

## Southwest Property Easements

**SW1:** Bobby Cole was the grantee of Edna Whyte's first runway access and use easement on November 9, 1977. On the same day that Cole recorded the deed to the 6.784 acres adjacent to the southwest side of the runway, Edna granted him an easement for runway access and use in

### EASEMENT AND RIGHT OF WAY

### DEED RECORDS

STATE OF TEXAS

COUNTY OF DENTON

27453

WHEREAS, EDNA GARDNER WHYTE and AERO-VALLEY AIRPORT, INC., hereinafter called grantors, as the owners and operators of Aero-Valley Airport, located upon approximately thirty four acres owned by them in Denton County and whereas Grantors, for valuable and good consideration the receipt of which is acknowledged, do grant and agree with Bobby Cole and Ted C. Fischer, hereinafter at times referred to as Grantees, as follows:

Grantors by a conveyance of September 2, 1977 granted an aircraft easement to Bobby Cole in exchange for his agreement to convey approximately 3.897 acres of land out of a larger tract which he was to acquire. Grantors do now agree to cause Bobby Cole to convey said 3.897 acres to Ted C. Fischer, it being understood by all parties hereto that a current survey has reduced said tract to 3.784 acres. In exchange for the 3.784 acres and together with an easement from Grantors for ingress from the airport facilities to said 3.784 acres, Ted C. Fischer shall cancel and consider as paid in full that certain promissory note of \$ 20,000.00 as evidence by that certain promissory note from grantors dated the 1st day of MAY 19 75.

Grantors do hereby release Bobby Cole from any prior obligation to convey any land to them in exchange for an airport easement.

Bobby Cole has acquired a certain tract of land on the West side of and adjoining Grantors airport being more particularly described as a tract of land out of the G. Ramsdale Survey, Abstract #1128, in Denton County, Texas, being a part of the same tract of land described in Vol. 567, at Page 618, of the Deed Records of Denton County, Texas, and described by metes and bounds as follows:

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exchange for paying off her debt to Ted Fischer and granting him the southernmost 3.784 acres of the tract. Cole later conveyed his acreage to Cole Aviation. Ted Fischer built a large hangar and opened an aircraft dealership. Cole followed and operated an aircraft repair facility for many years. In 1984, Cole platted his 3.0 acres as Southwest Development Phase 1 and inexplicably allowed Glen Hyde to insert his license agreement in the deed restrictions. But an easement trumps a license every time. Glen Hyde mysteriously granted Cole a similar easement in 1987 at 2148/874. It's interesting to note that Cole did not impose Hyde's license on his own hangar.

The right-of-way and easements Grantors have conveyed to Bobby Cole and Ted C. Fischer, herein shall be for the benefit of and as an easement appurtenant to their respective tracts of land as herein described, being located in Denton County, Texas and it is understood by Grantors that Bobby Cole and Ted C. Fischer together with their heirs and assigns, shall have the free and uninterrupted use, liberty and easement of passing in, along and over Grantors lands and premises together with the use and enjoyment of all airport facilities and runways of Grantors.

WITNESS OUR HANDS ON THIS THE 9<sup>th</sup> DAY OF NOVEMBER, 1977.

GRANTORS: Edna Gardner Whyte  
EDNA GARDNER WHYTE

AERO-VALLEY AIRPORT, INC.  
BY: Edna Gardner Whyte  
EDNA GARDNER WHYTE-PRESIDENT

GRANTEES: Bobby Cole  
BOBBY COLE  
Ted C. Fischer  
TED C. FISCHER

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SW2: Edna granted the same easement to Lee Waldrop that she granted to Bob Cole. Waldrop had platted his 1.85 acres as Southwest Development Phase 2 on the same day that Cole platted his. Waldrop's easement is recorded at 1109/537. The screenshots below do not show the metes and bounds description of Waldrop's 1.85 acres, but the color-coded map accurately shows its location.

**DEED RECORDS**

Lee A. Waldrop, pursuant to this agreement and conveyances, <sup>32161</sup> will, or has received a certain 1.85 acre tract of land described as a tract of land out of the G. Ramsdale Survey, Abstract #1128, in Denton County, Texas, being a part of the same tract of land described in Volume 567, at Page 618 of the Deed Records of Denton County, Texas, said 1.85 acres running along the West line of the aforesaid 9.784 acres belonging to Grantors and more particularly described as:

Edna Gardner Whyte and Aero-Valley Airport, Inc., Grantors, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, have granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell and convey to Lee A. Waldrop of Denton County, State of Texas, his heirs or assigns, for the purpose of permitting aircraft to travel to and from the runway and airport facilities located on Grantors 34 acres onto the 1.85 acre tract of land belonging to Lee A. Waldrop, as hereinabove described, a private right-of-way over the tract of land described in Exhibit "A" attached hereto, which said private right-of-way shall be for the purpose of permitting aircraft to taxi from Lee A. Waldrop's tract of land to the runway and airport facilities of Aero-Valley Airport, Inc.,

The right-of-way and easement Grantors have conveyed to Lee A. Waldrop, herein shall be for the benefit of and as an easement appurtenant to his respective tract of land as herein described, being located in Denton County, Texas and it is understood by Grantors that Lee A. Waldrop with his heirs and assigns, for a reasonable runway maintenance fee, shall have uninterrupted use, liberty and easement of passing in, along and over Grantors lands and premises together with the use and enjoyment of all airport facilities and runways of Grantors.

