

POSSESSION AND USE AGREEMENT FOR TRANSPORTATION PURPOSES

STATE OF TEXAS

§

Project No.: SH195

§

Parcel No.: 107

COUNTY OF WILLIAMSON

§

CSJ No.: 0440-02-0112

This agreement, effective the _____ day of _____, 2011, between the State of Texas, acting by and through Williamson County, Texas (the "State"), and FWD PROPERTY INVESTORS, L.P., LDJ PROPERTIES, LTD., and MMSG LIMITED PARTNERSHIP (collectively the "Grantor(s)"), grants an irrevocable right to possession and use to the State, its contractors, agents and all others deemed necessary by the State for the purpose of constructing a portion of Highway No. 195. The property involved is described more fully in field notes and plat map (attached as Exhibit "A") and made a part of this Agreement by reference (the "Property").

1. For the consideration paid by the State which is set forth in Paragraph two below, the receipt and sufficiency of which is acknowledged, Grantor(s) grant, bargain, sell and convey to the State exclusive possession and use of the Property for the purpose of constructing a highway and appurtenances thereto and the right to remove any improvements. This Possession and Use Agreement will extend to the State, its contractors, assigns and/or owners of any existing utilities on the Property and those which may be lawfully permitted on the Property by the State in the future. This grant will allow the construction, relocation, replacement, repair, improvement, operation and maintenance of these utilities on the Property.
2. In full consideration for this irrevocable grant of possession and use, the State will tender to the Grantor(s) the sum of EIGHT HUNDRED NINETEEN THOUSAND ONE HUNDRED THIRTY SEVEN and 00/100 Dollars (\$819,137.00). The Grantor(s) agrees that this sum represents adequate and full compensation for the possession and use of the Property. The State will be entitled to take possession and use of the Property upon tender of payment. The parties agree that the sum tendered represents 90 percent of the State's approved value. The approved value is the State's determination of the just compensation owed to the Grantor(s) for the full fee title interest to be acquired by the State in the Property, encumbered with the improvements thereon, if any, and damages to the remainder, if any, save and except all oil, gas and sulphur. The parties agree that this sum will be deducted from any final settlement amount, award or verdict. In the event the final award or verdict for the fee title is less than the amount the State has paid for the possession and use of the property, then the Grantors agree that the original amount tendered represents an overpayment and that the State is entitled to seek a refund.
3. The GRANTOR warrants and represents by, through, and under the GRANTOR, but not otherwise, that the title to the Property is free and clear of all liens on the title to the Property, or that any necessary and proper releases will be executed for the Property prior to or simultaneously with the first payment of funds being disbursed under this agreement. GRANTOR further agrees to indemnify State from all unreleased or undisclosed liens, claims or encumbrances that are known to Grantor and that affect the Property. This conveyance is made by GRANTOR and accepted by State subject to the following:

- a. visible and apparent easements not appearing of record;
 - b. any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show; and
 - c. easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) that affect the Property and are presently of record in the Official Public Records of the county in which the Property is located, but only to the extent that said items are still valid and in force and effect at this time.
4. This agreement is made with the understanding that the State will continue to negotiate in good faith with the Grantor(s) to acquire a fee interest in the Property by direct purchase. It is further understood in the event a settlement is not reached within ninety (90) days of the effective date of this agreement, the State shall begin proceedings in eminent domain to acquire fee title to the Property. The State will not unreasonably delay the commencement of proceedings under eminent domain once the time provided for in this paragraph has expired.
 5. The parties agree that the valuation date of valuation for purposes of determining the value of the just compensation for the Property to be acquired shall be the date of the deposit by GRANTEE of any amount by which a special commissioners' award exceeds the consideration paid for this Agreement or the date of the special commissioners award if it does not exceed the amount of the consideration paid for this Agreement. The Property shall be valued, as of the date of valuation, as if any improvements located thereon as of the date the consideration is paid for this Agreement are still located on the Property.
 6. This grant will not prejudice Grantor's rights to receive full and just compensation for the fee title or any easement interest to be acquired by the State in the Property, encumbered with the improvements thereon, if any, and damages, if any, to the remainder of Grantors' lands, save and except all oil, gas and sulphur. This grant will not prejudice Grantor(s) rights to any relocation benefits for which they may be eligible.
 7. In the event the State institutes eminent domain proceedings, the State will not be liable to Grantor(s) for interest upon any award or judgment as a result of such proceedings for any period of time prior to the date of the award. Payment of any interest may be deferred by the State until entry of judgment.
 8. The purpose of this agreement is to allow the State to proceed with its construction project without delay and to allow the Grantor(s) to avoid litigation at this time.
 9. Grantors reserve all of the oil, gas and sulphur in and under the land herein conveyed but waive all right of ingress and egress to the surface for the purpose of exploring, developing, mining or drilling. Nothing in this reservation will affect the title and rights of the State to take and use all other minerals and materials thereon, and thereunder. The extraction of oil, gas and minerals may not affect the geological stability of the surface.

10. The undersigned Grantor(s) agree(s) to pay all taxes, including prorated taxes for the current year, and special assessments due at the time the State takes possession of the Property. After the State takes possession of the Property, GRANTEE and GRANTOR shall either work with the Williamson Central Appraisal District to stop the accrual of taxes, or Williamson County shall be responsible for the payment of taxes for the Property during the time that it has exclusive possession of the Property for the purposes set out herein until such time as a court order grants continued possession to State.
11. This agreement will also extend to and bind the heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties.
12. It is agreed the State will record this document
13. Other conditions: None.

To have and to hold the Agreement herein described and conveyed, together with all the rights and appurtenances belonging to the State of Texas and its assigns forever, for the purposes and subject to the limitations set forth above.

IN WITNESS WHEREOF, THIS INSTRUMENT IS EXECUTED ON THIS THE 20th DAY OF June, 2011.

FWD PROPERTY INVESTORS L.P.,
a Texas limited partnership

By: Fort Worth GP, Inc., a Delaware corporation,
its General Partner

By: Thomas H. Bjarnason
Thomas H. Bjarnason, Vice President

PROVINCE OF ONTARIO §
§
JUDICIAL DISTRICT OF YORK §

TO WIT:

This instrument was acknowledged before me on the 20th day of June, 2011, by Thomas H. Bjarnason, Vice President of Fort Worth GP, Inc., a Delaware corporation, General Partner of FWD Property Investors L.P., on behalf of said limited partnership.

Printed Name of Notary:

Jamie Orzech

[Signature]
Notary Public in and for the Province of Ontario
My commission expires at the pleasure of Her Majesty

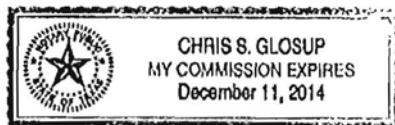
LDJ PROPERTIES, LTD.,
a Texas limited partnership

By: LDJ Management Company, L.L.C.,
a Texas limited liability company,
its General Partner

By: [Signature]
Joan L. Germany, President

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 19th day of MAY, 2011, by Joan L. Germany, President of LDJ Management Company, LLC, General Partner of LDJ Properties, Ltd., on behalf of said limited partnership.



