

# EXHIBIT 3 attachment to AIS

Denton County  
Cynthia Mitchell  
County Clerk  
Denton, TX 76202



70 2014 00026437

Instrument Number: 2014-26437

Recorded On: March 27, 2014

As  
Easement

Parties: NELMS KEVIN

To

Billable Pages: 11

Number of Pages: 11

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

Easement	66.00
Total Recording:	66.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2014-26437  
Receipt Number: 1146422  
Recorded Date/Time: March 27, 2014 02:20:18P

**Record and Return To:**

TITLE RESOURCES  
WILL CALL  
DENTON TX 76202

User / Station: C Robinson - Cash Station 1



THE STATE OF TEXAS }  
COUNTY OF DENTON }

I hereby certify that this instrument was FILED in the File Number sequence on the date/time  
printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

*Cynthia Mitchell*

County Clerk  
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.**

### **DRAINAGE EASEMENT**

**THE STATE OF TEXAS**

§

§

**COUNTY OF DENTON**

§

**KNOW ALL MEN BY THESE PRESENTS:**

THAT Kevin Nelms, a married man, with the Property (as defined below) comprising no part of the homestead of he and his wife, and Richard Greb and wife, Nancy Greb (collectively, "Grantor"), 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"), 215 E. McKinney, Denton, Texas 76201, a perpetual drainage easement in, along, over, upon, under and across the following described property (the "Property"), owned by Grantor, and situated in Denton County, Texas, located in the David Hough Survey, Abstract No. 646, Denton County, Texas, to wit:

**PROPERTY DESCRIBED IN EXHIBITS "A-1" AND "A-2", RESPECTIVELY,**

**AND DEPICTED IN EXHIBITS "B-1" AND "B-2", RESPECTIVELY,**

**EACH ATTACHED HERETO AND MADE A PART HEREOF**

For the following purposes:

Constructing, reconstructing, installing, repairing, relocating, operating, and perpetually maintaining drainage, and related drainage facilities and appurtenances, including without limitation, the right to overflow the Property, in, along, over, upon, under and across said Property. The rights granted herein shall further include, without limitation, the free and uninterrupted use, liberty, passage, ingress, egress and regress, at all times in, along, over, 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 and/or drainage features or grade, 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, over, upon, under or across the Property by Grantor. Further, Grantor stipulates and acknowledges that the Grantee, in consideration of the benefits above set out, may alter the grade of the Property and 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. **Maintenance of Lateral Slope.** No activity, of any kind, shall be conducted on the Property by Grantor that may impair, damage or destroy the lateral slope established for drainage, including without limitation, excavation or movement of soil or other material.
3. **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.
4. **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.
5. **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 Grantee's rights granted to it herein for the purposes granted.
6. **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, devisees, 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 24 day of March, 2014.

KEVIN NELMS

RICHARD GREB

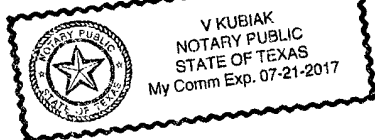
NANCY GREB

ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF DENTON §

This instrument was acknowledged before me on 3/24, 2014 by Kevin Nelms.



V KUBIAK  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF DENTON §

This instrument was acknowledged before me on \_\_\_\_\_, 2014 by Richard Greb.

\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

Witness my hand, this the 25 day of March, 2014.

\_\_\_\_\_  
KEVIN NELMS

● Richard Greb  
RICHARD GREB

● Nancy Greb  
NANCY GREB

ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF DENTON §

This instrument was acknowledged before me on \_\_\_\_\_, 2014 by Kevin Nelms.

\_\_\_\_\_  
Notary Public, State of Texas

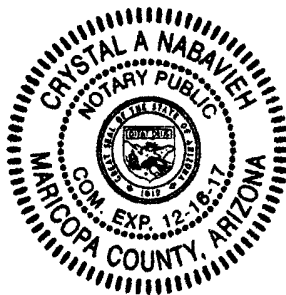
My commission expires: \_\_\_\_\_

ACKNOWLEDGMENT

Arizona  
THE STATE OF ~~TEXAS~~ §

Maricopa  
COUNTY OF ~~DENTON~~ §

● This instrument was acknowledged before me on March 25, 2014 by Richard Greb.



