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A G R E E M E N T

THE STATE OF TEXAS }
 COUNTY OF EL PASO }

WHEREAS, Louise C. Rodes, a feme sole, of El Paso County, Texas, is the owner of the following described property located in the City and County of El Paso, State of Texas, to-wit:

BEING forty-one feet (41') frontage off West Overland Street, by a depth northerly of eighty-six feet (86') eight inches (8"), in the southwest quarter of Block Number Thirty-one (31), as said map is laid down and designated on Mill's Map of the City of El Paso, Texas, and being more particularly described as follows, to-wit:

BEGINNING at a point on the north line of the West Overland Street where the west line of the alley running through said Block 31, intersects said north line of West Overland Street; thence westerly along the north line of West Overland Street, forty-one feet (41'); thence at right angles in a northerly direction and parallel with the west line of said alley eighty-six feet (86') eight inches (8"); thence at right angles in an easterly direction, and parallel with West Overland Street, forty-one feet (41') to the west line of said alley running through said block; thence at right angles in a southerly direction along the west line of said alley eighty-six feet (86') eight inches (8") to the north line of West Overland Street, and place of beginning, together with all improvement thereon; and,

WHEREAS, the improvements on said property consist of a two-story concrete building, but the northerly five feet (N. 5') of said building in fact lie over and extend on property owned by John A. Byerly, as trustee, of Allegheny County, Pennsylvania; the northerly wall of said building as well as the northerly ten feet (N. 10') of the west wall of said building, being a common wall with building owned the the said John A. Byerly as trustee; and,

WHEREAS, this northerly five feet (N. 5') of said building cannot be used by the said John A. Byerly, as trustee, or by his tenant of the property northerly and westerly thereof, and has no practical use or value to the said John A. Byerly, as trustee, his successors or assigns, or to his tenant;

NOW, THEREFORE, this agreement between John A. Byerly, as trustee, and Louise C. Rodes,

W I T N E S S E T H:

I.

The said John A. Byerly, as trustee, for a valuable consideration to him in hand paid, the receipt of which is hereby acknowledged, does hereby Grant and Convey unto the said Louise C. Rodes, her heirs and assigns, an irrevocable easement in and the right to use, free of charges, that certain property lying and being in the City and County of El Paso, and State of Texas, described as follows, to-wit:

BEGINNING at the northeast (N.E.) corner of the above described property owned by Louise C. Rodes, which point of beginning is eighty-six feet (86') eight inches (8") northerly of the north line of West Overland Street, and on the west line of said alley which crosses northerly and southerly through Block Numbered Thirty-one (31) of Mills Map of the City of El Paso, Texas; thence westerly and parallel to Overland Street forty-one feet (41') along the northerly boundary of said Rodes property to the northwesterly boundary of the Rodes property; thence northerly five feet (5') along the east side of the east wall of the building owned by said John A. Byerly, as trustee, to the southerly side of the south wall of said building owned by John A. Byerly, as trustee; thence easterly forty-one feet (41') along the said southerly side of said south wall of said building of said Byerly to the above mentioned alley running northerly and

southerly through said block numbered thirty-one and the southeasterly corner of said building; thence southerly five feet (5') along said alley to the place of beginning, said property being a strip five feet (5') by forty-one feet (41') of the property owned by John A. Byerly, as trustee, on which the building on the Rodes property extends and covers; together with all improvements thereof.

PROVIDED, however, whenever the said Louise C. Rodes, her heirs, personal representatives or assigns, shall completely remove the present building from the ^{feet} five/(5') by forty-one feet (41') of the Byerly property covered by this easement, that then and thereupon this easement and right shall cease and terminate.

It is understood in this connection, however, that any alterations, improvements, additions or substitutions to said present building, or the portion thereof extending onto the Byerly property covered by this easement, shall in nowise impair, affect or limit the easement and rights herein granted.

II.

All common walls between the two buildings shall be maintained for the equal use and benefit of the owners of the Rodes property and the Byerly property above mentioned so long as said easement shall continue, and shall not be altered or removed without the consent of each; and any repairs incident to the upkeep of said common walls shall be borne equally by the owners of said respective tracts of property.

III.

The agreements herein contained and the rights and easement herein shall inure to the benefit of and be binding upon the respective heirs, successors, personal representatives and assigns of each of the signers hereof.

WITNESS the hands of the parties hereto, in duplicate, this 15th day of July, 1938.

John A. Byerly,
John A. Byerly, Trustee

Louise C. Rodes
Louise C. Rodes

THE STATE OF PENNSYLVANIA }

COUNTY OF ALLEGHENY } BEFORE ME, the undersigned authority in and for said County and State, on this day personally appeared John A. Byerly, known to me to be the person whose name is subscribed to the foregoing instrument as Trustee, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein designated.

Given under my hand and seal of office, this the 15th day of July, A.D., 1938.

(Notarial Seal: Allegheny County, Pa.)

Margaret Cagney
Notary Public in and for Allegheny
County, State of Pennsylvania.
Margaret Cagney
Notary Public,
My Commission expires April 1, 1939.

THE STATE OF TEXAS }

COUNTY OF EL PASO } BEFORE ME, the undersigned authority in and for said County and State, on this day personally appeared Louise C. Rodes, a feme sole, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 19th day of July, A.D., 1938.

(Notarial Seal: County of El Paso, Texas.)
My Commission Expires: 7/1/39.

Wyndham K. White
Notary Public in and for El
Paso County, State of Texas.

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Filed for record July 19, 1938 at 1:45 P. M. } MRS. W. D. GREET, County Clerk

And recorded July 27, 1938 at 4:05 P. M. } BY: P. J. Osborne, Deputy