

TEXAS TRANSPORTATION COMMISSION

AUSTIN County

MINUTE ORDER

Page 1 of 1

YOAKUM District

In the city of Bellville, AUSTIN COUNTY, on STATE HIGHWAY 36, the State of Texas (state) acquired certain land for a maintenance site by instrument recorded in Volume 231, Page 182, Deed Records of Austin County, Texas.

The land (surplus land), described in Exhibit A, is no longer needed for a state highway purpose. Part of the surplus land includes the surface only of the access easement described in Exhibit B. The access easement will be reserved in the conveyance instrument recommended by this minute order.

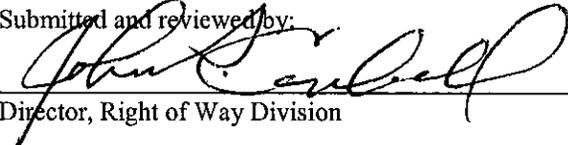
In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Department of Transportation advertised the surplus land for sale.

W.T. Byler Holdings Company, L.P., submitted a bid of \$41,100, which was the only bid received.

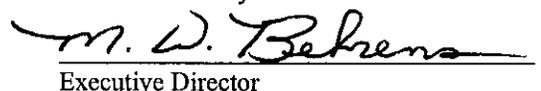
The Texas Transportation Commission (commission) finds \$41,100 to be a fair and reasonable value of the state's rights, title and interest in the surplus land.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument conveying all of the state's rights, title and interest in the surplus land to W.T. Byler Holdings Company, L.P., for \$41,100 with reservation of the access easement; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, 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

110710 SEP 28 06

Minute Number Date Passed



ALEXANDER SURVEYING
LAND SURVEYORS

OWNER: STATE OF TEXAS

EXHIBIT A

BUYER: W. T. BYLER HOLDINGS COMPANY, L.P.

1.300 ACRES

ALL THAT TRACT OR PARCEL OF LAND consisting of 1.300 Acres located in the Benjamin Babbitt 3/4 League, A-13, "City of Bellville", Austin County, Texas. Subject tract being that called 1.305 Acre tract that is described in a Deed to the State of Texas as recorded in Volume 231, Page 182 of the Deed Records of Austin County, Texas. Said tract consisting of 1.300 Acres and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set at the intersection of the Northeast Right-of-way of Main Street (State Highway 36) and the Northwest Right-of-way of North Chesley Street (Public Road, 70 ft. R.O.W.) and being the Southeast corner of the 1.305 Acre tract mentioned above and the Southeast corner of the herein described tract;

THENCE N 47d 00' 00" W, with the North Right-of-way of Main Street a distance of 158.10 ft. (Called N 47d W, 158.70 ft.) to a point in concrete at an existing fence corner post and being the Southeast corner of the 1.995 Acre tract described in a Deed to W. T. Byler Holdings Company, L.P. as recorded in File# 054248 of the Official Records of Austin County, Texas and the Southwest corner of the 1.305 Acre parent tract and the Southwest corner of the herein described tract;

THENCE N 44d 10' 25" E, with the common line with said 1.995 Acre adjoining tract and generally with an existing fence line, a distance of 325.50 ft. (Called N 44d 10' E, 325.50 ft.) to a 1/2" iron rod set for the called North corner of the 1.305 Acre parent tract and being the North corner of the herein described tract. From said rod, the East corner of the 1.995 Acre adjoining tract being referenced by a point in an existing fence corner post, brs. N 44d 10' 25" E, 41.56 ft.;

THENCE S 77d 00' 00" E, with the common line with a portion of the 5.623 Acre tract described as a Lease Tract to the State of Texas as recorded in Volume 239, Page 133 D.R.A.C.T. and said tract being a portion of the Chesley Tract as recorded in Volume "R", Page 121 D.R.A.C.T., a distance of 172.52 ft. (Called S 77d E, 173.40 ft.) to a 1/2" iron rod set in the Northwest Right-of-way of North Chesley Street and being the Northeast corner of the herein described tract;

October 3, 2005
W.O.# 5329

Page 1 of 2



ALEXANDER SURVEYING
LAND SURVEYORS

OWNER: STATE OF TEXAS

BUYER: W. T. BYLER HOLDINGS COMPANY, L.P.

