



**NOTICE OF A SPECIAL MEETING**  
**Brenham Community Development Corporation**  
**Thursday, February 29, 2024 @ 7:30 a.m.**  
**City Hall - 2<sup>nd</sup> Floor Conference Room**  
**200 W. Vulcan St.**  
**Brenham, Texas**

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1. **Call Meeting to Order**
2. **Invocation and Pledges to the U. S. and Texas Flags**

**WORK SESSION**

3. **Discussion and Presentation Related to Capital Westview Partners, LLC's Participation in Costs Associated with the Expansion of Utility Infrastructure to Service a 44.068 Acre Tract in the Southwest Industrial Park, Section Three**
4. **Discussion and Presentation Related to a Request from Capital Westview Partners, LLC for Variances to the Declaration of Covenants, Conditions and Restrictions of Southwest Industrial Park, Section Three**

**REGULAR SESSION**

5. **Discuss and Possibly Act Upon the Award of Bid for Project No. 65C-56C Related to the Brenham Business Center Lift Station Force Main and Gravity Sewer Improvements and Authorize the President to Execute Any Necessary Documentation**
6. **Discuss and Possibly Act Upon the Allocation of Economic Development Fund Balance Reserves for the Brenham Business Center Lift Station Force Main and Gravity Sewer Improvements and Authorize the President to Execute Any Necessary Documentation**
7. **Discuss and Possibly Act Upon a Utility Easement Between BCDC and the City of Brenham for the Extension of Sanitary Sewer Service in the Brenham Business Center Along James Nutt Blvd. and Authorize the President to Execute Any Necessary Documentation**
8. **Discuss and Possibly Act Upon a Resolution Authorizing the Conveyance of Approximately 0.0551 Acres of Land from the Brenham Community Development Corporation to the City of Brenham for the Installation of a Sanitary Sewer Lift Station in the Brenham Business Center and Authorize the President to Execute Any Necessary Documentation**

9. **Board and Staff Updates**
- **Economic Development**
  - **Parks and Recreation**
  - **Administration**

**Adjourn**

***CERTIFICATION***

*I certify that a copy of the agenda of items to be considered by the Brenham Community Development Corporation (BCDC) on Thursday, February 29, 2024 was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, Texas on Friday, February 23, 2024 at 1:30 p.m.*

***Jeana Bellinger***  
*City Secretary/BCDC Secretary*

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that this notice and agenda of items to be considered by the Brenham Community Development Corporation (BCDC) was removed by me from the City Hall bulletin board on \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
Signature

**MEMORANDUM**

**To:** Brenham Community Development Corporation (BCDC) Board of Directors  
**From:** Teresa Rosales, Economic & Community Development Director  
**Subject:** Item #3 – Costs Associated with the Expansion of Utility Infrastructure - SWIP  
**Date:** February 29, 2024

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On January 25, 2024, I was instructed to gather information about costs associated with the expansion of utility infrastructure in relation to a potential purchase by Capital Westview Partners, LLC in the Southwest Industrial Park.

I shared the quote provided to me by Richard Rolland of Capital Westview Partners, LLC, from DAC Engineering dated April 22, 2023, to our internal utility staff.

In order to ensure the estimate is sound, contact was made with Mr. Rolland asking for the following items:

- 1) Site plan that shows utilities
- 2) System hydraulic calculations, sealed by a Texas Registered Professional Engineer, to show how water flow rates were computed, design assumptions and how fire flow requirements are met.
- 3) System hydraulic calculations, sealed by a Texas Registered Professional Engineer, to show how sanitary flow rates were computed, design assumptions and that TCEQ requirements are met.

We also provided a link to the City of Brenham Public Infrastructure Design Manual.

Upon receipt of these items, we will forward to Strand Engineering.

**MEMORANDUM**

**To:** Brenham Community Development Corporation (BCDC) Board of Directors

**From:** Teresa Rosales, Economic & Community Development Director

**Subject:** Item #4 – Request by Capital Westview Partners, LLC for Variances to SWIP CCR's

**Date:** February 29, 2024

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On January 25, 2024, I was instructed to gather information about variances in relation to a potential purchase by Capital Westview Partners, LLC in the Southwest Industrial Park.

I asked Stephanie Doland, Director of Development Services, to review each variance request. Below is her response to each item:

- A variance that allows for retail sales.  
The last discussions I was part of included support in general for retail sales in the SWIP versus the BBC due to the nature of retail sales already in existence in the SWIP (i.e. Polar Ice and Kountry Boys).
- A variance for no building density requirements.  
I believe the density requirements are exclusive to BBC and do not apply to SWIP. I have reviewed the SWIP covenants and could not locate a density requirement.
- A variance to allow outdoor yard storage.  
The variance to be granted here would likely be for the use of the property (similar to the retail discussion). Section 2II.5(R) of the SWIP covenants prohibits the use of heavy equipment rental or sales; however, the BCDC could grant a variance to allow this use and that would include outdoor yard storage.
- No impact fee for detention requirements.  
Impact fees are not collected on drainage and detention. The BCDC has the discretion to require payment (reimbursement) for the previously constructed SWIP detention pond or to waive the payment.
- Easements for drainage, sanitary sewer, and water on the East side of the 44-acre tract.  
The width of each easement will depend on the size of the line improvement. Easements are typically addressed at the time the property is platted and do not require BCDC consideration but rather is addressed at the time the building plans are submitted. Development Services would coordinate with Shawn Bolenbarr in Public Utilities to ensure that all easements are properly dedicated where required.

I have asked Richard Rolland of Capital Westview Partners, LLC to submit a formal letter of request so that the process of obtaining variances can begin.



**MEMORANDUM**

To: Brenham Community Development Corporation (BCDC) Board of Directors

From: Shawn Bolenbarr

Subject: Award Project No. 65C-56C to Texas KB Utilities, LLC

Date: 2/29/2024

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On January 30, 2024 the City and Strand Associates opened bids for project number #65C-56C (2023 Brenham Business Center Sanitary Sewer Extension). There was a total of 5 bids received with Texas KB Utilities, LLC submitting the lowest bid. Texas KB Utilities, LLC submitted a bid price of \$821,000.00 for the installation of the lift station, gravity sewer, and sewer force main (see Bid Tabulation attached).

The City of Brenham Public Utilities request that Brenham Community Development Corporation (BCDC) award Project No. 65C-56C (2023 Brenham Business Center Sanitary Sewer Extension) to Texas KB Utilities, LLC in the amount of \$821,000.00 and authorize the President to execute any necessary documentation.



Strand Associates, Inc.<sup>®</sup>  
1906 Niebuhr Street  
Brenham, TX 77833  
(P) 979.836.7937  
[www.strand.com](http://www.strand.com)

February 2, 2024

Ms. Debbie Gaffey, Public Utilities General Manager  
City of Brenham  
200 West Vulcan Street  
Brenham, TX 77833

Re: Brenham Business Center Lift Station Force Main and Gravity Sewer Improvements  
Contract 65C-56C  
City of Brenham, Texas

Dear Ms. Gaffey:

Bids for the above-referenced Project were opened on January 30, 2024. Six Bids were received with the resulting Bid tabulation enclosed.

Texas KB Utilities, LLC of Chappell Hill, Texas, was the apparent low Bidder at \$821,000. The Bid included a Bid Bond for 5 percent and Addenda No. 1 was acknowledged. The Bid is deemed to be responsive. Texas KB Utilities, LLC is currently working on the Progress and Valley Drive Drainage Improvements project for the City of Brenham.

If you determine that Texas KB Utilities, LLC is a responsible Bidder after your evaluation of their qualifications, we recommend proceeding with award of the Contract in accordance with Article 16 of the Instructions to Bidders.

Sincerely,

STRAND ASSOCIATES, INC.<sup>®</sup>

Kelly M. Hajek, P.E.

