without limitation, the remedy of specific performance or termination of this Agreement.

- 8. Each party represents and warrants that it has taken all actions necessary to authorize the person executing this Agreement to bind it, in all respects, to all terms and provisions of this Agreement, that such person possesses the authority to execute this Agreement and bind its party hereto, and that this Agreement is binding and enforceable upon it in accordance with the terms hereof.

- 9. This Agreement constitutes the sole and only agreement of the parties and supersedes any prior understandings or written or oral agreements between the parties with respect to the subject matter of this Agreement.

CITY OF DENTON, TEXAS

By: _____
TODD HILEMAN, CITY MANAGER

Date: _____, 2017

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

Date: _____, 2017

APPROVED AS TO LEGAL FORM:
TREY LANSFORD, DEPUTY CITY ATTORNEY

BY: _____

Date: _____, 2017

OWNER:

JNJ PROMINENCE SQUARE, LP
BY: SEQUEL HOME BUILDERS, LLC, GENERAL PARTNER

By: *Danny Johnson, Manager*
Danny Johnson, Manager

Date: *September 5*, 2017

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, **JNJ Prominence Square LP, a Texas limited partnership** (“Grantor”), of Denton County, whose mailing address is 10,000 N. Central Expressway, Suite 900, Dallas, Texas 75231, 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 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 Lloyd Survey, Abstract Number 774 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 related facilities and appurtenances, 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.

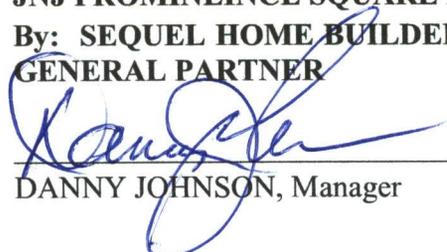
4. Grantor's Rights. Grantor shall have the right, subject to the restrictions contained herein, to make use of the Property for any purpose that does not interfere with the City's rights granted to it herein for the purposes granted.

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 my hand, this the 6 day of July, 2017.

GRANTOR
JNJ PROMINEINCE SQUARE LP
By: SEQUEL HOME BUILDERS, LLC,
GENERAL PARTNER

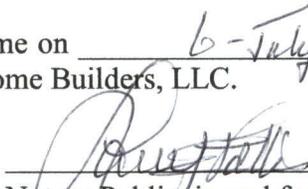

DANNY JOHNSON, Manager

ACKNOWLEDGMENT

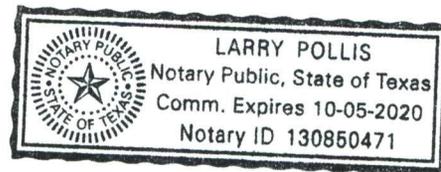
THE STATE OF Texas §

COUNTY OF Collin §

This instrument was acknowledged before me on 6-July, 2017, by
DANNY JOHNSON, Manager of Sequel Home Builders, LLC.



Notary Public, in and for the State of Texas
My commission expires: 10-5-20



AFTER RECORDING RETURN TO:
City of Denton – Engineering Department
901-A Texas Street
Denton, Texas 76209
Attn: Paul Williamson

P3-SSE-1

**EXHIBIT "A"
LEGAL DESCRIPTION
25' WIDE SANITARY SEWER EASEMENT**

BEING a 0.545 acre tract of land situated in the William Lloyd Survey, Abstract No. 774, City of Denton, Denton County, Texas, and being part of a called 59.352 acre tract of land described in a Deed to JNJ Prominence Square, LP, as recorded in Document No. 2009-27978 of the Official Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at an TxDOT 4" brass disk found for the north end of a corner clip at the intersection of the Southerly line of U.S. Highway 380 (University Drive, variable width R.O.W.) with the Easterly line of Loop 288 (variable width R.O.W.), and located in the North line of said 59.352 acre tract, from which a TxDOT 4" brass disk found for the south end of said corner clip bears South 37°13'55" West a distance of 125.12 feet;

THENCE North 80°14'46" East, along the North line of said 59.352 acre tract and the South line of said U.S. Highway 380, for a distance of 58.07 feet to a point for corner at the **POINT OF BEGINNING** for the herein described tract;

THENCE North 80°14'46" East, continuing along the North line of said 59.352 acre tract and the South line of said U.S. Highway 380, for a distance of 27.25 feet to a point for corner;

THENCE South 33°11'04" East, departing the North line of said 59.352 acre tract and the South line of said U.S. Highway 380, for a distance of 7.04 feet to a point for corner;

THENCE South 36°14'01" East, for a distance of 247.34 feet to a point for corner;

THENCE South 38°36'53" East, for a distance of 435.02 feet to a point for corner;

THENCE South 42°50'41" East, for a distance of 239.51 feet to a point for corner in the East line of said 59.352 acre tract and the West line of a called 5.012 acre tract of land described in a Deed to Henry Rife, D/B/A/ Henry Rife Investments, as recorded in Volume 5131, Page 2474 of the Real Property Records of Denton County, Texas;

THENCE South 00°36'46" East, along the East line of said 59.352 acre tract and the West line of said 5.012 acre tract, for a distance of 37.19 feet to a point for corner, from which an interior ell corner of said 59.352 acre tract and the Southwest corner of said 5.012 acre tract bears South 00°36'46" East a distance of 147.75 feet;

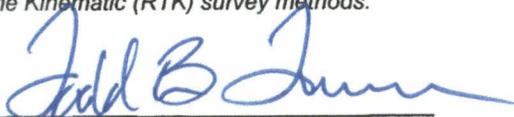
THENCE North 42°50'41" West, departing the East line of said 59.352 acre tract and the West line of said 5.012 acre tract, for a distance of 267.97 feet to a point for corner;

THENCE North 38°36'53" West, for a distance of 436.46 feet to a point for corner;

THENCE North 36°14'01" West, for a distance of 248.52 feet to a point for corner;

THENCE North 33°11'04" West, for a distance of 18.54 feet to the **POINT OF BEGINNING**, and containing 0.545 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.



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: June 24, 2016
REV: May 17, 2017 (Add Note and P3-SSE-3)



**UNIVERSITY DRIVE
(U.S. HIGHWAY 380)**
VARIABLE WIDTH RIGHT-OF-WAY

STATE HIGHWAY LOOP 288
VARIABLE WIDTH RIGHT-OF-WAY

LINE	BEARING	DISTANCE
L1	N 80°14'46" E	27.25'
L2	S 33°11'04" E	7.04'
L3	S 00°36'46" E	37.19'
L4	N 33°11'04" W	18.54'

LINE TABLE

POINT OF BEGINNING
N 80°14'46" E 58.07'

POINT OF COMMENCING
4" ALUMIN. DISK T.O.D. MON. FND. (CM)
S 37°13'55" W 125.12'

JNU PROMINENCE SQUARE, LP
CALLED 59.352 ACRES
DOC. NO. 2009-27978
O.R.D.C.T.

WILLIAM LLOYD SURVEY
ABSTRACT NO. 774



SCALE: 1" = 80'

teague hall & perkins

1317 Centre Place Drive, Suite 320
Denton, Texas 76205
940.383.4177 ph 940.383.8026 fx
www.thpinc.com
T.A.P.L.S. Firm No. 10011601

P3-SSE-1
0.545 ACRES
P3-TCGAE-1
(BY SEPARATE PLAT)



MATCHLINE
SEE SHEET 3 OF 3



SEE SHEET 3 OF 3 FOR
LEGEND & NOTES

EXHIBIT "B"
P3-SSE-1

BEING 0.545 ACRES OF LAND SITUATED IN THE
WILLIAM LLOYD SURVEY, ABSTRACT NO. 774
CITY OF DENTON
DENTON COUNTY, TEXAS

SHEET 2 OF 3

DEN15302

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L:\PROJECTS\INDUSTRIAL Cooper Creek\TeagueSurvey\INDUSTRIAL ESMT PARCELS RCY-16-17.dwg

LINE	BEARING	DISTANCE
L1	N 80°14'46" E	27.25'
L2	S 33°11'04" E	7.04'
L3	S 00°36'46" E	37.19'
L4	N 33°11'04" W	18.54'

LINE TABLE

LEGEND	
	CALCULATED POINT
	1/2 IRON ROD FOUND (UNLESS OTHERWISE NOTED)
	CONC. TIEDOT MONUMENT FOUND (UNLESS NOTED WOOD)
	IRON ROD FOUND
	CONTROLLING MONUMENT
	POWER POLE (PP)
	SANITARY SEWER MANHOLE (SSMH)
	FIRE HYDRANT (FH)
	REAL PROPERTY RECORDS DENTON COUNTY TEXAS
	DEED RECORDS DENTON COUNTY TEXAS
	PLAT RECORDS DENTON COUNTY TEXAS
	PROPOSED ESMT. LINE
	PROPERTY LINE
	EXISTING RIGHT-OF-WAY LINE
	EXISTING EASEMENT LINE

WILLIAM LLOYD SURVEY
ABSTRACT NO. 774

P3-SSE-3
(BY SEPARATE PLAT)

MATCHLINE
SEE SHEET 2 OF 3

P3-TCGAE-1
(BY SEPARATE PLAT)

JNJ PROMINENCE SQUARE, LP
CALLED 59.352 ACRES
DOC. NO. 2009-27978
O.R.D.C.T.

