

AMENDMENT OF REYNOLDS METALS COMPANY EASEMENT (TRACT 17)

STATE OF TEXAS §
 §
COUNTY OF SAN PATRICIO §

This Amendment of Reynolds Metals Company Easement is by and between San Patricio Municipal Water District ("GRANTEE"), a conservation and reclamation district and political subdivision of the State of Texas duly created by the State of Texas pursuant to Article XVI, Section 59, Texas Constitution and the City of Corpus Christi, Texas, a Municipal Corporation, (hereafter called "GRANTOR"), and is as follows:

RECITALS

WHEREAS, GRANTOR has acquired fee simple title to a certain tract of land consisting of 8.646 acres, more or less, out of portions of the C.C. Hornsby Survey, Abstract No. 159, and the J.W.H. Oltman Survey, Abstract No. 213, situated in San Patricio County, Texas, which tract of land is more particularly described in Exhibit "A" attached hereto and hereby made a part hereof (the "LAND"); and

WHEREAS, the LAND is subject to that certain easement granted by A. A. McGregor, et al, to Reynolds Metals Company, dated August 7, 1951 recorded in Volume 169, Page 581, Deed Records of San Patricio County, Texas (the "EASEMENT"), which easement is more particularly described in Exhibit "B" attached hereto and hereby made a part hereof (the "FORMER EASEMENT RIGHT OF WAY"); and

WHEREAS, the EASEMENT grants a right-of-way for installation of a water line in the FORMER EASEMENT RIGHT OF WAY, and GRANTOR and GRANTEE want to amend the description of the right-of-way so that it comports and aligns with the location of the water line that was built by or on behalf of Reynolds Metals Company pursuant to the EASEMENT; and

WHEREAS, GRANTEE wants to install, in the revised right-of-way, an additional water line with diameter not to exceed twelve inches (12"), unless agreed to otherwise by GRANTOR and GRANTEE, and air relief/vacuum valves provided that they are buried so that the top of each of the facilities shall be not less than thirty-six inches (36") below the surface of the LAND at all places, and above-ground water pipeline markers at existing or future fences and at the edges of roads and the edges of property lines, and certain above ground facilities, including valve boxes, line valves and air relief/vacuum valves (the "PROJECT"). The PROJECT also includes piping from the top of the new water line to the valve boxes in the existing water line in which the existing air relief/vacuum valves are located, and installation of additional air relief/vacuum valves in those valve boxes to serve the new water line. All above-ground and below-ground facilities, including but not limited to valve boxes, air relief/vacuum valves, line valves and piping, are prohibited within the area where the revised right-of-way easement intersects with Grantor's Mary Rhodes Pipeline Easement.

AGREEMENT

NOW THEREFORE, for and in consideration of the premises, and the receipt of \$10.00 and other good and valuable consideration provided by GRANTOR, the receipt and sufficiency of which is hereby acknowledged:

GRANTOR and GRANTEE agree that the right of way granted by the BASEMENT is amended to be, and it is now described as a 30-foot strip of land, shown on the attached Exhibit "C," the center line of which is the center line of the water line that was installed on the LAND by or on behalf of Reynolds Metals Company pursuant to the BASEMENT (the "REVISED RIGHT-OF-WAY").

GRANTOR, for the CONSIDERATION paid to GRANTOR, hereby grants, sells, and conveys to GRANTEE an easement and right-of-way in, upon, under, over and across the REVISED RIGHT-OF-WAY, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold to GRANTEE and GRANTEE's successors and assigns forever. The easement, right-of-way, rights, and privileges herein granted shall be used for the purposes of excavating for, laying, constructing, placing, operating, maintaining, reconstructing, replacing, rebuilding, upgrading, renewing, removing, inspecting, patrolling, changing, modifying, or repairing the PROJECT, or any part of the PROJECT, and making connections therewith. GRANTOR also grants to GRANTEE a temporary construction easement in, upon, over, and across a thirty (30) foot strip of land that is adjacent to either, but not both, of the boundaries of the REVISED RIGHT-OF-WAY for the purposes of constructing and laying the PROJECT in the REVISED RIGHT-OF-WAY. This temporary construction easement automatically terminates when the PROJECT is placed in service.

