

TEXAS TRANSPORTATION COMMISSION

MONTGOMERY County

MINUTE ORDER

Page 1 of 1

HOUSTON District

In MONTGOMERY COUNTY, on INTERSTATE 45, a designated controlled access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 666, Page 645, Deed Records of Montgomery County, Texas, and the state owns and controls certain access rights to the highway facility to and from the abutting land.

A portion of the access rights (surplus access rights), shown on Exhibit A, is no longer needed for a state highway purpose.

Conroe Crossroads Center, L.P., owner of a 16.801-acre tract of land conveyed by deed recorded under County Clerk's File 2007-078987, Official Public Records of Real Property, Montgomery County, Texas (Conroe Crossroads Tract), is the landowner abutting the property line along which access is proposed to be released and has requested that the state sell the surplus access rights to Conroe Crossroads Center, L.P., for \$140,000.

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

The Texas Department of Transportation has determined that the sale of the surplus access rights is not expected to compromise the safety or add traffic volume in an amount to exceed the capacity of the existing highway.

It is the opinion of the commission that it is proper and correct that the state sell the surplus access rights to the abutting landowner for a cash consideration of \$140,000.

NOW, THEREFORE, the commission finds that the surplus access rights are 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 granting the state's interest in the surplus access rights to Conroe Crossroads Center, L.P., for a cash consideration of \$140,000.

IT IS FURTHER ORDERED that the surplus access rights will be exclusive to the Conroe Crossroads Tract, and nothing in this order shall be construed to directly or indirectly approve conveyance of access rights to the properties abutting the Conroe Crossroads Tract.

Submitted and reviewed by:

Recommended by:

Director, Right of Way Division

Executive Director

112329 JUN 24 10

Minute Number Date Passed

Exhibit A

County: Montgomery
Highway: IH 45
Project Limits: 0.60 miles North of Loop 336N to 0.043 miles South of Loop 336S
RCSJ: 0675-08-089

TRACT 1AC
"ACCESS LINE" DESCRIPTION

Being an "Access Line" delineating a permitting of access to the transportation facility from the adjacent property along Interstate Highway 45 in the Denward James Survey, Abstract 289, Montgomery County, Texas; said property being a called 16.801 acre tract conveyed to Conroe Crossroads Center, L.P. from Risher Randall by deed dated June 21, 2007, and recorded under Montgomery County Clerk's File 2007-078987, Official Public Records of Real Property Montgomery County, Texas; said called 16.801 acre tract being Reserve "A" of Crossroads Park, a subdivision according to plat recorded in Cabinet B, Sheet 7, Montgomery County Map Records (MCMR), Texas; said "Access Line" being more particularly described as follows:

COMMENCING at a five-eighths inch iron rod found on the northwesterly line of said Reserve "A" of Crossroads Park at the southwesterly corner of Oak Hollow, Section 2, a subdivision according to plat recorded in Volume 7, Page 339, MCMR, and at the southeasterly corner of Reserve "A" of Mattress Giant/NTW-Conroe, a subdivision according to plat recorded in Cabinet M, Sheet 101, MCMR;

THENCE, South 71° 28' 12" West, along the northwesterly line of said Reserve "A", Crossroads Park subdivision and along the southeasterly line of said Reserve "A", Mattress Giant/NTW-Conroe, a distance of 302.08 feet to a point for corner at the northwesterly corner of said Crossroads Park subdivision and the southwesterly corner of said Mattress Giant/NTW-Conroe and being on the existing easterly right-of-way line of Interstate Highway 45 (width varies per Condemnation Cause No. 4220, Montgomery County District Court), from which a three-eighths inch iron rod found at the northwesterly corner of said Reserve "A", Mattress Giant/NTW-Conroe bears North 21° 28' 53" West, a distance of 124.08 feet, and a five-eighths inch iron rod with TxDOT aluminum cap found 206.54 feet left of said Interstate Highway 45 baseline Station 738+87.80 bears North 21° 28' 53" West, a distance of 34.91 feet;

THENCE, South 21° 28' 53" East, along the existing easterly right-of-way line of said Interstate Highway 45, same being an Access Denial Line, and along the southwesterly line of said Reserve "A", Crossroads Park subdivision, a distance of 309.19 feet to five-eighths inch iron rod with TxDOT aluminum cap stamped "ADL" set for the end of said Access Denial Line and POINT OF BEGINNING of said "Access Line" and being 217.27 feet left of Interstate 45 baseline Station 742+28.60;

Exhibit _____

- 1) THENCE, South 21° 28' 53" East, continuing along the existing easterly right-of-way line of said Interstate Highway 45, and along said "Access Line" and continuing along the southwesterly line of said Reserve "A", Crossroads Park subdivision, a distance of 100.00 feet to five-eighths inch iron rod with TxDOT aluminum cap stamped "ADL" set for the beginning of an Access Denial Line and end of said "Access Line" and same being 221.34 feet left of Interstate Highway 45 baseline Station 743+27.57.

Notes:

1. The POINT OF BEGINNING of this description has coordinates of X=3,380,352.30 and Y=10,112,589.77. All bearings and coordinates are based on the Texas Coordinate System, Central Zone, NAD 83 (1993 Adj.). All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 1.00003.
2. This property description is prepared in conjunction with a survey plat of equal date.
3. Access will be permitted across the "Access Line" to the highway facility from the adjacent property.