P3-SSE-1
0.545 ACRES



BEARINGS OF LINES SHOWN HEREON ARE REFERENCED TO GRID NORTH OF THE TEXAS COORDINATE SYSTEM (NORTH CENTRAL ZONE NO. 4202, MADS3 (CORRS98) EPOCH 2002.00), AS DERIVED LOCALLY FROM WESTERN DATA SYSTEMS CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) VIA REAL TIME KINEMATIC (RTK) METHODS.

teague nail & perkins

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



P3-SSE-3
(BY SEPARATE PLAT)

EX. SAN. SEW. ESMT.
VOL. 689, PG. 689
D.R.D.C.T.
TO BE ABANDONED IN PLACE
WITH CONSTRUCTION OF
NEW SANITARY SEWER LINE

N 42°50'41" E 239.51'
S 42°50'41" W 267.97'

HENRY RIFE, D/B/A
HENRY RIFE INVESTMENTS
CALLED 5.012 ACRES
VOL. 5131, PG. 2474
R.P.R.D.C.T.

GERALD L. SIMMONS
CALLED 2.958 ACRES
VOL. 783, PG. 197
D.R.D.C.T.

KEN HODGES & ASSOCIATES, INC.
TRACT ONE
CALLED 1.794 ACRES
VOL. 2321, PG. 939
R.P.R.D.C.T.

S 00°36'46" E 147.75'
S 88°31'12" E 58.27'
S 88°31'12" E 146.75'

P3-SSE-2
(BY SEPARATE PLAT)

P4-TCGAE-1
(BY SEPARATE PLAT)

P4-SSE-1
(BY SEPARATE PLAT)

P3-TCGAE-2
(BY SEPARATE PLAT)

EXHIBIT "B"
P3-SSE-1

BEING 0.545 ACRES OF LAND SITUATED IN THE
WILLIAM LLOYD SURVEY, ABSTRACT NO. 774
CITY OF DENTON
DENTON COUNTY, TEXAS



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SANITARY SEWER EASEMENT

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

THAT, **JNJ Prominence Square LP, a Texas limited partnership** (“Grantor”), of Denton County, whose mailing address is 10,000 N. Central Expressway, Suite 900, Dallas, Texas 75231, 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 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 Lloyd Survey, Abstract Number 774 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 related facilities and appurtenances, 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.

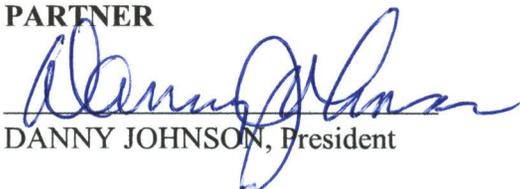
4. Grantor's Rights. Grantor shall have the right, subject to the restrictions contained herein, to make use of the Property for any purpose that does not interfere with the City's rights granted to it herein for the purposes granted.

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 my hand, this the 6 day of July, 2017.

GRANTOR
JNJ PROMINEINCE SQUARE LP
By: JNJ CONCEPTS LLC, GENERAL
PARTNER

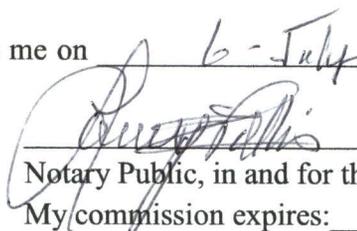

DANNY JOHNSON, President

ACKNOWLEDGMENT

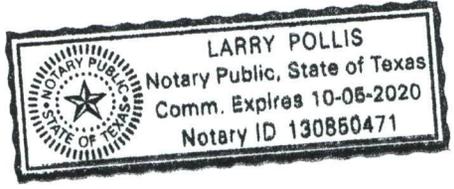
THE STATE OF Texas §

COUNTY OF Collin §

This instrument was acknowledged before me on 6-July, 2017, by
HENRY RIFE



Notary Public, in and for the State of Texas
My commission expires: 10-5-20



AFTER RECORDING RETURN TO:
City of Denton – Engineering Department
901-A Texas Street
Denton, Texas 76209
Attn: Paul Williamson

P3-SSE-2

**EXHIBIT "A"
LEGAL DESCRIPTION
25' WIDE SANITARY SEWER EASEMENT**

BEING a 0.414 acre tract of land situated in the William Lloyd Survey, Abstract No. 774 and the M.E.P. & P.R.R. Co. Survey, Abstract No. 1469, City of Denton, Denton County, Texas, and being part of a called 59.352 acre tract of land described in a Deed to JNJ Prominence Square, LP, as recorded in Document No. 2009-27978 of the Official Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for the Southeast corner of a called 5.012 acre tract of land described in a Deed to Henry Rife, D/B/A/ Henry Rife Investments, as recorded in Volume 5131, Page 2474 of the Real Property Records of Denton County, Texas, same being the Southwest corner of Tract One, a called 1.794 acre tract of land described in a Deed to Ken Hodges and Associates, Inc., as recorded in Volume 2321, Page 939 of the Real Property Records of Denton County, Texas, and located in a North line of said 59.352 acre tract;

THENCE North 88°31'12" West, departing the west line of said 1.794 acre tract and along the South line of said 5.012 acre tract and a North line of said 59.352 acre tract, for a distance of 9.91 feet to a point for corner at the **POINT OF BEGINNING** for the herein described tract;

THENCE South 48°41'45" East, departing the South line of said 5.012 acre tract and the North line of said 59.352 acre tract, for a distance of 419.76 feet to a point for corner;

THENCE South 33°12'42" East, for a distance of 224.66 feet to a point for corner;

THENCE South 52°01'35" East, for a distance of 73.69 feet to a point for corner in the North line of a called 2.206 acre tract of land described in a Deed to Quest One Properties, LLC, as recorded in Document No. 2014-81569 of the Official Records of Denton County, Texas, from which a 1/2 inch iron rod found for the Northeast corner of said 2.206 acre tract bears North 84°10'20" East, a distance of 115.83 feet;

THENCE South 84°10'20" West, along the North line of said 2.206 acre tract, for a distance of 36.12 feet to a point for corner;

THENCE North 52°01'35" West, departing the North line of said 2.206 acre tract, for a distance of 51.76 feet to a point for corner;

THENCE North 33°12'42" West, for a distance of 225.41 feet to a point for corner;

THENCE North 48°41'45" West, for a distance of 446.34 feet to a point for corner at the intersection with a North line of said 59.352 acre tract and the South line of said 5.012 acre tract;