1.300 ACRES (continued)

THENCE S 42d 43' 06" W, with the Northwest Right-of-way of North Chesley Street, a distance of 411.70 ft. (Called Brg. S 42d 44' W, No distance stated) to the **PLACE OF BEGINNING** and containing 1.300 Acres.

NOTES: Bearings shown hereon are based upon the Called Bearing of N 47d 00' 00" W, along the North Right-of-way of West Main Street as stated in File# 054248 O.R.A.C.T.

Reference is hereby made to plat, of the subject tract, prepared this day.

October 3, 2005
W.O.# 5329

Glen S. Alexander
Registered Professional Land Surveyor, #4194



Page 2 of 2



STATE OF TEXAS

EXHIBIT B

0.390 ACRES

(50 FT. STRIP)

ALL THAT TRACT OR PARCEL OF LAND consisting of 0.390 Acres or a 50 ft. Strip located in the Benjamin Babbitt 3/4 League, A-13, "City of Bellville", Austin County, Texas. Subject tract being a portion of the called 1.305 Acre tract that is described in a Deed to the State of Texas as recorded in Volume 231, Page 182 of the Deed Records of Austin County, Texas. Said tract also being a portion of the 1.300 Acre tract that has been surveyed and described this day. Said tract consisting of a 50 ft. wide Strip or 0.390 Acres and being more particularly described as follows:

BEGINNING at a point in concrete in the North Right-of-way of Main Street (State Highway 36) and being the Southeast corner of the 1.995 Acre tract described in a Deed to W. T. Byler Holdings Company, L.P. as recorded in File# 054248 of the Official Records of Austin County, Texas and being the Southwest corner of the 1.305 Acre tract mentioned above and the Southwest corner of the 1.300 Acre tract, for the Southwest corner of the herein described tract;

THENCE N 44d 10' 25" E, with the common line with said 1.995 Acre adjoining tract, a distance of 325.50 ft. (Called N 44d 10' E, 325.50 ft.) to a 1/2" iron rod set for the Northwest corner of the 1.300 Acre tract and being the Northwest corner of the herein described tract. From said rod, the East corner of the 1.995 Acre adjoining tract being referenced by a point in an existing fence corner post, brs. N 44d 10' 25" E, 41.56 ft.;

THENCE S 77d 00' 00" E, with the common line with a portion of the 5.623 Acre Lease Tract to the State of Texas as recorded in Volume 239, Page 133 D.R.A.C.T. and said area being a portion of the Chesley Tract as recorded in Volume "R", Page 121 D.R. A.C.T. and with the common line with the 1.300 Acre tract mentioned above, a distance of 58.44 ft. (Called Brg. S 77d E) to a 1/2" iron rod set for the Northeast corner of the herein described tract;

THENCE S 44d 10' 25" W, parallel and 50.00 ft Southeast of the North or Northwest line of the parent tract, a distance of 354.72 ft. (No Call) to a 1/2" iron rod set in the North

October 3, 2005
W.O.# 5329

Page 1 of 2



ALEXANDER SURVEYING
LAND SURVEYORS

STATE OF TEXAS

0.390 ACRES

(50 FT. STRIP) (continued)

Right-of-way of Main Street and being the Southeast corner of the herein described tract;

THENCE N 47d 00' 00" W, with the North Right-of-way of Main Street a distance of 50.01 ft. (Called Brg. N 47d W) to the **PLACE OF BEGINNING** and containing a 50.00 ft. wide Strip or 0.390 Acres.

NOTES: Bearings shown hereon are based upon the Called Bearing of N 47d 00' 00" W, along the North Right-of-way of West Main Street as stated in File# 054248 O.R.A.C.T.

Reference is hereby made to plat, of the subject tract, prepared this day.

