

TEXAS TRANSPORTATION COMMISSION

HARRIS County

MINUTE ORDER

Page 1 of 1

HOUSTON District

In HARRIS COUNTY, on US 59, a designated controlled access highway, the State of Texas (state) owns and controls certain access rights to the highway facility to and from the abutting lands.

A portion of the access rights (surplus access rights), described in Exhibit A, is no longer needed for a state highway purpose.

Kirby Rice, Ltd., a Texas limited partnership (Kirby Rice), owner of a 1.1535 acre tract of land conveyed by deed recorded under Harris County Clerk's File Number V890480 of the Official Public Records of Real Property of Harris County, Texas (Kirby Rice Tract), is the landowner abutting the property line along which access is proposed to be released and has requested that the state sell the surplus access rights to Kirby Rice for \$62,809.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus access rights to the abutting landowner.

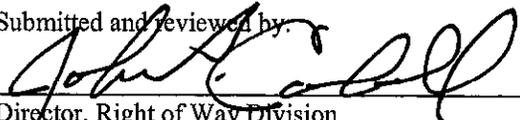
The Texas Department of Transportation has determined that the sale of the surplus access rights is not expected to compromise the safety or add traffic volume in an amount to exceed the capacity of the existing highway.

It is the opinion of the commission that it is proper and correct that the state sell the surplus access rights to Kirby Rice for a cash consideration of \$62,809.

NOW, THEREFORE, the commission finds that the surplus access rights are no longer needed for a state highway purpose and recommends, subject to approval of the attorney general, that the Governor of Texas execute a proper instrument conveying the state's interest in the surplus access rights to Kirby Rice for \$62,809.

IT IS FURTHER ORDERED that the surplus access rights will be exclusive to the Kirby Rice Tract and nothing in this order shall be construed to directly or indirectly approve conveyance of access rights to the properties abutting the Kirby Rice Tract.

Submitted and reviewed by:


Director, Right of Way Division

Recommended by:


Executive Director

110253 SEP 29 05

Minute Number Date Passed

EXHIBIT "A"

County: Harris
Highway: US HWY 59
ROW CSJ: 0027-12-001
Limits: Greenbriar to Greeley

Tract 1 AC
Access Description

BEING an Access Line delineating a permitting of access to the transportation facility from the adjacent property along the common boundary of US Highway 59 and those lands called 1.1535 acres of land conveyed to Kirby Rice, Ltd. as per an instrument recorded under Harris County Clerk's File No. V890490 of the Official Public Records of Harris County, Texas, said Access Line being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod found at the intersection of the north right-of-way line of US Highway 59, same being the south line of the said Kirby Rice, Ltd. tract, and the east right-of-way line of Greenbriar Street, based on a variable width right-of-way;

THENCE, North 89°57'49" East, (called North 87°29'34" East), along the said north right-of-way line of US Highway 59, a distance of 362.97 feet to the PLACE-OF-BEGINNING of the herein described Access Line;

- (1) THENCE, North 89°57'49" East, with the said north right-of-way line of US Highway 59 (300' ROW), a distance of 25.00 feet a point for the end of this "Control of Access Line", said point bears South 89°57'49" West, a distance of 20.00 feet from a 1/2 inch iron rod found for in the said north right-of-way line of US Highway 59 being the southeast corner the said Kirby Rice Tract

All bearings are based on the Texas coordinate System South Central Zone. All distances and coordinates shown are surface and may be converted to grid by multiplying by a combined Scale Factor of 0.999870.

Access is permitted across this "Access Line".

