

TEXAS TRANSPORTATION COMMISSION

EL PASO County

MINUTE ORDER

Page 1 of 1

EL PASO District

In the city of El Paso, EL PASO COUNTY, on I-10, the State of Texas used an easement for highway drainage purposes, there being no record title in the state's name.

The easement (surplus easement), shown on 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 exchange of an interest in real property no longer needed for a highway purpose as partial or full consideration for another interest in real property needed for a state highway purpose.

EP Hospitality No. 2, L.P., (owner), is the property owner and has granted to the state an easement needed for highway drainage purposes (new easement), described in Exhibit B. Owner has requested that the surplus easement be quitclaimed to owner in exchange for the new easement to the state.

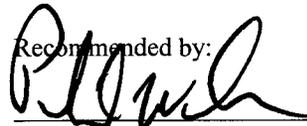
It is the opinion of the commission that it is proper and correct that the state quitclaim its interest in the surplus easement as full consideration for the new easement to the state.

NOW, THEREFORE, the commission finds that the surplus easement 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 quitclaiming the state's rights and interest in the surplus easement to EP Hospitality No. 2, L.P., in exchange and as consideration for the new easement to the state.

Submitted and reviewed by:

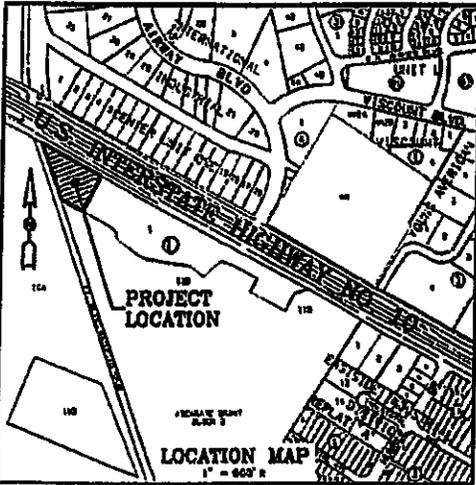

Director, Right of Way Division

Recommended by:


Executive Director

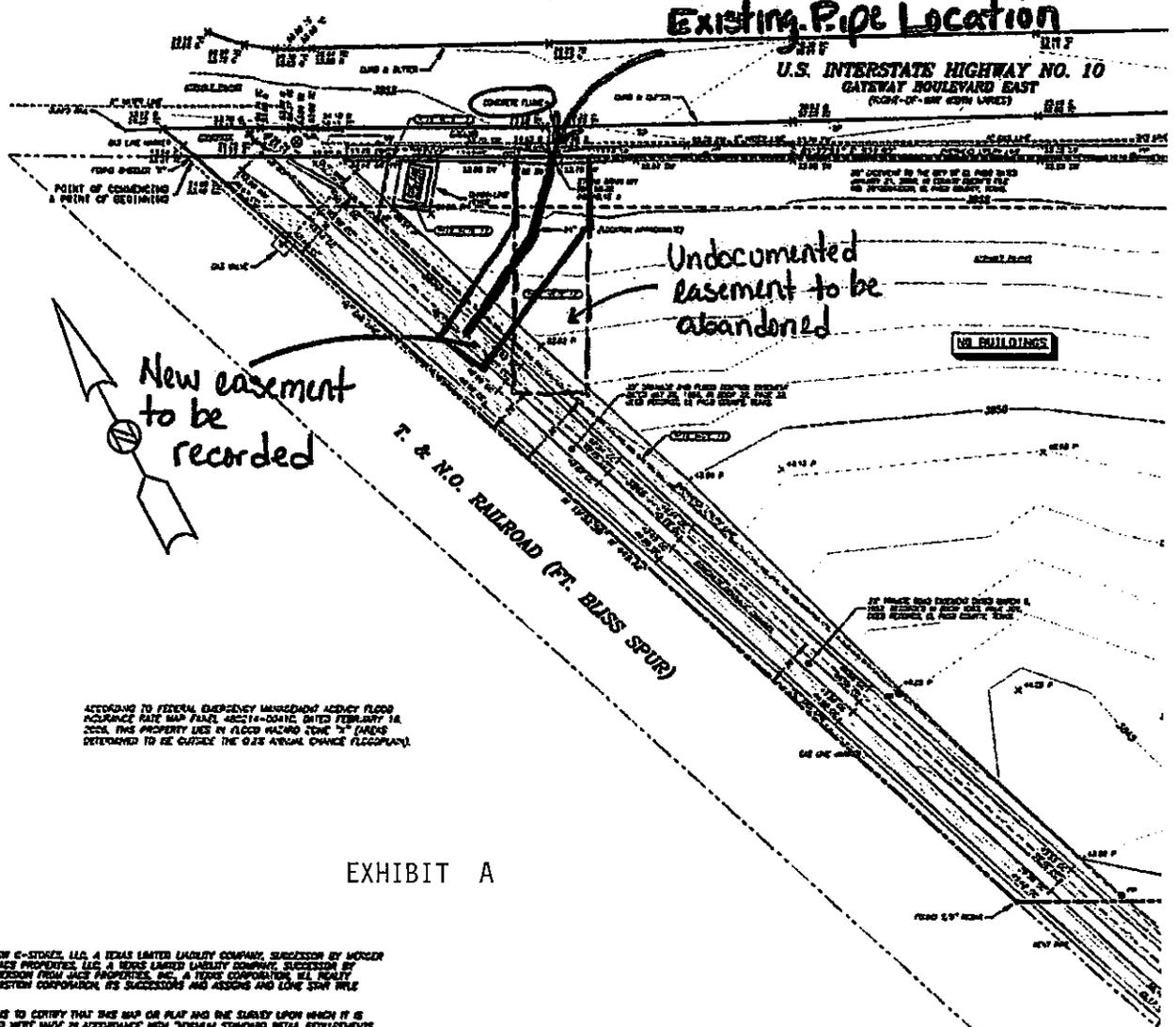
112986 JAN 26 12

Minute Number Date Passed



NOTES:

1. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREON ACCOMPANIES THIS PLAN.
2. THE R.O.P. OF INTERSTATE HIGHWAY NO. 10 IS DESCRIBED MAY 27, 1963, IN BOOK 1733, PAGE 204, DEED RECORDS, EL PASO COUNTY, TEXAS.
3. EASE-OF-ENTRANCE IS THE MONUMENT LINE ON THUNDERBOLT AVENUE NORTH OF TEXAS ROAD, HAVING A RECORD BEHIND OF H. STUBBS.
4. ARMY CEMETERY PARK IS RECORDED IN BOOK 73, PAGE 57, PLAT RECORDS, EL PASO COUNTY, TEXAS.
5. THE T. & N.O. RAILROAD RIGHT-OF-WAY (FT. BLISS SPUR) IS BASED ON THE LOCATION OF THE EXISTING ROAD; THE POINT-OF-BAY STEEP IS SHOWN ON THE MAP OF THE RESURVEY FOR THE PURPOSES OF BLOCK 2, ATOMBER GARDY, MADE BY EL PASO COUNTY IN 1923.
6. PROPERTY IS SUBJECT TO CONTROLLED ACCESS AGREEMENT DATED APRIL 12, 1958, WITH THE STATE OF TEXAS PURSUANT TO AGREEMENT OF ACCESS RIGHTS RECORDED IN BOOK 1024, PAGE 537, DEED RECORDS, EL PASO COUNTY, TEXAS.
7. PROPERTY IS SUBJECT TO EASEMENT TO THE CITY OF EL PASO DATED JUNE 26, 1953, RECORDED IN BOOK 82, PAGE 48, DEED RECORDS, EL PASO COUNTY, TEXAS.
8. TITLE COMMITMENT NO. 10108770, DATED JUNE 23, 2010, PROVIDED BY LONG STAR TITLE.
9. PROPERTY IS SUBJECT TO A RECIPROCAL EASEMENT AGREEMENT AND PROTECTIVE COVENANTS DATED JULY 27, 2010, IN CLERK'S FILE NO. 2006070448, EL PASO COUNTY CLERK'S RECORDS, EL PASO COUNTY, TEXAS.
10. WOLF LINE EASEMENT TO EL PASO ELECTRIC CO. DATED OCTOBER 24, 1923, IN BOOK 1023, PAGE 132, DEED RECORDS, EL PASO COUNTY, TEXAS.
11. AGREEMENT TO SUBMIT TO ALL TELEPHONE DUTY NOVEMBER 4, 1967, RECORDED IN BOOK 1074, PAGE 677, DEED RECORDS, EL PASO COUNTY, TEXAS.
12. 100' x 30' PARCEL SHOWN ON THE TOWN & 10 RIGHT-OF-WAY MAP AS "DOWNSIDE HOME"; THE MAP DOES NOT REFLECT THE EXISTING SURVEY DATED NOVEMBER 27, 1953, FROM STRAUGH CO. COMPANY OF TEXAS CONCERNING THE "DOWNSIDE HOME".
13. PROPERTY IS SUBJECT TO RIGHT OF FIRST REFUSAL IN A SPECIAL WARRANTY DEED DATED JULY 28, 2004, IN EL PASO COUNTY CLERK'S FILE NO. 2004070432, EL PASO COUNTY, TEXAS.
14. PROPERTY IS SUBJECT TO EASEMENT OF EGRESS/DRAWN DATED JULY 28, 2000, IN BOOK 703, PAGE 174, DEED RECORDS, EL PASO COUNTY, TEXAS.



ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL 48234-D-041C, DATED FEBRUARY 18, 2004, THIS PROPERTY LIES IN FLOOD HAZARD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

EXHIBIT A

BY SW G-STONE, L.L.A. A TEXAS LIMITED LIABILITY COMPANY, SUCCESSOR BY MERGER OF JACE PROPERTIES, L.L.C. A TEXAS LIMITED LIABILITY COMPANY, SUCCESSOR BY CONVERSION FROM JACE PROPERTIES, INC., A TEXAS CORPORATION, ALL REALTY ACQUISITION COMPANIES, ITS SUCCESSORS AND ASSIGNS AND LONG STAR TITLE

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY UPON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "ORDINARY STANDARD METAL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," CURRENTLY ESTABLISHED AND ADOPTED BY ALTA AND HAPS IN 2008, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 7(a), 8, 9, 10, 11(a), 12, 13, 14 and 15 OF TABLE A HERETO. PURSUANT TO THE ACCEPTED STANDARDS AS ADOPTED BY ALTA AND HAPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, ENGINEERED FURTHER CERTIFIES THAT IN HIS PROFESSIONAL OPINION AS A LAND SURVEYOR REGISTERED IN THE STATE OF TEXAS, THE REASONABLE POSITIVE ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

ROBERT SEWELL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

ROBERT E. SEWELL, RPLS
PRESIDENT
TEXAS LICENSE NO. 4172
DATED: April 18, 2010

ENCLOSURES: CHISELED "X" AT NORTHWEST PROPERTY CORNER.
ELEVATION = 3555.01 (CITY OF EL PASO DATUM)
REFERENCE BENCHMARK: TOP OF BRASS CAP MONUMENT #33 AT THE SOUTHEASTERN CORNER OF THUNDERBOLT AVE. AND TEXAS ROAD.
ELEVATION = 3726.68 (CITY OF EL PASO DATUM)
CONTOUR INTERVAL: ONE (1) FOOT