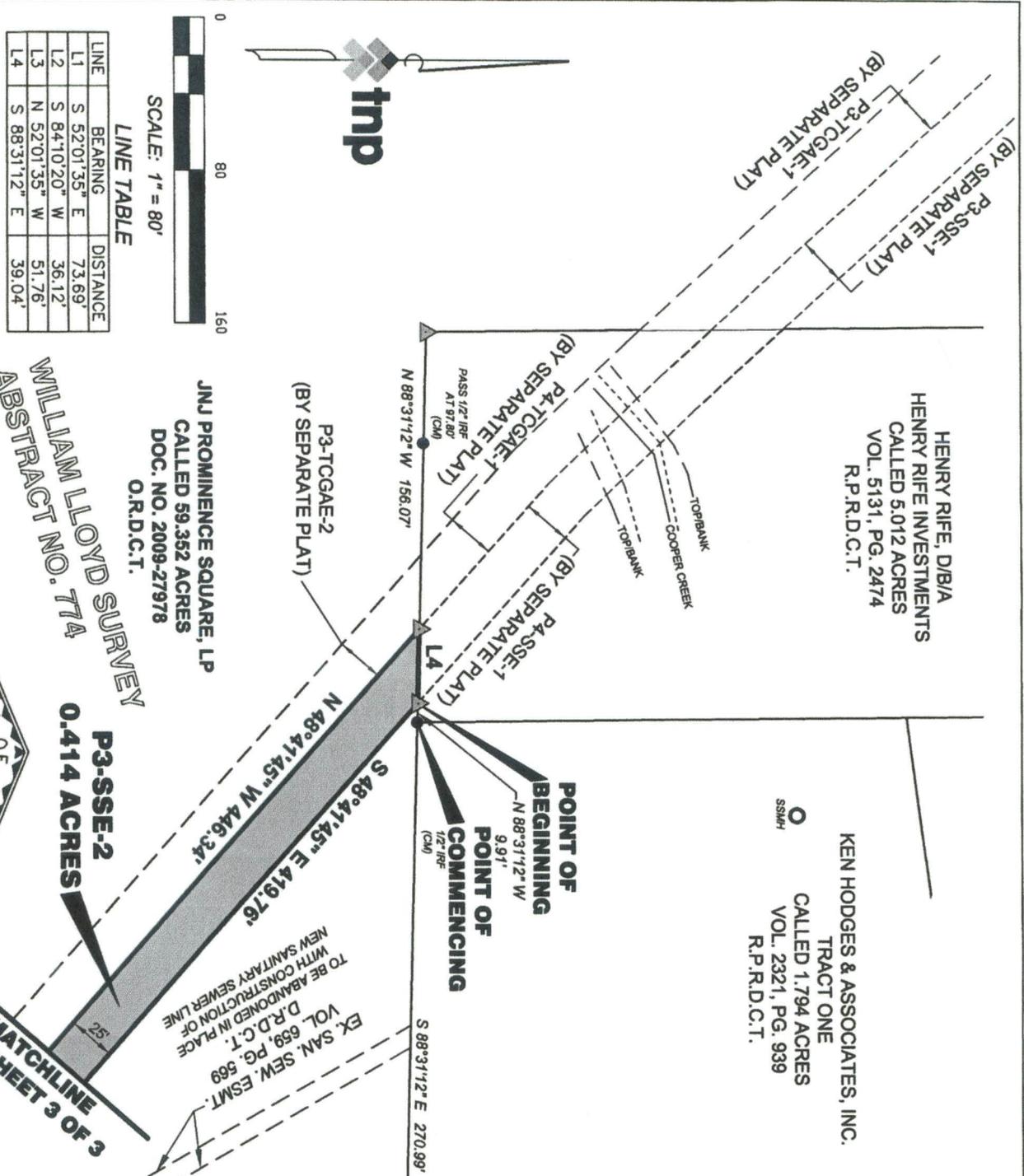
THENCE South 88°31'12" East, along a North line of said 59.352 acre tract and the South line of said 5.012 acre tract, for a distance of 39.04 feet to the **POINT OF BEGINNING**, and containing 0.414 acres of land, more or less.

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.

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: June 24, 2016
REV: May 17, 2017 (Add Note)

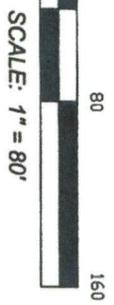


LEGEND	
▲	CALCULATED POINT
●	1/2 IRON ROD FOUND (UNLESS OTHERWISE NOTED)
⊕	CONC. TAPDOT MONUMENT FOUND (UNLESS NOTED WOOD)
RF	IRON ROD FOUND
(CM)	CONTROLLING MONUMENT
○	POWER POLE (PP)
○	SANITARY SEWER MANHOLE (SSMH)
○	FIRE HYDRANT (FH)
R.P.R.D.C.T.	REAL PROPERTY RECORDS DENTON COUNTY TEXAS
D.R.D.C.T.	DEED RECORDS DENTON COUNTY TEXAS
P.R.D.C.T.	PLAT RECORDS DENTON COUNTY TEXAS
---	PROPOSED ESM.T. LINE
---	PROPERTY LINE
---	EXISTING RIGHT-OF-WAY LINE
---	EXISTING EASEMENT LINE



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 52°01'35" E	73.69'
L2	S 84°10'20" W	36.12'
L3	N 52°01'35" W	51.76'
L4	S 88°31'12" E	39.04'



BEARINGS OF LINES SHOWN HEREON ARE REFERENCED TO GRID NORTH OF THE TEXAS COORDINATE SYSTEM (NORTH CENTRAL ZONE NO. 4202, MADRS (CORSS98) EPOCH 2002.00), AS DERIVED LOCALLY FROM WESTERN DATA SYSTEMS CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) VIA REAL TIME KINEMATIC (RTK) METHODS.

league hall & perkins

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



P3-SSE-2
0.414 ACRES

MATCHLINE
SEE SHEET 3 OF 3

BEING 0.414 ACRES OF LAND SITUATED IN THE WILLIAM LLOYD SURVEY, ABSTRACT NO. 774 AND THE M.E.P. & P. R.R. CO. SURVEY, ABSTRACT NO. 1469 CITY OF DENTON DENTON COUNTY, TEXAS

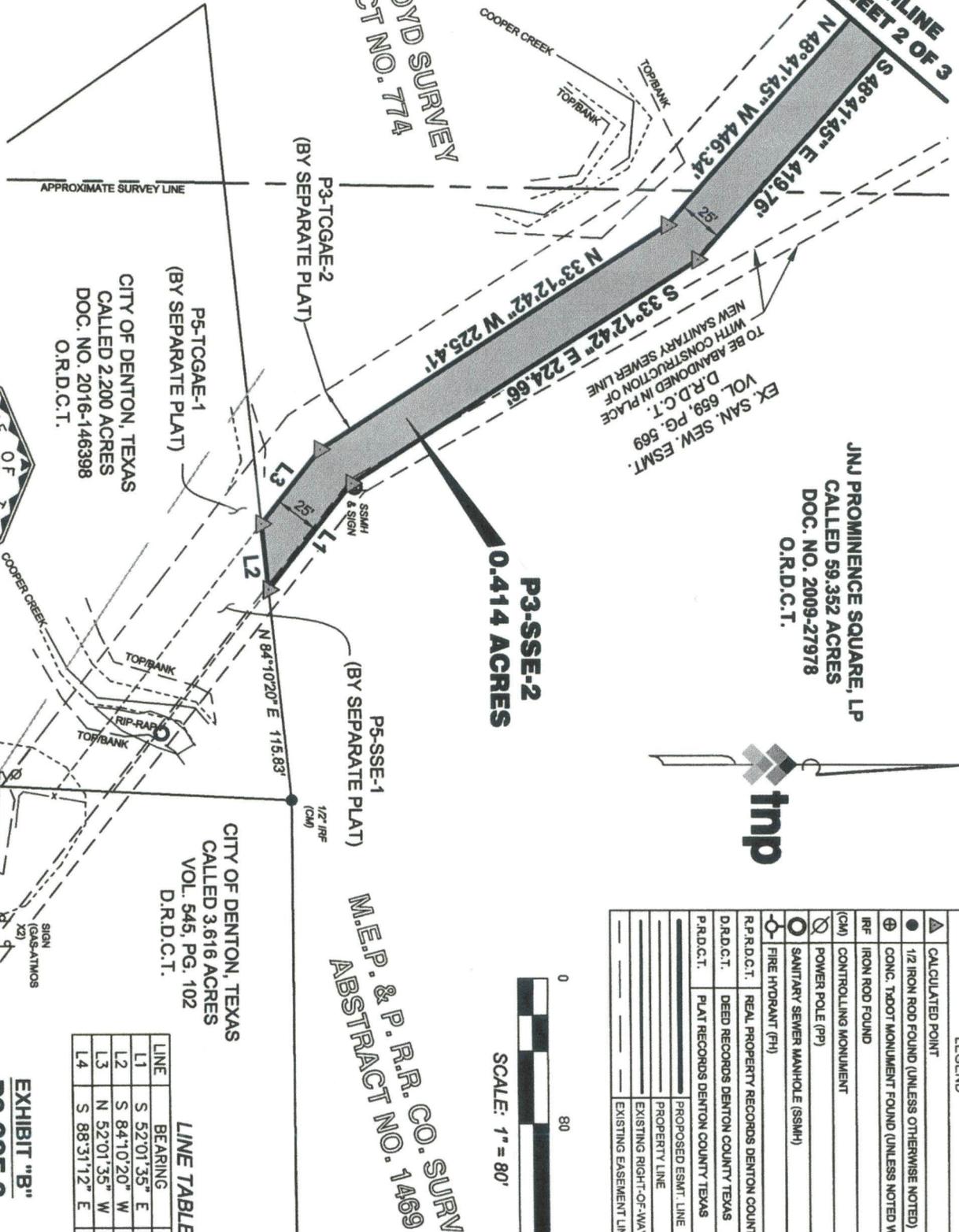
SHEET 2 OF 3
 DEN15302
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teague nail & perkins

