

HIKE AND BIKE TRAIL RIGHT-OF-WAY-EASEMENT

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

THAT, CRAWFORD FAIN DRIGGS, LCC, a Texas Limited Liability Company, and its successors and assigns (“GRANTOR”), for and in consideration of the payment of TEN and NO/100 DOLLARS, (\$10.00), and other good and valuable consideration, in hand paid to GRANTOR by the CITY OF CEDAR HILL, TEXAS (“GRANTEE”), the receipt of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL, and CONVEY unto GRANTEE, a perpetual easement and right-of-way for the purpose of the construction, operation, maintenance, upgrade and repair of a hike and bike trail over and across the following described property:

See Exhibit “A” attached hereto and made a part hereof for all intents and purposes and herein referred to as the “Easement.”

The Easement, rights, and privileges granted herein and are semi-exclusive, save and except for any easement(s) of record existing as of the date of this instrument (“Existing Easements”, whether one or more), including without limitation, the following:

- (i) That certain Public Sanitary Sewer and Drainage Easement dated June 25, 2011, executed by Mickey A. Fain, Rickey M. Fain, Jerry D. Fain, Guy K. Driggs, and The Crawford Family Trust, as Grantors, in favor of the City of Cedar Hill, Texas, recorded in the Real Property Records of Dallas County, Texas, on July 5, 2011, as Instrument No. 201100170742;
- (ii) That certain Drainage Easement dated March 29, 2006, executed by Lourene S. Fain, Guy K. Driggs and F.L. Crawford, as Grantors, in favor of the City of Cedar Hill, Texas, as Grantee, recorded in the Real Property Records of Dallas County, Texas, on April 4, 2006, as Instrument No. 200600120682;
- (iii) That certain [Sanitary Sewer Line] Easement and Right of Way dated November 9, 1968, executed by Guy K. Driggs, Allen M. Fain and Franklin L. Crawford, as grantors, in favor of the Trinity River Authority of Texas, as grantee, and recorded in Vol. 68232, Page 618 of the Real Property Records of Dallas County, Texas, on November 26, 1968; and

- (iv) That certain Easement granted in favor of the City of Cedar Hill, Texas, recorded in Vol. 4861, Page 431 of the Real Property Records of Dallas County, Texas, on March 17, 1958;

and GRANTOR may not hereafter convey any other easement or conflicting rights within the area covered by this grant, without the express written consent of GRANTEE, which consent shall not be unreasonably withheld so long as other easements do not interfere with the hike and bike trail and use thereof.

GRANTOR represents and warrants to GRANTEE as follows:

- (a) To the best of GRANTOR'S knowledge and belief, the Easement, as of the date of this Agreement, is free and clear of all liens, save and except for inchoate liens for taxes not yet due and payable.
- (b) To the best of GRANTOR's knowledge and belief, no one has a legally enforceable right to prevent the installation of the hike and bike trail in the Easement, with the possible exception of the Trinity River Authority which owns an underlying sewer easement, and/or the holders of any other Existing Easements ("Existing Easement Holder(s)", whether one or more).

GRANTEE hereby represents and warrants to GRANTOR, and covenants and agrees as follows:

- (a) GRANTEE will build, operate and maintain of a concrete hiking and biking trail through said Easement with dimensions that are consistent with those set forth in Page 3 of 3 of Exhibit A, and mow as necessary an area immediately adjacent to each side the trail.
- (b) It is GRANTEE's obligation to obtain any and all necessary approvals from the Trinity River Authority and any other Existing Easement Holders to construct the hike and bike trail within the Existing Easements.

TO HAVE AND TO HOLD the rights and interests described unto GRANTEE and its successors and assigns, forever, and GRANTOR does hereby bind itself and its heirs, successors, assigns and legal representatives, to warrant and forever defend, all and singular, the above-described Easement and rights and interests unto GRANTEE, its successors and assigns, against every person other than the Existing Easement Holder(s), whomsoever lawfully claiming, or to claim some, or any part thereof, by, through or under GRANTOR but not otherwise, subject to any reservations, exceptions to conveyance, and restrictions of record.

