

MEMORANDUM OF UNDERSTANDING
FOR A RIGHT OF WAY EASEMENT

Date: September 23, 2015
Grantee: Bryan Texas Utilities
Grantor: S&D Bentley, LLC
Address: 2301 E Villa Maria Road
Bryan, TX 77802
Location: BRAZOS CAD# 38134, Lot 1, Block H, Professional Complex and
Adjacent 0.040 Acre Tract
Project: St. Joseph Traffic Signal and Intersection Improvements

Dear Mr. and Mrs. Bentley:

The City of Bryan (City) and Bryan Texas Utilities (BTU) are working together to make various improvements to the 29th Street intersections in the St. Joseph's area in Bryan. This project includes the installation of new traffic signals at Memorial/E. 29th Street and at Villa Maria/E. 29th Street. These signals have been planned for replacement as they contain old outdated equipment and see heavy traffic daily due to the St. Joseph Hospital and Blinn College traffic generators. A right turn lane is planned at the Villa Maria/E. 29th Street intersection as well. Further, many of the sidewalks do not meet ADA standards and will be replaced and expanded within the project limits. The final component of the project scope is to install underground conduit and duct bank for the conversion of overhead utilities to underground. This project will improve the traffic flow, safety and overall appearance of this growing district.

The City has engaged Threshold Land Services, a professional right of way acquisition firm, to negotiate and acquire the land and easements needed to make this project possible. In order to install the underground conduit, the City needs to acquire a BTU Right of Way Easement across a portion of your property. To avoid any possible misunderstanding as to the details of the easement or the process by which the City will acquire the easements, we are outlining the following proposed terms:

1. Grantor shall convey a fifteen (15) foot wide Right of Way Easement across the north side of the above described property, running east and west. The exact location of the fifteen (15) foot wide Right of Way Easement will be illustrated on a final survey attached to the easement documents.
2. As consideration for the easements, the City offers the following compensation:

Subsurface Easement Value: \$8.00 SF
Easement Size: 1907.10 SF
Total Easement Value ($\$8 * 1907.10$) = \$15,256.80

Once the executed easement is received by the City, a check for \$15,256.80 will be processed and mailed to Grantor. Processing turnaround times are typically two weeks from the date the signed easement is received by City.

3. The City will be responsible for filing executed documents of record.

4. The City's contractor will be responsible for restoring all disturbed areas, surface and fencing, to a condition substantially equal to the existing condition prior to the beginning of construction. Disturbed areas include grass, irrigation system, fencing, sidewalk and parking lot.
5. The City agrees to install the underground conduit via bore so as to limit the damage to the surface and the tree on the property line.
6. BTU will finish installation on the new system underground and then transfer services from the overhead lines to the underground lines. Power switch over should be a very short period of time, and BTU agrees to provide advance notification.

7. City agrees to leave tree in easement, not remove. If tree dies, City will remove it later date. JT DD

If Grantors agree with the terms proposed by Threshold Land Services, Inc. please indicate by signing below. The terms of this Agreement are subject to final approval by the City.

Sincerely,

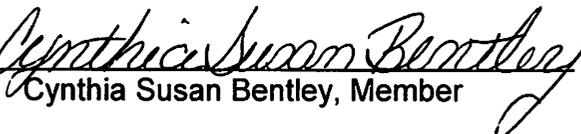


Josh Jeter
Land Agent

I have read the above statements by Threshold Land Services, Inc. I agree with the terms as stated above.

GRANTOR: S&D Bentley, LLC

By: 
Dan A. Bentley, Member

By: 
Cynthia Susan Bentley, Member

Date: 9/23/15

PLEASE RETURN EXECUTED ORIGINAL DOCUMENT TO THE FOLLOWING ADDRESS:

Threshold Land Services
PO Box 9396
College Station, TX 77842

Investigate Number: _____

Map Number: _____ - _____

RIGHT OF WAY EASEMENT

STATE OF Texas §

COUNTY OF Brazos §

That **S & D Bentley, LLC**, hereinafter called the Grantors, for a good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do grant unto the City of Bryan, a Texas home rule municipal corporation, doing business as "Bryan Texas Utilities" ("BTU") and to its successors and assigns, an easement and right-of-way upon, under, over, and across property owned by Grantor and located in the County of Brazos, State of Texas, which property (the "Property") is described as follows:

Being Lot 1, Block "H", Professional Complex, City of Bryan, according to plat thereof recorded in Volume 610, Page 281, Deed Records, Brazos County Texas.

Said Right-of-way Easement being more particularly described by survey plat in Exhibit "A" and field notes in Exhibit "B", which are attached hereto and incorporated as if fully set forth herein.

(herein the "Easement")

The Easement Area granted by this instrument (the "Easement") is subject to the following conditions:

1. BTU has the right to install, operate, relocate, construct, reconstruct, add to, maintain, inspect, patrol, enlarge, repair, remove and replace Utility Facilities upon, over, under, and across the Property included in the Easement and to remove Utility Facilities from the Property, and the right of ingress and egress on Grantor's property adjacent to the Easement for the same purposes. For purposes of the Easement, the phrase "Utility Facilities" shall include a variable of number of cables, conductors or wires, insulators, cross arms, protective devices, meters, terminal boxes, transformers, structures, poles, props, guys, anchors, conduit, and other necessary and desirable devices relating to electric energy and/or communication.
2. BTU has the right to trim and/or remove, from the Easement, without payment due to Grantor, all trees, branches, underbrush or any other obstruction which might endanger or interfere with the operation, safety, or efficiency of the Utility Facilities on the Property on which the Easement is located.
3. The Grantor covenants for itself, his or her personal representatives, executors, and/or successors and assigns, not to place or maintain any building, structure, or any other obstruction on or within the Easement, or to use the surface of the Easement Area for any purpose that would interfere with or prevent the use by BTU of the Easement for the purposes set forth herein. The Grantor shall have the right to use the surface of the Easement for streets, roads, driveways, alleys, walks, gardens, lawns, plantings or park areas and any other like uses.
4. BTU has the right to assign all or part of the rights granted to it, pursuant to this Agreement it receives under the Easement. The Easement will inure to the benefit of BTU and BTU's successors and assigns.
5. Grantor acknowledges and agrees that the location of the Easement is based only on preliminary surveys and that the rights granted by this Easement shall apply to the actual location of Utility Facilities, when constructed.
6. Grantor binds Grantor and Grantor's heirs, successors, and assigns to WARRANT and FOREVER DEFEND, all and singular, the rights and premises granted to BTU by this instrument.
7. Grantor covenants, represents and warrants that Grantor has good and marketable title to the Property and the unqualified right to grant the privileges contained herein.

Investigate Number: _____

Map Number: _____

IN WITNESS WHEREOF, the Grantors execute this instrument this 23rd day of September, AD 2015.

