

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

00189129

It is expressly agreed, acknowledged, and understood that the easements, rights, and privileges herein granted are assignable and shall be used by the GRANTEE, its employees, agents, and assigns, for the purposes of entering upon the above-described property, before the closing of the contemplated real estate transaction or the acquisition of title through condemnation, and proceeding with surveying, site review and analysis, utility relocation, actual construction on the Project, and all manner of preparation and work attendant thereto. Utility relocation, if any, shall include, but not be limited to, the relocation of water and wastewater lines, electrical lines, cable television lines, telephone lines, gas lines, and their attendant facilities from the existing roadway right-of-way on the property described in Exhibit "A".

The GRANTEE, its employees, agents, and assigns shall have the full and exclusive right to control and use the above-described tracts, including the right to erect and maintain fencing and traffic and pedestrian control and devices and signs, the right to clear trees and vegetation, and the right to excavate, trench, fill, and grade the real property itself.

At no time during the possession of the property by GRANTEE for the purposes described herein shall GRANTOR be denied reasonable access and/or ingress to or egress from the remaining property.

The easement, rights, and privileges herein granted shall automatically terminate upon the contemplated closing of the above-described real estate transaction or the rendition of a final judgment in condemnation proceedings. However, this grant shall survive the termination of any purchase contract agreement and shall also survive any institution of condemnation proceedings.

The parties further agree as follows:

1. That by virtue of the granting of permission to the GRANTEE to take temporary possession of the Property in accordance with this Agreement, GRANTOR does not waive any legal rights or defenses under the Constitution of the United States, the Constitution and Statutes of the State of Texas or any other provisions of the law that GRANTOR may have in connection with the acquisition of any rights to the Property by the GRANTEE.
2. That this Right of Entry, Possession, and Construction Easement is irrevocable by GRANTOR but only valid until sixty (60) business days after the filing of a Special Commissioners' award in the Cause. Thereafter, continued possession, if at all, will be pursuant to a deposit of a Special Commissioners' award according to Texas law governing possession in a statutory eminent domain case.
3. The date of valuation for purposes of determining the value of the just compensation for the Property to be acquired shall be the date of the full execution of this document by all parties.

5. This Agreement shall be binding upon the heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties. Specifically, Grantee's heirs, devisees, executors, administrators, legal representatives, successors or assigns are bound by terms of this agreement which state that the consideration paid hereunder to Grantee shall be credited against, applied towards, and offset from any consideration to be paid in satisfaction of an agreed purchase price under a contract and conveyance or in satisfaction of the award of the Special Commissioners or subsequent judgment in any condemnation proceeding for the acquisition of the property described herein, whether said Grantee is or is not the owner of said property, now or in the future.
6. The easement, right, and privileges granted herein are exclusive, and GRANTOR covenants that it will not convey any other easement or conflicting rights within the area covered by this grant. This grant shall be binding upon legal representatives, successors, and assigns of GRANTOR for the term of this grant.

TO HAVE AND TO HOLD the possession of the above-described tracts of land for the purposes and subject to the limitations described above, and GRANTOR warrants that he knows of no persons or business entity owns a present possessory interest in the fee title to the above-described premises other than GRANTOR, and that there are no parties in possession of any portion of the referenced real property as lessees other than identified herein.

[signature page follows]

Executed this the 9 day of April, 2010.

GRANTOR:

Sylvia Ann Thomas
Sylvia Ann Thomas

Address: 650 Hwy 195
Georgetown, Tx. 78633

GRANTEE:

WILLIAMSON COUNTY, TEXAS

[Signature]
County Judge Dan A. Gattis
Williamson County, Texas

Address: 710 Main Street
Suite 101
Georgetown, Texas 78626

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF Williamson

This instrument was acknowledged before me on this the 9 day of April, 2010
by Sylvia Ann Thomas, in the capacity and for the purposes and consideration recited herein.



Linda McDaniel
Notary Public, State of Texas
Printed Name: Linda McDaniel
My Commission Expires: June 16, 2013

STATE OF TEXAS
COUNTY OF WILLIAMSON

This instrument was acknowledged before me on this the ____ day of _____,
2010 by Dan A. Gattis, Williamson County Judge, in the capacity and for the purposes and
consideration recited herein.

