

480 STOCK, LOUIS T., et. ux. MONROVA LATERAL "D" (141) EASEMENT

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
RIO GRANDE PROJECT, NEW MEXICO-TEXAS

CONTRACT AND GRANT OF RIGHT-OF-WAY EASEMENT

THIS CONTRACT, made this 1st day of February 19 62, pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, including particularly the Reclamation Project Act of 1939 (53 Stat. 1187), between THE UNITED STATES OF AMERICA, and its assigns, hereinafter styled the United States, represented by the officer executing this contract, and LOUIS T. STOCK AND MARY B. STOCK, his wife, their heirs, successors, and assigns, hereinafter styled the Grantor.

WITNESSETH THAT:

2. For and in consideration of the sum of one dollar (\$1.00) receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to the United States, and its assigns, an exclusive right, privilege, and easement to construct, replace, operate and maintain ditches, canals, laterals, drains, aqueducts, water conduits, fences, bridges, roads, telephone and telegraph lines and any other structures or facilities the United States may deem necessary or desirable for the construction, operation, and maintenance of the Rio Grande Project, and the exclusive right, privilege, and easement to remove from or place on earth and rock, with the right of ingress and egress for the purpose of carrying out the easement granted, in and upon that certain tract or parcel of land situate, lying and being in Tract 15A, Block 5, Upper Valley, El Paso County, State of Texas, survey of said land being approved by the Commissioners Court of the County of El Paso on December 12, 1932, and being more particularly described in Schedule A hereof.

3. Any portion of the above described tract or land not fenced by the United States may be used by the Grantor at his own risk, for any purpose which will not in the opinion of the Project Manager, Rio Grande Project, interfere with the easement herein granted to the United States, and in connection with any use by the Grantor, he agrees to hold the United States harmless from all liability for damage and claims therefor, arising directly or indirectly from such use, and will reimburse the United States for any damages resulting from its use thereof to structures of the United States located on said right-of-way. The Grantor does hereby agree and covenant that no portion of this easement will be occupied by farm water conveyance ditches or laterals that are constructed by the Grantor or his assigns.

4. This grant of easement is subject to existing rights or easements, if any, in the above described land for railroads, pipe lines, power lines, telephone and telegraph lines, roads, highways, ditches or canals, and any existing reservation of mineral rights, and the following listed leases:

None

5. This grant of easement is also subject to the following described mortgages, deeds of trust, or other liens and encumbrances and no others:

None

6. The Grantor does hereby covenant that at the delivery of this easement, he is lawfully seized, in his own right, of an absolute and inalienable inheritance, in fee simple, of and in all and singular the tract of land covered by this easement, free and clear of encumbrances or liens except as listed herein, and will warrant and forever defend the same unto the United States against said Grantor, and all and every person or persons whomsoever lawfully claiming or to claim the same.

7. It is expressly stipulated that upon permanent abandonment of this easement, as evidenced by written notice to that effect from the Secretary of the Interior to the occupant, the right, privilege, and easement granted herein shall terminate and the interest of the United States hereunder shall revert to the Grantor.

8. The United States will abandon that portion of the existing Montoya Lateral "D" made unnecessary by the realignment upon completion of construction of the relocated Montoya Lateral "D" through the parcel of land shown on Drawing No. 23-503-6504 attached hereto and more particularly described in Schedule A hereof. The said abandonment shall not be effected until the United States has satisfied itself that the Grantor herein has a good and marketable title to the lands of the relocated right-of-way, free and clear of any liens or encumbrances, except those herein specifically mentioned. In the event said Grantor does not have a good and marketable title, or if liens or encumbrances other than those herein specifically waived by the United States by the provisions hereof, are found to exist, the United States may, at its option require the Grantor to furnish satisfactory title or may itself obtain the instruments necessary to provide same, and may recover the cost of obtaining the same from the Grantor.

