

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"), AS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A", FOR THE PURCHASE PRICE OF TWELVE THOUSAND THREE HUNDRED FIFTY DOLLARS AND NO CENTS (\$12,350.00), AND OTHER CONSIDERATION, AS PRESCRIBED IN THE AGREEMENT BY AND BETWEEN THE CITY AND REGI INVESTMENTS, INC., PROVIDING FOR (A) THE GRANTING TO THE CITY OF (I) A SANITARY SEWER EASEMENT, ENCUMBERING A 0.0066 ACRE TRACT OF LAND, A 0.0218 ACRE TRACT OF LAND, AND A 0.1318 ACRE TRACT OF LAND, ALL 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 0.0066 ACRE OF LAND, BEING MORE PARTICULARLY DESCRIBED IN THE TEMPORARY CONSTRUCTION EASEMENT, BEING ATTACHED TO AND MADE A PART OF THE AGREEMENT; AND (B) THE PARTIAL ABANDONMENT AND RELEASE ("RELEASE") BY THE CITY OF A 0.11 ACRE PORTION OF THAT CERTAIN SANITARY SEWER EASEMENT, DATED NOVEMBER 26, 1956, FROM R.M. DOBBINS AND WIFE, MAUDE DOBBINS TO THE CITY, RECORDED IN VOLUME 427, PAGE 441, DEED RECORDS, DENTON COUNTY, TEXAS; ALL TRACTS OF REAL PROPERTY BEING IN THE WILLIAM DANIEL SURVEY, ABSTRACT NO. 378, GENERALLY LOCATED IN THE 2200 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 – PARCEL 12W)

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, Regi Investments, Inc., a Texas corporation, is the owner of certain property on which the City needs to obtain easements; and

WHEREAS, following the completion of the Fort Worth Drive Utility Relocations Project, the City will no longer need a 0.11 acre portion of that certain sanitary sewer easement granted to the City by R.M. Dobbins and wife, Maude Dobbins to the City, recorded in Volume 427, Page 441, Deed Records, Denton County, Texas; 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 Regi Investments, Inc., 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:  _____

EASEMENT PURCHASE AND ABANDONMENT AGREEMENT

This Easement Purchase and Abandonment Agreement (the "AGREEMENT") is dated _____, 2016 between Regi Investments, Inc., a Texas corporation ("OWNER"), and the City of Denton, Texas ("CITY"), a Texas Home-Rule Municipal Corporation.

WITNESSETH:

WHEREAS, Regi Investments, Inc., are the owners of a tract of real property described in a Warranty Deed to Regi Investments, Inc., recorded under Document #005624, on January 20, 1994 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 permanent and temporary easements for sanitary sewer utility and construction purposes, in, along, 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 existing easement as a component of the purchase of the sanitary sewer utility easement and temporary construction easement to the CITY by OWNER, to-wit:

- a. A partial abandonment of that certain water and sanitary sewer easement, dated on or about November 26, 1956, from R. M. Dobbins and wife Maude Dobbins, to the City of Denton, Texas, recorded in Volume 427, Page 441, Deed Records, Denton County, Texas, (the "Dobbins Easement"); specifically that portion of said Dobbins Easement tract described and depicted in Exhibit "A" and Exhibit "B" respectively and being attached hereto as Attachment "1" and made a part hereof ("Partial Abandonment Tract").

WHEREAS, both parties desire to stipulate and agree to the terms, conditions, conveyances and partial abandonment 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 a sanitary sewer easement; and (ii) the purchase by the CITY and conveyance by the OWNER of a temporary construction easement; and (iii) the partial abandonment by the CITY of the Partial Abandonment Tract.

NOW, THEREFORE, the parties agree as follows:

1. At Closing, the OWNER shall grant, execute, and deliver to the CITY (i) an easement in, along, under and across those tracts of land being described and depicted in attachments "P12W-SSE-1",

“P12W-SSE-2”, and “P12W-SSE-3” attached to that certain Sanitary Sewer Easement, being attached hereto as Attachment “2” and made part hereof; and (ii) an easement in, along, over, upon, under and across the tract of land being described and depicted in Exhibit “A” and Exhibit “B” respectively 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”).

