

Sheets & Crossfield, PLLC

ATTORNEYS AT LAW

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May 12, 2025

Via e-mail: crothfelder@rothfelderfalick.com

Chris Rothfelder
Rothfelder Falick L.L.P.
1517 Heights Blvd.
Houston, Texas 77008

Attorney for Fidelity International Trust, William T. Peckman, As Trustee of the Fidelity International Trust, Media Choice, LLC, ACME Partnership, L.P.

RULE 11 SETTLEMENT AGREEMENT

Re: *Williamson County v. Fidelity International Trust et. al.*; Cause No.24-1855-CC1; filed in the County Court at law number one of Williamson County, Texas; CR 314 project; Parcel 2.

Dear Mr. Rothfelder:

This letter will serve as a Rule 11 Settlement Agreement (“Agreement”) between Williamson County, Texas (“Condemnor”), Fidelity International Trust, William T. Peckman, As Trustee of the Fidelity International Trust, Media Choice, LLC, and ACME Partnership, L.P. (hereinafter referred to as “Condemnees”), (collectively the “Parties”) as to the following:

1. This Rule 11 Settlement Agreement is for the resolution of the above referenced condemnation case brought by the Condemnor.
2. Condemnor agrees to pay the total compensation of \$390,000.00 in complete settlement of any and all claims which have been or which could have been made by the parties as a result of the events giving rise to the filing of the live petition in this case, including, but no limited to, compensation for Condemnor’s fee simple acquisition (Parcel 2), described in Exhibit “A” (“Property”) attached hereto, damages to the remainder, if any, and any costs to cure.
3. The Parties agree that \$390,000.00 is the final and total compensation amount payable to all parties in this case and is inclusive of any pre-judgment interest. The Condemnor shall receive a credit of \$126,396.00 previously paid pursuant to that certain Possession and Use Agreement, document number 2025036085, filed in the real property records of Williamson County, Texas, leaving a balance of \$263,604.00 to be paid pursuant to this agreement for Parcel 2.
4. The Property will be acquired through condemnation via a stipulated Special Commissioners’ Hearing, after which Condemnor will deposit the amount awarded by the commissioners, less the credits discussed supra, into the registry of the Court. Condemnees agree to waive their right to file objections to a stipulated award of \$390,000.00. If the commissioners award an

amount other than \$390,000.00, the Parties agree to timely file objections and enter an agreed judgment for \$390,000.00

5. Condemnees agree to waive their right to be served with Notice of Special Commissioners Hearing by Condemnor. Condemnees also waive any and all other prerequisites as required in Chapter 21 of the Texas Property Code for scheduling and setting a Special Commissioners Hearing.
6. Post-judgment interest, if any, is tolled for a period of 60 days after the Court signs a judgment in this case. If Condemnor fails to pay the total amount of \$390,000.00 within the 60 days of the Court signing a judgment in this case, then Condemnees shall be entitled to post-judgment interest only on the outstanding balance at the statutory rate as of the date the judgment is signed by the Court until paid.
7. Condemnor's sole compensation obligation shall be the total payment of \$390,000.00. Any compensation claims made in this case by parties to this lawsuit shall be satisfied from this payment without further recourse to Condemnor.
8. If a party outside of this Agreement contests value at the Special Commissioners' Hearing, or any other subsequent proceeding in the case, Condemnor may terminate this contract, and the Parties may proceed with this lawsuit as if there had never been an agreement.
9. This agreement is contingent on final approval by Condemnor. In the event this Agreement is not approved by Condemnor and executed by an authorized representative, this agreement is null and void and the Parties may continue with the case as if there had never been an agreement.
10. This Agreement may be filed as a Rule 11 agreement.
11. The Parties bear their own cost of court as incurred.

If this letter correctly sets forth the terms of our agreement and the settlement reached between Condemnor and Condemnees, please indicate by having the appropriate person execute this letter in the space indicated below and return it to my attention for filing with the Clerk.

Sincerely,

/s/ John L. Kelley
John L. Kelley
Sheets & Crossfield, PLLC
Attorneys for City of Round Rock, Texas

[signature page follows]

AGREED AND ACCEPTED:

Fidelity International Trust,

By:

AM

Title:

Agent

Address:

3701 Bee Caves Rd #101

Austin TX 78746

Date:

5-13-25

AGREED AND ACCEPTED:



~~William T. Peckman, As Trustee of the Fidelity International Trust~~

Curtis Ford
Address: 3701 Bee Cave Rd #101

Austin TX 78746

Date: 5-13-25

AGREED AND ACCEPTED:

Media Choice, LLC

By:

AM

Title:

President

Address:

3701 Bee Caves Rd #101

Austin TX 78746

Date:

5-13-25

AGREED AND ACCEPTED:

ACME Partnership, L.P.

