

Lake Arlington Lift Station and Force Main
City Project No. 100995
Parcel No. 29
4851 E. LOOP 810 S., FORT WORTH, TEXAS 76119
JAMES W. DANIEL SURVEY Abstract 395 Tract 7

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS**
COUNTY OF TARRANT §

CITY OF FORT WORTH
PERMANENT VARIABLE WIDTH SEWER EASEMENT

DATE: **March 6, 2020**

GRANTOR: **VSB INVESTMENTS, LLC**

GRANTOR'S MAILING ADDRESS (Including County);
701 ABERDEEN WAY
SOUTHLAKE, TARRANT COUNTY, TX 76092

GRANTEE: **CITY OF FORT WORTH**

GRANTEE'S MAILING ADDRESS (Including County);
200 TEXAS STREET
FORT WORTH, TARRANT COUNTY, TX 76102

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: **Being more particularly described in the attached Exhibits "A" and "B".**

Grantor, for the consideration paid to Grantor and other good and valuable consideration, hereby grants, sells, and conveys to Grantee, its successors and assigns, an exclusive, perpetual easement for the construction, operation, maintenance, replacement, upgrade, and repair of a Permanent Sewer Line Facility, hereafter referred to as "Facility". The Facility includes all incidental underground and aboveground attachments, equipment and appurtenances, including, but not limited to manholes, manhole vents, lateral line connections, pipelines, junction boxes in, upon, under and across a portion of the Property and more fully described in Exhibit "A" attached hereto and incorporated herein for all pertinent purposes, together with the right and privilege at any and all times to enter Property, or any part thereof, for the purpose of constructing, operating, maintaining, replacing, upgrading, and repairing said Facility.



Grantee, at its sole discretion, shall be able to install and maintain a gate within the Easement.

In no event shall Grantor (I) use the Property in any manner which interferes in any material way or is inconsistent with the rights granted hereunder, or (II) erect or permit to be erected within the easement property a permanent structure or building, including, but not limited to, monument sign, pole sign, billboard, brick or masonry fences or walls or other structures that require a building permit. However, Grantor shall be permitted to install and maintain a concrete, asphalt or gravel driveway, road or parking lot across the Easement Property. Grantee shall be obligated to restore the surface of the Property at Grantee's sole cost and expense, including the restoration of any sidewalks, driveways, or similar surface improvements located upon or adjacent to the Easement Tract which may have been removed, relocated, altered, damaged, or destroyed as a result of the Grantee's use of the easement granted hereunder. Provided, however, that Grantee shall not be obligated to restore or replace irrigation systems or other improvements installed in violation of the provisions and intended use of this Easement.

Subchapter E of the Texas Property Code, as amended, the owner or the owner's heirs, successors, or assigns may be entitled before the 10th anniversary of the date of this acquisition to repurchase or request certain information about the use and any actual progress made toward the use for which the property was acquired through eminent domain, and the repurchase price will be the price the city pays you in this acquisition.

TO HAVE AND TO HOLD the above-described easement, together with all and singular the rights and appurtenances thereto in anyway belonging unto Grantee, and Grantee's successors and assigns forever; and Grantor does hereby bind itself and its successor and assigns to warrant and forever defend all and singular the easement unto Grantee, its successor and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

When the context requires, singular nouns and pronouns include the plural.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

GRANTOR:

GRANTEE: City of Fort Worth

By (Signature):_____

(Print Name)_____, Title_____

APPROVED AS TO FORM AND LEGALITY

(Signature)_____

(Print Name)_____, Title_____

THE STATE OF TEXAS §
 §
COUNTY OF TARRANT §

ACKNOWLEDGMENT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of _____ and that he/she executed the same as the act of said _____ the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20__.

Notary Public in and for the State of Texas



ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, _____ of the City of Fort Worth, known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the City of Fort Worth and that he/she executed the same as the act of the City of Fort Worth for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas



EXHIBIT A
LEGAL DESCRIPTION
PERMANENT VARIABLE WIDTH SEWER EASEMENT

Being a part of the James W. Daniel Survey, Abstract No. 395, situated in the City of Fort Worth, Tarrant County, Texas, and being a portion of the tract described in the deed to VSB Investments, LLC, recorded in Instrument Number D215155398 of the Deed Records of Tarrant County, Texas (D.R.T.C.T.) and being more particularly described as follows:

COMMENCING at an iron rod found with plastic cap stamped "RPLS 5433" for the northeast corner of the tract described in the deed to Oak Creek Housing Properties, LP, recorded in Instrument Number D207364066 of the said Deed Records and the southeast corner of Lot 1 Block 1 Cavco Addition as it appears upon the map recorded in Volume 388-171, Page 10 of the Plat Records of Tarrant County, Texas (P.R.T.C.T.) in the west line of said VSB tract, from which ½" iron found for the southeast corner of said Oak Creek tract and the northeast corner of the tract described in the deed to YES Companies EXP2 Key, LLC recorded in Instrument Number D216186342 of the said Deed Records, bears S 01°11'41" E, a distance of 482.55 feet.

