

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION AN EXCLUSIVE PUBLIC UTILITY EASEMENT IN CERTAIN DESCRIBED PROPERTY AND A TEMPORARY CONSTRUCTION EASEMENT IN CERTAIN DESCRIBED PROPERTY TO INSTALL AND MAINTAIN THE WATER LINES AND ASSOCIATED FACILITIES FOR THE TRANSPORT AND TRANSMISSION OF WATER, AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED.

WHEREAS, the City Council of the City of College Station has heretofore determined to acquire the exclusive public utility easements and related temporary construction easements necessary for the installation, maintenance, repair, reconstruction, modification, removal, inspection of the Water Project; and

WHEREAS, an independent professional appraisal report of the subject properties has been submitted to the City, and the City Manager has accordingly established and approved a certain amount determined to be just compensation for each property, pursuant to the authority granted him by Resolution of the City Council on July 22, 2002, said Resolution being amended on April 10, 2003; and

WHEREAS, an official written offer based upon an amount determined to be the just compensation has been transmitted to the owners of the real properties described herein for the exclusive public utility easements in the property fully described by Exhibits A, B, C and D, and the temporary construction easements in the property fully described by Exhibits A-TE, B-TE, C-TE and D-TE, said exhibits are attached hereto and incorporated herewith, and further negotiations for settlement have been futile and impossible because the parties were unable to agree on the amount of just compensation or the property owner refused to negotiate; and

WHEREAS, the City of College Station has complied with all prerequisites of the laws of the State of Texas to acquire the exclusive public utility easement in the real property described by Exhibits A, B, C and D, and the temporary construction easement interest in the property fully described by Exhibits A-TE, B-TE, C-TE, and D-TE, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That the official offer by the City of College Station for the exclusive public utility easement interest and the temporary construction easement interest in the real property described by the attached exhibits in the amounts stated below is hereby confirmed.

The official offer for the property described by Exhibit A (Exclusive Public Utility Easement) and Exhibit A-TE (Temporary Construction Easement) was Sixteen Thousand Nine Hundred Fifteen Dollars (\$ 16,915.00).

The official offer for the property described by Exhibit B (Exclusive Public Utility Easement) and Exhibit B-TE (Temporary Construction Easement) was Six Thousand Two Hundred Twenty Eight Dollars (\$6,228.00).

The official offer for the property described by Exhibit C (Exclusive Public Utility Easement) and Exhibit C-TE (Temporary Construction Easement) was Two Thousand Two Hundred Seventy Dollars (\$2,270.00).

The official offer for the property described by Exhibit D (Exclusive Public Utility Easement) and Exhibit D-TE (Temporary Construction Easement) was Two Thousand Two Hundred Three Dollars (\$2,203.00).

PART 2: That it is hereby determined that the City of College Station has in fact transmitted a bona fide offer to the property owners, in accord with the laws of the State of Texas, for the real property described in the attached Exhibits. Further negotiations for settlement have been futile and impossible because the parties were unable to agree upon just compensation or the property owner has refused to negotiate.

PART 3: That public necessity requires the acquisition of the exclusive public utility easements in the properties described in the attached Exhibits A, B, C and D, and the temporary construction easements in the properties described by Exhibits A-TE, B-TE, C-TE, and D-TE, for the installation and maintenance of the Water Project, and that public necessity and convenience require the condemnation of the properties in order to acquire them for such purpose.

PART 4: That the City Attorney is hereby authorized and directed to institute proceedings in eminent domain against the property owners listed below and against all other owners, lienholders, and other holders of an interest in the properties, in order to acquire an exclusive public utility easement in the properties described in the attached Exhibits A, B, C and D; and a temporary construction easement in the properties described in the attached Exhibits A-TE, B-TE, C-TE and D-TE; said properties lying and being situated in Brazos County, Texas.

The owner of the property described by Exhibits A and A-TE is William A. Stasny, Jr.,

The owner of the property described by Exhibits B and B-TE is William K. Akins.

The owner of the property described by Exhibits C and C-TE is Ruby Cunningham

The owners of the property described by Exhibits D and D-TE are Rafeek N. Shanaa and Elizabeth A. Shanaa.

PART 5: That the City Attorney is hereby authorized to deposit the Award of the Commissioners from each aforesaid proceeding into the registry of the Brazos County Court.

PART 6: That this resolution shall take effect immediately from and after its passage.

