

Sheets & Crossfield, P.C.

ATTORNEYS AT LAW

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

Phone 512-255-8877 • fax 512-255-8986

December 10, 2015

Jack Reagan Swenson
10580 SH 195
Florence, Texas 76527

Re: Williamson County—CR 110 Improvement Project
Parcel 23S

Dear Mr. Swenson:

Please allow this letter to set out my understanding regarding the agreement for Williamson County's ("County") acquisition from you ("Swenson") of that certain 0.056 acre tract of land required for construction of the proposed CR 110 improvement project, and which is further identified as Parcel 23 ("Property").

In return for delivering a deed which vests title for the Property to Williamson County, Texas, free and clear of any mortgage liens, County agrees to construct one thirty (30) foot wide concrete driveway connection, with twenty five (25) foot radii, between the proposed County Road 110 roadway improvements and the remaining property of Swenson.

The driveway will be constructed as part of the CR 110 construction project, and shall be located at approximately Station 179+76R as shown in the plan sheet attached hereto as Exhibit "A", or at other location agreed to between Swenson and County prior to the commencement of construction, and must otherwise comply with any applicable access management or driveway location requirements of any affecting jurisdiction. Upon request Swenson agrees to provide County any necessary temporary construction easements on the remaining property which are required to carry out the obligations of this paragraph. The form of the deed for this Property transfer will be as shown in Exhibit "B" attached.

The parties acknowledge and agree that time is of the essence in this transaction, and they shall take all reasonable steps to have this agreement approved, and the transaction completed, as quickly as possible. At the request of the County the completion of the transaction may take place at a title company of the County's choosing, and any required closing costs or expenses shall be the responsibility of the County.

If this meets with your understanding please sign where indicated below, and we will have this presented to the County for approval, and process this for closing and/or 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.
Attorneys for Williamson County

AGREED:


Jack Reagan Swenson

Date: 12-15-15

AGREED:

WILLIAMSON COUNTY, TEXAS

By: 

Dan A. Gattis
County Judge

Date: 1-7-2016

EXHIBIT "A" TO LETTER AGREEMENT

USER: leor11
STATUS: #1NS14

DATE: 5/8/2015 TIME: 11:17:17 AM
D:\us-hou-p01.donnebaum.local\Donnebaum\Documents\Transportation\4862-01\Design\Mainline\4862pp07

