

TEXAS TRANSPORTATION COMMISSION

ANGELINA County

MINUTE ORDER

Page 1 of 1

LUFKIN District

In the city of Lufkin, in ANGELINA COUNTY, on US-59, a designated controlled-access highway, access onto the northbound frontage road was permitted to the abutting property owner as described by metes and bounds pursuant to the terms of a Judgment from Lufkin SC Apartments, LLC to the State of Texas, dated August 18, 2006 and recorded as Document No. 2006-218695 in the Official Public Records of Angelina County, Texas.

Lufkin SC Apartments, LLC, the current owner of the abutting property, has requested a redesignation of the control of access along their property line. The original access point, as described in Exhibit A and attached hereto (original access point), will become controlled whereby access is denied. Access will be permitted at the new access point as described in Exhibit B (new access point).

Transportation Code, §201.103 empowers the Texas Transportation Commission (commission) to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads.

Transportation Code, §203.002 authorizes the commission to lay out, construct, maintain, and operate a modern state highway system, with an emphasis on the construction of controlled access highways.

Transportation Code, §203.031 authorizes the commission to designate locations on a controlled-access highway at which access to or from the highway is permitted and determine the type and extent of access permitted at each location.

NOW THEREFORE, the commission finds that the new access point is necessary for the mobility, safety and operation of the state highway facility and authorizes redesignation of permitted access along 30.00 linear feet of the US-59 northbound frontage road from its original access point to the location described in Exhibit B.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to enter into any necessary agreements with Lufkin SC Apartments, LLC containing terms consistent with the provisions of this order.

Submitted and reviewed by:

mark a. mark

Director, Design Division

Recommended by:

Kimberly Sawyer

Executive Director

112241 APR 29 10

Minute Number Date Passed

County Name: Angell

EXHIBIT "A"

Construction CSJ No.: 0176-03-115

Page 1 of 3

ROW Account No.: 8011-1-91

ROW CSJ No.: 0176-03-120

Highway No.: U.S. Highway 59

Parcel Limit: From : 90+52.28 95.72' Right

To: 93+58.05 105.00' Right

Parcel No.: 4

LEGAL DESCRIPTION FOR PARCEL NO. 4
(0.096 ACRES)

Being all of that certain tract or parcel of land containing 0.096 acres, more or less, situated in the J.A. Longoria Survey, A=24, Angellina County, Texas, and being a part of a called 6.622-acre tract as described in a deed dated January 15, 1999, from Joe Bill Pierce and Homer E. Pace to Alcurt Realty Group, Inc., and recorded in Volume 1191, Page 71, of the Real Property Records of Angellina County, Texas, (RPRACT), and to which reference is hereby made for any and all purposes. Said tract more particularly described by metes and bounds as follows, to wit:

BEGINNING at a typical TxDOT monument (typical TxDOT monument is a 5/8-inch by 24-inch iron rod with a "Texas Department of Transportation Right of Way Monument" aluminum disk) set at the point of intersection of the proposed right-of-way of U.S. Highway 59 with the common line of the referenced tract and a called 8.432-acre tract as described in a deed recorded in Volume 554, Page 357, (RPRACT). Said point is within an Access Denial Line and is 95.72' feet right of baseline Station 90+52.28 and has N.A.D. 83 State Plane Surface coordinate values of X=4046474.4089 and Y=10478566.1754 and from which a 1/2-inch iron rod found for the northeast corner of the said 8.432-acre tract bears N 66° 52' 37" E 163.73 feet;

