

**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.**

**CONSTRUCTION EASEMENT AND AGREEMENT**

STATE OF TEXAS           §

COUNTY OF HIDALGO   §

That PJJ Farms, a General Partnership composed of Paige Harbison Saenz, Jacque Harbison and Laura Harbison Sirls ("Grantor"), for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and for other good and valuable consideration, to Grantor in hand paid by the Hidalgo County, Texas ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, does hereby GIVE, GRANT, and CONVEY unto Grantee, a construction easement of twenty five feet (25') running parallel along and abutting the \_\_\_\_\_ side of the Easement Property described below, for the construction of a drainage ditch and related appurtenances and related improvements (the "Facilities"), such construction easement terminating two years from the date of this Agreement or upon the completion of said Facilities in, along, upon, over and across the following described property, whichever is earlier:

See Exhibit A and Exhibit B attached hereto and incorporated herein at this point for all purposes (the "Easement Property").

Grantee agrees to haul off all of the dirt that is excavated from the Easement Property described below for the Facilities with part, in an amount determined by Grantor, to be hauled off to a different location to be determined by Grantor which shall in no event be greater than 3 miles from the servient estate and the remainder to be hauled off to a different location determined by Grantee. Upon completion of the Facilities, Grantee will return and maintain the Easement Property other than the drainage ditch and it's embankments to the level grade that existed prior to commencing the construction of the Facilities. Grantor will retain the right to drain surface and/or subsurface water from surrounding property that Grantor owns to the Facilities provided that such drainage connection to the Facilities is feasible and does not interfere with the Facilities.

To the extent permitted by law, Grantee agrees to indemnify, hold harmless and defend Grantor, his heirs, administrators and executors from and against any claim, loss, damage, liability, and expense, incurred or suffered by them, by reason of any and all claims, demands, or causes of action asserted or that may be asserted against Grantor, his heirs, administrators and executors, whether arising from intentional or negligent acts or omissions, and involving, arising out of, or in any manner relating to this Easement.

Grantee accepts the Easement "as is," "where is" and "with all faults", and without any representation or warranties whatsoever, express or implied, written or oral, it being the intention of Grantor and Grantee to expressly negate and exclude all representations and warranties,

including but not limited to (i) the physical condition of the property or any element thereof, including, without limitation, warranties related to suitability for habitation, merchantability or fitness for a particular purpose; (ii) the nature or quality of construction, structural design and engineering of any improvements; (iii) the quality of the labor and materials included in any improvements; (iv) the soil conditions; drainage or other conditions existing at the property with respect to any particular purpose, developmental potential or otherwise; (v) all warranties created by any affirmation of fact or promise or by any description of the property; and (vi) all other warranties and representations whatsoever.

WITNESS THE GRANTOR'S HAND, this \_\_\_\_ day of \_\_\_\_\_, 2015.

GRANTOR:  
PJL FARMS, a General Partnership

By: \_\_\_\_\_  
PAIGE HARBISON SAENZ, Partner

By: \_\_\_\_\_  
JACQUE HARBISON, Partner

By: \_\_\_\_\_  
LAURA HARBISON SIRLES, Partner

GRANTEE:  
  
HIDALGO COUNTY, TEXAS

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS §**  
**§**  
**COUNTY OF \_\_\_\_\_ §**

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared PAIGE HARBISON SAENZ, Partner in PJL FARMS, a General Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS** §  
§  
**COUNTY OF \_\_\_\_\_** §

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared JACQUE HARBISON, Partner in P JL FARMS, a General Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS** §  
§  
**COUNTY OF \_\_\_\_\_** §

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared LAURA HARBISON SIRLES, Partner in P JL FARMS, a General Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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



Exhibit A

Parcel 22:

BEING A 4.384 ACRE (190,986 S.F.) TRACT OF LAND OUT OF THAT CERTAIN 40.00 ACRE TRACT OF LAND, CONVEYED TO P.J.L. FARMS PARTNERSHIP, AS RECORDED IN DOCUMENT No. 2019848, OF THE OFFICIAL RECORDS OF HIDALGO COUNTY (H.C.O.R.), TEXAS, ALSO OUT OF FARM TRACT 2170, OF THE NORTH CAPISALLO DISTRICT SUBDIVISION, AS RECORDED IN VOLUME 2, PAGES 7-20, OF THE MAP RECORDS OF HIDALGO COUNTY (H.C.M.R.), TEXAS, SAID 4.384 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod with cap stamped "DLS BNDRY MKR" (hereinafter referred to as "with cap") set at the south right-of-way line of S.H. 107 (Mile 16 1/2 North Road) (102.00' right-of-way width), the common corner of said Farm Tract 2170 and that certain 40.00 acre tract of land conveyed to William R. Pracht and June O. Pracht Trustee, as recorded in Document No. 1212123, (H.C.O.R.), Texas, for the northeast corner of this parcel; from which the common corner of Farm Tracts 2174, 2175, 2171 and 2170, bears North 01 degrees 13 minutes 03 seconds West, a distance of 50.00 feet to a point;