9. The Grantor agrees, at his own expense, to move onto the right-of-way of the realignment of the Montoya Lateral "D" the earth fill material necessary for the construction of the lateral and to remove the banks and fill the existing ditch.

10. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this contract if made with a Corporation or Company for its general benefit.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed the day and year first above written.

THE UNITED STATES OF AMERICA

By:

W. F. Resch
W. F. Resch, Project Manager, Rio Grande
Project, Bureau of Reclamation

GRANTOR

Louis T. Stock
Louis T. Stock

Mary B. Stock
Mary B. Stock

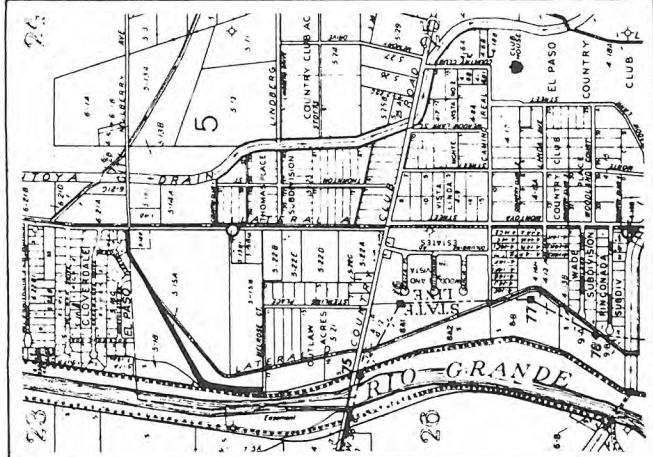
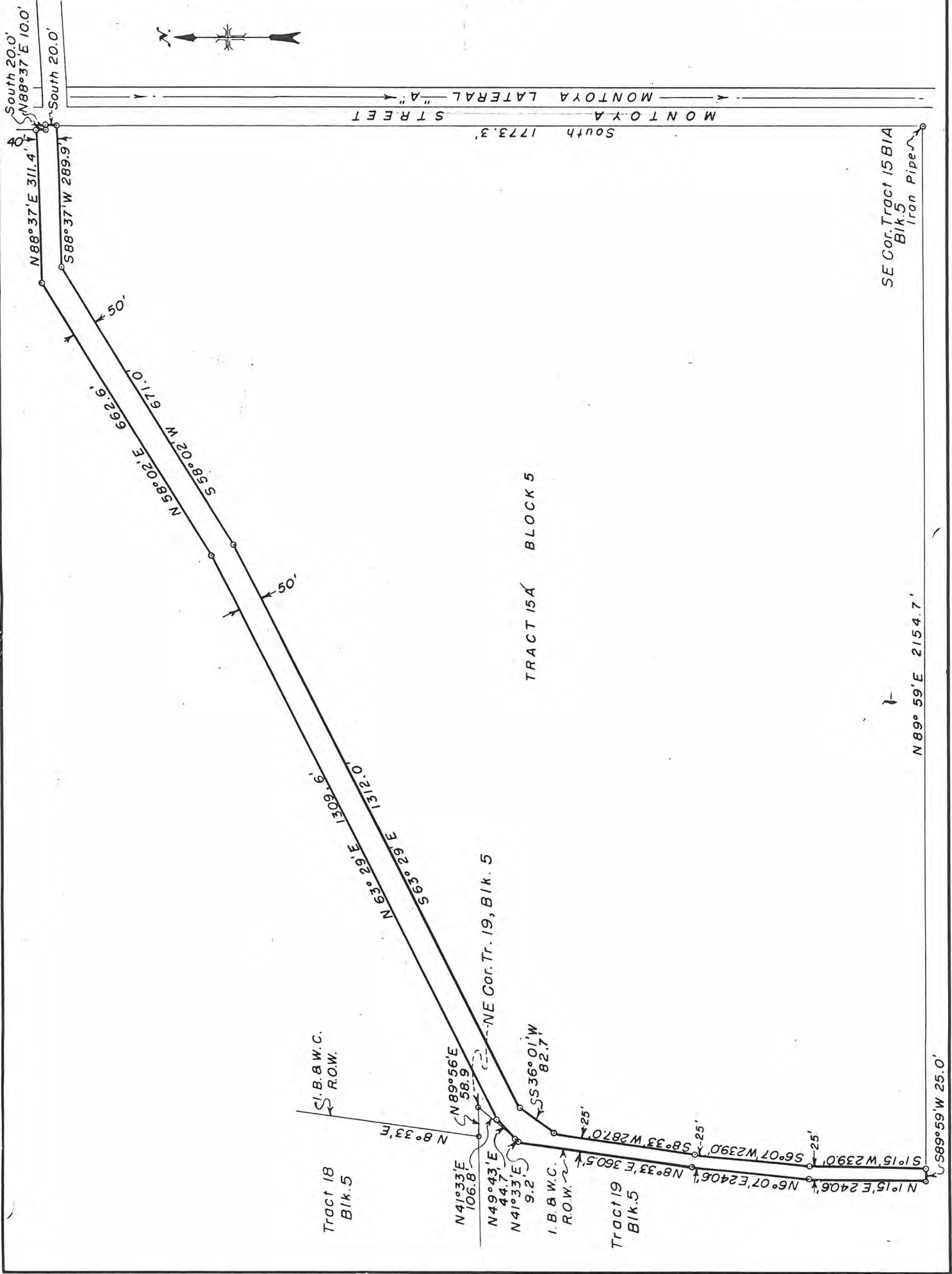
SCHEDULE A

