

# Sheets & Crossfield, PLLC

ATTORNEYS AT LAW

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

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

[don@scrrlaw.com](mailto:don@scrrlaw.com)

August 31, 2023

Bobby & Christine Golden  
2773 Hero Way  
Leander, Texas 78641

Re: Hero Way Project  
Parcel No. 315D

Dear Mr. & Mrs. Golden:

Please allow this letter to set out my understanding regarding our Agreement for the acquisition of a permanent drainage easement interest to Williamson County, Texas ("County") in and across portions of your property ("Owner") as part of the County's proposed Hero Way/RM2243 improvements ("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 drainage easement ("Easement") in and to approximately 0.123 acre of land, such rights to be granted free and clear of any monetary liens and encumbrances and in the form as set out in Exhibit "A" attached hereto and incorporated herein, County shall pay Owner the sum of **\$74,511.00** in cash or other good funds ("Purchase Price").

2. If requested by County, the Closing and completion of this transaction shall take place at Texas National Title Company ("Title Company") within thirty (30) days after full execution of this Agreement, or at other date and time agreed to between the parties.

Upon request Owner shall provide reasonable assistance, at no cost to Owner, to cause the Title Company to issue a policy of title insurance, with standard printed exceptions, to County in completion of this transaction. County shall be responsible for all fees and costs associated with this transaction, except that each party shall be responsible for any attorney's fees they incur. Owner shall assist County and Title Company with any curative measures or mortgage lien joinder, consent or subordination required as a condition of the Closing.

Upon completion of (1) the full execution of this Agreement by all parties, and (2) acknowledgment by the Title Company of delivery by County of the full Purchase Price to the Title Company, Purchaser, its agents and contractors shall be permitted at any time

after October 31, 2023 to enter and possess the Property prior to Closing for the purpose of completing any and all necessary construction activities associated with the proposed improvement construction project of County.

To the extent allowed by law County, its agents and contractors agree to release, indemnify, and otherwise hold Owner harmless from any damages or other losses to owner or any third party resulting from any acts or omissions performed under the limited right of possession herein. The parties further agree to continue to use diligence in assisting with any title curative or lienholder consent measures required by the Agreement to expeditiously complete the Closing of the purchase transaction.

3. Owner understands and acknowledges that Owner has been informed of the entitlement to receive fair market value payment for the Easement, as set out in Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655), including the right to an appraisal, and is accepting the voluntarily negotiated Purchase Price as set out herein.

4. 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 and return it to me, and we will have this approved and signed by the County and process this for payment and Closing as quickly as possible.

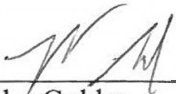
Please feel free to contact me at any time if you have any questions or concerns about these issues.

Very truly yours,

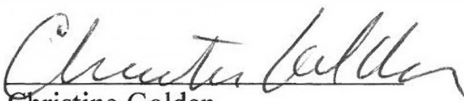
Don Childs  
Sheets & Crossfield, PLLC

*[signature pages follow]*

**AGREED BY OWNER:**

  
\_\_\_\_\_  
Bobby Golden

Date: 9-1-2023

  
\_\_\_\_\_  
Christine Golden

Date: 9-1-2023

**ACCEPTED AND AGREED BY COUNTY:**

WILLIAMSON COUNTY, TEXAS

By: Valerie Covey  
\_\_\_\_\_  
Valerie Covey, County Commissioner

Date: Sep 12, 2023

**EXHIBIT “A” FORM OF EASEMENT FOLLOWS**

**DRAINAGE EASEMENT**

Hero Way

THE STATE OF TEXAS                    ,

KNOW ALL BY THESE PRESENTS:

COUNTY OF WILLIAMSON               ,

That **BOBBY GOLDEN and CHRISTINE GOLDEN**, 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 (\$10.00) Dollars 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 in, on, over, upon, above and across the following property ("Property"):

All of that certain 0.123 acre tract of land out of the Elijah D. Harmon Survey, Abstract No. 6, Williamson County, Texas; said Property more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein **(Parcel 315D)**.