THENCE, South 01 degrees 13 minutes 03 seconds East, along the common boundary line of said Farm Tracts 2170 and 2175, a distance of 1,273.24 feet to a point on the common line of Farm Tracts 2176 and said 2175, for the southeast corner of this parcel;

THENCE, South 88 degrees 46 minutes 57 Seconds West, along the common boundary line said Farm Tract 2170 and that certain Farm Tract 2169 conveyed to Carlbook Limited Partnership, recorded in Document No. 973345, (H.C.O.R.), Texas, a distance of 150.00 feet to a point for the southwest corner of this parcel;

THENCE, North 01 degrees 13 minutes 03 seconds West, across said subject 40.00 acre tract running parallel with the common boundary line of said Farm Tracts 2175 and 2170, a distance of 1,273.24 feet to a 5/8 inch iron rod with cap set, for the northwest corner of this parcel;

THENCE, North 88 degrees 46 minutes 57 seconds East, along the south right-of-way line of said Mile 16 1/2 North Road (S.H. 107), a distance of 150.00 feet to the POINT OF BEGINNING of the herein described tract of land, said tract contains the gross amount of 4.384 acres (190,986 S.F.), of which 2.007 acres (87,436 S.F.) fall within the Hidalgo and Cameron Counties Water Control and Improvement District No. 9, r.o.w. easement (100.00' wide), leaving a net area of 2.377 acres (103,550 S.F.), more or less.

Exhibit B

Parcel 32

BEING A 0.955 ACRE (41,593 S.F.) TRACT OF LAND OUT OF THAT CERTAIN 18.091 ACRE TRACT OF LAND, CONVEYED TO P.J.L. FARMS, AS RECORDED IN DOCUMENT NO. 2058837, OF THE OFFICIAL RECORDS OF HIDALGO COUNTY (O.R.H.C.), TEXAS, ALSO OUT OF FARM TRACT 2139, OF THE NORTH CAPISALLO DISTRICT SUBDIVISION, AS RECORDED IN VOLUME 2, PAGES 7-20, OF THE MAP RECORDS OF HIDALGO COUNTY (M.R.H.C), TEXAS, SAID 0.955 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod with cap stamped "DLS BNDRY MKR" (hereinafter referred to as "with cap") set at the common corner of said 18.091 acre tract and that certain 25.00 acre tract of land conveyed to Jack W. Harbison, Sr. Testamentary Trust, as recorded in Document No. 2343311, (O.R.H.C.), Texas, for the southwest corner of this parcel, the common corner of Farm Tracts 2137, 2138, 2101 and 2102, bears South 01° 13' minutes 03" East, a distance of 1,320.00 feet to a set 5/8 inch rod with cap;

THENCE, North 01 degrees 13 minutes 03 seconds West, along the common boundary line of said 18.091 acre and that certain 40.00 acre tract of land conveyed to Jack W. Harbison, Sr., Testamentary Trust, as recorded in Document

No. 2343314, (O.R.H.C.), Texas, a distance of 203.94 feet to 5/8 inch iron rod with cap) set for the northwest corner of this parcel;

THENCE, North 88 degrees 46 minutes 57 seconds East, across said 18.091 acre tract, and running parallel with the common boundary line of said Farm Tracts 2139 and 2138, a distance of 203.94 feet to a 5/8 inch iron rod with cap set for the northeast corner of this parcel;

THENCE, South 01 degrees 13 minutes 03 seconds East, across said 18.091 acre tract, and running parallel with the common boundary line of said Farm Tracts 2139 and 2136, a distance of 203.94 feet to a 5/8 inch iron rod with cap set on the common line of said 18.091 acre tract and that certain 25.00 acre tract (Tract 69) conveyed to Jack W. Harbison, Sr. Testamentary, as recorded in Document No. 2346311, (O.R.H.C.), Texas for the southeast corner of this parcel;

THENCE, South 88 degrees 46 minutes 57 seconds West, along the common boundary line of said Farm Tract 2139 and Farm Tract 2138, a distance of 203.94 feet to the POINT OF BEGINNING of the herein described tract of land, said tract contains the gross amount of 0.955 acres (41,593 S.F.), of which 0.010 acres (440 S.F.) fall within the Pipeline Hidalgo and Cameron Counties Water Control and Improvement District No.9, r.O.W. easement (30.00' wide), leaving a net area of 0.945 acres (41,164 S.F.), more or less.