PUBLIC TRAIL EASEMENT

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

THAT, AMERICAN MULTI-CINEMA, INC., hereinafter called "Grantor," for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by the CITY OF MESQUITE, a Texas home-rule municipality, hereinafter called "Grantee," the receipt and sufficiency of which is hereby acknowledged, does hereby grant, sell and convey to Grantee a perpetual easement and right to construct, reconstruct, expand, and perpetually use and maintain public trail facilities and trail heads including, without limitation, a twelve foot (12') wide paved hike and bike trail, together with all necessary incidental improvements and appurtenances (collectively the "Facilities") in, under, along, upon, over and across certain real property located in the City of Mesquite, Dallas County, Texas, as more particularly described in <a href="Exhibits "A" and "B" attached hereto and incorporated herein by reference as if fully set forth herein (the "Easement Property") for public recreational use.

TO HAVE AND TO HOLD the same perpetually unto the Grantee, its successors and assigns, together with the right and privilege at all times to enter the Easement Property, or any part thereof, and with the right of access, ingress and egress upon, over and across the Easement Property for the purpose of constructing, reconstructing, expanding, using, and maintaining the Facilities, and all incidental improvements and for making connections therewith. Grantee shall have the right to construct, reconstruct, expand and perpetually maintain additional Facilities at all times in the future within the Easement Property.

The easement herein granted is further for the benefit of the public and the public shall have the right of access, ingress and egress over and across the Easement Property for the purpose of using the Facilities for walking, hiking, jogging, bicycling, scenic conservation, motorized mobility devices [except as set forth in Section 2 below] including, without limitation, electric bikes and scooters, and all other lawful purposes not expressly prohibited by the terms of this easement.

This Easement Property shall be subject to the following terms and conditions:

- 1. ERECTION OF CERTAIN STRUCTURES PROHIBITED: Grantee and its successors and assigns shall not erect any building, structure or fence over or within the Easement Property except for the Facilities without obtaining prior written consent of the Grantor.
- 2. CERTAIN VEHICLES PROHIBITED: Cars, trucks, motorcycles and other automobiles are not permitted within the Easement Property except that, notwithstanding the foregoing: (i) cars, trucks, automobiles and construction equipment used by the Grantee for purposes of construction or maintenance of the Facilities shall be permitted within the Easement Property, and (ii) public safety vehicles including, without limitation, police vehicles, ambulances, fire truck apparatus, and all other vehicles used by police, fire and other public law enforcement personnel shall be permitted within the Easement Property.

This easement is a covenant running with the land and shall be binding upon, and inure to the benefit of the Grantor, the Grantee, and the public, and their respective heirs, executors, administrators, successors and assigns.

This easement shall be governed by, construed and enforced in accordance with the laws of the State of Texas (without giving effect to any conflict of law principles that would result in the application of the laws of any state other than Texas). Venue is in Dallas County, Texas.

TO HAVE AND TO HOLD the same perpetually unto the Grantee, its successors and assigns, together with all and singular the rights, privileges, and appurtenances

thereto in any manner belonging unto Grantee, its successors and assigns, forever and Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the easement rights herein conveyed to Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

SIGNED this _____ day of _______, 2019.

American Multi-Cinema, Inc.

By:

PRINT NAME: Mark McDmold TITLE: Executive Vice President

ACKNOWLEDGMENT

STATE OF KANSAS

COUNTY OF JOHNSON

This instrument was acknowledged before me on the day of March, 2019, by March Dennik Executive Corporation, on behalf of said corporation.

Notary Public, State of Kansas

AFTER RECORDING RETURN TO:

Wes McClure, P.E. City of Mesquite 1515 N. Galloway Ave. Mesquite, TX 75149

EXHIBIT 'A'

BEiNG a 0.274 acre parcel or tract of land situated in the Daniel Tanner Survey, Abstract Number 1462, in the City of Mesquite, Dallas County, Texas, and being part of a tract of land described to American Multicinema Inc in a deed as recorded in Volume 97223, Page 3695, Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch capped iron rod found for the southwest corner of said American Multicinema Inc tract and a northwest corner of the remainder of a tract of land described to the City of Mesquite as recorded in Volume 93122, Page 995, D.R.D.C.T., said point being in the east line of Jane Street (a 45-foot right-of-way), and from said point a 1/2-inch capped iron rod found for a northwest corner of said American Multicinema Inc tract bears North 02° 57' 26" West, 547.85 feet:

THENCE North 87° 02' 34" East departing the east line of said Jane Street and following the common line of said American Multicinema Inc and City of Mesquite tracts for a distance of 179.05 feet to the POINT OF BEGINNING, said point being at the beginning of a nontangent curve to the right whose chord bears North 13° 24' 54" East, 159.73 feet;

THENCE departing said common line, over and across said American Multicinema Inc the following courses and distances:

In a northeasterly direction along said curve to the right having a central angle of 15° 02' 47", a radius of 610.00 feet, and an arc length of 160.19 feet to a point for corner at the beginning of a reverse curve to the left whose chord bears North 18° 12' 17" East, 46.74 feet;

In a northeasterly direction along said curve to the left having a central angle of 05° 28' 01", a radius of 490.00 feet, and an arc length of 46.75 feet to a point for corner at the beginning of a reverse curve to the right whose chord bears North 38° 28' 26" East . 187.57 feet:

In a northeasterly direction along said curve to the right having a central angle of 46° 00' 18", a radius of 240.00 feet, and an arc length of 192.71 feet to a point for corner at the beginning of a reverse curve to the left whose chord bears North 58° 53' 35" East, 12.62 feet;

In a northeasterly direction along said curve to the left having a central angle of 05° 09' 59", a radius of 140.00 feet, and an arc length of 12.62 feet to a point for corner;

North 56° 18' 36" East for a distance of 33.48 feet to a point for corner;

North 45° 00' 12" East for a distance of 17.33 feet to a point for corner at the beginning of a curve to the left whose chord bears North 42° 13' 19" East , 15.36 feet;

In a northeasterly direction along said curve to the left having a central angle of 08° 54' 04", a radius of 99.00 feet, and an arc length of 15.38 feet to a point for corner;

North 37° 46' 17" East for a distance of 52.69 feet to a point for corner at the beginning of a curve to the left whose chord bears North 32° 04' 57" East , 56.70 feet;

In a northeasterly direction along said curve to the left having a central angle of 11° 22' 40", a radius of 286.00 feet, and an arc length of 56.79 feet, to a point for corner at the beginning of a reverse curve to the right whose chord bears North 33° 45' 44" East, 80.54 feet;

In a northeasterly direction along said curve to the right having a central angle of 14° 44' 16", a radius of 314.00 feet, and an arc length of 80.77 feet to a point for corner at the beginning of a reverse curve to the left whose chord bears North 39° 38' 46" East, 12.23 feet;

TRACT 1

0.274 ACRES (11,919 SQ. FT.)
SITUATED IN THE DANIEL TANNER SURVEY,
ABSTRACT NUMBER 1462
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

OCTOBER 2017

Brown & Gay Engineers, Inc. 2595 Dallas Pkwy., Suite 204, Frisco, TX 75034 Tel: 972-464-4800 • www.bgeinc.com TBPLS Registration No. 10193953

JOB No. 2163-01

DFM/SPR

SHEET 1 OF 5

BEARING BASIS:

BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011).

EXHIBIT 'A'

If a northeasterly direction along said curve to the left having a central angle of 02° 58' 13", a radius of 236.00 feet, and an arc length of 12.23 feet to a point for corner in the west line of a 10-foot Access Easement as recorded in Volume 88059, Page 2088, D.R.D.C.T.;

THENCE continuing over and across said American Multicinema Inc tract and following the west line of said Access Easement the following courses and distances:

South 09° 36' 46" West for a distance of 29.29 feet to a point for corner;

South 49° 55' 20" West for a distance of 47.14 feet to a point for corner at the beginning of a nontangent curve to the right whose chord bears South 24° 10' 19" West, 113.60 feet;

In a southwesterly direction along said curve to the right having a central angle of 47° 52' 18", a radius of 140.00 feet, and an arc length of 116.97 feet to a point for corner;

South 48° 06' 29" West for a distance of 70.00 feet to a point for corner at the beginning of a curve to the left whose chord bears South 46° 42' 35" West , 26.79 feet;

In a southwesterly direction along said curve to the left having a central angle of 02° 47' 47", a radius of 548.90 feet, and an arc length of 26.79 feet to a point for corner at the beginning of a nontangent reverse curve to the right whose chord bears South 59° 54' 42" West, 8.74 feet;

