

PARTIAL RELEASE OF POSSESSION AND USE AGREEMENT

THE STATE OF TEXAS

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• KNOW ALL BY THESE PRESENTS:

COUNTY OF WILLIAMSON

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WHEREAS, WILLIAMSON COUNTY, TEXAS, and PEDERNALES ELECTRIC COOPERATIVE, INC. having determined that they no longer need and desire to use a portion of the property owned by WAYPOINT WEST, LLC for the relocation of utilities or other agreed purposes in connection with its planned RM2338 expansion project, do hereby ABANDON, RELEASE and DISCHARGE their right of possession and use contained in that certain Possession and Use Agreement dated October 23rd, 2009, originally recorded in Document No. 2009089918, and re-recorded in Document No. 2010010707 in order to correct the property description exhibits, said documents filed in the Real Property Records of Williamson County, Texas.

Such ABANDONMENT, RELEASE and DISCHARGE of the above-referenced Agreement shall apply only to the below-described property, to-wit:

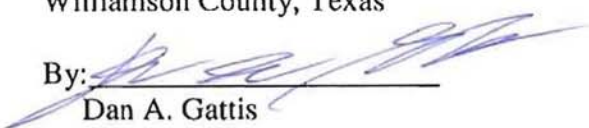
All of that certain 0.095 acre tract of land, more or less, out of the Frederick Foy Survey, Abstract No. 229, Williamson County, Texas; being more fully described by metes and bounds in Exhibit "A", attached hereto and incorporated herein (Parcel 33(U1)).

This instrument is given specifically to release the above described portion of the original agreement, and to release such original agreement only as to the property specifically described herein, which agreement is hereby terminated by abandonment, termination, vacation, and cessation of purpose, and which agreement shall be of no further force and effect, whether legal or equitable.


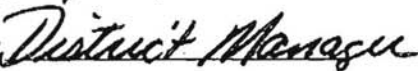
IN WITNESS WHEREOF, WILLIAMSON COUNTY, TEXAS and PEDERNALES ELECTRIC COOPERATIVE, INC. has caused this instrument to be executed on this the ____ day of the month of November, 2010

RELEASORS:

Williamson County, Texas

By: 
Dan A. Gattis
County Judge

Pedernales Electric Cooperative, Inc.

By: 
Its: 

ACKNOWLEDGMENT

THE STATE OF TEXAS §
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COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on this the ____ day of the month of _____, 2010, by Dan A. Gattis, in the capacity and for the purposes and consideration therein expressed.

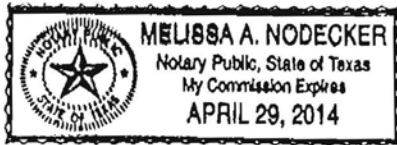
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF Williamson

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This instrument was acknowledged before me on this the 11th day of the month of November, 2010, by Wayne McKee, in the capacity and for the purposes and consideration therein expressed.



Melissa A. Nodecker
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Sheets & Crossfield, P.C.
309 East Main Street
Round Rock, TX 78664

EXHIBIT A

County: Williamson
Parcel No.: 33(U1)
Highway: R.M. 2338
Limits: From 0.3 Miles North of Ronald W. Reagan Blvd.
To F.M. 3405
CSJ: 2211-01-023

LEGAL DESCRIPTION FOR PARCEL 33(U1)

BEING 0.095 of an acre (4,119 Square Feet) of land, situated in the Frederick Foy Survey, Abstract No. 229, in Williamson County, Texas, said land being a portion of that certain tract of land, called 1.49 acres, as conveyed to Waypoint West, LLC, by deed recorded as Document No. 2006100695 of the Official Public Records of Williamson County, Texas. Surveyed on the ground in the month of January, 2008, under the supervision of Brian F. Peterson, Registered Professional Land Surveyor, and being more particularly described as follows;

Beginning for REFERENCE at an iron pin found, on, or near, the Southwest line of the Frederick Foy Survey, Abstract No. 229 and the Northeast line of the Lewis P. Dyches Survey, Abstract No. 171, being on the Northeast line of that certain Lot D of North Lake, Section A, Tract I, a subdivision of record in Cabinet L, Slide 220, of the Plat Records of Williamson County, Texas, said Lot D having been conveyed to Jimmy D. Buchanan and wife, Mindu S. Buchanan, by deed recorded as Document No. 9823445 of the Official Records of Williamson County, Texas, marking the most southerly corner of the above-referenced 1.49 acre Waypoint West, LLC, tract;