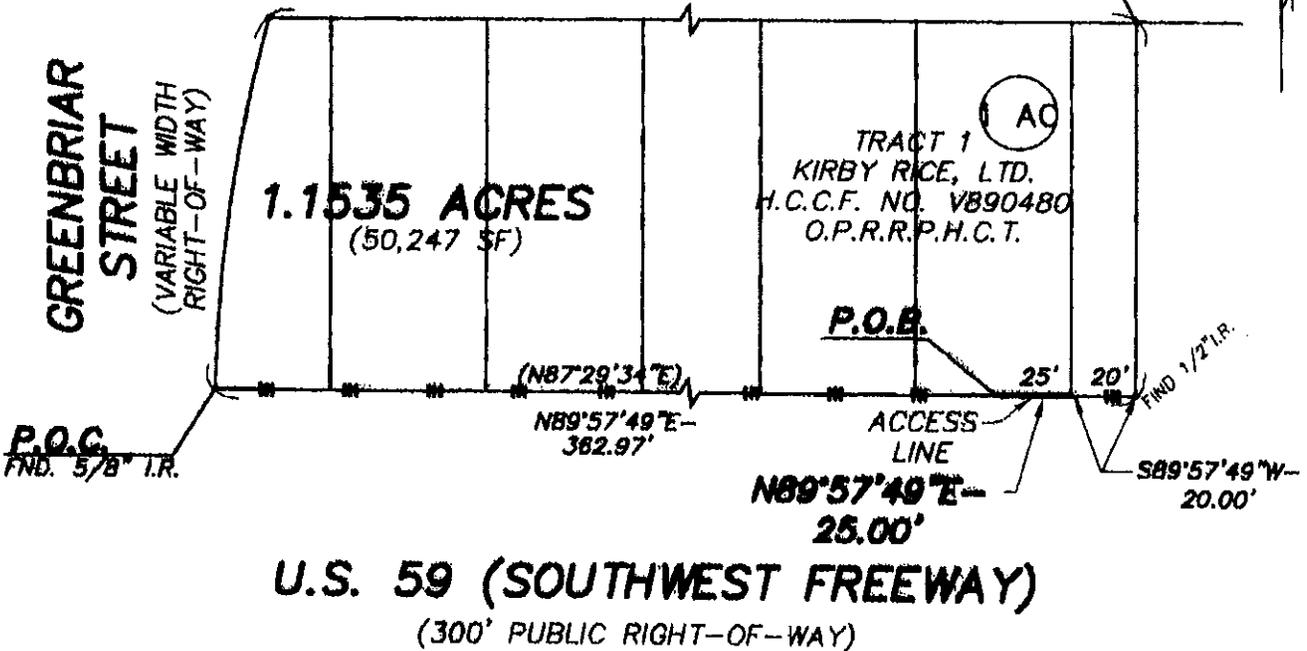
I, Robert A. Marlowe, a Registered Professional Land Surveyor, Hereby certify that the legal description hereon and the accompanying plat of even date represent an actual survey made on the ground under my supervision.

Robert A. Marlowe 5/19/05
Robert A. Marlowe R.P.L.S. (Date)
Texas Registration No. 4218



OBEDIENCE SMITH SURVEY, A-696

LEXINGTON AVENUE (56.12' PUBLIC R.O.W.)



- ACCESS IS PERMITTED ACROSS THIS LINE
- CONTROL OF ACCESS LINE (ACCESS DENIED)

I hereby certify that this plat is based on an on the ground survey made under my supervision and, to the best of my knowledge, is true and correct.

Robert A. Marlowe
 Robert A. Marlowe
 Registered Professional Land Surveyor No. 4218



Revised 1-20-05

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SCALE: 1"=60'
 DRAWN BY: VRV
 CHECKED BY: RAM
 APPD BY: JHE
 CLIENT: SAGE INTEREST

REKHA ENGINEERING INC.

 5301 Hollister Road,
 Suite 190
 HOUSTON, TEXAS 77040
 713-895-8080 TEL.
 713-895-7686 FAX
 Attn: John English

PLAT OF TRACT 1 AC U.S.
 HIGHWAY 59
 HARRIS COUNTY, TEXAS
 AUGUST, 2004
 R.C.S.J. 0027-13-001



SUBJECT

HARRIS COUNTY
US 59