



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, DECEMBER 5, 2019 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN ST.
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Andrew Ebel**
- 3. Proclamation**
 - **K9 Ronny**
- 4. Special Recognition**
 - **Nancy Carol Roberts Memorial Library Teen Writing Contest Winners**
- 5. Service Recognition**
 - **JoAnne Hynes, Public Works** **5 Years**
- 6. Citizens Comments**

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CONSENT AGENDA

7. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

7-a. Minutes from the November 7, 2019 Regular City Council Meeting

7-b. Ordinance No. O-19-042 on Its Second Reading Amending Chapter 26, Utilities, of the Code of Ordinances of the City of Brenham Establishing a Municipal Drainage Utility System, Providing for the Establishment and Calculation of Municipal Drainage Utility Charges and Credits, and Providing Penalties and Remedies for Nonpayment of Charges

- 7-c. Award Bid No. 19-007, Including Alternate No. 1, Related to Outdoor Leisure Furniture for the Blue Bell Aquatic Center to Lone Star Patio & Outdoor Living, in the Amount of \$56,816.58 and Authorize the Mayor to Execute Any Necessary Documentation
- 7-d. Purchase of a Mini Bucket Truck for the City of Brenham Electric Department from Grande Truck Center, Through Buyboard Contract No. 521-16, in the Amount of \$182,100.00 and Authorize the Mayor to Execute Any Necessary Documentation
- 7-e. Approve Expending Seized Narcotic Funds for Specialized Training for the City of Brenham Police Department
- 7-f. Approval of Amendment No. 1 to the Professional Services Agreement with Strand Associates, Inc. Related to Project No. 2017-05 for Storm Damage Repairs to the Munz Lift Station and Authorize the Mayor to Execute Any Necessary Documentation
- 7-g. Approve an Ordinance on Its First Reading Amending the FY2018-19 Adopted Budget
- 7-h. Award RFP No. 19-008 Related to Financing for Vehicle and Equipment Replacement to Brenham National Bank with an Annual Percentage Rate (APR) of 2.03% for Three, Five and Seven Year Financing and Authorize the Mayor to Execute Any Necessary Documentation
- 7-i. Award Contract No. 2017-11 Related to Fireman's Park Stone Bridge Rehabilitation to Dudley Construction, Ltd., in the Amount of \$99,500.00 and Authorize the Mayor to Execute Any Necessary Documentation
- 7-j. Acceptance of a Donation from The Dorothy Elaine O'Connor Living Trust in the Amount of \$25,000.000 for the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation
- 7-k. Approve the Bylaws of the Tax Increment Reinvestment Zone (TIRZ) No. 1 Board and Authorize the Mayor to Execute Any Necessary Documentation
- 7-l. Approve a Professional Services Agreement with Strand Associates, Inc. Related to Engineering Services for the Ralston Creek Lift Station in an Amount Not to Exceed \$60,500.00 and Authorize the Mayor to Execute Any Necessary Documentation

Pages 2-80

REGULAR SESSION

- 8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Annexing the Hereinafter Described Territory into the City of Brenham and Adopting a Service Plan:

Section 2019-1: Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31, Consisting of a Single Tract of Land with Frontage Along Industrial Blvd., FM 332 and FM 389

Section 2019-2: Approximately 0.643 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Portions of Multiple Tracts of Land with Frontage Along the West Side of Old Masonic Road

Section 2019-3: Approximately 194.762 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Multiple Tracts of Land with Frontage Along the East Side of Farmers Road Between FM 389 and Old Mill Creek Road, and the North Side of Old Mill Creek Road Between the Current City Limit Line and Jackson Creek
Pages 81-97

PUBLIC HEARINGS AND ASSOCIATED ACTION ITEMS

- 9. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading to Amend Appendix A – “Zoning” of the Code of Ordinances to Assign Zoning District Classifications to the Properties Being Considered for Annexation into the City Limits of the City of Brenham, Texas, and Being More Specifically Described Below (Case Number P-19-042):**

Section 2019-1: Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31, Consisting of a Single Tract of Land with Frontage Along Industrial Blvd., FM 332 and FM 389

Section 2019-2: Approximately 0.643 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Portions of Multiple Tracts of Land with Frontage Along the West Side of Old Masonic Road

Section 2019-3: Approximately 194.762 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Multiple Tracts of Land with Frontage Along the East Side of Farmers Road Between FM 389 and Old Mill Creek Road, and the North Side of Old Mill Creek Road Between the Current City Limit Line and Jackson Creek
Pages 98-127

- 10. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from Mixed Residential Use District (R-2) to Commercial, Research and Technology Use District (B-2) on a 0.186 Acre Tract of Land Located at 406 Church Street and Further Described as Lot 4A, Block 93, of the Original Town Addition, Brenham, Washington County, Texas (Case Number P-19-041)**
Pages 128-144
- 11. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Establishing the Drainage Utility Rate Tariff Schedules for the City of Brenham’s Municipal Drainage Utility System**
Pages 145-150

12. **Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the Boundaries of Tax Increment Reinvestment Zone Number One, City of Brenham, Texas to Include Additional Property Containing Approximately 199 Acres Generally Located Along the US Highway 290, South Market Street and West Main Street Corridors and Being Wholly Located Within the Corporate Limits of the City of Brenham, Texas** **Pages 151-233**

RE-OPEN REGULAR SESSION

13. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Approving the Tax Increment Reinvestment Zone Number One, City of Brenham, Texas Final Project and Finance Plan** **Pages 234-335**
14. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 8, Fire Prevention and Protection, of the Code of Ordinances, City of Brenham, Texas** **Pages 336-352**
15. **Discuss and Possibly Act Upon an Ordinance on Its First Reading to:**
- a. **Amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-20(d) Related to the Fees and Court Costs Associated with the Municipal Court Security Fund;**
 - b. **Amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-21, Municipal Court Technology Fund, and Providing for a New Section, Reserved, for Future Amendments to Chapter 2; and**
 - c. **Amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-23, Municipal Court Juvenile Case Manager Fund, and Providing for a New Section, Reserved, for Future Amendments to Chapter 2** **Pages 353-357**
16. **Administrative/Elected Officials Report**

EXECUTIVE SESSION

17. **Section 551.071 – Texas Government Code – Consultation with City Attorney and Section 551.072 – Texas Government Code – Real Property Regarding the Barnhill Center at the Historic Simon Theater** **Page 358**
18. **Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Deliberation Regarding the Appointment and Compensation of an Additional Municipal Court Associate Judge** **Page 359**

RE-OPEN REGULAR AGENDA

19. Discuss and Possibly Act Upon the Appointment and Compensation of an Additional Municipal Court Associate Judge

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Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutory recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

Adjourn

Executive Sessions: The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 – Consultation with Attorney, §551.072 – Real Property, §551.073 – Prospective Gifts, §551.074 - Personnel Matters, §551.076 – Security Devices, §551.086 - Utility Competitive Matters, and §551.087 – Economic Development Negotiation

CERTIFICATION

I certify that a copy of the December 5, 2019 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on December 2, 2019 at **12:45 PM**.

Kacey A. Weiss, TRMC

Deputy City Secretary I

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 the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ day of _____, 2019 at _____ AM PM.

Signature

Title

PROCLAMATION

WHEREAS, In September of 2012, the City of Brenham took ownership of a beautiful male German Shepard to supplement the Brenham Police Department's K9 program; and

WHEREAS, The K9 became known as "Ronny" and was paired with Officer Seth Klehm in 2012 and to Officer Andras in December of 2015 in what has become an amazing testimony of the bond between a man and his four-legged friend; and

WHEREAS, Ronny is first and foremost a working dog, being deployed to assist in the detection of narcotics and the capture of wanted felons for the past seven years; and

WHEREAS, Ronny has captured the hearts of children and adults alike who have had the opportunity to watch Klehm/Andras and Ronny demonstrate their skills at different school and organization events; and

WHEREAS, Ronny has served this community well since 2012, and now, at nine-years-old – that's 63 in people years – he is ready to retire and enjoy the good life; and

WHEREAS, It is right and just for the City Council and the residents of Brenham to join together to recognize and commend Ronny for his dedication to protect and serve the Citizens of Brenham;

NOW, THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, do hereby proclaim Thursday, December 5, 2019 as

K9 RONNY DAY

Milton Y. Tate Jr.
City of Brenham



To: Mayor & Council

From: Jeana Bellinger, City Secretary

Subject: Consent Agenda Items, December 5, 2019

Date: November 29, 2019

The December 5, 2019 council agenda has several Consent Agenda Items, this memo provides a brief summary of the items. Documentation for each item is attached to this memo for your review:

Item	Description
7-a	Minutes from the November 7 th Regular City Council meeting.
7-b	Approve Ordinance No. O-19-042 for 2 nd reading related to the establishment of the Drainage Utility System (DUC).
7-c	Award Bid No. 19-007 to Lone Star Patio and Outdoor Living in the amount of \$56,816.58 for the purchase of outdoor leisure furniture for the Blue Bell Aquatic Center.
7-d	Purchase of a mini bucket truck from Grande Truck Center in the amount of \$182,100.00 for the Electric Department as approved in the FY2019-20 budget.
7-e	Approve the use of Seized Narcotic Funds to pay for specialized drone training for the Police Department
7-f	Amendment No. 1 to a Professional Services Agreement with Strand adding additional survey and design services related to the replacement and upsizing of the force main at the Munz Lift Station. This project has been approved by FEMA and 75% of the costs will be reimbursed by FEMA. This Amendment will increase the engineering costs from \$52,300.00 to \$71,833.00
7-g	Ordinance for 1 st reading to amend the FY2018-19 adopted budget.
7-h	Award Bid No. 19-008 to Brenham National Bank for 2.03% financing for the City's vehicle and equipment replacement program, as approved in the FY2019-20 budget.

7-i	Award a contract to Dudley Construction for the rehabilitation of the stone arch bridge in Fireman's Park. This project has been approved by FEMA and 75% of the costs will be reimbursed by FEMA. The amount of the contract will be \$99,500.00
7-j	Acceptance of a \$25,000 donation for the Nancy Carol Roberts Memorial Library.
7-k	Approval of the Bylaws of the Tax Increment Reinvestment Zone Number One Board. These bylaws were prepared by Petty and Associates and approved by the City Attorney.
7-l	Approval of a Professional Services Agreement with Strand for the Ralston Creek Lift Station. This project will be funded 75% through a hazard mitigation grant. The cost of the project shall not exceed \$60,500.00

Please note that any of these items can be pulled from the Consent Agenda to the Regular Agenda for discussion, if so desired by the Council.

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on November 7, 2019 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Andrew Ebel
Councilmember Susan Cantey
Councilmember Adonna Saunders
Councilmember Albert Wright
Councilmember Clint Kolby

Members absent:

Councilmember Keith Herring

Others present:

City Manager James Fisher, City Attorney Cary Bovey, Deputy City Secretary I Kacey Weiss, Deputy City Secretary II Karen Stack, Assistant City Manager – Chief Financial Officer Carolyn Miller, Comptroller Stacy Hardy, Human Resources Director Susan Nienstedt, Strategic Budget Officer Debbie Gaffey, Kaci Konieczny, Cynthia Longhofer, Crystal Locke, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Dant Lange, Public Works Director Dane Rau, Development Services Director Stephanie Doland, Darlene Konieczny, Christi Korth, Tara Wellmann, Kim Mueller, Brian Smith, Stephen Draehn, Angeline Howard, Nancy Stafford, JoAnne Hynes, Kevin Boggus, Alton Sommerfield, James Antkowiak, Brett Church, Jason Lange, Ryian Marshall, Curtis Martin, Trevor Eckert, Josh Gonzales, Billy Bender, Cody Herrin, Sean Schulz and Robert Wright

Citizens present:

Jerry Schwake, Bob Chappell, Carole Brittain, Robert G. Wright, Donald R. Holley, Suzanne Bockhorn, Ron Coder, Bonnie Pilchick, David A. Brittain, Robert Weiss, Russell Stein, Mark Kubeczka, Mitchell Davis, Lowell Ogle, Jeff Podavek, Ronnie Bockhorn, Allan Herzog, Scott Herzog, Susie Bilski and Willy Dilworth

Media Present:

Alyssa Faykus, Brenham Banner Press; and Josh Blaschke, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – Councilmember Kolby**
3. **Service Recognitions**
 - **Christi Korth, Finance** **10 Years**
 - **Kim Mueller, Maintenance** **20 Years**
 - **Susan Nienstedt, Human Resources** **20 Years**
 - **Alton Sommerfield, Electric** **40 Years**

4. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

5. **Statutory Consent Agenda**
 - 5-a. **Minutes from the September 19, 2019 and October 3, 2019 Regular City Council Meetings**
 - 5-b. **Resolution No. R-19-033 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2019 Christmas Stroll and Lighted Parade to be Held on Saturday, December 7, 2019**
 - 5-c. **Purchase of Six (6) Vehicles for the City of Brenham Police Department from LaRoche Chevrolet, Through the General Motors Competitive Equalization Program for Political Subdivisions, In the Amount of \$196,800.00 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 5-d. **Purchase of a Pneumatic Compactor for the City of Brenham Street Department from Mustang CAT – Bryan, Through Buy Board Local Government Purchasing Cooperative Contract No. 515-06, in the Amount of \$88,400.00 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 5-e. **Purchase of a Dump Truck for the City of Brenham Street Department from Hermann International, Through Sourcewell Cooperative Contract No. 081716-NVS, in the Amount of \$104,550.00 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 5-f. **Award Bid No. 19-004 Related to Chlorine Gas for Various Departments within the City of Brenham to DXI Industries, Inc. in the Amount of \$0.3145 per Pound and Authorize the Mayor to Execute Any Necessary Documentation**

- 5-g. **Award Bid No. 19-005 Related to Type “D” Hot Mix (Asphalt) for the City of Brenham Street Department to Waller County Asphalt, Inc. in the Amount of \$57.00 per Ton (Pick-up), \$64.00 per Ton (Delivery) and \$1,500 Per Occurrence for Emergencies, Week-ends and Holidays and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-h. **Approve a Noise Variance from Christ Lutheran Day School for a Fundraiser to be Held on November 8, 2019 from 6:00 p.m. – 9:00 p.m. at 1104 Carlee Drive and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 5-a. through 5-h. as presented.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

PUBLIC HEARING

6. **Proposed Annexation of Three Areas of Land into the City Limits and Explanation of Service Plan for Each Area Proposed for Annexation**

Section 2019-1: Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31, Consisting of a Single Tract of Land with Frontage Along Industrial Blvd., FM 332 and FM 389.

Section 2019-2: Approximately 0.643 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Portions of Multiple Tracts of Land with Frontage Along the West Side of Old Masonic Road.

Section 2019-3: Approximately 194.762 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Multiple Tracts of Land with Frontage Along the East Side of Farmers Road Between FM 389 and Old Mill Creek Road, and the North Side of Old Mill Creek Road Between the Current City Limit Line and Jackson Creek.

Mayor Tate opened the Public Hearing.

City Manager James Fisher presented this item. Fisher explained that in May the City Council adopted Resolution No. R-19-013 authorizing the City Manager to identify areas for possible annexation. Fisher stated that during numerous meetings with staff, the following areas were identified as possible areas for annexation:

- North Area: 132.005 acres
- Northwest Area: 748.357 acres
- Northeast Area: 138.676 acres
- Southeast Area: 1,050.958 acres
- Southwest Area: 194.762 acres

The staff also reviewed:

- 0.633 acres in the Scenic Estates Subdivision that was surveyed incorrectly years ago when the subdivision was constructed and annexed into the City limits; and
- Three (3) requests from property owners for voluntary annexation.

Fisher advised that because there are so many different areas for consideration by the City Council, staff broke out the areas into three (3) separate possible annexations over the next 12 months. The areas were divided as follows:

December 29, 2019	June 18, 2020	December 17, 2020
Southwest Area Scenic Estates Voluntary Tract No. 1	North Area Northwest Area Voluntary Tract Nos. 2 & 3	Southeast Area Northeast Area
239.463 Acres 75 Parcels	897.333 Acres 91 Parcels	1,189.634 Acres 62 Parcels

Fisher stated that during the month of October, staff held two (2) Town Hall meetings (October 15th and October 29th); both meetings were well attended, and staff heard from many concerned citizens. Fisher noted that the consensus of the Town Hall meetings was that the citizens living in the Southwest Area (Section 2019-3) do not wish to be annexed by the City and that these residents plan to submit a petition to try and stop the annexation of their property.

Fisher explained that another thing that staff has been working on is cost estimates related to the annexation of the Southwest Area. Fisher advised that City staff has been working to try and analyze the costs of utility infrastructure, street improvements, fire suppression, and various other costs related to this annexation. Fisher stated that as of the date of this memo, all cost estimates have not been finalized.

Fisher noted that at this time, it is staff's recommendation to move forward with the annexation of Section 2019-1 (Voluntary) and 2019-2 (Scenic Estates) but that Section 2019-3 (Southwest Area) be postponed until all costs can be properly evaluated.

Fisher explained that the timeline, going forward, for the annexation of Sections 2019-1 and 2019-2 is as follows:

- November 14th (Special Council Meeting): 2nd Public Hearing at 1:00 p.m.
- December 5, 2019: 1st reading of Annexation Ordinance
- December 19, 2019: 2nd reading of Annexation Ordinance
- December 29, 2019: Annexation finalized

Citizen Don Holle addressed Council. Holle stated that he lives in the Section 3 area and does not want his property annexed. Holle advised that several of his neighbors are in attendance today as well and they do not want to be annexed. Holle said they have very strong feeling about the annexation. Councilmember Cantey asked what the main reason was as to why he did not want to be annexed. Holle stated that his taxes would increase and his rights as a homeowner would be taken away.

Citizen Mark Kubeczka stated that he lives in the same section as Mr. Holle and is against the annexation. Kubeczka advised that he would not benefit from being annexed.

Citizen David Brittain, a resident of Country Place West, stated that he felt it was not fair for residents of Section 2019-3 to be taxed at the same rate as residents receiving more city services. Brittain noted that it would be very expensive to provide utility service to the area and he is not sure the City would ever be able to provide utility service at all. Brittain said he felt that this is an issue of fair treatment.

Citizen Ron Coder, a resident on Farmers Road, addressed Council. Coder stated that he is also against the annexation. Coder noted residents of the area proposed to be annexed have been told that one of the drivers behind the annexation is the City wanting to be involved in the Texas Department of Transportation (TxDOT) plans for the new cloverleaf. Coder stated that he has researched the TxDOT maps regarding the road plans and it does not appear that their area would be affected by the new roads. Coder also said the City needs to do its due diligence and examine the costs and benefits of annexation.

Citizen Don Voelter who resides in Country Place West asked if the annexation process for Section 3 was postponed would it require a vote of the citizens if this section was brought up again in 2020. City Attorney Cary Bovey stated that citizens would not be able to vote, and only Council would be able to vote on it. Voelter stated he feels the annexation process was rushed into by the Council as a way for the citizens to not get to vote.

Citizen Robert Weiss, representing his mother who lives on Farmers Road, addressed Council regarding services and the service plan. Weiss stated his understanding is that before the City can annex an area, it must already be providing services, and his mother is not currently receiving services. Fisher stated that this is incorrect, the City is only required to develop a plan to provide those services. Weiss asked whether the service plan was complete and Fisher replied that it is not complete. Bovey clarified that there is a draft of the service plan, but it has not been finalized. Fisher explained that if staff pursues Section 3 in 2020, the service plan would have to be presented at that time to the citizens and Council before being voted on. Weiss also asked what would happen with agricultural exemptions if a property was annexed. Fisher replied that annexation would not affect existing agricultural exemptions unless land use changed.

Citizen Jerry Schwake, who lives on Farmers Road, noted that Fisher had stated the City may have 2 to 5 years to provide certain services. Schwake stated that residents would be required to pay city taxes during those 5 years, and that this is not fair. Fisher stated that residents would have immediate access to some services.

Citizen Bob Chappell, who lives in Country Place West, addressed Council regarding the Council meeting time of 1:00 p.m. Chappell asked if the meeting time could be moved to 5:00 or 5:30 p.m. for the meetings in December in which annexation would be discussed. Bovey explained that information for public hearings must be posted in advance and the time of the meeting cannot be changed if notices have already been sent to citizens. Fisher stated that staff could possibly move the meeting time for the December 5th meeting unless other items on the agenda have already been posted.

Mayor Tate closed the Public Hearing.

REGULAR SESSION

7. Discuss and Possibly Act Upon Resolution No. R-19-031 Expressing Official Intent to Reimburse Certain Costs Related to Streets and Drainage Improvements and Renovation and Improvements to the City's Water and Wastewater Utility Systems and Facilities

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that during the FY20 budget process, staff discussed with Council the intent to issue debt for street and drainage improvements, for water system improvements and the new regional lift station to support the Baker Katz retail development project. The total estimated costs for these capital projects are shown below:

Streets and Drainage Projects	\$2,875,000
Water System Improvements	\$ 760,000
Wastewater System Improvements	<u>\$1,415,000</u>
Total Estimated Project Costs	\$5,050,000

Miller stated that after talking with Garry Kimball of Specialized Public Finance, the City would not be issuing this debt until February 2020, and therefore to allow staff to move forward with these projects, a Reimbursement Resolution was needed. Miller advised that this agenda item allows Council the ability to reimburse certain costs related to these capital projects from the issuance of Certificates of Obligation.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-19-031 expressing official intent to reimburse certain costs related to street rebuild and reconstruction projects.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

8. Discuss and Possibly Act Upon Resolution No. R-19-032 Regarding the Election of Members to the Board of Directors of the Washington County Appraisal District

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that at the October 3, 2019 council meeting, Resolution No. R-19-027 was approved for the nomination of Washington County Appraisal District Board members to serve a two-year term beginning January 1, 2020. Miller stated that the city's taxing entity received 544 votes; these votes could be cast to one candidate or distributed among any of the candidates. Miller noted that there are six candidates (Joe Antkowiak, Leslie Boehnemann, Jr., Douglas Borchardt, Johanna Fatheree, Charles Gaskamp, and John Schaer) on the ballot; however, there are only five positions on the Board.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Saunders to approve Resolution No. R-19-032 regarding the election of members to the Board of Directors of the Washington County Appraisal District and to distribute the voting shares equally to all of the nominated candidates.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

9. Discuss and Possibly Act Upon the 2020 Holiday Schedule

Human Resources Director Susan Nienstedt presented this item. Nienstedt explained that the schedule provides for 12 observed holidays, and 1 floating (birthday holiday) for a total of 13 paid holidays.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve the 2020 Holiday Schedule as presented.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for Increased Prior and Current Service Annuities in the Texas Municipal Retirement System ("TMRS") for Retirees and Beneficiaries of Deceased Retirees of the City of Brenham and Electing to Make Current Service and Prior Service Contributions to the City's TMRS Benefit Accumulation Fund at the Actuarially Determined Rate of Total Employee Compensation

Human Resources Director Susan Nienstedt presented this item. Nienstedt explained that for many years, Council has approved, on an annual basis, an ordinance providing for an increase in retirement annuities of 70% of the Consumer Price Index (CPI) as provided through the Texas Municipal Retirement System. Nienstedt advised that in order to make any changes in the City's plan provisions, an Ordinance must be approved by Council.

Nienstedt stated that this year staff is recommending the statutory maximum contribution rate be removed by this ordinance, as well. Nienstedt noted that the statutory maximum rate does not limit the cost of the plan, it merely limits how much a city can be charged for a certain benefit level. Nienstedt advised that the TMRS Act allows any city to enact an ordinance to remove the Statutory Maximum. Nienstedt explained that if the maximum rate is not removed, and the City exceeds the limit, benefits would be reduced until the rate drops back below the limit. Nienstedt advised that the funding rate for the City would increase from 9.67% to 9.94%. Nienstedt noted that staff included this funding rate in the FY19-20 budget.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve an Ordinance on its first reading providing for increased prior service and current service annuities in the Texas Municipal Retirement System ("TMRS") for retirees and beneficiaries of deceased retirees of the City of Brenham and electing to make current service and prior service contributions to the City's TMRS Benefit Accumulation Fund at the actuarially determined rate of total employee compensation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

11. Discuss and Possibly Act Upon the City of Brenham City Council Meeting Dates for January 2020 and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that in reviewing the Council meeting calendar for January, it was discovered that the first regular Council meeting date in January would be the day after the New Year's Day holiday (January 2, 2020). Fisher stated that due to the holiday season, staff would like for the Council to consider only having one meeting in January 2020. Fisher advised that the recommended date would be the regular meeting date of January 16th (third Thursday of the month).

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve the cancellation of the January 2, 2020 City Council meeting and agree to only hold one (1) City Council meeting on January 16, 2020 and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

12. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- The police department is participating in No Shave November as a fundraiser
- Police Chief Barrow's last day will be November 22nd. Advertising for the position will begin next week. Rusty Pancoast will serve as the Interim Chief.

Assistant City Manager – Chief Financial Officer Carolyn Miller reported on the following:

- A job fair hosted by the City of Brenham, Washington County Chamber of Commerce and Brazos Valley Workforce Solutions was held at the Washington County Fairgrounds today from 10:00 a.m. to 2:00 p.m.

Public Works Director Dane Rau reported on the following:

- Repairs are being completed to the drainage and street scape on S. Park Street
- Louanna Estates drainage project will begin next week
- Henderson Park Phase II demolition has begun

Council adjourned into Executive Session at 2:03 p.m.

EXECUTIVE SESSION

- 13. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Deliberation Regarding the Appointment of an Additional Municipal Court Associate Judge**
- 14. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Deliberation Concerning Compensation for the Interim Municipal Court Associate Judges**

Executive Session adjourned at 2:27 p.m.

RE OPEN REGULAR AGENDA

15. Discuss and Possibly Act Upon the Appointment of an Additional Municipal Court Associate Judge

No action was taken on this item.

16. Discuss and Possibly Act Upon Compensation for the Municipal Court Associate Judges

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve a salary increase for Associate Judge Robert Wright to \$24,000 annually effective July 1, 2019.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Kacey A. Weiss, TRMC
Deputy City Secretary I

ORDINANCE NO. O-19-042

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BRENHAM, BY REVISING CHAPTER 26 - UTILITIES, ARTICLE VII – RIGHT OF WAY MANAGEMENT REQUIREMENTS FOR NETWORK PROVIDERS, TO PROVIDE FOR THE RESERVATION OF CERTAIN SECTIONS; BY ADDING ARTICLE VIII, MUNICIPAL DRAINAGE UTILITY SYSTEM; DECLARING THE ADOPTION OF THE MUNICIPAL DRAINAGE UTILITY SYSTEMS ACT, SUBCHAPTER C OF CHAPTER 552, TEXAS LOCAL GOVERNMENT CODE; DECLARING DRAINAGE TO BE A PUBLIC UTILITY; ESTABLISHING A MUNICIPAL DRAINAGE UTILITY SYSTEM; PROVIDING FOR THE ESTABLISHMENT AND CALCULATION OF MUNICIPAL DRAINAGE UTILITY CHARGES AND CREDITS; AND PROVIDING PENALTIES AND REMEDIES FOR NONPAYMENT OF CHARGES.

WHEREAS, the City of Brenham, Texas (“City”) is a home rule municipality having the full power of local self-government pursuant to its Charter, Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Texas Local Government Code; and

WHEREAS, it is necessary that the collection and direction of stormwater drainage runoff within the City protects the public health, safety, and welfare of the public and the City’s citizens including but not limited to protection against property damage and injury to persons; and

WHEREAS, the City has determined that all real property in the City, including property owned by public and tax-exempt entities, contributes to stormwater runoff and either uses or benefits from the stormwater management system and therefore the system’s construction, operation, and maintenance are best funded by the users of said system; and

WHEREAS, the City Council of the City (“City Council”) desires to address the various water quality and environmental issues that may burden its stormwater drainage infrastructure, and to protect against surface water overflow, standing surface water, and pollution arising from nonpoint source runoff within the City; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of the City to promote the public health, safety and welfare of the public and the City’s citizens by adopting a municipal drainage utility system, as authorized by Texas Local Government Code Chapter 552, Subchapter C, “Municipal Drainage Utility Systems”, as amended (the “Act”), within the City’s municipal boundaries; and

WHEREAS, the Act provides for the said public utility service to be provided within an established service area; and

WHEREAS, the City Council desires by this Ordinance to establish a Municipal Drainage Utility System, pursuant to the Act, and further the City Council has investigated and determined that a uniform schedule of drainage fees shall be applied against all real property in the proposed service area subject to charges under the Act; and

WHEREAS, the City will provide drainage for all real property in the proposed service area on payment of drainage charges, except real property exempted under the Act and other applicable law;

WHEREAS, the City will offer municipal drainage service on a nondiscriminatory, reasonable, and equitable terms; and

WHEREAS, the City makes no representation that all stormwater drainage problems may or will be remedied, and the City Council has and retains full discretion in establishing the priorities in expending funds as they become available to meet the City's stormwater drainage needs, and the adoption of this Ordinance does not and shall not be construed to relieve private land owners, developers or other individuals or entities from providing stormwater drainage improvements pursuant to the ordinances, rules, codes, and regulations of the City and federal or state laws and regulations; and

WHEREAS, in accordance with the Act, notices of a public hearing regarding this Ordinance were published and a public hearing on this Ordinance was held concerning the matters set forth herein; and

WHEREAS, as set forth herein, the City Council adopts the Act and declares that stormwater drainage infrastructure and services of the City is a public utility within the meaning of the Act;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS THAT:

SECTION 1.

Chapter 26 - Utilities, Article VII – Right of Way Management Requirements for Network Providers, of the Code of Ordinances, City of Brenham, Texas, is hereby amended to provide for the reservation of certain sections as follows:

Sec. 26-177 – 26-179. RESERVED.

SECTION 2.

Chapter 26 – Utilities, of the Code of Ordinances, City of Brenham, Texas, is hereby amended by adding Article VIII, Municipal Drainage Utility System, to read as follows:

ARTICLE VIII. MUNICIPAL DRAINAGE UTILITY SYSTEM

Sec. 26-180. Definitions.

Terms defined herein are specific to this article and shall not be construed as conflicting with similar terms in other parts of this code. Terms not otherwise defined herein shall be given the definitions contained in the Texas Local Government Code, Chapter 552, Subchapter C.

The Act shall mean the Texas Local Government Code, Chapter 552, Subchapter C, as may be amended from time to time.

Benefitted Property shall mean an improved lot or tract to which drainage service is made available under this article.

City shall mean the City of Brenham, a home-rule municipal corporation located in Washington County, Texas.

Commercial Property shall mean all improved properties within the City other than residential property, including, but not limited to, commercial, industrial, institutional, government, multi-family, and nonprofit and religious organization land uses.

Cost of Service shall mean the costs for drainage system service to a Benefitted Property, which shall be the total of:

- (1) Prorated cost of the acquisition, whether by eminent domain or otherwise, of land, rights-of-way, options to purchase land, easements, and interests in land relating to structures, equipment, and facilities used in draining the Benefitted Property;
- (2) Prorated cost of the acquisition, construction, repair, and maintenance of structures, equipment, and facilities used in draining the Benefitted Property;
- (3) Prorated cost of architectural, engineering, legal and related services, plant and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, providing, or determining the feasibility and practicability of structures, equipment, and facilities used in draining the Benefitted Property;
- (4) Prorated cost of machinery, equipment, furniture, and facilities necessary or incident to the provision and operation of draining the Benefitted Property;
- (5) Prorated cost of funding and financing charges and interest arising from construction projects and the start-up cost of a drainage facility used in draining the Benefitted Property;
- (6) Prorated cost of debt service and reserve requirements of structures, equipment, and facilities provided by revenue bonds or other drainage revenue-pledge securities or obligations issued by the City; and
- (7) Administrative costs of operating and maintaining a Drainage Utility System.

Drainage shall mean bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, ditches, draws, flumes, pipes, pumps, sloughs, treatment works, and appurtenances to those items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the water into natural or artificial watercourses.

Drainage Utility Charges shall mean the levy imposed to recover the cost of the service of the City in furnishing drainage for any Benefitted Property, including any interest and penalties; and amounts made in contribution to funding of future drainage system construction by the City.

Drainage System or *Drainage Utility* or *Drainage Utility System* shall mean the drainage system owned or controlled in whole or in part by the City and dedicated to the service of Benefitted Property, including any future additions, extensions, and improvements thereto and replacement thereof.

Equivalent Residential Unit (“ERU”) shall mean the unit of measure used to calculate the Drainage Utility Charge for Residential and Non-Residential Property.

Facilities shall mean the real, personal, or mixed property that is used in providing drainage and included in the Drainage System.

Impervious Area shall mean a surface which has become compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Impervious Areas include, but are not limited to, compacted soils, graveled surfaces subject to motorized vehicular traffic, walkways, buildings, parking lots, pavement, concrete, and ingress/egress driveways. “Impervious Area” does not include sidewalks located in the public right-of-way and as further defined in this Code. For purposes of this definition, a “walkway” is a pedestrian way in the interior of a lot or tract that is not located in the public right-of-way.

Improved Lot or Tract shall mean a lot or tract that has a structure, as further defined in this Code, or other improvement on it that causes or constitutes an Impervious Area.

Non-Residential Property shall mean all improved properties within the City other than residential property, including, but not limited to, commercial, industrial, institutional, government, multi-family, triplex, quadplex, and nonprofit and religious organization land uses.

Parcel shall mean one (1) or more lots or tracts or portions of lots or tracts that are contiguous and under single ownership.

Public Utility shall mean drainage service that is regularly provided by the City through City property dedicated to that service to the users of Benefitted Property within the Service Area and that is based on:

- (1) An established schedule of charges;
- (2) Use of the police power to implement the service; and
- (3) Nondiscriminatory, reasonable, and equitable terms consistent with the Act.

Residential Property shall mean any improved lot or tract with single-family home, condominium, manufactured/mobile home, duplex, or other type of dwelling.

Service Area shall mean the corporate boundaries of the City.

User or *Customer* shall mean the person or entity that owns or occupies a Benefitted Property.

Wholly Sufficient and Privately-Owned Drainage System shall mean drainage from an improved lot or tract which does not discharge into any natural or manmade waterway or drainage infrastructure including but not limited to creeks, rivers, sloughs, public streets, storm drains, culverts, drainage easements, storm water ponds or other channels that are part of the Drainage System.

Sec. 26-181. Establishment of Drainage Utility; Service Area; Exemptions; and Dedication of Assets.

- (a) The provisions of the Texas Local Government Code, Chapter 552, Subchapter C are hereby adopted to create a Drainage Utility for the City. Accordingly, drainage of the City of Brenham is hereby declared to be a public utility.
- (b) The service area for the Drainage Utility shall include all real property within the corporate limits of the City as now existing and all real property which may be annexed by the City hereafter from time to time.
- (c) The City Council finds that:
 - (1) Impervious Area increases runoff and associated pollutants; and
 - (2) It is equitable to assess the Drainage Utility Charge to each User based on Impervious Area.
- (d) Pursuant to the Texas Local Government Code, Section 552.053 and Section 580.003, the following shall be exempt from the provisions of this article:
 - (1) Property with proper construction and maintenance of a wholly sufficient and privately-owned drainage system;
 - (2) Property held and maintained in its natural state, until such time that the property is developed, and all of the public infrastructure constructed has been accepted by the City for maintenance;
 - (3) A subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued by the City;
 - (4) State agencies; and
 - (5) Public or private institutions of higher education.
- (e) The City incorporates into the Drainage Utility System all existing property, facilities, equipment, materials, and supplies constituting the City's drainage system on the effective date of this article. All future acquisitions by the City of real or personal property used in the City's Drainage System shall be maintained as a part of the Drainage Utility.

Sec. 26-182. Drainage Utility Rates and Charges.

The rates and charges for Users of the Drainage Utility System shall be as provided by ordinance on file in the office of the City Secretary.

Sec. 26-183. Drainage Utility Fund.

A separate fund is hereby created, known as the Drainage Utility Fund, for the purpose of segregating, identifying, and controlling all revenues and expenses attributable into the Drainage Utility. All Drainage Utility Charges shall be accounted for as collected and received into this fund and shall be used exclusively for drainage Cost of Service. Such utility revenues may be used for the operation, planning, engineering, inspection, construction, repair, maintenance, improvement, reconstruction, administration, debt issuance cost and debt service, and other reasonable and customary expenses associated with the operation of a utility system. It shall not be necessary that expenditures from the Drainage Utility Fund for any authorized purpose specifically relate to or benefit any particular Benefitted Property from which the revenues were collected.

Sec. 26-184. Administration of Drainage Utility.

The City Manager or his designee shall be responsible for the administration of the Drainage Utility, including but not limited to, enacting any procedures necessary for the administration of the drainage charges and the consideration of appeals, development, and implementation of maintenance and facility improvement programs, state and federal regulatory compliance, and establishing drainage criteria and standards for the drainage system. The Utilities Department shall keep an accurate record of all properties benefitted by the services and facilities of the Drainage Utility.

Sec. 26-185. Billing, Payments, and Penalties.

- (a) Bills or statements for the Drainage Utility Charge shall be rendered by the City for all properties subject to such charge.
- (b) Drainage Utility Charges shall be billed with the City's other public utility billings and shall be identified separately on the bill as a Drainage Utility Charge.
- (c) Any charge due hereafter which is not paid when due will subject the User to discontinuance of all utility services provided by the City and may be recovered in an action at law or in equity by the City including fixture of a lien against the property as allowed by law.

Sec. 26-186. Effect on Land-Owner Obligations Under City Ordinances; No Waiver of Immunity.

- (a) The establishment of the Drainage Utility by the City does not relieve private land owners, developers, other individuals and entities from responsibility for providing drainage improvements in connection with land development pursuant to the other ordinances of the City or federal or state laws and/or regulations that relate to stormwater runoff, drainage management, or drainage improvements.

- (b) The establishment of the Drainage Utility does not imply or warrant that a Benefitted Property will be free from flooding, stormwater pollution, or stream erosion. The City makes no representation that all drainage problems will be remedied. This article does not create additional duties on the part of the City or create new liability or remedies for any flooding, stream erosion, deterioration of water quality, or other damages. Nothing in this article shall be deemed to waive the City's immunity under law or reduce the need or necessity for flood insurance.

Sec. 26-187. Appeals.

- (a) Requests for adjustment of a Drainage Utility Charge shall be submitted to the City Utilities Customer Service Department. A User may apply for an adjustment if:
 - (1) The User believes that the drainage charge schedule, as applied to the User's Benefitted Property, does not fairly reflect the Cost of Service to the User's Benefitted Property;
 - (2) The User disputes the amount of Impervious Area used to calculate the drainage charge; or
 - (3) The User's Drainage Utility Charge has been assessed in error.
- (b) The following procedures shall apply to all requests for adjustment of the Drainage Utility Charge:
 - (1) The User shall have the burden of proof.
 - (2) Any User who has paid Drainage Utility Charges and who believes the calculation or determination of the Drainage Utility Charge to be incorrect may, subject to the restrictions set forth in this article, submit an adjustment request to the City Utilities Customer Service Department.
 - (3) Requests for adjustment of Drainage Utility Charges paid by a User making the request shall be in writing and set forth in detail the grounds upon which relief is sought.
 - (4) Adjustment requests will be reviewed by the City within fifteen (15) business days from the date of receipt of an adjustment request. Adjustments resulting from such a request shall be prospective but may be made retroactive for no greater time period than three (3) monthly billings immediately prior to the receipt of the request.
 - (5) The User requesting an adjustment may be required, at the User's cost, to provide supplemental information to the City, including, but not limited to, survey data certified by a Texas Registered Professional Land Surveyor (R.P.L.S), or other documentation of Impervious Area. Failure to provide the required information may result in the denial of the adjustment request.
 - (6) The City's determination of the adjustment request shall be provided to the User, in writing, within fifteen (15) business days, of the later of receipt of the request for adjustment or receipt of any additional information submitted in accordance with this section. If the City approves the request, the adjustment to the Drainage Utility Charge will be made.

- (c) If the City denies the adjustment request, the User may within fifteen (15) business days from the date of notification, appeal the decision to the City Manager.
- (d) Before imposing a lien for delinquent Drainage Utility Charges, the City shall send notice to the record owner of the Benefitted Property stating the amount of the charges owed, and of the owner's right to appeal the placement of the lien by producing evidence sufficient to prove that the delinquent charges are not rightfully owed. The owner shall provide such evidence to the City within fifteen (15) business days from the date of the aforementioned notification by the City. A lien shall not be filed if the owner shows that the Drainage Utility Charge serving as the basis of the lien is not owed. When a person pays all the applicable charges, a lien filed pursuant to this article, shall be released by the City. The paying party shall be responsible for the costs associated with the recording of the release in the official records of Washington County.

Sec. 21-188 – 21-195. – RESERVED.

SECTION 3.

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 4.

Should any section, subsection, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences, clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 5.

Any other ordinance or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6.

This Ordinance shall become effective upon adoption and publication as required by law.

PASSED and **APPROVED** on its first reading the 21st day of November 2019.

PASSED and **APPROVED** on its second reading the 5th day of December 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



Bid Information Sheet

November 26, 2019

ITB 19-007

For: Outdoor Leisure Furniture

Budget: Funds are provided in the Recreation Department's operating budget.

Number of bidders sent bid packet: 5

Number of completed bids returned to Purchasing: 3*

** A total of 4 bid packets were received however, one bid was considered unresponsive due to the requirements of the RFP not being met by the Bidder*



ITB No. 19-007 - Outdoor Leisure Furniture

Bid Tabulation - Summary

ITEM NO. 1: Casual Chaise Lounger; Item No. PCL7400

BIDDERS	<i>Lone Star Patio</i>	<i>Pooltex American</i>	<i>Magnolia Outdoor Living</i>
ITEM 1 TOTAL	\$ 31,712.10	\$ 42,000.00	\$ 41,090.00

ITEM NO. 2: Cozi Dining Chairs; Item No. PZDC2127

BIDDERS	<i>Lone Star Patio</i>	<i>Pooltex American</i>	<i>Magnolia Outdoor Living</i>
ITEM 2 TOTAL	\$ 5,431.60	\$ 7,000.00	\$ 6,400.00

ITEM NO. 3: 30" XT Comfo Chair; Item No. PEXTC2139

BIDDERS	<i>Lone Star Patio</i>	<i>Pooltex American</i>	<i>Magnolia Outdoor Living</i>
ITEM 3 TOTAL	\$ 333.32	\$ 460.00	\$ 403.00

ITEM NO. 4: 9' Octagon Umbrella; Item No. SROU9A

BIDDERS	<i>Lone Star Patio</i>	<i>Pooltex American</i>	<i>Magnolia Outdoor Living</i>
ITEM 4 TOTAL	\$ 6,212.80	\$ 8,300.00	\$ 7,460.00

ITEM NO. 5: PAX Dining Side Chair; Item No. PAXDSC1922

BIDDERS	<i>Lone Star Patio</i>	<i>Pooltex American</i>	<i>Magnolia Outdoor Living</i>
ITEM 5 TOTAL	\$ 8,746.40	\$ 10,800.00	\$ 9,960.00

ITEM NO. 6: Saddle Bar Stools; Item No. SDBS2131

BIDDERS	<i>Lone Star Patio</i>	<i>Pooltex American</i>	<i>Magnolia Outdoor Living</i>
ITEM 6 TOTAL	\$ 688.16	896.00	784.00

ITEM NO. 7: Counter Saddle Stools; Item No. SDCS2026

BIDDERS	<i>Lone Star Patio</i>	<i>Pooltex American</i>	<i>Magnolia Outdoor Living</i>
ITEM 7 TOTAL	\$ 437.32	\$ 425.00	\$ 372.00

ITEM NO. 8: Park Bench; Item No. POPB2472

BIDDERS	<i>Lone Star Patio</i>	<i>Pooltex American</i>	<i>Magnolia Outdoor Living</i>
ITEM 8 TOTAL	\$693.68	\$ 1,016.00	\$ 890.00

GRAND TOTAL FOR ITB 19-007:

<i>Lone Star Patio:</i>	\$ 54,255.38
<i>Pooltex American:</i>	\$ 70,897.00
<i>Magnolia Outdoor Living:</i>	\$ 67,359.00



ITB No. 19-007 - Outdoor Leisure Furniture

Bid Tabulation Summary – ALTERNATE NO. 1

ITEM NO. A-1: Outdoor Buffet Table; Item No. POBT2050

BIDDERS	<i>Lone Star Patio</i>	<i>Pooltex American</i>	<i>Magnolia Outdoor Living</i>
ITEM A-1 TOTAL	\$ 2,561.20	\$ 3,400.00	\$ 3,225.00

GRAND TOTAL FOR ITB 19-007; INCLUDING ALTERNATE NO. 1:

Lone Star Patio: **\$ 56,816.58**

Pooltex American: **\$ 74,297.00**

Magnolia Outdoor Living: **\$ 70,584.00**

TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE

BUYBOARD

11/6/2019

PRODUCT PRICING BASED ON CONTRACT

Customer: City of Brenham Elect
Product Description: Aerial package

A: Base Price in Bid/Proposal Number 521-16 \$ -

B: Published Options [Itemize each item below]

UTLI146A Aerial	\$ 46,939.00		\$ -
PT115 American	\$ 79,680.00		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -

Subtotal Column 1: \$ 126,619.00

Subtotal Column 2: \$ -

Published Options added to Base Price (Subtotal of "Col 1" + "Col 2") \$ 126,619.00

C: Subtotal of A + B => \$ 126,619.00

D: UnPublished Options %

Uprate To Versalift Mini-Lineman	\$ 55,081.00		\$ -
			\$ -
	\$ -		\$ -
	\$ -		\$ -
			\$ -

Subtotal Column 1: \$ 55,081.00

Subtotal Column 2: \$ -

Body \$ 55,081.00

E: Contract Price Adjustment (If any, explain here) \$ - \$ -

F: Total of C + D + E (Not including Buy Board Fee) => \$ 181,700.00

G: Quantity Ordered (Units x F) => # of Units 1 \$ 181,700.00

H: BUYBOARD Fee (From Fee Schedules, Table: _____ => @ _____ % \$ 400.00

I: Non-Equipment Charges & Credits (ie: Ext. Warranty, Trade-In, Cost of Factory trips, etc.)

	\$ -
	\$ -

Subtotal of Non-Equipment Charges \$ -

J: TOTAL PURCHASE PRICE INCLUDING (G + H + I) => \$ 182,100.00

Grande Truck Center
PO Box 201210
San Antonio, Texas 78220

Grande Truck Confidential

Rocky Shoffstall
PH 210-666-7112
FX 210-666-7216
800-779-7672 X112
11/6/2019

Page 1

Rocky Shoffstall / Grande Truck Center
28

Versalift Southwest L.L.C.
1200 Texas Central Pkwy
Waco, Texas 76712-1415
254.420.5330



QUOTATION

VSW-21122

Customer: Grande Truck Center
Attn: Rocky Shoffstall
Email: rshoffstall@grandetruck.com

Date: November 5, 2019
Model: VST-52-MHI

Ref: City of Brenham Electric
Attn: Alton Sommerfield
Email: asommerfield@cityofbrenham.org

We are pleased to quote the VERSALIFT VST-52-I, insulated 51 ft. 6 in. (15.7 m) telescopic aerial platform lift, 56 ft. 6 in. (17.2 m) working height, 30 ft. 4 in. (9.2 m) horizontal reach including the following items:

AERIAL LIFT SPECIFICATIONS

PLATFORM - The closed fiberglass platform is 24 in. x 30 in. x 42 in. deep (.61 m x .76 m x 1.07 m) with an inside and outside step for easy access. The platform capacity is 400 lbs. (181 kg) with the jib and winch installed and 500 lbs. (227 kg) with the jib and winch removed. The platform is equipped with a tubular rubber rest/support.

PLATFORM LINER AND VINYL COVER - A 50 kV rated liner and soft vinyl cover are supplied for the platform.

INDIVIDUAL LOWER CONTROLS - Individual full-pressure controls at the turret actuate all boom functions. The lower control station is equipped with a selector valve to override the upper controls.

SINGLE STICK UPPER CONTROL - The full-pressure single-stick upper control includes a safety trigger to prevent inadvertent operation. The lift movements correspond with control handle movements. An emergency stop and a tool selector control are located at the upper controls.

TRUGUARD™ 2.0 - This advance upper controls isolation system provides 4" of electrical isolation from the entire upper controls, including the control dash panel. This system also includes a protective shield which helps prevent environmental and work related contaminants from making direct contact with the isolating surfaces.

HYDRAULIC PLATFORM ROTATION - A hydraulic rotary actuator, operated by a control lever, rotates the platform 180° from one side of the boom, to the end-hung position, and to the other side of the boom.

HYDRAULIC PLATFORM LEVELING - A master and slave cylinder controls platform leveling. The leveling system can be operated from the upper or lower controls to adjust platform leveling, tilt the platform for clean out, or to ease the removal of an injured operator.

HYDRAULIC TOOL CIRCUIT AT THE PLATFORM - This system is intended for open center hydraulic tools. The tool circuit provides 6 gpm (22.7 lpm). A pressure reducing valve in the tool circuit limits the tool pressure. The valve can be adjusted from 1000 to 2500 psi (70 to 175 kg/cm²).

LINE-LIFTING SOCKET - Built as part of the platform support structure, is a vertical line-lifting socket for 3 in. (76 mm) diameter line-lifting attachments. The socket is automatically leveled with the platform without any manual adjustments.

HYDRAULIC JIB AND WINCH - The material handling jib and winch consists of a winch and a jib pole that are automatically leveled with the platform. Up to 1000 lbs. (454 kg) material-handling capacity can be provided at elevated boom angles. The winch is hydraulically powered through a self-locking worm gear drive, so a load-holding brake is not required. The winch provides line speeds of 15 to 30 ft. per minute (5 to 9 m per min.). Eighty feet (24 m) of ½ in. (13 mm) diameter polyester rope with a clevis hook is provided. The 4 in (100 mm) square jib pole hydraulically tilts with 90° of travel relative to the platform, from horizontal to vertical. Since the pole is automatically leveled with the platform, there is a total of 200° of jib pole articulation relative to the upper boom. The jib pole also hydraulically extends and retracts, providing 16-in. (400-mm) travel, from 44 in. to 60 in. (1.1 m to 1.5 m). The jib-pole assembly also can be rotated to any of three convenient load-lifting positions to accommodate a load. The jib pole and winch assemblies can be rotated to a stowed position 180° from the end-hung position, or they can be easily removed when not needed.

OUTER/INNER BOOM ASSEMBLY - The outer/inner boom assembly includes an outer boom, telescopic inner boom, extension system, and hose assemblies. The outer boom consists of an 8" x 10" (203mm x 254mm) steel section, with a 9" x 11" (229mm x 279mm) fiberglass Electroguard section. The 6 ¾" x 8 ⅞" (165mm x 216mm) rectangular fiberglass inner boom is housed within the outer boom. The extension system consists of an extension cylinder, holding valves, and a hose carrier housed inside the boom. The hoses routed through the outer/inner boom assembly are non-conductive and fully contained within the boom assembly. A double acting cylinder with two integral holding valves articulates the outer/inner boom assembly. A boom support cradle and a boom tie down strap are included. The outer/inner boom assembly is fully insulated even in a retracted position.

LOWER BOOM WITH CHASSIS INSULATING SYSTEM - Each end of a high strength fiberglass insert (chassis insulating system) is installed inside a rectangular 8" x 10" (203mm x 254mm) high strength steel section. The steel and fiberglass sections are bonded with pressure-injected epoxy to fill any voids. After the adhesive cures, 16 bolts are added to assure maximum strength. A double acting cylinder, with two integral holding valves, articulates the lower boom. The lower boom and compensation link form a parallelogram linkage to maintain the knuckle at a constant angle to the turret.

LUBRICATION - Non-lube bearings are used at most points of motion. Only the rotation bearing requires periodic lubrication.

CYLINDERS - Both the upper and lower cylinders are a threaded head-cap design. Both are equipped with two integral holding valves that prevent down creep and to lock the booms in position in the event of hose failure.

TURRET - The turret wings are designed for strength and rigidity. A bearing cover seals out moisture and prevents foreign materials from obstructing the turret rotation. The turret plate is machined to provide a flat surface to support the rotation bearing.

CONTINUOUS ROTATION - Unrestricted rotation is accomplished by a hydraulically driven worm and spur gear with a shear-ball rotation bearing. The critical bolts holding the lift to the rotation bearing and the rotation bearing to the pedestal are grade 8 hex head cap screws. These critical bolts are torque seal marked to provide a quick means of detecting any turning of the bolt upon inspection. An eccentric ring is used for gearbox backlash adjustment.

HYDRAULIC SYSTEM - The open-center hydraulic system operates at 3000 psi (210 kg/cm) at 6 gpm (22.7 lpm). A 10-micron return-line filter, mounted above the hydraulic oil level and inside the pedestal, can be easily changed without draining the reservoir. The 100 mesh (149 micron) suction strainer in the reservoir can be removed for cleaning. A gate valve, located below the reservoir, prevents oil loss when the pump is serviced. A magnetic drain plug attracts metal particles from the oil.

HOSES AND FITTINGS - The hoses routed through the booms are high pressure and non-conductive with swaged hose end fittings. Retainers separate the hoses inside the booms to prevent chafing and nylon sleeves are installed over hoses at points of movement. Reusable fittings can be installed if a hose is damaged.

ENGINE START / STOP - The start/stop circuit has been designed so the lift cannot be operated unless the truck ignition switch is in the "RUN" position and the master control is activated. This feature makes it difficult for unauthorized individuals to operate the lift when the truck is locked. An air cylinder at the upper controls and a toggle switch at the pedestal energize this system.

BACKUP PUMP - An auxiliary hydraulic pump designed to bring the booms down in case the main hydraulic source fails. The emergency hydraulic pump is driven by a DC motor, which is powered by the truck-engine battery. The system is connected in parallel with the main pump and is designed for non-continuous operation. An air cylinder at the upper controls and a toggle switch at the pedestal are used to energize the system.

ELECTRICAL INSULATION SPECIFICATIONS - The outer/inner boom assembly is tested and certified for electrical work at 46 KV and below in accordance with ANSI A92.2 requirements. The outer/inner boom assembly is fully insulated even in a retracted position. The chassis insulating system (lower boom insert) is also tested according to ANSI A92.2.

PAINT - The complete unit is primed and painted prior to assembly. The standard color is white urethane.

SLOPE INDICATORS - Slope indicators are required on Versalift units and supplied by Time Manufacturing Co. Slope indicators shall be installed to indicate the level of the rotation bearing relative to the ground.

MANUALS - Two (2) Operator's Manuals, two (2) Service Manuals, one (1) Manual of Responsibilities, and one (1) EMI Safety Manual are included with each aerial lift.

MINI-LINESMAN 53 TRACK DRIVE

- Fits through 36" gates.
- Extendable rubber tracks (35" retracted / 50" extended).
- 25 HP Kubota turbo diesel engine.
- Audible alarms on tracks (extend / retract).
- Full pressure hydraulic controls.
- Low ground pressure track chassis.
- Two (2) speed track drive.
- Outrigger safety locks.
- Audible alarms (side to side).
- Hydraulic oil cooler.
- Grounding lug.
- 12V DC Emergency Lowering
- Radio control drive.
- High / low speed throttle
- Pintle eye extension on trailer
- Pad mount transformer carrier
- 25,900 lb. GVWR trailer (8' X 25')

PRICE SUMMARY

Aerial:	\$ 51,547.00
Mini-Linesman Track Vehicle with Trailer:	\$ 130,153.00
SUBTOTAL:	\$ 181,700.00
NET PRICE FOB BRENHAM, TX:	\$ 181,700.00

NOTES

1. Your Terms This Order: As mutually agreed.
2. Days to Delivery: Approximately 360 – 390 Days after receipt of order based on current track carrier lead times. Delivery times are subject to change without prior notice.
3. This Quotation Valid For: 30 Days
4. This quotation does not include any applicable sales tax, title, license or state inspection.

Thank you for considering **Versalift Southwest** to meet your utility equipment needs. We look forward to earning your business.

Sincerely,

Steve Niles
Regional Sales Manager
Phone: (254) 717-3523
steveniles@versalift.com

Signature: _____ Date: _____

P.O. #: _____ Quantity: _____ Options: _____

Please sign and date this quote if you would like to purchase this unit as stated in the quotation listed above. Indicate any options that you wish to include on your unit by the option number in the space provided above. Please fax this along with your PO to (254) 776-8025 or email to staceymetayer@versalift.com.

BRENHAM POLICE DEPARTMENT

PHONE: (979) 337-7272
FAX: (979) 337-7343



P. O. BOX 682
BRENHAM, TEXAS 77834-0682

1800 LONGWOOD DRIVE

Mayor and Council,

The City of Brenham Police Department is requesting approval to utilize funds from our seizure account for the purpose of sending two officers to unmanned aerial operations training specifically designed for first responders. The training, Eyes Overhead full Public Safety Unmanned Aerial Training and Certification Program, is conducted by Drone Pilot Inc. of Bastrop, Texas and consists of a seven-part program with three separate training sessions over the course of December 2019, and January-February 2020. The cost is \$4,000 per student, which upon successful completion will certify each as a drone pilot through FAA standards.

The course focuses on safety first, to build a professional flight team using public safety muscle memory training techniques when deploying for the unique missions of first responders. Training includes DPI copyright UA Flight Manual, UA Operations Manuals, Flight Team Operational documents, FAA compliance documents, UA Flight Team Pilot Logbook and DJI brand training drone included (DJI Spark or Mavic Air *based on availability). (60 hours classroom instruction, 40 hours (minimum) self-paced flight time, 20 hours remedial flight instruction if required).

The Brenham Police Department currently summons the aide of other entities when in need of a drone for various purposes such as lost/missing persons, perimeter security at large events, tactical operations, ERT training, and criminal suspects who have evaded on foot. Upon successful completion of the training courses, BPD would then have more knowledge on the type of drone and accessory equipment needed for our specific City's use. At that time, we would then also look to use funds from the same account to purchase the equipment.

We would like to ask approval of Brenham City Council to utilize \$8,000 for the purpose of sending two officers to this training.



Dant Lange
Support Services Captain
Brenham Police Department
979.337.7331 Office
979.337.1084 Cell
dlange@cityofbrenham.org

**AMENDMENT NO. 1 TO THE MARCH 2, 2017
PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
PROJECT NO. 2017-05
CITY OF BRENHAM MUNZ LIFT STATION**

WHEREAS, the City and Engineer agree to amend the referenced Agreement as follows:

In the opening paragraph CHANGE O'Malley Strand Associates, Inc. to "Strand Associates, Inc.®".

Under **SECTION IV, TIME FOR PERFORMANCE**, CHANGE 360 to "1,400."

Under **SECTION VII, ENGINEER'S COMPENSATION**, CHANGE \$52,300.00 to "\$71,833.00."

Under **ATTACHMENT "A"**,

PART A—SCOPE OF SERVICES, Design Services, ADD the following

- "14. Perform topographic design survey to gather data necessary for the design of approximately 1,100 linear feet of force main replacement and preparation of background drawings.
15. Perform hydraulic analysis to size force main.
16. Reevaluate pump station sizing based on service area development, design pumping flows, and force main sizing.
17. Resubmit 50 percent design drawings and specifications and meet with City. Respond to and incorporate City comments into the 50 percent design drawings and specifications as appropriate."

Under **PART B—BASIS OF COMPENSATION AND REIMBURSABLE EXPENSES**, REPLACE the second paragraph and the table in its entirety as follows:

"Basic services to be performed for a Fee not to exceed \$61,000.00. Additional Services to be approved by the City Manager not to exceed \$7,500.00. Subcontract Item 1 shall be billed at invoice cost plus 10%, estimated cost of \$3,333.00."

TASK		COSTS
Design Services		
1	Design services through 50 percent plan review meeting (Scope Items 1 - 7 and Items 15 - 17 Defined in Part A)	\$24,000.00
2	Design services through 90 percent plan review meeting (Scope Items 8 - 9 Defined in Part A)	\$12,400.00
3	Design services through final plans (Scope Items 10 - 12 Defined in Part A)	\$3,600.00
4	Perform Topographic/Design Survey (Scope Items 13 - 14 Defined in Part A)	\$4,500.00
Total		\$44,500.00

Construction-Related Services		
1	Construction-related services through execution of contract documents (Scope Items 1 - 2 Defined in Part A)	\$4,100.00
2	Construction-related services prior to the final inspection (Scope Items 3 - 4 Defined in Part A)	\$8,500.00
3	Construction-related services through project closeout (Scope Items 5 - 6 Defined in Part A)	\$3,900.00
Total		\$16,500.00

Additional Services		
1	Perform Boundary Survey	\$2,000.00
2	Perform Construction Staking	\$2,500.00
3	Part-Time Project Representative	\$3,000.00
Total		\$7,500.00

Sub Agreements*		
1	Geotechnical Investigation	\$3,333.00

Total All Services		\$71,833.00
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*Estimated costs

IN WITNESS WHEREOF, the City of Brenham has lawfully caused this Amendment to be executed by the Mayor of said City and attested by the City Secretary and Strand Associates, Inc.[®], acting by and through its duly authorized officer/representative, does now sign, execute, and deliver this instrument.

EXECUTED on this _____ day of _____, 20____.

ENGINEER:

STRAND ASSOCIATES, INC.[®]



Joseph M. Bunker 11/26/19
Corporate Secretary Date

CITY OF BRENHAM, TEXAS

Milton Y. Tate Jr. Date
Mayor

ATTEST:

Jeana Bellinger Date
City Secretary



MEMORANDUM

To: Mayor, Council and City Manager

From: Debra D. Gaffey, Strategic Budget Officer

Subject: Budget Amendment for FY2018-19 Adopted Budget

Date: November 25, 2019

Highlights of the second and final amendment to the FY2018-19 budget include:

- \$174,419 of revenue increases, recognizing the receipt of several public safety grants (\$23,598 increase); better than expected revenues from Barnhill Center events and Visitors Guide advertising (\$116,706); and insurance proceeds (\$34,115) received in the Sanitation Fund;
- \$1,552,173 of expenditure increases with \$573,123 needed for Public Safety radios; \$546,991 in monies owed and paid to Washington County at the close-out of the Highway 290 Fund; \$257,143 to extinguish the library furniture loan (Debt Fund balance used); \$128,986 increase for marketing and tourism programs (offset by Barnhill/Visitor guide revenues above); \$117,800 to replace an excavator destroyed by fire in the Sanitation Fund (reimbursed by insurance proceeds); and \$102,870 increase in Donation Fund expenditures for the Animal Shelter cover/fencing and downtown improvements; and
- \$627,121 in increases for net other resources, primarily due to loan proceeds of \$576,623 not budgeted for Public Safety radios, net 2019 bond proceeds in the amount \$1,550,498 of which \$1,115,678 was used to repay the City for emergency street and drainage repairs associated with the 2016 storms.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE
FY2018-19 ADOPTED BUDGET; AND DECLARING AN EFFECTIVE
DATE.**

WHEREAS, the City Council of the City of Brenham, Texas has previously approved a budget for the fiscal year ending September 30, 2019, after having filed the same with the City Secretary and after holding public hearings on same, all after due notice as required by statute; and

WHEREAS, due to unforeseen circumstances and/or conditions, the City Council finds it is necessary to amend the FY2018-19 Budget for municipal purposes;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Brenham, Texas:

SECTION 1.

That the City Council of the City of Brenham, Texas, does hereby amend the budget for the City of Brenham, Texas for the fiscal year ending September 30, 2019, as shown on Exhibit A.

SECTION II.

This Ordinance shall take effect as provided by State Law and the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading the ____ day of December 2019.

PASSED and APPROVED on its second reading the ____ day of December 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

CITY OF BRENHAM
FY19 BUDGET AMENDMENT #2 SUMMARY

REVENUES (INC)/DEC	101 GENERAL FUND	225 PD EQUIP	227 FEMA	232 DONA- TIONS	235 FIRE GRANTS	249 MKTING & TOURISM	118 DEBT SVC	290 HWY 290	109 HOTEL/ MOTEL	214 CAPITAL LEASES	234 PARKS CAPITAL	237 STREETS/ DRAIN CAP	102 ELECTRIC	123 GAS WPC	105 WASTE- WATER	106 SANITA- TION	TOTAL
4-518.10 RENTAL INCOME-THEATER						(437)											(437)
4-519.00 CULTURAL ARTS REVENUE						(57,300)											(57,300)
4-521.00 GRANT REVENUES		(22,573)			(1,025)												(23,598)
4-522.00 ADV REVENUE-VISITORS GUIDE						(47,875)											(47,875)
4-522.10 ADV REVENUE-CO-OP ADS						(1,200)											(1,200)
4-529.20 DONATIONS						(1,313)											(1,313)
4-531.00 VISITOR CENTER ITEM SALES						(916)											(916)
4-720.00 INSURANCE PROCEEDS																(34,115)	(34,115)
4-740.10 CONCESSION REVENUE						(7,665)											(7,665)
TOTAL BUDGETED REVENUES (INC)/DEC	-	(22,573)	-	-	(1,025)	(116,706)	-	-	-	-	-	-	-	-	-	(34,115)	(174,419)
EXPENDITURES INC/(DEC)																	
5-100-101.00 SALARIES & WAGES						(39,300)											(39,300)
5-100-103.00 OASD/MEDICARE						(3,089)											(3,089)
5-100-106.00 MEDICAL INSURANCE						(25,848)											(25,848)
5-100-204.00 POSTAGE						2,450											2,450
5-100-207.00 CLOTHING/PERS PROTECTIVE						4,310											4,310
5-100-208.00 CLOTHING/PERS PROTECTIVE		22,573															22,573
5-100-209.00 EDUCATIONAL					1,025												1,025
5-100-216.00 RESALE ITEMS-CONCESSIONS						6,582											6,582
5-100-216.20 RESALE ITEMS-VISITORS CENT						1,595											1,595
5-100-250.00 OTHER SUPPLIES						1,011											1,011
5-100-312.00 BUILDINGS/APPLIANCES						19,162											19,162
5-100-402.00 AUDITS/CONSULTANTS FEES						42,534											42,534
5-100-402.40 PAYMENT TO WASH CO								546,991									546,991
5-100-403.00 TELEPHONE						3,619											3,619
5-100-408.00 RENTALS & LEASES						36,587										15,300	51,887
5-100-409.00 ADVERTISING & PROMOTION						32,216											32,216
5-100-409.50 VISITORS GUIDE EXPENSE						29,486						50,498					29,486
5-100-421.20 BOND ISSUE COSTS																	50,498
5-100-424.00 SERVICE CONTRACTS						(12,287)											(12,287)
5-100-450.00 OTHER SERVICES						17,869											17,869
5-100-702.54 BUILDINGS/BLDG IMPROVE				3,736										128			3,736
5-100-705.00 GAS PURCHASE COSTS				1,359													1,359
5-100-715.46 OTHER CAPITAL-LIBRARY																	
5-100-803.00 STREETS/INLETS/CURBS												(369,803)					(369,803)
5-100-803.50 STREETS/INLETS/CURBS-REHAB												59,653					59,653
5-100-813.00 VEHICLES/LARGE EQUIPMENT																102,500	102,500
5-100-814.00 RADIOS/RADAR/CAMERAS										573,123							573,123
5-100-814.54 OTHER CAPITAL-ANIMAL				53,650													53,650
5-100-618.35 AQUATIC CENTER IMPROVEMENTS																	
5-100-816.42 PARK IMPROV-FIREMAN'S																	
5-100-816.44 PARK IMPROV-HOHLT PARK																	
5-100-816.47 PARK IMPROV-HATTIE MAE FLOWERS																	
5-100-816.48 PARK IMPROV-HENDERSON PK																	
5-100-816.62 PARK IMPROV-LINDA ANDERSON																	
5-100-860.49 2015 NOTE PAY PRIN-LIB FU							257,143										257,143
5-100-860.55 2019 NOTE PAY-PS RADIOS							55,587										55,587
5-100-860.87 2015 GO REF D/S INTEREST							(35,000)										(35,000)
5-100-860.94 2019 COB D/S PRINCIPAL							(95,000)										(95,000)
5-100-860.95 2019 COB D/S INTEREST							13,809										13,809
5-100-908.00 SEMINARS/MEMBERSHIP .TRAVEL																	
5-100-924.00 CONTINGENCY						(50,271)											(50,271)
5-100-945.10 CULTURAL ARTS EXPENSE						(20,203)											(20,203)
5-100-959.10 DOWNTOWN IMPROVEMENTS						82,563											82,563
5-124-920.00 WASH CO CC CVB-ADMIN				44,126													44,126
TOTAL BUDGETED EXPENDITURES INC/(DEC)	-	22,573	-	102,870	1,025	128,986	196,539	546,991	6,750	573,123	115,040	(259,652)	-	128	-	117,800	1,552,173

CITY OF BRENHAM
FY19 BUDGET AMENDMENT #2 SUMMARY

	101 GENERAL FUND	225 PD EQUIP	227 FEMA	232 DONA- TIONS	235 FIRE GRANTS	249 MKTING & TOURISM	118 DEBT SVC	290 HWY 290	109 HOTEL/ MOTEL	214 CAPITAL LEASES	234 PARKS CAPITAL	237 STREETS/ DRAIN CAP	102 ELECTRIC	123 GAS WPC	105 WASTE- WATER	106 SANITA- TION	TOTAL
NET OTHER (RESOURCES)/USES																	
6-000-601.00 TRF-OUT TO GENERAL FUND													19,139				19,139
6-000-602.00 TRF-IN FROM ELECTRIC FUND	(19,139)																(19,139)
6-000-601.18 TRF-OUT TO DEBT SVC FUND								549,282									549,282
6-000-602.14 TRF-IN FROM CAPITAL LEASE FUND							(3,500)										(3,500)
6-000-602.27 TRF-OUT TO FEMA FUND												1,115,678					1,115,678
6-000-602.90 TRF-IN FROM HWY 290 FUND							(549,282)										(549,282)
6-000-602.37 TRF-IN FROM STREETS/DRAINAGE FUND			(1,115,678)														(1,115,678)
6-000-605.00 TRF-IN FROM WASTEWATER FUND															93,316	(93,316)	
6-000-606.00 TRF-OUT TO SANITATION FUND			1,500,000									(1,550,498)					(50,498)
6-000-683.00 2019 BOND PROCEEDS (INC)/DEC																	
6-000-685.00 OTHER FINANCING SOURCES (INC)/DEC										(576,623)							(576,623)
TOTAL BUDGETED OTHER NET (RESOURCES INC)/RESOURCE USES	(19,139)	-	384,322	-	-	-	(552,782)	549,282	-	(573,123)	-	(434,820)	19,139	-	93,316	(93,316)	(627,121)
CHANGES IN BUDGTD FUND BALANCE (INC)/DI	(19,139)	-	384,322	102,870	-	12,280	(356,243)	1,096,273	6,750	0	115,040	(694,472)		128	93,316	(9,631)	750,634

FUND 101 - GENERAL FUND

ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
6-000-602.00	INTERFUND TRNF-ELECTRIC FUN TRANSFER-IN	(1,993,573)	(19,139)	(2,012,712)	Budget amendment is to account for higher than budget transfers from the Electric Fund due to higher costs from shared service departments.

FUND 225 - MOTORCYCLE/PD EQUIPMENT

	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
4-521.00	GRANT REVENUES	(INC)/DEC	(2,600)	(22,573)	(25,173)	Police received 3 grants in FY19. This amends revenues and expenditures primarily for receipt of Senate Bill 12 - Rifle Resistant Body Armor Grant in the amount of \$21,984. The other 2 grants were Bulletproof Vest Partnership (BVP) grants.
	TOTAL FUND REVENUES	(INC)/DEC	(2,600)	(22,573)	(25,173)	
5-100-208.00	CLOTHING/PERS PROTECTIVE EXPENDITURE	INC/(DEC)	2,600	22,573	25,173	
	TOTAL FUND EXPENDITURES	INC/(DEC)	2,600	22,573	25,173	

FUND 227 - FEMA FUND

	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET		AMENDED BUDGET		REASON
6-000-602.37	INTERFUND TRNSF-STG/DRAINAGE TRANSFER-IN	(INC)/DEC	-	(1,115,678)	(1,115,678)	1.	Budget amendments are for the following items 1. Recognize transfer-in from Fund 237 Streets and Drainage Fund of \$1,115,678 of the 2019 bond proceeds to reimburse the FEMA Fund for expenses incurred for emergency drainage projects; and 2. To reverse the receipt for 2019 bond proceeds budgeted because the proceeds were received in Fund 237 Streets and Drainage Fund instead of Fund 227 FEMA Fund, with the reimbursement portion transferred.
6-000-683.00	OTHER SOURCES-BOND PROC BOND PROCEEDS	(INC)/DEC	(1,500,000)	1,500,000	-	2.	
	TOTAL FUND TRANS-OUT/BD PROCEEDS	(INC)/DEC	(1,500,000)	384,322	(1,115,678)		

FUND 232 - DONATIONS FUND

	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDED BUDGET	REASON
5-100-702.54	BUILDINGS/BLDG IMPROVE	EXPENDITURE	EXPENDITURE	EXPENDITURE	EXPENDITURE
5-100-715.46	OTHER CAPITAL-LIBRARY	EXPENDITURE	EXPENDITURE	EXPENDITURE	EXPENDITURE
5-100-814.54	OTHER CAPITAL-ANIMAL	EXPENDITURE	EXPENDITURE	EXPENDITURE	EXPENDITURE
5-100-959.10	DOWNTOWN IMPROVEMENTS	EXPENDITURE	EXPENDITURE	EXPENDITURE	EXPENDITURE
	SUBTOTAL AMENDED ACCTS				
	TOTAL FUND EXPENDITURES				

Budget amendments are for the following items:

- 702.54 - Grates and lockings at the Animal Shelter
- 715.46 - Umbrella with pole and base at the Library
- 814.54 - Construction of Pet Adoption Center cover and fencing
- 959.10 - Downtown Swirl, Autumn Evening, sign grant

FUND 235 - FIRE DEPT GRANTS

	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
4-521.00	GRANT REVENUES	(INC)/DEC	(1,800)	(1,025)	(2,825)	Fire received 3 educational grants in FY19. This amends revenues and expenditures for receipt and use of these additional grant proceeds.
	TOTAL FUND REVENUES	(INC)/DEC	(1,800)	(1,025)	(2,825)	
5-100-209.00	EXPENDITURE	INC/(DEC)	1,800	1,025	2,825	
	TOTAL FUND EXPENDITURES	INC/(DEC)	1,800	1,025	2,825	

FUND 249 - TOURISM & MARKETING FUND

	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
4-518.10	RENTAL INCOME-THEATER	(INC)/DEC	(5,000)	(437)	(5,437)	Revenue results were better than budget projections. Revenue are being amended to recognize favorable results.
4-519.00	CULTURAL ARTS REVENUE	(INC)/DEC	(15,000)	(57,300)	(72,300)	
4-522.00	ADV REVENUE-VISITORS GUIDE	(INC)/DEC	-	(47,875)	(47,875)	
4-522.10	ADV REVENUE-CO-OP ADS	(INC)/DEC	-	(1,200)	(1,200)	
4-529.20	DONATIONS	(INC)/DEC	-	(1,313)	(1,313)	
4-531.00	VISITOR CENTER ITEM SALES	(INC)/DEC	-	(916)	(916)	
4-740.10	CONCESSION REVENUE	(INC)/DEC	(1,200)	(7,665)	(8,865)	
	SUBTOTAL AMENDED ACCTS	(INC)/DEC	(21,200)	(116,706)	(137,906)	
	TOTAL FUND REVENUES	(INC)/DEC	(41,200)	(116,706)	(157,906)	
5-100-101.00	SALARIES & WAGES	INC/(DEC)	135,520	(39,300)	96,220	Expenditures need to be amended to recognize use of excess revenues realized and to recognize a reallocation of some line item budgets to other uses/programs.
5-100-103.00	OASDI/MEDICARE	INC/(DEC)	10,373	(3,089)	7,284	
5-100-106.00	MEDICAL INSURANCE	INC/(DEC)	40,386	(25,848)	14,538	
5-100-204.00	POSTAGE	INC/(DEC)	200	2,450	2,650	
5-100-207.00	REPRODUCTION & PRINTING	INC/(DEC)	-	4,310	4,310	
5-100-216.00	RESALE ITEMS-CONCESSIONS	INC/(DEC)	300	6,582	6,882	
5-100-216.20	RESALE ITEMS-VISITORS CENT	INC/(DEC)	-	1,595	1,595	
5-100-250.00	OTHER SUPPLIES	INC/(DEC)	800	1,011	1,811	
5-100-312.00	BUILDINGS/APPLIANCES	INC/(DEC)	3,500	19,162	22,662	
5-100-402.00	AUDITS/CONSULTANT FEES	INC/(DEC)	-	42,534	42,534	
5-100-403.00	TELEPHONE	INC/(DEC)	-	3,619	3,619	
5-100-408.00	RENTALS & LEASES	INC/(DEC)	42,607	36,587	79,194	
5-100-409.00	ADVERTISING & PROMOTION	INC/(DEC)	190,000	32,216	222,216	
5-100-409.50	VISITORS GUIDE EXPENSE	INC/(DEC)	-	29,486	29,486	
5-100-424.00	SERVICE CONTRACTS	INC/(DEC)	38,000	(12,287)	25,713	
5-100-450.00	OTHER SERVICES	INC/(DEC)	710	17,869	18,579	
5-100-908.00	SEMINARS/MEMBERSHIP/TRAVE	INC/(DEC)	58,400	(50,271)	8,129	
5-100-924.00	CONTINGENCY	INC/(DEC)	20,203	(20,203)	-	
5-100-949.10	CULTURAL ARTS EXPENSE	INC/(DEC)	15,000	82,563	97,563	
	SUBTOTAL AMENDED ACCTS	INC/(DEC)	555,999	128,986	684,985	
	TOTAL FUND EXPENDITURES	INC/(DEC)	601,400	128,986	730,386	

FUND 118 - DEBT SERVICE FUND

		ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
5-100-860.49	2016 NOTE PAY PRIN-LIB FU	EXPENDITURE	INC/(DEC)	64,286	257,143	321,429	Budget amendments are for the following items: 1. Paid off library furniture loan instead of refinancing for another 3 yrs, using Debt Service Fund reserves; 2. Actual payment on radios was higher than original estimate budgeted; 3. Adjustment for pay-off of Washington County reimbursement of 1/2 interest on Hwy 290 debt which is offset in revenues; 4 & 5. Actual payments came in lower than budget estimate; 6. Transfer of excess PS Radio loan proceeds to Debt Service Fund balance; and 7. Close-out of Hwy 290 Fund and transfer of City's portion to Debt Service Fund to reimburse for prior years interest payments.
5-100-860.55	2019 NOTE PAY-PS RADIOS	EXPENDITURE	INC/(DEC)	142,768	55,587	198,355	
5-100-860.87	2015 GO REF D/S INTEREST	EXPENDITURE	INC/(DEC)	70,000	(35,000)	35,000	
5-100-860.94	2019 COB D/S PRINCIPAL	EXPENDITURE	INC/(DEC)	150,000	(95,000)	55,000	
5-100-860.95	2019 COB D/S INTEREST	EXPENDITURE	INC/(DEC)	-	13,809	13,809	
	SUBTOTAL EXPENDITURE AMENDED ACCTS		INC/(DEC)	427,054	196,539	623,593	
6-000-602.14	INTERFUND TRNSF-CAP LEASE	TRANSFER-IN	(INC)/DEC	-	(3,500)	(3,500)	
6-000-602.90	INTERFUND TRNSF-HWY 290	TRANSFER-IN	(INC)/DEC	(1,750,000)	(549,282)	(2,299,282)	
	TOTAL FUND EXPENDITURES NET TRANS-IN		INC/(DEC)	2,691,572	(352,743)	2,338,829	

FUND 290 - HWY 290 FUND

ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
5-100-402.40	PAYMENT TO WASH CO		546,991	546,991	Budget amendment is needed to close-out Hwy 290 project. Residual proceeds of \$1,096,273 were split 50/50 City and Washington County. The City's share was transferred to the Debt Service Fund to reimburse for prior years interest payments.
6-000-601.18	EXPENDITURE	-	549,282	2,299,282	
	TRANSFER-OUT	1,750,000			
			1,096,273	2,846,273	
			1,096,273	2,846,273	
	SUBTOTAL AMENDED ACCTS	1,750,000			
	TOTAL FUND EXPEND/TRF-OUT	1,750,000			

FUND 109 - HOTEL/MOTEL FUND

ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
5-124-920.00 WASH CO CC CVB-ADMIN	INC/(DEC)	-	6,750	6,750	Budget amendment is for the Hotel/Motel Fund's portion of receptionist wages at the Washington County Chamber of Commerce.
SUBTOTAL AMENDED ACCTS	INC/(DEC)	-	6,750	6,750	
TOTAL FUND EXPENDITURES	INC/(DEC)	10,000	6,750	16,750	

FUND 214 - CAPITAL LEASES FUND

	AMENDMENT		CURRENT BUDGET	AMENDMENT	AMENDED BUDGET		REASON
	ACCOUNT TYPE	ACTION					
5-100-814.00	RADIOS/RADAR/CAMERAS	EXPENDITURE	-	573,123	573,123		Budget amendment is for the use of capital lease loan proceeds for the purchase of new Public Safety radios in the amount of \$573,123 and the transfer-out to the Debt Service Fund on the residual (excess) loan amount of \$3,500.
6-000-601.18	TRANS-OUT TO DEBT SVC FD	INC/(DEC)	-	3,500	3,500		
6-100-685.00	OTHER FINANCING SOURCES	INC/(DEC)	-	(576,623)	(576,623)		
	LOAN PROCEEDS	(INC)/DEC	-				
	TOTAL FUND EXPEND/TRF-OUT	INC/(DEC)	-	0	0		

FUND 234 - PARKS CAPITAL IMPROVEMENTS FUND

	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET		REASON
5-100-816.35	AQUATIC CENTER IMPROVEMEN	INC/(DEC)	85,000	29,592	114,592	1.	Budget amendments are for the following items:
5-100-816.42	PARK IMPROV-FIREMAN'S	INC/(DEC)	136,000	188,287	324,287	2.	1. Reallocation of BCDC funds for replacement of BBAC playground surface
5-100-816.44	PARK IMPROV-HOHLT PARK	INC/(DEC)	108,000	39,548	147,548	3.	using budget savings from tower structure repair;
5-100-816.47	PARK IMPROV-HATTIE MAE FL	INC/(DEC)	15,000	(15,000)	-	4.	2. Completion of Firemans Park Restroom Project originally budgeted in
5-100-816.48	PARK IMPROV-HENDERSON PK	INC/(DEC)	300,000	(147,795)	152,205	5.	FY18;
5-100-816.62	PARK IMPROV-LINDA ANDERSON	INC/(DEC)	30,000	20,408	50,408	6.	3. Deferred and rebudgeted Hohlt Park Nature Trail (\$40,000) but All Sports
	SUBTOTAL AMENDED ACCTS	INC/(DEC)	674,000	115,040	789,040		Building Parking Lot Project carried over from FY18 at \$73,275;
	TOTAL FUND EXPENDITURES	INC/(DEC)	874,500	115,040	989,540		4. Basketball court lights were under the \$15,000 budgeted, so moved to a non-capital 700 account;
							5. Henderson Park Phase I Improvements still in progress and re-budgeted in FY20; and
							6. Reallocation of BCDC funds for Linda Anderson Park batting cage cover using savings from Firemans Park bleacher painting.

FUND 237 - STREETS AND DRAINAGE FUND

	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
5-100-421.20	BOND ISSUE COSTS	INC/(DEC)	-	50,498	50,498	Budget amendments are for the following items: - Recognize receipt of 2019 bond proceeds of \$1,550,498 and issuance costs of \$50,498 - Recognize deferral of 2012 Residual Bond Proceeds of \$369,803 which will be used in FY20 for Southside Retail Project-Chappell Hill Widening - Recognize the use of 2019 bond proceeds to reimburse FEMA Fund for expenses of \$1,115,678 for emergency drainage projects.
5-100-803.00	STREETS/INLETS/CURBS	INC/(DEC)	369,803	(369,803)	-	
5-100-803.50	STREETS/INLETS/CURBS-REHAB	INC/(DEC)	304,000	59,653	363,653	
	TOTAL FUND EXPENDITURES		673,803	(259,652)	414,151	
6-000-602.27	INTERFUND TRNSF-FEMA	INC/(DEC)	-	1,115,678	1,115,678	
6-000-683.00	OTHER SOURCES-BOND PROC	INC/(DEC)	-	(1,550,498)	(1,550,498)	
	TOTAL FUND TRANS-OUT/BD PROCEEDS	(INC)/DEC	-	(434,820)	(434,820)	
	TOTAL FUND EXP/TRANS/BD PROCEEDS	INC/(DEC)	673,803	(694,472)	(20,669)	

FUND 102 - ELECTRIC FUND

ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
6-000-601.00 INTERFUND TRNF-GENERAL FUN TRANSFER-OUT	INC/(DEC)	1,993,573	19,139	2,012,712	Budget amendment is to account for higher than budget transfers-out to the General Fund due to higher costs from shared service departments.

FUND 123 - GAS WPC FUND

ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
5-100-705.00 GAS PURCHASE COSTS	INC/(DEC)	1,694,878	128	1,695,006	Budget amendment is for a small unfavorable variance to budget for gas purchase costs.
SUBTOTAL AMENDED ACCTS	INC/(DEC)	1,694,878	128	1,695,006	
TOTAL FUND EXPENDITURES	INC/(DEC)	1,694,878	128	1,695,006	

ACCOUNT TYPE	ACTION	BUDGET	AMENDMENT	BUDGET	REASON
6-000-606.00	INTERFUND TRNF-SANITATION	TRANSFER-OUT	INC/(DEC)	-	93,316
					Budget amendment is to account for replacement of a destroyed excavator with grapple used at the Collection Station. The equipment (except grapple) was originally owned by the Wastewater Fund but at the time of Wastewater Fund replacement, was moved to the Sanitation Fund for use in the mulch pile. The transfer-out of \$93,316 is insurance proceeds booked in the Wastewater Fund and helps offset the cost of \$102,500 for the new unit booked in the Sanitation Fund.

Budget amendment is to account for replacement of a destroyed excavator with grapple used at the Collection Station. The equipment (except grapple) was originally owned by the Wastewater Fund but at the time of Wastewater Fund replacement, was moved to the Sanitation Fund for use in the mulch pile. The transfer-out of \$93,316 is insurance proceeds booked in the Wastewater Fund and helps offset the cost of \$102,500 for the new unit booked in the Sanitation Fund.

FUND 106 - SANITATION FUND

	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
4-720.00	INSURANCE PROCEEDS	(INC)/DEC	-	(34,115)	(34,115)	Budget amendment is to account for replacement of a destroyed excavator with grapple used at the Collection Station. The equipment (except grapple) was originally owned by the Wastewater Fund but at the time of Wastewater Fund replacement, was moved to the Sanitation Fund for use in the mulch pile. The transfer-in of \$93,316 is insurance proceeds booked in the Wastewater Fund and helps offset the cost of \$102,500 for the new unit. In addition, insurance proceeds of \$34,115 were received for the grapple and rental costs incurred of \$15,300.
	TOTAL FUND REVENUES	(INC)/DEC	(3,996,400)	(34,115)	(4,030,515)	
5-043-408.00	RENTAL INCOME	INC/(DEC)	-	15,300	15,300	
5-043-813.00	VEHICLES/LARGE EQUIPMENT EXPENDITURE	INC/(DEC)	-	102,500	102,500	
	SUBTOTAL EXP AMENDED ACCTS	INC/(DEC)	-	117,800	117,800	
	TOTAL FUND EXPENDITURES	INC/(DEC)	3,398,970	117,800	3,516,770	
6-000-605.00	INTERFUND TRNF-SEWER	(INC)/DEC	-	(93,316)	(93,316)	
	TRANSFER-IN	(INC)/DEC	-	(93,316)	(93,316)	



Bid Information Sheet

November 27, 2019

ITB 19-008

For: Financing for Vehicle and Equipment Replacement

Budget: Funds are provided in each Department's operating budget.

Number of bidders sent bid packet: 3

Number of completed bids returned to Purchasing: 4



BID TABULATION FORM

BID OPENING DATE/TIME:

November 27, 2019 at 10:00 a.m.

BID NAME/NO:

RFP No. 19-008; Financing for Vehicle and Equipment Replacement

WITNESSED BY:

Jeana Bellinger

BIDDERS	3 - Years	5 - Years	7 - Years
Bank Funding, LLC	2.05%	2.22%	2.46%
Bank of Brenham	2.59%	2.64%	2.74%
Brenham National Bank	2.03%	2.03%	2.03%
Citizens State Bank	No Bid	No Bid	No Bid
Frost Bank	2.85%	2.87%	2.87%



**RFP No. 19-008: Financing for Vehicle and Equipment Replacement
Vehicle and Equipment List**

3-Year Financing:

Vehicle/Equipment	Department	Est. Cost
Chevrolet Tahoe Patrol Units (6)	Police	\$ 325,000
Chevrolet Tahoe Admin. (1)	Police	40,000
TOTAL		\$ 365,000

5-Year Financing:

Vehicle/Equipment	Department	Est. Cost
Crew Cab Truck with Light Bar	Development Services	\$ 26,000
Truck with Auto Crane	Maintenance	65,500
Truck with Work Bed Body	Maintenance	42,000
Crew Cab ¾ Ton Truck	Streets	29,000
Ford F250 Command Unit	Fire	51,000
TOTAL		\$ 213,500

7-Year Financing:

Vehicle/Equipment	Department	Est. Cost
Dump Truck	Streets	\$ 105,000
Wheel Roller	Streets	88,500
TOTAL		\$ 193,500

SPARKS ENGINEERING, INC.

STRUCTURAL EVALUATION, DESIGN AND TESTING

November 15, 2019

Mr. Dane Rau
Director
City of Brenham Public Works
200 W. Vulcan
Brenham, Texas 77833

Sent via email to drau@cityofbrenham.org

RE: Fireman's Park Stone Bridge Rehabilitation
Bid Tabulation and Engineer's Recommendation

Dear Mr. Rau,

Bids for the referenced project were opened and read aloud on November 14, 2019 at 3:00 P.M. There was only one bid received, that being from Dudley Construction, Ltd. The bid appears to be complete and responsive to the request for bids, and is therefore the low bidder, with \$99,500 total price bid. This price compares favorably to our Engineer's estimate of \$97,416.

BID TABULATION - STIPULATED SUM				
Bidder 1	Bidder 2	Bidder 3	ENGINEER'S ESTIMATE	
DUDLEY CONSTRUCTION, LTD	N/A	N/A	TOTAL CONSTRUCTION	
TOTAL BID PRICE	TOTAL BID PRICE	TOTAL BID PRICE		
\$ 99,500.00	\$ -	\$ -	\$ 97,416.00	

UNIT PRICE COMPARISON						
	Quantity	Unit	Engineer's Estimate	Bidder 1	Difference	
			Unit Price	Unit Price		
Waterproofing membrane at base of arch plates	250	SF	\$ 3.00	\$ 10.00	\$ 7.00	
Perforated foundation drain and filter sock	70	LF	\$ 25.00	\$ 30.00	\$ 5.00	
Backfill - crushed limestone base material	200	CY	\$ 60.00	\$ 100.00	\$ 40.00	
Horizontal tie rods between spandrels	8	EA	\$ 300.00	\$ 2,500.00	\$ 2,200.00	
Horizontal slab anchors	30	EA	\$ 40.00	\$ 25.00	\$ (15.00)	
Vertical reinforcement rods in spandrels	26	EA	\$ 300.00	\$ 1,000.00	\$ 700.00	
Reconstruct the historic stone railings	50	CF	\$ 200.00	\$ 150.00	\$ (50.00)	
Remove, salvage and reinstall stone curbs in largest feasible sections	86	LF	\$ 200.00	\$ 300.00	\$ 100.00	
Concrete cap for stone curbs	86	LF	\$ 50.00	\$ 100.00	\$ 50.00	
Crack repair and repointing of masonry	100	LF	\$ 20.00	\$ 50.00	\$ 30.00	
New concrete bridge pavement	146	SY	\$ 96.00	\$ 72.00	\$ (24.00)	
Railings	80	LF	\$ 75.00	\$ 50.00	\$ (25.00)	

Unit prices are for contract adjustments when the actual quantities vary from the quantity estimate

The bidder's unit prices appear to be reasonable even where they differ from our estimate. We have verified the quantities for those items that substantially exceeded the engineer's unit prices.

We recommend the award of the contract to Dudley Construction, Ltd, in the amount of \$99,500.

Sincerely,

SPARKS ENGINEERING, INC.
Texas Registered Engineering Firm F-00515

A handwritten signature in black ink, appearing to read 'S. Sparks', written over a horizontal line.

S. Patrick Sparks, P.E.
President

Attachments: Bid Package from Dudley Construction, Ltd.

MOORMAN TATE, LLP

R. HAL MOORMAN*†
LAURA UPCHURCH
WENDY YATES*
ANDREW J. HEFFERLY

CHRISTOPHER S. HARDY
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MILTON Y. TATE, JR. (RETIRED)
STEVEN C. HALEY (1955-2018)

October 30, 2019

Nancy Carol Roberts Memorial Library
c/o Andria Heiges
100 Martin Luther King, Jr. Parkway
Brenham, Texas 77833

RE: **Dorothy Elaine O'Connor Living Trust**, established February 19, 1997 (the "Trust")

Dear Ms. Heiges:

I represent, Bill Burhans, as successor trustee of the Trust ("Trustee"), which was established by Dorothy Elaine O'Connor to hold most of her assets during the latter part of her life. Mrs. O'Connor died on September 20, 2019, in Brenham, Texas, where she had lived and been a part of the community for several years. Mrs. O'Connor was a patron of the Nancy Carol Roberts Memorial Library, and wished to support and benefit the library upon her death.

Enclosed for your reference is a copy of the documents establishing and amending the Trust. As you will see, the Terms of the Trust provide for Nancy Carol Roberts Memorial Library to receive 12.5% of the balance of the Trust estate, following final administration of the Trust.

Since Mrs. O'Connor's death, the Trustee has been working to gather the Trust assets and identify the debts and expenses for which the Trust is responsible. The known assets of the Trust at the time of Dorothy's death included Dorothy's house, a checking account, certificates of deposit, and investment accounts, with a total estimated net value of around \$680,000. Once Mrs. O'Connor's house has been sold, all assets have been liquidated and all expenses paid, including federal and state taxes, the Trustee will make a full and final distribution of the remaining Trust estate.

In the meantime, the Trustee has determined that there are sufficient assets in the Trust to meet all current outstanding obligations, without depleting available cash. Therefore, the Trustee plans to make a partial distribution now of \$200,000 of the Trust assets. Nancy Carol Roberts Memorial Library's beneficial share of that distribution is \$25,000.

The amount of this initial partial distribution was determined by taking the available balance in the Trust's cash account, subtracting amounts needed to pay bills in the coming months, and leaving a cushion amount in the account to cover expenses for the Trust administration, until the remaining assets may be distributed. The Trustee anticipates that the next distribution will be made in 2020, after the sale of Mrs. O'Connor's house and the preparation and filing of a final income tax return.

Accompanying this letter are two documents that need to be signed and returned, in connection with receipt of the partial distribution. The first is a form that must be signed before a notary, acknowledging Nancy Carol Roberts Memorial Library's receipt of the \$25,000 that will be distributed to the organization. The second is a W-9 form that must be completed for income tax purposes. The accountant for the Trustee has advised that the funds distributed to Trust beneficiaries will be considered taxable income for the 2019 tax year. Thus, you should consult with the library's tax professional about the appropriate amount of money to hold back for income tax that will be due in 2019, in connection with the partial distribution of the Trust.

Upon your signing and returning the receipt and W-9 form to me, the distribution check to Nancy Carol Roberts Memorial Library will be delivered to you by certified mail.

As the Trust administration progresses, we will provide you with available information and one or more additional distributions of the Trust assets. In the interim, if you have questions about the Trust assets or the administration process, please do not hesitate to contact me or my legal assistant, Jill Landry. If, however, you have any questions or concerns about the legal rights and interests of Nancy Carol Roberts Memorial Library as a beneficiary of the Trust, or about tax consequences or other accounting issues related to receipt of Trust assets, I encourage you to consult with an attorney and/or accountant of your own choosing. I represent Bill Burhans, as Trustee of the Trust, and cannot provide any legal or accounting advice to you.

Sincerely yours,



Laura Upchurch

Enclosure: Trust Declaration
First Amendment to Trust Declaration
Receipt and Release for Partial Distribution
W-9 form

cc: Bill Burhans

**BYLAWS OF TAX INCREMENT REINVESTMENT ZONE NUMBER ONE
CITY OF BRENHAM, TEXAS**

ARTICLE I

PURPOSE AND POWERS

Section 1. Development or Redevelopment in the Zone. In order to promote the development and redevelopment of a certain area within its jurisdiction, the City of Brenham, Texas (the "City") has authorized the creation of Tax Increment Reinvestment Zone Number One, City Of Brenham, Texas, (the "Zone") as set forth in Ordinance No. O-18-019, dated December 20, 2018 (the "Creation Ordinance"), and as authorized by the Tax Increment Financing Act, Chapter 311, Texas Tax Code, as amended (the "Act"). Pursuant to the Act, the City has likewise established a Board of Directors for the Zone ("Board").

Section 2. Powers. The property and affairs of the Zone shall be managed and controlled by the City Council based on the recommendations of the Board, subject to the restrictions imposed by law, the Creation Ordinance, and these Bylaws. It is the intention of the City Council that the Board shall function in an advisory capacity with respect to the Zone and shall exercise only those powers that are either granted to the Board pursuant to the Act or delegated to the Board by the City Council.

ARTICLE II

BOARD OF DIRECTORS

Section 1. Powers. Number and Term of Office. As set forth in the Creation Ordinance, the Board shall consist of nine directors appointed by the City. All members shall be appointed by the City Council to Places one through nine as shown below:

Place 1	Mayor	(term expires December 31, 2020)
Place 2	Council Ward 1	(term expires December 31, 2020)
Place 3	Council Ward 2	(term expires December 31, 2020)
Place 4	Council Ward 3	(term expires December 31, 2020)
Place 5	Council Ward 4	(term expires December 31, 2020)
Place 6	Council Position 5	(term expires December 31, 2020)
Place 7	Council Position 6	(term expires December 31, 2020)
Place 8	At-Large Appointment	(term expires December 31, 2020)
Place 9	At-Large Appointment	(term expires December 31, 2020)

Each initial Board member shall serve two-year terms, as stipulated in the Act, or until his or her successor is appointed. Subsequent directors shall be appointed by the governing bodies of the City and shall serve two-year terms until their successors are appointed by the respective governing bodies.

In the event of a vacancy caused by the resignation, death or removal, for any reason, of a director, the governing body of the respective taxing unit which made such Board appointment shall be responsible for filling the vacancy.

Section 2. Regular Meetings. Meetings of the Board shall be held at such times and the Board shall designate places as from time to time. All meetings of the Board, or any Committees of the Board, shall be public and conducted in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

Section 3. Emergency Meetings. Emergency Meetings of the Board shall be held whenever called by the Chairman, or by a majority of the directors then in office or upon advice of or request by the City Council or the City Manager, in compliance with the Emergency Meetings Section of the Texas Open Meetings Act.

Section 4. Quorum. Five Members of the Board shall constitute a quorum for the consideration of matters pertaining to the purposes of the Zone. The act of the majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board, unless a greater number is required by law.

Section 5. Conduct of Business. At the meetings of the Board of Directors, matters pertaining to the purposes of the Zone shall be considered in such order as from time to time the Board may determine.

At all meetings of the Board, the Chairman shall preside and in the absence of the Chairman, the Vice-Chairman shall exercise the power of the Chairman.

The Secretary of the Board shall act as Secretary of all meetings of the Board, but in the absence of the Secretary, the presiding officer may appoint any person to act as Secretary of the meeting. City staff shall provide notice of meetings and prepare meeting

agendas.

Within ten business days following each Regular and Emergency meeting, a copy of the minutes of the meeting shall be submitted to the City Secretary of the City.

Section 6. Compensation of Directors. Directors shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual expenses incurred in the performance of their duties hereunder.

Section 7. Attendees. Board Members shall make every effort to attend all Regular and Emergency Meetings of the Board and/or any Committees. The City Council may replace a City appointee of the Board or request replacement of an appointee from other participating taxing jurisdictions for non-attendance.

Section 8. Books and Records: Approval of Programs and Financial Statements. The Board shall keep, correct and complete books and records of accounts, and shall also keep minutes of its proceedings and the proceedings of any committees having any of the authority of the Board. Any director or his agent or attorney may inspect all books and records of the Zone for any proper purpose at any reasonable time; and at all times the City Council, City Attorney, and the City Auditor will have access to the books and records of the Zone. The City Council must approve all programs and expenditures for the Zone and annually review any financial statements of the Zone.

ARTICLE III

OFFICERS

Section 1. Titles and Terms of Office. The officers of the Zone shall consist of a Chairman, a Vice-Chairman, a Secretary, and such other officers as the Board of Directors may from time to time elect or appoint; provided, however, that the City Council shall appoint the chairman in accordance with the Act. One person may hold more than one office, except that the Chairman shall not hold the office of Secretary. Terms of office for officers, other than the Chairman, shall not exceed two years.

All officers, other than the Chairman, shall be subject to removal from office, with or

without cause, at any time by a vote of a majority of the entire Board.

A vacancy in the office of any officer, other than the Chairman, shall be filled by a vote of a majority of the directors.

Section 2. Powers and Duties of the Chairman. The Chairman shall serve as the Chairman of the Board and shall preside at all meetings of the Board. He/She shall be in general charge of the properties and affairs of the Zone, shall execute all service contracts, conveyances, franchises, bonds, deeds, assignments, notes and other instruments in the name of the Zone and subject to the Rules and Procedures of the City.

Section 3. Vice-Chairman. The Vice-Chairman shall be a member of the Board, shall have such powers and duties as may be assigned to him by the Board, shall exercise those powers and duties, and shall exercise the powers of the Chairman during that officer's absence or inability to act. Any action taken by the Vice-Chairman in the performance of the duties of the Chairman shall be conclusive evidence of the absence or inability to act of the Chairman at the time such action was taken.

Section 4. Secretary. The Secretary shall keep the minutes of all meetings of the Board in books provided for the purpose, he/she shall have charge of such books, records, documents and instruments as the Board may direct, all of which shall at all reasonable time be open to inspection, and he/she shall in general perform all duties incident to the office of Secretary subject to the control of the City Council and the Board.

Section 5. Staff. Staff functions for the Board may be performed by the City Manager or his designee.

Section 6. Compensation. Officers who are members of the Board shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual expenses incurred in the performance of their official duties as officers.

ARTICLE IV

PROVISIONS REGARDING BYLAWS

Section 1. Effective Date. These Bylaws shall become effective upon adoption by the

Board and approval by the City Council.

Section 2. Amendments to Bylaws. These Bylaws may be amended by majority vote of the Board, provided that the Board files a written application to the City Council requesting approval of such amendment, specifying in such application the amendment or amendments proposed. If the City Council, by appropriate resolution, finds and approves the form of the proposed amendment(s), the Board shall proceed to amend the Bylaws.

After consultation with the Board, the Bylaws may also be amended at any time by the City Council by adopting an amendment to the Bylaws by resolution of the City Council and delivering the Bylaws to the Secretary of the Board.

Section 3. Interpretation of Bylaws. These Bylaws and all the terms and provisions hereof shall be liberally construed to the purposes set forth herein. If any word, phrase, clause, sentence, paragraph, section or other part of these Bylaws, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these Bylaws and the application of such word, phrase, clause, sentence, paragraph, section or other part of these Bylaws to any other person or circumstance shall not be affected thereby.

ARTICLE V

GENERAL PROVISIONS

Section 1. Resignations. Any director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if at no time specified, at the time of its receipt by the City Council.

Section 2. Approval or Delegation of Power by the City Council. To the extent that these Bylaws refer to any approval by the City or refer to advice and consent by the City Council, such approval, delegation, advice and/or consent shall be evidenced by official action of the City Council through an ordinance, resolution, or motion.

Approved TIRZ No. 1 Board: _____

Chairman

Date: _____

Approved City Council: _____

Mayor

Date: _____

**PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
CITY OF BRENHAM
PROJECT NO. _____
RALSTON CREEK LIFT STATION**

**THE STATE OF TEXAS §
 §
COUNTY OF WASHINGTON §**

THIS AGREEMENT made on the _____ day of _____, 20____, entered into, and executed by and between the City of Brenham, Texas (the "City"), a municipal corporation of the State of Texas, and Strand Associates, Inc.® ("Engineer").

WITNESSETH:

WHEREAS, the City desires to raise the Ralston Creek Lift Station's existing wet well, valve vault, and manholes to be above the Federal Emergency Management Agency Base Flood Elevation; construct a retaining wall around the north, east, and south sides of the lift station; and evaluate the capacity of the pumps for existing and future development, as further described in Part A of Attachment "A" (the "Project"); and

WHEREAS, the services of a professional engineering firm are necessary to provide land surveying, project planning, project design, and preparation of construction documents, and

WHEREAS, the Engineer represents that it is fully capable and qualified to provide professional engineering services to the City;

NOW, THEREFORE, the City and Engineer, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

**SECTION I
SCOPE OF AGREEMENT**

Engineer agrees to perform certain professional engineering services as defined in Attachment "A" attached hereto and made a part hereof for all purposes, hereinafter sometimes referred to as "Scope of Services," and for having rendered such services, the City agrees to pay Engineer compensation as stated in Section VII.

SECTION II CHARACTER AND EXTENT OF SERVICES

Engineer shall do all things necessary to render the engineering services and perform the Scope of Services with the professional skill and care ordinarily provided by competent engineers practicing in the same or similar locality and under the same or similar circumstances and professional license. It is expressly understood and agreed that Engineer is an Independent Contractor in the performance of the services agreed to herein. It is further understood and agreed that Engineer shall not have the authority to obligate or bind the City, or make representations or commitments on behalf of the City or its officers or employees without the express prior written approval of the City. The City shall be under no obligation to pay for services rendered not identified in Attachment "A" without prior written authorization from the City.

SECTION III OWNERSHIP OF WORK PRODUCT

Engineer agrees that the City shall have the right to use all exhibits, maps, reports, analyses and other documents prepared or compiled by Engineer pursuant to this Agreement. The City shall be the absolute and unqualified owner of all studies, exhibits, maps, reports, analyses, determinations, recommendations, computer files, and other documents prepared or acquired pursuant to this Agreement with the same force and effect as if the City had prepared or acquired the same. The City's use of any work product prepared by the Engineer for purposes other than for the intended project shall be at the City's sole risk and without liability to the Engineer.

SECTION IV TIME FOR PERFORMANCE

The time for performance of the Scope of Services is 365 calendar days beginning from the execution date of this Agreement. Upon written request of Engineer, the City may grant time extensions to the extent of any delays caused by the City or other agencies with which the services must be coordinated and over which Engineer has no control.

SECTION V COMPLIANCE AND STANDARDS

Engineer agrees to perform the services hereunder in accordance with generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the applicable profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the services to be performed hereunder and Engineer's performance.

SECTION VI INDEMNIFICATION

To the fullest extent permitted by Texas Local Government Code Section 271.904, Engineer shall and does hereby agree to indemnify, hold harmless and defend the City, its officers, agents, and employees against liability for damage caused by or resulting from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Engineer, the Engineer's agent, consultant under contract, or another entity over which the Engineer exercises control.

SECTION VII ENGINEER'S COMPENSATION

For and in consideration of the services rendered by Engineer pursuant to this Agreement, the City shall pay Engineer only for the actual services performed under the Scope of Services, on the basis set forth in Attachment "A," up to an amount not to exceed \$60,500, as identified in Attachment "A."

SECTION VIII TERMINATION

The City may terminate this Agreement at any time by giving written notice to Engineer. Upon receipt of such notice, Engineer shall discontinue all services in connection with the performance of this Agreement and shall proceed to promptly cancel all existing orders and contracts insofar as such orders or contracts are chargeable to the Agreement. As soon as practicable after receipt of notice of termination, Engineer shall submit a sworn statement, showing in detail the services performed under this Agreement to the date of termination. The City shall then pay Engineer for such services performed under this Agreement as those services bear to the total services called for under this Agreement, less such payments on account of the charges as have been previously made. Copies of all completed or partially completed designs, maps, studies, documents and other work product prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated.

SECTION IX ADDRESSES, NOTICES AND COMMUNICATIONS

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to Engineer at the following address:

Strand Associates, Inc.®
1906 Niebuhr Street
Brenham, TX 77833
Attn: Ryan D. Tinsley, P.E., ENV SP

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to the City at the following address:

City of Brenham
P.O. Box 1059
Brenham, TX 77834
Attn: City Manager

SECTION X LIMIT OF APPROPRIATION

Prior to the execution of this Agreement, Engineer has been advised by the City and Engineer clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the City shall have available only those sums as expressly provided for under this Agreement to discharge any and all liabilities which may be incurred by the City and that the total compensation that Engineer may become entitled to hereunder and the total sum that the City shall become liable to pay to Engineer hereunder shall not under any conditions, circumstances, or interpretations hereof exceed the amounts as provided for in this Agreement.

