

HEWITT TEXAS

PLANNING AND ZONING COMMISSION

July 12, 2022 at 6:00 PM

Hewitt City Hall, 200 Patriot Court, Hewitt, TX 76643

AGENDA

CALL OF PLANNING AND ZONING COMMISSION MEETING TO ORDER

CONSIDER APPROVAL OF MINUTES FOR THE MARCH 8, 2022 PLANNING AND ZONING COMMISSION REGULAR MEETING.

- [1.](#) Meeting Minutes from 3/8/2022 for Approval

PUBLIC HEARING: Consider a request made by David Marek P.E. to rezone a portion of property located near the intersection of Attaway Rd & Castleman Circle from R-1 Single Family Residential District to R-2 Duplex District more particularly described as O'Campo C A-32 Tract 24C 11.153 Acres.

- [2.](#) Rezone request for intersection of Attaway and Castleman Circle from R-1 to R-2

DISCUSSION AND POSSIBLE ACTION - Consider a request made by David Marek P.E. to rezone a portion of property located near the intersection of Attaway Rd & Castleman Circle from R-1 Single Family Residential District to R-2 Duplex District more particularly described as O'Campo C A-32 Tract 24C 11.153 Acres.

ADJOURN

HEWITT TEXAS

MINUTES OF THE PLANNING AND ZONING COMMISSION

March 8, 2022 – 6:00PM

Members Present: Chairman Walt Peterson, Dustin Crawford, Bobby Drake, Mike Hix

Members Absent: Travis Bailey, Paul Lasater

Staff Present: Tracy Lankford, Community Development Director
Brittney Cantu, Zoning Secretary

- 1. Call Planning and Zoning Commission Meeting to order.** *Chairman Walt Peterson called the meeting to order at 6:00PM.*
- 2. Consider approval of minutes for the December 7, 2021 Planning and Zoning Commission regular meeting.** *A motion was made by Mike Hix, seconded by Dustin Crawford, to approve the minutes as submitted but allow for corrections. All four in favor, motion passed.*
- 3. Public Hearing: Consider a request of Turner Behringer Development, LLC, to change the zoning of a portion of James Prowl Survey, Ab 817, being an 8.192-acre tract located in the 1400 Block of S. Hewitt Dr, from C-2 General Commercial District to R-1 Single Family Residential District.** *Application withdrew request on Monday, March 7, 2022 via email. No public hearing held.*
- 4. Discussion and possible action: Consider a request of Turner Behringer Development, LLC, to change the zoning of a portion of James Prowl Survey, Ab 817, being an 8.192-acre tract located in the 1400 Block of S. Hewitt Dr, from C-2 General Commercial District to R-1 Single Family Residential District.** *Application withdrew request on Monday, March 7, 2022 via email.*
- 5. Discussion, consideration, action if any: An amended plat for 2.213 acres, being all of Lots 1-8, Block 13, of Moonlight Park Phase II, better known as 928 – 956 Gallant Fox Road, Hewitt, TX 76643.** *Tracy Lankford spoke to the request saying the builder wanted to change setbacks to 5' and 15'. Staff recommends approval. A motion was made by Mike Hix, seconded by Bobby Drake, to approve amended plat. All four in favor, motion passed.*
- 6. Adjourn.** *A motion was made by Mike Hix, seconded by Bobby Drake, to adjourn meeting. All four in favor, meeting adjourned at 6:03PM.*

Chairman

Date Approved

Brittney Cantu, City of Hewitt Zoning Secretary

HEWITT TEXAS

PLANNING AND ZONING ADMENDMENT OF THE ZONING ORDINANCE

Legal Description of Property: 10.114 AC. IN THE CARLOS O'CAMPO GRANT

Describe the location of the property as submitted by this application. This may be in the form of a street address, general description, or nearest intersection.

LOCATED NEAR THE INTERSECTION OF ATTAWAY Rd. & CASTLEMAN Cir.
ON THE EAST SIDE OF ATTAWAY Rd.

Zoning Change From C-O & R-1 to R-2

Please describe the interest in property:

I AM INTERESTED IN DEVELOPING THIS PROPERTY FOR
RESIDENTIAL LIVING FOR DUPLEX HOMES.

Existing Building(s) on Property: NONE

Total square feet of all Buildings on Property: NONE

Please provide the following recording information and a copy of the document(s) listed below with this application:

158881

Ownership (deed): Doc. #/MCC No.: 21436 Deed Record 1757 Page 206

Please provide the proposed meeting date for this application to be considered (See Meeting Schedule): JULY 5, 2022

The rezoning application must be completed along with the following information:

1. A notarized letter from the property owner authorizing applicant to present the request, if the property owner will not be presenting the request and stating reasons for request.
2. Submit one (1) PDF file, one (1) hardcopy, one (1) CAD file of plat for review purposes – Must be in State Plane Coordinates using the Texas Central Zone NAD 83.
3. Submit one (1) copy of building plans, if existing building(s) exist.
4. Non-refundable application fee (see Fee Schedule)
5. Application, fee, documents, etc., in completed form must be submitted to the Planning Department before or no later than 12:00 noon on the deadline date (see schedule).

