

**RESOLUTION CLARIFYING A RESOLUTION AUTHORIZING
THE RELEASE AND VACATION OF A PORTION
OF
THE RIGHT OF WAY FOR COUNTY ROAD 117**

WHEREAS, at the March 28, 2006 Regular Session of the Williamson County Commissioners Court (the "Commissioners Court"), the Commissioners Court adopted a Resolution Authorizing the Release and Vacation of a Portion of the Right-of-Way for County Road 117, which is attached hereto as Attachment 1 and incorporated herein by reference (the "Resolution");

WHEREAS, pursuant to the Resolution, the Commissioners Court resolved that portions of the existing right-of-way for County Road 117 would be abandoned and vacated upon completion and acceptance of the internal roadway system for the adjacent master planned community development known as "Paloma Lake";

WHEREAS, the Commissioners Court would like to further describe and clarify the timing as to when the portions of the Right-of-Way for County Road 117, which are depicted in Exhibit "A" of the attached Resolution, will be fully released and vacated;

WHEREAS, the Commissioners Court, after due consideration, desires to clarify that the portions of the Right-of-Way for County Road 117, which are depicted in Exhibit "A" of the attached Resolution, will be fully released and vacated after both (1) all internal roadways of Paloma Lake are completed and accepted; and (2) the new roadway originally known as Arterial A and more recently referred to and known as Kenney Fort Boulevard ("Arterial A/Kenney Fort Boulevard"), which is to be constructed from CR 112 to Old Settlers Blvd, is completed; and

NOW, THEREFORE, BE IT RESOLVED the Commissioner's Court hereby clarifies the prior Resolution and declares that portions of the Right-of-Way for County Road 117, which are depicted in Exhibit "A" of the attached Resolution, will be fully released and vacated after both (1) all internal roadways of Paloma Lake are completed and accepted; and (2) the new roadway known as Arterial A/Kenney Fort Boulevard, which is to be constructed from CR 112 to Old Settlers Blvd, is completed.

IT IS FURTHER RESOLVED THAT, upon the release and vacation of County Road 117, as set resolved herein, that title to the portion of vacated right of way for County Road 117 to the center line of County Road 117 will vest in the owners of the property that abut the vacated right of way in accordance with the provisions of Section 251.058(b) of the Texas Transportation Code; and, further, that a copy of this Resolution Clarifying a Resolution Authorizing the Release and Vacation of a Portion of the Right-of-Way for County Road 117 will be filed with the deed records of Williamson County, Texas, which will serve as the official instrument of conveyance from the County to the owners of the abutting property.

IT BEING FINALLY RESOLVED THAT, if a public utility or common carrier, that has the right of eminent domain, is using the property being vacated and conveyed herein for a right-of-way or easement purpose, such title to the property being vacated and conveyed will continue to be subject to the right-of-way or easement of the public utility or common carrier and the continued use by the public utility or common carrier of utility infrastructure in existence on the date this resolution is signed, as set out in Section 251.058(b)(4) of the Texas Transportation Code.

Adopted this ____ day of _____, 20____, by the Williamson County Commissioner's Court.

Dan A. Gattis, County Judge

ATTACHMENT 1

A RESOLUTION AUTHORIZING THE RELEASE AND VACATION OF A PORTION
OF THE RIGHT-OF-WAY FOR COUNTY ROAD 117

WHEREAS, County Road 117 is an existing roadway located within Williamson County, Texas (the "County"); and

WHEREAS, in connection with the development of "Paloma Lake", a master-planned community, Paloma Development, Inc., a Texas corporation ("Developer") intends to construct an internal roadway system which will provide alternative and more efficient means of access than currently provided by certain portions of County Road 117, and which will provide a safer and more efficient roadway system; and

WHEREAS, upon the completion and acceptance of the portions of the internal roadway system, the County intends to vacate and abandon portions of the existing right-of-way for County Road 117, as shown on the plan attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, the Commissioners Court of Williamson County, after due consideration, has determined that portions of the existing right-of-way for County Road 117 should be released and vacated as set forth in this Resolution; Now, therefore,

BE IT RESOLVED BY THE COMMISSIONERS COURT OF WILLIAMSON COUNTY, TEXAS that, as adjacent portions of Paloma Lake are developed, and the related internal roadways are completed and accepted, portions of the existing right-of-way for County Road 117 ("Right-of-Way"), as shown on Exhibit "A", will be released and vacated by the County.

ADOPTED this 28th day of March, 2006.

WILLIAMSON COUNTY, TEXAS

By: John C. Overfler
Name: John C. Overfler
Title: County Judge