Chris S. Glosup
Notary Public, State of Texas
Printed Name: CHRIS S. GLOSUP
My Commission Expires: 12-11-2014

MMSG LIMITED PARTNERSHIP,
a Texas limited partnership

By: [Signature]
John D. Gourley, Managing Partner

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 18 day of May, 2011, by John D. Gourley, Managing Partner of MMSG Limited Partnership, on behalf of said limited partnership.



Heidi L. Wagner
Notary Public, State of Texas
Printed Name: Heidi L. Wagner
My Commission Expires: 10-22-2011

ACCEPTED AND AGREED TO BY THE STATE OF TEXAS, ACTING BY AND THROUGH
WILLIAMSON COUNTY, THIS THE 12th DAY OF July, 2011.

WILLIAMSON COUNTY, TEXAS

By: *[Signature]*

Dan A. Gattis, County Judge
Lisa K. Birkman
Presiding Commissioner

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on the 12th day of July, 2011, by Dan A. Gattis, County Judge of Williamson County, Texas, in the capacity and for the purpose considered herein. Lisa K. Birkman, Presiding Commissioner

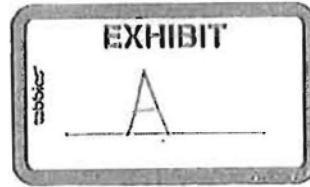
Notary Public, State of Texas

Printed Name: _____

My Commission Expires: _____

After recording return to:

Don Childs
Sheets & Crossfield, P.C.
309 East Main St.
Round Rock, Texas 78664



Page 1 of 9
March 7, 2007

County: Williamson
Highway: SH 195
Limits: From 8.105 Miles South of S. H. 138 to L.H. 35
ROW CSJ: 0440-02-012

Legal Description Parcel 107

BEING a 11.866 acre (516,900 square feet) tract of land located in the Burrell Eaves Survey, Abstract No. 216, of Williamson County, Texas, said 11.866 acre tract of land is out of and a part of a 419.34 acre tract conveyed by Gladys Queen to Gladys A. Garland and Hugh Clark Garland, III, et al, by deed recorded October 30, 1992 in Volume 2210, Page 672 of the Official Records of Williamson County, Texas, said 11.866 acre tract of land is further described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found near a fence corner for the west or northwest corner of the above referenced 419.34 acre tract and for a southern interior corner of a 310.706 acre tract conveyed by Del Webb Communities, Inc. to Del Webb Texas Limited Partnership by deed recorded December 29, 1995 as Document No. 9558177 of said Official Records, said rod is located 3611.68 feet right of Proposed State Highway 195 (SH 195) Baseline Station 1589+89.72;

THENCE North 68° 50' 52" East with the common line of the 310.706 acre tract and the 419.34 acre tract for a distance of 4062.99 feet to a 5/8 inch iron rod with Texas Department of Transportation (TxDOT) aluminum cap set in the proposed southwest right of way line of SH 195 for the POINT OF BEGINNING of the herein described tract, said rod is located 120.00 feet right of Proposed SH 195 Baseline Station 1612+79.86;

1. THENCE North 68° 50' 52" East continuing with said common line for a distance of 154.00 feet to a calculated point for corner in the existing southwest right of way line of SH 195, from which a 1/2 inch iron rod found for witness bears North 68° 50' 52" East a distance of 0.28 feet;
2. THENCE South 55° 16' 49" East with the existing southwest right of way line of SH 195 for a distance of 828.48 feet to a point of curvature, from which a TxDOT Type I concrete monument found bears South 77° 24' 42" West a distance of 0.59 feet;

EXHIBIT _____

3. THENCE continuing with the existing southwest right of way line of SH 195 in a southeasterly direction with a curve turning to the left for an arc distance of 460.65 feet, said curve has a radius of 5779.58 feet, a delta angle of $4^{\circ} 34' 00''$, a chord bearing of South $57^{\circ} 33' 49''$ East, and a chord distance of 460.53 feet, to the point of tangency, from which a TxDOT Type I concrete monument found bears South $28^{\circ} 49' 52''$ West a distance of 1.08 feet;
4. THENCE South $59^{\circ} 50' 49''$ East continuing with the existing southwest right of way line of SH 195 for a distance of 2295.67 feet to a calculated point for the most easterly or southeast corner of the said 419.34 acre tract and for the north or northeast corner of another 419.34 acre tract conveyed by Gladys Queen to Wilford E. Schneider and wife, Mary Schneider, by deed recorded August 4, 1970 and recorded in Volume 528, Page 590, of the Deed Records of Williamson County, Texas, from which a found 1/2 inch iron rod bears South $59^{\circ} 47' 55''$ West a distance of 0.44 feet;
5. THENCE South $59^{\circ} 47' 54''$ West with the common line of the two 419.34 acre tracts for a distance of 161.48 feet to a 5/8 inch iron rod with TxDOT aluminum cap set on the proposed southwest right of way line of SH 195, said monument is located 120.00 feet right of Proposed SH 195 Baseline Station 1648+66.47;
6. THENCE North $59^{\circ} 51' 45''$ West with the proposed southwest right of way line of SH 195 for a distance of 1166.47 feet to a TxDOT Type II concrete monument set for an angle point, said monument is located 120.00 feet right of Proposed SH 195 Baseline Station 1637+00.00;
7. THENCE North $63^{\circ} 40' 36''$ West continuing with the proposed southwest right of way line of SH 195 for a distance of 300.67 feet to a TxDOT Type II concrete monument set for an angle point, said monument is located 140.00 feet right of Proposed SH 195 Baseline Station 1634+00.00;
8. THENCE North $59^{\circ} 51' 45''$ West continuing with the proposed southwest right of way line of SH 195 for a distance of 300.00 feet to a TxDOT Type II concrete monument set for an angle point, said monument is located 140.00 feet right of Proposed SH 195 Baseline Station 1631+00.00;
9. THENCE North $55^{\circ} 39' 58''$ West continuing with the proposed southwest right of way line of SH 195 for a distance of 273.32 feet to a TxDOT Type II concrete monument set for the non-tangent beginning of a curve, said monument is located 120.00 feet right of Proposed SH 195 Baseline Station 1628+27.41;

EXHIBIT _____

10. THENCE continuing with the proposed southwest right of way line of SH 195 in a northwesterly direction with a curve to the right for an arc distance of 1563.75 feet, said curve has a radius of 11579.16, a delta angle of $7^{\circ} 44' 16''$, a chord bearing North $55^{\circ} 59' 37''$ West a chord distance of 1562.56 feet to the POINT OF BEGINNING, said described tract containing 11.866 acres (516,900 square feet) of land, more or less.

