

TEXAS TRANSPORTATION COMMISSION

BRAZORIA County

MINUTE ORDER

Page 1 of 1

HOUSTON District

In BRAZORIA COUNTY, on STATE HIGHWAY 288, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instruments recorded in the Clerk's File Number 2007021485 and 2007067291 of the Brazoria County Clerk's Office, with denial of access to the adjacent abutting remainder properties as described in the instruments.

FMP-JAP III 1998 GST Trust, et al, the current owner of the abutting property Tract 3AC and Scion Investments, LLC, the current owner of the abutting property Tract 4AC, have requested that access to and from the northbound frontage road of SH 288 be permitted along their west property lines as new adjacent access points, described in Exhibits A1 and A2, that will be designated as one shared access point.

Transportation Code, §201.103, empowers the Texas Transportation Commission (commission) to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads.

Transportation Code, §203.002, authorizes the commission to lay out, construct, maintain, and operate a modern state highway system, with an emphasis on the construction of controlled-access highways.

Transportation Code, §203.031, authorizes the commission to designate locations on a controlled-access highway at which access to or from the highway is permitted and determine the type and extent of access permitted at each location.

NOW, THEREFORE, the commission finds that the new shared access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new shared access point as a location where ingress and egress are permitted to and from the northbound frontage road of SH 288.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to execute any necessary documents containing terms consistent with the provisions of this order.

Submitted and reviewed by:

*mark a. murek*  
Director, Design Division

Recommended by:

*Armedis Lee*  
Executive Director  
**112814 AUG 25 11**

Minute Number      Date Passed

EXHIBIT A1

County: Brazoria  
Highway: State Highway 288  
Project Limits: Harris County Line to SH332  
RCSJ: 0598-02-001

TRACT 3AC  
"ACCESS LINE DESCRIPTION"

Being an "Access Line" delineating a permitting of access to the transportation facility from the adjacent property along State Highway 288 in the J. Crawley Survey, Abstract No. 174, Brazoria County, Texas; said adjacent property is a 0.505-acre tract in Reserve "A", Block 1 of the Pearland Wash and Lube as recorded in Volume 24, Page 159 in the Brazoria County Plat Records and is that same tract described in a deed to FMP-JAP III 1998 GST Trust, et al, as recorded in Clerk's File No. 2007021485 in the Brazoria County Clerk's Office; said "Access Line" is more particularly described as follows:

COMMENCING at the point of intersection of the south right-of-way line of McHard Road (based on a width of 120-feet) with the easterly right-of-way line of said State Highway 288, said point has a coordinate value of N 13,776,250.04, E 3,117,814.98 based on the Texas Coordinate System of 1983, South Central Zone;

THENCE, South 39°42'07" West, along the easterly line of said State Highway 288, same being the "Access Denial Line", for a distance of 134.72 feet to the point of curvature of a curve to the right;

THENCE, continuing along said easterly line, same being the "Access Denial Line", and with said curve to the right having a radius of 446.46 feet, an included angle of 37°39'56", (chord bears South 28°47'26" West, 288.24 feet), for an arc distance of 293.50 feet to the point of tangency;

THENCE, South 47°37'24" West, continuing along said easterly line, same being the "Access Denial Line", for a distance of 79.22 feet to the point of curvature of a curve to the left;

THENCE, continuing along said easterly line, same being the "Access Denial Line", and with said curve to the left having a radius of 1,041.74 feet, an included angle of 49°53'34", (chord bears South 22°40'37" West, 878.75 feet), for an arc distance of 907.14 feet to the point of reverse curvature of a curve to the right;

THENCE, continuing along said easterly line, same being the "Access Denial Line", and with said reverse curve to the right having a radius of 11,669.16 feet, an included angle of 01°40'39", (chord bears South 01°25'53" East, 341.66 feet), for an arc distance of 341.67 feet to a 5/8-inch iron rod found for the northwest corner of the aforementioned 0.505-acre tract;

