

TEXAS TRANSPORTATION COMMISSION

AUSTIN County

MINUTE ORDER

Page 1 of 1

YOAKUM District

In AUSTIN COUNTY, on INTERSTATE 10, a designated controlled access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 273, Page 559, Deed Records of Austin County, Texas, and the state owns and controls certain access rights to the highway facility to and from the abutting lands.

A portion of the access rights (surplus access rights), shown on Exhibit A, is no longer needed for a state highway purpose.

Texas Kohinoor Investments, LLC, owner of a 6.212-acre tract of land conveyed by deed recorded under County Clerk's File No. 081944, Official Records, Austin County, Texas (Texas Kohinoor Tract), is the landowner abutting the property line along which access is proposed to be released and has requested that the state sell the surplus access rights to the abutting landowner for \$27,060.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus access rights to the abutting landowner.

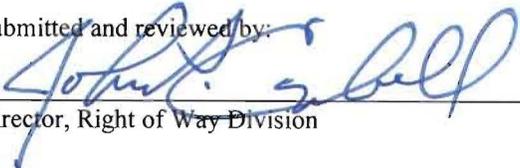
The Texas Department of Transportation has determined that the sale of the surplus access rights is not expected to compromise the safety or add traffic volume in an amount to exceed the capacity of the existing highway.

It is the opinion of the commission that it is proper and correct that the state sell the surplus access rights to the abutting landowner for a cash consideration of \$27,060.

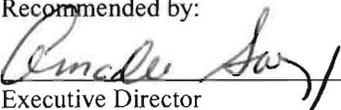
NOW, THEREFORE, the commission finds that the surplus access rights are no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument granting the state's interest in the surplus access rights to Texas Kohinoor Investments, LLC, for a cash consideration of \$27,060.

IT IS FURTHER ORDERED that the surplus access rights will be exclusive to the Texas Kohinoor Tract, and nothing in this order shall be construed to directly or indirectly approve conveyance of access rights to the properties abutting the Texas Kohinoor Tract.

Submitted and reviewed by:


Director, Right of Way Division

Recommended by:


Executive Director

111833 MAY 28 09

Minute Number Date Passed

FRANK SURVEYING Co., INC.

2205 Walnut Street
Columbus, Texas 78934
979.732.3114

EXHIBIT "A"

Page 1 of 1

**STATE OF TEXAS
COUNTY OF AUSTIN
INTERSTATE HWY 10
C.S.J. NO.: 0271-02-016**

**TRACT 1AC
"ACCESS LINE" DESCRIPTION**

FIELD NOTES of a survey of a "**ACCESS LINE**" along the Northwesterly line of Farm to Market Highway No. 3538, being in the Southeasterly property line of a called 6.212 acre tract being a portion of Lot 2 and Lot 3, Block 25 of the Sealy Subdivision of the San Felipe De Austin Town Tract, Abstract 5, Austin County, Texas. Said 6.212 acre tract being described in a deed dated April 4, 2008 to Texas Kohinoor Investments, LLC, recorded in Clerks File No. 081944, of the Austin County Official Records, same being in a common line of a called 13.216 acre tract (Parcel No. 26) described in a deed dated March 16, 1964 to The State of Texas, recorded in Volume 273, Page 559 of the Austin County Deed Records, for which reference is made and the said "**ACCESS LINE**" being described by metes and bounds as follows, TO-WIT:

COMMENCING at a concrete marker found (called for in record deed) at the Northwest corner intersection of U.S. Highway No. 90 and F.M. Highway No. 3538 (formerly an access road and railroad right of way) for the Northeast corner of said 6.212 acre tract;

THENCE S 35° 34' 53" W a distance of 273.50 feet (called S 35° 34' 53" W) with the Northwest line of said F.M. Highway No. 3538 to a 5/8 inch iron rod set (capped Frank Surveying) for the **POINT OF BEGINNING** of the herein described "Access Line", said point being 549.77' right of centerline station 1166+81.96 of Interstate Highway No. 10;

