

PUBLIC ACCESS, UTILITY AND DRAINAGE EASEMENT

Date: June 23, 2009

Grantor: Williamson County Park Foundation, Inc., a Texas non-profit corporation

Grantor's Mailing Address (include County):

710 Main, Suite 210, Georgetown,
Williamson County, Texas 78626

Grantee: THE CITY OF TAYLOR, TEXAS, a Home Rule Municipal
Political Subdivision of the State of Texas

Grantee's Mailing Address (include County):

400 Porter Street
Taylor, Williamson County, Texas 76574

Consideration: TEN DOLLARS (\$10.00), AND OTHER GOOD AND VALUABLE
CONSIDERATION

Easement Description ("Easement")

BEING a 5.146 acre tract of land situated in the William J. Baker Survey, Abstract No. 65, located in Williamson County, Texas, and being more fully described by metes and bounds on Exhibit "A", attached hereto and made a part hereof for all purposes.

Grantor, for the Consideration, grants, sells, and conveys to Grantee a perpetual exclusive public access, utility and drainage easement for the purpose of constructing, maintaining, repairing, abandoning in place, servicing, operating, controlling, and reconstructing existing and future public facilities, utilities and drainage facilities over, upon, through and across the Easement described above, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold the Easement to Grantee and Grantee's successors, and assigns forever.

Grantor and Grantor's heirs executors, administrators, successors and assigns warrant and forever defend all and

singular the Easement to Grantee and Grantee's successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Prior to construction of any public facility or utility, Grantee shall have the right to go over and across land owned by Grantor which is adjacent to the Easement for purposes of performing surveys and other necessary construction work provided that the public access, utility and drainage easement and all public facilities located therein and such work pertaining to them shall be undertaken by Grantee on only the Easement. After the initial construction of any public facilities, Grantee, from time to time and as often as necessary, shall have the right of ingress and egress over, along and across the Easement for purposes of maintaining, altering, inspecting or operating within the Easement the public facilities and all other associated equipment and appurtenances thereto.

Grantor shall not use the property on which the Easement is granted in a manner that interferes with the rights granted herein to Grantee.

This Public Access, and Drainage Utility Easement is binding upon Grantor and Grantee, their respective heirs, executors, administrators, successors and assigns and all rights, and privileges granted herein shall run with the land.

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

WILLIAMSON COUNTY PARK
FOUNDATION, INC.
a Texas non-profit corporation

BY: Charles Crossfield
ITS: President

GRANTOR

STATE OF TEXAS \$
COUNTY OF WILLIAMSON \$

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COUNTY OF WILLIAMSON

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This instrument was acknowledged before me on the _____ day of _____, 2009, by Charles Crossfield, President of Williamson County Park Foundation, Inc., a Texas non-profit corporation, on behalf of said corporation.

Notary Public, State of Texas

AGREED AND ACCEPTED:

CITY OF TAYLOR, TEXAS

By:

JIM DUNAWAY
City Manager

ATTEST:

SUSAN BROCK
City Clerk

STATE OF TEXAS \$
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COUNTY OF WILLIAMSON \$

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COUNTY OF WILLIAMSON

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This instrument was acknowledged before me on the ____ day of June, 2009, by JIM DUNAWAY, City Manager for and on behalf of the CITY OF TAYLOR, TEXAS, a Home Rule Municipal Political Subdivision of the State of Texas.

Notary Public, State of Texas

EXHIBIT

"A"

STATE OF TEXAS
COUNTY OF WILLIAMSON

JUNE 23, 2009

5.146 ACRES

These notes describe that certain tract of land situated in the **WILLIAM J. BAKER SURVEY, ABSTRACT NO. 65**, located in Williamson County, Texas; subject tract part of and out of a called "135.00 Acres", conveyed in a Deed from Roy Schroeder, et ux, to Williamson County Park Foundation, Inc., dated 5-25-01 and recorded in Document No. 2001039326, of the Official Public Records of Williamson County, Texas, (OPRWC); being surveyed on the ground under the direct supervision of Bruce Lane Bryan, Registered Professional Land Surveyor No. 4249, on June 23, 2009, subject tract being more fully described as follows:

BEGINNING at a ½" iron rod found (capped) in the North right-of-way of FM 397 for the Southeast corner of a called "50.00 Acres" as conveyed in a warranty deed from John H. Miles, Jr. to Taylor Independent School District dated 9-14-1989 as recorded in volume 1821, page 469 Official Records Williamson County (ORWC) same being the Southwest corner of the above mentioned "135.00 Acres" for the Southwest corner of subject;

THENCE North 19°20'00" West, for a distance of **684.25 feet** with the common line of said "50.00 Acres" and "135.00 Acres" to a set ½" iron rod (capped) for the Northwest corner of subject; from which for reference a 3" iron pipe the Northwest corner of said "135.00 Acres" bears North 19°20'00" West, 1207.52 feet;

THENCE North 72°42'57" East, for a distance of **339.24 feet** to a set ½" iron rod for the Northeast corner of subject; same being the lower Northwest corner of a "1.387 Acres" surveyed this date;

THENCE South 17°27'22" East, for a distance of **25.10 feet** to a found ½" iron rod for the Northwest corner of a called "1.135 Acres" as surveyed by this firm on April 28, 2004, for a point in the East line of subject;

THENCE South 17°27'22" East, with the common line of said "1.135 Acres" and subject for a distance of **657.70 feet** to a found ½" iron rod in the North right-of-way line of FM 397 for the Southwest corner of said "1.135 Acres" same being the Southeast corner of subject; from which for reference a found ½" iron rod (capped) for the Southeast corner of said "1.135 Acres" same being the Southwest corner of a called "Residual First Tract-50 Acres" as conveyed in a deed from Jessie Tennill to Roy Schroeder, et ux dated 11-28-1961 as recorded in volume 448, page 127 Williamson County Deed Records (WCDR) bears North 72°31'26" East, 58.18 feet;

THENCE South 72°31'57" West, with the North right-of-way of FM 397 for a distance of **316.82 feet** to the **PLACE OF BEGINNING**, containing according to the dimensions herein stated an area of **5.1465 Acres**.

Surveyor's Note: Attention is invited to accompanying plat for location of improvements, visible utilities, encroachments and roadways. Bearings and Coordinates shown hereon based on Texas State Plane Coordinate System Central Zone NAD 83/93 Adjustment (Grid Values); Elevations based on NGVD88 datum.

Bruce Lane Bryan

Registered Professional Land Surveyor No. 4249