

THE UNDERSIGNED AUTHORITY HEREBY CERTIFIES THAT
THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL

LONE STAR ABSTRACT & TITLE CO., INC.

BY

John Lee

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5120

UTILITY AND DRAINAGE EASEMENT AND RIGHT OF WAY

THE STATE OF TEXAS §

§

COUNTY OF MIDLAND §

Amwest Savings & Loan Association, hereafter referred to as Grantor, for and in consideration of the enhancement in value of the Grantor's remaining property and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the City of Midland, Texas, a home rule municipal corporation, whose principal offices are located at 300 North Loraine, Midland, Texas, 79701, its successors and assigns, a permanent easement and right of way for the construction, reconstruction, maintenance, and operation of utilities including water and sewer lines and all other public utilities, as well as facilities and excavations for drainage, together with all ancillary uses usual and customary in connection therewith, upon the following described property lying and being situated in the City of Midland, County of Midland, State of Texas:

TRACT 1

Being a 0.840 acre parcel of land in the northeast part of a 59.91 acre tract known as "Meadowpark" located in the SW/4 of Section 2, Block "X", H. P. Hilliard Survey, Midland County, Texas, being more fully described by metes and bounds as follows:

Beginning at (Y=10,712,801.34, X=1,751,293.91) a 1/2" iron rod with a plastic cap marked "RPS-1974" set in the north line of said 59.91 acre tract. from whence the SW corner of said Section 2 bears S 75° 24' 04" W, 1528.56 feet and S 14° 36' 08" E, 1885.98 feet;

Thence N 75° 24' 04" E, with the north line of said 59.91 acre tract, a distance of 189.10 feet to a 1/2" iron rod with a plastic cap marked "RPS-1974" set at the NW corner of a drainage easement tract recorded in Volume 670, Page 588, Deed Records of Midland County, Texas, the NE corner of this tract;

Thence S 14° 29' 19" E with the west line of said easement, a distance of 387.25 feet to a 1/2" iron rod with a plastic cap marked "RPS-1974" set at the most southerly corner of this tract;

Thence N 40° 32' 12" W, a distance of 430.62 feet to the place of beginning and containing 0.840 surface acres.

TRACT 2

Being a tract of land out of Section 2, Block "X", H. P. Hilliard Survey, Midland County, Texas, being more fully described by metes and bounds as follows:

Beginning at a point in the north right of way line of Loop Highway 250, from whence the SW corner of said Section 2, bears S 15° 13' 11" E, a distance of 240.70 feet and S 74° 41' 08" W along the south line of said Section 2, a distance of 1,838.21 feet, said point being the SE corner of the tract;

Thence S 82° 16' 08" W, along the north right of way line of Loop Highway 250, a distance of 126.07 feet to a point for the SW corner of the tract;

Thence N 15° 13' 11" W, a distance of 1629.59 feet to a point for the NW corner of that tract;

Thence N 74° 39' 38" E, a distance of 125.00 feet to a point for the NE corner of that tract;

Thence S 15° 13' 11" E, a distance of 1646.28 feet to the place of beginning and containing 4.70 acres.

It is hereby understood, agreed and recognized that the City of Midland, Texas, its officers, agents, employees, representatives and contractors, shall and do have the right and privilege of ingress and egress to and from and along and upon the easement and right of way for the purpose of making any improvements, modifications, construction, repairs, reconstruction or maintenance which the City of Midland deems necessary.

TO HAVE AND TO HOLD the above described utility and drainage easement and right of way herein conveyed together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the City of Midland, Texas, its successors and assigns forever. And we do hereby bind ourselves, our successors and legal representatives, to warrant and forever defend all and singular the above described easement and right of way herein conveyed unto the City of Midland, Texas, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the Grantor has caused these presents to be signed by its duly authorized officers this 26th day of March, 1990.

AMWEST SAVINGS & LOAN ASSOCIATION

By Kenneth R. Mitchell
Kenneth R. Mitchell, Vice President

ATTEST:

Reanna Balboa
Assistant Secretary

THE STATE OF TEXAS §
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COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Kenneth R. Mitchell, Vice President of Amwest Savings & Loan Association, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of that entity, for the purposes and considerations therein expressed, and in the capacity therein stated.

Maria R. Lenhart
Notary Public, in and for the State of Texas

24/ROW.AMWT

Filed for Record on the 28 day of March A.D. 1990, at 3:35 clock P. M.
Duly Recorded this the 29 day of March A.D. 1990, at 10:14 clock A. M.

INSTRUMENT NO. 5120

ROSENELLE CHERRY, COUNTY CLERK
MIDLAND COUNTY, TEXAS
By Cynthia Torres, Deputy