THENCE departing the west line of said Access Easement and continuing over and across said American Multicinema Inc tract the following courses and distances:

In a southwesterly direction along said curve to the right having a central angle of 03° 07' 45", a radius of 160.00 feet, and an arc length of 8.74 feet to a point for corner at the beginning of a reverse curve to the left whose chord bears South 38° 28' 26" West, 171.94 feet;

In a southwesterly direction along said curve to the left having a central angle of 46° 00' 18", a radius of 220.00 feet, and an arc length of 176.65 feet to a point for corner at the beginning of a reverse curve to the right whose chord bears South 18° 12' 17" West, 48.64 feet;

In a southwesterly direction along said curve to the right having a central angle of 05° 28' 01", a radius of 510.00 feet, an arc length of 48.66 feet to a point for corner at the beginning of a reverse curve to the left whose chord bears South 13° 33' 58" West, 151.41 feet;

In a southwesterly direction along said curve to the left having a central angle of 14° 44′ 38", a radius of 590.00 feet, and an arc length of 151.82 feet to a point for corner in the common line of said American Multicinema Inc and City of Mesquite tracts, from said point a 1/2-inch capped iron rod found for the southeast corner of said American Multicinema Inc and a northwest corner of said City of Mesquite bears North 87° 02′ 34" East, 15.58 feet;

THENCE South 87° 02' 34" West following the common line of said American Multicinema Inc and City of Mesquite tracts for a distance of 20.25 feet to the POINT OF BEGINNING and containing an area of 11,919 Square Feet or 0.274 Acres of land, more or less.

David F. McCullah,

Texas Registered Professional Land

Surveyor No. 4023 10-9-17

BEARING BASIS:

BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011).



