

TEXAS TRANSPORTATION COMMISSION

MONTGOMERY County

MINUTE ORDER

Page 1 of 1

HOUSTON District

In MONTGOMERY COUNTY, on INTERSTATE 45, a designated controlled access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 486, Page 102, Deed Records of Montgomery County, Texas, with denial of access to the abutting remainder property as described in the instrument.

Kroger Texas L.P., the current owner of the abutting property, has requested that access to and from the southbound frontage road of I-45 be permitted along Kroger's east property line at a new access point, described in Exhibit A.

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 access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point as a location where ingress and egress are permitted to and from the southbound frontage road of I-45.

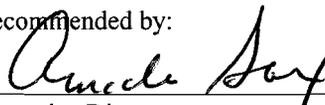
IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to execute any necessary documents containing terms consistent with the provisions of this order.

Submitted and reviewed by:



Director, Right of Way Division

Recommended by:



Executive Director

112703 MAY 26 !!

Minute Date
Number Passed

County: Montgomery
Highway: IH 45
Project Limits: FM 830 to Walker County Line
RCSJ: 0675-08-093

EXHIBIT A

**TRACT IAC
"ACCESS LINE DESCRIPTION"**

Being an "Access Line" delineating a permitting of access to the transportation facility from the adjacent property along Interstate Highway No. 45 (width varies) in the George W. Lonis Survey, Abstract No. 313, Montgomery County, Texas; said adjacent property being a 13.6293 acre tract of land conveyed to Kroger Texas, L.P. from A-S 103 Sam Houston Town Center, L.P. by deed dated January 28, 2010, as recorded in Montgomery County Clerk's File No. 2010-007775; said "Access Line" being more particularly described as follows;

COMMENCING FOR REFERENCE at a ½-inch iron rod with cap stamped "Jeff Moon" found in the southwest right-of-way line of said Interstate Highway No. 45 for an angle point of a 5.5902 acre tract of land conveyed to A-S 103 Sam Houston Town Center, L.P., as recorded in Montgomery County Clerk's File No. 2008-092903 and for the north corner of a 9.4053 acre tract of land conveyed to A-S 103 Sam Houston Town Center, L.P., as recorded in Montgomery County Clerk's File No. 2008-061319;

THENCE, South 17° 19' 04" East - 146.75 feet with the southwest right-of-way line of said Interstate Highway No. 45, same being an Access Denial Line, and with a northeast line of said 9.4053 acre tract to a 5/8-inch iron rod with cap stamped "TEAM" set for an angle point;

THENCE, South 16° 10' 11" East with the southwest right-of-way line of said Interstate Highway No. 45, same being an Access Denial Line, and with a northeast line of said 9.4053 acre tract, at a distance of 392.21 feet pass a 5/8-inch iron rod with cap stamped "TEAM" set for the northeast corner of said 13.6293 acre tract and continuing for a total distance of 500.10 feet to a 5/8-inch iron rod with cap stamped "TEAM" set for an angle point;

THENCE, South 11° 41' 28" East - 201.76 feet with the southwest right-of-way line of said Interstate Highway No. 45, same being an Access Denial Line, and with a northeast line of said 13.6293 acre tract to a 4-inch square concrete monument found for an angle point;

THENCE, South 03° 16' 59" East - 205.92 feet with the southwest right-of-way line of said Interstate Highway No. 45, same being an Access Denial Line, and with a northeast line of said 13.6293 acre tract to a 4-inch square concrete monument found for an angle point;

THENCE, South 05° 52' 38" East - 53.19 feet with the southwest right-of-way line of said Interstate Highway No. 45, same being an Access Denial Line, and with a northeast line of said 13.6293 acre tract to a 5/8-inch iron rod with TxDOT aluminum cap set for the end of said Access Denial Line and POINT OF BEGINNING of said "Access Line" and being 280.29 feet right of Interstate 45 baseline station 349+52.13;

- 1.) THENCE, South 05° 52' 38" East - 45.00 feet with the southwest right-of-way line of said Interstate Highway No. 45, with a northeast line of said 13.6293 acre tract and with said "Access Line" to a 5/8-inch iron rod with TxDOT aluminum cap, having coordinates of X=3,822,026.20 and Y=10,151,052.61, set for the beginning of an Access Denial Line and for the end of said "Access Line" and being 289.22 feet right of Interstate 45 baseline station 349+96.24; from which a 1/2-inch iron rod with cap stamped "Geomatics" found for the most easterly southeast corner of said 13.6293 acre tract bears South 05° 52' 38" East - 25.66 feet;

