

ROAD EASEMENT AGREEMENT

GRANTOR:

City of Texas City

GRANTOR'S MAILING ADDRESS:

City of Texas City

1801 – 9th Avenue North

P.O. Drawer 2608

Texas City, TX 77592-2608

GRANTEE:

The United States of America and its assigns, by and through
The U. S. Army Corps of Engineers

GRANTEE MAILING ADDRESS:

U. S. Army Engineer District,

Galveston District, Corps of Engineers

P.O. Box 1229, Galveston, Texas 77553-1229

ATTN: CESWF-RE

THIS AGREEMENT, made this ____ day of _____, 2023, by and
between CITY OF TEXAS CITY, having its principal office at 1801 – 9th Avenue
North, Texas City, TX 77592-2608 herein referred to as “GRANTOR;”

and

UNITED STATES OF AMERICA, GRANTEE acting through the U. S. Army
Corps of Engineers, Galveston District, having its principal office at P. O. Box 1229,
Galveston, Texas 77553-1229, hereinafter referred to as "USACE."

WITNESSETH

WHEREAS, GRANTOR is the non-federal sponsor of a navigation project (the
“Project”) for Texas City Ship Channel, a navigable waterway, which is located in
Galveston County; and

WHEREAS, USACE, acting through its Galveston District, is the responsible party to execute the design and construction of the Channel so as to improve its navigability; and

WHEREAS, USACE needs certain lands for (a) the purpose of depositing dredged materials in upland placement areas, and (b) improving the Channel in certain areas by deepening and widening and bend easing; and

WHEREAS, GRANTOR holds real property in the vicinity of the Channel and is willing to provide to USACE an easement access thereto for the purposes described;

In consideration of these premises, the grant by GRANTOR and the mutual promises made by each to the other, GRANTOR and USACE agree as follows:

1. GRANTOR hereby grants to USACE, a non-exclusive Road Easement upon, over and through the lands described and depicted in the drawings attached as:

Exhibit A – 0.9102 acres-Tract F

Exhibit B – 22.825 acres-Tract G

for the following purposes:

(a) for the location, construction, operation, maintenance, alteration replacement of a road and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Exhibits “A” and “B”;

Included in the grant to USACE of this easement is the right of USACE to delegate to its contractor(s) the power to execute the actions and activities related to the construction of the dredged material disposal facility, the placement and deposit of the dredged material thereon and the channel improvement works.

2. This Easement is granted by the GRANTOR to USACE subject to the foregoing matters and all rules, regulations and statutes which may have any applicability to the uses granted herein.

3. GRANTOR reserves all oil, gas and minerals on and under said lands and the right

to fully use and enjoy the land, over, under, around and through the Easement premises, subject to the rights, privileges and authority herein granted and conveyed, which shall not be unreasonably interfered.

4. USACE shall have the right of ingress to and egress from the Easement over GRANTOR'S land so long as USACE does not unreasonably interfere with the use thereof.

5. The rights granted herein shall not be assignable together or separately, in whole or in part.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by their authorized representatives and to be effective for all purposes for the period of Twenty-Five (25) years as of the _____ day of _____, 2023.

CITY OF TEXAS CITY

U. S. ARMY CORPS OF ENGINEERS

By: _____

“NAME”
“TITLE”
City of Texas City

By: _____

Timothy J. Nelson
Chief of Real Estate
Galveston District

STATE OF TEXAS §

§

COUNTY OF GALVESTON §

BEFORE ME, the undersigned authority, on this day personally appeared “NAME”, known to me to be the person whose name is subscribed to the foregoing instrument and known to me to be the “TITLE” of City of Texas City and acknowledged to me that he executed the same as the act of said City of Texas City for the purposes therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ___ day of _____, 2023.

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

BEFORE ME, the undersigned authority, on this day personally appeared Timothy J. Nelson, known to me to be the person whose name is subscribed to the foregoing instrument and known to me to be the Chief of Real Estate, Galveston District, USACE and acknowledged to me that he executed the same as the act of said Galveston District, USACE, for the purposes therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ___ day of _____, 2023.