TRACT 1

0.274 ACRES (11,919 SQ. FT.) SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NUMBER 1462

CITY OF MESQUITE, DALLAS COUNTY, TEXAS

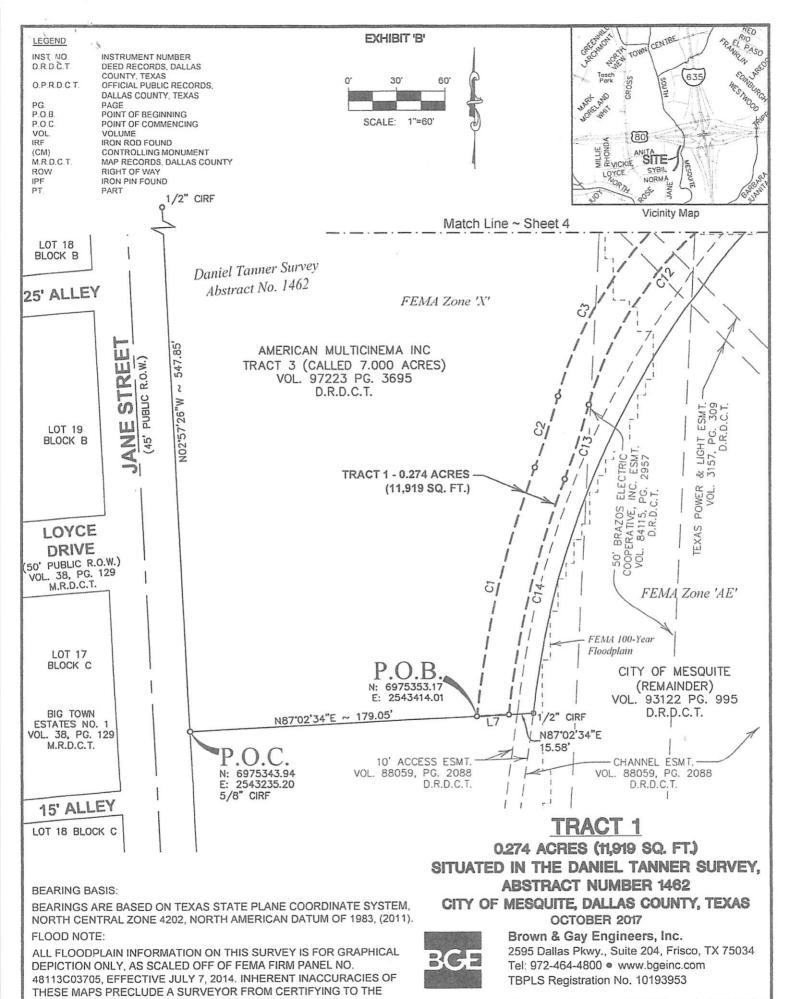
OCTOBER 2017

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JOB No. 2163-01

DFM/SPR

SHEET 2 OF 5



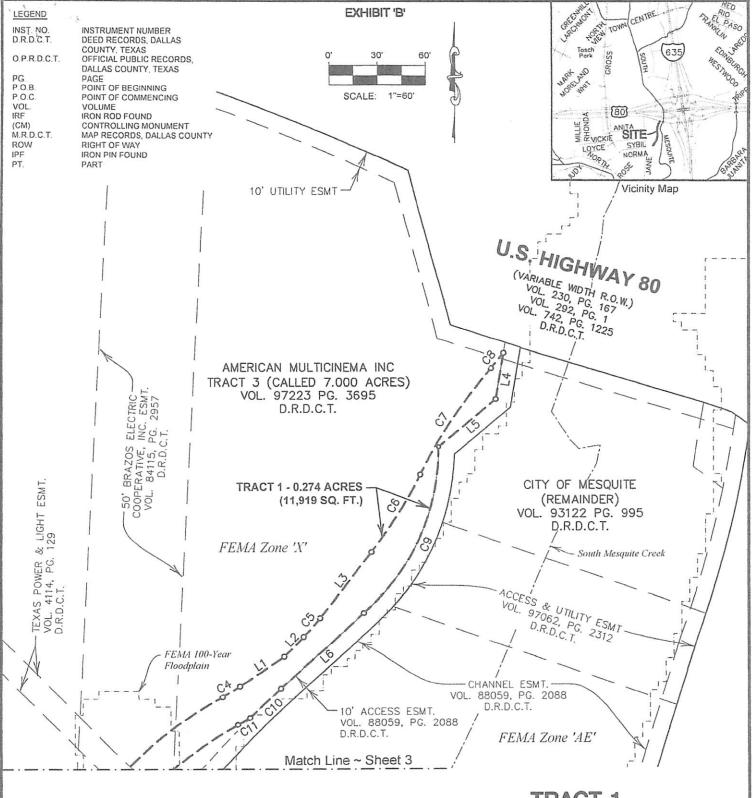
JOB No. 2163-01

DFM/SPR

SHEET 3 OF 5

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ACCURACIES OF LOCATIONS BASED ON SUCH MAPS



TRACT 1

0.274 ACRES (11,919 SQ. FT.)
SITUATED IN THE DANIEL TANNER SURVEY,
ABSTRACT NUMBER 1462
CITY OF MESOLITE DALLAS COUNTY TEXAS

CITY OF MESQUITE, DALLAS COUNTY, TEXAS
OCTOBER 2017

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JOB No. 2163-01

DFM/SPR

SHEET 4 OF 5

BEARING BASIS:

BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011).

FLOOD NOTE:

ALL FLOODPLAIN INFORMATION ON THIS SURVEY IS FOR GRAPHICAL DEPICTION ONLY, AS SCALED OFF OF FEMA FIRM PANEL NO. 48113C03705, EFFECTIVE JULY 7, 2014. INHERENT INACCURACIES OF THESE MAPS PRECLUDE A SURVEYOR FROM CERTIFYING TO THE ACCURACIES OF LOCATIONS BASED ON SUCH MAPS.

Line Table					
Line #	Length	Direction			
L1	33.48'	N56°18'36"E			
L2	17.33'	N45°00'12"E			
L3	52.69'	N37*46'17"E			
L4	29.29'	S9*36'46"W			
L5	47.14	S49*55'20"W			
L6	70.00'	S48*06'29"W			
L7	20.25	S87°02'34"W			

	Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	
C1	160.19	610.00'	15°02'47"	N13*24'54"E	159.73'	
C2	46.75	490.00'	5°28'01"	N1812'17"E	46.74'	
C3	192.71	240.00'	46°00'18"	N38*28'26"E	187.57'	
C4	12.62'	140.00'	5°09'59"	N58°53'35"E	12.62'	
C5	15.38'	99.00'	8°54'04"	N42*13'19"E	15.36'	
C6	56.79	286.00'	11°22'40"	N32'04'57"E	56.70'	
C7	80.77	314.00'	14*44'16"	N33*45'44"E	80.54'	
C8	12.23'	236.00'	2°58'13"	N39*38'46"E	12.23'	
C9	116.97	140.00'	47*52'18"	S2410'19"W	113.60'	
C10	26.79	548.90'	2°47'47"	S46*42'35"W	26.79'	
C11	8.74'	160.00'	3°07'45"	S59*54'42"W	8.74'	
C12	176.65	220.00'	46'00'18"	S38*28'26"W	171.94'	
C13	48.66'	510.00'	5*28'01"	S181217"W	48.64'	
C14	151.82'	590.00'	14*44'38"	S13'33'58"W	151.41'	

