

THENCE: North 02°50'54" West (called North 02°50'35" West) along the West line of this tract, the West line of said 462.74 acres, the common line of said Lots 58 and 75 and the common line of Lots 59 and 74 and the centerline of said County Road 491, for a distance of 2018.09 feet (called 2017.80 feet) to a 1/2 inch iron rod, with cap (BHA), found in the Southeast right-of-way line of U. S. Highway 90 (220 feet wide right-of-way) for the Westernmost Northwest corner of this tract, the Westernmost Northwest corner of said 462.74 acres and the Northwest corner of the residue of said Lot 59; from which a 1/2 inch iron rod (found) bears South 45°55'24" West 2.66 feet.

THENCE: North 45°55'24" East (called North 45°55'09" East) along the Northwest line of this tract, the Northwest line of said 462.74 acres, the Northwest lines of the residue of Lots 59, 95 and 94 of said Stilson & Hill's Subdivision and the Southeast right-of-way line of said U. S. Highway 90, for a distance of 3234.33 feet to a 1/2 inch iron rod, with cap, found for an exterior corner of this tract, an exterior corner of said 462.74 acres and a Northwest corner of the residue of a 1.35 acre tract of land conveyed to Joe F. Hajdik, et ux, by Eleanor Prochazka, et al, by Deed dated July 21, 1981 and recorded in Volume 916 at Page 353 of the Deed Records of Liberty County, Texas.

THENCE: South 04°29'09" East (called South 04°33'25" East) along an interior line of this tract, an interior line of said 462.74 acres and the West line of said 1.35 acre tract for a distance of 79.02 feet (called 78.98 feet) to a 1/2 inch iron rod, with cap, found for an interior corner of this tract, an interior corner of said 462.74 acres and the Southwest corner of said 1.35 acre tract.

THENCE: North 84°45'02" East (called North 84°49'09" East) along an interior North line of this tract, an North interior line of said 462.74 acres and the South line of said 1.35 acre tract for a distance of 368.03 feet (called 368.50 feet) to a 1/2 inch iron rod, with cap, found for an interior corner of this tract, an interior corner of said 462.74 acres and the Southeast corner of said 1.35 acre tract.

THENCE: North 04°23'28" West (called North 04°25'12" West) along an interior line of this tract, an interior line of said 462.74 acres and the East line of said 1.35 acre tract and at 225.0 feet pass a 1/2 inch iron rod, with cap, found for reference in the South right-of-way line of County Road No. 495 (60 feet wide right-of-way); in all, a total distance of 254.01 feet (called 254.77 feet) to a 1/2 inch iron rod, with cap, found in the centerline of said County Road No. 495 for an exterior corner of this tract and an exterior corner of said 462.74 acres. Said point being in the North line of said Lot 93.

THENCE: North 86°59'24" East (called North 87°01'17" East) along an exterior North line of this tract, the Easternmost North line of said 462.74 acres, the North lines of said Lots 93 and 92 and the centerline of said County Road 495, for a distance of 1039.58 feet (called 1039.42 feet) to a 1/2 inch iron rod, with cap, found for an exterior corner of this tract, the Northeast corner of said 462.74 acres, the Northeast corner of said Lot 92, the Northwest corner of Lot 49 of said Stilson & Hill's Subdivision and the Northwest corner of a tract of land described as all of Lots 49 and 52 and the West 1/2 of Lot 50 as conveyed by Jesse Moore to Bertha Moore (McShan) by Deed dated January 28, 1957 and recorded in Volume 457 at Page 609 of the Deed Records of Liberty County, Texas.

THENCE: South 02°55'05" East (called South 03°00'08" East) along an interior line of this tract, the Northernmost East line of said 462.74 acres and the common line of said Lots 92 and 49, for a distance of 703.59 feet (called 704.00 feet) to a 3/4 inch iron pipe found for an angle point in said line at the common corner of said Lots 49, 52, 98 and 92.

THENCE: South 02°59'10" East (called South 02°57'19" East) along an interior line of this tract, the Northernmost East line of said 462.74 acres and the common line of said Lots 52 and 98 and the common line of Lots 55 and 54 of said Stilson & Hill's Subdivision, and at 907.83 feet pass a 1/2 inch iron rod found for the common corner of Lots 52, 54, 55 and 98; in all, a total distance of 2268.66 feet (called 2268.53 feet) to a 1/2 inch iron rod found for an interior corner of this tract, an angle point in the Northernmost East line of said 462.74 acres, the common corner of said Lots 54, 55, the West 1/2 of Lot 57 and the East 1/2 of Lot 57, the Southwest corner of that certain 213.772 acres conveyed by David Arlen Nelson, et al, to 1992 Rizzo Family Trust by Deed dated April 22, 1997 and recorded in Volume 1668 at Page 279 of the Official Public Records of Liberty County, Texas and by Virgil E. Holbrook, et al, to 1992 Rizzo Family Trust by Deed dated August 29, 1995 and recorded under County Clerk's File No. 2003012413 of the Official Public Records of Liberty County, Texas, and a middle Northwest corner of said 556.0168 acres.

THENCE: North 87°02'14" East (called North 87°01'21" East) along an interior North line of this tract, an exterior North line of said 556.0186 acres, the Westernmost South line of said 213.772 acres, the North line of the East 1/2 of said Lot 57 and the South lines of Lots 54 and 53 of said Stilson & Hill's Subdivision for a distance of 1280.75 feet (called 1281.28 feet) to a 1/2 inch iron rod (bent) found in the centerline of an existing 50 feet wide roadway for an interior corner of this tract, an interior corner of said 556.0186 acres, the common corner of Lots 53, 57, 41 and 40 of said Stilson & Hill's Subdivision and the Southernmost Southeast corner of said 213.772 acres.

THENCE: North 02°58'24" West (called North 02°56'39" West) along an interior line of this tract, the Northernmost West line of said 556.0186 acres, the centerline of said roadway, the Southernmost East line of said 213.772 acres, the East line of said Lot 53 and the West line of said Lot 41, for a distance of 1360.99 feet (called 1361.10 feet) to a 4 inch pinched-top iron pipe found for an exterior corner of this tract, the Northernmost Northwest corner of said 556.0186 acres, the common corner of Lots 41, 42, 51 and 53 of said Stilson & Hill's Subdivision and an interior corner of said 213.772 acres.

THENCE: North 87°01'21" East along an exterior North line of this tract, the Northernmost North line of said 556.0186 acres, the Easternmost South line of said 213.772 acres, the North lines of Lots 41 and 39 and the South lines of Lots 42 and 38 of said Stilson & Hill's Subdivision, for a distance of 2562.87 feet (called 2562.45 feet) to a 3/4 inch iron rod, with cap (BHA), found in the West line of said 261.0209 acres, the East line of said Survey No. 35 and the West line of said Survey No. 39, for an interior corner of this tract, the Northeast corner of said 556.0186 acres, the Easternmost Southeast corner of said 213.772 acres, the Southeast corner of said Lot 38 and the Northeast corner of said Lot 39 of said Stilson & Hill's Subdivision.

THENCE: North 02°59'11" West (called North 02°57'58" West) along an exterior line of this tract, the West line of said 261.0209 acres, the West line of said Survey No. 39, the East line of said Survey No. 35, the East line of said 213.772 acres and the East line of Lots 39, 38 and 37 of said Stilson & Hill's Subdivision, for a distance of 1197.08 feet (called 1196.51 feet) to a 3/4 inch iron rod found for an exterior corner of this tract, the Northwest corner of said Survey No. 39, the Southwest corner of said Munson League, the Northwest corner of said 261.0209 acres and the Southwest corner of Lot 21 of said Brown & Sterling Subdivision.

THENCE: North 87°22'13" East along an exterior North line of this tract, the North line of said Survey No. 39, the North line of said 261.0209 acres, the South line of said Munson League and the South line of said Lot 21, for a distance of 1931.29 feet to a 1/2 inch iron rod, with cap (BHA), found for an exterior corner of this tract and the Northwest corner of that certain 1.3151 acres conveyed by CMC Railroad, Inc. to TRT LeaseCo, LLC by Instrument dated July 21, 2014 and recorded under County Clerk's File No. 2014011029 of the Official Public Records of Liberty County, Texas.