BEARINGS OF LINES SHOWN HEREON ARE REFERENCED TO GRID NORTH OF THE TEXAS COORDINATE SYSTEM (NORTH CENTRAL ZONE NO. 4202, NAD83 (CORRS98) EPOCH 2002.00), AS DERIVED LOCALLY FROM WESTERN DATA SYSTEMS CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) VIA REAL TIME KINEMATIC (RTK) METHODS.



5-17-17



JNJ PROMINENCE SQUARE, LP
 CALLED 59.352 ACRES
 DOC. NO. 2009-27978
 O.R.D.C.T.

P3-SSE-2
 0.414 ACRES

P5-TCGAE-1
 (BY SEPARATE PLAT)
 CITY OF DENTON, TEXAS
 CALLED 2.200 ACRES
 DOC. NO. 2016-146398
 O.R.D.C.T.

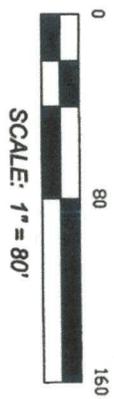
P5-SSE-1
 (BY SEPARATE PLAT)
 CITY OF DENTON, TEXAS
 CALLED 3.616 ACRES
 VOL. 545, PG. 102
 D.R.D.C.T.

M.E.P. & P. R.R. CO. SURVEY
 ABSTRACT NO. 1469

EX. SAN. SEW. ESMT.
 VOL. 659, PG. 569
 D.R.D.C.T.
 TO BE ABANDONED IN PLACE
 WITH CONSTRUCTION OF
 NEW SANITARY SEWER LINE



LEGEND	
▲	CALCULATED POINT
●	1/2 IRON ROD FOUND (UNLESS OTHERWISE NOTED)
⊕	CONC. TAPDOT MONUMENT FOUND (UNLESS NOTED WOOD)
RF	IRON ROD FOUND
(CM)	CONTROLLING MONUMENT
⊖	POWER POLE (PP)
○	SANITARY SEWER MANHOLE (SSMH)
⊖	FIRE HYDRANT (FH)
R.P.R.D.C.T.	REAL PROPERTY RECORDS DENTON COUNTY TEXAS
D.R.D.C.T.	DEED RECORDS DENTON COUNTY TEXAS
P.R.D.C.T.	PLAT RECORDS DENTON COUNTY TEXAS
---	PROPOSED ESMT. LINE
---	PROPERTY LINE
---	EXISTING RIGHT-OF-WAY LINE
---	EXISTING EASEMENT LINE



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 52.01°35' E	73.69'
L2	S 84.10°20' W	36.12'
L3	N 52.01°35' W	51.76'
L4	S 88.31°12' E	39.04'

EXHIBIT "B"
P3-SSE-2

BEING 0.414 ACRES OF LAND SITUATED IN THE WILLIAM LLOYD SURVEY, ABSTRACT NO. 774 AND THE M.E.P. & P. R.R. CO. SURVEY, ABSTRACT NO. 1469
 CITY OF DENTON
 DENTON COUNTY, TEXAS

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, **JNJ Prominence Square LP, a Texas limited partnership** (“Grantor”), of Denton County, whose mailing address is 10,000 N. Central Expressway, Suite 900, Dallas, Texas 75231, 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 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 Lloyd Survey, Abstract Number 774 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 related facilities and appurtenances, 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 my hand, this the 6 day of July, 2017.

GRANTOR
JNJ PROMINEINCE SQUARE LP
By: SEQUEL HOME BUILDERS, LLC,
GENERAL PARTNER


DANNY JOHNSON, Manager

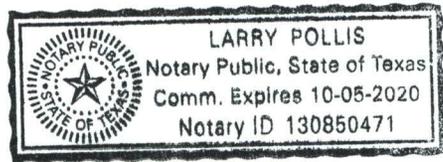
ACKNOWLEDGMENT

THE STATE OF Texas §

COUNTY OF Collin §

This instrument was acknowledged before me on 16-July, 2017, by
DANNY JOHNSON, Manager of Sequel Home Builders, LLC.

[Signature]
Notary Public, in and for the State of Texas
My commission expires: 10-5-20



AFTER RECORDING RETURN TO:
City of Denton – Engineering Department
901-A Texas Street
Denton, Texas 76209
Attn: Paul Williamson

P3-SSE-3

**EXHIBIT "A"
LEGAL DESCRIPTION
16' WIDE SANITARY SEWER EASEMENT**

BEING a 0.132 acre tract of land situated in the William Lloyd Survey, Abstract No. 774, City of Denton, Denton County, Texas, and being part of a called 59.352 acre tract of land described in a Deed to JNJ Prominence Square, LP, as recorded in Document No. 2009-27978 of the Official Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at an TxDOT 4" brass disk found for the north end of a corner clip at the intersection of the Southerly line of U.S. Highway 380 (University Drive, variable width R.O.W.) with the Easterly line of Loop 288 (variable width R.O.W.), and located in the North line of said 59.352 acre tract, from which a TxDOT 4" brass disk found for the south end of said corner clip bears South 37°13'55" West a distance of 125.12 feet;

THENCE North 80°14'46" East along the North line of said 59.352 acre tract and the South line of said U.S. Highway 380, for a distance of 85.32 feet to a point for corner;

THENCE South 33°11'04" East departing the North line of said 59.352 acre tract and the South line of said U.S. Highway 380, for a distance of 7.04 feet to a point for corner;

THENCE South 36°14'01" East for a distance of 247.34 feet to a point for corner;

THENCE South 38°36'53" East for a distance of 418.17 feet to a point for corner at the **POINT OF BEGINNING** for the herein described tract;

THENCE North 19°13'40" East for a distance of 117.86 feet to a point for corner;

THENCE North 19°43'09" West for a distance of 229.84 feet to a point for corner in the most Southerly line of an existing public utility easement, as recorded in Document No. 97-082593 of the Real Property Records of Denton County, Texas;

THENCE North 71°15'24" East along the most Southerly line of said public utility easement, for a distance of 16.00 feet to a point for corner at the most Southerly Southeast corner of same;

THENCE South 19°43'09" East departing said public utility easement, for a distance of 235.23 feet to a point for corner;

THENCE South 19°13'40" West for a distance of 133.41 feet to a point for corner;

THENCE North 42°50'41" West for a distance of 1.97 feet to a point for corner;

THENCE North 38°36'53" West for a distance of 16.85 feet to the **POINT OF BEGINNING**, and containing 0.132 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.



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: May 17, 2017



LINE	BEARING	DISTANCE
L1	N 19°13'40" E	117.86'
L3	S 19°13'40" W	133.41'
L4	N 42°50'41" W	1.97'
L5	N 38°36'53" W	16.85'

LINE TABLE

LEGEND	
▲	CALCULATED POINT
●	1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
⊕	CONC. TAPDOT MONUMENT FOUND (UNLESS NOTED WOOD)
IRE	IRON ROD FOUND
(CM)	CONTROLLING MONUMENT
⊖	POWER POLE (PP)
⊙	SANITARY SEWER MANHOLE (SSMH)
⊖	FIRE HYDRANT (FH)
R.P.R.D.C.T.	REAL PROPERTY RECORDS DENTON COUNTY TEXAS
D.R.D.C.T.	DEED RECORDS DENTON COUNTY TEXAS
P.R.D.C.T.	PLAT RECORDS DENTON COUNTY TEXAS
---	PROPOSED ESMT. LINE
---	PROPERTY LINE
---	EXISTING RIGHT-OF-WAY LINE
---	EXISTING EASEMENT LINE

MATCHLINE
SEE SHEET 2 OF 3

P3-SSE-3
0.132 ACRES

POINT OF BEGINNING

P3-TGAE-1
(BY SEPARATE PLAT)

JNJ PROMINENCE SQUARE, LP
CALLED 59.352 ACRES
DOC. NO. 2009-27978
O.R.D.C.T.

