

TEXAS TRANSPORTATION COMMISSION

DALLAS County

MINUTE ORDER

Page 1 of 1

DALLAS District

In the city of DeSoto, DALLAS COUNTY, on INTERSTATE 35E, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 5381, Page 392, and Volume 5537, Page 589, Deed Records of Dallas County, Texas.

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

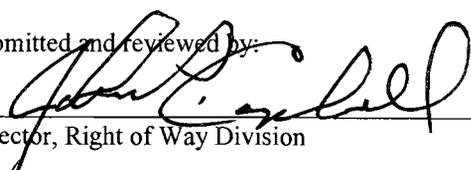
In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus land to a governmental entity with the authority to condemn the property.

The city of DeSoto has requested that the surplus land be sold to the city for \$40,789.

The commission finds \$40,789 to be a fair and reasonable value of the state's rights, title and interest in the surplus land.

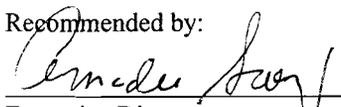
NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's rights, title and interest in the surplus land to the city of DeSoto, Texas, for \$40,789; 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

112621 FEB 24 11

Minute
Number

Date
Passed

EXHIBIT "A"

County: DALLAS
Highway: Interstate Highway No. IH-35E

Page 1 of 4
September 28, 2010

Description for Surplus Property

BEING a 2.7825 acre tract of land situated in the William P. Wampler Survey, Abstract No. 1540, City of DeSoto, Dallas County, Texas, being a portion of a 5.042 acre tract of land (by deed) deeded to the State of Texas recorded in Volume 5381, Page 392 of the Deed Records of Dallas County, Texas, and a portion of a 4.227 acre tract of land (by deed) deeded to the State of Texas recorded in Volume 5537, Page 589 of said Deed Records, said 2.7825 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a Texas Department of Transportation aluminum disk found (controlling monument) for an interior corner of said 4.227 acre tract of land, said Texas Department of Transportation aluminum disk found also being the most easterly northeast corner of LOT 2, BLOCK A OF I-35 MARKET CENTER ADDITION, an addition to the City of De Soto recorded in Volume 95150, Page 05899 of said Deed Records;

THENCE North 29 degrees 48 minutes 00 seconds West (called North 29° 48' West), with the existing west right-of way line of Interstate Highway No. IH-35E, with the southwesterly line of said 4.227 acre tract of land and with the northeasterly line of said LOT 2, BLOCK A OF I-35 MARKET CENTER ADDITION, a distance of 22.81 feet to the **POINT OF BEGINNING** of the herein described 2.9827 acre tract of land;

- (1) **THENCE** North 29 degrees 48 minutes 00 seconds West (called North 29° 48' West), with the existing west right-of way line of Interstate Highway No. IH-35E, with the southwesterly line of said 4.227 acre tract of land and with the northeasterly line of said LOT 2, BLOCK A OF I-35 MARKET CENTER ADDITION, a distance of 133.19 feet to a Texas Department of Transportation aluminum disk found (controlling monument) for an angle point;
- (2) **THENCE** North 45 degrees 00 minutes 00 seconds West (called North 45° West), continuing with the existing west right-of way line of Interstate Highway No. IH-35E, with the southwesterly line of said 4.227 acre tract of land and with the northeasterly line of said LOT 2, BLOCK A OF I-35 MARKET CENTER ADDITION, a distance of 302.93 feet (called 299.0 feet) to a Texas Department of Transportation aluminum disk found (controlling monument) for an angle point;

EXHIBIT "A"

