

TEXAS TRANSPORTATION COMMISSION

WILLIAMSON County

MINUTE ORDER

Page 1 of 2

AUSTIN District

In the city of Georgetown, WILLIAMSON COUNTY, on STATE SPUR 26, the State of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 269, Page 349, Deed Records of Williamson County, Texas.

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

South Austin Avenue Professional Building, LLC (owner), has granted to the state an easement interest in land needed for the realignment and reconstruction of a new drainage facility (new easement), described in Exhibit B, and desires to make a partial donation to the state of the value of the new easement.

V.T.C.A., Transportation Code, Chapter 201, Subchapter D, authorizes the Texas Department of Transportation (department) to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept by majority vote at an open meeting any gift or donation valued at over \$500, and the commission hereby finds that acceptance of the donation will provide a significant public benefit and will not influence or reasonably appear to influence the department in the performance of its duties.

An Agreement Concerning the Donation of Property to the Texas Department of Transportation (donation agreement) has been executed by the owner and tendered to the department for acceptance under the provisions of Title 43, Texas Administrative Code, Chapter 1, Subchapter G, since the value of the new easement provided by the owner, which is \$24,290, exceeds the value of the surplus easement, which is \$22,091.

The owner has executed and delivered a conveyance document under the terms of the donation agreement to convey the new easement to the state and has requested that the state's rights and interest in the surplus easement be released.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission may recommend the release of surplus easements and the exchange of surplus easements as partial or full consideration for other land needed by the state for highway purposes.

It is the opinion of the commission that it is proper and correct that the state release its rights and interest in the surplus easement in exchange and as consideration for the partial donation and the conveyance of the new easement to the state.

TEXAS TRANSPORTATION COMMISSION

WILLIAMSON County

MINUTE ORDER

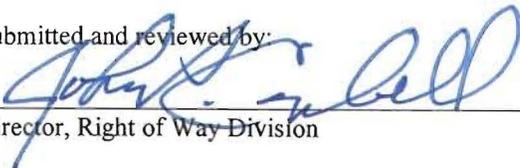
Page 2 of 2

AUSTIN District

IT IS THEREFORE ORDERED by the commission that the executive director is hereby authorized to accept the donation of the new easement and that the executive director or the director's designee is authorized and directed to sign and execute a donation agreement with the owner, in accordance with Title 43, Texas Administrative Code, Chapter 1, Subchapter G.

FURTHER, in consideration of the foregoing premises and in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, 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 releasing all of the state's rights and interest in the surplus easement in exchange and as consideration for the conveyance to the state of the new easement.

Submitted and reviewed by:



Director, Right of Way Division

Recommended by:



Executive Director

111842 MAY 28 09

Minute
Number

Date
Passed

EXHIBIT A

County: Williamson
Tract No.: 1
Highway: Business IH-35

PROPERTY DESCRIPTION FOR TRACT 1

FOR A 0.161 ACRE TRACT OF LAND SITUATED IN THE LEWIS J. DYCHES SURVEY, ABSTRACT NO. 180, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 15.000 ACRE TRACT OF LAND AS DESCRIBED IN THAT DEED TO SOUTH AUSTIN AVENUE PROFESSIONAL BUILDING LLC, RECORDED AS DOCUMENT NO. 2008057399 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, BEING ALSO A PORTION OF A 25' X 400' DRAINAGE AND STORM SEWER EASEMENT AS DESCRIBED IN THAT EASEMENT TO THE STATE OF TEXAS, ACTING THROUGH THE STATE HIGHWAY COMMISSION, RECORDED IN VOLUME 269, PAGE 349 OF THE DEED RECORDS OF WILLIAMSON COUNTY, AS SHOWN ON THE ACCOMPANYING SKETCH FOR THIS TRACT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

POINT OF REFERENCE at a ½" iron rod found for an inside corner on the north boundary line of said 15.000 acre tract, said point being also the southerly corner of Lot 1, Block "B", Amended Final Plat Madison Oaks Phase One, a subdivision according to the plat thereof recorded in Cabinet Y, Slide 272 of the Plat Records of Williamson County, from which a ½" iron rod with cap labeled "Baker-Aicklen" found in concrete for the north corner of said 15.000 acre tract, being also on the south boundary line of Lot 2 of said Amended Final Plat, Madison Oaks, Phase One subdivision bears, N 68°42'45" E a distance of 587.34 feet;

