

September 25, 2000



City of Waxahachie

Marlene Sparks and Buddy Banks
829 F.M. 876
Waxahachie, Texas 75156

Re: Residential Water Tap in Exchange for Permanent Utility Easement

Dear Marlene Sparks and Buddy Banks:

This letter is a follow-up to the letter mailed on September 11, 2000 requesting a proposed 20-Foot Permanent Utility Easement. The City of Waxahachie agrees to furnish, at no cost to you, a 5/8 x 3/4-inch residential water meter, water tap and service line in exchange for the 20-Foot Permanent Utility Easement across your property. Said easement being across a tract of land out of the S. M. DURRETT SURVEY, along Howard Road and identified as Parcel No. 35 of the City of Waxahachie, Howard Road Water Line Project. The tap and service will be installed at the time of the water line construction.

If you should have questions, please contact me at (972) 937-7330 extension, 121.

Sincerely,

David R. Bailey

David R. Bailey
Director of Utilities

cc: Robert Sokoll, City Manager
Paul Stevens, Assistant City Manager
Gary Hendricks, Shimek, Jacobs, Finklea, L.L.P., Consulting Engineer

OCT -2 PM 1:44

FILED FOR RECORD
CINDY POLLEY
ELLIS COUNTY CLERK

#0022072 B
1729 P 2059

01729 2059

ORIGINAL FILED

EASEMENT AGREEMENT

Preamble

This Agreement is made on September 28, 2000, at Waxahachie, Texas, between MARLENE SPARKS and BUDDY BANKS, as Grantor, and the CITY OF WAXAHACHIE, TEXAS, a municipal corporation, as Grantee, whose mailing address is P. O. Box 757, Waxahachie, Texas 75168.

Grant of Easement

For the consideration described in Paragraph 2, Grantor grants to Grantee an easement and right-of-way upon the property (the "Property") described on Exhibit "A" attached hereto and incorporated herein for all purposes.

Consideration

This easement is granted in consideration of the Grantee's payment to Grantor of TEN DOLLARS (\$10.00) and other good and valuable consideration receipt of which is acknowledged.

Location of Easement

The easement and right-of-way shall be located as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

Purpose of Easement

This right-of-way easement, with its rights and privileges, shall be used as a permanent utility easement, including appurtenances thereto, with the surface of the property to be restored to an approximately level condition after construction and maintenance.

Duration of Easement

This easement shall be perpetual.

Warranty of Title

Grantor and Grantor's heirs, personal representatives, successors, and assigns are and shall be bound to warrant and forever defend the easement and rights conveyed in this instrument to Grantee and Grantee's heirs, personal representatives, successors, and assigns, against every person lawfully claiming or to claim all or any part of the interest in the Property.

Temporary Easements

In addition to the right-of-way easement located as specified in Paragraph 4, Grantee shall have the right to use a 15 foot wide strip of land being immediately adjacent to and parallel to the easement described herein, for Grantee to construct and install the contemplated facilities in the easement. This temporary easement shall terminate eighteen (18) months after the date of this easement.

Use of Surface

Grantor shall not use the surface of the permanent easement for any purpose which would interfere with Grantee's use of the easement. Building or structures are not allowed to be constructed on the permanent easement. Driveways are permitted.

Entire Agreement

This Agreement contains the entire agreement between the parties relating to its subject matter. Any oral representations or modifications concerning this Agreement shall be of no force and effect. Any subsequent amendment or modification must be in writing and agreed to by all parties.

Binding Effect

This Agreement shall bind and inure to the benefit of the respective parties, their personal representatives, successors, and assigns.

Executed this 28th day of September, 2000, at Waxahachie, Texas.

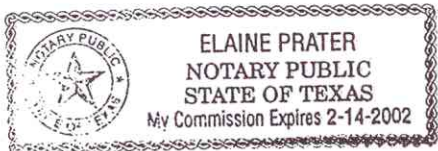
Marlene Sparks
MARLENE SPARKS

Buddy Banks
BUDDY BANKS

GRANTOR

STATE OF TEXAS §
COUNTY OF ELLIS §

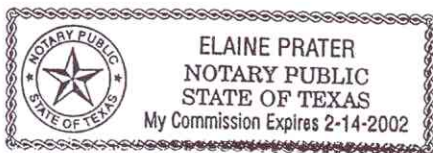
This instrument was acknowledged before me by the said MARLENE SPARKS on the 28th day of September, 2000.



Elaine Prater
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF ELLIS §

This instrument was acknowledged before me by the said BUDDY BANKS on the 28th day of September, 2000.