A piece or parcel of land situate, lying and being in the County of El Paso, State of Texas, and being a part of Block Number 5, Tract Number 15A, Upper Valley, of approved surveys of the said County of El Paso, and more particularly described by metes and bounds as follows, to wit:

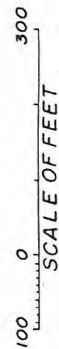
BEGINNING at the most southwesterly corner of the parcel being herein described, a point on the northerly right of way line of a County Road and a point on the easterly right of way line of the International Boundary and Water Commission's Canalized Rio Grande; thence following the said right of way line of the Canalized Rio Grande north one degree (1°) fifteen minutes (15') east two hundred forty and six tenths (240.6) feet; thence following said right of way line north six degrees (6°) seven minutes (07') east two hundred forty and six tenths (240.6) feet; thence following said right of way line north eight degrees (8°) thirty-three minutes (33') east three hundred sixty and five tenths (360.5) feet; thence north forty-one degrees (41°) thirty-three minutes (33') east nine and two tenths (9.2) feet; thence north forty-nine degrees (49°) forty-three minutes (43') east forty-four and seven tenths (44.7) feet; thence north sixty-three degrees (63°) twenty-nine minutes (29') east one thousand three hundred nine and six tenths (1309.6) feet; thence north fifty-eight degrees (58°) two minutes (02') east six hundred sixty-two and six tenths (662.6) feet; thence north eighty-eight degrees (88°) thirty-seven minutes (37') east three hundred eleven and four tenths (311.4) feet; thence south twenty and no tenths (20.0) feet; thence north eighty-eight degrees (88°) thirty-seven minutes (37') east ten and no tenths (10.0) feet to a point on the westerly right of way line of a County Road; thence following said right of way line south twenty and no tenths (20.0) feet to a point from which the southeast corner of Tract Number 15B1A, Block Number 5 bears South one thousand seven hundred seventy-three and three tenths (1773.3) feet; thence south eighty-eight degrees (88°) thirty-seven minutes (37') west two hundred eighty-nine and nine tenths (289.9) feet; thence south fifty-eight degrees (58°) two minutes (02') west six hundred seventy-one and no tenths (671.0) feet; thence south sixty-three degrees (63°) twenty-nine minutes (29') east one thousand three hundred twelve and no tenths (1312.0) feet; thence south thirty-six degrees (36°) one minute (01') west eighty-two and seven tenths (82.7) feet; thence south eight degrees (8°) thirty-three minutes (33') west two hundred