2. As consideration for the acquisition of the Easements, the CITY (i) shall pay to OWNER at Closing the sum of Twelve Thousand Three Hundred Fifty and No/Dollars (\$12,350.⁰⁰) as monetary compensation for the Easements, and (ii) shall execute and deliver to the OWNER, within the time period prescribed below, the Partial Abandonment and Release (the “Release”) of 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 sanitary sewer utility improvements contemplated by the FORT WORTH DRIVE UTILITY RELOCATIONS project. OWNER stipulates and agrees that CITY is in need of the Partial Abandonment Tract until it completes the installation of the sanitary sewer utility improvements contemplated by the FORT WORTH DRIVE UTILITY RELOCATIONS project.

3. 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.

4. The date on which this Agreement is executed by CITY shall be the “Effective Date” of this Agreement.

5. 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 delivered to:

OWNER:

Regi Investments, Incorporated
Attention: Gisel Cassar
2212 Fort Worth Drive, Trailer 163
Denton, TX 76205-7678
Phone 818-802-2990

CITY:

City of Denton
Paul Williamson
Real Estate Division
901-A Texas Street
Denton, Texas 76209
Telecopy: (940) 349-8951

CITY:

Telecopy: _____

City of Denton
Trey Lansford, Deputy City Attorney
City Attorney's Office
215 E. McKinney
Denton, Texas 76201
Telecopy: (940) 382-7923

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.

6. 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.

7. 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: _____

HOWARD MARTIN,
INTERIM CITY MANAGER

Date: _____, 2016

ATTEST:

JENNIFER WALTERS, CITY SECRETARY

BY: _____

Date: _____, 2016


APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: 

Date: November 28, 2016

OWNER:

Regi Investments, Inc., a Texas corporation

By: 
RENE CASSAR, President

Date: 11/18/16, 2016

"ATTACHMENT 1" to Easement Purchase and Abandonment Agreement

EXHIBIT "A"
LEGAL DESCRIPTION
PARTIAL ABANDONMENT OF CITY OF DENTON SANITARY SEWER EASEMENT
VOLUME 427, PAGE 441 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS

BEING a 0.1100 acre tract of land situated in the William Daniel Survey, Abstract No. 378, City of Denton, Denton County, Texas, and being part of a 20.00 foot wide Sanitary Sewer Easement as described in Deed to the City of Denton, Texas, and recorded in Volume 427, Page 441 of the Deed Records of Denton County, Texas (D.R.D.C.T.), and being further described as part of a called 22.709 acre tract of land described in Deed to Regi Investments, Inc., as recorded in Document No. 94-0005624 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 1/2-inch iron rod found at the most westerly southwest corner of said 22.709 acre tract, common with the northwest corner of a called 1.730 acre tract of land described in Deed to Regi Investments, Inc., as recorded in Volume 1164, Page 794 of the Deed Records of Denton County, Texas (D.R.D.C.T.), and located in the existing easterly right-of-way line of James Street (variable width R.O.W.);

THENCE North 00°35'25" West, departing the north line of said 1.730 acre tract and along the common westerly line of said 22.709 acre tract and the existing easterly right-of-way line of said James Street, a distance of 444.06 feet to the most southerly corner of said City of Denton Sanitary Sewer Easement and the **POINT OF BEGINNING**;

THENCE North 00°35'25" West, continuing along said common line, a distance of 22.74 feet to the intersection with the northwesterly line of said City of Denton Sanitary Sewer Easement;

THENCE North 60°58'12" East, departing said common line and along the northwesterly line of said City of Denton Sanitary Sewer Easement, a distance of 267.55 feet to a point for corner;

THENCE South 45°19'34" West, departing the northwesterly line of said City of Denton Sanitary Sewer Easement, a distance of 56.31 feet to a point for corner;

THENCE South 44°40'26" East, a distance of 5.00 feet to the intersection with the southeasterly line of said City of Denton Sanitary Sewer Easement;

THENCE South 60°58'12" West, along the southeasterly line of said City of Denton Sanitary Sewer Easement, a distance of 225.51 feet to the **POINT OF BEGINNING**, and containing 0.1100 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

10/20/16

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 20, 2016

JAMES ST.
(VARIABLE WIDTH RIGHT-OF-WAY)

REGI INVESTMENTS, INC.
CALLED 22.709 ACRES
DOC. NO. 94-0005624
R.P.R.D.C.T.