This survey is referenced to the National Spatial Reference System. The projection and datum are the Texas State Plane Coordinate System, Central Zone, North American Datum of 1983. All bearings are relative to National Geodetic Survey, 1993 Adjustment, monuments T27 A (PID AB2837), Austin RRP (PID AF9537) and, Georgeport (PID BM1093). All distances are surface values expressed in U. S. Survey feet and may be converted to grid by dividing by the TxDOT surface adjustment factor of 1.000120.

Access will be permitted to the highway facility for the remainder of the property lying adjacent to SH 195.

This description was prepared in conjunction with, and is accompanied by a plat of an even date herewith.

Surveyed by:
RODS Surveying, Inc.
6810 Lee Road, Spring Texas 77379
Phone (281) 379-6388

I, Scott Morris, hereby certify that the above description is true and correct and depicts a survey made under my supervision and on the ground and is based on data gathered from February 2001 to October 2006.

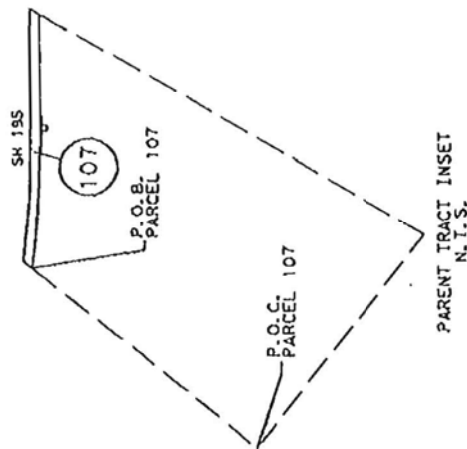
Scott Morris
Scott Morris, Registered Professional Land Surveyor No. 5076
Date as of: March 7, 2007



LEGEND

- FOUND CONCRETE MONUMENT (TXDOT TYPE I)
- FOUND CONCRETE MONUMENT (TXDOT TYPE II)
- CONCRETE MONUMENT SET (TXDOT TYPE I)
- CONCRETE MONUMENT SET (TXDOT TYPE II)
- FOUND 1/2" IRON ROD UNLESS NOTED
- 5/8" IRON ROD SET WITH TXDOT ALUMINUM CAP (UNLESS NOTED)
- CALCULATED POINT
- FOUND CORNER (AS DESCRIBED)
- 5/8" IRON ROD SET WITH YELLOW CAP "RODS SURVEYING INC."
- PROPERTY LINE
- RECORD INFORMATION
- SURVEY LINE
- PROPOSED DRAINAGE EASEMENT
- ACCESS DENTAL LINE
- EXISTING R.O.W. LINE
- PARCEL BOUNDARY
- RIGHT OF WAY
- P.O.B.
- P.O.C.
- PC
- PT
- POINT OF TANGENCY
- CHB
- CHD
- B.L.
- N.T.S.
- P.U.E.
- W.C.D.R.
- W.C.O.R.
- W.C.O.P.R.
- W.C.P.R.
- D.S.S.F.S.

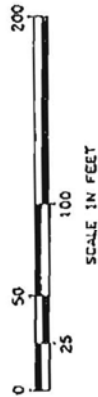
ON SITE SEWERAGE FACILITY SETBACK



NOTES:

- IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY; DIGITAL FILES DATED FEBRUARY, 2001 AND MAY, 2002 UPDATED BY ON THE GROUND SURVEYS MADE IN FEBRUARY, 2006.
- THIS SURVEY IS REFERENCED TO THE NATIONAL SPATIAL REFERENCE SYSTEM. THE PROJECTION AND DATUM ARE THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983. ALL BEARINGS ARE RELATIVE TO NATIONAL GEODETIC SURVEY, 1983 ADJUSTMENT, MONUMENTS T27 A (PID AB2837), AUSTIN RRP (PID AF9537) AND, GEORGETOWN (PID BM1093). ALL DISTANCES ARE SURFACE VALUES EXPRESSED IN U. S. SURVEY FEET AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE TXDOT SURFACE ADJUSTMENT FACTOR OF 1.000120.

| RECORD AREA | ACQUIRED AREA | | APPROXIMATE REMAINDER | |
|-------------|---------------|---------|-----------------------|---------|
| | ACRES | SQ. FT. | LEFT | RIGHT |
| | ACRES | SQ. FT. | ACRES | SQ. FT. |



EXHIBIT

I, SCOTT MORRIS, HEREBY CERTIFY THAT THE HEREON MAP OR PLAT IS TRUE AND CORRECT AND DEPICTS A SURVEY MADE UNDER MY SUPERVISION AND ON THE GROUND AND IS BASED ON DATA GATHERED FROM FEBRUARY 2001 TO OCTOBER 2006

Scott Morris March 7, 2007
SCOTT MORRIS, R. P. L. S. # 5076 DATE AS OF



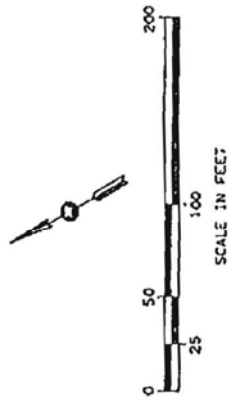
TEXAS DEPARTMENT OF TRANSPORTATION
© 2004

