

TEXAS TRANSPORTATION COMMISSION

HIDALGO County

MINUTE ORDER

Page 1 of 1

PHARR District

In the city of Weslaco, HIDALGO COUNTY, on US 83, the State of Texas acquired certain land needed for highway purposes by instrument recorded in Volume 1038, Page 184, Deed Records of Hidalgo 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 landowner.

James A. Payne as Trustee of the Weslaco Property 2003 Income Trusts is the abutting landowner and has requested that the surplus land be sold to the trustee for \$60,064.

The commission finds \$60,064 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 James A. Payne as Trustee of the Weslaco Property 2003 Income Trusts for \$60,064; 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:

Ken E. Carr
Director, Right of Way Division

Recommended by:

Amelia Perry
Executive Director

112702 MAY 26 11

Minute Number Date Passed

EXHIBIT A

October 8, 2010

**METES AND BOUNDS DESCRIPTION
0.1791 OF ONE ACRE OUT OF FARM TRACT 40
WEST & ADAMS TRACTS
HIDALGO COUNTY, TEXAS**

A tract of land containing 0.1791 of one acre (7800.62 square feet) situated in the City of Weslaco, Hidalgo County, Texas, being part or portion of a certain tract out of FARM TRACT 40, WEST & ADAMS TRACTS, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records, said certain tract being dedicated right-of-way conveyed to the State of Texas by virtue of instrument recorded in Volume 1038, Page 184, Hidalgo County Deed Records, said 0.1791 of one acre (7800.62 square feet) also being more particularly described as follows:

COMMENCING at the Southwest corner of said Farm Tract 40, said corner being the intersection of Bridge Avenue and Pike Boulevard;

THENCE, N 01° 11' 40" W along the West line of said Farm Tract 40 and within the right-of-way of Bridge Avenue, a distance of 689.50 feet;

THENCE, N 88° 48' 20" E a distance of 20.00 feet to a point on the East right-of-way line of Bridge Avenue;

THENCE, N 01° 11' 59" W along the East right-of-way line of Bridge Avenue, a distance of 50.89 feet to a No. 4 rebar found;

THENCE, N 48° 53' 41" E along a corner clip line, a distance of 64.17 feet to a No. 4 rebar with a Northing of 16588274.737 and an Easting of 1153940.964 found for the POINT OF BEGINNING and Southwest corner of this herein described tract;

1. THENCE, N 48° 53' 41" E a distance of 27.15 feet to a No. 4 rebar set for the Northwest corner of this tract;
2. THENCE, S 84° 53' 23" E a distance of 237.65 feet to a No. 4 rebar set for the Northeast corner of this tract;
3. THENCE, S 01° 11' 40" E a distance of 43.01 feet to a No. 4 rebar with a Northing of 16588228.424 and an Easting of 1154199.127 found on the South right-of-way line of U.S. Highway 83 Eastbound Frontage Road for the Southeast corner of this tract;
4. THENCE, N 79° 42' 56" W along the South right-of-way line of U.S. Highway 83 Eastbound Frontage Road, a distance of 200.66 feet to a No. 4 rebar found for the point of curvature for a curve to the left;
5. THENCE, in a Northwesterly direction along the South right-of-way line of U.S. Highway 83 Eastbound Frontage Road and along said curve to the left, with a central angle of 00° 55' 22", a radius of 3819.83 feet, an arc length of 61.52 feet, a tangent of 30.76 feet, and a chord that bears N 78° 59' 16" W a distance of 61.52 feet to the POINT OF BEGINNING and containing 0.1791 of one acre (7800.62 square feet) of land, more or less.

I, FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY AFFIRM THAT THIS METES AND BOUNDS DESCRIPTION REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON 10-8-10 UNDER MY DIRECTION AND SUPERVISION.