THENCE: South 02°37'47" East along an interior line of this tract and the West line of said 1.3151 acres for a distance of 157.87 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and the Southwest corner of said 1.3151 acres.

THENCE: North 87°22'13" East along an interior North line of this tract and the South line of said 1.3151 acres for a distance of 362.66 feet to a magnetic nail found for an interior corner of this tract and the Southeast corner of said 1.3151 acres.

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THENCE: North 02°28'58" West along an interior line of this tract and the East line of said 1.3151 acres for a distance of 157.87 feet to an "x" in concrete found for an exterior corner of this tract and the Northeast corner of said 1.3151 acres. Said point being in the North line of said Survey No. 39, the South line of said Munson League and the South line of said Lot 21 of Brown & Sterling Subdivision. Said point has a State Plane Coordinate Value of Y=10,011,166.85 and X=4,014,206.05.

THENCE: North 87°22'13" East along an exterior North line of this tract, the North line of said Survey No. 39, the South line of said Munson League, the South line of Lots 21 and 8 of said Brown & Sterling Subdivision and the South line of County Road 493 (50 feet wide right-of-way), for a distance of 38.28 feet to a magnetic nail found for an exterior corner of this tract and the Northwest corner of that certain 3.2622 acres conveyed by CMC Railroad, Inc. to TRT LeaseCo, LLC by Instrument dated July 21, 2014 and recorded under County Clerk's File No. 2014011029 of the Official Public Records of Liberty County, Texas.

THENCE: South 02°37'47" East along an interior line of this tract and the West line of said 3.2622 acres for a distance of 274.66 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and the Southwest corner of said 3.2622 acres.

THENCE: North 11°48'16" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 14.95 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: North 28°12'44" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 15.31 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: North 47°42'39" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 9.99 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: North 87°44'49" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 375.15 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line at the Southeast corner of said 3.2622 acres.

THENCE: North 54°55'24" East (called North 54°55'20" East) along an interior line of this tract and the East line of said 3.2622 acres for a distance of 453.16 feet (called 453.17 feet) to a 6 inch metal post (Y=10,011,205.18 and X=4,015,020.32) found for an interior corner of this tract in the North line of said Survey No. 39, the South line of said Munson League, the South line of said Lot 8 of Brown & Sterling Subdivision and the North line of said 261.0209 acres. Said point being the Southwest corner of said 9.43 acres.

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THENCE: North 10°24'11" East along the Northernmost West line of this tract and the West line of said 9.43 acres for a distance of 4107.37 feet (called 4107.36 feet) to a 1/2 inch iron rod, with cap (BHA), found for the Northwest corner of this tract and the Northwest corner of said 9.43 acres.

THENCE: North 87°20'15" East along the Easternmost North line of this tract and the North line of said 9.43 acres for a distance of 102.66 feet to the PLACE OF BEGINNING and containing within these boundaries 1230.9784 acres of land.

SURVEYOR'S CERTIFICATE

I, Juliene Ramsey, Registered Professional Land Surveyor No. 4379, do hereby certify that the foregoing field notes were prepared from an actual survey made on the ground, under my supervision, in November and December of 2014 and that all lines, boundaries and landmarks are accurately described therein. These metes and bounds were prepared to be used with that certain ALTA/ACSM Land Title Survey signed and sealed by the undersigned on _____.

WITNESS my hand and seal at Baytown, Texas, this the 14th day of January, A. D., 2015.

Juliene Ramsey
Registered Professional Land Surveyor No. 4379
14-4472.cmcrrinc.west.fdn.doc *
Hutchison & Associates, Inc.
Engineering Firm #F-267
Surveying Firm #100293-00

FILED AND RECORDED OFFICIAL PUBLIC RECORDS



Lee Haldusek Chambers

Lee Haldusek Chambers, County Clerk

Liberty County Texas

January 24, 2019 09:18:40 AM

FEE: \$98.00

CMACIAS

2019002212

ORD



CITY OF DAYTON, TEXAS

ORDINANCE O2018-33

AN ORDINANCE, PURSUANT TO A VOLUNTARY REQUEST BY THE PROPERTY OWNER, ANNEXING THE HEREINAFTER DESCRIBED 325.9972 ACRE TRACT OF ADDITIONAL TERRITORY TO THE CITY OF DAYTON, LIBERTY COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of a 325.9972 acre tract of land situated in the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465 and the Frank Humphrey Survey No. 38, Abstract 546, both in Liberty County, Texas, and described more particularly in Exhibit A, has submitted a written request for the City of Dayton to annex that tract; and

WHEREAS, said tract being annexed is one-half mile or less in width, is contiguous to the City of Dayton, Texas, and is vacant and without residents; and

WHEREAS, the Texas Local Government Code and/or Section 1.03 of the Charter of the City of Dayton, Texas, an incorporated home rule municipality, authorizes the annexation of territory subject to the laws of this state; and

WHEREAS, Section 43.028 of the Texas Local Government Code specifically authorizes municipalities to annex sparsely occupied areas of land on petition of area landowners; and

WHEREAS, an offer of a development agreement pursuant to the Texas Local Government Code has been rejected; and

WHEREAS, the procedures prescribed by Section 1.03 of the Charter of the City of Dayton, Texas and the laws of this state have been duly followed with respect to the annexation of the territory described in Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS:

Section 1: That the 325.9972 acre tract of property situated in the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465 and the Frank Humphrey Survey No. 38, Abstract 546, both in Liberty County, Texas, said property being more fully described in Exhibit A, is hereby annexed into the City of Dayton, Liberty County, Texas, and that the boundary limits of the City of Dayton be and the same are hereby extended to include the above described territory within the city limits of the City of Dayton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens

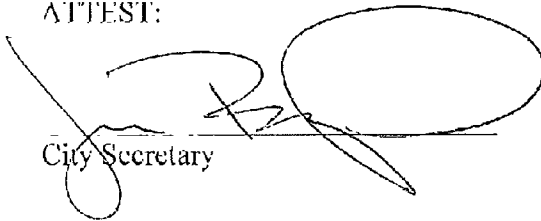
of the City of Dayton, Texas and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.

The City Secretary is hereby directed to file with the County Clerk of Liberty County, Texas, a certified copy of this ordinance.

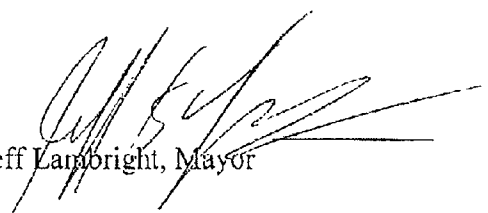
Section 2: This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Dayton, this 17th day of December 2018.

ATTEST:



City Secretary



Jeff Lambright, Mayor

EXHIBIT

A

STATE OF TEXAS)
COUNTY OF LIBERTY)
ANNEXATION PARCEL NO. 2)

DESCRIPTION of a 325.9972 acre tract of land situated in the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465 and the Frank Humphrey Survey No. 38, Abstract 546, both in Liberty County, Texas. Said 325.9972 acres being out of and a part of that certain 1231.4616 acres (called 1230.978 acres) situated in the Frank Humphrey Survey No. 38, Abstract 546, the Frank Humphrey Survey No. 36, Abstract 545, the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465, the Elizabeth Munson League, Abstract 88, the G. C. & S. F. Railroad Company Survey No. 21, Abstract 459 and the T. C. Railroad Company Survey No. 39, Abstract 474, all in Liberty County, Texas and said 1231.4616 acres being all of Lots 39, 40, 41, 55, 56, 57, 58, 60, 61, 82, 83, 91, 92, 96 and 98 and part of Lots 59, 84, 85, 89, 90, 93, 94 and 95 of Stilson & Hill's Subdivision according to the plat recorded in Volume "T" at Page 390 of the Deed Records of Liberty County, Texas; also being part of Lots 3, 4, 8 9, 10 and 11 of Brown & Sterling Subdivision according to the plat recorded in Volume 37 at Page 2 of the Deed Records of Liberty County, Texas. Said 1231.4616 acres being all of that certain 462.74 acres (Tract X), part of that certain 261.0209 acres (Tract XI) and part of that certain 9.43 acres (Tract XV) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000452 of the Official Public Records of Liberty County, Texas and part of that certain 556.0186 acres (Tract IX) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000453 of the Official Public Records of Liberty County, Texas. This 325.9972 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 1.0000000. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS, TO-WIT:

COMMENCING at a point in the East right-of-way line of the Southern Pacific/Union Pacific Railroad 100 feet wide right-of-way (recorded in Volume 69 at Page 410 of the Deed Records of Liberty County, Texas) at the Southeast corner of that certain 149.585 acres described under Ordinance 580 of the City of Dayton, Texas. Said COMMENCING POINT has a State Plane Coordinate Value of Y=10,004,805.88 and X=4,014,048.85.