RIGHT OF WAY PLAT

SHOWING PROPERTY OF
GLADYS A. GARLAND AND
HUGH CLARK GARLAND, III, ET AL
PARCEL 107
PAGE 4 OF 9
ROW CSJ NO. 0440-02-012

STATE HIGHWAY 195 WILLIAMSON COUNTY, TEXAS
RODS SURVEYING INC.
6810 LEE ROAD SPRING, TX 77379

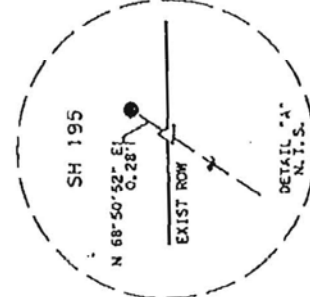
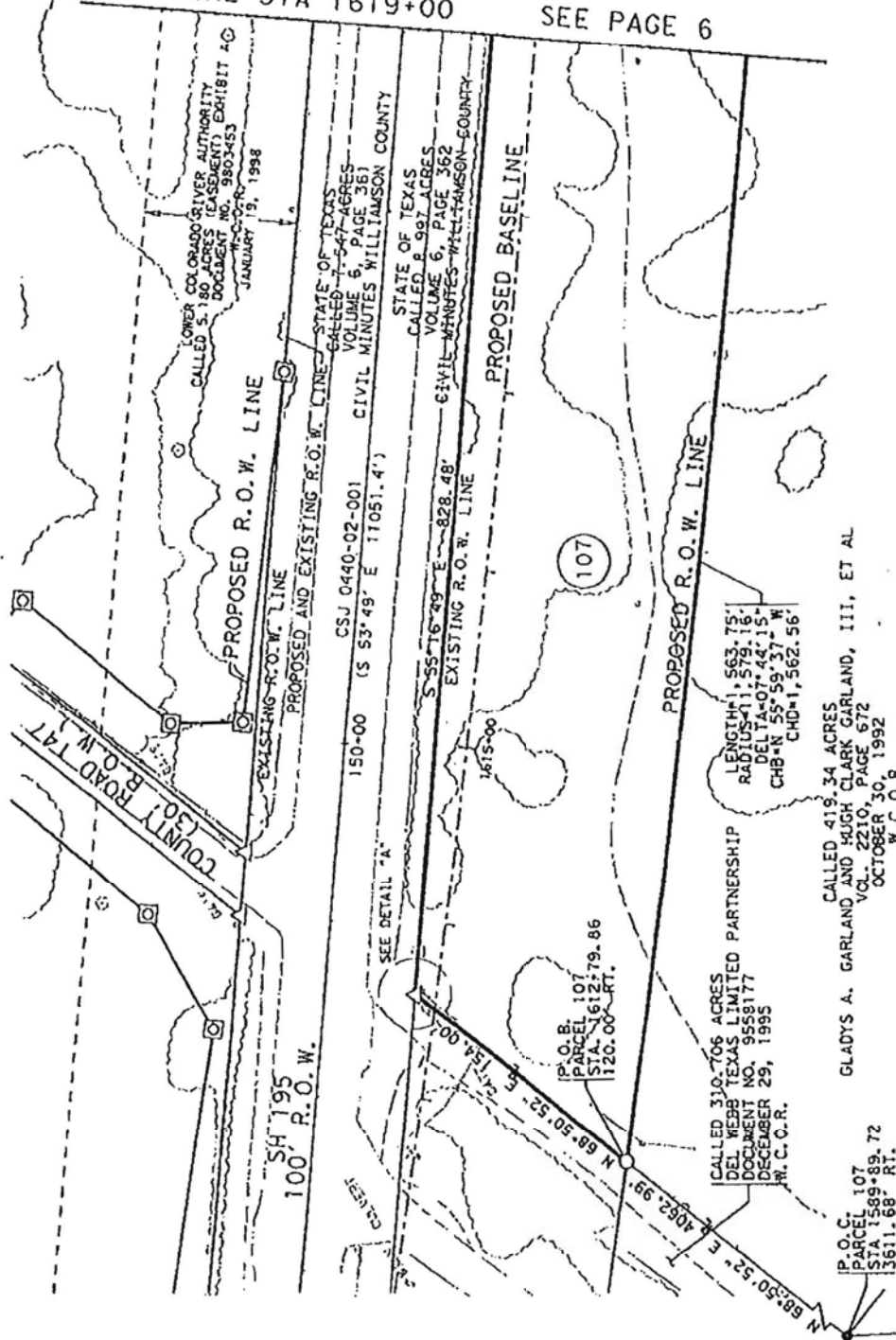
BURRELL EAVES SURVEY, A-216



EXHIBIT

MATCHLINE STA 1619+00

SEE PAGE 6



RIGHT OF WAY PLAT

SHOWING PROPERTY OF
GLADYS A. GARLAND AND
HUGH CLARK GARLAND, III, ET AL
PARCEL 107
PAGE 5 OF 9

ROW CSJ NO. 0440-02-012

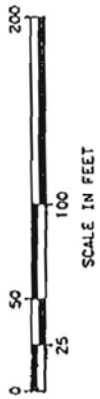
STATE HIGHWAY 195 WILLIAMSON COUNTY, TEXAS

RODS SURVEYING INC.

