



The City of Liberty
Liberty Community Development Corporation

Annual Meeting

~ Agenda ~

1829 Sam Houston Street
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, June 16, 2020

6:00 PM

City Hall - Liberty Center

The Liberty Community Development Corporation of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
President Dennis Beasley	☐	☐	☐	
Vice-President Barbara Norwood	☐	☐	☐	
Board Member Mark Campbell	☐	☐	☐	
Secretary Kathrine McCarty	☐	☐	☐	
Board Member Dan VanDeventer	☐	☐	☐	
Board Member Julie Hebert	☐	☐	☐	
Board Member Michael Dorsett Jr	☐	☐	☐	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / CITIZENS FORUM

Citizen Forum is reserved for members of the public who would like to address the LCDC Board regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Board may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The LCDC Board of Directors may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

III. PRESENTATIONS / REPORTS

A. LCDC Information Item (ID # 4804)

General Manager's Report - T. Warner- Projects and Activities - Airport AWOS - CARES Act Funding/Airport - Golf Course Pro Shop - Sales Tax

- General Manager's Report (DOCX)

B. LCDC Information Item (ID # 4805)

Finance Report - Asst. City Mgr./CFO - N. Herrington

IV. CONSENT AGENDA

All consent items listed are considered to be routine by the LCDC and will be enacted by one motion. There will be no separate discussion of these items unless a Board Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

A. Minutes Approval

1. Tuesday, April 21, 2020

V. REGULAR AGENDA**A. Regular Session****1. LCDC Information Item (ID # 4806)**

Oath of Office to be administered to newly appointed Board Members.

2. LCDC Corporation Action (ID # 4807)

Board of Directors to elect a President of the Liberty Community Development Corporation.

3. LCDC Corporation Action (ID # 4808)

Board of Directors to elect a Vice-President of the Liberty Community Development Corporation.

4. LCDC Corporation Action (ID # 4809)

Board of Directors to elect a Secretary of the Liberty Community Development Corporation.

5. LCDC Resolution (ID # 4810)

Consider a Resolution approving the transfer of deed to five (5) tracts of land to the City of Liberty.

- Warranty Deed-5 Properties (PDF)
- Exhibit-5 Properties (PDF)
- Photos-Transfer of Property-5 Tracts (PDF)

VI. ADJOURNMENT

CERTIFICATION

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 12th day of June, 2020 at 4:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Corporation Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the LCDC Board of Directors was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2020.



The City of Liberty
Liberty Community Development Corporation
1829 Sam Houston Street
Liberty, TX 77575

3.A

Meeting: 06/16/20 06:00 PM

Department: Administration
Category: LCDC Reports

LCDC INFORMATION ITEM (ID # 4804)

DOC ID: 4804

Subject: General Manager's Report - Projects and Activities

Background: This agenda item affords the General Manager the opportunity to update the Board Members and public on current and future projects, activities and other items related to Corporation business.

To: Liberty Community Development Corporation Board of Directors

From: Tom Warner, General Manager

Date: June 16, 2020

Re: General Manager's Report

1. The LCDC Board of Directors, in July 2019, approved the program guidelines for the downtown facade grant program. Since that time, the board has approved four grants (334 Main, 1900 Sam Houston, 725 Main and 1909 Grand) totaling \$47,375. There is \$52,625 available to fund additional facade grants.
2. The City Council awarded a bid to DBT Transportation Services for the installation of an AWOS at the Liberty Municipal Airport on June 9, 2020.
3. The City has been notified that the Liberty Municipal Airport was awarded \$30,000 in federal funding through the Coronavirus Aid, Relief, and Economic Security (CARES) Act. These funds will be used to offset a portion of the city's local match for the pavement and taxiway rehabilitation project at the Liberty Municipal Airport.
4. The City hired Streamline Mechanical to repair the AC unit at the airport terminal building. Streamline completed the repairs on June 5th.
5. During the May 26th City Council Meeting, City Council authorized the purchase of \$121,608 worth of equipment for the golf course. Staff expects to take possession of the equipment within 30 days. This equipment is critical in helping the staff adequately maintain the golf course.
6. The City Council, during the May 26th meeting, did not ratify LCDC's proposed expenditure to renovate the Golf Course Pro Shop. Instead, City Council requested the repairs be funded by the Cambridge Fund.
7. Since late May, hogs have been causing damage at the golf course. A local trapper has been hired to set traps with corn bait. In addition to setting traps baited with corn, the local trapper has also baited areas away from the course to minimize additional damage to the course.
8. Retail Coach has updated the report showing the effects of COVID-19 on Liberty's retail businesses. With the loosening of COVID-19 restrictions, increases in foot traffic occurred in the apparel and dining categories. Superstore foot traffic was stable and there were slight declines in home improvement and service traffic.
9. The Comptroller released the sales and use tax payments for all cities on June 10th. These payments reflect sales and use taxes that were collected for the month of April.

Collections for the month of April were \$247,094.78 or 6.82% less than the same period last year. Year to date payments are \$1,557,452.01 or 1.33% above last year's payments. Although this month's payments were down by \$18,086.94, it was not a bad month considering the potential impacts of COVID-19.



The City of Liberty
Liberty Community Development Corporation
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Liberty, TX 77575

3.B

Meeting: 06/16/20 06:00 PM

Department: Administration
Category: LCDC Reports

LCDC INFORMATION ITEM (ID # 4805)

DOC ID: 4805

Subject: Finance Report

Background: This agenda item affords the Asst. City Mgr./CFO an opportunity to report on the financial activities and position of the Corporation, to include revenues, liabilities, assets, and other financial information.



The City of Liberty

Liberty Community Development Corporation

1829 Sam Houston Street
Liberty, TX 77575
www.cityofliberty.org

Meeting

~ Minutes ~

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, April 21, 2020

6:00 PM

City Hall Conference Room

The Liberty Community Development Corporation of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

THIS MEETING WAS HELD USING THE VIDEO CONFERENCE TOOL, ZOOM, DUE TO THE COVID-19 DISEASE.

Present by Video Conference: President Beasley, and Board Members Arnold, Norwood, Campbell, McCarty, and VanDeventer, and City Attorney Brandon Davis.

Present in the Council Chambers: City Manager Tom Warner, Asst. City Mgrs. Chris Jarmon and Naomi Herrington, City Secretary Dianne Tidwell, and Adm. Asst. April Gilliland.