Property description: A 0.051-acre portion of Lot 1, Block 1, Airway Commercial Park, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 0.051-acre portion of Lot 1, Block 1, Airway Commercial Park (Book 73, Page 52, Plat Records, El Paso County, Texas), El Paso County Clerk's Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a chiseled "X" found at the intersection of the southerly right-of-way of U.S. Interstate Highway No. 10 (May 27, 1963, Book 1739, Page 504, Deed Records, El Paso County, Texas - right-of-way width varies) and the easterly line of the 50-foot T. & N.O. Railroad (Fort Bliss Spur) right-of-way (map of Block 2, Ascarate Grant, El Paso County, Texas), said "X" being the most westerly corner of Airway Commercial Park, and from which a brass cap found on said southerly right-of-way at the most northerly corner of Eastside Industrial District Unit One Replat A bears South 61°38'52" East, a distance of 2789.99 feet; Thence, South 61°38'52" East, along said southerly right-of-way, a distance of 128.66 feet to the **POINT OF BEGINNING** of this description;

THENCE, South 61°38'52" East, continuing along said right-of-way, a distance of 30.00 feet;

THENCE, South 28°21'08" West, a distance of 38.98 feet;

THENCE, South 70°06'09" West, a distance of 46.56 feet to the easterly right-of-way of a 30-foot drainage and control easement dated May 26, 1964, in Book 22, Page 39, Deed Records, El Paso County, Texas;

THENCE, North 19°53'51" West, along said right-of-way, a distance of 30.00 feet;

THENCE, North 70°06'09" East, a distance of 35.12 feet;

THENCE, North 28°21'08" East, a distance of 27.54 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.051 acres (2,223 square feet) of land more or less.

NOTE: A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION.

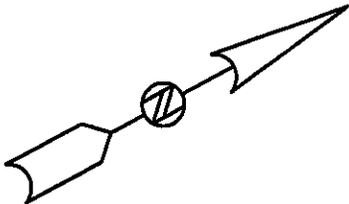
ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors



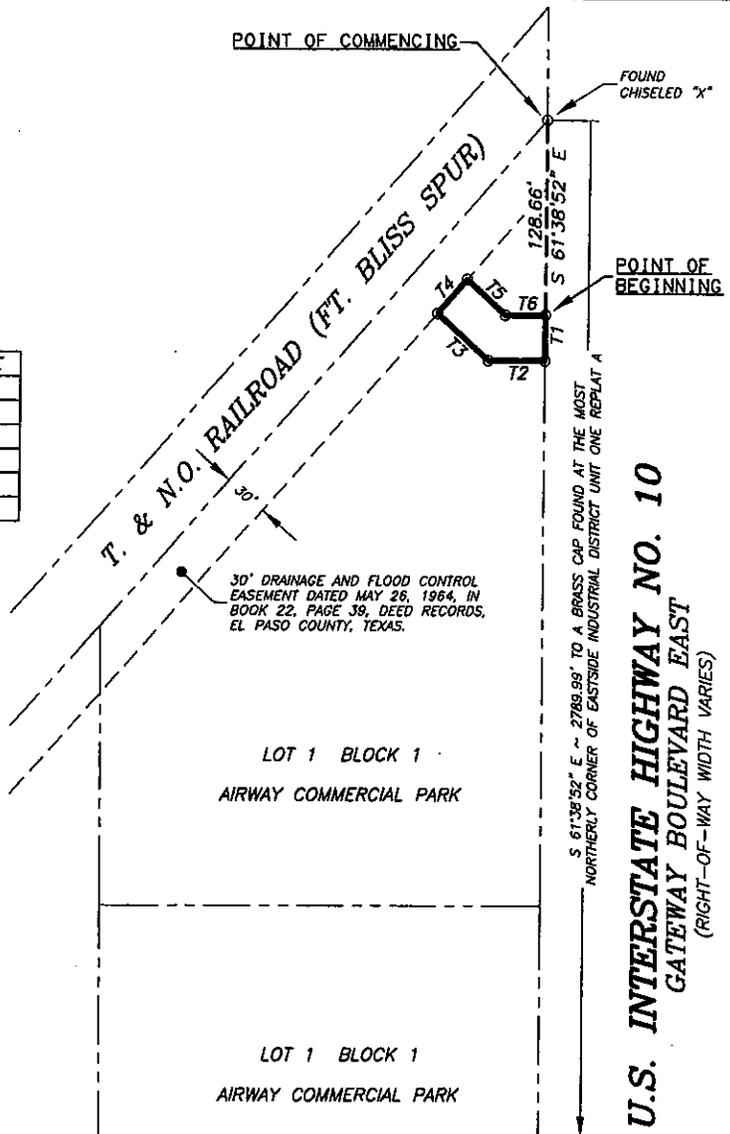
Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