GRANTOR: S & D Bentley, LLC

By: Cynthia Susan Bentley

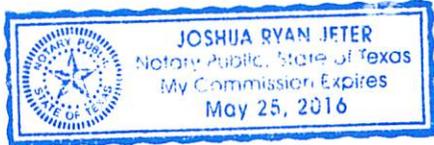
Printed Name: Cynthia Susan Bentley

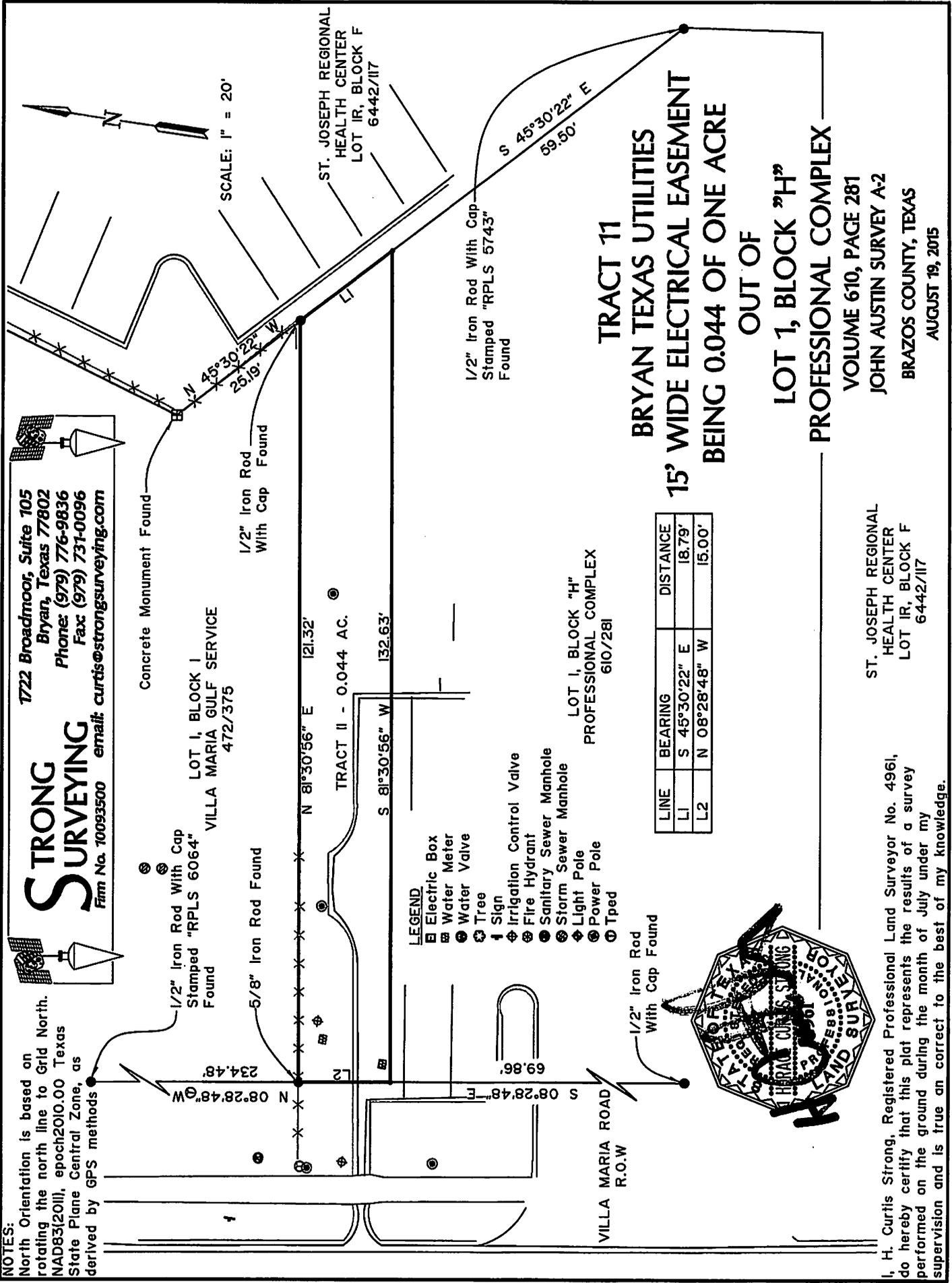
Title: Owner

STATE OF Texas
COUNTY OF Brazos

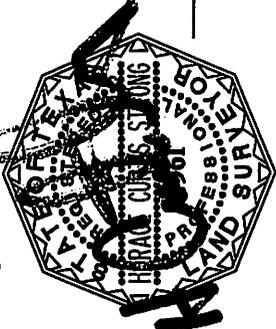
Before me, the undersigned authority, on this day personally appeared Susan Bentley, owner, S+D Bentley whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office this 23rd day of September, AD 2015.

[Signature]
Notary Public/ State of Texas





I, H. Curtis Strong, Registered Professional Land Surveyor No. 4961, do hereby certify that this plat represents the results of a survey performed on the ground during the month of July under my supervision and is true and correct to the best of my knowledge.



AUGUST 19, 2015

VOLUME 610, PAGE 281
 JOHN AUSTIN SURVEY A-2
 BRAZOS COUNTY, TEXAS

Exhibit "B"

**FIELD NOTES
TRACT 11
BRYAN TEXAS UTILITIES
15' WIDE ELECTRICAL EASEMENT
BEING 0.044 OF ONE ACRE
OUT OF
LOT 1, BLOCK "H"
PROFESSIONAL COMPLEX
VOLUME 610, PAGE 281
JOHN AUSTIN SURVEY A-2
BRAZOS COUNTY, TEXAS
AUGUST 19, 2015**

All that certain lot, tract or parcel of land being 0.044 of one acre situated in the John Austin Survey, Abstract No. 2, Brazos County, Texas, and being a part of Lot 1, Block "H", Professional Complex, Volume 610, Page 281, Deed Records of Brazos County, Texas, said 0.044 of one acre tract being more particularly described by metes and bounds as follows:

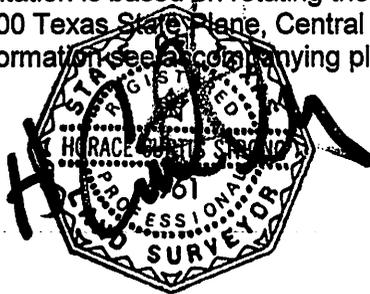
BEGINNING at a 5/8" iron rod found for the northwest corner, said corner being the northwest corner of said Lot 1 and the southwest corner of Lot 1, Block 1, Villa Maria Gulf Service as described in Volume 472, Page 375, said corner also being located in the east Right-Of-Way line of Villa Maria Road, a 1/2" iron rod with cap stamped "RPLS 6064" found for the northwest corner of Lot 1, Block 1 bears N 08°28'48" W a distance of 234.48 feet;

THENCE N 81°30'56" E along the north line of said Lot 1 and the south line of said Lot 1, Block 1, a distance of 121.32 feet to a 1/2" iron rod with cap found for the northeast corner, said corner being the northeast corner of said Lot 1 and the southeast corner of said Lot 1, Block 1 and being located in the southeast line of Lot 1R, Block "F" as described in Volume 6442, Page 117;

THENCE S 45°30'22" E along the northeast line of said Lot 1 and the southeast line of said Lot 1R a distance of 18.79 feet to the southeast corner, a 1/2" iron rod with cap found for an angle point in the northeast line of said Lot 1 bears S 45°30'22" E a distance of 59.50 feet;

THENCE S 81°30'56" W through the interior of Lot 1 a distance of 132.63 feet to the southwest corner, said corner being located in the west line of said Lot 1 and the east Right-Of-Way line of said Villa Maria Road, a 1/2" iron rod with cap found for the southwest corner of said Lot 1 bears S 08°28'48" E a distance of 69.86 feet;

THENCE N 08°28'48" W along the west line of said Lot 1, and the east line of said Villa Maria Road a distance of 15.00 feet to the PLACE OF BEGINNING CONTAINING AN AREA OF 0.044 OF ONE ACRE OF LAND MORE OR LESS, according to a survey performed on the ground during the month of August, 2015 under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961 and working under Firm No. 10093500. North Orientation is based on rotating the northeast line to grid north, NAD83(2011) epoch 2010.00 Texas State Plane, Central Zone as derived by GPS observations. For other information see accompanying plat.



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

PARTIAL RELEASE OF LIEN

Date: September 17, 2015

Holder/Beneficiary: PROSPERITY BANK

Holder's Mailing Address: 1004 COPPERFIELD PARKWAY
COLLEGE STATION, TX 77845

Lien Instrument:

Deed of Trust, Security Agreement, UCC Financing Statement for Fixture Filing dated January 3, 2012, by S & D Bentley, LLC, a Texas limited liability company, to Tim Jones, trustee, for the benefit of First Victoria National Bank, recorded in Volume 10483, Page 127, as Document 01109223, in the Official Public Records of Brazos County, Texas;

(collectively, the "**Lien Documents**").

Property (including any improvements) Subject to Lien:

Only the real property described by survey plat in Exhibit "A" and field notes in Exhibit "B", which are attached hereto and incorporated as if fully set forth herein, but no other property or collateral.

Holder is the owner and holder of the Lien Documents described above.

For value received, Holder releases the Property described herein from the Lien Document and expressly waives and releases all present and future rights to establish or enforce the Lien Document against the Property described herein, but none other, as security for payment of any future or other indebtedness. Except as expressly modified herein, all terms and conditions of the Lien Document remain in full force and effect.

When the context requires, singular nouns and pronouns include the plural.

[signature page follows]

EXECUTED effective as of the 17 day of September, 2015.

HOLDER/BENEFICIARY: PROSPERITY BANK *formerly known as First Victoria National Bank*

By: Steve M. Hilton

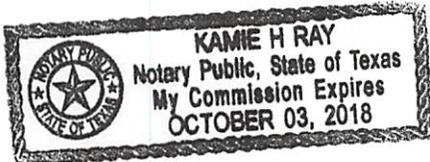
Printed Name: STEVE M. HILTON

Title: SRVP

STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before me on the 17 day of September, 2015, by Steve M. Hilton, Senior Vice President for PROSPERITY BANK, on behalf of such company.