County: DALLAS
Highway: Interstate Highway No. IH-35E

Page 2 of 4
September 28, 2010

Description for Surplus Property

- (3) **THENCE** North 00 degrees 32 minutes 59 seconds East (called North), with the existing west right-of way line of Interstate Highway No. IH-35E, with the most westerly line of said 4.227 acre tract and with the most northerly east line of said LOT 2, BLOCK A OF I-35 MARKET CENTER ADDITION, passing at a distance of 23.51 feet the most northerly northeast corner of said LOT 2, BLOCK A OF I-35 MARKET CENTER ADDITION, said corner being in the south right-of-way line of Wintergreen Road (a variable width right-of-way), from said corner a Texas Department of Transportation aluminum disk found bears North 73 degrees 22 minutes 48 seconds East at a distance of 0.50 feet, continuing with the existing west right-of way line of Interstate Highway No. IH-35E, with the most westerly line of said 4.227 acre tract of land, passing at a distance of 123.71 feet a Texas Department of Transportation aluminum disk found, continuing with the existing west right-of way line of Interstate Highway No. IH-35E, with the most westerly line of said 4.227 acre tract of land, passing at a distance of 129.00 feet the most southerly southeast corner of a 0.4869 acre tract of land (by deed) deeded to Noble Investments, LLC recorded in Volume 2002197, Page 06369 of said Deed Records, continuing with the existing west right-of way line of Interstate Highway No. IH-35E, with the most westerly line of said 4.227 acre tract of land and with the most southerly east line of said 0.4869 acre tract of land, for a total distance of 149.21 feet (called 149.5 feet) to a Texas Department of Transportation aluminum disk found (controlling monument) for an angle point;
- (4) **THENCE** North 46 degrees 54 minutes 48 seconds East (called North 46°57 East), with the existing west right-of way line of Interstate Highway No. IH-35E, with the northwesterly line of said 4.227 acre tract of land and with the southeasterly line of said 0.4869 acre tract of land, passing at a distance of 74.70 feet the most northerly northwest corner of said 4.227 acre tract of land, said corner also being the southwest corner of said 5.042 acre tract of land, continuing with the existing west right-of way line of Interstate Highway No. IH-35E, with the northwesterly line of said 5.042 acre tract and with the southeasterly line of said 0.4869 acre tract of land, passing at a distance of 146.00 feet the easterly corner of said 0.4869 acre tract, said corner also being the south corner of a 0.6207 acre tract of land (by deed) deeded to Waffle House, Inc. recorded in Volume 96191, Page 03306 of said Deed Records, continuing with the existing west right-of way line of Interstate Highway No. IH-35E, with the northwesterly line of said 5.042 acre tract of land and with the southeasterly line of said 0.6207 acre tract of land, for a total distance of 250.38 feet to a Texas Department of Transportation aluminum disk found (controlling monument) for an angle point;

EXHIBIT "A"

County: DALLAS
Highway: Interstate Highway No. IH-35E

Page 3 of 4
September 28, 2010

Description for Surplus Property

- (5) **THENCE** North 29 degrees 55 minutes 48 seconds East (called South 29°58' West), with the existing west right-of way line of Interstate Highway No. IH-35E, with the northwesterly line of said 5.042 acre tract of land and with the southeasterly line of said 0.6207 acre tract of land, passing at a distance of 100.63 feet the east corner of said 0.6207 acre tract of land and a southeast corner of WINTERGREEN COMMERCIAL PARTNERSHIP HOTEL SUBDIVISION, an addition to the City of DeSoto recorded in Volume 86061, Page 3214 of said Deed Records, continuing with the existing west right-of way line of Interstate Highway No. IH-35E, with the northwesterly line of said 5.042 acre tract of land and with the southeasterly line of said WINTERGREEN COMMERCIAL PARTNERSHIP HOTEL SUBDIVISION, for a total distance of 184.95 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA & ASSOCIATES" set for corner, from said 5/8 inch iron rod with cap stamped "GORRONDONA & ASSOCIATES" set a Texas Department of Transportation aluminum disk found (controlling monument) bears North 29 degrees 55 minutes 48 seconds East a distance of 25.55 and North 00 degrees 25 minutes 07 seconds West a distance of 315.74 feet, said 5/8 inch iron rod with cap stamped "GORRONDONA & ASSOCIATES" set also being the beginning of the new west right of way line of Interstate Highway No. IH-35E;
- (6) **THENCE** South 00 degrees 16 minutes 14 seconds East, with the new west right-of-way line of said Interstate Highway No. IH-35E, passing at a distance of 279.87 feet the south line of said 5.042 acre tract of land and north line of said 4.227 acre tract of land, continuing for a total distance of 810.30 feet to the **POINT OF BEGINNING** and containing 121,206 square feet or 2.7825 acres of land, more or less.