CITY OF DENTON, TEXAS
20' SANITARY SEWER EASEMENT
VOL. 427, PG. 441
D.R.D.C.T.

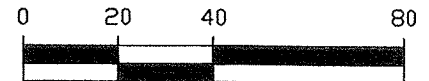
**PARTIAL
ABANDONMENT**
0.1100 ACRES

REGI INVESTMENTS, INC.
CALLED 22.709 ACRES
DOC. NO. 94-0005624
R.P.R.D.C.T.

N 60°58'12" E - 267.55'
S 60°58'12" W - 225.51'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 00°35'25" W	22.74'
L2	S 45°19'34" W	56.31'
L3	S 44°40'26" E	5.00'



SCALE: 1" = 40'

**POINT OF
BEGINNING**

**POINT OF
COMMENCING**
1/2" IRF
(CM)

REGI INVESTMENTS, INC.
CALLED 1.730 ACRES
VOL. 1164, PG. 794
D.R.D.C.T.

WILLIAM DANIEL SURVEY
ABSTRACT NO. 378



10/20/16

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
	GUYWIRE
	POWER POLE
	CO (SANITARY SEWER CLEAN OUT)
	ICV (IRRIGATION CONTROL VALVE)
	SSMH (SANITARY SEWER MANHOLE)
	UTILITY SIGN (UNLESS NOTED OTHERWISE)
	WATER METER
	EASEMENT BOUNDARY LINE
	PROPERTY LINE
	EXISTING RIGHT-OF-WAY
	EXISTING EASEMENT
	OVERHEAD ELECTRIC
	EDGE OF ASPHALT

EXHIBIT "B"

**PARTIAL ABANDONMENT OF
CITY OF DENTON SANITARY SEWER EASEMENT
VOLUME 427, PAGE 441 OF THE
DEED RECORDS OF DENTON COUNTY, TEXAS**

BEING 0.1100 ACRE TRACT
SITUATED IN THE WILLIAM DANIEL SURVEY, ABSTRACT NO. 378
CITY OF DENTON, DENTON COUNTY, TEXAS

DEN 16023

SHEET 3 OF 3



teague nall & perkins

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

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 Regi Investments, Inc., a Texas corporation ("Grantor"), of Denton County, whose mailing address is 2212 Fort Worth Drive, # 163, Denton, TX 76205-7678 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 0.0066 acre nonexclusive perpetual sanitary sewer easement, a 0.0218 acre nonexclusive perpetual sanitary sewer easement and a 0.1318 acre nonexclusive perpetual sanitary sewer easement in, along, upon, under, 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 AREAS DESCRIBED IN ATTACHMENT 2 PAGES 1, 3, 5 AND 6
AND DEPICTED IN ATTACHMENT 2 PAGES 2, 4 AND 7**

ALL 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, 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, 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, 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.

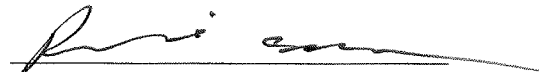
4. Grantor's Rights. Grantor shall have the right, subject to the restrictions contained herein, to make use of the Property for any purpose that does not interfere with the City's rights granted to it herein for the purposes granted.

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 18th day of November, 2016.

Regi Investments, Inc.



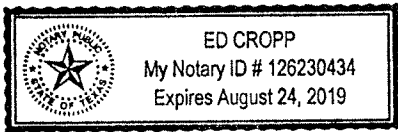
Rene Cassar
President

ACKNOWLEDGMENT

THE STATE OF Texas §

COUNTY OF Denton §

This instrument was acknowledged before me on November 18th, 2016, by
Rene Cassar for Regi Investments, Inc. as its President.



