

22411

ORIGINAL DOCUMENT

NON-EXCLUSIVE PERPETUAL EASEMENT

THE STATE OF TEXAS  
COUNTY OF MIDLAND,

THAT this Agreement made and entered into under date of October 20, 1983, by and between Larry Lumpkin & Associates, a Texas General Partnership, of San Angelo, Tom Green County, Texas, whose mailing address is: Two Colonial Plaza, San Angelo, Texas, 76904, and General Mills Restaurant Group, Inc., a Florida corporation, whose mailing address is: 6770 Lake Ellenor Drive, Orlando, Florida, 32809;

WITNESSETH:

WHEREAS, by General Warranty Deed of even date herewith Larry Lumpkin & Associates have conveyed to General Mills Restaurant Group, Inc., property situated in Midland County, Texas, and being described as all of Lot 4-B in Block 2 of Hatfield Addition, Section 5, an addition to the City of Midland, Midland County, Texas, and with the conveyance to the purchaser of said property, as part of the contract and consideration for said property, Larry Lumpkin & Associates have agreed to grant to General Mills Restaurant Group, Inc., its successors and assigns, a Non-exclusive Perpetual Easement for ingress, egress and parking of vehicular and pedestrian traffic on, over and across all traffic lanes, cut-backs, parking stalls and common areas covering the following described property:

Being a 21,305.22 square ft. tract of land out of the North Half (N/2) of LOT THREE (3) in BLOCK TWO (2) of HATFIELD ADDITION, SECTION FOUR, AN addition to the City of Midland, Midland County, Texas, according to the map or plat thereof recorded in Cabinet D, Page 131 of the Plat Records of Midland County, Texas, and being fully described by metes and bounds as follows:  
BEGINNING at a point for the northwest corner of this tract, same being the northwest corner of the above said Lot 3, Block 2, and in the east right-of-way line of a 20 ft. alley and the south right-of-way line of Loop 250;  
THENCE N. 74° 43' 00" E. 218.60 feet along said south right-of-way line of Loop 250 to a Highway Department monument for the northeast corner of this tract;  
THENCE S. 60° 15' 00" E. 141.42 feet to a Highway Department Monument for the southeast corner of this tract in the west right-of-way line of North Garfield Street;  
THENCE S. 74° 43' 00" W. 98.50 feet to a point for the most southerly southwest corner of this tract;  
THENCE N. 15° 14' 53" W. 25.31 feet to a point for an interior corner of this tract;  
THENCE S. 74° 43' 00" W. 220.10 feet to a point for the most westerly southwest corner of this tract in the east right-of-way line of the above said 20 ft. alley;  
THENCE N. 15° 15' 00" W. 74.75 feet along said east right-of-way line of 20 ft. alley to the PLACE OF BEGINNING;

said property adjoining the fee tract this day conveyed to General Mills Restaurant Group, Inc., on the east.

It is further expressly understood by and between the parties hereto that with reference to this property out of Lot 3, Block 2, hereinabove described by metes and bounds, and upon which this non-exclusive perpetual easement is created, the owners of said property, their successors and/or assigns shall also be entitled to a non-exclusive perpetual easement for ingress, egress and parking of vehicular and pedestrian traffic on, over and across all traffic lanes, cut-backs, parking stalls and common areas covering Lot 4-B this day conveyed to General Mills Restaurant Group, Inc., except as to any part of said property

occupied by improvements constructed upon said property by General Mills Restaurant Group, Inc.

It is further agreed by and between the parties hereto that the non-exclusive perpetual easement hereby created as to this property out of Lot 3, Block 2 of Hatfield Addition, Section 4, above described by metes and bounds, said easement shall continue and be a covenant running with the land.

It is understood and agreed that improvements presently exist upon the remainder of Lot 3, Block 2, Hatfield Addition, Section 4, which building abuts the easement tract hereinabove described immediately to the south, adjoining Lot 4-B, Block 2, immediately to the west across an intervening alley, and the owners of said property, Larry Lumpkin & Associates, and/or their successors or assigns, shall be permitted to remodel said building so as to provide for a restaurant/lounge facility not to exceed 6,000 square feet in area: a night club is not permitted in this building.

