

TEXAS TRANSPORTATION COMMISSION

BELL County

MINUTE ORDER

Page 1 of 1

WACO District

In BELL COUNTY, on US 190, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 423, Page 415, Deed Records of Bell 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.

BNSF Railway Company is the abutting landowner and has requested that the surplus land be sold to the company for \$900.

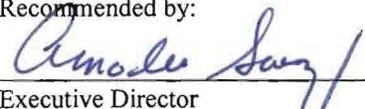
The commission finds \$900 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

NOW, THEREFORE, in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission finds that the surplus land is no longer needed for a state highway purpose and that the value of the surplus land is less than \$10,000 and authorizes the executive director to execute a proper instrument conveying all of the state's rights, title and interest in the surplus land to BNSF Railway Company for \$900; 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

111693 JAN 29 09

Minute  
Number

Date  
Passed



EXHIBIT A

September 17, 2007

page 1 of 3

Revised Field notes for the B.N.S.F Railroad Company for:  
(State of Texas Tract)

Being part of the MAXIMO MORENO Survey, Abstract Number 14, situated about 9 miles S85E from the courthouse in Belton, in Bell County, Texas, and embracing a portion of the tract described in the deed to the State of Texas, recorded in volume 423, page 415 of the Bell County Deed Records.

Commencing at a Texas Department of Transportation (TXDOT) Type I concrete monument found in the east right of way of State Highway Number 36, for the northwest corner of said State of Texas tract, and being the southwest corner of a tract described in deed to Elias Bigon, et al, recorded in volume 1686, page 579 of said Deed Records, THEN RUN north  $56^{\circ}00'46''$  east along said north line of said State of Texas tract and the south line of said Bigon tract, 413.59' (feet) to a 5/8-inch iron rod set, for the northwest and BEGINNING CORNER of the tract being described.

Thence north  $56^{\circ}00'46''$  east continuing along the north line of said State of Texas tract, and the south line of said Bigon tract, 10.15' (feet) to a 5/8-inch iron rod set in the west right of way line of the B.N.S.F. Railway Company tract, being 50' (feet) westerly and parallel to the track center, also being the northeast corner of said State of Texas tract, and the southeast corner of said Bigon tract, from said 5/8-inch iron rod set, a TXDOT Type I Concrete monument found bears south  $56^{\circ}00'46''$  west 1.45' (feet).

Thence south  $23^{\circ}59'15''$  east continuing along the west right of way of said Railroad tract, 50' (feet) westerly and parallel to the track center, and the east line of said State of Texas tract, 462.96' (feet) to a 5/8-inch iron rod set, from said 5/8-inch iron rod set, another 5/8-inch iron rod set for the southeast corner of said State of Texas tract, bears south  $23^{\circ}59'15''$  east 68.36' (feet), from said second 5/8-inch iron rod set for the southeast corner of said State of Texas tract, a TXDOT Type I Concrete Monument found bears south  $66^{\circ}00'45''$  west 0.99' (of a foot).

Thence south  $66^{\circ}00'45''$  west, 10' (feet) to a 5/8-inch iron rod set.

Thence north  $23^{\circ}59'15''$  west along a line 10' (feet) westerly and parallel to said west right of way line of the Railroad tract, 461.20' (feet) to the place of beginning and containing 0.10 of an acre.

September 17, 2007

page 2 of 3

Revised Field notes for the B.N.S.F Railroad Company for:  
(State of Texas Tract)

Basis of bearings was taken from the Texas State Plane Coordinate System, Central Zone, NAD83 as referenced to the N.G.S. "CORS" Base Station, Temple College in Temple, Texas.

See attached 8 ½ by 11-inch sketch that accompanies these field notes.

Surveyed September 10, 2007.

RONALD CARROLL SURVEYORS, INC.