THENCE through the interior of said 15.000 acre tract S 01° 37' 10" E for a distance of 42.48 feet to a ½" iron rod with "Baker-Aicklen" cap set, same being a point on the west line of the said existing 25' x 400' Drainage and Storm Sewer Easement, being Business IH-35 Centerline Station 508+72.43, 116.75 feet right, for the most westerly corner hereof and **POINT OF BEGINNING**;

THENCE continuing through the interior of said 15.000 acre tract the following four (4) courses and distances:

1. crossing the said existing Drainage and Storm Sewer Easement, N 68° 42' 45" E for a distance of **25.05** feet to a ½" iron rod with TXDOT aluminum cap set on the east line of said Drainage and Storm Sewer Easement, being Business IH-35 Centerline Station 508+86.57, 137.43 feet right, for the most northerly corner hereof,
2. with the east line of the said existing Drainage and Storm Sewer Easement, S 17° 30' 14" E for a distance of **281.91** feet to an iron rod with "Baker-Aicklen" cap set at the southeast corner of the said existing Drainage and Storm Sewer Easement, being Business IH-35 Centerline Station 506+43.84, 280.82 feet right, for the southeast corner hereof, from which a ½" iron rod with "Baker-Aicklen" cap in concrete found

EXHIBIT _____

for the north corner of said 15.000 acre tract, being also on the south boundary line of Lot 2 of said Madison oaks, Phase One subdivision bears, N 40° 21' 04" E for a distance of 676.37 feet,

3. with the south line of the said existing Drainage and Storm Sewer Easement, S 72° 29' 46" W for a distance of 25.00 feet to an iron rod with "Baker-Aicklen" cap set at the southwest corner of the said existing Drainage and Storm Sewer Easement, being Business IH-35 Centerline Station 506+31.13, 259.30 feet right, for the southwest corner hereof, and
4. with the west line of the said existing Drainage and Storm Sewer Easement, N 17° 30' 14" W for a distance of 280.26 feet to the **POINT OF BEGINNING** hereof and containing 0.161 acre of land.

Bearing are based on the Texas State Plane Coordinate System, Central Zone, NAD 83/ HARN 93. All distances shown hereon are project surface values. The project combined scale factor is 1.00013.

STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

I William L. Johnson, a Registered Professional Land Surveyor, do hereby certify that the above descriptions is true and correct to the best of my knowledge and that the above property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 1 day of DECEMBER, 2008



William L. Johnson

William L. Johnson
Registered Professional Land Surveyor
No. 5425 – State of Texas

Baker-Aicklen & Assoc., Inc.
405 Brushy Creek Road
Cedar Park, TX 78613

Job No.: 1804-5-001-53

Filename:

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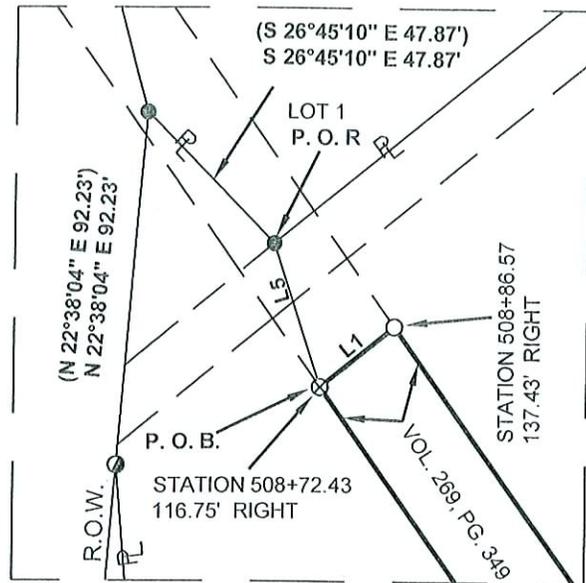
PLAT TO ACCOMPANY TRACT DESCRIPTION

NUMBER	BEARING	DISTANCE
L1	N 68°42'45" E	25.05'
L2	S 17°30'14" E	281.91'
L3	S 72°29'46" W	25.00'
L4	N 17°30'14" W	280.26'
L5	S 01°37'10" E	42.48'
L6	N 40°21'04" E	676.37'

