

**THE CITY OF AMARILLO, TEXAS**  
**Final Distribution Memorandum**

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**D-10-18**

Planning Department, City of Amarillo, Texas  
P.O. Box 1971, Amarillo, Texas 79105-1971

October 5, 2010

TO: Final Distribution List

FROM: Planning Department

SUBJECT: D-10-18 Dedication of two Drainage Easements and a Temporary Drainage Easement located in Section 191, Block 2, AB&M Survey, Potter County, Texas. (Vicinity: Vineyard Blvd. & Broadway St.)

GRANTOR: Thomas Nielsen

The City Commission approved the above item on September 14, 2010. The dedication instrument was filed of record in Official Public Records, Potter County in Volume 4254 Pages 406 - 412 and Volume 4254 Pages 413 - 417. Copies of the instrument and vicinity sketch are attached. Please post your records accordingly.



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Kelley Shaw, Planning Director

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

01181162

**TEMPORARY DRAINAGE EASEMENT FOR OVERLAND FLOW  
AND COVENANTS RUNNING WITH THE LAND**

**THIS TEMPORARY DRAINAGE EASEMENT FOR OVERLAND FLOW AND COVENANTS RUNNING WITH THE LAND (the "Easement"),** made on the date hereinafter set forth, by FAEC Holdings 396537, LLC, 1224 Greenfield Dr., El Cajon, CA 92021, hereinafter called "GRANTOR",

**WITNESSETH**

**WHEREAS,** on the date hereinafter set forth GRANTOR warrants that it is the owner of record of the real property, described on Exhibits "A" thru "D" (the "Easement Property") attached hereto and incorporated herein by references;

**NOW THEREFORE,** GRANTOR does hereby declare that the Easement Property shall be subject to the Covenants and Easements hereinafter set forth, which shall run with the land and shall be binding on GRANTOR'S successors and assigns, and shall inure to the benefit of the City of Amarillo (hereinafter called "City").

1. The City shall have an easement for the purpose of overland flow of storm water runoff from Vineyard Boulevard and Shiraz Boulevard onto, over and across the Easement Property.

2 GRANTOR shall not cause any building, structure, fence or impediment of any kind to be erected or maintained on the Easement so as to in any way interfere with the flow of storm water runoff onto, over and across the Easement herein conveyed. A barbwire fence, steel post fence or similar type fence may be constructed across the Easement Property with the written approval of the City Engineer.

3. The Easement herein conveyed shall not be relinquished, vacated, or extinguished by GRANTOR, its successors or assigns, without the prior written consent of the Director of Public Works of the City of Amarillo, Texas. The Easement shall be temporary and cease to exist upon future development of the Easement and shall be absorbed and redefined, by plat, when dedicated as a residential development.

4. GRANTOR, or GRANTOR'S successors and assigns shall maintain the Easement Property for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with the safe and efficient use of the Easement, and further provided that such use is not inconsistent with any laws, ordinances or codes pertaining to the construction, operation or maintenance of the easement and to which the GRANTOR is subject.

5. The City may enter upon the Easement Property and do all things necessary to restore and maintain the Easement Property to provide adequate and proper drainage, to protect public health and safety. The City is hereby granted right of access to the Easement Property for such purposes.

6. GRANTOR'S warranty is limited to persons claiming by, through or under GRANTOR, but not otherwise.



FIELD NOTES for a 60.0 foot temporary drainage easement out of Section 191, Block 2, A. B. & M. Survey, Potter County, Texas, and more particularly described as follows:

BEGINNING at a 1/2" iron rod set which bears N. 89° 55' 02" W. a distance of 1131.57 feet and N. 0° 04' 58" E. a distance of 2239.73 feet from an Apex Cap found at the southeast corner of said Section 191 for the southeast corner of this easement.

THENCE in a northwesterly direction along a curve to the left with a radius equal to 2545.00 feet, a long chord bearing of N. 80° 32' 29" W. and a long chord distance of 463.03 feet, a curve length of 474.60 feet to a 1/2" iron rod set at the end of said curve for the southwest corner of this easement.

THENCE N. 4° 14' 22" E. a distance of 60.00 feet to the northwest corner of this easement.