I attest that the above information is true and correct to the best of my knowledge and I am now or will be fully prepared to present the above proposal at the Planning and Zoning Commission hearing. I understand that if any of the above information is found to be wrong or inaccurate that my application may be removed from consideration prior to the time the application is voted upon by the governing body of the City.

I, understand that in the event the undersigned is not present or represented at the public hearing, the Planning and Zoning Commission shall have the power to dismiss this proposal either at the call of the case or after hearing and such dismissal shall constitute a denial by both the Planning and Zoning Commission and the City Council.


I reserve the right to withdraw this proposal. However, written withdrawals filed at any time after the giving of notice to the Planning and Zoning Commission shall constitute a denial by the Commission and City Council. I understand that the filing fee is not refundable upon withdrawal of proposal.

Name of Property Owner: WACO BUILDERS, INC.

Telephone Number: 254-855-8500

Mailing Address: P.O. BOX 1328, HEWITT, TX 76643

Email Address: fdewald66@gmail.com

Signature of Property Owner: 


Date: PRESIDENT
JUNE 9, 2022

Name of Applicant/Representative: DAVID L. MAREK, P.E.

Telephone Number: 254-772-9272

Mailing Address: 200 W. HYW. 6, SUITE 620, WACO TX 76712

Email Address: dmarek@cpyi.com

Signature of Applicant/Representative: 

Date: JUNE 9, 2022

REPRESENTATIVE AUTHORIZATION

In lieu of representing this request myself as owner of the subject property, I hereby authorize the person designated as a representative below to act in the capacity as my representative for the application, processing, representation and/or presentation of this request. The designated representative shall be the principle contact person with the City (and vice versa) in processing and responding to requirements, information, and/or issues relative to this case. I also understand that it is necessary for me or my authorized representative to be present at all Public Hearings.

David Marek, PE

June 9,

2022

*Signature of Representative
Typed Date*

Name Printed or

*Signature of Owner/Applicant
Typed Date*

*Fred Dewald
Name Printed or*

June 9, 2022

NOTARY STATEMENT

Before me, the undersigned authority, on this day personally appeared **Fred Dewald**
(*Owner's Name*) known to me to be the person whose name is subscribed to the above and forgoing instrument, and

acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity stated.

Item 2.

Given under my hand and seal of office on this 9th day of June, 2022.

My commission expires: 10-18-25

Misty L. Johnson

Notary Public in and for the State of Texas





EXHIBIT A
ADDITION 3
TO REINVESTMENT ZONE NO. 1 - TAX INCREMENT FINANCING
Legal Description
10.114 Acres

BEING A 10.114 ACRE, TRACT OF LAND SITUATED IN THE CARLOS O'CAMPO GRANT, ABSTRACT NO. 32, McLENNAN COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF A CALLED 41.459 ACRE TRACT OF LAND DESCRIBED IN DEED TO WACO BUILDERS, INC., AS RECORDED IN VOLUME 1757, PAGE 206 OF THE DEED RECORDS OF McLENNAN COUNTY, TEXAS (D.R.M.C.T.) SAID 10.114 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found, lying in the northeast Right of Way (ROW) line of Attaway Road (Variable width ROW), also being the west common corner of said 41.459 acre tract and the remainder of a called 8.78 acre tract of land described in deed to Allen H. Lindstrom, as Trustee of the Lindstrom Family Restated Trust and Loretta J. Lindstrom, as Trustee of the Lindstrom Family Restated Trust, as recorded in McLennan County Clerks File No. 2012010109, and corrected in McLennan County Clerks File No. 2013036853, both of the Official Public Records of McLennan County, Texas (O.P.R.M.C.T.). From which a 1/2 inch iron rod found, lying in said ROW line, being the west corner of said 8.78 acre tract bears N 29°58'52" W, a distance of 861.28 feet;

THENCE N 48° 42' 50" E, leaving said ROW line, along the common line of said 41.459 and 8.78 acre tracts, a distance of 737.68 feet to a point, being the north corner of the herein described tract. From which a 1/2 inch capped iron rod found and stamped "VANNOY RPLS 1988" lying in the south right-of-way line of FM 2063, commonly known as Sun Valley Boulevard (Variable width ROW) also being the east common corner of said 41.459 and 8.78 acre tracts bears N 48°42'50" E, a distance of 63.04 feet;

THENCE leaving said common line over and across said 41.459 acre tract, the following twenty six (26) courses and distances:

1. N 67° 39' 05" E, a distance of 38.70 feet, to a point for corner;
2. S 63° 11' 40" E, a distance of 11.29 feet, to a point for corner;
3. S 52° 58' 13" E, a distance of 30.09 feet, to a point for corner;
4. S 01° 16' 58" W, a distance of 18.40 feet, to a point for corner;
5. S 48° 27' 05" E, a distance of 22.86 feet, to a point for corner;
6. S 83° 51' 45" E, a distance of 46.86 feet, to a point for corner;
7. N 27° 26' 19" E, a distance of 25.52 feet, to a point for corner;
8. S 78° 55' 23" E, a distance of 24.78 feet, to a point for corner;
9. S 12° 52' 39" E, a distance of 9.79 feet, to a point for corner;
10. S 19° 13' 03" E, a distance of 15.26 feet, to a point for corner;
11. S 23° 40' 55" W, a distance of 12.11 feet, to a point for corner;
12. S 18° 57' 18" E, a distance of 42.37 feet, to a point for corner;
13. S 10° 27' 32" W, a distance of 38.02 feet, to a point for corner;
14. S 04° 10' 39" W, a distance of 48.83 feet, to a point for corner;
15. S 58° 39' 16" W, a distance of 19.15 feet, to a point for corner;



