

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.

Darren M. Johnson and Jalane J. Johnson (owners) have 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 desire 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 \$866, exceeds the value of the surplus easement, which is \$32.

The owners have executed and delivered a document under the terms of the donation agreement to convey the new easement to the state and have 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

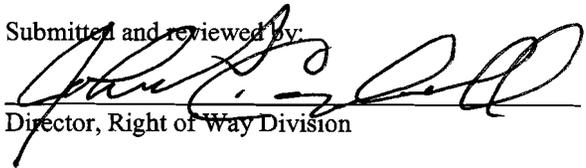
Page 2 of 2

AMARILLO District

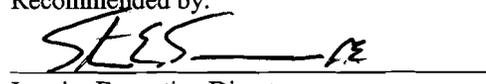
IT IS THEREFORE ORDERED by the commission that the executive director is hereby authorized to accept the donation of the new easement and that the executive director or the director's designee is authorized and directed to sign and execute a donation agreement with the owner, in accordance with Title 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

**111099 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 2**

**Being** a 0.024 acre tract of land out of that certain 20.00 acre tract of land conveyed to Darren Johnson by Deed recorded under Clerk's File No. 03-28577 of the Official Public Records of Randall County, Texas, said 0.024 acre tract being situated in Section 19, Block 2Z, Randall County, Texas, and being more particularly described as follows:

**BEGINNING** at a point on the East line of said 20.00 acre tract, same being a point on the 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 ½" iron rod with cap marked "4157/5275" found for the Southwest corner of said Section 19, bears SOUTH 00 degrees 00 minutes 05 seconds EAST, 800.17 feet; NORTH 89 degrees 56 minutes 50 seconds WEST, 633.49 feet;

(1) **THENCE** NORTH 00 degrees 00 minutes 05 seconds WEST, along the West line of said 20.00 acre tract, a distance of 36.53 feet to a point in the North line of said existing Easement for Highway Purposes from which the Northwest corner of said 20.00 acre tract bears NORTH 00 degrees 00 minutes 05 seconds WEST, 813.31 feet;

(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 37.06 feet to a point;

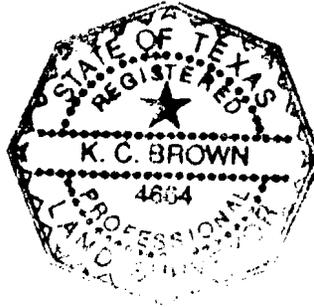
(3) **THENCE** SOUTH 56 degrees 48 minutes 08 seconds EAST along the East line of said Easement for Highway Purposes, a distance of 20.00 feet to a point;

(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 67.62 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.