Ed Cropp
Notary Public, in and for the State of Texas
My commission expires: 8/24/2019

ATTACHMENT
P12W-SSE-1

EXHIBIT "A"
LEGAL DESCRIPTION
SANITARY SEWER EASEMENT

BEING a 0.0066 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 22.709 acre tract of land described in Deed to Regi Investments, Inc., as recorded in Document No. 94-0005624 of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at the northeast corner of said 22.709 acre tract, common with the southeast corner of Lot 1 in Block A of Fort Worth Drive Carwash as recorded in Cabinet X, Page 340 of the Plat Records of Denton County, Texas (P.R.D.C.T.), and located in the existing westerly right-of-way line of U.S. Highway 377 (Fort Worth Drive, variable width R.O.W.), from which point a found 1/2-inch iron rod with Aluminum Disk stamped "TXDOT ROW" bears North 87°47'45" West, a distance of 0.49 feet;

THENCE South 00°48'13" East, departing the south line of said Lot 1 and along the common easterly line of said 22.709 acre tract and the existing westerly right-of-way line of said U.S. Highway 377, a distance of 57.32 feet to a point for corner;

THENCE North 89°23'20" West, departing said common line, a distance of 5.00 feet to a point for corner;

THENCE North 00°48'13" West, a distance of 57.36 feet to the intersection with the common north line of said 22.709 acre tract and the south line of said Lot 1, from which point a found 1/2-inch iron rod at the southwest corner of said Lot 1 bears North 88°55'19" West, a distance of 195.30 feet;

THENCE South 88°55'19" East, along the last stated common line, a distance of 5.00 feet to the **POINT OF BEGINNING**, and containing 0.0066 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 6/14/16
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: June 14, 2016



LOT 1, BLOCK A
FORT WORTH DRIVE CARWASH
CAB X, PG. 340
P.R.D.C.T.

INGRESS-EGRESS ESMT.
VOL. 4517, PG. 782
VOL. 4526, PG. 888
D.R.D.C.T.

POINT OF
BEGINNING

N 88°55'19" W 195.30'

1/2" IRF
(CM)

CARWASH
BAYS

CONC.

CONC.

CONC.

P12W-SSE-1
0.0066 ACRES

L4

1/2" IR WITH ALUMINUM DISK
STAMPED "TXDOT ROW" FND.
BEARS N 87°47'45" W - 0.49'
(CM)

P12W-TCE-1
(BY SEPARATE PLAT)

5'

5'

CONC.

CONC.

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WILLIAM DANIEL SURVEY
ABSTRACT NO. 378

REGI INVESTMENTS, INC.
CALLED 22.709 ACRES
DOC. NO. 94-0005624
R.P.R.D.C.T.

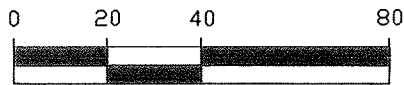
STATE OF TEXAS
CALLED 0.148 ACRE
40' EASEMENT
VOL. 288, PG 303
D.R.D.C.T.

MOBILE HOME
STORAGE BLDG
ICV
OHE

REGI INVESTMENTS, INC.
CALLED 22.709 ACRES
DOC. NO. 94-0005624
R.P.R.D.C.T.

CITY OF DENTON
SANITARY SEWER EASEMENT
VOL. 427, PG. 441
D.R.D.C.T.

STATE OF TEXAS
CALLED 0.173 ACRE EASEMENT
DOC. NO. 2013-91272
O.R.D.C.T.



SCALE: 1" = 40'

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".