THENCE S 35° 34' 53" W a distance of 45.00 feet (called S 35° 34' 53" W) continuing with the Northwest line of said F.M. Highway No. 3538 to a 5/8 inch iron rod set (capped Frank Surveying) for the **POINT OF TERMINATION** of the herein described "Access Line", said point being 506.23' right of centerline station 1166+93.33 of Interstate Highway No. 10, from which a 1/2 inch iron rod found for reference bears S 35° 34' 53" W – 274.01 feet (called S 35° 34' 53" W), same being the Southeast corner of said 6.212 acre tract, from which the intersection of the actual deeded North State of Texas right of way and the Northwest right of way line of Farm to Market Road No. 3538 bears S 35° 34' 53" W – 274.01 feet (called S 35° 34' 53" W), said point being 170.00' right of centerline station 1167+81.11 of Interstate Highway No. 10;

Access is permitted across this "Access Line"

Survey Plat to accompany Field Notes.

Project No. 07-531 Access Line

All bearings are based on the Southeast line of the called 6.212 acre tract as described in Clerks File No. 081944, Austin County Official Records as having a record deed call of S 35° 34' 53" W.

IN WITNESS THEREOF, my hand and seal, this the 1st day of December 2008.


For Frank Surveying Co., Inc.
By: Matthew W. Loessin, RPLS
Texas Registration No. 5953



