

TEXAS TRANSPORTATION COMMISSION

FORT BEND County

MINUTE ORDER

Page 1 of 1

HOUSTON District

In the city of Stafford, FORT BEND COUNTY, on US 90A, the State of Texas acquired an easement interest in certain land for highway purposes by instrument recorded in Volume 483, Page 206, Deed Records of Fort Bend County, Texas.

The Texas Transportation Commission (commission) approved Minute Order 110130 on June 30, 2005, authorizing the exchange of easements and acceptance of the donation to the state of the difference in value between the two easements. The legal descriptions for the two easements were incorrect. The legal descriptions are being corrected, as described in Exhibit A, and the values are being revised by this minute order.

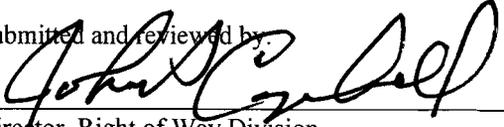
In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission may recommend the exchange of an interest in surplus land as whole or partial consideration for an interest in other land needed for a state highway purpose.

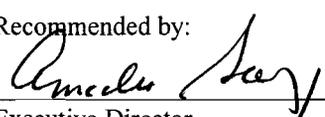
Union Pacific Railroad Company, owner of the new easement, has executed an instrument granting to the state an easement interest in land needed for highway improvement (new easement), described in Exhibit B, and desires to make a partial donation to the state of the difference in value between the surplus easement and the new easement.

An Agreement Concerning the Donation of Property to the Texas Department of Transportation (donation agreement) has been executed by the owner and tendered to the department for acceptance under the provisions of Title 43, Texas Administrative Code, Chapter 1, Subchapter G, since the value of the new easement provided by the owner, which is \$110,800, exceeds the value of the surplus easement, which is \$110,144, by more than \$500.

NOW, THEREFORE, IT IS ORDERED that Minute Order 110130 be amended only with respect to the incorrect legal descriptions and the values of the surplus and new easements, and all other provisions of Minute Order 110130 are to remain unchanged.

FURTHER, the commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument releasing the state's rights and interest in the surplus easement to Union Pacific Railroad Company, a Delaware corporation, in exchange and as consideration for the partial donation and conveyance of the new easement to the state.

Submitted and reviewed by:   
Director, Right of Way Division

Recommended by:   
Executive Director  
**112677 APR 28 11**

Minute Number      Date Passed

Exhibit A

County: Fort Bend  
Highway: U.S. 90A  
Project Limits: Harris County Line to 0.3 miles West of SH 6  
Account Number: 8012-02-035

PROPERTY DESCRIPTION FOR TRACT 1

Being a 0.3161 of one acre (13,768 square feet) tract of land situated partially in the William Stafford League, Abstract Number 89, Fort Bend County, Texas, and partially in the H.J. Dewitt Survey, Abstract Number 161, Fort Bend County, Texas; being part of and out of that certain called 8.687 acres described in judgment to the State of Texas, dated July 21, 1966, as recorded in Volume 480, Pages 336 and 341, Deed Records of Fort Bend County, Texas (D.R.F.B.C.); and being part of and out of that certain called 2.558 acres described in deed from Luke Cash and Mary Cash to State of Texas, dated August 5, 1966, as recorded in Volume 483, Page 206, D.R.F.B.C. (both tracts collectively herein referred to as "F.M. 1092"); said 0.3161 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a TxDOT brass disk found marking the intersection of the northeasterly line of an existing 100-foot wide right-of-way acquired through prescription by the Union Pacific Railway Company (no deed of record) with the existing easterly right-of-way line of said F.M. 1092; also being in the southwesterly line of a proposed 100-foot wide Union Pacific Railroad right-of-way; said disk also marking the southwesterly corner of that certain called 5.0897 acres described in deed from Murphy Road Service Center, Ltd. to Murphy Road Business Park, Inc., dated April 19, 1993, as recorded under County Clerk's File Number (C.C.F.N.) 9337625, Official Public Records of Fort Bend County, Texas (O.P.R.F.B.C.); said disk also being the POINT OF BEGINNING of the tract herein described, and having surface coordinates of X=3,060,265.02 and Y=13,790,639.40; all bearings and coordinates are based on the Texas State Plane Coordinate System, South Central Zone, NAD 83; all distances and coordinates shown are surface and may be converted to grid by multiplying by a combined adjustment factor of 0.999870;

