

**MEMORANDUM OF AGREEMENT FOR  
PROPOSED PURCHASE OF PROPERTY**

**Date:** 8 of January, 20 14  
**Grantee:** The City of Bryan (City)  
**Grantor:** Richard Pena  
**Location:** 1510 W. 28<sup>th</sup> Street, Bryan, Texas 77803  
**Parcel No.:** BCAD #44387  
**Project:** West 28th Street Improvement Project  
**Attachments:** Special Warranty Deed  
W-9

Dear Mr. Richard Pena:

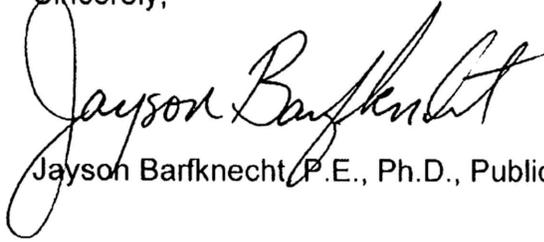
As you are now aware, the City is planning a multi-million dollar capital project that will improve the quality of life for those residents living on or near 28th street. The project will involve upgrading water lines, sanitary sewer pipes, and storm drainage. The City also plans to widen 28th Street and add sidewalks to both sides of the street. These additions will improve traffic flow and pedestrian safety in your neighborhood. Discussions with Threshold Land Services, a representative of the City, have resulted in the following terms being agreed upon so far:

1. Grantor shall convey unto City all right, title and interest in the 1.5 acre property at 1510 W. 28<sup>th</sup> Street (BCAD #44387), being the same land acquired by Richard Pena in a Sheriff Deed, filed in the Official Records of Brazos County, Texas in Volume 4353 Page 338, and
2. City agrees to pay Grantor a sum of \$38,000.00, which is the agreed upon price for the purchase of property, and
3. Grantor shall be responsible for paying all city, school and county taxes through 2013, and
4. The City will be responsible for filing executed documents, and
5. Grantor will reserve and retain any existing mineral and royalty rights in said property, and
6. The Special Warranty Deed will not be filed of record until Grantor receives consideration.

This is not a binding agreement, but it is necessary in order to avoid any possible misunderstanding as to the details of the property purchase. Any property sale by the

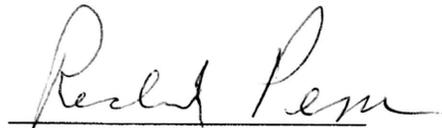
City is subject to the approval of the City Council. If you agree with the terms proposed by the City of Bryan, please indicate by signing the following statement.

Sincerely,



Jayson Barfknecht P.E., Ph.D., Public Works Director

I have read the above statements by the City of Bryan. I agree with the terms as stated above. I understand that this is not a binding agreement and is subject to approval by the City Council of Bryan.



Richard Pena

1-8-14  
Date



**TRANSMITTAL**

TO: City of Bryan  
300 S. Texas Avenue  
Bryan, Texas 77803

January 24, 2014

ATTN: Mark Robertson, EIT, Project Manager

RE: **W. 28<sup>th</sup> Street Parcel 15 – Pena Tract  
Boundary Survey  
Stephen F. Austin Survey No. 9, A-62  
Brazos County, Texas  
G-L 600076**

We are sending you herewith the following:

Copies	Description	Date
4	<i>Metes &amp; Bounds Description – 1.406 acre tract</i>	1-23-14
4	<i>Metes &amp; Bounds Description to Graham Drive</i>	1-23-14
4	<i>Survey Plat</i>	1-24-14

**Note:**

Kirk Raymond, R.P.L.S.  
Central Texas Survey Director

Fieldnote Description to 1.406 Acre- Parcel 15  
City of Bryan  
Stephen F. Austin Survey No. 9, A-62  
Brazos County, Texas