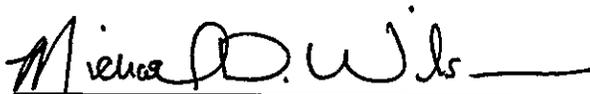
THENCE, continuing along said easterly line of State Highway 288, same being the "Access Denial Line" and is the west line of the aforementioned 0.505 acre tract, and continuing with said curve to the right having a radius of 11,669.16 feet, an included angle of 00°01'28", (chord bears South 00°34'49" East, 5.00 feet), for an arc distance of 5.00 feet to a 5/8-inch iron rod set for the POINT OF BEGINNING of the "Access Line" and the end of the "Access Denial Line", said point is in a curve to the right and has a coordinate value of N 13,774683.23, E 3,117,201.46 based on the Texas Coordinate System of 1983, South Central Zone, at Texas Department of Transportation Highway Station 353+27.21, 210.00 feet left ;

- 1.) THENCE, continuing along the east line of said State Highway 288, same being the herein described "Access Line", and with said curve to the right, having a radius of 11,669.16 feet, an included angle of 00°11'47" (chord bears South 00°28'13" East, 40.00 feet), for an arc distance of 40.00 feet to a 5/8-inch iron rod set for the POINT OF TERMINUS of the "Access Line" and the beginning of the "Access Denial Line" being located at Texas Department of Transportation Highway Station 353+67.21, 210.00 feet left.

NOTES:

1. Bearings and coordinates shown hereon are based on the Texas Coordinate System of 1983, South Central Zone. Distances are surface and can be converted to grid by multiplying by a scale factor of 0.99987.
2. This "Access Line" description was written in connection with a parcel plat of even date.
3. Access will be permitted across the "Access Line" to the highway facility from the adjacent property.

I, Michael D. Wilson, a Registered Professional Land Surveyor, certify that the legal description hereon and the accompanying plat of even date represent an actual survey made on the ground under my supervision.



Michael D. Wilson, R.P.L.  
Registration No 4821

07/15/11



The Wilson Survey Group, Inc.  
2006 East Broadway, Suite 105  
Pearland, Texas 77581  
Phone (281) 485-3991  
Job No. 10-162



EXHIBIT A2

County: Brazoria  
Highway: State Highway 288  
Project Limits: Harris County Line to SH332  
RCSJ: 0598-02-001

TRACT 4AC  
"ACCESS LINE DESCRIPTION"

Being an "Access Line" delineating a permitting of access to the transportation facility from the adjacent property along State Highway 288 in the J. Crawley Survey, Abstract No. 174, Brazoria County, Texas; said adjacent property is a 2.000 acre tract described in a deed to Scion Investments, LLC as recorded in Clerk's File No. 2007067291 in the Brazoria County Clerk's Office; said "Access Line" is more particularly described as follows:

COMMENCING at the point of intersection of the south right-of-way line of McHard Road (based on a width of 120-feet) with the easterly right-of-way line of said State Highway 288, said point has a coordinate value of N 13,776,250.04, E 3,117,814.98 based on the Texas Coordinate System of 1983, South Central Zone;

THENCE, South 39°42'07" West, along the easterly line of said State Highway 288, same being the "Access Denial Line", for a distance of 134.72 feet to the point of curvature of a curve to the right;

THENCE, continuing along said easterly line, same being the "Access Denial Line", and with said curve to the right having a radius of 446.46 feet, an included angle of 37°39'56", (chord bears South 28°47'26" West, 288.24 feet), for an arc distance of 293.50 feet to the point of tangency;

THENCE, South 47°37'24" West, continuing along said easterly line, same being the "Access Denial Line", for a distance of 79.22 feet to the point of curvature of a curve to the left;

THENCE, continuing along said easterly line, same being the "Access Denial Line", and with said curve to the left having a radius of 1,041.74 feet, an included angle of 49°53'34", (chord bears South 22°40'37" West, 878.75 feet), for an arc distance of 907.14 feet to the point of reverse curvature of a curve to the right;

