

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, APRIL 21, 1997, 6:00 P.M. IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: Minutes of April 14, 1997

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of Sedgefield, Section 1 at Silverlake. A subdivision of 32.3244 acres of land out of the John W. Maxey Survey, Abstract No. 721 and the G.C. Smith Survey, Abstract No. 548, Brazoria County, Texas.

Variance Request:

1. Use of 20 foot building line setbacks on lots fronting the bulb portion of cul-de-sacs.
2. Use of 5 foot side lot building line setbacks.

B. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Oakbrook Estates, Section Three, and a Partial Replat of Oakbrook Estates, Section One. A subdivision of 5.9329 acres out of the W.D.C. Hall League, Abstract No. 70, Pearland, Brazoria County, Texas.

C. CONSIDERATION AND POSSIBLE ACTION - Final Replat of Lot 1, Block 4, Green Tee Terrace, Section 1, Vol. 170, Pg. 28, H.C.M.R.. Being a 0.2916 acre tract located in the W.D.C. Hall Survey, Abstract No. 23, in Harris County, Texas

D. CONSIDERATION AND POSSIBLE ACTION - Discussion item to review the update of Land Use Assumptions, Water and Sewer Capital Projects and Impact Fees.

E. CONSIDERATION AND POSSIBLE ACTION - Discussion item to review Subdivision Ordinance proposed changes.

IV. NEXT MEETING DATE: Monday, April 28, 1997, 6:00 p.m. Joint Public Hearing

V. ADJOURNMENT

Posted: 18th Day of April, A.D., 1997

10:00 (A.M./P.M.)

Removed: _____ Day of _____, A.D., 1997

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, APRIL 14, 1997, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 7:45 p.m. with the following present:

Vice Chairman	Pat Lopez
Commissioner	Emil Beltz
Commissioner	Jack D. Mathis
Commissioner	Randy Patro
Commissioner	Mary Starr
Assistant City Manager	Richard Burdine
City Engineer	John Hargrove
City Projects Coordinator	Alan Mueller
Secretary	Judy Highburger

Commissioner Marshall Eggers was absent.

II. APPROVAL OF MINUTES: Minutes of April 7, 1997

A motion was made by Commissioner Emil Beltz, and seconded by Commissioner Mary Starr to approve the Minutes of April 7, 1997.

Motion passed 4 to 1 (Commissioner Jack D. Mathis abstained).

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 112

Request of Josephine Leggio, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to General Business District (GB) on the following described property, to-wit:

Lot 18, Section 3, Garden Acres, approximately .6 acres out of Tract 36, H.T. & B. R.R. Survey, Section 7, A-219, recorded in volume 10, page 77 of the plat records of Brazoria County, Texas.

Assistant City Manager Richard Burdine, presented the Commissioners with copies of the Final Judgement of Seminole Pipeline Company (Plaintiff) vs. Mike F. Leggio (Defendant), et al. This document was discussed previously in the first half of the meeting. He went on to say that the document contains an excellent description of the pipeline easement.

Discussion began with concerns of the property meeting the width requirements, to which Mr. Burdine referenced the Land Use and Urban Development Ordinance Section 24.2, allowing flexibility for lot platted prior to the effective date of the zoning ordinance - which is the date a property was annexed in this case.

Mr. Burdine said the Judgement provides the property owner limited use of the surface of the pipeline easement with the pipeline company having underground uses. Developers must go to the pipeline company and work out details of paving over or crossing the easement. Mr. Burdine emphasized that the issue at hand is whether or not "GB" zoning is appropriate, not the pipeline easement.

Commissioner Mathis stated the letter of the law states structures can be built on the 30' easement, it can be traveled across, or parked on (may require expansion joints). Vice Chairman Lopez said the development of the site stands alone. Mr. Burdine said he reviewed the Judgement with the City Attorney prior to the meeting and is conveying her opinion.

Commissioner Randy Patro made a motion to deny Application 112. Motion failed for lack of a second. There was no further discussion.

Commissioner Beltz made a motion, seconded by Commissioner Starr to approve Application 112 as presented.

Motion passed to approve 4 to 1 (Commissioner Patro abstained).

B. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 114

Request of Leo J. Gabriel III, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to General Business District (GB) on the following described property, to-wit:

Lot 2, Block 1, Gabriel Enterprises Subdivision, approximately .5165 acres, recorded in Volume 19, pages 291-292 of the deed records of Brazoria County, Texas.

There was no representative present.

Commissioner Beltz made a motion seconded by Commissioner Patro to approve Application No. 114.

Motion passed to approve 5 to 0.

C. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 116

Request of George H. McCaa, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to General Business District (GB) on the following described property, to-wit:

2.00 acres out of Lot 23, Allison-Richey Gulf Coast Home Co. Suburban Gardens Subdivision, Section 8, H.T. & B. R.R., A-504, recorded in Vol. 2, Page 23 of the Plat Records of Brazoria County, Texas.

There was no representative present.

Commissioner Patro made a motion, seconded by Commissioner Mathis to approve Application No. 116.

Motion passed to approve 5 to 0.

D. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 113

Request of Josephine M. Leggio, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Commercial District (C) on the following described property, to-wit:

Lots A and B, Section 3, Garden Acres, 2.617 acres out of Tract 36, H.T. & B. R.R. Survey, Section 7, A-219, recorded in volume 10, page 77 of the plat records of Brazoria County, Texas. (5800 Broadway)

Mr. Burdine said he recommends GB rather than C zoning, and Commissioner Beltz questioned the Commercial request instead of General Business. Mr. Burdine said it was for a retail/shopping strip.

Commissioner Patro made a motion, seconded by Commissioner Beltz to deny Application 113.

Motion passed to deny 5 to 0.

E. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 115

Request of Jo Maples, agent for Bill E. Holley, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Commercial District (C) on the following described property, to-wit:

Lot 23, Allison-Richey Gulf Coast Home Co. Suburban Gardens Subdivision of Section 8, H.T. & B. R.R. Survey, A-504, recorded in Volume 2, Page 23 of the plat records of Brazoria County, Texas. (5523 Broadway)

There was no representative present.

The Commissioners questioned the proposed uses of the land listed on the Zone Change Application which includes apartments, strip center with bar, cleaners, radiator shop, and storage for apartments.

Commissioner Beltz made a motion to approve Application No. 115 and exclude some of the proposed uses. Mr. Burdine said some of the uses would remain non-conforming.

Commissioner Beltz revised his motion to approve as presented, and Commissioner Starr seconded the motion.

Another concern was if a radiator shop would be a Specific Use, to which Vice Chairman Lopez replied it would still be non-conforming. Mr. Burdine said the best use of the property would be a shopping center, and most of the other uses would fall into the GB category.

Motion passed to approve 4 to 1 (Commissioner Patro abstained).

F. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 207

Request of Pro-Line Water Screen Services, Inc., agent for Gatech Enterprises, Inc., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Heavy Industrial District (M2) on the following described property, to-wit:

2.00 acres out of Lot 178, Zychlinski Subdivision, Section 28, H.T. & B. R.R. Survey, A-551, (G.C. Smith Survey), recorded Vol. 593, Page 407 of the Deed Records of Brazoria County, Texas. (17605 SH 35)

There was no representative present.

G. CONSIDERATION AND POSSIBLE ACTION- APPLICATION NO. 208

Request of Gatech Enterprises, Inc., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Heavy Industrial District (M2) on the following described property, to-wit:

2.7106 acres out of Lot 178, Zychlinski Subdivision, Section 28, H.T. & B. R.R. Survey, A-551, (G.C. Smith Survey), recorded Vol. 29, Page 9 of the Deed Records of Brazoria County, Texas. (17635 SH 35)

A motion was made by Commissioner Beltz, and seconded by Commissioner Starr to join Applications No. 207-208.

Motion passed to join 5 to 0.

Commissioner Starr made a motion, seconded by Commissioner Beltz to approve Applications No. 207-208.

Commissioner Patro asked if there was another category instead of M1 or M2 for these two requests, and Mr. Burdine said he anticipates the area remaining industrial. Commissioner Patro questioned Dixie Farm being developed as residential. Mr. Burdine explained it was a thoroughfare.

Motion passed to approve 5 to 0.