By:

AM

Title:

Agent

Address:

3701 Bee Caves Rd #101
Austin Tx 78746

Date:

5-13-25

AGREED AND ACCEPTED:

WILLIAMSON COUNTY, TEXAS

By: Steven Snell
County Judge
Print/title: _____
Date: May 21, 2025

EXHIBIT "A"

EXHIBIT "A"
PROPERTY DESCRIPTION

DESCRIPTION OF A 2.239 ACRE (97,507 SQUARE FOOT) PARCEL OF LAND SITUATED IN THE EDMUND PARSONS SURVEY, ABSTRACT NO. 494 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 24.44 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO RONNIE LEE KELM AND SHERRY ANN KELM RECORDED IN VOLUME 904, PAGE 32, OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 2.239 ACRE (97,507 SQUARE FOOT) PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2 inch iron rod with plastic cap stamped "RPLS 4641" found, being 312.08 feet right of Engineer's baseline station 26+87.55, being an ell corner in the existing southerly Right-of-Way (ROW) line of County Road 314 (C.R. 314) (variable ROW width), said point being the northwesterly corner of that called 10.00 acre tract of land described in a General Warranty Deed to Byron Reno and Kay Reno recorded in Document No. 2020024605 of the Official Public Records of Williamson County, Texas, same point being on the easterly boundary line of said 24.44 acre tract;

THENCE, N 20°27'05" W, with said existing southerly ROW line, same line being said easterly boundary line of the 24.44 acre tract, a distance of 133.41 feet to a 5/8 inch iron rod with aluminum cap stamped "WILLIAMSON COUNTY" set, (Grid Coordinates determined as N=10,261,167.82, E=3,148,407.44), being 190.13 feet right of Engineer's baseline station 26+38.57, on the proposed southerly ROW line of C.R. 314 (variable ROW width), for the southeasterly corner and **POINT OF BEGINNING** of the herein described parcel;

THENCE departing said existing southerly ROW line, with said proposed southerly ROW line, through the interior of said 24.44 acre tract, the following four (4) courses:

- 1) **S 81°08'55" W**, a distance of **42.85 feet** to a 5/8 inch iron rod with aluminum cap stamped "WILLIAMSON COUNTY" set, being 200.00 feet right of Engineer's baseline station 26+00.00, for the beginning of a non-tangent curve to the right;
- 2) with said curve to the right, having a radius of **2,600.00 feet**, a delta angle of **02°34'10"**, an arc length of **116.60 feet**, and a chord which bears **N 83°47'13 W**, a distance of **116.59 feet** to a 5/8 inch iron rod with aluminum cap stamped "WILLIAMSON COUNTY" set, being 200.00 feet right of Engineer's baseline station 24+92.37, for a point of tangency;
- 3) **N 82°30'08" W**, a distance of **179.49 feet** to a 5/8 inch iron rod with aluminum cap stamped "WILLIAMSON COUNTY" set being 200.00 feet right of Engineer's baseline station 23+12.88;
- 4) **S 55°04'01" W**, a distance of **145.80 feet** to a 5/8 inch iron rod with aluminum cap stamped "WILLIAMSON COUNTY" set, being 298.37 feet right of Engineer's baseline station 22+05.27, on the existing easterly ROW line of Interstate Highway 35 (I.H. 35) (variable ROW width) (TxDOT Account No. 9014-5-8), same line being the westerly boundary line of said 24.44 acre tract, for the southwesterly corner of the herein described parcel;

5) **THENCE, N 12°16'10" E**, with said existing easterly ROW line of I.H. 35, same being said westerly boundary line of the 24.44 acre tract, a distance of **277.07 feet** to a calculated point, at the intersection of said existing easterly ROW line of I.H. 35 and said existing southerly ROW line of C.R. 314, being the northwesterly corner of said 24.44 acre tract, for the northwesterly corner of the herein described parcel;

THENCE, departing said existing easterly ROW line of I.H. 35, with said existing southerly ROW line of said C.R. 314, same line being the northerly boundary line of said 24.44 acre tract, the following two (2) courses:

6) **N 66°59'40" E**, a distance of **245.00 feet** to a calculated point;

7) **S 65°42'20" E**, a distance of **72.32 feet** to a 1/2 inch iron rod found for the northeasterly corner of the herein described parcel;

8) **THENCE, S 20°27'05 E**, a distance of **301.72 feet** to the **POINT OF BEGINNING**, containing 2.239 acres (97,507 square feet) of land, more or less.

Bearings are based on the Texas Coordinate System of 1983, Central Zone NAD83 (2011). Coordinates shown hereon are grid values represented in U.S. Survey Feet. All distances shown hereon are surface values represented in U.S. Survey Feet based on a surface-to-grid Combined Adjustment Factor of 0.99985232.

This property description is accompanied by a separate parcel plat.

The use of the word certify or certification on this document only constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification, and does not constitute a warranty or guarantee, either expressed or implied.

I, Miguel A. Escobar, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying sketch is true and correct to the best of my knowledge and belief and the property described herein was determined by a survey made on the ground between July 2020 and September 2022, under the direct supervision of M. Stephen Truesdale, LSLs, RPLS No. 4933.

WITNESS MY HAND AND SEAL at Round Rock, Williamson County, Texas.

