

TEXAS TRANSPORTATION COMMISSION

EL PASO County

MINUTE ORDER

Page 1 of 1

EL PASO District

In EL PASO COUNTY, on STATE HIGHWAY LOOP 375 from 0.038 miles west of I-10 at SH Loop 375 to 0.479 miles east of Franklin Mountain State Park, the Texas Department of Transportation (department) is acquiring the right of way for a highway improvement project.

V.T.C.A., Transportation Code, §201.206, authorizes the department to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept a gift or donation valued at \$500 or more by majority vote at an open meeting.

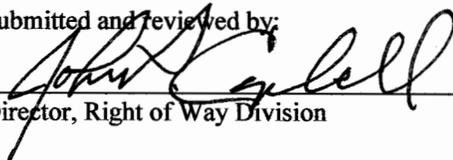
Plexxar Capital, Ltd. (owner) is the owner of the property described in Exhibit A. The owner wishes to make a partial donation of this property to the department for construction of a highway improvement project. The department has determined the fair market value of this property is \$138,056. The donor desires to accept \$5,000 as full compensation for the property and desires to donate to the department any residual amount over and above said \$5,000.

The owner is not subject to department regulations or oversight, or interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department.

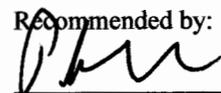
A partial donation agreement has been executed by the owner and tendered to the department for acceptance under Title 43, Texas Administrative Code, §1.504.

IT IS THEREFORE ORDERED by the commission that (1) the commission has determined that acceptance of this partial donation would provide a significant public benefit, and would not influence or reasonably appear to influence the department in the performance of its duties, and (2) the executive director is hereby authorized to accept the partial donation of real property, as described in Exhibit A, and the executive director or the director's designee is authorized and directed to sign and execute a partial donation agreement with the owner, in accordance with Title 43, TAC, §1.504.

Submitted and reviewed by:


Director, Right of Way Division

Recommended by:


Executive Director

112954 DEC 15 11

Minute
Number

Date
Passed

Parcel 11, Page 1 of 5

EXHIBIT "A"

HIGHWAY: Loop 375
LIMITS: From: 0.038 Miles W. Of IH 10 at Loop 375
To: 0.479 Miles E. of Franklin Mountain State Park
COUNTY: El Paso
ROW CSJ: 2552-01-045

Property Description for Parcel 11

Being 30,679 square feet or 0.704 acres of land acres out of Nellie D. Mundy Survey No. 243, Scrap File 7222, El Paso County, Texas, same being out of a 225.557 acre tract as described in a Correction Special Warranty Deed 25% interest to Plexxar Capital, Ltd. recorded in Volume 4298, Page 1148, Real Property Records, El Paso County, Texas and a Correction Special Warranty Deed 75% interest to Plexxar Capital, Ltd. recorded in Volume 4298, Page 1153, Real Property Records, El Paso County, Texas said 30,679 square feet or 0.704 acres of land being more particularly described as follows:

COMMENCING at 1/2" iron rod with cap marked "TX4297 NM10472" found for the southeast corner said 225.557 acre tract same being an angle point in the west line of a 12.315 acre tract described as Save and Except Parcel 2: Tract 2 in a Warranty Deed from El Paso Natural Gas Company to El Paso Development Company recorded in Volume 431, Page 617, Deed Records, El Paso County, Texas;

THENCE North 04° 49' 54" West [North 08° 01' 01" West], along the common east line said 225.557 acre tract and the west line said 12.315 acre tract, a distance of 2398.80 feet to a 5/8" iron rod with aluminum cap marked "TX DEPT OF TRANSPORTATION PROPERTY CORNER" set for the southeast corner of the herein described parcel on the proposed south right-of-way line Loop 375, at 212.46 feet right of Loop 375 Proposed Baseline Station 241+71.97 and having coordinates of X= 365917.06, Y= 10713211.53 for the POINT OF BEGINNING of the herein described parcel;

