

FVI  
Right of Way  
with city

COPY

## Roadway Easement

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**Date:**

Executed on the dates of the acknowledgments below, but to be effective as of March 1, 2007

**Grantor:**

Hester Bender, an unmarried woman

**Grantor's Address:**

Hester Bender  
P. O. Box 153  
Graham, Texas 76450  
Young County

FILED FOR RECORD  
10:00 O'CLOCK A.M.

MAR 16 2007

SHIRLEY CHOATE  
COUNTY CLERK, YOUNG COUNTY, TEX  
BY      DEPUTY

**Grantee:**

City of Graham, a Texas municipal corporation

**Grantee's Address:**

City of Graham  
P. O. Box 1449  
Graham, Texas 76450  
Young County

**Dominant Tract:**

Being the road owned and maintained by the City of Graham, commonly known as the "Sewer Plant Road" which road connects to Texas State Highway on the Southwest side of Graham, Texas.

**Servient Tract:**

The two following identified tracts of land:

**Tract One**

A strip of land twenty (20) feet wide along the path of the existing roadway across the 100 acre tract identified on the attached Exhibit A from the point where such roadway connects with roadway owned and maintained by Grantee along the WF & S RR Right-of-Way to the point where the roadway intersects Tract Two identified below.

**Tract Two**

The twenty (20) foot wide roadway easement identified on the attached Exhibit B.

**Purpose of Easement:**

This easement is granted for the purpose of affording vehicular and pedestrian ingress and egress to the Dominant Tract from Lower Tonk Valley Road along the Servient Tract in

order to allow access to the sewer plant maintained by the Grantee on Sewer Plant Road by Grantee's employees and other persons involved in operating such plant.

**Term of Easement:**

The right to use the easement shall be perpetual.

**Consideration:**

As evidenced by Grantee's signature below, the consideration for this easement consists of the following:

- A. Grantee's Conveyance to Grantor (through a separate instrument of even date herewith) of a Roadway Easement across the Dominant Tract and other lands; and,
- B. Grantee's agreement to maintain the roadway on the Servient Tract in a condition which is suitable for Grantee's intended use for so long as Grantee claims the right to use the easement granted through this instrument; and,
- C. Grantee's agreement that Grantee's renunciation of the right to use the easement conveyed through this instrument shall not be considered a failure of consideration or otherwise operate to terminate the easement identified in paragraph A above.

**Agreement Regarding Survey:**

For the consideration, Grantee and Grantor further agree that either party may have a survey performed which will reflect the midline of all or part of the road which forms the Servient Tract. In the event that such a survey is performed, Grantor and Grantee agree to evenly divide the cost of the survey and the cost of preparing and filing for record a written instrument reflecting the surveyed path of the Servient Tract.

**Reservations from and Restrictions on Conveyance:**

Grantee's rights under the terms of this easement are subject to the following restrictions:

- A. Grantee shall only use so much of the lands as are reasonably necessary for ingress and egress to the Dominant Tract.
- B. Grantee shall remain on the easement and not stray onto Grantor's lands which surround the easement.
- C. Grantee shall not place any signs or markers on the easement or on Grantor's lands.
- D. Grantee shall not maintain the roadway in such a manner as to cause undue erosion of Grantor's land by waters deflected by the road along the easement.
- E. Grantee shall keep Grantor's gates locked if requested to do so, but Grantor shall provide Grantee with keys or other comparable means of by-passing the locks.
- F. As a part of the consideration for this conveyance, Grantee agrees to and does hereby relinquish any and all other easements for roadway purposes across the Servient Tract to the Dominant Tract.
- G. This easement is a non-exclusive easement and Grantor does not relinquish any rights to use the Dominant Tract except to the extent necessary to fulfill the purpose of this easement.

For the consideration and subject to the Reservations from and Restrictions on Conveyance, Grantor hereby grants, lets and conveys to Grantee, Grantee's heirs and assigns, a perpetual, non-exclusive easement and right-of-way (the "Roadway Easement") for the above stated purpose, over and across the Servient Tract.