Notary Public, State of Texas

DRAFT

Exhibit A

0.9102 acres - Tract F

LAND DATA SURVEYS, INC.

DON DENSON

Registered Professional Land Surveyor



File 01-011J

May 15, 2001

METES AND BOUNDS DESCRIPTION 0.9102 ACRE TRACT

A tract containing 0.9102 acre being part of and out of the called 65.325 Acre Tract conveyed to the City of Texas City as described in Cause No. 107,674 in the Judicial District Court No. 122 (February 10, 1970), and also being in the H.B. Littlefield Survey, Abstract No. 143, in Galveston County, Texas; said 0.9102 acre being more particularly described by metes and bounds as follows with all bearings and coordinates referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a point with coordinates of N = 13,699,859.7063 and E = 3,275,126.2282, same being the point of intersection of the westerly line of the said 65.325 Acre Tract with the southerly line of a called 34.50 Acre Tract described as a 150 foot wide canal right-of-way or easement granted to Galveston County in instrument recorded in Book 1687, Page 205 of the Galveston County Deed Records (GCDR), said beginning point being located N 88 deg. 00' 43" E, a distance of 7,069.78 feet from the intersection of the easterly right-of-way line of State Highway Loop 197 (based on a width of 160 feet) with the southerly line of said 150 foot wide canal;

THENCE, N 36 deg. 39' 43" E, along the westerly line of said 65.325 Acre Tract, for a distance of 64.02 feet to the northwest corner of the herein described tract;

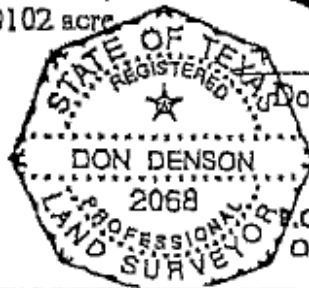
THENCE, N 88 deg. 00' 43" E, for a distance of 152.86 feet to the northeast corner of the herein described tract, on the easterly line of the said called 65.325 Acre Tract;

THENCE, S 61 deg. 20' 17" E, along the easterly line of said called 65.325 Acre Tract, for a distance of 190.30 feet to an angle point;

THENCE, S 28 deg. 39' 43" W, continuing along an easterly line of said called 65.325 Acre Tract, for a distance of 38.34 feet to a point for corner;

THENCE, S 88 deg. 00' 43" W, along a line being parallel to and 80 feet southerly from the southerly line of the aforesaid 150 foot wide canal, for a distance of 401.00 feet to a point for corner, on the westerly line of the said called 65.325 Acre Tract;

