

Sheets & Crossfield, P.C.

ATTORNEYS AT LAW

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

Phone 512-255-8877 • fax 512-255-8986

May 7, 2015

D&M Davis Land & Cattle, L.P.
c/o Erik Cardinell
Barron & Adler, LLP
808 Nueces St.
Austin, Texas 78701

Re: SH195 expansion project
Parcel 208—PEC/CTSUD easement acquisition

Dear Erik:

As you are aware, Williamson County is assisting the State of Texas and certain utility providers with right of way and easement acquisitions in connection with the SH195 expansion project. Please allow this letter to set out my understanding regarding our agreement for Williamson County's purchase of Electric Utility Easement areas for Pedernales Electric Cooperative (PEC), and a Water Line Easement and Temporary Construction Easement for Chisholm Trail Special Utility District (CTSUD) from D&M Davis Land & Cattle, L.P. 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 a waterline easement in and to that certain property containing 0.276 acre (12,023 SF), and a temporary construction easement interest in and to that certain property containing 0.445 acre (19,384 SF), Williamson County will pay the sum of \$12,000. The form of the easement will be as shown in Exhibit "A" attached hereto.

In return for granting an electric easement in and to those four certain parcels of property containing a total of 0.442 acre (19,254 SF), Williamson County will pay the sum of \$12,000. The form of the easement will be as shown in Exhibit "B" attached hereto.

The total payment for the easement interests described herein is \$24,000. Pursuant to the terms of that certain Possession and Use Agreement executed by the parties and recorded as Document No. 2013027394 in the Official Public Records of Williamson County, Williamson County paid Davis the sum of \$10,105 for possession of the

easement tracts, which compensation was to be offset from the final purchase price or condemnation compensation for such easements. As a result, the final payment amount now due and owing from Williamson County for granting the easement interests as described herein is \$13,895.

If this meets with your understanding then please sign where indicated below, and we will have this executed by the County 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:

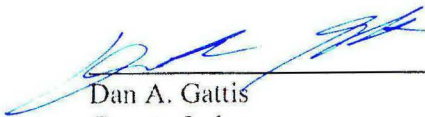
D&M Davis Land & Cattle, L.P.

By: 

Its: 

Date: 11/10/15

WILLIAMSON COUNTY, TEXAS


Dan A. Gattis
County Judge

Date

11-20-2015

EXHIBIT A—WATERLINE EASEMENT FORM

WATER LINE EASEMENT
SH195

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

DATE: _____, 2015

GRANTOR: D&M Davis Land & Cattle, L.P.

GRANTOR'S MAILING ADDRESS: _____

GRANTEE: Chisholm Trail Special Utility District, a conservation and reclamation district of the State of Texas

GRANTEE'S MAILING ADDRESS: P. O. Box 249
Florence, Williamson County, Texas 76527

CONSIDERATION: Good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

GRANT: Grantor, for the CONSIDERATION paid to Grantor by Grantee, hereby grants, sells, and conveys to Grantee a permanent easement and right-of-way (the "Water Line Easement") in, upon, under, over the Water Line Easement Tract (hereinafter defined), together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold to Grantee and Grantee's successors and assigns forever. The easement, right-of-way, rights, and privileges herein granted shall be used for the purposes of excavating for, laying, constructing, placing, operating, maintaining, reconstructing, replacing, rebuilding, upgrading, renewing, removing, inspecting, patrolling, changing, modifying, or repairing the PROJECT (as hereinafter defined), or any part of the PROJECT, and making connections therewith.

Grantor, for the CONSIDERATION paid to Grantor by Grantee, hereby further grants, sells, and conveys to Grantee a temporary construction easement (the "Temporary Construction Easement") upon and over the Temporary Construction Easement Tract (hereinafter defined) for the accommodation of construction equipment, materials and excavated earth. The Temporary Construction Easement shall terminate eighteen months after Grantee begins construction of the initial authorized improvements in the Water Line Easement or on the two year anniversary of the execution of this Water Line Easement, whichever occurs first. After the termination of the Temporary Construction Easement, Grantee agrees to provide a release of the Temporary Construction Easement upon the request of Grantor, Grantor's successors, and assigns, within

ten (10) business days from said request. Any construction, reconstruction or repair activities undertaken by Grantee after the termination of the Temporary Construction Easement must be undertaken within the confines of the Water Line Easement Tract.

DESIGNATION OF COURSE: The "Water Line Easement Tract" is defined as a tract of land across, over and under the following described real property:

All of that certain 0.269 acre of land, more or less, out of the John Hamilton Survey, Abstract No. 282, 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 208 Part 1--CTSUD); and

All of that certain 0.007 acre of land, more or less, out of the John Hamilton Survey, Abstract No. 282, 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 208 Part 2--CTSUD)

The "Temporary Construction Easement Tract" is defined as a tract of land thirty feet (30') in width, said Temporary Construction Easement Tract being upon and across the surface only of the following described real property:

All of that certain 0.435 acre of land, more or less, out of the John Hamilton Survey, Abstract No. 282, as shown on the sketch attached to Exhibit A, said exhibit being incorporated herein by reference for all purposes; and

All of that certain 0.010 acre of land, more or less, out of the John Hamilton Survey, Abstract No. 282, as shown on the sketch attached to Exhibit B, said exhibit being incorporated herein by reference for all purposes.

PROJECT: Multiple water lines and all necessary or desirable facilities, equipment and appurtenances thereto including, without limitation, valves, meters and communication lines and related facilities. The communication lines shall be limited to the use of the easement holder and shall not be for the benefit of a third party. In the event Grantor constructs an additional water line or lines in the future after construction of an initial water line, any such line or lines shall be constructed adjacent to and generally parallel with the first water line laid by Grantee within the Water Line Easement.

Other Rights Granted to Grantee: Grantee shall have such other right and benefits necessary and/or convenient for the full enjoyment and use of the rights herein granted, including without limitation, (1) the reasonable right of ingress and egress over and across the area encompassed by the Water Line Easement and over the adjacent lands owned by Grantor, but only to the extent that ingress or egress is not available or adequate from a public right-of-way; (2) the reasonable right from time to time to remove any paving and all undergrowth and other obstructions that may injure Grantee's facilities and appurtenances in the Water Line Easement Tract or materially interfere with the exercise of Grantee's authorized rights; and (3) the right to abandon-in-place only those water supply lines, service lines and associated appurtenances located below the

surface, such that Grantee shall have no obligation or liability to Grantor or their successors or assigns to move or remove any such abandoned lines or appurtenances located below the surface of the easement. In the event the lines are abandoned, any above ground appurtenances or facilities must be removed promptly upon request of Grantor.