THENCE S 01°11'41" E, along the common line of said Oak Creek tract and said VSB tract, a distance of 95.94 feet to a 5/8" iron rod set with plastic cap stamped "DEOTTE RPLS 4673" in the southwesterly line of the 15 feet wide Sanitary Sewer Easement described in Instrument Number D162047769 of the said Deed Records and for the POINT OF BEGINNING.

THENCE S 20°40'07" E, along said southwesterly line of said easement, a distance of 724.78 feet to a 5/8" iron rod set with plastic cap stamped "DEOTTE RPLS 4673" in the northwesterly line of a 30 feet wide Sanitary Sewer Easement described in Instrument Number D187394841 of the said Deed Records.

THENCE S 56°00'41" W, along said northwesterly line of said easement, a distance of 76.13 feet to a 5/8" iron rod set with plastic cap stamped "DEOTTE RPLS 4673".

THENCE S 51°15'37" W, a distance of 96.18 feet to a 5/8" iron rod set with plastic cap stamped "DEOTTE RPLS 4673" in the southwesterly line of a said easement.

THENCE N 89°25'37" E, along said southwesterly line of said easement, a distance of 40.02 feet to a 5/8" iron rod set with plastic cap stamped "DEOTTE RPLS 4673" and being the most southeasterly corner of said easement.

THENCE S 56°00'41" W, a distance of 34.01 feet to a 5/8" iron rod set with plastic cap stamped "DEOTTE RPLS 4673" in the south of said VSB tract and the north line of the tract described in the deed to YES Companies EXP2 Key, LLC, recorded in instrument Number D216186318 of the said Deed Records.

THENCE S 88°20'25" W, along the common line of said VSB tract and said YES tract, a distance of 69.51 feet to a 5/8" iron rod set with plastic cap stamped "DEOTTE RPLS 4673".

THENCE N 51°15'37" E, a distance of 194.89 feet to a 5/8" iron rod set with plastic cap stamped "DEOTTE RPLS 4673".

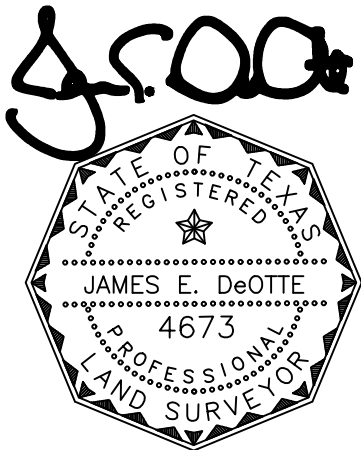
THENCE N 06°15'37" E, a distance of 47.40 feet to a 5/8" iron rod set with plastic cap stamped "DEOTTE RPLS 4673".

THENCE N 20°40'07" W, a distance of 611.82 feet to a 5/8" iron rod set with plastic cap stamped "DEOTTE RPLS 4673" in the said common line of VSB tract and said Oak Creek tract.

THENCE N 01°11'41" W, along said common line, a distance of 59.99 feet to the POINT OF BEGINNING containing 19,228 square feet or 0.441 acres more or less of which 2,304 square feet or 0.053 acres lies within existing easement, leaving 16,924 square feet or 0.388 acres more or less exclusive of said existing easement.

NOTES:

- 1) All bearings and coordinates are in US survey feet surface using a scale factor of 1.000137001 and referenced to the Texas Coordinate System, Nad-83, The North Central Zone 4202.
- 2) Exhibit B of same date accompanies this legal description.



