

TEXAS TRANSPORTATION COMMISSION

MONTGOMERY County

MINUTE ORDER

Page 1 of 2

HOUSTON District

In the city of Conroe, MONTGOMERY COUNTY, on INTERSTATE 45, the State of Texas (state) acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 493, Page 111, Deed Records of Montgomery County, Texas.

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

Scott A. Davis (owner), the underlying fee owner, has offered to execute 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, and desires to make a partial donation to the state of the value of the new easement and the construction cost.

V.T.C.A., Transportation Code, Chapter 201, Subchapter D, authorizes the Texas Department of Transportation (department) to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept by majority vote at an open meeting any gift or donation valued at over \$500, and the commission hereby finds that acceptance of the donation will provide a significant public benefit and will not influence or reasonably appear to influence the department in the performance of its duties.

An Agreement Concerning the Donation of Property to the Texas Department of Transportation (donation agreement) will be executed by the owner and tendered to the department for acceptance under the provisions of Title 43, Texas Administrative Code, Chapter 1, Subchapter G, since the value of the new easement to be provided by the owner, which is \$7,422, plus construction costs of \$14,198, totaling \$21,620, exceeds the value of the surplus easement, which is \$20,898.

The owner has offered to execute a conveyance document under the terms of the donation agreement to convey the new easement to the state and has requested that the state's rights and interest in the surplus easement be released.

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 Scott A. Davis in exchange and as full consideration for the partial donation and the conveyance of the new easement to the state.

TEXAS TRANSPORTATION COMMISSION

MONTGOMERY County

MINUTE ORDER

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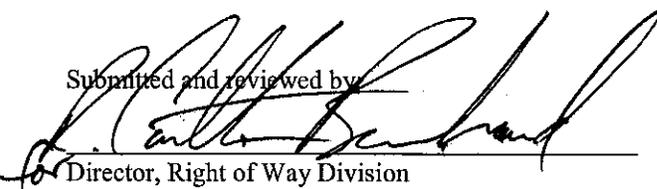
HOUSTON District

IT IS THEREFORE ORDERED by the commission that the executive director is authorized to tender the following proposal to Scott A. Davis:

Provided that the title to the new easement is acceptable to the department and that Scott A. Davis conveys the new easement to the state, then the commission will recommend the conveyance of the surplus easement in accordance with Transportation Code, Chapter 202, Subchapter B. If this provision is satisfied, the commission authorizes the executive director to accept the donation of the new easement, and the executive director or the director's designee is authorized and directed to sign and execute a donation agreement with the owner, in accordance with Title 43, Administrative Code, Chapter 1, Subchapter G.

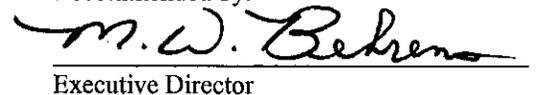
IT IS FURTHER ORDERED in consideration of the foregoing premises and in accordance with Transportation Code, Chapter 202, Subchapter B, the commission hereby finds if and when Scott A. Davis satisfactorily complies with all the conditions of this minute order, the surplus easement is no longer needed 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

**110606 JUN 29 06**

Minute Number      Date Passed

Exhibit   A   Page   1   of   3   Pages

County:           Montgomery  
Highway:          Interstate Highway 45  
Project Limits:   Loop 336 (North) to FM 830  
CSJ:             0675-08-061

### PROPERTY DESCRIPTION FOR TRACT 1E

Being a 0.400 acre (17,415 square feet) of land consisting of a 0.414 acre (18,032 square feet) tract, SAVE AND EXCEPT a 0.014 acre (617 square feet) parcel, all out of the F. J. Cook Survey, Abstract No. 118, Montgomery County, Texas, being a portion of that certain 0.506 acre right-of-way easement tract conveyed from B. Fraser, et al to the State of Texas, by deed dated July 6, 1960, and recorded in Volume 493, Page 111 of the Montgomery County Deed Records (M.C.D.R.) and a portion of the residue of that certain 11.9727 acre tract conveyed from Charles Eugene Campbell to B. J. Atkins, by deed dated December 12, 1996, and recorded under Clerk's File No. 9679321 of the Montgomery County Real Property Records (M.C.R.P.R.), said 0.400 acre being more particularly described by metes and bounds as follows:

COMMENCING at a concrete monument found at the southeast end of a cutback at the intersection of the east right-of-way line of Interstate Highway 45 (IH 45) and the north right-of-way line of League Line Road, being a southwesterly corner of said residue of 11.9727 acre tract;

THENCE, NORTH 39 degrees 04 minutes 13 seconds WEST, a distance of 45.00 feet along said cutback to the POINT OF BEGINNING of the herein described tract;

- 1.) THENCE, NORTH 39 degrees 04 minutes 13 seconds WEST, a distance of 67.00 feet along said cutback to a northwesterly corner of the herein described tract;
- 2.) THENCE, NORTH 50 degrees 55 minutes 47 seconds EAST, a distance of 114.57 feet along the northwest line of said 0.506 acre right-of-way easement tract to a northerly corner of the herein described tract and a point of curvature;
- 3.) THENCE, EASTERLY along the northerly line of said 0.506 acre right-of-way easement tract and a curve to the right through a central angle of 54 degrees 02 minutes 13 seconds, having a radius of 117.00 feet, an arc length of 110.35 feet, and a long chord bearing NORTH 77 degrees 56 minutes 53 seconds EAST, a distance of 106.30 feet to a northerly corner of the herein described tract;

Exhibit   A   Page   2   of   3   Pages

- 4.) THENCE, SOUTH 75 degrees 02 minutes 00 seconds EAST, a distance of 76.13 feet along the northeast line of said 0.506 acre right-of-way easement tract to the northeast corner of the herein described tract;
- 5.) THENCE, SOUTH 15 degrees 30 minutes 35 seconds WEST, a distance of 67.00 feet across said 0.506 acre right-of-way easement tract and along the east line of said 11.9727 acre residue tract and a westerly line of that certain 10.3653 acre tract conveyed from B. J. Atkins to H & D Investments, Ltd., by deed dated December 13, 1996, and recorded under Clerk's File No. 9678447 of the M.C.R.P.R.;
- 6.) THENCE, NORTH 75 degrees 02 minutes 00 seconds WEST, a distance of 75.50 feet along the southwest line of said 0.506 acre right-of-way easement tract to a southerly corner of the herein described tract and a point of curvature;
- 7.) THENCE, WESTERLY along the southerly line of said 0.506 acre right-of-way easement tract and a curve to the left through a central angle of 54 degrees 02 minutes 31 seconds, having a radius of 50.00 feet, an arc length of 47.16 feet, and a long chord bearing SOUTH 77 degrees 56 minutes 53 seconds WEST, a distance of 45.43 feet to a southerly corner of the herein described tract;
- 8.) THENCE, SOUTH 50 degrees 55 minutes 47 seconds WEST, a distance of 114.57 feet along the southeast line of said 0.506 acre right-of-way easement tract to the POINT OF BEGINNING and containing 0.414 acre (18,032 square feet) of land.

**SAVE AND EXCEPT**

Being a 0.014 acre (617 square feet) of land out of the F. J. Cook Survey, Abstract No. 118, Montgomery County, Texas, being a portion of said 0.506 acre right-of-way easement tract and a portion of said 11.9727 acre residue tract, said 0.014 acre being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod found at the southeast corner of said residue of the 11.9727 acre tract, being the southwest corner of said 10.3653 acre tract, and lying in the north right-of-way line of League Line Road (width varies);

THENCE, NORTH 72 degrees 10 minutes 15 seconds WEST, a distance of 9.68 feet along said north right-of-way line of League Line Road to a Texas Department of Transportation (TxDOT) aluminum disk set on a 5/8-inch iron rod, hereinafter referred to as disk set;