SECTION XI SUCCESSORS AND ASSIGNS

The City and Engineer bind themselves and their successors and assigns to the other party of this Agreement and to the successors and assigns of such other party, in respect to all covenants of this Agreement. Engineer shall not assign, sublet, or transfer its interest in this Agreement without the written consent of the City. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of the City or any public body which may be a party hereto.

SECTION XII MODIFICATIONS

This instrument, including Attachment "A," contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. To the extent there is a conflict between the provisions of this Agreement and the provisions of Attachment "A," this Agreement shall control. Any oral or written representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing signed by both parties hereto.

SECTION XIII ADDITIONAL SERVICES OF ENGINEER

If authorized in writing by the City Manager, Engineer shall furnish, or obtain from others, Additional Services that may be required because of significant changes in the scope, extent or character of the portions of the Project designed or specified by the

Engineer, as defined in Attachment "A." These Additional Services, plus reimbursable expenses, will be paid for by the City on the basis set forth in Attachment "A," up to the amount authorized in writing by the City.

SECTION XIV CONFLICTS OF INTEREST

Pursuant to the requirements of the Chapter 176 of the Texas Local Government Code, Engineer shall fully complete and file with the City Secretary a Conflict of Interest Questionnaire.

SECTION XV PAYMENT TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES

Invoices for Basic and Additional Services and reimbursable expenses will be prepared in accordance with Engineer's standard invoicing practices and will be submitted to the City by Engineer at least monthly. Invoices are due and payable thirty (30) days after receipt by the City. Non-payment within 45 days of receipt of invoice by the City, may at Engineers option, result in suspension of services upon 5 days written notice to the City. Upon receipt of payment in full Engineer will resume services without liability to City for such suspension.

SECTION XVI INSURANCE

Engineer shall procure and maintain insurance in accordance with the terms and conditions set forth in Attachment "B," for protection from workers' compensation claims, claims for damages because of bodily injury, including personal injury, sickness or disease or death, claims or damages because of injury to or destruction of property including loss of use resulting therefrom, and claims of errors and omissions.

SECTION XVII MISCELLANEOUS PROVISIONS

A. This Agreement is subject to the provisions of the Texas Prompt Payment Act, Chapter 2251 of the Texas Government Code. The approval or payment of any invoice shall not be considered to be evidence of performance by Engineer or of the receipt of or acceptance by the City of the services covered by such invoice.

B. Venue for any legal actions arising out of this Agreement shall lie exclusively in the federal and state courts of Washington County, Texas.

C. This Agreement is for sole benefit of the City and Engineer, and no provision of this Agreement shall be interpreted to grant or convey to any other person any benefits or rights.

D. Engineer further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States, or (b) authorized by law to be employed in that manner in the United States.

IN WITNESS WHEREOF, the City of Brenham has lawfully caused this Agreement to be executed by the Mayor of said City and attested by the City Secretary and Strand Associates, Inc.[®], acting by and through its duly authorized officer/representative, does now sign, execute, and deliver this instrument.

EXECUTED on this _____ day of _____, 20____.

ENGINEER:

STRAND ASSOCIATES, INC.[®]

 11/26/19
Joseph M. Bunker Date
Corporate Secretary

ATTEST:

CITY OF BRENHAM, TEXAS

Jeana Bellinger Date
City Secretary

Milton Y. Tate Jr. Date
Mayor

ATTACHMENT "A"

PART A--SCOPE OF SERVICES

CITY OF BRENHAM PROJECT NO. _____ RALSTON CREEK LIFT STATION

Description of Project

The scope of services is to provide topographic survey, design, permitting-related, bidding-related, and construction-related services for the Ralston Creek Lift Station project. This project will raise the existing wet well, valve vault, and manholes to be above the FEMA Base Flood Elevation. A 60-linear-foot reinforced concrete retaining wall will also be constructed around the north, east, and south sides of the lift station. A capacity evaluation will be performed to size pumps for existing and future development.

A. Design and Field Services

1. Meet with City to review project scope and request data pertaining to this project.
2. Review contributing service areas provided by the City for pump station sizing and replacement of existing pumps.
3. Perform topographic survey to gather appropriate site data for retaining wall design.
4. Perform geotechnical investigation and prepare geotechnical report for the project site. The geotechnical report will evaluate the existing subsurface soil conditions and provide recommendations regarding proposed improvements.
5. Develop and submit 60 percent design drawings and an opinion of probable construction costs (OPCC) to review with City.
6. Develop and submit 90 percent design drawings, specifications, bid form, and a final OPCC to review with City.
7. Prepare Bidding Documents using Engineers Joint Contract Documents Committee C700 Standard General Conditions of the Construction Contract, 2013 edition, technical specifications, and engineering drawings.

B. Bidding-Related Services

1. Distribute Bidding Documents electronically through CivCast, available at www.civcastusa.com. Submit Advertisement to Bid to City for publishing.
2. Attend prebid meeting, prepare addenda, and answer questions during bidding.
3. Attend bid opening, tabulate and analyze bid results, prepare bid evaluation and resulting bid tabulation letters, and assist City in the award of the Construction Contract.
4. Prepare three sets of Contract Documents for signature.

C. Construction-Related Services

1. Provide contract administration Services, including attendance at preconstruction conference, review of contractor's shop drawing submittals, review of contractor's periodic pay requests, attendance at construction progress meetings, periodic site visits, and participation in project closeout. Services are based on a 120-day construction schedule.
2. Provide record drawings in paper format from information compiled from contractor's records. Engineer is providing drafting services only for record drawings based on the records presented to Engineer by contractor and City. Engineer will not be liable for the accuracy of the record drawing information provided by contractor and City.

D. Additional Services

1. Define preliminary regulatory permit requirements for the Texas Department of Transportation (TxDOT) and the Texas Commission on Environmental Quality (TCEQ) and meet with City to review. Prepare and submit TxDOT and TCEQ applications and assist with obtaining permits.
2. Provide resident project representative (RPR) for part-time observation (40 hours total) of construction. In furnishing observation services, Engineer's efforts will be directed toward determining for City that the completed project will, in general, conform to the Contract Documents; but Engineer will not supervise, direct, or have control over the contractor's work and will not be responsible for the contractor's construction means, methods, techniques, sequences, procedures, or health and safety precautions or programs, or for the contractor's failure to perform the construction work in accordance with the Contract Documents. Services are based on a 120-day construction schedule, which will need to be adjusted if the schedule is extended.

PART B–BASIS OF COMPENSATION AND REIMBURSABLE EXPENSES

CITY OF BRENHAM
PROJECT NO. _____
RALSTON CREEK LIFT STATION

The following represents the estimated maximum compensation for the scope of services documented in Attachment A, Part A of this Agreement. If services beyond those specifically identified are determined necessary during the Project, Engineer shall not proceed with those services until such time written approval of the scope and any additional fees are approved by the City. Basic Services will be performed for a fee not to exceed \$54,500 and Additional Services (if authorized by the City) will be performed for a fee not to exceed \$6,000 for a total fee of \$60,500.

Basic Services	Fee
A. Design and Field Services	\$42,000.00
B. Bidding-Related Services	\$5,000.00
C. Construction-Related Services	\$7,500.00
Total	\$54,500.00

Additional Services	Fee
1. TxDOT and TCEQ Permitting	\$2,000.00
2. Part-Time RPR Services	\$4,000.00
Total	\$6,000.00

SCHEDULE OF CHARGES

Compensation for engineering services shall be on an hourly basis at the rates set forth below which are subject to change annually on July 1.

Engineering Services Classification	Hourly Billing Rates*
Principal Engineer	\$280
Senior Associate	\$255
Senior Project Manager	\$225
Project Manager	\$175
Senior Project Engineer	\$150
Project Engineer	\$135
Graduate Engineer	\$120
Senior Engineering Technicians	\$120
Engineering Technician	\$105
Junior Engineering Technician	\$ 70
NACE Certified Project Representative (Tank Construction)	\$105
Project Representative	\$105
Senior Computer-Aided Design and Drafting (CADD) Operator	\$ 95
CADD Operator	\$ 70
Administrative	\$ 80

* Updated annually on July 1

Compensation for surveying services shall be on an hourly basis at the rates set forth below which are subject to change annually on July 1.

Surveying Services Classification	Hourly Billing Rates*
Registered Professional Land Surveyor	\$190
Surveying Technician	\$105
Three-Man Field Party	\$225
Two-Man Field Party	\$165
One-Man Field Party	\$105
Global Positioning System (GPS) Equipment (Half Day)	\$185
GPS Equipment (Full Day)	\$300
Robotic Total Station (Half Day)	\$135
Robotic Total Station (Full Day)	\$220

* Updated annually on July 1

Subcontract costs shall be billed at invoice cost plus 10 percent for handling.

ATTACHMENT "B"

INSURANCE

**CITY OF BRENHAM
PROJECT NO. _____
RALSTON CREEK LIFT STATION**



AGENDA ITEM 8

DATE OF MEETING: December 5, 2019		DATE SUBMITTED: November 26, 2019	
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Jeana Bellinger	
MEETING TYPE:		CLASSIFICATION:	
☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION		☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	
ORDINANCE:			
☒ 1ST READING ☐ 2ND READING ☐ RESOLUTION			
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Annexing the Hereinafter Described Territory into the City of Brenham and Adopting a Service Plan: Section 2019-1: Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31, Consisting of a Single Tract of Land with Frontage Along Industrial Blvd., FM 332 and FM 389 Section 2019-2: Approximately 0.643 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Portions of Multiple Tracts of Land with Frontage Along the West Side of Old Masonic Road Section 2019-3: Approximately 194.762 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Multiple Tracts of Land with Frontage Along the East Side of Farmers Road Between FM 389 and Old Mill Creek Road, and the North Side of Old Mill Creek Road Between the Current City Limit Line and Jackson Creek.			
SUMMARY STATEMENT: During the month of October, City staff held two (2) Town Hall meetings (October 15th and October 29th); both meetings were well attended, and staff heard from many concerned citizens. The consensus of the Town Hall meetings was that the citizens living in the Southwest Area (Section 2019-3) do not wish to be annexed by the City. These residents submitted petitions to the City to try and stop the annexation of their property. As staff advised Council during the Public Hearings (November 7th and November 14th) for this annexation, cost estimates for utility infrastructure, street improvements, fire suppression, and various other things related to this annexation are still being worked on by staff and a local engineer. Therefore, it is staff's recommendation that the annexation of Section 2019-3 be postponed until all costs can be accurately calculated. The Ordinance included in this packet is only for the annexation of Sections 2019-1 and 2019-2. If the City Council would like to move forward with the annexation of Section 2019-3, staff can bring an amended Ordinance for second reading.			

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) Ordinance for first reading
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve and an Ordinance on its first reading annexing the hereinafter described territory into the City of Brenham and adopting a Service Plan: Section 2019-1: Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31, Consisting of a Single Tract of Land with Frontage Along Industrial Blvd., FM 332 and FM 389 Section 2019-2: Approximately 0.643 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Portions of Multiple Tracts of Land with Frontage Along the West Side of Old Masonic Road
APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF EXTENDING THE CORPORATE LIMITS OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 44.711 ACRES OF LAND, COMPRISED OF TWO (2) SEPARATE TRACTS HEREINAFTER MORE SPECIFICALLY DESCRIBED, TO THE CITY OF BRENHAM, TEXAS FOR ALL MUNICIPAL PURPOSES; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREAS SHALL BECOME A PART OF THE CITY AND THAT THE INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SERVICE PLAN FOR THE ANNEXED AREAS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL MAP OF THE BOUNDARIES OF THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City of Brenham, Texas is a Texas home-rule municipality; and

WHEREAS, Chapter 43 of the Texas Local Government Code, V.T.C.A., authorizes municipalities to annex territory in accordance with the procedures provided for therein; and

WHEREAS, Article I, Section 3 of the Charter of the City of Brenham authorizes annexation of territory to the City, in accordance with the laws of this State; and

WHEREAS, the hereinafter described property lies within the extraterritorial jurisdiction of the City of Brenham; and

WHEREAS, the areas hereinafter described contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract, in accordance with Subsection 43.052(h)(1), Texas Local Government Code; and

WHEREAS, notice of the appropriate public hearings was published in a newspaper having general circulation in the City of Brenham, Texas and the public hearings were conducted and held in accordance with applicable law; and

WHEREAS, the City of Brenham, Texas prepared a service plan for the extension of municipal services into the areas to be annexed, said service plan being attached hereto as Exhibit "B" and incorporated herein for all purposes; and

WHEREAS, all notices, publication and hearings have been duly given and held as required by law; and

WHEREAS, institution of annexation proceedings and the presentation and introduction of this Ordinance in such form as it may be finally passed occurred within the periods of time as prescribed by law; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS:

Section 1. That the hereinafter described tracts of land are within the extraterritorial jurisdiction of, and are adjacent to and are contiguous to the present corporate limits of the City of Brenham, Texas, be, the same are hereby, annexed to the City of Brenham, Texas for all municipal purposes and the corporate boundaries and limits of the City of Brenham, Texas are hereby extended to embrace the said tracts of land, which are more particularly described and attached hereto as Exhibits “A – Metes and Bounds Description,” and “C – Map” and incorporated herein for all purposes.

Section 2. That the inhabitants, if any, of the property hereby annexed to the City of Brenham, Texas shall be entitled to all the rights and privileges of said citizens of the City of Brenham, Texas, and shall be bound by the acts, ordinances, codes, resolutions and regulations of the City of Brenham, Texas.

Section 3. That the Service Plan which is attached hereto as Exhibit “B” is hereby approved and incorporated herein as part of this Ordinance for all purposes and is applicable to the areas annexed to the City as described herein.

Section 4. That the official map and boundaries of the City of Brenham, Texas, heretofore adopted and amended be and is hereby amended so as to include the aforementioned areas as part of the City of Brenham, Texas.

Section 5. That the City Secretary is hereby directed and authorized to perform or cause to be performed all acts necessary to amend the official map of the City of Brenham, Texas to add the territory hereby annexed as required by law.

Section 6. If any section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance be found to be illegal, invalid or unconstitutional or if any portion of said property is incapable of being annexed by the City of Brenham, Texas, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and as to this end the provisions of this Ordinance are declared to be severable.

Section 7. That this Ordinance shall become effective upon its passage.

Section 8. That the meetings at which this Ordinance was enacted were open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of said meetings was given as required by the Texas Open Meetings Act.

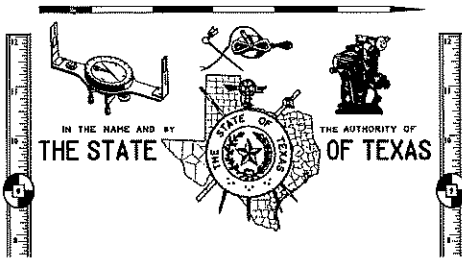
PASSED and APPROVED on its first reading this the ____ day of _____, 2019.

PASSED and APPROVED on its second reading this the ____ day of _____, 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST

Jeana Bellinger, TRMC, CMC
City Secretary



HODDE & HODDE
LAND SURVEYING, INC.
Registered Professional Land Surveying
613 E. Blue Bell Road
Brenham, Texas 77833-2411

OFFICE PHONE: (979) 836-5681
FAX: (979) 836-5683
www.hoddesurveying.com
TEXAS FIRM REGISTRATION NO. 10018800
TBPE FIRM REGISTRATION NO. F-18046

W. O. No. 7549

THE STATE OF TEXAS

Exhibit "A"

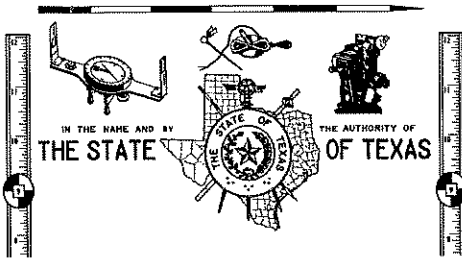
COUNTY OF WASHINGTON

SURVEYOR'S LEGAL DESCRIPTION

0.643 ACRE

All that certain tract or parcel of land, lying and being situated in Washington County, Texas, part of the A. Harrington Survey, A-55, being a resurvey of the same land described as 4,088 square feet in the deed from Billy F. Rains, et ux to David P. Armentrout, et ux, dated July 6, 2005, as recorded in Volume 1167, Page 655, in the Official Records of Washington County, Texas; being part of the same land described as 0.356 acre in the deed from Julian Marcus Clepper, II, et al to Lathel Norris, dated September 20, 2012, as recorded in Volume 1413, Page 876, in the Official Records of Washington County, Texas; being part of the same land described as 0.3625 acre in the deed from OCC Construction Corporation D/B/A Oakwood Custom Homes to James H. McCool, et ux, dated December 28, 1998, as recorded in Volume 915, Page 504, in the Official Records of Washington County, Texas; being part of the same land described as 0.3673 acre in the deed from OCC Construction Corporation D/B/A Oakwood Custom Homes to Alois Gurka, et ux, dated May 5, 1999, as recorded in Volume 926, Page 922, in the Official Records of Washington County, Texas; being a resurvey of the same land conveyed as 0.1137 acre in the deed from Christopher Kent Baker to Alexis Gail Baker, dated March 2, 2010, as recorded in Volume 1337, Page 637, in the Official Records of Washington County, Texas and being part of the original tract called 0.371 acre as described in Volume 1189, Page 778, in the Official Records of Washington County, Texas; being part of original tract called 0.65 acre conveyed in the deed from L. G. Schultz and Barbara Schultz to Glen D. Goodman and Jetta G. Goodman, dated March 26, 2007, as recorded in Volume 1239, Page 379, in the Official Records of Washington County, Texas and described in Volume 149, Page 150, in the Deed Records of Washington County, Texas; and being the residue of original tract called 0.685 acre in the deed from Myrtle Ehrig, individually and as agent and attorney in fact for Arthur H. Ehrig to Scenic Investments, dated December 12, 1996, as recorded in Volume 844, Page 332, in the Official Records of Washington County, Texas and described as 0.65 acre (2nd Tract) in Volume 149, Page 150, in the Deed Records of Washington County, Texas and being more fully described by metes and bounds as follows, To-Wit:

BEGINNING at a 1/2 inch iron rod found with Id. cap (RPLS 4052) 3.3 feet North of a board fence for the Northwest corner hereof and of said original tract called 4,088 square feet, being the Northeast corner of Lot 29, Block IV of Scenic Estates Subdivision, Section 1, a map or plat of said subdivision being of recorded in Plat Cabinet File Slide Numbers 226-A and 226-B, in the Plat Records of Washington County, Texas, being an interior angle point of Lot 28, Block IV of said Scenic Estates Subdivision, Section 1, and being an interior corner of the Brenham City Limits;



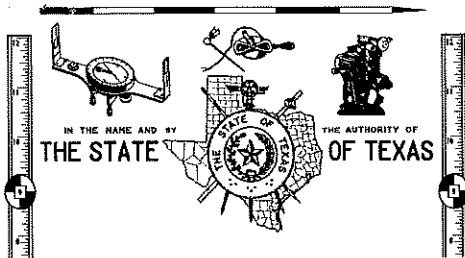
HODDE & HODDE
LAND SURVEYING, INC.
Registered Professional Land Surveying
613 E. Blue Bell Road
Brenham, Texas 77833-2411

OFFICE PHONE: (979) 836-5681
FAX: (979) 836-5683
www.hoddesurveying.com
TEXAS FIRM REGISTRATION NO. 10018800
TBPE FIRM REGISTRATION NO. F-18046

THENCE along a South line of said Lot 28, Block IV of said Scenic Estates Subdivision, Section 1 for the North line hereof and of said original tract called 4,088 square feet, and being along a South line of said Brenham City Limits, being North of a board fence, S 89°28'42" E 39.74 feet to the Northeast corner hereof and of said original tract called 4,088 square feet, being on a West margin of Old Masonic Road, being on or near an East line of said A. Harrington Survey, A-55, common with a West line of the P. & A. Hope Survey, A-62, being the Southeast corner of said Lot 28, Block IV of said Scenic Estates Subdivision, Section 1, and being a Southeast corner of said Brenham City Limits, a 3/8 inch iron rod found 1.6 feet North of a board fence corner post bears N 89°28'42" W 0.27 feet;

THENCE along West margins of said Old Masonic Road for East lines hereof and of said original tracts, being along or near the common division line of said Harrington Survey and said Hope Survey, in part, being partly along or near and East of fence lines, S 2°49'08" E at 98.06 feet pass a 1/2 inch iron rod found at a board fence corner post for the Southeast corner of said original tract called 4,088 square feet, common with the Northeast corner of said original tract called 0.356 acre, a chainlink fence post bears S 82°25'08" W 2.87 feet, at 192.78 feet pass a 1/2 inch iron rod found at a fence corner post 0.24 feet East of this line for the Southeast corner of said original tract called 0.356 acre, common with the Northeast corner of said original tract called 0.3625 acre, a chainlink fence post bears N 89°42'51" W 4.37 feet, at 287.84 feet pass a 1/2 inch iron rod found at a chainlink fence corner post for the Southeast corner of said original tract called 0.3625 acre, common with the Northeast corner of said original tract called 0.3673 acre, at 383.04 feet pass a 1/2 inch iron rod found at a board fence corner post 0.26 feet West of this line for the Southeast corner of said original tract called 0.3673 acre, common with the Northeast corner of said original tract called 0.1137 acre, and at a total distance of 459.39 feet to corner in concrete drive at an interior angle point of said Old Masonic Road, common with an exterior angle point of said original tract called 0.1137 acre, being on the common division line of said surveys and S 11°22'55" W at 111.70 feet pass a 1/2 inch iron rod found for the Southeast corner of said part of original tract called 0.65 acre, being the Northeast corner of said residue of original tract called 0.685 acre and at a total distance of 233.13 feet to a 5/8 inch iron rod set with Id. cap (Hodde & Hodde Land Surveying) at an exterior angle point of said Old Masonic Road for the South corner hereof and of said residue of original tract called 0.685 acre, being an exterior angle point of Reserve B1b right-of-way parcel called 0.2187 acre, Block IV of Replat of Reserve B1 & Lot 10 of Scenic Estates Subdivision, Section 1, a map or plat of said replat being of record in Plat Cabinet File Slide Number 501-A, in said Plat Records of Washington County, Texas, and being on an East line of said Brenham City Limits;

THENCE along an East line of said Reserve B1b right-of-way parcel called 0.2187 acre, being along the East lines of Lots 34, 33 and 32, Block IV of said Scenic Estates Subdivision, Section 1, being along East lines of Lot 31, Block IV of said Scenic Estates Subdivision, Section 1, being along the East line of Lot 30 and of said Lot 29, Block IV of said Scenic Estates Subdivision, Section 1 for West lines hereof and of said original tracts, and being along East lines of said Brenham City Limits, N 1°51'09" W at 113.90 feet pass a 5/8 inch iron rod found in chainlink fence line for the Northeast corner of said Reserve B1b right-of-way parcel called 0.2187 acre, being the Northwest corner of said residue of original tract called 0.685 acre, common with the Southeast corner of said Lot 34, Block IV of said subdivision, being the Southwest corner of part



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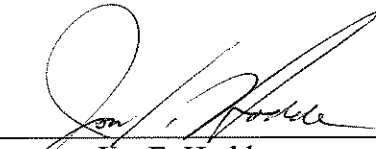
of original tract called 0.65 acre, and at a total distance of 416.47 feet to a 5/8 inch iron rod found for an interior angle point of said Lot 31, Block IV of said subdivision, common with an exterior angle point of said original tract called 0.3625 acre and N 0°36'13" W 271.50 feet to the Place of Beginning and containing 0.643 acre of land.

The bearings stated herein are relative to True North as obtained by GPS Observations, observed at Latitude: 30°11'23.79" N – Longitude: 96°24'23.31" W (WGS-84).

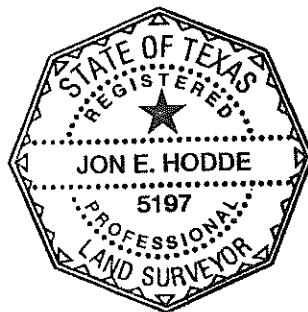
There was a separate survey map prepared in conjunction with this metes and bounds description.

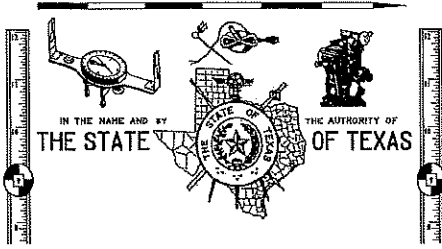
I, Jon E. Hodde, Registered Professional Land Surveyor No. 5197 of the State of Texas, do hereby certify that the foregoing legal description describing 0.643 acre of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 16th day of May, 2019, A. D.



Jon E. Hodde
Registered Professional
Land Surveyor No. 5197





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W. O. No. 7218

THE STATE OF TEXAS

COUNTY OF WASHINGTON

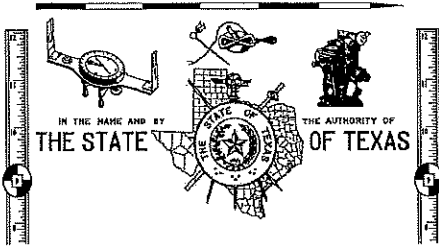
SURVEYOR'S LEGAL DESCRIPTION

44.068 ACRES

All that certain tract or parcel of land, lying and being situated in Washington County, Texas, part of the Phillip Coe Survey, A-31, being part of the same land described as 8.835 acres in the deed from W. C. Beerwinkel to Ethel Witte Gurrech, dated October 13, 1976, as recorded in Volume 349, Page 183, in the Deed Records of Washington County, Texas, and being the residue of the same land described as 45.21 acres, less 8.835 acres, in the deed from Harry K. Lesser, et al, Independent Executors of the Estate of W. C. Beerwinkel, Deceased, to Ethel Witte Gurrech, dated July 30, 1980, as recorded in Volume 398, Page 560, in the Deed Records of Washington County, Texas, and being more fully described by metes and bounds as follows, To-Wit:

BEGINNING at a 5/8 inch iron rod set with Id. cap (Hodde & Hodde Land Surveying) on a South right-of-way line of F. M. Highway No. 389 for the Northeast corner hereof and of said original tract called 45.21 acres, a 1/2 inch iron rod found for the Northwest corner of the Adolph C. Wehmeyer tract called 1.000 acre, as recorded in Volume 303, Page 305, in said Deed Records of Washington County, Texas bears N 17°35'05" W 1.11 feet;

THENCE along the East line hereof, being along a portion of the East line of said original tract called 45.21 acres and along a portion of the East line of said original tract called 8.835 acres, common with a West line of the Country Side Manufactured Home Community (Subdivision), Section 1, Lot 1 called 8.848 acres, a map or plat of said Subdivision being of record in Plat Cabinet File Slide No. 634-B, in the Plat Records of Washington County, Texas, and common with a portion of the West line of the Country Side Manufactured Home Community (Subdivision), Section 2, Lot 1 called 7.000 acres, a map or plat of said Subdivision being of record in Plat Cabinet File Slide No. 657-A, in the Plat Records of Washington County, Texas, being partly along or near an existing fence, S 17°35'05" E, at 206.94 feet pass a 1/2 inch iron rod found for the Southwest corner of said Wehmeyer tract called 1.000 acre, common with a Northwest corner of said Country Side Manufactured Home Community (Subdivision), Section 1, Lot 1, at 1458.24 feet pass a 5/8 inch iron rod found with Id. cap (Jones & Carter) for the Southwest corner of said Country Side Manufactured Home Community, Section 1, Lot 1 called 8.848 acres, common with the Northwest corner of said Country Side Manufactured Home Community, Section 2, Lot 1 called 7.000 acres, and at a total distance of 2505.58 feet to a 1/2 inch iron rod found with Id. cap (RPLS 2835) at an 8 inch treated fence corner post on a North margin of Industrial Boulevard for



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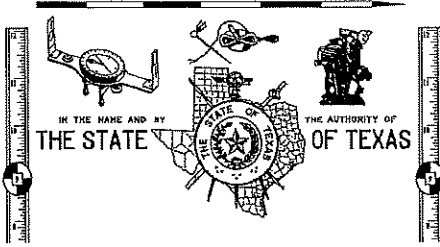
the Southeast corner hereof, being on the West line of said Country Side Manufactured Home Community, Section 2, Lot 1 called 7.000 acres, and being the Northeast corner of the Washington County tract called 0.2951 acre, as recorded in Volume 1408, Page 356, in the Official Records of Washington County, Texas;

THENCE along North margins of said Industrial Boulevard, common with North lines of said Washington County tract called 0.2951 acre, for South lines hereof, being along or near an existing fence, S 72°36'17" W 498.14 feet to a 5/8 inch iron rod found with Id. cap (RPLS 2835) at a 7 inch treated fence post for an exterior angle point of said Washington County tract called 0.2951 acre, being an interior angle point hereof, and S 71°05'19" W 248.56 feet to a 5/8 inch iron rod found with Id. cap (RPLS 2835) near a 7 inch treated fence corner post on a North margin of said Industrial Boulevard at its intersection with a curved portion of an East right-of-way line of F. M. Highway No. 332 for the Northwest corner of said Washington County tract called 0.2951 acre, being the Southwest corner hereof;

THENCE along a curved portion of an East right-of-way line of said F. M. Highway No. 332 for a West line hereof, being partly along or near an existing fence, being a curve to the left, through a central angle of 16°43'14", having a radius of 358.37 feet, an arc length of 104.58 feet and a chord of N 11°26'44" W 104.21 feet to a broken off concrete monument (highway right-of-way marker) found at the end of said curved portion of an East right-of-way line of said F. M. Highway No. 332;

THENCE along East right-of-way lines of said F. M. Highway No. 332 for West lines hereof, being partly along or near an existing fence, N 19°48'21" W, at 347.8 feet pass a 1/2 inch iron rod found and a 3/8 inch iron rod found 0.4 feet West of this line for the Northwest corner of said original tract called 8.835 acres, and at a total distance of 753.26 feet to a broken off concrete monument (highway right-of-way marker) found, N 18°35'21" W 715.10 feet to a 5/8 inch iron rod set with Id. cap (Hodde & Hodde Land Surveying), a 3/8 inch iron rod found (disturbed) bears N 17°20'30" W 2.57 feet, N 16°42'21" W 893.80 feet to an "X" marked in concrete on a telecom equipment slab at a flare in the East right-of-way line of said F. M. Highway No. 332 for and exterior angle point hereof, being the South corner of the State of Texas tract called 0.043 acre, as recorded in Volume 201, Page 561, in said Deed Records of Washington County, Texas, the Southwest corner of said slab bears S 18°37' W 2.8 feet, and N 18°23'24" E 87.31 feet to a broken off concrete monument (highway right-of-way marker) found on an East right-of-way line of said F. M. Highway No. 332 at the end of said flare, at its intersection with a South right-of-way line of said F. M. Highway No. 389 for an exterior corner hereof, being the Northeast corner of said State of Texas tract called 0.043 acre;

THENCE along South right-of-way lines of said F. M. Highway No. 389 for North lines hereof, N 74°43'37" E 644.36 feet to a broken off concrete monument (highway right-of-way marker) found and N 72°23'22" E 68.39 feet to the Place of Beginning and containing 44.068 acres of land.



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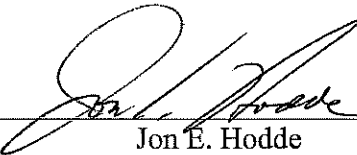
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TEXAS FIRM REGISTRATION NO. 10018800

The bearings stated herein are relative to the Texas State Plane Grid System, NAD-83, Central Zone 4203, based on the Lower Colorado River Authority (LCRA) Monument A-424, having published grid coordinates of N: 10,039,046.481 - E: 3,532,398.742. Distances stated herein are ground distances. Convergence angle at N: 10,039,046.481 - E: 3,532,398.742 is 2°00'51.03", combined scale factor is 0.99999195.

There was a separate survey map prepared in conjunction with this metes and bounds description. This description is based on the Land Title Survey and plat made by Jon E. Hodde, Registered Professional Land Surveyor No. 5197 on April 3, 2017, and revised on April 19, 2017.

I, Jon E. Hodde, Registered Professional Land Surveyor No. 5197 of the State of Texas, do hereby certify that the foregoing legal description describing 44.068 acres of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 3rd day of April, 2017, A. D.
Revised April 19, 2017, A. D.



Jon E. Hodde
Registered Professional
Land Surveyor No. 5197

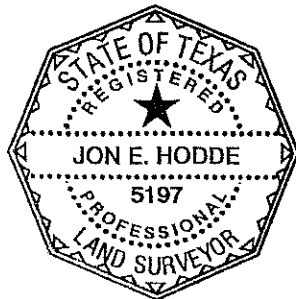


EXHIBIT “B”

2019 ANNEXATION SERVICE PLAN

Upon annexation of the area identified in Exhibits “A” and “C”, the City of Brenham will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

Police Protection

The City of Brenham and its Police Department will provide police protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

Fire Protection

The City of Brenham and its Fire Department will provide fire protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Fire Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

Maintenance of Water and Wastewater Facilities

Any and all water and wastewater facilities owned, operated or maintained by the City of Brenham Public Utilities Department at the time of annexation shall continue to be maintained by Public Utilities. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be operated and maintained by the City’s Public Utilities Department to the extent of the City’s ownership. The now existing City water and wastewater mains at existing locations shall be available for the point of use extension based upon the City’s standard extension policy now existing or as may be amended. On-site sewage systems may be maintained in accordance with the City’s Code of Ordinances and other applicable regulations.

Solid Waste Collection

The City of Brenham, or its authorized franchisees, collect solid waste and refuse within the corporate limits of the City. Solid waste collection will be provided to citizens in the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed area. The City may negotiate with the annexed area to allow continued services with an existing solid waste provider. After the second anniversary of the annexation date, the City will impose solid waste collection fees and provide the service.

If areas with private roads and/or gates are arranged so that solid waste may be collected without creating a safety hazard, the City, at its discretion, may collect the solid waste provided proper indemnification is received from the community association or individual property owner(s). The City will then impose solid waste collection fees and provide the service. Solid waste collection locations shall be subject to the approval of the Sanitation Superintendent or other authorized City personnel. In the event the City does not collect solid waste within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

Maintenance of Roads and Streets

Any and all public roads, streets, or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed area. Private roads will remain under private ownership until dedicated to and accepted by the City, and as such shall be maintained by the property owner(s).

Maintenance of Parks, Playgrounds and Swimming Pools

The City of Brenham is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed area of annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

Maintenance of any Publicly Owned Facility, Building or Municipal Service

The City of Brenham is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the annexed area. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

Other Services

The City of Brenham finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, municipal court and general administration will be made available after the effective date of the annexation as the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed area.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE SUBSTANTIALLY COMPLETE WITHIN TWO AND ONE-HALF (2½) YEARS

The City of Brenham will provide full municipal services in the annexed area no later than 2 ½ years after the effective date of the annexation unless certain services cannot reasonably be provided within that period. In the event the services cannot be provided within two and one-half (2½) years, the City will propose a schedule for providing those services and will include a list of all services to be provided under the plan and a schedule to extend the period of providing certain services. The schedule will provide for the provision of full municipal services no later than four and one-half (4½) years after the effective date of the annexation.

Police Protection, Fire Protection, and Solid Waste Collection

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the annexation of the annexed area for the purpose of providing police protection, fire protection, or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Brenham with like topography, land use and population density as those found within the newly annexed area.

Water and Wastewater Facilities

The City of Brenham finds and determines that there is sufficient capacity for water and wastewater to provide services to the annexed area pursuant to Public Utilities extension policies. The construction of any capital improvements necessary to extend water and wastewater services to an annexed area will be substantially complete with within two and one-half (2½) years after the effective date of the annexation unless said time period is extended pursuant to Chapter 43 of the Texas Local Government Code.

Roads and Streets

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the annexed area.

Maintenance of Parks, Playgrounds, Swimming Pools, and Other Publicly Owned Facility, Building or Service

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the annexed area for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Brenham find and determines that this service plan will not provide any fewer services and will not provide a lower level of service in the area being considered for annexation that were in existence in the proposed area at the time immediately preceding the annexation process. Given the annexed area's topography, land utilization and population density, the service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

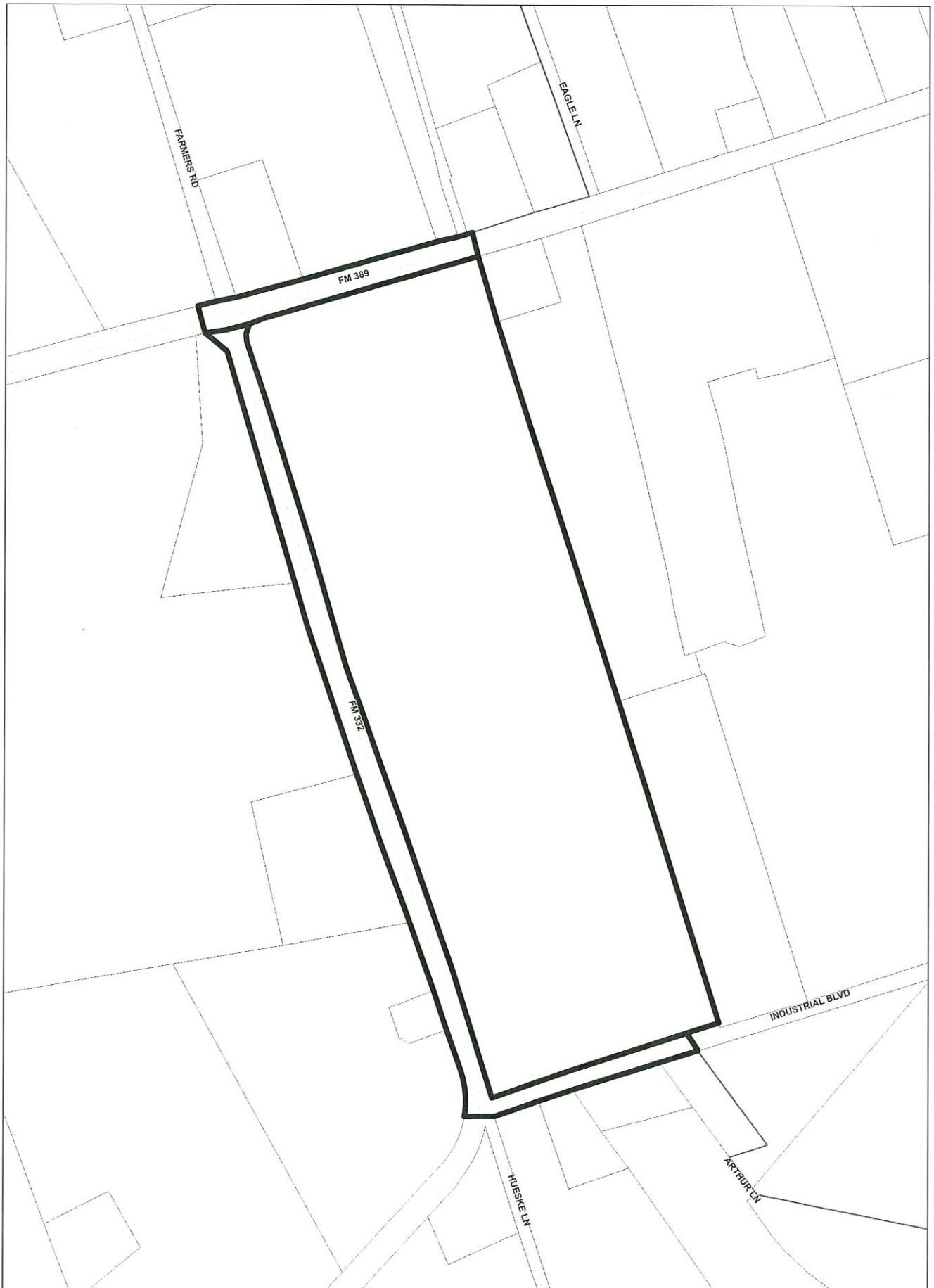
This Plan shall be valid for a term of ten (10) years. Renewal of this Plan is at the discretion of the City of Brenham

LEVEL OF SERVICE

Nothing in this Plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

This Plan shall not be amended except in accordance with Chapter 43 of the Texas Local Government Code.



1 inch = 150 feet



Section 2019-1



1 inch = 29 feet



Section 2019-2



AGENDA ITEM 9

DATE OF MEETING: December 5, 2019	DATE SUBMITTED: November 27, 2019	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Stephanie Doland	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☒ 1ST READING ☐ 2ND READING ☐ RESOLUTION
AGENDA DESCRIPTION: Public Hearing, Discussion and Possibly Act Upon an Ordinance on The First Reading to Amend Appendix A – “Zoning” of the Code of Ordinances to Assign Zoning District Classifications to the Properties Being Considered for Annexation into the City Limits of the City of Brenham, Texas, and Being More Specifically Described Below (Case Number P-19-042): - Section 2019-1: Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31, Consisting of a Single Tract of Land with Frontage Along Industrial Blvd., FM 332 and FM 389 - Section 2019-2: Approximately 0.643 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Portions of Multiple Tracts of Land with Frontage Along the West Side of Old Masonic Road - Section 2019-3: Approximately 194.762 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Multiple Tracts of Land with Frontage Along the East Side of Farmers Road Between FM 389 and Old Mill Creek Road, and the North Side of Old Mill Creek Road Between the Current City Limit Line and Jackson Creek		
SUMMARY STATEMENT: On May 7th, 2019 with the passage of Resolution no. R-19-013 the City of Brenham City Council directed the City Manager to prepare service plans for areas identified for annexation. The above-referenced properties were included in the areas considered for annexation. Since that time, City Staff have evaluated subject properties for annexation, conducted two town hall meetings, and held public hearings pertaining to the proposed annexations. During the Planning and Zoning Commission meeting on November 25, 2019, the Commission upheld the staff recommendation and recommends the following to the City Council when considering annexation of the following: Section 2019-1: Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31, Consisting of a Single Tract of Land with Frontage Along Industrial Blvd., FM 332 and FM 389 – Unanimously Recommended Adopting Industrial Zoning		

•Section 2019-2: Approximately 0.643 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Portions of Multiple Tracts of Land with Frontage Along the West Side of Old Masonic Road - **Unanimously Recommended Adopting Residential Single-Family (R-1) Zoning**

•Section 2019-3: Approximately 194.762 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Multiple Tracts of Land with Frontage Along the East Side of Farmers Road Between FM 389 and Old Mill Creek Road, and the North Side of Old Mill Creek Road Between the Current City Limit Line and Jackson Creek - **Unanimously Recommended Postponing Consideration of Annexation and Zoning (with Commissioner Sheffield Abstaining).**

Additional information pertaining to the proposed zoning classifications is included in the enclosed Staff Reports to the Planning and Zoning Commission. The proposed annexation and zoning classifications were evaluated based on the future land use map adopted in Historic Past, Bold Future: Plan 2040, the City of Brenham Comprehensive Plan. In addition to referencing the Future Land Use Plan to determine zoning designations, Plan 2040 includes factors to determine areas appropriate to consider annexation and corresponding annexation policies. Staff finds the staff recommendation is in adherence with the established annexation policies and goals of the Comprehensive Plan.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): On November 25, 2019, the Planning and Zoning Commission upheld the staff recommendation and **unanimously voted to recommend approval of the** zoning classifications as presented by staff, specifically assigning Industrial (I) zoning to tract 2019-1 and Residential Single-Family (R-1) to tract 2019-2 more particularly described above.

A. PROS: Assigning the proposed zoning to the tracts recommended for annexation is in keeping with the land use and annexation policies established in the Comprehensive Plan and is in accordance with the adopted Future Land Use Plan. Annexation and establishing zoning on these tracts will help promote orderly growth and development of the aforementioned properties.

B. CONS: No cons are foreseen at this time.

ALTERNATIVES (In Suggested Order of Staff Preference):

1. Approve the proposed zoning designations, as recommended by the Planning and Zoning Commission;
2. Deny the proposed zoning designations.

ATTACHMENTS: (1) Ordinance for first reading; and (2) Staff Report for Sections 2019-1, 2019-2, 2019-3

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the Official Zoning Map of the Code of Ordinances to assign Zoning District Classifications to the properties being considered for annexation into the City Limits of the City of Brenham, Texas (Case Number P-19-042)

APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO ASSIGN PERMANT ZONING CLASSIFICATIONS FOR TWO TRACTS OF LAND, SECTION 2019-1, BEING APPROXIMATELY 44.068 ACRES OF LAND SITUATED IN WASHINGTON COUNTY TEXAS, OUT OF THE PHILLIP COE SURVEY, A-31 AND SECTION 2019-2, BEING APPROXIMATELY 0.643 ACRES OF LAND SITUATED IN WASHINGTON COUNTY, TEXAS BEING PART OF THE A HARRINGTON SURVEY, A-55 TO BE ANNEXED INTO THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, the City of Brenham has adopted Appendix A – “Zoning” of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts;

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to assign a permanent zoning classification to tracts of land within the various zoning districts; and

WHEREAS, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during a joint public hearing and meeting with the Brenham City Council on November 25, 2019;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended by assigning the following zoning districts to the following tracts of land, said tracts being more fully depicted on Exhibit “A” and Exhibit “C” and more fully described in Exhibit “B” and “D”:

Legal Description:	Zoning Classification:
Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31, Consisting of a Single Tract of Land with Frontage Along Industrial Blvd., FM 332 and FM 389 (Exhibit A and B)	Industrial District (I)
Approximately 0.643 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Portions of Multiple Tracts of Land with Frontage Along the West Side of Old Masonic Road (Exhibit C and D)	Residential Single-Family District (R-1)

SECTION 2. That the Official Zoning Map of the City of Brenham is hereby amended with the above described assignments of permanent zoning classifications and all rights-of-ways shall be including within the zoning district that abuts it. When two zoning districts abut a right-of-way, the centerline of said right-of-way shall serve as the boundary line for the zoning districts.

SECTION 3. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the ____ day of December 2019.

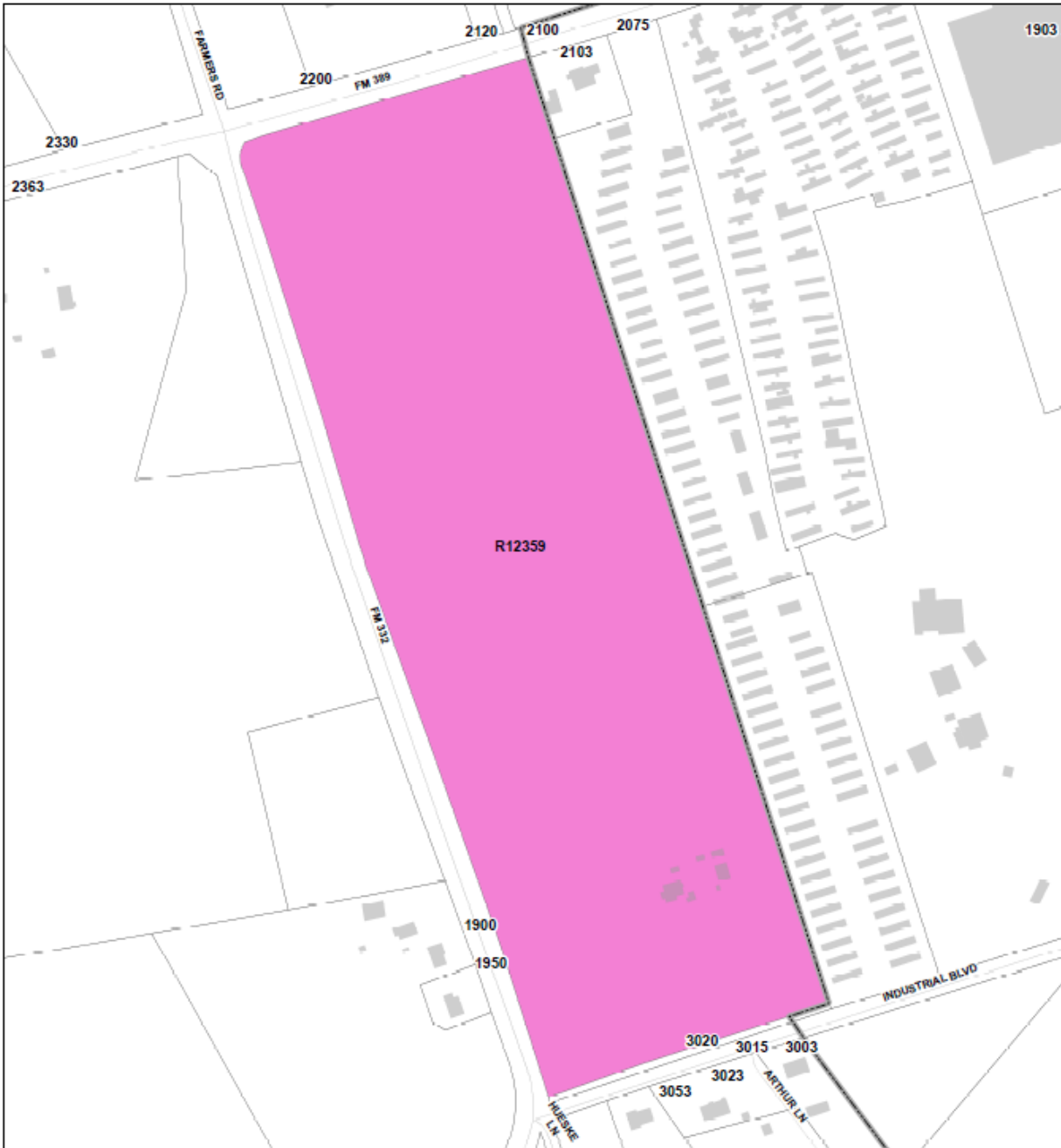
PASSED and APPROVED on its second reading this the ____ day of December 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

Exhibit "A"



R12359 BCDC Volunteer

1 Inch = 332 feet



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Exhibit "B"



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www.hoddesurveying.com
TEXAS FIRM REGISTRATION NO. 10018800

W. O. No. 7218

THE STATE OF TEXAS

COUNTY OF WASHINGTON

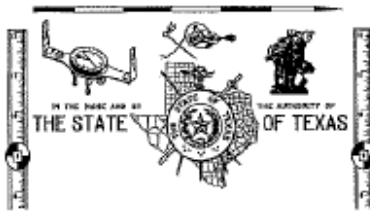
SURVEYOR'S LEGAL DESCRIPTION

44.068 ACRES

All that certain tract or parcel of land, lying and being situated in Washington County, Texas, part of the Phillip Coe Survey, A-31, being part of the same land described as 8.835 acres in the deed from W. C. Beerwinkel to Ethel Witte Gurrech, dated October 13, 1976, as recorded in Volume 349, Page 183, in the Deed Records of Washington County, Texas, and being the residue of the same land described as 45.21 acres, less 8.835 acres, in the deed from Harry K. Lesser, et al, Independent Executors of the Estate of W. C. Beerwinkel, Deceased, to Ethel Witte Gurrech, dated July 30, 1980, as recorded in Volume 398, Page 560, in the Deed Records of Washington County, Texas, and being more fully described by metes and bounds as follows, To-Wit:

BEGINNING at a 5/8 inch iron rod set with Id. cap (Hodde & Hodde Land Surveying) on a South right-of-way line of F. M. Highway No. 389 for the Northeast corner hereof and of said original tract called 45.21 acres, a 1/2 inch iron rod found for the Northwest corner of the Adolph C. Wehmeyer tract called 1.000 acre, as recorded in Volume 303, Page 305, in said Deed Records of Washington County, Texas bears N 17°35'05" W 1.11 feet;

THENCE along the East line hereof, being along a portion of the East line of said original tract called 45.21 acres and along a portion of the East line of said original tract called 8.835 acres, common with a West line of the Country Side Manufactured Home Community (Subdivision), Section 1, Lot 1 called 8.848 acres, a map or plat of said Subdivision being of record in Plat Cabinet File Slide No. 634-B, in the Plat Records of Washington County, Texas, and common with a portion of the West line of the Country Side Manufactured Home Community (Subdivision), Section 2, Lot 1 called 7.000 acres, a map or plat of said Subdivision being of record in Plat Cabinet File Slide No. 657-A, in the Plat Records of Washington County, Texas, being partly along or near an existing fence, S 17°35'05" E, at 206.94 feet pass a 1/2 inch iron rod found for the Southwest corner of said Wehmeyer tract called 1.000 acre, common with a Northwest corner of said Country Side Manufactured Home Community (Subdivision), Section 1, Lot 1, at 1458.24 feet pass a 5/8 inch iron rod found with Id. cap (Jones & Carter) for the Southwest corner of said Country Side Manufactured Home Community, Section 1, Lot 1 called 8.848 acres, common with the Northwest corner of said Country Side Manufactured Home Community, Section 2, Lot 1 called 7.000 acres, and at a total distance of 2505.58 feet to a 1/2 inch iron rod found with Id. cap (RPLS 2835) at an 8 inch treated fence corner post on a North margin of Industrial Boulevard for



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TEXAS FIRM REGISTRATION NO. 10018920

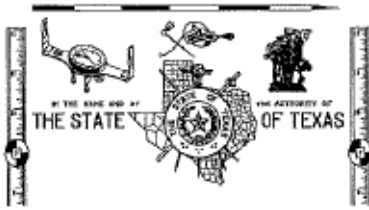
the Southeast corner hereof, being on the West line of said Country Side Manufactured Home Community, Section 2, Lot 1 called 7.000 acres, and being the Northeast corner of the Washington County tract called 0.2951 acre, as recorded in Volume 1408, Page 356, in the Official Records of Washington County, Texas;

THENCE along North margins of said Industrial Boulevard, common with North lines of said Washington County tract called 0.2951 acre, for South lines hereof, being along or near an existing fence, S 72°36'17" W 498.14 feet to a 5/8 inch iron rod found with Id. cap (RPLS 2835) at a 7 inch treated fence post for an exterior angle point of said Washington County tract called 0.2951 acre, being an interior angle point hereof, and S 71°05'19" W 248.56 feet to a 5/8 inch iron rod found with Id. cap (RPLS 2835) near a 7 inch treated fence corner post on a North margin of said Industrial Boulevard at its intersection with a curved portion of an East right-of-way line of F. M. Highway No. 332 for the Northwest corner of said Washington County tract called 0.2951 acre, being the Southwest corner hereof;

THENCE along a curved portion of an East right-of-way line of said F. M. Highway No. 332 for a West line hereof, being partly along or near an existing fence, being a curve to the left, through a central angle of 16°43'14", having a radius of 358.37 feet, an arc length of 104.58 feet and a chord of N 11°26'44" W 104.21 feet to a broken off concrete monument (highway right-of-way marker) found at the end of said curved portion of an East right-of-way line of said F. M. Highway No. 332;

THENCE along East right-of-way lines of said F. M. Highway No. 332 for West lines hereof, being partly along or near an existing fence, N 19°48'21" W, at 347.8 feet pass a 1/2 inch iron rod found and a 3/8 inch iron rod found 0.4 feet West of this line for the Northwest corner of said original tract called 8.835 acres, and at a total distance of 753.26 feet to a broken off concrete monument (highway right-of-way marker) found, N 18°35'21" W 715.10 feet to a 5/8 inch iron rod set with Id. cap (Hodde & Hodde Land Surveying), a 3/8 inch iron rod found (disturbed) bears N 17°20'30" W 2.57 feet, N 16°42'21" W 893.80 feet to an "X" marked in concrete on a telecom equipment slab at a flare in the East right-of-way line of said F. M. Highway No. 332 for and exterior angle point hereof, being the South corner of the State of Texas tract called 0.043 acre, as recorded in Volume 201, Page 561, in said Deed Records of Washington County, Texas, the Southwest corner of said slab bears S 18°37' W 2.8 feet, and N 18°23'24" E 87.31 feet to a broken off concrete monument (highway right-of-way marker) found on an East right-of-way line of said F. M. Highway No. 332 at the end of said flare, at its intersection with a South right-of-way line of said F. M. Highway No. 389 for an exterior corner hereof, being the Northeast corner of said State of Texas tract called 0.043 acre;

THENCE along South right-of-way lines of said F. M. Highway No. 389 for North lines hereof, N 74°43'37" E 644.36 feet to a broken off concrete monument (highway right-of-way marker) found and N 72°23'22" E 68.39 feet to the Place of Beginning and containing 44.068 acres of land.



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TEXAS FIRM REGISTRATION NO. 10018800

The bearings stated herein are relative to the Texas State Plane Grid System, NAD-83, Central Zone 4203, based on the Lower Colorado River Authority (LCRA) Monument A-424, having published grid coordinates of N: 10,039,046.481 - E: 3,532,398.742. Distances stated herein are ground distances. Convergence angle at N: 10,039,046.481 - E: 3,532,398.742 is 2°00'51.03", combined scale factor is 0.99999195.

There was a separate survey map prepared in conjunction with this metes and bounds description. This description is based on the Land Title Survey and plat made by Jon E. Hodde, Registered Professional Land Surveyor No. 5197 on April 3, 2017, and revised on April 19, 2017.

I, Jon E. Hodde, Registered Professional Land Surveyor No. 5197 of the State of Texas, do hereby certify that the foregoing legal description describing 44.068 acres of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 3rd day of April, 2017, A. D.
Revised April 19, 2017, A. D.



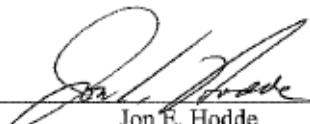

Jon E. Hodde
Registered Professional
Land Surveyor No. 5197

Exhibit "C"



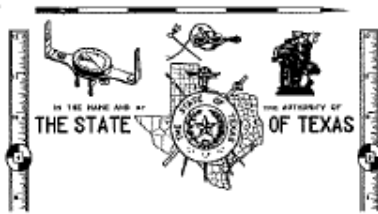
Scenic Estates

1 inch = 88 feet



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Exhibit "D"



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TEXAS FIRM REGISTRATION NO. 10918800
TBPE FIRM REGISTRATION NO. F-18046

W. O. No. 7549

THE STATE OF TEXAS

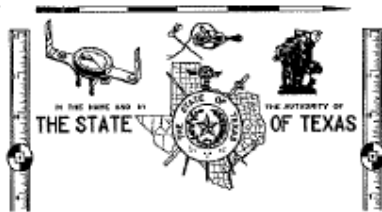
COUNTY OF WASHINGTON

SURVEYOR'S LEGAL DESCRIPTION

0.643 ACRE

All that certain tract or parcel of land, lying and being situated in Washington County, Texas, part of the A. Harrington Survey, A-55, being a resurvey of the same land described as 4,088 square feet in the deed from Billy F. Rains, et ux to David P. Armentrout, et ux, dated July 6, 2005, as recorded in Volume 1167, Page 655, in the Official Records of Washington County, Texas; being part of the same land described as 0.356 acre in the deed from Julian Marcus Clepper, II, et al to Lathel Norris, dated September 20, 2012, as recorded in Volume 1413, Page 876, in the Official Records of Washington County, Texas; being part of the same land described as 0.3625 acre in the deed from OCC Construction Corporation D/B/A Oakwood Custom Homes to James H. McCool, et ux, dated December 28, 1998, as recorded in Volume 915, Page 504, in the Official Records of Washington County, Texas; being part of the same land described as 0.3673 acre in the deed from OCC Construction Corporation D/B/A Oakwood Custom Homes to Alois Gurka, et ux, dated May 5, 1999, as recorded in Volume 926, Page 922, in the Official Records of Washington County, Texas; being a resurvey of the same land conveyed as 0.1137 acre in the deed from Christopher Kent Baker to Alexis Gail Baker, dated March 2, 2010, as recorded in Volume 1337, Page 637, in the Official Records of Washington County, Texas and being part of the original tract called 0.371 acre as described in Volume 1189, Page 778, in the Official Records of Washington County, Texas; being part of original tract called 0.65 acre conveyed in the deed from L. G. Schultz and Barbara Schultz to Glen D. Goodman and Jetta G. Goodman, dated March 26, 2007, as recorded in Volume 1239, Page 379, in the Official Records of Washington County, Texas and described in Volume 149, Page 150, in the Deed Records of Washington County, Texas; and being the residue of original tract called 0.685 acre in the deed from Myrtle Ehrig, individually and as agent and attorney in fact for Arthur H. Ehrig to Scenic Investments, dated December 12, 1996, as recorded in Volume 844, Page 332, in the Official Records of Washington County, Texas and described as 0.65 acre (2nd Tract) in Volume 149, Page 150, in the Deed Records of Washington County, Texas and being more fully described by metes and bounds as follows, To-Wit:

BEGINNING at a 1/2 inch iron rod found with Id. cap (RPLS 4052) 3.3 feet North of a board fence for the Northwest corner hereof and of said original tract called 4,088 square feet, being the Northeast corner of Lot 29, Block IV of Scenic Estates Subdivision, Section 1, a map or plat of said subdivision being of recorded in Plat Cabinet File Slide Numbers 226-A and 226-B, in the Plat Records of Washington County, Texas, being an interior angle point of Lot 28, Block IV of said Scenic Estates Subdivision, Section 1, and being an interior corner of the Brenham City Limits;



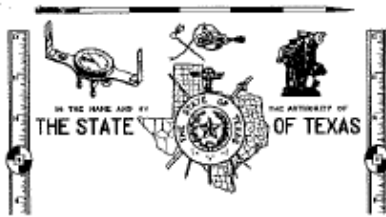
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TBPB FIRM REGISTRATION NO. F-18046

THENCE along a South line of said Lot 28, Block IV of said Scenic Estates Subdivision, Section 1 for the North line hereof and of said original tract called 4,088 square feet, and being along a South line of said Brenham City Limits, being North of a board fence, S 89°28'42" E 39.74 feet to the Northeast corner hereof and of said original tract called 4,088 square feet, being on a West margin of Old Masonic Road, being on or near an East line of said A. Harrington Survey, A-55, common with a West line of the P. & A. Hope Survey, A-62, being the Southeast corner of said Lot 28, Block IV of said Scenic Estates Subdivision, Section 1, and being a Southeast corner of said Brenham City Limits, a 3/8 inch iron rod found 1.6 feet North of a board fence corner post bears N 89°28'42" W 0.27 feet;

THENCE along West margins of said Old Masonic Road for East lines hereof and of said original tracts, being along or near the common division line of said Harrington Survey and said Hope Survey, in part, being partly along or near and East of fence lines, S 2°49'08" E at 98.06 feet pass a 1/2 inch iron rod found at a board fence corner post for the Southeast corner of said original tract called 4,088 square feet, common with the Northeast corner of said original tract called 0.356 acre, a chainlink fence post bears S 82°25'08" W 2.87 feet, at 192.78 feet pass a 1/2 inch iron rod found at a fence corner post 0.24 feet East of this line for the Southeast corner of said original tract called 0.356 acre, common with the Northeast corner of said original tract called 0.3625 acre, a chainlink fence post bears N 89°42'51" W 4.37 feet, at 287.84 feet pass a 1/2 inch iron rod found at a chainlink fence corner post for the Southeast corner of said original tract called 0.3625 acre, common with the Northeast corner of said original tract called 0.3673 acre, at 383.04 feet pass a 1/2 inch iron rod found at a board fence corner post 0.26 feet West of this line for the Southeast corner of said original tract called 0.3673 acre, common with the Northeast corner of said original tract called 0.1137 acre, and at a total distance of 459.39 feet to corner in concrete drive at an interior angle point of said Old Masonic Road, common with an exterior angle point of said original tract called 0.1137 acre, being on the common division line of said surveys and S 11°22'55" W at 111.70 feet pass a 1/2 inch iron rod found for the Southeast corner of said part of original tract called 0.65 acre, being the Northeast corner of said residue of original tract called 0.685 acre and at a total distance of 233.13 feet to a 5/8 inch iron rod set with Id. cap (Hodde & Hodde Land Surveying) at an exterior angle point of said Old Masonic Road for the South corner hereof and of said residue of original tract called 0.685 acre, being an exterior angle point of Reserve B1b right-of-way parcel called 0.2187 acre, Block IV of Replat of Reserve B1 & Lot 10 of Scenic Estates Subdivision, Section 1, a map or plat of said replat being of record in Plat Cabinet File Slide Number 501-A, in said Plat Records of Washington County, Texas, and being on an East line of said Brenham City Limits;

THENCE along an East line of said Reserve B1b right-of-way parcel called 0.2187 acre, being along the East lines of Lots 34, 33 and 32, Block IV of said Scenic Estates Subdivision, Section 1, being along East lines of Lot 31, Block IV of said Scenic Estates Subdivision, Section 1, being along the East line of Lot 30 and of said Lot 29, Block IV of said Scenic Estates Subdivision, Section 1 for West lines hereof and of said original tracts, and being along East lines of said Brenham City Limits, N 1°51'09" W at 113.90 feet pass a 5/8 inch iron rod found in chainlink fence line for the Northeast corner of said Reserve B1b right-of-way parcel called 0.2187 acre, being the Northwest corner of said residue of original tract called 0.685 acre, common with the Southeast corner of said Lot 34, Block IV of said subdivision, being the Southwest corner of part



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TBPE FIRM REGISTRATION NO. F-18046

of original tract called 0.65 acre, and at a total distance of 416.47 feet to a 5/8 inch iron rod found for an interior angle point of said Lot 31, Block IV of said subdivision, common with an exterior angle point of said original tract called 0.3625 acre and N 0°36'13" W 271.50 feet to the Place of Beginning and containing 0.643 acre of land.

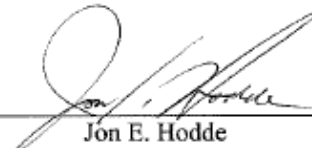
The bearings stated herein are relative to True North as obtained by GPS Observations, observed at Latitude: 30°11'23.79" N – Longitude: 96°24'23.31" W (WGS-84).

There was a separate survey map prepared in conjunction with this metes and bounds description.

I, Jon E. Hodde, Registered Professional Land Surveyor No. 5197 of the State of Texas, do hereby certify that the foregoing legal description describing 0.643 acre of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 16th day of May, 2019, A. D.




Jon E. Hodde
Registered Professional
Land Surveyor No. 5197



CASE P-19-042
ANNEXATION no. 2019-1

OWNER/APPLICANT: Brenham Community Development Corporation (BCDC)

LOT AREA /LOCATION: At the intersection of FM 389, FM 322 and Industrial Blvd

LEGAL DESCRIPTION: Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31

EXISTING USE: Primarily vacant land

COMP PLAN Industrial
FUTURE LAND USE:

REQUEST: An owner-requested annexation of approximately 44.068 acres of land

BACKGROUND:

The Brenham Community Development Corporation purchased the above-referenced property from the Gurrech family in 2017. The subject 44+ acres of land is planned to be an additional phase of the Southwest Industrial Park. Since the BCDC purchase of the subject tract, the property has not been formally incorporated into the City of Brenham City Limits.

The subject tract is located at the intersection of FM 389, FM 322 and Industrial Boulevard. Property located across the aforementioned right-of-ways are located in the City of Brenham extraterritorial jurisdiction (ETJ) and are developed with agricultural and rural residential uses. Land adjacent to the eastern property line is currently developed with a Manufactured Home Park and zoned Manufactured Home Residential (R-3).

On May 7th, 2019 with the passage of Resolution no. R-19-013 the City of Brenham City Council directed the City Manager and City staff to consider annexation of properties located adjacent and contiguous to the City Limits. The above-referenced BCDC property (depicted on Exhibit A) was included in the proposed resolution to be considered for annexation. Since that time, City Staff have evaluated the subject property for annexation, conducted two town hall meetings, and held two Public Hearings at City Council meetings.

The City of Brenham Code of Ordinances grants authority to the Planning and Zoning Commission to “hold public hearings and make recommendations to the city council relating to creation, amendment and implementation of zoning regulations, use classifications and districts, all as provided in the laws of the State of Texas and the ordinances of the city” (Appendix A – Zoning, Part V, Section 2). Therefore, prior to Council’s decision to consider the subject tract for annexation into the City Limits, the Planning and Zoning Commission is charged with recommending which zoning district is most appropriate for the subject tract.

RELATION TO THE BRENHAM COMPREHENSIVE PLAN, PLAN 2040: HISTORIC PAST, BOLD FUTURE

Plan 2040 was adopted as the City of Brenham Comprehensive Plan on September 19, 2019 and serves as the City’s guiding document in determining zoning and land uses decisions. Adopted with the Comprehensive Plan is the Future Land Use Plan and the establishment of use-specific land use policies,

general city-wide land use policies, and annexation policies which support the goals and objectives established in the Comprehensive Plan. The Future Land Use Plan, included as attached Exhibit B, includes the subject 44+ acre tract as an area where industrial development is appropriate.

In addition to referencing the Future Land Use Plan to determine zoning designations, Plan 2040 includes major factors to determine areas appropriate to consider annexation and annexation policies. Staff finds the following excerpts from Plan 2040 (page 52-53) are relevant for consideration of this request:

Annexation Considerations:

- **Fiscal:** Value added relative to cost to serve (based on various factors including land use).
- **Service Provision:** Feasibility and realistic timing of service extension and whether the City prefers to be the primary service provider.
- **Service Provision:** Already providing certain municipal services to area (and residents already benefiting from use of in-city streets, parks, etc.).
- **Growth:** Proximity to current incorporated area.
- **Growth:** Market and development community interest and/or economic development potential.

Annexation Policies:

- Wherever possible, existing infrastructure systems in areas proposed for annexation should have near or fully adequate capacities to accommodate current and projected development demands in such areas without the City bearing an inordinate burden for capital investment in the near or longer term.
- To maximize the use and efficiency of existing City infrastructure, growth should first be directed toward vacant parcels and underutilized lands within the city limits before extensive development is considered or encouraged within future growth areas beyond the city limits.
- Annexation decisions should be consistent with the economic development objectives of the City.

PROPOSED INDUSTRIAL ZONING:

Based on the Annexation Policies above and the City's adopted Future Land Use Map (Exhibit B), staff recommends **approving the requested annexation of these 44+ acres and assigning Industrial (I) zoning** to the subject property. Approving the requested annexation will bring these 44.068 acres of primarily vacant land under the full regulatory control of the City. Therefore, annexation of this tract will help promote orderly growth and development of this property and be in-keeping with the City's adopted Comprehensive Plan. Furthermore, the subject tract is located adjacent and contiguous to the City Limits and is located adjacent to property currently served by city utilities including water, wastewater and gas.

Staff finds that the proposed annexation meets the annexation criteria established in Plan 2040 and applicable sections of the City's adopted Zoning Ordinance. A draft service plan which includes municipal services to be provided to the subject property following annexation is included for reference (Exhibit C).

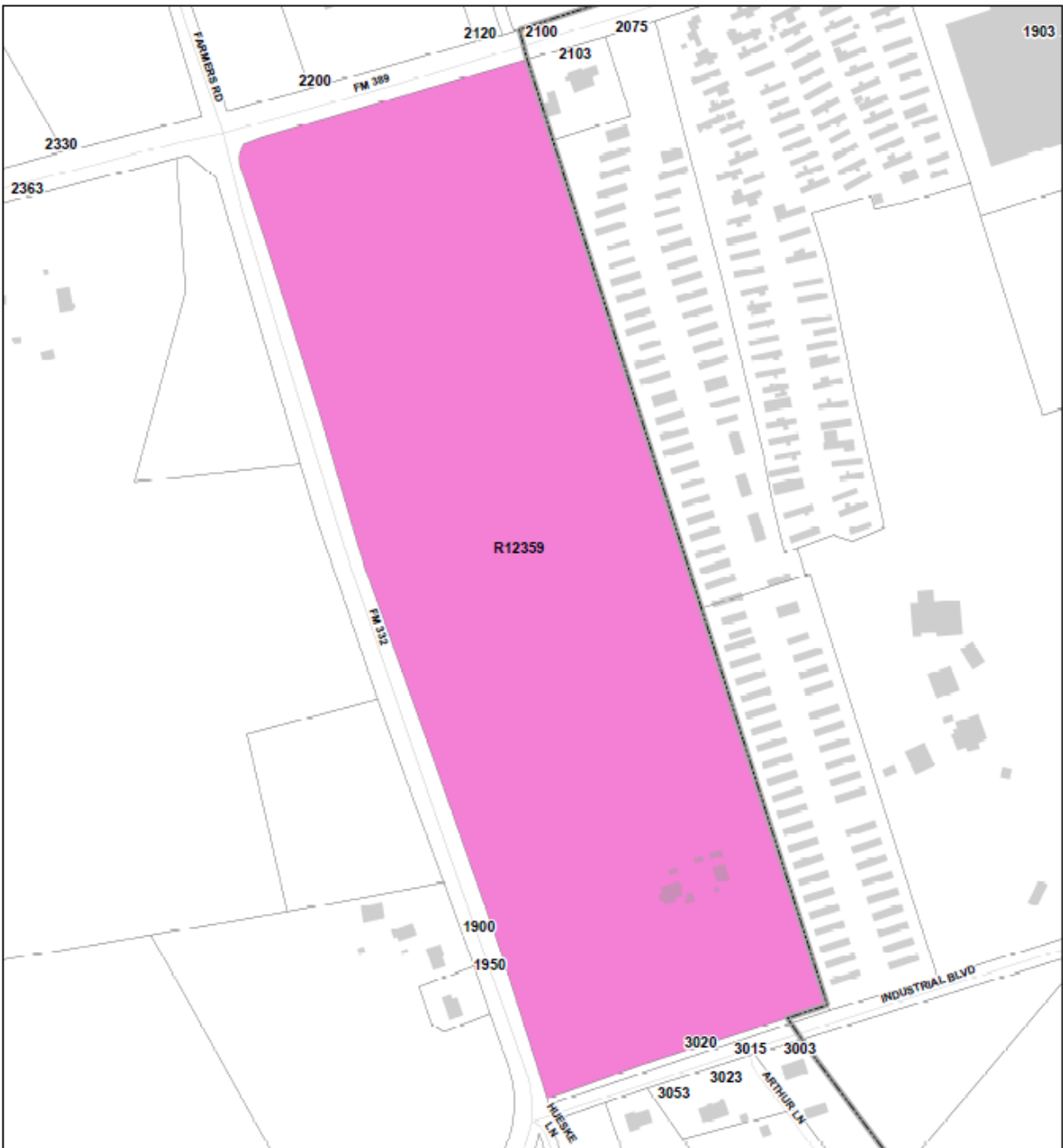
STAFF RECOMMENDATION:

Staff recommends that the 44.068 acre tract of land be assigned the permanent zoning classification of Industrial (I) zoning upon annexation.

EXHIBITS:

- A. Proposed Annexation Vicinity Map
- B. Future Land Use Map
- C. Draft Annexation Service Plan

EXHIBIT "A"
Proposed Annexation Vicinity Map



R12359 BCDC Volunteer

1 inch = 332 feet



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EXHIBIT "B"
Proposed Annexation Future Land Use Map

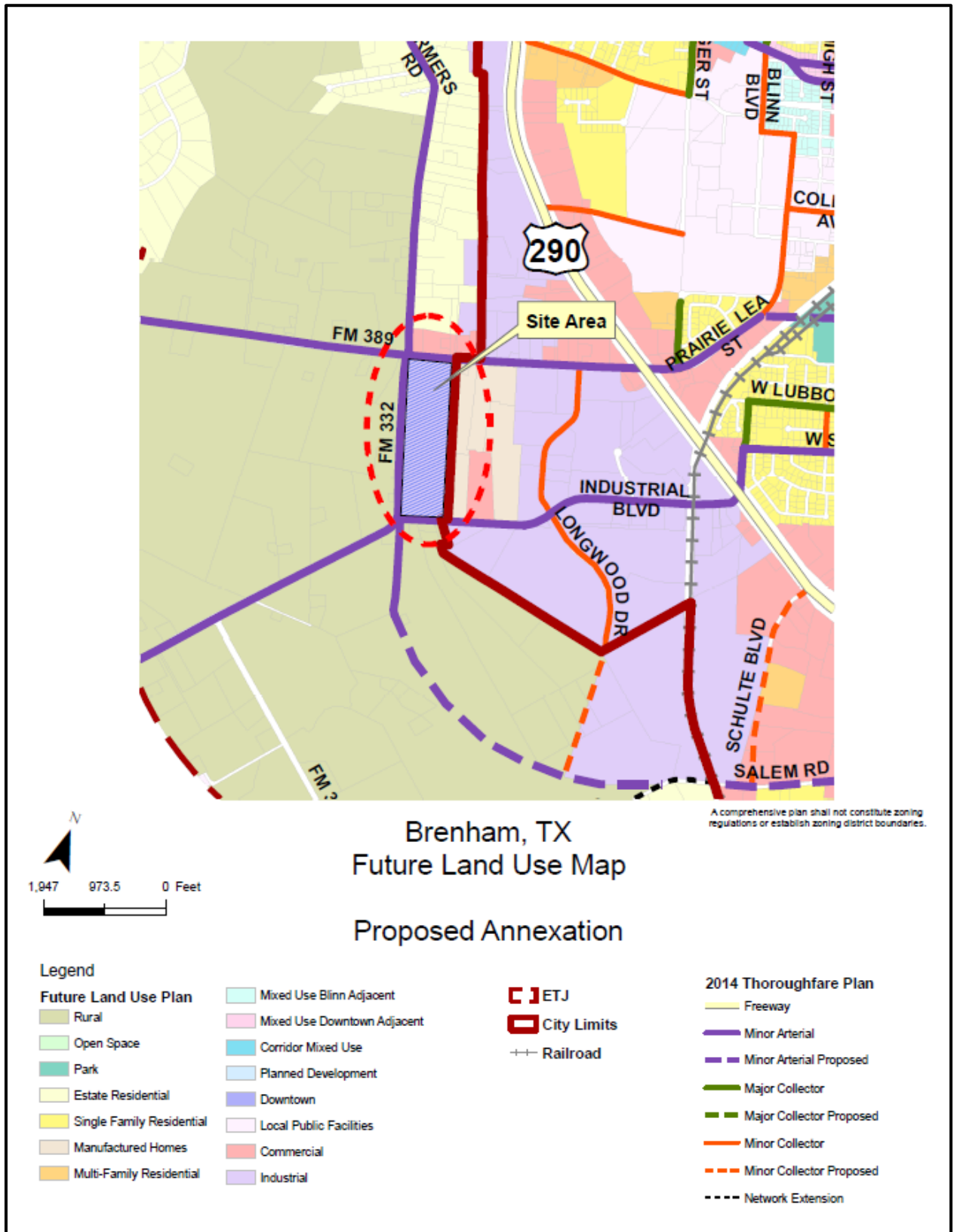


EXHIBIT “C”
Draft Annexation Service Plan

**SERVICE PLAN FOR
2019 ANNEXATION AREA(S)**

Upon annexation of the area identified in Exhibits _____ and _____, the City of Brenham will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

Police Protection

The City of Brenham and its Police Department will provide police protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

Fire Protection

The City of Brenham and its Fire Department will provide fire protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Fire Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

Maintenance of Water and Wastewater Facilities

Any and all water and wastewater facilities owned, operated or maintained by the City of Brenham Public Utilities Department at the time of annexation shall continue to be maintained by Public Utilities. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be operated and maintained by the City's Public Utilities Department to the extent of the City's ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the City's standard extension policy now existing or as may be amended. On-site sewage systems may be maintained in accordance with the City's Code of Ordinances and other applicable regulations.

Solid Waste Collection

The City of Brenham or its authorized franchisees, collect solid waste and refuse within the corporate limits of the City. Solid waste collection will be provided to citizens in the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed area. The City may negotiate with the annexed area to allow continued services with an existing solid waste provider. After the second anniversary of the annexation date, the City will impose solid waste collection fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owner(s). The City will then impose solid waste collection fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Superintendent. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

Maintenance of Roads and Streets

Any and all public roads, streets, or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed area. Private roads will remain under private ownership until dedicated to and accepted by the City, and as such shall be maintained by the property owner(s).

Maintenance of Parks, Playgrounds and Swimming Pools

The City of Brenham is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed area of annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

Maintenance of any Publicly Owned Facility, Building or Municipal Service

The City of Brenham is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed area of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

Other Services

The City of Brenham finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, municipal court and general administration will be made available after the effective date of the annexation as the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed area.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE SUBSTANTIALLY COMPLETE WITHIN TWO AND ONE-HALF (2½) YEARS

The City of Brenham will provide full municipal services in the annexed area no later than 2 ½ years after the effective date of the annexation unless certain services cannot reasonably be provided within that period. In the event the services cannot be provided within two and one-half (2½) years, the City will propose a schedule for providing those services, and will include a list of all services to be provided under the plan and a schedule to extend the period of providing certain services. The schedule will provide for the provision of full municipal services no later than four and one-half (4½) years after the effective date of the annexation.

Police Protection, Fire Protection, and Solid Waste Collection

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the annexation of the particular annexed area for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Brenham with like topography, land use and population density as those found within the newly annexed area.

Water and Wastewater Facilities

The City of Brenham finds and determines that there is sufficient capacity for water and wastewater to provide services to the annexed area pursuant to Public Utilities extension policies. The construction of any capital improvements necessary to extend water and wastewater services to an annexed area will be substantially complete with within two and one-half (2½) years after the effective date of the annexation unless said time period is extended pursuant to Chapter 43 of the Texas Local Government Code, as amended.

Roads and Streets

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the particular annexed area.

Maintenance of Parks, Playgrounds, Swimming Pools, and Other Publicly Owned Facility, Building or Service

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the particular annexed area for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Brenham find and determines that this proposed service plan will not provide any fewer service and will not provide a lower level of service in the area being considered for annexation that were in existence in the proposed area at the time immediately preceding the annexation process. Given the proposed annexation area's topography, land utilization and population density, the service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This Plan shall be valid for a term of ten (10) years. Renewal of this Plan is at the discretion of the City of Brenham

LEVEL OF SERVICE

Nothing in this Plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

This Plan shall not be amended except in accordance with Chapter 43 of the Texas Local Government Code.



CASE P-19-042
ANNEXATION no. 2019-2

OWNER/APPLICANT: City-Initiated Annexation

LOT AREA /LOCATION: Scenic Estates, adjacent to the west side of Old Masonic Road

LEGAL DESCRIPTION: Approximately 0.643 Acres of Land being part of Lots 29-34 in Block 4 Section 1 of the Scenic Estates Subdivision

EXISTING USE: Single-Family Residential

COMP PLAN Single-Family Residential
FUTURE LAND USE:

REQUEST: A city-initiated annexation of approximately 0.643 acres of land

BACKGROUND:

The subject 0.643 acres of land proposed for annexation consideration includes part of seven tracts of land located in the Scenic Estates subdivision immediately adjacent to the west side of Old Masonic Road. The City of Brenham annexed the area now known as the Scenic Estates Subdivision in 1984 prior to development of the single-family neighborhood. During the 1984 annexation an error was made in the boundary description of the annexation and a small sliver of land, the subject 0.643 acres, was not included in the annexation area.

On May 7th, 2019 with the passage of Resolution no. R-19-013 the City of Brenham City Council directed the City Manager and City staff to consider annexation of properties located adjacent and contiguous to the City Limits. In an effort to remedy the boundary description error from 1984 the above-referenced properties (depicted on Exhibit A) were included in the proposed resolution to be considered for annexation. Since that time, City Staff have evaluated the subject property for annexation, conducted two town hall meetings, and held two Public Hearings at City Council meetings.

The City of Brenham Code of Ordinances grants authority to the Planning and Zoning Commission to “hold public hearings and make recommendations to the city council relating to creation, amendment and implementation of zoning regulations, use classifications and districts, all as provided in the laws of the State of Texas and the ordinances of the city” (Appendix A – Zoning, Part V, Section 2). Therefore, prior to Council’s decision to consider the subject tract for annexation into the City Limits, the Planning and Zoning Commission is charged with recommending which zoning district is most appropriate for the subject tract.

RELATION TO THE BRENHAM COMPREHENSIVE PLAN, PLAN 2040: HISTORIC PAST, BOLD FUTURE

Plan 2040 was adopted as the City of Brenham Comprehensive Plan on September 19, 2019 and serves as the City’s guiding document in determining zoning and land uses decisions. Adopted with the Comprehensive Plan is the Future Land Use Plan and the establishment of use-specific land use policies, general city-wide land use policies, and annexation policies which support the goals and objectives established in the Comprehensive Plan. The Future Land Use Plan, included as attached Exhibit B, includes the subject 0.643 acre tract as an area where single-family residential development is appropriate.

In addition to referencing the Future Land Use Plan to determine zoning designations, Plan 2040 includes major factors to determine areas appropriate to consider annexation and annexation policies. Staff finds the following excerpts from Plan 2040 (page 52-53) are relevant for consideration of this request:

Annexation Considerations:

- **Fiscal:** Value added relative to cost to serve (based on various factors including land use).
- **Service Provision:** Health and safety (housing/building conditions, sanitation, emergency response viability, etc.).
- **Service Provision:** Already providing certain municipal services to area (and residents already benefiting from use of in-city streets, parks, etc.).
- **Growth:** Proximity to current incorporated area.
- **Growth:** Land use compatibility and quality (including to protect nearby in-city neighborhoods and developed areas).

Annexation Policies:

- Wherever possible, existing infrastructure systems in areas proposed for annexation should have near or fully adequate capacities to accommodate current and projected development demands in such areas without the City bearing an inordinate burden for capital investment in the near or longer term.
- All annexation decisions should require a fiscal impact assessment to determine that the annexation is fiscally responsible from the perspective of City operations, maintenance, capital investments and debt.
- Annexation actions should be consistent with the direction and priorities of this Comprehensive Plan.

PROPOSED RESIDENTIAL SINGLE-FAMILY (R-1) ZONING:

Based on the Annexation Policies above and the City's adopted Future Land Use Map (Exhibit B), staff recommends **approving the requested annexation of these 0.643 acres and assigning residential single-family (R-1) zoning** to the subject property. Approving the requested annexation will bring these 0.643 acres of land developed with single family dwellings under the full regulatory control of the City. Therefore, annexation of this tract will help promote orderly growth and development of these properties and be in-keeping with the City's adopted Comprehensive Plan. Furthermore, the subject tract is not only located adjacent and contiguous to the City Limits but has operated as if it were in the City of Brenham City Limits for many years. The subject tracts currently have access to city utilities including water, wastewater and gas.

Staff finds that the proposed annexation meets the annexation criteria established in Plan 2040 and applicable sections of the City's adopted Zoning Ordinance. A draft service plan which includes municipal services to be provided to the subject property following annexation is included for reference (Exhibit C).

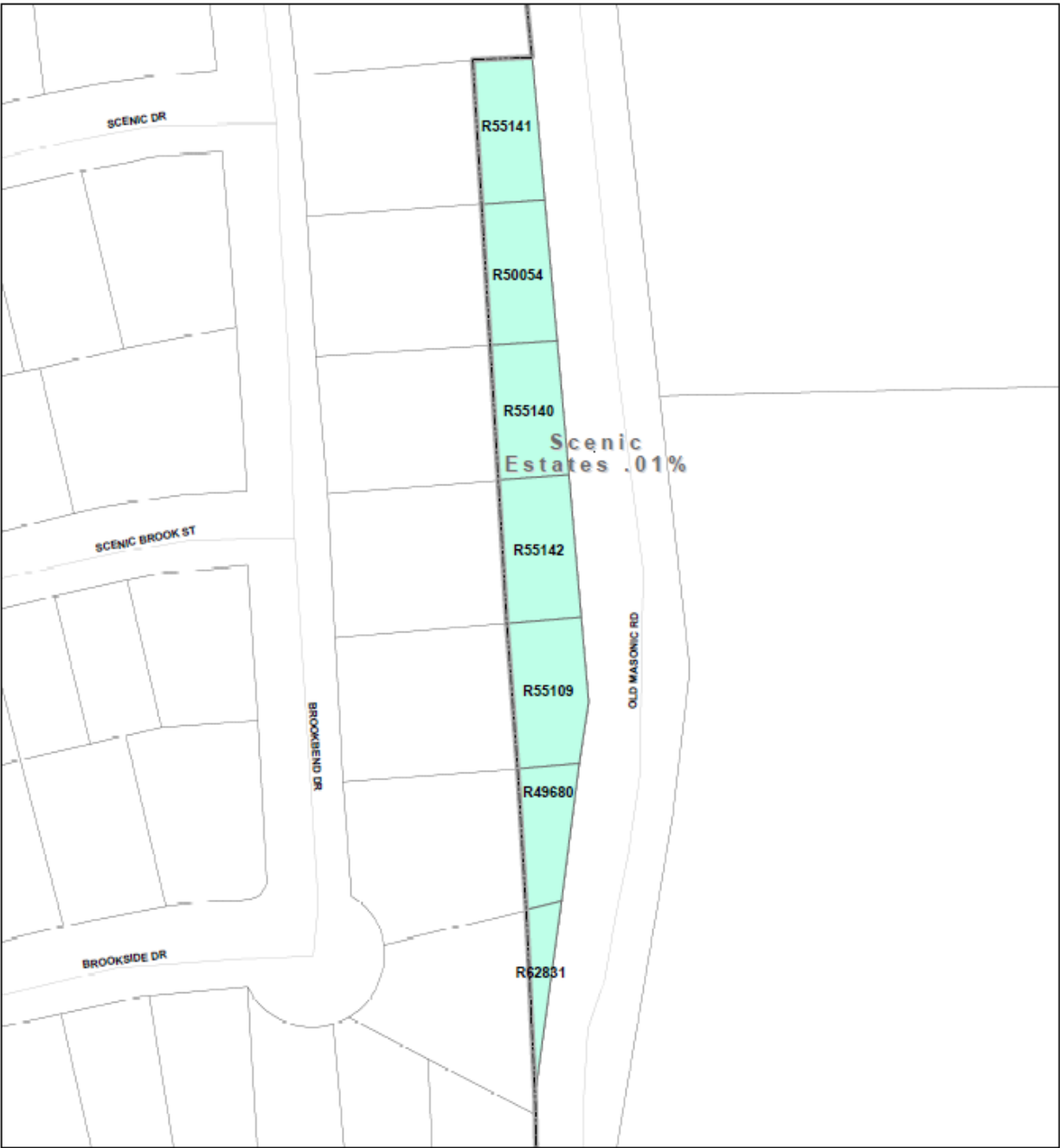
STAFF RECOMMENDATION:

Staff recommends that the 0.643-acre tract of land be assigned the permanent zoning classification of Residential Single-Family zoning upon annexation.

EXHIBITS:

- A. Proposed Annexation Vicinity Map
- B. Future Land Use Map
- C. Draft Annexation Service Plan

EXHIBIT "A"
Proposed Annexation Vicinity Map



Scenic Estates

1 Inch = 88 feet



Document Path: Z:\ANNEXATIONS\ANNEXATION PROJECT\All Annexation.mxd

EXHIBIT "B"
Future Land Use Map

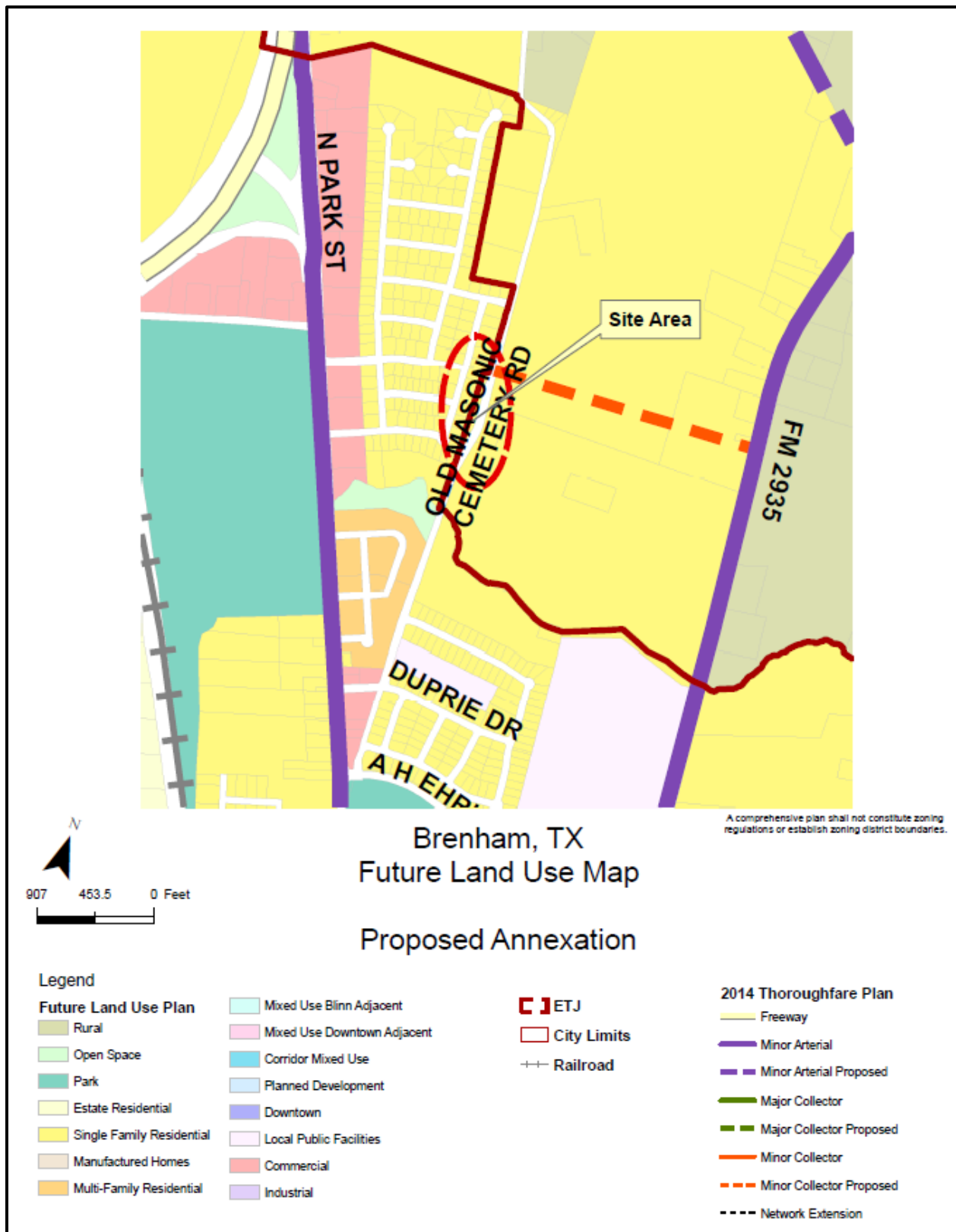


EXHIBIT “C”
Draft Annexation Service Plan

**SERVICE PLAN FOR
2019 ANNEXATION AREA(S)**

Upon annexation of the area identified in Exhibits _____ and _____, the City of Brenham will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

Police Protection

The City of Brenham and its Police Department will provide police protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

Fire Protection

The City of Brenham and its Fire Department will provide fire protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Fire Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

Maintenance of Water and Wastewater Facilities

Any and all water and wastewater facilities owned, operated or maintained by the City of Brenham Public Utilities Department at the time of annexation shall continue to be maintained by Public Utilities. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be operated and maintained by the City's Public Utilities Department to the extent of the City's ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the City's standard extension policy now existing or as may be amended. On-site sewage systems may be maintained in accordance with the City's Code of Ordinances and other applicable regulations.

Solid Waste Collection

The City of Brenham or its authorized franchisees, collect solid waste and refuse within the corporate limits of the City. Solid waste collection will be provided to citizens in the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed area. The City may negotiate with the annexed area to allow continued services with an existing solid waste provider. After the second anniversary of the annexation date, the City will impose solid waste collection fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owner(s). The City will then impose solid waste collection fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Superintendent. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

Maintenance of Roads and Streets

Any and all public roads, streets, or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed area. Private roads will remain under private ownership until dedicated to and accepted by the City, and as such shall be maintained by the property owner(s).

Maintenance of Parks, Playgrounds and Swimming Pools

The City of Brenham is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed area of annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

Maintenance of any Publicly Owned Facility, Building or Municipal Service

The City of Brenham is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed area of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

Other Services

The City of Brenham finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, municipal court and general administration will be made available after the effective date of the annexation as the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed area.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE SUBSTANTIALLY COMPLETE WITHIN TWO AND ONE-HALF (2½) YEARS

The City of Brenham will provide full municipal services in the annexed area no later than 2 ½ years after the effective date of the annexation unless certain services cannot reasonably be provided within that period. In the event the services cannot be provided within two and one-half (2½) years, the City will propose a schedule for providing those services, and will include a list of all services to be provided under the plan and a schedule to extend the period of providing certain services. The schedule will provide for the provision of full municipal services no later than four and one-half (4½) years after the effective date of the annexation.

Police Protection, Fire Protection, and Solid Waste Collection

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the annexation of the particular annexed area for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Brenham with like topography, land use and population density as those found within the newly annexed area.

Water and Wastewater Facilities

The City of Brenham finds and determines that there is sufficient capacity for water and wastewater to provide services to the annexed area pursuant to Public Utilities extension policies. The construction of any capital improvements necessary to extend water and wastewater services to an annexed area will be substantially complete with within two and one-half (2½) years after the effective date of the annexation unless said time period is extended pursuant to Chapter 43 of the Texas Local Government Code, as amended.

Roads and Streets

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the particular annexed area.

Maintenance of Parks, Playgrounds, Swimming Pools, and Other Publicly Owned Facility, Building or Service

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the particular annexed area for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Brenham find and determines that this proposed service plan will not provide any fewer service and will not provide a lower level of service in the area being considered for annexation that were in existence in the proposed area at the time immediately preceding the annexation process. Given the proposed annexation area's topography, land utilization and population density, the service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This Plan shall be valid for a term of ten (10) years. Renewal of this Plan is at the discretion of the City of Brenham

LEVEL OF SERVICE

Nothing in this Plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

This Plan shall not be amended except in accordance with Chapter 43 of the Texas Local Government Code.



CASE P-19-042
ANNEXATION no. 2019-3

OWNER/APPLICANT: City-Initiated Annexation

LOT AREA /LOCATION: Property located adjacent to the north of Old Mill Creek Road between the current City Limit boundary and Jackson Creek and property adjacent to the east of Farmers Road between FM 389 and Old Mill Creek Road

LEGAL DESCRIPTION: Approximately 194.8 Acres of Land being part of the A. Harrington Survey, A-55

EXISTING USE: Combination of Single-Family Residential, Commercial and Industrial Uses

COMP PLAN Rural
FUTURE LAND USE:

REQUEST: A city-initiated annexation of approximately 194.8 acres of land

BACKGROUND:

The above-referenced 194+ acres of land (depicted in attached Exhibit A – Southwest Annexation) is located adjacent and contiguous to the City of Brenham City Limits and is located north of Old Mill Creek Road out to Jackson Creek and to the east of Farmers Road between FM 389 and Old Mill Creek Road. The property is currently developed with a mixture of land uses, including, agricultural, Country Place West and Wilder Crest (residential subdivisions), rural residential development, Rudloff Brick wholesale, Bluebonnet Electric COOP service station, and other industrial uses.

On May 7th, 2019 with the passage of Resolution no. R-19-013 the City of Brenham City Council directed the City Manager and City staff to consider annexation of properties located adjacent and contiguous to the City Limits. The above-referenced properties (Exhibit A) were included in the proposed resolution to be considered for annexation. Since that time, City Staff has evaluated the subject property for annexation, mailed development agreements to qualified property owners, conducted two town hall meetings, and held two Public Hearings at City Council meetings. During the research and examination of the subject 194.8 acres of land for annexation into the City of Brenham, City Staff determined that additional time and consideration was needed before a formal staff recommendation could be made concerning the proposed annexation and assignment of a permanent zoning classification.

STAFF RECOMMENDATION:

Staff recommends the Planning and Zoning Commission recommend the City Council **postpone consideration of the annexation** and the establishment of a formal zoning designation on these 194.8 acres of land adjacent to Old Mill Creek Road and Farmers Road.

EXHIBITS:

A. Southwest Annexation Vicinity Map

[illegible]

1 inch = 941 feet



2



AGENDA ITEM 10

DATE OF MEETING: December 5, 2019	DATE SUBMITTED: November 26, 2019	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Shauna Laauwe	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☒ 1ST READING ☐ 2ND READING ☐ RESOLUTION
AGENDA DESCRIPTION: Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from Mixed Residential Use District (R-2) to Commercial, Research and Technology Use District (B-2) on a 0.186 Acre Tract of Land Located at 406 Church Street and Further Described as Lot 4A, Block 93, of the Original Town Addition, Brenham, Washington County, Texas (Case Number P-19-041)		
SUMMARY STATEMENT: The subject property was recently acquired by Bank of Brenham, N.A. and is zoned as R-2, Mixed Residential Use Zoning District. The subject tract consists of 0.186 acres platted as Lot 4A, Block 93 as part of the Original Town Addition and is generally located midblock on the west side of Church Street between West First Street and West Second Street and addressed as 406 Church Street. The Bank of Brenham, N.A., the property owner/applicant, also owns the adjacent property to the west that is developed as the main bank building for Bank of Brenham located at 501 South Austin Street. The property owner/applicant plans to develop the subject tract as a parking lot with driveway access via Church Street for additional employee and patron off-street parking. The Bank of Brenham, N.A. has requested that the subject site be rezoned to B-2, to be contiguous with the current zoning of the adjacent bank property and thus allow adjoining and proposed parking area use by-right. The proposed rezoning request is in accordance with future land use map adopted in Historic Past, Bold Future: Plan 2040, the City of Brenham Comprehensive Plan which suggests that Downtown uses that include office uses as appropriate at this location. Public comments concerning this proposed rezoning were received prior to the Planning and Zoning Commission meeting and during the Public Hearing regarding required screening from adjacent residential properties. Current City Ordinances require a screening and buffer area, between B-2 and R-2 land uses.		

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): On November 25, 2019, the Planning and Zoning Commission upheld the staff recommendation and unanimously voted to recommend approval of the proposed rezoning request to a Commercial Research and Technology Use District (B-2). A. PROS: Noted as part of an expanded Downtown in the 2040 Comprehensive Plan, allowing the proposed rezoning request would be in keeping with the land use policies stated in the Comprehensive Plan that “The downtown Brenham area and the Mixed Use Downtown Adjacent areas should be a focus for office, retail and service activities in appropriate locations relative to existing residential uses. . .” B. CONS: No cons are foreseen at this time.
ALTERNATIVES (In Suggested Order of Staff Preference): 1. Approve the requested zoning change, as recommended by the Planning and Zoning Commission; 2. Deny the requested zoning change.
ATTACHMENTS: (1) Ordinance for first reading; and (2) Staff Report
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the Official Zoning Map of the Code of Ordinances to Change the Zoning from a Mixed Residential Use District (R-2) to a Commercial, Research and Technology Use District (B-2) on an approximately 0.186 acre tract of land located at 406 Church Street and further described as Lot 4A, Block 93, of the Original Town Addition, Brenham, Washington County, Texas
APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES, AND THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FROM MIXED RESIDENTIAL DISTRICT (R-2) TO A COMMERCIAL, RESEARCH AND TECHNOLOGY DISTRICT (B-2) ON AN APPROXIMATELY 0.186 ACRE TRACT OF LAND DESCRIBED AS LOT 4A IN BLOCK 93 OF ORIGINAL TOWN ADDITION, IN BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, the owner(s) of the 0.186 acres of land generally located midblock on the west side of Church Street between West First Street and West Second Street, addressed as 406 Church Street, and being further described as Lot 4A in Block 93 of the Original Town Addition, in Brenham, Washington County, Texas, (the "Property"), have requested that the Property be rezoned; and

WHEREAS, the City of Brenham has adopted Appendix A – "Zoning" of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts; and

WHEREAS, Appendix A – "Zoning" of the City of Brenham Code of Ordinance authorizes the City Council to grant zoning changes by adopting ordinances amending Appendix A for each individual permanent zoning change; and

WHEREAS, at least ten (10) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting on November 25, 2019; and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

WHEREAS, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham are hereby amended by changing the zoning district classification from a Mixed Residential District (R-2) to a Commercial, Research and Technology District (B-2) on approximately 0.186 acres of land addressed as 406 Church Street, and further described as Lot 4A in Block 93 of the Original Town Addition, in Brenham, Washington County, Texas, said area of land being further described and depicted in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 2. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the ____ day of December 2019.

PASSED and APPROVED on its second reading this the ____ day of December 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit "A"

VOL. 1695 PAGE 782

EXHIBIT "A"

BEING A 0.186 ACRE TRACT OF LAND SITUATED IN THE A. HARRINGTON LEAGUE, ABSTRACT 55, AND BEING ALL THAT CERTAIN CALLED 0.180 ACRE TRACT OF LAND AS RECORDED IN VOLUME 673, PAGE 795, DEED RECORDS OF WASHINGTON COUNTY, TEXAS, SAID 0.186 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1 inch iron pipe found marking the southeast corner of the herein described tract, being also the northeast corner of a 0.5816 acre tract recorded in Volume 1021, Page 281, Official Records of Washington County, Texas, and lying in the West right-of-way (ROW) line of Church Street;

THENCES75°15'08" W with the North boundary line of the said 0.5816 acre tract a distance of 138.44 feet to a 1/2 inch iron pipe found for the southwest corner of the herein described tract, being also the northwest corner of the said 0.5816 acre tract, being also the southeast corner of a 0.470 acre tract recorded in Volume 1013, Page 842, Official Records of Washington County, Texas;

THENCEN08°15'50" W with the East boundary line of the said 0.470 acre tract a distance of 62.05 feet to a 1/2 inch iron rod found for the northwest corner of the herein described tract, being also the southwest corner of a 0.1901 acre tract recorded in Volume 1282, Page 1044, Official Records of Washington County, Texas;

THENCEN77°25'45" E with the South boundary line of the said 0.1901 acre tract a distance of 135.56 feet to a fence post found for the northeast corner of the herein described tract, being also the southeast corner of the said 0.1901 acre tract, and lying in the West ROW line of Church Street;

THENCES 10°39'58" E with the West ROW line of Church Street a distance of 56.65 feet to the PLACE OF BEGINNING and containing 0.186 acre of land.

STATE OF TEXAS
COUNTY OF WASHINGTON

I hereby certify that this instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the volume and page of the OFFICIAL RECORDS of Washington County, Texas, as stamped hereon by me on



Beth A. Rothamel
Beth Rothamel, County Clerk
Washington County, Texas

OCT 11 2019

Beth A. Rothamel
WASHINGTON COUNTY CLERK

BATCO of 2019
\$ 34.75

FILED FOR RECORD
WASHINGTON COUNTY TEXAS
2019 OCT 10 PM 4:26



CASE NUMBER P-19-041
ZONE CHANGE REQUEST – 406 CHURCH STREET

STAFF CONTACT: Shauna Laauwe, AICP, Project Planner

OWNERS/APPLICANTS: Bank of Brenham, N.A.

ADDRESS/LOCATION: 406 Church Street (Exhibit A)

LEGAL DESCRIPTION: Lot 4A in Block 93 of the Original Town Addition

LOT AREA: Approximately 0.186 acres

ZONING DISTRICT/USE: Mixed Residential Use District (R-2) / Commercial (Exhibit B)

FUTURE LAND USE: Downtown

REQUEST: A request to change the zoning classification from a Mixed Residential Use District (R-2) to a Commercial Research and Technology Use District (B-2) (Exhibit C)

BACKGROUND:

The subject property was recently acquired by the Bank of Brenham, N.A. and is zoned as R-2, Mixed Residential Use Zoning District. The subject tract consists of 0.186 acres of land located at 406 Church Street, that is east of and adjacent to the existing Bank of Brenham property/building. The property owner/applicant would like to demolish the existing residence on the subject property and utilize the lot to provide access to the Bank's adjacent property via a driveway and/or parking for Bank customers and employees. Bank of Brenham, N.A. has requested that the property be rezoned to B-2, Commercial Research and Technology Use District, to match the Bank's existing zoning.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

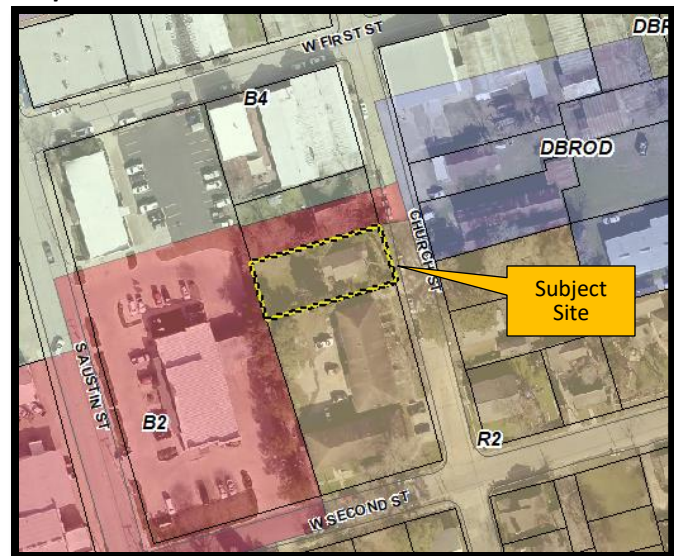
The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – "Zoning" of the Brenham Code of Ordinances). They are as follows:

- (1) The city's zoning should recognize and seek to preserve the small-town attributes that make Brenham a special place for its citizens to live, work and play. *Please refer to Map 1 on the following page for a visual of the current zoning described herein.*

The subject property is located in the vicinity of Downtown with a mixture of commercial, single-family and multiple-family residential uses. The 0.186-acre tract is located midblock on the west side of Church Street. The adjacent properties to the west and north are also owned by the Bank of Brenham and zoned B-2, Commercial Research and Technology District, with the west lot developed as the main bank building and the north lot currently utilized as a single-family residence.