Hester Bender  
Hester Bender, Grantor

Approved and Agreed:

City of Graham, Texas, a Texas municipal  
corporation, Grantee

By: Wayne Christian  
Wayne Christian, Mayor

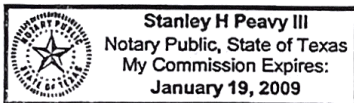
**Acknowledgment**

State of Texas

§  
§  
§

County of Young

On this the 11<sup>th</sup> day of March 2007, before me, a Notary Public in and for said state, personally appeared **Hester Bender**, known to me to be the individual who executed the foregoing *Roadway Easement*, and acknowledged to me that she executed the same for the purposes and in the capacities therein stated.



[Signature]  
Notary Public, State of Texas

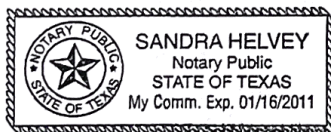
**Acknowledgment**

State of Texas

§  
§  
§

County of Young

On this the 15<sup>th</sup> day of March 2007, before me, a Notary Public in and for said state, personally appeared **Wayne Christian**, in his capacity as Mayor of the **City of Graham, Texas**, a Texas municipal corporation, known to me to be the individual who executed the foregoing document, and acknowledged to me that he executed the same for the purposes and in the capacities therein stated.



[Signature]  
Notary Public, State of Texas

*This instrument has been prepared in reliance upon information provided by Grantor concerning the Property and is done so without title examination. Peavy & Peavy makes no representation concerning liens, marketability of title or adequacy of legal description.*

*By signing this instrument, Grantee acknowledges that the law firm of Peavy & Peavy has represented Grantor in connection with this transaction and has provided no legal advice or representation in connection with this matter to the Grantee.*

Prepared in the Law Firm of:

After Recording Return to:

Peavy & Peavy  
423 Fourth Street  
Graham, Texas 76450

City of Graham  
P. O. Box 1449  
Graham, Texas 76450

## **Exhibit A**

### **Servient Tract - Tract One**

Being 100.0 acres out of the B. Moseley Survey, Abstract No. 2222, Young County, Texas. The said 100.0 acres being the same land described in a Deed recorded in Volume 488, Page 366, of the Deed Records of Young County, Texas. The said 100.0 acres being more particularly described in metes and bounds as follows:

**Beginning** at a ½-inch iron rod set for corner at the intersection of the East line of the W.F. & S.R.R. right-of-way and the South line of said B. Moseley Survey;

**Thence** North 80 degrees 36 minutes 15 seconds West 1583.0 feet with the South line of said B. Moseley Survey and with an existing fence to a steel fence post for corner;

**Thence** North 9 degrees 17 minutes 57 seconds East 3681.56 feet with the West line of said 100.0 acres and with an existing fence to a steel fence post for corner;

**Thence** South 89 degrees 42 minutes 25 seconds East 653.5 feet with the North line of said 100.0 acres and with an existing fence to a ½-inch iron rod set for corner in the West line of said W.F. & S.R.R. right-of-way:

**Thence** with said West right-of-way line the following calls:

South 12 degrees 24 minutes 21 seconds East 214.02 feet;  
South 14 degrees 39 minutes 21 seconds East 124.01 feet;  
South 15 degrees 44 minutes 21 seconds East 300.02 feet;  
South 13 degrees 18 minutes 21 seconds East 100.01 feet;  
South 10 degrees 28 minutes 21 seconds East 100.01 feet;  
South 05 degrees 58 minutes 21 seconds East 93.01 feet;  
South 01 degree 28 minutes 21 seconds East 93.01 feet to a ½-inch iron rod set for corner;

**Thence** North 89 degrees 55 minutes 39 seconds East 100.01 feet to a ½-inch iron rod set for corner in the East line of said W.F. & S.R.R. right-of-way;

