

TEXAS TRANSPORTATION COMMISSION

RANDALL County

MINUTE ORDER

Page 1 of 2

AMARILLO District

In RANDALL COUNTY, on FARM TO MARKET ROAD 1705, the State of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 343, Page 26, Deed Records of Randall County, Texas.

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

Toby Jason Crow (owner) has conveyed to the state an easement interest in land (new easement), described in Exhibit B, needed for the realignment and reconstruction of a new drainage facility and desires to make a partial donation to the state of the value of the new easement.

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) has been executed by the owner and tendered to the department for acceptance under the provisions of Title 43, Texas Administration Code, Chapter 1, Subchapter G, since the value of the new easement provided by the owner, which is \$813, exceeds the value of the surplus easement, which is \$258.

The owner has executed and delivered a 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 it is proper and correct that the state release its rights and interest in the surplus easement in exchange and as consideration for the partial donation and the conveyance of the new easement to the state.

TEXAS TRANSPORTATION COMMISSION

RANDALL County

MINUTE ORDER

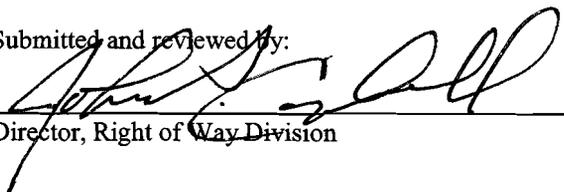
Page 2 of 2

AMARILLO District

IT IS THEREFORE ORDERED by the commission that the executive director is hereby authorized to accept the donation of the new easement and that 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, Texas Administrative Code, Chapter 1, Subchapter G.

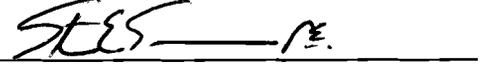
FURTHER, in consideration of the foregoing premises and in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission finds that the surplus easement is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument releasing all of the state's rights and interest in the surplus easement in exchange and as consideration for the conveyance to the state of the new easement.

Submitted and reviewed by:



Director, Right of Way Division

Recommended by:



Interim Executive Director

111098 SEP 27 07

Minute Date
Number Passed

Exhibit "A"
Sheet 1 of 3

County: Randall
Highway: F.M. 1705
CSJ: 04-76-1888-01-011

Property Description for Surplus Tract 1

Being a 0.191 acre tract of land out of that certain 40.00 acre tract of land conveyed to Toby Crow by Deed recorded under Clerk's File No. 04-17840 of the Official Public Records of Randall County, Texas, being situated in Section 19, Block 2Z, Randall County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod with plastic cap stamped "HBD" set on the existing South line of an existing Easement for Highway Purposes granted to the State of Texas by instrument recorded in Volume 343, Page 26, Deed Records of Randall County, Texas, from which a 1/2" iron rod with cap marked "4157/5275" found for the Southwest corner of said Section 19, bears SOUTH 40 degrees 53 minutes 16 seconds WEST, 495.91 feet; SOUTH 89 degrees 11 minutes 52 seconds WEST, 61.99 feet; and SOUTH 00 degrees 00 minutes 05 seconds EAST, 50.0 feet;

(1) **THENCE** NORTH 23 degrees 17 minutes 44 seconds EAST, a distance of 105.10 feet to a point in the North line of said existing Easement for Highway Purposes;

(2) **THENCE** NORTH 33 degrees 11 minutes 52 seconds EAST (*called NORTH 34 degrees 05 minutes EAST in Volume 343, Page 26, Deed Records of Randall County, Texas*) along the North line of said Easement for Highway Purposes, a distance of 375.01 feet to a point on the East line of said 40.00 acre tract, from which, the Northeast corner of said 40.00 acre tract bears NORTH 00 degrees 00 minutes 05 seconds WEST, a distance of 1913.74 feet;

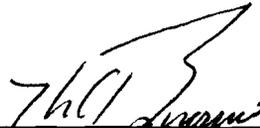
(3) **THENCE** SOUTH 00 degrees 00 minutes 05 seconds EAST along the East line of said 40.00 acre tract, a distance of 36.53 feet to a point, from which the Southeast corner of said 40.00 acre tract, a railroad spike in pavement bears SOUTH 00 degrees 00 minutes 05 seconds EAST, 800.17 feet;