THENCE in a southeasterly direction along a curve to the right with a radius equal to 2605.00 feet, a long chord bearing of S. 80° 32' 29" E. and a long chord distance of 473.94 feet, a curve length of 474.60 feet to a 1/2" iron rod set for the northeast corner of this easement.

THENCE S. 14° 40' 41" W. a distance of 60.00 feet to the place of BEGINNING and containing 0.646 acres (28,148 square feet) of land.

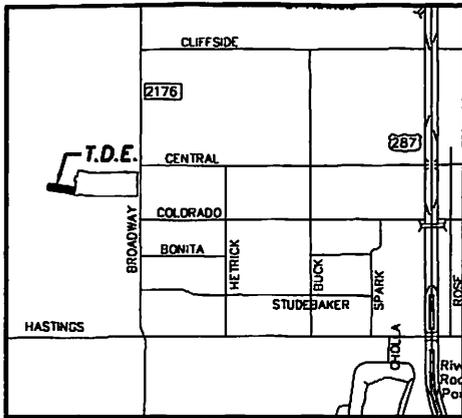
\* \* \* \* \*

STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS, that I, Richard E. Johnson, Registered  
COUNTY OF COLLINGSWORTH : Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the above described tract of land, and to the best of my knowledge and belief, the said description is true and correct.

IN WITNESS THEREOF, my hand and seal, this the 29th day of June, A.D., 2010.



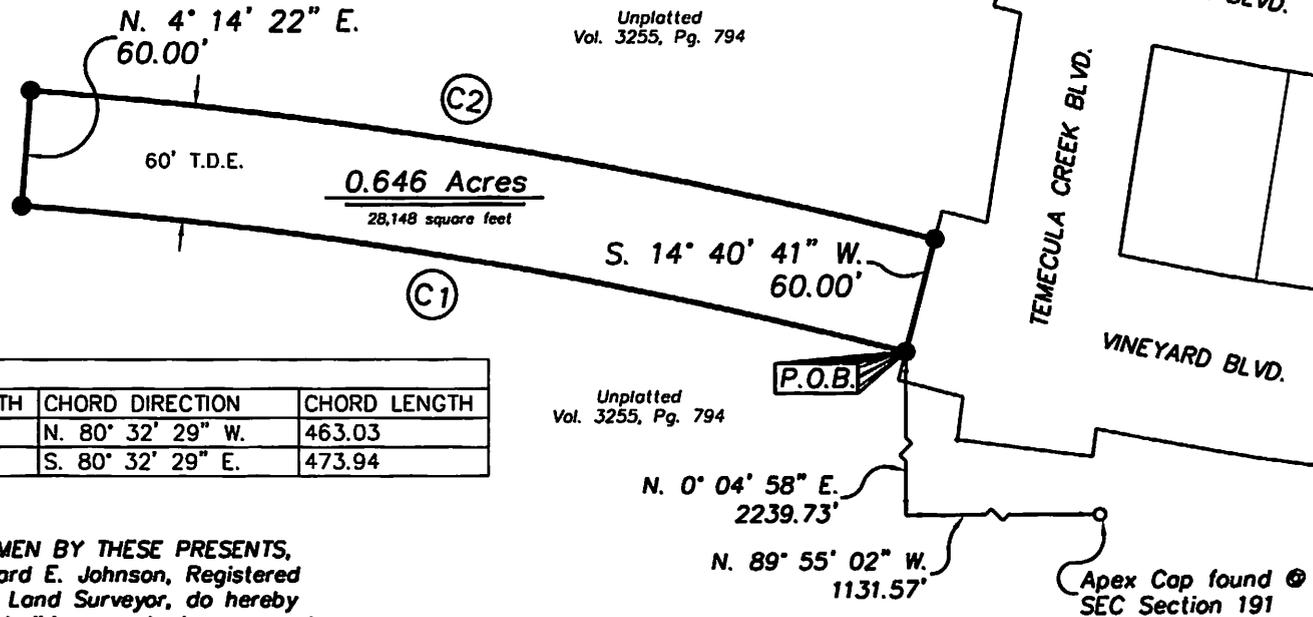
*Richard E. Johnson*  
Richard E. Johnson  
Registered Professional  
Land Surveyor #4263



**VICINITY MAP**

A.P. No. M-8

SCALE: 1" = 100'



CURVE TABLE					
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	10° 26' 19"	2545.00	463.67	N. 80° 32' 29" W.	463.03
C2	10° 26' 19"	2605.00	474.60	S. 80° 32' 29" E.	473.94

STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS,  
 COUNTY OF COLLINGSWORTH : that I, Richard E. Johnson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the tract of land shown on this plat, and to the best of my knowledge and belief, the said description is true and correct.