16. S 55° 02' 03" W, a distance of 26.73 feet, to a point for corner;
17. S 12° 13' 57" W, a distance of 21.87 feet, to a point for corner;
18. S 05° 07' 27" E, a distance of 14.39 feet, to a point for corner;
19. S 76° 27' 09" E, a distance of 15.07 feet, to a point for corner;
20. S 49° 07' 41" E, a distance of 29.89 feet, to a point for corner;
21. S 74° 11' 43" E, a distance of 23.39 feet, to a point for corner;
22. S 84° 07' 29" E, a distance of 33.90 feet, to a point for corner;
23. S 84° 45' 55" E, a distance of 13.37 feet, to a point for corner;
24. S 52° 44' 23" E, a distance of 19.03 feet, to a point for corner;
25. S 38° 47' 12" E, a distance of 42.68 feet, to a point for corner;
26. S 43° 06' 56" E, a distance of 52.45 feet, to a point for corner, lying in the common line of said 41.459 acre tract and Lot 2 Block 1, according to the Final Plat of The Circle Creek Addition, as recorded in Volume 1584, Page 97, of said D.R.M.C.T. From which a found 1/2 inch capped iron rod found and stamped "VANNOY RPLS 1988" being the common corner of said of said 41.459 acre tract, Lot 2 and Lot 1, Block 1, according to said Final Plat, N 38°29'24" W, a distance of 105.73 feet;

THENCE S 38° 29' 24" E, along the common line of said 41.459 acre tract and Lot 2, a distance of 131.80 feet, to a 1/2 inch capped iron rod found in concrete and stamped "WALLACE GROUP" being the common corner of said 41.459 acre tract, Lot 2 and Lot 13, Block 3, of the Willow Creek Addition, Part Three, according to the Final Plat thereof, as recorded in McLennan County Clerks File No. 2004024230 of said O.P.R.M.C.T.,

THENCE along the common line of said 41.459 acre tract and Block 3, the following four (4) courses and distances:

1. S 32° 51' 31" W, a distance of 155.67 feet, to a 1/2 inch capped iron rod found in concrete and stamped "WALLACE GROUP" for corner hereof, also being an angle point of Lot 11 of said Block 3;
2. S 77° 33' 54" W, a distance of 164.77 feet, to a 1/2 inch capped iron rod found in concrete and stamped "WALLACE GROUP" for corner hereof, also being an angle point of Lot 9 of said Block 3;
3. S 71° 09' 57" W, a distance of 169.28 feet, to a 1/2 inch capped iron rod found in concrete and stamped "WALLACE GROUP" for corner hereof, also being an angle point of Lot 8 of said Block 3;
4. S 60° 57' 28" W, a distance of 375.87 feet, to a 1/2 inch iron rod found lying in the northeast ROW line of said Attaway Road, also being the south common corner of said 41.459 acre tract, Block 3 and the herein described tract;

THENCE N 29° 31' 29" W along the common line of said 41.459 acre tract, and ROW of Attaway Road, a distance of 446.33 feet, to the **POINT OF BEGINNING** and containing 10.114 acres, more or less.