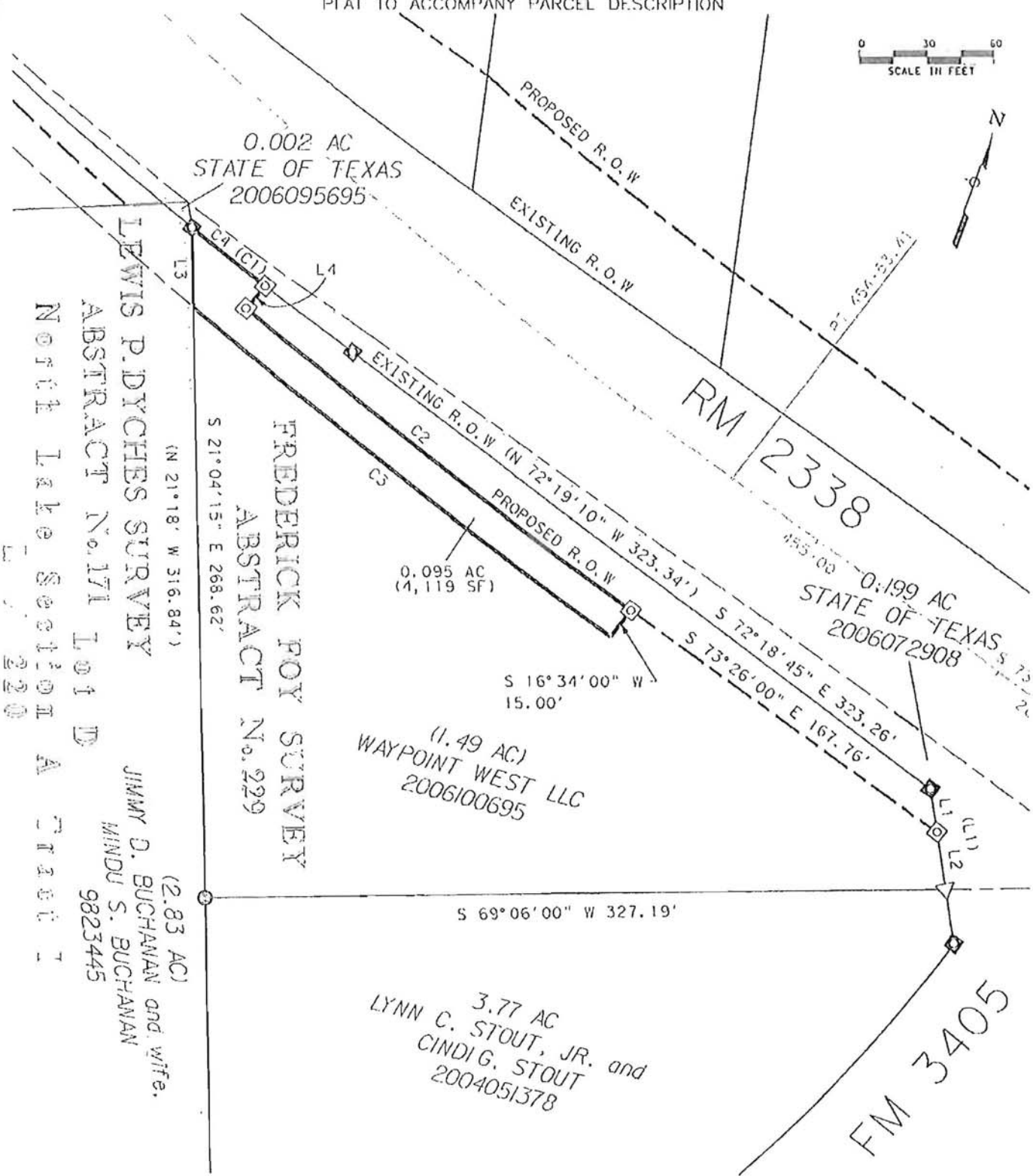
THENCE, along, or near the said Southwest line of the Frederick Foy Survey, Abstract No. 229 and the said Northeast line of the Lewis P. Dyches Survey, Abstract No. 171, being the Southwest line of the said 1.49 acre Waypoint West, LLC, tract and the said Northeast line of the Buchanan Lot D, N 21°04'15" W, 268.62 feet to a point, for the Southwest corner and Point of BEGINNING hereof;

- 1) THENCE, continuing along, or near, the said southeast line of the Fredrick Foy Survey, Abstract No. 229 and the said Northeast line of the Lewis P. Dyches Survey, Abstract No. 171, being the Southwest line of the said 1.49 acre Waypoint West LLC, tract and the said Northeast line of the Buchanan Lot D, N 21°04'15" W, 36.63 feet, to a TxDOT Type II Monument found on the existing Southwest line of Ranch to Market Highway, No. 2338, marking the Southeast corner of that certain tract of land, called 0.002 of an acre, as conveyed to the State of Texas by deed recorded as Document No. 2006095695 of the Official Public Records of Williamson County, Texas and the Southwest corner of that certain tract of land, called 0.199 of an acre, as conveyed to the State of Texas by deed recorded as Document No. 2006072908 of the Official Public Records of Williamson County, Texas, for the Northwest corner hereof;

