

TEXAS TRANSPORTATION COMMISSION

COMAL County

MINUTE ORDER

Page 1 of 1

SAN ANTONIO District

In the city of New Braunfels, COMAL COUNTY, on STATE HIGHWAY LOOP 337, the State of Texas acquired certain land needed for highway purposes by instrument recorded in Volume 157, Page 191, Deed Records of Comal 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 waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property.

The fair value of the surplus land has been determined to be \$591,266, and the state's costs for maintenance and resurfacing over the next 28 years is estimated to be \$675,000.

The City of New Braunfels has requested that the surplus land be transferred to the city in consideration of the savings to the state of future maintenance costs, since the future maintenance costs exceed the value of the surplus land.

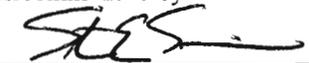
The commission finds \$591,266 to be a fair and reasonable value of the state's rights, title and interest in the surplus land.

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 transferring all of the state's rights, title and interest in the surplus land to the City of New Braunfels, Texas, in consideration of the savings to the state of future maintenance costs; 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

112286 MAY 27 10

Minute Number Date Passed

EXHIBIT A

Job No. 02-05-2008
December 17, 2009

County: Comal
Highway: Loop 337
ROW C.S.J. No. 216-01

PROPERTY DESCRIPTION OF TRACT NO. 1

Being 16.967 acres (739,085 square feet) of land, more or less, out of the Juan Veramendi Two League Grant, Survey No. 1, Abstract No. 2, located in the City of New Braunfels, Comal County, Texas, and being out of and a part of a 34.776 acre tract as conveyed by DEED from T.C. McCLURE, ET UX TO THE STATE OF TEXAS, filed for record on August 24, 1967 and recorded in Volume 157, Pages 191-193 of the Deed Records of Comal County, Texas and now being a part of Loop 337, said 16.967 acres of land (739,085 square feet) of land, more or less, being more particularly described as follows:

BEGINNING at a found concrete highway monument with brass disk at the intersection of the Northeast Right of Way Line of Loop 337 and the Northwest Right of Way Line of Landa Street and being the Easternmost corner of this tract and said 34.776 acre tract and also being 760.20 feet left of and at right angle to Engineer's Station 353+79.88 on the Survey Centerline of Loop 337;

- (1) THENCE South 52 deg. 43' 10" West, a distance of 549.71 feet along the existing Southeast Right of Way line of Loop 337 and the existing Northwest Right of Way line of Landa Street to a set concrete highway monument with brass disk being the Southernmost corner of this tract and being 215.00 feet left of and at a right angle to Engineer's Station 354+50.14 on the Survey Centerline of Loop 337;
- (2) THENCE North 29 deg. 56' 34" West, a distance 1644.46 feet along the proposed new Northeast Right of Way Line of Loop 337 and the Southwest line of this tract to a set ½" iron pin with plastic cap stamped "4233" being the Westernmost corner of this tract and being 215.00 feet left of and at a right angle to Engineer's Station 338+05.68 on the Survey Centerline of Loop 337;
- (3) THENCE North 60 deg. 03' 26" East, a distance of 312.74 feet to a set ½" iron pin with plastic cap stamped "4233" being the Northernmost corner of this tract



and being 527.74 feet left of and at a right angle to Engineer's Station 338+05.68 on the Survey Centerline of Loop 337;

THENCE the following courses along the existing Northeast Right of Way Line of Loop 337 and this tract and the Southwest boundary line of a 21.004 acre tract as described in a WARRANTY DEED from KEN RECTOR, JAMES T. RECTOR, and THOMAS E. LINK, each claiming other property as homestead and WAGNER BROS. INVESTMENTS, a Texas Partnership consisting of THOMAS D. WAGNER and THEODORE J. WAGNER, III to II DB HOLDING, L.P., dated August 14, 2006 and recorded in Document No. 200606035900 of the Official Public Records of Comal County, Texas, and VILLAGE ROYAL SUBDIVISION UNIT 1 as recorded in Volume 5, Page 185 of the Map and Plat Records of Comal County, Texas, and VILLAGE ROYAL SUBDIVISION UNIT 2 as recorded in Volume 5, Page 184 of the Map and Plat Records of Comal County, Texas:

- (4) South 66 deg. 20' 53" East, a distance of 113.44 feet to a found concrete highway monument with brass cap being an angle point and being 595.00 feet left of and at a right angle to Engineer's Station 338+96.79 on the Survey Centerline of Loop 337;
- (5) South 43 deg. 59' 48" East, a distance of 309.18 feet to a found concrete highway monument with brass disk being an angle point and being 670.00 feet left of and at a right angle to Engineer's Station 341+96.79 on the Survey Centerline of Loop 337;
- (6) South 31 deg. 54' 40" East, a distance of 1160.61 feet to a found concrete highway monument with brass cap and being a cutback point on Loop 337 and also being 710.00 feet left of and at a right angle to Engineer's Station 353+56.78 on the Survey Centerline of Loop 337;
- (7) North 84 deg. 45' 55" East, a distance of 55.26 feet along the cutback line to Landa Street to a found concrete highway monument with brass cap being the **POINT OF BEGINNING** and containing 16.967 acres (739,085 square feet) of land, more or less.

The basis of bearing recited herein is based on Grid North of the Texas Coordinate System NAD 83 (1986 South Central Zone). This description was prepared from a survey made on the ground by employees of The Schultz Group, Inc. The square footage recited herein is based on mathematical calculations and is subject to the rules of rounding and significant numbers. There is a plat of survey with even date.



Stephen E. Schultz 12/17/09
Stephen E. Schultz, RPLS No. 4233

F:\020508\Legal\16.967acres

LEGEND

- 1/2" IPS SET 1/2" IRON PIN WITH PLASTIC CAP STAMPED "4233" ○
- IPF ● IRON PIN FOUND
- B.L. BUILDING SETBACK LINE
- P.U.E./U.E. PUBLIC UTILITY EASEMENT
- P.O.B. POINT OF BEGINNING
- CON. MON. FND. ◊ TXDOT CONCRETE MONUMENT FOUND
- SET TYPE II MON. ◈ SET TXDOT CONCRETE MONUMENT TYPE II
- φ W.V. WATER VALVE
- CMT2: TXDOT CONCRETE MONUMENT TYPE II

REFERENCES:

- DOCUMENT NO. 200606035900 (ADJOINER DEED)
- VOLUME 157, PAGES 191-193 (34.776 AC. DEED)
- VOLUME 367, PAGES 804-806 (DEED-ADJOINER)
- VOLUME 168, PAGE 246 (RIGHT-OF-WAY AGREEMENT-N.B.U.)
- VOLUME 168, PAGES 247-248 (ADJOINER)
- VOLUME 51, PAGE 413 (ELECTRICAL EASEMENT)
- VOLUME 5, PAGE 184 (SUBDIVISION PLAT-ADJOINER)
- VOLUME 5, PAGE 185 (SUBDIVISION PLAT-ADJOINER)

NOTES:

1. THE BEARINGS AND COORDINATES SHOWN ON THIS PLAT ARE BASED UPON THE TEXAS COORDINATE SYSTEM, NAD86(1986), SOUTH CENTRAL ZONE (ZONE 4204). ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES. PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00014.
2. A LEGAL DESCRIPTION WAS WRITTEN IN CONJUNCTION WITH A SURVEY PLAT PREPARED IN OUR OFFICE ON DECEMBER 17. JOB NO. 020508.
3. ALL CORNERS ARE MARKED WITH 1/2" IRON PINS WITH PLASTIC CAPS UNLESS WHERE OTHERWISE NOTED.
4. OTHER IMPROVEMENTS AND PLANIMETRIC FEATURES SHOWN HEREON ARE FROM AN AERIAL PHOTGRAMMETRIC DIGITAL FILE PRODUCED BY LANDATA GEO SERVICES, INC. (MARCH 15, 2001)
5. ALL DISTANCES ARE IN U.S. SURVEY FEET.
6. STATIONS AND OFFSETS SHOWN ARE BASED ON EXISTING SURVEY CENTERLINE.