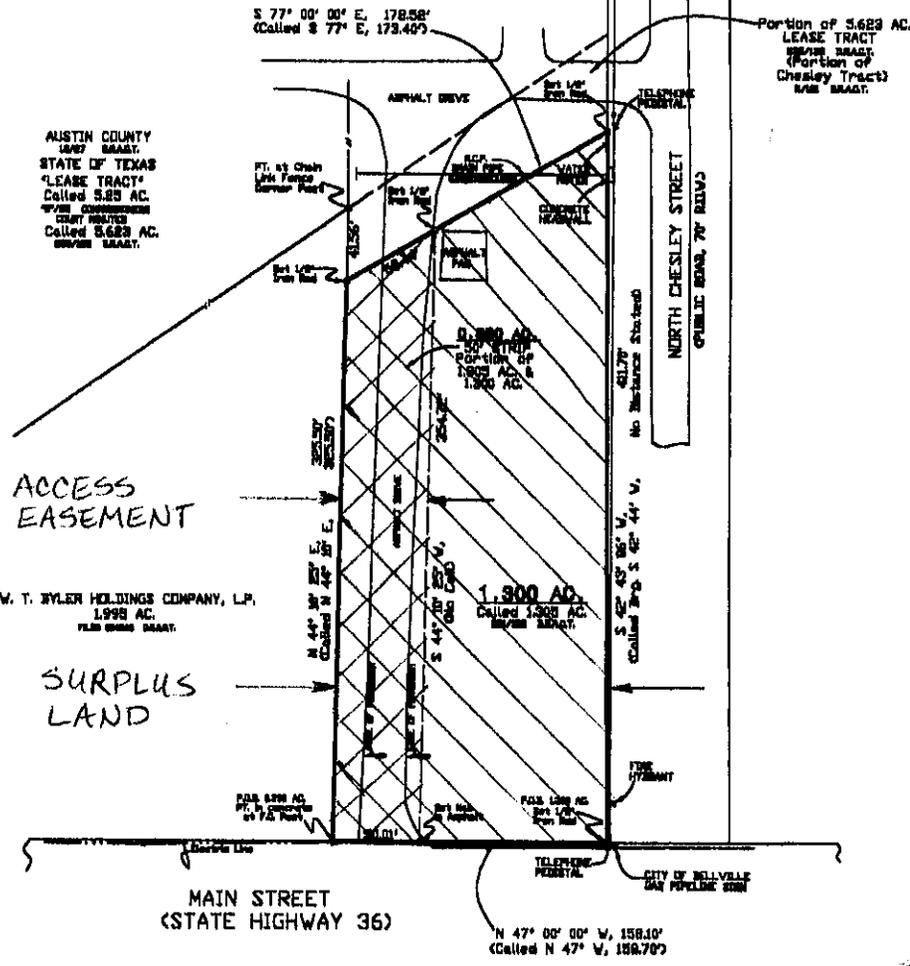
October 3, 2005
W.O.# 5329

Glen S. Alexander
Registered Professional Land Surveyor, #4194



Page 2 of 2

**BENJAMIN BABBITT 3/4 LEAGUE
A-18
'CITY OF BELLVILLE'
AUSTIN COUNTY, TEXAS**



AUSTIN COUNTY
1987 GRANT
STATE OF TEXAS
LEASE TRACT
Called 5.63 AC.
THIS CONVEYANCE
COURT ORDERED
Called 5,629 AC.
LEASE TRACT.

W. T. BYLER HOLDINGS COMPANY, L.P.
1,998 AC.
FILED 0888 GRANT.

- NOTED 1.) The tract of land shown hereon lies within Zone "X" (Areas determined to be outside the 100-year floodplain) of the Flood Hazard Zone according to the FEMA Flood Insurance Rate Map 48038C 0188C, effective date January 17, 1995.
- 2.) Bearings shown hereon are based on the Called Bearing of N 47° 00' 00" W, along the North Right-of-way of West Main Street as stated in File 084848 GRANT.
- 3.) Reference is hereby made to notes and bounds description, of the subject tract, prepared this day.



I, Glen S. Alexander, Registered Professional Land Surveyor, do hereby certify that the plat and/or the description shown hereon accurately represents the results of an on the ground survey made under my direction and supervision on October 3, 2003 and all corners and bearings are shown hereon. There are no conflicts, provisions or statements apparent on the ground, except as shown and/or noted hereon.

This survey was performed in connection with the transaction described in 08, No. 64184 and is certified for that transaction only.

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

Glen S. Alexander - Registered Professional Land Surveyor, 64184

OWNER: STATE OF TEXAS BUYER: W. T. BYLER HOLDINGS COMPANY, L.P.			
ALEXANDER SURVEYING 100 E. Lake Street, P. O. Box 204 Pecos, TX 79772-0204 Fax 325-232-2000			
Glen S. Alexander	County: AUSTIN	Field Crew	E.V.
R.P.L.S. No. 64184	Survey: BENJAMIN BABBITT 3/4 LEAGUE, A-18	Consultation	G.A.
Deleachungh S. Rook	City: BELLVILLE	Drafting	J.C.
Update	Addition	AR VOL 14, PG 49	Work Order: 5329