TEXAS TRANSPORTATION COMMISSION

COOKE County

MINUTE ORDER

WICHITA FALLS District

In the city of Gainesville (city), COOKE COUNTY, on INTERSTATE 35, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 431, Page 610, Deed Records of Cooke County, Texas, and the state used certain land for highway purposes acquired in the city's name.

A portion of the state-owned land (Tract 1), described in Exhibit A, and the city-owned land (Tract 2), described in Exhibit B, are no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of any interest in real property acquired and no longer needed for a state highway purpose. The commission also may recommend, if the interest in the property was acquired and held by a county or municipality in its own name for use by the state, the quitclaim to the county or municipality of any interest that might have accrued to the state by use of the property.

Clear Creek Retail, LLC, is the abutting landowner to Tract 1 and has requested to purchase Tract 1 for $21,431.

The city has requested that Tract 2 be quitclaimed to the city.

The commission finds $21,431 to be a fair and reasonable value for the state's right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tracts 1 and 2 are no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 1 to Clear Creek Retail, LLC, for $21,431; 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 land.

FURTHER, the commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming all of the state's right and interest in Tract 2 to the city of Gainesville.

Submitted and reviewed by:

Interim Director, Right of Way Division

Recommended by:

Executive Director

114481 JAN 28 16

Minute Number | Date Passed

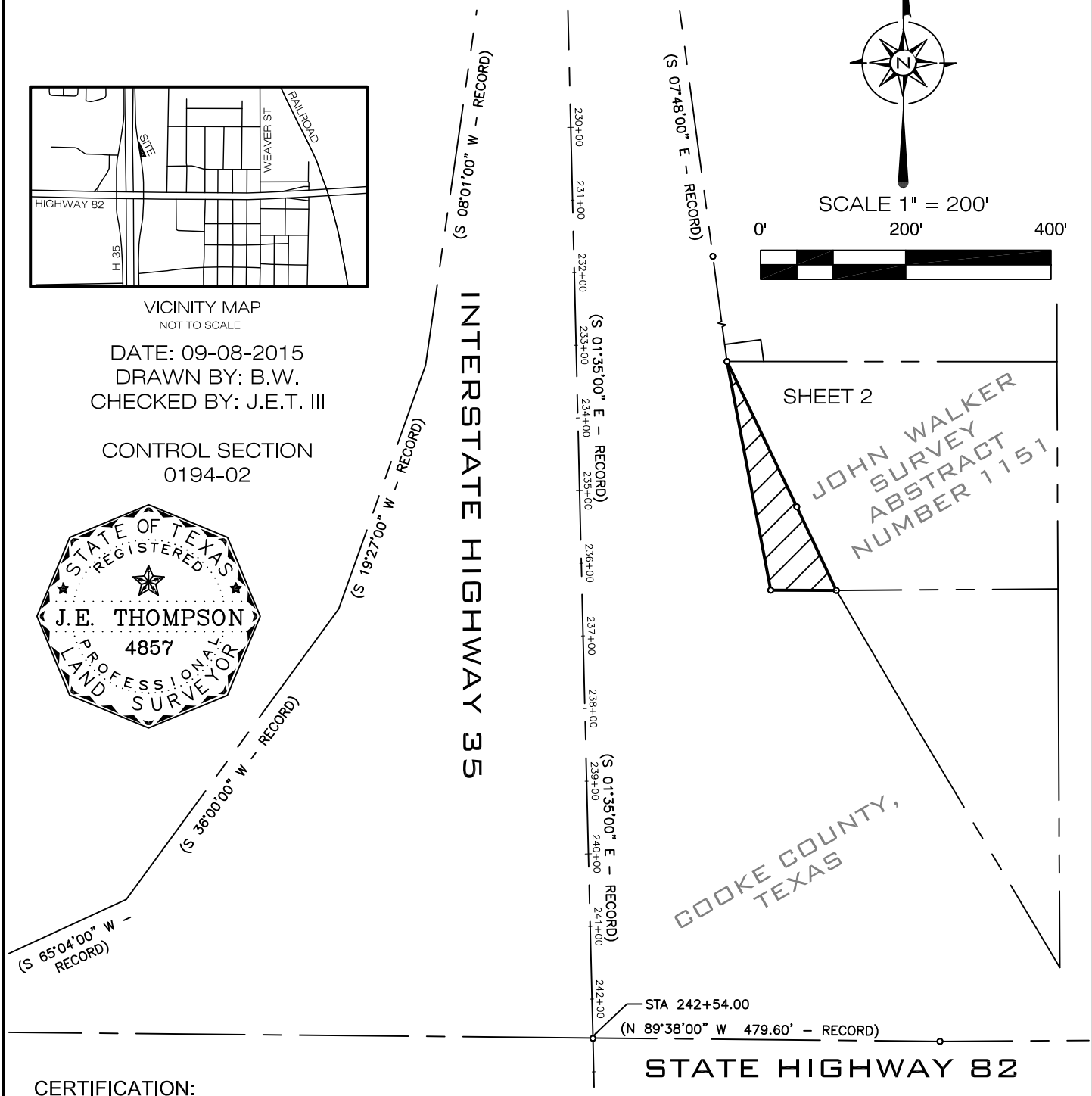
RIGHT OF WAY EXHIBIT
EXHIBIT 'A'

