



TRANSFER OF RIGHT OF WAY

STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

THE STATE OF TEXAS, acting through the Texas Transportation Commission and on behalf of the Texas Department of Transportation, hereinafter referred to as Grantor, pursuant to Minute Order No. 110834 passed by the Texas Transportation Commission on January 25, 2007, as shown by the official minutes of the Texas Transportation Commission, in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION (\$10.00 AND OVC) to Grantor in hand paid by WILLIAMSON COUNTY, hereinafter referred to as Grantee, the receipt and sufficiency of which is hereby acknowledged and confessed and for which no lien is retained, either express or implied, has this day Sold and Transferred and by these presents does Grant, Assign, Sell and Convey unto Grantee all of Grantor's rights, title and interest in and to that certain tract or parcel of land situated in Harris County, Texas, said land being more particularly described in Exhibit A, attached hereto and made a part hereof; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of Grantor'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. Grantor also transfers to Grantee any improvements on the land, including but not limited to any paved roadways, fencing, and structures within the area of the land. This transfer is pursuant to V.T.C.A., Transportation Code, Chapter 202, Subchapter B, Section 202.021(e).

Anything herein to the contrary notwithstanding, this Transfer of Right of Way is made subject to the continued rights of existing utilities, if any, as provided by law, and any required adjustment will be at no cost to Grantor. In addition, this conveyance is subject to all matters of public record and to all easements or other interests which affect the property, and to any matter which would be disclosed by title examination, survey, investigation or inquiry, including but not limited to the rights of parties in possession.

BY THE ACCEPTANCE OF THIS TRANSFER OF RIGHT OF WAY, GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE HAS THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY THE GRANTEE IN ORDER TO ENABLE THE GRANTEE TO EVALUATE THE PURCHASE OF THE PROPERTY. GRANTEE REPRESENTS THAT IT IS RELYING SOLELY ON ITS OWN EXPERTISE AND THAT OF GRANTEE'S CONSULTANTS, AND THAT GRANTEE HAS CONDUCTED SUCH INSPECTIONS AND INVESTIGATIONS OF THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, THE PHYSICAL, TOPOGRAPHIC AND ENVIRONMENTAL CONDITIONS THEREOF, AND IS RELYING UPON SAME, AND HEREBY ASSUMES THE RISK OF ANY ADVERSE MATTERS, INCLUDING, BUT NOT LIMITED TO, ADVERSE PHYSICAL, TOPOGRAPHIC AND ENVIRONMENTAL CONDITIONS THAT MAY NOT HAVE BEEN REVEALED BY GRANTEE'S INSPECTIONS AND INVESTIGATIONS. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT GRANTEE IS ACQUIRING THE PROPERTY ON AN "AS IS, WHERE IS" AND "WITH ALL FAULTS" BASIS, WITHOUT REPRESENTATIONS, WARRANTIES OR COVENANTS, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE. GRANTEE HEREBY WAIVES AND RELINQUISHES ALL RIGHTS AND PRIVILEGES ARISING OUT OF, OR WITH RESPECT OR IN RELATION TO, ANY REPRESENTATIONS, WARRANTIES OR COVENANTS, WHETHER EXPRESS OR IMPLIED, WHICH MAY HAVE BEEN MADE OR GIVEN, OR

WHICH MAY HAVE BEEN DEEMED TO HAVE BEEN MADE OR GIVEN, BY GRANTOR. GRANTEE HEREBY ASSUMES ALL RISK AND LIABILITY (AND AGREES THAT GRANTOR SHALL NOT BE LIABLE FOR ANY SPECIAL, DIRECT, INDIRECT, CONSEQUENTIAL OR OTHER DAMAGES) RESULTING OR ARISING FROM GRANTEE'S USE, MAINTENANCE, REPAIR, OR OPERATION OF THE PROPERTY.

