

TEXAS TRANSPORTATION COMMISSION

FAYETTE County

MINUTE ORDER

Page 1 of 1

YOAKUM District

In the city of Schulenburg, FAYETTE COUNTY, on INTERSTATE 10, 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.

W.H.K. Family Interest Partnership, Ltd. (WHK), owner of a 27.57 acre tract of land conveyed by deed recorded in Volume 1302, Page 786, Official Records of Fayette County, Texas (WHK Tract), is the landowner abutting the property line along which access is proposed to be released and has requested that the state release the surplus access rights to WHK in consideration of WHK's constructing an extension of the frontage road along the WHK Tract. The estimated value of the frontage road extension is \$248,000.

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

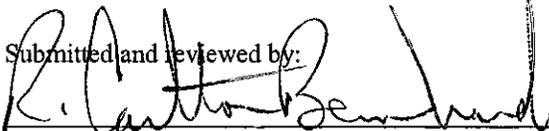
The Texas Department of Transportation has determined that the release of the surplus access rights is not expected to compromise the safety or add traffic volume in an amount to exceed the capacity of the existing highway.

It is the opinion of the commission that it is proper and correct that the state release the surplus access rights to WHK in consideration of WHK's constructing an extension of the frontage road along the WHK Tract.

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 WHK in consideration of WHK's constructing an extension of the frontage road along the WHK Tract.

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

Submitted and reviewed by:

  
Director, Right of Way Division

Recommended by:

  
Executive Director

**110637 JUL 27 06**

Minute  
Number

Date  
Passed

County: Fayette  
Highway: I.H. 10  
ROW CSJ: 0535-07-004

TRACT 1AC  
ACCESS LINE DESCRIPTION

Being an "Access Line", situated in the Ignacio Almansur League, A-120, in Fayette County, Texas, delineating a permitting of access to the transportation facility from the adjacent property along the common boundary of Interstate Highway 10 described as 22.704 acres in a right-of-way deed from Agnes R. Steinmann to the State of Texas dated May 31, 1965 and recorded in Volume 369, Page 566 of the Deed Records of Fayette County, and the following adjacent tract:

60 foot wide street designated "Schulenburg Corporate Drive" on the plat of "Schulenburg Corporate Park Subdivision" as recorded in Plat Cabinet 1, Slides 158 and 159 of the Fayette County Plat Records, said street being a part of that tract described as 27.57 acres in a deed from Navidad Creek, Inc. to W.H.K. Family Interests Partnership, Ltd. dated March 7, 2005 and recorded in Volume 1302, Page 786 of the Official Records of Fayette County;

said "Access Line" being more particularly described by metes and bounds as follows;

Commencing at a point in the South right-of-way line of Interstate Highway 10 for the most Southerly Southwest corner of said 22.704 acre State of Texas right-of-way tract and the original Northwest corner of the (called) 34.06 acre Navidad Creek, Inc. tract (Vol. 1040, Pg. 310 Fayette County Official Records), from which a concrete right-of-way marker found bears South 78 degrees 53 minutes 53 seconds West, 1,303.74 feet, a 5/8" iron rod found bears North 01 degree 38 minutes 30 seconds West, 1.59 feet, and a 5/8" iron rod found for the existing Southwest corner of the Navidad Creek, Inc. residual tract and the most Southerly Northwest corner of the 23.672 acre "Reserve A" of said "Schulenburg Corporate Park Subdivision" bears South 01 degree 38 minutes 30 seconds East, 1,320.11 feet, said **Place of Commencement** being 230.00 feet right of centerline Station

EXHIBIT "A"

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1032+03.74 and having surface coordinates of North = 13,807,844.05 feet and East = 2,637,652.79 feet;

Thence North 78 degrees 53 minutes 53 seconds East, along said South right-of-way line, at 125.00 feet passing 1/2" iron rod set for the East end of the existing "Access Line" and the West end of the existing "Control of Access Line", at 214.80 feet passing the Northeast corner of the residual of said Navidad Creek, Inc. tract and the most Northerly Northwest corner of said W.H.K. Family Interests Partnership, Ltd. "RESERVE A" tract, and continuing for a total distance of 562.54 feet to an "X" set in a concrete sidewalk, 230.00 feet right of centerline Station 1037+66.28, for the most Northerly Northeast corner of said "RESERVE A", the Northwest corner of said "Schulenburg Corporate Drive", the West end of the new "Access Line" herein described and the **PLACE OF BEGINNING**;