FLOOD CERTIFICATION

REFERENCED PROPERTY DOES NOT LIE WITHIN THE F.I.R.M. (FLOOD INSURANCE RATE MAP) CITY OF NEW BRAUNFELS, TEXAS, COMAL AND GUADALUPE COUNTIES AS DEFINED BY MAP NO. 4854930012E AND 4854930013E, DATED JANUARY 5, 2006.

**STATE OF TEXAS
COUNTY OF COMAL**

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE INTRUSIONS OR PROTRUSIONS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

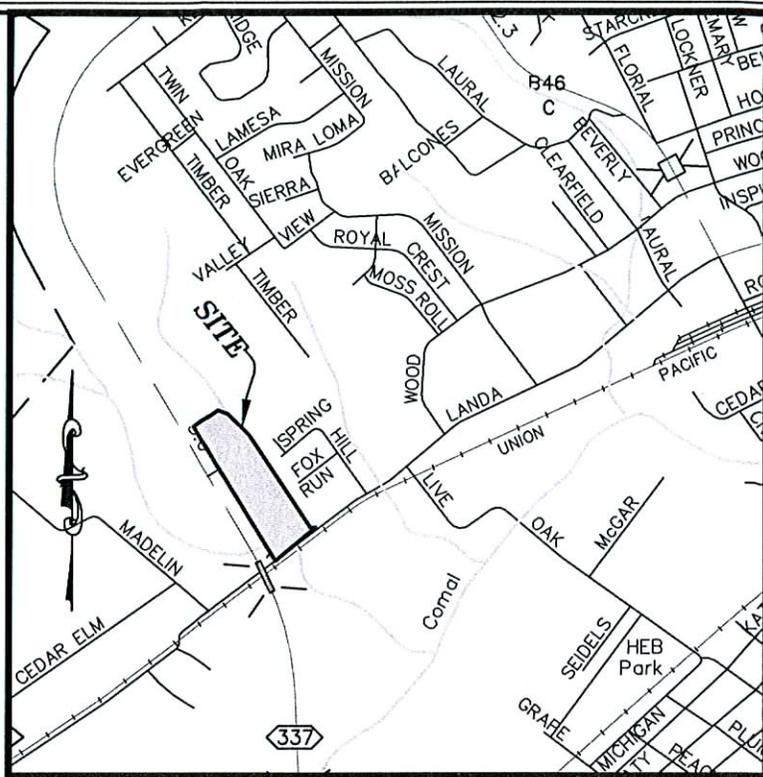
THIS 17th DAY OF DECEMBER, 2009 A.D.