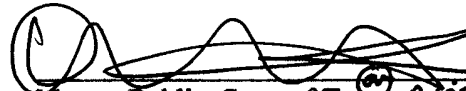
[Signature]  
Notary Public, State of ~~Texas~~ Arizona  
My commission expires: 12/16/2017

ACKNOWLEDGMENT

THE STATE OF ~~TEXAS~~ <sup>Arizona</sup> §  
COUNTY OF ~~DENTON~~ <sup>Maricopa</sup> §

This instrument was acknowledged before me on March 25, 2014 by Nancy Greb.



  
Notary Public, State of ~~Texas~~ <sup>Arizona</sup>  
My commission expires: 12/16/2017

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

## EXHIBIT "A-1" - to Drainage Easement



**Arthur Surveying Co., Inc.**  
*Professional Land Surveyors*

P.O. Box 54 ~ Lewisville, Texas 75067  
Office: (972) 221-9439 ~ Fax: (972) 221-4675

### **20' DRAINAGE EASEMENT 0.037 Acre City of Denton, Denton County, Texas**

**BEING** all that certain lot, tract or parcel of land situated in the David Hough Survey, Abstract Number 646, City of Denton, Denton County, Texas, and being part of Tract I as described by deed to Kevin Nelms, Recorded in Volume 3432, Page 911, Deed Records, Denton County, Texas (D.R.D.C.T.), and being more particularly described as follows:

**COMMENCING** at a "PK" nail set in Mayhill Road for the southeast corner of said Nelms tract and the northeast corner of a right-of-way dedication as shown on Providence Place II, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet X, Page 905, Plat Records, Denton County, Texas;

**THENCE** South 88 degrees 01 minutes 21 seconds West, with the south line of said Nelms tract and the north line of said right-of-way dedication, a distance of 865.78 feet to a 1/2 inch iron rod with yellow cap stamped "Arthur Surveying Company" (ASC) set for corner;

**THENCE** North 01 degrees 58 minutes 58 seconds West, over and across said Nelms tract, a distance of 8.87 feet to a 1/2 inch iron rod with yellow cap stamped "ASC" set for the beginning of a non-tangent curve to the left, having a radius of 125.00 feet;

**THENCE** over and across said Nelms tract, with said curve to the left, through a central angle of 43 degrees 33 minutes 22 seconds, whose chord bears North 66 degrees 14 minutes 21 seconds East at 92.75 feet, having an arc length of 95.02 feet to a 1/2 inch iron rod with yellow cap stamped "ASC" set for the beginning of a curve to the right, having a radius of 1106.00 feet;

**THENCE** over and across said Nelms tract, with said curve to the right, through a central angle of 10 degrees 41 minutes 20 seconds, whose chord bears North 29 degrees 29 minutes 56 seconds East at 206.03 feet, having an arc length of 206.33 feet to the **POINT OF BEGINNING**;

**THENCE** North 52 degrees 16 minutes 24 seconds West, over and across said Nelms tract, a distance of 20.02 feet to the beginning of a non-tangent curve to the right, having a radius of 1126.00 feet;

**THENCE** over and across said Nelms tract, with said curve to the right, through a central angle of 02 degrees 49 minutes 56 seconds, whose chord bears North 36 degrees 18 minutes 38 seconds East at 55.65 feet, having an arc length of 55.66 feet to a point for corner;

**THENCE** North 37 degrees 43 minutes 36 seconds East, over and across said Nelms tract, a distance of 24.37 feet to a point for corner;

**THENCE** South 52 degrees 16 minutes 24 seconds East, over and across said Nelms tract, a distance of 20.00 feet to a point for corner;

(continued)