IN WITNESS THEREOF, my hand and seal, this the 29th day of June, A.D., 2010.

*Richard E. Johnson*  
 Richard E. Johnson  
 Registered Professional  
 Land Surveyor #4263



Note:  
 P.O.B. = POINT OF BEGINNING  
 D.E. = DRAINAGE EASEMENT

A Plat of a Temporary Drainage Easement out of Section 191, Block 2, A. B. & M. Survey, Potter County, Texas



OJD Engineering, Inc.  
 Consulting Engineers & Surveyors

806-447-2503  
 P.O. Box 543  
 Wellington, TX 79095

EXHIBIT B

VOL 4254 PAGE 409

FIELD NOTES for a 50.0 foot temporary drainage easement out of Section 191, Block 2, A. B. & M. Survey, Potter County, Texas, and more particularly described as follows:

BEGINNING at a 1/2" iron rod set which bears N. 0° 04' 58" E. a distance of 2428.62 feet and N. 89° 55' 02" W. a distance of 1083.12 feet from an Apex Cap found at the southeast corner of said Section 191 for the southeast corner of this easement.

THENCE in a northwesterly direction along a curve to the left with a radius equal to 2740.00 feet, a long chord bearing of N. 80° 31' 04" W. and a long chord distance of 494.88 feet, a curve length of 495.55 feet to a 1/2" iron rod set at the end of said curve for the southwest corner of this easement.

THENCE N. 4° 18' 03" E. a distance of 50.00 feet to the northwest corner of this easement.

THENCE in a southeasterly direction along a curve to the right with a radius equal to 2790.00 feet, a long chord bearing of S. 80° 31' 04" E. and a long chord distance of 503.91 feet, a curve length of 504.60 feet to a 1/2" iron rod set for the northeast corner of this easement.

THENCE S. 14° 39' 48" W. a distance of 50.00 feet to the place of BEGINNING and containing 0.574 acres (25,003.8 square feet) of land.

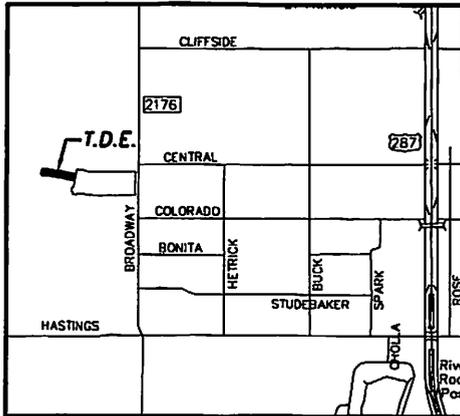
\* \* \* \* \*

STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS, that I, Richard E. Johnson, Registered  
COUNTY OF COLLINGSWORTH : Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the above described tract of land, and to the best of my knowledge and belief, the said description is true and correct.

IN WITNESS THEREOF, my hand and seal, this the 29th day of June, A.D., 2010.



*Richard E. Johnson*  
Richard E. Johnson  
Registered Professional  
Land Surveyor #4263