FRED L. KURTH, R.P.L.S. #4750

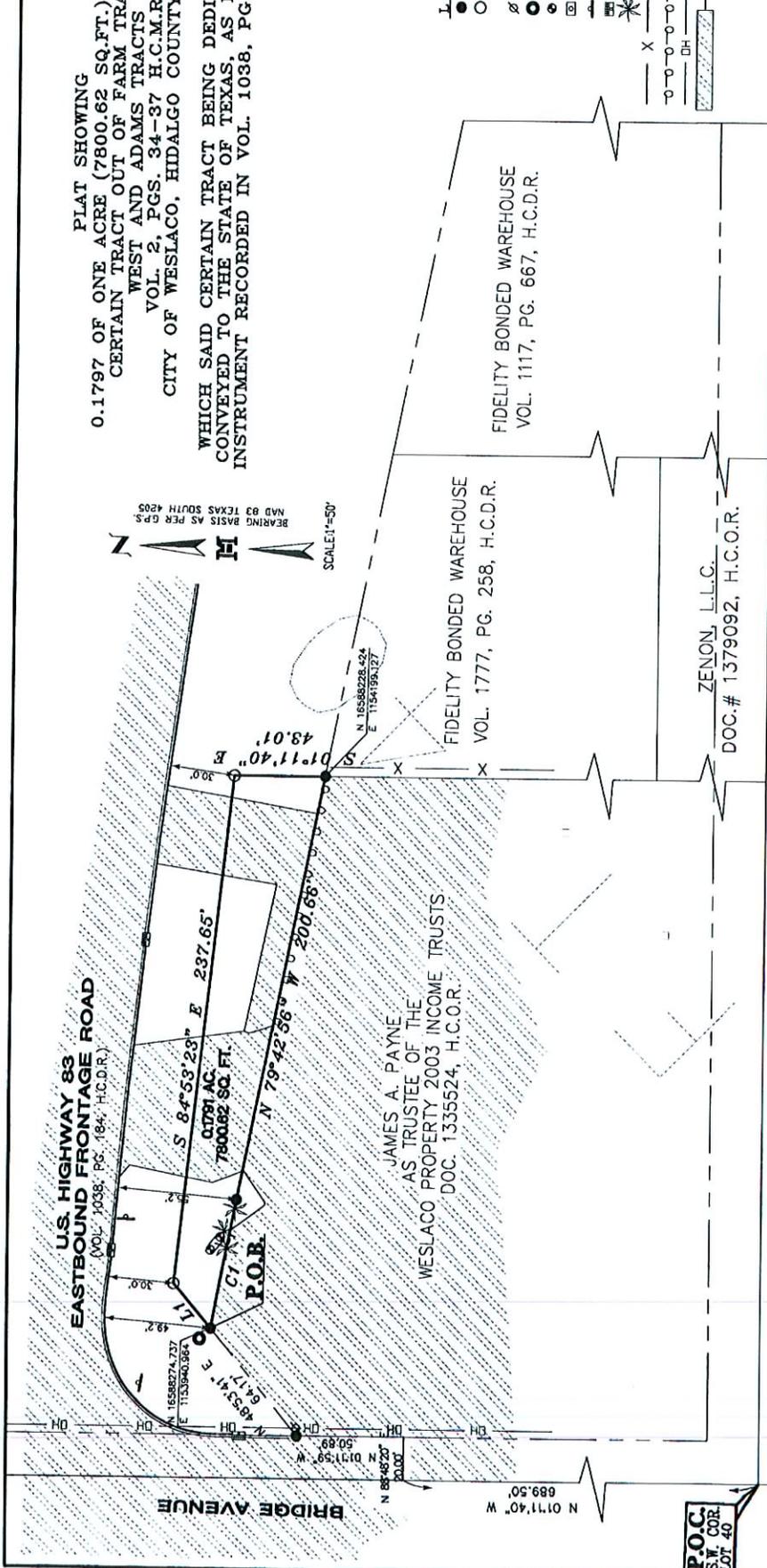
DATE:



**U.S. HIGHWAY 83
EASTBOUND FRONTAGE ROAD**
(VOL. 1038, PG. 164, H.C.D.R.)

**PLAT SHOWING
0.1797 OF ONE ACRE (7800.62 SQ.FT.) OUT OF A
CERTAIN TRACT OUT OF FARM TRACT 40
WEST AND ADAMS TRACTS
VOL. 2, PGS. 34-37 H.C.M.R.
CITY OF WESLACO, HIDALGO COUNTY, TEXAS**

**WHICH SAID CERTAIN TRACT BEING DEDICATED R.O.W.
CONVEYED TO THE STATE OF TEXAS, AS DEDICATED BY
INSTRUMENT RECORDED IN VOL. 1038, PG. 184, H.C.D.R.**



FIDELITY BONDED WAREHOUSE
VOL. 1777, PG. 258, H.C.D.R.

FIDELITY BONDED WAREHOUSE
VOL. 1117, PG. 667, H.C.D.R.

JAMES A. PAYNE
AS TRUSTEE OF THE
WESLACO PROPERTY 2003 INCOME TRUSTS
DOC. 1335524, H.C.O.R.

ZENON, L.L.C.
DOC. # 1379092, H.C.O.R.

PIKE BOULEVARD

**P.O.C.
S.W. COR.
LOT 40**

SCALE 1"=50'
N
MAD 83 TEXAS SOUTH 4893
BEARING BASIS AS PER GPS

LINE DATA "1"
N 48°53'41" E
27.15

CURVE DATA "C"
B=0°55'22" L
R=3819.83'
L=61.52'
T=30.76'
CH=61.52'
N 78°59'16" W

FLOOD ZONE
ZONE "C"



I, FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THE FOREGOING PLAT TO BE TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE ON THE GROUND ON 09/15/10 UNDER MY DIRECTION AND SUPERVISION AND WAS NOT INTENDED TO SHOW ALL IMPROVEMENTS OR EASEMENTS.

Fred L. Kurth
FRED L. KURTH, RPLS NO. 4750 DATE: 10-8-10

AREAS OF MINIMAL FLOODING.
COMMUNITY-PANEL NUMBER: 480349 0005 B
MAP REVISED: MARCH 4, 1980

NOTES:
1. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL & SIGNATURE OF SURVEYOR.
2. SURVEY WAS PREPARED BY FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR. A TITLE COMMITMENT WHICH MAY SHOW EASEMENTS AFFECTING THIS PLAT ON NOTICE THAT PUTTING THE RECORD OF THIS PLAT ON NOTICE THAT EASEMENTS MAY BE ON THIS TRACT.

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BOOK I-902, PG. 35
DATE: 09/17/2010
JOB NO. 10009.23
FILE NAME: 10009.23
DRAWN BY: F.P.4

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