

# Sheets & Crossfield, PLLC

ATTORNEYS AT LAW

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

Phone 512-255-8877 • fax 512-255-8986

don@scrllaw.com

December 12, 2019

Justin & Darline Warriner  
3803 Oakridge Drive  
Round Rock, Texas 78681

Re: Williamson County—Great Oaks Bridge Grading Easement  
Parcel 2

Dear Mr. & Mrs. Warriner:

Please allow this letter to set out my understanding regarding our contractual agreement for the purchase of a permanent grading easement interest in and across a portion of your ("Owner") property as part of Williamson County's ("County") proposed improvements to the Great Oaks bridge upgrade and extension ("Project").

The parties hereby agree as follows:

In return for granting County a permanent grading easement across approximately 0.111 acre, the location of which is more particularly described by metes and bounds on Exhibit "A" attached hereto, County will pay Owner the cash sum of **\$14,180**.

The form of the Easement granted to County will be as shown in Exhibit "B" attached hereto.

The Closing and completion of this transaction shall take place through Independence Title Company ("Title Company") within 30 days after full execution of this Agreement, or at other location, date and time agreed to between the parties. County shall be responsible for all fees and costs associated with Closing, except that each party shall be responsible for any attorney's fees they incur. If requested, Owner shall assist County and Title Company with any curative measures or mortgage lien consent and subordination required as a condition of the Closing.

This agreement is being made in lieu of condemnation by County

If this meets with your understanding please have this letter approved and executed where indicated and return it to me, and we will in turn then have this approved and signed by the County and process this for payment as quickly as possible.

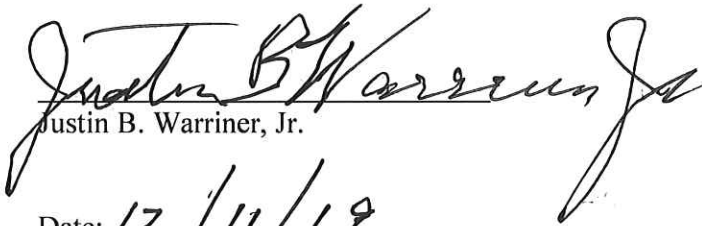
Please feel free to contact me at any time if you have any questions or concerns about these issues.

Very truly yours,

Don Childs

Don Childs  
Sheets & Crossfield, PLLC

**AGREED:**

  
Justin B. Warriner, Jr.

Date: 12/11/19

  
Darline H. Warriner

Date: 12/11/19

**AGREED**

WILLIAMSON COUNTY, TEXAS

By: Bill Gravell, Jr.  
Bill Gravell, Jr.  
County Judge

Date: 12/17/19

EXHIBIT "A" (EASEMENT FIELD NOTES) FOLLOWS  
THIS PAGE

Exhibit "\_\_\_\_"  
Page 1 of 4  
June 11, 2019  
Easement 2

John H. Dillard Survey  
Abstract - 179  
Williamson County, Texas

## DESCRIPTION

**DESCRIPTION OF A 0.111 ACRE (4,848 SQUARE FOOT) TRACT OF LAND FOR AN EASEMENT SITUATED IN THE JOHN H. DILLARD SURVEY, ABSTRACT No. 179 AND BEING A PORTION OF LOT 6, BLOCK 6, GREAT OAKS SUBDIVISION, SECTION II, A SUBDIVISION OF RECORD IN DOCUMENT No. 1975008126 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID LOT 6 BEING ALSO CALLED 1.00 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO JUSTIN B. WARRINER & DARLENE H. WARRINER OF RECORD IN VOLUME 1924, PAGE 827 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 0.111 ACRE (4,848 SQUARE FOOT) EASEMENT, AS DEPICTED ON THE ACCOMPANYING DRAWING ENTITLED CITY OF ROUND ROCK, GREAT OAKS DRIVE EASEMENT 2 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a ½-iron rod found and held for the northeasterly corner of said Lot 6, being also the northwest corner of Lot 7, Block 6 of said Great Oaks Subdivision, Section III, said Lot 7 being a called 0.96 acre tract of land as described in a deed to Brushy Creek Municipal Utility District (MUD) of record in Document Number 2007030024 of the Official Public Records of Williamson County, Texas, said point being also on the southerly line of Oak Ridge Drive, a 50-foot wide right-of-way, as dedicated by said Great Oaks Subdivision, Section II, and said point being North 66°18'51" East at a distance of 167.90 feet from a nail found for the northwest corner of said Lot 6;

