

Sheets & Crossfield, PLLC

ATTORNEYS AT LAW

309 East Main Street • Round Rock, TX 78664-5246

Phone 512-738-8725 (D) • fax 512-255-8986

don@scrlaw.com

November 8, 2021

Leland@enochslawfirm.com

Morris Wayne Krueger and Michael Ray Krueger

c/o Leland Enochs

700 North Main Street

Taylor, Texas 76574

Re: Williamson County—Southeast Loop Ph.3
Flint Hills Resources replacement gas easement
Parcel No.: 67GE

Dear Leland:

Please allow this letter to set out my understanding regarding our Agreement for the acquisition of a pipeline easement to Flint Hills Resources Corpus Christi, LLC (“FHR”) in and across a portion of the Krueger property (“Owner”) as part of Williamson County’s (“County”) proposed improvements to Southeast Loop/Corridor A1 and related utility adjustments (“Project”).

By execution of this letter the parties agree as follows:

1. In return for Owner’s delivery to FHR of a fully executed and acknowledged amendment to pipeline easement right of way grant (“Easement”) in and to 1.015 acre (44,233 SF) of land, and in the form as set out in Exhibit “A” attached hereto and incorporated herein, County shall pay Owner the sum of **\$97,320.00** in cash or other good funds.

2. If requested by County, the Closing and completion of this transaction shall take place at a title company of County’s choice (“Title Company”) within thirty (30) days after full execution of this Agreement, or at other date and time agreed to between the parties.

Upon request Owner shall provide reasonable assistance, at no cost to Owner, to cause the Title Company to issue a policy of title insurance, with standard printed exceptions, to Jonah in completion of this transaction. County shall be responsible for all fees and costs associated with this transaction, except that each party shall be responsible for any attorney’s fees they incur. Owner shall assist County and Title Company with any

curative measures or mortgage lien consent or subordination required as a condition of the Closing.

If this meets with your understanding, please execute this letter where indicated and return it to me, and we will have this approved and signed by the County and process this for payment and Closing as quickly as possible.

Please feel free to contact me at any time if you have any questions or concerns about these issues.

Very truly yours,

Don Childs
Sheets & Crossfield, PLLC

AGREED:

Morris Wayne Krueger
Morris Wayne Krueger

Date: 11-15-21

Michael Ray Krueger
Michael Ray Krueger

Date: 11/10/2021

ACCEPTED AND AGREED:

WILLIAMSON COUNTY, TEXAS

By: _____
Bill Gravell, Jr.
County Judge

Date: _____

EXHIBIT “A” FORM OF EASEMENT FOLLOWS

DOCUMENT DRAFTED BY:
Flint Hills Resources, LC
3120 117th St. E.
Inver Grove Heights, MN 55077
WHEN RECORDED, MAIL TO:
Same as above
Attn: ROW Department – NAB

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

AMENDMENT TO PIPELINE EASEMENT RIGHT OF WAY GRANT

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS THAT:
COUNTY OF WILLIAMSON §

This Amendment to Right of Way Grant (the “*Amendment*”) is dated and effective as of _____, 2021 (the “Effective Date”), by and between MORRIS WAYNE KRUEGER and MICHAEL RAY KRUEGER (“*Grantor*”), and FLINT HILLS RESOURCES CORPUS CHRISTI, LLC, a Delaware limited liability company (“*Grantee*”).

Existing Easement Recitals (“Easement”):

1. Easement granted by Morris Wayne Krueger and Michael Ray Krueger to the Koch Refining Company by instrument recorded in Volume 1850, Page 74, Document No. 1989035390, Official Records of Williamson County, Texas.
2. Easement granted by Morris Wayne Krueger and Michael Ray Krueger to Koch Refining Company by instrument recorded in Volume 1792, Page 148, Official Records of Williamson County, Texas.
3. Assignment and Assumption Agreement by and between Flint Hills Resources, LP, a Delaware limited Partnership (“Assignor”) and Flint Hills Resources Corpus Christi, LLC, a Delaware limited liability company (“Assignee”) effective November 1, 2010, recorded in Document 2010078119, Official Records of Williamson County, Texas.

Grantor and Grantee now wish to amend the Easement as set forth herein.