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

ATTEST:

APPROVED

\_\_\_\_\_  
CONNIE HOOKS, City Secretary

\_\_\_\_\_  
RON SILVIA, Mayor

APPROVED:

  
\_\_\_\_\_  
City Attorney

## Exhibit "A"

**Joe Orr, Inc.**  
*Surveyors & Engineers*  
2167 Post Oak Circle  
College Station, TX 77845  
(979) 690-3378

Proposed Easement  
W.A. Stasny Tract  
Stephen F. Austin League No. 9  
And Zeno Phillips League  
Bryan, Brazos County, Texas  
11 November 2002

All that certain tract or parcel of land lying and being situated in the Stephen F. Austin League No. 9, Abstract No. 62, and the Zeno Phillips League, Abstract No. 45 in Bryan, Brazos County, Texas, being a part of that 103.54 acre tract conveyed to W.A. Stasny by deed recorded in Volume 90, Page 511 of the Deed Records of Brazos County, Texas, and a part of that 150 acre tract conveyed to W.A. Stasny by deed recorded in Volume 90, Page 35 of the Deed Records of Brazos County, Texas, being an easement thirty feet (30') in width lying along and adjoining the southwest right-of-way line of Harvey Mitchell Parkway (F.M. 2818), and being more particularly described as follows:

Beginning at a ½" iron rod with an orange plastic cap stamped "H.P. Mayo RPLS 5045" set at the common corner of the said Stasny 103.54 acre tract and the said Mustang Cat Rental Store, Ltd. tract described by deed recorded in Volume 3837, Page 214 of the Official Public Records of Brazos County, Texas, in the southwest right-of-way line of Harvey Mitchell Parkway (F.M. 2818) from which a chain link fence corner post was found S 43° W – 2.3 feet, a ½" iron rod in concrete was found S 42° 34' 26" W – 831.1 feet at the most southerly corner of Lot 6A Block 5 of the Brazos County Industrial Park according to plat of record in Volume 1080, Page 803 of the Official Records of Brazos County, Texas, and the City of Bryan control monument GPS-56 was found N 56° 15' 37" E – 161.47 feet;

Thence S 49° 55' 41" E – 3896.49 feet along the southwest right-of-way line of F.M. 2818 to a ½" iron rod with an orange plastic cap stamped "H.P. Mayo RPLS 5045" set at an angle point in said right-of-way;

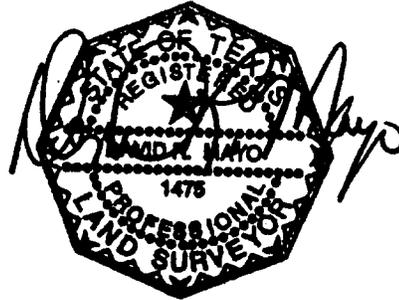
Thence S 3° 56' 01" E – 41.71 feet continuing along said right-of-way to the most southerly corner of this tract, the northwest right-of-way line of Leonard Road (FM 1688) bears S 3° 56' 01" E – 41.66 feet from which a concrete right-of-way monument on the northwest right-of-way line of F.M. 1688 was found S 42° 03' 40" W – 1057.8 feet and another was found N 41° 19' E – 199.6 feet;

Thence N 49° 55' 41" W – 3926.78 feet through the said W.A. Stasny 150 acre tract and continuing through the said W.A. Stasny 103.54 acre tract to the northwest line of same and the southeast line of the said Mustang Cat Rental Store, Ltd tract;

## Exhibit "A"

Thence N 42° 34' 26" E – 30.03 feet along the line between the said Mustang Cat Rental Store, Ltd. tract and the said W.A. Stasny tract to the Point of Beginning and containing 2.69 acres of land more or less.

Bearings are TX State Plane, central zone, NAD-83 datum, based on City of CS GPS monument no. 107 and GPS observations.





## Exhibit "A-TE"

**Joe Orr, Inc.**  
*Surveyors & Engineers*  
2167 Post Oak Circle  
College Station, TX 77845  
(979) 690-3378

Proposed Temporary Construction Easement  
W.A. Stasny Tract  
Stephen F. Austin League No. 9  
And Zeno Phillips League  
Bryan, Brazos County, Texas  
26 February 2003

All that certain tract or parcel of land lying and being situated in the Stephen F. Austin League No. 9, Abstract No. 62, and the Zeno Phillips League, Abstract No. 45 in Bryan, Brazos County, Texas, being a part of that 103.54 acre tract conveyed to W.A. Stasny by deed recorded in Volume 90, Page 511 of the Deed Records of Brazos County, Texas, and a part of that 150 acre tract conveyed to W.A. Stasny by deed recorded in Volume 90, Page 35 of the Deed Records of Brazos County, Texas, being an easement forty feet (40') in width and being more particularly described as follows:

Commencing at a ½" iron rod with an orange plastic cap stamped "H.P. Mayo RPLS 5045" set in the northwest line of the said Stasny 103.54 acre tract at the most easterly corner of the Mustang Cat Rental Store, Ltd. tract described by deed recorded in Volume 3837, Page 214 of the Official Public Records of Brazos County, Texas, in the southwest right-of-way line of Harvey Mitchell Parkway (F.M. 2818) from which a chain link fence corner post was found S 43° W – 2.3 feet, a ½" iron rod in concrete was found S 42° 34' 26" W – 831.1 feet at the most southerly corner of Lot 6A Block 5 of the Brazos County Industrial Park according to plat of record in Volume 1080, Page 803 of the Official Records of Brazos County, Texas, and the City of Bryan control monument GPS-56 was found N 56° 15' 37" E – 161.47 feet;

Thence S 42° 34' 26" W – 30.03 feet along the line between the said Stasny tract and the said Mustang Cat Rental Store, Ltd. tract to the **Point of Beginning** of this tract.

Thence S 49° 55' 41" E – 3926.78 feet parallel to and 30' from the southwest right-of-way line of F.M. 2818 to the transition of said right-of-way line to the northwest right-of-way line of FM 1688 located S 3° 56' 01" E – 41.71 feet from a ½" iron rod with an orange plastic cap stamped "H.P. Mayo RPLS 5045" set at an angle point in said right-of-way;

Thence S 3° 56' 01" E – 41.66 feet continuing along said right-of-way to the northwest right-of-way line of FM 1688;

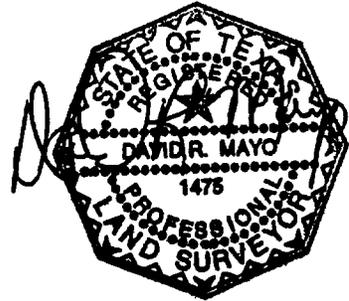
Thence S 42° 03' 40" W – 10.04 feet along said FM 1688 right-of-way to the most southerly corner of this tract, from which a concrete right-of-way monument on the northwest right-of-way line of F.M. 1688 was found S 42° 03' 40" W – 1047.8 feet;

## Exhibit "A-TE"

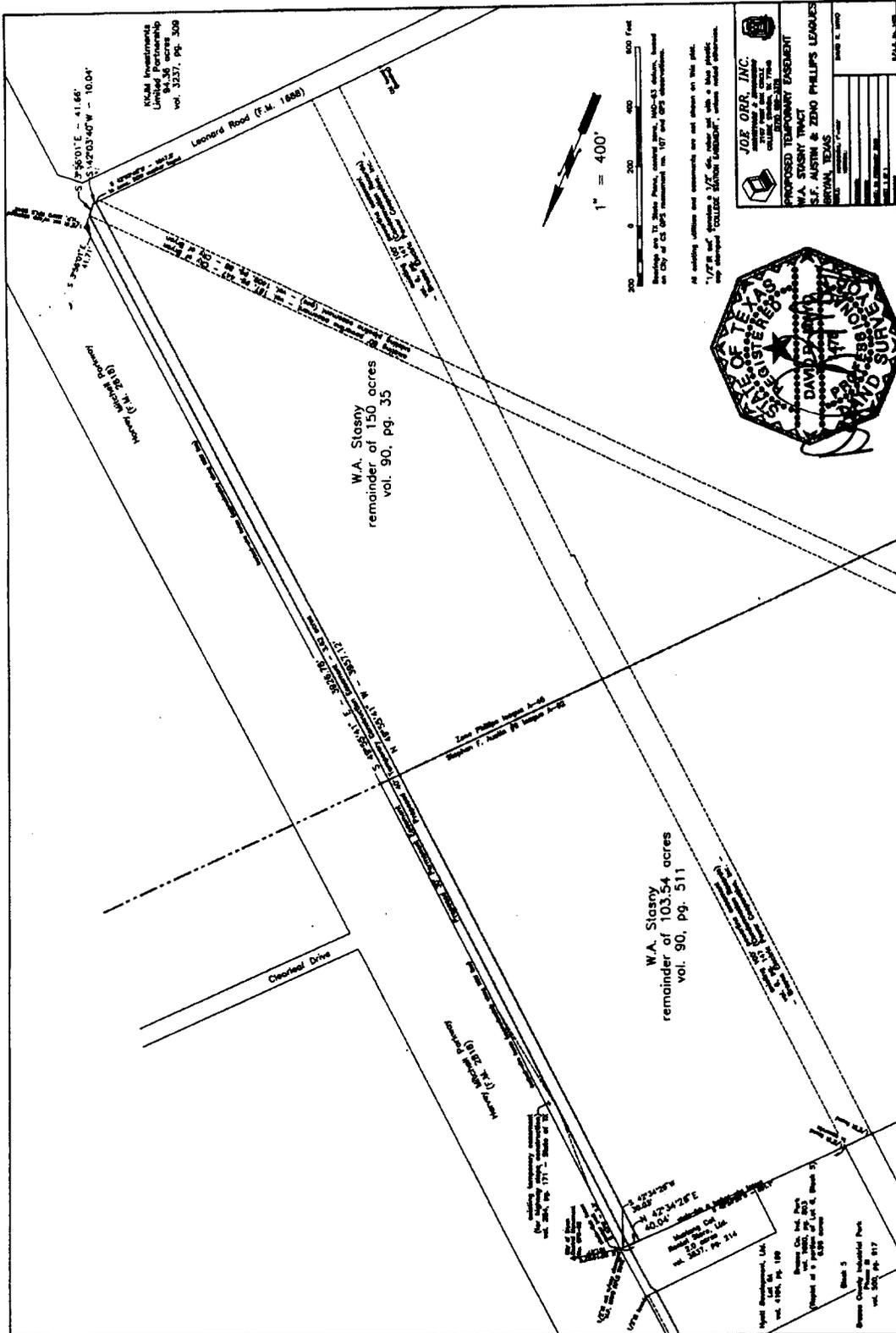
Thence N 49° 55' 41" W – 3957.12 feet through the said W.A. Stasny 150 acre tract and continuing through the said W.A. Stasny 103.54 acre tract to the northwest line of same and the southeast line of the said Mustang Cat Rental Store, Ltd tract;

