



**CENTRAL TEXAS
Regional Mobility Authority**

AGENDA ITEM #23 SUMMARY

Approve the release of a 0.3045 acre drainage easement abutting 183A to Pecan Grove SPVEF, L.P.

Strategic Plan Relevance:	Regional Mobility
Department:	Engineering
Associated Costs:	N/A
Funding Source:	N/A
Board Action Required:	Yes

Description of Matter: On July 27, 2007, Pecan Grove SPVEF, L.P. conveyed a drainage easement over Parcel 61 DE (0.3405 acres of one acre of land) to the Mobility Authority for the nominal cost of \$10.00. Pecan Grove SPVEF, L.P. requested that the Mobility Authority review and evaluate the need for that drainage easement and, if not needed, convey the parcel back to Pecan Grove SPVEF, L.P. Staff for the Mobility Authority reviewed the request and determined that the drainage easement is not needed.

Board approval of this resolution will authorize the Executive Director to release and convey the drainage easement to Pecan Grove SPVEF, L.P. for a nominal cost.

Reference documentation: Drainage Easement to Mobility Authority
Draft Resolution

Contact for further information: Wesley M. Burford, P.E., Director of Engineering



DRAINAGE EASEMENT

Highway 183A

THE STATE OF TEXAS

KNOW ALL BY THESE PRESENTS:

COUNTY OF WILLIAMSON

That Pecan Grove SPVEF, L.P., and 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 HILL COUNTRY CONSTRUCTORS ON BEHALF OF CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY 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 below-described property:

See attached Exhibit "A"

The perpetual easement, rights and privileges herein granted shall be used for the purposes of opening, constructing and maintaining a permanent drainage easement, along with any structures 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 AA@ 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 the State of Texas 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.

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 utilities and drainage 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 State of Texas, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The perpetual easement, right-of-way, rights and privileges granted herein are exclusive, and Grantor covenants not to convey any other easement or conflicting rights within the premises covered by this grant, without the express written consent of Grantee, which consent shall not be unreasonably withheld.

EXECUTED on this the 26 day of July, 2007.

GRANTOR:



Pecan Grove SPVEF, L.P.

By: Dennis McDaniel, General Partner

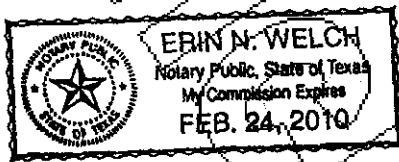
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF TRAVIS

§
§
§

This instrument was acknowledged before me on this the 26th day of July, 2007 by Dennis McDaniel for the purposes and consideration recited therein.



Erin N. Welch

Notary Public, State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF _____

§
§
§

This instrument was acknowledged before me on this the _____ day of _____, 2007 by _____ for the purposes and consideration recited therein.

Notary Public, State of Texas

EXHIBIT "A"

County: Williamson
Highway: U.S. 183A
Limits: From: South Fork of the San Gabriel River
To: Avery Ranch Boulevard

Property Description for Parcel 61 DE

Being all that certain 0.3405 of one acre (14,830 square feet) parcel of land situated in the Walter Campbell Survey, A-3, Williamson County, Texas, and being out of and a part of a called 133.41 acre tract of land as conveyed to 183 Pecan Grove, L.L.C. by Document Number 9848122 of the Official Records of Williamson County, Texas (O.R.W.C.T.). Said 0.3405 of one acre (14,830 square feet) parcel being more particularly described by metes and bounds as follows with all bearings and coordinates based on the Texas State Plane Coordinate System, NAD83, Central Zone and adjusted to surface using a combined surface adjustment factor of 1.00012:

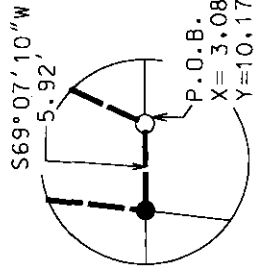
COMMENCING for a point of reference at a 1/2-inch iron found along the southerly property line of said 133.41 acre tract, same being the northeast corner of a called 10.00 acre tract as conveyed to Jim D. Chadwick by Document Number 9751730 of the O.R.W.C.T.; thence as follows:

South 69°07'10" West, along the boundary line common to said 133.41 acre tract and said 10.00 acre tract, a distance of 734.16 feet to a 1/2-inch iron rod with a TxDOT aluminum cap (X=3,089,072.87, Y=10,172,380.90) set for the **POINT OF BEGINNING**;

1. THENCE, South 69°07'10" West, continuing along the common line between said 133.41 acre tract and said 10.00 acre tract, a distance of 5.92 feet to a 1/2-inch iron rod found in the proposed easterly right-of-way line of United States Highway Number 183A (US 183A) (width varies), for the southwest corner of the herein described parcel;
2. THENCE, North 13°36'16" West, along the proposed easterly right-of-way line of said US 183A, a distance of 183.09 feet to a 1/2-inch iron rod with a TxDOT aluminum cap set for the northwest corner of the herein described parcel;
3. THENCE, South 35°46'43" East, across said 133.41 acre tract, a distance of 63.59 feet to a 1/2-inch iron rod with a TxDOT aluminum cap set for an angle point;
4. THENCE, North 78°58'56" East, continuing across said 133.41 acre tract, a distance of 196.20 feet to a 1/2-inch iron rod with a TxDOT aluminum cap set for an angle point;

SURVEY LEGEND

- = FOUND TXDOT BRONZE DISK IN CONCRETE
- = SET TXDOT BRONZE DISK IN CONCRETE
- = SET 1/2" IRON ROD W/TXDOT ALUM. CAP
- = FOUND 1/2" IRON ROD UNLESS OTHERWISE NOTED
- ⊗ = FOUND 4" x 4" TXDOT TYPE 1 CONCRETE MONUMENT
- △ = CALCULATED POINT
- ℙ = PROPERTY LINE
- ℬ = PROPOSED BASELINE



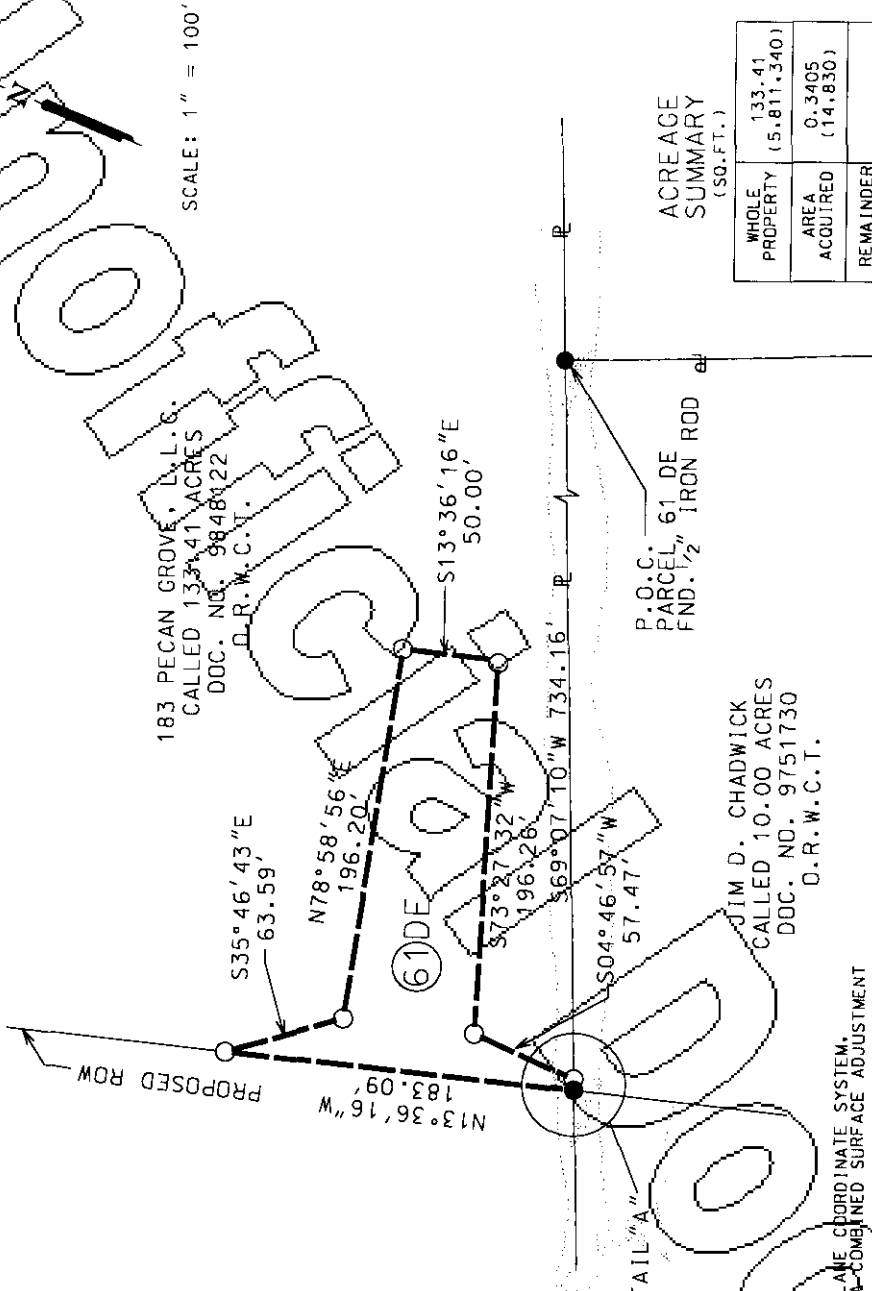
DETAIL "A"

