

FIRST AMENDMENT TO REAL ESTATE CONTRACT

CR 176—Parcel 11

THIS FIRST AMENDMENT TO REAL ESTATE CONTRACT (the "First Amendment"), is entered into by and among WILLIAMSON COUNTY, TEXAS a political subdivision of the State of Texas, (the "Purchaser") and JOHN B. GORDON and CRUZITA R. GORDON (referred to in this contract as "Seller", whether one or more). The Seller and the Purchaser are individually referred to as "Party" and collectively referred to as the "Parties". Each of the Parties confirms that it has the authority to enter into this First Amendment and the ability to perform its obligations under this First Amendment, without the further approval or consent of any other person or entity.

Recitals

WHEREAS, on or about the 9th day of October, the Parties entered into that one certain Real Estate Contract for the purchase of 0.289 acre of real property for construction of improvements to CR 176 (the "Contract"); and

WHEREAS, subsequent to the execution of the contract Purchaser determined that the description of the Property needed for purchase was incorrect and had to be revised; and

WHEREAS, the metes and bounds description of the Property has been revised to reflect the corrected size of 0.334 acre (14,538 SF); and

WHEREAS, the Parties desire to amend and correct the description of the Property and the amount of the Purchase Price to reflect the corrections;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the sufficiency of which are hereby conclusively acknowledged, and subject to the terms and conditions hereinafter set forth, the County and the Purchaser mutually agree as follows:

Section 1. Definitions

All terms used herein shall have the meanings assigned to them in the Contract unless the context clearly requires otherwise.

Section 2. Amendment

- (a) Article I, Purchase and Sale, of the Contract is amended as follows:

**ARTICLE I
PURCHASE AND SALE**

By this Contract, Seller sells and agrees to convey, and Purchaser purchases and agrees to pay for, the tract(s) of land described as follows:

All of that certain 0.334 acre (14,538 Sq. Ft.) tract of land in the James B. Allen Survey, Abstract No. 36 and the John T. Church Survey, Abstract No. 140, Williamson County, Texas; being more fully described by metes and bounds in Exhibit "A", attached hereto and incorporated herein (**Parcel 11**);

together with all and singular the rights and appurtenances pertaining to the property, including any right, title and interest of Seller in and to adjacent streets, alleys or rights-of-way (all of such real property, rights, and appurtenances being referred to in this Contract as the "Property"), and any improvements situated on and attached to the Property described in Exhibits "A" not otherwise agreed herein to be retained by Seller, for the consideration and upon and subject to the terms, provisions, and conditions set forth below.

- (b) Article II, Purchase Price, Section 2.01. of the Contract is amended as follows:

**ARTICLE II
PURCHASE PRICE**

Purchase Price

2.01. The Purchase Price for the Property described in Exhibit "A", any improvements on the Property, and any damage to and/or cost to cure for the remaining property of Seller shall be the sum of TWENTY-TWO THOUSAND EIGHT HUNDRED SEVENTY-SEVEN and 00/100 Dollars (\$22,877.00).

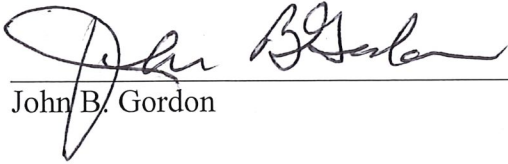
Section 3. Miscellaneous

- (a) To the extent necessary to effect the terms and provisions of this First Amendment, the Contract is hereby amended and modified. In all other respects, the aforesaid Contract is hereby ratified and confirmed.

(b) This First Amendment may be executed in counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be duly executed as of the 12th day of November, 2018.

