

TEXAS TRANSPORTATION COMMISSION

TARRANT County

MINUTE ORDER

Page 1 of 1

FORT WORTH District

In the city of Southlake, TARRANT COUNTY, on FARM TO MARKET ROAD 1709, the State of Texas (state) acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 2569, Page 503, Deed Records of Tarrant County, Texas.

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

W2001 Wal Real Estate Limited Partnership (owner), the underlying fee owner, has executed an instrument conveying to the state an easement interest in land needed for the realignment and reconstruction of a new drainage facility (new easement), described in Exhibit B.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission may recommend the release of surplus easements and the exchange of surplus easements as partial or full consideration for other land needed by the state for highway purposes.

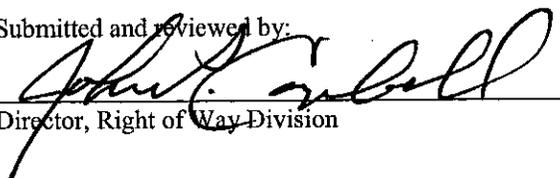
It is the opinion of the commission that once the title to the new easement is acceptable to the department, the surplus easement will no longer be needed for a state highway purpose and will be surplus. It would then be proper and correct that the state convey its rights and interest in the surplus easement to owner in exchange and as full consideration for the conveyance of the new easement to the state.

IT IS THEREFORE ORDERED by the commission that the executive director is authorized to tender the following proposal to owner:

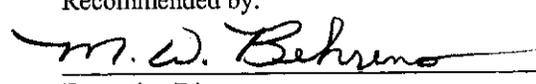
Provided that the title to the new easement is acceptable to the department, then the commission will recommend the conveyance of the surplus easement in accordance with Transportation Code, Chapter 202, Subchapter B.

FURTHER, in consideration of the foregoing premises and in accordance with Transportation Code, Chapter 202, Subchapter B, the commission hereby finds if and when owner satisfactorily complies with the conditions of this minute order, the surplus easement is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument conveying all of the state's rights and interest in the surplus easement to owner in exchange and as full consideration for the conveyance of the new easement to the state.

Submitted and reviewed by:


Director, Right of Way Division

Recommended by:


Executive Director

110682 AUG 24 06

Minute Date
Number Passed

EXHIBIT "A"
TRACT 8-03
CHANNEL EASEMENT EXCHANGE

BEING a 13,526 square foot acre tract of land situated in the T. Mahan Survey, Abstract No. 1049, City of Southlake, Tarrant County, Texas, being the remainder of a Channel Easement to the State of Texas recorded in Volume 2569, Page 503, Deed Records Tarrant County, Texas (DRTCT), and part of a called 16.503 acre tract as described by Deed from Wal-Mart Realty Company to W2001 Wal Real Estate Limited Partnership, recorded in Volume 16122, Page 144 DRTCT, and part of Lot 2, Block 1, Farrar Addition, recorded in Cabinet A, Slide 1975, Plat Records Tarrant County, Texas (PRTCT), and being more completely described as follows:

COMMENCING at a chiseled "X" found for the southwest corner of the above referenced Lot 2, Block 1, same being the southeast corner of Lot 3, Block 1 of Village Center, recorded in Cabinet A, Slide 3049 in said Plat Records and on the north right-of-way line of F.M. 1709;

THENCE South 89 Deg. 55 Min. 47 Sec. East with the south line of said Lot 2, Block 1, and with the said north right-of-way line of F.M. 1709, a distance of 195.17 feet to the POINT OF BEGINNING, also being 65.00 feet left of centerline station 418+81.91;

THENCE North 14 Deg. 08 Min. 46 Sec. West, departing said north right-of-way line, a distance of 264.19 feet to a point for corner;

THENCE North 75 Deg. 51 Min. 14 Sec. East, a distance of 50.00 feet to a point for corner;

THENCE South 14 Deg. 08 Min. 46 Sec. East, a distance of 276.86 feet to a point for corner on the north right-of-way line of the aforementioned F.M. 1709;

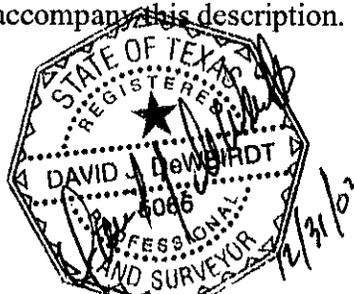
THENCE North 89 Deg. 55 Min. 47 Sec. West with the south line of said Lot 2, Block 1, and with the said north right-of-way line, a distance of 51.58 feet to the PLACE OF BEGINNING;

CONTAINING a computed area of 13,526 square feet or 0.311 acres of land.

