

TEXAS TRANSPORTATION COMMISSION

HARRISON County

MINUTE ORDER

Page 1 of 1

ATLANTA District

In the city of Marshall, HARRISON COUNTY, on US 59, the State of Texas acquired certain land for state highway purposes by instruments recorded in Volume 238, Page 43, and Volume 238, Page 22, Deed Records of Harrison 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 exchange of surplus land as whole or partial consideration for other land needed for a state highway purpose.

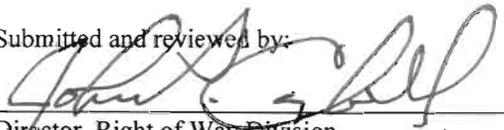
Marshall Independent School District (MISD), owner of land needed by the state for a highway purpose (new land), described in Exhibit B, has requested that the surplus land be conveyed to MISD in exchange for the new land pursuant to an executed exchange agreement.

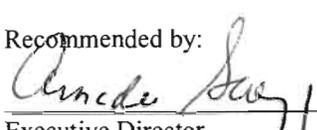
It is the opinion of the commission that it is proper and correct that the state convey the surplus land to MISD in exchange and as consideration for the conveyance of the new land to the state.

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 Marshall Independent School District in exchange and as consideration for the conveyance of the new land to the state; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interest, 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:

Recommended by:

  
\_\_\_\_\_  
Director, Right of Way Division

  
\_\_\_\_\_  
Executive Director

**112253 APR 29 10**

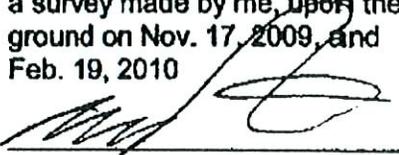
Minute Number      Date Passed

COUNTY: Harrison  
HIGHWAY: U.S. Highway 59  
RCSJ NO. 0063-01-017  
AT S.H. 43 S. IN MARSHALL  
LIMITS:

From: Station 221+84.38  
To: Station 221+99.38



I, Mark H. Patheal, Registered Professional Land Surveyor, do hereby certify that this Property Description (Field Notes & Plat) are true and correct according to a survey made by me, upon the ground on Nov. 17, 2009, and Feb. 19, 2010

  
Mark H. Patheal, R.P.L.S. #4528  
Date: 3/03/10

#### SURPLUS RIGHT OF WAY TRACT 4

Being 0.0344 of an acre tract of land in the PETER WHETSTONE SURVEY, A-756, Harrison County, Texas, being part of the original 50 foot wide street right of way, known as Five Notch Road (formerly known as Garland Street), and also a part of that certain 0.40 acre parcel acquired by the State of Texas from Lee Riley in Right of way deed dated February 25, 1939 and recorded in Volume 238, Page 43 of the Harrison County Deed Records and part of a 2.97 acre parcel acquired by the State of Texas from Arena Jones by deed dated October 30, 1939 and recorded in Volume 238, Page 22 of said Harrison County Deed Records, said 0.0344 of an acre being more particularly described as follows:

BEGINNING at a TxDOT Type II Right of Way Monument with Bronze Disk Set in Concrete for corner on the Southeast line of that certain 1.505 acre tract acquired by the Marshall Independent School District (MISD) and described in instrument recorded in Volume 813, Page 68 of the Harrison County Deed Records, said beginning corner being on the Northwesterly right of way line of State Highway 43, and the West right of way line of U.S. Highway 59, said Type II Monument bears North 42°16'48" East – 200.92 feet from the Southerly Southeast corner of said 1.505 acre tract, said Type II Monument also bears Northeasterly along a curve to the left having a radius of 1070.92 feet, an arc length of 1002.29 feet, and a chord bearing and distance of North 65°42'34" East – 966.11 feet from a Concrete Monument with Brass Disk Found at an offset corner of said State Highway 43 right of way, 75' left of station 1040+53.6, said beginning corner being 183.00 feet left from the survey centerline of U.S. Highway 59, at survey centerline station 221+84.38, and being located at NAD83 Texas State Plane Coordinate System, North Central Zone (4202) coordinates of 6900402.30 North and 3246582.93 East;