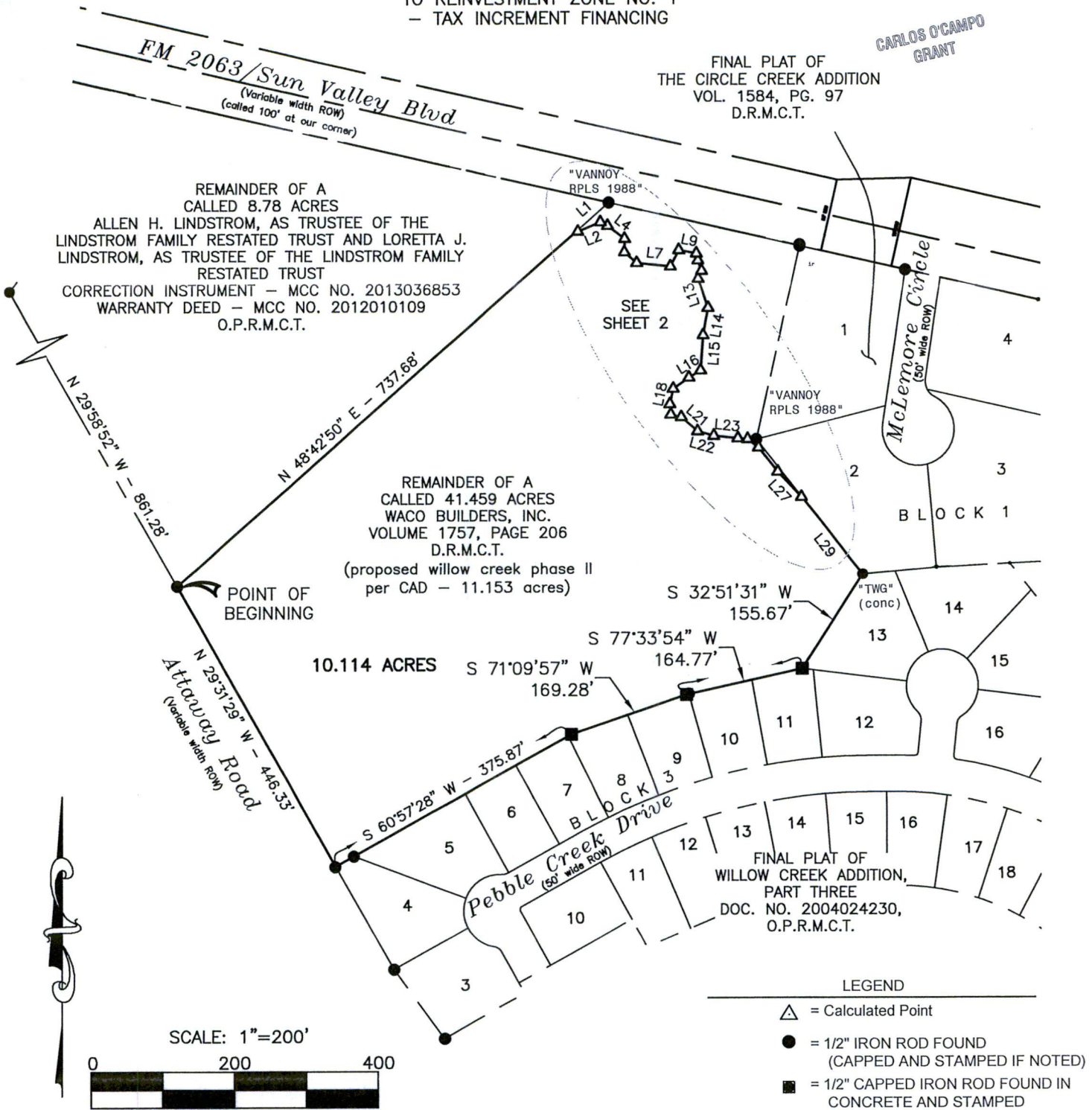
"This document was prepared under 22 TAC 663.21, does not reflect the results of a full on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

The bearings shown hereon are grid bearings and are based on GPS observations, and the Texas State Plane Coordinate System, Central Zone (4203), North American Datum of 1983.

EXHIBIT B

ADDITION 3
TO REINVESTMENT ZONE NO. 1
- TAX INCREMENT FINANCING

Item 2.



200 W. Hwy 6, Suite 620, Waco, Texas 76712
254.772.9272 TBPELS 10194124

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- LEGEND**
- △ = Calculated Point
 - = 1/2" IRON ROD FOUND (CAPPED AND STAMPED IF NOTED)
 - = 1/2" CAPPED IRON ROD FOUND IN CONCRETE AND STAMPED "WALLACE GROUP"
 - = PROPOSED AREA TO BE REZONED
 - - - = Adjoining Boundary (approx.)
 - O.P.R.M.C.T. = Official Public Records McLennan County, Texas
 - D.R.M.C.T. = Deed Records McLennan County, Texas

