

TEXAS TRANSPORTATION COMMISSION

RAINS County

MINUTE ORDER

Page 1 of 1

PARIS District

In the city of Emory, RAINS COUNTY, on STATE HIGHWAY 19, the State of Texas acquired certain land needed for state highway purposes by instrument recorded in Volume 102, Page 366, Deed Records of Rains County, Texas.

The Texas Transportation Commission (commission) approved Minute Order 108825 on February 28, 2002, authorizing the sale of surplus land. The legal description attached to the minute order was based on an incorrect survey. The legal description is being revised by this minute order to correct the inaccuracy, as described in Exhibit A.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission may recommend the sale of surplus land to a governmental entity with the power of eminent domain.

NOW, THEREFORE, IT IS ORDERED that Minute Order 108825 be amended only with respect to the incorrect legal description attached to that minute order, and all other provisions of Minute Order 108825 are to remain unchanged.

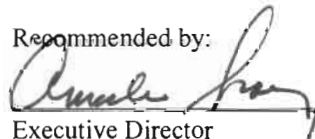
FURTHER, the commission recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument conveying all of the state's rights, title and interest in the surplus land to Emory Economic Development Corporation; SAVE AND EXCEPT, however, there is excepted and 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:



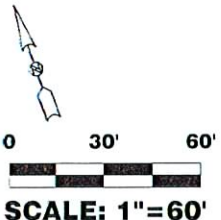
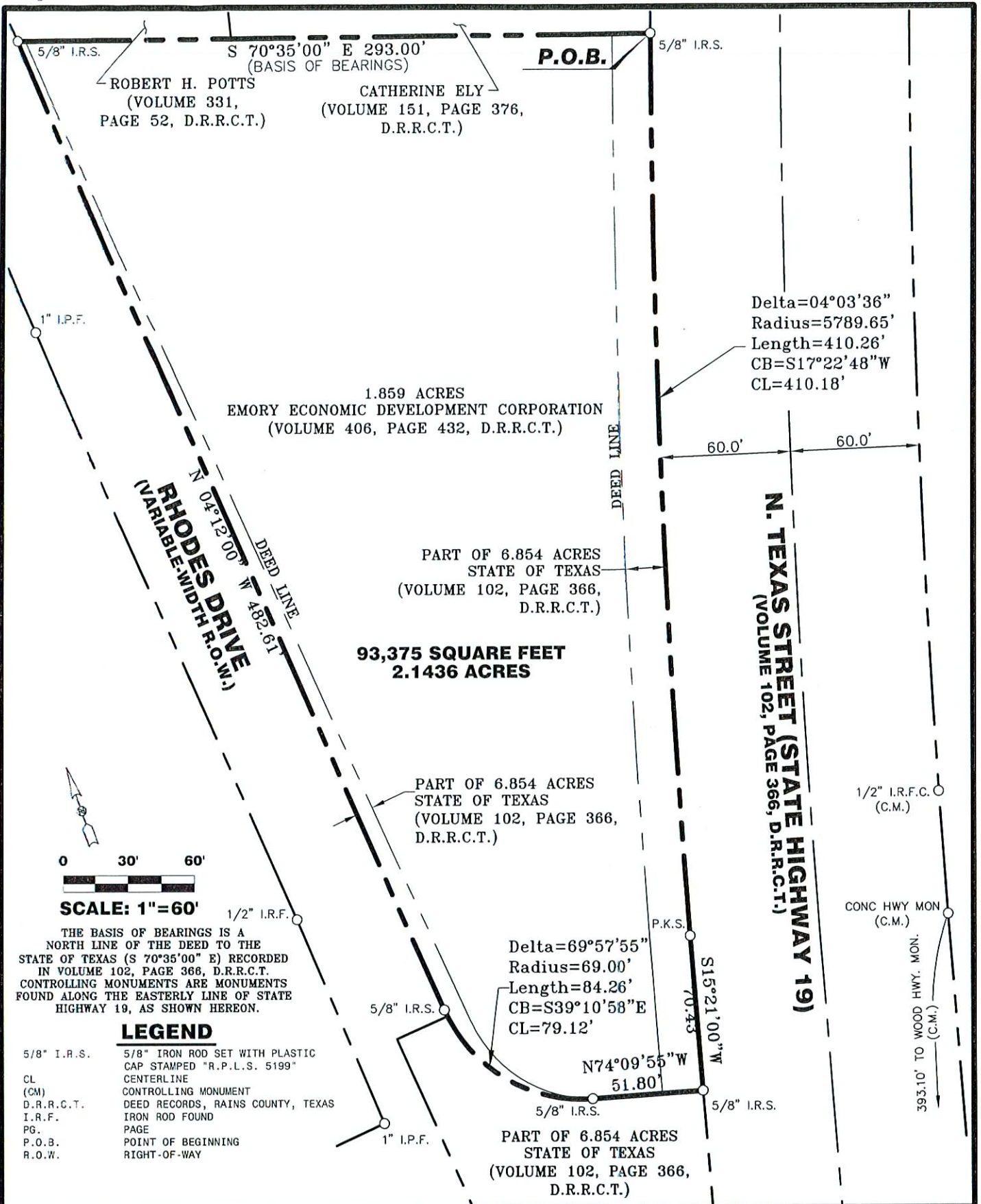
Executive Director

**112218 MAR 25 10**

Minute  
Number

Date  
Passed

EXHIBIT A



THE BASIS OF BEARINGS IS A NORTH LINE OF THE DEED TO THE STATE OF TEXAS (S 70°35'00" E) RECORDED IN VOLUME 102, PAGE 366, D.R.R.C.T. CONTROLLING MONUMENTS ARE MONUMENTS FOUND ALONG THE EASTERLY LINE OF STATE HIGHWAY 19, AS SHOWN HEREON.