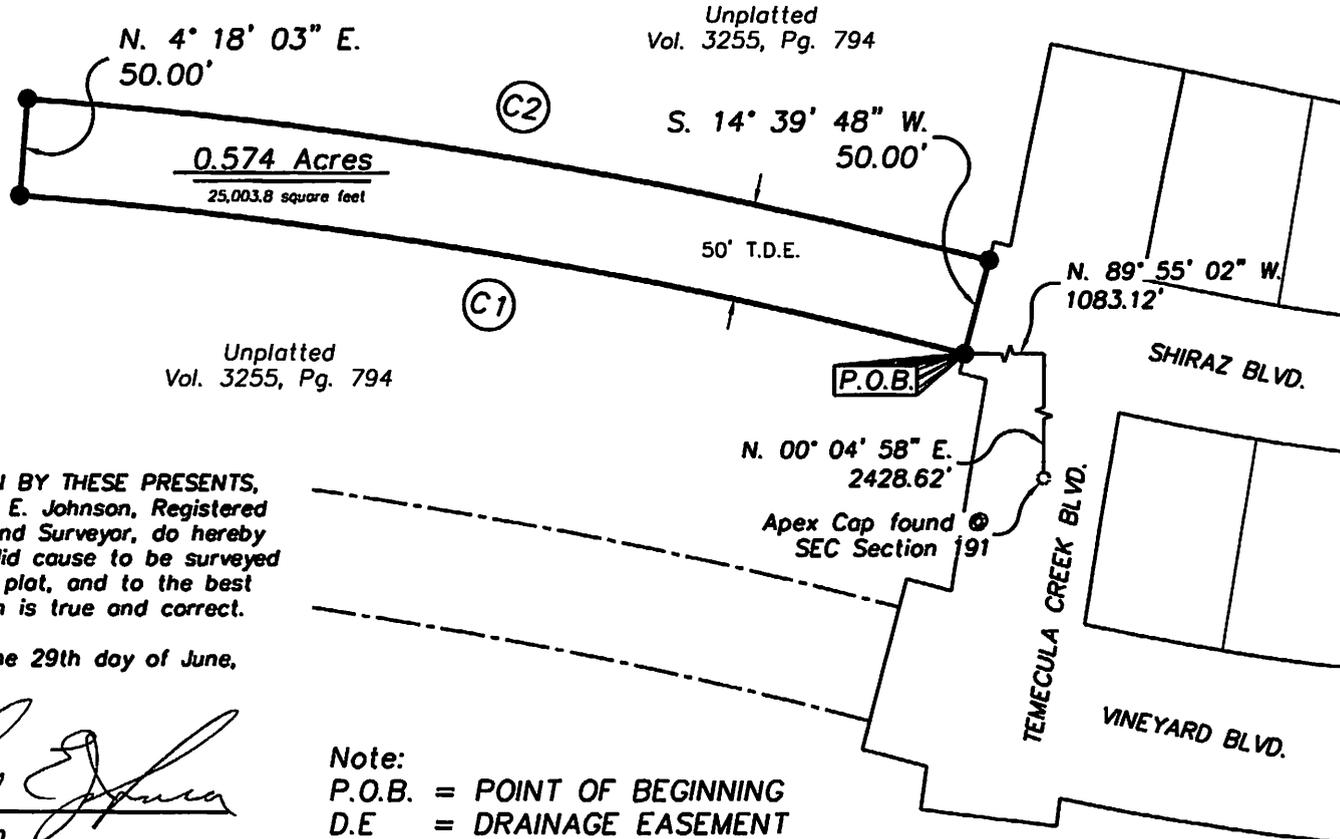
**VICINITY MAP**

A.P. No. M-8



SCALE: 1" = 100'

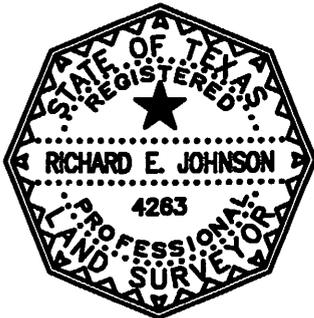
CURVE TABLE					
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	10° 21' 45"	2740.00	495.55	N. 80° 31' 04" W.	494.88
C2	10° 21' 45"	2790.00	504.60	S. 80° 31' 04" E.	503.91



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 on the ground the tract of land shown on this plat, and to the best  
 of my knowledge and belief, the said description is true and correct.

IN WITNESS THEREOF, my hand and seal, this the 29th day of June,  
 A.D., 2010.