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°48'13" E	57.32'
L2	N 89°23'20" W	5.00'
L3	N 00°48'13" W	57.36'
L4	S 88°55'19" E	5.00'

EXHIBIT "B"

P12W-SSE-1

BEING 0.0066 ACRE SANITARY SEWER EASEMENT
SITUATED IN THE WILLIAM DANIEL SURVEY, ABSTRACT NO. 378
CITY OF DENTON, DENTON COUNTY, TEXAS

DEN 16023

SHEET 2 OF 2

teague nall & perkins

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www.tnppinc.com
T.B.P.L.S. Firm No. 10011601



ATTACHMENT
P12W-SSE-2

EXHIBIT "A"
LEGAL DESCRIPTION
SANITARY SEWER EASEMENT

BEING a 0.0218 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 22.709 acre tract of land described in Deed to Regi Investments, Inc., as recorded in Document No. 94-0005624 of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at the northeast corner of said 22.709 acre tract, common with the southeast corner of Lot 1 in Block A of Fort Worth Drive Carwash as recorded in Cabinet X, Page 340 of the Plat Records of Denton County, Texas (P.R.D.C.T.), and located in the existing westerly right-of-way line of U.S. Highway 377 (Fort Worth Drive, variable width R.O.W.), from which point a found 1/2-inch iron rod with Aluminum Disk stamped "TXDOT ROW" bears North 87°47'45" West, a distance of 0.49 feet;

THENCE South 00°48'13" East, departing the north line of said Lot 1 and along the common easterly line of said 22.709 acre tract and the existing westerly right-of-way line of said U.S. Highway 377, a distance of 156.33 feet to the **POINT OF BEGINNING**;

THENCE South 00°48'13" East, continuing along said common line, a distance of 20.02 feet to a point for corner;

THENCE South 86°53'28" West, departing said common line, a distance of 67.61 feet to the intersection with the southeasterly line of a Sanitary Sewer Easement described in Deed to the City of Denton, as recorded in Volume 427, Page 441 of the Deed Records of Denton County, Texas (D.R.D.C.T.);

THENCE North 60°58'12" East, along the southeasterly line of said Sanitary Sewer Easement, a distance of 45.75 feet to a point for corner;

THENCE North 86°53'28" East, departing the southeasterly line of said Sanitary Sewer Easement, a distance of 27.27 feet to the **POINT OF BEGINNING**, and containing 0.0218 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 6/14/16
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: June 14, 2016



LOT 1, BLOCK A
FORT WORTH DRIVE CARWASH
CAB X, PG. 340
P.R.D.C.T.

INGRESS-EGRESS ESMT.
VOL. 4517, PG. 782
VOL. 4526, PG. 888
D.R.D.C.T.

1/2" IRF
(CM)

N 88°55'19" W 200.30'

CARWASH
BAYS

CONC.

CONC.

P12W-TCE-1
(BY SEPARATE PLAT)

P12W-SSE-1
(BY SEPARATE PLAT)

CONC. DRIVE

2x2' BRICK COLUMN (TYP)

METAL CARPORT

CONC.

1/2" IR WITH ALUMINUM DISK
STAMPED "TXDOT ROW" FND.

MOBILE HOME

WOOD DECK

STORAGE BLDG

SSMH

POINT OF
BEGINNING

EXPOSED 3" PIPE UNKNOWN

1/2" IR WITH ALUMINUM DISK
STAMPED "TXDOT ROW" FND.
BEARS N 00°48'13" W - 5.08'
(CM)

P12W-SE-2
0.0218 ACRES

WILLIAM DANIEL SURVEY
ABSTRACT NO. 378

REGI INVESTMENTS, INC.
CALLED 22.709 ACRES
DOC. NO. 94-0005624
R.P.R.D.C.T.

STATE OF TEXAS
CALLED 0.148 ACRE
40' EASEMENT
VOL. 288, PG 303
D.R.D.C.T.

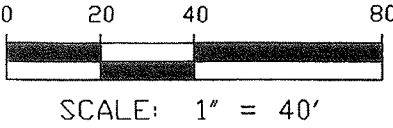
CITY OF DENTON
SANITARY SEWER EASEMENT
VOL. 427, PG 441
D.R.D.C.T.

STATE OF TEXAS
CALLED 0.173 ACRE EASEMENT
DOC. NO. 2013-91272
O.R.D.C.T.