Elaine Prater
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

City of Waxahachie
P. O. Box 757
Waxahachie, Texas 75168

**FIELD NOTE DESCRIPTION
FOR PERMANENT UTILITY EASEMENT
ACROSS THE PROPERTY OF**

**MARLENE SPARKS AND BUDDY BANKS
(LOT 7, WAXAHACHIE LAKE ESTATES)**

Being a 0.06 acre tract of land for permanent utility easement located in the S. M. Durrett Survey, Abstract Number 272 of Ellis County, Texas, and being over, under and across a 1.516 acre tract of land conveyed to Marlene Sparks and Buddy Banks as recorded in Volume 935, Page 20, Deed Records of Ellis County (DRECT), said tract also being Lot 7 of Waxahachie Lake Estates as recorded in Cabinet B, Slide 261 of the Plat Records of Ellis County Texas (PRECT), said permanent utility easement being more particularly described as follows:

BEGINNING at a point for a corner, said point being in the north line of an 10-foot existing utility easement as recorded in the said Waxahachie Lake Estates, said point also being S 31°48'37" E, a distance of 302.93 feet to a right-of-way marker found in the north right-of-way of F.M. 877 (Howard Rd.), said point also being S 37°38'34" E, a distance of 299.03 feet from a P.K. nail found;

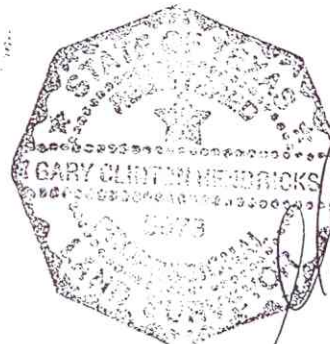
THENCE N 60°02'00" E, leaving the said north line of the existing 10-foot utility easement, along the west property line of the said Lot 7 and the east property line of Waxahachie Lake Estates, Lot 8, a distance of 20.00 feet to a point for a corner;

THENCE S 29°58'00" E, leaving the west property line of said Lot 7 and the east property line of the said Lot 8, being at all times parallel and a perpendicular distance of 30 feet to the south property line of the said Lot 7, a distance of 134.99 feet to a point for a corner, said point being in the east property line of the said Lot 7 and the west property line of Waxahachie Lake Estates, Lot 6;

THENCE S 60°02'00" W, along the east property line of the said Lot 7 and the west property line of the said Lot 6, a distance of 20.00 feet to a point for a corner, said point being in the north line of the said existing 10-foot utility easement;

THENCE N 29°58'00" W, leaving the west property line of the said Lot 6 and the east property line of the said Lot 7, along the north line of the said existing utility easement, being at all times parallel and a perpendicular distance of 10.00 feet to the south property line of the said Lot 7 and the north right-of-way line of F.M. 877 (Howard Rd.), a distance of 134.99 feet to the POINT OF BEGINNING, said permanent utility easement containing 0.06 acres (2,777 square feet) of land, more or less.

City of Waxahachie
Permanent Utility Easement
Waxahachie Lakes Estates, Lot 7 Field Note Description



EXHIBIT

A

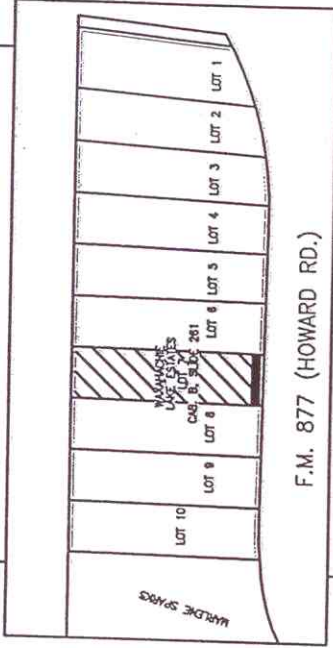
LOT 9

LOT 8

WAXAHACHIE LAKE ESTATES LOT 7 CAB. B, SLIDE 261

LOT 6

LOT 5



F.M. 877 (HOWARD RD.)

KEY MAP

SCALE: 1" = 500'

PROPOSED 20' UTILITY
EASEMENT (0.06 ACRES)

S 31°48'37" E - 302.93'
(REFERENCE BEARING)

N 60°02'00" E
20.00'

R.O.W. MKR.

P.K. FND.

S 37°38'34" E - 299.03'
(REFERENCE BEARING)

POINT OF
BEGINNING

S 29°58'00" E - 134.99'

N 29°58'00" W - 134.99'

EXIST. 10'
UTIL. ESMT

S 60°02'00" W
20.00'

SCALE: 1"=50'

PARCEL No. 35
WAX. LAKE EST. LOT 7



F.M. 877 (HOWARD RD.)

CITY OF WAXAHACHIE, TEXAS

HOWARD ROAD WATER LINE
PERMANENT UTILITY EASEMENT

SHIMEK, JACOBS & FINKLEA, L.L.P.
CONSULTING ENGINEERS
DALLAS, TEXAS

AUG., 2000