

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

**PUBLIC UTILITY, PUBLIC ACCESS AND LANDSCAPE EASEMENT**

**DATE:** \_\_\_\_\_, 2020

**GRANTOR:** COLLEGE STATION INDEPENDENT SCHOOL DISTRICT

**GRANTOR'S MAILING ADDRESS:** 1812 Welsh Street  
(including County) Brazos County  
College Station, Texas 77840

**GRANTEE:** CITY OF COLLEGE STATION, TEXAS

**GRANTEE'S MAILING ADDRESS:** P.O. Box 9960  
(including County) Brazos County  
College Station, Texas 77842

**CONSIDERATION:** \$10.00 and Other Good and Valuable Consideration

**PROPERTY:**

All that certain tract or parcel of land containing 24,154 square feet (0.5545 acre) of land, more or less, lying and being situated in the Robert Stevenson League, Abstract No. 54, College Station, Brazos County, Texas, and being a 15 ft. wide strip of land across the southeast boundary of Lot 2, Block 1 of Castlegate Business Center as described by plat recorded in Volume 5793, Page 187, of the Official Public Records of Brazos County, Texas; said 24,154 square foot (0.5545 acre) tract of land being more particularly described by metes and bounds and shown on plat marked **EXHIBIT A** 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 **EXHIBIT A**, known as the "Easement Area", and any additional area outside the Easement Area necessary to install and attach equipment, guy wires, and anchors necessary and incident to the public use of the Easement Area for public access and to erect, construct and install, and thereafter use, operate, inspect, repair, maintain, reconstruct, modify, make improvements to, and remove the following:

1. public accessways, including but not limited to pedestrian walkways, sidewalks and bicycle paths;
2. any public improvements or structures as are reasonably necessary for the use of the public accessways, including but not limited to irrigation, benches, trash receptacles, signage, emergency call boxes, and bicycle racks;
3. landscaping; and
4. electric transmission lines and electric distribution lines and related equipment; water lines and sanitary sewer lines, connecting lines, access facilities and related equipment; storm sewers and collection facilities; television, telephone and communications lines and related equipment; drainage ditches, drainage pipes and all other drainage structures, surface or subsurface and all associated facilities;

upon, over, under and across said Property as described and any ways, streets, roads, or alleys abutting same; and the right to cut, trim, and control the growth of trees and other vegetation within or along the Easement Area or on adjoining property of GRANTOR, which might interfere with or threaten the operation and maintenance of any equipment, accessories, or operations and as may be necessary to prevent possible interference with the operation and maintenance of said equipment, accessories, or operations or to remove possible hazards thereto. It being understood and agreed that any and all equipment or structures placed upon the Easement Area by GRANTEE shall remain the property of GRANTEE.

Grantor hereby expressly acknowledges that it is the owner of this property.

Grantor expressly subordinates all rights of surface use, incident to the mineral estate owned by Grantor, to the above-described uses of said surface by Grantee. Grantor will provide Grantee with the names and addresses of all lenders, if any, and agrees to lender's subordinations on behalf of Grantee, if any.

#### **RESERVATIONS AND EXCEPTIONS:**

1. Easements as shown on Final Plat of Castlegate Business Center (20.63 acres), recorded in Volume 5793, Page 187, of the Official Public Records of Brazos County, Texas.