1. THENCE S 66° 52' 37" W 6.11 feet with the proposed right of way, the common line of said tracts, and an Access Denial Line to a typical TxDOT monument set for the most western Southwest corner of the referenced tract in the existing right of way of U. S. Highway 59 (120' right of way);
2. THENCE in a northerly direction with the said existing right of way as follows:
N 06° 46' 47" E 300.15 feet to a 60d.nail set for corner;
N 65° 33' 31" E 12.43 feet to a concrete monument found for corner in the common line of the referenced tract and a called .2739-acre tract described in a Deed recorded in Volume 1458; Page 187, RPRACT;
3. THENCE N 66° 54' 40" E 4.47 feet with the common line of the said tracts to a Typical TxDOT Monument set in the proposed right of way of U.S. Highway 59; Said point is within an Access Denial Line;
4. THENCE in a southerly direction with the proposed right of way, as follows:
S 06° 45' 58" W with an Access Denial Line, passing at 238.50 feet a typical Control of Access Monument (typical Control of Access monument is a 5/8-inch by 24-inch iron rod with a "Texas Department of Transportation Control of Access Point" aluminum disk) set for the end of Access Denial at Station 91+19.55, continuing a total distance of 258.05 feet to a concrete nail set for corner, and

IMAGE

W:\410\410079\FN04.doc

EXHIBIT "A"

Page 2 of 3

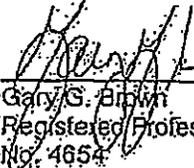
County Name: Angellna
Construction CSJ No.: 0176-03-115
ROW Account No.: 8011-1-91
ROW CSJ No.: 0176-03-120
Highway No.: U.S. Highway 59
Parcel Limit: From: 90+52.28, 95.72' Right
To: 93+58.05, 105.00' Right
Parcel No.: 4

S 17° 46' 28" W, passing at 10.65 feet a typical TxDOT Control of Access Monument set for the beginning of an Access Denial Line at Station 90+89.55, continuing with the Access Denial Line a total distance of 48.62 feet to the POINT OF BEGINNING and containing 0.096 acres of land, more or less, as shown on the accompanying survey plat of even date herewith.

NOTE: Access is prohibited across the "Access Denial Line" to the Transportation Facility from the adjacent property.

BASIS OF BEARINGS: The X,Y values shown hereon are not State Plane Coordinates. Coordinate positions have been scaled to the surface from an anchor point (A13) by a factor of 1.000088582. The fixed horizontal position for A13 was established at Y=10535970.795 feet and X=4044082.188 feet. The NAD 83 geographic position for A13 is 31°27'08.13311"N Latitude / 094°43'36.22525"W Longitude.

GOODWIN-LASITER, INC.

