

TRANSFER OF RIGHT OF WAY

US Hwy 79—Section 3

STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

WILLIAMSON COUNTY, TEXAS, hereinafter referred to as Grantor, in consideration of the terms and completion of that certain pass-through toll agreement between Williamson County, Texas and the State of Texas, has this day Sold and Transferred and by these presents does Grant, Assign, Sell and Convey unto THE STATE OF TEXAS, acting by and through the Texas Transportation Commission and on behalf of the Texas Department of Transportation, hereinafter referred to a Grantee, all of Grantor's rights, title and interest in and to those certain tracts or parcels of land situated in Williamson County, Texas, said land being more particularly described in Exhibits "A & B" (the "Property"), attached hereto and made a part hereof; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of Grantor's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the Property.

Anything herein to the contrary notwithstanding, this Transfer of Right of Way is made subject to the continued rights of existing utilities, if any, as provided by law, and any required adjustment will be at no cost to Grantor. In addition, this conveyance is subject to all matters of public record and to all easements or other interests which affect the property, and to any matter which would be disclosed by title examination, survey, investigation or inquiry, including but not limited to the rights of parties in possession.

BY THE ACCEPTANCE OF THIS TRANSFER OF RIGHT OF WAY, GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE HAS THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY THE GRANTEE IN ORDER TO ENABLE THE GRANTEE TO EVALUATE THE PURCHASE OF THE PROPERTY. GRANTEE REPRESENTS THAT IT IS RELYING SOLELY ON ITS OWN EXPERTISE AND THAT OF GRANTEE'S CONSULTANTS, AND THAT GRANTEE HAS CONDUCTED SUCH INSPECTIONS AND INVESTIGATIONS OF THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, THE PHYSICAL, TOPOGRAPHIC AND ENVIRONMENTAL CONDITIONS THEREOF, AND IS RELYING UPON SAME, AND HEREBY ASSUMES THE RISK OF ANY ADVERSE MATTERS, INCLUDING, BUT NOT LIMITED TO, ADVERSE PHYSICAL, TOPOGRAPHIC AND ENVIRONMENTAL CONDITIONS THAT MAY NOT HAVE BEEN REVEALED BY GRANTEE'S INSPECTIONS AND INVESTIGATIONS. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT GRANTEE IS ACQUIRING THE PROPERTY ON AN "AS IS, WHERE IS" AND "WITH ALL FAULTS" BASIS, WITHOUT REPRESENTATIONS, WARRANTIES OR COVENANTS, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE. GRANTEE HEREBY WAIVES AND RELINQUISHES ALL RIGHTS AND PRIVILEGES ARISING OUT OF, OR WITH RESPECT OR IN RELATION TO, ANY REPRESENTATIONS, WARRANTIES OR COVENANTS, WHETHER EXPRESS OR IMPLIED, WHICH MAY

HAVE BEEN MADE OR GIVEN, OR WHICH MAY HAVE BEEN DEEMED TO HAVE BEEN MADE OR GIVEN, BY GRANTOR. GRANTEE HEREBY ASSUMES ALL RISK AND LIABILITY (AND AGREES THAT GRANTOR SHALL NOT BE LIABLE FOR ANY SPECIAL, DIRECT, INDIRECT, CONSEQUENTIAL OR OTHER DAMAGES) RESULTING OR ARISING FROM GRANTEE'S USE, MAINTENANCE, REPAIR, OR OPERATION OF THE PROPERTY.

