

THE STATE OF TEXAS §

COUNTY OF WALLER §

ROAD CLOSURE ORDER

AN ORDER OF WALLER COUNTY, TEXAS, FINDING THAT PORTIONS OF DIEMER ROAD ARE NOT NECESSARY FOR PUBLIC USE AS A THOROUGHFARE; PROVIDING FOR THE VACATION, ABANDONMENT, AND CLOSURE OF A PORTION OF THE ROAD, AND RELEASING ANY AND ALL PUBLIC RIGHTS, TITLE, AND INTEREST.

WHEREAS, pursuant to Chapter 251.058 of the Texas Transportation Code, the County has the authority to vacate, abandon, and close roadways within the County;

WHEREAS, within the County there are portions of Diemer Road described in more detail in Exhibit A, (hereafter referred to as “Old Diemer Road”);

WHEREAS, the County has realigned Diemer Road away from the Brazos River to ensure its safe, continued use by the public;

WHEREAS, the realigned portion of Diemer Road is open for public use;

WHEREAS, the Commissioners Court has determined that Old Diemer Road is not necessary as a public thoroughfare and has no other public use;

WHEREAS, the Commissioners Court finds that vacating Old Diemer Road would have no adverse effect on adjacent properties; and

WHEREAS, the Commissioners Court has determined that it is in the best interest of the County to vacate, abandon, and close Old Diemer Road;

NOW, THEREFORE, BE IT ORDERED, by the Commissioners Court of Waller County, Texas:

1. **Findings of Fact:** The foregoing recitals are incorporated into this Order by references as findings of fact as if set forth herein at length.
2. **Road Closure:** The Commissioners Court hereby abandons any and all public rights, title and interest, if any, to Old Diemer Road.
3. **Title Subject to Existing Utility Rights:** Pursuant to Section 251.058(b)(4) of the Texas Transportation Code, any public utility or common carrier that has the right of eminent domain is using Old Diemer Road for right-of-way or easement purpose, title to the property conveyed herein is subject to the applicable right-of-way or easement and the continued use by the public utility or common carrier of utility infrastructure in existence on the date this order is signed.
4. **Land Records:** The Commissioners Court hereby authorizes and instructs a signed copy of this Order to be recorded in the Official Records of Waller County, Texas.

5. **Severability:** If any word, article, phrase, paragraph, sentence, clause, or provision of this Order shall be adjusted by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Order which can be given effect without the invalid provision, and to this end the provision of this Order is declared to be severable.
6. **Effective Date:** This Order shall take effect immediately from and after the date of this Order.
7. **Underlying Property Owner:** Pursuant to Section 251.058 of the Texas Transportation Code, Alberta Diemer Ranch, LLC is the underlying property owner receiving this conveyance for the property described in Exhibit A.
8. **Proper Notice and Open Meeting:** It is hereby officially found and determined that the meeting at which this Order was passed was open to the public as required and the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

ADOPTED, this 2nd day of April, 2025, by the unanimous vote of the Commissioners
Court of Waller County, Texas.

Carbett "Trey" J. Duhon III

County Judge

ATTEST:

Debbie Hollan

County Clerk

EXHIBIT A

Old Diemer Road
3.71 Acres

Samuel Williams League, Abstract 64

STATE OF TEXAS §

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A **METES & BOUNDS** description of a 3.71 acre tract of land in the Samuel Williams League, Abstract 64, Waller County, Texas, being a portion of existing Diemer Road crossing the residue of that certain called 600 acre tract recorded in Volume 1087, Page 413, Official Records, Waller County, Texas, and Volume 98, Page 135, Deed Records, Waller County, Texas, and the residue of that certain called 268.5 acre tract recorded in Volume 48, Page 265, Deed Records, Waller County, Texas, with all bearings based upon the Texas Coordinate System of 1983, South Central Zone, based upon GPS observations.

