

WATER LINE EASEMENT
(With Temporary Construction Easement)

STATE OF TEXAS

§

§ KNOW ALL BY THESE PRESENTS

COUNTY OF BRAZOS

§

THAT **BRAZOS COUNTY, TEXAS**, (hereinafter called "Grantors", (whether one or more) whose address is 200 S. Texas Avenue, Suite 332, Bryan, Texas 77803, in consideration of ten dollars (\$10.00) and other good and valuable consideration paid by **WELLBORN SPECIAL UTILITY DISTRICT** (hereinafter called "Grantee"), the receipt and sufficiency of which is hereby acknowledged, do hereby grant, bargain, sell, transfer, and convey to said Grantee, its successors, and assigns, a perpetual easement with the right to erect, construct, install and lay and thereafter access and use, operate, inspect, repair, maintain, replace, upgrade and remove a water supply transmission line and appurtenances (collectively, the "Improvements") on, under, and across:

A portion of a called 159.00 acres of land, more particularly described in instrument recorded in Volume 5152, Page 126, Official Records, Brazos County, Texas, hereinafter the "Easement Area". Said Easement Area is more particularly described by metes and bounds and survey plat set forth on Exhibit "A" attached hereto and made a part hereof for all purposes.

Grantors also hereby grant to Grantee, its successors and assigns, a temporary construction easement (the "Temporary Construction Easement") consisting of an additional area (the "Temporary Construction Easement Area") located adjacent to the Easement Area as more particularly shown and identified as the "temporary construction easement" or similar words on Exhibit "B" attached hereto, with the right to occupy and use the Temporary Construction Easement to facilitate the construction of the Improvements in the Easement Area, together with the staging of materials and equipment for such purposes. The Temporary Construction Easement shall revert to Grantor upon the expiration of 18 months following the conclusion of all Active Construction Activities (for purposes of this easement instrument, the term "Active Construction Activities" is defined as the initial clearing of the Easement Area, trench excavation, installation of the Improvements, backfilling of trenches across the entire Easement Area, and final restoration activities of the surface as may be required in this easement instrument).

Grantee shall have such other rights and benefits necessary and/or convenient for the full enjoyment and use of the rights herein granted, including without limitation, (1) the reasonable right of ingress and egress over and across lands owned by Grantors which are contiguous to the Easement Area; and (2) the reasonable right from time to time to remove any and all paving, undergrowth and other obstructions that may injure Grantee's facilities and appurtenances or interfere with the construction, maintenance, inspection, operation, protection, repair, alteration, testing, replacement, upgrading, relocation (as above limited), substitution or removal thereof.

The consideration recited herein shall constitute payment in full for the easements across Grantor's property and for any and all damages sustained by Grantor by reason of the installation of the improvements referred to herein, including without limitation, cutting trees and damages to land, trees, buildings, fences, growing crops and grasses. Grantee will maintain such easements in a state of good repair and efficiency so that no unreasonable damages will result from its use to Grantor's property.

This agreement together with other provisions of this grant shall constitute a covenant running with the land for the benefit of the Grantee, its successors, and assigns. Grantors covenant that they are the owner(s) of the above described lands and that said lands are free and clear of all encumbrances and

liens except all validly existing easement, right-of-way, and prescriptive rights, whether of record or not, and all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property.

Grantors do hereby bind themselves, their successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the easements herein granted to Grantee, or Grantee's successors and assigns, against every person whomsoever claiming, or to claim, the same or any part thereof.

IN WITNESS WHEREOF the said Grantors have executed this instrument this _____ day of _____, 2023.

GRANTOR: BRAZOS COUNTY, TEXAS

COUNTY JUDGE, DUANE PETERS

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF BRAZOS §

BEFORE ME, the undersigned authority, on this day personally appeared _____ (Grantors) known to me to be the person(s) whose name(s) is(are) subscribed to the foregoing instrument and acknowledged to me that he/she (they) executed the same for the purposes and consideration stated therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 2023.