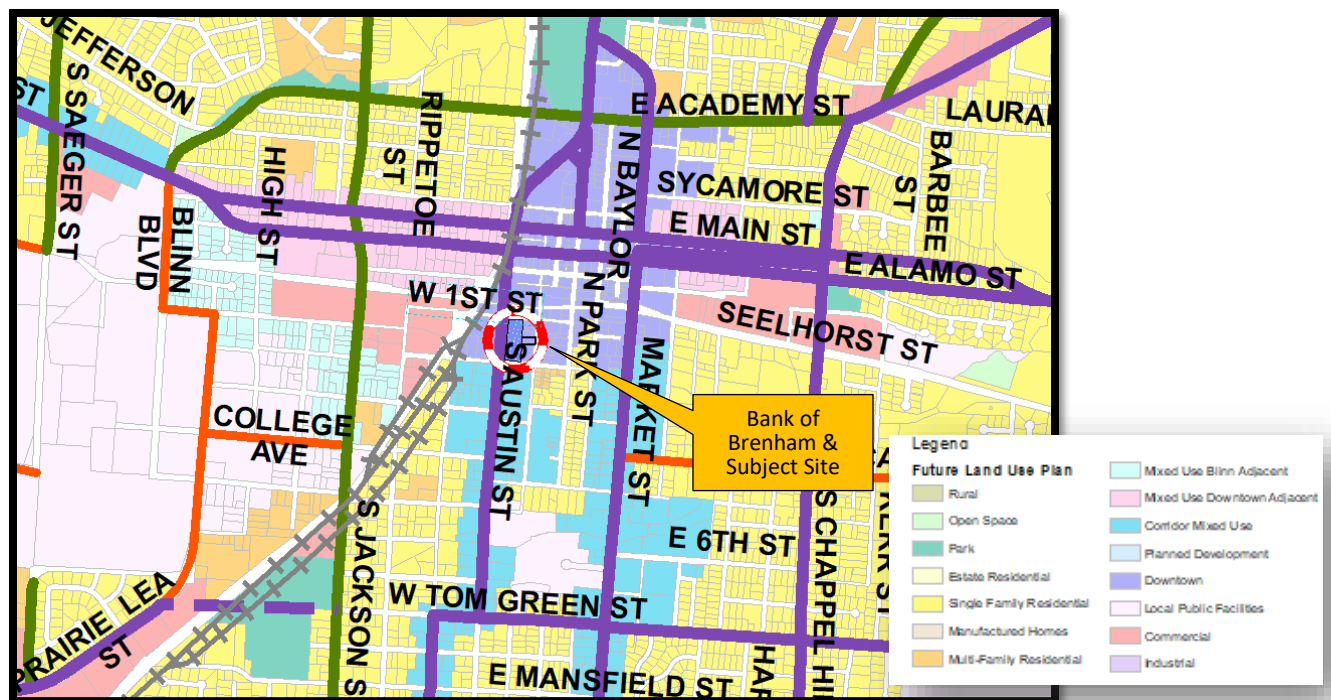
The adjacent property to the south is located within the B-1, Local Business Mixed District and is developed as multi-family residential. To the east, across Church Street, is the edge of the DBROD, Downtown Brenham Residential Overlay District. A vacant commercial building is currently located on the lot directly across from the subject property. To the southeast, across Church Street, is R-2, and developed as single-family residential. As evidenced, the subject property is located within an area of a mixture of land uses, and approval of the proposed rezoning request would allow the property to develop additional parking for Bank of Brenham patrons and employees while in keeping with the development pattern in the general vicinity.

Map 1



- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

Future Land Use Map



The future land use map portion of the Historic Past, Bold Future: Plan 2040 Comprehensive Plan suggests the subject property may be appropriate as part of a future expanded Downtown use area. The requested B-2 zoning district allows for a mixture of land uses, including banks, and would permit the Bank of Brenham to develop the existing residential tract with additional bank related uses. Above, is a portion of the Future Land Use Map that includes the subject site and surrounding area. Within the circle portion, the existing developed bank property is to the west with the rectangular shape outlined and the subject property is outlined adjacent to the east. The purple

area on the Future Land Use Plan denotes the Downtown, while the light blue area signifies future Corridor Mixed Use. If the requested zone change were approved, the subject property would allow for the development of the proposed additional off-street parking and driveway access via Church Street. Among the goals for Downtown envisioned in the Comprehensive Plan is the need for expanded commercial retail and services and office space. The Comprehensive Plan states in Land Use Policies, Retail/Office that “The downtown Brenham area and the Mixed Use Downtown Adjacent areas should be a focus for office, retail and service activities in appropriate locations relative to existing residential uses. . .” Staff finds that the proposed request is a step towards the goals and land use policies established in the Comprehensive Plan.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.

The subject property is an existing single-family residence with existing utility services located along the right-of-way for Church Street, which can be utilized to serve the future development on the property.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed zone change, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the project site were mailed notifications of this request on November 14, 2019. The Notice of Public Hearing was published in the *Brenham Banner* on November 14, 2019. Any public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the property will be required to adhere to minimum building setbacks and maximum impervious coverage requirements for property zoned B-2. The B-2 zoning district establishes a maximum impervious coverage limit of 85% and minimum building setbacks. Staff finds that the adopted zoning ordinance and building codes will ensure that adequate open spaces are preserved on the subject property.

- (7) The city's zoning should insure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all of its residents.

Staff finds that the requested zoning and associated land uses are appropriate for this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted future land use map.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its

neighborhoods.

Rezoning the subject property to B-2 will allow the Bank of Brenham to develop the subject property in accordance with property in the general vicinity. The subject 0.186 acres of land abuts the

existing 1.6-acre Bank of Brenham site to the west, that encompasses 401 and 501 S. Austin Street. Allowing the property to develop as a commercial use will allow the existing bank to expand their existing off-street parking, provide an access via Church Street and to allow for potential future development. Nearby residential uses are located adjacent to the south and to the southeast, across Church Street. The residential use to the south is a multifamily apartment complex comprised of two structures on the northwest corner of Church Street and West Second Street. The residential uses across Church Street to the southeast appear to be single-family homes. The adjacent property to the north currently has a single-family residence, however, it is also owned by the Bank of Brenham and will be demolished, and the land utilized as part of the parking lot expansion plans. Further north along West First Street are commercial properties located within the B-4, Neighborhood Business District and developed as the vacant historic Pearl Distribution Building located at 201 West First Street and the Brenham Brewery located at 205 West First Street. Additionally, at the time of development, Brenham Bank will be required to adhere to applicable minimum setback, buffer yard and screening requirements. Buffer yard and screening requirements are established to preserve existing neighborhoods and ensure adjacent property develops in a manner compatible to nearby land uses. Staff finds that the proposed zoning would preserve the existing neighborhood culture and is consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.

Staff finds that rezoning the property will protect and not adversely affect adjacent existing and future residential neighborhoods due to the City's adopted development standards including requirements related to buffer yards, screening, setbacks, drainage and landscaping.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures that negatively impact adjoining properties.

Staff is unable to determine any destabilizing effects on the neighboring properties should this rezoning request be approved. The proposed B-2 zoning for the subject property is more aligned with the existing commercial/office and multifamily uses on the subject block than the current single-family use.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community and regional markets.

Vacant property zoned for commercial uses is located generally north and east of the subject tract. Staff finds that the proposed zoning change, if approved, will allow for orderly commercial development that will serve the properties in the general vicinity and the community. Similarly, there are additional properties in the vicinity that could be utilized for residential use.

- (12) The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.

The property is primarily residential, and staff is not aware of any hindrances on the property created by legally existing incompatible uses. The applicant's request will allow the subject property to develop with a mixture of land uses and if approved, will allow for compatible, legally conforming development.

(13)The city's zoning should provide for orderly growth and development throughout the city.

Staff finds that the proposed rezoning change will allow for the orderly growth and development in the general vicinity and throughout the city. Furthermore, the proposed rezoning is in accordance with the City's adopted Future Land Use Map and Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the evidence and findings above, Staff recommends **approving** the proposed rezoning of the 0.186-acre tract generally located at 406 Church Street to the Commercial Research and Technology zoning use district (B-2) for the subject tract.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter
- E. Site photos

EXHIBIT "A"
AERIAL MAP



EXHIBIT "B"
ZONING MAP



EXHIBIT "C"
FUTURE LAND USE MAP

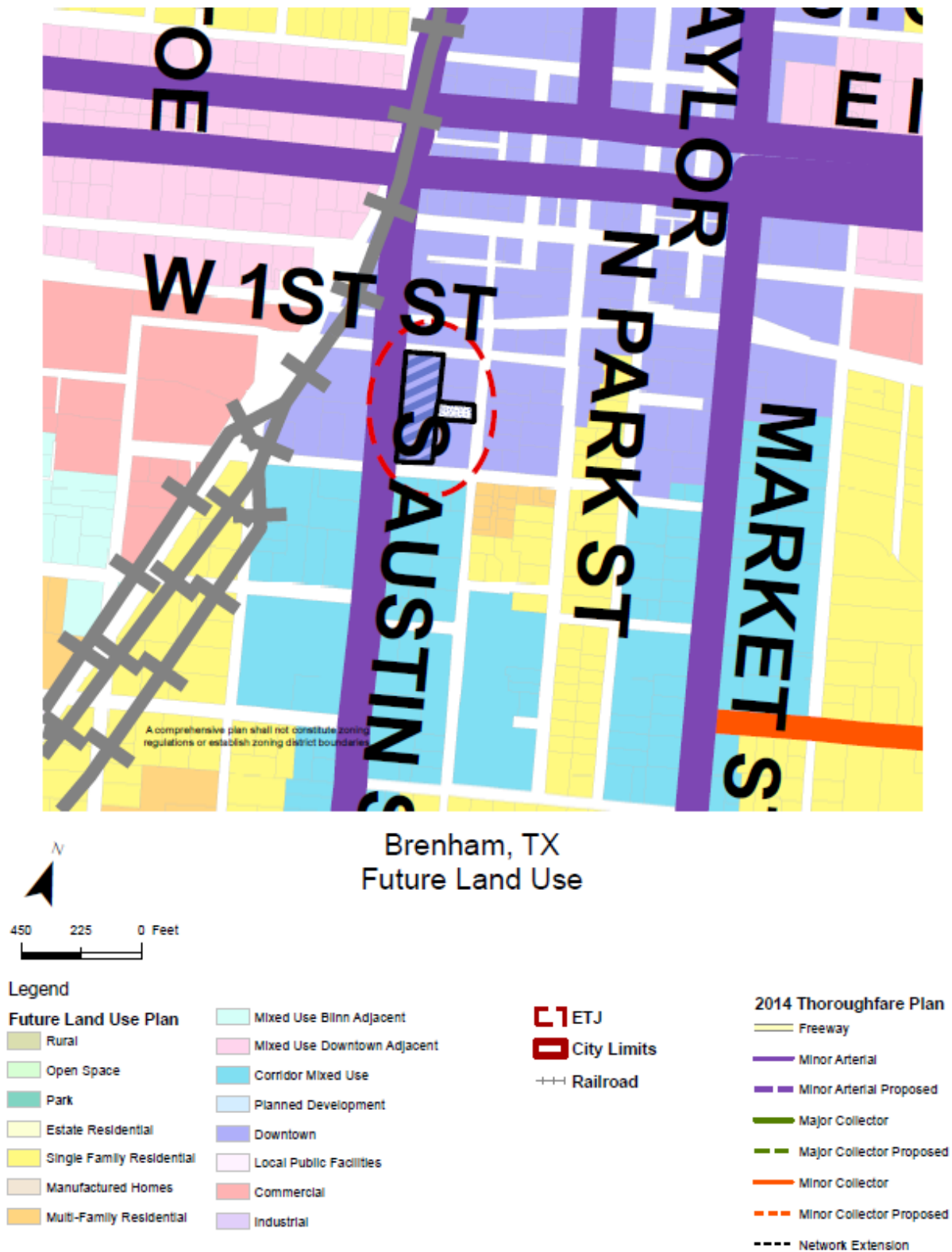


EXHIBIT "D"
ZONE CHANGE COVER LETTER



October 28, 2019

City of Brenham
Planning and Zoning Commission
PO Box 1059
200 W. Vulcan Street
Brenham, TX 77834

Dear Planning and Zoning Commission,

Thank you for the opportunity to file for a request to rezone our newly acquired property at 406 Church Street in Brenham, Texas. The property is currently zoned R2 and the request is to rezone the property to B2. The Bank's adjacent property is currently zoned B4 and B2. We feel this request is reasonable because the property will no longer serve as a residence (which would be removed) and would provide for future access to the Bank's adjacent property via a driveway and/or parking for Bank customers and employees.

The Bank will work with City personnel to appropriately file the correct documents and take appropriate action in a timely manner in order to use the property in this new manner once the rezoning request is approved. Thank you.

Sincerely,


Jim E. Kruse
President
Bank of Brenham



EXHIBIT "E"
SITE PHOTOS



Subject Site- 406 Church Street



Adjacent Multi-Family to South



Property directly across Church Street to East.



Looking North on Church Street from Site.



Looking South on Church Street from Site.



AGENDA ITEM 11

DATE OF MEETING: December 5, 2019	DATE SUBMITTED: November 25, 2019	
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Dane Rau	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Establishing the Drainage Utility Charge Rate Tariff Schedules for the City of Brenham's Municipal Drainage Utility System		
SUMMARY STATEMENT: During the FY19-20 Budget Workshops, the Council received briefings from City staff and had numerous discussions concerning the January 1, 2020 implementation of a drainage utility system and charges for addressing storm water issues. The Council chose to include the drainage utility system with revenue estimates from drainage utility charges in the 2019-20 adopted budget. Under Texas Local Government Code Chapter 552, Subchapter C, "Municipal Drainage Utility Systems", prior to adoption, the governing body must publish a notice in a newspaper of general circulation in the municipality stating the time and place of a public hearing to consider the proposed ordinance. The proposed ordinance must be published in full and must be published three times before the date of the public hearing, with the first publication on or before the 30 th day before the date of the hearing. City staff has complied with these requirements.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance for first reading		
FUNDING SOURCE (Where Applicable):		
AGENDA ITEM DESCRIPTION: Approve an Ordinance on its first reading establishing the Drainage Utility Charge Rate Tariff Schedules for the City of Brenham's Municipal Drainage Utility System		
APPROVALS: James Fisher		

ORDINANCE NO _____

AN ORDINANCE ESTABLISHING THE DRAINAGE UTILITY CHARGE RATE TARIFF SCHEDULES FOR DRAINAGE SERVICES FOR THE CITY OF BRENHAM, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Brenham, Texas deems it necessary to establish rates charged for drainage services to its customers in order to provide for conditions of utility service which promote the health, safety and welfare of the citizens of Brenham, Texas.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Brenham, Texas:

SECTION 1.

The City Council of the City of Brenham, Texas, does hereby adopt the Drainage Utility Charge Rate Tariff Schedules for drainage services as set forth in the attached Exhibit "A", which is made a part hereof for all purposes pertinent, to be effective with utility billing occurring on or after January 1, 2020.

SECTION II.

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as set forth herein and on the attached Exhibit "A" shall be effective with utility billing occurring on and after January 1, 2020.

PASSED AND APPROVED on its first reading this the ____ day of December 2019.

PASSED AND APPROVED on its second reading this the ____ day of December 2019.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

CITY OF BRENHAM
200 WEST VULCAN STREET P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

EXHIBIT "A"

ALL SERVICES	1100	1101
TARIFF	SECTION NO.	SHEET NO.
DRAINAGE CHARGE RATE SCHEDULE	JANUARY 1, 2020	
SECTION TITLE	EFFECTIVE DATE	

RESIDENTIAL RATE DA

This rate is applicable to any residential improved lot or tract within the City limits, including single-family home, condominium, manufactured/mobile home, or duplex. The equivalent residential unit (ERU) is determined through an inventory of all improved single-family residential parcels in the City and determination of Impervious Area for each parcel. Impervious Area means a surface which is highly resistant to infiltration by water, including but not limited to, buildings, driveways, walkways, and parking lots. The sum of single-family Impervious Area, divided by the number of single-family units, equates to 1 ERU or 2,685 square feet. The monthly charge for each residential unit is based on 1.0 ERU.

The monthly charge shall be as follows:

Residential	ERU	MONTHLY FEE
	1.0	\$3.75

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

APPEALS

The appeals process is as follows;

1. Submit a written adjustment request to Utility Customer Service. The form can be found on the City website or picked up at Utility Customer Service in City Hall. Supplemental information and documentation may be required.
2. The City has fifteen (15) business days to review the appeal and respond to the requester. Adjustments are prospective and may be retroactive for no greater than three (3) billings prior to the adjustment request. If the City denies the appeal, the customer has fifteen (15) business days from date of notification to appeal the decision to the City Manager. The Burden of Proof is the responsibility of the requester.

CITY OF BRENHAM
200 WEST VULCAN STREET P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

EXHIBIT "A"

ALL SERVICES	1100	1102
TARIFF	SECTION NO.	SHEET NO.
DRAINAGE CHARGE RATE SCHEDULE	JANUARY 1, 2020	
SECTION TITLE	EFFECTIVE DATE	

EXEMPTIONS

In accordance with the Texas Local Government Code, Section 552.053 and Section 580.003, the following are exempt:

1. Property with proper construction and maintenance of a wholly sufficient and privately-owned drainage system;
2. Property held and maintained in its natural state, until such time that the property is developed, and all public infrastructure constructed has been accepted by the municipality where the property is located for maintenance;
3. A subdivided lot, until a structure is built on the lot and a Certificate of Occupancy is issued by the City;
4. State agencies; and
5. Public or private institutions of higher education.

CITY OF BRENHAM
200 WEST VULCAN STREET P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

EXHIBIT "A"

ALL SERVICES	1100	1103
TARIFF	SECTION NO.	SHEET NO.
DRAINAGE CHARGE RATE SCHEDULE	JANUARY 1, 2020	
SECTION TITLE	EFFECTIVE DATE	

NON-RESIDENTIAL RATES D1, D10, D30, D50

The rates are applicable to all improved properties within the City limits other than residential property, including but not limited to, commercial, industrial, institutional, government, multi-family, triplex, quadplex, non-profit and religious organization land uses. Non-Residential Rates are based on Impervious Area determined for each parcel. Impervious Area means a surface which is highly resistant to infiltration by water, including but not limited to, buildings, driveways, walkways, and parking lots. Non-Residential ERUs = Impervious Area/2,685 square feet (Residential 1 ERU), with a minimum of 1 ERU and a maximum ERU dependent upon ERU tier placement.

The monthly charge shall be as follows:

	ERU TIERS BASED ON ACTUAL IMPERVIOUS SF	MINIMUM MONTHLY FEE	MAXIMUM MONTHLY FEE
Non-Residential	Less Than 1.0 to 10.0	\$3.75	\$37.50
	Greater Than 10.0 to 30.0		\$90.00
	Greater Than 30.0 to 50.0		\$150.00
	Greater Than 50.0		\$300.00

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

APPEALS

The appeals process is as follows;

1. Submit a written adjustment request to Utility Customer Service. The form can be found on the City website or picked up at Utility Customer Service in City Hall. Supplemental information and documentation may be required.
2. The City has fifteen (15) business days to review the appeal and respond to the requester. Adjustments are prospective and may be retroactive for no greater than three (3) billings prior to the adjustment request. If the City denies the appeal, the customer has fifteen (15) business days from date of notification to appeal the decision to the City Manager. The Burden of Proof is the responsibility of the requester.

CITY OF BRENHAM
200 WEST VULCAN STREET P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

EXHIBIT "A"

ALL SERVICES	1100	1104
TARIFF	SECTION NO.	SHEET NO.
DRAINAGE CHARGE RATE SCHEDULE	JANUARY 1, 2020	
SECTION TITLE	EFFECTIVE DATE	

EXEMPTIONS

In accordance with the Texas Local Government Code, Section 552.053 and Section 580.003, the following are exempt:

1. Property with proper construction and maintenance of a wholly sufficient and privately-owned drainage system;
2. Property held and maintained in its natural state, until such time that the property is developed, and all public infrastructure constructed has been accepted by the municipality where the property is located for maintenance;
3. A subdivided lot, until a structure is built on the lot and a Certificate of Occupancy is issued by the City;
4. State agencies; and
5. Public or private institutions of higher education.



AGENDA ITEM 12

DATE OF MEETING: December 5, 2019	DATE SUBMITTED: November 29, 2019
DEPT. OF ORIGIN: Economic Development	SUBMITTED BY: Carolyn D. Miller
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION
ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the Boundaries of Tax Increment Reinvestment Zone Number One, City of Brenham, Texas to Include Additional Property Containing Approximately 199 Acres Generally Located Along the US Highway 290, South Market Street and West Main Street Corridors and Being Wholly Located Within the Corporate Limits of the City of Brenham, Texas	
SUMMARY STATEMENT: This Public Hearing is for the purpose of allowing interested parties to speak regarding the amendment of TIRZ Number One to include an additional 199 acres as depicted in <i>Exhibit B</i> . The notice of this Public Hearing was published in the Brenham Banner Press on Friday, November 22, 2019. We are also asking Council to approve an Ordinance on its first reading to amend the TIRZ Number One to include this additional approximately 199 acres.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Ordinance for first reading	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the boundaries of Tax Increment Reinvestment Zone Number One, City of Brenham, Texas to include additional property containing approximately 199 acres generally located along the US Highway 290, South Market Street and West Main Street corridors and being wholly located within the corporate limits of the City of Brenham, Texas	
APPROVALS: James Fisher	

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AMENDING TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF BRENHAM, TEXAS TO INCLUDE ADDITIONAL PROPERTY CONTAINING APPROXIMATELY 199 ACRES, PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, DESCRIBING THE BOUNDARIES OF THE ZONE, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City of Brenham, Texas (the "City"), pursuant to Chapter 311 of the Texas Tax Code, as amended (the "Act"), may designate a geographic area within the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, pursuant to and as required by the Act, the City Council of the City (the "City Council") prepared a *Tax Increment Reinvestment Zone Number One, City of Brenham, Texas Preliminary Project and Finance Plan* (the "Preliminary Project and Finance Plan") for Tax Increment Reinvestment Zone Number One, City of Brenham, Texas (the "Zone") containing the approximate 2,201 acres described and depicted in **Exhibit A**, attached hereto, and incorporated herein for all purposes (the "Property"); and

WHEREAS, on December 20, 2018 the City Council approved Ordinance No. 0-18-019, approving the Preliminary Project and Finance Plan and creating the Zone; and

WHEREAS, the City Council, pursuant to the Act, may amend the boundary of the Zone if the area satisfies the requirements of the Act; and

WHEREAS, a notice of public hearing on amending the Zone to include approximately 199 acres, as described and depicted in **Exhibit B** attached hereto (the "Additional Property"), was published in the Brenham Banner-Press, a newspaper of general circulation within the City on November 22, 2019, which date is not later than the seventh (7th) day prior to the public hearing held on December 5, 2019; and

WHEREAS, on December 5, 2019, the City Council held a public hearing to consider an amendment to the Zone to include the Additional Property; and

WHEREAS, at the public hearing on Thursday, December 5, 2019, interested persons were allowed to speak for or against including the Additional Property in the Zone, the proposed amended boundaries of the Zone, and the concept of tax increment financing, and owners of property in the Additional Property were given a reasonable opportunity to protest the inclusion of their property in the Zone; and

WHEREAS, the City has taken all actions required to amend the Zone including, but not limited to, all actions required by the Act, the Texas Open Meetings Act, and all other laws applicable to the amendment of the Zone.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS:

SECTION 1. DESIGNATION OF THE AMENDED ZONE. Pursuant to the authority of, and in accordance with the requirements of the Act, the City Council hereby amends the Zone to include the Additional Property, as described and depicted in **Exhibit B** attached hereto.

SECTION 2. SEVERABILITY. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no provision of this Ordinance shall become inoperative because of the invalidity of another provision; and, therefore, all provisions of this Ordinance are declared severable for that purpose.

SECTION 3. OPEN MEETINGS. It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage as provided by law.

PASSED and APPROVED on its first reading the ____ day of December 2019

PASSED and APPROVED on its second reading the ____ day of December 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Effective: _____

APPROVED AS TO FORM:

Cary Bovey, City Attorney

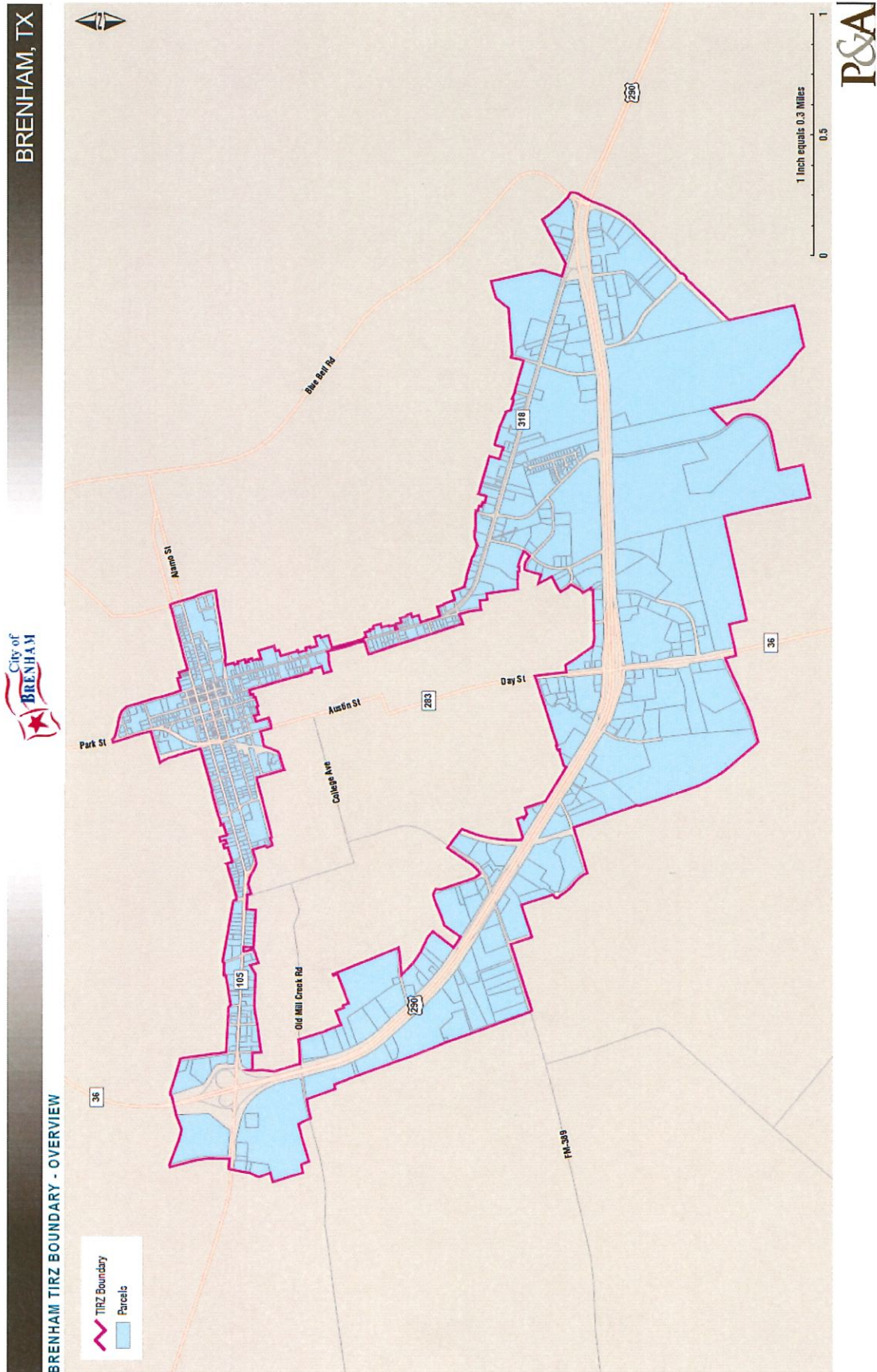
Exhibit A

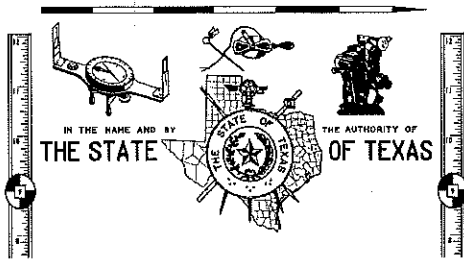
Legal Description and Depiction of the Original Zone Boundary

Exhibit B

Legal Description and Depiction of the Additional Property Boundary

Exhibit A - Depiction of the Zone





HODDE & HODDE
LAND SURVEYING, INC.
Registered Professional Land Surveying
613 E. Blue Bell Road
Brenham, Texas 77833-2411

OFFICE PHONE: (979) 836-5681
FAX: (979) 836-5683
www.hoddesurveying.com
TEXAS FIRM REGISTRATION NO. 10018800

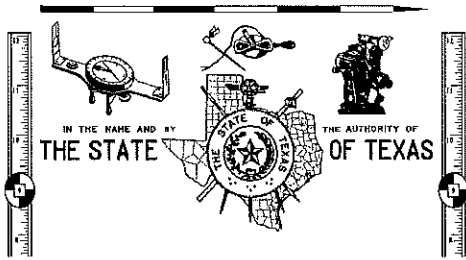
City of Brenham – 2019 TIRZ Description

All that certain tract or parcel of land, lying and being situated in the City of Brenham, Washington County, Texas, part of the Philip Coe Survey, A-31, the A. Harrington Survey, A-55, the M. N. Combs Survey, A-124, the John Long Survey, A-156, the Isaac Lee Survey, A-77, the Hiram Lee Survey, A-76 and the John Carrington Survey, A-120, and being described as follows:

BEGINNING at a 1/2 inch iron rod found with Id. cap (RPLS 5650) on an East margin of N. Dixie Street for the Southwest corner of the Clayton M. Collier, et ux tract called 35.31 acres, as recorded in Volume 1601, Page 386, in the Official Records of Washington County, Texas, being the Northwest corner of Lot 1 of Little Sandy Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 521B and 522A, in the Plat Records of Washington County, Texas, being a Northeast corner hereof;

THENCE in a Southerly direction, along East margins of said N. Dixie Street, being along the West line of said Lot 1 of said Little Sandy Subdivision, being along West lines of Lots 2, 3 and 4 of said Little Sandy Subdivision, crossing Westbrooke Cove with an East margin of said N. Dixie Street, being along the West line of Lot 10 of said Little Sandy Subdivision, being along the West line of the Norris Rohde tract called 17,500.0 square feet, as recorded in Volume 774, Page 39, in said Official Records, being along the West line of the Bernice Rohde tract, as conveyed in Volume 225, Page 279, in the Deed Records of Washington County, Texas and described in Volume 188, Page 278, in said Deed Records for an East line hereof to the Southwest corner of said Bernice Rohde tract, common with the Northwest corner of Lot One (called 1.360 acres) of the Boundary Line Adjustment Plat of Munz Addition, a map or plat recorded in Plat Cabinet File Slide Number 372A, in said Plat Records, being on an East margin of said N. Dixie Street for an interior corner hereon;

THENCE in an Easterly direction, being along the South line of said Bernice Rohde tract, being along the South line of the Norris Rohde tract called 0.54 acre, as recorded in Volume 321, Page 369, in said Deed Records, being along the North line of said Lot One (called 1.360 acres) and Lot Two (called 0.904 acre) of said Boundary Line Adjustment Plat, also crossing N. Drumm Street, and being along the South line of Lot 27 of Meadow Park Subdivision, Section 2, a map or plat recorded in Plat Cabinet File Slide Numbers 114A, 114B and 115A, in said Plat Records, being along the South line of the James Hanath and Debra L. Hanath tract called 0.294 acre, as recorded in Volume 1137, Page 779, in said Official Records, being along the North line of the Marvin G. Green and Nina McAllister tract called 0.1976 acre, as recorded in Volume 637, Page 416, in said Official Records, being along the North line of the Robert Frederick Weiss tract called 0.6962 acre (Tract 3), as conveyed in Volume 1113, Page 532, in said Official Records and described in Volume 568, Page 210, in said Official Records for a North line hereof to the Southeast corner of said Hanath tract called 0.294 acre, being the Northeast corner of said Weiss tract called 0.6962 acre, being on a West margin of Munz Street for an exterior corner hereof;



HODDE & HODDE
LAND SURVEYING, INC.
Registered Professional Land Surveying
613 E. Blue Bell Road
Brenham, Texas 77833-2411

OFFICE PHONE: (979) 836-5681
FAX: (979) 836-5683
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TEXAS FIRM REGISTRATION NO. 10018800

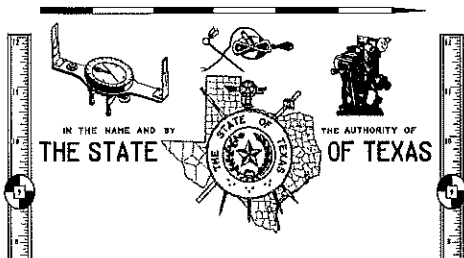
THENCE in a Southeasterly direction, crossing said Munz Street for a Northeast line hereof to the Southwest corner of Lot 10 of the Woodson's Meadow Park Subdivision, Section No. 1, a map or plat recorded in Plat Cabinet File Slide Numbers 74A and 74B, in said Plat Records, being the Northwest corner of the Robert Frederick Weiss tract called 0.887 acre (Tract 2), as conveyed in Volume 1113, Page 532, in said Official Records and described in Volume 763, Page 87, in said Official Records, being on an East margin of said Munz Street for an interior corner hereof;

THENCE in an Easterly direction, along the South lines of Lots 10, 9, 8, 7, 6 and 5 of said Woodson's Meadow Park Subdivision, Section No. 1, being along the North line of said Weiss tract called 0.887 acre, being along the North line of the Four Seasons HVAC, Inc. tract called 0.407 acre, as recorded in Volume 1622, Page 327, in said Official Records, being along the North line of Reserve "A" (called 0.1225 acre), Tract 1 (called 0.6763 acre) and Tract 2 (called 0.7988 acre) of Pecht's Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 328B, in said Plat Records, being along the North line of the Allan D. Stelter and 3 CS Investments, LLC tract called 27,356.5 square feet, as recorded in Volume 1519, Page 238, in said Official Records for a North line hereof to the Southeast corner of said Lot 5 of said Woodson's Meadow Park Subdivision, Section No. 1, being the Northeast corner of said Allan D. Stelter and 3 CS Investments, LLC tract called 27,356.5 square feet, being on the West line of the GGS Holdings, LTD. residue of original tract called 4.745 acres, as recorded in Volume 1314, Page 158, in said Official Records for an interior corner hereof;

THENCE in a Northerly direction, being along a portion of the West line of said GGS Holdings, LTD. residue of original tract called 4.745 acres, being along the East line of said Lot 5 of Woodson's Meadow Park Subdivision, Section No. 1 for a West line hereof to the Northeast corner of said Lot 5 of said Woodson's Meadow Park Subdivision, being the Southwest corner of Lot 6 (called 0.3666 acre) of Valley Meadow Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 371B, in said Plat Records, being the Northwest corner of said GGS Holdings, LTD. residue of original tract called 4.745 acres for an exterior corner hereof;

THENCE in an Easterly direction, being along the South line of Lot 6 of said Valley Meadow Subdivision, being along the North line of said GGS Holdings, LTD. residue of original tract called 4.745 acres, severing the City of Brenham, Texas tract called 0.6266 acre (additional right of way for Saeger Street), as recorded in Volume 859, Page 769, in said Official Records, for a North line hereof to the intersection of the projection of the South line of said Lot 6 of said Valley Meadow Subdivision with the East line of said City of Brenham, Texas tract called 0.6266 acre for an interior corner hereof, being on the occupied West margin of N. Saeger Street;

THENCE in a Northeasterly direction, crossing said N. Saeger Street for a Northwest line hereof to the Southwest corner of Lot 1 of West Park Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 120B and 121A, in said Plat Records, being the Northwest corner of the Brandon Lockett Special Needs Trust, William J. Rankin, Trustee tract called 1.264 acres, as recorded in Volume 1010, Page 454, in said Official Records, being on an East margin of said N. Saeger Street for an exterior corner hereof;



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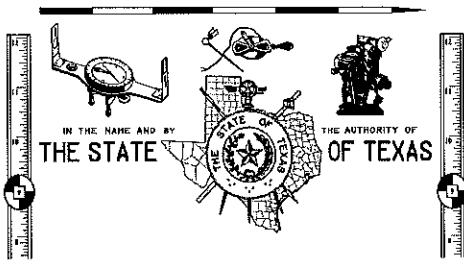
THENCE in an Easterly direction, being along the South line of said Lot 1 of said West Park Subdivision, being along the South lines of Lots 7, 8, 9 and 10 of said West Park Subdivision, being along the South line of the T.S.C.P., LLC tract called 0.2604 acre, as conveyed in Volume 1347, Page 306, in said Official Records and described in Volume 1263, Page 699, in said Official Records, being along the South lines of Lots 8, 9, 10, 11, 12, 13, 14 and 15 of Schumacher 2nd Addition, a map or plat recorded in Plat Cabinet File Slide Number 11B, in said Plat Records, being along the North line of said Brandon Lockett Special Needs Trust, William J. Rankin, Trustee tract called 1.264 acres, being along the North line of the Ryan J. Ogrodowicz, et ux tract called 1.089 acres, as recorded in Volume 1616, Page 462, in said Official Records, being along the North line of Lot 1 (called 0.266 acre) of the Replat of the Ed. Roessler Tract of Ellwood Estates Addition, a map or plat recorded in Plat Cabinet File Slide Number 677A, in said Plat Records, being along the North line of a 20 feet wide private roadway of Ellwood Estates Addition, a map or plat recorded in Plat Cabinet File Slide Number 27A, in said Plat Records, being along the North lines of Lots 1, 2, 3, 4, 5, 6 and 7, Block B of said Ellwood Estates Addition, and crossing Schumacher Street also known as League Street (unopened) for a North line hereof to the intersection of the projection of last said line with the East margin of said Schumacher Street for an exterior corner hereof, being on a West line of a City of Brenham tract (deed not found);

THENCE in a Southerly direction, being along the East margin of said Schumacher Street, being along a West line, in part, of said City of Brenham tract for an East line hereof to an interior corner hereof, being situated in Martin Luther King Jr. Parkway and being at the intersection of the projection of the East margin of said Schumacher Street with the projection of the South line of Hudson Addition, a map or plat recorded in Plat Cabinet File Slide Number 249A, in said Plat Records;

THENCE in a Northeasterly direction, crossing said Martin Luther King Jr. Parkway, being along the South lines of Lots 15, 13, 12, 11, 10, 9, 8, 7, 6, 5 and 1, Block No. 2 of said Hudson Addition, being along the North margin of Hudson Street for a Northwest line hereof to the Southeast corner of said Lot 1, Block No. 2 of said Hudson Addition, being on a North margin of said Hudson Street at its intersection with a West margin of Lockett Street for a Northeast corner hereof;

THENCE in a Southerly direction, crossing said Hudson Street with a West margin of said Lockett Street, being along the East line of Lot 18, Block 1 of Boundary Line Adjustment Plat of a portion of Hudson Addition, a map or plat recorded in Plat Cabinet File Slide Number 299A, in said Plat Records, being along a portion of the East line of Lot 17, Block No. 1 of said Hudson Addition for an East line hereof to an interior corner hereof, being on an East line of said Lot 17, Block No. 1 of said Hudson Addition, and being at the intersection of the projection of the South line of Lot 9 of Autumn Run Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 218A and 218B, in said Plat Records with a West margin of said Lockett Street;

THENCE in an Easterly direction, crossing said Lockett Street, being along the South line of said Lot 9 of said Autumn Run Subdivision, being along a South line of the Jefferson Square Housing, Ltd. tract called 3.974 acres, as recorded in Volume 1553, Page 789, in said Official Records, being along North lines of Reserve A (called 1.354 acres) of said Autumn Run Subdivision for North lines hereof



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to a Southeast corner of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being the Northeast corner of said Reserve A of said Autumn Run Subdivision, being on the West line of the Edward A. Hillery, et ux tract called 0.489 acre, as recorded in Volume 1230, Page 85, of said Official Records for an interior corner hereof;

THENCE in a Northerly direction, being along a portion of the West line of said Hillery tract called 0.489 acre, being along an East line of said Jefferson Square Housing, Ltd. tract called 3.974 acres for a West line hereof to an interior corner of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being a Northwest corner of said Hillery tract called 0.489 acres for an exterior corner hereof;

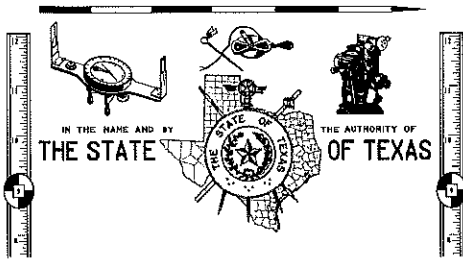
THENCE in an Easterly direction, being along a South line of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being along the North line of said Hillery tract called 0.489 acre for a North line hereof to an interior corner of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being the Northeast corner of said Hillery tract called 0.489 acre for an exterior corner hereof;

THENCE in a Southerly direction, being along a West line of said Jefferson Square Housing Ltd. tract called 3.974 acres, being along a portion of the East line of said Hillery tract called 0.489 acre for an East line hereof to a Southwest corner of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being the Northwest corner of the Steven Chovanec, et ux tract called 0.353 acre, as recorded in Volume 1599, Page 398, in said Official Records, being on the East line of said Hillery tract called 0.489 acre for an interior corner hereof;

THENCE in an Easterly direction, being along a South line of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being along the North line of said Chovanec tract called 0.353 acre for a North line hereof to a Southeast corner of said Jefferson Square Housing, Ltd., tract called 3.974 acres, being the Northeast corner of said Chovanec tract called 0.353 acre, being on the West line of the Zachary Dean Murphrey and Linsey Dean-Murphrey tract called 0.691 acre, as recorded in Volume 1431, Page 63, in said Official Records for an interior corner hereof;

THENCE in a Northerly direction, being along an East line of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being along a portion of the West line of said Murphrey tract called 0.691 acre for a West line hereof to an interior corner of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being the Northwest corner of said Murphrey tract called 0.691 acre for an exterior corner hereof;

THENCE in an Easterly direction, being along a South line of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being along the North line of said Murphrey tract called 0.691 acre for a North line hereof to a Southeast corner of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being the Northeast corner of said Murphrey tract called 0.691 acre, being on a West line of a 12 feet wide alley as mentioned in said Volume 1431, Page 63, in said Official Records for a Northeast corner hereof;



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THENCE in a Southerly direction, being along a portion of the East line of said Murphrey tract called 0.691 acre, being along a portion of a West line of said 12 feet wide alley for an East line hereof to an interior corner hereof, being on the East line of said Murphrey tract called 0.691 acre, being on a West line of said 12 feet wide alley at its intersection with the projection of the South line of the Randy W. Dean, et ux tract called 0.834 acre (Tract 2), as recorded in Volume 1218, Page 375, in said Official Records;

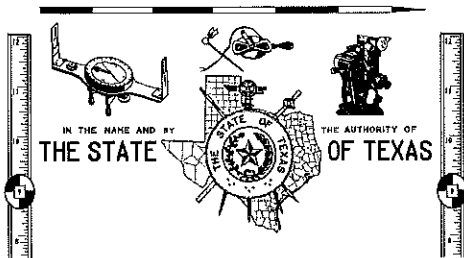
THENCE in an Easterly direction, crossing said 12 feet wide alley, being along the South line of said Dean tract called 0.834 acre, being along the North line of the Ronald Castro, et ux tract called 8,098.4 square feet, as recorded in Volume 1511, Page 27, in said Official Records, being along the North line of the Benjamin J. Menjares, et ux tract called 0.1944 acre, as recorded in Volume 1495, Page 467, in said Official Records, being along the North line of The Baroque Trust tract called 16,827 square feet, as recorded in Volume 1468, Page 111, in said Official Records for a North line hereof to the Southeast corner of said Dean tract called 0.834 acre, being the Northeast corner of said The Baroque Trust tract called 16,827 square feet, being on a West line of Mulberry Street for an interior corner hereof;

THENCE in a Northerly direction, being along a portion of a West margin of said Mulberry Street, being along a portion of the East line of said Dean tract called 0.834 acre for a West line hereof to an exterior corner hereof, being on a West margin of said Mulberry Street at its intersection with the projection of the South line of the Alfonso Rogelio Soto tract called 0.304 acre, as recorded in Volume 1420, Page 233, in said Official Records, being on an East line of said Dean tract called 0.834 acre;

THENCE in an Easterly direction, crossing said Mulberry Street, being along the South line of said Soto tract called 0.304 acre, being along the North line of the Akbarali Mohammad tract called 23,883 square feet, as recorded in Volume 1489, Page 541, in said Official Records and described in Volume 1472, Page 878, in said Official Records for a North line hereof to the Southeast corner of said Soto tract called 0.304 acre, being the Northeast corner of said Mohammad tract called 23,883 square feet, being on a West margin of Burleson Street for an interior corner hereof;

THENCE in a Northeasterly direction, crossing said Burleson Street for a Northwest line hereof to the Southwest corner of Lot 10 of Willow Place Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 116A, in said Plat Records, being at the intersection of an East margin of said Burleson Street with a North margin of Vulcan Street for an exterior corner hereof;

THENCE in an Easterly direction, being along a North margin of said Vulcan Street, being along the South line of Lot 10 of said Willow Place Subdivision, being along the South lines of Lots 9 and 8 of said Willow Place Subdivision, being along the South line of Michelle L. Leakes tract called 0.2586 acre, as recorded in Volume 966, Page 220, in said Official Records for a North line hereof to the Southeast corner of said Leakes tract called 0.2586 acre, being at the intersection of a North margin of said Vulcan Street with a West margin of Rippetoe Street for an exterior corner hereof;



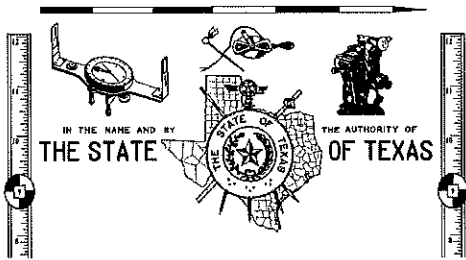
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THENCE in an Easterly direction, crossing said Rippetoe Street with a North margin of said Vulcan Street for a North line hereof to the Southwest corner of Lot 11 of Mrs. Imogene Chappel's Subdivision of the O.A. Seward Homestead, a map or plat recorded in Plat Cabinet File Slide Number 34B, in said Plat Records, being at the intersection of a North margin of said Vulcan Street with an East margin of said Rippetoe Street for an interior corner hereof;

THENCE in an Easterly direction, being along a North margin of said Vulcan Street, being along the South line of said Lot 11 of said Mrs. Imogene Chappel's Subdivision of the O.A. Seward Homestead, crossing Schuerenberg Street, being along the South line of Lot 12 of said Mrs. Imogene Chappel's Subdivision of the O.A. Seward Homestead, being along the South line of the Raina M. Arreola, et al tract called 0.310 acre, as recorded in Volume 1636, Page 518, in said Official Records, crossing Baber Street with a North margin of said Vulcan Street, being along the South lines of Lot No. 5, Lot No. 6 and Lot No. 7 of Schramm-Grabow Subdivision, a map or plat recorded in Volume 65, Page 103, in said Deed Records, being along the South line of Patricia Elledge tract called 0.218 acre, as recorded in Volume 1518, Page 530, in said Official Records, being along the South line of the Donald L. Boecker tract called 0.218 acre, as recorded in Volume 1088, Page 267, in said Official Records, being along the South line of the Bennie Lee Graves tract, as conveyed in Volume 1492, Page 935, in said Official Records and described as 10,447.50 square feet in Volume 784, Page 256, in said Official Records, being along the South line of the Russell W. Kuecker, et ux tract called 0.150 acre, as recorded in Volume 1194, Page 885, in said Official Records for a North line hereof to the Southeast corner of said Kuecker tract called 0.150 acre, being at the intersection of a North margin of said Vulcan Street with a West margin of N. Austin Street for an interior corner;

THENCE in a Northerly direction, being along West margins of said N. Austin Street, being along the East line of said Kuecker tract called 0.150 acre, being along the East line of the Kristopher T. Gore tract called 0.09 acre, as recorded in Volume 1428, Page 966, in said Official Records, being along the East line of the John J. Baird, et ux tract, as recorded in Volume 1006, Page 941, in said Official Records, being along the East line of the John L. McCorkle, et ux tract called 0.37 acre, as recorded in Volume 1585, Page 251, in said Official Records, being along the East line of the Alejandra Saldierna, et vir tract called 0.39 acre, as recorded in Volume 1591, Page 820, in said Official Records, being along the East line of the Marcupial Development, LLC tract called 0.163 acre, as recorded in Volume 1590, Page 711, in said Official Records, being along the East line of the Richard Eugene Laskoskie tract called 3,720 square feet, as recorded in Volume 1386, Page 110, in said Official Records, being along the East line of the Atlow Investments, LLC tract called 0.088 acre, as recorded in Vol. 1557, Page 160, in said Official Records, crossing W. Jefferson Street with a West margin of said N. Austin Street, being along the East line of the Tayler Williams tract called 0.146 acre, as recorded in Volume 1493, Page 793, in said Official Records, being along the East line of the Sergio Pinon Arellano tract, as conveyed in Volume 1304, Page 860, in said Official Records and described as 10,521 square feet, as recorded in Volume 999, Page 964, in said Official Records, being along East lines of the Iglesia Bautista Fuente de Vida tract called 1.462 acres, as recorded in Volume 1485, Page 450, in said Official Records, and crossing Martin Luther King Jr. Parkway for West lines hereof to a Northwest corner hereof, being on a North margin of said Martin Luther King Jr. Parkway at its intersection with the projection of an East line of said Iglesia Bautista Fuente de



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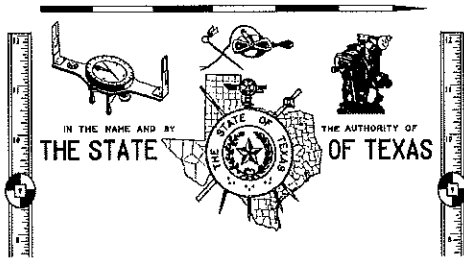
Vida tract called 1.462 acres, being on a South line of a tract or parcel of land apparently owned by Burlington Northern and Santa Fe Railroad (BNSF);

THENCE in an Easterly direction, being along the North margin of said Martin Luther King Jr. Parkway, being along a portion of the South line of said tract apparently owned by BNSF, and crossing the BNSF Railroad right of way, being along the South line of the Data Commercial Realty, LLC tract called 1.433 acres, as recorded in Volume 1480, Page 430, in said Official Records, being along the South line of the City of Brenham, Texas tract called 5.07 acres, as recorded in Volume 119, Page 384, in said Deed Records for a North line hereof to the Southeast corner of said City of Brenham, Texas tract called 5.07 acres, being at the intersection of a North margin of said Martin Luther King, Jr. Parkway with a West margin of N. Park Street for an interior corner hereof;

THENCE in a Northerly direction, being along West margins of said N. Park Street, being along East lines of said City of Brenham, Texas tract called 5.07 acres, being along an East line of the City of Brenham, Fireman's Park tract, being part of a tract called 14-1/2 acres, transferred at a Regular Meeting dated March 14, 1917 and described in Volume 16, Page 385, in said Deed Records for a West line hereof to a Northwest corner hereof, being on a West margin of said N. Park Street, and being at the Northwest corner of the Bridge on said N. Park Street;

THENCE in an Easterly direction, crossing said N. Park Street for a North line hereof to the most Northern Northeast corner hereof, being on an East margin of said N. Park Street at its intersection with a Northeast margin of N. Market Street, being at the Southeast corner of said Bridge, being on a Southwest line of the City of Brenham, Henderson Park tract, being part of a called 4.67 acres (Tract No. 2), as recorded in Volume 167, Page 1, in said Deed Records;

THENCE in a Southeasterly and Southerly direction, being along Northeast and East margins of said N. Market Street, being along Southwest and South lines of said City of Brenham, Henderson Park tract, crossing N. Valley Street with a Northeast margin of said N. Market Street, being along the South line of the Laura-Ann Bazan, et vir tract called 0.2297 acre, as recorded in Volume 1394, Page 437, in said Official Records, being along the Southwest line of the Brazos Valley Vending, Inc. tract called 11,281.1 square feet (Tract 1), as recorded in Volume 1574, Page 125, in said Official Records and described in Volume 324, Page 840, in said Deed Records, being along the South line of the Brazos Valley Vending, Inc. tract called 1,046 square feet (Tract 2), as recorded in Volume 1574, Page 125, of said Official Records and described in Volume 486, Page 320, in said Official Records, crossing the Old Market Street with a Northeast margin of said N. Market Street, being along West lines of the Towers of Belle, LP tract called 2.478 acres, as recorded in Volume 1499, Page 702, in said Official Records, being along the West line of the John Jarred Patout tract called 9,251 square feet, as recorded in Volume 955, Page 300, in said Official Records, crossing E. Academy Street with an East margin of said N. Market Street, being along the West line of The First Baptist Church of Brenham tract, as recorded in Volume 857, Page 278, in said Official Records, being along the West line of the First Baptist Church of Brenham tract called 0.647 acre (Fifth Tract), as recorded in Volume 691, Page 160, in said Official Records, crossing Pahl Street with an East margin of said N. Market Street, being along West lines of The First Baptist Church of Brenham, Texas tract called



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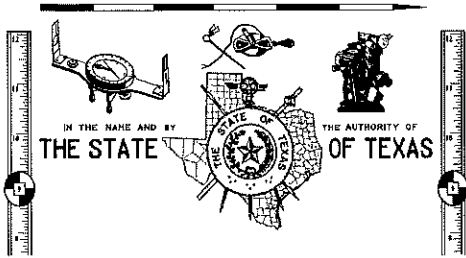
2.932 acres, as recorded in Volume 807, Page 334, in said Official Records, crossing Sycamore Street with an East margin of said N. Market Street, being along the West line of The First Baptist Church of Brenham, Texas tract called 0.631 acre, as recorded in Volume 879, Page 744, in said Official Records for Northeast and East lines hereof to the Southwest corner of said The First Baptist Church of Brenham, Texas tract called 0.631 acre, being the Northwest corner of the Coastal Banc Savings Association tract called 0.380 acre (Tract Two), as recorded in Volume 701, Page 117, in said Official Records, being on an East margin of said N. Market Street for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said The First Baptist Church of Brenham, Texas tract called 0.631 acre, being along the North line of said Coastal Banc Savings Association tract called 0.380 acre, being along the North line of the Coastal Banc Savings Association tract called 7,879.9 square feet (Tract One), as recorded in Volume 701, Page 117, in said Official Records, being along the North line of the William M. Witte, et ux tract called 0.6448 acre, as recorded in Volume 628, Page 746, in said Official Records, being along the North line of the Mary Louise Thornhill tract called 0.444 acre, as recorded in Volume 1503, Page 115, in said Official Records for a North line hereof to the Southeast corner of said The First Baptist Church of Brenham, Texas tract called 0.631 acres, being the Northeast corner of said Thornhill tract called 0.444 acre, being on the West line of the Marjorie Routt Young tract (Tract 3), as recorded in Volume 1299, Page 626, in said Official Records for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Young tract (Tract 3), being along a portion of the East line of said Thornhill tract called 0.444 acre for an East line hereof to the Southwest corner of said Young tract (Tract 3), being the Northwest corner of the Regal Villa Town Houses Subdivision, a map or plat recorded in the Plat Cabinet File Slide Numbers 164B through 167B, in said Plat Records, being on the East line of said Thornhill tract called 0.444 acre for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Young tract (Tract 3), being along the South line of the Marjorie Routt Young tract called 9,030 square feet (Tract 4), as recorded in Volume 1299, Page 626, in said Official Records, being along the North line of said Regal Villa Town Houses Subdivision for a North line hereof to the Southeast corner of said Young tract called 9,030 square feet (Tract 4), being the Northeast corner of said Regal Villa Town Houses Subdivision, being on the West line of the Colonial Oaks Apartments, LLC tract called 0.562 acre, as recorded in Volume 1504, Page 242, in said Official Records for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Colonial Oaks Apartments, LLC tract called 0.562 acre, being along the East line of said Regal Villa Town Houses Subdivision for an East line hereof to the Southwest corner of said Colonial Oaks Apartments, LLC tract called 0.562 acres, being the Southeast corner of said Regal Villa Town Houses Subdivision, being on the North margin of E. Main Street for an interior corner hereof;

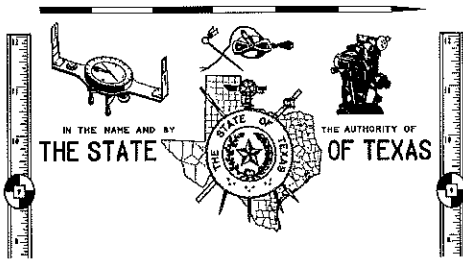


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THENCE in an Easterly direction, being along North margins of said E. Main Street, being along the South line of said Colonial Oaks Apartments, LLC tract called 0.562 acre, being along the South line of the 409 East Main, LLC tract called 0.588 acre, as recorded in Volume 1550, Page 311, in said Official Records, being along the South line of the Cindy Sue Clay-Schumpert tract, as recorded in Volume 1125, Page 795, in said Official Records, being along the South line of the William D. Gilbert, et ux tract called 0.479 acre, as recorded in Volume 1636, Page 693, in said Official Records, being along the South line of the Rodney Lacina tract, as recorded in Volume 1156, Page 289, in said Official Records, being along the South line of The Heritage Society of Washington County tract called 0.30445 acre, as recorded in Volume 1417, Page 1, in said Official Records, crossing Ross Street with a North margin of said E. Main Street, being along the South line of the CGR, L.L.C. tract called 1.265 acres, as conveyed in Volume 1195, Page 77, in said Official Records and described in Volume 271, Page 155, in said Deed Records, being along the South line of the Rodolfo Vazquez-Alvarez and Edith Gutierrez-Gutierrez tract called 0.283 acre, as recorded in Volume 1376, Page 617, in said Official Records, being along the South line of the Mary Sealy tract called 0.286 acre, as recorded in Volume 1541, Page 479, in said Official Records, being along the South line of the Donald Dickerson and Mark Dickerson tract, as conveyed in Volume 1574, Page 99, in said Official Records and described in Volume 293, Page 499, in said Deed Records, being along the South line of the Tracy Rene Haack and Sheila Marie Webb tract (Tract Three), as conveyed in Volume 1646, Page 558, in said Official Records and described in Volume 1420, Page 707, in said Official Records, being along the South line of the Abel A. Espinoza, et ux tract called 0.344 acre, as recorded in Volume 776, Page 631, in said Official Records, being along the South line of The City of Brenham, Texas tract, as recorded in Volume 355, Page 317, in said Official Records, being along the South line of The City of Brenham, Texas tract called 0.581 acre, as recorded in Volume 353, Page 777, in said Official Records, being along the South line of The City of Brenham, Texas tract called 0.521 acre, as recorded in Volume 333, Page 648, in said Official Records, crossing N. Chappell Hill Street with a North margin of said E. Main Street for a North line hereof to an "X" found cut in concrete on a North margin of said E. Main Street at its intersection with an East margin of N. Chappell Hill Street for the Southwest corner of Reserve #3 (called 0.912 acre) of L.D. Brown Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 182A, in said Plat Records, being a Northeast corner hereof;

THENCE in a Southerly direction, being along East margins of said N. Chappell Hill Street and along East margins of S. Chappell Hill Street, crossing said E. Main Street with an East margin of said S. Chappell Hill Street, being along the West line of the StanPac USA, LLC tract, as recorded in Volume 1445, Page 563, in said Official Records, crossing E. Alamo Street with an East margin of said S. Chappell Hill Street, being along the West line of The City of Brenham, Texas tract called 1.851 acres, as recorded in Volume 334, Page 12, in said Official Records, crossing Mangrum Street with an East margin of said S. Chappell Hill Street, being along the West line of the Brenham Independent School District tract called 1.72 acres, as recorded in Volume 321, Page 60, in said Official Records, crossing Burlington Northern & Santa Fe Railroad (BNSF) and Seelhorst Street with an East margin of said S. Chappell Hill Street for East lines hereof to the Northwest corner of the Blue Bell Creameries, L.P. tract called 2.779 acres (Tract 8), as recorded in Volume 1324, Page 838, in said



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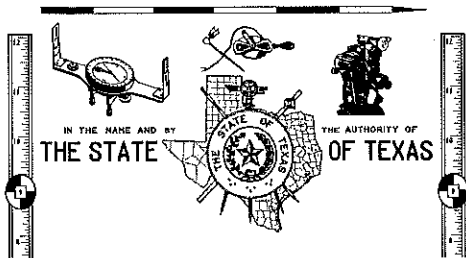
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Official Records, being on an East margin of said S. Chappell Hill Street at its intersection with a South margin of said Seelhorst Street for a Southeast corner hereof;

THENCE in a Westerly direction, crossing said S. Chappell Hill Street with a South margin of said Seelhorst Street, being along the North line of the Blue Bell Creameries, L.P. tract, as conveyed in Volume 1020, Page 280, in said Official Records and described as 2.496 acres (Tract 9) in Volume 981, Page 146, in said Official Records, being along the North line of the Blue Bell Creameries, L.P. tract called 0.175 acre (Tract 6), as recorded in Volume 1324, Page 838, in said Official Records, being along the North line of the Naylor's Wood Floors, LLC tract called 5.649 acres, as recorded in Volume 1371, Page 322, in said Official Records, being along the North line of Tract 2 (called 0.205 acre) of Scheel Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 408A, in said Plat Records, being along the North line of the M&T Gonzales Corporation tract called 4,578 square feet (Tract Two), as recorded in Volume 1571, Page 599, in said Official Records, being along North lines of the residue of Tract 1 (called 2.543 acres) of said Scheel Subdivision, being along the North line of the Burleson Holdings, LTD. tract called 0.8285 acre (Sixth Tract), as recorded in Volume 762, Page 474, in said Official Records, crossing Dark Street with a South margin of said Seelhorst Street, being along the North line of the Ewald Investments LLC tract, as recorded in Volume 1626, Page 625, in said Official Records, being along the North line of the Wilbert Adler and Rosemary Adler tract called 8,825.0 square feet, as recorded in Volume 268, Page 69, in said Deed Records, being along the North line of the Tommie Wellmann tract called 0.276 acre, as recorded in Volume 1204, Page 726, in said Official Records, crossing Mills Street with a South margin of said Seelhorst Street, being along the North line of the Big Investment Group, LLC tract called 0.197 acre (Tract Three), as recorded in Volume 1384, Page 401, in said Official Records, being along the North line of the Big Investment Group, LLC tract called 0.184 acre (Tract One), as recorded in Volume 1384, Page 401, in said Official Records for South lines hereof to the Northwest corner of said Big Investment Group, LLC tract called 0.184 acre, being at the intersection of a South margin of said Seelhorst Street with an East margin of Clinton Street for an exterior corner hereof;

THENCE in a Northwesterly direction, being along a Southwest line hereof, crossing said Clinton Street to the Northeast corner of the City of Brenham tract called 0.658 acre, as recorded in Volume 1427, Page 875, in said Official Records, being on a South right of way line of said Burlington Northern & Santa Fe Railroad (BNSF) at its intersection with a West margin of said Clinton Street for an interior corner hereof;

THENCE in a Westerly direction, being along a South right of way line of said Burlington Northern & Santa Fe Railroad (BNSF), being along a North line of said City of Brenham tract called 0.658 acre for a South line hereof to the most Northern Northwest corner of said City of Brenham tract called 0.658 acre, being the Northeast corner of the City of Brenham, Texas tract called Regulator Station Site sometimes referred to as Lot 6 of Noel's Addition, as recorded in Volume 224, Page 602, in said Deed Records, being on a South right of way line of said BNSF Railroad for an interior corner hereof;



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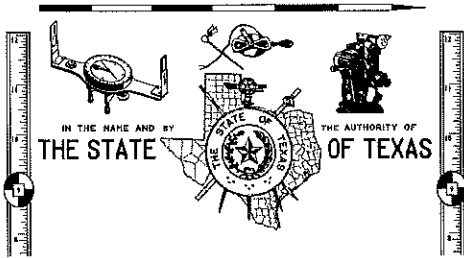
THENCE in a Southerly direction, being along West lines of said City of Brenham tract called 0.658 acre, being along the East line of said City of Brenham, Texas tract called Regulator Station Site, being along the East line of The City of Brenham, Texas tract called 4,947 square feet, as recorded in Volume 349, Page 412, in said Deed Records for an East line hereof to an interior corner of said City of Brenham tract called 0.658 acre, being the Southeast corner of said The City of Brenham, Texas tract called 4,947 square feet for an exterior corner hereof;

THENCE in a Westerly direction, being along a North line of said City of Brenham tract called 0.658 acre, being along the South line of said The City of Brenham, Texas tract called 4,947 square feet for a South line hereof to a Northwest corner of said City of Brenham tract called 0.658 acre, being the Southwest corner of said The City of Brenham, Texas tract called 4,947 square feet, being the Northeast corner of the Carterbug Holdings, LLC tract called 0.428 acre, as recorded in Volume 1507, Page 312, in said Official Records for an interior corner hereof;

THENCE in a Southerly direction, being along a West line of said City of Brenham tract called 0.658 acre, being along the East line of said Carterbug Holdings, LLC tract called 0.428 acre, being along an East line of the Allan Ray Michalak, et ux tract, as conveyed in Volume 724, Page 564, in said Official Records and described in Volume 82, Page 335, in said Deed Records for an East line hereof to the Southwest corner of said City of Brenham tract called 0.658 acre, being an interior corner of said Michalak tract for an interior corner hereof;

THENCE in an Easterly direction, being along a South line of said City of Brenham tract called 0.658 acre, being along a North line of said Michalak tract for a North line hereof to a Southeast corner of said City of Brenham tract called 0.658 acre, being a Northeast corner of said Michalak tract, being on a West line of the Allen T. Fabisack, et ux tract called 0.278 acre, as recorded in Volume 931, Page 787, in said Official Records for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Fabisack tract called 0.278 acre, being along the West line of the Mark S. Pieratt, et al Last Will of Marie L. Pieratt tract, as conveyed in Volume 1339, Page 132, in said Official Records and described as 0.1156 acre (Tract Two) in Volume 1169, Page 620, in said Official Records, being along the West line of the Mark S. Pieratt, et al Last Will of Marie L. Pieratt tract, as conveyed in Volume 1339, Page 132, in said Official Records and described as 0.1005 acre (Tract One) in Volume 1169, Page 620, in said Official Records, being along an East line of said Michalak tract, being along the East line of the Dorothy Lee Michalak tract called 23,249 square feet, as recorded in Volume 1042, Page 35, in said Official Records and described in Volume 204, Page 131, in said Deed Records for an East line hereof to the Southwest corner of said Pieratt tract called 0.1005 acre, being the Southeast corner of said Dorothy Lee Michalak tract called 23,249 square feet, being on the North line of the Kevin Wayne Lampe, et al tract called 0.258 acre, as recorded in Volume 1436, Page 928, in said Official Records for an exterior corner hereof;



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THENCE in a Westerly direction, being along a portion of the North line of said Lampe tract called 0.258 acre, being along a South line of said Dorothy Lee Michalak tract called 23,249 square feet for a South line hereof to the Northwest corner of said Lampe tract called 0.258 acre, being an exterior angle point of said Dorothy Lee Michalak tract called 23,249 square feet, being a Northeast corner of the Raymond P. Bass, et ux tract called 0.725 acre, as recorded in Volume 1519, Page 375, in said Official Records for an interior corner hereof;

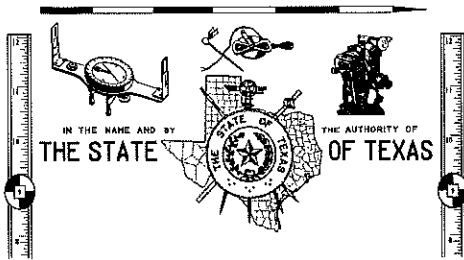
THENCE in a Southerly direction, being along the West line of said Lampe tract called 0.258 acre, being along an East line of said Bass tract called 0.725 acre for an East line hereof to the Southwest corner of said Lampe tract called 0.258 acre, being an interior corner of said Bass tract called 0.725 acre for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of the South line of said Lampe tract called 0.258 acre, being along a North line of said Bass tract called 0.725 acre for a North line hereof to a Northeast corner of said Bass tract called 0.725 acre, being the Northwest corner of Lot 16A-2 (called 0.245 acre) of Boundary Line Adjustment of Clinton Street Addition, a map or plat recorded in Plat Cabinet File Slide Number 314A, in said Plat Records, being on the South line of said Lampe tract called 0.258 acre for an exterior corner hereof;

THENCE in a Southerly direction, being along the West line of said Lot 16A-2 of said Boundary Line Adjustment of Clinton Street Addition, being along an East line of said Bass tract called 0.725 acre for an East line hereof to the Southwest corner of said Lot 16A-2 of said Boundary Line Adjustment of Clinton Street Addition, being the Southeast corner of said Bass tract called 0.725 acre, being on the North line of the Kay Briscoe tract called 21,060 square feet, as recorded in Volume 1444, Page 383, in said Official Records for an exterior corner hereof;

THENCE in a Westerly direction, being along a portion of the North line of said Briscoe tract called 21,060 square feet, being along a portion of the South line of said Bass tract called 0.725 acre for a South line hereof to the Northwest corner of said Briscoe tract called 21,060 square feet, being the Northeast corner of the Kay Briscoe tract called 0.283 acre, as recorded in Volume 1394, Page 523, in said Official Records, being on the South line of said Bass tract called 0.725 acre for an interior corner hereof;

THENCE in a Southerly direction, being along the West line of said Briscoe tract called 21,060 square feet, being along the East line of said Briscoe tract called 0.283 acre, being along the East line of the Kay Briscoe tract called 0.279 acre, as recorded in Volume 1394, Page 513, in said Official Records for an East line hereof to the Southwest corner of said Briscoe tract called 21,060 square feet, being the Southeast corner of said Briscoe tract called 0.279 acre, being on the North line of the Isaac Bowie Jones, et ux tract, as recorded in Volume 640, Page 485, in said Official Records for an exterior corner hereof;



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THENCE in a Westerly direction, being along a portion of the North line of said Jones tract, being along a portion of the South line of said Briscoe tract called 0.279 acre for a South line hereof to the Northwest corner of said Jones tract, being the Northeast corner of the Paul W. Briscoe, et al tract called 12,782 square feet, as recorded in Volume 1452, Page 757, in said Official Records, being on the South line of said Briscoe tract called 0.279 acre for an interior corner hereof;

THENCE in a Southerly direction, being along the West line of said Jones tract, being along the East line of said Briscoe tract called 12,782 square feet for an East line hereof to the Southwest corner of said Jones tract, being the Southeast corner of said Briscoe tract called 12,782 square feet, being on the North line of the Todd Routh, et al tract called 2.872 acres, as recorded in Volume 964, Page 508, in said Official Records for an interior corner hereof;

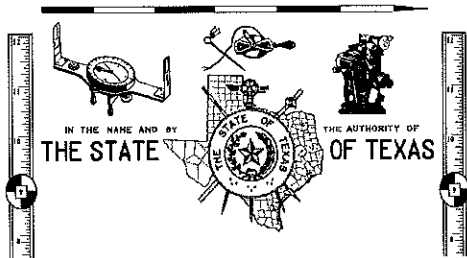
THENCE in an Easterly direction, being along a portion of the North line of said Routh tract called 2.872 acres, being along the South line of said Jones tract for a North line hereof to the Northeast corner of said Routh tract called 2.872 acres, being the Southeast corner of said Jones tract, being on a West margin of said Clinton Street for a Northeast corner hereof;

THENCE in a Southerly direction, being along a West margin of said Clinton Street, being along the East line of said Routh tract called 2.872 acres for an East line hereof to the Southeast corner of said Routh tract called 2.872 acres, being the Northeast corner of the Mary Evelyn Wilder Lot 3B as shown on a map recorded in Volume 1080, Page 6, in said Official Records, being on a West margin of said Clinton Street for an exterior corner hereof;

THENCE in a Westerly direction, being along a portion of the South line of said Routh tract called 2.872 acres, being along the North line of said Wilder Lot 3B for a South line hereof to the Northwest corner of said Wilder Lot 3B, being the Northeast corner of the Mary Evelyn Wilder Lot 2B as shown on a map recorded in Volume 1049, Page 251, in said Official Records, being on the South line of said Routh tract called 2.872 acres for an interior corner hereof;

THENCE in a Southerly direction, being along the West line of said Wilder Lot 3B, being along the East line of said Wilder Lot 2B for an East line hereof to the Southwest corner of said Wilder Lot 3B, being the Southeast corner of said Wilder Lot 2B, being the Northwest corner of the Mary Evelyn Wilder Lot 3C as shown on a map recorded in Volume 1080, Page 3, in said Official Records, being the Northeast corner of the Mary Evelyn Wilder Lot 2C as shown on a map recorded in Volume 1049, Page 251, in said Official Records for an exterior corner hereof;

THENCE in a Westerly direction, being along the South line of said Wilder Lot 2B, being along the North line of said Wilder Lot 2C for a South line hereof to the Southwest corner of said Wilder Lot 2B, being the Northwest corner of said Wilder Lot 2C, being the Southeast corner of the Mary E. Wilder Lot 1B, as recorded in Volume 1022, Page 52, in said Official Records and as shown on a map recorded in Volume 1049, Page 251, in said Official Records, being the Northeast corner of the Mary E. Wilder Lot 1C, as recorded in Volume 1022, Page 52, in said Official Records and as shown on a map recorded in Volume 1049, Page 251, in said Official Records for an interior corner hereof;



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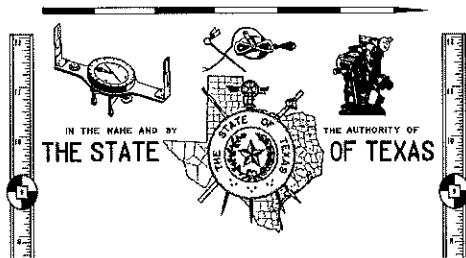
THENCE in a Southerly direction, being along the West line of said Wilder Lot 2C, being along the East line of said Wilder Lot 1C, crossing Pecan Street, being along the West line of the Barbara Ann B. Abshier tract called 10,951 square feet, as recorded in Volume 933, Page 251, in said Official Records, being along an East line of the Dippel and Alfred Interests residue of original tract called 29,762 square feet (First Tract), as recorded in Volume 376, Page 598, in said Deed Records for an East line hereof to the Southwest corner of said Abshier tract called 10,951 square feet, being an interior corner of said Dippel and Alfred Interests residue of original tract called 29,762 square feet for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of the South line of said Abshier tract called 10,951 square feet, being along a North line of said Dippel and Alfred Interest residue of original tract called 29,762 square feet for a North line hereof to a Northeast corner of said Dippel and Alfred Interests residue of original tract called 29,762 square feet, being the Northwest corner of the Virgil Stiewert, et ux tract, as conveyed in Volume 999, Page 178, in said Official Records and described as 9,020 square feet in Volume 910, Page 310, in said Official Records, being on the South line of said Abshier tract called 10,951 square feet for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Stiewert tract called 9,020 square feet, being along an East line of said Dippel and Alfred Interests residue of original tract called 29,762 square feet for an East line hereof to the Southeast corner of said Dippel and Alfred Interests residue of original tract called 29,762 square feet, being the Northeast corner of the Dippel and Alfred Interests residue of original tract called 5,544 square feet (Second Tract), as recorded in Volume 376, Page 598, in said Deed Records, being on the West line of said Stiewert tract called 9,020 square feet for an exterior corner hereof;

THENCE in a Westerly direction, being along a South line of the Dippel and Alfred Interests residue of original tract called 29,762 square feet, being along the North line of said Dippel and Alfred Interests residue of original tract called 5,544 square feet for a South line hereof to the Southeast corner of the Pak Tex Group, Inc. tract called 4,771 square feet, as recorded in Volume 999, Page 848, in said Official Records, being a Southwest corner of said Dippel and Alfred Interests residue of original tract called 29,762 square feet, being the Northwest corner of said Dippel and Alfred Interest residue of original tract called 5,544 square feet, being the Northeast corner of the Pak Tex Group, Inc. residue of original tract called 15,028 square feet, as recorded in Volume 999, Page 851, in said Official Records for an interior corner hereof;

THENCE in a Southerly direction, being along the West line of said Dippel and Alfred Interests residue of original tract called 5,544 square feet, being along the East line of said Pak Tex Group, Inc. residue of original tract called 15,028 square feet, crossing E. Germania Street for an East line hereof to an interior corner hereof, being on a South margin of said E. Germania Street at its intersection with the projection of the East line of said Pak Tex Group, Inc. residue of original tract called 15,028 square feet, being on the North line of the Larry Wahrmond, et ux tract called 12,500 square feet (Tract One), as recorded in Volume 1089, Page 661, in said Official Records;



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THENCE in an Easterly direction, being along a portion of a South margin of said E. Germania Street, being along a portion of the North line of said Wahrmond tract called 12,500 square feet, being along the North line of the Larry Wahrmond, et ux tract called 2,900 square feet (Tract Two), as recorded in Volume 1089, Page 661, in said Official Records for a North line hereof to the Northeast corner of said Wahrmond tract called 2,900 square feet, being the most Northern Northwest corner of the Brenham Lodge No. 6, O.D.H.S. residue of original tract called 1.064 acres, as recorded in Volume 245, Page 237, in said Deed Records, being on a South margin of said E. Germania Street for an exterior corner hereof;

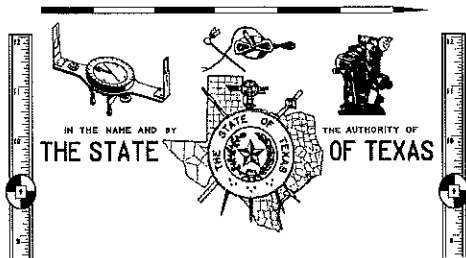
THENCE in a Southerly direction, being along the East line of said Wahrmond tract called 2,900 square feet, being along a West line of said Brenham Lodge No. 6 residue of original tract called 1.064 acres for an East line hereof to the Southeast corner of said Wahrmond tract called 2,900 square feet, being an interior corner of said Brenham Lodge No. 6 residue of original tract called 1.064 acres for an exterior corner hereof;

THENCE in a Westerly direction, being along the South line of said Wahrmond tract called 2,900 square feet, being along a North line of said Brenham Lodge No. 6 residue of original tract called 1.064 acres for a South line hereof to the Southwest corner of said Wahrmond tract called 2,900 square feet, being the Southeast corner of said Wahrmond tract called 12,500 square feet, being the Northeast corner of the Brenham Produce Co. tract, as recorded in Volume 897, Page 157, in said Official Records, being a Northwest corner of said Brenham Lodge No. 6 residue of original tract called 1.064 acres for an interior corner hereof;

THENCE in a Southerly direction, being along a West line of said Brenham Lodge No. 6 residue of original tract called 1.064 acres, being along the East line of said Brenham Produce Co. tract, Volume 897, Page 157 for an East line hereof to the Southwest corner of said Brenham Lodge No. 6 residue of original tract called 1.064 acres, being the Southeast corner of said Brenham Produce Co. tract, Volume 897, Page 157, being on a North line of the Brenham Produce Co. tract called 54,595 square feet, as recorded in Volume 299, Page 254, in said Deed Records for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Brenham Lodge No. 6 residue of original tract called 1.064 acres, being along a portion of the South line of the Brenham Lodge No. 979 Benevolent & Protective Order of Elks tract, as recorded in Volume 98, Page 187, in said Deed Records for a North line hereof to a Northwest corner of the Brenham Independent School District tract called 1.68 acres, as recorded in Volume 139, Page 247, in said Deed Records, being the Northeast corner of said Brenham Produce Co. tract called 54,595 square feet, being on a South line of said Brenham Lodge No. 979 for an exterior corner hereof;

THENCE in a Southerly direction, being along a West line of said Brenham Independent School District tract called 1.68 acres, being along the East line of said Brenham Produce Co. tract called 54,595 square feet for an East line hereof to an interior corner of said Brenham Independent School District tract called 1.68 acres, being the Southeast corner of said Brenham Produce Co. tract called 54,595 square feet for an exterior corner hereof;



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THENCE in a Westerly direction, being along a North line of said Brenham Independent School District tract called 1.68 acres, being along a South line of said Brenham Produce Co. tract called 54,595 square feet for a South line hereof to a Northwest corner of said Brenham Independent School District tract called 1.68 acres, being the Northeast corner of the John T. Young tract called 0.777 acre, as recorded in Volume 1404, Page 746, in said Official Records, being on a South line of said Brenham Produce Co. tract called 54,595 square feet for an interior corner hereof;

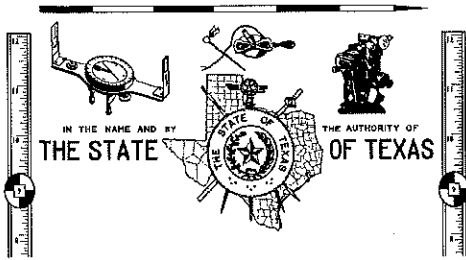
THENCE in a Southerly direction, being along a West line of said Brenham Independent School District tract called 1.68 acres, being along the East line of said Young tract called 0.777 acre for an East line hereof to the Southwest corner of said Brenham Independent School District tract called 1.68 acres, being the Southeast corner of said Young tract called 0.777 acre, being on a North margin of E. Sixth Street for a Southeast corner hereof;

THENCE in a Westerly direction, being along a North margin of said E. Sixth Street, being along the South line of said Young tract called 0.777 acre for a South line hereof to the Southwest corner of said Young tract called 0.777 acre, being on a North margin of said E. Sixth Street at its intersection with an East margin of said S. Market Street for an interior corner hereof;

THENCE in a Southerly direction, crossing said E. Sixth Street with an East margin of said S. Market Street, being along East margins of said S. Market Street, being along West lines of the Brenham Independent School District tract, as conveyed in Volume 86, Page 365, in said Deed Records, being along the West end of Seventh Street, being along the West line of the Brenham Independent School District tract, as recorded in Volume 188, Page 417, in said Deed Records, being along West lines of Donald Kasprowicz and Johnelle Kasprowicz residue of original tract, as recorded in Volume 1353, Page 317, in said Official Records, being along East lines of the City of Brenham tract called 0.021 acre, as recorded in Volume 671, Page 682, in said Official Records for East lines hereof to the Northeast corner of said City of Brenham tract called 0.021 acre, being the Southwest corner of said Kasprowicz residue of original tract, being on a North margin of E. Tom Green Street for an exterior corner hereof;

THENCE in a Southerly direction, crossing said E. Tom Green Street for an East line hereof to the Northeast corner of the City of Brenham tract called 0.005 acre, as recorded in Volume 672, Page 293, in said Official Records, being the Northwest corner of the S & B Food Service, L.L.C. residue of original tract called 0.3380 acre, as recorded in Volume 1019, Page 288, in said Official Records, being on a South margin of said E. Tom Green Street for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of a South margin of said E. Tom Green Street, being along the North line of said S & B Food Service, L.L.C. residue of original tract called 0.3380 acre for a North line hereof to the Northeast corner of said S & B Food Service, L.L.C. residue of original tract called 0.3380 acre, being the Northwest corner of the David W. Januszewski tract called 9,947.5 square feet (Tract A), as recorded in Volume 1066, Page 569, in said Official Records, being on a South margin of said E. Tom Green Street for a Northeast corner hereof;



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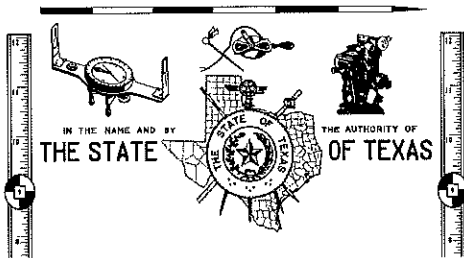
THENCE in a Southerly direction, being along the West line of said Januszewski tract called 9,947.5 square feet, being along the East line of said S & B Food Service, L.L.C. residue of original tract called 0.3380 acre for an East line hereof to a Southwest corner of said Januszewski tract called 9,947.5 square feet, being the Southeast corner of said S & B Food Service, L.L.C. residue of original tract called 0.3380 acre, being on the North line of the Gina Carol Draehn tract called 0.333 acre (Second Tract), as recorded in Volume 1637, Page 852, in said Official Records for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of the South line of said Januszewski tract called 9,947.5 square feet, being along a portion of the North line of said Draehn tract called 0.333 acre for a North line hereof to the Northeast corner of said Draehn tract called 0.333 acre, being the Northwest corner of the David W. Januszewski tract called 5,177.5 square feet (Tract B), as recorded in Volume 1066, Page 569, in said Official Records, being on the South line of said Januszewski tract called 9,947.5 square feet for an exterior corner hereof;

THENCE in a Southerly direction, being along the West line of said Januszewski tract called 5,177.5 square feet, being along the East line of said Draehn tract called 0.333 acre, being along the East line of the Gina Carol Draehn tract called 0.049150 acre (Third Tract), as recorded in Volume 1637, Page 852, in said Official Records for an East line hereof to the Southwest corner of said Januszewski tract called 5,177.5 square feet, being the Southeast corner of said Draehn tract called 0.049150 acre, being on the North line of the Rogaciano Rodriguez and Marcela Castaneda tract called 0.8399 acre, as recorded in Volume 1367, Page 449, in said Official Records for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of the North line of said Rodriguez and Castaneda tract called 0.8399 acre, being along the South line of said Januszewski tract called 5,177.5 square feet for a North line hereof to the Southeast corner of said Januszewski tract called 5,177.5 square feet, being the Southwest corner of the Ronnie L. Zientek tract called 0.452 acre, as recorded in Volume 1578, Page 563, in said Official Records, being the Northeast corner of said Rodriguez and Castaneda tract called 0.8399 acre, being the Northwest corner of Lot 6, Block 5 of the M.H. Schomburg Addition, Section 2, map or plat recorded in Plat Cabinet File Slide Numbers 44B and 45A, in said Plat Records for a Northeast corner hereof;

THENCE in a Southerly direction, being along the East line of said Rodriguez and Castaneda tract called 0.8399 acre, being along the West line of said Lot 6, Block 5 of said M.H. Schomburg Addition, Section 2, being along the West line of Lot 5, Block 5 of said M.H. Schomburg Addition, Section 2, being along a portion of the West line of Lot 4, Block 5 of said M.H. Schomburg Addition, Section 2 for an East line hereof to the Southeast corner of said Rodriguez and Castaneda tract called 0.8399 acre, being the Northeast corner of the Max Mini Storage, LLC tract called 0.593 acre, as recorded in Volume 1391, Page 710, in said Official Records, being on the West line of said Lot 4, Block 5 of said M.H. Schomburg Addition, Section 2 for an exterior corner hereof;



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THENCE in a Westerly direction, being along a portion of the South line of said Rodriguez and Castaneda tract called 0.8399 acre, being along a North line of said Max Mini Storage, LLC tract called 0.593 acre for a South line hereof to the Northwest corner of said Max Mini Storage, LLC tract called 0.593 acre, being the Northeast corner of the John T. Young tract called 0.5181 acre, as recorded in Volume 1097, Page 767, in said Official Records, being on the South line of said Rodriguez and Castaneda tract called 0.8399 acre for an interior corner hereof;

THENCE in a Southerly direction, being along a West line of said Max Mini Storage, LLC tract called 0.593 acre, being along the East line of said Young tract called 0.5181 acre for an East line hereof to an interior corner of said Max Mini Storage, LLC tract called 0.593 acre, being the Southeast corner of said Young tract called 0.5181 acre for an exterior corner hereof;

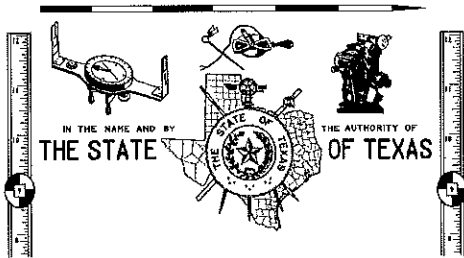
THENCE in a Westerly direction, being along a portion of the South line of said Young tract called 0.5181 acre, being along a North line of said Max Mini Storage, LLC tract called 0.593 acre for a South line hereof to a Northwest corner of said Max Mini Storage, LLC tract called 0.593 acre, being the Northeast corner of the Paul J. Lemm tract called 0.2280 acre, as recorded in Volume 367, Page 214, in said Deed Records, being on the South line of said Young tract called 0.5181 acre for an interior corner hereof;

THENCE in a Southerly direction, being along a West line of said Max Mini Storage, LLC tract called 0.593 acre, being along the East line of said Lemm tract called 0.2280 acre for an East line hereof to the Southwest corner of said Max Mini Storage, LLC tract called 0.593 acre, being the Southeast corner of said Lemm tract called 0.2280 acre, being on a North margin of E. Mansfield Street for an exterior corner hereof;

THENCE in a Westerly direction, being along a portion of a North margin of said E. Mansfield Street, being along the South line of said Lemm tract called 0.2280 acre for a South line hereof to the Southwest corner of said Lemm tract called 0.2280 acre, being on a North margin of said E. Mansfield Street at its intersection with an East margin of said S. Market Street for an interior corner hereof;

THENCE in a Southerly direction, crossing said E. Mansfield Street with an East margin of said S. Market Street for an East line hereof to the Northwest corner of the Joe Dale Robinson tract called 9,305 square feet, as recorded in Volume 1569, Page 161, in said Official Records, being on a South margin of said E. Mansfield Street at its intersection with an East margin of said S. Market Street for an interior corner hereof;

THENCE in an Easterly direction, being along a South margin of said E. Mansfield Street, being along the North line of said Robinson tract called 9,305 square feet for a North line hereof to the Northeast corner of said Robinson tract called 9,305 square feet, being the Northwest corner of the Herman Brending tract called 10,742 square feet, as recorded in Volume 1288, Page 183, in said Official Records, being on a South margin of said E. Mansfield Street for an exterior corner hereof;



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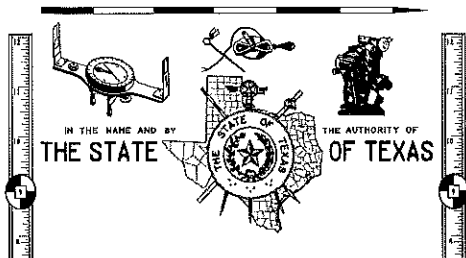
THENCE in a Southerly direction, being along the West line of said Brending tract called 10,742 square feet, being along the East line of said Robinson tract called 9,305 square feet for an East line hereof to the Southwest corner of said Brending tract called 10,742 square feet, being the Southeast corner of said Robinson tract called 9,305 square feet, being on a North line of the Ira L. Hughes and Lillian E. Hughes as Trustees of the Ira L. Hughes and Lillian E. Hughes Revocable Living Trust tract called 0.1483 acre, as recorded in Volume 1286, Page 297, in said Official Records and described in Volume 872, Page 635, in said Official Records for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Brending tract called 10,742 square feet, being along a portion of the North line of said Hughes Revocable Living Trust tract called 0.1483 acre, being along the North line of the Wayne C. Wright, et ux residue of original tract called 24/100 acre (Tract Two), as recorded in Volume 884, Page 559, in said Official Records for a North line hereof to the Southeast corner of said Brending tract called 10,742 square feet, being the Northeast corner of said Wright residue of original tract called 24/100 acre, being on the West line of the Alan D. Lehmann, et ux tract called 13,526 square feet, as recorded in Volume 964, Page 632, in said Official Records for a Northeast corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Lehmann tract called 13,526 square feet, being along a West line of Lot 3B (called 0.8403 acre) of a Subdivision of Tract 3 of a Boundary Line Adjustment, a map or plat recorded in Plat Cabinet File Slide Number 421A, in said Plat Records, being along the East line of said Wright residue of original tract called 24/100 acre, being along the East line of the Wayne C. Wright, et ux tract called 0.239 acre (Tract One), as recorded in Volume 884, Page 559, in said Official Records, being along the East line of the Wayne C. Wright, et ux tract called 1/4 acre (Tract Three), as recorded in Volume 884, Page 559, in said Official Records for an East line hereof to the Southeast corner of said Wright tract called 1/4 acre, being a Southwest corner of said Lot 3B (called 0.8403 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being on the North line of the Puro County Living, LLC tract called 0.576 acre, as recorded in Volume 1477, Page 584, in said Official Records for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of the North line of said Puro County Living, LLC tract called 0.576 acre, being along a South line of said Lot 3B (called 0.8403 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment for a North line hereof to an interior corner of said Lot 3B (called 0.8403 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being the Northeast corner of said Puro County Living, LLC tract called 0.576 acre for an exterior corner hereof;

THENCE in a Southerly direction, being along a West line of said Lot 3B (called 0.8403 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being along the East line of said Puro County Living, LLC tract called 0.576 acre for an East line hereof to a Southwest corner of said Lot 3B (called 0.8403 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being the Southeast corner of said Puro County Living, LLC tract called 0.576 acre, being on the North line of Lot 3A (called 0.5066 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment for a Southeast corner hereof;



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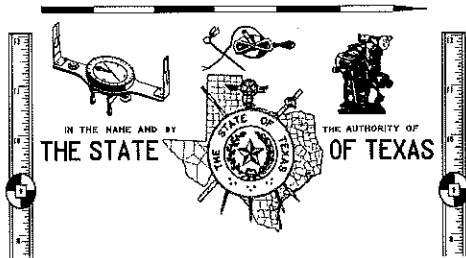
THENCE in a Westerly direction, being along a portion of the South line of said Puro County Living, LLC tract called 0.576 acre, being along a portion of the North line of said Lot 3A (called 0.5066 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment for a South line hereof to the Northwest corner of said Lot 3A (called 0.5066 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being the Northeast corner of the Schlottmann Properties, LLC tract (Tract 1), as conveyed in Volume 1391, Page 234, in said Official Records and described as 0.592 acre in Volume 310, Page 845, in said Deed Records, being on the South line of said Puro County Living, LLC tract called 0.576 acre for an interior corner hereof;

THENCE in a Southerly direction, being along the West line of said Lot 3A (called 0.5066 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being along the East line of said Schlottmann Properties, LLC tract called 0.592 acre for an East line hereof to the Southwest corner of said Lot 3A (called 0.5066 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being the Southeast corner of said Schlottmann Properties, LLC tract called 0.592 acre, being on a North margin of E. Lubbock Street for a Southeast corner hereof;

THENCE in a Westerly direction, being along a North margin of said E. Lubbock Street, being along the South line of said Schlottmann Properties, LLC tract called 0.592 acre for a South line hereof to the Southwest corner of said Schlottmann Properties, LLC tract called 0.592 acre, being on a North margin of said E. Lubbock Street at its intersection with an East margin of said S. Market Street for an interior corner hereof;

THENCE in a Southerly direction, crossing said E. Lubbock Street with East margins of said S. Market Street, being along West lines of Lot 1 (called 2.342 acres) of Lincoln Place Replat Two, a map or plat recorded in Plat Cabinet File Slide Number 465A, in said Plat Records, being along the West line of the Mark Nelson tract called 0.0386 acre (Tract Two), as recorded in Volume 1274, Page 450, in said Official Records, being along the West line of the Mark Nelson tract (Tract One), as recorded in Volume 1274, Page 450, in said Official Records, being along East margins of said S. Market Street for East lines hereof to the Southwest corner of said Nelson tract (Tract One), being the Northwest corner of the R. B. Schawe commercial lot containing 9,188 square feet, as conveyed in Volume 572, Page 455, in said Official Records and being part of a 0.183 acre described in Volume 341, Page 410, in said Deed Records, being on an East margin of said S. Market Street for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Nelson tract (Tract One), being along a portion of a South line of said Lot 1 (called 2.342 acres) of said Lincoln Place Replat Two, being along the North line of said Schawe original tract called 0.183 acre, being along the North line of the R. B. Schawe commercial lot containing 9,188 square feet, as conveyed in Volume 572, Page 455, in said Official Records and being part of a 0.137 acre described in Volume 341, Page 407, in said Deed Records for a North line hereof to an interior corner of said Lot 1 (called 2.342 acres) of said Lincoln Place Replat Two, being the Northeast corner of said Schawe original tract called 0.137 acre for a Northeast corner hereof;



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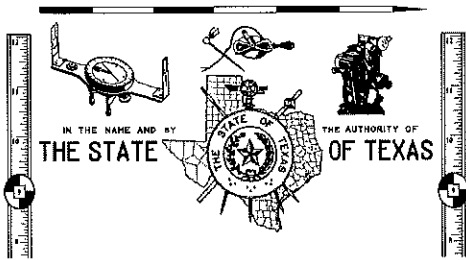
THENCE in a Southerly direction, being along a West line of said Lot 1 (called 2.342 acres) of said Lincoln Place Replat Two, being along the West line of the Steven D. Wilson, et ux tract called 0.229 acre, as recorded in Volume 1335, Page 718, in said Official Records, being along the East line of said Schawe residue of original tract called 0.137 acre, being along the East line of the Bobby Finke, et ux tract called 4,750 square feet (First Tract), as recorded in Volume 432, Page 32, in said Deed Records, being along the East line of the Rosenbaum-Schoenvogel Investments, LP tract called 0.31 acre (Tract Five), as conveyed in Volume 1348, Page 842, in said Official Records and being part of a 0.628 acre described in Volume 248, Page 9, in said Deed Records for an East line hereof to the Southwest corner of said Wilson tract called 0.229 acre, being the Southeast corner of said Rosenbaum-Schoenvogel Investments, LP residue of original tract called 0.628 acre, being on a North margin of Giddings Lane for an interior angle point hereof;

THENCE in a Southeasterly direction, being along a Northeast line hereof, crossing said Giddings Lane to the Northwest corner of the Thomas L. Nugent, et ux tract called 0.416 acre, as recorded in Volume 1536, Page 688, in said Official Records, being the Northeast corner of the Michael R. Brannon, et ux tract called 0.862 acre, as recorded in Volume 947, Page 31, in said Official Records, being on a South margin of said Giddings Lane for an exterior angle point hereof;

THENCE in a Southerly direction, being along the West line of said Nugent tract called 0.416 acre, being along the East line of said Brannon tract called 0.862 acre, crossing E. Stone Street for an East line hereof to an interior corner hereof, being on a South margin of said E. Stone Street at its intersection with the projection of the West line of said Nugent tract called 0.416 acre, being on the North line of the John T. Young tract called 1.035 acres, as recorded in Volume 1410, Page 329, in said Official Records;

THENCE in an Easterly direction, being along a portion of a South margin of said E. Stone Street, being along a portion of the North line of said Young tract called 1.035 acres for a North line hereof to the Northeast corner of said Young tract called 1.035 acres, being the Northwest corner of Lot 1 of Sunset Meadow, Unit I Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 128B, 129A and 129B, in said Plat Records, being on a South margin of said E. Stone Street for a Northeast corner hereof;

THENCE in a Southerly direction, being along the East line of said Young tract called 1.035 acres, being along the West line of said Lot 1 of said Sunset Meadow, Unit I Subdivision, being along the West lines of Lots 3 and 4 of said Sunset Meadow, Unit I Subdivision, being along an East line of Lot 16 (called 0.628 acre) of said Sunset Meadow, Unit I Subdivision for an East line hereof to the Southwest corner of said Lot 4 of said Sunset Meadow, Unit I Subdivision, being the Southeast corner of said Lot 16 (called 0.628 acre) of said Sunset Meadow, Unit I Subdivision, being on the North line of the Sandra Krueger, et vir tract called 0.8648 acre, as recorded in Volume 1378, Page 989, in said Official Records for an interior corner hereof;



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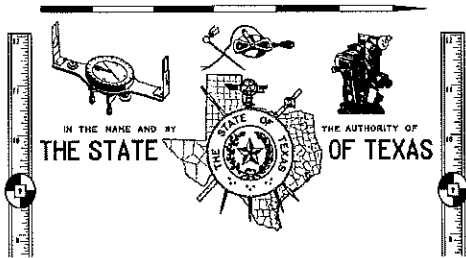
THENCE in an Easterly direction, being along a portion of the South line of said Lot 4 of said Sunset Meadow, Unit I Subdivision, being along a portion of the North line of said Krueger tract called 0.8648 acre for a North line hereof to the Northern exterior corner of said Krueger tract called 0.8648 acre, being the West corner of the Jennie Meier tract called 0.086 acre, as recorded in Volume 1552, Page 563, in said Official Records, being on the South line of said Lot 4 of said Sunset Meadow, Unit I Subdivision for an exterior angle point hereof;

THENCE in a Southeasterly direction, being along the South line of said Meier tract called 0.086 acre, being along the South lines of Lots 5, 7, 8 and 9 of said Sunset Meadow, Unit I Subdivision, being along the North line of said Krueger tract called 0.8648 acre, being along the North line of the T-N-T Car Wash, LLC tract called 0.7050 acre (First Tract), as recorded in Volume 1226, Page 730, in said Official Records, being along the North line of the 3TF Enterprises, LLC tract called 0.578 acre, as recorded in Volume 1548, Page 314, in said Official Records, being along the North line of the Ben B. Rice, II tract, as conveyed in Volume 1515, Page 323, in said Official Records and described as 0.322 acre in Volume 820, Page 546, in said Official Records, being along the North line of the Cody Melcher tract called 0.5700 acre, as recorded in Volume 1423, Page 164, in said Official Records for a North line hereof to the Southeast corner of said Lot 9 of said Sunset Meadow, Unit I Subdivision, being the Northeast corner of said Melcher tract called 0.5700 acre, being on the West line of Lot Two (called 2.500 acres) of the Appel-Market Street Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 260A, in said Plat Records for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Lot Two (called 2.500 acres) of said Appel-Market Street Subdivision, being along a portion of the East line of said Melcher tract called 0.5700 acre for an East line hereof to the Southwest corner of said Lot Two (called 2.500 acres) of said Appel-Market Street Subdivision, being the Northwest corner of Lot One (called 0.730 acre) of said Appel-Market Street Subdivision, being on the East line of said Melcher tract called 0.5700 acre for an interior angle hereof;

THENCE in an Easterly direction, being along South lines of said Lot Two (called 2.500 acres) of said Appel-Market Street Subdivision, being along North lines of said Lot One (called 0.730 acre) of said Appel-Market Street Subdivision for North lines hereof to the Southeast corner of said Lot Two (called 2.500 acres) of said Appel-Market Street Subdivision, being the Northeast corner of said Lot One (called 0.730 acre) of said Appel-Market Street Subdivision, being on a West line of the South Zacks, LLC tract called 0.778 acre, as recorded in Volume 1513, Page 276, in said Official Records for an exterior angle hereof;

THENCE in a Southerly direction, being along a portion of a West line of said South Zacks, LLC tract called 0.778 acre, being along an East line of said Lot One (called 0.730 acre) of said Appel-Market Street Subdivision for an East line hereof to the Southwest corner of said South Zacks, LLC tract called 0.778 acre, being a Southeast corner of said Lot One (called 0.730 acre) of said Appel-Market Street Subdivision, being an interior angle point of the Danica Key tract called 1.578 acres, as recorded in Volume 1470, Page 3, in said Official Records for an interior corner hereof;



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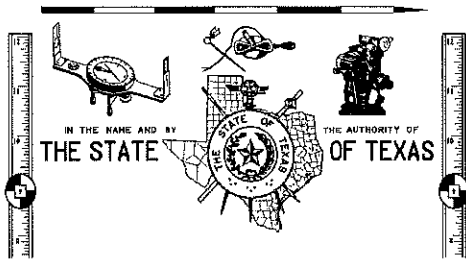
THENCE in an Easterly direction, being along South lines of said South Zacks, LLC tract called 0.778 acre, being along North lines of said Key tract called 1.578 acres for North lines hereof to a Southeast corner of said South Zacks, LLC tract called 0.778 acre, being on the West line of the Kiran and Geeta LLC tract called 3.1535 acres, as recorded in Volume 1447, Page 680, in said Official Records for an interior corner hereof;

THENCE in a Northerly direction, being along a portion of a West line of said Kiran and Geeta LLC tract called 3.1535 acres, being along an East line of said South Zacks, LLC tract called 0.778 acre for a West line hereof to an interior corner of said South Zacks, LLC tract called 0.778 acre, being the Northwest corner of said Kiran and Geeta LLC tract called 3.1535 acres for a Northwest corner hereof;

THENCE in an Easterly direction, being along a South line of South Zacks, LLC tract called 0.778 acre, being along the South line of the South Zacks Investments, LLC tract called 0.4477 acre, as recorded in Volume 1616, Page 487, in said Official Records, being along the North line of said Kiran and Geeta LLC tract called 3.1535 acres, crossing said S. Chappell Hill Street for a North line hereof to an exterior corner hereof, being on an East margin of said S. Chappell Hill Street at its intersection with the projection of the North line of said Kiran and Geeta LLC tract called 3.1535 acres, being on an East line of the City of Brenham tract called 0.0208 acre, as recorded in Volume 1490, Page 829, in said Official Records, being on a West line of the residue of Lot 1 of Lawndale South Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 334A, in said Plat Records;

THENCE in a Southerly direction, being along East margins of said S. Chappell Hill Street, being along a portion of a West line of said residue of Lot 1 of said Lawndale South Subdivision, being along a West line of the residue of Reserve B of the Highland Meadows Subdivision, Section III, a map or plat recorded in Plat Cabinet File Slide Numbers 212A, 212B and 213A, in said Plat Records, being along East lines of said City of Brenham tract called 0.0208 acre, being along an East line of the City of Brenham tract called 0.0392 acre, as recorded in Volume 1490, Page 829, in said Official Records for an East line hereof to the Southeast corner of said City of Brenham tract called 0.0392 acre, being a Southwest corner of said residue of Reserve B of said Highland Meadows Subdivision, Section III, being the Northwest corner of the Brenham Heating and Air Conditioning Company tract called 0.3726 acre, as recorded in Volume 1467, Page 265, in said Official Records, being on an East margin of said S. Chappell Hill Street for an interior corner hereof;

THENCE in an Easterly and Southerly direction, being along South and West lines of the residue of said Reserve B of said Highland Meadows Subdivision, Section III, being along North and East lines of said Brenham Heating & Air Conditioning Company tract called 0.3726 acre, being along the North line of the Thielemann Development Company L.P. tract called 1.0142 acres (Tenth Tract), as recorded in Volume 847, Page 19, in said Official Records for North and East lines hereof to the Southeast corner of said Reserve B of said Highland Meadows Subdivision, Section III, being the Northeast corner of said Thielemann Development Company L.P. tract called 1.0142 acres, being on a West line of The Sandra Corporation tract, as recorded in Volume 1286, Page 605, in said Official Records for an interior corner hereof;



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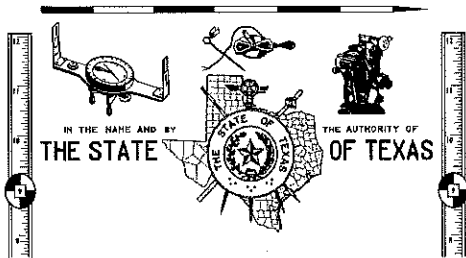
THENCE in a Northerly direction, being along an East line of said residue of Reserve B of said Highland Meadows Subdivision, Section III, being along a portion of the West line of said The Sandra Corporation tract for a West line hereof to an exterior angle point of said residue of Reserve B of said Highland Meadows Subdivision, Section III, being the Northwest corner of said The Sandra Corporation tract, being the Southwest corner of Lot 25 of said Highland Meadows Subdivision, Section III for an exterior corner hereof;

THENCE in an Easterly direction, being along the South line of said Lot 25 of said Highland Meadows Subdivision, Section III, being along the South lines of Lots 24, 23, 22, 21, 20, 19, 18 and 17 and along a portion of the South line of Lot 16 of said Highland Meadows Subdivision, Section III, being along the North of said The Sandra Corporation tract, being along the North line of the John Young tract called 0.6333 acre (Tract Two), as recorded in Volume 1577, Page 601, in said Official Records, being along North lines of Lot 1 (called 0.3738 acre) and Lot 3 (called 0.9496 acre) of Lots 1-3 of the Roger Chambers residue of 1.638 acres tract, a map or plat recorded in Plat Cabinet File Slide Number 394A, in said Plat Records, being along North lines of the John T. Young, et ux residue of original tract called 4.487 acres, as recorded in Volume 1537, Page 851, in said Official Records for North lines hereof to an interior angle point of said Lot 16 of said Highland Meadows Subdivision, Section III, being the Northeast corner of said Young residue of original tract called 4.487 acres, being the Northwest corner of Lot 4 of Highland Meadows Subdivision, Section IX, a map or plat recorded in Plat Cabinet File Slide Number 512A, in said Plat Records for an exterior corner hereof;

