

Sheets & Crossfield, PLLC

ATTORNEYS AT LAW

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

Phone 512-738-8725 (D) • fax 512-255-8986

lisa@scrllaw.com

July 7, 2021

Evelyn M. Vittek
8002 Burrell Rd.
Austin, TX 78757

Re: Williamson County—CR 366
Jonah SUD waterline easement
Parcel No.: 13WE

Dear Ms. Vittek:

Please allow this letter to set out my understanding regarding our Agreement for the acquisition of a waterline easement interest in and across portions of your property (“Owner”) as part of Williamson County’s (“County”) proposed CR 366 roadway improvements and related appurtenances and utility adjustments (“Project”).

By execution of this letter the parties agree as follows:

1. In return for Owner’s delivery to County of a fully executed and acknowledged waterline easement (“Easement”) in and across that certain parcel of land totaling 4,594 SF, and in the form as set out in Exhibit “A” attached hereto and incorporated herein, County shall pay Owner the sum of **\$1,476.00** in good funds.

2. This Agreement is being made, and the Easement is being delivered, in lieu of condemnation.

If this meets with your understanding, please execute this letter where indicated below and return it to me, and we will have this approved and signed by the County and process this for Closing and 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,

Lisa Dworaczyk

Lisa Dworaczyk
Sheets & Crossfield, PLLC

AGREED:

Evelyn M. Vittek
Evelyn M. Vittek

Date: *July 9th 2021*

ACCEPTED AND AGREED:

WILLIAMSON COUNTY, TEXAS

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

Date: Jul 20, 2021

WATERLINE EASEMENT

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

GRANT OF EASEMENT:

EVELYN M. VITTEK ("Grantor", whether one or more), for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby grant, sell and convey unto JONAH WATER SPECIAL UTILITY DISTRICT, whose address is 4050 FM 1660, Hutto, Texas 78634, ("Grantee"), an easement and right-of-way ("Easement") upon and across one parcel totaling approximately 0.1055 acre (4,594 SF), being the property of Grantor which is more particularly described by metes and bounds and sketch in Exhibit "A" attached hereto, located in Williamson County, Texas; and incorporated herein by reference. (Collectively the "Easement Tract").

TO HAVE AND TO HOLD the same perpetually to Grantee and its successors and assigns, together with the rights and privileges and on the terms and conditions set forth below.

Grantor does hereby covenant and agree to WARRANT AND FOREVER DEFEND title to the Easement herein granted, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

CHARACTER OF EASEMENT:

The Easement is an easement in gross.

PURPOSE OF EASEMENT:

The Easement shall be used for water line purposes, including placement, construction, installation, replacement, repair, inspection, maintenance, relocation, removal, and operation of water distribution and transmission lines and related facilities and appurtenances, or making connections thereto.

The Easement shall also be used for the purpose of providing access for the operation, repair, maintenance, inspection, replacement and expansion of the water distribution and transmission lines and related facilities and appurtenances.

Additionally, Grantor hereby grants and conveys to Grantee a non-exclusive right of ingress and egress over Grantor's adjacent lands for the purpose of which this Easement is granted. However, such right shall only be exercised and allowed if access to the Easement Tract is not otherwise reasonably available from an adjacent public right of way.

DURATION OF EASEMENT:

The Easement shall be perpetual.

EXCLUSIVENESS OF EASEMENT:

The Easement shall be exclusive, and Grantor covenants that Grantor will not convey any other easement or conflicting rights within the Easement Tract. Grantor may alter or otherwise use the surface of the Easement Tract for such purposes that do not interfere with the exercise by Grantee of the rights herein granted provided that the plans for all improvements to be placed in the Easement Tract by Grantor must be approved by Grantee before the improvements are constructed, with such approval not to be unreasonably withheld. Grantee has the right to trim and cut down trees and shrubbery and to remove other improvements and structures to the extent reasonably necessary to prevent interference with the operation or repairs to Grantee's facilities in the Easement Tract, and Grantor will be held harmless by Grantor from any and all claims of Grantor if Grantee exercises such right.