Notary Public - State of Texas

After Recording, Return To:
Wellborn Special Utility District
P.O. Box 250
Wellborn, Texas 77881

EXHIBIT A
PARCEL – 107
1.342 ACRE WATER EASEMENT

BEING A 1.342 ACRE (58,458 SQUARE FEET, MORE OR LESS) 30 FOOT WIDE WATER EASEMENT, SITUATED IN THE THOMAS J. WOOTON SURVEY, ABSTRACT NUMBER 59, BRAZOS COUNTY, TEXAS, ALSO BEING A PORTION OF THAT CALLED 159.00 ACRE TRACT DESCRIBED IN AN AGREED JUDGMENT TO BRAZOS COUNTY, TEXAS, AS RECORDED IN VOLUME 5152, PAGE 126 OF SAID THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS (O.P.R.B.C.T.). SAID 1.342 ACRE, 30 FOOT WIDE WATER EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a Type I TXDOT monument found, being the southerly common corner of said 159.00 acre tract and that called 49.76 acre tract of land described in deed to E&F Development, Inc., as recorded in Volume 5344, Page 233 of said O.P.R.B.C.T., also lying in the northeast Right of Way (ROW) line of State Highway 47 (Variable width ROW). From which a 1/2 inch iron rod found, being the westerly common corner of said 49.76 acre tract and that called 47.50 acre tract of land described as "Tract One" in deed to E&F Development, Inc., as recorded in Volume 8710, Page 78 of said O.P.R.B.C.T. and also lying in the southeast line of said 159.00 acre tract bears N 43° 20' 10" E, a distance of 173.18 feet;

THENCE N 49° 17' 32" W, along the common line of said 159.00 acre tract and Highway ROW, a distance of 285.40 feet, to the **POINT OF BEGINNING** and southeast corner of the herein described tract;

THENCE N 49° 17' 32" W, continuing along the common line of said 159.00 acre tract and Highway ROW, a distance of 30.00 feet, to a point for corner;

THENCE leaving said common line, over and across said 159.00 acre tract, the following four (4) courses and distances:

1. N 40° 44' 43" E, a distance of 50.00 feet, to a point for corner, lying in the northeast line of that called 2.51 acre, 50 foot wide Pipeline Easement to Atmos Energy Corporation, as recorded in Volume 13434, Page 212 of said O.P.R.B.C.T.;
2. N 49° 17' 32" W, along the northeast line of said 50 foot wide easement, a distance of 230.93 feet, to a point for corner;
3. N 37° 55' 44" W, continuing along said 50 foot easement a distance of 916.75 feet, to a point for corner;
4. N 49° 16' 50" W, continuing along said 50 foot easement a distance of 719.50 feet, to a point for the southwest corner hereof, lying in the common line of said 159.00 acre tract and the southeast ROW line of FM 1688 (Variable width ROW) commonly known as Leonard Road;

THENCE N 38° 10' 32" E, leaving said 50 foot wide easement, along the common line of said 159.00 acre tract and Leonard Road ROW, a distance of 30.03 feet, to a point for the northeast corner hereof. From which a Type I TXDOT monument found, being an angle point in said common line bears N 38° 10' 32" E, a distance of 209.60 feet;

THENCE leaving said common line, over and across said 159.00 acre tract, the following four (4) courses and distances:

1. S 49° 16' 50" E, a distance of 723.82 feet, to a point for corner;
2. S 37° 55' 44" E, a distance of 916.74 feet, to a point for corner;
3. S 49° 17' 32" E, a distance of 257.96 feet, to a point for corner;
4. S 40° 44' 43" W, a distance of 80.00 feet, to the **POINT OF BEGINNING**, and containing 1.342 acres, more or less.

Exhibit drawing accompanies this field note description.

Bearings are based on the Texas State Plane Coordinate System, Central Zone (4203), NAD 83 coordinates. Distances and area shown hereon are surface utilizing a combined scale factor of 1.0001199121.

I, Adam M. Whitfield, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this description and the exhibit attached hereto, were prepared from an actual survey of the property performed on the ground and that the same is true and correct.