Enclosure

TBPE No. F-8405  
TBPLS No. 10030000

3900.275\KMH\m\B\BRE\Documents\Specifications\Archive\2024\Brenham, City of\3900.275.65C-56C.KMH(16) Specification Letters(a) Resulting Bid Tabulation\020224.docx

Bids Received: 2 P.M.  
January 30, 2024

STRAND ASSOCIATES, INC.®  
TBPE No. F-8405  
TBPLS No. 10030000  
1906 Niebuhr Street  
Brenham, TX 77833

CITY OF BRENHAM  
BRENHAM BUSINESS CENTER LIFT STATION  
FORCE MAIN AND GRAVITY SEWER IMPROVEMENTS  
CITY OF BRENHAM PROJECT NO.: 65C-56C

BID TABULATION SUMMARY

Bidder and Address	Bid Bond or Guarantee	Addenda Acknowledged	Computed Total Base Bid	Cash Allowance	Computed Total Bid
Texas KB Utilities, LLC 9230 FM 1371 Chappel Hill, TX 77426	5%	Yes	\$811,000.00	\$10,000.00	\$821,000.00
Solid Bridge Construction, LLC 3104 Interstate 45 South New Waverly, TX 77358	5%	Yes	\$898,881.00	\$10,000.00	\$908,881.00
AR Turnkey Construction Company, Inc. 3535 Briarpark 245 Houston, TX 77042	5%	Yes	\$950,387.00	\$10,000.00	\$960,387.00 *\$950,387.00
Dudley Construction, LLC 11370 State Highway 30 College Station, TX 77845	5%	Yes	\$1,231,822.20	\$10,000.00	\$1,241,822.20
Mercer Construction Company 909 North Colorado Street Edna, TX 77957	5%	Yes	\$1,275,101.00	\$10,000.00	\$1,285,101.00 *No Total

Aranda Industries LLC 4206 Northwind Lane Houston, TX 77014	5%	Yes	\$1,840,480.00	\$10,000.00 *No Total	\$1,850,480.00
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\*Contractor's Computed Total

Reviewed by: *Kelly M. Hajek*



*Kelly M. Hajek*  
2.2.24



CITY OF BRENHAM  
 BRENHAM BUSINESS CENTER LIFT STATION  
 FORCE MAIN AND GRAVITY SEWER IMPROVEMENTS  
 CITY OF BRENHAM PROJECT NO.: 65C-56C

BID TABULATION BREAKDOWN

		Texas KB Utilities, LLC 9230 FM 1371 Chappel Hill, TX 77426		Solid Bridge Construction, LLC 3104 Interstate 45 South New Waverly, TX 77358		AR Turnkey Construction Company, Inc. 3535 Briarpark 245 Houston, TX 77042		Dudley Construction, LLC 1137D State Highway 30 College Station, TX 77845		Mercer Construction Company 809 North Colorado Street Edna, TX 77597		Aranda Industries LLC 4206 Northwind Lane Houston, TX 77014	
No.	Description	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
BASE BID													
1.	Mobilization (up to 10 Percent of Total Project Costs, Excluding Mobilization).		1 LS	\$ 81,000.00	\$ 81,000.00	\$ 40,000.00	\$ 40,000.00	\$ 65,000.00	\$ 65,000.00	\$ 98,000.00	\$ 98,000.00	\$ 100,000.00	\$ 100,000.00
2.	Furnish 126-Gallon-Per-Minute Preamsembled Lift Station Package in Accordance with the Drawings and Section 43 25 20 of the Project Manual, including Delivery to Project Site. Not to Exceed \$165,000.00.		1 LS	\$ 165,000.00	\$ 165,000.00	\$ 165,000.00	\$ 165,000.00	\$ 165,000.00	\$ 165,000.00	\$ 165,000.00	\$ 165,000.00	\$ 165,000.00	\$ 165,000.00
3.	Install the Materials and Equipment Furnished in Base Bid Item No. 2 Including but Not Limited to the Remaining Station Piping, Electrical Controls and Control Rack, Concrete Slab, Access Driveway, and Cedar Plank Fence.		1 LS	\$ 313,164.05	\$ 313,164.05	\$ 300,000.00	\$ 300,000.00	\$ 355,000.00	\$ 355,000.00	\$ 356,000.00	\$ 356,000.00	\$ 199,500.00	\$ 199,500.00
4.	Provide 8-inch American Society for Testing and Materials (ASTM) D-3034 Standard Dimension Ratio (SDR)-26 Polyvinyl Chloride (PVC) Gravity Sewer by Open Cut, 0- to 6-Foot Depth.	850	LF	\$ 38.90	\$ 33,065.00	\$ 30.00	\$ 25,500.00	\$ 45.00	\$ 38,250.00	\$ 54.00	\$ 45,900.00	\$ 110.00	\$ 93,500.00
5.	Provide 8-inch ASTM D-3034 SDR-26 PVC Gravity Sewer by Open Cut, 6- to 12-Foot Depth.	1,630	LF	\$ 38.90	\$ 63,407.00	\$ 32.00	\$ 52,160.00	\$ 50.00	\$ 81,500.00	\$ 63.00	\$ 102,690.00	\$ 148.00	\$ 241,240.00
6.	Provide 8-inch ASTM D-3034 SDR-26 PVC Gravity Sewer by Open Cut, Greater Than 12-Foot Depth.	255	LF	\$ 38.90	\$ 9,919.50	\$ 44.00	\$ 11,220.00	\$ 60.00	\$ 15,300.00	\$ 192.00	\$ 48,960.00	\$ 278.00	\$ 70,890.00
7.	Provide 8-inch ASTM D-2241 SDR-21 PVC Certa-Flow (Restrained Joint Integral Bell (RJIB)) Gravity Sewer by Bore, Various Depths.	116	LF	\$ 100.65	\$ 11,675.40	\$ 175.00	\$ 20,300.00	\$ 111.00	\$ 12,876.00	\$ 177.00	\$ 20,532.00	\$ 138.00	\$ 16,008.00
8.	Provide 4-inch AWWA C900 DR 18 Force Main by Open Cut.	365	LF	\$ 41.85	\$ 15,275.25	\$ 25.00	\$ 9,125.00	\$ 75.00	\$ 27,375.00	\$ 120.00	\$ 43,800.00	\$ 53.00	\$ 19,345.00
9.	Provide 4-inch AWWA C-900 DR 18 PVC Certa-Lok (RJIB) Force Main by Bore.	80	LF	\$ 80.15	\$ 6,412.00	\$ 250.00	\$ 20,000.00	\$ 77.00	\$ 6,160.00	\$ 101.00	\$ 8,080.00	\$ 120.00	\$ 9,600.00
10.	Furnish and Install 8-inch ASTM D-2241 SDR-21 PVC Certa-Flow (RJIB) Gravity Sewer Inside a 14-inch Welded Steel Casing by Bore, Various Depths.	150	LF	\$ 155.45	\$ 23,317.50	\$ 300.00	\$ 45,000.00	\$ 290.00	\$ 43,500.00	\$ 475.00	\$ 71,250.00	\$ 360.00	\$ 54,000.00
11.	Furnish and Install 4-inch AWWA C-900 DR 18 PVC Certa-Lok (RJIB) Force Main Inside 10-inch Welded Steel Casing by Bore, Various Depths.	150	LF	\$ 82.90	\$ 12,435.00	\$ 300.00	\$ 45,000.00	\$ 185.00	\$ 27,750.00	\$ 344.00	\$ 51,600.00	\$ 285.00	\$ 42,750.00
12.	Provide 8-inch ASTM D-3034 SDR-26 PVC Drop Connection, 0- to 5-Foot Length.	3	EA	\$ 1,395.00	\$ 4,185.00	\$ 750.00	\$ 2,250.00	\$ 1,200.00	\$ 3,600.00	\$ 1,100.00	\$ 3,300.00	\$ 2,000.00	\$ 6,000.00
13.	Provide Extra Length for an 8-inch Drop Connection.	11.8	VF	\$ 36.00	\$ 424.80	\$ 100.00	\$ 1,180.00	\$ 100.00	\$ 1,180.00	\$ 25.00	\$ 295.00	\$ 105.00	\$ 1,239.00
14.	Remove and Dispose of Existing Sanitary Sewer Manholes.	2	EA	\$ 960.00	\$ 1,920.00	\$ 2,500.00	\$ 5,000.00	\$ 600.00	\$ 1,200.00	\$ 700.00	\$ 1,400.00	\$ 3,500.00	\$ 7,000.00
15.	Provide 4-Foot-Diameter Concrete Manholes.	10	EA	\$ 4,095.00	\$ 40,950.00	\$ 4,900.00	\$ 49,000.00	\$ 3,600.00	\$ 36,000.00	\$ 7,800.00	\$ 78,000.00	\$ 12,100.00	\$ 121,000.00
16.	Furnish and Install Extra Vertical Manhole Depth (4-Foot-Diameter).	45.2	VF	\$ 1.00	\$ 45.20	\$ 280.00	\$ 12,656.00	\$ 185.00	\$ 8,362.00	\$ 281.00	\$ 12,701.20	\$ 200.00	\$ 9,040.00
17.	Provide 5-Foot-Diameter Concrete Manholes.	1	EA	\$ 6,010.00	\$ 6,010.00	\$ 6,150.00	\$ 6,150.00	\$ 6,100.00	\$ 6,100.00	\$ 11,780.00	\$ 11,780.00	\$ 15,500.00	\$ 15,500.00

