

**PART III, ATTACHMENT 2**

**APPENDIX III-2G**

**PROPOSED DETENTION POND ACCESS EASEMENT**

**ACCESS EASEMENT  
FOR INSPECTION OF DETENTION POND FACILITY**

**DATE:** \_\_\_\_\_, 202\_\_

**GRANTOR:** USA Waste of Texas Landfills, Inc.

**GRANTOR'S ADDRESS:** 24275 Katy Freeway, Suite 450  
Katy, Texas 77494

**GRANTEE:** Texas Commission on Environmental Quality (TCEQ)

**GRANTEE'S ADDRESS:** TCEQ Headquarters  
12100 Park 35 Circle  
Austin, Texas 78753

TCEQ Region 12  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

**ACCESS EASEMENT:**

Purpose, Restrictions, and Uses of Easement:

1. The purpose of this Access Easement is to allow GRANTEE, and each duly authorized employee, representative, agent, or contractor of GRANTEE ("GRANTEE PARTY"), access to the detention pond facility on the Easement Area for compliance inspections during the active life and post-closure care period of the Hawthorn Park Recycling and Disposal Facility.
2. GRANTEE and each GRANTEE PARTY is authorized to enter the Easement Area at all reasonable times during the hours when the Hawthorn Park Recycling and Disposal Facility is operating and as often as necessary to inspect the detention pond facility on the Easement Area for purposes of determining and enforcing compliance with the terms and conditions of TCEQ Permit No. MSW-2185A for the Hawthorn Park Recycling and Disposal Facility; provided, however, that GRANTOR may from time to time designate in writing reasonable points of access, access routes, and/or access times for such inspections and, in any event, such access shall be limited to such access as is reasonably necessary and shall not interfere with GRANTOR's use of the Easement Area or use of GRANTOR's property adjacent to the Easement Area.
3. Consistent with, and subject and limited to, the scope of the access authorization as set forth in Provision Nos. 1 and 2 above, GRANTEE is authorized to enter the Easement Area to inspect all detention pond facility structures, equipment, practices, and operations related to the detention pond facility's receipt,

management, control, and discharge of surface water drainage from the Hawthorn Park Recycling and Disposal Facility.

4. Any activity on or use of the Easement Area by GRANTEE that is inconsistent with the purpose of this Access Easement is prohibited.

**PROPERTY SUBJECT TO ACCESS EASEMENT:**

GRANTOR's property subject to this Access Easement (the "Easement Area") is described in Exhibit A and shown on Exhibit B, both of which are attached hereto and made a part hereof.

The Access Easement granted herein is subject to all leases, easements, rights-of-way, encumbrances, covenants, conditions, exceptions, agreements, restrictions, servitudes, and reservations heretofore granted or reserved and of record, and physical obstructions.

**OBLIGATIONS:**

Except to the extent caused by GRANTOR's negligence or intentional tort, GRANTOR shall not be responsible or liable for injuries to GRANTEE or any GRANTEE PARTY, including, but not limited to, death of any GRANTEE PARTY or damage to any GRANTEE or GRANTEE PARTY property to the extent that such injuries or damages result from GRANTEE's exercise of the rights granted herein or assumed in connection herewith.

GRANTEE agrees to assume all risks associated with entering the Easement Area set forth under this Access Easement. GRANTEE shall comply with all applicable safety regulations, rules, and laws when accessing the Access Easement area.

**RESERVED RIGHTS:**

GRANTOR reserves to itself, and to its personal representatives, heirs, successors, and assigns, all rights accruing from their ownership of the servient, fee simple estate of such Easement Area, including the right to engage in or permit or invite third parties to engage in all uses of the Easement Property that are not expressly prohibited herein and are not inconsistent with the purposes of this Access Easement.

**TERM:**

This Access Easement shall run with the land and shall be binding on all parties and persons claiming under GRANTOR for a period of two years from the date that this Access Easement is recorded; after which time, this Access Easement shall be automatically extended until the subject detention pond facility ceases to receive, manage, control, and discharge surface water drainage from the Hawthorn Park Recycling and Disposal Facility, or otherwise ceases to be a component part of the facility surface water drainage system for the Hawthorn Park Recycling and Disposal Facility.

This Access Easement shall not be revised by GRANTOR, or its successor(s) or assign(s), except as authorized in writing by GRANTEE.

**ENFORCEMENT:**

Enforcement of this Access Easement shall be proceedings at law or in equity against any person or persons violating or attempting to violate this Access Easement, either to restrain the violation or to recover damages.

**FOR AND IN CONSIDERATION** of TCEQ Permit No. MSW-2185A for the Hawthorn Park Recycling and Disposal Facility, which permit GRANTEE has issued to GRANTOR, GRANTOR does hereby grant and convey to GRANTEE and to its successors and assigns the Access Easement described herein.