THE SCHULTZ GROUP, INC.
BY STEPHEN E. SCHULTZ



STEPHEN E. SCHULTZ, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4233

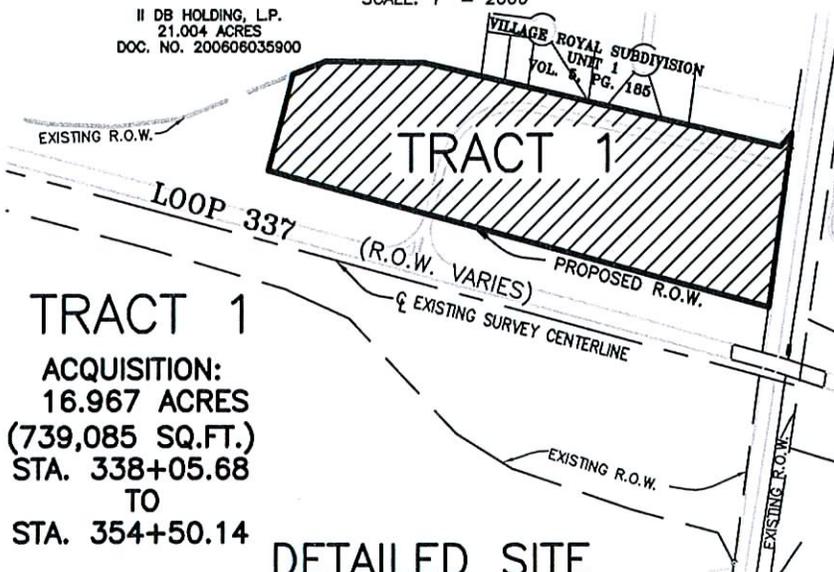
12/17/09



LOCATION MAP

SCALE: 1" = 2000'

II DB HOLDING, L.P.
21.004 ACRES
DOC. NO. 200606035900



DETAILED SITE

SCALE: 1" = 600'

BOUNDARY SURVEY
of

Being 16.967 acres (739,085 square feet) of land, more or less, out of the Juan Veramendi Two League Grant, Survey No. 1, Abstract No. 2, located in the City of New Braunfels, Comal County, Texas, and being out of and a part of a 34.776 acre tract as conveyed by DEED from T.C. McCLURE, ET UX TO THE STATE OF TEXAS, filed for record on August 24, 1967 and recorded in Volume 157, Pages 191-193 of the Deed Records of Comal County, Texas and now being a part of Loop 337.

THE Schultz Group, INC.

TEXAS REGISTERED ENGINEERING FIRM F-532
CONSULTING ENGINEERS
P.O. BOX 310483 NEW BRAUNFELS, TEXAS 78131

TEXAS LICENSED SURVEYING FIRM 100059-00
LAND SURVEYORS
78131 (830) 606-3913
FAX (830) 625-2204

DRAWN BY: M.H.

DATE: DECEMBER 2009

CHECKED BY: S.E.S.

JOB NO.: 020508

SHEET 3 OF 8

VILLAGE ROYAL SUBDIVISION
 UNIT 1
 VOL. 5, PG. 185

JUAN VERAMENDI TWO LEAGUE GRANT
 SURVEY NO. 1
 ABSTRACT NO. 2
 COMAL COUNTY, TEXAS

SCALE IN FEET



SCALE: 1" = 100'

VILLAGE ROYAL SUBDIVISION
 UNIT 2
 LOT 2
 VOL. 5, PG. 184

P.O.B.

GRID N=13,801,563.4914
 GRID E=2,236,980.5937

STA. 353+79.88

OFFSET: 760.20 LT

LOT 35

ACCESS ROAD
 EXISTING R.O.W.
 CHAINLINK FENCE ALONG RETAINING WALL
 DRIVEWAY
 RETAINING WALL
 DRIVEWAY
 SEE DETAIL "E"
 SEE DETAIL "F"

N31°38'28"W
 (N31°35'00"W 298.19' PLAT)
 298.01' W.V.
 (N85°08'00"E 55.28' PLAT)
 (N84°45'54"E 55.28' ROW)
 T=700.0'

N84°45'55"E
 55.26'
 CON. MON. FND.
 W.V. MON. FND.

STA: 353+56.78
 OFFSET: 710.00 LT

TRACT 1
 ACQUISITION: 16.967 ACRES
 (739,085 SQ.FT.)
 STA. 338+05.68 TO STA. 354+50.14

LANDA STREET
 (R.O.W. VARIES)
 UNION PACIFIC RAILROAD
 (R.O.W. VARIES)
 CONC. DRAIN
 EXISTING R.O.W.

MATCH LINE SEE SHEET 5 OF 8

PROPOSED R.O.W.
 S52°43'10"W 549.71'

STA. 353+56.78
 710.00 (778.00 FROM OFFSET)

SET TYPE II MON.

