

2006-0001936

RIGHT OF ENTRY AND POSSESSION

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

06078 02044

WHEREAS, CCC Partnership, L.P., a Texas limited partnership is the owner (hereinafter referred to as Grantor) of a certain tract or parcel of land (hereinafter referred to as the Parcel) which is more fully described in Exhibit A, which is attached hereto and incorporated herein for any and all purposes; and,

WHEREAS, the County of Collin, acting by and through Collin County Commissioners' Court (hereinafter referred to as the County), is going to acquire fee simple title and/or certain interests in said Parcel, (save and except all the oil, gas, sulfur and other minerals which can be removed from beneath the Parcel, without any right whatsoever remaining to the owners of such oil, gas, sulfur and other minerals of ingress or egress to or from the surface of the Parcel for the purpose of exploring, developing, drilling or mining of the same), for the purpose of constructing a roadway and appurtenances thereto on the Parcel; and,

WHEREAS, the County will acquire the Parcel, encumbered with the improvements thereon, if any, by purchase pursuant to an agreement with Grantor, or upon failure to reach an agreement with Grantor, by means of condemnation proceedings; and,

WHEREAS, the County must have possession of the Parcel for the purpose of beginning construction of the roadway thereon;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Grantor for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it in hand paid by Collin County, the receipt and sufficiency of which are hereby acknowledged and confessed, has Granted, Bargained, Sold and Conveyed and by these presents does Grant, Bargain, Sell and Convey unto **Collin County** (a) the right of entry upon the Parcel, (b) the right to remove improvements, if any, with which the Parcel is encumbered, and (c) exclusive possession of the Parcel for the purpose of constructing thereon a roadway and appurtenances thereto.

This grant of right of entry and possession is conditioned strictly upon the following:

1. Grantors and Collin County agree to, and hereby designate, the date on which to value the Parcel, both for purposes of negotiating a purchase agreement or effecting condemnation of the Parcel, as the first date of actual entry and possession of the Parcel by Collin County or by any contractor or utility company involved in the roadway project.
2. The grant herein made is to accommodate the schedule of Collin County in commencing construction of the roadway project. For purposes of establishing

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the purchase price of the Parcel under an agreement between Grantor and Collin County or the fair market value of the Parcel in condemnation, the grant herein made shall not in any way (a) reduce the value of the Parcel below what it would be if the grant herein had not been made or (b) otherwise prejudice Grantor's rights to receive full and just compensation for the Parcel from Collin County and damages, if any, to the remainder of Grantor's lands resulting from Collin County's acquisition of the Parcel.

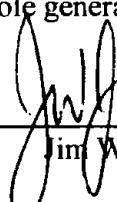
3. Collin County agrees to acquire the Parcel either (a) by purchase pursuant to an agreement with Grantor, or (b) in the absence of such an agreement, through condemnation proceedings. Collin County agrees to proceed with the acquisition of the Parcel in a good faith and timely manner.
4. If Collin County institutes condemnation proceedings to acquire the Parcel, the County will not be liable to Grantor for interest upon any award or judgment as a result of such proceedings for any period of time prior to the date of the award.
5. This rights granted herein shall extend to Collin County, its contractors, assigns and/or owners of any utility involved in the roadway project for the additional purposes of locating utility lines, and replacing, repairing, making improvements to and/or maintaining the existing utility lines that lie within the Parcel.
6. Grantor warrants that there are no owners of the fee title to the Parcel other than Grantor herein.

TO HAVE AND TO HOLD the possession of the Parcel for the purposes and subject to the limitations hereinabove set forth.


Executed this, the 19th day of July, 2005.

CCC PARTNERSHIP, L.P.,
a Texas limited partnership

By: Texas Land Management, L.L.C.,
its sole general partner

By: 
Jim Williams, Jr., President

August, 2005 **ACCEPTED AND AGREED TO** by the County of Collin this, the 23^d day of

By: 
Title: County Judge

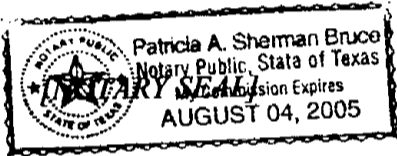
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Acknowledgment

State of Texas

County of Collin

This instrument was acknowledged before me on July 19, 2005, by Jim Williams, Jr. President of Texas Land Management, L.L.C., the sole general partner of CCC Partnership, L.P., a Texas limited partnership for the purposes set forth herein.



Patricia A. Sherman Bruce

Notary State of Texas

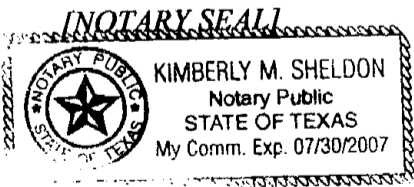
Acknowledgment

State of Texas
County of Collin

This instrument was acknowledged before me on ~~July~~ September 7, 2005 by

RON HARRIS (printed name) COUNTY JUDGE

(title) for Collin County Commissioners' Court on behalf of County of Collin, Texas, for the purposes set forth herein.