Notes:

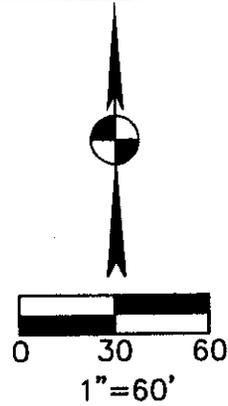
Bearings shown hereon based on the north right-of-way line of F.M. 1709 being North 89 Deg. 55 Min. 47 Sec. West same as recorded in Cabinet A, Slide 1975, PRTCT.

An exhibit drawing was prepared on even date to accompany this description.



LOT 2, BLOCK 1
FARRAR ADDITION
CABINET A, SLIDE 1975, PRTCT

LOT 3, BLOCK 1
VILLAGE CENTER
CABINET A, SLIDE 3049, PRTCT



**CHANNEL EASEMENT
EXCHANGE**
0.3105 AC
13,526 SQ. FT.

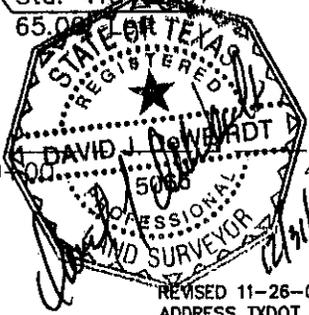
**EXISTING
BUILDING**

W2001 WAL REAL ESTATE
LIMITED PARTNERSHIP
VOL. 16122, PG. 144
DRTCT

CHISELED "X"
FND

POINT OF COMMENCING

POINT OF BEGINNING



REVISED 11-26-03
ADDRESS TXDOT COMMENTS
REVISED 9-15-03
ADDRESS TXDOT COMMENTS

NOTES

1. BEARINGS SHOWN HEREON BASED ON THE NORTH
RIGHT-OF-WAY LINE OF F.M. 1709 BEING
N 89°55'47" W AS RECORDED IN CABINET A, SLIDE
1975, PRTCT.

2. A LEGAL DESCRIPTION WAS PREPARED ON EVEN
DATE TO ACCOMPANY THIS EXHIBIT.

SCALE: 1"=60'
DRAWN: RDR/HOQ
DATE: 07/16/03
SHEET NO.
2
OF 2

EXHIBIT "A"
**CHANNEL EASEMENT
EXCHANGE**
TRACT 8-03
T. MAHAN SURVEY, ABSTRACT NO. 1049
CITY OF SOUTHLAKE, TARRANT COUNTY, TEXAS

Bury+Partners
Consulting Engineers and Surveyors
Dallas, Texas Tel 972/991 0011 Fax 972/991 0278
Bury+Partners DFW, Inc. ©Copyright 2003

EXHIBIT "B"
PARCEL 401(E)
CHANNEL EASEMENT EXCHANGE

BEING a 13,526 square foot tract of land situated in the T. Mahan Survey, Abstract No. 1049, City of Southlake, Tarrant County, Texas, being part of a called 16.503 acre tract as described by Deed from Wal-Mart Realty Company to W2001 Wal Real Estate Limited Partnership, recorded in Volume 16122, Page 144, Deed Records Tarrant County, Texas (DRTCT), also part of Lot 2, Block 1, Farrar Addition, recorded in Cabinet A, Slide 1975, Plat Records Tarrant County, Texas (PRTCT), and being more completely described as follows:

COMMENCING at a chiseled "X" found for the southwest corner of the above referenced Lot 2, Block 1, same being the southeast corner of Lot 3, Block 1 of Village Center, recorded in Cabinet A, Slide 3049, PRTCT and being on the north right-of-way line of F.M. 1709;

THENCE South 89 Deg. 55 Min. 47 Sec. East along the south line of said Lot 2, Block 1, and with said north right-of-way line, a distance of 98.79 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for the POINT OF BEGINNING, also being 65.00 feet left of centerline station 417+85.53;

THENCE North 05 Deg. 16 Min. 23 Sec. East, departing said north right-of-way and with the westerly line of an existing variable width drainage easement a distance of 27.16 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for corner;

THENCE North 00 Deg. 00 Min. 00 Sec. East, a distance of 23.99 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for the point of curvature of a non-tangent curve to the left having a radius point which bears North 89 Deg. 59 Min. 56 Sec. West, a distance of 5.00 feet;

THENCE northwesterly with said curve to the left through a central angle of 57 Deg. 24 Min. 34 Sec. for an arc distance of 5.01 feet, a chord bearing of North 28 Deg. 42 Min. 17 Sec. West and a chord distance of 4.80 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for the point of tangency;