VICINITY MAP
NOT TO SCALE

DATE: 09-08-2015
DRAWN BY: B.W.
CHECKED BY: J.E.T. III

CONTROL SECTION
0194-02

STATE OF TEXAS
REGISTERED
J.E. THOMPSON
4857
PROFESSIONAL
LAND SURVEYOR



CERTIFICATION:
I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED FROM AN ACCURATE ON-THE-GROUND SURVEY OF THE PREMISES DEPICTED HEREON AND DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED HERETO, CONDUCTED UNDER MY DIRECTION AND SUPERVISION ON 9/03/2015 AND THAT THE FINDINGS AND RESULTS OF SAID SURVEY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

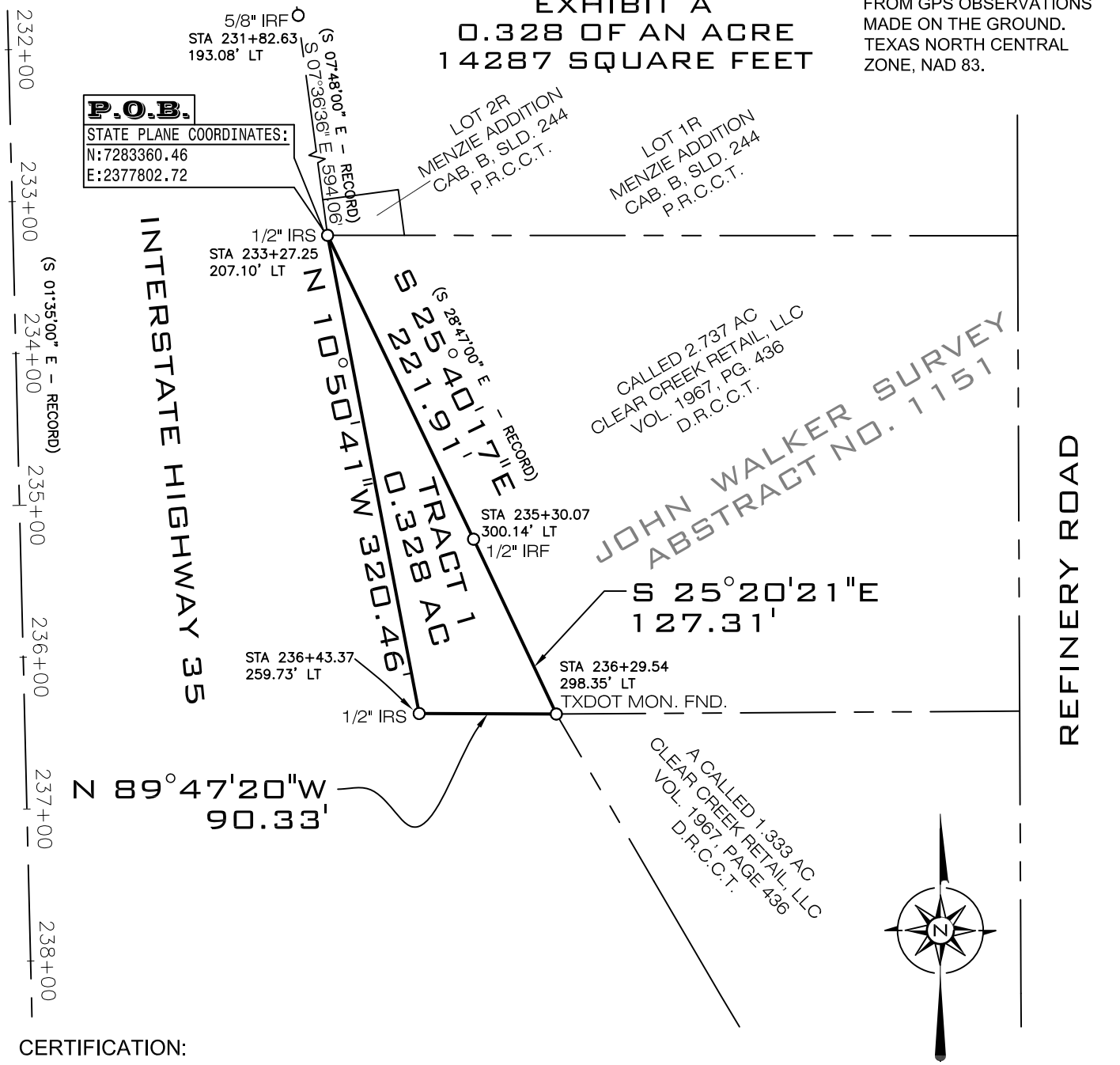
J E Thompson

J.E. THOMPSON II R.P.L.S. No 4857

All American Surveying
PHONE: 940-665-9105
FAX: 940-665-9106
301 W. BROADWAY ST.
GAINESVILLE, TX 76240
JOB# 130100-4A.DWG

RIGHT OF WAY EXHIBIT
EXHIBIT 'A'
0.328 OF AN ACRE
14287 SQUARE FEET

BEARING BASIS ARE DERIVED FROM GPS OBSERVATIONS MADE ON THE GROUND. TEXAS NORTH CENTRAL ZONE, NAD 83.



SCALE 1" = 100'

0' 100' 200'

CERTIFICATION:
I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED FROM AN ACCURATE ON-THE-GROUND SURVEY OF THE PREMISES DEPICTED HEREON AND DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED HERETO, CONDUCTED UNDER MY DIRECTION AND SUPERVISION ON 9/03/2015 AND THAT THE FINDINGS AND RESULTS OF SAID SURVEY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

J.E. THOMPSON II R.P.L.S. No 4857

DATE: 09-08-15
DRAWN BY: B.W.
CHECKED BY: J.E.T. III

STATE OF TEXAS
REGISTERED
J.E. THOMPSON
4857
PROFESSIONAL
LAND SURVEYOR

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RIGHT OF WAY EXHIBIT
EXHIBIT 'A'

