

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON FINDING THAT A PUBLIC USE AND NECESSITY EXISTS TO ACQUIRE VARIOUS PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS GENERALLY LOCATED ALONG SMITH STREET, THE LIMITS OF WHICH BEING BOUNDED TO THE NORTHWEST BY LOCUST STREET AND TO THE SOUTHEAST EXTENDING BEYOND SMITH STREET TO THE EAST TO THE DCTA RAIL CORRIDOR AND BEING SITUATED IN THE S.C. HIRAM SURVEY, ABSTRACT 616 AND THE ALEXANDER HILL SURVEY, ABSTRACT 623, CITY OF DENTON, DENTON COUNTY, TEXAS (COLLECTIVELY THE "PROPERTY INTERESTS"), FOR THE PUBLIC USE OF, EXPANSION, CONSTRUCTION, MAINTENANCE, AND OPERATION OF AN ELECTRIC TRANSMISSION LINE, ANCILLARY FACILITIES AND STRUCTURES; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACQUIRE THE PROPERTY INTERESTS BY AGREEMENT INCLUDING MAKING ALL OFFERS REQUIRED BY LAW; AUTHORIZING THE USE OF THE POWER OF EMINENT DOMAIN TO CONDEMN THE PROPERTY INTERESTS IF AN AGREEMENT CANNOT BE REACHED; AND AUTHORIZING THE CITY ATTORNEY, OR HIS DESIGNEE, TO FILE EMINENT DOMAIN PROCEEDINGS IF NECESSARY; AUTHORIZING THE EXPENDITURE OF FUNDING; MAKINGS FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE [SPENCER TO LOCUST TL PROJECT].

WHEREAS, the City Council of the City of Denton ("City Council") after consideration of this matter, has determined that a public use and necessity exists for, and that the public welfare and convenience requires, the acquisition of the Property Interests by the City of Denton, Texas ("City"). The City Council finds that the acquisition of the Property Interests is a valid public use necessary for the expansion, construction, maintenance, and operation of an electric transmission line, ancillary facilities and structures to serve the public and citizens of the City; and

WHEREAS, the City is required to make an initial offer as defined by, and in compliance with, Texas Property Code §21.0111 ("Initial Offer"), and a bona fide offer, as defined by, and in compliance with, Texas Property Code §21.0113 ("Final Offer") to acquire the Property Interests for public use, voluntarily, from the subject landowner before beginning the acquisition of the Property Interests by eminent domain; and

WHEREAS, an independent professional appraisal report of the Property Interests will be submitted to the City as required by Chapter 21 of the Texas Property Code, and the City Manager or his designee will establish a certain amount determined to be just compensation for the Property Interests based on the appraisal and fair market value of the Property Interests and any applicable fees necessary to acquire the Property Interests; and

WHEREAS, the City Council deems it necessary to authorize the City Attorney to initiate condemnation proceedings in order to acquire the Property Interests if an agreement cannot be reached with the subject landowner for the purchase of the Property Interests. **NOW, THEREFORE**,

THE COUNCIL OF THE CITY OF DENTON ORDAINS:

Section 1. The City Council finds that the recitals made in the preamble of this Ordinance are true and correct, and incorporates such recitals into the body of this ordinance as if copied in their entirety.

Section 2. The City Council authorizes acquisition of the Property Interests, as more particularly described and depicted in Exhibits "A," "A-1," "B-1," "A-2," "B-2," "A-3," "B-3," "A-4," "B-4," "A-5," "B-5," "A-6," "B-6," "A-7," "B-7," "A-8," and "B-8," attached hereto and incorporated herein, for the reasons and purposes set forth above together with all necessary electric transmission line related appurtenances, additions, and improvements on, over, under, and through the Property Interests.

Section 3. The City Council authorizes the City Attorney, or his designee, to negotiate for and to acquire the required property rights in the Property Interests for the City, and to acquire these rights in compliance with State and any other applicable law. The City Attorney, or designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights in the Property Interests including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts and conveyance documents, to retain and designate a qualified appraiser of the Property Interests to be acquired and any other experts or consultants that he deems necessary for the acquisition process, to retain qualified outside litigation counsel as needed, and, if necessary, to institute and conduct all parts of the proceedings in eminent domain in accordance with the laws and procedures of the State.

Section 4. The City Manager, or his designee, is appointed as negotiator for the acquisition of the needed Property Interests and, as such, the City Manager, or designee, is authorized and directed to do each and every act and deed specified or authorized by this Ordinance, subject to the availability of funds appropriated by the City Council for such purpose. The City Manager, or designee, is specifically authorized to establish and make offer(s) of just compensation for the acquisition of the Property Interests to the landowner(s) of the Property Interests in accordance with State and any other applicable law. If an agreement as to damages or compensation cannot be reached then the City Attorney, or his designee, is authorized and directed to file or cause to be filed, against the subject landowner and interested parties of the Property Interests, proceedings in eminent domain to acquire the Property Interests.

Section 5. It is the intent of the City Council that this Ordinance authorize the condemnation of all property required for the expansion, construction, maintenance, and operation of an electric transmission line, ancillary facilities and structures. This property is generally located along Smith Street and extending east, and being situated in the S.C. Hiram Survey, Abstract 616 and the Alexander Hill Survey, Abstract 623, City of Denton, Denton County, Texas.

Section 6. If it is determined that there are scrivener errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the City Attorney or his designee is authorized to have such errors corrected or revisions made without the necessity of obtaining a new City Council Ordinance authorizing condemnation of the corrected or revised property.

Section 7. In the event that Special Commissioners appointed by the Court during condemnation proceedings return an award that is the same amount or less than the amount offered by the City for just compensation, the City Attorney is hereby authorized to settle the lawsuit for that amount.

Section 8. Following an award by the Special Commissioners, the City Finance Director is hereby authorized to issue a check from the appropriate fund in an amount not to exceed the Special Commissioners' award payable to the County Clerk of Denton County to be deposited in the registry of the Court to enable the City to take possession of the subject property without further action of the City Council.