Obligation of Grantee: By acceptance of this grant and utilization of any rights granted hereby, Grantee agrees that it will at all times, after doing any work pursuant to the rights hereby granted, restore the surface of the Waterline Easement Tract and Temporary Construction Easement Tract, including paving, to substantially the same condition as existed prior to such work taking into consideration the nature of the work being performed; and that Grantee will not do any act, or fail to do any act, that will be detrimental or create a hazard to the surface of the lands covered thereby or to the use thereof. The consideration recited herein shall constitute payment in full for all damages initially sustained by Grantor by reason of the utilization by the Grantee of any rights granted herein with the exception of future damages that may be incurred in the future for the failure to restore the surface as set forth in this document.

Rights of Grantor: Grantor shall have the right to abate any unauthorized use of the Water Line Easement and any unauthorized use of the Temporary Construction Easement by Grantee by any lawful method. Grantor, its successors and assigns shall retain the right to use the surface of the lands within the boundary lines of the Waterline Easement Tract, including, but not limited to, for the construction of roads, driveways, curbs, sidewalks, fences, parking spaces, landscaping, signage, irrigation, and light poles; provided, however, that (1) no buildings, water quality or detention or similar drainage features, or permanent structures of any kind shall be placed, erected or maintained thereon; (2) such improvements shall not damage facilities located within, or materially interfere with Grantee's use and enjoyment of, the Waterline Easement Tract; and (3) no subsurface utilities of any kind shall be located within the Waterline Easement Tract, except as provided below. Grantee agrees to repair damages that it causes to any of Grantor's authorized improvements within the Waterline Easement Tract. Grantee shall not be responsible for damage it causes to unauthorized improvements within the Waterline Easement Tract.

Representations of Grantor: Grantor represents, covenants and warrants that it has full power and authority to enter into this instrument and to convey the Water Line Easement and Temporary Construction Easement to Grantee.

Exclusivity: Grantee's easement rights within the Waterline Easement Tract shall be exclusive, with the exception of use by Pedernales Electric Cooperative or LCRA for electric facilities, however, Grantor reserves the right to grant easements to utilities across the Waterline Easement Tract, but not longitudinally over the easement, provided (1) crossings are made at not less than approximate 45° angle to the waterline; (2) sufficient clearance between facilities is maintained; and (3) such construction does not interfere with the access to, or with the operation, maintenance and safety of the Project, as reasonably determined by Grantee. If approval by Chisholm Trail Special Utility District is required, then such approval shall not be unreasonably withheld.

Habendum: To HAVE AND HOLD the Water Line Easement and Temporary Construction Easement and all and singular the rights and appurtenances thereunto belonging unto Grantee, its successors and assigns.

Warranty: Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the Water Line Easement and Temporary Construction Easement unto Grantee, its successors and assigns, against every person whomsoever claiming, or to claim, the same or any part thereof, by through or under Grantor, but not otherwise.

Successors and Assigns: The rights granted hereby and the rights, agreements and burdens pertaining thereto shall constitute a covenant running with the land and inure to the benefit of and shall be binding upon the Grantor, any other owner in the future on any part of the Waterline Easement Tract and Temporary Construction Easement Tract, and the Grantee, and all of their respective successors, heirs, legal representatives, executors, administrators and assigns. Grantee's rights hereunder may be assigned in whole or in part to one or more assignees.

Covenant of Grantor: Grantor covenants that Grantor is the owner of the Waterline Easement Tract and Temporary Construction Easement Tract and that the person signing this instrument is authorized to execute the same on behalf of the owner or all the owners of all such real property.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this _____ day of _____, 2015.

GRANTOR:

D&M Davis Land & Cattle, L.P.

By: _____

Its: _____

Acknowledgment

STATE OF TEXAS §
 §
COUNTY OF _____ §

 This instrument was acknowledged before me on the _____ day of _____,
2015, by _____, in the capacity and for the purposes and
consideration recited herein.

(Seal and Expiration)

Notary Public, State of Texas

2027(1) - CBVD

EXHIBIT "A"

STATE OF TEXAS
COUNTY OF WILLIAMSON

EASEMENT

0.269 ACRE SITUATED IN
JOHN HAMILTON SURVEY
ABSTRACT 282
WILLIAMSON COUNTY, TEXAS

LEGAL DESCRIPTION

DESCRIPTION OF A 0.269 ACRE (11,700 SQUARE FEET) TRACT SITUATED IN THE JOHN HAMILTON SURVEY, ABSTRACT 282, WILLIAMSON COUNTY, TEXAS AND BEING A PORTION OF A CALLED 238.28 ACRES TRACT DESCRIBED AS TRACT 6 IN A DEED TO D & M DAVIS LAND & CATTLE, L.P. AND RECORDED IN DOCUMENT NO. 2002013809 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found in the existing south right-of-way line of County Road 241 (CR 241), a varying width right-of-way, for the northeast corner of said 238.28 acres tract, same being the northwest corner of a called 14.57 acres tract described as Tract 1 to D & M Davis Land & Cattle, L.P. and recorded in said Document No. 2002013809;

THENCE leaving said existing south right-of-way line of CR 241, with the northeast line of said 238.28 acres tract, and the southwest line of said 14.57 acres tract, S20°36'30"E passing at a distance of 67.42 feet a Texas Department of Transportation (TxDOT) Type II Concrete Monument with Brass Disk found for an angle point in the proposed southwest right-of-way line of State Highway No. 195 (SH195), a varying width right-of-way, continuing with said proposed southwest right-of-way line of SH195, said southwest line of the 14.57 acres tract, and said northeast line of the 238.28 acres tract, in all a distance of 95.55 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" previously set;

THENCE leaving said proposed southwest right-of-way line of SH195, said northeast line of the 238.28 acres tract and said west line of the 14.57 acres tract, crossing said 238.28 acres tract the following six (6) courses and distances;

1. S69°10'38"W a distance of 15.00 feet to 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set for the **POINT OF BEGINNING** of the tract described herein;
2. S20°36'30"E a distance of 20.00 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set,
3. S69°10'38"W a distance of 453.64 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set,
4. N65°49'22"W a distance of 28.75 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set,
5. N20°49'22"W a distance of 48.45 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set, and
6. N65°49'22"W a distance of 72.48 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set, in said existing south right-of-way line of CR 241, same being the north line of the 238.28 acres tract;

THENCE with said existing south right-of-way line of CR 241 and said north line of the 238.28 acres tract N69°38'30"E a distance of 28.52 to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set;

THENCE leaving said existing south right-of-way line of CR 241 and said north line of the 238.28 acres tract, crossing said 238.28 acres tract the following four (4) courses and distances:

1. S65°49'22"E a distance of 60.44 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set,
2. S20°49'22"E a distance of 48.45 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set;
3. S65°49'22"E a distance of 12.18 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set, and
4. N69°10'38"E a distance of 445.43 feet to said **POINT OF BEGINNING** and containing 0.269 acres.