THENCE, continuing along said easterly line of State Highway 288, same being the "Access Denial Line", and with said reverse curve to the right having a radius of 11,669.16 feet, an included angle of  $01^{\circ}28'52''$ , (chord bears South  $01^{\circ}31'46''$  East, 301.66 feet), for an arc distance of 301.67 feet to a 5/8-inch iron rod set for the POINT OF BEGINNING of the "Access Line" and the end of the "Access Denial Line", said point is in a curve to the right and has a coordinate value of N 13,776,519.16, E 3,117,606.22 based on the Texas Coordinate System of 1983, South Central Zone, at Texas Department of Transportation Highway Station 352+87.21, 210.00 feet left ;

- 1.) THENCE, continuing along the east line of said State Highway 288, same being the herein described "Access Line", and with said curve to the right, having a radius of 11,669.16 feet, an included angle of  $00^{\circ}11'47''$  (chord bears South  $00^{\circ}41'26''$  East, 40.00 feet), for an arc distance of 40.00 feet to a 5/8-inch iron rod set for the POINT OF TERMINUS of the "Access Line" and the beginning of the "Access Denial Line" being located at Texas Department of Transportation Highway Station 353+27.21, 210.00 feet left.

NOTES:

1. Bearings and coordinates shown hereon are based on the Texas Coordinate System of 1983, South Central Zone. Distances are surface and can be converted to grid by multiplying by a scale factor of 0.99987.
2. This "Access Line" description was written in connection with a parcel plat of even date.
3. Access will be permitted across the "Access Line" to the highway facility from the adjacent property.

I, Michael D. Wilson, a Registered Professional Land Surveyor, certify that the legal description hereon and the accompanying plat of even date represent an actual survey made on the ground under my supervision.