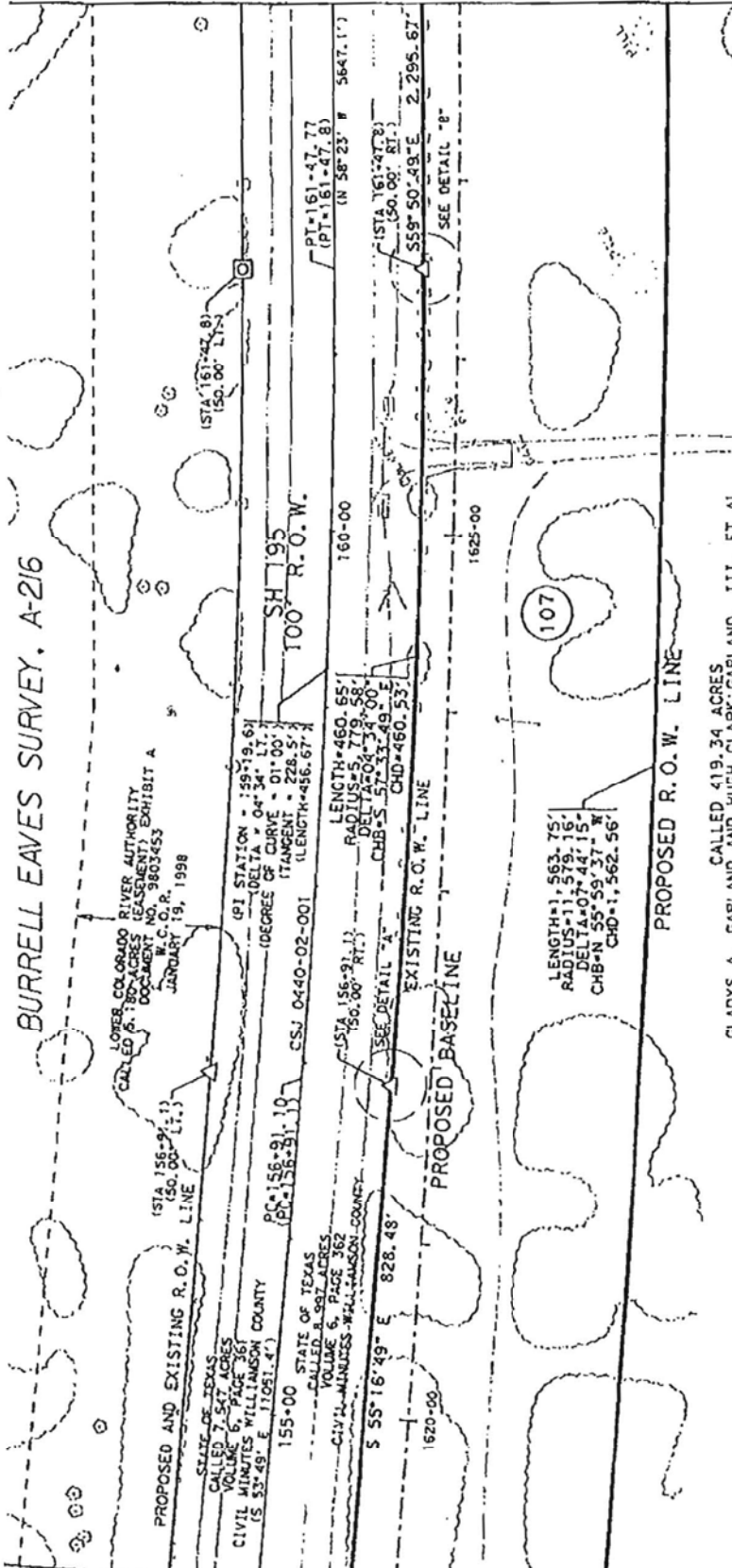
6810 LEE ROAD SPRING, TX 77379

MATCHLINE STA 1628+00

SEE PAGE 7



BURRELL EAVES SURVEY, A-216



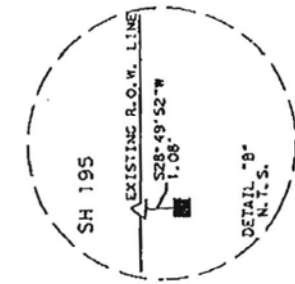
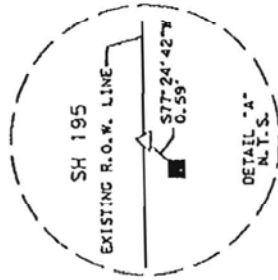
MATCHLINE STA 1619+00

SEE PAGE 5

RIGHT OF WAY PLAT
SHOWING PROPERTY OF
GLADYS A. GARLAND AND
HUGH CLARK GARLAND, III, ET AL
PARCEL 107
PAGE 6 OF 9
ROW CSJ NO. 0440-02-012

STATE HIGHWAY 195 WILLIAMSON COUNTY, TEXAS
RODS SURVEYING INC.
6810 LEE ROAD SPRING, TX 77379

GLADYS A. GARLAND AND HUGH CLARK GARLAND, III, ET AL
VOL. 2210, PAGE 672
OCTOBER 30, 1992
W.C.O.R.



SEE PAGE 6

RIGHT OF WAY PLAT

SHOWING PROPERTY OF

GLADYS A. GARLAND AND
HUGH CLARK GARLAND, III, ET AL

PARCEL 107

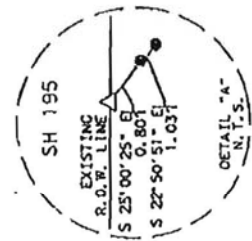
PAGE 8 OF 9

ROW CSJ NO. 0440-02-012

STATE HIGHWAY 195 WILLIAMSON COUNTY, TEXAS

RODS SURVEYING INC.

6810 LEE ROAD SPRING, TX 77379



MATCHLINE STA 1645+00

SEE PAGE 8

BURRELL EAVES SURVEY, A-216

S 25° 00' 25" E
2209.62'

SCALE IN FEET

LOWER COLORADO RIVER AUTHORITY
CALLED 7.001 ACRES (EASEMENT) EXHIBIT A
DOCUMENT NO. 9752274
NOVEMBER 10, 1997
W.C.O.R.

JANUARY 13, 1998

PROPOSED AND EXISTING R.O.W. LINE

SEE DETAIL "A"

STATE OF TEXAS
CALLED 7.547 ACRES
VOLUME 6, PAGE 361
CIVIL MINUETS WILLIAMSON COUNTY

175+00 IN 58° 23' W 5647.11'

SH 195

100' R.O.W.

STATE OF TEXAS
CALLED 8.491 ACRES
VOLUME 6, PAGE 362
CIVIL MINUETS WILLIAMSON COUNTY

JANUARY 13, 1998

EXISTING R.O.W. LINE

S 59° 51' 45" E

1640+00

PROPOSED BASELINE

STA 1637+00.00
120.00' RT.

N 59° 51' 45" W 1166.47'

CALLED 419.34 ACRES
GLADYS A. GARLAND AND HUGH CLARK GARLAND, III, ET AL
VOL. 2210, PAGE 672
OCTOBER 30, 1992
W.C.O.R.