2. Right of Way Easement dated August 11, 1982, from Henry B. Clay and Nelson D. Durst, Joint Independent Executors of the Estate of Edith and Ethel Cavitt, Deceased, to Wellborn Water Corporation, recorded in Volume 531, Page 722, of the Deed Records of Brazos County, Texas.
3. Right of Way Agreement dated July 22, 1981, from N. D. Durst and Henry B. Clay, Joint Independent Executors of the Estates of Ethel and Edith Cavitt, to Producer's Gas Company, recorded in Volume 534, Page 84, of the Deed Records of Brazos County, Texas.
4. Easement and Right of Way Underground Conduit dated February 28, 1985, from United Four Joint Venture to General Telephone Company of the Southwest, recorded in Volume 771, Page 5, of the Official Records of Brazos County, Texas.
5. Grant of Easement dated August 1, 1985, from United Four Joint Venture to Seminole Pipeline Company, recorded in Volume 818, Page 180, of the Official Records of Brazos County, Texas, and partially released in Partial Release of Pipeline Easement Rights dated December 21, 1987, executed by Seminole Pipeline Company, recorded in Volume 1022, Page 807, of the Official Records of Brazos County, Texas.
6. Right of Way Easement dated May 13, 1937, from K.T. Williams, S.C. Williams and Nannie May Williams to the City of Bryan, Texas, recorded in Volume 2504, Page 81, of the Official Public Records of Brazos County, Texas.
7. Easement and Right of Way dated March 22, 2001, from Timothy J. Crowley to Verizon Southwest, recorded in Volume 4154, Page 332, of the Official Public Records of Brazos County, Texas.
8. Temporary Blanket Utility Easement dated July 19, 2004, from College Station Independent School District to City of College Station, Texas, recorded in Volume 6205, Page 246, of the Official Public Records of Brazos County, Texas.
9. Grant of Easement dated February 4, 1982, from Henry B. Clay and Nelson D. Durst, Joint Independent Executors of the Estate of Edith and Ethel Cavitt, Deceased to Seminole Pipeline Company, recorded in Volume 510, Page 444, of the Deed Records of Brazos County, Texas.
10. Right of Way Easement dated January 7, 1993, from Timothy J. Crowley to the City of Bryan, recorded in Volume 1697, Page 167, of the Official Public Records of Brazos County, Texas.

11. Mineral reservation retained in Warranty Deed dated December 16, 1982, from Nelson D. Durst and Henry B. Clay as Joint Independent Executors of the Estates of Edith and Ethel Cavitt, Deceased to United Four Joint Venture, recorded in Volume 564, Page 504, of the Deed Records of Brazos County, Texas.
12. Royalty reservation retained in Special Assumption Warranty Deed with Vendor's Lien effective December 31, 1991, from Robert B. Waltman and wife, Linda C. Waltman to Timothy J. Crowley, recorded in Volume 1415, Page 74, of the Official Public Records of Brazos County, Texas.
13. Memorandum of Mineral Lease (Oil and Gas) dated May 29, 1990 from Timothy J. Crowley, Robert B. Waltman and Linda Waltman to Union Pacific Resources Company, recorded in Volume 1205, Page 135, of the Official Records of Brazos County, Texas. Subject to Partial Release of Oil and Gas Lease dated October 17, 1995, from Union Pacific Resources Company, Torch Energy Associates, Ltd., Nuevo Energy Company and Sinclair Oil Corporation, recorded in Volume 9395, Page 293, of the Official Public Records of Brazos County, Texas.
14. Agreed Judgment dated October 9, 1978, entered in Cause No. 1-CC, styled Producers Gas Company vs. Henry B. Clay and Nelson D. Durst, Co-Independent Executors for the Estate of Ethel Cavitt, Deceased, and Henry B. Clay and Nelson D. Durst, Co-Independent Executors for the Estate of Edith Cavitt, Deceased, recorded in Volume 7, Page 25, of the Condemnation 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 GRANTOR does hereby bind itself, its 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.

COLLEGE STATION INDEPENDENT SCHOOL DISTRICT, a political subdivision

BY: \_\_\_\_\_  
MICHAEL SCHAEFER, President of the  
Board of Trustees of COLLEGE STATION  
INDEPENDENT SCHOOL DISTRICT

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

\_\_\_\_\_  
City Attorney

THE STATE OF TEXAS    §  
                                  §  
COUNTY OF BRAZOS    §

ACKNOWLEDGMENT

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by MICHAEL SCHAEFER, President of the Board of Trustees of COLLEGE STATION INDEPENDENT SCHOOL DISTRICT, a political subdivision, on its behalf.