Section 9. 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 10. This Ordinance shall become effective immediately upon its passage.

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:  _____

Exhibit A
Spencer to Locust Transmission Line Project
Property Ownership Roster / Possible Eminent Domain Cases

Tract Listing	Tract Number	Owner Identity	DCAD Parcel Number
1	SL 7 & 8	Robert Nelson and Karyn Nelson	37148, 37155
2	SL 9A	Axis Realty Group/ Not Quite 4A Properties, LP	632615
3	SL 10	600 Smith Street Property, LLC	79488
4	SL 11	Carmen Bourland	35652
5	SL 12	Dallas Drive Development Group and COE Investments, LLC	115616
6	SL 13	O.&C. Freeman Family, LTD.	35624, 83435
7	SL 14 & 15	Alfred John McDonald, Margaret A. Hamlin, Herbert E. Ottman, and the William G. Ottman Trust	35630, 498778

EXHIBIT "A-1"

ELECTRIC EASEMENT

Nelson Tract

BEING a 0.189 acre tract of land situated in the S.C. Hiram Survey, Abstract No. 616, in the City of Denton, Denton County, Texas, and being part of a called 1.011 acre tract of land described in a Deed to Robert E. Nelson and Karyn G. Nelson, as recorded in Document No. 2005-38174 of the Official Records of Denton County, Texas (O.R.D.C.T.), and further described as part of Lot 2 in Block A of Shady Oaks Industrial Park, as recorded in Cabinet A, Page 22 and Volume 2, Page 55 of the Plat Records of Denton County, Texas (P.R.D.C.T.), and subsequently re-dedicated as Expressway Industrial Park and recorded in Volume 493, Page 541 of the Deed Records of Denton County, Texas (D.R.D.C.T.), said 0.189 acre tract of land being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found at the northeast corner of a tract of land described in a Deed to Southwest RBD, Inc., as recorded in Document No. 98-047701 of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and located in the common east line of said Block A and the existing west right of way line of Teasley Lane (called 80.00 foot R.O.W.);

THENCE South 01°03'18" West, along said common line, a distance of 330.03 feet to a Railroad Spike found at the southeast corner of said Southwest RBD, Inc. tract, same being the southeast corner of said Lot 3, the northeast corner of said Lot 2, and located in the northwesterly line of a 60 foot wide Drainage and Utility Easement as described in said Shady Oaks Industrial Park;

THENCE North 88°14'55" West, departing the existing west right of way line of said Teasley Lane, and along the common, south line of said Lot 3 and the north line of said Lot 2, a distance of 24.49 feet to the most easterly corner of said 1.011 acre tract, and the beginning of a non-tangent curve to the left, having a radius of 107.60 feet, a central angle of 35°25'33", a chord bearing and distance of South 71°15'11" West, 65.47 feet, and being the **POINT OF BEGINNING** of said 0.189 acre tract of land;

THENCE in a southwesterly direction, departing the south line of said Lot 3 and the north line of said Lot 2, and along the common southeasterly line of said 1.011 acre tract, the northwesterly line of said Drainage and Utility Easement, and said curve to the left, an arc distance of 66.53 feet to a point for the end of said curve;

THENCE North 88°26'07" West, departing the last stated common line, a distance of 155.27 feet to a point for corner;

THENCE North 88°04'39" West, a distance of 178.54 feet to the intersection with the common west line of said Lot 2, same being the west line of said 1.011 acre tract, and located in the existing east right of way line of Duncan Street (variable width R.O.W.);

THENCE North 01°04'13" East, along the last stated common line, a distance of 22.90 feet to a 1/2 inch iron rod found at the northwest corner of said Lot 2 and the southwest corner of said Lot 3, same being the northwest corner of said 1.011 acre tract and the southwest corner of said Southwest RBD, Inc. tract;

THENCE South 88°14'55" East, departing the existing east right of way line of said Duncan Street, and along the north line of said Lot 2 and the south line of said Lot 3, a distance of 395.41 feet to the **POINT OF BEGINNING**, and containing 0.189 acres of land, more or less.

NOTE: Bearings are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.

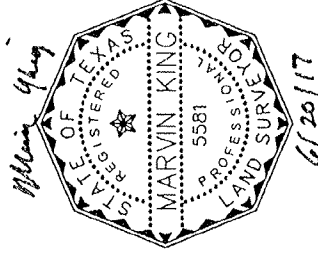
An Easement Exhibit of even date herewith accompanies this Legal Description. See Exhibit "B"

Marvin King 6/20/17
Marvin King, R.P.L.S. No. 5581
Teague Nail & Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940-383-4177
TBPLS Firm No. 10011601
Date: June 20, 2017



S.C. HIRAM SURVEY ABSTRACT NO. 616

LEGEND	
	CALCULATED POINT
	1/2" IRON ROD FOUND (UNLESS NOTED OTHERWISE)
	CONTROLLING MONUMENT
	POWER POLE
	FIRE HYDRANT
	SANITARY SEWER MANHOLE (SSM-H)
	WATER METER
	WATER VALVE
	EASEMENT BOUNDARY
	PROPERTY LINE
	EXISTING EASEMENT
	EXISTING RIGHT-OF-WAY
	EDGE OF ASPHALT
	OVERHEAD ELECTRIC LINE



tnp



SCALE: 1" = 80'

LINE TABLE	
LINE	BEARING
L1	N 01°04'13" E
	22.90'