The perpetual easement, rights and privileges herein granted shall be used for the purposes of opening, constructing and maintaining a permanent drainage way and/or channel, along with any improvements, facilities, appurtenances and/or grading which may be necessary to facilitate the proper drainage of the adjacent property and roadway facilities, in, along, upon and across said premises described in Exhibit "A" together with the right and privilege at all times of the Grantee herein, its agents, employees and representatives of ingress and egress to and from said premises for the purpose of making any improvements, modifications or repairs which Grantee deems necessary.

The perpetual easement, right-of-way, rights and privileges herein granted shall also encompass the right of Grantee to trim, cut, fell and remove therefrom all trees, underbrush, vegetation, and obstructions, structures or obstacles within the limits of the Property, but only such as necessary to carry out the purposes of the easement; reserving to the landowners and their heirs and assigns, however, all such rights and privileges as may be used without interfering with or abridging the rights and purposes of the Easement herein acquired by Grantee.

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. Grantee shall be responsible for the correction of, or compensation for, any damage to Grantor's property which is the result of actions outside the granted purposes of this easement.

TO HAVE AND TO HOLD the same, in perpetuity, in and to Grantee, and its successors and assigns, together with all and singular all usual and customary rights thereto in anywise belonging, and together with the right and privilege at any and all times to enter said premises, or any part thereof, for the purpose of constructing or maintaining said drainage way and for making connections therewith.

And Grantor does hereby bind his heirs, executors, administrators and assigns to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto Williamson County, Texas, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This grant is subject to any 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. The perpetual easement, right-of-way, rights and privileges granted herein are non-exclusive, however Grantor covenants not to convey any other easement or conflicting rights within the premises covered by this grant that interfere with the purpose or function of any improvements or modifications placed thereon, or the maintenance of the surface of the Property for the conveyance of stormwater drainage, without the express written consent of Grantee, which consent shall not be unreasonably withheld.

EXECUTED on this the \_\_\_\_ day of \_\_\_\_\_, 2023.

*[signature page follows]*

**GRANTOR:**

\_\_\_\_\_  
Bobby Golden

**ACKNOWLEDGMENT**

STATE OF TEXAS

§

§

COUNTY OF WILLIAMSON

§

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2023 by Bobby Golden, in the capacity and for the purposes and consideration recited herein.

\_\_\_\_\_  
Notary Public, State of Texas

**GRANTOR:**

\_\_\_\_\_  
Christine Golden

**ACKNOWLEDGMENT**

STATE OF TEXAS

§

COUNTY OF WILLIAMSON

§

§

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2023 by Christine Golden, in the capacity and for the purposes and consideration recited herein.

\_\_\_\_\_  
Notary Public, State of Texas

**PREPARED IN THE OFFICE OF:**

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

**GRANTEE'S MAILING ADDRESS:**

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

**AFTER RECORDING RETURN TO:**

County: Williamson  
Parcel: 315D  
Highway: FM 2243

METES & BOUNDS DESCRIPTION FOR EASEMENT PARCEL 315D

METES & BOUNDS DESCRIPTION FOR A 0.123 ACRE TRACT OF LAND OUT OF THE ELIJAH D. HARMON SURVEY, ABSTRACT NO. 6, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A CALLED 10.96 ACRE TRACT OF LAND AS CONVEYED TO BOBBY GOLDEN AND WIFE, CHRISTINE GOLDEN BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 2018, PAGE 708 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 0.123 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND SHOWN ON THE ATTACHED SKETCH:

**COMMENCING for POINT OF REFERENCE** at a 1/2-inch iron rod with cap stamped "TLS" found on the south right-of-way line of Hero Way (f/k/a County Road 269) (width varies) (no deed of record found), at the northeast corner of the above described Golden Tract, and at the northwest corner of a called 12.819 acre tract of land described as Tract 9 as conveyed to JNK Properties 1, LTD. by Contribution Deed recorded in Document Number 2021182868 of the Official Public Records of Williamson County, Texas, from which a 1/2-inch iron rod found on the north right-of-way line of said Hero Way, at the common north corner of a called 9.11 acre tract of land as conveyed to TechTown Industrial L1 LLC by Special Warranty Deed with Vendor's Lien recorded in Document Number 2022062301 of the Official Public Records of Williamson County, Texas, and a called 0.288 acre tract of land described as Parcel 318 as dedicated by Document Number 2022092836 of the Official Public Records of Williamson County, Texas, bears N 68°56'23" E a distance of 430.02 feet; Thence, with the south right-of-way line of said Hero Way and the north line of said Golden Tract, S 68°58'18" W a distance of 32.21 feet to a calculated point (NAD-83, Central Zone Grid Coordinates: N: 10,186,930.79, E: 3,083,563.64) for the northeast corner and **POINT OF BEGINNING** of the herein described tract, 236.53 feet right of FM 2243 baseline station 122+46.35;

THENCE, departing the south right-of-way line of said Hero Way, over and across said Golden Tract, S 25°14'48" E a distance of 78.09 feet to a calculated point for the southeast corner of the herein described tract;

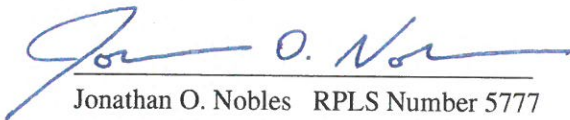
THENCE, continuing over and across said Golden Tract, S 68°28'29" W a distance of 68.30 feet to a calculated point for the southwest corner of the herein described tract;

THENCE, continuing over and across said Golden Tract, N 25°14'48" W a distance of 78.69 feet to a calculated point on the south right-of-way line of said Hero Way, for the northwest corner of the herein described tract, 242.29 feet right of FM 2243 baseline station 121+77.07, from which a 1/2-inch iron rod found at the northwest corner of said Golden Tract, and at the northeast corner of a called 10.60 acre tract of land as conveyed to ARS Developers LLC (95.28% interest) and Nirvana Estate Holdings, LLC (4.72% interest) by Special Warranty Deed with Vendor's Lien recorded in Document Number 2022070287 of the Official Public Records of Williamson County, Texas, bears S 68°58'18" W a distance of 240.60 feet;

THENCE, with the south right-of-way line of said Hero Way and the north line of said Golden Tract, N 68°58'18" E a distance of 68.35 feet to the **POINT OF BEGINNING** and containing 0.123 acre (5,343 square feet) of land, more or less.

Bearing orientation is based on the Texas State Plane Coordinate System NAD-83, Central Zone 4203. All distances are surface and may be converted to grid by dividing by a scale factor of 1.00012.

I hereby certify that these notes were prepared by BGE from a survey made on the ground under my supervision on May 12, 2022 and are true and correct to the best of my knowledge. A sketch accompanies this description.



Jonathan O. Nobles RPLS Number 5777  
BGE, Inc.

101 West Louis Henna Blvd., Suite 400  
Austin, TX 78728

Telephone: 512-879-0400

TBPELS Licensed Surveying Firm Number 10106502



10/04/2022

Date

Client: Williamson County  
Date: September 30, 2022  
Project Number: 7473-00

RECEIVED  
JAN 13 1960

120+00  
2243 BASELINE

HERO WAY (F/A)  
R.O.W. VARIES

JNK PROPERTIES I, LTD.  
CALLED 12.819 ACRES  
(TRACT 9)  
DOC. NO. 2021182868 O.P.R.W.C.  
AS DESCRIBED IN  
DOC. NO. 2004099911 O.P.R.W.C.

BOBBY GOLDEN AND WIFE,  
CHRISTINE GOLDEN  
CALLED 10.96 ACRES  
VOL. 2018, PG. 708 O.R.W.C

האברהם  
ד' תרע"ב  
ה' תרע"ב

1. BEARING ORIENTATION IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203. NAD83. DISTANCES SHOWN HEREON ARE IN SURFACE AND CAN BE CONVERTED TO GRID BY DIVIDING BY THE COMBINED SCALE FACTOR = 1.00012
2. A METERS AND BOUNDS DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS SKETCH.