**THENCE**, South 20°29'43" East, with the east line of said Lot 6, and the west line of said Lot 7, a distance of 129.52 feet to a calculated **POINT OF BEGINNING** and being the northeasterly corner of the herein described tract;

**THENCE**, South 20°29'43" East, continuing with the east line of said Lot 6, the west line of said Lot 7 and with the east line of the herein described tract, for a distance of 41.07 feet to a calculated point for the southeast corner of the herein described tract;

**THENCE**, South 62°02'01" West, departing the west line of said Lot 7, and over and across said Lot 6, with the southerly line of the herein described tract, for a distance of 168.71, to a calculated point for the southwest corner of the herein described tract, being also in the west line of said Lot 6, and being in the east line of Lot 5, Block 6 of said Great Oaks Subdivision, Section II, said Lot 5 being also called a 1.00 acre tract of land as described in a deed to Misti Nichols of record in Document Number 2014018567 of the Official Public Records of Williamson County, Texas;

**THENCE**, North 20°36'15" West, with the west line of said Lot 6, the east line of said Lot 5 and the west line of the herein described tract, for a distance of 20.17 feet to a calculated point for the northwest corner of the herein described tract;

Exhibit "\_\_\_\_\_"  
Page 2 of 4  
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Easement 2

John H. Dillard Survey  
Abstract - 179  
Williamson County, Texas

**THENCE**, departing the east line of said Lot 5 and over and across said Lot 6, with the north line of the herein described tract, the following three (3) courses and distances;

1. North 62°02'01" East, for a distance of 98.13 feet to calculated angle point,
2. North 20°25'12" West, for a distance of 21.19 feet to a calculated angle point, and
3. North 62° 16' 19" East, for a distance of 70.56 feet to the **POINT OF BEGINNING** containing 0.111 acres (4,848 square foot) of land, more or less.

Bearings are based on the Texas Coordinate System of 1983, South Central Zone (NAD\_83 (2011)). All distances were adjusted to the surface using a Surface Adjustment Factor of 1.000120. (Surface = Grid X Surface Adjustment Factor)

I certify that this description was prepared from a survey made on the ground, during August 2017, by me or under my supervision.

