

## AGREEMENT

This is an agreement by and between NUSS FAMILY PARTNERSHIP, LTD., GSC HOLDINGS, LTD. and WAYNE LUNDQUIST, JR. ("Owners") and THE CITY OF CORPUS CHRISTI, TEXAS ("City").

### RECITALS

The Owners, in undivided interests, are the owners of that 9.8005-acre tract of land described on Exhibit A (the "Property").

The City maintains two roadway easements in that 1.939-acre portion of the Property described on Exhibit B (the "Airline Extension").

The City is constructing a new intersection for Rodd Field Road and Yorktown Boulevard (the "Intersection Project"). Construction of the Intersection Project will require the City to acquire that 1.2969-acre portion of the Property described on Exhibit C (the "Acquisition Tract"). The public will no longer use, and the City will no longer have any use for, the Airline Extension area after completion of the Intersection Project.

### AGREEMENT

In consideration of the mutual representations, covenant and agreements set forth herein, the Owners and the City do hereby agree as follows:

1. The Owners agree that they will convey the surface interest in and to the Acquisition Tract to the City, subject to all restrictions and easements of record, AS-IS, in its present condition, by Special Warranty Gift Deed. The Owners agree to purchase (from a Title Company of the City's selection) an owner's policy of title insurance in a nominal amount, insuring that good title to the Acquisition Tract is being conveyed to the City. Taxes will be prorated as of the effective date of this Agreement, with any rollback taxes to be paid by the City. One-half of any closing costs (escrow fee, tax certificates, recording fees, etc.) shall be paid by each party.

2. The City agrees that it will convey all of its right, title and interest in and to the Airline Extension to the Owners by Quitclaim Deed warranting only that it maintains the easement on the public's behalf that is being conveyed. The City further warrants that it will abandon its right to use the Airline Extension in accordance with Section 49-12 of the City Code of Ordinances upon completion of the Intersection Project. The City may continue to use the Airline Extension until completion of the Intersection Project.

3. The City agrees to complete the construction of the Intersection Project with due diligence, including the installation of three driveways and deceleration lanes providing ingress and egress to the remainder of the Owners' Property as shown on the plans which are attached as Exhibit D. The City agrees to place all excess clean dirt excavated from the Intersection Project on the remainder of the Owners' Property, leveled but not compacted.

4. Upon completion of the Intersection Project, the City will remove and dispose of all asphalt from the Airline Extension.

This Agreement shall not be binding, nor shall it be effective, until it is authorized by the City Council and signed by the City Manager as evidence of such approval.

Executed in triplicate, any of which constitutes an original.

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2018

**OWNERS**

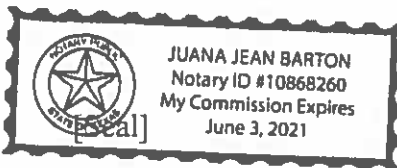
NUSS FAMILY PARTNERSHIP, LTD.  
By its General Partner

Henry Nuss  
By: Henry Nuss  
Title: General Partner

THE STATE OF TEXAS §

COUNTY OF NUECES §

This instrument was acknowledged before me on March 7, 2018 by  
Henry Nuss, as General Partner of  
Nuss Family Partnership, General Partner on behalf of Nuss Family  
Partnership, Ltd.

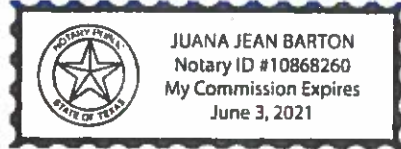


Juana Jean Barton  
Notary Public in and for the State of Texas

GSC HOLDINGS, LTD.  
By its General Partner

GSC, LLC  
By: [Signature]  
Title: Member

THE STATE OF TEXAS §  
COUNTY OF NUECES §



This instrument was acknowledged before me on 3-22, 2018 by  
Bill J. Brown, as Member of  
GSC, LLC, General Partner on behalf of GSC Holdings,  
Ltd.

Juana Jean Barton  
Notary Public in and for the State of Texas

[Seal]

WAYNE A. LUNDQUIST, JR.

[Signature]

THE STATE OF TEXAS §  
COUNTY OF NUECES §

This instrument was acknowledged before me on March 19th, 2018 by  
Wayne A. Lundquist, Jr.