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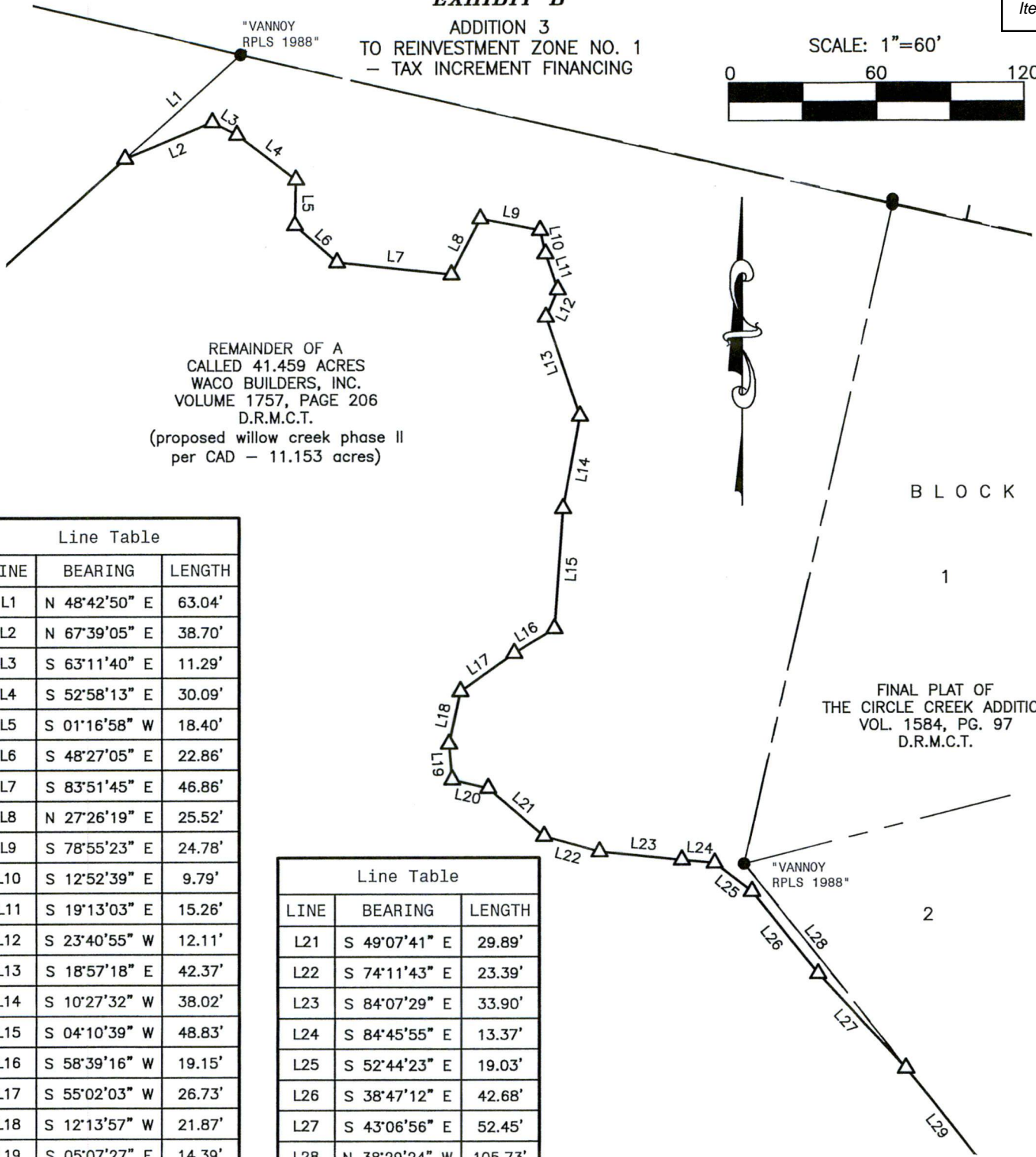
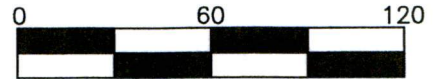
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Item 2.

SCALE: 1"=60'



REMAINDER OF A
CALLED 41.459 ACRES
WACO BUILDERS, INC.
VOLUME 1757, PAGE 206
D.R.M.C.T.
(proposed willow creek phase II
per CAD - 11.153 acres)

Line Table		
LINE	BEARING	LENGTH
L1	N 48°42'50" E	63.04'
L2	N 67°39'05" E	38.70'
L3	S 63°11'40" E	11.29'
L4	S 52°58'13" E	30.09'
L5	S 01°16'58" W	18.40'
L6	S 48°27'05" E	22.86'
L7	S 83°51'45" E	46.86'
L8	N 27°26'19" E	25.52'
L9	S 78°55'23" E	24.78'
L10	S 12°52'39" E	9.79'
L11	S 19°13'03" E	15.26'
L12	S 23°40'55" W	12.11'
L13	S 18°57'18" E	42.37'
L14	S 10°27'32" W	38.02'
L15	S 04°10'39" W	48.83'
L16	S 58°39'16" W	19.15'
L17	S 55°02'03" W	26.73'
L18	S 12°13'57" W	21.87'
L19	S 05°07'27" E	14.39'
L20	S 76°27'09" E	15.07'

Line Table		
LINE	BEARING	LENGTH
L21	S 49°07'41" E	29.89'
L22	S 74°11'43" E	23.39'
L23	S 84°07'29" E	33.90'
L24	S 84°45'55" E	13.37'
L25	S 52°44'23" E	19.03'
L26	S 38°47'12" E	42.68'
L27	S 43°06'56" E	52.45'
L28	N 38°29'24" W	105.73'
L29	S 38°29'24" E	131.80'