WITHOUT LIMITING THE GENERAL PROVISIONS ABOVE, IT IS UNDERSTOOD AND AGREED THAT GRANTOR IS NOT MAKING AND SPECIFICALLY DISCLAIMS ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED, AS TO (a) MATTERS OF TITLE; (b) ZONING; (c) TAX CONSEQUENCES; (d) PHYSICAL OR ENVIRONMENTAL CONDITIONS; (e) AVAILABILITY OF ACCESS, INGRESS OR EGRESS; (f) OPERATING HISTORY OR PROJECTIONS; (g) VALUATION; (h) AVAILABILITY AND ADEQUACY OF UTILITIES; (i) GOVERNMENTAL APPROVALS; (j) GOVERNMENTAL REGULATIONS OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE PROPERTY, INCLUDING, WITHOUT LIMITATION: (1) THE VALUE, CONDITION, MERCHANTABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY, OR FITNESS OF THE PROPERTY FOR A PARTICULAR USE OR PURPOSE; (2) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS INCORPORATED INTO ANY OF THE PROPERTY; AND (3) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY. GRANTEE FURTHER EXPRESSLY ACKNOWLEDGES AND AGREES THAT GRANTOR IS NOT REPRESENTING OR WARRANTING THAT ANYTHING CAN OR WILL BE ACCOMPLISHED THROUGH GRANTEE'S OR GRANTOR'S EFFORTS WITH REGARD TO THE PLANNING, PLATTING OR ZONING PROCESS OF ANY GOVERNMENTAL AUTHORITIES, BOARDS OR ENTITIES. GRANTEE FURTHER ACKNOWLEDGES THAT GRANTOR HAS NOT WARRANTED, AND DOES NOT HEREBY WARRANT, THAT THE PROPERTY NOW OR IN THE FUTURE WILL MEET OR COMPLY WITH THE REQUIREMENTS OF ANY SAFETY CODE, ENVIRONMENTAL LAW OR REGULATION OF ANY STATE OR FEDERAL AUTHORITY OR JURISDICTION.

This Transfer of Right of Way is expressly made by Grantor and accepted by Grantee without any warranty of title of any kind, oral or written, express or implied, whether existing by common law or by statute or any other manner. Grantee expressly agrees that the implied covenants set forth in Section 5.023 of the Texas Property Code are not applicable to this Transfer of Right of Way.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging unto said Grantee and Grantee's successors and/or assigns forever, subject to the limitations and conditions hereinabove stated.

GRANTOR:

WILLIAMSON COUNTY, TEXAS

By: _____

Dan A. Gattis
County Judge

Acknowledgment

STATE OF TEXAS)

COUNTY OF WILLIAMSON)

This instrument was acknowledged before me on _____, 2014, by Dan A. Gattis, County Judge of Williamson County, Texas, in the capacity and for the purposes and consideration recited herein.

Notary Public, State of Texas

After recording return to:

Sheets & Crossfield, P.C.
309 East Main Street
Round Rock, Texas 78664

Exhibit “A”

Parcel	Grantee	Williamson County Public Records Information
26	Williamson County	2008027842
27	Williamson County	2011024630
30	Williamson County	2008069218
30	Williamson County	Amendment 2010057752
31	Williamson County	2008090419
32	Williamson County	2009029274
35	Williamson County	2009029273
36 Parts 1 & 2	Williamson County	2008087398
37	Williamson County	2008002929
38 Parts 1 & 2	Williamson County	2011024628
39 Parts 1, 2 & 3	Williamson County	2011052405
40	Williamson County	2010085330
42	Williamson County	2014029873
43 Parts 1, 2 & 3	Williamson County	2008087669
45	Williamson County	2008079627
46	Williamson County	2008006703
47	Williamson County	2008025829

Exhibit "B"

County: Williamson
Parcel No.: 44 Part 1
Highway: US 79
Limits: US 79 from East of Hutto City Limit to CR 402
CSJ:

PROPERTY DESCRIPTION FOR PARCEL 44 PART 1

DESCRIPTION OF A 0.434 ACRE (18,911 SQUARE FOOT) TRACT OF LAND SITUATED IN THE JAMES C. EAVES SURVEY ABSTRACT NO. 213, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 0.6072 ACRE TRACT OF LAND CONVEYED TO JAMES A. KREBS BY INSTRUMENT RECORDED IN DOCUMENT NO. 2003102081 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.434 ACRE (18,911 SQUARE FOOT) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a set 1/2" iron rod in the southerly boundary line of the remainder of that called 72.15 acre tract of land conveyed to John Bigon & Mary Bigon, by instrument recorded in Volume 558, Page 77 of the Deed Records of Williamson County, Texas, 158.53 feet left of proposed U.S. 79 baseline station 722+44.21, being the most northwesterly corner of that called 0.47 acre tract of land (Second Tract), and the southwesterly corner of that called 0.73 acre tract of land (First Tract), conveyed to John Arthur Bigon, Jr. & Janice Kay Bigon, by instrument recorded in Volume 1129, Page 248 of the Official Records of Williamson County, Texas;