[Signature]  
Notary Public in and for the State of Texas

[Seal]

CITY

CITY OF CORPUS CHRISTI, TEXAS

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Valerie H. Gray, P.E.  
Executive Director of Public Works

THE STATE OF TEXAS §

COUNTY OF NUECES §

This instrument was acknowledged before me on \_\_\_\_\_, 2018 by Valerie H. Gray, P.E. as Executive Director of Public Works of the City of Corpus Christi, a Texas municipal corporation, on behalf of said corporation.

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Notary Public in and for the State of Texas

[Seal]

ATTEST:

REBECCA HUERTA, CITY SECRETARY

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APPROVED AS TO LEGAL FORM THIS 23 DAY OF March, 2018.

FOR THE CITY ATTORNEY

  
\_\_\_\_\_  
Janet Whitehead, Assistant City Attorney  
City Legal Department

A 9.8005-acre tract of land, more or less, being a portion of Lots 15 and 16, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, as recorded in Volume A, Pages 41 through 43 of the Map Records, Nueces County, Texas and being a portion of that land deeded to Karen Ann Smith et al, described as Exhibit "B" in Document #1999015842, Official Public Records, Nueces County, Texas, said 9.8005-acre tract, more or less, being more particularly described by metes and bounds as follows:

**BEGINNING** at a PK nail set in the centerline intersection of Yorktown Road (80' ROW) and the platted extension of Rodd Field Road (40' ROW) for the original southwest corner of said Lot 16 and the southwest corner of this tract;

**THENCE**, N-29°00'00"-E, along the centerline of said Rodd Field Road extension, a distance of 344.34' to a 5/8" steel rod set in the east right-of-way of the existing Rodd Field Road (120' ROW) for an exterior corner in the west line of this tract and the point of curvature for a curve to the left from which the radius bears N-35°51'04"-W, 632.96', said curve having a central angle of 25°08'56" and a tangent of 141.19';

**THENCE**, along said curve and right-of-way, at 51.60' pass a 5/8" steel rod set for the east right-of-way of said Rodd Field Road extension, in all an arc length of 277.82' to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-29°00'00"-E, continuing along the east right-of-way of said Rodd Field Road, in all a distance of 653.75' to a 5/8" steel rod for the north corner of this tract;

**THENCE**, S-02°26'06"-W, a distance of 1371.92' to a 5/8" steel rod found in the north right-of-way of Yorktown Boulevard for the upper southeast corner of this tract;

**THENCE**, S-29°00'00"-W, a distance of 40.00' to a 60d nail found in the centerline of Yorktown Boulevard for the lower southeast corner of this tract;

**THENCE**, N-61°00'00"-W, along the centerline of Yorktown Boulevard, a distance of 673.54' to the **POINT OF BEGINNING** and containing 9.8005 acres of land, more or less.

City Project 6465  
Consultant Project No. 110446

City of Corpus Christi  
Airline Road R.O.W. out of  
9.8005 Acre Tract Out of  
L-15, 16, Sec 25 FB & EF & GT

EXHIBIT  
METES AND BOUNDS DESCRIPTION  
FOR A  
RELEASE OF RIGHT OF WAY  
FROM A 9.8005 ACRE TRACT  
OUT OF LOTS 15 AND 16 SECTION 25  
FLOUR BLUFF AND ENCINAL FARM AND GARDEN TRACTS

PARCEL A – UNRECORDED RIGHT OF WAY OF AIRLINE ROAD

Being 1.601 acres of land, more or less out of a 9.80005 acre tract out of Lots 15 and 16, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, recorded in Document 2010003983, Official Public Records, Nueces County, Texas and this 1.601 acre tract being more fully described by metes and bounds as follows:

Beginning at a point on the easterly line of said 9.8005 acre tract, N2-26-06E 27.95 feet from the southeast corner of said 9.8005 acre tract;

Thence N61-00-00W 67.08 feet;

Thence N02-26-060E 1011.41 feet;

Thence S87-33-54 30.00 feet;

Thence N02-26-06E 242.56 feet to a point on the westerly line of said 9.8005 acre tract;

Thence N29-00-00W 67.08 feet to the north corner of said 9.8005 acre tract;

Thence S02-26-06W 1343.97 feet along the easterly line of said 9.8005 acre tract to the point of beginning;

And containing 69,760 square feet or 1.601 acres of land more or less.