P.O.B.
X = 3,089,072.87
Y = 10,172,380.90

PROPOSED US 183A
(R.O.W. VARIES)

WALTER CAMPBELL SURVEY, A - 3

Exhibit "A"



183 PECAN GROVE, L.L.C.
CALLED 133.41 ACRES
DOC. NO. 9848122
D.R.W.C.T.

P.O.C.
PARCEL 61 DE
FND. 1/2" IRON ROD

JIM D. CHADWICK
CALLED 10.00 ACRES
DOC. NO. 9751730
D.R.W.C.T.

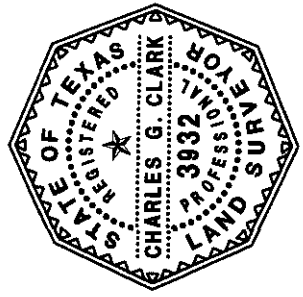
ACREAGE SUMMARY (SQ.FT.)

WHOLE PROPERTY	133.41 (5,811,340)
AREA ACQUIRED	0.3405 (14,830)
REMAINDER LEFT	---
REMAINDER RIGHT	---

SCALE: 1" = 100'

NOTES:

1. BEARINGS AND COORDINATES BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 CENTRAL ZONE AND ADJUSTED TO SURFACE USING A COMBINED SURFACE ADJUSTMENT FACTOR OF 1.00012.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE AND MAY NOT INCLUDE EASEMENTS AND INFORMATION PERTAINING TO THESE TRACTS. RECORD INFORMATION SHOWN ON THIS MAP ARE BASED ON PUBLIC RECORD INFORMATION. THE SURVEYOR HAS NOT ABSTRACTED THESE TRACTS.
3. THE BASELINE SHOWN HEREON IS PER A DESIGN SCHEMATIC FILE PROVIDED BY URS, INC.
4. D.E. INDICATES DRAINAGE EASEMENT
5. P.U.E. INDICATES PUBLIC UTILITY EASEMENT
6. D-R-W-C-T. INDICATES OFFICIAL RECORDS OF WILLIAMSON COUNTY TEXAS
7. O-P-R-W-C-T. INDICATES OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY TEXAS
8. W.C.P.R. INDICATES WILLIAMSON COUNTY PLAT RECORDS
9. W.C.D.B. INDICATES WILLIAMSON COUNTY DEED RECORDS



3/21/06

Charles G. Clark
DATE: 3/21/06

CHARLES G. CLARK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 3932

US 183A
PARCEL PLAT
FOR PARCEL 61 DE
COUNTY: WILLIAMSON
GRANTOR: 183 PECAN GROVE, L.L.C.



