

DEDICATION OF EASEMENT

(Current as of 07-07-09)

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

That _____, hereinafter referred to as "Grantor," for and in consideration of the growth, the requirements, the benefits to accrue to the parties and the citizens of the City of Tomball, Texas, and other valuable consideration, has DEDICATED, GIVEN, GRANTED, AND CONVEYED and by these presents does hereby DEDICATE, GIVE, GRANT, AND CONVEY, unto the CITY OF TOMBALL, Texas, hereinafter referred to as "Grantee," its successors and assigns, an exclusive and perpetual gas utility easement for gas utility purposes, including the right to construct, operate, maintain, inspect, replace, and remove said public facilities, along, across, over, and under that certain tract or parcel of land in Harris County, Texas, described by metes and bounds in *Exhibit "A"* and described by survey plat in *Exhibit "B"* both of which are attached hereto and incorporated herein by reference for all purposes.

Grantee may do and perform all acts necessary to construct, operate, maintain, inspect, replace, and remove said public facilities along, across, over, and under said easement, and operate thereon all necessary machinery and equipment, and Grantee shall have the right to cut, trim, and remove trees, brush, or shrubbery, or weeds, or to remove improvements that may encroach upon, burden, or interfere with the easement herein granted. Grantor retains, reserves, and shall continue to enjoy the use of the surface of the easement area for any and all purposes that do not interfere with or prevent the use by Grantee of the easement, rights, and privileges granted herein, subject to all applicable laws and regulations of the State of Texas or its political subdivisions, including Grantee.

The easement and the rights and privileges herein granted shall be perpetual and exclusive, subject to any and all presently recorded and validly existing instruments, other than conveyance of the surface fee estate, that affects the hereinabove described property, but only to the extent they are still in effect and shown of record in the Harris County Real Property Records. Grantor covenants that Grantor will not convey any other easement, or any other right, within or conflicting with the area of the easement herein granted. This instrument shall be binding upon the successors and assigns of Grantor.

TO HAVE AND TO HOLD the above described easement, together with all and singular, the rights and appurtenances thereto in any manner belonging, unto the said Grantee, its successors and assigns, and Grantor hereby binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular said easement to Grantee and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this ____ day of _____, 20__.

GRANTOR:

Company Name: _____

Address: _____

By: _____

Printed Name: _____

Title: _____

Date: _____

Attachment: *Exhibit "A" – Gas Utility Easement, Metes and Bounds*
Exhibit "B" – Gas Utility Easement, Survey Plat

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared, _____ of _____, 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, in the capacity therein stated, and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this ____ day of _____, 20__.

Notary Public In and For the State of Texas
My Commission Expires: _____

(SEAL)

AFTER RECORDING, PLEASE RETURN TO:
City of Tomball
501 James Street
Tomball, Texas 77375
Attn: Mark A. McClure, P.E., Director of Engineering & Planning