THENCE along the Northwesterly right of way line of said State Highway 43, the West right of way line of U.S. Highway 59, and the Southeast line of said MISD 1.505 acre tract, along a curve to the left, having a radius of 1070.92 feet, an arc length of 16.61 feet, and a chord bearing and distance of North 36°27'11" East – 16.61 feet to a Type II Right of Way Monument with Bronze Disk Set in Concrete for corner, being 175.86 feet left of survey centerline station 221+99.38;

THENCE South 78°59'00" East, 96.33 feet to a Type II Right of Way Monument with Bronze Disk Set in Concrete for corner, being 79.53 feet left of survey centerline station 221+99.38;

THENCE South 11°01'00" West, 15.00 feet to a Type II Right of Way Monument with Bronze Disk Set in Concrete for corner, being 79.53 feet left of survey centerline station 221+84.38;

THENCE North 78°59'00" West, 103.46 feet to the place of beginning and containing 0.0344 of an acre of land, or 1498 square feet.

All bearings are oriented to TXDOT right of way map plan bearing for U.S. Highway 59 between monuments found 120' Right of Survey Centerline Stations 225+00 and 209+00. Coordinate shown is based upon the Texas State Plane Coordinate System, NAD 83, North Central Zone, based upon Harrison CAD 1992 GPS 12 monument. All distances shown are horizontal surface distances.

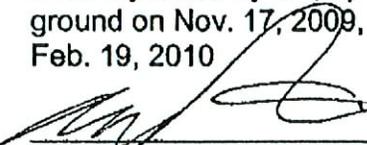


COUNTY: Harrison  
HIGHWAY: U.S. Highway 59  
RCSJ NO. 0063-01-017  
AT S.H. 43 S. IN MARSHALL  
LIMITS:

From: Station 219+60.10  
To: Station 221+84.38



I, Mark H. Patheal, Registered Professional Land Surveyor, do hereby certify that this Property Description (Field Notes & Plat) are true and correct according to a survey made by me, upon the ground on Nov. 17, 2009, and Feb. 19, 2010

  
Mark H. Patheal, R.P.L.S. #4528

Date: 3/03/10

### PROPERTY DESCRIPTION FOR PARCEL 87

Being 0.0344 of an acre tract of land in the PETER WHETSTONE SURVEY, A-756, Harrison County, Texas, being part of that certain 1.505 acre tract acquired by the Marshall Independent School District (MISD) and described in instrument recorded in Volume 813, Page 68 of the Harrison County Deed Records, and also being a part of that certain called 68 acre tract described in deed from Robert Magers to the Board of Education of the Marshall Independent School District, dated June 23, 1972, and recorded in Volume 710, Page 615 of said Harrison County Deed Records, said 0.0344 of an acre being more particularly described as follows:

**BEGINNING** at a TxDOT Type II Right of Way Monument with Bronze Disk Set in Concrete for corner on the Southeast line of said 1.505, said beginning corner being on the Northwesterly right of way line of State Highway 43, and the West right of way line of U.S. Highway 59, said Type II Monument bears North 42°16'48" East – 200.92 feet from the Southerly Southeast corner of said 1.505 acre tract, same being an Easterly corner of said called 68 acre tract, said Type II Monument also bears Northeasterly along a curve to the left having a radius of 1070.92 feet, an arc length of 1002.29 feet, and a chord bearing and distance of North 65°42'34" East – 966.11 feet from a Concrete Monument with Brass Disk Found at an offset corner of said State Highway 43 right of way, 75' left of station 1040+53.6, said beginning corner being 183.00 feet left from the survey centerline of U.S. Highway 59, at survey centerline station 221+84.38, and being located at NAD83 Texas State Plane Coordinate System, North Central Zone (4202) coordinates of 6900402.30 North and 3246582.93 East;