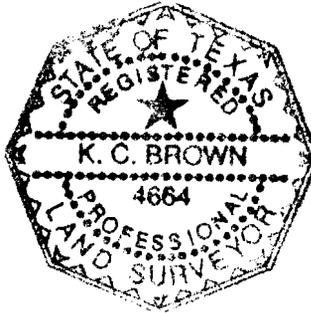
(4) **THENCE** SOUTH 33 degrees 11 minutes 52 seconds WEST (*called SOUTH 34 degrees 05 minutes WEST in Volume 343, Page 26, Deed Records of Randall County, Texas*) along the South line of said Easement for Highway Purposes, a distance of 433.72 feet a point;

(5) **THENCE** SOUTH 40 degrees 53 minutes 16 seconds WEST (*called SOUTH 41 degrees 05 minutes WEST in Volume 343, Page 26, Deed Records of Randall County, Texas*) a distance of 14.39 feet to the point of beginning;

NOTES:

1. Bearings based upon monumented West line of Section 19.
2. Distances are surface values.
3. Date of field survey: August 2, 2005.
4. Parcel plat with same date accompanies this description.

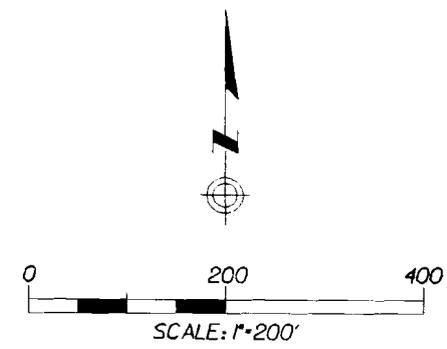
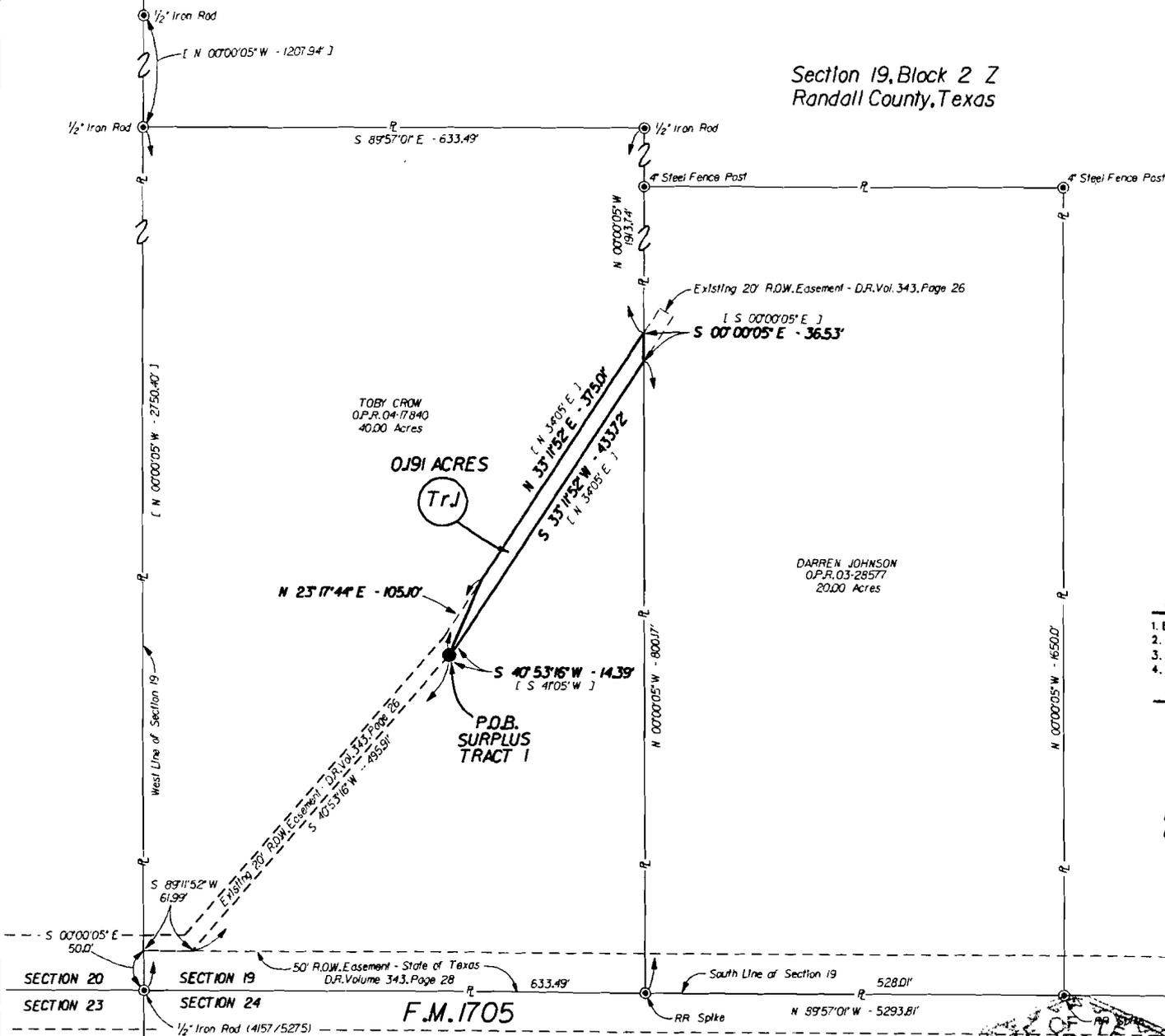

