

J&J Ouster  
10510 Burfford  
J512

EASEMENT & RIGHT-OF-WAY USE AGREEMENT

THE STATE OF TEXAS §

COUNTY OF JOHNSON §

That the City of Burleson, hereinafter referred to as "City", and its franchised Utility Companies, herein referred to as "Utilities", do consent and agree to permit \_\_\_\_\_, herein after referred to as "Applicant", to use an easement/right-of-way dedicated to City. Such easement/right-of-way being described in Exhibit Number 1, to be used for the purposes of \_\_\_\_\_ upon the following conditions:

I.

That Applicant, his successors or assigns shall maintain and keep in slightly condition all of the easement area and the improvements situated thereon; and, that City and Utilities shall not become responsible for such maintenance at any time in the future. Applicant shall repair any damage to City or Utility facilities caused by Applicant within a reasonable time.

II.

That Applicant shall and does hereby agree to indemnify and hold harmless City and Utilities from any and all damages, loss or liability of any kind whatsoever by reason of injury to property or third person occasioned by its use of the easement/right-of-way or act of omission, neglect or wrong doing of Applicant, his officers, agents, employees, invitees or other persons, with regard to the improvements and maintenance of such improvements; and the Applicant shall, at his own cost and expense, defend and protect City and Utilities against any and all such claims and demands.

III.

That Applicant shall arrange for all activities and improvements in the easements to be discontinued and/or removed within thirty (30) days of notification by City. The cost associated with the discontinuing of such activities, and the removal of such improvements, as well as property adjacent to the easement/right-of-way necessitated by such discontinuation of the easement/right-of-way use, shall be borne by the Applicant.

IV.

That Applicant, his successors or assigns shall not seek compensation from City or Utilities for loss of the value of the improvements made hereunder when such improvements are required to be removed by Applicant.

V.

This agreement shall be filed of record in the Deed Records of Johnson or Tarrant County, Texas, and shall bind all future owners of this lot and shall for all purposes be considered a covenant running with the land.

IN TESTIMONY WHEREOF, Applicant executes this Easement/Right-of-Way Use Agreement on this 19th day of March, 2012.

CITY OF BURLESON:

By: Laura E. Melton

Printed Name: Laura E. Melton

Title: Dir. of Eng. Svcs

APPLICANT:

By: James B. Schusler

Printed Name: JAMES B SCHUSLER

Title: OWNER

NOTE: PLEASE COMPLETE APPROPRIATE ACKNOWLEDGEMENT ONLY.

THE STATE OF TEXAS §

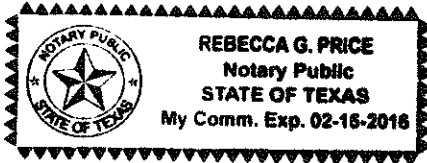
ACKNOWLEDGMENT

COUNTY OF JOHNSON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared JAMES P SCHUSLER, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that same was the act of said \_\_\_\_\_, and that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 19th day of March, 2010.

Notary Seal:



Rebecca G Price

Notary Public in and for the State of Texas

My Commission Expires: 02-15-2016

THE STATE OF TEXAS §

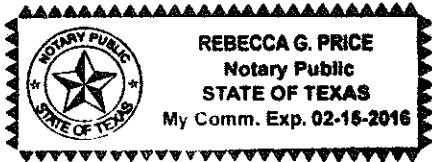
INDIVIDUAL ACKNOWLEDGMENT

COUNTY OF JOHNSON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared JAMES P SCHUSLER, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 19th day of March, 2010.

Notary Seal:



Rebecca G Price

Notary Public in and for the State of Texas

My Commission Expires: 02-15-2016

APPLICATION

Application for the Use of a Portion of Right-of-Way/Easement in the  
Addition to the City of Burleson, Texas.  
Street Address: 125 BLIFORD (if applicable)

DATE: \_\_\_\_\_

The undersigned hereby makes application for the joint use of that portion of the public utility easement/drainage easement/right-of-way situated in the above named addition, and particularly described in Exhibit No. 1 of the attached agreement. In support of this application, the undersigned represent and warrant the following:

1. The undersigned will hold the City of Burleson harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of my use of the easement/right-of-way.
2. The reason for the use of the easement/right-of-way is as follows:  
DUMPSTER PAD
3. Such public utility easement/drainage easement/right-of-way has been and is being used as follows:  
NONE

I respectfully request your favorable consideration of this application for joint use of the easement/right-of-way described and will authorize the execution of the attached agreement.