Adam M. Whitfield
Registered Professional Land Surveyor No. 5786

09.06.23

Date: December 15, 2021
Revised Date: August 17, 2022
Revised Date: August 19, 2022
Revised Date: April 06, 2023



200 West Highway 6, Suite 620
Waco, Texas 76712
TBPE # F-1741
TBPLS # 10194124

(p) 254.772.9272 • (f) 254.776.2924
www.cpyi.com



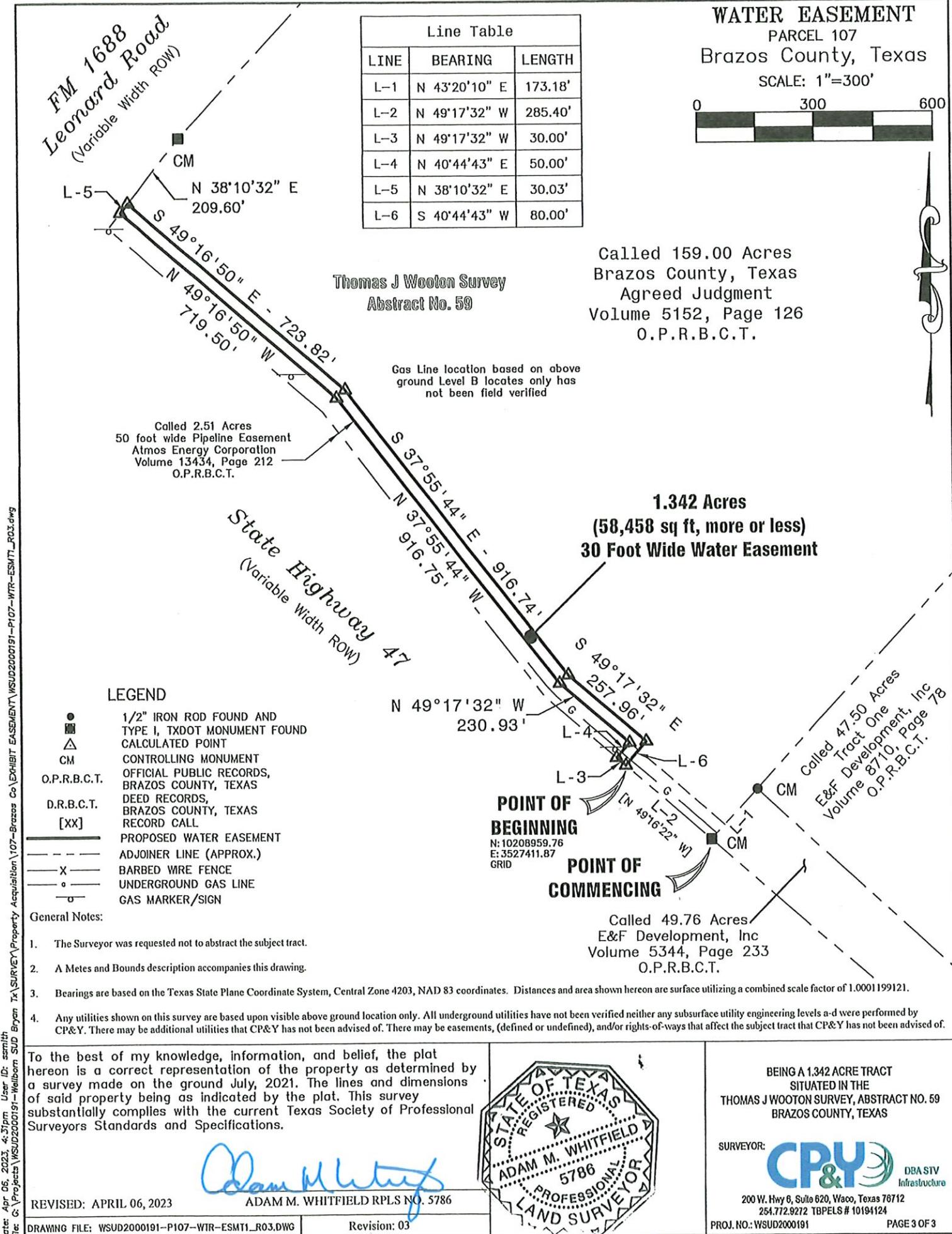


EXHIBIT B
PARCEL – 107
1.384 ACRE TEMPORARY CONSTRUCTION EASEMENT

BEING A 1.384 ACRE (60,287 SQUARE FEET, MORE OR LESS) 30 FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT, SITUATED IN THE THOMAS J. WOOTON SURVEY, ABSTRACT NUMBER 59, BRAZOS COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 159.00 ACRE TRACT DESCRIBED IN AN AGREED JUDGMENT TO BRAZOS COUNTY, TEXAS, AS RECORDED IN VOLUME 5152, PAGE 126 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS (O.P.R.B.C.T.). SAID 1.384 ACRE, 30 FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a Type I TXDOT monument found, being the southerly common corner of said 159.00 acre tract and that called 49.76 acre tract of land described in deed to E&F Development, Inc., as recorded in Volume 5344, Page 233 of said O.P.R.B.C.T., also lying in the northeast Right of Way (ROW) line of State Highway 47 (Variable width ROW). From which a 1/2 inch iron rod found, being the westerly common corner of said 49.76 acre tract and that called 47.50 acre tract of land described as "Tract One" in deed to E&F Development, Inc., as recorded in Volume 8710, Page 78 of said O.P.R.B.C.T. and also lying in the southeast line of said 159.00 acre tract bears N 43° 20' 10" E, a distance of 173.18 feet;

THENCE N 49° 17' 32" W, along the common line of said 159.00 acre tract and Highway ROW, a distance of 255.40 feet, to the **POINT OF BEGINNING** and southeast corner of the herein described tract;

THENCE N 49° 17' 32" W, continuing along the common line of said 159.00 acre tract and Highway ROW, a distance of 30.00 feet, to a point for corner, being the southeast corner of a 30 foot wide Water Easement proposed by separate instrument;