P3-SSE-1
(BY SEPARATE PLAT)

EX. SAN. SEW. ESMT.
VOL. 659, PG. 569
D.R.D.C.T.
TO BE ABANDONED IN PLACE
WITH CONSTRUCTION OF
NEW SANITARY SEWER LINE

WILLIAM LLOYD SURVEY
ABSTRACT NO. 774

HENRY RIFE, D/B/A
HENRY RIFE INVESTMENTS
CALLED 5.012 ACRES
VOL. 5131, PG. 2474
R.P.R.D.C.T.

GERALD L. SIMMONS
CALLED 2.958 ACRES
VOL. 783, PG. 197
D.R.D.C.T.

KEN HODGES & ASSOCIATES, INC.
TRACT ONE
CALLED 1.794 ACRES
VOL. 2321, PG. 939
R.P.R.D.C.T.



SCALE: 1" = 80'



BEARINGS OF LINES SHOWN HEREON ARE REFERENCED TO GRID NORTH OF THE TEXAS COORDINATE SYSTEM (NORTH CENTRAL ZONE NO. 4202, NAD83 (COSS89) EPOCH 2002.00), AS DERIVED LOCALLY FROM WESTERN DATA SYSTEMS CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) VIA REAL TIME KINEMATIC (RTK) METHODS.

league nall & perkins

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



L:\PROJECTS\UNASSIGNED Cooper Creek\TODD\WV\UNASSIGNED ESMT PARCEL3 REV-16-17.dwg



EXHIBIT "B"
P3-SSE-3

BEING 0.132 ACRES OF LAND SITUATED IN THE WILLIAM LLOYD SURVEY, ABSTRACT NO. 774 CITY OF DENTON DENTON COUNTY, TEXAS

SHEET 3 OF 3

DEN15302

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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, GRADING AND ACCESS EASEMENT

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

THAT, **JNJ Prominence Square LP, a Texas limited partnership** , (“Grantor”), of Dallas County, whose mailing address is 10,000 N. Central Expressway, Suite 900, Dallas Texas 75231, 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 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 Lloyd Survey, Abstract Number 774 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.

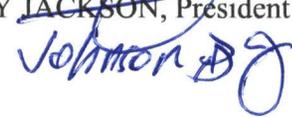
The City of Denton, its agents, employees, contractors, workmen, and representatives shall have the right of ingress, egress and regress in, along, upon, under and across said Property for the purpose of access, construction and grading activities or any part thereof.

The term of this grant shall expire one (2) years from the date of the “Contractor Notice to Proceed Letter” for the Cooper Creek Interceptor I.

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

aforesaid the premise above described.
ness my hand, this the 6 day of July, 2017.

Grantor: JNJ Prominence Square LP
By, JNJ Concepts, LLC, General Partner

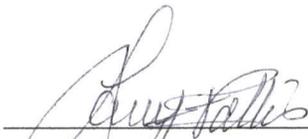

DANNY JACKSON, President


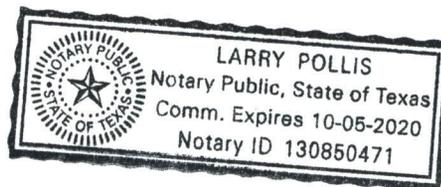
ACKNOWLEDGMENT

THE STATE OF Texas §

COUNTY OF Collin §

This instrument was acknowledged before me on 6 July, 2017, by
DANNY JACKSON, President of JNJ Concepts, LLC.


Notary Public, in and for the State of Texas
My commission expires: 10-5-20



AFTER RECORDING RETURN TO:
City of Denton – Engineering Department
901-A Texas Street
Denton, Texas 76209
Attn: Paul Williamson

P3-TCGAE-2

**EXHIBIT "A"
LEGAL DESCRIPTION
25' WIDE TEMPORARY CONSTRUCTION,
GRADING, AND ACCESS EASEMENT**

BEING a 0.417 acre tract of land situated in the William Lloyd Survey, Abstract No. 774 and the M.E.P. & P.R.R. Co. Survey, Abstract No. 1469, City of Denton, Denton County, Texas, and being part of a called 59.352 acre tract of land described in a Deed to JNJ Prominence Square, LP, as recorded in Document No. 2009-27978 of the Official Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for the Southeast corner of a called 5.012 acre tract of land described in a Deed to Henry Rife, D/B/A/ Henry Rife Investments, as recorded in Volume 5131, Page 2474 of the Real Property Records of Denton County, Texas, same being the Southwest corner of Tract One, a called 1.794 acre tract of land described in a Deed to Ken Hodges and Associates, Inc., as recorded in Volume 2321, Page 939 of the Real Property Records of Denton County, Texas, and located in a North line of said 59.352 acre tract;

THENCE North 88°31'12" West, departing the west line of said 1.794 acre tract and along the South line of said 5.012 acre tract and a North line of said 59.352 acre tract, for a distance of 48.94 feet to a point for corner at the **POINT OF BEGINNING** for the herein described tract;

THENCE South 48°41'45" East, departing the South line of said 5.012 acre tract and the North line of said 59.352 acre tract, for a distance of 446.34 feet to a point for corner;

THENCE South 33°12'42" East, for a distance of 225.41 feet to a point for corner;

THENCE South 52°01'35" East, for a distance of 51.76 feet to a point for corner in the North line of a called 2.206 acre tract of land described in a Deed to Quest One Properties, LLC, as recorded in Document No. 2014-81569 of the Official Records of Denton County, Texas, from which a 1/2 inch iron rod found for the Northeast corner of said 2.206 acre tract bears North 84°10'20" East, a distance of 151.95 feet;

THENCE South 84°10'20" West, along the North line of said 2.206 acre tract, for a distance of 36.12 feet to a point for corner;

THENCE North 52°01'35" West, departing the North line of said 2.206 acre tract, for a distance of 29.84 feet to a point for corner;

THENCE North 33°12'42" West, for a distance of 226.15 feet to a point for corner;

THENCE North 48°41'45" West, for a distance of 472.93 feet to a point for corner at the intersection with a North line of said 59.352 acre tract and the South line of said 5.012 acre tract;

THENCE South 88°31'12" East, along a North line of said 59.352 acre tract and the South line of said 5.012 acre tract, for a distance of 39.04 feet to the **POINT OF BEGINNING**, and containing 0.417 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.

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: June 24, 2016
REV: May 17, 2017 (Add Note)





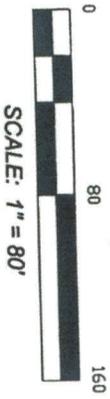
1517 Centre Place Drive, Suite 320
 Denton, Texas 76205
 940.383.4177 ph 940.383.8026 fx
 www.tnpinc.com
 T.A.P.L.S. Firm No. 10011601

league nall & perkins

BEARINGS OF LINES SHOWN HEREON ARE REFERENCED TO GRID NORTH OF THE TEXAS COORDINATE SYSTEM (NORTH CENTRAL ZONE NO. 4202 NAD83 (COR96) EPOCH 2002.00), AS DERIVED LOCALLY FROM WESTERN DATA SYSTEMS CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) VIA REAL TIME KINEMATIC (RTK) METHODS.