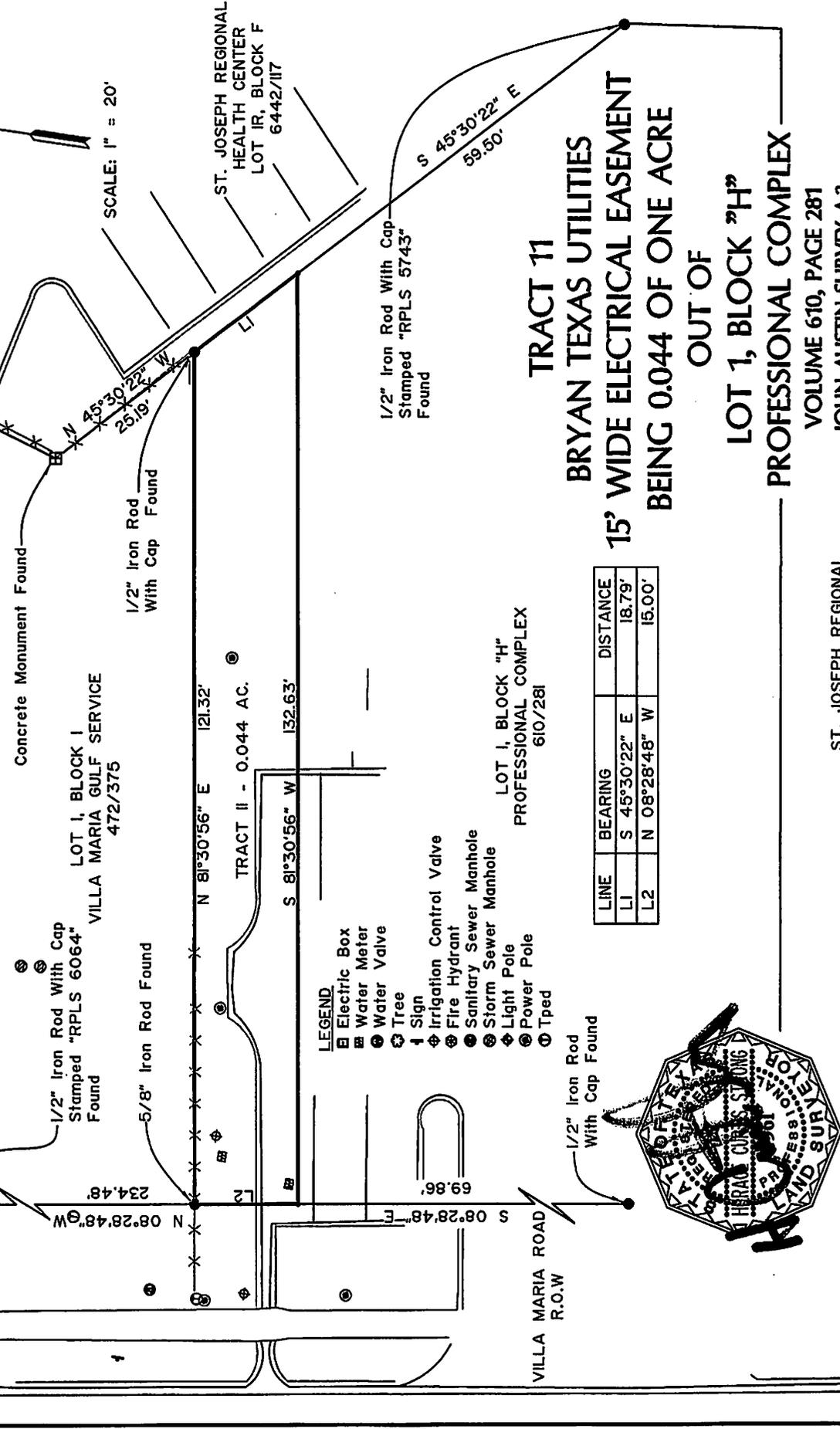
[SEAL]



[Signature]
Notary Public, State of Texas

STRONG SURVEYING
 Firm No. 70093500 email: curtis@strongsurveying.com
 1722 Broadmoor, Suite 105
 Bryan, Texas 77802
 Phone: (979) 776-9836
 Fax: (979) 731-0096

NOTES:
 North Orientation is based on rotating the north line to Grid North. NAD83(2011), epoch2010.00 Texas State Plane Central Zone, as derived by GPS methods



**TRACT 11
 BRYAN TEXAS UTILITIES
 15' WIDE ELECTRICAL EASEMENT
 BEING 0.044 OF ONE ACRE
 OUT OF
 LOT 1, BLOCK "H"
 PROFESSIONAL COMPLEX**

LINE	BEARING	DISTANCE
L1	S 45°30'22" E	18.79'
L2	N 08°28'48" W	15.00'

VOLUME 610, PAGE 281
 JOHN AUSTIN SURVEY A-2
 BRAZOS COUNTY, TEXAS
 AUGUST 19, 2015

ST. JOSEPH REGIONAL
 HEALTH CENTER
 LOT 1R, BLOCK F
 6442/117

I, H. Curtis Strong, Registered Professional Land Surveyor No. 4961, do hereby certify that this plat represents the results of a survey performed on the ground during the month of July under my supervision and is true and correct to the best of my knowledge.



Exhibit "B"

**FIELD NOTES
TRACT 11
BRYAN TEXAS UTILITIES
15' WIDE ELECTRICAL EASEMENT
BEING 0.044 OF ONE ACRE
OUT OF
LOT 1, BLOCK "H"
PROFESSIONAL COMPLEX
VOLUME 610, PAGE 281
JOHN AUSTIN SURVEY A-2
BRAZOS COUNTY, TEXAS
AUGUST 19, 2015**

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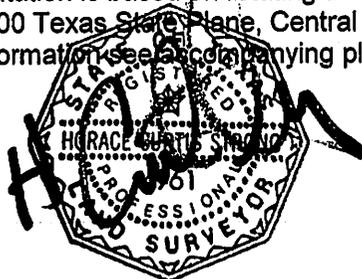
BEGINNING at a 5/8" iron rod found for the northwest corner, said corner being the northwest corner of said Lot 1 and the southwest corner of Lot 1, Block 1, Villa Maria Gulf Service as described in Volume 472, Page 375, said corner also being located in the east Right-Of-Way line of Villa Maria Road, a 1/2" iron rod with cap stamped "RPLS 6064" found for the northwest corner of Lot 1, Block 1 bears N 08°28'48" W a distance of 234.48 feet;

THENCE N 81°30'56" E along the north line of said Lot 1 and the south line of said Lot 1, Block 1, a distance of 121.32 feet to a 1/2" iron rod with cap found for the northeast corner, said corner being the northeast corner of said Lot 1 and the southeast corner of said Lot 1, Block 1 and being located in the southeast line of Lot 1R, Block "F" as described in Volume 6442, Page 117;

THENCE S 45°30'22" E along the northeast line of said Lot 1 and the southeast line of said Lot 1R a distance of 18.79 feet to the southeast corner, a 1/2" iron rod with cap found for an angle point in the northeast line of said Lot 1 bears S 45°30'22" E a distance of 59.50 feet;

THENCE S 81°30'56" W through the interior of Lot 1 a distance of 132.63 feet to the southwest corner, said corner being located in the west line of said Lot 1 and the east Right-Of-Way line of said Villa Maria Road, a 1/2" iron rod with cap found for the southwest corner of said Lot 1 bears S 08°28'48" E a distance of 69.86 feet;

THENCE N 08°28'48" W along the west line of said Lot 1, and the east line of said Villa Maria Road a distance of 15.00 feet to the PLACE OF BEGINNING CONTAINING AN AREA OF 0.044 OF ONE ACRE OF LAND MORE OR LESS, according to a survey performed on the ground during the month of August, 2015 under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961 and working under Firm No. 10093500. North Orientation is based on rotating the northeast line to grid north, NAD83(2011) epoch 2010.00 Texas State Plane, Central Zone as derived by GPS observations. For other information see accompanying plat.



MEMORANDUM OF UNDERSTANDING
FOR A RIGHT OF WAY EASEMENT

Date: January 11, 2016
Grantee: City of Bryan
Grantor: Karen Sue Johnson, Independent Adminastratrix of the Estate of Stanley Wilton Johnson, Deceased
Address: PO Box 3946
Bryan, TX 77805
Property: BRAZOS CAD# 97313, Lot 1, Block 1, Villa Maria Gulf Service
Project: St. Joseph Traffic Signal and Intersection Improvements
Attachments: Exhibit A: Roadway ROW Easement
Exhibit B: BTU Electrical Easement

Dear Mrs. Johnson:

The City of Bryan (City) and Bryan Texas Utilities (BTU) are working together to make various improvements to the 29th Street intersections in the St. Joseph's area in Bryan. This project includes the installation of new traffic signals at Memorial/E. 29th Street and at Villa Maria/E. 29th Street. These signals have been planned for replacement as they contain old outdated equipment and see heavy traffic daily due to the St. Joseph Hospital and Blinn College traffic generators. A right turn lane is planned at the Villa Maria/E. 29th Street intersection as well. Further, many of the sidewalks do not meet ADA standards and will be replaced and expanded within the project limits. The final component of the project scope is to install underground conduit and duct bank for the conversion of overhead utilities to underground. This project will improve the traffic flow, safety and overall appearance of this growing district.

The City has engaged Threshold Land Services, a professional right of way acquisition firm, to negotiate and acquire the land and easements needed to make this project possible. In order to construct the right turn lane and install the underground conduit, the City needs to acquire two easements across portions of your property. To avoid any possible misunderstanding as to the details of the easements or the process by which the City will acquire the easements, we are outlining the following proposed terms:

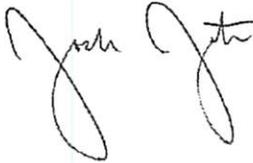
1. Grantor shall convey unto the City a variable width, 0.015 acre Right of Way Easement, pursuant to the document attached hereto as Exhibit "A", across the northwest corner of Property. The exact location of the Right of Way Easement is illustrated on the final survey attached to the easement document.
2. Grantor shall convey unto the City a variable width, 0.019 acre BTU Electrical Right of Way Easement, pursuant to the document attached hereto as Exhibit "B", across the northeast corner of Property. The exact location of the BTU Electrical Right of Way Easement is illustrated on the final survey attached to the easement document.
3. As consideration for both the 0.015 and 0.019 acre easements, the City offers a total amount of **\$35,500**. Once the executed easement is received by the City, a check for \$35,500 will be processed and mailed to Grantor. Processing turnaround times are typically two weeks from the date the signed easement is received by City.
4. The City will be responsible for filing executed documents of record.
5. Grantor understands and agrees to the closure of the two driveway entrances closest to the northwest corner of the property at the intersection of Villa Maria and 29th Street.

