

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

**RELEASE AND WAIVER OF
RIGHT OF FIRST REFUSAL**

STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

THIS RELEASE AND WAIVER OF RIGHT OF FIRST REFUSAL (this "Release") is made to be effective as of _____, 2023 ("Effective Date"), by Williamson County, as trustee for Williamson County Conservation Foundation, Inc. ("Williamson County") and is as follows:

A. WILLIAMSON COUNTY is the owner and holder of a right of first refusal ("ROFR") to purchase that certain tract of land in Williamson County, Texas more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property") pursuant to a Conservation Easement dated February 28, 2011, recorded in Document No. 2012014593 of the Official Public Records of Williamson County, Texas, and amended by document recorded in Document No. 2021074852 of the Official Public Records of Williamson County, Texas ("Conservation Easement") between WILLIAMSON COUNTY, as Grantee, and Lyda Family Trust, as Grantor.

B. Lyda Holdings, LLC, a Delaware limited liability company, as successor in interest to Lyda Family Trust ("Lyda") has received an offer to purchase the Property that Lyda is willing to accept. In accordance with the Conservation Easement, Lyda delivered an offer notice to WILLIAMSON COUNTY, and WILLIAMSON COUNTY has elected not to exercise the ROFR. Therefore, pursuant to the Conservation Easement, the ROFR has terminated and WILLIAMSON COUNTY acknowledges that all of its rights to purchase the Property contained in the Conservation Easement have terminated and are released.

C. WILLIAMSON COUNTY executes this Release with the intent it be filed in the Official Public Records of Williamson County, Texas to memorialize the termination and release of the ROFR and WILLIAMSON COUNTY's release and waiver of all of its rights to purchase the Property pursuant to the Conservation Easement.

NOW THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, WILLIAMSON COUNTY hereby acknowledges that the ROFR set forth in the Conservation Easement has terminated and WILLIAMSON COUNTY hereby RELEASES and DISCHARGES the Property from the ROFR and any and all rights WILLIAMSON COUNTY has to purchase the Property under the Conservation Easement.

The undersigned representative of WILLIAMSON COUNTY represents he is duly authorized to sign this instrument in the capacity evidenced by his signature below.

WILLIAMSON COUNTY, TEXAS

By: _____
Name: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on the _____ day of _____,
2023, by _____, _____ of
Williamson County, Texas, on behalf of said Williamson County, Texas.

NOTARY PUBLIC, State of Texas

ACKNOWLEDGED AND AGREED:

Williamson County Conservation Foundation, Inc.

By: _____
Name: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on the _____ day of _____,
2023, by _____, _____ of
Williamson County Conservation Foundation, Inc., on behalf of said non-profit corporation.

NOTARY PUBLIC, State of Texas

EXHIBIT "A"

Tract 1: Approximately 83.856 acres of land in Williamson County, Texas, being out of the Pleasant Bull Survey, Abstract No. 70, and being a portion of the 1,640.26 acre tract conveyed to Lyda Holdings, LLC, a Texas limited liability company, by Contribution Deed recorded in Document No. 2016058616 of the Official Public Records of Williamson County, Texas, and more particularly described by metes and bounds in Exhibit "B" attached hereto and made a part hereof for all purposes.

Tract 2: Approximately 14.900 acres of land in Williamson County, Texas, being out of the Pleasant Bull Survey, Abstract No. 70, and being a portion of the 1,640.26 acre tract conveyed to Lyda Holdings, LLC, a Texas limited liability company, by Contribution Deed recorded in Document No. 2016058616 of the Official Public Records of Williamson County, Texas, and more particularly described by metes and bounds in Exhibit "C" attached hereto and made a part hereof for all purposes.

EXHIBIT "B"

METES AND BOUNDS DESCRIPTION

FOR AN 83.856 ACRE TRACT OF LAND BEING SITUATED IN THE PLEASANT BULL SURVEY, ABSTRACT NO. 70, WILLIAMSON COUNTY, TEXAS, AND BEING OUT OF THE CALLED 1,640.26 ACRE TRACT OF LAND CONVEYED TO CLARK E. LYDA, TRUSTEE OF THE LYDA FAMILY TRUST, CALLED "TRACT I" AS RECORDED IN GENERAL WARRANTY DEED RECORDED IN DOCUMENT NO. 9605280 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 83.856 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at 1/2" iron rod found with capped stamped "Forest 1847", monumenting the most westerly corner of said Lyda Family Trust tract, same being on the southwest corner of the called 38.03 acre tract of land conveyed to Mary Jane Boatright as recorded in Document No. 2003031849 of the Official Public Records of Williamson County, Texas, same being on a point in the easterly boundary line of the called 17.97 acre tract conveyed to Donald G. Williams and wife, Janet M. Williams, called "Tract 1" as described in Warranty Deed With Vendor's Lien recorded in Document No. 2008089754 of the Official Public Records of Williamson County, Texas;

THENCE with the said westerly boundary line of the Lyda Family Trust tract and easterly boundary line of said Williams tract, S20°01'06"E for a distance of 707.88 feet to a 1/2" iron rod found monumenting the southeast corner of said Williams tract and the northeast corner of the called 13.567 acre tract of land conveyed to Jon Andes and wife Amanda Andes by Warranty Deed with Vendor's Lien as recorded in Document No. 2006061096 of the Official Public Records of Williamson County, Texas;

