

TEXAS TRANSPORTATION COMMISSION

MIDLAND County

MINUTE ORDER

Page 1 of 1

ODESSA District

In MIDLAND COUNTY, on STATE HIGHWAY 349 RELIEVER ROUTE from SH 158 to Martin County line, the Texas Department of Transportation (department) is acquiring the right of way for a highway improvement project.

V.T.C.A., Transportation Code, §201.206, authorizes the 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 a gift or donation valued at \$500 or more by majority vote at an open meeting.

Clarence Scharbauer, Jr. (owner) is the owner of the property described in Exhibit A. The owner wants to make a partial donation of this property to the department for construction of a highway improvement project. The land (including improvements) has an estimated value of \$87,216. This is a partial donation inasmuch as the owner is willing to donate the land and improvement value, but has requested to be compensated for the cost of reestablishing fences associated with the remainder tracts that will still be owned by the owner. Such re-fencing costs have been established to be \$30,441.

The owner is not subject to department regulations or oversight, or interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department.

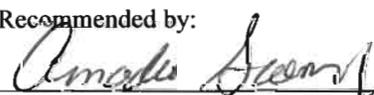
A partial donation agreement has been executed by the owner and tendered to the department for acceptance under Title 43, Texas Administrative Code, §1.504.

IT IS THEREFORE ORDERED by the commission that (1) the commission has determined that acceptance of this donation would provide a significant public benefit, and would not influence or reasonably appear to influence the department in the performance of its duties, and (2) the executive director is hereby authorized to accept the donation of real property, as described in Exhibit A, 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, TAC, §1.504.

Submitted and reviewed by:


Director, Right of Way Division

Recommended by:


Executive Director

111122 OCT 25 07

Minute
Number

Date
Passed

County of: Midland
Highway: SH 349
CCSJ: 0380-18-001
RCSJ: 0380-18-002

July 9, 2007
Revised August 2, 2007

Property Description for Parcel 23, Part 1

Being a 79.41 acre part situated in Sections, 4, and 5, Block 39, T-1-S, T. & P. RR. Co. Survey, Midland County, Texas, being a portion of the tract of land described in deed to Clarence Scharbauer, Jr. as recorded in Volume 2058, Page 373, Midland County Official Records and being further described more particularly by metes and bounds as follows:

BEGINNING at (N= 6,732,706.31' E= 834,215.02') a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" set at the intersection of proposed North ROW line of SH 349 and the common boundary line of Sections 5 and 6, Block 39, T-1-S, at the Northwest corner of this part, from whence a 5/8" iron rod with a 2" aluminum cap marked "5-6 PLS 1974" set at the Northeast corner of said Section 6 and the Northwest corner of said Section 5, bears North 13°16'35" West, a distance of 1349.74 feet;