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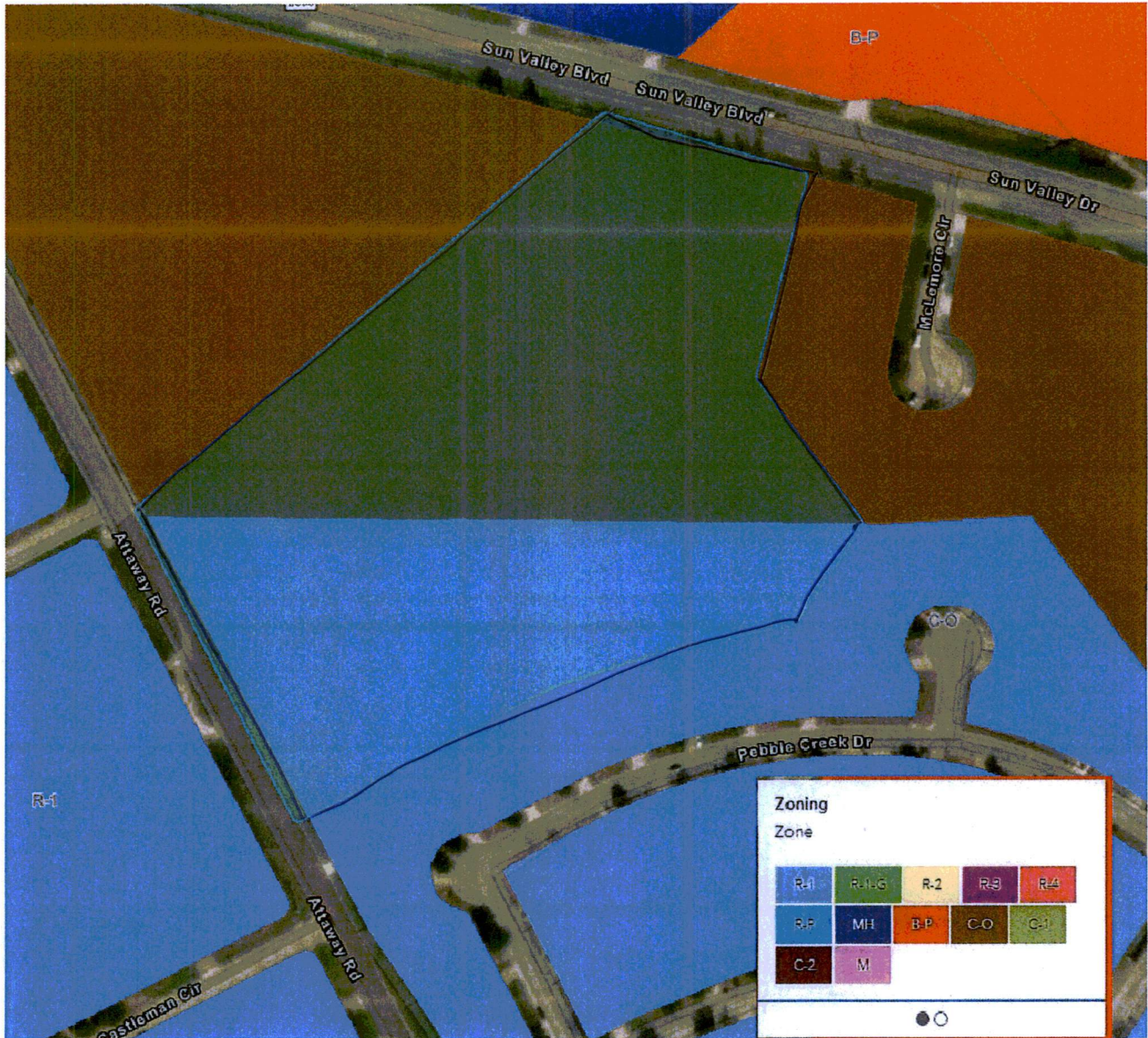
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EXHIBIT B

ADDITION 3
TO REINVESTMENT ZONE NO. 1
- TAX INCREMENT FINANCING

Item 2.



Zoning Map
(Not to Scale)



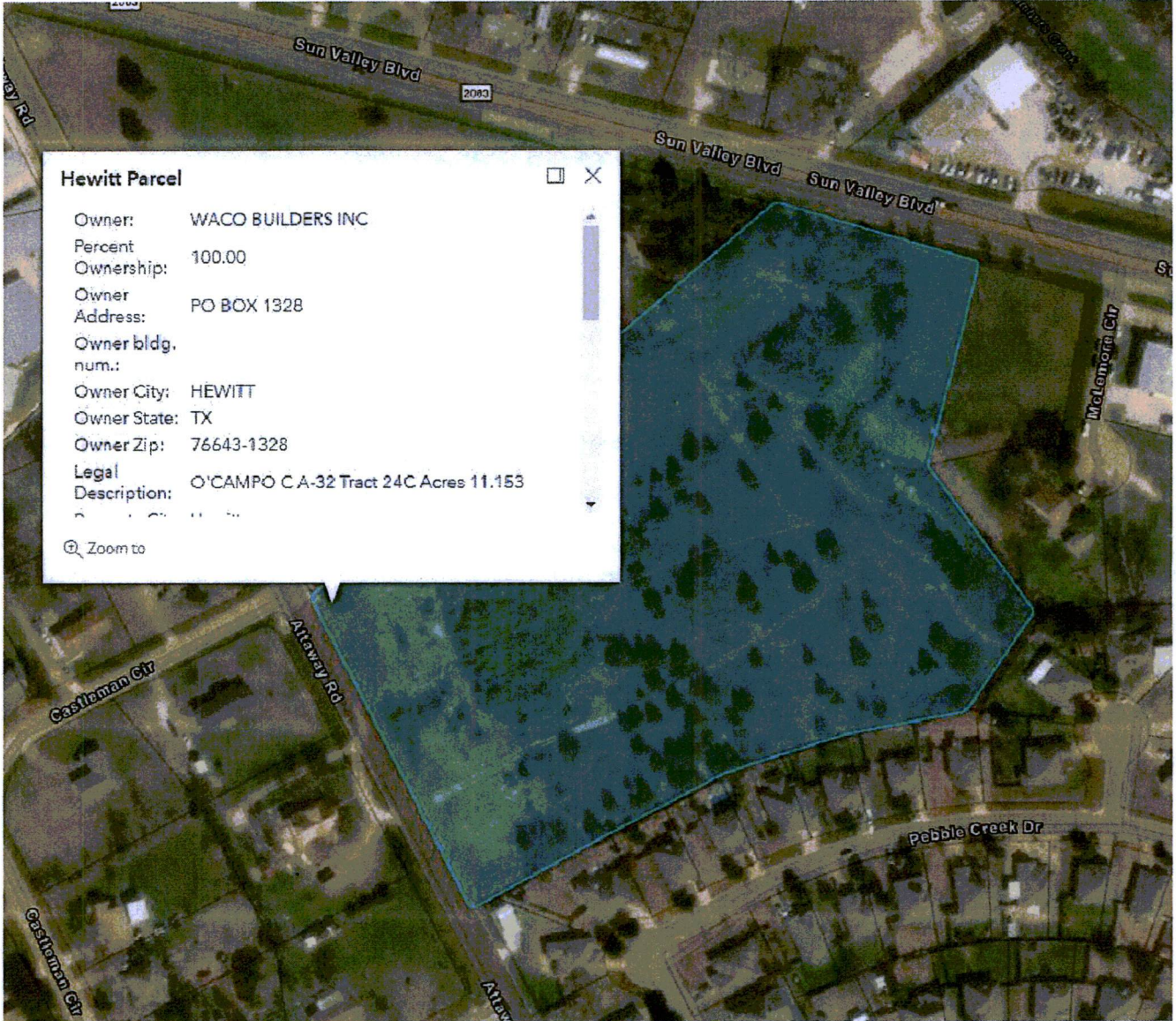
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EXHIBIT B