TRACT 1

0.274 ACRES (11,919 SQ. FT.)
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CITY OF MESQUITE, DALLAS COUNTY, TEXAS

OCTOBER 2017

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DFM/SPR

SHEET 5 OF 5

BEARING BASIS:

BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011).

EXHIBIT 'A'

BEING a 0.180-acre parcel or tract of land situated in the Daniel Tanner Survey, Abstract Number 1462, in the City of Mesquite, Dallas County, Texas, and being part of a tract of land described to American Multicinema Inc in a deed as recorded in Volume 97223, Page 3695, Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch capped iron rod found for the southwest corner of said American Multicinema Inc tract and a northwest corner of the remainder of a tract of land described to the City of Mesquite as recorded in Volume 93122, Page 995, D.R.D.C.T., said point being in the east line of Jane Street (a 45-foot right-of-way), and from said point a 1/2-inch capped iron rod found for a northwest corner of said American Multicinema Inc tract bears North 02° 57' 26" West, 547.85 feet;

THENCE North 87° 02' 34" East departing the east line of said Jane Street and following the common line of said American Multicinema Inc and City of Mesquite tracts for a distance of 214.88 feet to a 1/2-inch capped iron rod found for the southeast corner of said American Multicinema Inc tract and a northwest corner of said City of Mesquite tract, said point being at the beginning of a nontangent curve to the right whose chord bears North 20° 54' 01" East , 272.61 feet;

THENCE continuing along said common line in a northeasterly direction along said curve to the right having a central angle of 29° 18' 08", a radius of 538.90 feet, and an arc length of 275.61 feet to a point for corner in said common line;

THENCE North 51° 08' 46" West departing the common line of said American Multicinema Inc and City of Mesquite tracts, over and across said American Multicinema Inc tract for a distance of 47.48 feet to the POINT OF BEGINNING;

THENCE continuing over and across said American Multicinema Inc tract the following courses and distances:

North 51° 08' 46" West for a distance of 31.28 feet to a point for corner;

North 09° 27' 08" East for a distance of 61.38 feet to a point for corner;

North 21° 19' 13" West for a distance of 7.89 feet to a point for corner;

North 71° 52' 28" East for a distance of 26.90 feet to a point for corner;

South 18° 50' 44" East for a distance of 4.89 feet to a point for corner;

North 78° 54' 19" East for a distance of 131.90 feet to a point for corner;

South 37° 46' 17" West for a distance of 9.63 feet to a point for corner, being the beginning of a curve to the right;

In a southwesterly direction along said curve to the right having a central angle of 08 degrees 54 minutes 04 seconds, a radius of 99.00 feet, a chord bearing of South 42 degrees 13 minutes 19 seconds West, a chord distance of 15.36 feet, an arc length of 15.38 feet to a point for corner;

South 45° 00' 12" West for a distance of 17.33 feet to a point for corner;

South 56° 18' 36" West for a distance of 33.48 feet to a point for corner, said point being the beginning of a curve to the right:

In a southwesterly direction along a curve to the right, having a central angle of 05 degrees 09 minutes 59 seconds, a radius of 140.00 feet, a chord bearing of South 58 degrees 53 minutes 35 seconds West, a chord distance of 12.62 feet, an arc length of 12.62 feet to a point for corner;

In a southwesterly direction along a reverse curve to the left, having a central angle of 22 degrees 37 minutes 21 seconds, a radius of 240.00 feet, a chord bearing of South 50 degrees 09 minutes 54 seconds West, a chord distance of 94.15 feet, an arc length of 94.76 feet to the POINT OF BEGINNING and containing a total area of 0.180 acres (7,841).

McCULLAF

square feet) of land, more or less.