6. The City's contractor will be responsible for restoring all disturbed areas, surface and fencing, to a condition substantially equal to the existing condition prior to the beginning of construction. Disturbed areas include grass, irrigation system, fencing, sidewalk and parking lot.

- ~~Bryan Highway~~ AAA & Family, LLC *JK* *LS*
7. AAA & Family, LLC (Buyer) has signed a Real Estate Contract to purchase the Property from Grantor to close at a future date. Buyer understands that Grantor is conveying the aforementioned 0.015 acre Right of Way Easement and 0.019 BTU Electrical Easement unto the City prior to the closing on Property, and Grantor shall receive \$35,500 as consideration. Buyer understands that the two driveway entrances closest to the northwest corner of the property at the intersection of Villa Maria and 29th St. will be closed.

If Grantor and Buyer agree with the terms proposed by Threshold Land Services, Inc. please indicate by signing below. The terms of this Agreement are subject to final approval by the City.

Sincerely,



Josh Jeter
Land Agent

I have read the above statements by Threshold Land Services, Inc. I agree with the terms as stated above.

GRANTOR: Karen Sue Johnson, Independent
Adminastratrix of the Estate of Stanley
Wilton Johnson, Deceased

By: Karen Sue Johnson
Printed Name: Karen Sue Johnson
Title: Independent Adminastrator
for ESTATE of Stanley Wilton Johnson

As the prospective buyer of "Property," I have read the above statements by Threshold Land Services, Inc. I understand and agree with the terms as stated above.

BUYER: AAA & Family, LLC

By: Mareidie
Printed Name: Shamsuddin Mareidie
Title: President - Member - LLC

EXHIBIT "A"
CITY OF BRYAN

RIGHT-OF-WAY EASEMENT

THE STATE OF TEXAS §

COUNTY OF BRAZOS §

KNOW ALL BY THESE PRESENTS:

That Karen Sue Johnson, Independent Administratrix of the Estate of Stanley Wilton Johnson, Deceased, the undersigned property owner (Grantor), for good and valuable consideration, the receipt of which is hereby acknowledged, does grant, sell, and convey unto the City of Bryan, a Municipal Corporation of Brazos County, Texas, with offices at 300 South Texas Avenue, Bryan, Brazos County, Texas (Grantee), its successors and assigns, a **Right-of-way Easement** for the purpose of constructing and maintaining a public road, street, and right-of-way, including without limitation, the installation and maintenance of public utilities of said City, on, over, under, and across a certain tract of land situated in Brazos County, Texas, and described as follows:

Being Lot 1, Block 1, Villa Maria Gulf Service, situated in the John Austin Survey, Abstract No. 2, City of Bryan, Brazos County, Texas, according to plat thereof recorded in Volume 472, Page 375, Deed Records, Brazos County Texas.

Said **Right-of-way Easement** being more particularly described by survey plat in **Exhibit "A"** and field notes in **Exhibit "B"**, which are attached hereto and incorporated as if fully set forth herein.

This is a non-exclusive easement and Grantor may continue to use and enjoy the benefit of the land within this Right-of-Way Easement, provided that such use and enjoyment does not interfere with the City of Bryan's, or its assigns, right of ingress and egress over the Right-of-Way Easement for the purpose of constructing, repairing, and maintaining the improvements thereon. Grantor further grants to Grantee the absolute right to assign this Right-of-Way Easement, in whole or part, to other utility providers without having to seek further consent from Grantor. The City of Bryan, or its assigns, may remove any improvement, obstruction, or other hindrance, without compensation to Grantor, in the course of construction, repair, or maintenance of the improvements to the Right-of-Way Easement. Grantor expressly subordinates all rights of surface use, incident to the mineral estate owned by Grantor to the Right-of-Way Easement uses of said surface by Grantee.

EXHIBIT "A"

TO HAVE AND TO HOLD unto the said City of Bryan, Texas, a Municipal Corporation as aforesaid, for the purposes aforesaid, the premises above described.

WITNESS (my) (our) hand(s) at _____, ____ this ____ day of _____, 20____.

GRANTOR: Karen Sue Johnson, Independent
Administratrix of the Estate of Stanley
Wilton Johnson, Deceased

By: _____

Printed Name: _____

Title: _____

THE STATE OF _____ §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for _____ County, ____ on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (he), (she) executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 20____.

SEAL

NOTARY PUBLIC

COUNTY, _____

EASEMENT ACCEPTED:

Chairman
City of Bryan
Site Development Review Committee

AFTER RECORDATION RETURN TO:
CITY OF BRYAN
P.O. Box 1000
Bryan, Texas 77805
ENGINEERING DEPT

EXHIBIT "A"

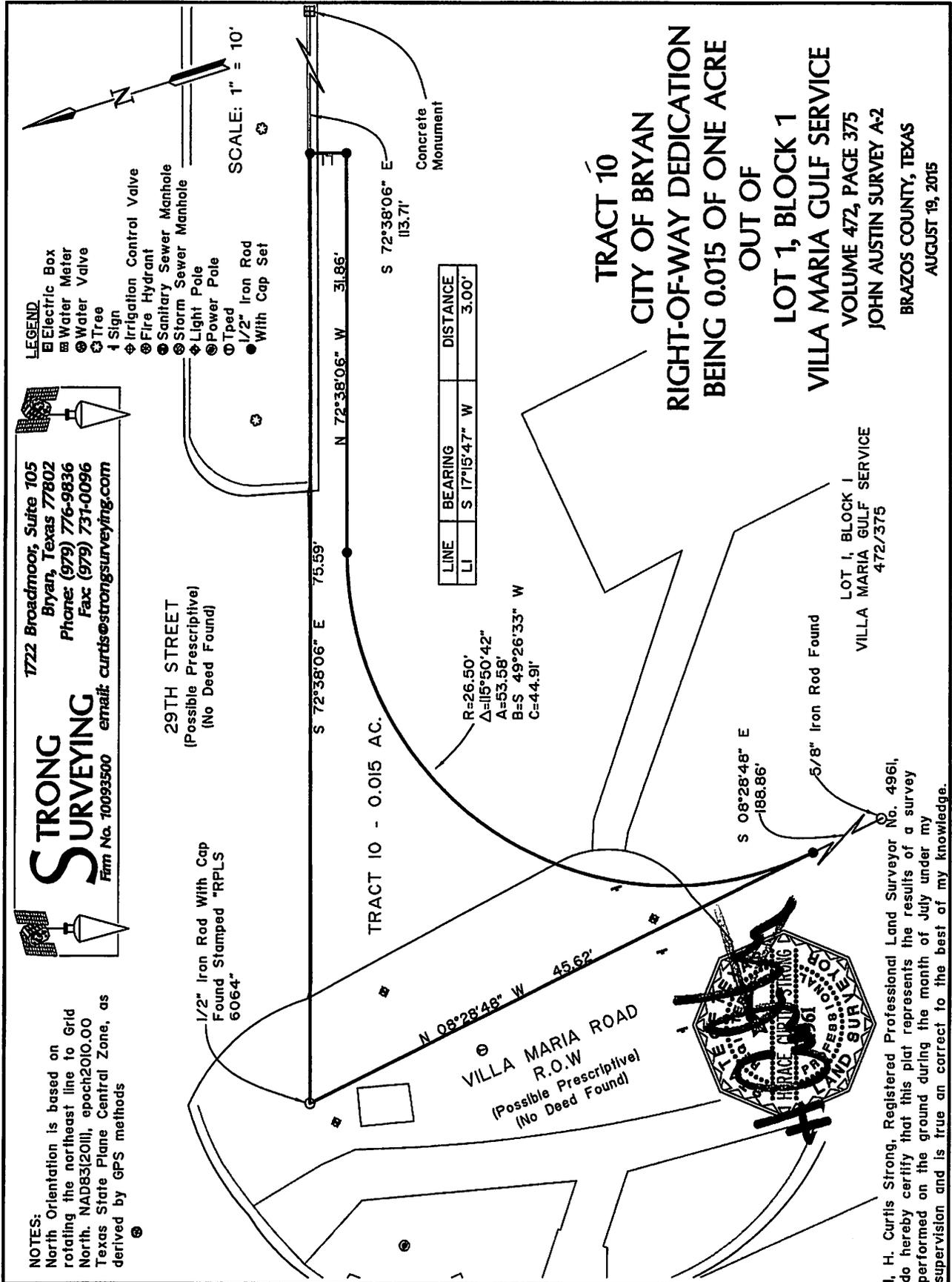


EXHIBIT "A"

**FIELD NOTES
TRACT 10
CITY OF BRYAN
RIGHT-OF-WAY DEDICATION
BEING 0.015 OF ONE ACRE
OUT OF
LOT 1, BLOCK 1
VILLA MARIA GULF SERVICE
VOLUME 472, PAGE 375
JOHN AUSTIN SURVEY A-2
BRAZOS COUNTY, TEXAS
AUGUST 19, 2015**

