

EASEMENT

THE STATE OF TEXAS

COUNTY OF SAN PATRICIO

I  
I KNOW ALL MEN BY THESE PRESENTS:  
I

WHEREAS, Jerry E. Fischer, Trustee, of Nueces County, Texas, for and on behalf of Edgar M. Linkenhoger, Betty Fischer Harris, and Jerry E. Fischer, holds title to the following described tracts of land situated in Portland, San Patricio County, Texas, to-wit:

Tract One

Being a tract of land comprising 2.01 acres, more or less, and described by metes and bounds as follows:

BEGINNING at a point marked by an iron pin, said pin also marking the South corner of Tract A, Portland Plaza Addition, as recorded in Volume 7, Page 13, Map Records of San Patricio County, Texas;

THENCE, S 50° 29' W, parallel with the Northwest boundary line of U. S. Highway 181, a distance of 331.26 feet to a point, said point being the most southern corner of this tract and also being the most eastern corner of Lot 3, Unit D, Portland, Plaza a Subdivision of the City of Portland, San Patricio County, Texas, as shown by the map or plat thereof recorded at Volume 9, Page 28, Map Records of San Patricio County, Texas, to which reference is here made;

THENCE, N 39° 31' W, along the Northeast boundary line of said Lot 3, Unit D, Portland Plaza, as described above, for a distance of 264.71 feet, to the most western corner of this tract, the same corner being the most northern corner of said Lot 3, Unit D, Portland Plaza Subdivision;

THENCE, N 50° 29' E, a distance of 331.26 feet to the most northern corner of this tract, said corner being marked by 5/8" iron rod, this rod also marking the most western corner of Tract B2, Portland Plaza, a Subdivision of the City of Portland, San Patricio County, Texas, as recorded in Volume 7, Page 16, Plat Records of San Patricio County, Texas, to which reference is here made;

THENCE, S 39° 31' E, a distance of 264.71 feet to the point of beginning, which is the most easterly corner of this tract.

Tract Two

Tract B2, PORTLAND PLAZA, a Subdivision of the City of Portland, San Patricio County, Texas, according to the map or plat thereof recorded in Volume 7, at Page 16, Map Records of San Patricio County, Texas, being the same land conveyed to Jerry E. Fischer, Trustee, in a conveyance dated December 22, 1969, from Coastal Bend Properties, Inc., recorded in the Deed Records of San Patricio County, Texas, in Volume 401, at Page 226, to which reference is

here made for all purposes;

WHEREAS, Portland Savings and Loan Association and Security State Bank of Portland, both of Portland, San Patricio, County, Texas, desire a non-exclusive easement over and across the above described tracts of land for the purpose of providing for their customers, clients, agents and employees, a convenient route for pedestrian and/or vehicular traffic between Lots 1, 2 and 3, Portland Plaza Unit D, and Tom Moore Drive, in Portland, Texas;

NOW THEREFORE, for and in consideration of Ten and No/100 (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said Jerry E. Fischer, Trustee, (hereinafter called "Grantor") has GRANTED, and by these presents does GRANT, unto Portland Savings and Loan Association and Security State Bank of Portland (both hereinafter called "Grantees"), for the purpose above stated, the following described easement over and across the above described land, to-wit:

BEGINNING at a point on the Northwest right-of-way line of U. S. Highway 181 for the South corner of Tract A, Portland Plaza a map of which is recorded in Volume 7, Page 13, Map Records of San Patricio County, Texas, and the East corner of this easement;

THENCE with said Northwest right-of-way line of U. S. Highway 181, South 50° 29' 00" West, parallel to the centerline thereof and 95.00 feet distant therefrom, measured at right angles thereto, 331.26 feet to a point for the East corner of Lot 3, Portland Plaza Unit D, a map of which is recorded in Volume 9, Page 28, Map Records of San Patricio County, Texas, and the South corner of this easement;

THENCE with the Northeast boundary line of said Lot 3, Portland Plaza Unit D, North 39° 31' 00" West, 30.00 feet to a point for the most Southerly West corner of this easement;

THENCE North 50° 29' 00" East, parallel to the Northwest right-of-way line of said U. S. Highway 181 thereof and 30.00 feet distant therefrom, measured at right angles thereto, 301.26 feet to a point for an inside corner of this easement;

THENCE North 39° 31' 00" West, parallel to the Southwest boundary line of said Tract A and Tract B-2 thereof and 30.00 feet distant therefrom, measured at right angles thereto, 143.24 feet to a point for a corner of this easement;