Kimberly M. Sheldon
Notary Public's Signature

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Page 1 of 2

EXHIBIT A
Bloomdale Road R.O.W. Dedication
CCC Partnership, L.P.

BEING a tract of land situated in the Thomas J. McDonald Survey, Abstract No. 576, in the City of McKinney, Collin County, Texas, and being a part of that same tract of land as described in deed to CCC Partnership, L.P. recorded in Volume 5071, Page 605 of the Deed Records of Collin County, Texas (DRCCT), and being more particularly described as follows:

BEGINNING at a the north end of a corner clip at the intersection of the south line of Bloomdale Road (variable width right-of-way), with the west line of U.S. Highway No. 75 (variable width right-of-way);

THENCE S 15°44'46" W, along said corner clip, 16.41 feet to a 5/8-inch iron rod found;


THENCE S 37°55'51" E, continuing along said corner clip, 17.90 feet to a 5/8-inch iron rod set with plastic cap stamped "Sparr Surveys";

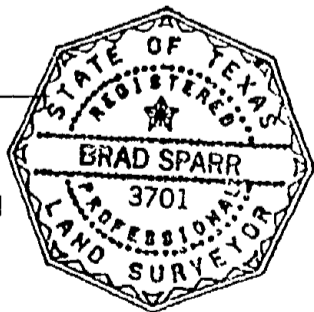
THENCE S 89°02'01" W, departing said corner clip, 706.68 feet to a 5/8-inch iron rod set with plastic cap stamped "Sparr Surveys" at the point of curvature of a non-tangent circular curve to the right having a radius of 2065.00 feet;

THENCE northwesterly, along said curve to the right, through a central angle of 09°10'11" an arc distance of 330.48 feet and having a chord which bears N 86°23'42" W, 330.13 feet to a 1/2-inch iron rod found in the present south line of said Bloomdale Road at the easterly northeast corner of Lot 1, Block 2 of the Collin County Justice Center, an addition to the City of McKinney according to the plat thereof recorded in Volume H, Page 225 of the Map Records of Collin County, Texas;

THENCE N 85°43'45" E, along the present south line of said Bloomdale Road, 63.64 feet;

THENCE N 89°01'57" E, continuing along the present south line of said Bloomdale Road, 966.18 feet to the POINT of BEGINNING and containing 27,861 square feet of land.


