

Sheets & Crossfield, P.C.

ATTORNEYS AT LAW

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

Phone 512-255-8877 • fax 512-255-8986

September 24, 2010

Edward H. Ferguson
210 Tanbridge
Wilmington, NC 28405

Theresa F. Webb
2115 Hollyhill
Denton, Texas 76265

Re: SH195 expansion project
Parcel 219EE/221EE—PEC electric easement

Dear Mr. Ferguson and Ms. Webb:

Please allow this letter to set out my understanding regarding our agreement for the purchase of an electric utility easement area for Pedernales Electric Cooperative due to the conflict with the current location of their facilities caused by the proposed widening/realignment of SH195 in Williamson County.

In return for granting an electric utility easement in and to four (4) parcels containing a total of approximately 0.746 acre, Williamson County will pay the sum of \$7,460.00 (0.746 acres x \$20,000/acre x 50% of rights). The form of the easement will be as shown in Exhibit "A" attached hereto.

In addition, the parties acknowledge and understand that PEC's relocation design for this area is not yet final, and the parties further agree that if PEC's final design requires additional or adjusted easement areas that the owners will provide such additional or adjusted areas to PEC in return for payment calculated upon the same unit value as indicated herein.

If this meets with your understanding then please sign where indicated below, and we will have this executed by the judge and process this for payment as quickly as possible.

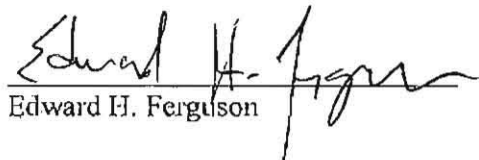
Please feel free to contact me at any time if you have any questions or concerns about these issues.

Very truly yours,



Don Childs
Sheets & Crossfield, P.C.

AGREED:


Edward H. Ferguson

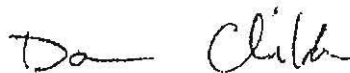
Theresa F. Webb

WILLIAMSON COUNTY, TEXAS


Dan A. Gattis
County Judge

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, P.C.

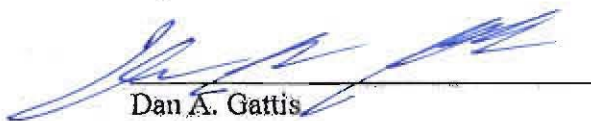
AGREED:

Edward H. Ferguson



Theresa F. Webb

WILLIAMSON COUNTY, TEXAS



Dan A. Gattis
County Judge



ELECTRIC UTILITY EASEMENT

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

THAT P.L. LLOYD a/k/a EDWARD H. FERGUSON and THERESA F. WEBB, Grantor, for and in consideration of ONE DOLLAR (\$1.00) in hand paid by PEDERNALES ELECTRIC COOPERATIVE, INC., of Johnson City, Texas, have granted, sold, and conveyed and by these presents do grant, sell, and convey unto Pedernales Electric Cooperative, Inc., an easement and right-of-way as hereinafter described for an electric distribution line consisting of variable number of wires, guy wires and/or down wires, and all necessary or desirable appurtenances (including poles made of wood, metal or other materials, telephone and telegraph wire, props and guys), over, across and upon the following described lands located in Williamson County County, Texas, to-wit:

All of that certain 0.109 acre of land, more or less, out of the John Hamilton Survey, Abstract No. 282, and being more particularly described by metes and bounds and sketch attached hereto as Exhibit A, said exhibit being incorporated herein by reference for all purposes (Parcel 219EE Part 1); and

All of that certain 0.557 acre of land, more or less, out of the John Hamilton Survey, Abstract No. 282, and being more particularly described by metes and bounds and sketch attached hereto as Exhibit B, said exhibit being incorporated herein by reference for all purposes (Parcel 219EE Part 2); and