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

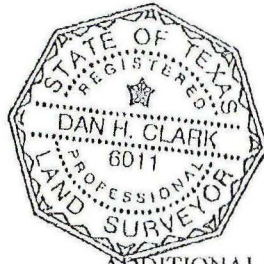
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That I, Dan H. Clark, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the month of December 2011.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 2nd day of April 2012, A.D.

Halff Associates, Inc.
4030 West Braker Lane
Suite 450
Austin, Texas 78759



[Signature] 4/2/2012
Dan H. Clark
Registered Professional Land Surveyor
No. 6011 – State of Texas

ADDITIONAL NOTES:

1. Bearings shown hereon are based on the Texas State Plane Coordinates System, NAD 83, Central Zone, using a combined surface adjustment factor of 1.000120. Distances shown hereon are surface distances.
2. This description has been prepared as a result of a survey completed in December 2011 and is submitted in connection with a survey drawing prepared by Halff Associates, Inc. titled VEXH-208-26901.dgn, dated April 02, 2012, AVO No. 26901.
3. See Texas Department of Transportation Right-of-Way map CSJ No. 0440-01-036 & 0440-02-012 for detailed information regarding State Highway 195.



GRAPHIC SCALE
1"=100'
0' 50' 100' 150' 200'

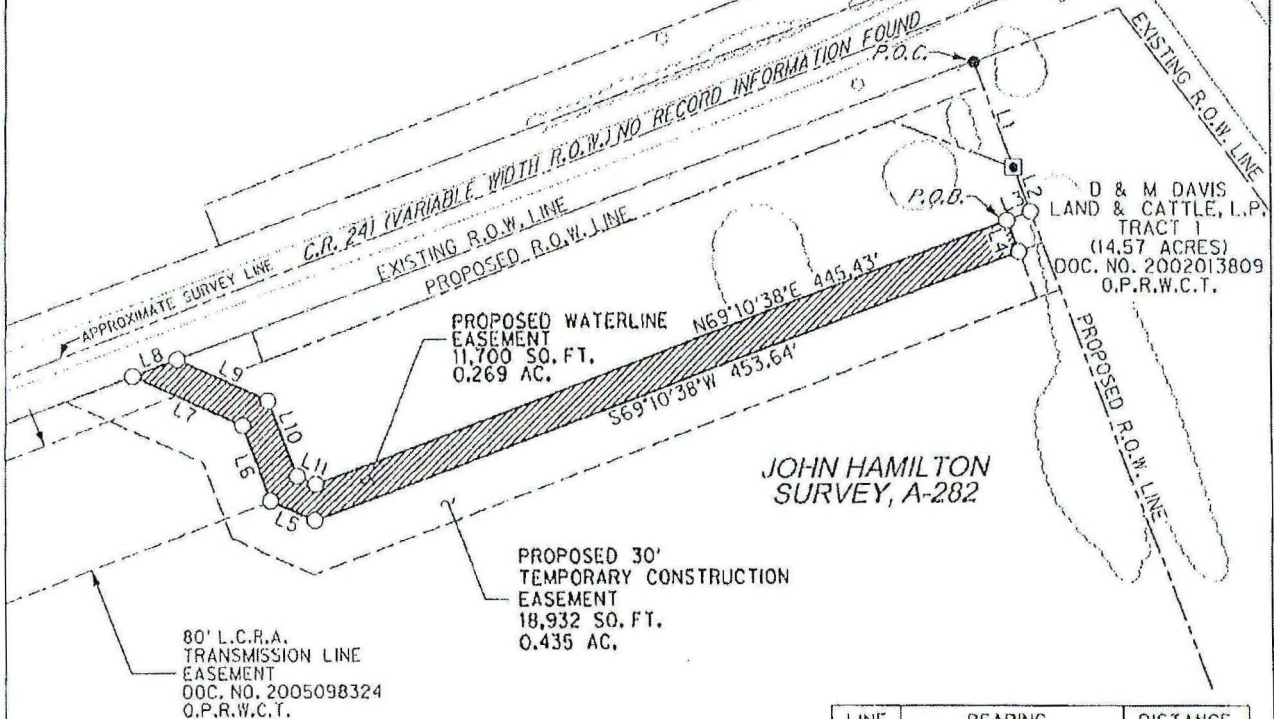
WILLIAM HEMPHILL
SURVEY, A-283

TJS PROPERTIES, LLC
(274.494 ACRES)
DOC. NO. 2002028887
O.P.R.W.C.T.

S.H. 195
R.O.W.
CSJ 0440-02-002
1100' 04' 00"

D & M DAVIS
LAND & CATTLE, L.P.
TRACT 1
(14.57 ACRES)
DOC. NO. 2002013809
O.P.R.W.C.T.

JOHN HAMILTON
SURVEY, A-282



LEGEND:

- FOUND TxDOT BRASS MONUMENT
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET W/ 'HALFF ESAT' CAP
- O.P.R.W.C.T. OFFICIAL PUBLIC RECORDS OF WILLIAMSON CO., TX
- P.O.B. POINT OF BEGINNING
- () RECORD INFORMATION

D & M DAVIS LAND & CATTLE, L.P.
TRACT 6
(238.28 ACRES)
DOC. NO. 2002013809
O.P.R.W.C.T.