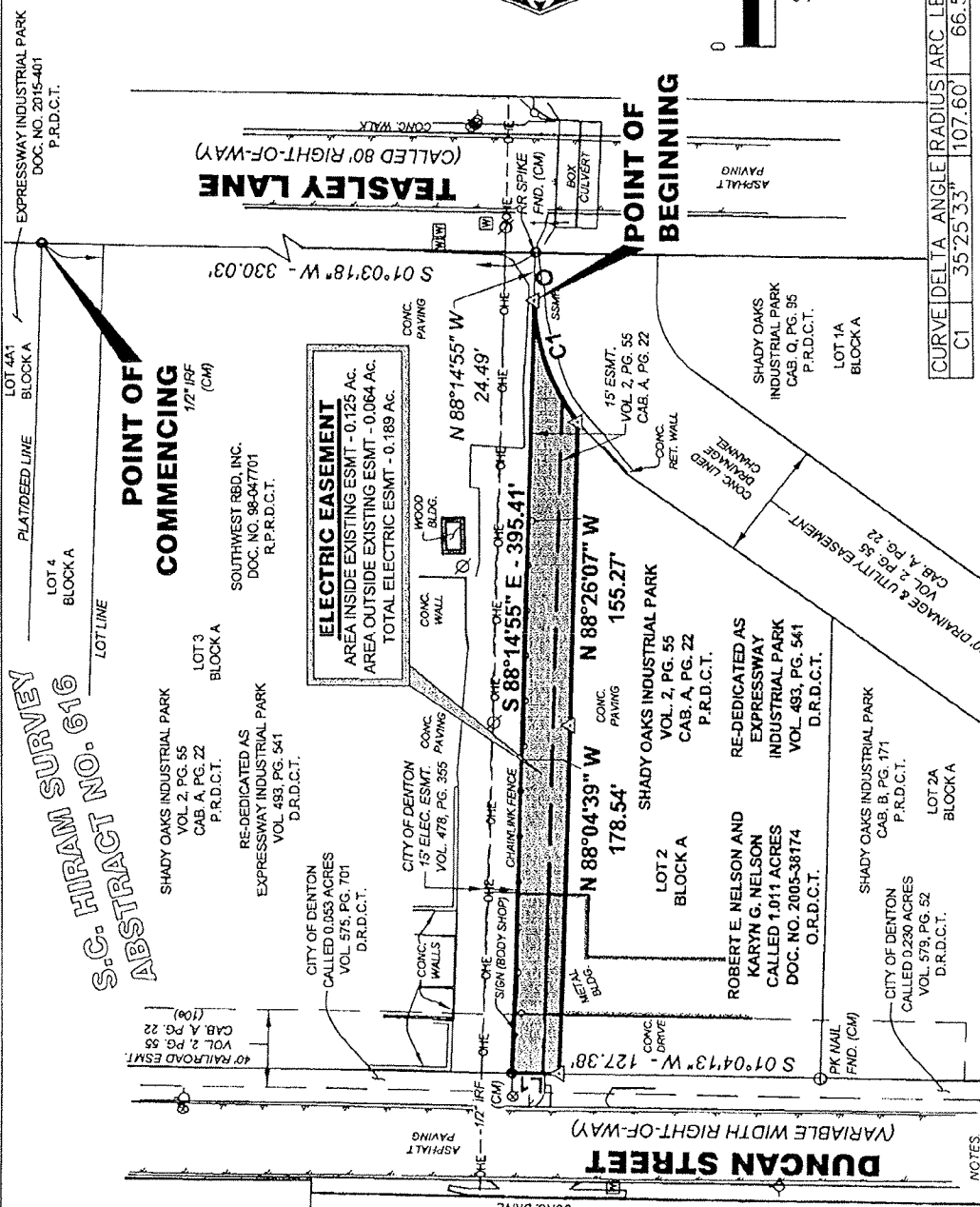
CURVE TABLE							
	CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD	BEARING	CHORD LENGTH
	C1	35°25'33"	107.60'	66.53'	S 71°15'11" W		65.47'

EXHIBIT "B-1"

ELECTRIC EASEMENT
BEING 0.189 ACRE ELECTRIC EASEMENT
SITUATED IN THE S.C. HIRAM SURVEY, ABSTRACT NO. 616
CITY OF DENTON, DENTON COUNTY, TEXAS

DME13222

PAGE 2 OF 2



- NOTES
- Bearings of lines shown hereon are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.
 - This exhibit was prepared with benefit of that current Title Commitment, OF No. 2027-165953-RU, with effective date of October 04, 2015, provided by Reunion Title. For easements, rights-of-way and/or other matters of record that may affect this tract, the surveyor relied solely on said title commitment.
 - This tract is subject to the following schedule B items:
1) Deed 40' Railroad Easement as shown on plat, recorded in Volume 2, Page 55, Plat Records, Denton County, Texas.
 - A Legal Description of even date herewith accompanies this Easement Exhibit. See "Exhibit A".

teague nall & perkins

1317 Centre Place Drive, Suite 320
Denton, Texas 76205
940.353.4177 ph 940.383.8026 fx
www.tnpsurvey.com
T & P L S. Firm No. 16011401



EXHIBIT "A-2"

ELECTRIC EASEMENT
Duncan Street Property Tract

BEING a 0.555 acre tract of land situated in the S.C. Hiram Survey, Abstract No. 616, in the City of Denton, Denton County, Texas, and being part of a called 3.727 acre tract of land described in a Deed to Duncan Street Property, LLC, as recorded in Document No. 2014-5011 of the Official Records of Denton County, Texas (O.R.D.C.T.), and further described as part of Lot 6R in the Amending Plat of the Emily J. Fry Addition, as recorded in Cabinet P, Page 356 of the Plat Records of Denton County, Texas (P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 3/8 inch iron rod found at the northeast corner of a called 0.028 acre right of way dedication for Duncan Street (a variable width R.O.W.) as described in said Emily J. Fry Addition, and located in the south line of a tract of land as described in a Deed to Ira J. Pollard Williams, Jr., as recorded in Document No. 2006-55956 (O.R.D.C.T.);

THENCE North 88°43'20" West, along the south line of said Ira J. Pollard Williams, Jr. tract, a distance of 2.40 feet to the northwest corner of said 0.028 acre right of way dedication, same being the northeast corner of said Lot 6R, and located in the existing west right of way line of said Duncan Street;

THENCE South 01°03'33" West, departing the south line of said Ira J. Pollard Williams, Jr. tract, and along the common east line of said Lot 6R and the existing west right of way line of said Duncan Street, a distance of 57.41 feet to the **POINT OF BEGINNING**;