Thence N 42° 34' 26" E – 40.04 feet along the line between the said Mustang Cat Rental Store, Ltd. tract and the said W.A. Stasny tract to the Point of Beginning and containing 3.62 acres of land more or less.

Bearings are TX State Plane, central zone, NAD-83 datum, based on City of CS GPS monument no. 107 and GPS observations.



# Exhibit "A-TE"



## Exhibit "B"

**Joe Orr, Inc.**  
*Surveyors & Engineers*  
2167 Post Oak Circle  
College Station, TX 77845  
(979) 690-3378

Proposed Easement  
William K. Akins Tract  
Stephen F. Austin League No. 9  
Bryan, Brazos County, Texas  
11 November 2002

All that certain tract or parcel of land lying and being situated in the Stephen F. Austin League No. 9, Abstract No. 62, in Bryan, Brazos County, Texas, being a part of Block 5 of the Brazos County Industrial Park Phase III according to plat of record in Volume 500, Page 917 of the Deed Records of Brazos County, Texas, also being a part of that 8.97 acre tract conveyed to William K. Akins by deed recorded in Volume 3819, Page 17 of the Official Public Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at a ½" iron rod found at the most northerly corner of the Akins tract and the intersection of the southeast line of Providence Avenue which is the northwest line of Lot 6 Block 5 of the said Brazos County Industrial Park Phase III and the southwest right-of-way line of Harvey Mitchell Parkway (F.M. 2818).

Thence S 49° 54' 38" E – 65.00 feet along the southwest right-of-way line of F.M. 2818 to a ½" iron rod with a blue plastic cap stamped "College Station Easement" set for a corner of this tract;

Thence S 40° 05' 22" W – 10.00 feet through the said William K. Akins tract to a ½" iron rod with a blue plastic cap stamped "College Station Easement" set for a corner of this tract in the southwest line of a ten foot wide Public Utility Easement described in Volume 1083, Page 266 of the Official Records of Brazos County, Texas.

Thence S 49° 54' 38" E – 403.80 feet through the said Akins tract and along the southwest line of said easement, parallel to and ten feet (10') from the southwest right-of-way line of F.M. 2818 to the line between the said Akins tract and that tract conveyed to Hyatt Development, Ltd. by deed recorded in Volume 4104, Page 199 of the Official Public Records of Brazos County, Texas, from which a ½" iron rod was found N 40° 05' 22" E – 10.00 feet at the common corner of said Akins tract and said Hyatt Development, Ltd. tract in the southwest line of FM 2818;

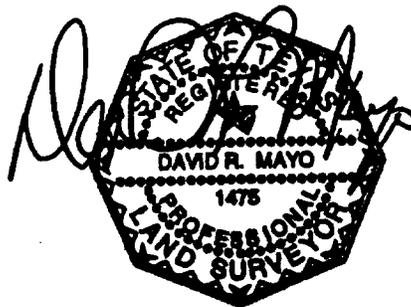
Thence S 40° 05' 22" W – 30.00 feet along the line between the said Akins tract and the said Hyatt Development, Ltd. tract;

## Exhibit "B"

Thence N 49° 54' 38" W – 468.82 feet through the said Akins tract to the southeast line of Providence Avenue, from which a ½" iron rod in concrete was found S 40° 07' 08" W – 793.8 feet at the most westerly corner of the said Akins tract;

Thence N 40° 07' 08" E – 40.00 feet along the southeast line of Providence Avenue to the Point of Beginning and containing 0.34 acres of land more or less.