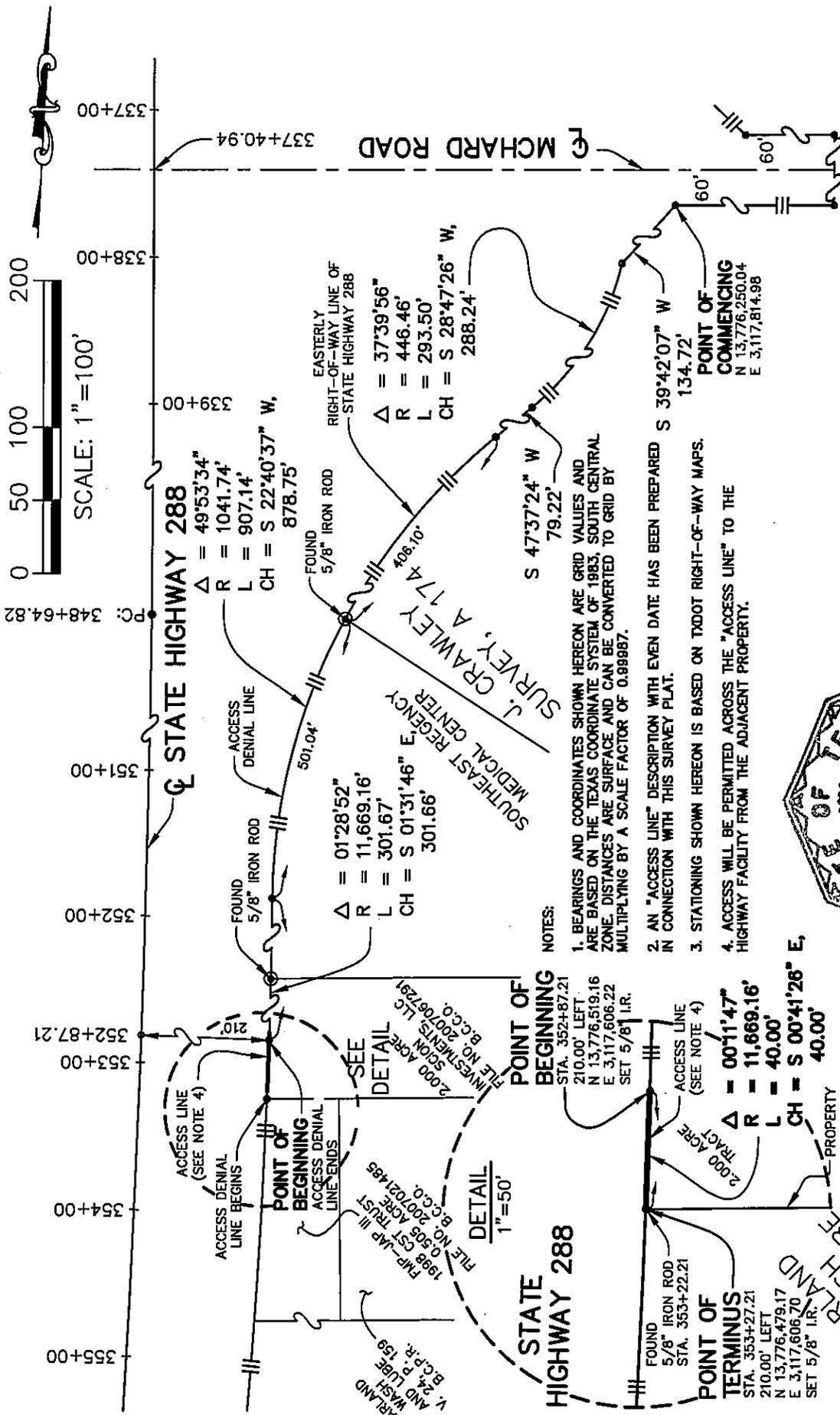


Michael D. Wilson, R.P.L.  
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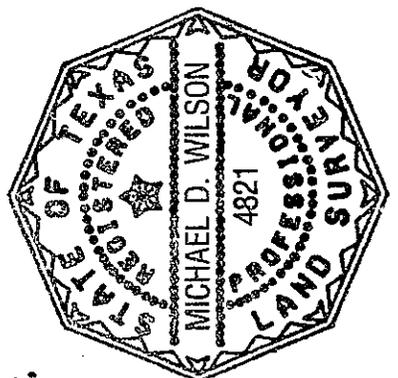


The Wilson Survey Group, Inc.  
2006 East Broadway, Suite 105  
Pearland, Texas 77581  
Phone (281) 485-3991  
Job No. 10-162



**NOTES:**

1. BEARINGS AND COORDINATES SHOWN HEREON ARE GRID VALUES AND ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE. DISTANCES ARE SURFACE AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY A SCALE FACTOR OF 0.99987.
2. AN "ACCESS LINE" DESCRIPTION WITH EVEN DATE HAS BEEN PREPARED IN CONNECTION WITH THIS SURVEY PLAT.
3. STATIONING SHOWN HEREON IS BASED ON TADOT RIGHT-OF-WAY MAPS.
4. ACCESS WILL BE PERMITTED ACROSS THE "ACCESS LINE" TO THE HIGHWAY FACILITY FROM THE ADJACENT PROPERTY.



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY. (SURVEY DATE: JUNE, 2011)

*Michael D. Wilson*  
 MICHAEL D. WILSON, R.P.L.S.  
 TEXAS REGISTRATION NO. 4821

07/15/11

**THE WILSON SURVEY GROUP**  
 PROFESSIONAL LAND SURVEYORS  
 2006 E. BROADWAY PEARLAND, TEXAS

**PLAT SHOWING TRACT 4AC**

SCALE: 1"=100' RCS:J 0598-02-001

B.C.C.O. = BRAZORIA COUNTY CLERK'S OFFICE  
 B.C.P.R. = BRAZORIA COUNTY PLAT RECORDS