LINE	BEARING	DISTANCE
L1	S 52°01'35" E	51.76'
L2	S 84°10'20" W	36.12'
L3	N 52°01'35" W	29.84'
L4	S 88°31'12" E	39.04'

LINE TABLE



**WILLIAM LLOYD SURVEY
 ABSTRACT NO. 774**

**JNJ PROMINENCE SQUARE, LP
 CALLED 59.352 ACRES
 DOC. NO. 2009-27978
 O.R.D.C.T.**

**P3-TCGAE-2
 0.417 ACRES**

**MATCHLINE
 SEE SHEET 3 OF 3**

**M.E.P. & P. R.R. CO. SURVEY
 ABSTRACT NO. 1469**

**JNJ PROMINENCE SQUARE, LP
 CALLED 59.352 ACRES
 DOC. NO. 2009-27978
 O.R.D.C.T.**

**EXHIBIT "B"
 P3-TCGAE-2**

BEING 0.417 ACRES OF LAND SITUATED IN THE WILLIAM LLOYD SURVEY, ABSTRACT NO. 774 AND THE M.E.P. & P. R.R. CO. SURVEY, ABSTRACT NO. 1469 CITY OF DENTON DENTON COUNTY, TEXAS

SHEET 2 OF 3 DEN15302
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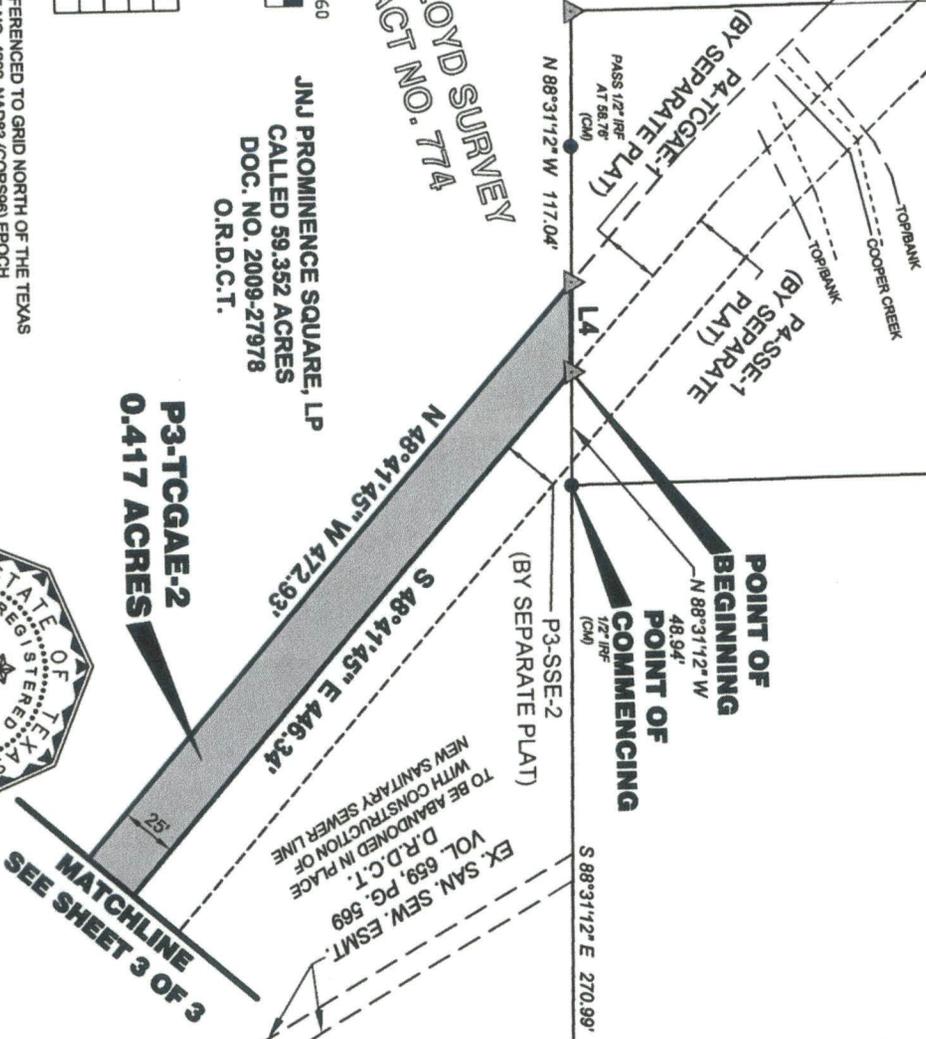


LEGEND	
▲	CALCULATED POINT
●	1/2 IRON ROD FOUND (UNLESS OTHERWISE NOTED)
⊕	CONC. TAPDOT MONUMENT FOUND (UNLESS NOTED WOOD)
⊙	IRON ROD FOUND
(CM)	CONTROLLING MONUMENT
⊖	POWER POLE (PP)
⊖	SANITARY SEWER MANHOLE (SSMH)
⊖	FIRE HYDRANT (FH)
○	REAL PROPERTY RECORDS DENTON COUNTY TEXAS
○	DEED RECORDS DENTON COUNTY TEXAS
○	PLAT RECORDS DENTON COUNTY TEXAS
---	PROPOSED ESMT. LINE
---	PROPERTY LINE
---	EXISTING RIGHT-OF-WAY LINE
---	EXISTING EASEMENT LINE