LINE	BEARING	DISTANCE
L1	S20°36'30"E	67.42'
L2	S20°36'30"E	28.13'
L3	S69°10'38"W	15.00'
L4	S20°36'30"E	20.00'
L5	N65°49'22"W	28.75'
L6	N20°49'22"W	48.45'
L7	N65°49'22"W	72.48'
L8	N69°38'30"E	28.52'
L9	S65°49'22"E	60.44'
L10	S20°49'22"E	48.45'
L11	S65°49'22"E	12.18'



HALFF

4030 WEST ORAKER LANE, SUITE 400
AUSTIN, TEXAS 78759-5358
TEL (512) 252-8184
FAX (512) 252-8141

SH 195 UTILITY

EASEMENT FOR
PARCEL 208 PART 1A

Project No.: 28901

Issued: 4/2/2012

Accompanying file Name:
SV-LD-208PT1A-28901.doc

3 of 3

1256075026901\CAD\05\my\A\24-208PT1A-28901.dgn

4/2/2012 2:28:15 PM a12458 146LFF

2007(2) CTSUD

EXHIBIT "B"

STATE OF TEXAS
COUNTY OF WILLIAMSON

EASEMENT

0.007 ACRE SITUATED IN
JOHN HAMILTON SURVEY
ABSTRACT 282
WILLIAMSON COUNTY, TEXAS

LEGAL DESCRIPTION

DESCRIPTION OF A 0.007 ACRE (300 SQUARE FEET) TRACT SITUATED IN THE JOHN HAMILTON SURVEY, ABSTRACT 282, WILLIAMSON COUNTY, TEXAS AND BEING A PORTION OF A CALLED 238.28 ACRES TRACT DESCRIBED AS TRACT 6 IN A DEED TO D & M DAVIS LAND & CATTLE, L.P. AND RECORDED IN DOCUMENT NO. 2002013809 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found in the existing south right-of-way line of County Road 241 (CR 241), a varying width right-of-way, for the northeast corner of said 238.28 acres tract, same being the northwest corner of a called 14.57 acres tract described as Tract 1 to D & M Davis Land & Cattle, L.P. and recorded in said Document No. 2002013809;

THENCE leaving said existing south right-of-way line of CR 241, with a northeast line of said 238.28 acres tract, and the southwest line of said 14.57 acres tract, S20°36'30"E passing at a distance of 67.42 feet a Texas Department of Transportation (TxDOT) Type II Concrete Monument with Brass Disk found for an angle point in the proposed southwest right-of-way line of State Highway No. 195 (SH195), a varying width right-of-way, continuing with said proposed southwest right-of-way line of SH195, said southwest line of the 14.57 acres tract, and said northeast line of the 238.28 acres tract, in all a distance of 95.55 feet to a 1/2-inch iron rod with plastic cap stamped "HALF ESMT" set for the **POINT OF BEGINNING** of the tract described herein;

CONTINUING with said proposed southwest right-of-way line of SH195, said northeast line of the 238.28 acres tract, and said southwest line of the 14.57 acres tract, S20°36'30"E a distance of 20.00 feet to a 1/2-inch iron rod with plastic cap stamped "HALF ESMT" set;

THENCE leaving said proposed southwest right-of-way line of SH195, said northeast line of the 238.28 acres tract, and said southwest line of the 14.57 acres tract, crossing said 238.28 acres tract the following three (3) courses and distances:

1. S69°10'38"W a distance of 15.00 feet to a 1/2-inch iron rod with plastic cap stamped "HALF ESMT" set,
2. N20°36'30"W a distance of 20.00 feet to a 1/2-inch iron rod with plastic cap stamped "HALF ESMT" set, and

3. N69°10'38"E a distance of 15.00 feet to said **POINT OF BEGINNING** and containing 0.007 acres,

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

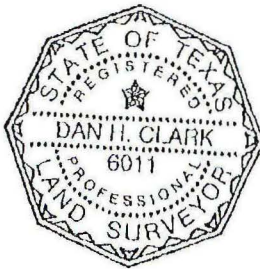
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That I, Dan H. Clark, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the month of December 2011.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 2nd day of April 2012, A.D.

Halff Associates, Inc.
4030 West Braker Lane
Suite 450
Austin, Texas 78759



 4/2/2012
Dan H. Clark
Registered Professional Land Surveyor
No. 6011 – State of Texas

ADDITIONAL NOTES:

1. Bearings shown hereon are based on the Texas State Plane Coordinates System, NAD 83, Central Zone, using a combined surface adjustment factor of 1.000120. Distances shown hereon are surface distances.
2. This description has been prepared as a result of a survey completed in December 2011 and is submitted in connection with a survey drawing prepared by Halff Associates, Inc. titled VEXII-208PT1-B-26901.dgn, dated April 2, 2012, AVO No. 26901.
3. See Texas Department of Transportation Right-of-Way map CSJ No. 0440-01-036 & 0440-02-012 for detailed information regarding State Highway 195.

3 of 3

EXHIBIT B—ELECTRIC EASEMENT FORM

ELECTRIC UTILITY EASEMENT
SH195

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

THAT D&M DAVIS LAND & CATTLE, L.P., Grantor, for good and valuable in hand paid by PEDERNALES ELECTRIC COOPERATIVE, INC., of Johnson City, Texas, the receipt and sufficiency of which is hereby acknowledged and confessed, 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 ("Easement") 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 0.309 acre of land, more or less, out of the John Hamilton Survey, Abstract No. 281, 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 208 Part 1--PEC**); and

All of that certain 0.029 acre of land, more or less, out of the John Hamilton Survey, Abstract No. 281, 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 208 Part 2--PEC**); and

All of that certain 0.031 acre of land, more or less, out of the John Hamilton Survey, Abstract No. 281, 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 208 Part 3--PEC**); and

All of that certain 0.073 acre of land, more or less, out of the John Hamilton Survey, Abstract No. 281, and being more particularly described by metes and bounds and sketch attached hereto as Exhibit D, said exhibit being incorporated herein by reference for all purposes (**Parcel 208 Part 4--PEC**); 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.

As additional consideration, Grantee additionally agrees to provide Grantor with an electrical service drop from a pole located within the Easement, to the extent a pole is located within the Easement, subject to the membership requirements of Grantee and Grantor's compliance with such requirements.

Grantor, its successors and assigns shall retain the right to use the surface of the lands within the boundary lines of the Easement, including, but not limited to, for the construction of roads, driveways, curbs, sidewalks, fences, parking spaces, landscaping, signage, irrigation, and light poles; provided, however, that (1) no buildings, water quality or detention or similar drainage features, or permanent structures of any kind shall be placed, erected or maintained thereon; and (2) such improvements shall not damage facilities located within, or materially interfere with Grantee's use and enjoyment of, the Easement.