All that certain lot, tract or parcel of land being 0.015 of one acre situated in the John Austin Survey, Abstract No. 2, Brazos County, Texas, and being a part of Lot 1, Block 1, Villa Maria Gulf Service as described in Plat of record in Volume 472, Page 375, Deed Records of Brazos County, Texas, said 0.015 of one acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap stamped "RPLS 6064" found for the northwest corner, said corner also being the northwest corner of said Lot 1 and being located at the intersection the north Right-Of-Way line of Villa Maria Road and the southwest Right-Of-Way line of 29th street;

THENCE S 72°38'06" E along the northeast line of said Lot 1, and the southwest Right-Of-Way line of said 29th Street a distance of 75.59 feet to a 1/2" iron rod with cap set for the northeast corner, a concrete monument found for the northeast corner of said Lot 1 bears S 72°38'06" a distance of 113.71 feet;

THENCE S 17°15'47" W through the interior of said Lot 1, a distance of 3.00 feet to a 1/2" iron rod set with cap for the southeast corner;

THENCE N 72°38'06" W a distance of 31.86 feet to a 1/2" iron rod set for the beginning of a curve;

THENCE around a curve to the left, same having an arc length of 53.58 feet, and a radius of 26.50 feet, with a chord bearing of S 49°26'33" W, that bears 44.91 feet to a 1/2" iron rod with cap set for the point of tangency, said point being located in the northwest line of said Lot 1 and the southeast Right-Of-Way line of said Villa Maria Road, a 5/8" iron rod found for the southwest corner of said Lot 1 bears S 08°28'48" E 188.86 feet;

THENCE N 08°28'48" W along the northwest line of said Lot 1 and the north Right-Of-Way line of said Villa Maria Road a distance of 45.62 feet to the PLACE OF BEGINNING CONTAINING AN AREA OF 0.015 OF ONE ACRE OF LAND MORE OR LESS, according to a survey performed on the ground during the month of August, 2015 under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961 and working under Firm No. 10093500. North Orientation is based on rotating the northeast line to grid north, NAD83(2011) epoch 20, 0.00 Texas State Plane, Central Zone as derived by GPS observations. For other information see accompanying plat.

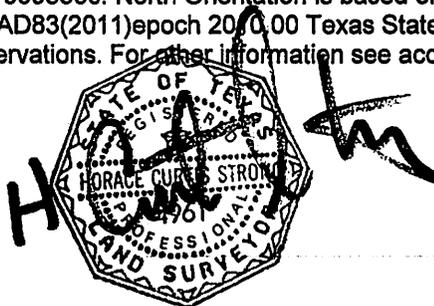


EXHIBIT "B"

Investigate Number: _____

Map Number: ____ - ____

RIGHT OF WAY EASEMENT

STATE OF _____ §

COUNTY OF _____ §

That **Karen Sue Johnson, Independent Administratrix of the Estate of Stanley Wilton Johnson, Deceased**, hereinafter called the Grantor(s), for a good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do grant unto the City of Bryan, a Texas home rule municipal corporation, doing business as "Bryan Texas Utilities" ("BTU") and to its successors and assigns, an easement and right-of-way upon, under, over, and across property owned by Grantor and located in the County of Brazos, State of Texas, which property (the "Property") is described as follows:

Being Lot 1, Block 1, Villa Maria Gulf Service, situated in the John Austin Survey, Abstract No. 2, City of Bryan, Brazos County, Texas, according to plat thereof recorded in Volume 472, Page 375, Deed Records, Brazos County Texas.

Said Right-of-way Easement being more particularly described by survey plat in Exhibit "A" and field notes in Exhibit "B", which are attached hereto and incorporated as if fully set forth herein.

(herein the "Easement")

The Easement Area granted by this instrument (the "Easement") is subject to the following conditions:

1. BTU has the right to install, operate, relocate, construct, reconstruct, add to, maintain, inspect, patrol, enlarge, repair, remove and replace Utility Facilities upon, over, under, and across the Property included in the Easement and to remove Utility Facilities from the Property, and the right of ingress and egress on Grantor's property adjacent to the Easement only for the purpose of accessing the easement and only to the extent Grantee's exercise of such right of ingress and egress does not materially affect Grantor's use of the adjacent property or Grantor's improvements on same. For purposes of the Easement, the phrase "Utility Facilities" shall include a variable of number of cables, conductors or wires, insulators, cross arms, protective devices, meters, terminal boxes, transformers, structures, poles, props, guys, anchors, conduit, and other necessary and desirable devices relating to electric energy and/or communication.
2. BTU has the right to trim and/or remove, from the Easement, without payment due to Grantor, all trees, branches, underbrush or any other obstruction which might endanger or interfere with the operation, safety, or efficiency of the Utility Facilities on the Property on which the Easement is located.
3. The Grantor covenants for itself, his or her personal representatives, executors, and/or successors and assigns, not to place or maintain any building, structure, or any other obstruction on or within the Easement, or to use the surface of the Easement Area for any purpose that would interfere with or prevent the use by BTU of the Easement for the purposes set forth herein. The Grantor shall have the right to use the surface of the Easement for streets, roads, driveways, alleys, walks, gardens, lawns, plantings or park areas and any other like uses.
4. BTU has the right to assign all or part of the rights granted to it, pursuant to this Agreement it receives under the Easement. The Easement will inure to the benefit of BTU and BTU's successors and assigns.
5. Grantor binds Grantor and Grantor's heirs, successors, and assigns to WARRANT and FOREVER DEFEND, all and singular, the rights and premises granted to BTU by this instrument.
6. Grantor covenants, represents and warrants that Grantor has good and marketable title to the Property and the unqualified right to grant the privileges contained herein.

Investigate Number: _____

Map Number: _____

IN WITNESS WHEREOF, the Grantors execute this instrument this _____ day of _____, AD 2016.

GRANTOR: Karen Sue Johnson, Independent Administratrix of the Estate of Stanley Wilton Johnson, Deceased

By: _____

Printed Name: _____

Title: _____

STATE OF _____
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____ whose name is subscribed to the foregoing instrument and acknowledged to me that _____ executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office this __ day of _____, AD 2016.

Notary Public/ State of _____

Exhibit "A"

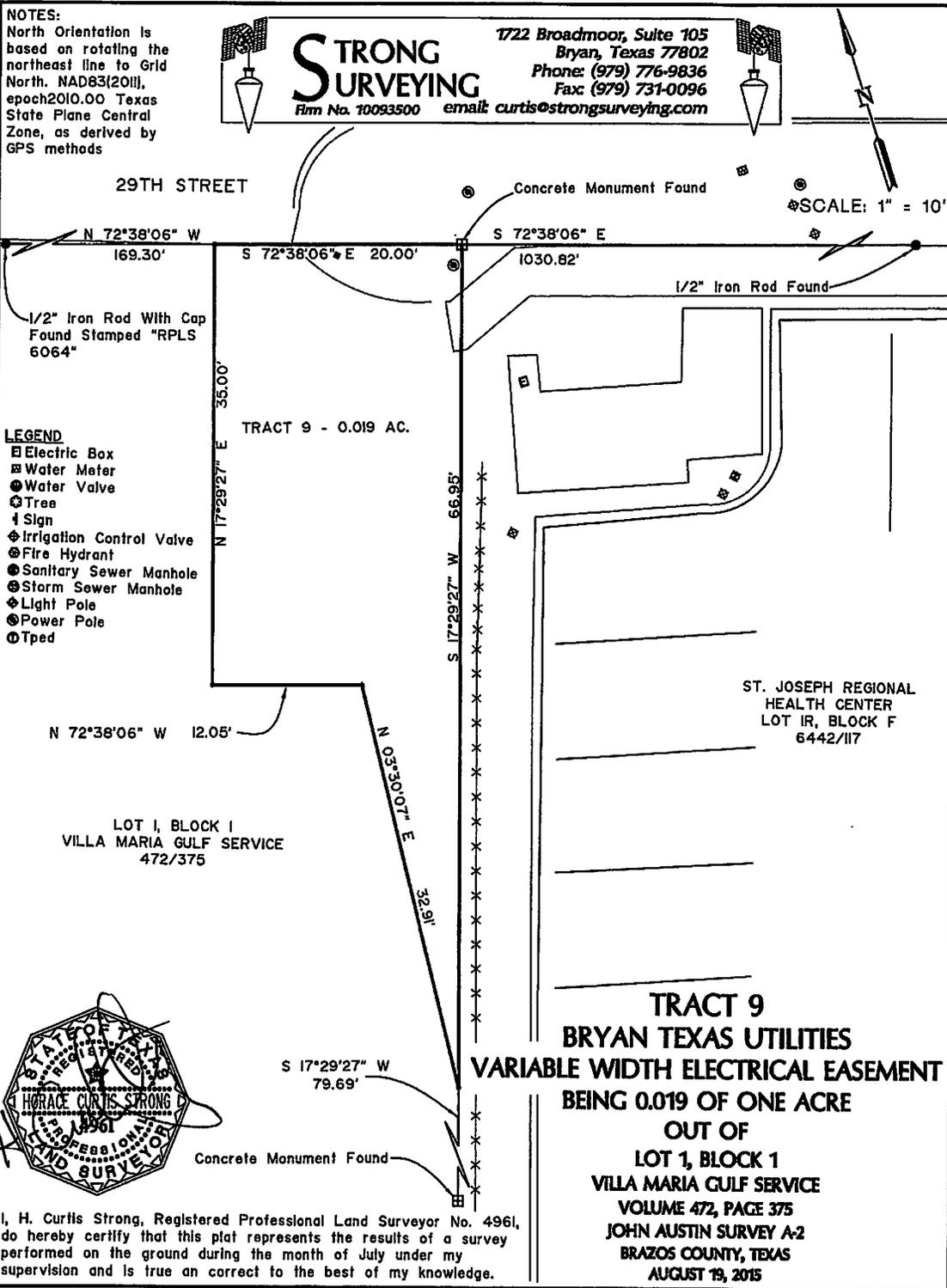


Exhibit "B"