H. CONSIDERATION AND POSSIBLE ACTION - SPECIFIC USE PERMIT APPLICATION NO. 53

Request of Pro-Line Water Screen Services, Inc., agent for Gatech Enterprises, Inc. owner, for a Specific Use Permit on the following described property, to-wit:

2.00 acres out of Lot 178, Zychlinski Subdivision, Section 28, H.T. & B. R. R. Survey, A-551, (G.C. Smith Survey), recorded in Vol. 593, Page 407 of the Deed Records of Brazoria County, Texas. (17605 SH 35)

There was no representative present.

Commissioner Starr made a motion, seconded by Commissioner Mathis, to approve Specific Use Permit Application No. 53.

Motion passed to approve 5 to 0.

I. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 198

Request of Bert Jones, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Single Family Dwelling District (R-2) to General Business (GB) on the following described property, to-wit:

South ½ of Lot 45, approximately 5 acres, Allison-Richey Subdivision of the H.T. & B. R. R. Survey, Section 6, A-544.

Mr. Bert Jones, owner, was present and seeking approval of Application No. 198.

Discussion revolved around the surrounding area's zoning, which was shown by Mr. Burdine on a wall map. There is commercial zoning along Broadway, the Knights of Columbus Hall is zoned GB, and all around that area is zoned R-2.

A motion was made by Commissioner Beltz, and seconded by Commissioner Patro to deny Application No. 198.

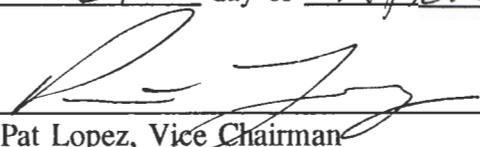
Motion to deny 5 to 0.

IV. NEXT MEETING DATE: April 21, 1997, 6:00 p.m.

V. ADJOURNED:

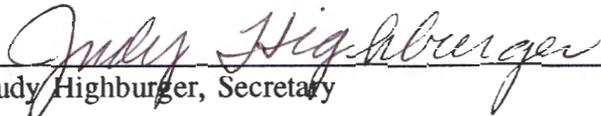
8:38 p.m.

Minutes approved as submitted this 21 day of April
A.D., 1997.



Pat Lopez, Vice Chairman

ATTEST:



Judy Highburger, Secretary

DEED

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22038

NO. 10,503

SEMINOLE PIPELINE COMPANY,
PLAINTIFF

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IN THE COUNTY COURT

VS.

AT LAW NUMBER ONE

MIKE F. LEGGIO, SR., ET AL,
DEFENDANTS

BRAZORIA COUNTY, TEXAS

FINAL JUDGMENT

BE IT REMEMBERED that on the date hereinafter set forth came on to be heard and considered the above entitled and numbered condemnation cause wherein SEMINOLE PIPELINE COMPANY, a Delaware corporation duly authorized to transact business in the State of Texas, is Plaintiff, and MIKE F. LEGGIO, SR., CULLEN LANDIS, Executor of the Estate of D. C. Anderson, Deceased, BUDDY GREGORY, Executor of the Estate of D. C. Anderson, Deceased, LINDA LOU ANDERSON, RONALD CLEON ANDERSON, LINDA CARROL PLATZ, LARRY DON ANDERSON and CHARLOTTE KAY KOGER, is Defendant, whether one or more.

Whereupon in open Court Plaintiff and said Defendant, by and through their attorneys of record, announced to the Court that a compromise and settlement of this cause has been reached and the parties stipulate and agree as follows, and upon due consideration the Court finds and determines the following:

(1) That Defendant admits that Plaintiff is, among other things, a corporation and a common carrier pipeline company for hire engaged in the pipeline business transporting oil products, gas, liquified minerals and other mineral solutions in the State of Texas and is duly vested with the right and power of eminent domain;

(2) That Defendant admits that this Court has jurisdiction to adjudicate this cause;

(3) That Plaintiff is condemning and acquiring herein an easement and right-of-way and a temporary construction easement on, in, over, under, through and across the hereinafter described

property owned by Defendant for the purpose of establishing, laying, constructing, maintaining, inspecting, protecting, operating, repairing, altering, cathodically protecting, changing the size of, substituting, replacing and removing thereon a pipeline for the transportation of oil products, gas, liquified minerals, and other mineral solutions;