- 1) THENCE with SH 349 proposed ROW line, around a curve to the right in an Northeasterly direction, with a radius of 6250.00 feet, at 60.08 feet pass a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" set at the beginning of a denial of access line for a total delta angle of 3°00'09", an arc length of 327.53 feet, and a chord distance of 327.49 feet which bears North 74°56'50" East, to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" set at a point of tangency of this part;
- 2) THENCE North 76°26'55" East with SH 349 proposed ROW line and said denial of access line, at 700.40 feet pass the end of said denial line, at 780.40 feet pass the beginning of and at 1755.41 feet pass the end of a denial of access line, at 1835.41 feet pass the beginning of and at 2747.77 feet pass the end of a denial of access line, at 2827.77 feet pass the beginning of and at 3787.00 feet pass the end of a denial of access line, at 3867.00 feet pass the beginning of and at 4833.72 feet pass the end of a denial of access line, and at 4953.72 feet pass the beginning of a denial of access line, a 5/8" iron rod with 2" aluminum cap marked "TXDOT ROW" being set at the terminus of each access line described above, continuing for a total distance of 5688.44 feet to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" set at the Northeast corner of this part, from whence R. E. Estes' rock mound as described in Volume 11-B, Pages 563-569 Surveyors Records of Midland County found at Mile Post 9 on the common South boundary line of Martin County and North boundary line of Midland County bears South 88°02'42" West, a distance of 2029.56 feet;
- 3) THENCE South 88°02'42" East, with the said South boundary of Martin County and the North boundary of Midland County crossing SH 349 ROW, a distance of 1870.21 feet to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" set at the Southeast corner of this part, from whence a R. E. Estes rock mound found at Mile Post 10 on the North boundary line of Midland County bears South 88°02'42" East, a distance of 1377.99 feet;
- 4) THENCE South 76°26'55" West with SH 349 proposed ROW line and the denial of access line, at 316.84 feet pass the end of said denial line, at 395.84 feet pass the beginning of and at 1416.84 feet pass the end of a denial of access line, at 1496.84 feet pass the beginning of and at 2539.75 feet pass the end of a denial of access line, at 2659.75 feet pass the beginning of and (at 3488.27 and 3598.45 feet pass 5/8" iron rods with 2" aluminum caps marked "TXDOT ROW" set at the North corners of Parcel 27E, Part 1) at 3696.84 feet pass the end of a denial of access line, at 3776.84 feet pass the beginning of and at 4766.84 feet pass the end of a denial of access line, at 4846.84 feet pass the beginning of and at 5796.84 feet pass the end of a denial of access line, at 5876.84 feet pass the beginning of and at 6796.84 feet pass the end of a denial of access line, and at 6876.84 feet pass the beginning of a denial of access line, a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" being set at the terminus of each of the denial of access line as described above, continuing for a total distance of 7490.58 feet to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" set at a point of tangency of this part;
- 5) THENCE with the South ROW line of SH 349 and the denial of access line, around a curve to the left in a Westerly direction, with a radius of 5750.00 feet, at 270.37 feet pass a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" set at the end of said denial line, continuing for a total delta angle of 3°17'17", an arc length of 329.96 feet, and a chord distance of 329.92 feet which bears South 74°48'16" West, to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" set at the Southwest corner of this part, from whence a 5/8" iron rod with a 2" aluminum cap marked "PLS 1974 5-6-B" bears South 13°16'35" East, a distance of 3437.47 feet set at the Southwest corner of said Section 5;
- 6) THENCE North 13°18'35" West with the said common boundary line of said Sections 5 and 6 crossing SH 349, a distance of 500.89 feet to the Place of Beginning, containing an area of 3,459,128 square feet or 79.41 acres.

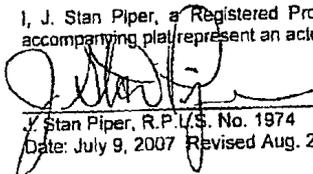
Notes: This property description is accompanied by a separate plat.

Bearings and Coordinates are relative to Texas Coordinate System of 1983/93, North Central Zone. The Theta Angle at Control Point "31" near the center of the project equals -2°00'51". All lengths are horizontal surface distances. To obtain grid distances multiply the surface distances by 0.99989004.