Correct as to Engineering data

eighty-seven and no tenths (287.0) feet; thence south six degrees (6°) seven minutes ($07'$) west two hundred thirty-nine and no tenths (239.0) feet; thence south one degree (1°) fifteen minutes ($15'$) west two hundred thirty-nine and no tenths (239.0) feet to a point on the northerly right of way of a County Road, from which point the southeast corner of Tract Number 15B1A, Block Number 5 bears north eighty-nine degrees (89°) fifty-nine minutes ($59'$) east two thousand one hundred fifty-four and seven tenths (2154.7) feet; thence south eighty-nine degrees (89°) fifty-nine minutes ($59'$) west twenty-five and no tenths (25.0) feet to the point of beginning, said parcel containing three and one tenth (3.10) acres more or less, all as shown on copy of drawing numbered 23-503-6504 attached hereto and made a part hereof.



LOUIS T. STOCK
 AND
 MARY B. STOCK
 TO
 THE UNITED STATES
 OF
 AMERICA
 3.10 Acres



UNITED STATES
 DEPARTMENT OF THE INTERIOR
 BUREAU OF RECLAMATION
 RIO GRANDE PROJECT-N. MEX.-TEX.
 MONTOYA LATERAL "D"
 RELOCATION

DRAWN... SUBMITTED...
 TRACED... RECOMMENDED...
 CHECKED... APPROVED...

EL PASO, TEX. 1-11-62 23-503-6504

55214

CERTIFICATE OF RECORD

The State of Texas)
County of El Paso) I, J. W. Fields, County Clerk, in
and for said County, do hereby certify that the foregoing instrument of
writing with its certificate of authentication, was filed for record
in my office, on the 2 day of Feb. A. D. 1962, at 10:07 o'clock, A. M.
and duly recorded the 7 day of Feb. A. D. 1962 at 9:00 o'clock
A. M. in the Deed Records of said County, in Volume 1652 on Page 37.

Witness my hand and the seal of the County Court of said county of
office in El Paso, Texas, the day and year last above written.

J. W. Fields, County Clerk

By- /s/ Antonio Chavez - Deputy

SEAL

ACKNOWLEDGMENT

STATE OF TEXAS)
COUNTY OF EL PASO)

Before me, *Calvin B. Spry*, a Notary Public, in and for El Paso County, State of Texas, on this day personally appeared Louis T. Stock, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and as his free act and deed.

Given under my hand and seal of office this 1st day of Feb, 1962

Calvin B. Spry

My commission expires 6-1-63

STATE OF TEXAS)
COUNTY OF EL PASO)

Before me, *Calvin B. Spry*, a Notary Public, in and for El Paso County, State of Texas, on this day personally appeared Mary B. Stock, wife of Louis T. Stock, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Mary B. Stock, acknowledged such instrument to be her free act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal this 1st day of Feb, 1962

Calvin B. Spry

My commission expires 6-1-63

SEAL

CERTIFICATE OF TITLE

This is to certify that I, M. L. Smerke, Office Engineer, Rio Grande Project, Bureau of Reclamation, Department of the Interior, made a thorough search of the title to the property described in Schedule A hereof, beginning with the 1st day of January, 1937, and that title to said property was indefeasibly vested in fee simple of record in Louis T. Stock and Mary B. Stock, his wife, as of the 31st day of August, 1937, for Tract 15A, Block 5, Upper Valley Surveys, free and clear of all encumbrances, defects, interests, and all other matters whatsoever, either of record or otherwise known to me, impairing or adversely affecting the title to said property except as follows:

None

Dated this 15th day of January 1962.