Note: all bearings are based upon the third call (North 28°49' West) of the description of the 4.227 acre Texas Department of Transportation tract of land recorded in Volume 5537, Page 589 of the Deed Records of Dallas County, Texas.

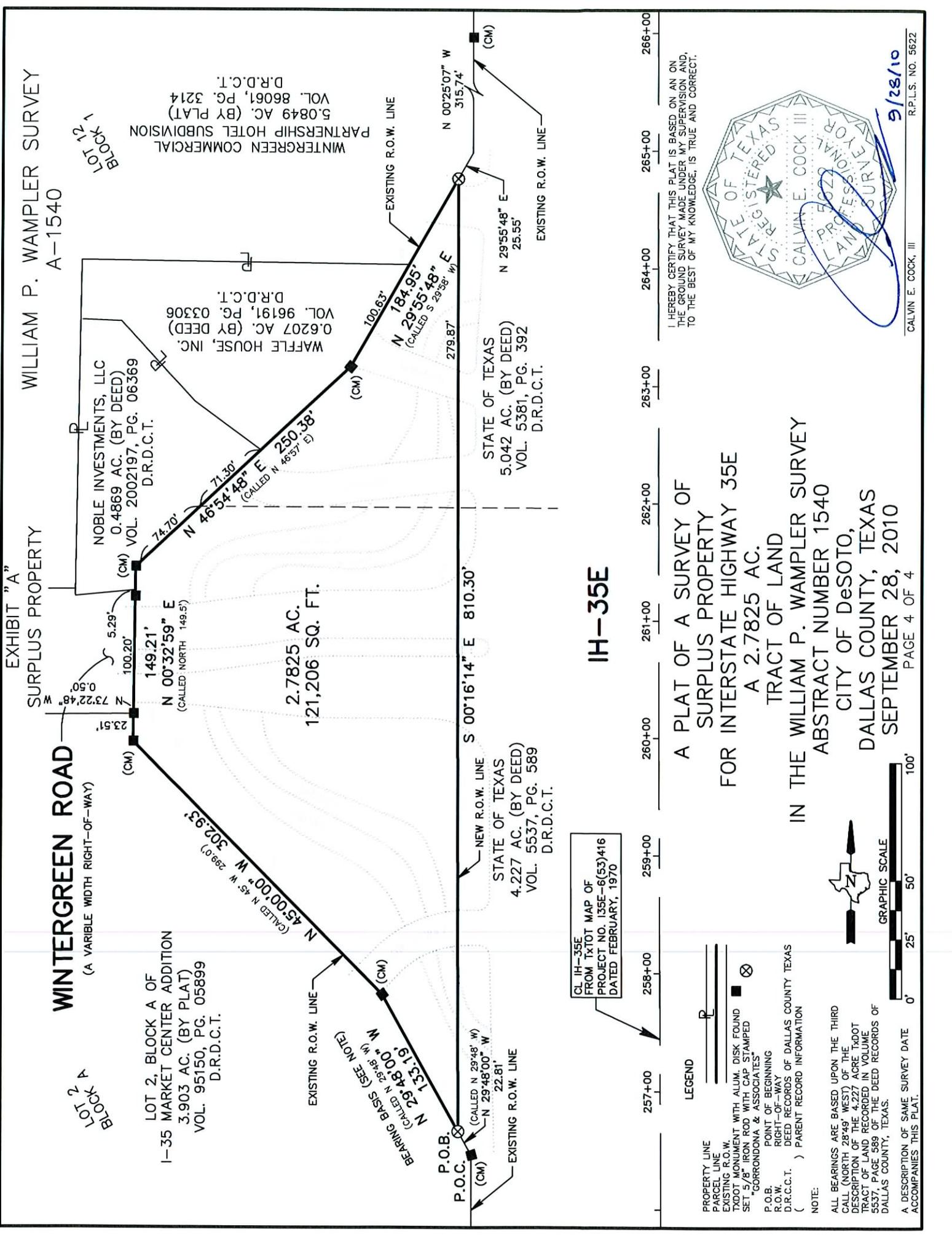
Note: A plat survey of same survey date herewith accompanies this description.