THENCE North 57 Deg. 24 Min. 34 Sec. West, a distance of 14.54 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for the point of a curvature of a curve to the right having a radius of 150.00 feet;

THENCE northwesterly with said curve to the right through a central angle of 58 Deg. 23 Min. 51 Sec. for an arc distance of 152.88 feet, a chord bearing of North 28 Deg. 12 Min. 38 Sec. West and a chord distance of 146.35 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for corner;

THENCE North 12 Deg. 16 Min. 30 Sec. West, a distance of 8.69 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for corner;

THENCE North 90 Deg. 00 Min. 00 Sec. East, a distance of 53.79 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for corner on the existing east line of said variable width drainage easement;

THENCE South 12 Deg. 08 Min. 59 Sec. West with said existing east line, a distance of 9.23 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for the point of curvature of a non-tangent curve to the left having a radius point which bears South 88 Deg. 49 Min. 22 Sec. East, a distance of 100.00 feet;

THENCE southeasterly with said curve to the left through a central angle of 58 Deg. 35 Min. 12 Sec. for an arc distance of 102.25 feet, a chord bearing of South 28 Deg. 06 Min. 58 Sec. East and a chord distance of 97.86 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for the point of tangency;

THENCE South 57 Deg. 24 Min. 34 Sec. East, a distance of 45.48 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for the point of curvature of a curve to the right having a radius of 52.68 feet;

THENCE southeasterly with said curve to the right through a central angle of 57 Deg. 24 Min. 34 Sec. for an arc distance of 52.78 feet, a chord bearing of South 28 Deg. 42 Min. 17 Sec. East and a chord distance of 50.60 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for the point of tangency;

THENCE South 00 Deg. 00 Min. 00 Sec. East, a distance of 9.38 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for corner;

THENCE South 05 Deg. 17 Min. 23 Sec. East, a distance of 27.16 feet to a 5/8-inch iron rod with cap stamped "Bury + Partners" set for corner on the north right-of-way line of said F.M. 1709;

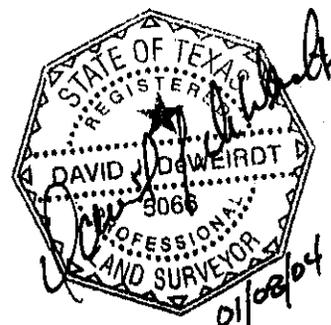
THENCE North 89 Deg. 55 Min. 47 Sec. West, with said north right-of-way line a distance of 80.00 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 13,526 square feet or 0.311 acres of land.

Notes:

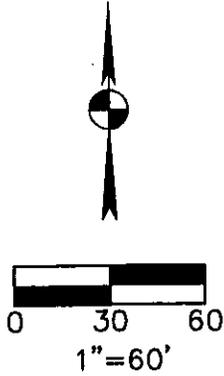
Bearings shown hereon based on the north right-of-way line of F.M. 1709 being North 89 Deg. 55 Min. 47 Sec. West same as recorded in Cabinet A, Slide 1975, PRTCT.

An exhibit drawing was prepared on even date to accompany this legal description.