WITHOUT LIMITING THE GENERAL PROVISIONS ABOVE, IT IS UNDERSTOOD AND AGREED THAT GRANTOR IS NOT MAKING AND SPECIFICALLY DISCLAIMS ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED, AS TO (a) MATTERS OF TITLE; (b) ZONING; (c) TAX CONSEQUENCES; (d) PHYSICAL OR ENVIRONMENTAL CONDITIONS; (e) AVAILABILITY OF ACCESS, INGRESS OR EGRESS; (f) OPERATING HISTORY OR PROJECTIONS; (g) VALUATION; (h) AVAILABILITY AND ADEQUACY OF UTILITIES; (i) GOVERNMENTAL APPROVALS; (j) GOVERNMENTAL REGULATIONS OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE PROPERTY, INCLUDING, WITHOUT LIMITATION: (1) THE VALUE, CONDITION, MERCHANTABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY, OR FITNESS OF THE PROPERTY FOR A PARTICULAR USE OR PURPOSE; (2) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS INCORPORATED INTO ANY OF THE PROPERTY; AND (3) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY. GRANTEE FURTHER EXPRESSLY ACKNOWLEDGES AND AGREES THAT GRANTOR IS NOT REPRESENTING OR WARRANTING THAT ANYTHING CAN OR WILL BE ACCOMPLISHED THROUGH GRANTEE'S OR GRANTOR'S EFFORTS WITH REGARD TO THE PLANNING, PLATTING OR ZONING PROCESS OF ANY GOVERNMENTAL AUTHORITIES, BOARDS OR ENTITIES. GRANTEE FURTHER ACKNOWLEDGES THAT GRANTOR HAS NOT WARRANTED, AND DOES NOT HEREBY WARRANT, THAT THE PROPERTY NOW OR IN THE FUTURE WILL MEET OR COMPLY WITH THE REQUIREMENTS OF ANY SAFETY CODE, ENVIRONMENTAL LAW OR REGULATION OF ANY STATE OR FEDERAL AUTHORITY OR JURISDICTION.

This Transfer of Right of Way is expressly made by Grantor and accepted by Grantee without any warranty of title of any kind, oral or written, express or implied, whether existing by common law or by statute or any other manner. Grantee expressly agrees that the implied covenants set forth in Section 5.023 of the Texas Property Code are not applicable to this Transfer of Right of Way.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging unto said Grantee, its successors and assigns forever, subject to the limitations and conditions hereinabove stated.

IN TESTIMONY WHEREOF, I have caused the Seal of the State to be affixed.

Executed this the 14 day of FEBRUARY, 2007.

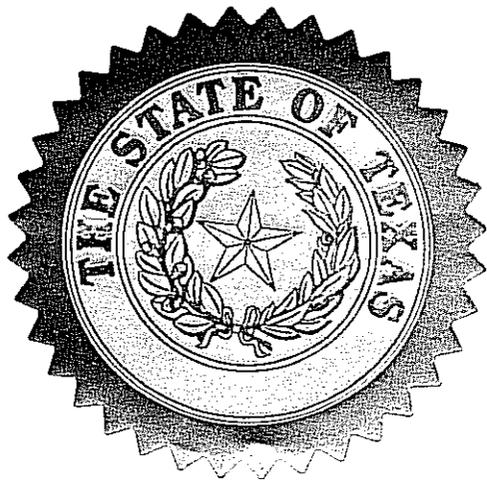
RICK PERRY
RICK PERRY
GOVERNOR OF TEXAS

Attest:

Roger Williams
Roger Williams
Secretary of State

Recommended for Approval:

Michael W. Behrens
Michael W. Behrens, P.E.
Executive Director



Approved:

Greg Abbott
Attorney General

By: Anthony J. Blazi
Anthony J. Blazi
Assistant Attorney General

EXHIBIT "A"
 FN4168 (CDC)
 SAM, Inc. Job No. 26116-01
 September 1, 2006

State of Texas
 to
 Williamson County
 A portion of F.M. 619

DESCRIPTION OF A 4.066 ACRE (177,110 SQ. FT.) TRACT OF LAND SITUATED IN THE PARTHINIA COURSEY SURVEY, ABSTRACT NO. 131, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF EXISTING F.M. 619 RIGHT-OF-WAY, AN 80-FOOT RIGHT-OF-WAY, FURTHER DESCRIBED AS A PORTION OF F.M. 619 BETWEEN CL STA. 70+17.05 TO CL STA. 91+73.74, AS SHOWN ON THE TEXAS DEPARTMENT OF TRANSPORTATION STRIP MAP CSJ NO. 0986-01-033, SAID 4.066 ACRE (177,110 SQ. FT.) TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a calculated point in the west right-of-way line of F.M. 619, same being the east line of a called 92.34 acre tract of land, as described in the deed to Harold N. Fischer and wife, Dorothy Ann Fischer, as recorded in Volume 517, Page 180, of the Official Records of Williamson County, Texas, from which a Texas Department of Transportation (TxDOT) Type I concrete monument found in said common line bears, N 19° 46' 06" W, a distance of 74.21 feet, 40.00 feet left of F.M. 619 Centerline Station 68+00.00;

THENCE with said common line, S 17° 21' 08" E, a distance of 140.81 feet to a ½-inch iron rod with "SAM, Inc." plastic cap set, for the northwest corner and the **POINT OF BEGINNING** of the tract described herein;

