

TEXAS TRANSPORTATION COMMISSION

COMAL County

MINUTE ORDER

Page 1 of 1

SAN ANTONIO District

In the city of New Braunfels, COMAL COUNTY, on FARM TO MARKET ROAD 306, the state of Texas (state) acquired certain land and an easement interest needed for highway purposes by instruments recorded in Volume 100, Pages 113, 266, 268, 269, 358, 362 and 407; and Volume 103, Page 399, Deed Records of Comal County, Texas, and certain land was used for highway purposes to which the state has no record title.

All of the land and easement interest (surplus land), described as being the old alignment of FM 306, SAVE AND EXCEPT the land described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property.

The fair value of the surplus land has been determined to be \$242,500, and the state's costs for maintenance and resurfacing over the next 21 years is estimated to be \$378,624.

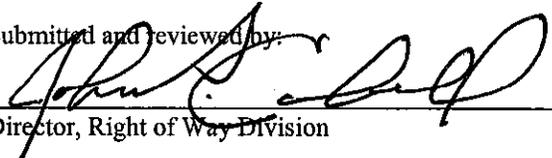
The city of New Braunfels has requested that the surplus land be transferred to the city in consideration of the savings to the state of future maintenance costs, since the future maintenance costs exceed the value of the surplus land.

The commission finds \$242,500 to be a fair and reasonable value of the state's rights, title and interest in the surplus land and recommends that the state transfer the surplus land to the city.

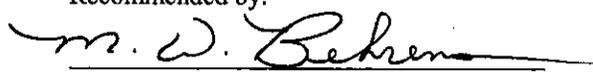
NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, and the Governor of Texas execute a proper instrument transferring all of the state's rights, title and interest in the surplus land to the city of New Braunfels in consideration of the savings to the state of future maintenance costs; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

IT IS FURTHER ORDERED by the commission that the old alignment of FM 306 from Highway Station 51+00.00 to Highway Station 104+20.00 is removed from the state highway system and transferred to the city for control, jurisdiction and maintenance.

Submitted and reviewed by:

  
Director, Right of Way Division

Recommended by:

  
Executive Director

**110330 NOV 17 05**

Minute Number      Date Passed

SAVE AND EXCEPT  
END

PT STA. 104+57.43  
STO. 104+20.00

PI STA. 101+82.45

PARCEL 10 (a) (Modified Stationing)  
R. B. HOSKINS et al  
Sta. 95+37.16 S.F.  
0.583 AC.  
Vol. 100, Page 269

PARCEL 6 (c)  
A. 185.78 S.F.  
0.188 AC.

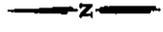
PARCEL 8  
Walter Schaefer  
Deed  
Sta. 87-64.40 to Sta. 95+29.26  
Vol. 100, Page 268  
13,155.12 S.F.  
0.302 AC.

PARCEL 9  
R. F. Sisk  
Deed  
Sta. 91+13.50 to Sta. 95+30.35  
Vol. 100, Page 113  
10,280.16 S.F.  
0.236 AC.  
Release  
Vol. 107, Page 112

PARCEL 8 (d)  
18,033.84 S.F.  
0.414 AC.

PARCEL 6  
Bertha Grunow Estate  
Parcel 10: Sta. 79+50.00 to Sta. 81+51.90  
Vol. 100, Page 362  
18,033.84 S.F.  
0.414 AC.  
Parcel 10(c): Sta. 95+79.10 to Sta. 100+61.20  
6,189.28 S.F.  
0.188 AC.

OLD FM 306  
N. T. S.



PARCEL 4  
EODD KIRKLINE  
Deed  
Parcel 10: Sta. 42-04.40 to Sta. 44+33.90  
Parcel 10: Sta. 55-65.80 to Sta. 87-64.40  
Vol. 100, Page 358  
102,146.20 S.F.  
2.345 AC.  
Charge Easement  
Vol. 100, Page 395  
17,749.76 S.F.  
0.398 AC.

PARCEL 7  
Albert Wolfhoefer et al  
Deed  
Sta. 69+118.00 to Sta. 79+50.00  
Vol. 100, Page 407  
9,626.76 S.F.  
0.221 AC.

SAVE AND EXCEPT  
BEGIN

PI STA. 53+24.47  
STA. 51+00.00

PARCEL 5 (Modified Stationing)  
Earlin A. Hertz  
Deed  
Sta. 51+00.00 to Sta. 60+80.10  
Vol. 100, Page 266  
42,886.34 S.F.  
0.985 AC.

PI STA. 66+51.11

EXHIBIT A

Property Excepted from the Old FM 306 Surplus Right of Way Conveyance  
State of Texas to the City of New Braunfels  
November 2005

Out of Parcel No. 5: **SAVE AND EXCEPT** the most southeast 553 feet (+/-) of the property described in that conveyance from Edwin A. Hanz and wife Emilia Hanz to the State of Texas as described in that certain right of way deed dated June 26, 1952 and recorded at Volume 100, Page 266, Deed Records of Comal County, Texas.

Out of Parcel No. 10(A): **SAVE AND EXCEPT** the most northerly 119 feet (+/-) of "**Parcel A**" described in that conveyance from R.R. Hobson, Lillian Hobson Cooley and Jack V. Cooley to the State of Texas as described in that certain right of way deed dated August 2, 1952 and recorded at Volume 100, Page 269, Deed Records of Comal County, Texas.

425



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78130

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**SUBJECT**

CONTINUED ON MAP 424