Exhibit A Page 3 of 3 Pages

THENCE, NORTH 15 degrees 32 minutes 09 seconds EAST, a distance of 146.59 feet to a disk set at the POINT OF BEGINNING and most southerly corner of the herein described save and except parcel, being in the south line of said 0.506 acre right-of-way easement tract;

- 1.) THENCE, NORTH 75 degrees 02 minutes 00 seconds WEST, a distance of 20.03 feet along said south line of the 0.506 acre right-of-way easement tract to a disk set at the southwest corner of the herein described save and except parcel;
- 2.) THENCE, NORTH 15 degrees 39 minutes 08 seconds EAST, a distance of 15.39 feet to a disk set at the northwest corner of the herein described save and except parcel;
- 3.) THENCE, NORTH 79 degrees 42 minutes 36 seconds EAST, a distance of 32.91 feet to a disk set in the common line between said 10.3653 acre tract and said residue of the 11.9727 acre tract at the northeast corner of the herein described save and except parcel;
- 4.) THENCE, SOUTH 15 degrees 30 minutes 35 seconds WEST, a distance of 22.22 feet along said common line to a disk set at a southeasterly corner of the herein described save and except parcel;
- 5.) THENCE, SOUTH 79 degrees 42 minutes 36 seconds WEST, a distance of 10.69 feet to a disk set at an interior corner of the herein described save and except parcel;
- 6.) THENCE, SOUTH 15 degrees 32 minutes 09 seconds WEST, a distance of 2.65 feet to the POINT OF BEGINNING and containing 0.014 acre (617 square feet) of land.

**AREA SUMMARY**

Total Tract	0.414 Acre	(18,032 square feet)
<u>Save and Except Parcel</u>	<u>0.014 Acre</u>	<u>( 617 square feet)</u>
Net Acreage	0.400 Acre	(17,415 square feet)