Grantee shall have the right of ingress and egress at all times upon and across the Easement for the above stated purposes. In the event that immediate access to the Easement is not reasonably available over the Easement, and only in that event, then Grantee shall have the right of ingress and egress over existing roads across the adjacent or remainder property of Grantor for the purpose of obtaining such access. In the event that such access is not reasonably available over the Easement and not available over existing roads, and only in that event, Grantee shall have the right of reasonable ingress and egress over the Grantor's remainder property along any route that is reasonable and appropriate under the circumstances then existing in order to obtain such access. Grantee cannot conduct any construction, reconstruction or repair activities on Grantor's remainder property or use the Grantor's remainder property to store construction equipment, materials and excavated earth outside the Easement on Grantor's remainder property.

Grantee's easement rights within the Easement shall be exclusive, with the exception of use by any existing and validly recorded easements or utilities, or as otherwise approved by Grantee in writing. Grantor reserves the right to grant easements to utilities across the Easement subject to this Easement, but not longitudinally over the easement, provided (1) crossings are made at not less than approximate 45° angle to the electric distribution line; (2) sufficient clearance between facilities is maintained in the reasonable determination of Grantee; and (3) such construction does not interfere with the operation, maintenance and safety of Grantee's electric distribution line constructed hereunder. If approval by PEDERNALES ELECTRIC COOPERATIVE, INC. is required, then such approval shall not be unreasonably withheld.

TO HAVE AND TO HOLD the above described easement and rights unto Pedernales Electric Cooperative, Inc. and their successors and assigns.

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, through or under Grantor, but not otherwise.

[signature page follows]

WITNESS our hands this _____ day of _____, 2015.

GRANTOR:

D&M Davis Land & Cattle, L.P.

By: _____

Its: _____

ACKNOWLEDGMENT

STATE OF TEXAS

§

COUNTY OF _____

§

§

This instrument was acknowledged before me on this the _____ day of _____, 2015 by _____, in the capacity and for the purposes and consideration recited therein.

Notary Public, State of Texas

After recording return to:

EXHIBIT A

PROPERTY DESCRIPTION

DESCRIPTION OF A 0.309 ACRE (13,465 SQUARE FOOT), TRACT OF LAND SITUATED IN THE JOHN HAMILTON SURVEY, ABSTRACT NO. 281, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT 238.28 ACRE TRACT OF LAND CONVEYED TO D & M DAVIS LAND & CATTLE, L.P., BY INSTRUMENT RECORDED IN DOCUMENT NO. 2002013809 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.309 ACRE (13,465 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 corner cutback line of the proposed southerly right-of-way (R.O.W.) line of County Road (C.R.) 241 (R.O.W. width varies), same being in the proposed westerly R.O.W. line of State Highway (S.H.) 195 (right-of-way width varies), same being in the interior of said 238.28 acre tract;

THENCE, through the interior of said 238.28 acre tract the following (5) five courses, courses (1 and 2) one and two being with said proposed westerly R.O.W. line, and course (4) four being 15 feet southwesterly of and parallel with said proposed westerly R.O.W. line:

- 1) **S 20°36'30" E** for a distance of **474.79** feet to a TxDOT type II monument found;
- 2) **S 20°36'30" E** for a distance of **416.38** feet to a calculated point, for the southeast corner of the herein described tract;
- 3) **S 69°10'38" W** for a distance of **15.00** feet to a calculated point, for the southwest corner of the herein described tract;
- 4) **N 20°36'30" W** for a distance of **904.35** feet to a calculated point, being a point in the proposed southerly cut back line of said C.R. 241, for northwest corner of the herein described tract, and from which a TxDOT type II monument found bears **N 69°24'49" W** at a distance of **58.48** feet;
- 5) **THENCE**, with said southerly cut back line, **S 69°24'49" E** for a distance of **19.93** feet to the **POINT OF BEGINNING**, containing 0.309 acres (13,465 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 3 June 2013
M. Stephen Truesdale Date

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

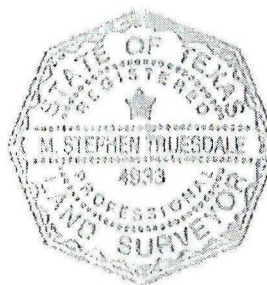
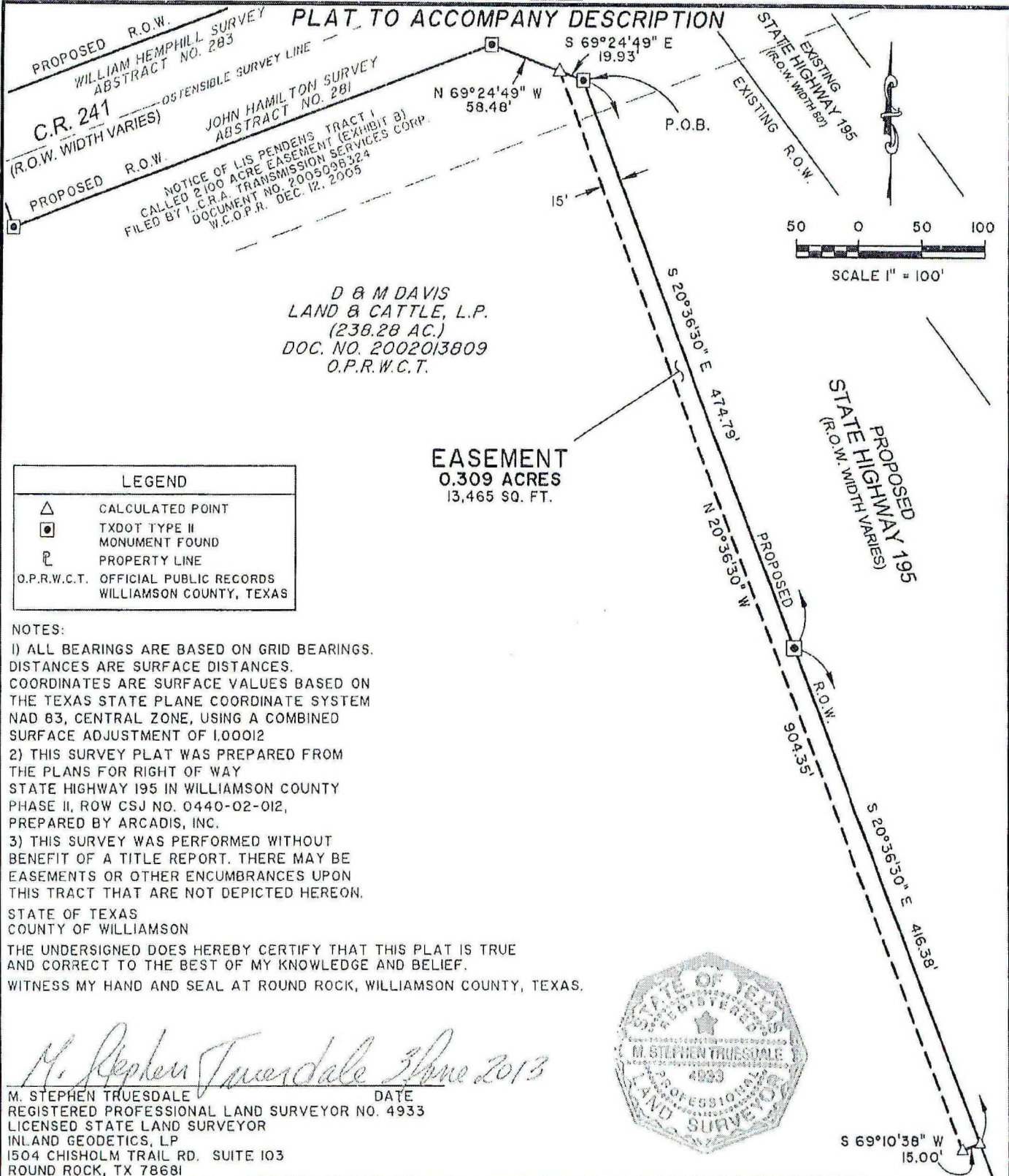


