

S-1

EXHIBIT  
A.3

PUBLIC UTILITY EASEMENT

DATE: October 16, 2003

GRANTORS: BURTON RAY HERMANN and wife,  
VIRGINIA BORISKIE HERMANN

GRANTORS' MAILING ADDRESS: 2710 Horse Haven Lane  
Brazos County  
College Station, Texas 77845

GRANTEE: CITY OF COLLEGE STATION, TEXAS

GRANTEE'S MAILING ADDRESS: 1101 Texas Avenue  
Brazos County  
College Station, Texas 77842

CONSIDERATION: Ten Dollars (\$10.00) and other  
good and valuable consideration.

PROPERTY:

Tract Two:

All that certain 0.27 acre tract or parcel of land lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas and being a portion of that same called 40.38 acre remainder of that same 163.50 acre tract conveyed to Burton R. Hermann, et ux, as described by deed recorded in Volume 2085, Page 289, of the Official Records of Brazos County, Texas, said 0.27 acre tract being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all intents and purposes.

Tract Three:

All that certain 0.09 acre tract or parcel of land lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas and being a portion of and out of that same 2.05 acre tract described in instrument from Burton R. Hermann, et ux, to Eldon R. Youngblood, Trustee, for The Mortgage Outlet, Inc., as recorded in Volume 5011, Page 93, of the Official Records of Brazos County, Texas; said 0.09 acre tract being more particularly described by metes and bounds on Exhibit "B" attached hereto and made a part hereof for all intents and purposes.

Tract Four:

All that certain 0.16 acre tract or parcel of land 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 2.05 acre tract described in instrument from Burton R. Hermann, et ux, to Eldon R. Youngblood, Trustee, for The Mortgage

9:57  
Susan

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Outlet, Inc., as recorded in Volume 5011, Page 93, of the Official Records of Brazos County, Texas; said 0.16 acre tract being more particularly described by metes and bounds on Exhibit "C" attached hereto and made a part hereof for all intents and purposes.

Tract Five:

All that certain 0.001 acre tract or parcel of land lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas and being a portion of that same called 40.38 acre remainder of that same 163.50 acre tract conveyed to Burton R. Hermann, et ux, as described by deed recorded in Volume 2085, Page 289, of the Official Records of Brazos County, Texas, said 0.001 acre tract being more particularly described by metes and bounds on Exhibit "D" attached hereto and made a part hereof for all intents and purposes.

Tract Six:

All that certain 0.10 acre tract or parcel of land lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas and being a portion of that same called 40.38 acre remainder of that same 163.50 acre tract conveyed to Burton R. Hermann, et ux, as described by deed recorded in Volume 2085, Page 289, of the Official Records of Brazos County, Texas, said 0.10 acre tract being more particularly described by metes and bounds on Exhibit "E" attached hereto and made a part hereof for all intents and purposes.

This conveyance shall grant the rights herein specified only as to that portion of the above-described Property more particularly described on the attached Exhibits "A", "B", "C", "D", and "E", known as the "Easement Areas", and any additional area outside the Easement Areas necessary to install and attach equipment, guy wires, and anchors necessary and incident to the uses of the Easement Areas to erect, construct, install, and thereafter use, operate, inspect, repair, maintain, reconstruct, modify and remove the following:

- Electric transmission and distribution lines;
- Water lines and sanitary sewer lines, connecting lines, access facilities, and related equipment;
- Storm sewers and collection facilities;
- Television, telephone, and communications lines;
- Drainage ditches, drainage pipes and all other drainage structures, surface and subsurface;

upon, over, and across the said Property as described and any ways, streets, roads, or alleys abutting same; and to cut, trim, and control the growth of trees and other vegetation on and in the Easement Areas or on adjoining property of Grantors, which might interfere with or threaten the operation and maintenance of any public utility equipment, accessories, or operations. It being understood and agreed that any and all equipment and facilities placed upon said property shall remain the property of Grantee.