\_\_\_\_\_  
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

**RETURN ORIGINAL DOCUMENT TO:**  
City of College Station  
Legal Department  
P.O. Box 9960  
College Station, Texas 77842-9960

# EXHIBIT A

**Joe Orr**

A BASELINE CORPORATION CO.  
Post Office Box 11979  
College Station, TX 77842-1979  
(979) 693-2777  
TBPLS Firm no. 100544-00

Proposed 15' Easement  
C.S.I.S.D. Forest Ridge Elementary  
School Tract – Lot 2, Block 1  
Castlegate Business Center  
College Station, Texas  
April 2020

All of that certain tract or parcel of land lying and being situated in the Robert Stevenson league, abstract no. 54 in College Station, Brazos County, Texas, being a 15 ft. wide strip of land across the southeast boundary of Lot 2, Block 1 of Castlegate Business Center as described by plat recorded in volume 5793, page 187 of the Official Public Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at a 5/8" iron rod with an orange plastic cap stamped "CARLOMAGNO RPLS 1562" found at the south corner point of said Lot 2, in the northwest right-of-way boundary of Greens Prairie Road as shown on said plat, also being a point of curvature in the southeast boundary of 3.91 acre Reserve "B" / City Park tract as described by the plat of Castlegate Subdivision, Section 1, Phase 1, recorded in volume 4354, page 164 of the Official Public Records of Brazos County, Texas, from where City of College Station GPS control monument no. 137 bears S 39° 32' 57" W – 524.40 feet;

Thence along the southeast boundary of said Lot 2 and northwest right-of-way of Greens Prairie Road as follows:

N 41° 20' 59" E – 393.45 feet to a ridiculously slight angle point;  
N 41° 21' 00" E – 287.70 feet to a 1/2" iron rod found at a slight angle point;  
N 42° 06' 41" E – 726.97 feet to a slight angle point;  
N 42° 22' 41" E – 186.98 feet to a slight angle point;  
and N 42° 40' 27" E – 89.34 feet to the east corner of this described easement tract at the south common corner of said Lot 2 and Lot 1R-A, Block 1 of Castlegate Business Center as described by plat recorded in volume 12031, page 165 of the Official Public Records of Brazos County, Texas, and where a bent 1/2" iron rod was found;

Thence N 26° 20' 10" W – 16.07 feet, along the common line of said Lot 2 and Lot 1R-A, to the most northerly corner of this described easement tract;

Thence through said Lot 2, parallel and 15.00 feet northwest of its southeast boundary lines, as follows:

S 42° 40' 27" W – 95.14 feet a slight angle point;  
S 42° 22' 41" W – 187.05 feet to a slight angle point;  
S 42° 06' 41" W – 727.10 feet to a slight angle point;

# EXHIBIT A

and S 41° 21' 00" W – 548.56 feet to a point in the common boundary are of said Lot 2 and said Reserve "B" / City Park tract;