Attendee Name	Title	Status	Arrived
Dennis Beasley	President	Present	
Barbara Norwood	Vice-President	Present	
Mark Campbell	Board Member	Present	
David Arnold	Board Member	Present	
Mike Page	Board Member	Absent	
Kathrine McCarty	Secretary	Present	
Dan VanDeventer	Board Member	Absent	
Tom Warner	General Manager	Present	
Chris Jarmon	Asst. City Manager	Present	
Naomi Herrington	Asst. City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / CITIZENS FORUM

President Beasley welcomed participants of the video conference meeting.

III. PRESENTATIONS / REPORTS

A. LCDC Information Item (ID # 4749)

General Manager's Report - T. Warner, Gen. Mgr. - Projects & Activities - Airport Terminal Building, AWOS, Runway and Taxiway Rehabilitation - Community Development Projects;

Minutes Acceptance: Minutes of Apr 21, 2020 6:00 PM (Minutes Approval)

Sleep Inn Hotel, Grab & Go Convenience Store, and Shamrock Vacuum Service - Other Activities; Holly Street Manor

COMMENTS - Current Meeting:

General Manager Tom Warner reported on various activities related to the Municipal Airport, Community Development Projects, and a future Planning and Zoning Commission Meeting to review the Holly Street Manor Final Plat.

ATTACHMENTS:

- General Manager's Report (DOCX)

B. LCDC Information Item (ID # 4750)

Finance Report - N. Herrington, Asst. City Mgr./CFO

COMMENTS - Current Meeting:

Asst. City Mgr./CFO Naomi Herrington reported on the Corporation financials through February 29, 2020. Ms. Herrington stated that revenues are at 51% of the budgeted amount, expenses at 40%, and sales tax revenue is at 82% of the budgeted amount. Ms. Herrington further mentioned golf course transfers and a street bond payment for Woodsprings Drive had been made in the amount of \$180,000. Ms. Herrington concluded by stating that cash on hand is \$2.4 million.

IV. CONSENT AGENDA

All consent items listed are considered to be routine by the LCDC and will be enacted by one motion. There will be no separate discussion of these items unless a Board Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara Norwood, Vice-President
SECONDER:	Kathrine McCarty, Secretary
AYES:	Beasley, Norwood, Campbell, Arnold, McCarty
ABSENT:	Mike Page, Dan VanDeventer

A. Minutes Approval

1. Tuesday, November 19, 2019
2. Tuesday, February 18, 2020

V. REGULAR AGENDA

A. Regular Session

1. LCDC Public Hearing (ID # 4751)

Public Hearing regarding the possible expenditure of funds for the Main Street Sidewalk Rehabilitation Project, Liberty Municipal Airport Pavement Rehabilitation, the Unified Development Ordinance, and the Liberty Municipal Golf Course Pro Shop Renovations.

COMMENTS - Current Meeting:

At 6:13 p.m., President Beasley opened the Public Hearing on the proposed expenditure of funds for various projects as listed below:

Main Street Sidewalk REhabilitation Project

Liberty Municipal Airport Pavement Rehabilitation

Unified Development Ordinance

Liberty Municipal Golf Course Pro Shop Renovations

General Manager Tom Warner reported on each of the projects. At 6:16 p.m., following brief discusion, President Beasley closed the Public Hearing.

2. LCDC Resolution 2020-1

Consider a Resolution to allocate funding for the Main Street Sidewalk Rehabilitation Project.

COMMENTS - Current Meeting:

General Manager Tom Warner reported on final plans for the Main Street Rehabilitation Project, on the east side of Main Street between Sam Houston and Trinity Streets. Estimated project cost is \$143,310.98. The subsequent move would be to work with the engineer to move forward with the bidding process.

A motion was made to approve the Resolution for the Main Street Sidewalk Rehabilitation Project.

ATTACHMENTS:

- Downtown Sidewalk Construction Estimate (PDF)
- Downtown Sidewalk Engineering Expenses (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Arnold, Board Member
SECONDER:	Mark Campbell, Board Member
AYES:	Beasley, Norwood, Campbell, Arnold, McCarty
ABSENT:	Mike Page, Dan VanDeventer

3. LCDC Corporation Action (ID # 4753)

Consider award of proposal from Kendig Keast Collaborative for the development of a Unified Development Ordinance (UDO).

COMMENTS - Current Meeting:

Asst. City Manager Chris Jarmon reported on a proposal received for development of a

Unified Development Ordinance (UDO). Mr. Jarmon spoke to the purpose and specifics of a UDO and reviewed the two proposals received. A UDO will provide uniformity regarding land use and development issues, and to promote the health, safety and general welfare of the residents.

After lengthy discussion, a motion was made, by President Beasley, to accept the proposal submitted by Kendig Keast Collaborative. Motion died for lack of a second.

ATTACHMENTS:

- UDO Scoring Sheet (XLSX)

RESULT: NO ACTION TAKEN

4. LCDC Corporation Action 2020-1

Consider awarding a Downtown Facade Improvement Program Grant to Rodger's Pharmacy, 1909 Grand Avenue.

COMMENTS - Current Meeting:

Asst. City Manager Chris Jarmon reported on a grant request, from Rodger's Pharmacy, for the Downtown Facade Improvement Grant Program. After review of the planned improvements to the facility at 1909 Grand Avenue, a motion was made to award a grant in the amount of \$2,800.00.

ATTACHMENTS:

- Downtown Facade Grant Application- Rodger's Pharmacy (PDF)

RESULT: APPROVED [UNANIMOUS]
MOVER: Barbara Norwood, Vice-President
SECONDER: Kathrine McCarty, Secretary
AYES: Beasley, Norwood, Campbell, Arnold, McCarty
ABSENT: Mike Page, Dan VanDeventer

5. LCDC Corporation Action 2020-2

Consider amending the Liberty Community Development Corporation Fiscal Year 2020 Budget by transferring an additional \$24,850 to the Golf Course for Pro Shop Renovations.

COMMENTS - Current Meeting:

Asst. City Manager Chris Jarmon reported on the current condition of the Municipal Golf Course Pro Shop and proposed improvements. Mr. Jarmon reviewed the proposed updates to the facility, with one quote received for this work.

Following discussion, President Beasley opened the work session for dialogue regarding various issues related to the Golf Course. Following the work session, President Beasley reopened the Pro Shop Renovation agenda item for a vote.

A motion was made to award the quote from Myron McDowell Construction, in the amount of \$24,864, with LCDC transferring the funds, approving the budget amendment.