GRANTORS expressly subordinate all rights of surface use incident to the mineral estate to the above described uses of said surface by GRANTEE, and agrees to lender's subordinations on behalf of GRANTEE. GRANTORS will provide GRANTEE with the names and addresses of all lenders.

It is expressly understood that the GRANTORS 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.

**RESERVATIONS AND RESTRICTIONS:**

1. Royalty interest in all of the oil, gas and other minerals in and under the herein described property conveyed to Michael Wayne Thiltgen by Lydia Boriskie in instrument dated February 10, 1982, recorded in Volume 510, page 482 of the Deed Records of Brazos County, Texas.
2. Royalty interest in all of the oil, gas and other minerals in and under the herein described property conveyed to Virginia Joy Hermann by Lydia Boriskie in instrument dated February 10, 1982, recorded in Volume 510, page 493 of the Deed Records of Brazos County, Texas.
3. Mineral Reservation as set out in deed dated December 13, 1993 by Virginia Boriski Hermann to Burton Ray Hermann, recorded in Volume 1988, page 45, Official Records of Brazos County, Texas.
4. Mineral Reservation as set out in deed dated April 6, 1994 from Michael Thiltgen and wife, Cheryl Thiltgen to Burton Ray Hermann and wife, Virginia Boriski Hermann, recorded in Volume 2085, page 289, Official Records of Brazos County, Texas.
5. Estate created by oil, gas and mineral lease granted to Baker Exploration Company by Michael Wayne Thiltgen, Executor of the Estate of Lydia Frances Boriskie, Deceased by instrument dated July 31, 1990 and recorded in Volume 1210, page 371 of the Official Records of Brazos County, Texas, and all terms, conditions and stipulations contained therein. Said lease amended in instruments recorded in Volume 1317, page 199, Volume 1319, page 7 and Volume 2385, page 89, all in the Official Records of Brazos County, Texas.
6. Estate created by oil, gas and mineral lease granted to Baker Exploration Company by Virginia Hermann by instrument dated September 21, 1995 and recorded in Volume 2463, page 13 of the Official Records of Brazos County, Texas, and all terms, conditions and stipulations contained therein.
7. Estate created by oil, gas and mineral lease granted to Baker Exploration Company by Michael Wayne Thiltgen by instrument dated September 21, 1995 and recorded in Volume 2463, page 21 of the Official Records of Brazos County, Texas, and all terms, conditions and stipulations contained therein.
8. Estate created by oil, gas and mineral lease granted to R. L. Reese by Lydia F. Boriskie by instrument dated January 30, 1978 and recorded in Volume 29, page 740 of the Oil & Gas Lease Records of Brazos County, Texas, amended in Volume 4270, Page 186, Official Records of Brazos County, Texas, and all terms, conditions and stipulations contained therein.
9. Estate created by oil, gas and mineral lease granted to W & W Minerals, Inc. by Lydia F. Boriskie by instrument dated October 2, 1984 and recorded in Volume 744, page 138, Official Records of Brazos County, Texas, and all terms, conditions and stipulations contained therein.
10. Subject to the terms, conditions and stipulations contained in the Surface Waiver dated May 16, 2001, from RME Petroleum Corporation to Virginia Boriskie Hermann, et al, recorded in Volume 4153, page 160, Official Records of Brazos County, Texas.

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 GRANTORS do hereby bind themselves, their successors and assigns, 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.

*Burton Ray Hermann*  
BURTON RAY HERMANN

*Virginia Boriskie Hermann*  
VIRGINIA BORISKIE HERMANN

CONSENT AND SUBORDINATION BY LIENHOLDER

Lienholder, as the holder of liens(s) on the fee simple title to the Easement Property, consents to the above grant of an easement, including the terms and conditions of such grant, and Lienholder subordinates its lien(s) to the rights and interests of the easement, such that a foreclosure of the lien(s) will not extinguish the rights and interests of the easement.

