

TEXAS TRANSPORTATION COMMISSION

DALLAS County

MINUTE ORDER

Page 1 of 1

DALLAS District

In the City of Cedar Hill, Dallas County, on US 67, the state of Texas acquired drainage channel easements encumbering certain land by instruments recorded in Volume 2135, at Page 248, and in Volume 70178, at Page 1068, of the Deed Records of Dallas County, Texas.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, §202.024, the Texas Transportation Commission (commission) may recommend the exchange of an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in real property needed for a state highway purpose.

The easements encumbering the land, described in Exhibits A (only that portion now owned by Wilshire Cedar Hill Owner LLC, a Delaware limited liability company) and B (tracts), are no longer needed for a state highway purpose. The value of the easements is \$16,465.

A drainage channel easement needed for a state highway purpose, encumbering the land described in Exhibit C (parcel) and its associated improvements, is to be conveyed to the state by Wilshire Cedar Hill Owner LLC, a Delaware limited liability company. The value of the easement encumbering the parcel, along with its associated improvements, is \$428,947.

Wilshire Cedar Hill Owner LLC is the owner of the fee interest in the tracts and has requested that the easements encumbering the tracts be released to it in exchange for an easement encumbering the parcel, and Wilshire Cedar Hill Owner LLC will donate the \$412,482 difference in value between the easements encumbering the tracts and the improved easement encumbering the parcel to the State, in accordance with an executed exchange agreement.

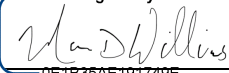
It is the opinion of the commission that it is proper and correct that the state release the easements encumbering the tracts to Wilshire Cedar Hill Owner LLC as partial consideration for the improved easement encumbering the parcel and accept the donation of \$412,482 value difference from Wilshire Cedar Hill Owner LLC.

IT IS THEREFORE ORDERED by the commission that the easements encumbering the tracts is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all the state's right, title, and interest in the easements encumbering the tracts to Wilshire Cedar Hill Owner LLC, a Delaware limited liability company, in exchange and as partial consideration for the improved easement encumbering the parcel.

Submitted and reviewed by:

Recommended by:

DocuSigned by: 
BDEF0413AC9E4EC
Director, Right of Way Division

DocuSigned by: 
0E1B35AE191749E...
Executive Director

116436 February 23, 2023

Minute Date
Number Passed

5818

Filed for record May 25, 1939 at 4:20 P. M. ED H. STEGER COUNTY CLERK

By: John C. Peavy, Deputy

Recorded June 20, 1939 ED H. STEGER COUNTY CLERK BY

John C. Peavy
DEPUTY

.....0000000000000000.....

61959-----\$0.75

DR. C. M. GRIGSBY :

TO: RIGHT OF WAY EASEMENT : THE STATE OF TEXAS :
THE STATE OF TEXAS : COUNTY OF DALLAS : KNOW ALL MEN BY THESE PRESENTS:

THAT I, Dr. C. M. Grigsby of , in consideration of the sum of One Dollar and other good and valuable consideration in hand paid by the State of Texas, acting through the State Highway Commission, receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the State of Texas, the free and uninterrupted use, liberty and privilege of the passage in, along, upon and across the following lands in Dallas County, Texas, owned by me, and being subject to;

(Important Note: If no liens, easements or leases exist, insert the word "None"). Liens held by , Easements held by , leases held by , and being particularly described as follows, to-wit:

A strip of land 20 feet wide and 10 feet each side of the following described center-line;

BEGINNING at a point in the right of way line of relocated US Highway 67, which point is to the right of and opposite engineers Ch. Sta. 119+00 and distance therefrom S. 48° 10' E. 62.5 feet;

THENCE S. 48° 10' E. a distance of 601.5 feet to a point in the G. C. & S. F. Railroad right of way, and end of this easement.

For the purpose of opening, constructing and maintaining, a waterway channel in, along, upon and across said premises, with the right and privilege at all times of the grantee herein, his or its agents employees, workmen and representatives having ingress, egress, and regress, in, along, upon and across said premises for the purpose of making additions to, improve-
channel
ments on and repairs to the said/or any part thereof.