PARCEL B – RECORDED RIGHT OF WAY OF AIRLINE ROAD

Being 0.338 acres of land, more or less out of a 9.80005 acre tract out of Lots 15 and 16, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, recorded in Document 2010003983, Official Public Records, Nueces County, Texas and as recorded in Volume 245, Page 272, Deed Records, Nueces County Texas, and this 0.338 acre tract being more fully described by metes and bounds as follows:

Beginning at a point on the westerly line of said 9.8005 acre tract, S29-00-00W 67.08 feet from the northerly corner of said 9.8005 acre tract;

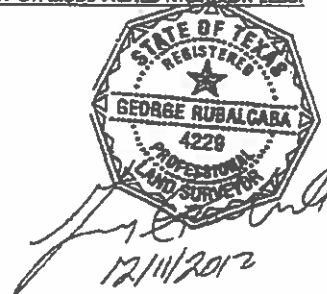
Thence S2-26-06W 242.56 feet along the described centerline of Airline Road;

Thence N87-33-54W 121.28 feet to a point on the westerly line of said 9.8005 acre tract;

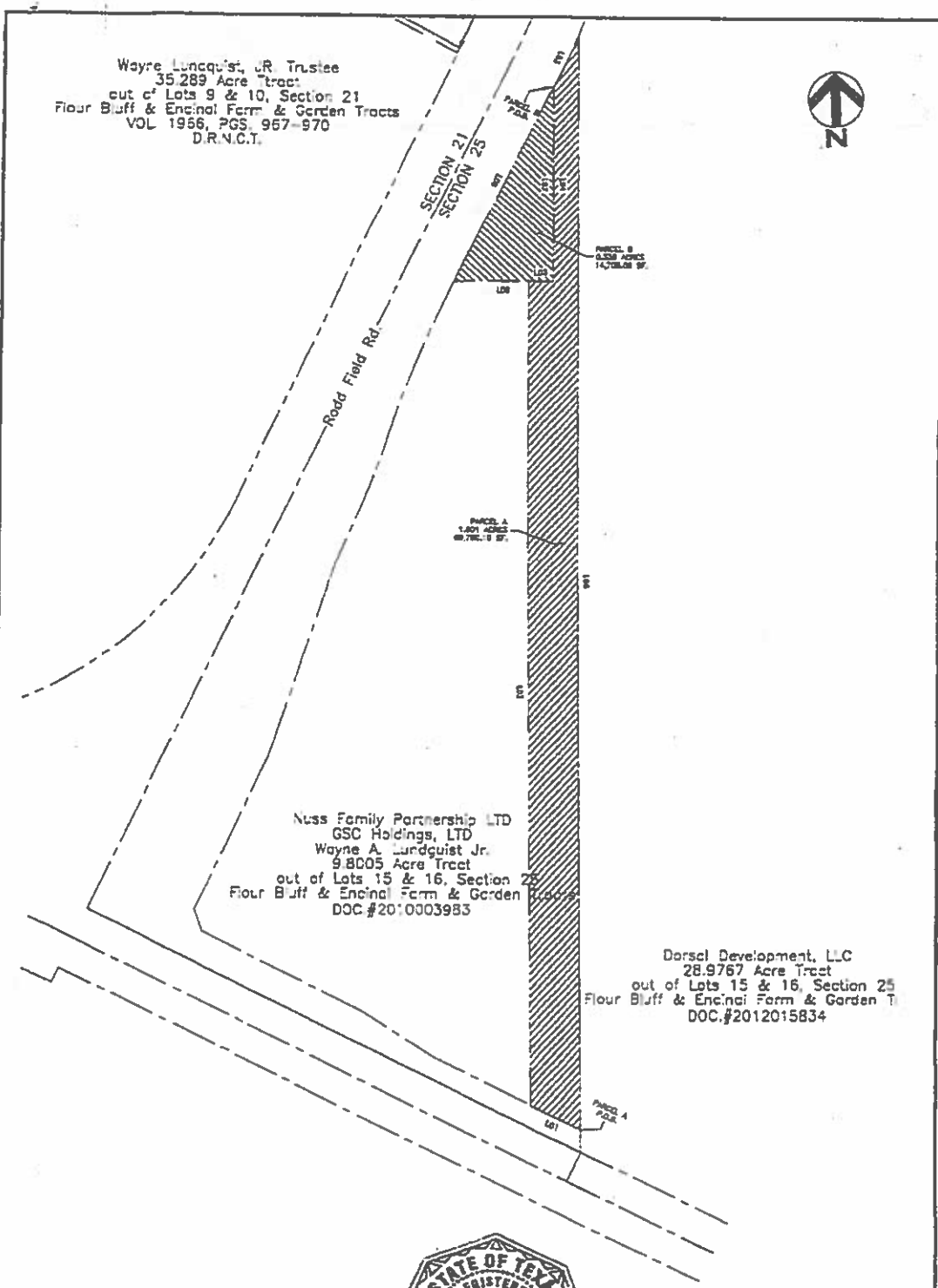
Thence N29-00-00E 271.2 feet along the westerly line of said 9.8005 acre tract to the point of beginning;