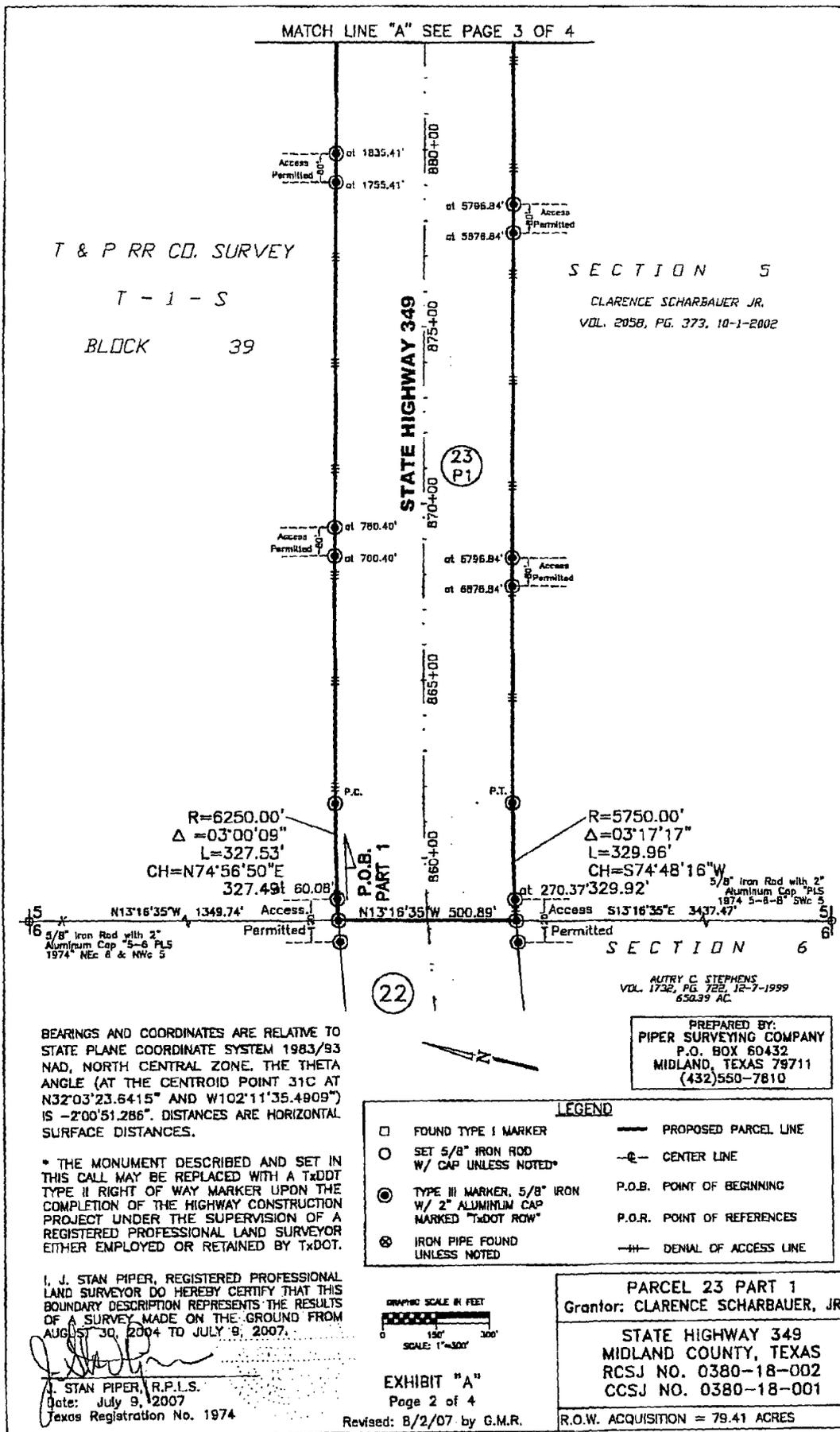
* = "This monument may be replaced by a TX DOT Type II right-of-way marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor either employed or retained by TX DOT."