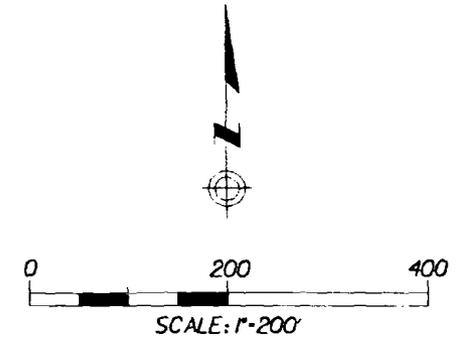
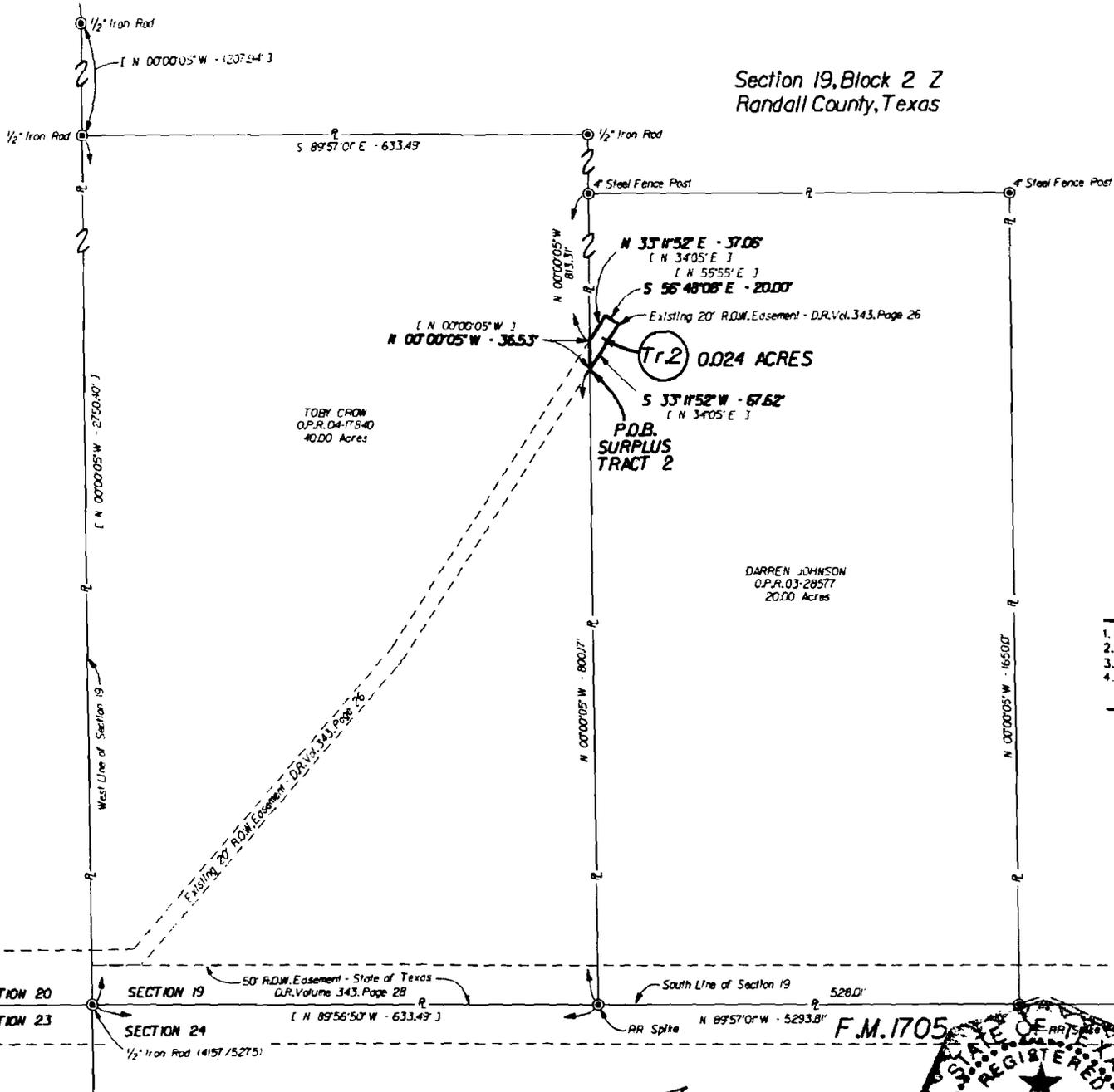
  
\_\_\_\_\_  
K.C. Brown                      9-14-05  
Date  
Registered Professional Land Surveyor  
No. 4664 State of Texas



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

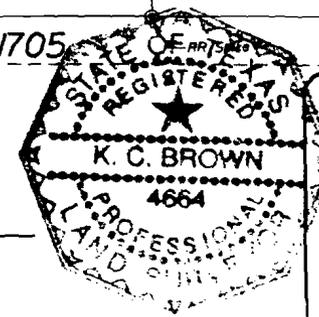
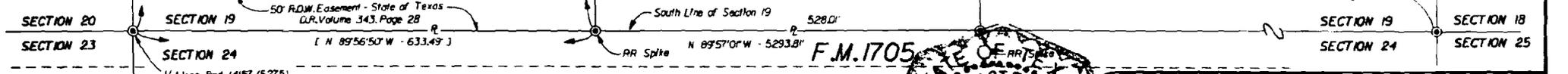