GRANTEE is fully aware of GRANTOR's water pipeline (Mary Rhodes Pipeline) within GRANTOR's property. GRANTEE will take extreme precaution while excavating and constructing GRANTEE's new pipeline adjacent to GRANTOR's pipeline. GRANTEE is responsible for any damage to GRANTOR's pipeline resulting from GRANTEE's construction activities.

In the event GRANTEE shall be required to cut or go through any of the fences of GRANTOR in laying the proposed pipeline, it is agreed that prior to cutting any such fences, GRANTEE shall first brace the existing fence adequately on each side of the proposed cut, so that when the fence is cut there will be no slackening of the wires.

If GRANTEE shall elect to maintain an opening in any of the fences of GRANTOR during the construction of said pipeline, GRANTEE shall be obligated to install a good and substantial wire gap capable of turning cattle from such opening, and GRANTEE shall keep such gap securely closed at all times when not in actual use; and upon the completion of the construction of said pipeline, GRANTEE shall close all openings and shall restore such fences to their condition as existed prior to construction, or GRANTEE may install gates in fences where the REVISED RIGHT-OF-WAY crosses any fence line. GRANTEE may install a gate on any existing or future fences located on the REVISED RIGHT-OF-WAY. Such gates shall be provided with "H" braces. Gates shall be

maintained by GRANTEE and be capable of turning livestock. GRANTEE shall keep such gates securely closed when not in actual use. GRANTOR and GRANTEE each shall furnish separately keyed locks for all locked gates, and locks shall be separated by no fewer than three links of chain so as not to mistakenly or in error, lock out either GRANTOR from its property or GRANTEE from its REVISED RIGHT-OF-WAY.

All fence related work will be done in a good and workmanlike manner. GRANTEE will make reasonable efforts to use like posts, wire and gates in order to match GRANTORS existing posts, wire and gates.

GRANTEE shall not be required by GRANTOR to provide connections to the above described additional water line.

To the extent permitted by law, the San Patricio Municipal Water District ("GRANTEE"), its officers, agents, employees, representatives and consultants shall indemnify, save harmless and defend the City of Corpus Christi, its officers, agents, employees and representatives ("GRANTOR") and each of them against and hold it and them harmless from any and all lawsuits, claims, demands, liabilities, losses and expenses whatsoever, including court costs and reasonable attorneys' fees, and including all losses or liability for or on account of any injury to any person, or any death at any time resulting from such injury, or any damage to any property under the performances covered by this contract.

When the context requires, singular nouns and pronouns include the plural. When appropriate, the term "GRANTEE" includes the employees, agents, subsidiaries, officers, servants, contractors, successors and assigns of GRANTEE.

All provisions of the BASEMENT that are not herein amended are hereby reaffirmed and shall remain in full force and effect.

This instrument may be executed in duplicate originals, and each counterpart shall be deemed an original and all such counterparts together shall constitute one and the same instrument.

Signed to be effective the ____ day of _____, 20__

GRANTOR:

THE CITY OF CORPUS CHRISTI, TEXAS

By: _____
Ronald L. Olson, City Manager

ATTEST:

By: _____
Armando Chapa, City Secretary

GRANTEE:

SAN PATRICIO MUNICIPAL WATER DISTRICT

By: _____
Brian G. Williams, District Manager

ATTEST:

By: _____
Rebecca Krumnow, Secretary

Approved as to form: _____
Marcia Dandy
Eisa Aguilar *Marcia Dandy*
Assistant City Attorney
For City Attorney

EXHIBIT "A"

TRACT NO. 17

8.646 acres, more or less, out of portions of the C.C. Hornsby Survey, Abstract No. 159, and the J.W.H. Oltman Survey, Abstract No. 213, situated in San Patricio County, Texas. Also being the same land as more particularly described by metes and bounds as EXHIBIT F of that certain Special Warranty Exchange Deed from Coastal Bend Bays & Estuaries Program, Inc. To City of Corpus Christi, dated December 21, 2004, and recorded under Clerk's File No. 539670 of the Real Property Records of San Patricio County, Texas.