Fieldnotes to all that certain lot, tract, or parcel of land situated in the City of Bryan, Stephen F. Austin Survey No. 9, A-62, Brazos County, Texas, being 1.406 acres, more or less, and being the same tract conveyed in a deed dated February 6, 2007, from Joe Marino to Richard Pena, and recorded in Volume 7815, Page 285, and further being a part of tract called as 1 ½ acres as described in a deed dated September 7, 1943, from W. E. Pigford, et ux E. C. Pace, et ux and recorded in Volume 114, Page 72, Deed Records, Brazos County, Texas, to which references are hereby made to for any and all purposes. Said tract described by metes and bounds as follows, to wit:

Beginning at a ½" iron rod found in the northern margin of West 28<sup>th</sup> Street (Old Bryan and Pitts Bridge Road-unknown right of way width\dedication) for the eastern corner of the referenced tract and the southern corner of Lot 1 in the Subdivision of 4.09 acres, Frank Wallace, Sr., as shown on a plat recorded in Volume 117, Page 193, Deed Records, Brazos County, Texas. From said point a 3/8" iron rod found in the intersection of the southwestern margin of Wallace Street with said West 28<sup>th</sup> Street for the eastern corner of said Lot 1 bears N68°03'53"E 41.17 feet (record distance is 43 feet);

THENCE SOUTH 70°18'53" WEST 350.69 feet (record call is N73°W 361.5 feet), with said northwestern margin, to a 5/8" iron rod found for the southern corner of the referenced tract and the eastern corner of a called 0.686 acre tract conveyed to AAA & Family, LLC, by deed of record in Volume 8735, Page 74. Said point being the southern corner of a right of way easement (for Graham Drive – 60 feet wide) conveyed from E. O. Pace to the City of Bryan by document of record in Volume 184, Page 379. From said point a 5/8" iron rod found for the southern corner of said 0.686 acre tract bears S70°46'57"W 106.30 feet, and a 3/8" iron rod found in the eastern limit of Graham Drive bears N70°52'04"E 59.91 feet;

THENCE NORTH 21°19'26" WEST, (record call is N17°E 358.5 feet), in part with the eastern line of said 0.686 acre tract and the western limit of said easement, passing at 120.75 feet an "x" found cut in concrete for the beginning of a curve to the left, in Graham Drive, and a northern corner of said 0.686 acre tract, continuing along the southwestern line of the referenced tract, the northeastern line of another right of way easement conveyed to the City of Bryan by document of record in Volume 190, Page 618, across Graham Drive, and with the southwestern line of said easement, a total distance of 349.54 feet to a ½" iron rod (capped Goodwin-Lasiter) set for the western corner of the referenced tract in the southwestern line of Lot 3 of the aforementioned 4.09 acre subdivision. From said point an iron rod found within the base of an existing tree bears N66°35'W 31.0 feet+/-;

THENCE SOUTH 65°22'44" EAST 81.72 feet, with the northern line of the referenced tract and the southerly line of said Lot 3, to a ½' iron rod found for the common corner of said Lot 3 and Lot 2 of said 4.09 acre subdivision;

THENCE SOUTH 65°43'07" EAST 144.90 feet (record call for Lot 2 is 145 feet), continuing with the common line of the referenced tract and said Lot 2, to an iron stake found for the common southerly corner of Lot 2 and Lot 1 of said 4.09 acre subdivision;

THENCE SOUTH 65°35'46" EAST 275.56 feet (record call for Lot 1 is 273.5 feet), continuing with said common line, to the Point of Beginning and containing 1.406 acres, more or less, of which 0.35 acre is within the limits of Graham Drive, as shown on the accompanying survey plat of even date herewith.

Bearing Note: Bearings are based on City of Bryan G.P.S. Monumentation and are Texas Central Zone Grid Values (NAD 83).