Survey date: November, 2009


William J. Massey Date
Registered Professional Land Surveyor
Texas Registration No. 4793



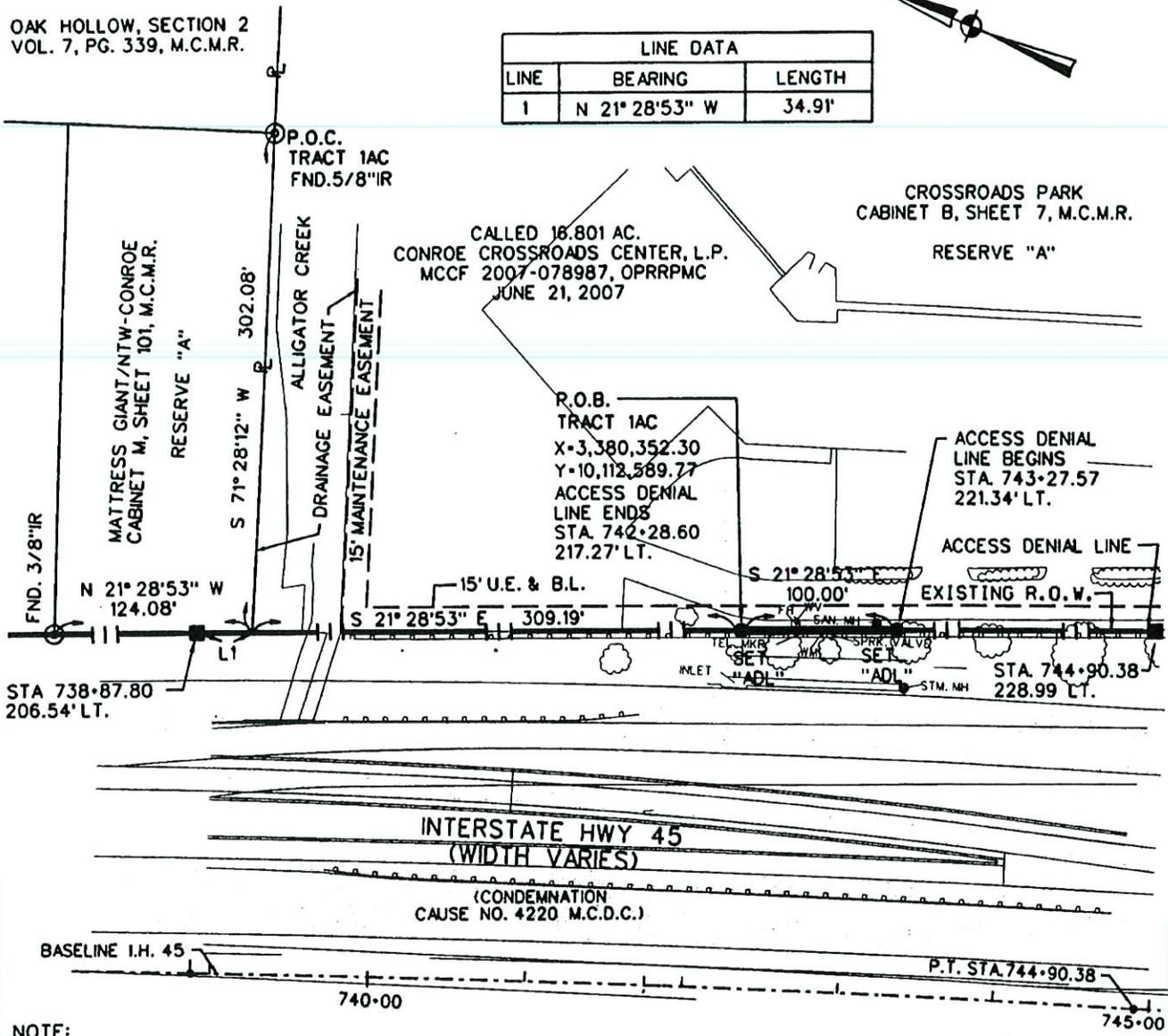
Prepared By:
Landtech Consultants, Inc.
2525 North Loop West, Suite 300
Houston, Texas 77008
(713) 861-7068

DENWARD JAMES SURVEY, A-289



OAK HOLLOW, SECTION 2
VOL. 7, PG. 339, M.C.M.R.

LINE DATA		
LINE	BEARING	LENGTH
1	N 21° 28' 53" W	34.91'



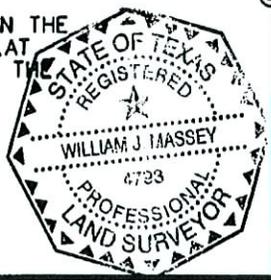
NOTE:

1. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 1983, (1993 ADJ.). ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED SCALE FACTOR OF 1.00003.
2. "ACCESS LINE" DESCRIPTION WITH EVEN SURVEY DATE ACCOMPANIES THIS PLAT.
3. ACCESS WILL BE PERMITTED ACROSS THE "ACCESS LINE" TO THE HIGHWAY FACILITY FROM THE ADJACENT PROPERTY.

- M.C.M.R. • MONTGOMERY COUNTY MAP RECORDS
- OPRRPMC • OFFICIAL PUBLIC RECORDS OF REAL PROPERTY MONTGOMERY COUNTY
- ACCESS IS PERMITTED ACROSS THIS ACCESS LINE
- ||— ACCESS DENIAL LINE
- FND. 5/8" IR W/TXDOT ALUM. CAP
- SET 5/8" IR W/TXDOT ALUMINUM CAP STAMPED "ADL"
- ⊙ PROPERTY CORNER (FOUND AS NOTED)

HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.
SURVEY DATE: NOVEMBER, 2009

William J. Massey 11/30/09
WILLIAM J. MASSEY
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4793, STATE OF TEXAS



PLAT SHOWING
TRACT 1AC

TH 45 MONTGOMERY COUNTY
RCSJ: 0675-08-089
LANDTECH CONSULTANTS, INC. NOVEMBER, 2009
PAGE 3 OF 3 SCALE: 1"=100'