M. L. Smerke

ACKNOWLEDGMENT

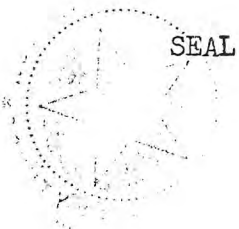
STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, Charles W. Hetrick, a Notary Public, in and for El Paso County, State of Texas, on this day personally appeared W. F. Resch, Project Manager, Rio Grande Project, Bureau of Reclamation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same as the act of the United States of America for the purposes and consideration therein expressed.

Given under my hand and seal of office this
 1 day of February, 19 62.

Charles W. Hetrick
Charles W. Hetrick

My commission expires 6-1-63





UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

REGIONAL OFFICE, REGION 5
P. O. BOX 1600
AMARILLO, TEXAS

IN REPLY
REFER TO: 5-420

APR 5 1962

EL PASO, TEXAS	
Route to:	Initials
Manager	
Asst. Mgr.	
Adm. Asst.	
Power	
Irrig.	
Eng. Div.	
Off. Engr.	
Port.	
Finance	
Supply	
Secretary	
PIO	
Copy to:	Stamp
Stamp	
Len. Comm.	
Files	

APR 5 1962

To: Project Manager, El Paso, Texas

From: ^{TOP} Regional Director

Subject: Contract and Grant of Right-of-Way Easement, Erich Brandes, L. T. Stock and S. Leslie Hays - Rio Grande Project, Texas

As requested in your letter received March 28, 1962, we have had a review of the easements as to form and legal sufficiency by the Field Solicitor. The Field Solicitor states as follows:

"Based upon our examination of the material described above, we are of the opinion that there has been a sufficient showing that title to each of these tracts is vested in the respective grantors to fulfill the requirement set forth in Reclamation Instructions 213.3.19."

The Field Solicitor, however, does call to our attention the easement obtained from S. Leslie Hays and Helen Louise Hays, covering certain lands in the E $\frac{1}{2}$ of section 26, T. 28 S., R. 3 E., Dona Ana County, New Mexico, showing execution by "Helen Louise Days." The Field Solicitor feels that the original instrument should be checked to ascertain whether the grantor actually signed her name in this way. If Mrs. Hays did sign her name as Days, then a correction should be made and the Field Solicitor's office notified.

cc:
Field Solicitor, Amarillo, Texas

380-

OFFICIAL FILE COPY

Date	Surname	Code
3/27	WPA	

3-27-62

To: Regional Director
Attention: 5-420 and 5-150

From: Project Manager

Subject: Contract and Grant of Right-of-Way Easements with
Erich Brandes, L. T. Stok, and B. Leslie Mays -
Rio Grande Project

Enclosed are two conformed copies of four separate easements required for the relocation of a portion of the Montoya Lateral "D", an irrigation facility of the Rio Grande Project.

The easements have been executed and recorded.

The United States has no record title to the right-of-way occupied by the abandoned portion of the lateral. This abandoned right-of-way will revert to the grantors.

Also enclosed are two copies of a Certificate of Inspection and Possession and Certificate of Title for each easement.

Please review the Easements as to form and legal sufficiency. I request that no further assurance of title than that set forth in the Certificate of Title be required since these are donation easements.

W. F. Bosch

In duplicate

Enclosures

OFFICIAL FILE COPY

Date	Surname	Code
3/27	W.F. Resch	

March 27, 1962

Mr. L. T. Stock
5397 Montoya
El Paso, Texas

Dear Mr. Stock:

Enclosed for your files is the Duplicate Original of a
Contract and Grant of Right-of-Way Easement dated February
1, 1962 which has been executed on behalf of the United
States and recorded.

Sincerely yours,

W. F. Resch
Project Manager

Enclosure

purposes, nor any ditches or canals constructed by or being used thereon under the authority of the United States, except the Montoya Lateral "D", an irrigation facility, owned, operated and maintained by the United States, nor any exploration or operations whatever for the development of coal, oil, gas, or other minerals on said lands; and that there are no possessory rights now in existence owned or being actively exercised by any third party under any reservation contained in any patent or patents heretofore issued by the United States for said land.