K.C. Brown 9-14-05
Date
Registered Professional Land Surveyor
No. 4664 State of Texas



HAGAR, BROWN & DORSEY, LLC
LAND SURVEYORS
PO Box 1248
Hereford, Texas 79045
Phone: (806) 364-6085

EXHIBIT "A"
SHEET 3 OF 3

Section 19, Block 2 Z
Randall County, Texas



NOTES

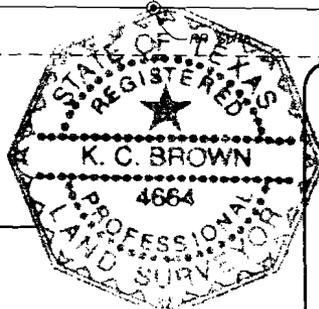
1. BEARINGS BASED ON MONUMENTED WEST LINE OF SECTION 19.
2. DISTANCES ARE SURFACE VALUES.
3. DATE OF FIELD SURVEY: AUGUST 2, 2005.
4. PROPERTY DESCRIPTION WITH SAME DATE ACCOMPANIES THIS PLAT.

LEGEND

- ⊙ FOUND MONUMENT - AS NOTED
- SET 3/8" IRON ROD WITH TxDOT 3-1/4" ALUMINUM CAP
- SET 3/8" IRON ROD WITH HBD CAP
- CALCULATED POSITION
- [] RECORD INFORMATION
- ℙ PROPERTY LINE
- P.O.B. POINT OF BEGINNING
- O.P.R. OFFICIAL PUBLIC RECORDS OF RANDALL COUNTY
- D.R. DEED RECORDS OF RANDALL COUNTY

Hagar, Brown & Dorsey, LLC.
LAND SURVEYORS
P.O. BOX 1248 MIDWINTER, TX 79856 806-354-0285 FAX 806-354-0288

K.C. Brown
K.C. BROWN
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4664, STATE OF TEXAS
DATE 9-14-05



SURPLUS TRACT 1
0.191 ACRES
FARM TO MARKET 1705 RANDALL CO.
CSJ: 04-76-1888-01-011
TEXAS DEPARTMENT OF TRANSPORTATION
P.O. BOX 7368
AMARILLO, TX 79114
PHONE: (806)356-3317
SHEET 3 OF 3 SCALE: 1"=200'

Exhibit "B"
Sheet 1 of 3

County: Randall
Highway: F.M. 1705
CSJ: 04-76-1888-01-011

Property Description for Drainage Easement 1(E)

Being a 0.602 acre tract of land out of that certain 40.00 acre tract of land conveyed to Toby Crow by Deed recorded under Clerk's File No. 04-17840 of the Official Public records of Randall County, Texas, being situated in Section 19, Block 2Z, Randall County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod with plastic cap stamped "HBD" set on the existing North line of an existing Easement for Highway Purposes granted to the State of Texas by instrument recorded in Volume 343, Page 26, Deed Records of Randall County, Texas, from which a 1/2" iron rod with cap marked "4157/5275" found for the Southwest corner of said Section 19, bears SOUTH 40 degrees 53 minutes 16 seconds WEST, 417.68 feet; SOUTH 89 degrees 11 minutes 52 seconds WEST, 52.73 feet; and SOUTH 00 degrees 00 minutes 05 seconds EAST, 70.0 feet;