All of that certain 0.055 acre of land, more or less, out of the John Hamilton Survey, Abstract No. 282, and being more particularly described by metes and bounds and sketch attached hereto as Exhibit C, said exhibit being incorporated herein by reference for all purposes (Parcel 219EE Part 3); and

All of that certain 0.025 acre of land, more or less, out of the J. A. F. Graves Survey, Abstract No. 244, and being more particularly described by metes and bounds and sketch attached hereto as Exhibit A, said exhibit being incorporated herein by reference for all purposes (Parcel 221EE); and

Together with the right of ingress and egress over our adjacent lands if necessary to or from said right-of-way, but only to the extent that ingress or egress is not available or adequate from a public right of way, for the purpose of constructing, reconstructing, inspecting, patrolling, pulling new wire on, maintaining and removing said lines and appurtenances; the right to relocate within the limits of said right-of-way; the right to remove from said lands all trees and parts thereof, or other obstructions which endanger or may interfere with the efficiency of said lines or their appurtenances.

TO HAVE AND TO HOLD the above described easement and rights unto Pedernales Electric Cooperative, Inc. and their successors and assigns, until said line shall be abandoned.

And we do hereby bind ourselves, our heirs and legal representatives to warrant and forever defend all and singular the above described easement and rights unto Pedernales Electric Cooperative, Inc., their successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS our hands this 28 day of September, 2010.

GRANTOR:

Edward H. Ferguson
Edward H. Ferguson

Theresa F. Webb

ACKNOWLEDGMENT

STATE OF North Carolina
COUNTY OF New Hanover

§
§
§

This instrument was acknowledged before me on this the 28 day of September, 2010 by Edward H. Ferguson, in the capacity and for the purposes and consideration recited therein.

Kristie R. Perrin
Notary Public, State of North Carolina

KRISTIE R. PERRIN
Notary Public, North Carolina
New Hanover County
My Commission Expires
April 02, 2011

And we do hereby bind ourselves, our heirs and legal representatives to warrant and forever defend all and singular the above described easement and rights unto Pedernales Electric Cooperative, Inc., their successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS our hands this 29 day of September, 2010.

GRANTOR:

Edward H. Ferguson

Theresa F. Webb
Theresa F. Webb

ACKNOWLEDGMENT

STATE OF _____

§

COUNTY OF _____

§

§

This instrument was acknowledged before me on this the ____ day of _____, 2010 by Edward H. Ferguson, in the capacity and for the purposes and consideration recited therein.

Notary Public, State of _____

STATE OF _____

§

COUNTY OF _____

§

§

This instrument was acknowledged before me on this the ____ day of _____, 2010 by Theresa F. Webb, in the capacity and for the purposes and consideration recited therein.

Notary Public, State of _____

After recording return to:

EXHIBIT A

PROPERTY DESCRIPTION

DESCRIPTION OF A 0.109 ACRE (4,728 SQUARE FOOT), TRACT OF LAND SITUATED IN THE JOHN HAMILTON SURVEY ABSTRACT NO. 282, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 300.24 ACRE TRACT OF LAND CONVEYED TO EDWARD H. FERGUSON AND THERESA F. WEBB BY INSTRUMENT RECORDED IN DOCUMENT NO. 2001039227, OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.109 ACRE (4,728 SQUARE FOOT) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a found iron rod with TxDOT aluminum cap in the proposed southerly right-of-way line of State Highway 195 (SH 195), being in the westerly boundary line of that 0.144 acre (calculated) remainder of a 50 acre tract of land, ownership unknown, last known conveyance to I.M. Williams, by instrument recorded in Volume 110, Page 578, of the Deed Records of Williamson County, Texas, same being in the easterly boundary line of said 300.24 acre tract, for the northeast corner and POINT OF BEGINNING of the herein described tract, and from which a found iron rod with TxDOT aluminum cap in the proposed southerly R.O.W. line of said SH 195 bears, S 77°09'49" E for a distance of 89.06 feet;