- 1.) THENCE North 04° 49' 54" West [North 08° 01' 01" West], along the common east line said 225.557 acre tract and the west line said 12.315 acre tract, a distance of 82.88 feet an iron rod with cap marked "RPLS 4178" found for the northeast corner of the herein described parcel being on the existing south right-of-way line Loop 375 a called 25.438 acre tract as described in an easement to the County of El Paso recorded in Volume 78, Page 625, Deed Records, El Paso County, Texas;
- 2.) THENCE North 72° 20' 28" West (North 75° 31' 50" West) [North 75° 31' 42" west], along the north line said 225.557 acre tract and said existing south right-of-way line Loop 375, at 144.62 feet passing a Texas Department of Transportation

Parcel 11, Page 2 of 5

Type I Right of Way monument found, at 509.49 feet passing a Texas Department of Transportation Type I Right of Way monument found, continuing for a total distance of 549.43 feet [549.26 feet] to a point for the northwest corner of the herein described parcel also being the northwest corner said 225.557 acre tract and the northeast corner of a 41.075 acre tract as described in a Special Warranty Deed to Hunt Commodities Holding, LLC, Exhibit "E" recorded in Document No. 20080062236, Real Property Records, El Paso County, Texas from which an iron rod with marked "RPLS 4178" found bears South 17° 38' 34" West 0.18 feet;

- 3.) THENCE South 17° 38' 34" West [South 14° 28' 18" West], along the common west line said 225.557 acre tract and the east line said 41.075 acre tract, a distance of 47.35 feet to a 5/8" iron rod with aluminum cap marked "TX DEPT OF TRANSPORTATION PROPERTY CORNER" set for the southwest corner of the herein described parcel being on the proposed south right-of-way line Loop 375, at 151.45 feet right of Loop 375 Proposed Baseline Station 236+02.89;
- 4.) THENCE South 74° 55' 58" East, along said proposed south right-of-way line Loop 375, a distance of 25.47 feet to a 5/8" iron rod with aluminum cap marked "TXDOT ROW"*** set for an point at 151.05 feet right of Proposed Baseline Station 236+28.00;
- 5.) THENCE South 29° 55' 58" East, continuing along said proposed south right-of-way line Loop 375, a distance of 35.13 feet to a 5/8" iron rod with aluminum cap marked "TXDOT ROW"*** set for an angle point at 175.55 feet right of Proposed Baseline Station 236+52.80;
- 6.) THENCE South 74° 55' 58" East, continuing along said proposed south right-of-way line Loop 375, a distance of 50.00 feet to a 5/8" iron rod with aluminum cap marked "TXDOT ROW"*** set for an angle point at 175.05 feet right of Proposed Baseline Station 237+01.99;
- 7.) THENCE North 60° 04' 02" East, continuing along said proposed south right-of-way line Loop 375, a distance of 35.13 feet to a 5/8" iron rod with aluminum cap marked "TXDOT ROW"*** set for an angle point at 150.05 feet right of Proposed Baseline Station 237+26.30;
- 8.) THENCE South 74° 55' 58" East, continuing along said proposed south right-of-way line Loop 375, a distance of 254.80 feet to a 5/8" iron rod with aluminum cap marked "TXDOT ROW"*** set for an angle point at 151.64 feet right of Proposed Baseline Station 239+77.58;
- 9.) THENCE South 38° 07' 19" East, continuing along said proposed south right-of-way line Loop 375, a distance of 121.80 feet to a 5/8" iron rod with aluminum cap marked "TXDOT ROW"*** set for an angle point at 226.77 feet right of Proposed Baseline Station 240+71.78;

Parcel 11, Page 3 of 5

- 10.) THENCE South 84° 41' 44" East, continuing along said proposed south right-of-way line Loop 375, a distance of 103.14 feet to the POINT OF BEGINNING and containing 30,679 square feet or 0.704 acres of land.

This property description is accompanied by a parcel plat of even date.

() Denotes record calls of existing Loop 375 ROW acquisition deeds.

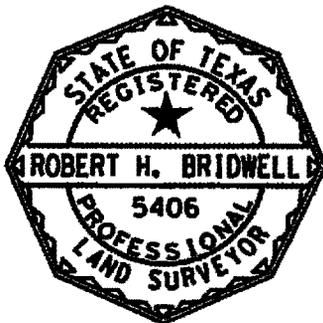
[] Denotes record calls of existing property deeds.