Job Number 10-0019B
February 22, 2011

EXHIBIT "B"
PAGE 1 OF 2



NUMBER	BEARING	DISTANCE
T1	S 61°38'52" E	30.00'
T2	S 28°21'08" W	38.98'
T3	S 70°06'09" W	46.56'
T4	N 19°53'51" W	30.00'
T5	N 70°06'09" E	35.12'
T6	N 28°21'08" E	27.54'



TRACT 11B BLOCK 2
ASCARATE GRANT

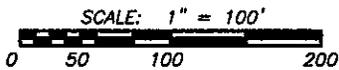
LOT 1 BLOCK 1
AIRWAY COMMERCIAL PARK

LOT 1 BLOCK 1
AIRWAY COMMERCIAL PARK

U.S. INTERSTATE HIGHWAY NO. 10
GATEWAY BOULEVARD EAST
(RIGHT-OF-WAY WIDTH VARIES)

EXHIBIT "B"
PAGE 2 OF 2

PARCEL AREA
0.051 ACRES
2,223 SQ. FT.



NOTES:

1. DUE TO ONGOING SITE CONSTRUCTION, THE CORNERS OF THE SUBJECT PARCEL WERE NOT SET AT THIS TIME. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HERewith ACCOMPANIES THIS PLAT.
2. THE R.O.W. OF INTERSTATE HIGHWAY NO. 10 IS DESCRIBED MAY 27, 1963, IN BOOK 1739, PAGE 504, DEED RECORDS, EL PASO COUNTY, TEXAS.
3. BASIS-OF-BEARINGS IS THE MONUMENTED SOUTHERLY RIGHT-OF-WAY LINE OF U.S. INTERSTATE HIGHWAY NO. 10 AS DEPICTED ON THE TXDOT RIGHT-OF-WAY MAP.
4. AIRWAY COMMERCIAL PARK IS RECORDED IN BOOK 73, PAGE 52, PLAT RECORDS, EL PASO COUNTY, TEXAS.
5. THE T. & N.O. RAILROAD RIGHT-OF-WAY (FT. BLISS SPUR) IS BASED ON THE LOCATION OF THE EXISTING TRACK; THE RIGHT-OF-WAY ITSELF IS SHOWN ON THE MAP OF THE RESURVEY OF BLOCK 2, ASCARATE GRANT, MADE BY EL PASO COUNTY FOR TAX PURPOSES IN 1929.
6. EASTSIDE INDUSTRIAL DISTRICT UNIT ONE REPLAT A IS RECORDED IN BOOK 51, PAGE 9, PLAT RECORDS, EL PASO COUNTY, TEXAS.



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

PLAT OF SURVEY

A 0.051-ACRE PORTION OF LOT 1, BLOCK 1, AIRWAY COMMERCIAL PARK, EL PASO, EL PASO COUNTY, TEXAS.

SURVEY
DATE: 02-22-11
SCALE: 1" = 100'
DRAWN BY: RRS
CHK'D BY: RRS
FB: ~
FILE #: 10-0019B

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