Ronald Carroll, RPLS  
President

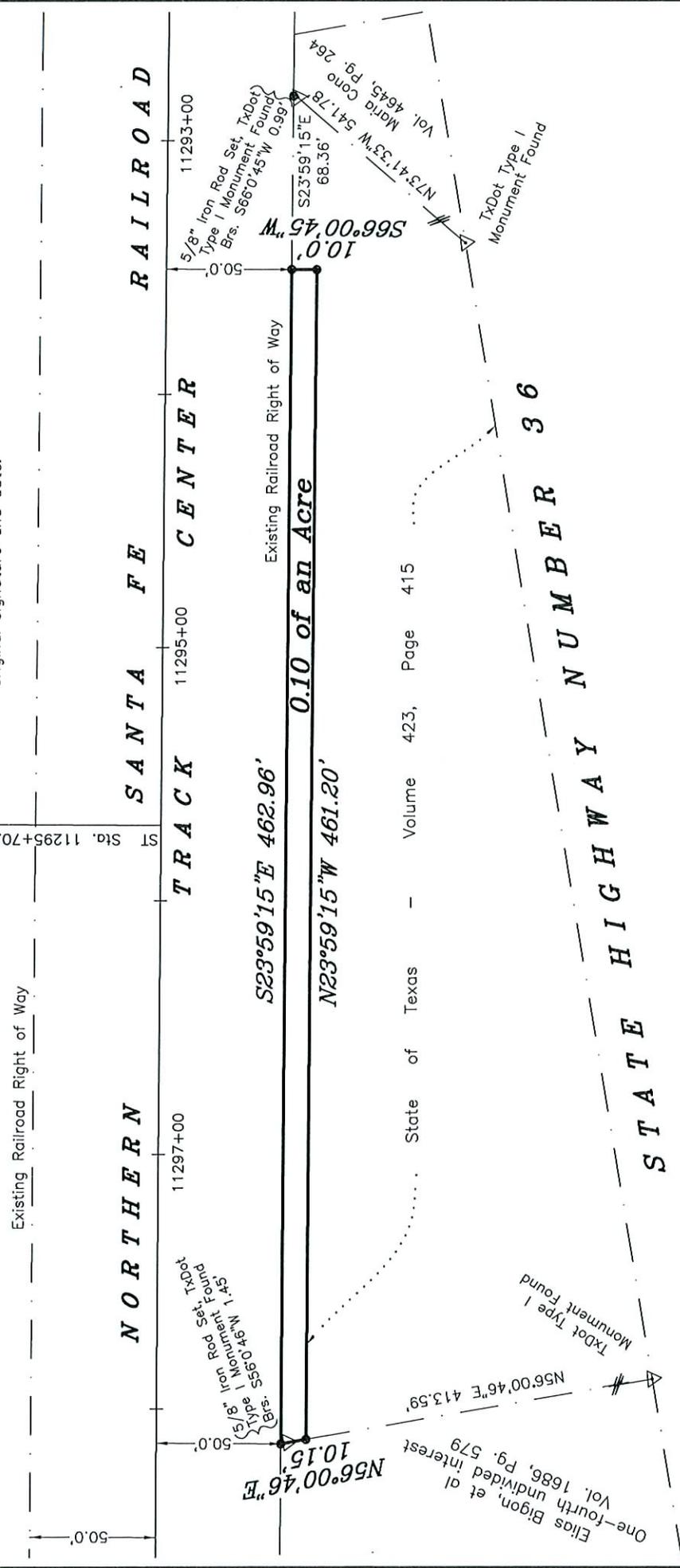
Note: These field notes were originally styled as "Parcel No. 13". This was removed at the request of the Texas Department of Transportation.

**NOTES:**

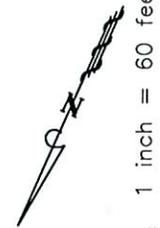
- = All Property Corners are 5/8" Iron Rods Set, unless otherwise stated.
  - \* = Basis of bearings system is on Texas State Plane Coordinate System, Central Zone NAD83 as referenced to the NGS "CORS" Base Station at Temple College in Temple, Texas whose coordinate value is N=10,366,800.416 E=3,229,830.944 Elevation=672.20'
- Combined grid factor = 1.0001407680  
See Field Notes Attached.

The research for the land boundary property line of this tract has been provided by this surveyor or his associates. All other research for documents such as, but not limited to, easements, deed restrictions, restrictive covenants, leases, etc. are the responsibility of the clients Title Company or other third parties other than this surveyor or company.

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**Sketch showing part of MAXIMO MORENO SURVEY, Abstract Number 14, situated about 9 miles S85E from the courthouse in Belton, in Bell County, Texas. To the best of my knowledge there are no other apparent easements or visible encroachments, except as shown above as determined on the ground. Surveyed September 10, 2007.**  
**RONALD CARROLL SURVEYORS, INC.**



<b>State of Texas TRACT</b>	
Sketch showing part of MAXIMO MORENO SURVEY, Abstract Number 14, situated in Bell County, Texas.	
<b>RONALD CARROLL SURVEYORS, INC.</b>	
5302 South 31st Street - Temple, Texas 76502	
Phone: (254) 773-1447 Fax: (254) 773-1728	
DATE	09/17/07
DRAWN BY	DJW
SHEET	3 of 3
DRAWING NAME	SoTTP13.dwg
JOB#	07168
FOR	Southwest Land Group, LLP
DATE	
BY	S./Melissa-2007-C

Amended November 12, 2008 to remove Parcel No. 13 from drawing per TxDot request.