THENCE in a Southerly direction, being along the West line of said Lot 4 of said Highland Meadows Subdivision, Section IX, and being along the West line of Lot 3 of said Highland Meadows Subdivision, Section IX, being along a portion of the East line of said Young residue of original tract called 4.487 acres for an East line hereof to the Southwest corner of said Lot 3 of said Highland Meadows Subdivision, Section IX, being the Northwest corner of the Herbert L. T. Miles tract called 0.50 acre, as recorded in Volume 1260, Page 285, in said Official Records, being on the East line of said Young residue of original tract called 4.487 acres for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Lot 3 of said Highland Meadows Subdivision, Section IX, being along a South line of Lot 2 of said Highland Meadows Subdivision, Section IX, being along the North line of said Miles tract called 0.50 acre, being along the North line of the Nader Kouhestani tract called 21,726 square feet, as recorded in Volume 944, Page 501, in said Official Records for a North line hereof to an interior corner of said Lot 2 of said Highland Meadows Subdivision, Section IX, being the Northeast corner of said Kouhestani tract called 21,726 square feet for an exterior corner hereof;

THENCE in a Southerly direction, being along a West line of said Lot 2 of said Highland Meadows Subdivision, Section IX, being along a portion of the East line of said Kouhestani tract called 21,726 square feet for an East line hereof to a Southwest corner of said Lot 2 of said Highland Meadows Subdivision, Section III, being the Northwest corner of the Guadalupe Cienega tract called 0.476 acre, as recorded in Volume 1127, Page 1, in said Official Records, being on the East line of said Kouhestani tract called 21,726 square feet for an interior corner hereof;



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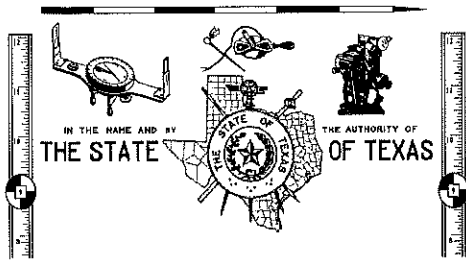
THENCE in an Easterly direction, being along a South line of said Lot 2 of said Highland Meadows Subdivision, Section IX, being along a portion of the North line of said Cienega tract called 0.476 acre for a North line hereof to the Southeast corner of said Lot 2 of said Highland Meadows Subdivision, Section IX, being a Southwest corner of the Jacky S. Hill and Claudia J. Hill tract called 2.795 acres, as recorded in Volume 1482, Page 761, in said Official Records, being on the North line of said Cienega tract called 0.476 acre for an interior corner hereof;

THENCE in a Northerly direction, being along the East line of said Lot 2 and along an East line of Lot 1 of said Highland Meadows Subdivision, Section IX, being along a West line of said Hill tract called 2.795 acres for a West line hereof to an interior angle point of said Lot 1 of said Highland Meadows Subdivision, Section IX, being the Northwest corner of said Hill tract called 2.795 acres, being the Southwest corner of Lot 13 of said Highland Meadows Subdivision, Section III for an exterior corner hereof;

THENCE in an Easterly direction, being along the South lines of Lots 13, 12, 11, 10 and 9 of said Highland Meadows Subdivision, Section III, being along a portion of a South line of Lot 8 of said Highland Meadows Subdivision, Section III, being along the North line of said Hill tract called 2.795 acres for a North line hereof to an interior angle point of said Lot 8 of said Highland Meadows Subdivision, Section III, being the Northeast corner of said Hill tract called 2.795 acres, being the Northwest corner of the Jane F. Herzog tract called 3.780 acres, as recorded in Volume 1324, Page 8, in said Official Records for an exterior angle point hereof;

THENCE in a Southeasterly direction, being along a Southwest line of said Lot 8 of said Highland Meadows Subdivision, Section III, being along Southwest lines of Lots 7, 6 and 5 of said Highland Meadows Subdivision, Section III, being along South and West lines of Lot 4 of said Highland Meadows Subdivision, Section III, being along Northeast, North and East lines of said Herzog tract called 3.780 acres for Northeast, North and East lines hereof to the South corner of said Lot 4 of said Highland Meadows Subdivision, Section III, being a Southern exterior corner of Lot 3 of said Highland Meadows Subdivision, Section III, being the Northwest corner of the Arlen Thielemann, et ux tract called 0.68 acre, as recorded in Volume 867, Page 468, in said Official Records, being on the East line of said Herzog tract called 3.780 acres for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Lot 3 of said Highland Meadows Subdivision, Section III, being along the South line of Lot 2 of said Highland Meadows Subdivision, Section III, being along a South line of Lot 1 of said Highland Meadows Subdivision, Section III, being along the North line of said Thielemann tract called 0.68 acre, being along the North line of the Arlen Thielemann, et ux tract called 0.68 acre (Tract 1), as recorded in Volume 1481, Page 319, in said Official Records for a North line hereof to an exterior angle point of said Lot 1 of said Highland Meadows Subdivision, Section III, being the Northeast corner of said Thielemann tract called 0.68 acre (Tract 1), being the Western Northwest corner of the residue of Reserve A of said Highland Meadows Subdivision, Section III for an interior angle point hereof;



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THENCE in an Easterly and Northeasterly direction, being along North and Northwest lines of said residue of Reserve A of said Highland Meadows Subdivision, Section III, being along South and Southeast lines of said Lot 1 of said Highland Meadows Subdivision, Section III for North and Northwest lines hereof to the West corner of Lot 8 of the Highland Meadows Subdivision, Section V, a map or plat recorded in Plat Cabinet File Slide Number 356A, in said Plat Records, being on the Southeast line of said Lot 1 of said Highland Meadows Subdivision, Section III, being the North corner of said residue of Reserve A of said Highland Meadows Subdivision, Section III for an exterior corner hereof;

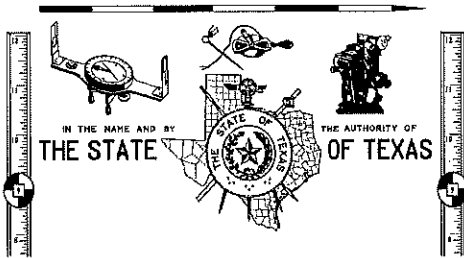
THENCE in a Southeasterly direction, being along the Southwest line of said Lot 8 of said Highland Meadows Subdivision, Section V, being along the Northeast line of said residue of Reserve A of said Highland Meadows Subdivision, Section III for a Northeast line hereof to the South corner of said Lot 8 of said Highland Meadows Subdivision, Section V, being the East corner of said residue of Reserve A of said Highland Meadows Subdivision, Section III, being on a West margin of Ryan Street for an interior angle point hereof;

THENCE in a Southeasterly direction, crossing said Ryan Street with a Northeast line hereof to the Southwest corner of Lot 14 of Highland Meadows Subdivision, Section VI, a map or plat recorded in Plat Cabinet File Slide Number 386A, in said Plat Records, being the Northwest corner of the NeSa Properties LLC tract called 1.033 acres, as recorded in Volume 1451, Page 136, in said Official Records, being on an East margin of said Ryan Street for an exterior angle point hereof;

THENCE in a Southeasterly direction, being along the Southwest lines of Lots 14, 13, 12, 11, 10, 9 and 8, of said Highland Meadow Subdivision, Section VI, being along the Northeast line of said NeSa Properties LLC tract called 1.033 acres, being along Northeast lines of a 3.5784 acres - Reserve of said Highland Meadows Subdivision, Section VI for Northeast lines hereof to the Southeast corner of said Lot 8 of said Highland Meadows Subdivision, Section VI, being the Northeast corner of said 3.5784 acres - Reserve of said Highland Meadows Subdivision, Section VI, being on a West margin of Cantey Street for an interior corner hereof;

THENCE in a Northerly direction, being along West margins of said Cantey Street, being along the East line of said Lot 8 of said Highland Meadows Subdivision, Section VI, crossing Allison Street with an West margin of said Cantey Street, being along the East line of Lot 7 of said Highland Meadows Subdivision, Section VI for a West line hereof to the Northeast corner of said Lot 7 of said Highland Meadows Subdivision, Section VI, being the Southeast corner of Lot 16 of Highland Gardens Subdivision, Section 1, in map or plat recorded in Plat Cabinet File Slide Numbers 512B and 513A, in said Plat Records, being on a West margin of said Cantey Street for an exterior corner hereof;

THENCE in a Southeasterly direction, crossing said Cantey Street with a Northeast line hereof to the Southwest corner of Lot 1, Block 1 of Heritage Oaks Subdivision, Section 1, a map or plat recorded in Plat Cabinet File Slide Numbers 684B and 685A, in said Plat Records, being the Northwest corner of Lot 1 (called 33.337 acres) of FBC Brenham Subdivision, a map or plat recorded in Plat Cabinet



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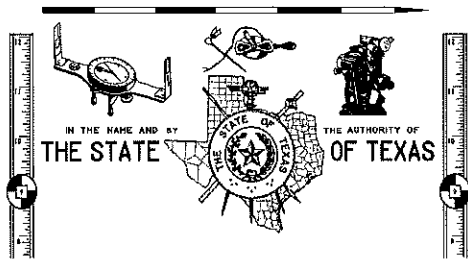
File Slide Numbers 687A and 687B, in said Plat Records, being on an East margin of said Cantey Street for an interior angle point hereof;

THENCE in an Easterly and Northeasterly direction, being along North and Northwest lines of said Lot 1 (called 33.337 acres) of said FBC Brenham Subdivision, being along the South line of said Lot 1, Block 1 of said Heritage Oaks Subdivision, being along the South lines of Lots 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, Block 1 of said Heritage Oaks Subdivision, being along the Southeast lines of Lots 11, 12 and 13, Block 1 of said Heritage Oaks Subdivision for North and Northwest lines hereof to an exterior corner of said Lot 1 (called 33.337 acres) of said FBC Brenham Subdivision, being the East corner of said Lot 13, Block 1 of said Heritage Oaks Subdivision, being the Southwest corner of Lot 8 (called 0.603 acre) of Gun & Rod Circle Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 329B, in said Plat Records for an exterior corner hereof;

THENCE in an Easterly direction, being along a North line of said Lot 1 (called 33.337 acres) of said FBC Brenham Subdivision, being along the South line of said Lot 8 (called 0.603 acre) of said Gun & Rod Circle Subdivision, being along the South line of Lot 9 (called 0.531 acre) of said Gun & Rod Circle Subdivision for a North line hereof to the Northeast corner of said Lot 1 (called 33.337 acres) of said FBC Brenham Subdivision, being the Southeast corner of said Lot 9 (called 0.531 acre) of said Gun & Run Circle Subdivision, being on the West line of Lot 1 (called 0.552 acre) of Rosedale Subdivision, Section Two, a map or plat recorded in Plat Cabinet File Slide Number 606A, in said Plat Records for a Northeast corner hereof;

THENCE in a Southerly direction, being along East lines of said Lot 1 (called 33.337 acres) of said FBC Brenham Subdivision, being along a portion of the West line of said Lot 1 (called 0.552 acre) of said Rosedale Subdivision, Section Two, being along the West line of Lot 6 (called 0.829 acre) of Rosedale Subdivision, Section One, a map or plat recorded in Plat Cabinet File Slide Number 334B, in said Plat Records, being along the West line of the Dorothy Lee Dierking tract called 0.880 acre, as recorded in Volume 381, Page 325, in said Deed Records, being along the West lines of Lot 5 (called 0.645 acre) and Lot 4 (called 0.745 acre) of said Rosedale Subdivision, Section One, being along the West lines of Lots 16A, 15A, 14A, 13A, 12A, 11A, 7A, 6A, 5A, 4A, 3, 2 and 1 of the Replat of a portion of Springcreek Village Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 542A, in said Plat Records for East lines hereof to the Southeast corner of said Lot 1 (called 33.337 acres) of said FBC Brenham Subdivision, being the Southwest corner of said Lot 1 of said Replat of a portion of Springcreek Village Subdivision, being on a North right of way line of S. Market Street (U.S. Highway 290 - Business) for an interior corner hereof;

THENCE in an Easterly direction, being along a North right of way line of said S. Market Street (U.S. Highway 290 - Business), being along the South line of said Lot 1 of said Replat of a portion of Springcreek Village Subdivision, being along the South line of Lot 52 of said Replat of a portion of Springcreek Village Subdivision, crossing the South end of Springwood Drive with a North right of way line of said S. Market Street (U.S. Highway 290 - Business) for a North line hereof to the South corner of said Lot 52 of said Replat of a portion of Springcreek Village Subdivision, being the West



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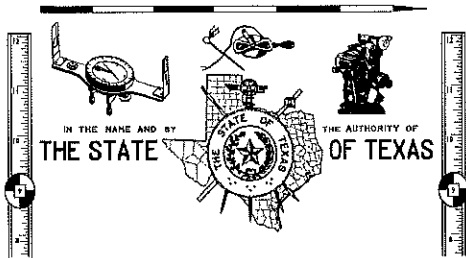
corner of the Maria Wong Guerrero tract called 0.383 acre, as recorded in Volume 1592, Page 937, in said Official Records for an interior corner hereof

THENCE in a Northeasterly direction, being along the Southeast line of said Lot 52 of said Replat of a portion of Springcreek Village Subdivision, being along the Southeast lines of Lots 48, 47, 46, 35 and 34 of said Replat of a portion of Springcreek Village Subdivision, being along the Southeast lines of Lots 16, 17, 18 and 27 of Springwood Subdivision, Section I, a map or plat recorded in Plat Cabinet File Slide Number 356B, in said Plat Records, being along the Northwest line of said Guerrero tract called 0.383 acre, being along the Northwest line of Tract 1 (called 1.314 acres) and the Northwest line of Tract 2 (called 1.316 acres) of Hinze Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 526B, in said Plat Records, being along the Northwest line of the Judy Jurnell Rudloff tract called 1.625 acres, as conveyed in Volume 877, Page 322, in said Official Records and being part of a 2.175 acres described in Volume 621, Page 399, in said Official Records, being along the Northwest line of the Brenham Church of Christ tract called 6.706 acres, as recorded in Volume 699, Page 608, in said Official Records, being along the Northwest line of the Brenham Church of Christ tract called 0.1225 acre, as conveyed in Volume 948, Page 706, in said Official Records being the residue of original tract called 14.842 acres, as recorded in Volume 498, Page 148, in said Official Records for a Northwest line hereof to the East corner of said Lot 27 of said Springwood Subdivision, Section I, being the North corner of said Brenham Church of Christ tract called 0.1225 acre, being on a Southwest margin of Victory Lane for a North corner hereof;

THENCE in a Southeasterly direction, being along Southwest margins of said Victory Lane, being along the Northeast line of said Brenham Church of Christ tract called 0.1225 acre, being along Northeast lines of said Brenham Church of Christ tract called 6.706 acres for Northeast lines hereof to the Southeast corner of said Brenham Church of Christ tract called 6.706 acres, being on a Southwest margin of said Victory Lane at its intersection with a Northwest right of way line of S. Blue Bell Road (F.M. Highway No. 577) for an interior angle point hereof;

THENCE in a Southeasterly direction, crossing said S. Blue Bell Road (F.M. Highway No. 577) with a Northeast line hereof to a concrete monument (highway r/w marker) found at a flare of a Southeast right of way line of said S. Blue Bell Road (F.M. Highway No. 577), being at an exterior angle point of the Blue Bell Creameries, L.P. tract, as conveyed in Volume 1020, Page 280, in said Official Records and described as 44.332 acres (Tract 7) in Volume 981, Page 146, in said Official Records for an exterior corner hereof;

THENCE in a Southerly direction, crossing U.S. Highway No. 290 E. with an East line hereof to the Northwest corner of Reserve "A" (called 0.794 acre) of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 403A, in said Plat Records, being on an East margin of said S. Blue Bell Road at its intersection with a South right of way line of said U.S. Highway No. 290 E. for an interior angle point hereof;



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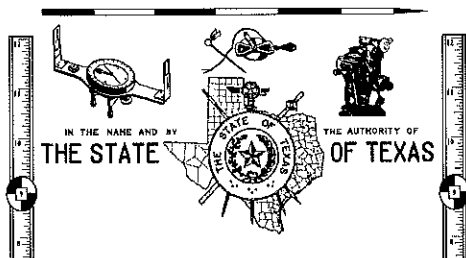
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THENCE in a Southerly and Southwesterly direction, being along East and Southeast margins of said S. Blue Bell Road, being along West lines of said Reserve "A" (called 0.794 acre) of said Brenham Business Center, Phase I, being along the Northwest line of Lot One (called 2.000 acres) of a Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 480A, in said Plat Records, being along Northwest lines of Lot Two (called 10.560 acres) of a Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 518A, in said Plat Records, being along a Northwest line of residue of Reserve "B" (called 27.996 acres) of a Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 442B, in said Plat Records, being along the Northwest line of Lot 3 (called 9.3353 acres) of a Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 592A, in said Plat Records, being along Northwest and West lines of Lot 4, Reserve "B" (called 4.929 acres) of a Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 631A, in said Plat Records, being along a Northwest line of part of Reserve "B" (called 1.028 acres) of said Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 442B, in said Plat Records for East and Southeast lines hereof to the West corner of said part of Reserve "B" (called 1.028 acres) of said Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 442B, in said Plat Records, being a Northern exterior corner of the Brenham Community Development Corporation residue of original tract called 100.000 acres, as recorded in Volume 817, Page 705, in said Official Records for an exterior corner hereof;

THENCE in a Westerly and Southwesterly direction, being along South and Southeast margins of said S. Blue Bell Road, being along North and Northwest lines of said Brenham Community Development Corporation residue of original tract called 100.000 acres for South and Southeast lines hereof to a 1/2 inch iron rod found on an East line of Kolwes Land Ltd. tract called 139.86 acres (First Tract), as recorded in Volume 807, Page 231, in said Official Records for the South corner of said S. Blue Bell Road, being the West or Northwest corner of said Brenham Community Development Corporation residue of original tract called 100.000 acres for an interior corner hereof;

THENCE in a Southerly direction, being along a portion of an East line of said Kolwes Land Ltd. tract called 139.86 acres, being along the West line of said Brenham Community Development Corporation residue of original tract called 100.000 acres for an East line hereof to the Southwest corner of said Brenham Community Development Corporation residue of original tract called 100.000 acres, being the Southeast corner of said Kolwes Land Ltd. tract called 139.86 acres, being on the North line of the Rebecca Lynn Gaudet-Berkstresser tract called 9.999 acres, as conveyed in Volume 1013, Page 413, in said Official Records and described in Volume 863, Page 162, in said Official Records for a Southeast corner hereof;

THENCE in a Westerly direction, being along a portion of the North line of said Berkstresser tract called 9.999 acres, being along the North line of the Thomas C. Pellerin, et ux tract called 10.000 acres, as recorded in Volume 707, Page 832, in said Official Records, being along the North line of the Fred A. Porter, et ux tract called 9.983 acres, as recorded in Volume 976, Page 30, in said Official Records, being along a portion of the North line of the Daniel E. Everly, et ux tract called 2.500 acres,



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as recorded in Volume 1012, Page 866, in said Official Records, being along the South line of said Kolwes Land Ltd. tract called 139.86 acres for a South line hereof to the Southwest corner of said Kolwes Land Ltd. tract called 139.86 acres, being the Southeast corner of The City of Brenham, Texas tract called 74.30 acres (Tract 2), as recorded in Volume 1457, Page 6, in said Official Records, being on the North line of said Everly tract called 2.500 acres for a South corner hereof;

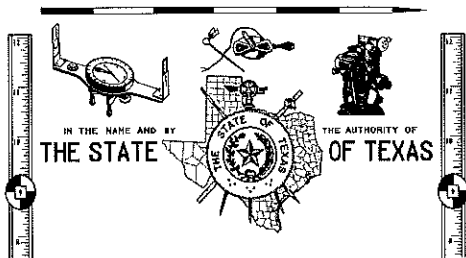
THENCE in a Northwesterly and Northerly direction, being along Southwest and West lines of said Kolwes Land Ltd. tract called 139.86 acres, being along Northeast and East lines of said The City of Brenham, Texas tract called 74.30 acres for Southwest and West lines hereof to a 5/8 inch iron rod found with Id. cap (Jones Carter) for the North or Northeast corner of said The City of Brenham, Texas tract called 74.30 acres, being on a West line of said Kolwes Land Ltd. tract called 139.86 acres, being a Southeast corner of the Evelyn D. Kruse as Trustee of the Kruse Marital Trust tract called 158.376 acres (Tract Two), as recorded in Volume 1561, Page 670, in said Official Records, being a residue of part of the 271.590 acres as described in Volume 1436, Page 21, in said Official Records for an interior corner hereof;

THENCE in a Southwesterly direction, being along the Northwest line of said The City of Brenham, Texas tract called 74.30 acres, being along the Southeast line of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres for a Southeast line hereof to an exterior corner of said The City of Brenham, Texas tract called 74.30 acres, , being a South corner of said Kruse Marital Trust tract called 158.376 acres being a residue of part of the 271.590 acres, being on a Northeast line of The City of Brenham, Texas tract called 6.424 acres (Proposed Right of Way), as recorded in Volume 1457, Page 17, in said Official Records for an interior corner hereof;

THENCE in a Southeasterly, Southerly, Southwesterly and Westerly direction, being along Northeast, East, Southeast and South lines of said The City of Brenham, Texas tract called 6.424 acres (Proposed Right of Way), being along Southwest, West, Northwest and North lines of said The City of Brenham, Texas tract called 74.30 acres for Northeast, East, Southeast and South lines hereof to the Southwest corner of said The City of Brenham, Texas tract called 6.424 acres (Proposed Right of Way), being a Northwest corner of said The City of Brenham, Texas tract called 74.30 acres, being on an East line of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres for an interior corner hereof;

THENCE in a Southerly direction, being along an East line of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres, being along a West line of said The City of Brenham, Texas tract called 74.30 acres for an East line hereof to a Southeast corner of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres, being an interior corner of said The City of Brenham, Texas tract called 74.30 acres for a Southeast corner hereof;

THENCE in a Westerly direction, being along a South line of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres, being along a North line of said The City of Brenham, Texas tract called 74.30 acres for a South line hereof to a 5/8 inch iron rod found with Id. cap (Cotton Surveying) on the East line of the John Stephen Gajeske and Thomas Lloyd Gajeske



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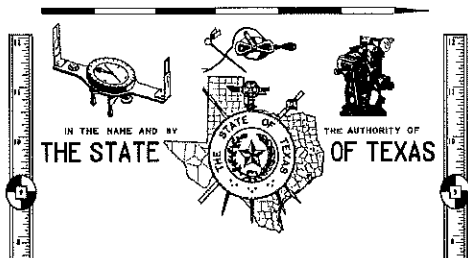
tract called 16.014 acres (Tract 1,{ii}), as recorded in Volume 1447, Page 373, in said Official Records and described in Volume 1371, Page 1001, in said Official Records, being the Southwest corner of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres, being a Northwest corner of said The City of Brenham, Texas tract called 74.30 acres for a Southwest corner hereof;

THENCE in a Northerly direction, being along a portion of the West line of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres, being along a portion of the East line of said Gajeske tract called 16.014 acres (Tract 1,{ii}), being along the East of the John Stephen Gajeske and Thomas Lloyd Gajeske tract called 16.014 acres (Tract 1,{i}), as recorded in Volume 1447, Page 373, in said Official Records and described in Volume 1166, Page 297, in said Official Records, being along the East line of the Charles Lane Gajeske and Allen Wayne Gajeske tract called 18.583 acres (Tract Three), as recorded in Volume 1629, Page 126, in said Official Records and described in Volume 1371, Page 997, in said Official Records, being along the East line of the Charles Lane Gajeske and Allen Wayne Gajeske tract called 18.583 acres (Tract Two), as recorded in Volume 1629, Page 126, in said Official Records and described in Volume 1166, Page 302, in said Official Records, being along the East line of the Reuben C. Feazle, et ux tract called 56.609 acres, as recorded in Volume 1552, Page 402, in said Official Records for a West line hereof to the Northeast corner of said Feazle tract called 56.609 acres, being the Southeast corner of the Carl A. Detering residue of original tract called 116.208 acres, as recorded in Volume 699, Page 794, in said Official Records, being on a West line of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres for an interior corner hereof;

THENCE in a Westerly and Northerly direction, being along a portion of the North line of said Feazle tract called 56.609 acres, being along South and West lines of said Detering residue of original tract called 116.208 acres, being along East and North line of the Keilers Properties, Inc. tract called 4.743 acres, as recorded in Volume 1580, Page 363, in said Official Records for South and West lines hereof to a Southwest corner of said Detering residue of original tract called 116.208 acres, being the Northwest corner of said Keilers Properties, Inc. tract called 4.743 acres, being on an East right of way line of State Highway No. 36 S. for an exterior angle point hereof;

THENCE in a Westerly direction, crossing said State Highway No. 36 S. for a South line hereof to the Southeast corner of the Anish Investment, Inc. tract called 1.000 acre, as recorded in Volume 1485, Page 1002, in said Official Records, being a Northeast corner of the Alvin John Krenek and Joyce Marie Krenek Revocable Living Trust tract, as conveyed in Volume 1382, Page 368, in said Official Records and described as residue of original tract called 19.642 acres in Volume 792, Page 344, in said Official Records, being on a West right of way line of said State Highway No. 36 S. for a Southwest corner hereof;

THENCE in a Northerly direction, being along a West right of way line of said State Highway No. 36 S., being along the East line of said Anish Investment, Inc. tract called 1.000 acre for a West line hereof to the Northeast corner of said Anish Investment, Inc. tract called 1.000 acre, being on a West



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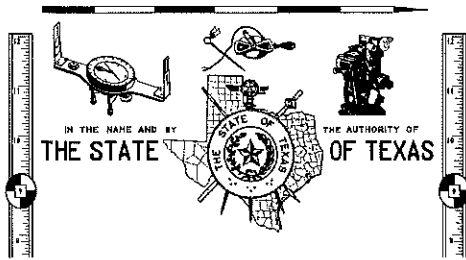
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right of way line of said State Highway No. 36 S. at its intersection with a South margin of Salem Road for an interior corner hereof;

THENCE in a Southwesterly and Westerly direction, being along Southeast and South margins of said Salem Road, being along the Northwest line of said Anish Investment, Inc. tract called 1.000 acre, being along the Northwest line of said Krenek Revocable Living Trust residue of original tract called 19.642 acres, being along the Northwest line of the Julie D. Shows tract called 1.000 acre, as recorded in Volume 1227, Page 473, in said Official Records, being along Northwest lines of the Perry L. Thomas, III, et ux tract called 19.687 acres, as recorded in Volume 792, Page 348, in said Official Records, being along North lines of Lot 1 (called 1.281 acres) of Salem V.F.D. Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 675B, in said Plat Records, being along North lines of Lot 1 (called 3.783 acres) of Perry L. Thomas Division, a map or plat recorded in Plat Cabinet File Slide Number 627A, in said Plat Records for Southeast and South lines hereof to the Northwest corner of said Lot 1 (called 3.783 acres) of said Perry L. Thomas Division, being on a South margin of said Salem Road at its intersection with a Northeast right of way line of the Burlington Northern & Santa Fe Railroad (BNSF) for a Southwest corner hereof;

THENCE in a Northwesterly, Northerly and Northeasterly direction, being along Northeast, Southeast and East right of way lines of said BNSF Railroad, being along Southwest, Northwest and West lines of Valmont Subdivision, Section 2, a map or plat recorded in Plat Cabinet File Slide Numbers 688B and 689A, in said Plat Records, being along the West line of the Schulz Development, LLC tract called 4.897 acres, as recorded in Volume 1595, Page 767, in said Official Records, and crossing said Salem Road with a Northeast right of way line of said BNSF Railroad for Southwest, Northwest and West lines hereof to the Northwest corner of said Schulz Development, LLC tract called 4.897 acres, being on an East right of way line of said BNSF Railroad at an intersection with a South margin of Industrial Boulevard for an interior corner hereof;

THENCE in a Westerly direction, crossing said BNSF Railroad right of way with a South margin of said Industrial Boulevard, being along a North line of the Brenham Community Development Corporation tract called 119.149 acres, as recorded in Volume 1347, Page 469, in said Official Records, being along the North line of Lot 2 (called 3.197 acres) and the North line of Lot 1 (called 2.557 acres) of Industrial Boulevard Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 500B, in said Plat Records, being along a North line of The Brenham Community Development Corporation tract called 2.099 acres, as recorded in Volume 1394, Page 673, in said Official Records, being along the North line of The Brenham Community Development Corporation tract called 0.7201 acre, as recorded in Volume 1357, Page 933, in said Official Records for South lines hereof to the Northwest corner of said The Brenham Community Development Corporation tract called 0.7201 acre, being the Northeast corner of the Ladja Properties, Ltd. tract called 2.389 acres, as recorded in Volume 1127, Page 283, in said Official Records, being on a South margin of said Industrial Boulevard for a Southwest corner hereof;



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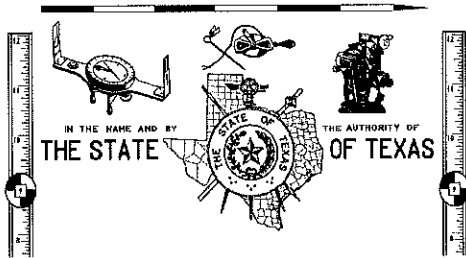
THENCE in a Northerly direction, crossing said Industrial Boulevard with a West line hereof to the Southeast corner of Reserve A (called 8.500 acres) of Longwood Elastomers, Inc. Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 594B, in said Plat Records, being on a West margin of Pickle Circle at its intersection with a North margin of said Industrial Boulevard for an interior angle point hereof;

THENCE in a Northwesterly, Northerly and Northeasterly direction, being along Southwest, West and Northwest margins of said Pickle Circle, being along Northeast lines of said Reserve A (called 8.500 acres) of said Longwood Elastomers, Inc. Subdivision, being along Northeast, East and Southeast lines of the Longwood Elastomers, Inc. residue of original tract called 27.325 acres, as recorded in Volume 708, Page 282, in said Official Records for Southwest, West and Northwest lines hereof to an exterior corner of said Longwood Elastomers, Inc. residue of original tract called 27.325 acres, being the Southwest corner of the Texas Heritage Investments, Ltd. tract called 2.9445 acres (Tract Two), as recorded in Volume 1090, Page 5, in said Official Records, being in a cul-de-sac on the North margin of said Pickle Circle for an interior angle point hereof;

THENCE in a Northeasterly and Northerly direction, being along Southeast and East lines of said Longwood Elastomers, Inc. residue of original tract called 27.325 acres, being along Northwest and West lines of said Texas Heritage Investments, Ltd. tract called 2.9445 acres for Northwest and West lines hereof to a 3/8 inch iron rod found on a South line of the Alexander Oil Company residue of original tract called 10.419 acres, as recorded in Volume 897, Page 786, in said Official Records, being the Northeast corner of said Longwood Elastomers, Inc. residue of original tract called 27.325 acres, being the Northwest corner of said Texas Heritage Investments, Ltd. tract called 2.9445 acres for an interior corner hereof;

THENCE in a Westerly direction, being along a portion of a South line of said Alexander Oil Company residue of original tract called 10.419 acres, being along the North line of said Longwood Elastomers, Inc. residue of original tract called 27.325 acres, crossing Longwood Drive for a South line hereof to a Southwest corner hereof, being on a West margin of said Longwood Drive at its intersection with the projection of the South line of said Alexander Oil Company residue of original tract called 10.419 acres, being on an East line of Lot 2-A (called 5.030 acres) of Southwest Industrial Park Subdivision, Section II, Re-plat of Lots 2, 3 and a portion of Reserve "A", a map or plat recorded in Plat Cabinet File Slide Number 570A, in said Plat Records;

THENCE in a Northerly and Westerly direction, being along West and South margins of said Longwood Drive, being along East and North lines of said Lot 2-A of said Southwest Industrial Park Subdivision, Section II, Re-plat of Lots 2, 3 and a portion of Reserve "A" for West and South lines hereof to a 5/8 inch iron rod found with Id. cap (RPLS 5197) on a West margin of said Longwood Drive at its intersection with a South right of way line of F.M. Highway No. 389, being a Northeast corner of said Lot 2-A (called 5.030 acres) of said Southwest Industrial Park Subdivision, Section II, Re-plat of Lots 2, 3 and a portion of Reserve "A" for an interior corner hereof;

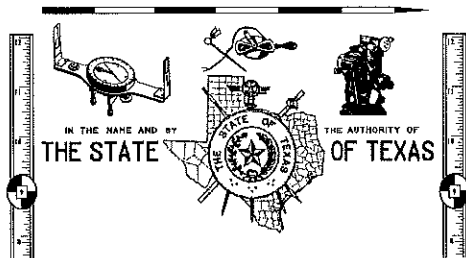


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THENCE in a Westerly direction, being along a South right of way line of said F.M. Highway No. 389, being along a North line of said Lot 2-A (called 5.030 acres) of said Southwest Industrial Park Subdivision, Section II, Re-plat of Lots 2, 3 and a portion of Reserve "A", being along the North line of Lot 1 (called 10.8106 acres) of Southwest Industrial Park Subdivision, Section II, a map or plat recorded in Plat Cabinet File Slide Numbers 298A and 298B, in said Plat Records, being along a portion of the North line of the Eight Star Corporation tract called 13.847 acres (Tract One), as recorded in Volume 1418, Page 539, in said Official Records for a South line hereof to a Southwest corner hereof, being on a South right of way line of said F.M. Highway No. 389 at its intersection with the projection of the East line of Lot 1 (called 1.818 acres) of Draehn 389 Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 574A and 574B, in said Plat Records, being on the North line of said Eight Star Corporation tract called 13.847 acres;

THENCE in a Northerly direction, crossing said F.M. Highway No. 389, being along West lines of the River Eagle Real Estate, Ltd. residue of original tract called 29.738 acres (Tract 1), as recorded in Volume 1172, Page 220, in said Official Records, known as Eagle Lane, being along the East line of said Lot 1 (called 1.818 acres) of said Draehn 389 Subdivision, being along the East line of Michael Keith Draehn, et ux tract called 4.00 acres, as recorded in Volume 1476, Page 266, in said Official Records, being along the East line of the Michael Keith Draehn tract called 2.334 acres, as recorded in Volume 1421, Page 882, in said Official Records and described in Volume 698, Page 253, in said Official Records, being along East lines of the River Eagle Real Estate, Ltd. tract called 5.1545 acres (Tract 3) as recorded in Volume 1172, Page 220, in said Official Records, being along the East line of the Kenneth Teverbaugh, et ux tract called 6.130 acres, as recorded in Volume 1287, Page 824, in said Official Records, being along the East line of the Kenneth Teverbaugh, et ux tract called 6.130 acres, as recorded in Volume 1020, Page 226, in said Official Records, being along the East line of the Henry Zientek, et ux tract called 3.228 acres, as recorded in Volume 549, Page 886, in said Official Records, being along the East line of the Jerry Schwake, et ux tract called 4 acres, as recorded in Volume 315, Page 167, in said Deed Records, being along the East line of the Lisa K. Dreyer tract called 4.843 acres (Tract 2), as recorded in Volume 1198, Page 316, in said Official Records, being along the East line of the Lisa K. Dreyer tract called 2.388 acres (Tract 1), as recorded in Volume 1198, Page 316, in said Official Records, being along the East line of the Allan Herzog tract called 6.299 acres, as recorded in Volume 1523, Page 133, in said Official Records, being along the East line of the Melvin L. Meinecke, et ux tract called 4.892 acres, as recorded in Volume 298, Page 896, in said Deed Records, being along the East line of the Eddie E. Harrison, et ux tract called 3.683 acres, as recorded in Volume 584, Page 22, in said Official Records, being along the East line of the Gregory Charles Nienstedt tract called 3.0 acres, as recorded in Volume 726, Page 316, in said Official Records, being along an East line of the P I Components Corp. tract called 7.000 acres, as recorded in Volume 912, Page 77, in said Official Records, being along West lines of the River Eagle Real Estate, Ltd. residue of original tract called 6.535 acres (Tract 2), as recorded in Volume 1172, Page 220, in said Official Records, being along the West line of the Dix R. Turnbow, et al tract called 6.8365 acres (Tract One), as recorded in Volume 950, Page 81, in said Official Records, being along the West line of the Eddie E. Harrison, et ux tract called 0.268 acre, as recorded in Volume 584, Page 18, in said Official Records, being along a West line of the P I Components Corp. residue of original tract called 11.03 acres, as recorded in Volume 667, Page 758, in said Official Records for West lines



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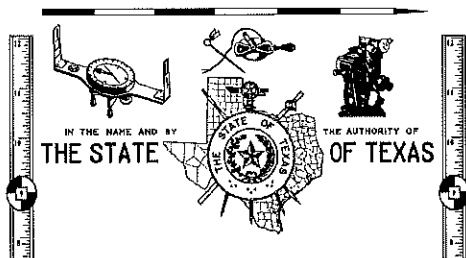
hereof to an interior corner of said P I Components Corp. residue of original tract called 11.03 acres, being a Northeast corner of said P I Components Corp. tract called 7.000 acres for an interior corner hereof;

THENCE in a Westerly and Northerly direction, being along South and West lines of said P I Components Corp. residue of original tract called 11.03 acres, being along North and East lines of said P I Components Corp. tract called 7.000 acres, being along the East line of the James Brending, Jr., et ux tract called 0.455 acre (Tract 1), as recorded in Volume 662, Page 787, in said Official Records, being along the East line of the James Brending, Jr., et ux tract called 0.656 acre, as recorded in Volume 362, Page 335, in said Deed Records for South and West lines hereof to the Northwest corner of said P I Components Corp residue of original tract called 11.03 acres, being the Northeast corner of said Brending tract called 0.656 acre, being on a South margin of Old Mill Creek Road for an interior corner hereof;

THENCE in a Westerly direction, being along South margins of said Old Mill Creek Road, being along the North line of said Brending tract called 0.656 acre, being along a North line of the James Brending, Jr. and Patricia Bednar Brending tract called 1.909 acres, as recorded in Volume 1360, Page 935, in said Official Records, being along a portion of the North line of the Raymond Bednar, Jr. tract called 1.00 acre, as recorded in Volume 1360, Page 928, in said Official Records for South lines hereof to a Southwest corner hereof, being on a South margin of said Old Mill Creek Road at its intersection with the projection of a West line of the Charlotte Beth Woods Smith residue of original tract called 55.181 acres (Tract I), as recorded in Volume 588, Page 862, in said Official Records, being on the North line of said Bednar tract called 1.00 acre;

THENCE in a Northerly direction, crossing said Old Mill Creek Road with a West line hereof to a Southwest corner of said Smith residue of original tract called 55.181 acres, being on a North margin of said Old Mill Creek Road, continuing in a Northerly direction, being along West lines of said Smith residue of original tract called 55.181 acres, crossing the Old Union Pacific Railroad Company right of way, being along the East line of the M.C. Williams tract called 0.292 acre, as recorded in Volume 457, Page 734, in said Deed Records for West lines hereof to the Northeast corner of said Williams tract called 0.292 acre, being an interior corner of said Smith residue of original tract called 55.181 acres for an interior corner hereof;

THENCE in a Westerly direction, being along a South line of said Smith residue of original tract called 55.181 acres, being along the North line of said Williams tract called 0.292 acre, being along the North line of the Hazel Annette Walcik tract called 0.736 acre, as recorded in Volume 1584, Page 211, in said Official Records, being along the North line of the Charles E. Green, Sr. tract called 0.431 acre, as recorded in Volume 1406, Page 824, in said Official Records, being along the North line of the Margie Lusk tract called 1.167 acres, as recorded in Volume 457, Page 737, in said Deed Records, being along a portion of the North line of the Josephine Webb tract called 1.66 acres, as recorded in Volume 196, Page 1, in said Deed Records for a South line hereof to a Southwest corner of said Smith residue of original tract called 55.181 acres, being the Southeast corner of the J. Robert Chappell tract



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called being about one acre, as recorded in Volume 951, Page 102, in said Official Records, being on a North line of said Webb tract called 1.66 acres for a Southwest corner hereof;

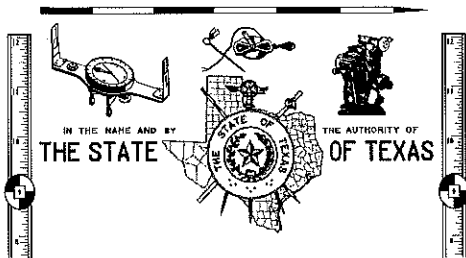
THENCE in a Northerly direction, being along a West line of said Smith residue of original tract called 55.181 acres, being along the East line of said Chappell tract for a West line hereof to an interior corner of said Smith residue of original tract called 55.181 acres, being the Northeast corner of said Chappell tract for an interior corner hereof;

THENCE in a Westerly direction, being along a South line of said Smith residue of original tract called 55.181 acres, being along the North line of said Chappell tract for a South line hereof to a Southwest corner of said Smith residue of original tract called 55.181 acres, being the Northwest corner of said Chappell tract, being on the East line of Tract 7 (called 1.755 acres) of Country Place West Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 169B through 171B, in said Plat Records for a Southwest corner hereof;

THENCE in a Northerly direction, being along a West line of said Smith residue of original tract called 55.181 acres, being along a portion of the East line of said Tract 7 (called 1.755 acres) of said Country Place West Subdivision, being along the East line of Tract 6 (called 1.686 acres) and the East line of Tract 5 (called 2.043 acres) of said Country Place West Subdivision for a West line hereof to a Northwest corner of said Smith residue of original tract called 55.181 acres, being the Northeast corner of said Tract 5 (called 2.043 acres) of said Country Place West Subdivision, being on the South line of the Donald L. Meier, et ux tract called 2.567 acres (Tract I), as recorded in Volume 694, Page 381, in said Official Records for a Northwest corner hereof;

THENCE in an Easterly direction, being along a portion of the South line of said Meier tract called 2.567 acres, being along a portion of a North line of said Smith residue of original tract called 55.181 acres for a North line hereof to the Southeast corner of said Meier tract called 2.567 acres, being the Southwest corner of the Walter L. Schlabach, et ux tract called 2.419 acres, as recorded in Volume 694, Page 377, in said Official Records, being on a North line of said Smith residue of original tract called 55.181 acres for an interior corner hereof;

THENCE in a Northwesterly and Northerly direction, being along the Northeast line of said Meier tract called 2.567 acres, being along East margins of Miranda Lane, being along Southwest and West lines of said Schlabach tract called 2.419 acres, being along West lines of the Donald L. Meier, et ux tract called 0.500 acre (Tract II), as recorded in Volume 694, Page 381, in said Official Records, being along the West line of the Clay Corporation tract called 1.447 acres, as recorded in Volume 965, Page 730, in said Official Records, crossing U.S. Highway No. 290 W. for Southwest and West lines hereof to a Northwest corner hereof, being on a North right of way of said U.S. Highway No. 290 W. at its intersection with the projection of the West line of said Clay Corporation tract called 1.447 acres, being on a South line of Tract 2 (called 1.368 acres) of Brian O'Leary Division No. 1, a map or plat recorded in Plat Cabinet File Slide Number 548A, in said Plat Records;



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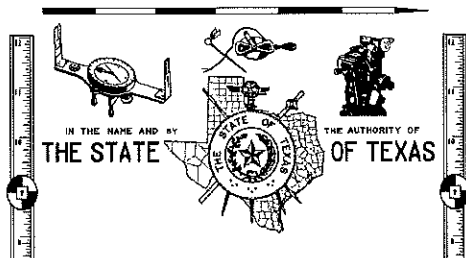
THENCE in an Easterly direction, being along a North right of way line of said U.S. Highway No. 290 W., being along a portion of a South line of said Tract 2 (called 1.368 acres) of said Brian O'Leary Division No. 1, being along a portion of the South line of the Omar Smith Enterprises, Inc. tract, as conveyed in Volume 747, Page 811, in said Official Records being the residue of the 1.000 acre in Volume 475, Page 216, in said Official Records for a North line hereof to the Southwest corner of the City of Brenham tract called 0.1087 acre, as recorded in Volume 1399, Page 382, in said Official Records, being on a South line of said Omar Smith tract, being on a South right of way line of said U.S. Highway No. 290 W. at its intersection with a West margin of Westwood Lane for an interior corner hereof;

THENCE in a Northerly direction, being along West margins of said Westwood Lane, being along the West line of said City of Brenham tract called 0.1087 acre, being along the West line of said City of Brenham tract called 0.1087 acre, being along West lines of the City of Brenham tract called 0.2158 acre, as recorded in Volume 1395, Page 947, in said Official Records, which serves said Omar Smith tract and Tract 1 (called 1.706 acres) of said Brian O'Leary Division No. 1 for West lines hereof to the West corner of said City of Brenham tract called 0.2158 acre, being on a Northwest line of said Tract 1 (called 1.706 acres) of said Brian O'Leary Division No. 1, being on the Southeast line of the Mathis Interests, LLC tract called 2.748 acres, as recorded in Volume 1482, Page 955, in said Official Records for an exterior corner hereof;

THENCE in a Northeasterly direction, being along a portion of the Southeast line of said Mathis Interests, LLC tract called 2.748 acres, being along the Northwest line of said City of Brenham tract called 0.2158 acre for a Northwest line hereof to the North corner of said City of Brenham tract called 0.2158 acre, being the East corner of said Mathis Interests, LLC tract called 2.748 acres, being on a West margin of said Westwood Lane for an interior corner hereof;

THENCE in a Northerly direction, being along West margins of said Westwood Lane, being along the East line of said Mathis Interests, LLC tract called 2.748 acres, being along a portion of an East line of the Vivian R. Mason, Trustee of the Mason Family Trust tract called 29.77 acres (Tract One), as recorded in Volume 1240, Page 125, in said Official Records and described in Volume 322, Page 212, in said Deed Records for West lines hereof to a Northwest corner hereof, being on an East line of said Mason Family Trust tract called 29.77 acres, being on a West margin of said Westwood Lane at its intersection with the projection of the Southwest line of the Lorea Myrick tract called 4.09 acres, as conveyed in Volume 1037, Page 335, in said Official Records and described in Volume 211, Page 230, in said Deed Records;

THENCE in a Southeasterly and Easterly direction, crossing said Westwood Lane, being along the Southwest line of said Myrick tract called 4.09 acres, being along South lines of "Reserve F" (called 29.797 acres) of Vintage Farms Subdivision, Phase I, a map or plat recorded in Plat Cabinet File Slide Numbers 694B through 696A, in said Plat Records, being along Northeast and North lines of Tract 9 (called 15.567 acres) of Westwood Division No. 1, a map or plat recorded in Plat Cabinet File Slide Numbers 700A, 700B, 704B and 705A, in said Plat Records for Northeast and North lines hereof, passing a 1/2 inch iron rod found on an East margin of said Westwood Lane for the Southwest corner



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of said Myrick tract called 4.09 acres, being the Northwest corner of said Tract 9 (called 15.567 acres) of said Westwood Division No. 1, continuing to the Northeast corner of said Tract 9 (called 15.567 acres) of said Westwood Division No. 1, being on a South line of said "Reserve F" (called 29.797 acres) of Vintage Farms Subdivision, Phase I, being an exterior corner of a West right of way line of State Highway No. 36 N.;

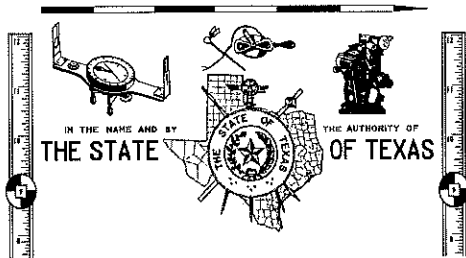
THENCE in an Easterly direction, being along a portion of a South line of said "Reserve F" (called 29.797 acres) of said Vintage Farms Subdivision, Phase I, being along North right of way lines of said State Highway No. 36 N., in part, and crossing said State Highway No. 36 N., being along a portion of a South line of the Shearn Smith, et ux tract called 18.602 acres, as recorded in Volume 312, Page 235, in said Deed Records for North lines hereof to the Northwest corner of the R. Shearn Smith tract called 5.377 acres, as recorded in Volume 865, Page 372, in said Official Records, being an interior angle point of said Smith tract called 18.602 acres for an exterior angle point hereof;

THENCE in an Easterly and Southeasterly direction, being along South and Southwest lines of said Smith tract called 18.602 acres, being along the Southwest line of the Pleasantry Storage, LLC tract called 5.003 acres, as recorded in Volume 1460, Page 101, in said Official Records, being along North and Northeast lines of said Smith tract called 5.377 acres, being along the Northeast line of the Brenham L-P Gas, Inc. tract called 1 acre, as recorded in Volume 348, Page 373, in said Deed Records, and crossing said N. Dixie Street for North and Northeast lines hereof to the PLACE OF BEGINNING and containing approximately 3,214 acres of land, more or less.

LESS AND EXCEPT the following described tract or parcel of land, lying and being situated in the City of Brenham, Washington County, Texas, part of the Philip Coe Survey, A-31, the A. Harrington Survey, A-55, the M. N. Combs Survey, A-124 and the John Carrington Survey, A-120:

BEGINNING at a 5/8 inch iron rod found with Id. cap (Hodde & Hodde Land Surveying) for the Southwest corner of Lot 1 (called 0.507 acre) of Old Mill Creek Subdivision, Section 1, a map or plat recorded in Plat Cabinet File Slide Numbers 646A and 646B, in the Plat Records of Washington County, Texas, being on a North margin of Old Mill Creek Road at its intersection with an East right of way line of U.S. Highway No. 290 W., being the most Western Southwest corner hereof;

THENCE in a Northerly direction, being along East right of way lines of said U.S. Highway No. 290 W., being along the West line of said Lot 1 (called 0.507 acre) of said Old Mill Creek Subdivision, Section 1, being along a West line of Lot 8 of Dixie Addition, a map or plat recorded in Plat Cabinet File Slide Number 16B, in said Plat Records, being along West lines of the Louis Hold, Jr., et ux tract called 0.82 acre, as recorded in Volume 576, Page 475, in the Official Records of Washington County, Texas for West lines hereof to the Northwest corner of said Hold tract called 0.82 acre, being the Southwest corner of the State Highway Commission tract called 0.10 acre, as recorded in Volume 243, Page 223, in the Deed Records of Washington County, Texas, being an interior angle point of the East right of way line of said U.S. Highway No. 290 W. for an exterior corner hereof;



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THENCE in a Northeasterly direction, being along a Southeast right of way line of said U.S. Highway No. 290 W., being along the Southeast line of said State Highway Commission tract called 0.10 acre, being along the Northwest line of said Hold tract called 0.82 acre for a Northwest line hereof to the Southeast corner of said State Highway Commission tract called 0.10 acre, being the Northeast corner of said Hold tract called 0.82 acre, being an exterior corner of Lot 1 (called 2.996 acres) of the Minor Plat of Whitmarsh Division, a map or plat recorded in Plat Cabinet File Slide Number 529B, in said Plat Records, being on a Southeast right of way line of said U.S Highway No. 290 W. for an exterior corner hereof;

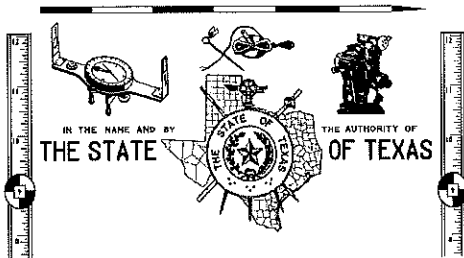
THENCE in a Southerly direction, being along a portion of the East line of said Hold tract called 0.82 acre, being along the West line of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division for an East line hereof to the Southwest corner of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division, being the Northwest corner of said Lot 14 of said Dixie Addition, being on the East line of said Hold tract called 0.82 acre for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of the North line of said Lot 14 of said Dixie Addition, being along a South line of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division for a North line hereof to a Southeast corner of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division, being the Southwest corner of Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division, being on the North line of said Lot 14 of said Dixie Addition for an interior corner hereof;

THENCE in a Northerly direction, being along an East line of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division, being along the West line of said Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division for a West line hereof to an interior corner of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division, being the Northwest corner of said Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division for a Northwest corner hereof;

THENCE in an Easterly direction, being along a South line of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division, being along the North line of said Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division for a North line hereof to a Southeast corner of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division, being the Northeast corner of said Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division, being on a West margin of S. Dixie Street for a Northeast corner hereof;

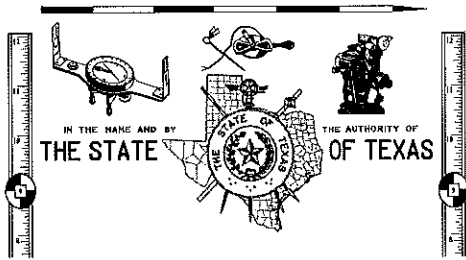
THENCE in a Southerly direction, being along a West margin of said S. Dixie Street, being along the East line of said Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division for an East line hereof to the Southeast corner of said Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division, being the Northeast corner of said Lot 14 of said Dixie Addition, being on a West margin of said S. Dixie Street at its intersection with the projection of the North line of Lot 1 of said Dixie Addition for an interior corner hereof;



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THENCE in an Easterly direction, crossing said S. Dixie Street, being along the North line of Lot 1 of said Dixie Addition, being the South line of the Gerardo Martin Zamarripa, et ux tract called 0.20 acre (Tract One), as recorded in Volume 1397, Page 455, in said Official Records, being along a South line of the Metropolitan Accommodations, Inc. tract called 1.192 acres (Tract One), as recorded in Volume 1543, Page 189, in said Official Records, being along the North line of Lot 1, Block A of H.H. Drumm's Dixie Addition, a map or plat recorded in Plat Cabinet File Slide Numbers 40A and 40B, in said Plat Records, being along the North line of Cornish Street, being along a North line of the Erwin Zibilski, et ux tract, as recorded in Volume 198, Page 523, in said Deed Records, being along the North line of Dale L. Thomas tract called 9,589 square feet, as recorded in Volume 910, Page 741, in said Official Records, being along the South line of the Robert E. Preuss and Jeanette Preuss tract called one acre, as recorded in Volume 1103, Page 641, in said Official Records, crossing S. Drumm Street, being along North lines of Lots 1, 2, 3, 4 and 5, Block C of said H.H. Drumm's Dixie Addition, being along the North line of the Trisha Morgan tract, as recorded in Volume 1329, Page 601, in said Official Records, being along the North line of the J & P Properties, LC tract called 0.34 acre, as recorded in Volume 1446, Page 627, in said Official Records and described in Volume 1239, Page 838, in said Official Records, being along the North line of the Thresia O. Schlabach, et vir tract called 0.424 acre, as recorded in Volume 1393, Page 269, in said Official Records, being along North lines of the Suzanne Poehlmann tract (Second Tract), as recorded in Volume 1137, Page 891, in said Official Records, being along the North line of the Suzanne Poehlmann tract (First Tract), as recorded in Volume 1137, Page 891, in said Official Records, being along the North line of the Jacquelynne Honora tract called 0.5998 acre, as recorded in Volume 1321, Page 348, in said Official Records, being along the North line of the Tyler Steenken tract called 0.3078 acre, as recorded in Volume 1521, Page 284, in said Official Records, being along the North line of the Leal & Assoc., LLC tract, as recorded in Volume 1634, Page 552, in said Official Records, being along the South line of the Jeanette June Wasko Preuss tract called 308/1000 acre, as recorded in Volume 278, Page 84, in said Deed Records, being along the South line of the Robert E. Preuss, et ux tract called 12,214 square feet, as recorded in Volume 321, Page 155, in said Deed Records, being along South lines of the Juan Martinez tract called 0.680 acre, as recorded in Volume 1077, Page 135, in said Official Records, being along the South line of the Billy W. Way, et ux tract called 1.03 acres, as recorded in Volume 493, Page 646, in said Official Records, being along the South line of the Jarrett Scott Davis tract called 7,508 square feet, as recorded in Volume 1354, Page 86, in said Official Records, being along the South line of the Valerie Stevenson, et al residue of original tract called 0.639 acre, as recorded in Volume 1525, Page 634, in said Official Records and described in Volume 270, Page 22, in said Deed Records, being along the North lines of Lots 1, 2, 3 and 4, Block 1 of Meadow Brook Subdivision, Section III, a map or plat recorded in Plat Cabinet File Slide Numbers 284B and 285A, in said Plat Records, being along the South line of the H2 Investments, LLC tract (Tract Four), as recorded in Volume 1649, Page 858, in said Official Records, being along the South line of the H2 Investments, LLC residue of original tract called 1 acre (Tract One), as recorded in Volume 1649, Page 858, in said Official Records, being along the South line of the H2 Investments, LLC tract called 34/100 acre (Tract Two), as recorded in Volume 1649, Page 858, in said Official Records, being along a South line of Lot 1 (called 1.480 acres), Block I of Meadow Brook Subdivision, Section V, a map or plat recorded in Plat Cabinet File Slide Number 391A, in said Plat Records, being along a North line of the L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres, as



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conveyed in Volume 1416, Page 525, in said Official Records and being the residue of original tract called 18.448 acres in Volume 357, Page 559, in said Deed Records for North lines hereof to an exterior corner of said Lot 1 (called 1.480 acres) of said Meadow Brook Subdivision, Section V, being an interior corner of said L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres for an interior corner hereof;

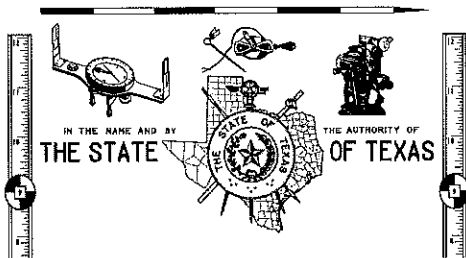
THENCE in a Northeasterly direction, being along the Southeast line of said Lot 1 (called 1.480 acres) of said Meadow Brook Subdivision, Section V, being along a Northwest line of said L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres for a Northwest line hereof to the Southeast corner of said Lot 1 (called 1.480 acres) of said Meadow Brook Subdivision, Section V, being the North corner of said L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres, being on a West line of Lot 1 (called 0.745 acre) of the Division of Mildred Ann Flisowski Property, a map or plat recorded in Plat Cabinet File Slide Number 436B, in said Plat Records for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Lot 1 (called 0.745 acre) of said Division of Mildred Ann Flisowski Property, being along an East line of said L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres for an East line hereof to the Southwest corner of said Lot 1 (called 0.745 acre) of said Division of Mildred Ann Flisowski Property, being an interior corner of said L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Lot 1 (called 0.745 acre) Division of Mildred Ann Flisowski Property, and being along the South line of Lot 2 (called 0.332 acre) of said Division of Mildred Ann Flisowski Property, being along a North line of said L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres, being along the North line of the Raymond K. Goodnight tract called 7,072 square feet, as recorded in Volume 1169, Page 147, in said Official Records for a North line hereof to the Northeast corner of said Goodnight tract called 7,072 square feet, being the Southeast corner of said Lot 2 (called 0.332 acre) of said Division of Mildred Ann Flisowski Property, being on a West margin of S. Saeger Street for an interior angle point hereof;

THENCE in an Easterly direction, crossing said S. Saeger Street with a North line hereof to the Southwest corner of Lot 1, Block C of Ellwood Estates Addition, a map or plat recorded in Plat Cabinet File Slide Number 27A, in said Plat Records which is included in the called 5.313 acres of the Grace Community Fellowship-Brenham tract, a map or plat recorded in Plat Cabinet File Slide Number 668B, in said Plat Records, being on an East margin of said S. Saeger Street for an interior corner hereof;

THENCE in a Northerly direction, being along East margins of said S. Saeger Street, being along West lines of said Grace Community Fellowship-Brenham tract called 5.313 acres for West lines hereof to an exterior corner hereof, being a Northwest corner of said Grace Community Fellowship-Brenham tract called 5.313 acres, being on an East margin of said S. Saeger Street at its intersection with a South right of way line of W. Main Street (U.S. Highway 290 - Business);



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THENCE in an Easterly direction, being along a South right of way line of said W. Main Street (U.S. Highway 290 - Business), being along a North line of said Grace Community Fellowship-Brenham tract called 5.313 acres for a North line hereof to a Northeast corner of said Grace Community Fellowship-Brenham tract called 5.313 acres, being the Northwest corner of Lot 2, Block C of said Ellwood Estates Addition, being on a South right of way line of said W. Main Street (U.S. Highway 290 - Business) for a Northeast corner hereof;

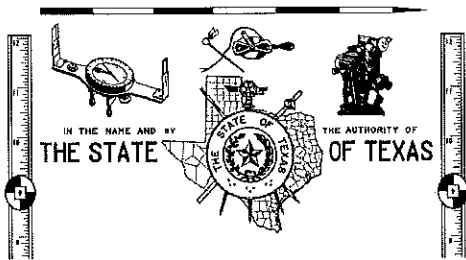
THENCE in a Southerly direction, being along an East line of said Grace Community Fellowship-Brenham tract called 5.313 acres, being along the West line of said Lot 2, Block C of said Ellwood Estates Addition for an East line hereof to an interior corner of said Grace Community Fellowship-Brenham tract called 5.313 acres, being the Southwest corner of said Lot 2, Block C of said Ellwood Estates Addition for an interior corner hereof;

THENCE in an Easterly direction, being along North lines of said Grace Community Fellowship-Brenham tract called 5.313 acres, being along the South line of said Lot 2, Block C of said Ellwood Estates Addition, being along the South lines of Lots 3, 4, 5, 6, 7, 8, 9 and 10, Block C of said Ellwood Estates Addition, being along a portion of the North line of the Blinn College, The Junior College District of Washington County, Texas tract called 1.975 acres, as recorded in Volume 980, Page 725, in said Official Records for a North line hereof to the Southeast corner of said Lot 10, Block C of said Ellwood Estates Addition, being the Southwest corner of Lot 11, Block C of said Ellwood Estates Addition, being on the North line of said Blinn College, The Junior College District of Washington County, Texas tract called 1.975 acres for an interior corner hereof;

THENCE in a Northerly direction, being along the East line of said Lot 10 of said Ellwood Estates Addition, being along the West line of said Lot 11, Block C of said Ellwood Estates Addition for a West line hereof to the Northeast corner of said Lot 10, Block C of said Ellwood Estates Addition, being the Northwest corner of said Lot 11 of said Ellwood Estates Addition, being on a South right of way line of said W. Main Street (U.S. Highway 290 - Business) for a Northwest corner hereof;

THENCE in an Easterly direction, being along a South right of way line of said W. Main Street (U.S. Highway 290 - Business), being along the North line of said Lot 11, Block C of said Ellwood Estates Addition, being along the North line of the Blinn College, The Junior College District of Washington County tract called 0.334 acre, as recorded in Volume 974, Page 310, in said Official Records, crossing Blinn Boulevard with a South right of way line of said W. Main Street (U.S. Highway 290 - Business) for a North line hereof to the Northwest corner of the Brenham Living Well, L.L.C. tract called 0.21 acre, as recorded in Volume 1206, Page 131, in said Official Records for an exterior corner hereof;

THENCE in a Southerly direction, being along an East margin of said Blinn Boulevard, being along the West line of said Brenham Living Well, L.L.C. tract called 0.21 acre for an East line hereof to the Southwest corner of said Brenham Living Well, L.L.C. tract called 0.21 acre, being on an East margin of said Blinn Boulevard at its intersection with the North margin of Main View Street for an interior corner hereof;



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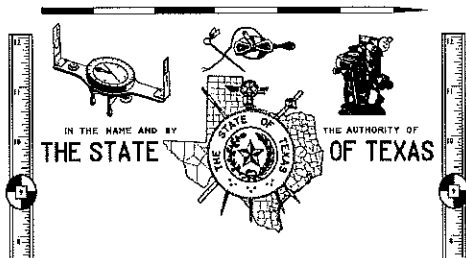
THENCE in an Easterly direction, being along the North margin of said Main View Street, being along the South line of said Brenham Living Well, L.L.C. tract called 0.21 acre, being along the South line of the Angela R. Denny, et vir tract, as conveyed in Volume 1079, Page 629, in said Official Records and described in Volume 236, Page 246, in said Deed Records for a North line hereof to the Southeast corner of said Denny tract, being on a North margin of said Main View Street for an exterior corner hereof;

THENCE in an Easterly and Southeasterly direction, crossing said Main View Street, being along apparent Northeast lines of the B.T. Hogan tract, as conveyed in Volume 309, Page 434, in said Deed Records, being part of Lot 6 of the C.C. Chandler Plat, a map or plat recorded in Volume 37, Page 146, in said Deed Records, being along apparent Northeast lines of the B.T. Hogan tract, as conveyed in Volume 134, Page 479, in said Deed Records, being part of Lots 7 and 8 of said Chandler Plat, being along the Northeast line of the Byron Hogan tract called 0.113 acre, as conveyed in Volume 1630, Page 170, in said Official Records and described in Volume 799, Page 54, in said Official Records, and being along a Southwest margin of a connector street between said W. Main Street (U.S. Highway 290- Business) and W. Alamo Street and crossing said W. Alamo Street for North and Northeast lines hereof to the Northwest corner of Lot 10 of Alamo Heights Addition, Section 2, a map or plat recorded in Plat Cabinet File Slide Number 82A, in said Plat Records, being on a South margin of said W. Alamo Street at its intersection with an East margin of Heights Circle for an interior corner hereof;

THENCE in an Easterly direction, being along a South margin of said W. Alamo Street, being along the North line of said Lot 10 of said Alamo Heights Addition, Section 2, being along the North line of Lot 1 of said Alamo Heights Addition, Section 2, crossing High Street with a South margin of said W. Alamo Street for a North line hereof to the Northwest corner of the Eugene Bothe, et ux tract, as recorded in Volume 216, Page 423, in said Deed Records, being on an East margin of said High Street at its intersection with a South margin of said W. Alamo Street for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of an East margin of said High Street, being along the West line of said Bothe tract, being along the West line of the Windy Spot Properties, LLC tract called 20,674 square feet, as recorded in Volume 1413, Page 561, in said Official Records for an East line hereof to the Southwest corner of said Windy Spot Properties, LLC tract called 20,674 square feet, being the Northwest corner of the Aaron Johnson, et ux tract called 6,012.0 square feet (Tract 2), as recorded in Volume 1234, Page 613, in said Official Records, being on an East margin of said High Street for an exterior corner hereof;

THENCE in a Westerly direction, crossing said High Street with a projection of the North line of said Johnson tract called 6,012.0 square feet for a South line hereof to an interior corner hereof, being on the East line of Lot 5 of said Alamo Heights Addition, Section 2, being on a West margin of said High Street;



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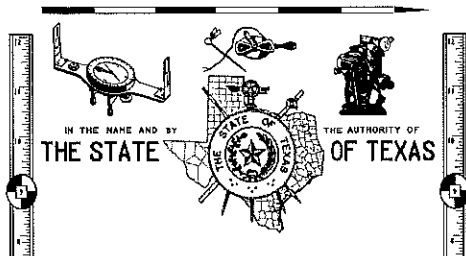
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THENCE in a Southerly direction, crossing Burlington Northern & Santa Fe Railroad (BNSF) right of way with a West margin of said High Street for an East line hereof to the Northeast corner of Lot 10 of Alamo Heights Addition, Section 3, a map or plat recorded in Plat Cabinet File Slide Number 82B, in said Plat Records, being on a South right of way line of said BNSF Railroad at its intersection with a West margin of said High Street for an interior corner hereof;

THENCE in an Easterly and Northerly direction, crossing said High Street, being along South and East right of way lines of said BNSF Railroad, being along the North line of Lot 1 of said Alamo Heights Addition, Section 3, being along the North line of the Brenham Wholesale Grocery Company, Inc. tract called 2.616 acres (Tract Two), as recorded in Volume 504, Page 160, in said Official Records, being along the North line of the Brenham Wholesale Grocery Company, Inc. tract called 0.477 acre (Tract Three), as recorded in Volume 504, Page 160, in said Official Records, being along West and North lines of the Brenham Wholesale Grocery Company, Inc. tract called 3.991 acres (Tract One), as recorded in Volume 504, Page 160, in said Official Records, crossing S. Jackson Street with a South right of way line of said BNSF Railroad, being along the North line of the Brenham Wholesale Grocery Company, Inc. tract called 3.288 acres (Tract Five), as recorded in Volume 504, Page 160, in said Official Records for North and West lines hereof to the Northeast corner of said Brenham Wholesale Grocery Company, Inc. tract called 3.288 acres, being the Northwest corner of the Karl E. Stopschinski, et ux tract called 0.319 acre, as recorded in Volume 1217, Page 192, in said Official Records, being on a South right of way line of said BNSF Railroad for an exterior corner hereof;

THENCE in a Southerly direction, being along the West line of said Stopschinski tract called 0.319 acre, being along a West margin of Key Street, being along the East line of said Brenham Wholesale Grocery Company, Inc. tract called 3.288 acres, crossing W. First Street with a West margin of said Key Street, being along the East line of the Brenham Wholesale Grocery Co., Inc. tract called 0.5055 acre, as recorded in Volume 847, Page 699, in said Official Records, being along the East line of the Southwestern Bell Telephone Company tract called 0.745 acre, as recorded in Volume 241, Page 331, in said Deed Records for an East line hereof to an interior corner hereof, being on the East line of said Southwestern Bell Telephone Company tract called 0.745 acre, being on a West margin of said Key Street at its intersection with the projection of the South margin of W. Second Street;

THENCE in an Easterly direction, crossing said Key Street, being along a South margin of said W. Second Street, being along the North line of the City of Brenham tract called 0.399 acre, as recorded in Volume 777, Page 783, in said Official Records, crossing the G.C. & S.F. Railway and H. & T.C. Railway, Co. 16 feet wide strip (previously used for compress spur tract), as recorded in Volume 30, Page 138, in said Deed Records, being along the North line of the City of Brenham tract called 0.059 acre (Tract Two), as recorded in Volume 930, Page 72, in said Official Records, and crossing the Burlington Northern & Santa Fe Railroad (BNSF) right of way with a South margin of said W. Second Street for a North line hereof to the Northwest corner of the Herbert S. Hughes, et ux tract called 0.1610 acre, as recorded in Volume 806, Page 862, in said Official Records, being on a South margin of said W. Second Street at its intersection with an East right of way line of said BNSF Railroad for an interior corner hereof;



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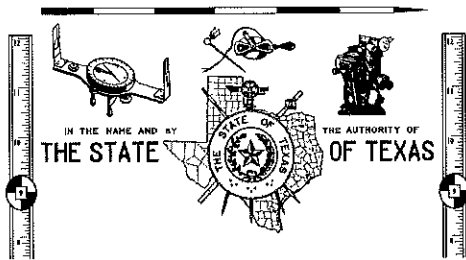
THENCE in a Northerly direction, being along East right of way lines of said BNSF Railroad, crossing said W. Second Street and S. Day Street, being along the West line of the Paul F. Lampe tract called 0.303 acre, as recorded in Volume 896, Page 47, in said Official Records, being along West lines of the Blue Bell Creameries, L.P. tract, as conveyed in Volume 1020, Page 280, in said Official Records and described as 30,019.894 square feet (Tract 5) in Volume 981, Page 146, in said Official Records for West lines hereof to the Northwest corner of said Blue Bell Creameries, L.P. tract called 30,019.894 square feet, being a Southwest corner of the OU Taing, et ux tract called 1.261 acres, as recorded in Volume 1330, Page 637, in said Official Records, being on an East right of way line of said BNSF Railroad for an exterior corner hereof;

THENCE in an Easterly direction, being along a South line of said Taing tract called 1.261 acres, being along the North line of said Blue Bell Creameries, L.P. tract called 30,019.894 square feet for a North line hereof to an interior corner of said Taing tract called 1.261 acres, being the Northeast corner of said Blue Bell Creameries, L.P. tract called 30,019.894 square feet for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the East line of said Blue Bell Creameries, L.P. tract called 30,019.894 square feet, being along a West line of said Taing tract called 1.261 acres for an East line hereof to a Southwest corner of said Taing tract called 1.261 acres, being the Northwest corner of the City of Brenham tract called 1,664 square feet (Tract Two), as recorded in Volume 950, Page 847, in said Official Records, being on the East line of said Blue Bell Creameries, L.P. tract called 30,019.894 square feet for an interior corner hereof;

THENCE in an Easterly direction, being along a South line of said Taing tract called 1.261, acres, being along the North line of said City of Brenham tract called 1,664 square feet for a North line hereof to the Southeast corner of said Taing tract called 1.261 acres, being the Northeast corner of said City of Brenham tract called 1,664 square feet, being on a West margin of S. Austin Street for an exterior corner hereof;

THENCE in a Southerly direction, being along a West margin of said S. Austin Street, being along the East line of said City of Brenham tract called 1,664 square feet, being along the East line of the City of Brenham tract called 4,720 square feet (Tract One - Tract VI), as recorded in Volume 950, Page 847, in said Official Records and described in Volume 688, Page 498, in said Official Records, being along the East line of the City of Brenham tract called 12,272 square feet (Tract One - Tract I), as recorded in Volume 950, Page 847, in said Official Records and described in Volume 688, Page 498, in said Official Records, being along the East line of the City of Brenham tract called 7,552 square feet (Tract One - Tract II), as recorded in Volume 950, Page 847, in said Official Records and described in Volume 688, Page 498, in said Official Records, crossing said W. Second Street with a West margin of said S. Austin Street for an East line hereof to the Northeast corner of the Betsy Barnhill Newman and Ted C. Barnhill tract called 0.435 acre, as recorded in Volume 966, Page 38, in said Official Records, being on a South margin of said W. Second Street at its intersection with a West margin of said S. Austin Street for an interior corner hereof;



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THENCE in an Easterly direction, crossing said S. Austin Street with a South margin of said W. Second Street, being along the North line of Lot 1 (called 15,986 square feet) of Riley-Cole Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 666B, in said Plat Records, being along a portion of the North line of the Christopher Kamprath, et ux tract called 7,886 square feet, as recorded in Volume 1520, Page 861, in said Official Records, being along a South margin of said W. Second Street for a North line hereof to an interior corner hereof, being on the North line of said Kamprath tract called 7,886 square feet, being on a South margin of said W. Second Street at its intersection with the projection of an East line of the Bank of Brenham, N.A. tract called 0.6766 acre, as recorded in Volume 1066, Page 565, in said Official Records;

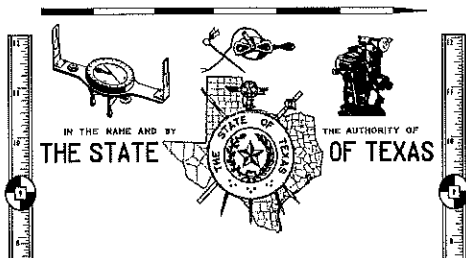
THENCE in a Northerly direction, crossing said W. Second Street, being along an East line of said Bank of Brenham, N.A. tract called 0.6766 acre, being along a West line of the Darryl W. Heine, Trustee tract called 0.5816 acre, as recorded in Volume 1021, Page 281, in said Official Records, for a West line hereof to an interior corner of said Bank of Brenham, N.A. tract called 0.6766 acre, being an exterior corner of said Heine tract called 0.5816 acre for an exterior corner hereof;

THENCE in an Easterly direction, being along a South line of said Bank of Brenham, N.A. tract called 0.6766 acre, being along a North line of said Heine tract called 0.5816 acre for a North line hereof to a Southeast corner of said Bank of Brenham, N.A. tract called 0.6766 acre, being an interior corner of said Heine tract called 0.5816 acre for an interior corner hereof;

THENCE in a Northerly direction, being along an East line of said Bank of Brenham, N.A. tract called 0.6766 acre, being along East lines of the Bank of Brenham, N.A. tract called 0.470 acre, as recorded in Volume 1013, Page 842, in said Official Records, being along a West line of said Heine tract called 0.5816 acre, being along the West line of the Vicki Goodrich tract called 0.186 acre, as recorded in Volume 1401, Page 970, in said Official Records for West lines hereof to the Northwest corner of said Goodrich tract called 0.186 acre, being the Southwest corner of The Bottling Works, LLC tract called 0.1901 acre (Tract One and Tract Two), as recorded in Volume 1565, Page 590, in said Official Records and described in Volume 1285, Page 806, in said Official Records, being on an East line of said Bank of Brenham, N.A. tract called 0.470 acre for an exterior corner hereof;

THENCE in an Easterly direction, being along the North line of said Goodrich tract called 0.186 acre, being along the South line of said The Bottling Works, LLC tract called 0.1901 acre for a North line hereof to the Northeast corner of said Goodrich tract called 0.186 acre, being the Southeast corner of said The Bottling Works, LLC tract called 0.1901 acre, being on a West margin of S. Church Street for an exterior corner hereof;

THENCE in a Southerly direction, being along a West margin of said S. Church Street, being along the East line of said Goodrich tract called 0.186 acre, being along a portion of the East line of said Heine tract called 0.5816 acre for an East line hereof to an interior corner hereof, being on a West margin of said S. Church Street at the intersection with the projection of the North line of Lot II of Original Town Lot (Block 93), a map or plat recorded in Plat Cabinet File Slide Number 255A, in



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said Plat Records, being on the East line of said Heine, Trustee tract called 0.5816 acre for an interior corner hereof;

THENCE in an Easterly direction, crossing said S. Church Street, being along the South line of Lot III of said Original Town Lot (Block 93), being along the North line of said Lot II of Original Town Lot (Block 93) for a North line hereof to the Southeast corner of said Lot III of Original Town Lot (Block 93), being the Northeast corner of said Lot II of Original Town Lot (Block 93), being on the West line of the Bettye P. Honerkamp tract, as conveyed in Volume 849, Page 453, in said Official Records and described as 11,210 square feet in Volume 511, Page 58, in said Official Records for an exterior corner hereof;

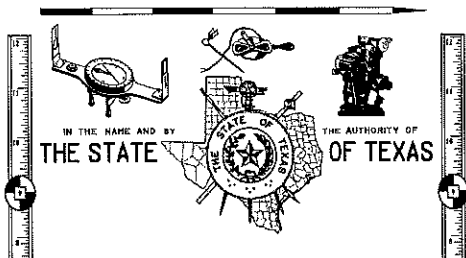
THENCE in a Southerly direction, being along a portion of the East line of said Lot II of Original Town Lot (Block 93), being along a portion of the West line of said Honerkamp tract for an East line hereof to the Southwest corner of said Honerkamp tract, being the Northwest corner of the Tamara Redshaw tract, as conveyed in Volume 1354, Page 94, in said Official Records and described as 0.403 acre in Volume 1164, Page 616, in said Official Records, being on the East line of said Lot II of Original Town Lot (Block 93) for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Honerkamp tract, being along the North line of said Redshaw tract called 0.403 acre, crossing S. Park Street for a North line hereof to an interior corner hereof, being on an East margin of said S. Park Street at its intersection with the projection of the South line of said Honerkamp tract, being on the West line of Lot 10 of Lenert Subdivision of the Erwin Addition, a map or plat recorded in Plat Cabinet File Slide Number 26B, in said Plat Records;

THENCE in a Northerly direction, being along an East margin of said S. Park Street, being along a portion of the West line of said Lot 10 of said Lenert Subdivision of the Erwin Addition for a West line hereof to the Northwest corner of said Lot 10 of said Lenert Subdivision of the Erwin Addition, being the Southwest corner of Lot 9 (called 0.116 acre) of the Boundary Line Adjustment of Lenert Subdivision of the Erwin Addition, a map or plat recorded in Plat Cabinet File Slide Number 383A, in said Plat Records, being on an East margin of said S. Park Street for an exterior corner hereof;

THENCE in an Easterly direction, being along a portion of the North line of said Lot 10 of said Lenert Subdivision of the Erwin Addition, being along the South line of said Lot 9 (called 0.116 acre) of said Boundary Line Adjustment for a North line hereof to the Southeast corner of said Lot 9 (called 0.116 acre) of said Boundary Line Adjustment, being the Southwest corner of Lot 4 (called 0.133 acre) of said Boundary Line Adjustment, being on the North line of said Lot 10 of said Lenert Subdivision of the Erwin Addition for an interior corner hereof;

THENCE in a Northerly direction, being along the East line of said Lot 9 (called 0.116 acre) of said Boundary Line Adjustment, being along the West line of said Lot 4 (called 0.133 acre) of said Boundary Line Adjustment for a West line hereof to a 1/2 inch iron rod found with Id. cap (RPLS 5197) on the South line of Lot 3A (called 0.189 acre) of the Boundary Line Adjustment of Lenert



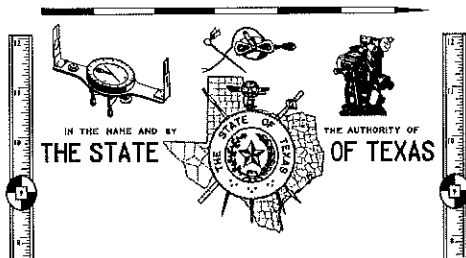
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Subdivision of the Erwin Addition, a map or plat recorded in Plat Cabinet File Slide Number 483A, in said Plat Records, being the Northeast corner of said Lot 9 (called 0.116 acre) of said Boundary Line Adjustment (383A), being the Northwest corner of said Lot 4 (called 0.133 acre) of said Boundary Line Adjustment (383A) for an exterior corner hereof;

THENCE in an Easterly direction, being along a portion of the South line of said Lot 3A (called 0.189 acre) of said Boundary Line Adjustment (483A), being along the North line of said Lot 4 (called 0.133 acre) of said Boundary Line Adjustment (383A) for a North line hereof to a 1/2 inch iron rod found with Id. cap (RPLS 5197) on a West margin of S. Baylor Street, being the Southeast corner of said Lot 3A (called 0.189 acre) of said Boundary Line Adjustment (483A), being the Northeast corner of said Lot 4 (called 0.133 acre) of said Boundary Line Adjustment (383A) for an exterior corner hereof;

THENCE in a Southerly direction, being along West margins of said S. Baylor Street, being along the East line of said Lot 4 (called 0.133 acre) of said Boundary Line Adjustment (383A), being along the East line of Lot 5 and the East line of Lot 13 of said Lenert Subdivision (26B), crossing E. Second Street with a West margin of said S. Baylor Street, being along the East line of the Jose Canales and Shannan Blanchard tract called 0.255 acre, as recorded in Volume 1462, Page 786, in said Official Records, being along the East line of the Brenda Lowery, et vir tract called 0.224 acre, as recorded in Volume 1603, Page 14, in said Official Records, being along the East line of the Christopher E. Marek and Deeanna O. Marek tract called 0.386 acre, as recorded in Volume 947, Page 54, in said Official Records, being along the East line of The Most Reverend Gregory M. Aymond, Bishop of the Roman Catholic Diocese of Austin and his Successors in Office tract called 0.32 acre, as recorded in Volume 1257, Page 227, in said Official Records, being along the East line of the James W. Ripple, et ux tract called 14,204 square feet, as recorded in Volume 1537, Page 477, in said Official Records, crossing Gilder Street with a West margin of said S. Baylor Street, being along the East line of the Catherine Mahlmann tract called 0.228 acre, as recorded in Volume 1445, Page 858, in said Official Records, being along the East line of the Edward Krenek tract, as recorded in Volume 1169, Page 737, in said Official Records, being along the East line of the Charles Sulak tract (Tract 1), as conveyed in Volume 1651, Page 436, in said Official Records and described as 0.119 acre in Volume 620, Page 891, in said Official Records, being along the East line of the Mary Ellen West tract called 0.161 acre, as recorded in Volume 888, Page 33, in said Official Records, being along the East of the Cynthia Ann McCourt tract called 7,238 square feet, as recorded in Volume 1531, Page 208, in said Official Records, being along the East line of the John L. Studer, et ux tract called 0.120 acre, as recorded in Volume 1572, Page 240, in said Official Records, being along the East line of the Susan Hare tract called 0.1156 acre, as recorded in Volume 1142, Page 275, in said Official Records, being along the East line of the Tom Feehery tract, as recorded in Volume 1054, Page 267, in said Official Records, being along the East line of the Gregory Charles Vann, et ux tract called 0.18 acre, as recorded in Volume 1630, Page 144, in said Official Records, crossing E. Germania Street with the projection of the West margin of said S. Baylor Street for an East line hereof to an interior corner hereof, being on a South margin of said E. Germania Street, being on the North line of the (Janet Carol Fisher) Joyce Caniel Fisher tract called 0.442 acre, as recorded in Volume 1124, Page 304, in said Official Records;



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THENCE in an Easterly direction, being along a South margin of said E. Germania Street, being along a portion of the North line of said Fisher tract called 0.442 acre for a North line hereof to the Northeast corner of said Fisher tract called 0.442 acre, being the Northwest corner of the CZED Investments Ltd. residue of original tract called 1.2154 acres, as recorded in Volume 1228, Page 22, in said Official Records, being on a South margin of said E. Germania Street for an exterior corner hereof;

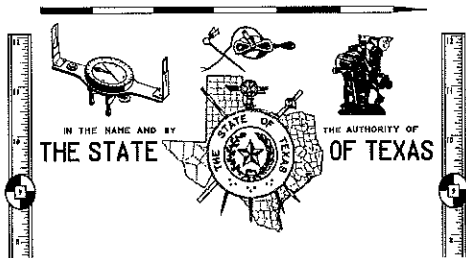
THENCE in a Southerly direction, being along the West line of said CZED Investments Ltd. residue of original tract called 1.2154 acres, being along the East line of said Fisher tract called 0.442 acre for an East line hereof to the Southwest corner of said CZED Investments Ltd. residue of original tract called 1.2154 acres, being the Southeast corner of said Fisher tract called 0.442 acre, being on a North line of the CZED Investments Ltd. tract called 2.165 acres, as recorded in Volume 1228, Page 32, in said Official Records for an exterior corner hereof;

THENCE in a Westerly direction, being along a portion of a North line of said CZED Investments Ltd. tract called 2.165 acres, being along the South line of said Fisher tract called 0.442 acre, being along the South line of the Rodney Lacina tract, as recorded in Volume 502, Page 102, in said Official Records for a South line hereof to a Northwest corner of said CZED Investments Ltd. tract called 2.165 acres, being the Southwest corner of said Lacina tract, Volume 502, Page 102, being the Southeast corner of the Rodney Joseph Lacina tract called 0.5784 acre, as recorded in Volume 1199, Page 796, in said Official Records, being the Northeast corner of The City of Brenham, Texas tract called 0.5069 acre, as recorded in Volume 370, Page 410, in said Deed Records for an interior corner hereof;

THENCE in a Southerly direction, being along a West line of said CZED Investments Ltd. tract called 2.165 acres, being along the East line of said The City of Brenham, Texas tract called 0.5069 acre for an East line hereof to the Southeast corner of said The City of Brenham, Texas tract called 0.5069 acre, being the Southwest corner of said CZED Investments Ltd. tract called 2.165 acres, being on a North line of the Brenham Independent School District tract called 8.14 acres, as recorded in Volume 195, Page 360, in said Deed Records for an interior corner hereof;

THENCE in an Easterly direction, being along South lines of said CZED Investments Ltd. tract called 2.165 acres, being along North lines of said Brenham Independent School District tract called 8.14 acres, being along North lines of the Roger Wayne Goerlitz tract called 0.354 acre (Tract 2), as recorded in Volume 1163, Page 595, in said Official Records for North lines hereof to the Southeast corner of said CZED Investments Ltd. tract called 2.165 acres, being the Northeast corner of said Goerlitz tract called 0.354 acre, being on a West margin of S. Market Street for an exterior corner hereof;

THENCE in a Southerly direction, being along West margins of said S. Market Street, being along the East line said Goerlitz tract called 0.354 acre, being along the East line of the Roger Wayne Goerlitz tract called 0.517 acre (Tract 1), as recorded in Volume 1163, Page 595, in said Official Records, being along the East line of Lot 1 (called 0.2095 acre) and Lot 2 (called 0.4574 acre) of the



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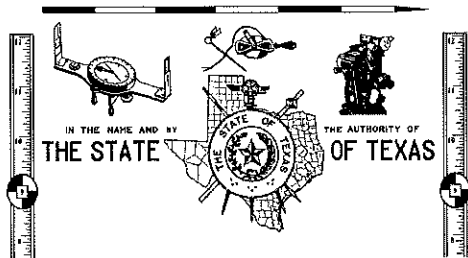
Boundary Adjustment 0.6672 acre, a map or plat recorded in Plat Cabinet File Slide Number 322B, in said Plat Records, being along an East line of the Brenham Independent School District tract called 2.02 acres, as recorded in Volume 206, Page 140, in said Deed Records, being along the East line of the Gregory Dubiel and Mary Kathryn Wurts tract called 0.896 acre, as recorded in Volume 1558, Page 279, in said Official Records, being along the East line of the Roger C. Winkelmann, et ux tract called 1.131 acres, as recorded in Volume 923, Page 808, in said Official Records for East lines hereof to the North corner of the City of Brenham tract called 0.009 acre, as recorded in Volume 672, Page 1, in said Official Records, being an exterior corner of said Winkelmann tract called 1.131 acres, being on a West margin of said S. Market Street for an exterior corner hereof;

THENCE in a Southwesterly direction, being along the Southeast line of said Winkelmann tract called 1.131 acres, being along the Northwest line of said City of Brenham tract called 0.009 acre for a Southeast line hereof to an exterior corner of said Winkelmann tract called 1.131 acres, being the West corner of said City of Brenham tract called 0.009 acre, being on a North margin of E. Tom Green Street for an exterior corner hereof;

THENCE in a Westerly direction, being along a North margin of said E. Tom Green Street, being along a South line of said Winkelmann tract called 1.131 acres, being along the South line of the Ihla G. Burgess tract called 0.209 acre, as recorded in Volume 1121, Page 861, in said Official Records for a South line hereof to the Southeast corner of the George Lee Kaldis tract called 0.431 acre, as recorded in Volume 1140, Page 316, in said Official Records, being the Southwest corner of said Burgess tract called 0.209 acre, being on a North margin of said E. Tom Green Street for an interior corner hereof;

THENCE in a Southerly direction, crossing said E. Tom Green Street with an East line hereof to the Northeast corner of the Rachel B. Cook and Jared G. Cook tract called 0.177 acre, as recorded in Volume 1505, Page 796, in said Official Records, being on a South margin of said E. Tom Green Street at its intersection with a West margin of said S. Baylor Street for an interior angle point hereof;

THENCE in a Southerly direction, being along West margins of said S. Baylor Street, being along the East line of said Cook tract called 0.177 acre, being along the East line of the Michelle S. Woodall tract called 8,187 square feet, as recorded in Volume 898, Page 933, in said Official Records, being along the East line of Lot 8 (called 0.1811 acre) and along the East line of Lot 10 (called 0.1790 acre) of the Replat of Lots 10 & 8, Block F of Washington Park Addition, a map or plat recorded in Plat Cabinet File Slide Number 367B, in said Plat Records, crossing E. Val Verde Street with a West margin of said S. Baylor Street, being along the East line of Lot 1 of Baylor Street Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 247A, in said Plat Records, being along the East line of the James G. Boyd, IV tract called 0.5695 acre, as recorded in Volume 1315, Page 317, in said Official Records, crossing E. Mansfield Street with a West margin of said S. Baylor Street, being along the East line of the Stacey L. Chance tract called 5,510 square feet, as recorded in Volume 1249, Page 80, in said Official Records, being along the East line of the Martha Mojica tract called 0.095 acre, as recorded in Volume 1540, Page 807, in said Official Records and described in Volume 937, Page 81, in said Official Records, being along the East line of the MVP Mt. Vernon Property



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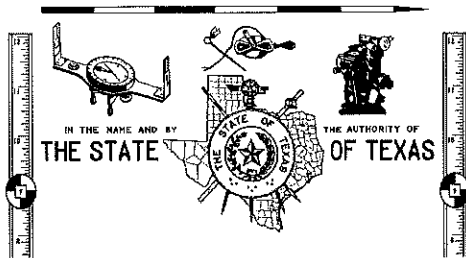
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Services, LLC tract called 0.085 acre, as recorded in Volume 1458, Page 407, in said Official Records, being along the East line of the MVP Mt. Vernon Property Services, LLC tract called 14,695 square feet, as recorded in Volume 1459, Page 782, in said Official Records, crossing E. Chauncy Street with a West margin of said S. Baylor Street, being along the East line of the Boettcher Lumber Company tract (Tract No. 2), as recorded in Volume 313, Page 103, in said Deed Records, being along the East line of the Michael A. Tolopka, et ux tract called 0.202 acre, as recorded in Volume 1031, Page 914, in said Official Records, crossing E. Lubbock Street with a West margin of said S. Baylor Street, being along the East line of Lots F, G and I, Block R of the Ed Lehman's Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 36A, in said Plat Records, crossing E. Bryan Street with a West margin of said S. Baylor Street, being along the East line of the Barbara Louise LaRue tract called 7,362 square feet, as recorded in Volume 1486, Page 968, in said Official Records, being along the East line of the Deborah Peck Henry, et al tract called 11,755 square feet, as recorded in Volume 845, Page 642, in said Official Records, being along the East line of the remainder of Lot 6, Block U of Washington Park Addition, a map or plat recorded in Plat Cabinet File Slide Number 253A, in said Plat Records, being along the East line of Lot 8 and Lot 10, Block U of said Washington Park Addition for East lines hereof to the Southeast corner of said Lot 10, Block U of said Washington Park Addition, being on a West margin of said S. Baylor Street at its intersection with a North margin of E. Stone Street for an exterior angle point hereof;

THENCE in a Southerly direction, crossing said E. Stone Street with an East line hereof to the Northeast corner of the Donald Joe Hoffinan tract called 0.598 acre (Tract 1), as recorded in Volume 1548, Page 911, in said Official Records and described as Tract Two in Volume 357, Page 344, in said Deed Records, being the Northwest corner of Lot 2 (called 0.338 acre) of Heritage Hill Subdivision, Section One, a map or plat recorded in Plat Cabinet File Slide Numbers 123A and 123B, in said Plat Records, being on a South margin of said E. Stone Street for an interior corner hereof;

THENCE in an Easterly direction, being along a South margin of said E. Stone Street, being along the North line of said Lot 2 (called 0.338 acre) and along the North line of Lot 1 (called 0.359 acre) of said Heritage Hill Subdivision, Section One for a North line hereof to the Northeast corner of said Lot 1 (called 0.359 acre) of said Heritage Hill Subdivision, Section One, being on a South margin of said E. Stone Street at its intersection with a West margin of Heritage Drive for an exterior corner hereof;

THENCE in a Southerly direction, being along West margins of said Heritage Drive, being along the East line of said Lot 1 (called 0.359 acre) of said Heritage Hill Subdivision, Section One, being along the East line of Lot 3 (called 0.334 acre) of said Heritage Hill Subdivision, Section One, crossing Carriage Lane with a West margin of said Heritage Drive, being along the East line of Lot 13 (called 0.330 acre) of said Heritage Hill Subdivision, Section One, being along a portion of the East line of Lot 14 (called 0.268 acre) of said Heritage Hill Subdivision, Section One for East lines hereof to an interior corner hereof, being on a West margin of said Heritage Drive at its intersection with the projection of the North line of the Larry D. Thomas, et ux tract called 0.215 acre (Tract II), as recorded in Volume 746, Page 853, in said Official Records, being on the East line of said Lot 14 (called 0.268 acre) of said Heritage Hill Subdivision, Section One;



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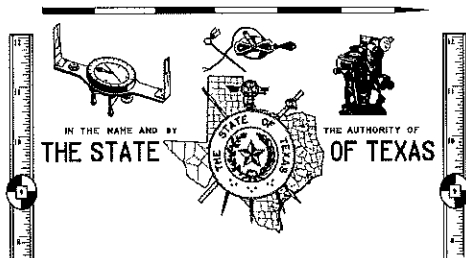
THENCE in an Easterly direction, crossing said Heritage Drive, being along a South line of the Compass Bank tract called 2.6479 acres, as recorded in Volume 1395, Page 731, in said Official Records, being along the North line of said Thomas tract called 0.215 acre for a North line hereof to an interior corner of said Compass Bank tract called 2.6479 acres, being the Northeast corner of said Thomas tract called 0.215 acre for an exterior corner hereof;

THENCE in a Southerly direction, being along a West line of said Compass Bank tract called 2.6479 acres, being along the East line of said Thomas tract called 0.215 acre for an East line hereof to a Southwest corner of said Compass Bank tract called 2.6479 acres, being the Southeast corner of said Thomas tract called 0.215 acre, being on the North line of Lot 29 (called 0.411 acre) of Heritage Hill Subdivision, Section Two, a map or plat recorded in Plat Cabinet File Slide Number 143B and 144A, in said Plat Records for an interior corner hereof;

THENCE in an Easterly direction, being along a South line of said Compass Bank tract called 2.6479 acres, being along a portion of the North line of said Lot 29 (called 0.411 acre) of said Heritage Hill Subdivision, Section Two, being along the North line of Lot 30 (called 0.691 acre) of said Heritage Hill Subdivision, Section Two for a North line hereof to the Northeast corner of said Lot 30 (called 0.691 acre) of said Heritage Hill Subdivision, Section Two, being on a West line of the Market Street Center, LLC tract called 2.2819 acres, as recorded in Volume 1341, Page 399, in said Official Records, being the Southeast corner of said Compass Bank tract called 2.6479 acres for a Northeast corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Market Street Center, LLC tract called 2.2819 acres, being along the West line of the Sutherland Lumber-Southwest, Inc. tract called 6.778 acres, as recorded in Volume 928, Page 414, in said Official Records, being along the East line of said Lot 30 (called 0.691 acre) and along the East line of Lot 31 (called 0.471 acre) and along the East line of Lot 32 (called 0.370 acre) of said Heritage Hill Subdivision, Section Two, being along the East line of Lot 33 of Heritage Hill Subdivision, Section III, a map or plat recorded in Plat Cabinet File Slide Numbers 188A and 188B, in said Plat Records, being along a portion of the East line of Stoneybrook Resubdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 295A and 295B, in said Plat Records for an East line hereof to the Southwest corner of said Sutherland Lumber-Southwest, Inc. tract called 6.778 acres, being the Northwest corner of the Reserve area (called 14,730 square feet), Block II of Stone Hill Center, a map or plat recorded in Plat Cabinet File Slide Number 338A, in said Plat Records, being on the East line of said Stoneybrook Resubdivision for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Sutherland Lumber-Southwest, Inc. tract called 6.778 acres, being along a portion of a South line of the Faith Mission & Help Center, Inc. tract called 10.1307 acres, as recorded in Volume 1483, Page 65, in said Official Records, being along the North line of said Reserve area (called 14,730 square feet), Block II of said Stone Hill Center, being along the North line of Stone Hill Condominium tract called 0.535 acre, a map or plat recorded in Plat Cabinet File Slide Numbers 459B and 460A, in said Plat Records, being along the North lines of Lots 1 and 2, Block II of the Replat of Lot 6A of Stone Hill Center, a map or plat



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recorded in Plat Cabinet File Slide Number 602A, in said Plat Records for a North line hereof to the Northeast corner of said Lot 2, Block II of said Replat of Lot 6A of Stone Hill Center, being the Northwest corner of Reserve "A" (called 0.0823 acre), Block II of said Replat of Lot 6A of Stone Hill Center, being on a South line of said Faith Mission & Help Center, Inc. tract called 10.1307 acres for an exterior corner hereof;

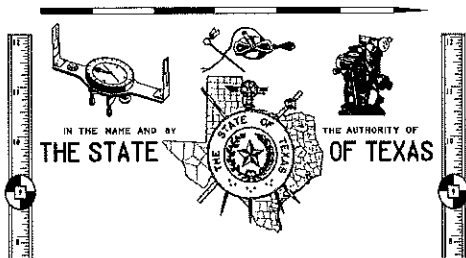
THENCE in a Southerly direction, being along the West line of said Reserve "A" (called 0.0823 acre), Block II of said Replat of Lot 6A of Stone Hill Center, being along a portion of the East line of said Lot 2, Block II of said Replat of Lot 6A of Stone Hill Center for an East line hereof to the Southwest corner of said Reserve "A" (called 0.0823 acre), Block II of said Replat of Lot 6A of Stone Hill Center, being the Northwest corner of Lot 3, Block II of said Replat of Lot 6A of Stone Hill Center, being on the East line of said Lot 2, Block II of said Replat of Lot 6A of Stone Hill Center for an interior corner hereof;

THENCE in an Easterly direction, being along South lines of said Reserve "A" (called 0.0823 acre), Block II of said Replat of Lot 6A of Stone Hill Center, being along the North line of said Lot 3, Block II, being along the North line of Lot 4, Block II of said Replat of Lot 6A of Stone Hill Center, and being along a North line of Lot 5, Block II of said Replat of Lot 6A of Stone Hill Center for North lines hereof to the Southeast corner of said Reserve "A" (called 0.0823 acre), Block II of said Replat of Lot 6A of Stone Hill Center, being an interior corner of said Lot 5, Block II for an interior corner hereof;

THENCE in an Northerly direction, being along the East line of said Reserve "A" (called 0.0823 acre), Block II, being along a West line of said Lot 5, Block II for a West line hereof to the Northeast corner of said Reserve "A" (called 0.0823 acre), Block II, being a Northwest corner of said Lot 5, Block II, being on a South line of said Faith Mission & Help Center, Inc. tract called 10.1307 acres for an exterior corner hereof;

THENCE in an Easterly direction, being along a portion of a South line of said Faith Mission & Help Center, Inc. tract called 10.1307 acres, being along a North line of said Lot 5, Block II, being along the North lines of Lots 6 and 7, Block II of said Replat of Lot 6A of Stone Hill Center, being along the North line of Lot 7 (called 0.770 acre), Block II of Stone Hill Center, a map or plat recorded in Plat Cabinet File Slide Number 360B, in said Plat Records for a North line hereof to a 3/8 inch iron rod found in concrete on a Northwest margin of Becker Drive, being the Southeast corner of said Faith Mission & Help Center, Inc. tract called 10.1307 acres, being the Northeast corner of said Lot 7 (called 0.770 acre), Block II of said Stone Hill Center for an exterior corner hereof;

THENCE in a Southwesterly direction, being along Northwest margins of said Becker Drive, being along Southeast lines of said Lot 7 (called 0.770 acre), Block II of said Stone Hill Center for Southeast lines hereof to a 5/8 inch iron rod found in concrete on a Northwest margin of said Becker Drive at its intersection with a Northeast margin of Stone Hill Drive for the South corner of said Lot 7 (called 0.770 acre), Block II of said Stone Hill Center, being an exterior corner hereof;



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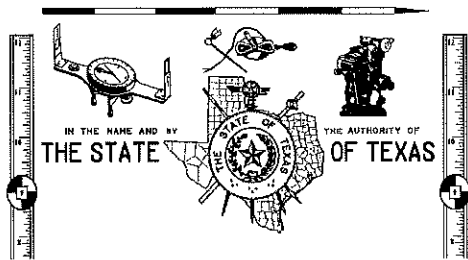
THENCE in a Northwesterly and Westerly direction, being along Northeast and North margins of said Stone Hill Drive, being along Southwest lines of said Lot 7 (called 0.770 acre), Block II of said Stone Hill Center, being along the South lines of said Lots 7, 6, 5 and 4, Block II of said Replat of Lot 6A of Stone Hill Center, being along a portion of the South line of said Lot 3, Block II of said Replat of Lot 6A of Stone Hill Center for Southwest and South lines hereof to an interior corner hereof, being on a North margin of said Stone Hill Drive at its intersection with the projection of the West line of Lot 4 (called 1.1263 acres), Block One of the Boundary Line Adjustment of Stone Hill Center, a map or plat recorded in Plat Cabinet File Slide Number 333A, in said Plat Records, being on a South line of said Lot 3, Block II of said Replat of Lot 6A of Stone Hill Center;

THENCE in a Southerly direction, crossing said Stone Hill Drive, being along the West line of said Lot 4 (called 1.1263 acres), Block One of said Boundary Line Adjustment of Stone Hill Center, being along the West line of Lot 3 (called 0.6667 acre), Block 1 of Stone Hill Center, a map or plat recorded in Plat Cabinet File Slide Number 258B, in said Plat Records, being along the East line of Lot 2B (called 0.348 acre), Block One and being along the East line of Lot 2A (called 0.561 acre), Block One of the Replat of Lot 2 of Stone Hill Center, a map or plat recorded in Plat Cabinet File Slide Number 340B, in said Plat Records for an East line hereof to the Southwest corner of said Lot 3 (called 0.6667 acre), Block 1 of said Stone Hill Center (258B), being the Southeast corner of said Lot 2A (called 0.561 acre), Block One of said Replat of Lot 2 of Stone Hill Center (340B), being on a North line of the Texas National Bank tract called 2.00 acres, as recorded in Volume 587, Page 223, in said Official Records for an exterior corner hereof;

THENCE in an Westerly direction, being along a portion of the North line of said Texas National Bank tract called 2.00 acres, being along the South line of said Lot 2A One (called 0.561 acre), Block of said Replat of Lot 2 of Stone Hill Center (340B), being along the South line of Lot 1 (called 0.500 acre), Block 1 of Stone Hill Center, a map or plat recorded in Plat Cabinet File Slide Number 238B, in said Plat Records for a South line hereof to the Southwest corner of said Lot 1 (called 0.500 acre), Block 1, of said Stone Hill Center (238B), being the Northwest corner of said Texas National Bank tract called 2.00 acres, being on the Northeast line of the BH Stone Hollow Partners, L.P. tract called 4.304 acres, as recorded in Volume 1033, Page 721, in said Official Records for an interior corner hereof;

THENCE in a Southeasterly direction, being along a portion of the Northeast line of said BH Stone Hollow Partners, L.P. tract called 4.304 acres, being along a portion of the Southwest line of said Texas National Bank tract called 2.00 acres for a Northeast line hereof to the East corner of said BH Stone Hollow Partners, L.P. tract called 4.304 acres, being the North corner of the Texas National Bank tract called 1.000 acre, as recorded in Volume 683, Page 705, in said Official Records, being on a Southwest line of said Texas National Bank tract called 2.00 acres for an exterior corner hereof;

THENCE in a Southwesterly direction, being along the Southeast line of said BH Stone Hollow Partners, L.P. tract called 4.304 acres, being along the Northwest line of said Texas National Bank tract called 1.000 acre, being along the Northwest line of the Outland Investments, LLC and Cheryl Horton tract called 1.500 acres, as recorded in Volume 1593, Page 437, in said Official Records, and



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crossing Stone Hollow Drive for a Southeast line hereof to an interior corner hereof, being on a Southwest margin of said Stone Hollow Drive at its intersection with the projection of the Northwest line of said Outland Investments, LLC and Cheryl Horton tract called 1.500 acres, being on a Northeast line of Lot Four (called 3.002 acres) of South Day, Inc., a map or plat recorded in Plat Cabinet File Slide Number 316A, in said Plat Records;

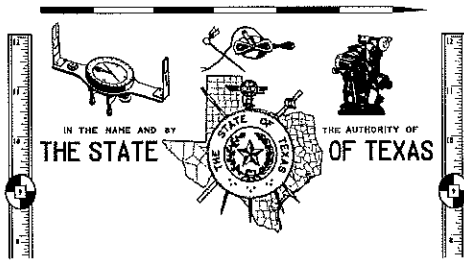
THENCE in a Southeasterly direction, being along Southwest margins of said Stone Hollow Drive, being along Northeast lines of said Lot Four (called 3.002 acres) of said South Day, Inc. for Northeast lines hereof to an exterior corner of said Lot Four (called 3.002 acres) of said South Day, Inc., being on a Southwest margin of said Stone Hollow Drive at its intersection with a Northwest margin of E. Airline Drive for an exterior corner hereof;

THENCE in a Southerly and Southwesterly direction, being along West and Northwest margins of said E. Airline Drive, being along East and Southeast lines of said Lot Four (called 3.002 acres) of said South Day, Inc. for East and Southeast lines hereof to a 1/2 inch iron rod found for the South corner of said Lot Four (called 3.002 acres) of said South Day, Inc., being the East corner of Lot 16 of South Park Subdivision, Section 2, a map or plat recorded in Plat Cabinet File Slide Number 92A, in said Plat Records, being on a Northwest margin of said E. Airline Drive, being an interior corner hereof;

THENCE in a Southeasterly direction, crossing said E. Airline Drive, being along the Northeast line of Lot 7 of South Park Subdivision, Section Three, a map or plat recorded in Plat Cabinet File Slide Number 203A, in said Plat Records, being along a portion of a Southwest line of the Dilbag Singh Dhillon tract called 5.0232 acres, as recorded in Volume 1235, Page 597, in said Official Records for a Northeast line hereof, passing a 1/2 inch iron rod found for the North corner of said Lot 7 of said South Park Subdivision, Section Three, being the West corner of said Dilbag Singh Dhillon tract called 5.0232 acres, and continuing in a Southeasterly direction to a Southeast corner of said Lot 7 of said South Park Subdivision, Section Three, being a Northeast corner of The City of Brenham, Texas tract called 2,152.6 square feet, as recorded in Volume 302, Page 421, in said Official Records, being on a Southwest line of said Dilbag Singh Dhillon tract called 5.0232 acres for an exterior corner hereof;