TRACT 1
0.328 ACRES
14287 SQUARE FEET
JOHN WALKER SURVEY, A-1151
COOKE COUNTY, TEXAS

BEING A TRACT OF LAND SITUATED IN THE JOHN WALKER SURVEY, ABSTRACT NO. 1151, CITY OF GAINESVILLE, COOKE COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN THE DEED TO THE STATE OF TEXAS, AS RECORDED IN VOLUME 413, PAGE 610, DEED RECORDS OF COOKE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF THE TRACT BEING DESCRIBED HEREIN AT A CAPPED ½" IRON ROD SET AT THE NORTHWEST CORNER OF A CALLED 2.737 ACRE TRACT OF LAND DESCRIBED IN DEED TO CLEAR CREEK RETAIL, LLC., AS RECORDED IN VOLUME 1967, PAGE 436 SAID DEED RECORDS, COMMON TO THE SOUTHWEST CORNER OF LOT 2R, MENZIE ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET B, SLIDE 244, PLAT RECORDS OF COOKE COUNTY, TEXAS, AND BEING LOCATED AT STATINO 233+27.25 OF INTERSTATE HIGHWAY 35, 207.10 FEET LEFT OF CENTERLINE;

THENCE SOUTH 25 DEGREES 40 MINUTES 17 SECONDS EAST, WITH THE WESTERLY LINE OF SAID 2.737 ACRE TRACT A DISTANCE OF 221.91' TO A ½" IRON ROD FOUND FOR CORNER IN THE WEST LINE OF SAID 2.737 ACRE TRACT;

THENCE SOUTH 25 DEGREES 20 MINUTES 21 SECONDS EAST, WITH THE WESTERLY LINE OF SAID 2.737 ACRE TRACT, A DISTANCE OF 127.31' TO A CONCRETE TXDOT MONUMENT FOUND FOR CORNER AT THE SOUTHWEST CORNER OF SAID 2.737 ACRE TRACT, COMMON TO THE NORTHWEST CORNER OF A CALLED 1.833 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO CLEAR CREEK RETAIL, LLC., AS RECORDED IN VOLUME 1967, PAGE 436, SAID DEED RECORDS AND THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF GAINESVILLE, RECORDED IN VOLUME 308, PAGE 344, SAID DEED RECORDS;

THENCE NORTH 89 DEGREES 47 MINUTES 20 SECONDS WEST, WITH THE NORTH LINE OF SAID CITY OF GAINESVILLE TRACT, A DISTANCE OF 90.33' TO A CAPPED ½" IRON ROD SET FOR CORNER;

THENCE NORTH 10 DEGREES 50 MINUTES 41 SECONDS WEST, A DISTANCE OF 320.46' TO THE POINT OF BEGINNING AND ENCLOSING 0.328 ACRES OF LAND, OR 14287 SQUARE FEET, MORE OR LESS.

CERTIFICATION:
I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED FROM AN ACCURATE ON-THE-GROUND SURVEY OF THE PREMISES DEPICTED HEREON AND DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED HERETO, CONDUCTED UNDER MY DIRECTION AND SUPERVISION ON 9/03/2015 AND THAT THE FINDINGS AND RESULTS OF SAID SURVEY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

J E Thompson

J.E. THOMPSON II R.P.L.S. No 4857

ERRORS: THE CLIENT OR CLIENT'S REPRESENTATIVES WILL HAVE 45 DAYS FROM THE DATE THE SURVEY WAS ISSUED TO CHANGE ANY MISSPELLINGS OR ANY ERRORS ON THE SURVEY REPORT, AFTER THIS TIME HAS EXPIRED ALL PARTIES INVOLVED MUST ACCEPT THE SURVEY AS ISSUED.