Notwithstanding the exclusive nature of this easement, GRANTOR reserves to itself and its successors and assigns the right to use, or to grant third parties and/or the public at large, the right to use, by easement or otherwise, any portion of the Easement for the purpose of ingress and egress to GRANTOR's property or any portion thereof, including without limitation, the Crawford Tornado Cemetery, or the provision of services to GRANTOR's property, provided that such use of the Easement will not substantially or unreasonably interfere with the intended use of the Easement as a hike and bike trail.

If and to the extent, permitted under Texas law, and subject to the last sentence of this paragraph, GRANTEE shall indemnify and hold harmless GRANTOR, and its successors and assigns, from any claim, liability or expense, including attorney fees and other legal expenses, arising from or related to any injury to person or property occurring to any person or party that is present on or performs work on the Easement except through the gross negligence or intentional wrong of GRANTOR. Nothing in this paragraph or any other provision of this Agreement shall require, or be deemed or construed as having required, GRANTEE to assess or collect revenue or to create a sinking fund to satisfy any indemnification obligation under this Agreement.

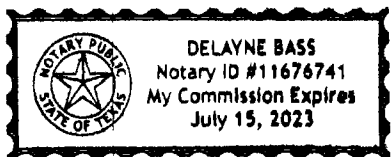
IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed this 10th day of December, 2021.

GRANTOR:
CRAWFORD FAIN DRIGGS, LLC

By: [Signature]
James F. Crawford, President

ACKNOWLEDGMENT

This instrument was acknowledged before me on this 10th day of December, 2021, by James F. Crawford, President of Crawford Fain Driggs, LLC.



[Signature]
Notary Public in and for
the State of Texas

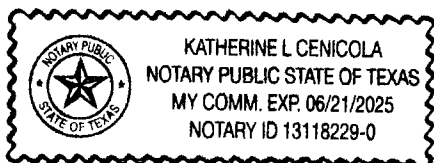
**GRANTEE:
CITY OF CEDAR HILL, TEXAS**

By: _____

Stephen Mason, Mayor

ACKNOWLEDGMENT

This instrument was acknowledged before me on this 14 day of December, 2021, by Stephen Mason, Mayor of the City of Cedar Hill, Texas.



Katherine Cenicola
Notary Public in and for
the State of Texas

After Recording Return to:

Belinda Berg, City Secretary
City of Cedar Hill
285 Uptown Blvd., Bldg. 100
Cedar Hill, Texas 75104

**PUBLIC ACCESS EASEMENT
1.338 ACRES OUT OF FRANKLIN CRAWFORD TRACT
ZUR COMBS SURVEY, ABSTRACT NO. 306
ELLIS C. THOMAS SURVEY, ABSTRACT NO. 1472
CITY OF CEDAR HILL,
DALLAS COUNTY, TEXAS**

Being a 58,279 square feet (1.338 acre) tract of land situated in Zur Combs survey, Abstract Number 306 and Ellis C. Thomas Survey, Abstract Number 1472, City of Cedar Hill, Dallas County, Texas and being in part of tract of land described in a Special Warranty Deed to Crawford Fain Driggs, LLC (Crawford Tract), recorded in Instrument Number 201500254787, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) and being part of the remainder of a called 25.017 acre tract of land described in a Warranty Deed to Guy K Driggs and Allen M. Fain recorded in Volume 67208, Page 2006, Deed Records, Dallas County, Texas (D.R.C.D.T.) and being more particularly described as follows:

COMMENCING at 5/8-inch iron rod found for the south corner of a corner clip in the northeast right-of-way line of Pioneer Trail (70' right-of-way) and for a corner in the north line of a called 1.7641 acre tract of land described as "Parcel 1" in a Donation Deed to the City of Cedar Hill, Texas, recorded in Instrument Number 20070075324 (O.P.R.D.C.T.) and for a westerly corner of said Crawford tract and said 25.017 acre tract;

