

STATE OF TEXAS

COUNTY OF WILLIAMSON

**§ DEVELOPMENT AGREEMENT
§ REGARDING
§ CR 305 EXTENSION AT IH 35**

This is a DEVELOPMENT AGREEMENT (the "Agreement") by and between WILLIAMSON COUNTY, a political subdivision of the State of Texas, ("County") and SCHWERTNER FARMS, INC. ("Schwertner"). The Effective Date of this Agreement is the date approved by the Williamson County Commissioners Court.

WHEREAS, Schwertner owns approximately 3.298 acres of land (the "Property") as described in Exhibit "A", attached hereto; and

WHEREAS, the County and Schwertner desire to co-operate in the expeditious engineering, design and construction of CR 305 extension at IH 35 (the "Project"); and

NOW THEREFORE, for and in consideration of the promises and the mutual agreements set forth herein, the County and Schwertner hereby agree as follows:

A. **PURPOSE**

The purpose of this Agreement is to provide for the orderly and expeditious design, engineering and construction of the Project, as shown on Exhibit "B".

B. **GENERAL TERMS AND CONDITIONS**

1. The Project is defined as the construction of a two-lane road extending CR 305 to the East of IH 35, together with all required related construction and drainage and detention improvements extending through the Property, to be located approximately as shown on Exhibit "B".

C. **COUNTY OBLIGATIONS**

1. The County shall be responsible for all costs related to the design, construction, and maintenance of the Project.

2. The County shall construct an extension of CR 305 to the East of IH 35, as depicted on Exhibit "B".

3. The County agrees that if construction of the Project has not commenced by December 31, 2017, any dedicated right-of-way shall be re-conveyed to Schwertner.

D. **SCHWERTNER'S OBLIGATIONS**

1. Schwertner shall dedicate to the County fee simple title, free and clear of all liens, to the land within the Property the County deems necessary for the construction of the road, as shown on Exhibit "B".

E. **MISCELLANEOUS PROVISIONS**

1. Actions Performable. The County and Schwertner agree that all actions to be performed under this Agreement are performable in Williamson County, Texas.

2. Governing Law. The County and Schwertner agree that this Agreement has been made under the laws of the State of Texas in effect on this date, and that any interpretation of this Agreement at a future date shall be made under the laws of the State of Texas.

3. Severability. If a provision hereof shall be finally declared void or illegal by any court or administrative agency having jurisdiction, the entire Agreement shall not be void, but the remaining provisions shall continue in effect as nearly as possible in accordance with the original intent of the parties.

4. Complete Agreement. This Agreement represents a complete agreement of the parties and supersedes all prior written and oral matters related to this Agreement. Any amendment to this Agreement must be in writing and signed by all parties.

5. Exhibits. All exhibits attached to this Agreement are incorporated by reference and expressly made part of this Agreement as if copied verbatim.

6. Notice. All notices, requests or other communications required or permitted by this Agreement shall be in writing and shall be sent by (i) telecopy, with the original delivered by hand or overnight carried, (ii) by overnight courier or hand delivery, or (iii) certified mail, postage prepaid, return receipt requested, and addressed to the parties at the following addresses:

County:

County Judge
Dan A. Gattis
710 S. Main Street, Suite 101
Georgetown, TX 78626
Phone: (512) 943-1577

Schwertner:

*Jim Schwertner, President
Schwertner Farms, Inc
P.O. Box 1
Schwertner, TX 76573*

7. Force Majeure. Schwertner and the County agree that the obligations of each party shall be subject to force majeure events such as natural calamity, fire or strike.

8. Assignment. This Agreement may be assigned by Schwertner only with the written consent of the Williamson County Commissioners Court, which shall not be unreasonably withheld. Any assignment must bind the assignee to all the terms and conditions of this Agreement, which will be recorded in the Williamson County Official Records.

9. Signature Warranty Clause. The signatories to this Agreement represent and warrant that they have the authority to execute this Agreement on behalf of the County and Schwertner, respectively.