- 1) THENCE, NORTH 63°18'42" West, along the existing northeasterly right-of-way line of said Union Pacific Railroad and the southwesterly line of said proposed Union Pacific right-of-way, a distance of 137.60 feet to its intersection with the existing westerly right-of-way line of said F.M. 1092; also being a southeasterly corner of the remainder of that certain called 217.6261 acre tract described in deed from ST Pacific Properties, Inc. to FSWBP, Ltd., dated September 27, 1996, as recorded under C.C.F.N. 9703955, O.P.R.F.B.C.;

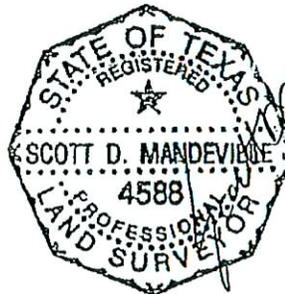
Exhibit \_\_\_\_\_

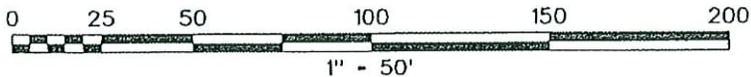
- 2) THENCE, NORTH 02°36'20" East, along said existing westerly right-of-way line of F.M. 1092, a distance of 10.65 feet to point of curvature of a tangent curve to the left;
- 3) THENCE, NORTHERLY, along the westerly right-of-way line of said F.M. 1092 and said tangent curve to the left, having an arc distance of 104.15 feet, a central angle of 00°15'40", a radius of 22,858.33 feet, and a chord which bears North 02°44'10" West, 104.15 feet to its intersection with the northeasterly of said proposed Union Pacific Railroad right-of-way;
- 4) THENCE, SOUTH 63°18'42" East, along the northeasterly line of said proposed Union Pacific right-of-way, a distance of 137.83 feet to its intersection with the existing easterly right-of-way line of said F.M. 1092;
- 5) THENCE, SOUTHERLY, along the easterly right-of-way line of said F.M. 1092 and a non-tangent curve to the right, having an arc distance of 36.71 feet, a central angle of 00°05'30", a radius of 22,978.33 feet, and a chord which bears South 02°39'05" East, 36.71 feet to a point of tangency;
- 6) THENCE, SOUTH 02°36'20" East, along the existing easterly right-of-way line of said F.M. 1092, a distance of 77.97 feet to the POINT OF BEGINNING and containing 0.3161 of one acre (13,768 square feet) of land.

Area of tract taking by Survey/Abstract:

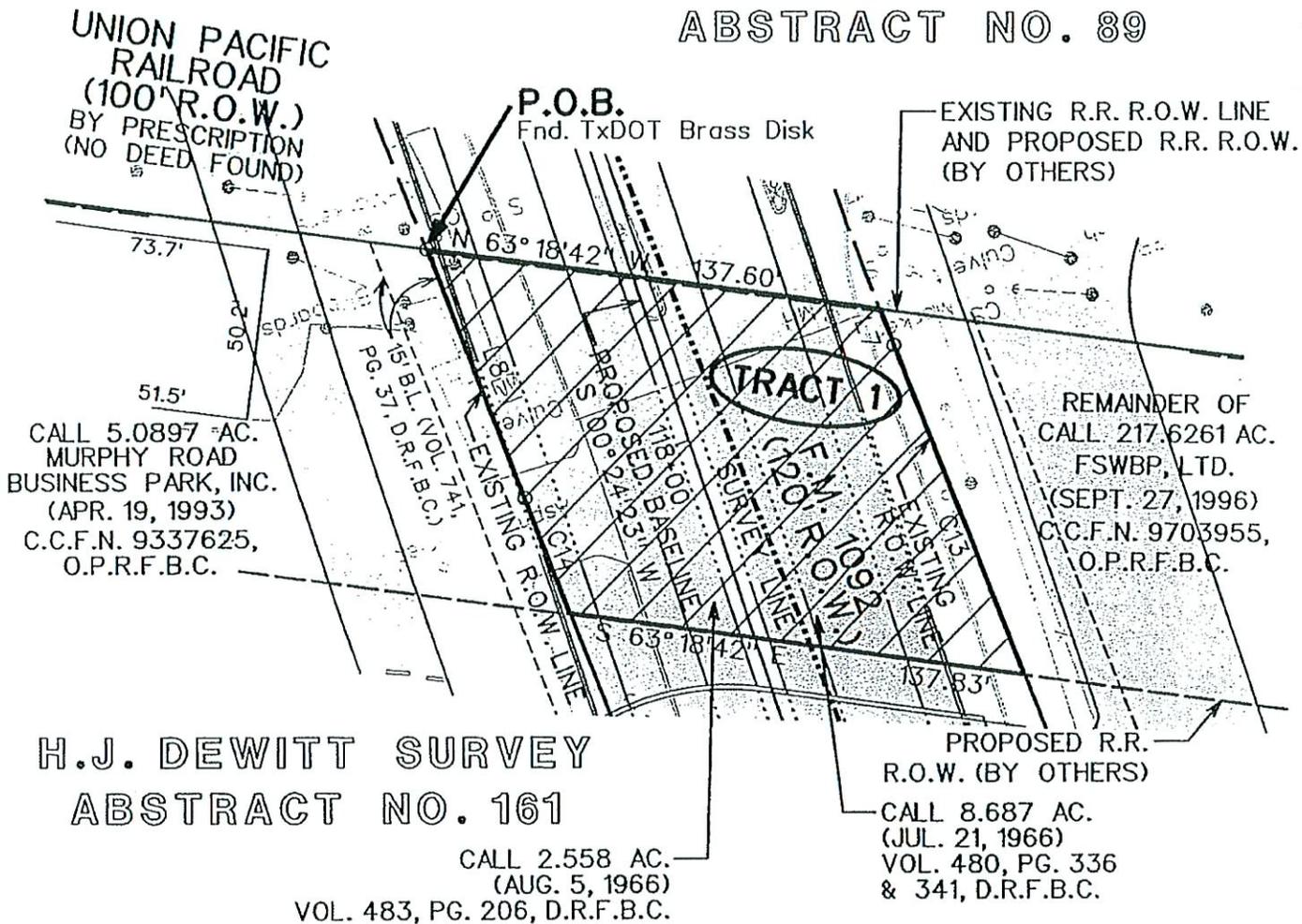
William Stafford League, Abstract Number 89	0.1531 of one acre ( 6,668 square feet)
H.J. Dewitt Survey, Abstract Number 64	<u>0.1630 of one acre ( 7,100 square feet)</u>
Total	0.3161 of one acre (13,768 square feet)

A tract plat of even date was prepared in conjunction with this property description.





# WM. STAFFORD LEAGUE ABSTRACT NO. 89

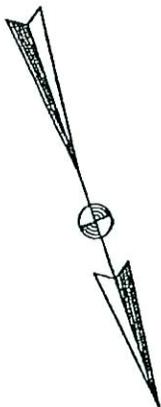


## H.J. DEWITT SURVEY ABSTRACT NO. 161

CALL 2.558 AC.  
(AUG. 5, 1966)  
VOL. 483, PG. 206, D.R.F.B.C.

PROPOSED R.R.  
R.O.W. (BY OTHERS)  
CALL 8.687 AC.  
(JUL. 21, 1966)  
VOL. 480, PG. 336  
& 341, D.R.F.B.C.

REMAINDER OF  
CALL 217.6261 AC.  
FSWBP, LTD.  
(SEPT. 27, 1996)  
C.C.F.N. 9703955,  
O.P.R.F.B.C.