And containing 14,708 square feet or 0.338 acres more or less.

TOTAL RIGHT OF WAY BEING RELEASED— 84468 SQUARE FEET OR 1.939 ACRES MORE OR LESS.



Wayre Lundquist, JR. Trustee  
 35.289 Acre Tract  
 out of Lots 9 & 10, Section 21  
 Flour Bluff & Encinal Farm & Garden Tracts  
 VOL 1956, PGS. 967-970  
 D.R.N.C.T.



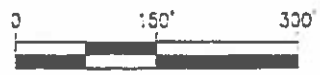
Nuss Family Partnership LTD  
 GSC Holdings, LTD  
 Wayne A. Lundquist Jr.  
 9.8005 Acre Tract  
 out of Lots 15 & 16, Section 28  
 Flour Bluff & Encinal Farm & Garden Tracts  
 DOC.#2010003983

Darsel Development, LLC  
 28.9767 Acre Tract  
 out of Lots 15 & 16, Section 25  
 Flour Bluff & Encinal Farm & Garden Tracts  
 DOC.#2012015834

PARCEL A			PARCEL B		
LINE NO.	LENGTH	DIRECTION	LINE NO.	LENGTH	DIRECTION
L01	87.08'	N87°30'34" W	L01	242.96'	E28°28'14" W
L02	1014.41'	N22°28'08" E	L02	121.29'	N67°32'34" W
L03	26.00'	S87°35'34" E	L03	271.39'	N03°05'59" E
L04	242.96'	N72°28'08" E			
L05	47.00'	S89°02'00" E			
L06	1545.87'	S2°28'30" W			



*George Rubalcaba*  
 12/11/2012



 CITY of CORPUS CHRISTI TEXAS Department of Engineering Services	 HDR Engineering, Inc. <small>Texas P.E. Reg. No. 14000</small>	CONSULTANT'S PROJECT NUMBER: 110446	RELEASE OF R.O.W. 1.939 ACRES	EXHIBIT B
		CITY PROJECT NUMBER: 6465		
		DATE: 12-06-12		



820 Buffalo Street t 361 887 8851  
Corpus Christi Texas 78401 f 361 887 8855  
LJA.com TBPE F-1386  
TBPLS 10016600

March 28, 2017

LJA Project No. C007-15025.402

**EXHIBIT 'A'**  
**FIELD NOTES DESCRIPTION**

**THE STATE OF TEXAS §**  
**COUNTY OF NUECES §**

Field notes of a 1.2969-acre tract for a right-of-way acquisition out of a 9.8005-acre tract of land, being a portion of Lot 16, Section 25, Flour Bluff & Encinal Farm & Garden Tracts ("F.B. & E.F. & G.T."), as recorded in Document Number 2010003983 of the Official Records of Nueces County, Texas; and described by metes and bounds as follows:

COMMENCING at a 60d nail found in the centerline of Yorktown Boulevard and the common corner of Lots 15, 16, 17, and 18, Section 25, F.B. & E.F. & G.T., as recorded in Volume A, Page 41-43, Map Records of Nueces County, Texas;