(4) That after good faith negotiations, Plaintiff was unable to reach an agreement with Defendant on the market value of the easement and right-of-way and temporary construction easement to be acquired herein and the amount of damages, if any, to Defendant's remaining land not condemned herein, whereupon Plaintiff thereafter duly and regularly filed its Statement and Petition in Condemnation with the Judge of this Court;

(5) That upon consideration of Plaintiff's Statement and Petition in Condemnation, the Judge of this Court thereafter duly appointed three disinterested freeholders of Brazoria County, Texas, as Special Commissioners, and each of said appointees duly qualified as a Special Commissioner by taking the oath prescribed by law;

(6) That the Special Commissioners set a time and place for hearing Plaintiff and Defendant and issued a written notice of such hearing, containing a copy of Plaintiff's Statement and Petition in Condemnation, to Defendant, which said notice was duly and timely served on all Defendants by having been duly delivered and served in person by a person competent to testify;

(7) That such hearing was duly held at the time and place so designated in said written notice of hearing, and Plaintiff appeared by and through its attorneys of record, and the Special Commissioners heard the evidence offered by the Plaintiff and duly rendered their written Award in the amount stated therein, and the same, together with all other papers in this proceeding were forthwith filed with the Judge of this Court;

(8) That objections to said Award were duly and timely filed herein by Defendant;

(9) That all prerequisites have been complied with and all preliminary steps have been taken to confer jurisdiction on this

Court, whether or not specifically listed hereinabove, and this cause is regularly in and before this Court for disposition;

(10) That the hereinafter described property is subject to condemnation and Plaintiff is entitled to have the same condemned as prayed for in Plaintiff's Statement and Petition in Condemnation, and all of the same is admitted by Defendant;

(11) That Plaintiff and Defendant have agreed upon a sum of money and Plaintiff has paid the same to Defendant and Defendant acknowledges receipt of the said sum of money in full payment of the following: (1) the market value of the hereinafter described easement and right-of-way and temporary construction easement, and also (2) in full payment for any and all reduction or diminution in market value of the Defendant's remaining or remainder land caused by the acquisition by Plaintiff of the easement and right-of-way and temporary construction easement hereinafter described for the purposes set forth herein, and further in full payment for any and all damages inside or outside of the boundaries of said easement and right-of-way and temporary construction easement to the surface, crops, trees, timber, roads, lakes, ponds, grassland, livestock, or any other property or improvements, real or personal, of Defendant, located inside or outside of the boundaries of said easement and right-of-way and temporary construction easement, which damages were or might have been caused by the initial establishing, laying and constructing of said pipeline on said easement and right-of-way. That such sum represents the entire sum to which said Defendant is entitled to receive, recover and be paid in this cause, and Plaintiff, by reason of such payment and the agreement of the parties, now stands released and discharged of its constitutional obligations to pay just compensation for the condemnation of the said easement and right-of-way, temporary construction easement and all damages incurred in connection therewith;

(12) Pursuant to the Award of Special Commissioners herein, Plaintiff has heretofore paid and deposited the amount thereof into the Registry of this Court, and in addition thereto, Plaintiff has

DEED

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also delivered to the Court a bond for an equal sum of money and a bond for costs, all in full and complete compliance with Article 3268, V.A.C.S., which bonds were duly approved and filed by this Court.

It is ORDERED, ADJUDGED and DECREED that Plaintiff, SEMINOLE PIPELINE COMPANY, a Delaware corporation duly authorized to transact business in the State of Texas, do have and recover from Defendant, an easement and right-of-way and a temporary construction easement for the purpose of establishing, laying, constructing, maintaining, inspecting, protecting, operating, repairing, altering, cathodically protecting, reducing the size of, substituting, replacing and removing on said easement and right-of-way one (1) pipeline not to exceed fourteen inches (14") in outside pipe diameter, together with such appurtenant facilities necessary or desirable from time to time in connection with the use and convenient operation of such pipeline for the transportation of oil products, gas, liquified minerals, and other mineral solutions, which said easement and right-of-way, said temporary construction easement and the lands out of which the same are taken are more particularly described as follows:

PERMANENT EASEMENT AND RIGHT-OF-WAY

A thirty foot (30') wide Permanent Easement and Right-of-Way containing 0.24 acres of land, more or less, on, in, over, under, through and across that certain 2.43 acre tract of land, more or less, in the H.T. & B.R.R. Co. Survey, Abstract Number 219 in Brazoria County, Texas, said 2.43 acre tract of land being more particularly described in that certain deed dated January 16, 1979, from Lee Latino, et ux, to Mike F. Leggio, Sr., and D. C. Anderson, recorded in Volume 1438, Page 923, of the Deed Records of Brazoria County, Texas, reference to which is herein made, said thirty foot (30') wide Permanent Easement and Right-of-Way being twenty feet (20') on the Easterly side and ten feet (10') on the Westerly side of the following described survey line:

Beginning on the South property line of said 2.43 acre tract, a point being Northwest 98.1 feet from the Southeast corner of said tract;

THENCE N. 01° 00' E., 244.6 feet to an angle point;

THENCE N. 64° 49' E., 110.8 feet to point of exit on the East property line, said point being 76.0 feet South from the Northeast corner, said survey line being in all 355.4 feet or 21.53 rods in length, more or less, and said Permanent Easement contains 0.24 acres, more or less.

TEMPORARY CONSTRUCTION EASEMENTS

Six (6) Temporary Construction Easements:

1st Easement being fifteen feet (15') in width and located parallel, contiguous and immediately adjacent to the Easterly boundary line of the thirty foot (30') wide permanent easement and right-of-way described hereinabove, and beginning on the South property line of said 2.43 acre tract of land;

THENCE, Northeast along the Easterly boundary of the above described thirty foot (30') wide permanent easement and right-of-way.

2nd Easement being five feet (5') in width and located parallel, contiguous and immediately adjacent to the Westerly boundary line of the thirty foot (30') wide permanent easement and right-of-way described above, and beginning on the South property line of said 2.43 acre tract of land;

THENCE Northeast along the Westerly boundary line of the above described thirty foot (30') wide permanent easement and right-of-way, being in all a total distance of 355.4 feet or 21.53 rods in length, more or less.

3rd Easement being fifteen feet (15') in width and located parallel, contiguous and immediately adjacent to the East boundary line of the above described fifteen foot (15') construction easement and beginning on the North right-of-way line of State Highway 518, Brazoria County and extending Northeast one hundred feet (100') from said right-of-way line along the East boundary of the above described fifteen foot (15') construction easement.

4th Easement being thirty-five feet (35') in width and located parallel, contiguous and immediately adjacent to the West boundary line of the above described five foot (5') construction easement and beginning on the North right-of-way line of State Highway 518, Brazoria County and extending Northeast one hundred feet (100') from said right-of-way line along the West boundary of the above described five foot (5') construction easement.

5th Easement being fifteen feet (15') in width and located parallel, contiguous and immediately adjacent to the Southeast boundary line of the above described fifteen foot (15') construction easement and beginning on the West right-of-way line of Brazoria County Road Number 103 and extending Southwest one hundred (100') feet from said right-of-way line along the Southeast boundary of the above described fifteen foot (15') construction easement.

6th Easement being thirty-five feet (35') in width and located parallel, contiguous and immediately adjacent to the Northwest boundary line of the above described five foot (5') construction easement and beginning on the West right-of-way line of Brazoria County Road Number 103 and extending Southwest one hundred feet (100') from said right-of-way line along the Northwest boundary of the above described five foot (5') construction easement.

The above six (6) Temporary Construction Easements contain 0.39 acres of land, more or less.

and the said easements be and the same are hereby vested in Plaintiff, SEMINOLE PIPELINE COMPANY, a Delaware corporation duly authorized to transact business in the State of Texas, together with the right of ingress and egress, which right of ingress and egress shall be strictly limited and confined to

the boundaries of the easement and right-of-way and the boundaries of the temporary construction easement; provided, however, that Plaintiff's right of ingress and egress with respect to the temporary construction easement shall terminate upon completion of the construction of the said pipeline upon the easement and right-of-way or at 12:00 noon on January 1st, 1982, whichever occurs first.