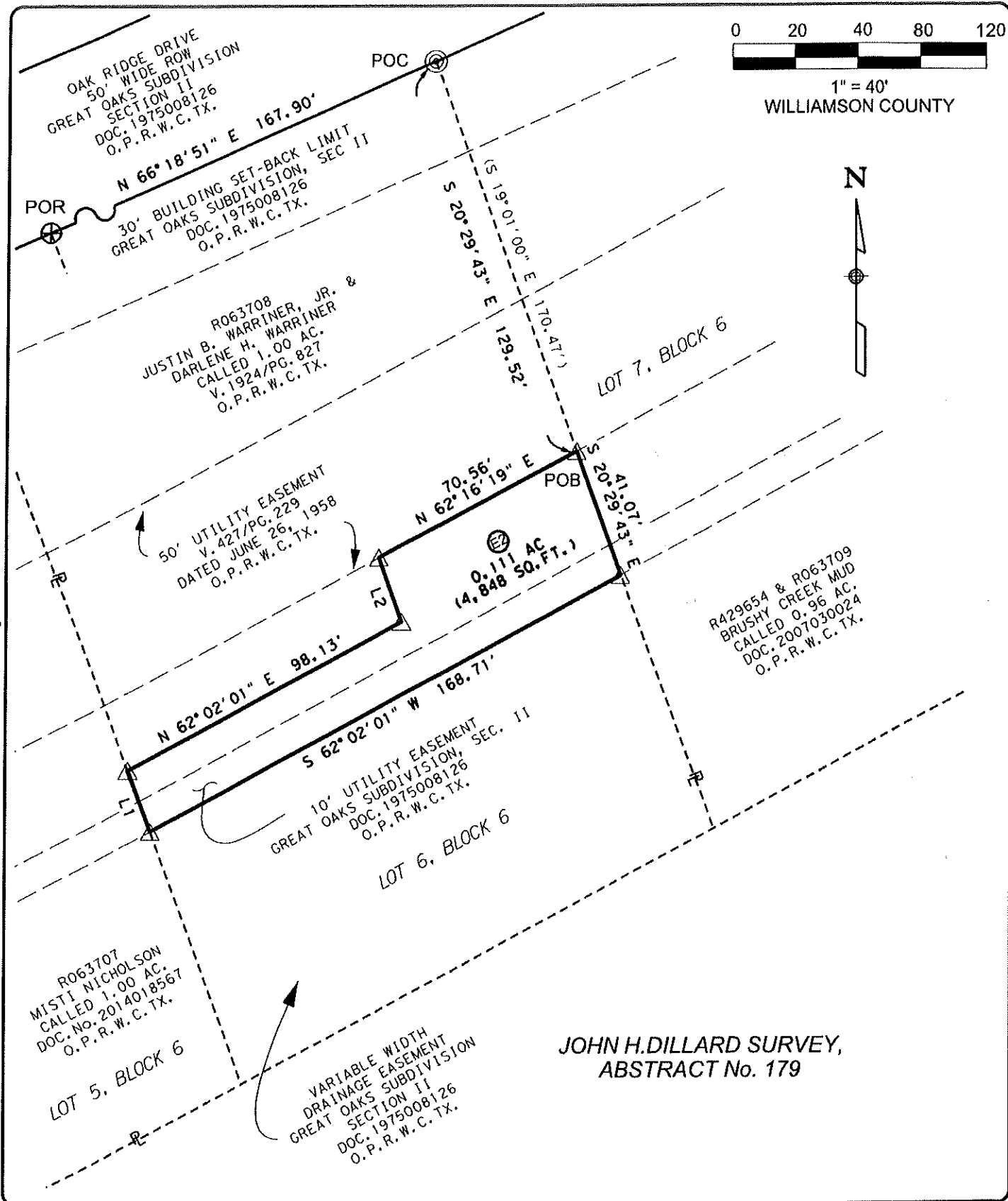
COBB, FENDLEY & ASSOCIATES

*William D. Warrick*      *JUNE 12, 2019*

William D. Warrick, R.P.L.S.  
Texas Registration No. 4426



FILE NAME: G:\Survey\PROJECTS\2017\1702-046-01 -PESC- Great Oaks Bridge\Parcel\GreatOaks-Ease-2.dgn



CFA PROJECT NO. 1702-046-01

FIELD BOOK - PAGE	92-10
DRAFTED BY:	JMC
CHECKED BY:	WDW
APPROVED BY:	WDW
DATE OF COMPLETION:	6/12/2019

CITY OF ROUND ROCK  
GREAT OAKS DRIVE  
\*\*\* Exhibit "A" \*\*\*  
EASEMENT 2

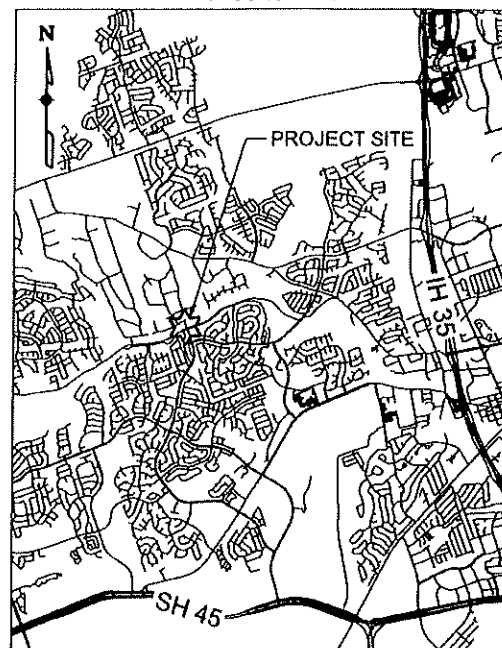
**CobbFendley**  
505 East Huntland Drive, Suite 100  
Austin, Texas 78752  
512.834.9798 | fax 512.832.7727  
www.cobbfindley.com  
TBPE FIRM #F-274 TBPLS #10046701

SHEET  
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of 4

# LEGEND

- ⊙ IRON ROD FOUND 1/2-INCH EXCEPT AS NOTED (IRF)
- IRON ROD SET 1/2-INCH W/ CAP "CFA" (IRS)
- TYPE II BRASS DISK MONUMENT SET IN CONCRETE (MON)
- ▲ CALCULATED POINT - INACCESSIBLE (CALC2)
- △ CALCULATED POINT (CALC)
- IRON PIPE (IP)
- ⊕ 60D NAIL (NAIL) - UNLESS NOTED
- SPINDLE COTTON (SPIN)
- ⊙ WOODEN POST (WP)
- LINE NOT TO SCALE
- CONTINUOUS OWNERSHIP
- ℙ PROPERTY LINE
- ℄ CENTER LINE
- O.P.R.W.C.TX. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS
- R.P.R.W.C.TX. REAL PROPERTY RECORDS OF WILLIAMSON COUNTY, TEXAS
- P.R.W.C.TX. PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- POR POINT OF REFERENCE