All American Surveying
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JOB# 130100-4A.DWG

EXHIBIT B to Minute Order

RIGHT-OF-WAY EXHIBIT
EXHIBIT "A"

VICINITY MAP
NOT TO SCALE

0' 200' 400'

NOTES:

1. BEARING BASIS DERIVED FROM GPS OBSERVATIONS MADE ON THE GROUND. TEXAS NORTH CENTRAL NAD 83 GRID.
2. CONVERGENCE 00°44'02.321"

S 08°01'00" W 599.63' (S 08°01'00" W – RECORD)

S 19°27'00" W 355.76' (S 19°27'00" W – RECORD)

S 36°00'00" W 495.24' (S 36°00'00" W – RECORD)

S 65°04'00" W 201.07' (S 65°04'00" W – RECORD)

S 07°48'00" E 594.08' (S 07°48'00" E – RECORD)

INTERSTATE HIGHWAY 35

S 01°23'36" E – ACTUAL (S 01°35'00" E – RECORD)

231+00 232+00 233+00 234+00 235+00 236+00 237+00 238+00 239+00 240+00 241+00 242+00

STA 242+54.00

(N 89°38'00" W 479.60' – RECORD)

JOHN WALKER SURVEY ABSTRACT NUMBER 1151

FUTURE RIGHT-OF-WAY DEDICATION TO THE CITY OF GAINESVILLE

SHEET 2

STATE HIGHWAY 82

I-35 RIGHT-OF-WAY EXHIBIT

CONTROL SECTION 0194-02-091
IN THE JOHN WALKER SURVEY
ABSTRACT NO. 1151
COOKE COUNTY, TEXAS

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED FROM AN ACCURATE ON-THE-GROUND SURVEY OF THE PREMISES DEPICTED HEREON AND DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED HERETO, CONDUCTED UNDER MY DIRECTION AND SUPERVISION ON 09/22/2015 AND THAT THE FINDINGS AND RESULTS OF SAID SURVEY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STATE OF TEXAS REGISTERED J.E. THOMPSON 4857 PROFESSIONAL LAND SURVEYOR