THENCE in a Westerly and Southerly direction, being along North and West lines of said The City of Brenham, Texas tract called 2,152.6 square feet, being along South and East lines of said Lot 7 of said South Park Subdivision, Section Three for South and East lines hereof to a 1/2 inch iron rod found on a North line of Lot 2 (called 1.112 acres) of Detering Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 612A, in said Plat Records, being a Southeast corner of said Lot 7 of said South Park Subdivision, Section Three, being the Southwest corner of said The City of Brenham, Texas tract called 2,152.6 square feet for an exterior corner hereof;

THENCE in a Westerly direction, being along a portion of the North line of said Lot 2 (called 1.112 acres) and along the North line of Lot 1 (called 2.116 acres) of said Detering Subdivision, being along the South line of said Lot 7 of said South Park Subdivision, Section Three, being along the South



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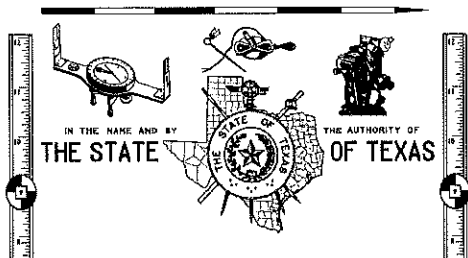
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lines of Lots 6, 5, 4, 3, 2 and 1 of said South Park Subdivision, Section Three, being along the South line of Lot 1, Block A of South Park Subdivision, Section I, a map or plat recorded in Plat Cabinet File Slide Numbers 49A, 49B and 50A, in said Plat Records, crossing Progress Drive, being along North lines of the BAT Tab Operating, LP tract called 2.193 acres, as recorded in Volume 1360, Page 786, in said Official Records, being along a portion of a North line of the Tegeler Center, LP tract called 1.912 acres, as recorded in Volume 1328, Page 523, in said Official Records and described in Volume 647, Page 796, in said Official Records, being along the South lines of Lots 17, 16, 15, 14, 13 and 12, Block A of said South Park Subdivision, Section I for South lines hereof to an exterior corner of said Lot 12, Block A of said South Park Subdivision, Section I, being the Southeast corner of the G&J PRO101, LLC. tract called 3.515 acres, as recorded in Volume 1587, Page 188, in said Official Records, being on a North line of said Tegeler Center, LP tract called 1.912 acres for an exterior corner hereof;

THENCE in a Northwesterly direction, being along the Northeast line of said G&J PRO101, LLC. tract called 3.515 acres, being along the Southwest line of said Lot 12, Block A of said South Park Subdivision, Section I, being along the Southwest lines of Lots 11, 10, 9, 8, 7, 6, 5, 4 and 3, Block A of said South Park Subdivision, Section I for a Southwest line hereof to the Northeast corner of said G&J PRO101, LLC. tract called 3.515 acres, being the West corner of said Lot 3, Block A of said South Park Subdivision, Section I, being the Southeast corner of Lot 2, Block A of said South Park Subdivision, Section I for an interior corner hereof;

THENCE in a Westerly direction, being along the North line of said G&J PRO101, LLC. tract called 3.515 acres, in part, being along the South line of said Lot 2, Block A of said South Park Subdivision, Section I for a South line hereof to the Southwest corner of said Lot 2, Block A of said South Park Subdivision, Section I, being an interior corner of an East right of way line of S. Day Street (State Highway No. 36 - Business) for a Southwest corner hereof;

THENCE in a Northerly direction, being along an East right of way line of said S. Day Street (State Highway No. 36 - Business), being along the West line of said Lot 2, Block A of said South Park Subdivision, Section I, being along the West line of Lot 1, Block A of said South Park Subdivision, Section I, crossing Hillcrest Street with an East right of way line of said S. Day Street (State Highway No. 36 - Business), being along the West line of the Protestant Episcopal Church Council of the Diocese of Texas tract called 0.5387 acre, as recorded in Volume 1153, Page 414, in said Official Records, being along the West line of the Bayard Investment Properties, Ltd. tract called 0.31 acre, as recorded in Volume 1236, Page 68, in said Official Records, being along the West line of the Charles W. Rauch, et ux tract called 0.155 acre (Second Tract), as recorded in Volume 693, Page 213, in said Official Records, being along the West line of the Charles W. Rauch, et ux tract called 0.344 acre (First Tract), as recorded in Volume 693, Page 213, in said Official Records, being along a portion of the West line of the Gary Lange, et ux tract called 0.387 acre, as recorded in Volume 707, Page 329, in said Official Records for a West line hereof to an interior corner hereof, being on an East right of way line of said S. Day Street (State Highway No. 36 - Business) at its intersection with the projection of the South line of Lot 2, Block 13 of Fourth Atlow Addition, a map or plat recorded in



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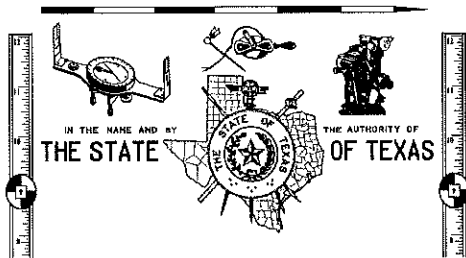
Plat Cabinet File Slide Numbers 50B and 51A, in said Plat Records, being on a West line of said Lange tract called 0.387 acre;

THENCE in a Westerly direction, crossing said S. Day Street (State Highway No. 36 - Business), being along the North line of the (Scott & White Hospital - Brenham) C. W. and Caroline Bohne Memorial Hospital, Inc. residue of original tract called 16.168 acres, as recorded in Volume 332, Page 211, in said Deed Records, being along the South line of said Lot 2, Block 13 of said Fourth Atlow Addition, being along the South lines of Lots 3, 4, 5, 6, 7, 8 and 9, Block 13 of said Fourth Atlow Addition, being along the South line of the Debra Dorow Eckert, et vir tract, as recorded in Volume 1578, Page 755, in said Official Records, being along the South line of the Michael Jason Minar, et ux tract called 0.770 acre, as recorded in Volume 1447, Page 271, in said Official Records, being along the South lines of Lots 19 and 20, Block 13 of Fifth Atlow Addition, a map or plat recorded in Plat Cabinet File Slide Numbers 56B and 57A, in said Plat Records, being along the South lines of Lots 21, 22 and 23, Block 13 of Sixth Atlow Addition, a map or plat recorded in Plat Cabinet File Slide Number 61A, in said Plat Records, being along the North line of the PFL Properties, L.P. tract called 0.325 acre, as recorded in Volume 1466, Page 519, in said Official Records for a South line hereof to the Southwest corner of said Lot 23, Block 13 of said Sixth Atlow Addition, being the Southeast corner of Lot 24 of said Sixth Atlow Addition, being the Northeast corner of the William S. Houston, Jr., et ux residue of original tract called 0.045 acre, as recorded in Volume 266, Page 235, in said Deed Records, being the Northwest corner of said PFL Properties, L.P. tract called 0.325 acre for an interior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said PFL Properties, L.P. tract called 0.325 acre, being along the East line of said Houston residue of original tract called 0.045 acre for an East line hereof to the Northeast corner of the PFL Properties, L.P. tract called 236 square feet, as recorded in Volume 1490, Page 524, in said Official Records, being the Southeast corner of said Houston residue of original tract called 0.045 acre, being on the West line of said PFL Properties, L.P. tract called 0.325 acre for an exterior corner hereof;

THENCE in a Westerly direction, being along the North line of said PFL Properties, L.P. tract called 236 square feet, being along the South line of said Houston residue of original tract called 0.045 acre for a South line hereof to the Northwest corner of said PFL Properties, L.P. tract called 236 square feet, being the Southwest corner of said Houston residue of original tract called 0.045 acre, being on the Northeast line of the PFL Properties L.P. tract called 4.00 acres (Tract Five), as conveyed in Volume 839, Page 470, in said Official Records and described in Volume 252, Page 532, in said Deed Records for an exterior corner hereof;

THENCE in a Northwesterly direction being along a portion of the Northeast line of said PFL Properties L.P. tract called 4.00 acres, being along the Southwest line of said Houston residue of original tract called 0.045 acre for a Southwest line hereof to the North corner of said PFL Properties L.P. tract called 4.00 acres, being the West corner of said Houston residue of original tract called 0.045 acre, being on the Southeast line of the Graham Memorial Corporation residue of original tract called 1.0 acre, as recorded in Volume 253, Page 422, in said Deed Records for a West corner hereof;



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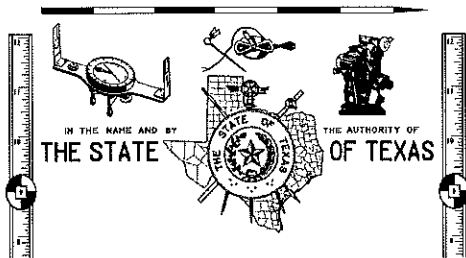
THENCE in a Northeasterly direction, being along a portion of the Southeast line of said Graham Memorial Corporation residue of original tract called 1.0 acre, being along the Northwest line of said Houston residue of original tract called 0.045 acre for a Northwest line hereof to the East or Northeast corner of said Graham Memorial Corporation residue of original tract called 1.0 acre, being the Northwest corner of said Houston residue of original tract called 0.045 acre, being on the South line of said Lot 24, Block 13 of said Sixth Atlow Addition for an interior corner hereof;

THENCE in a Westerly direction, being along a portion of the South line of said Lot 24, Block 13 of said Sixth Atlow Addition, being along the South lines of Lots 25, 26 and 27, Block 13 of Seventh Atlow Addition, a map or plat recorded in Plat Cabinet File Slide Numbers 62B and 63A, in said Plat Records, being along the North line of said Graham Memorial Corporation residue of original tract called 1.0 acre for a South line hereof to the Northeast corner of the Carl E. Chaney, et ux tract called 0.036 acre (Tract Two), as recorded in Volume 1140, Page 573, in said Official Records, being the Southwest corner of said Lot 27, Block 13 of said Seventh Atlow Addition, being an exterior corner of Lot 28, Block 13 of said Seventh Atlow Addition, being an exterior corner of said Graham Memorial Corporation residue of original tract called 1.0 acre for an interior corner hereof;

THENCE in a Southwesterly direction, being along the Southeast line of said Chaney tract called 0.036 acre, being along the Northwest line of said Graham Memorial Corporation residue of original tract called 1.0 acre for a Southeast line hereof to the South corner of said Chaney tract called 0.036 acre, being the West corner of said Graham Memorial Corporation residue of original tract called 1.0 acre, being on a Northeast right of way line of U.S. Highway No. 290 W. for a South corner hereof;

THENCE in a Northwesterly direction, being along a Northeast right of way line of said U.S. Highway No. 290 W., being along the Southwest line of said Chaney tract called 0.036 acre, being along the Southwest line of said Lot 28, Block 13 of said Seventh Atlow Addition, being along the Southwest lines of Lots 29, 30, 31, 32, 33 and 34, Block 13 of said Seventh Atlow Addition, crossing Kirk Drive with a Northeast right of way line of said U.S. Highway No. 290 W., being along the Southwest lines of Lots 1 and 2, Block 19 of said Seventh Atlow Addition for a Southwest line hereof to an exterior corner of said Lot 2, Block 19 of said Seventh Atlow Addition, being on a Northeast right of way line of said U.S. Highway No. 290 W. at its intersection with an East margin of said S. Lubbock Street for an exterior corner hereof;

THENCE in a Northerly direction, being along an East margin of said S. Lubbock Street, being along the West line of said Lot 2, Block 19 of said Seventh Atlow Addition, being along the West lines of Lots 3, 4, 5 and 6, and along a portion of the West line of Lot 7, Block 19 of said Seventh Atlow Addition for a West line hereof to an interior corner hereof, being on an East margin of said S. Lubbock Street at its intersection with the projection of the South line of Raintree Townhomes Subdivision, Section I, a map or plat recorded in Plat Cabinet File Slide Numbers 205A through 207A, in said Plat Records, being on the West line of said Lot 7, Block 19 of said Seventh Atlow Addition;



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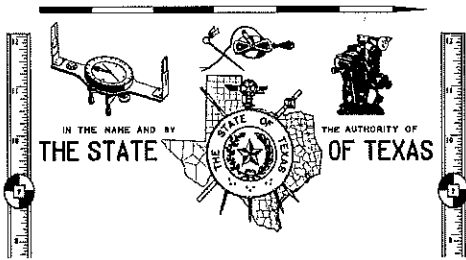
THENCE in a Westerly and Northwesterly direction, crossing said S. Lubbock Street, being along North and Northeast lines of the PFL Properties L.P. tract called 1.596 acres (Tract Four), as recorded in Volume 839, Page 470, in said Official Records and described in Volume 715, Page 896, in said Official Records, being along South and Southwest lines of said Raintree Townhomes Subdivision, Section I for South and Southwest lines hereof to an interior corner of said PFL Properties L.P. tract called 1.596 acres, being an exterior corner of said Raintree Townhomes Subdivision, Section I for an exterior corner hereof;

THENCE in a Northerly direction, being along an East line of said PFL Properties L.P. tract called 1.596 acres, being along the West line of said Raintree Townhomes Subdivision, Section I, being along the East line of the PFL Properties L.P. tract called 1.493 acres (Tract Two), as recorded in Volume 839, Page 470, in said Official Records and described in Volume 824, Page 86, in said Official Records, being along the West line of the City of Brenham, Texas tract called 0.556 acre, as recorded in Volume 219, Page 253, in said Deed Records for a West line hereof to the Northeast corner of said PFL Properties L.P. tract called 1.493 acres, being the Northwest corner of said City of Brenham tract called 0.556 acre, being on the South line of Lot 8 of Lakeview Subdivision, Section I, a map or plat recorded in Plat Cabinet File Slide Numbers 121B, 122A and 122B, in said Plat Records for an interior corner hereof;

THENCE in a Westerly direction, being along a portion of the South line of said Lot 8 of said Lakeview Subdivision, Section I, being along the South lines of Lots 4, 5 and 6 of Lakeview Subdivision, Section 2, a map or plat recorded in Plat Cabinet File Slide Numbers 140B, 141A and 141B, in said Plat Records, being along the North line of said PFL Properties L.P. tract called 1.493 acres for a South line hereof to the Northwest corner of said PFL Properties L.P. tract called 1.493 acres, being an exterior corner of said Lot 6 of said Lakeview Subdivision, Section 2, being on a Northeast right of way line of said U.S. Highway No. 290 W. for an exterior corner hereof;

THENCE in a Northwesterly direction, being along a Northeast right of way line of said U.S. Highway No. 290 W., being along a Southwest line of said Lot 6 of said Lakeview Subdivision, Section 2 for a Southwest line hereof to an exterior corner of said Lot 6 of said Lakeview Subdivision, Section 2, being on a Northeast right of way line of said U.S. Highway No. 290 W. at its intersection with an East right of way line of said Burlington Northern & Santa Fe Railroad (BNSF) for an exterior corner hereof;

THENCE in a Northerly direction, being along East right of way lines of said BNSF Railroad, being along the West line of said Lot 6, of said Lakeview Subdivision, Section 2, being along the West lines of Lots 7, 8, 9, 10 and 11 of said Lakeview Subdivision, Section 2, being along the West line of Lot 15 of said Lakeview Subdivision, Section I, being along West lines of the Lakeview Owners Association tract called 2.47 acres, as recorded in Volume 323, Page 298, in said Deed Records, being along a portion of the West line of the Richard J. Dominguez, et ux tract called 0.762 acre (Tract 2), as recorded in Volume 1427, Page 620, in said Official Records for West lines hereof to an interior corner hereof, being on an East right of way line of said BNSF Railroad at its intersection with the projection of the Northeast line of Lot 4 (called 3.280 acres) of the Division of the Louis Kieke Estate



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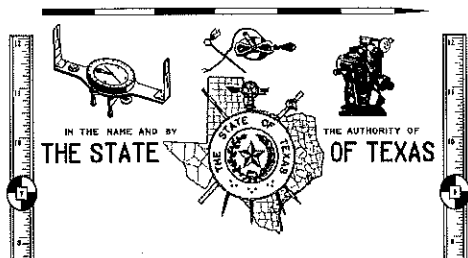
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Land, a map or plat recorded in Plat Cabinet File Slide Number 341A, in said Plat Records, being on the West line of said Dominguez tract called 0.762 acre;

THENCE in a Northwesterly direction, crossing said BNSF Railroad right of way, being along the Northeast line of said Lot 4 (called 3.280 acres) of said Division of the Louis Kiecke Estate Land, being along the Southwest line of Lot One (called 1.000 acre) of the Boundary Line Adjustment of Louis Kiecke Estate, a map or plat recorded in Plat Cabinet File Slide Number 317B, in said Plat Records, and crossing Prairie Lea Street (F.M. Highway 389) for a Southwest line hereof, passing a 5/8 inch iron rod found on a West right of way line of said BNSF Railroad for the East corner of said Lot 4 (called 3.280 acres) of said Division of the Louis Kiecke Estate Land, being the South corner of said Lot One (called 1.000 acre) of said Boundary Line Adjustment of Louis Kiecke Estate, and continuing in a Northwesterly direction, passing a 1/2 inch iron rod found on a Southeast right of way line of said Prairie Lea Street (F.M. Highway 389) for the North corner of said Lot 4 (called 3.280 acres) of said Division of the Louis Kiecke Estate Land, being the West corner of said Lot One (called 1.000 acre) of said Boundary Line Adjustment of Louis Kiecke Estate, and continuing in a Northwesterly direction, crossing said Prairie Lea Street (F.M. Highway 389) to an interior corner hereof, being on a Northwest right of way line of said Prairie Lea Street (F.M. Highway 389) at its intersection with the projection of the Northeast line of said Lot 4 (called 3.280 acres) of said Division of the Louis Kiecke Estate Land, being on the Southeast line of Lot 5 of Louanna Estates Subdivision, Section Two, a map or plat recorded in Plat Cabinet File Slide Numbers 199A and 199B, in said Plat Records;

THENCE in a Southwesterly direction, being along Northwest right of way lines of said Prairie Lea Street (F.M. Highway 389), being along a portion of the Southeast line of said Lot 5 of said Louanna Estates Subdivision, Section Two, being along the Southeast line of Lot 26 of Louanna Estates Subdivision, Section I, a map or plat recorded in Plat Cabinet File Numbers 145B, 146A and 146B, in said Plat Records, crossing Blake Drive with a Northwest right of way line of said Prairie Lea Street (F.M. Highway 389), being along the Southeast lines of Lots 27, 28, 29, 30, 31 and 32 of said Louanna Estates Subdivision, Section I for Southeast lines hereof to the South corner of said Lot 32 of said Louanna Estates Subdivision, Section I, being on a Northwest right of way line of said Prairie Lea Street (F.M. Highway 389) at its intersection with a Northeast margin of Farewell Street for a South corner hereof;

THENCE in a Northwesterly and Northerly direction, being along Northeast and East margins of said Farewell Street, being along the Southwest line of said Lot 32 of said Louanna Estates Subdivision, Section I, being along the West line of Lot 33 of said Louanna Estates Subdivision, Section I, crossing Kori Lane with an East margin of said Farewell Street, being along the West lines of Lots 1, 2, 3, 4, 5, 6 and 7 of said Louanna Estates Subdivision, Section I for Southwest and West lines hereof to the Northwest corner of said Lot 7 of said Louanna Estates Subdivision, Section I, being the West corner of Lot 8 of said Louanna Estates Subdivision, Section I, being on an East margin of said Farewell Street for an interior corner hereof;



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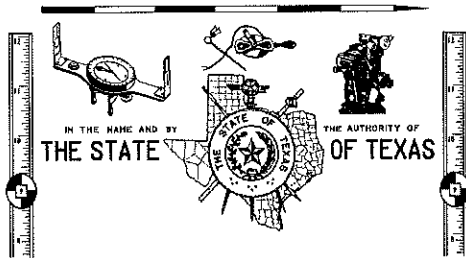
THENCE in a Northwesterly direction, crossing said Farewell Street for a Southwest line hereof to an exterior corner of the Blinn College and Brenham Cemetery Association, Inc. tract called 1.532 acres (Tract No. 2 - Exhibit "A"), as recorded in Volume 878, Page 139, in said Official Records, being an exterior corner of the Darryl W. Heine tract called 11.898 acres, as recorded in Volume 1126, Page 598, in said Official Records, being on a West margin of said Farewell Street for an interior corner hereof;

THENCE in a Westerly and Southwesterly direction, being along North and Northwest lines of said Heine tract called 11.898 acres, being along the South line of said Blinn College and Brenham Cemetery Association, Inc. tract called 1.532 acres, being along South and Southeast lines of the Blinn College and Brenham Cemetery, Inc. tract called 27.806 acres (Tract No. 1 - Exhibit "A"), as recorded in Volume 878, Page 139, in said Official Records for South and Southeast lines hereof to a 5/8 inch iron rod found with Id. cap (RPLS 1732) at a fence corner on a Northeast right of way line of said U.S. Highway No. 290 W. for the West corner of said Heine tract called 11.898 acres, being the South corner of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres, being a South corner hereof;

THENCE in a Northwesterly direction, being along a Northeast right of way line of said U.S. Highway No. 290 W., being along a Southwest line of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres for a Southwest line hereof to a 3/8 inch iron rod found with Id. cap (RPLS 2835) on a Northeast right of way line of said U.S. Highway No. 290 W. for a West corner of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres, being the South corner of the Black Mesa, LLC tract called 4.474 acres, as recorded in Volume 904, Page 57, in said Official Records, being a West corner hereof;

THENCE in a Northeasterly direction, being along a Northwest line of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres, being along the Southeast line of said Black Mesa, LLC tract called 4.474 acres for a Northwest line hereof to an interior corner of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres, being the East corner of said Black Mesa, LLC tract called 4.474 acres for an interior corner hereof;

THENCE in a Northwesterly direction, being along Southwest lines of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres, being along the Northeast line of said Black Mesa, LLC tract called 4.474 acres, being along the Northeast line of the Black Mesa, LLC tract called 1.240 acres, as recorded in Volume 967, Page 292, in said Official Records, being along the Northeast line of the Carrier Edmonds Real Estate Holding, LLC tract called 4.452 acres, as recorded in Volume 1347, Page 597, in said Official Records, being along the Northeast line of Lot 3 of Appel Business Park Subdivision, Section II, as recorded in Plat Cabinet File Slide Number 440B, in said Plat Records for Southwest lines hereof to the Northwest corner of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres, being the North corner of said Lot 3 of said Appel Business Park Subdivision, Section II, being on a South line of the Washington County, Texas tract called 2.966 acres, as recorded in Volume 255, Page 173, in said Deed Records for an exterior corner hereof;



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THENCE in an Easterly direction, being along a portion of a South line of said Washington County, Texas tract called 2.966 acres, being along a portion of a North line of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres for a North line hereof to an interior corner hereof, being on a South line of said Washington County, Texas tract called 2.966 acres at its intersection with the projection of the Southeast line of the Gregory E. Appel and John J. Appel Rental Partnership residue of original tract called 45.885 acres, as recorded in Volume 1238, Page 28, in said Official Records, being on a North line of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres;

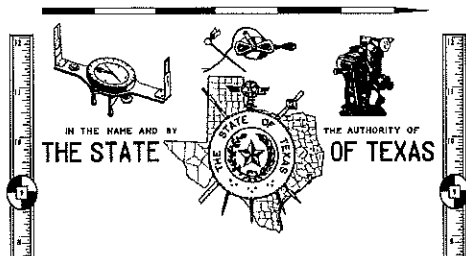
THENCE in a Northerly direction, crossing said Washington County, Texas tract called 2.966 acres, being along East lines of said Appel Rental Partnership residue of original tract called 45.885 acres, being along West lines of Lot 1 (called 43.387 acres), Block 1 of Blinn College Saeger Street Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 451B and 452A, in said Plat Records for West lines hereof to a South corner of The Junior College District of Washington County, Texas tract called 7.200 acres, as recorded in Volume 1345, Page 663, in said Official Records, being an exterior corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being on a West line of said Lot 1 (called 43.387 acres), Block 1 of said Blinn College Saeger Street Subdivision for an interior corner hereof;

THENCE in a Northerly direction, being along a West line of said The Junior College District of Washington County, Texas tract called 7.200 acres, being along an East line of said Appel Rental Partnership residue of original tract called 45.885 acres for a West line hereof to a Northeast corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being an exterior corner of said The Junior College District of Washington County, Texas tract called 7.200 acres, being on a South right of way line of a turnabout at the intersection of Timber Oaks Drive and Oak Tree Crossing Drive for an interior corner hereof;

THENCE in a Westerly direction, being along a South right of way line of said turnabout, being along a North line of said Appel Rental Partnership residue of original tract called 45.885 acres for a South line hereof to an interior corner hereof, being on a South right of way line of said turnabout for a Northwest corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being a Northeast corner of Lot 1, Block 1 of Timber Oaks Subdivision, Section III, a map or plat recorded in Plat Cabinet File Slide Numbers 648A and 648B, in said Plat Records;

THENCE in a Southerly direction, being along a West line of said Appel Rental Partnership residue of original tract called 45.885 acres, being along the East line of said Lot 1, Block 1 of said Timber Oaks Subdivision, Section III for an East line hereof to an interior corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being the Southeast corner of said Lot 1, Block 1 of said Timber Oaks Subdivision, Section III for a Southeast corner hereof;

THENCE in a Westerly direction, being along the South line of said Lot 1, Block 1 of said Timber Oaks Subdivision, Section III, being along the South lines of Lots 2, 3, 4, 5, 6, 7 and 8, Block 1 of said Timber Oaks Subdivision, Section III, being along a North line of said Appel Rental Partnership



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residue of original tract called 45.885 acres for a South line hereof to the Southwest corner of said Lot 8, Block 1 of said Timber Oaks Subdivision, Section III, being an interior corner of said Appel Rental Partnership residue of original tract called 45.885 acres for a Southwest corner hereof;

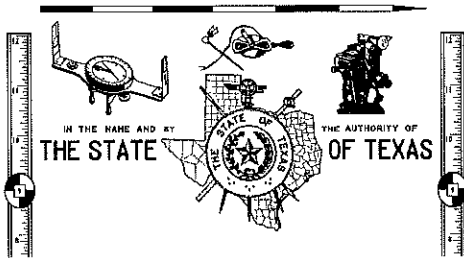
THENCE in a Northerly direction, being along the West line of said Lot 8, Block 1 of said Timber Oaks Subdivision, Section III, being along an East line of said Appel Rental Partnership residue of original tract called 45.885 acres for a West line hereof to the Northwest corner of said Lot 8, Block 1 of said Timber Oaks Subdivision, Section III, being a Northeast corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being on a South right of way line of said Timber Oaks Drive for an interior corner hereof;

THENCE in a Westerly direction, being along a South right of way line of said Timber Oaks Drive, being along a North line of said Appel Rental Partnership residue of original tract called 45.885 acres for a South line hereof to an interior corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being on a South right of way line of said Timber Oaks Drive at its intersection with the West right of way line of Oak Crest Lane for an exterior corner hereof;

THENCE in a Northerly direction, being along a portion of the West right of way line of said Oak Crest Lane, being along an East line of said Appel Rental Partnership residue of original tract called 45.885 acres for a West line hereof to the Southeast corner of Lot 16, Block 2 of said Timber Oaks Subdivision, Section III, being a Northeast corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being on a West right of way line of said Oak Crest Lane for an interior corner hereof;

THENCE in a Westerly direction, being along the South line of said Lot 16, Block 2 of said Timber Oaks Subdivision, Section III, being along the South lines of Lots 15 and 14, Block 2 of said Timber Oaks Subdivision, Section III, being along a North line of said Appel Rental Partnership residue of original tract called 45.885 acres for a South line hereof to the Southwest corner of said Lot 14, Block 2 of said Timber Oaks Subdivision, Section III, being a Northwest corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being on the East line of the Floresville Land Enterprises, Inc. tract called 2.10 acres, as recorded in Volume 1512, Page 308, in said Official Records for a Southwest corner hereof;

THENCE in a Northerly direction, being along the West line of said Lot 14, Block 2 of said Timber Oaks Subdivision, Section III, being along the West lines of Lots 13 and 12, Block 2 of said Timber Oaks Subdivision, Section III, being along a portion of the East line of said Floresville Land Enterprises, Inc. tract called 2.10 acres, being along an East line of the Paul F. LaRoche, III, Trustee tract called 3.969 acres (Tract Two), as recorded in Volume 1615, Page 917, in said Official Records for a West line hereof to the Northwest corner of said Lot 12, Block 2 of said Timber Oaks Subdivision, Section III, being a Northeast corner of said LaRoche tract called 3.969 acres, being on the South line of the Billy Ray Winkelmann residue of original tract called 4.8530 acres, as conveyed in Volume 957, Page 531, in said Official Records and described in Volume 378, Page 903, in said Deed Records for an interior corner hereof;



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THENCE in a Westerly direction, being along a portion of the South line of said Winkelmann residue of original tract called 4.8530 acres, being along a North line of said LaRoche tract called 3.969 acres for a South line hereof to the Southwest corner of said Winkelmann residue of original tract called 4.8530 acres, being an interior corner of said LaRoche tract called 3.969 acres for an exterior corner hereof;

THENCE in a Northerly direction, being along a West line of said Winkelmann residue of original tract called 4.8530 acres, being along the West line of the Patricia B. Ray tract called 1.055 acres, as recorded in Volume 1026, Page 74, in said Official Records, being along an East line of said LaRoche tract called 3.969 acres, being along the East line of the L.W. Tegeler, Trustee tract called 5.932 acres, as recorded in Volume 912, Page 56, in said Official Records, crossing said Old Mill Creek Road for a West line hereof to an interior corner hereof, being on a North margin of said Old Mill Creek Road at its intersection with the projection of the West line of said Ray tract called 1.055 acres, being on a South line of Lot 4 (called 0.381 acre) of said Old Mill Creek Subdivision, Section 1, as recorded in Plat Cabinet File Slide Numbers 646A and 646B, in said Plat Records;

THENCE in a Westerly direction, being along North margins of said Old Mill Creek Road, being along South lines of said Lot 4 (called 0.381 acre) of said Old Mill Creek Subdivision, Section 1, being along the South line of Reserve "A" (called 0.006 acre), Lot 3 (called 0.161 acre) and said Lot 1 (called 0.507 acre) of said Old Mill Creek Subdivision, Section 1 for South lines hereof to the PLACE OF BEGINNING and containing approximately 1,019 acres of land, more or less. Leaving an approximate net acreage of 2,195 acres, more or less.

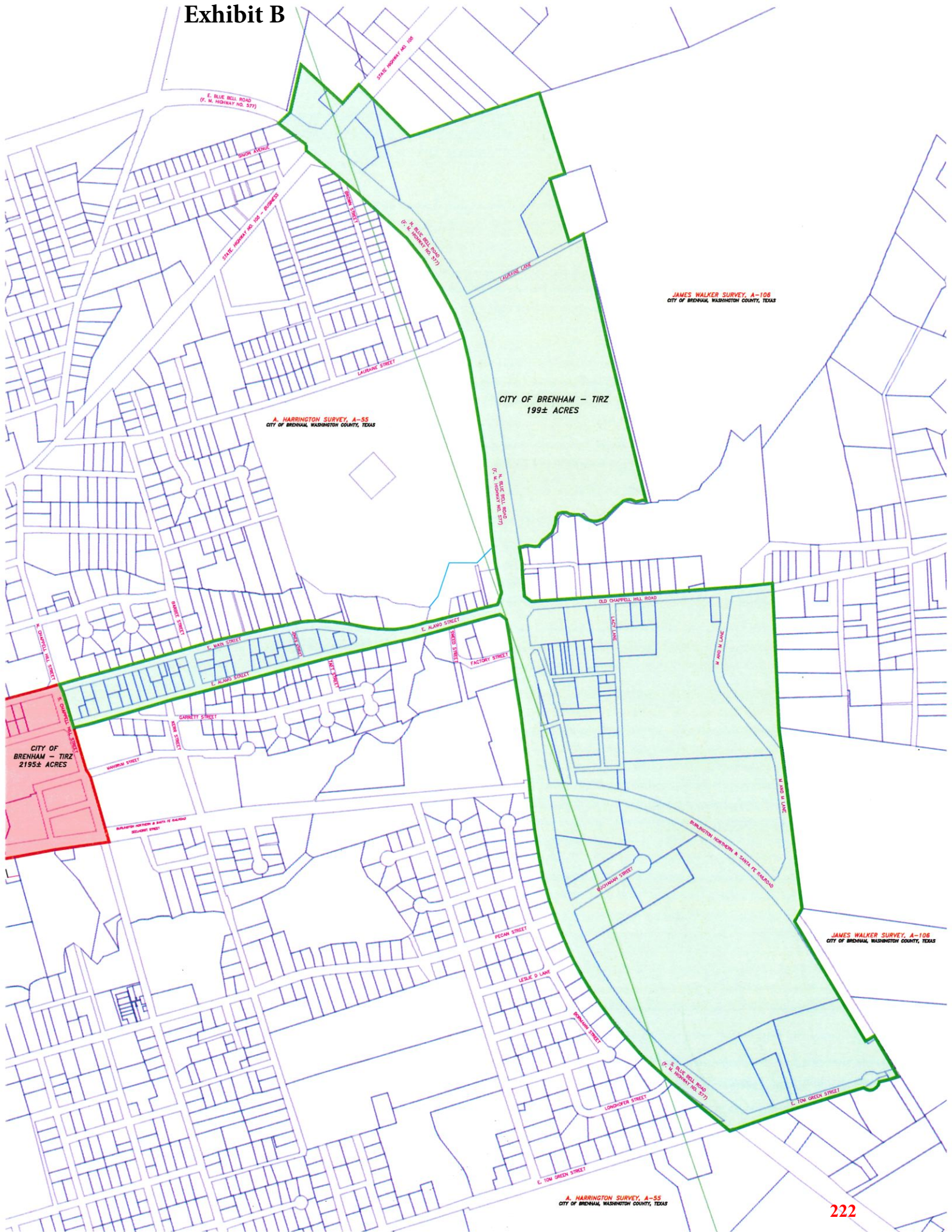
This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political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

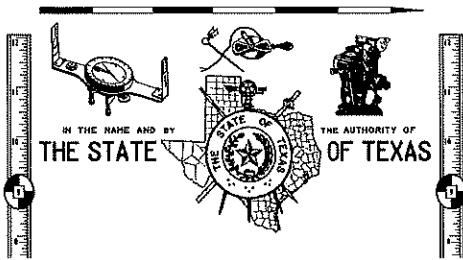
Dated this the 7th day of February, 2019, A. D.

Jon E. Hodde
Registered Professional
Land Surveyor No. 5197



Exhibit B





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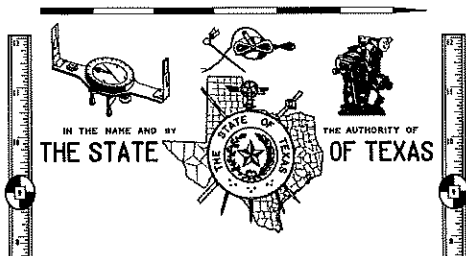
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City of Brenham – 2019 TIRZ EXPANSION Description

All that certain tract or parcel of land, lying and being situated in the City of Brenham, Washington County, Texas, part of the A. Harrington Survey, A-55 and the James Walker Survey, A-106, and being described as follows:

BEGINNING at a found "X" cut in concrete on an East margin of N. Chappell Hill Street at its intersection with a North margin of E. Main Street for the Southwest corner of Lot 1 (called 1.109 acres), Block 1 of Main Street Plaza Subdivision, a map or plat being of record in Plat Cabinet File Slide Number 655B, in the Plat Records of Washington County, Texas, being a Northeast corner of the City of Brenham - 2019 TIRZ tract called approximately 2195± acres, dated February 7, 2019, being the most Western Northwest corner hereof;

THENCE in an Easterly direction, being along North margins of said E. Main Street, being along the South line of said Lot 1, Block 1 of Main Street Plaza Subdivision, being along the South line of the Main Street Baptist Church tract called 60 feet by 120 feet, as recorded in Volume 86, Page 473, in the Deed Records of Washington County, Texas, being along the South line of the Main Street Baptist Church residue of original tract called 120 feet by 126 feet, as recorded in Volume 213, Page 223, in said Deed Records, being along the South line of the Tommie Wellmann tract called 8,189 square feet, as recorded in Volume 1293, Page 643, in the Official Records of Washington County, Texas, being along the South line of the Veronica Picaso tract called 0.153 acre, as recorded in Volume 1368, Page 14, in said Official Records, being along the South line of the Tommie Wellmann tract called 7,829 square feet, as recorded in Volume 1284, Page 718, in said Official Records, being along the South line of Raechelle Shaenette Burks tract, as conveyed in Volume 1655, Page 12, in said Official Records and described as 0.196 acres in Volume 290, Page 130, in said Deed Records, being along the South line of the Rufus Smith, Jr. tract called 0.0100 acre, as recorded in Volume 518, Page 347, in said Official Records, being along the South line of Rufus Smith, Jr. tract called 60 feet by 90 feet (Lot 17), as recorded in Volume 380, Page 324, in said Deed Records, being along the South line of MC Property Holdings, LLC tract called 0.12 acre (Lot 16), as conveyed in Volume 1675, Page 253, in said Official Records and described as 5,400 square feet in Volume 145, Page 177, in said Deed Records, being along the South line of the Mattie Benjamin tract (Lot 15), as conveyed in Volume 831, Page 493, in said Official Records and described as 60 feet by 90 feet in Volume 9, Page 97, in said Deed Records, being along the South line of the Tommie Wellmann tract (Lot 14), as conveyed in Volume 1259, Page 32, in said Official Records and described as 60 feet by 90 feet in Volume 393, Page 757, in said Deed Records, crossing Barbee Street with a North margin of said E. Main Street, being along the South line of the Rangel M. Bustos, et ux tract called 8,966 square feet, as recorded in Volume 905, Page 947, in said Official Records, being along the South line of the Tommie Lee Wellmann tract, as conveyed in Volume 1394, Page 811, in said Official Records and being the residue of original tract called 0.683 acre described in Volume 311, Page 831, in said Deed Records, being along the South line of the Brenda J. Fielder tract called 0.442 acre, as recorded in Volume 1377, Page 444, in said Official Records, being along the South line of the Linda J. Love tract called 55 feet by 300 feet, as recorded in Volume 538, Page 589, in said Official Records, being along the South line of the Ivory Gail



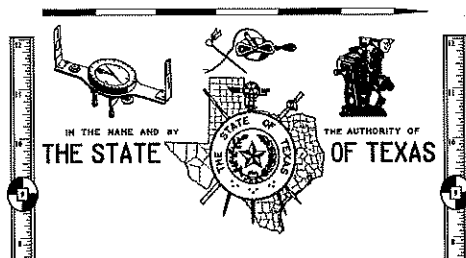
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Jefferson tract called 0.576 acre, as recorded in Volume 1591, Page 1, in said Official Records, being along the South line of the Larry L. Johnson Lot 56A (Tract 1), as conveyed in Volume 1519, Page 425, in said Official Records and described as 45 feet by 230 feet in Volume 115, Page 117 in said Deed Records, being along the South line of the Larry L. Johnson Lot 57A (Tract 2), as conveyed in Volume 1519, Page 425, in said Official Records and described as 45 feet by 260 in Volume 218, Page 495, in said Deed Records, being along the South line of the Luis Lopez tract, as recorded in Volume 1567, Page 92, in said Official Records, being along the South line of the Tommie L. Wellmann tract called 0.222 acre (Tract 1), as recorded in Volume 1365, Page 882, in said Official Records, being along the South line of the Tommie L. Wellmann tract called 0.211 acre (Tract 3), as recorded in Volume 1365, Page 882, in said Official Records, being along a South line of the Tommie L. Wellmann tract, as recorded in Volume 1341, Page 705, in said Official Records, being along the South line of the Tommie Wellmann tract called 0.054 acre (Tract 3), as recorded in Volume 1311, Page 481, in said Official Records, being along the South line of the Tommie Wellmann tract called 0.138 acre, as recorded in Volume 915, Page 667, in said Official Records, being along the South line of the Tommie Wellmann tract called 0.106 acre, as recorded in Volume 915, Page 667, in said Official Records, being along South lines of the Tommie Wellmann tract called 0.787 acre, as recorded in Volume 915, Page 663, in said Official Records, and continuing, being along North margins of said E. Main Street as it intersects with North margins of E. Alamo Street, being along South lines of the Tommie L. Wellmann tract called 1.007 acres, as recorded in Volume 1150, Page 161, in said Official Records, being along the South line of an unknown owner(s) tract, being along the South line of the Larry L. Johnson tract called 0.1884 acre (Property Two), as recorded in Volume 1282, Page 600, in said Official Records, being along the South line of the Blossom Hutchinson Williams, et al tract, as conveyed in Volume 512, Page 585, in said Official Records, being along the South line of the Kenya Johnson tract called 0.1413 acre, as conveyed in Volume 1114, Page 900, in said Official Records and described as 6,156 square feet in Volume 483, Page 230, in said Official Records, being along the South line of the Larry L. Johnson tract, as conveyed in Volume 1656, Page 307, in said Official Records and being the residue of original tract called 12,312 square feet described in Volume 705, Page 104, in said Official Records, being along the South line of an abandoned Public Road, being along the South line of the Diane Crystal McDaniel, et al tract, as conveyed in Volume 1620, Page 92, in said Official Records for North lines hereof to an exterior corner of said McDaniel tract, being on a North margin of said E. Alamo Street at its intersection with a flare of a Northwest right of way line of N. Blue Bell Road (F.M. Highway No. 577) for an interior corner hereof;

THENCE in a Northeasterly direction, being along a Northwest right of way line of said N. Blue Bell Road, being along the Southeast line of said McDaniel tract for a Southeast line hereof to an exterior corner of said McDaniel residue of original tract, being an interior corner of said N. Blue Bell Road for an interior corner hereof;

THENCE in a Northerly and Northwesterly direction, being along West and Southwest right of way lines of said N. Blue Bell Road, being along the East line of said McDaniel tract, being along the East line of said unknown owner(s) tract, being along East lines of the Gloria Greenwade Nix, et al residue of original tract called 41 acres, as conveyed in Volume 350, Page 835, in said Deed



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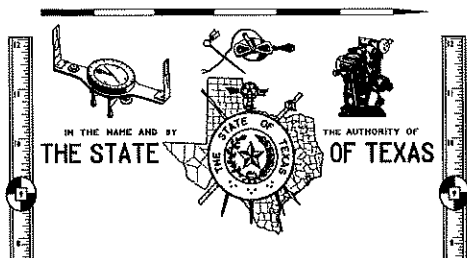
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Records and being part of a tract called 76.58 acres described in Volume 180, Page 17, in said Deed Records, crossing the East end of Lauraine Street with a West right of way line of said N. Blue Bell Road, being along East and Northeast lines of Tract Two (called 3.519 acres) of the Lots One and Two Charles Schroeder, Jr. Division - 3.921 acres, a map or plat being of record in Plat Cabinet File Slide Number 338-B, in said Plat Records, being along the Northeast line of the Home Town Properties, LP residue of Lot 54 of College Heights Addition, as conveyed in Volume 1401, Page 1004, in said Official Records, a map or plat of said College Heights Addition being of records in Plat Cabinet File Slide Number 6-A, in said Plat Records, being along the Northeast line of the Jose Rodriguez Avalos tract called 0.093 acre, as recorded in Volume 1579, Page 95, in said Official Records, being along Northeast lines of the Jose Rodriguez Avalos residue of original tract called 12,800 square feet, as conveyed in Volume 1579, Page 92, in said Official Records and described in Volume 197, Page 228, in said Deed Records, crossing Brown Street with a Southwest right of way line of said N. Blue Bell Road, being along the Northeast line of the Lola Investments, LLC residue of Lot 48 of said College Heights Addition (Tract 1), as conveyed in Volume 1644, Page 896, in said Official Records, being along a Northeast line of Lot 11A (called 1.54 acres) of the Replat of Lots 2 through 31 of College Heights Addition and a called 0.331 acre tract, a map or plat being of record in Plat Cabinet File Slide Number 655-A, in said Plat Records for West and Southwest lines hereof to an exterior corner of said Lot 11A of said Replat of Lots 2 through 31 of College Heights Addition and a called 0.331 acre tract, being on a Southwest right of way line of said N. Blue Bell Road (F.M. Highway No. 577) at a flare of same;

THENCE continuing in a Northwesterly direction, crossing said State Highway No. 105 - Business with a Southwest line hereof to the Eastern Southeast corner of Lot 1 (called 0.573 acre) of the Alexander Division, a map or plat being of record in Plat Cabinet File Slide Number 686-A, in said Plat Records, being on a Northwest right of way line of said State Highway No. 105 - Business at a flare of same for an exterior corner hereof;

THENCE in a Northerly and Northwesterly direction, being along West and Southwest right of way lines of E. Blue Bell Road (F.M. Highway No. 577), being along East and Northeast lines of said Lot 1 (called 0.573 acre) of said Alexander Division, crossing Simon Avenue with a Southwest right of way line of said E. Blue Bell Road, being along the Northeast line of the Tommie Wellmann tract called 0.345 acre, as recorded in Volume 1016, Page 467, in said Official Records for West and Southwest lines hereof to the North corner of said Wellmann tract called 0.345 acre, being the East corner of the City of Brenham, Texas tract called 1.961 acres, as recorded in Volume 312, Page 829, in said Deed Records, being on a Southwest right of way line of said E. Blue Bell Road for the most Northern West corner hereof;

THENCE in a Northeasterly direction, crossing said E. Blue Bell Road for a Northwest line hereof to the West corner of Robbie's Four Way tract called 1.416 acres, as recorded in Plat Cabinet File Slide Number 368-B, in said Plat Records, being on a Northeast right of way line of said E. Blue Bell Road for an interior corner hereof;



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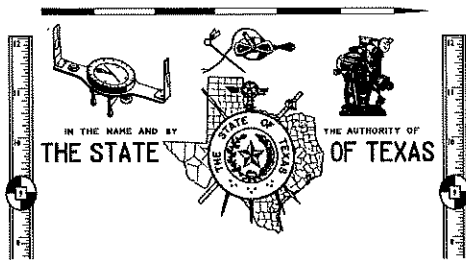
THENCE in an Northerly direction, being along the West line of said Robbie's Four Way tract called 1.416 acres, being along the East line of the 1800 Hwy 105, LLC tract called 2.981 acres (Tract 1), as recorded in Volume 1509, Page 351, in said Official Records for a West line hereof to a 5/8 inch iron rod found at a T-Post for the North corner of said Robbie's Four Way tract called 1.416 acres, common with an interior corner of said 1800 Hwy 105, LLC tract called 2.981 acres, being the most Northern corner hereof;

THENCE in a Southeasterly direction, being along the Northeast line of said Robbie's Four Way tract called 1.416 acres, being along a Southwest line of said 1800 Hwy 105, LLC tract called 2.981 acres, being along the Northeast line of the Boundary Line Adjustment tract called 13,020 square feet, a map or plat of said Boundary Line Adjustment being of record in Plat Cabinet File Slide Number 318-A, in said Plat Records for a Northeast line hereof to the South corner of said 1800 Hwy 105, LLC tract called 2.981 acres, being the East corner of said Boundary Line Adjustment tract called 13,020 square feet, being on a Northwest right of way line of State Highway No. 105 for an interior corner hereof;

THENCE in a Northeasterly direction, being along a Northwest right of way line of said State Highway No. 105, being along a portion of a Southeast line of said 1800 Hwy 105 LLC tract called 2.981 acres for a Northwest line hereof to a North corner hereof, being on a Northwest right of way line of said State Highway No. 105 at its intersection with a projection of the Northeast line of the JB105 Management LLC tract called 0.9765 acre, as recorded in Volume 1328, Page 1038, in said Official Records, being on a Southeast line of said 1800 Hwy 105 LLC tract called 2.981 acres;

THENCE in a Southeasterly direction, crossing said State Highway No. 105, being along the Northeast line of said JB105 Management LLC tract called 0.9765 acre, being along the Southwest line of the JB105 Management LLC residue of original tract called 1.3123 acres (Tract One), as recorded in Volume 1328, Page 1030, in said Official Records for a Northeast line hereof to the East corner of said JB105 Management LLC tract called 0.9765 acre, being the South corner of said JB105 Management LLC residue of original tract called 1.3123 acres (Tract One), being on a North line of the Ricky Boeker, et al residue of original tract called 30.001 acres, as recorded in Volume 1162, Page 227, in said Official Records for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of a North line of said Boeker residue of original tract called 30.001 acres, being along the South line of said JB105 Management LLC residue of original tract called 1.3123 acres (Tract One), being along the South line of the JB105 Management LLC residue of original tract called 1.3123 acres (Tract Two), as recorded in Volume 1328, Page 1030, in said Official Records, being along the South line of the Alvin S. Miller, Jr. residue of original tract called 1.3123 acres (Tract 3), as recorded in Volume 1359, Page 209, in said Official Records, being along the South line of the Alvin S. Miller, Jr. residue of original tract called 1.3123 acres (Tract 1), as recorded in Volume 1359, Page 209, in said Official Records, being along the South line of the Alvin S. Miller, Jr. residue of original tract called 1.02 acres (Tract 2), as recorded in Volume 1359, Page 209, in said Official Records, being along a portion of the South line of the LMLN Schwartz, Inc. residue of original tract called 5.000 acres, as recorded in



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Volume 566, Page 571, in said Official Records for a North line hereof to a Northeast corner of said Boeker residue of original tract called 30.001 acres, being on the South line of said LMLN Schwartz, Inc. residue or original tract called 5.000 acres, being a Northwest corner of the Woodrow A. Free and Joan T. Free, Trustees of the Free Family Trust residue of original tract called 140 acres (Tract No. 1), as recorded in Volume 850, Page 921, in said Official Records for the most Northern Northeast corner hereof;

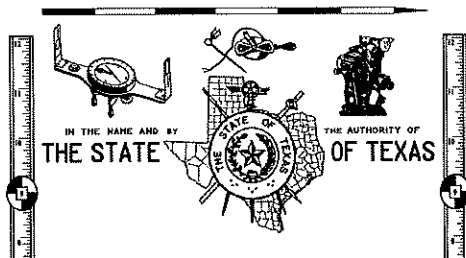
THENCE in a Southerly direction, being along a West line of said Free Family Trust residue of original tract called 140 acres, being along the East line of said Boeker residue of original tract called 30.001 acres for an East line hereof to a Southeast corner of said Boeker residue of original tract called 30.001 acres, being a Southwest corner of said Free Family Trust residue of original tract called 140 acres, being on the North line of the Brian Keith Boeker tract called 2.407 acres, as recorded in Volume 1531, Page 723, in said Official Records for a Southeast corner hereof;

THENCE in an Westerly direction, being along a portion of the North line of said Boeker tract called 2.407 acres, being along a South line of said Boeker residue of original tract called 30.001 acres for a South line hereof to a found 4 inch steel pipe fence corner post for the Northwest corner of said Boeker tract called 2.407 acres, being the North corner of the Ricky Boeker tract called 1.90 acres, as recorded in Volume 1567, Page 614, in said Official Records, being an interior corner of said Boeker residue of original tract called 30.001 acres, and being an interior corner hereof ;

THENCE in a Southerly direction, being along the West line of said Boeker tract called 2.407 acres, being along the East line of said Boeker tract called 1.90 acres for an East line hereof to a 1/2 inch iron rod found with Id. cap (RPLS 2145) at a 4 inch steel pipe fence post for the Southwest corner of said Boeker tract called 2.407 acres, being the Southeast corner of said Boeker tract called 1.90 acres, being on a Northwest margin of Lauraine Lane, and being an interior corner hereof;

THENCE in a Northeasterly direction, being along a portion of a Northwest margin of said Lauraine Lane, being along a portion of the Southeast line of said Boeker tract called 2.407 acres for a Northwest line hereof to the end of said Lauraine Lane, being on the Southeast line of said Boeker tract called 2.407 acres, being a Northwest corner of said Free Family Trust residue of original tract called 140 acres for an exterior corner hereof;

THENCE in a Southerly direction, crossing the East end of said Lauraine Lane, being along West lines of said Free Family Trust residue of original tract called 140 acres, being along East lines of the Gloria Nix tract called 35.58 acres (Tract One), as conveyed in Volume 938, Page 738, in said Official Records and being part of a tract called 76.58 acres described in Volume 180, Page 17, in said Deed Records for East lines hereof to the centerline of Hog Branch for a Southwest corner of said Free Family Trust residue of original tract called 140 acres, being on a North line of the City of Brenham tract called 1.643 acres, as recorded in Volume 277, Page 360, in said Deed Records, also being the Southeast corner of said Nix tract called 35.58 acres, and being a Southeast corner hereof;



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THENCE in a Westerly, Southwesterly, Northwesterly and Southerly direction, being along the centerline of said Hog Branch, being along South, Southeast, Southwest and East lines of said Nix tract called 35.58 acres, being along North and Northwest lines of said City of Brenham tract called 1.643 acres, being along the North and Northwest lines of the City of Brenham tract called 1.173 acres, as recorded in the Probates Records of Washington County, Texas, being along North and Northeast lines of the City of Brenham tract called 1.046 acres (Tract One), as recorded in Volume 1001, Page 598, in said Official Records, being along North, Northwest and West lines of the City of Brenham tract called 1.027 acres, as recorded in Volume 1010, Page 736, in said Official Records, also being along Northwest and North lines of the City of Brenham tract called 0.437 acre, as recorded in Volume 1008, Page 420, in said Official Records, and being along the North line of the City of Brenham tract called 0.116 acre (Tract One), as recorded in Volume 1003, Page 732, in said Official Records for South, Southeast, Southwest and East lines hereof to the Northwest corner of said City of Brenham tract called 0.116 acre, being on an East right of way line of said N. Blue Bell Road (F.M. Highway No. 577), and being the Southwest corner of said Nix residue of original tract called 35.58 acres for an interior corner hereof;

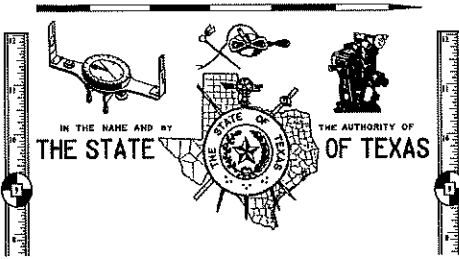
THENCE in a Southerly direction, being along East right of way lines of said N. Blue Bell Road, being along the West line of said City of Brenham tract called 0.116 acre, crossing the West end of an abandoned Public Road, being along the West line of the City of Brenham tract called 0.187 acre, as recorded in Volume 1000, Page 300, in said Official Records, and being along the West line of the City of Brenham tract called 0.338 acre, as recorded in Volume 1084, Page 319, in said Official Records for East lines hereof to an exterior corner of said City of Brenham tract called 0.338 acre, being an interior corner of said N. Blue Bell Road for an interior corner hereof;

THENCE in a Southeasterly direction, being along a Northeast right of way line of said N. Blue Bell Road in a flare of same, being along the Southwest line of said City of Brenham tract called 0.338 acre for a Southwest line hereof to the Southwest corner of said City of Brenham tract called 0.338 acre, being on a Northeast right of way line of said N. Blue Bell Road at its intersection with a North margin of Old Chappell Hill Road for an interior corner hereof;

THENCE in an Easterly direction, being along North margins of said Old Chappell Hill Road, being along the South line of said City of Brenham tract called 0.338 acre, being along the South line of the Cedric Williams tract, as conveyed in Volume 1507, Page 668, in said Official Records, being along the South line of the City of Brenham tract called 0.498 acres, as recorded in Volume 1021, Page 153, in said Official Records, being along the South line of the City of Brenham tract called 0.192 acre, as recorded in Volume 1033, Page 321, in said Official Records, being along the South line of the City of Brenham tract called 0.308 acre, as recorded in Volume 1033, Page 668, in said Official Records, being along the South line of the City of Brenham tract called 0.510 acre, as recorded in Volume 1007, Page 487, in said Official Records, being along the South line of the City of Brenham tract, as conveyed in Volume 1021, Page 156, in said Official Records and described in Volume 68, Page 531, in said Deed Records, being along the South line of a City of Brenham tract, former Thomas Sallis tract as recorded in Volume 16, Page 188, in said Deed Records, being along the South line of the City of Brenham tract called 0.259 acre, as recorded in Volume 1031, Page

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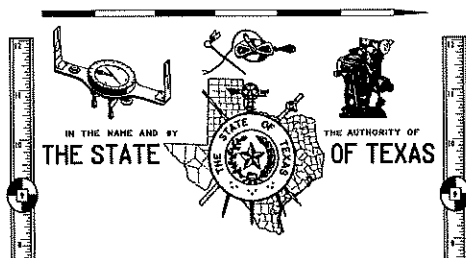
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968, in said Official Records, being along the South line of the City of Brenham tract, as recorded in Volume 800, Page 433, in said Official Records, being along the South line of the City of Brenham tract, as conveyed in Volume 1047, Page 290, in said Official Records and described in Volume 121, Page 427, in said Deed Records, being along the South line of the City of Brenham tract called 0.5009 acre, as recorded in Volume 1010, Page 829, in said Official Records, being along a South line of the City of Brenham tract called 0.786 acre, as recorded in Volume 1047, Page 300, in said Official Records, being along the South line of the City of Brenham tract called 0.099 acre, as recorded in Volume 1021, Page 407, in said Official Records, being along a South line of said City of Brenham tract called 3.017 acres, as recorded in Volume G, Page 6, in the District Clerk Records of Washington County, Texas, being along the South line of The City of Brenham, Texas tract called 0.521 acre, as recorded in Volume 492, Page 606, in said Official Records, being along the South line of The City of Brenham, Texas tract called 3.148 acres, as recorded in Volume 492, Page 600, in said Official Records, crossing the South end of an abandoned Public Road, being along the South line of a tract being occupied by Loraine Smith (deed not found), and being along the South line of the Loraine Smith tract called 0.230 acre, as recorded in Volume 1112, Page 189, in said Official Records for North lines hereof to a found 2 inch galvanized pipe for the Southwest corner of the City of Brenham tract called 0.233 acre, as conveyed in Volume 1068, Page 604, in said Official Records and described in Volume 141, Page 211, in said Deed Records, being on a North margin of said Old Chappell Hill Road, being the Southeast corner of said Smith tract called 0.230 acre, and being a Northeast corner hereof;

THENCE in a Southerly direction, crossing said Old Chappell Hill Road, being along East lines of Detention - Reserve "A" (called 5.133 acres) of Blue Bell Subdivision, Section I, a map or plat being of record in Plat Cabinet File Slide Numbers 699-A and 699-B, of said Plat Records, being along East margins of M and M Lane, being along East lines of the Plat and Dedication of Bilski Road, a map or plat being of records in Plat Cabinet File Slide Number 277-B, in said Plat Records, being along a portion of the West line of Lot 7 of H. C. McIntyre Addition, a map or plat being of record in Plat Cabinet File Slide Number 5-B, in said Plat Records, being along West lines of Lots 6, 5, 4, 3, 2 and 1 of said H. C. McIntyre Addition, being along the West line of the David Albin Murski, et al tract called 120 acres, as recorded in Volume 1137, Page 932, in said Official Records for East lines hereof to the Southwest corner of said Murski tract called 120 acres, being the South corner of said Plat and Dedication of Bilski Road, also being the East corner of the Alois Bilski, et al tract called 0.088 acre, being the residue of original tract called 0.83 acres, as recorded in Volume 609, Page 398, in said Official Records, and being the Northwest corner of the Florence Marie Koehne, et vir tract called 12.73 acres, as conveyed in Volume 1494, Page 439, in said Official Records, being part of a called 23.990 acres (Tract 5) described in Volume 559, Page 703, in said Official Records for an exterior corner hereof;

THENCE in a Southwesterly direction, being along the Southeast line of said Bilski tract called 0.088 acre, being along a Northwest line of said Koehne tract called 12.73 acres, crossing Burlington Northern & Santa Fe Railroad for a Northwest line hereof to an interior corner hereof, being on a Southwest right of way line of said Burlington Northern & Santa Fe Railroad, being on a



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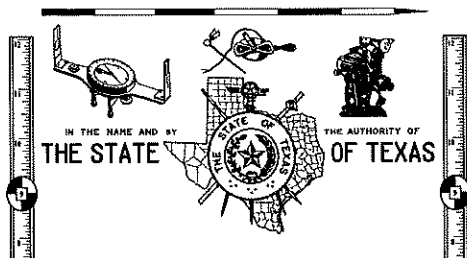
Northeast line of Lot 1 (called 32.788 acres) of Blue Bell Subdivision, Section II, a map or plat being of record in Plat Cabinet File Slide Numbers 705-B and 706-A, in said Plat Records;

THENCE in a Southeasterly direction, being along Southwest right of way lines of said Burlington Northern & Santa Fe Railroad, being along Northeast lines of said Lot 1 (called 32.788 acres) of said Blue Bell Subdivision, Section II, being along a Northeast line of the Bellville Holdings, LLC. tract called 16.818 acres, as recorded in Volume 1353, Page 389, in said Official Records for Northeast lines hereof to an interior corner of said Bellville Holdings, LLC tract called 16.818 acres, being at the South end of Burlington Northern & Santa Fe Railroad for an interior corner hereof;

THENCE in a Northeasterly direction, being along and crossing the Southeast end of said Burlington Northern & Santa Fe Railroad, being along a Northwest line of said Bellville Holdings, LLC. tract called 16.818 acres for a Northwest line hereof to an interior corner of said Bellville Holdings, LLC. tract called 16.818 acres, being at the South end of said Burlington Northern & Santa Fe Railroad for a North corner hereof;

THENCE in a Southeasterly direction, crossing said Bellville Holdings, LLC. tract called 16.818 acres, being along a Northeast line of the City of Brenham tract called 0.0935 acre, as recorded in Volume 607, Page 227, in said Official Records for a Northeast line hereof to the East corner of said City of Brenham tract called 0.0935 acre, being on a Southwest line of said Bellville Holdings, LLC. tract called 16.818 acres, being the North or Northeast corner of the Rosenbaum-Schoenvogel Investments, LP tract called 0.4639 acre (Tract Seven [c]), as conveyed in Volume 1348, Page 842, in said Official Records and described in Volume 607, Page 237, in said Official Records, being the most Eastern corner hereof;

THENCE in a Westerly direction, being along the South line of said City of Brenham tract called 0.0935 acre, being along the North line of said Rosenbaum-Schoenvogel Investments, LP tract called 0.4639 acre, being along the South line of The City of Brenham, Texas tract called 0.0418 acre, as recorded in Volume 607, Page 220, in said Official Records, being along a portion of a cul-de-sac of E. Tom Green Street, being along South margins of said E. Tom Green Street, being along North lines of the Rosenbaum-Schoenvogel Investments, LP residue of original tract called 2.1621 acres (Tract Seven [b]), as conveyed in Volume 1348, Page 842, in said Official Records and described in Volume 433, Page 172, in said Deed Records, being along the North line of the Rosenbaum-Schoenvogel Investments, LP tract called 0.4609 acre (Tract Seven [a]), as conveyed in Volume 1348, Page 842, in said Official Records and described in Volume 433, Page 167, in said Deed Records, being along the North line of the Charlie Rosenbaum, Jr. tract called 2.387 acres (Tract 1), as conveyed in Volume 1487, Page 224, in said Official Records and described in Volume 359, Page 891, in said Deed Records, being along the North line of the Brenham Christian Fellowship, Inc. tract called 0.544 acre, as recorded in Volume 927, Page 379, in said Official Records, crossing S. Blue Bell Road (F.M. Highway No. 577) with a South margin of said E. Tom Green Street for South lines hereof to the Northeast corner of the City of Brenham tract called 7.215



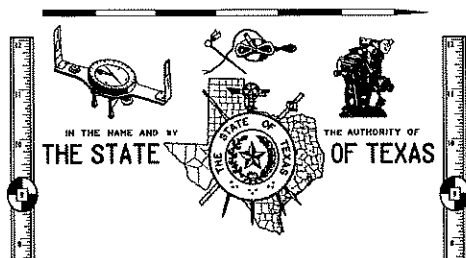
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acres, as recorded in Volume 944, Page 35, in said Official Records for the most Southern corner hereof;

THENCE in a Northwesterly and Northerly direction, being along Southwest and West right of way lines of said S. Blue Bell Road, crossing said E. Tom Green Street with a Southwest right of way line of said S. Blue Bell Road, being along the Northeast line of Lot 1 (called 0.495 acre) and Lot 5 (called 0.701 acre) of the Altman's Subdivision, a map or plat being of records in Plat Cabinet File Slide Number 325-B, in said Plat Records, crossing Longhofer Street with a Southwest right of way line of said S. Blue Bell Road, being along the Northeast lines of Lots 11, 19, 20 and 21 of Woodson Terrace Subdivision, Section II, a map or plat being of records in Plat Cabinet File Slide Numbers 130-A and 130-B, in said Plat Records, being along the Northeast lines of Lots 5, 4, 3 and 2 of Woodson Terrace Subdivision, Section III, a map or plat being of records in Plat Cabinet File Slide Numbers 183-A and 183-B, in said Plat Records, crossing Leslie D Lane with a Southwest right of way line of said S. Blue Bell Road, being along the Northeast line of Lot 1 of said Woodson Terrace Subdivision, Section III, being along the Northeast line of Lot 19 of Woodson Terrace Subdivision, Section IV, a map or plat being of records in Plat Cabinet File Slide Numbers 217-A and 217-B, in said Plat Records, crossing Pecan Street with a Southwest right of way line of said S. Blue Bell Road, being along the East lines of Lots 20 through 23 of said Woodson Terrace Subdivision, Section IV, being along the East lines of Lots 20, 19, 18 and 17 of Woodson Terrace Subdivision, Section V, a map or plat being of record in Plat Cabinet File Slide Number 271-A, in said Plat Records, being along an East line of Lot 16 of said Woodson Terrace Subdivision, Section V, crossing said Burlington Northern & Santa Fe Railroad with a West right of way line of said S. Blue Bell Road, being along East lines of the Dewitt Kosse tract, as conveyed in Volume 209, Page 70, in said Deed Records, being the residue of a 3.6 acres tract described in Volume 162, Page 211, in said Deed Records, crossing an abandoned Public Road with a West right of way line of said S. Blue Bell Road, being along the East line of the Dewitt Kossie residue of original tract called 3.49 acres, as recorded in Volume 214, Page 504, in said Deed Record, being along an East line of Lot 1 (called 1.158 acres), Block 1 of Dahmann Subdivision, a map or plat being of records in Plat Cabinet File Slide Number 658-B, in said Plat Records, crossing Factory Street with a West right of way line of said S. Blue Bell Road, being along the East line of the Przyborski Properties, LLC tract called 1.070 acres, as conveyed in Volume 1670, Page 915, in said Official Records and described in Volume 945, Page 639, in said Official Records for West lines hereof to a 1/2 inch iron rod found near a concrete monument (disturbed) for an exterior corner of said Przyborski Properties, LLC tract called 1.070 acres, being an interior corner of said S. Blue Bell Road, being an interior corner hereof;

THENCE in a Northwesterly direction, being along a Southwest right of line of said S. Blue Bell Road in a flare of same, being along a Northeast line of said Przyborski Properties, LLC tract called 1.070 acres for a Southwest line hereof to the North corner of said Przyborski Properties, LLC tract called 1.070 acres, being on a Southwest right of way line of said S. Blue Bell Road at its intersection with a South margin of said E. Alamo Street for an interior corner hereof;



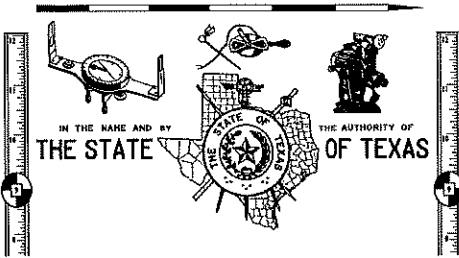
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THENCE in a Westerly direction, being along South margins of said E. Alamo Street, being along the North line of said Przyborski Properties, LLC tract called 1.070 acres, being along the North line of the Tommy Przyborski, et ux tract called 0.41 acre, as recorded in Volume 1282, Page 604, in said Official Records, crossing the North end of Sweed Street with a South margin of said E. Alamo Street, being along the North line of the Eduardo Jimenez Perez, et ux tract called 0.594 acre, as recorded in Volume 1635, Page 403, in said Official Records, being along a North line of the Jose Antonio Andrade Hernandez tract called 1.489 acres, as recorded in Volume 1657, Page 546, in said Official Records, being along the North line of the Betty L. Williams tract, as conveyed in Volume 1313, Page 423, in said Official Records, and being part of original tract described in Volume 196, Page 317, in said Deed Records, being along the North line of the Brenham First Church of God residue of original tract, as recorded in Volume 645, Page 467, in said Official Records, being along the North line of the Ida Mae Harge (Brenham First Church of God) tract called 8,735 square feet, as recorded in Volume 454, Page 898, in said Deed Records, being along the North line of the John D. Harris, et ux tract called 0.20 acre, as recorded in Volume 1477, Page 469, in said Official Records, being along the North line of the Gordon E. Pattison tract called 0.277 acre, as recorded in Volume 1388, Page 400, in said Official Records, crossing the North end of Taft Street with a South margin of said E. Alamo Street, being along the North line Dayana M. Martinez-Perdomo Lezama, et ux tract called 0.225 acre, as recorded in Volume 1242, Page 73, in said Official Records, being along the North line of the Steve Saxon tract called 0.1560 acre, as recorded in Volume 1234, Page 95, in said Official Records, being along the North line of the Vanessa G. Hollie tract, as conveyed in Volume 753, Page 572, in said Official Records and described as 50 feet by 100 feet in Volume 369, Page 197, in said Deed Records, being along the North line of the Everett F. Carr, et al tract called 5,000 square feet, as recorded in Volume 921, Page 398, in said Official Records, being along the North line of the Joe Hutchinson tract called 0.1655 acre, as recorded in Volume 427, Page 315, in said Official Records, being along the North line of the Bernadine Franklin, et al tract (Tract One), as recorded in Volume 453, Page 251, in said Deed Records, being along the North line of the Tommie Wellmann tract called 0.248 acre (Tract 1), as recorded in Volume 1311, Page 481, in said Official Records, being along the North line of the Tommie Wellmann tract called 0.145 acre, as recorded in Volume 1262, Page 466, in said Official Records, being along the North line of the 1204 E Alamo LLC tract, as conveyed in Volume 1686, Page 876, in said Official Records and being part of original tract described in Volume V, Page 75, in said Deed Records, being along the North line of the Ward Timothy Pawlowski tract called 0.139 acre (Tract 2), as recorded in Volume 1460, Page 741, in said Official Records, being along the North line of the Betty Johnson tract, as conveyed in Volume 1682, Page 860, in said Official Records and being part of original tract described as 0.252 acre in Volume 344, Page 88, in said Deed Records, being along the North line of the Michael J. Todd, et al tract, as conveyed in Volume 1616, Page 405, in said Official Records and described in Volume 245, Page 15, in said Deed Records, being along the North line of the Beverly Ann Roberts, et al tract, as conveyed in Volume 1260, Page 37, in said Official Records and described in Volume 293, Page 84, in said Deed Records, crossing the North end of Kerr Street with a South margin of said E. Alamo Street, being along the North line of the Masonic Grand Lodge - Eastern Star Chapter #276 tract (deed not found), crossing the West end of Garrett Street with a South margin of said E. Alamo Street, being along North lines of the City of Brenham, Texas tract called 1.851 acres, as recorded

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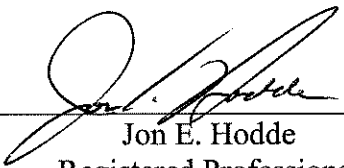


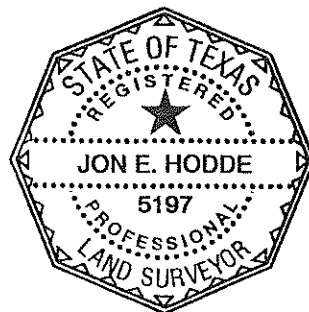
in Volume 334, Page 12, in said Deed Records for South lines hereof to the Northwest corner of said City of Brenham tract called 1.851 acres, being on a South margin of said E. Alamo Street at the intersection with an East margin of S. Chappell Hill Street, being on an East line of said City of Brenham - TIRZ tract called 2195± acres, dated February 7, 2019 for a Southwest corner hereof;

THENCE in a Northerly direction, being along East lines of said City of Brenham - TIRZ tract called 2195± acres, dated February 7, 2019, being along East margins of said S. Chappell Hill Street, crossing said E. Alamo Street with an East margin of said S. Chappell Hill Street, being along the West line of the StanPac USA, LLC tract, as recorded in Volume 1445, Page 563, in said Official Records, crossing said E. Main Street with an East margin of said S. Chappell Hill Street for West lines hereof to the PLACE OF BEGINNING and containing approximately 199 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an 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. Acreages stated herein are approximate.

Dated this the 18th day of November, 2019, A. D.


Jon E. Hodde
Registered Professional
Land Surveyor No. 5197





AGENDA ITEM 13

DATE OF MEETING: December 5, 2019	DATE SUBMITTED: November 29, 2019															
DEPT. OF ORIGIN: Economic Development	SUBMITTED BY: Carolyn D. Miller															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☒ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☒ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
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	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Approving the Tax Increment Reinvestment Zone Number One, City of Brenham, Texas Final Project and Finance Plan																
SUMMARY STATEMENT: The City of Brenham's Tax Increment Reinvestment Zone Number One (TIRZ) was created by Ordinance O-18-019, and the boundary was amended by Council in the previous agenda item. This agenda item sets forth the Final Project and Finance Plan for the TIRZ and is detailed in the attachment. Earlier today, the TIRZ No. 1 Board met to approve the Plan and is recommending approval by the City Council. Significant items in the Plan are summarized below: - Legal descriptions for the real property included in the Zone are described in <i>Exhibits A and C</i> and are depicted in <i>Exhibits B and D</i>. - The proposed uses are shown on the map in <i>Exhibit E</i> and the estimated locations of the proposed public improvements are shown and described on <i>Exhibit F</i>. - The estimated project costs for the Zone are estimated to be \$32.2 million as set forth in <i>Exhibit G</i>, with an estimated timetable presented in <i>Exhibit H</i>. <i>Exhibit I</i> sets forth an economic feasibility study for the Zone noting that new development that occurs in the Zone (which would not have occurred but for the Zone) will generate approximately \$64.4 million in new property tax revenue over the term of the Zone (30 years).																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: (1) Ordinance for first reading																

FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approval of an Ordinance on its first reading approving the Tax Increment Reinvestment Zone Number One, City of Brenham, Texas Final Project and Finance Plan
APPROVALS: James Fisher

*TAX INCREMENT REINVESTMENT ZONE NUMBER ONE,
CITY OF BRENHAM, TEXAS
FINAL PROJECT AND FINANCE PLAN*

December 19, 2019

1. INTRODUCTION.

1.1 Authority and Purpose. The City of Brenham, a Texas home-rule municipality (the "City"), has the authority under Chapter 311, Texas Tax Code, as amended (the "Act") to designate a contiguous or noncontiguous geographic area within the corporate limits of the City as a tax increment reinvestment zone to promote development or redevelopment of the area if the governing body of the City (the "City Council") determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, that the zone is feasible, and that creation of the zone is in the best interest of the City and the property in the zone. The purpose of the zone is to facilitate such development or redevelopment by financing the costs of public works, public improvements, programs, and other projects benefiting the zone, plus other costs incidental to those expenditures, all of which costs are authorized by the Act.

1.2 Eligibility Requirements. An area is eligible under the Act to be designated as a tax increment reinvestment zone if it is predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of the City. The City cannot, however, designate a zone if more than thirty percent (30%) of the property in the proposed zone, excluding property that is publicly owned, is "used for residential purposes" (defined by the Act as follows: "... property is used for residential purposes if it is occupied by a house having fewer than five living units ...") or if the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds fifty percent (50%) of the total appraised value of taxable real property in the City and in industrial districts created by the City.

1.3 The Zone. The City Council created a tax increment reinvestment zone known as "*Tax Increment Reinvestment Zone Number One, City of Brenham, Texas*" (the "Zone") on December 20, 2018, via Ordinance No. O-18-019, (the "Creation Ordinance"), which included approximately 2,201 acres (the "Original Property"). The Zone was amended by City Council on December 19, 2019 via Ordinance No. _____ to include additional property containing approximately 199 acres on the east side of the City generally following Blue Bell Road, described in **Exhibit A**, and depicted in **Exhibit B** (the "Additional Property"). The Original Property and the Additional Property together form the Zone, including approximately 2,400 acres, as described by metes and bounds in **Exhibit C**, and depicted in **Exhibit D** (the "Property"). The Property is currently zoned Local Business Mixed, Commercial Research and Technology, Historical and Central Business, Neighborhood Business District, Downtown Business/Residential Overlay District, Industrial, Residential Single Family, and Mixed Residential. The Property meets the eligibility requirements of the Act. The Property has some undeveloped areas, and due to its size, location, and physical characteristics, redevelopment will not occur solely through private investment in the foreseeable future. Portions of the Property substantially impair and arrest the sound growth of the City because it is predominately unproductive and underdeveloped due to factors such as aging public infrastructure and the need for economic incentives to attract redevelopment to the Zone for the purpose of providing long-term economic benefits including, but not limited to, increased real property tax base for all taxing units in the Zone, increased sales

and use tax for the City and the State of Texas, and increased job opportunities for residents of the City, Washington County (the "County"), and the region. If the public works, improvements, programs, and other projects are financed as contemplated by this *Tax Increment Reinvestment Zone Number One, City of Brenham, Texas Final Project and Finance Plan* (this "Final Plan"), the City envisions that the Property will be developed to take full advantage of the opportunity to bring to the City, the County, and to all of the region quality developments.

1.4 Preliminary Plan; Hearing. Before the City adopted the Creation Ordinance, the City Council prepared a preliminary tax increment reinvestment zone project and finance plan in accordance with the Act and held a public hearing on the creation of the Zone and its benefits to the City and to the Property, at which public hearing interested persons were allowed to speak for and against the creation of the Zone, the boundaries of the Zone, and the concept of tax increment financing, and at which hearing the owners of the Property were given a reasonable opportunity to protest the inclusion of their property in the Zone. The requirement of the Act for a preliminary tax increment reinvestment zone project and finance plan was satisfied by the preliminary plan dated December 20, 2018 (the "Preliminary Plan"), the purpose of which is to describe, in general terms, the public works, public improvements, programs, and other projects that will be undertaken and financed by the Zone.

1.5 Creation of the Zone. Upon the closing of the above-referenced public hearing, the City Council adopted the Creation Ordinance in accordance with the Act creating the Zone upon findings by the City Council that (1) development or redevelopment of the Property would not occur solely through private investment in the reasonably foreseeable future, (2) the Zone is feasible, and (3) that improvements in the Zone will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the City. Among other provisions required by the Act, the Creation Ordinance also appointed a Board of Directors for the Zone (the "Board").

1.6 Board Recommendations. After the Creation Ordinance and amendment of the Zone to include the Additional Property, the Board prepared, adopted, and recommended to the City Council this Final Plan, pursuant to which the City will contribute a portion of its ad valorem tax increment (the "City Tax Increment") attributable to new development in the Zone into a tax increment fund created by the City and segregated from all other funds of the City (the "TIRZ Fund") to the costs of public works, public improvements, programs, and other projects benefiting the Zone.

1.7 Council Action. The City Council, taking into consideration the recommendations of the Board, will consider approval of this Final Plan.

2. DESCRIPTIONS AND MAPS.

2.1 Existing Uses and Conditions. The Property is currently located in the corporate limits of the City and is zoned Local Business Mixed, Commercial Research and Technology, Historical and Central Business, Neighborhood Business District, Downtown Business/Residential Overlay District, Industrial, Residential Single Family, and Mixed Residential. The Property is

underdeveloped, and there is public infrastructure to support development. Development will require more public infrastructure that: (1) the City cannot provide; and (2) will not be provided solely through private investment in the foreseeable future. A map of the Property is shown on **Exhibit D**.

2.2 Proposed Uses. A map of the proposed uses of the Property is shown on **Exhibit E**.

2.3 Metes and Bounds Description. A metes and bounds description of the Property is provided on **Exhibit C**.

3. PROPOSED CHANGES TO ORDINANCES, PLANS, CODES, RULES, AND REGULATIONS. The Property is wholly located in the corporate limits of the City and is subject to the City's zoning regulation. The City has exclusive jurisdiction over the subdivision and platting of the property within the Property, and the design, construction, installation, and inspection of water, sewer, drainage, roadway, and other public infrastructure.

4. RELOCATION OF DISPLACED PERSONS. No persons will be displaced or relocated due to the creation or amendment of the Zone or implementation of this Final Plan.

5. ESTIMATED NON-PROJECT COSTS. Non-project costs are private funds that will be spent to develop in the Zone but will not be financed by the Zone. The list of non-project costs includes Developer initiated land assembly within the Zone for private development and property owner initiatives on private property improvements. Non-Project Costs cannot be accurately detailed at this point in the Zone's life, but it is hoped that Private Sector Investment within the Zone will lead to a valuation that will be at least three times the cost of improvements within the Zone.

6. PROPOSED PUBLIC IMPROVEMENTS.

6.1 Categories of Public Improvements. The categories of public works and public improvements (the "Public Improvements") that are proposed to be financed by the Zone are as follows: utilities, including water improvements, sanitary sewer improvements, signalization of intersections, freeway ramps, sidewalk, storm drainage and detention improvements, road improvements, erosion control and landscape and open space improvements, and other public improvements, including associated real estate acquisitions and the clearing and grading of land. All Public Improvements shall be designed and constructed in accordance with all applicable City standards and shall otherwise be inspected, approved, and accepted by the City. At the City's option, the Public Improvements may be expanded to include any other category of improvements authorized by the Act.

6.2 Locations of Public Improvements. The estimated locations of the proposed Public Improvements are shown on **Exhibit F**. These locations are provided for informational purposes only and may be revised from time to time with the approval of the Board.

7. ESTIMATED PROJECT COSTS. The total project costs for the Zone (the "Project Costs")

include the Administrative Costs (defined below) and the costs of the Public Improvements, which are estimated to be \$32.2 million in 2019 dollars, as set forth on **Exhibit G**.

7.1 Administrative Costs. The Project Costs for administration of the Zone shall be the actual, direct costs paid or incurred by or on behalf of the City to administer the Zone (the "Administrative Costs"). The Administrative Costs include the costs of professional services, including those for planning, engineering, and legal services paid by or on behalf of the City. The Administrative Costs also include organizational costs, the cost of publicizing the creation of the Zone, and the cost of implementing the project plan for the Zone paid by or on behalf of the City. The Administrative Costs shall be paid each year from the TIRZ Fund before any other Project Costs are paid and shall not exceed \$25,000 per year without the expressed written consent of the Board.

8. ESTIMATED TIME WHEN COSTS ARE TO BE INCURRED. The Administrative Costs will be incurred annually. It is estimated that the remainder of the Project Costs will be incurred during the time intervals set forth on **Exhibit H**. The estimated Project Costs shown on **Exhibit G** may vary by year and in amount.

9. ECONOMIC FEASIBILITY. For purposes of this Final Plan, economic feasibility has been evaluated over the term of the Zone based on the feasibility study (the "Feasibility Study") prepared by Petty & Associates, Inc., shown on **Exhibit I**. This evaluation focuses only on "direct" financial benefits (i.e., tax revenues from new development in the Zone) and does not take into consideration the "multiplier effect" that will result from new development that occurs outside the Zone. As illustrated in **Exhibit I**, during the term of the Zone, new development that occurs in the Zone (which would not have occurred but for the Zone) will generate approximately \$64.4 million in total new real property tax revenue over the term of the Zone. These projections assume an annual property value inflation factor of approximately 3%, with two years of 0% growth every ten years to simulate a market downturn.

Based on the foregoing, the feasibility of the Zone has been demonstrated. A portion of the new tax revenue generated for all taxing units by new development within the Zone will be retained by those taxing units. The remainder of the new tax revenue generated by new development within the Zone will be available to pay actual Project Costs until the term of the Zone expires or until the Zone is otherwise terminated as hereinafter provided. Upon expiration or termination of the Zone, 100% of all tax revenue generated within the Zone will be retained by the respective taxing units. During the term of the Zone, the City will deposit into the TIRZ Fund each year an amount that equals fifty percent (50%) of the City's real property taxes levied and collected that constitute the City's Tax Increment for that year (\$0.257 per \$100 valuation of the Captured Appraised Value (defined below) levied and collected for that year).

10. ESTIMATED BONDED INDEBTEDNESS. The appropriate portion of the City ad valorem tax increment within the Zone will be placed in the dedicated TIRZ Fund which may be used in three ways. (1), the Zone may issue debt to pay for Public Improvements specified in this Final Plan. (2), the TIRZ Fund may be used to reimburse the City for General Obligation or Certificates of Obligation debt service payments issued to construct Public Improvements specified in this Final

Plan. (3), the TIRZ Fund may be used to reimburse private developers that fund Public Improvements as specified in this Final Plan.

11. **TOTAL APPRAISED VALUE.** The current total appraised value of taxable real property in the Zone is \$266,689,080. It is estimated that upon expiration of the term of the Zone, the total appraised value of taxable real property in the Zone will be \$1,233,142,515 in 2019 dollars.

12. **ESTIMATED CAPTURED APPRAISED VALUE TAXABLE BY THE CITY.** The amount of the City Tax Increment for a year is the amount of property taxes levied and collected by the City for that year on the captured appraised value of the Property which is the total taxable value of all real property taxable by the City in the Zone (the "Captured Appraised Value"), less the Tax Increment Base (hereinafter defined) of the Property. The Tax Increment Base of the Property is the total taxable value of all real property in the Zone for the year in which the Zone was designated (the "Tax Increment Base"). The Tax Increment Base of the Property is \$266,689,080, which was determined by the Washington County Appraisal District in accordance with Section 311.012(c) of the Act. The estimated Captured Appraised Value of the Zone during each year of its existence is set forth in the Feasibility Study. The actual Captured Appraised Value for each year will be used to calculate annual payments by the City into the TIRZ Fund pursuant to this Final Plan.

13. **METHOD OF FINANCING.** The City will, in the future, pay (using the TIRZ Fund revenues) the Project Costs and will construct or cause to be constructed the Public Improvements. The City's approval of this Final Plan shall obligate the City to pay from the TIRZ Fund all actual Project Costs, which shall be reviewed and approved by the City, for Project Costs. Funds deposited into the TIRZ Fund shall always first be applied to pay the Administrative Costs. After the Administrative Costs have been paid, funds in the TIRZ Fund shall next be used to pay or reimburse the Project Costs. All payments of Project Costs shall be made solely from the TIRZ Fund and from no other funds of the City, and the TIRZ Fund shall only be used to pay the Project Costs. This Final Plan shall obligate the City to deposit into the TIRZ Fund each year for the duration of the Zone an amount equal to fifty percent (50%) of the City's real property taxes levied and collected that constitute the City Tax Increment for that year (\$0.257 per \$100 valuation of the Captured Appraised Value levied and collected for that year). All payments of Project Costs shall be made solely from the TIRZ Fund and from no other funds of the City unless otherwise approved by the City Council.

14. **DURATION OF THE ZONE; TERMINATION.** The term of the Zone commenced immediately upon passage of the Creation Ordinance by the City Council, and shall continue until December 31, 2048. If upon expiration of the stated term of the Zone the Project Costs have not been paid, the City shall not have any obligation to pay the shortfall. Nothing in this section is intended to prevent the City from extending the term of the Zone in accordance with the Act.

15. **ECONOMIC DEVELOPMENT PROGRAMS.** The City Council and the Board have determined it to be necessary and convenient to the accomplishment of the objectives contained in and in the implementation of this Final Plan to establish and provide for the administration of economic development programs that may be used to incentive development. The programs and

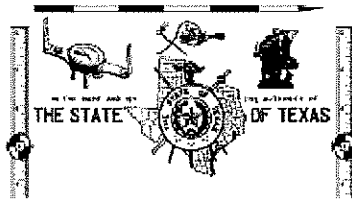
grants authorized by this Section 15 are authorized by Section 311.010(h) of the Act and by Article III, Section 52-a, Texas Constitution, as amended. Section 311.010(h) of the Act provides that the Board, subject to the approval of the City Council, may establish and provide for the administration of one or more programs as the Board determines is necessary or convenient to implement and achieve the purposes of this Final Plan, which programs are for the public purposes of developing and diversifying the economy of the Zone and developing business and commercial activity within the Zone. Such economic development programs may include, to the extent permitted by law, programs to make grants of any lawfully available money from the TIRZ Fund. Such programs are for activities that benefit the Zone and stimulate business and commercial activity in the Zone. This Section 15 is intended to be an economic development program authorized by Section 311.010(h) and by Article III, Section 52-a of the Texas Constitution, as amended. Development of the Zone will further the public purpose of developing and diversifying the economy of the Zone. The City Council and the Board have determined, and it is recognized, that such development will not occur through private investment in the foreseeable future, nor will such development occur only through public participation in the cost of the Public Improvements. All grants that are part of the economic development programs described in this Section 15 serve the public purpose of attracting new business and commercial activity to the Zone for the purpose of providing long-term economic benefits including, but not limited to, increases in the real property tax base for all taxing units within the Zone, and increased job opportunities for residents of the City, the County, and the region, all of which benefit the Zone and the City.

16. **LIST OF EXHIBITS.** Unless otherwise stated, all references to "Exhibits" contained in this Final Plan shall mean and refer to the following exhibits, all of which are attached to and made a part of this Final Plan for all purposes.

Exhibit A	Metes and Bounds of Additional Property
Exhibit B	Map of Additional Property
Exhibit C	Metes and Bounds of Property
Exhibit D	Map of Property
Exhibit E	Map of Uses of Property
Exhibit F	Map of Proposed Public Improvement Locations
Exhibit G	Estimated Project Costs
Exhibit H	Estimated Time When Costs are to be Incurred
Exhibit I	Feasibility Study

Exhibit A

Metes and Bounds Description of the Additional Property



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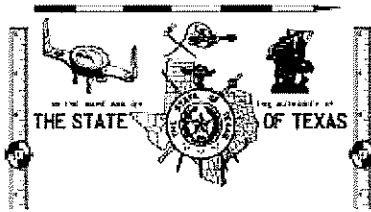
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City of Brenham – 2019 TIRZ EXPANSION Description

All that certain tract or parcel of land, lying and being situated in the City of Brenham, Washington County, Texas, part of the A. Harrington Survey, A-55 and the James Walker Survey, A-106, and being described as follows:

BEGINNING at a found "X" cut in concrete on an East margin of N. Chappell Hill Street at its intersection with a North margin of E. Main Street for the Southwest corner of Lot 1 (called 1.109 acres), Block 1 of Main Street Plaza Subdivision, a map or plat being of record in Plat Cabinet File Slide Number 655B, in the Plat Records of Washington County, Texas, being a Northeast corner of the City of Brenham - 2019 TIRZ tract called approximately 2195± acres, dated February 7, 2019, being the most Western Northwest corner hereof;

THENCE in an Easterly direction, being along North margins of said E. Main Street, being along the South line of said Lot 1, Block 1 of Main Street Plaza Subdivision, being along the South line of the Main Street Baptist Church tract called 60 feet by 120 feet, as recorded in Volume 86, Page 473, in the Deed Records of Washington County, Texas, being along the South line of the Main Street Baptist Church residue of original tract called 120 feet by 126 feet, as recorded in Volume 213, Page 223, in said Deed Records, being along the South line of the Tommie Wellmann tract called 8,189 square feet, as recorded in Volume 1293, Page 643, in the Official Records of Washington County, Texas, being along the South line of the Veronica Picaso tract called 0.153 acre, as recorded in Volume 1368, Page 14, in said Official Records, being along the South line of the Tommie Wellmann tract called 7,829 square feet, as recorded in Volume 1284, Page 718, in said Official Records, being along the South line of Raechelle Shaenette Burks tract, as conveyed in Volume 1655, Page 12, in said Official Records and described as 0.196 acres in Volume 290, Page 130, in said Deed Records, being along the South line of the Rufus Smith, Jr. tract called 0.0100 acre, as recorded in Volume 518, Page 347, in said Official Records, being along the South line of Rufus Smith, Jr. tract called 60 feet by 90 feet (Lot 17), as recorded in Volume 380, Page 324, in said Deed Records, being along the South line of MC Property Holdings, LLC tract called 0.12 acre (Lot 16), as conveyed in Volume 1675, Page 253, in said Official Records and described as 5,400 square feet in Volume 145, Page 177, in said Deed Records, being along the South line of the Mattie Benjamin tract (Lot 15), as conveyed in Volume 831, Page 493, in said Official Records and described as 60 feet by 90 feet in Volume 9, Page 97, in said Deed Records, being along the South line of the Tommie Wellmann tract (Lot 14), as conveyed in Volume 1259, Page 32, in said Official Records and described as 60 feet by 90 feet in Volume 393, Page 757, in said Deed Records, crossing Barbee Street with a North margin of said E. Main Street, being along the South line of the Rangel M. Bustos, et ux tract called 8,966 square feet, as recorded in Volume 905, Page 947, in said Official Records, being along the South line of the Tommie Lee Wellmann tract, as conveyed in Volume 1394, Page 811, in said Official Records and being the residue of original tract called 0.683 acre described in Volume 311, Page 831, in said Deed Records, being along the South line of the Brenda J. Fielder tract called 0.442 acre, as recorded in Volume 1377, Page 444, in said Official Records, being along the South line of the Linda J. Love tract called 55 feet by 300 feet, as recorded in Volume 538, Page 589, in said Official Records, being along the South line of the Ivory Gail



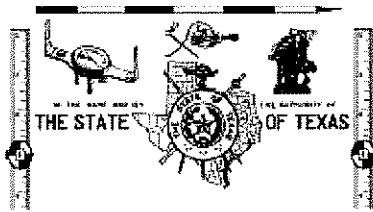
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Jefferson tract called 0.576 acre, as recorded in Volume 1591, Page 1, in said Official Records, being along the South line of the Larry L. Johnson Lot 56A (Tract 1), as conveyed in Volume 1519, Page 425, in said Official Records and described as 45 feet by 230 feet in Volume 115, Page 117 in said Deed Records, being along the South line of the Larry L. Johnson Lot 57A (Tract 2), as conveyed in Volume 1519, Page 425, in said Official Records and described as 45 feet by 260 in Volume 218, Page 495, in said Deed Records, being along the South line of the Luis Lopez tract, as recorded in Volume 1567, Page 92, in said Official Records, being along the South line of the Tommie L. Wellmann tract called 0.222 acre (Tract 1), as recorded in Volume 1365, Page 882, in said Official Records, being along the South line of the Tommie L. Wellmann tract called 0.211 acre (Tract 3), as recorded in Volume 1365, Page 882, in said Official Records, being along a South line of the Tommie L. Wellmann tract, as recorded in Volume 1341, Page 705, in said Official Records, being along the South line of the Tommie Wellmann tract called 0.054 acre (Tract 3), as recorded in Volume 1311, Page 481, in said Official Records, being along the South line of the Tommie Wellmann tract called 0.138 acre, as recorded in Volume 915, Page 667, in said Official Records, being along the South line of the Tommie Wellmann tract called 0.106 acre, as recorded in Volume 915, Page 667, in said Official Records, being along South lines of the Tommie Wellmann tract called 0.787 acre, as recorded in Volume 915, Page 663, in said Official Records, and continuing, being along North margins of said E. Main Street as it intersects with North margins of E. Alamo Street, being along South lines of the Tommie L. Wellmann tract called 1.007 acres, as recorded in Volume 1150, Page 161, in said Official Records, being along the South line of an unknown owner(s) tract, being along the South line of the Larry L. Johnson tract called 0.1884 acre (Property Two), as recorded in Volume 1282, Page 600, in said Official Records, being along the South line of the Blossom Hutchinson Williams, et al tract, as conveyed in Volume 512, Page 585, in said Official Records, being along the South line of the Kenya Johnson tract called 0.1413 acre, as conveyed in Volume 1114, Page 900, in said Official Records and described as 6,156 square feet in Volume 483, Page 230, in said Official Records, being along the South line of the Larry L. Johnson tract, as conveyed in Volume 1656, Page 307, in said Official Records and being the residue of original tract called 12,312 square feet described in Volume 705, Page 104, in said Official Records, being along the South line of an abandoned Public Road, being along the South line of the Diane Crystal McDaniel, et al tract, as conveyed in Volume 1620, Page 92, in said Official Records for North lines hereof to an exterior corner of said McDaniel tract, being on a North margin of said E. Alamo Street at its intersection with a flare of a Northwest right of way line of N. Blue Bell Road (F.M. Highway No. 577) for an interior corner hereof.

THENCE in a Northeasterly direction, being along a Northwest right of way line of said N. Blue Bell Road, being along the Southeast line of said McDaniel tract for a Southeast line hereof to an exterior corner of said McDaniel residue of original tract, being an interior corner of said N. Blue Bell Road for an interior corner hereof.

