RELEASE OF EASEMENT AGREEMENT

This Release of Easement Agreement (the "Agreement"), dated _________________, 2011, is executed by the Board of Trustees ("Board") of College Station Independent School District ("CSISD").

RECITALS

WHEREAS, pursuant to an Easement Abandonment and Realignment Agreement dated December 14, 2004, and entered into by and between Gary Seaback, College Station Independent School District and Barron Road Meadows, L.P., and recorded in Volume 6431, Page 231 of the Official Records of Brazos County, Texas, an easement was granted to CSISD for purposes of access to State Highway 40 ("Easement"); and

WHEREAS, the property subject to and being released from the Easement is described as follows:

ALL THAT CERTAIN 5.57 ACRE TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE ROBERT STEVENSON LEAGUE, ABSTRACT NO. 54, IN COLLEGE STATION, BRAZOS COUNTY, TEXAS, as more fully described on Exhibit A attached hereto.

WHEREAS, pursuant to a Joint Development Agreement and Second Amendment to Earnest Money Contract dated December 14, 2004, and entered into by and between Gary Seaback, College Station Independent School District and Barron Road Meadows, L.P. ("Development Agreement"), the Easement was to provide for a right of way to be dedicated to the City of College Station ("City") and designated as "Victoria Street," (now known as "Victoria Avenue"); and

WHEREAS, Gary Seaback passed away, and his interest is now represented by the Estate of Gary Seaback ("Estate"); and

WHEREAS, the Estate has executed and recorded a Dedication Deed conveying a 4.589 acre tract of land to the City for the extension of Victoria Avenue ("Extension"), said tract of land being more fully described in the Dedication Deed recorded in Volume 10033, Page 254, Official Records of Brazos County, Texas; and

WHEREAS, the Estate has executed and recorded a Public Utility Easement conveying a 20’ public utility easement along each side of the Extension, said easement being more fully described in the Public Utility Easement recorded in Volume 10033, Page 262, Official Records of Brazos County, Texas; and

WHEREAS, the City has advised CSISD that the City will construct Victoria Avenue on the Extension that will provide access to State Highway 40 from CSISD’s property; and

WHEREAS, as a result of the Estate’s dedication of the right of way and the public utility easement, and the City’s assurance that it will construct the remainder of Victoria Avenue on the Extension, CSISD will not use the Easement to extend Victoria Avenue and accordingly, no longer has need for the Easement; and

WHEREAS, pursuant to Texas Education Code § 11.151, the Board is authorized to dispose of land that is no longer needed for school district purpose; and

WHEREAS, the Board adopted a Resolution on _________________, 2011, authorizing the Board President to sign a Release of Easement Agreement ("Release"); and

WHEREAS, the Board has determined that the benefit to CSISD of the construction of Victoria Avenue along the Extension will serve as adequate consideration for the Release.
NOW THEREFORE, CSISD, for the mutual covenants and consideration otherwise acknowledged, abandons, and releases the Easement.

EXECUTED this the _______ day of April 2011.

COLLEGE STATION INDEPENDENT SCHOOL DISTRICT

BY:

______________________________
Randall W. Pitcock
Board President

STATE OF TEXAS

______________________________
ACKNOWLEDGMENT

COUNTY OF BRAZOS

This instrument was acknowledged before me on the _______ day of ____________________ 2011, by Randall W. Pitcock, in his capacity as Board President of College Station Independent School District, a political subdivision, on its behalf.

Notary Public in and for the State of Texas

My Commission expires on: _________________________
EXHIBIT "A"

FIELD NOTES
5.57 ACRES
OUT OF THE
GARY SEABACK
CALLED 117.40 ACRE TRACT,
CALLED 98.01 ACRE TRACT,
VOLUME 2597, PAGE 186
AND THE CITY OF COLLEGE STATION
CALLED 64.28 ACRE TRACT
VOLUME 3664, PAGE 243
ROBERT STEVENSON LEAGUE, A - 54
COLLEGE STATION, BRAZOS COUNTY, TEXAS
SEPTEMBER 5, 2003

All that certain lot, tract or parcel of land being 5.57 acres situated in the ROBERT STEVENSON LEAGUE, Abstract No. 54, Brazos County, Texas, and being a part of the following tracts:

1) Being a part of that certain called 117.40 acre tract and 98.01 acre tract described as TRACT ONE and TRACT TWO as deeded from A.B. Melbourne, Jr., et al to Gary Seaback, of record in Volume 2597, Page 186, Official Records of Brazos County, Texas;

2) Being a part of that called 64.28 acre tract as described in deed from Gary Seaback to College Station Independent School District, of record in Volume 3664, Page 243, Official Records of Brazos County, Texas, said 5.57 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap set in the possible prescriptive southeast right-of-way line of Burrow Road for the most northerly corner, said corner being S 44° 23' 19" W a distance of 1203.87 feet from an 8" Cross Pile Post found for the occupied most northerly corner of the remainder of said called 117.50 acre tract, the calculated most northerly corner of said called 117.50 acre tract bears N 41° 19' 08" E a distance of 1203.87 feet;

THENCE with a transition curve from Burrow Road to Victoria Avenue around a curve in a counter-clockwise direction having a delta angle of 92° 17' 40", an arc distance of 39.40 feet, a radius of 23.00 feet, and a chord of S 0° 37' 19" E, a distance of 35.45 feet to a 1/2" iron Rod with Cap set for the point of tangency of said curve;

THENCE S 46° 16' 16" E along the Proposed northeasterly right-of-way line of Victoria Avenue a distance of 2802.13 feet to a 1/2" iron Rod with Cap set for the point of curvature of said right-of-way line;

THENCE continuing along the Proposed northeasterly right-of-way line of said Victoria Avenue around a curve in a clockwise direction having a delta angle of 42° 03' 46", an arc distance of 402.62 feet, a radius of 635.00 feet, and a chord of S 24° 45' 53" E, a distance of 415.26 feet to a 1/2" iron Rod with Cap set for the point of tangency of said curve;
THENCE S 3° 45' 30" E, along the Proposed east right-of-way line of said Victoria Avenue a distance of 192.60 feet to a 1/2" Iron Rod with Cap set in the north right-of-way line of Proposed STATE HIGHWAY 40 for the northeast corner, a brass monument in concrete found for an angle point in said north right-of-way line of Proposed STATE HIGHWAY 40; bear N 86° 14' 50" E a distance of 403.53 feet;

THENCE S 86° 14' 30" W, along the north right-of-way line of said Proposed STATE HIGHWAY 40 a distance of 70.09 feet to a 1/2" Iron Rod with Cap set for the southwest corner, a brass monument in concrete found for an angle point in said north right-of-way line of Proposed STATE HIGHWAY 40 bear S 86° 14' 30" W a distance of 403.42 feet;

THENCE N 3° 45' 30" W, along the Proposed west right-of-way line of Victoria Avenue a distance of 192.60 feet to a 1/2" Iron Rod with Cap set for the point of curvature in said right-of-way line;

THENCE around a curve in a counterclockwise direction having a delta angle of 42° 30' 45"

, an arc distance of 414.20 feet, a radius of 358.00 feet, and a chord of N 24° 45' 53" W, a distance of 405.07 feet to a 1/2" Iron Rod with Cap set for the point of tangency of said curve;

THENCE N 45° 46' 16" W, along the Proposed southeast right-of-way line of Victoria Avenue a distance of 2808.75 feet to a 1/2" Iron Rod found for a point of curvature and a transition point for Victoria Avenue and said Barrow Road;

THENCE around a curve in a counterclockwise direction having a delta angle of 89° 42' 14"

, an arc distance of 39.14 feet, a radius of 25.00 feet, and a chord of S 89° 22' 37" W, a distance of 34.26 feet to a 1/2" Iron Rod found in the northwest line of said Called 64.28 acres tract for the most westerly corner, said corner being located in the possible prescriptive southeast right-of-way line of said Barrow Road, a calculated angle point for said Called 64.28 acres tract being

S 44° 25' 43" W a distance of 143.82 feet;

THENCE N 44° 26' 42" E, along the possible prescriptive southeast right-of-way line of said Barrow Road a distance of 56.21 feet to a 1/2" Iron Rod with Cap set for angle point;

THENCE N 44° 23' 19" E, continuing along said possible prescriptive northeast right-of-way line of said Barrow Road a distance of 31.70 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 5.57 ACRES OF LAND MORE OR LESS, according to a survey performed in June, 2003, under the supervision of H. Curtis Stroop, Registered Professional Land Surveyor No. 4061, North Orientation is based on rotating the northwest line to Grid north based on GPS Observations.