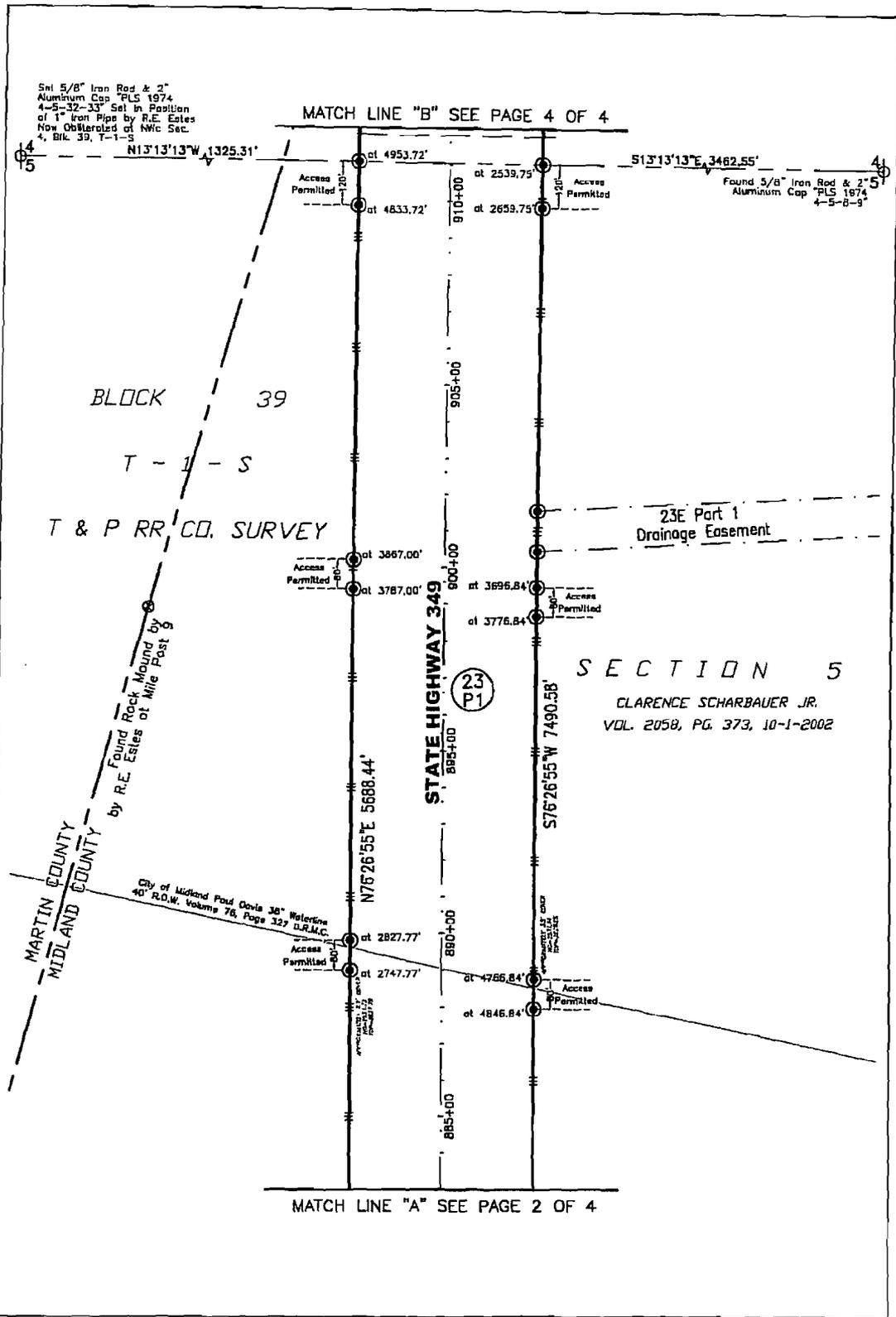
Access is prohibited across the "Access Denial Line" to the highway facility from the remainder of the abutting property.

I, J. Stan Piper, 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 from August 30, 2004 to July 9, 2007.