(signatures on following page)

SIGNED as of this _____ day of _____, 2016.

WILLIAMSON COUNTY

By: _____
Dan A. Gattis, County Judge

ATTEST:

Nancy Rister, County Clerk

SCHWERTNER FARMS, INC.

By: Jim Schweatner President
Gilbert, President

STATE OF TEXAS
COUNTY OF Williamson

This instrument was acknowledged before me on December 6, 2016, by Jim Schweatner, as President of Schwertner Farms, Inc., a Texas corporation, on behalf of said corporation.

Melanie S. Tindell
Notary Public's Signatures

(Personalized Seal)

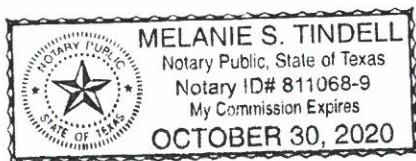


EXHIBIT A

County: Williamson
Parcel: 7
Highway: County Road No. 305

PROPERTY DESCRIPTION FOR PARCEL 7

BEING A 3.298 ACRE (143,664 SQUARE FEET) PARCEL OF LAND, SITUATED IN THE R. LILE SURVEY, ABSTRACT NO. 391, WILLIAMSON COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 568.38 ACRE TRACT OF LAND DESCRIBED IN A CASH WARRANTY DEED TO SCHWERTNER FARMS, INC., A TEXAS CORPORATION, RECORDED IN DOCUMENT NO. 2015010110 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. SAID 3.298 ACRE (143,664 SQUARE FEET) PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at a 1/2-inch iron rebar found (Surface Coordinates = N: 10,283,568.18, E: 3,156,740.97) for the Westerly Northwest corner of said 568.38 acre tract, being in the Easterly right-of-way line of Interstate Highway No. 35 (a variable width right-of-way), being at the Southerly end of a right-of-way cutback line and also being 400.17 feet left of and at a right angle to proposed Engineer's Centerline Station 117+32.43, from which a 1/2-inch iron rebar found for the Easterly Northwest corner of said 568.68 acre tract, being in the Southeasterly line of County Road No. 304E (a variable width right-of-way) and at the Northerly end of said right-of-way cutback line, bears North 67°13'46" East a distance of 115.31 feet;

THENCE South 20°19'54" West along the West line of said 568.38 acre tract and said Easterly right-of-way line of Interstate Highway No. 35, a distance of 533.49 feet to a 1/2-inch iron rebar with cap stamped "RPLS 5784" set for the **POINT OF BEGINNING** (Surface Coordinates = N: 10,283,067.93, E: 3,156,555.61) of the herein described tract and being 137.80 feet left of and at a right angle to proposed Engineer's Centerline Station 108+04.30;

THENCE departing said Easterly right-of-way line of Interstate Highway No. 35, over and across said 568.38 acre tract, the following four (4) courses and distances:

1. **South 24°40'06" East** a distance of **123.22** feet to a 1/2-inch iron rebar with cap stamped "RPLS 5784" set for a Point of Curvature of a curve to the left;
2. Northeasterly along the arc of said curve to the left having a radius of **283.00** feet, an arc length of **424.08** feet, a delta angle of **85°51'30"**, and a chord which bears **North 63°18'17" East** a distance of **385.50** feet to a 1/2-inch iron rebar with cap stamped "RPLS 5784" set for a Point of Tangency;
3. **North 20°22'32" East** a distance of **581.70** feet to a 1/2-inch iron rebar with cap stamped "RPLS 5784" set for a Point of Curvature of a curve to the right; and

4. Northeasterly along the arc of said curve to the right having a radius of **383.00** feet, an arc length of **78.66** feet, a delta angle of **11°46'02"**, and a chord which bears **North 26°15'33" East** a distance of **78.52** feet to a 1/2-inch iron rebar with cap stamped "RPLS 5784" set in the Northwest line of said 568.38 acre tract and said Southeast line of County Road No. 304E, from which a 1/2-inch iron rebar found for an angle point in said Northwest line of the 568.38 acre tract and said Southeast line of County Road No. 304E, bears South 68°51'22" West a distance of 366.06 feet;