THENCE leaving said common line, over and across said 159.00 acre tract and along the northeast line of said Water Easement, the following four (4) courses and distances:

1. N 40° 44' 43" E, a distance of 80.00 feet, to a point for corner;
2. N 49° 17' 32" W, a distance of 257.96 feet, to a point for corner;
3. N 37° 55' 44" W, a distance of 916.74 feet, to a point for corner;
4. N 49° 16' 50" W, a distance of 723.82 feet, to a point for the southwest corner hereof, lying in the common line of said 159.00 acre tract and the southeast ROW line of FM 1688 (Variable width ROW) commonly known as Leonard Road, also being the northwest corner of said Water Easement;

THENCE N 38° 10' 32" E, leaving said Water Easement, along the common line of said 159.00 acre tract and Leonard Road ROW, a distance of 30.03 feet, to a point for the northeast corner hereof. From which a Type I TXDOT monument found, being an angle point in said common line bears N 38° 10' 32" E, a distance of 179.57 feet;

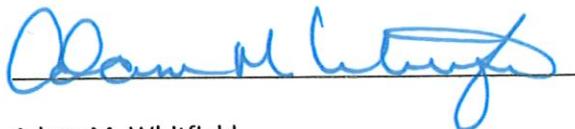
THENCE leaving said common line, over and across said 159.00 acre tract, the following four (4) courses and distances:

1. S 49° 16' 50" E, a distance of 728.13 feet, to a point for corner;
2. S 37° 55' 44" E, a distance of 916.74 feet, to a point for corner;
3. S 49° 17' 32" E, a distance of 285.00 feet, to a point for corner;
4. S 40° 44' 43" W, a distance of 110.00 feet, to the **POINT OF BEGINNING**, and containing 1.384 acres, more or less.

Exhibit drawing accompanies this field note description.

Bearings are based on the Texas State Plane Coordinate System, Central Zone (4203), NAD 83 coordinates. Distances and area shown hereon are surface utilizing a combined scale factor of 1.0001199121.

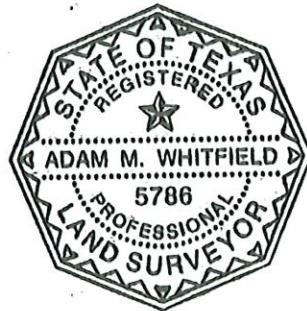
I, Adam M. Whitfield, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this description and the exhibit attached hereto, were prepared from an actual survey of the property performed on the ground and that the same is true and correct.