I-10 / FM 3538 ACCESS LINE DRAWING

45 LINEAR FEET

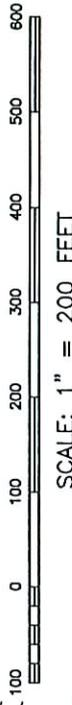
C.S.J. NO.: 0271-02-016

DECEMBER 1, 2008



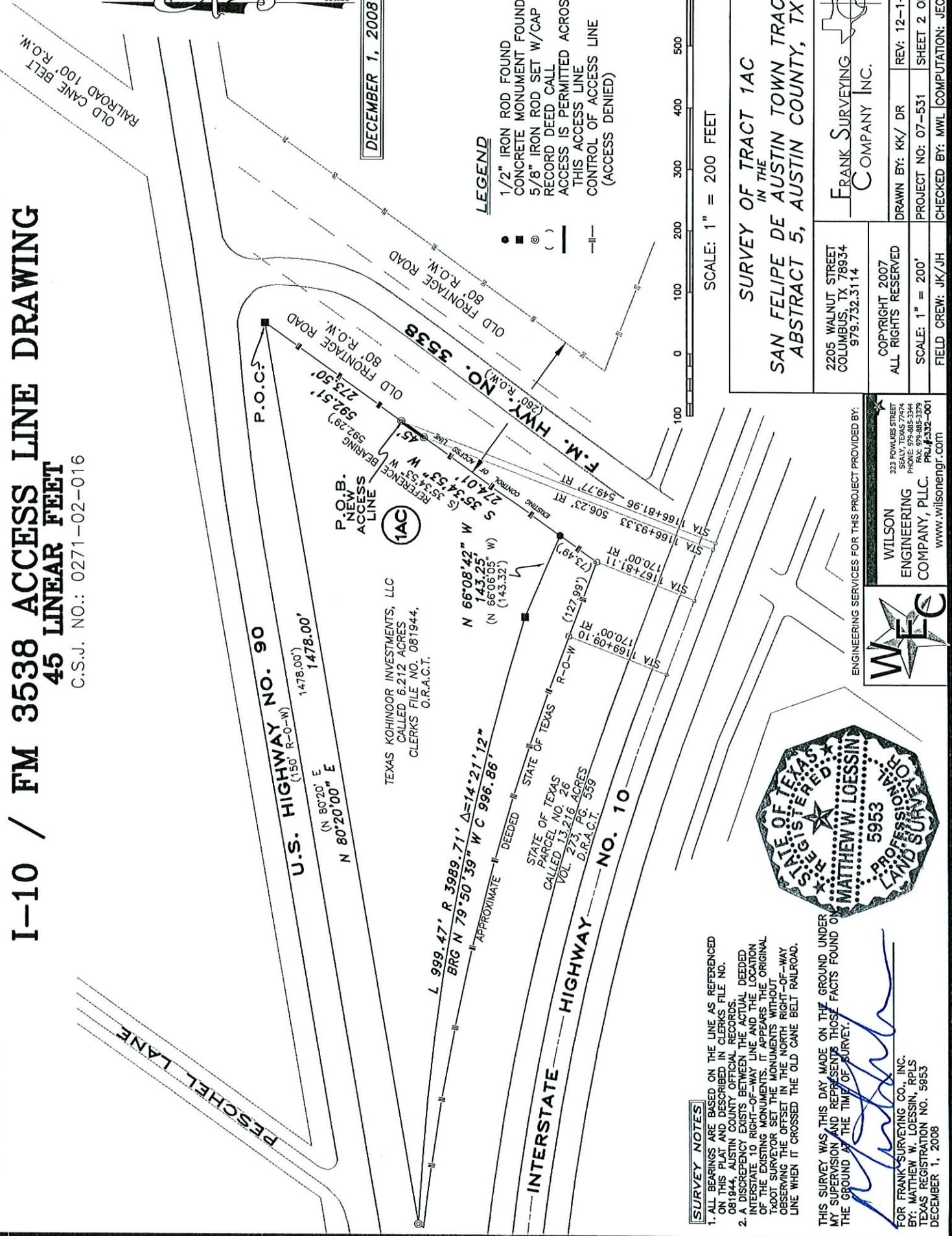
LEGEND

- 1/2" IRON ROD FOUND
- CONCRETE MONUMENT FOUND
- 5/8" IRON ROD SET W/CAP
- () RECORD DEED CALL
- ACCESS IS PERMITTED ACROSS THIS ACCESS LINE
- CONTROL OF ACCESS LINE (ACCESS DENIED)



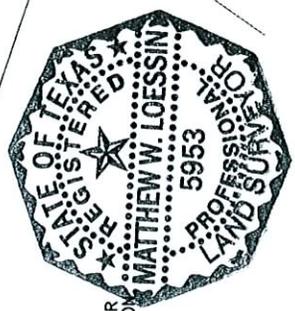
SURVEY OF TRACT 1AC
IN THE
SAN FELIPE DE AUSTIN TOWN TRACT
ABSTRACT 5, AUSTIN COUNTY, TX

2205 WALNUT STREET COLUMBUS, TX 78934 979.732.3114	FRANK SURVEYING COMPANY INC.
COPYRIGHT 2007 ALL RIGHTS RESERVED	DRAWN BY: KK/ DR
SCALE: 1" = 200'	PROJECT NO: 07-531
FIELD CREW: JK/JH	CHECKED BY: MWL COMPUTATION: JEC



TEXAS KOHINOOR INVESTMENTS, LLC
CALLED 6.212 ACRES
CLERKS FILE NO. 081944,
O.R.A.C.T.

STATE OF TEXAS
PARCEL NO. 26
VOL. 273, PG. 559
D.R.A.C.T.



ENGINEERING SERVICES FOR THIS PROJECT PROVIDED BY:

WILSON
ENGINEERING
COMPANY, P.L.L.C.

323 FOWLES STREET
SEALY, TEXAS 77474
PHONE: 979-885-3394
FAX: 979-885-3379
Proj.#532-001
www.wilsonengr.com

SURVEY NOTES

1. ALL BEARINGS ARE BASED ON THE LINE AS REFERENCED ON THIS PLAT AND DESCRIBED IN CLERKS FILE NO. 081944, AUSTIN COUNTY OFFICIAL RECORDS.
2. A DISCREPANCY EXISTS BETWEEN THE ACTUAL DEEDED INTERSTATE 10 RIGHT-OF-WAY LINE AND THE LOCATION OF THE EXISTING MONUMENTS. IT APPEARS THE ORIGINAL TxDOT SURVEYOR SET THE MONUMENTS WITHOUT OBSERVING THE OFFSET IN THE NORTH RIGHT-OF-WAY LINE WHEN IT CROSSED THE OLD CANE BELT RAILROAD.

THIS SURVEY WAS THIS DAY MADE ON THE GROUND UNDER MY SUPERVISION AND REPRESENTS THOSE FACTS FOUND ON THE GROUND AT THE TIME OF SURVEY.

(Signature)
FOR FRANK SURVEYING CO., INC.
BY: MATTHEW W. LOESSIN, RPLS
TEXAS REGISTRATION NO. 5953
DECEMBER 1, 2008