DAMAGES:

The consideration given for this Easement constitutes payment in full for all damage sustained by Grantor by reason of the installation of the improvements referred to herein.

ENCUMBRANCES AND LIENS:

Grantor warrants that no person or business entity owns a present possessory interest in the fee title in the Easement Tract other than Grantor, and that there are no parties in possession of any portion of the Easement Tract as lessees. Furthermore, Grantor warrants that the Easement Tract is free and clear of all encumbrances and liens except the following: N/A

WATER SERVICE:

Grantee and Grantor hereby acknowledge and agree that, effective immediately upon execution of this Easement, Grantee will be deemed to be providing and will be obligated to provide Grantor water service to Grantor's property across which the Easement is located. Grantor acknowledges and agrees that Grantor's ability to receive water from Grantee is subject to payment of all fees and charges due to Grantee under its tariff for such service.

ENTIRE AGREEMENT:

This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representation or modification concerning this instrument shall be of no force and effect except for any subsequent modification in writing, signed by the party to be charged.

BINDING EFFECT:

This Agreement shall bind and inure to the benefit of the respective parties hereto, their heirs, legal representatives, successors and assigns.

ASSIGNABILITY:

This Easement and the rights of Grantee hereunder may be assigned in whole or in part by Grantee.

In witness whereof, this instrument is executed this 9th day of July, 2021.

[signature page follows]

GRANTORS:

Evelyn M. Vittek
Evelyn M. Vittek

Acknowledgment

STATE OF TEXAS

COUNTY OF

Williamson

This instrument is acknowledged before me on the 9th day of July, 2021,
by Evelyn M. Vittek, in the capacity and for the purposes and consideration recited herein.



Deborah Stearns Murphy
Notary Public, State of Texas
Printed Name: Deborah Stearns Murphy
My Commission Expires: 10-26-2021

EXHIBIT “A” FORM OF EASEMENT FOLLOWS

EXHIBIT A

County: Williamson

Highway: County Road 366

Project Limits: From Carlos G. Parker Blvd. to Chandler Rd.

Page 1 of 5

May 21, 2021

PROPERTY DESCRIPTION FOR EASEMENT 13E

DESCRIPTION OF a 4,594 square foot (0.1055 of one acre) water line easement out of the Samuel Pharass Survey, Abstract No. 496, in Williamson County, Texas, and being a portion of that tract described as 41.88 acres (Tract Two) conveyed to Evelyn M. Vittek by Special Warranty Deed dated September 12, 2007, as recorded in Document No. 2007087053, Official Public Records, Williamson County, Texas (O.P.R.W.C.T.); said 4,594 square foot (0.1055 of one acre) water line easement being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron pipe found at the northwest corner of said 41.88 acre tract and the southwest corner of that tract described as 42.12 acres conveyed to Clarence H. Walther and Doris E. Walther, as Trustees or their Successors, of the Walther Living Trust dated the 3rd day of September, 1996 (1/2 Interest) by Special Warranty Deed dated January 22, 1997, as recorded in Document No. 9722475, Official Records, Williamson County, Texas (O.R.W.C.T.), and conveyed to the Walther Family Limited Partnership (1/2 Interest-Tract 14) by Contribution Deed dated August 19, 2005, as recorded in Document No. 2005069305, O.P.R.W.C.T.;

THENCE, N 68°20'57" E, along the north line of said 41.88 acre tract, with the south line of said 42.12 acre tract, a distance of 2,156.38 feet to a point, being the northwest corner of this easement, for the **POINT OF BEGINNING**, being 85.00 feet left of Engineer's Baseline Station 66+28.24, and having Surface Coordinates of North=10,194,076.26, East=3,204,793.38;

