

TEXAS TRANSPORTATION COMMISSION

COMAL County

MINUTE ORDER

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SAN ANTONIO District

In the city of New Braunfels, COMAL COUNTY, on INTERSTATE 35, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 113, Page 225; Volume 114, Page 193; Volume 113, Page 285; Volume 113, Page 428; and Volume 113, Page 234, Deed Records of Comal County, Texas.

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

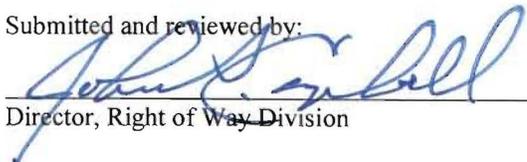
In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus land.

Tiger Tote Food Stores, Inc., is the abutting landowner and has requested that the surplus land be sold to the company for \$157,250.

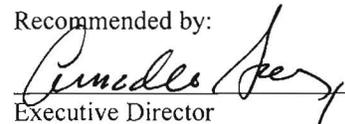
The commission finds \$14,700 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

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 Tiger Tote Food Stores, Inc., for \$157,250; 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

**111870 JUN 25 09**

Minute  
Number

Date  
Passed

CONTROL: 0016-05  
COUNTY: COMAL  
HIGHWAY: IH 35

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EXHIBIT A

**PROPERTY DESCRIPTION FOR TRACT NO. 1  
0.361 ACRE**

FOR A 0.361 ACRE TRACT (15,725 SQ. FT.) OF LAND IN THE JOHN THOMPSON SURVEY NO. 21, A-608, COMAL COUNTY, TEXAS, AND OUT OF THE 4.605 ACRE TRACT DESCRIBED AS PARCEL NO. 3 IN THE DEED FROM WILLIE W. FISCHER, ET UX TO THE STATE OF TEXAS, DATED MARCH 29, 1958, AND RECORDED UNDER VOLUME 113, PAGE 225, IN THE DEED RECORDS OF COMAL COUNTY, TEXAS, OUT OF THE 0.063 ACRE TRACT DESCRIBED IN THE DEED FROM MANUEL G. CAMPOS TO THE STATE OF TEXAS, DATED MAY 7, 1958, AND RECORDED UNDER VOLUME 114, PAGE 193, IN THE DEED RECORDS OF COMAL COUNTY, TEXAS, OUT OF THE 0.207 ACRE TRACT DESCRIBED IN THE DEED FROM AGAPITO LARA, ET UX TO THE STATE OF TEXAS, DATED APRIL 16, 1958, AND RECORDED UNDER VOLUME 113, PAGE 385, IN THE DEED RECORDS OF COMAL COUNTY, TEXAS, OUT OF THE 0.176 ACRE TRACT DESCRIBED IN THE DEED FROM ANSELMO CHAVEZ, ET UX TO THE STATE OF TEXAS, DATED APRIL 18, 1958, AND RECORDED UNDER VOLUME 113, PAGE 428, AND ALL OF THE 0.001 ACRE TRACT DESCRIBED IN THE DEED FROM ANDRES GAYTAN, ET UX TO THE STATE OF TEXAS, DATED MARCH 22, 1958, AND RECORDED UNDER VOLUME 113, PAGE 234, IN THE DEED RECORDS OF COMAL COUNTY, TEXAS, SAID TRACT OF LAND IS ALSO OUT OF LOTS 4, 5, 6, 7, AND 8, HIGHWAY ADDITION ACCORDING TO THE PLAT THEREOF RECORDED UNDER VOLUME 71, PAGES 535-536, IN THE DEED RECORDS OF COMAL COUNTY, TEXAS;

**BEGINNING** AT A TEXAS DEPARTMENT OF TRANSPORTATION TYPE II CONCRETE MONUMENT FOUND FOR THE NORTHWEST CORNER OF SAID 0.207 ACRE TRACT, COMMON TO THE NORTHEAST CORNER OF THE TRACT FROM ARTHUR J. REIMERS, ET UX TO CINCO J. INC. RECORDED UNDER VOLUME 336, PAGE 717, IN THE DEED RECORDS OF COMAL COUNTY, TEXAS, COMMON TO THE NORTHEAST CORNER OF SAID LOT 6, THE NORTHWEST CORNER OF SAID LOT 7, AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, IN THE SOUTH RIGHT-OF-WAY LINE OF MERRIWEATHER STREET (50' R.O.W.), FROM WHICH POINT A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF CINCO J. INC. TRACT, COMMON TO THE NORTHEAST CORNER OF THE 0.497 ACRE TRACT FROM DON LANE STELZER, ET UX TO TIGER TOTE FOOD STORES, INC. RECORDED UNDER DOCUMENT NO. 9806024626, IN THE OFFICIAL RECORDS OF COMAL COUNTY, TEXAS BEARS SOUTH 81°29'55" WEST, A DISTANCE OF 120.22 FEET, AND POINT OF BEGINNING FURTHER BEING NORTH 24°44'41" WEST, A DISTANCE OF 387.53 FEET FROM ENGINEER'S STATION 770+80.84;

