

TEXAS TRANSPORTATION COMMISSION

ARANSAS County

MINUTE ORDER

Page 1 of 1

CORPUS CHRISTI District

In ARANSAS COUNTY, on Business STATE HIGHWAY 35L, the State of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 3, Page 593, Deed Records of Aransas County, Texas.

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

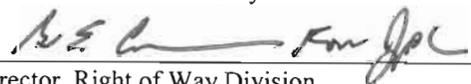
In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the exchange of a surplus easement as partial or full consideration for other land needed by the state for highway purposes.

628 Investments, LLC, and Susan Ann Waddell Roberts and Stephen C. Roberts, as Trustees of the Susie Roberts Trust and Steve Roberts Trust under that Roberts Irrevocable Trust Indenture dated April 19, 2005 (owners), are the property owners and have conveyed to the state the easement needed for highway drainage purposes (new easement), described in Exhibit B. Owners are the owners of the fee underlying the surplus easement and have requested that the surplus easement be released to them. Owners will pay to the state the \$51 difference in value between the value of the surplus easement and that of the new easement.

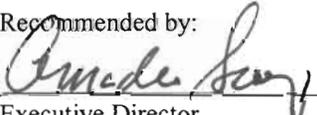
It is the opinion of the commission that it is proper and correct that the state release its interest in the surplus easement in exchange and as full consideration for the new easement and the cash payment of \$51 to the state.

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 releasing the state's rights and interest in the surplus easement to 628 Investments, LLC, and Susan Ann Waddell Roberts and Stephen C. Roberts, as Trustees of the Susie Roberts Trust and Steve Roberts Trust under that Roberts Irrevocable Trust Indenture dated April 19, 2005, in exchange and as consideration for the new easement and the cash payment of \$51 to the state.

Submitted and reviewed by:


Director, Right of Way Division

Recommended by:


Executive Director

112212 MAR 25 10

Minute Number Date Passed

EXHIBIT "A" PAGE 1 OF 3

COUNTY: ARANSAS
HIGHWAY: BU 35
CSJ: 180-5-11
LIMITS: FROM SOUTH CITY LIMITS OF ROCKPORT TO
NORTH CITY LIMITS OF ARANSAS PASS

**PROPERTY DESCRIPTION FOR TRACT 1E
(TO BE CLOSED)**

Field notes of an existing TXDOT 20 foot drainage easement, recorded in Volume 3, Pages 593-594, Deed Records of Aransas County, Texas, being 0.275 acres out of Lot 2, Block 244, Burton and Danforth Subdivision, recorded in Volume 1, Pages 62-63, Map Records of Aransas County, Texas. Said existing TXDOT 20 foot drainage easement to be closed is described by metes and bounds as follows:

COMMENCING at a set concrete monument with TXDOT disk on the east right of way line of Business Highway 35;

THENCE S 54° 41' 00" E, a distance of 140.00 feet to 5/8" iron rod set for a reference point at the east right of way line of a platted unimproved 40 foot wide county roadway and west line of a 55.806 acre tract, being a portion of Lot 1 and all of Lot 2, Block 244, Burton & Danforth Subdivision and Waterfront East recorded in Volume 1, Pages 62-63, Map Records of Aransas County, Texas;

THENCE S 35° 19' 00" W along the east right of way of said platted unimproved 40 foot wide county roadway, a distance of 121.64 feet to the POINT OF BEGINNING and northwest corner of this 20 foot drainage easement, from whence a 5/8" iron rod found at the northwest corner of Lot 1, W.B. Friends Subdivision, recorded in Volume 2, Page 28, Map Records of Aransas County, Texas, bears S 35° 19' 00" W, a distance of 910.00 feet and from whence a 5/8" iron rod found at the northwest corner of said 55.806 acre tract bears N 35° 19' 00" E, a distance of 371.64 feet;

THENCE S 54° 41' 00" E along the north line of said Lot 2, Block 244 and north line of this 20 foot drainage easement, a distance of 600.00 feet to a point for the northeast corner of this 20 foot drainage easement;

THENCE S 35° 19' 00" W, a distance of 20.00 feet for the southeast corner of this 20 foot drainage easement;

THENCE N 54° 41' 00" W, a distance of 600.00 feet to a point on the east right of way of said platted unimproved 40 foot roadway and southwest corner of this 20 foot drainage easement;

EXHIBIT "A" PAGE 2 of 3
TRACT 1E (cont.)