THENCE in a Northerly and Northwesterly direction, being along West and Southwest right of way lines of said N. Blue Bell Road, being along the East line of said McDaniel tract, being along the East line of said unknown owner(s) tract, being along East lines of the Gloria Greenwade Nix, et al residue of original tract called 41 acres, as conveyed in Volume 350, Page 835, in said Deed



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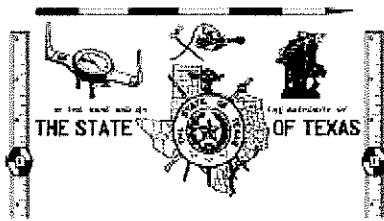
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Records and being part of a tract called 76.58 acres described in Volume 180, Page 17, in said Deed Records, crossing the East end of Lauraine Street with a West right of way line of said N. Blue Bell Road, being along East and Northeast lines of Tract Two (called 3.519 acres) of the Lots One and Two Charles Schroeder, Jr. Division - 3.921 acres, a map or plat being of record in Plat Cabinet File Slide Number 338-B, in said Plat Records, being along the Northeast line of the Home Town Properties, LP residue of Lot 54 of College Heights Addition, as conveyed in Volume 1401, Page 1004, in said Official Records, a map or plat of said College Heights Addition being of records in Plat Cabinet File Slide Number 6-A, in said Plat Records, being along the Northeast line of the Jose Rodriguez Avalos tract called 0.093 acre, as recorded in Volume 1579, Page 95, in said Official Records, being along Northeast lines of the Jose Rodriguez Avalos residue of original tract called 12,800 square feet, as conveyed in Volume 1579, Page 92, in said Official Records and described in Volume 197, Page 228, in said Deed Records, crossing Brown Street with a Southwest right of way line of said N. Blue Bell Road, being along the Northeast line of the Lola Investments, LLC residue of Lot 48 of said College Heights Addition (Tract 1), as conveyed in Volume 1644, Page 896, in said Official Records, being along a Northeast line of Lot 11A (called 1.54 acres) of the Replat of Lots 2 through 31 of College Heights Addition and a called 0.331 acre tract, a map or plat being of record in Plat Cabinet File Slide Number 655-A, in said Plat Records for West and Southwest lines hereof to an exterior corner of said Lot 11A of said Replat of Lots 2 through 31 of College Heights Addition and a called 0.331 acre tract, being on a Southwest right of way line of said N. Blue Bell Road (F.M. Highway No. 577) at a flare of same;

THENCE continuing in a Northwesterly direction, crossing said State Highway No. 105 - Business with a Southwest line hereof to the Eastern Southeast corner of Lot 1 (called 0.573 acre) of the Alexander Division, a map or plat being of record in Plat Cabinet File Slide Number 686-A, in said Plat Records, being on a Northwest right of way line of said State Highway No. 105 - Business at a flare of same for an exterior corner hereof;

THENCE in a Northerly and Northwesterly direction, being along West and Southwest right of way lines of E. Blue Bell Road (F.M. Highway No. 577), being along East and Northeast lines of said Lot 1 (called 0.573 acre) of said Alexander Division, crossing Simon Avenue with a Southwest right of way line of said E. Blue Bell Road, being along the Northeast line of the Tommie Wellmann tract called 0.345 acre, as recorded in Volume 1016, Page 467, in said Official Records for West and Southwest lines hereof to the North corner of said Wellmann tract called 0.345 acre, being the East corner of the City of Brenham, Texas tract called 1.961 acres, as recorded in Volume 312, Page 829, in said Deed Records, being on a Southwest right of way line of said E. Blue Bell Road for the most Northern West corner hereof;

THENCE in a Northeasterly direction, crossing said E. Blue Bell Road for a Northwest line hereof to the West corner of Robbie's Four Way tract called 1.416 acres, as recorded in Plat Cabinet File Slide Number 368-B, in said Plat Records, being on a Northeast right of way line of said E. Blue Bell Road for an interior corner hereof;



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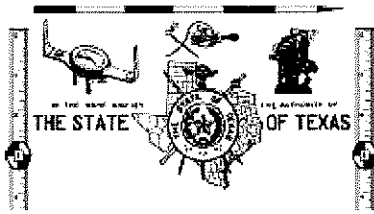
THENCE in an Northerly direction, being along the West line of said Robbie's Four Way tract called 1.416 acres, being along the East line of the 1800 Hwy 105, LLC tract called 2.981 acres (Tract 1), as recorded in Volume 1509, Page 351, in said Official Records for a West line hereof to a 5/8 inch iron rod found at a T-Post for the North corner of said Robbie's Four Way tract called 1.416 acres, common with an interior corner of said 1800 Hwy 105, LLC tract called 2.981 acres, being the most Northern corner hereof;

THENCE in a Southeasterly direction, being along the Northeast line of said Robbie's Four Way tract called 1.416 acres, being along a Southwest line of said 1800 Hwy 105, LLC tract called 2.981 acres, being along the Northeast line of the Boundary Line Adjustment tract called 13,020 square feet, a map or plat of said Boundary Line Adjustment being of record in Plat Cabinet File Slide Number 318-A, in said Plat Records for a Northeast line hereof to the South corner of said 1800 Hwy 105, LLC tract called 2.981 acres, being the East corner of said Boundary Line Adjustment tract called 13,020 square feet, being on a Northwest right of way line of State Highway No. 105 for an interior corner hereof;

THENCE in a Northeasterly direction, being along a Northwest right of way line of said State Highway No. 105, being along a portion of a Southeast line of said 1800 Hwy 105 LLC tract called 2.981 acres for a Northwest line hereof to a North corner hereof, being on a Northwest right of way line of said State Highway No. 105 at its intersection with a projection of the Northeast line of the JB105 Management LLC tract called 0.9765 acre, as recorded in Volume 1328, Page 1038, in said Official Records, being on a Southeast line of said 1800 Hwy 105 LLC tract called 2.981 acres;

THENCE in a Southeasterly direction, crossing said State Highway No. 105, being along the Northeast line of said JB105 Management LLC tract called 0.9765 acre, being along the Southwest line of the JB105 Management LLC residue of original tract called 1.3123 acres (Tract One), as recorded in Volume 1328, Page 1030, in said Official Records for a Northeast line hereof to the East corner of said JB105 Management LLC tract called 0.9765 acre, being the South corner of said JB105 Management LLC residue of original tract called 1.3123 acres (Tract One), being on a North line of the Ricky Boeker, et al residue of original tract called 30.001 acres, as recorded in Volume 1162, Page 227, in said Official Records for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of a North line of said Boeker residue of original tract called 30.001 acres, being along the South line of said JB105 Management LLC residue of original tract called 1.3123 acres (Tract One), being along the South line of the JB105 Management LLC residue of original tract called 1.3123 acres (Tract Two), as recorded in Volume 1328, Page 1030, in said Official Records, being along the South line of the Alvin S. Miller, Jr. residue of original tract called 1.3123 acres (Tract 3), as recorded in Volume 1359, Page 209, in said Official Records, being along the South line of the Alvin S. Miller, Jr. residue of original tract called 1.3123 acres (Tract 1), as recorded in Volume 1359, Page 209, in said Official Records, being along the South line of the Alvin S. Miller, Jr. residue of original tract called 1.02 acres (Tract 2), as recorded in Volume 1359, Page 209, in said Official Records, being along a portion of the South line of the LMLN Schwartz, Inc. residue of original tract called 5.000 acres, as recorded in



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Volume 566, Page 571, in said Official Records for a North line hereof to a Northeast corner of said Boeker residue of original tract called 30.001 acres, being on the South line of said LMLN Schwartz, Inc. residue or original tract called 5.000 acres, being a Northwest corner of the Woodrow A. Free and Joan T. Free, Trustees of the Free Family Trust residue of original tract called 140 acres (Tract No. 1), as recorded in Volume 850, Page 921, in said Official Records for the most Northern Northeast corner hereof;

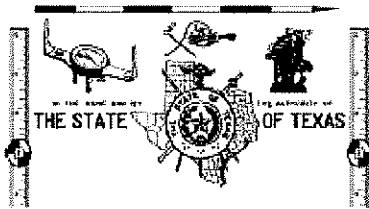
THENCE in a Southerly direction, being along a West line of said Free Family Trust residue of original tract called 140 acres, being along the East line of said Boeker residue of original tract called 30.001 acres for an East line hereof to a Southeast corner of said Boeker residue of original tract called 30.001 acres, being a Southwest corner of said Free Family Trust residue of original tract called 140 acres, being on the North line of the Brian Keith Boeker tract called 2.407 acres, as recorded in Volume 1531, Page 723, in said Official Records for a Southeast corner hereof;

THENCE in an Westerly direction, being along a portion of the North line of said Boeker tract called 2.407 acres, being along a South line of said Boeker residue of original tract called 30.001 acres for a South line hereof to a found 4 inch steel pipe fence corner post for the Northwest corner of said Boeker tract called 2.407 acres, being the North corner of the Ricky Boeker tract called 1.90 acres, as recorded in Volume 1567, Page 614, in said Official Records, being an interior corner of said Boeker residue of original tract called 30.001 acres, and being an interior corner hereof ;

THENCE in a Southerly direction, being along the West line of said Boeker tract called 2.407 acres, being along the East line of said Boeker tract called 1.90 acres for an East line hereof to a 1/2 inch iron rod found with Id. cap (RPLS 2145) at a 4 inch steel pipe fence post for the Southwest corner of said Boeker tract called 2.407 acres, being the Southeast corner of said Boeker tract called 1.90 acres, being on a Northwest margin of Lauraine Lane, and being an interior corner hereof;

THENCE in a Northeasterly direction, being along a portion of a Northwest margin of said Lauraine Lane, being along a portion of the Southeast line of said Boeker tract called 2.407 acres for a Northwest line hereof to the end of said Lauraine Lane, being on the Southeast line of said Boeker tract called 2.407 acres, being a Northwest corner of said Free Family Trust residue of original tract called 140 acres for an exterior corner hereof;

THENCE in a Southerly direction, crossing the East end of said Lauraine Lane, being along West lines of said Free Family Trust residue of original tract called 140 acres, being along East lines of the Gloria Nix tract called 35.58 acres (Tract One), as conveyed in Volume 938, Page 738, in said Official Records and being part of a tract called 76.58 acres described in Volume 180, Page 17, in said Deed Records for East lines hereof to the centerline of Hog Branch for a Southwest corner of said Free Family Trust residue of original tract called 140 acres, being on a North line of the City of Brenham tract called 1.643 acres, as recorded in Volume 277, Page 360, in said Deed Records, also being the Southeast corner of said Nix tract called 35.58 acres, and being a Southeast corner hereof;



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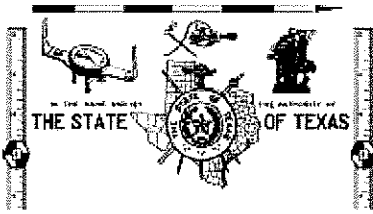
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THENCE in a Westerly, Southwesterly, Northwesterly and Southerly direction, being along the centerline of said Hog Branch, being along South, Southeast, Southwest and East lines of said Nix tract called 35.58 acres, being along North and Northwest lines of said City of Brenham tract called 1.643 acres, being along the North and Northwest lines of the City of Brenham tract called 1.173 acres, as recorded in the Probates Records of Washington County, Texas, being along North and Northeast lines of the City of Brenham tract called 1.046 acres (Tract One), as recorded in Volume 1001, Page 598, in said Official Records, being along North, Northwest and West lines of the City of Brenham tract called 1.027 acres, as recorded in Volume 1010, Page 736, in said Official Records, also being along Northwest and North lines of the City of Brenham tract called 0.437 acre, as recorded in Volume 1008, Page 420, in said Official Records, and being along the North line of the City of Brenham tract called 0.116 acre (Tract One), as recorded in Volume 1003, Page 732, in said Official Records for South, Southeast, Southwest and East lines hereof to the Northwest corner of said City of Brenham tract called 0.116 acre, being on an East right of way line of said N. Blue Bell Road (F.M. Highway No. 577), and being the Southwest corner of said Nix residue of original tract called 35.58 acres for an interior corner hereof;

THENCE in a Southerly direction, being along East right of way lines of said N. Blue Bell Road, being along the West line of said City of Brenham tract called 0.116 acre, crossing the West end of an abandoned Public Road, being along the West line of the City of Brenham tract called 0.187 acre, as recorded in Volume 1000, Page 300, in said Official Records, and being along the West line of the City of Brenham tract called 0.338 acre, as recorded in Volume 1084, Page 319, in said Official Records for East lines hereof to an exterior corner of said City of Brenham tract called 0.338 acre, being an interior corner of said N. Blue Bell Road for an interior corner hereof;

THENCE in a Southeasterly direction, being along a Northeast right of way line of said N. Blue Bell Road in a flare of same, being along the Southwest line of said City of Brenham tract called 0.338 acre for a Southwest line hereof to the Southwest corner of said City of Brenham tract called 0.338 acre, being on a Northeast right of way line of said N. Blue Bell Road at its intersection with a North margin of Old Chappell Hill Road for an interior corner hereof;

THENCE in an Easterly direction, being along North margins of said Old Chappell Hill Road, being along the South line of said City of Brenham tract called 0.338 acre, being along the South line of the Cedric Williams tract, as conveyed in Volume 1507, Page 668, in said Official Records, being along the South line of the City of Brenham tract called 0.498 acres, as recorded in Volume 1021, Page 153, in said Official Records, being along the South line of the City of Brenham tract called 0.192 acre, as recorded in Volume 1033, Page 321, in said Official Records, being along the South line of the City of Brenham tract called 0.308 acre, as recorded in Volume 1033, Page 668, in said Official Records, being along the South line of the City of Brenham tract called 0.510 acre, as recorded in Volume 1007, Page 487, in said Official Records, being along the South line of the City of Brenham tract, as conveyed in Volume 1021, Page 156, in said Official Records and described in Volume 68, Page 531, in said Deed Records, being along the South line of a City of Brenham tract, former Thomas Sallis tract as recorded in Volume 16, Page 188, in said Deed Records, being along the South line of the City of Brenham tract called 0.259 acre, as recorded in Volume 1031, Page



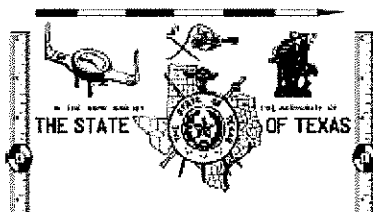
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968, in said Official Records, being along the South line of the City of Brenham tract, as recorded in Volume 800, Page 433, in said Official Records, being along the South line of the City of Brenham tract, as conveyed in Volume 1047, Page 290, in said Official Records and described in Volume 121, Page 427, in said Deed Records, being along the South line of the City of Brenham tract called 0.5009 acre, as recorded in Volume 1010, Page 829, in said Official Records, being along a South line of the City of Brenham tract called 0.786 acre, as recorded in Volume 1047, Page 300, in said Official Records, being along the South line of the City of Brenham tract called 0.099 acre, as recorded in Volume 1021, Page 407, in said Official Records, being along a South line of said City of Brenham tract called 3.017 acres, as recorded in Volume G, Page 6, in the District Clerk Records of Washington County, Texas, being along the South line of The City of Brenham, Texas tract called 0.521 acre, as recorded in Volume 492, Page 606, in said Official Records, being along the South line of The City of Brenham, Texas tract called 3.148 acres, as recorded in Volume 492, Page 600, in said Official Records, crossing the South end of an abandoned Public Road, being along the South line of a tract being occupied by Loraine Smith (deed not found), and being along the South line of the Loraine Smith tract called 0.230 acre, as recorded in Volume 1112, Page 189, in said Official Records for North lines hereof to a found 2 inch galvanized pipe for the Southwest corner of the City of Brenham tract called 0.233 acre, as conveyed in Volume 1068, Page 604, in said Official Records and described in Volume 141, Page 211, in said Deed Records, being on a North margin of said Old Chappell Hill Road, being the Southeast corner of said Smith tract called 0.230 acre, and being a Northeast corner hereof,

THENCE in a Southerly direction, crossing said Old Chappell Hill Road, being along East lines of Detention - Reserve "A" (called 5.133 acres) of Blue Bell Subdivision, Section I, a map or plat being of record in Plat Cabinet File Slide Numbers 699-A and 699-B, of said Plat Records, being along East margins of M and M Lane, being along East lines of the Plat and Dedication of Bilski Road, a map or plat being of records in Plat Cabinet File Slide Number 277-B, in said Plat Records, being along a portion of the West line of Lot 7 of H. C. McIntyre Addition, a map or plat being of record in Plat Cabinet File Slide Number 5-B, in said Plat Records, being along West lines of Lots 6, 5, 4, 3, 2 and 1 of said H. C. McIntyre Addition, being along the West line of the David Albin Murski, et al tract called 120 acres, as recorded in Volume 1137, Page 932, in said Official Records for East lines hereof to the Southwest corner of said Murski tract called 120 acres, being the South corner of said Plat and Dedication of Bilski Road, also being the East corner of the Alois Bilski, et al tract called 0.088 acre, being the residue of original tract called 0.83 acres, as recorded in Volume 609, Page 398, in said Official Records, and being the Northwest corner of the Florence Marie Koehne, et vir tract called 12.73 acres, as conveyed in Volume 1494, Page 439, in said Official Records, being part of a called 23.990 acres (Tract 5) described in Volume 559, Page 703, in said Official Records for an exterior corner hereof,

THENCE in a Southwesterly direction, being along the Southeast line of said Bilski tract called 0.088 acre, being along a Northwest line of said Koehne tract called 12.73 acres, crossing Burlington Northern & Santa Fe Railroad for a Northwest line hereof to an interior corner hereof, being on a Southwest right of way line of said Burlington Northern & Santa Fe Railroad, being on a



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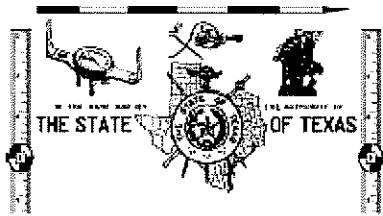
Northeast line of Lot 1 (called 32.788 acres) of Blue Bell Subdivision, Section II, a map or plat being of record in Plat Cabinet File Slide Numbers 705-B and 706-A, in said Plat Records;

THENCE in a Southeasterly direction, being along Southwest right of way lines of said Burlington Northern & Santa Fe Railroad, being along Northeast lines of said Lot 1 (called 32.788 acres) of said Blue Bell Subdivision, Section II, being along a Northeast line of the Bellville Holdings, LLC, tract called 16.818 acres, as recorded in Volume 1353, Page 389, in said Official Records for Northeast lines hereof to an interior corner of said Bellville Holdings, LLC tract called 16.818 acres, being at the South end of Burlington Northern & Santa Fe Railroad for an interior corner hereof;

THENCE in a Northeasterly direction, being along and crossing the Southeast end of said Burlington Northern & Santa Fe Railroad, being along a Northwest line of said Bellville Holdings, LLC, tract called 16.818 acres for a Northwest line hereof to an interior corner of said Bellville Holdings, LLC, tract called 16.818 acres, being at the South end of said Burlington Northern & Santa Fe Railroad for a North corner hereof;

THENCE in a Southeasterly direction, crossing said Bellville Holdings, LLC, tract called 16.818 acres, being along a Northeast line of the City of Brenham tract called 0.0935 acre, as recorded in Volume 607, Page 227, in said Official Records for a Northeast line hereof to the East corner of said City of Brenham tract called 0.0935 acre, being on a Southwest line of said Bellville Holdings, LLC, tract called 16.818 acres, being the North or Northeast corner of the Rosenbaum-Schoenvogel Investments, LP tract called 0.4639 acre (Tract Seven [c]), as conveyed in Volume 1348, Page 842, in said Official Records and described in Volume 607, Page 237, in said Official Records, being the most Eastern corner hereof;

THENCE in a Westerly direction, being along the South line of said City of Brenham tract called 0.0935 acre, being along the North line of said Rosenbaum-Schoenvogel Investments, LP tract called 0.4639 acre, being along the South line of The City of Brenham, Texas tract called 0.0418 acre, as recorded in Volume 607, Page 220, in said Official Records, being along a portion of a cul-de-sac of E. Tom Green Street, being along South margins of said E. Tom Green Street, being along North lines of the Rosenbaum-Schoenvogel Investments, LP residue of original tract called 2.1621 acres (Tract Seven [b]), as conveyed in Volume 1348, Page 842, in said Official Records and described in Volume 433, Page 172, in said Deed Records, being along the North line of the Rosenbaum-Schoenvogel Investments, LP tract called 0.4609 acre (Tract Seven [a]), as conveyed in Volume 1348, Page 842, in said Official Records and described in Volume 433, Page 167, in said Deed Records, being along the North line of the Charlie Rosenbaum, Jr. tract called 2.387 acres (Tract 1), as conveyed in Volume 1487, Page 224, in said Official Records and described in Volume 359, Page 891, in said Deed Records, being along the North line of the Brenham Christian Fellowship, Inc. tract called 0.544 acre, as recorded in Volume 927, Page 379, in said Official Records, crossing S. Blue Bell Road (F.M. Highway No. 577) with a South margin of said E. Tom Green Street for South lines hereof to the Northeast corner of the City of Brenham tract called 7.215



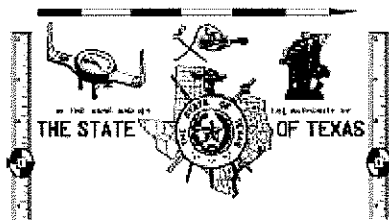
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acres, as recorded in Volume 944, Page 35, in said Official Records for the most Southern corner hereof;

THENCE in a Northwesterly and Northerly direction, being along Southwest and West right of way lines of said S. Blue Bell Road, crossing said E. Tom Green Street with a Southwest right of way line of said S. Blue Bell Road, being along the Northeast line of Lot 1 (called 0.495 acre) and Lot 5 (called 0.701 acre) of the Altman's Subdivision, a map or plat being of records in Plat Cabinet File Slide Number 325-B, in said Plat Records, crossing Longhofer Street with a Southwest right of way line of said S. Blue Bell Road, being along the Northeast lines of Lots 11, 19, 20 and 21 of Woodson Terrace Subdivision, Section II, a map or plat being of records in Plat Cabinet File Slide Numbers 130-A and 130-B, in said Plat Records, being along the Northeast lines of Lots 5, 4, 3 and 2 of Woodson Terrace Subdivision, Section III, a map or plat being of records in Plat Cabinet File Slide Numbers 183-A and 183-B, in said Plat Records, crossing Leslie D Lane with a Southwest right of way line of said S. Blue Bell Road, being along the Northeast line of Lot 1 of said Woodson Terrace Subdivision, Section III, being along the Northeast line of Lot 19 of Woodson Terrace Subdivision, Section IV, a map or plat being of records in Plat Cabinet File Slide Numbers 217-A and 217-B, in said Plat Records, crossing Pecan Street with a Southwest right of way line of said S. Blue Bell Road, being along the East lines of Lots 20 through 23 of said Woodson Terrace Subdivision, Section IV, being along the East lines of Lots 20, 19, 18 and 17 of Woodson Terrace Subdivision, Section V, a map or plat being of record in Plat Cabinet File Slide Number 271-A, in said Plat Records, being along an East line of Lot 16 of said Woodson Terrace Subdivision, Section V, crossing said Burlington Northern & Santa Fe Railroad with a West right of way line of said S. Blue Bell Road, being along East lines of the Dewitt Kosse tract, as conveyed in Volume 209, Page 70, in said Deed Records, being the residue of a 3.6 acres tract described in Volume 162, Page 211, in said Deed Records, crossing an abandoned Public Road with a West right of way line of said S. Blue Bell Road, being along the East line of the Dewitt Kossie residue of original tract called 3.49 acres, as recorded in Volume 214, Page 504, in said Deed Record, being along an East line of Lot 1 (called 1.158 acres), Block 1 of Dahmann Subdivision, a map or plat being of records in Plat Cabinet File Slide Number 658-B, in said Plat Records, crossing Factory Street with a West right of way line of said S. Blue Bell Road, being along the East line of the Przyborski Properties, LLC tract called 1.070 acres, as conveyed in Volume 1670, Page 915, in said Official Records and described in Volume 945, Page 639, in said Official Records for West lines hereof to a 1/2 inch iron rod found near a concrete monument (disturbed) for an exterior corner of said Przyborski Properties, LLC tract called 1.070 acres, being an interior corner of said S. Blue Bell Road, being an interior corner hereof;

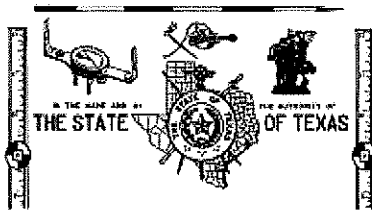
THENCE in a Northwesterly direction, being along a Southwest right of line of said S. Blue Bell Road in a flare of same, being along a Northeast line of said Przyborski Properties, LLC tract called 1.070 acres for a Southwest line hereof to the North corner of said Przyborski Properties, LLC tract called 1.070 acres, being on a Southwest right of way line of said S. Blue Bell Road at its intersection with a South margin of said E. Alamo Street for an interior corner hereof;



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THENCE in a Westerly direction, being along South margins of said E. Alamo Street, being along the North line of said Przyborski Properties, LLC tract called 1.070 acres, being along the North line of the Tommy Przyborski, et ux tract called 0.41 acre, as recorded in Volume 1282, Page 604, in said Official Records, crossing the North end of Sweed Street with a South margin of said E. Alamo Street, being along the North line of the Eduardo Jimenez Perez, et ux tract called 0.594 acre, as recorded in Volume 1635, Page 403, in said Official Records, being along a North line of the Jose Antonio Andrade Hernandez tract called 1.489 acres, as recorded in Volume 1657, Page 546, in said Official Records, being along the North line of the Betty L. Williams tract, as conveyed in Volume 1313, Page 423, in said Official Records, and being part of original tract described in Volume 196, Page 317, in said Deed Records, being along the North line of the Brenham First Church of God residue of original tract, as recorded in Volume 645, Page 467, in said Official Records, being along the North line of the Ida Mae Harge (Brenham First Church of God) tract called 8,735 square feet, as recorded in Volume 454, Page 898, in said Deed Records, being along the North line of the John D. Harris, et ux tract called 0.20 acre, as recorded in Volume 1477, Page 469, in said Official Records, being along the North line of the Gordon E. Pattison tract called 0.277 acre, as recorded in Volume 1388, Page 400, in said Official Records, crossing the North end of Taft Street with a South margin of said E. Alamo Street, being along the North line Dayana M. Martinez-Perdomo Lezama, et ux tract called 0.225 acre, as recorded in Volume 1242, Page 73, in said Official Records, being along the North line of the Steve Saxon tract called 0.1560 acre, as recorded in Volume 1234, Page 95, in said Official Records, being along the North line of the Vanessa G. Hollie tract, as conveyed in Volume 753, Page 572, in said Official Records and described as 50 feet by 100 feet in Volume 369, Page 197, in said Deed Records, being along the North line of the Everett F. Carr, et al tract called 5,000 square feet, as recorded in Volume 921, Page 398, in said Official Records, being along the North line of the Joe Hutchinson tract called 0.1655 acre, as recorded in Volume 427, Page 315, in said Official Records, being along the North line of the Bernadine Franklin, et al tract (Tract One), as recorded in Volume 453, Page 251, in said Deed Records, being along the North line of the Tommie Wellmann tract called 0.248 acre (Tract 1), as recorded in Volume 1311, Page 481, in said Official Records, being along the North line of the Tommie Wellmann tract called 0.145 acre, as recorded in Volume 1262, Page 466, in said Official Records, being along the North line of the 1204 E Alamo LLC tract, as conveyed in Volume 1686, Page 876, in said Official Records and being part of original tract described in Volume V, Page 75, in said Deed Records, being along the North line of the Ward Timothy Pawlowski tract called 0.139 acre (Tract 2), as recorded in Volume 1460, Page 741, in said Official Records, being along the North line of the Betty Johnson tract, as conveyed in Volume 1682, Page 860, in said Official Records and being part of original tract described as 0.252 acre in Volume 344, Page 88, in said Deed Records, being along the North line of the Michael J. Todd, et al tract, as conveyed in Volume 1616, Page 405, in said Official Records and described in Volume 245, Page 15, in said Deed Records, being along the North line of the Beverly Ann Roberts, et al tract, as conveyed in Volume 1260, Page 37, in said Official Records and described in Volume 293, Page 84, in said Deed Records, crossing the North end of Kerr Street with a South margin of said E. Alamo Street, being along the North line of the Masonic Grand Lodge - Eastern Star Chapter #276 tract (deed not found), crossing the West end of Garrett Street with a South margin of said E. Alamo Street, being along North lines of the City of Brenham, Texas tract called 1.851 acres, as recorded



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in Volume 334, Page 12, in said Deed Records for South lines hereof to the Northwest corner of said City of Brenham tract called 1.851 acres, being on a South margin of said E. Alamo Street at the intersection with an East margin of S. Chappell Hill Street, being on an East line of said City of Brenham - TIRZ tract called 2195± acres, dated February 7, 2019 for a Southwest corner hereof;

THENCE in a Northerly direction, being along East lines of said City of Brenham - TIRZ tract called 2195± acres, dated February 7, 2019, being along East margins of said S. Chappell Hill Street, crossing said E. Alamo Street with an East margin of said S. Chappell Hill Street, being along the West line of the StanPac USA, LLC tract, as recorded in Volume 1445, Page 563, in said Official Records, crossing said E. Main Street with an East margin of said S. Chappell Hill Street for West lines hereof to the PLACE OF BEGINNING and containing approximately 199 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an 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. Acreages stated herein are approximate.

Dated this the 18th day of November, 2019, A. D.


Jon E. Hodde
Registered Professional
Land Surveyor No. 5197

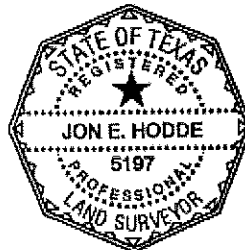


Exhibit B

Map of Additional Property

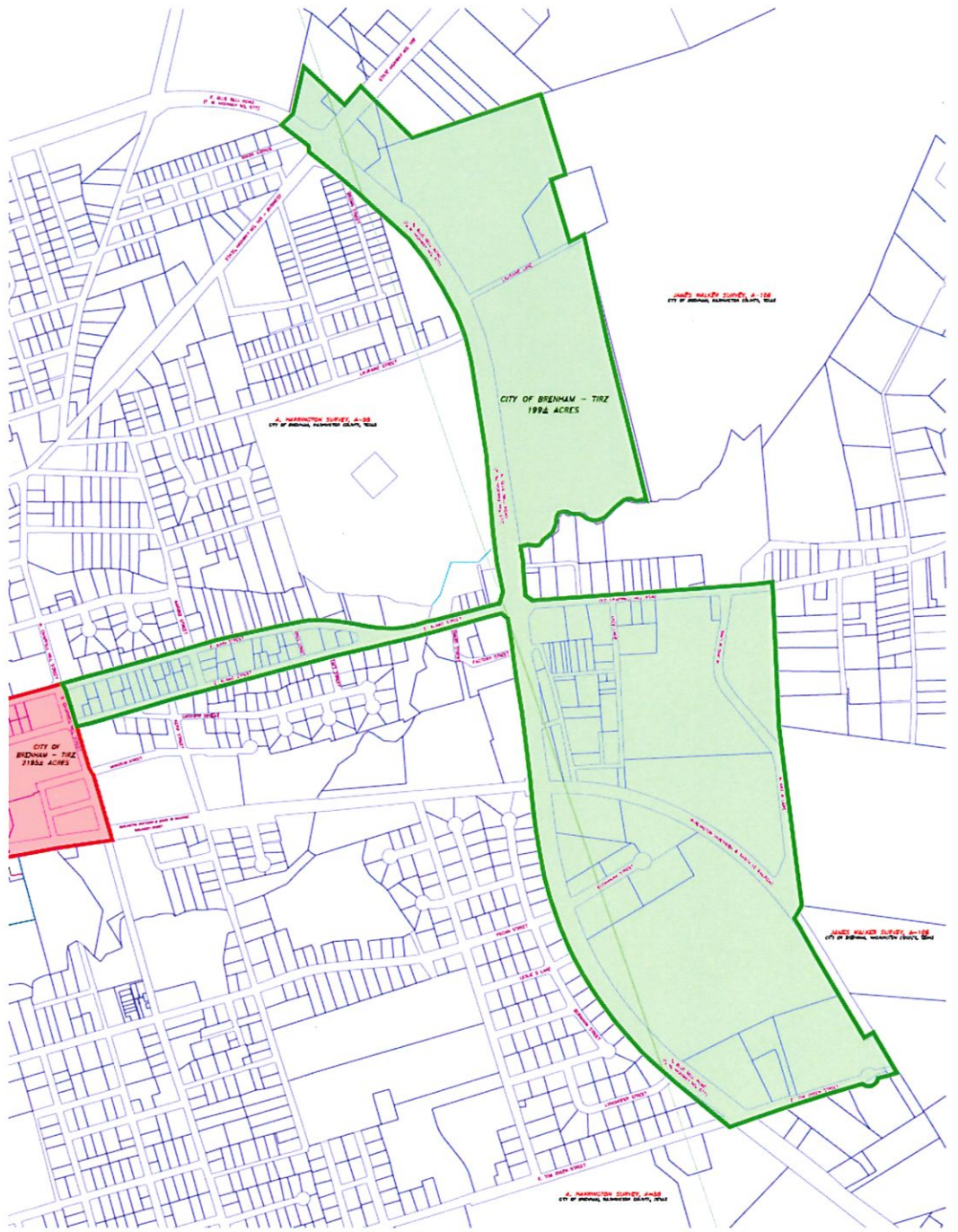
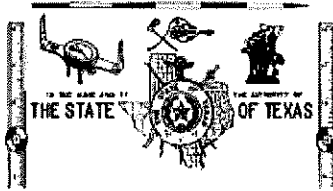


Exhibit C

Metes and Bounds of the Property Tract A



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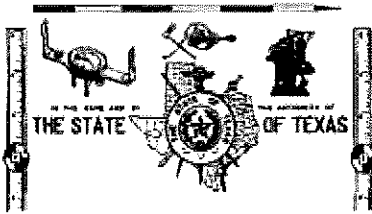
City of Brenham – 2019 TIRZ Description

All that certain tract or parcel of land, lying and being situated in the City of Brenham, Washington County, Texas, part of the Philip Coe Survey, A-31, the A. Harrington Survey, A-55, the M. N. Combs Survey, A-124, the John Long Survey, A-156, the Isaac Lee Survey, A-77, the Hiram Lee Survey, A-76 and the John Carrington Survey, A-120, and being described as follows:

BEGINNING at a 1/2 inch iron rod found with Id. cap (RPLS 5650) on an East margin of N. Dixie Street for the Southwest corner of the Clayton M. Collier, et ux tract called 35.31 acres, as recorded in Volume 1601, Page 386, in the Official Records of Washington County, Texas, being the Northwest corner of Lot 1 of Little Sandy Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 521B and 522A, in the Plat Records of Washington County, Texas, being a Northeast corner hereof;

THENCE in a Southerly direction, along East margins of said N. Dixie Street, being along the West line of said Lot 1 of said Little Sandy Subdivision, being along West lines of Lots 2, 3 and 4 of said Little Sandy Subdivision, crossing Westbrooke Cove with an East margin of said N. Dixie Street, being along the West line of Lot 10 of said Little Sandy Subdivision, being along the West line of the Norris Rohde tract called 17,500.0 square feet, as recorded in Volume 774, Page 39, in said Official Records, being along the West line of the Bernice Rohde tract, as conveyed in Volume 225, Page 279, in the Deed Records of Washington County, Texas and described in Volume 188, Page 278, in said Deed Records for an East line hereof to the Southwest corner of said Bernice Rohde tract, common with the Northwest corner of Lot One (called 1.360 acres) of the Boundary Line Adjustment Plat of Munz Addition, a map or plat recorded in Plat Cabinet File Slide Number 372A, in said Plat Records, being on an East margin of said N. Dixie Street for an interior corner hereon;

THENCE in an Easterly direction, being along the South line of said Bernice Rohde tract, being along the South line of the Norris Rohde tract called 0.54 acre, as recorded in Volume 321, Page 369, in said Deed Records, being along the North line of said Lot One (called 1.360 acres) and Lot Two (called 0.904 acre) of said Boundary Line Adjustment Plat, also crossing N. Drumm Street, and being along the South line of Lot 27 of Meadow Park Subdivision, Section 2, a map or plat recorded in Plat Cabinet File Slide Numbers 114A, 114B and 115A, in said Plat Records, being along the South line of the James Hanath and Debra L. Hanath tract called 0.294 acre, as recorded in Volume 1137, Page 779, in said Official Records, being along the North line of the Marvin G. Green and Nina McAllister tract called 0.1976 acre, as recorded in Volume 637, Page 416, in said Official Records, being along the North line of the Robert Frederick Weiss tract called 0.6962 acre (Tract 3), as conveyed in Volume 1113, Page 532, in said Official Records and described in Volume 568, Page 210, in said Official Records for a North line hereof to the Southeast corner of said Hanath tract called 0.294 acre, being the Northeast corner of said Weiss tract called 0.6962 acre, being on a West margin of Munz Street for an exterior corner hereof;



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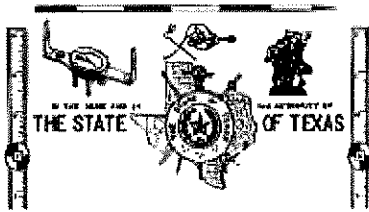
THENCE in a Southeasterly direction, crossing said Munz Street for a Northeast line hereof to the Southwest corner of Lot 10 of the Woodson's Meadow Park Subdivision, Section No. 1, a map or plat recorded in Plat Cabinet File Slide Numbers 74A and 74B, in said Plat Records, being the Northwest corner of the Robert Frederick Weiss tract called 0.887 acre (Tract 2), as conveyed in Volume 1113, Page 532, in said Official Records and described in Volume 763, Page 87, in said Official Records, being on an East margin of said Munz Street for an interior corner hereof;

THENCE in an Easterly direction, along the South lines of Lots 10, 9, 8, 7, 6 and 5 of said Woodson's Meadow Park Subdivision, Section No. 1, being along the North line of said Weiss tract called 0.887 acre, being along the North line of the Four Seasons HVAC, Inc. tract called 0.407 acre, as recorded in Volume 1622, Page 327, in said Official Records, being along the North line of Reserve "A" (called 0.1225 acre), Tract 1 (called 0.6763 acre) and Tract 2 (called 0.7988 acre) of Pecht's Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 328B, in said Plat Records, being along the North line of the Allan D. Stelter and 3 CS Investments, LLC tract called 27,356.5 square feet, as recorded in Volume 1519, Page 238, in said Official Records for a North line hereof to the Southeast corner of said Lot 5 of said Woodson's Meadow Park Subdivision, Section No. 1, being the Northeast corner of said Allan D. Stelter and 3 CS Investments, LLC tract called 27,356.5 square feet, being on the West line of the GGS Holdings, LTD. residue of original tract called 4.745 acres, as recorded in Volume 1314, Page 158, in said Official Records for an interior corner hereof;

THENCE in a Northerly direction, being along a portion of the West line of said GGS Holdings, LTD. residue of original tract called 4.745 acres, being along the East line of said Lot 5 of Woodson's Meadow Park Subdivision, Section No. 1 for a West line hereof to the Northeast corner of said Lot 5 of said Woodson's Meadow Park Subdivision, being the Southwest corner of Lot 6 (called 0.3666 acre) of Valley Meadow Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 371B, in said Plat Records, being the Northwest corner of said GGS Holdings, LTD. residue of original tract called 4.745 acres for an exterior corner hereof;

THENCE in an Easterly direction, being along the South line of Lot 6 of said Valley Meadow Subdivision, being along the North line of said GGS Holdings, LTD. residue of original tract called 4.745 acres, severing the City of Brenham, Texas tract called 0.6266 acre (additional right of way for Saeger Street), as recorded in Volume 859, Page 769, in said Official Records, for a North line hereof to the intersection of the projection of the South line of said Lot 6 of said Valley Meadow Subdivision with the East line of said City of Brenham, Texas tract called 0.6266 acre for an interior corner hereof, being on the occupied West margin of N. Saeger Street;

THENCE in a Northeasterly direction, crossing said N. Saeger Street for a Northwest line hereof to the Southwest corner of Lot 1 of West Park Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 120B and 121A, in said Plat Records, being the Northwest corner of the Brandon Lockett Special Needs Trust, William J. Rankin, Trustee tract called 1.264 acres, as recorded in Volume 1010, Page 454, in said Official Records, being on an East margin of said N. Saeger Street for an exterior corner hereof;



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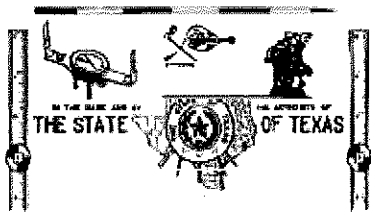
THENCE in an Easterly direction, being along the South line of said Lot 1 of said West Park Subdivision, being along the South lines of Lots 7, 8, 9 and 10 of said West Park Subdivision, being along the South line of the T.S.C.P., LLC tract called 0.2604 acre, as conveyed in Volume 1347, Page 306, in said Official Records and described in Volume 1263, Page 699, in said Official Records, being along the South lines of Lots 8, 9, 10, 11, 12, 13, 14 and 15 of Schumacher 2nd Addition, a map or plat recorded in Plat Cabinet File Slide Number 11B, in said Plat Records, being along the North line of said Brandon Lockett Special Needs Trust, William J. Rankin, Trustee tract called 1.264 acres, being along the North line of the Ryan J. Ogradowicz, et ux tract called 1.089 acres, as recorded in Volume 1616, Page 462, in said Official Records, being along the North line of Lot 1 (called 0.266 acre) of the Replat of the Ed. Roessler Tract of Ellwood Estates Addition, a map or plat recorded in Plat Cabinet File Slide Number 677A, in said Plat Records, being along the North line of a 20 feet wide private roadway of Ellwood Estates Addition, a map or plat recorded in Plat Cabinet File Slide Number 27A, in said Plat Records, being along the North lines of Lots 1, 2, 3, 4, 5, 6 and 7, Block B of said Ellwood Estates Addition, and crossing Schumacher Street also known as League Street (unopened) for a North line hereof to the intersection of the projection of last said line with the East margin of said Schumacher Street for an exterior corner hereof, being on a West line of a City of Brenham tract (deed not found);

THENCE in a Southerly direction, being along the East margin of said Schumacher Street, being along a West line, in part, of said City of Brenham tract for an East line hereof to an interior corner hereof, being situated in Martin Luther King Jr. Parkway and being at the intersection of the projection of the East margin of said Schumacher Street with the projection of the South line of Hudson Addition, a map or plat recorded in Plat Cabinet File Slide Number 249A, in said Plat Records;

THENCE in a Northeasterly direction, crossing said Martin Luther King Jr. Parkway, being along the South lines of Lots 15, 13, 12, 11, 10, 9, 8, 7, 6, 5 and 1, Block No. 2 of said Hudson Addition, being along the North margin of Hudson Street for a Northwest line hereof to the Southeast corner of said Lot 1, Block No. 2 of said Hudson Addition, being on a North margin of said Hudson Street at its intersection with a West margin of Lockett Street for a Northeast corner hereof;

THENCE in a Southerly direction, crossing said Hudson Street with a West margin of said Lockett Street, being along the East line of Lot 18, Block 1 of Boundary Line Adjustment Plat of a portion of Hudson Addition, a map or plat recorded in Plat Cabinet File Slide Number 299A, in said Plat Records, being along a portion of the East line of Lot 17, Block No. 1 of said Hudson Addition for an East line hereof to an interior corner hereof, being on an East line of said Lot 17, Block No. 1 of said Hudson Addition, and being at the intersection of the projection of the South line of Lot 9 of Autumn Run Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 218A and 218B, in said Plat Records with a West margin of said Lockett Street;

THENCE in an Easterly direction, crossing said Lockett Street, being along the South line of said Lot 9 of said Autumn Run Subdivision, being along a South line of the Jefferson Square Housing, Ltd. tract called 3.974 acres, as recorded in Volume 1553, Page 789, in said Official Records, being along North lines of Reserve A (called 1.354 acres) of said Autumn Run Subdivision for North lines hereof



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to a Southeast corner of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being the Northeast corner of said Reserve A of said Autumn Run Subdivision, being on the West line of the Edward A. Hillery, et ux tract called 0.489 acre, as recorded in Volume 1230, Page 85, of said Official Records for an interior corner hereof;

THENCE in a Northerly direction, being along a portion of the West line of said Hillery tract called 0.489 acre, being along an East line of said Jefferson Square Housing, Ltd. tract called 3.974 acres for a West line hereof to an interior corner of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being a Northwest corner of said Hillery tract called 0.489 acres for an exterior corner hereof;

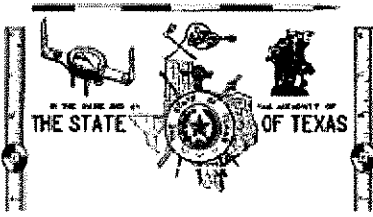
THENCE in an Easterly direction, being along a South line of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being along the North line of said Hillery tract called 0.489 acre for a North line hereof to an interior corner of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being the Northeast corner of said Hillery tract called 0.489 acre for an exterior corner hereof;

THENCE in a Southerly direction, being along a West line of said Jefferson Square Housing Ltd. tract called 3.974 acres, being along a portion of the East line of said Hillery tract called 0.489 acre for an East line hereof to a Southwest corner of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being the Northwest corner of the Steven Chovanec, et ux tract called 0.353 acre, as recorded in Volume 1599, Page 398, in said Official Records, being on the East line of said Hillery tract called 0.489 acre for an interior corner hereof;

THENCE in an Easterly direction, being along a South line of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being along the North line of said Chovanec tract called 0.353 acre for a North line hereof to a Southeast corner of said Jefferson Square Housing, Ltd., tract called 3.974 acres, being the Northeast corner of said Chovanec tract called 0.353 acre, being on the West line of the Zachary Dean Murphrey and Linsey Dean-Murphrey tract called 0.691 acre, as recorded in Volume 1431, Page 63, in said Official Records for an interior corner hereof;

THENCE in a Northerly direction, being along an East line of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being along a portion of the West line of said Murphrey tract called 0.691 acre for a West line hereof to an interior corner of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being the Northwest corner of said Murphrey tract called 0.691 acre for an exterior corner hereof;

THENCE in an Easterly direction, being along a South line of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being along the North line of said Murphrey tract called 0.691 acre for a North line hereof to a Southeast corner of said Jefferson Square Housing, Ltd. tract called 3.974 acres, being the Northeast corner of said Murphrey tract called 0.691 acre, being on a West line of a 12 feet wide alley as mentioned in said Volume 1431, Page 63, in said Official Records for a Northeast corner hereof;



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THENCE in a Southerly direction, being along a portion of the East line of said Murphrey tract called 0.691 acre, being along a portion of a West line of said 12 feet wide alley for an East line hereof to an interior corner hereof, being on the East line of said Murphrey tract called 0.691 acre, being on a West line of said 12 feet wide alley at its intersection with the projection of the South line of the Randy W. Dean, et ux tract called 0.834 acre (Tract 2), as recorded in Volume 1218, Page 375, in said Official Records;

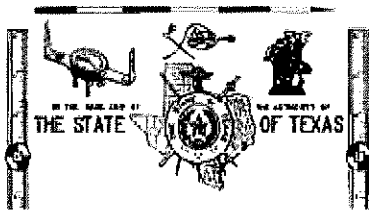
THENCE in an Easterly direction, crossing said 12 feet wide alley, being along the South line of said Dean tract called 0.834 acre, being along the North line of the Ronald Castro, et ux tract called 8,098.4 square feet, as recorded in Volume 1511, Page 27, in said Official Records, being along the North line of the Benjamin J. Menjares, et ux tract called 0.1944 acre, as recorded in Volume 1495, Page 467, in said Official Records, being along the North line of The Baroque Trust tract called 16,827 square feet, as recorded in Volume 1468, Page 111, in said Official Records for a North line hereof to the Southeast corner of said Dean tract called 0.834 acre, being the Northeast corner of said The Baroque Trust tract called 16,827 square feet, being on a West line of Mulberry Street for an interior corner hereof;

THENCE in a Northerly direction, being along a portion of a West margin of said Mulberry Street, being along a portion of the East line of said Dean tract called 0.834 acre for a West line hereof to an exterior corner hereof, being on a West margin of said Mulberry Street at its intersection with the projection of the South line of the Alfonso Rogelio Soto tract called 0.304 acre, as recorded in Volume 1420, Page 233, in said Official Records, being on an East line of said Dean tract called 0.834 acre;

THENCE in an Easterly direction, crossing said Mulberry Street, being along the South line of said Soto tract called 0.304 acre, being along the North line of the Akbarali Mohammad tract called 23,883 square feet, as recorded in Volume 1489, Page 541, in said Official Records and described in Volume 1472, Page 878, in said Official Records for a North line hereof to the Southeast corner of said Soto tract called 0.304 acre, being the Northeast corner of said Mohammad tract called 23,883 square feet, being on a West margin of Burleson Street for an interior corner hereof;

THENCE in a Northeasterly direction, crossing said Burleson Street for a Northwest line hereof to the Southwest corner of Lot 10 of Willow Place Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 116A, in said Plat Records, being at the intersection of an East margin of said Burleson Street with a North margin of Vulcan Street for an exterior corner hereof;

THENCE in an Easterly direction, being along a North margin of said Vulcan Street, being along the South line of Lot 10 of said Willow Place Subdivision, being along the South lines of Lots 9 and 8 of said Willow Place Subdivision, being along the South line of Michelle L. Leakes tract called 0.2586 acre, as recorded in Volume 966, Page 220, in said Official Records for a North line hereof to the Southeast corner of said Leakes tract called 0.2586 acre, being at the intersection of a North margin of said Vulcan Street with a West margin of Rippetoe Street for an exterior corner hereof;



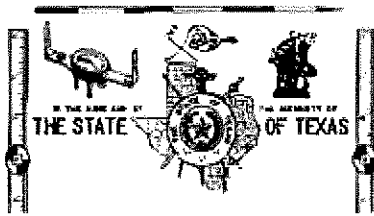
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THENCE in an Easterly direction, crossing said Rippetoe Street with a North margin of said Vulcan Street for a North line hereof to the Southwest corner of Lot 11 of Mrs. Imogene Chappel's Subdivision of the O.A. Seward Homestead, a map or plat recorded in Plat Cabinet File Slide Number 34B, in said Plat Records, being at the intersection of a North margin of said Vulcan Street with an East margin of said Rippetoe Street for an interior corner hereof;

THENCE in an Easterly direction, being along a North margin of said Vulcan Street, being along the South line of said Lot 11 of said Mrs. Imogene Chappel's Subdivision of the O.A. Seward Homestead, crossing Schuereberg Street, being along the South line of Lot 12 of said Mrs. Imogene Chappel's Subdivision of the O.A. Seward Homestead, being along the South line of the Raina M. Arreola, et al tract called 0.310 acre, as recorded in Volume 1636, Page 518, in said Official Records, crossing Baber Street with a North margin of said Vulcan Street, being along the South lines of Lot No. 5, Lot No. 6 and Lot No. 7 of Schramm-Grabow Subdivision, a map or plat recorded in Volume 65, Page 103, in said Deed Records, being along the South line of Patricia Elledge tract called 0.218 acre, as recorded in Volume 1518, Page 530, in said Official Records, being along the South line of the Donald L. Boecker tract called 0.218 acre, as recorded in Volume 1088, Page 267, in said Official Records, being along the South line of the Bennie Lee Graves tract, as conveyed in Volume 1492, Page 935, in said Official Records and described as 10,447.50 square feet in Volume 784, Page 256, in said Official Records, being along the South line of the Russell W. Kuecker, et ux tract called 0.150 acre, as recorded in Volume 1194, Page 885, in said Official Records for a North line hereof to the Southeast corner of said Kuecker tract called 0.150 acre, being at the intersection of a North margin of said Vulcan Street with a West margin of N. Austin Street for an interior corner;

THENCE in a Northerly direction, being along West margins of said N. Austin Street, being along the East line of said Kuecker tract called 0.150 acre, being along the East line of the Kristopher T. Gore tract called 0.09 acre, as recorded in Volume 1428, Page 966, in said Official Records, being along the East line of the John J. Baird, et ux tract, as recorded in Volume 1006, Page 941, in said Official Records, being along the East line of the John L. McCorkle, et ux tract called 0.37 acre, as recorded in Volume 1585, Page 251, in said Official Records, being along the East line of the Alejandra Saldierna, et vir tract called 0.39 acre, as recorded in Volume 1591, Page 820, in said Official Records, being along the East line of the Marcupial Development, LLC tract called 0.163 acre, as recorded in Volume 1590, Page 711, in said Official Records, being along the East line of the Richard Eugene Laskoskie tract called 3,720 square feet, as recorded in Volume 1386, Page 110, in said Official Records, being along the East line of the Atlow Investments, LLC tract called 0.088 acre, as recorded in Vol. 1557, Page 160, in said Official Records, crossing W. Jefferson Street with a West margin of said N. Austin Street, being along the East line of the Tayler Williams tract called 0.146 acre, as recorded in Volume 1493, Page 793, in said Official Records, being along the East line of the Sergio Pinon Arellano tract, as conveyed in Volume 1304, Page 860, in said Official Records and described as 10,521 square feet, as recorded in Volume 999, Page 964, in said Official Records, being along East lines of the Iglesia Bautista Fuente de Vida tract called 1.462 acres, as recorded in Volume 1485, Page 450, in said Official Records, and crossing Martin Luther King Jr. Parkway for West lines hereof to a Northwest corner hereof, being on a North margin of said Martin Luther King Jr. Parkway at its intersection with the projection of an East line of said Iglesia Bautista Fuente de



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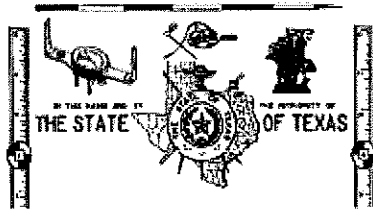
Vida tract called 1.462 acres, being on a South line of a tract or parcel of land apparently owned by Burlington Northern and Santa Fe Railroad (BNSF);

THENCE in an Easterly direction, being along the North margin of said Martin Luther King Jr. Parkway, being along a portion of the South line of said tract apparently owned by BNSF, and crossing the BNSF Railroad right of way, being along the South line of the Data Commercial Realty, LLC tract called 1.433 acres, as recorded in Volume 1480, Page 430, in said Official Records, being along the South line of the City of Brenham, Texas tract called 5.07 acres, as recorded in Volume 119, Page 384, in said Deed Records for a North line hereof to the Southeast corner of said City of Brenham, Texas tract called 5.07 acres, being at the intersection of a North margin of said Martin Luther King, Jr. Parkway with a West margin of N. Park Street for an interior corner hereof;

THENCE in a Northerly direction, being along West margins of said N. Park Street, being along East lines of said City of Brenham, Texas tract called 5.07 acres, being along an East line of the City of Brenham, Fireman's Park tract, being part of a tract called 14-1/2 acres, transferred at a Regular Meeting dated March 14, 1917 and described in Volume 16, Page 385, in said Deed Records for a West line hereof to a Northwest corner hereof, being on a West margin of said N. Park Street, and being at the Northwest corner of the Bridge on said N. Park Street;

THENCE in an Easterly direction, crossing said N. Park Street for a North line hereof to the most Northern Northeast corner hereof, being on an East margin of said N. Park Street at its intersection with a Northeast margin of N. Market Street, being at the Southeast corner of said Bridge, being on a Southwest line of the City of Brenham, Henderson Park tract, being part of a called 4.67 acres (Tract No. 2), as recorded in Volume 167, Page 1, in said Deed Records;

THENCE in a Southeasterly and Southerly direction, being along Northeast and East margins of said N. Market Street, being along Southwest and South lines of said City of Brenham, Henderson Park tract, crossing N. Valley Street with a Northeast margin of said N. Market Street, being along the South line of the Laura-Ann Bazan, et vir tract called 0.2297 acre, as recorded in Volume 1394, Page 437, in said Official Records, being along the Southwest line of the Brazos Valley Vending, Inc. tract called 11,281.1 square feet (Tract 1), as recorded in Volume 1574, Page 125, in said Official Records and described in Volume 324, Page 840, in said Deed Records, being along the South line of the Brazos Valley Vending, Inc. tract called 1,046 square feet (Tract 2), as recorded in Volume 1574, Page 125, of said Official Records and described in Volume 486, Page 320, in said Official Records, crossing the Old Market Street with a Northeast margin of said N. Market Street, being along West lines of the Towers of Belle, LP tract called 2.478 acres, as recorded in Volume 1499, Page 702, in said Official Records, being along the West line of the John Jarred Patout tract called 9,251 square feet, as recorded in Volume 955, Page 300, in said Official Records, crossing E. Academy Street with an East margin of said N. Market Street, being along the West line of The First Baptist Church of Brenham tract, as recorded in Volume 857, Page 278, in said Official Records, being along the West line of the First Baptist Church of Brenham tract called 0.647 acre (Fifth Tract), as recorded in Volume 691, Page 160, in said Official Records, crossing Pahl Street with an East margin of said N. Market Street, being along West lines of The First Baptist Church of Brenham, Texas tract called



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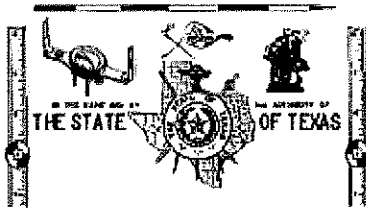
2.932 acres, as recorded in Volume 807, Page 334, in said Official Records, crossing Sycamore Street with an East margin of said N. Market Street, being along the West line of The First Baptist Church of Brenham, Texas tract called 0.631 acre, as recorded in Volume 879, Page 744, in said Official Records for Northeast and East lines hereof to the Southwest corner of said The First Baptist Church of Brenham, Texas tract called 0.631 acre, being the Northwest corner of the Coastal Banc Savings Association tract called 0.380 acre (Tract Two), as recorded in Volume 701, Page 117, in said Official Records, being on an East margin of said N. Market Street for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said The First Baptist Church of Brenham, Texas tract called 0.631 acre, being along the North line of said Coastal Banc Savings Association tract called 0.380 acre, being along the North line of the Coastal Banc Savings Association tract called 7,879.9 square feet (Tract One), as recorded in Volume 701, Page 117, in said Official Records, being along the North line of the William M. Witte, et ux tract called 0.6448 acre, as recorded in Volume 628, Page 746, in said Official Records, being along the North line of the Mary Louise Thornhill tract called 0.444 acre, as recorded in Volume 1503, Page 115, in said Official Records for a North line hereof to the Southeast corner of said The First Baptist Church of Brenham, Texas tract called 0.631 acres, being the Northeast corner of said Thornhill tract called 0.444 acre, being on the West line of the Marjorie Routt Young tract (Tract 3), as recorded in Volume 1299, Page 626, in said Official Records for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Young tract (Tract 3), being along a portion of the East line of said Thornhill tract called 0.444 acre for an East line hereof to the Southwest corner of said Young tract (Tract 3), being the Northwest corner of the Regal Villa Town Houses Subdivision, a map or plat recorded in the Plat Cabinet File Slide Numbers 164B through 167B, in said Plat Records, being on the East line of said Thornhill tract called 0.444 acre for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Young tract (Tract 3), being along the South line of the Marjorie Routt Young tract called 9,030 square feet (Tract 4), as recorded in Volume 1299, Page 626, in said Official Records, being along the North line of said Regal Villa Town Houses Subdivision for a North line hereof to the Southeast corner of said Young tract called 9,030 square feet (Tract 4), being the Northeast corner of said Regal Villa Town Houses Subdivision, being on the West line of the Colonial Oaks Apartments, LLC tract called 0.562 acre, as recorded in Volume 1504, Page 242, in said Official Records for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Colonial Oaks Apartments, LLC tract called 0.562 acre, being along the East line of said Regal Villa Town Houses Subdivision for an East line hereof to the Southwest corner of said Colonial Oaks Apartments, LLC tract called 0.562 acres, being the Southeast corner of said Regal Villa Town Houses Subdivision, being on the North margin of E. Main Street for an interior corner hereof;

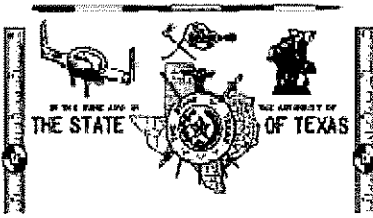


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THENCE in an Easterly direction, being along North margins of said E. Main Street, being along the South line of said Colonial Oaks Apartments, LLC tract called 0.562 acre, being along the South line of the 409 East Main, LLC tract called 0.588 acre, as recorded in Volume 1550, Page 311, in said Official Records, being along the South line of the Cindy Sue Clay-Schumpert tract, as recorded in Volume 1125, Page 795, in said Official Records, being along the South line of the William D. Gilbert, et ux tract called 0.479 acre, as recorded in Volume 1636, Page 693, in said Official Records, being along the South line of the Rodney Lacina tract, as recorded in Volume 1156, Page 289, in said Official Records, being along the South line of The Heritage Society of Washington County tract called 0.30445 acre, as recorded in Volume 1417, Page 1, in said Official Records, crossing Ross Street with a North margin of said E. Main Street, being along the South line of the CGR, L.L.C. tract called 1.265 acres, as conveyed in Volume 1195, Page 77, in said Official Records and described in Volume 271, Page 155, in said Deed Records, being along the South line of the Rodolfo Vazquez-Alvarez and Edith Gutierrez-Gutierrez tract called 0.283 acre, as recorded in Volume 1376, Page 617, in said Official Records, being along the South line of the Mary Sealy tract called 0.286 acre, as recorded in Volume 1541, Page 479, in said Official Records, being along the South line of the Donald Dickerson and Mark Dickerson tract, as conveyed in Volume 1574, Page 99, in said Official Records and described in Volume 293, Page 499, in said Deed Records, being along the South line of the Tracy Rene Haack and Sheila Marie Webb tract (Tract Three), as conveyed in Volume 1646, Page 558, in said Official Records and described in Volume 1420, Page 707, in said Official Records, being along the South line of the Abel A. Espinoza, et ux tract called 0.344 acre, as recorded in Volume 776, Page 631, in said Official Records, being along the South line of The City of Brenham, Texas tract, as recorded in Volume 355, Page 317, in said Official Records, being along the South line of The City of Brenham, Texas tract called 0.581 acre, as recorded in Volume 353, Page 777, in said Official Records, being along the South line of The City of Brenham, Texas tract called 0.521 acre, as recorded in Volume 333, Page 648, in said Official Records, crossing N. Chappell Hill Street with a North margin of said E. Main Street for a North line hereof to an "X" found cut in concrete on a North margin of said E. Main Street at its intersection with an East margin of N. Chappell Hill Street for the Southwest corner of Reserve #3 (called 0.912 acre) of L.D. Brown Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 182A, in said Plat Records, being a Northeast corner hereof;

THENCE in a Southerly direction, being along East margins of said N. Chappell Hill Street and along East margins of S. Chappell Hill Street, crossing said E. Main Street with an East margin of said S. Chappell Hill Street, being along the West line of the StanPac USA, LLC tract, as recorded in Volume 1445, Page 563, in said Official Records, crossing E. Alamo Street with an East margin of said S. Chappell Hill Street, being along the West line of The City of Brenham, Texas tract called 1.851 acres, as recorded in Volume 334, Page 12, in said Official Records, crossing Mangrum Street with an East margin of said S. Chappell Hill Street, being along the West line of the Brenham Independent School District tract called 1.72 acres, as recorded in Volume 321, Page 60, in said Official Records, crossing Burlington Northern & Santa Fe Railroad (BNSF) and Seelhorst Street with an East margin of said S. Chappell Hill Street for East lines hereof to the Northwest corner of the Blue Bell Creameries, L.P. tract called 2.779 acres (Tract 8), as recorded in Volume 1324, Page 838, in said



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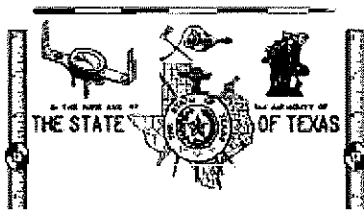
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Official Records, being on an East margin of said S. Chappell Hill Street at its intersection with a South margin of said Seelhorst Street for a Southeast corner hereof;

THENCE in a Westerly direction, crossing said S. Chappell Hill Street with a South margin of said Seelhorst Street, being along the North line of the Blue Bell Creameries, L.P. tract, as conveyed in Volume 1020, Page 280, in said Official Records and described as 2.496 acres (Tract 9) in Volume 981, Page 146, in said Official Records, being along the North line of the Blue Bell Creameries, L.P. tract called 0.175 acre (Tract 6), as recorded in Volume 1324, Page 838, in said Official Records, being along the North line of the Naylor's Wood Floors, LLC tract called 5.649 acres, as recorded in Volume 1371, Page 322, in said Official Records, being along the North line of Tract 2 (called 0.205 acre) of Scheel Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 408A, in said Plat Records, being along the North line of the M&T Gonzales Corporation tract called 4,578 square feet (Tract Two), as recorded in Volume 1571, Page 599, in said Official Records, being along North lines of the residue of Tract 1 (called 2.543 acres) of said Scheel Subdivision, being along the North line of the Burleson Holdings, LTD. tract called 0.8285 acre (Sixth Tract), as recorded in Volume 762, Page 474, in said Official Records, crossing Dark Street with a South margin of said Seelhorst Street, being along the North line of the Ewald Investments LLC tract, as recorded in Volume 1626, Page 625, in said Official Records, being along the North line of the Wilbert Adler and Rosemary Adler tract called 8,825.0 square feet, as recorded in Volume 268, Page 69, in said Deed Records, being along the North line of the Tommie Wellmann tract called 0.276 acre, as recorded in Volume 1204, Page 726, in said Official Records, crossing Mills Street with a South margin of said Seelhorst Street, being along the North line of the Big Investment Group, LLC tract called 0.197 acre (Tract Three), as recorded in Volume 1384, Page 401, in said Official Records, being along the North line of the Big Investment Group, LLC tract called 0.184 acre (Tract One), as recorded in Volume 1384, Page 401, in said Official Records for South lines hereof to the Northwest corner of said Big Investment Group, LLC tract called 0.184 acre, being at the intersection of a South margin of said Seelhorst Street with an East margin of Clinton Street for an exterior corner hereof;

THENCE in a Northwesterly direction, being along a Southwest line hereof, crossing said Clinton Street to the Northeast corner of the City of Brenham tract called 0.658 acre, as recorded in Volume 1427, Page 875, in said Official Records, being on a South right of way line of said Burlington Northern & Santa Fe Railroad (BNSF) at its intersection with a West margin of said Clinton Street for an interior corner hereof;

THENCE in a Westerly direction, being along a South right of way line of said Burlington Northern & Santa Fe Railroad (BNSF), being along a North line of said City of Brenham tract called 0.658 acre for a South line hereof to the most Northern Northwest corner of said City of Brenham tract called 0.658 acre, being the Northeast corner of the City of Brenham, Texas tract called Regulator Station Site sometimes referred to as Lot 6 of Noel's Addition, as recorded in Volume 224, Page 602, in said Deed Records, being on a South right of way line of said BNSF Railroad for an interior corner hereof;



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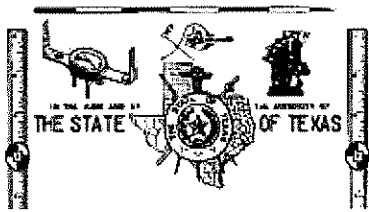
THENCE in a Southerly direction, being along West lines of said City of Brenham tract called 0.658 acre, being along the East line of said City of Brenham, Texas tract called Regulator Station Site, being along the East line of The City of Brenham, Texas tract called 4,947 square feet, as recorded in Volume 349, Page 412, in said Deed Records for an East line hereof to an interior corner of said City of Brenham tract called 0.658 acre, being the Southeast corner of said The City of Brenham, Texas tract called 4,947 square feet for an exterior corner hereof;

THENCE in a Westerly direction, being along a North line of said City of Brenham tract called 0.658 acre, being along the South line of said The City of Brenham, Texas tract called 4,947 square feet for a South line hereof to a Northwest corner of said City of Brenham tract called 0.658 acre, being the Southwest corner of said The City of Brenham, Texas tract called 4,947 square feet, being the Northeast corner of the Carterbug Holdings, LLC tract called 0.428 acre, as recorded in Volume 1507, Page 312, in said Official Records for an interior corner hereof;

THENCE in a Southerly direction, being along a West line of said City of Brenham tract called 0.658 acre, being along the East line of said Carterbug Holdings, LLC tract called 0.428 acre, being along an East line of the Allan Ray Michalak, et ux tract, as conveyed in Volume 724, Page 564, in said Official Records and described in Volume 82, Page 335, in said Deed Records for an East line hereof to the Southwest corner of said City of Brenham tract called 0.658 acre, being an interior corner of said Michalak tract for an interior corner hereof;

THENCE in an Easterly direction, being along a South line of said City of Brenham tract called 0.658 acre, being along a North line of said Michalak tract for a North line hereof to a Southeast corner of said City of Brenham tract called 0.658 acre, being a Northeast corner of said Michalak tract, being on a West line of the Allen T. Fabisack, et ux tract called 0.278 acre, as recorded in Volume 931, Page 787, in said Official Records for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Fabisack tract called 0.278 acre, being along the West line of the Mark S. Pieratt, et al Last Will of Marie L. Pieratt tract, as conveyed in Volume 1339, Page 132, in said Official Records and described as 0.1156 acre (Tract Two) in Volume 1169, Page 620, in said Official Records, being along the West line of the Mark S. Pieratt, et al Last Will of Marie L. Pieratt tract, as conveyed in Volume 1339, Page 132, in said Official Records and described as 0.1005 acre (Tract One) in Volume 1169, Page 620, in said Official Records, being along an East line of said Michalak tract, being along the East line of the Dorothy Lee Michalak tract called 23,249 square feet, as recorded in Volume 1042, Page 35, in said Official Records and described in Volume 204, Page 131, in said Deed Records for an East line hereof to the Southwest corner of said Pieratt tract called 0.1005 acre, being the Southeast corner of said Dorothy Lee Michalak tract called 23,249 square feet, being on the North line of the Kevin Wayne Lampe, et al tract called 0.258 acre, as recorded in Volume 1436, Page 928, in said Official Records for an exterior corner hereof;



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THENCE in a Westerly direction, being along a portion of the North line of said Lampe tract called 0.258 acre, being along a South line of said Dorothy Lee Michalak tract called 23,249 square feet for a South line hereof to the Northwest corner of said Lampe tract called 0.258 acre, being an exterior angle point of said Dorothy Lee Michalak tract called 23,249 square feet, being a Northeast corner of the Raymond P. Bass, et ux tract called 0.725 acre, as recorded in Volume 1519, Page 375, in said Official Records for an interior corner hereof;

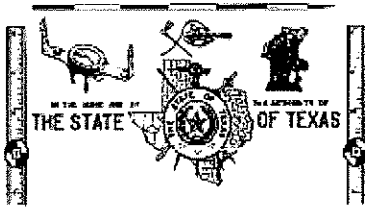
THENCE in a Southerly direction, being along the West line of said Lampe tract called 0.258 acre, being along an East line of said Bass tract called 0.725 acre for an East line hereof to the Southwest corner of said Lampe tract called 0.258 acre, being an interior corner of said Bass tract called 0.725 acre for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of the South line of said Lampe tract called 0.258 acre, being along a North line of said Bass tract called 0.725 acre for a North line hereof to a Northeast corner of said Bass tract called 0.725 acre, being the Northwest corner of Lot 16A-2 (called 0.245 acre) of Boundary Line Adjustment of Clinton Street Addition, a map or plat recorded in Plat Cabinet File Slide Number 314A, in said Plat Records, being on the South line of said Lampe tract called 0.258 acre for an exterior corner hereof;

THENCE in a Southerly direction, being along the West line of said Lot 16A-2 of said Boundary Line Adjustment of Clinton Street Addition, being along an East line of said Bass tract called 0.725 acre for an East line hereof to the Southwest corner of said Lot 16A-2 of said Boundary Line Adjustment of Clinton Street Addition, being the Southeast corner of said Bass tract called 0.725 acre, being on the North line of the Kay Briscoe tract called 21,060 square feet, as recorded in Volume 1444, Page 383, in said Official Records for an exterior corner hereof;

THENCE in a Westerly direction, being along a portion of the North line of said Briscoe tract called 21,060 square feet, being along a portion of the South line of said Bass tract called 0.725 acre for a South line hereof to the Northwest corner of said Briscoe tract called 21,060 square feet, being the Northeast corner of the Kay Briscoe tract called 0.283 acre, as recorded in Volume 1394, Page 523, in said Official Records, being on the South line of said Bass tract called 0.725 acre for an interior corner hereof;

THENCE in a Southerly direction, being along the West line of said Briscoe tract called 21,060 square feet, being along the East line of said Briscoe tract called 0.283 acre, being along the East line of the Kay Briscoe tract called 0.279 acre, as recorded in Volume 1394, Page 513, in said Official Records for an East line hereof to the Southwest corner of said Briscoe tract called 21,060 square feet, being the Southeast corner of said Briscoe tract called 0.279 acre, being on the North line of the Isaac Bowie Jones, et ux tract, as recorded in Volume 640, Page 485, in said Official Records for an exterior corner hereof;



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THENCE in a Westerly direction, being along a portion of the North line of said Jones tract, being along a portion of the South line of said Briscoe tract called 0.279 acre for a South line hereof to the Northwest corner of said Jones tract, being the Northeast corner of the Paul W. Briscoe, et al tract called 12,782 square feet, as recorded in Volume 1452, Page 757, in said Official Records, being on the South line of said Briscoe tract called 0.279 acre for an interior corner hereof;

THENCE in a Southerly direction, being along the West line of said Jones tract, being along the East line of said Briscoe tract called 12,782 square feet for an East line hereof to the Southwest corner of said Jones tract, being the Southeast corner of said Briscoe tract called 12,782 square feet, being on the North line of the Todd Routh, et al tract called 2.872 acres, as recorded in Volume 964, Page 508, in said Official Records for an interior corner hereof;

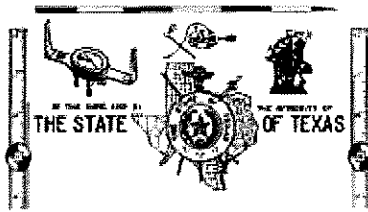
THENCE in an Easterly direction, being along a portion of the North line of said Routh tract called 2.872 acres, being along the South line of said Jones tract for a North line hereof to the Northeast corner of said Routh tract called 2.872 acres, being the Southeast corner of said Jones tract, being on a West margin of said Clinton Street for a Northeast corner hereof;

THENCE in a Southerly direction, being along a West margin of said Clinton Street, being along the East line of said Routh tract called 2.872 acres for an East line hereof to the Southeast corner of said Routh tract called 2.872 acres, being the Northeast corner of the Mary Evelyn Wilder Lot 3B as shown on a map recorded in Volume 1080, Page 6, in said Official Records, being on a West margin of said Clinton Street for an exterior corner hereof;

THENCE in a Westerly direction, being along a portion of the South line of said Routh tract called 2.872 acres, being along the North line of said Wilder Lot 3B for a South line hereof to the Northwest corner of said Wilder Lot 3B, being the Northeast corner of the Mary Evelyn Wilder Lot 2B as shown on a map recorded in Volume 1049, Page 251, in said Official Records, being on the South line of said Routh tract called 2.872 acres for an interior corner hereof;

THENCE in a Southerly direction, being along the West line of said Wilder Lot 3B, being along the East line of said Wilder Lot 2B for an East line hereof to the Southwest corner of said Wilder Lot 3B, being the Southeast corner of said Wilder Lot 2B, being the Northwest corner of the Mary Evelyn Wilder Lot 3C as shown on a map recorded in Volume 1080, Page 3, in said Official Records, being the Northeast corner of the Mary Evelyn Wilder Lot 2C as shown on a map recorded in Volume 1049, Page 251, in said Official Records for an exterior corner hereof;

THENCE in a Westerly direction, being along the South line of said Wilder Lot 2B, being along the North line of said Wilder Lot 2C for a South line hereof to the Southwest corner of said Wilder Lot 2B, being the Northwest corner of said Wilder Lot 2C, being the Southeast corner of the Mary E. Wilder Lot 1B, as recorded in Volume 1022, Page 52, in said Official Records and as shown on a map recorded in Volume 1049, Page 251, in said Official Records, being the Northeast corner of the Mary E. Wilder Lot 1C, as recorded in Volume 1022, Page 52, in said Official Records and as shown on a map recorded in Volume 1049, Page 251, in said Official Records for an interior corner hereof;



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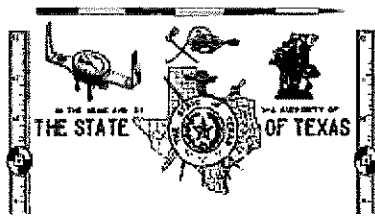
THENCE in a Southerly direction, being along the West line of said Wilder Lot 2C, being along the East line of said Wilder Lot 1C, crossing Pecan Street, being along the West line of the Barbara Ann B. Abshier tract called 10,951 square feet, as recorded in Volume 933, Page 251, in said Official Records, being along an East line of the Dippel and Alfred Interests residue of original tract called 29,762 square feet (First Tract), as recorded in Volume 376, Page 598, in said Deed Records for an East line hereof to the Southwest corner of said Abshier tract called 10,951 square feet, being an interior corner of said Dippel and Alfred Interests residue of original tract called 29,762 square feet for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of the South line of said Abshier tract called 10,951 square feet, being along a North line of said Dippel and Alfred Interest residue of original tract called 29,762 square feet for a North line hereof to a Northeast corner of said Dippel and Alfred Interests residue of original tract called 29,762 square feet, being the Northwest corner of the Virgil Stiewert, et ux tract, as conveyed in Volume 999, Page 178, in said Official Records and described as 9,020 square feet in Volume 910, Page 310, in said Official Records, being on the South line of said Abshier tract called 10,951 square feet for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Stiewert tract called 9,020 square feet, being along an East line of said Dippel and Alfred Interests residue of original tract called 29,762 square feet for an East line hereof to the Southeast corner of said Dippel and Alfred Interests residue of original tract called 29,762 square feet, being the Northeast corner of the Dippel and Alfred Interests residue of original tract called 5,544 square feet (Second Tract), as recorded in Volume 376, Page 598, in said Deed Records, being on the West line of said Stiewert tract called 9,020 square feet for an exterior corner hereof;

THENCE in a Westerly direction, being along a South line of the Dippel and Alfred Interests residue of original tract called 29,762 square feet, being along the North line of said Dippel and Alfred Interests residue of original tract called 5,544 square feet for a South line hereof to the Southeast corner of the Pak Tex Group, Inc. tract called 4,771 square feet, as recorded in Volume 999, Page 848, in said Official Records, being a Southwest corner of said Dippel and Alfred Interests residue of original tract called 29,762 square feet, being the Northwest corner of said Dippel and Alfred Interest residue of original tract called 5,544 square feet, being the Northeast corner of the Pak Tex Group, Inc. residue of original tract called 15,028 square feet, as recorded in Volume 999, Page 851, in said Official Records for an interior corner hereof;

THENCE in a Southerly direction, being along the West line of said Dippel and Alfred Interests residue of original tract called 5,544 square feet, being along the East line of said Pak Tex Group, Inc. residue of original tract called 15,028 square feet, crossing E. Germania Street for an East line hereof to an interior corner hereof, being on a South margin of said E. Germania Street at its intersection with the projection of the East line of said Pak Tex Group, Inc. residue of original tract called 15,028 square feet, being on the North line of the Larry Wahrmund, et ux tract called 12,500 square feet (Tract One), as recorded in Volume 1089, Page 661, in said Official Records;



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THENCE in an Easterly direction, being along a portion of a South margin of said E. Germania Street, being along a portion of the North line of said Wahrmund tract called 12,500 square feet, being along the North line of the Larry Wahrmund, et ux tract called 2,900 square feet (Tract Two), as recorded in Volume 1089, Page 661, in said Official Records for a North line hereof to the Northeast corner of said Wahrmund tract called 2,900 square feet, being the most Northern Northwest corner of the Brenham Lodge No. 6, O.D.H.S. residue of original tract called 1.064 acres, as recorded in Volume 245, Page 237, in said Deed Records, being on a South margin of said E. Germania Street for an exterior corner hereof;

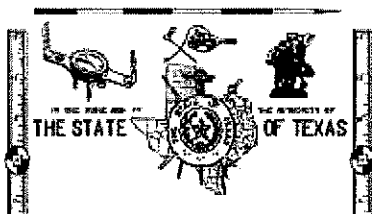
THENCE in a Southerly direction, being along the East line of said Wahrmund tract called 2,900 square feet, being along a West line of said Brenham Lodge No. 6 residue of original tract called 1.064 acres for an East line hereof to the Southeast corner of said Wahrmund tract called 2,900 square feet, being an interior corner of said Brenham Lodge No. 6 residue of original tract called 1.064 acres for an exterior corner hereof;

THENCE in a Westerly direction, being along the South line of said Wahrmund tract called 2,900 square feet, being along a North line of said Brenham Lodge No. 6 residue of original tract called 1.064 acres for a South line hereof to the Southwest corner of said Wahrmund tract called 2,900 square feet, being the Southeast corner of said Wahrmund tract called 12,500 square feet, being the Northeast corner of the Brenham Produce Co. tract, as recorded in Volume 897, Page 157, in said Official Records, being a Northwest corner of said Brenham Lodge No. 6 residue of original tract called 1.064 acres for an interior corner hereof;

THENCE in a Southerly direction, being along a West line of said Brenham Lodge No. 6 residue of original tract called 1.064 acres, being along the East line of said Brenham Produce Co. tract, Volume 897, Page 157 for an East line hereof to the Southwest corner of said Brenham Lodge No. 6 residue of original tract called 1.064 acres, being the Southeast corner of said Brenham Produce Co. tract, Volume 897, Page 157, being on a North line of the Brenham Produce Co. tract called 54,595 square feet, as recorded in Volume 299, Page 254, in said Deed Records for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Brenham Lodge No. 6 residue of original tract called 1.064 acres, being along a portion of the South line of the Brenham Lodge No. 979 Benevolent & Protective Order of Elks tract, as recorded in Volume 98, Page 187, in said Deed Records for a North line hereof to a Northwest corner of the Brenham Independent School District tract called 1.68 acres, as recorded in Volume 139, Page 247, in said Deed Records, being the Northeast corner of said Brenham Produce Co. tract called 54,595 square feet, being on a South line of said Brenham Lodge No. 979 for an exterior corner hereof;

THENCE in a Southerly direction, being along a West line of said Brenham Independent School District tract called 1.68 acres, being along the East line of said Brenham Produce Co. tract called 54,595 square feet for an East line hereof to an interior corner of said Brenham Independent School District tract called 1.68 acres, being the Southeast corner of said Brenham Produce Co. tract called 54,595 square feet for an exterior corner hereof;



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THENCE in a Westerly direction, being along a North line of said Brenham Independent School District tract called 1.68 acres, being along a South line of said Brenham Produce Co. tract called 54,595 square feet for a South line hereof to a Northwest corner of said Brenham Independent School District tract called 1.68 acres, being the Northeast corner of the John T. Young tract called 0.777 acre, as recorded in Volume 1404, Page 746, in said Official Records, being on a South line of said Brenham Produce Co. tract called 54,595 square feet for an interior corner hereof;

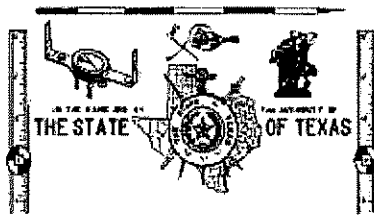
THENCE in a Southerly direction, being along a West line of said Brenham Independent School District tract called 1.68 acres, being along the East line of said Young tract called 0.777 acre for an East line hereof to the Southwest corner of said Brenham Independent School District tract called 1.68 acres, being the Southeast corner of said Young tract called 0.777 acre, being on a North margin of E. Sixth Street for a Southeast corner hereof;

THENCE in a Westerly direction, being along a North margin of said E. Sixth Street, being along the South line of said Young tract called 0.777 acre for a South line hereof to the Southwest corner of said Young tract called 0.777 acre, being on a North margin of said E. Sixth Street at its intersection with an East margin of said S. Market Street for an interior corner hereof;

THENCE in a Southerly direction, crossing said E. Sixth Street with an East margin of said S. Market Street, being along East margins of said S. Market Street, being along West lines of the Brenham Independent School District tract, as conveyed in Volume 86, Page 365, in said Deed Records, being along the West end of Seventh Street, being along the West line of the Brenham Independent School District tract, as recorded in Volume 188, Page 417, in said Deed Records, being along West lines of Donald Kasprowiez and Johnelle Kasprowiez residue of original tract, as recorded in Volume 1353, Page 317, in said Official Records, being along East lines of the City of Brenham tract called 0.021 acre, as recorded in Volume 671, Page 682, in said Official Records for East lines hereof to the Northeast corner of said City of Brenham tract called 0.021 acre, being the Southwest corner of said Kasprowiez residue of original tract, being on a North margin of E. Tom Green Street for an exterior corner hereof;

THENCE in a Southerly direction, crossing said E. Tom Green Street for an East line hereof to the Northeast corner of the City of Brenham tract called 0.005 acre, as recorded in Volume 672, Page 293, in said Official Records, being the Northwest corner of the S & B Food Service, L.L.C. residue of original tract called 0.3380 acre, as recorded in Volume 1019, Page 288, in said Official Records, being on a South margin of said E. Tom Green Street for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of a South margin of said E. Tom Green Street, being along the North line of said S & B Food Service, L.L.C. residue of original tract called 0.3380 acre for a North line hereof to the Northeast corner of said S & B Food Service, L.L.C. residue of original tract called 0.3380 acre, being the Northwest corner of the David W. Januszewski tract called 9,947.5 square feet (Tract A), as recorded in Volume 1066, Page 569, in said Official Records, being on a South margin of said E. Tom Green Street for a Northeast corner hereof;



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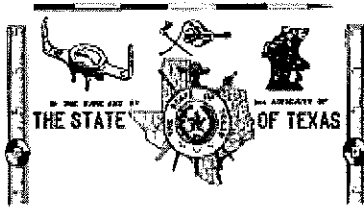
THENCE in a Southerly direction, being along the West line of said Januszewski tract called 9,947.5 square feet, being along the East line of said S & B Food Service, L.L.C. residue of original tract called 0.3380 acre for an East line hereof to a Southwest corner of said Januszewski tract called 9,947.5 square feet, being the Southeast corner of said S & B Food Service, L.L.C. residue of original tract called 0.3380 acre, being on the North line of the Gina Carol Draehn tract called 0.333 acre (Second Tract), as recorded in Volume 1637, Page 852, in said Official Records for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of the South line of said Januszewski tract called 9,947.5 square feet, being along a portion of the North line of said Draehn tract called 0.333 acre for a North line hereof to the Northeast corner of said Draehn tract called 0.333 acre, being the Northwest corner of the David W. Januszewski tract called 5,177.5 square feet (Tract B), as recorded in Volume 1066, Page 569, in said Official Records, being on the South line of said Januszewski tract called 9,947.5 square feet for an exterior corner hereof;

THENCE in a Southerly direction, being along the West line of said Januszewski tract called 5,177.5 square feet, being along the East line of said Draehn tract called 0.333 acre, being along the East line of the Gina Carol Draehn tract called 0.049150 acre (Third Tract), as recorded in Volume 1637, Page 852, in said Official Records for an East line hereof to the Southwest corner of said Januszewski tract called 5,177.5 square feet, being the Southeast corner of said Draehn tract called 0.049150 acre, being on the North line of the Rogaciano Rodriguez and Marcela Castaneda tract called 0.8399 acre, as recorded in Volume 1367, Page 449, in said Official Records for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of the North line of said Rodriguez and Castaneda tract called 0.8399 acre, being along the South line of said Januszewski tract called 5,177.5 square feet for a North line hereof to the Southeast corner of said Januszewski tract called 5,177.5 square feet, being the Southwest corner of the Ronnie L. Zientek tract called 0.452 acre, as recorded in Volume 1578, Page 563, in said Official Records, being the Northeast corner of said Rodriguez and Castaneda tract called 0.8399 acre, being the Northwest corner of Lot 6, Block 5 of the M.H. Schomburg Addition, Section 2, map or plat recorded in Plat Cabinet File Slide Numbers 44B and 45A, in said Plat Records for a Northeast corner hereof;

THENCE in a Southerly direction, being along the East line of said Rodriguez and Castaneda tract called 0.8399 acre, being along the West line of said Lot 6, Block 5 of said M.H. Schomburg Addition, Section 2, being along the West line of Lot 5, Block 5 of said M.H. Schomburg Addition, Section 2, being along a portion of the West line of Lot 4, Block 5 of said M.H. Schomburg Addition, Section 2 for an East line hereof to the Southeast corner of said Rodriguez and Castaneda tract called 0.8399 acre, being the Northeast corner of the Max Mini Storage, LLC tract called 0.593 acre, as recorded in Volume 1391, Page 710, in said Official Records, being on the West line of said Lot 4, Block 5 of said M.H. Schomburg Addition, Section 2 for an exterior corner hereof;



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THENCE in a Westerly direction, being along a portion of the South line of said Rodriguez and Castaneda tract called 0.8399 acre, being along a North line of said Max Mini Storage, LLC tract called 0.593 acre for a South line hereof to the Northwest corner of said Max Mini Storage, LLC tract called 0.593 acre, being the Northeast corner of the John T. Young tract called 0.5181 acre, as recorded in Volume 1097, Page 767, in said Official Records, being on the South line of said Rodriguez and Castaneda tract called 0.8399 acre for an interior corner hereof;

THENCE in a Southerly direction, being along a West line of said Max Mini Storage, LLC tract called 0.593 acre, being along the East line of said Young tract called 0.5181 acre for an East line hereof to an interior corner of said Max Mini Storage, LLC tract called 0.593 acre, being the Southeast corner of said Young tract called 0.5181 acre for an exterior corner hereof;

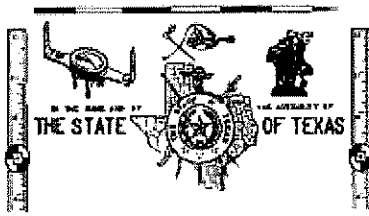
THENCE in a Westerly direction, being along a portion of the South line of said Young tract called 0.5181 acre, being along a North line of said Max Mini Storage, LLC tract called 0.593 acre for a South line hereof to a Northwest corner of said Max Mini Storage, LLC tract called 0.593 acre, being the Northeast corner of the Paul J. Lemm tract called 0.2280 acre, as recorded in Volume 367, Page 214, in said Deed Records, being on the South line of said Young tract called 0.5181 acre for an interior corner hereof;

THENCE in a Southerly direction, being along a West line of said Max Mini Storage, LLC tract called 0.593 acre, being along the East line of said Lemm tract called 0.2280 acre for an East line hereof to the Southwest corner of said Max Mini Storage, LLC tract called 0.593 acre, being the Southeast corner of said Lemm tract called 0.2280 acre, being on a North margin of E. Mansfield Street for an exterior corner hereof;

THENCE in a Westerly direction, being along a portion of a North margin of said E. Mansfield Street, being along the South line of said Lemm tract called 0.2280 acre for a South line hereof to the Southwest corner of said Lemm tract called 0.2280 acre, being on a North margin of said E. Mansfield Street at its intersection with an East margin of said S. Market Street for an interior corner hereof;

THENCE in a Southerly direction, crossing said E. Mansfield Street with an East margin of said S. Market Street for an East line hereof to the Northwest corner of the Joe Dale Robinson tract called 9,305 square feet, as recorded in Volume 1569, Page 161, in said Official Records, being on a South margin of said E. Mansfield Street at its intersection with an East margin of said S. Market Street for an interior corner hereof;

THENCE in an Easterly direction, being along a South margin of said E. Mansfield Street, being along the North line of said Robinson tract called 9,305 square feet for a North line hereof to the Northeast corner of said Robinson tract called 9,305 square feet, being the Northwest corner of the Herman Brending tract called 10,742 square feet, as recorded in Volume 1288, Page 183, in said Official Records, being on a South margin of said E. Mansfield Street for an exterior corner hereof;



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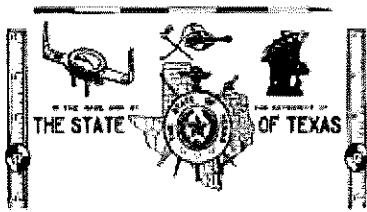
THENCE in a Southerly direction, being along the West line of said Brending tract called 10,742 square feet, being along the East line of said Robinson tract called 9,305 square feet for an East line hereof to the Southwest corner of said Brending tract called 10,742 square feet, being the Southeast corner of said Robinson tract called 9,305 square feet, being on a North line of the Ira L. Hughes and Lillian E. Hughes as Trustees of the Ira L. Hughes and Lillian E. Hughes Revocable Living Trust tract called 0.1483 acre, as recorded in Volume 1286, Page 297, in said Official Records and described in Volume 872, Page 635, in said Official Records for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Brending tract called 10,742 square feet, being along a portion of the North line of said Hughes Revocable Living Trust tract called 0.1483 acre, being along the North line of the Wayne C. Wright, et ux residue of original tract called 24/100 acre (Tract Two), as recorded in Volume 884, Page 559, in said Official Records for a North line hereof to the Southeast corner of said Brending tract called 10,742 square feet, being the Northeast corner of said Wright residue of original tract called 24/100 acre, being on the West line of the Alan D. Lehmann, et ux tract called 13,526 square feet, as recorded in Volume 964, Page 632, in said Official Records for a Northeast corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Lehmann tract called 13,526 square feet, being along a West line of Lot 3B (called 0.8403 acre) of a Subdivision of Tract 3 of a Boundary Line Adjustment, a map or plat recorded in Plat Cabinet File Slide Number 421A, in said Plat Records, being along the East line of said Wright residue of original tract called 24/100 acre, being along the East line of the Wayne C. Wright, et ux tract called 0.239 acre (Tract One), as recorded in Volume 884, Page 559, in said Official Records, being along the East line of the Wayne C. Wright, et ux tract called 1/4 acre (Tract Three), as recorded in Volume 884, Page 559, in said Official Records for an East line hereof to the Southeast corner of said Wright tract called 1/4 acre, being a Southwest corner of said Lot 3B (called 0.8403 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being on the North line of the Puro County Living, LLC tract called 0.576 acre, as recorded in Volume 1477, Page 584, in said Official Records for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of the North line of said Puro County Living, LLC tract called 0.576 acre, being along a South line of said Lot 3B (called 0.8403 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment for a North line hereof to an interior corner of said Lot 3B (called 0.8403 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being the Northeast corner of said Puro County Living, LLC tract called 0.576 acre for an exterior corner hereof;

THENCE in a Southerly direction, being along a West line of said Lot 3B (called 0.8403 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being along the East line of said Puro County Living, LLC tract called 0.576 acre for an East line hereof to a Southwest corner of said Lot 3B (called 0.8403 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being the Southeast corner of said Puro County Living, LLC tract called 0.576 acre, being on the North line of Lot 3A (called 0.5066 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment for a Southeast corner hereof;



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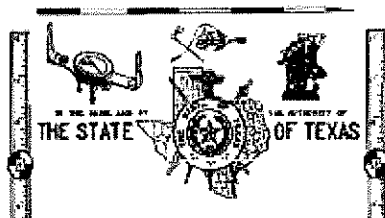
THENCE in a Westerly direction, being along a portion of the South line of said Puro County Living, LLC tract called 0.576 acre, being along a portion of the North line of said Lot 3A (called 0.5066 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment for a South line hereof to the Northwest corner of said Lot 3A (called 0.5066 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being the Northeast corner of the Schlottmann Properties, LLC tract (Tract 1), as conveyed in Volume 1391, Page 234, in said Official Records and described as 0.592 acre in Volume 310, Page 845, in said Deed Records, being on the South line of said Puro County Living, LLC tract called 0.576 acre for an interior corner hereof;

THENCE in a Southerly direction, being along the West line of said Lot 3A (called 0.5066 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being along the East line of said Schlottmann Properties, LLC tract called 0.592 acre for an East line hereof to the Southwest corner of said Lot 3A (called 0.5066 acre) of said Subdivision of Tract 3 of a Boundary Line Adjustment, being the Southeast corner of said Schlottmann Properties, LLC tract called 0.592 acre, being on a North margin of E. Lubbock Street for a Southeast corner hereof;

THENCE in a Westerly direction, being along a North margin of said E. Lubbock Street, being along the South line of said Schlottmann Properties, LLC tract called 0.592 acre for a South line hereof to the Southwest corner of said Schlottmann Properties, LLC tract called 0.592 acre, being on a North margin of said E. Lubbock Street at its intersection with an East margin of said S. Market Street for an interior corner hereof;

THENCE in a Southerly direction, crossing said E. Lubbock Street with East margins of said S. Market Street, being along West lines of Lot 1 (called 2.342 acres) of Lincoln Place Replat Two, a map or plat recorded in Plat Cabinet File Slide Number 465A, in said Plat Records, being along the West line of the Mark Nelson tract called 0.0386 acre (Tract Two), as recorded in Volume 1274, Page 450, in said Official Records, being along the West line of the Mark Nelson tract (Tract One), as recorded in Volume 1274, Page 450, in said Official Records, being along East margins of said S. Market Street for East lines hereof to the Southwest corner of said Nelson tract (Tract One), being the Northwest corner of the R. B. Schawe commercial lot containing 9,188 square feet, as conveyed in Volume 572, Page 455, in said Official Records and being part of a 0.183 acre described in Volume 341, Page 410, in said Deed Records, being on an East margin of said S. Market Street for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Nelson tract (Tract One), being along a portion of a South line of said Lot 1 (called 2.342 acres) of said Lincoln Place Replat Two, being along the North line of said Schawe original tract called 0.183 acre, being along the North line of the R. B. Schawe commercial lot containing 9,188 square feet, as conveyed in Volume 572, Page 455, in said Official Records and being part of a 0.137 acre described in Volume 341, Page 407, in said Deed Records for a North line hereof to an interior corner of said Lot 1 (called 2.342 acres) of said Lincoln Place Replat Two, being the Northeast corner of said Schawe original tract called 0.137 acre for a Northeast corner hereof;



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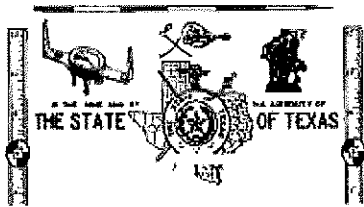
THENCE in a Southerly direction, being along a West line of said Lot 1 (called 2.342 acres) of said Lincoln Place Replat Two, being along the West line of the Steven D. Wilson, et ux tract called 0.229 acre, as recorded in Volume 1335, Page 718, in said Official Records, being along the East line of said Schawer residue of original tract called 0.137 acre, being along the East line of the Bobby Finke, et ux tract called 4,750 square feet (First Tract), as recorded in Volume 432, Page 32, in said Deed Records, being along the East line of the Rosenbaum-Schoenvogel Investments, LP tract called 0.31 acre (Tract Five), as conveyed in Volume 1348, Page 842, in said Official Records and being part of a 0.628 acre described in Volume 248, Page 9, in said Deed Records for an East line hereof to the Southwest corner of said Wilson tract called 0.229 acre, being the Southeast corner of said Rosenbaum-Schoenvogel Investments, LP residue of original tract called 0.628 acre, being on a North margin of Giddings Lane for an interior angle point hereof;

THENCE in a Southeasterly direction, being along a Northeast line hereof, crossing said Giddings Lane to the Northwest corner of the Thomas L. Nugent, et ux tract called 0.416 acre, as recorded in Volume 1536, Page 688, in said Official Records, being the Northeast corner of the Michael R. Brannon, et ux tract called 0.862 acre, as recorded in Volume 947, Page 31, in said Official Records, being on a South margin of said Giddings Lane for an exterior angle point hereof;

THENCE in a Southerly direction, being along the West line of said Nugent tract called 0.416 acre, being along the East line of said Brannon tract called 0.862 acre, crossing E. Stone Street for an East line hereof to an interior corner hereof, being on a South margin of said E. Stone Street at its intersection with the projection of the West line of said Nugent tract called 0.416 acre, being on the North line of the John T. Young tract called 1.035 acres, as recorded in Volume 1410, Page 329, in said Official Records;

THENCE in an Easterly direction, being along a portion of a South margin of said E. Stone Street, being along a portion of the North line of said Young tract called 1.035 acres for a North line hereof to the Northeast corner of said Young tract called 1.035 acres, being the Northwest corner of Lot 1 of Sunset Meadow, Unit I Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 128B, 129A and 129B, in said Plat Records, being on a South margin of said E. Stone Street for a Northeast corner hereof;

THENCE in a Southerly direction, being along the East line of said Young tract called 1.035 acres, being along the West line of said Lot 1 of said Sunset Meadow, Unit I Subdivision, being along the West lines of Lots 3 and 4 of said Sunset Meadow, Unit I Subdivision, being along an East line of Lot 16 (called 0.628 acre) of said Sunset Meadow, Unit I Subdivision for an East line hereof to the Southwest corner of said Lot 4 of said Sunset Meadow, Unit I Subdivision, being the Southeast corner of said Lot 16 (called 0.628 acre) of said Sunset Meadow, Unit I Subdivision, being on the North line of the Sandra Krueger, et vir tract called 0.8648 acre, as recorded in Volume 1378, Page 989, in said Official Records for an interior corner hereof;



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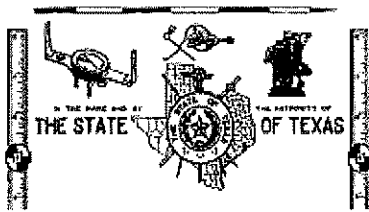
THENCE in an Easterly direction, being along a portion of the South line of said Lot 4 of said Sunset Meadow, Unit 1 Subdivision, being along a portion of the North line of said Krueger tract called 0.8648 acre for a North line hereof to the Northern exterior corner of said Krueger tract called 0.8648 acre, being the West corner of the Jennie Meier tract called 0.086 acre, as recorded in Volume 1552, Page 563, in said Official Records, being on the South line of said Lot 4 of said Sunset Meadow, Unit 1 Subdivision for an exterior angle point hereof;

THENCE in a Southeasterly direction, being along the South line of said Meier tract called 0.086 acre, being along the South lines of Lots 5, 7, 8 and 9 of said Sunset Meadow, Unit 1 Subdivision, being along the North line of said Krueger tract called 0.8648 acre, being along the North line of the T-N-T Car Wash, LLC tract called 0.7050 acre (First Tract), as recorded in Volume 1226, Page 730, in said Official Records, being along the North line of the 3TF Enterprises, LLC tract called 0.578 acre, as recorded in Volume 1548, Page 314, in said Official Records, being along the North line of the Ben B. Rice, II tract, as conveyed in Volume 1515, Page 323, in said Official Records and described as 0.322 acre in Volume 820, Page 546, in said Official Records, being along the North line of the Cody Melcher tract called 0.5700 acre, as recorded in Volume 1423, Page 164, in said Official Records for a North line hereof to the Southeast corner of said Lot 9 of said Sunset Meadow, Unit 1 Subdivision, being the Northeast corner of said Melcher tract called 0.5700 acre, being on the West line of Lot Two (called 2.500 acres) of the Appel-Market Street Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 260A, in said Plat Records for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Lot Two (called 2.500 acres) of said Appel-Market Street Subdivision, being along a portion of the East line of said Melcher tract called 0.5700 acre for an East line hereof to the Southwest corner of said Lot Two (called 2.500 acres) of said Appel-Market Street Subdivision, being the Northwest corner of Lot One (called 0.730 acre) of said Appel-Market Street Subdivision, being on the East line of said Melcher tract called 0.5700 acre for an interior angle hereof;

THENCE in an Easterly direction, being along South lines of said Lot Two (called 2.500 acres) of said Appel-Market Street Subdivision, being along North lines of said Lot One (called 0.730 acre) of said Appel-Market Street Subdivision for North lines hereof to the Southeast corner of said Lot Two (called 2.500 acres) of said Appel-Market Street Subdivision, being the Northeast corner of said Lot One (called 0.730 acre) of said Appel-Market Street Subdivision, being on a West line of the South Zacks, LLC tract called 0.778 acre, as recorded in Volume 1513, Page 276, in said Official Records for an exterior angle hereof;

THENCE in a Southerly direction, being along a portion of a West line of said South Zacks, LLC tract called 0.778 acre, being along an East line of said Lot One (called 0.730 acre) of said Appel-Market Street Subdivision for an East line hereof to the Southwest corner of said South Zacks, LLC tract called 0.778 acre, being a Southeast corner of said Lot One (called 0.730 acre) of said Appel-Market Street Subdivision, being an interior angle point of the Danica Key tract called 1.578 acres, as recorded in Volume 1470, Page 3, in said Official Records for an interior corner hereof;



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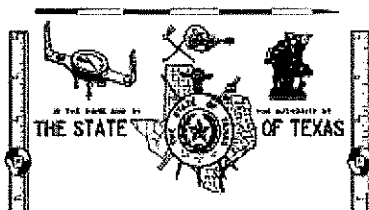
THENCE in an Easterly direction, being along South lines of said South Zacks, LLC tract called 0.778 acre, being along North lines of said Key tract called 1.578 acres for North lines hereof to a Southeast corner of said South Zacks, LLC tract called 0.778 acre, being on the West line of the Kiran and Geeta LLC tract called 3.1535 acres, as recorded in Volume 1447, Page 680, in said Official Records for an interior corner hereof;

THENCE in a Northerly direction, being along a portion of a West line of said Kiran and Geeta LLC tract called 3.1535 acres, being along an East line of said South Zacks, LLC tract called 0.778 acre for a West line hereof to an interior corner of said South Zacks, LLC tract called 0.778 acre, being the Northwest corner of said Kiran and Geeta LLC tract called 3.1535 acres for a Northwest corner hereof;

THENCE in an Easterly direction, being along a South line of South Zacks, LLC tract called 0.778 acre, being along the South line of the South Zacks Investments, LLC tract called 0.4477 acre, as recorded in Volume 1616, Page 487, in said Official Records, being along the North line of said Kiran and Geeta LLC tract called 3.1535 acres, crossing said S. Chappell Hill Street for a North line hereof to an exterior corner hereof, being on an East margin of said S. Chappell Hill Street at its intersection with the projection of the North line of said Kiran and Geeta LLC tract called 3.1535 acres, being on an East line of the City of Brenham tract called 0.0208 acre, as recorded in Volume 1490, Page 829, in said Official Records, being on a West line of the residue of Lot 1 of Lawndale South Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 334A, in said Plat Records;

THENCE in a Southerly direction, being along East margins of said S. Chappell Hill Street, being along a portion of a West line of said residue of Lot 1 of said Lawndale South Subdivision, being along a West line of the residue of Reserve B of the Highland Meadows Subdivision, Section III, a map or plat recorded in Plat Cabinet File Slide Numbers 212A, 212B and 213A, in said Plat Records, being along East lines of said City of Brenham tract called 0.0208 acre, being along an East line of the City of Brenham tract called 0.0392 acre, as recorded in Volume 1490, Page 829, in said Official Records for an East line hereof to the Southeast corner of said City of Brenham tract called 0.0392 acre, being a Southwest corner of said residue of Reserve B of said Highland Meadows Subdivision, Section III, being the Northwest corner of the Brenham Heating and Air Conditioning Company tract called 0.3726 acre, as recorded in Volume 1467, Page 265, in said Official Records, being on an East margin of said S. Chappell Hill Street for an interior corner hereof;

THENCE in an Easterly and Southerly direction, being along South and West lines of the residue of said Reserve B of said Highland Meadows Subdivision, Section III, being along North and East lines of said Brenham Heating & Air Conditioning Company tract called 0.3726 acre, being along the North line of the Thielemann Development Company L.P. tract called 1.0142 acres (Tenth Tract), as recorded in Volume 847, Page 19, in said Official Records for North and East lines hereof to the Southeast corner of said Reserve B of said Highland Meadows Subdivision, Section III, being the Northeast corner of said Thielemann Development Company L.P. tract called 1.0142 acres, being on a West line of The Sandra Corporation tract, as recorded in Volume 1286, Page 605, in said Official Records for an interior corner hereof;



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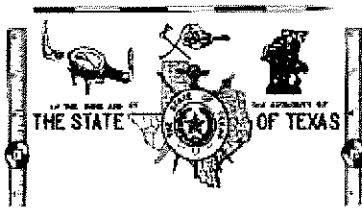
THENCE in a Northerly direction, being along an East line of said residue of Reserve B of said Highland Meadows Subdivision, Section III, being along a portion of the West line of said The Sandra Corporation tract for a West line hereof to an exterior angle point of said residue of Reserve B of said Highland Meadows Subdivision, Section III, being the Northwest corner of said The Sandra Corporation tract, being the Southwest corner of Lot 25 of said Highland Meadows Subdivision, Section III for an exterior corner hereof;

THENCE in an Easterly direction, being along the South line of said Lot 25 of said Highland Meadows Subdivision, Section III, being along the South lines of Lots 24, 23, 22, 21, 20, 19, 18 and 17 and along a portion of the South line of Lot 16 of said Highland Meadows Subdivision, Section III, being along the North of said The Sandra Corporation tract, being along the North line of the John Young tract called 0.6333 acre (Tract Two), as recorded in Volume 1577, Page 601, in said Official Records, being along North lines of Lot 1 (called 0.3738 acre) and Lot 3 (called 0.9496 acre) of Lots 1-3 of the Roger Chambers residue of 1.638 acres tract, a map or plat recorded in Plat Cabinet File Slide Number 394A, in said Plat Records, being along North lines of the John T. Young, et ux residue of original tract called 4.487 acres, as recorded in Volume 1537, Page 851, in said Official Records for North lines hereof to an interior angle point of said Lot 16 of said Highland Meadows Subdivision, Section III, being the Northeast corner of said Young residue of original tract called 4.487 acres, being the Northwest corner of Lot 4 of Highland Meadows Subdivision, Section IX, a map or plat recorded in Plat Cabinet File Slide Number 512A, in said Plat Records for an exterior corner hereof;

THENCE in a Southerly direction, being along the West line of said Lot 4 of said Highland Meadows Subdivision, Section IX, and being along the West line of Lot 3 of said Highland Meadows Subdivision, Section IX, being along a portion of the East line of said Young residue of original tract called 4.487 acres for an East line hereof to the Southwest corner of said Lot 3 of said Highland Meadows Subdivision, Section IX, being the Northwest corner of the Herbert L. T. Miles tract called 0.50 acre, as recorded in Volume 1260, Page 285, in said Official Records, being on the East line of said Young residue of original tract called 4.487 acres for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Lot 3 of said Highland Meadows Subdivision, Section IX, being along a South line of Lot 2 of said Highland Meadows Subdivision, Section IX, being along the North line of said Miles tract called 0.50 acre, being along the North line of the Nader Kouhestani tract called 21,726 square feet, as recorded in Volume 944, Page 501, in said Official Records for a North line hereof to an interior corner of said Lot 2 of said Highland Meadows Subdivision, Section IX, being the Northeast corner of said Kouhestani tract called 21,726 square feet for an exterior corner hereof;

THENCE in a Southerly direction, being along a West line of said Lot 2 of said Highland Meadows Subdivision, Section IX, being along a portion of the East line of said Kouhestani tract called 21,726 square feet for an East line hereof to a Southwest corner of said Lot 2 of said Highland Meadows Subdivision, Section III, being the Northwest corner of the Guadalupe Cienega tract called 0.476 acre, as recorded in Volume 1127, Page 1, in said Official Records, being on the East line of said Kouhestani tract called 21,726 square feet for an interior corner hereof;



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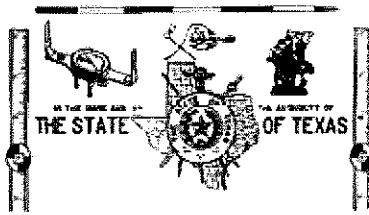
THENCE in an Easterly direction, being along a South line of said Lot 2 of said Highland Meadows Subdivision, Section IX, being along a portion of the North line of said Cienega tract called 0.476 acre for a North line hereof to the Southeast corner of said Lot 2 of said Highland Meadows Subdivision, Section IX, being a Southwest corner of the Jacky S. Hill and Claudia J. Hill tract called 2.795 acres, as recorded in Volume 1482, Page 761, in said Official Records, being on the North line of said Cienega tract called 0.476 acre for an interior corner hereof;

THENCE in a Northerly direction, being along the East line of said Lot 2 and along an East line of Lot 1 of said Highland Meadows Subdivision, Section IX, being along a West line of said Hill tract called 2.795 acres for a West line hereof to an interior angle point of said Lot 1 of said Highland Meadows Subdivision, Section IX, being the Northwest corner of said Hill tract called 2.795 acres, being the Southwest corner of Lot 13 of said Highland Meadows Subdivision, Section III for an exterior corner hereof;

THENCE in an Easterly direction, being along the South lines of Lots 13, 12, 11, 10 and 9 of said Highland Meadows Subdivision, Section III, being along a portion of a South line of Lot 8 of said Highland Meadows Subdivision, Section III, being along the North line of said Hill tract called 2.795 acres for a North line hereof to an interior angle point of said Lot 8 of said Highland Meadows Subdivision, Section III, being the Northeast corner of said Hill tract called 2.795 acres, being the Northwest corner of the Jane F. Herzog tract called 3.780 acres, as recorded in Volume 1324, Page 8, in said Official Records for an exterior angle point hereof;

THENCE in a Southeasterly direction, being along a Southwest line of said Lot 8 of said Highland Meadows Subdivision, Section III, being along Southwest lines of Lots 7, 6 and 5 of said Highland Meadows Subdivision, Section III, being along South and West lines of Lot 4 of said Highland Meadows Subdivision, Section III, being along Northeast, North and East lines of said Herzog tract called 3.780 acres for Northeast, North and East lines hereof to the South corner of said Lot 4 of said Highland Meadows Subdivision, Section III, being a Southern exterior corner of Lot 3 of said Highland Meadows Subdivision, Section III, being the Northwest corner of the Arlen Thielemann, et ux tract called 0.68 acre, as recorded in Volume 867, Page 468, in said Official Records, being on the East line of said Herzog tract called 3.780 acres for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Lot 3 of said Highland Meadows Subdivision, Section III, being along the South line of Lot 2 of said Highland Meadows Subdivision, Section III, being along a South line of Lot 1 of said Highland Meadows Subdivision, Section III, being along the North line of said Thielemann tract called 0.68 acre, being along the North line of the Arlen Thielemann, et ux tract called 0.68 acre (Tract 1), as recorded in Volume 1481, Page 319, in said Official Records for a North line hereof to an exterior angle point of said Lot 1 of said Highland Meadows Subdivision, Section III, being the Northeast corner of said Thielemann tract called 0.68 acre (Tract 1), being the Western Northwest corner of the residue of Reserve A of said Highland Meadows Subdivision, Section III for an interior angle point hereof;



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THENCE in an Easterly and Northeasterly direction, being along North and Northwest lines of said residue of Reserve A of said Highland Meadows Subdivision, Section III, being along South and Southeast lines of said Lot 1 of said Highland Meadows Subdivision, Section III for North and Northwest lines hereof to the West corner of Lot 8 of the Highland Meadows Subdivision, Section V, a map or plat recorded in Plat Cabinet File Slide Number 356A, in said Plat Records, being on the Southeast line of said Lot 1 of said Highland Meadows Subdivision, Section III, being the North corner of said residue of Reserve A of said Highland Meadows Subdivision, Section III for an exterior corner hereof;

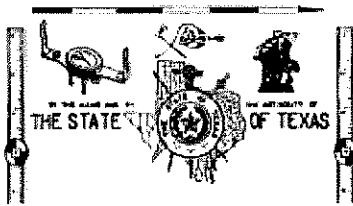
THENCE in a Southeasterly direction, being along the Southwest line of said Lot 8 of said Highland Meadows Subdivision, Section V, being along the Northeast line of said residue of Reserve A of said Highland Meadows Subdivision, Section III for a Northeast line hereof to the South corner of said Lot 8 of said Highland Meadows Subdivision, Section V, being the East corner of said residue of Reserve A of said Highland Meadows Subdivision, Section III, being on a West margin of Ryan Street for an interior angle point hereof;

THENCE in a Southeasterly direction, crossing said Ryan Street with a Northeast line hereof to the Southwest corner of Lot 14 of Highland Meadows Subdivision, Section VI, a map or plat recorded in Plat Cabinet File Slide Number 386A, in said Plat Records, being the Northwest corner of the NeSa Properties LLC tract called 1.033 acres, as recorded in Volume 1451, Page 136, in said Official Records, being on an East margin of said Ryan Street for an exterior angle point hereof;

THENCE in a Southeasterly direction, being along the Southwest lines of Lots 14, 13, 12, 11, 10, 9 and 8, of said Highland Meadow Subdivision, Section VI, being along the Northeast line of said NeSa Properties LLC tract called 1.033 acres, being along Northeast lines of a 3.5784 acres - Reserve of said Highland Meadows Subdivision, Section VI for Northeast lines hereof to the Southeast corner of said Lot 8 of said Highland Meadows Subdivision, Section VI, being the Northeast corner of said 3.5784 acres - Reserve of said Highland Meadows Subdivision, Section VI, being on a West margin of Cantey Street for an interior corner hereof;

THENCE in a Northerly direction, being along West margins of said Cantey Street, being along the East line of said Lot 8 of said Highland Meadows Subdivision, Section VI, crossing Allison Street with an West margin of said Cantey Street, being along the East line of Lot 7 of said Highland Meadows Subdivision, Section VI for a West line hereof to the Northeast corner of said Lot 7 of said Highland Meadows Subdivision, Section VI, being the Southeast corner of Lot 16 of Highland Gardens Subdivision, Section 1, in map or plat recorded in Plat Cabinet File Slide Numbers 512B and 513A, in said Plat Records, being on a West margin of said Cantey Street for an exterior corner hereof;

THENCE in a Southeasterly direction, crossing said Cantey Street with a Northeast line hereof to the Southwest corner of Lot 1, Block 1 of Heritage Oaks Subdivision, Section 1, a map or plat recorded in Plat Cabinet File Slide Numbers 684B and 685A, in said Plat Records, being the Northwest corner of Lot 1 (called 33.337 acres) of FBC Brenham Subdivision, a map or plat recorded in Plat Cabinet



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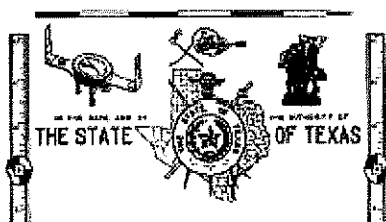
File Slide Numbers 687A and 687B, in said Plat Records, being on an East margin of said Cantey Street for an interior angle point hereof;

THENCE in an Easterly and Northeasterly direction, being along North and Northwest lines of said Lot 1 (called 33.337 acres) of said FBC Brenham Subdivision, being along the South line of said Lot 1, Block 1 of said Heritage Oaks Subdivision, being along the South lines of Lots 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, Block 1 of said Heritage Oaks Subdivision, being along the Southeast lines of Lots 11, 12 and 13, Block 1 of said Heritage Oaks Subdivision for North and Northwest lines hereof to an exterior corner of said Lot 1 (called 33.337 acres) of said FBC Brenham Subdivision, being the East corner of said Lot 13, Block 1 of said Heritage Oaks Subdivision, being the Southwest corner of Lot 8 (called 0.603 acre) of Gun & Rod Circle Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 329B, in said Plat Records for an exterior corner hereof;

THENCE in an Easterly direction, being along a North line of said Lot 1 (called 33.337 acres) of said FBC Brenham Subdivision, being along the South line of said Lot 8 (called 0.603 acre) of said Gun & Rod Circle Subdivision, being along the South line of Lot 9 (called 0.531 acre) of said Gun & Rod Circle Subdivision for a North line hereof to the Northeast corner of said Lot 1 (called 33.337 acres) of said FBC Brenham Subdivision, being the Southeast corner of said Lot 9 (called 0.531 acre) of said Gun & Run Circle Subdivision, being on the West line of Lot 1 (called 0.552 acre) of Rosedale Subdivision, Section Two, a map or plat recorded in Plat Cabinet File Slide Number 606A, in said Plat Records for a Northeast corner hereof;

THENCE in a Southerly direction, being along East lines of said Lot 1 (called 33.337 acres) of said FBC Brenham Subdivision, being along a portion of the West line of said Lot 1 (called 0.552 acre) of said Rosedale Subdivision, Section Two, being along the West line of Lot 6 (called 0.829 acre) of Rosedale Subdivision, Section One, a map or plat recorded in Plat Cabinet File Slide Number 334B, in said Plat Records, being along the West line of the Dorothy Lee Dierking tract called 0.880 acre, as recorded in Volume 381, Page 325, in said Deed Records, being along the West lines of Lot 5 (called 0.645 acre) and Lot 4 (called 0.745 acre) of said Rosedale Subdivision, Section One, being along the West lines of Lots 16A, 15A, 14A, 13A, 12A, 11A, 7A, 6A, 5A, 4A, 3, 2 and 1 of the Replat of a portion of Springcreek Village Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 542A, in said Plat Records for East lines hereof to the Southeast corner of said Lot 1 (called 33.337 acres) of said FBC Brenham Subdivision, being the Southwest corner of said Lot 1 of said Replat of a portion of Springcreek Village Subdivision, being on a North right of way line of S. Market Street (U.S. Highway 290 - Business) for an interior corner hereof;