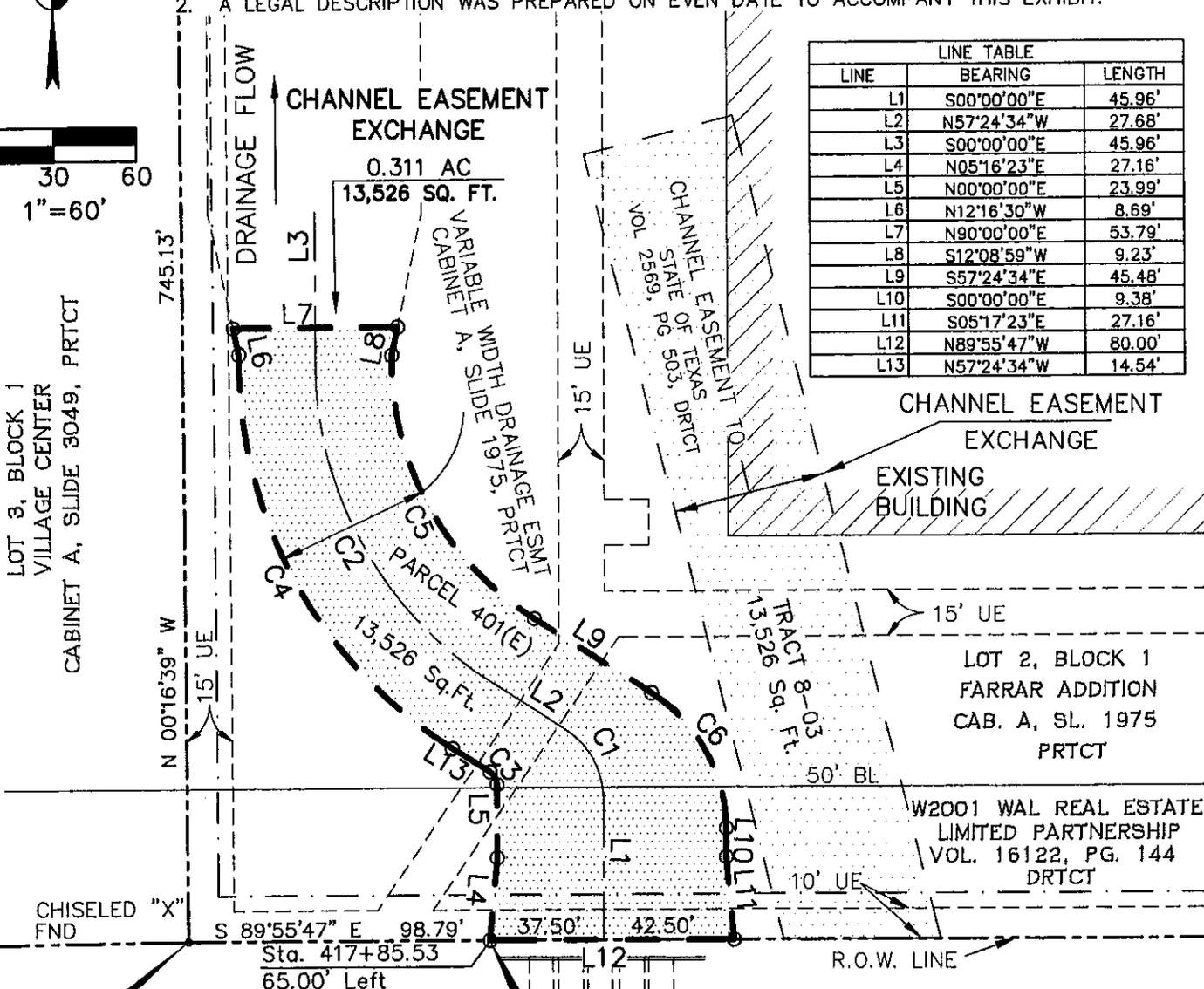


NOTES

1. BEARINGS SHOWN HEREON BASED ON THE NORTH RIGHT-OF-WAY LINE OF F.M. 1709 BEING N 89°55'47" W AS RECORDED IN CABINET A, SLIDE 1975, PRCTCT.
2. A LEGAL DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS EXHIBIT.



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°00'00"E	45.96'
L2	N57°24'34"W	27.68'
L3	S00°00'00"E	45.96'
L4	N05°16'23"E	27.16'
L5	N00°00'00"E	23.99'
L6	N12°16'30"W	8.69'
L7	N90°00'00"E	53.79'
L8	S12°08'59"W	9.23'
L9	S57°24'34"E	45.48'
L10	S00°00'00"E	9.38'
L11	S05°17'23"E	27.16'
L12	N89°55'47"W	80.00'
L13	N57°24'34"W	14.54'



LOT 3, BLOCK 1
VILLAGE CENTER
CABINET A, SLIDE 3049, PRCTCT

745.13
N 00°16'39" W
15' UE

S 89°55'47" E 98.79'
Sta. 417+85.53
65.00' Left

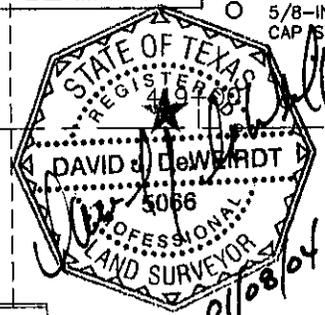
W2001 WAL REAL ESTATE
LIMITED PARTNERSHIP
VOL. 16122, PG. 144
DRTCT

POINT OF COMMENCING

POINT OF BEGINNING

F. M. 1709
417+00 (130' R.O.W.) 418+00

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CH. BRG.	CH. DIST.
C1	57°24'41"	27.68	27.74	N28°42'17"W	26.59
C2	58°35'12"	125.00	127.82	S28°06'58"E	122.32
C3	57°24'34"	5.00	5.01	N28°42'17"W	4.80
C4	58°23'51"	150.00	152.88	N28°12'38"W	146.35
C5	58°35'12"	100.00	102.25	S28°06'58"E	97.86
C6	57°24'34"	52.68	52.78	S28°42'17"E	50.60



