

RIGHT OF ENTRY AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

This Right of Entry Agreement is entered into on _____, 20___, between **SOUTH POINT ESTATES PROPERTY OWNERS ASSOCIATION, INC**, ("Grantor") and **CITY OF TEXAS CITY, TEXAS**, a political subdivision of the State of Texas ("Grantee").

RECITALS

1. Grantor is the owner of certain real property located in Galveston County, Texas, which property includes the tract of land described on **Exhibit A** attached hereto and made a part hereof (the "Easement Tract").

2. Grantor and Grantee are currently negotiating an easement agreement pursuant to which the Authority will acquire an easement (the "Easement") over, upon, and across the Easement Tract for the laying, construction, installation, maintenance, repair, relocation, replacement, removal, modification and operation of a 24" sanitary sewer force main line (the "Project").

3. Grantor, and its designated agents, if any, desire to enter upon the Grantor's property located as shown in **Exhibit B** attached hereto and made a part hereof (the "Property") for the purpose of constructing the Project, and accordingly, desire to acquire from Grantor a right of entry for construction purposes across, along, under, over, and upon the Property to engage in all activities as may be necessary, requisite, convenient, or appropriate in connection with the construction, installation and access of the Project.

4. Grantor is willing to grant the Grantee and its designated agents, if any, the right to enter upon the Property for the stated purpose or purposes.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant permission to Grantee and any of its designated agents, to enter upon the Property and perform any and all acts necessary to construct the Project, including, but not limited to, the right to install, maintain, repair, store and operate construction and related equipment and materials on the Property and the right to excavate a bore pit on the Property. Subject to the rights granted to Grantee herein, Grantee will, at all times after doing any work in connection with the Project, restore the surface of the Property as nearly as reasonably practicable to substantially its condition prior to the undertaking of such work; provided, however, that Grantee shall not be obligated to replace or restore any trees, overhanging

limbs, growth, brush, shrubbery, improvements, or other natural or non-natural obstructions that interfere with Grantee's use of the Easement Tract for the purposes set forth herein.

This right of entry shall terminate and shall automatically revert to Grantor without the necessity of Grantor's taking any action sixty (60) days after the completion of the Project and acceptance of the Project by Grantee.

The covenants and agreements contained herein shall run with the land and shall inure to the benefit of and shall be binding upon Grantor and Grantee and their respective successors and assigns.

The individual signing this instrument on behalf of Grantor, represents that he/she has the requisite authority to bind Grantor.

Neither party's failure to insist on strict performance of any part of this instrument shall be construed as a waiver of the performance in any other instance.

This instrument shall be interpreted and construed in accordance with the laws of the State of Texas, without regard to conflict of laws, principles, and venue for any suit, action, or proceeding instituted in connection with any controversy arising out of this instrument or the Easement shall be the state courts situated in Galveston County, Texas.

This instrument may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, taken together, shall constitute one instrument.

Grantee's address is Grantee's address is 7800 Emmett F. Lowry Expressway, Texas City, Texas 77592.

Grantor:

**SOUTH POINT ESTATES PROPERTY
OWNERS ASSOCIATION, INC,**

By:

Diane Beleski

Name:

Diane Beleski

Title:

President

Grantee:

CITY OF TEXAS CITY, TEXAS,
a political subdivision of the
State of Texas

By: _____

Name: _____

Title: _____

Attest:

STATE OF TEXAS §

COUNTY OF GALVESTON §

A **METES & BOUNDS** description of a certain 0.3818 acre tract of land situated in the William K Wilson Survey, Abstract No. 208 in Galveston County, Texas, being out of Reserve "A" of the South Point Estates, Section 2 Phase 2B recorded under Document No. 2004062693 of the Galveston County Map Records and rights to said Reserves given to South Point Estates Association recorded under Clerk's File No. 2004074258 of the Galveston County Official Public Records of Real Property; said 0.3818 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

COMMENCING at a found 5/8-inch iron rod with Geo cap at the most westerly northwest corner of Lot 1, Block 5 of said South Point Estates, Section 2 Phase 2B and being in the easterly right-of-way line of Kingfish Road (60' right-of-way);

THENCE, South 02 degrees 00 minutes 26 seconds East, along the westerly line of said Lot 1, common with the easterly right-of-way line of said Kingfish Road, a distance of 94.90 feet to a found 5/8-inch iron rod with Geo cap at the southwest corner of said Lot 1, common with the northwesterly corner of said Reserve "A";

THENCE, South 02 degrees 00 minutes 26 seconds East, along the westerly line of said Reserve "A", common with the easterly right-of-way line of said Kingfish Road, a distance of 55.00 feet to the **POINT OF BEGINNING** of the herein described tract;

THENCE, North 87 degrees 15 minutes 41 seconds East, leaving said common line, over and across said Reserve "A", a distance of 833.49 feet to a point for corner in the easterly line of said Reserve "A", common with the westerly right-of-way line of Redfish Drive (60' right-of-way);