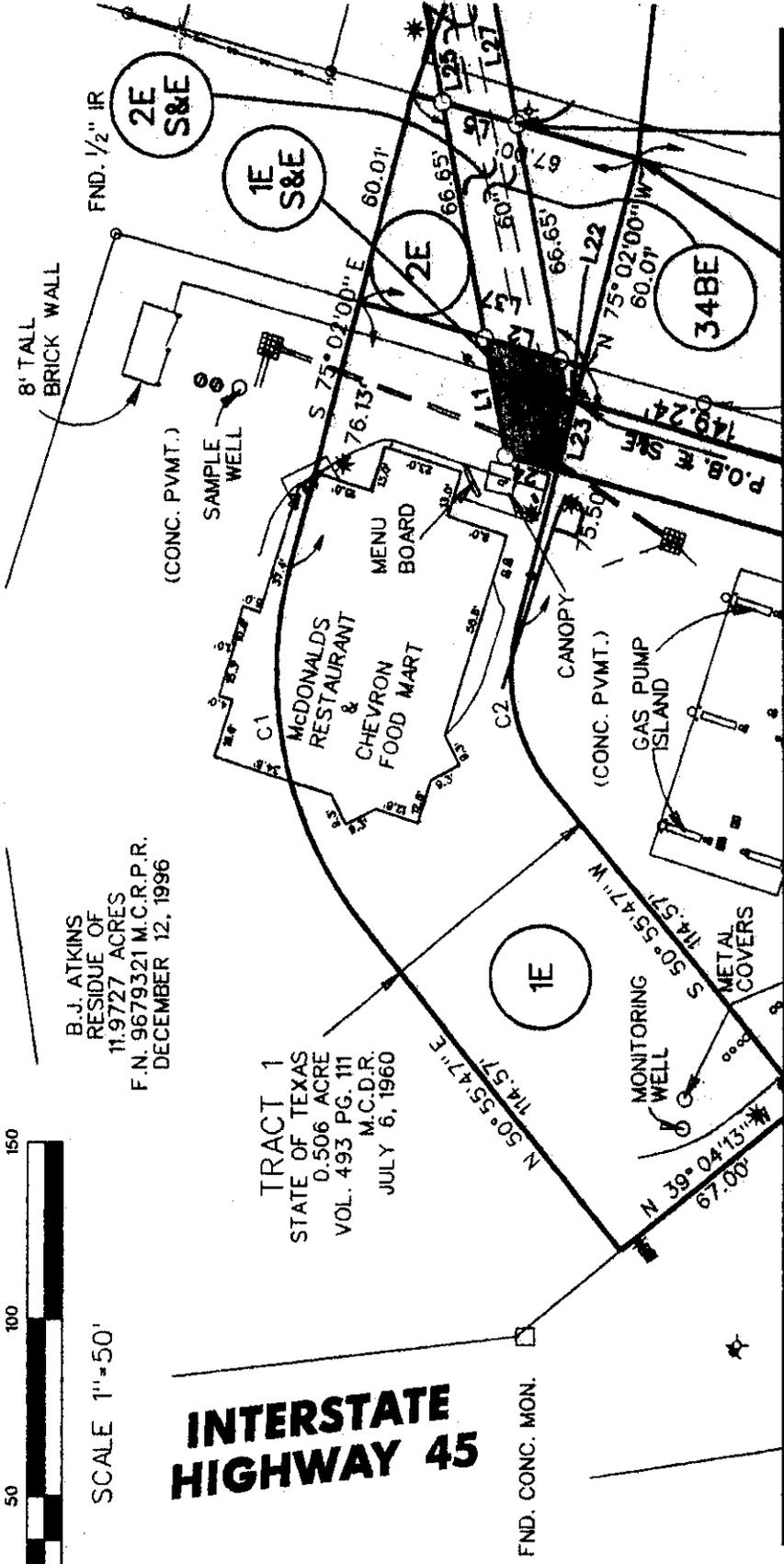


SCALE 1"=50'

B.J. ATKINS  
RESIDUE OF  
11.9727 ACRES  
F.N. 9679321 M.C.R.P.R.  
DECEMBER 12, 1996

TRACT 1  
STATE OF TEXAS  
0.506 ACRE  
VOL. 493 PG. 111  
M.C.D.R.  
JULY 6, 1960

**INTERSTATE  
HIGHWAY 45**



MATCHLINE "A"

○ - DENOTES A TxDOT ALUMINUM DISK SET ON A 5/8" IRON ROD

Tract No. 1E

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD	DIRECTION	CHORD LENGTH
C1	54° 02' 13"	117.00	110.35	N 77° 56' 53" E	106.30	
C2	54° 02' 31"	50.00	47.16	S 77° 56' 53" W	45.43	

NUMBER	DIRECTION	RADIUS	ARC LENGTH	CHORD	DIRECTION	DISTANCE
L1	N 79° 42' 36" E	32.91'	32.91'			32.91'
L2	S 15° 30' 35" W	22.22'	22.22'			22.22'
L3	S 79° 42' 36" W	10.69'	10.69'			10.69'
L22	S 15° 32' 09" W	2.65'	2.65'			2.65'
L23	N 75° 02' 00" W	20.03'	20.03'			20.03'
L24	N 15° 39' 08" E	15.39'	15.39'			15.39'
L37	S 15° 30' 35" W	67.00'	67.00'			67.00'

**RIGHT OF WAY SKETCH**  
SHOWING PROPERTY OF

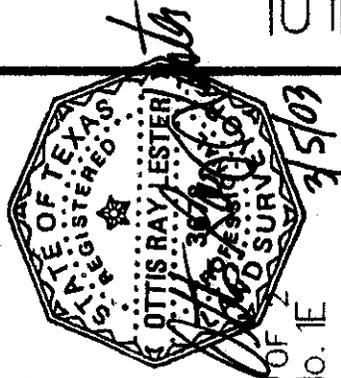
**B.J. ATKINS**

CSJ:0675-08-061  
INTERSTATE HIGHWAY 45  
MONTGOMERY COUNTY, TEXAS  
S&V SURVEYING INC.