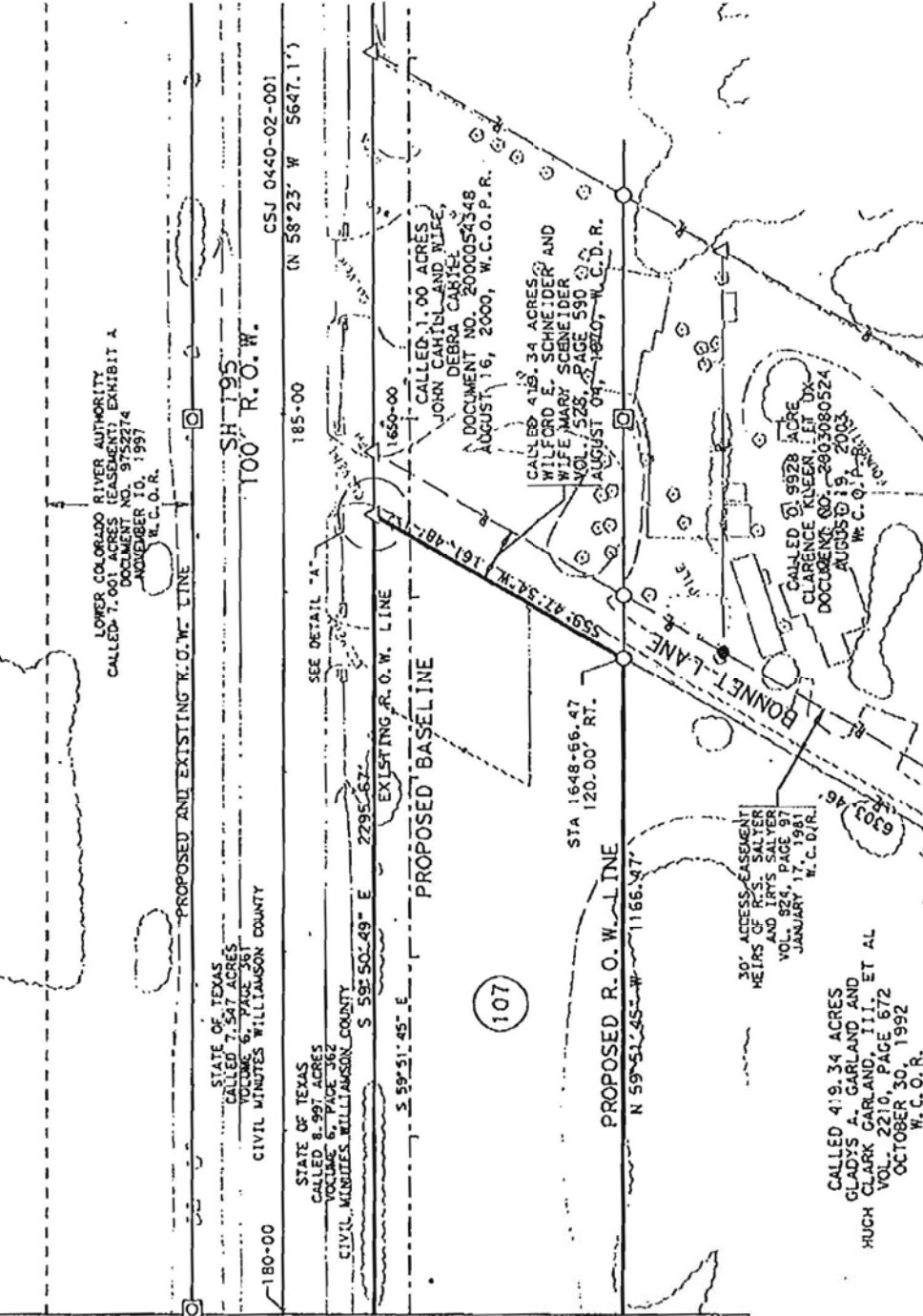
MATCHLINE STA 1637+00

SEE PAGE 7

EXHIBIT



BURRELL EAVES SURVEY, A-216



RIGHT OF WAY PLAT

SHOWING PROPERTY OF

GLADYS A. GARLAND AND
HUGH CLARK GARLAND, III, ET AL

PARCEL 107

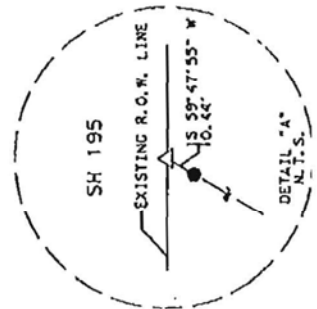
PAGE 9 OF 9

ROW CSJ NO. 0440-02-012

STATE HIGHWAY 195 WILLIAMSON COUNTY, TEXAS

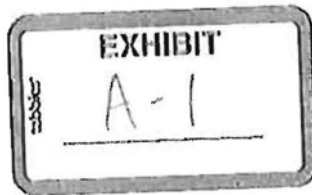
RODS SURVEYING INC.

6810 LEE ROAD SPRING, TX 77379



MATCHLINE STA 1645+00

SEE PAGE 8



Page 1 of 7
March 7, 2007

County: Williamson
Highway: SH 195
Limits: From 8.105 Miles South of S. H. 138 to L.H. 35
ROW CSJ: 0440-02-012

Legal Description Parcel 107-E

BEING a 0.147 acre (6,400 square feet) tract of land located in the Burrell Eaves Survey, Abstract No. 216, of Williamson County, Texas, said 0.147 acre tract of land is out of and a part of a 419.34 acre tract of land conveyed by Gladys Queen to Gladys A. Garland and Hugh Clark Garland, III, et al, by deed recorded October 30, 1992 in Volume 2210, Page 672 of the Official Records of Williamson County, Texas, said 0.147 acre tract of land is further described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found near a fence corner for the west or northwest corner of the above referenced 419.34 acre tract and for a southern angle point of a 310.706 acre tract conveyed by Del Webb Communities, Inc. to Del Webb Texas Limited Partnership by deed recorded December 29, 1995 as Document No. 9558177 of said Official Records, said rod is located 3611.68 feet right of Proposed State Highway 195 (SH 195) Baseline Station 1589+89.72;

THENCE North 68° 50' 52" East with the common line of the 310.706 acre tract and the 419.34 acre tract for a distance of 4062.99 feet to a 5/8 inch iron rod with Texas Department of Transportation (TxDOT) aluminum cap set in the proposed southwest right of way line of SH 195, said rod is located 120.00 feet right of Proposed SH 195 Baseline Station 1612+79.86;

THENCE with the proposed southwest right of way line of SH 195 in a southeasterly direction and with a curve to the left for an arc distance of 1563.75 feet, said curve has a radius of 11579.16 feet, a delta angle of 7° 44' 15", a chord bearing of South 55° 59' 37" East, and a chord distance of 1562.56 feet, to a TxDOT Type II concrete monument set for the non-tangent end of said curve, said monument is located 120.00 feet right of Proposed SH 195 Baseline Station 1628+27.41;

THENCE South 55° 39' 58" East continuing with the proposed southwest right of way line of SH 195 for a distance of 273.32 feet to a TxDOT Type II concrete monument set for an angle point, said monument is located 140.00 feet right of Proposed SH 195 Baseline Station 1631+00.00;

EXHIBIT _____

THENCE South $59^{\circ} 51' 45''$ East continuing with the proposed southwest right of way line of SH 195 for a distance of 120.00 feet to a 5/8 inch iron rod with TxDOT aluminum cap set for the north corner and POINT OF BEGINNING of the herein described tract of land, said rod is located 140.00 feet right of Proposed SH 195 Baseline Station 1632+20.00;

1. THENCE South $59^{\circ} 51' 45''$ East continuing with the proposed southwest right of way line of SH 195 for a distance of 80.00 feet to a 5/8 inch iron rod with TxDOT aluminum cap set for the east corner of the herein described tract of land, said monument is located 140.00 feet right of Proposed SH 195 Baseline Station 1633+00.00;
2. THENCE South $30^{\circ} 08' 15''$ West with the southeast line of the herein described tract of land for a distance of 80.00 feet to a calculated point for corner, said point is located 220.00 feet right of Proposed SH 195 Baseline Station 1633+00.00;
3. THENCE North $59^{\circ} 51' 45''$ West with the southwest line of the herein described tract of land for a distance of 80.00 feet to a calculated point for corner, said point is located 220.00 feet right of Proposed SH 195 Baseline Station 1632+20.00;

EXHIBIT _____

4. THENCE North 30° 08' 15" East continuing with the northwest line of the herein described tract of land for a distance of 80.00 feet to the POINT OF BEGINNING, said described tract containing 0.147 acres (6,400 square feet) of land, more or less.

This survey is referenced to the National Spatial Reference System. The projection and datum are the Texas State Plane Coordinate System, Central Zone, North American Datum of 1983. All bearings are relative to National Geodetic Survey, 1993 Adjustment, monuments T27 A (PID AB2837), Austin RRP (PID AF9537) and, Georgeport (PID BM1093). All distances are surface values expressed in U. S. Survey feet and may be converted to grid by dividing by the TxDOT surface adjustment factor of 1.000120.

This description was prepared in conjunction with, and is accompanied by a plat of an even date herewith.

Surveyed by:
RODS Surveying, Inc.
6810 Lee Road, Spring Texas 77379
Phone (281) 379-6388

I, Scott Morris, hereby certify that the above description is true and correct and depicts a survey made under my supervision and on the ground and is based on data gathered from February 2001 to October 2006.