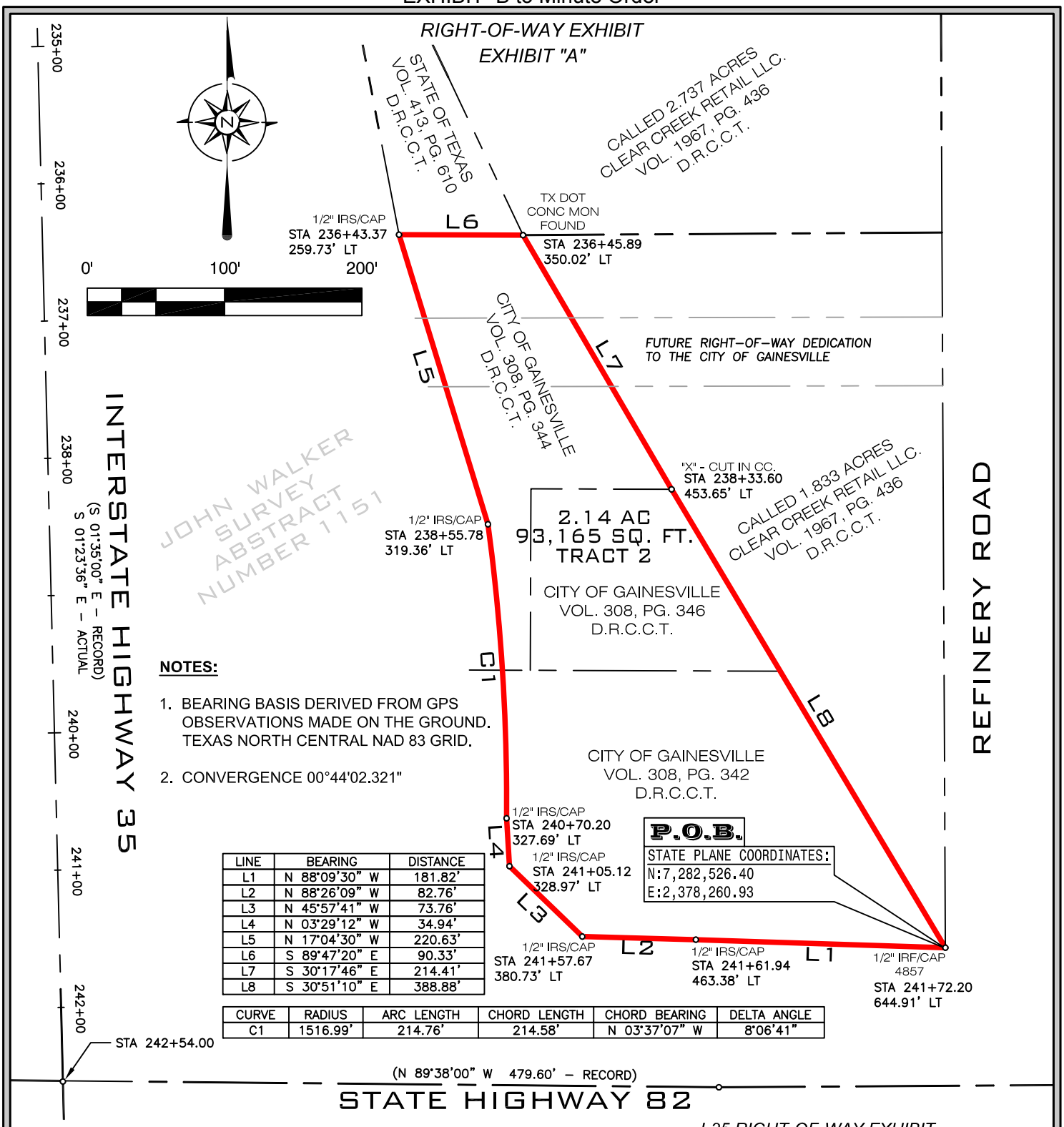
J E Thompson

J.E. THOMPSON II R.P.L.S. No 4857

ALL AMERICAN SURVEYING
301 W. BROADWAY ST.
GAINESVILLE, TX 76240
PH. 940-665-9105
FAX. 940-665-9106

DRAWN BY:	DATE:	JOB NO.	SCALE:	PAGE:
CJ	01/11/2016	130100-09	1" = 200'	1 OF 3

EXHIBIT B to Minute Order



NOTES:

1. BEARING BASIS DERIVED FROM GPS OBSERVATIONS MADE ON THE GROUND. TEXAS NORTH CENTRAL NAD 83 GRID.
2. CONVERGENCE 00°44'02.321"

LINE	BEARING	DISTANCE
L1	N 88°09'30" W	181.82'
L2	N 88°26'09" W	82.76'
L3	N 45°57'41" W	73.76'
L4	N 03°29'12" W	34.94'
L5	N 17°04'30" W	220.63'
L6	S 89°47'20" E	90.33'
L7	S 30°17'46" E	214.41'
L8	S 30°51'10" E	388.88'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1516.99'	214.76'	214.58'	N 03°37'07" W	8°06'41"

I-35 RIGHT-OF-WAY EXHIBIT

CONTROL SECTION 0194-02-091
IN THE JOHN WALKER SURVEY
ABSTRACT NO. 1151
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CERTIFICATION:

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STATE OF TEXAS
REGISTERED
J.E. THOMPSON
4857
PROFESSIONAL
LAND SURVEYOR

J E Thompson

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DRAWN BY:	DATE:	JOB NO.	SCALE:	PAGE:
CJ	01/11/2016	130100-09	1" = 100'	2 OF 3

RIGHT-OF-WAY EXHIBIT
EXHIBIT "A"

TRACT 2
2.14 ACRES
JOHN WALKER SURVEY, A-1151
COOKE COUNTY, TEXAS

BEING A TRACT OF LAND SITUATED IN THE JOHN WALKER SURVEY, ABSTRACT NO. 1151, CITY OF GAINESVILLE, COOKE COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN THE DEED TO THE CITY OF GAINESVILLE, AS RECORDED IN VOLUME 308, PAGE 342; VOLUME 308, PAGE 344; AND VOLUME 308, PAGE 346, DEED RECORDS OF COOKE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CAPPED ½" IRON ROD HAVING COORDINATES OF (N:7,282,526.40 E:2,378,260.93) FOUND AT THE SOUTH CORNER OF A CALLED 1.833 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO CLEAR CREEK RETAIL, LLC., AS RECORDED IN VOLUME 1967, PAGE 436, DEED RECORDS OF COOKE COUNTY, TEXAS, AND AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF REFINERY ROAD AND THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 82;