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

JAMES B SCHUSLER  
James Schuster

Signed: \_\_\_\_\_

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

Mailing Address: \_\_\_\_\_

PO BOX 470246  
FT WT TX

Telephone Number: \_\_\_\_\_

682 552 2337

Fax Number: \_\_\_\_\_

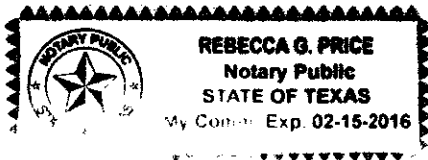
THE STATE OF TEXAS §  
COUNTY OF Tarrant §

BEFORE ME, the undersigned authority, on this the 21 day of March, 2004, personally appeared James Schuster, known to me to be a credible person and one of the signers of the foregoing application, and who, after being by me duly sworn, did upon his/her oath, state that the information contained in such application is true and correct to the best of his/her knowledge and belief.

Rebecca D Price  
Notary Public in and for the State of

NOTARY SEAL:  
Texas

My Commission Expires: 2-15-2016



NOTE: PLEASE COMPLETE APPROPRIATE ACKNOWLEDGEMENT ONLY.

THE STATE OF TEXAS §

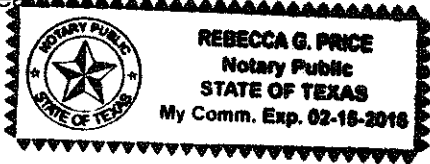
CORPORATE ACKNOWLEDGMENT

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared JAMES B SCHUSLER, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that same was the act of said \_\_\_\_\_, a corporation, and that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 19th day of March, 2012.

Notary Seal:



Rebecca G Price

Notary Public in and for the State of Texas

My Commission Expires: 2-15-2016

THE STATE OF TEXAS §

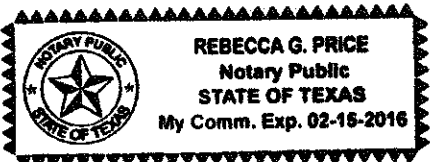
INDIVIDUAL ACKNOWLEDGMENT

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared JAMES B SCHUSLER, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 19th day of March, 2012.

Notary Seal:



Rebecca G Price

Notary Public in and for the State of Texas

My Commission Expires: 2-15-2016

## EXHIBIT NUMBER 2

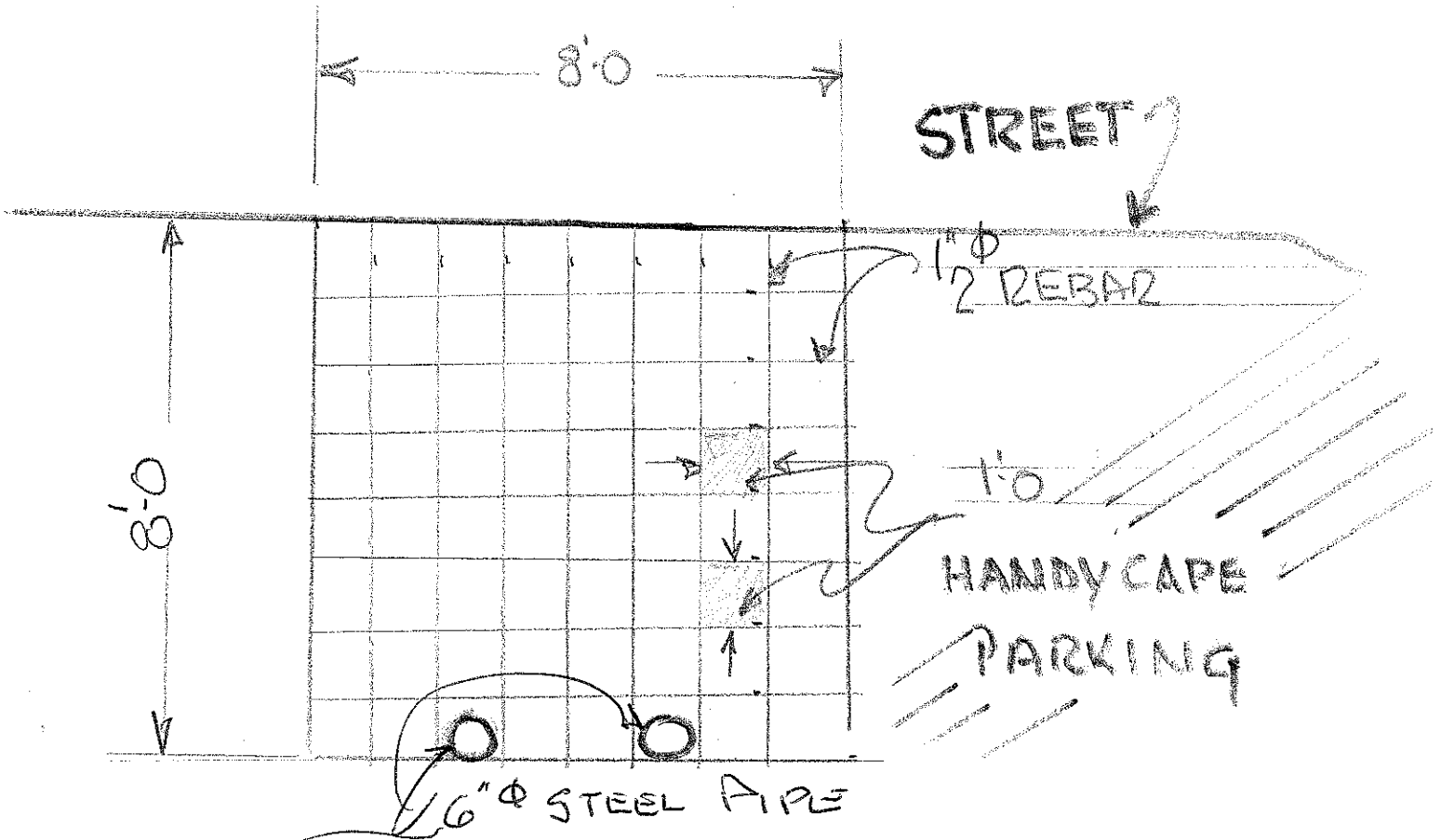
The following is a detail drawing depicting the area or portion of the easement/right-of-way and property described in Exhibit Number 1, a plat of the utility easement/drainage easement/right-of-way to be subject of the joint use agreement in the above numbered application showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the utility easement/drainage easement/right-of-way sought to be the subject of joint use agreement is situated, and the addition or additions in which the portion of the easement/right-of-way sought to be joint use is situated.

This drawing shall include a north arrow, legal description of the subject property and adjoining properties. The type of easement shall be designated on this drawing.

SEE EXHIBIT 1 & 2

EXHIBIT NUMBER 3

The following is a detail and/or cross section drawing of the improvement(s) in the easement/right-of-way to be subject of the joint use agreement in the above numbered application.



8'-0" x 8'-0" x 6" THICK CONCRETE PAD

SEE EXHIBIT 1

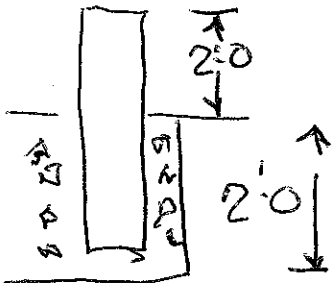


EXHIBIT 2.