The undersigned grantor herein for the same consideration hereby specially agree that the consideration above recited includes adequate and complete compensation for any and all damages, present or future, that may be done to the remainder of the tract above referred to and in consideration of the premises and the payment to of the sum of money above acknowledged, hereby release the State of Texas from any and all damages, if any, present or future, that may be done to the remainder of said tract of land by virtue of the construction and maintenance of the Channel or by virtue of any drainage in connection therewith or by virtue of any operations of any nature in connection with said road and its appurtenances.

And it is further agreed that in consideration of the benefits above set out, will remove from the property above described such fences, buildings and other obstructions as may be found upon said premises.

TO HAVE AND TO HOLD unto the said State of Texas as aforesaid for the purposes aforesaid the premises above described.

Witness my hand, this the 3rd day of May, A. D. 1939.

G. M. Grigsby

THE STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, G. H. Poage, a notary Public in and for said County and State, on this day personally appeared C. M. Grigsby, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 3rd day of May 1939.

G. H. Poage

L. S. Notary Public in and for Dallas County, Texas

Filed for record May 25, 1939 at 4:20 P. M. ED H. STEGER COUNTY CLERK

By: John C. Peavy, Deputy

Recorded June 20, 1939 ED H. STEGER COUNTY CLERK BY

John C. Peavy
DEPUTY

.....0000000000000000.....

61960-----\$1.00

C. C. CARRELL, TRUSTEE :

TO: RIGHT OF WAY DEED : THE STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS:
THE STATE OF TEXAS : COUNTY OF DALLAS :

THAT, C. C. Carrell, Trustee for R. D. Carrell, Estate of the County of Dallas, State of Texas, for and in consideration of the sum of one and no/100 (\$1.00) Dollars, to them in hand paid by the State of Texas, acting by and through the State Highway Commission, receipt of which is hereby acknowledged, have this day sold, and do by these present grant, bargain, sell and convey unto the State of Texas, all that certain tract or parcel of land, situated in the County of Dallas, State of Texas, and being a part of a survey originally granted to Joseph Coombs, by Patent No. 861, Volume No. 10, Abstract No. 292 and being part of 96 acres conveyed by W. J. Sims et ux to R. D. Carrell by deed dated the 14th day of August 1894, and recorded in Volume 167, page 416 of Deed Records of Dallas County, Texas, said tract or parcel of land herein conveyed, being subject to;

(Important Note: If no liens, leases or easements exist, insert the word "None").
liens held by , Easements held by leases held by
and being more particularly described as follows, to-wit:

Being a strip of land out of the J. Coombs Survey, Abst. 292, situated in Dallas County, Texas and more particularly described as follows:

BEGINNING at the intersection of the East line of the R. D. Carrell tract in said Coombs survey and the relocated centerline of US Highway 67 Engineers Sta. 290/05.5, said point being in the East line of said Coombs survey at a point 675 feet North of the Southeast corner of said Carroll tract, and also being in the centerline of a 60 foot County Road;

THENCE North with the East line of said Carroll tract and Coombs Survey 193.4 ft. to a point;

THENCE S. 41° 50' W. 44.5 ft. to a point in the West R/W line of said County Road;

THENCE S 20° 49' W. 188.7 ft. to a point 62.5 feet perpendicular distance from said relocated center-line;

THENCE S. 41° 50' W. 62.5 ft. from and parallel to said relocated center-line 885.7 feet to a point in the South line of said Carroll tract;

THENCE East with said South line 167.2 ft. to a point 62.5 ft. perpendicular distant from said relocated center-line/Engineers Station 290/98.2;

THENCE N. 41° 50' E. 62.5 feet from and parallel to said relocated center-line 639.9 ft. to a point;

Exhibit B

Texas Highway Department
Form D-15-31
Page 1 of 4
Rev. 10-61

DEED RECORD

SEP-14-70 135703

WD-LS

350

360
RR

AV9060

EASEMENT FOR HIGHWAY PURPOSES

Parcel 241-AE
8018-1-8

STATE OF TEXAS
COUNTY OF DALLAS

KNOW ALL MEN BY THESE PRESENTS:

That J. C. Calabria, a married not joined by his wife as the property described
herein constitutes no part of his business or residential homestead

of the County of DALLAS, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of FOUR HUNDRED THIRTY TWO AND NO/100 Dollars, to Grantors in hand paid by the State of Texas acting by and through the State Highway Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, do by these presents grant, bargain, sell and convey unto the State of Texas an easement for highway purposes in, along, upon and across the following described property in the County of DALLAS, State of Texas, and being more particularly described as follows, to wit:

BEING 0.120 acres of land, more or less, in the U. Baggett Survey, Abstract 138 and out of a tract of land conveyed to J.C. Calabria by deed recorded in Volume 240, Page 1804, Deed Records of Dallas County, Texas; and said 0.120 acres of land being described in two parts as follows:

PART I: Being 0.037 acres of land, more or less.

BEGINNING at a point South 45°29'10" West a distance of 429.82 feet from the most Westerly North corner of said tract of land;

THENCE North 45°29'10" East for a distance of 5.01 feet to a point in the Southwest line of an existing 20 foot wide easement which was conveyed to the State of Texas by deed recorded in Volume 2135, Page 248, Deed Records of Dallas County, Texas;

THENCE South 48°31'56" East along said existing easement line for a distance of 329.35 feet to the point of intersection with the South line of the proposed easement;

THENCE North 85°32'05" West along said proposed easement line for a distance of 8.31 feet to a point;

THENCE North 48°31'56" West for a distance of 323.06 feet to the place of beginning.

9-14-1970

70178/1068
70178 1068

PART II: Being 0.083 acres of land, more or less.

BEGINNING at a point which is South $45^{\circ}29'10''$ West a distance of 399.74 feet from the most Westerly North corner of said tract of land;

THENCE South $45^{\circ}29'10''$ West for a distance of 5.01 feet to a point of intersection with the Northeast line of an existing 20 foot wide easement which was conveyed to the State of Texas by deed recorded in Volume 2135, Page 248, Deed Records of Dallas County, Texas;

THENCE South $48^{\circ}31'56''$ East along said existing easement line for a distance of 354.48 feet to a point in the South line of the proposed easement;

THENCE South $85^{\circ}32'05''$ East for a distance of 50.85 feet to a point in the West line of the G.C. & S.F. Railroad right of way line;

THENCE North $03^{\circ}02'05''$ West along said railroad right of way for a distance of 30.26 feet to a point;

THENCE North $85^{\circ}32'05''$ West for a distance of 78.40 feet to a point;

THENCE North $48^{\circ}31'56''$ West for a distance of 310.92 feet to the place of beginning.

For the purpose of opening, constructing and maintaining a permanent channel or drainage easement in, along upon and across said premises, with the right and privilege at all times of the grantee herein, its agents, employees and representatives to ingress and egress to and from said premises for the purpose of making any improvements, modifications or repairs which the State deems necessary.

As a part of the grant hereby made it is agreed between the parties hereto that any stone, earth, gravel or caliche which may be excavated in the opening, construction or maintenance of said channel or drainage easement may be removed from the premises by the State and utilized in the construction and maintenance of the State highway system of Texas.

TO HAVE AND TO HOLD for said purposes together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said State of Texas forever.

Form D-15-31
Page 3 of 4
Rev. 10-61

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on this

11th day of June, 19 70.

J. C. Calabria

SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS

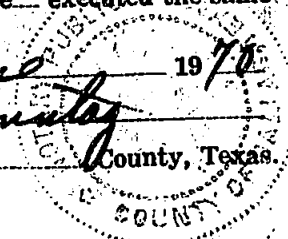
County of DALLAS

Before me, Weldon H. Lountag, a notary public in and for said County and State, on this day personally appeared J. C. Calabria

_____, known to me (or proved to me on the oath of _____, a credible witness) to be the person _____ whose name _____ subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 11th day of June, 19 70

Notary Public in and for Dallas County, Texas.



WIFE'S SEPARATE ACKNOWLEDGMENT

THE STATE OF TEXAS,

County of _____

Before me, _____, a notary public in and for said County and State, on this day personally appeared _____, wife of _____

_____, known to me (or proved to me on the oath of _____, a credible witness) to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she the said _____ acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the _____ day of _____, 19 _____

Notary Public in and for _____ County, Texas.