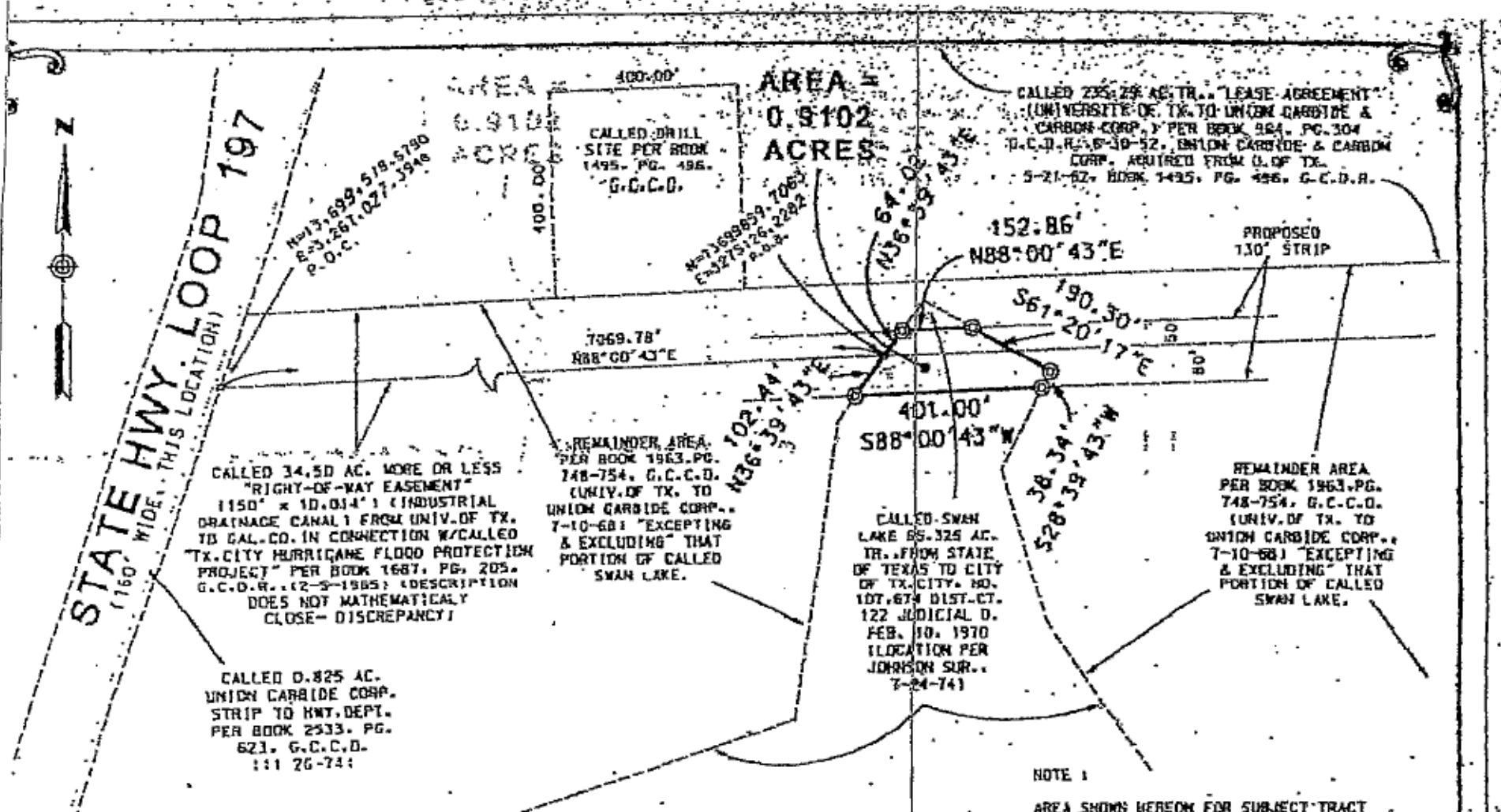
THENCE, N 36 deg. 39' 43" E, along the westerly line of the said called 65.325 Acre Tract, for a distance of 102.44 feet to the POINT OF BEGINNING, and containing 0.9102 acre



Don Denson, RPLS # 2068; STATE OF TEXAS

Date: 5-15-01

P.O. Box 890027 - Houston, Texas 77289-0027
Office: (713) 643-8585 • Fax: (281) 286-8462



STATE HWY. LOOP 197
(160' WIDE, THIS LOCATION)

AREA = 0.9102 ACRES

CALLLED 34.50 AC. MORE OR LESS "RIGHT-OF-WAY EASEMENT" 1150' x 10.014' (INDUSTRIAL DRAINAGE CANAL) FROM UNIV. OF TX. TO GAL. CO. IN CONNECTION W/ CALLED TX. CITY HURRICANE FLOOD PROTECTION PROJECT" PER BOOK 1687, PG. 205. G.C.C.D. (2-3-1985) (DESCRIPTION DOES NOT MATHEMATICALY CLOSE - DISCREPANCY)

CALLLED 0.825 AC. UNION CARBIDE CORP. STRIP TO HWT. DEPT. PER BOOK 2533, PG. 621. G.C.C.D. 111 26-741

REMAINDER AREA PER BOOK 1963, PG. 748-754, G.C.C.D. (UNIV. OF TX. TO UNION CARBIDE CORP., 7-10-68) "EXCEPTING & EXCLUDING" THAT PORTION OF CALLED SWAN LAKE.