GRID N=13,801,230.5685
 GRID E=2,236,543.2621
 STA: 354+50.14
 OFFSET: 215.00 LT

LOOP 337
 (R.O.W. VARIES)

EXISTING SURVEY CENTERLINE
 351+00 352+00 353+00

N29°56'34"W
 353+00

THE <i>Schultz Group</i>, INC.		
TEXAS REGISTERED ENGINEERING FIRM F-532		TEXAS LICENSED SURVEYING FIRM 100059-00
CONSULTING ENGINEERS		LAND SURVEYORS
P.O. BOX 310483		NEW BRAUNFELS, TEXAS 78131
		(830) 606-3913 FAX (830) 625-2204
DRAWN BY: M.H.	DATE: DECEMBER 2009	SHEET 4 OF 8
CHECKED BY: S.E.S.	JOB NO.: 020508	

SPRING HILLS DR.

VILLAGE ROYAL SUBDIVISION
UNIT 1

VOL. 5, PG. 185

LOT 21

LOT 35

LOT 33

LOT 34

LOT 20

LOT 18

LOT 19

(S31°55'06"E 1160.68' TXDOT R.O.W.)

S31°54'40"E 1160.61'

S31°54'49"E 676.65' (S31°35'W 676'38" PLAT)

II DB HOLDING, L.P.
21.004 ACRES
DOC. NO. 200606035900

S31°54'40"E 185.94'
(S31°54'08"E 185.94' DEED)

SEE DETAIL "G"

5/8" IPF

PIPE FND.

SEE DETAIL "A"

SEE DETAIL "B"

SEE DETAIL "C"
EXISTING R.O.W.

SEE DETAIL "D"

ACCESS ROAD

TRACT 1

ACQUISITION: 16.967 ACRES

(739,085 SQ.FT.)

STA. 338+05.68 TO STA. 354+50.14

MATCH LINE SEE SHEET 6 OF 8

MATCH LINE SEE SHEET 4 OF 8

PROPOSED R.O.W.

N29°56'34"W 1644.46'
(REFERENCE BEARING)

JUAN VERAMENDI TWO LEAGUE GRANT
SURVEY NO. 1
ABSTRACT NO. 2
COMAL COUNTY, TEXAS

N29°56'34"W

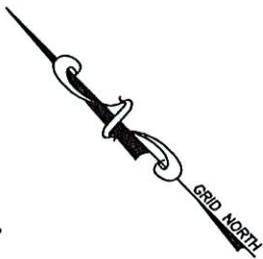
EXISTING SURVEY CENTERLINE

0 343+00 344+00 345+00 346+00 347+00 348+00 349+00

SCALE IN FEET



SCALE: 1" = 100'



THE **Schultz Group**, INC.

TEXAS REGISTERED ENGINEERING FIRM F-532 CONSULTING ENGINEERS
P.O. BOX 310483 NEW BRAUNFELS, TEXAS 78131
TEXAS LICENSED SURVEYING FIRM 100059-00 LAND SURVEYORS
(830) 606-3913 FAX (830) 625-2204