Date: 3/6/2020

James E. DeOtte
Registered Professional Land Surveyor
No. 4673

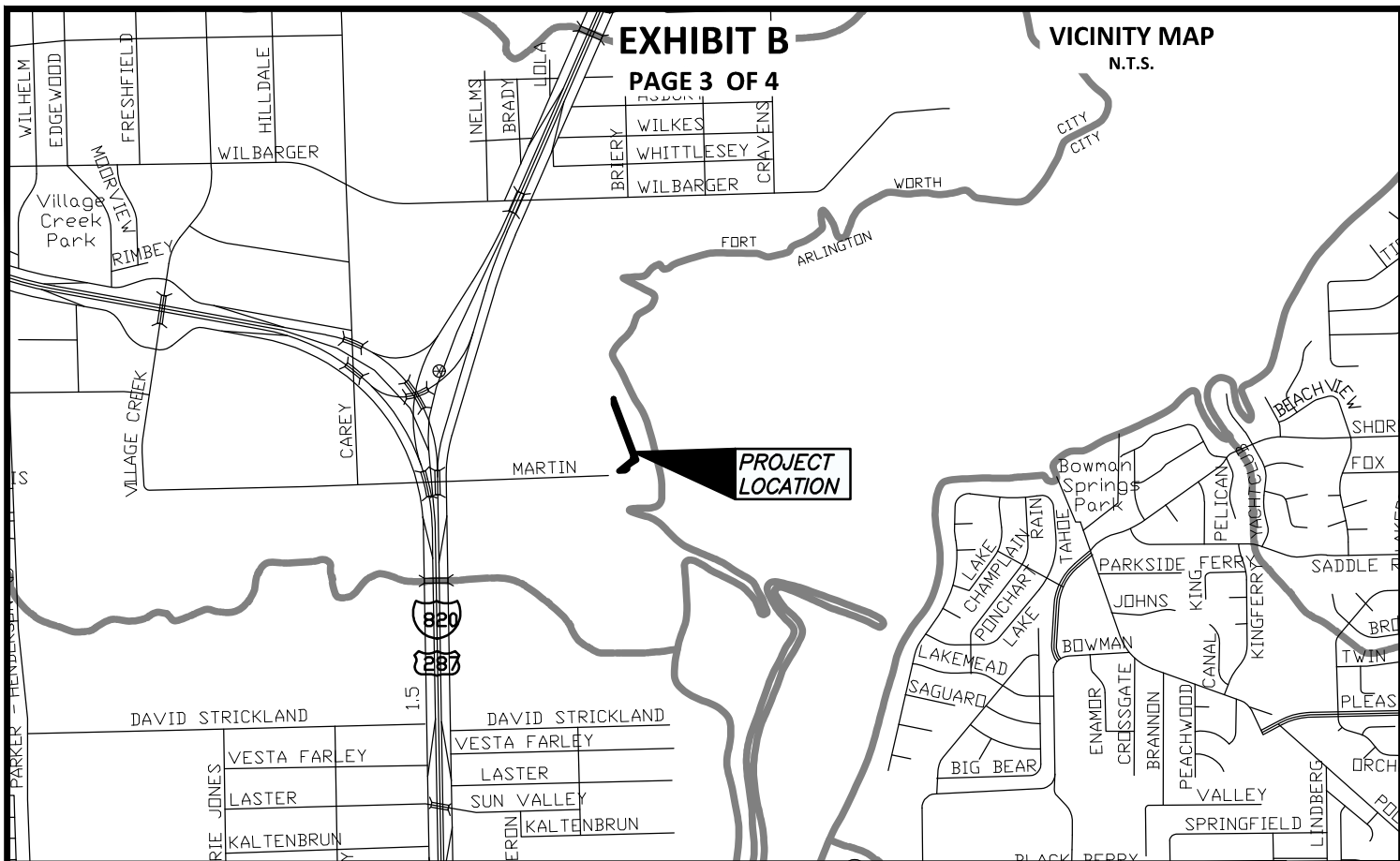
James DeOtte Engineering, Inc.
TBPLS Firm No. 10101400
2201 Dottie Lynn Parkway, Suite 119
Fort Worth, Texas 76120
(817) 446 – 6877

EXHIBIT B

PAGE 3 OF 4

VICINITY MAP

N.T.S.



NOTES:

BEARINGS ARE REFERENCED TO TWO IRON RODS FOUND MARKED AS CONTROLLING MONUMENTS. ALL DISTANCE AND AREAS SHOWN ARE SURFACE.

LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

5/8" CAPPED IRON RODS STAMPED "DEOTTE RPLS 4673" WILL BE SET AT CORNERS OF THE ACCESS EASEMENT

LEGEND:

PROPERTY BOUNDARY

EX. EASEMENT

PROP. EASEMENT

CAPPED IRON ROD SET

IRON ROD FOUND

DEED RECORDS TARRANT COUNTY TEXAS D.R.T.C.T.

PLAT RECORDS TARRANT COUNTY TEXAS P.R.T.C.T.