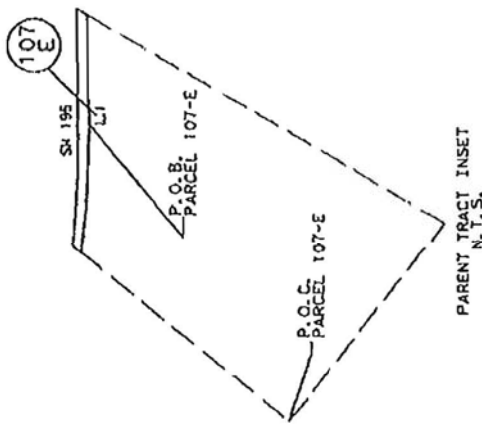
Scott Morris
Scott Morris, Registered Professional Land Surveyor No. 5076
Date as of: March 7, 2007



LEGEND

- FOUND CONCRETE MONUMENT (TXDOT TYPE I)
- FOUND CONCRETE MONUMENT (TXDOT TYPE II)
- CONCRETE MONUMENT SET (TXDOT TYPE I)
- CONCRETE MONUMENT SET (TXDOT TYPE II)
- FOUND 1/2" IRON ROD UNLESS NOTED
- 5/8" IRON ROD SET WITH TXDOT ALUMINUM CAP (UNLESS NOTED)
- CALCULATED POINT
- FOUND CORNER (AS DESCRIBED)
- 5/8" IRON ROD SET WITH YELLOW CAP "RODS SURVEYING INC."
- PROPERTY LINE
- RECORD INFORMATION
- SURVEY LINE
- PROPOSED DRAINAGE EASEMENT
- ACCESS DENIAL LINE
- EXISTING R.O.W. LINE
- PARCEL BOUNDARY
- RIGHT OF WAY
- P.O.B.
- P.O.C.
- P.C.
- P.T.
- CHB
- CHD
- B.L.
- N.T.S.
- P.U.E.
- W.C.D.R.
- W.C.O.R.
- W.C.O.P.R.
- W.C.P.R.
- O.S.S.F.S.

ON SITE SEMI-RIGID FACILITY SETBACK



I, SCOTT MORRIS, HEREBY CERTIFY THAT THE HEREON MAP OR PLAT IS TRUE AND CORRECT AND DEPICTS A SURVEY MADE UNDER MY SUPERVISION AND ON THE GROUND AND IS BASED ON DATA GATHERED FROM FEBRUARY 2001 TO OCTOBER 2006

Scott Morris March 7, 2007
SCOTT MORRIS, R.P.L.S. # 5076 DATE AS OF



TEXAS DEPARTMENT OF TRANSPORTATION
©2004

RIGHT OF WAY PLAT

SHOWING PROPERTY OF
GLADYS A. GARLAND AND
HUGH CLARK GARLAND, III, ET AL
PARCEL 107-E

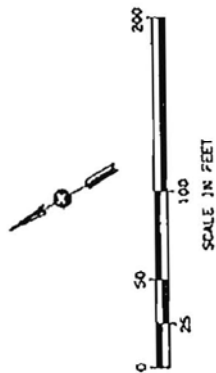
PAGE 4 OF 7
ROW CSJ NO. 0440-02-012

STATE HIGHWAY 195 WILLIAMSON COUNTY, TEXAS
RODS SURVEYING INC.
6810 LEE ROAD SPRING, TX 77379
(281) 379-6388
SCALE: 1"=100' MARCH 7, 2007

NOTES:

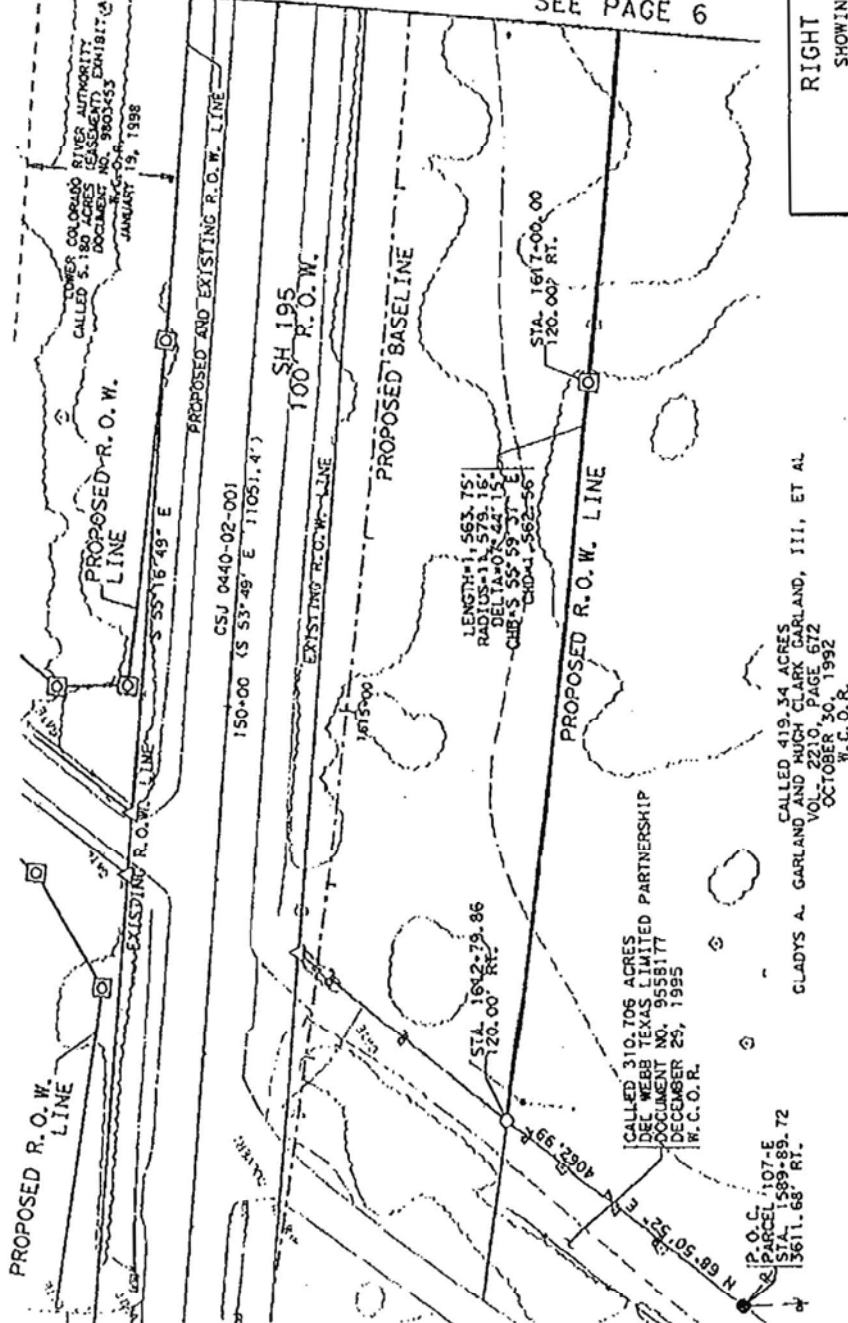
- IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY; DIGITAL FILES DATED FEBRUARY, 2001 AND MAY, 2002 UPDATED BY ON THE GROUND SURVEYS MADE IN FEBRUARY, 2006.
- THIS SURVEY IS REFERENCED TO THE NATIONAL SPATIAL REFERENCE SYSTEM. THE PROJECTION AND DATUM ARE THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983. ALL BEARINGS ARE RELATIVE TO NATIONAL GEODETIC SURVEY, 1993 ADJUSTMENT. MONUMENTS T27 A (PID AB2837), AUSTIN REP (PID AF9537) AND, GEORGETOWN (PID BM1093) ALL DISTANCES ARE SURFACE VALUES EXPRESSED IN U.S. SURVEY FEET AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE TXDOT SURFACE ADJUSTMENT FACTOR OF 1.000120.