THENCE NORTH 88 DEGREES 09 MINUTES 30 SECONDS WEST, A DISTANCE OF 181.82' TO A CAPPED ½" IRON ROD SET FOR CORNER;

THENCE NORTH 88 DEGREES 26 MINUTES 09 SECONDS WEST, A DISTANCE OF 82.76 FEET TO A CAPPED ½" IRON ROD SET FOR CORNER;

THENCE NORTH 45 DEGREES 57 MINUTES 41 SECONDS WEST, A DISTANCE OF 73.76 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 03 DEGREES 29 MINUTES 12 SECONDS WEST, A DISTANCE OF 34.94 FEET TO A CAPPED ½" IRON ROD SET FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 214.76 FEET, A RADIUS OF 1516.99 FEET, A CENTRAL ANGLE OF 08 DEGREES 06 MINUTES 41 SECONDS , AND A CHORD THAT BEARS NORTH 03 DEGREES 37 MINUTES 07 SECONDS WEST, A DISTANCE OF 214.58 FEET TO A CAPPED ½" IRON ROD SET AT THE END OF SAID CURVE;

THENCE NORTH 17 DEGREES 04 MINUTES 30 SECONDS WEST, A DISTANCE OF 220.63' TO A CAPPED ½" IRON ROD SET IN THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, AS RECORDED IN VOLUME 413, PAGE 610, SAID DEED RECORDS;

THENCE SOUTH 89 DEGREES 47 MINUTES 20 SECONDS EAST, WITH THE SOUTH LINE OF STATE OF TEXAS TRACT, A DISTANCE OF 90.33' TO A CONCRETE TXDOT MONUMENT FOUND AT THE SOUTHEAST CORNER THEREOF, COMMON TO THE SOUTHWEST CORNER OF A CALLED 2.737 ACRE TRACT OF LAND DESCRIBED IN DEED TO CLEAR CREEK RETAIL, LLC., AS RECORDED IN VOLUME 1967, PAGE 436, SAID DEED RECORDS AND THE NORTHWEST CORNER OF A CALLED 1.833 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO CLEAR CREEK RETAIL, LLC., AS RECORDED IN VOLUME 1967, PAGE 436, SAID DEED RECORDS;

THENCE SOUTH 30 DEGREES 17 MINUTES 46 SECONDS EAST, WITH THE WESTERLY LINE OF SAID 1.833 ACRE TRACT, A DISTANCE OF 214.41' TO A "X" CUT IN CONCRETE FOUND FOR CORNER IN THE WEST LINE OF SAID 1.833 ACRE TRACT;

THENCE SOUTH 30 DEGREES 51 MINUTES 10 SECONDS EAST, WITH THE WEST LINE OF SAID 1.833 ACRE TRACT A DISTANCE OF 388.88' TO THE POINT OF BEGINNING AND CONTAINING 2.14 ACRES OF LAND, MORE OR LESS.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED FROM AN ACCURATE ON-THE-GROUND SURVEY OF THE PREMISES DEPICTED HEREON AND DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED HERETO, CONDUCTED UNDER MY DIRECTION AND SUPERVISION ON 09/22/2015 AND THAT THE FINDINGS AND RESULTS OF SAID SURVEY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STATE OF TEXAS
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I-35 RIGHT-OF-WAY EXHIBIT

CONTROL SECTION 0194-02-091
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CJ	01/11/2016	130100-09	1" = 200'	3 OF 3