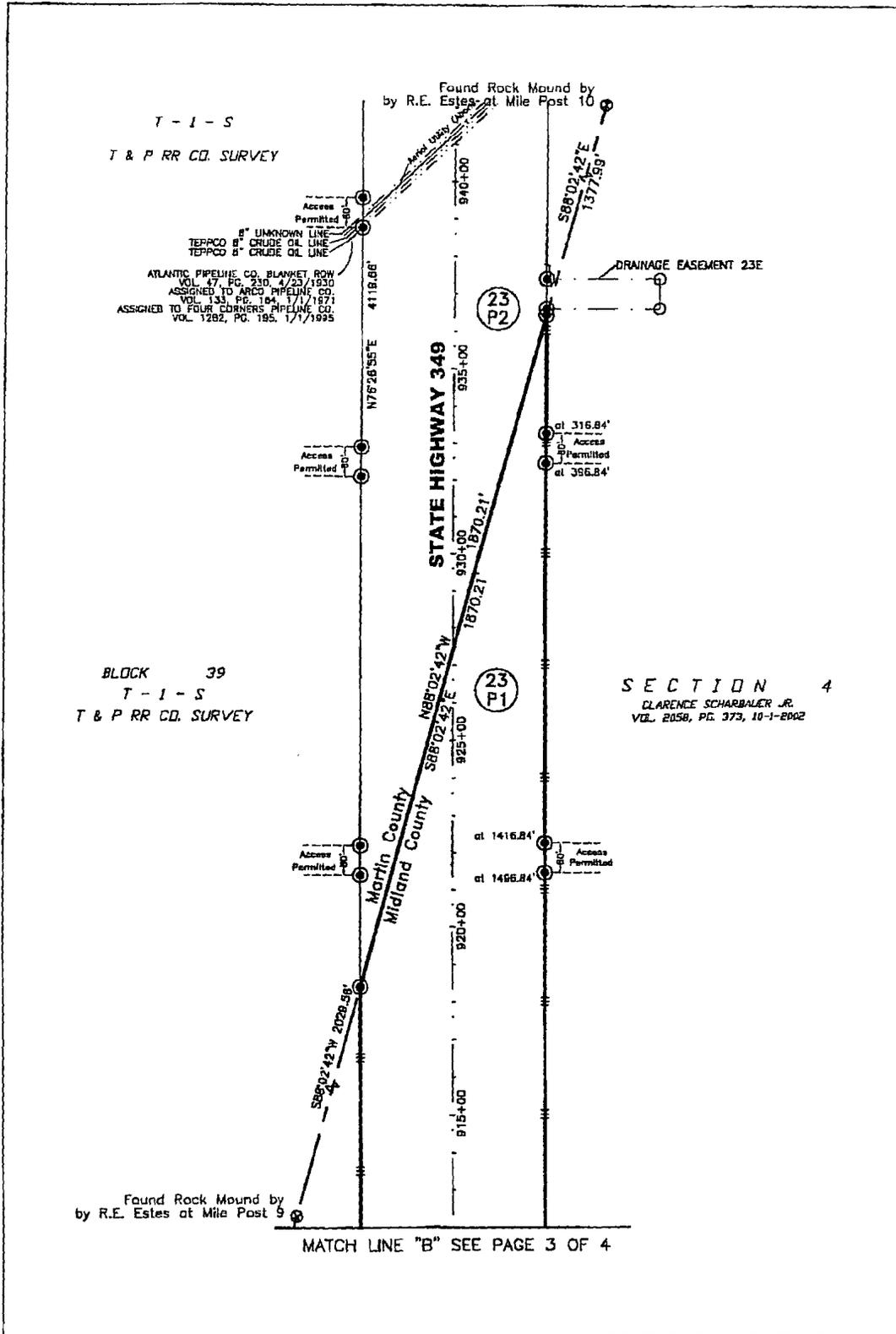

J. Stan Piper, R.P.L.S. No. 1974
Date: July 9, 2007 Revised Aug. 2, 2007

PIPER SURVEYING COMPANY, P.O. Box 60432, Midland, Texas 79711, (432) 550-7810





	<p>PREPARED BY: PIPER SURVEYING COMPANY P.O. BOX 60432 MIDLAND, TEXAS 79711 (432)550-7810</p>	<p>GRAPHIC SCALE IN FEET 0 150' 300' SCALE: 1"=300'</p>	<p>PARCEL 23 PART 1 Grantor: CLARENCE SCHARBAUER, JR. STATE HIGHWAY 349 MIDLAND COUNTY, TEXAS RCSJ NO.: 0380-18-002 CCSJ NO.: 0380-18-001 R.O.W. ACQUISITION = 79.41 ACRES</p>
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<p>PREPARED BY: PIPER SURVEYING COMPANY P.O. BOX 60432 MIDLAND, TEXAS 79711 (432)550-7810</p>	<p>GRAPHIC SCALE IN FEET 0 150' 300' SCALE: 1"=300'</p> <p>EXHIBIT "A" PAGE 4 OF 4</p> <p>Revised: 6/2/07 by G.M.R.</p>	<p>PARCEL 23 PART 1 Grantor: CLARENCE SCHARBAUER, JR.</p> <p>STATE HIGHWAY 349 MIDLAND COUNTY, TEXAS RCSJ NO.: 0380-18-002 CCSJ NO.: 0380-18-001</p> <p>R.O.W. ACQUISITION = 79.41 ACRES</p>
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County: Midland
Highway: SH 349
RCSJ: 0380-18-002
CCSJ: 0380-18-001

April 6, 2007

Easement for Parcel No. 23 in Midland County, Texas

Being an Easement across the Access Denial Line allowing access to State Highway 349 from the remainder of Clarence Scharbauer Jr. property described in Volume 2058, Page 373, Official Records of Midland County, after conveyance of the proposed ROW for State Highway 349, located in Sections 2, 3, 4, and 5, Block 39, T-1-S, and Sections 25 and 36, Block 39, T-1-N, T. & P. RR. Co. Survey, Midland County, Texas, and being more particularly described by metes and bounds as follows:

Part A

BEGINNING at (N= 6,732,706.31' E= 834,215.02') a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" set at the intersection of the access denial line being the proposed North ROW line of State Highway 349, and the common boundary line of Sections 5 and 6, Block 39, T-1-S, from whence a 5/8" iron rod with a 2" aluminum cap marked "5-6 PLS 1974" set at the Northeast corner of said Section 6 and the Northwest corner of said Section 5, bears NORTH 13°16'35" WEST, a distance of 1349.74 feet;

- 1) THENCE around a curve to the right in a Northeasterly direction with the access denial line, with a radius of 6250.00 feet, delta angle of 0°33'03", an arc length of 60.08 feet, and a chord distance of 60.08 feet which bears NORTH 73°43'17" EAST to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" set at the end of this part;

Part B

BEGINNING at (N= 6,732,219.80' E= 834,331.12') a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" set at the intersection of the access denial line being the proposed South ROW line of State Highway 349, and the common boundary line of Sections 5 and 6, Block 39, T-1-S, from whence a 5/8" iron rod with a 2" aluminum cap marked "5-6-8 PLS 1974" set at the Southeast corner of said Section 6 and the Southwest corner of said Section 5, bears SOUTH 13°16'35" EAST, a distance of 3437.47 feet;

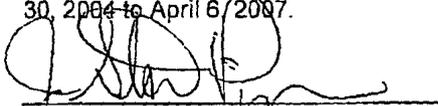
- 1) THENCE around a curve to the right in a Northeasterly direction with the access denial line, with a radius of 5750.00 feet, delta angle of 0°35'56", an arc length of 60.10 feet, and a chord distance of 60.10 feet which bears NORTH 73°27'36" EAST to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT ROW" set at the end of this part;

Notes: (1) This easement description is accompanied by a separate plat.

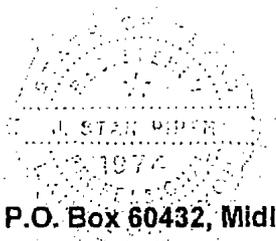
(2) Bearings and Coordinates relative to Texas Coordinate System of 1983/93, North Central Zone. The Theta Angle at Control Point "31" near the center of the project equals -2°00'51". All lengths are horizontal surface distances. To obtain grid distance multiply the surface distances by 0.9998860.

(3) Access is prohibited across the "Access Denial Line" to the highway facility from the remainder of the abutting property.