1. **THENCE** NORTH 81°40'00" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 67.51 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;
2. **THENCE** SOUTH 57°22'47" EAST, ACROSS AFORESAID 0.176 ACRE TRACT, A DISTANCE OF 37.76 FEET TO A 1/2" IRON ROD SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT;

3. **THENCE** SOUTH 16°25'34" EAST, CONTINUING ACROSS SAID 0.176 ACRE TRACT, A DISTANCE OF 44.65 FEET TO A 1/2" IRON ROD SET FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;
4. **THENCE** SOUTH 55°51'17" WEST, CONTINUING ACROSS SAID 0.176 ACRE TRACT, ACROSS AFORESAID 0.207 ACRE TRACT AND AFORESAID 4.605 ACRE TRACT, A DISTANCE OF 229.93 FEET TO A 1/2" IRON ROD SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT;
5. **THENCE** SOUTH 62°15'16" WEST, CONTINUING ACROSS SAID 4.605 ACRE TRACT, A DISTANCE OF 144.29 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF THE AFORESAID 0.497 ACRE TRACT, COMMON TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;
6. **THENCE** NORTH 50°15'19" EAST, ALONG THE SOUTH LINE OF SAID 0.497 ACRE TRACT, AT A DISTANCE OF 141.21 FEET PASSING A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 0.497 ACRE TRACT, COMMON TO THE SOUTHWEST CORNER OF AFORESAID CINCO J., INC. TRACT, CONTINUING ALONG THE SOUTH LINE OF SAID CINCO J., INC. TRACT A TOTAL DISTANCE OF 282.10 FEET TO A TEXAS DEPARTMENT OF TRANSPORTATION TYPE II CONCRETE MONUMENT FOUND FOR THE NORTHEAST CORNER OF AFORESAID 0.063 ACRE TRACT, COMMON TO THE SOUTHEAST CORNER OF SAID CINCO J., INC TRACT AND AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT, IN THE WEST LINE OF AFORESAID 0.207 ACRE TRACT;
7. **THENCE** NORTH 08°20'00" WEST, ALONG SAID WEST LINE, COMMON TO THE EAST LINE OF SAID CINCO J., INC TRACT, A DISTANCE OF 70.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 0.361 ACRE (15,725 SQ. FT.) OF LAND, MORE OR LESS.

**NOTES:**

1. THE BASIS OF BEARINGS IS THE WEST LINE OF AFORESAID 0.207 ACRE TRACT, COMMON TO THE EAST LINE OF AFORESAID CINCO J., INC. TRACT.
2. A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.

I, D. KEITH PEVOTO, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS SURVEYED ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.



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KOŁODZIE SURVEYING COMPANY  
 197 EAST MILL STREET  
 NEW BRAUNFELS, TEXAS 78130