				Texas KB Utilities, LLC 9230 FM 1371 Chappel Hill, TX 77426		Solid Bridge Construction, LLC 3104 Interstate 45 South New Waverly, TX 77358		AR Turnke Construction Company, Inc. 3535 Briarpark 245 Houston, TX 77042		Dudley Construction, LLC 11370 State Highway 30 College Station, TX 77845		Mercer Construction Company 909 North Colorado Street Edna, TX 77957		Aranda Industries LLC 4206 Northwind Lane Houston, TX 77014	
No.	Description	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
<b>BASE BID</b>															
18.	Furnish and Install Extra Vertical Manhole Depth (5-Foot-Diameter).	5.6	VF	\$ 1.00	\$ 5.60	\$ 650.00	\$ 3,640.00	\$ 300.00	\$ 1,680.00	\$ 725.00	\$ 4,060.00	\$ 335.00	\$ 1,876.00	\$ 1,000.00	\$ 5,600.00
19.	Provide 6-Foot-Diameter Concrete Manholes.	1	EA	\$ 15,575.00	\$ 15,575.00	\$ 10,000.00	\$ 10,000.00	\$ 9,800.00	\$ 9,800.00	\$ 18,500.00	\$ 18,500.00	\$ 19,000.00	\$ 19,000.00	\$ 25,000.00	\$ 25,000.00
20.	Furnish and Install Extra Vertical Manhole Depth (6-Foot-Diameter).	14	VF	\$ 1.00	\$ 13.70	\$ 1,000.00	\$ 13,700.00	\$ 420.00	\$ 5,754.00	\$ 1,020.00	\$ 13,974.00	\$ 490.00	\$ 6,713.00	\$ 2,000.00	\$ 27,400.00
21.	Temporary Bypass, Storage, and Vacuum, as Necessary.	1	LS	\$ 500.00	\$ 500.00	\$ 10,000.00	\$ 10,000.00	\$ 8,000.00	\$ 8,000.00	\$ 23,500.00	\$ 23,500.00	\$ 8,600.00	\$ 8,600.00	\$ 50,000.00	\$ 50,000.00
22.	Remove and Dispose of Existing Lift Station and Appurtenances.	1	LS	\$ 3,500.00	\$ 3,500.00	\$ 20,000.00	\$ 20,000.00	\$ 11,000.00	\$ 11,000.00	\$ 2,800.00	\$ 2,800.00	\$ 8,600.00	\$ 8,600.00	\$ 25,000.00	\$ 25,000.00
23.	Traffic Control According to The Texas Manual on Uniform Traffic Control Devices.	1	LS	\$ 100.00	\$ 100.00	\$ 3,500.00	\$ 3,500.00	\$ 7,000.00	\$ 7,000.00	\$ 2,800.00	\$ 2,800.00	\$ 5,000.00	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00
24.	Site Restoration, Seeding, and Cleanup.	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 8,500.00	\$ 8,500.00	\$ 8,000.00	\$ 8,000.00	\$ 16,900.00	\$ 16,900.00	\$ 22,500.00	\$ 22,500.00	\$ 40,000.00	\$ 40,000.00
25.	Excavation and Trench Safety	1	LS	\$ 100.00	\$ 100.00	\$ 20,000.00	\$ 20,000.00	\$ 5,000.00	\$ 5,000.00	\$ 30,000.00	\$ 30,000.00	\$ 31,200.00	\$ 31,200.00	\$ 10,000.00	\$ 10,000.00
ENGINEER'S COMPUTED TOTAL ITEMS NO. 1 THROUGH 25					\$ 811,000.00		\$ 898,881.00		\$ 950,387.00		\$ 1,231,822.20		\$ 1,275,101.00		\$ 1,840,480.00
CONTRACTOR'S COMPUTED TOTAL ITEMS NO. 1 THROUGH 25					\$ 811,000.00		\$ 898,881.00		\$ 950,387.00		\$ 1,231,822.20		\$ 1,275,101.00		\$ 1,840,480.00
<b>CASH ALLOWANCE</b>															
C.1.	Procure a Testing Firm to Perform Construction Materials Testing at the Lift Station.	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
ENGINEER'S COMPUTED TOTAL ITEM NO. C.1					\$ 10,000.00		\$ 10,000.00		\$ 10,000.00		\$ 10,000.00		\$ 10,000.00		\$ 10,000.00
CONTRACTOR'S COMPUTED TOTAL ITEM NO. C.1					\$ 10,000.00		\$ 10,000.00		\$ 10,000.00		\$ 10,000.00		\$ 10,000.00		*No Total
<b>COMPUTED TOTAL BID</b>															
ENGINEER'S COMPUTED TOTAL BASE BID PLUS CASH ALLOWANCE					\$ 821,000.00		\$ 908,881.00		\$ 960,387.00		\$ 1,241,822.20		\$ 1,285,101.00		\$ 1,850,480.00
CONTRACTOR'S COMPUTED TOTAL BASE BID PLUS CASH ALLOWANCE					\$ 821,000.00		\$ 908,881.00		*\$950,387.00		\$ 1,241,822.20		*No Total		\$ 1,850,480.00

\* CONTRACTOR'S COMPUTED TOTAL

Reviewed by 



**MEMORANDUM**

To: Brenham Community Development Corporation (BCDC) Board of Directors

From: Shawn Bolenbarr

Subject: Allocation of Funds For 2023 Business Center Sanitary Sewer Extension

Date: 2/29/2024

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On January 26, 2023 Brenham Community Development Corporation (BCDC) approved an amount of \$883,000.00 to be spent on engineering design services, engineering bidding related services, engineering construction related services, and contractor construction related services for project number #65C-56C (2023 Brenham Business Center Sanitary Sewer Extension).

Below is a breakdown of the approved \$883,000.00 funding:

- Engineering design services - \$55,000.00
- Engineering bidding related services - \$12,500.00
- Engineering construction related services - \$72,500.00
- Contractor construction cost - \$743,000.00

On January 30, 2024 the City and Strand Associates opened bids regarding project number #65C-56C (2023 Brenham Business Center Sanitary Sewer Extension). There was a total of 5 bids received with Texas KB Utilities, LLC submitting the lowest bid. Texas KB Utilities, LLC had a bid price of \$821,000.00.