**FIELD NOTES
TRACT 9
BRYAN TEXAS UTILITIES
VARIABLE WIDTH ELECTRICAL EASEMENT
BEING 0.019 OF ONE ACRE
OUT OF
LOT 1, BLOCK 1
VILLA MARIA GULF SERVICE
VOLUME 472, PAGE 375
JOHN AUSTIN SURVEY A-2
BRAZOS COUNTY, TEXAS
AUGUST 19, 2015**

All that certain lot, tract or parcel of land being 0.019 of one acre situated in the John Austin Survey, Abstract No. 2, Brazos County, Texas, and being a part of Lot 1, Block 1, Villa Maria Gulf Service as described in Plat of record in Volume 472, Page 375, Deed Records of Brazos County, Texas, said 0.019 of one acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument found for the northeast corner, said corner being the northeast corner of said Lot 1, and the northwest corner of Lot 1R, Block "F" St. Joseph Regional Health Center as described in Volume 6442, Page 117, said corner also being located in the southwest Right-Of-Way line of 29th Street;

THENCE S 17°29'27" W along the southeast line of said Lot 1, and the northwest line of said Lot 1R a distance of 66.95 feet to a point for the southeast corner, a concrete monument found for an angle corner in the southeast line of said Lot 1, bears S 17°29'27" W a distance of 79.69 feet;

THENCE N 03°30'07" E through the interior of said Lot 1 a distance of 32.91 feet to a point for corner;

THENCE N 72°38'06" W a distance of 12.05 feet to a point for the southwest corner;

THENCE N 17°29'27" E a distance of 35.00 feet to a point in the northeast line of said Lot 1 for the northwest corner, said corner being in the southwest Right-Of-Way line of said 29th Street, a 1/2" iron rod with cap found stamped "RPLS 6064" bears N 72°38'06" W a distance of 169.30 feet;

THENCE S 72°38'06" E along the northeasterly line of said Lot 1 and the southwesterly line of said 29th Street a distance of 20.00 feet to the PLACE OF BEGINNING CONTAINING AN AREA OF 0.019 OF ONE ACRE OF LAND MORE OR LESS, according to a survey performed on the ground during the month of August, 2015 under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961 and working under Firm No. 10093500. North Orientation is based on rotating the northeast line to grid north, NAD83(2011) epoch 2010.00 Texas State Plane, Central Zone as derived by GPS observations. For other information see accompanying plat.



**MEMORANDUM OF AGREEMENT
FOR PROPOSED PURCHASE OF
RIGHT OF WAY AND EASEMENTS FOR
29TH ST. ROAD AND SIDEWALK IMPROVEMENTS**

DATE: Nov. 19th, 2015
GRANTEE: The City of Bryan (City)
GRANTOR: Brazos Valley of Texas, L.P., a Delaware Limited Partnership
PROPERTY: 2800 East 29th Street, Bryan, Texas 77802, BCAD #38132
PROJECT: 29th Street Improvements
ATTACHMENTS: Fee Simple Purchase – 0.097 acres
BTU Right of Way Easement – 0.007 acres
BTU Right of Way Easement – 0.005 acres

To Whom It May Concern:

The City of Bryan (City) and Bryan Texas Utilities (BTU) are working together to make various improvements to the 29th Street intersections in the St. Joseph and Blinn College district in Bryan, Texas. This project includes the installation of new traffic signals, a right turn lane at the Memorial Drive/E. 29th Street intersection, expanded sidewalks, and underground conduit and duct bank for the conversion of overhead utilities to underground. This project will improve the traffic flow, safety and overall appearance of this growing district.

The City has engaged Threshold Land Services, a professional right of way acquisition firm, to negotiate and acquire the land and easements needed to make this project possible. In order to construct the right turn lane and install the underground conduit, the City has a need to acquire a road right of way easement and two BTU electrical right of way easements across portions of your property. The survey plat exhibits included with the easement documents outlines these areas in detail. Our discussion and meetings thus far have resulted in the following proposed terms:

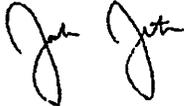
1. Grantor agrees to grant, sell and convey unto the City a Right of Way Easement containing 0.097 acres over and across a portion of PROPERTY. Said Right of Way Easement is further described and illustrated in the Right of Way easement document enclosed.
2. Grantor agrees to grant, sell and convey unto the City a 21' X 11' BTU Right of Way Easement containing 0.007 acres over and across a portion of PROPERTY. Said Right of Way Easement is further described and illustrated in the Right of Way easement document enclosed.
3. Grantor agrees to grant, sell and convey unto the City a variable width BTU Right of Way Easement containing 0.005 acres over and across a portion of PROPERTY. Said Right of Way Easement is further described and illustrated in the Right of Way easement document enclosed.

4. As consideration for the aforementioned property and easement conveyances, the City agrees to pay grantor a sum of \$22,477.
5. The City of Bryan agrees pay for all costs associated with the transfer of title including closing costs, filing fees, title policies, and surveys.
6. The City of Bryan agrees to pay for all construction costs and labor incurred related to the completion of these improvements to the property and intersection.
7. The Grantor will reserve and retain any existing mineral and royalty rights, but waives the right of surface use.

All of the preceding terms are subject to final approval by the City. This is not a binding agreement, but it is necessary in order to avoid any possible misunderstanding as to the details of the property dedication. Any property acquisition by the City is subject to the approval of the City Manager and City Council.

If you agree with the terms proposed by Threshold Land Services, please indicate by signing below.

Sincerely,

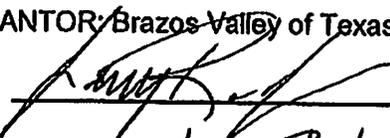


Josh Jeter

I have read the above statements by Threshold Land Services. 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 of Bryan.

WITNESS (my) (our) hand(s) at College Station, TX this 19th day of November, 2015.

GRANTOR: ~~Brazos Valley~~ of Texas, L.P.

By: 

Printed Name: Larry Rodgers

Title: Chief Executive Officer
Authorized Agent

**TRACT 6
CITY OF BRYAN
VARIABLE WIDTH
RIGHT OF WAY EASEMENT
BEING 0.097 OF ONE ACRE
OUT OF
LOT R2, BLOCK "G"
PROFESSIONAL COMPLEX
VOUME 682, PAGE 157
JOHN AUSTIN SURVEY A-2
BRAZOS COUNTY, TEXAS
August 17, 2015**

All that certain lot, tract or parcel of land being 0.097 of one acre situated in the JOHN AUSTIN SURVEY, Abstract No. 2, Brazos County, Texas, and being a part of Lot R2, Block "G", Professional Complex as described in Plat of record in Volume 682, Page 157, Deed Records of Brazos County, Texas, said 0.097 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Rod With Cap Set at the beginning of a curve to the left for the northeasterly corner, said corner being located in the northeast line of said Lot R2, and the southwest Right-Of-Way line of 29th Street, a 1/2" Iron Rod with Cap Set for the northeast corner of said Lot R2 bears S 72°35'14" E a distance of 5.66 feet;

THENCE around a curve to the left through the interior of said Lot R2, same having an arc length of 118.60 feet, and a radius of 65.40 feet, with a chord bearing of S 55°27'42" W, that bears 103.00 feet to a 1/2" Iron Rod With Cap Set for the point of tangency;

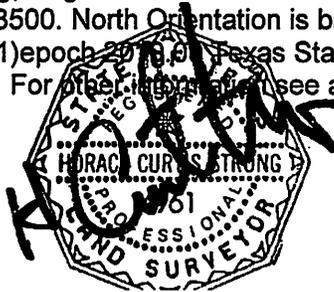
THENCE S 03°30'37" W a distance of 76.46 feet to a 1/2" Iron Rod with Cap Set for angle point;

THENCE S 16°33'00" W a distance of 53.70 feet to a 1/2" Iron Rod With Cap Set in the southwest line of said Lot R2 for the southeast corner, a 5/8" Iron Rod Found for the southeast corner of said Lot R2 bears S 76°33'57" E a distance of 99.97 feet;

THENCE N 76°33'57" W along the southwest line of said Lot R2 a distance of 2.03 feet to a 5/8" Iron Rod Found for the southwest corner, said corner being the southwest corner of said Lot R2, said corner also being located in the east Right-Of-Way line of Memorial Drive;

THENCE N 03°39'45" E with the west line of said Lot R2 and the east Right-Of-Way line of Memorial Drive a distance of 215.34 feet to a bent 5/8" Iron Rod Found for the northwest corner, said corner being the northwest corner of said Lot R2, said corner also being located in the southwest Right-Of-Way line of 29th Street;

THENCE S 72°35'14" E with the northeast line of said Lot R2 and the southwest Right-Of-Way line of 29th Street a distance of 97.52 feet to the PLACE OF BEGINNING CONTAINING AN AREA OF 0.097 OF ONE ACRE OF LAND MORE OR LESS, according to a survey performed on the ground during the month of August, 2015 under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961 and working under Firm No. 10093500. North Orientation is based on rotating the northeast line to grid north, NAD83(2011)epoch 2010.9, Texas State Plane, Central Zone as derived by GPS observations. For other details of use see accompanying plat.