DEUTSCHE BANK TRUST COMPANY  
AMERICAS, as Trustee  
f/w/a BANKERS TRUST BANK, as Trustee,  
by RESIDENTIAL FUNDING CORPORATION,  
as Attorney-in-fact



By: *Vanessa C Bogue*  
Printed Name: *Vanessa C Bogue*  
Title: *Att-At-Law*

APPROVED:

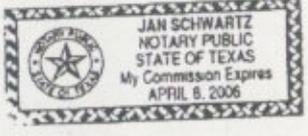
*Rosanne Inemich*  
City Attorney

THE STATE OF TEXAS  
COUNTY OF BRAZOS

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ACKNOWLEDGMENT

This instrument was acknowledged before me on this 16<sup>th</sup> day of October, 2003, by BURTON RAY HERMANN.



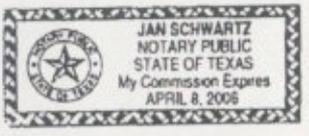
*Jan Schwartz*  
Notary Public in and for the State of Texas

THE STATE OF TEXAS  
COUNTY OF BRAZOS

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ACKNOWLEDGMENT

This instrument was acknowledged before me on this 18<sup>th</sup> day of October, 2003, by VIRGINIA BORISKIE HERMANN.



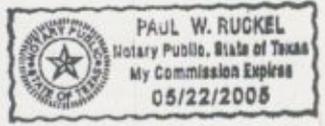
*Jan Schwartz*  
Notary Public in and for the State of Texas

THE STATE OF TEXAS  
COUNTY OF BRAZOS

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ACKNOWLEDGMENT

This instrument was acknowledged before me on this 27 day of October, 2003, by Verona Clague, Att Vice President of RESIDENTIAL FUNDING CORPORATION, as Attorney-in-Fact for DEUTSCHE BANK TRUST COMPANY AMERICAS, as Trustee 1/c/a BANKERS TRUST BANK, as Trustee.



*Paul W. Ruckel*  
Notary Public in and for the State of Texas

PREPARED IN THE OFFICE OF:  
City of College Station  
Legal Department  
P.O. Box 9960  
College Station, Texas 77842-9960

AFTER RECORDING, RETURN TO:  
City of College Station  
Legal Department  
P.O. Box 9960  
College Station, Texas 77842-9960

**METES AND BOUNDS DESCRIPTION  
OF A  
0.27 ACRE TRACT  
TRACT TWO  
(A 20' UTILITY EASEMENT)  
MORGAN RECTOR LEAGUE, ABSTRACT NO. 46  
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

Metes and bounds description of all that certain 0.27 acre tract or parcel of land, being a 20' wide utility easement, lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas and being a portion of that same called 40.38 acre remainder of that same 163.50 acre tract conveyed to Burton R. Hermann, et ux, as described by deed recorded in VOLUME 2085 PAGE 289 of the Official Records of Brazos County, Texas, said 0.27 acre tract being more particularly described as follows:

COMMENCING at a 1/2" iron rod found marking an angle point in the east line of said called 40.38 acre tract and the southwest line of that same called 23.75 acre tract conveyed to C. Carl Kolbe, et ux as described by deeds recorded in VOLUME 2558 PAGE 126, VOLUME 3213 PAGE 335 and VOLUME 3213 PAGE 339 of said Official Records;

THENCE N 12° 36' 09" W - 62.05 feet with the common line between said 40.38 acre tract and said called 23.75 acre composite tract to a point for the PLACE OF BEGINNING;

THENCE N 20° 30' 57" W - 613.05 feet across said called 40.38 acre tract to a point for angle point;

THENCE S 76° 12' 37" W - 36.21 feet across said called 40.38 acre remainder tract to a point for corner in the south line of that same 2.05 acre tract described in instrument from Burton R. Hermann, et ux, to Eldon R. Youngblood, Trustee, for The Mortgage Outlet, Inc., Trustee, as recorded in VOLUME 5011 PAGE 93 of said Official Records;

THENCE N 47° 08' 49" E - 41.17 feet with said line to a point for angle point;

THENCE N 76° 12' 37" E - 1.44 feet across said called 40.38 acre tract to a point for corner;

THENCE N 01° 11' 19" E - 0.97 feet across said called 40.38 acre remainder tract to a point for corner in the south line of said 2.05 acre tract;

THENCE N 47° 08' 49" E - 27.82 feet with said line to a point for corner;

THENCE S 01° 11' 19" W - 26.07 feet across said 40.38 acre remainder tract to a point for angle point;

EXHIBIT A

THENCE S 20° 30' 57" E - 476.13 feet across said 40.38 acre tract to a point for corner in the south east line;

THENCE S 12° 36' 09" E - 145.27 feet to the PLACE OF BEGINNING, and containing 0.27 acres of land.