EXHIBIT A

PLAT TO ACCOMPANY DESCRIPTION



PART 1
D & M LAND & CATTLE, L.P.
0.309 ACRES
13,465 SQUARE FEET

EXHIBIT **B**

PROPERTY DESCRIPTION

DESCRIPTION OF A 0.029 ACRE (1,279 SQUARE FOOT), TRACT OF LAND SITUATED IN THE JOHN HAMILTON SURVEY, ABSTRACT NO. 282, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT 14.57 ACRE TRACT OF LAND (TRACT 1) CONVEYED TO D & M DAVIS LAND & CATTLE, L.P., BY INSTRUMENT RECORDED IN DOCUMENT NO. 2002013809 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.029 ACRE (1,279 SQUARE FOOT) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point, being the existing westerly Right of Way (R.O.W.) line of State Highway (S.H.) 195 (right-of-way width 80'), same being the easterly boundary line of said 14.57 acre tract, the grid coordinates of said point for this description being determined as Northing=10260341.03, Easting=3103807.26, TXSPC Zone 4203, being the most northerly corner and the POINT OF BEGINNING of the herein described tract;

- 1) THENCE, with the existing westerly R.O.W. line of said S.H. 195, same being the easterly boundary line of said 14.57 acre tract, S 36°35'02" E for a distance of 20.80 feet to a calculated point, being the most easterly corner of the herein described tract;

THENCE, departing the existing westerly R.O.W. line of said S.H. 195, and through the interior of said 14.57 acre tract, the following three (3) courses:


- 2) S 69°23'30" W for a distance of 66.76 feet to a calculated point, being the proposed easterly R.O.W. line of said S.H. 195, for the most southerly corner of the herein described tract, and from which a TxDot Type II monument found bears, S 20°49'22" E for a distance of 723.13 feet;
- 3) with said proposed R.O.W., N 20°49'22" W for a distance of 20.00 feet to a calculated point, being the most westerly corner of the herein described tract;
- 4) departing said proposed R.O.W., N 69°23'30" E for a distance of 61.11 feet to the POINT OF BEGINNING, containing 0.029 acres (1,279 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
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

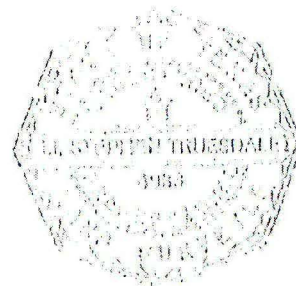
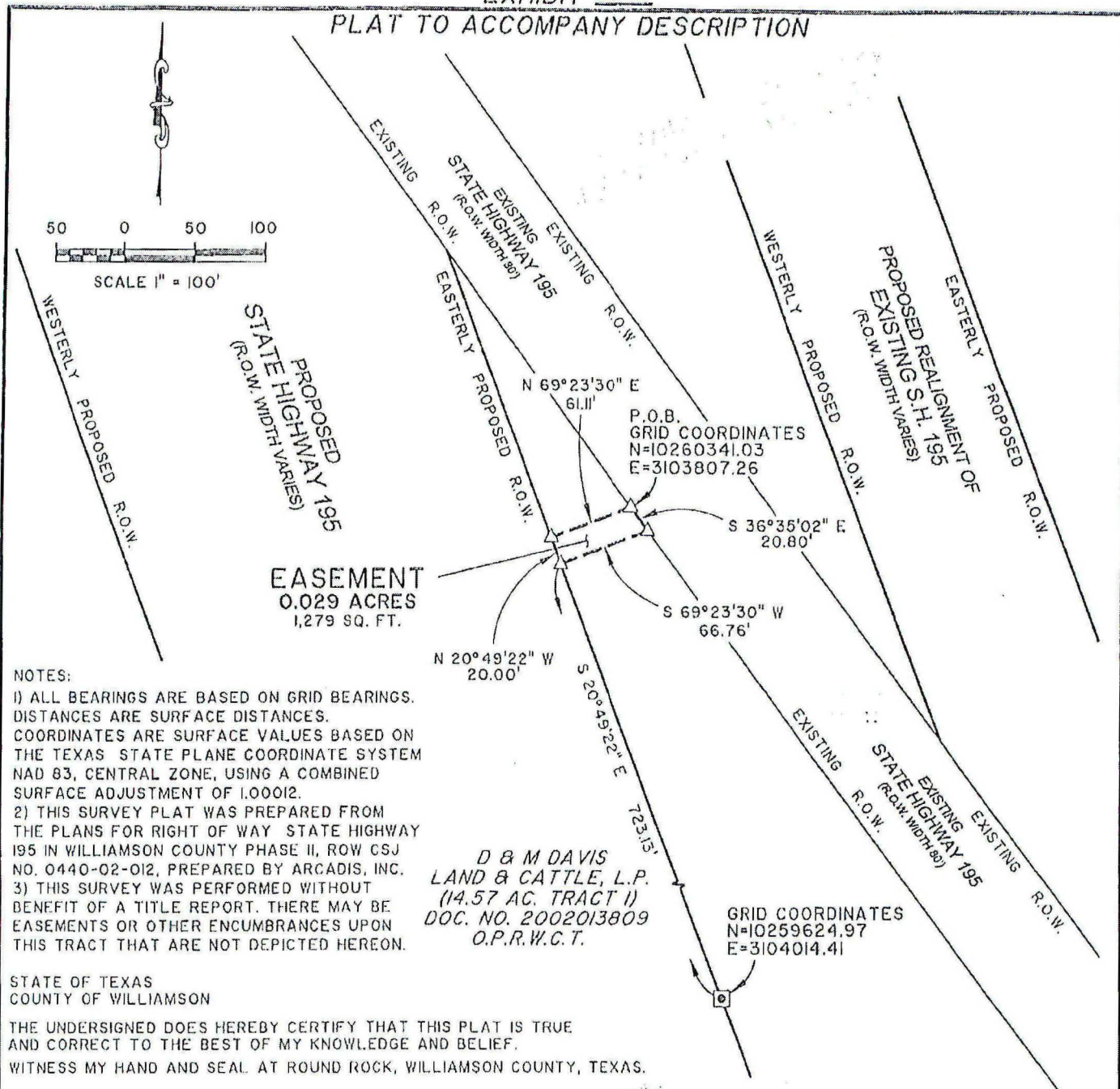
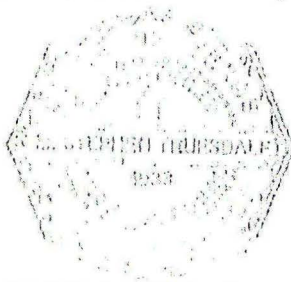