THENCE N 35° 19' 00" E along the east right of way line of said platted unimproved 40 foot roadway, a distance of 20.00 feet to the POINT OF BEGINNING of said 20.00 foot drainage easement, and containing 0.275 acres.

BEARINGS are based on the west line of said 55.806 acre tract.

I, Albert E. Franco, Jr., Registered Professional Land Surveyor of Texas, do hereby certify that this description is based on surveys made on the ground, the 19th day of May 2008.

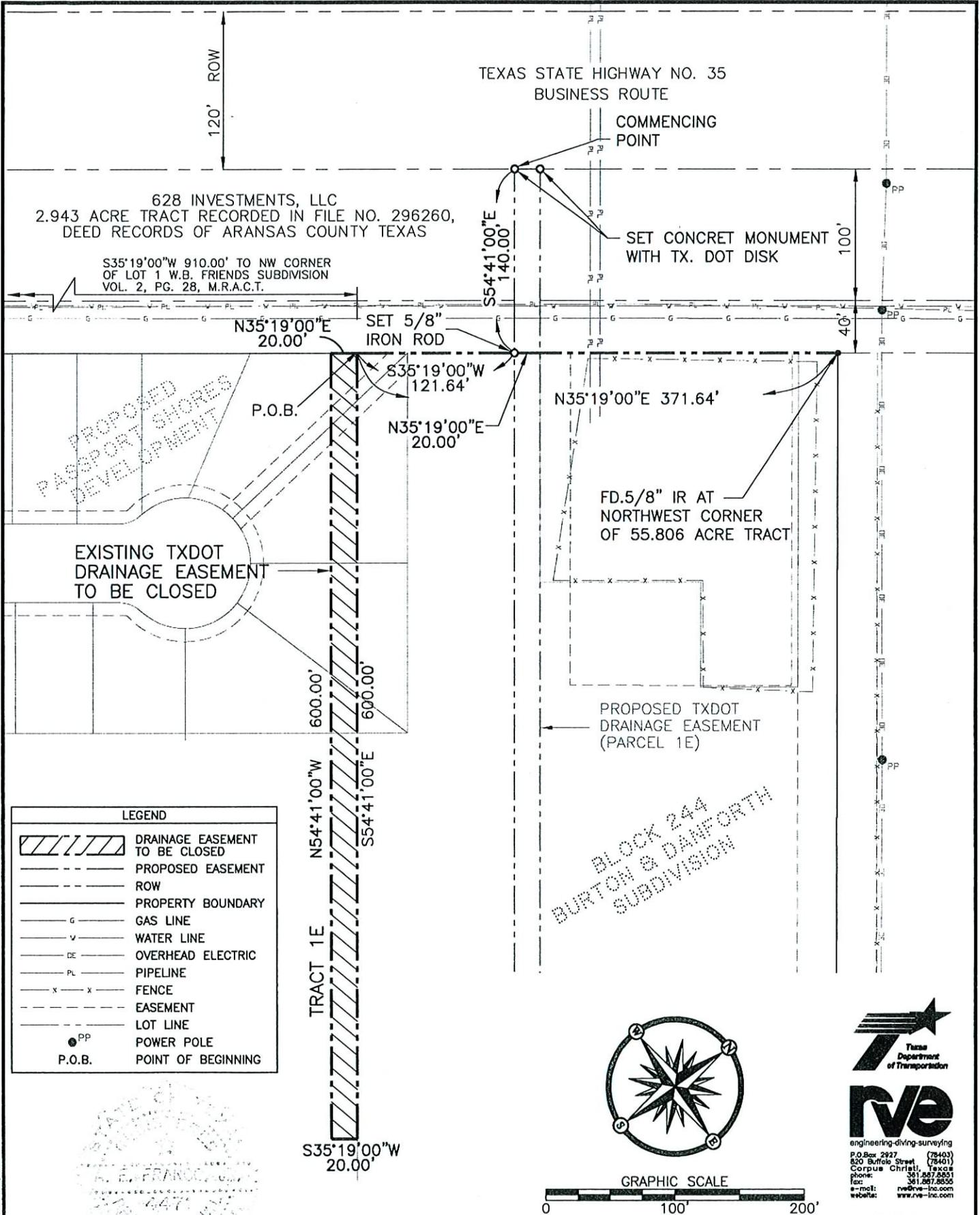
Survey Date: May 19, 2008



Albert E. Franco, Jr.
ALBERT E. FRANCO, JR.
Registered Professional Land Surveyor
Texas Registration No. 4471