CALLLED SWAN LAKE 65.325 AC. TR. FROM STATE OF TEXAS TO CITY OF TX. CITY, NO. 107, 674 DIST. CT. 122 JUDICIAL D. FEB. 10, 1970 (LOCATION PER JOHNSON SUR., 7-24-74)

CALLLED 235.29 AC. TR. "LEASE AGREEMENT" (UNIVERSITY OF TX. TO UNION CARBIDE & CARBON CORP.) PER BOOK 984, PG. 304 P.C.D. # 136-30-52, UNION CARBIDE & CARBON CORP. ACQUIRED FROM U. OF TX. 9-21-62, BOOK 1435, PG. 496. G.C.C.D.

REMAINDER AREA PER BOOK 1963, PG. 748-754, G.C.C.D. (UNIV. OF TX. TO UNION CARBIDE CORP., 7-10-68) "EXCEPTING & EXCLUDING" THAT PORTION OF CALLED SWAN LAKE.

NOTE 1
AREA SHOWN HEREON FOR SUBJECT TRACT DESCRIPTIVE PURPOSES ONLY. SEE LAND DATA SURVEY DWG. # 01-0118 FOR ADDITIONAL INFORMATION.

Owners/ CONVEYED TO CITY OF TEXAS CITY

Plat

of Property Known as
0.9102 AC. TR. OUT OF THE H.B. LITTLEFIELD SURVEY, A - 143.

LAND DATA SURVEYS, INC.
DON DENSON
Registered Professional Land Surveyor
State of Texas

IN & NEAR CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS

P.O. Box 890027
Houston, Texas 77289
-0027

Office 1715164-8385
(281) 285-8445
Fax (281) 285-8462

SCALE: 1" = 100' FILE # 01-0118

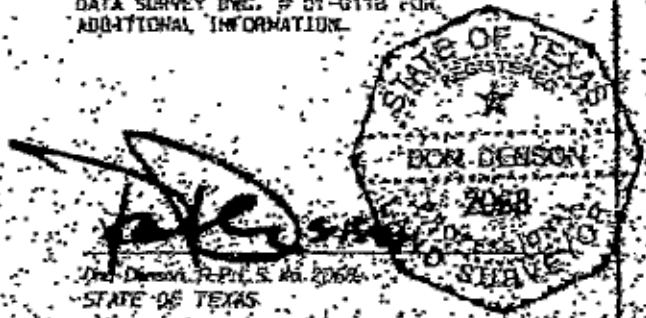


Exhibit B

22.825 acres - Tract G

LAND DATA SURVEYS, INC.



DON DENSON

Registered Professional Land Surveyor

File No. 01-011G2

February 9, 2004

METES AND BOUNDS DESCRIPTION 22.825 ACRE TRACT

A tract of land containing 22.825 acres being part of and out of that called 235.29 Acre Tract described under "Lease Agreement" as recorded in Book 964, Page 304 of the Galveston County Deed Records (GCDR) and also referenced in Book 1495, Page 496, GCDR, said tract also being part of and out of that certain tract of land conveyed to Union Carbide Corporation as described in Book 1963, Page 748 to 754, GCDR, and being part of and out of a 150 foot wide drainage canal right-of-way or easement granted to Galveston County in instrument recorded in Book 1687, Page 205, GCDR, in the H.B. Littlefield Survey, Abstract No. 143, contains in part "state submerged land", in Galveston County, Texas; said 22.825 acres being more particularly described by metes and bounds as follows with all bearings and coordinates referenced to the Texas Coordinate System, South Central Zone, as referenced from 1997 GPS established coordinates on marker numbers C-1237, M-1, M-2, and Y-170 (Galveston County Engineering Dept.) based on NAD 83 ("93-HARN"):