LEGEND

- 1/2" IRON ROD FOUND
- ⊙ 1/2" IRON ROD WITH CAP LABELED "BAKER-AICKLEN" IN CONCRETE FOUND
- 1/2" IRON ROD WITH TXDOT ALUMINUM CAP SET
- ⊗ 1/2" IRON ROD WITH "BAKER-AICKLEN" CAP SET
- TXDOT CONCRETE MONUMENT FOUND
- P. O. B. POINT OF BEGINNING
- P. O. R. POINT OF REFERENCE
- D. R. W. C. T. DEED RECORDS
WILLIAMSON COUNTY TEXAS
- P. R. W. C. T. PLAT RECORDS
WILLIAMSON COUNTY TEXAS
- O. P. R. W. C. T. OFFICIAL PUBLIC RECORDS
WILLIAMSON COUNTY TEXAS
- () RECORD BEARING AND DISTANCE
DOCUMENT NO. 2008057399
- N. T. S. NOT TO SCALE
- ℙ PROPERTY LINE

DETAIL A
N. T. S.



BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83/ HARN 93. ALL DISTANCES SHOWN HEREON ARE PROJECT SURFACE VALUES. THE PROJECT COMBINED SCALE FACTOR IS 1.00013.

I HERBY CERTIFY THAT THIS SKETCH AND ACCOMPANYING FIELD NOTE DESCRIPTION REPRESENT THE RESULTS OF A RIGHT-OF-WAY SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT.

William L. Johnson 1 DEC 08
 WILLIAM L. JOHNSON DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 5425, STATE OF TEXAS



DATE: OCTOBER, 2008
 JOB NO. 1804-5-001-53
 BY: R. BROOKS
 PAGE 4 OF 4

BAKER-AICKLEN & ASSOCIATES, INC.
 Engineers • Surveyors • GIS • Planning
 405 BRUSHY CREEK RD.
 CEDAR PARK, TX 78613
 (512) 260-3700

EXHIBIT B

County: Williamson
Parcel No.: 1E
Highway: Business IH-35

PROPERTY DESCRIPTION FOR PARCEL 1E

FOR A 0.177 ACRE TRACT OF LAND SITUATED IN THE LEWIS J. DYCHES SURVEY, ABSTRACT NO. 180, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 15.000 ACRE TRACT OF LAND AS DESCRIBED IN THAT DEED TO SOUTH AUSTIN AVENUE PROFESSIONAL BUILDING LLC, RECORDED AS DOCUMENT NO. 2008057399 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, SAID 0.177 ACRES, AS SHOWN ON THE ACCOMPANYING SKETCH FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

POINT OF REFERENCE at a ½" iron rod found at an inside corner on the northwest boundary line of said 15.000 acre tract, said point being also the south corner of Lot 1, Block "B", Amended Final Plat Madison Oaks Phase One, a subdivision according to the plat thereof recorded in Cabinet Y, Slide 272 of the Plat Records of Williamson County, from which a 1/2" iron with cap labeled "Baker-Aicklen" found for the north corner of said 15.000 acre tract, being also on the south boundary line of Lot 2 of said Amended Final Plat, Madison Oaks, Phase One subdivision bears, N 68°42'45" E a distance of 587.34 feet;

THENCE through the interior of said 15.000 acre tract S 60° 53' 31" E for a distance of 19.47 feet to a ½" iron rod with TxDOT aluminum cap set for the most westerly corner hereof, being Business IH-35 Centerline Station 509+08.14, 124.69 feet right, on the south line of a 15 foot wide Pipeline Easement, recorded in Volume 796, Page 179 of the Deed Records of Williamson County, for the most westerly corner hereof and **POINT OF BEGINNING**;

THENCE continuing through the interior of said 15.000 acre tract the following four (4) courses and distances:

1. with the south line of said Pipeline Easement, **N 68° 42' 45" E** for a distance of **307.95** feet to a ½" iron rod with TxDOT aluminum cap set for the most northerly corner hereof, being Business IH-35 Centerline Station 510+81.92, 378.91 feet right, from which a ½" iron rod with "Baker-Aicklen" cap in concrete found for the most northerly corner of said 15.000 acre tract, same being a point on the south boundary line of Lot 2, of said Subdivision bears, N 65° 29' 49" E for a distance of 267.40 feet,
2. departing the south line of said Pipeline Easement, **S 21° 17' 15" E** for a distance of **25.00** feet to a ½" iron rod with TxDOT aluminum cap set for the most easterly corner hereof, being Business IH-35 Centerline Station 510+61.29, 393.02 feet right

EXHIBIT _____

3. S 68° 42' 45" W for a distance of 309.60 feet to a ½" iron rod with TxDOT aluminum cap set for the most southerly corner hereof, being Business IH-35 Centerline Station 508+86.57, 137.43 feet right, and
4. N 17° 30' 14" W for a distance of 25.05 feet to the **POINT OF BEGINNING** hereof and containing 0.177 acre of land.

Bearing are based on the Texas State Plane Coordinate System, Central Zone, NAD 83/ HARN 93. All distances shown hereon are project surface values. The project combined scale factor is 1.00013.

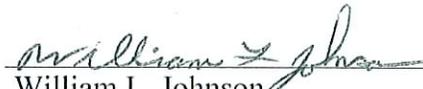
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COUNTY OF WILLIAMSON §

I William L. Johnson, a Registered Professional Land Surveyor, do hereby certify that the above descriptions is true and correct to the best of my knowledge and that the above property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 1 day of DECEMBER , 2008

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405 Brushy Creek Road
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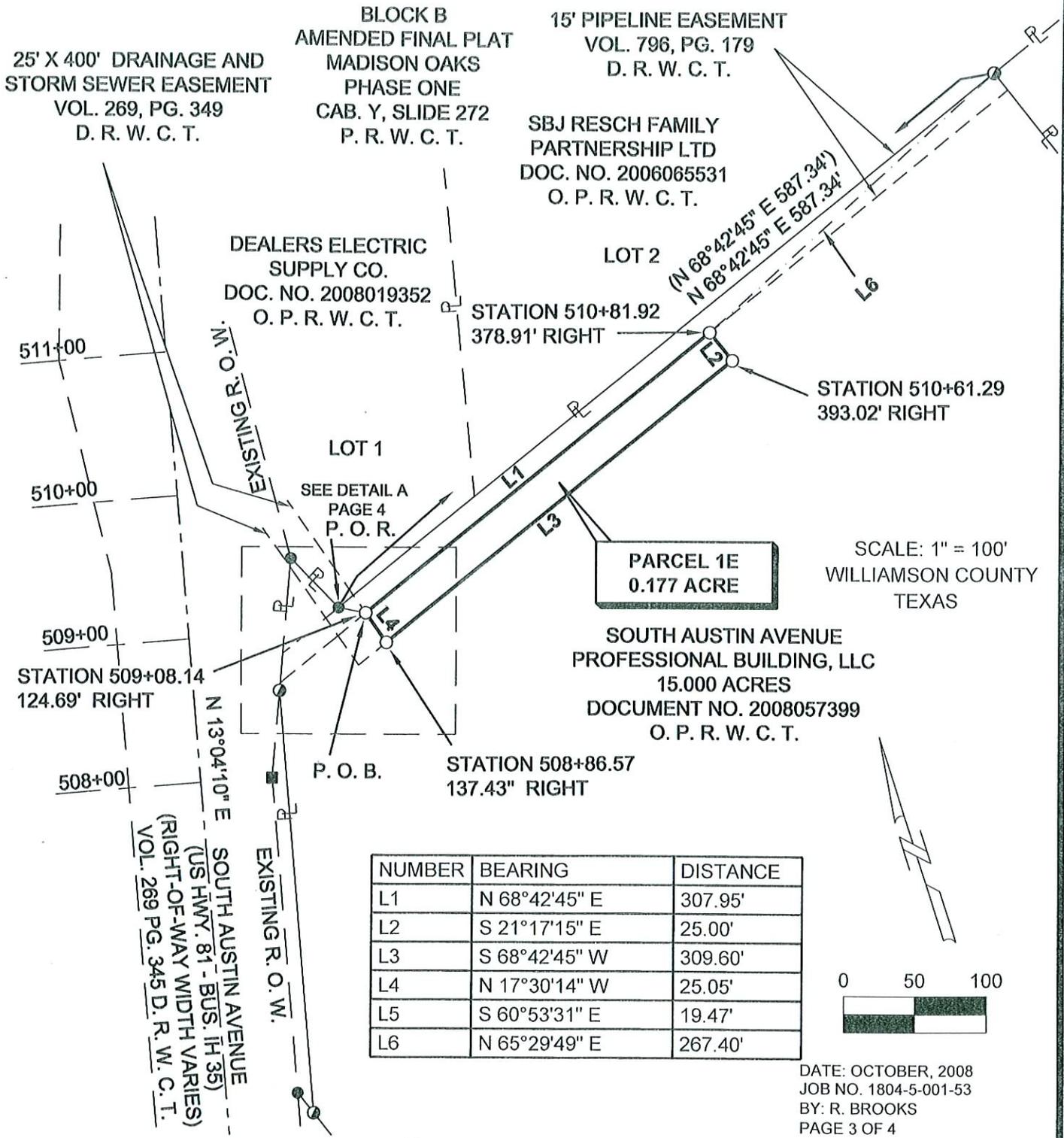
William L. Johnson
Registered Professional Land Surveyor
No. 5425 – State of Texas