REGI INVESTMENTS, INC.
CALLED 22.709 ACRES
DOC. NO. 94-0005624
R.P.R.D.C.T.

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

LEGEND	
	CALCULATED POINT
	1/2" IRON ROD FOUND (UNLESS NOTED OTHERWISE)
	CONTROLLING MONUMENT
	GUYWIRE
	POWER POLE
	CO (SANITARY SEWER CLEAN OUT)
	ICV (IRRIGATION CONTROL VALVE)
	SSMH (SANITARY SEWER MANHOLE)
	UTILITY SIGN (UNLESS NOTED OTHERWISE)
	WATER METER
	EASEMENT BOUNDARY LINE
	PROPERTY LINE
	EXISTING RIGHT-OF-WAY
	EXISTING EASEMENT
	OVERHEAD ELECTRIC
	EDGE OF ASPHALT
	WOOD FENCE



- 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".



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°48'13" E	20.02'
L2	S 86°53'28" W	67.61'
L3	N 60°58'12" E	45.75'
L4	N 86°53'28" E	27.27'

EXHIBIT "B"

P12W-SSE-2

BEING 0.0218 ACRE SANITARY SEWER EASEMENT
SITUATED IN THE WILLIAM DANIEL SURVEY, ABSTRACT NO. 378
CITY OF DENTON, DENTON COUNTY, TEXAS



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940.383.4177 ph 940.383.8026 fx
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T.B.P.L.S. Firm No. 10011601

DEN 16023

SHEET 2 OF 2

ATTACHMENT

P12W-SSE-3

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

BEING a 0.1318 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 22.709 acre tract of land described in Deed to Regi Investments, Inc., as recorded in Document No. 94-0005624 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 1/2-inch iron rod found at the most westerly southwest corner of said 22.709 acre tract, common with the northwest corner of a called 1.730 acre tract of land described in Deed to Regi Investments, Inc., as recorded in Volume 1164, Page 794 of the Deed Records of Denton County, Texas (D.R.D.C.T.), and located in the existing easterly right-of-way line of James Street (variable width R.O.W.);

THENCE North 00°35'25" West, departing the north line of said 1.730 acre tract and along the common westerly line of said 22.709 acre tract and the existing easterly right-of-way line of said James Street, a distance of 419.00 feet to the **POINT OF BEGINNING**;

THENCE North 00°35'25" West, continuing along said common line, a distance of 20.00 feet to a point for corner;

THENCE North 88°17'58" East, departing said common line, a distance of 83.88 feet to a point for corner;

THENCE North 45°19'34" East, a distance of 159.30 feet to the intersection with the southeasterly line of a Sanitary Sewer Easement described in Deed to the City of Denton, as recorded in Volume 427, Page 441 (D.R.D.C.T.);

THENCE North 60°58'12" East, along the southeasterly line of said Sanitary Sewer Easement, a distance of 74.17 feet to a point for corner;

THENCE South 45°19'34" West, departing the southeasterly line of said Sanitary Sewer Easement, a distance of 238.59 feet to a point for corner;

THENCE South 88°17'58" West, a distance of 92.14 feet to the **POINT OF BEGINNING**, and containing 0.1318 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 6/14/16
Marvin King, R.P.L.S. No. 5581
Teague Nall and Perkins
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Denton, Texas 76205
(940) 383-4177
T.B.P.L.S. Firm 10011601
Date: June 14, 2016



JAMES ST.
(VARIABLE WIDTH RIGHT-OF-WAY)

1/2" IRF
(CM)
N 00°35'25" W
620.65'

REGI INVESTMENTS, INC.
CALLED 22.709 ACRES
DOC. NO. 94-0005624
R.P.R.D.C.T.

CITY OF DENTON
SANITARY SEWER EASEMENT
VOL. 427, PG. 441
D.R.D.C.T.

REGI INVESTMENTS, INC.
CALLED 22.709 ACRES
DOC. NO. 94-0005624
R.P.R.D.C.T.