COMMENCING at a point with coordinates of N = 13,699,578.5790 and E = 3,267,027.3948, same being the intersection of the easterly right-of-way line of State Highway Loop 197 (based on a width of 160 feet) with the southerly line of said 150 foot wide canal;

THENCE, N 88 deg. 00' 43" E, along the southerly line of said 150 foot wide canal, for a distance of 5,023.39 feet to a point for corner;

THENCE, N 01 deg. 59' 17" W, along the westerly line of said tract described in Book 1963, page 748 to 754, GCDR, for a distance of 119.98 feet (grid distance) to a point for corner;

THENCE, N 88 deg. 00' 43" E, along a line being parallel to and 30 feet southerly from the northerly line of said 150 foot canal (cited by deed), for a distance of 4,836.02 feet to a point for corner;

THENCE, N 59 deg. 56' 14" E, for a distance of 298.09 feet to a point for corner, on the westerly line of a called 31.8 Acre Tract as described in City of Texas per Cause No. 107,674 in District Court, Galveston County;

THENCE, S 02 deg. 24' 28" E, for a distance of 340.28 feet to a point for corner;

(2)

THENCE, S 88 deg. 00' 43" W, for a distance of 1,684.18 feet to a point for corner, on the easterly line of a called 65.325 Acre Tract (called Swan Lake) from State of Texas to City of Texas City as described in Cause No. 107,674 in District Court 122, Judicial District;

THENCE, N 28 deg. 39' 43" E, along the easterly line of said Swan Lake, for a distance of 38.34 feet to a point for corner;

THENCE, N 61 deg. 20' 17" W, along the northerly line of said Swan Lake, for a distance of 310.86 feet to a point for corner;

THENCE, S 36 deg. 39' 43" W, continuing along the northerly line of said Swan Lake, for a distance of 245.15 feet to a point for corner;

THENCE, S 88 deg. 00' 43" W, for a distance of 3,016.35 feet to a point for corner, on the westerly line of the aforementioned tract described in Book 1963, Page 748 to 754, GCDR;

THENCE, N 01 deg. 59' 17" W, along the westerly line of said tract per Book 1963, Page 748, to 754, GCDR, same being the easterly line of a called 165.65 Acre Tract as described in Book 2231, Page 504, GCDR (and corrected in Book 2567, Page 837, GCDR), for a distance of 80.00 feet to the POINT OF BEGINNING, and containing 22.825 acres.



A handwritten signature in black ink, appearing to read "Don Denson", written over a horizontal line.

Date: 2-9-04

Don Denson,
Registered Professional Land Surveyor No. 2068;
STATE OF TEXAS

ST HWY LOOP 197



34.50 AC. MORE OR LESS
"RIGHT-OF-WAY EASEMENT"
(150' x 10,014') (INDUSTRIAL
DRAINAGE CANAL FROM UNIV. OF TX.
TO GAL. CO. IN CONNECTION W/ CALLED
"TX. CITY HURRICANE FLOOD PROTECTION
PROJECT" PER BOOK 1687, PG. 205,
G.C.D.R., (12-5-1965) (DESCRIPTION
DOES NOT MATHEMATICALLY
CLOSE - DISCREPANCY)

(TRACT "G")
AREA =
22.825
ACRES

CALLED 235.29 AC. TR., "LEASE
AGREEMENT" (UNIVERSITY OF
TX. TO UNION CARBIDE & CARBON
CORP.) PER BOOK 954, PG. 304
G.C.D.R., 6-30-52, UNION CARBIDE
& CARBON CORP. ACQUIRED FROM
U. OF TX. 5-21-62, BOOK 1495,
PG. 496, G.C.D.R.

CALLED 31.8
AC. TR., CITY
OF TX. CITY
NO. 107,674
DIST. CT. 122
JUDICIAL D.
FEB. 10, 1970
(PER JOHNSON
SUR., 7-24-74)

CALLED DRILL
SITE PER BOOK
1495, PG. 496,
G.C.C.O.