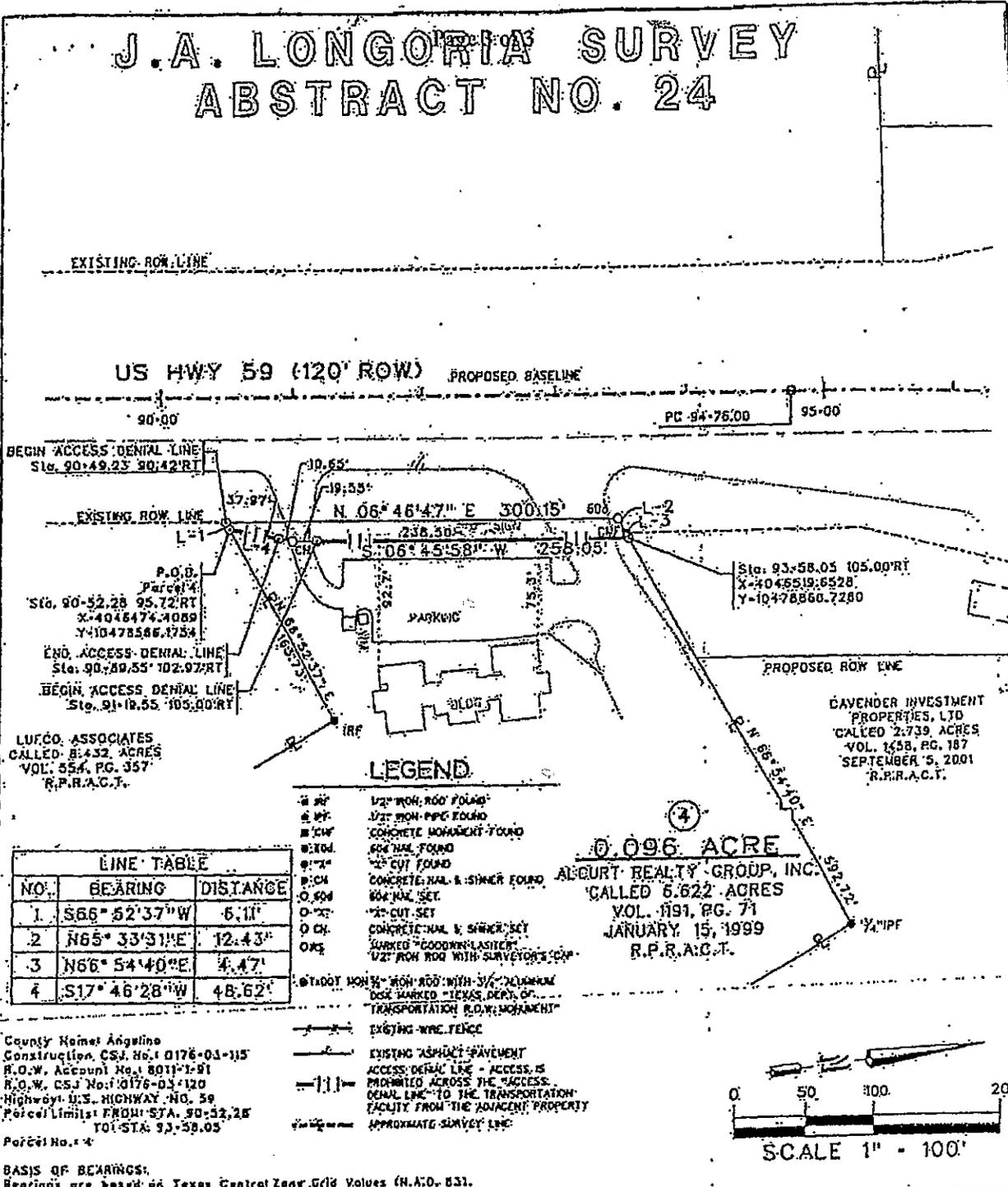


Gary G. Brown
Registered Professional Land Surveyor
No. 4654
State of Texas
Date: Nov 23, 2004



IMAGED

J.A. LONGORIA SURVEY ABSTRACT NO. 24



County Kainer Angulino
Construction, CSJ No. 0176-03-115
R.O.W. Account No. 8011-1-91
R.O.W. CSJ No. 0176-03-120
Highway U.S. HIGHWAY No. 59
Parcel Limits FROM STA. 90+32.28
TO STA. 93+58.05

Parcel No. 4

BASIS OF BEARINGS:
Bearings are based on Texas Central Zone Grid Values (N.A.D. 83).

I, GARY G. BROWN, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY DECLARE THAT I HAVE PREPARED THIS PLAT FROM A SURVEY MADE ON THE GROUND, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

IMAGED

GARY G. BROWN
Registered Professional Land Surveyor
No. 4654 State of Texas
Date: May 22, 2004

STATE OF TEXAS
REGISTERED PROFESSIONAL LAND SURVEYOR
GARY G. BROWN
4654

G-L GOODWIN-LASITER, INC.
ENGINEERS-ARCHITECTS
SURVEYORS

1109 S. DESHAY, SUITE 202, DALLAS, TEXAS 75201 • (214) 831-8500 • engineering@goodwinlasiter.com
1205 DEARBORN, SUITE 101, COLLEGE STATION, TEXAS 77840 • (936) 471-1111 • info@goodwinlasiter.com

DATE	DRAWN	CHECKED	APPROVED	JOB NO.	SCALE
10-13-2004	KLR	GGB	KR	211008	1" = 100'