THENCE: South 10°24'11" West for a distance of 2311.08 feet along the East right-of-way line of said Railroad to a point.

THENCE: North 65°51'15" West, over and across said Railroad, for a distance of 102.95 feet to a point in the West right-of-way line of said Railroad.

THENCE: Continue North 65°51'15" West along the South line of said 1231.4616 acres, for a distance of 1757.07 feet to a point for the Southeast corner and POINT OF BEGINNING of this tract. Said BEGINNING POINT has a State Plane Coordinate Value of Y=10,003,293.65 and X=4,011,934.25.

THENCE: Along and with the boundaries of this tract, the following courses and distances:

North 65°51'15" West for a distance of 2452.88 feet;
North 02°56'11" West for a distance of 5445.13 feet;

PRELIMINARY

PAGE 2 – 325.9972 ACRES, ANNEXATION PARCEL NO. 2.

North 87°02'41" East for a distance of 2562.60 feet;
South 02°57'13" East for a distance of 2721.97 feet;
South 86°57'52" West for a distance of 350.05 feet;
South 02°29'50" East for a distance of 3840.23 feet to the PLACE OF BEGINNING and
containing within these boundaries 325.9972 acres or 14,200,440 square feet of land.

SURVEYOR'S CERTIFICATE

I, Glen H. Freeland, Registered Professional Land Surveyor No. 5758, do hereby certify that this document was prepared under 22 TAC §663.21, 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.

WITNESS my hand and seal at Baytown, Texas, this the 17th day of December, A. D., 2018.

**PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY
PURPOSE AND SHALL NOT BE USED OR RELIED UPON AS A FINAL SURVEY
DOCUMENT.**

Glen H. Freeland
R. P. L. S. No. 5758
18-6107,Annex.Parcel,2.docx
Hutchison & Associates, Inc.
1209 Decker Drive, Suite 100
Baytown, TX 77520
Engineering Firm #F-267
Surveying Firm #100293-00

PRELIMINARY

PETITION FOR ADDITION OF CERTAIN LAND INTO
THE CITY OF DAYTON, TEXAS

THE STATE OF TEXAS §
 §
COUNTY OF LIBERTY §

TO: THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS (the "City");

CMC Railroad, LLC, a Texas limited liability company (the "Petitioner"), the owner of the land hereinafter described, acting pursuant to the provisions of Chapter 43, Texas Local Government Code, together with all amendments and additions thereto, petitions this Honorable City Council to add the 1230.9784 acre tract of land described by metes and bounds in **Exhibit A** attached hereto and incorporated herein for all purposes (the "Land"), to the City, and in support of this petition the Petitioner represents, covenants and agrees as follows:

Section 1: The Land lies entirely within Liberty County, Texas and is accurately described by metes and bounds in **Exhibit A**.

Section 2: The Petitioner holds fee simple title to and full ownership of all the Land.

Section 3: All of the Land is within the extraterritorial jurisdiction of the City, (as such term is defined in Texas Local Government Code Section 42.001 et seq., as amended).

Section 4: The Petitioner is requesting annexation into the City pursuant to Texas Local Government Code, Chapter 43 and is not entering into a development agreement pursuant to Section 43.032, Texas Local Government Code.

Section 5: This Petition shall constitute an election on the part of the Petitioner, its successors and assigns, for the Land and any improvements that are now or may hereafter be constructed thereon, to become liable for all present and future debts of the City in the same manner and to the same extent as other lands and improvements in the City are liable for the City's debts. Petitioner also hereby agrees that the Land, and all improvements thereon presently existing or to be constructed, shall be taxed equally with all other property in the City. The Petitioner acknowledges, consents to, and affirmatively requests the assumption by the Land of a pro rata share of all obligations of the City, and of the taxes levied or hereafter to be levied by the City.

Section 6: The Petitioner hereby certifies that there are no lienholders on the Land.

Section 7: The Petitioner and the City intend to enter into a reimbursement agreement for reimbursement for costs of certain eligible projects in the City of Dayton Reinvestment Zone No. 1, effective the same date as the annexation. This Petition is contingent upon the execution and approval by both Parties of the reimbursement agreement, and the Petitioner may withdraw its Petition if the Parties do not execute and approve the reimbursement agreement.

WHEREFORE, the Petitioner prays that this Petition be granted; that the Land be added to and become a part of the City; and that this Petition, if granted, be filed for record and be recorded in the Official Public Records of Liberty County, Texas.

[EXECUTION PAGE FOLLOWS]

RESPECTFULLY SUBMITTED this th10 day of December, 2018.

PETITIONER:

By: CMC RAILROAD, LLC

By: Marcus Goering

Name: Marcus Goering

Title: President

THE STATE OF TEXAS

§

§

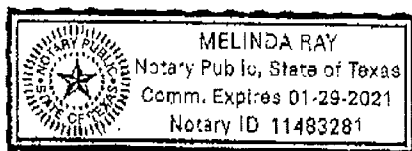
COUNTY OF LIBERTY

§

This instrument was acknowledged before me on this 10th day of December, 2018, by Marcus Goering, President of CMC Railroad, LLC, a Texas limited liability company, on behalf of said company.

Melinda Ray
Notary Public, State of Texas

(NOTARY SEAL)



Attachment:

Exhibit A - Metes and Bounds Description of the Land

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Annette Stephens.

EXHIBIT A

STATE OF TEXAS)
COUNTY OF LIBERTY)

FIELD NOTES of a 1230.9784 acre tract of land situated in the Frank Humphrey Survey No. 38, Abstract 546, the Frank Humphrey Survey No. 36, Abstract 545, the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465, the G. C. & S. F. Railroad Company Survey No. 21, Abstract 459, the Elizabeth Munson League, Abstract 88 and the T. C. Railroad Company Survey No. 39, Abstract 474, all in Liberty County, Texas; also being all of Lots 39, 40, 41, 55, 56, 57, 58, 60, 61, 82, 83, 91, 92, 96, 97 and 98 and part of Lots 59, 84, 85, 89, 90, 93, 94 and 95 of Stilson & Hill's Subdivision according to the plat recorded in Volume "T" at Page 390 of the Deed Records of Liberty County, Texas; also being part of Lots 3, 4, 8, 9, 10, 11 and 12 of Brown & Sterling Subdivision according to the plat recorded in Volume 37 at Page 2 of the Deed Records of Liberty County, Texas. Said 1230.9784 acres being all of that certain 462.74 acres (Tract X), part of that certain 261.0209 acres (Tract XI) and part of that certain 9.43 acres (Tract XV) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000452 of the Official Public Records of Liberty County, Texas and part of that certain 556.0186 acres (Tract IX) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000453 of the Official Public Records of Liberty County, Texas. This 1230.9784 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 1.000142861. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS DESCRIPTION.

BEGINNING at a 3/4 inch iron pipe found in the West right-of-way line of the Southern Pacific Railroad/Union Pacific Railroad 100 feet wide right-of-way described in Volume 69 at Page 410 of the Deed Records of Liberty County, Texas, for the Northeast corner of said 9.43 acres. Said point being the Northeast corner and POINT OF BEGINNING of this tract and has a State Plane Coordinate Value of Y=10,015,250.46 and X=4,015,864.67.

THENCE: South 10°24'11" West along the Northernmost East line of this tract, the East line of said 9.43 acres and the West right-of-way line of said Railroad for a distance of 714.00 feet to 6 inch railroad spike found for an exterior corner of this tract and the Northeast corner of that certain 187.1838 acres conveyed by CMC Railroad, Inc. to TRT LeaseCo, LLC by Instrument dated July 21, 2014 and recorded under County Clerk's File No. 2014011029 of the Official Public Records of Liberty County, Texas. Said point has a State Plane Coordinate Value of Y=10,014,548.10 and X=4,015,735.73.