THENCE South 01°03'33" West, continuing along said common line, a distance of 62.00 feet to a point for corner;

THENCE North 89°35'26" West, departing said common line, a distance of 235.38 feet to a point for corner;

THENCE North 89°21'24" West, a distance of 154.68 feet to the intersection with the common west line of said Lot 6A and the east line of a called 4.0026 acre tract of land described in a Deed to William Arthur Colville, as recorded in Document No. 2016-9535 (O.R.D.C.T.), same being the east line of Lot 1 in the Emily J. Fry Addition, as recorded in Volume 1, Page 36 (P.R.D.C.T.);

THENCE North 00°40'03" East, along the last stated common line, a distance of 62.00 feet to a point for corner;

THENCE South 89°21'24" East, departing said common line, a distance of 154.53 feet to a point for corner;

THENCE South 89°35'26" East, departing said common line, a distance of 235.96 feet to the **POINT OF BEGINNING**, and containing 0.555 acres of land, more or less.

NOTE: Bearings are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.

An Easement Exhibit of even date herewith accompanies this Legal Description. See Exhibit "B"

Marvin King 1/13/17
Marvin King, R.P.L.S. No. 5581
Teague Nall & Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940-383-4177
TBPLS Firm No. 10011601
Date: January 13, 2017



EXHIBIT "A-3"

ELECTRIC EASEMENT

Coleville Tract

BEING a 0.381 acre tract of land situated in the S.C. Hiram Survey, Abstract No. 616, in the City of Denton, Denton County, Texas, and being part of a called 4.0026 acre tract of land described in a Deed to William Arthur Colville, as recorded in Document No. 2016-9535 of the Official Records of Denton County, Texas (O.R.D.C.T.), and further described as part of Lot 1 in the Emily J. Fry Addition, as recorded in Volume 1, Page 36 of the Plat Records of Denton County, Texas (P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found at the northwest corner of said 4.0026 acre tract, same being the northwest corner of said Lot 1, and located in the east line of the Second Tract as described in a Deed to Burl Hunter Bourland and wife, Carmen P. Bourland, and recorded in Volume 904, Page 912 of the Deed Records of Denton County, Texas (D.R.D.C.T.);

THENCE South 00°11'47" East, along the common east line of said Bourland Second Tract and the west line of said 4.0026 acre tract, same being the west line of said Lot 1, a distance of 174.65 feet to the **POINT OF BEGINNING**;

THENCE South 89°54'55" East, departing said common line, a distance of 39.08 feet to a point for corner;

THENCE South 89°22'11" East, a distance of 182.07 feet to a point for corner;

THENCE South 89°21'24" East, a distance of 47.19 feet to the intersection with the common east line of said 4.0026 acre tract and the west line of a called 3.727 acre tract of land described in a Deed to Duncan Street Property, LLC, as recorded in Document No. 2014-5011 (O.R.D.C.T.), same being the east line of said Lot 1 and the west line of Lot 6R in the Amending Plat of the Emily J. Fry Addition, as recorded in Cabinet P, Page 356 (P.R.D.C.T.);

THENCE South 00°40'03" West, along the last stated common line, a distance of 62.00 feet to a point for corner;

THENCE North 89°21'24" West, departing said common line, a distance of 47.15 feet to a point for corner;

THENCE North 89°22'11" West, a distance of 181.77 feet to a point for corner;

THENCE North 89°54'55" West, a distance of 38.48 feet to the intersection with the west line of said 4.0026 acre tract, same being the west line of said Lot 1;

THENCE North 00°11'47" West, along the west line of said Lot 1, a distance of 62.00 feet to the **POINT OF BEGINNING**, and containing 0.381 acres of land, more or less.

NOTE: Bearings are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.

An Easement Exhibit of even date herewith accompanies this Legal Description. See Exhibit "B"

Marvin King 1/13/17
Marvin King, R.P.L.S. No. 5581
Teague Nall & Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940-383-4177
TBPLS Firm No. 10011601
Date: January 13, 2017



EXHIBIT "A-4"

ELECTRIC EASEMENT
Bourland Tract

BEING a 0.141 acre tract of land situated in the Alexander Hill Survey, Abstract No. 623, in the City of Denton, Denton County, Texas, and being part of the First Tract and Second Tract as described in a Deed to Burl Hunter Bourland and wife, Carmen P. Bourland, as recorded in Volume 904, Page 912 of the Deed Records of Denton County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found at the southwest corner of said Bourland First Tract, common with the southeast corner of Lot 1 in Block A of the Dallas Hill Addition No. 1, as recorded in Cabinet E, Page 92 of the Plat Records of Denton County, Texas (P.R.D.C.T.), and located in the existing north right of way line of Smith Street (variable width R.O.W.);

THENCE North 02°32'32" West, departing the existing north right of way line of said Smith Street, and along the common west line of said Bourland First Tract and the east line of said Lot 1, a distance of 18.10 feet to a point for corner;

THENCE South 89°49'44" East, departing said common line, a distance of 166.77 feet to a point for corner;

THENCE South 89°54'55" East, a distance of 170.00 feet to the intersection with the common east line of said Bourland Second Tract and the west line of Lot 1 in the Emily J. Fry Addition, as recorded in Volume 1, Page 36 (P.R.D.C.T.);

THENCE South 00°11'47" East, along the last stated common line, a distance of 18.47 feet to the southeast corner of said Bourland Second Tract and located in the existing north right of way line of said Smith Street;

THENCE North 89°48'21" West, departing the west line of said Emily J. Fry Addition, and along the common existing north right of way line of said Smith Street and the south line of said Bourland First and Second Tracts, a distance of 336.03 feet to the **POINT OF BEGINNING**, and containing 0.141 acres of land, more or less.

NOTE: Bearings are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.