- 1) Thence North 78 degrees 53 minutes 53 seconds East, 60.97 feet along said South right-of-way line to an "X" set in a concrete sidewalk, 230.00 feet right of centerline Station 1038+27.25, for the Northeast corner of said "Schulenburg Corporate Drive", the Northwest corner of the 4.053 acre "LOT 1" of said "Schulenburg Corporate Park Subdivision" and the East end of the new "Access Line" herein described.

**ACCESS IS PERMITTED ACROSS THIS "ACCESS LINE".**

NOTE: Bearings used herein are "GRID" based on the Texas State Plane Coordinate System - South Central Zone - NAD 83(HARN). Distances and coordinates are "SURFACE". Multiply by combined factor of 0.999865936 to convert to "GRID" values. Convergence = +01 degree 01 minutes 59 seconds.

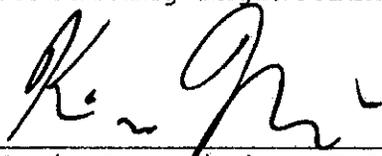
NOTE: A plat of even date herewith accompanies this description.

**SEE CERTIFICATION NEXT PAGE**

I, Kevin Von Minden, a Registered Professional Land Surveyor, do hereby certify that the legal description hereon and the accompanying plat represent an actual survey made on the ground under my supervision.

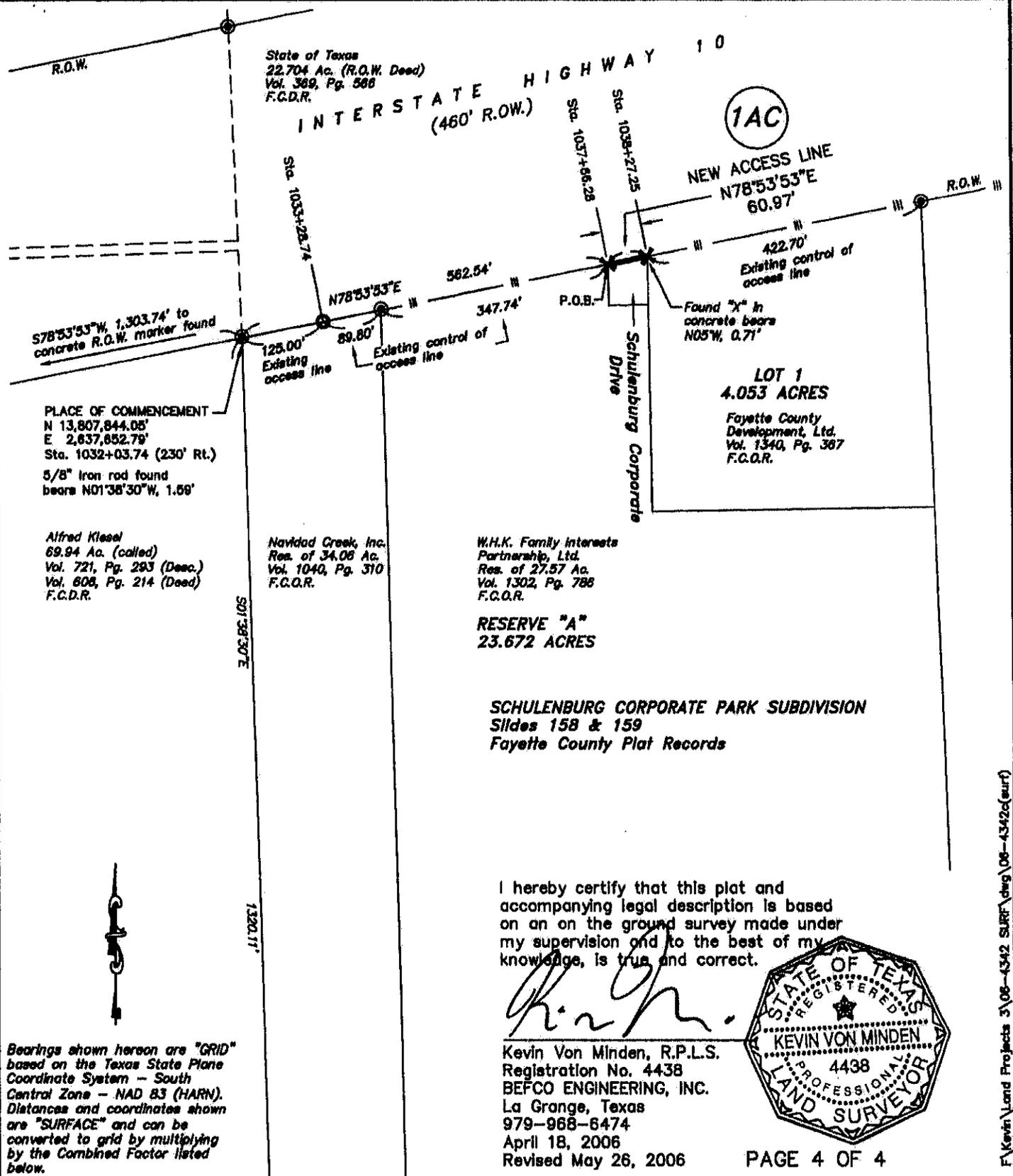
BEFCO ENGINEERING, INC.