THENCE South 55°17'14" East (called S 55°17'02" E), along the common line of the northeast right-of-way line of said Pioneer Trail, the northeast line of said Parcel 1, and the southwest line of the remainder of said Crawford tract and the remainder of said 25.017 acre tract, a distance 247.71 feet to a 1/2-inch iron rod with yellow cap stamped "WCG" set (Iron Rod Set) for the **POINT OF BEGINNING**;

THNECE departing the northeast right-of-way line of said Pioneer Trail and the northeast line of said Parcel 1, and over and across the remainder of said Crawford tract and the remainder of said 25.017 acre tract following courses and distances:

North 34°42'46" East, a distance 45.00 feet to a point for corner;

South 55°17'44" East, a distance 83.55 feet to a point for corner;

North 41°27'44" East, a distance 202.95 feet to an Iron Rod Set;

North 32°57'39" East, a distance 67.08 feet to an Iron Rod Set;

North 23°06'20" East, a distance 13.40 feet to an Iron Rod Set;

North 14°02'39" East, a distance 208.70 feet to a point for corner, from which a Trinity River Authority sanitary sewer manhole bears N 66°19'34" E, a distance 56.16 feet;

North 20°58'40" East, a distance 31.85 feet to a point for corner, from which a Trinity River Authority sanitary sewer manhole bears S 79°49'26" E, a distance 40.67 feet;

North 34°15'09" East, a distance 31.73 feet to a point for corner, from which a Trinity River Authority sanitary sewer manhole bears S 33°34'24" E, a distance 40.10 feet;

North 40°52'39" East, a distance 123.41 feet to a point of corner, in the west line of a called 18.944 acre tract of land described in warranty deed to City of Cedar Hill, Texas recorded in Instrument Number 20070012580 (O.P.R.D.C.T.) and in the east line of said Crawford tract and said 25.017 acre tract;

THENCE South 06°51'32" West (called N 09°03'00" E), along the west line of said 18.944 acre tract and the east line of said Crawford tract and said 25.017 acre tract, passing at a distance of 71.50 feet an Iron Rod Set, continuing for a total a distance of 107.25 feet to a point of corner, from which a 5/8-inch iron rod for an inner ell corner of said Crawford tract and said 25.017 acre tract and for the southwest corner of said 18.944 acre tract bears South 06°51'32" West (called N 09°03'00" E), a distance 89.78 feet;

THNECE departing the west line of said 18.944 acre tract and continuing over and across the said Crawford tract and said 25.017 acre tract the following courses and distances:

South 40°52'39" West, a distance 34.51 feet to a point for corner and the beginning of a tangent curve to the left, from which a Trinity River Authority sanitary sewer manhole bears S 75°49'40" E, a distance 23.92 feet;

Southwesterly, along said curve to the left having a radius of 77.50 feet, a delta angle of 26°30'00", for an arc length of 35.84 feet, with a chord that bears South 27°37'39" West, a distance 35.53 feet to a point for corner, from which a Trinity River Authority sanitary sewer manhole bears N 30°54'42" E, a distance 56.42 feet;

South 14°02'39" West, a distance of 208.47 feet to a point for corner, and the beginning of a tangent curve to the right;

Southwesterly, along said curve to the right, having a radius of 102.49 feet, a delta angle of 18°35'47", for an arc length of 33.27 feet, with a chord that bears South 23°20'31" West, a distance 33.12 feet to a point for corner;

South 18°07'33" West, a distance 156.23 feet to a point for corner;

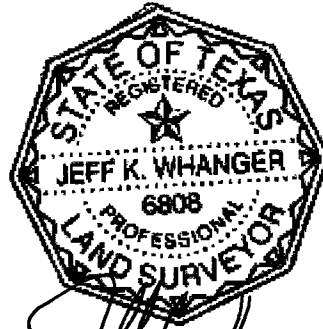
South 32°57'39" West, a distance 165.78 feet to a point for corner in the northeast right-of-way line of said Pioneer Trail and the southwest line of the remainder of said Crawford tract and the remainder of said 25.017 acre tract, from which a 5/8-inch iron rod found in the northeast right-of-way line of said Pioneer Trail and said Parcel 1 and in the southwest line of the remainder of said Crawford tract and the remainder of said 25.017 acre tract bears South 55°17'14" East (called S 55°17'02" E), a distance 162.68 feet;