ATTACHMENTS:

- Pro Shop Renovation - Arnold Const Estimate (PDF)
- McDowell Construction Proposal (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara Norwood, Vice-President
SECONDER:	Kathrine McCarty, Secretary
AYES:	Beasley, Norwood, Campbell, Arnold, McCarty
ABSENT:	Mike Page, Dan VanDeventer

B. Work Session**1. LCDC Work Session (ID # 4755)**

Discussion regarding the Liberty Municipal Golf Course.

COMMENTS - Current Meeting:

Lengthy discussion was held regarding numerous issues and concerns relative to the Liberty Municipal Golf Course, to include the Master Plan, maintenance, financials, irrigation, lighting, operational costs, and other topics.

VI. ADJOURNMENT**A. Motion To:** Adjourn**COMMENTS - Current Meeting:**

There being no further business before the Board, President Beasley adjourned the meeting at 7:13 p.m.

Dennis Beasley, President

ATTEST:

Kathrine McCarty, Corp. Secretary

Minutes Acceptance: Minutes of Apr 21, 2020 6:00 PM (Minutes Approval)



The City of Liberty
Liberty Community Development Corporation
1829 Sam Houston Street
Liberty, TX 77575

5.A.1

Meeting: 06/16/20 06:00 PM

Department: Administration
Category: LCDC Oath of Office

LCDC INFORMATION ITEM (ID # 4806)

DOC ID: 4806

Subject: Oath of Office

Background: Mayor Carl Pickett will administer the Oath of Office to re-appointed Board Members Dennis Beasley and Barbara Norwood, and also to newly appointed Board Members Julie Hebert and Michael Dorsett, Jr.



The City of Liberty
Liberty Community Development Corporation
1829 Sam Houston Street
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5.A.2

Meeting: 06/16/20 06:00 PM

Department: Administration
Category: LCDC Misc.

LCDC CORPORATION ACTION (ID # 4807)

DOC ID: 4807

Subject: Officer Appointment

Background: Section 505.053 of the Local Government Code specifies “the board of directors of a Type B Corporation shall appoint (1) a president; (2) a secretary; and other officers of the corporation the governing body of the authorizing municipality considers necessary.” LCDC Bylaws state the President serves for a one-year term. The current President is Dennis Beasley.

Funding Source: NA

Staff Recommendation: Staff recommends the LCDC Board of Directors appoint a President.



The City of Liberty
Liberty Community Development Corporation
1829 Sam Houston Street
Liberty, TX 77575

5.A.3

Meeting: 06/16/20 06:00 PM

Department: Administration
Category: LCDC Misc.

LCDC CORPORATION ACTION (ID # 4808)

DOC ID: 4808

Subject: Officer Appointment

Background: Section 505.053 of the Local Government Code specifies “the board of directors of a Type B Corporation shall appoint (1) a president; (2) a secretary; and other officers of the corporation the governing body of the authorizing municipality considers necessary.” LCDC Bylaws state the Vice-President serves for a one-year term. The current Vice-President is Barbara Norwood.

Funding Source: NA

Staff Recommendation: Staff recommends the LCDC Board of Directors appoint a Vice-President.



The City of Liberty
Liberty Community Development Corporation
1829 Sam Houston Street
Liberty, TX 77575

5.A.4

Meeting: 06/16/20 06:00 PM

Department: Administration
Category: LCDC Misc.

LCDC CORPORATION ACTION (ID # 4809)

DOC ID: 4809

Subject: Officer Appointment

Background: Section 505.053 of the Local Government Code specifies “the board of directors of a Type B Corporation shall appoint (1) a president; (2) a secretary; and other officers of the corporation the governing body of the authorizing municipality considers necessary.” LCDC Bylaws state the Secretary serves for a one-year term. The current Secretary is Kathrine McCarty.

Funding Source: NA

Staff Recommendation: Staff recommends the LCDC Board of Directors appoint a Secretary.



LCDC RESOLUTION (ID # 4810)

DOC ID: 4810

Subject: Transfer of Property

Background: A recent of review of deed records revealed five tracts of property that were in the name of the Liberty Community Development Corporation. LCDC does not own any assets and historically have transferred any assets they purchased to the City of Liberty. The tracts of land proposed for transfer are associated with the Liberty Fire Department Station along U.S. 90; Liberty Municipal Airport (3 tracts) and Woodsprings Lift Station. A copy of the proposed deed and property descriptions are enclosed.

Funding Source: NA

Staff Recommendation: Staff recommends the LCDC Board of Directors transfer the tract of property to the City.

A Resolution by the Liberty Community Development Corporation; Said Resolution Approving the Transfer of Five (5) Tracts of Land to the City of Liberty, Texas

WHEREAS, the Liberty Community Development Corporation (LCDC) previously purchased five (5) tracts or parcels of land; and

WHEREAS, said property includes a tract of land currently housing the City of Liberty's fire substation along U.S. Highway 90; and

WHEREAS, said property includes three (3) separate tracts located near the Liberty Municipal Airport; and

WHEREAS, said property includes a tract that was used for Woodsprings Drive and the lift station located along Woodsprings Drive; and

WHEREAS, the property is all currently used by the City of Liberty and should therefore be owned directly by the City of Liberty.

NOW, THEREFORE, Be It Resolved by the Liberty Community Development Corporation that:

The Liberty Community Development Corporation approves the transfer of ownership of five (5) tracts or parcels of land to the City of Liberty and authorizes the Board President to sign the Deed attached hereto as Exhibit 1.

PASSED AND APPROVED, this the 16th day of June, 2020.

LIBERTY COMMUNITY DEVELOPMENT CORPORATION

Dennis Beasley, President

ATTEST:

Corporation Secretary

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

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

That the LIBERTY COMMUNITY DEVELOPMENT CORPORATION, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration cash to me in hand paid by the CITY OF LIBERTY, TEXAS, the receipt of which is hereby acknowledged, have (subject to the exceptions, reservations and covenants hereinafter set forth) GRANTED, SOLD AND CONVEYED, and by these presents do (subject to the exceptions, reservations and covenants hereinafter set forth) GRANT, SELL and CONVEY unto the said CITY OF LIBERTY, TEXAS, all of those certain lots, tracts or parcels of land identified as tracts 1, 2, 3, 4, and 5 and as described in Exhibit A, including all improvements and personal property located thereon.

It is understood and agreed by and between the parties hereto that this conveyance is made subject to any and all zoning laws, regulations and ordinances of municipal or other governmental authority, and any and all exceptions, reservations, restrictions and easements, if any, affecting the above-described property and shown of record among the Public Records of Liberty County, Texas.