BASIS OF BEARING: Plat of Lot 1 of Horse Haven Estates, as recorded in VOLUME 4285 PAGE 35.

REVISED

August 2003  
Municipal Development Group  
College Station, Texas

Prepared by: *Gregory K. Taggart*  
Gregory K. Taggart  
R.P.L.S. No. 5676 18 August 2003 AD



EXHIBIT A

000751-f.21(3621)

METES AND BOUNDS DESCRIPTION  
OF A  
0.09 ACRE TRACT  
TRACT THREE  
(A 20' UTILITY EASEMENT)  
MORGAN RECTOR LEAGUE, ABSTRACT NO. 46  
COLLEGE STATION, BRAZOS COUNTY, TEXAS

Metes and bounds description of all that certain 0.09 acre tract or parcel of land, being a 20' wide utility easement, lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas and being a portion of out of that same 2.05 acre tract described in instrument from Burton R. Hermann, et ux, to Eldon R. Youngblood, Trustee, for the Mortgage Outlet, Inc., as recorded in VOLUME 5011 PAGE 93 of the Official Records, of Brazos County, Texas, said 0.001 acre tract being more particularly described as follows:

COMMENCING at a 1/2" iron rod found marking the southeast corner of said 2.05 acre tract;

THENCE S 47° 08' 49" W - 116.50 feet with the south line of said 2.05 acre tract to a point for the PLACE OF BEGINNING;

THENCE S 47° 08' 49" W - 27.83 feet with south line to a point for corner;

THENCE N 01° 11' 19" E - 212.78 feet across said 2.05 acre tract to a point for corner in the northeast line;

THENCE S 74° 49' 10" E - 20.61 feet with said line to a point for corner;

THENCE S 01° 11' 19" W - 188.46 feet across said 2.05 acre tract to the PLACE OF BEGINNING, and containing 0.09 acres of land;

Basis of Bearing: Plat of Lot 1 of Horse Haven Estates, as recorded in VOLUME 4285 PAGE 35.

REVISED

August 2003  
Municipal Development Group  
College Station, Texas



Prepared by: Gregory K. Taggart  
Gregory K. Taggart  
R.P.L.S. No. 5676 18 August 2003 AD

EXHIBIT B

000751-f.26(3621)

METES AND BOUNDS DESCRIPTION  
OF A  
0.16 ACRE TRACT  
TRACT FOUR  
(A VARIABLE WIDTH UTILITY EASEMENT)  
MORGAN RECTOR LEAGUE, ABSTRACT NO. 46  
COLLEGE STATION, BRAZOS COUNTY, TEXAS

Metes and bounds description of all that certain 0.16 acre tract or parcel of land, being a portion of a 20' wide utility 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 2.05 acre tract described in instrument from Burton R. Hermann, et ux, to Eldon R. Youngblood, Trustee, for The Mortgage Outlet, Inc., as recorded in VOLUME 5011 PAGE 93 of said Official Records, said 0.16 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found marking the northwest corner of said 2.05 acre tract and lying in the southeast right-of-way line of Horse Haven Lane, as depicted by plat of Lot 1, Horse Haven Estates recorded in VOLUME 4285 PAGE 35 of said Official Records;

THENCE N 19° 45' 53" E - 20.33 feet with said right-of-way line to a point for corner;

THENCE S 45° 16' 48" E - 200.04 feet across said 2.05 acre remainder tract to a point for corner;

THENCE N 76° 12' 37" E - 153.53 feet across said 2.05 acre tract to a point for corner in the south line;

THENCE S 47° 08' 49" W - 41.17 feet with said line to a point for corner;

THENCE S 76° 12' 37" W - 128.75 feet across said 2.05 acre tract to a point for corner;

THENCE N 45° 16' 48" W - 147.82 feet across said 2.05 acre tract to a point for corner in the west line;

EXHIBIT C

000751-f.24(3621)

THENCE N 43° 39' 02" W - 54.86 feet with said line to the PLACE OF BEGINNING and containing 0.16 acres of land.