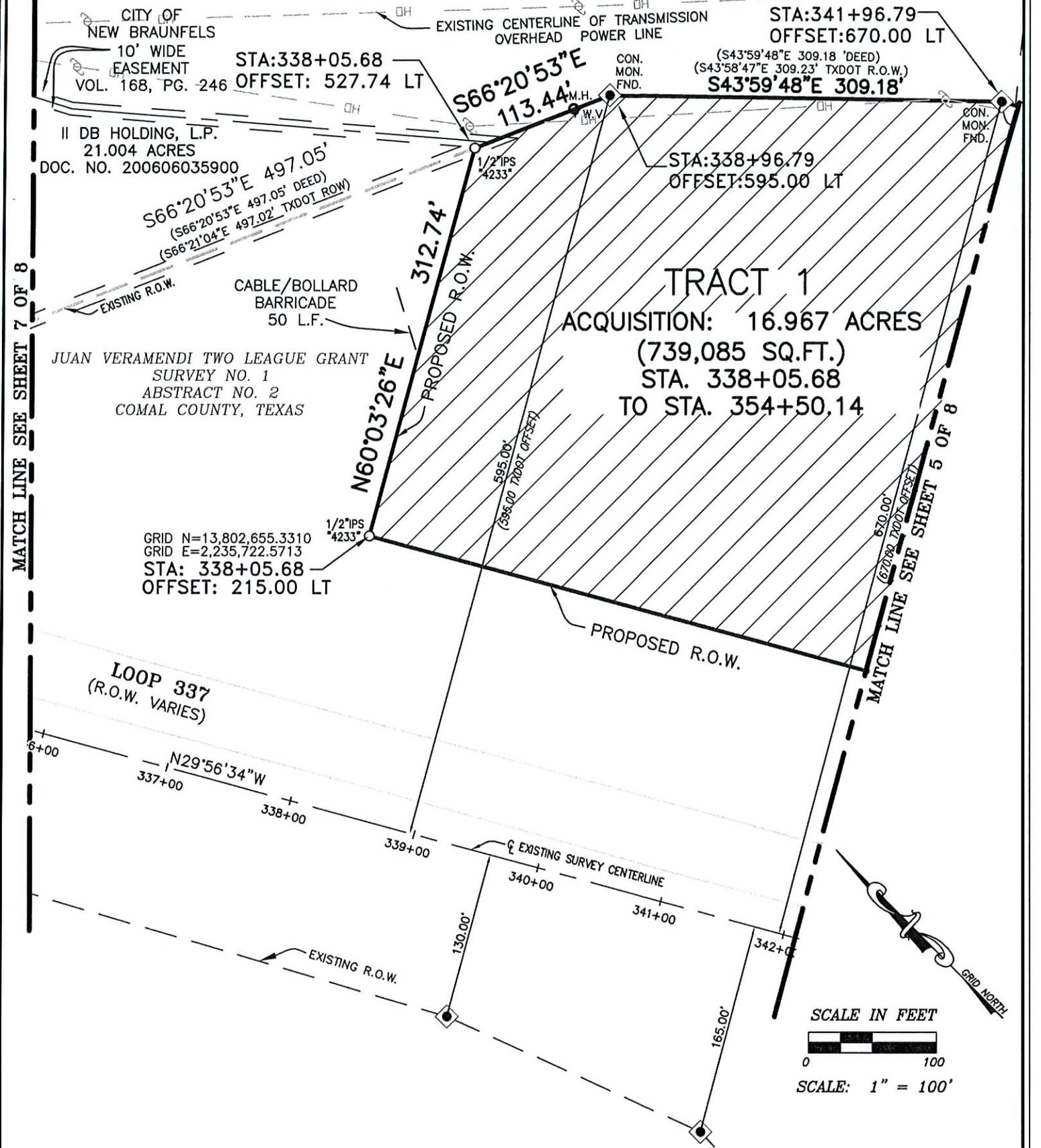
DRAWN BY: M.H.

DATE: DECEMBER 2009

CHECKED BY: S.E.S.

JOB NO.: 020508

SHEET 5 OF 8



THE Schultz Group, INC.

TEXAS REGISTERED ENGINEERING FIRM F-532
 CONSULTING ENGINEERS
 P.O. BOX 310483 NEW BRAUNFELS, TEXAS 78131

TEXAS LICENSED SURVEYING FIRM 100059-00
 LAND SURVEYORS
 (830) 606-3913
 FAX (830) 625-2204

DRAWN BY: M.H.	DATE: DECEMBER 2009	SHEET 6 OF 8
CHECKED BY: S.E.S.	JOB NO.: 020508	

JUAN VERAMENDI TWO LEAGUE GRANT
 SURVEY NO. 1
 ABSTRACT NO. 2
 COMAL COUNTY, TEXAS

EXISTING CENTERLINE OF
 TRANSMISSION OVERHEAD
 POWER LINE

STA: 317+42.53
 OFFSET: 150.00 LT

II DB HOLDING, L.P.
 21.004 ACRES
 DOC. NO. 200606035900

CITY OF
 NEW BRAUNFELS
 10' WIDE
 EASEMENT
 VOL. 168, PG. 246

STA: 330+96.78
 OFFSET: 175.00 LT

CITY OF
 NEW BRAUNFELS
 10' WIDE EASEMENT
 VOL. 168, PG. 246

STA: 332+96.78
 OFFSET: 220.00

S29°56'34"E
 1054.27'
 (29°56'36"E 1054.25' TXDOT ROW)
 (S29°32'47"E 148.32' DEED)