2/26/09
DATE

NAME: R:\CLIENTS\628 INVESTMENTS - 632\02004 - Concl. Subdivision\CAD\TXDOT Easement Closure 8.5 x11 ROW Exhibits-Revised 2-26-09.dwg DW DATE: 26 FEB 2009 TIME: 9:51



LEGEND

	DRAINAGE EASEMENT TO BE CLOSED
	PROPOSED EASEMENT
	ROW
	PROPERTY BOUNDARY
	GAS LINE
	WATER LINE
	OVERHEAD ELECTRIC
	PIPELINE
	FENCE
	EASEMENT
	LOT LINE
	POWER POLE
	POINT OF BEGINNING

Albert E. Figueroa, Jr.
2/26/09



Texas Department of Transportation

rve
engineering-diving-surveying
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820 Buffalo Street (78401)
Corpus Christi, Texas
phone: 361.887.8851
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e-mail: rve@rve-inc.com
web site: www.rve-inc.com

MAY 17, 2008

TRACT 1E			
TXDOT DRAINAGE EASEMENT TO BE CLOSED (0.275 Ac.)			
FED. AID DIST. NO.	FEDERAL AID PROJECT NO.		SHEET NO.
16			1
STATE	DIST.	COUNTY	
TEXAS	16	ARANSAS	
CONT.	SECT.	JOB	HRWAY NO.
180	5	11	BU 35

EXHIBIT "B" PAGE 1 of 3

COUNTY: ARANSAS
HIGHWAY: BU 35
CSJ: 180-5-11
LIMITS: FROM SOUTH CITY LIMITS OF ROCKPORT TO
NORTH CITY LIMITS OF ARANSAS PASS

PROPERTY DESCRIPTION FOR PARCEL 1E

Field notes of a proposed 20 foot drainage easement being 0.055 acres out of a 2.943 acre tract, Remised, Released and Quitclaimed unto 628 Investments, LLC from Union Pacific Railroad Company, by Quitclaim Deed, being File No. 296260, dated November 21, 2007, recorded in the Deed Records, Aransas County, Texas and 0.640 acres out of a 55.806 acre tract being a portion of Lot 1 and all of Lot 2, Block 244, Burton & Danforth Subdivision and Waterfront East, recorded in Volume 1, Pages 62-63, Map Records of Aransas County, Texas, and is described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod found in the east right of way of a platted unimproved 40 foot wide county roadway and being the southwest corner of an 89.07 acre tract conveyed to the State of Texas under Clerk's File No. 183430, Official Property Records of Aransas County, Texas, and the northwest corner of a 55.806 acre tract being a portion of Lot 1 and all of Lot 2, Block 244, Burton & Danforth Subdivision and Waterfront East, recorded in Volume 1, Pages 62-63, Map Records of Aransas County, Texas;

THENCE N 54° 34' 31" W, at 40.00 foot pass the east line of said 2.943 acre tract and west right of way line of said unimproved 40 foot wide county roadway, in all a distance of 140.00 feet to a point on the west line of said 2.943 acre tract and east right of way line of Texas State Highway No. 35 Business Route;

THENCE S 35° 19' 00" W along the west line of said 2.943 acre tract and east line of said Texas State Highway No. 35 Business Route, a distance of 230.26 feet to a set concrete monument with TXDOT disk for the POINT OF BEGINNING and northwest corner of this 20 foot drainage easement;

THENCE S 54° 41' 00" E, at 140.00 feet pass a 5/8" iron rod set for a reference point, in all a distance of 1531.81 feet to a set 5/8" iron rod with TXDOT cap at the north line of a proposed boat basin for the northeast corner on this 20 foot drainage easement;