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

After recording return to:

Don Childs
Sheets & Crossfield, P.C.
309 E. Main St.
Round Rock, Texas 78664

EXHIBIT A

County: Williamson
Highway: SH 195
Limits: From 8.105 Miles South of S. H. 138 to I.H. 35
ROW CSI: 0440-02-012

Legal Description Parcel 132

BEING a 0.321 acre (13,978 square feet) tract of land located in the W. Roberts Survey, Abstract No. 524, and the John Berry Survey, Abstract No. 51, of Williamson County, Texas, said 0.321 acre tract of land is out of and a part of a 15.00 acre tract of land conveyed by the Veterans Land Board of the State of Texas to James Russell Thomas by deed recorded March 10, 1986 in Volume 1322, Page 593, of the Deed Records of Williamson County, Texas, said 0.321 acre tract of land is further described by metes and bounds as follows:

COMMENCING at a point calculated for a northern interior corner of the above referenced 15.00 acre tract and for a southern exterior corner of a 45.00 acre tract of land conveyed by Larry L. Schroeder and wife, S. Diann Schroeder to Mitchell L. Fortune and wife Judith D. Fortune, by deed recorded January 13, 2004 as Document No. 2004002927 of the Official Public Records of Williamson county, Texas, from which a 1 inch iron pipe found disturbed bears North 49° 29' 13" West a distance of 2.84 feet, said point is located 452.10 feet left of Proposed State Highway 195 (SH 195) Baseline station 1759+29.72;

THENCE South 60° 56' 24" West with the common line of the 15.00 acre tract and the 45.00 acre tract for a distance of 325.71 feet to a 5/8 inch iron rod with Texas Department of Transportation (TxDOT) aluminum cap set in the proposed east right of way line of SH 195 for the POINT OF BEGINNING of the herein described tract, said rod is located 126.82 feet left of Proposed SH 195 Baseline station 1759+13.23;

1. THENCE South 32° 50' 05" East with the proposed east right of way line of SH 195 for a distance of 202.67 feet to a 1/2 inch iron rod with TxDOT aluminum cap found in the south line of the said 15.00 acre tract, said rod is located 129.84 feet left of Proposed SH 195 Baseline station 1761+15.78;
2. THENCE South 69° 12' 24" West with the south line of the said 15.00 acre tract for a distance of 73.73 feet to a calculated point for corner in the existing east right of way line of SH 195;

EXHIBIT _____

3. THENCE North 32° 02' 49" West with the existing east right of way line of SH 195 for a distance of 191.89 feet to a calculated point for the most westerly corner of the said 15.00 acre tract and for a southwest corner of the aforementioned 45.00 acre tract, from which a 1/2 inch iron rod found bears North 60° 56' 24" East a distance of 3.48 feet;
4. THENCE North 60° 56' 24" East with the common line of the 15.00 acre tract and said 45.00 acre tract for a distance of 69.62 feet to the POINT OF BEGINNING said described tract containing 0.321 acres (13,978 square feet) of land, more or less.

This survey is referenced to the National Spatial Reference System. The projection and datum are the Texas State Plane Coordinate System, Central Zone, North American Datum of 1983. All bearings are relative to National Geodetic Survey, 1993 Adjustment, monuments T27 A (PID AB2837), Austin RRP (PID AF9537) and, Georgeport (PID BM1093). All distances are surface values expressed in U. S. Survey feet and may be converted to grid by dividing by the TxDOT surface adjustment factor of 1.000120.

Access will be permitted to the highway facility for the remainder of the property lying adjacent to SH 195.

This description was prepared in conjunction with, and is accompanied by a plat of an even date herewith.

Surveyed by:
RODS Surveying, Inc.
6810 Lee Road, Spring Texas 77379
Phone (281) 379-6388

I, Scott Morris, hereby certify that the above description is true and correct and depicts a survey made under my supervision and on the ground and is based on data gathered from February 2001 to October 2006.