Bearings are TX State Plane, central zone, NAD-83 datum, based on City of CS GPS monument no. 107 and GPS observations.





## Exhibit "B-TE"

**Joe Orr, Inc.**  
*Surveyors & Engineers*  
2167 Post Oak Circle  
College Station, TX 77845  
(979) 690-3378

Proposed Temporary Construction Easement  
William K. Akins Tract  
Stephen F. Austin League No. 9  
Bryan, Brazos County, Texas  
26 February 2003

All that certain tract or parcel of land lying and being situated in the Stephen F. Austin League No. 9, Abstract No. 62, in Bryan, Brazos County, Texas, being a part of Block 5 of the Brazos County Industrial Park Phase III according to plat of record in Volume 500, Page 917 of the Deed Records of Brazos County, Texas, also being a part of that 8.97 acre tract conveyed to William K. Akins by deed recorded in Volume 3819, Page 17 of the Official Public Records of Brazos County, Texas, being an easement thirty seven feet (37') in width and being more particularly described as follows:

Beginning in the southeast line of Providence Avenue, S 40° 07' 08" W – 40.00 feet from a ½" iron rod found at the most northerly corner of the Akins tract and the intersection of the southeast line of Providence Avenue, which is the northwest line of Lot 6 Block 5 of the said Brazos County Industrial Park Phase III, and the southwest right-of-way line of Harvey Mitchell Parkway (F.M. 2818).

Thence S 40° 07' 08" W – 37.00 feet along the southeast line of Providence Avenue to the most westerly corner of this tract, from which a ½" iron rod in concrete was found S 40° 07' 08" W – 756.8 feet at the most westerly corner of the said Akins tract;

Thence S 49° 54' 38" E – 468.84 feet through the said Akins tract, parallel to and seventy seven feet (77') from the southwest right-of-way line of F.M. 2818 to the line between the said Akins tract and that tract conveyed to Hyatt Development, Ltd. by deed recorded in Volume 4104, Page 199 of the Official Public Records of Brazos County, Texas

Thence N 40° 05' 22" E – 37.00 feet along the line between the said Akins tract and the said Hyatt Development, Ltd. tract, to the most easterly corner of this tract, from which a ½" iron rod was found N 40° 05' 22" E – 40.00 feet at the common corner of said Akins tract and said Hyatt Development, Ltd. tract in the southwest line of F.M. 2818;

Thence N 49° 54' 38" W – 468.82 feet through the said Akins tract parallel to and forty feet (40') from the southwest right-of-way line of F.M. 2818 to the Point of Beginning and containing 0.40 acres of land more or less.

Bearings are TX State Plane, central zone, NAD-83 datum, based on City of CS GPS monument no. 107 and GPS observations.





## Exhibit "C"

**Joe Orr, Inc.**  
*Surveyors & Engineers*  
2167 Post Oak Circle  
College Station, TX 77845  
(979) 690-3378

Proposed Easement  
I.C. Cunningham Tract  
Stephen F. Austin League No. 9  
Bryan, Brazos County, Texas  
11 November 2002

All that certain tract or parcel of land lying and being situated in the Stephen F. Austin League No. 9, Abstract No. 62, in Bryan, Brazos County, Texas, being a part of the 32-2/3 acre tract and the 8 acre tract conveyed to I.C. Cunningham by deeds recorded in Volume 101, Page 619 and Volume 130, Page 562 of the Deed Records of Brazos County, Texas, being an easement thirty feet (30') in width lying along and adjoining the northeast line of the existing 20' wide power line easement to the City of Bryan described in Volume 507, Page 381 of the Deed Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at the intersection of the northeast line of the said City of Bryan easement and the line between the said I.C. Cunningham tract and that 47.202 acre tract conveyed to Richard W. Vaughan, Trustee, by deed recorded in Volume 321, Page 660 of the Deed Records of Brazos County, Texas, N 37° 20' 14" E - 58.35 feet from a 1/2" iron rod found at a fence corner in said line located 0.7 feet SW of the northeast right-of-way line of Harvey Mitchell Parkway (F.M. 2818) N 37° 20' 14" E - 28.81 feet from a 1/2" iron rod set with a blue plastic cap stamped "College Station Easement";