** The monument described and set in this call may be replaced with a TxDOT Type II Right of Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

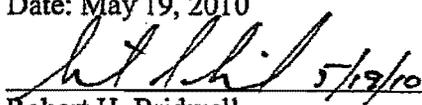
Bearings and coordinates are based upon Texas State Plane, Central Zone, NSRS2007 and are referenced to Primary Control Points 093-103 (X=370223.070, Y=10712625.861) and 093-203 (X=358000.334, Y=10714873.742) as provided by TxDOT El Paso District and Jacobs Engineering Group. All coordinates and distances shown are surface values and may be converted to State Plane by dividing by the Surface Adjustment Factor of 1.000231.

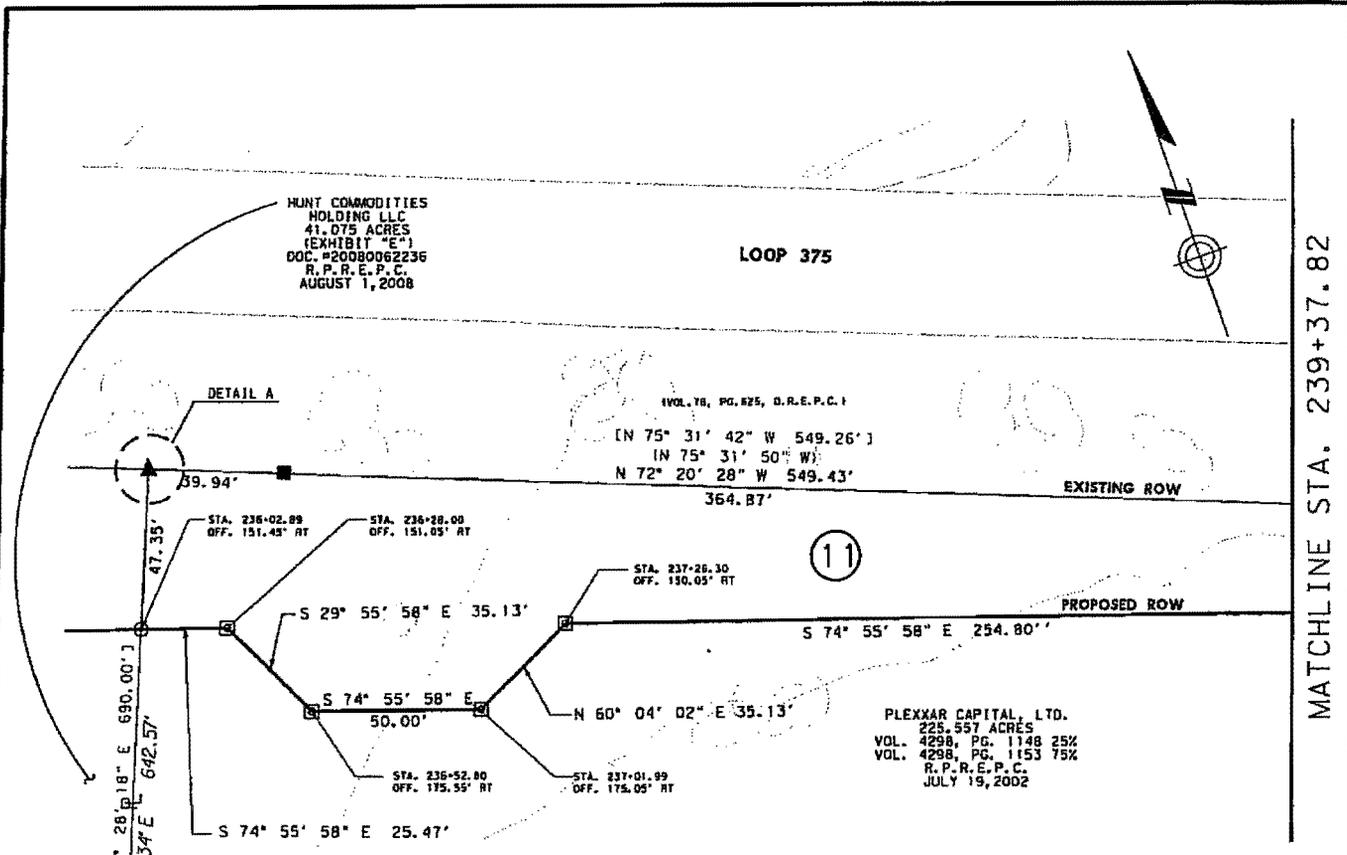
Access is permitted to the transportation facility from the adjacent property.