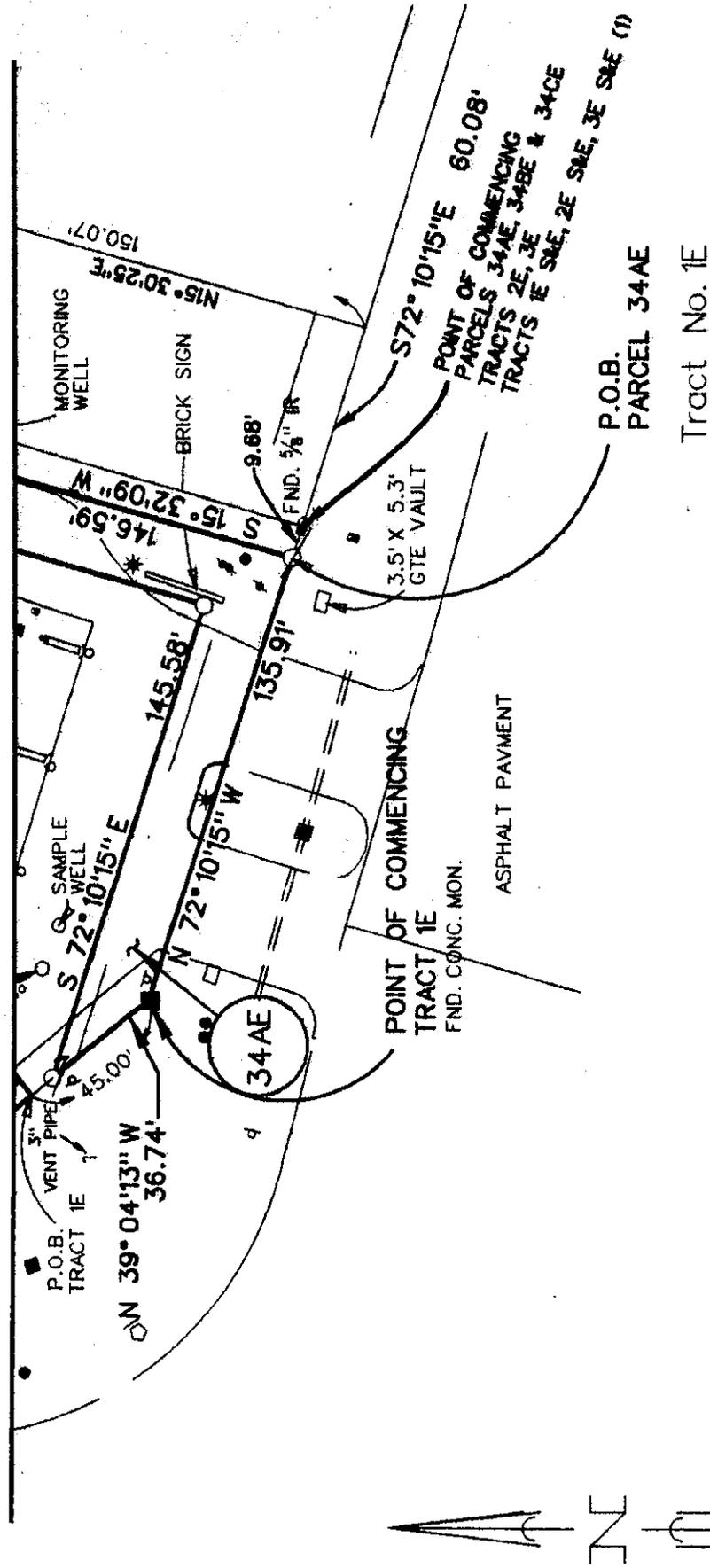
SCALE: 1"=50'

