

Trinity River Authority of Texas



General Office

September 9, 2009

7004 1160 0004 1690 9648

The Honorable Judge John Thompson
 Polk County
 101 W. Church Street Suite #300
 Livingston, Texas 77351

RE: Easement Acquisition Letter
 Livingston Regional Water Supply System - 20-Inch Treated Water Pipeline Along
 FM Hwy 350 Parcel # 11 & # 12 James S. Garner Survey, Abstract 33


Dear Judge Thompson:

The Trinity River Authority of Texas (TRA), a conservation and reclamation district of the State of Texas, is preparing to reconstruct a pipeline identified as 20-inch Treated Water Pipeline Along Hwy 350 South. The project consists of approximately 19,000 linear feet of 20-inch PVC water line along FM 350, beginning at the Livingston Regional Water Supply System Treatment Plant and ending at Kate Lowe Road.

For this construction project, TRA needs to acquire two permanent utility easements containing 5,270 square feet of property on your land. TRA's offer of compensation for these rights is **\$368.60**. If this offer is acceptable, please sign a copy of this letter and execute the enclosed easement documents before a notary public and return them to me at your earliest convenience.

If you have any other questions regarding this matter, please feel free to call me at (817) 493-5181 or e-mail thigpenm@trinityra.org. Thank you for your help.

Sincerely,


 Mark Thigpen
 Manager, Land Rights

Enclosures

ACCEPTANCE OF OFFER:


 Signature _____ Date _____

 Tax ID No. or Social Security No.

Livingston Regional Water Supply System
20-Inch Treated Water Pipeline along FM HWY 350
Parcel # 11

**TRINITY RIVER AUTHORITY OF TEXAS
PERMANENT UTILITY EASEMENT**

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF POLK §

That **POLK COUNTY**, GRANTOR herein, for and in consideration of TEN DOLLARS and other good and valuable consideration in hand paid by the **TRINITY RIVER AUTHORITY OF TEXAS**, a conservation and reclamation district created by and functioning under Chapter 518, Acts of the 54th Legislature of the State of Texas, Regular Session, 1955, as amended pursuant to Article XVI, Section 59 of the Texas Constitution, with its principal office at 5300 South Collins Street, Arlington, Tarrant County, Texas 76018, GRANTEE herein, the receipt and sufficiency of which is hereby acknowledged and confessed, does hereby assign and convey to GRANTEE a permanent and perpetual utility easement for the purpose of installing, constructing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing, and operating facilities, and all necessary appurtenances including erosion control thereto, in, into, upon, over, across and under those lands in Polk County, Texas, described on Exhibit "A" attached hereto and made a part hereof, together with the right of ingress and egress as necessary for such purposes.

GRANTOR covenants and agrees that GRANTEE shall have 1) the right to excavate and fill and to control the excavation and fill upon said permanent easement and to remove from said permanent easement any fences, buildings or other obstructions as may now be found upon said permanent easement together with the right of ingress and egress over GRANTOR'S adjacent lands to or from public right-of-way for the purpose of constructing, improving, reconstructing, repairing, inspecting, maintaining and removing said facilities and appurtenances; 2) the right to prevent possible interference with the operation of said facilities and to remove possible hazards thereto; and 3) the right to prevent the construction within the easements of any building, utilities, structure or other obstruction, including the planting of trees, which may endanger or interfere with the efficiency, safety and convenient operation of said facilities and its appurtenances.

The permanent easement herein dedicated shall run with the land and forever be a right in and to the land belonging to said GRANTOR, its successors and assigns.

TO HAVE AND TO HOLD the above-described permanent easement, with the right of ingress and egress thereto, together with all and singular the rights and appurtenances thereto, anywise belonging unto the said GRANTEE, its successors and assigns forever; and GRANTOR does hereby bind itself, its successors and assigns, to warrant and to forever defend all and singular the premises unto the GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim same or any part thereof.

WITNESS MY HAND this the _____ day of _____, 2009.

POLK COUNTY

By: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF POLK §

BEFORE ME, the undersigned authority on this day personally appeared _____, 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 _____, 2009.

