

TEXAS TRANSPORTATION COMMISSION

HAYS County

MINUTE ORDER

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AUSTIN District

In the city of San Marcos, HAYS COUNTY, on INTERSTATE HIGHWAY 35, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 170, Page 476, Deed Records of Hays County, Texas.

A portion of the land (surplus land), described in Exhibit A, is no longer needed for a state highway purpose.

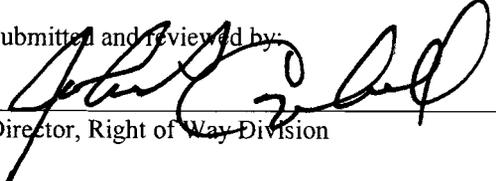
In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus land to the abutting landowners.

Tanger Properties Limited Partnership and Pisces Foods, L.P., are the abutting landowners and have requested that the surplus land be sold to them for \$408,260.

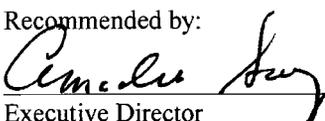
The commission finds \$408,260 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

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 conveying all of the state's rights, title and interest in the surplus land to Tanger Properties Limited Partnership and Pisces Foods, L.P., for \$408,260; 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

112678 APR 28 11

Minute Number Date Passed

EXHIBIT A

**PROPERTY DESCRIPTION
FOR TRACT 100**

A DESCRIPTION OF 0.94 ACRES (40,826 SQUARE FEET) OF LAND LYING AND SITUATED IN THE ED. BURLESON SURVEY #63, HAYS COUNTY, TEXAS SAME BEING A PORTION OF TRACT 3, AS CONVEYED BY GRACE BRUFF LOWMAN FOR HERSELF AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF FRED LOWMAN TO THE STATE OF TEXAS, RECORDED IN VOL. 170, PAGE 476 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TxDOT type II right-of-way monument found in the south right-of-way line of Center Point Road at highway station 1144+47.82, offset 440.17 feet left of the survey line of Interstate Highway 35. Said monument is the most easterly corner of said Tract 3 and the herein described tract, of an exterior ell corner in north line of Lot 1A Replat of Lot 1, Tanger Factory Outlet subdivision as recorded in Vol. 5, Page 383 of the Plat Records of Hays County, Texas.

- 1. THENCE**, leaving said Center Point Road right-of-way line, with the north line of Lot 1A said Replat of Lot 1 also being the south line of said Tract 3 and the south line of the herein described tract, S43°53'31"W a distance of 143.28 feet to a TxDOT type II monument found, being station 1145+91.08, offset 439.37 feet left of the survey line of Interstate Highway 35;
- 2. THENCE**, continuing with north line of Lot 1A of said Replat of Lot 1 also being the west line of said Tract 3 and the west line of the herein described tract, N46°18'58"W a distance of 89.95 feet to a ½" capped 'Tech-Eng' iron rod found for the northeast corner of Lot 3 of said Replat of Lot 1 as conveyed to Wendy's International and recorded in Vol. 1028, Page 158 of the Deed Records of Hays County, Texas, continuing for a total distance of 239.96 feet to a TxDOT type I monument found, being station 1145+90.59, offset 199.36 feet left of the survey line of Interstate Highway 35, for an angle point in said Lot 3 and the herein described tract;

Highway: IH 35
CSJ: 0016-03-013
County: Hays

TRACT 100
DATE: 01/27/2010
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3. **THENCE**, continuing with north line of said Lot 3 of said Replat of Lot 1 also being the west line of said Tract 3 also being the west line of the herein described tract, S88°20'23"W a distance of 70.11 feet to a TxDOT type I monument found for the beginning of the access denial line in the south line of Interstate Highway 35 (ROW 300') as conveyed to the State of Texas as Tract 1, recorded in Vol. 170, Page 476 in Deed Records of Hays County, Texas, being station 1146+40.26, offset 149.97 feet left of the survey line of Interstate Highway 35;
4. **THENCE**, continuing with south line of said Interstate Highway 35 and this access denial line also being the north line of said Tract 3 and the north line of the herein described tract, N43°34'05"E a distance of 160.24 feet to a capped 'ATS' iron rod set for the northeast corner of the herein described tract for the end of this access denial line and also the point of curvature of a curve to the right;

THENCE, over and across said Tract 3 the follow four (4) courses;

- 5.) Along said curve to the right for a distance of 66.38 feet, said curve having a radius of 103.00 feet, a delta angle of 36°55'35", and whose chord bears S65°22'00"E for a distance of 65.24 feet to a ½" capped 'ATS' iron rod set for a point of reverse curvature of a curve to the left;
- 6.) Along said curve to the left for a distance 89.68 feet, said curve having a radius of 645.00 feet, a delta angle of 07°58'00", and whose chord bears S50°39'00"E for a distance of 89.68 to a ½" capped 'ATS' set for a point of tangency;
- 7.) S55°25'57"E a distance of 29.19 feet to a ½" capped 'ATS' iron rod set for an angle point of the herein described tract;
- 8.) S46°25'55"E a distance of 110.24 feet to the **POINT OF BEGINNING** and containing 0.94 acres (40,826.33 square feet) of land, more or less.

Access is prohibited to the highway facility across the Access Denial Line.