Notes:

1. The POINT OF BEGINNING of this description has coordinates of X=3,822,021.59 and Y=10,151,097.37. All bearings and coordinates are based on Texas State Plane Coordinate System, Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations. All distances shown hereon are surface and can be converted to grid by multiplying by a scale factor of 0.99991978302.
2. This "Access Line" description was written in conjunction with a survey performed on even date.
3. Access will be permitted across the "Access Line" to the highway facility from the adjacent property.

Survey date: February, 2010

COMPILED BY:

Texas Engineering And Mapping Company
Civil Engineers - Land Surveyors
Stafford, Texas
Job No. 356-148
W:\356-148-Access_Esmt-2-R3.wpd



A handwritten signature in black ink, appearing to read "Brian Nesvadba".

Brian Nesvadba
Registered Professional Land Surveyor
State of Texas No. 5776

LEGEND
 FND - FOUND
 M.C.C.F. - MONTGOMERY COUNTY CLERK'S FILE
 P.D.B. - POINT OF BEGINNING
 P.D.C. - POINT OF COMMENCEMENT
 R.D.W. - RIGHT OF WAY
 W/ - WITH
 --- - ACCESS DENIAL LINE
 --- - ACCESS PERMITTED ACROSS THIS LINE
 ■ - FND 4" SQUARE CONCRETE MONUMENT
 ● - SET 5/8" IR W/TODOT ALUMINUM CAP
 ⊙ - PROPERTY CORNER (AS NOTED)

GRAPHIC SCALE
 (IN FEET)
 1 inch = 100 ft



A-S 103 SAM HOUSTON TOWN CENTER, L.P. REMAINDER 8.8585 ACRES (M.C.C.F. NO. 2009-002978)

GEORGE W. LONIS SURVEY, ABSTRACT NO. 313

KROGER TEXAS, L.P. 13.6293 ACRES (M.C.C.F. NO. 2010-007775) (JANUARY 28, 2010)