LEGEND

○ 5/8-INCH IRON ROD WITH CAP STAMPED "BURY+PARTNERS" SET

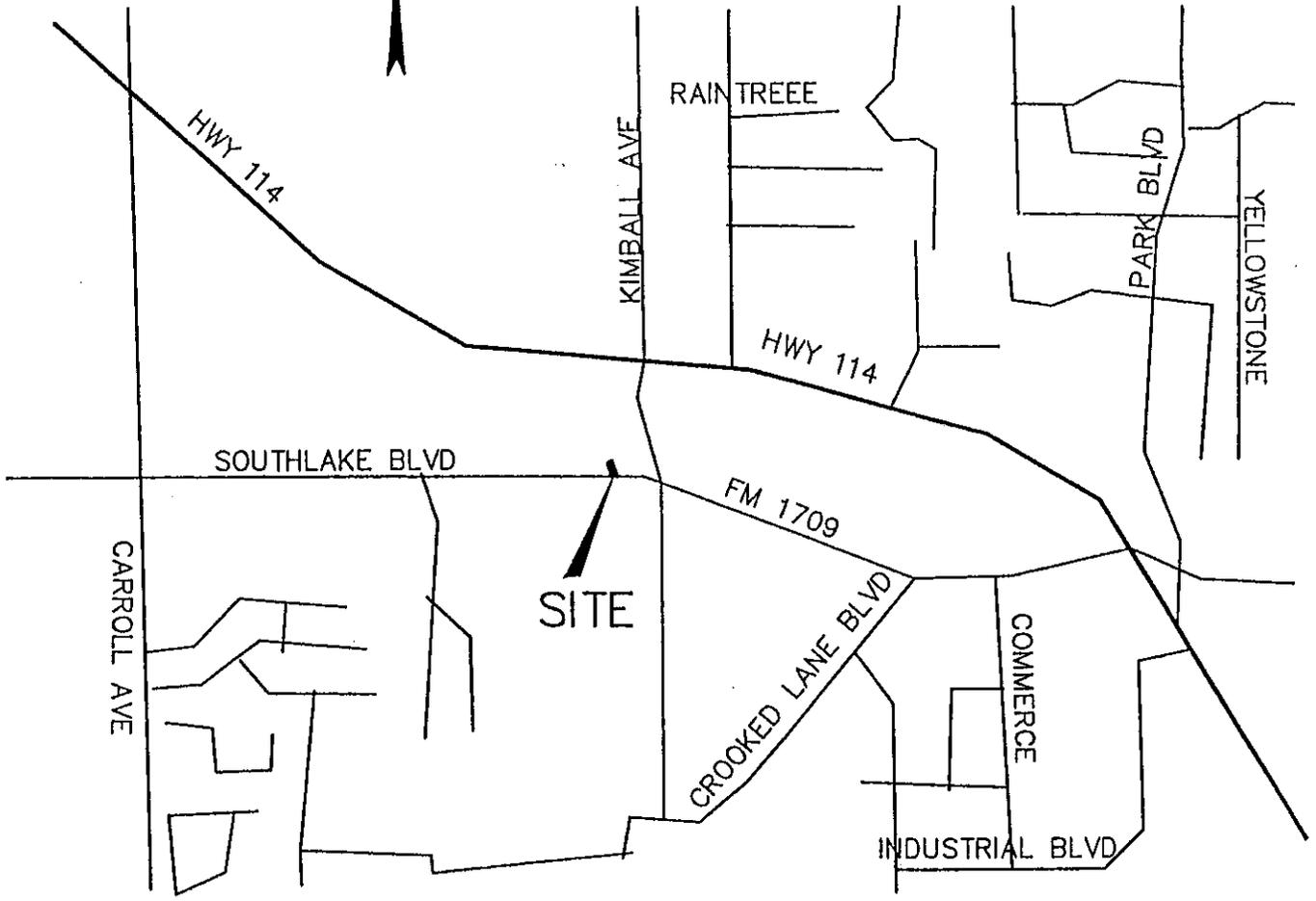
REVISED 11-26-03
ADDRESS TXDOT COMMENTS
REVISED 9-15-03
ADDRESS TXDOT COMMENTS & CORRECTED GEOMETRY

SCALE: 1"=60'
DRAWN: RDR
DATE: 07/16/03
SHEET NO.
3 OF 3

EXHIBIT "A"
CHANNEL EASEMENT EXCHANGE
PARCEL 401(E)
T. MAHAN SURVEY, ABSTRACT NO. 1049
CITY OF SOUTHLAKE, TARRANT COUNTY, TEXAS

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TARRANT COUNTY
FM 1709

LOCATOR MAP
N.T.S.