Consulting Engineering & Land Surveying



Kevin Von Minden, R.P.L.S.  
Registration No. 4438  
April 18, 2006  
Revised May 26, 2006  
BEFCO Job No. 06-4342(1AC) (c)





State of Texas  
22.704 Ac. (R.O.W. Deed)  
Vol. 389, Pg. 588  
F.C.D.R.

INTERSTATE HIGHWAY 10  
(460' R.O.W.)

1AC

NEW ACCESS LINE  
N78°53'53"E  
60.97'

422.70'  
Existing control of  
access line

Found "x" in  
concrete bears  
N05°W, 0.71'

LOT 1  
4.053 ACRES  
Fayette County  
Development, Ltd.  
Vol. 1340, Pg. 387  
F.C.D.R.

PLACE OF COMMENCEMENT  
N 13,807,844.05'  
E 2,637,852.79'  
Sta. 1032+03.74 (230' Rt.)  
5/8" Iron rod found  
bears N01°38'30"W, 1.59'

Alfred Kiesel  
69.94 Ac. (called)  
Vol. 721, Pg. 293 (Deed.)  
Vol. 608, Pg. 214 (Deed)  
F.C.D.R.

Navidad Creek, Inc.  
Res. of 34.08 Ac.  
Vol. 1040, Pg. 310  
F.C.D.R.

W.H.K. Family Interests  
Partnership, Ltd.  
Res. of 27.57 Ac.  
Vol. 1302, Pg. 788  
F.C.D.R.

RESERVE "A"  
23.672 ACRES

SCHULENBURG CORPORATE PARK SUBDIVISION  
Slides 158 & 159  
Fayette County Plat Records

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

*Kevin Von Minden*

Kevin Von Minden, R.P.L.S.  
Registration No. 4438  
BEFCO ENGINEERING, INC.  
La Grange, Texas  
979-968-6474  
April 18, 2006  
Revised May 26, 2006



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Bearings shown hereon are "GRID"  
based on the Texas State Plane  
Coordinate System - South  
Central Zone - NAD 83 (HARN).  
Distances and coordinates shown  
are "SURFACE" and can be  
converted to grid by multiplying  
by the Combined Factor listed  
below.