**LEGEND**

- 5/8" I.R.S. 5/8" IRON ROD SET WITH PLASTIC CAP STAMPED "R.P.L.S. 5199"
- CL CENTERLINE
- (CM) CONTROLLING MONUMENT
- D.R.R.C.T. DEED RECORDS, RAINS COUNTY, TEXAS
- I.R.F. IRON ROD FOUND
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT-OF-WAY

**BOUNDARY EXHIBIT**

2.1436 ACRE TRACT  
 (VOLUME 406, PAGE 432, D.R.R.C.T.)  
 (VOLUME 102, PAGE 366, D.R.R.C.T.)

G.B. YARBER SURVEY, ABSTRACT NO. 280

Date: 12/22/2009 Scale: 1"=60' Project No. 0815104

**SCI**  
 Survey Consultants, Inc.

811 E. Plano Parkway  
 Suite 117  
 Plano, Texas 75074  
 (972) 424-7002 Voice  
 (972) 633-1702 Fax  
 WWW.SurveyConsultantsInc.Com

## LEGAL DESCRIPTION

**BEING** a tract of land in the City of Emory, Rains County, Texas, out of the G.B. Yarber Survey, Abstract No. 280, and being all of a 1.859 acre tract of land conveyed to Emory Economic Development Corporation, according to the deed recorded in Volume 406, Page 432, Deed Records, Rains County, Texas, also being a portion of a 6.854 acre tract of land conveyed to the State of Texas according to the deed recorded in Volume 102, Page 366, Deed Records, Rains County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199", lying in the curving westerly right of way line of North Texas Street (State Highway 19), the southeast corner of a tract of land conveyed to Catherine Ely according to the deed recorded in Volume 151, Page 376, Deed Records, Rains County, Texas, also being an interior corner of said 6.854 acre tract;

**THENCE**, along said westerly right of way line and a curve to the left through a central angle of 04 degrees 03 minutes 36 seconds, a radius of 5789.65 feet, an arc length of 410.26 feet, a chord bearing of South 17 degrees 22 minutes 48 seconds West, a chord distance of 410.18 feet to a PK nail set, the end of said curve;

**THENCE**, continuing along said westerly right of way line, South 15 degrees 21 minutes 00 seconds West, a distance of 70.43 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199";

**THENCE**, departing said westerly right of way line, part way with southerly line of said 1.859 acre tract, North 74 degrees 09 minutes 55 seconds West, a distance of 51.80 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199", the beginning of a curve to the right;

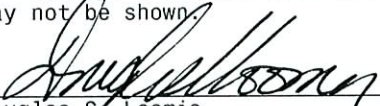
**THENCE**, along said curve to the right through a central angle of 69 degrees 57 minutes 55 seconds, a radius of 69.00 feet, an arc length of 84.26 feet, a chord bearing of North 39 degrees 10 minutes 58 seconds West, a chord distance of 79.12 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199", the end of said curve, lying in the east right of way line of Rhodes Drive (a variable-width right of way for which no instrument of dedication could be found), also lying in a westerly line of said 6.854 acre tract;

**THENCE**, along said easterly right of way line, a west line of said 6.854 acre tract, North 04 degrees 12 minutes 00 seconds West, a distance of 482.61 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199", an interior corner of said 6.854 acre tract, the southwest corner of a tract of land conveyed to Robert H. Potts according to the deed recorded in Volume 331, Page 52, Deed Records, Rains County, Texas;

**THENCE**, departing said easterly right of way line, along the north line of said 6.854 acre tract, part way with the north line of said 1.859 acre tract, and along the south line of said Potts tract and said Ely tract, South 70 degrees 35 minutes 00 seconds East, a distance of 293.00 feet to the **POINT OF BEGINNING** and containing 93,375 square feet or 2.1436 acres of land, more or less.

The basis of bearings for this description is a north line of the deed to the State of Texas (South 70 degrees 35 minutes 00 seconds East) recorded in Volume 102, Page 366, Deed Records, Rains County, Texas. Controlling monuments are monuments found along the easterly line of State Highway 19, as shown hereon.

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B, Condition II Survey. I did not abstract the property, therefore all easements of record may not be shown.

  
Douglas S. Loomis  
Registered Professional Land Surveyor No. 5199



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**(VOLUME 406, PAGE 432, D.R.R.C.T.)**  
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