With the construction portion of the project coming in over the approved construction cost amount, Brenham Community Development Corporation (BCDC) will need to allocate an additional \$78,000.00 to project #65C-56C (2023 Brenham Business Center Sanitary Sewer Extension) to cover the additional cost of the construction portion of the project.

The City of Brenham Public Utilities respectfully request that the Brenham Community Development Corporation (BCDC) allocate an additional \$78,000.00 for Project No. 65C-56C (2023 Brenham Business Center Sanitary Sewer Extension) and authorize the President to execute any necessary documentation.



**MEMORANDUM**

To: Brenham Community Development Corporation (BCDC) Board of Directors

From: Shawn Bolenbarr

Subject: Sanitary Sewer Easement for Brenham Business Center

Date: 2/29/2024

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On September 28, 2023 Brenham Community Development Corporation (BCDC) approved an amendment to the Professional Services Agreement with Strand Associates for the preparation of easement documents for Project No. 65C-56C (2023 Brenham Business Center Sanitary Sewer Extension). This amendment was for Strand to provide all the needed easement documentation for the sewer line extension through the Brenham Business Center. The easement was to be center lined over the proposed sewer main (see attached Easements A thru C and Exhibit D).

By establishing the Public Utility Easement over the sanitary sewer line now, it will assure that there will be no confusion in the future with easement locations when the area is subdivided and platted into lots.

The City of Brenham Public Utilities Department respectfully request that Brenham Community Development Corporation (BCDC) approve the easement documents that were provided by Strand Associates for Project No. 65C-56C (2023 Brenham Business Center Sanitary Sewer Extension) and authorize the President to execute any necessary documentation.

**UTILITY EASEMENT**

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF WASHINGTON

§

THAT the undersigned BRENHAM COMMUNITY DEVELOPMENT CORPORATION, of the County of Washington, State of Texas, hereinafter referred to as "Grantor," for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, cash, and other good and valuable considerations paid by the CITY OF BRENHAM, TEXAS, of 200 W. Vulcan Street, Brenham, Texas, 77833, the receipt and sufficiency of which is hereby acknowledged and confessed, HAS DEDICATED, GIVEN, GRANTED, SOLD, AND CONVEYED and by these presents DOES HEREBY DEDICATE, GIVE, GRANT, SELL, AND CONVEY, unto the City of Brenham, Texas, hereinafter referred to as "Grantee," its successors, assigns, and legal representatives, the following easements:

Easement "A":

An exclusive and perpetual twenty foot (20') easement for public utility purposes, including the right to construct, operate, maintain, repair, inspect, replace, upgrade, and remove said public utilities, in, upon, above, along, across, over, and under that certain tract or parcel of land in Washington County, Texas, described by metes and bounds in *Exhibit 'A'* attached hereto, and described by survey plat in *Exhibit 'D'* attached hereto, said Exhibits being incorporated herein by this reference for all purposes.

Easement "B":

An exclusive and perpetual twenty foot (20') easement for public utility purposes, including the right to construct, operate, maintain, repair, inspect, replace, upgrade, and remove said public utilities, in, upon, above, along, across, over, and under that certain tract or parcel of land in Washington County, Texas, described by metes and bounds in *Exhibit 'B'* attached hereto, and described by survey plat in *Exhibit 'D'* attached hereto, said Exhibits being incorporated herein by this reference for all purposes.

Easement "C":

An exclusive and perpetual fifteen foot (15') easement for public utility purposes, including the right to construct, operate, maintain, repair, inspect, replace, upgrade, and remove said public utilities, in, upon, above, along, across, over, and under that certain tract or parcel of land in Washington County, Texas, described by metes and bounds in *Exhibit 'C'* attached hereto, and described by survey plat in *Exhibit 'D'* attached hereto, said Exhibits being incorporated herein by this reference for all purposes.

The Grantee may do and perform all acts necessary to construct, operate, maintain, repair, inspect, replace, upgrade, and remove said public utilities in, upon, above, along, across, over, and under said easements, and operate thereon all necessary machinery and equipment, and Grantee shall have the right to cut, trim, and remove trees, brush, shrubbery, or weeds, or to remove any improvements, structures or other obstructions which may encroach upon, burden, or interfere with the easements herein granted. Grantee shall not be responsible or liable for the removal, repair or damage to any property, structure, building, or other use inconsistent with the rights conveyed to the Grantee by the easements granted herein. Grantor retains, reserves, and shall continue to enjoy the use of the surface of the easement areas for any and all purposes which do not interfere with or prevent the use by Grantee of the easements, rights, and privileges granted herein, subject to all applicable laws and regulations of the State of Texas or its political subdivisions, including Grantee.

Grantor further grants to Grantee the right of ingress to and egress from the easements over and across Grantor's property by means of roads and lanes thereon, if such exist, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor; the foregoing right of ingress and egress includes the right of the Grantee to disassemble, remove, take down, and clear away any fence, barricade, or other structure which obstructs, prevents, or hinders the Grantee's ingress to and egress from the Grantor's property, and should Grantee deem it necessary to so disassemble, remove, take down, or clear away any such fence, barricade, or other structure, the Grantee shall replace or restore the Grantor's property to as similar condition as reasonably practicable as existed immediately prior to Grantee's actions pursuant to this provision, unless said fence, barricade, or other structure is inconsistent with the rights conveyed to the Grantee herein; the foregoing right of ingress and egress applies during the period of construction as well as otherwise.

The easements and the rights and privileges herein granted shall be perpetual and exclusive, subject to any and all agreements and easements previously conveyed, if any, relating to the hereinabove described property, but only to the extent they are still in effect and shown of record in the Washington County Real Property Records. Grantor covenants that Grantor will not convey any other easement, or any other right, within or conflicting with the area of the easement herein granted. This instrument shall be binding upon the successors, assigns, legal representatives, heirs, executors, and administrators of both the Grantor and the Grantee.

TO HAVE AND TO HOLD the above described easement, together with all and singular, the rights and appurtenances thereto in any manner belonging, unto the said Grantee, its successors, assigns, and legal representatives, and Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns to warrant and forever defend all and singular said easements to Grantee and its successors, assigns, and legal representatives, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

**GRANTOR:** BRENHAM COMMUNITY DEVELOPMENT CORPORATION

By: \_\_\_\_\_

Printed Name:

**ACKNOWLEDGEMENT**

THE STATE OF TEXAS                    §  
  §  
COUNTY OF WASHINGTON            §

BEFORE ME, the undersigned authority, 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 as the act of BRENHAM COMMUNITY DEVELOPMENT CORPORATION, as its \_\_\_\_\_, for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public in and for the State of Texas  
My Commission Expires:

After recording, please return to:  
  
City of Brenham  
P.O. Box 1059  
Brenham, Texas 77834-1059





0.0551 ACRE

STATE OF TEXAS )
COUNTY OF WASHINGTON )

ALL THAT CERTAIN 0.0551-acre tract or parcel of land, lying being situated in the City of Brenham, Washington County, Texas, part of the Hiram Lee Survey, Abstract 76, being out of the residue of a tract said to contain 100.000 acres conveyed to Brenham Community Development Corporation and described by instrument recorded in Volume 817, Page 705, et seq., Official Records of Washington County (O.R.W.C.). Said 0.0551-acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found with cap marked "O'Malley Engineers" in the northwest line of the Justin Margist et ux. tract called 15.000 acres as described in Volume 1714, Page 450, et seq., O.R.W.C., being the south corner of Reserve "B," Brenham Business Center Phase I, as shown on the plat recorded in Plat Slide 442B, Plat Records of Washington County (P.R.W.C.), and being the upper east corner of said Brenham Community Development Corporation tract;