THENCE, with the common boundary of the remainder of said 72.15 acre tract and said 0.47 acre tract, **S 20°36'49" E** for a distance of **49.78** feet to a set 1/2" iron rod with TXDOT aluminum cap in the proposed northerly right-of-way line of U.S. 79, 109.23 feet left of proposed U.S. 79 baseline station 722+51.08;

THENCE, departing the westerly boundary line of said 0.47 acre tract, through the interior of the remainder of said 72.15 acre tract, with said proposed northerly right-of-way line of U.S. 79, **S 77°19'11" W** for a distance of **284.57** feet to a set TXDOT Type II monument, 109.23 feet left of proposed U.S. 79 baseline station 719+66.51;

THENCE, continuing through the interior of the remainder of said 72.15 acre tract, with said proposed northerly right-of-way line of U.S. 79, **S 83°31'21" W** for a distance of **124.57** feet to a set TXDOT Type II monument in the easterly boundary line of said 0.6072 acre tract, same being a southerly boundary line of the remainder of said 72.15 acre tract, 122.68 feet left of proposed U.S. 79 baseline station 718+42.67, being the northeasterly corner and **POINT OF BEGINNING** of the herein described tract;

1. **THENCE**, departing the proposed northerly right-of-way line of U.S. 79, with the common boundary line of said 0.6072 acre tract and the remainder of said 72.15 acre tract, **S 22°39'18" E** for a distance of **89.82** feet to a found iron rod in the existing northerly right-of-way line of U.S. 79 (135 foot right-of-way width), being the southeasterly corner of said 0.6072 acre tract and an angle point in the southerly boundary line of the remainder of said 72.15 acre tract, and being the southeasterly corner of the herein described tract;

2. **THENCE**, departing said common boundary line, with the southerly boundary line of said 0.6072 acre tract, same being the existing northerly right-of-way line of U.S. 79, **S 77°19'11" W** for a distance of **188.31** feet to a calculated point, being the southwesterly corner of said 0.6072 acre tract and an angle point in the southerly boundary line of the remainder of said 72.15 acre tract, and being the southwesterly corner of the herein described tract, from which a found iron rod bears **S 22°22'10" E**, a distance of 0.25 feet;
3. **THENCE**, departing said existing northerly right-of-way line of U.S. 79, with the westerly boundary line of said 0.6072 acre tract, same being a southerly boundary line of the remainder of said 72.15 acre tract, **N 22°35'22" W** for a distance of **136.60** feet to a found 1/2" iron rod, being the northwesterly corner of said 0.6072 acre tract and an interior ell corner in the southerly boundary line of the remainder of said 72.15 acre tract, and being the northwesterly corner of the herein described tract;
4. **THENCE**, with the northerly boundary line of said 0.6072 acre tract, same being a southerly boundary line of the remainder of said 72.15 acre tract, **N 69°44'00" E** for a distance of **10.17** feet to a set TXDOT Type II monument at the intersection of the proposed easterly right-of-way line of County Road 101 with the proposed northerly right-of-way line of U.S. 79, 170.13 feet left of proposed U.S. 79 baseline station 716+56.48, being an exterior ell corner in the northerly boundary line of the herein described tract;

THENCE, departing the common boundary line of said 0.6072 acre tract and the remainder of said 72.15 acre tract, through the interior of said 0.6072 acre tract, the following three (3) courses:

5. **S 22°40'47" E** for a distance of **22.05** feet to a calculated point, being an angle point in the northerly boundary line of the herein described tract;
6. **S 62°40'48" E** for a distance of **10.56** feet to a calculated point, being an angle point in the northerly boundary line of the herein described tract;
7. **N 83°31'21" E** for a distance of **175.29** feet to the **POINT OF BEGINNING**, containing 0.434 acres (18,911 square feet) of land, more or less.