Scott Morris
Scott Morris, Registered Professional Land Surveyor No. 5076
Date as of: March 7, 2007

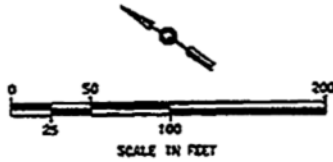


DATE: 3/7/2007 TIME: 4:12:38 PM

RECORD AREA		ACQUIRED AREA		APPROXIMATE REMAINDER			
				LEFT		RIGHT	
ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.
15.0	653,400	0.321	13,978	14.679	639,422		

W. ROBERTS SURVEY, A-524

JOHN BERRY SURV A-51



CALLLED 45.00 ACRES
MITCHELL L. FORTUNE AND WIFE,
JUDITH D. FORTUNE
DOCUMENT NO. 2004002927
JANUARY 13, 2004
W.C.O.P.R.

SEE DETAIL "C"
P.O.C. PARCEL 132
STA 1759+29.72
1452.10' LT.

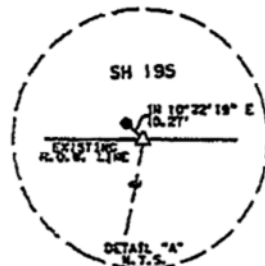
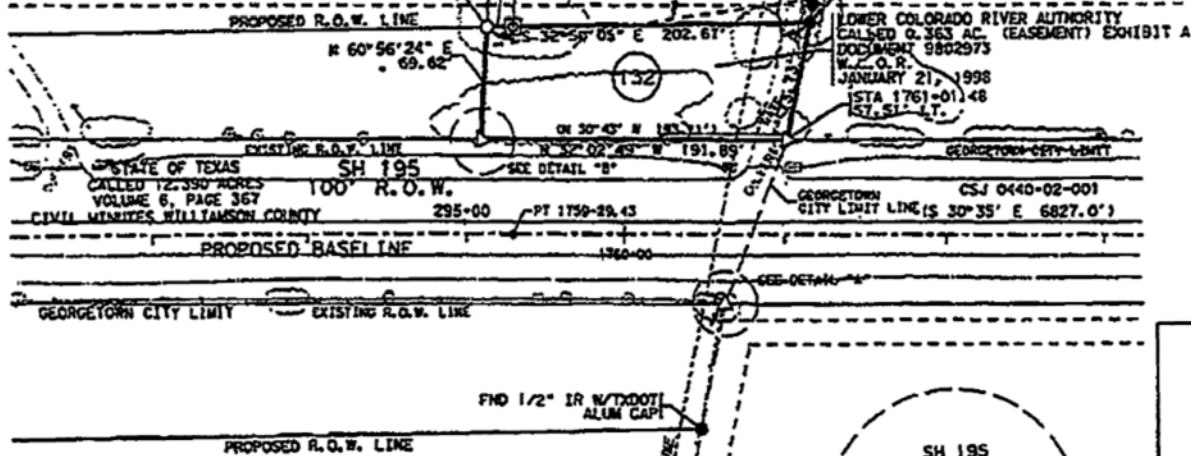
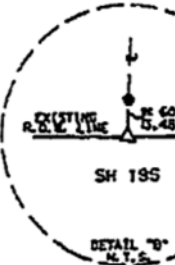
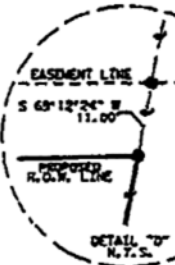
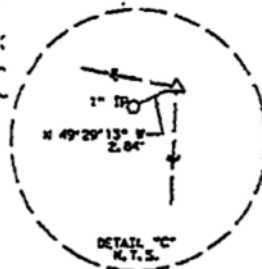
CALLLED 15.00 ACRES
JAMES RUSSELL THOMAS
VOL. 1322, PAGE 593
MARCH 10, 1986
W.C.O.R.

LOWER COLORADO
RIVER AUTHORITY
CALLLED 0.516 ACRES
JANUARY 21, 2006
DOC. NO. 2006013140
FEBRUARY 21, 2006
W.C.O.P.R.

P.O.B.
PARCELS 132
STA 1759+13.25
126.82' LT.

16.29'
STA 1759+29.43
127.05' LT.

STA 1761+69.76
1402.77 LT.



