

TEXAS TRANSPORTATION COMMISSION

DENTON County

MINUTE ORDER

Page 1 of 1

DALLAS District

In DENTON COUNTY, on FARM TO MARKET ROAD 423 from Stewart Creek Road to State Highway 121, the Texas Department of Transportation (department) is acquiring the right of way for a highway improvement project.

V.T.C.A., Transportation Code, §201.206, authorizes the department to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept a gift or donation valued at \$500 or more by majority vote at an open meeting.

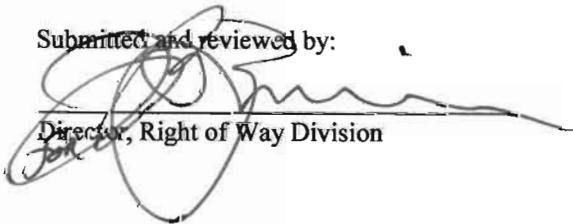
The Leisy Brewing Company (owner) is the owner of the property described in Exhibit A. The owner wants to donate this property, estimated at \$26,041, to the department for construction of a highway improvement project.

The owner may be subject to department regulations or oversight, but is not currently party to a contested case before the department. The owner may also be interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department.

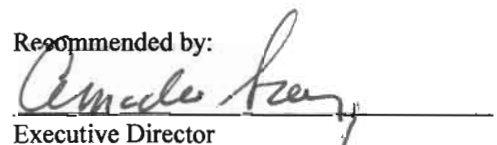
A donation agreement has been executed by the owner and tendered to the department for acceptance under Title 43, Texas Administrative Code, §1.504.

IT IS THEREFORE ORDERED by the commission that (1) the commission has determined that acceptance of this donation would provide a significant public benefit, and would not influence or reasonably appear to influence the department in the performance of its duties, and (2) the executive director is hereby authorized to accept the donation of real property, as described in Exhibit A, and the executive director or the director's designee is authorized and directed to sign and execute a donation agreement with the owner, in accordance with Title 43, TAC, §1.504.

Submitted and reviewed by:


Director, Right of Way Division

Recommended by:

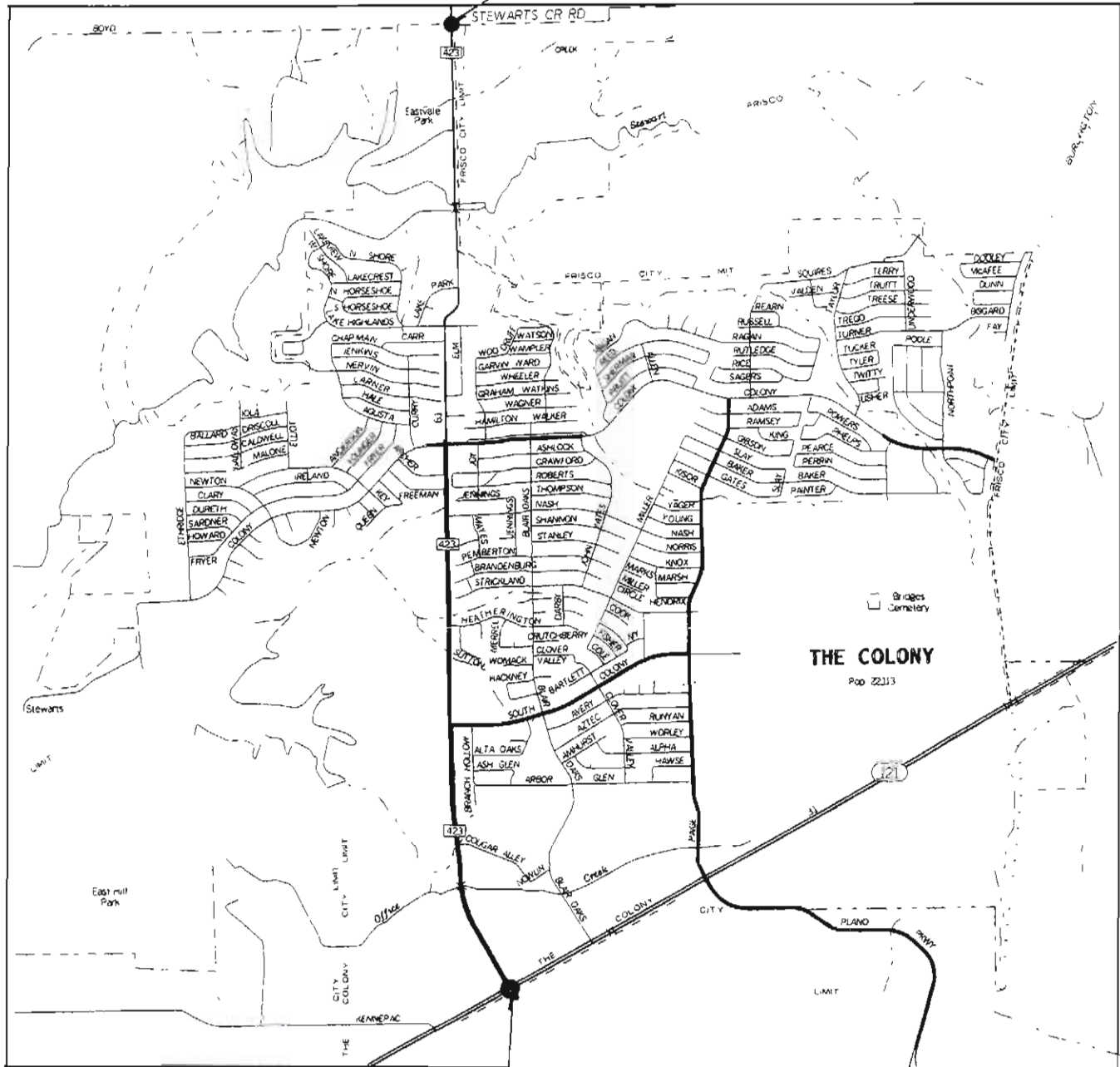

Executive Director

112214 MAR 25 10

Minute Date
Number Passed

DENTON COUNTY
FM 423
CSJ: 1567-02-030

BEGIN PROJECT
BEGIN CONTROL: 1567-02-030
STA. 377+90.47



END PROJECT
END CONTROL: 1567-02-030
STA. 576+52.44

COUNTY: DENTON
HIGHWAY: F.M. 423
ROW CSJ: 1567-02-030

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Revised June 17, 2009

Description for Parcel 53

Being a 773 square foot tract of land situated in the B.B.B. & C.R.R. Survey, Abstract No. 173, in the City of The Colony, Denton County, Texas and being a portion of Lot 1, Block 1 of the Carlisle Colony Addition No. 1, an addition to the city of The Colony as recorded in Cabinet F, Slide 94 and conveyed to Leisy Brewing Company by deed recorded Volume 3347, Page 0073, Deed Records, Denton County, Texas. Said 773 square foot tract being more particularly described by metes and bounds as follows:

COMMENCING at an "X" cut found on the southeast corner of Lot 1 of the Taco Bell Addition, an addition to the city of The Colony as recorded in Cabinet G, Slide 144, Plat Records, Denton County, Texas and being on the common northeast corner of Lot 1, Block 1 of the Final Plat of Mays Addition, an addition to the city of The Colony recorded in Cabinet K, Slide 327, Plat Records, Denton County, Texas conveyed to Mary Candace Mays by deed recorded in County Clerk's File No. 94-0000070, Deed Records, Denton County, Texas and being on the common west right-of-way line of Farm to Market Road (F.M.) No. 423 (a variable width right-of-way) conveyed to the State of Texas by deed recorded in Volume 1108, Page 320, Deed Records, Denton County, Texas;

THENCE along said west right-of-way line of said F.M. 423 and the common east lines of said Mary Candace Mays tract and said Leisy Brewing Company tract, the following courses and distances

THENCE South 00 Degrees 18 Minutes 19 Seconds East, a distance of 136.64 feet to a 5/8 inch iron rod with an aluminum cap stamped "TxDOT" set** for the **POINT OF BEGINNING** on the east line of said Leisy Brewing Company tract and the common west right-of-way line of said F.M. 423

- (1) THENCE South 00 Degrees 18 Minutes 19 Seconds East, a distance of 78.70 feet to a point for the southeast corner of said Leisy Brewing Company tract and the common intersection of the west right-of-way line of said F.M. 423 and the north right-of-way line of South Colony Boulevard (a variable width right-of-way) conveyed by right-of-way dedication recorded in County Clerk's File No. 94-50962, Deed Records, Denton County, Texas;
- (2) THENCE South 89 Degrees 26 Minutes 39 Seconds West, a distance of 170.00 feet to an "X" Cut set for the southwest corner of said Leisy Brewing Company tract and the common southeast corner of said Mary Candace Mays tract;

COUNTY: DENTON
HIGHWAY: F.M. 423
ROW CSJ: 1567-02-030

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Revised June 17, 2009

Description for Parcel 53

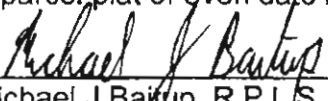
- (3) THENCE North 00 Degrees 18 Minutes 15 Seconds West, along the west line of said Leisy Brewing Company tract and the common east line of said Mary Candace Mays tract, a distance of 3.13 feet to an "X" Cut set for corner;