Kirk Raymond, R.P.L.S. 4957  
Goodwin-Lasiter, Inc.  
Bryan, Texas  
TBPLS Firm License No. 10110901  
January 23, 2014



Fieldnote Description to 0.35 Acre  
City of Bryan  
Graham Drive Right of Way  
Stephen F. Austin Survey No. 9, A-62  
Brazos County, Texas

Fieldnotes to all that certain lot, tract, or parcel of land situated in the City of Bryan, Stephen F. Austin Survey No. 9, A-62, Brazos County, Texas, being 0.35 acre, more or less, and being situated upon, over, and across a tract conveyed in a deed dated February 6, 2007, from Joe Marino to Richard Pena, and recorded in Volume 7815, Page 285; being a part of tract called as 1 ½ acres as described in a deed dated September 7, 1943, from W. E. Pigford, et ux to E. C. Pace, et ux and recorded in Volume 114, Page 72, and being the same tract described in a Right of Way easement conveyed to the City of Bryan by E. O. Pace by instrument recorded in Volume 184, Page 379, Deed Records, Brazos County, Texas, to which references are hereby made to for any and all purposes. Said tract described by metes and bounds as follows, to wit:

Beginning at a 5/8" iron rod found in the intersection of the northwestern margin of West 28<sup>th</sup> Street with the southwestern limit of Graham Drive for the southern corner of the referenced 1 ½ acre tract and the eastern corner of a called 0.686 acre tract conveyed to AAA & Family, LLC, by deed of record in Volume 8735, Page 74, and the southern corner of the referenced easement. From said point a 5/8" iron rod found for the southern corner of said 0.686 acre tract bears S70°46'57"W 106.30 feet, and a 3/8" iron rod found in the eastern limit of Graham Drive bears N70°52'04"E 59.91 feet;

THENCE NORTH 21°19'26" WEST, (record call is N17°28'W 325 feet+/-), in part with the eastern line of said 0.686 acre tract and the western limit of said easement, passing at 120.76 feet an "x" found cut in concrete for the beginning of a curve to the left, in Graham Drive, and a northern corner of said 0.686 acre tract, continuing along the southwestern line of the referenced 1 ½ acre tract, the northeastern line of another right of way easement conveyed to the City of Bryan by document of record in Volume 190, Page 618, across Graham Drive, and with the southwestern line of the referenced easement, a total distance of 325.35 feet to a ½" iron rod (capped GoodwinLasiter) set for the western corner of the referenced easement in the northern limit of same. From said point a capped ½" iron rod set for the western corner of the aforesaid 1 ½ acre tract bears N21°19'26"W 24.18 feet;

THENCE SOUTH 47°37'50" EAST 52.19 feet (record call is S44°E 50 feet+/-) with the northeastern line of the referenced easement and within said 1 ½ acre tract, to a ½" iron rod (capped Goodwin-Lasiter) set for the beginning of a curve to the right from which the radius point of said curve bears S42°21'35"W 355.81 feet;

THENCE in a southeastern direction, continuing within said 1 ½ acre tract and along a northern line of the aforesaid easement, with arc of said curve (CA=26°19'58", R=355.81 feet, LC=S34°28'26"E 162.09 feet) at an arc length of 163.53 feet a capped ½" iron rod set for the end of said curve;

THENCE SOUTH 21°15'56" EAST 122.45 feet (record call is S17°28'E 123 feet +/-), continuing with a northern line of the referenced easement and within said 1 ½ acre tract, to a point in the intersection of said easement with the northwestern margin of West 28<sup>th</sup> Street. Same being in the southeastern line of the referenced tracts and from which a found ½" iron rod found for the eastern corner of the referenced tracts bears N70°18'53"E 290.79 feet;

THENCE SOUTH 70°18'53" WEST 59.90 feet (record call is southwesterly 60 feet), with the southeastern line of the referenced tracts and along said northwestern margin, to the Point of Beginning and occupying 0.35 acre, more or less, as shown on the accompanying survey plat of even date herewith.

Bearing Note: Bearings are based on City of Bryan G.P.S. Monumentation and are Texas Central Zone Grid Values (NAD 83).



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