**Thence** with said East right-of-way line the following calls:

South 01 degree 46 minutes 39 seconds West 100.01 feet;  
South 07 degrees 42 minutes 39 seconds West 106.01 feet;  
South 09 degrees 29 minutes 39 seconds West 106.01 feet;  
South 12 degrees 50 minutes 39 seconds West 600.05 feet;  
South 09 degrees 45 minutes 39 seconds West 100.01 feet;  
South 06 degrees 35 minutes 39 seconds West 100.01 feet;  
South 02 degrees 51 minutes 39 seconds West 89.01 feet;  
South 01 degrees 49 minutes 21 seconds East 100.01 feet;  
South 05 degrees 37 minutes 21 seconds East 89.01 feet;  
South 08 degrees 17 minutes 21 seconds East 100.01 feet;  
South 11 degrees 12 minutes 21 seconds East 900.07 feet;  
South 08 degrees 42 minutes 21 seconds East 100.01 feet;  
South 05 degrees 24 minutes 21 seconds East 100.01 feet;  
South 00 degrees 59 minutes 21 seconds East 109.01 feet;  
South 04 degrees 25 minutes 39 seconds West 109.01 feet;

**Thence** South 07 degrees 52 minutes 42 seconds West 122.73 feet to the place of  
**beginning**, containing 100.0 acres of land, more or less.

## Exhibit B

### Servient Tract - Tract Two

Being a twenty foot (20') road easement out of the **R. Hamilton Survey, Abstract No. 1321**, and the **B. Moseley Survey, Abstract No. 2222**, Young County, Texas. The said road easement being more particularly described as follows:

**Beginning** at a spike found in the center line of Lower Tonk Valley Road; the said spike also being in the West line of the said Hamilton Survey from which a spike found at the Southwest corner of the said Hamilton Survey bears South 10 degrees 19 minutes 36 seconds West 972.83 feet;  
**Thence** South 80 degrees 58 minutes 51 seconds East 2181.91 feet with the center line of Gatlin Road, also being the center line of a Twenty Foot road easement described in Volume 472, Page 615, of the Deed Records of Young County, Texas, to a point at the beginning of a curve to the right;  
**Thence** with said center line and said road easement a curve to the right having a radius of 1300.0 feet, arc length of 365.67 feet and chord direction of South 60 degrees 03 minutes 14 seconds East 364.46 feet to a point at the end of said curve;  
**Thence** South 80 degrees 21 minutes 55 Seconds East 146.84 feet with the center line of Navarez Road and the center line of said road easement to a point in the West line of said Moseley Survey;  
**Thence** South 80 degrees 21 minutes 55 seconds East 75.31 feet with the center line of said road and the center line of a Twenty Foot road easement described in Volume 488, Page 366, of the Deed Records of Young County, Texas to a point;  
**Thence** North 79 degrees 16 minutes 06 seconds East 167.28 feet with said center line and said road easement to a point;  
**Thence** South 86 degrees 47 minutes 18 Seconds East 132.53 feet with said center line and said road easement to a point at the beginning of a curve to the left;  
**Thence** with said center line and said road easement a curve to the left having a radius of 383.50 feet, arc length of 151.95 feet and chord direction of North 86 degrees 28 minutes 26 seconds East 150.96 feet to a point at the end of said curve;  
**Thence** North 70 degrees 34 minutes 40 seconds East 136.60 feet with said center line and said road easement to a point at the beginning of a curve to the left;  
**Thence** with said center line and said road easement a curve to the left having a radius of 450.0 feet, arc length of 409.71 feet and chord direction of North 37 degrees 08 minutes 22 seconds East 395.71 feet to a point at the end of said curve;  
**Thence** North 19 degrees 29 minutes 11 seconds East 162.73 feet with said center line and said road easement to a point at the beginning of a curve to the right;  
**Thence** with said center line and said road easement a curve to the right having a radius of 447.30 feet, arc length of 377.60 feet and chord direction of North 44 degrees 41 minutes 43 seconds East 366.49 feet to a point at the end of said curve;  
**Thence** North 67 degrees 50 minutes 27 seconds East 180.14 feet with said center line and said road easement to a point at the beginning of a curve to the right;  
**Thence** with said center line and said road easement a curve to the right having a radius of 174.0 feet, arc length of 93.90 feet and chord direction of North 82 degrees 35 minutes East 92.76 feet to the end of said curve;  
**Thence** South 81 degrees 16 minutes 03 seconds East 77.85 feet with said center line and said road easement to a point at the beginning of a curve to the left;  
**Thence** with said center line and said road easement a curve to the left having a radius of 300.0 feet, arc length of 279.05 feet and chord direction of North 72 degrees 36 minutes 16 seconds East 269.10 feet to a point at the end of said curve;  
**Thence** North 45 degrees 56 minutes 20 seconds East 257.88 feet with said center line and said road easement to a point at the beginning of a curve to the right;  
**Thence** with said center line and said road easement a curve to the right having a radius of 64.80 feet, arc length of 77.77 feet and chord direction of North 67 degrees 37 minutes 36 seconds East 73.18 feet to a point at the end of said curve;  
**Thence** South 73 degrees 06 minutes 01 seconds East 36.17 feet with said center line and said road easement to a point in the West line of a 100 acre tract of land described in Volume 766, Page 227, of the Deed Records of Young County, Texas.

