

MARSHALL K. JOHNSON

FLOWAGE EASEMENT DEED

DATED: MAY 8, 1958

TO) FILE #1140

FILED: MAY 7, 1958

REC'D: VOLUME 227, PAGE 278

UNITED STATES OF AMERICA

DEED RECORDS, MARION CO., TEXAS

STATE OF TEXAS

COUNTY OF MARION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, Marshall K. Johnson, resident of Pulaski County, Arkansas, for and in consideration of the sum of ONE HUNDRED SEVENTY-FIVE & NO/100 (\$175.00) Dollars, cash in hand paid, the receipt and adequacy of which is hereby acknowledged and full acquittance and discharge granted therefor, have bargained, sold, transferred, conveyed, set over and delivered, and by these presents do bargain, sell, transfer, convey, set over and deliver, with all legal warranties and with full substitution and subrogation in and to all the rights and actions of warranty which we have or may have against all preceding owners and vendors, unto the UNITED STATES OF AMERICA, and its assigns, except as below stated, the perpetual right, power, privilege, and easement occasionally to overflow, flood and submerge the land hereinafter described and to maintain mosquito control in connection with the operation and maintenance of the Ferrells Bridge Dam and Reservoir Project as authorized by the Act of Congress approved 24 July 1946, Public Law 526 - 79th Congress, together with all right, title, and interest in and to the structures and improvements now situate on the land, excepting: Short span, 3-strand barbed wire fencing, provided that no structures for human habitation shall be constructed or maintained on the land and

provided further that no structures of other type (except as noted above) shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project; reserving, however, to the owners of the lands, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; the land in, on and to which the rights, privileges, easements and servitudes are hereby conveyed being described as follows:

A certain tract or parcel of land lying and being situated in the County of Marion, State of Texas, together with all the buildings and improvements thereon, and all the rights, powers, privileges, ways, hereditaments, easements, appurtenances and advantages thereunto belonging or in anywise appertaining, being more fully described as follows:

A certain tract of land lying and being in the County of Marion, Texas, and in the R. W. Marlar Survey (Abstract No. 272), and more particularly described as follows:

BEGINNING at southwest corner of land of Netto Bennett et al or assigns on the south line of the survey 520 varas east of the southerly southwest corner of same;

THENCE west along said south line 40 varas to a point on the 254.5 foot mean sea level contour;

THENCE along and with the general meanders of said contour as follows: N 45 deg. W, 80 varas; N 77 deg. W, 430 varas to the east line of the W. C. Towers Survey (Abstract No. 373);

THENCE north along said line passing the northeast corner thereof at 128 varas and continuing along the east line of land of J. O. Brooks Trust Company and in all 378 varas to a point;

THENCE S 60 deg. E. along a new line 600 varas to the west line of land of Netto Bennett et al or assigns;

THENCE south along said line 220 varas to the point of beginning, containing an area of 26.20 acres, more or less.

The above estate if taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

TO HAVE AND TO HOLD the above described rights, privileges, easements and servitudes unto the UNITED STATES OF AMERICA, or its assigns, forever.

In consideration of the premises, it is expressly understood and agreed that the above specified consideration liquidates in full all damages whatsoever that have occurred, or may hereafter occur, to the land described hereinabove, and to the appurtenances thereunto belonging.

The Vendors further warrant that the lands described above are owned by them in fee simple, and are free from any mortgage, lien, judgment or any other encumbrances whatsoever, except those conveyed rights and privileges outstanding in third parties and enumerated as follows:

Minerals owned as follows: W. R. Fair - 1/4 (NP) Royalty

C. D. Davis- 1/4 (NP) Royalty

J. R. Cornelius, Sr. and J. R. Cornelius, Jr., 2.50 acre interest minerals.

Mrs. Dora Gill, Mrs. Ruth Finley and Mrs. Mattie Sue Christian - 2 1/2 acres interest minerals.

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Mr. Clifford C. Cool, Chairman
State Board of Registration for Public Surveyors

8. The TSA Board of Directors would appreciate a joint meeting with the Registration Board to discuss more fully the various facets of the question.

The purpose of this letter is to offer full support and cooperation with the Registration Board in trying to resolve this perplexing and onerous problem. No criticism is being made, intended or implied. The members of the Registration Board have done an outstanding job in behalf of the Surveying Profession in this State and have performed a dedicated public service as well. The TSA Board merely wishes to express its feelings on this troublesome problem for whatever benefit or service it may serve.

Respectfully Submitted,

B. D. King, President
Texas Surveyors Association

Comments:

9. Bureaus, Departments of Federal, State, County, and City, are transgressing on surveying, and the public, to a far greater extent than the Engineering profession. This should be in mind, and on top of desk, during any action taken by T. S. A., and/or, the State Board of Registration for Surveyors.

Respectfully,

Perry Thompson

9/25/59

File No. 15

Marion County

Sketch File

Filed July 7, 1960

BILL ALLCORN, Com'r

By J. R. Byron

Flowage Easement Deed.

No Record of being

Rec'd in this

office.

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