WILLIAM DANIEL SURVEY
ABSTRACT NO. 378

ASPHALT PAVING
SSMH
BURIED "GTE" TELE SIGN
CONC. APRON
N 00°35'25" W
419.00'

POINT OF
BEGINNING

POINT OF
COMMENCING
1/2" IRF
(CM)

REGI INVESTMENTS, INC.
CALLED 1.730 ACRES
VOL. 1164, PG. 794
D.R.D.C.T.

0 20 40 80
SCALE: 1" = 40'

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. 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.
3. A Legal Description of even date herewith accompanies this Easement Exhibit. See Exhibit "A".



teague nall & perkins

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Denton, Texas 76205
940.383.4177 ph 940.383.8026 fx
www.tnppinc.com
T.B.P.L.S. Firm No. 10011601



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 00°35'25" W	20.00'
L2	N 88°17'58" E	83.88'
L3	N 45°19'34" E	159.30'
L4	N 60°58'12" E	74.17'
L5	S 45°19'34" W	238.59'
L6	S 88°17'58" W	92.14'

LEGEND

	CALCULATED POINT
	1/2 IRON ROD FOUND (UNLESS NOTED OTHERWISE)
	CONTROLLING MONUMENT
	GUYWIRE
	POWER POLE
	CO (SANITARY SEWER CLEAN OUT)
	ICV (IRRIGATION CONTROL VALVE)
	SSMH (SANITARY SEWER MANHOLE)
	UTILITY SIGN (UNLESS NOTED OTHERWISE)
	WATER METER
	EASEMENT BOUNDARY LINE
	PROPERTY LINE
	EXISTING RIGHT-OF-WAY
	EXISTING EASEMENT
	OVERHEAD ELECTRIC
	EDGE OF ASPHALT

EXHIBIT "B"

P12W-SSE-3

BEING 0.1318 ACRE SANITARY SEWER EASEMENT
SITUATED IN THE WILLIAM DANIEL SURVEY, ABSTRACT NO. 378
CITY OF DENTON, DENTON COUNTY, TEXAS

DEN 16023

SHEET 3 OF 3

ATTACHMENT 3

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 Regi Investments, Inc., a Texas Corporation ("Grantor"), of Denton County, whose mailing address is 2212 Fort Worth Drive, # 163, Denton, TX 76205-7678 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"), 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 0.0066 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 ATTACHMENT 3 PAGE 1
AND DEPICTED IN ATTACHMENT 3 PAGE 2**

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 its hand, this the _____ day of _____, 2016.

Regi Investments, Inc.,
a Texas corporation

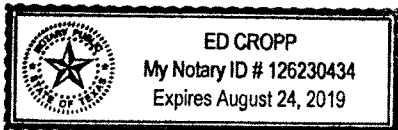

Rene Cassar, President


ACKNOWLEDGMENT

THE STATE OF Texas §

COUNTY OF Denton §

This instrument was acknowledged before me on November 18 th, 2016, by
Rene Cassar for Regi Investments, Inc., as its President.




Notary Public, in and for the State of Texas
My commission expires: 8/24/2019

P12W-TCE-1

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT

BEING a 0.0066 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 22.709 acre tract of land described in Deed to Regi Investments, Inc., as recorded in Document No. 94-0005624 of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at the northeast corner of said 22.709 acre tract, common with the southeast corner of Lot 1 in Block A of Fort Worth Drive Carwash as recorded in Cabinet X, Page 340 of the Plat Records of Denton County, Texas (P.R.D.C.T.), and located in the existing westerly right-of-way line of U.S. Highway 377 (Fort Worth Drive, variable width R.O.W.), from which point a found 1/2-inch iron rod with Aluminum Disk stamped "TXDOT ROW" bears North 87°47'45" West, a distance of 0.49 feet;

THENCE North 88°55'19" West, departing the existing westerly right-of-way line of said U.S. Highway 377 and along the common north line of said 22.709 acre tract and the south line of said Lot 1, a distance of 5.00 feet to the **POINT OF BEGINNING**;

