

Owner accepts the Encroachment Area on an “AS IS” basis and in its present condition. Owner acknowledges that its acceptance of an “AS IS” basis forms a material part of the consideration of this Consent to Encroachment.

OWNER, ITS RESPECTIVE HEIRS, ADMINISTRATORS, EXECUTORS, SUCCESSORS AND ASSIGNS, SHALL INDEMNIFY AND SAVE HARMLESS THE CITY, ITS OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, INSURERS AND ADVISORS FROM ANY AND ALL CLAIMS, DEMANDS, CHARGES, SUITS OR ACTIONS FOR PROPERTY DAMAGE OR LOSS, OR LOSS OF USE THEREOF, AND PERSONAL INJURY AND DEATH, WHETHER AT LAW OR IN EQUITY, BROUGHT BY ANY PERSON, ENTITY, OR AGENCY, INCLUDING BUT NOT LIMITED TO OWNERS AND EMPLOYEES OR AGENTS OF OWNERS, AND ALL EXPENSES OF LITIGATION INCLUDING BUT NOT LIMITED TO, REASONABLE ATTORNEYS’ FEES AND LITIGATION EXPENSES, ARISING OUT OF OR IN ANY MANNER CONNECTED WITH THE USE, CARE OR MAINTENANCE OF THE ENCROACHMENT AND ENCROACHMENT AREA.

This Consent to Encroachment in no way relieves Owner, its heirs, administrators, executors, successors, and assigns, from the restrictions, if any, to which the City’s Property and Owner’s Property are made subject by deed or otherwise, and the restrictions contained in all applicable zoning ordinances.

The City retains the right to perform any cleaning, maintenance, alteration or removal of dirt or other matters within the area adjacent to the Encroachment Area for drainage, water or sewer service or other public services as is determined to be necessary by the City during the term of this Consent to Encroachment.

This Consent to Encroachment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

This Consent to Encroachment may be modified, amended or supplemented only by a written instrument executed by both parties.

This Consent to Encroachment was **APPROVED** by the City Commission of the City of Breckenridge on January 4, 2022.

CITY OF BRECKENRIDGE

Bob Sims, Mayor

ATTEST:

Pamela Wright, Assistant City Secretary

STATE OF TEXAS §
COUNTY OF STEPHENS §

This instrument was acknowledged before me on this _____ day of _____, 2022, by
Bob Sims, Mayor of the City of Breckenridge, Texas.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Pamela Wright, Asst. City Secretary
105 N. Rose Avenue
Breckenridge, Texas 76424