**EXHIBIT "A-1" - to Drainage Easement**



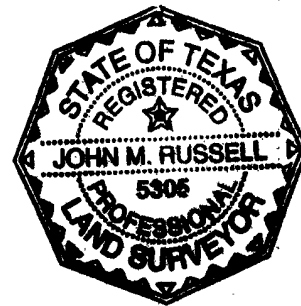
**Arthur Surveying Co., Inc.**  
**Professional Land Surveyors**

P.O. Box 54 ~ Lewisville, Texas 75067  
Office: (972) 221-9439 ~ Fax: (972) 221-4675

**THENCE** South 37 degrees 43 minutes 36 seconds West, over and across said Nelms tract, a distance of 24.37 feet to the beginning of a non-tangent curve to the left, having a radius of 1106.00 feet;

**THENCE** over and across said Nelms tract, with said curve to the left, through a central angle of 02 degrees 53 minutes 00 seconds, whose chord bears South 36 degrees 17 minutes 06 seconds West at 55.65 feet, having an arc length of 55.66 feet to the **POINT OF BEGINNING** and containing 0.037 acre of land.

*John M. Russell*  
9.25.2012



# EXHIBIT "B-1" - to Drainage Easement

CURVE TABLE

#	Radius	Length	Delta	Chord
C1	125.00'	95.02'	43°33'22"	N66°14'21"E 92.75'
C2	1106.00'	206.33'	10°41'20"	N29°29'56"E 206.03'
C3	1126.00'	55.66'	02°49'56"	N36°18'38"E 55.65'
C4	1106.00'	55.66'	02°53'00"	S36°17'06"W 55.65'

**MAYHILL ROAD**  
(Variable Width ROW)

200 0 100 200

SCALE: 1" = 200'

Bearings shown hereon based on the City of Denton GIS Network.

Kevin Nelms  
Vol. 3432, Pg. 911  
Tract I

Richard A. Greb &  
Nancy A. Greb  
Instr. No. 2008-100770  
Tract I

I.R.F.  
(C.M.)

(53.288 acres remaining)

**0.037 Acre  
20' Drainage  
Easement**  
(1,600 sq. ft.)

N37°43'36"E 24.37'  
S52°16'24"E 20.00'  
S37°43'36"W 24.37'  
N52°16'24"W 20.02'

**P.O.B.**

(2.740 acres remaining)

5/8" I.R.F.  
(C.M.)

N01°58'58"W 8.87'

C1

existing fence

S88°01'21"W 865.78'

S88°01'21"W 855.83'

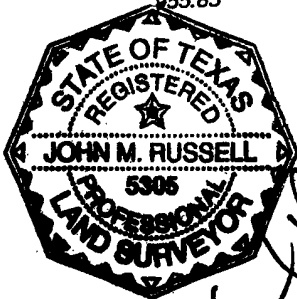
Donnelly Addition  
Cabinet O, Page 77

Providence Place II  
Cabinet X, Page 906

Robert P. Donnelly  
Volume 3384, Page 906  
(remainder)

"PK" Nail Set

**P.O.C.**



*J. Russell*  
9.25.2012

## NOTES:

- I.R.F. = 1/2" Iron Rod Found
- I.R.S. = 1/2" Iron Rod Set with yellow cap stamped "Arthur Surveying Company"
- All improvements not shown hereon.
- Easements recorded in Vol. 190, Pgs. 620 & 622, Vol. 336, Pgs. 347, 367 & 583, & Vol. 391, Pg. 169 do not affect this tract to the best of my knowledge.
- Blanket Easements recorded in Vol. 357, Pg. 45 & Vol. 357, Pg. 54 as assignend in Vol. 2736, Pg. 828 includes this tract.
- Easement recorded in Vol. 341, Pg. 222 as assigned in Vol. 367, Pg. 242 is centered on a pipeline not specifically located.

## SURVEYORS CERTIFICATION:

The undersigned does hereby certify to Title Resources (G.F. No. 102631 & 102632) that this survey was this day made on the ground of the property legally described hereon and is correct, and to the best of my knowledge, there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way that I have been advised of except as shown hereon.