This property description is accompanied by a separate parcel plat.

All bearings recited herein are based on the Texas State Plane Coordinate System, Central Zone No. 4203, NAD 83.

That I, M. Stephen Truesdale, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

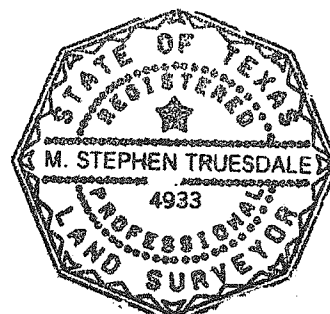
WITNESS MY HAND AND SEAL at Round Rock, Williamson County, Texas.

M. Stephen Truesdale

13 DEC '07

M. Stephen Truesdale
Registered Professional Land Surveyor No. 4933
Licensed State Land Surveyor
Inland Geodetics, LP
1504 Chisholm Trail Rd., Ste. 101
Round Rock, TX. 78681

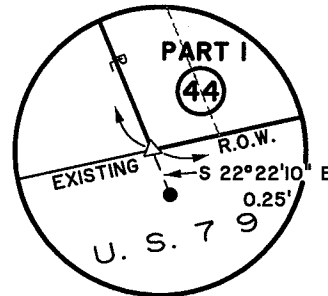
Date



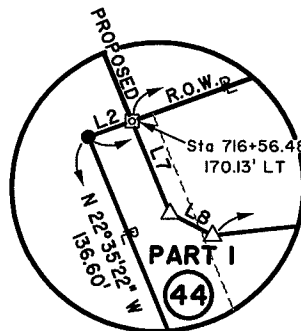
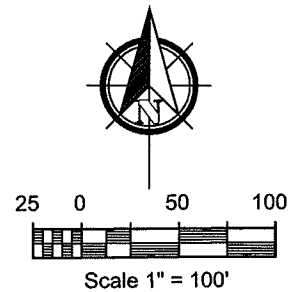
LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
 □ TXDOT TYPE II MONUMENT SET
 □ TXDOT TYPE II MONUMENT FOUND
 ■ 1/2 " IRON ROD FOUND TO BE REPLACED WITH TXDOT TYPE II MONUMENT
 ⊙ 1/2 " IRON PIPE FOUND UNLESS NOTED
 ○ 1/2 " IRON ROD SET W/TXDOT ALUMINUM CAP UNLESS NOTED
 ● 1/2 " IRON ROD FOUND UNLESS NOTED
 ▲ 60 D NAIL SET UNLESS NOTED
 ▲ 60 D NAIL FOUND UNLESS NOTED
 △ CALCULATED POINT
 ○ FENCE POST
 P PROPERTY LINE
 C CENTER LINE
 () RECORD INFORMATION
 P.O.B. POINT OF BEGINNING
 P.O.R. POINT OF REFERENCE
 P.C. POINT OF CURVATURE
 P.T. POINT OF TANGENT
 —x— FENCE
 D.R.W.C.T. DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
 O.R.W.C.T. OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS
 O.P.R.W.C.T. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS
 LINE BREAK
- | NO. | BE |
|------|--------|
| L1 | S 22° |
| L2 | N 69° |
| L3 | S 22° |
| (L3) | (S 20° |
| L4 | N 71° |
| (L4) | (N 73° |
| L5 | S 22° |
| L6 | S 20° |
| L7 | S 22° |
| L8 | S 22° |

NO.	BEARING	DISTANCE
L1	S 22°39'18" E	89.82'
L2	N 69°44'00" E	10.17'
L3	S 22°33'28" E	36.12'
(L3)	(S 20°49'09" E)	(35.82')
L4	N 71°55'11" E	35.14'
(L4)	(N 73°45'19" E)	(35.30')
L5	S 22°39'18" E	34.21'
L6	S 20°36'49" E	49.78'
L7	S 22°40'47" E	22.05'
L8	S 62°40'48" E	10.56'



DETAIL I
NOT TO SCALE



DETAIL 2
NOT TO SCALE

JAMES C. EAVES SURVEY
ABSTRACT NO. 213

JOHN ARTHUR BIGON, JR.
JANICE KAY BIGON
(0.73 AC.)
FIRST TRACT
VOL. 1129, PG. 248
O.R.W.C.T.