TO HAVE AND TO HOLD the above described premises (subject to the exceptions, reservations and covenants hereinabove set forth), together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said CITY OF LIBERTY, TEXAS, its successors and assigns, forever; and undersigned hereby binds itself, its successors and assigns to WARRANT and FOREVER DEFEND all and singular the said premises (subject to the exceptions, reservations and covenants hereinabove set forth), unto the said CITY OF LIBERTY, TEXAS, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN TESTIMONY WHEREOF, Witness my hand this the _____ day of _____, 2020.

LIBERTY COMMUNITY DEVELOPMENT CORPORATION

Dennis Beasley, President

Attachment: Warranty Deed-5 Properties (4810 : Property Transfer - 5 Tracts)

Mailing Address of Grantee:

Name: City of Liberty, Texas
Address: 1829 Sam Houston St.
Liberty, TX 77575

THE STATE OF TEXAS §

COUNTY OF LIBERTY §

This instrument was acknowledged before me on the _____ day of _____ 2020, by Dennis Beasley on behalf of the Liberty Community Development Corporation.

Notary Public, State of Texas

Attachment: Warranty Deed-5 Properties (4810 : Property Transfer - 5 Tracts)

**EXHIBIT A
TRACT 1**

FIELD NOTES of a 2.3860 acre tract of land situated in the Liberty Town Tract East League, Abstract 359, Liberty County, Texas and being out of and a part of Outer Block 50 of the City of Liberty. Map of said City of Liberty being of record in Volume 1 at Page 137 of the Map Records of Liberty County, Texas. Said 2.3860 acres being comprised of the following tracts of land:

- 1) The residue of Tract 2 set aside to Mrs. E. W. Pickett in Partition Deed dated March 12, 1952 and recorded in Volume 366 at Page 285 of the Deed Records of Liberty County, Texas.
- 2) The residue of Tract 6 set aside to Laura Pickett Calfee, et al, in Surface Only Partition Deed dated January 1, 1992 and recorded in Volume 1442 at Page 265 of the Official Public Records of Liberty County, Texas.
- 3) Tract 7 called 0.5344 of an acre set aside to Ernest William Pickett, IV, et al, in Surface Only Partition Deed dated January 1, 1992 and recorded in Volume 1442 at Page 265 of the Official Public Records of Liberty County, Texas.
- 4) Tract 8 called 0.8436 of an acre set aside to Ernest William Pickett, IV, et al, in Surface Only Partition Deed dated January 1, 1992 and recorded in Volume 1442 at Page 265 of the Official Public Records of Liberty County, Texas.
- 5) Tract 3 set aside to Ben E. Pickett in Partition Deed dated March 12, 1952 and recorded in Volume 366 at Page 285 of the Deed Records of Liberty County, Texas.

This 2.3860 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83. DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 1.000019632. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

COMMENCING at a right-of-way monument found at the intersection of the South right-of-way line of U. S. Highway 90 (108 feet wide right-of-way) and the West right-of-way line of Bowie Street (83.33 feet wide right-of-way) at the Northeast corner of that certain 1.3319 acres conveyed by Richard N. Pickett, et al, to AutoZone, Inc. by Deed dated June 28, 1996 and recorded in Volume 1625 at Page 571 of the Official Public Records of Liberty County, Texas. Said 1.3319 acres being platted as AutoZone Addition of the City of Liberty by plat recorded in Volume 9 at Page 120 of the Map Records of Liberty County, Texas. Said point being in the East line of Outer Block 50 and having a State Plane Coordinate Value of Y=10,027,764.59 and X=4,045,830.89.

THENCE: South 03°42'57" East along the East line of said Outer Block 50, the East line of said AutoZone Tract and the West right-of-way line of said Bowie Street for a distance of 217.78 feet to a ¼ inch iron rod found for the Southeast corner of said AutoZone Addition and the Northeast corner and POINT OF BEGINNING of this tract. Said BEGINNING POINT having a State Plane Coordinate Value of Y=10,027,547.23 and X=4,045,845.00.

THENCE: Continue South 03°42'57" East along the East line of this tract, the East line of said Outer Block 50, the East line of the above mentioned Tract 7 and the West right-of-way line of said Bowie Street and at 255.24 feet pass a ¼ inch iron rod, with cap, set for reference; in all, a total distance of 282.23 feet to a point in water for the Southeast corner of this tract, the Southeast corner of said Outer Block 50, the Southeast corner of said Tract 7 and the Northeast corner of Washington Avenue (27.78 feet wide right-of-way).

THENCE: South 86°17'03" West along the South line of this tract, the South line of said Tract 7, the South line of said Tract 8, the South line of said Tract 3, the South line of said Outer Block 50 and the North right-of-way line of said Washington Avenue (said street not open on the ground in this area) and at 146.40 feet pass a point for the Southwest corner of said Tract 7 and the Southeast corner of said Tract 8; at 293.40 feet pass a point for the Southwest corner of said Tract 8 and the Southeast corner of said Tract 3; in all, a total distance of 381.40 feet to a ¼ inch iron rod, with cap, set for the Southwest corner of this tract, the Southwest corner of the East ½ of said Outer Block 50, the Southeast corner of the West ½ of said Outer Block 50 and the Southeast corner of that certain 6.0829 acre tract now owned by Pickett Joint Properties. Said 6.0829 acres being the residue of that certain West ½ of Outer Block 50 described as Tract IV conveyed by Horace Pickett to Edward B. Pickett and Carl Pickett by Deed dated December 31, 1971 and recorded in Volume 690 at Page 514 of the Deed Records of Liberty County, Texas.

THENCE: North 03°42'57" West along the Southernmost West line of this tract, the West line of said Tract 3, the West line of the East ½ of said Outer Block 50, the Southernmost East line of said 6.0829 acres and the East line of the West ½ of said Outer Block 50 for a distance of 250.00 feet to a ¼ inch iron rod, with cap, set in the South line of that certain called 0.9487 of an acre tract described in Memorandum of Lease dated June 30, 2003 from Pickett Joint Properties to Hi/Lo Auto Supply, L.P., recorded under County Clerk's File No. 2004001803 of the Official Public Records of Liberty County, Texas. Said point being the Westernmost Northwest corner of this tract, the Northwest corner of said Tract 3 and the Southernmost Northeast corner of said 6.0829 acres; from which a 5/8 inch iron rod (found) bears South 06°18'41" West 0.57 feet. Said 0.9487 of an acre also being platted as O'Reilly Addition under County Clerk's File No. 2003019527 of the Map Records of Liberty County, Texas.

