

TEXAS TRANSPORTATION COMMISSION

SMITH County

MINUTE ORDER

Page 1 of 1

TYLER District

In SMITH COUNTY, on FARM TO MARKET ROAD 346, the State of Texas acquired an easement interest in certain land by instrument recorded in Volume 21, Page 183, Smith County Commissioner's Minutes.

Portions of the land (surplus easements), described as Tract 1 in Exhibit A and Tract 2 in Exhibit B, are no longer needed for state highway purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus easements to the owners of the fee in the property (fee owners).

Thomas Lewis Neumeier and wife, Kimberly M. Neumeier (Neumeiers), are the fee owners of Tract 1 and have requested that the surplus easement be sold to them for \$2,237.

Robert M. Tippens and wife, Judith A. Tippens (Tippens), are the fee owners of Tract 2 and have requested that the surplus easement be sold to them for \$662.

The commission finds \$2,237 to be a fair and reasonable value for the state's rights and interest in Tract 1, and \$662 to be a fair and reasonable value for the state's rights and interest in Tract 2.

NOW, THEREFORE, in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission finds that the surplus easements are no longer needed for a state highway purpose and that the values of the surplus easements are less than \$10,000 and authorizes the executive director to execute proper instruments partially releasing all of the state's rights and interest in Tract 1 to the Neumeiers for \$2,237 and releasing all of the state's rights and interest in Tract 2 to the Tippens for \$662.

Submitted and reviewed by:

Director, Right of Way Division

Recommended by:

Executive Director

112956 DEC 15 11

Minute Number

Date Passed

JOHN COWAN & ASSOCIATES, INC.

REGISTERED PROFESSIONAL LAND SURVEYORS
SINCE 1946

TERRY D. COWAN, RPLS
PHILIP W. CORNETT, RPLS

2012 ANTHONY DRIVE — TYLER, TEXAS 75701
TEL 903.581.2238 — FAX 903.561.0600

JCOWANINC@JCOWANINC.COM

JOHN COWAN
(1914 - 1985)
FRANK COWAN
(1944 - 1984)

**BOUNDARY DESCRIPTION
FOR
TRACT 1, FARM TO MARKET HIGHWAY NO. 346
CSJ 1764-01-01
SMITH COUNTY, TEXAS**

**Release of Easement FM 346
Thomas & Kimberly Neumeier**

EXHIBIT A

All that certain lot, tract or parcel of land, being part of the Elijah J. DeBard League, Abstract No. 6, Smith County, Texas, being part of that certain channel easement referenced in the Smith County Commissioner's Minutes Volume 21, Page 183, being part of Lot 19 of the Oak Leaf Addition, Unit No. 2 as shown by plat of same recorded in Cabinet D, Slide 223 A & B of the Plat Records of Smith County, Texas and being described in a deed from Thomas D. Kipp and wife, Mary Jane Kipp to Thomas Lewis Neumeier and wife, Kimberly M. Neumeier on January 12, 2007 and recorded in Smith County Clerk's File No. 2007-R00002975 and being more completely described as follows, to-wit:

BEGINNING at a corner in the Northwest right-of-way of F. M. Highway No. 346, in the Southeast line of the above mentioned Lot 19, said point being North 49 deg. 04 min. 18 sec. East – 60.99 ft. from the most southerly corner of same;

THENCE North 39 deg. 55 min. 59 sec. West, a distance of 154.19 ft. to a corner in the Northwest line of said Lot 19, the Southeast line of Lot 18;

THENCE North 52 deg. 17 min. 06 sec. East, a distance of 20.01 ft. to a corner;

THENCE South 39 deg. 55 min. 59 sec. East, a distance of 153.42 ft. to a corner in the Southeast line of said Lot 19, the Northwest right-of-way of F. M. Highway No. 346;

EXHIBIT A

THENCE Southwesterly with the Southeast line of said Lot 19, the Northwest right-of-way of F. M. Highway No. 346 and with a curve to the left with a radius of 2331.91 ft., a chord of South 50 deg. 04 min. 00 sec. West – 20.00 ft. to the place of beginning, containing 0.071 of an acre of land.

Plat accompanies description.

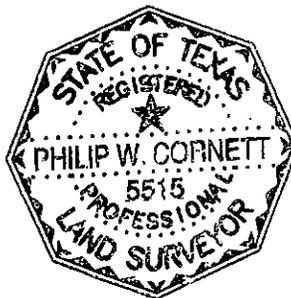
Bearings oriented to Northwest line of Lot 19 in Cabinet D, Slide 223 A&B.