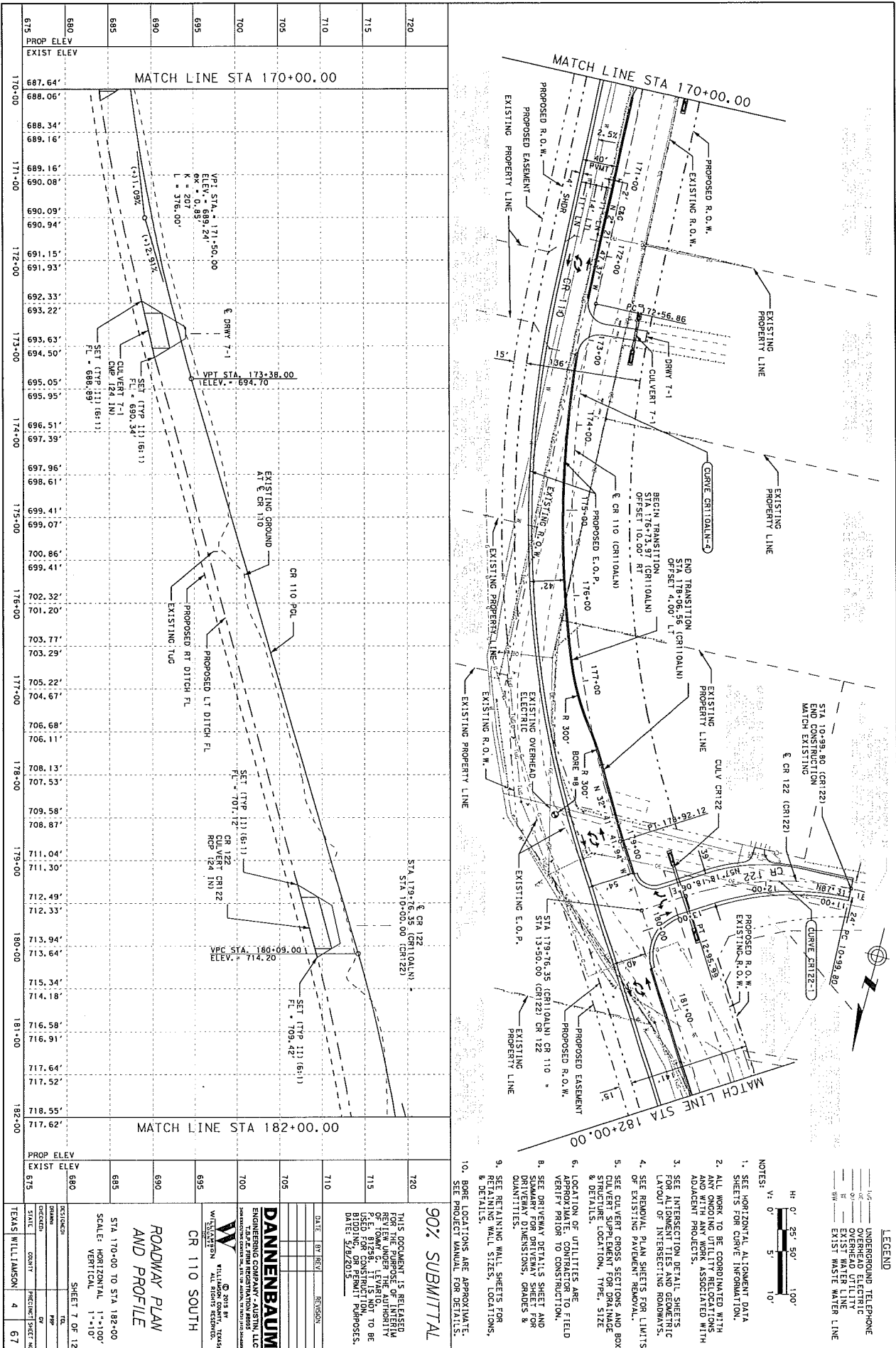


EXHIBIT "B" TO LETTER AGREEMENT

Parcels 23S

DONATION DEED County Road 110 Right of Way

THE STATE OF TEXAS

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COUNTY OF WILLIAMSON

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That JACK REAGAN SWENSON, not joined by my spouse as this is my sole and separate property and forms no part of my homestead estate as owned or occupied, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) or other good and valuable consideration to Grantor in hand paid by Williamson County, Texas, the receipt and sufficiency of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and by these presents do Donate, Grant, Bargain, and Convey unto WILLIAMSON COUNTY, TEXAS, all that certain tract or parcel of land lying and being situated in the County of Williamson, State of Texas, along with any improvements thereon, being more particularly described as follows:

All of that certain 0.056 acre (approximately 2,453 Sq. Ft.) tract of land in the R. McNutt Survey, Abstract No. 422, and the W. Donaho, Jr. Survey, Abstract No. 173, Williamson County, Texas; being more fully described by metes and bounds in Exhibit "A", attached hereto and incorporated herein (Parcel 23S)

SAVE AND EXCEPT, HOWEVER, it is expressly understood and agreed that Grantor is retaining title to the following improvements located on the property described in said Exhibit "A" to wit: NONE

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Visible and apparent easements not appearing of record;

Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show;

Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of Williamson County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas and other minerals in and under the land herein conveyed but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling or pumping the same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at a point outside the acquired parcel and upon the condition that none of such operations shall be conducted so near the surface of said land as to interfere with the intended use thereof or in any way interfere with, jeopardize, or endanger the facilities of Williamson County, Texas or create a hazard to the public users thereof; it being intended, however, that nothing in this reservation shall affect the title and the rights of Grantee to take and use without additional compensation any, stone, earth, gravel, caliche, iron ore, gravel or any other road building material upon, in and under said land for the construction and maintenance of CR 110, but shall not be used or exported from the Property for any other purpose.