THENCE in an Easterly direction, being along a North right of way line of said S. Market Street (U.S. Highway 290 - Business), being along the South line of said Lot 1 of said Replat of a portion of Springcreek Village Subdivision, being along the South line of Lot 52 of said Replat of a portion of Springcreek Village Subdivision, crossing the South end of Springwood Drive with a North right of way line of said S. Market Street (U.S. Highway 290 - Business) for a North line hereof to the South corner of said Lot 52 of said Replat of a portion of Springcreek Village Subdivision, being the West



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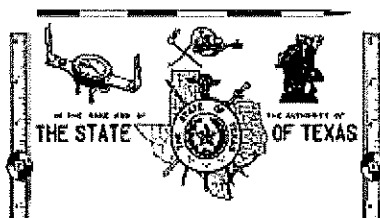
corner of the Maria Wong Guerrero tract called 0.383 acre, as recorded in Volume 1592, Page 937, in said Official Records for an interior corner hereof

THENCE in a Northeasterly direction, being along the Southeast line of said Lot 52 of said Replat of a portion of Springcreek Village Subdivision, being along the Southeast lines of Lots 48, 47, 46, 35 and 34 of said Replat of a portion of Springcreek Village Subdivision, being along the Southeast lines of Lots 16, 17, 18 and 27 of Springwood Subdivision, Section 1, a map or plat recorded in Plat Cabinet File Slide Number 356B, in said Plat Records, being along the Northwest line of said Guerrero tract called 0.383 acre, being along the Northwest line of Tract 1 (called 1.314 acres) and the Northwest line of Tract 2 (called 1.316 acres) of Hinze Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 526B, in said Plat Records, being along the Northwest line of the Judy Jurnell Rudloff tract called 1.625 acres, as conveyed in Volume 877, Page 322, in said Official Records and being part of a 2.175 acres described in Volume 621, Page 399, in said Official Records, being along the Northwest line of the Brenham Church of Christ tract called 6.706 acres, as recorded in Volume 699, Page 608, in said Official Records, being along the Northwest line of the Brenham Church of Christ tract called 0.1225 acre, as conveyed in Volume 948, Page 706, in said Official Records being the residue of original tract called 14.842 acres, as recorded in Volume 498, Page 148, in said Official Records for a Northwest line hereof to the East corner of said Lot 27 of said Springwood Subdivision, Section 1, being the North corner of said Brenham Church of Christ tract called 0.1225 acre, being on a Southwest margin of Victory Lane for a North corner hereof;

THENCE in a Southeasterly direction, being along Southwest margins of said Victory Lane, being along the Northeast line of said Brenham Church of Christ tract called 0.1225 acre, being along Northeast lines of said Brenham Church of Christ tract called 6.706 acres for Northeast lines hereof to the Southeast corner of said Brenham Church of Christ tract called 6.706 acres, being on a Southwest margin of said Victory Lane at its intersection with a Northwest right of way line of S. Blue Bell Road (F.M. Highway No. 577) for an interior angle point hereof;

THENCE in a Southeasterly direction, crossing said S. Blue Bell Road (F.M. Highway No. 577) with a Northeast line hereof to a concrete monument (highway r/w marker) found at a flare of a Southeast right of way line of said S. Blue Bell Road (F.M. Highway No. 577), being at an exterior angle point of the Blue Bell Creameries, L.P. tract, as conveyed in Volume 1020, Page 280, in said Official Records and described as 44.332 acres (Tract 7) in Volume 981, Page 146, in said Official Records for an exterior corner hereof;

THENCE in a Southerly direction, crossing U.S. Highway No. 290 E. with an East line hereof to the Northwest corner of Reserve "A" (called 0.794 acre) of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 403A, in said Plat Records, being on an East margin of said S. Blue Bell Road at its intersection with a South right of way line of said U.S. Highway No. 290 E. for an interior angle point hereof;



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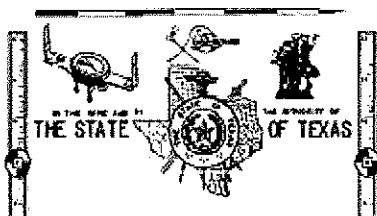
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THENCE in a Southerly and Southwesterly direction, being along East and Southeast margins of said S. Blue Bell Road, being along West lines of said Reserve "A" (called 0.794 acre) of said Brenham Business Center, Phase I, being along the Northwest line of Lot One (called 2.000 acres) of a Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 480A, in said Plat Records, being along Northwest lines of Lot Two (called 10.560 acres) of a Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 518A, in said Plat Records, being along a Northwest line of residue of Reserve "B" (called 27.996 acres) of a Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 442B, in said Plat Records, being along the Northwest line of Lot 3 (called 9.3353 acres) of a Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 592A, in said Plat Records, being along Northwest and West lines of Lot 4, Reserve "B" (called 4.929 acres) of a Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 631A, in said Plat Records, being along a Northwest line of part of Reserve "B" (called 1.028 acres) of said Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 442B, in said Plat Records for East and Southeast lines hereof to the West corner of said part of Reserve "B" (called 1.028 acres) of said Replat of Brenham Business Center, Phase I, a map or plat recorded in Plat Cabinet File Slide Number 442B, in said Plat Records, being a Northern exterior corner of the Brenham Community Development Corporation residue of original tract called 100.000 acres, as recorded in Volume 817, Page 705, in said Official Records for an exterior corner hereof;

THENCE in a Westerly and Southwesterly direction, being along South and Southeast margins of said S. Blue Bell Road, being along North and Northwest lines of said Brenham Community Development Corporation residue of original tract called 100.000 acres for South and Southeast lines hereof to a 1/2 inch iron rod found on an East line of Kolwes Land Ltd. tract called 139.86 acres (First Tract), as recorded in Volume 807, Page 231, in said Official Records for the South corner of said S. Blue Bell Road, being the West or Northwest corner of said Brenham Community Development Corporation residue of original tract called 100.000 acres for an interior corner hereof;

THENCE in a Southerly direction, being along a portion of an East line of said Kolwes Land Ltd. tract called 139.86 acres, being along the West line of said Brenham Community Development Corporation residue of original tract called 100.000 acres for an East line hereof to the Southwest corner of said Brenham Community Development Corporation residue of original tract called 100.000 acres, being the Southeast corner of said Kolwes Land Ltd. tract called 139.86 acres, being on the North line of the Rebecca Lynn Gaudet-Berkstresser tract called 9.999 acres, as conveyed in Volume 1013, Page 413, in said Official Records and described in Volume 863, Page 162, in said Official Records for a Southeast corner hereof;

THENCE in a Westerly direction, being along a portion of the North line of said Berkstresser tract called 9.999 acres, being along the North line of the Thomas C. Pellerin, et ux tract called 10.000 acres, as recorded in Volume 707, Page 832, in said Official Records, being along the North line of the Fred A. Porter, et ux tract called 9.983 acres, as recorded in Volume 976, Page 30, in said Official Records, being along a portion of the North line of the Daniel E. Everly, et ux tract called 2.500 acres,



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as recorded in Volume 1012, Page 866, in said Official Records, being along the South line of said Kolwes Land Ltd. tract called 139.86 acres for a South line hereof to the Southwest corner of said Kolwes Land Ltd. tract called 139.86 acres, being the Southeast corner of The City of Brenham, Texas tract called 74.30 acres (Tract 2), as recorded in Volume 1457, Page 6, in said Official Records, being on the North line of said Everly tract called 2.500 acres for a South corner hereof;

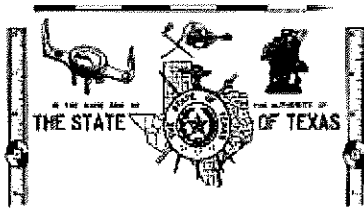
THENCE in a Northwesterly and Northerly direction, being along Southwest and West lines of said Kolwes Land Ltd. tract called 139.86 acres, being along Northeast and East lines of said The City of Brenham, Texas tract called 74.30 acres for Southwest and West lines hereof to a 5/8 inch iron rod found with Id. cap (Jones Carter) for the North or Northeast corner of said The City of Brenham, Texas tract called 74.30 acres, being on a West line of said Kolwes Land Ltd. tract called 139.86 acres, being a Southeast corner of the Evelyn D. Kruse as Trustee of the Kruse Marital Trust tract called 158.376 acres (Tract Two), as recorded in Volume 1561, Page 670, in said Official Records, being a residue of part of the 271.590 acres as described in Volume 1436, Page 21, in said Official Records for an interior corner hereof;

THENCE in a Southwesterly direction, being along the Northwest line of said The City of Brenham, Texas tract called 74.30 acres, being along the Southeast line of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres for a Southeast line hereof to an exterior corner of said The City of Brenham, Texas tract called 74.30 acres, , being a South corner of said Kruse Marital Trust tract called 158.376 acres being a residue of part of the 271.590 acres, being on a Northeast line of The City of Brenham, Texas tract called 6.424 acres (Proposed Right of Way), as recorded in Volume 1457, Page 17, in said Official Records for an interior corner hereof;

THENCE in a Southeasterly, Southerly, Southwesterly and Westerly direction, being along Northeast, East, Southeast and South lines of said The City of Brenham, Texas tract called 6.424 acres (Proposed Right of Way), being along Southwest, West, Northwest and North lines of said The City of Brenham, Texas tract called 74.30 acres for Northeast, East, Southeast and South lines hereof to the Southwest corner of said The City of Brenham, Texas tract called 6.424 acres (Proposed Right of Way), being a Northwest corner of said The City of Brenham, Texas tract called 74.30 acres, being on an East line of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres for an interior corner hereof;

THENCE in a Southerly direction, being along an East line of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres, being along a West line of said The City of Brenham, Texas tract called 74.30 acres for an East line hereof to a Southeast corner of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres, being an interior corner of said The City of Brenham, Texas tract called 74.30 acres for a Southeast corner hereof;

THENCE in a Westerly direction, being along a South line of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres, being along a North line of said The City of Brenham, Texas tract called 74.30 acres for a South line hereof to a 5/8 inch iron rod found with Id. cap (Cotton Surveying) on the East line of the John Stephen Gajeske and Thomas Lloyd Gajeske



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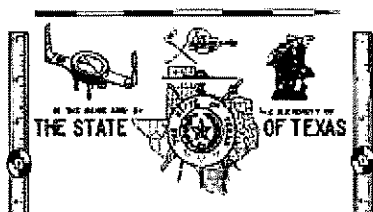
tract called 16.014 acres (Tract 1, (ii)), as recorded in Volume 1447, Page 373, in said Official Records and described in Volume 1371, Page 1001, in said Official Records, being the Southwest corner of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres, being a Northwest corner of said The City of Brenham, Texas tract called 74.30 acres for a Southwest corner hereof;

THENCE in a Northerly direction, being along a portion of the West line of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres, being along a portion of the East line of said Gajeske tract called 16.014 acres (Tract 1, (ii)), being along the East of the John Stephen Gajeske and Thomas Lloyd Gajeske tract called 16.014 acres (Tract 1, (i)), as recorded in Volume 1447, Page 373, in said Official Records and described in Volume 1166, Page 297, in said Official Records, being along the East line of the Charles Lane Gajeske and Allen Wayne Gajeske tract called 18.583 acres (Tract Three), as recorded in Volume 1629, Page 126, in said Official Records and described in Volume 1371, Page 997, in said Official Records, being along the East line of the Charles Lane Gajeske and Allen Wayne Gajeske tract called 18.583 acres (Tract Two), as recorded in Volume 1629, Page 126, in said Official Records and described in Volume 1166, Page 302, in said Official Records, being along the East line of the Reuben C. Feazle, et ux tract called 56.609 acres, as recorded in Volume 1552, Page 402, in said Official Records for a West line hereof to the Northeast corner of said Feazle tract called 56.609 acres, being the Southeast corner of the Carl A. Detering residue of original tract called 116.208 acres, as recorded in Volume 699, Page 794, in said Official Records, being on a West line of said Kruse Marital Trust tract called 158.376 acres, being a residue of part of the 271.590 acres for an interior corner hereof;

THENCE in a Westerly and Northerly direction, being along a portion of the North line of said Feazle tract called 56.609 acres, being along South and West lines of said Detering residue of original tract called 116.208 acres, being along East and North line of the Keilers Properties, Inc. tract called 4.743 acres, as recorded in Volume 1580, Page 363, in said Official Records for South and West lines hereof to a Southwest corner of said Detering residue of original tract called 116.208 acres, being the Northwest corner of said Keilers Properties, Inc. tract called 4.743 acres, being on an East right of way line of State Highway No. 36 S. for an exterior angle point hereof;

THENCE in a Westerly direction, crossing said State Highway No. 36 S. for a South line hereof to the Southeast corner of the Anish Investment, Inc. tract called 1.000 acre, as recorded in Volume 1485, Page 1002, in said Official Records, being a Northeast corner of the Alvin John Krenek and Joyce Marie Krenek Revocable Living Trust tract, as conveyed in Volume 1382, Page 368, in said Official Records and described as residue of original tract called 19.642 acres in Volume 792, Page 344, in said Official Records, being on a West right of way line of said State Highway No. 36 S. for a Southwest corner hereof;

THENCE in a Northerly direction, being along a West right of way line of said State Highway No. 36 S., being along the East line of said Anish Investment, Inc. tract called 1.000 acre for a West line hereof to the Northeast corner of said Anish Investment, Inc. tract called 1.000 acre, being on a West



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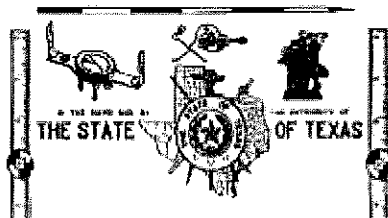
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right of way line of said State Highway No. 36 S. at its intersection with a South margin of Salem Road for an interior corner hereof;

THENCE in a Southwesterly and Westerly direction, being along Southeast and South margins of said Salem Road, being along the Northwest line of said Anish Investment, Inc. tract called 1.000 acre, being along the Northwest line of said Krenck Revocable Living Trust residue of original tract called 19.642 acres, being along the Northwest line of the Julie D. Shows tract called 1.000 acre, as recorded in Volume 1227, Page 473, in said Official Records, being along Northwest lines of the Perry L. Thomas, III, et ux tract called 19.687 acres, as recorded in Volume 792, Page 348, in said Official Records, being along North lines of Lot 1 (called 1.281 acres) of Salem V.F.D. Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 675B, in said Plat Records, being along North lines of Lot 1 (called 3.783 acres) of Perry L. Thomas Division, a map or plat recorded in Plat Cabinet File Slide Number 627A, in said Plat Records for Southeast and South lines hereof to the Northwest corner of said Lot 1 (called 3.783 acres) of said Perry L. Thomas Division, being on a South margin of said Salem Road at its intersection with a Northeast right of way line of the Burlington Northern & Santa Fe Railroad (BNSF) for a Southwest corner hereof;

THENCE in a Northwesterly, Northerly and Northeasterly direction, being along Northeast, Southeast and East right of way lines of said BNSF Railroad, being along Southwest, Northwest and West lines of Valmont Subdivision, Section 2, a map or plat recorded in Plat Cabinet File Slide Numbers 688B and 689A, in said Plat Records, being along the West line of the Schulz Development, LLC tract called 4.897 acres, as recorded in Volume 1595, Page 767, in said Official Records, and crossing said Salem Road with a Northeast right of way line of said BNSF Railroad for Southwest, Northwest and West lines hereof to the Northwest corner of said Schulz Development, LLC tract called 4.897 acres, being on an East right of way line of said BNSF Railroad at an intersection with a South margin of Industrial Boulevard for an interior corner hereof;

THENCE in a Westerly direction, crossing said BNSF Railroad right of way with a South margin of said Industrial Boulevard, being along a North line of the Brenham Community Development Corporation tract called 119.149 acres, as recorded in Volume 1347, Page 469, in said Official Records, being along the North line of Lot 2 (called 3.197 acres) and the North line of Lot 1 (called 2.557 acres) of Industrial Boulevard Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 500B, in said Plat Records, being along a North line of The Brenham Community Development Corporation tract called 2.099 acres, as recorded in Volume 1394, Page 673, in said Official Records, being along the North line of The Brenham Community Development Corporation tract called 0.7201 acre, as recorded in Volume 1357, Page 933, in said Official Records for South lines hereof to the Northwest corner of said The Brenham Community Development Corporation tract called 0.7201 acre, being the Northeast corner of the Ladja Properties, Ltd. tract called 2.389 acres, as recorded in Volume 1127, Page 283, in said Official Records, being on a South margin of said Industrial Boulevard for a Southwest corner hereof;



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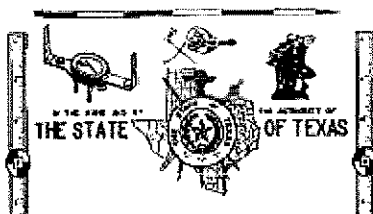
THENCE in a Northerly direction, crossing said Industrial Boulevard with a West line hereof to the Southeast corner of Reserve A (called 8.500 acres) of Longwood Elastomers, Inc. Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 594B, in said Plat Records, being on a West margin of Pickle Circle at its intersection with a North margin of said Industrial Boulevard for an interior angle point hereof;

THENCE in a Northwesterly, Northerly and Northeasterly direction, being along Southwest, West and Northwest margins of said Pickle Circle, being along Northeast lines of said Reserve A (called 8.500 acres) of said Longwood Elastomers, Inc. Subdivision, being along Northeast, East and Southeast lines of the Longwood Elastomers, Inc. residue of original tract called 27.325 acres, as recorded in Volume 708, Page 282, in said Official Records for Southwest, West and Northwest lines hereof to an exterior corner of said Longwood Elastomers, Inc. residue of original tract called 27.325 acres, being the Southwest corner of the Texas Heritage Investments, Ltd. tract called 2.9445 acres (Tract Two), as recorded in Volume 1090, Page 5, in said Official Records, being in a cul-de-sac on the North margin of said Pickle Circle for an interior angle point hereof;

THENCE in a Northeasterly and Northerly direction, being along Southeast and East lines of said Longwood Elastomers, Inc. residue of original tract called 27.325 acres, being along Northwest and West lines of said Texas Heritage Investments, Ltd. tract called 2.9445 acres for Northwest and West lines hereof to a 3/8 inch iron rod found on a South line of the Alexander Oil Company residue of original tract called 10.419 acres, as recorded in Volume 897, Page 786, in said Official Records, being the Northeast corner of said Longwood Elastomers, Inc. residue of original tract called 27.325 acres, being the Northwest corner of said Texas Heritage Investments, Ltd. tract called 2.9445 acres for an interior corner hereof;

THENCE in a Westerly direction, being along a portion of a South line of said Alexander Oil Company residue of original tract called 10.419 acres, being along the North line of said Longwood Elastomers, Inc. residue of original tract called 27.325 acres, crossing Longwood Drive for a South line hereof to a Southwest corner hereof, being on a West margin of said Longwood Drive at its intersection with the projection of the South line of said Alexander Oil Company residue of original tract called 10.419 acres, being on an East line of Lot 2-A (called 5.030 acres) of Southwest Industrial Park Subdivision, Section II, Re-plat of Lots 2, 3 and a portion of Reserve "A", a map or plat recorded in Plat Cabinet File Slide Number 570A, in said Plat Records;

THENCE in a Northerly and Westerly direction, being along West and South margins of said Longwood Drive, being along East and North lines of said Lot 2-A of said Southwest Industrial Park Subdivision, Section II, Re-plat of Lots 2, 3 and a portion of Reserve "A" for West and South lines hereof to a 5/8 inch iron rod found with Id. cap (RPLS 5197) on a West margin of said Longwood Drive at its intersection with a South right of way line of F.M. Highway No. 389, being a Northeast corner of said Lot 2-A (called 5.030 acres) of said Southwest Industrial Park Subdivision, Section II, Re-plat of Lots 2, 3 and a portion of Reserve "A" for an interior corner hereof;

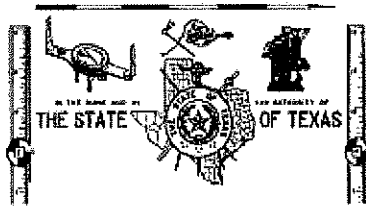


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THENCE in a Westerly direction, being along a South right of way line of said F.M. Highway No. 389, being along a North line of said Lot 2-A (called 5.030 acres) of said Southwest Industrial Park Subdivision, Section II, Re-plat of Lots 2, 3 and a portion of Reserve "A", being along the North line of Lot 1 (called 10.8106 acres) of Southwest Industrial Park Subdivision, Section II, a map or plat recorded in Plat Cabinet File Slide Numbers 298A and 298B, in said Plat Records, being along a portion of the North line of the Eight Star Corporation tract called 13.847 acres (Tract One), as recorded in Volume 1418, Page 539, in said Official Records for a South line hereof to a Southwest corner hereof, being on a South right of way line of said F.M. Highway No. 389 at its intersection with the projection of the East line of Lot 1 (called 1.818 acres) of Draehn 389 Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 574A and 574B, in said Plat Records, being on the North line of said Eight Star Corporation tract called 13.847 acres;

THENCE in a Northerly direction, crossing said F.M. Highway No. 389, being along West lines of the River Eagle Real Estate, Ltd. residue of original tract called 29.738 acres (Tract 1), as recorded in Volume 1172, Page 220, in said Official Records, known as Eagle Lane, being along the East line of said Lot 1 (called 1.818 acres) of said Draehn 389 Subdivision, being along the East line of Michael Keith Draehn, et ux tract called 4.00 acres, as recorded in Volume 1476, Page 266, in said Official Records, being along the East line of the Michael Keith Draehn tract called 2.334 acres, as recorded in Volume 1421, Page 882, in said Official Records and described in Volume 698, Page 253, in said Official Records, being along East lines of the River Eagle Real Estate, Ltd. tract called 5.1545 acres (Tract 3) as recorded in Volume 1172, Page 220, in said Official Records, being along the East line of the Kenneth Teverbaugh, et ux tract called 6.130 acres, as recorded in Volume 1287, Page 824, in said Official Records, being along the East line of the Kenneth Teverbaugh, et ux tract called 6.130 acres, as recorded in Volume 1020, Page 226, in said Official Records, being along the East line of the Henry Zientek, et ux tract called 3.228 acres, as recorded in Volume 549, Page 886, in said Official Records, being along the East line of the Jerry Schwake, et ux tract called 4 acres, as recorded in Volume 315, Page 167, in said Deed Records, being along the East line of the Lisa K. Dreyer tract called 4.843 acres (Tract 2), as recorded in Volume 1198, Page 316, in said Official Records, being along the East line of the Lisa K. Dreyer tract called 2.388 acres (Tract 1), as recorded in Volume 1198, Page 316, in said Official Records, being along the East line of the Allan Herzog tract called 6.299 acres, as recorded in Volume 1523, Page 133, in said Official Records, being along the East line of the Melvin L. Meinecke, et ux tract called 4.892 acres, as recorded in Volume 298, Page 896, in said Deed Records, being along the East line of the Eddie E. Harrison, et ux tract called 3.683 acres, as recorded in Volume 584, Page 22, in said Official Records, being along the East line of the Gregory Charles Nienstedt tract called 3.0 acres, as recorded in Volume 726, Page 316, in said Official Records, being along an East line of the P I Components Corp. tract called 7.000 acres, as recorded in Volume 912, Page 77, in said Official Records, being along West lines of the River Eagle Real Estate, Ltd. residue of original tract called 6.535 acres (Tract 2), as recorded in Volume 1172, Page 220, in said Official Records, being along the West line of the Dix R. Turnbow, et al tract called 6.8365 acres (Tract One), as recorded in Volume 950, Page 81, in said Official Records, being along the West line of the Eddie E. Harrison, et ux tract called 0.268 acre, as recorded in Volume 584, Page 18, in said Official Records, being along a West line of the P I Components Corp. residue of original tract called 11.03 acres, as recorded in Volume 667, Page 758, in said Official Records for West lines



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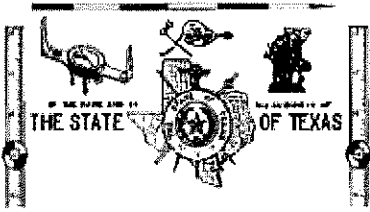
hereof to an interior corner of said P I Components Corp. residue of original tract called 11.03 acres, being a Northeast corner of said P I Components Corp. tract called 7.000 acres for an interior corner hereof;

THENCE in a Westerly and Northerly direction, being along South and West lines of said P I Components Corp. residue of original tract called 11.03 acres, being along North and East lines of said P I Components Corp. tract called 7.000 acres, being along the East line of the James Brending, Jr., et ux tract called 0.455 acre (Tract I), as recorded in Volume 662, Page 787, in said Official Records, being along the East line of the James Brending, Jr., et ux tract called 0.656 acre, as recorded in Volume 362, Page 335, in said Deed Records for South and West lines hereof to the Northwest corner of said P I Components Corp residue of original tract called 11.03 acres, being the Northeast corner of said Brending tract called 0.656 acre, being on a South margin of Old Mill Creek Road for an interior corner hereof;

THENCE in a Westerly direction, being along South margins of said Old Mill Creek Road, being along the North line of said Brending tract called 0.656 acre, being along a North line of the James Brending, Jr. and Patricia Bednar Brending tract called 1.909 acres, as recorded in Volume 1360, Page 935, in said Official Records, being along a portion of the North line of the Raymond Bednar, Jr. tract called 1.00 acre, as recorded in Volume 1360, Page 928, in said Official Records for South lines hereof to a Southwest corner hereof, being on a South margin of said Old Mill Creek Road at its intersection with the projection of a West line of the Charlotte Beth Woods Smith residue of original tract called 55.181 acres (Tract I), as recorded in Volume 588, Page 862, in said Official Records, being on the North line of said Bednar tract called 1.00 acre;

THENCE in a Northerly direction, crossing said Old Mill Creek Road with a West line hereof to a Southwest corner of said Smith residue of original tract called 55.181 acres, being on a North margin of said Old Mill Creek Road, continuing in a Northerly direction, being along West lines of said Smith residue of original tract called 55.181 acres, crossing the Old Union Pacific Railroad Company right of way, being along the East line of the M.C. Williams tract called 0.292 acre, as recorded in Volume 457, Page 734, in said Deed Records for West lines hereof to the Northeast corner of said Williams tract called 0.292 acre, being an interior corner of said Smith residue of original tract called 55.181 acres for an interior corner hereof;

THENCE in a Westerly direction, being along a South line of said Smith residue of original tract called 55.181 acres, being along the North line of said Williams tract called 0.292 acre, being along the North line of the Hazel Annette Walcik tract called 0.736 acre, as recorded in Volume 1584, Page 211, in said Official Records, being along the North line of the Charles E. Green, Sr. tract called 0.431 acre, as recorded in Volume 1406, Page 824, in said Official Records, being along the North line of the Margie Lusk tract called 1.167 acres, as recorded in Volume 457, Page 737, in said Deed Records, being along a portion of the North line of the Josephine Webb tract called 1.66 acres, as recorded in Volume 196, Page 1, in said Deed Records for a South line hereof to a Southwest corner of said Smith residue of original tract called 55.181 acres, being the Southeast corner of the J. Robert Chappell tract



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called being about one acre, as recorded in Volume 951, Page 102, in said Official Records, being on a North line of said Webb tract called 1.66 acres for a Southwest corner hereof;

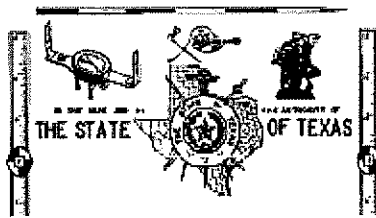
THENCE in a Northerly direction, being along a West line of said Smith residue of original tract called 55.181 acres, being along the East line of said Chappell tract for a West line hereof to an interior corner of said Smith residue of original tract called 55.181 acres, being the Northeast corner of said Chappell tract for an interior corner hereof;

THENCE in a Westerly direction, being along a South line of said Smith residue of original tract called 55.181 acres, being along the North line of said Chappell tract for a South line hereof to a Southwest corner of said Smith residue of original tract called 55.181 acres, being the Northwest corner of said Chappell tract, being on the East line of Tract 7 (called 1.755 acres) of Country Place West Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 169B through 171B, in said Plat Records for a Southwest corner hereof;

THENCE in a Northerly direction, being along a West line of said Smith residue of original tract called 55.181 acres, being along a portion of the East line of said Tract 7 (called 1.755 acres) of said Country Place West Subdivision, being along the East line of Tract 6 (called 1.686 acres) and the East line of Tract 5 (called 2.043 acres) of said Country Place West Subdivision for a West line hereof to a Northwest corner of said Smith residue of original tract called 55.181 acres, being the Northeast corner of said Tract 5 (called 2.043 acres) of said Country Place West Subdivision, being on the South line of the Donald L. Meier, et ux tract called 2.567 acres (Tract I), as recorded in Volume 694, Page 381, in said Official Records for a Northwest corner hereof;

THENCE in an Easterly direction, being along a portion of the South line of said Meier tract called 2.567 acres, being along a portion of a North line of said Smith residue of original tract called 55.181 acres for a North line hereof to the Southeast corner of said Meier tract called 2.567 acres, being the Southwest corner of the Walter L. Schlabach, et ux tract called 2.419 acres, as recorded in Volume 694, Page 377, in said Official Records, being on a North line of said Smith residue of original tract called 55.181 acres for an interior corner hereof;

THENCE in a Northwesterly and Northerly direction, being along the Northeast line of said Meier tract called 2.567 acres, being along East margins of Miranda Lane, being along Southwest and West lines of said Schlabach tract called 2.419 acres, being along West lines of the Donald L. Meier, et ux tract called 0.500 acre (Tract II), as recorded in Volume 694, Page 381, in said Official Records, being along the West line of the Clay Corporation tract called 1.447 acres, as recorded in Volume 965, Page 730, in said Official Records, crossing U.S. Highway No. 290 W. for Southwest and West lines hereof to a Northwest corner hereof, being on a North right of way of said U.S. Highway No. 290 W. at its intersection with the projection of the West line of said Clay Corporation tract called 1.447 acres, being on a South line of Tract 2 (called 1.368 acres) of Brian O'Leary Division No. 1, a map or plat recorded in Plat Cabinet File Slide Number 548A, in said Plat Records;



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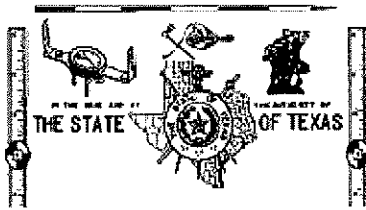
THENCE in an Easterly direction, being along a North right of way line of said U.S. Highway No. 290 W., being along a portion of a South line of said Tract 2 (called 1.368 acres) of said Brian O'Leary Division No. 1, being along a portion of the South line of the Omar Smith Enterprises, Inc. tract, as conveyed in Volume 747, Page 811, in said Official Records being the residue of the 1.000 acre in Volume 475, Page 216, in said Official Records for a North line hereof to the Southwest corner of the City of Brenham tract called 0.1087 acre, as recorded in Volume 1399, Page 382, in said Official Records, being on a South line of said Omar Smith tract, being on a South right of way line of said U.S. Highway No. 290 W. at its intersection with a West margin of Westwood Lane for an interior corner hereof;

THENCE in a Northerly direction, being along West margins of said Westwood Lane, being along the West line of said City of Brenham tract called 0.1087 acre, being along the West line of said City of Brenham tract called 0.1087 acre, being along West lines of the City of Brenham tract called 0.2158 acre, as recorded in Volume 1395, Page 947, in said Official Records, which serves said Omar Smith tract and Tract 1 (called 1.706 acres) of said Brian O'Leary Division No. 1 for West lines hereof to the West corner of said City of Brenham tract called 0.2158 acre, being on a Northwest line of said Tract 1 (called 1.706 acres) of said Brian O'Leary Division No. 1, being on the Southeast line of the Mathis Interests, LLC tract called 2.748 acres, as recorded in Volume 1482, Page 955, in said Official Records for an exterior corner hereof;

THENCE in a Northeasterly direction, being along a portion of the Southeast line of said Mathis Interests, LLC tract called 2.748 acres, being along the Northwest line of said City of Brenham tract called 0.2158 acre for a Northwest line hereof to the North corner of said City of Brenham tract called 0.2158 acre, being the East corner of said Mathis Interests, LLC tract called 2.748 acres, being on a West margin of said Westwood Lane for an interior corner hereof;

THENCE in a Northerly direction, being along West margins of said Westwood Lane, being along the East line of said Mathis Interests, LLC tract called 2.748 acres, being along a portion of an East line of the Vivian R. Mason, Trustee of the Mason Family Trust tract called 29.77 acres (Tract One), as recorded in Volume 1240, Page 125, in said Official Records and described in Volume 322, Page 212, in said Deed Records for West lines hereof to a Northwest corner hereof, being on an East line of said Mason Family Trust tract called 29.77 acres, being on a West margin of said Westwood Lane at its intersection with the projection of the Southwest line of the Lorea Myrick tract called 4.09 acres, as conveyed in Volume 1037, Page 335, in said Official Records and described in Volume 211, Page 230, in said Deed Records;

THENCE in a Southeasterly and Easterly direction, crossing said Westwood Lane, being along the Southwest line of said Myrick tract called 4.09 acres, being along South lines of "Reserve F" (called 29.797 acres) of Vintage Farms Subdivision, Phase I, a map or plat recorded in Plat Cabinet File Slide Numbers 694B through 696A, in said Plat Records, being along Northeast and North lines of Tract 9 (called 15.567 acres) of Westwood Division No. 1, a map or plat recorded in Plat Cabinet File Slide Numbers 700A, 700B, 704B and 705A, in said Plat Records for Northeast and North lines hereof, passing a 1/2 inch iron rod found on an East margin of said Westwood Lane for the Southwest corner



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of said Myrick tract called 4.09 acres, being the Northwest corner of said Tract 9 (called 15.567 acres) of said Westwood Division No. 1, continuing to the Northeast corner of said Tract 9 (called 15.567 acres) of said Westwood Division No. 1, being on a South line of said "Reserve F" (called 29.797 acres) of Vintage Farms Subdivision, Phase I, being an exterior corner of a West right of way line of State Highway No. 36 N.;

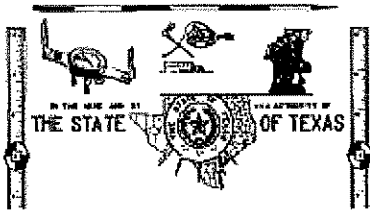
THENCE in an Easterly direction, being along a portion of a South line of said "Reserve F" (called 29.797 acres) of said Vintage Farms Subdivision, Phase I, being along North right of way lines of said State Highway No. 36 N., in part, and crossing said State Highway No. 36 N., being along a portion of a South line of the Shearn Smith, et ux tract called 18.602 acres, as recorded in Volume 312, Page 235, in said Deed Records for North lines hereof to the Northwest corner of the R. Shearn Smith tract called 5.377 acres, as recorded in Volume 865, Page 372, in said Official Records, being an interior angle point of said Smith tract called 18.602 acres for an exterior angle point hereof;

THENCE in an Easterly and Southeasterly direction, being along South and Southwest lines of said Smith tract called 18.602 acres, being along the Southwest line of the Pleasantry Storage, LLC tract called 5.003 acres, as recorded in Volume 1460, Page 101, in said Official Records, being along North and Northeast lines of said Smith tract called 5.377 acres, being along the Northeast line of the Brenham L-P Gas, Inc. tract called 1 acre, as recorded in Volume 348, Page 373, in said Deed Records, and crossing said N. Dixie Street for North and Northeast lines hereof to the PLACE OF BEGINNING and containing approximately 3,214 acres of land, more or less.

LESS AND EXCEPT the following described tract or parcel of land, lying and being situated in the City of Brenham, Washington County, Texas, part of the Philip Coe Survey, A-31, the A. Harrington Survey, A-55, the M. N. Combs Survey, A-124 and the John Carrington Survey, A-120:

BEGINNING at a 5/8 inch iron rod found with 1d. cap (Hodde & Hodde Land Surveying) for the Southwest corner of Lot 1 (called 0.507 acre) of Old Mill Creek Subdivision, Section I, a map or plat recorded in Plat Cabinet File Slide Numbers 646A and 646B, in the Plat Records of Washington County, Texas, being on a North margin of Old Mill Creek Road at its intersection with an East right of way line of U.S. Highway No. 290 W., being the most Western Southwest corner hereof;

THENCE in a Northerly direction, being along East right of way lines of said U.S. Highway No. 290 W., being along the West line of said Lot 1 (called 0.507 acre) of said Old Mill Creek Subdivision, Section I, being along a West line of Lot 8 of Dixie Addition, a map or plat recorded in Plat Cabinet File Slide Number 16B, in said Plat Records, being along West lines of the Louis Hold, Jr., et ux tract called 0.82 acre, as recorded in Volume 576, Page 475, in the Official Records of Washington County, Texas for West lines hereof to the Northwest corner of said Hold tract called 0.82 acre, being the Southwest corner of the State Highway Commission tract called 0.10 acre, as recorded in Volume 243, Page 223, in the Deed Records of Washington County, Texas, being an interior angle point of the East right of way line of said U.S. Highway No. 290 W. for an exterior corner hereof;



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TEXAS TIRM REGISTRATION NO. 10018200

THENCE in a Northeasterly direction, being along a Southeast right of way line of said U.S. Highway No. 290 W., being along the Southeast line of said State Highway Commission tract called 0.10 acre, being along the Northwest line of said Hold tract called 0.82 acre for a Northwest line hereof to the Southeast corner of said State Highway Commission tract called 0.10 acre, being the Northeast corner of said Hold tract called 0.82 acre, being an exterior corner of Lot 1 (called 2.996 acres) of the Minor Plat of Whitmarsh Division, a map or plat recorded in Plat Cabinet File Slide Number 529B, in said Plat Records, being on a Southeast right of way line of said U.S Highway No. 290 W. for an exterior corner hereof;

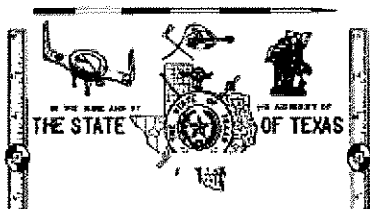
THENCE in a Southerly direction, being along a portion of the East line of said Hold tract called 0.82 acre, being along the West line of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division for an East line hereof to the Southwest corner of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division, being the Northwest corner of said Lot 14 of said Dixie Addition, being on the East line of said Hold tract called 0.82 acre for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of the North line of said Lot 14 of said Dixie Addition, being along a South line of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division for a North line hereof to a Southeast corner of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division, being the Southwest corner of Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division, being on the North line of said Lot 14 of said Dixie Addition for an interior corner hereof;

THENCE in a Northerly direction, being along an East line of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division, being along the West line of said Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division for a West line hereof to an interior corner of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division, being the Northwest corner of said Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division for a Northwest corner hereof;

THENCE in an Easterly direction, being along a South line of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division, being along the North line of said Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division for a North line hereof to a Southeast corner of said Lot 1 (called 2.996 acres) of said Minor Plat of Whitmarsh Division, being the Northeast corner of said Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division, being on a West margin of S. Dixie Street for a Northeast corner hereof;

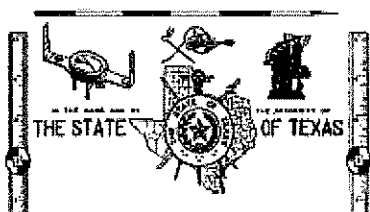
THENCE in a Southerly direction, being along a West margin of said S. Dixie Street, being along the East line of said Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division for an East line hereof to the Southeast corner of said Lot 2 (called 0.7042 acre) of said Minor Plat of Whitmarsh Division, being the Northeast corner of said Lot 14 of said Dixie Addition, being on a West margin of said S. Dixie Street at its intersection with the projection of the North line of Lot 1 of said Dixie Addition for an interior corner hereof;



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THENCE in an Easterly direction, crossing said S. Dixie Street, being along the North line of Lot 1 of said Dixie Addition, being the South line of the Gerardo Martin Zamarripa, et ux tract called 0.20 acre (Tract One), as recorded in Volume 1397, Page 455, in said Official Records, being along a South line of the Metropolitan Accommodations, Inc. tract called 1.192 acres (Tract One), as recorded in Volume 1543, Page 189, in said Official Records, being along the North line of Lot 1, Block A of H.H. Drumm's Dixie Addition, a map or plat recorded in Plat Cabinet File Slide Numbers 40A and 40B, in said Plat Records, being along the North line of Cornish Street, being along a North line of the Erwin Zibilski, et ux tract, as recorded in Volume 198, Page 523, in said Deed Records, being along the North line of Dale L. Thomas tract called 9,589 square feet, as recorded in Volume 910, Page 741, in said Official Records, being along the South line of the Robert E. Preuss and Jeanette Preuss tract called one acre, as recorded in Volume 1103, Page 641, in said Official Records, crossing S. Drumm Street, being along North lines of Lots 1, 2, 3, 4 and 5, Block C of said H.H. Drumm's Dixie Addition, being along the North line of the Trisha Morgan tract, as recorded in Volume 1329, Page 601, in said Official Records, being along the North line of the J & P Properties, LC tract called 0.34 acre, as recorded in Volume 1446, Page 627, in said Official Records and described in Volume 1239, Page 838, in said Official Records, being along the North line of the Thresia O. Schlabach, et vir tract called 0.424 acre, as recorded in Volume 1393, Page 269, in said Official Records, being along North lines of the Suzanne Poehlmann tract (Second Tract), as recorded in Volume 1137, Page 891, in said Official Records, being along the North line of the Suzanne Poehlmann tract (First Tract), as recorded in Volume 1137, Page 891, in said Official Records, being along the North line of the Jacquelynne Honora tract called 0.5998 acre, as recorded in Volume 1321, Page 348, in said Official Records, being along the North line of the Tyler Steenken tract called 0.3078 acre, as recorded in Volume 1521, Page 284, in said Official Records, being along the North line of the Leal & Assoc., LLC tract, as recorded in Volume 1634, Page 552, in said Official Records, being along the South line of the Jeanette June Wasko Preuss tract called 308/1000 acre, as recorded in Volume 278, Page 84, in said Deed Records, being along the South line of the Robert E. Preuss, et ux tract called 12,214 square feet, as recorded in Volume 321, Page 155, in said Deed Records, being along South lines of the Juan Martinez tract called 0.680 acre, as recorded in Volume 1077, Page 135, in said Official Records, being along the South line of the Billy W. Way, et ux tract called 1.03 acres, as recorded in Volume 493, Page 646, in said Official Records, being along the South line of the Jarrett Scott Davis tract called 7,508 square feet, as recorded in Volume 1354, Page 86, in said Official Records, being along the South line of the Valerie Stevenson, et al residue of original tract called 0.639 acre, as recorded in Volume 1525, Page 634, in said Official Records and described in Volume 270, Page 22, in said Deed Records, being along the North lines of Lots 1, 2, 3 and 4, Block 1 of Meadow Brook Subdivision, Section III, a map or plat recorded in Plat Cabinet File Slide Numbers 284B and 285A, in said Plat Records, being along the South line of the H2 Investments, LLC tract (Tract Four), as recorded in Volume 1649, Page 858, in said Official Records, being along the South line of the H2 Investments, LLC residue of original tract called 1 acre (Tract One), as recorded in Volume 1649, Page 858, in said Official Records, being along the South line of the H2 Investments, LLC tract called 34/100 acre (Tract Two), as recorded in Volume 1649, Page 858, in said Official Records, being along a South line of Lot 1 (called 1.480 acres), Block I of Meadow Brook Subdivision, Section V, a map or plat recorded in Plat Cabinet File Slide Number 391A, in said Plat Records, being along a North line of the L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres, as



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conveyed in Volume 1416, Page 525, in said Official Records and being the residue of original tract called 18.448 acres in Volume 357, Page 559, in said Deed Records for North lines hereof to an exterior corner of said Lot 1 (called 1.480 acres) of said Meadow Brook Subdivision, Section V, being an interior corner of said L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres for an interior corner hereof;

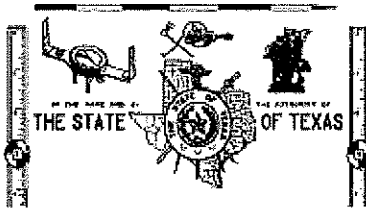
THENCE in a Northeasterly direction, being along the Southeast line of said Lot 1 (called 1.480 acres) of said Meadow Brook Subdivision, Section V, being along a Northwest line of said L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres for a Northwest line hereof to the Southeast corner of said Lot 1 (called 1.480 acres) of said Meadow Brook Subdivision, Section V, being the North corner of said L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres, being on a West line of Lot 1 (called 0.745 acre) of the Division of Mildred Ann Flisowski Property, a map or plat recorded in Plat Cabinet File Slide Number 436B, in said Plat Records for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Lot 1 (called 0.745 acre) of said Division of Mildred Ann Flisowski Property, being along an East line of said L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres for an East line hereof to the Southwest corner of said Lot 1 (called 0.745 acre) of said Division of Mildred Ann Flisowski Property, being an interior corner of said L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Lot 1 (called 0.745 acre) Division of Mildred Ann Flisowski Property, and being along the South line of Lot 2 (called 0.332 acre) of said Division of Mildred Ann Flisowski Property, being along a North line of said L & E Boettcher Family Partnership, Ltd. tract called approximately 8.16 acres, being along the North line of the Raymond K. Goodnight tract called 7,072 square feet, as recorded in Volume 1169, Page 147, in said Official Records for a North line hereof to the Northeast corner of said Goodnight tract called 7,072 square feet, being the Southeast corner of said Lot 2 (called 0.332 acre) of said Division of Mildred Ann Flisowski Property, being on a West margin of S. Saeger Street for an interior angle point hereof;

THENCE in an Easterly direction, crossing said S. Saeger Street with a North line hereof to the Southwest corner of Lot 1, Block C of Ellwood Estates Addition, a map or plat recorded in Plat Cabinet File Slide Number 27A, in said Plat Records which is included in the called 5.313 acres of the Grace Community Fellowship-Brenham tract, a map or plat recorded in Plat Cabinet File Slide Number 668B, in said Plat Records, being on an East margin of said S. Saeger Street for an interior corner hereof;

THENCE in a Northerly direction, being along East margins of said S. Saeger Street, being along West lines of said Grace Community Fellowship-Brenham tract called 5.313 acres for West lines hereof to an exterior corner hereof, being a Northwest corner of said Grace Community Fellowship-Brenham tract called 5.313 acres, being on an East margin of said S. Saeger Street at its intersection with a South right of way line of W. Main Street (U.S. Highway 290 - Business);



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THENCE in an Easterly direction, being along a South right of way line of said W. Main Street (U.S. Highway 290 - Business), being along a North line of said Grace Community Fellowship-Brenham tract called 5.313 acres for a North line hereof to a Northeast corner of said Grace Community Fellowship-Brenham tract called 5.313 acres, being the Northwest corner of Lot 2, Block C of said Ellwood Estates Addition, being on a South right of way line of said W. Main Street (U.S. Highway 290 - Business) for a Northeast corner hereof;

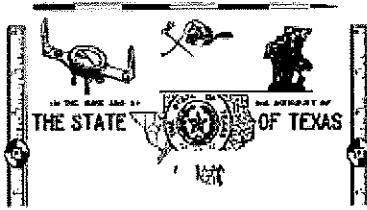
THENCE in a Southerly direction, being along an East line of said Grace Community Fellowship-Brenham tract called 5.313 acres, being along the West line of said Lot 2, Block C of said Ellwood Estates Addition for an East line hereof to an interior corner of said Grace Community Fellowship-Brenham tract called 5.313 acres, being the Southwest corner of said Lot 2, Block C of said Ellwood Estates Addition for an interior corner hereof;

THENCE in an Easterly direction, being along North lines of said Grace Community Fellowship-Brenham tract called 5.313 acres, being along the South line of said Lot 2, Block C of said Ellwood Estates Addition, being along the South lines of Lots 3, 4, 5, 6, 7, 8, 9 and 10, Block C of said Ellwood Estates Addition, being along a portion of the North line of the Blinn College, The Junior College District of Washington County, Texas tract called 1.975 acres, as recorded in Volume 980, Page 725, in said Official Records for a North line hereof to the Southeast corner of said Lot 10, Block C of said Ellwood Estates Addition, being the Southwest corner of Lot 11, Block C of said Ellwood Estates Addition, being on the North line of said Blinn College, The Junior College District of Washington County, Texas tract called 1.975 acres for an interior corner hereof;

THENCE in a Northerly direction, being along the East line of said Lot 10 of said Ellwood Estates Addition, being along the West line of said Lot 11, Block C of said Ellwood Estates Addition for a West line hereof to the Northeast corner of said Lot 10, Block C of said Ellwood Estates Addition, being the Northwest corner of said Lot 11 of said Ellwood Estates Addition, being on a South right of way line of said W. Main Street (U.S. Highway 290 - Business) for a Northwest corner hereof;

THENCE in an Easterly direction, being along a South right of way line of said W. Main Street (U.S. Highway 290 - Business), being along the North line of said Lot 11, Block C of said Ellwood Estates Addition, being along the North line of the Blinn College, The Junior College District of Washington County tract called 0.334 acre, as recorded in Volume 974, Page 310, in said Official Records, crossing Blinn Boulevard with a South right of way line of said W. Main Street (U.S. Highway 290 - Business) for a North line hereof to the Northwest corner of the Brenham Living Well, L.L.C. tract called 0.21 acre, as recorded in Volume 1206, Page 131, in said Official Records for an exterior corner hereof;

THENCE in a Southerly direction, being along an East margin of said Blinn Boulevard, being along the West line of said Brenham Living Well, L.L.C. tract called 0.21 acre for an East line hereof to the Southwest corner of said Brenham Living Well, L.L.C. tract called 0.21 acre, being on an East margin of said Blinn Boulevard at its intersection with the North margin of Main View Street for an interior corner hereof;



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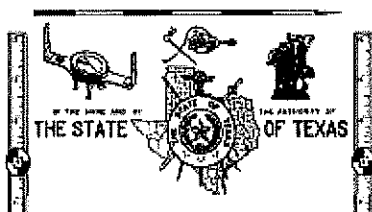
THENCE in an Easterly direction, being along the North margin of said Main View Street, being along the South line of said Brenham Living Well, L.L.C. tract called 0.21 acre, being along the South line of the Angela R. Denny, et vir tract, as conveyed in Volume 1079, Page 629, in said Official Records and described in Volume 236, Page 246, in said Deed Records for a North line hereof to the Southeast corner of said Denny tract, being on a North margin of said Main View Street for an exterior corner hereof;

THENCE in an Easterly and Southeasterly direction, crossing said Main View Street, being along apparent Northeast lines of the B.T. Hogan tract, as conveyed in Volume 309, Page 434, in said Deed Records, being part of Lot 6 of the C.C. Chandler Plat, a map or plat recorded in Volume 37, Page 146, in said Deed Records, being along apparent Northeast lines of the B.T. Hogan tract, as conveyed in Volume 134, Page 479, in said Deed Records, being part of Lots 7 and 8 of said Chandler Plat, being along the Northeast line of the Byron Hogan tract called 0.113 acre, as conveyed in Volume 1630, Page 170, in said Official Records and described in Volume 799, Page 54, in said Official Records, and being along a Southwest margin of a connector street between said W. Main Street (U.S. Highway 290- Business) and W. Alamo Street and crossing said W. Alamo Street for North and Northeast lines hereof to the Northwest corner of Lot 10 of Alamo Heights Addition, Section 2, a map or plat recorded in Plat Cabinet File Slide Number 82A, in said Plat Records, being on a South margin of said W. Alamo Street at its intersection with an East margin of Heights Circle for an interior corner hereof;

THENCE in an Easterly direction, being along a South margin of said W. Alamo Street, being along the North line of said Lot 10 of said Alamo Heights Addition, Section 2, being along the North line of Lot 1 of said Alamo Heights Addition, Section 2, crossing High Street with a South margin of said W. Alamo Street for a North line hereof to the Northwest corner of the Eugene Bothe, et ux tract, as recorded in Volume 216, Page 423, in said Deed Records, being on an East margin of said High Street at its intersection with a South margin of said W. Alamo Street for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of an East margin of said High Street, being along the West line of said Bothe tract, being along the West line of the Windy Spot Properties, LLC tract called 20,674 square feet, as recorded in Volume 1413, Page 561, in said Official Records for an East line hereof to the Southwest corner of said Windy Spot Properties, LLC tract called 20,674 square feet, being the Northwest corner of the Aaron Johnson, et ux tract called 6,012.0 square feet (Tract 2), as recorded in Volume 1234, Page 613, in said Official Records, being on an East margin of said High Street for an exterior corner hereof;

THENCE in a Westerly direction, crossing said High Street with a projection of the North line of said Johnson tract called 6,012.0 square feet for a South line hereof to an interior corner hereof, being on the East line of Lot 5 of said Alamo Heights Addition, Section 2, being on a West margin of said High Street;



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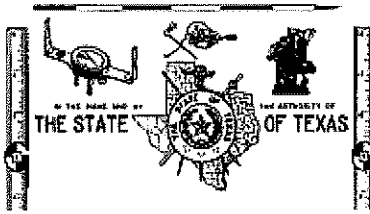
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THENCE in a Southerly direction, crossing Burlington Northern & Santa Fe Railroad (BNSF) right of way with a West margin of said High Street for an East line hereof to the Northeast corner of Lot 10 of Alamo Heights Addition, Section 3, a map or plat recorded in Plat Cabinet File Slide Number 82B, in said Plat Records, being on a South right of way line of said BNSF Railroad at its intersection with a West margin of said High Street for an interior corner hereof;

THENCE in an Easterly and Northerly direction, crossing said High Street, being along South and East right of way lines of said BNSF Railroad, being along the North line of Lot 1 of said Alamo Heights Addition, Section 3, being along the North line of the Brenham Wholesale Grocery Company, Inc. tract called 2.616 acres (Tract Two), as recorded in Volume 504, Page 160, in said Official Records, being along the North line of the Brenham Wholesale Grocery Company, Inc. tract called 0.477 acre (Tract Three), as recorded in Volume 504, Page 160, in said Official Records, being along West and North lines of the Brenham Wholesale Grocery Company, Inc. tract called 3.991 acres (Tract One), as recorded in Volume 504, Page 160, in said Official Records, crossing S. Jackson Street with a South right of way line of said BNSF Railroad, being along the North line of the Brenham Wholesale Grocery Company, Inc. tract called 3.288 acres (Tract Five), as recorded in Volume 504, Page 160, in said Official Records for North and West lines hereof to the Northeast corner of said Brenham Wholesale Grocery Company, Inc. tract called 3.288 acres, being the Northwest corner of the Karl E. Stopschinski, et ux tract called 0.319 acre, as recorded in Volume 1217, Page 192, in said Official Records, being on a South right of way line of said BNSF Railroad for an exterior corner hereof;

THENCE in a Southerly direction, being along the West line of said Stopschinski tract called 0.319 acre, being along a West margin of Key Street, being along the East line of said Brenham Wholesale Grocery Company, Inc. tract called 3.288 acres, crossing W. First Street with a West margin of said Key Street, being along the East line of the Brenham Wholesale Grocery Co., Inc. tract called 0.5055 acre, as recorded in Volume 847, Page 699, in said Official Records, being along the East line of the Southwestern Bell Telephone Company tract called 0.745 acre, as recorded in Volume 241, Page 331, in said Deed Records for an East line hereof to an interior corner hereof, being on the East line of said Southwestern Bell Telephone Company tract called 0.745 acre, being on a West margin of said Key Street at its intersection with the projection of the South margin of W. Second Street;

THENCE in an Easterly direction, crossing said Key Street, being along a South margin of said W. Second Street, being along the North line of the City of Brenham tract called 0.399 acre, as recorded in Volume 777, Page 783, in said Official Records, crossing the G.C. & S.F. Railway and H. & T.C. Railway, Co. 16 feet wide strip (previously used for compress spur tract), as recorded in Volume 30, Page 138, in said Deed Records, being along the North line of the City of Brenham tract called 0.059 acre (Tract Two), as recorded in Volume 930, Page 72, in said Official Records, and crossing the Burlington Northern & Santa Fe Railroad (BNSF) right of way with a South margin of said W. Second Street for a North line hereof to the Northwest corner of the Herbert S. Hughes, et ux tract called 0.1610 acre, as recorded in Volume 806, Page 862, in said Official Records, being on a South margin of said W. Second Street at its intersection with an East right of way line of said BNSF Railroad for an interior corner hereof;



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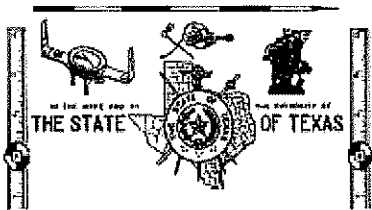
THENCE in a Northerly direction, being along East right of way lines of said BNSF Railroad, crossing said W. Second Street and S. Day Street, being along the West line of the Paul F. Lampe tract called 0.303 acre, as recorded in Volume 896, Page 47, in said Official Records, being along West lines of the Blue Bell Creameries, L.P. tract, as conveyed in Volume 1020, Page 280, in said Official Records and described as 30,019.894 square feet (Tract 5) in Volume 981, Page 146, in said Official Records for West lines hereof to the Northwest corner of said Blue Bell Creameries, L.P. tract called 30,019.894 square feet, being a Southwest corner of the OU Taing, et ux tract called 1.261 acres, as recorded in Volume 1330, Page 637, in said Official Records, being on an East right of way line of said BNSF Railroad for an exterior corner hereof;

THENCE in an Easterly direction, being along a South line of said Taing tract called 1.261 acres, being along the North line of said Blue Bell Creameries, L.P. tract called 30,019.894 square feet for a North line hereof to an interior corner of said Taing tract called 1.261 acres, being the Northeast corner of said Blue Bell Creameries, L.P. tract called 30,019.894 square feet for an exterior corner hereof;

THENCE in a Southerly direction, being along a portion of the East line of said Blue Bell Creameries, L.P. tract called 30,019.894 square feet, being along a West line of said Taing tract called 1.261 acres for an East line hereof to a Southwest corner of said Taing tract called 1.261 acres, being the Northwest corner of the City of Brenham tract called 1,664 square feet (Tract Two), as recorded in Volume 950, Page 847, in said Official Records, being on the East line of said Blue Bell Creameries, L.P. tract called 30,019.894 square feet for an interior corner hereof;

THENCE in an Easterly direction, being along a South line of said Taing tract called 1.261, acres, being along the North line of said City of Brenham tract called 1,664 square feet for a North line hereof to the Southeast corner of said Taing tract called 1.261 acres, being the Northeast corner of said City of Brenham tract called 1,664 square feet, being on a West margin of S. Austin Street for an exterior corner hereof;

THENCE in a Southerly direction, being along a West margin of said S. Austin Street, being along the East line of said City of Brenham tract called 1,664 square feet, being along the East line of the City of Brenham tract called 4,720 square feet (Tract One - Tract VI), as recorded in Volume 950, Page 847, in said Official Records and described in Volume 688, Page 498, in said Official Records, being along the East line of the City of Brenham tract called 12,272 square feet (Tract One - Tract I), as recorded in Volume 950, Page 847, in said Official Records and described in Volume 688, Page 498, in said Official Records, being along the East line of the City of Brenham tract called 7,552 square feet (Tract One - Tract II), as recorded in Volume 950, Page 847, in said Official Records and described in Volume 688, Page 498, in said Official Records, crossing said W. Second Street with a West margin of said S. Austin Street for an East line hereof to the Northeast corner of the Betsy Barnhill Newman and Ted C. Barnhill tract called 0.435 acre, as recorded in Volume 966, Page 38, in said Official Records, being on a South margin of said W. Second Street at its intersection with a West margin of said S. Austin Street for an interior corner hereof;



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THENCE in an Easterly direction, crossing said S. Austin Street with a South margin of said W. Second Street, being along the North line of Lot 1 (called 15,986 square feet) of Riley-Cole Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 666B, in said Plat Records, being along a portion of the North line of the Christopher Kamprath, et ux tract called 7,886 square feet, as recorded in Volume 1520, Page 861, in said Official Records, being along a South margin of said W. Second Street for a North line hereof to an interior corner hereof, being on the North line of said Kamprath tract called 7,886 square feet, being on a South margin of said W. Second Street at its intersection with the projection of an East line of the Bank of Brenham, N.A. tract called 0.6766 acre, as recorded in Volume 1066, Page 565, in said Official Records;

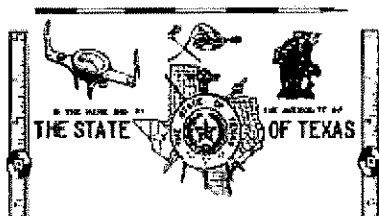
THENCE in a Northerly direction, crossing said W. Second Street, being along an East line of said Bank of Brenham, N.A. tract called 0.6766 acre, being along a West line of the Darryl W. Heine, Trustee tract called 0.5816 acre, as recorded in Volume 1021, Page 281, in said Official Records, for a West line hereof to an interior corner of said Bank of Brenham, N.A. tract called 0.6766 acre, being an exterior corner of said Heine tract called 0.5816 acre for an exterior corner hereof;

THENCE in an Easterly direction, being along a South line of said Bank of Brenham, N.A. tract called 0.6766 acre, being along a North line of said Heine tract called 0.5816 acre for a North line hereof to a Southeast corner of said Bank of Brenham, N.A. tract called 0.6766 acre, being an interior corner of said Heine tract called 0.5816 acre for an interior corner hereof;

THENCE in a Northerly direction, being along an East line of said Bank of Brenham, N.A. tract called 0.6766 acre, being along East lines of the Bank of Brenham, N.A. tract called 0.470 acre, as recorded in Volume 1013, Page 842, in said Official Records, being along a West line of said Heine tract called 0.5816 acre, being along the West line of the Vicki Goodrich tract called 0.186 acre, as recorded in Volume 1401, Page 970, in said Official Records for West lines hereof to the Northwest corner of said Goodrich tract called 0.186 acre, being the Southwest corner of The Bottling Works, LLC tract called 0.1901 acre (Tract One and Tract Two), as recorded in Volume 1565, Page 590, in said Official Records and described in Volume 1285, Page 806, in said Official Records, being on an East line of said Bank of Brenham, N.A. tract called 0.470 acre for an exterior corner hereof;

THENCE in an Easterly direction, being along the North line of said Goodrich tract called 0.186 acre, being along the South line of said The Bottling Works, LLC tract called 0.1901 acre for a North line hereof to the Northeast corner of said Goodrich tract called 0.186 acre, being the Southeast corner of said The Bottling Works, LLC tract called 0.1901 acre, being on a West margin of S. Church Street for an exterior corner hereof;

THENCE in a Southerly direction, being along a West margin of said S. Church Street, being along the East line of said Goodrich tract called 0.186 acre, being along a portion of the East line of said Heine tract called 0.5816 acre for an East line hereof to an interior corner hereof, being on a West margin of said S. Church Street at the intersection with the projection of the North line of Lot II of Original Town Lot (Block 93), a map or plat recorded in Plat Cabinet File Slide Number 255A, in



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said Plat Records, being on the East line of said Heine, Trustee tract called 0.5816 acre for an interior corner hereof;

THENCE in an Easterly direction, crossing said S. Church Street, being along the South line of Lot III of said Original Town Lot (Block 93), being along the North line of said Lot II of Original Town Lot (Block 93) for a North line hereof to the Southeast corner of said Lot III of Original Town Lot (Block 93), being the Northeast corner of said Lot II of Original Town Lot (Block 93), being on the West line of the Bettye P. Honerkamp tract, as conveyed in Volume 849, Page 453, in said Official Records and described as 11,210 square feet in Volume 511, Page 58, in said Official Records for an exterior corner hereof;

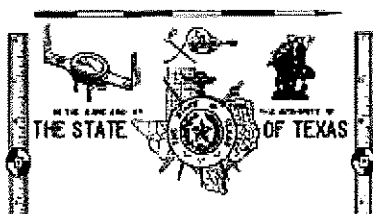
THENCE in a Southerly direction, being along a portion of the East line of said Lot II of Original Town Lot (Block 93), being along a portion of the West line of said Honerkamp tract for an East line hereof to the Southwest corner of said Honerkamp tract, being the Northwest corner of the Tamara Redshaw tract, as conveyed in Volume 1354, Page 94, in said Official Records and described as 0.403 acre in Volume 1164, Page 616, in said Official Records, being on the East line of said Lot II of Original Town Lot (Block 93) for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Honerkamp tract, being along the North line of said Redshaw tract called 0.403 acre, crossing S. Park Street for a North line hereof to an interior corner hereof, being on an East margin of said S. Park Street at its intersection with the projection of the South line of said Honerkamp tract, being on the West line of Lot 10 of Lenert Subdivision of the Erwin Addition, a map or plat recorded in Plat Cabinet File Slide Number 26B, in said Plat Records;

THENCE in a Northerly direction, being along an East margin of said S. Park Street, being along a portion of the West line of said Lot 10 of said Lenert Subdivision of the Erwin Addition for a West line hereof to the Northwest corner of said Lot 10 of said Lenert Subdivision of the Erwin Addition, being the Southwest corner of Lot 9 (called 0.116 acre) of the Boundary Line Adjustment of Lenert Subdivision of the Erwin Addition, a map or plat recorded in Plat Cabinet File Slide Number 383A, in said Plat Records, being on an East margin of said S. Park Street for an exterior corner hereof;

THENCE in an Easterly direction, being along a portion of the North line of said Lot 10 of said Lenert Subdivision of the Erwin Addition, being along the South line of said Lot 9 (called 0.116 acre) of said Boundary Line Adjustment for a North line hereof to the Southeast corner of said Lot 9 (called 0.116 acre) of said Boundary Line Adjustment, being the Southwest corner of Lot 4 (called 0.133 acre) of said Boundary Line Adjustment, being on the North line of said Lot 10 of said Lenert Subdivision of the Erwin Addition for an interior corner hereof;

THENCE in a Northerly direction, being along the East line of said Lot 9 (called 0.116 acre) of said Boundary Line Adjustment, being along the West line of said Lot 4 (called 0.133 acre) of said Boundary Line Adjustment for a West line hereof to a 1/2 inch iron rod found with Id. cap (RPLS 5197) on the South line of Lot 3A (called 0.189 acre) of the Boundary Line Adjustment of Lenert



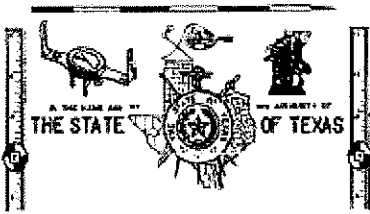
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Subdivision of the Erwin Addition, a map or plat recorded in Plat Cabinet File Slide Number 483A, in said Plat Records, being the Northeast corner of said Lot 9 (called 0.116 acre) of said Boundary Line Adjustment (383A), being the Northwest corner of said Lot 4 (called 0.133 acre) of said Boundary Line Adjustment (383A) for an exterior corner hereof;

THENCE in an Easterly direction, being along a portion of the South line of said Lot 3A (called 0.189 acre) of said Boundary Line Adjustment (483A), being along the North line of said Lot 4 (called 0.133 acre) of said Boundary Line Adjustment (383A) for a North line hereof to a 1/2 inch iron rod found with Id. cap (RPLS 5197) on a West margin of S. Baylor Street, being the Southeast corner of said Lot 3A (called 0.189 acre) of said Boundary Line Adjustment (483A), being the Northeast corner of said Lot 4 (called 0.133 acre) of said Boundary Line Adjustment (383A) for an exterior corner hereof;

THENCE in a Southerly direction, being along West margins of said S. Baylor Street, being along the East line of said Lot 4 (called 0.133 acre) of said Boundary Line Adjustment (383A), being along the East line of Lot 5 and the East line of Lot 13 of said Lenert Subdivision (26B), crossing E. Second Street with a West margin of said S. Baylor Street, being along the East line of the Jose Canales and Shannan Blanchard tract called 0.255 acre, as recorded in Volume 1462, Page 786, in said Official Records, being along the East line of the Brenda Lowery, et vir tract called 0.224 acre, as recorded in Volume 1603, Page 14, in said Official Records, being along the East line of the Christopher E. Marek and Deeanna O. Marek tract called 0.386 acre, as recorded in Volume 947, Page 54, in said Official Records, being along the East line of The Most Reverend Gregory M. Aymond, Bishop of the Roman Catholic Diocese of Austin and his Successors in Office tract called 0.32 acre, as recorded in Volume 1257, Page 227, in said Official Records, being along the East line of the James W. Ripple, et ux tract called 14,204 square feet, as recorded in Volume 1537, Page 477, in said Official Records, crossing Gilder Street with a West margin of said S. Baylor Street, being along the East line of the Catherine Mahlmann tract called 0.228 acre, as recorded in Volume 1445, Page 858, in said Official Records, being along the East line of the Edward Krenek tract, as recorded in Volume 1169, Page 737, in said Official Records, being along the East line of the Charles Sulak tract (Tract 1), as conveyed in Volume 1651, Page 436, in said Official Records and described as 0.119 acre in Volume 620, Page 891, in said Official Records, being along the East line of the Mary Ellen West tract called 0.161 acre, as recorded in Volume 888, Page 33, in said Official Records, being along the East of the Cynthia Ann McCourt tract called 7,238 square feet, as recorded in Volume 1531, Page 208, in said Official Records, being along the East line of the John L. Studer, et ux tract called 0.120 acre, as recorded in Volume 1572, Page 240, in said Official Records, being along the East line of the Susan Hare tract called 0.1156 acre, as recorded in Volume 1142, Page 275, in said Official Records, being along the East line of the Tom Feehery tract, as recorded in Volume 1054, Page 267, in said Official Records, being along the East line of the Gregory Charles Vann, et ux tract called 0.18 acre, as recorded in Volume 1630, Page 144, in said Official Records, crossing E. Germania Street with the projection of the West margin of said S. Baylor Street for an East line hereof to an interior corner hereof, being on a South margin of said E. Germania Street, being on the North line of the (Janet Carol Fisher) Joyce Caniel Fisher tract called 0.442 acre, as recorded in Volume 1124, Page 304, in said Official Records;



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THENCE in an Easterly direction, being along a South margin of said E. Germania Street, being along a portion of the North line of said Fisher tract called 0.442 acre for a North line hereof to the Northeast corner of said Fisher tract called 0.442 acre, being the Northwest corner of the CZED Investments Ltd. residue of original tract called 1.2154 acres, as recorded in Volume 1228, Page 22, in said Official Records, being on a South margin of said E. Germania Street for an exterior corner hereof;

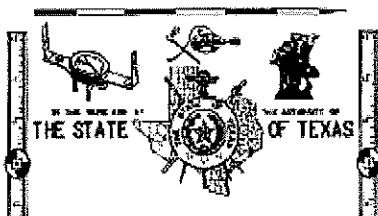
THENCE in a Southerly direction, being along the West line of said CZED Investments Ltd. residue of original tract called 1.2154 acres, being along the East line of said Fisher tract called 0.442 acre for an East line hereof to the Southwest corner of said CZED Investments Ltd. residue of original tract called 1.2154 acres, being the Southeast corner of said Fisher tract called 0.442 acre, being on a North line of the CZED Investments Ltd. tract called 2.165 acres, as recorded in Volume 1228, Page 32, in said Official Records for an exterior corner hereof;

THENCE in a Westerly direction, being along a portion of a North line of said CZED Investments Ltd. tract called 2.165 acres, being along the South line of said Fisher tract called 0.442 acre, being along the South line of the Rodney Lacina tract, as recorded in Volume 502, Page 102, in said Official Records for a South line hereof to a Northwest corner of said CZED Investments Ltd. tract called 2.165 acres, being the Southwest corner of said Lacina tract, Volume 502, Page 102, being the Southeast corner of the Rodney Joseph Lacina tract called 0.5784 acre, as recorded in Volume 1199, Page 796, in said Official Records, being the Northeast corner of The City of Brenham, Texas tract called 0.5069 acre, as recorded in Volume 370, Page 410, in said Deed Records for an interior corner hereof;

THENCE in a Southerly direction, being along a West line of said CZED Investments Ltd. tract called 2.165 acres, being along the East line of said The City of Brenham, Texas tract called 0.5069 acre for an East line hereof to the Southeast corner of said The City of Brenham, Texas tract called 0.5069 acre, being the Southwest corner of said CZED Investments Ltd. tract called 2.165 acres, being on a North line of the Brenham Independent School District tract called 8.14 acres, as recorded in Volume 195, Page 360, in said Deed Records for an interior corner hereof;

THENCE in an Easterly direction, being along South lines of said CZED Investments Ltd. tract called 2.165 acres, being along North lines of said Brenham Independent School District tract called 8.14 acres, being along North lines of the Roger Wayne Goerlitz tract called 0.354 acre (Tract 2), as recorded in Volume 1163, Page 595, in said Official Records for North lines hereof to the Southeast corner of said CZED Investments Ltd. tract called 2.165 acres, being the Northeast corner of said Goerlitz tract called 0.354 acre, being on a West margin of S. Market Street for an exterior corner hereof;

THENCE in a Southerly direction, being along West margins of said S. Market Street, being along the East line said Goerlitz tract called 0.354 acre, being along the East line of the Roger Wayne Goerlitz tract called 0.517 acre (Tract 1), as recorded in Volume 1163, Page 595, in said Official Records, being along the East line of Lot 1 (called 0.2095 acre) and Lot 2 (called 0.4574 acre) of the



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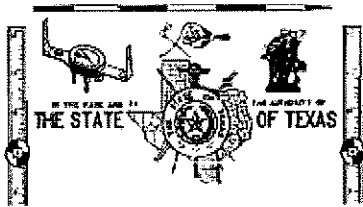
Boundary Adjustment 0.6672 acre, a map or plat recorded in Plat Cabinet File Slide Number 322B, in said Plat Records, being along an East line of the Brenham Independent School District tract called 2.02 acres, as recorded in Volume 206, Page 140, in said Deed Records, being along the East line of the Gregory Dubiel and Mary Kathryn Wurts tract called 0.896 acre, as recorded in Volume 1558, Page 279, in said Official Records, being along the East line of the Roger C. Winkelmann, et ux tract called 1.131 acres, as recorded in Volume 923, Page 808, in said Official Records for East lines hereof to the North corner of the City of Brenham tract called 0.009 acre, as recorded in Volume 672, Page 1, in said Official Records, being an exterior corner of said Winkelmann tract called 1.131 acres, being on a West margin of said S. Market Street for an exterior corner hereof;

THENCE in a Southwesterly direction, being along the Southeast line of said Winkelmann tract called 1.131 acres, being along the Northwest line of said City of Brenham tract called 0.009 acre for a Southeast line hereof to an exterior corner of said Winkelmann tract called 1.131 acres, being the West corner of said City of Brenham tract called 0.009 acre, being on a North margin of E. Tom Green Street for an exterior corner hereof;

THENCE in a Westerly direction, being along a North margin of said E. Tom Green Street, being along a South line of said Winkelmann tract called 1.131 acres, being along the South line of the Irla G. Burgess tract called 0.209 acre, as recorded in Volume 1121, Page 861, in said Official Records for a South line hereof to the Southeast corner of the George Lee Kaldis tract called 0.431 acre, as recorded in Volume 1140, Page 316, in said Official Records, being the Southwest corner of said Burgess tract called 0.209 acre, being on a North margin of said E. Tom Green Street for an interior corner hereof;

THENCE in a Southerly direction, crossing said E. Tom Green Street with an East line hereof to the Northeast corner of the Rachel B. Cook and Jared G. Cook tract called 0.177 acre, as recorded in Volume 1505, Page 796, in said Official Records, being on a South margin of said E. Tom Green Street at its intersection with a West margin of said S. Baylor Street for an interior angle point hereof;

THENCE in a Southerly direction, being along West margins of said S. Baylor Street, being along the East line of said Cook tract called 0.177 acre, being along the East line of the Michelle S. Woodall tract called 8,187 square feet, as recorded in Volume 898, Page 933, in said Official Records, being along the East line of Lot 8 (called 0.1811 acre) and along the East line of Lot 10 (called 0.1790 acre) of the Replat of Lots 10 & 8, Block F of Washington Park Addition, a map or plat recorded in Plat Cabinet File Slide Number 367B, in said Plat Records, crossing E. Val Verde Street with a West margin of said S. Baylor Street, being along the East line of Lot 1 of Baylor Street Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 247A, in said Plat Records, being along the East line of the James G. Boyd, IV tract called 0.5695 acre, as recorded in Volume 1315, Page 317, in said Official Records, crossing E. Mansfield Street with a West margin of said S. Baylor Street, being along the East line of the Stacey L. Chance tract called 5,510 square feet, as recorded in Volume 1249, Page 80, in said Official Records, being along the East line of the Martha Mojica tract called 0.095 acre, as recorded in Volume 1540, Page 807, in said Official Records and described in Volume 937, Page 81, in said Official Records, being along the East line of the MVP Mt. Vernon Property



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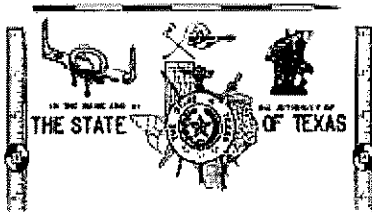
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Services, LLC tract called 0.085 acre, as recorded in Volume 1458, Page 407, in said Official Records, being along the East line of the MVP Mt. Vernon Property Services, LLC tract called 14,695 square feet, as recorded in Volume 1459, Page 782, in said Official Records, crossing E. Chauncy Street with a West margin of said S. Baylor Street, being along the East line of the Boettcher Lumber Company tract (Tract No. 2), as recorded in Volume 313, Page 103, in said Deed Records, being along the East line of the Michael A. Tolopka, et ux tract called 0.202 acre, as recorded in Volume 1031, Page 914, in said Official Records, crossing E. Lubbock Street with a West margin of said S. Baylor Street, being along the East line of Lots F, G and I, Block R of the Ed Lehman's Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 36A, in said Plat Records, crossing E. Bryan Street with a West margin of said S. Baylor Street, being along the East line of the Barbara Louise LaRue tract called 7,362 square feet, as recorded in Volume 1486, Page 968, in said Official Records, being along the East line of the Deborah Peck Henry, et al tract called 11,755 square feet, as recorded in Volume 845, Page 642, in said Official Records, being along the East line of the remainder of Lot 6, Block U of Washington Park Addition, a map or plat recorded in Plat Cabinet File Slide Number 253A, in said Plat Records, being along the East line of Lot 8 and Lot 10, Block U of said Washington Park Addition for East lines hereof to the Southeast corner of said Lot 10, Block U of said Washington Park Addition, being on a West margin of said S. Baylor Street at its intersection with a North margin of E. Stone Street for an exterior angle point hereof;

THENCE in a Southerly direction, crossing said E. Stone Street with an East line hereof to the Northeast corner of the Donald Joe Hoffman tract called 0.598 acre (Tract 1), as recorded in Volume 1548, Page 911, in said Official Records and described as Tract Two in Volume 357, Page 344, in said Deed Records, being the Northwest corner of Lot 2 (called 0.338 acre) of Heritage Hill Subdivision, Section One, a map or plat recorded in Plat Cabinet File Slide Numbers 123A and 123B, in said Plat Records, being on a South margin of said E. Stone Street for an interior corner hereof;

THENCE in an Easterly direction, being along a South margin of said E. Stone Street, being along the North line of said Lot 2 (called 0.338 acre) and along the North line of Lot 1 (called 0.359 acre) of said Heritage Hill Subdivision, Section One for a North line hereof to the Northeast corner of said Lot 1 (called 0.359 acre) of said Heritage Hill Subdivision, Section One, being on a South margin of said E. Stone Street at its intersection with a West margin of Heritage Drive for an exterior corner hereof;

THENCE in a Southerly direction, being along West margins of said Heritage Drive, being along the East line of said Lot 1 (called 0.359 acre) of said Heritage Hill Subdivision, Section One, being along the East line of Lot 3 (called 0.334 acre) of said Heritage Hill Subdivision, Section One, crossing Carriage Lane with a West margin of said Heritage Drive, being along the East line of Lot 13 (called 0.330 acre) of said Heritage Hill Subdivision, Section One, being along a portion of the East line of Lot 14 (called 0.268 acre) of said Heritage Hill Subdivision, Section One for East lines hereof to an interior corner hereof, being on a West margin of said Heritage Drive at its intersection with the projection of the North line of the Larry D. Thomas, et ux tract called 0.215 acre (Tract II), as recorded in Volume 746, Page 853, in said Official Records, being on the East line of said Lot 14 (called 0.268 acre) of said Heritage Hill Subdivision, Section One;



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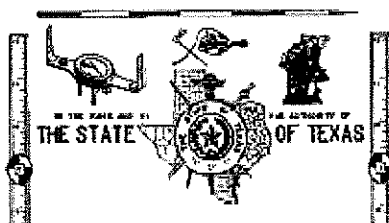
THENCE in an Easterly direction, crossing said Heritage Drive, being along a South line of the Compass Bank tract called 2.6479 acres, as recorded in Volume 1395, Page 731, in said Official Records, being along the North line of said Thomas tract called 0.215 acre for a North line hereof to an interior corner of said Compass Bank tract called 2.6479 acres, being the Northeast corner of said Thomas tract called 0.215 acre for an exterior corner hereof;

THENCE in a Southerly direction, being along a West line of said Compass Bank tract called 2.6479 acres, being along the East line of said Thomas tract called 0.215 acre for an East line hereof to a Southwest corner of said Compass Bank tract called 2.6479 acres, being the Southeast corner of said Thomas tract called 0.215 acre, being on the North line of Lot 29 (called 0.411 acre) of Heritage Hill Subdivision, Section Two, a map or plat recorded in Plat Cabinet File Slide Number 143B and 144A, in said Plat Records for an interior corner hereof;

THENCE in an Easterly direction, being along a South line of said Compass Bank tract called 2.6479 acres, being along a portion of the North line of said Lot 29 (called 0.411 acre) of said Heritage Hill Subdivision, Section Two, being along the North line of Lot 30 (called 0.691 acre) of said Heritage Hill Subdivision, Section Two for a North line hereof to the Northeast corner of said Lot 30 (called 0.691 acre) of said Heritage Hill Subdivision, Section Two, being on a West line of the Market Street Center, LLC tract called 2.2819 acres, as recorded in Volume 1341, Page 399, in said Official Records, being the Southeast corner of said Compass Bank tract called 2.6479 acres for a Northeast corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said Market Street Center, LLC tract called 2.2819 acres, being along the West line of the Sutherland Lumber-Southwest, Inc. tract called 6.778 acres, as recorded in Volume 928, Page 414, in said Official Records, being along the East line of said Lot 30 (called 0.691 acre) and along the East line of Lot 31 (called 0.471 acre) and along the East line of Lot 32 (called 0.370 acre) of said Heritage Hill Subdivision, Section Two, being along the East line of Lot 33 of Heritage Hill Subdivision, Section III, a map or plat recorded in Plat Cabinet File Slide Numbers 188A and 188B, in said Plat Records, being along a portion of the East line of Stoneybrook Resubdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 295A and 295B, in said Plat Records for an East line hereof to the Southwest corner of said Sutherland Lumber-Southwest, Inc. tract called 6.778 acres, being the Northwest corner of the Reserve area (called 14,730 square feet), Block II of Stone Hill Center, a map or plat recorded in Plat Cabinet File Slide Number 338A, in said Plat Records, being on the East line of said Stoneybrook Resubdivision for an interior corner hereof;

THENCE in an Easterly direction, being along the South line of said Sutherland Lumber-Southwest, Inc. tract called 6.778 acres, being along a portion of a South line of the Faith Mission & Help Center, Inc. tract called 10.1307 acres, as recorded in Volume 1483, Page 65, in said Official Records, being along the North line of said Reserve area (called 14,730 square feet), Block II of said Stone Hill Center, being along the North line of Stone Hill Condominium tract called 0.535 acre, a map or plat recorded in Plat Cabinet File Slide Numbers 459B and 460A, in said Plat Records, being along the North lines of Lots 1 and 2, Block II of the Replat of Lot 6A of Stone Hill Center, a map or plat



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recorded in Plat Cabinet File Slide Number 602A, in said Plat Records for a North line hereof to the Northeast corner of said Lot 2, Block II of said Replat of Lot 6A of Stone Hill Center, being the Northwest corner of Reserve "A" (called 0.0823 acre), Block II of said Replat of Lot 6A of Stone Hill Center, being on a South line of said Faith Mission & Help Center, Inc. tract called 10.1307 acres for an exterior corner hereof;

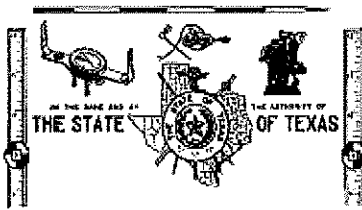
THENCE in a Southerly direction, being along the West line of said Reserve "A" (called 0.0823 acre), Block II of said Replat of Lot 6A of Stone Hill Center, being along a portion of the East line of said Lot 2, Block II of said Replat of Lot 6A of Stone Hill Center for an East line hereof to the Southwest corner of said Reserve "A" (called 0.0823 acre), Block II of said Replat of Lot 6A of Stone Hill Center, being the Northwest corner of Lot 3, Block II of said Replat of Lot 6A of Stone Hill Center, being on the East line of said Lot 2, Block II of said Replat of Lot 6A of Stone Hill Center for an interior corner hereof;

THENCE in an Easterly direction, being along South lines of said Reserve "A" (called 0.0823 acre), Block II of said Replat of Lot 6A of Stone Hill Center, being along the North line of said Lot 3, Block II, being along the North line of Lot 4, Block II of said Replat of Lot 6A of Stone Hill Center, and being along a North line of Lot 5, Block II of said Replat of Lot 6A of Stone Hill Center for North lines hereof to the Southeast corner of said Reserve "A" (called 0.0823 acre), Block II of said Replat of Lot 6A of Stone Hill Center, being an interior corner of said Lot 5, Block II for an interior corner hereof;

THENCE in an Northerly direction, being along the East line of said Reserve "A" (called 0.0823 acre), Block II, being along a West line of said Lot 5, Block II for a West line hereof to the Northeast corner of said Reserve "A" (called 0.0823 acre), Block II, being a Northwest corner of said Lot 5, Block II, being on a South line of said Faith Mission & Help Center, Inc. tract called 10.1307 acres for an exterior corner hereof;

THENCE in an Easterly direction, being along a portion of a South line of said Faith Mission & Help Center, Inc. tract called 10.1307 acres, being along a North line of said Lot 5, Block II, being along the North lines of Lots 6 and 7, Block II of said Replat of Lot 6A of Stone Hill Center, being along the North line of Lot 7 (called 0.770 acre), Block II of Stone Hill Center, a map or plat recorded in Plat Cabinet File Slide Number 360B, in said Plat Records for a North line hereof to a 3/8 inch iron rod found in concrete on a Northwest margin of Becker Drive, being the Southeast corner of said Faith Mission & Help Center, Inc. tract called 10.1307 acres, being the Northeast corner of said Lot 7 (called 0.770 acre), Block II of said Stone Hill Center for an exterior corner hereof;

THENCE in a Southwesterly direction, being along Northwest margins of said Becker Drive, being along Southeast lines of said Lot 7 (called 0.770 acre), Block II of said Stone Hill Center for Southeast lines hereof to a 5/8 inch iron rod found in concrete on a Northwest margin of said Becker Drive at its intersection with a Northeast margin of Stone Hill Drive for the South corner of said Lot 7 (called 0.770 acre), Block II of said Stone Hill Center, being an exterior corner hereof;



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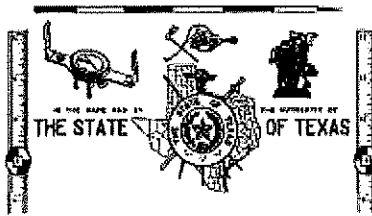
THENCE in a Northwesterly and Westerly direction, being along Northeast and North margins of said Stone Hill Drive, being along Southwest lines of said Lot 7 (called 0.770 acre), Block II of said Stone Hill Center, being along the South lines of said Lots 7, 6, 5 and 4, Block II of said Replat of Lot 6A of Stone Hill Center, being along a portion of the South line of said Lot 3, Block II of said Replat of Lot 6A of Stone Hill Center for Southwest and South lines hereof to an interior corner hereof, being on a North margin of said Stone Hill Drive at its intersection with the projection of the West line of Lot 4 (called 1.1263 acres), Block One of the Boundary Line Adjustment of Stone Hill Center, a map or plat recorded in Plat Cabinet File Slide Number 333A, in said Plat Records, being on a South line of said Lot 3, Block II of said Replat of Lot 6A of Stone Hill Center;

THENCE in a Southerly direction, crossing said Stone Hill Drive, being along the West line of said Lot 4 (called 1.1263 acres), Block One of said Boundary Line Adjustment of Stone Hill Center, being along the West line of Lot 3 (called 0.6667 acre), Block 1 of Stone Hill Center, a map or plat recorded in Plat Cabinet File Slide Number 258B, in said Plat Records, being along the East line of Lot 2B (called 0.348 acre), Block One and being along the East line of Lot 2A (called 0.561 acre), Block One of the Replat of Lot 2 of Stone Hill Center, a map or plat recorded in Plat Cabinet File Slide Number 340B, in said Plat Records for an East line hereof to the Southwest corner of said Lot 3 (called 0.6667 acre), Block 1 of said Stone Hill Center (258B), being the Southeast corner of said Lot 2A (called 0.561 acre), Block One of said Replat of Lot 2 of Stone Hill Center (340B), being on a North line of the Texas National Bank tract called 2.00 acres, as recorded in Volume 587, Page 223, in said Official Records for an exterior corner hereof;

THENCE in an Westerly direction, being along a portion of the North line of said Texas National Bank tract called 2.00 acres, being along the South line of said Lot 2A One (called 0.561 acre), Block of said Replat of Lot 2 of Stone Hill Center (340B), being along the South line of Lot 1 (called 0.500 acre), Block 1 of Stone Hill Center, a map or plat recorded in Plat Cabinet File Slide Number 238B, in said Plat Records for a South line hereof to the Southwest corner of said Lot 1 (called 0.500 acre), Block 1, of said Stone Hill Center (238B), being the Northwest corner of said Texas National Bank tract called 2.00 acres, being on the Northeast line of the BH Stone Hollow Partners, L.P. tract called 4.304 acres, as recorded in Volume 1033, Page 721, in said Official Records for an interior corner hereof;

THENCE in a Southeasterly direction, being along a portion of the Northeast line of said BH Stone Hollow Partners, L.P. tract called 4.304 acres, being along a portion of the Southwest line of said Texas National Bank tract called 2.00 acres for a Northeast line hereof to the East corner of said BH Stone Hollow Partners, L.P. tract called 4.304 acres, being the North corner of the Texas National Bank tract called 1.000 acre, as recorded in Volume 683, Page 705, in said Official Records, being on a Southwest line of said Texas National Bank tract called 2.00 acres for an exterior corner hereof;

THENCE in a Southwesterly direction, being along the Southeast line of said BH Stone Hollow Partners, L.P. tract called 4.304 acres, being along the Northwest line of said Texas National Bank tract called 1.000 acre, being along the Northwest line of the Outland Investments, LLC and Cheryl Horton tract called 1.500 acres, as recorded in Volume 1593, Page 437, in said Official Records, and



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crossing Stone Hollow Drive for a Southeast line hereof to an interior corner hereof, being on a Southwest margin of said Stone Hollow Drive at its intersection with the projection of the Northwest line of said Outland Investments, LLC and Cheryl Horton tract called 1.500 acres, being on a Northeast line of Lot Four (called 3.002 acres) of South Day, Inc., a map or plat recorded in Plat Cabinet File Slide Number 316A, in said Plat Records;

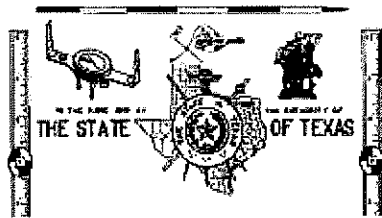
THENCE in a Southeasterly direction, being along Southwest margins of said Stone Hollow Drive, being along Northeast lines of said Lot Four (called 3.002 acres) of said South Day, Inc. for Northeast lines hereof to an exterior corner of said Lot Four (called 3.002 acres) of said South Day, Inc., being on a Southwest margin of said Stone Hollow Drive at its intersection with a Northwest margin of E. Airline Drive for an exterior corner hereof;

THENCE in a Southerly and Southwesterly direction, being along West and Northwest margins of said E. Airline Drive, being along East and Southeast lines of said Lot Four (called 3.002 acres) of said South Day, Inc. for East and Southeast lines hereof to a 1/2 inch iron rod found for the South corner of said Lot Four (called 3.002 acres) of said South Day, Inc., being the East corner of Lot 16 of South Park Subdivision, Section 2, a map or plat recorded in Plat Cabinet File Slide Number 92A, in said Plat Records, being on a Northwest margin of said E. Airline Drive, being an interior corner hereof;

THENCE in a Southeasterly direction, crossing said E. Airline Drive, being along the Northeast line of Lot 7 of South Park Subdivision, Section Three, a map or plat recorded in Plat Cabinet File Slide Number 203A, in said Plat Records, being along a portion of a Southwest line of the Dilbag Singh Dhillon tract called 5.0232 acres, as recorded in Volume 1235, Page 597, in said Official Records for a Northeast line hereof, passing a 1/2 inch iron rod found for the North corner of said Lot 7 of said South Park Subdivision, Section Three, being the West corner of said Dilbag Singh Dhillon tract called 5.0232 acres, and continuing in a Southeasterly direction to a Southeast corner of said Lot 7 of said South Park Subdivision, Section Three, being a Northeast corner of The City of Brenham, Texas tract called 2,152.6 square feet, as recorded in Volume 302, Page 421, in said Official Records, being on a Southwest line of said Dilbag Singh Dhillon tract called 5.0232 acres for an exterior corner hereof;

THENCE in a Westerly and Southerly direction, being along North and West lines of said The City of Brenham, Texas tract called 2,152.6 square feet, being along South and East lines of said Lot 7 of said South Park Subdivision, Section Three for South and East lines hereof to a 1/2 inch iron rod found on a North line of Lot 2 (called 1.112 acres) of Detering Subdivision, a map or plat recorded in Plat Cabinet File Slide Number 612A, in said Plat Records, being a Southeast corner of said Lot 7 of said South Park Subdivision, Section Three, being the Southwest corner of said The City of Brenham, Texas tract called 2,152.6 square feet for an exterior corner hereof;

THENCE in a Westerly direction, being along a portion of the North line of said Lot 2 (called 1.112 acres) and along the North line of Lot 1 (called 2.116 acres) of said Detering Subdivision, being along the South line of said Lot 7 of said South Park Subdivision, Section Three, being along the South



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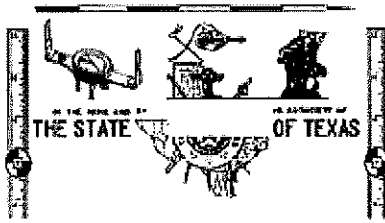
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lines of Lots 6, 5, 4, 3, 2 and 1 of said South Park Subdivision, Section Three, being along the South line of Lot 1, Block A of South Park Subdivision, Section 1, a map or plat recorded in Plat Cabinet File Slide Numbers 49A, 49B and 50A, in said Plat Records, crossing Progress Drive, being along North lines of the BAT Tab Operating, LP tract called 2.193 acres, as recorded in Volume 1360, Page 786, in said Official Records, being along a portion of a North line of the Tegeler Center, LP tract called 1.912 acres, as recorded in Volume 1328, Page 523, in said Official Records and described in Volume 647, Page 796, in said Official Records, being along the South lines of Lots 17, 16, 15, 14, 13 and 12, Block A of said South Park Subdivision, Section 1 for South lines hereof to an exterior corner of said Lot 12, Block A of said South Park Subdivision, Section 1, being the Southeast corner of the G&J PRO101, LLC. tract called 3.515 acres, as recorded in Volume 1587, Page 188, in said Official Records, being on a North line of said Tegeler Center, LP tract called 1.912 acres for an exterior corner hereof;

THENCE in a Northwesterly direction, being along the Northeast line of said G&J PRO101, LLC. tract called 3.515 acres, being along the Southwest line of said Lot 12, Block A of said South Park Subdivision, Section 1, being along the Southwest lines of Lots 11, 10, 9, 8, 7, 6, 5, 4 and 3, Block A of said South Park Subdivision, Section 1 for a Southwest line hereof to the Northeast corner of said G&J PRO101, LLC. tract called 3.515 acres, being the West corner of said Lot 3, Block A of said South Park Subdivision, Section 1, being the Southeast corner of Lot 2, Block A of said South Park Subdivision, Section 1 for an interior corner hereof;

THENCE in a Westerly direction, being along the North line of said G&J PRO101, LLC. tract called 3.515 acres, in part, being along the South line of said Lot 2, Block A of said South Park Subdivision, Section 1 for a South line hereof to the Southwest corner of said Lot 2, Block A of said South Park Subdivision, Section 1, being an interior corner of an East right of way line of S. Day Street (State Highway No. 36 - Business) for a Southwest corner hereof;

THENCE in a Northerly direction, being along an East right of way line of said S. Day Street (State Highway No. 36 - Business), being along the West line of said Lot 2, Block A of said South Park Subdivision, Section 1, being along the West line of Lot 1, Block A of said South Park Subdivision, Section 1, crossing Hillcrest Street with an East right of way line of said S. Day Street (State Highway No. 36 - Business), being along the West line of the Protestant Episcopal Church Council of the Diocese of Texas tract called 0.5387 acre, as recorded in Volume 1153, Page 414, in said Official Records, being along the West line of the Bayard Investment Properties, Ltd. tract called 0.31 acre, as recorded in Volume 1236, Page 68, in said Official Records, being along the West line of the Charles W. Rauch, et ux tract called 0.155 acre (Second Tract), as recorded in Volume 693, Page 213, in said Official Records, being along the West line of the Charles W. Rauch, et ux tract called 0.344 acre (First Tract), as recorded in Volume 693, Page 213, in said Official Records, being along a portion of the West line of the Gary Lange, et ux tract called 0.387 acre, as recorded in Volume 707, Page 329, in said Official Records for a West line hereof to an interior corner hereof, being on an East right of way line of said S. Day Street (State Highway No. 36 - Business) at its intersection with the projection of the South line of Lot 2, Block 13 of Fourth Atlow Addition, a map or plat recorded in



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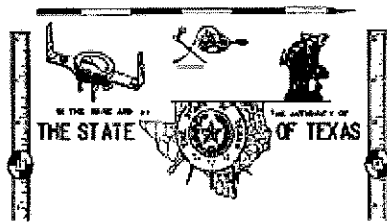
Plat Cabinet File Slide Numbers 50B and 51A, in said Plat Records, being on a West line of said Lange tract called 0.387 acre;

THENCE in a Westerly direction, crossing said S. Day Street (State Highway No. 36 - Business), being along the North line of the (Scott & White Hospital - Brenham) C. W. and Caroline Bohne Memorial Hospital, Inc. residue of original tract called 16.168 acres, as recorded in Volume 332, Page 211, in said Deed Records, being along the South line of said Lot 2, Block 13 of said Fourth Atlow Addition, being along the South lines of Lots 3, 4, 5, 6, 7, 8 and 9, Block 13 of said Fourth Atlow Addition, being along the South line of the Debra Dorow Eckert, et vir tract, as recorded in Volume 1578, Page 755, in said Official Records, being along the South line of the Michael Jason Minar, et ux tract called 0.770 acre, as recorded in Volume 1447, Page 271, in said Official Records, being along the South lines of Lots 19 and 20, Block 13 of Fifth Atlow Addition, a map or plat recorded in Plat Cabinet File Slide Numbers 56B and 57A, in said Plat Records, being along the South lines of Lots 21, 22 and 23, Block 13 of Sixth Atlow Addition, a map or plat recorded in Plat Cabinet File Slide Number 61A, in said Plat Records, being along the North line of the PFL Properties, L.P. tract called 0.325 acre, as recorded in Volume 1466, Page 519, in said Official Records for a South line hereof to the Southwest corner of said Lot 23, Block 13 of said Sixth Atlow Addition, being the Southeast corner of Lot 24 of said Sixth Atlow Addition, being the Northeast corner of the William S. Houston, Jr., et ux residue of original tract called 0.045 acre, as recorded in Volume 266, Page 235, in said Deed Records, being the Northwest corner of said PFL Properties, L.P. tract called 0.325 acre for an interior corner hereof;

THENCE in a Southerly direction, being along a portion of the West line of said PFL Properties, L.P. tract called 0.325 acre, being along the East line of said Houston residue of original tract called 0.045 acre for an East line hereof to the Northeast corner of the PFL Properties, L.P. tract called 236 square feet, as recorded in Volume 1490, Page 524, in said Official Records, being the Southeast corner of said Houston residue of original tract called 0.045 acre, being on the West line of said PFL Properties, L.P. tract called 0.325 acre for an exterior corner hereof;

THENCE in a Westerly direction, being along the North line of said PFL Properties, L.P. tract called 236 square feet, being along the South line of said Houston residue of original tract called 0.045 acre for a South line hereof to the Northwest corner of said PFL Properties, L.P. tract called 236 square feet, being the Southwest corner of said Houston residue of original tract called 0.045 acre, being on the Northeast line of the PFL Properties L.P. tract called 4.00 acres (Tract Five), as conveyed in Volume 839, Page 470, in said Official Records and described in Volume 252, Page 532, in said Deed Records for an exterior corner hereof;

THENCE in a Northwesterly direction being along a portion of the Northeast line of said PFL Properties L.P. tract called 4.00 acres, being along the Southwest line of said Houston residue of original tract called 0.045 acre for a Southwest line hereof to the North corner of said PFL Properties L.P. tract called 4.00 acres, being the West corner of said Houston residue of original tract called 0.045 acre, being on the Southeast line of the Graham Memorial Corporation residue of original tract called 1.0 acre, as recorded in Volume 253, Page 422, in said Deed Records for a West corner hereof;



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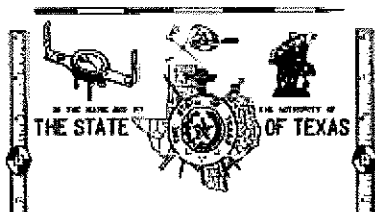
THENCE in a Northeasterly direction, being along a portion of the Southeast line of said Graham Memorial Corporation residue of original tract called 1.0 acre, being along the Northwest line of said Houston residue of original tract called 0.045 acre for a Northwest line hereof to the East or Northeast corner of said Graham Memorial Corporation residue of original tract called 1.0 acre, being the Northwest corner of said Houston residue of original tract called 0.045 acre, being on the South line of said Lot 24, Block 13 of said Sixth Atlow Addition for an interior corner hereof;

THENCE in a Westerly direction, being along a portion of the South line of said Lot 24, Block 13 of said Sixth Atlow Addition, being along the South lines of Lots 25, 26 and 27, Block 13 of Seventh Atlow Addition, a map or plat recorded in Plat Cabinet File Slide Numbers 62B and 63A, in said Plat Records, being along the North line of said Graham Memorial Corporation residue of original tract called 1.0 acre for a South line hereof to the Northeast corner of the Carl E. Chaney, et ux tract called 0.036 acre (Tract Two), as recorded in Volume 1140, Page 573, in said Official Records, being the Southwest corner of said Lot 27, Block 13 of said Seventh Atlow Addition, being an exterior corner of Lot 28, Block 13 of said Seventh Atlow Addition, being an exterior corner of said Graham Memorial Corporation residue of original tract called 1.0 acre for an interior corner hereof;

THENCE in a Southwesterly direction, being along the Southeast line of said Chaney tract called 0.036 acre, being along the Northwest line of said Graham Memorial Corporation residue of original tract called 1.0 acre for a Southeast line hereof to the South corner of said Chaney tract called 0.036 acre, being the West corner of said Graham Memorial Corporation residue of original tract called 1.0 acre, being on a Northeast right of way line of U.S. Highway No. 290 W. for a South corner hereof;

THENCE in a Northwesterly direction, being along a Northeast right of way line of said U.S. Highway No. 290 W., being along the Southwest line of said Chaney tract called 0.036 acre, being along the Southwest line of said Lot 28, Block 13 of said Seventh Atlow Addition, being along the Southwest lines of Lots 29, 30, 31, 32, 33 and 34, Block 13 of said Seventh Atlow Addition, crossing Kirk Drive with a Northeast right of way line of said U.S. Highway No. 290 W., being along the Southwest lines of Lots 1 and 2, Block 19 of said Seventh Atlow Addition for a Southwest line hereof to an exterior corner of said Lot 2, Block 19 of said Seventh Atlow Addition, being on a Northeast right of way line of said U.S. Highway No. 290 W. at its intersection with an East margin of said S. Lubbock Street for an exterior corner hereof;

THENCE in a Northerly direction, being along an East margin of said S. Lubbock Street, being along the West line of said Lot 2, Block 19 of said Seventh Atlow Addition, being along the West lines of Lots 3, 4, 5 and 6, and along a portion of the West line of Lot 7, Block 19 of said Seventh Atlow Addition for a West line hereof to an interior corner hereof, being on an East margin of said S. Lubbock Street at its intersection with the projection of the South line of Raintree Townhomes Subdivision, Section I, a map or plat recorded in Plat Cabinet File Slide Numbers 205A through 207A, in said Plat Records, being on the West line of said Lot 7, Block 19 of said Seventh Atlow Addition;



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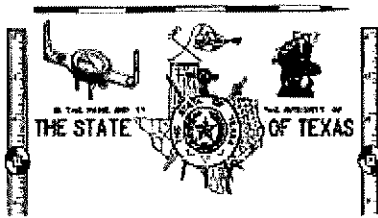
THENCE in a Westerly and Northwesterly direction, crossing said S. Lubbock Street, being along North and Northeast lines of the PFL Properties L.P. tract called 1.596 acres (Tract Four), as recorded in Volume 839, Page 470, in said Official Records and described in Volume 715, Page 896, in said Official Records, being along South and Southwest lines of said Raintree Townhomes Subdivision, Section 1 for South and Southwest lines hereof to an interior corner of said PFL Properties L.P. tract called 1.596 acres, being an exterior corner of said Raintree Townhomes Subdivision, Section 1 for an exterior corner hereof;

THENCE in a Northerly direction, being along an East line of said PFL Properties L.P. tract called 1.596 acres, being along the West line of said Raintree Townhomes Subdivision, Section 1, being along the East line of the PFL Properties L.P. tract called 1.493 acres (Tract Two), as recorded in Volume 839, Page 470, in said Official Records and described in Volume 824, Page 86, in said Official Records, being along the West line of the City of Brenham, Texas tract called 0.556 acre, as recorded in Volume 219, Page 253, in said Deed Records for a West line hereof to the Northeast corner of said PFL Properties L.P. tract called 1.493 acres, being the Northwest corner of said City of Brenham tract called 0.556 acre, being on the South line of Lot 8 of Lakeview Subdivision, Section 1, a map or plat recorded in Plat Cabinet File Slide Numbers 121B, 122A and 122B, in said Plat Records for an interior corner hereof;

THENCE in a Westerly direction, being along a portion of the South line of said Lot 8 of said Lakeview Subdivision, Section 1, being along the South lines of Lots 4, 5 and 6 of Lakeview Subdivision, Section 2, a map or plat recorded in Plat Cabinet File Slide Numbers 140B, 141A and 141B, in said Plat Records, being along the North line of said PFL Properties L.P. tract called 1.493 acres for a South line hereof to the Northwest corner of said PFL Properties L.P. tract called 1.493 acres, being an exterior corner of said Lot 6 of said Lakeview Subdivision, Section 2, being on a Northeast right of way line of said U.S. Highway No. 290 W. for an exterior corner hereof;

THENCE in a Northwesterly direction, being along a Northeast right of way line of said U.S. Highway No. 290 W., being along a Southwest line of said Lot 6 of said Lakeview Subdivision, Section 2 for a Southwest line hereof to an exterior corner of said Lot 6 of said Lakeview Subdivision, Section 2, being on a Northeast right of way line of said U.S. Highway No. 290 W. at its intersection with an East right of way line of said Burlington Northern & Santa Fe Railroad (BNSF) for an exterior corner hereof;

THENCE in a Northerly direction, being along East right of way lines of said BNSF Railroad, being along the West line of said Lot 6, of said Lakeview Subdivision, Section 2, being along the West lines of Lots 7, 8, 9, 10 and 11 of said Lakeview Subdivision, Section 2, being along the West line of Lot 15 of said Lakeview Subdivision, Section 1, being along West lines of the Lakeview Owners Association tract called 2.47 acres, as recorded in Volume 323, Page 298, in said Deed Records, being along a portion of the West line of the Richard J. Dominguez, et ux tract called 0.762 acre (Tract 2), as recorded in Volume 1427, Page 620, in said Official Records for West lines hereof to an interior corner hereof, being on an East right of way line of said BNSF Railroad at its intersection with the projection of the Northeast line of Lot 4 (called 3.280 acres) of the Division of the Louis Kieke Estate



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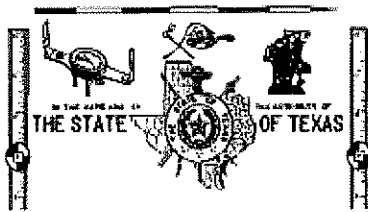
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Land, a map or plat recorded in Plat Cabinet File Slide Number 341A, in said Plat Records, being on the West line of said Dominguez tract called 0.762 acre;

THENCE in a Northwesterly direction, crossing said BNSF Railroad right of way, being along the Northeast line of said Lot 4 (called 3.280 acres) of said Division of the Louis Kiecke Estate Land, being along the Southwest line of Lot One (called 1.000 acre) of the Boundary Line Adjustment of Louis Kiecke Estate, a map or plat recorded in Plat Cabinet File Slide Number 317B, in said Plat Records, and crossing Prairie Lea Street (F.M. Highway 389) for a Southwest line hereof, passing a 5/8 inch iron rod found on a West right of way line of said BNSF Railroad for the East corner of said Lot 4 (called 3.280 acres) of said Division of the Louis Kiecke Estate Land, being the South corner of said Lot One (called 1.000 acre) of said Boundary Line Adjustment of Louis Kiecke Estate, and continuing in a Northwesterly direction, passing a 1/2 inch iron rod found on a Southeast right of way line of said Prairie Lea Street (F.M. Highway 389) for the North corner of said Lot 4 (called 3.280 acres) of said Division of the Louis Kiecke Estate Land, being the West corner of said Lot One (called 1.000 acre) of said Boundary Line Adjustment of Louis Kiecke Estate, and continuing in a Northwesterly direction, crossing said Prairie Lea Street (F.M. Highway 389) to an interior corner hereof, being on a Northwest right of way line of said Prairie Lea Street (F.M. Highway 389) at its intersection with the projection of the Northeast line of said Lot 4 (called 3.280 acres) of said Division of the Louis Kiecke Estate Land, being on the Southeast line of Lot 5 of Louanna Estates Subdivision, Section Two, a map or plat recorded in Plat Cabinet File Slide Numbers 199A and 199B, in said Plat Records;

THENCE in a Southwesterly direction, being along Northwest right of way lines of said Prairie Lea Street (F.M. Highway 389), being along a portion of the Southeast line of said Lot 5 of said Louanna Estates Subdivision, Section Two, being along the Southeast line of Lot 26 of Louanna Estates Subdivision, Section I, a map or plat recorded in Plat Cabinet File Numbers 145B, 146A and 146B, in said Plat Records, crossing Blake Drive with a Northwest right of way line of said Prairie Lea Street (F.M. Highway 389), being along the Southeast lines of Lots 27, 28, 29, 30, 31 and 32 of said Louanna Estates Subdivision, Section I for Southeast lines hereof to the South corner of said Lot 32 of said Louanna Estates Subdivision, Section I, being on a Northwest right of way line of said Prairie Lea Street (F.M. Highway 389) at its intersection with a Northeast margin of Farewell Street for a South corner hereof;

THENCE in a Northwesterly and Northerly direction, being along Northeast and East margins of said Farewell Street, being along the Southwest line of said Lot 32 of said Louanna Estates Subdivision, Section I, being along the West line of Lot 33 of said Louanna Estates Subdivision, Section I, crossing Kori Lane with an East margin of said Farewell Street, being along the West lines of Lots 1, 2, 3, 4, 5, 6 and 7 of said Louanna Estates Subdivision, Section I for Southwest and West lines hereof to the Northwest corner of said Lot 7 of said Louanna Estates Subdivision, Section I, being the West corner of Lot 8 of said Louanna Estates Subdivision, Section I, being on an East margin of said Farewell Street for an interior corner hereof;



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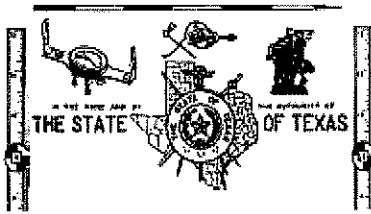
THENCE in a Northwesterly direction, crossing said Farewell Street for a Southwest line hereof to an exterior corner of the Blinn College and Brenham Cemetery Association, Inc. tract called 1.532 acres (Tract No. 2 - Exhibit "A"), as recorded in Volume 878, Page 139, in said Official Records, being an exterior corner of the Darryl W. Heine tract called 11.898 acres, as recorded in Volume 1126, Page 598, in said Official Records, being on a West margin of said Farewell Street for an interior corner hereof;

THENCE in a Westerly and Southwesterly direction, being along North and Northwest lines of said Heine tract called 11.898 acres, being along the South line of said Blinn College and Brenham Cemetery Association, Inc. tract called 1.532 acres, being along South and Southeast lines of the Blinn College and Brenham Cemetery, Inc. tract called 27.806 acres (Tract No. 1 - Exhibit "A"), as recorded in Volume 878, Page 139, in said Official Records for South and Southeast lines hereof to a 5/8 inch iron rod found with Id. cap (RPLS 1732) at a fence corner on a Northeast right of way line of said U.S. Highway No. 290 W. for the West corner of said Heine tract called 11.898 acres, being the South corner of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres, being a South corner hereof;

THENCE in a Northwesterly direction, being along a Northeast right of way line of said U.S. Highway No. 290 W., being along a Southwest line of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres for a Southwest line hereof to a 3/8 inch iron rod found with Id. cap (RPLS 2835) on a Northeast right of way line of said U.S. Highway No. 290 W. for a West corner of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres, being the South corner of the Black Mesa, LLC tract called 4.474 acres, as recorded in Volume 904, Page 57, in said Official Records, being a West corner hereof;

THENCE in a Northeasterly direction, being along a Northwest line of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres, being along the Southeast line of said Black Mesa, LLC tract called 4.474 acres for a Northwest line hereof to an interior corner of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres, being the East corner of said Black Mesa, LLC tract called 4.474 acres for an interior corner hereof;

THENCE in a Northwesterly direction, being along Southwest lines of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres, being along the Northeast line of said Black Mesa, LLC tract called 4.474 acres, being along the Northeast line of the Black Mesa, LLC tract called 1.240 acres, as recorded in Volume 967, Page 292, in said Official Records, being along the Northeast line of the Carrier Edmonds Real Estate Holding, LLC tract called 4.452 acres, as recorded in Volume 1347, Page 597, in said Official Records, being along the Northeast line of Lot 3 of Appel Business Park Subdivision, Section II, as recorded in Plat Cabinet File Slide Number 440B, in said Plat Records for Southwest lines hereof to the Northwest corner of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres, being the North corner of said Lot 3 of said Appel Business Park Subdivision, Section II, being on a South line of the Washington County, Texas tract called 2.966 acres, as recorded in Volume 255, Page 173, in said Deed Records for an exterior corner hereof;



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THENCE in an Easterly direction, being along a portion of a South line of said Washington County, Texas tract called 2.966 acres, being along a portion of a North line of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres for a North line hereof to an interior corner hereof, being on a South line of said Washington County, Texas tract called 2.966 acres at its intersection with the projection of the Southeast line of the Gregory E. Appel and John J. Appel Rental Partnership residue of original tract called 45.885 acres, as recorded in Volume 1238, Page 28, in said Official Records, being on a North line of said Blinn College and Brenham Cemetery Association, Inc. tract called 27.806 acres;

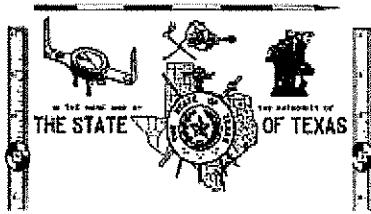
THENCE in a Northerly direction, crossing said Washington County, Texas tract called 2.966 acres, being along East lines of said Appel Rental Partnership residue of original tract called 45.885 acres, being along West lines of Lot 1 (called 43.387 acres), Block 1 of Blinn College Saeger Street Subdivision, a map or plat recorded in Plat Cabinet File Slide Numbers 451B and 452A, in said Plat Records for West lines hereof to a South corner of The Junior College District of Washington County, Texas tract called 7.200 acres, as recorded in Volume 1345, Page 663, in said Official Records, being an exterior corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being on a West line of said Lot 1 (called 43.387 acres), Block 1 of said Blinn College Saeger Street Subdivision for an interior corner hereof;

THENCE in a Northerly direction, being along a West line of said The Junior College District of Washington County, Texas tract called 7.200 acres, being along an East line of said Appel Rental Partnership residue of original tract called 45.885 acres for a West line hereof to a Northeast corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being an exterior corner of said The Junior College District of Washington County, Texas tract called 7.200 acres, being on a South right of way line of a turnabout at the intersection of Timber Oaks Drive and Oak Tree Crossing Drive for an interior corner hereof;

THENCE in a Westerly direction, being along a South right of way line of said turnabout, being along a North line of said Appel Rental Partnership residue of original tract called 45.885 acres for a South line hereof to an interior corner hereof, being on a South right of way line of said turnabout for a Northwest corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being a Northeast corner of Lot 1, Block 1 of Timber Oaks Subdivision, Section III, a map or plat recorded in Plat Cabinet File Slide Numbers 648A and 648B, in said Plat Records;

THENCE in a Southerly direction, being along a West line of said Appel Rental Partnership residue of original tract called 45.885 acres, being along the East line of said Lot 1, Block 1 of said Timber Oaks Subdivision, Section III for an East line hereof to an interior corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being the Southeast corner of said Lot 1, Block 1 of said Timber Oaks Subdivision, Section III for a Southeast corner hereof;

THENCE in a Westerly direction, being along the South line of said Lot 1, Block 1 of said Timber Oaks Subdivision, Section III, being along the South lines of Lots 2, 3, 4, 5, 6, 7 and 8, Block 1 of said Timber Oaks Subdivision, Section III, being along a North line of said Appel Rental Partnership



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residue of original tract called 45.885 acres for a South line hereof to the Southwest corner of said Lot 8, Block 1 of said Timber Oaks Subdivision, Section III, being an interior corner of said Appel Rental Partnership residue of original tract called 45.885 acres for a Southwest corner hereof;

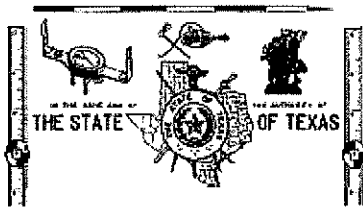
THENCE in a Northerly direction, being along the West line of said Lot 8, Block 1 of said Timber Oaks Subdivision, Section III, being along an East line of said Appel Rental Partnership residue of original tract called 45.885 acres for a West line hereof to the Northwest corner of said Lot 8, Block 1 of said Timber Oaks Subdivision, Section III, being a Northeast corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being on a South right of way line of said Timber Oaks Drive for an interior corner hereof;

THENCE in a Westerly direction, being along a South right of way line of said Timber Oaks Drive, being along a North line of said Appel Rental Partnership residue of original tract called 45.885 acres for a South line hereof to an interior corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being on a South right of way line of said Timber Oaks Drive at its intersection with the West right of way line of Oak Crest Lane for an exterior corner hereof;

THENCE in a Northerly direction, being along a portion of the West right of way line of said Oak Crest Lane, being along an East line of said Appel Rental Partnership residue of original tract called 45.885 acres for a West line hereof to the Southeast corner of Lot 16, Block 2 of said Timber Oaks Subdivision, Section III, being a Northeast corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being on a West right of way line of said Oak Crest Lane for an interior corner hereof;

THENCE in a Westerly direction, being along the South line of said Lot 16, Block 2 of said Timber Oaks Subdivision, Section III, being along the South lines of Lots 15 and 14, Block 2 of said Timber Oaks Subdivision, Section III, being along a North line of said Appel Rental Partnership residue of original tract called 45.885 acres for a South line hereof to the Southwest corner of said Lot 14, Block 2 of said Timber Oaks Subdivision, Section III, being a Northwest corner of said Appel Rental Partnership residue of original tract called 45.885 acres, being on the East line of the Floresville Land Enterprises, Inc. tract called 2.10 acres, as recorded in Volume 1512, Page 308, in said Official Records for a Southwest corner hereof;

THENCE in a Northerly direction, being along the West line of said Lot 14, Block 2 of said Timber Oaks Subdivision, Section III, being along the West lines of Lots 13 and 12, Block 2 of said Timber Oaks Subdivision, Section III, being along a portion of the East line of said Floresville Land Enterprises, Inc. tract called 2.10 acres, being along an East line of the Paul F. LaRoche, III, Trustee tract called 3.969 acres (Tract Two), as recorded in Volume 1615, Page 917, in said Official Records for a West line hereof to the Northwest corner of said Lot 12, Block 2 of said Timber Oaks Subdivision, Section III, being a Northeast corner of said LaRoche tract called 3.969 acres, being on the South line of the Billy Ray Winkelmann residue of original tract called 4.8530 acres, as conveyed in Volume 957, Page 531, in said Official Records and described in Volume 378, Page 903, in said Deed Records for an interior corner hereof;



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THENCE in a Westerly direction, being along a portion of the South line of said Winkelmann residue of original tract called 4.8530 acres, being along a North line of said LaRoche tract called 3.969 acres for a South line hereof to the Southwest corner of said Winkelmann residue of original tract called 4.8530 acres, being an interior corner of said LaRoche tract called 3.969 acres for an exterior corner hereof;

THENCE in a Northerly direction, being along a West line of said Winkelmann residue of original tract called 4.8530 acres, being along the West line of the Patricia B. Ray tract called 1.055 acres, as recorded in Volume 1026, Page 74, in said Official Records, being along an East line of said LaRoche tract called 3.969 acres, being along the East line of the L.W. Tegeler, Trustee tract called 5.932 acres, as recorded in Volume 912, Page 56, in said Official Records, crossing said Old Mill Creek Road for a West line hereof to an interior corner hereof, being on a North margin of said Old Mill Creek Road at its intersection with the projection of the West line of said Ray tract called 1.055 acres, being on a South line of Lot 4 (called 0.381 acre) of said Old Mill Creek Subdivision, Section 1, as recorded in Plat Cabinet File Slide Numbers 646A and 646B, in said Plat Records;

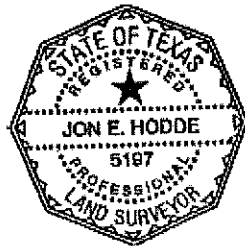
THENCE in a Westerly direction, being along North margins of said Old Mill Creek Road, being along South lines of said Lot 4 (called 0.381 acre) of said Old Mill Creek Subdivision, Section 1, being along the South line of Reserve "A" (called 0.006 acre), Lot 3 (called 0.161 acre) and said Lot 1 (called 0.507 acre) of said Old Mill Creek Subdivision, Section 1 for South lines hereof to the PLACE OF BEGINNING and containing approximately 1,019 acres of land, more or less. Leaving an approximate net acreage of 2,195 acres, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an 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. Acreages stated herein are approximate.