Convergence = +01°01'59"  
Combined Factor = 0.999865936

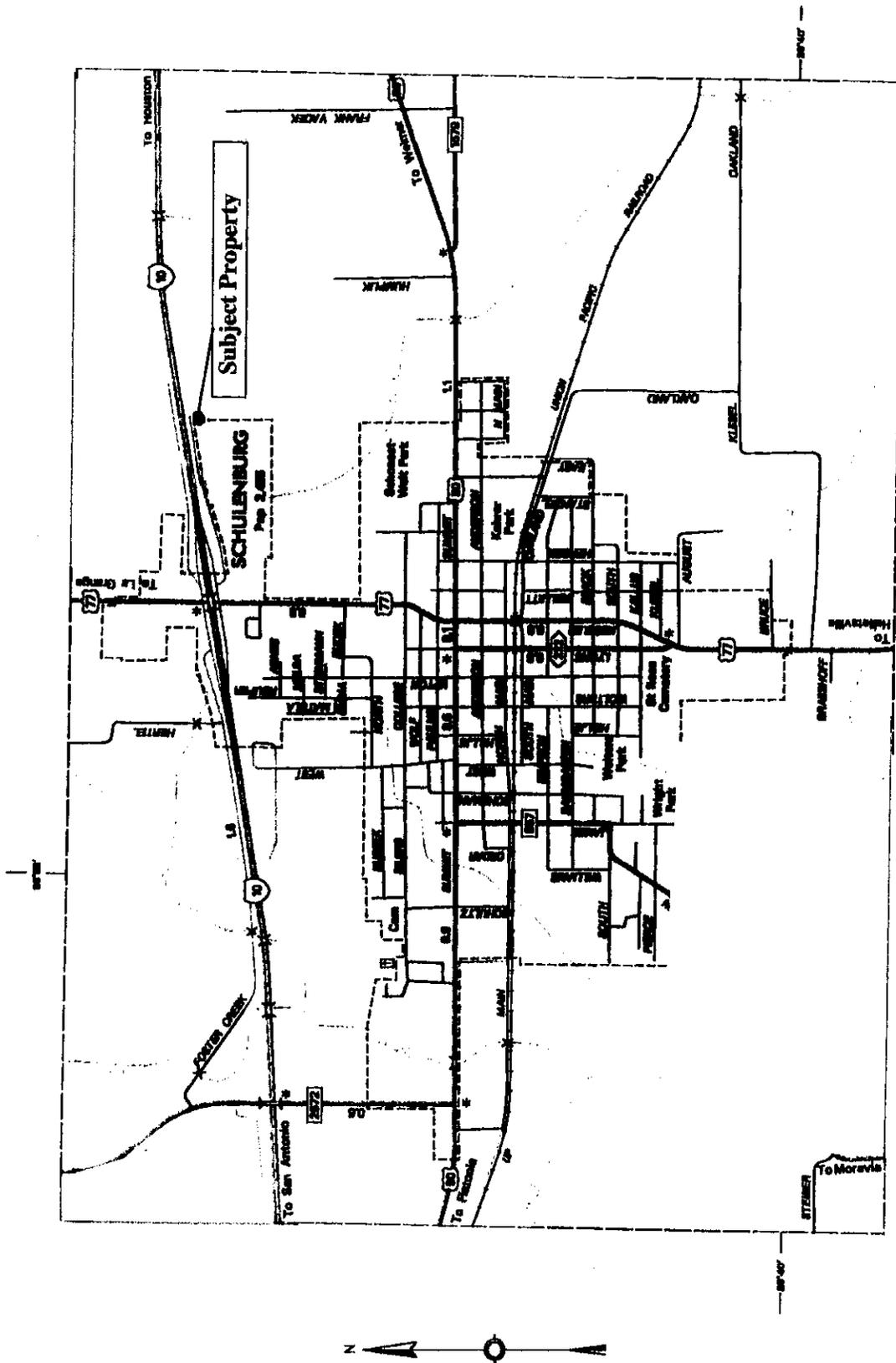
LEGEND

- - 1/2" Iron rod found (unless noted)
- - 1/2" Iron rod set
- X - "X" set in concrete sidewalk
- | — - Access is permitted across this line
- || — - Control of access line (Access denied)

Field Book 366 - BEFCO Job No. 06-4342

TRACT 1AC  
INTERSTATE HIGHWAY 10  
IGNACIO ALMANSUR LEAGUE, A-120  
FAYETTE COUNTY, TEXAS  
May 26, 2006  
C.S.J. 0535-07-004  
Scale - 1" = 200'

F:\Kevin\Land Projects\3\06-4342 SURR\dwg\06-4342c(aur)



FAYETTE COUNTY  
INTERSTATE 10