SELLER:



John B. Gordon



Cruzita R. Gordon

PURCHASER:

WILLIAMSON COUNTY, TEXAS

By: _____
DAN A. GATTIS, County Judge

EXHIBIT A

County: Williamson
Parcel: 11
Highway: County Road 176

FIELD NOTES
FOR

A 0.334 ACRE, OR 14,538 SQUARE FEET TRACT OF LAND, BEING OUT OF LOT 1, OF THE WHITETAIL SUBDIVISION RECORDED IN CABINET C, SLIDES 117-122 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS, DESCRIBED IN CONVEYANCE TO JOHN B. GORDON AND CRUZITA R. GORDON IN WARRANTY DEED RECORDED IN VOLUME 1907, PAGES 170-171 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, OUT OF THE JAMES B. ALLEN SURVEY, ABSTRACT NO. 36 AND THE JOHN T. CHURCH SURVEY, ABSTRACT NO. 140, WILLIAMSON COUNTY, TEXAS. SAID 0.334 ACRE TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS, WITH BEARINGS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NA 2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE CENTRAL ZONE:

COMMENCING at an "X" chiseled in rock found on a point in the east right-of-way line of County Road 176, a variable width right-of-way, said point being the southwest corner of said Lot 1;

THENCE N 20°51'24" W, with the east right-of-way line of County Road 176, same being the west boundary line of said Lot 1, for a distance of **184.64 feet** to a ½" iron rod with a yellow cap marked "Pape-Dawson set, (Grid Coordinates determined as N=10187723.23, E=3101613.79), Station 121+60.13, 60.85 feet left, for the southernmost corner and the **POINT OF BEGINNING** hereof;

THENCE N 20°51'24" W, continuing with the east right-of-way line of said County Road 176, same being the west line of said Lot 1, a distance of **432.33 feet** to a ½" iron rod found on an angle point in the southeast cutback for said County Road 176, same being a northwest corner of said Lot 1, for the westernmost corner hereof;

THENCE with said cutback, same being the north line of said Lot 1, the following three (3) courses and distances:

1. **N 17°40'54" E**, a distance of **39.20 feet** to a ½" iron rod found,
2. **N 57°17'03" E**, a distance of **61.55 feet** to a ½" iron rod found, and

3. **N 68°40'20" E**, a distance of **16.87 feet** to a ½" iron rod with a yellow cap marked "Pape-Dawson set, for the northernmost corner hereof, from which ½" iron rod found on a point being the northeast corner of said Lot 1 bears, N 68°40'20" E a distance of 289.05 feet;

THENCE departing the south right-of-way line of said County Road 176, through the interior of said Lot 1, with the following two (2) courses and distances:

1. With the arc of a curve to the left having a radius of **1011.00 feet**, a central angle of **21°58'24"**, a chord bearing and distance of **S 06°30'24" E, 387.35 feet**, an arc length of **387.72 feet**, to a ½" iron rod with a yellow cap marked "Pape-Dawson set for a point of tangency hereof, and
2. **S 17°29'36" E** for a distance of **102.62 feet** to the **POINT OF BEGINNING** and containing 0.334 of an acre in Williamson County, Texas. Said tract being described in accordance with an exhibit prepared by Pape Dawson Engineers, Inc. under Job No. 59006-16.

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: October 16, 2018

JOB No.: 59006-16

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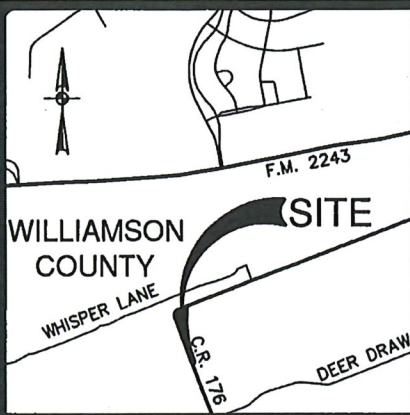
TBPE Firm Registration #470

TBPLS Firm Registration #100288-01

Parker J. Graham



10/19/2018



LOCATION MAP

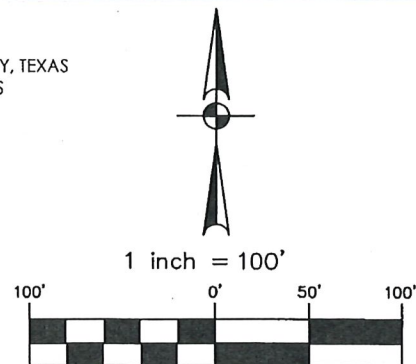
NOT-TO-SCALE

LEGEND:

D.R. DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
O.P.R. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS
O.R. OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS
P.R. PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS
FD. FOUND
I.R. IRON ROD
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD 83 (NA2011) EPOCH 2010.00.