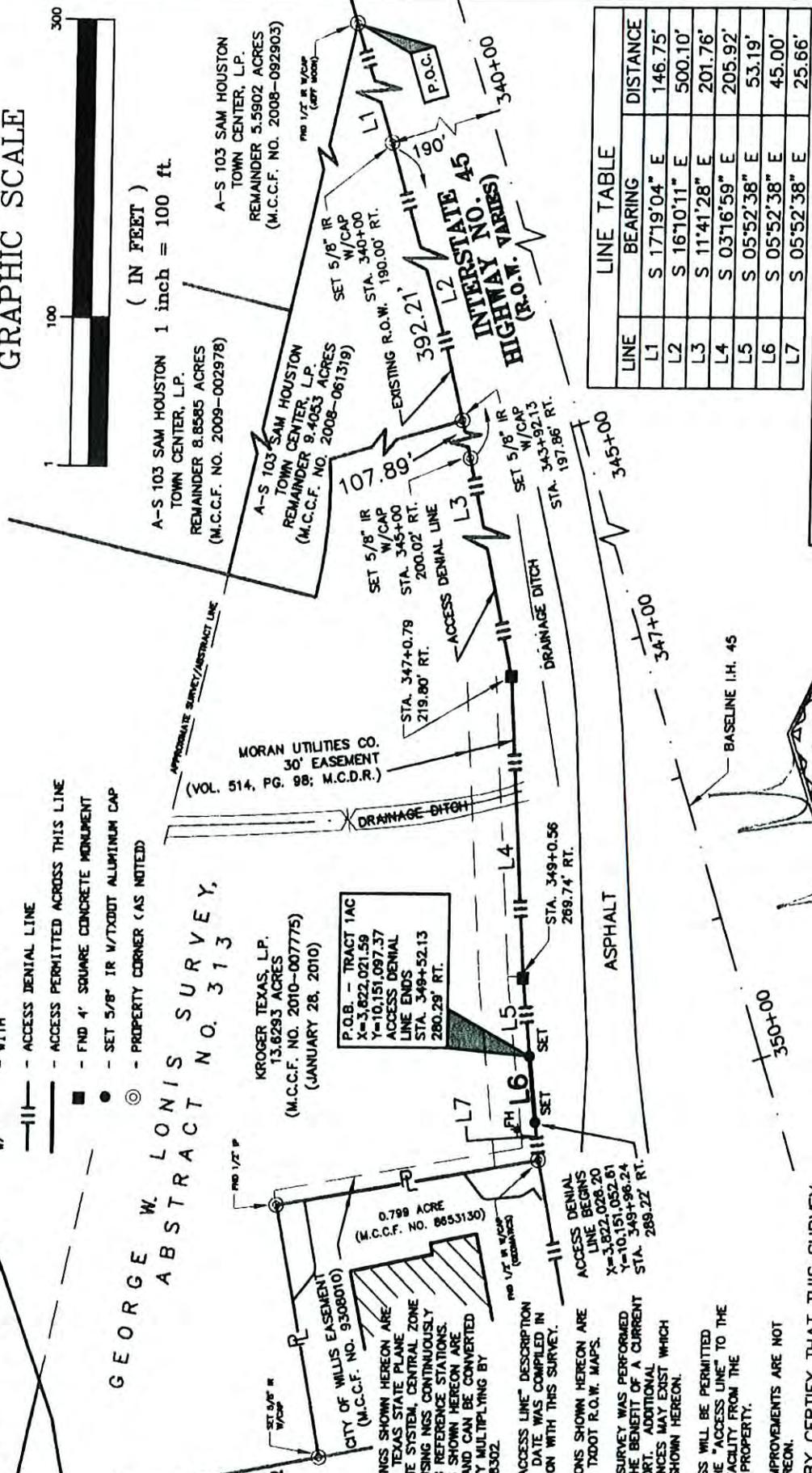
P.O.B. - TRACT 1A
 X=3,822,021.59
 Y=10,151,097.37
 ACCESS DENIAL LINE ENDS STA. 349+52.13
 280.28' RT.

CITY OF WILLIS EASEMENT (M.C.C.F. NO. 9308010)
 0.799 ACRE (M.C.C.F. NO. 8853150)

F.M. 1097 (WIDTH VARIES)

NOTES:

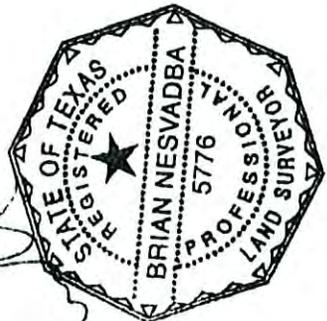
- 1.) BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (NAD83) USING NGS CONTINUOUSLY OPERATING REFERENCE STATIONS. DISTANCES SHOWN HEREON ARE SURFACE AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY 0.99981978302.
- 2.) AN "ACCESS LINE" DESCRIPTION WITH EVEN DATE WAS COMPILED IN CONJUNCTION WITH THIS SURVEY.
- 3.) STATIONS SHOWN HEREON ARE BASED ON TODOT R.O.W. MAPS.
- 4.) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. ADDITIONAL ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN HEREON.
- 5.) ACCESS WILL BE PERMITTED ACROSS THE "ACCESS LINE" TO THE HIGHWAY FACILITY FROM THE ADJACENT PROPERTY.
- 6.) ALL IMPROVEMENTS ARE NOT SHOWN HEREON.



LINE	BEARING	DISTANCE
L1	S 17°19'04" E	146.75'
L2	S 16°10'11" E	500.10'
L3	S 11°41'28" E	201.76'
L4	S 03°16'59" E	205.92'
L5	S 05°52'38" E	53.19'
L6	S 05°52'38" E	45.00'
L7	S 05°52'38" E	25.66'

PLAT SHOWING

TRACT 1A C
 IH 45
 MONTGOMERY COUNTY
 RCSJ: 0675-08-093
 TEXAS ENGINEERING AND MAPPING
 FEBRUARY, 2010
 PAGE 3 OF 3
 SCALE: 1"=100'



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: FEBRUARY, 2010)

Brian Nesvadba
 Registered Professional Land Surveyor
 State of Texas No. 5776