TO HAVE AND TO HOLD the property herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto Williamson County, Texas and its assigns forever; and Grantor does hereby bind itself, its heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto Williamson County, Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This deed is being delivered in lieu of condemnation.

IN WITNESS WHEREOF, this instrument is executed on this the ____ day of _____, 201__.

[signature pages follow]

GRANTOR:

Jack Reagan Swenson

ACKNOWLEDGMENT

STATE OF TEXAS

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COUNTY OF WILLIAMSON

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This instrument was acknowledged before me on this the ____ day of _____, 201__ by Jack Reagan Swenson, in the capacity and for the purposes and consideration recited therein.

Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

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

GRANTEE'S MAILING ADDRESS:

Williamson County, Texas
Attn: County Judge
710 Main Street, Suite 101
Georgetown, Texas 78626

AFTER RECORDING RETURN TO:

EXHIBIT A

County: Williamson
Parcel No.: 23S
Highway: CR 110
Limits: From: U.S. Highway 79
To: 300 feet north of CR 109 (Limmer Loop)

DESCRIPTION FOR PARCEL 23S

DESCRIPTION OF A 0.056 ACRE (2,453 SQ. FT.) PARCEL, LOCATED IN THE R. McNUTT SURVEY, ABSTRACT 422, WILLIAMSON COUNTY, TEXAS AND THE W. DONAHO, JR. SURVEY, ABSTRACT 173, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A CALLED 2.606 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO JACK R. SWENSON AND RECORDED IN VOLUME 1267, PAGE 841 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS (D.R.W.C.TX.), SAID 0.056 ACRE (2,453 SQ. FT.) PARCEL, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, LLC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found 902.19 feet right of Engineer's Centerline Station (E.C.S.) 177+39.08, said point being the northeast corner of said 2.606 acre tract, same being on the south line of a called 15.0 acre tract of land, as described in a deed to Mustang Boat and RV Storage, LLC and recorded in Document No. 2009083770 of the Official Public Records of Williamson County, Texas (O.P.R.W.C.TX.);

THENCE S 87°34'40" W, with the common line of said 2.606 acre tract and said 15.0 acre tract, a distance of 937.68 feet to a 1/2-inch iron rod with an aluminum "WILLIAMSON COUNTY ROW" cap set 73.00 feet right of E.C.S. 180+80.07, same being on the proposed east right-of-way line of County Road (CR) 110, for the **POINT OF BEGINNING** (Grid = N: 10176560.73, E: 3156100.55) of the parcel described herein;

- 1) **THENCE** S 32°41'42" E, over and across said 2.606 acre tract, with the proposed east right-of-way line of CR 110, a distance of 117.04 feet to a 1/2-inch iron rod with an aluminum "WILLIAMSON COUNTY ROW" cap set 73.00 feet right of E.C.S. 179+63.04, same being on the existing east right-of-way line of CR 110 a variable width right-of-way (no record information found);
- 2) **THENCE** N 49°11'46" W, with the existing east right-of-way line of said CR 110, same being the west line of said 2.606 acre tract, a distance of 147.58 feet to a 1/2-inch iron rod found 31.08 feet right of E.C.S. 181+12.07, same being the northwest corner of said 2.606 acre tract and the southwest corner of said 15.0 acre tract;

- 3) **THENCE** N 87°34'40" E, with the common line of said 2.606 acre tract and said 15.0 acre tract, a distance of 48.54 feet to the **POINT OF BEGINNING**, and containing 0.056 acre (2,453 sq. ft.) of land, more or less.