S42°35'41"E
 22.83'
 SET
 TYPE II
 MON.

S51°45'54"E
 215.38'
 (S51°44'43"E 215.40' TXDOT ROW)
 (S51°45'54"E 215.38' DEED)

N34°41'45"W 301.06'
 W.V.P.W.V.
 EXISTING R.O.W.

S42°35'41"E 182.17'
 (S42°35'41"E 204.99' DEED)
 (S42°37'27"E 205.00' TXDOT ROW)

STA: 334+96.78
 OFFSET: 300.00 LT

STA: 327+96.78
 OFFSET: 150.00 LT

STA: 332+74.51
 OFFSET: 215.00 LT
 GRID N=13,802,977.3405
 GRID E=2,235,435.2356

N29°56'34"W
 328+00 329+00 330+00

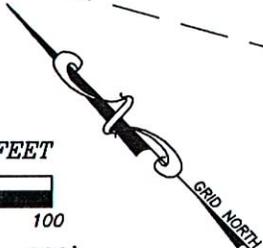
CABLE/BOLLARD
 BARRICADE
 88 L.F.

LOOP 337
 (R.O.W. VARIES)

SCALE IN FEET



SCALE: 1" = 100'



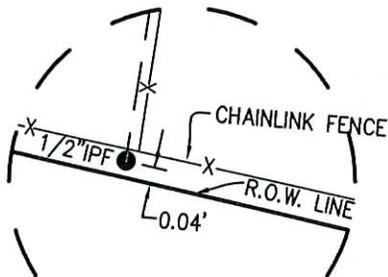
MATCH LINE SEE SHEET 6 OF 8

THE Schultz Group, INC.

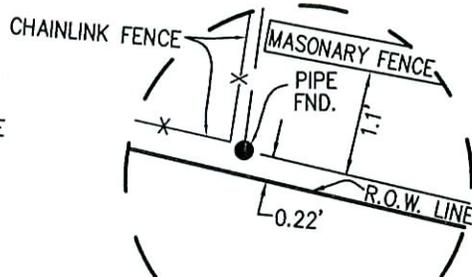
TEXAS REGISTERED ENGINEERING FIRM F-532
 CONSULTING ENGINEERS
 P.O. BOX 310483 NEW BRAUNFELS, TEXAS 78131

TEXAS LICENSED SURVEYING FIRM 100059-00
 LAND SURVEYORS
 (830) 606-3913
 FAX (830) 625-2204

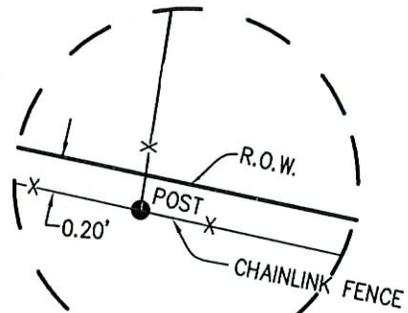
DRAWN BY: M.H.	DATE: DECEMBER 2009	SHEET 7 OF 8
CHECKED BY: S.E.S.	JOB NO.: 020508	