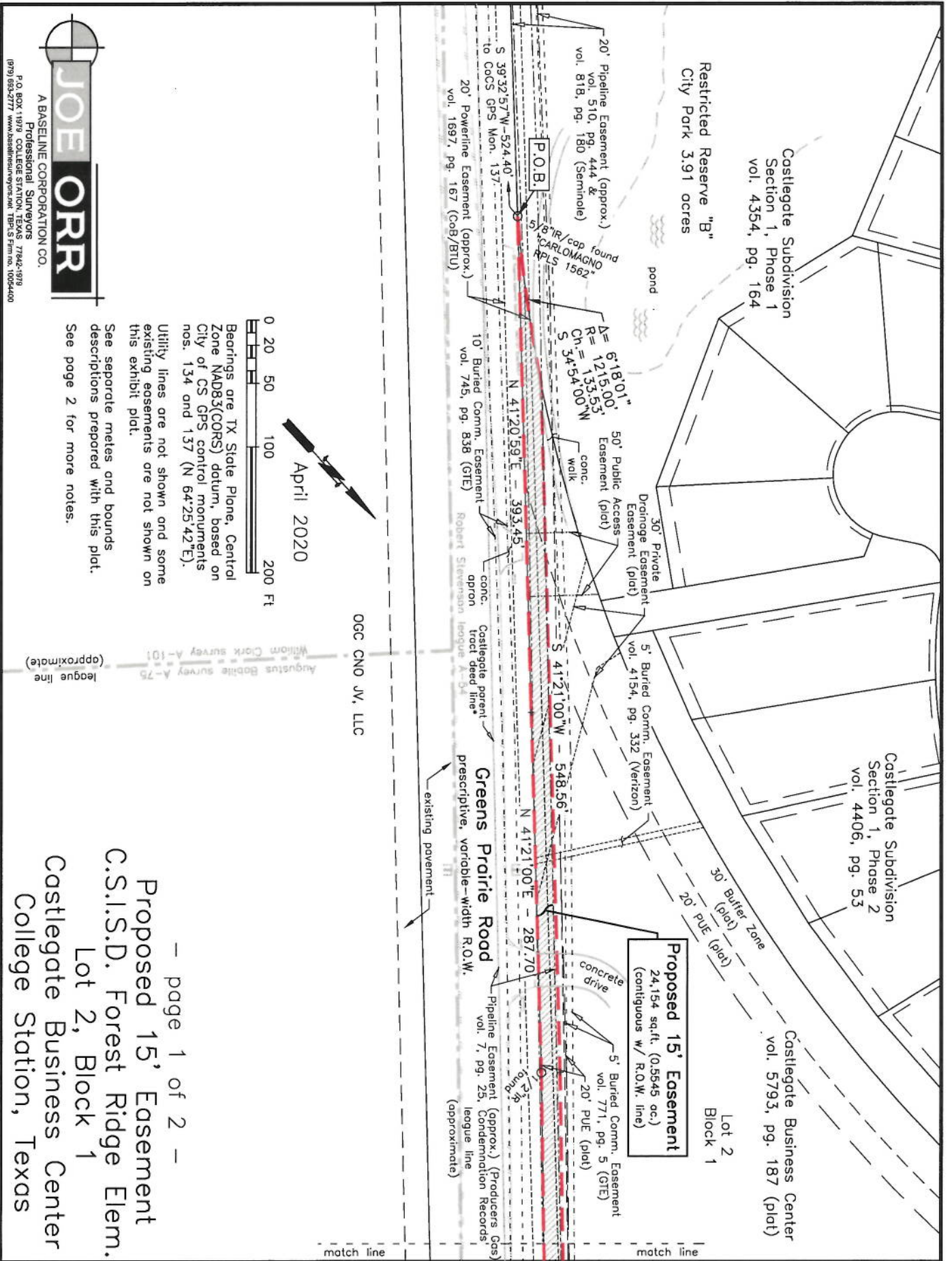
Thence along said curve with a radius of 1215.00 feet, through a central feet to right of 6° 18' 01", the chord of which bears S 34° 54' 00" W – 133.53 feet, to the Point of Beginning and containing 24,154 square feet of land (0.5545 ac.) more or less.

Bearings are Texas State Plane, Central Zone NAD83 (CORS) datum, based on City of College Station GPS monuments nos. 134 and 137 (N 64° 25' 42" E).

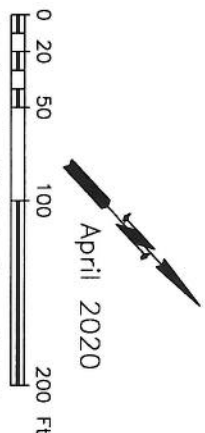
See survey plats dated April 2020.



# EXHIBIT A



Professional Surveyors  
 P.O. BOX 11979 COLLEGE STATION, TEXAS 77942-1979  
 (979) 683-2777 www.baselinesurveyors.net TBP, S Firm no. 10054400



April 2020

— page 1 of 2 —  
**Proposed 15' Easement**  
 C.S.I.S.D. Forest Ridge Elem.  
 Lot 2, Block 1  
 Castlegate Business Center  
 College Station, Texas

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 Professional Surveyors  
 P.O. BOX 11979 COLLEGE STATION, TEXAS 77942-1979  
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Bearings are TX State Plane, Central Zone NAD83(CORS) datum, based on City of CS GPS control monuments nos. 134 and 137 (N 64°25'42"E).  
 Utility lines are not shown and some existing easements are not shown on this exhibit plat.  
 See separate metes and bounds descriptions prepared with this plat.  
 See page 2 for more notes.