THENCE: North 86°17'03" East along the Westernmost North line of this tract, the North line of said Tract 3, the North line of said Tract 8 and the South line of said 0.9487 of an acre O'Reilly Addition and at 88.00 feet pass a point for the Northeast corner of said Tract 3 and the Northwest corner of said Tract 8; in all, a total distance of 115.00 feet to a ¼ inch iron rod, with cap, set for an interior corner of this tract, the Southwest corner of the heretofore mentioned Tract 6 and the Southeast corner of said 0.9487 of an acre O'Reilly Addition; from which a 5/8 inch iron rod (found) bears South 15°32'11" West 0.77 feet.

THENCE: North 03°42'57" West along the Northernmost West line of this tract, the West line of said Tract 6 and the East line of said 0.9487 of an acre O'Reilly Addition for a distance of 32.23 feet to a ¼ inch iron rod (bent) found for the Northernmost Northwest corner of this tract, the Northwest corner of said Tract 6 and the Southwest corner of said AutoZone Addition.

THENCE: North 86°17'03" East along the Easternmost North line of this tract, the North line of said Tract 6, the North line of said Tract 2, the Easternmost North line of said Tract 7 and the South line of said AutoZone Addition and at 166.00 feet pass a point for the Northeast corner of said Tract 2 and the Northernmost Northwest corner of said Tract 7; in all, a total distance of 266.40 feet to the PLACE OF BEGINNING and containing within these boundaries 2.3860 acres or 103,936.072 square feet of land.

**EXHIBIT A
TRACT 2**

62.37 acres of land in the P.P. Devers Survey, A-22, Liberty County, Texas, said lands being more particularly described by metes and bounds as follows, to-wit:

FIELD NOTES of a 62.37 acre tract of land situated in the P. P. Dever League Abstract No. 22, Liberty County, Texas, being all of Tract 1 called 31 ½ acres, Tract 2 called 31 ½ acres conveyed to Pamela Kay Fregia by Jimmy Ross Fregia by deed dated January 25, 2011, and recorded in Clerk's File No. 2011000825 of the Official Public Records of Liberty County, Texas, a called ½ acre tract of land conveyed to Edmon Fregia by Helen Burr by deed dated February 17, 1971, and recorded in Volume 674 at Page 730 of the Deed Records of Liberty County, Texas, an area of conflict with 48.064 acres conveyed to City of Liberty by Edmon Fregia, et ux, by deed dated September 17, 1985, and recorded in Volume 1089 at Page 811 of the Official Public Records of Liberty County, Texas, and an area of conflict with a called 103.05 acre tract of land conveyed to Edmon Fregia, et ux, by V. R. Fregia, et ux, by deed dated July 7, 1982, and recorded in Volume 950 at Page 188 of the Deed Records of Liberty County, Texas. This 62.37 acre tract of land is more particularly described by metes and bounds as follows, to-wit:

NOTE BEARINGS ARE BASED ON GRID BEARINGS REFERENCE IS MADE TO PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION

BEGINNING at a ¾ inch iron pipe found for the Southeast corner of this tract of land, the Southeast corner of said Tract 2, the Southeast corner of said area of conflict with the called 103 05 acres, and the Southwest corner of a called 60 acre tract of land conveyed to Leslie Wallace by Edmon Fregia, et ux, by deed dated August 29, 2003, and recorded at Clerk's File No 2003013491 of the Official Public Records of Liberty County, Texas

THENCE South 78°43'03" West with the South line of this tract of land, the South line of said Tracts 2 and 1, the South line of said area of conflict with the called 103 05 acres, the South line of said area of conflict with the 48 064 acres, and the South line of said called ½ acre, at a distance of 726 39 feet set a ½ inch iron rod for the Southwest corner of said Tract 2, and the Southeast corner of said Tract 1, in all a total distance of 1452 78 feet to a ½ inch iron rod set for the Southwest corner of this tract of land, the Southwest corner of said Tract 1, the Southwest corner of said area of conflict with the 48 064 acres, and the Southeast corner of a called 36 acre tract of land conveyed to Leslie Wallace by Martrell Fregia by deed dated December 18, 2009, and recorded at Clerk's File No 2009019922 of the Official Public Records of Liberty County, Texas

THENCE North 03°19'57" West with the West line of this tract of land, the West line of said Tract 1, the West line of said area of conflict with the 48 064 acres, and the East line of said called 36 acres, at a distance of 410 63 feet set a ½ inch iron rod on line at the Northwest corner of said area of conflict with the 48 064 acres, from which a 5/8 inch iron rod found for the Northeast corner of said area of conflict with the 48 064 acres bears North 76°52'59" East a distance of 554 30 feet, continuing along the West line of this tract of land, a total distance of 1888 47 feet to a ½ inch iron rod set for the Northwest corner of this tract of land, the Northwest corner of said Tract 1, the Northeast corner of said called 36 acres, and in the South line of a 108 acre tract of land conveyed to James W Dodd, Trustee, by Clint Fregia, et ux, by deed recorded in Volume 614 at Page 389 of the Deed Records of Liberty County, Texas

THENCE North 78°43'03" East with the North line of this tract of land, the North line of said Tracts 1 and 2, and the South line of said 108 acres, at a distance of 726 39 feet set a ½ inch iron rod on line for the Northeast corner of said Tract 1, and the Northwest corner of said Tract 2, in all a total distance of 1452 78 feet to a ½ inch iron rod set for the Northeast corner of this tract of land, the Northeast corner of said Tract 2, and the Northwest corner of said called 60 acres From this corner a 1 inch iron pipe found for the Northeast corner of said called 60 acres bears North 78°43'03" East a distance of 1400 10 feet

THENCE South 03°19'57" East with the East line of this tract of land, the East line of said Tract 2, the East line of said area of conflict with the 103 05 acres, and the West line of said called 60 acres, at a distance of 1430 65 feet set a ½ inch iron rod on line at the Northeast corner of said area of conflict with the 103 05 acres, from this corner a ¾ inch iron rod found for the Northwest corner of said area of conflict with the 103 05 acres bears South 76°52'59" West a distance of 866 18 feet, continuing along the East line of this tract of land a total distance of 1888 47 feet to the PLACE OF BEGINNING, containing within said boundaries 62 37 acres of land, with 14 27 acres of land within the areas of conflict of said 103 05 acres and 48 064 acres, leaving 48 10 acres of land, more or less