BURRELL EAVES SURVEY. A-216



MATCHLINE STA 1619+00

SEE PAGE 6



RIGHT OF WAY PLAT
SHOWING PROPERTY OF
GLADYS A. GARLAND AND
HUGH CLARK GARLAND, III, ET AL
PARCEL 107-E

PAGE 5 OF 7

ROW CSJ NO. 0440-02-012

STATE HIGHWAY 195 WILLIAMSON COUNTY, TEXAS

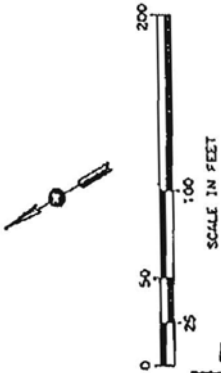
ROOS SURVEYING INC.

6810 LEE ROAD SPRING, TX 77379

(281) 379-6388

SCALE: 1"=100' MARCH 7, 2007

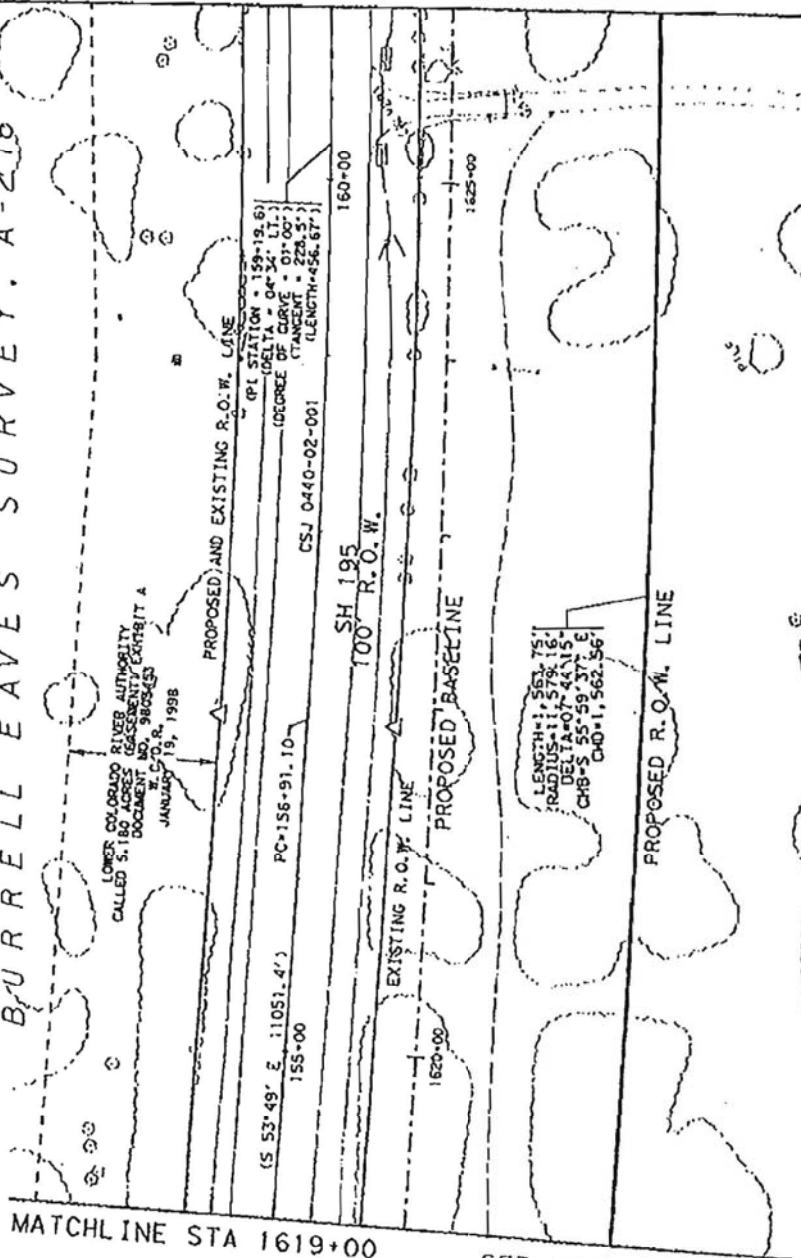
EXHIBIT



BURRELL EAVES SURVEY, A-216

MATCHLINE STA 1626+00

SEE PAGE 7

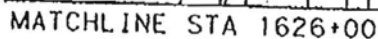


MATCHLINE STA 1619+00

SEE PAGE 5

RIGHT OF WAY PLAT
SHOWING PROPERTY OF
GLADYS A. GARLAND AND
HUGH CLARK GARLAND, III, ET AL
PARCEL 107-E
PAGE 6 OF 7
ROW CSJ NO. 0440-02-012
STATE HIGHWAY 195 WILLIAMSON COUNTY, TEXAS
RODS SURVEYING INC.
6810 LEE ROAD SPRING, TX 77379
(281) 379-6388
SCALE: 1"=100' MARCH 7, 2007

A vertical scale bar labeled "SCALE IN FEET" with markings at 0, 25, 50, 100, and 200.



RIGHT OF WAY PLAT
SHOWING PROPERTY OF
GLADYS A. GARLAND AND
HUGH CLARK GARLAND, III, ET AL
PARCEL 107-E

PAGE 7 OF 7

ROW CSJ NO. 0440-02-012

STATE HIGHWAY 195 WILLIAMSON COUNTY, TEXAS

ROOS SURVEYING INC.

6810 LEE ROAD
SPRING, TX 77379

(281) 379-6328

SCALE: 1"=100' MARCH 7, 2007