- 1) **THENCE**, N 68°20'57" E, continuing along the north line of said 41.88 acre tract, with the south line of said 42.12 acre tract, a distance of **15.04 feet** to a 1/2-inch iron rod with a "Mcgray & Mcgray" cap set in the proposed west right-of-way line of County Road 366 (CR 366), 70.00 feet left of Engineer's Baseline Station 66+29.26, being on a curve to the left, also being the northeast corner of this easement;
- 2) **THENCE**, along the proposed west right-of-way line of CR 366 and said curve to the left, crossing said 41.88 acre tract, an arc distance of **306.50 feet**, through a central angle of **02°10'34"**, having a radius of **8,070.00 feet**, a chord bearing of **S 18°48'53" E**, and a chord distance of **306.48 feet** to a point, 70.00 feet left of Engineer's Baseline Station 63+25.42, being the southeast corner of this easement;

EXHIBIT A

County: Williamson

Highway: County Road 366

Project Limits: From Carlos G. Parker Blvd. to Chandler Rd.

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May 21, 2021

PROPERTY DESCRIPTION FOR EASEMENT 13E

- 3) **THENCE**, S 70°12'13" W, crossing said 41.88 acre tract, a distance of **15.00 feet** to a point, 85.00 feet left of Engineer's Baseline Station 63+25.45, at the beginning of a curve to the right, being the southwest corner of this easement;
- 4) **THENCE**, with said curve to the right, crossing said 41.88 acre tract, an arc distance of **306.01 feet**, through a central angle of **02°10'07"**, having a radius of **8,085.00 feet**, a chord bearing of **N 18°49'06" W**, and a chord distance of **305.99 feet** to the **POINT OF BEGINNING** and containing 4,594 square feet (0.1055 of one acre) of land, more or less.

All bearings and coordinates shown are based on the Texas Coordinate System (TCS), Central Zone (4203), North American Datum 1983 (NAD 83) 2011 Adjustment, Epoch 2010.00. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 1.00011. All measurements are in U.S. Survey Feet.

EXHIBIT A

County: Williamson
Highway: County Road 366
Project Limits: From Carlos G. Parker Blvd. to Chandler Rd.

Page 3 of 5
May 21, 2021

PROPERTY DESCRIPTION FOR EASEMENT 13E

A parcel plat of even date was prepared in conjunction with this property description.

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

That I, Troy R. Thomas, 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 21st day of May, 2021 A.D.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591
TBPELS Survey Firm# 10095500

PRELIMINARY

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

Troy R. Thomas, Reg. Professional Land Surveyor No. 6130
2021/Descriptions/CR 366 Williamson County/Parcel 13E

LEGEND

- FOUND TxDOT TYPE I MONUMENT
- FOUND IRON ROD (1/2" UNLESS NOTED)
- FOUND IRON PIPE (1/2" UNLESS NOTED)
- CALCULATED POINT, NOT SET
- 1/2" IRON ROD W/ "MCGRAY & MCGRAY"
- CAP SET (UNLESS NOTED)
- RECORD INFORMATION
- PROPERTY LINE (OWNERSHIP DIVISION)
- APPROXIMATE SURVEY LINE
- DEED LINE (OWNERSHIP IN COMMON)
- DISTANCE NOT TO SCALE (N.T.S.)
- POINT OF BEGINNING
- P.O.B.
- P.O.C.
- R.O.W.
- N.T.S.
- B.L.
- D.R.W.C.T.
- O.R.W.C.T.
- O.P.R.W.C.T.
- P.R.W.C.T.
- PARCEL NUMBER FOR R.O.W. ACQUISITION

NOTES:

- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983. 2011 ADJUSTMENT. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.00011. UNITS: U.S. SURVEY FEET.
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT PROVIDED BY TITLE RESOURCES GUARANTY COMPANY IN JULY 2020.
- ABSTRACTING AND FIELD SURVEYING WERE PERFORMED FROM JANUARY 2020 THROUGH MAY 2021.
- PLANIMETRICS SHOWN HEREON WERE COLLECTED BETWEEN SEPTEMBER 2017 AND DECEMBER 2017.
- THIS PARCEL PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

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.