OGC CNO JV, LLC  
 Greens Prairie Road  
 prescriptive, variable-width R.O.W.  
 existing pavement

Castlegate Subdivision Section 1, Phase 1 vol. 4354, pg. 164  
 Restricted Reserve "B" City Park 3.91 acres  
 pond  
 P.O.B.  
 5/8" IR/cap found CARLOMAGNO RPLS 1562"  
 20' Pipeline Easement (approx.) vol. 510, pg. 444 & vol. 818, pg. 180 (Seminole)  
 S 39°32'57"W-524.40' to CoGS GPS Mon. 137  
 20' Powerline Easement (approx.) vol. 1897, pg. 187 (CoB/BTU)  
 Δ = 618.01"  
 R = 1215.00"  
 Ch = 133.53"  
 S 34°54'00"W  
 N 41°20'59"E  
 10' Buried Comm. Easement vol. 745, pg. 838 (GIE)  
 50' Public Access Easement (plat) conc. walk  
 30' Private Drainage Easement (plat)  
 5' Buried Comm. Easement vol. 4154, pg. 332 (Verzon)  
 S 41°21'00"W  
 548.56'  
 N 41°21'00"E  
 287.70'  
 concrete drive  
 5' Buried Comm. Easement vol. 771, pg. 5 (GIE)  
 20' PUE (plat)  
 30' Buffer Zone (plat)  
 20' PUE (plat)  
 Castlegate Business Center vol. 5793, pg. 187 (plat)  
 Lot 2 Block 1  
**Proposed 15' Easement**  
 24,154 sq.ft. (0.5545 ac.) (contiguous w/ R.O.W. line)  
 Castlegate Subdivision Section 1, Phase 2 vol. 4406, pg. 53  
 Castlegate Business Center vol. 5793, pg. 187 (plat)  
 Lot 2 Block 1  
 Augustus Bobbie survey A-75 (approximate) league line  
 Willow Cork survey A-101 (approximate) league line  
 Castlegate parent tract deed line  
 Robert Stevenson league A-75  
 conc. apron  
 Robert Stevenson league A-75  
 conc. apron  
 Castlegate parent tract deed line  
 Augustus Bobbie survey A-75 (approximate) league line  
 Willow Cork survey A-101 (approximate) league line  
 match line



# EXHIBIT A

**Title and Easement Notes:**

Title Commitment GF No. 200293, dated March 25, 2020 from University Title Co. was relied upon for existing easement research.

The 15' Waterline Easement (Wellborn) in vol. 531, pg. 722 may affect this property.

The blanket Pipeline Easement (Producer's) in vol. 534, pg. 84 may affect this property.

The released portion of the pipeline easement described in vol. 1022, pg. 807 (Seminole) is located near Highway 6 and does not affect this area along Greens Prairie Road.

The blanket Powerline Easement (CoB/BTU) in vol. 2504, pg. 81 may affect this property.

The 20' Utility Easements (CoCS) in vol. 3837, pg. 290 are contiguous to Highway 40 rights-of-way and not shown within the borders of this plot.

The Temporary Blanket Utility Easement (CoCS) in vol. 6205, pg. 246 affects Lot 2.