**HENRY RIFE, D/B/A
 HENRY RIFE INVESTMENTS
 CALLED 5.012 ACRES
 VOL. 5131, PG. 2474
 R.P.R.D.C.T.**

**KEN HODGES & ASSOCIATES, INC.
 TRACT ONE
 CALLED 1.794 ACRES
 VOL. 2321, PG. 939
 R.P.R.D.C.T.**

**KEN HODGES & ASSOCIATES, INC.
 TRACT TWO
 CALLED 5.000 ACRES
 VOL. 2321, PG. 939
 R.P.R.D.C.T.**



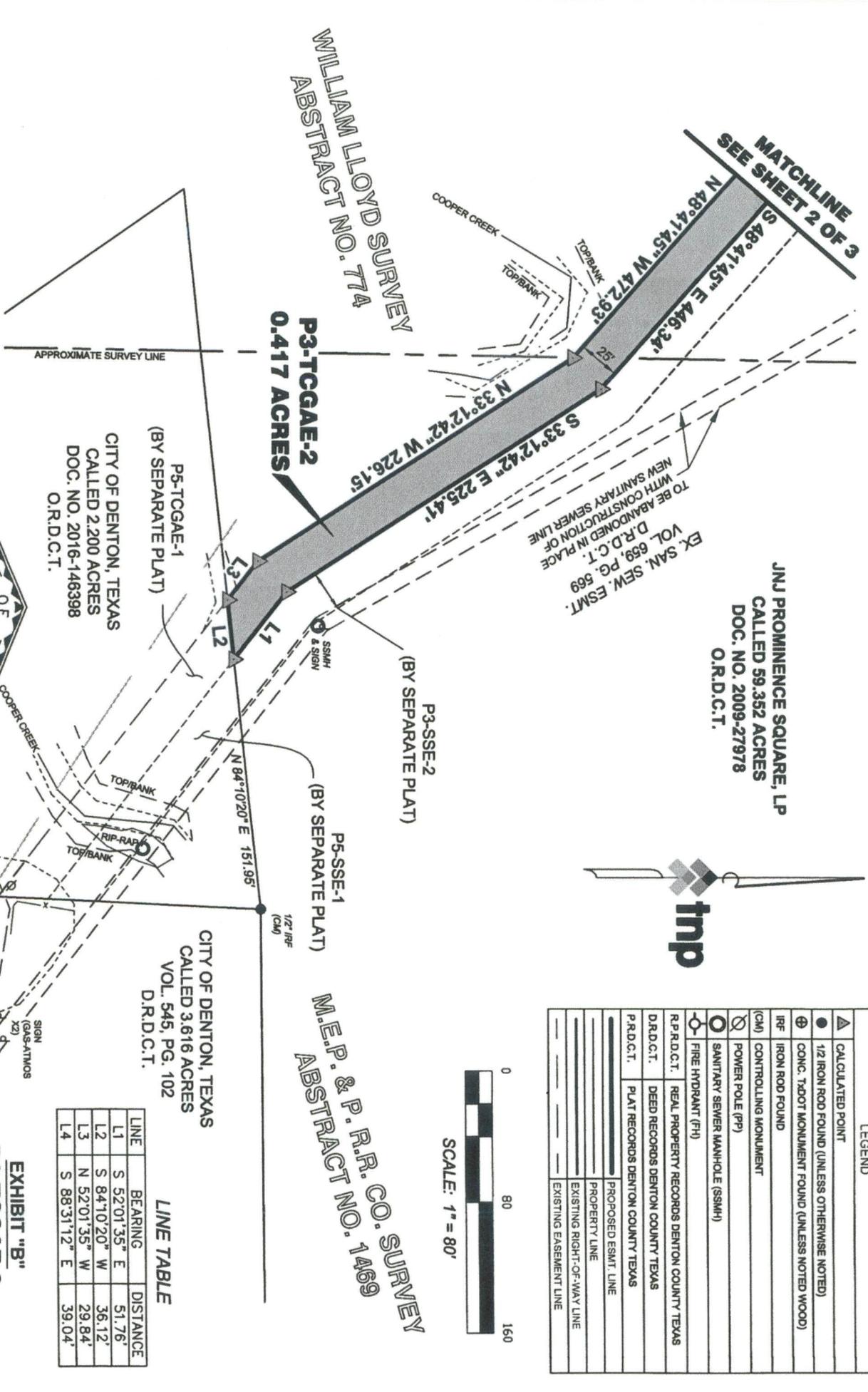
5-12-17

teague nall & perkins

BEARINGS OF LINES SHOWN HEREON ARE REFERENCED TO GRID NORTH OF THE TEXAS COORDINATE SYSTEM (NORTH CENTRAL ZONE NO. 4202, NAD83 (CORRS96) EPOCH 2002.00), AS DERIVED LOCALLY FROM WESTERN DATA SYSTEMS CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) VIA REAL TIME KINEMATIC (RTK) METHODS.



BEING 0.417 ACRES OF LAND SITUATED IN THE WILLIAM LLOYD SURVEY, ABSTRACT NO. 774 AND THE M.E.P. & P. R.R. CO. SURVEY, ABSTRACT NO. 1469 CITY OF DENTON DENTON COUNTY, TEXAS



JNJ PROMINENCE SQUARE, LP
 CALLED 59.352 ACRES
 DOC. NO. 2009-27978
 O.R.D.C.T.

EX. SAN. SEW. ESMT.
 VOL. 659, PG. 569
 D.R.D.C.T.
 TO BE ABANDONED IN PLACE WITH CONSTRUCTION OF NEW SANITARY SEWER LINE



LEGEND	
▲	CALCULATED POINT
●	1/2 IRON ROD FOUND (UNLESS OTHERWISE NOTED)
⊕	CONC. TAPOT MONUMENT FOUND (UNLESS NOTED WOOD)
⊙	IRON ROD FOUND
(CM)	CONTROLLING MONUMENT
⊖	POWER POLE (PP)
⊙	SANITARY SEWER MANHOLE (SSMH)
⊖	FIRE HYDRANT (FH)
R.P.R.D.C.T.	REAL PROPERTY RECORDS DENTON COUNTY TEXAS
D.R.D.C.T.	DEED RECORDS DENTON COUNTY TEXAS
P.R.D.C.T.	PLAT RECORDS DENTON COUNTY TEXAS
—	PROPOSED ESMT. LINE
—	PROPERTY LINE
—	EXISTING RIGHT-OF-WAY LINE
—	EXISTING EASEMENT LINE



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 52°01'35" E	51.76'
L2	S 84°10'20" W	36.12'
L3	N 52°01'35" W	29.84'
L4	S 88°31'12" E	39.04'

M.E.P. & P. R.R. CO. SURVEY
 ABSTRACT NO. 1469

CITY OF DENTON, TEXAS
 CALLED 3.616 ACRES
 VOL. 545, PG. 102
 D.R.D.C.T.

CITY OF DENTON, TEXAS
 CALLED 2.200 ACRES
 DOC. NO. 2016-146398
 O.R.D.C.T.

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, GRADING AND ACCESS EASEMENT

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

THAT, **JNJ Prominence Square LP, a Texas limited partnership** , (“Grantor”), of Dallas County, whose mailing address is 10,000 N. Central Expressway, Suite 900, Dallas Texas 75231, 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 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 Lloyd Survey, Abstract Number 774 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.

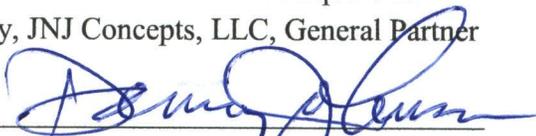
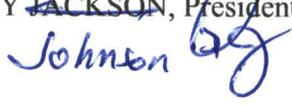
The City of Denton, its agents, employees, contractors, workmen, and representatives shall have the right of ingress, egress and regress in, along, upon, under and across said Property for the purpose of access, construction and grading activities or any part thereof.

The term of this grant shall expire one (2) years from the date of the “Contractor Notice to Proceed Letter” for the Cooper Creek Interceptor I.

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

aforesaid the premise above described.
ness my hand, this the 6 day of July, 2017.

Grantor: JNJ Prominence Square LP
By, JNJ Concepts, LLC, General Partner

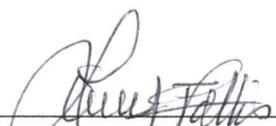

DANNY JACKSON, President


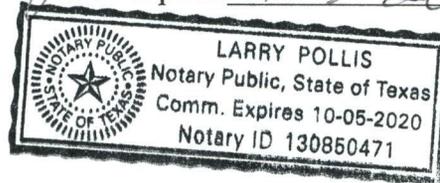
ACKNOWLEDGMENT

THE STATE OF Texas §

COUNTY OF Collin §

This instrument was acknowledged before me on 6-July, 2017, by
DANNY JACKSON, President of JNJ Concepts, LLC.


Notary Public, in and for the State of Texas
My commission expires: 10-5-20



AFTER RECORDING RETURN TO:
City of Denton – Engineering Department
901-A Texas Street
Denton, Texas 76209
Attn: Paul Williamson

P3-TCGAE-1

**EXHIBIT "A"
LEGAL DESCRIPTION
25' WIDE TEMPORARY CONSTRUCTION,
GRADING, AND ACCESS EASEMENT**

BEING a 0.570 acre tract of land situated in the William Lloyd Survey, Abstract No. 774, City of Denton, Denton County, Texas, and being part of a called 59.352 acre tract of land described in a Deed to JNJ Prominence Square, LP, as recorded in Document No. 2009-27978 of the Official Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at an TxDOT 4" brass disk found for the north end of a corner clip at the intersection of the Southerly line of U.S. Highway 380 (University Drive, variable width R.O.W.) with the Easterly line of Loop 288 (variable width R.O.W.), and located in the North line of said 59.352 acre tract, from which a TxDOT 4" brass disk found for the south end of said corner clip bears South 37°13'55" West a distance of 125.12 feet;

THENCE North 80°14'46" East, along the North line of said 59.352 acre tract and the South line of said U.S. Highway 380, for a distance of 30.82 feet to a point for corner at the **POINT OF BEGINNING** for the herein described tract;

THENCE North 80°14'46" East, continuing along the North line of said 59.352 acre tract and the South line of said U.S. Highway 380, for a distance of 27.25 feet to a point for corner;

THENCE South 33°11'04" East, departing the North line of said 59.352 acre tract and the South line of said U.S. Highway 380, for a distance of 18.54 feet to a point for corner;

THENCE South 36°14'01" East, for a distance of 248.52 feet to a point for corner;

THENCE South 38°36'53" East, for a distance of 436.36 feet to a point for corner;

THENCE South 42°50'41" East, for a distance of 267.97 feet to a point for corner in the East line of said 59.352 acre tract and the West line of a called 5.012 acre tract of land described in a Deed to Henry Rife, D/B/A/ Henry Rife Investments, as recorded in Volume 5131, Page 2474 of the Real Property Records of Denton County, Texas;

THENCE South 00°36'46" East, along the East line of said 59.352 acre tract and the West line of said 5.012 acre tract, for a distance of 37.19 feet to a point for corner, from which an interior ell corner of said 59.352 acre tract and the Southwest corner of said 5.012 acre tract bears South 00°36'46" East a distance of 110.56 feet;

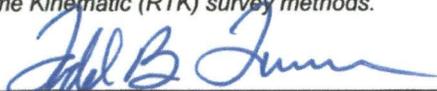
THENCE North 42°50'41" West, departing the East line of said 59.352 acre tract and the West line of said 5.012 acre tract, for a distance of 296.44 feet to a point for corner;

THENCE North 38°36'53" West, for a distance of 437.90 feet to a point for corner;

THENCE North 36°14'01" West, for a distance of 249.71 feet to a point for corner;

THENCE North 33°11'04" West, for a distance of 30.04 feet to the **POINT OF BEGINNING**, and containing 0.570 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.