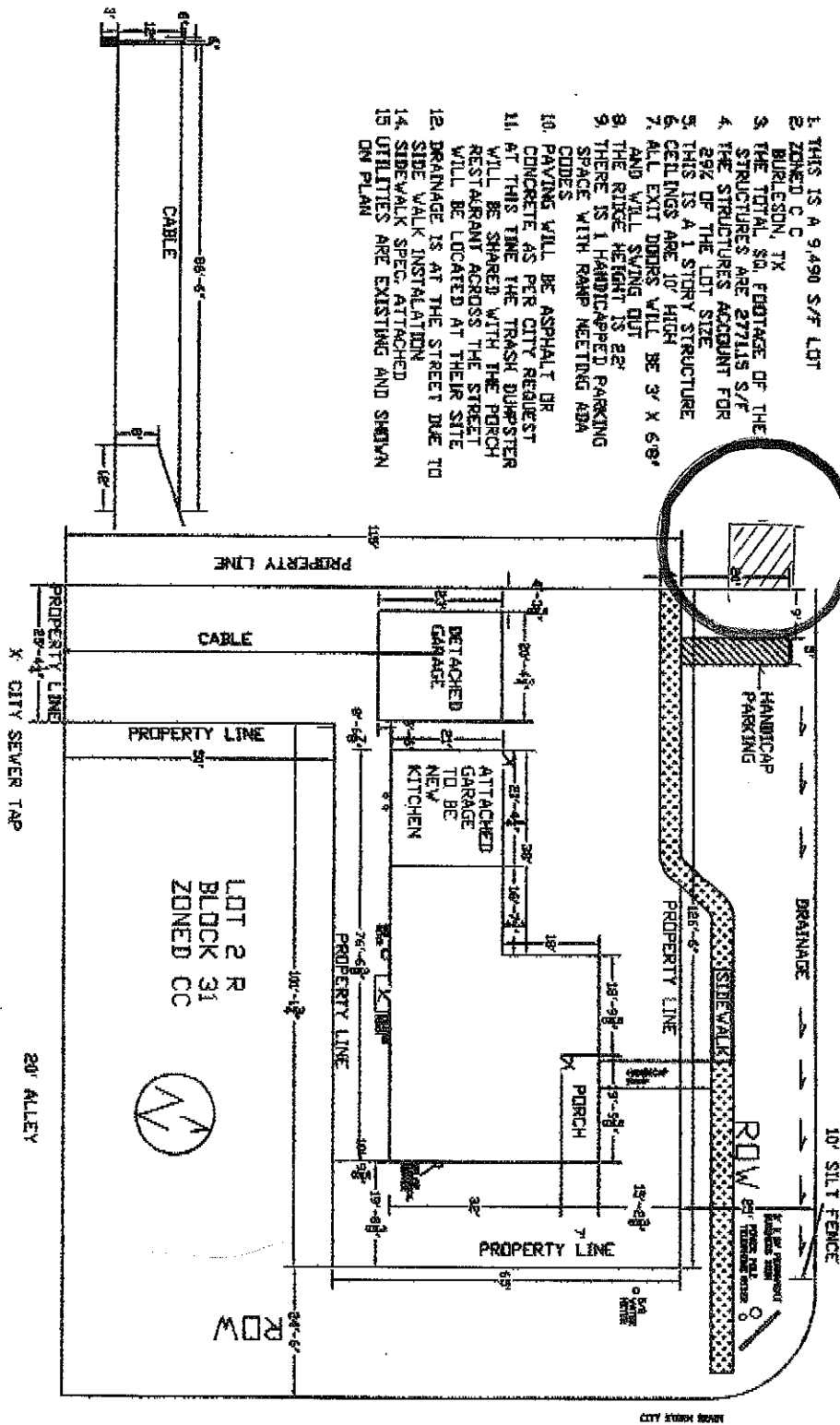
EXHIBIT NUMBER 1

Being that portion of that certain easement/right-of-way situated in \_\_\_\_\_  
\_\_\_\_\_ Addition/Survey to the City of Burleson,  
\_\_\_\_\_ County, Texas, and being more particularly described by metes and bounds as  
follows:

NOTE: DO NOT PLACE DRAWING OR GRAHICS ON THIS PAGE.

PROPOSED CONVERSION OF A RESIDENCE TO A RESTAURANT

1. THIS IS A 9,490 S/F LOT
2. ZONED C C BURELSON, TX
3. THE TOTAL SQ. FOOTAGE OF THE STRUCTURES ARE 27,115 S/F
4. THE STRUCTURES ACCOUNT FOR 29% OF THE LOT SIZE
5. THIS IS A 1 STORY STRUCTURE
6. CEILING ARE 10' HIGH
7. ALL EXIT DOORS WILL BE 3' X 6'8" AND WILL SWING OUT
8. THE RISE HEIGHT IS 22"
9. THERE IS 1 HANDICAPPED PARKING SPACE WITH RAMP MEETING ADA CODES
10. PAVING WILL BE ASPHALT OR CONCRETE AS PER CITY REQUEST
11. AT THIS TIME THE TRASH DIPSTER WILL BE SHARED WITH THE PORCH RESTAURANT ACROSS THE STREET WILL BE LOCATED AT THEIR SITE
12. DRAINAGE IS AT THE STREET DUE TO SIDE WALK INSTALLATION
14. UTILITIES ARE EXISTING AND SHOWN ON PLAN