Inland Geodetics

Miguel A. Escobar, L.S.L.S., R.P.L.S.
Texas Reg. No. 5630
1504 Chisholm Trail Rd #103
Round Rock, Tx 78681
TBPELS Firm No. 10059100
Project No: SLAN-001



PLAT TO ACCOMPANY DESCRIPTION

NOTES:

1) BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE NAD83 (2011). COORDINATES SHOWN HEREON ARE GRID VALUES REPRESENTED IN U.S. SURVEY FEET. ALL DISTANCES SHOWN HEREON ARE SURFACE VALUES REPRESENTED IN U.S. SURVEY FEET BASED ON A SURFACE-TO-GRID COMBINED ADJUSTMENT FACTOR OF 0.99985232.

2) 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.

3) UTILITY INFORMATION SHOWN HEREON CONSTITUTES FIELD RECOVERY OF OBSERVED EVIDENCE OF UTILITIES. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES, SUCH AS ELECTRICAL, TELEPHONE, CABLE TV AND PIPELINES, MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. FOR INFORMATION REGARDING BURIED UTILITIES/STRUCTURES OR BEFORE ANY EXCAVATION IS BEGUN, CONTACT THE APPROPRIATE AGENCIES FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATION.

4) THE USE OF THE WORD CERTIFY OR CERTIFICATION ON THIS DOCUMENT ONLY CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

5) THE FOREGOING MAP AND SURVEY ON WHICH IT IS BASED IS ACCOMPANIED BY AND A PART OF SEPARATE METES AND BOUND DESCRIPTION OF THE SUBJECT TRACT.

6) REFERENCE IS HEREBY MADE TO THAT CERTAIN TITLE COMMITMENT (THE "TITLE COMMITMENT") ISSUED BY TEXAN TITLE COMPANY, UNDER GF NO. GT2301873 EFFECTIVE 06/13/2023, ISSUED 06/27/2023. THE EASEMENTS AND RESTRICTIONS LISTED ON SCHEDULE B OF THE TITLE COMMITMENT WERE REVIEWED BY THE SURVEYOR AND ARE SHOWN HEREON. SURVEYOR HAS RELIED UPON THE TITLE COMMITMENT AND MADE NO INDEPENDENT INQUIRY AS TO EASEMENTS AND RESTRICTIONS AFFECTING THE PROPERTY, OTHER THAN VISIBLE AND APPARENT EASEMENTS NOTED BY SURVEYOR DURING THE PREPARATION OF THE SURVEY AND REFLECTED HEREON.

SCHEDULE B:

- 10a. EASEMENT DATED MAY 31, 1944, TO TEXAS POWER AND LIGHT, RECORDED IN VOLUME 324, PAGE 78, DEED RECORDS, WILLIAMSON COUNTY, TEXAS. (THE LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT)
- 10b. TERMS AND PROVISIONS OF A MEMORANDUM OF EASEMENT (SIGNBOARD) DATED MAY 15, 2006, EXECUTED BY AND BETWEEN RONNIE LEE KELM AND SHERRY ANN KELM, GRANTOR TO FIDELITY INTERNATIONAL TRUST, GRANTEE, RECORDED UNDER DOCUMENT NO. 2006045324, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS. (THE LOCATION IS SHOWN)
- 10c. ANY PORTION OF THE HEREIN DESCRIBED PROPERTY WHICH LIES WITHIN THE BOUNDARIES OF A ROAD OR ROADWAY.
- 10d. TERMS, PROVISIONS AND CONDITIONS OF ANY LEASES NOT OF RECORD.
- 10e. (NOT A SURVEY MATTER)
- 10f. ALL VISIBLE AND APPARENT EASEMENTS AND ALL UNDERGROUND EASEMENTS, THE EXISTENCE OF WHICH MAY ARISE BY UNRECORDED GRANT OR BY USE.
- 10g. RIGHTS OF PARTIES IN POSSESSION.

LEGEND

- △ CALCULATED POINT
- 1/2" IRON ROD FOUND
- ⊙ 1/2" IRON ROD WITH CAP FOUND (AS NOTED)
- 5/8" IRON ROD W/ ALUMINUM CAP STAMPED "WILLIAMSON COUNTY" SET
- ℞ PROPERTY LINE
- O.P.R.W.C.T. OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS
- D.R.W.C.T. DEED RECORDS, WILLIAMSON COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- () RECORD INFORMATION

I, MIGUEL A. ESCOBAR, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION AND THE ACCOMPANYING SKETCH IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND BETWEEN JULY 2020 AND SEPTEMBER 2022, UNDER THE DIRECT SUPERVISION OF M. STEPHEN TRUESDALE, LSLS, RPLS NO. 4933.

INLAND GEODETICS



MIGUEL A. ESCOBAR, L.S.L.S., R.P.L.S.
 TEXAS REG. NO. 5630
 1504 CHISHOLM TRAIL RD #103
 ROUND ROCK, TX 78681
 TBPELS FIRM NO. 10059100



PROJECT NO.: SLAN-001

02/02/2024

PARCEL PLAT SHOWING PROPERTY OF

RONNIE LEE KELM AND
 SHERRY ANN KELM

PARCEL 2
 2.239 AC.
 97,507 SQ. FT.

WILLIAMSON COUNTY

PROJECT
 C.R. 314

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