I, Robert H. Bridwell, Registered Professional Land Surveyor, do hereby certify that this Property Description is a true and correct representation of a survey made on the ground, under my direction and supervision.



Date: May 19, 2010

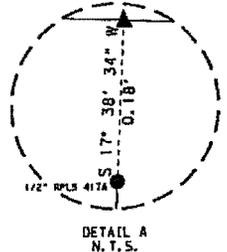

Robert H. Bridwell
Registered Professional Land Surveyor
No. 5406



MATCHLINE STA. 239+37.82

LEGEND

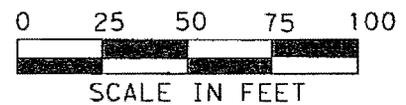
- ▲ CALCULATED POINT (NOTHING FOUND)
- ⊙ FND 2" I.P. (UNLESS NOTED)
- ⊗ SET 1/4" I.R. W/ALUMINUM CAP MARKED "TxDOT ROW ACCESS DENIAL" **
- ⊗ SET 1/4" I.R. W/ALUMINUM CAP MARKED "TX DEPT. OF TRANSPORTATION POINT ACCESS DENIAL"
- FND I.R.
- ⊙ SET 1/4" I.R. W/ALUMINUM CAP MARKED "TX DEPT. OF TRANSPORTATION PROPERTY CORNER"
- ⊗ FND TxDOT TYPE II ROW MONUMENT
- ⊗ SET 1/4" I.R. W/ALUMINUM CAP MARKED "TxDOT ROW" **
- FND TxDOT TYPE I ROW MONUMENT
- FND X IN CONCRETE
- PROPERTY LINE
- SURVEY LINE
- PROPOSED ROW LINE
- EXISTING ROW LINE
- PROPOSED ACCESS DENIAL LINE
- EXISTING WATER LINE
- UNDERGROUND FIBER OPTIC LINE
- EXISTING SANITARY SEWER LINE
- EXISTING GAS PIPELINE
- PARCEL NUMBER
- D.R.E.P.C. DEED RECORDS, EL PASO COUNTY
- R.P.R.E.P.C. REAL PROPERTY RECORDS, EL PASO COUNTY
- P.R.E.P.C. PLAT RECORDS, EL PASO COUNTY
- () DENOTES RECORD CALLS OF EXISTING LOOP 375 ROW ACQUISITION DEEDS
- () DENOTES RECORD CALLS OF PROPERTY DEEDS



** THE MONUMENT DESCRIBED AND SET IN THIS CALL MAY BE REPLACED WITH A TxDOT TYPE II RIGHT OF WAY MARKER UPON THE COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TxDOT.

Notes:

1. Deed research and Title Commitments provided by LandAmerica Lawyers Title of El Paso, December 2009.
2. Bearings and coordinates are based upon Texas State Plane, Central Zone, NAD83 and are referenced to Primary Control Points 093-103 (X-370223, 070, Y-10712625, 861) and 093-203 (X-358000, 334, Y-10714873, 742), as provided by TxDOT El Paso District and Jacobs Engineering Group. All coordinates and distances shown are surface values and may be converted to State Plane by dividing by the Surface Adjustment Factor of 1.000231.
3. Field work for this project was performed in December 2009 thru May 2010.
4. Topography shown provided by TxDOT El Paso District.
5. Partially Controlled Access Facility.
6. This Plat is accompanied by a property description of an even date.