*Area calculated by SAM, LLC.

This property description is accompanied by a plat of even date.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83. All distances shown hereon are adjusted to the surface using a combined scale factor of 1.000120

THE STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, William Reed Herring, 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 Austin, Travis County, Texas this the 20th day of October, 2015.

SURVEYING AND MAPPING, Inc.
4801 Southwest Parkway
Parkway Two, Suite 100
Austin, Texas 78735
Texas Firm Registration No. 10064300

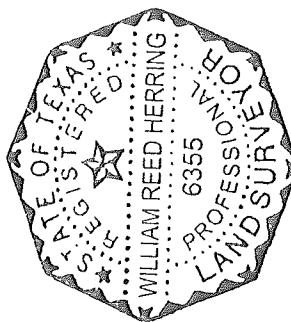


William Reed Herring
Registered Professional Land Surveyor
No. 6355-State of Texas



LEGEND

- CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT FOUND
- 1/2" PIPE FOUND UNLESS NOTED
- 1/2" IRON ROD SET WITH ALUMINUM CAP STAMPED "WILLIAMSON COUNTY ROW"
- 1/2" IRON ROD FOUND UNLESS NOTED
- FENCE POST FOUND UNLESS NOTED
- CALCULATED POINT
- PROPERTY LINE
- RECORD INFORMATION
- PUBLIC UTILITY EASEMENT
- POINT OF BEGINNING
- POINT OF COMMENCING
- POINT OF REFERENCE
- POINT OF CURVATURE
- POINT OF TANGENCY
- POINT OF INTERSECTION
- NOT TO SCALE
- DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
- OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS
- OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS
- DISTANCE NOT TO SCALE
- DEED LINE (COMMON OWNERSHIP)



NOTES:

- ALL BEARINGS SHOWN ARE BASED ON NAD83/93/NAVD88 TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A SURFACE ADJUSTMENT FACTOR OF 1.000120. ALL COORDINATES SHOWN ARE IN GRID AND MAY BE CONVERTED TO SURFACE BY MULTIPLYING BY THE SAME FACTOR. PROJECT UNITS ARE IN U.S. SURVEY FEET.
- THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF TITLE REPORT. THERE MAY BE EASEMENTS OR OTHER MATTERS, RECORDED OR UNRECORDED, THAT ARE NOT SHOWN.
- C.R. 110 ENGINEER'S CENTERLINE ALIGNMENT DERIVED FROM DANNENBAUM SCHEMATIC RECEIVED BY SAM, LLC. IN FEBRUARY, 2015.

AREA CALCULATED BY SAM, LLC.

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

William Reed Herring
 WILLIAM REED HERRING
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 6355, STATE OF TEXAS