PRELIMINARY

This document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document.

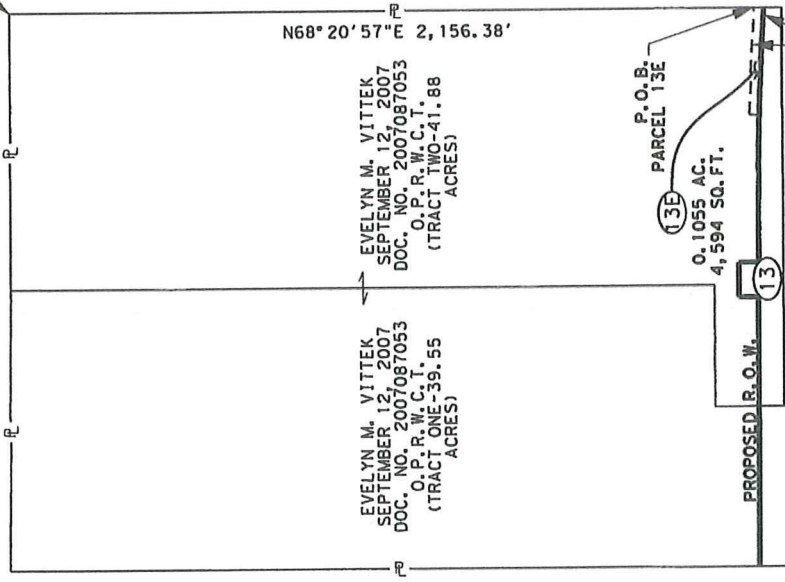
TROY R. THOMAS, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6130

5/21/2021

DATE

SAMUEL PHARASS SURVEY ABSTRACT NO. 496

P.O.C. PARCEL 13E



W. J. BAKER
SURVEY (R.O.W. WIDTH VARIES)
ABSTRACT
NO. 65

PROPOSED 15' WATER LINE EASEMENT

PROPERTY INSET
NOT TO SCALE

THE SURVEY SHOWN WAS PREPARED IN CONJUNCTION WITH THAT COMMITMENT FOR TITLE INSURANCE OF NO. 2022578-GTN ISSUED BY TITLE RESOURCES GUARANTY COMPANY, EFFECTIVE DATE MAY 14, 2020, ISSUED DATE MAY 22, 2020.

10. THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:

- TEXAS POWER & LIGHT COMPANY ELECTRIC EASEMENT AS DESCRIBED IN VOLUME 299, PAGE 533, DEED RECORDS, WILLIAMSON COUNTY, TEXAS- UNABLE TO PLOT
- TEXAS POWER & LIGHT COMPANY ELECTRIC EASEMENT AS DESCRIBED IN VOLUME 348, PAGE 409, DEED RECORDS, WILLIAMSON COUNTY, TEXAS- UNABLE TO PLOT
- JONAH WATER SUPPLY CORP. WATER LINE EASEMENT AS DESCRIBED IN VOLUME 564, PAGE 62, DEED RECORDS, WILLIAMSON COUNTY, TEXAS- UNABLE TO PLOT

REVISIONS

CALCULATED	ACQUISITION	REMAINING LT
81.43 AC. 3,547,091 SQ.FT.	N/A	78.62 AC. 3,424,529 SQ.FT.

MCGRAY & MCGRAY
LAND SURVEYORS, INC.
TBPELS SURVEY FIRM # 10095500
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

PARCEL PLAT SHOWING
PROPOSED EASEMENT AT
PARCEL 13E

CR 366 - CARLOS G. PARKER BLVD.
TO CHANDLER RD.
WILLIAMSON COUNTY, TEXAS

DATE: MAY 2021 SCALE: N.T.S.

