

## ATTACHMENT NO. 1

### RIGHT-OF-WAY ABANDONMENT AND CONVEYANCE AGREEMENT

STATE OF TEXAS }

COUNTY OF GALVESTON }

WHEREAS the City of League City, (hereinafter the “City”), possesses right-of-way interests in and to the portion of an unopened, unnamed 20-foot alley (hereinafter, the “Abandonment Property”) lying between Lots 15 through 18 and Lots 19 through 22, all in Russels Addition to League City, Galveston County, Texas according to the plat thereof recorded in Volume 249, Page 196, et seq, Galveston County Deed Records; and

WHEREAS Berk Ventures, LLC, owns those certain properties described as the Lots 15 through 18 and Lots 19 through 22, in said Russels Addition (the “Abutting Properties); and

WHEREAS Lots 15 through 18 and Lots 19 through 22, Russels Addition abut the Abandonment Property; and

WHEREAS, in order to make its Abutting Properties more desirable for sale or commercial development, Berk Ventures, LLC desires the City abandon and convey the Abandonment Property unto Berk Ventures, LLC; in accordance with the Abandonment and Quitclaim Deed attached hereto and incorporated herein for all purposes; and

WHEREAS the City and Berk Ventures, LLC hereby agree to the above-stated facts and purposes, subject to the hereinafter conditions.

#### CONDITIONS:

1. As consideration for the City’s ABANDONMENT AND QUIT-CLAIM conveyance of the Abandonment Property, Berk Ventures, LLC shall pay the City, via cashier’s check, \$3,500.00.
2. Within fourteen (14) calendar days of City Council approval of this Agreement, Berk Ventures, LLC shall deliver to the City as consideration for the City’s ABANDONMENT AND QUIT-CLAIM conveyance of the Abandonment Property, a cashier’s check payable to the City in the amount of \$3,500.00 set forth in Condition 1 above. The City and Berk Ventures shall concurrently execute and notarize the original ABANDONMENT AND QUIT-CLAIM DEED in favor of the Berk Ventures, LLC.
3. Upon receipt of the cash consideration and the fully executed, original ABANDONMENT AND QUIT-CLAIM DEED, the City shall file said original in the Galveston County Clerk’s Office.

4. Berk Ventures, LLC waives any personal claims for damages against the City of League City and agree to defend, save and hold harmless the City from any other claims that may arise against the City as a result of abandoning, closing or vacating the City's right-of-way way interests in the subject 20-foot alley Abandonment Property.

FOR THE CITY OF LEAGUE CITY, TEXAS:

By: \_\_\_\_\_  
John Baumgartner, City Manager

Date: \_\_\_\_\_

FOR BERK VENTURES, LLC:

By: \_\_\_\_\_  
James Heintz, Jr. Managing Member

Date: \_\_\_\_\_

Approved as to Form: \_\_\_\_\_  
Nghiem V. Doan  
City Attorney