SURVCON INC.
PROFESSIONAL SURVEYORS
400 WEST 15TH STREET, SUITE 1030
AUSTIN, TEXAS 78701
TELEPHONE (512) 457-7870, FAX (512) 320-0898
EMAIL: austinesurvcon.com

SCALE: 1" = 60'
DATE: MARCH 2006
DRAWN BY: CAH
CHECKED BY: CCC
JOB #: 630417-1294
F.B. #: US 183 A
CAD FILE: PARCEL 61 DE
PAGE 3 OF 3 PAGES

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS 2007073709

Nancy E. Rister

08/28/2007 09:15 AM

PHERBRICH \$36.00

NANCY E. RISTER, COUNTY CLERK

WILLIAMSON COUNTY, TEXAS

Unofficial Document

① The Pinnacle Group
595 Round Rock West Dr
Suite 205
Round Rock Tx 78681

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 12-___

**APPROVING THE RELEASE OF A 0.3045 ACRE DRAINAGE EASEMENT
ABUTTING 183A TO PECAN GROVE SPVEF, L.P.**

WHEREAS, in connection with the development of the 183A project, the Mobility Authority acquired from Pecan Grove SPVEF, L.P. (the "Landowner") a 0.3045 acre drainage easement for the nominal consideration of \$10.00, as more specifically described in Exhibit 1 (the "Drainage Easement"); and

WHEREAS, the Mobility Authority staff has determined the Mobility Authority has no current or anticipated need to retain the Drainage Easement for use by the Mobility Authority; and

WHEREAS, the Landowner has requested that the Mobility Authority release and convey the Drainage Easement back to the Landowner; and

WHEREAS, the Board has determined it is in the interests of the Mobility Authority to convey the Drainage Easement to the Landowner.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to negotiate and execute for the Mobility Authority all documents needed to release the Drainage Easement to the Landowner for the nominal consideration of \$10.00.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 29th day of August, 2012.

Submitted and reviewed by:

Approved:

Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 12-___
Date Passed: 8/29/12

Exhibit 1

DESCRIPTION OF DRAINAGE EASEMENT

[following 3 pages]

EXHIBIT "A"

County: Williamson
Highway: U.S. 183A
Limits: From: South Fork of the San Gabriel River
To: Avery Ranch Boulevard