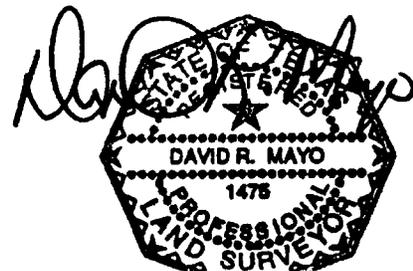
Thence N 22° 51' 41" W - 639.52 feet, 50 feet from and parallel to the northeast right-of-way line of F.M 2818, through the said Cunningham tract and along the northeast line of the said City of Bryan easement to a 1/2" iron rod with a blue plastic cap stamped "College Station Easement" set in the southeast line of that 6.767 acre tract conveyed to Transit Mix Concrete & Materials Company by deed recorded in Volume 1986, Page 196 of the Official Public Records of Brazos County, Texas;

Thence N 44° 16' 56" E - 32.56 feet along the southeast line of the said Transit Mix tract to the most northerly corner of this easement;

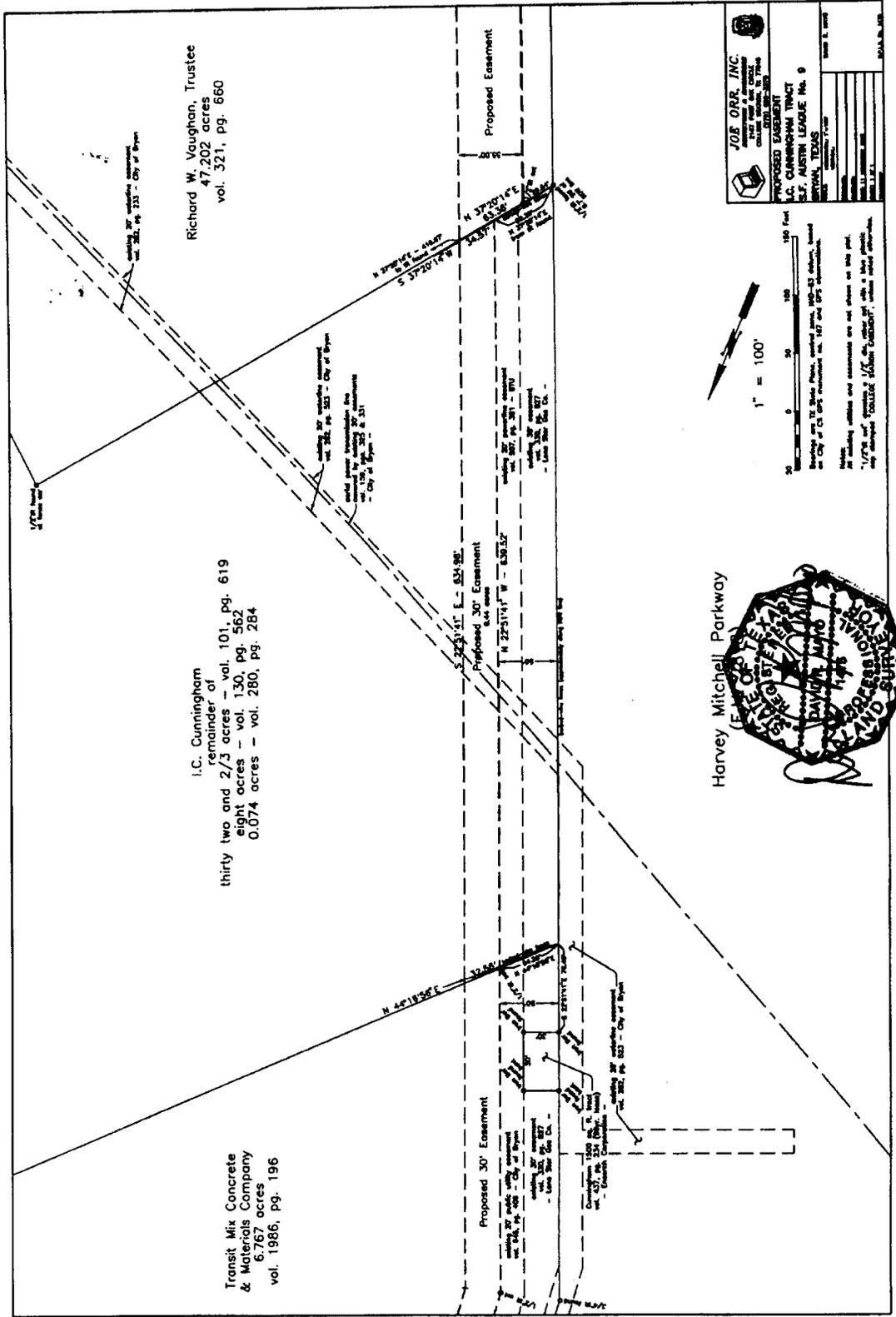
Thence S 22° 51' 41" E - 634.98 feet through the said Cunningham tract to the line between the said Cunningham tract and the said Vaughan tract from which a 1/2" iron rod was found N 37° 20' 14" E - 416.67 feet at a fence corner at the most northerly corner of the said Vaughan tract;

Thence S 37° 20' 14" W - 34.57 feet along the line between the said Cunningham tract and the said Vaughan tract to the Point of Beginning and containing 0.44 acres of land more or less.