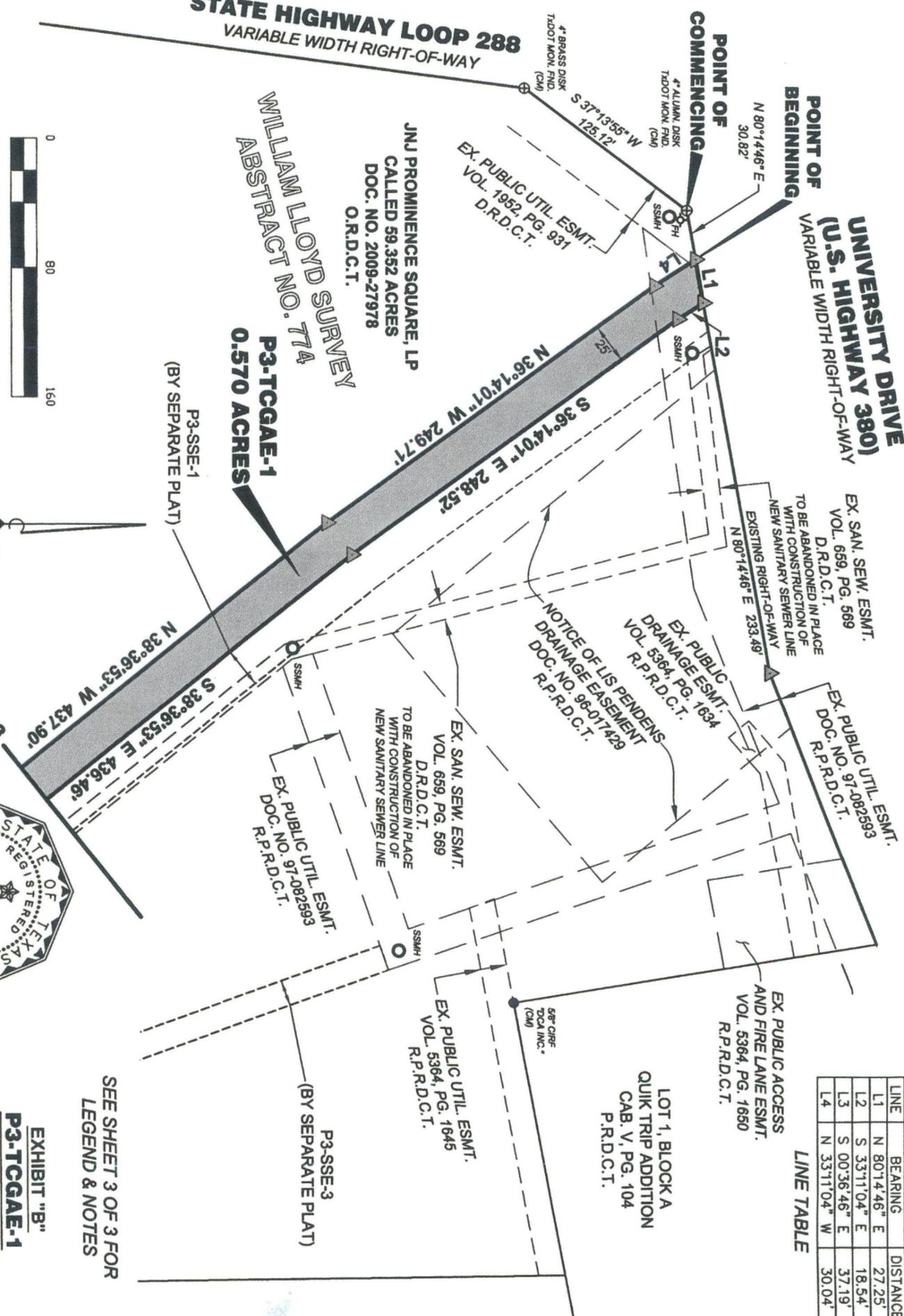


Todd B. Turner, R.P.L.S. No. 4859
Teague Nall & Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940-383-4177
Date: June 24, 2016
REV: May 17, 2017 (Add Note and P3-SSE-3)



STATE HIGHWAY LOOP 288
VARIABLE WIDTH RIGHT-OF-WAY

POINT OF BEGINNING
UNIVERSITY DRIVE
(U.S. HIGHWAY 380)
VARIABLE WIDTH RIGHT-OF-WAY



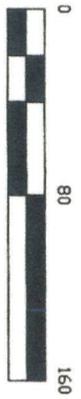
LINE TABLE

LINE	BEARING	DISTANCE
L1	N 80°14'46" E	27.25'
L2	S 33°11'04" E	18.54'
L3	S 00°36'46" E	37.19'
L4	N 33°11'04" W	30.04'



teague nail & perkins

SCALE: 1" = 80'



MATCHLINE
SEE SHEET 3 OF 3



SEE SHEET 3 OF 3 FOR
LEGEND & NOTES

EXHIBIT "B"
P3-TCGAE-1

BEING 0.570 ACRES OF LAND SITUATED IN THE
WILLIAM LLOYD SURVEY, ABSTRACT NO. 774
CITY OF DENTON
DENTON COUNTY, TEXAS

SHEET 2 OF 3

DEN15302

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MATCHLINE
SEE SHEET 2 OF 3

P3-SSE-3
(BY SEPARATE PLAT)

N 38°36'53" W 437.90'
S 38°36'53" E 436.46'
N 42°50'41" W 296.44'
S 42°50'41" E 267.97'

P3-SSE-1
(BY SEPARATE PLAT)

JNJ PROMINENCE SQUARE, LP
CALLED 59.352 ACRES
DOC. NO. 2009-27978
O.R.D.C.T.

P3-TCGAE-1
0.570 ACRES

EX. SAN. SEW. ESMT.
VOL. 659, PG. 589
D.R.D.C.T.
TO BE ABANDONED IN PLACE
WITH CONSTRUCTION OF
NEW SANITARY SEWER LINE

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 80°14'46" E	27.25'
L2	S 33°11'04" E	18.54'
L3	S 00°36'46" E	37.19'
L4	N 33°11'04" W	30.04'

WILLIAM LLOYD SURVEY
ABSTRACT NO. 774

HENRY RIFE, D/B/A
HENRY RIFE INVESTMENTS
CALLED 5.012 ACRES
VOL. 5131, PG. 2474
R.P.R.D.C.T.

GERALD L. SIMMONS
CALLED 2.958 ACRES
VOL. 783, PG. 197
D.R.D.C.T.

KEN HODGES & ASSOCIATES, INC.
TRACT ONE
CALLED 1.794 ACRES
VOL. 2321, PG. 939
R.P.R.D.C.T.

S 00°36'46" E 110.56'

S 88°31'12" E 58.27'
1/2" IRF (CM)

S 88°31'12" E 146.75'
1/2" IRF (CM)

P3-SSE-2
(BY SEPARATE PLAT)

P3-TCGAE-1

BEING 0.570 ACRES OF LAND SITUATED IN THE
WILLIAM LLOYD SURVEY, ABSTRACT NO. 774
CITY OF DENTON
DENTON COUNTY, TEXAS



teague nail & perkins

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

LEGEND

▲	CALCULATED POINT
●	1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
⊕	CONC. TODOT MONUMENT FOUND (UNLESS NOTED WOOD)
⊖	IRON ROD FOUND
(CM)	CONTROLLING MONUMENT
⊖	POWER POLE (PP)
⊖	SANITARY SEWER MANHOLE (SSMH)
⊖	FIRE HYDRANT (FH)
R.P.R.D.C.T.	REAL PROPERTY RECORDS DENTON COUNTY TEXAS
D.R.D.C.T.	DEED RECORDS DENTON COUNTY TEXAS
P.R.D.C.T.	PLAT RECORDS DENTON COUNTY TEXAS
---	PROPOSED ESMT. LINE
---	PROPERTY LINE
---	EXISTING RIGHT-OF-WAY LINE
---	EXISTING EASEMENT LINE