

Tuesday, May 7, 2019

Jon E. Holl

Jon Hall
Executive Director of Facilities
College Station Independent School District
2000 Welsh Avenue
College Station, Texas 77840

Project:

Southside Neighborhood Safety Improvement Project (ST-1606)

Tract Name:

College Station ISD

Whole Property:

105 Holik Street, College Station, Texas

College Station ISD Willow Branch & Oakwood School, Block 1, Lot 1A

Type of Interest:

Fee Simple & Easement (2 parcels)

Dear Mr. Hall,

As you know, The City of College Station is planning a street project that will improve parts of Park Place, Holik, Anna and Glade Street with concrete pavement, curbs, gutters, underground storm sewer drainage and sidewalks. In order to build and maintain the project, the City will need to acquire one small tract of land at the corner of Holik Street and Park Place, and a narrow easement along Holik Street from College Station ISD. For your review and handling, attached please find the Special Warranty Deed and the Easement by which the property is to be conveyed. Please process the documents for approval through the Board of Trustees and return them to this office.

Thank you very much for your cooperation with this important project. Feel free to contact me with any questions.

Sincerely,

Mark E. McAuliffe, Land Agent

an andiff

979/764-6272; mmcauliffe@cstx.gov

Motion and Resolution:

On motion made and seconded, it is hereby resolved that:

- A. WHEREAS, the College Station Independent School District ("District") owns certain real property in College Station, Brazos County, Texas which are more commonly known as the campus sites of Oakwood Intermediate School and A&M Consolidated Middle School ("Property"); and
- B. WHEREAS, the City of College Station, Texas ("City") desires to acquire certain real property owned by the District and an easement on the Property owned by the District in order to complete certain public improvements ("Improvements") located at and around the Property; and
- C: WHEREAS, in order to facilitate the Improvements by the City, the District desires to (i) convey to the City via Special Warranty Deed ("Deed") approximately 603 square feet of land, more or less, said land more fully described in the copy of the Deed that is attached hereto as Exhibit A and incorporated herein, and (ii) grant to the City a Public Utility, Public Access and Landscape Easement ("Easement") over and across a portion of the Property which will encompass approximately 851 square feet of land, more or less, said land more fully described in the copy of the Easement that is attached hereto as Exhibit B and incorporated herein; and
- D. WHEREAS, the District has determined that the costs and consequences of conveying the property described in the Deed and granting the Easement is offset and exceeded by the value received by the District at the Property by the completion of the Improvements.
- E. WHEREAS, the Board of Trustees of the College Station Independent School District ("Board") desires to authorize the execution of the Deed and the Easement by the District, and to authorize the Board President, the Superintendent or their appointed designees, to do any and all things necessary to execute and deliver the Deed and the Easement to the City.

NOW, THEREFORE, the Board makes the following resolutions:

- 1. The Board approves the terms and conditions of the Deed and the Easement; and
- 2. The Board authorizes the Board President, the Superintendent or their appointed designees, to execute and deliver the Deed and the Easement to the City.

Jeff Harris, President, Board of Trustees of the Constation Independent School District	ollege
Date:	

EXHIBIT A

Deed

[attached]

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.

SPECIAL WARRANTY DEED

DATE:	, 20	119	
GRANTOR:	A&M CONSOLIDATED INDEPENDENT SCHOOL DISTRICT now known as COLLEGE STATION INDEPENDENT SCHOOL DISTRICT		
GRANTOR'S MAIL (including Co		1812 Welsh Street Brazos County College Station, Texas 77840	
GRANTEE:	CITY OF COLLEGE STAT	TON, TEXAS	
GRANTEE'S MAIL (including Co		P.O. Box 9960 Brazos County College Station, Texas 77842	

PROPERTY:

CONSIDERATION:

All that certain tract or parcel of land containing 603 square feet of land, more or less, lying and being situated in the J. E. Scott Survey, Abstract No. 50, College Station, Brazos County, Texas, and being part of Lot 1A, Block 1 – 17.8715 acres, College Station I.S.D., Willow Branch and Oakwood School Sites, according to the plat recorded in Volume 6857, Page 25, of the Official Records of Brazos County, Texas; said 603 square foot tract of land being more particularly described by metes and bounds and shown on plat marked **EXHIBIT** A attached hereto and made a part hereof for all intents and purposes.