An Easement Exhibit of even date herewith accompanies this Legal Description. See Exhibit "B"

Marvin King 1/13/17
Marvin King, R.P. & S. No. 5581
Teague Nall & Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940-383-4177
TBPLS Firm No. 10011601
Date: January 13, 2017





EXHIBIT "A-5"

ELECTRIC EASEMENT

Dallas Drive Development Group and Coe Investments, LLC Tract

BEING a 0.151 acre tract of land situated in the Alexander Hill Survey, Abstract No. 623, in the City of Denton, Denton County, Texas, and being part of Lot 1 in Block A of the Dallas Hill Addition No. 1, as recorded in Cabinet E, Page 92 of the Plat Records of Denton County, Texas (P.R.D.C.T.), and being further described as part of a tract of land described in deeds to Dallas Drive Development Group and Coe Investments, LLC, as recorded in Volume 1551, Page 399 and Volume 1551, Page 402 of the Deed Records of Denton County, Texas (D.R.D.C.T.), and Document No. 2013-46439 of the Official Records of Denton County, Texas (O.R.D.C.T.), said 0.151 acre tract of land being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found at the southeast corner of Lot 1, Block A of said Dallas Hill Addition No. 1, common with the southwest corner of the First Tract as described in a Deed to Burl Hunter Bourland and wife, Carmen P. Bourland, as recorded in Volume 904, Page 912 (D.R.D.C.T.), and located in the existing north right of way line of Smith Street (variable width R.O.W.);

THENCE North 89°48'21" West, departing the west line of said Bourland First Tract, and along the common existing north right of way line of said Smith Street and the south line of said Lot 1, passing a found broken concrete monument at a distance of 347.54 feet, and continuing for a total distance of 358.59 feet to the southwest corner of said Lot 1, and located at the intersection with the existing easterly right of way line of U.S. Highway 77 (Dallas Drive, variable width R.O.W.);

THENCE North 45°21'41" West, departing the existing north right of way line of said Smith Street, and along the common westerly line of said Lot 1 and the existing easterly right of way line of said U.S. Highway 77, a distance of 25.99 feet to a point for corner;

THENCE South 89°37'13" East, departing the last stated common line, a distance of 190.07 feet to a point for corner;

THENCE South 89°58'14" East, a distance of 169.49 feet to a point for corner;

THENCE South 89°49'44" East, a distance of 16.74 feet to the intersection with the common east line of said Lot 1 and the west line of said Bourland First Tract;

THENCE South 02°32'32" East, along the last stated common line, a distance of 18.10 feet to the **POINT OF BEGINNING**, and containing 0.151 acres of land, more or less.

NOTE: Bearings are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.

An Easement Exhibit of even date herewith accompanies this Legal Description. See Exhibit "B"

Marvin King 1/13/17
Marvin King, R.P.L.S. No. 5581
Teague Nall & Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940-383-4177
TBPLS Firm No. 10011601
Date: January 13, 2017



LINCOLN PARK - 3rd SECTION
CAB. J. PG. 37
P.R.D.C.T.

BLOCK E

ALEXANDER HILL SURVEY ABSTRACT NO. 623

**U.S. HIGHWAY 77
(DALLAS DRIVE)**
(VARIABLE WIDTH RIGHT-OF-WAY)

LOT 1, BLOCK A
DALLAS HILL ADDITION No. 1
CAB. E, PG. 92
P.R.D.C.T.

DALLAS DRIVE DEVELOPMENT GROUP
VOL. 1551, PG. 399 AND
VOL. 1551, PG. 402
D.R.D.C.T.

COE INVESTMENTS, LLC
DOC. NO. 2013-46439
O.R.D.C.T.

ELECTRIC EASEMENT

0.151 ACRES

BURL HUNTER BOURLAND AND WIFE,
CARMEN P. BOURLAND
FIRST TRACT
VOL. 904, PG. 912
D.R.D.C.T.

LEGEND	
△	CALCULATED POINT
○	1/2" IRON ROD FOUND (UNLESS NOTED OTHERWISE)
■	CONCRETE MONUMENT FOUND
□	CONCRETE MONUMENT
⊙	POWER POLE
⊙	LIGHT POLE
⊙	IRRIGATION CONTROL VALVE
⊙	FIRE HYDRANT
⊙	SANITARY SEWER MANHOLE (SSMH)
⊙	WATER VALVE
—	EASEMENT BOUNDARY
—	PROPERTY LINE
—	EXISTING EASEMENT
—	EXISTING RIGHT-OF-WAY
—	EDGE OF ASPHALT
—	OVERHEAD ELECTRIC LINE

NOTES:

- Bearings of lines shown hereon are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.
- This exhibit was prepared with benefit of that current Title Commitment, GF No. 2027-155974-RU, with effective date of November 22, 2015, provided by Reunion Title. For easements, rights-of-way and/or other matters of record that may affect this tract, the surveyor relied solely on said title commitment.

THIS TRACT IS SUBJECT TO THE FOLLOWING SCHEDULE B ITEMS:

(10d) The 46.38' Average Building Line Setback, 25' Building Line, and 25' Storm Drain Easement, as shown on plat recorded in Cabinet E, Page 92, Plat Records, Denton County, Texas.

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

teague nall & perkins

1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940.383.4177 ph 940.383.3026 fx
www.tnppk.com
T. B. P. L. S. Firm No. 19011901



EXHIBIT "B-5"

ELECTRIC EASEMENT

BEING 0.151 ACRE ELECTRIC EASEMENT
SITUATED IN THE ALEXANDER HILL SURVEY, ABSTRACT NO. 623
CITY OF DENTON, DENTON COUNTY, TEXAS

DME13222

SHEET 2 OF 2

SMITH STREET

(VARIABLE WIDTH RIGHT-OF-WAY)

POINT OF
BEGINNING

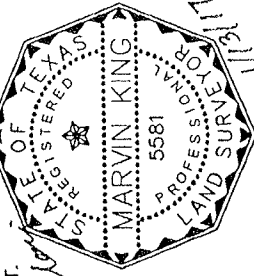
MARVIN WILLIS ADDITION
CAB. B, PG. 80
LOT 1, BLOCK A
P.R.D.C.T.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 45°21'41" W	25.99'
L2	S 89°49'44" E	16.74'
L3	S 02°32'32" E	18.10'