SURVEY PLAT OF A 0.096 ACRE TRACT OF LAND SITUATED IN THE J.A. LONGORIA SURVEY, A-24

PARCEL NO. **4**

County Name: Angelina
 Construction CSJ No.: 0176-03-115
 ROW Account No.: 8011-1-91
 ROW CSJ No.: 0176-03-120
 Highway No.: U.S. Highway 59
 Parcel Limit: From: 90+52.28 95.72' Right
 To: 93+58.05 105.00' Right
 Parcel No.: 4AC

LEGAL DESCRIPTION FOR PARCEL NO. 4AC

Being an Access Denial Line situated in the J.A. Longoria Survey, A-24, Angelina County, Texas, and being the easterly boundary of that called 0.096 acre tract described in a Judgment from The Silver Creek Apartments, LLC. to the State of Texas, dated August 18, 2006, and recorded as Document No. 218695 of the Official Public Records of Angelina County, Texas, (OPRACT), and the westerly line of that called 6.5361 acre tract described in a Deed from The Silver Creek Apartments, LP. to Lufkin SC Apartments, LLC., dated July 16, 2007, and recorded as Document No. 232255, OPRACT, and to which reference hereby made for any and all purposes and said Access Denial Line being more particularly described as follow, to wit:

BEGINNING at a typical TxDOT monument (typical TxDOT monument is a 5/8-inch by 24-inch iron rod with a "Texas Department of Transportation Right of Way Monument" aluminum disk) found at the point of intersection of the easterly Right of Way (ROW) line of U.S. Highway 59 with a northerly line of that called 13.569 acre tract described in a Deed from Lufco Associates to Jimmy E. Horton, dated December 16, 2005, and recorded as Document No. 207243, OPRACT, for the southeast corner of the reference State of Texas tract and a southwest corner of the reference Lufkin SC Apartments tract, said point being within an Access Denial Line and being 95.72 feet right of baseline Station 90+52.28 and has N.A.D. 83 State Plane Surface coordinate values of X=4046474.4089 and Y=10478566.1754 and from which a 1/2-inch iron rod found for an "ell" corner of the referenced Lufkin SC Apartments tract bears N 66° 52' 37" E 163.73 feet;

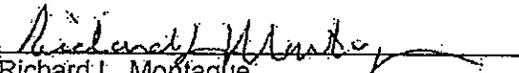
1. THENCE N 17° 46' 28" E, along said easterly ROW line of U.S. Highway 59, along an Access Denial Line, 48.62 feet to a concrete nail found for angle point and being 105.00 feet right of baseline Station 91+00.00;
2. THENCE N 06° 45' 58" E, continuing along said easterly ROW line of U.S. Highway 59, along said Access Denial Line, passing at 219.59 feet a typical Control of Access monument (typical Control of Access monument is a 5/8-inch x 24-inch iron rod with a "Texas Department of Transportation Control of Access Point" aluminum disk) set for the end of the Access Denial and being 105.00 feet right of baseline Station 93+19.59 and continuing along said easterly ROW line, passing at 249.59 feet at typical Control of Access monument set for the beginning of an Access Denial Line and being 105.00 feet right of baseline Station 93+49.59 and continuing along said easterly ROW line, along said Access Denial Line for a total distance of 258.05 feet to a typical TxDOT monument set in the southerly line of that called 0.668 acre tract described in a Judgment from Cavender Investment Properties, Ltd. to the State of Texas, dated August 10, 2006, and recorded as Document No. 218694, OPRACT, for the northeast corner of the reference State of Texas tract and the northwest corner of the reference Lufkin SC Apartments tract and from which a typical TxDOT monument found in the northerly line of the referenced Lufkin SC Apartments tract for the southeast corner of the said State of Texas 0.668 acre tract bears N 66° 54' 40" E 102.41 feet, and being 105.00 feet right of baseline Station 93+58.05, as shown on the accompanied survey plat of even date herewith.