MARCH, 2003



SHEET 1 OF 2  
Tract No. 1E

MATCHLINE "A"



O - DENOTES A TxDOT ALUMINUM DISK SET ON A 5/8" IRON ROD

# RIGHT OF WAY SKETCH

SHOWING PROPERTY OF

**B.J. ATKINS**

CSJ:0675-08-061

INTERSTATE HIGHWAY 45  
MONTGOMERY COUNTY, TEXAS

S&V SURVEYING INC.



SCALE: 1"=50'

MARCH, 2003

SHEET 2 OF 2  
Tract No. 1E

Exhibit   B   Page   1   of   2   Pages

County:           Montgomery  
Highway:         Interstate Highway 45  
Project Limits:  Loop 336 (North) to FM 830  
CSJ:             0675-08-061

**PROPERTY DESCRIPTION FOR PARCEL 34AE**

Being 0.142 acre (6,185 square feet) of land out of the F. J. Cook Survey, Abstract No. 118, Montgomery County, Texas, being a portion of the residue of that certain 11.9727 acre tract conveyed from Charles Eugene Campbell to B. J. Atkins, by deed dated December 12, 1996, and recorded under Clerk's File No. 9679321 of the Montgomery County Real Property Records (M.C.R.P.R.); said 0.142 acre being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod found at the southeast corner of said residue of the 11.9727 acre tract, and being the southwest corner of that certain 10.3653 acre tract conveyed from B. J. Atkins to H & D I. H. 45 Investments, Ltd, by deed dated December 13, 1996, and recorded under Clerk's File No. 9678447 of the M.C.R.P.R., and lying in the north right-of-way line of League Line Road (width varies);

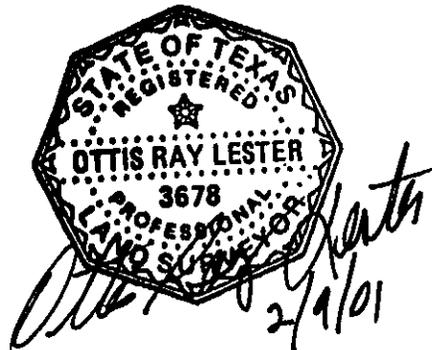
THENCE, NORTH 72 degrees 10 minutes 15 seconds WEST, a distance of 9.68 feet along said north right-of-way line of League Line Road to a Texas Department of Transportation (TxDOT) aluminum disk set on a 5/8-inch iron rod, hereinafter referred to as disk set, and being the POINT OF BEGINNING of the herein described parcel;

- 1.) THENCE, NORTH 72 degrees 10 minutes 15 seconds WEST, a distance of 135.91 feet continuing along said north right-of-way line of League Line Road to a concrete monument found at the south end of a cutback between said north right-of-way line of League Line Road and the east right-of-way line of Interstate Highway 45, being a southerly corner of said residue of the 11.9727 acre tract, and a southwesterly corner of the herein described parcel;
- 2.) THENCE, NORTH 39 degrees 04 minutes 13 seconds WEST, a distance of 36.74 feet along said cutback to a disk set at the most westerly corner of the herein described parcel;
- 3.) THENCE, SOUTH 72 degrees 10 minutes 15 seconds EAST, a distance of 145.58 feet to a disk set for corner of the herein described parcel;

Exhibit B Page 2 of 2 Pages

- 4.) THENCE, NORTH 15 degrees 39 minutes 08 seconds EAST, a distance of 140.89 feet to a disk set for corner of the herein described parcel;
- 5.) THENCE, NORTH 79 degrees 42 minutes 36 seconds EAST, a distance of 32.91 feet to a disk set in the common line between said 10.3653 acre tract and said residue of the 11.9727 acre tract for corner of the herein described parcel;
- 6.) THENCE, SOUTH 15 degrees 30 minutes 35 seconds WEST, a distance of 22.22 feet along said common line to a disk set for corner of the herein described parcel;
- 7.) THENCE, SOUTH 79 degrees 42 minutes 36 seconds WEST, a distance of 10.69 feet to a disk set for interior corner of the herein described parcel;
- 8.) THENCE, SOUTH 15 degrees 32 minutes 09 seconds WEST, a distance of 149.24 feet to the POINT OF BEGINNING and containing 0.142 acre of land (6,185 square feet).