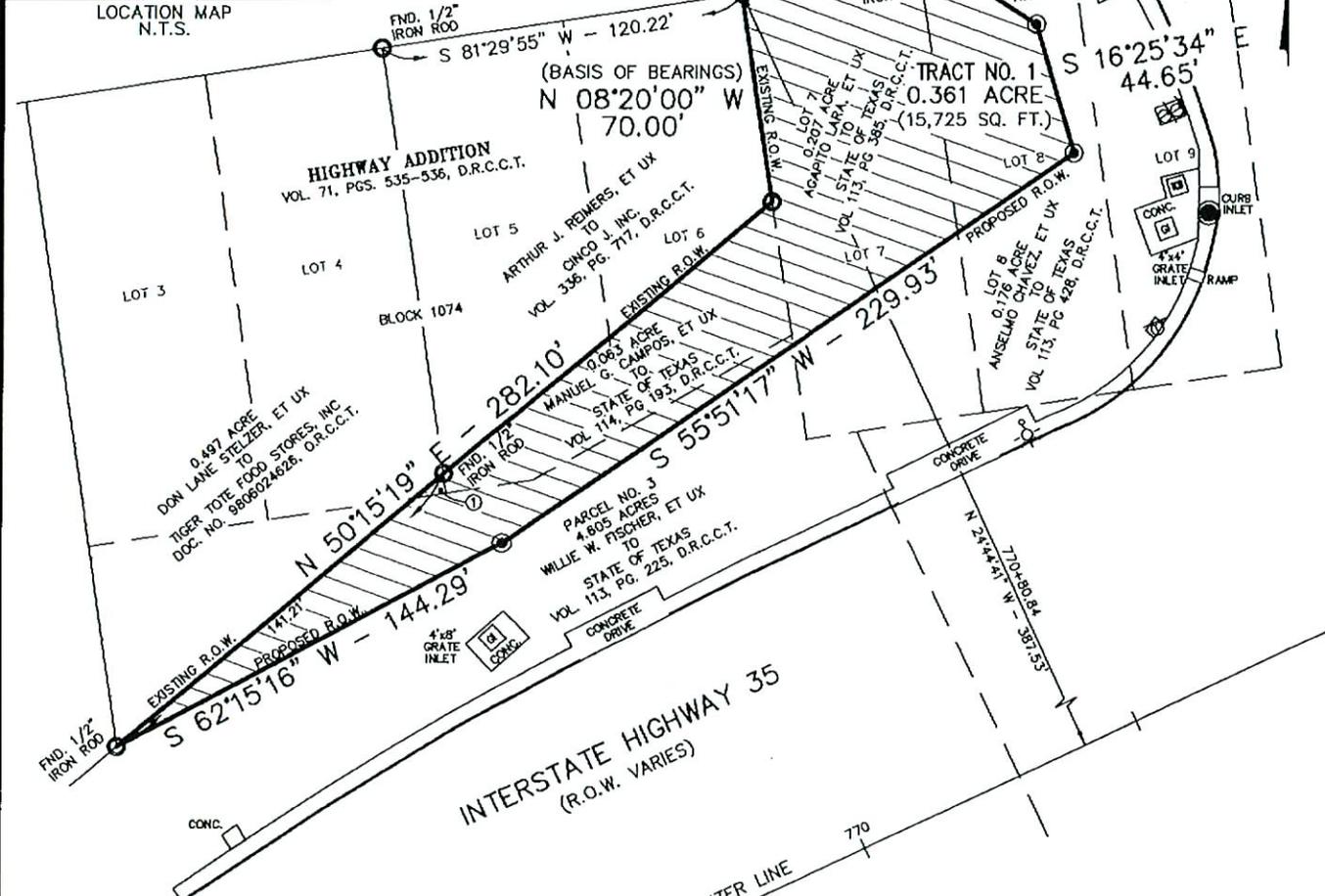
*[Signature]*  
 D. KEITH PEVOTO  
 R.P.L.S. # 5960  
 STATE OF TEXAS

2/13/08  
 DATE

REVISED 2/19/09



LOCATION MAP  
N.T.S.



①  
0.001 ACRE  
ANDRES GAYTAN, ET UX  
TO  
STATE OF TEXAS  
VOL. 113, PG. 234, D.R.C.C.T.

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**SYMBOL LEGEND**

- FOUND TYPE II CONCRETE MONUMENT (UNLESS OTHERWISE NOTED)
- ⊙ SET 1/2" IRON ROD
- ◆ POWER POLE
- OVER HEAD POWER LINE
- TRAFFIC CONTROL BOX
- GUY WIRE
- ⊙ STREET LIGHT
- ⊙ TRAFFIC SIGN
- GRATE INLET
- STORM SEWER MANHOLE

**K LODZIE  
SURVEYING  
COMPANY**

197 EAST WILL STREET - NEW BRAUNFELS, TX 78130 - PHONE: 830.625.6484 - FAX: 830.620.6484

**TRACT NO. 1**  
**0.361 ACRES (15,725 SQ. FT.)**  
**JOHN THOMPSON SURVEY NO. 21, A-608**  
**NEW BRAUNFELS, COMAL COUNTY, TEXAS**



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND TO THE BEST OF MY KNOWLEDGE THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY.

*[Signature]*  
D. KEITH PEVOTO  
R.P.L.S. NO. 5960

2/13/08  
DATE

|                     |                               |                          |
|---------------------|-------------------------------|--------------------------|
| DRAWN: DKP          | ORIGINAL ISSUE DATE: 02/13/07 | ORIGINAL SCALE: 1" = 60' |
| APPROVED FOR ISSUE: | JOB NO.: 1082-001-08-530      |                          |