SCALE: 1" = 60'



tnp

EXHIBIT "A-6"

ELECTRIC EASEMENT
Freeman Tract

BEING a 0.089 acre tract of land situated in the Alexander Hill Survey, Abstract No. 623, in the City of Denton, Denton County, Texas, and being part of a called 0.395 acre tract of land described in a Deed to O. & C. Freeman Family, Ltd., as recorded in Document No. 96-048250 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 northwest corner of said 0.395 acre tract, common with the northeast corner of a tract of land described in a Deed to Cleo D. Gheen and wife, Janet Gheen, as recorded in Volume 461, Page 127 of the Deed Records of Denton County, Texas (D.R.D.C.T.), and further evidenced by an Affidavit of Heirship by Janet Hayes Gheen as recorded in Volume 503, Page 459 (D.R.D.C.T.), from which point a found 1/2 inch iron rod with cap stamped "METROPLEX" bears North 60°51'34" West, a distance of 0.29 feet;

THENCE South 00°13'28" West, along the common east line of said Gheen tract and the west line of said 0.395 acre tract, a distance of 106.97 feet to the **POINT OF BEGINNING**;

THENCE North 89°57'26" East, departing the east line of said Gheen tract, a distance of 179.00 feet to the intersection with the common easterly line of said 0.395 acre tract and the existing westerly right of way line of U.S. Highway 77 (Dallas Drive, variable width R.O.W.);

THENCE South 46°15'35" East, along the last stated common line, a distance of 28.96 feet to the southeast corner of said 0.395 acre tract and located at the intersection with the existing north right of way line of Smith Street (variable width R.O.W.);

THENCE South 89°44'58" West, departing the existing westerly right of way line of said U.S. Highway 77, and along the common south line of said 0.395 acre tract and the existing north right of way line of said Smith Street, a distance of 200.00 feet to the southwest corner of said 0.395 acre tract and the southeast corner of said Gheen tract;

THENCE North 00°13'28" East, departing the existing north right of way line of said Smith Street, and along the common east line of said Gheen tract and the west line of said 0.395 acre tract, a distance of 20.76 feet to the **POINT OF BEGINNING**, and containing 0.089 acres of land, more or less.

NOTE: Bearings are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.

An Easement Exhibit of even date herewith accompanies this Legal Description. See Exhibit "B"

Marvin King 1/10/17
Marvin King, R.P.L.S. No. 5581
Teague Nail & Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940-383-4177
TBPLS Firm No. 10011601
Date: January 10, 2017



LEGEND	
	CALCULATED POINT
	1/2" IRON ROD FOUND (UNLESS NOTED OTHERWISE)
	CONTROLLING MONUMENT
	POWER POLE
	GUY WIRE
	WATER METER
	WATER VALVE
	SANITARY SEWER MAN-HOLE (SSMH)
	EASEMENT BOUNDARY
	PROPERTY LINE
	EXISTING EASEMENT
	EXISTING RIGHT-OF-WAY
	EDGE OF ASPHALT
	FENCE LINE
	OVERHEAD ELECTRIC LINE



**U.S. HIGHWAY 77
(DALLAS DRIVE)**
(VARIABLE WIDTH RIGHT-OF-WAY)

**ALEXANDER HILL
SURVEY NO. 623
ABSTRACT NO. 623**

**POINT OF
COMMENCING**
1/2" CIRCF
"METROPLEX" (CM)
BEARS N 60°51'34" W - 0.29'

CLEO D. GHEEN AND WIFE,
JANET GHEEN
VOL. 461, PG. 127
D.R.D.C.T.
AFFIDAVIT OF HEIRSHIP
JANET HAYES GHEEN
VOL. 503, PG. 459
D.R.D.C.T.

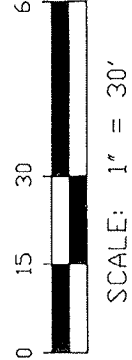
O. & C. FREEMAN FAMILY, LTD.
CALLED 0.395 ACRES
DOC. NO. 96-048250
R.P.R.D.C.T.

**ELECTRIC
EASEMENT**
0.089 ACRES

**POINT OF
BEGINNING**

N 89°57'26" E 179.00'

S 89°44'58" W 200.00'



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 46°15'35" E	28.96'
L2	N 00°13'28" E	20.76'

EXHIBIT "B-6"
ELECTRIC EASEMENT
BEING 0.089 ACRE ELECTRIC EASEMENT
IN THE ALEXANDER HILL SURVEY, ABSTRACT NO. 623
CITY OF DENTON, DENTON COUNTY, TEXAS

- NOTES:**
- Bearings of lines shown hereon are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.
 - This exhibit was prepared with benefit of that current Title Commitment, G.F. No. 2027-155960-RU, with effective date of November 03, 2015, provided by Reunion Title. For easements, rights-of-way and/or other matters of record that may affect this tract, the surveyor relied solely on said title commitment.
 - THIS TRACT IS SUBJECT TO THE FOLLOWING SCHEDULE B ITEMS:
(1de) Sidewalk Easement granted by O. & C. Freeman Family, Ltd. to the City of Denton, Texas, recorded in Volume 4407, Page 1433, Real Property Records, Denton County, Texas.
A Legal Description of even date herewith accompanies this Easement Exhibit. See "Exhibit A".

teague nall & perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940.383.4177 ph 940.383.8076 fx
www.tnpsc.com
T.B.P.L.S. Firm No. 16011661

EXHIBIT "A-7"

ELECTRIC EASEMENT
Gheen Tract

BEING a 0.029 acre tract of land situated in the Alexander Hill Survey, Abstract No. 623, in the City of Denton, Denton County, Texas, and being part of a tract of land described in a Deed to Cleo D. Gheen and wife, Janet Gheen, as recorded in Volume 461, Page 127 of the Deed Records of Denton County, Texas (D.R.D.C.T.), and further evidenced by an Affidavit of Heirship by Janet Hayes Gheen as recorded in Volume 503, Page 459 (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at the northeast corner of said Gheen tract, common with the northwest corner of a called 0.395 acre tract of land described in a Deed to O. & C. Freeman Family, Ltd., as recorded in Document No. 96-048250 of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), from which point a found 1/2 inch iron rod with cap stamped "METROPLEX" bears North 60°51'34" West, a distance of 0.29 feet;