THENCE leaving said common line, crossing through the interior of said right-of-way, N 72° 38' 52" E, a distance of 80.00 feet to a TxDOT Type II concrete monument found, 40.00 feet left of F.M. 619 Centerline Station 70+17.60, being the east right-of-way line of said F.M. 619, same being the west line of a called 47.85 acre tract of land described in the deed to Charles Stabeno and wife, Barbara L. Stabeno, as recorded in Document No. 9837919, of the Official Records of Williamson County, Texas;

THENCE with said common line the following five (5) courses and distances:

- 1) S 17° 21' 08" E, a distance of 180.82 feet to a TxDOT Type I concrete monument found, 40.00 feet left of F.M. 619 Centerline Station 71+98.40,
- 2) S 14° 22' 00" E, a distance of 404.59 feet to a TxDOT Type I concrete monument found, 40.00 feet left of F.M. 619 Centerline Station 76+00.70,
- 3) S 19° 12' 55" E, a distance of 849.20 feet to a ½-inch iron rod with "SAM, Inc." plastic cap set,
- 4) S 19° 57' 24" E, a distance of 506.67 feet to a TxDOT Type I concrete monument found, 40.00 feet left of F.M. 619 Centerline PC Station 89+61.10 for a point of curvature, and
- 5) with the arc of a curve to the left a distance of 253.10 feet, through a central angle 27° 12' 34", having a radius of 532.96 feet, and whose chord bears, S 33° 33' 42" E, a distance of 250.73 feet to a ½-inch iron rod with "SAM, Inc." plastic cap set, from which a TxDOT Type I concrete monument found bears, with the arc of a curve to the left a distance of 305.68 feet, through a central angle of 32° 51' 44", having a radius of 532.96 feet, and whose chord bears, S 63° 35' 51" E, a distance of 301.51 feet;

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FN4168 (CDC)
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THENCE leaving said common line, crossing through the interior of said F.M. 619, S 44° 53' 56" W, a distance of 80.05 feet to a 1/2-inch iron rod with "SAM, Inc." plastic cap set, being the west right-of-way line of said F.M. 619, same being the east line of said 92.34 acre tract, from which a TxDOT Type I concrete monument found bears, with the arc of a curve to the left a distance of 354.45 feet, through a central angle of 33° 07' 55", having a radius of 612.96 feet, and whose chord bears, S 63° 27' 46" E, a distance of 349.53 feet to a calculated point, and S 07° 58' 55" E, a distance of 3.22 feet;

THENCE with said common line the following five (5) courses and distances:

- 1) with the arc of a curve to the right a distance of 288.21 feet, through a central angle of 26° 56' 24", having a radius of 612.96 feet, and whose chord bears, N 33° 25' 36" W, a distance of 285.56 feet to a 1/2-inch iron rod with "SAM, Inc." plastic cap set,
- 2) N 19° 57' 24" W, a distance of 507.19 feet to a 1/2-inch iron rod with "SAM, Inc." plastic cap set,
- 3) N 19° 12' 55" W, a distance of 853.11 feet to a 1/2-inch iron rod with "SAM, Inc." plastic cap set, from which a TxDOT Type I concrete monument found bears, N 04° 34' 40" W, a distance of 4.09 feet,
- 4) N 14° 22' 00" W, a distance of 405.89 feet to a 1/2-inch iron rod with "SAM, Inc." plastic cap set, from which a TxDOT Type I concrete monument found bears, S 13° 43' 29" E, a distance of 1.73 feet, and
- 5) N 17° 21' 08" W, a distance of 178.74 feet to the **POINT OF BEGINNING** and containing 4.066 acre (87,294 sq. ft.) of land, more or less.

BEARING BASIS: Held called bearing of S 14° 22' 00" E, between two (2) TxDOT Type I monuments on the east line of existing F.M. 619 right-of-way, being at Centerline Stations 71+98.40 and 76+00.70.

This description is accompanied by a separate plat; see "Sketch to Accompany Field Note No. 4168", a portion of F.M. 619, attached hereto and made a part hereof.

THE STATE OF TEXAS

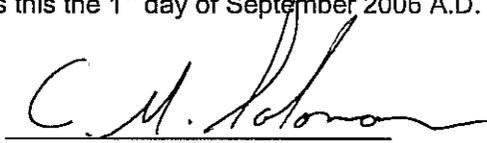
KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WILLIAMSON

That I, C. M. Solomon, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 1st day of September 2006 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735



C. M. Solomon
Registered Professional Land Surveyor
No. 5734 - State of Texas