(1) **THENCE** NORTH 23 degrees 17 minutes 44 seconds EAST, a distance of 736.06 feet to a 3/8" iron rod with plastic cap stamped "HBD", set;

(2) **THENCE** NORTH 49 degrees 42 minutes 21 seconds EAST a distance of 21.31 feet to a 3/8" iron rod with plastic cap stamped "HBD", set on the East line of said 40.00 acre tract, from which, the Northeast corner of said 40.00 acre tract bears NORTH 00 degrees 00 minutes 05 seconds WEST, a distance of 1673.51 feet;

(3) **THENCE** SOUTH 00 degrees 00 minutes 05 seconds EAST along the East line of said 40.00 acre tract, a distance of 77.17 feet to a 3/8" iron rod with plastic cap stamped "HBD", set from which the Southeast corner of said 40.00 acre tract, a railroad spike in pavement bears SOUTH 00 degrees 00 minutes 05 seconds EAST, 999.75 feet

(4) **THENCE** SOUTH 23 degrees 17 minutes 44 seconds WEST, a distance of 519.19 feet to a 3/8" iron rod with plastic cap stamped "HBD", set on said existing North line of an existing Easement for Highway Purposes;

(5) **THENCE** SOUTH 33 degrees 11 minutes 52 seconds WEST (*called SOUTH 34 degrees 05 minutes WEST in Volume 343, Page 26, Deed Records of Randall County, Texas*) along the North line of said Easement for Highway Purposes, a distance of 87.93 feet to a 3/8" iron rod with plastic cap stamped "HBD", set;

(6) **THENCE** SOUTH 40 degrees 53 minutes 16 seconds WEST, (*called SOUTH 41 degrees*

34 minutes WEST in Volume 343, Page 26, Deed Records of Randall County, Texas) along the North line of said Easement for Highway Purposes, a distance of 82.32 feet to the point of beginning.

NOTES:

1. Bearings based upon monumented West line of Section 19.
2. Distances are surface values.
3. Date of field survey: August 2, 2005.
4. Parcel plat with same date accompanies this description.