THENCE North 44°03'23" West, a distance of 559.46 feet to a point for west corner of Reserve "B" and the more easterly cutback corner at the intersection of the southeast right-of-way line of South Blue Bell Road (platted as Horton Street, 120-foot right-of-way per Plat Slide 403A, P.R.W.C.) with the southwest right-of-way line of James Nutt Boulevard (width varies per Plat Slide 403A, P.R.W.C.);

THENCE North 89°03'23" West, a distance of 42.43 feet to point for the westerly cutback corner at said intersection, from which a 1/2-inch iron rod found with cap marked "O'Malley Engineers" at the more southerly cutback corner at the intersection of the northwest right-of-way line of South Blue Bell Road with the southwest right-of-way line of James Nutt Boulevard bears North 44°03'23" West, a distance of 120.00 feet;

THENCE South 45°56'37" West along the southeast right-of-way line of South Blue Bell Road, a distance of 453.59 feet to a 1/2-inch iron rod set with cap marked "Strand Associates" for the north corner of the herein described tract and the PLACE OF BEGINNING;

THENCE South 45°56'37" West continuing along the southeast right-of-way line of South Blue Bell Road, a distance of 60.00 feet to a 1/2-inch iron rod set with cap marked "Strand Associates" for the west corner hereof;

THENCE severing said parent tract at right angles, the following courses and distances:

- South 44°03'23" East, a distance of 40.00 feet to a 1/2-inch iron rod set with cap marked "Strand Associates" for the south corner hereof;
• North 45°56'37" East, a distance of 60.00 feet to a 1/2-inch iron rod set with cap marked "Strand Associates" for the east corner hereof; and
• North 44°03'23" West, a distance of 40.00 feet to the Place of Beginning and containing 0.0551 acre of land.

Notes:

1. Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83, as determined from GPS observations. All distances are surface value.
2. This survey is valid only if it bears the seal and original signature of the surveyor.
3. This description is accompanied by a plat of even date herewith.

January 15, 2024

Robert C. Schmidt

Robert C. Schmidt, TX RPLS No. 4705





Easement "A"

STATE OF TEXAS )
COUNTY OF WASHINGTON )

BEING AN EASEMENT 20 feet in width over and across a portion of the residue of a tract said to contain 100.000 acres conveyed to Brenham Community Development Corporation and described by instrument recorded in Volume 817, Page 705, et seq., Official Records of Washington County (O.R.W.C.), situated in the Hiram Lee Survey, Abstract 76, and the Isaac Lee Survey, Abstract 77, City of Brenham, Washington County, Texas. Said 20-foot easement being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found with cap marked "O'Malley Engineers" in the northwest line of the Justin Margist et ux. tract called 15.000 acres as described in Volume 1714, Page 450, et seq., O.R.W.C., being the south corner of Reserve "B," Brenham Business Center Phase I, as shown on the plat recorded in Plat Slide 442B, Plat Records of Washington County (P.R.W.C.), and being the upper east corner of said Brenham Community Development Corporation tract;

THENCE North 44°03'23" West, a distance of 559.46 feet to a point for west corner of Reserve "B" and the more easterly cutback corner at the intersection of the southeast right-of-way line of South Blue Bell Road (platted as Horton Street, 120-foot right-of-way per Plat Slide 403A, P.R.W.C.) with the southwest right-of-way line of James Nutt Boulevard (width varies per Plat Slide 403A, P.R.W.C.);

THENCE North 89°03'23" West, a distance of 42.43 feet to point for the westerly cutback corner at said intersection, from which a 1/2-inch iron rod found with cap marked "O'Malley Engineers" at the more southerly cutback corner at the intersection of the northwest right-of-way line of South Blue Bell Road with the southwest right-of-way line of James Nutt Boulevard bears North 44°03'23" West, a distance of 120.00 feet;

THENCE South 45°56'37" West along the southeast right-of-way line of South Blue Bell Road, a distance of 453.59 feet to a 1/2-inch iron rod set with cap marked "Strand Associates" for the north corner of a 0.0551-acre tract surveyed this date by the undersigned surveyor;

THENCE departing the southeast right-of-way line of South Blue Bell Road over and across said parent tract, the following courses and distances:

- South 44°03'23" East, a distance of 20.00 feet to a point, from which a 1/2-inch iron rod set with cap marked "Strand Associates" for the east corner of said 0.0551-acre tract bears South 44°03'23" East, a distance of 20.00 feet;
• North 45°56'37" East, a distance of 445.31 feet to a point;
• South 89°03'23" East, a distance of 25.86 feet to a point; and
• South 44°03'23" East, a distance of 551.17 feet to a point in the common line of said Justin Margist et ux. tract and said Brenham Community Development Corporation tract;

THENCE along said common line North 45°58'22" East, a distance of 20.00 feet to the Place of Beginning and containing 0.4770 acre of land.

Notes:

1. Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83, as determined from GPS observations. All distances are surface value.
2. This survey is valid only if it bears the seal and original signature of the surveyor.
3. This description is accompanied by a plat of even date herewith.

January 15, 2024

Robert C. Schmidt

Robert C. Schmidt, TX RPLS No. 4705





Easement "B"

STATE OF TEXAS )
COUNTY OF WASHINGTON )

BEING AN EASEMENT 20 feet in width over and across a portion of the residue of a tract said to contain 100.000 acres conveyed to Brenham Community Development Corporation and described by instrument recorded in Volume 817, Page 705, et seq., Official Records of Washington County (O.R.W.C.), situated in the Hiram Lee Survey, Abstract 76, City of Brenham, Washington County, Texas. Said 20-foot easement being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found with cap marked "O'Malley Engineers" in the northwest line of the Justin Margist et ux. tract called 15.000 acres as described in Volume 1714, Page 450, et seq., O.R.W.C., being the south corner of Reserve "B," Brenham Business Center Phase I, as shown on the plat recorded in Plat Slide 442B, Plat Records of Washington County (P.R.W.C.), and being the upper east corner of said Brenham Community Development Corporation tract;

THENCE North 44°03'23" West, a distance of 559.46 feet to a point for west corner of Reserve "B" and the more easterly cutback corner at the intersection of the southeast right-of-way line of South Blue Bell Road (platted as Horton Street, 120-foot right-of-way per Plat Slide 403A, P.R.W.C.) with the southwest right-of-way line of James Nutt Boulevard (width varies per Plat Slide 403A, P.R.W.C.);

THENCE North 89°03'23" West, a distance of 42.43 feet to point for the westerly cutback corner at said intersection, from which a 1/2-inch iron rod found with cap marked "O'Malley Engineers" at the more southerly cutback corner at the intersection of the northwest right-of-way line of South Blue Bell Road with the southwest right-of-way line of James Nutt Boulevard bears North 44°03'23" West, a distance of 120.00 feet;

THENCE South 45°56'37" West along the southeast right-of-way line of South Blue Bell Road, at a distance of 453.59 feet pass a 1/2-inch iron rod set with cap marked "Strand Associates" for the north corner of a 0.0551-acre tract surveyed this date by the undersigned surveyor, and continuing for an additional 60.00 feet to a 1/2-inch iron rod set with cap marked "Strand Associates" for the west corner of said 0.0551-acre tract and the PLACE OF BEGINNING of the herein described easement;

THENCE continuing South 45°56'37" West, a distance of 774.83 feet to a point for the southwest terminus of the southeast right-of-way line of South Blue Bell Road, from which a 1/2-inch iron rod found bears South 66°55'18" East, a distance of 0.19 feet. Said point being South 12°43'13" East, a distance of 140.49 feet from a 1/2-inch iron rod found at the southwest terminus of the northwest right-of-way line of South Blue Bell Road and in the east line of the Kolwes Land, LTD. tract as described in Volume 807, Page 231, et seq., Official Records of Washington County;

THENCE along the east line of said Kolwes Land, LTD. tract South 12°43'13" East, a distance of 23.42 feet to a point;

THENCE over and across said parent tract North 45°56'37" East, a distance of 787.01 feet to a point in the southwest line of said 0.0551-acre tract, from which a 1/2-inch iron rod set with cap marked "Strand Associates" for the south corner of said 0.0551-acre tract bears South 44°03'23" East, a distance of 20.00 feet;

THENCE along the southwest line of said 0.0551-acre tract North 44°03'23" West, a distance of 20.00 feet to the Place of Beginning and containing 0.3585 acre of land.