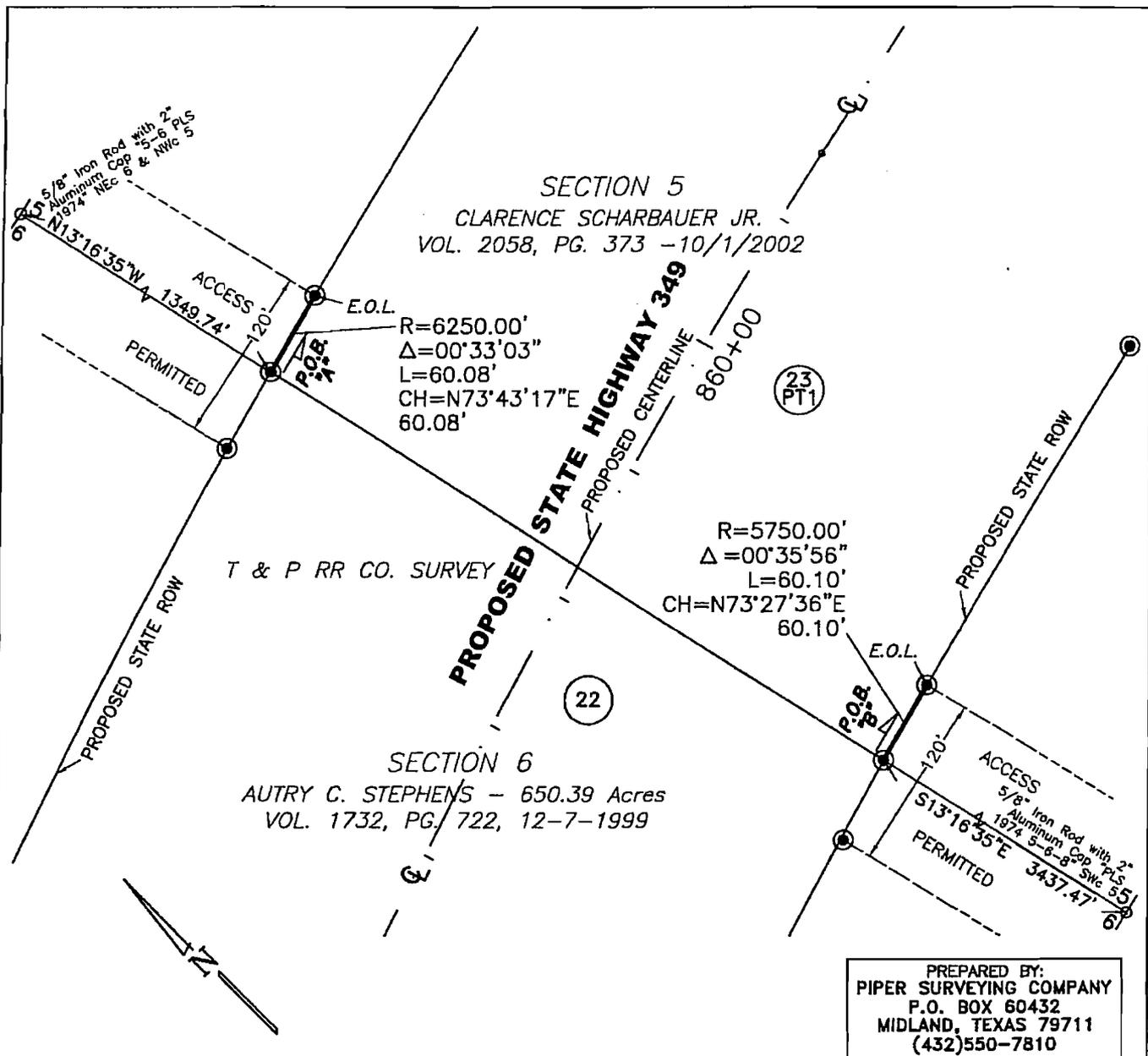
I, J. Stan Piper, a Registered Professional Land Surveyor, do hereby certify that the legal description hereon and the accompanying plat represent an actual survey made on the ground under my supervision from August 30, 2004 to April 6, 2007.



J. Stan Piper, R.P.L.S.
Date: April 6, 2007
Texas Registration No. 1974



PIPER SURVEYING COMPANY, P.O. Box 60432, Midland, Texas 79711, (432) 550-7810



I, J. STAN PIPER, REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THIS BOUNDARY DESCRIPTION REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND FROM AUGUST 30, 2004 TO APRIL 6, 2007.

J. STAN PIPER
Date: April 6, 2007
Texas Registration No. 1974

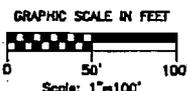


EXHIBIT "B"
PAGE 2 OF 2

EASEMENT PARTS A & B FOR PARCEL NO. 23

STATE HIGHWAY 349
MARTIN COUNTY, TEXAS
RCSJ NO. 0380-18-002
CCSJ NO. 0380-18-001

EASEMENT CONTAINS: N/A

Counties: Midland
 Highway: SH 349
 RCSJ: 0380-18-002
 CCSJ: 0380-18-001

August 10, 2006
 Revised August 2, 2007

Property Description for Parcel 23E, Part 1

Being 154,007 square feet or 3.536 acres of land situated in Section 5, Block 39, T-1-S, T. & P. RR. Co. Survey, Midland County, Texas, being a portion of the tract of land described in a deed to Clarence Scharbauer Jr., dated October 1, 2002, recorded in Volume 2058, Page 373, of the Official Records of Midland County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at (N= 6,733,243.05' and E= 838,538.84') a 5/8" iron rod with a 2" aluminum cap marked "TXDOT" set on the proposed South ROW line of State Highway 349 being the Northeast corner of this parcel, from whence a 5/8" iron rod with a 2" aluminum cap marked "PLS 1974" set in the perpetuated position of a 1" iron pipe marked "NE 5", as set by R. E. Estes now obliterated, this position is based on a survey by T.J. Dwyer on September 8, 1941, at the Northeast corner of said Section 5, Block 39, T-1-S, bears North 13°22'46" West, a distance of 1828.15 feet and North 76°37'14" East, a distance of 953.59 feet;