THENCE, South 08 degrees 40 minutes 06 seconds West, along said common line, a distance of 20.40 feet to a point for corner;

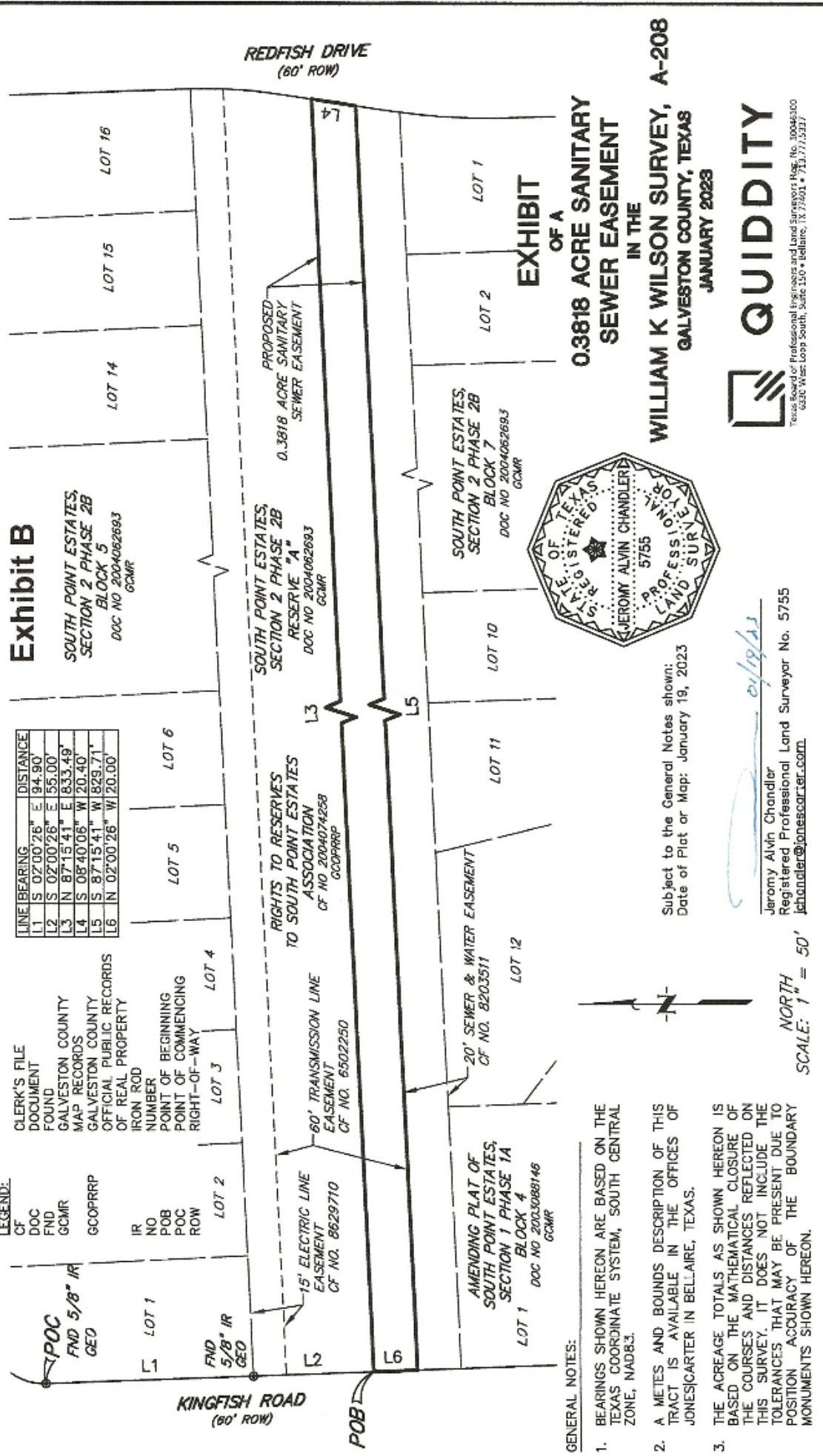
THENCE, South 87 degrees 15 minutes 41 seconds West, leaving said common line, over and across said Reserve "A", a distance of 829.71 feet to a point for corner in the westerly line of said Reserve "A", common with the easterly right-of-way line of said Kingfish Road;

THENCE, North 02 degrees 00 minutes 26 seconds West, along said common line, a distance of 20.00 feet to the **POINT OF BEGINNING**, CONTAINING 0.3818 acres of land in Galveston County, Texas, as shown on drawing number 18287 in the Offices of Quiddity in Bellaire, Texas.

Quiddity
6330 West Loop South, Suite 150
Bellaire, Texas 77401
(713) 777-5337
Texas Board of Professional Land Surveying
Registration No. 10046100


Acting By/Through Jeromy Alvin Chandler
Registered Professional Land Surveyor
No. 5755
JChandler@jonescarter.com





DWG. No. 18287

JOB No. 12575-0008-00

JAC/jv