OWNER: MMA RANCH LIMITED PARTNERSHIP
A CALLED 223.444 ACRE TRACT
DOC. NO. 2011065654
(O.P.R.)

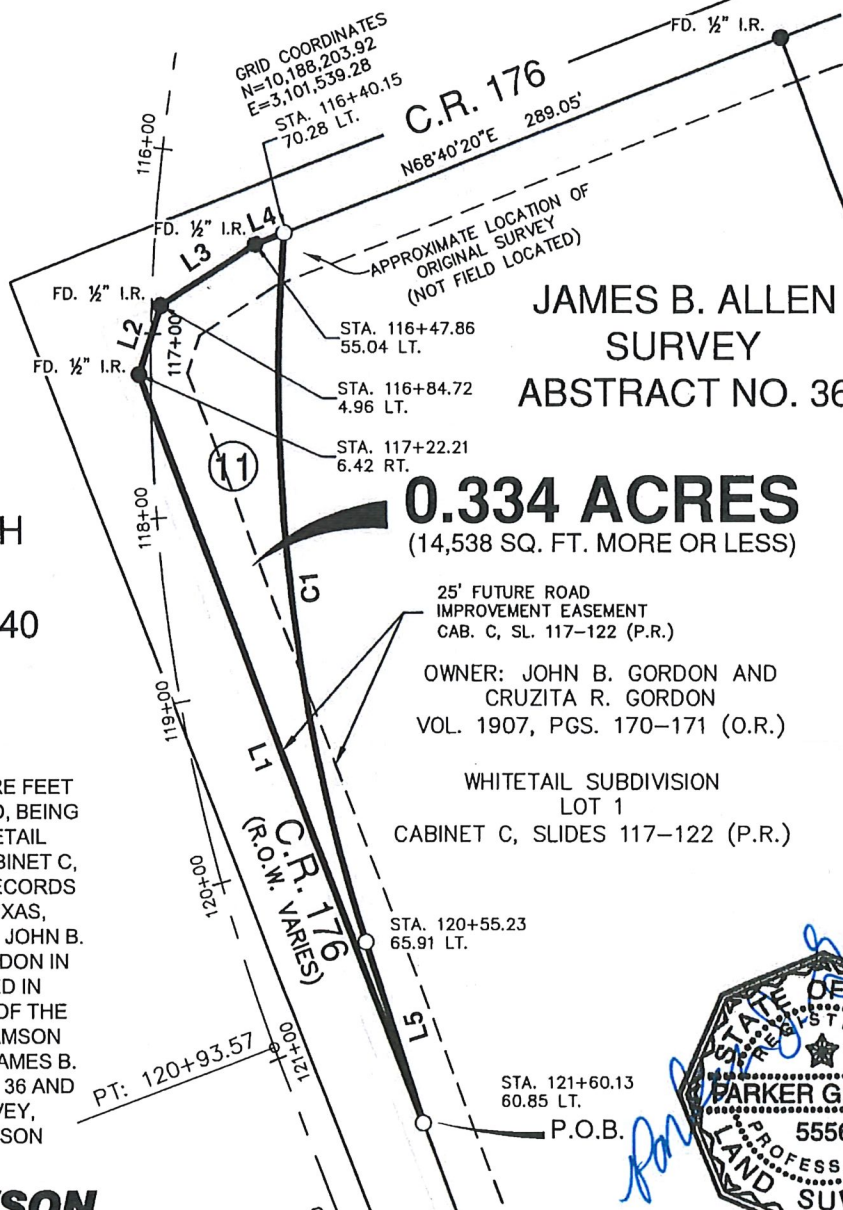
JOHN T. CHURCH SURVEY
ABSTRACT NO. 140

EXHIBIT OF

A 0.334 ACRE, OR 14,538 SQUARE FEET MORE OR LESS, TRACT OF LAND, BEING OUT OF LOT 1, OF THE WHITETAIL SUBDIVISION RECORDED IN CABINET C, SLIDES 117-122 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS, DESCRIBED IN CONVEYANCE TO JOHN B. GORDON AND CRUZITA R. GORDON IN WARRANTY DEED RECORDED IN VOLUME 1907, PAGES 170-171 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, OUT OF THE JAMES B. ALLEN SURVEY, ABSTRACT NO. 36 AND THE JOHN T. CHURCH SURVEY, ABSTRACT NO. 140, WILLIAMSON COUNTY, TEXAS.