Notary Public in and for the
State of Texas

(Seal)

EXHIBIT "A"
LIVINGSTON REGIONAL WATER SUPPLY SYSTEM
20-INCH TREATED WATER PIPELINE
ALONG F.M. HWY. 350 S
PARCEL No. 11

THIRTY (30) FOOT PERMANENT UTILITIES EASEMENT
JOE HOBBS SURVEY, ABSTRACT No. 828
POLK COUNTY, TEXAS

Being a 30 foot wide permanent utilities easement over and across a 100 ft. wide strip of land conveyed to Polk County, Texas, by deed recorded in Volume 226, Page 214 of the Polk County Deed Records, and being a county maintained roadway known as Pridgen Road, and this 30 ft. wide easement being situated in the Joe Hobbs Survey, A-828 and being more particularly described as follows:

Beginning at a 1/2" iron rod found marking the southwest corner of the herein described utilities easement and the southeast corner of the called 5.111 acres described in deed to Leroy J. Levy recorded in Volume 1231, Page 584 of the Polk County Official Records, located at the intersection of the terminus of the west right-of-way line of said Pridgen Road with the north right-of-way line of F. M. Highway 350 South (80 ft. R.O.W.), said point having Texas State Plane Coordinate System, Central Zone, NAD83(1986) surface coordinate values of Y=10,262,389.095 and X=3,978,623.035 and being depicted as Corner 1 on the plat attached hereto;

Thence N 61° 24' 18" W 35.13 ft. along the east line of said Levy tract, same being the west right-of-way line of Pridgen Road, to a point for corner depicted as Corner 2 on said plat and having NAD83 surface coordinate values of Y=10,262,405.909 and X=3,978,592.188;

Thence N 59° 57' 17" E 118.65 ft. over and across said Pridgen Road, along a line 30 ft. north of, parallel and adjacent to the north right-of-way line of said F. M. Highway 350 South, to a point for corner located on the west line of said 50 ft. wide strip of land reserved for public road in deed from E. T. Murphy, County Judge, and A. B. Garvey, Chairman County Board of School Trustees, recorded in Volume 78, Page 352 of said Deed Records and also being reserved in deed recorded in Volume 1376, Page 540 of said Official Records (said 50 ft. wide strip being fenced and occupied by Kenneth Gilbreath, the adjoining landowner), said point being depicted as Corner 3 on said plat and having NAD83 surface coordinate values of Y=10,262,465.314 and X=3,978,694.893;

Thence S 61° 24' 18" E 35.13 ft. along the common line between the east right-of-way line of said Pridgen Road and said 50 ft. wide strip to a point for corner located on the north right-of-way line of said F. M. Highway 350 South, said point being depicted as Corner 4 on said plat and having NAD83 surface coordinate values of Y=10,262,448.499 and X=3,978,725.740;

Thence S 59° 57' 17" W 118.65 ft. along the north right-of-way line of said F. M.