THENCE N 84° 48' 47" W along the north line of said proposed boat basin, a distance of 39.84 feet to a set 5/8" iron rod with TXDOT cap for the southeast corner of this 20 foot drainage easement;

THENCE N 54° 41' 00" W, at 1357.35 feet pass a 5/8" iron rod set for a reference point, in all a distance of 1497.35 feet to a set concrete monument with TXDOT disk at the east

**EXHIBIT "B" PAGE 2 of 3
PARCEL 1E (cont.)**

right of way line of Texas State Highway No. 35 Business Route and west line of said 2.943 acre tract for the southwest corner of this 20 foot drainage easement;

THENCE N 35° 19' 00" E along the east right of way line of said Texas State Highway No. 35 Business Route and west line of said 2.943 acre tract, a distance of 20.00 feet to a the POINT OF BEGINNING and containing 0.695 acres.

BEARINGS are based on the west line of said 55.806 acre tract.

I, Albert E. Franco, Jr., Registered Professional Land Surveyor of Texas, do hereby certify that this description is based surveys made on the ground, the 19th day of May 2008.

Survey Date: May 19, 2008



Albert E. Franco, Jr.

ALBERT E. FRANCO, JR.
Registered Professional Land Surveyor
Texas Registration No. 4471

2/26/09

DATE

NAME: R:\CLIENTS\628 INVESTMENTS - 632\02004 Canal Subdivision\CAD\TXDOT Easement Closure\8.5 x11 ROW Exhibits- Revised 2-26-09.dwg DW DATE: 26 FEB 2009 TIME: 12:45

TEXAS STATE HIGHWAY NO. 35
BUSINESS ROUTE

628 INVESTMENTS, LLC
2.943 ACRE TRACT RECORDED IN FILE NO. 296260,
DEED RECORDS OF ARANSAS COUNTY TEXAS

N35°19'00"E
20.00'

S35°19'00"W
230.26'

P.O.B.

N54°34'31"W
140.00'

ROW
120'
100'

40' COUNTY ROAD R.O.W. (VOL. 1, PGS. 62-63, M.R.A.C.T.)

SET 5/8" IRON ROD

COMMENCING POINT
FD.5/8" IR AT
NORTHWEST CORNER
OF 55.806 ACRE TRACT

LEGEND	
	PROPOSED EASEMENT
	ROW
	PROPERTY BOUNDARY
	GAS LINE
	WATER LINE
	OVERHEAD ELECTRIC PIPELINE
	FENCE
	EASEMENT
	LOT LINE
	POWER POLE
	POINT OF BEGINNING

PROPOSED
PASSPORT SHORES
DEVELOPMENT

EXISTING TXDOT
DRAINAGE EASEMENT
TO BE CLOSED
(TRACT 1E)

PROPOSED TXDOT
DRAINAGE EASEMENT

S54°41'00"E
1531.81'
N54°41'00"W
1497.35'

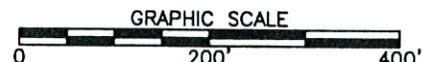
LOT 1
LOT 2

SET 5/8" IRON ROD
W/ TX. DOT
CAP

N84°16'41"W
39.84'

STATE OF TEXAS
868 OF AN EASEMENT
OF NO. 182430 & EASEMENT
OF NO. 203476, C/P R.A.C.T.
ALSO CALLED SAVE & EXCEPT TRACT NO. 3
IN VOLUME 122, PAGE 42, M.R.A.C.T.

BLOCK 244
BURTON & DANFORTH
SUBDIVISION



Albert E. Franco, Jr.
2/26/09

OCEAN DRIVE
80' R.O.W.
(CLOSED MARCH 4, 1964,
VOL. 12, PGS. 246-247,
COMMISSIONER'S COURT RECORDS)

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MAY 17, 2008

PARCEL 1E		FED. PROJ. NO.	SHEET NO.
PROPOSED TXDOT DRAINAGE EASEMENT (0.695 Ac.)		16	1
STATE	DIST.	COUNTY	
TEXAS	16	ARANSAS	
CONT.	SECT.	JOB	HIGHWAY NO.
180	5	11	BU 35