THENCE **North 68°51'22" East** along said Northwest line of the 568.38 acre tract and said Southeast line of County Road No. 304E, a distance of **393.49** feet to a 1/2-inch iron rebar with cap stamped "RPLS 5784" set for the Northeast corner of the herein described tract, from which a 1/2-inch iron rebar found for an angle point in said Northwest line of the 568.38 acre tract and said Southeast line of County Road No. 304E, bears North 68°51'22" East a distance of 1052.18 feet;

THENCE departing said Southeast line of County Road No. 304E, over and across said 568.38 acre tract, the following five (5) courses and distances:

1. **South 60°28'41" West** a distance of **164.93** feet to a 1/2-inch iron rebar with cap stamped "RPLS 5784" set for a Point of Curvature of a curve to the left;
2. Southwesterly along the arc of said curve to the left having a radius of **283.00** feet, an arc length of **240.82** feet, a delta angle of **48°45'25"**, and a chord which bears **South 44°45'15" West** a distance of **233.62** feet to a 1/2-inch iron rebar with cap stamped "RPLS 5784" set for a Point of Tangency;
3. **South 20°22'32" West** a distance of **581.70** feet to a 1/2-inch iron rebar with cap stamped "RPLS 5784" set for a Point of Curvature of a curve to the right;
4. Southwesterly along the arc of said curve to the right having a radius of **383.00** feet, an arc length of **573.93** feet, a delta angle of **85°51'30"**, and a chord which bears **South 63°18'17" West** a distance of **521.72** feet to a 1/2-inch iron rebar with cap stamped "RPLS 5784" set for a Point of Tangency; and
5. **South 65°25'08" West** a distance of **133.12** feet to a 1/2-inch iron rebar with cap stamped "RPLS 5784" set for the Southwest corner of the herein described tract and being in said West line of the 568.38 acre tract and said Easterly right-of-way line of Interstate Highway No. 35, from which a Texas Department of Transportation Type I Concrete Monument found in said West line of the 568.38 acre tract and said Easterly right-of-way line of Interstate Highway No. 35, bears South 20°19'54" West a distance of 97.68 feet;

THENCE **North 20°19'54" East** along said West line of the 568.38 acre tract and said Easterly right-of-way line of Interstate Highway No. 35, a distance of **280.86** feet to the **POINT OF BEGINNING** and containing 3.298 acres (143,664 Square Feet) of land more or less.

This project is referenced for all bearing and coordinate basis to the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83 – 2011 Adjustment), Central Zone (4203). All coordinates and distances shown hereon are surface values represented in U.S. Survey Feet based on a grid-to-surface combined adjustment factor of 1.00015.

This property description was prepared from an on-the-ground survey performed under my supervision and is accompanied by a separate plat of even date. The field work was completed on May 4, 2016.

PRELIMINARY – FOR REVIEW, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Travis S. Tabor, RPLS No. 6428
Steger & Bizzell Engineering, Inc.
1978 South Austin Avenue
Georgetown, Texas 78626
(512) 930-9412
TBPLS Firm No. 10003700

PLAT TO ACCOMPANY PARCEL DESCRIPTION

MATCH LINE "A"

INTERSTATE HIGHWAY NO. 35
(R.O.W. VARIES)

P.O.C.
STA. 117+32.43
O/S 400.17 LT
N=10,283,568.18
E= 3,156,740.97

(568.38 AC)
SCHWERTNER FARMS, INC.,
A TEXAS CORPORATION
2015010110

PARCEL 7
143,664 SF
3.298 AC

STA. 113+94.13
O/S 50.00 LT

CR 305 (PROPOSED)

PT 113+94.13

STA. 113+94.13
O/S 50.00 RT

RADIUS = 283.00'
ARC = 424.08'
CHORD BEARING = N 63°18'17" E
CHORD = 385.50'
DELTA = 85°51'30"