STRONG SURVEYING

1722 Broadmoor, Suite 105
 Bryan, Texas 77802
 Phone: (979) 776-9836
 Fax: (979) 731-0096
 Firm No. 10093500 email: curtis@strongsurveying.com



1" = 30'

NOTES:
 North Orientation is based on \odot
 rotating the northeast line to Grid
 North, NAD83(2011), epoch2010.00
 Texas State Plane Central Zone, as
 derived by GPS methods

LEGEND

- ▣ Electric Box
- ⊠ Water Meter
- ⊙ Water Valve
- ⊛ Tree
- ↑ Sign
- ⊕ Irrigation Control Valve
- ⊕ Fire Hydrant
- ⊙ Sanitary Sewer Manhole
- ⊙ Storm Sewer Manhole
- ⊕ Light Pole
- ⊙ Power Pole
- ⊙ Tped
- 1/2" Iron Rod With Cap Set

Bent 5/8" Iron Rod Found

MEMORIAL DRIVE

29TH STREET

TRACT 6 - 0.097 ACRES

R=65.40'
 $\Delta=103^{\circ}54'09''$
 A=118.60'
 B=S 55°27'42" W
 C=103.00'

S 72°35'14" E
 161.43'

PROFESSIONAL COMPLEX
 LOT R2, BLOCK "F"
 682/157

5/8" IRON ROD WITH CAP
 STAMPED (RPLS 4502)
 FOUND

LINE	BEARING	DISTANCE
L1	S 16°33'00" W	53.70'
L2	N 76°33'57" W	2.03'

BUSINESS COMPLEX
 SUBDIVISION
 LOT 1, BLOCK 1
 524/537



5/8" Iron Rod Found

5/8" Iron Rod Found

**TRACT 6
 CITY OF BRYAN
 VARIABLE WIDTH
 RIGHT-OF-WAY EASEMENT
 BEING 0.097 OF ONE ACRE
 OUT OF
 LOT R2, BLOCK "G"
 PROFESSIONAL COMPLEX
 VOLUME 682, PAGE 157
 JOHN AUSTIN SURVEY A-2
 BRAZOS COUNTY, TEXAS
 AUGUST 18, 2015**

I, H. Curtis Strong, Registered Professional Land Surveyor No. 4961,
 do hereby certify that this plat represents the results of a survey
 performed on the ground during the month of July under my
 supervision and is true and correct to the best of my knowledge.

SHERWOOD NO. 1
 LOT 1, BLOCK 1
 11549/238

**FIELD NOTES
TRACT 7
BRYAN TEXAS UTILITIES
VARIABLE WIDTH ELECTRICAL EASEMENT
BEING 0.007 OR ONE ACRE
OUT OF
LOT R2, BLOCK "G"
PROFESSIONAL COMPLEX
VOLUME 682, PAGE 187
JOHN AUSTIN SURVEY A-2
BRAZOS COUNTY, TEXAS
AUGUST 18, 2015**

All that certain lot, tract or parcel of land being 0.007 of one acre situated in the John Austin Survey, Abstract No. 2, Brazos County, Texas, and being a part of Lot R2, Block "G", Professional Complex as described in Plat of record in Volume 682, Page 187, Deed Records of Brazos County, Texas, said 0.007 acre tract being more particularly described by metes and bounds a follows:

BEGINNING at a 1/2" Iron Rod With Cap set for the northeasterly corner, said corner being the northeasterly corner of said Lot R2, said corner also being the northwesterly corner of Lot 1, Block 1, Business Complex Subdivision as described in Volume 824, Page 537, and being located in the southwest Right-Of-Way line of 29th Street, a 5/8" Iron Rod Found for the northeast corner of said Lot 1 bears S 72°35'14" E a distance of 161.43 feet, another 5/8" Iron Rod Found for the southeast corner of said Lot R2, and the southwest corner of said Lot 1, bears S 03°34'51" W a distance of 208.13 feet;

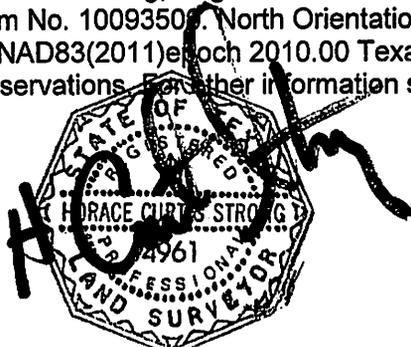
THENCE S 17°24'46" W through the interior of Lot R2 a distance of 15.00 feet to a point for the southeast corner;

THENCE N 72°35'14" W a distance of 20.00 feet to a point for the southwest corner;

THENCE N 17°24'46" E a distance of 13.41 feet to a point for the beginning of a curve;

THENCE around a curve to the right, same having an arc length of 14.45 feet, and a radius of 65.40 feet, with a chord bearing of S 78°55'08" E, that bears 14.43 feet to a 1/2" Iron Rod With Cap Set for corner in the northeasterly boundary line of said Lot R2, said corner also being located in the southwest Right-Of-Way line of 29th Street, a bent 5/8" Iron Rod Found for the northwesterly corner of said Lot R2 bears N 72°35'14" W a distance of 97.52 feet;

THENCE S 72°35'14" E along the northeasterly boundary line of said Lot 1 and the southwesterly Right-Of-Way line of 29th Street a distance of 5.66 feet to the PLACE OF BEGINNING CONTAINING AN AREA OF 0.007 OF ONE ACRE OF LAND MORE OR LESS, according to a survey performed on the ground during the month of August, 2015 under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961 and working under Firm No. 10093505. North Orientation is based on rotating the northeast line to grid north, NAD83(2011) epoch 2010.00 Texas State Plane, Central Zone as derived by GPS observations. For other information see accompanying Plat.



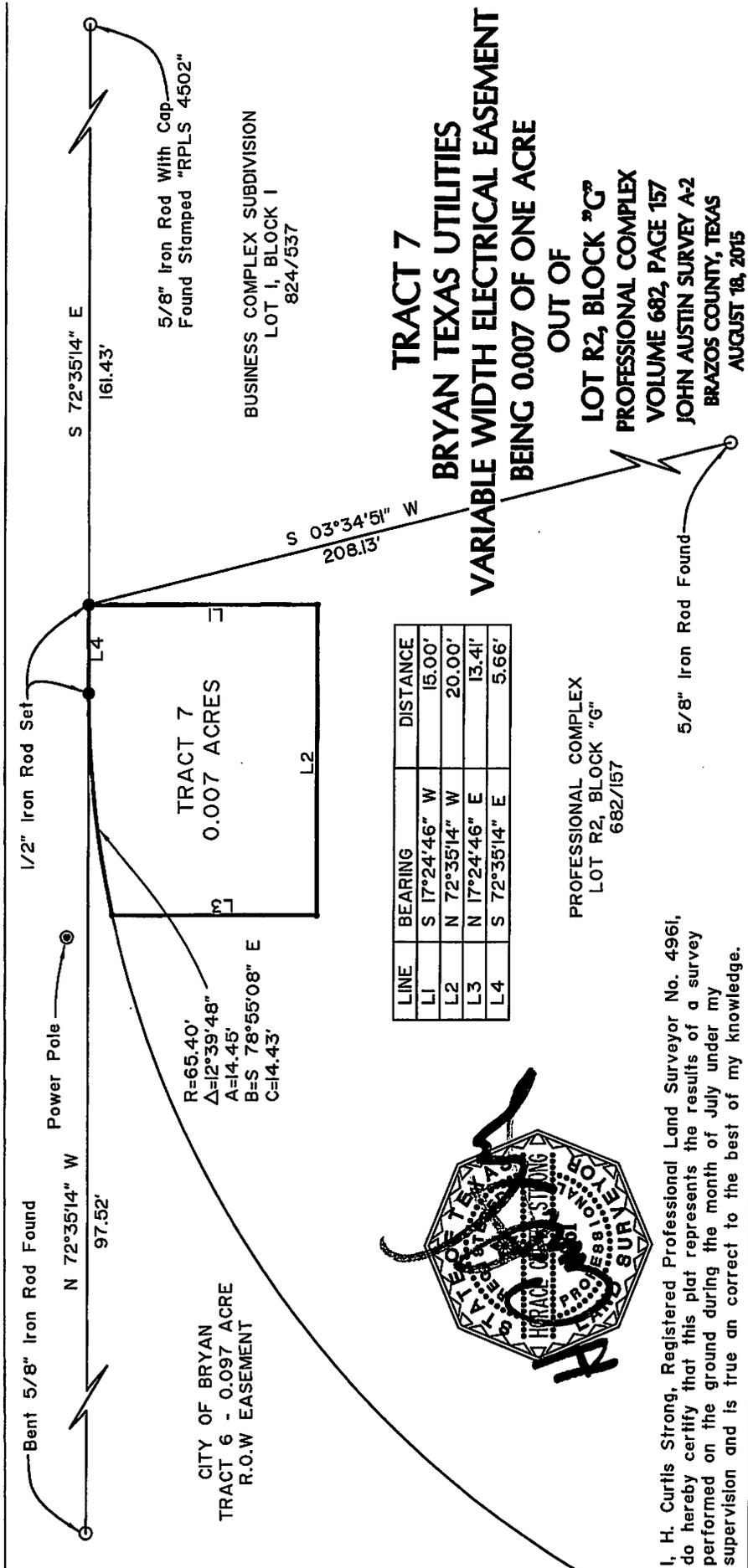
NOTES:
 North Orientation is based on rotating the northeast line to Grid North. NAD83(2011), epoch2010.00 Texas State Plane Central Zone, as derived by GPS methods