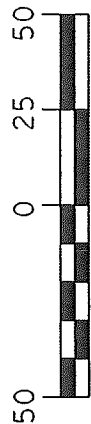
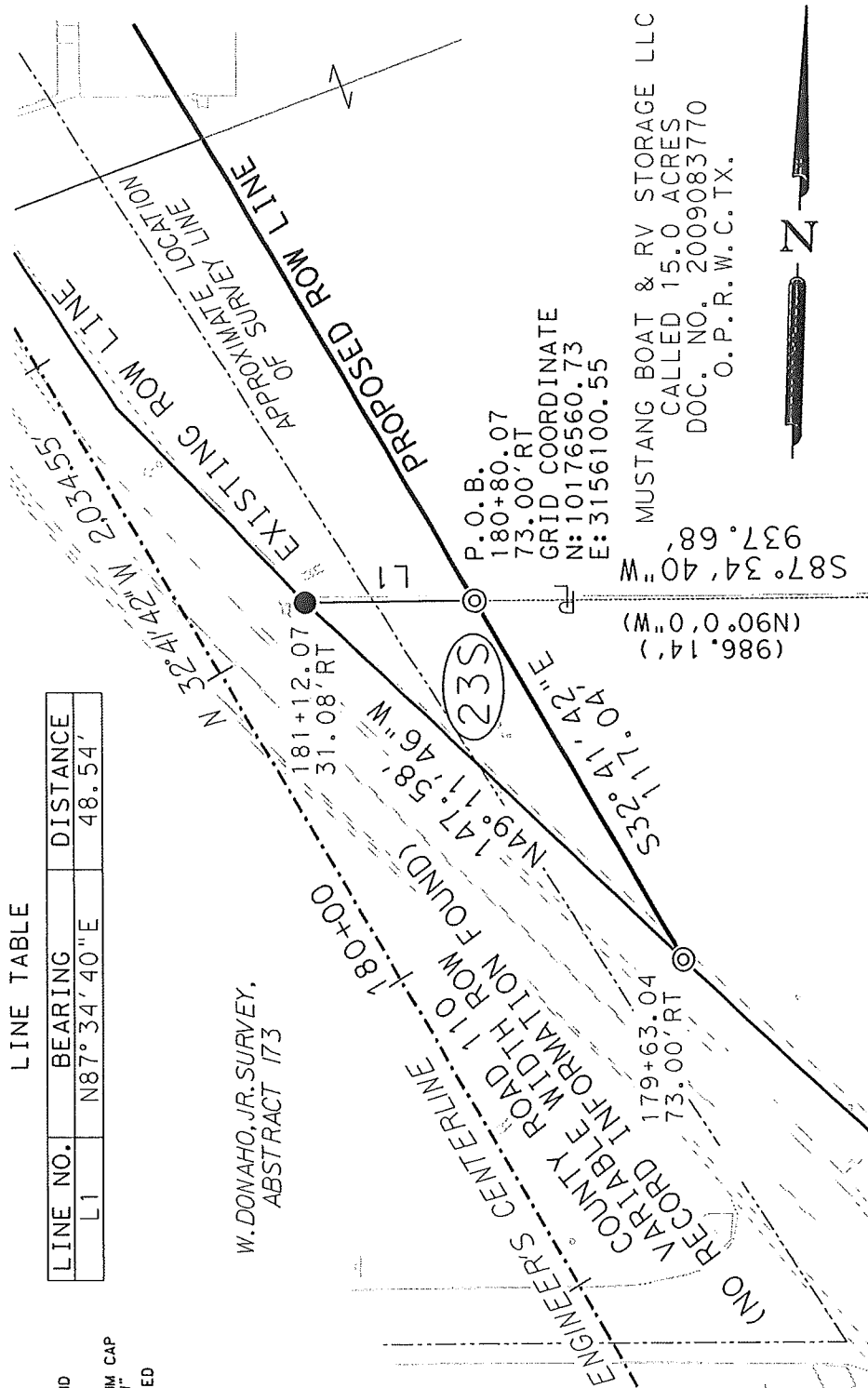
DATE

10/20/2015

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N87° 34' 40" E	48.54'

W. DONAHO, JR. SURVEY,
 ABSTRACT 173



GRAPHIC SCALE
 SCALE: 1" = 50'
 WILLIAMSON COUNTY, TEXAS

R. MCNUTT SURVEY,
 ABSTRACT 422

TIME: 3:11:33 PM
 DATE: 12/8/2015
 FILE: C:\Users\sprashar\Desktop\CR 110\Parcel 235.dgn

PAGE 3 OF 3
 REF. FIELD NOTE NO. 18022

EXISTING	ACQUIRE	REMAINING
2.606 AC.	0.056 AC.	2.550 AC.



4801 Southwest Parkway
 Building Two, Suite 100
 Austin, Texas 78735
 (512) 447-0575
 FAX: (512) 326-3029
 Texas Firm Registration No. 10064500

RIGHT-OF-WAY SKETCH
 SHOWING PROPERTY OF
 JACK R. SWENSON
 PARCEL 235
 0.056 AC. (2,453 SQ. FT.)