EXHIBIT A
TRACT 3

STATE OF TEXAS)
COUNTY OF LIBERTY)

DESCRIPTION of a 15.18 acre tract of land situated in the P P Dever League
Abstract No 22, Liberty County, Texas, being out of and a part of the following
tracts of land

1) Tract 1 called $31 \frac{1}{2}$ acres, Tract 2 called $31 \frac{1}{2}$ acres conveyed to Pamela
Kay Fregia by Jimmy Ross Fregia by deed dated January 25, 2011, and recorded in
Clerk's File No 2011000825 of the Official Public Records of Liberty County,
Texas

2) A called $\frac{1}{2}$ acre tract of land conveyed to Edmon Fregia by Helen Burr by
deed dated February 17, 1971, and recorded in Volume 674 at Page 730 of the
Deed Records of Liberty County, Texas

3) An area of conflict with 48.064 acres conveyed to City of Liberty by
Edmon Fregia, et ux, by deed dated September 17, 1985, and recorded in Volume
1089 at Page 811 of the Official Public Records of Liberty County, Texas.

4) An area of conflict with a called 103.05 acre tract of land conveyed to
Edmon Fregia, et ux, by V. R Fregia, et ux, by deed dated July 7, 1982, and
recorded in Volume 950 at Page 188 of the Deed Records of Liberty County,
Texas

5) A called 36 acre tract of land conveyed to Leslie Wallace by Martrell
Fregia by deed dated December 18, 2009, and recorded at Clerk's File No.
2009019922 of the Official Public Records of Liberty County, Texas

This 15.18 acre tract of land is more particularly described by metes and bounds as
follows, to-wit:

NOTE: BEARINGS ARE BASED ON GRID BEARINGS

Attachment: Warranty Deed-5 Properties (4810 : Property Transfer - 5 Tracts)

PAGE NO 2 - 15 18 ACRES

BEGINNING at a $\frac{1}{2}$ inch iron pipe found for the Southeast corner of this tract of land, the Southeast corner of said Tract 2, the Southeast corner of said area of conflict with the called 103 05 acres, and the Southwest corner of a called 60 acre tract of land conveyed to Leslie Wallace by Edmon Fregia, et ux, by deed dated August 29, 2003, and recorded at Clerk's File No. 2003013491 of the Official Public Records of Liberty County, Texas

THENCE South 78°43'03" West with the South line of this tract of land, the South line of said Tracts 2 and 1, the South line of said area of conflict with the called 103 05 acres, the South line of said area of conflict with the 48 064 acres, and the South line of said called $\frac{1}{2}$ acre, at a distance of 726.39 feet set a $\frac{1}{2}$ inch iron rod for the Southwest corner of said Tract 2, and the Southeast corner of said Tract 1, at a distance of 1452.78 feet set a $\frac{1}{2}$ inch iron rod for the Southwest corner of said Tract 1, the Southwest corner of said area of conflict with the 48 064 acres, and the Southeast corner of said called 36 acres, in all a total distance of 1502 26 feet to a point for the Southwest corner of this tract of land, in the West line of said 48 064 acres, and in the East line of a called 7 18 acre tract of land conveyed to Edmon Regia, et ux, by Jerry L. Britian, et al, by deed dated July 24, 1992, and recorded in Volume 1429 at Page 364 of the Official Public Records of Liberty County, Texas

THENCE North 17°05'30" West with the West line of this tract of land, the West line of said 48 064 acres, and the East line of said 7 18 acres a distance of 404 04 feet to a $\frac{5}{8}$ inch iron rod found for the Northwest corner of this tract of land, the Northwest corner of said 48.064 acres, and the Northeast corner of said 7 18 acres

THENCE North 76°52'59" East with the North line of this tract of land, and the North line of said 48 064 acres, at a distance of 147.25 feet set a $\frac{1}{2}$ inch iron rod on line at the East line of said called 36 acres, and the West line of said Tract 1, in all a total distance of 701.55 feet to a $\frac{5}{8}$ inch iron rod found for a Northeast corner of this tract of land, and the Northeast corner of said area of conflict with the 48 064 acres.

PAGE NO 3 - 15.18 ACRES

THENCE South 17°05'30" East with an East line of this tract of land, and an East line of said area of conflict with the 48.064 acres a distance of 145.49 feet to a point for an interior corner of this tract of land, and the intersection of the East line of said 48.064 acres with the West line of said area of conflict with the 103.05 acres

THENCE North 01°37'57" West with a West line of this tract of land, and the West line of said area of conflict with the 103.05 acres a distance of 148.11 feet to a $\frac{3}{4}$ inch iron rod found for a Northwest corner of this tract of land, and the Northwest corner of said area of conflict with the 103.05 acres.

THENCE North 76°52'59" East with a North line of this tract of land, and the North line of said area of conflict with the 103.05 acres a distance of 866.18 feet to a $\frac{1}{2}$ inch iron rod set for the Northeast corner of this tract of land, in the East line of said Tract 2, and in the West line of said called 60 acres.

THENCE South 03°19'57" East with the East line of this tract of land, the East line of said Tract 2, and the West line of said called 60 acres a distance of 457.82 feet to the PLACE OF BEGINNING, containing within said boundaries 15.18 acres of land, more or less.

**EXHIBIT A
TRACT 4**

Legal Description of land

Being two (2) tracts of land out of the P. P. DEVERS SURVEY, Abstract 22, Liberty County, Texas said tract being more particularly described by metes and bounds as follows:

TRACT 4A:

All that certain tract or parcel of land in the P. P. Dever Survey, Abstract No. 22, Liberty County, Texas, containing one (1) acre, more or less, out of a five acre tract out of a 94 acre tract heretofore owned by Joseph Durio, and known as the Durio 94 acre tract, being more particularly described as follows, to-wit:

BEGINNING in the South line of said 94 acre tract at the Southwest corner of Ben Olier, Jr. 30 acre tract of land described in Deed dated February 3, 1944, from Joseph Durio to Ben Olier, Jr., recorded in Vol. 265, Page 146 of the Deed Records of Liberty County, Texas, an iron stake;

THENCE North with Olier's west boundary line 650 varas to Olier's Northwest corner in the North boundary line of said 94 acre tract, an iron stake;

THENCE West with the North boundary line of said 94 acre tract 44.3 varas an iron stake;

THENCE South 650 varas to corner in the South boundary line of said 94 acre tract 44.3 varas to the PLACE OF BEGINNING, containing five (5) acres, more or less.