P.O.B.
STA. 108+04.30
O/S 137.80 LT
N=10,283,067.93
E= 3,156,555.61

STA. 108+95.13
O/S 50.00 LT

RADIUS = 383.00'
ARC = 573.93'
CHORD BEARING = S 63°18'17" W
CHORD = 521.72'
DELTA = 85°51'30"

(568.38 AC)
SCHWERTNER FARMS, INC.,
A TEXAS CORPORATION
2015010110

R. LILE SURVEY
ABSTRACT No. 591



0 50 100
SCALE IN FEET

PAGE 1 OF 3

STEGER BIZZELL

ADDRESS 1978 S. AUSTIN AVENUE GEORGETOWN, TX 78626
METRO 512.930.9412 FAX 512.930.9412
SERVICES >>ENGINEERS >>PLANNERS >>SURVEYORS

PARCEL PLAT SHOWING PROPERTY OF:
SCHWERTNER FARMS, INC., A TEXAS CORPORATION

SCALE:
1"=100'

PARCEL:
7

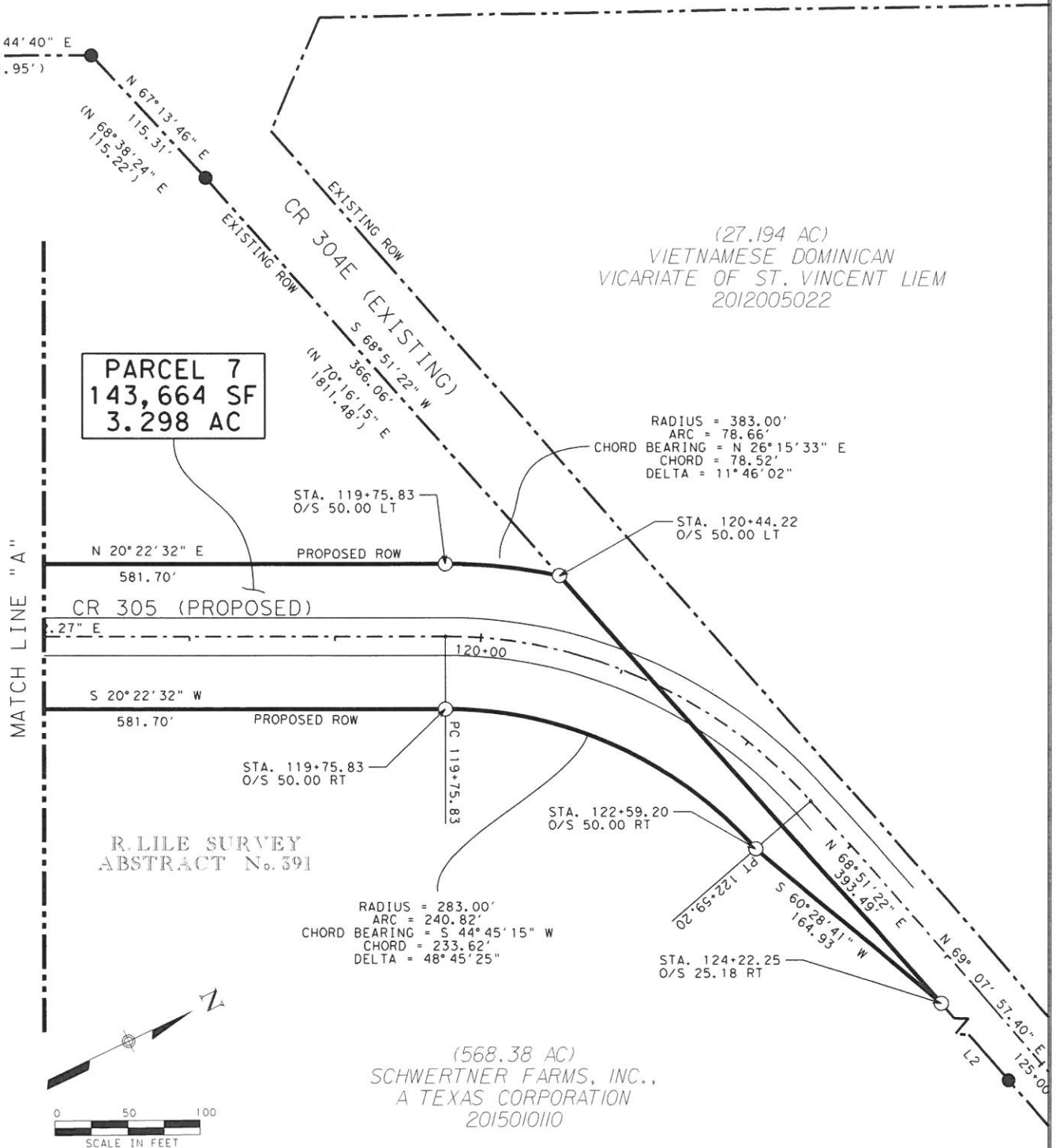
PROJECT:
CR 305

COUNTY:
WILLIAMSON



PLAT TO ACCOMPANY PARCEL DESCRIPTION

INTERSTATE HIGHWAY NO. 35
(R.O.W. VARIES)



PAGE 2 OF 3

STEGER BIZZELL

ADDRESS: 1978 S. AUSTIN AVENUE
METRO: 512.930.9412
SERVICES: >>ENGINEERS >>PLANNERS >>SURVEYORS

GEORGETOWN, TX 78626
OFFICE: 512.930.9412
WEB: STEGERBIZZELL.COM

PARCEL PLAT SHOWING PROPERTY OF:
SCHWERTNER FARMS, INC., A TEXAS CORPORATION

SCALE:
1" = 100'

PARCEL:
7

PROJECT:
CR 305

COUNTY:
WILLIAMSON



LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- TXDOT TYPE II MONUMENT FOUND
- ⊙ 1/2" IRON PIPE FOUND UNLESS NOTED
- 1/2" IRON REBAR SET W/ CAP STAMPED "RPLS 5784"
- 1/2" IRON REBAR FOUND UNLESS NOTED
- △ CALCULATED POINT
- ⊕ MAG NAIL FOUND UNLESS NOTED
- ⌒ CENTER LINE
- () RECORD INFORMATION