## VACINITY MAP



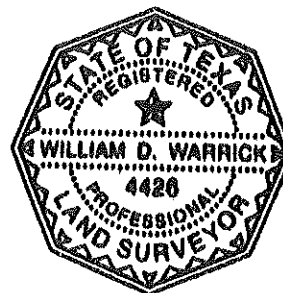
WILLIAMSON COUNTY, TEXAS  
NOT TO SCALE

LINE No	BEARING	DISTANCE
L1	N 20° 36' 15" W	20.17'
L2	N 20° 25' 12" W	21.19'

### NOTES:

- BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (NAD\_83 (2011)) AND TIED TO THE CITY OF ROUND ROCK CONTROL NETWORK. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO THE SURFACE USING A SURFACE ADJUSTMENT FACTOR OF 1.000120. (SURFACE = GRID X SURFACE ADJUSTMENT FACTOR).
- ALL REFERENCES TO RECORD DATA (RECORD=\*\*) INDICATE INFORMATION AS CITED IN VOLUME 1924 / PAGE 827, O.P.R.W.C.TX.
- THE SYMBOLS REFLECTED IN THE LEGEND AND ON THIS SURVEY MAY HAVE BEEN ENLARGED FOR CLARITY. THE SYMBOLS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SIZE OR SHAPE OF THE FEATURE.
- THE FORGOING MAP AND SURVEY ON WHICH IT IS BASED IS ACCOMPANIED BY AND A PART OF A SEPARATE METES AND BOUND DESCRIPTION OF THE SUBJECT TRACT.

THIS IS TO CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND BETWEEN JULY 2017 AND MAY 2019, BY ME OR UNDER MY SUPERVISION, THAT THIS SURVEY PLAT REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY, AND THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL LAND SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II, LAND TITLE SURVEY.



*William D. Warrick* 06-12-2019  
WILLIAM D. WARRICK, R.P.L.S.  
TEXAS REG. NO. 4426

CFA PROJECT NO. 1702-046-01

FIELD BOOK - PAGE	92-10
DRAFTED BY:	JMC
CHECKED BY:	WDW
APPROVED BY:	WDW
DATE OF COMPLETION:	6/12/2019

**CITY OF ROUND ROCK**  
**GREAT OAKS DRIVE**  
\*\*\* Exhibit "A" \*\*\*  
**EASEMENT 2**

**CobbFendley**  
505 East Huntland Drive, Suite 100  
Austin, Texas 78752  
512.834.9798 | fax 512.832.7727  
www.cobbhendley.com  
TBPE FIRM #F-274 TBPLS #10046701

SHEET  
**4**  
of 4



EXHIBIT "B" (GRADING EASEMENT FORM)  
FOLLOWS THIS PAGE

**GRADING EASEMENT**

Great Oaks Bridge

THE STATE OF TEXAS                    '

KNOW ALL BY THESE PRESENTS:

COUNTY OF WILLIAMSON                '

That JUSTIN B. WARRINER, JR. and DARLINE H. WARRINER, and their successors and assigns, hereinafter referred to as Grantor (whether one or more), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash in hand paid and other good and valuable consideration paid to Grantor by WILLIAMSON COUNTY, TEXAS, its agents and assigns, hereinafter referred to as Grantee, receipt of which consideration is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these premises does hereby GRANT, SELL and CONVEY unto Grantee a perpetual easement interest to construct, install, operate, maintain, inspect, reconstruct, enlarge, relocate, rebuild, repair, and remove earthen and vegetative materials for modification and maintenance of surface grade and slope to allow proper conveyance and containment of stormwater in the adjacent drainage easement areas (the "Project"), in, on, over, upon, above and across the below-described property ("Easement"):

All of that certain 0.111 acre (4,848 square foot) tract of land situated in the John H. Dillard Survey, Abstract No. 179; said tract being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

The Project shall be constructed and maintained by Grantee in substantial compliance with the plans, specifications, notes and requirements as shown in the sheets attached hereto and incorporated herein as Exhibit "B", including the right from time to time to trim and to cut down and clear away any trees and brush now or hereafter on the Easement, but only to the extent which are necessary to construct and maintain the grading Project as set out herein. As soon as possible after any Project grading construction or maintenance, Grantee shall install or restore surface vegetation which shall adequately prevent erosion of the established grade or slope within the Easement according to Williamson County's Native Grass "Seeding for Erosion Control Special Provision 164-WC001" or equivalent replacement.