- 1) THENCE, departing the proposed southerly right-of-way line of said SH 195, with the common boundary line of said 0.144 acre tract and of said 300.24 acre tract, S 21°12'38" E for a distance of 18.10 feet to a calculated point, for the southeast corner of the herein described tract, and from which a 1/2" iron rod found, being the northwest corner of that 17.30 acre tract of land conveyed to Texas Carved Stone Inc., by instrument recorded in Volume 2547, page 198 of the Official Records of Williamson County, Texas bears, S 21°12'38" E for a distance of 30.88 feet;

THENCE, departing the westerly boundary line of said 0.144 acre tract, through the interior of said 300.24 acre tract, the following three (3) courses:

- 2) N 77°09'49" W for a distance of 320.43 feet to a calculated point, being in the easterly boundary line of a proposed drainage easement, for the southwest corner of the herein described tract;
- 3) N 14°20'35" E with the easterly boundary line of said proposed easement for a distance of 16.01 feet to a TxDOT Type II monument found in the proposed southerly right-of-way line of said SH 195, being the northeast corner of said proposed drainage easement, for the northwest corner of the herein described tract;
- 4) with the proposed southerly right-of-way line of said SH 195, S 77°09'49" E, at a distance of 165.25 feet, pass a TxDOT Type II monument found, and continuing for a total distance of 309.90 feet to the POINT OF BEGINNING, containing 0.109 acres (4,728 square feet) of land, more or less.

All bearings recited herein are based on the Texas State Plane Coordinate System, Central Zone No. 4203, NAD 83.

This property description is accompanied by a separate plat.

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

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

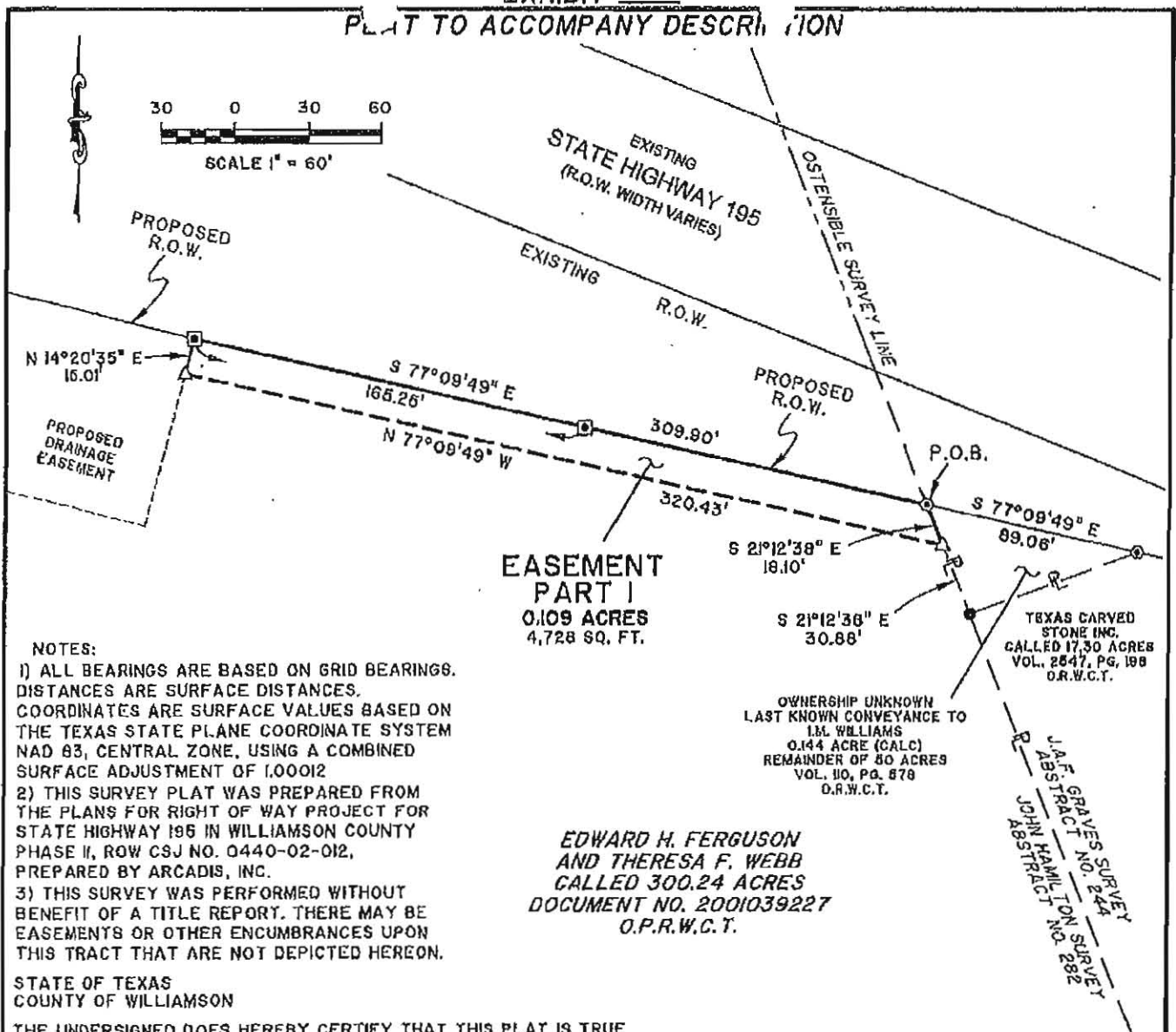
M. Stephen Truesdale
M. Stephen Truesdale
Registered Professional Land Surveyor No. 4933
Licensed State Land Surveyor
Inland Geodetics, L.P.
1604 Chisholm Trail Road Suite 103
Round Rock, TX 78681
612-238-1200