PAGE NO. 3 – 1230.9784 ACRES

THENCE: North 61°36'57" West along an interior line of this tract and an exterior line of said 187.1838 acres for a distance of 28.12 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and an exterior corner of said 187.1838 acres.

THENCE: South 28°23'03" West along an interior East line of this tract and an exterior West line of said 187.1838 acres for a distance of 45.21 feet to 3/8 inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and an exterior corner of said 187.1838 acres.

THENCE: South 61°36'57" East along an interior East line of this tract and an exterior West line of said 187.1838 acres for a distance of 28.12 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for exterior corner of this tract and an interior corner of said 187.1838 acres.

THENCE: South 28°23'03" West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 456.93 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: South 32°12'03" West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 237.19 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: South 25°43'49" West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 184.75 feet to 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: South 25°23'29" West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 87.15 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Easterly.

THENCE: Along and around said curve to the left, in a Southerly direction, along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres, said curve having a radius of 61.37 feet, a central angle of 58°06'24" and a chord bearing and distance of South 01°21'36" East 59.61 feet, for an arc length of 62.24 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South 23°56'17" East along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 88.32 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for the BEGINNING POINT of a curve to the right, concave Westerly.

THENCE: Along and around said curve to the right, in a Southerly direction, along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres, said curve having a radius of 250.00 feet, a central angle of $47^{\circ}33'34''$ and a chord bearing and distance of South $00^{\circ}09'30''$ East 201.61 feet, for an arc length of 207.52 feet to a 1/2 inch iron rod, with cap (BIA), found for the TERMINATION POINT of said curve.

THENCE: South $23^{\circ}37'17''$ West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 3542.57 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line.

THENCE: South $10^{\circ}06'29''$ West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 2061.47 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line at the Southwest corner of said 187.1838 acres.

THENCE: South $36^{\circ}58'09''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 95.38 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 532.17 feet, a central angle of $05^{\circ}54'14''$ and a chord bearing and distance of South $34^{\circ}31'45''$ East 54.81 feet, for an arc length of 54.84 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South $31^{\circ}13'25''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 77.48 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 1265.11 feet, a central angle of $08^{\circ}49'24''$ and a chord bearing and distance of South $39^{\circ}45'41''$ East 194.63 feet, for an arc length of 194.82 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South $46^{\circ}35'03''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 73.25 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 766.47 feet, a central angle of $15^{\circ}16'42''$ and a chord bearing and distance of South $64^{\circ}02'19''$ East 203.78 feet, for an arc length of 204.38 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South 79°09'07" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 118.53 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line.

THENCE: South 50°28'52" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 53.59 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the right, concave Southwesterly.

THENCE: Along and around said curve to the right, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 100.83 feet, a central angle of 31°33'57" and a chord bearing and distance of South 26°04'50" East 54.85 feet, for a distance of 55.55 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South 11°16'48" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 94.88 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 278.59 feet, a central angle of 55°23'16" and a chord bearing and distance of South 33°26'52" East 258.95 feet, for an arc length of 269.31 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South 64°25'10" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 121.23 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line.

THENCE: South 45°39'48" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 370.76 feet (called 370.80 feet) to a 1/2 inch iron rod, with cap (BHA), found in the West right-of-way of said Railroad for an angle point in the Southernmost East line of this tract at the Southeast corner of said 187.1838 acres.

THENCE: South 10°24'11" West along the Southernmost East line of this tract and the West line of said Railroad for a distance of 196.36 feet (called 196.32 feet) to a point in the centerline of an existing canal for the Southeast corner of this tract in the South line of said 556.0186 acres and the North line of that certain 780.95 acre tract conveyed by Bill Sjolander, Trustee, et ux, to Oliver Damek, et al, by Deed dated June 21, 1999 and recorded in Volume 1782 at Page 42 of the Official Public Records of Liberty County, Texas.

THENCE: North 65°51'15" West along the Easternmost South line of this tract, the South line of said 556.0186 acres and the North line of said 780.95 acres for a distance of 7346.56 feet (called 7346.57 feet) to a point in the centerline of an existing canal in the West line of said Lot 84 and the East line of said Lot 83 of said Stilson & Hill's Subdivision, in the West line of said Humphrey Survey No. 38, the East line of said G. C. & S. F. Railroad Co. Survey No. 37, and the Southernmost East line of said 462.74 acres. Said point being an interior corner of this tract, the Southwest corner of said 556.0186 acres and the Northwest corner of said 780.95 acres; from which a found 3/4 inch iron rod, with cap (BHA), bears North 00°29'49" West 44.62 feet and a 2 inch iron post (found sticking up) bears South 07°49'02" East 46.12 feet.

THENCE: South 02°58'06" East (called South 02°56'39" East) along an interior line of this tract, the West line of said 780.95 acres, the Southernmost East line of said 462.74 acres, the West line of said Lots 84 and 85, the West line of said Survey No. 38, the East line of said Lots 83 and 82 and the East line of said Survey No. 37, for a distance of 1559.84 feet (called 1559.54 feet) to a point in the bank of a small canal for an exterior corner of this tract, the Westernmost Southeast corner of said 462.74 acres and the common corner of Lots 81, 82, 85 and 86 of said Stilson & Hill's Subdivision.

THENCE: South 87°00'17" West (called South 86°59'19" West) along the Westernmost South line of this tract, the Westernmost South line of said 462.74 acres, the South line of said Lot 82, the North line of said Lot 81, the North line of that certain 10.000 acres and that certain 5.000 acres conveyed by Elbert McKinzie, et ux, to Gary Schroder, et ux, by Deeds dated July 14, 2006 and recorded under County Clerk's File Nos. 2006010271 and 2006010273, respectively, and at 7.79 feet pass a 1/2 inch iron rod, with cap #5068, (having State Plane Coordinates of Y=10,004,022.12 and X=4,006,905.84); at 2308.92 feet pass a 1/2 inch iron rod, with cap #5068 found in the East right-of-way line of County Road No. 491; in all, a total distance of 2334.22 feet to a point in the centerline of County Road 491 (50 feet wide right-of-way per plat of said Stilson & Hill's Subdivision) found for the Southwest corner of this tract, the Southwest corner of said 462.74 acres and the common corners of Lots 77, 78, 81 and 82 of said Stilson & Hill's Subdivision.

THENCE: North 02°53'25" West (called North 02°54'14" West) along the West line of this tract, the West line of said 462.74 acres, the common line of said Lots 77 and 82 and the common line of Lots 76 and 83, and the centerline of said County Road 491, for a distance of 2850.75 feet (called 2851.82 feet) to a 3/4 inch iron pipe found for an angle point in said line at the common corner of Lots 58, 75, 76 and 83 of said Stilson & Hill's Subdivision; being in the North line of said Survey No. 37 and the South line of said Survey No. 36; said point having a State Plane Coordinate Value of Y=10,006,748.06 and X=4,004,438.48.

THENCE: North 02°50'54" West (called North 02°50'35" West) along the West line of this tract, the West line of said 462.74 acres, the common line of said Lots 58 and 75 and the common line of Lots 59 and 74 and the centerline of said County Road 491, for a distance of 2018.09 feet (called 2017.80 feet) to a 1/2 inch iron rod, with cap (BHA), found in the Southeast right-of-way line of U. S. Highway 90 (220 feet wide right-of-way) for the Westernmost Northwest corner of this tract, the Westernmost Northwest corner of said 462.74 acres and the Northwest corner of the residue of said Lot 59; from which a 1/2 inch iron rod (found) bears South 45°55'24" West 2.66 feet.

THENCE: North 45°55'24" East (called North 45°55'09" East) along the Northwest line of this tract, the Northwest line of said 462.74 acres, the Northwest lines of the residue of Lots 59, 95 and 94 of said Stilson & Hill's Subdivision and the Southeast right-of-way line of said U. S. Highway 90, for a distance of 3234.33 feet to a 1/2 inch iron rod, with cap, found for an exterior corner of this tract, an exterior corner of said 462.74 acres and a Northwest corner of the residue of a 1.35 acre tract of land conveyed to Joe F. Hajdik, et ux, by Eleanor Prochazka, et al, by Deed dated July 21, 1981 and recorded in Volume 916 at Page 353 of the Deed Records of Liberty County, Texas.