THENCE South 00°48'13" East, departing said common line, a distance of 57.36 feet to a point for corner;

THENCE North 89°23'20" West, a distance of 5.00 feet to a point for corner;

THENCE North 00°48'13" West, a distance of 57.40 feet to the intersection with the common north line of said 22.709 acre tract and the south line of said Lot 1, from which point a found 1/2-inch iron rod at the southwest corner of said Lot 1 bears North 88°55'19" West, a distance of 190.30 feet;

THENCE South 88°55'19" East, along the last stated common line, a distance of 5.00 feet to the **POINT OF BEGINNING**, and containing 0.0066 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"*

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Denton, Texas 76205
(940) 383-4177
T.B.P.L.S. Firm 10011601
Date: June 14, 2016



LOT 1, BLOCK A
FORT WORTH DRIVE CARWASH
CAB X, PG. 340
P.R.D.C.T.

INGRESS-EGRESS ESMT.
VOL. 4517, PG. 782
VOL. 4526, PG. 888
D.R.D.C.T.

POINT OF
BEGINNING
POINT OF
COMMENCING

1/2" IRF
(CM)

N 88°55'19" W 190.30'

P12W-TCE-1
0.0066 ACRES

P12W-SSE-1
(BY SEPARATE PLAT)

1/2" IR WITH ALUMINUM DISK
STAMPED "TXDOT ROW" FND.
BEARS N 87°47'45" W - 0.49'
(CM)

N 88°55'19" W
5.00'

WILLIAM DANIEL SURVEY
ABSTRACT NO. 378

REGI INVESTMENTS, INC.
CALLED 22.709 ACRES
DOC. NO. 94-0005624
R.P.R.D.C.T.

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

LEGEND	
	CALCULATED POINT
	1/2 IRON ROD FOUND (UNLESS NOTED OTHERWISE)
	CONTROLLING MONUMENT
	GUYWIRE
	POWER POLE
	CO (SANITARY SEWER CLEAN OUT)
	ICV (IRRIGATION CONTROL VALVE)
	SSMH (SANITARY SEWER MANHOLE)
	UTILITY SIGN (UNLESS NOTED OTHERWISE)
	WATER METER
	EASEMENT BOUNDARY LINE
	PROPERTY LINE
	EXISTING RIGHT-OF-WAY
	EXISTING EASEMENT
	OVERHEAD ELECTRIC
	EDGE OF ASPHALT

STATE OF TEXAS
CALLED 0.148 ACRE
40' EASEMENT
VOL. 288, PG 303
D.R.D.C.T.

MOBILE HOME
STORAGE BLDG
ICV
OHE

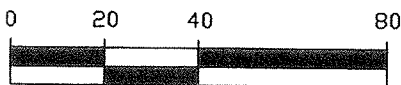
MOBILE HOME
WOOD DECK
STORAGE BLDG
SSMH
EXPOSED 3" PIPE UNKNOWN
1/2" IR WITH ALUMINUM DISK
STAMPED "TXDOT ROW" FND.

P12W-SSE-2
(BY SEPARATE PLAT)

CITY OF DENTON
SANITARY SEWER EASEMENT
VOL. 427, PG. 441
D.R.D.C.T.

STATE OF TEXAS
CALLED 0.173 ACRE EASEMENT
DOC. NO. 2013-91272
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REGI INVESTMENTS, INC.
CALLED 22.709 ACRES
DOC. NO. 94-0005624
R.P.R.D.C.T.



SCALE: 1" = 40'

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".



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°48'13" E	57.36'
L2	N 89°23'20" W	5.00'
L3	N 00°48'13" W	57.40'
L4	S 88°55'19" E	5.00'

EXHIBIT "B"

P12W-TCE-1

BEING 0.0066 ACRE TEMPORARY CONSTRUCTION EASEMENT
SITUATED IN THE WILLIAM DANIEL SURVEY, ABSTRACT NO. 378
CITY OF DENTON, DENTON COUNTY, TEXAS



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SHEET 2 OF 2