It is further ORDERED, ADJUDGED and DECREED that the said temporary construction easement will be used and occupied by Plaintiff only during the period of initial construction of the aforesaid pipeline on the easement and right-of-way and upon completion of the initial construction of said pipeline, or at 12:00 noon on January 1st, 1982, whichever occurs first, the said temporary construction easement shall thereupon automatically terminate and revert to the owners of the land covered by said temporary construction easement, free and clear of any right, title or interest in Plaintiff, and that as of the date of this order, said temporary construction easement has terminated.

It is further ORDERED, ADJUDGED and DECREED that Plaintiff have and recover the following rights:

(1) the right of ingress and egress, which right of ingress and egress shall be strictly limited and confined to the boundaries of the Easement, with Plaintiff's right of ingress and egress in connection with the Temporary Construction Easement terminating upon the termination of the Temporary Construction Easement as aforesaid.

(2) the right to cathodically protect its said pipeline within the boundaries of the Easement and to place pipeline markers and cathodic protection test leads within the boundaries of the Easement at or reasonably near fence lines and road crossings.

(3) the right to prevent the construction, within the boundaries of the Easement and the right to remove therefrom, any building or structure except as herein provided for.

It is further ORDERED, ADJUDGED and DECREED that there are reserved to Defendant, his heirs, successors and assigns, each and all of the following rights with reference to the above described property covered by the said easement and right-of-way:

(1) Plaintiff shall have no above-ground structures within the boundaries of the Easement except for the pipeline markers and cathodic protection test leads aforesaid.

(2) The pipeline constructed by the Plaintiff within the boundaries of the Easement shall be buried to a minimum depth of forty-eight (48) inches below the surface of the ground at the time of construction, measured from the top of the pipe to the surface of the ground.

(3) Plaintiff shall not fence nor otherwise enclose said Easement, or any part thereof.

(4) In the event it becomes necessary for Plaintiff, at any time and from time to time, in connection with the construction or operation within the boundaries of the Easement, to cut any fences, Plaintiff, before cutting such fence, shall first set brace posts on each side of the Easement or Temporary Construction Easement, and attach all existing wires to such brace post before cutting any such fence or fences, the purpose of which is to prevent the wire fences from slackening or sagging due to Plaintiff's operations or activities in or upon the Easement. In this connection, Plaintiff shall use wire gaps or temporary gates during original construction activities or operations sufficient to prevent cattle or livestock from entering or leaving Defendant's property. After the original construction is completed, Plaintiff shall remove its wire gaps or temporary gates and shall restore the fences to as good a condition as the same were in immediately prior to Plaintiff's cutting of said fences.

(5) All oil, gas and other minerals in, on, and under the easement acquired herein, provided, however, that Defendant shall not be permitted to drill or operate for minerals on the surface of the Easement, but will be permitted to extract oil and/or minerals from and under the easement by directional drilling or other means,

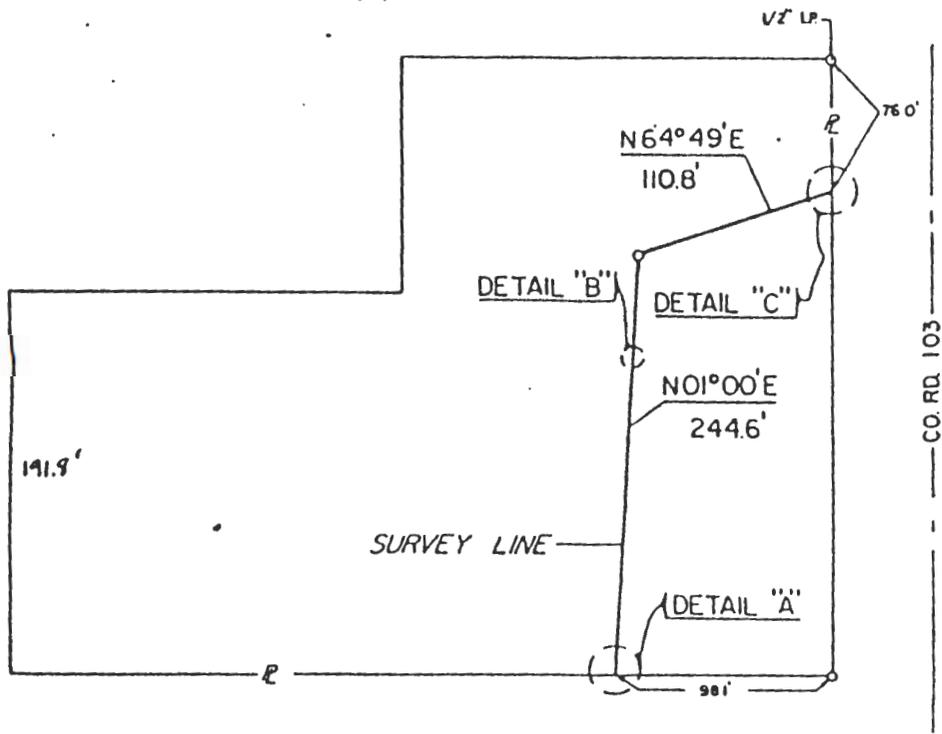
so long as Plaintiff's use of the Easement is not disturbed, which shall include the right of Plaintiff to physically support and maintain a minimum cover around any pipeline installed by Plaintiff within the boundaries of the Easement as required by any law or regulation as well as the right that said pipeline shall not be endangered, obstructed, or interfered with;