THENCE over and across said Leisy Brewing Company tract, the following courses and distances:

- (4) THENCE North 89 Degrees 37 Minutes 37 seconds East, a distance of 154.74 feet to an "X" Cut set for corner;
- (5) THENCE North 01 Degrees 23 Minutes 41 Seconds East, a distance of 8.00 feet to an "X" Cut set for corner;
- (6) THENCE North 41 Degrees 39 Minutes 12 Seconds East, a distance of 20.12 feet to an "X" Cut set for corner;
- (7) THENCE North 01 Degrees 23 Minutes 40 Seconds East, a distance of 53.20 feet to the **POINT OF BEGINNING** and containing 773 square feet of land more or less.

** The Monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right-of-Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

Basis of Bearings is based on the Texas State Plane Coordinate System, NAD 83 (1993 Adj.) North Central Zone, all distances and coordinates shown are surface and may be converted to grid by dividing by TxDOT conversion factor of 1.000150630.
A parcel plat of even date herewith accompanies this property description.


Michael J. Baitup, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 4574
Carter Burgess Inc.
7950 Elmbrook Dr
Dallas, Texas 75429
214-638-0145

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BLOCK 1
LOT 2

TACO BELL ADDITION
CAB. G. SLIDE 144
P.R.D.C.T.

TACO BELL OF AMERICA, INC.
C.C.#: 98-0076899
D.R.D.C.T.

(S.W. BELL ESMT. - VOL. 1104, PG. 192)
INGRESS / EGRESS ESMT.
VOL. 2227, PG. 263
(COUNTY ESMT. - VOL. 416, PG. 342)

P.O.C.

X CUT FND.

FINAL PLAT
MAYS ADDITION
CAB. K, SLIDE 327
P.R.D.C.T.

BLOCK 1
LOT 1
MARY CANDACE MAYS
C.C.#: 94-0000070
D.R.D.C.T.

B.B.B. & C.R.R SURVEY
ABSTRACT NO. 173

CARLISLE COLONY
ADDITION NO. 1
CAB. F. SLIDE 94
P.R.D.C.T.

LEISY BREWING COMPANY
VOL. 3347, PG. 0073
D.R.D.C.T.

F.M. 423
(VARIABLE R.O.W. WIDTH)

STATE OF TEXAS
VOL. 407, PG. 60
D.R.D.C.T.

25' BUILDING LINE

5' BUILDING LINE

25' BUILDING LINE

P.O.B.

N41° 39' 12" E 20.12'

N01° 23' 40" E 53.20'

N01° 23' 41" E 8.00'

N89° 37' 37" E 154.74'

S89° 26' 39" W 170.00'

773 S.F.

N00° 18' 15" W 3.13'

RIGHT OF WAY DEDICATION
THE CITY OF THE COLONY
C.C.#: 93-0083612
D.R.D.C.T.

SOUTH COLONY BLVD.

RIGHT OF WAY DEDICATION
C.C.#: 94-50962

CITY OF THE COLONY

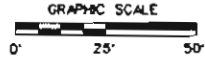
STATE OF TEXAS
VOL. 1108, PG. 320
D.R.D.C.T.

MON. 423-03

ALL BEARINGS ARE ON THE TEXAS STATE
COORDINATE SYSTEM, NAD. 83 (1993 adj.)
NORTH CENTRAL ZONE. ALL DISTANCES AND
COORDINATES SHOWN ARE SURFACE AND MAY
BE CONVERTED TO GRID BY DIVIDING BY TxDOT
CONVERSION FACTOR OF 1.000150630.

LEGEND

- EXISTING RIGHT OF WAY LINE
- PROPERTY LINE
- COUNTY LINE
- CONTROL OF ACCESS LINE
- SURVEY LINE
- FENCE LINE
- CITY LIMITS
- EASEMENTS
- RAILROAD
- STRUCTURE



A PLAT OF A SURVEY OF
773 S.F. TRACT OF LAND
IN THE B.B.B AND C.R.R. SURVEY
ABSTRACT NUMBER 173
AND BEING PART OF LOT 1
OF THE CARLISLE COLONY ADDITION NO. 1
CITY OF THE COLONY
DENTON COUNTY, TEXAS
REVISED JUNE 17, 2009



Michael J. Baitup 6/17/09
A LEGAL DESCRIPTION AND EVEN SURVEY DATE HEREWITH
ACCOMPANIES THIS PLAT.

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