

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TARRANT §

**CITY OF SAGINAW
PEDESTRIAN ACCESS AND UTILITY EASEMENT**

DATE: April __, 2022

GRANTOR: Beltmill Saginaw, LLC

GRANTOR'S MAILING ADDRESS: 3045 Lackland Road, Fort Worth, TX 76116

GRANTEE: City of Saginaw

GRANTEE'S MAILING ADDRESS: 333 West McLeroy Blvd., Saginaw, Tarrant County, Tx. 76179

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: Being more particularly described in Exhibit "A"

Grantor, for the Consideration paid to Grantor and other good and valuable consideration, hereby grants, sells, and conveys to Grantee, its successors and assigns, an exclusive, perpetual easement for the purpose of installing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing, and operating Utility or Pedestrian Access Facilities, hereafter referred to as "Facility" in, into, upon, over, across, under and through the Easement Property and more fully described in Exhibit "A" attached hereto and incorporated herein for all pertinent purposes, together with the right and privilege at any and all times to enter Easement Property, or any part thereof, for the purpose of constructing, operating, maintaining, replacing, upgrading, and repairing said Facility. The Facility includes all incidental underground and aboveground attachments, equipment and appurtenances, including, but not limited to sidewalks, paths, retaining walls, curbs, manholes, manhole vents, lateral line connections, valves, pipelines, water meters, junction boxes in, upon, under and across a portion of the Easement Property and more fully described in Exhibit "A" attached hereto and incorporated herein for all pertinent purposes, together with the right and privilege at any and all times to enter Easement Property, or any part thereof, for the purpose of constructing, operating, maintaining, replacing, upgrading, and repairing said Facility.

In no event shall Grantor (I) use the Easement Property in any manner which interferes in any material way or is inconsistent with the rights granted hereunder, or (II) erect or permit to be erected within the Easement Property a permanent structure or building, including, but not limited to, monument sign, pole sign, billboard, brick or masonry fences or walls or other structures that require a building permit. However, Grantor shall be permitted to install and maintain a concrete, asphalt or gravel driveway, road or parking lot across the Easement Property. Grantee shall be obligated to restore the surface of the Easement Property at Grantee's sole cost and expense, including the restoration of any sidewalks, driveways, or similar surface improvements located upon or adjacent to the Easement Property which may have been removed, relocated, altered, damaged, or destroyed as a result of the Grantee's use of the

Easement Property granted hereunder. Provided, however, that Grantee shall not be obligated to restore or replace irrigation systems or other improvements installed in violation of the provisions and intended use of this Easement Property.

TO HAVE AND TO HOLD the above-described Easement Property, together with all and singular the rights and appurtenances thereto in anyway belonging unto Grantee, and Grantee's successors and assigns forever; and Grantor does hereby bind itself and its successor and assigns to warrant and forever defend all and singular the easement unto Grantee, its successor and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

When the context requires, singular nouns and pronouns include the plural.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2022.

GRANTOR: Beltmill Saginaw, LLC

By: _____
Don Allen, Secretary

GRANTEE: City of Saginaw

By: _____
Todd Flippo, Mayor

APPROVED AS TO FORM AND LEGALITY

Bryn Meredith, City Attorney

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority in and for said County, Texas, on this day personally appeared Don Allen, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was executed for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2022.

Notary Public in and for the State of Texas

ACKNOWLEDGEMENT

STATE OF TEXAS §

§

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority in and for said County, Texas, on this day personally appeared Todd Flippo, Mayor of the City of Saginaw, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the City of Saginaw and that he executed the same as the act of the City of Saginaw for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2022.