(6) The right to pass back and forth across the Easement on foot or in vehicles, to cultivate or landscape the same; to raise crops or gardens therein; to graze cattle and livestock therein; to layout, dedicate, construct and maintain roads, streets, alleys, railroad tracks, ditches, irrigation canals, underground communication conduits, electric transmissions lines, telephone lines, and gas, water, drainage, and sewer pipelines across the Easement at any angle of not less than 45 degrees to said pipeline; and to use said land for recreation or for any other purpose, not inconsistent with Plaintiff's use and enjoyment of the Easement for the purposes set forth herein; provided, however, Plaintiff's facilities will not be obstructed, endangered or interfered with; and further provided that the surface and subsurface of any such roads, streets, alleys, railroad tracks, ditches, irrigation canals, conduits or gas, water, drainage or sewer pipelines will be so constructed as to insure a minimum cover for Plaintiff's pipeline as required by any law or regulation and further provided that said pipeline is left with proper, sufficient, and permanent support.

It is further ORDERED, ADJUDGED and DECREED that the Clerk of the Court out of the funds heretofore deposited by Plaintiff in the registry of this Court, shall pay and refund to Plaintiff the sum of \$11,640.00, being the total amount heretofore paid and deposited by Plaintiff in the Registry of this Court in this cause.

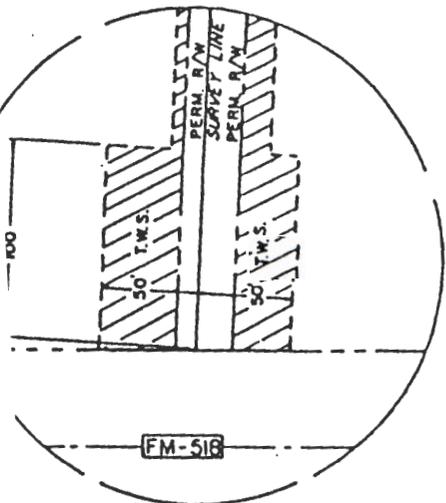
It is further ORDERED, ADJUDGED and DECREED that a writ of possession be issued in behalf of Plaintiff with respect to the easement and right-of-way as hereinabove described, and that no writ of possession issue with respect to the temporary construction easements which have expired of their own terms.

MIKE F. LEGGIO, SR. & D.C. ANDERSON
 144-TX-BA-197(2)

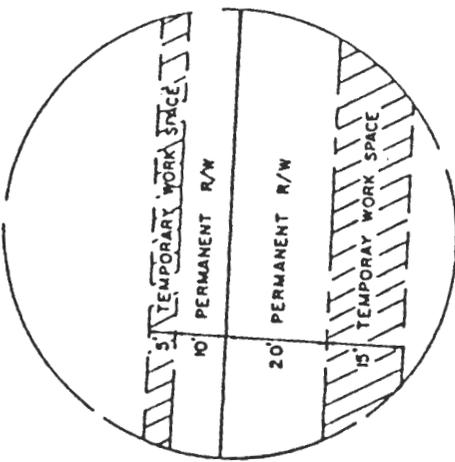


RODS = 21.53
 PERMANENT R/W = 0.24 Ac.
 TEMPORARY R/W = 0.39 Ac.