THENCE: South 04°29'09" East (called South 04°33'25" East) along an interior line of this tract, an interior line of said 462.74 acres and the West line of said 1.35 acre tract for a distance of 79.02 feet (called 78.98 feet) to a 1/2 inch iron rod, with cap, found for an interior corner of this tract, an interior corner of said 462.74 acres and the Southwest corner of said 1.35 acre tract.

THENCE: North 84°45'02" East (called North 84°49'09" East) along an interior North line of this tract, an North interior line of said 462.74 acres and the South line of said 1.35 acre tract for a distance of 368.03 feet (called 368.50 feet) to a 1/2 inch iron rod, with cap, found for an interior corner of this tract, an interior corner of said 462.74 acres and the Southeast corner of said 1.35 acre tract.

THENCE: North 04°23'28" West (called North 04°25'12" West) along an interior line of this tract, an interior line of said 462.74 acres and the East line of said 1.35 acre tract and at 225.0 feet pass a 1/2 inch iron rod, with cap, found for reference in the South right-of-way line of County Road No. 495 (60 feet wide right-of-way); in all, a total distance of 254.01 feet (called 254.77 feet) to a 1/2 inch iron rod, with cap, found in the centerline of said County Road No. 495 for an exterior corner of this tract and an exterior corner of said 462.74 acres. Said point being in the North line of said Lot 93.

THENCE: North 86°59'24" East (called North 87°01'17" East) along an exterior North line of this tract, the Easternmost North line of said 462.74 acres, the North lines of said Lots 93 and 92 and the centerline of said County Road 495, for a distance of 1039.58 feet (called 1039.42 feet) to a 1/2 inch iron rod, with cap, found for an exterior corner of this tract, the Northeast corner of said 462.74 acres, the Northeast corner of said Lot 92, the Northwest corner of Lot 49 of said Stilson & Hill's Subdivision and the Northwest corner of a tract of land described as all of Lots 49 and 52 and the West 1/2 of Lot 50 as conveyed by Jesse Moore to Bertha Moore (McShan) by Deed dated January 28, 1957 and recorded in Volume 457 at Page 609 of the Deed Records of Liberty County, Texas.

THENCE: South 02°55'05" East (called South 03°00'08" East) along an interior line of this tract, the Northernmost East line of said 462.74 acres and the common line of said Lots 92 and 49, for a distance of 703.59 feet (called 704.00 feet) to a 3/4 inch iron pipe found for an angle point in said line at the common corner of said Lots 49, 52, 98 and 92.

THENCE: South 02°59'10" East (called South 02°57'19" East) along an interior line of this tract, the Northernmost East line of said 462.74 acres and the common line of said Lots 52 and 98 and the common line of Lots 55 and 54 of said Stilson & Hill's Subdivision, and at 907.83 feet pass a 1/2 inch iron rod found for the common corner of Lots 52, 54, 55 and 98; in all, a total distance of 2268.66 feet (called 2268.53 feet) to a 1/2 inch iron rod found for an interior corner of this tract, an angle point in the Northernmost East line of said 462.74 acres, the common corner of said Lots 54, 55, the West 1/2 of Lot 57 and the East 1/2 of Lot 57, the Southwest corner of that certain 213.772 acres conveyed by David Arlen Nelson, et al, to 1992 Rizzo Family Trust by Deed dated April 22, 1997 and recorded in Volume 1668 at Page 279 of the Official Public Records of Liberty County, Texas and by Virgil E. Holbrook, et al, to 1992 Rizzo Family Trust by Deed dated August 29, 1995 and recorded under County Clerk's File No. 2003012413 of the Official Public Records of Liberty County, Texas, and a middle Northwest corner of said 556.0168 acres.

THENCE: North 87°02'14" East (called North 87°01'21" East) along an interior North line of this tract, an exterior North line of said 556.0186 acres, the Westernmost South line of said 213.772 acres, the North line of the East 1/2 of said Lot 57 and the South lines of Lots 54 and 53 of said Stilson & Hill's Subdivision for a distance of 1280.75 feet (called 1281.28 feet) to a 1/2 inch iron rod (bent) found in the centerline of an existing 50 feet wide roadway for an interior corner of this tract, an interior corner of said 556.0186 acres, the common corner of Lots 53, 57, 41 and 40 of said Stilson & Hill's Subdivision and the Southernmost Southeast corner of said 213.772 acres.

THENCE: North 02°58'24" West (called North 02°56'39" West) along an interior line of this tract, the Northernmost West line of said 556.0186 acres, the centerline of said roadway, the Southernmost East line of said 213.772 acres, the East line of said Lot 53 and the West line of said Lot 41, for a distance of 1360.99 feet (called 1361.10 feet) to a 4 inch pinched-top iron pipe found for an exterior corner of this tract, the Northernmost Northwest corner of said 556.0186 acres, the common corner of Lots 41, 42, 51 and 53 of said Stilson & Hill's Subdivision and an interior corner of said 213.772 acres.

THENCE: North 87°01'21" East along an exterior North line of this tract, the Northernmost North line of said 556.0186 acres, the Easternmost South line of said 213.772 acres, the North lines of Lots 41 and 39 and the South lines of Lots 42 and 38 of said Stilson & Hill's Subdivision, for a distance of 2562.87 feet (called 2562.45 feet) to a 3/4 inch iron rod, with cap (BHA), found in the West line of said 261.0209 acres, the East line of said Survey No. 35 and the West line of said Survey No. 39, for an interior corner of this tract, the Northeast corner of said 556.0186 acres, the Easternmost Southeast corner of said 213.772 acres, the Southeast corner of said Lot 38 and the Northeast corner of said Lot 39 of said Stilson & Hill's Subdivision.

THENCE: North 02°59'11" West (called North 02°57'58" West) along an exterior line of this tract, the West line of said 261.0209 acres, the West line of said Survey No. 39, the East line of said Survey No. 35, the East line of said 213.772 acres and the East line of Lots 39, 38 and 37 of said Stilson & Hill's Subdivision, for a distance of 1197.08 feet (called 1196.51 feet) to a 3/4 inch iron rod found for an exterior corner of this tract, the Northwest corner of said Survey No. 39, the Southwest corner of said Munson League, the Northwest corner of said 261.0209 acres and the Southwest corner of Lot 21 of said Brown & Sterling Subdivision.

THENCE: North 87°22'13" East along an exterior North line of this tract, the North line of said Survey No. 39, the North line of said 261.0209 acres, the South line of said Munson League and the South line of said Lot 21, for a distance of 1931.29 feet to a 1/2 inch iron rod, with cap (BHA), found for an exterior corner of this tract and the Northwest corner of that certain 1.3151 acres conveyed by CMC Railroad, Inc. to TRT LeaseCo, LLC by Instrument dated July 21, 2014 and recorded under County Clerk's File No. 2014011029 of the Official Public Records of Liberty County, Texas.

THENCE: South 02°37'47" East along an interior line of this tract and the West line of said 1.3151 acres for a distance of 157.87 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and the Southwest corner of said 1.3151 acres.

THENCE: North 87°22'13" East along an interior North line of this tract and the South line of said 1.3151 acres for a distance of 362.66 feet to a magnetic nail found for an interior corner of this tract and the Southeast corner of said 1.3151 acres.

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THENCE: North 02°28'58" West along an interior line of this tract and the East line of said 1.3151 acres for a distance of 157.87 feet to an "x" in concrete found for an exterior corner of this tract and the Northeast corner of said 1.3151 acres. Said point being in the North line of said Survey No. 39, the South line of said Munson League and the South line of said Lot 21 of Brown & Sterling Subdivision. Said point has a State Plane Coordinate Value of Y=10,011,166.85 and X=4,014,206.05.

THENCE: North 87°22'13" East along an exterior North line of this tract, the North line of said Survey No. 39, the South line of said Munson League, the South line of Lots 21 and 8 of said Brown & Sterling Subdivision and the South line of County Road 493 (50 feet wide right-of-way), for a distance of 38.28 feet to a magnetic nail found for an exterior corner of this tract and the Northwest corner of that certain 3.2622 acres conveyed by CMC Railroad, Inc. to TRT LeaseCo, LLC by Instrument dated July 21, 2014 and recorded under County Clerk's File No. 2014011029 of the Official Public Records of Liberty County, Texas.

THENCE: South 02°37'47" East along an interior line of this tract and the West line of said 3.2622 acres for a distance of 274.66 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and the Southwest corner of said 3.2622 acres.

THENCE: North 11°48'16" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 14.95 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: North 28°12'44" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 15.31 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: North 47°42'39" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 9.99 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: North 87°44'49" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 375.15 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line at the Southeast corner of said 3.2622 acres.

THENCE: North 54°55'24" East (called North 54°55'20" East) along an interior line of this tract and the East line of said 3.2622 acres for a distance of 453.16 feet (called 453.17 feet) to a 6 inch metal post (Y=10,011,205.18 and X=4,015,020.32) found for an interior corner of this tract in the North line of said Survey No. 39, the South line of said Munson League, the South line of said Lot 8 of Brown & Sterling Subdivision and the North line of said 261.0209 acres. Said point being the Southwest corner of said 9.43 acres.

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THENCE: North 10°24'11" East along the Northernmost West line of this tract and the West line of said 9.43 acres for a distance of 4107.37 feet (called 4107.36 feet) to a 1/2 inch iron rod, with cap (BHA), found for the Northwest corner of this tract and the Northwest corner of said 9.43 acres.

THENCE: North 87°20'15" East along the Easternmost North line of this tract and the North line of said 9.43 acres for a distance of 102.66 feet to the PLACE OF BEGINNING and containing within these boundaries 1230.9784 acres of land.

SURVEYOR'S CERTIFICATE

I, Juliene Ramsey, Registered Professional Land Surveyor No. 4379, do hereby certify that the foregoing field notes were prepared from an actual survey made on the ground, under my supervision, in November and December of 2014 and that all lines, boundaries and landmarks are accurately described therein. These metes and bounds were prepared to be used with that certain ALTA/ACSM Land Title Survey signed and sealed by the undersigned on _____.

WITNESS my hand and seal at Baytown, Texas, this the 14th day of January, A. D., 2015.

Juliene Ramsey
Registered Professional Land Surveyor No. 4379
14-4472.cmcrrinc.west.fdn.doc
Hutchison & Associates, Inc.
Engineering Firm #F-267
Surveying Firm #100293-00

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**



Lee H. Husek Chambers
Lee Husek Chambers, County Clerk

Liberty County Texas

January 24, 2019 09:18:40 AM

FEE: \$88.00 CMACIAS

ORD

2019002213



CITY OF DAYTON, TEXAS

ORDINANCE O2018-34

AN ORDINANCE, PURSUANT TO A VOLUNTARY REQUEST BY THE PROPERTY OWNER, ANNEXING THE HEREINAFTER DESCRIBED 285.5355 ACRE TRACT OF ADDITIONAL TERRITORY TO THE CITY OF DAYTON, LIBERTY COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of a 285.5355 acre tract of land situated in the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465 and the Frank Humphrey Survey No. 38, Abstract 546, both in Liberty County, Texas, and described more particularly in Exhibit A, has submitted a written request for the City of Dayton to annex that tract; and

WHEREAS, said tract being annexed is one-half mile or less in width, is contiguous to the City of Dayton, Texas, and is vacant and without residents; and

WHEREAS, the Texas Local Government Code and/or Section 1.03 of the Charter of the City of Dayton, Texas, an incorporated home rule municipality, authorizes the annexation of territory subject to the laws of this state; and

WHEREAS, Section 43.028 of the Texas Local Government Code specifically authorizes municipalities to annex sparsely occupied areas of land on petition of area landowners; and

WHEREAS, an offer of a development agreement pursuant to the Texas Local Government Code has been rejected; and

WHEREAS, the procedures prescribed by Section 1.03 of the Charter of the City of Dayton, Texas and the laws of this state have been duly followed with respect to the annexation of the territory described in Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS:

Section 1: That the 285.5355 acre tract of property situated in the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465 and the Frank Humphrey Survey No. 38, Abstract 546, both in Liberty County, Texas, said property being more fully described in Exhibit A, is hereby annexed into the City of Dayton, Liberty County, Texas, and that the boundary limits of the City of Dayton be and the same are hereby extended to include the above described territory within the city limits of the City of Dayton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens

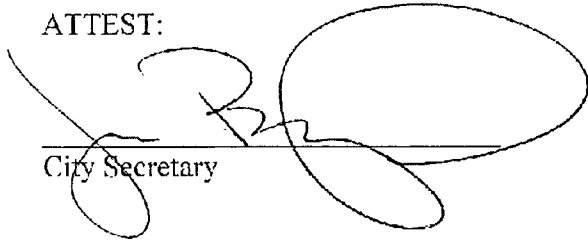
of the City of Dayton, Texas and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.

The City Secretary is hereby directed to file with the County Clerk of Liberty County, Texas, a certified copy of this ordinance.

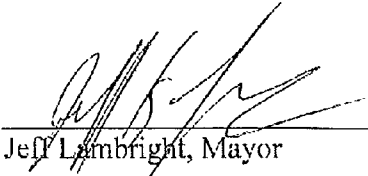
Section 2: This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Dayton, this 17th day of December 2018.

ATTEST:



City Secretary



Jeff Lambright, Mayor

EXHIBIT

A

STATE OF TEXAS)
COUNTY OF LIBERTY)
ANNEXATION PARCEL NO. 3)

DESCRIPTION of a 285.5355 acre tract of land situated in the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465 and the Frank Humphrey Survey No. 38, Abstract 546, both in Liberty County, Texas. Said 285.5355 acres being out of and a part of that certain 1231.4616 acres (called 1230.978 acres) situated in the Frank Humphrey Survey No. 38, Abstract 546, the Frank Humphrey Survey No. 36, Abstract 545, the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465, the Elizabeth Munson League, Abstract 88, the G. C. & S. F. Railroad Company Survey No. 21, Abstract 459 and the T. C. Railroad Company Survey No. 39, Abstract 474, all in Liberty County, Texas and said 1231.4616 acres being all of Lots 39, 40, 41, 55, 56, 57, 58, 60, 61, 82, 83, 91, 92, 96 and 98 and part of Lots 59, 84, 85, 89, 90, 93, 94 and 95 of Stilson & Hill's Subdivision according to the plat recorded in Volume "T" at Page 390 of the Deed Records of Liberty County, Texas; also being part of Lots 3, 4, 8, 9, 10 and 11 of Brown & Sterling Subdivision according to the plat recorded in Volume 37 at Page 2 of the Deed Records of Liberty County, Texas. Said 1231.4616 acres being all of that certain 462.74 acres (Tract X), part of that certain 261.0209 acres (Tract XI) and part of that certain 9.43 acres (Tract XV) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000452 of the Official Public Records of Liberty County, Texas and part of that certain 556.0186 acres (Tract IX) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000453 of the Official Public Records of Liberty County, Texas. This 285.5355 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 1.0000000. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS, TO-WIT:

COMMENCING at a point in the East right-of-way line of the Southern Pacific/Union Pacific Railroad 100 feet wide right-of-way (recorded in Volume 69 at Page 410 of the Deed Records of Liberty County, Texas) at the Southeast corner of that certain 149.585 acres described under Ordinance 580 of the City of Dayton, Texas. Said COMMENCING POINT has a State Plane Coordinate Value of Y=10,004,805.88 and X=4,014,048.85.

THENCE: South 10°24'11" West for a distance of 2311.08 feet along the East right-of-way line of said Railroad to a point.

THENCE: North 65°51'15" West, over and across said Railroad, for a distance of 102.95 feet to a point in the West right-of-way line of said Railroad.

THENCE: Continue North 65°51'15" West, over and across said Railroad, and along the South line of said 1231.4616 acres, for a distance of 1757.07 feet to a point in the Southernmost West line of said Abstract 474 and the East line of said Abstract 546.

THENCE: Continue North 65°51'15" West for a distance of 2452.88 feet to a point for the Southeast corner and POINT OF BEGINNING of this tract. Said BEGINNING POINT has a State Plane Coordinate Value of Y=10,004,297.03 and X=4,009,695.98.