**NOTES**

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 1/2" IRON ROD WITH T+DOT 3-1/4" ALUMINUM CAP
- CALCULATED POSITION
- [ ] RECORD INFORMATION
- PROPERTY LINE
- P.O.B. POINT OF BEGINNING
- O.P.R. OFFICIAL PUBLIC RECORDS OF RANDALL COUNTY
- D.R. DEED RECORDS OF RANDALL COUNTY



**SURPLUS TRACT 2**  
0.024 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'

**Hagar, Brown & Dorsey, LLC.**  
LAND SURVEYORS  
P.O. BOX 126 NEWSPRING, TX 79066-0126 FAX 806-694-0888

*K.C. Brown*  
**K.C. BROWN** 9.14.05  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 4664, STATE OF TEXAS

**Exhibit "B"**  
Sheet 1 of 3

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

**Property Description for Drainage Easement 2(E)**

**Being** a 0.641 acre tract of land out of that certain 20.00 acre tract of land conveyed to Darren Johnson by Deed recorded under Clerk's File No. 03-28577 of the Official Public Records of Randall County, Texas, said 0.641 acre tract being situated in Section 19, Block 2Z, Randall County, Texas, and being more particularly described as follows:

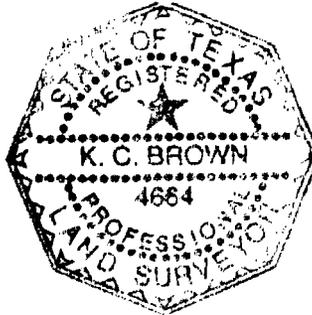
**BEGINNING** at a point on the East line of said 20.00 acre tract, from which a ½" iron rod with cap marked "4157/5275" found for the Southwest corner of said Section 19, bears SOUTH 00 degrees 00 minutes 05 seconds EAST, 999.75 feet; NORTH 89 degrees 56 minutes 50 seconds WEST, 633.49 feet;

- (1) THENCE** NORTH 00 degrees 00 minutes 05 seconds WEST, ALONG THE West line of said 20.00 acre tract, a distance of 77.17 feet to a 3/8" iron rod with plastic cap stamped "HBD" set, from which the Northwest corner of said 20.00 acre tract bears NORTH 00 degrees 00 minutes 05 seconds WEST, 573.08 feet;
- (2) THENCE** NORTH 49 degrees 42 minutes 21 seconds EAST, a distance of 692.29 feet to a 3/8" iron rod with plastic cap stamped "HBD" set, from which the Northeast corner of said 20.00 acre tract bears NORTH 00 degrees 00 minutes 05 seconds WEST, 124.91 feet;
- (3) THENCE** SOUTH 00 degrees 00 minutes 05 seconds EAST along the East line of said 20.00 acre tract, a distance of 52.44 feet to a 3/8" iron rod with plastic cap stamped "HBD" set, from which the Southeast corner of said 20.00 acre tract bears SOUTH 00 degrees 00 minutes 05 seconds EAST, 1472.60 feet;
- (4) THENCE** SOUTH 49 degrees 42 minutes 21 seconds WEST, a distance of 670.30 feet to a 3/8" iron rod with plastic cap stamped "HBD", set;
- (5) THENCE** SOUTH 23 degrees 17 minutes 44 minutes WEST, a distance of 42.40 feet to the point of beginning;