Notes:

- 1. Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83, as determined from GPS observations. All distances are surface value.
2. This survey is valid only if it bears the seal and original signature of the surveyor.
3. This description is accompanied by a plat of even date herewith.

January 15, 2024

Robert C. Schmidt (handwritten signature)

Robert C. Schmidt, TX RPLS No. 4705





Easement "C"

STATE OF TEXAS )
COUNTY OF WASHINGTON )

BEING AN EASEMENT 15 feet in width over and across a portion of Reserve "C," Brenham Business Center, Phase I, as shown on the plat recorded in Plat Slide 403A, Plat Records of Washington County (P.R.W.C.), situated in the Hiram Lee Survey, Abstract 76, City of Brenham, Washington County, Texas. Said 15-foot easement being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found with cap marked "O'Malley Engineers" in the curving southwesterly right-of-way line of James Nutt Boulevard (width varies per Plat Slide 403A, P.R.W.C.) at the most northerly corner of Reserve "C" and the most easterly corner of Reserve "D" of said Brenham Business Center, Phase I, from which a 1/2-inch iron rod found with cap marked "O'Malley Engineers" at the northwesterly corner of Reserve "C" and southwesterly corner of Reserve "D" bears South 55°27'36" West, a distance of 212.13 feet;

THENCE along the southwesterly right-of-way line of James Nutt Boulevard, along a curve to the left, having a radius of 840.00 feet, an arc length of 108.86 feet, a central angle of 7°25'32", and a chord which bears South 58°00'21" East, a distance of 108.79 feet to a point for the end of said curve, from which a 1/2-inch iron rod found with cap marked "O'Malley Engineers" bears South 15°49'52" West, a distance of 0.16 feet, South 61°43'07" East, a distance of 211.66 feet to a 1/2-inch iron rod found with cap marked "O'Malley Engineers" for the beginning of a curve to the right, and along said curve to the right, having a radius of 760.00 feet, an arc length of 90.00 feet, a central angle of 6°47'05", and a chord which bears South 58°19'35" East, a distance of 89.94 feet to a point for the PLACE OF BEGINNING of the herein described easement;

THENCE continuing along the southwesterly right-of-way line of James Nutt Boulevard along said curve to the right, having a radius of 760.00 feet, an arc length of 15.10 feet, a central angle of 1°08'18", and a chord which bears South 54°21'53" East, a distance of 15.10 feet to a point;

THENCE departing the southwesterly right-of-way line of James Nutt Boulevard over and across said parent tract, the following courses and distances:

- South 42°11'35" West, a distance of 245.20 feet to a point;
• South 52°38'09" East, a distance of 386.16 feet to a point;
• South 30°10'51" East, a distance of 323.13 feet to a point; and
• South 45°33'02" East, a distance of 358.13 feet to a point in the northwest right-of-way line of South Blue Bell Road (platted as Horton Street, 120-foot right-of-way per Plat Slide 403A, P.R.W.C.), being South 45°56'37" West, a distance of 236.17 feet from a 1/2-inch iron rod found with cap marked "O'Malley Engineers" at the more southerly cutback corner at the intersection of the northwest right-of-way line of South Blue Bell Road with the southwest right-of-way line of James Nutt Boulevard;

THENCE South 45°56'37" West, a distance of 15.01 feet to a point, from which a 1/2-inch iron rod found at the southwest terminus of the northwest right-of-way line of South Blue Bell Road bears South 45°56'37" West, a distance of 964.18 feet;

THENCE departing the northwest right-of-way line of South Blue Bell Road, the following courses and distances:

- North 45°33'02" West, a distance of 359.76 feet to a point;
• North 30°10'51" West, a distance of 322.18 feet to a point;
• North 52°38'09" West, a distance of 399.50 feet to a point; and
• North 42°11'35" East, a distance of 259.79 feet to the Place of Beginning and containing 0.4569 acre of land.

Notes:

- 1. Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83, as determined from GPS observations. All distances are surface value.
2. This survey is valid only if it bears the seal and original signature of the surveyor.
3. This description is accompanied by a plat of even date herewith.

January 15, 2024

Robert C. Schmidt

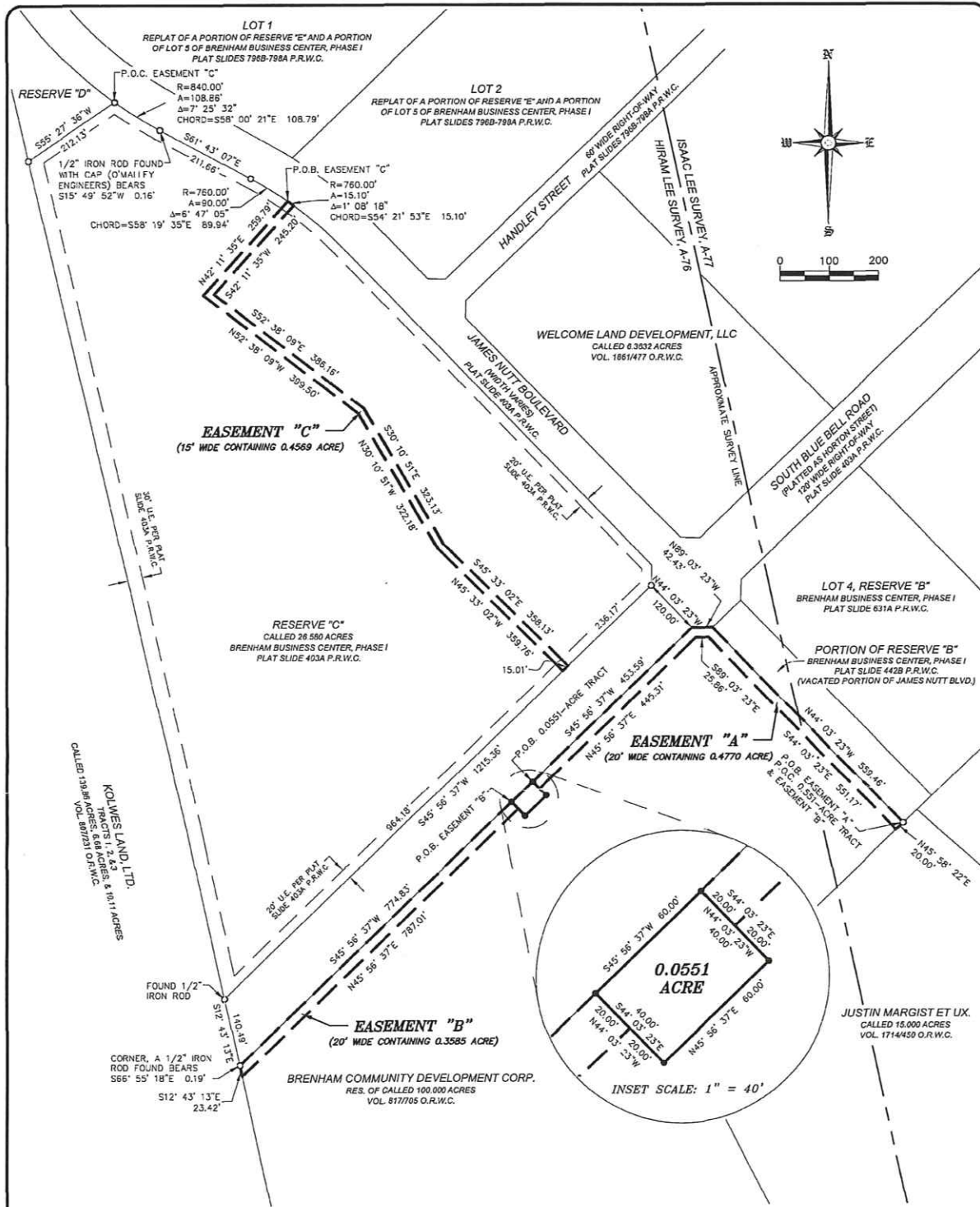
Robert C. Schmidt, TX RPLS No. 4705

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TBPE No. F-8405
TBPLS No. 10030000