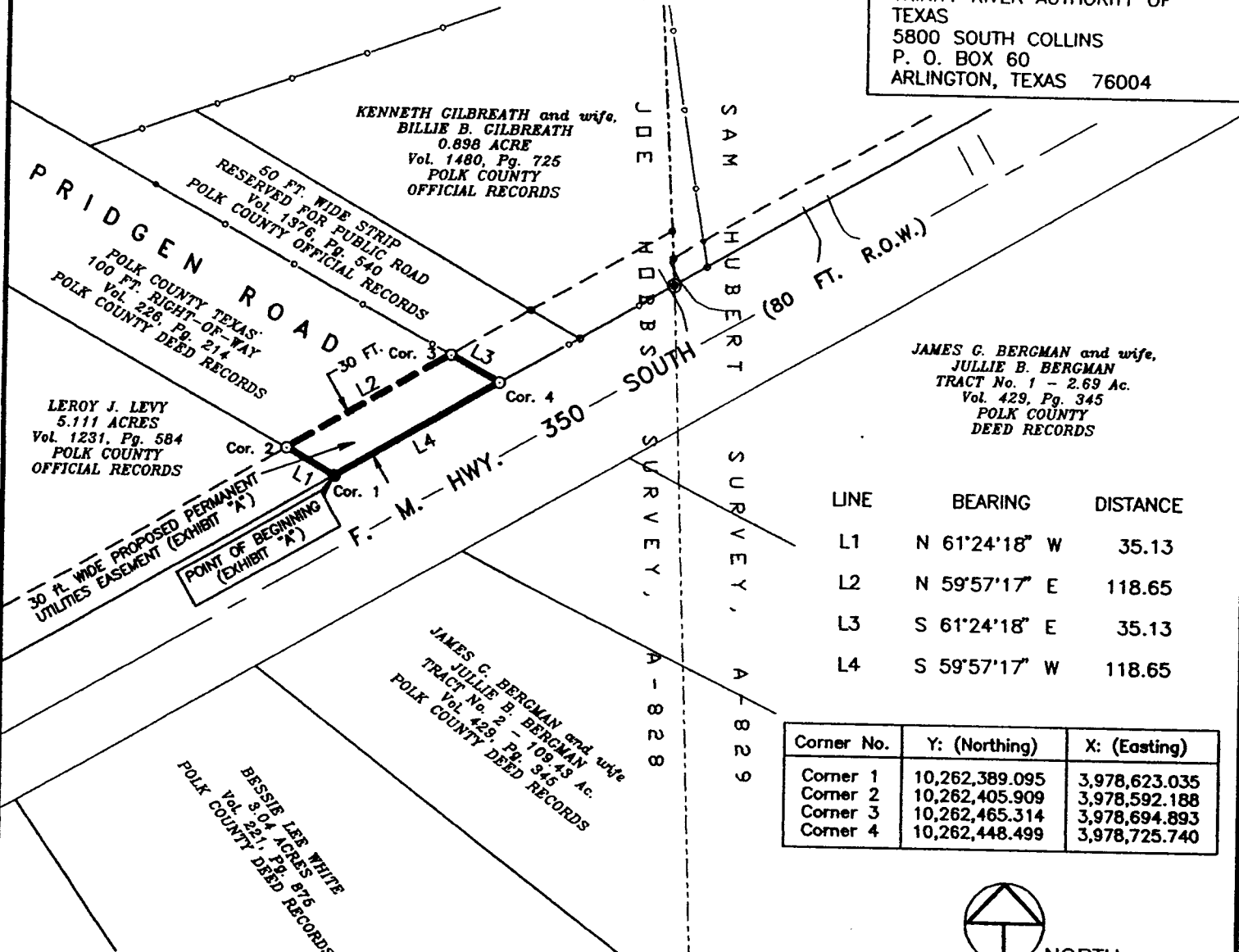
SURVEY: JOE HOBBS SURVEY, A-828
 LOCATION: POLK COUNTY, TEXAS
 EASEMENT ACQUISITION: 0.082 ACRE
 WHOLE PROPERTY ACREAGE: 100 FT. WIDE COUNTY ROAD

LIVINGSTON REGIONAL
 WATER SUPPLY SYSTEM
 20-INCH TREATED WATER
 PIPELINE ALONG
 F.M. HWY. 350 S
 PROPERTY PLAT

PARCEL No. 11

TRINITY RIVER AUTHORITY OF
 TEXAS
 5800 SOUTH COLLINS
 P. O. BOX 60
 ARLINGTON, TEXAS 76004

GRAPHIC PLAT OR MAP OF EXHIBIT "A"



LINE	BEARING	DISTANCE
L1	N 61°24'18" W	35.13
L2	N 59°57'17" E	118.65
L3	S 61°24'18" E	35.13
L4	S 59°57'17" W	118.65

Corner No.	Y: (Northing)	X: (Easting)
Corner 1	10,262,389.095	3,978,623.035
Corner 2	10,262,405.909	3,978,592.188
Corner 3	10,262,465.314	3,978,694.893
Corner 4	10,262,448.499	3,978,725.740



SURVEYOR'S NOTE: Per surveying contract, only the area ±10 ft. north of the highway right-of-way line was surveyed, therefore the north 20 ft. of the proposed utilities easement shown hereon may have underground utilities, structures, trees, etc. that were not located.

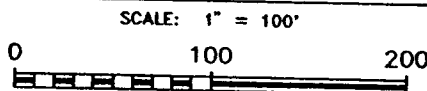
NOTE: THE COORDINATE DATA SHOWN HEREON REFERENCED TO THE TEXAS PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83, AS CONVERTED FROM NAD27; SURFACE COORDINATES OBTAINED FROM ON THE GROUND SURVEY USING THE PUBLISHED COORDINATES OF FAA ORR A AT THE LIVINGSTON AIRPORT.