I, PHILIP W. CORNETT, Registered Professional Land Surveyor No. 5155, do hereby certify that the above field notes were prepared from an actual survey made on the ground under my direction and supervision.

GIVEN UNDER MY HAND AND SEAL, this the 22nd day of February, 2011.



PHILIP W. CORNETT
Registered Professional Land Surveyor No. 5515
11-037A



John Cowan & Associates, Inc.

2012 Anthony Drive Tyler, Texas 75701
 Telephone: (903) 581-2238 Fax: (903) 581-0600

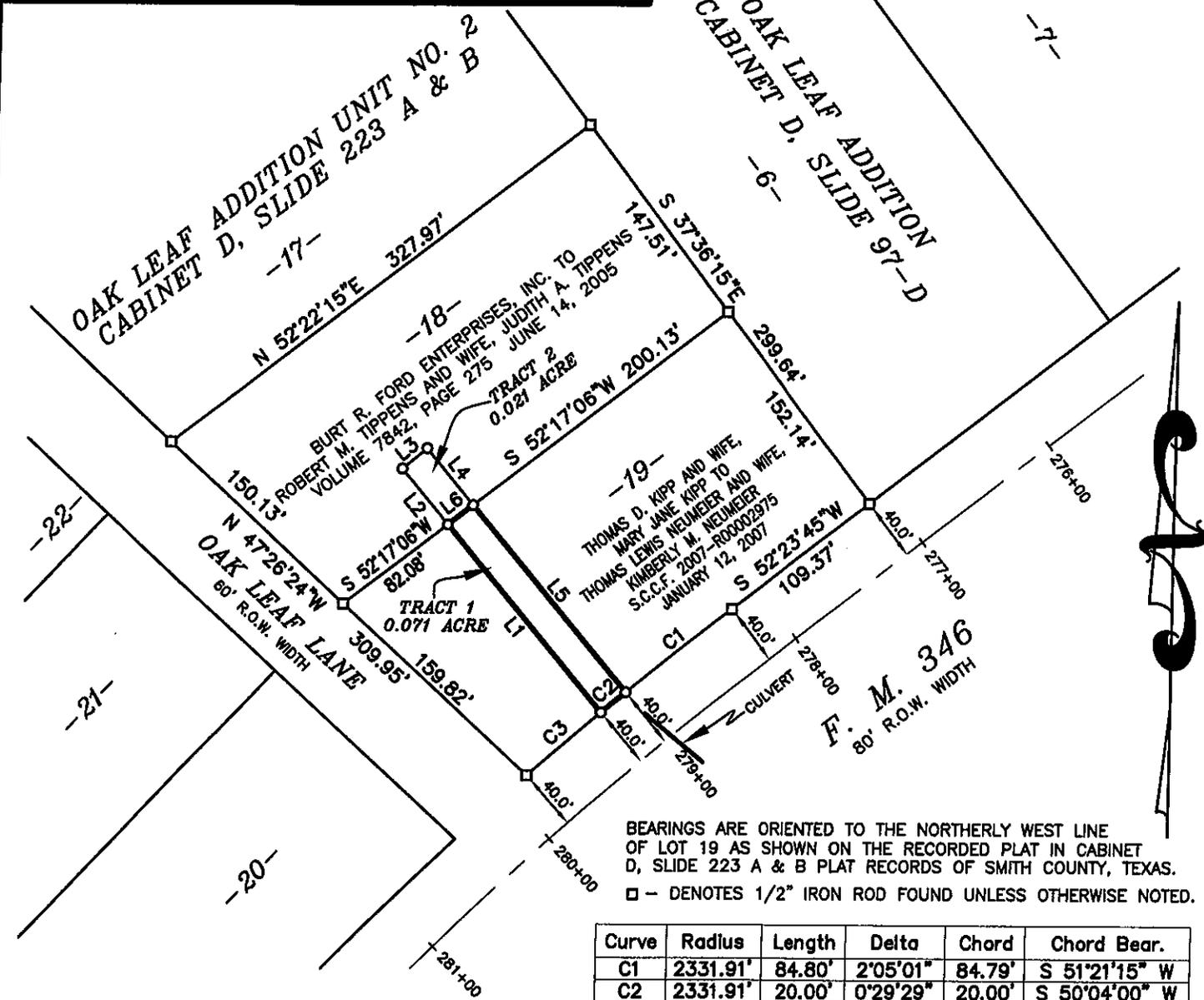
SURVEY FOR THOMAS AND KIMBERLY NEUMEIER

SHOWING
 TRACT 1, FM 346
 0.071 OF AN ACRE OF LAND
 CSJ 1764-01-01
 SMITH COUNTY, TEXAS

DRAWN BY:	N. ROGERS	CHECKED BY:	P. CORNETT
DATE:	2-18-2011	FIELD BOOK:	1175/76
SCALE:	1" = 100'	JOB NO.:	11-037

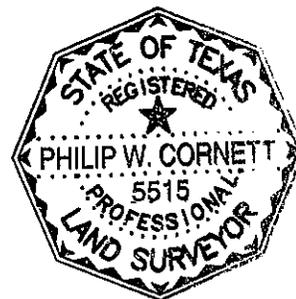
EXHIBIT A

Course	Bearing	Distance
L1	N 39°55'59" W	154.19'
L2	N 39°55'59" W	45.81'
L3	N 50°04'00" E	20.00'
L4	S 39°55'59" E	46.58'
L5	S 39°55'59" E	153.42'
L6	S 52°17'06" W	20.01'



BEARINGS ARE ORIENTED TO THE NORTHERLY WEST LINE OF LOT 19 AS SHOWN ON THE RECORDED PLAT IN CABINET D, SLIDE 223 A & B PLAT RECORDS OF SMITH COUNTY, TEXAS.
 □ - DENOTES 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED.

I, PHILIP W. CORNETT, Registered Professional Land Surveyor No. 5515, do hereby certify that the plat shown hereon was prepared from an actual survey made on the ground under my direction and supervision.



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**BOUNDARY DESCRIPTION
FOR
TRACT 2, FARM TO MARKET HIGHWAY NO. 346
CSJ 1764-01-01
SMITH COUNTY, TEXAS**

**Release of Easement FM 346
Robert & Judith Tippens**

EXHIBIT B