Job No.: 1804-5-001-53

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PLAT TO ACCOMPANY PARCEL DESCRIPTION

LEWIS J. DYCHES SURVEY
ABSTRACT NO. 180



BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83/ HARN 93. ALL DISTANCES SHOWN HEREON ARE PROJECT SURFACE VALUES. THE PROJECT COMBINED SCALE FACTOR IS 1.00013

BAKER-AICKLEN & ASSOCIATES, INC.
Engineers • Surveyors • GIS • Planning

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PLAT TO ACCOMPANY PARCEL DESCRIPTION

LEGEND

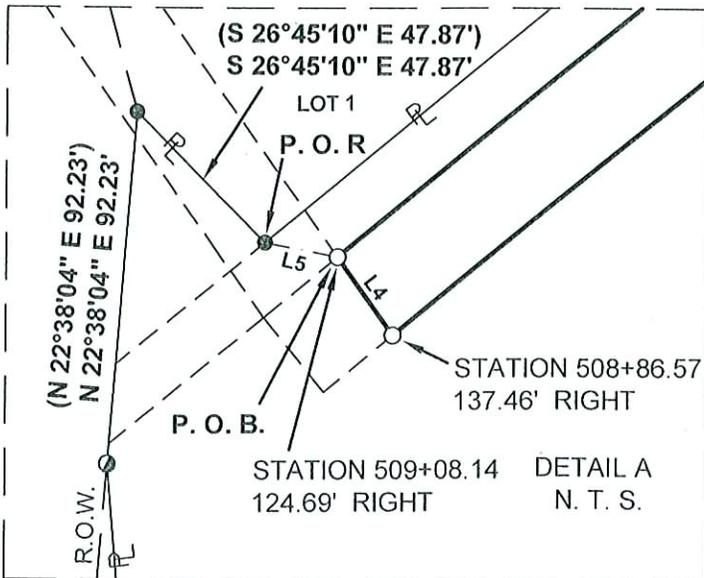
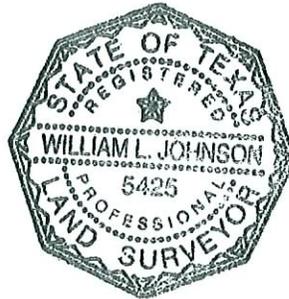
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- N. T. S. NOT TO SCALE
- ℙ PROPERTY LINE

SOUTH AUSTIN AVENUE

SOUTH AUSTIN AVENUE
 PROFESSIONAL BUILDING, LLC
 15.000 ACRES
 LOT 2, BLOCK A
 DOCUMENT NO. 2008057399
 O. P. R. W. C. T.
 N. T. S.

I HEARBY CERTIFY THAT THIS SKETCH AND ACCOMPANYING FIELD NOTE DESCRIPTION REPRESENT THE RESULTS OF A RIGHT-OF-WAY SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT.

William L. Johnson
 WILLIAM L. JOHNSON DATE 1 DEC 08
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 5425, STATE OF TEXAS



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