Adam M. Whitfield
Registered Professional Land Surveyor No. 5786

04-06-23

Date: January 06, 2022
Revised Date: August 17, 2022
Revised Date: August 19, 2022
Revised Date: April 06, 2023



200 West Highway 6, Suite 620
Waco, Texas 76712
TBPE # F-1741
TBPLS # 10194124

(p) 254.772.9272 • (f) 254.776.2924
www.cpyi.com

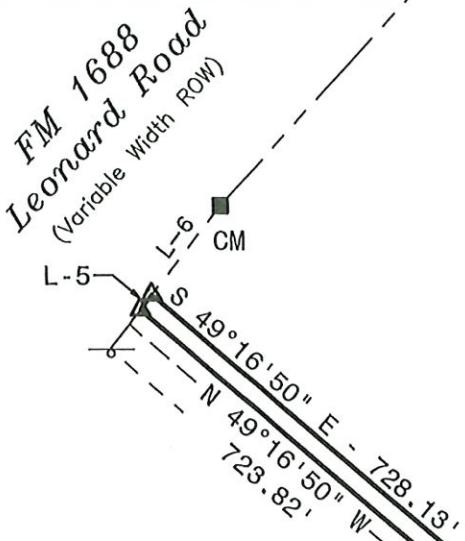
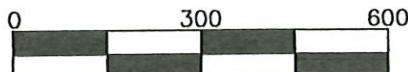


TEMPORARY CONSTRUCTION EASEMENT

PARCEL 107

Brazos County, Texas

SCALE: 1"=300'



Line Table		
LINE	BEARING	LENGTH
L-1	N 43°20'10" E	173.18'
L-2	N 49°17'32" W	255.40'
L-3	N 49°17'32" W	30.00'
L-4	N 40°44'43" E	80.00'
L-5	N 38°10'32" E	30.03'
L-6	N 38°10'32" E	179.57'
L-7	S 40°44'43" W	110.00'

Gas Line location based on above ground Level B locates only has not been field verified

Called 2.51 Acres
50 foot wide Pipeline Easement
Atmos Energy Corporation
Volume 13434, Page 212
O.P.R.B.C.T.

State Highway
(Variable Width ROW)

30 Foot Wide Water Easement Proposed by Separate Instrument

Called 159.00 Acres
Brazos County, Texas
Agreed Judgment
Volume 5152, Page 126
O.P.R.B.C.T.

Thomas J Wooton Survey
Abstract No. 59

LEGEND

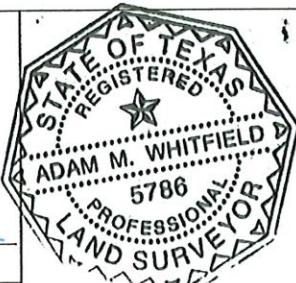
- ■ CM O.P.R.B.C.T.
- △ D.R.B.C.T. [XX]
- PROPOSED TEMPORARY CONSTRUCTION EASEMENT
- ADJOINER LINE (APPROX.)
- BARBED WIRE FENCE
- UNDERGROUND GAS LINE
- GAS MARKER/SIGN

General Notes:

1. The Surveyor was requested not to abstract the subject tract.
2. A Metes and Bounds description accompanies this drawing.
3. Bearings are based on the Texas State Plane Coordinate System, Central Zone 4203, NAD 83 coordinates. Distances and area shown hereon are surface utilizing a combined scale factor of 1.0001199121.
4. Any utilities shown on this survey are based upon visible above ground location only. All underground utilities have not been verified neither any subsurface utility engineering levels a-d were performed by CP&Y. There may be additional utilities that CP&Y has not been advised of. There may be easements, (defined or undefined), and/or rights-of-ways that affect the subject tract that CP&Y has not been advised of.

To the best of my knowledge, information, and belief, the plat hereon is a correct representation of the property as determined by a survey made on the ground July, 2021. The lines and dimensions of said property being as indicated by the plat. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications.


REvised: APRIL 06, 2023
ADAM M. WHITFIELD RPLS NO. 5786



BEING A 1.384 ACRE TRACT
SITUATED IN THE
THOMAS J WOOTON SURVEY, ABSTRACT NO. 59
BRAZOS COUNTY, TEXAS

SURVEYOR: **CP&Y** DBA STV Infrastructure
200 W. Hwy 8, Suite 620, Waco, Texas 76712
254.772.9272 TBPELS # 10194124
PROJ. NO.: WSUD2000191
PAGE 3 OF 3