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TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028801



JAMES B. ALLEN SURVEY
ABSTRACT NO. 36

0.334 ACRES
(14,538 SQ. FT. MORE OR LESS)

25' FUTURE ROAD IMPROVEMENT EASEMENT
CAB. C, SL. 117-122 (P.R.)

OWNER: JOHN B. GORDON AND CRUZITA R. GORDON
VOL. 1907, PGS. 170-171 (O.R.)

WHITETAIL SUBDIVISION
LOT 1
CABINET C, SLIDES 117-122 (P.R.)



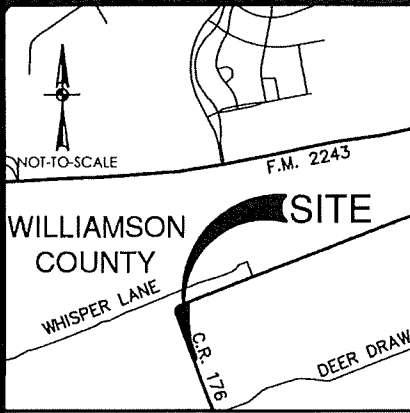
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OCTOBER 16, 2018

JOB No.:

SHEET 3 OF 4

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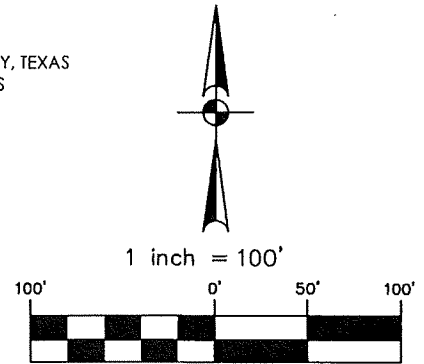
LOCATION MAP

LEGEND:

D.R. DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
 O.P.R. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS
 O.R. OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS
 P.R. PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS
 FD. FOUND
 I.R. IRON ROD

NOTES:

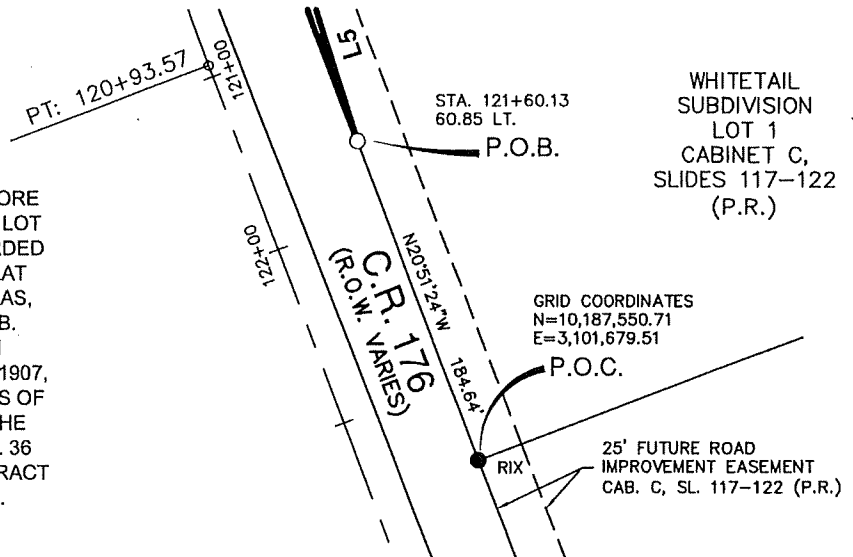
1. THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD 83 (NA2011) EPOCH 2010.00.



CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	1011.00'	21°58'24"	S06°30'24"E	385.35'	387.72'

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LINE TABLE		
LINE	BEARING	LENGTH
L1	N20°51'24"W	432.33'
L2	N17°40'54"E	39.20'
L3	N57°17'03"E	61.55'
L4	N68°40'20"E	16.87'
L5	S17°29'36"E	102.62'



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SHEET 4 OF 4