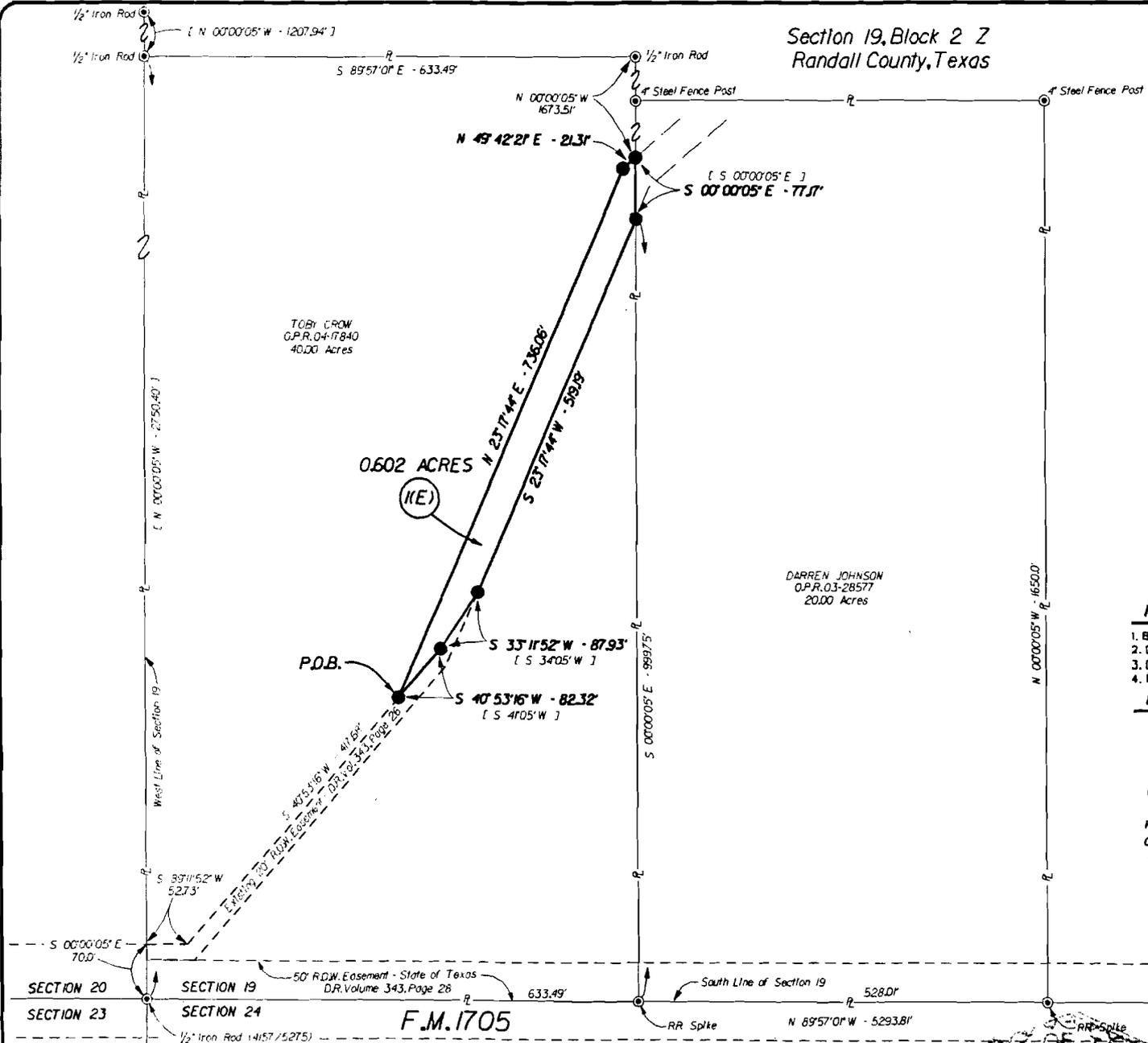

K.C. Brown 9.14.05
Registered Professional Land Surveyor Date
No. 4664 State of Texas



HAGAR, BROWN & DORSEY, LLC
LAND SURVEYORS
PO Box 1248
Hereford, Texas 79045
Phone: (806) 364-6085

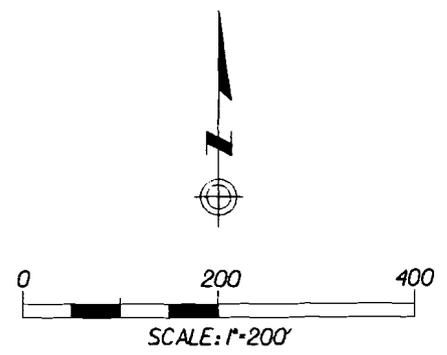
Section 19, Block 2 Z
Randall County, Texas

EXHIBIT "A"
SHEET 3 OF 3



TOBY CROW
O.P.R. 04-17840
40.00 Acres

DARREN JOHNSON
O.P.R. 03-28577
20.00 Acres



NOTES

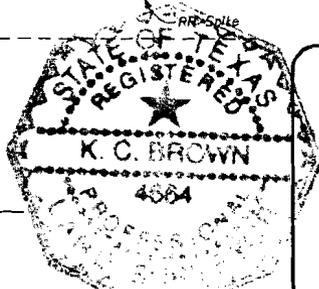
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LEGEND

- ⊙ FOUND MONUMENT - AS NOTED
- SET 3/8" IRON ROD WITH TxDOT 3-1/4" ALUMINUM CAP
- SET 3/8" IRON ROD WITH HBD CAP
- CALCULATED POSITION
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- ℙ PROPERTY LINE
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Hagar, Brown & Dorsey, LLC.
LAND SURVEYORS
P.O. BOX 1246 HEREFORD, TX 75645 806-364-0005 FAX 806-364-0086

K.C. Brown
K.C. BROWN
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4664, STATE OF TEXAS
DATE 9-14-09



DRAINAGE EASEMENT 1(E)
0.602 ACRES
FARM TO MARKET 1705 RANDALL CO.
CSJ: 04-76-1888-01-011
TEXAS DEPARTMENT OF TRANSPORTATION
P.O. BOX 7368
AMARILLO, TX 79114
PHONE: (806)356-3317
SHEET 3 OF 3 SCALE: 1"=200'