THENCE South 00°13'28" West, along the common east line of said Gheen tract and the west line of said 0.395 acre tract, a distance of 106.97 feet to the **POINT OF BEGINNING**;

THENCE South 00°13'28" West, continuing along said common line, a distance of 20.76 feet to the southeast corner of said Gheen tract, the southwest corner of said 0.395 acre tract, and located in the existing north right of way line of Smith Street (variable width R.O.W.);

THENCE South 89°44'58" West, departing the west line of said 0.395 acre tract, and along the common south line of said Gheen tract and the existing north right of way line of said Smith Street, a distance of 59.99 feet to the southwest corner of said Gheen tract and the southeast corner of a called 0.175 acre tract of land described in a Deed to Alfred John McDonald, as recorded in Document No. 2012-20788 of the Official Records of Denton County, Texas (O.R.D.C.T.);

THENCE North 00°02'38" West, departing the existing north right of way line of said Smith Street, and along the common west line of said Gheen tract and the east line of said 0.175 acre tract, a distance of 21.13 feet to a point for corner;

THENCE South 89°53'55" East, departing the last stated common line, a distance of 60.09 feet to the **POINT OF BEGINNING**, and containing 0.029 acres of land, more or less.

NOTE: Bearings are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.

An Easement Exhibit of even date herewith accompanies this Legal Description. See Exhibit "B"

Marvin King 1/10/17
Marvin King, R.P.L.S. No. 5581
Teague Nall & Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940-383-4177
TBPLS Firm No. 10011601
Date: January 10, 2017



ALEXANDER HILL
SURVEY
ABSTRACT NO. 623

ALFRED JOHN McDONALD
CALLED 0.175 ACRES
DOC. NO. 2012-20788
O.R.D.C.T.

POINT OF
COMMENCING

1/2" CIRF "METROPLEX" (CM)
BEARS N 60°51'34" W - 0.29'

CLEO D. GHEEN AND WIFE,
JANET GHEEN
VOL. 461, PG. 127
D.R.D.C.T.
AFFIDAVIT OF HEIRSHIP
JANET HAYES GHEEN
VOL. 503, PG. 459
D.R.D.C.T.

POINT OF
BEGINNING

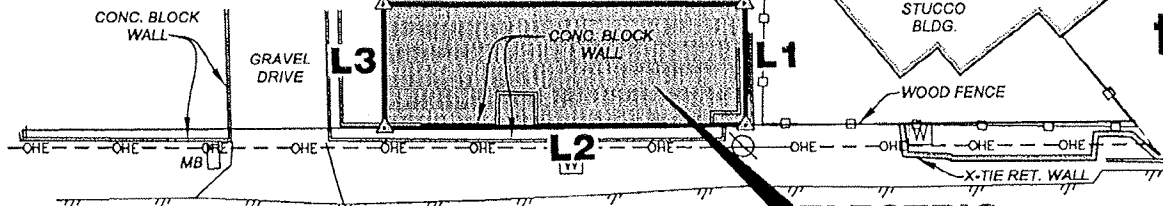
O. & C. FREEMAN FAMILY, LTD.
CALLED 0.013 ACRES
DOC. NO. 96-048250
R.P.R.D.C.T.

S 89°36'37" E - 72.77'

X CUT
FOUND
(CM)

LEGEND	
	CALCULATED POINT
	1/2" IRON ROD FOUND (UNLESS NOTED OTHERWISE)
	CONTROLLING MONUMENT
	POWER POLE
	MAIL BOX (MB)
	WATER METER
	EASEMENT BOUNDARY
	PROPERTY LINE
	EXISTING EASEMENT
	EXISTING RIGHT-OF-WAY
	EDGE OF ASPHALT
	FENCE LINE
	OVERHEAD ELECTRIC LINE

O. & C. FREEMAN FAMILY, LTD.
CALLED 0.395 ACRES
DOC. NO. 96-048250
R.P.R.D.C.T.



SMITH STREET

(VARIABLE WIDTH RIGHT-OF-WAY)

ASPHALT
PAVING

ELECTRIC
EASEMENT
0.029 ACRES

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°13'28" W	20.76'
L2	S 89°44'58" W	59.99'
L3	N 00°02'38" W	21.13'
L4	S 89°53'55" E	60.09'

NOTES:

- Bearings of lines shown hereon are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.
- This exhibit was prepared with benefit of that current Title Commitment, GF No. 2027-165981RU, with effective date of October 04, 2016, provided by Rounlon Title. For easements, rights-of-way and/or other matters of record that may affect this tract, the surveyor relied solely on said title commitment.
- A Legal Description of even date herewith accompanies this Easement Exhibit. See "Exhibit A".



11/10/17

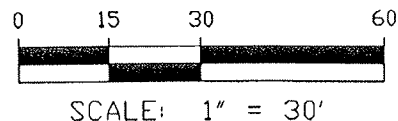


EXHIBIT "B-7"

ELECTRIC EASEMENT

BEING 0.029 ACRE ELECTRIC EASEMENT
SITUATED IN THE ALEXANDER HILL SURVEY, ABSTRACT NO. 623
CITY OF DENTON, DENTON COUNTY, TEXAS



teague nall & perkins

1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940.383.4177 ph 940.383.8026 fx
www.tnpinc.com
T.B.P.L.S. Firm No. 19011601

DME13222

SHEET 2 OF 2

EXHIBIT "A-8"