WITNESS MY HAND ON THIS THE 9 DAY OF July 1980.

GRANTORS:

Edna G. Whyte  
EDNA GARDNER WHYTE

AERO-VALLEY AIRPORT, INC.

BY:

Edna Gardner Whyte  
EDNA GARDNER WHYTE - PRESIDENT

GRANTEE:

Lee A. Waldrop  
LEE A. WALDROP

**4.40 acres on the west side of Airway Blvd:** John Everett and Michael O'Brien granted runway access easements to 4.40 acres on the west side of Airway Blvd. Jesse Miller owned the southernmost 2.0 acres and Ted owned the northernmost 2.40 acres. Richard and Diane Blose intended to build more hangars on this property after Star Aero acquired it, but Hyde's interference and Richard Blose's untimely death intervened. Hyde has since denied that this land has the right to access the runway. The deed history suggests otherwise.

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NON-EXCLUSIVE EASEMENT

~~REAL PROPERTY RECORDS~~

STATE OF TEXAS \*

COUNTY OF DENTON \*

KNOW ALL MEN BY THESE PRESENTS:

49759

WHEREAS, JESSE MILLER owns a 2.0 acre tract of land out of the G. Ramsdel Survey, Abstract No. 1128, situated in Denton County, Texas, as fully described in Exhibit "A" attached hereto and made a part hereof for purposes of description; and

WHEREAS, said property is adjacent to Aero Valley Airport; and

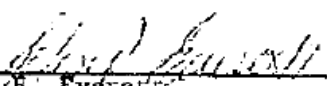
WHEREAS, JESSE MILLER has requested the undersigned to grant to JESSE MILLER a Non-Exclusive Easement for runway and taxiway purposes over which he would be allowed to travel so that the property described in Exhibit "A" could be developed for airport related services; and

WHEREAS, the undersigned wish to grant said easement to insure the orderly development of the airport property;

NOW, THEREFORE, for and in consideration of \$10.00 and other good and valuable consideration, we, the undersigned, do hereby GRANT a Non-Exclusive Easement for vehicular access and airport and taxiway purposes including all necessary and desirable appurtenances along, over, under, across and upon the tracts of land described by metes and bounds in Exhibit "B" attached hereto and made a part hereof for purposes of description, together with the right and obligation of improving, reconstructing, repairing, and inspecting as may from time to time be necessary and the right to remove or prevent the construction on said tracts of all buildings, structures or other obstructions which may endanger or interfere with the safety or convenient use of said runway or taxiway.

There is reserved unto Grantors, however, and is not granted to Grantee herein, the right to assign the above described easement so as to permit others the use of said runway or taxiway.

DATED this 15<sup>th</sup> day of November, 1982.

  
\_\_\_\_\_  
John R. Everett

  
\_\_\_\_\_  
Michael J. O'Brien

NON-EXCLUSIVE EASEMENT  
DEED RECORDS

STATE OF TEXAS \*  
COUNTY OF DENTON \*

KNOW ALL MEN BY THESE PRESENTS:

28318

WHEREAS, TED FISHER owns a 2.40 acre tract of land out of the G. Ramsdel Survey, Abstract No. 1128, situated in Denton County, Texas, as fully described in Exhibit "A" attached hereto and made a part hereof for purposes of description; and

WHEREAS, said property is adjacent to Aero Valley Airport; and

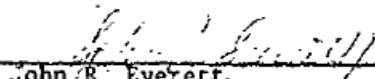
WHEREAS, TED FISHER has requested the undersigned to grant to TED FISHER a Non-Exclusive Easement for runway and taxiway purposes over which he would be allowed to travel so that the property described in Exhibit "A" could be developed for airport related services; and

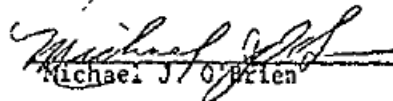
WHEREAS, the undersigned wish to grant said easement to insure the orderly development of the airport property:

NOW, THEREFORE, for and in consideration of \$10.00 and other good and valuable consideration, we, the undersigned, do hereby GRANT a Non-Exclusive Easement for vehicular access and airport and taxiway purposes including all necessary and desirable appurtenances along, over, under, across and upon the tracts of land described by metes and bounds in Exhibit "B" attached hereto and made a part hereof for purposes of description, together with the right and obligation of improving, reconstructing, repairing, and inspecting as may from time to time be necessary and the right to remove or prevent the construction on said tracts of all buildings, structures or other obstructions which may endanger or interfere with the safety or convenient use of said runway or taxiway.

There is reserved unto Grantors, however, and is not granted to Grantee herein, the right to assign the above described easement so as to permit others the use of said runway or taxiway.

DATED this 14<sup>th</sup> day of November, 1982.

  
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John R. Everett

  
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Michael J. O'Brien