Bearings are TX State Plane, central zone, NAD-83 datum, based on City of College Station GPS monument no. 107 and GPS observations.



# Exhibit "C"



## Exhibit "C-TE"

**Joe Orr, Inc.**  
*Surveyors & Engineers*  
2167 Post Oak Circle  
College Station, TX 77845  
(979) 690-3378

Proposed Temporary Construction Easement  
I.C. Cunningham Tract  
Stephen F. Austin League No. 9  
Bryan, Brazos County, Texas  
26 February 2003

All that certain tract or parcel of land lying and being situated in the Stephen F. Austin League No. 9, Abstract No. 62, in Bryan, Brazos County, Texas, being a part of the 32-2/3 acre tract and the 8 acre tract conveyed to I.C. Cunningham by deeds recorded in Volume 101, Page 619 and Volume 130, Page 562 of the Deed Records of Brazos County, Texas, being an easement forty feet (40') in width and being more particularly described as follows:

Beginning in the line between the said I.C. Cunningham tract and that 47.202 acre tract conveyed to Richard W. Vaughan, Trustee, by deed recorded in Volume 321, Page 660 of the Deed Records of Brazos County, Texas, N 37° 20' 14" E – 92.93 feet from a ½" iron rod found at a fence corner in said line located 0.7 feet SW of the northeast right-of-way line of Harvey Mitchell Parkway (F.M. 2818) and N 37° 20' 14" E – 63.38 feet from a ½" iron rod set with a blue plastic cap stamped "College Station Easement";

Thence N 37° 20' 14" E – 46.10 feet along the line between the said Cunningham tract and the said Vaughan tract to the most easterly corner of this tract from which a ½" iron rod was found N 37° 20' 14" E – 370.58 feet at a fence corner at the most northerly corner of the said Vaughan tract;

Thence N 22° 51' 41" W – 628.93 feet, through the said Cunningham tract, 120' northeast and parallel to the northeast right-of-way line of F.M. 2818, to the southeast line of that 6.767 acre tract conveyed to Transit Mix Concrete & Materials Company by deed recorded in Volume 1986, Page 196 of the Official Public Records of Brazos County, Texas;

Thence S 44° 16' 56" W – 43.41 feet along the southeast line of the said Transit Mix tract to the most westerly corner of this easement;

Thence S 22° 51' 41" E – 634.98 feet through the said Cunningham tract, 80' northeast and parallel to the northeast right-of-way line of F.M. 2818, to the line between the said Cunningham tract and the said Vaughan tract to the Point of Beginning and containing 0.58 acres of land more or less.

Bearings are TX State Plane, central zone, NAD-83 datum, based on City of College Station GPS monument no. 107 and GPS observations.





## Exhibit "D"

**Joe Orr, Inc.**  
*Surveyors & Engineers*  
2167 Post Oak Circle  
College Station, TX 77845  
(979) 690-3378

Proposed Easement  
Rafeek N. Shanaa Tract  
Stephen F. Austin League No. 9  
Bryan, Texas  
11 November 2002

All that certain tract of parcel of land lying and being situated in the Stephen F. Austin League No. 9, Abstract No. 62, in Bryan, Brazos County, Texas, being a part of that 34.031 acre tract conveyed to Rafeek N. Shanaa and Elizabeth A. Shanaa by deed recorded in Volume 2130, Page 304 of the Official Public Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at a 3/8" iron rod found in the northeast right-of-way line of Harvey Mitchell Parkway (F.M. 2818) at the common corner of the said Shanaa tract and that 34.77 acre tract conveyed to M. Lipsitz & Co., Inc. by deed recorded in Volume 1968, Page 108 of the Official Public Records of Brazos County, Texas, from which the City of Bryan monument no. GPS-41 is located N 50° 53' 55" W - 2018.2 feet.