Notary Public in and for the State of Texas

AFTER

FILING, PLEASE RETURN TO:

LEGAL DESCRIPTION

PEDESTRIAN ACCESS AND UTILITY EASEMENT

1.268 ACRES

Being all that certain lot, tract or parcel of land situated in the Heirs of Benjamin Thomas Survey, Abstract Number 1497, City of Saginaw, Tarrant County, Texas, and being part of that certain called 398.635 acre tract of land described in Exhibit A in deed in favor of Beltmill Saginaw, LLC., recorded in Instrument Number D220330746 of the Official Public Records of Tarrant County, Texas, and being more particularly described as follows:

COMMENCING at a car axle found at the northerly re-entrant corner in the east line of said 398.635 acre tract at the southwest corner of that certain called 10.00 acre tract of land described in deed in favor of Lino Ochoa and Maria Ochoa recorded in Instrument Number D206196889 of the Official Public Records of Tarrant County, Texas;

THENCE N 89°55'00" E, with the easterly line of said 398.635 acre tract and the south line of said 10.00 acre tract, passing at a called distance of 465.01 feet the southeast corner of said 10.00 acre tract and the southwest corner of that certain called 10.223 acre tract of land described in deed in favor of Michael Burch and wife, Karen Burch recorded in Instrument Number D206408188 of the Official Public Records of Tarrant County, Texas, continuing with the south line of said 10.223 acre tract a total distance of 712.44 feet to a 3/8" rebar found at the most southerly southeast corner of said 10.223 acre tract, being the northwest corner of Lot 7-R, Block A of the B. Thomas Addition, an addition to Tarrant County, Texas, according to the plat thereof recorded in Cabinet A, Slide 5610 (Document Number D200017631) of the Plat Records of Tarrant County, Texas;

THENCE S 48°40'00" E, continuing with the easterly line of said 398.635 acre tract and the west line of said Lot 7-R, passing at a called distance of 233.86 feet the southwest corner of said Lot 7R and the northwest corner of Lot 6-R of said B. Thomas Addition, continuing with the west line of said Lot 6R a distance of 1257.47 feet to the southeast corner of said Lot 6R, being the southwest corner of Lot 5-R of said B. Thomas Addition, and being the northwest corner of that certain called 25 acre tract of land described in deed in favor of William V. Sloan and June Perner Sloan, recorded in Volume 4338, Page 81 of the Deed Records of Tarrant County, Texas;

THENCE S 00°48'00" E, 537.46 feet continuing with the easterly line of said 398.635 acre tract and the west line of said 25 acre tract to a 3/4" steel rod found at the southwest corner of said 25 acre tract, being the southerly re-entrant corner in the easterly line of said 398.635 acre tract and being the northwest corner of that certain called 25 acre tract of land described in deed in favor of CFI Farm Properties, LLC, recorded in Instrument Number D209083861 of the Real Property Records of Denton County, Texas;

THENCE N 89°50'10" E, continuing with the easterly line of said 398.635 acre tract, the south line of said 25 acre Sloan tract and the north line of said 25 acre CFI tract, passing at 1995.4 feet a 1" rebar found for witness on the west line of Wagley Robertson Road, A.K.A. County Road 4108, continuing a total distance of 2027.83 feet to the southeast corner of said 25 acre Sloan tract, the northeast corner of said 25 acre CFI tract, and being the most easterly northeast corner of said 398.635 acre tract;

THENCE S 00°37'30" E, continuing with the east line of said 398.635 acre tract and the east line of said 25 acre CFI tract, in said Wagley Robertson Road, passing at a called distance of 535.0 feet the southeast corner of said 25 acre CFI tract, continuing a distance of 1055.85 feet to a magnetic nail found in asphalt paving at southeast corner of that certain called 241.626 acre tract of land described in deed in favor of D. R. Horton – Texas, Ltd., recorded in Instrument Number D220334094 of the Official Public Records of Denton County, Texas;

THENCE S 00°37'30" E, 1,197.00 feet continuing with the east line of said 398.635 acre tract, in said Wagley Robertson Road, to a 1/2" capped rebar set (MCADAMS) at the southeast corner of said 398.635 acre tract, being on the north line of East Bailey Boswell Road as evidenced by that certain called 3.318 acre tract of land described in right-of-way deed in favor of the City of Saginaw, Texas, recorded in Instrument Number D198013681 of the Official Public Records of Tarrant County, Texas;