JOHN BIGON &
MARY BIGON
(REMAINDER OF 72.15 AC.)
VOL. 558, PG. 77
D.B.W.C.T.

P.O.R.
Sta 722+44.21
158.53' | T

JOHN ARTHUR BIGON
JANICE KAY BIGON
(0.47 AC.)
SECOND TRACT
VOL. 1129, PG. 248
O.R.W.C.T.

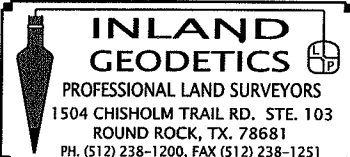
PART I
(44) 0.434 ACRES
18,911 SQ. FT.
JAMES A. KREBS
(0.6072 AC.)
DOC. NO. 200310208
C.P.R.W.C.T.

15' X 40' ELECTRIC
& COMMUNICATION
LINES EASEMENT
DOC. NO. 9667096
O.R.W.C.T.

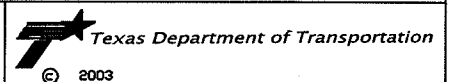
U. S. HIGHWAY NO. 79
(135' R.O.W. WIDTH)

EXISTING R.O.W.
UNION PACIFIC RAILROAD
(100' R.O.W.)

PAGE 3 OF 4



PARCEL PLAT SHOWING PROPERTY OF
JAMES A. KREBS



SCALE
1" = 100'

CSJ #

PROJECT
U.S. 79

COUNTY
WILLIAMSON

PARCEL 44
PART I

PLAT TO ACCOMPANY DESCRIPTION**NOTES:**

- 1) THE EASEMENTS SHOWN OR NOTED AND ADDRESSED ON THIS SURVEY ARE THOSE LISTED ON SCHEDULE B OF THE TITLE REPORT, G.F. NO. 801-06-1451, PROVIDED BY TITLE RESOURCES GUARANTY COMPANY, DATED DECEMBER 9, 2006.
- 2) THIS PARCEL IS SUBJECT TO A 15 FOOT WIDE, BLANKET TYPE, WATER PIPE LINE EASEMENT GRANTED TO JONAH WATER SUPPLY CORP. BY INSTRUMENT RECORDED IN VOLUME 564, PAGE 42 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, BEING 7.5 FEET ON EITHER SIDE ON THE PIPE AS INSTALLED.
- 3) THIS PARCEL IS SUBJECT TO ALL TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN LOCATION SPACE AGREEMENT RECORDED IN DOCUMENT NO. 2002013929 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, AND AS FURTHER ASSIGNED BY INSTRUMENTS RECORDED IN DOCUMENT NO. 2002090865 AND DOCUMENT NO. 2003067906 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.
- 4) ALL BEARINGS SHOWN HEREON ARE BASED ON GRID BEARINGS. ALL DISTANCES ARE SURFACE DISTANCES. COORDINATES ARE SURFACE VALUES BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, USING A COMBINED SURFACE ADJUSTMENT FACTOR OF 1.00011.
- 5) IMPROVEMENTS SHOWN HEREON ARE BASED UPON AERIAL SURVEY DIGITAL FILES PROVIDED BY OTHERS AND SUPPLEMENTED BY ON THE GROUND SURVEYING PERFORMED BY INLAND GEODETICS, L.P.

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREON WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

M. Stephen Truesdale 13 DEC 07

M. STEPHEN TRUESDALE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4933
LICENSED STATE LAND SURVEYOR
INLAND GEODETICS, L.P.
1504 CHISHOLM TRAIL ROAD, SUITE 103
ROUND ROCK, TEXAS 79681



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PARCEL PLAT SHOWING PROPERTY OF

JAMES A. KREBS



Texas Department of Transportation

© 2003



SCALE
1" = 100'

CSJ #

PROJECT
U.S. 79

COUNTY
WILLIAMSON

PARCEL 44
PART I