NOW THEREFORE, in consideration of the premises set forth above, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee amend the Easement as follows:

1. **New Right-of-Way.** The Easement is hereby amended to add the 1.015 acre (44,233 square foot) right-of-way and easement described in Exhibit A (the “New Right-of-Way”), which is attached hereto and incorporated herein by reference, as part of the Easement property. As of the Effective Date, the Easement shall apply in full force and effect to the New Right-of-Way, as well as that right-of-way originally set forth in the Easement.
2. **Temporary Workspace.** The Easement is further amended to allow Grantee, its employees, agents, contractors, and subcontractors, to use up to fifty feet (50’) of property immediately adjacent to the New Right-of-Way and Easement, as temporary workspace during new construction, removal of the pipeline being replaced, and future maintenance, as necessary.
3. **Future Release.** Grantee agrees that upon completion of construction of the replacement pipeline in the New Right-of-Way and removal of the pipeline being replaced, to release the right-of-way no longer needed as a result of the relocation of the pipeline and record the release in the records of Williamson County, Texas.

4. **Parties Bound.** This Amendment shall be binding upon and inure to the benefit of Grantor and Grantee, and their respective permitted successors and assigns, as provided in the Easement. Except as amended by the terms of this Amendment, the Easement and the rights and obligations of the Grantor and Grantee thereunder shall be and remain in full force and effect and are hereby ratified and affirmed.

5. **Counterparts.** This Amendment may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument, and any of the parties hereto may execute this Amendment by signing any such counterpart.

6. **Governing Law.** This Amendment shall be governed by and construed in accordance with the internal laws of the State of Texas.

Signatures on following page

IN WITNESS WHEREOF, the parties have caused this Amendment to be effective on the Effective Date.

GRANTOR:

MORRIS WAYNE KRUEGER

STATE OF TEXAS

§
§
§

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 2021, by Morris Wayne Krueger,
in the capacity and for the purposes and consideration recited herein.

Notary Public, State of Texas

Printed Name: _____

My Commission Expires: _____

GRANTOR:

MICHAEL RAY KRUEGER

STATE OF TEXAS §
 §
COUNTY OF _____ §

Subscribed and sworn to before me this _____ day of _____, 2021, by Michael Ray Krueger, in the capacity and for the purposes and consideration recited herein.

Notary Public, State of Texas
Printed Name: _____
My Commission Expires: _____

ACCEPTED:

**FLINT HILLS RESOURCES
CORPUS CHRISTI, LLC**

By: _____
Printed Name: Phil Gaarder
Title: Executive Vice President-Operations

STATE OF _____ §
COUNTY OF _____ §

Subscribed and sworn to before me this _____ day of _____, 2021, by Phil Gaarder, the Executive Vice President-Operations of Flint Hills Resources Corpus Christi, LLC, a Delaware limited liability company, on behalf of said limited liability company.

Notary Public, State of _____
Printed Name: _____
My Commission Expires: _____

**JOINDER AND CONSENT OF LIENHOLDER TO PIPELINE EASEMENT
AMENDMENT**

CITY NATIONAL BANK, as Beneficiary under Deeds of Trust executed by Morris Wayne Krueger and wife, Mary Ellen Krueger to Andrew D. Littlejohn, Trustee, recorded in Document Nos. 2013023089 and 2013023090, and being further affected by Modification recorded in Document No. 2018008941, and as further affected by Modifications recorded in Document Nos. 2014017610, 2015021155, 2016020534, 2017026153, 2018008942, 2019008743, 2020013285 and 2021088480 of the Official Records of Williamson County, Texas (the "Grantor Security Documents") that create liens, security interests and other rights and powers that encumber all or parts of the property described in Exhibit "A" ("Grantor Liens"), executes this amendment to pipeline easement right of way grant ("Easement") for the limited purpose of (i) consenting to the terms and conditions of the foregoing Easement and (ii) agreeing that the Grantor Security Documents and the Grantor Liens are and shall be subordinate and inferior to all of the easements, restrictions, terms and provisions of the Easement, so that no enforcement of the terms of the Grantor Security Documents shall amend, impair or otherwise affect the easements, restrictions, terms or provisions of said Easement.