CORPORATION ACKNOWLEDGMENT

STATE OF TEXAS

County of _____

BEFORE ME, the undersigned authority, a notary public in and for _____ County, Texas, on this day personally appeared _____,

of _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said _____, a corporation and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office, this the _____ day of _____, 19_____.

Notary Public in and for _____ County, Texas.

Parcel No. 241-AE
County Dallas
Highway No. U.S. 67
Control Sec. Job
Account or Federal No. Dallas
Between _____ and _____

1970 SEP 14 PM 12 16

EASEMENT FOR HIGHWAY PURPOSES

TO THE STATE OF TEXAS
Filed for Record _____ day of _____ at _____ o'clock _____ M.
Recorded _____ day of _____ in _____ County, Texas, Records of Deeds, Book _____ Page _____ Clerk _____ Deputy _____

STATE OF TEXAS
I hereby certify that this instrument was filed on the _____ date and time stamped herein by me and was duly recorded in the Volume and page of the named records of Dallas County, Texas as stamped hereon by me.

District Engineer
Texas Highway Department
P.O. Box 3067
Dallas Texas 75211

ENDORSEMENTS

SEP 14 1970

THE STATE OF TEXAS,
County of _____

I, _____, Clerk of the County Court of said County, do hereby certify that the foregoing instrument of writing, dated the _____ day of _____ A. D. 19____ with its authentication, was filed for record in my office on the _____ day of _____, A. D. 19____ at _____ o'clock _____ M., and duly recorded this the _____ day of _____, A. D. 19____ at _____ o'clock _____ M., in the Deed Records of said County, in Volume _____ on Page _____.

Witness my hand and the seal of the County Court of said County, at office in _____, Texas, the day and year last above written.

Clerk of Court, _____ County, Texas.
By _____ Deputy.

70178 1071

COUNTY: DALLAS
 HIGHWAY: U.S. 67
 PARCEL: 1
 R.C.S.J.: 0261-02-018

PARCEL 1

BEING a 13,983 square foot (0.3210 acre) tract of land situated in the U. Baggett Survey, Abstract No. 138, Dallas County, Texas, and being part of a called 14.057 acre tract of land described in Special Warranty Deed to Wilshire Cedar Hill Owner, LLC recorded in Instrument No. 202100380907, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a concrete monument found at the south corner of a called 0.435 acre tract of land (Parcel 241-A) described in the deed to the State of Texas recorded in Volume 70178, Page 1064, Deed Records, Dallas County, Texas, and being in the southeast right-of-way line of U.S. Highway No. 67, a variable width right-of-way,

1. **THENCE** North 44°53'59" East, along the said southeast right-of-way line, a distance of 505.65 feet to a 5/8-inch iron rod with "KHA" cap set for the **POINT OF BEGINNING**;
2. **THENCE** North 44°53'59" East, along the said southeast right-of-way line, a distance of 29.10 feet to a point for corner, from which the broken remnants of a concrete monument found bears North 44°53'59" East, a distance of 355.37 feet;
3. **THENCE** North 88°18'44" East, departing the said southeast right-of-way line, a distance of 60.84 feet to a point for corner;
4. **THENCE** North 44°57'45" East, a distance of 83.85 feet to a point for corner;
5. **THENCE** South 45°02'15" East, a distance of 202.32 feet to a point for corner;
6. **THENCE** South 3°03'01" East, a distance of 166.02 feet to a point for corner;
7. **THENCE** North 90°00'00" East, a distance of 10.28 feet to a point for corner in the east line of the said called 14.057 acre tract, and being in the west right-of-way line of the G.C. & S.F. Railroad;
8. **THENCE** South 3°33'55" East, along the said east line, a distance of 23.21 feet to a point for corner, from which a 1/2-inch iron rod found for the southeast corner of the said called 14.057 acre tract bears South 3°33'55" East, a distance of 667.41 feet;
9. **THENCE** North 90°00'00" West, departing the said east line, a distance of 40.53 feet to a point for corner;
10. **THENCE** North 3°03'01" West, a distance of 182.08 feet to a point for corner;
11. **THENCE** North 45°02'15" West, a distance of 160.36 feet to a point for corner;