It is further agreed that there shall not be installed on any part of Lots 2 or 3 of Block 2, Hatfield Addition, Section 4, any gas tanks or gas pumps.

The parties hereto further agree to maintain their respective non-exclusive perpetual easements, in a non-hazardous condition to permit the freeflow of vehicular and pedestrian traffic over said easements. In the event such maintenance standards are not adhered to after reasonable notice, either party will have the right to enter the property of the other to make any needed repairs and, in such event, the party responsible for maintaining said easement will pay reasonable documented costs for such maintenance.

The parties hereby mutually agree that the easement hereby granted by and between each other shall constitute covenants running with the land and be binding upon the parties executing this instrument, their successors and/or assigns.

EXECUTED the day and year first above recited.

LARRY LUMPKIN & ASSOCIATES

BY: [Signature]  
Larry Lumpkin, Sole General Partner

GENERAL MILLS RESTAURANT GROUP, INC.

BY: [Signature]  
Vice-President



THE STATE OF TEXAS |  
COUNTY OF TOM GREEN |

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared LARRY LUMPKIN, sole general partner of LARRY LUMPKIN & ASSOCIATES, a Texas General Partnership 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 26 day of October, A.D. 1983.

[Signature]  
Notary Public, in and for the State of Texas  
[Signature]  
My Commission Expires 12-19-84



THE STATE OF FLORIDA  
COUNTY OF ORANGE

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared George T. Williams Vice President of GENERAL MILLS RESTAURANT GROUP, INC., a corporation, 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 for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 25 day of October A.D., 1983.

Betty Anne Jaworski  
Notary Public in and for the State of Florida

NOTARY PUBLIC, STATE OF FLORIDA  
My Commission Expires Jan. 7, 1985



\*\*\*\*\*

Filed for Record on the 1 day of November A.D. 1983, at 4:50 o'clock P. M.

Duly Recorded this the 2 day of November A.D. 1983; at 10:32 o'clock A. M.