THENCE N 28°40'00" E, a distance of 40.00 feet to a 5/8" iron rod with cap found on the north right-of-way of Yorktown Boulevard for the POINT OF BEGINNING and the southeast corner of this 1.2969-acre tract;

THENCE N 61°20'00" W along the existing north right-of-way of Yorktown Boulevard, a distance of 653.69 feet to a 5/8" iron rod with cap set at the intersection of the north right-of-way of Yorktown Boulevard and the east right-of way of Rodd Field Road for the southwest corner of this tract;

THENCE N 28°40'00" E along the existing east right-of-way of Rodd Field Road, a distance of 352.19 feet to a 5/8" iron rod with cap found at the point-of-curvature of a curve to the left, with a radius bearing of N 40°51'16" W, a radius of 632.96 feet, and a central angle of 20°28'42", for an angle corner of this tract;

THENCE along the existing east right-of-way of Rodd Field Road and along said curve to the left, a distance of 226.23 feet to a 5/8" iron rod with cap set at the point-of-tangency of the curve for an angle corner of this tract;

THENCE N 28°40'00" E along the existing east right-of-way of Rodd Field Road, a distance of 653.74 feet to a 5/8" iron rod with cap set for the northwest corner of this tract, whence a PK nail found at the common corner of Lots 8 and 9, Section 21, & Lots 1 and 16, Section 25, F.B. & E.F. & G.T., as recorded in Volume A, Page 41-43, Map Records of Nueces County, Texas, bears N 28°40'00" E, a distance of 58.68 feet, thence N 61°20'00" W, a distance of 60.00 feet;

THENCE S 02°06'06" W, a distance of 11.18 feet to a 5/8" iron rod with cap set to the proposed east right-of-way of Rodd Field Road for an angle corner of this tract;

**EXHIBIT C**



THENCE S 28°40'00" W along the proposed east right-of-way of Rodd Field Road, a distance of 707.37 feet to a 5/8" iron rod with cap set at the point-of-curvature of a curve to the left with a radius of 761.00 feet and a central angle of 10°33'29", for an angle corner of this tract;

THENCE along the proposed east right-of-way of Rodd Field Road and along said curve to the left, a distance of 140.23 feet to a 5/8" iron rod with cap set at the point-of-tangency of the curve for an angle corner of this tract;

THENCE S 18°06'31" W along the proposed east right-of-way of Rodd Field Road, distance of 108.67 to a 5/8" iron rod with cap set at the point-of-curvature of a curve to the right with a radius of 839.00 feet and a central angle of 10°33'29", for an angle corner of this tract;

THENCE along the proposed east right-of-way of Rodd Field Road and along said curve to the right, a distance of 154.60 feet to a 5/8" iron rod with cap set at the point-of-tangency of the curve for an angle corner of this tract;

THENCE S 28°40'00" W along the proposed east right-of-way of Rodd Field Road, a distance of 51.50 feet to a 5/8" iron rod with cap set at the point-of-curvature of a curve to the left with a radius of 25.00 feet and a central angle of 90°00'00", for an angle corner of this tract;

THENCE along said curve to the left, a distance of 39.27 feet to a 5/8" iron rod with cap set at the point-of-tangency of the curve on the proposed north right-of-way of Yorktown Boulevard for an angle corner of this tract;

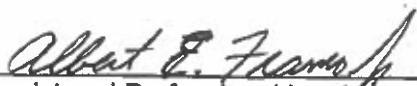
THENCE S 61°20'00" E along the proposed right-of-way of Yorktown Boulevard, a distance of 519.93 feet to a 5/8" iron rod with cap set for an angle corner of this tract;

THENCE S 02°06'06" W, a distance of 37.46 feet to the POINT OF BEGINNING, containing 1.2969 acres, more or less.

Bearings refer to grid north, Texas State Plane Coordinate System, South Zone, NAD83, US Survey Feet, as observed by GPS.

This field notes description is accompanied by a survey map titled Exhibit 'B', dated March 28, 2017.