EXHIBIT "B"

TRACT 17

Easement and/or Right of Way dated August 7, 1951 from A. A. McGregor, et al, to Reynolds Metals Company, recorded under Clerk's File No. 76750, Volume 169, Page 581, Deed Records of San Patricio County, Texas. Said Easement assigned to the city of Corpus Christi, Texas, by Assignment dated April 30, 1982, recorded under Clerk's File No. 309043, Volume 649, Page 264, Deed Records of San Patricio County, Texas; and Final Assignment dated June 21, 1984, to San Patricio Municipal Water District, recorded under Clerk's File No. 593556, Official Public Records of San Patricio County, Texas, being described by metes and bounds as follows:

BEGINNING at a point on the Northwest bank of the Nueces River, approximately 750 feet upstream from the State Highway No. 9 Bridge across the Nueces River, San Patricio County, Texas.

Said point being also S. 32° 30' E., 59.0 feet and N. 57° 30' E., 1.0 feet from the East fence corner of James F. Welder Estate. Said point being also in the Right of Way of the old county road.

THENCE: N. 32° 30' W., a distance of 107.0 feet.

THENCE: N. 31° 50' W., a distance of 257.3 feet.

THENCE: 29° 02' W., a distance of 389.5 feet.

THENCE: N. 7° 32' W., a distance of 277.0 feet.

THENCE: N. 10° 34' E., a distance of 325.0 feet.

THENCE: N. 39° 22' E., a distance of 709.1 feet to the Southwest Right of Way fence of State Highway No. 9.

THENCE: Continuing N. 39° 22' E., across said State Highway No. 9 Right of Way, at 76.5 feet, the centerline of the pavement from which point the end of the bridge bears S. 17° 45' E., a distance of 29.1 feet, in all a distance of 103.0 feet to a point.

THENCE: N. 43° 46' E., at 42.0 feet, the Northeast Right of Way fence line of State Highway No. 9, in all a distance 166.5 feet.

THENCE: N. 40° 31' E., a distance of 923.5 feet.

THENCE: N. 28° 59' E., a distance of 4365.4 feet to a point.

Said point being in the approximate center of the old county road and 15 feet from and at right angle

to the Southeast Right of Way line of Texas State Highway 128, all of the above described line being between the Right of Way fences of the old county road.

THENCE: N. 43° 58' E., parallel with and 15 feet at right angles Southeast of the Southeast Right of Way line of State Highway 128 at 101.6 feet, the East fence of the old county road, at 3107 feet and the south fence to stock pens at 3253.6 feet the North fence to the stock pens, in all a distance of 3268.6 feet.

THENCE: S. 67° 33' E., a distance of 236 feet.

THENCE: N. 60° 25' E, 165 feet from and parallel to the centerline of the St. Louis, Brownsville and Mexico Railroad, a distance of 1814.9 feet.

THENCE: N. 74° 18' E., a distance of 355.6 feet.

THENCE: N 58° 7' E., a distance 813.0 feet.

THENCE: N. 49° 55' E., a distance of 289.4 feet.

THENCE: S. 46° 16' E. at 25.0 feet the west fence line of the St. Louis, Brownsville and Mexico Railroad, at 74.1 feet, the centerline of the railroad tracks, at 121.3 the East Right of Way fence of the railroad, in all a distance of 134.0 feet.

THENCE: N. 66° 51' E., a distance of 315.7 feet.

THENCE: N. 80° 33' E., a distance of 207.4 feet to a fence on the East property line of 95 acre tract and the west line of the Ida G. Curry tract.

SAVE AND EXCEPT THE FOLLOWING:

- Tract A. A strip of land 150 feet in width, being the Right of Way of State Highway No. 9.
- Tract B. The Southeast corner of the 89 acre tract of land belonging to C. C. Parker and lying southeast of State Highway 128.
- Tract C. A strip of land 100 feet in width, being the Right of Way of the St Louis, Brownsville and Mexico Railroad.