*Richard E. Johnson*  
 Richard E. Johnson  
 Registered Professional  
 Land Surveyor #4263



Note:  
 P.O.B. = POINT OF BEGINNING  
 D.E = DRAINAGE EASEMENT

A Plat of a Temporary Drainage Easement out of Section  
 191, Block 2, A. B. & M. Survey, Potter County, Texas



**OJD Engineering, Inc.**  
 Consulting Engineers & Surveyors

806-447-2503  
 P.O. Box 543  
 Wellington, TX 79095

Filed AND Recorded  
OFFICIAL PUBLIC RECORDS  
On: Sep 17, 2010 at 08:50A

Receipt# - 148508

Document Number 01181162

Amount 36.00

Julie Smith  
County Clerk, Potter County

by JCB Deputy

STATE OF TEXAS COUNTY OF POTTER  
I hereby certify that this instrument was  
FILED on this date and at this time stamped  
hereon by me and was duly RECORDED in the  
OFFICIAL PUBLIC RECORDS OF POTTER COUNTY TEXAS,  
in the volume and page as shown.



Julie Smith, County Clerk  
Potter County

By Theresa Carter Deputy

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.

**COUNTY CLERK'S MEMO**

Portions of this document may  
not be legible and/or reproducible  
when received for recording

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

01181163

**TEMPORARY DRAINAGE EASEMENT FOR OVERLAND FLOW  
AND COVENANTS RUNNING WITH THE LAND VOL. 4254 PAGE 413**

**THIS TEMPORARY DRAINAGE EASEMENT FOR OVERLAND FLOW AND COVENANTS RUNNING WITH THE LAND (the "Easement"),** made on the date hereinafter set forth, by FAEC Holdings 396537, LLC, 1224 Greenfield Dr., El Cajon, CA 92021, hereinafter called "GRANTOR",

**WITNESSETH**

**WHEREAS,** on the date hereinafter set forth GRANTOR warrants that it is the owner of record of the real property, described on Exhibits "A" & "B" (the "Easement Property") attached hereto and incorporated herein by references;

**NOW THEREFORE,** GRANTOR does hereby declare that the Easement Property shall be subject to the Covenants and Easements hereinafter set forth, which shall run with the land and shall be binding on GRANTOR'S successors and assigns, and shall inure to the benefit of the City of Amarillo (hereinafter called "City").

1. The City shall have an easement for the purpose of overland flow of storm water runoff from Vineyard Boulevard and Shiraz Boulevard onto, over and across the Easement Property.
2. GRANTOR shall not cause any building, structure, fence or impediment of any kind to be erected or maintained on the Easement so as to in any way interfere with the flow of storm water runoff onto, over and across the Easement herein conveyed. A barbwire fence, steel post fence or similar type fence may be constructed across the Easement Property with the written approval of the City Engineer.
3. The Easement herein conveyed shall not be relinquished, vacated, or extinguished by GRANTOR, its successors or assigns, without the prior written consent of the Director of Public Works of the City of Amarillo, Texas. The Easement shall be temporary and cease to exist upon the vacation of said easement by separate instrument.
4. GRANTOR, or GRANTOR'S successors and assigns shall maintain the Easement Property for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with the safe and efficient use of the Easement, and further provided that such use is not inconsistent with any laws, ordinances or codes pertaining to the construction, operation or maintenance of the easement and to which the GRANTOR is subject.
5. The City may enter upon the Easement Property and do all things necessary to restore and maintain the Easement Property to provide adequate and proper drainage, to protect public health and safety. The City is hereby granted right of access to the Easement Property for such purposes.
6. GRANTOR'S warranty is limited to persons claiming by, through or under GRANTOR, but not otherwise.



EXHIBIT A

FIELD NOTES for a 1.755 acre temporary drainage easement out of Section 191, Block 2, A. B. & M. Survey, Potter County, Texas, and more particularly described as follows:

BEGINNING at a 1/2" iron rod set on the west right-of-way line of Broadway Avenue which bears N. 00° 04' 58" E. a distance of 1924.51 feet and N. 89° 55' 02" W. a distance of 99.71 feet from the southeast corner of said Section 191 for the southeast corner of this easement.

THENCE N. 89° 55' 02" W. a distance of 212.92 feet to a to a 1/2" iron rod set for the southwest corner of this easement.

THENCE N. 39° 37' 05" W. a distance of 316.71 feet to a 1/2" iron rod set on the south right-of-way line of Vineyard Boulevard for the northwest corner of this easement.