Basis of Bearing: Plat of Lot 1 of Horse Haven Estates, as recorded in VOLUME 4285  
PAGE 35.

REVISED

August 2003  
Municipal Development Group  
College Station, Texas

Prepared by: *Gregory K. Taggart*  
Gregory K. Taggart  
R.P.L.S. No. 5676  
*18 August 2003 AD*



EXHIBIT C

000751-f.24(3621)

METES AND BOUNDS DESCRIPTION  
OF A  
0.001 ACRE TRACT  
TRACT FIVE  
(A VARIABLE WIDTH UTILITY EASEMENT)  
MORGAN RECTOR LEAGUE, ABSTRACT NO. 46  
COLLEGE STATION, BRAZOS COUNTY, TEXAS

Metes and bounds description of all that certain 0.001 acre tract or parcel of land, being a portion of a 20' wide utility easement, lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas and being a portion of that same called 40.38 acre remainder of that same 163.50 acre tract conveyed to Burton R. Hermann, et ux, as described by deed recorded in VOLUME 2085 PAGE 289 of the Official Records of Brazos County, Texas, said 0.001 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found marking the northwest corner of that same 2.05 acre tract described in instrument from Burton R. Hermann, et ux, to Eldon R. Youngblood, Trustee, for the Mortgage Outlet, Inc., as recorded in VOLUME 5011 PAGE 93 of said Official Records and lying in the southeast right-of-way line of Horse Haven Lane, as depicted by plat of Lot 1, Horse Haven Estates recorded in VOLUME 4285 PAGE 35 of said Official Records;

THENCE S 43° 39' 02" E - 54.86 feet with the west line of said 2.05 acre tract to a point for corner;

THENCE N 45° 16' 48" W - 54.08 feet across said called 40.38 acre remainder tract to a point for corner in said Horse Haven Lane right-of-way;

THENCE N 19° 45' 53" E - 1.73 feet with said right-of-way line to the PLACE OF BEGINNING, and containing 0.001 acre of land.

Basis of Bearing: Plat Lot 1 of Horse Haven Estates, as recorded in VOLUME 4285 PAGE 35.

REVISED

August 2003  
Municipal Development Group  
College Station, Texas



Prepared by: *Gregory K. Taggart*  
Gregory K. Taggart  
R.P.L.S. No. 5676  
*18 August 2003 AD*

EXHIBIT D

000751-f.22(3621)

**METES AND BOUNDS DESCRIPTION  
OF A  
0.10 ACRE TRACT  
TRACT SIX  
(A 20' UTILITY EASEMENT)  
MORGAN RECTOR LEAGUE, ABSTRACT NO. 46  
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

Metes and bounds description of all that certain 0.10 acre tract or parcel of land, being a 20' wide utility easement, lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas and being a portion of that same called 40.38 acre remainder of that same 163.50 acre tract conveyed to Burton R. Hermann, et ux, as described by deed recorded in VOLUME 2085 PAGE 289 of the Official Records of Brazos County, Texas, said 0.10 acre tract being more particularly described as follows:

COMMENCING at the east corner of that same 2.05 acre tract described in instrument from Burton R. Hermann, et ux, to Eldon R. Youngblood, Trustee, for The Mortgage Outlet, Inc., as recorded in VOLUME 5011 PAGE 93 of said Official Records;

THENCE N 74° 49' 10" W - 44.42 feet with the northeast line of said 2.05 acre tract to a point for the PLACE OF BEGINNING;

THENCE N 74° 49' 10" W - 20.61 feet with said line to a point for corner;

THENCE N 01° 11' 19" E - 4.85 feet across said 40.38 acre remainder tract to a point for corner;

THENCE N 42° 35' 21" W - 196.75 feet across said tract to a point for corner;

THENCE N 47° 24' 39" E - 20.00 feet across said tract to point for corner;

THENCE S 42° 35' 21" E - 204.78 feet across said tract to a point for corner;

EXHIBIT F

000751-f.27(3621)

THENCE S 01° 11' 19"W - 17.87 feet across said tract to the PLACE OF BEGINNING, and containing 0.10 acres of land.

Basis of Bearing: Plat Lot 1 of Horse Haven Estates, as recorded in VOLUME 4285  
PAGE 35.

REVISED

August 2003  
Municipal Development Group  
College Station, Texas

Prepared by: Gregory K. Taggart  
Gregory K. Taggart  
R.P.L.S. No. 5676  
*11 18 August 2003 AD*



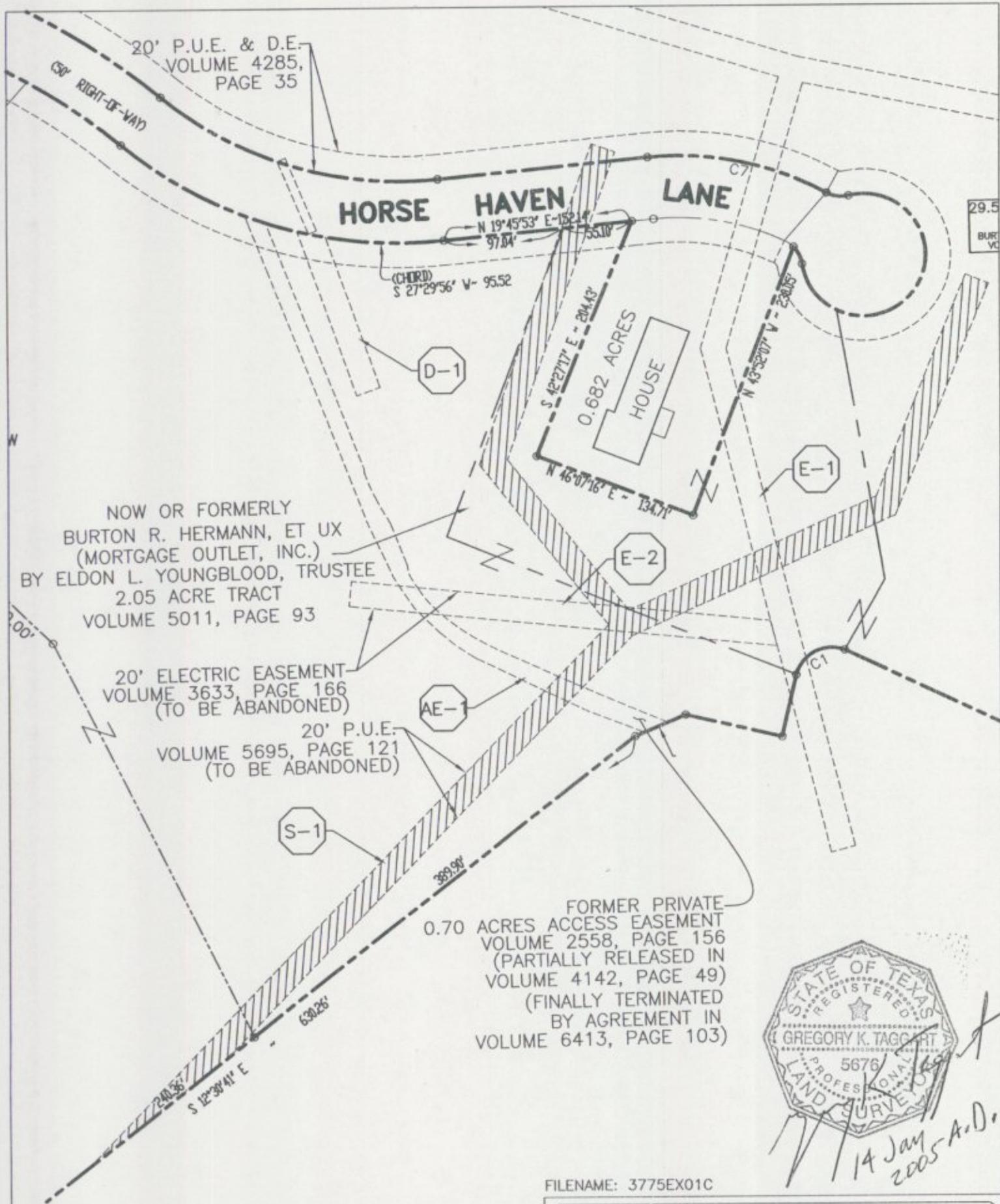
Filed for Record in:  
Brazos County  
On: Oct 30, 2003 at 07:59A  
As a  
Recording  
Document Number 00835267  
Amount 33.00  
Receipt Number - 229412  
By,  
Susie Cohen