**GRANTOR:**  
**USA WASTE OF TEXAS LANDFILLS, INC.**

By: \_\_\_\_\_

Name: Donald J. Smith

Title: President

**ACKNOWLEDGMENT**

STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, on this the \_\_\_ day of \_\_\_\_\_, 202\_, personally appeared Donald J. Smith, President, of USA Waste of Texas Landfills, Inc., a Delaware corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the \_\_\_ day of \_\_\_\_\_, 202\_.

Notary Public in and for the State of Texas,  
County of Harris

\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**GRANTEE:  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

By: \_\_\_\_\_

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

Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

BEFORE ME, on this the \_\_\_ day of \_\_\_\_\_, 202\_, personally appeared \_\_\_\_\_  
\_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing  
instrument, and he acknowledged to me that he executed the same for the purposes and  
consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the \_\_\_ day of \_\_\_\_\_, 202\_.

Notary Public in and for the State of Texas,  
County of \_\_\_\_\_

\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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**EXHIBIT A**

Hawthorn Park Recycling & Disposal Facility  
Detention Pond  
Metes and Bounds Description of Easement Area

Hawthorn Park Recycling & Disposal Facility  
Detention Pond  
Metes and Bounds Description

Being a 45.27 acre (Call 45.30 acres) tract comprising all of Reserve B - Gessner Park Plaza (Film Code No. 373029 of the Map Records of Harris County) in the John Ridden Survey, A-669, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a iron rod with aluminum cap "PREJEAN" found for the Southeast corner of Lot 11, Block 5, Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records), the Southwest corner of said Gessner Park Plaza and being on the on the north right-of-way line of Tanner Road (60' ROW);

Thence N 02°18'24" W; passing at a distance of 20.00 feet a 5/8" iron rod with aluminum cap "Martin Olson Survey RPLS 4524" set for the Northeast corner of that certain 0.152 acre tract - 20' wide street right-of-way easement to the City of Houston (Harris County Clerk's File No. T046217) and the Southeast corner of the Hawthorn Park Recycling & Disposal Facility 210.26 acre permit boundary tract; for a total distance of 370.12 feet to the Southwest corner of said Reserve B (N 749,773.68 E 3,093,928.72 landfill site coordinate) and the POINT OF BEGINNING of this 45.27 acre Detention Pond tract.

Thence N 02°18'24" W (Call North) a distance of 2462.62' (Call 2462.34') to a iron rod with aluminum cap "MARTIN OLSON SURVEY RPLS 4524" set for the Northeast corner of said Hawthorn Park Recycling & Disposal Facility tract and the Northwest corner of Reserve B.

Thence N 87°38'42" E (Call N 89°57'00" E) a distance of 177.17 feet (Call 176.85') to a 3/4" iron pipe bent found for a point for corner.

Thence N 87°50'18" E (Call S 89°52'22" E) a distance of 617.32' (Call 617.01') to the Northeast corner of Reserve B and from which a 3/4" iron pipe found for the Northeast corner of Reserve C, Gessner Plaza Park bears N 87°50'18" E - 350.00'.

Thence S 02°06'26" E (Call S 00°06'41" E) a distance of 292.00' to a point for corner.

Thence N 87°50'18" E (Call S 89°52'22" E) a distance of 350.00' to a point for corner.

Thence S 02°06'26" E (Call S 00°06'41" E) along the west right-of-way line of Gessner Road a distance of 60.00' to a point for corner and from which a found 5/8" iron rod bears S 02°06'26" E - 2478.22'.

Thence S 87°50'18" W (Call N 89°52'22" W) a distance of 350.00' to a point for corner.

Thence S 02°06'26" E (Call S 00°06'41" E) a distance of 2123.30' (Call 2123.28') to the Southeast corner of Reserve B.

Thence S 88°43'10" W (Call N 88°58'16" W) a distance of 786.01 (Call 787.74') to the POINT OF BEGINNING.

See map that accompanies this description.

Bearings and coordinate based on Hawthorn Park site coordinate system.

Surveyed on the ground as of 07/28/2020

Martin Olson Survey Inc.

Kevin A Olson  
Texas Registered Professional Surveyor No. 4524  
Hppermitnad27 DETENTION POND.doc