THENCE departing the said westerly boundary line of the Lyda Family Trust tract, through the interior of said Lyda Family Trust tract, N54°22'59"E for a distance of 264.68 feet to a 1/2" iron rod set with cap marked "Diamond Surveying" monumenting the northwest corner and **POINT OF BEGINNING** hereof;

THENCE continuing through the interior of said Lyda Family Trust tract, the following five (5) courses and distances:

1. **N76°46'20"E** for a distance of **3,223.02 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying" monumenting the northeast corner hereof;
2. **S13°13'40"E**, for a distance of **1,134.00 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying" monumenting the southeast corner hereof;

3. **S76°46'20"W** for a distance of **3,196.76 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying" monumenting the southwest corner hereof;
4. **N22°20'42"W** for a distance of **165.74 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying" monumenting an angle point hereof;
5. **N13°13'40"W** for a distance of **970.35 feet** to the **POINT OF BEGINNING** hereof, and containing 83.856 acres of land more or less.

BEARING BASIS: NAD-83(1993), TEXAS CENTRAL (4203), STATE PLANE SYSTEM.
All distances are surface distances. Combined Surface Adjustment Factor used for this survey is 1.00015.

A sketch of survey has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100



August 11, 2011

SHANE SHAFER, R.P.L.S. NO. 5281

DATE



EXHIBIT "C"

METES AND BOUNDS DESCRIPTION

FOR A 14.900 ACRE TRACT OF LAND BEING SITUATED IN THE PLEASANT BULL SURVEY, ABSTRACT NO. 70, WILLIAMSON COUNTY, TEXAS, AND BEING OUT OF THE CALLED 1,640.26 ACRE TRACT OF LAND CONVEYED TO CLARK E. LYDA, TRUSTEE OF THE LYDA FAMILY TRUST, CALLED "TRACT I" AS RECORDED IN GENERAL WARRANTY DEED RECORDED IN DOCUMENT NO. 9605280 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 14.900 ACRE TRACT MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at 1/2" iron rod found with capped stamped "Forest 1847", monumenting the most westerly corner of said Lyda Family Trust tract, same being on the southwest corner of the called 38.03 acre tract of land conveyed to Mary Jane Boatright as recorded in Document No. 2003031849 of the Official Public Records of Williamson County, Texas, same being on a point in the easterly boundary line of the called 17.97 acre tract conveyed to Donald G. Williams and wife, Janet M. Williams, called "Tract 1" as described in Warranty Deed With Vendor's Lien recorded in Document No. 2008089754 of the Official Public Records of Williamson County, Texas;

THENCE with the said westerly boundary line of the Lyda Family Trust tract and easterly boundary line of said Williams tract, S20°01'06"E for a distance of 707.88 feet to a 1/2" iron rod found monumenting the southeast corner of said Williams tract and the northeast corner of the called 13.567 acre tract of land conveyed to Jon Andes and wife Amanda Andes by Warranty Deed with Vendor's Lien as recorded in Document No. 2006061096 of the Official Public Records of Williamson County, Texas;

THENCE departing the said westerly boundary line of the Lyda Family Trust tract, through the interior of said Lyda Family Trust tract, N54°22'59"E for a distance of 264.68 feet to a 1/2" iron rod set with cap marked "Diamond Surveying" monumenting the northwest corner of an 83.856-acre tract of land to be conveyed by separate instrument;

THENCE continuing through the interior of said Lyda Family Trust tract, with the northerly boundary line of said 83.856-acre tract, N76°46'20"E for a distance of 3,223.02 feet to a 1/2" iron rod set with cap marked "Diamond Surveying" monumenting the northeast corner of said 83.856-acre tract, same being the northwest corner and **POINT OF BEGINNING** hereof;

THENCE continuing through the interior of said Lyda Family Trust tract, the following four (4) courses and distances:

1. **N76°46'20"E** for a distance of **496.01 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying" monumenting the northeast corner hereof, same being on a point in the westerly boundary line of the called 64.4-acre tract of land conveyed to Williamson County, Texas, by instrument titled "Conservation Easement" as recorded in Document No. 2007032515 of the Official Public Records of Williamson County, Texas, and from which a 1/2" iron rod found monumenting the northwest corner of said 64.4 acre Conservation Easement tract bears N20°53'43"W, for a distance of 344.23 feet;
2. With the said westerly boundary line of the 64.4-acre Conservation Easement, **S20°53'43"E**, for a distance of **1,144.23 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", monumenting the southeast corner hereof, and from which a 1/2" iron rod found with cap marked "Hayne Consulting" monumenting the upper southwest corner of said 64.4 acre Conservation Easement tract bears S20°53'43"E, for a distance of 57.57 feet;
3. **S76°46'20"W** for a distance of **648.68 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying" monumenting the southwest corner hereof, same being on the southeast corner of aforementioned 83.856 acre tract;
4. **N13°13'40"W**, for a distance of **1,134.00 feet** to the **POINT OF BEGINNING** hereof, and containing 14.900 acres of land more or less.

BEARING BASIS: NAD-83(1993), TEXAS CENTRAL (4203), STATE PLANE SYSTEM.
All distances are surface distances. Combined Surface Adjustment Factor used for this survey is 1.00015.

A sketch of survey has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100



July 14, 2011

SHANE SHAFER, R.P.L.S. NO. 5281

DATE