**THENCE** along the Northwesterly right of way line of said State Highway 43, the West right of way line of U.S. Highway 59, and the Southeast line of said MISD 1.505 acre tract, and the Southeast line of said called 68 acre tract, along a curve to the right,

~~EXHIBIT "A"~~

PAGE 1 OF 3

EXHIBIT "B"

having a radius of 1070.92 feet, an arc length of 268.29 feet, and a chord bearing and distance of South 44°04'28" West – 267.60 feet to a Type II Right of Way Monument with Bronze Disk Set in Concrete for corner, being 328.97 feet left of survey centerline station 219+60.10;

THENCE North 44°04'28" East, 267.60 feet to the place of beginning and containing 0.0344 of an acre of land, or 1498 square feet.

All bearings are oriented to TXDOT right of way map plan bearing for U.S. Highway 59 between monuments found 120' Right of Survey Centerline Stations 225+00 and 209+00. Coordinate shown is based upon the Texas State Plane Coordinate System, NAD 83, North Central Zone, based upon Harrison CAD 1992 GPS 12 monument. All distances shown are horizontal surface distances.

~~—EXHIBIT "A"—~~

PARCEL 87

PAGE 2 OF 3

EXHIBIT "B"

# HARRISON COUNTY, TEXAS

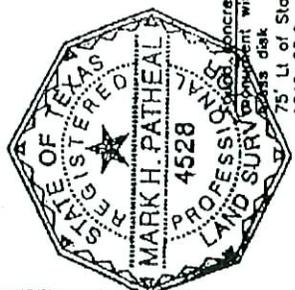
## PETER WHETSTONE SURVEY, A-756

Course	Bearing	Distance
L1	N 00°40'00" E	176.36'
L2	N 58°17'17" E	81.18'

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	1070.92'	67.08'	3°35'21"	67.07'	S 49°27'25" W
C2	1070.92'	201.21'	10°45'55"	200.92'	S 42°16'48" W
C3	1070.92'	200.03'	10°42'06"	199.74'	N 31°32'47" E

Marshall Independent School District  
 Called 68 Acres  
 Volume 710, Page 615  
 Deed Records

NOTE: All bearings are oriented to TxDOT right of way map plan bearing for U.S. Highway 59 between monuments found 120' Rt. of Survey Centerline Stations 225+00 & 209+00. Coordinate shown is based upon the Texas State Plane Coordinate System, NAD 83, North Central Zone, based upon Harrison CAD 1952, GPS 12 monument. All distances shown are horizontal surface distances.



Mark H. Patheal, R.P.L.S. #4528  
 1040+53.8  
 State Hwy. 43

Marshall Independent School District  
 Volume 808, Page 355  
 Deed Records

Marshall Independent School District  
 Volume 813, Page 68  
 Deed Records

P.O.B.  
 N = 6900402.30  
 E = 3246582.93  
 Sta 221+84.38  
 183.00' Lt.