Date

20 AUG 2010



EXHIBIT PLAT TO ACCOMPANY DESCRIPTION



NOTES:

- 1) ALL BEARINGS ARE BASED ON GRID BEARINGS. DISTANCES ARE SURFACE DISTANCES. COORDINATES ARE SURFACE VALUES BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NAD 83, CENTRAL ZONE, USING A COMBINED SURFACE ADJUSTMENT OF 1.00012
- 2) THIS SURVEY PLAT WAS PREPARED FROM THE PLANS FOR RIGHT OF WAY PROJECT FOR STATE HIGHWAY 195 IN WILLIAMSON COUNTY PHASE II, ROW CSJ NO. 0440-02-012, PREPARED BY ARCADIS, INC.
- 3) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE REPORT. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES UPON THIS TRACT THAT ARE NOT DEPICTED HEREON.

STATE OF TEXAS
COUNTY OF WILLIAMSON

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESS MY HAND AND SEAL AT ROUND ROCK, WILLIAMSON COUNTY, TEXAS.

M. Stephen Truesdale 20 AUG 2010

M. STEPHEN TRUESDALE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4933
LICENSED STATE LAND SURVEYOR
INLAND GEODETICS, LP
1504 CHISHOLM TRAIL RD. SUITE 103
ROUND ROCK, TX 78681



LEGEND

△	CALCULATED POINT
⊕	TXDOT TYPE II MONUMENT FOUND
●	1/2" IRON ROD FOUND
⊙	IRON ROD FOUND WITH TXDOT ALUMINUM CAP
O.P.R.W.C.T.	OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY, TEXAS
O.R.W.C.T.	OFFICIAL RECORDS WILLIAMSON COUNTY, TEXAS
D.R.W.C.T.	DEED RECORDS WILLIAMSON COUNTY, TEXAS

INLAND GEODETICS
PROFESSIONAL LAND SURVEYORS
1504 CHISHOLM TRAIL RD. STE. 103
ROUND ROCK, TX. 78681
PH. (512) 238-1200, FAX (512) 238-1231

