

1506/342 OPP

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UTILITY EASEMENT  
(Specific Property)

*Handwritten signature*  
Brazos County Clerk  
Bryan, Texas

STATE OF TEXAS }  
COUNTY OF BRAZOS }

KNOW ALL MEN BY THESE PRESENTS:

That, ALLEN R. SWOBODA, GRANTOR, of the County of Brazos, State of Texas, for and in consideration of the payment of TEN and NO/100 DOLLARS, and for other good and valuable consideration, in hand paid to GRANTOR by the CITY OF COLLEGE STATION, TEXAS, the receipt of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL, and CONVEY unto the said CITY OF COLLEGE STATION, a Texas Municipal Corporation, certain rights and interests in the nature of perpetual EASEMENTS on and through the following described properties:

TRACT 1: All that certain 0.85 acre tract, being a variable-width slope easement, lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas, and being a portion out of that same 300.00 acre tract conveyed from Allen Swoboda, Trustee, to Haldec, Inc., as described by deed recorded in VOLUME 394, PAGE 766 of the Deed Records of Brazos County, Texas.

TRACT 2: All that certain 0.81 acre tract, being a variable-width slope easement, lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas, and being a portion out of that same 300.00 acre tract conveyed from Allen Swoboda, Trustee, to Haldec, Inc., as described by deed recorded in VOLUME 394, PAGE 766 of the Deed Records of Brazos County, Texas.

Provided, however, that this conveyance shall grant the rights herein specified only as to that portion of the above-described property more particularly described by course, width, and centerline on the attached Exhibits A and B, known as the "Easement Area", and any additional area outside the easement area necessary and incident to the uses of the Easement Area.

To maintain such slopes in and upon the premises as are required for and in connection with the grading of Appomattox Drive from Spring Creek in Emerald Forest Phase 8 to Emerald Forest Phase 6, and the right and authority to make all excavations, embankments, cuts and fills requisite to the maintenance of the slopes in and upon said property as herein described. It is understood and agreed that any and all equipment and facilities placed upon said property shall remain the property of GRANTEE.

GRANTOR expressly subordinates all rights of surface use incident to the mineral estate to the above described uses of said surface by GRANTEE, and agrees to provide lender's subordinations or releases on behalf of GRANTEE.

It is expressly understood that the GRANTOR or future owners of this property reserve the right to use this EASEMENT for all purposes which do not interfere with or prevent its use by the GRANTEE.

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TO HAVE AND TO HOLD the rights and interests herein described unto the CITY OF COLLEGE STATION, TEXAS, and its successors and assigns, forever, and GRANTOR does hereby bind himself, his heirs and administrators, to warrant and forever defend, all and singular, these rights and interests unto the CITY OF COLLEGE STATION, TEXAS, and its successors and assigns, against every person whomsoever lawfully claiming, or to claim same, or any part thereof.

EXECUTED this 8<sup>th</sup> day of July, 1992.

*Allen R. Swoboda*  
ALLEN R. SWOBODA

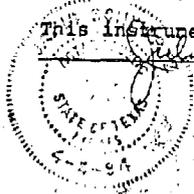
APPROVED AS TO FORM.  
THIS DOCUMENT MAY NOT  
BE CHANGED WITHOUT  
RE-SUBMISSION FOR APPROVAL.

STATE OF TEXAS

COUNTY OF BRAZOS

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 8<sup>th</sup> day of July, 1992, by ALLEN R. SWOBODA.



*Dennis Schwartz*  
Notary Public in and for  
the State of T E X A S

METES AND BOUNDS DESCRIPTION  
OF A  
0.85 ACRE TRACT  
MORGAN RECTOR LEAGUE, ABSTRACT NO. 46  
COLLEGE STATION, BRAZOS COUNTY, TEXAS

Metes and bounds description of all that certain 0.85 acre tract, being a variable-width slope easement, lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas, and being a portion out of that same 300.00 acre tract conveyed from Allen Swoboda, Trustee, to Haldec, Inc., as described by deed recorded in VOLUME 394, PAGE 766 of the Deed Records of Brazos County, Texas, said 0.85 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found marking the north corner of Lot 1, Block 4, Emerald Forest Phase Six, as shown by plat recorded in VOLUME 530, PAGE 665 of the Deed Records of Brazos County, Texas. Said iron rod lying in the northeast right-of-way line of Appomattox Drive, and being the beginning of a curve to the right.

THENCE in a northeasterly direction 233.61 along the arc of said curve (Curve data: central angle =  $09^{\circ} 35' 02''$ , radius = 1336.79 feet, tangent = 112.066 feet, the chord bears  $N 01^{\circ} 01' 43'' E 223.34$  feet) to a point for end of said curve.

THENCE  $N 05^{\circ} 49' 14'' E - 100.73$  feet along the proposed right-of-way line of Appomattox Drive to a point for beginning of a curve to the left.

THENCE in a northeasterly direction 234.27 feet along the arc of said curve (Curve data: central angle =  $07^{\circ} 31' 49''$ , radius = 1782.48 feet, tangent = 117.30 feet, the chord bears  $N 02^{\circ} 03' 19'' E 234.10$  feet) to a point for end of said curve.

THENCE  $N 01^{\circ} 42' 35'' W - 160.00$  feet with said proposed right-of-way line to a point for beginning of a curve to the left.