CIRS

IRF

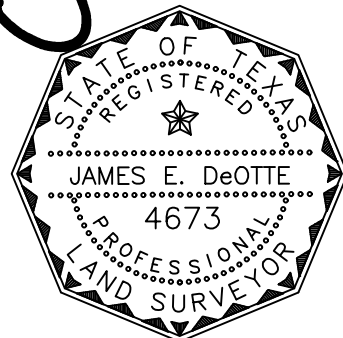
J. E. DeOtte



City of Fort Worth

200 TEXAS STREET
FORT WORTH, TX. 76102

EXHIBIT B SHOWING A
PARCEL OF PROPERTY
SITUATED IN THE
**JAMES W DANIEL SURVEY TARRANT COUNTY,
TEXAS**
AS RECORDED IN
INST. D215155398
DEED RECORDS OF TARRANT COUNTY TEXAS



Date: 3/6/2020

PROJECT: LAKE ARLINGTON LIFT STATION AND FORCE MAIN	CITY PROJECT No. 100995
PERMANENT VARIABLE WIDTH SEWER EASEMENT	PARCEL No. 29
LAND ACQUISITION AREA: 19,228 SQ FT OR 0.441 AC	
JDEI JOB No. 201704200	DRAWN BY: PWY
	PAGE 3 OF 4

EXHIBIT B

PAGE 4 OF 4

OAK CREEK HOUSING CORPORATION
 2450 S SHORE BLVD STE 300
 LEAGUE CITY, TX 77573
 SITE: 4805 E. LOOP 820 S.
 FORT WORTH, TEXAS 76119
 LOT 1, BLOCK 1
 CAVCO ADDITION
 VOLUME 388-171, PAGE 10
 P.R.T.C.T.

30' SANITARY SEWER EASEMENT
 D182024495
 D.R.T.C.T.

15' SANITARY SEWER EASEMENT
 D162047768
 D.R.T.C.T.

OAK CRK HOUSING PROPERTIES LP
 2450 S SHORE BLVD STE 300
 LEAGUE CITY, TX 77573
 SITE: 4851 E. LOOP 820 S.
 FORT WORTH, TEXAS 76119
 D207364066
 D.R.T.C.T.

30' SANITARY SEWER EASEMENT
 D182516790
 D.R.T.C.T.

YES COMPANIES EXP2 KEY LLC
 1900 16TH ST STE 950
 DENVER, CO 80202
 D216186342
 D.R.T.C.T.

30' SANITARY SEWER EASEMENT
 D187394841
 D.R.T.C.T.

VSB INVESTMENTS LLC
 701 ABERDEEN WAY
 SOUTHLAKE, TX 76092
 SITE: 4851 E. LOOP 820 S.
 FORT WORTH, TEXAS 76119
 TRACT 1
 D215155398
 D.R.T.C.T.

APPROXIMATE AREA OF OVERLAP
 1,743 SQ FT OF EXISTING
 30' SANITARY SEWER EASEMENT
 D182516790
 D.R.T.C.T.

PERMANENT VARIABLE
 WIDTH SEWER
 EASEMENT CONTAINING
 19,228 SQ. FT. /
 0.441 AC.

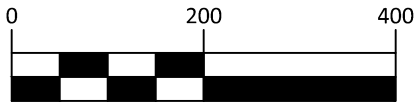
APPROXIMATE AREA OF OVERLAP
 561 SQ FT OF EXISTING
 30' SANITARY SEWER EASEMENT
 D182516790
 D.R.T.C.T.

MARTIN ST

(48' RIGHT-OF-WAY)

YES COMPANIES
 EXP2 KEY LLC
 1900 16TH ST STE 950
 DENVER, CO 80202
 TRACT 1
 D216186318, D.R.T.C.T.

YES COMPANIES
 EXP2 KEY LLC
 1900 16TH ST STE 950
 DENVER, CO 80202
 TRACT 2
 D216186318, D.R.T.C.T.



GRAPHIC SCALE IN FEET

LEGEND:

PROPERTY BOUNDARY
 EX. EASEMENT

PROP. EASEMENT

CAPPED IRON ROD SET
 IRON ROD FOUND

DEED RECORDS TARRANT COUNTY TEXAS D.R.T.C.T.
 PLAT RECORDS TARRANT COUNTY TEXAS P.R.T.C.T.

CIRS
 IRF

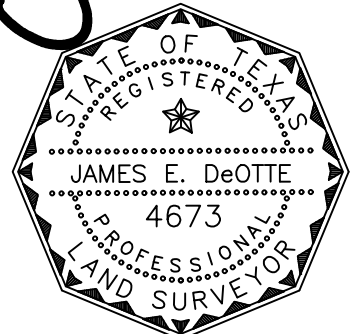


City of Fort Worth

200 TEXAS STREET
 FORT WORTH, TX. 76102

EXHIBIT B SHOWING A
 PARCEL OF PROPERTY
 SITUATED IN THE
 JAMES W DANIEL SURVEY TARRANT COUNTY,
 TEXAS
 AS RECORDED IN
 INST. D215155398
 DEED RECORDS OF TARRANT COUNTY TEXAS

J. E. DeOtte



Date: 3/6/2020

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	PAGE 4 OF 4