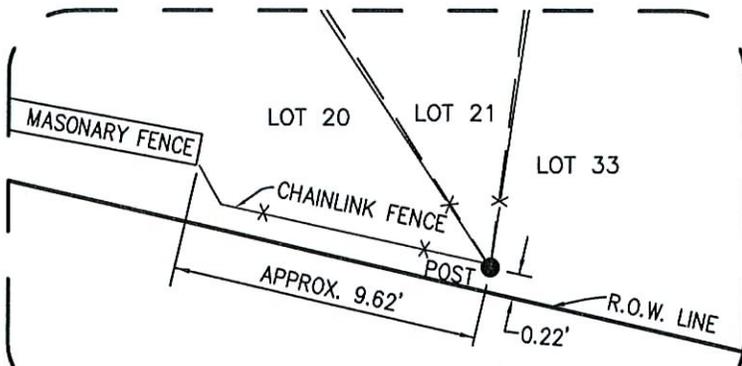
DETAIL "A"



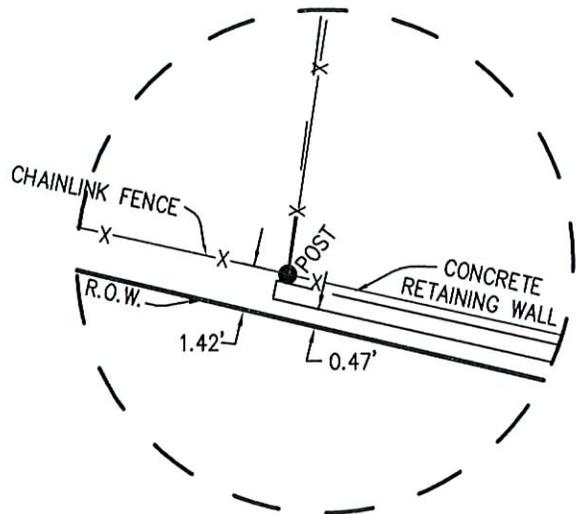
DETAIL "B"



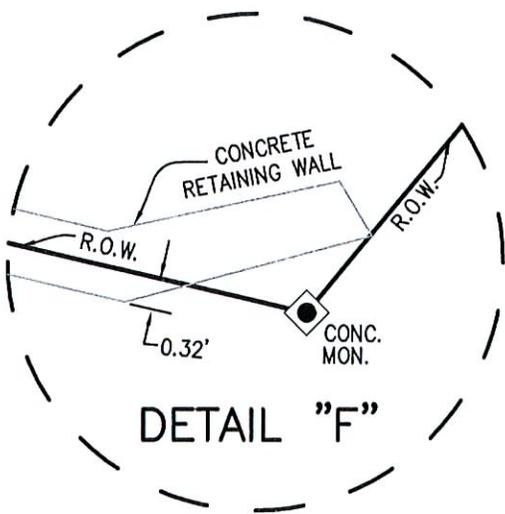
DETAIL "C"



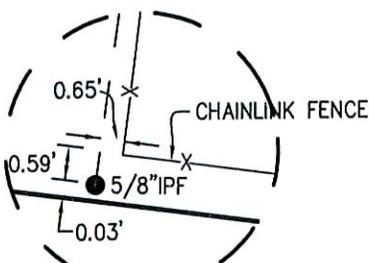
DETAIL "D"



DETAIL "E"



DETAIL "F"

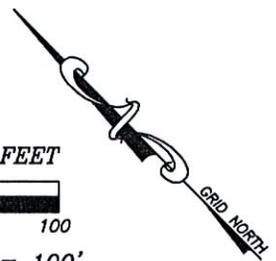


DETAIL "G"

SCALE IN FEET



SCALE: 1" = 100'



THE **Schultz Group**, INC.

TEXAS REGISTERED ENGINEERING FIRM F-532
 CONSULTING ENGINEERS
 P.O. BOX 310483
 NEW BRAUNFELS, TEXAS 78131

TEXAS LICENSED SURVEYING FIRM 100059-00
 LAND SURVEYORS
 (830) 606-3913
 FAX (830) 625-2204

DRAWN BY: M.H.

DATE: DECEMBER 2009

CHECKED BY: S.E.S.

JOB NO.: 020508

SHEET 8 OF 8