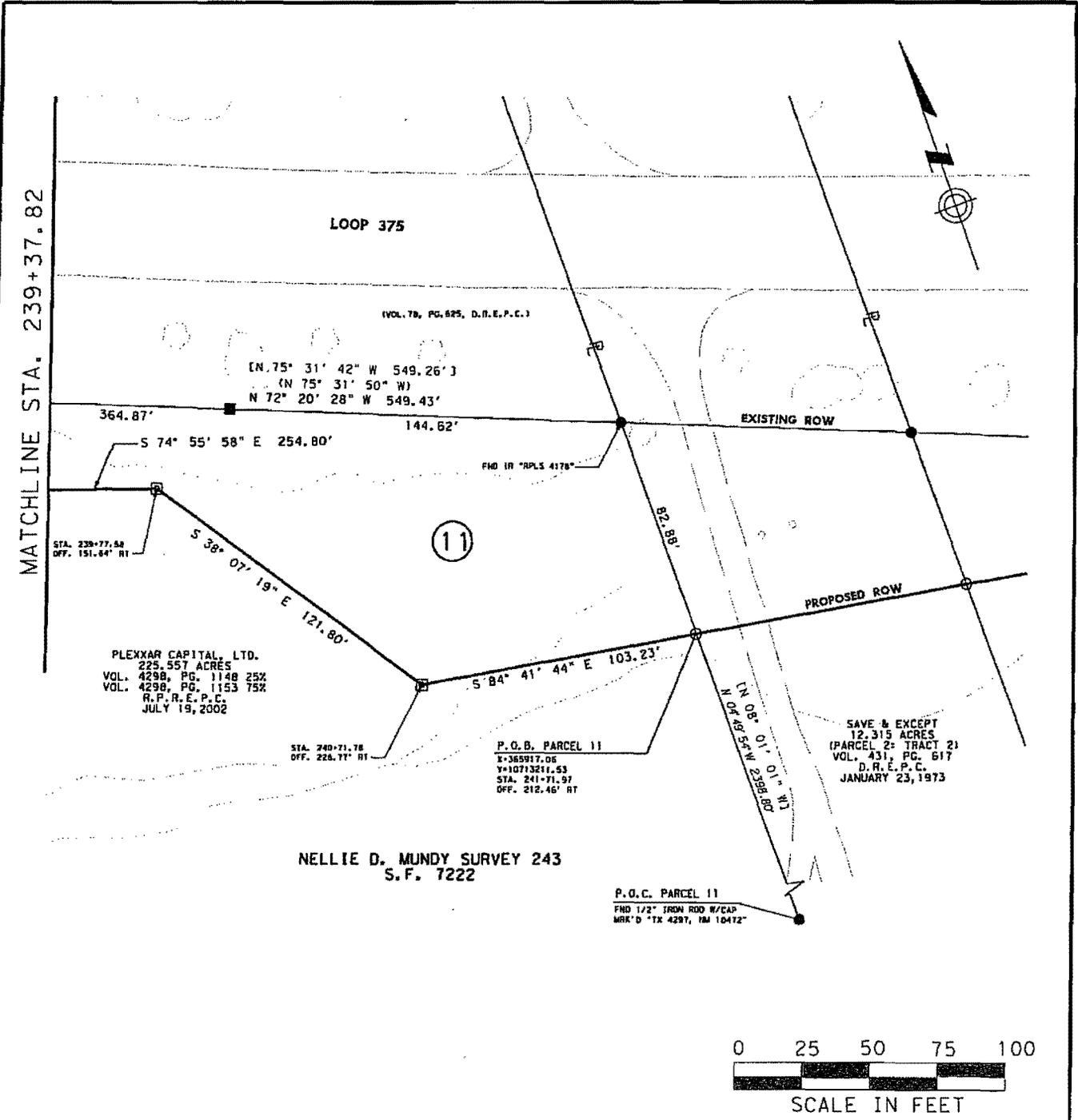
**PARCEL PLAT OF
PARCEL 11**

SCALE 1" = 50'
SHEET 4 OF 5

FED. RD. DIV. NO.	PROJECT NO.		SHEET NO.
6			
STATE	DIST.	COUNTY	
TEXAS	ELP	EL PASO	
CONT.	SECT.	JOB	HIGHWAY NO.

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 SURVEY.
SURVEY DATE: DECEMBER 2009 THRU MAY 2010
Robert H. Bridwell 5/19/10
ROBERT H. BRIDWELL
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5406





Texas Department of Transportation
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**PARCEL PLAT OF
PARCEL 11**

SCALE 1" = 50'
SHEET 5 OF 5

FED. RD. DIV. NO.	PROJECT NO.		SHEET NO.
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CONT.	SECT.	JOB	HIGHWAY NO.