EDWARD H. FERGUSON
AND THERESA F. WEBB
0.109 ACRES
4,728 SQUARE FEET

EXHIBIT B
PROPERTY DESCRIPTION

DESCRIPTION OF A 0.557 ACRE (24,242 SQUARE FOOT), TRACT OF LAND SITUATED IN THE JOHN HAMILTON SURVEY ABSTRACT NO. 282, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 300.24 ACRE TRACT OF LAND CONVEYED TO EDWARD H. FERGUSON AND THERESA F. WEBB BY INSTRUMENT RECORDED IN DOCUMENT NO. 2001039227, OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.557 ACRE (24,242 SQUARE FOOT) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TxDOT Type II monument found in the proposed southerly right-of-way line of State Highway 195 (SH 195) (right-of-way width varies), the grid coordinates of said point for this description being determined as Northing=10249717.06, Easting=3111502.61, TXSPC Zone 4203, being the northwest corner of a proposed drainage easement, same being the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, departing the proposed southerly right-of-way line of said SH 195, through the interior of said 300.24 acre tract the following five (5) courses:

- 1) with the westerly boundary line of said proposed drainage easement, S 14°20'35" W for a distance of 15.02 feet to a calculated point, for the southeast corner of the herein described tract;
- 2) departing the westerly boundary line of said proposed drainage easement, N 72°23'11" W for a distance of 701.45 feet to a calculated point;
- 3) N 76°33'07" W for a distance of 640.00 feet to a calculated point;
- 4) N 73°21'26" W for a distance of 275.24 feet to a calculated point;
- 5) N 16°38'34" E for a distance of 15.60 feet to a calculated point, being in the proposed southerly right-of-way line of said SH 195, for the northwest corner of the herein described tract;

THENCE, continuing through the interior of said 300.24 acre tract, with the proposed southerly right-of-way line of said SH 195, the following three (3) courses:

- 6) S 73°21'26" E for a distance of 274.83 feet to a TxDOT Type II monument found;
- 7) S 76°33'07" E for a distance of 640.13 feet to a TxDOT Type II monument found;
- 8) S 72°23'11" E for a distance of 701.14 feet to the POINT OF BEGINNING, containing 0.557 acres (24,242 square feet) of land, more or less.

All bearings recited herein are based on the Texas State Plane Coordinate System, Central Zone No. 4203, NAD 83.

This property description is accompanied by a separate plat.