EXHIBIT "C"

**SAN PATRICIO MUNICIPAL WATER DISTRICT
TRACT 17 - WATERLINE EASEMENT (0.276 ACRE TRACT)
CITY OF CORPUS CHRISTI**

STATE OF TEXAS
COUNTY OF SAN PATRICIO

Field notes of a waterline easement being a 0.276 acre tract of land, being on, under, and across an 8.646 acre tract of land conveyed from the Coastal Bend Bays & Estuaries Program, Inc., to City of Corpus Christi by Special Warranty Exchange Deed dated December 21, 2004 and recorded in Clerk's File No. 339670 of the Real Property Records of San Patricio County, Texas;

Said 0.276 acre tract is comprised of a portion of the C. C. Hornsby Survey, Abstract 159, is situated in San Patricio County, Texas, approximately 2.0 miles southwest of the City of Odem, and is described by metes and bounds as follows:

Beginning at a point in the northwest line of a 46.117 acre tract of land conveyed from The Nature Conservancy of Texas to the Coastal Bend Bays & Estuaries Program, Inc., by Special Warranty Deed dated April 22, 2003 and recorded in Clerk's File No. 518347 of the Real Property Records of San Patricio County, Texas, for the east corner of this tract; whence the north corner of said 8.646 acre tract of land bears North 18° 31' 00" East, a distance of 342.35 feet, and whence a 5/8" iron rod found in the southeast line of said 46.117 acre tract bears South 06° 07' 49" East, a distance of 1082.10 feet;

Thence South 46° 26' 53" West along the northwest line of said 46.117 acre tract, the southeast line of said 8.646 acre tract, and the southeast line of this tract, a distance of 54.33 feet to a point for angle corner of this tract;

Thence South 77° 48' 22" West continuing along the southeast line of this tract, a distance of 47.81 feet to a point for an angle corner of this tract;

Thence South 70° 40' 47" West continuing along the southeast line of this tract, a distance of 48.97 feet to a point for an angle corner of this tract;

Thence South 66° 31' 35" West continuing along the southeast line of this tract, a distance of 279.21 feet to a point for the south corner of this tract;

Thence North 50° 54' 24" West along the southwest line of this tract, a distance of 20.60 feet to a point in the southeast right-of-way line of Union Pacific Railroad and the northwest line of said 8.646 acre tract, for the west corner of this tract;

Thence North 49° 56' 09" East along the southeast right-of-way line of said Union Pacific Railroad, the northwest line of said 8.646 acre tract, and the northwest line of this tract, a distance of 41.02 feet to a point for an angle corner of this tract; whence the north corner of said 8.646 acre tract of land bears North 46° 18' 42" East, a distance of 666.62 feet; and whence a 5/8" iron rod found at the south corner of said 46.117 acre tract bears South 19° 05' 09" West, a distance of 2179.43 feet;

Thence North 66° 31' 35" East along the northwest line of this tract, a distance of 250.48 feet to a point for an angle corner of this tract;

Thence North 70° 40' 47" East continuing along the northwest line of this tract, a distance of 51.93 feet to a point for an angle corner of this tract;

Thence North 77° 48' 22" East continuing along the northwest line of this tract, a distance of 54.10 feet to a point for an angle corner of this tract;

Thence North 80° 09' 58" East continuing along the northwest line of this tract, a distance of 42.01 feet to the point of beginning, contains 0.276 acres (12,036.03 sq. ft.) of land, more or less, subject to all easements of record.

Bearings in this description are based on a GPS Survey, Texas Coordinate System of 1927, South Zone.

I, Jesse Fuentes, Registered Professional Land Surveyor of Texas, do hereby state that this description represents an actual survey made on the ground this the 18th day of November, 2009.



A handwritten signature in black ink, appearing to read "Jesse Fuentes".

Registered Professional Land Surveyor
Texas Registration No. 5988

A plat accompanies this metes and bounds description.
1178 JF