P.O.B. Coordinate Table:

X=	Y=
13,790,639.40	3,060,265.02

### TRACT PLAT SHOWING PROPERTY OF TRACT 1

**ANDREW LONNIE SIKES, INC.**



• SURVEYING & MAPPING •

10710 S SAM HOUSTON PKWY W STE 150 HOUSTON, TX 77031  
 1925 LONGMIRE RD #3 CONROE, TX 77304  
 PHONE (713) 981-7132 PHONE (936) 441-7132

STATE	COUNTY	HWY. NO.	DATE
TEXAS	FT. BEND	U.S. 90A	7/8/05
CONTROL NO.	SECTION NO.	JOB NO.	SCALE
0027	08	149	1"=50'

SEE LINE AND CURVE DATA, NOTES,  
AND ACREAGE TABLE ON PAGE 4  
ACCOUNT NO: 8012-02-035

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C13	22,858.33'	00° 15' 40"	104.15'	N 02° 44' 10" W	104.15'
C14	22,978.33'	00° 05' 30"	36.71'	S 02° 39' 05" E	36.71'

LINE	BEARING	DISTANCE
L7	N 02° 36' 20" W	10.65'
L8	S 02° 36' 20" E	77.97'



LEGEND

- FOUND MONUMENT AS NOTED
- SET 5/8-INCH IRON ROD WITH ALUMINUM CAP (UNLESS OTHERWISE NOTED)

NOTES:

1. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SOUTH, CENTRAL ZONE NAD 83; 1993 ADJUSTMENT. ALL DISTANCES AND COORDINATES ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED ADJUSTMENT FACTOR OF 0.999870.
2. "SET" INDICATES A TEXAS DEPARTMENT OF TRANSPORTATION ALUMINUM DISK (TYPE II MONUMENT) SET ON A 5/8-INCH IRON ROD 36 INCHES LONG, UNLESS OTHERWISE INDICATED.
3. ABSTRACTING WAS COMPLETED IN MAY, 2001, AND THE FIELD SURVEYS WERE COMPLETED IN JULY, 2001.
4. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

\*0.1630 AC. OF 0.3161 AC. IS IN H.J. DEWITT SURVEY, ABSTRACT NO. 161 AND 0.1531 AC. IS IN WILLIAM STAFFORD LEAGUE, ABSTRACT NO. 89

NO.	DATE	REVISION

**TRACT PLAT  
SHOWING PROPERTY OF  
TRACT 1**

TRACT	EXISTING ACREAGE	TAKING		REMAINDER ACREAGE
		ACRES	SQ. FT.	
1	--	*0.3161	13,768	--

**ANDREW LONNIE SIKES, INC.**  
 • SURVEYING & MAPPING •  
  
 10710 S SAM HOUSTON PKWY W STE 150 HOUSTON, TX 77031  
 1925 LONGMIRE RD #3 CONROE, TX 77304  
 PHONE (713) 981-7132 PHONE (936) 441-7132

STATE	COUNTY	HWY. NO.	DATE
TEXAS	FT. BEND	U.S. 90A	7/8/05
CONTROL NO.	SECTION NO.	JOB NO.	SCALE
0027	08	149	1"=50'

Exhibit B

County: Fort Bend  
Highway: U.S. 90A  
Project Limits: Harris County Line to 0.3 miles West of SH 6  
Account Number: 8012-02-035

PROPERTY DESCRIPTION FOR PARCEL 146

Being a 0.3179 of one acre (13,850 square feet) parcel of land situated partially in the William Stafford League, Abstract Number 89, Fort Bend County, Texas, and partially in the H.J. Dewitt Survey, Abstract Number 161, Fort Bend County, Texas, and being part of and out of an existing 100-foot wide right-of-way acquired through prescription by the Union Pacific Railway Company (no deed of record); said 0.3179 acre parcel being more particularly described by metes and bounds as follows:

BEGINNING at a TxDOT brass disk found marking the intersection of the existing northeasterly line of said Union Pacific right-of-way with the existing easterly right-of-way line of F.M. 1092 (based on a 120 foot width), also being in the southwesterly line of a proposed 100-foot wide Union Pacific Railroad right-of-way; said disk also marking the southwesterly corner of that certain called 5.0897 acres described in deed from Murphy Road Service Center, Ltd. to Murphy Road Business Park, Inc., dated April 19, 1993, as recorded under County Clerk's File Number (C.C.F.N.) 9337625, Official Public Records of Fort Bend County, Texas (O.P.R.F.B.C.); said disk also being the POINT OF BEGINNING of the parcel herein described, and having surface coordinates of X=3,060,265.02 and Y=13,790,639.40; all bearings and coordinates are based on the Texas State Plane Coordinate System, South Central Zone, NAD 83; all distances and coordinates shown are surface and may be converted to grid by multiplying by a combined adjustment factor of 0.999870;