Said easements being over those tracts of land described in Right of Way Easement from Jim Watkins and wife, Dorothy Watkins, to L.H. Choate and wife, Willie M. Choate, dated October 23, 1972, and recorded in Volume 472, Page 615 of the Deed Records of Young County, Texas; and in Warranty Deed from John E. Williams Sr. and wife, Christeene Williams to Charles E. Luksich and wife, Lillian B. Luksich, recorded in Volume 488, Page 366, Deed Records of Young County, Texas.

(Vol.566, Pg.581)

(Vol.560, Pg.581)

(Vol.459, Pg.673)

1. Bearing based on the Texas  
Plane Coordinate System Grid  
Azimuth taken from solar  
observation.  
2. Fences meander along WF & S  
RR Right-of-Way line.

| COURSE | BEARING      | DISTANCE |
|--------|--------------|----------|
| L-1    | S 12°24'21"E | 214.02'  |
| L-2    | S 14°39'21"E | 124.01'  |
| L-3    | S 5°44'21"E  | 300.02'  |
| L-4    | S 13°18'21"E | 100.01'  |
| L-5    | S 10°28'21"E | 100.01'  |
| L-6    | S 05°58'21"E | 93.01'   |
| L-7    | S 01°28'21"E | 93.01'   |
| L-8    | N 89°55'39"E | 100.01'  |
| L-9    | S 01°46'39"W | 100.01'  |
| L-10   | S 07°42'39"W | 106.01'  |
| L-11   | S 09°23'39"W | 106.01'  |
| L-12   | S 12°50'39"W | 600.05'  |
| L-13   | S 08°45'39"W | 100.01'  |
| L-14   | S 06°35'39"W | 100.01'  |
| L-15   | S 02°51'39"W | 89.01'   |
| L-16   | S 01°49'21"E | 89.01'   |
| L-17   | S 05°37'21"E | 89.01'   |
| L-18   | S 08°17'21"E | 100.01'  |
| L-19   | S 11°12'21"E | 900.07'  |
| L-20   | S 08°42'21"E | 100.01'  |
| L-21   | S 05°24'21"E | 100.01'  |
| L-22   | S 00°59'21"E | 109.01'  |
| L-23   | S 04°25'39"W | 109.01'  |
| L-24   | S 07°52'42"W | 122.73'  |

J.F. KNIGHT SURVEY  
Abstract No. 2204  
(Vol. 767, Pg. 48)

106 N. FM RD. 2353 GRAFORD, TEXAS 76449

( 940-779-4086 )

400                      0                      400                      800                      1200

[illegible]

GRAPHIC SCALE - FEET

I, J.G. LAWSON JR., Registered Professional Land Surveyor, do hereby certify that to the best of my knowledge this plat is true and correct of a survey made on the ground

J. G. LAWSON JR.

Date: 10 April 2001  
Job: A2222.CRD-3  
File: A2222.PL1-3  
Path: Y-3