ELECTRIC EASEMENT
McDonald Tract

BEING a 0.029 acre tract of land situated in the Alexander Hill Survey, Abstract No. 623, in the City of Denton, Denton County, Texas, and being part of a called 0.175 acre tract of land described in a Deed to Alfred John McDonald, as recorded in Document No. 2012-20788 of the Official Records of Denton County, Texas (O.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found at the northeast corner of Lot 1 in Block 1 of the Haywood-Jester Addition, as recorded in Cabinet D, Page 245 of the Plat Records of Denton County, Texas (P.R.D.C.T.);

THENCE South 00°18'45" East, along the east line of said Lot 1, passing the northwest corner of said 0.175 acre tract at a distance of 83.62 feet, and continuing for a total distance of 189.55 feet to the **POINT OF BEGINNING**;

THENCE South 89°53'55" East, departing the east line of said Lot 1, a distance of 60.09 feet to the intersection with the common east line of said 0.175 acre tract and the west line of a tract of land described in a Deed to Cleo D. Gheen and wife, Janet Gheen, as recorded in Volume 461, Page 127 of the Deed Records of Denton County, Texas (D.R.D.C.T.), and further evidenced by an Affidavit of Heirship by Janet Hayes Gheen as recorded in Volume 503, Page 459 (D.R.D.C.T.);

THENCE South 00°02'38" East, along said common line, a distance of 21.13 feet to the southeast corner of said 0.175 acre tract, the southwest corner of said Gheen tract, and located in the existing north right of way line of Smith Street (variable width R.O.W.);

THENCE South 89°44'58" West, departing the west line of said Gheen tract, and along the common south line of said 0.175 acre tract and the existing north right of way line of said Smith Street, a distance of 59.99 feet to the southwest corner of said 0.175 acre tract, same being the southeast corner of a 5.0 foot right of way dedication as described in said Haywood-Jester Addition, and located at an offset in the existing north right of way line of said Smith Street;

THENCE North 00°18'45" West, along the west line of said 0.175 acre tract, passing at a distance of 5.00 feet the northeast corner of said right of way dedication, and continuing along the east line of said Lot 1 for a total distance of 21.50 feet to the **POINT OF BEGINNING**, and containing 0.029 acres of land, more or less.

NOTE: Bearings are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.

An Easement Exhibit of even date herewith accompanies this Legal Description. See Exhibit "B"

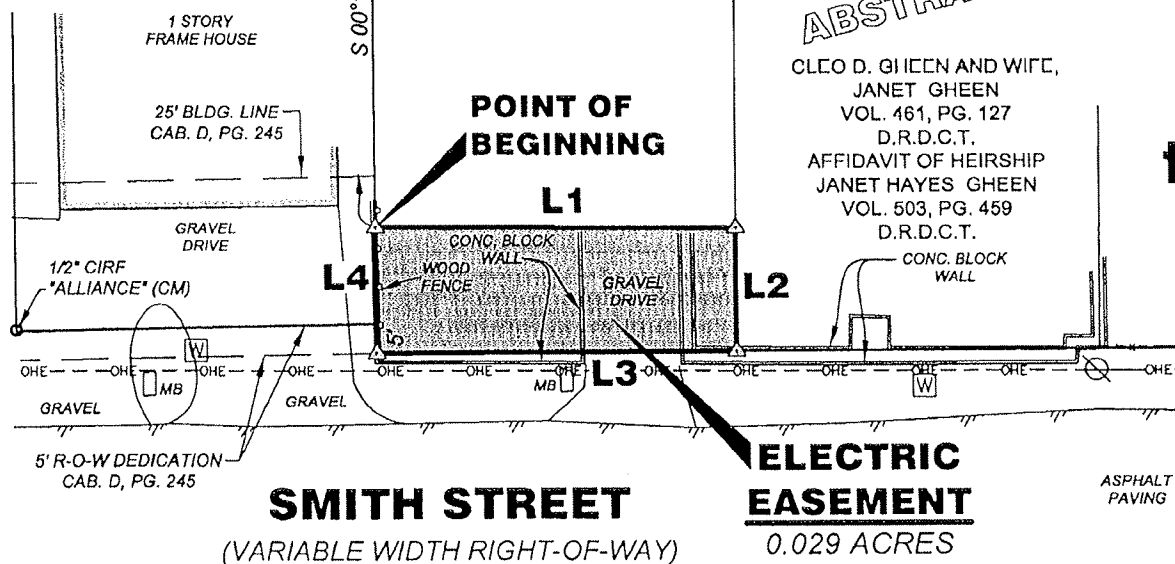
Marvin King 1/10/17
Marvin King, R.P.L.S. No. 5581
Teague Nall & Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940-383-4177
TBPLS Firm No. 10011601
Date: January 10, 2017



1/2" IRF
(CM)

LOT 1, BLOCK 1
HAYWOOD-JESTER ADDITION
CAB. D., PG. 245
P.R.D.C.T.

ALEXANDER HILL
SURVEY
ABSTRACT NO. 623



LINE	BEARING	DISTANCE
L1	S 89°53'55" E	60.09'
L2	S 00°02'38" E	21.13'
L3	S 89°44'58" W	59.99'
L4	N 00°18'45" W	21.50'

1. Bearings of lines shown hereon are referenced to Grid North of the Texas Coordinate System of 1983 (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 1.000147317 to scale from grid to surface.
2. This exhibit was prepared with benefit of that current Title Commitment, GF No. 2027-166012-RU, with effective date of October 04, 2015, provided by Reunion Title. For easements, rights-of-way and/or other matters of record that may affect this tract, the surveyor relied solely on said title commitment.
3. A Legal Description of even date herewith accompanies this Easement Exhibit. See "Exhibit A".

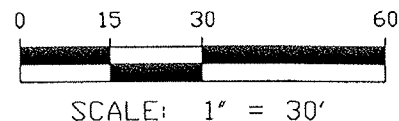


EXHIBIT "B-8"

ELECTRIC EASEMENT

BEING 0.029 ACRE ELECTRIC EASEMENT
SITUATED IN THE ALEXANDER HILL SURVEY, ABSTRACT NO. 623
CITY OF DENTON, DENTON COUNTY, TEXAS



teague nall & perkins

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

DME13222

SHEET 2 OF 2