I HEREBY CERTIFY that these field notes were prepared by ATS-Engineers from a survey made on the ground in September, 2005 under my supervision.

Paul Utterback
Registered Professional Land Surveyor No. 5738
October 11, 2005

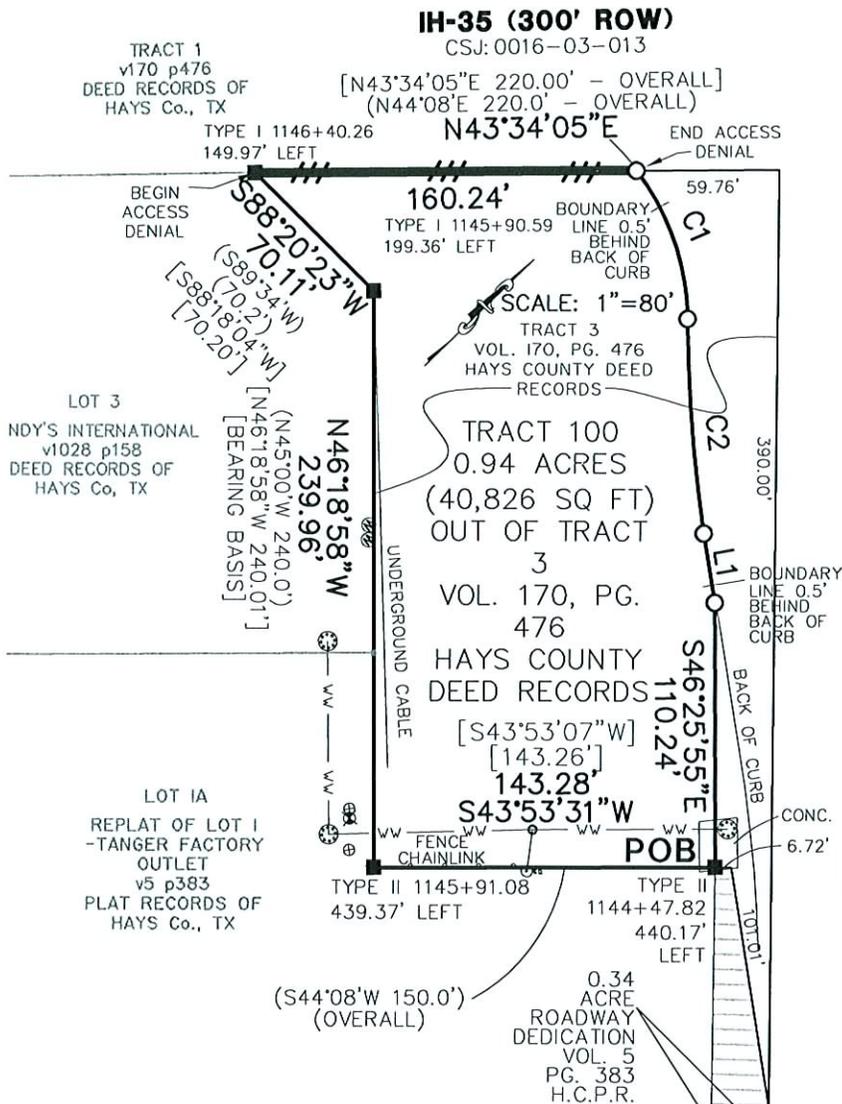


Bearing Basis Note: Please see attached sketch

EXHIBIT

ATS Job # 0508307.0

Reference: Tanger Factory Outlet Address: San Marcos, TX
 Tract 3, Volume 170, Page 476 of Deed Records of Hays County, Texas.



LEGEND	
■	CONCRETE MONUMENT FOUND
○	3/4" IRON ROD SET W/CAP "ATS"
()	RECORD INFORMATION
POB	POINT OF BEGINNING
⊕	FIRE HYDRANT
⊗	WATER VAULT
⊙	WATER METER
---	ACCESS DENIAL LINE

CENTER POINT ROAD (VARIABLE WIDTH)

NUMBER	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH	DELTA ANGLE
C1	103.00	S65°22'00"E	65.24	66.38	36°55'35"
C2	645.00	S50°39'00"E	89.61	89.68	07°58'00"

NUMBER	DIRECTION	DISTANCE
L1	S55°25'57"E	29.19

Record Note:
 [X XX'XX'XX" X] - based on a survey performed by Vickery & Associates performed for TX.D.O.T. November 2001.
 (X XX'XX'XX" X) - based on a tract described in a Right-of-Way Deed as "Tract 3" and recorded in Vol. 170, Pg. 476, Deed Records Hays County, Texas.

Notes:
 1) This map and the survey on which it is based have been prepared without the benefit of a title report and are not intended to reflect all easements, encumbrances or other circumstances affecting the title to the property shown hereon.

I, Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plot is an accurate representation of the property to the best of my knowledge.

Paul Utterback
 Paul Utterback, RPLS No. 5738
 Client: Tanger Outlet
 Date of Field Work: 09/22/2005
 Field: RWimm
 Tech: CPhillips-CHenderson
 Date Drawn: 10/03/2005-01/20/2010 (Rev: 01/27/2010)
 Path: STOKER\TANGER\dwgs\NO ACCESS-100119/dwg



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