LEGEND

- CENTERLINE ROAD
- CHAINLINK FENCE
- 1/2" IRON ROD (FOUND)
- CALCULATED POINT
- 1" IRON PIPE (FOUND)

ESM SURVEYING, LLC
 417 N. WASHINGTON AVE.
 LIVINGSTON, TX 77351
 (936) 327-4296

PREPARED BY: DG
 CHECKED BY: EM
 DATE: 02/09/09 REVISED: 04/14/09



o SURVEYOR'S CERTIFICATE o

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY CERTIFY THAT THE ABOVE PLAT OR MAP WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

DATE OF SURVEY: JULY, 2007
Earline McLeod
 EARLINE McLEOD, RPLS No. 5774, TEXAS



PREPARED FROM PUBLIC RECORDS
 and ON THE GROUND SURVEY

Livingston Regional Water Supply System
20-Inch Treated Water Pipeline along FM HWY 350
Parcel # 12

**TRINITY RIVER AUTHORITY OF TEXAS
PERMANENT UTILITY EASEMENT**

THE STATE OF TEXAS

COUNTY OF POLK

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

That **POLK COUNTY**, GRANTOR herein, for and in consideration of TEN DOLLARS and other good and valuable consideration in hand paid by the **TRINITY RIVER AUTHORITY OF TEXAS**, a conservation and reclamation district created by and functioning under Chapter 518, Acts of the 54th Legislature of the State of Texas, Regular Session, 1955, as amended pursuant to Article XVI, Section 59 of the Texas Constitution, with its principal office at 5300 South Collins Street, Arlington, Tarrant County, Texas 76018, GRANTEE herein, the receipt and sufficiency of which is hereby acknowledged and confessed, does hereby assign and convey to GRANTEE a permanent and perpetual utility easement for the purpose of installing, constructing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing, and operating facilities, and all necessary appurtenances including erosion control thereto, in, into, upon, over, across and under those lands in Polk County, Texas, described on Exhibit "A" attached hereto and made a part hereof, together with the right of ingress and egress as necessary for such purposes.

GRANTOR covenants and agrees that GRANTEE shall have 1) the right to excavate and fill and to control the excavation and fill upon said permanent easement and to remove from said permanent easement any fences, buildings or other obstructions as may now be found upon said permanent easement together with the right of ingress and egress over GRANTOR'S adjacent lands to or from public right-of-way for the purpose of constructing, improving, reconstructing, repairing, inspecting, maintaining and removing said facilities and appurtenances; 2) the right to prevent possible interference with the operation of said facilities and to remove possible hazards thereto; and 3) the right to prevent the construction within the easements of any building, utilities, structure or other obstruction, including the planting of trees, which may endanger or interfere with the efficiency, safety and convenient operation of said facilities and its appurtenances.

The permanent easement herein dedicated shall run with the land and forever be a right in and to the land belonging to said GRANTOR, its successors and assigns.

TO HAVE AND TO HOLD the above-described permanent easement, with the right of ingress and egress thereto, together with all and singular the rights and appurtenances thereto, anywise belonging unto the said GRANTEE, its successors and assigns forever; and GRANTOR does hereby bind itself, its successors and assigns, to warrant and to forever defend all and singular the premises unto the GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim same or any part thereof.

WITNESS MY HAND this the _____ day of _____, 2009.

POLK COUNTY

By: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF POLK §

BEFORE ME, the undersigned authority on this day personally appeared _____, 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 _____, 2009.

Notary Public in and for the
State of Texas

(Seal)

EXHIBIT "A"
LIVINGSTON REGIONAL WATER SUPPLY SYSTEM
20-INCH TREATED WATER PIPELINE
ALONG F.M. HWY. 350 S
PARCEL No. 12

THIRTY (30) FOOT PERMANENT UTILITIES EASEMENT
JOE HOBBS SURVEY, ABSTRACT No. 828
POLK COUNTY, TEXAS

Being a 30 foot wide permanent utilities easement over and across a 50 ft. wide strip of land reserved for public road in deed from E. T. Murphy, County Judge, and A. B. Garvey, Chairman County Board of School Trustees, to John Slade, recorded in Volume 78, Page 352 of the Polk County Deed Records, and also reserved in deed from Lincoln Wiggins to Annie Wiggins recorded in Volume 1376, Page 540 of the Official Public Records of Polk County, Texas, and being situated in the Joe Hobbs Survey, A-828, Polk County, Texas, said 50 ft. wide strip being fenced and occupied by Kenneth Gilbreath and wife, Billie B. Gilbreath (the adjacent land owners), and being more particularly described as follows:

Beginning at a point for corner located at the intersection of the east right-of-way line of Pridgen Road (a 100 ft. wide county maintained roadway and described in deed to Polk County, Texas, recorded in Volume 226, Page 21 of said Deed Records) with the north right-of-way line of F. M. Highway 350 South (80 ft. R.O.W.), marking the southwest corner of said 50 ft. wide strip of land, said point having Texas State Plane Coordinate System, Central Zone, NAD83(1986) surface coordinate values of Y=10,262,448.499 and X=3,978,725.740 and being depicted as Corner 1 on the plat attached hereto:

Thence N 61° 24' 18" W 35.13 ft. along the west line of said 50 ft. strip of land, same being the east right-of-way line of Pridgen Road, to a point for corner depicted as Corner 2 on said plat and having NAD83 surface coordinate values of Y=10,262,465.314 and X=3,978,694.893;

Thence N 59° 57' 17" E 56.91 ft. over and across said 50 ft. wide strip of land, along a line 30 ft. north of, parallel and adjacent to the north right-of-way line of said F. M. Highway 350 South, to a point for corner located on the east line of said 50 ft. wide strip of land, same being the west line of the 0.898 acre tract described in deed to Kenneth Gilbreath and wife, Billie B. Gilbreath, recorded in Volume 1480, Page 725 of said Official Records, and being depicted as Corner 3 on said plat and having NAD83 surface coordinate values of Y=10,262,493.808 and X=3,978,744.156;

Thence S 61° 05' 19" E 35.01 ft. along the west line of said Gilbreath 0.898 acre tract, to a 1/2" iron rod found marking the southwest corner of the Gilbreath tract, located on the north right-of-way line of said F. M. Highway 350 South, said point being Corner 4 on said Exhibit "B" and having NAD83 surface coordinate values of Y=10,262,486.880 and X=3,978,774.807;

Thence S 59° 57' 17" W 56.68 ft. along the north right-of-way line of said F. M. Highway 350 South, to the point of beginning and containing within these bounds 0.039 acres of land as depicted on said plat attached hereto.

o Surveyor's Certificate o

To all parties interested in title to the premises surveyed, I do hereby certify that the above legal description was prepared from public records and from an actual and accurate survey upon the ground and that same is true and correct.

ESM Surveying, LLC 417 North Washington Avenue Livingston, Texas 77351 Ph: 936-327-4296

By: Earline McLeod
Earline McLeod
Registered Professional Land Surveyor
Texas No. 5774