I, Albert E. Franco, Jr., Registered Professional Land Surveyor of Texas, do hereby certify that this description is based on an actual survey made on the ground, under my supervision, this the 28th day of March, 2017.

  
\_\_\_\_\_  
Registered Professional Land Surveyor  
Texas Registration No. 4471



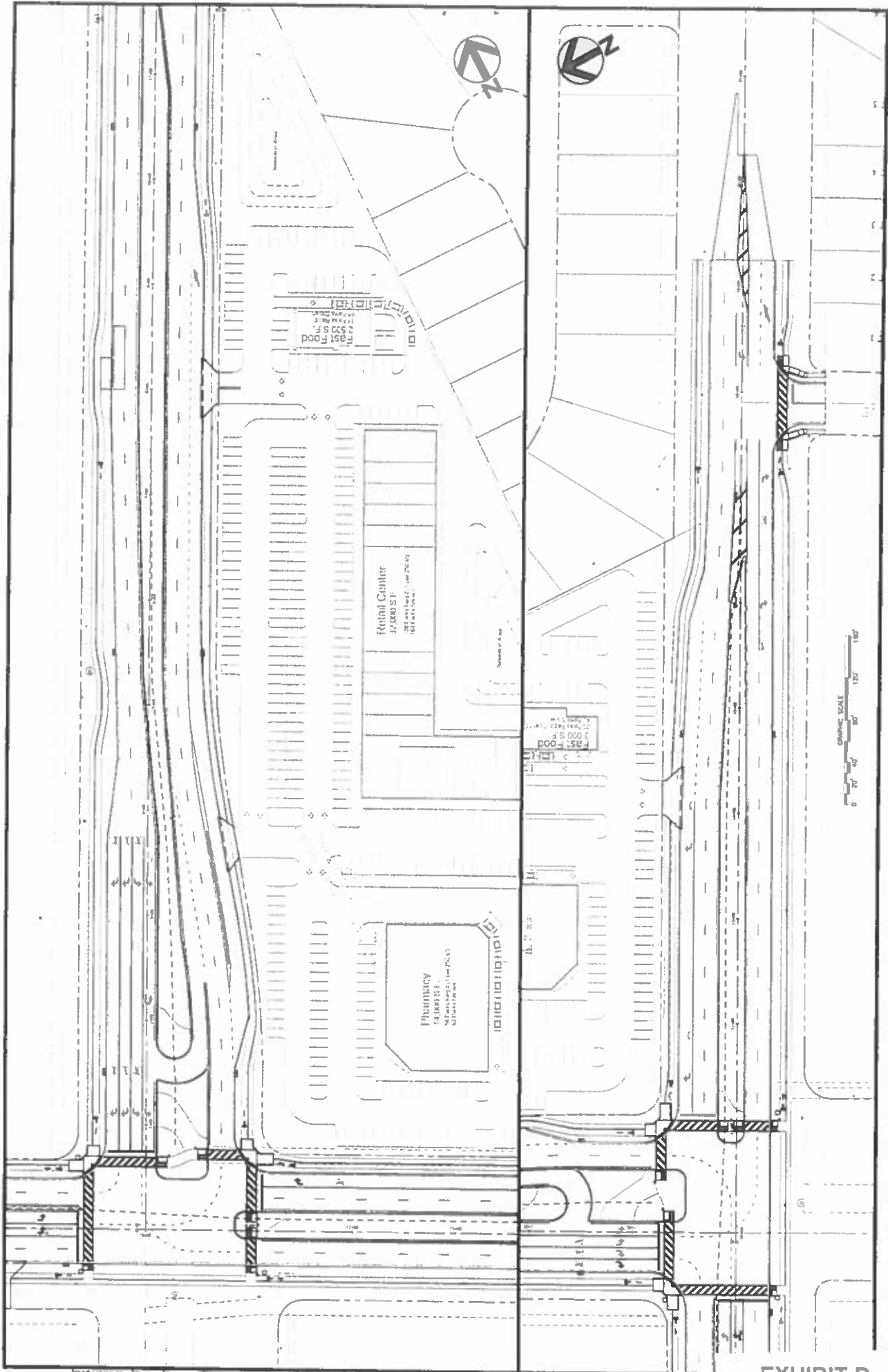


EXHIBIT D