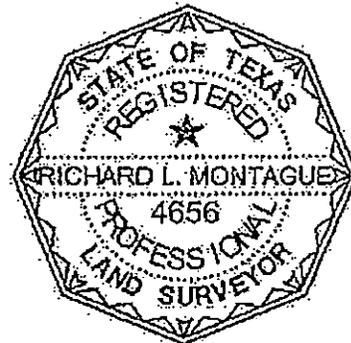
County Name: Angellina
 Construction CSJ No.: 0176-03-115
 ROW Account No.: 8011-1-91
 ROW CSJ No.: 0176-03-120
 Highway No.: U.S. Highway 59
 Parcel Limit: From: 90+52.28 95.72' Right
 To: 93+58.05 105.00' Right
 Parcel No.: 4AG

NOTE: Access is prohibited across the "Access Denial Line" to the Transportation Facility from the adjacent property.

BASIS OF BEARINGS: The X,Y values shown hereon are not State Plane Coordinates. Coordinate positions have been scaled to the surface from an anchor point (A13) by a factor of 1.000088582. The fixed horizontal position for A13 was established at Y=10535970.795 feet and X=4044082.188 feet. The NAD 83 geographic position for A13 is 31°27'08.13311"N Latitude / 094°43'36.22525"W Longitude.

GOODWIN-LASITER, INC.


 Richard L. Montague
 Registered Professional Land Surveyor
 No. 4656
 State of Texas
 Date: 8-12-2003