RIGHT OF WAY
SHOWING PROPER
JAMES RUSSELL
PARCEL 132
PAGE 4 OF
ROW CSJ NO. 0440
STATE HIGHWAY 195 WILLIAMSON COUNTY
RODS SURVEYING
6810 LEE ROAD SP
(281) 379-6
SCALE: 1"=100'

DESCRIPTION FOR A 0.388 ACRE TRACT OF LAND SITUATED IN THE W. ROBERTS SURVEY, ABSTRACT NUMBER 524, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 15.00 ACRE TRACT OF LAND CONVEYED TO JAMES RUSSELL THOMAS BY INSTRUMENT RECORDED IN VOLUME 1322, PAGE 593 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, (ESTATE PROBATED VOLUME 219, PAGE 882, PROBATE RECORDS OF WILLIAMSON COUNTY, TEXAS), SAID 0.388 ACRE TRACT CONTAINING A 0.311 ACRE PORTION OF A 0.395 ACRE EASEMENT CONVEYED TO LCRA TRANSMISSION SERVICES CORPORATION BY INSTRUMENT RECORDED IN DOCUMENT NO. 2006013140 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.388 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a point (Grid Coordinates Northing 10231916.67 U.S. ft. Easting 3137289.91 U.S. ft.) on the southeasterly line of said 15.00 acre tract, same being in the proposed northeast right-of-way line of SH 195 (R.O.W. width varies), also being the westerly corner of a 71.997 acre tract conveyed to NWC SH 195 & 135, LTD. by instrument recorded in Document No. 2008000666 of the Official Public Records of Williamson County, Texas, also being the northwesterly corner of Parcel 5 conveyed to the State of Texas by instrument recorded in Document No. 2006052700 of the Official Public Records of Williamson County, Texas, from which a found 1/2" iron rod with aluminum cap bears S32°50'07"E, a distance of 0.34 feet;

THENCE N68°55'38"E, departing the proposed northeasterly right-of-way line of SH 195, with the common line of said 15.00 acre tract and said 71.997 acre tract, a distance of 15.32 feet to the POINT OF BEGINNING (Grid Coordinates Northing 10231922.18 U.S. ft. Easting 3137304.21 U.S. ft.);

THENCE N32°50'24"W, departing the common line of said 15.00 acre tract and said 71.997 acre tract and through said 15.00 acre tract, a distance of 205.57 feet to point on the southeasterly line of a 45.00 acre tract of land conveyed to Mitchell L. Fortune and wife, Judith D. Fortune by instrument recorded in Document No. 2004002927 Official Public Records of Williamson County, Texas, from which a point on the common line of said 15.00 acre tract and said 45.00 acre tract, same being on the proposed northeasterly right-of-way line of SH 195, bears S60°39'38"W a distance of 15.03 feet;

THENCE N60°39'38"E, with the common line of said 15.00 acre tract and said 45.00 acre tract, a distance of 80.15 feet to a point, from which an angle point in the common line of said 15.00 acre tract and said 45.00 acre tract bears N60°39'38"E, a distance of 229.58 feet;

THENCE S32°50'24"E, departing the common line of the said 15.00 acre tract and the said 45.00 acre tract, through said 15.00 acre tract, a distance of 217.34 feet to a point on the southeasterly line of said 15.00 acre tract, same being on the northwesterly line of said 71.997 acre tract, from which an angle point in the common line of said 15.00 acre tract and said 71.997 acre tract bears N68°55'38"E, a distance of 180.89 feet;

THENCE S68°55'38"W, with the common line of the said 15.00 acre tract and the said 71.997 acre tract, a distance of 81.71 feet to the POINT OF BEGINNING hereof, and containing 0.388 acre of land within the bearing and distance calls contained herein.

BEARING BASIS: Texas State Plane Coordinate System Grid, Central Zone, NAD83/NGS93.
All distances are surface values; to obtain grid values multiply surface distances by a Combined Scale Factor of 0.99989. All distance units are U.S. Survey feet.

This description and plat attached hereto represent an on-the-ground survey made under my direct supervision during the month of June 2009.

M. Stephen Truesdale
M. Stephen Truesdale
Registered Professional Land Surveyor No. 4933
Licensed State Land Surveyor
Inland Geodetics, L.P.
1504 Chisholm Trail Road, Suite 103
Round Rock, Texas 78681
Phone: (512) 238-1200 Fax: (512) 238-1251

Date: 4 SEP 09

WORD FILE: T359002A-0001A.DOC
ACAD FILE: T359002A-0001A.DWG