- 1) THENCE, SOUTH 02°36'20" East, along the existing easterly right-of-way line of said F.M. 1092, a distance of 115.42 feet to its intersection with the existing northeasterly right-of-way line of Loop 294 (based on an 80 foot width), and being in the existing southwesterly line of said Union Pacific right-of-way;
- 2) THENCE, NORTH 63°18'26" West, along the existing northeasterly right-of-way line of said Loop 294 and the existing southwesterly line of said Union Pacific right-of-way, a distance of 137.60 feet to its intersection with the existing westerly right-of-way line of said F.M. 1092;

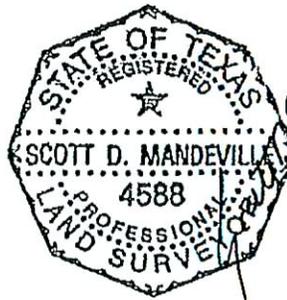
Exhibit \_\_\_\_\_

- 3) THENCE, NORTH 02°36'20" West, along said existing westerly right-of-way line of said F.M. 1092, a distance of 115.41 feet to its intersection with the aforesaid existing northeasterly line of said Union Pacific right-of-way and the southwesterly line of the aforesaid proposed Union Pacific right-of-way; also being a southeasterly corner of the remainder of that certain called 217.6261 acres described in deed from ST Pacific Properties, Inc. to FSWBP, Ltd., dated September 27, 1996, as recorded under C.C.F.N. 9703955, O.P.R.F.B.C.;
- 4) THENCE, SOUTH 63°18'42" East, along said existing northeasterly line of said Union Pacific right-of-way and the southwesterly line of said proposed Union Pacific right-of-way, a distance of 137.60 feet to the POINT OF BEGINNING and containing 0.3179 of one acre (13,850 square feet) of land.

Area of parcel taking by Survey/Abstract:

William Stafford League, Abstract Number 89	0.1536 of one acre ( 6,692 square feet)
H.J. Dewitt Survey, Abstract Number 161	<u>0.1643 of one acre ( 7,158 square feet)</u>
Total	0.3179 of one acre (13,850 square feet)

A parcel plat of even date was prepared in conjunction with this property description.







**LEGEND**

- FOUND MONUMENT AS NOTED
- SET 5/8-INCH IRON ROD WITH ALUMINUM CAP (UNLESS OTHERWISE NOTED)

**NOTES:**

1. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SOUTH, CENTRAL ZONE NAD 83; 1993 ADJUSTMENT. ALL DISTANCES AND COORDINATES ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED ADJUSTMENT FACTOR OF 0.999870.
2. "SET" INDICATES A TEXAS DEPARTMENT OF TRANSPORTATION ALUMINUM DISK (TYPE II MONUMENT) SET ON A 5/8-INCH IRON ROD 36 INCHES LONG, UNLESS OTHERWISE INDICATED.
3. ABSTRACTING WAS COMPLETED IN MAY, 2001, AND THE FIELD SURVEYS WERE COMPLETED IN JULY, 2001.
4. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

\*0.1643 AC. OF 0.3179 AC. IS IN H.J. DEWITT SURVEY, ABSTRACT NO. 161 AND 0.1536 AC. IS IN WILLIAM STAFFORD LEAGUE, ABSTRACT NO. 89

NO.	DATE	REVISION

**PARCEL PLAT  
SHOWING PROPERTY OF  
PARCEL 146**

PARCEL	EXISTING ACREAGE	TAKING ACRES	SQ. FT.	REMAINDER ACREAGE
146	--	*0.3179	13,850	--

**ANDREW LONNIE SIKES, INC.**

• SURVEYING & MAPPING •



10710 S SAM HOUSTON PKWY W STE 150 HOUSTON, TX 77031  
 1925 LONGMIRE RD #3 CONROE, TX 77304  
 PHONE (713) 981-7132 PHONE (936) 441-7132

STATE	COUNTY	HWY. NO.	DATE
TEXAS	FT. BEND	U.S. 90A	7/8/05
CONTROL NO.	SECTION NO.	JOB NO.	SCALE
0027	08	149	1"=50'