

**RIGHT OF WAY DEED**

(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, and the benefits to accrue to the parties and the citizens of the City of Tomball, Texas, receipt of which is hereby acknowledged, has DEDICATED, GIVEN, GRANTED, AND CONVEYED and by these presents DOES DEDICATE, GIVE, GRANT, AND CONVEY, unto the said City of Tomball, Texas, a body corporate and politic under the laws of the State of Texas, all of the certain tract or parcel of land situated in the County of Harris, State of Texas, as described in *Exhibit 'A'*, which is attached hereto and made a part hereof, and described by survey plat in *Exhibit 'B'* attached hereto, both Exhibits being incorporated herein by this reference for all purposes.

To Have and To Hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said City of Tomball, its successors and assigns forever for use as roadway right of way, subject to any and all conditions, agreements, and easements, previously conveyed, if any, relating to 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, and save and except the following reservations and provisions:

The Grantor reserve all of the oil, gas and sulfur in and under said land; however, nothing in this reservation shall affect the rights of the City of Tomball to use said land and other minerals and materials thereon, therein or thereunder for roadway purposes, it being specifically understood that the City of Tomball and its assigns shall be vested with the title to and right to take and use, without additional compensation, any said, stone, earth, gravel, caliche or any other materials or minerals upon, in and under

said land, except oil, gas and sulfur, for the construction and maintenance of the Streets and Roads of the City of Tomball, Texas.

And the said \_\_\_\_\_, do hereby bind our heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said City of Tomball, 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:** \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**GRANTEE:** CITY OF TOMBALL

By: \_\_\_\_\_

Printed Name: Jan Belcher

Its: City Manager

**ADDRESS OF GRANTEE:**

The City of Tomball  
401 West Market Street  
Tomball, Texas 77375

Attachments: Exhibit "A" – \_\_\_' Right-of-Way, Metes and Bounds Description  
Exhibit "B" – \_\_\_' Right-of-Way, Survey Plat

**ACKNOWLEDGEMENT**

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_,  
known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed  
the same as the \_\_\_\_\_(Title) for \_\_\_\_\_, and for the purposes and  
consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Notary Public in and for the  
State of Texas  
My Commission Expires:

**ACKNOWLEDGEMENT**

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to  
me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the  
same as the City Manager for the City of Tomball, and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

\_\_\_\_\_

Notary Public in and for the  
State of Texas  
My Commission Expires: