



Control Number: 48350



Item Number: 12

Addendum StartPage: 0

**PICKETT & PICKETT, P.C.**

E.B. Pickett, Jr., J.D. (1877-1951)  
Nolan D. Pickett, J.D. (1916-1945)  
Bradford Pickett, J.D. (1913-2005)

ATTORNEYS AT LAW  
Post Office Box 10225  
524 Travis Street  
Liberty, Texas 77575-7725

RECEIVED

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(936) 336-5604

2018 JUL 13 PM 1:05

Fax No.  
(936) 336-7752

Edward B. Pickett, J.D.  
Carl Pickett, J.D., C.P.A.

PUBLIC UTILITY COMMISSION  
FILING CLERK

July 12, 2018

RE: Docket #48350, City of Dayton; Application to obtain certificates of convenience and necessity

Public Utility Commission of Texas  
Central Records  
1701 N. Congress  
Austin, Texas 78711-3326

Gentlemen or Ladies:

With respect to the subject Application, my client, Joe Smesny asks to be excluded from the requested area as set out in said Application. In connection with this request I enclose the following:

1. Map showing 3 different properties owned by my client:
  - 1.1 The tract colored in orange is comprised of 4 tracts totaling 737.727 acres;
  - 1.2 The tract colored in blue is comprised of 2 tracts totaling 62.457 acres; and
  - 1.3 The tract colored in yellow is comprised of 1 tract totaling 1072.96 acres
2. Field notes for four tracts that comprise Tract A attached hereto as Schedule A with the total acreage for those four tracts being 737.727;
3. Field notes for two tracts that comprise Tract B attached hereto as Schedule B with the total acreage for those two tracts being 62.457; and
4. Field notes for one tract that comprises Tract C attached hereto as Schedule C with the total acreage for this one tract being 1072.96.

Thank you for your attention to this matter. If you need anything further, please advise.

Yours truly,

  
CARL PICKETT

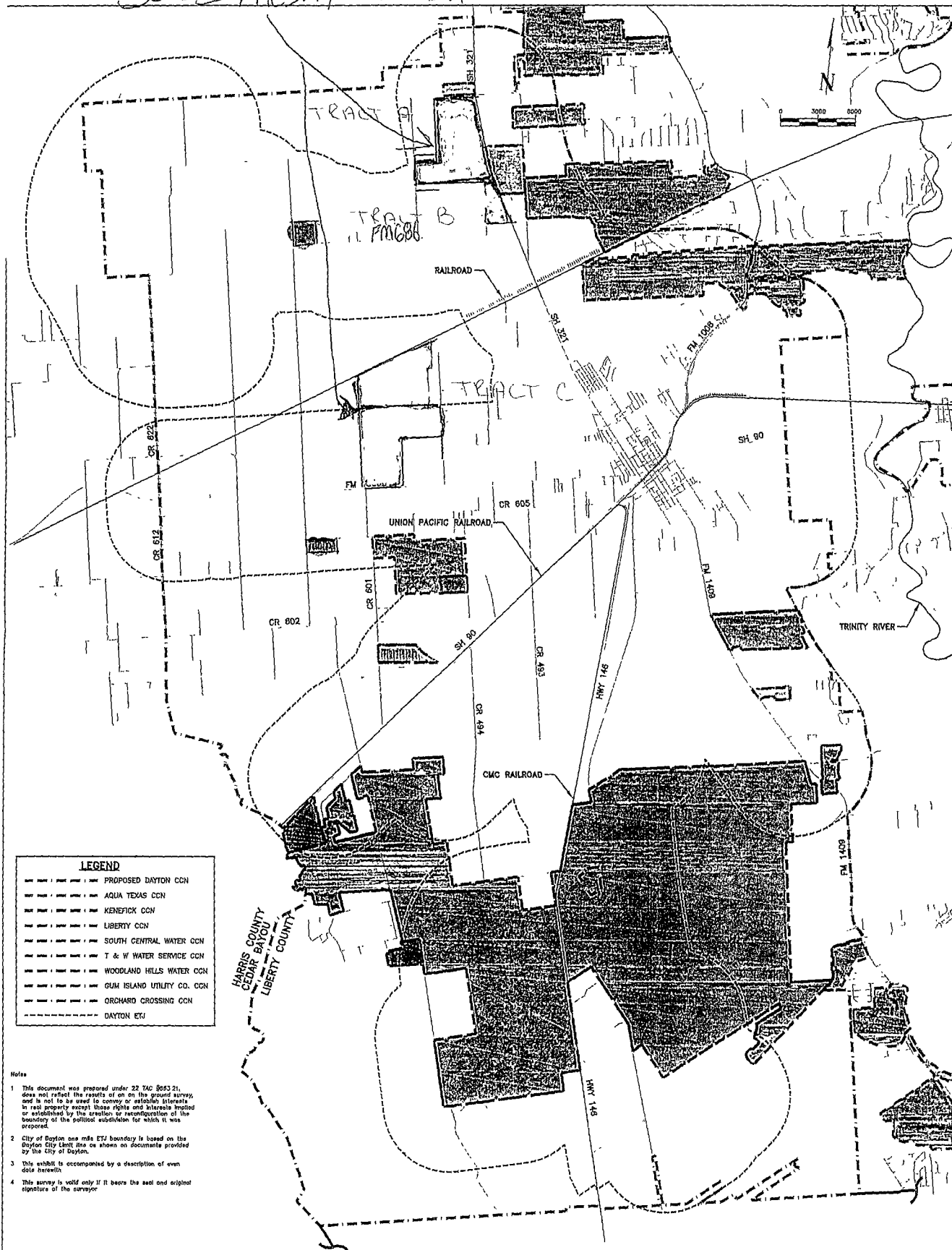
CP:kmr/Encls.

cc: City of Dayton  
Attention: Ms. Kimberly Judge  
117 Church St.  
Dayton TX 77535

SMESNY, JOE, LTR TO PUBLIC UTILITY COMMISSION DOCX



# Joe Smesny PROPERTIES



LEGEND	
---	PROPOSED DAYTON CCN
---	AQUA TEXAS CCN
---	KENEFFICK CCN
---	LIBERTY CCN
---	SOUTH CENTRAL WATER CCN
---	T & W WATER SERVICE CCN
---	WOODLAND HILLS WATER CCN
---	GUM ISLAND UTILITY CO. CCN
---	ORCHARD CROSSING CCN
---	DAYTON ETJ

- Notes
- 1 This document was prepared under 22 TAC 8053.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
  - 2 City of Dayton one mile ETJ boundary is based on the Dayton City Limit line as shown on documents provided by the City of Dayton.
  - 3 This exhibit is accompanied by a description of even date herewith.
  - 4 This survey is valid only if it bears the seal and original signature of the surveyor.

Schedule A

"EXHIBIT A"

FOURTH TRACT:

Being a parcel of land situated in the THOMAS J. HAGGERTY LEAGUE, Abstract No. 45, Patent 1065, Volume 21, Liberty County, Texas, said parcel herein described being out of a part of a tract called 1250 acres, said 1250 acres being all that certain "FIRST TRACT" as described in deed from W. A. Conner and Lee Edna Conner, to Bollinger Bros., recorded in Volume 602 at Page 359, Liberty County Deed Records, out of a part of a tract called 28.31 acres, said 28.31 acres being all that certain "SECOND TRACT" described in said deed to Bollinger Bros., and out of a part of a tract called 290.7 acres, said 290.7 acres being all that certain "THIRD TRACT" described in said deed to Bollinger Bros., the parcel herein described being more particularly described by metes and bounds as follows:

COMMENCING at a 2" iron pipe recovered for the Northeast corner of the said HAGGERTY LEAGUE;

THENCE North 89° 45' 00" West along the North line of the said HAGGERTY LEAGUE, a distance of 3,649.01 feet to a point in the Westerly right-of-way line of State Highway No. 321 at its intersection with the centerline of a limestone road;

THENCE in a Southerly direction along the Westerly right-of-way line of State Highway No. 321 and a curve to the left having a radius of 11,524.18 feet and a central angle of 05° 25' 37", an arc distance of 1,091.51 feet to a concrete highway right-of-way monument marking a point of tangency in said right-of-way;

THENCE South 08° 44' 35" East continuing along the Westerly right-of-way line of State Highway No. 321, a distance of 944.13 feet to a 3/4" iron rod set for the Northeast corner of the herein described parcel and "POINT OF BEGINNING";

THENCE South 08° 44' 35" East continuing along the Westerly right-of-way line of State Highway No. 321, a distance of 2,655.89 feet to a 3/4" iron rod set for the Southeast corner of the herein described parcel;

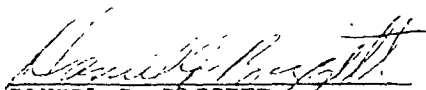
THENCE South 89° 56' 24" West, a distance of 4,323.12 feet to a 3/4" iron rod set for the Southwest corner of the herein described parcel;

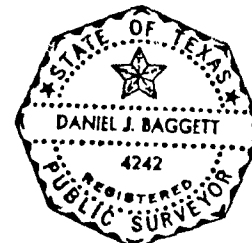
THENCE North 01° 07' 51" East a distance of 762.53 feet to a point of intersection in the West line of the herein described parcel;

THENCE North 02° 02' 32" East continuing with the West line of the herein described parcel, a distance of 1,895.02 feet to a 3/4" iron rod set for the Northwest corner of the herein described parcel;

THENCE South 89° 36' 08" East a distance of 3,836.93 feet to the "POINT OF BEGINNING", containing 10,783,360.78 square feet or 247.552 acres, more or less, of land.

4/22/85

  
DANIEL J. BAGGETT  
REGISTERED PUBLIC SURVEYOR  
NO. 4242



PARCEL TWENTY (20)

COPY

Jack Ballinger  
134.585 ACRES

"EXHIBIT A"

PARCEL TWENTY-THREE (23)

Being a parcel of land situated in the East half of the THOMAS J. HAGGERTY LEAGUE, Abstract No. 45, Patent 1065, Volume 21, Liberty County, Texas, said parcel herein described being out of a tract called 1250 acres, said 1250 acre tract being all that certain "FIRST TRACT" as described in deed to Bollinger Bros., recorded in Volume 602 at Page 359, Liberty County Deed Records, said herein described parcel being more particularly described by metes and bounds as follows:

COMMENCING at a 2" iron pipe found in the centerline intersection of a limestone and dirt road, in the North line of the THOMAS J. HAGGERTY LEAGUE, said pipe being the Northwest corner of the said 1250 acre tract and is situated North 89° 45' 00" West a distance of 8,736.02 feet from a 2" iron pipe recovered at the Northeast corner of the THOMAS J. HAGGERTY LEAGUE;

THENCE South 89° 45' 00" East along the centerline of said road and along the North line of the THOMAS J. HAGGERTY LEAGUE, a distance of 1,513.73 feet to a point marking the Northwest corner of the herein described parcel and "POINT OF BEGINNING";

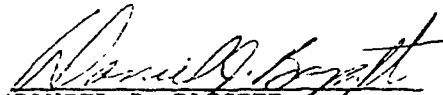
THENCE South 00° 09' 22" West over and across the said 1250 acre tract, passing at 30.00 feet a 3/4" iron rod set in the South line of the said road for reference and continuing for a total distance of 2,007.19 feet to a 3/4" iron rod set for the Southwest corner of the herein described parcel;

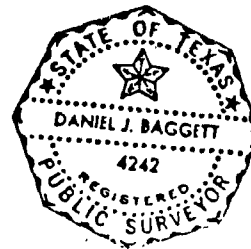
THENCE South 89° 36' 08" East a distance of 3,009.90 feet to a 3/4" iron rod set for the Southeast corner of the herein described parcel;

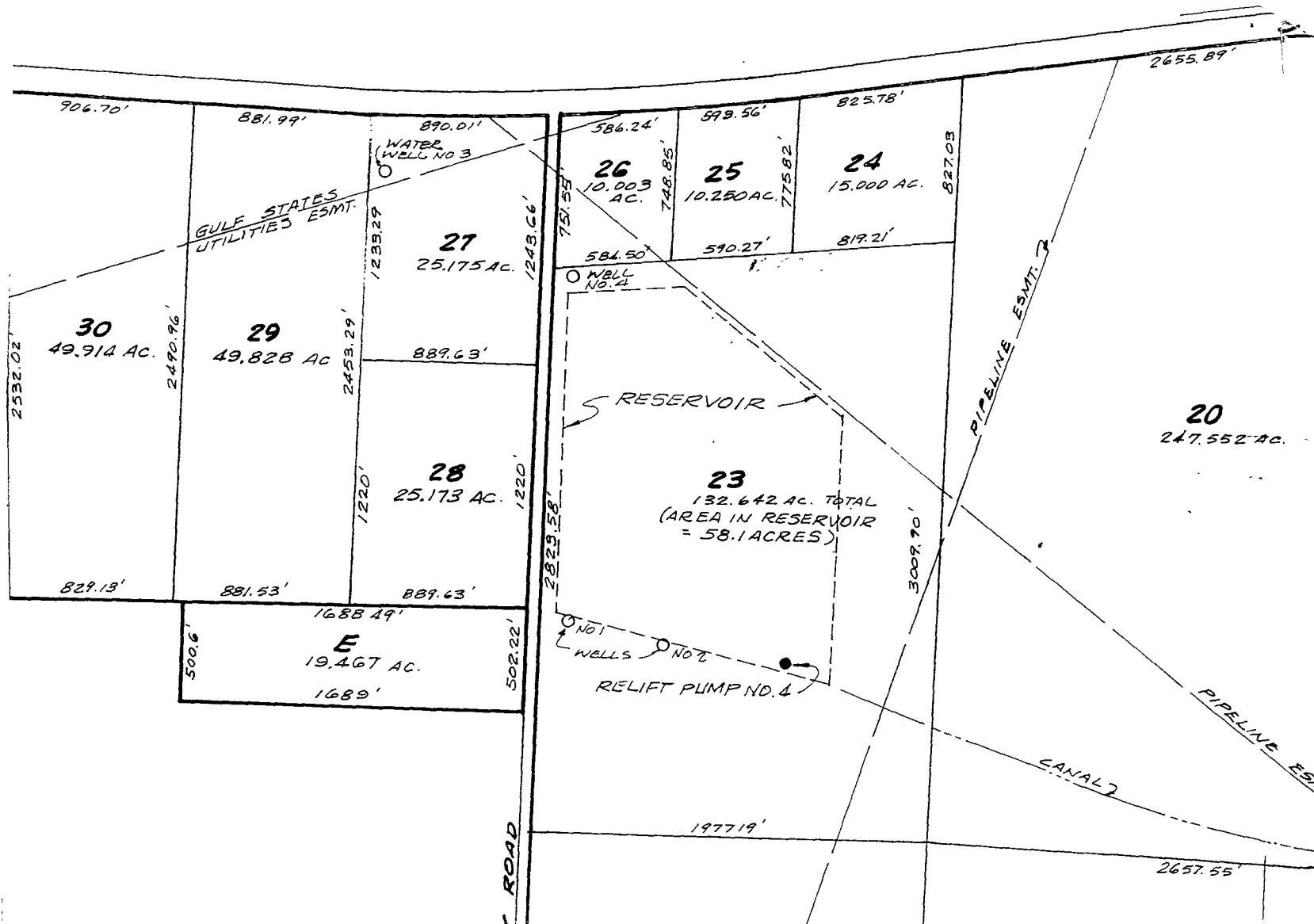
THENCE North 05° 12' 17" West passing at 1,994.11 feet a 3/4" iron rod set for reference and continuing for a total distance of 2,024.11 feet to a point in the centerline of said road, in the North line of the THOMAS J. HAGGERTY LEAGUE for the Northeast corner of the herein described parcel;

THENCE North 89° 45' 00" West along the centerline of said road and along the North line of the THOMAS J. HAGGERTY LEAGUE, a distance of 1,513.73 feet to the "POINT OF BEGINNING", containing 5,862,530.34 square feet or 134.585 acres, more or less, of land, of which 84,665.19 square feet or 1.944 acres lies within the said road leaving 5,777,865.15 square feet or 132.641 acres, more or less, of land.

4/22/85

  
DANIEL J. BAGGETT  
REGISTERED PUBLIC SURVEYOR  
NO. 4242





73 44 7

COPY

Holloway

Vol. 1701  
35, 7703

"EXHIBIT A"

TRACT ONE:

STATE OF TEXAS)  
COUNTY OF LIBERTY)

FIELD NOTES of a 323 9404 acre tract of land situated in the T J. Haggerty League, Abstract 45, Liberty-County, Texas, and being all of that certain 254.074 acres (Parcel 19) conveyed by Felton R. Bollinger, et al, to Harry Holloway by Deed recorded in Volume 1066 at Page 641 of the Official Public Records of Liberty County, Texas and all of that certain 78.219 acres (Tract 8, Parcel 18) conveyed by Felton R. Bollinger, et al, to Harry Holloway by Correction Deed dated May 10, 1985 and recorded in Volume 1064 at Page 119 of the Official Public Records of Liberty County, Texas. This 323.9404 acre tract of land is more particularly described by the following metes and bounds, to-wit:

NOTE. BEARINGS ARE BASED ON DEED BEARINGS AND FOUND MONUMENTS IN THE SOUTH LINE OF THAT CERTAIN 67.257 ACRE TRACT OF LAND CONVEYED BY JACK WEBB & ASSOCIATES TO VIRGIL HOLBROOK, ET UX, BY DEED DATED JUNE 14, 2002 AND RECORDED IN VOLUME 1976 AT PAGE 496 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS AND THE SOUTH LINE OF THAT CERTAIN 132.641 ACRE TRACT OF LAND CONVEYED BY FELTON BOLLINGER, ET UX, TO JOE H. SMESNY, ET UX, BY DEED DATED APRIL 23, 2004 AND RECORDED UNDER COUNTY CLERK'S FILE NO. 2004006515 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

COMMENCING at a 2 inch iron pipe for the Northeast corner of the T J. Haggerty League, Abstract 45

THENCE: North 89°45'00" West along the North line of said Haggerty League for a distance of 3649.01 feet to a point in the centerline of County Road 677 (60 feet wide right-of-way) and the West right-of-way line of State Highway No. 321 (120 feet wide right-of-way) for the Northeast corner of that certain 35.77033 acre tract surveyed this date Said point being the Northeast corner of that certain 10.521 acre tract (Tract 11, Parcel 26) conveyed by Felton R. Bollinger, et al, to Harry Holloway by Correction Deed dated May 10, 1985 and recorded in Volume 1064 at Page 119 of the Official Public Records of Liberty County, Texas and being in a curve to the left, along the West right-of-way line of said State Highway No. 321, concave Easterly.

THENCE. Along and around said curve to the left, in a Southerly direction, along the West right-of-way line of said State Highway No. 321, the East line of said 35.7703 acres surveyed this date, the East line of said 10 521 acres and the East line of that certain 10.25 acre tract (Tract 10, Parcel 25) described in said Correction Deed, said curve having a central angle of 05°25'37", a radius of 11,524.18 feet and a chord bearing and distance of South 06°01'47" East 1091.15 feet; and at 30.06 feet along said curve pass a 1 inch iron rod found in the intersection of the West right-of-way line of said State Highway No. 321 with the South right-of-way line of said County Road 677; in all, an arc length of 1091 56 feet to a ½ inch iron rod, with cap, set for the TERMINATION POINT of said curve

THENCE: South 08°44'35" East along the West right-of-way line of said State Highway No. 321, the East line of said 35.7703 acres surveyed this date and the East line of said 10.25 acres for a distance of 118.35 feet to a ½ inch iron rod, with cap, set for the Southeast corner of said 10.25 acres and the Northeast corner of that certain 15.00 acre tract of land (Tract 9, Parcel 24) described in said Correction Deed mentioned above.



THENCE: Continue South 08°44'35" East along the East line of said 15.00 acres, the East line of said 35.7703 acres surveyed this date and the West right-of-way line of said State Highway No 321 for a distance of 825.78 feet to a 1 inch iron rod found for the Southeast corner of said 15.00 acres, the Southeast corner of said 35.7703 acres surveyed this date and the Northeast corner of that certain 247.552 acres (Third Tract) conveyed by Lazy Creek, Inc. to Joe H. Smesny, et ux, by Deed dated October 24, 2003 and recorded under County Clerk's File No. 2003016726 of the Official Public Records of Liberty County, Texas.

THENCE. Continue South 08°44'35" East along the East line of said 247.552 acres and the West right-of-way line of said State Highway No. 321 for a distance of 2655.92 feet to a ½ inch iron rod, with cap, set for the Southeast corner of said 247.552 acres, the Northeast corner of said 254.874 acres (Parcel 19) and the Northeast corner and POINT OF BEGINNING of this tract; from which a 5/8 inch iron rod (found) bears South 03°22'15" East 29.29 feet

THENCE: Continue South 08°44'35" East along the Northernmost East line of this tract, the East line of said 254.874 acres (Parcel 19) and the West right-of-way line of said State Highway No. 321 for a distance of 589.42 feet to a ½ inch iron rod, with cap, set for the BEGINNING POINT of a curve to the left, concave Easterly.

THENCE. Along and around said curve to the left, in a Southeasterly direction, along the Northernmost East line of this tract, the East line of said 254.874 acres (Parcel 19) and the West right-of-way line of said State Highway No 321, said curve having a central angle of 08°57'01", a radius of 11,524.18 feet and a chord bearing and distance of South 13°13'06" East 1798.41 feet, for an arc length of 1800.24 feet to a sucker rod found for the Easternmost Southeast corner of this tract and the Northeast corner of that certain 300.00 acre tract of land conveyed by Liberty County to Texas Department of Corrections by Deed recorded in Volume 1260 at Page 40 of the Official Public Records of Liberty County, Texas; from which a 1-1/2 inch galvanized iron pipe (found) bears South 35°35'25" West 6.44 feet

THENCE: North 89°46'42" West along the Easternmost South line of this tract and the North line of said 300.00 acres for a distance of 3785.74 feet to a ½ inch iron rod, with cap, set for an interior corner of this tract and the Northwest corner of said 300.00 acres.

THENCE: South 02°13'26" West along the Southernmost East line of this tract and the West line of said 300.00 acres for a distance of 104.86 feet to a ¾ inch iron rod found in the South line of said 254.874 acres for the Southernmost Southeast corner of this tract and the Northeast corner of that certain 94.392 acre tract conveyed by Harry Holloway to Liberty County & State of Texas by Deed dated January 11, 1994 and recorded in Volume 1497 at Page 709 of the Official Public Records of Liberty County, Texas.

THENCE: North 89°46'42" West along the Westernmost South line of this tract, the North line of said 94.392 acres, the South line of said 254.974 acres, the South line of said 78.219 acres and the North line of Carter Farms Subdivision as recorded in Volume 9 at Pages 34 and 35 of the Map Records of Liberty County, Texas, and at 1082.54 feet pass a 1 inch iron rod found for the Northwest corner of said 94.392 acres, the Northeast corner of said Carter Farms Subdivision, the Southwest corner of said 254.974 acres and the Southeast corner of said 78.219 acres; at 1362.85 feet pass a ½ inch iron rod, with cap, set for reference in the East right-of-way line of County Road 678 (60 feet wide right-of-way); in all, a total distance of 2475.39 feet to a point in the centerline of said County Road 678 for the Southwest corner of this tract, the Southwest corner of said 78.219 acres and the Northwest corner of said Carter Farms Subdivision.

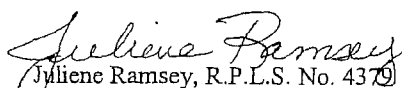
THENCE: North 00°07'33" East along the West line of this tract, the West line of said 78.219 acres and the centerline of said County Road 678 for a distance of 2407.86 feet to a point for the Northwest corner of this tract, the Northwest corner of said 78.219 acres and the Southwest corner of Sun Meadows Subdivision as recorded in Volume 9 at Page 40 of the Map Records of Liberty County, Texas.

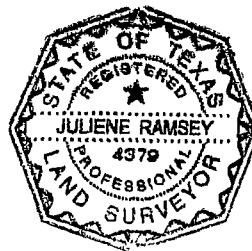
THENCE: South 89°56'24" East along the North line of this tract, the North line of said 78.219 acres, the North line of said 254.874 acres, the South line of said Sun Meadows Subdivision and the South line of said 247.552 acres and at 30.00 feet pass a 1 inch iron rod found for reference in the East right-of-way line of said County Road 678; at 1435.93 feet pass a point for the Northeast corner of said 78.219 acres, the Southeast corner of said Sun Meadows Subdivision, the Southwest corner of said 247.552 acres and the Northwest corner of said 254.874 acres, from which a 1 inch iron rod (found) bears North 18°03'33" East 0.65 feet; in all, a total distance of 5759.05 feet to the PLACE OF BEGINNING and containing within these boundaries 323.9404 acres of land, of which 1.6580 acres lies within the limits of County Road 678, leaving a net acreage of 322.2824 acres of land.

#### SURVEYOR'S CERTIFICATE

I, Juliene Ramsey, Registered Professional Land Surveyor No. 4379, do hereby certify that the above and foregoing field notes were prepared from an actual survey made on the ground, under my supervision, in September of 2006 and that all lines, boundaries and landmarks are accurately described therein.

WITNESS my hand and seal at Baytown, Texas, this the 27<sup>th</sup> day of September, A. D., 2006.

  
Juliene Ramsey, R.P.L.S. No. 4379  
06-3183L.fdn.doc



#### TRACT TWO:

STATE OF TEXAS)  
COUNTY OF LIBERTY)

FIELD NOTES of a 35.7703 acre tract of land situated in the T. J. Haggerty League, Abstract 45, Liberty County, Texas, and being all of that 10.521 acre tract (Tract 11, Parcel 26), all of that certain 10.25 acre tract (Tract 10, Parcel 25) and all of that certain 15.00 acre tract (Tract 9, Parcel 24), all of which are described in Correction Deed dated May 10, 1985 from Felton R. Bollinger, et al, to Harry Holloway, recorded in Volume 1064 at Page 119 of the Official Public Records of Liberty County, Texas. This 35.7703 acre tract of land is more particularly described by the following metes and bounds, to-wit.

NOTE. BEARINGS ARE BASED ON DEED BEARINGS AND FOUND MONUMENTS IN THE SOUTH LINE OF THAT CERTAIN 67.257 ACRE TRACT OF LAND CONVEYED BY JACK WEBB & ASSOCIATES TO VIRGIL HOLBROOK, ET UX, BY DEED DATED JUNE 14, 2002 AND RECORDED IN VOLUME 1976 AT PAGE 496 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS AND THE SOUTH LINE OF THAT CERTAIN 132.641 ACRE TRACT OF LAND CONVEYED BY FELTON BOLLINGER, ET UX, TO JOE H. SMESNY, ET UX, BY DEED DATED APRIL 23, 2004 AND RECORDED UNDER COUNTY CLERK'S FILE NO. 2004006515 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

COMMENCING at a 2 inch iron pipe for the Northeast corner of the T. J. Haggerty League, Abstract 45.

THENCE: North 89°45'00" West along the North line of said Haggerty League for a distance of 3649.01 feet to a point in the centerline of County Road 677 (60 feet wide right-of-way) and the West right-of-way line of State Highway No. 321 (120 feet wide right-of-way) for the Northeast corner of said 10.521 acre tract (Tract 11, Parcel 26) and the Northeast corner and POINT OF BEGINNING of this tract. Said point being in a curve to the left, along the West right-of-way line of said State Highway No. 321, concave Easterly.

THENCE Along and around said curve to the left, in a Southerly direction, along the East line of this tract, the West right-of-way line of said State Highway No. 321, the East line of said 10.521 acres and the East line of said 10.25 acre tract (Tract 10, Parcel 25), said curve having a central angle of 05°25'37", a radius of 11,524.18 feet and a chord bearing and distance of South 06°01'47" East 1091.15 feet; and at 30.06 feet along said curve pass a 1 inch iron rod found in the intersection of the West right-of-way line of said State Highway No. 321 with the South right-of-way line of said County Road 677; in all, an arc length of 1091.56 feet to a ½ inch iron rod, with cap, set for the TERMINATION POINT of said curve.

THENCE: South 08°44'35" East along the East line of this tract, the West right-of-way line of said State Highway No. 321 and the East line of said 10.25 acres for a distance of 118.35 feet to a ½ inch iron rod, with cap, set for the Southeast corner of said 10.25 acres and the Northeast corner of said 15.00 acre tract of land (Tract 9, Parcel 24).

THENCE. Continue South 08°44'35" East along the East line of this tract, the East line of said 15.00 acres and the West right-of-way line of said State Highway No. 321 for a distance of 825.78 feet to a 1 inch iron rod found for the Southeast corner of this tract, the Southeast corner of said 15.00 acres and the Northeast corner of that certain 247.552 acres (Third Tract) conveyed by Lazy Creek, Inc. to Joe H. Smesny, et ux, by Deed dated October 24, 2003 and recorded under County Clerk's File No. 2003016726 of the Official Public Records of Liberty County, Texas.

THENCE North 89°36'08" West along the South line of this tract, the South line of said 15.00 acres and the North line of said 247.552 acres for a distance of 827.03 feet to a 5/8 inch iron rod, with cap, found for the Southwest corner of this tract, the Southwest corner of said 15.00 acres and the Southeast corner of said 132.641 acres mentioned above.

THENCE. North 05°12'17" West along the West line of this tract, the West line of said 15.00 acres, the West line of said 10.25 acres, the West line of said 10.521 acres and the East line of said 132.641 acres and at 1993.97 feet pass a 1 inch iron rod found for reference in the South right-of-way line of said County Road 677; in all, a total distance of 2024.11 feet to a point in the centerline of said County Road 677 for the Northwest corner of this tract, the Northwest corner of said 10.521 acres and the Northeast corner of said 132.641 acres

THENCE: South 89°45'00" East along the North line of this tract, the North line of said 10.521 acres and the centerline of said County Road 677 for a distance of 752.51 feet to the PLACE OF BEGINNING and containing within these boundaries 35.7703 acres of land, of which 0.518 of an acre lies within the limits of the right-of-way of said County Road 677, leaving a net acreage of 35.2523 acres of land.

#### SURVEYOR'S CERTIFICATE

I, Julene Ramsey, Registered Professional Land Surveyor No. 4379, do hereby certify that the above and foregoing field notes were prepared from an actual survey made on the ground, under my supervision, in September of 2006 and that all lines, boundaries and landmarks are accurately described therein.

WITNESS my hand and seal at Baytown, Texas, this the 27<sup>th</sup> day of September, A. D., 2006

*Julene Ramsey*  
Julene Ramsey, R.P.L.S. #4379  
06-3183L fdn.doc



**TRACT THREE**

Non-Exclusive, in-common right of way and easement for irrigation canal purposes said easement being further reserved in Deed dated January 11, 1994, executed by Harry Holloway, et ux, to the County of Liberty, recorded in Volume 1497, Page 709 of the Official Public Records of Liberty County, Texas.

TYRA

Schedule B  
"EXHIBIT A"

① 32.0 ACRES  
② 30.457 ACRES  
④ 247.532 ACRES

FIRST TRACT:

Being a parcel of land out of the East half of the THOMAS J. HAGGERTY LEAGUE, Abstract No. 45, Patent 1065, Volume 21, Liberty County, Texas, said parcel herein described being out of a tract called 290.7 acres, said 290.7 acre tract being all that certain "THIRD TRACT" as described in deed from W. A. Conner and Lee Edna Conner, to Bollinger Bros., recorded in Volume 602 at Page 359, Liberty County Deed Records, said parcel herein described being more particularly described by metes and bounds as follows:

COMMENCING at a broken off concrete highway right-of-way monument recovered in the Westerly right-of-way line of State Highway No. 321 at its intersection with the Northerly right-of-way line of State FM Highway No. 686;

THENCE North 19° 29' 35" West along the Westerly right-of-way line of State Highway No. 321 a distance of 1,799.21 feet to a 3/4" iron rod set for the Southeast corner of the herein described parcel;

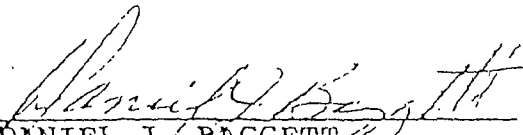
THENCE North 89° 51' 23" West over and across the said 290.7 acre tract, a distance of 1,588.19 feet to a 3/4" iron rod set for the Southwest corner of the herein described parcel;

THENCE North 00° 08' 37" East a distance of 987.14 feet to a 3/4" iron rod set for the Northwest corner of the herein described parcel;

THENCE South 89° 51' 23" East a distance of 1,235.97 feet to a 3/4" iron rod set in the Westerly right-of-way line of State Highway No. 321 for the Northeast corner of the herein described parcel;

THENCE South 19° 29' 35" East along the Westerly right-of-way line of State Highway No. 321 a distance of 1,048.09 feet to the "POINT OF BEGINNING", containing 1,393,923.45 square feet or 32.000 acres, more or less, of land.

4/22/85

  
DANIEL J. BAGGETT  
REGISTERED PUBLIC SURVEYOR  
NO. 4242



PARCEL TWELVE (12)

"EXHIBIT A"

SECOND TRACT:

Being a parcel of land out of the East half of the THOMAS J. HAGGERTY LEAGUE, Abstract No. 45, Patent 1065, Volume 21, Liberty County, Texas, said parcel herein described being out of a tract called 290.7 acres, said 290.7 acre tract being all that certain "THIRD TRACT" as described in deed from W. A. Conner and Lee Edna Conner, to Bollinger Bros., recorded in Volume 602 at Page 359, Liberty County Deed Records, said parcel herein described being more particularly described by metes and bounds as follows:

COMMENCING at a broken off concrete highway right-of-way monument recovered in the Westerly right-of-way line of State Highway No. 321 at its intersection with the Northerly right-of-way line of State FM Highway No. 686;

THENCE North  $19^{\circ} 29' 35''$  West along the Westerly right-of-way line of State Highway No. 321 a distance of 2,847.30 feet to a  $3/4$ " iron rod set for the Southeast corner of the herein described parcel and "POINT OF BEGINNING";

THENCE North  $89^{\circ} 51' 23''$  West over and across the said 290.7 acre tract, a distance of 1,235.97 feet to a  $3/4$ " iron rod set for the Southwest corner of the herein described parcel;

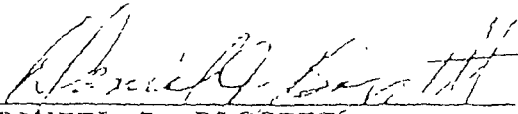
THENCE North  $00^{\circ} 08' 37''$  East a distance of 1,328.15 feet to a  $3/4$ " iron rod set for the Northwest corner of the herein described parcel;

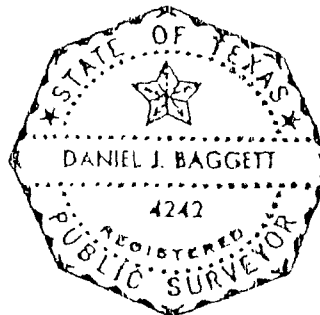
THENCE South  $89^{\circ} 46' 42''$  East a distance of 765.37 feet to a  $3/4$ " iron rod set in the Westerly right-of-way line of State Highway No. 321 for the Northeasterly most corner of the herein described parcel;

THENCE in a Southeasterly direction along the Westerly right-of-way line of State Highway No. 321 and with a curve to the left, having a radius of 11,524.15 feet and a central angle of  $01^{\circ} 15' 04''$ , an arc distance of 251.65 feet to a broken off concrete highway right-of-way monument marking a point of tangency;

THENCE South  $19^{\circ} 29' 35''$  East along the Westerly right-of-way of State Highway No. 321, a distance of 1,156.45 feet to the "POINT OF BEGINNING", containing 1,326,696.42 square feet or 30.457 acres, more or less, of land.

4/22/85

  
DANIEL J. BAGGETT  
REGISTERED PUBLIC SURVEYOR  
NO. 4242



COPY

Jamison 1072.33 ACRES

Schedule C

~~EXHIBIT 'A'~~

STATE OF TEXAS)  
COUNTY OF LIBERTY)

FIELD NOTES of a 1072.96 acre tract of land situated in Liberty County, Texas; being all of that certain called 1072.33 acres of land being the residue of Tract No. 1 (called 603.602 acres) located in the Ed Pruett Survey No. 138, Abstract 490; all of Tract No. 2 (called 193.734 acres) located in the H. & T. C. Railroad Company Survey No. 134, Abstract 488 and the H. & T. C. Railroad Company Survey No. 137, Abstract 255; all of Tract No. 3 (called 21 acres) located in the H. & T. C. Railroad Company Survey No. 137, Abstract 255; and all of Tract No. 4, being the residue of Lots 2 and 3 of the T. & N. O. Railroad Farm Lot Subdivision No. 74 recorded in Volume L at Page 172 of the Deed Records of Liberty County, Texas, located in the West Liberty Town League, Abstract 357—all being described in Deed dated May 15, 1981 from H. L. Stone, Trustee, to Rollins Environmental Services (TX), Inc., recorded in Volume 909 at Page 511 of the Deed Records of Liberty County, Texas. This 1072.96 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE BASED ON DEED BEARINGS AND FOUND MONUMENTS IN THE WEST LINE OF THAT CERTAIN 83.178 ACRE TRACT OF LAND IN THE LIBERTY TOWN WEST LEAGUE, ABSTRACT 357, OUT OF LOT 1 OF THE T. & N. O. RAILROAD FARM LOT SUBDIVISION NO. 74, LIBERTY COUNTY, TEXAS, DESCRIBED IN DEED FROM WILBUR N. SCHILLING, ET UX, TO PALMER THONSGAARD, ET UX, DATED MARCH 19, 1998 AND RECORDED IN VOLUME 1711 AT PAGE 193 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

BEGINNING at an old 1 inch iron pipe found in the South right-of-way line of the Missouri Pacific Railroad (100 feet wide right-of-way) at the Northeast corner of that certain called 184 acre tract of land described in Deed from Mrs. Rena N. Graves to F. M. Graves, et al, dated December 30, 1961 and recorded in Volume 758 at Page 212 of the Deed Records of Liberty County, Texas at the Northwest corner and POINT OF BEGINNING of said 1072.96 acres herein described.

THENCE: North 66 deg. 42 min. 03 sec. East along the Westernmost North line of said 1072.96 acres herein described and the South right-of-way line of said Missouri Pacific Railroad for a distance of 5833.99 feet to a sucker rod found for the Northwest corner of that certain called 35 acres described in Deed from Bertha L. Boyce, Trustee, et al, to Trevor Boyce Associates, Inc., dated June 15, 1988 and recorded in Volume 1234 at Page 640 of the Official Public Records of Liberty County, Texas and the Northernmost Northeast corner of said tract herein described.

THENCE: South 00 deg. 02 min. 28 sec. East along the Northernmost East line of said tract herein described and the West line of said called 35 acres, for a distance of 1680.64 feet to a 3/4 inch iron rod found (leaning) for an interior corner of said tract herein described and the Southwest corner of said called 35 acre tract.

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THENCE: North 89 deg. 57 min. 40 sec. East along an exterior North line of said tract herein described, the Westernmost South line of said called 35 acres and the South line of that certain called 5.00 acre tract of land conveyed by James Robert Jamison, et al, to Can-Am Rubber Co., Inc. by Deed dated January 23, 1980 and recorded in Volume 871 at Page 208 of the Deed Records of Liberty County, Texas, for a distance of 895.91 feet to a 5/8 inch iron rod found for an exterior corner of said tract herein described; from which a 5/8 inch iron rod found for the Southeast corner of said called 5.00 acres bears North 89 deg. 57 min. 40 sec. East a distance of 35.96 feet.

THENCE: SOUTH along an exterior East line of said tract herein described for a distance of 80.30 feet to a 5/8 inch iron rod found in the North line of that certain 60 acre tract of land described in Deed dated October 12, 1982 from Big State Vending Co. to Trevor Boyce Assoc., Inc. recorded in Volume 961 at Page 399 of the Deed Records of Liberty County, Texas for an exterior corner of said tract herein described; from which a 5/8 inch iron rod found for the Northeast corner of said 60 acres bears North 89 deg. 50 min. 41 sec. East a distance of 38.26 feet.

THENCE: South 89 deg. 50 min. 41 sec. West along an exterior line of said tract herein described and the North line of said 60 acre tract for a distance of 1215.75 feet to a 5/8 inch iron rod found (leaning) for an interior corner of said tract herein described and the Northwest corner of said 60 acre tract.

THENCE: South 00 deg. 01 min. 48 sec. West along an interior East line of said tract herein described and the West line of said 60 acre tract for a distance of 2083.48 feet to a 1/2 inch iron rod with cap set for an interior corner of said tract herein described and the Southwest corner of said 60 acre tract; from which a 5/8 inch iron rod (found) bears North 00 deg. 01 min. 48 sec. East 7.80 feet and another 5/8 inch iron rod (found) bears South 84 deg. 37 min. 16 sec. West a distance of 5.35 feet.

THENCE: North 89 deg. 50 min. 41 sec. East along an exterior line of said tract herein described and the South line of said 60 acre tract for a distance of 1223.09 feet to a 1/2 inch iron rod with cap set for an exterior corner of said tract herein described; from which a 5/8 inch iron rod (found, leaning) bears South 81 deg. 35 min. 13 sec. West 5.43 feet; a 3/4 inch iron rod (found) bears North 80 deg. 47 min. 07 sec. East 32.42 feet and another 3/4 inch iron rod (found) bears North 10 deg. 51 min. 37 sec. East 5.34 feet.

THENCE: South 00 deg. 09 min. 31 sec. East along an exterior East line of said tract herein described and in part with the West right-of-way line of an existing 50 feet wide County Road (County Road 614) for a distance of 2577.88 feet to a 1/2 inch iron rod with cap set in the North line of Lot 1 and the South line of Lot 2 of said T. & N. O. Railroad Subdivision in the North line of that certain called 16 acre tract of land described in Deed from H. C. Mantor, et al, to Sun Pipe Line Company dated June 28, 1905 and recorded in Volume 13 at Page 219 of the Deed Records of Liberty County, Texas for an exterior Southeast corner of said tract herein described; from which a 5/8 inch iron rod (found) bears North 61 deg. 56 min. 39 sec. East a distance of 5.12 feet and a 3/4 inch galvanized iron pipe found for the Southeast corner of Lot 2 and the Northeast corner of Lot 1 of said Farm Lot Subdivision #74 bears North 89 deg. 58 min. 48 sec. East a distance of 24.85 feet.



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THENCE: South 89 deg. 58 min. 48 sec. West along an exterior line of said tract herein described, the South line of said Lot 2, the North line of said Lot 1, the North line of said called 16 acres, the North line of that certain called 50 acre tract described in Deed dated September 16, 1905 from H. C. Mantor, et al, to Sun Pipe Line Company, recorded in Volume 14 at Page 51 of the Deed Records of Liberty County, Texas and the Westernmost North line of the heretofore mentioned 83.178 acre tract; and at 1909.63 feet pass a ½ inch iron rod found for the Northwest corner of said 50 acres and the Northernmost Northeast corner of said 83.178 acres; in all, a total distance of 2609.26 feet to a ½ inch iron rod found for an interior corner of said tract herein described, the Southwest corner of Lot 2, the Northwest corner of Lot 1 and the Northwest corner of said 83.178 acres, in the West line of the West Liberty Town League, Abstract 357 and the East line of said Ed Pruett Survey no. 138, Abstract 490.

THENCE: South 00 deg. 01 min. 36 sec. East along an exterior East line of said tract herein described, the West line of said 83.178 acres and the West line of that certain 8.00 acre tract of land described in Deed dated January 11, 1994 from Lois Benton to John H. Brown, recorded in Volume 1497 at Page 334 of the Official Public Records of Liberty County, Texas, and at 2759.25 feet pass a ½ inch iron rod found for the Southwest corner of said 83.178 acres, the Southwest corner of said Lot 1 of T. & N. O. Railroad Farm Lot Subdivision, the Northwest corner of said 8.00 acres and the Northwest corner of Block 59 of the Maysville Addition to the Town of Dayton according to the map of record in Volume 27 at Page 262 of the Deed Records of Liberty County, Texas; in all, a total distance of 4020.16 feet to a ½ inch iron rod with cap set for an exterior Southeast corner of said tract herein described and the Northeast corner of that certain residue tract out of 30 acres described in Volume 477 at Page 603 of the Deed Records of Liberty County, Texas.

THENCE: South 89 deg. 56 min. 53 sec. West along an exterior South line of said tract herein described and the North line of said 30 acres, the North line of that certain called 4.315 acre tract described in Deed from J. E. Clark, et ux, to Willow V. Deaton dated May 15, 1984 and recorded in Volume 1018 at Page 345 of the Deed Records of Liberty County, Texas, the North line of that certain called 4.75 acre tract conveyed by Barry P. Fontenot, et ux, to Network Funding Corporation by Deed dated September 25, 1998 and recorded in Volume 1742 at Page 182 of the Official Public Records of Liberty County, Texas, the North line of that certain called 4.7686 acre tract conveyed by Renate Reibel to Herbert C. Herzfeld, Trustee, by Deed dated November 25, 1974 and recorded in Volume 749 at Page 151 of the Deed Records of Liberty County, Texas, the North line of that certain called 4.7711 acre tract conveyed by Castle Engine Service Co., Inc. to Robert A. Smith, et ux, by Deed dated June 28, 1996 and recorded in Volume 1625 at Page 568 of the Official Public Records of Liberty County, Texas, and the North line of that certain called 9.48 acre tract conveyed by William Curtis Conner to William L. Massey, et ux, by Deed dated February 1, 1991 and recorded in Volume 1352 at Page 804 of the Official Public Records of Liberty County, Texas; and at 473.22 feet pass a ¾ inch iron rod found for the Northwest corner of said called 4.75 acres and the Northeast corner of said called 4.7686 acres; at 705.13 feet pass a ¾ inch iron rod found for the Northwest corner of said called 4.7686 acres and the Northeast corner of said called 4.7711 acres; at 936.62 feet pass a ¾ inch iron rod found for the Northwest corner of said called 4.7711 acres and the Northeast corner of said called 9.48 acres; in all, a total distance of 1358.05 feet to a 1 inch iron pipe found at a fence corner for the Northwest corner of said called 9.48 acres, the Northwest corner of said called 30 acres, and an interior corner of said tract herein described.

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THENCE: South 02 deg. 09 min. 53 sec. West along the Southernmost East line of said tract herein described, the West line of said called 30 acres, and the West line of said called 9.48 acres for a distance of 899.71 feet to a 5/8 inch iron rod found in the North right-of-way line of F. M. Highway 1960 (120 feet wide right-of-way) for the Southernmost Southeast corner of said tract herein described.

THENCE: South 89 deg. 59 min. 10 sec. West along the Westernmost South line of said tract herein described and the North right-of-way line of said F. M. Highway 1960 and at 2259.61 feet pass a 1 inch iron pipe found for reference, in all, a total distance of 2277.11 feet to a point located in a drainage channel for the Southwest corner of said tract herein described and the Southeast corner of that certain called 1.0212 acre tract conveyed by Francis Benoit, et ux, to Duwayne J. Odermann by Deed dated March 31, 1997 and recorded in Volume 1662 at Page 738 of the Official Public Records of Liberty County, Texas.

THENCE: North 00 deg. 20 min. 27 sec. East along the West line of said tract herein described, along and with the center of said drainage channel (said drainage channel being described as Channel "K" in Instrument recorded in Volume "C" at Page 312 of the Commissioners' Court Minutes of Liberty County, Texas), the East line of said called 1.0212 acres, the Northernmost East line of that certain called 3.995 acre tract conveyed by Felix Joe Skarpa, et ux, to E. B. Neuman, Jr., et al, dated February 27, 1997 and recorded in Volume 1658 at Page 803 of the Official Public Records of Liberty County, Texas; and the East line of that certain tract of land conveyed by Marie Janek, et al, to F. M. Graves, Trustee, by Deed dated March 13, 1962 and recorded in Volume 537 at Page 307 of the Deed Records of Liberty County, Texas, for a distance of 2024.38 feet to an angle point in said line.

THENCE: North 00 deg. 00 min. 33 sec. West along the West line of said tract herein described, along and with the center of said drainage channel, the East line of said F. M. Graves, Trustee, Tract and the East line of said called 184 acres, and at 1046.08 feet pass a 1-1/2 inch galvanized iron pipe found 21.32 feet West of said line; in all, a total distance of 3392.77 feet to an angle point in said line.

THENCE: North 00 deg. 05 min. 39 sec. West along the West line of said tract herein described, along and with the center of said drainage channel and the East line of said called 184 acres for a distance of 2244.46 feet to an angle point in said line in the South line of said H. & T. C. Railroad Survey No. 134, Abstract 488 and the Westernmost North line of said Ed Pruett Survey No. 138, Abstract 490.

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THENCE: North 00 deg. 00 min. 02 sec. West along the West line of said tract herein described, along and with the center of said drainage channel and the East line of said called 184 acres for a distance of 1374.47 feet to the PLACE OF BEGINNING and containing within these boundaries 1072.958 acres of land.

SURVEYED: June of 1999.

SURVEYOR'S CERTIFICATE

I, Roy Lynn Fisher, Registered Professional Land Surveyor No. 5068, do hereby certify that the foregoing field notes were prepared from an actual survey made, under my supervision, on the ground, in June of 1999, and that all lines, boundaries and landmarks are accurately described herein.

WITNESS my hand and seal at Liberty, Texas, this the 24<sup>th</sup> day of June, A. D., 1999.



Registered Professional Land Surveyor  
No. 5068  
99-2468L.FDN