CITY NATIONAL BANK

By: _____

Name: _____

Title: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on this ____ day of _____, 2021, by _____, the _____ of City National Bank, known to me to be the person whose name is subscribed to the preceding instrument, and acknowledged to me that he/she executed the same for the purposes and consideration recited herein.

Notary Public in and for the State of Texas

A
EXHIBIT
PROPERTY DESCRIPTION FOR PARCEL 67 - G.E.

DESCRIPTION OF A 1.015 ACRE (44,233 SQUARE FOOT), PARCEL OF LAND SITUATED IN THE JOHN KUYKENDALL SURVEY, ABSTRACT NO. 378 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 80 ACRE TRACT OF LAND (FOURTH TRACT) DESCRIBED IN DEED OF GIFT TO MORRIS WAYNE KRUEGER AND MICHAEL RAY KRUEGER RECORDED IN VOLUME 656, PAGE 142 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 1.015 ACRE (44,233 SQUARE FOOT) PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point (Grid Coordinates determined as N=10,169,234.48, E=3,192,369.91 TxSPC Zone 4203) in the existing southerly ROW line of County Road (C.R.) 132 (50' ROW width per Volume 347, Page 145, Tract 1), same being in the northerly boundary line of said 80 acre tract, for the northwesterly corner and **POINT OF BEGINNING** of the herein described parcel;

- 1) **THENCE**, with said common boundary/ROW line, **S 82°41'16" E**, for a distance of **25.00** feet to a calculated point, being the northwesterly corner of a proposed 20.00 foot wide waterline easement, for the northeasterly corner of the herein described parcel, and from which, an iron rod with aluminum cap stamped "ROW 4933" set in the proposed westerly Right-of-Way (ROW) line of F.M. 3349 (variable width ROW) bears with said common boundary/ROW line **S 82°41'16" E**, at a distance of 20.00 feet;
- 2) **THENCE**, departing said existing southerly ROW line, with the westerly line of said proposed waterline easement, through the interior of said 80 acre tract, **S 07°39'47" W**, for a distance of **1,769.34** feet to a calculated point in the southerly boundary line of said 80 acre tract, same being the northerly boundary line of the remainder of that called 64.814 acre tract of land described in Warranty Deed to FM 3349 Holdings, LLC recorded in Document No. 2006048396 of the Official Public Records of Williamson County, Texas, also being the southwesterly corner of said proposed waterline easement, for the calculated southeasterly corner of the herein described parcel, and from which, an iron rod with aluminum cap stamped "ROW 4933" set in said proposed westerly ROW line of F.M. 3349 bears, with said common boundary line, **S 82°46'43" E**, at a distance of 20.00 feet;
- 3) **THENCE**, departing said proposed waterline easement, with said southerly boundary line of said 80 acre tract, same being said northerly boundary line of the remainder of the 64.814 acre tract, **N 82°46'43" W**, for a distance of **25.00** feet to the calculated southwesterly corner of the herein described parcel;
- 4) **THENCE**, departing said remainder of the 64.814 acre tract, through the interior of said 80 acre tract, **N 07°39'47" E**, for a distance of **1,769.38** feet to the **POINT OF BEGINNING**, containing 1.015 acre, (44,233 square feet) of land, more or less.

NOTE: There is also a 50 foot wide Temporary Construction Easement (T.C.E.) parallel with and westerly of Call 4 of the above description, as depicted on the accompanying Parcel Plat.

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.

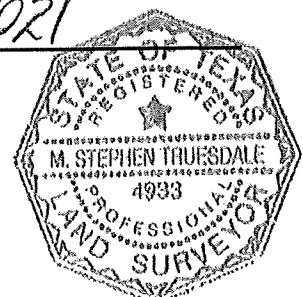
THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF WILLIAMSON §

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

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

M. Stephen Truesdale
M Stephen Truesdale
Registered Professional Land Surveyor No. 4933
Licensed State Land Surveyor
Inland Geodetics, LLC
Firm Registration No: 100591-00
1504 Chisholm Trail Road, Suite 103
Round Rock, TX 78681
S:_ HDR-PROJECTS\FM 3349 OVERPASS\PARCELS\PARCEL 67-KRUEGER-GAS EASE.doc