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

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

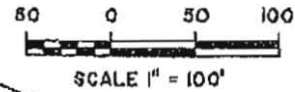
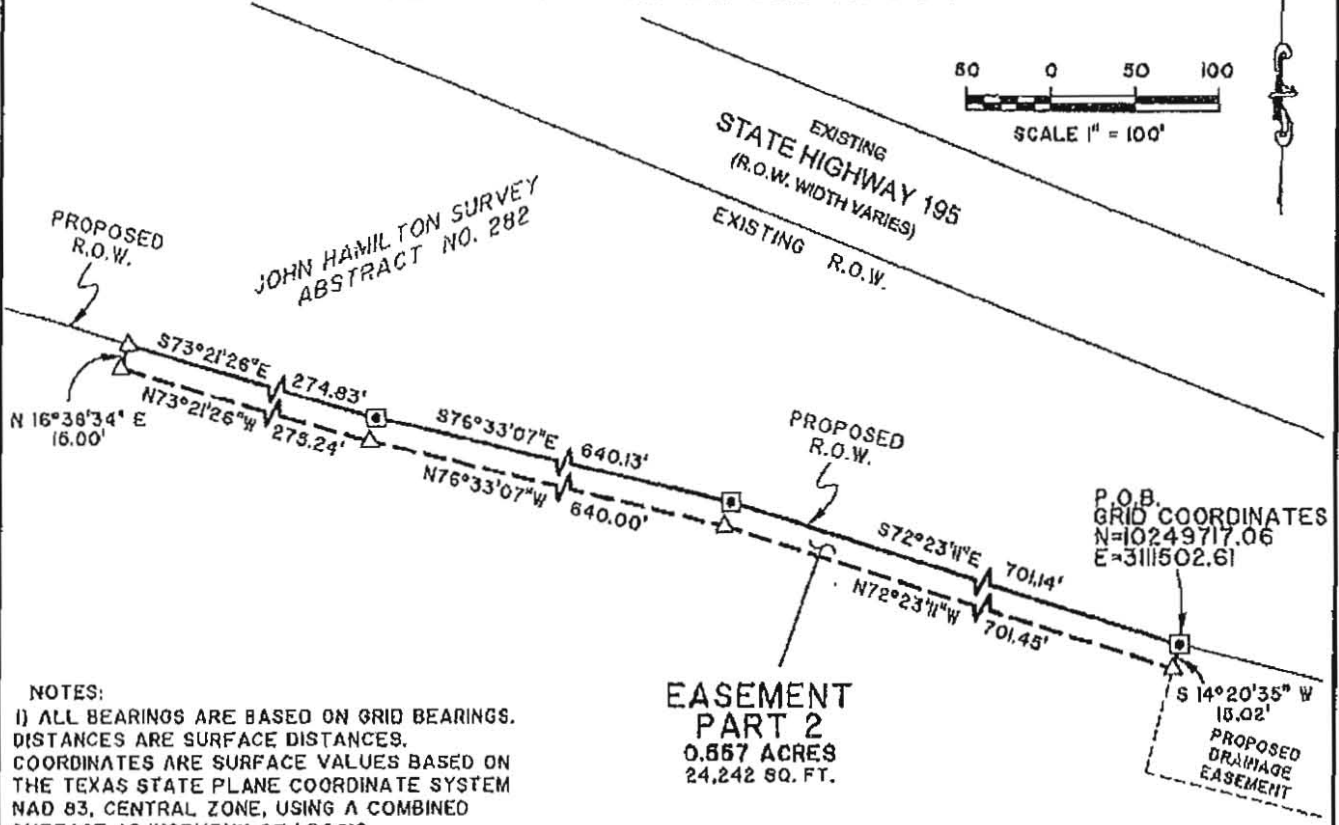
M. Stephen Truesdale 20 SEP 2010
M. Stephen Truesdale
Registered Professional Land Surveyor No. 4933
Licensed State Land Surveyor
Inland Geodetics, L.P.
1504 Chisholm Trail Road Suite 103
Round Rock, TX 78681
512-238-1200

Date



EXHIBIT

PLAT TO ACCOMPANY DESCRIPTION



NOTES:

- 1) ALL BEARINGS ARE BASED ON GRID BEARINGS. DISTANCES ARE SURFACE DISTANCES. COORDINATES ARE SURFACE VALUES BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NAD 83, CENTRAL ZONE, USING A COMBINED SURFACE ADJUSTMENT OF 1.00012
- 2) THIS SURVEY PLAT WAS PREPARED FROM THE PLANS FOR RIGHT OF WAY PROJECT FOR STATE HIGHWAY 195 IN WILLIAMSON COUNTY PHASE II, ROW CSJ NO. 0440-02-012, PREPARED BY ARCADIS, INC.
- 3) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE REPORT. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES UPON THIS TRACT THAT ARE NOT DEPICTED HEREON.

**EASEMENT
PART 2
0.557 ACRES
24,242 SQ. FT.**

EDWARD H. FERGUSON
AND THERESA F. WEBB
CALLED 300.24 ACRES
DOCUMENT NO. 2001039227
O.P.R.W.C.T.

STATE OF TEXAS
COUNTY OF WILLIAMSON

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS PLAT IS TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
WITNESS MY HAND AND SEAL AT ROUND ROCK, WILLIAMSON COUNTY, TEXAS.