THENCE North 55°17'14" West (called S 55°17'02" E), along the said northeast right-of-way line of said Pioneer Trail and said Parcel 1 and the southwest line of the remainder of Crawford tract and the remainder of said 25.017 acre tract, a distance 214.99 feet to the **POINT OF BEGINNING** and containing 58,279 square feet (1.338 acre), more or less.

Basis of Bearings: Texas State Plane Coordinate System of 1983, North Central Zone, NAD83 (2011) EPOCH 2010.00 (Geoid 18) based on real time kinematic observations utilizing Alterra's RTKNET VRS Network.

Survey map of even date accompanies this description below.

Weaver Consultants Group
305 E. Virginia St., Ste 301
McKinney, TX 75069
817-735-9770
TBPLS# 10095400



Jeff K. Whanger RPLS. No. 6808
11/10/2021

- PROPERTY LINE
- LOT LINE
- EASEMENT LINE
- CONCRETE
- P.O.C POINT OF COMMENCING
- P.O.B POINT OF BEGINNING
- PFC POINT FOR CORNER
- IRF IRON ROD FOUND
- SXC "X" CUT SET
- IRS 1/2" IRON ROD WITH YELLOW CAP
- STAMPED "WCG" SET
- NF600 60D NAIL FOUND
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TX
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
- INST. NO. INSTRUMENT NUMBER
- (CM) CONTROL MONUMENT
- VOL. VOLUME
- PG. PAGE
- ⊙ SANITARY SEWER MANHOLE

CITY OF CEDAR HILL, TEXAS
 CALLED 18.944 AC
 INST. NO. 20070012580
 O.P.R.D.C.T.

LOT 1, BLOCK A
 UPTOWN CEDAR HILL
 ADDITION
 INST. NO. 201200014816
 O.P.R.D.C.T.

PRICE MIDTOWN LLC
 INST. NO. 201500325201
 O.P.R.D.C.T.

REMAINDER OF
 GUY K. DRIGGS & ALLEN M. FAIN
 CALLED 25.017 ACRES
 VOL. 67208, PG. 2006
 D.R.D.C.T.

CRAWFORD FAIN DRIGGS, LLC
 INST. NO. 201500254787
 O.P.R.D.C.T.

A. C. BRYAN
 SECOND TRACT
 VOL. 641 PG. 239
 D.R.D.C.T.

APPROXIMATE LOCATION
 ZUR COMBS SURVEY, ABSTRACT NO. 306
 APPROXIMATE LOCATION
 ELLIS C. THOMAS SURVEY, ABSTRACT NO. 1472
 A. C. BRYAN
 VOL. 639 PG. 685
 D.R.D.C.T.

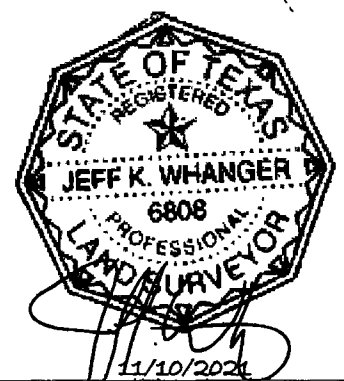
PROPOSED
 TRAIL EASEMENT
 58,279 SQ. FT.
 (1.338 AC.)