Commencing at a ½ inch iron rod with cap marked "RPLS 4194" found in the apparent occupied east right-of-way line of existing Diemer Road for the northwest corner of that certain called 10.00 acre tract recorded under County Clerk's File Number 1800161, Official Public Records, Waller County, Texas, said point being in the south line of said called 600 acre tract, from which point a ½ inch iron rod found in the apparent occupied west right-of-way line of existing Diemer Road for the northeast corner of that certain called 10.000 acre tract recorded in Volume 279, Page 675, Deed Records, Waller County, Texas, bears South 88 degrees 22 minutes 44 seconds West, 58.97 feet;

Thence North 11 degrees 08 minutes 15 seconds East along the apparent occupied east right-of-way line of existing Diemer Road, generally along an existing fence, 27.31 feet to a 5/8 inch iron rod with cap marked "Quiddity" set on said line at an angle point, said point being the southwest corner of a 4.81 acre tract (new Diemer Road Parcel No. 1) surveyed by the undersigned this date;

Thence North 15 degrees 54 minutes 24 seconds East continuing along said line and generally along an existing fence, 63.18 feet to a 5/8 inch iron rod with cap marked "Quiddity" set for the southwest corner and **Place of Beginning** of the herein described tract, said point being the lower northwest corner of said new Diemer Road Parcel No. 1;

Thence South 87 degrees 39 minutes 11 seconds West establishing the south line of the herein described tract, crossing said existing Diemer Road, 59.15 feet to a point in the apparent occupied west right-of-way line of existing Diemer Road;

Thence along the apparent occupied west right-of-way line of existing Diemer Road with the following courses and distances:

North 14 degrees 29 minutes 15 seconds East, 472.59 feet;

North 11 degrees 22 minutes 34 seconds East, 382.24 feet;

North 10 degrees 17 minutes 01 second East, 1,146.32 feet;

Old Diemer Road
3.71 Acres

Samuel Williams League, Abstract 64

North 07 degrees 39 minutes 26 seconds East, 704.87 feet to a point for the northwest corner of the herein described tract, being in the north line of said called 268.5 acre tract, same being the south line of an adjoining called 11.372 acre tract recorded in County Clerk's File Number 1601495, Official Public Records, Waller County, Texas, and described in Volume 181, Page 379, Deed Records, Waller County, Texas;

Thence North 88 degrees 08 minutes 41 seconds East along the north line of said called 268.5 acre tract, crossing existing Diemer Road, 60.84 feet to a point in the apparent occupied east right-of-way line of existing Diemer Road for the northeast corner of the herein described tract, being in the south line of the adjoining residue of a called 6.55 acre tract recorded under County Clerk's File Number 1503387, Official Public Records, Waller County, Texas, and described in Volume 308, Page 1000, Deed Records, Waller County, Texas;

Thence along the apparent occupied east right-of-way line of existing Diemer Road with the following courses and distances:

South 07 degrees 39 minutes 26 seconds West, 716.30 feet;

South 10 degrees 17 minutes 01 second West, 1,148.27 feet;

South 11 degrees 22 minutes 34 seconds West, 384.67 feet;

South 14 degrees 54 minutes 46 seconds West, 456.88 feet to the **Place of Beginning** and containing 3.71 acres of land, more or less.

For reference and further description see Drawing No. 20809 prepared by the undersigned on same date.