THENCE in a northwesterly direction 172.01 feet along the arc of said curve (Curve data: central angle =  $03^{\circ} 14' 50''$ , radius = 3035.00 feet, tangent = 86.03 feet, the chord bears  $N 03^{\circ} 20' 00'' W 171.98$  feet) to a point for end of said curve.

THENCE  $N 04^{\circ} 57' 25'' W - 287.79$  feet with said proposed right-of-way line to a point for beginning of a curve to the left.

THENCE in a northwesterly direction 120.06 feet along the arc of said curve (Curve data: central angle =  $06^{\circ} 20' 22''$ , radius = 1085.12 feet, tangent = 60.09 feet, the chord bears  $N 08^{\circ} 07' 36'' W 120.00$  feet) to a point beginning of a curve to the right. Said curve being the intersection with proposed southeast right-of-way line of Spring Creek street.

000457-F-14-39 (1802)

TRACT 1 (page 1)

EXHIBIT "A"

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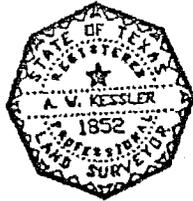
THENCE in a northeasterly direction 19.11 feet along the arc of said curve (Curve data: central angle = 43° 48' 14", radius = 25.00 feet, tangent = 10.05 feet, the chord bears N 10° 36' 20" E 18.65 feet) to a point for corner.

THENCE southerly for the following calls:

- S 11° 00' 46" E - 309.30 feet
- S 07° 52' 04" E - 118.15 feet
- S 03° 20' 00" E - 174.08 feet
- S 00° 59' 36" E - 160.01 feet
- S 02° 32' 05" W - 238.57 feet
- S 06° 01' 36" W - 278.10 feet

THENCE S 22° 15' 54" W - 47.13 feet to the PLACE OF BEGINNING, and containing 0.85 acres of land, more or less.

November 1990



Municipal Development Group  
College Station, Texas

Prepared by:

*A. W. Kessler*

A. W. Kessler  
Registered Professional Land Surveyor  
No. 1852

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TRACT 1 (page 2)

EXHIBIT "A"

000457-F.14-39 (1802)

METES AND BOUNDS DESCRIPTION  
OF A  
0.81 ACRE TRACT  
MORGAN RECTOR LEAGUE, ABSTRACT NO. 46  
COLLEGE STATION, BRAZOS COUNTY, TEXAS

Metes and bounds description of all that certain 0.81 acre tract, being a variable-width slope easement, lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas, and being a portion out of that same 300.00 acre tract conveyed from Allen Swoboda, Trustee, to Haldec, Inc., as described by deed recorded in VOLUME 394, PAGE 766 of the Deed Records of Brazos County, Texas, said 0.81 acre tract being more particularly described as follows:

BEGINNING at the north corner of Emerald Forest Phase Six, as shown by plat recorded in VOLUME 530, PAGE 665 of the Deed Records of Brazos County, Texas, said point lying in the northwest right-of-way line of Appomattox Drive.

THENCE northerly for the following calls:

N 13° 35' 45" W - 136.00 feet  
N 05° 58' 49" E - 206.69 feet  
N 01° 02' 53" W - 221.16 feet  
N 02° 04' 04" W - 160.00 feet  
N 01° 15' 52" W - 166.14 feet  
N 02° 38' 52" W - 248.63 feet

THENCE N 01° 06' 45" E - 150.78 feet to a point for corner in the proposed southwest right-of-way of Appomattox Drive, and being the beginning of a curve to the right.

THENCE in a southeasterly direction 110.79 feet along the arc of said curve (Curve Data: 06° 15' 12", radius = 1015.12 feet, tangent = 55.45 feet, the chord bears S 08° 05' 01" E - 110.74 feet) to a point for end of said curve.

THENCE S 04° 57' 25" E - 287.79 feet with said proposed right-of-way line to a point for beginning of a curve to the right.

THENCE in a southeasterly direction 168.04 feet along the arc of said curve (Curve data: central angle = 03° 14' 50", radius = 2965.00 feet, tangent = 84.04 feet, the chord bears S 03° 20' 00" E - 168.02 feet) to a point for end of said curve.

THENCE S 01° 42' 35" E - 160.00 feet with said proposed right-of-way line to a point for beginning of a curve to the right.

THENCE in a southwesterly direction 225.07 feet along the arc of said curve (Curve data: central angle = 07° 31' 49", radius = 1712.48 feet, tangent = 112.70 feet, the chord bears S 02° 03' 19" W - 224.91 feet) to a point for end of said curve.

TRACT 2 (page 1)

000457-F.13-39 (1802)

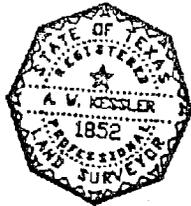
EXHIBIT "B"  
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THENCE S 05° 49' 14" W - 100.73 feet with said proposed right-of-way line to a point for beginning of a curve to the left.

THENCE in a southwesterly direction 235.31 feet along the arc of said curve (Curve data: central angle = 09° 35' 02", radius = 1406.79 feet, tangent = 117.93 feet, the chord bears S 01° 01' 43" W - 235.04 feet) to the PLACE OF BEGINNING and containing 0.81 acres of land, more or less.

November 1990

Municipal Development Group  
College Station, Texas



Prepared by: A. W. Kessler

A. W. Kessler  
Registered Professional Land Surveyor  
No. 1852

TRACT 2 (page 2)

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EXHIBIT "B"

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