David F. McCullalt,

Texas Registered Professional Land

Surveyor No. 4023 October 24, 2018

BEARING BASIS:

BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011)

TRACT 3

0.180 ACRES (7,841 SQ. FT.) SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NUMBER 1462

CITY OF MESQUITE, DALLAS COUNTY, TEXAS
OCTOBER 2018

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BGE, Inc.

2595 Dallas Pkwy., Suite 101, Frisco, TX 75034 Tel: 972-464-4800 • www.bgeinc.com TBPLS Registration No. 10193953

JOB No. 2163-01

DFM/SPR

SHEET 1 OF 3

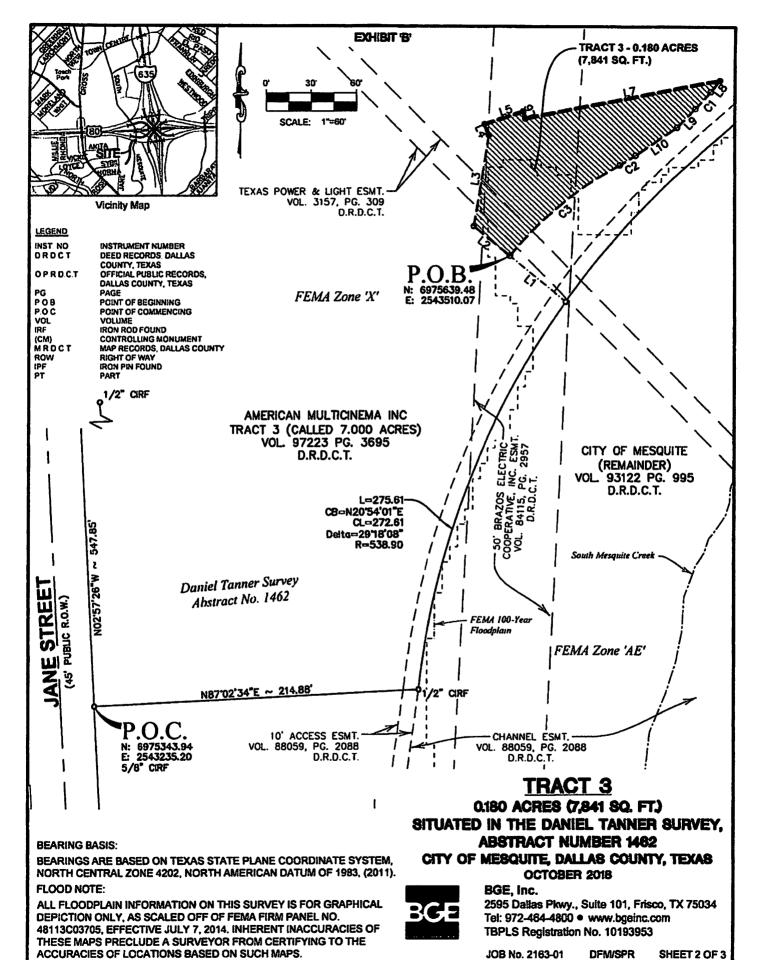


EXHIBIT B'

Line Table			
Line #	Length	Direction	
L1	47.48'	N51°08'46"W	
L2	31.28'	N51'08'46"W	
L3	61.38'	N9°27'08"E	
L4	7.89'	N2179'13"W	
L5	26.90'	N71°52'28"E	
L6	4.89'	S18"50'44"E	
L7	131.90'	N78°54'19"E	
L8	9.63'	S37'46'17"W	
L9	17.33'	S45'00'12"W	
L10	33.48'	S5678'36"W	

Curve Table						
Curve #	Length	Radius	Deita	Chord Direction	Chord Length	
C1	15.38'	99.00	8"54'04"	S4273'19"W	15.36'	
C2	12.62'	140.00	5'09'59"	S58*53'35*W	12.62'	
С3	94.76'	240.00'	22'37'21"	S50'09'54"W	94.15'	

TRACT 3

0.180 ACRES (7,841 SQ. FT.)
SITUATED IN THE DANIEL TANNER SURVEY,
ABSTRACT NUMBER 1482
CITY OF MESQUITE, DALLAS COUNTY, TEXAS
OCTOBER 2018



BGE, Inc. 2595 Dallas Pkwy., Suite 101, Frisco, TX 75034 Tel: 972-464-4800 ● www.bgeinc.com TBPLS Registration No. 10193953

JOB No. 2163-01

DFM/SPR

SHEET 3 OF 3

BEARING BASIS:

BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011).