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING
- LINE BREAK
- X FENCE CORNER

CODE	BEARING	DISTANCE
L1	S 20°19'54" W	97.68'
L2	N 68°51'22" E	1,052.18'

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83 - 2011 ADJUSTMENT), CENTRAL ZONE (4203).

ALL COORDINATES AND DISTANCES SHOWN HEREON ARE SURFACE VALUES REPRESENTED IN U.S. SURVEY FEET BASED ON A GRID-TO-SURFACE COMBINED ADJUSTMENT FACTOR OF 1.00015.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR POLICY. NO ADDITIONAL RESEARCH WAS PERFORMED BY THIS SURVEYOR. THERE MAY BE ADDITIONAL EASEMENT, RESTRICTIONS, CHANGES IN LOT LINES, OR ENCUMBRANCES WHICH MAY AFFECT THE PROPERTY SHOWN HEREON.

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY BELIEF AND WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED UNDER MY SUPERVISION. THE FIELD WORK WAS COMPLETED ON MAY 4, 2016.

PRELIMINARY - FOR REVIEW, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

TRAVIS S. TABOR
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS - NO. 6428

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STEGE BIZZELL

ADDRESS 1978 S. AUSTIN AVENUE GEORGETOWN, TX 78626
PHONE 512.930.8412 FAX 512.930.1807 WEB STEGERBIZZELL.COM
SERVICES >>ENGINEERS >>PLANNERS >>SURVEYORS

PARCEL PLAT SHOWING PROPERTY OF:
SCHWERTNER FARMS, INC., A TEXAS CORPORATION

SCALE:
1"=100'

PARCEL:
7

PROJECT:
CR 305

COUNTY:
WILLIAMSON



EXHIBIT B

CR 305 at IH 35