This conveyance is made and accepted subject to any and all conditions and restrictions, if any, relating to the hereinabove described property, to the extent, and only to the extent, that the same may still be in force and effect, shown of record in the office of the County Clerk of Williamson County, Texas.

The Easement, rights, and privileges granted herein are non-exclusive, however Grantor covenants that it will not convey any future easement or conflicting rights within the area covered by this grant which shall impair the purposes or construction of the Project, without the express written consent of Grantee, which consent shall not be unreasonably withheld. Grantee shall have the right to review any proposed easement or conflicting use of the Easement to determine the effect, if any, on the Project contemplated herein. Prior to granting its consent for

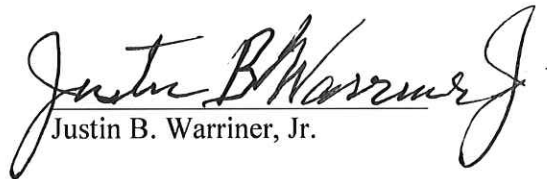
other easements Grantee may require reasonable safeguards to protect the integrity of the grading improvements.

To the extent allowed by law, Grantee shall indemnify Grantor against any loss and damage which shall be caused by the exercise of the rights of ingress and egress or by any wrongful or negligent act or omission of Grantee's agents or employees in the course of their employment, or in otherwise carrying out the construction or maintenance of the Project or other purposes of this Easement.

TO HAVE AND TO HOLD the rights and interests described unto Grantee and its successors and assigns, forever, and Grantor does hereby bind himself, his heirs, successors and assigns, and legal representatives, to warrant and forever defend, all and singular, the above-described Easement and rights and interests unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or to claim same, or any part thereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed this 11<sup>th</sup> day of December, 2019.

**GRANTOR:**

  
Justin B. Warriner, Jr.

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS**

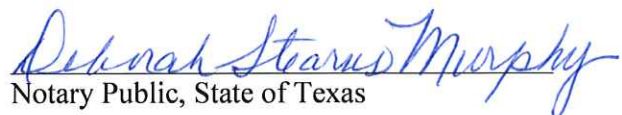
**COUNTY OF WILLIAMSON**

§  
§  
§

**KNOW ALL BY THESE PRESENTS:**

This instrument was acknowledged before me on this the 11<sup>th</sup> day of the month of December, 2019 by Justin B. Warriner, Jr., known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration, and in the capacity, therein expressed.



  
Notary Public, State of Texas

**GRANTOR:**

  
Darline H. Warriner

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS**

§

**KNOW ALL BY THESE PRESENTS:**

§

**COUNTY OF WILLIAMSON**

§

This instrument was acknowledged before me on this the 11<sup>th</sup> day of the month of December, 20 19 by Darline H. Warriner, known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration, and in the capacity, therein expressed.

  
Notary Public, State of Texas

**PREPARED IN THE OFFICE OF:**

Sheets & Crossfield, PLLC  
309 East Main Street  
Round Rock, Texas 78664



**GRANTEE'S ADDRESS:**

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

**AFTER RECORDING RETURN TO:**

**JOINDER AND CONSENT OF LIENHOLDER TO GRADING EASEMENT**

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS) acting solely as nominee for MetLife Home Loans, a division of MetLife Bank, N.A., as the current holder and Beneficiary under a Deed of Trust to secure a Note executed by Justin B. Warriner, Jr. and Darline H. Warriner to Peter F. Makowiecki, Trustee, recorded in Document No. 2009012422 of the Official Records of Williamson County, Texas, (the "Grantor Security Documents") that creates liens, security interests and other rights and powers that encumber all or parts of the property described in Exhibit "A" ("Grantor Liens"), executes this grading easement ("Easement") for the limited purpose of (i) consenting to the terms and conditions of the foregoing Easement and (ii) agreeing that the Grantor Security Documents and the Grantor Liens are and shall be subordinate and inferior to all of the easements, restrictions, terms and provisions of the Easement, so that no enforcement of the terms of the Grantor Security Documents shall amend, impair or otherwise affect the easements, restrictions, terms or provisions of said Easement.