EXHIBIT "D"



NOTES:

1. Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83, as determined from GPS observations. All distances are surface value.
2. The surveyor has not abstracted the property. This survey was performed without the benefit of a current abstract of property or title report and may be subject to any conditions, easements, restrictions, additions, or exceptions that a current title opinion might disclose.
3. ● - Indicates 1/2" iron rod set with cap marked "Strand Associates."
4. ○ - indicates 1/2" iron rod found with cap marked "O'Malley Engineers" unless otherwise noted.
5. This survey is valid only if it bears the seal and original signature of the surveyor.
6. This plat is accompanied by metes and bounds descriptions of even date herewith.

The information shown on this plat is based on a survey performed on the ground under my supervision and completed January 15, 2024. It is my professional opinion that this map represents the facts as found.

*Robert C. Schmidt*  
 Robert C. Schmidt, RPLS  
 Texas Registered Professional  
 Land Surveyor No. 4705



**SA**  
**STRAND**  
 ASSOCIATES®  
 1906 Niebuhr St.  
 Brenham, Texas 77833  
 (797) 836-7937  
 TBPE No. F-3485  
 TBPLS No. 10030000



**MEMORANDUM**

To: Brenham Community Development Corporation (BCDC) Board of Directors

From: Shawn Bolenbarr

Subject: Conveyance Of Land for Brenham Business Center Lift Station

Date: 2/29/2024

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On September 28, 2023 Brenham Community Development Corporation (BCDC) approved an amendment to the Professional Services Agreement with Strand Associates for preparation of easement documents for Project No. 65C-56C (2023 Brenham Business Center Sanitary Sewer Extension). This amendment was for Strand to provide all the needed easement documentation for the sewer line extension through the Brenham Business Center.

During the easement design work, it was determined that it would be more appropriate to have the lift station site, 0.0551-acres of land, deeded to the City of Brenham rather than placing it in a utility easement. By deeding this 0.0551 acres of land to the City it will ensure that no other utility provider can install utilities through the lift station site.

The City of Brenham Public Utilities Department requests that Brenham Community Development Corporation (BCDC) approve a Resolution for the conveyance of 0.0551-acres of land to the City of Brenham for the lift station site located at the Brenham Business Center and authorize the President to execute any necessary documentation.

**RESOLUTION**

**A RESOLUTION OF THE BRENHAM COMMUNITY DEVELOPMENT CORPORATION (BCDC) AUTHORIZING THE CONVEYANCE OF APPROXIMATELY 0.0551 ACRES FROM THE BCDC TO THE CITY OF BRENHAM, A TEXAS HOME-RULE MUNICIPAL CORPORATION, FOR UTILITY INFRASTRUCTURE IMPROVEMENTS IN THE BRENHAM BUSINESS CENTER; AND AUTHORIZING THE PRESIDENT TO EXECUTE THE NECESSARY DOCUMENTS**

**WHEREAS**, the Brenham Community Development Corporation (BCDC) desires to convey a tract of land containing approximately 0.0551 acres, more or less, described as being the south corner of Reserve “B” of the Brenham Business Center, Phase I, further depicted in Exhibit “A” attached hereto and incorporated herein for all purposes (the “Property”), as recorded in Plat Slide 442-B of the Plat Records of Washington County, Texas; and

**WHEREAS**, the Board of Directors of the BCDC desires to convey the Property to the City of Brenham for utility infrastructure improvements in anticipation of future development in the Brenham Business Center; and

**WHEREAS**, the Board of Directors desires to authorize the President of the BCDC to execute any and all documents and instruments related to the conveyance of said Property to the City of Brenham for the purposes stated hereinabove.

**NOW THEREFORE**, be it resolved by the Brenham Community Development Corporation that:

**Section 1:** The BCDC shall convey to the City of Brenham the Property, as described in Exhibit A; and

**Section 2:** The President of the BCDC Carolyn Miller is hereby authorized to execute any and all documents and instruments necessary and appropriate for said conveyance.

**RESOLVED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Charles Moser  
Chairman

**ATTEST:**

\_\_\_\_\_  
Jeana Bellinger, TRMC, CMC  
BCDC Secretary

**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: BRENHAM COMMUNITY DEVELOPMENT CORPORATION TO THE CITY OF BRENHAM, A TEXAS HOME-RULE MUNICIPAL CORPORATION**

---

THE STATE OF TEXAS                            §  
   §    KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF WASHINGTON                   §

That the undersigned BRENHAM COMMUNITY DEVELOPMENT CORPORATION, of the County of Washington, State of Texas, hereinafter called "Grantor," for and in consideration of the sum of TEN AND NO/100 Dollars (\$10.00) and other good and valuable consideration, to Grantor paid by the CITY OF BRENHAM, a Texas home-rule municipal corporation, hereinafter called "Grantee," the receipt of which is hereby acknowledged, and for which no lien, either express or implied, is retained or shall exist;

GRANTOR HAS GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto the said Grantee, the following described property, lying and being situated in Washington County, Texas, to wit:

All that certain 0.0551-acre tract or parcel of land, lying and being situated in the City of Brenham, Washington County, Texas, part of the Hiram Lee Survey, Abstract 76, being out of the residue of a tract said to contain 100.000 acres conveyed to Brenham Community Development Corporation and described by instrument recorded in Volume 817, Page 705, et seq., Official Records of Washington County, Texas (O.R.W.C.), said 0.0551-acre tract being more particularly described in Exhibits "A" and "B" attached hereto and incorporated herein for all pertinent purposes.

Subject to validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and other instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2024, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

TO HAVE AND TO HOLD, subject to those exceptions, reservation and other matters affecting title as are set forth in this conveyance, the above described property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said CITY OF BRENHAM, a Texas home-rule municipal corporation, its successors and assigns, forever; and



Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the property unto the said Grantee, its 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 Grantors, but not otherwise.

WITNESS OUR HANDS this the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
BRENHAM COMMUNITY DEVELOPMENT CORPORATION

BY: Carolyn D. Miller, President

THE STATE OF TEXAS                             §  
   §  
COUNTY OF WASHINGTON                   §

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared Carolyn D. Miller, President of the Brenham Community Development Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as the act of BRENHAM COMMUNITY DEVELOPMENT CORPORATION, for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas



Exhibit "A"

0.0551 ACRE

STATE OF TEXAS )
COUNTY OF WASHINGTON )

ALL THAT CERTAIN 0.0551-acre tract or parcel of land, lying being situated in the City of Brenham, Washington County, Texas, part of the Hiram Lee Survey, Abstract 76, being out of the residue of a tract said to contain 100.000 acres conveyed to Brenham Community Development Corporation and described by instrument recorded in Volume 817, Page 705, et seq., Official Records of Washington County (O.R.W.C.). Said 0.0551-acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found with cap marked "O'Malley Engineers" in the northwest line of the Justin Margist et ux. tract called 15.000 acres as described in Volume 1714, Page 450, et seq., O.R.W.C., being the south corner of Reserve "B," Brenham Business Center Phase I, as shown on the plat recorded in Plat Slide 442B, Plat Records of Washington County (P.R.W.C.), and being the upper east corner of said Brenham Community Development Corporation tract;