STATE OF TEXAS COUNTY OF BRAZOS  
I hereby certify that this instrument was  
filed on the date and time stamped hereon by me  
and was duly recorded in the volume and page  
of the same records of:  
BRAZOS COUNTY  
as stamped hereon by me.  
Oct 30, 2003

HONORABLE WHEEN MCQUEEN, COUNTY CLERK  
BRAZOS COUNTY

EXHIBIT E

000751-f.27(3621)



NOW OR FORMERLY  
 BURTON R. HERMANN, ET UX  
 (MORTGAGE OUTLET, INC.)  
 BY ELDON L. YOUNGBLOOD, TRUSTEE  
 2.05 ACRE TRACT  
 VOLUME 5011, PAGE 93

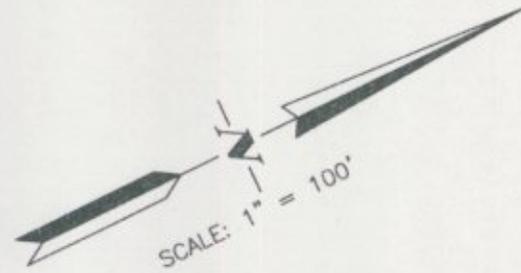
20' ELECTRIC EASEMENT  
 VOLUME 3633, PAGE 166  
 (TO BE ABANDONED)

20' P.U.E.  
 VOLUME 5695, PAGE 121  
 (TO BE ABANDONED)

FORMER PRIVATE  
 0.70 ACRES ACCESS EASEMENT  
 VOLUME 2558, PAGE 156  
 (PARTIALLY RELEASED IN  
 VOLUME 4142, PAGE 49)  
 (FINALLY TERMINATED  
 BY AGREEMENT IN  
 VOLUME 6413, PAGE 103)



NOTE: SEE ACCOMPANYING METES AND BOUNDS  
 DESCRIPTION FOR MORE INFORMATION.  
 NOTE: DRAWING DEPICTS AN EASEMENT TO BE ABANDONED.



FILENAME: 3775EX01C

	2551 TEXAS AVENUE SOUTH, SUITE A COLLEGE STATION, TX 77840 Ph: (979) 893-5359 EMAIL: mdgcebr@yahoo.com Fx: (979) 893-4243
	ENGINEERS, SURVEYORS, PLANNERS CONSULTANTS, MANAGERS

AN  
 EASEMENT RELEASE EXHIBIT DRAWING  
 FOR S - 1  
 HORSE HAVEN ESTATES

MORGAN RECTOR LEAGUE, A - 46  
 COLLEGE STATION BRAZOS, COUNTY, TEXAS

Prepared for the exclusive use of: ALTON OFCZARZAK OAKWOOD CUSTOM HOMES GROUP, L.T.D. PHONE: (979) 890-1504	Scale: 1" = 100' Sheet: 1 of 1 Date: JANUARY 13, 2005 Drawn By: DH
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M.D.G. No. 000751-3775

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 3.19  
 Susan