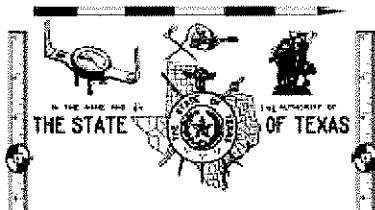
Dated this the 7th day of February, 2019, A. D.



Jon E. Hodde
Registered Professional
Land Surveyor No. 5197



Tract B



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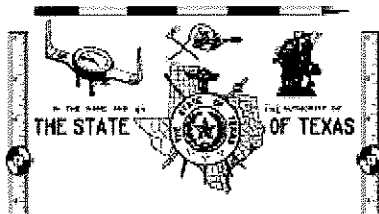
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City of Brenham – 2019 TIRZ EXPANSION Description

All that certain tract or parcel of land, lying and being situated in the City of Brenham, Washington County, Texas, part of the A. Harrington Survey, A-55 and the James Walker Survey, A-106, and being described as follows:

BEGINNING at a found "X" cut in concrete on an East margin of N. Chappell Hill Street at its intersection with a North margin of E. Main Street for the Southwest corner of Lot 1 (called 1.109 acres), Block 1 of Main Street Plaza Subdivision, a map or plat being of record in Plat Cabinet File Slide Number 655B, in the Plat Records of Washington County, Texas, being a Northeast corner of the City of Brenham - 2019 TIRZ tract called approximately 2195± acres, dated February 7, 2019, being the most Western Northwest corner hereof;

THENCE in an Easterly direction, being along North margins of said E. Main Street, being along the South line of said Lot 1, Block 1 of Main Street Plaza Subdivision, being along the South line of the Main Street Baptist Church tract called 60 feet by 120 feet, as recorded in Volume 86, Page 473, in the Deed Records of Washington County, Texas, being along the South line of the Main Street Baptist Church residue of original tract called 120 feet by 126 feet, as recorded in Volume 213, Page 223, in said Deed Records, being along the South line of the Tommie Wellmann tract called 8,189 square feet, as recorded in Volume 1293, Page 643, in the Official Records of Washington County, Texas, being along the South line of the Veronica Picaso tract called 0.153 acre, as recorded in Volume 1368, Page 14, in said Official Records, being along the South line of the Tommie Wellmann tract called 7,829 square feet, as recorded in Volume 1284, Page 718, in said Official Records, being along the South line of Raechelle Shaenette Burks tract, as conveyed in Volume 1655, Page 12, in said Official Records and described as 0.196 acres in Volume 290, Page 130, in said Deed Records, being along the South line of the Rufus Smith, Jr. tract called 0.0100 acre, as recorded in Volume 518, Page 347, in said Official Records, being along the South line of Rufus Smith, Jr. tract called 60 feet by 90 feet (Lot 17), as recorded in Volume 380, Page 324, in said Deed Records, being along the South line of MC Property Holdings, LLC tract called 0.12 acre (Lot 16), as conveyed in Volume 1675, Page 253, in said Official Records and described as 5,400 square feet in Volume 145, Page 177, in said Deed Records, being along the South line of the Mattie Benjamin tract (Lot 15), as conveyed in Volume 831, Page 493, in said Official Records and described as 60 feet by 90 feet in Volume 9, Page 97, in said Deed Records, being along the South line of the Tommie Wellmann tract (Lot 14), as conveyed in Volume 1259, Page 32, in said Official Records and described as 60 feet by 90 feet in Volume 393, Page 757, in said Deed Records, crossing Barbee Street with a North margin of said E. Main Street, being along the South line of the Rangel M. Bustos, et ux tract called 8,966 square feet, as recorded in Volume 905, Page 947, in said Official Records, being along the South line of the Tommie Lee Wellmann tract, as conveyed in Volume 1394, Page 811, in said Official Records and being the residue of original tract called 0.683 acre described in Volume 311, Page 831, in said Deed Records, being along the South line of the Brenda J. Fielder tract called 0.442 acre, as recorded in Volume 1377, Page 444, in said Official Records, being along the South line of the Linda J. Love tract called 55 feet by 300 feet, as recorded in Volume 538, Page 589, in said Official Records, being along the South line of the Ivory Gail



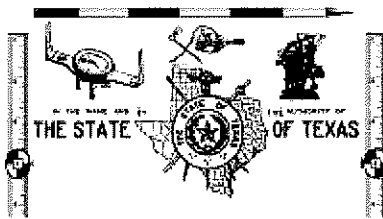
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Jefferson tract called 0.576 acre, as recorded in Volume 1591, Page 1, in said Official Records, being along the South line of the Larry L. Johnson Lot 56A (Tract 1), as conveyed in Volume 1519, Page 425, in said Official Records and described as 45 feet by 230 feet in Volume 115, Page 117 in said Deed Records, being along the South line of the Larry L. Johnson Lot 57A (Tract 2), as conveyed in Volume 1519, Page 425, in said Official Records and described as 45 feet by 260 in Volume 218, Page 495, in said Deed Records, being along the South line of the Luis Lopez tract, as recorded in Volume 1567, Page 92, in said Official Records, being along the South line of the Tommie L. Wellmann tract called 0.222 acre (Tract 1), as recorded in Volume 1365, Page 882, in said Official Records, being along the South line of the Tommie L. Wellmann tract called 0.211 acre (Tract 3), as recorded in Volume 1365, Page 882, in said Official Records, being along a South line of the Tommie L. Wellmann tract, as recorded in Volume 1341, Page 705, in said Official Records, being along the South line of the Tommie Wellmann tract called 0.054 acre (Tract 3), as recorded in Volume 1311, Page 481, in said Official Records, being along the South line of the Tommie Wellmann tract called 0.138 acre, as recorded in Volume 915, Page 667, in said Official Records, being along the South line of the Tommie Wellmann tract called 0.106 acre, as recorded in Volume 915, Page 667, in said Official Records, being along South lines of the Tommie Wellmann tract called 0.787 acre, as recorded in Volume 915, Page 663, in said Official Records, and continuing, being along North margins of said E. Main Street as it intersects with North margins of E. Alamo Street, being along South lines of the Tommie L. Wellmann tract called 1.007 acres, as recorded in Volume 1150, Page 161, in said Official Records, being along the South line of an unknown owner(s) tract, being along the South line of the Larry L. Johnson tract called 0.1884 acre (Property Two), as recorded in Volume 1282, Page 600, in said Official Records, being along the South line of the Blossom Hutchinson Williams, et al tract, as conveyed in Volume 512, Page 585, in said Official Records, being along the South line of the Kenya Johnson tract called 0.1413 acre, as conveyed in Volume 1114, Page 900, in said Official Records and described as 6,156 square feet in Volume 483, Page 230, in said Official Records, being along the South line of the Larry L. Johnson tract, as conveyed in Volume 1656, Page 307, in said Official Records and being the residue of original tract called 12,312 square feet described in Volume 705, Page 104, in said Official Records, being along the South line of an abandoned Public Road, being along the South line of the Diane Crystal McDaniel, et al tract, as conveyed in Volume 1620, Page 92, in said Official Records for North lines hereof to an exterior corner of said McDaniel tract, being on a North margin of said E. Alamo Street at its intersection with a flare of a Northwest right of way line of N. Blue Bell Road (F.M. Highway No. 577) for an interior corner hereof;

THENCE in a Northeasterly direction, being along a Northwest right of way line of said N. Blue Bell Road, being along the Southeast line of said McDaniel tract for a Southeast line hereof to an exterior corner of said McDaniel residue of original tract, being an interior corner of said N. Blue Bell Road for an interior corner hereof;

THENCE in a Northerly and Northwesterly direction, being along West and Southwest right of way lines of said N. Blue Bell Road, being along the East line of said McDaniel tract, being along the East line of said unknown owner(s) tract, being along East lines of the Gloria Greenwade Nix, et al residue of original tract called 41 acres, as conveyed in Volume 350, Page 835, in said Deed



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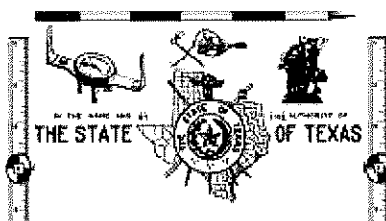
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Records and being part of a tract called 76.58 acres described in Volume 180, Page 17, in said Deed Records, crossing the East end of Lauraine Street with a West right of way line of said N. Blue Bell Road, being along East and Northeast lines of Tract Two (called 3.519 acres) of the Lots One and Two Charles Schroeder, Jr. Division - 3.921 acres, a map or plat being of record in Plat Cabinet File Slide Number 338-B, in said Plat Records, being along the Northeast line of the Home Town Properties, LP residue of Lot 54 of College Heights Addition, as conveyed in Volume 1401, Page 1004, in said Official Records, a map or plat of said College Heights Addition being of records in Plat Cabinet File Slide Number 6-A, in said Plat Records, being along the Northeast line of the Jose Rodriguez Avalos tract called 0.093 acre, as recorded in Volume 1579, Page 95, in said Official Records, being along Northeast lines of the Jose Rodriguez Avalos residue of original tract called 12,800 square feet, as conveyed in Volume 1579, Page 92, in said Official Records and described in Volume 197, Page 228, in said Deed Records, crossing Brown Street with a Southwest right of way line of said N. Blue Bell Road, being along the Northeast line of the Lola Investments, LLC residue of Lot 48 of said College Heights Addition (Tract 1), as conveyed in Volume 1644, Page 896, in said Official Records, being along a Northeast line of Lot 11A (called 1.54 acres) of the Replat of Lots 2 through 31 of College Heights Addition and a called 0.331 acre tract, a map or plat being of record in Plat Cabinet File Slide Number 655-A, in said Plat Records for West and Southwest lines hereof to an exterior corner of said Lot 11A of said Replat of Lots 2 through 31 of College Heights Addition and a called 0.331 acre tract, being on a Southwest right of way line of said N. Blue Bell Road (F.M. Highway No. 577) at a flare of same;

THENCE continuing in a Northwesterly direction, crossing said State Highway No. 105 - Business with a Southwest line hereof to the Eastern Southeast corner of Lot 1 (called 0.573 acre) of the Alexander Division, a map or plat being of record in Plat Cabinet File Slide Number 686-A, in said Plat Records, being on a Northwest right of way line of said State Highway No. 105 - Business at a flare of same for an exterior corner hereof;

THENCE in a Northerly and Northwesterly direction, being along West and Southwest right of way lines of E. Blue Bell Road (F.M. Highway No. 577), being along East and Northeast lines of said Lot 1 (called 0.573 acre) of said Alexander Division, crossing Simon Avenue with a Southwest right of way line of said E. Blue Bell Road, being along the Northeast line of the Tommie Wellmann tract called 0.345 acre, as recorded in Volume 1016, Page 467, in said Official Records for West and Southwest lines hereof to the North corner of said Wellmann tract called 0.345 acre, being the East corner of the City of Brenham, Texas tract called 1.961 acres, as recorded in Volume 312, Page 829, in said Deed Records, being on a Southwest right of way line of said E. Blue Bell Road for the most Northern West corner hereof;

THENCE in a Northeasterly direction, crossing said E. Blue Bell Road for a Northwest line hereof to the West corner of Robbie's Four Way tract called 1.416 acres, as recorded in Plat Cabinet File Slide Number 368-B, in said Plat Records, being on a Northeast right of way line of said E. Blue Bell Road for an interior corner hereof;



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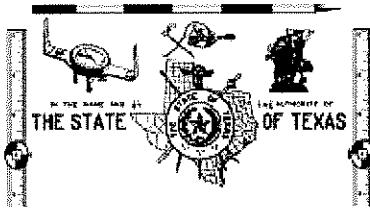
THENCE in an Northerly direction, being along the West line of said Robbie's Four Way tract called 1.416 acres, being along the East line of the 1800 Hwy 105, LLC tract called 2.981 acres (Tract 1), as recorded in Volume 1509, Page 351, in said Official Records for a West line hereof to a 5/8 inch iron rod found at a T-Post for the North corner of said Robbie's Four Way tract called 1.416 acres, common with an interior corner of said 1800 Hwy 105, LLC tract called 2.981 acres, being the most Northern corner hereof;

THENCE in a Southeasterly direction, being along the Northeast line of said Robbie's Four Way tract called 1.416 acres, being along a Southwest line of said 1800 Hwy 105, LLC tract called 2.981 acres, being along the Northeast line of the Boundary Line Adjustment tract called 13,020 square feet, a map or plat of said Boundary Line Adjustment being of record in Plat Cabinet File Slide Number 318-A, in said Plat Records for a Northeast line hereof to the South corner of said 1800 Hwy 105, LLC tract called 2.981 acres, being the East corner of said Boundary Line Adjustment tract called 13,020 square feet, being on a Northwest right of way line of State Highway No. 105 for an interior corner hereof;

THENCE in a Northeasterly direction, being along a Northwest right of way line of said State Highway No. 105, being along a portion of a Southeast line of said 1800 Hwy 105 LLC tract called 2.981 acres for a Northwest line hereof to a North corner hereof, being on a Northwest right of way line of said State Highway No. 105 at its intersection with a projection of the Northeast line of the JB105 Management LLC tract called 0.9765 acre, as recorded in Volume 1328, Page 1038, in said Official Records, being on a Southeast line of said 1800 Hwy 105 LLC tract called 2.981 acres;

THENCE in a Southeasterly direction, crossing said State Highway No. 105, being along the Northeast line of said JB105 Management LLC tract called 0.9765 acre, being along the Southwest line of the JB105 Management LLC residue of original tract called 1.3123 acres (Tract One), as recorded in Volume 1328, Page 1030, in said Official Records for a Northeast line hereof to the East corner of said JB105 Management LLC tract called 0.9765 acre, being the South corner of said JB105 Management LLC residue of original tract called 1.3123 acres (Tract One), being on a North line of the Ricky Boeker, et al residue of original tract called 30.001 acres, as recorded in Volume 1162, Page 227, in said Official Records for an interior corner hereof;

THENCE in an Easterly direction, being along a portion of a North line of said Boeker residue of original tract called 30.001 acres, being along the South line of said JB105 Management LLC residue of original tract called 1.3123 acres (Tract One), being along the South line of the JB105 Management LLC residue of original tract called 1.3123 acres (Tract Two), as recorded in Volume 1328, Page 1030, in said Official Records, being along the South line of the Alvin S. Miller, Jr. residue of original tract called 1.3123 acres (Tract 3), as recorded in Volume 1359, Page 209, in said Official Records, being along the South line of the Alvin S. Miller, Jr. residue of original tract called 1.3123 acres (Tract 1), as recorded in Volume 1359, Page 209, in said Official Records, being along the South line of the Alvin S. Miller, Jr. residue of original tract called 1.02 acres (Tract 2), as recorded in Volume 1359, Page 209, in said Official Records, being along a portion of the South line of the LMLN Schwartz, Inc. residue of original tract called 5.000 acres, as recorded in



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Volume 566, Page 571, in said Official Records for a North line hereof to a Northeast corner of said Boeker residue of original tract called 30.001 acres, being on the South line of said LMLN Schwartz, Inc. residue or original tract called 5.000 acres, being a Northwest corner of the Woodrow A. Free and Joan T. Free, Trustees of the Free Family Trust residue of original tract called 140 acres (Tract No. 1), as recorded in Volume 850, Page 921, in said Official Records for the most Northern Northeast corner hereof;

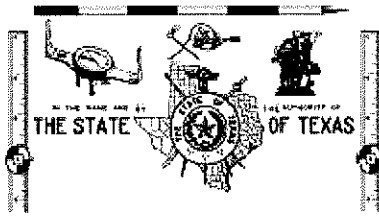
THENCE in a Southerly direction, being along a West line of said Free Family Trust residue of original tract called 140 acres, being along the East line of said Boeker residue of original tract called 30.001 acres for an East line hereof to a Southeast corner of said Boeker residue of original tract called 30.001 acres, being a Southwest corner of said Free Family Trust residue of original tract called 140 acres, being on the North line of the Brian Keith Boeker tract called 2.407 acres, as recorded in Volume 1531, Page 723, in said Official Records for a Southeast corner hereof;

THENCE in an Westerly direction, being along a portion of the North line of said Boeker tract called 2.407 acres, being along a South line of said Boeker residue of original tract called 30.001 acres for a South line hereof to a found 4 inch steel pipe fence corner post for the Northwest corner of said Boeker tract called 2.407 acres, being the North corner of the Ricky Boeker tract called 1.90 acres, as recorded in Volume 1567, Page 614, in said Official Records, being an interior corner of said Boeker residue of original tract called 30.001 acres, and being an interior corner hereof ;

THENCE in a Southerly direction, being along the West line of said Boeker tract called 2.407 acres, being along the East line of said Boeker tract called 1.90 acres for an East line hereof to a 1/2 inch iron rod found with Id. cap (RPLS 2145) at a 4 inch steel pipe fence post for the Southwest corner of said Boeker tract called 2.407 acres, being the Southeast corner of said Boeker tract called 1.90 acres, being on a Northwest margin of Lauraine Lane, and being an interior corner hereof;

THENCE in a Northeasterly direction, being along a portion of a Northwest margin of said Lauraine Lane, being along a portion of the Southeast line of said Boeker tract called 2.407 acres for a Northwest line hereof to the end of said Lauraine Lane, being on the Southeast line of said Boeker tract called 2.407 acres, being a Northwest corner of said Free Family Trust residue of original tract called 140 acres for an exterior corner hereof;

THENCE in a Southerly direction, crossing the East end of said Lauraine Lane, being along West lines of said Free Family Trust residue of original tract called 140 acres, being along East lines of the Gloria Nix tract called 35.58 acres (Tract One), as conveyed in Volume 938, Page 738, in said Official Records and being part of a tract called 76.58 acres described in Volume 180, Page 17, in said Deed Records for East lines hereof to the centerline of Hog Branch for a Southwest corner of said Free Family Trust residue of original tract called 140 acres, being on a North line of the City of Brenham tract called 1.643 acres, as recorded in Volume 277, Page 360, in said Deed Records, also being the Southeast corner of said Nix tract called 35.58 acres, and being a Southeast corner hereof;



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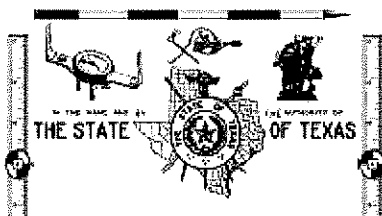
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THENCE in a Westerly, Southwesterly, Northwesterly and Southerly direction, being along the centerline of said Hog Branch, being along South, Southeast, Southwest and East lines of said Nix tract called 35.58 acres, being along North and Northwest lines of said City of Brenham tract called 1.643 acres, being along the North and Northwest lines of the City of Brenham tract called 1.173 acres, as recorded in the Probates Records of Washington County, Texas, being along North and Northeast lines of the City of Brenham tract called 1.046 acres (Tract One), as recorded in Volume 1001, Page 598, in said Official Records, being along North, Northwest and West lines of the City of Brenham tract called 1.027 acres, as recorded in Volume 1010, Page 736, in said Official Records, also being along Northwest and North lines of the City of Brenham tract called 0.437 acre, as recorded in Volume 1008, Page 420, in said Official Records, and being along the North line of the City of Brenham tract called 0.116 acre (Tract One), as recorded in Volume 1003, Page 732, in said Official Records for South, Southeast, Southwest and East lines hereof to the Northwest corner of said City of Brenham tract called 0.116 acre, being on an East right of way line of said N. Blue Bell Road (F.M. Highway No. 577), and being the Southwest corner of said Nix residue of original tract called 35.58 acres for an interior corner hereof;

THENCE in a Southerly direction, being along East right of way lines of said N. Blue Bell Road, being along the West line of said City of Brenham tract called 0.116 acre, crossing the West end of an abandoned Public Road, being along the West line of the City of Brenham tract called 0.187 acre, as recorded in Volume 1000, Page 300, in said Official Records, and being along the West line of the City of Brenham tract called 0.338 acre, as recorded in Volume 1084, Page 319, in said Official Records for East lines hereof to an exterior corner of said City of Brenham tract called 0.338 acre, being an interior corner of said N. Blue Bell Road for an interior corner hereof;

THENCE in a Southeasterly direction, being along a Northeast right of way line of said N. Blue Bell Road in a flare of same, being along the Southwest line of said City of Brenham tract called 0.338 acre for a Southwest line hereof to the Southwest corner of said City of Brenham tract called 0.338 acre, being on a Northeast right of way line of said N. Blue Bell Road at its intersection with a North margin of Old Chappell Hill Road for an interior corner hereof;

THENCE in an Easterly direction, being along North margins of said Old Chappell Hill Road, being along the South line of said City of Brenham tract called 0.338 acre, being along the South line of the Cedric Williams tract, as conveyed in Volume 1507, Page 668, in said Official Records, being along the South line of the City of Brenham tract called 0.498 acres, as recorded in Volume 1021, Page 153, in said Official Records, being along the South line of the City of Brenham tract called 0.192 acre, as recorded in Volume 1033, Page 321, in said Official Records, being along the South line of the City of Brenham tract called 0.308 acre, as recorded in Volume 1033, Page 668, in said Official Records, being along the South line of the City of Brenham tract called 0.510 acre, as recorded in Volume 1007, Page 487, in said Official Records, being along the South line of the City of Brenham tract, as conveyed in Volume 1021, Page 156, in said Official Records and described in Volume 68, Page 531, in said Deed Records, being along the South line of a City of Brenham tract, former Thomas Sallis tract as recorded in Volume 16, Page 188, in said Deed Records, being along the South line of the City of Brenham tract called 0.259 acre, as recorded in Volume 1031, Page



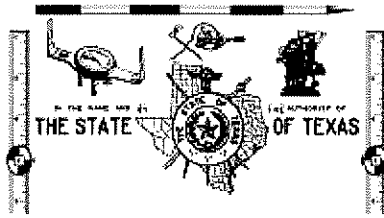
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968, in said Official Records, being along the South line of the City of Brenham tract, as recorded in Volume 800, Page 433, in said Official Records, being along the South line of the City of Brenham tract, as conveyed in Volume 1047, Page 290, in said Official Records and described in Volume 121, Page 427, in said Deed Records, being along the South line of the City of Brenham tract called 0.5009 acre, as recorded in Volume 1010, Page 829, in said Official Records, being along a South line of the City of Brenham tract called 0.786 acre, as recorded in Volume 1047, Page 300, in said Official Records, being along the South line of the City of Brenham tract called 0.099 acre, as recorded in Volume 1021, Page 407, in said Official Records, being along a South line of said City of Brenham tract called 3.017 acres, as recorded in Volume G, Page 6, in the District Clerk Records of Washington County, Texas, being along the South line of The City of Brenham, Texas tract called 0.521 acre, as recorded in Volume 492, Page 606, in said Official Records, being along the South line of The City of Brenham, Texas tract called 3.148 acres, as recorded in Volume 492, Page 600, in said Official Records, crossing the South end of an abandoned Public Road, being along the South line of a tract being occupied by Loraine Smith (deed not found), and being along the South line of the Loraine Smith tract called 0.230 acre, as recorded in Volume 1112, Page 189, in said Official Records for North lines hereof to a found 2 inch galvanized pipe for the Southwest corner of the City of Brenham tract called 0.233 acre, as conveyed in Volume 1068, Page 604, in said Official Records and described in Volume 141, Page 211, in said Deed Records, being on a North margin of said Old Chappell Hill Road, being the Southeast corner of said Smith tract called 0.230 acre, and being a Northeast corner hereof;

THENCE in a Southerly direction, crossing said Old Chappell Hill Road, being along East lines of Detention - Reserve "A" (called 5.133 acres) of Blue Bell Subdivision, Section I, a map or plat being of record in Plat Cabinet File Slide Numbers 699-A and 699-B, of said Plat Records, being along East margins of M and M Lane, being along East lines of the Plat and Dedication of Bilski Road, a map or plat being of records in Plat Cabinet File Slide Number 277-B, in said Plat Records, being along a portion of the West line of Lot 7 of H. C. McIntyre Addition, a map or plat being of record in Plat Cabinet File Slide Number 5-B, in said Plat Records, being along West lines of Lots 6, 5, 4, 3, 2 and 1 of said H. C. McIntyre Addition, being along the West line of the David Albin Murski, et al tract called 120 acres, as recorded in Volume 1137, Page 932, in said Official Records for East lines hereof to the Southwest corner of said Murski tract called 120 acres, being the South corner of said Plat and Dedication of Bilski Road, also being the East corner of the Alois Bilski, et al tract called 0.088 acre, being the residue of original tract called 0.83 acres, as recorded in Volume 609, Page 398, in said Official Records, and being the Northwest corner of the Florence Marie Koehne, et vir tract called 12.73 acres, as conveyed in Volume 1494, Page 439, in said Official Records, being part of a called 23.990 acres (Tract 5) described in Volume 559, Page 703, in said Official Records for an exterior corner hereof;

THENCE in a Southwesterly direction, being along the Southeast line of said Bilski tract called 0.088 acre, being along a Northwest line of said Koehne tract called 12.73 acres, crossing Burlington Northern & Santa Fe Railroad for a Northwest line hereof to an interior corner hereof, being on a Southwest right of way line of said Burlington Northern & Santa Fe Railroad, being on a



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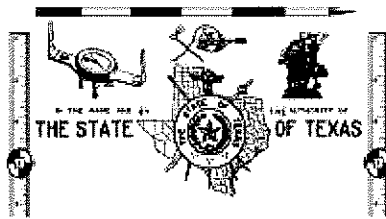
Northeast line of Lot 1 (called 32.788 acres) of Blue Bell Subdivision, Section II, a map or plat being of record in Plat Cabinet File Slide Numbers 705-B and 706-A, in said Plat Records;

THENCE in a Southeasterly direction, being along Southwest right of way lines of said Burlington Northern & Santa Fe Railroad, being along Northeast lines of said Lot 1 (called 32.788 acres) of said Blue Bell Subdivision, Section II, being along a Northeast line of the Bellville Holdings, LLC. tract called 16.818 acres, as recorded in Volume 1353, Page 389, in said Official Records for Northeast lines hereof to an interior corner of said Bellville Holdings, LLC tract called 16.818 acres, being at the South end of Burlington Northern & Santa Fe Railroad for an interior corner hereof;

THENCE in a Northeasterly direction, being along and crossing the Southeast end of said Burlington Northern & Santa Fe Railroad, being along a Northwest line of said Bellville Holdings, LLC. tract called 16.818 acres for a Northwest line hereof to an interior corner of said Bellville Holdings, LLC. tract called 16.818 acres, being at the South end of said Burlington Northern & Santa Fe Railroad for a North corner hereof;

THENCE in a Southeasterly direction, crossing said Bellville Holdings, LLC. tract called 16.818 acres, being along a Northeast line of the City of Brenham tract called 0.0935 acre, as recorded in Volume 607, Page 227, in said Official Records for a Northeast line hereof to the East corner of said City of Brenham tract called 0.0935 acre, being on a Southwest line of said Bellville Holdings, LLC. tract called 16.818 acres, being the North or Northeast corner of the Rosenbaum-Schoenvogel Investments, LP tract called 0.4639 acre (Tract Seven [c]), as conveyed in Volume 1348, Page 842, in said Official Records and described in Volume 607, Page 237, in said Official Records, being the most Eastern corner hereof;

THENCE in a Westerly direction, being along the South line of said City of Brenham tract called 0.0935 acre, being along the North line of said Rosenbaum-Schoenvogel Investments, LP tract called 0.4639 acre, being along the South line of The City of Brenham, Texas tract called 0.0418 acre, as recorded in Volume 607, Page 220, in said Official Records, being along a portion of a cul-de-sac of E. Tom Green Street, being along South margins of said E. Tom Green Street, being along North lines of the Rosenbaum-Schoenvogel Investments, LP residue of original tract called 2.1621 acres (Tract Seven [b]), as conveyed in Volume 1348, Page 842, in said Official Records and described in Volume 433, Page 172, in said Deed Records, being along the North line of the Rosenbaum-Schoenvogel Investments, LP tract called 0.4609 acre (Tract Seven [a]), as conveyed in Volume 1348, Page 842, in said Official Records and described in Volume 433, Page 167, in said Deed Records, being along the North line of the Charlie Rosenbaum, Jr. tract called 2.387 acres (Tract 1), as conveyed in Volume 1487, Page 224, in said Official Records and described in Volume 359, Page 891, in said Deed Records, being along the North line of the Brenham Christian Fellowship, Inc. tract called 0.544 acre, as recorded in Volume 927, Page 379, in said Official Records, crossing S. Blue Bell Road (F.M. Highway No. 577) with a South margin of said E. Tom Green Street for South lines hereof to the Northeast corner of the City of Brenham tract called 7.215



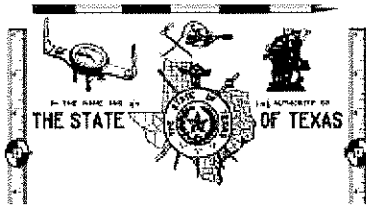
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acres, as recorded in Volume 944, Page 35, in said Official Records for the most Southern corner hereof;

THENCE in a Northwesterly and Northerly direction, being along Southwest and West right of way lines of said S. Blue Bell Road, crossing said E. Tom Green Street with a Southwest right of way line of said S. Blue Bell Road, being along the Northeast line of Lot 1 (called 0.495 acre) and Lot 5 (called 0.701 acre) of the Altman's Subdivision, a map or plat being of records in Plat Cabinet File Slide Number 325-B, in said Plat Records, crossing Longhofer Street with a Southwest right of way line of said S. Blue Bell Road, being along the Northeast lines of Lots 11, 19, 20 and 21 of Woodson Terrace Subdivision, Section II, a map or plat being of records in Plat Cabinet File Slide Numbers 130-A and 130-B, in said Plat Records, being along the Northeast lines of Lots 5, 4, 3 and 2 of Woodson Terrace Subdivision, Section III, a map or plat being of records in Plat Cabinet File Slide Numbers 183-A and 183-B, in said Plat Records, crossing Leslie D Lane with a Southwest right of way line of said S. Blue Bell Road, being along the Northeast line of Lot 1 of said Woodson Terrace Subdivision, Section III, being along the Northeast line of Lot 19 of Woodson Terrace Subdivision, Section IV, a map or plat being of records in Plat Cabinet File Slide Numbers 217-A and 217-B, in said Plat Records, crossing Pecan Street with a Southwest right of way line of said S. Blue Bell Road, being along the East lines of Lots 20 through 23 of said Woodson Terrace Subdivision, Section IV, being along the East lines of Lots 20, 19, 18 and 17 of Woodson Terrace Subdivision, Section V, a map or plat being of record in Plat Cabinet File Slide Number 271-A, in said Plat Records, being along an East line of Lot 16 of said Woodson Terrace Subdivision, Section V, crossing said Burlington Northern & Santa Fe Railroad with a West right of way line of said S. Blue Bell Road, being along East lines of the Dewitt Kosse tract, as conveyed in Volume 209, Page 70, in said Deed Records, being the residue of a 3.6 acres tract described in Volume 162, Page 211, in said Deed Records, crossing an abandoned Public Road with a West right of way line of said S. Blue Bell Road, being along the East line of the Dewitt Kossie residue of original tract called 3.49 acres, as recorded in Volume 214, Page 504, in said Deed Record, being along an East line of Lot 1 (called 1.158 acres), Block 1 of Dahmann Subdivision, a map or plat being of records in Plat Cabinet File Slide Number 658-B, in said Plat Records, crossing Factory Street with a West right of way line of said S. Blue Bell Road, being along the East line of the Przyborski Properties, LLC tract called 1.070 acres, as conveyed in Volume 1670, Page 915, in said Official Records and described in Volume 945, Page 639, in said Official Records for West lines hereof to a 1/2 inch iron rod found near a concrete monument (disturbed) for an exterior corner of said Przyborski Properties, LLC tract called 1.070 acres, being an interior corner of said S. Blue Bell Road, being an interior corner hereof;

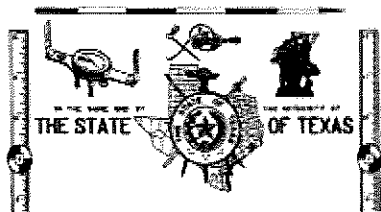
THENCE in a Northwesterly direction, being along a Southwest right of line of said S. Blue Bell Road in a flare of same, being along a Northeast line of said Przyborski Properties, LLC tract called 1.070 acres for a Southwest line hereof to the North corner of said Przyborski Properties, LLC tract called 1.070 acres, being on a Southwest right of way line of said S. Blue Bell Road at its intersection with a South margin of said E. Alamo Street for an interior corner hereof;



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THENCE in a Westerly direction, being along South margins of said E. Alamo Street, being along the North line of said Przyborski Properties, LLC tract called 1.070 acres, being along the North line of the Tommy Przyborski, et ux tract called 0.41 acre, as recorded in Volume 1282, Page 604, in said Official Records, crossing the North end of Sweed Street with a South margin of said E. Alamo Street, being along the North line of the Eduardo Jimenez Perez, et ux tract called 0.594 acre, as recorded in Volume 1635, Page 403, in said Official Records, being along a North line of the Jose Antonio Andrade Hernandez tract called 1.489 acres, as recorded in Volume 1657, Page 546, in said Official Records, being along the North line of the Betty L. Williams tract, as conveyed in Volume 1313, Page 423, in said Official Records, and being part of original tract described in Volume 196, Page 317, in said Deed Records, being along the North line of the Brenham First Church of God residue of original tract, as recorded in Volume 645, Page 467, in said Official Records, being along the North line of the Ida Mae Harge (Brenham First Church of God) tract called 8,735 square feet, as recorded in Volume 454, Page 898, in said Deed Records, being along the North line of the John D. Harris, et ux tract called 0.20 acre, as recorded in Volume 1477, Page 469, in said Official Records, being along the North line of the Gordon E. Pattison tract called 0.277 acre, as recorded in Volume 1388, Page 400, in said Official Records, crossing the North end of Taft Street with a South margin of said E. Alamo Street, being along the North line Dayana M. Martinez-Perdomo Lezama, et ux tract called 0.225 acre, as recorded in Volume 1242, Page 73, in said Official Records, being along the North line of the Steve Saxon tract called 0.1560 acre, as recorded in Volume 1234, Page 95, in said Official Records, being along the North line of the Vanessa G. Hollie tract, as conveyed in Volume 753, Page 572, in said Official Records and described as 50 feet by 100 feet in Volume 369, Page 197, in said Deed Records, being along the North line of the Everett F. Carr, et al tract called 5,000 square feet, as recorded in Volume 921, Page 398, in said Official Records, being along the North line of the Joe Hutchinson tract called 0.1655 acre, as recorded in Volume 427, Page 315, in said Official Records, being along the North line of the Bernadine Franklin, et al tract (Tract One), as recorded in Volume 453, Page 251, in said Deed Records, being along the North line of the Tommie Wellmann tract called 0.248 acre (Tract 1), as recorded in Volume 1311, Page 481, in said Official Records, being along the North line of the Tommie Wellmann tract called 0.145 acre, as recorded in Volume 1262, Page 466, in said Official Records, being along the North line of the 1204 E Alamo LLC tract, as conveyed in Volume 1686, Page 876, in said Official Records and being part of original tract described in Volume V, Page 75, in said Deed Records, being along the North line of the Ward Timothy Pawlowski tract called 0.139 acre (Tract 2), as recorded in Volume 1460, Page 741, in said Official Records, being along the North line of the Betty Johnson tract, as conveyed in Volume 1682, Page 860, in said Official Records and being part of original tract described as 0.252 acre in Volume 344, Page 88, in said Deed Records, being along the North line of the Michael J. Todd, et al tract, as conveyed in Volume 1616, Page 405, in said Official Records and described in Volume 245, Page 15, in said Deed Records, being along the North line of the Beverly Ann Roberts, et al tract, as conveyed in Volume 1260, Page 37, in said Official Records and described in Volume 293, Page 84, in said Deed Records, crossing the North end of Kerr Street with a South margin of said E. Alamo Street, being along the North line of the Masonic Grand Lodge - Eastern Star Chapter #276 tract (deed not found), crossing the West end of Garrett Street with a South margin of said E. Alamo Street, being along North lines of the City of Brenham, Texas tract called 1.851 acres, as recorded



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in Volume 334, Page 12, in said Deed Records for South lines hereof to the Northwest corner of said City of Brenham tract called 1.851 acres, being on a South margin of said E. Alamo Street at the intersection with an East margin of S. Chappell Hill Street, being on an East line of said City of Brenham - TIRZ tract called 2195± acres, dated February 7, 2019 for a Southwest corner hereof;

THENCE in a Northerly direction, being along East lines of said City of Brenham - TIRZ tract called 2195± acres, dated February 7, 2019, being along East margins of said S. Chappell Hill Street, crossing said E. Alamo Street with an East margin of said S. Chappell Hill Street, being along the West line of the StanPac USA, LLC tract, as recorded in Volume 1445, Page 563, in said Official Records, crossing said E. Main Street with an East margin of said S. Chappell Hill Street for West lines hereof to the PLACE OF BEGINNING and containing approximately 199 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an 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. Acreages stated herein are approximate.

Dated this the 18th day of November, 2019, A. D.


Jon E. Hodde
Registered Professional
Land Surveyor No. 5197

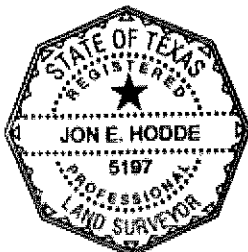


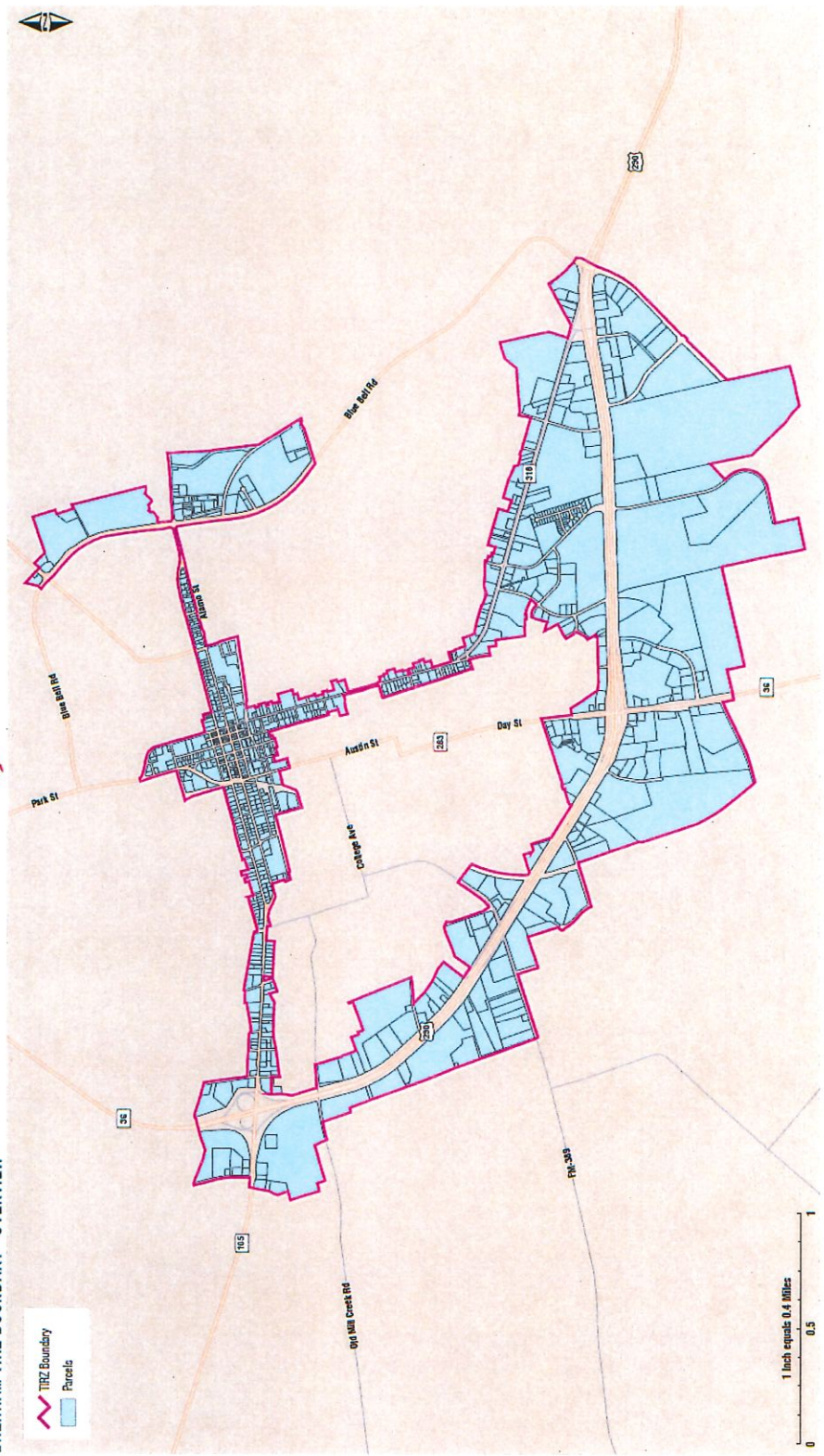
Exhibit D

Map of the Property

BRENHAM TIRZ BOUNDARY - OVERVIEW

City of
BRENHAM

BRENHAM, TX



1 inch equals 0.4 miles
0 0.5 1

P&A

Exhibit E
Proposed Uses of the Property

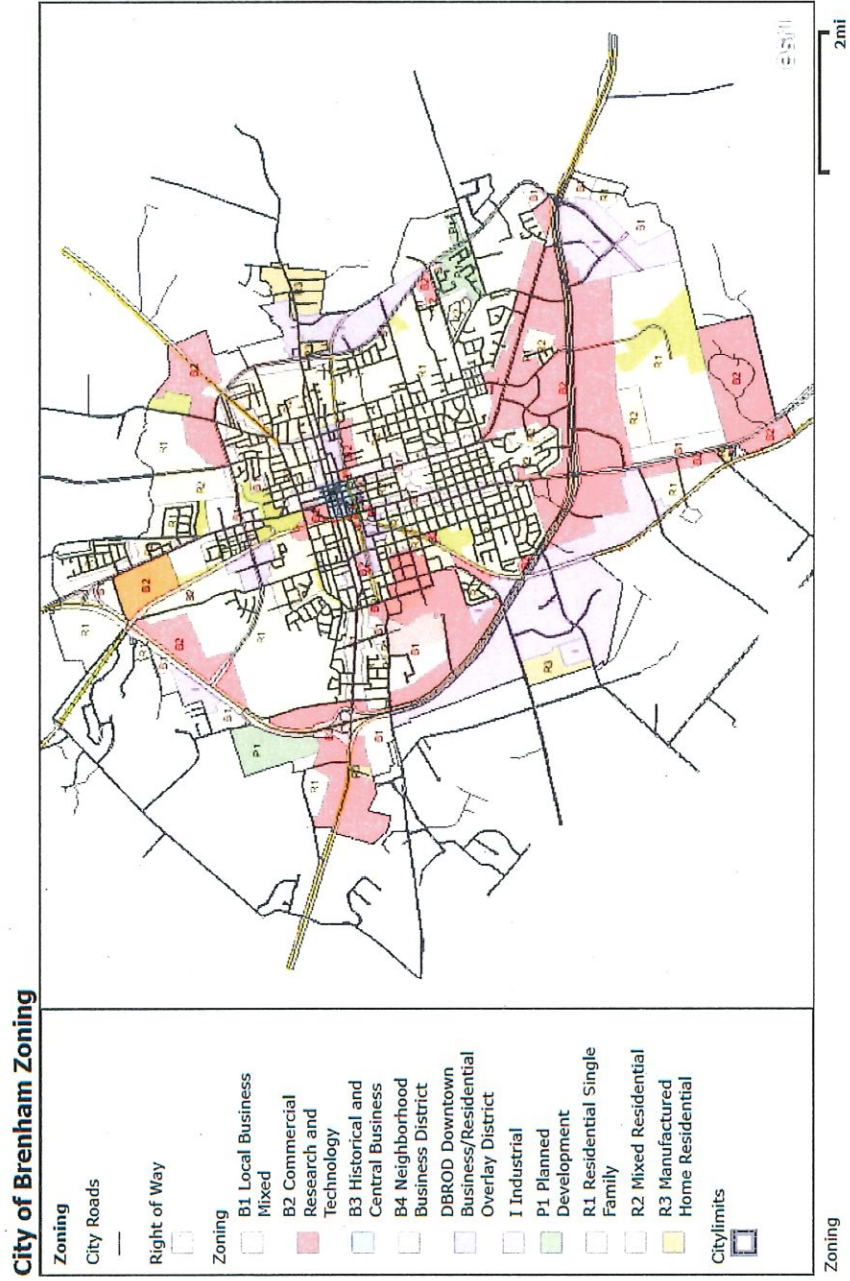


Exhibit F

Map of Public Improvements Locations

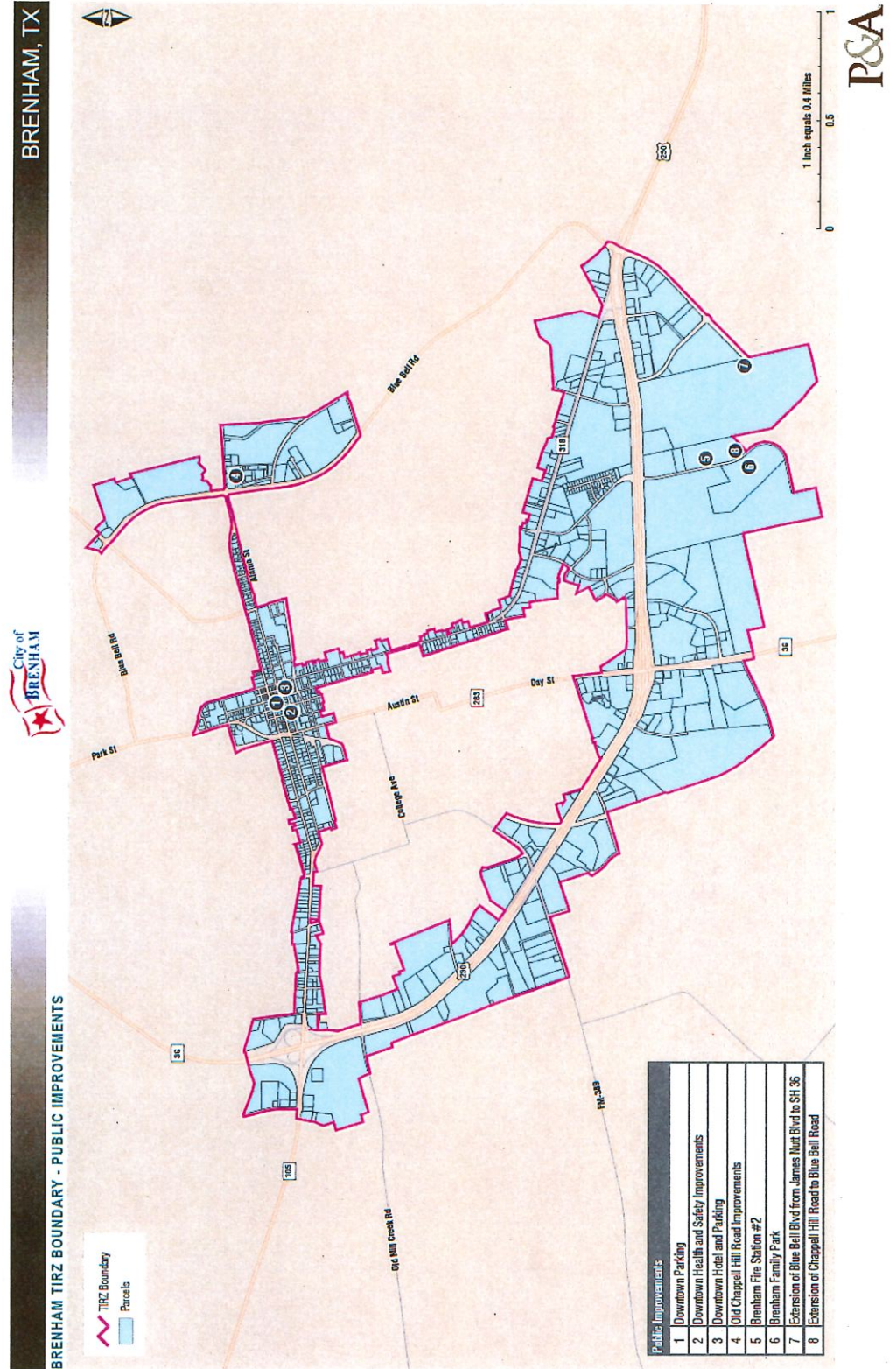


Exhibit G

Estimated Project Costs

Project No. ¹	Project²	Cost
1	Downtown Parking	1,000,000
2	Downtown Health and Safety Improvements	2,000,000
3	Downtown Hotel and Parking	15,000,000
4	Old Chappell Hill Road Improvements	1,100,000
5	Brenham Fire Station #2	3,100,000
6	Brenham Family Park	5,000,000
7	Extension of Blue Bell Blvd from James Nutt Blvd to SH 36	4,500,000
8	Extension of Chappell Hill Road to Blue Bell Road	500,000
		32,200,000

- 1) Project numbers correspond to Public Improvements shown on Exhibit E.
2) All estimated project costs are approximations subject to change.

Exhibit H

Estimated Time When Costs Are to be Incurred

The appropriate portion of the City ad valorem tax increment within the Zone will be placed in the dedicated TIRZ Fund which may be used in three ways. First, the Zone may issue debt to pay for Public Improvements specified in this Final Plan. Second, the TIRZ Fund may be used to reimburse the City for General Obligation or Certificates of Obligation debt service payments issued to construct Public Improvements specified in this Final Plan. Finally, the TIRZ Fund may be used to reimburse private developers that fund Public Improvements specified in this Final Plan. The projected timeline of public improvements is estimated in the graphic below:

Year No.	Year	TIRZ Project ¹	Project Costs	TIRZ Balance
1	2019		-	-
2	2020		-	20,782
3	2021		-	62,975
4	2022		-	218,066
5	2023		-	398,641
6	2024		-	696,310
7	2025	Downtown Parking	1,000,000	23,786
8	2026		-	472,810
9	2027		-	956,230
10	2028		-	1,530,487
11	2029		2,000,000	104,744
12	2030	Downtown Health and Safety Improvements:	-	808,031
13	2031		-	1,553,424
14	2032		-	2,433,036
15	2033		-	3,360,101
16	2034		-	4,426,893
17	2035		-	5,546,814
18	2036		-	6,812,309
19	2037		-	8,136,957
20	2038		-	9,552,442
21	2039		-	10,967,926
22	2040		-	12,537,948
23	2041		-	14,176,356
24	2042	Downtown Hotel and Parking	15,000,000	976,060
25	2043	Old Chappell Hill Road Improvements	1,100,000	1,751,114
26	2044	Brenham Fire Station #2:	3,100,000	694,640
27	2045		-	2,820,909
28	2046	Brenham Family Park	5,000,000	123,266
29	2047		-	2,516,215
30	2048	Extension of Blue Bell Blvd from James Nutt Blvd to SH 36; Extension of Chappell Hill Road to Blue Bell Road	5,000,000	-

Total TIRZ Project Costs: 32,200,000

1) All estimated Project Costs are approximations and subject to change.

Exhibit I

Feasibility Study

TIRZ No. 1, City of Brenham, Texas - Feasibility Analysis

Assumptions		
Gross Base Value:	282,665,910	
Exempt Property Value:	15,976,830	
Net Base Value:	266,689,080	
Total Acreage:	2,400	



Year No.	Year	Collection Year	Growth/Year	Added Value	Net Taxable Value	Incremental Value	City			Capital Improvements	Net TIRZ Balance
							City Tax Rate	City Participation	City Yearly Contribution	City Cumulative Contribution	
1	2018	2019	0.0%		266,689,080	-	0.5170	50%	-	-	-
2	2019	2020	3.0%		274,775,319	8,086,239	0.5140	50%	20,782	20,782	20,782
3	2020	2021	3.0%		283,106,739	16,417,659	0.5140	50%	42,193	62,975	62,975
4	2021	2022	3.0%	35,345,035	327,035,810	60,346,730	0.5140	50%	155,091	218,066	218,066
5	2022	2023	3.0%		336,951,813	70,262,733	0.5140	50%	180,575	398,641	398,641
6	2023	2024	3.0%	35,345,035	382,513,512	115,824,432	0.5140	50%	297,669	696,310	696,310
7	2024	2025	3.0%		394,111,646	127,422,566	0.5140	50%	327,476	1,023,786	23,786
8	2025	2026	3.0%	35,345,035	441,406,480	174,717,400	0.5140	50%	449,024	1,472,810	472,810
9	2026	2027	3.0%		454,790,298	188,101,218	0.5140	50%	483,420	1,956,230	956,230
10	2027	2028	0.0%	35,345,035	490,135,333	223,446,253	0.5140	50%	574,257	2,530,487	1,530,487
11	2028	2029	0.0%		490,135,333	223,446,253	0.5140	50%	574,257	3,104,744	104,744
12	2029	2030	3.0%	35,345,035	540,341,687	273,652,607	0.5140	50%	703,287	3,808,031	808,031
13	2030	2031	3.0%		556,725,304	290,036,224	0.5140	50%	745,393	4,553,424	1,553,424
14	2031	2032	3.0%	35,345,035	608,950,722	342,261,642	0.5140	50%	879,612	5,433,036	2,433,036
15	2032	2033	3.0%		627,414,623	360,725,543	0.5140	50%	927,065	6,360,101	3,360,101
16	2033	2034	3.0%	35,345,035	681,783,401	415,094,321	0.5140	50%	1,066,792	7,426,893	4,426,893
17	2034	2035	3.0%		702,455,651	435,766,571	0.5140	50%	1,119,920	8,546,814	5,546,814
18	2035	2036	3.0%	35,345,035	759,099,736	492,410,656	0.5140	50%	1,265,495	9,812,309	6,812,309
19	2036	2037	3.0%		782,116,283	515,427,203	0.5140	50%	1,324,648	11,136,957	8,136,957
20	2037	2038	0.0%	35,345,035	817,461,318	550,772,238	0.5140	50%	1,415,485	12,552,442	9,552,442
21	2038	2039	0.0%		817,461,318	550,772,238	0.5140	50%	1,415,485	13,967,926	10,967,926
22	2039	2040	3.0%	35,345,035	877,592,473	610,903,393	0.5140	50%	1,570,022	15,537,948	12,537,948
23	2040	2041	3.0%		904,201,820	700,273,940	0.5140	50%	1,799,704	18,976,060	14,176,356
24	2041	2042	3.0%	35,345,035	966,963,020	729,593,077	0.5140	50%	1,875,054	20,851,114	17,511,114
25	2042	2043	3.0%		1,061,835,311	795,146,231	0.5140	50%	2,043,526	22,894,640	694,640
26	2043	2044	3.0%	35,345,035	1,094,031,056	827,341,976	0.5140	50%	2,126,269	25,020,909	2,820,909
27	2044	2045	3.0%		1,162,548,039	895,858,959	0.5140	50%	2,302,358	27,323,266	123,266
28	2045	2046	3.0%	35,345,035	1,197,797,480	931,108,400	0.5140	50%	2,392,949	29,716,215	2,516,215
29	2046	2047	3.0%		1,233,142,515	966,453,435	0.5140	50%	2,483,785	32,200,000	-
30	2047	2048	0.0%	35,345,035	1,233,142,515	966,453,435	0.5140	50%			
				494,830,493			32,200,000			32,200,000	



AGENDA ITEM 14

DATE OF MEETING: December 5, 2019	DATE SUBMITTED: September 26, 2019
DEPT. OF ORIGIN: Fire	SUBMITTED BY: Fire Marshal Roger Williams
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 8, Fire Prevention and Protection, of the Code of Ordinances, City of Brenham, Texas	
SUMMARY STATEMENT: It has been identified by Fire Administration that during the adoption of the 2015 International Code set for the City of Brenham, Texas and by the absence of a Fire Marshal the amendments and subsequent Ordinance had not yet been codified.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Fire Administration has recognized this as a simple housekeeping item. The attached amendments will bring current Chapter 8 Fire Protection and Prevention, Article II, Fire Prevention Code, Article III, Fire Marshal, and Article V, Fire Lanes and Fire Apparatus Access Roads of the Code of Ordinances. B. CONS: None recognized	
ALTERNATIVES (In Suggested Order of Staff Preference): None	
ATTACHMENTS: (1) Redline copy of Chapter 8, Fire Prevention and Protection; and (2) Ordinance for first reading amending Chapter 8, Fire Prevention and Protection	
FUNDING SOURCE (Where Applicable): N/A	
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending Chapter 8, Fire Prevention and Protection, of the Code of Ordinances, City of Brenham, Texas	
APPROVALS: James Fisher	

CHAPTER 8 FIRE PROTECTION AND PREVENTION

ARTICLE II FIRE PREVENTION CODE

Sec. 8-20. Adoption.

There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the ~~2012-2015~~ International Fire Code, including Appendices B, C, D, ~~E~~, F, G, H, I, J, K, L, and ~~HM~~, and all revisions thereto, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, said code as revised herein also being sometimes referred to as the fire prevention code. A copy of the ~~2012-2015~~ International Fire Code shall be filed in the office of the planning & development services department, and in the office of the Fire Marshal. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Section shall take effect, the provisions thereof shall be controlling within the limits of the city.

Sec. 8-21. Establishment and duties of the Bureau of Fire Prevention.

- (a) The fire prevention code shall be enforced by members of the bureau of fire prevention, within the fire department of the city, which is hereby established, and which shall be operated by the fire marshal, under the direction of the chief of the fire department.
- (b) The fire marshal shall ~~be in charge of~~ oversee the bureau of fire prevention and is hereby designated as the fire code official for purposes of enforcement of fire-related codes and ordinances of the city.
- (c) The chief of the fire department may employ properly certified fire inspectors as is necessary for the operation of the fire department.
- (d) A report of the bureau of fire prevention shall be made annually by the fire marshal and transmitted to the fire chief. Such report shall contain all proceedings under and incidents of enforcement of this fire prevention code, with such statistics as the chief of the fire department may wish to include therein; the chief of the fire department shall also recommend any amendments to the report which, in his judgment, shall be desirable.

Sec. 8-24. Regulation of use and placement of fuel storage tanks.

(a) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this Article:

Aboveground shall mean any storage tank, as defined herein, which any portion thereof is aboveground, excluding valves and pipes into and out of the tank.

Combustible liquid shall mean a liquid having a flash point of one hundred degrees (100°) Fahrenheit or higher per NFPA-30, the Flammable and Combustible Liquid Code, 2012 Edition, and as amended thereafter.

Flammable liquid shall mean a liquid having a flash point of less than one hundred degrees (100°) Fahrenheit per NFPA-30, the Flammable and Combustible Liquid Code, 2012 Edition, and as amended thereafter.

Storage location shall mean any area which contains no less than one hundred (100) square feet within which one (1) or more fuel storage tanks are to be located. Each storage location shall be located no less than one hundred (100) linear feet from any other storage location.

Storage tanks shall mean any container in excess of one hundred (100) gallons, which is used to store any hydrocarbon material including, but not limited to, gasoline, diesel and kerosene.

(b) *Permit required.* Every owner shall obtain a permit from the Fire Marshal for any of the following prior to the commencement of construction of such facilities:

- (1) A belowground (or underground), liquefied natural gas, liquefied petroleum gas, or flammable or combustible liquid storage tank.
- (2) An aboveground storage tank for liquefied natural gas, or liquefied petroleum gas. No new storage locations shall be permitted which will contain a fuel storage tank with a liquid capacity of more than two thousand (2,000) gallons or which will contain two (2) or more fuel storage tanks with an aggregate liquid capacity of more than four thousand (4,000) gallons.
- (3) An aboveground storage tank for a flammable or combustible liquid. No new storage locations shall be permitted which will contain a fuel storage tank with a liquid capacity of more than one thousand (1,000) gallons or which will contain two (2) or more fuel storage tanks with an aggregate liquid capacity of more than two thousand (2,000) gallons.

(c) *Proper tank for aboveground storage of flammable or combustible liquids.* Any new tank or tank system used in the city for aboveground storage of flammable or combustible liquids shall be designed, constructed, installed, operated and maintained in accordance with NFPA-30, titled "Flammable and Combustible Liquid Code, 2012 Edition," and as amended thereafter.

(d) *Proper tank for aboveground storage of liquefied natural gas.* Any new tank or tank system used in the city for aboveground storage of liquid natural gas shall be designed, constructed, installed, operated and maintained in accordance with NFPA-59A, titled "Liquefied Natural Gas, ~~2009-2013~~ Edition," and as amended thereafter.

(e) *Proper tank for aboveground storage of liquefied petroleum gas.* Any new tank or tank system used in the city for aboveground storage of liquefied petroleum gas shall be designed, constructed, installed, operated and maintained in accordance with NFPA-58, titled "Liquefied Petroleum Gas, ~~2011-2014~~ Edition," and as amended thereafter.

(f) *Tank location.* In addition to location restrictions listed in NFPA-30, "Flammable and Combustible Liquid Code, 2012 Edition," no new tank used for the aboveground storage of flammable or combustible liquids may be placed or used within one hundred feet (100') of property zoned or used for residential use. New tanks added to existing bulk plants are excluded from this provision.

(g) *Noncompliance; denial or revocation of certificate; order to cease operations.* Upon finding of non-compliance with this Article, the Fire Marshal may revoke or deny the renewal of a permit and order the person or firm owning or operating the tank to cease all or part of its operation in this city until in compliance. No one shall operate or own a storage tank without a valid permit.

(h) *Establishment of limits of districts in which storage of flammable or combustible liquids, liquefied petroleum gas, or liquefied natural gas in aboveground tanks is prohibited.* The storage of flammable or combustible liquids, liquefied petroleum gas, or liquefied natural gas in aboveground tanks is prohibited within the areas of the city zoned as "B-3, Historical and Central Business" district(s). New bulk loading and unloading facilities for tank cars, tank vehicles and similar equipment involved in the storage or transportation of flammable or combustible liquids, liquefied petroleum gas, or liquefied natural gas, in aboveground tanks, are prohibited within the city limits.

(i) *Special Permit Required for Tank Exceeding Volumes Limits Established in Subsections 8-24(b)(2) and 8-24(b)(3).* Any person or firm desiring to own, install or operate one or more aboveground tanks for the storage of combustible liquids in excess of the volume limits stated in Subsections 8-24(b)(2) and 8-24(b)(3) hereinabove, shall submit an application to the Fire Marshal for a special permit allowing for an increase in the volume capacity of the tank(s). To be considered for such special permit, the owner or operator of the tank facility shall demonstrate to the satisfaction of the Fire Marshal or his deputy that the aboveground tank(s):

- (1) Shall be located only on property zoned as Industrial;
- (2) Shall be registered and licensed in compliance with all rules and regulations of the Texas Commission on Environmental Quality;
- (3) Shall be designed, built and operated in compliance with all applicable provisions of the International Fire Code, ~~2012-2015~~2015 Edition and the National Fire Protection Association Standard 30 entitled "Flammable and Combustible Liquids Code" as referenced by the International Fire Code; and
- (4) Shall contain only combustible liquids having a flash point of greater than one hundred degrees (100°) Fahrenheit, including but not limited to, diesel fuel, ~~bio-~~biodiesel, motor oil, hydraulic oil and like substances.

Special permits may not be issued for aboveground storage tanks containing gasoline or other flammable liquids having a flash point of less than one hundred degrees (100°) Fahrenheit and with a capacity greater than the volume limits detailed in subsections 8-24(b)(2) and 8-24(b)(3) herein above.

Within forty-five (45) days after determining that a special permit application meets the requirements of this Section, the Fire Marshal, or his deputy, shall present the matter to the City Council for its consideration. No special permit for a tank or tanks exceeding the quantities shown in Subsections 8-24(b)(2) and 8-24(b)(3) may be issued without approval by the City Council. The Fire Marshal, or his deputy, shall inspect all tank(s) installed pursuant to a special permit to determine compliance with the requirements of this Section.

Special permits approved and issued pursuant to this Section shall be revocable. The City Council, upon request of the Fire Marshal and after written notice and opportunity to be heard being issued to the permit holder, is authorized to revoke a special permit for non-compliance with the provisions of this Section or other applicable law. Where an immediate hazard to life or property exists, however, the Fire Marshal in such an emergency may order a permit holder to take immediate action, without prior written notice, to correct the issues of non-compliance with the fire prevention code and the provisions of this Article or to immediately abate all conditions creating the immediate hazard to life or property. The Fire Marshal, in such an emergency and without prior written notice to the permit holder, may also order the permit holder to cease any and all operations, occupancy or activity at the affected site. A permit holder that violates an order of the Fire Marshal shall be subject to the penalties provided for in Section 8-27 of this Article and as otherwise allowed by law. In the event a permit holder does not immediately comply with an emergency order of the Fire Marshal, the Fire Marshal, without prior written notice to the permit holder, may take any and all actions necessary to immediately abate all conditions creating the immediate hazard to life or property.

Sec. 8-26. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city manager or his designee within thirty (30) days from the date of the decision appealed. Section 108 of the International Fire Code, ~~2012~~ 2015 Edition and all amendments thereto, creating a board of appeals, shall not be applicable to any appeals filed pursuant to any provision of this chapter 8 of the Code of Ordinances.

ARTICLE III FIRE MARSHAL

Sec. 8-41. - Investigation and record of fires.

The fire marshal shall investigate, or cause to be investigated, the cause, origin and circumstances of every fire occurring within the city by which property has been destroyed or ~~damaged, and~~ damaged and shall especially make investigation as to whether such fire was accidental or incendiary in nature. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire. The fire marshal shall keep in his office a record of all fires occurring within the city, together with all facts, statistics and circumstances, including the origin, of the fires and the amount of loss, which may be determined by the investigation required by this article.

Sec. 8-44. - Right of entry for examination generally; discovery of violations.

The fire marshal, or his deputy, shall have a right at all reasonable hours, for the purpose of inspection, for fire safety hazards, to enter all public or commercial buildings and premises within the city, as detailed in Section 104.3 of the International Fire Code, 2012-2015 Edition, and all revisions thereto, and in accordance with applicable laws governing the right to entry, search and seizure.

It shall be the duty of the fire marshal to periodically perform, or cause to be performed, thorough inspection of all commercial, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find within or upon any building or other structure or upon the premises of any building or structure the presence of fire or life safety hazards, the absence of required fire safety systems, devices, or equipment, or any violation of the fire prevention code or fire-related ordinance or law, he shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises; provided, however, if the owner or occupant deems himself aggrieved by such order, he may within thirty (30) days appeal the decision to the city manager or his designee, who shall investigate the cause of the complaint, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant.

Sec. 8-45. - Over-crowding, hazardous conditions; threats to life safety.

When any condition such as inadequate exits, over-crowding, presence of fire hazards, lack of required fire protection system or equipment, or other conditions that pose an immediate threat to life safety of the occupants of a building, structure or premises are found, the fire marshal, or his deputy, the fire chief, or his designee, or any peace officer of the city, shall have the authority to order such place to be immediately vacated and closed to the public and secure against re-entry until such hazardous conditions are eliminated or remedied. A written report of such action shall be created by the official ordering the closure and same shall be transmitted to the building official and to the fire marshal of the city within forty-eight (48) hours, excluding Saturdays, Sundays and holidays observed by the city.

The fire marshal, or his deputy, shall have the authority to establish the occupant load limit of any building, structure or premises within the city and order same to be posted prominently within or upon the building, structure or premises. Establishment of such occupant load limit shall be determined according to criteria set forth in Chapter 10, Section 1004 of the International Fire Code, ~~2012-2015~~ Edition, and all revisions thereto. Upon establishment of the occupant load limit of a building, structure or premises, the owner or operator of such place shall post signs or placards of type and in such locations as acceptable to the fire marshal or his deputy.

At no time shall the occupant load determined by the fire marshal, or his deputy, be deemed to supersede or overrule such determination made by previously by the building official of the city. ~~In the event that~~If a conflict should arise between the determination of the fire marshal, or his deputy, and that of the building official, the previous determination of the building official shall prevail.

ARTICLE V

FIRE LANES AND FIRE APPARATUS ACCESS ROADS

Sec. 8-110. - Authority to establish, locate, modify, or abandon fire lanes or fire apparatus access roads.

The terms "fire lane" and "fire apparatus access roads" shall have the same definitions as those terms are defined by Section 202 "General Definitions" in the International Fire Code, ~~2012-2015~~ Edition, and all revisions thereto. The establishment, location, modification, or abandonment of fire lanes or fire apparatus access roads shall be determined by the chief of the fire department, the fire marshal, or their designated representative, hereinafter called "the authority," in conformity with the provisions of this article and Appendix D of the International Fire Code, ~~2012-2015~~ Edition, and all revisions thereto.

~~In the event that~~If there is a conflict between terms or when there is a question as to the intent or meaning of any portion of this subsection, the International Fire Code, ~~2012-2015~~ Edition, Appendix D, and all revisions thereto, shall prevail.

Sec. 8-111. - Fire lanes and fire apparatus access roads generally.

- (a) *Construction.* No building used for any purpose other than single-family or two-family dwellings shall be constructed so that any part of the perimeter of the structure is greater than one hundred fifty (150) feet from a public street or highway unless the owner constructs and maintains a fire lane having a minimum width of at least twenty (20) feet and height throughout of no less than fourteen (14) feet and terminating within one hundred fifty (150) feet from the farthest point of said structure, with increases to the minimum width of twenty-six (26) feet for aerial fire apparatus, where required per Appendix D of the International Fire Code, ~~2012-2015~~ Edition, and all revisions thereto.

(b) *Restrictions.* The following restrictions shall apply to fire lanes:

- (1) Required fire lanes and fire apparatus access roads, when not connected at both ends to a public street, shall terminate as detailed in Table D103.4 of Appendix D of the International Fire Code, ~~2012-2015~~ Edition, and all revisions thereto.
- (2) All required fire lanes and fire apparatus access roads shall be all-weather surfaced with concrete, asphalt or other approved means, provide effective drainage of storm water and capable of supporting the imposed load of fire apparatus weighing at least seventy-five thousand (75,000) pounds, as detailed in Section D102 of the International Fire Code, ~~2012-2015~~ Edition, and all revisions thereto.
- (3) Fire lanes or fire apparatus access roads shall not be used as loading zones.
- (4) There shall be no unattended parking in any fire lane or fire apparatus access road at any time. [Exception: vehicles operated by the fire department of the city or vehicles operated by any other emergency responder organization or law enforcement agency shall be exempt from the parking restriction established in subsection 8-111(b)(4) above.

(c) *Maintenance.* All required fire lanes and fire apparatus access roads ~~shall be maintained and kept in a good state of repair at all times~~ shall always be maintained and kept in a good state of repair by the owner or owners of the premises. It shall not be the responsibility of the city to maintain fire lanes or fire apparatus access roads except in cases where the city owns the property upon which the fire lanes or fire apparatus access roads are located.

Sec. 8-112. - Posting of signs and markings.

Required fire lanes and fire apparatus access roads shall be conspicuously marked with signs as detailed in Section D103.6 of Appendix D of the International Fire Code, ~~2012-2015~~ Edition, and all revisions thereto. Where approved by the fire marshal, or his deputy, painted curbs or pavement striping, or stripes painted on the sides of buildings may be used in lieu of posted signs. Painted curbs, or stripes painted on pavement or buildings, shall consist of a red stripe six (6) inches in width with four-inch white letters stating "FIRE LANE - NO PARKING" with such lettering to be spaced approximately thirty (30) feet apart, and arranged in a manner approved by the fire marshal or his deputy. Paint used for striping and lettering shall be of a type suitable for exposure to the elements and stripes and lettering shall be re-painted as needed to maintain legibility.

All required fire lanes and fire apparatus access road signs ~~shall be maintained in good condition and legible at all times~~ shall always be maintained in good condition and legible . Maintenance of required fire lane and fire apparatus access road signs and markings shall be the responsibility of the owner or owners on whose property such signs are located.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 8, FIRE PROTECTION AND PREVENTION, ARTICLE II, FIRE PREVENTION CODE, ARTICLE III, FIRE MARSHAL, AND ARTICLE V, FIRE LANES AND FIRE APPARATUS ACCESS ROADS, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF PRESCRIBING REGULATIONS GOVERNING FIRE PREVENTION, FIRE INVESTIGATION, AND CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS

WHEREAS, pursuant to Texas Local Government Code, Section 51.001, the City has the authority to adopt ordinances and regulations that are for good government, peace and order of the City; and

WHEREAS, in order to enhance, promote and protect the health, safety and general welfare of the citizens of Brenham, Texas the City Council must from time to time amend and/ or adopt new regulations; and

WHEREAS, the City Council of Brenham, Texas desires to amend Chapter 8 Fire Protection and Prevention by adopting the International Fire Code 2015 Edition, of the Code of Ordinances; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT:

SECTION 1.

Chapter 8, Article II, of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

Sec. 8-20. Adoption.

There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the 2015 International Fire Code, including Appendices B, C, D, E, F, G, H, I, J, K, L, and M, and all revisions thereto, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, said code as revised herein also being sometimes referred to as the fire prevention code. A copy of the 2015 International Fire Code shall be filed in the office of the planning & development services department, and in the office of the Fire Marshal. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Section shall take effect, the provisions thereof shall be controlling within the limits of the city.

Sec. 8-21. Establishment and duties of the Bureau of Fire Prevention.

- (a) The fire prevention code shall be enforced by members of the bureau of fire prevention, within the fire department of the city, which is hereby established, and which shall be operated by the fire marshal, under the direction of the chief of the fire department.
- (b) The fire marshal shall oversee the bureau of fire prevention and is hereby designated as the fire code official for purposes of enforcement of fire-related codes and ordinances of the city.
- (c) The chief of the fire department may employ properly certified fire inspectors as is necessary for the operation of the fire department.
- (d) A report of the bureau of fire prevention shall be made annually by the fire marshal and transmitted to the fire chief. Such report shall contain all proceedings under and incidents of enforcement of this fire prevention code, with such statistics as the chief of the fire department may wish to include therein; the chief of the fire department shall also recommend any amendments to the report which, in his judgment, shall be desirable.

Sec. 8-24. Regulation of use and placement of fuel storage tanks.

(a) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this Article:

Aboveground shall mean any storage tank, as defined herein, which any portion thereof is aboveground, excluding valves and pipes into and out of the tank.

Combustible liquid shall mean a liquid having a flash point of one hundred degrees (100°) Fahrenheit or higher per NFPA-30, the Flammable and Combustible Liquid Code, 2012 Edition, and as amended thereafter.

Flammable liquid shall mean a liquid having a flash point of less than one hundred degrees (100°) Fahrenheit per NFPA-30, the Flammable and Combustible Liquid Code, 2012 Edition, and as amended thereafter.

Storage location shall mean any area which contains no less than one hundred (100) square feet within which one (1) or more fuel storage tanks are to be located. Each storage location shall be located no less than one hundred (100) linear feet from any other storage location.

Storage tanks shall mean any container in excess of one hundred (100) gallons, which is used to store any hydrocarbon material including, but not limited to, gasoline, diesel and kerosene.

(b) *Permit required.* Every owner shall obtain a permit from the Fire Marshal for any of the following prior to the commencement of construction of such facilities:

- (1) A belowground (or underground), liquefied natural gas, liquefied petroleum gas, or flammable or combustible liquid storage tank.
- (2) An aboveground storage tank for liquefied natural gas, or liquefied petroleum gas. No new storage locations shall be permitted which will contain a fuel storage tank with a liquid capacity of more than two thousand (2,000) gallons or which will contain two (2) or more fuel storage tanks with an aggregate liquid capacity of more than four thousand (4,000) gallons.
- (3) An aboveground storage tank for a flammable or combustible liquid. No new storage locations shall be permitted which will contain a fuel storage tank with a liquid capacity of more than one thousand (1,000) gallons or which will contain two (2) or more fuel storage tanks with an aggregate liquid capacity of more than two thousand (2,000) gallons.

(c) *Proper tank for aboveground storage of flammable or combustible liquids.* Any new tank or tank system used in the city for aboveground storage of flammable or combustible liquids shall be designed, constructed, installed, operated and maintained in accordance with NFPA-30, titled "Flammable and Combustible Liquid Code, 2012 Edition," and as amended thereafter.

(d) *Proper tank for aboveground storage of liquefied natural gas.* Any new tank or tank system used in the city for aboveground storage of liquid natural gas shall be designed, constructed, installed, operated and maintained in accordance with NFPA-59A, titled "Liquefied Natural Gas, 2013 Edition," and as amended thereafter.

(e) *Proper tank for aboveground storage of liquefied petroleum gas.* Any new tank or tank system used in the city for aboveground storage of liquefied petroleum gas shall be designed, constructed, installed, operated and maintained in accordance with NFPA-58, titled "Liquefied Petroleum Gas, 2014 Edition," and as amended thereafter.

(f) *Tank location.* In addition to location restrictions listed in NFPA-30, "Flammable and Combustible Liquid Code, 2012 Edition," no new tank used for the aboveground storage of flammable or combustible liquids may be placed or used within one hundred feet (100') of property zoned or used for residential use. New tanks added to existing bulk plants are excluded from this provision.

(g) *Noncompliance; denial or revocation of certificate; order to cease operations.* Upon finding of non-compliance with this Article, the Fire Marshal may revoke or deny the renewal of a permit and order the person or firm owning or operating the tank to cease all or part of its operation in this city until in compliance. No one shall operate or own a storage tank without a valid permit.

(h) *Establishment of limits of districts in which storage of flammable or combustible liquids, liquefied petroleum gas, or liquefied natural gas in aboveground tanks is prohibited.* The storage of flammable or combustible liquids, liquefied petroleum gas, or liquefied natural gas in aboveground tanks is prohibited within the areas of the city zoned as “B-3, Historical and Central Business” district(s). New bulk loading and unloading facilities for tank cars, tank vehicles and similar equipment involved in the storage or transportation of flammable or combustible liquids, liquefied petroleum gas, or liquefied natural gas, in aboveground tanks, are prohibited within the city limits.

(i) *Special Permit Required for Tank Exceeding Volumes Limits Established in Subsections 8-24(b)(2) and 8-24(b)(3).* Any person or firm desiring to own, install or operate one or more aboveground tanks for the storage of combustible liquids in excess of the volume limits stated in Subsections 8-24(b)(2) and 8-24(b)(3) hereinabove, shall submit an application to the Fire Marshal for a special permit allowing for an increase in the volume capacity of the tank(s). To be considered for such special permit, the owner or operator of the tank facility shall demonstrate to the satisfaction of the Fire Marshal or his deputy that the aboveground tank(s):

- (1) Shall be located only on property zoned as Industrial;
- (2) Shall be registered and licensed in compliance with all rules and regulations of the Texas Commission on Environmental Quality;
- (3) Shall be designed, built and operated in compliance with all applicable provisions of the International Fire Code, 2015 Edition and the National Fire Protection Association Standard 30 entitled “Flammable and Combustible Liquids Code” as referenced by the International Fire Code; and
- (4) Shall contain only combustible liquids having a flash point of greater than one hundred degrees (100°) Fahrenheit, including but not limited to, diesel fuel, biodiesel, motor oil, hydraulic oil and like substances.

Special permits may not be issued for aboveground storage tanks containing gasoline or other flammable liquids having a flash point of less than one hundred degrees (100°) Fahrenheit and with a capacity greater than the volume limits detailed in subsections 8-24(b)(2) and 8-24(b)(3) herein above.

Within forty-five (45) days after determining that a special permit application meets the requirements of this Section, the Fire Marshal, or his deputy, shall present the matter to the City Council for its consideration. No special permit for a tank or tanks exceeding the quantities shown in Subsections 8-24(b)(2) and 8-24(b)(3) may be issued without approval by the City Council. The Fire Marshal, or his deputy, shall inspect all tank(s) installed pursuant to a special permit to determine compliance with the requirements of this Section.

Special permits approved and issued pursuant to this Section shall be revocable. The City Council, upon request of the Fire Marshal and after written notice and opportunity to be heard being issued to the permit holder, is authorized to revoke a special permit for non-compliance with the provisions of this Section or other applicable law. Where an immediate hazard to life or property exists, however, the Fire Marshal in such an emergency may order a permit holder to take immediate action, without prior written notice, to correct the issues of non-compliance with the fire prevention code and the provisions of this Article or to immediately abate all conditions creating the immediate hazard to life or property. The Fire Marshal, in such an emergency and without prior written notice to the permit holder, may also order the permit holder to cease any and all operations, occupancy or activity at the affected site. A permit holder that violates an order of the Fire Marshal shall be subject to the penalties provided for in Section 8-27 of this Article and as otherwise allowed by law. In the event a permit holder does not immediately comply with an emergency order of the Fire Marshal, the Fire Marshal, without prior written notice to the permit holder, may take any and all actions necessary to immediately abate all conditions creating the immediate hazard to life or property.

Sec. 8-26. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city manager or his designee within thirty (30) days from the date of the decision appealed. Section 108 of the International Fire Code, 2015 Edition and all amendments thereto, creating a board of appeals, shall not be applicable to any appeals filed pursuant to any provision of this Chapter 8 of the Code of Ordinances.

SECTION 2.

Chapter 8, Article III, of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

Sec. 8-41. - Investigation and record of fires.

The fire marshal shall investigate, or cause to be investigated, the cause, origin and circumstances of every fire occurring within the city by which property has been destroyed or damaged and shall especially make investigation as to whether such fire was accidental or incendiary in nature. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire. The fire marshal shall keep in his office a record of all fires occurring within the city, together with all facts, statistics and circumstances, including the origin, of the fires and the amount of loss, which may be determined by the investigation required by this article.

Sec. 8-44. - Right of entry for examination generally; discovery of violations.

The fire marshal, or his deputy, shall have a right at all reasonable hours, for the purpose of inspection, for fire safety hazards, to enter all public or commercial buildings and premises within the city, as detailed in Section 104.3 of the International Fire Code, 2015 Edition, and all revisions thereto, and in accordance with applicable laws governing the right to entry, search and seizure.

It shall be the duty of the fire marshal to periodically perform, or cause to be performed, thorough inspection of all commercial, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find within or upon any building or other structure or upon the premises of any building or structure the presence of fire or life safety hazards, the absence of required fire safety systems, devices, or equipment, or any violation of the fire prevention code or fire-related ordinance or law, he shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises; provided, however, if the owner or occupant deems himself aggrieved by such order, he may within thirty (30) days appeal the decision to the city manager or his designee, who shall investigate the cause of the complaint, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant.

Sec. 8-45. - Over-crowding, hazardous conditions; threats to life safety.

When any condition such as inadequate exits, over-crowding, presence of fire hazards, lack of required fire protection system or equipment, or other conditions that pose an immediate threat to life safety of the occupants of a building, structure or premises are found, the fire marshal, or his deputy, the fire chief, or his designee, or any peace officer of the city, shall have the authority to order such place to be immediately vacated and closed to the public and secure against re-entry until such hazardous conditions are eliminated or remedied. A written report of such action shall be created by the official ordering the closure and same shall be transmitted to the building official and to the fire marshal of the city within forty-eight (48) hours, excluding Saturdays, Sundays and holidays observed by the city.

The fire marshal, or his deputy, shall have the authority to establish the occupant load limit of any building, structure or premises within the city and order same to be posted prominently within or upon the building, structure or premises. Establishment of such occupant load limit shall be determined according to criteria set forth in Chapter 10, Section 1004 of the International Fire Code, 2015 Edition, and all revisions thereto. Upon establishment of the occupant load limit of a building, structure or premises, the owner or operator of such place shall post signs or placards of type and in such locations as acceptable to the fire marshal or his deputy.

At no time shall the occupant load determined by the fire marshal, or his deputy, be deemed to supersede or overrule such determination made by previously by the building official of the city. If a conflict should arise between the determination of the fire marshal, or his deputy, and that of the building official, the previous determination of the building official shall prevail.

SECTION 3.

Chapter 8, Article V, of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

Sec. 8-110. - Authority to establish, locate, modify, or abandon fire lanes or fire apparatus access roads.

The terms "fire lane" and "fire apparatus access roads" shall have the same definitions as those terms are defined by Section 202 "General Definitions" in the International Fire Code, 2015 Edition, and all revisions thereto. The establishment, location, modification, or abandonment of fire lanes or fire apparatus access roads shall be determined by the chief of the fire department, the fire marshal, or their designated representative, hereinafter called "the authority," in conformity with the provisions of this article and Appendix D of the International Fire Code, 2015 Edition, and all revisions thereto.

If there is a conflict between terms or when there is a question as to the intent or meaning of any portion of this subsection, the International Fire Code, 2015 Edition, Appendix D, and all revisions thereto, shall prevail.

Sec. 8-111. - Fire lanes and fire apparatus access roads generally.

- (a) *Construction.* No building used for any purpose other than single-family or two-family dwellings shall be constructed so that any part of the perimeter of the structure is greater than one hundred fifty (150) feet from a public street or highway unless the owner constructs and maintains a fire lane having a minimum width of at least twenty (20) feet and height throughout of no less than fourteen (14) feet and terminating within one hundred fifty (150) feet from the farthest point of said structure, with increases to the minimum width of twenty-six (26) feet for aerial fire apparatus, where required per Appendix D of the International Fire Code, 2015 Edition, and all revisions thereto.
- (b) *Restrictions.* The following restrictions shall apply to fire lanes:
 - (1) Required fire lanes and fire apparatus access roads, when not connected at both ends to a public street, shall terminate as detailed in Table D103.4 of Appendix D of the International Fire Code, 2015 Edition, and all revisions thereto.
 - (2) All required fire lanes and fire apparatus access roads shall be all-weather surfaced with concrete, asphalt or other approved means, provide effective drainage of storm water and capable of supporting the imposed load of fire apparatus weighing at least seventy-five thousand (75,000) pounds, as detailed in Section D102 of the International Fire Code, 2015 Edition, and all revisions thereto.
 - (3) Fire lanes or fire apparatus access roads shall not be used as loading zones.

(4) There shall be no unattended parking in any fire lane or fire apparatus access road at any time. [Exception: vehicles operated by the fire department of the city or vehicles operated by any other emergency responder organization or law enforcement agency shall be exempt from the parking restriction established in subsection 8-111(b)(4) above.

(c) *Maintenance.* All required fire lanes and fire apparatus access roads shall always be maintained and kept in a good state of repair by the owner or owners of the premises. It shall not be the responsibility of the city to maintain fire lanes or fire apparatus access roads except in cases where the city owns the property upon which the fire lanes or fire apparatus access roads are located.

Sec. 8-112. - Posting of signs and markings.

Required fire lanes and fire apparatus access roads shall be conspicuously marked with signs as detailed in Section D103.6 of Appendix D of the International Fire Code, 2015 Edition, and all revisions thereto. Where approved by the fire marshal, or his deputy, painted curbs or pavement striping, or stripes painted on the sides of buildings may be used in lieu of posted signs. Painted curbs, or stripes painted on pavement or buildings, shall consist of a red stripe six (6) inches in width with four-inch white letters stating "FIRE LANE - NO PARKING" with such lettering to be spaced approximately thirty (30) feet apart, and arranged in a manner approved by the fire marshal or his deputy. Paint used for striping and lettering shall be of a type suitable for exposure to the elements and stripes and lettering shall be re-painted as needed to maintain legibility.

All required fire lanes and fire apparatus access road signs shall always be maintained in good condition and legible. Maintenance of required fire lane and fire apparatus access road signs and markings shall be the responsibility of the owner or owners on whose property such signs are located.

SECTION 4. **SAVINGS CLAUSE**

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 5. **SEVERABILITY**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 6.
REPEALER

Any other ordinance or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 7.
EFFECTIVE DATE

This Ordinance shall become effective upon adoption and publication as required by law.

SECTION 8.
PROPER NOTICE AND MEETINGS

It is hereby officially found and determined that the meetings at which this Ordinance was passed were open to the public as required and that public notice of the time, place and purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on its first reading this the ____ day of December 2019.

PASSED and APPROVED on its second reading this the ____ day of December 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 15

DATE OF MEETING: December 5, 2019	DATE SUBMITTED: November 22, 2019
DEPT. OF ORIGIN: Municipal Court	SUBMITTED BY: Rhonda Kuehn

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
☒ REGULAR	☐ PUBLIC HEARING	☒ 1ST READING
☐ SPECIAL	☐ CONSENT	☐ 2ND READING
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION
	☐ WORK SESSION	

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading to:

- a. Amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-20(d) Related to the Fees and Court Costs Associated with the Municipal Court Security Fund;
- b. Amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-21, Municipal Court Technology Fund, and Providing for a New Section, Reserved, for Future Amendments to Chapter 2; and
- c. Amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-23, Municipal Court Juvenile Case Manager Fund, and Providing for a New Section, Reserved, for Future Amendments to Chapter 2

SUMMARY STATEMENT: In its 86th Legislative Session, the Texas Legislature passed Senate Bill 346 – Consolidation of Court Costs effective January 1, 2020. This bill repealed Articles 102.004 (\$3.00 Jury Fee), 102.0172 (\$4.00 Court Technology Fee), 102.0174 (\$5.00 Juvenile Case Manager Fee), and 102.017 (\$3.00 Court Security Fee) of the Code of Criminal Procedure. In its place, the Legislature created Section 134.103 of the Local Government Code thereby establishing a \$14.00 court cost in which the municipal treasurer must allocate the following percentages/amounts:

Local Consolidated Fee (\$14.00)		
Fund	Percent	Dollar
Municipal Court Building Security Fund	35	\$4.90
Local Truancy Prevention and Diversion Fund	35.7143	\$5.00
Municipal Court Technology Fund	28.5714	\$4.00
Municipal Jury Fund	.7143	\$.10

Due to this change, City Ordinance No. 0-98-006 (Municipal Court Security Fund); Chapter 2, Administration, Section 2-21 (Municipal Court Technology Fund) and Section 2-23 (Municipal Court Juvenile Case Manager Fund) must be repealed.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) Ordinance for first reading
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve and an Ordinance on its first reading to: (a) amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-20(d) Related to the Fees and Court Costs Associated with the Municipal Court Security Fund; (b) amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-21, Municipal Court Technology Fund, and Providing for a New Section, Reserved, for Future Amendments to Chapter 2; and (c) amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-23, Municipal Court Juvenile Case Manager Fund, and Providing for a New Section, Reserved, for Future Amendments to Chapter 2
APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE III, MUNICIPAL COURT, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF REPEALING SUBSECTION 2-20(d), MUNICIPAL COURT SECURITY FUND, SECTION 2-21, MUNICIPAL COURT TECHNOLOGY FUND, AND SECTION 2-23, MUNICIPAL COURT JUVENILE CASE MANAGER FUND; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS

WHEREAS, in its 86th Legislative Session, the Texas Legislature enacted Senate Bill 346 (S.B. 346) which, in part, repealed Texas Code of Criminal Procedure Articles 102.0172 (Court Technology Fee), 102.0174 (Juvenile Case Manager Fee) and 102.017 (Court Security Fee); and

WHEREAS, in the 86th Legislative Session, the Texas Legislature enacted Section 134.103 of the Texas Local Government Code establishing a new consolidated municipal court fee to replace the fees in Articles 102.0172, 102.0174 and 102.017 of the Texas Code of Criminal Procedure which were repealed by S.B. 346; and

WHEREAS, due to the enactment of S.B. 346, certain provisions of the Code of Ordinances, City of Brenham, Texas are no longer necessary and should be repealed to conform to state law;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT:

SECTION 1.

The Code of Ordinances, City of Brenham, Texas, Chapter 2, Administration, Article III, Municipal Court, Subsection 2-20(d), Municipal Court Security Fund, is hereby repealed and rescinded in its entirety.

SECTION 2.

The Code of Ordinances, City of Brenham, Texas, Chapter 2, Administration, Article III, Municipal Court, Section 2-21, Municipal Court Technology Fund, is hereby repealed and rescinded in its entirety and amended to read as follows:

2-21. RESERVED.

SECTION 3.

The Code of Ordinances, City of Brenham, Texas, Chapter 2, Administration, Article III, Municipal Court, Section 2-23, Municipal Court Juvenile Case Manager Fund, is hereby repealed and rescinded in its entirety and amended to read as follows:

2-23. RESERVED.

SECTION 4. **SAVINGS CLAUSE**

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 5. **SEVERABILITY**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 6. **REPEALER**

Any other ordinance or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 7. **EFFECTIVE DATE**

This Ordinance shall become effective on January 1, 2020.

SECTION 8.
PROPER NOTICE AND MEETINGS

It is hereby officially found and determined that the meetings at which this Ordinance was passed were open to the public as required and that public notice of the time, place and purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on its first reading this the ____ day of December 2019.

PASSED and APPROVED on its second reading this the ____ day of December 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 17

DATE OF MEETING: December 5, 2019	DATE SUBMITTED: December 2, 2019	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: James Fisher	
MEETING TYPE: ☐ REGULAR ☐ SPECIAL ☒ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Section 551.071 – Texas Government Code – Consultation with City Attorney and Section 551.072 – Texas Government Code – Real Property Regarding the Barnhill Center at the Historic Simon Theater		
SUMMARY STATEMENT: To be discussed in Executive Session.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: None		
APPROVALS: Milton Y. Tate, Jr.		



AGENDA ITEM 18

DATE OF MEETING: December 5, 2019	DATE SUBMITTED: December 2, 2019	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: James Fisher	
MEETING TYPE: ☐ REGULAR ☐ SPECIAL ☒ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Deliberation Regarding the Appointment and Compensation of an Additional Municipal Court Associate Judge		
SUMMARY STATEMENT: To be discussed in Executive Session.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: None		
APPROVALS: Milton Y. Tate, Jr.		



AGENDA ITEM 19

DATE OF MEETING: December 5, 2019	DATE SUBMITTED: December 2, 2019
DEPT. OF ORIGIN: Administration	SUBMITTED BY: James Fisher
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Appointment and Compensation of an Additional Municipal Court Associate Judge	
SUMMARY STATEMENT: As discussed in Executive Session	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: None	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: As discussed in Executive Session	
APPROVALS: Milton Y. Tate, Jr.	