

TEXAS TRANSPORTATION COMMISSION

FREESTONE County

MINUTE ORDER

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BRYAN District

In FREESTONE COUNTY, on FARM TO MARKET ROAD 2570, the State of Texas (state) acquired certain land needed for a state highway purpose by instruments recorded in Volume 381, Pages 320, 323, 326, 329, 332, and 335, Deed Records of Freestone County, Texas.

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

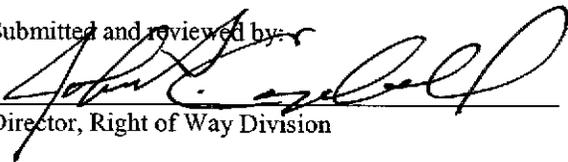
In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus right of way to the abutting landowner.

TXU Big Brown Company LP is the abutting landowner and has requested that the surplus land be sold to the partnership for \$6,841.

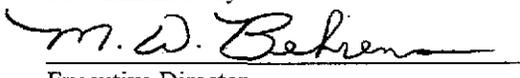
The commission finds \$6,841 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and that the value of the surplus land is less than \$10,000 and authorizes the executive director to execute a proper instrument conveying the state's rights, title and interest in the surplus land to TXU Big Brown Company LP for \$6,841; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interest, 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.

Submitted and reviewed by:


Director, Right of Way Division

Recommended by:


Executive Director

110800 DEC 14 06

Minute
Number

Date
Passed

LACY SURVEYING & MAPPING

REGISTERED PROFESSIONAL LAND SURVEYOR

BUSINESS PHONE &
FAX (903) 859-9942
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September 12, 2006
Field Notes for TXU Real Estate
5.323 Acres (Tract 1)
Justo J.J. & Mario Pepi Grande Grant A-21
Freestone County, Texas

P. O. BOX 736
ARP, TEXAS 75750

EXHIBIT A

GENERAL DESCRIPTION

All that certain tract lot or parcel of land, a part of the Justo J.J. & Mario Pepi Grande Grant A-21, Freestone County, Texas, and also being all or part of those certain tracts listed below, each of which are recorded in the Deed Records of Freestone County, Texas, and being more completely described as follows to wit;

1. (Part) Amanda M. Titus, to the State of Texas, dated July 3, 1968, recorded in Volume 381 Page 323, called 1.110 acres.
2. (Part) Wade Shoemaker Estate, to the State of Texas, dated July 4, 1968, recorded in Volume 381 Page 320, called 1.270 acres.
3. (Part) Roy Casey, et al, to the State of Texas, dated July 2, 1968, recorded in Volume 381 Page 329, called 0.645 acres.
4. (All) Lula M. Lee Ransom, to the State of Texas, dated July 2, 1968, recorded in Volume 381 Page 332, called 0.162 acres.
5. (All) Albert Finch, to the State of Texas, dated July 11, 1968, recorded in Volume 381 Page 335, called 0.260 acres.
6. (All) Hugh D. Reed, Jr. Trustee, to the State of Texas, dated July 2, 1968, recorded in Volume 381 Page 326, called 4.152 acres.

METES AND BOUNDS DESCRIPTION

Beginning at a concrete R.O.W. monument round for corner in the South R.O.W. line of Farm to Market Road 2570 at engineers station 90+00 according to R.O.W. map dated January 21, 1970, and also being at the S.E.C. of the above mentioned 4.152 acres and also being in the N.B.L. of the Dallas Power and Light Company, et al, called 96.56 acre tract (Volume 412 – Page 540), and said R.O.W. monument has a grid coordinate of (N: 60,050.155) (E: 2,447,257.829);

Thence South 54 degrees 37 minutes and 54 seconds West, along said South R.O.W. line, along the S.B.L. of said 4.152 acres and along the N.B.L. of said 96.56 acres, for a distance of 1244.30 feet, to a 1/2 inch iron rod set for corner at the P.C. of a curve to the right;

Thence continuing along said lines and along the S.B.L. of the above mentioned 1.110 acres, and with said curve to the right, which has a Central Angle of 20 degrees 54 minutes and 41 seconds, a Radius of 1969.16 feet, and a chord bearing of South 64

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EXHIBIT A

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Field Notes for 5.323 acres cont'd.

degrees 57 minutes and 00 seconds West, for a distance of 714.70 feet, to a point for corner, from which a 1/2 inch iron rod found at the N.E.C. of the Bailey Hunter called 4.6 acre tract (Volume 382 – Page 27) bears South 14 degrees 35 minutes and 39 seconds East a distance of 1.17 feet;

Thence North 14 degrees 35 minutes and 39 seconds West, across said 1.110 acres and across the above mentioned 1.270 acre tract and across the above mentioned 0.645 acre tract, for a distance of 119.30 feet, to a 1/2 inch iron rod set for corner in the North R.O.W. line of said Farm to Market Road in a curve to the left, and also being in the N.B.L. of said 0.645 acres and also being in the S.B.L. of the Texas Utilities Generating Company called 23.6 acre tract (Save & Except 3 acres, Volume 546 – Page 123, Second Tract) ;

Thence along the N.B.L. of said 0.645 acres and said North R.O.W. line and along the S.B.L. of said 23.6 acres, and with said curve to the left, which has a Central Angle of 20 degrees 50 minutes and 09 seconds, a Radius of 1849.86 feet, and a Chord Bearing of North 64 degrees 59 minutes and 16 seconds East, for a distance of 669.01 feet, to a concrete R.O.W. monument found for corner at the P.T. of said curve;

Thence North 54 degrees 36 minutes and 03 seconds East, along the N.B.L. of said 0.645 acres, the N.B.L. of the above mentioned 0.162 acres, the N.B.L. of the above mentioned 0.260 acres, the S.B.L. of said 23.6 acres, the S.B.L. of the TXU Big Brown Company called 3.020 acre tract (Volume 1362 – Page 874), the S.B.L. of the TXU Big Brown Company called 14.8 acre tract (Volume 1356 – Page 258) and along said North R.O.W. line, for a distance of 1244.30 feet, to a 1/2 inch iron rod set for corner at the N.E.C. of said 0.260 acres;

Thence South 36 degrees 40 minutes and 07 seconds East, along the E.B.L. of said 0.260 acres and the E.B.L. of said 4.152 acres, for a distance of 120.00 feet, to the place of beginning and containing **5.323 acres.**

Bearing Source: Based on control points set by TXU Mining Company

PLAT PREPARED OF EVEN DATE.

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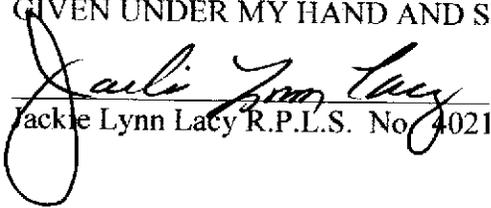
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Field Notes for 5.323 acres cont'd.

I, **JACKIE LYNN LACY**, Registered Professional Land Surveyor No. 4021, do hereby certify that the above field notes were prepared from an actual survey made on the ground under my direction and supervision and from information provided by TXU Real Estate during the month of September, 2006.

GIVEN UNDER MY HAND AND SEAL, this the 12 day of September, 2006.


Jackie Lynn Lacy R.P.L.S. No. 4021