I, Calvin E. Cock III, a Registered Professional Land Surveyor, hereby certify that the legal description hereon and the accompanying plat represent an actual survey made on the ground under my supervision.

 9/28/10

Calvin E. Cock III, R.P.L.S.
Texas Registration No. 5622





WILLIAM P. WAMPLER SURVEY
A-1540

EXHIBIT "A"

WINTERGREEN ROAD
(A VARIABLE WIDTH RIGHT-OF-WAY)

LOT 2, BLOCK A

LOT 1, BLOCK 1

LOT 2, BLOCK A OF
I-35 MARKET CENTER ADDITION
3.903 AC. (BY PLAT)
VOL. 95150, PG. 05899
D.R.D.C.T.

NOBLE INVESTMENTS, LLC
0.4869 AC. (BY DEED)
VOL. 2002197, PG. 06369
D.R.D.C.T.

WAFFLE HOUSE, INC.
0.6207 AC. (BY DEED)
VOL. 96191, PG. 03306
D.R.D.C.T.

WINTERGREEN COMMERCIAL
PARTNERSHIP HOTEL SUBDIVISION
5.0849 AC. (BY PLAT)
VOL. 86061, PG. 3214
D.R.D.C.T.

2.7825 AC.
121,206 SQ. FT.

STATE OF TEXAS
4.227 AC. (BY DEED)
VOL. 5537, PG. 589
D.R.D.C.T.

STATE OF TEXAS
5.042 AC. (BY DEED)
VOL. 5381, PG. 392
D.R.D.C.T.

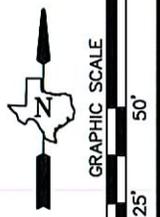
CL IH-35E
FROM TXTOT MAP OF
PROJECT NO. 135E-6(53)416
DATED FEBRUARY, 1970

IH-35E

257+00 258+00 259+00 260+00 261+00 262+00 263+00 264+00 265+00 266+00

A PLAT OF A SURVEY OF
SURPLUS PROPERTY
FOR INTERSTATE HIGHWAY 35E
A 2.7825 AC.
TRACT OF LAND
IN THE WILLIAM P. WAMPLER SURVEY
ABSTRACT NUMBER 1540
CITY OF DESOTO,
DALLAS COUNTY, TEXAS
SEPTEMBER 28, 2010

- LEGEND**
- PROPERTY LINE
 - PARCEL LINE
 - EXISTING R.O.W.
 - TxDOT MONUMENT WITH ALUM. DISK FOUND
 - SET 5/8" IRON ROD WITH CAP STAMPED "GARRONONA & ASSOCIATES"
 - P.O.B.
 - R.O.W.
 - D.R.C.C.T.
 - ()



NOTE:
ALL BEARINGS ARE BASED UPON THE THIRD
CALL (NORTH 28°49' WEST) OF THE
DESCRIPTION OF THE 4.227 ACRE TxDOT
TRACT OF LAND RECORDED IN VOLUME
5537, PAGE 589 OF THE DEED RECORDS OF
DALLAS COUNTY, TEXAS.

I HEREBY CERTIFY THAT THIS PLAT IS BASED ON AN ON
THE GROUND SURVEY MADE UNDER MY SUPERVISION AND,
TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT.



9/28/10

CALVIN E. COCK, III

R.P.L.S. NO. 5622

PAGE 4 OF 4

A DESCRIPTION OF SAME SURVEY DATE
ACCOMPANIES THIS PLAT.