PRELIMINARY

PAGE 2 – 285.5355 ACRES, ANNEXATION PARCEL NO. 3,

THENCE: Along and with the boundaries of this tract, the following courses and distances:

North 65°51'15" West for a distance of 2876.79 feet;
North 02°57'19" West for a distance of 4981.62 feet to a point in the existing Corporate Limits of the City of Dayton, Texas;
North 45°55'16" East along and with the existing Corporate Limits of said City of Dayton, Texas for a distance of 398.63 feet;
North 43°52'32" West along and with the existing Corporate Limits of said City of Dayton, Texas for a distance of 317.41 feet;
North 84°45'02" East for a distance of 154.93 feet;
North 04°16'52" West for a distance of 254.44 feet;
North 87°01'18" East for a distance of 1039.12 feet;
South 03°01'09" East for a distance of 704.20 feet;
South 02°56'46" East for a distance of 2268.13 feet;
North 87°03'02" East for a distance of 1281.43 feet;

THENCE: South 02°56'11" East for a distance of 4082.72 feet to the PLACE OF BEGINNING and containing within these boundaries 285.5355 acres or 12,437,925 square feet of land.

SURVEYOR'S CERTIFICATE

I, Glen H. Freeland, Registered Professional Land Surveyor No. 5758, do hereby certify that this document was prepared under 22 TAC §663.21, 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.

WITNESS my hand and seal at Baytown, Texas, this the 17th day of December, A. D., 2018.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Glen H. Freeland
R. P. L. S. No. 5758
18-6107.Annex.Parcel.3.docx
Hutchison & Associates, Inc.
1209 Decker Drive, Suite 100
Baytown, TX 77520
Engineering Firm #F-267
Surveying Firm #100293-00

PRELIMINARY

PETITION FOR ADDITION OF CERTAIN LAND INTO
THE CITY OF DAYTON, TEXAS

THE STATE OF TEXAS §
 §
COUNTY OF LIBERTY §

TO: THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS (the "City");

CMC Railroad, LLC, a Texas limited liability company (the "Petitioner"), the owner of the land hereinafter described, acting pursuant to the provisions of Chapter 43, Texas Local Government Code, together with all amendments and additions thereto, petitions this Honorable City Council to add the 1230.9784 acre tract of land described by metes and bounds in **Exhibit A** attached hereto and incorporated herein for all purposes (the "Land"), to the City, and in support of this petition the Petitioner represents, covenants and agrees as follows:

Section 1: The Land lies entirely within Liberty County, Texas and is accurately described by metes and bounds in **Exhibit A**.

Section 2: The Petitioner holds fee simple title to and full ownership of all the Land.

Section 3: All of the Land is within the extraterritorial jurisdiction of the City, (as such term is defined in Texas Local Government Code Section 42.001 et seq., as amended).

Section 4: The Petitioner is requesting annexation into the City pursuant to Texas Local Government Code, Chapter 43 and is not entering into a development agreement pursuant to Section 43.032, Texas Local Government Code.

Section 5: This Petition shall constitute an election on the part of the Petitioner, its successors and assigns, for the Land and any improvements that are now or may hereafter be constructed thereon, to become liable for all present and future debts of the City in the same manner and to the same extent as other lands and improvements in the City are liable for the City's debts. Petitioner also hereby agrees that the Land, and all improvements thereon presently existing or to be constructed, shall be taxed equally with all other property in the City. The Petitioner acknowledges, consents to, and affirmatively requests the assumption by the Land of a pro rata share of all obligations of the City, and of the taxes levied or hereafter to be levied by the City.

Section 6: The Petitioner hereby certifies that there are no lienholders on the Land.

Section 7: The Petitioner and the City intend to enter into a reimbursement agreement for reimbursement for costs of certain eligible projects in the City of Dayton Reinvestment Zone No. 1, effective the same date as the annexation. This Petition is contingent upon the execution and approval by both Parties of the reimbursement agreement, and the Petitioner may withdraw its Petition if the Parties do not execute and approve the reimbursement agreement.

WHEREFORE, the Petitioner prays that this Petition be granted; that the Land be added to and become a part of the City; and that this Petition, if granted, be filed for record and be recorded in the Official Public Records of Liberty County, Texas.

[EXECUTION PAGE FOLLOWS]

RESPECTFULLY SUBMITTED this 10th day of December, 2018.

PETITIONER:

By: CMC RAILROAD, LLC

By: Marcus Goering
Name: Marcus Goering
Title: President

THE STATE OF TEXAS

§

§

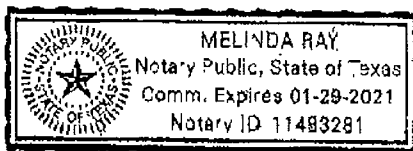
COUNTY OF LIBERTY

§

This instrument was acknowledged before me on this 10th day of December, 2018, by Marcus Goering, President of CMC Railroad, LLC, a Texas limited liability company, on behalf of said company.

Melinda Ray
Notary Public, State of Texas

(NOTARY SEAL)



Attachment:

Exhibit A – Metes and Bounds Description of the Land

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Annette Stephens.

EXHIBIT A

STATE OF TEXAS)
COUNTY OF LIBERTY)

FIELD NOTES of a 1230.9784 acre tract of land situated in the Frank Humphrey Survey No. 38, Abstract 546, the Frank Humphrey Survey No. 36, Abstract 545, the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465, the G. C. & S. F. Railroad Company Survey No. 21, Abstract 459, the Elizabeth Munson League, Abstract 88 and the T. C. Railroad Company Survey No. 39, Abstract 474, all in Liberty County, Texas; also being all of Lots 39, 40, 41, 55, 56, 57, 58, 60, 61, 82, 83, 91, 92, 96, 97 and 98 and part of Lots 59, 84, 85, 89, 90, 93, 94 and 95 of Stilson & Hill's Subdivision according to the plat recorded in Volume "T" at Page 390 of the Deed Records of Liberty County, Texas; also being part of Lots 3, 4, 8, 9, 10, 11 and 12 of Brown & Sterling Subdivision according to the plat recorded in Volume 37 at Page 2 of the Deed Records of Liberty County, Texas. Said 1230.9784 acres being all of that certain 462.74 acres (Tract X), part of that certain 261.0209 acres (Tract XI) and part of that certain 9.43 acres (Tract XV) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000452 of the Official Public Records of Liberty County, Texas and part of that certain 556.0186 acres (Tract IX) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000453 of the Official Public Records of Liberty County, Texas. This 1230.9784 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 1.000142861. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS DESCRIPTION.

BEGINNING at a 3/4 inch iron pipe found in the West right-of-way line of the Southern Pacific Railroad/Union Pacific Railroad 100 feet wide right-of-way described in Volume 69 at Page 410 of the Deed Records of Liberty County, Texas, for the Northeast corner of said 9.43 acres. Said point being the Northeast corner and POINT OF BEGINNING of this tract and has a State Plane Coordinate Value of Y=10,015,250.46 and X=4,015,864.67.

THENCE: South 10°24'11" West along the Northernmost East line of this tract, the East line of said 9.43 acres and the West right-of-way line of said Railroad for a distance of 714.00 feet to 6 inch railroad spike found for an exterior corner of this tract and the Northeast corner of that certain 187.1838 acres conveyed by CMC Railroad, Inc. to TRT LeaseCo, LLC by Instrument dated July 21, 2014 and recorded under County Clerk's File No. 2014011029 of the Official Public Records of Liberty County, Texas. Said point has a State Plane Coordinate Value of Y=10,014,548.10 and X=4,015,735.73.

PAGE NO. 3 – 1230.9784 ACRES

THENCE: North 61°36'57" West along an interior line of this tract and an exterior line of said 187.1838 acres for a distance of 28.12 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and an exterior corner of said 187.1838 acres.

THENCE: South 28°23'03" West along an interior East line of this tract and an exterior West line of said 187.1838 acres for a distance of 45.21 feet to 3/8 inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and an exterior corner of said 187.1838 acres.

THENCE: South 61°36'57" East along an interior East line of this tract and an exterior West line of said 187.1838 acres for a distance of 28.12 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for exterior corner of this tract and an interior corner of said 187.1838 acres.

THENCE: South 28°23'03" West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 456.93 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: South 32°12'03" West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 237.19 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: South 25°43'49" West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 184.75 feet to 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: South 25°23'29" West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 87.15 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Easterly.

THENCE: Along and around said curve to the left, in a Southerly direction, along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres, said curve having a radius of 61.37 feet, a central angle of 58°06'24" and a chord bearing and distance of South 01°21'36" East 59.61 feet, for an arc length of 62.24 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South 23°56'17" East along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 88.32 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for the BEGINNING POINT of a curve to the right, concave Westerly.