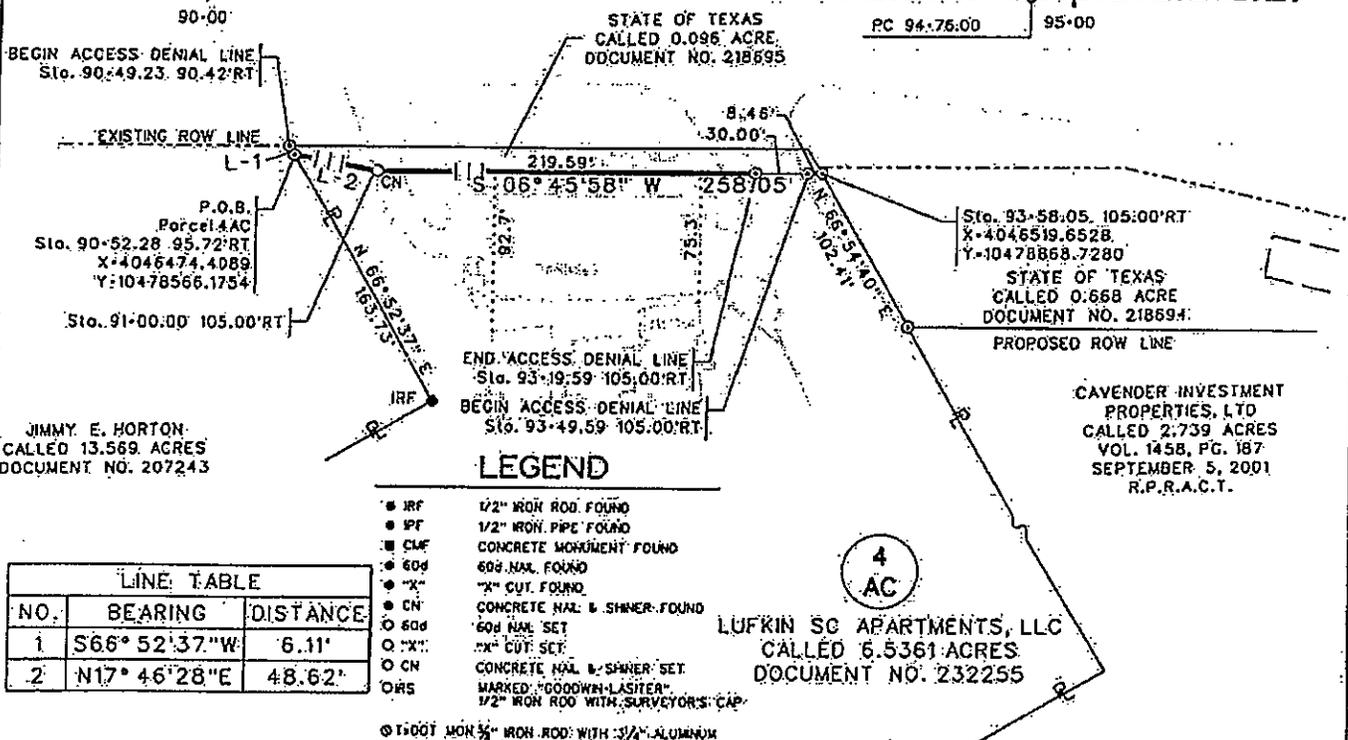
J.A. LONGORIA SURVEY ABSTRACT NO. 24

EXHIBIT "B"
Page 3 of 3

EXISTING ROW LINE

US HWY 59 (120' ROW)

PROPOSED BASELINE



LEGEND

- IRF 1/2" IRON ROD FOUND
- IPF 1/2" IRON PIPE FOUND
- CMF CONCRETE MONUMENT FOUND
- 60d 60d NAIL FOUND
- "X" "X" CUT FOUND
- CN CONCRETE NAIL & SHNER FOUND
- 60d 60d NAIL SET
- "X" "X" CUT SET
- CN CONCRETE NAIL & SHNER SET
- ORS MARKED "GOODWIN-LASITER" 1/2" IRON ROD WITH SURVEYOR'S CAP
- 100T 100T IRON ROD WITH 3/4" ALUMINUM DISK MARKED "TEXAS DEPT. OF TRANSPORTATION R.O.W. MONUMENT"
- EXISTING WIRE FENCE
- EXISTING ASPHALT PAVEMENT
- ACCESS DENIAL LINE - ACCESS IS PROHIBITED ACROSS THE "ACCESS DENIAL LINE" TO THE TRANSPORTATION FACILITY FROM THE ADJACENT PROPERTY
- APPROXIMATE SURVEY LINE

LINE TABLE		
NO.	BEARING	DISTANCE
1	S66° 52' 37" W	6.11'
2	N17° 46' 28" E	48.62'

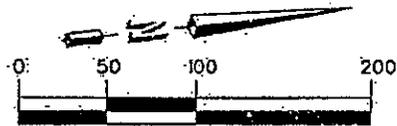
4
AC

LUFKIN SC APARTMENTS, LLC
CALLED 6.5361 ACRES
DOCUMENT NO. 232255

CAVENDER INVESTMENT
PROPERTIES, LTD
CALLED 2.739 ACRES
VOL. 1458, PG. 187
SEPTEMBER 5, 2001
R.P.R.A.C.T.

County Name: Angelino
Construction CSJ No.: 0176-03-115
R.O.W. Account No.: 8011-1-91
R.O.W. CSJ No.: 0176-03-120
Highway: U.S. HIGHWAY NO. 59
Parcel Limits: E ROW: STA. 90+52.28
TO: STA. 93+58.05
Parcel No.: 4AC

BASIS OF BEARINGS:
Bearings are based on Texas Central Zone Grid Values (N.A.D. 83).



I, RICHARD L. MONTAGUE, A REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY DECLARE THAT I HAVE PREPARED THIS PLAT FROM A SURVEY MADE ON THE GROUND, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Richard L. Montague
Richard L. Montague
Registered Professional Land Surveyor
No. 4656 - State of Texas
Date: 8-12-2008



G-L GOODWIN-LASITER, INC.
ENGINEERS-ARCHITECTS
SURVEYORS

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1599 ENCLAVE BLVD., SUITE 101 • COLLEGE STATION, TEXAS 77845 • 19291-696-5167 • clm@goodwinlasiter.com

DATE	DRAWN	CHECKED	APPROVED	JOB NO.	SCALE
8-07-2008	KLH	RLM	KR	430104	1" = 100'

SURVEY PLAT OF AN ACCESS DENIAL LINE SITUATED IN THE J.A. LONGORIA SURVEY, A-24, ANGELINA COUNTY, TEXAS

PARCEL NO.
4 AC