All that certain lot, tract or parcel of land, being part of the Elijah J. DeBard League, Abstract No. 6, Smith County, Texas, being part of that certain channel easement referenced in the Smith County Commissioner's Minutes Volume 21, Page 183, being part of Lot 18 of the Oak Leaf Addition, Unit No. 2 as shown by plat of same recorded in Cabinet D, Slide 223 A & B of the Plat Records of Smith County, Texas and being described in a deed from Burt R. Ford Enterprises, Inc. to Robert M. Tippens and wife, Judith A. Tippens on June 14, 2005 and recorded in Volume 7842, Page 275 of the Official Public Records of Smith County, Texas and being more completely described as follows, to-wit:

BEGINNING at a corner in the Southeast line of the above mentioned Lot 18, said point being North 52 deg. 17 min. 06 sec. East - 82.08 ft. from the most southerly corner of same;

THENCE North 39 deg. 55 min. 59 sec. West, a distance of 45.81 ft. to a corner;

THENCE North 50 deg. 04 min. 00 sec. East, a distance of 20.00 ft. to a corner;

THENCE South 39 deg. 55 min. 59 sec. East, a distance of 46.58 ft. to a corner in the Southeast line of said Lot 18, the Northwest line of Lot 19;

EXHIBIT B

THENCE South 52 deg. 17 min. 06 sec. West with said lot line, a distance of 20.01 ft. to the place of beginning, containing **0.021 of an acre** of land.

Plat accompanies description.

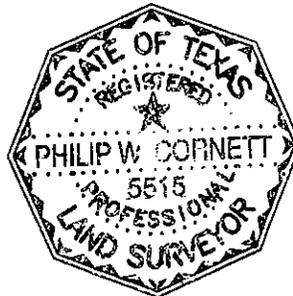
Bearings oriented to Northwest line of Lot 19 in Cabinet D, Slide 223 A&B.

I, PHILIP W. CORNETT, Registered Professional Land Surveyor No. 5155, do hereby certify that the above field notes were prepared from an actual survey made on the ground under my direction and supervision.

GIVEN UNDER MY HAND AND SEAL, this the 22nd day of February, 2011.