Thence N 42° 46' 36" E - 55.00 feet along the line between the said Lipsitz & Co. tract and the said Shanaa tract to the most northerly corner of this tract;

Thence through the said Shanaa tract, parallel to and 55' from the northeast right-of-way line of F.M. 2818, as follows:

S 47° 33' 34" E - 34.87 feet to an angle point;  
S 44° 47' 54" E - 322.83 feet to an angle point;  
S 38° 36' 44" E - 538.86 feet to an angle point;  
S 31° 00' 02" E - 122.00 feet to the line between the said Shanaa tract and the 19.00 acre tract conveyed to Glen Grote and wife, Patricia Grote by deed recorded in Volume 484, Page 115 of the Deed Records of Brazos County, Texas, in the center of the channel of Still Creek;

Thence S 34° W - 33.1 feet along said property line in the center of the Still Creek channel;

Thence through the said Shanaa tract, parallel to and 25' from the northeast right-of-way line of F.M. 2818, as follows:

N 31° 00' 02" W - 134.00 feet to a 1/2" iron rod with a blue plastic cap stamped "College Station Easement" set at an angle point;

## Exhibit "D"

N 38° 36' 44" W – 535.24 feet to a ½" iron rod with a blue plastic cap stamped  
"College Station Easement" set at an angle point;  
N 44° 47' 54" W – 219.88 feet to a ½" iron rod with a blue plastic cap stamped  
"College Station Easement" set at an angle point;

Thence S 45° 12' 06" W – 25.00 feet continuing through the said Shanaa tract to a ½"  
iron rod with a blue plastic cap stamped "College Station Easement" set in the northeast  
right-of-way line of F.M. 2818;

Thence N 44° 47' 54" W – 100.00 feet along the said right-of-way line to an angle point  
from which a concrete right-of-way marker was found N 65° W – 0.6';

Thence N 47° 33' 34" W – 33.87 feet continuing along said right-of-way line to the Point  
of Beginning and containing 0.78 acre of land more or less

Bearings are Texas State Plane, central zone, NAD-83 datum, based on City of College  
Station monument no. 107 and GPS observations.





## Exhibit "D-TE"

**Joe Orr, Inc.**  
*Surveyors & Engineers*  
2167 Post Oak Circle  
College Station, TX 77845  
(979) 690-3378

Proposed Temporary Construction Easement  
Rafeek N. Shanaa Tract  
Stephen F. Austin League No. 9  
Bryan, Texas  
27 February 2003

All that certain tract of parcel of land lying and being situated in the Stephen F. Austin League No. 9, Abstract No. 62, in Bryan, Brazos County, Texas, being a part of that 34.031 acre tract conveyed to Rafeek N. Shanaa and Elizabeth A. Shanaa by deed recorded in Volume 2130, Page 304 of the Official Public Records of Brazos County, Texas, being an easement forty feet (40') in width and being more particularly described as follows:

Commencing at a 3/8" iron rod found in the northeast right-of-way line of Harvey Mitchell Parkway (F.M. 2818) at the common corner of the said Shanaa tract and that 34.77 acre tract conveyed to M. Lipsitz & Co., Inc. by deed recorded in Volume 1968, Page 108 of the Official Public Records of Brazos County, Texas, from which the City of Bryan monument no. GPS-41 is located N 50° 53' 55" W – 2018.2 feet.

Thence N 42° 46' 36" E – 55.00 feet along the line between the said Shanaa tract and the said Lipsitz & Co. tract to the **Point of Beginning** of this tract;

Thence through the said Shanaa tract parallel to and 55' from the northeast right-of-way line of F.M. 2818 as follows:

S 47° 33' 34" E – 34.87 feet to an angle point;  
S 44° 47' 54" E – 322.83 feet to an angle point;  
S 38° 36' 44" E – 538.86 feet to an angle point;  
S 31° 00' 02" E – 122.00 feet to the line between the said Shanaa tract and the 19.00 acre tract conveyed to Glen Grote and wife, Patricia Grote by deed recorded in Volume 484, Page 115 of the Deed Records of Brazos County, Texas, in the center of the channel of Still Creek;

Thence N 40° E – 42.3 feet along said property line in the center of the Still Creek channel;

Thence through the said Shanaa tract, parallel to and 95' from the northeast right-of-way line of F.M. 2818, as follows:

N 31° 00' 02" W – 110.9 feet to an angle point;

## Exhibit "D-TE"

N 38° 36' 44" W – 543.68 feet an angle point;  
N 44° 47' 54" W – 325.95 feet to an angle point;  
N 47° 33' 34" W – 35.60 feet to the line between the said Shanaa tract and the  
said Lipsitz & Co. tract;

Thence S 42° 46' 36" W – 40.00 feet along the line between the said Lipsitz & Co. tract  
and the said Shanaa tract to the Point of Beginning and containing 0.93 acre of land more  
or less

Bearings are Texas State Plane, central zone, NAD-83 datum, based on City of College  
Station monument no. 107 and GPS observations.