THENCE North at 47.15 feet pass the Southwest boundary line of said Tract B-2, Portland Plaza, in all a dis-

tance of 226.10 feet to a point on the South right-of-way line of Daniel Moore Drive for the most Northerly West corner of this easement from which point the Northwest corner of said Tract B-2, Portland Plaza same being the Northeast corner of Lot 25, Block 1, Sutherland Addition Unit 2, a map of which is recorded in Volume 6, Page 20, Map Records of San Patricio County, Texas, bears with said right-of-way West, 25.00 feet;

THENCE with said South right-of-way line of Daniel Moore Drive, East, parallel to the centerline thereof and 30.00 feet distance therefrom, measured at right angles thereto, 30.00 feet to a point for the most Northerly East corner of this easement;

THENCE South 215.32 feet to a point on the Southwest boundary line of said Tract B-2 for an inside corner of this easement;

THENCE with said Southwest boundary line of Tract B-2 South 39° 31' 00" East at 37.46 feet pass the South corner of said Tract B-2, same being the West corner of said Tract A and continuing along the Southwest boundary line of said Tract A, in all a distance of 162.46 feet to the POINT OF BEGINNING and containing 0.475 acres of land.

The easement herein granted shall be non-exclusive, and Grantor hereby reserves for himself, his successors and assigns, the following rights:

- (1) to utilize the said easement in connection with the use and enjoyment of the above described tracts of land,
- (2) to grant to other persons easements over and across the land, or any part thereof, covered by the easement herein granted, and,
- (3) to change, at Grantor's expense, the course or location of the easement herein granted, provided the new course or location of same shall be comparably paved and improved at Grantor's expense.

In consideration of the easement herein granted, Grantees hereby covenant and agree as follows:

- (1) to maintain said easement and all paving, curbs and sidewalks, if any, situated thereon in good repair and condition,
- (2) to be responsible for the direction and control of traffic on and across such easement, and
- (3) to indemnify and hold Grantor harmless from any and all claims and expenses which may arise or be incurred by Grantor by virtue of the existence of said easement or the use of same by any person or persons whomsoever.

TO HAVE AND TO HOLD the above described easement unto Grantees, their successors and assigns, for so long as the same shall be utilized for the above stated purpose and be maintained by Grantees as above provided, or until the same is terminated as hereinafter provided.

In the event any portion of the above described tracts of land shall be paved and dedicated as a public drive, road, street or alley which may be reasonably utilized for the same purpose for which said easement is granted, then Grantor may, at his election, terminate this easement by filing for record in the Deed Records of San Patricio County, Texas, a written instrument referring to the public record by which such dedication was effected and declaring the easement herein granted to be terminated. However, Grantor, for himself, his successors and assigns, hereby agrees to give Grantees written notice of his intention to terminate said easement at least thirty (30) days before such instrument terminating the same is filed for record.

WITNESS MY HAND this 20<sup>th</sup> day of February, 1976.

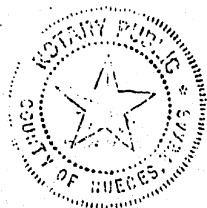
Jerry E. Fischer  
Jerry E. Fischer, Trustee

THE STATE OF TEXAS  
COUNTY OF NUECES

X  
X  
X

BEFORE ME, the undersigned authority, on this day personally appeared JERRY E. FISCHER, TRUSTEE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 20<sup>th</sup> day of February, 1976.



Jeana House  
Notary Public in and for  
Nueces County, Texas  
JEANA HOUSE

248555

THE STATE OF TEXAS  
COUNTY OF NUECES

JERRY E. FISCHER, TRUSTEE

TO

PORTLAND SAVINGS & LOAN  
ASSOCIATION AND  
SECURITY STATE BANK

EASEMENT

Filed for Record  
at 8 o'clock P.M.

MAR 4 1976

Velma Sherman  
CLERK COUNTY COURT SAN PATRICIO CO, TEXAS

By Deputy

4:56 PM

Harvey, Grotz, Browning &  
Baskin

O.O. Dr. 1401

FISCHER & FISCHER

ATTORNEYS AT LAW

4234 GUARANTY BANK BLDG

POST OFFICE BOX 2164

CORPUS CHRISTI, TEXAS 78403

Filed for Record.....4th.....day of.....March.....19..76...at..8...A.M  
Recorded.....5th.....day of.....March.....19..76...at..1...P.M  
Volume.....523.....Page No..388-392.....

VELMA SHERMAN, County Clerk  
San Patricio County, Texas

By...Linda S. Villareal...Deputy

352