CEDAR HILL ROAD
 (60' ROW)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N34°42'46"E	45.00'
L2	S55°17'14"E	83.55'
L3	N40°52'39"E	34.51'
L4	N86°19'34"E	56.16'

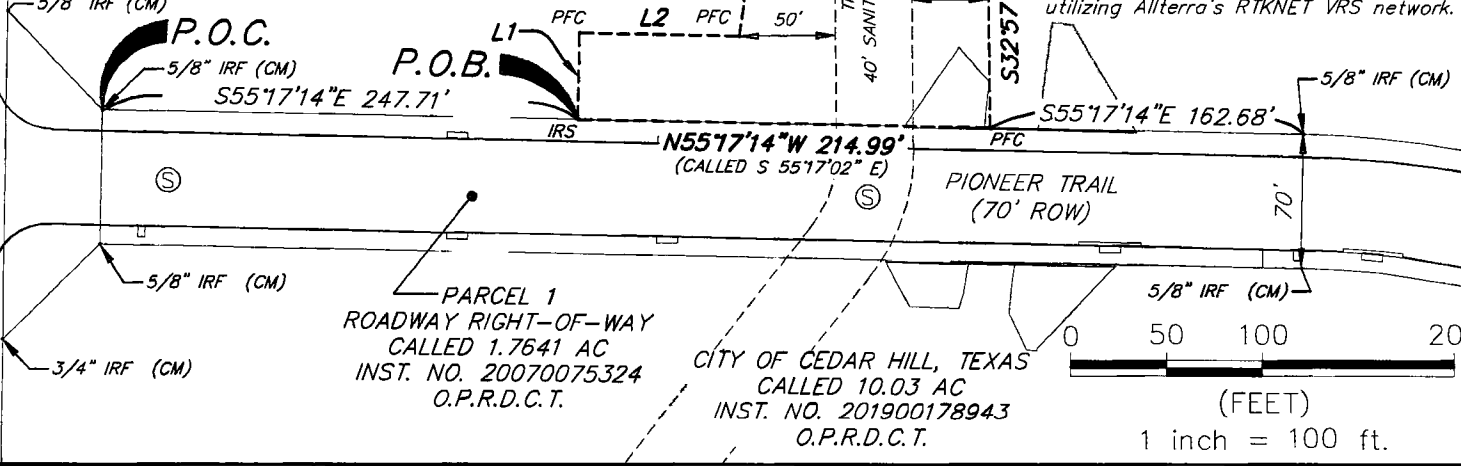
LINE TABLE		
LINE	BEARING	LENGTH
L5	S79°49'26"E	40.67'
L6	S33°34'24"E	40.10'
L7	S75°49'40"E	23.92'
L8	N30°54'42"E	56.42'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CH. BRG.	CHORD
C1	26°30'00"	77.50'	35.84'	S27°37'39"W	35.53'
C2	18°35'47"	102.49'	33.27'	S23°20'31"W	33.12'



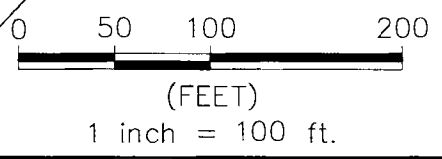
JEFF WHANGER RPLS No. 6808

Basis of Bearings: Texas Coordinate System of 1983, North Central Zone, NAD83 (2011) EPOCH 2010.00, (Geoid18) based on real time kinematic observations utilizing Allterra's RTKNET VRS network.



PARCEL 1
 ROADWAY RIGHT-OF-WAY
 CALLED 1.7641 AC
 INST. NO. 20070075324
 O.P.R.D.C.T.

CITY OF CEDAR HILL, TEXAS
 CALLED 10.03 AC
 INST. NO. 201900178943
 O.P.R.D.C.T.



**Dallas County
John F. Warren
Dallas County Clerk**

Instrument Number: 202200001329

eRecording - Real Property

Recorded On: January 04, 2022 01:27 PM

Number of Pages: 9

" Examined and Charged as Follows: "

Total Recording: \$54.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 202200001329
Receipt Number: 20220103000774
Recorded Date/Time: January 04, 2022 01:27 PM
User: Lynn G
Station: CC53

Record and Return To:

CSC Global



**STATE OF TEXAS
COUNTY OF DALLAS**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Dallas County, Texas.

John F. Warren
Dallas County Clerk
Dallas County, TX