STRONG SURVEYING
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 Fax: (979) 731-0096



29TH STREET

SCALE: 1" = 10'



I, H. Curtis Strong, Registered Professional Land Surveyor No. 4961, do hereby certify that this plat represents the results of a survey performed on the ground during the month of July under my supervision and is true and correct to the best of my knowledge.

**FIELD NOTES
TRACT 8
BRYAN TEXAS UTILITIES
21' X 11' ELECTRICAL EASEMENT
BEING 0.005 OF ONE ACRE
OUT OF
LOT 1, BLOCK 1
BUSINESS COMPLEX SUBDIVISION
VOLUME 824, PAGE 537
JOHN AUSTIN SURVEY A-2
BRAZOS COUNTY, TEXAS
AUGUST 18, 2015**

All that certain lot, tract or parcel of land being 0.005 of one acre situated in the John Austin Survey, Abstract No. 2, Brazos County, Texas, and being a part of Lot 1, Block 1, Business Complex Subdivision as described in Plat of record in Volume 824, Page 537, Official Records of Brazos County, Texas, said 0.005 of one acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" Iron Rod With Cap stamped "RPLS 4502" Found for the northeasterly corner, said corner being the northeasterly corner of said Lot 1, and the northwesterly corner of Lot 2, Block 1, Business Complex Subdivision, said corner also being located in the southwest Right-Of-Way line of 29th Street;

THENCE S 17°24'46" W along the southeast line of Lot 1, and the northwest line of lot 2 a distance of 11.00 feet to a point for the southeasterly corner, a 5/8" Iron rod found for the southeast corner of Lot 1 and the southwest corner of Lot 2, bears S 17°15'17" W a distance of 330.63 feet;

THENCE N 72°35'14" W through the interior of Lot 1 a distance of 21.00 feet to a point for the southwest corner;

THENCE N 17°24'46" E a distance of 11.00 feet to a point in the northeast line of said Lot 1 and the southwest Right-Of-Way of said 29th Street for the northwest corner, a 1/2" Iron Rod With Cap set for the northwest corner of Lot 1, bears N 72°35'14" W a distance of 140.43 feet;

THENCE S 72°35'14" E along the northeast line of Lot 1 and the southwest Right-Of-Way line of 29th Street a distance of 21.00 feet to the PLACE OF BEGINNING CONTAINING AN AREA OF 0.005 OF ONE ACRE OF LAND MORE OR LESS, according to a survey performed on the ground during the month of August, 2015 under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961 and working under Firm No. 10093500. North Orientation is based on rotating the northeast line to grid north, NAD83(2011)epoch 2010.00 Texas State Plane, Central Zone as derived by GPS observations. For other information see accompanying plat.



NOTES:
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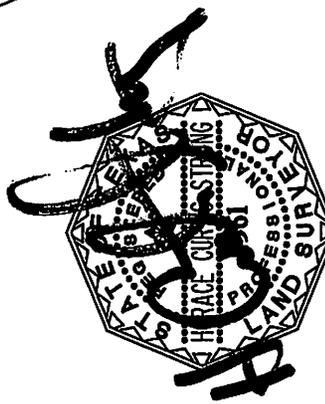
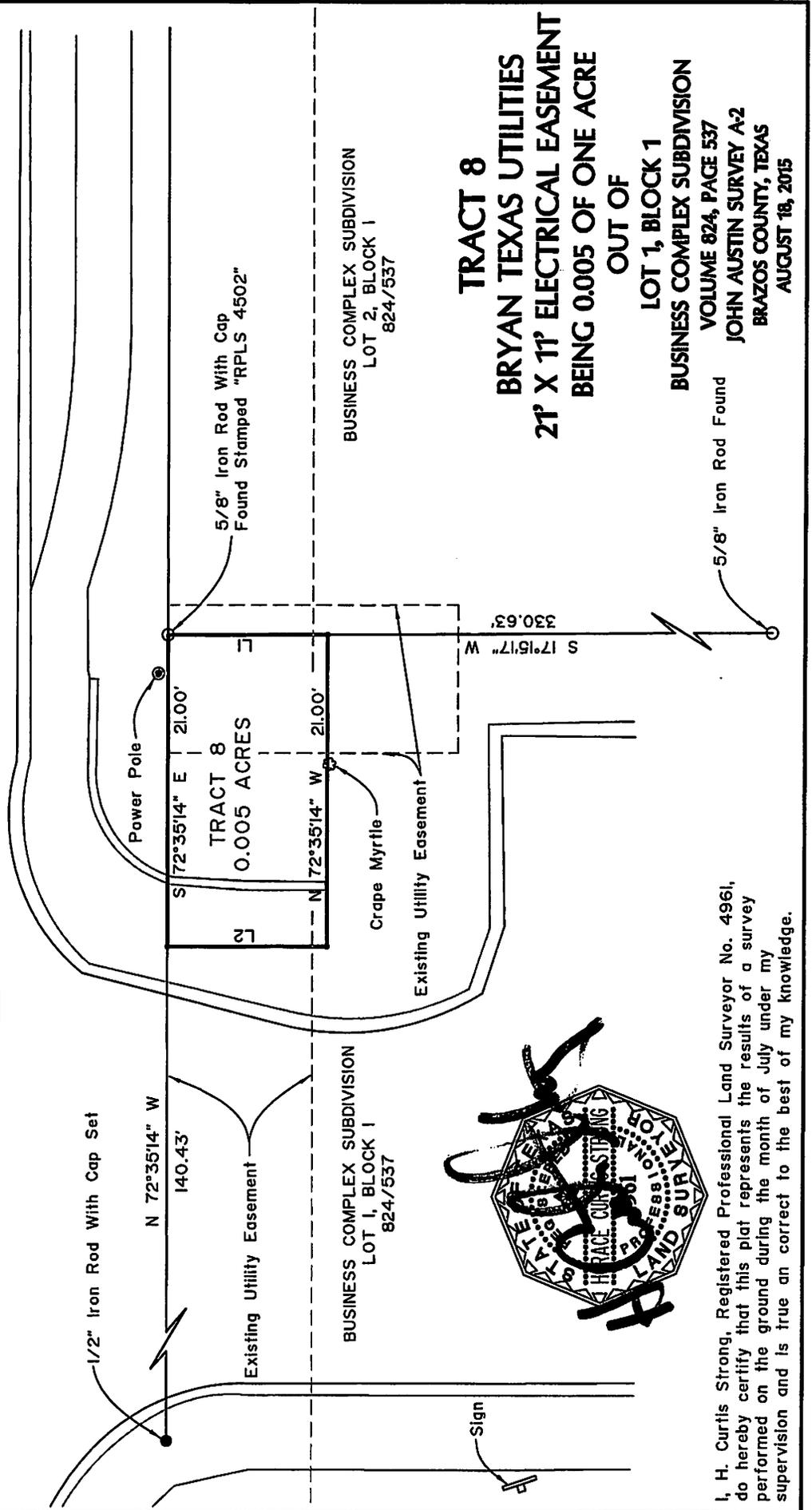
1722 Broadmoor, Suite 105
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 Phone: (979) 776-9836
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29TH STREET

SCALE: 1" = 10'

LINE	BEARING	DISTANCE
L1	S 17°24'46" W	11.00'
L2	N 17°24'46" E	11.00'



I, H. Curtis Strong, Registered Professional Land Surveyor No. 4961, do hereby certify that this plat represents the results of a survey performed on the ground during the month of July under my supervision and is true and correct to the best of my knowledge.

TRACT 8
BRYAN TEXAS UTILITIES
21' X 11' ELECTRICAL EASEMENT
BEING 0.005 OF ONE ACRE
OUT OF
LOT 1, BLOCK 1

BUSINESS COMPLEX SUBDIVISION
VOLUME 824, PAGE 537
JOHN AUSTIN SURVEY A-2
BRAZOS COUNTY, TEXAS
AUGUST 18, 2015