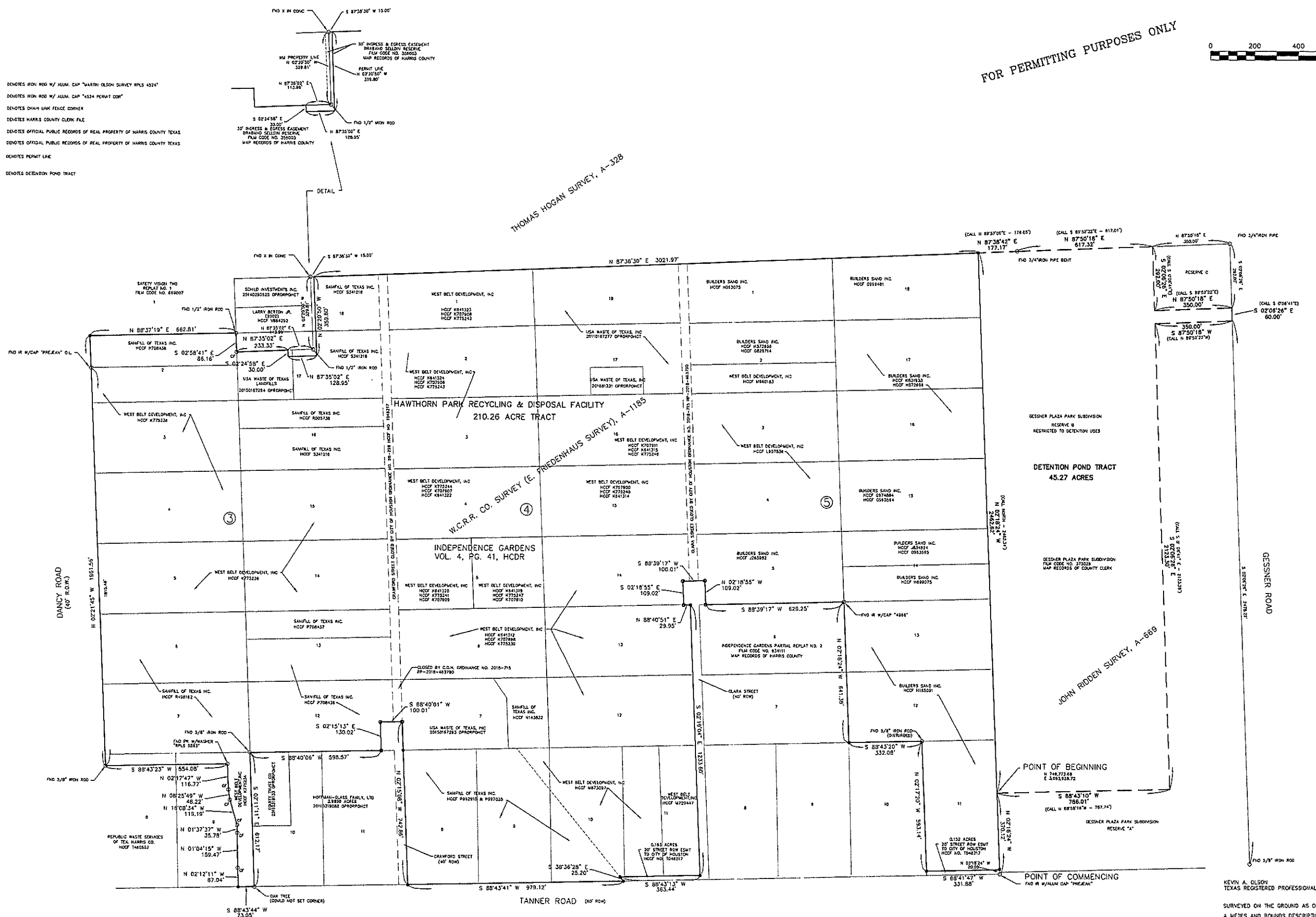



**EXHIBIT B**

Hawthorn Park Recycling & Disposal Facility  
Detention Pond  
Drawing of Easement Area

- LEGEND**
- DENOTES IRON ROD W/ ALUM. CAP "MARTIN OLSON SURVEY MFS 4524"
  - DENOTES IRON ROD W/ ALUM. CAP "4524 PERMIT CONT"
  - OF DENOTES CHAIN LINK FENCE CORNER
  - HCCF DENOTES HARRIS COUNTY CLERK FILE
  - OPORPHOCT DENOTES OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY TEXAS
  - RP DENOTES OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY TEXAS
  - DENOTES PERMIT LNK
  - DENOTES DETENTION POND TRACT

FOR PERMITTING PURPOSES ONLY



 <b>WASTE MANAGEMENT OF TEXAS, INC.</b>	<b>DETENTION POND MAP</b> <b>HAWTHORN PARK</b> <b>RECYCLING &amp; DISPOSAL FACILITY</b> BEING ALL OF RESERVE B - GESSNER PARK PLAZA (FILM CODE NO. 373029 MAP RECORDS OF HARRIS COUNTY) IN THE JOHN RIDDEN SURVEY, A-669 HARRIS COUNTY, TEXAS	FIRM REGISTRATION NO. 1019414 <b>MARTIN OLSON SURVEY INC.</b> PROFESSIONAL SURVEYORS, RESURVEY CONSTRUCTION & TOPOGRAPHIC SURVEYS 227 BERKECK DR. HUMBLE, TX 77338 PH 281-448-8899 FAX 281-448-8509 HP_2019 PERMIT HAWTHORN DETENTION POND.DWG
	0.152 ACRES 20' STREET ROW EAST TO CITY OF HOUSTON HCCF NO. 1042717	