DETAIL 8'0" X 8'0" CONCRETE SLAB  
 WEST BUFFORD STREET  
 SEE EXHIBIT NUMBER 3

EXHIBIT 1

|  |  |  |
|--|--|--|
| <b>PROPOSED REMODEL FOR A RESTAURANT</b><br>J & J OYSTER BAR BURELSON<br>120 WEST BUFFORD STREET<br>BURELSON TEXAS |  | SHEET NO.<br>DATE<br>DRAWN BY<br>CHECKED BY<br>APPROVED BY |
|--|--|--|

HENRY FABZIC 817 7343866



EXHIBIT NUMBER 4

The undersigned public utility companies, **using or entitled to use** under the terms and provisions of agreements with the City of Burleson, that portion of the public utility easement/drainage easement/utility easement/right-of-way sought to be used in Application for joint use of the utility easement/drainage easement/utility easement/right-of-way, do hereby consent to the joint use of the described portion of such utility easement/drainage easement/utility easement/right-of-way in Lot(s) \_\_\_\_\_, Block(s) \_\_\_\_\_ of the \_\_\_\_\_ Addition to the City of Burleson, \_\_\_\_\_ County, Texas.

Street name: \_\_\_\_\_

**TXU ELECTRIC**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**SBC**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**CHARTER CABLE**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**BETHESDA WATER SUPPLY CORP.**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**JOHNSON COUNTY SPECIAL UTILITY DISTRICT**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**PATHWAY COMMUNICATIONS**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**UNITED COOPERATIVE SERVICES**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**CITY OF BURLESON PUBLIC WORKS**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**ATMOS ENERGY CORP.**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**OTHER**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

UZE

9631

4269362

UTILITY CONTACT INFORMATION

817 9362

Oncor Electric Delivery (Electric)

3500 El Campo  
Fort Worth, Texas 76107

Terry Sears 817-443-3432  
PMDS Utility Designer Sr.  
[terry.sears@oncor.com](mailto:terry.sears@oncor.com)

Atmos Energy (Gas)

100 W. Morningside Drive  
Fort Worth, Texas 76110

Bob Davison 817-215-4704  
[bob.davison@atmosenergy.com](mailto:bob.davison@atmosenergy.com)

AT&T Telephone Company

1116 Houston St.  
Room 1410  
Fort Worth, Texas 76102

Tommy Ellison (817) 338-5357  
Engineering Department  
[te5574@att.com](mailto:te5574@att.com)

Charter Communications

15100 Trinity Blvd., Suite 500  
Fort Worth, Texas 76155

Greg Piatt 817-298-3625

Johnson County Special Utility District

2849 Hwy 171 South  
P.O. Box 509  
Cleburne, TX 76033-0509

Ronnie Nichols 817-558-9522  
[nicholsr@jcsud.com](mailto:nicholsr@jcsud.com)

Pathway Communications

427 N Broadway St  
Joshua, TX 76058-3413

Ricky Allen 817-484-2222  
Fax 817-447-0169  
[ricky@usapathway.com](mailto:ricky@usapathway.com)  
cc: Robert Strawn  
[robert@aciglobal.com](mailto:robert@aciglobal.com)

Bethesda Water Supply Corporation

P.O. Box 130  
509 South Burleson Blvd.  
Burleson, TX 76097

Carl Novack 817-295-2131  
Fax 817-447-9370

United Cooperative Services

P.O. Box 16  
Cleburne, TX 76033

Jason Dillard 817-556-4055  
[Jason@united-us.com](mailto:Jason@united-us.com)

City of Burleson

141 W. Renfro  
Burleson, TX 76028

Mandy Clark 817-426-9616  
Fax 817-426-9363  
[mclark@burlesontx.com](mailto:mclark@burlesontx.com)

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SAM 998 6645

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