\$10.00 and Other Good and Valuable Consideration

WHEREAS, College Station Independent real property, described herein; and	t School District ("GRANTOR") is the owner of certain
WHEREAS, on	, 201, the Board of Trustees of College Station
	vance of the property described herein, and further
authorizing the Board President to execu College Station, Texas.	ite and deliver a Special Warranty Deed to the City of

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

- Easements and building lines as shown of record on plat of College Station I.S.D. Willow Branch and Oakwood School Sites, recorded in Volume 6857, Page 25, Official Records of Brazos County, Texas.
- Easement from F. A. Dobrovolney, et ux to the City of Bryan, dated July 12, 1937, recorded in Volume 98, Page 316, Deed Records of Brazos County, Texas.
- Temporary Blanket Utility Easement from College Station Independent School District to the City of College Station, dated September 20, 1993, recorded in Volume 1913, Page 151, Official Records of Brazos County, Texas.
- Estate created by Oil and Gas Lease from Frank Dobrovolny, et ux to J. N. Dulaney, dated August 8, 1924, recorded in Volume 65, Page 375, Deed Records of Brazos County, Texas.

GRANTOR, for the consideration and subject to the RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY, GIVES, DEDICATES and CONVEYS to GRANTEE the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to GRANTEE and GRANTEE's successors and assigns forever. GRANTOR binds GRANTOR and GRANTOR's successors and assigns, to warrant and forever defend all and singular the Property to GRANTEE and GRANTEE's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under GRANTOR but not otherwise, except as to the RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY.

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

A&M CONSOLIDATED INDEPENDENT SCHOOL DISTRICT now known as COLLEGE STATION INDEPENDENT SCHOOL DISTRICT, a political subdivision

BY	<u> </u>
•	JEFF HARRIS, President of the Board of Trustees
	of COLLEGE STATION INDEPENDENT
	SCHOOL DISTRICT

APPROVED AS TO FORM: THIS DOCUMENT MAY NOT BE CHANGED WITHOUT RE-SUBMISSION FOR APPROVAL.

City Attorney

THE STATE OF TEXAS

ACKNOWLEDGMENT

COUNTY OF BRAZOS

This instrument was acknowledged before me on this _____day of ______, 2019, by JEFF HARRIS, President of the Board of Trustees of COLLEGE STATION INDEPENDENT SCHOOL DISTRICT, a political subdivision, on its behalf.

NOTARY PUBLIC in and for the State of Texas

PREPARED IN THE OFFICE OF:

City of College Station Legal Department P.O. Box 9960 College Station, Texas 77842-9960 RETURN ORIGINAL DOCUMENT TO:

City of College Station
Legal Department
P.O. Box 9960
College Station, Texas 77842-9960

EXHIBIT A

CIVIL ENGINEERING CONSULTANTS 1555 GREENS PRAIRIE ROAD W. COLLEGE STATION, TX 77845 100428-00

Proposed Holik St. Right-of-way Parcel
Part of Lot 1A, Block 1, College Station I.S.D. Willow Branch and Oakwood School Sites
J. E. Scott Survey, A-50
College Station, Brazos County, Texas
15 August 2018

Field notes of a 603 square foot parcel of land, lying and being situated in the J. E. Scott Survey, Abstract No. 50, College Station, Brazos County, Texas, and being part of Lot 1A, Block 1 – 17.8715 acres net, College Station I.S.D., Willow Branch and Oakwood School Sites, according to the plat recorded in Volume 6857, Page 25, of the Official Records of Brazos County, Texas, and said parcel being more particularly described as follows:

Beginning at a 5/8" iron rod and cap found marking a south corner of the beforementioned Lot 1A, Block 1, and in the northeast right-of-way line of Holik Street – 60' wide right-of-way, said 5/8" iron rod and cap also marking the end of a transition curve;

Thence N 48° 03' 54" W along the northeast right-of-way line of Holik Street, for a distance of 22.21 feet to a ½" iron rod and cap set;

Thence S 81° 35' 50" E for a distance of 55.81 feet to a 5/8" iron rod and cap found marking the beginning of a transition curve from Park Place – 50' wide right-of-way, to Holik Street, concave to the north, having a radius of 25.00 feet;

Thence Westerly along said transition curve, for an arc distance of 45.15 feet to the Point of Beginning, containing 603 square feet of land, more or less, the chord bears S 80° 11' 38" W – 39.26 feet.