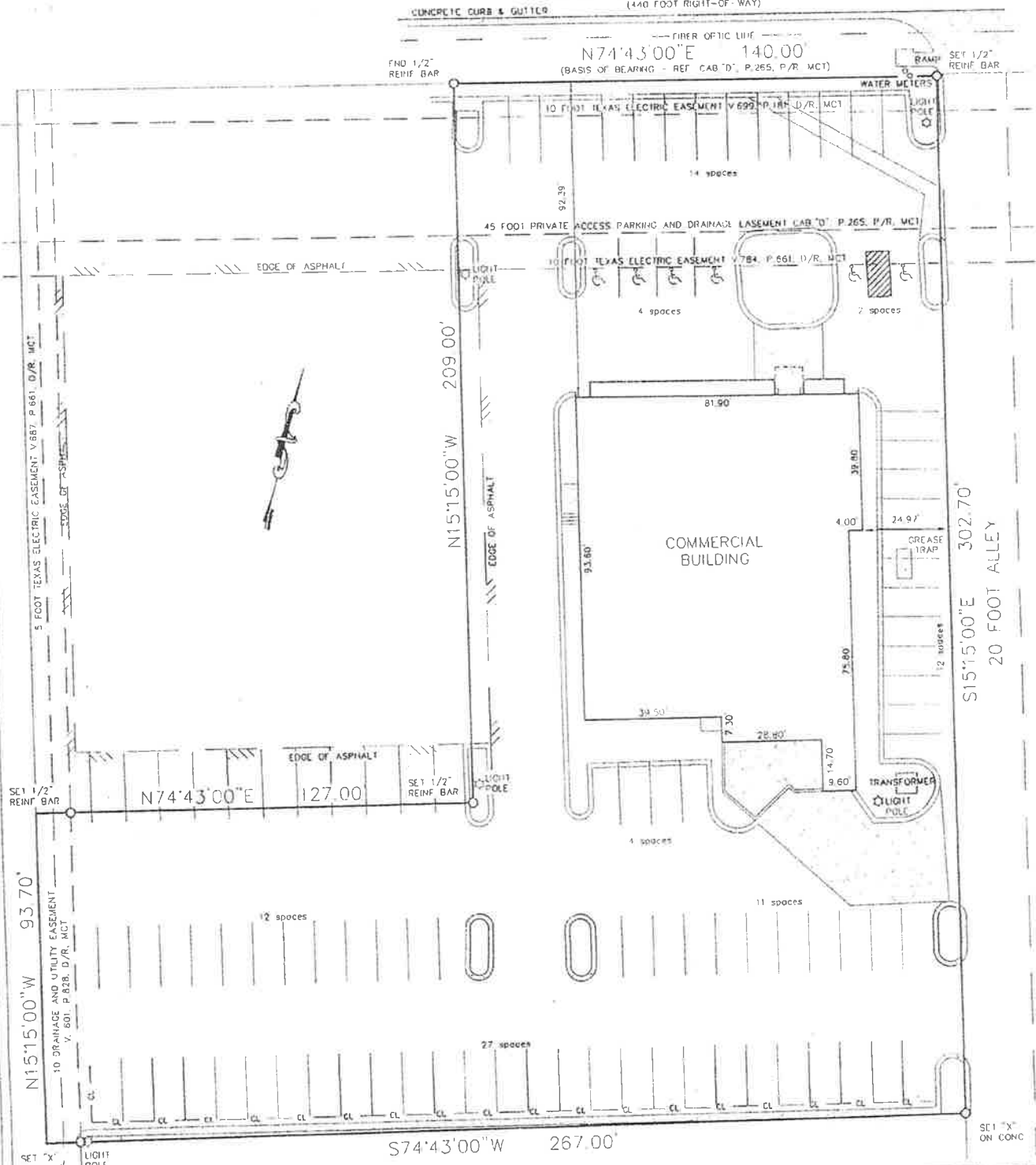
ROSENELLE CHERRY, COUNTY CLERK  
MIDLAND COUNTY, TEXAS

INSTRUMENT NO. 22411

By Linda Gray Deputy

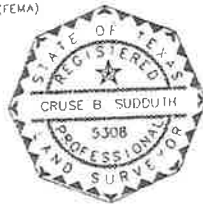
\*\*\*\*\*

2319 WEST LOOP 250 NORTH  
(440 FOOT RIGHT-OF-WAY)



FOR FLOOD INSURANCE RATING PURPOSES: THIS PROPERTY LIES WITHIN FLOOD INSURANCE ZONE DESIGNATION "X" AS DEPICTED ON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 48329-C0086E, MIDLAND COUNTY, TEXAS AND INCORPORATED AREAS EFFECTIVE DATE, DECEMBER 8, 1999, AS ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) CENSUS TRACT NO. 3.05

TO THE LIENHOLDERS, JAMES SUN AND YUEK HUA SSUN  
(OWNER) OF THE PREMISES AND TO THE ISSUING TITLE INSURANCE UNDERWRITER THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND AND THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY, EXCEPT AS SHOWN HEREON AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.  
DATED THIS 29TH DAY OF JULY, 2002



**SCHUMANN ENGINEERING CO., INC.**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
LICENSED STATE LAND SURVEYORS  
REGISTERED PROFESSIONAL CIVIL ENGINEERS  
TEXAS AND NEW MEXICO  
Civil Engineering ~ Land Surveying  
408 N. PECOS STREET - P. O. BOX 504  
MIDLAND, TEXAS 79702-0504  
Office (915) 684-5548  
Fax (915) 684-6973

**SURVEY PLAT**  
LOT 4-B  
BLOCK 2  
HATFIELD ADDITION  
SECTION 5  
AN ADDITION TO THE CITY OF MIDLAND,  
AS PER PLAT OF RECORD IN  
CABINET "D", PAGE 265, PLAT RECORDS,  
MIDLAND COUNTY, TEXAS  
PROJECT: 67469WTA  
JOB NO: 67.469  
SCALE: 1" = 30'

*Cruse B. Sudduth*  
CRUSE B. SUDDUTH