AERIAL EASEMENT APPURTENANT FOR ENCROACHMENT OF BUILDING AWNING

Date:_____, 2016

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County, Texas 76903

Grantee: TOM GREEN COUNTY, a legal and political subdivision of the STATE OF TEXAS

Grantee's Mailing Address: 113 West Beauregard Avenue, San Angelo, Tom Green County, Texas 76903

Dominant Estate Property: The West Forty feet (W. 40') of the North One Hundred Ten Feet (N. 110') of Lot eighteen (18), in Block 9, Main Part of the City of San Angelo, Tom Green County Texas, as described in that certain Warranty Deed with Vendor's Lien, recorded in Tom Green County Real Property Records as Instrument Number 282108.

Subservient Property: Being 420 square feet located within West Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, as more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Aerial Easement: That certain vertical air space having a bottom plane to be eight feet above the paved surface of the Subservient Property and continuing upward and encompassing all the airspace above the Subservient Property to a top plane of thirty-three feet above the paved surface of the Subservient Property.

Easement Purpose: For purpose of permitting construction, maintenance, repair and replacement of an overhang and awning located on the Dominant Estate Property, generally known as the Turner Building, 111 W. Beauregard Avenue, San Angelo, Texas.

Consideration: Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "nonexclusive, appurtenant aerial Easement") to have and to hold the Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and

assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2016.

GRANTOR:
CITY OF SAN ANGELO

ATTEST:

By: _____
Daniel Valenzuela, City Manager

_____
Bryan Kendrick, City Clerk

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2016, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

_____
Notary Public, State of Texas

GRANTEE:
TOM GREEN COUNTY

ATTEST:

BY: Elizabeth 'Liz" McGill
Tom Green County Clerk

By: _____
Stephen C. Floyd, Tom Green County Judge, acting in his official capacity but not individually

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me this 22 day of September 2016, by STEPHEN C. FLOYD, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Tom Green County Judge, on behalf of Tom Green County, a legal and political subdivision of the State of Texas, for the purposes and considerations therein expressed.

SANDRA LYNN KENNEY
Notary Public
STATE OF TEXAS
My Commission Expires 11/12/2016

Notary Public, State of Texas

Exhibit "A"
1 of 2 pages

FIELD NOTES

420 Square Feet (Encroachment Turner Building)

May 6, 2016
16-S-0440tbe

Being 420 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 420 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 420 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. 70°13'40" W., 348.55 feet and N. 19°46'20" W., 100.00 feet;

Thence N. 19° 46' 20" W. 10.00 feet to the northwest corner of this herein described 420 square feet tract;

Thence N. 70° 13' 40" E. 42.00 feet to the northeast corner of this herein described 420 square feet tract;

Thence S. 19° 46' 20" E. 10.00 feet to the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 420 square feet tract;

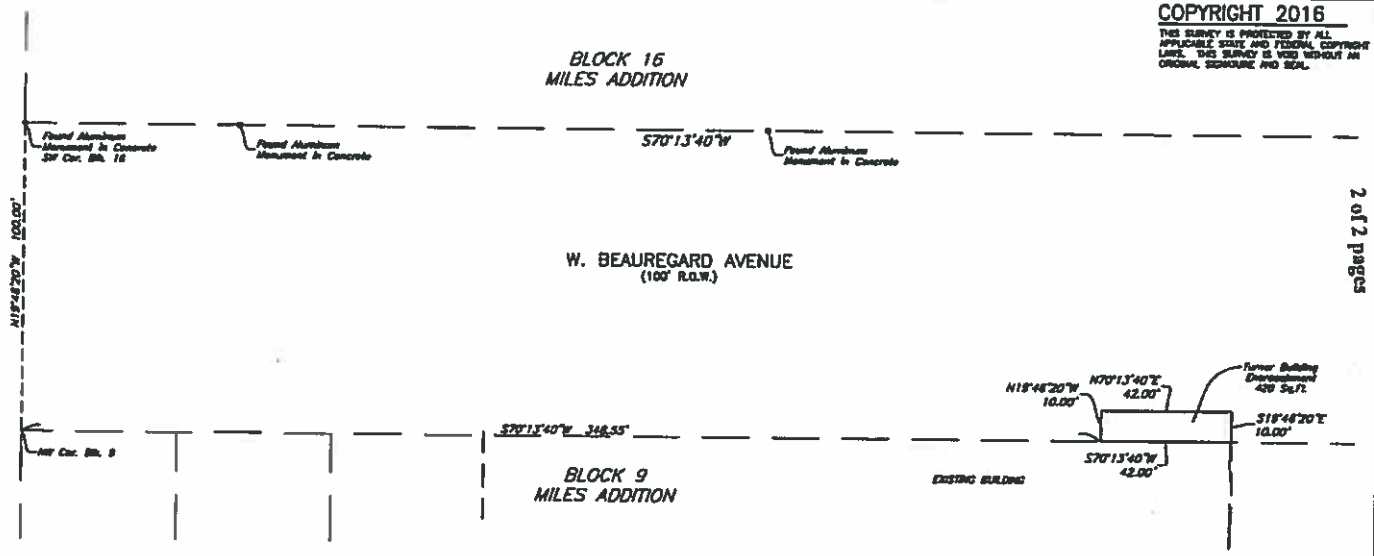
Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. 70° 13' 40" W. 42.00 feet to the place of beginning and containing 420 square feet of land.

See Attached Plat of Survey.

Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400

STATE OF TEXAS
REGISTERED
RUSSELL T. GULLY
5636
PROFESSIONAL
LAND SURVEYOR

COPYRIGHT 2016
THIS SURVEY IS PROTECTED BY ALL APPLICABLE STATE AND FEDERAL COPYRIGHT LAWS. THIS SURVEY IS VOID WITHOUT AN ORIGINAL SIGNATURE AND SEAL.



PLAT SHOWING A SURVEY OF A 420 SQUARE FEET EXISTING ENCROACHMENT BY THE TURNER BUILDING INTO THE PUBLIC RIGHT-OF-WAY OF W. BEAUREGARD AVENUE AND ADJACENT TO BLOCK 9, MILES ADDITION TO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, RECORDED IN CABINET F, SLIDE 77, PLAT RECORDS OF TOM GREEN COUNTY, TEXAS.
See attached field notes.

Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Practices Act and the General Rules of Procedures and Practices set forth by the Texas Board of Professional Land Surveying.

Surveyed on the ground prior to May 6, 2016.

RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5836

16-S-0440

SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
708 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.656.1300
FAX: 325.657.6100
FIRM NO.: 10102400
www.skgs.com

SCALE: 1"= 30'
0 15 30 60
GRAPHIC SCALE - FEET
BEARINGS ARE BASED HEREON ARE BASED ON TEXAS COORDINATE SYSTEM NAD83 - TEXAS CENTRAL ZONE BY GPS OBSERVATION.

STATE OF TEXAS
REGISTERED
RUSSELL T. GULLY
5836
PROFESSIONAL
LAND SURVEYOR

Exhibit "A"
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