THENCE S. 89° 52' 05" E., along said south right-of-way line, a distance of 415.22 feet to a 1/2" iron rod with a yellow cap found on said west right-of-way line of said Broadway Avenue for the northeast corner of this easement.

THENCE S. 00° 04' 58" W., along said west right-of-way line, a distance of 243.32 feet to the place of BEGINNING and containing 1.755 acres (76,455 square feet) of land.

\* \* \* \* \*

STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS, that I, Richard E. Johnson, Registered  
COUNTY OF COLLINGSWORTH : Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the above described tract of land, and to the best of my knowledge and belief, the said description is true and correct.

IN WITNESS THEREOF, my hand and seal, this the 29th day of June, A.D., 2010.



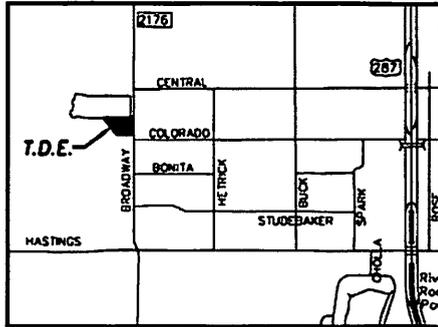
*Richard E. Johnson*  
Richard E. Johnson  
Registered Professional  
Land Surveyor #4263

The Vineyards Unit No. 1  
(Vol. 4230, Pg. 793)

VINEYARD BLVD.  
(90' R.O.W.)

S. 89° 52' 05" E. - 415.22'

SCALE: 1" = 100'



VICINITY MAP  
A.P. No. M-8

Unplatted  
Vol. 3255, Pg. 794

1.755 Acres

76,455 square feet

N. 39° 37' 05" W. - 316.71'

243.32'  
S. 00° 04' 58" W.

BROADWAY AVE.

212.92'

N. 89° 55' 02" W.

P.O.B.

N. 89° 55' 02" W.  
99.71'

N. 0° 04' 58" E.  
1924.51

Apex Cap found ●  
SEC Section 191

Note:

P.O.B. = POINT OF BEGINNING

● = 1/2" I.R. Set

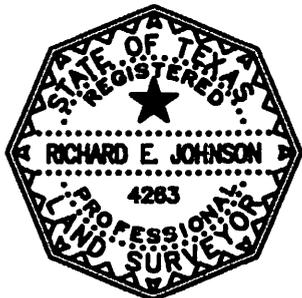
○ = 1/2" I.R. w/ a

yellow cap found

STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS,  
COUNTY OF COLLINGSWORTH : that I, Richard E. Johnson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the tract of land shown on this plat, and to the best of my knowledge and belief, the said description is true and correct.

IN WITNESS THEREOF, my hand and seal, this the 29th day of June, A.D., 2010.

Richard E. Johnson  
Registered Professional  
Land Surveyor #4263



BEARINGS BASED ON U.S. STATE PLANE OF 1983 - TEXAS NORTH ZONE UTILIZING THE CITY OF AMARILLO GPS CONTROL NETWORK.

A Plat of a Temporary Drainage Easement out of Section 191, Block 2, A. B. & M. Survey, Potter County, Texas



OJD Engineering, Inc.  
Consulting Engineers & Surveyors

806-447-2503  
P.O. Box 543  
Wellington, TX 79095

EXHIBIT B

VOL. 4254 PAGE 416

Filed AND Recorded  
OFFICIAL PUBLIC RECORDS  
On: Sep 17, 2010 at 08:50A

Receipt# - 148508

Document Number 01181163:

Amount 28.00

Julie Smith  
County Clerk, Potter County

by JCB Deputy

STATE OF TEXAS COUNTY OF POTTER  
I hereby certify that this instrument was  
FILED on this date and at this time stamped  
hereon by me and was duly RECORDED in the  
OFFICIAL PUBLIC RECORDS OF POTTER COUNTY TEXAS,  
in the volume and page as shown.



Julie Smith, County Clerk  
Potter County

By [Signature] Deputy

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.

**COUNTY CLERK'S MEMO**

Portions of this document may  
not be legible and/or reproducible  
when received for recording