M. Stephen Truesdale 20SEP2010
M. STEPHEN TRUESDALE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4933
LICENSED STATE LAND SURVEYOR
INLAND GEODETICS, LP
1504 CHISHOLM TRAIL RD. SUITE 103
ROUND ROCK, TX 78681



LEGEND	
	CALCULATED POINT
	TXDOT TYPE II MONUMENT FOUND
	BREAK LINE
	O.P.R.W.C.T. OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY, TEXAS



EDWARD H. FERGUSON
AND THERESA F. WEBB
0.557 ACRES
24,242 SQUARE FEET

EXHIBIT C

PROPERTY DESCRIPTION

DESCRIPTION OF A 0.055 ACRE (2,402 SQUARE FOOT), TRACT OF LAND SITUATED IN THE JOHN HAMILTON SURVEY ABSTRACT NO. 282, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 300.24 ACRE TRACT OF LAND CONVEYED TO EDWARD H. FERGUSON AND THERESA F. WEBB BY INSTRUMENT RECORDED IN DOCUMENT NO. 2001039227, OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.055 ACRE (2,402 SQUARE FOOT) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TxDOT Type II monument found, in the interior of said 300.24 acre tract, being in the proposed southerly right-of-way line of State Highway 195 (SH 195), the grid coordinates of said point for this description being determined as Northing=10249589.98, Easting=3111802.90, TXSPC Zone 4203, same being the northwest corner of a proposed drainage easement, for the northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, continuing through the interior of said 300.24 acre tract, the following four (4) courses:

- 1) with the proposed southerly right-of-way line of said SH 195, S 75°39'25" E for a distance of 160.00 feet to a TxDOT Type II monument found, being the northeast corner of said proposed drainage easement, same being northeast corner of the herein described tract, and from which a TxDOT Type II monument found in the proposed southerly right-of-way line of said SH 195 bears, S 77°09'49" E for a distance of 165.25 feet;
- 2) departing the proposed southerly right-of-way line of said SH 195, with the easterly boundary line of said proposed drainage easement, S 14°20'35" W for a distance of 15.01 feet to a calculated point, being the southeast corner of the herein described tract;
- 3) through the interior of said proposed drainage easement, N 75°39'25" W for a distance of 160.00 feet to a calculated point, being in the westerly boundary line of said proposed drainage easement, for the southwest corner of the herein described tract;
- 4) with the westerly boundary line of said proposed drainage easement, N 14°20'35" E for a distance of 15.02 feet to the **POINT OF BEGINNING**, containing 0.055 acres (2,402 square feet) of land, more or less.

All bearings recited herein are based on the Texas State Plane Coordinate System, Central Zone No. 4203, NAD 83.

This property description is accompanied by a separate plat.

That I, M. Stephen Truesdale, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and 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 Geodetic, L.P.
1504 Chisholm Trail Road Suite 103
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512-238-1200