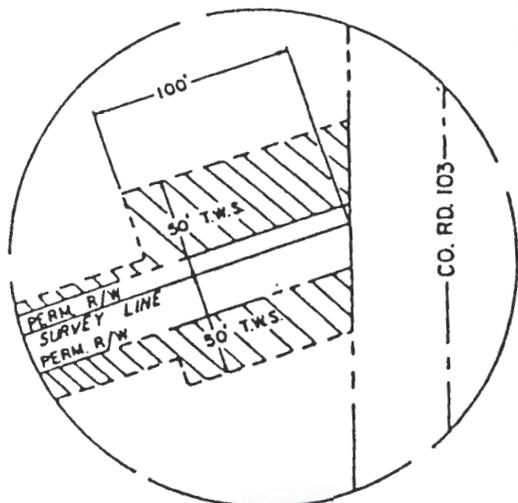
FM-518



DETAIL "A"
 1" = 100'



DETAIL "B"
 1" = 40'



DETAIL "C"
 1" = 100'

Exhibit "A"
 Page 1 of 2

MEASUREMENTS DERIVED FROM DEED

FLD. BK. 144-BA-3, PG. 19

SEMINOLE PIPELINE COMPANY

PROPOSED 14" PIPELINE CROSSING
MIKE F. LEGGIO, SR. & D.C. ANDERSON
 BRAZORIA CO

TEXAS

DRAWN YMG

144-TX-BA-197(2)

REV.
 3/15/04

THE STATE OF TEXAS)
COUNTY OF BRAZORIA)

I, Dolly Bailey, Clerk of the County Court, in and for Brazoria
County, Texas, do hereby certify that the above and foregoing is a true and
correct copy of that certain Final Judgment

in Cause No. 10,503, styled Seminole Pipeline Company Vs.
Mike F. Leggio, Sr., et al, on the Civil
Docket, as the same appears on file and in the office of the County Clerk of
Brazoria County, Texas.

GIVEN under my hand and seal of office at Angleton, Texas, this
1 day of July, A.D., 19 83.

Dolly Bailey, Clerk County Court,
in and for Brazoria County, Texas.

By Annie M. Senter Deputy
Annie M. Senter

FILED FOR RECORD

JUL 1 2 58 PM '83

Dolly Bailey
COUNTY CLERK
BRAZORIA COUNTY, TEXAS

DEED

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It is further ORDERED, ADJUDGED and DECREED that Plaintiff pay all costs of Court in this proceeding, and that Plaintiff having paid such costs, the bonds heretofore deposited with the Court by Plaintiff shall cease and terminate and be of no further force and effect, and the sureties on said bonds are hereby discharged from liability thereon.

All relief sought herein by any of the parties hereto, which is not expressly granted, is denied.

SINGED on this the 30th day of June, 1982.

[Signature]
JUDGE PRESIDING

APPROVED AS TO FORM:

KEE & PATTERSON
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FULBRIGHT & JAWORSKI
Bank of the Southwest Building
Houston, Texas 77002

By: *[Signature]*
Fred M. Lange
State Bar No. 11909000

ATTORNEYS FOR PLAINTIFF,
SEMINOLE PIPELINE COMPANY

WILLIAM H. WHITE & ASSOCIATES
2919 Allen Parkway, Suite 320
Houston, Texas 77019

By: *[Signature]*
William H. White
State Bar No.

ATTORNEYS FOR DEFENDANTS
MIKE F. LEGGIO, SR., CULLEN LANDIS, EXECUTOR
OF THE ESTATE OF D. C. ANDERSON, DECEASED, BUDDY
GREGORY, EXECUTOR OF THE ESTATE OF D. C. ANDERSON,
DECEASED, LINDA LOU ANDERSON, RONALD CLEON ANDERSON, LINDA
CARROL PLATZ, LARRY DON ANDERSON AND CHARLOTTE KAY KOGER