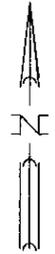
NOTE: A parcel plat was prepared to accompany this field note description.



F.J. COOK SURVEY, A-118  
MONTGOMERY COUNTY, TEXAS

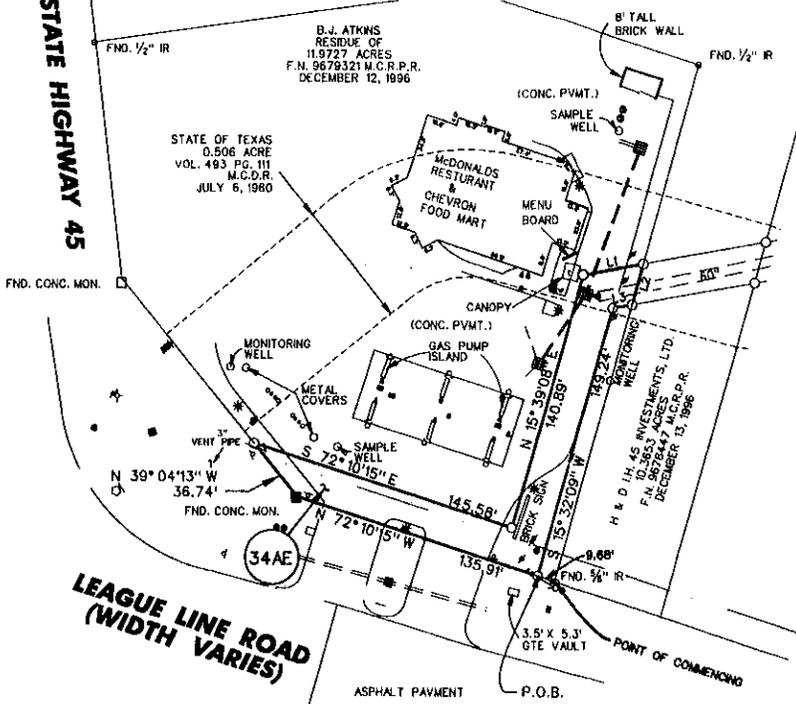


SCALE 1"=50'



NUMBER	DIRECTION	DISTANCE
L1	N 79° 42' 36" E	32.81'
L2	S 15° 30' 35" W	22.22'
L3	S 78° 42' 36" W	10.89'

INTERSTATE HIGHWAY 45



TEX'S STAR CAFE-FRISCO, LTD.  
1.1855 ACRE  
F.N. 98101979 M.C.R.P.R.  
DECEMBER 22, 1996



O - DENOTES A TYPED ALUMINUM DISK SET ON A 3/4" IRON ROD

LEAGUE LINE ROAD  
(WIDTH VARIES)

ASPHALT PAVMENT

P.O.B.

EXISTING	TAKING	REMAINDER
1.607 AC	0.142 AC	1.465 AC
	6,185 S.F.	