ENGINEER'S BASELINE CURVE DATA
 PT. NORTHING = 10,193.988.96
 PT. EASTING = 3,204.900.23
 PI STATION = 65+25.45
 DELTA OF CURVE = 54° 41' (RT)
 TANGENT = 413.986
 CHORD = 825.03
 CHORD BEARING = N18° 33' 42" W
 PT. STATION = 69+25.39

SAMUEL PHARASS SURVEY ABSTRACT NO. 496

EVELYN M. VITTEK
 SEPTEMBER 12, 2007
 DOC. NO. 2007087053
 O.P.R.W.C.T.
 (TRACT TWO-41.88 ACRES)

0.1055 AC.
 4,594 SQ. FT.

STA. 63+25.45
 85.00' LT

STA. 70.00' LT

PROPOSED
 15' WATER LINE
 EASEMENT

PROPOSED R.O.W.

(13)

(S19° E 1, 135.5')

ENGINEER'S BASELINE

65+00

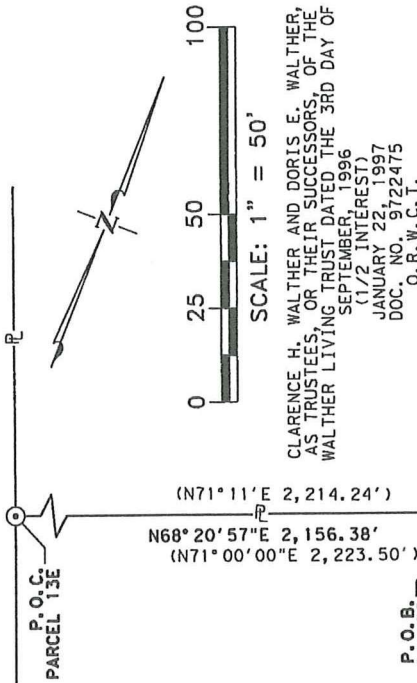
EXISTING R.O.W.

APPROXIMATE A-496 CR 366
 SURVEY LINE A-65 (R.O.W. WIDTH VARIES)

W. J. BAKER SURVEY
 ABSTRACT NO. 65

LINE	BEARING	DISTANCE
L1	N68° 20' 57" E	15.04'
L2	S70° 12' 13" W	15.00'

CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	306.50'	8,070.00'	02° 10' 34" LT	S18° 48' 53" E	306.48'
C2	306.01'	8,085.00'	02° 10' 07" RT	N18° 49' 06" W	305.99'



P.O.B.
 PARCEL 13E
 N=10,194,016.36
 E=3,204,793.38
 STA. 66+28.24
 85.00' LT

WALTHER FAMILY LIMITED PARTNERSHIP
 (1/2 INTEREST)
 AUGUST 19, 2005
 DOC. NO. 2005069305
 O.P.R.W.C.T.
 (TRACT 14)

CLARENCE H. WALTHER AND DORIS E. WALTHER,
 AS TRUSTEES, OR THEIR SUCCESSORS, OF THE
 WALTHER LIVING TRUST DATED THE 3RD DAY OF
 SEPTEMBER, 1996
 (1/2 INTEREST)
 JANUARY 22, 1997
 DOC. NO. 9722475
 O.R.W.C.T.
 (42.12 ACRES)

McGRAY & McGRAY
 LAND SURVEYORS, INC.
 TBPELS SURVEY FIRM # 10095500
 3301 HANCOCK DRIVE #6
 AUSTIN, TEXAS 78731
 (512) 451-8591

PARCEL PLAT SHOWING
 PROPOSED EASEMENT AT
 PARCEL 13E
 CR 366 - CARLOS G. PARKER BLVD.
 TO CHANDLER RD.
 WILLIAMSON COUNTY, TEXAS

DATE: MAY 2021 SCALE: 1"=50'