February 7, 2021

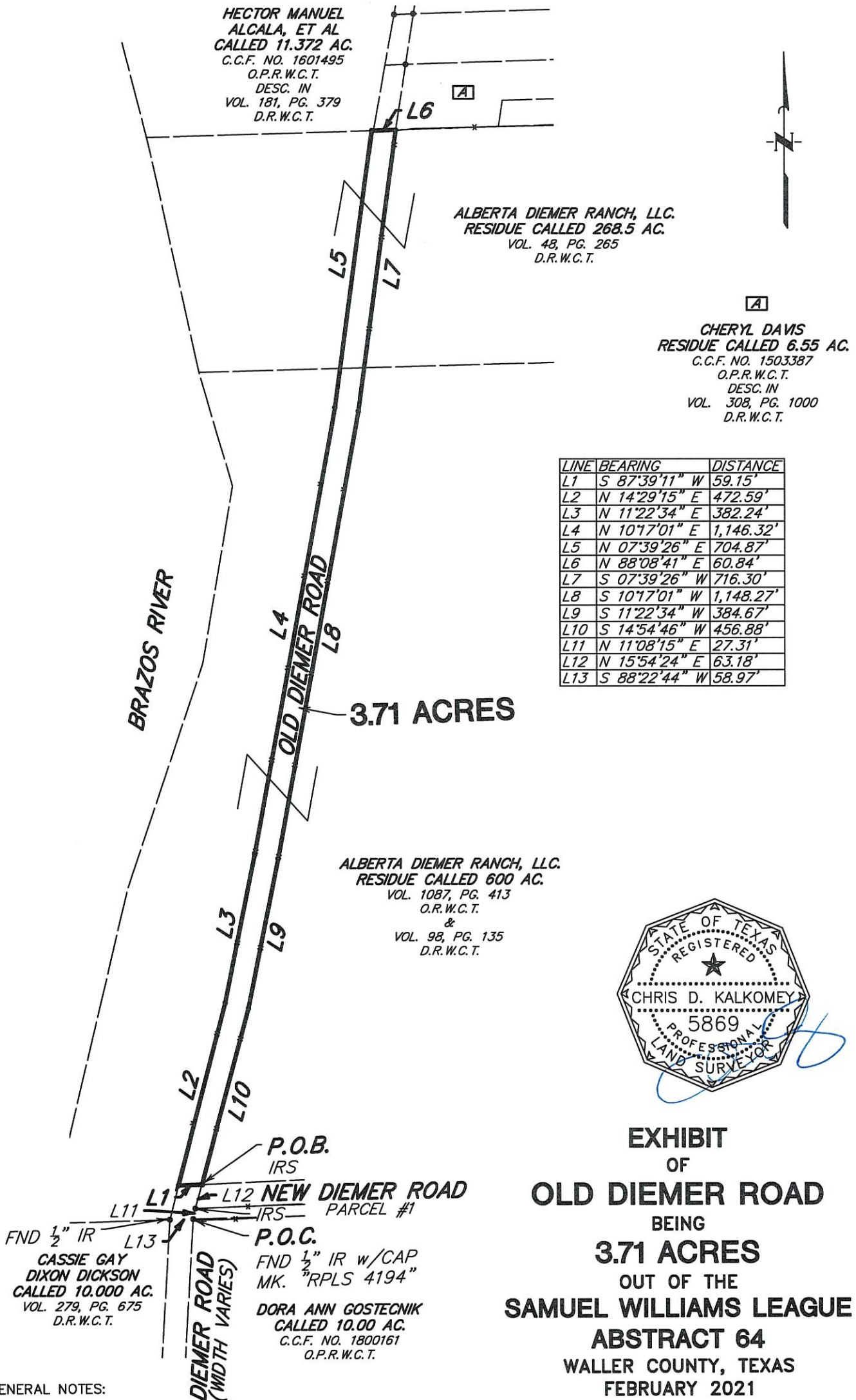
Job Number R0029-0080-01

Jones | Carter
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Rosenberg, TX 77471
(281) 342-2033
Texas Board of Professional Land
Surveying Registration No. 10046104




Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
CDKalkomey@jonescarter.com

K:\R0029\R0029-0080-01 Waller County GLO - Diemer\1 Surveying Phase\CAD Files\Final Dwg\old road.dwg Feb 13, 2025 - 9:35am PED



GENERAL NOTES:

- Bearings are based upon the Texas Coordinate System of 1983, South Central Zone, based upon GPS observations.
- For reference and further description, see metes and bounds description, job number R0029-0080-01, prepared by Quiddity on same date.



Texas Board of Professional Engineers and Land Surveyors Reg. No. 10046100
2322 W Grand Parkway North, Suite 150• Katy, TX 77449• 281.342.2033

SCALE: 1" = 300'

EXHIBIT
OF
OLD DIEMER ROAD
BEING
3.71 ACRES
OUT OF THE
SAMUEL WILLIAMS LEAGUE
ABSTRACT 64
WALLER COUNTY, TEXAS
FEBRUARY 2021