EXHIBIT B

PLAT TO ACCOMPANY DESCRIPTION



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

INLAND GEODETICS
PROFESSIONAL LAND SURVEYORS
1504 CHISHOLM TRAIL RD. STE. 103
ROUND ROCK, TX. 78681
PH. (512) 238-1200, FAX (512) 238-1251

PART 2
D & M LAND & CATTLE, L.P.
0.029 ACRES
1,279 SQUARE FEET

EXHIBIT C

PROPERTY DESCRIPTION

DESCRIPTION OF A 0.031 ACRE (1,346 SQUARE FOOT), TRACT OF LAND SITUATED IN THE JOHN HAMILTON SURVEY, ABSTRACT NO. 282, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT 238.28 ACRE TRACT OF LAND (TRACT 6) CONVEYED TO D & M DAVIS LAND & CATTLE, L.P., BY INSTRUMENT RECORDED IN DOCUMENT NO. 2002013809 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.031 ACRE (1,346 SQUARE FOOT) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point, being the proposed westerly Right of Way (R.O.W.) line of State Highway (S.H.) 195 (R.O.W. width varies), same being the easterly boundary line of said 238.28 acre tract, same being the westerly boundary line of the remainder of that 107.1 acre tract conveyed to Lee Roy Knauth, by instrument recorded in Vol. 1780, Pg. 239, of the Official Records of Williamson County, Texas, the grid coordinates of said point for this description being determined as Northing=10258846.53, Easting=3103975.10, TXSPC Zone 4203, being the most northeasterly corner and the POINT OF BEGINNING of the herein described tract, and from which an Iron rod with TxDot aluminum cap found bears, N 21°04'40" W for a distance of 497.74 feet;

- 1) THENCE, with said proposed R.O.W. line, same being the common boundary line of said remainder tract and said 238.28 acre tract, S 21°04'40" E for a distance of 89.75 feet to a calculated point, being the most southeasterly corner of the herein described tract;

THENCE, departing said proposed westerly R.O.W. line, and through the interior of said 238.28 acre tract, the following three (3) courses:

- 2) S 68°55'20" W for a distance of 15.00 feet to a calculated point, for the most southwesterly corner of the herein described tract;
- 3) N 21°04'40" W for a distance of 89.75 feet to a calculated point, being the most northwesterly corner of the herein described tract;
- 4) N 68°55'20" E for a distance of 15.00 feet to the POINT OF BEGINNING, containing 0.031 acres (1,346 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 9/28/2011
M. Stephen Truesdale Date

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

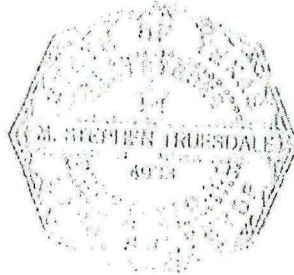
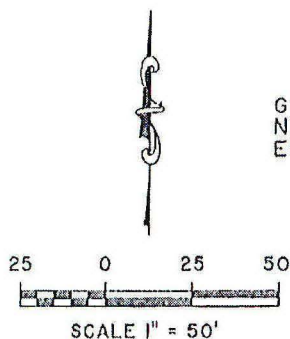


EXHIBIT C

PLAT TO ACCOMPANY DESCRIPTION



GRID COORDINATES
N=10258933.26
E=3103941.67

LEE ROY KNAUTH
REMAINDER OF 107.1 AC.
VOL. 1780, PG. 239
O.R.W.C.T.

P.O.B.
GRID COORDINATES
N=10258846.53
E=3103975.10

PROPOSED
STATE HIGHWAY 195
(ROW WIDTH VARIES)

EASEMENT
0.031 ACRES
1,346 SQ. FT.

LEGEND	
⊙	IRON ROD FOUND WITH TXDOT ALUMINUM CAP
△	CALCULATED POINT
— — —	BREAK LINE
O.R.W.C.T.	DEED RECORDS WILLIAMSON COUNTY, TEXAS
O.P.R.W.C.T.	OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY, TEXAS

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 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.

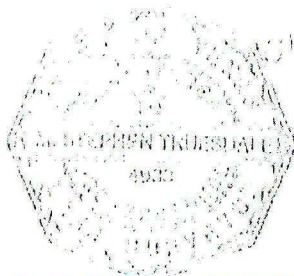
STATE OF TEXAS
COUNTY OF WILLIAMSON

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.

D&M DAVIS
LAND & CATTLE, L.P.
(238.28 AC. TRACT 6)
DOC. NO. 2002013809
O.P.R.W.C.T.

WYLIE CARTWRIGHT AND
PATSY CARTWRIGHT
ERNEST GODIN
AND LISA GODIN
(5.00 ACRES TRACT 1)
DOCUMENT NO. 2004015378
O.P.R.W.C.T.