PHILIP W. CORNETT
Registered Professional Land Surveyor No. 5515
11-037B



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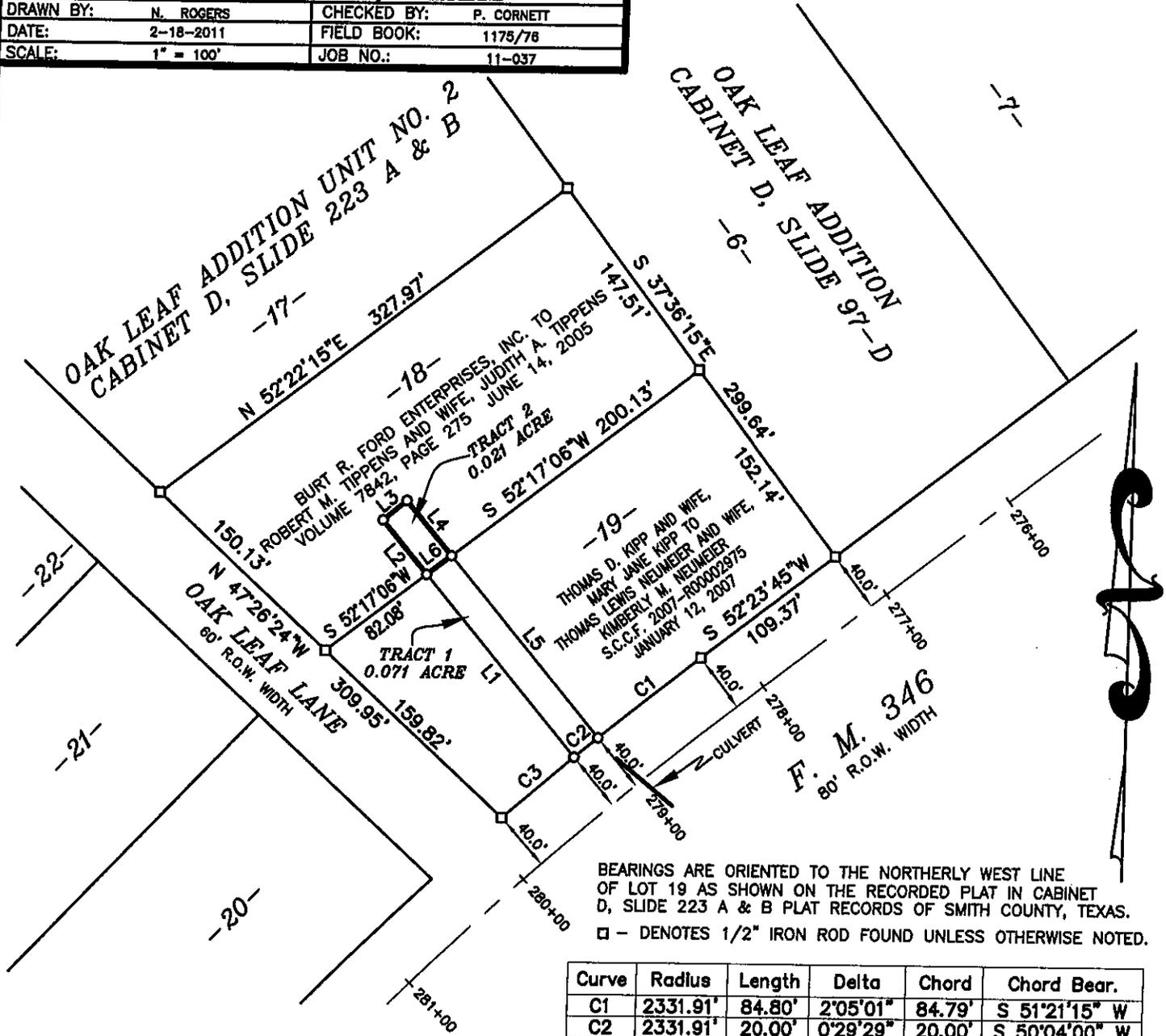
SURVEY FOR ROBERT AND JUDITH TIPPENS

SHOWING
TRACT 2, FM 346
0.021 OF AN ACRE OF LAND
CSJ 1764-01-01
SMITH COUNTY, TEXAS

DRAWN BY:	N. ROGERS	CHECKED BY:	P. CORNETT
DATE:	2-18-2011	FIELD BOOK:	1175/78
SCALE:	1" = 100'	JOB NO.:	11-037

EXHIBIT B

Course	Bearing	Distance
L1	N 39°55'59" W	154.19'
L2	N 39°55'59" W	45.81'
L3	N 50°04'00" E	20.00'
L4	S 39°55'59" E	46.58'
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 □ - DENOTES 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED.

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	2331.91'	84.80'	2°05'01"	84.79'	S 51°21'15" W
C2	2331.91'	20.00'	0°29'29"	20.00'	S 50°04'00" W
C3	2331.91'	60.99'	1°29'55"	60.99'	S 49°04'18" W

I, PHILIP W. CORNETT, Registered Professional Land Surveyor No. 5515, do hereby certify that the plat shown hereon was prepared from an actual survey made on the ground under my direction and supervision.