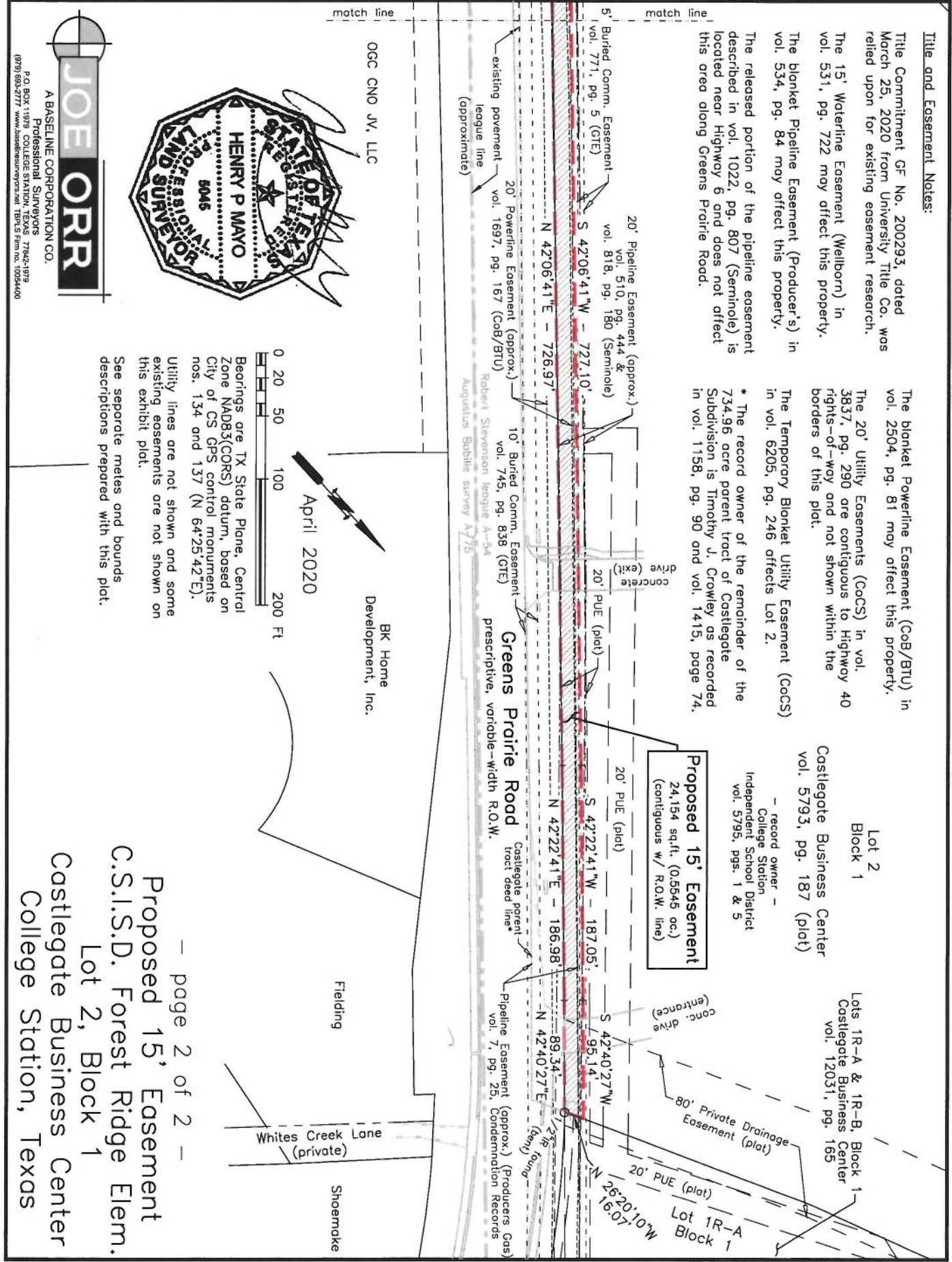
\* The record owner of the remainder of the 734.96 acre parent tract of Castlegate Subdivision is Timothy J. Crowley as recorded in vol. 1158, pg. 90 and vol. 1415, page 74.

Lot 2  
Block 1  
Castlegate Business Center  
vol. 5793, pg. 187 (plot)

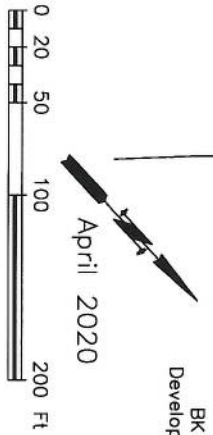
lots 1R-A & 1R-B, Block 1  
Castlegate Business Center  
vol. 12031, pg. 165

record owner -  
College Station  
Independent School District  
vol. 5795, pgs. 1 & 5

**Proposed 15' Easement**  
24,154 sq.ft. (0.5545 ac.)  
(contiguous w/ R.O.W. line)



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BK Home Development, Inc.

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