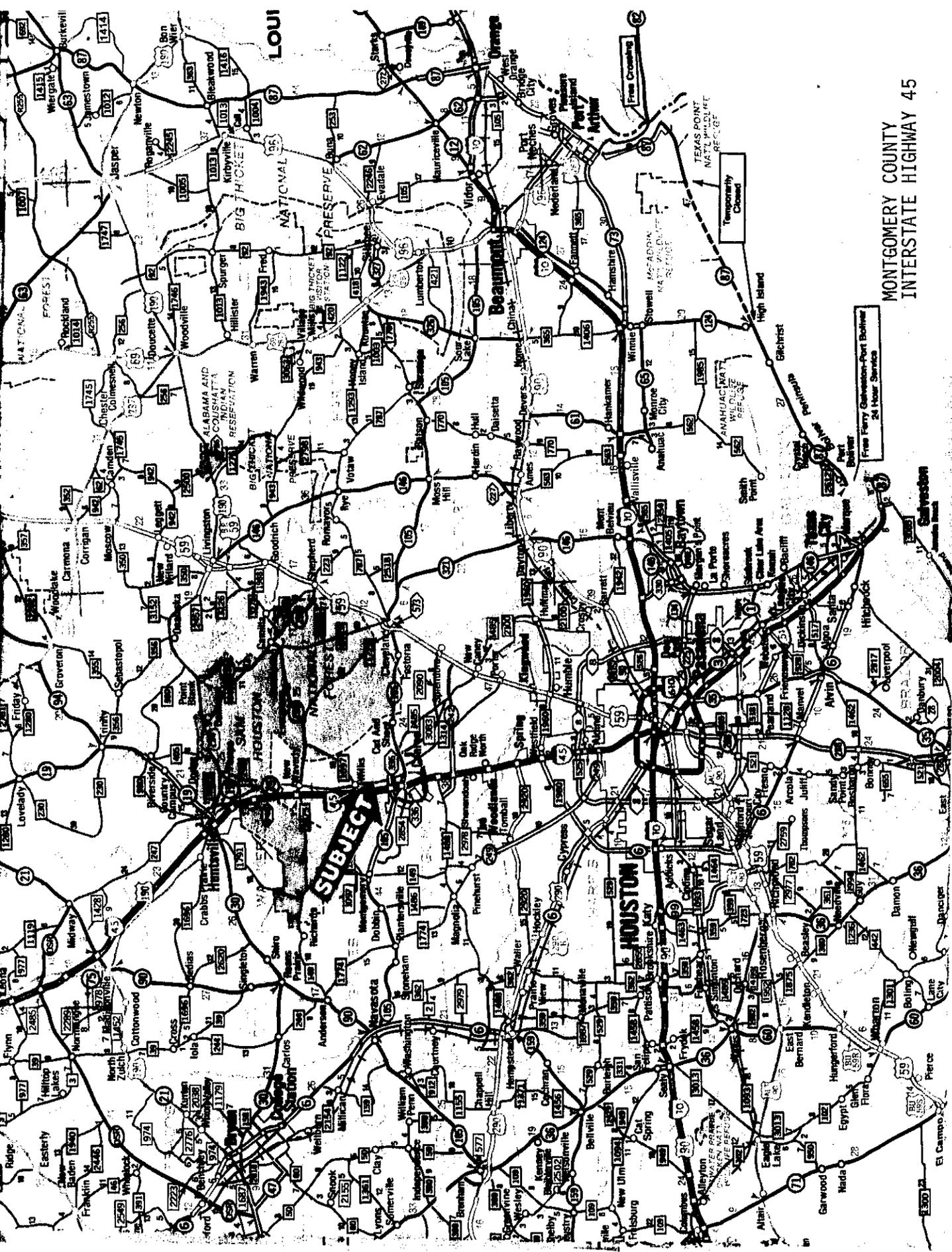
RIGHT OF WAY SKETCH  
SHOWING PROPERTY OF

B.J. ATKINS  
CSJ:0675-08-061  
INTERSTATE HIGHWAY 45  
MONTGOMERY COUNTY, TEXAS

**SV** S&V SURVEYING INC.  
SCALE: 1"=50' NOVEMBER, 2000

ACCOUNT NO.

SHEET 1 OF 1  
Parcel No. 34AE



MONTGOMERY COUNTY  
INTERSTATE HIGHWAY 45