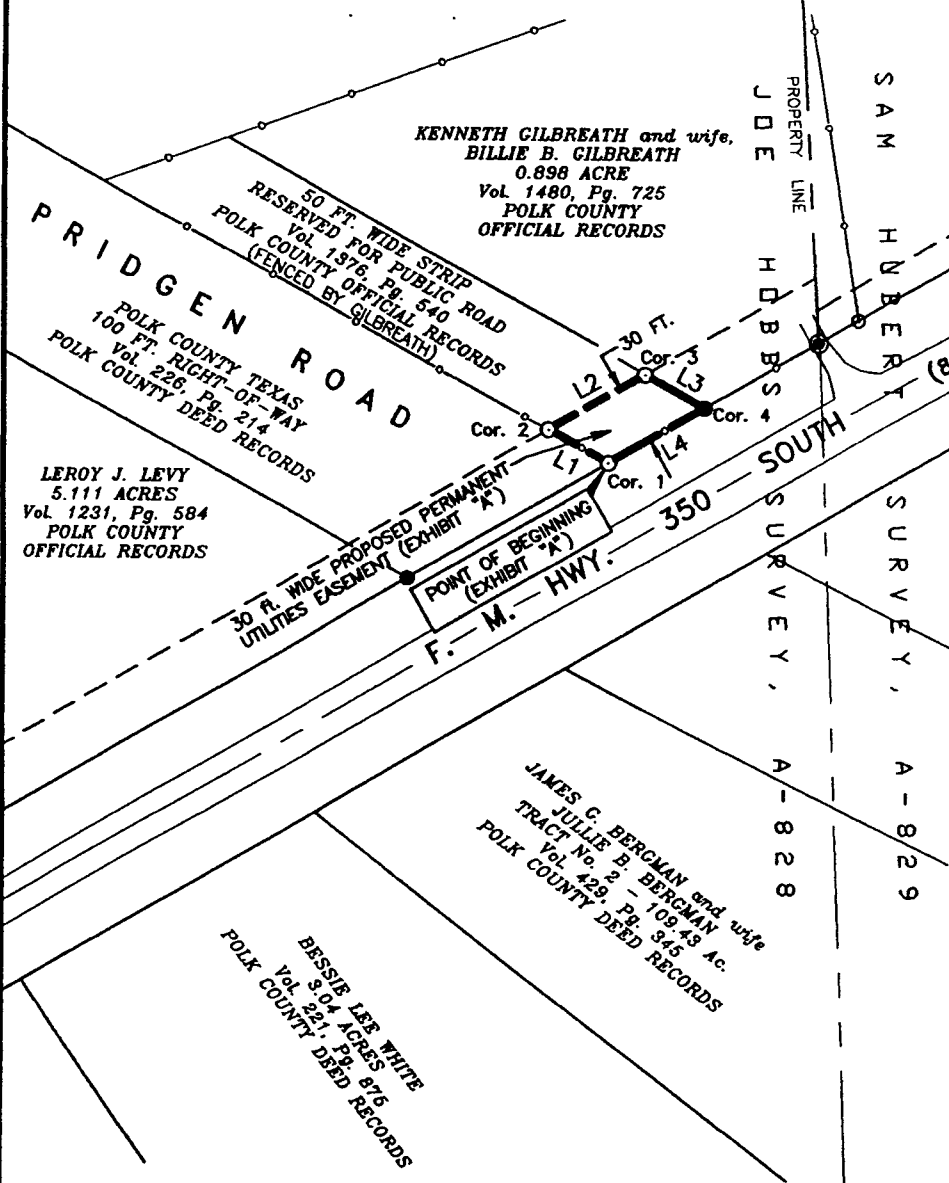
Date of Survey: July, 2007

SURVEY: JOE HOBBS SURVEY, A-828
 LOCATION: POLK COUNTY, TEXAS
 EASEMENT ACQUISITION: 0.039 ACRE
 WHOLE PROPERTY ACREAGE: 0.335 ACRE (CALCULATED ACREAGE)

LIVINGSTON REGIONAL
 WATER SUPPLY SYSTEM
 20-INCH TREATED WATER
 PIPELINE ALONG
 F.M. HWY. 350 S
 PROPERTY PLAT

PARCEL No. 12
 TRINITY RIVER AUTHORITY OF
 TEXAS
 5800 SOUTH COLLINS
 P. O. BOX 60
 ARLINGTON, TEXAS 76004

GRAPHIC PLAT OR MAP OF EXHIBIT "A"



LINE	BEARING	DISTANCE
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L4	S 59°57'17" W	56.68

Corner No.	Y: (Northing)	X: (Easting)
Corner 1	10,262,448.499	3,978,725.740
Corner 2	10,262,465.314	3,978,694.893
Corner 3	10,262,493.808	3,978,744.156
Corner 4	10,262,486.880	3,978,774.807



LEGEND

- — — CENTERLINE ROAD
- — — CHAINLINK FENCE
- 1/2" IRON ROD (FOUND)
- CALCULATED POINT
- ⊙ 1" IRON PIPE (FOUND)

SURVEYOR'S NOTE: Per surveying contract, only the area ±10 ft. north of the highway right-of-way line was surveyed, therefore the north 20 ft. of the proposed utilities easement shown hereon may have underground utilities, structures, trees, etc. that were not located.

NOTE: THE COORDINATE DATA SHOWN HEREON REFERENCED TO THE TEXAS PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83, AS CONVERTED FROM NAD27, SURFACE COORDINATES OBTAINED FROM ON THE GROUND SURVEY USING THE PUBLISHED COORDINATES OF FAA ORR A AT THE LIVINGSTON AIRPORT.

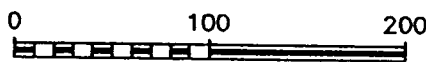
ESM SURVEYING, LLC
 417 N. WASHINGTON AVE.
 LIVINGSTON, TX 77351
 (936) 327-4296

PREPARED BY: DG

CHECKED BY: EM

DATE: 02/09/09 REVISED: 04/15/09

SCALE: 1" = 100'



○ SURVEYOR'S CERTIFICATE ○

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY CERTIFY THAT THE ABOVE PLAT OR MAP WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

DATE OF SURVEY: JULY, 2007

Earline McLeod
 EARLINE McLEOD, REG. No. 5774, TEXAS



PREPARED FROM PUBLIC RECORDS
 and ON THE GROUND SURVEY