SAVE AND EXCEPT that certain four (4) acre tract of land described in deed from Walter Mallett et ux to Bennie Rusk, dated July 16, 1957, recorded in Vol. 467, Page 328 of the Deed Records of Liberty County, Texas.

SAVE AND EXCEPT any part of subject tract that might be in FM Road No. 160.

TRACT 4B:

Being a tract of land 100' x 100' out of and a part of the P. P. Devers Survey, Abstract 22, Liberty County, Texas.

BEGINNING at the southwest corner of Maydell Wilham, et al tract of land as recorded in Volume 852, Page 65 of the Deed Records of Liberty County, Texas,

THENCE in a Southerly direction along the West line of Rose Ramos 29.00 acre tract a distance of 100 feet to a point for a corner;

THENCE in a Easterly direction a distance of 100 feet to a point for corner;

THENCE in a Northerly direction a distance of 100 feet to the southeast corner of said Maydell William et al tract;

THENCE in a Westerly direction along the South line of said Maydell William et al tract a distance of 100 feet to the Place of Beginning, and being the same property described in deed dated August 21, 1984, from Rose Ramos to Joe R. Sharp and wife, Johnnie Sharp, recorded in Volume 1029, Page 474 Official Public Records of Liberty County, Texas.

**EXHIBIT A
TRACT 5**

Being a 1.1002 acre (47,923 square feet) parcel of land, located in Liberty County, Texas, situated in the James Martin League, Abstract No. 73, and being out of and a part of a residue of a 4.50 acre tract of land conveyed to Laura Wickliff Pinkney, recorded under Volume 1727, Page 445, Liberty County Deed Records (L.C.D.R.), said 1.1002 acre parcel of land being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found lying in the west right-of-way line of State Highway No. 146, (200 feet wide as defined by Sheets 1 through 4, TxDOT Project No. 388-3-36), at the southeast corner of a tract of land called South 1/2 of 2.25 acres, conveyed to James H. Hall and Robert A. Rader, Jr., recorded in Volume 1745, Pg. 695, Liberty County Deed Records (L.C.D.R.) and the northeast corner of the residue of said 4.50 acre tract;

THENCE, South 03°19'02" East, along said west right-of-way line and the east line of said 4.50 acre tract, a distance of 97.74 feet to a 5/8-inch iron rod set with cap stamped "CIVILCORP", for the northeast corner and POINT OF BEGINNING of the herein described parcel, having a coordinate value of N - 10,031,564.14, E - 4,055,480.27;

THENCE, continuing South 03°19'02" East, along said west right-of-way line and the east line of said 4.50 acre tract, a distance of 125.00 feet to a 5/8-inch iron rod set with cap stamped "CIVILCORP", for the southeast corner of said 4.50 acre tract, the northeast corner of a 4.495 acre tract (Lot 2 Unrecorded Unnamed Subdivision) conveyed to Edward and Ellen Wickliff, Trust, recorded under Clerk's File No. 2003012981, in the Official Public Records Liberty County Texas (O.P.R.L.C.T.), and the southeast corner of the herein described parcel;

THENCE, South 86°40'43" West, along the south line of said 4.50 acre tract and the north line of said Lot 2, a distance of 440.08 feet to a 5/8-inch iron rod set with cap stamped "CIVILCORP", lying in the boundary line agreement between successors of Amos Montgomery and successors of E. Wickliff, recorded in Volume 1111, Page 64, L.C.D.R., the east line of a called 45.239 acre tract of land conveyed to Chap B. Cain, III and Mary C. Cain (grantors interest surface estate only), recorded under Clerk's File No. 2009010278, O.P.R.L.C.T., and to Chap B. Cain, III and Mary C. Cain (undivided 1/4 interest surface estate only), recorded under Clerk's File No. 2005013323, O.P.R.L.C.T., and to Mary Cain (1/2 of undivided 1/4 interest surface estate only), recorded under Clerk's File No. 2005009255, O.P.R.L.C.T., for the southwest corner of said 4.50 acre tract, the northwest corner of said Lot 2, and the southwest corner of the herein described parcel;

THENCE, North 03°22'25" West, along the west line of said 4.50 acre tract and the east line of said 45.239 acre tract and said boundary line agreement, at 100.00 feet pass the proposed north right-of-way line of New Road Extension (100 feet wide), being the southwest corner of a proposed lift station site, in all a total distance of 160.00 feet to a 5/8-inch iron rod set with cap stamped "CIVILCORP" for the northwest corner of the herein described parcel;

THENCE, over and across said 4.50 acre tract, the following courses and distances:

1. North 86°40'43" East, 60.00 feet to a 5/8-inch iron rod set with cap stamped "CIVILCORP", for an angle point;
2. South 03°22'25" East, 60.00 feet to a 5/8-inch iron rod set with cap stamped "CIVILCORP", for an angle point in said proposed north right-of-way line;
3. North 86°40'43" East, 355.17 feet along said proposed north right-of-way line to a 5/8-inch iron rod set with cap stamped "CIVILCORP", for an angle point;
4. North 41°41'21" East, 35.36 feet to POINT OF BEGINNING, and containing 1.1002 acres (47,923 square feet) of land.

Coordinates and bearings shown herein are based on the Texas Coordinate System, South Central Zone, North American 1983 Datum, (CORS96). All coordinates and distance are surface and may be converted to grid by dividing by a combined adjustment factor of 1.00013.