Mortgage Electronic Registration Systems, Inc.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ACKNOWLEDGEMENT**

THE STATE OF \_\_\_\_\_

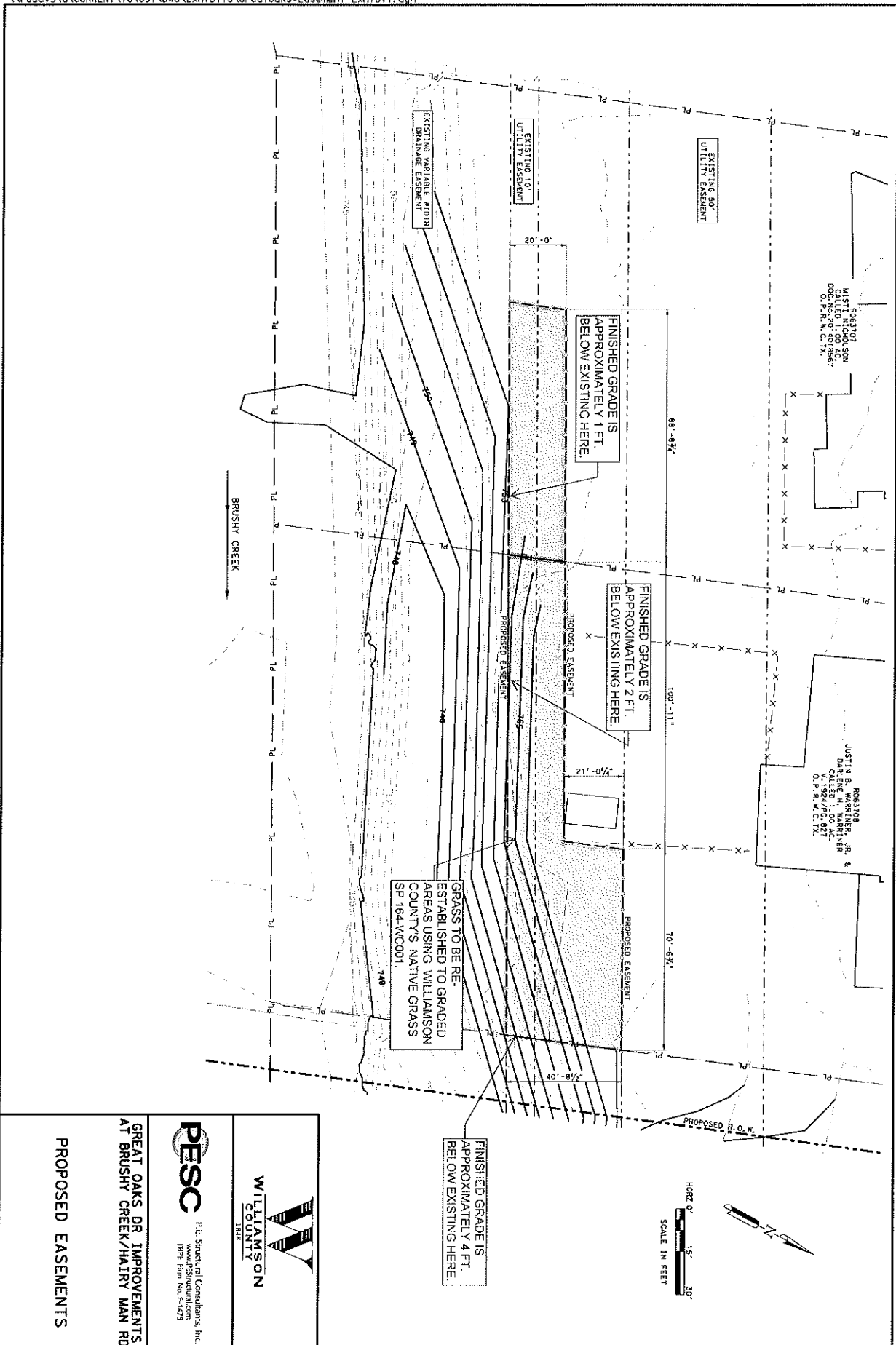
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of Mortgage Electronic Registration Systems, Inc., known to me to be the person whose name is subscribed to the preceding instrument, and acknowledged to me that he/she executed the same for the purposes and consideration recited herein.

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

# EXHIBIT "B" TO GRADING EASEMENT

11/19/2019  
10:03:52 AM  
\\Pescv3\vd\CURRENT\16\031\DWG\Exhibits\GreatOaks\Easement Exhibit.dgn



**WILLAMSON**  
COUNTY  
11111

**PESC**  
P.E. Structural Consultants, Inc.  
11111  
P.E. John N. 11111

GREAT OAKS DR IMPROVEMENTS  
AT BRUSHY CREEK/HAIRY MAN RD

PROPOSED EASEMENTS