CONTINUED ON SHEET 2

U. BAGGETT SURVEY
 ABSTRACT NO. 138
 CITY OF CEDAR HILL
 DALLAS COUNTY, TEXAS

Kimley»Horn

801 Cherry Street, Unit 11, # 1300
 Fort Worth, Texas 76102 FIRM # 10194040

Tel. No. (817) 335-6511
 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	CRG	JDW	4/29/2022	067786835	1 OF 3

COUNTY: DALLAS
HIGHWAY: U.S. 67
PARCEL: 1
R.C.S.J.: 0261-02-018

PARCEL 1 (CONTINUED)

- 12. **THENCE** South 44°57'45" West, a distance of 59.45 feet to a point for corner;
- 13. **THENCE** South 88°18'44" West, a distance of 98.67 feet to the **POINT OF BEGINNING** and containing 13,983 square feet or 0.3210 acres of land, more or less.

NOTES:

Bearing system and coordinates based on the Texas Coordinate System of 1983 (2011 adjustment), North Central Zone (4202) with an applied scale factor of 1.000136506, based on observations made on October 28, 2021. A survey plat of even survey date herewith accompanies this metes and bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that foregoing description accurately sets out the metes and bounds of the easement tract.

As referenced on TxDOT ROW Mapsheet No. 6
U.S. Highway No. 67
Project No. 8018-1-8
Dallas County
From: Ellis County Line
To: I.H. 35-E in Dallas
R.C.S.J.: 0261-02-018
June, 1967

JDW 4/29/22
 JOSHUA D. WARGO
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6391
 801 CHERRY STREET,
 UNIT 11 SUITE 1300
 FORT WORTH, TEXAS 76102
 PH. 817-962-2193
 josh.wargo@kimley-horn.com