- 1) THENCE South 16°50'26" East, a distance of 1396.91 feet to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT" set at the Southeast corner of this parcel;
- 2) THENCE South 73°09'34" West, a distance of 110.00 feet to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT" set at the Southwest corner of this parcel;
- 3) THENCE North 16°50'26" West, a distance of 1403.23 feet to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT" set on the proposed South ROW line of State Highway 349 for the Northwest corner of this parcel;
- 4) THENCE North 76°26'55" East, along said ROW line of State Highway 349, a distance of 110.18 feet to the **POINT OF BEGINNING** containing 3.536 acres or 154,007 square feet, more or less.

Property Description for Parcel 23E, Part 2

Being 22,743 square feet or 0.522 acres of land situated in Section 4, Block 39, T-1-S, T. & P. RR. Co. Survey, Midland County, Texas, being a portion of the tract of land described in a deed to Clarence Scharbauer Jr., dated October 1, 2002, recorded in Volume 2058, Page 373, of the Official Records of Midland County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at (N= 6,734,059.73' and E= 841,946.88') a 5/8" iron rod with a 2" aluminum cap marked "TXDOT" set on the Martin end Midland County Line, also being the Southwest corner of Parcel 23E Part 2 surveyed this day and the Northwest corner of this parcel, from whence a 5/8" iron rod with a 2" aluminum cap marked "PLS 1974" set in the perpetuated position of a 1" iron pipe marked "NE 5" as set by R. E. Estes now obliterated, this position is based on a survey by T.J. Dwyer on September 8, 1941, at the Northwest corner of said Section 4, Block 39, T-1-S, bears North 13°23'56" West, a distance of 1823.11 feet and South 76°36'04" West, a distance of 2550.70 feet;

- 1) THENCE South 88°02'42" East, along said County Line, a distance of 83.02 feet to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT" set at the Northeast corner of this parcel, from whence a rock mound found at Mile Post 8 bears South 88°02'42" East, a distance of 1277.70 feet;
- 2) THENCE South 13°33'06" East, a distance of 273.19 feet to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT" set at the Southeast corner of this parcel;
- 3) THENCE South 76°26'54" West, a distance of 80.00 feet to a 5/8" iron rod with a 2" aluminum cap marked "TXDOT" set at the Southwest corner of this parcel;
- 4) THENCE North 13°33'06" West, a distance of 295.38 feet to the **POINT OF BEGINNING** containing 0.522 acres or 22,743 square feet, more or less.

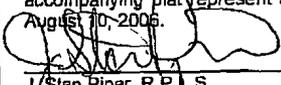
	Summary of Parts of Parcel 23E, Midland County		
Part 1 =	3.536 Acres	(154,007 square feet)	Midland County
Part 2 =	0.522 Acres	(22743 square feet)	Midland County
Total	4.058 Acres	(176,750 square feet)	

Notes: (1) This property description is accompanied by several plats one for each part.

(2) Bearings and Coordinates relative to Texas Coordinate System of 1983/93, North Central Zone. The Theta Angle at Control Point "31" near the center of the project equals -2°00'51". All lengths are horizontal surface distances to obtain grid distance multiply the surface distances by 0.999890.

(3) * = "This monument may be replaced by a TX DOT Type II right-of-way marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor either employed or retained by TX DOT."

I, J. Stan Piper, a Registered Professional Land Surveyor, hereby certify that the legal description hereon and the accompanying plat represent an actual survey made on the ground under my supervision from August 30, 2004 to August 10, 2006.


 J. Stan Piper, R.P.L.S.
 Date: August 10, 2006 Revised August 2, 2007
 Texas Registration No. 1974

PIPER SURVEYING COMPANY, P.O. BOX 60432, MIDLAND, TX, 79711, 432-550-7810