Brad Sparr
Registered Professional
Land Surveyor No. 3701



Sparr Surveys
2553 C.R. 722
McKinney, Tx 75069
(214) 544-2297

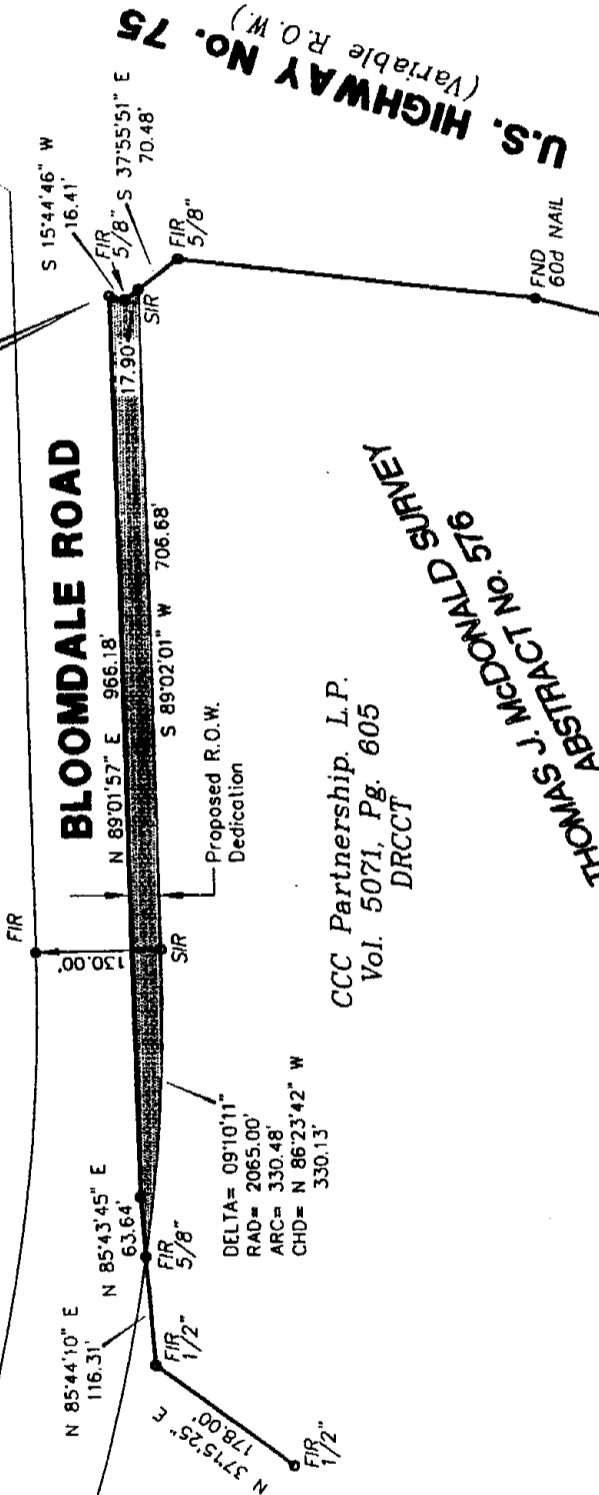
EXHIBIT A

Lot 1, Block 1
Collin County
Justice Center
Vol. H, Pg. 225
MRCCT

Lot 1, Block 2
Collin County
Justice Center
Vol. H, Pg. 225
MRCCT

BLOOMDALE ROAD

POINT OF BEGINNING



CCC Partnership, L.P.
Vol. 5071, Pg. 605
DRCCT

THOMAS J. McDONALD SURVEY
ABSTRACT NO. 579

U.S. HIGHWAY NO. 75
(Variable R.O.W.)



Sparr Surveys

2553 C.R. 722
McKinney, Texas 75069
(214) 544-2297

NOTES:

BEARINGS BASED ON HORIZONTAL CONTROL MONUMENT INFORMATION PROVIDED BY THE CITY OF MCKINNEY.

FIR DENOTES A FOUND IRON ROD.

SIR DENOTES A 5/8" IRON ROD SET WITH PLASTIC CAP STAMPED "SPARR SURVEYS".

Scale 1" = 200'

Date 01-24-2005

JOB No.: 16604
DWG FILE: ROWEXHIBIT PAGE 2 OF 2

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Page 1 of 2

EXHIBIT A
Bloomdale Road Temporary Construction Easement
CCC Partnership, L.P.

BEING a tract of land situated in the Thomas J. McDonald Survey, Abstract No. 576, in the City of McKinney, Collin County, Texas, and being a part of that same tract of land as described in deed to CCC Partnership, L.P. recorded in Volume 5071, Page 605 of the Deed Records of Collin County, Texas (DRCCT), and being more particularly described as follows:

BEGINNING at the east end of the proposed right-of-way line on the south side of Bloomdale Road;

THENCE S 89°02'01" W, 706.88 feet to the point of curvature of a non-tangent circular curve to the right having a radius of 2065.00 feet;

THENCE northwesterly, along said curve to the right, through a central angle of 09°10'11" an arc distance of 330.48 feet and having a chord which bears N 86°23'42" W, 330.13 feet ;

THENCE S 80°28'07" E, 160.83 feet;

THENCE S 87°24'18" E, 306.16 feet;

THENCE N 87°18'55" E, 400.18 feet;

THENCE N 85°42'30" E, 172.40 feet to the POINT OF BEGINNING and containing 12,108 square feet of land.

\\CAD01\COMMON\0344gr-desint.dgn 05/17/2005 09:42:00 AM

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EXHIBIT A

DELTA = 09° 10' 11"
 RAD = 2065.00'
 ARC = 330.48'
 CHD = N 86° 23' 42" W
 330.13'

TEMPORARY CONSTRUCTION
 EASEMENT

EXISTING ROW LINE

PROPOSED ROW LINE
 (60.00' RT TYP.)

S 89° 02' 01" W 708.68'

☉ BLOOMDALE RD

POINT OF
 BEGINNING

25+00

BLOOMDALE ROAD

30+00

35+00

S 87° 24' 18" E 306.76'

N 87° 18' 55" E 400.18'

STA 28+00.00
 82.00' RT

EXISTING BARBED
 WIRE FENCE

• TEMPORARY CONSTRUCTION
 EASEMENT LINE
 STA 25+00.00
 70.00' RT

STA 32+00.00
 70.00' RT

S 80° 28' 07" E 160.83'

N 85° 42' 30" E 172.40'

STA 23+44.48
 60.00' RT



STA 33+72.11
 60.00' RT

CCC Partnership, L.P.
 Vol. 5071, Pg. 605
 DRCCT

S.B. FRONTAGE RD U.S. 75

EXISTING ROW LINE

• TEMPORARY CONSTRUCTION
 EASEMENT FOR PURPOSES OF GRADING

 Chiang, Patel & Yerby, Inc.		
 Collin County, Texas		
BLOOMDALE ROAD (COMMUNITY BLVD TO U.S. 75) TEMPORARY CONSTRUCTION EASEMENT FOR CCC PARTNERSHIP, L.P.		
PAGE 2 OF 2	STATE	CPY, INC. PROJECT NO.
	TEXAS	CCT0344
	COUNTY	SCALE
	COLLIN	1" = 200'

06078 02051

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE
DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND
UNENFORCEABLE UNDER FEDERAL LAW
(THE STATE OF TEXAS) (COUNTY OF COLLIN)
I hereby certify that this instrument was FILED in the File Number Sequence on the date
and the time claimed hereon by me, and was duly RECORDED, in the Official Public
Records of Real Property of Collin County, Texas on

JAN 05 2006

Brenda Taylor



Filed for Record in:
Collin County, McKinney TX
Honorable Brenda Taylor
Collin County Clerk

On Jan 05 2006
At 11:28am

Doc/Num : 2006- 0001936

Recording/Type: NF

Receipt #: 463