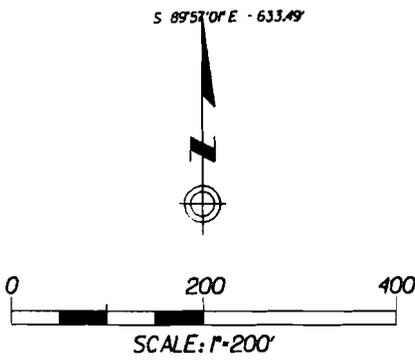
**NOTES:**

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

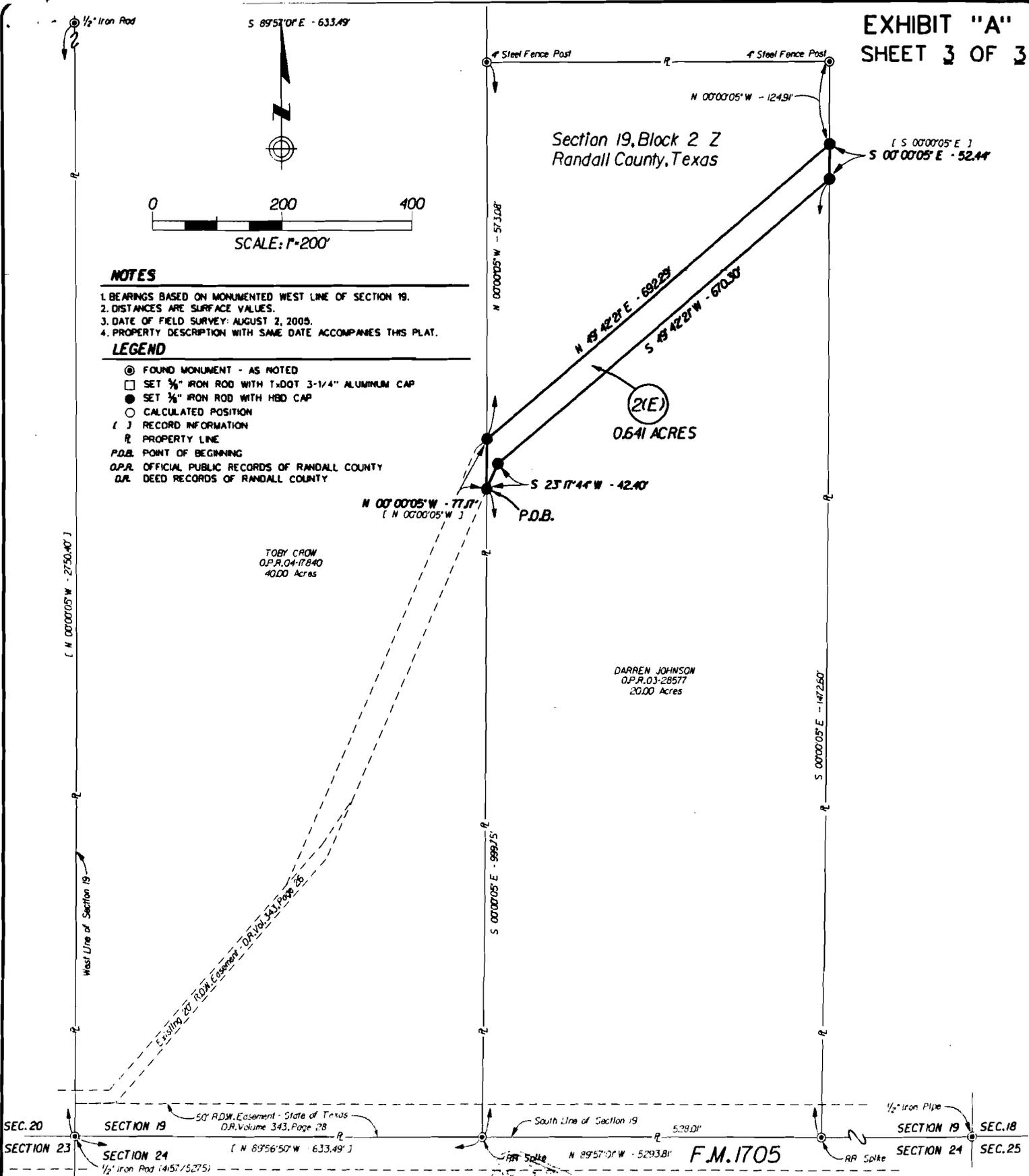


**NOTES**

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 H&D CAP
- CALCULATED POSITION
- [ ] RECORD INFORMATION
- R PROPERTY LINE
- P.O.B. POINT OF BEGINNING
- O.P.R. OFFICIAL PUBLIC RECORDS OF RANDALL COUNTY
- D.R. DEED RECORDS OF RANDALL COUNTY



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



**DRAINAGE EASEMENT 2(E)**  
**0.641 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'

**Hagar, Brown & Dorsey, LLC.**  
LAND SURVEYORS  
P.O. BOX 1240 HELEFORD, TX 79045 806-364-0076 FAX 806-364-0088