- 2) THENCE, along the said existing Southwest line of RM 2338 along a curve to the left, having a radius of 1,954.64 feet, a Central Angle of $1^{\circ}13'29''$ and Long Chord bears S $76^{\circ}19'00''$ E, 41.78 feet, an arc distance of 41.78 feet, to an iron pin with TxDOT aluminum cap set (to be replaced with TxDOT Type II Monument after right-of-way acquisition is complete) for the most westerly Northeast corner hereof;
- 3) THENCE, S $19^{\circ}04'15''$ W, 13.23 feet, to an iron pin with TxDOT aluminum cap set (to be replaced with TxDOT Type II Monument after right-of-way acquisition is complete) on the proposed Southwest line of RM 2338, for an interior corner hereof;
- 4) THENCE, along the said proposed Southwest line of RM 2338, along a curve to the left having a radius of 2,785.00 feet, a Central Angle of $4^{\circ}30'05''$ and Long Chord bears S $71^{\circ}11'00''$ E, 218.74 feet, an arc distance of 218.80 feet to an iron pin with TxDOT aluminum cap set (to be replaced with TxDOT Type II Monument after right-of-way acquisition is complete) for the Northeast corner hereof;
- 5) THENCE, S $16^{\circ}34'00''$ W, 15.00 feet to a point, for the Southeast corner hereof;

PLAT TO ACCOMPANY PARCEL DESCRIPTION

0 30 60
SCALE 1" = 60'



PAGE 4 OF 5

STEGE (BIZZELL)

PARCEL PLAT SHOWING PROPERTY OF:
WAYPOINT WEST LLC



SCALE: 1" = 60'

CSJ: 2211-01-023

PROJECT: RM 2338

COUNTY: WILLIAMSON

PARCEL: 33(U1)
PLAT 1 OF 2

PLAT TO ACCOMPANY PARCEL DESCRIPTION

LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- TYPE II MONUMENT FOUND
- ⊗ 1/2" IRON ROD SET TO BE REPLACED WITH TxDOT TYPE II MONUMENT AFTER R.O.W. ACQUISITION IS COMPLETE
- ⊗ 1/2" IRON ROD FOUND TO BE REPLACED WITH TxDOT TYPE II MONUMENT AFTER R.O.W. ACQUISITION IS COMPLETE
- ⊙ 1/2" IRON PIPE FOUND UNLESS NOTED
- 1/2" IRON ROD SET W/ TxDOT ALUM CAP
- 1/2" IRON ROD FOUND UNLESS NOTED
- △ CALCULATED POINT
- ⊕ NAIL FOUND
- ⊕ CENTER LINE
- ℓ PROPERTY LINE
- () RECORD INFORMATION
- P.O.R. POINT OF REFERENCE
- P.O.B. POINT OF BEGINNING
- LINE BREAK

CODE	BEARING	DISTANCE
L1	S 28°25'00" E	19.73'
(L1)	(N 28°26'13" E)	(46.06')
L2	S 28°25'00" E	26.33'
L3	N 21°04'15" W	36.63'
L4	S 19°04'15" W	13.23'

CODE	RADIUS	ARC	CHORD BEARING	CHORD	DELTA
C1	1954.64'	48.64'	S 71°38'30" E	48.63'	1°25'32"
(C1)	(1954.64')	(90.32')	(N 71°02'36" W)	(90.31')	(---)
C2	2785.00'	218.80'	S 71°11'00" E	218.74'	4°30'05"
C3	2800.00'	237.64'	N 71°00'15" W	237.57'	4°51'46"
C4	1954.64'	41.78'	S 76°19'00" E	41.78'	1°13'29"

NOTES:

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 FACTOR OF 1.00014.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THERE MAY BE EASEMENTS OR OTHER INSTRUMENTS PERTAINING TO THIS PROPERTY THAT ARE NOT SHOWN HEREON.

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BRIAN F. PETERSON
REGISTERED PROFESSIONAL LAND SURVEYOR, No. 3967
STATE OF TEXAS



PAGE 5 OF 5

STEGERY BIZZELL

PARCEL PLAT SHOWING PROPERTY OF:
WAYPOINT WEST LLC



SCALE: 1" = 60'
CSJ: 2211-01-023
PROJECT: RM 2338
COUNTY: WILLIAMSON

PARCEL: 33(U1)
PLAT 2 OF 2