Bearings based on Grid North (NAD83), obtained by GPS observations, Texas State Plane - Central Zone, NAD 83 datum. Distances and acreage are adjusted to surface.

See survey plat dated August, 2018

Surveyed: August, 2018

S. M. Kling R.P.L.S. No. 2003

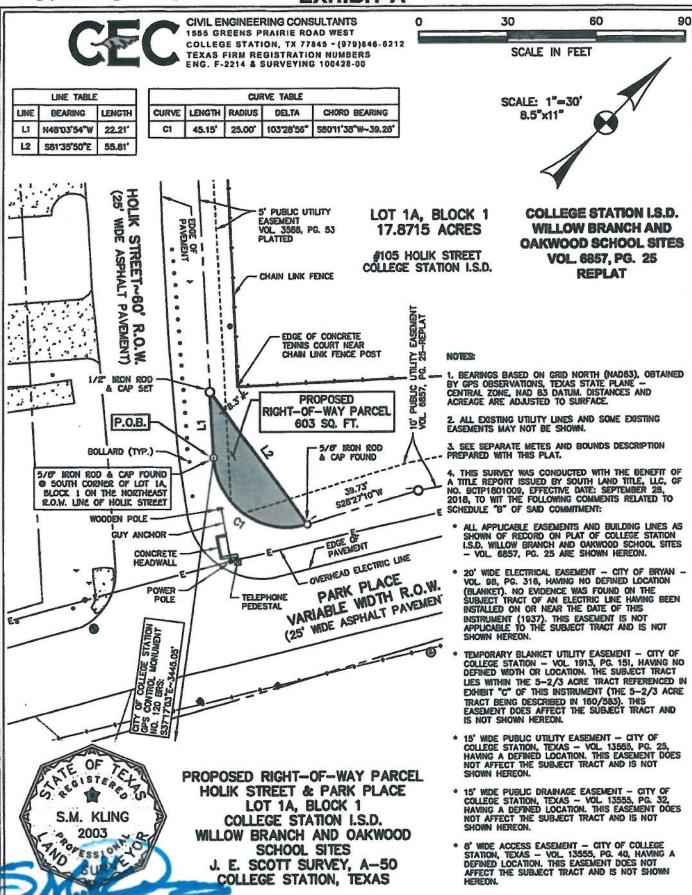


EXHIBIT B

Easement

[attached]

32551: J - 3a. City easement resolution.docx

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.

PUBLIC UTILITY, PUBLIC ACCESS AND LANDSCAPE EASEMENT

DATE: _______,2019

GRANTOR: A&M CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

now known as COLLEGE STATION INDEPENDENT SCHOOL

DISTRICT

GRANTOR'S MAILING ADDRESS: 1812 Welsh Street

(including County) Brazos County

College Station, Texas 77840

GRANTEE: CITY OF COLLEGE STATION, TEXAS

GRANTEE'S MAILING ADDRESS: P.O. Box 9960

(including County)

Brazos County

College Station, Texas 77842

CONSIDERATION: \$10,00 and Other Good and Valuable Consideration

PROPERTY:

All that certain tract or parcel of land containing 851 square feet of land, more or less, lying and being situated in the J. E. Scott Survey, Abstract No. 50, College Station, Brazos County, Texas, and being part of Lot 1A, Block 1 – 17.8715 acres, College Station I.S.D., Willow Branch and Oakwood School Sites, according to the plat recorded in Volume 6857, Page 25, of the Official Records of Brazos County, Texas, said 851 square foot tract of land being more particularly described by metes and bounds and shown on plat marked EXHIBIT A attached hereto and made a part hereof for all intents and purposes.

This conveyance shall grant the rights herein specified only as to that portion of the above-described property more particularly described on the attached EXHIBIT A, known as the "Easement Area", and any additional area outside the Easement Area necessary to install and attach equipment, guy wires, and anchors necessary and incident to the public use of the Easement Area for public access and to erect, construct and install, and thereafter use, operate, inspect, repair, maintain, reconstruct, modify, make improvements to, and remove the following:

- 1. public accessways, including but not limited to pedestrian walkways, sidewalks and bicycle paths;
- 2. any public improvements or structures as are reasonably necessary for the use of the public accessways, including but not limited to irrigation, benches, trash receptacles, signage, emergency call boxes, and bicycle racks:
- landscaping; and
- electric transmission lines and electric distribution lines and related equipment; water lines and sanitary sewer lines, connecting lines, access facilities and related equipment; storm sewers and collection facilities; television, telephone and communications lines and related equipment; drainage ditches, drainage pipes and all other drainage structures, surface or subsurface and all associated facilities;

upon, over, under and across said Property as described and any ways, streets, roads, or alleys abutting same; and the right to cut, trim, and control the growth of trees and other vegetation within or along the Easement Area or on adjoining property of GRANTOR, which might interfere with or threaten the operation and maintenance of any equipment, accessories, or operations and as may be necessary to prevent possible interference with the operation and maintenance of said equipment, accessories, or operations or to remove possible hazards thereto. It being understood and agreed that any and all equipment or structures placed upon the Easement Area by GRANTEE shall remain the property of GRANTEE.

Grantor hereby expressly acknowledges that it is the owner of this property.

Grantor expressly subordinates all rights of surface use, incident to the mineral estate owned by Grantor, to the above-described uses of said surface by Grantee. Grantor will provide Grantee with the names and addresses of all lenders, if any, and agrees to lender's subordinations on behalf of Grantee, if any.

RESERVATIONS AND EXCEPTIONS:

 Easements and building lines as shown of record on plat of College Station I.S.D. Willow Branch and Oakwood School Sites, recorded in Volume 6857, Page 25, Official Records of Brazos County, Texas.

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TO HAVE AND TO HOLD, the rights and interests herein described unto the CITY OF COLLEGE STATION, TEXAS, and its successors and assigns, forever, and GRANTOR does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, these rights and interests unto the CITY OF COLLEGE STATION, TEXAS, and its successors and assigns, against every person whomsoever lawfully claiming, or to claim same, or any part thereof.

A&M CONSOLIDATED INDEPENDENT SCHOOL DISTRICT now known as COLLEGE STATION INDEPENDENT SCHOOL DISTRICT, a political subdivision

BY:
JEFF HARRIS, President of the Board of Trustees of COLLEGE STATION INDEPENDENT SCHOOL DISTRICT

APPROVED AS TO FORM: THIS DOCUMENT MAY NOT BE CHANGED WITHOUT RE-SUBMISSION FOR APPROVAL,

City Attorney

THE STATE OF TEXAS	§ ACKNOWLEDGMENT	- ,
COUNTY OF BRAZOS	§ ACKNOWLEDGMENT §	
This instrument was	acknowledged before me on this day of	
2019, by JEFF HARRIS,	President of the Board of Trustees of COLLEGE ST DISTRICT, a political subdivision, on its behalf.	LATION
	NOTARY PUBLIC in and for the State of T	Texas

PREPARED IN THE OFFICE OF:

City of College Station Legal Department P.O. Box 9960 College Station, Texas 77842-9960 RETURN ORIGINAL DOCUMENT TO:

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CIVIL ENGINEERING CONSULTANTS 1555 GREENS PRAIRIE ROAD W. COLLEGE STATION, TX 77845 100428-00

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Beginning at a ½" iron rod and cap set in the northeast right-of-way line of Holik Street, a 5/8" iron rod and cap found marking the south corner of the beforementioned Lot 1A bears S 48° 03' 54" E – 403.95 feet;

Thence N 48° 03' 54" W continuing along the northeast right-of-way line of Holik Street, for a distance of 170.17 feet to a ½" iron rod and cap set, a 5/8" iron rod and cap found marking an angle point in the northeast right-of-way line of Holik Street bears N 48° 03' 54" W – 174.93 feet;

Thence N 41° 56' 06" E for a distance of 5.00 feet to a ½" iron rod and cap set;

Thence S 48° 03' 54" E parallel to and 5 feet northeast of the northeast right-of-way line of Holik Street, for a distance of 170.17 feet to a ½" iron rod and cap set;

Thence S 41° 56' 06" W for a distance of 5.00 feet to the Point of Beginning, containing 851 square feet of land, more or less.

Bearings based on Grid North (NAD83), obtained by GPS observations, Texas State Plane - Central Zone, NAD 83 datum. Distances and acreage are adjusted to surface.

See survey plat dated August, 2018

Surveyed: August, 2018

S. M. Kling R.P.L.S. No. 2003

Prepared 08-15-18 Revised 02-15-2019 BCS Proj_2016-E0573900 - field notes file