CALLED WEST
SHORE LINE
OF GAL. BAY
(BK. 1687/205)

119.98'
N01°59'17"W

119.98'
N01°59'17"W

P.O.D.
SET 5/8/1.R.
113,699, 152,8462
E=3,272,047, 1566

4836.02'
N88°00'43"E

310.86'
N61°20'17"W

298.09'
N59°56'14"E

340.28'
S02°24'28"E

5023.39
N88°00'43"E

4991.04'

1684.18'
S88°00'43"W

0.825
AC. UNION
CARBIDE CORP.
STRIP TO HWY.
DEPT. PER BOOK
2538, PG. 623,
G.C.C.O.
(1-26-74)

PROPOSED 130'
- WIDE STRIP

3016.35'
S88°00'43"W

80.00'
N01°59'17"W

REMAINDER AREA
PER BOOK 1963, PG.
748-754, G.C.C.O.
(UNIV. OF TX. TO
UNION CARBIDE CORP.,
7-10-68) "EXCEPTING
& EXCLUDING" THAT
PORTION OF CALLED
SWAN LAKE.

245.15'
S36°39'43"W

38.34'
N28°39'43"E

REMAINDER AREA
PER BOOK 1963, PG.
748-754, G.C.C.O.
(UNIV. OF TX. TO
UNION CARBIDE CORP.,
7-10-68) "EXCEPTING
& EXCLUDING" THAT
PORTION OF CALLED
SWAN LAKE.

CALLER 165.65 AC.
TR. PER BOOK 2231,
PG. 504, G.C.C.O.
(UNION CARBIDE
CORP. TO GULF COAST
WASTE DISPOSAL
AUTHORITY, 12-22-71)
CORRECTED IN
BOOK 2567, PG.
837, G.C.D.R.,
4-21-75

CALLER SWAN
LAKE 65.325 AC.
TR., FROM STATE
OF TEXAS TO CITY
OF TX. CITY, NO.
107,674 DIST. CT.
122 JUDICIAL D.
FEB. 10, 1970
(LOCATION PER
JOHNSON SUR.,
7-24-74)

UNION CARBIDE TRACT EAST
LINE CALLED TO BE WEST
SHORELINE OF BAY PER DEED.
SHORELINE NOT VISIBLE TO
DATE LOCA. OF OLD SHORELINE
SHOWN PER JOHNSON SURVEY
OF 7-24-74

NOTE :

AREA SHOWN HEREON FOR SUBJECT TRACT
DESCRIPTIVE PURPOSES ONLY, SEE LAND
DATA SURVEY DWG. # 01-011 B FOR
ADDITIONAL INFORMATION.

Plat

of Property Known as

22.825 AC. TR. OUT
OF THE H.B. LITTLEFIELD
SURVEY, A - 143,

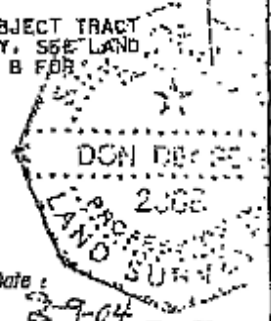
IN & NEAR
CITY OF TEXAS CITY,
GALVESTON COUNTY,
TEXAS

Owners/ CONVEYED TO DOW (UNION CARBIDE CORP.)

LAND DATA SURVEYS, INC.

DON DENSON

Registered Professional Land Surveyor
State of Texas



18201 Gulf Freeway, Ste. 125 Office (713)643-8585
Webster, Texas, 77598 (281)286-8445
Fax (281)286-8462

Don Denson, R.P.L.S. No. 2068,
STATE OF TEXAS

REV. 2-9-04, TO
CHANGE PROP. LINES
(NO FIELD STAKING
THIS DATE!)

SCALE : 1" = 600'

FILE # 01 - 011 G