## 20' Drainage Easement

0.037 Acres

David Hough Survey,  
Abstract Number 646

City of Denton  
Denton County, Texas

- 2012 -



**Arthur Surveying Co., Inc.**  
Professional Land Surveyors

P.O. Box 54 - Lewisville, Texas 75067  
Office: (972) 221-9439 Fax: (972) 221-4675  
Established 1986

**EXHIBIT "A-2" - to Drainage Easement**



**Arthur Surveying Co., Inc.**  
**Professional Land Surveyors**

P.O. Box 54 ~ Lewisville, Texas 75067  
Office: (972) 221-9439 ~ Fax: (972) 221-4675

**EXHIBIT "A"**  
**50' DRAINAGE EASEMENT**  
**0.159 Acre**  
**City of Denton, Denton County, Texas**

**BEING** all that certain lot, tract or parcel of land situated in the David Hough Survey, Abstract Number 646, City of Denton, Denton County, Texas, and being part of Tract I as described by deed to Kevin Nelms, Recorded in Volume 3432, Page 911, Deed Records, Denton County, Texas (D.R.D.C.T.), and being more particularly described as follows:

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**THENCE** South 88 degrees 01 minutes 21 seconds West, with the south line of said Nelms tract and the north line of said Providence Place II, a distance of 382.61 feet to the **POINT OF BEGINNING**;

**THENCE** South 88 degrees 01 minutes 21 seconds West, continuing with the south line of said Nelms tract and the north line of said Providence Place II, a distance of 66.52 feet to a point for corner;

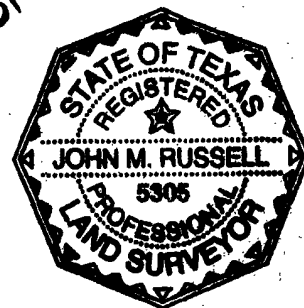
**THENCE** North 43 degrees 14 minutes 38 seconds West, over and across said Nelms tract, a distance of 112.01 feet to the beginning of a non-tangent curve to the right, having a radius of 905.00 feet;

**THENCE** over and across said Nelms tract, with said curve to the right, through a central angle of 02 degrees 57 minutes 45 seconds, whose chord bears North 36 degrees 14 minutes 44 seconds at 46.79 feet, having an arc length of 46.79 feet to a point for corner;

**THENCE** North 37 degrees 43 minutes 36 seconds East, over and across said Nelms tract, a distance of 4.05 feet to a point for corner;

**THENCE** South 43 degrees 14 minutes 38 seconds East, over and across said Nelms tract, a distance of 165.06 feet to the **POINT OF BEGINNING** and containing 0.159 acres of land.

*Handwritten signature and date:*  
J. L. Russell  
9.25.2012



C1  
R=905.00' L=46.79'  
 $\Delta=02^{\circ}57'45''$   
Chd.=N36°14'44"E  
46.79'

**MAYHILL ROAD**  
(Variable Width ROW)

60' Brazos Electric  
Power Easement  
Volume 1636, Page 436

**15' Gas Easement**  
**-Instr. No. 2006-34815**

**0.159 Acre  
50' Drainage  
Easement  
(6,939 sq. ft.)**

Robert P. Donnelly  
Volume 3384, Page 905  
(remainder)

**NOTES:**

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- All improvements not shown hereon.
- Easements recorded in Vol. 190, Pgs. 620 & 622, Vol. 336, Pgs. 347, 367 & 583, & Vol. 391, Pg. 169 do not affect this tract to the best of my knowledge.
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## 50' Drainage Easement

**0.159 Acre**

**David Hough Survey,  
Abstract Number 646**

**City of Denton  
Denton County, Texas**

**-- 2012 --**

 **Arthur Surveying Co., Inc.**  
*Professional Land Surveyors*

**P.O.Box 54 - Lewisville, Texas 75067**  
**Office: (972) 221-9439 Fax: (972) 221-4675**  
**Established 1986**

C1107131E41E-Parce M138-D=2