5. That to the best of my knowledge and belief, based upon actual and diligent inquiry made, there is no outstanding right whatsoever in any person to the possession of said premises nor any outstanding right, title, interest, lien or estate, existing or being asserted in or to said premises except such as are disclosed and evidenced by the public records.

6. That the premises are wholly unoccupied and vacant except for the occupancy of the United States of America.

Luther M. Amuly

Dated this 16th. day
of Feb., 1962

SCHEDULE A

A piece or parcel of land situate, lying and being in the County of El Paso, State of Texas, and being a part of Block Number 5, Tract Number 15A, Upper Valley, of approved surveys of the said County of El Paso, and more particularly described by metes and bounds as follows, to wit:

BEGINNING at the most southwesterly corner of the parcel being herein described, a point on the northerly right of way line of a County Road and a point on the easterly right of way line of the International Boundary and Water Commission's Canalized Rio Grande; thence following the said right of way line of the Canalized Rio Grande north one degree (1°) fifteen minutes ($15'$) east two hundred forty and six tenths (240.6) feet; thence following said right of way line north six degrees (6°) seven minutes ($07'$) east two hundred forty and six tenths (240.6) feet; thence following said right of way line north eight degrees (8°) thirty-three minutes ($33'$) east three hundred sixty and five tenths (360.5) feet; thence north forty-one degrees (41°) thirty-three minutes ($33'$) east nine and two tenths (9.2) feet; thence north forty-nine degrees (49°) forty-three minutes ($43'$) east forty-four and seven tenths (44.7) feet; thence north sixty-three degrees (63°) twenty-nine minutes ($29'$) east one thousand three hundred nine and six tenths (1309.6) feet; thence north fifty-eight degrees (58°) two minutes ($02'$) east six hundred sixty-two and six tenths (662.6) feet; thence north eighty-eight degrees (88°) thirty-seven minutes ($37'$) east three hundred eleven and four tenths (311.4) feet; thence south twenty and no tenths (20.0) feet; thence north eighty-eight degrees (88°) thirty-seven minutes ($37'$) east ten and no tenths (10.0) feet to a point on the westerly right of way line of a County Road; thence following said right of way line south twenty and no tenths (20.0) feet to a point from which the southeast corner of Tract Number 15B1A, Block Number 5 bears South one thousand seven hundred seventy-three and three tenths (1773.3) feet; thence south eighty-eight degrees (88°) thirty-seven minutes ($37'$) west two hundred eighty-nine and nine tenths (289.9) feet; thence south fifty-eight degrees (58°) two minutes ($02'$) west six hundred seventy-one and no tenths (671.0) feet; thence south sixty-three degrees (63°) twenty-nine minutes ($29'$) east one thousand three hundred twelve and no tenths (1312.0) feet; thence south thirty-six degrees (36°) one minute ($01'$) west eighty-two and seven tenths (82.7) feet; thence south eight degrees (8°) thirty-three minutes ($33'$) west two hundred

eighty-seven and no tenths (287.0) feet; thence south six degrees (6°) seven minutes ($07'$) west two hundred thirty-nine and no tenths (239.0) feet; thence south one degree (1°) fifteen minutes ($15'$) west two hundred thirty-nine and no tenths (239.0) feet to a point on the northerly right of way of a County Road, from which point the southeast corner of Tract Number 15B1A, Block Number 5 bears north eighty-nine degrees (89°) fifty-nine minutes ($59'$) east two thousand one hundred fifty-four and seven tenths (2154.7) feet; thence south eighty-nine degrees (89°) fifty-nine minutes ($59'$) west twenty-five and no tenths (25.0) feet to the point of beginning, said parcel containing three and one tenth (3.10) acres more or less, all as shown on copy of drawing numbered 23-503-6504 attached hereto and made a part hereof.