ADDITION 3
TO REINVESTMENT ZONE NO. 1
- TAX INCREMENT FINANCING



Parcel Map
(Not to Scale)



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Date: Jun 09, 2022, 12:07pm User ID: today
File: G:\Projects\ALIP2200503-Willow Creek Rezoning\Survey\CAD\CIVIL3D\Rezoning\ALIP2200503-Resoning.dwg

21436 : mcl

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
COUNTY OF McLennan §

The FEDERAL DEPOSIT INSURANCE CORPORATION, a corporation organized under the laws of the United States of America ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) paid to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD and CONVEYED and does hereby GRANT, SELL and CONVEY unto WACO BUILDERS, INC ("Grantee"), that certain land being more particularly described on Exhibit A, attached hereto and incorporated herein by reference, together with all improvements located on such land and all of Grantor's right, title and interest in and to all easements, if any, benefitting the land or such improvements and all rights and appurtenances pertaining to the land, (such land and improvements being collectively referred to as the "Property").

This conveyance is made and accepted subject to all matters (the "Permitted Exceptions") set forth on Exhibit B, attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances pertaining thereto, including all of Grantor's right, title and interest in and to adjacent streets, alleys and rights-of-way, unto Grantee and Grantee's successors, heirs, executors, administrators, personal representatives and assigns forever; and Grantor does hereby bind itself and its successors to warrant and forever defend the Property, subject to the Permitted Exceptions, unto Grantee and Grantee's successors, heirs, executors, administrators, personal representatives and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY, OR (H) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY, OF ANY HAZARDOUS MATERIALS AS DEFINED IN THE PURCHASE AND SALE AGREEMENT PURSUANT TO WHICH THIS DEED IS DELIVERED, EXCEPT THE WARRANTY OF TITLE EXPRESSLY SET FORTH HEREIN. GRANTEE FURTHER ACKNOWLEDGES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF THE PROPERTY IS MADE ON AN "AS IS" CONDITION AND BASIS WITH ALL FAULTS.

Standby fees, if any, and ad valorem taxes for the present year having been prorated, Grantee hereby assumes payment thereof, and subsequent assessments for that and prior years due to change in land usage, ownership, or both.

EXECUTED on the date set forth in the acknowledgment attached hereto to be effective as of the 19th day of August, 1992.

FEDERAL DEPOSIT INSURANCE CORPORATION, a corporation organized under the laws of the United States of America. By: Andy Anding. Printed Name: ANDY ANDING Attorney-In-Fact

Address of Grantee: _____

AGREED TO AND ACCEPTED BY GRANTEE: Fred Dewald

THE STATE OF TEXAS §
COUNTY OF Bell §

This instrument was acknowledged before me on 20 Aug, 1992, by Andy Anding, as Attorney-In-Fact on behalf of the FEDERAL DEPOSIT INSURANCE CORPORATION, a corporation organized under the laws of the United States of America.