THENCE S 33°04'55" W, 345.29 feet with the south line of said 398.635 acre tract, the north line of said East Bailey Boswell Road and the north line of said 3.318 acre tract to a 1/2" capped rebar set (McAdams) at the beginning of a curve to the right;

THENCE continuing with the south line of said 398.635 acre tract, the north line of said East Bailey Boswell Road and the north line of said 3.318 acre tract with the arc of said curve to the right having a radius of 795.00 feet, a central angle of 56°44'15" and an arc length of 787.25 feet whose chord bears S 61°27'02" W, 755.48 feet to a 1/2" rebar found at a point of tangency;

THENCE S 89°49'10" W, 7.97 feet continuing with the south line of said 398.635 acre tract, the north line of said East Bailey Boswell Road and the north line of said 3.318 acre tract to the **POINT OF BEGINNING**;

THENCE S 89°49'10" W, 80.00 feet continuing with the south line of said 398.635 acre tract, the north line of said East Bailey Boswell Road and the north line of said 3.318 acre tract;

THENCE N 44°49'10" E, 14.14 feet;

THENCE N 00°10'50" W, 111.82 feet to the beginning of a curve to the left;

THENCE with the arc of said curve to the left having a radius of 120.00 feet, a central angle of 33°01'55" and an arc length of 137.61 feet, whose chord bears N 33°01'55" W, 130.19 feet to a point of tangency;

THENCE N 65°53'00" W, 133.66 feet to the beginning of a curve to the left;

THENCE with the arc of said curve to the left having a radius of 270.00 feet, a central angle of 24°18'10" and an arc length of 114.52 feet whose chord bears N 78°02'05" W, 113.67 feet to a point of tangency;

THENCE S 89°48'50" W, 352.72 feet;

THENCE S 44°49'00" W, 14.14 feet;

THENCE N 00°10'50" W, 80.00 feet;

THENCE S 45°11'00" E, 14.14 feet;

THENCE N 89°48'50" E, 352.72 feet to the beginning of a curve to the right;

THENCE with the arc of said curve to the right having a radius of 330.00 feet, a central angle of $24^{\circ}18'10''$ and an arc length of 139.87 feet whose chord bears $S\ 78^{\circ}02'05''\ E$, 138.93 feet to a point of tangency;

THENCE $S\ 65^{\circ}53'00''\ E$, 133.66 feet to the beginning of a curve to the right;

THENCE with the arc of said curve to the right having a radius of 180.00 feet, a central angle of $33^{\circ}01'55''$ and an arc length of 206.41 feet, whose chord bears $N\ 33^{\circ}01'55''\ W$, 195.29 feet to a point of tangency;

THENCE $S\ 00^{\circ}10'50''\ E$, 111.82 feet;

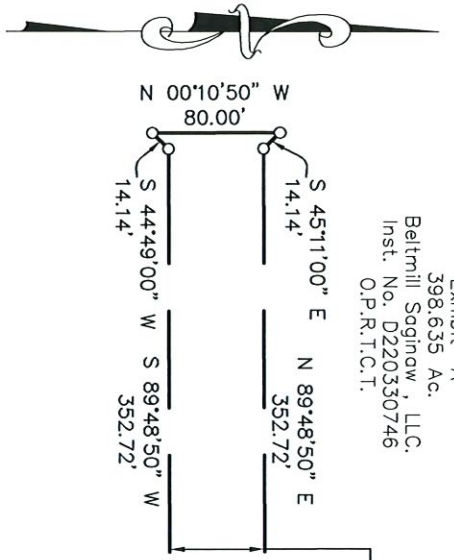
THENCE $S\ 45^{\circ}10'50''\ E$, 14.14 feet to the **POINT OF BEGINNING** and containing approximately 1.268 acres of land.

Bearings based Texas Coordinate System, North Central Zone (4202), NAD '82.