0.0344 Acres  
 1498 Sq./Ft.

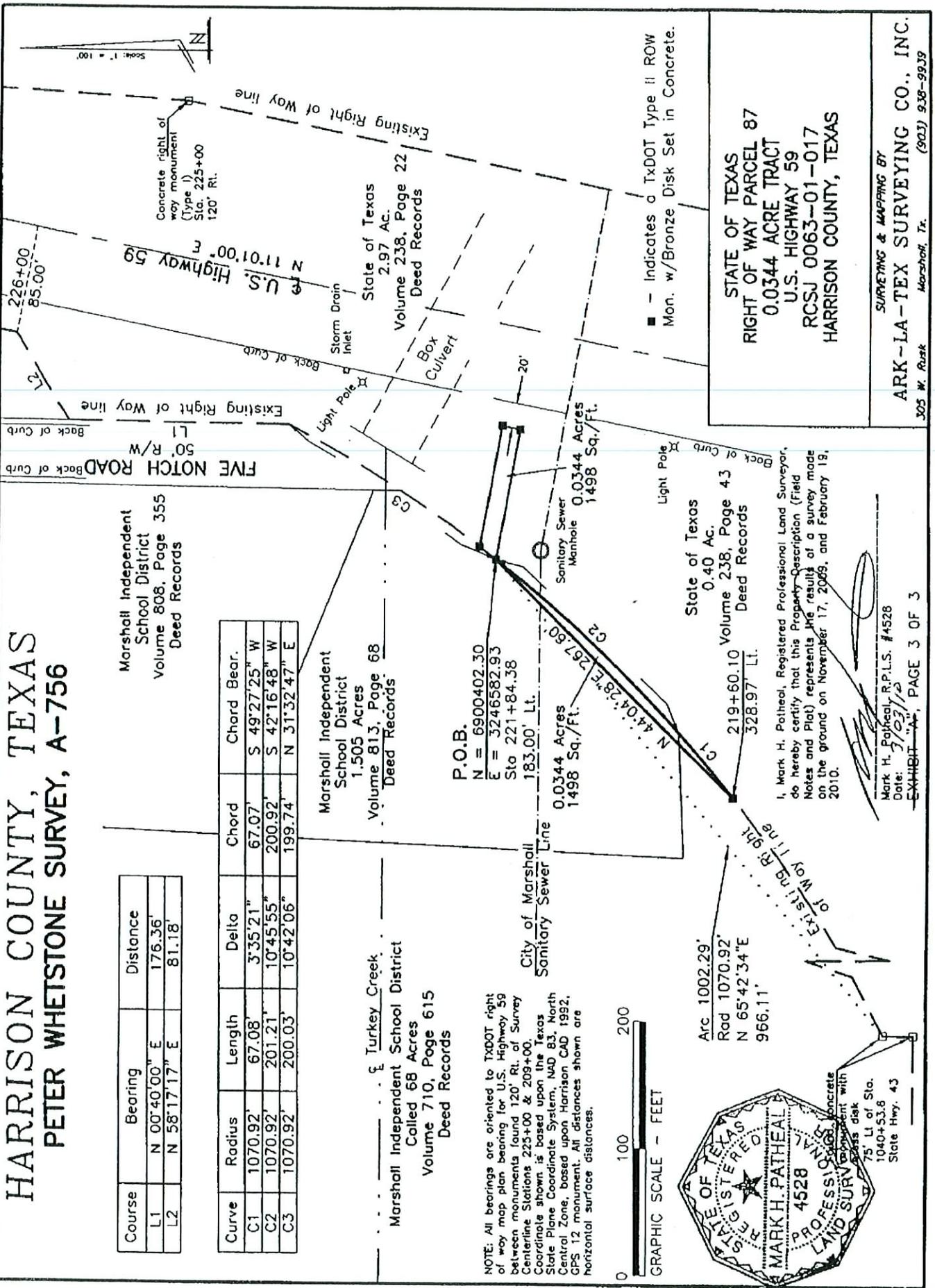
State of Texas  
 0.40 Ac.  
 Volume 238, Page 43  
 Deed Records

219+60.10  
 328.97 Lt.

I, Mark H. Patheal, Registered Professional Land Surveyor, do hereby certify that this Property Description (Field Notes and Plat) represents the result of a survey made on the ground on November 17, 2009, and February 18, 2010.

Mark H. Patheal, R.P.L.S. #4528  
 Date: 3/03/10  
 EXHIBIT "A", PAGE 3 OF 3

EXHIBIT "B"



STATE OF TEXAS  
 RIGHT OF WAY PARCEL 87  
 0.0344 ACRE TRACT  
 U.S. HIGHWAY 59  
 RCSJ 0063-01-017  
 HARRISON COUNTY, TEXAS

— Indicates a TxDOT Type II ROW Mon. w/Bronze Disk Set in Concrete.

SURVEYING & MAPPING BY  
 ARK-LA-TEX SURVEYING CO., INC.  
 305 W. Park Marshall, Tx. (903) 938-9939