U. BAGGETT SURVEY
ABSTRACT NO. 138
CITY OF CEDAR HILL
DALLAS COUNTY, TEXAS

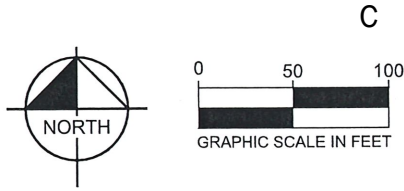
Kimley»Horn

801 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102 FIRM # 10194040

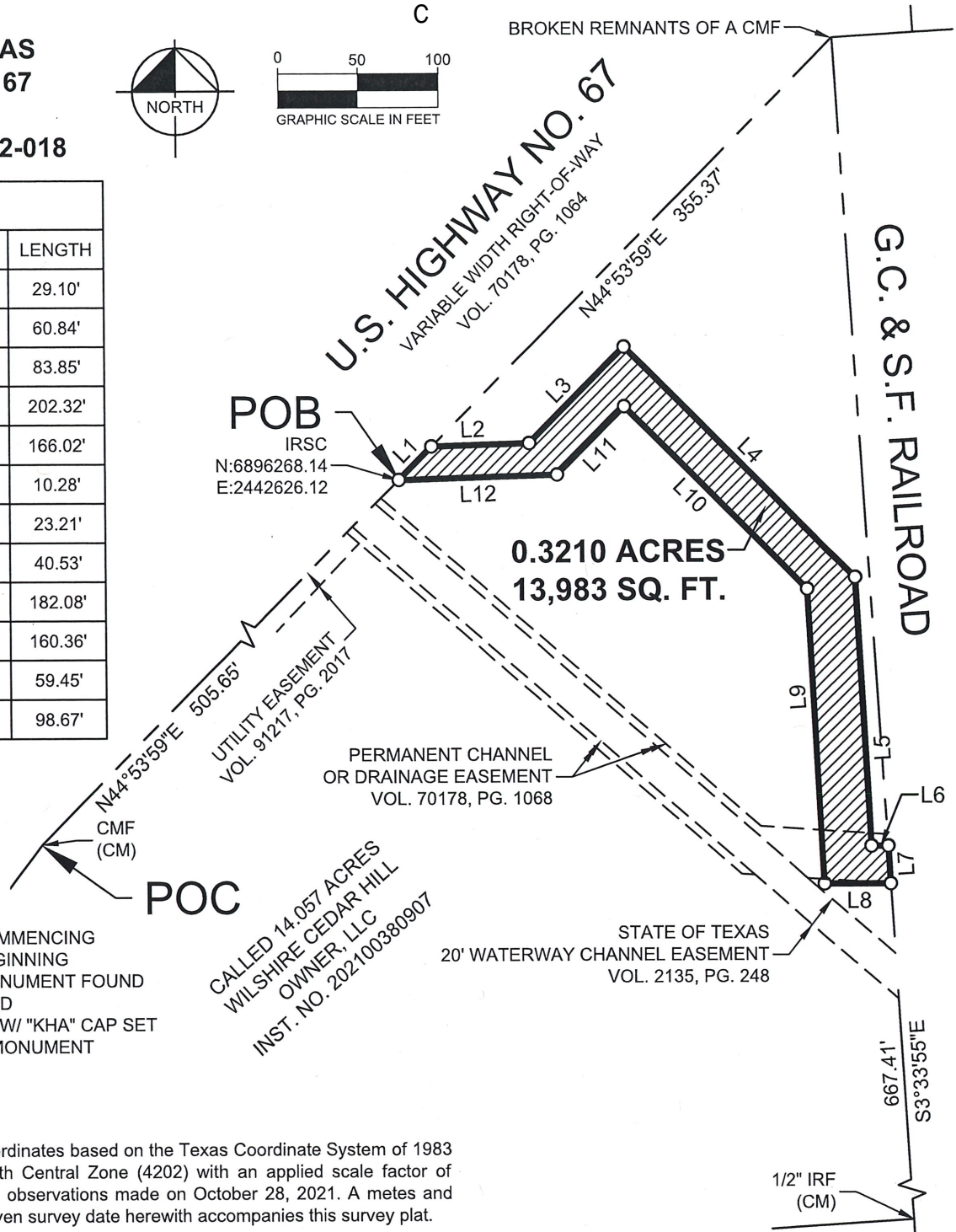
Tel. No. (817) 335-6511
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	CRG	JDW	4/29/2022	067786835	2 OF 3

COUNTY: DALLAS
 HIGHWAY: U.S. 67
 PARCEL: 1
 R.C.S.J.: 0261-02-018



LINE TABLE		
NO.	BEARING	LENGTH
L1	N44°53'59"E	29.10'
L2	N88°18'44"E	60.84'
L3	N44°57'45"E	83.85'
L4	S45°02'15"E	202.32'
L5	S03°03'01"E	166.02'
L6	N90°00'00"E	10.28'
L7	S03°33'55"E	23.21'
L8	N90°00'00"W	40.53'
L9	N03°03'01"W	182.08'
L10	N45°02'15"W	160.36'
L11	S44°57'45"W	59.45'
L12	S88°18'44"W	98.67'



LEGEND

P.O.C. = POINT OF COMMENCING
 P.O.B. = POINT OF BEGINNING
 CMF = CONCRETE MONUMENT FOUND
 IRF = IRON ROD FOUND
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
 CM = CONTROLLING MONUMENT

NOTES:

Bearing system and coordinates based on the Texas Coordinate System of 1983 (2011 adjustment), North Central Zone (4202) with an applied scale factor of 1.000136506, based on observations made on October 28, 2021. A metes and bounds description of even survey date herewith accompanies this survey plat.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this survey plat accurately sets out the metes and bounds of the easement tract.

J.D.W. 4/29/22
 JOSHUA D. WARGO
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6391
 801 CHERRY STREET,
 UNIT 11 SUITE 1300
 FORT WORTH, TEXAS 76102
 PH. 817-962-2193
 josh.wargo@kimley-horn.com



U. BAGGETT SURVEY
 ABSTRACT NO. 138
 CITY OF CEDAR HILL
 DALLAS COUNTY, TEXAS

Kimley»Horn

801 Cherry Street, Unit 11, # 1300 Fort Worth, Texas 76102 FIRM # 10194040 Tel. No. (817) 335-6511 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	CRG	JDW	4/29/2022	067786835	3 OF 3