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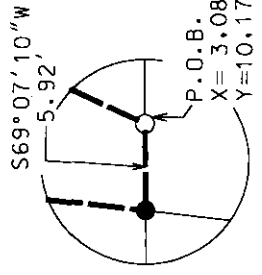
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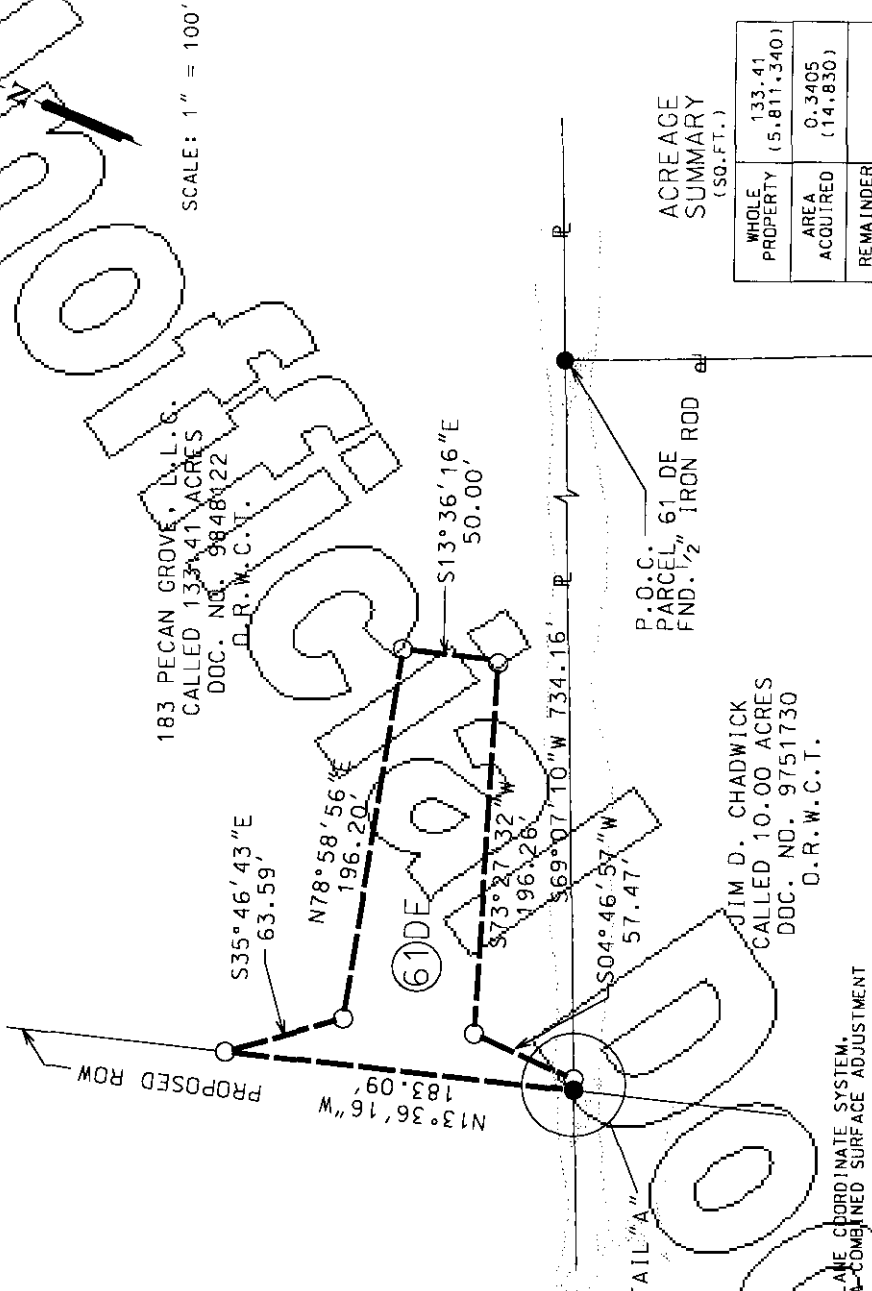


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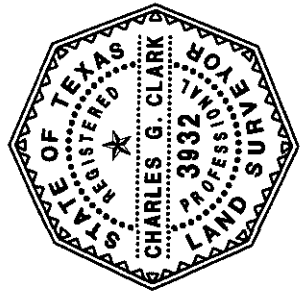
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3/21/06

Charles G. Clark
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 3932

US 183A
PARCEL PLAT
FOR PARCEL 61 DE
COUNTY: WILLIAMSON
GRANTOR: 183 PECAN GROVE, L.L.C.

SURVCON INC.
PROFESSIONAL SURVEYORS
400 WEST 15TH STREET, SUITE 1030
AUSTIN, TEXAS 78701
TELEPHONE (512) 457-7870, FAX (512) 320-0898
EMAIL: aoustinesurvcon.com

SCALE: 1" = 60'
DATE: MARCH 2006
DRAWN BY: CAH
CHECKED BY: CCC

JOB #: 630417-1294
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PAGE 3 OF 3 PAGES

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS 2007073709

Nancy E. Rister

08/28/2007 09:15 AM

PHERBRICH \$36.00

NANCY E. RISTER, COUNTY CLERK

WILLIAMSON COUNTY, TEXAS

Unofficial Document

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