Kathy Herringe Notary Public, State of Texas My Commission Expires 07-07-1996

THE STATE OF TEXAS §
COUNTY OF McLennan §

This instrument was acknowledged before me on August 14, 1992, by Fred Dewald. Teresa M. Busch Notary Public, State of Texas My Comm. Exp. 10/26/94

TERESA M. BUSCH Notary Public STATE OF TEXAS My Comm. Exp. 10/26/94

EXHIBIT "A"

Being 41.459 acres of land out of the Carlos O'Campo Grant in McLennan County, Texas, and being all of that certain 41.462 acre tract conveyed to Federal Deposit Insurance Corporation by deed dated January 8, 1992, and recorded in Vol. 1738, page 314 of the McLennan County, Texas, Deed Records.

Beginning at an iron pin at the northwest corner of said 41.462 acre tract, said pin being in the center of Attaway Road, an asphalt road, and being the northwest corner of this;

THENCE N 50 deg 25' 41" E, at 26.2 ft. pass an iron pin, a total distance of 839.44 ft. along the northwest line of said 41.462 acre tract to an iron pin at its northeast corner in the south line of F.M. Highway No. 2063, and being the northeast corner of this;

THENCE S 75 deg 26' 33" E 272.09 ft. along the north line of said 41.462 acre tract, the south line of said highway, to a concrete monument at an outside corner of said 41.462 acre tract, said monument being the northwest corner of Lot 1, Block 1, the Circle Creek Addition to the City of Hewitt, McLennan County, Texas, plat of said addition being recorded in Vol. 1584, page 97, of said deed records, said monument being an outside corner of this;

THENCE S 14 deg 26' 37" W 273.37 ft. along an east line of said 41.462 acre tract, the west line of said Lot 1, to a concrete monument at the southwest corner of said Lot 1, said monument being an inside corner of said 41.462 acre tract, and being an inside corner of this;

THENCE S 36 deg 42' 32" E 237.44 ft. along the southwest line of Lot 2, Block 1, of said addition, a northeast line of said 41.462 acre tract, to a concrete monument at an outside corner of said Lot 2, said monument being an inside corner of said 41.462 acre tract, and being an inside corner of this;

THENCE N 86 deg 30' 10" E 103.56 ft. and N 88 deg 35' 57" E 101.41 ft. along the south line of said Lot 2, and a south line of Lot 3, Block 1, of said addition, a north line of said 41.462 acre tract, to an iron pin at an outside corner of said 41.462 acre tract, and being an outside corner of this;

THENCE S 36 deg 54' 51" E 332.06 ft., S 65 deg 50' 29" E 216.26 ft., S 18 deg 39' 57" E 75.73 ft., S 12 deg 41' 35" W 111.13 ft., S 32 deg 12' 27" W 131.91 ft., S 27 deg 18' 10" W 266.60 ft., S 49 deg 51' 05" W 167.40 ft., and S 20 deg 10' 07" E 371.87 ft., along the east line of said 41.462 acre tract to an iron pin at its southeast corner in the center of the Old Hewitt-Robinson Road (abandoned), said pin being the southeast corner of this;

THENCE S 60 deg 15' 47" W, at 582.32 ft. pass an iron pin, a total distance of 611.92 ft. along the south line of said 41.462 acre tract, the center line of said abandoned road, to an iron pin at the southwest corner of said 41.462 acre tract, said pin being in the center of said Attaway Road, and being the southwest corner of this;

THENCE N 27 deg 58' 00" W 1837.71 ft. along the west line of said 41.462 acre tract, the center line of said Attaway Road, to the point of beginning.

Kc

EXHIBIT "B"
Special Warranty Deed Continued
PERMITTED EXCEPTIONS

- 1. Rights of parties in possession.
- 2. Governmental rights of police power or eminent domain unless notice of the exercise of such rights appears in the public records as of the date hereof; and the consequences of any law, ordinance or governmental regulation including, but not limited to, building and zoning ordinances.
- 3. Defects, liens, encumbrances, adverse claims or other matters 1) not known to the Grantor and not shown by the public records but known to the Grantee as of the date hereof and not disclosed in writing by the Grantee to the Grantor prior to the date hereof; 2) resulting in no loss or damage to the Grantee; or 3) attaching or created subsequent to the date hereof.
- 4. Visible and apparent easements and all underground easements, the existence of which may arise by unrecorded grant or by use.
- 5. Any and all unrecorded leases and rights of parties therein.
- 6. All easements, restrictions, covenants and other encumbrances of record affecting the Property, but only to the extent still in effect.
- 7. Easement dated September 26, 1960 by Mildred May Attaway, et al to the State of Texas as shown on plat recorded in in Volume 870, page 155, McLennan County Deed Records.
- 8. Easement dated October 27, 1964 by Mrs. J. M. Attaway to Chester H. McLemore in Volume 956, page 397, McLennan County Deed Records.
- 9. Right of Way easement dated May 15, 1975 by Michael J. Vaughn to City of Hewitt in Volume 1202, page 218, McLennan County Deed Records.

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Initials

Initials

Initials

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Filed for Record on the 31 day of AUGUST A.D. 1992 at 8:00 o'clock A M.
Duly Recorded this the 31 day of AUGUST A.D. 1992 at 3:30 o'clock P M.

FRANK DENNY, County Clerk
McLennan County, Texas

By [Signature] Deputy