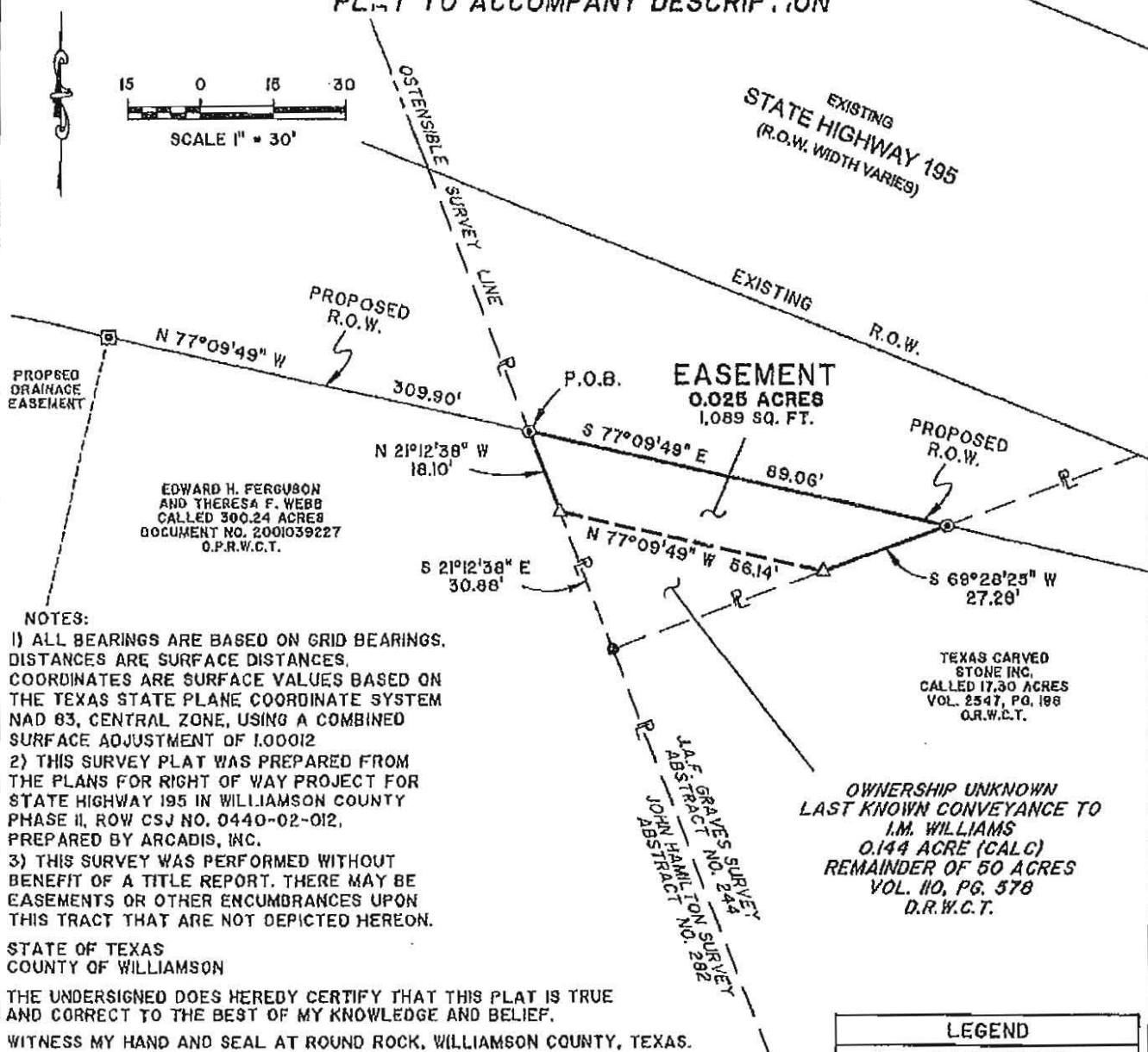
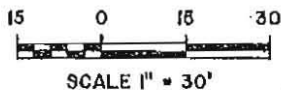
Date

20 SEP 2010



EXHIBIT

PLAT TO ACCOMPANY DESCRIPTION



M. Stephen Trueisdale 25SEP2010
M. STEPHEN TRUEISDALE DATE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4933
LICENSED STATE LAND SURVEYOR
INLAND GEODETICS, LP
1504 CHISHOLM TRAIL RD. SUITE 103
ROUND ROCK, TX 78681



LEGEND	
△	CALCULATED POINT
□	TxDOT TYPE II MONUMENT FOUND
●	1/2" IRON ROD FOUND
⊙	IRON ROD FOUND WITH TxDOT ALUMINUM CAP
O.P.R.W.C.T.	OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY, TEXAS
O.R.W.C.T.	OFFICIAL RECORDS WILLIAMSON COUNTY, TEXAS
D.R.W.C.T.	DEED RECORDS WILLIAMSON COUNTY, TEXAS



UNKNOWN OWNER
0.025 ACRES
1,089 SQUARE FEET