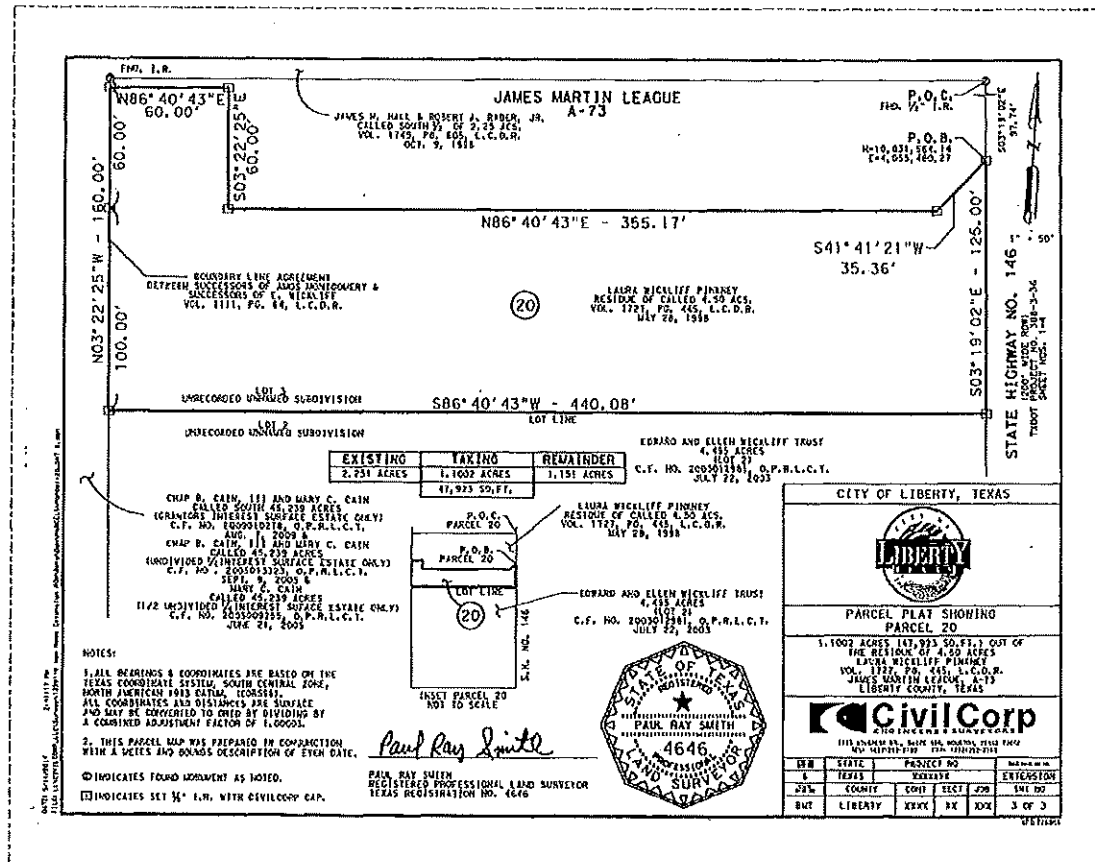
This property description is prepared in conjunction with a parcel plat of equal date.

I, Paul Ray Smith, a Registered Professional Land Surveyor, hereby certify that the property description herein and accompanying plat of even date represent an actual survey made on the ground under my supervision.

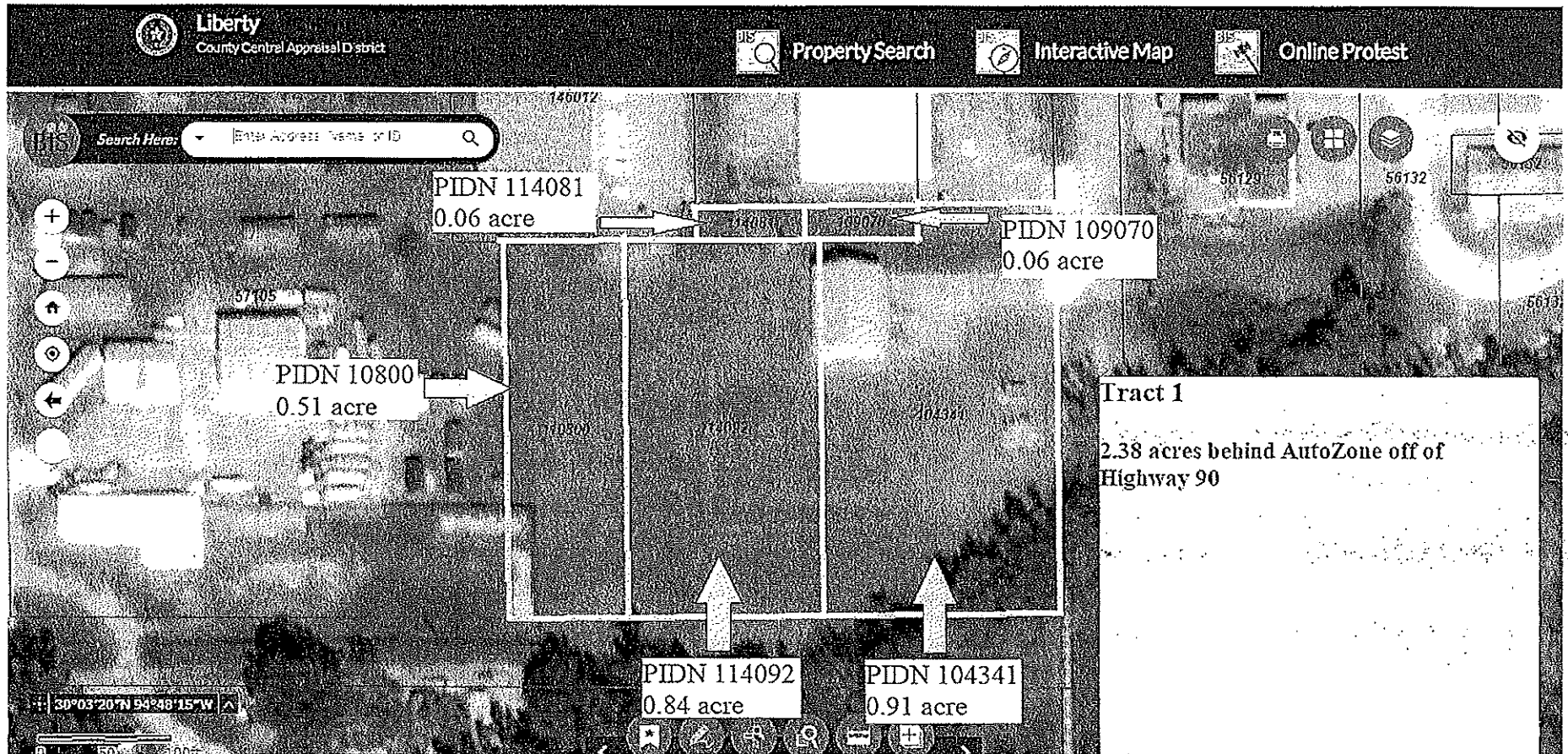
Paul Ray Smith

Paul Ray Smith
Texas Registration No. 4646
CivilCorp, LLC
2825 Wilcrest Dr., Suite 460
Houston, Texas 77042
Ph: (832) 252-8100

Date 5/15/2014



Attachment: Exhibit-5 Properties (4810 : Property Transfer - 5 Tracts)



Attachment: Photos-Transfer of Property-5 Tracts (4810 : Property Transfer - 5 Tracts)





Attachment: Photos-Transfer of Property-5 Tracts (4810 : Property Transfer - 5 Tracts)