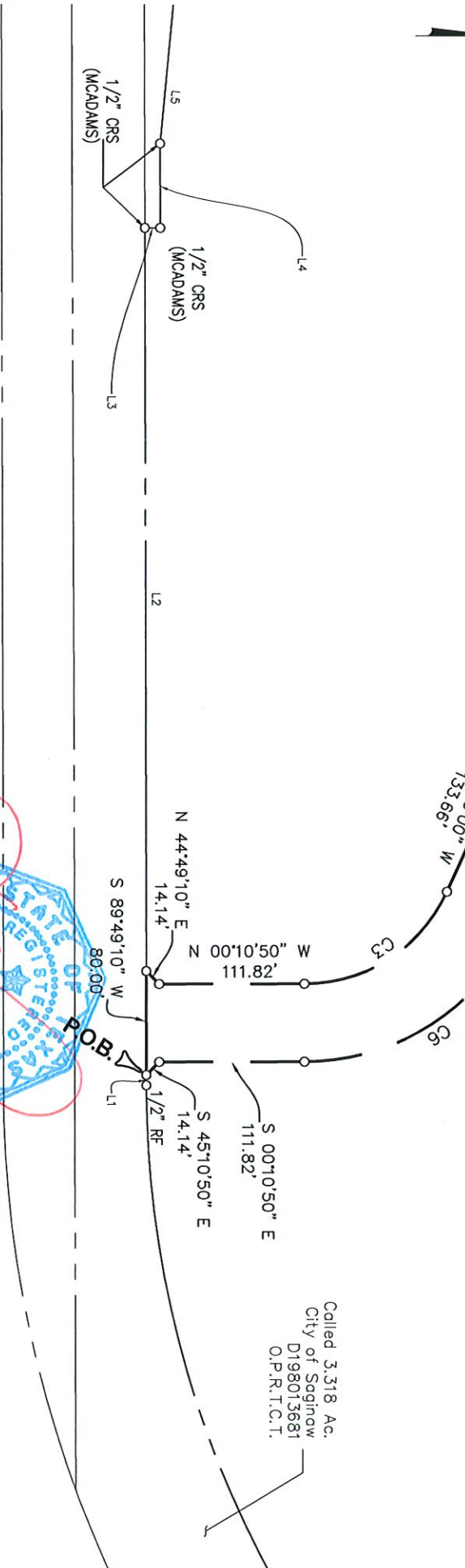


Exhibit "A"
 398.635 Ac.
 Beltmill Soginow, LLC.
 Inst. No. D220330746
 O.P.R.T.C.T.

60' Pedestrian Access &
 Utility Easement
 By Sept. Inst.
 1.268 Acres



CURVE TABLE			
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH
C1	795.00'	6°36'26"	91.68'
C2	795.00'	50°07'51"	695.58'
C3	120.00'	65°42'10"	137.61'
C4	270.00'	24°18'10"	114.52'
C5	330.00'	24°18'10"	139.97'
C6	180.00'	65°42'09"	206.41'
C7	1038.00'	5°43'25"	103.69'



Called 3.318 Ac.
 City of Soginow
 D198013681
 O.P.R.T.C.T.

NOTES:

- Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83.
- Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate abstract of title may disclose.
- No flood zone area analysis has been performed on the subject property by MCADAMS.
- Field work performed during the month of December 2020.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 89°49'10" W	7.96'
L2	S 89°49'10" W	572.47'
L3	N 00°10'50" W	12.00'
L4	S 89°49'10" W	65.00'
L5	N 84°42'10" W	175.17'
L6	S 89°34'25" W	341.35'



**60' PEDESTRIAN ACCESS &
 UTILITY EASEMENT**
 1.268 Acres
 in the
 B. THOMAS SURVEY, ABSTRACT NO. 1497
 CITY OF SAGINAW
 TARRANT COUNTY, TEXAS



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 Company, Inc.
 11000 West Loop
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 Houston, Texas 77057
 972.436.9712
 201 County Road 100
 Suite 100
 Houston, Texas 77057
 940.240.1012
 TBP# 19762 TBR# 1018440
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