Date



THOMAS B. LEE SURVEY PLAT TO ACCOMPANY DESCRIPTION

ABSTRACT No. 740

EXISTING ROW LINE
 OSTENSIBLE SURVEY LINE
C.R. 132 (50' ROW WIDTH - VOL. 347, PG. 145 TRACT 1)
 EXISTING ROW LINE
 $N82^{\circ}41'16''W$ 1,709.55'
 $(N80^{\circ}18'W$ 708.7 Vrs=1,968.6')

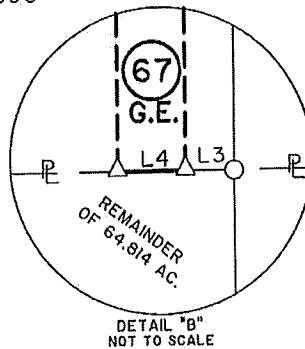
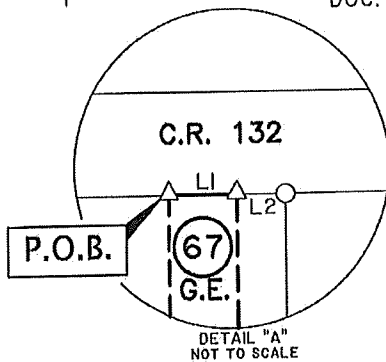
MORRIS WAYNE KRUEGER
 & MICHAEL RAY KRUEGER
 (FIRST TRACT)
 22.26 ACRES
 (PART OF 115 ACRES)
 VOL. 656, PG. 142
 D.R.W.C.T.

MORRIS WAYNE KRUEGER
 & MICHAEL RAY KRUEGER
 (FOURTH TRACT)
 80 ACRES
 VOL. 656, PG. 142
 D.R.W.C.T.

NO.	DIRECTION	DISTANCE
L1	S82°41'16"E	25.00'
L2	S82°41'16"E	20.00'
L3	S82°46'43"E	20.00'
L4	N82°46'43"W	25.00'

JOHN KUYKENDALL SURVEY
 ABSTRACT No. 378

FM 3349 HOLDINGS, LLC
 REMAINDER OF 64.814 ACRES
 DOC. No. 2006048396
 O.P.R.W.C.T.



P.O.B.
 GRID COORDINATES:
 N=10,169,234.48
 E=3,192,369.91

67
 G.E.
 1.018 AC.
 44,233 SQ. FT.

50' T.C.E.
 2.031 AC.
 88,471 SQ. FT.

PROPOSED 20'
 WATERLINE
 EASEMENT

PROPOSED ROW LINE

$N07^{\circ}39'47''E$ 1,769.38'
 $S07^{\circ}59'47''W$ 1,769.34'

$(N09^{\circ}07'36''E$ 509.79')

$(N10^{\circ}E$ 637.3 Vrs=1,770.5')

$(N09^{\circ}07'36''E$ 1,290.64')

F.M. 3349 (100' R.O.W. WIDTH)

EXISTING ROW LINE

STATE OF TEXAS
 4.1049 ACRES
 VOL. 669, PG. 340
 D.R.W.C.T.

STATE OF TEXAS
 0.0459 ACRES
 VOL. 669, PG. 363
 D.R.W.C.T.

KOCH REFINING CO.
 25' WIDE EASEMENT
 VOL. 1850, PG. 74
 O.R.W.C.T.

TxP&L EASEMENT
 PART 1
 VOL. 282, PG. 345
 D.R.W.C.T.

STATE OF TEXAS
 4.8614 ACRES
 VOL. 670, PG. 280
 D.R.W.C.T.

WATKINS NOBLES SURVEY
 ABSTRACT No. 484

INLAND U
GEODETICS
 PROFESSIONAL LAND SURVEYORS
 1504 CHISHOLM TRAIL RD. STE. 103
 ROUND ROCK, TX. 78681
 PH. (512) 238-1200, FAX (512) 238-1251
 FIRM REGISTRATION NO. 100591-00

PARCEL PLAT SHOWING PROPERTY OF
MORRIS WAYNE KRUEGER
 & **MICHAEL RAY KRUEGER**

SCALE
 1" = 300'

WILLIAMSON COUNTY

PROJECT
 FM 3349

PARCEL 67
G.E.

PAGE 2 OF 3