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



WILLIAMSON HAMILTON SURVEY
ABSTRACT NO. 232

**INLAND
GEODETICS**
PROFESSIONAL LAND SURVEYORS
1504 CHISHOLM TRAIL RD. STE. 103
ROUND ROCK, TX, 78681
PH. (512) 238-1200, FAX (512) 238-1251

PART 3
D & M LAND & CATTLE, L.P.
0.031 ACRES
1,346 SQUARE FEET

EXHIBIT D

PROPERTY DESCRIPTION

DESCRIPTION OF A 0.073 ACRE (3,182 SQUARE FOOT), TRACT OF LAND SITUATED IN THE JOHN HAMILTON SURVEY, ABSTRACT NO. 282, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT 238.28 ACRE TRACT OF LAND (TRACT 6) CONVEYED TO D & M DAVIS LAND & CATTLE, L.P., BY INSTRUMENT RECORDED IN DOCUMENT NO. 2002013809 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.073 ACRE (3,182 SQUARE FOOT) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point, being the proposed westerly Right of Way (R.O.W.) line of State Highway (S.H.) 195 (R.O.W. width varies), same being the easterly boundary line of said 238.28 acre tract, same being the northwest corner of that called 5.01 acre tract of land conveyed to Michael A. Braley and Diann M. Braley by instrument recorded in Doc. No. 2002016734, of the Official Public Records of Williamson County, Texas, same being the southwest corner of that called 9.52 acre tract of land conveyed to C. Dean Davis by instrument recorded in Doc. No. 9603606 of the Official Records of Williamson County, Texas, the grid coordinates of said point for this description being determined as Northing=10257261.04, Easting=3104586.18, TXSPC Zone 4203, for the POINT OF BEGINNING of the herein described tract, and from which an iron rod with TxDot aluminum cap found, being the northerly boundary line of said 5.01 acre tract, same being the proposed easterly R.O.W. of said S.H. 195, bears, N 53°22'14" E for a distance of 317.74 feet;

- 1) THENCE, with said proposed westerly R.O.W. line, same being the common boundary line of said 5.01 acre tract and said 238.28 acre tract, S 21°04'40" E for a distance of 143.50 feet to a calculated point, being the most southeasterly corner of the herein described tract;

THENCE, departing said proposed westerly R.O.W. line, and through the interior of said 238.28 acre tract, the following three (3) courses:

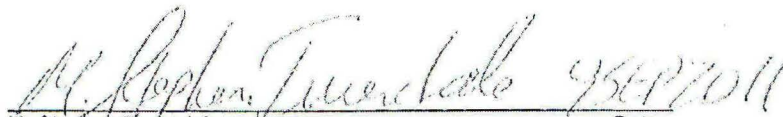
- 2) S 68°55'20" W for a distance of 15.00 feet to a calculated point, for the most southwesterly corner of the herein described tract;
- 3) N 21°04'40" W for a distance of 212.16 feet to a calculated point, being the most northwesterly corner of the herein described tract;
- 4) N 68°55'20" E for a distance of 15.00 feet a calculated point, being said proposed westerly R.O.W. line, for the most northeasterly corner of the herein described tract;
- 5) THENCE, with said proposed westerly R.O.W. line, same being the westerly boundary line of said 9.52 acre tract, S 21°04'40" E for a distance of 68.66 feet to the POINT OF BEGINNING, containing 0.073 acres (3,182 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,

 9/5/2011

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

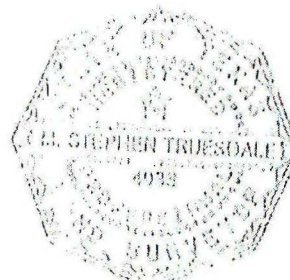
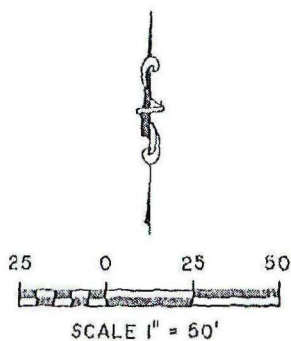


EXHIBIT D

PLAT TO ACCOMPANY DESCRIPTION



LEGEND	
⊙	IRON ROD FOUND WITH TXDOT ALUMINUM CAP
△	CALCULATED POINT
—	BREAK LINE
D.R.W.C.T.	DEED RECORDS WILLIAMSON COUNTY, TEXAS
O.P.R.W.C.T.	OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY, TEXAS

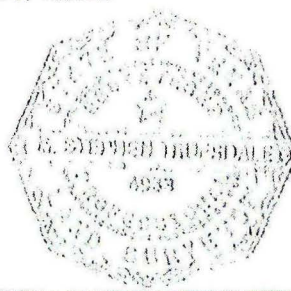
NOTES:

- 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 STATE HIGHWAY 195 IN WILLIAMSON COUNTY PHASE II, ROW CSJ NO. 0140-02-012, 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
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



INLAND GEODETICS
PROFESSIONAL LAND SURVEYORS
1504 CHISHOLM TRAIL RD. STE. 103
ROUND ROCK, TX. 78681
PH. (512) 238-1200, FAX (512) 238-1251

PART 4
D & M LAND & CATTLE, L.P.
0.073 ACRES
3,182 SQUARE FEET

N 68°55'20" E
15.00'

C. DEAN DAVIS
CALLED 9.52 AC.
DOC. NO. 9603606
O.R.W.C.T.

GRID COORDINATES
N=10257450.62
E=3104841.17

N 53°22'14" E
317.74'

P.O.B.
GRID COORDINATES
N=10257261.04
E=3104586.18

MICHAEL A. BRALEY AND
DIANN M. BRALEY
CALLED 5.01 AC.
DOC. NO. 2002016734
O.P.R.W.C.T.

EASEMENT
0.073 ACRES
3,182 SQ. FT.

S 68°55'20" W
15.00'

D&M DAVIS
LAND & CATTLE, L.P.
(238.28 AC. TRACT 6)
DOC. NO. 2002013809
O.P.R.W.C.T.

LEE W. SNOW AND
WIFE BETTY J. SNOW
CALLED 10.13 AC.
VOL. 1917, PG. 954
O.R.W.C.T.

PROPOSED
STATE HIGHWAY 195
(ROW WIDTH VARIES)

PROPOSED
R.O.W.

PROPOSED
R.O.W.