THENCE North 44°03'23" West, a distance of 559.46 feet to a point for west corner of Reserve "B" and the more easterly cutback corner at the intersection of the southeast right-of-way line of South Blue Bell Road (platted as Horton Street, 120-foot right-of-way per Plat Slide 403A, P.R.W.C.) with the southwest right-of-way line of James Nutt Boulevard (width varies per Plat Slide 403A, P.R.W.C.);

THENCE North 89°03'23" West, a distance of 42.43 feet to point for the westerly cutback corner at said intersection, from which a 1/2-inch iron rod found with cap marked "O'Malley Engineers" at the more southerly cutback corner at the intersection of the northwest right-of-way line of South Blue Bell Road with the southwest right-of-way line of James Nutt Boulevard bears North 44°03'23" West, a distance of 120.00 feet;

THENCE South 45°56'37" West along the southeast right-of-way line of South Blue Bell Road, a distance of 453.59 feet to a 1/2-inch iron rod set with cap marked "Strand Associates" for the north corner of the herein described tract and the PLACE OF BEGINNING;

THENCE South 45°56'37" West continuing along the southeast right-of-way line of South Blue Bell Road, a distance of 60.00 feet to a 1/2-inch iron rod set with cap marked "Strand Associates" for the west corner hereof;

THENCE severing said parent tract at right angles, the following courses and distances:

- South 44°03'23" East, a distance of 40.00 feet to a 1/2-inch iron rod set with cap marked "Strand Associates" for the south corner hereof;
• North 45°56'37" East, a distance of 60.00 feet to a 1/2-inch iron rod set with cap marked "Strand Associates" for the east corner hereof; and
• North 44°03'23" West, a distance of 40.00 feet to the Place of Beginning and containing 0.0551 acre of land.

Notes:

1. Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83, as determined from GPS observations. All distances are surface value.
2. This survey is valid only if it bears the seal and original signature of the surveyor.
3. This description is accompanied by a plat of even date herewith.

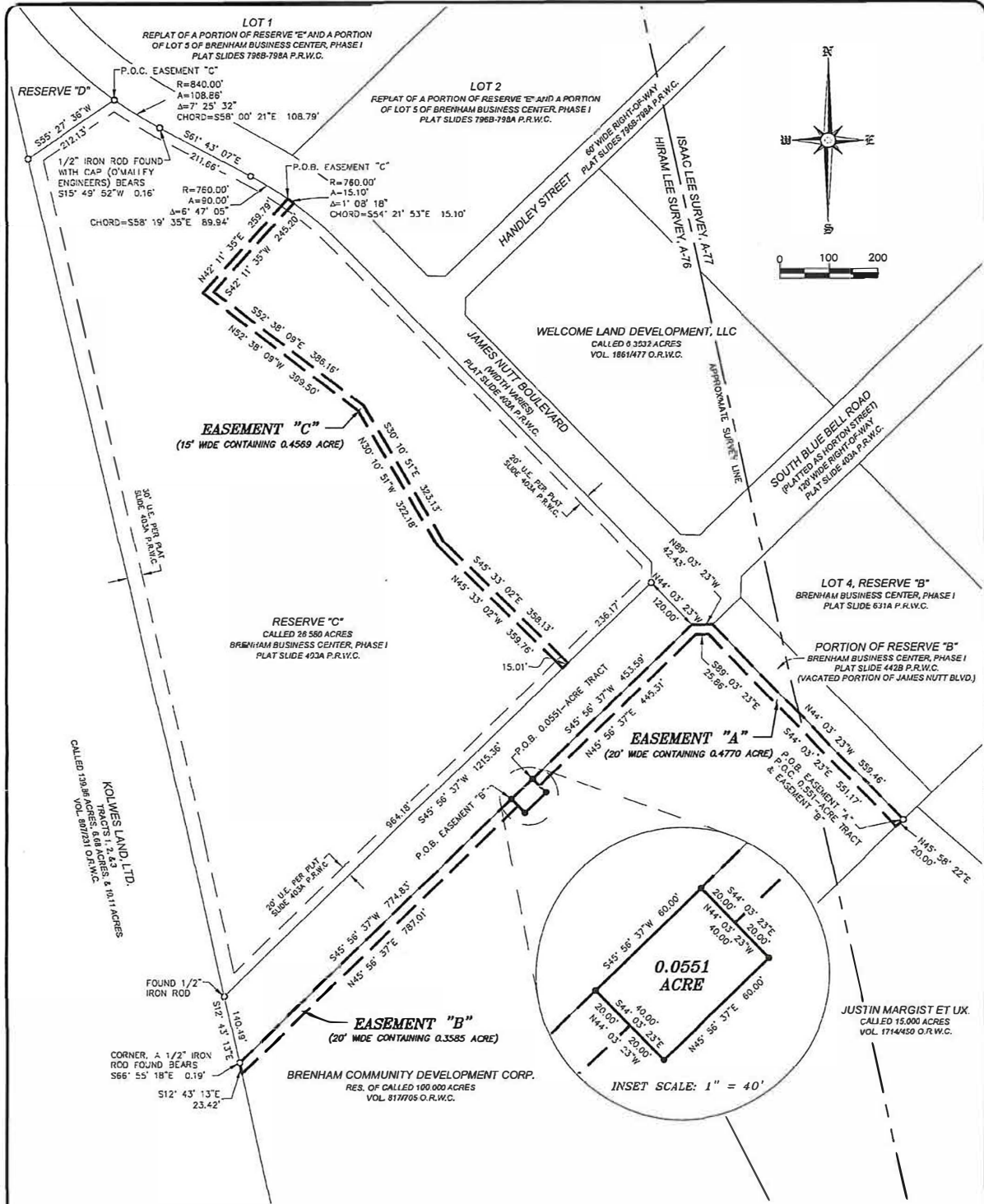
January 15, 2024

Robert C. Schmidt

Robert C. Schmidt, TX RPLS No. 4705



# EXHIBIT "B"



**NOTES:**

1. Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83, as determined from GPS observations. All distances are surface value.
2. The surveyor has not abstracted the property. This survey was performed without the benefit of a current abstract of property or title report and may be subject to any conditions, easements, restrictions, additions, or exceptions that a current title opinion might disclose.
3. ● - Indicates 1/2" Iron rod set with cap marked "Strand Associates."
4. ○ - indicates 1/2" iron rod found with cap marked "O'Malley Engineers" unless otherwise noted.
5. This survey is valid only if it bears the seal and original signature of the surveyor.
6. This plat is accompanied by metes and bounds descriptions of even date herewith.

PLAT SHOWING SURVEY OF A 0.0551-ACRE TRACT AND TWO 20-FOOT EASEMENTS (EASEMENTS "A" AND "B") OUT OF THE RESIDUE OF A CALLED 100.000-ACRE TRACT DESCRIBED IN VOLUME 817, PAGE 705, OFFICIAL RECORDS OF WASHINGTON COUNTY, AND A 15-FOOT EASEMENT (EASEMENT "C") OUT OF RESERVE "C" OF BRENHAM BUSINESS CENTER, PHASE I, AS SHOWN ON THE PLAT RECORDED IN PLAT SLIDE 403A, PLAT RECORDS OF WASHINGTON COUNTY, SITUATED IN THE HIRAM LEE SURVEY, ABSTRACT 76, AND THE ISAAC LEE SURVEY, ABSTRACT 77, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS

The information shown on this plat is based on a survey performed on the ground under my supervision and completed January 15, 2024. It is my professional opinion that this map represents the facts as found.

*Robert C. Schmidt*  
Robert C. Schmidt, RPLS  
Texas Registered Professional  
Land Surveyor No. 4705



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