PARCEL PLAT SHOWING  
EASEMENT PARCEL 315D  
0.123 ACRE

**BGE**  
BGE, Inc.  
101 West Louis Henna Blvd, Suite 400, Austin, TX 78728  
Tel: 512-879-0400 • [www.bgeinc.com](http://www.bgeinc.com)  
TBPLS Licensed Surveying Firm No. 10106502

|         |          |            |        |
|---------|----------|------------|--------|
| Scale:  | Job No.: | Date:      | Page:  |
| 1"=100' | 7473-00  | 10/04/2022 | 3 of 4 |

# LEGEND

|            |                                                |
|------------|------------------------------------------------|
| B.         | BOLLARD                                        |
| B.W.F.     | BARBED WIRE FENCE                              |
| C.H.W.     | CONCRETE HEADWALL                              |
| DOC.       | DOCUMENT                                       |
| E.C.R.     | ELECTRIC CONDUIT RISER                         |
| ESMT.      | EASEMENT                                       |
| F.H.       | FIRE HYDRANT                                   |
| G.P.       | GATE POST                                      |
| G.R.       | GUARD RAIL                                     |
| NO.        | NUMBER                                         |
| O.P.R.W.C. | OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY   |
| O.R.W.C.   | OFFICIAL RECORDS OF WILLIAMSON COUNTY          |
| PED.       | PEDESTAL                                       |
| PG.        | PAGE                                           |
| P.L.M.     | PIPELINE MARKER                                |
| P.O.B.     | POINT OF BEGINNING                             |
| P.O.R.     | POINT OF REFERENCE                             |
| P.P.       | POWER POLE                                     |
| RCP        | REINFORCED CONCRETE PIPE                       |
| R.P.       | REFLECTOR POST                                 |
| R.O.W.     | RIGHT-OF-WAY                                   |
| S.V.       | SPRINKLER VALVE                                |
| TEL.       | TELEPHONE                                      |
| TRANS.     | TRANSFORMER                                    |
| U.T.B.     | UNDERGROUND TELEPHONE BOX                      |
| VOL.       | VOLUME                                         |
| V.P.       | VERTICAL PIPE                                  |
| W.M.       | WATER METER                                    |
| W.V.       | WATER VALVE                                    |
| ( )        | RECORD INFO FOR VOL. 2018, PG. 708 O.R.W.C.    |
| [ ]        | RECORD INFO FOR DOC. NO. 2004099911 O.P.R.W.C. |
| { }        | RECORD INFO FOR DOC. NO. 2022062301 O.P.R.W.C. |
| ●          | FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED)   |
| ○          | SET 1/2" IRON ROD W/CAP "WILCO ROW 5777"       |
| △          | CALCULATED POINT                               |
| X          | WIRE FENCE                                     |
| —DHT—      | OVERHEAD TELEPHONE                             |
| —DHP—      | OVERHEAD POWER                                 |
| ///        | EDGE OF ASPHALT                                |

| LINE TABLE |               |          |
|------------|---------------|----------|
| NUMBER     | BEARING       | DISTANCE |
| L1         | S 68°58'18" W | 32.21'   |
| L2         | S 25°14'48" E | 78.09'   |
| L3         | S 68°28'29" W | 68.30'   |
| L4         | N 25°14'48" W | 78.69'   |
| L5         | N 68°58'18" E | 68.35'   |

| RECORD LINE TABLE |              |          |
|-------------------|--------------|----------|
| NUMBER            | BEARING      | DISTANCE |
| (L1)              | (S 71°37' W) |          |
| (L5)              | (N 71°37' E) |          |

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TBPLS Licensed Surveying Firm No. 10106502

**PARCEL PLAT SHOWING**  
**EASEMENT PARCEL 315D**  
**0.123 ACRE**  
**FM 2243**  
**WILLIAMSON COUNTY, TEXAS**

Scale: 1"=100'  
Job No.: 7473-00  
Date: 10/04/2022  
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