THENCE: Along and around said curve to the right, in a Southerly direction, along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres, said curve having a radius of 250.00 feet, a central angle of $47^{\circ}33'34''$ and a chord bearing and distance of South $00^{\circ}09'30''$ East 201.61 feet, for an arc length of 207.52 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South $23^{\circ}37'17''$ West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 3542.57 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line.

THENCE: South $10^{\circ}06'29''$ West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 2061.47 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line at the Southwest corner of said 187.1838 acres.

THENCE: South $36^{\circ}58'09''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 95.38 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 532.17 feet, a central angle of $05^{\circ}54'14''$ and a chord bearing and distance of South $34^{\circ}31'45''$ East 54.81 feet, for an arc length of 54.84 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South $31^{\circ}13'25''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 77.48 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 1265.11 feet, a central angle of $08^{\circ}49'24''$ and a chord bearing and distance of South $39^{\circ}45'41''$ East 194.63 feet, for an arc length of 194.82 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South $46^{\circ}35'03''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 73.25 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 766.47 feet, a central angle of $15^{\circ}16'42''$ and a chord bearing and distance of South $64^{\circ}02'19''$ East 203.78 feet, for an arc length of 204.38 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South $79^{\circ}09'07''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 118.53 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line.

THENCE: South $50^{\circ}28'52''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 53.59 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the right, concave Southwesterly.

THENCE: Along and around said curve to the right, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 100.83 feet, a central angle of $31^{\circ}33'57''$ and a chord bearing and distance of South $26^{\circ}04'50''$ East 54.85 feet, for a distance of 55.55 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South $11^{\circ}16'48''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 94.88 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 278.59 feet, a central angle of $55^{\circ}23'16''$ and a chord bearing and distance of South $33^{\circ}26'52''$ East 258.95 feet, for an arc length of 269.31 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South $64^{\circ}25'10''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 121.23 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line.

THENCE: South $45^{\circ}39'48''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 370.76 feet (called 370.80 feet) to a 1/2 inch iron rod, with cap (BHA), found in the West right-of-way of said Railroad for an angle point in the Southernmost East line of this tract at the Southeast corner of said 187.1838 acres.

THENCE: South $10^{\circ}24'11''$ West along the Southernmost East line of this tract and the West line of said Railroad for a distance of 196.36 feet (called 196.32 feet) to a point in the centerline of an existing canal for the Southeast corner of this tract in the South line of said 556.0186 acres and the North line of that certain 780.95 acre tract conveyed by Bill Sjolander, Trustee, et ux, to Oliver Damek, et al, by Deed dated June 21, 1999 and recorded in Volume 1782 at Page 42 of the Official Public Records of Liberty County, Texas.

THENCE: North 65°51'15" West along the Easternmost South line of this tract, the South line of said 556.0186 acres and the North line of said 780.95 acres for a distance of 7346.56 feet (called 7346.57 feet) to a point in the centerline of an existing canal in the West line of said Lot 84 and the East line of said Lot 83 of said Stilson & Hill's Subdivision, in the West line of said Humphrey Survey No. 38, the East line of said G. C. & S. F. Railroad Co. Survey No. 37, and the Southernmost East line of said 462.74 acres. Said point being an interior corner of this tract, the Southwest corner of said 556.0186 acres and the Northwest corner of said 780.95 acres; from which a found 3/4 inch iron rod, with cap (BIA), bears North 00°29'49" West 44.62 feet and a 2 inch iron post (found sticking up) bears South 07°49'02" East 46.12 feet.

THENCE: South 02°58'06" East (called South 02°56'39" East) along an interior line of this tract, the West line of said 780.95 acres, the Southernmost East line of said 462.74 acres, the West line of said Lots 84 and 85, the West line of said Survey No. 38, the East line of said Lots 83 and 82 and the East line of said Survey No. 37, for a distance of 1559.84 feet (called 1559.54 feet) to a point in the bank of a small canal for an exterior corner of this tract, the Westernmost Southeast corner of said 462.74 acres and the common corner of Lots 81, 82, 85 and 86 of said Stilson & Hill's Subdivision.

THENCE: South 87°00'17" West (called South 86°59'19" West) along the Westernmost South line of this tract, the Westernmost South line of said 462.74 acres, the South line of said Lot 82, the North line of said Lot 81, the North line of that certain 10.000 acres and that certain 5.000 acres conveyed by Elbert McKinzie, et ux, to Gary Schroder, et ux, by Deeds dated July 14, 2006 and recorded under County Clerk's File Nos. 2006010271 and 2006010273, respectively, and at 7.79 feet pass a 1/2 inch iron rod, with cap #5068, (having State Plane Coordinates of Y=10,004,022.12 and X=4,006,905.84); at 2308.92 feet pass a 1/2 inch iron rod, with cap #5068 found in the East right-of-way line of County Road No. 491; in all, a total distance of 2334.22 feet to a point in the centerline of County Road 491 (50 feet wide right-of-way per plat of said Stilson & Hill's Subdivision) found for the Southwest corner of this tract, the Southwest corner of said 462.74 acres and the common corners of Lots 77, 78, 81 and 82 of said Stilson & Hill's Subdivision.

THENCE: North 02°53'25" West (called North 02°54'14" West) along the West line of this tract, the West line of said 462.74 acres, the common line of said Lots 77 and 82 and the common line of Lots 76 and 83, and the centerline of said County Road 491, for a distance of 2850.75 feet (called 2851.82 feet) to a 3/4 inch iron pipe found for an angle point in said line at the common corner of Lots 58, 75, 76 and 83 of said Stilson & Hill's Subdivision; being in the North line of said Survey No. 37 and the South line of said Survey No. 36; said point having a State Plane Coordinate Value of Y=10,006,748.06 and X=4,004,438.48.

THENCE: North 02°50'54" West (called North 02°50'35" West) along the West line of this tract, the West line of said 462.74 acres, the common line of said Lots 58 and 75 and the common line of Lots 59 and 74 and the centerline of said County Road 491, for a distance of 2018.09 feet (called 2017.80 feet) to a 1/2 inch iron rod, with cap (BHA), found in the Southeast right-of-way line of U. S. Highway 90 (220 feet wide right-of-way) for the Westernmost Northwest corner of this tract, the Westernmost Northwest corner of said 462.74 acres and the Northwest corner of the residue of said Lot 59; from which a 1/2 inch iron rod (found) bears South 45°55'24" West 2.66 feet.

THENCE: North 45°55'24" East (called North 45°55'09" East) along the Northwest line of this tract, the Northwest line of said 462.74 acres, the Northwest lines of the residue of Lots 59, 95 and 94 of said Stilson & Hill's Subdivision and the Southeast right-of-way line of said U. S. Highway 90, for a distance of 3234.33 feet to a 1/2 inch iron rod, with cap, found for an exterior corner of this tract, an exterior corner of said 462.74 acres and a Northwest corner of the residue of a 1.35 acre tract of land conveyed to Joe F. Hajdik, et ux, by Eleanor Prochazka, et al, by Deed dated July 21, 1981 and recorded in Volume 916 at Page 353 of the Deed Records of Liberty County, Texas.

THENCE: South 04°29'09" East (called South 04°33'25" East) along an interior line of this tract, an interior line of said 462.74 acres and the West line of said 1.35 acre tract for a distance of 79.02 feet (called 78.98 feet) to a 1/2 inch iron rod, with cap, found for an interior corner of this tract, an interior corner of said 462.74 acres and the Southwest corner of said 1.35 acre tract.

THENCE: North 84°45'02" East (called North 84°49'09" East) along an interior North line of this tract, an North interior line of said 462.74 acres and the South line of said 1.35 acre tract for a distance of 368.03 feet (called 368.50 feet) to a 1/2 inch iron rod, with cap, found for an interior corner of this tract, an interior corner of said 462.74 acres and the Southeast corner of said 1.35 acre tract.

THENCE: North 04°23'28" West (called North 04°25'12" West) along an interior line of this tract, an interior line of said 462.74 acres and the East line of said 1.35 acre tract and at 225.0 feet pass a 1/2 inch iron rod, with cap, found for reference in the South right-of-way line of County Road No. 495 (60 feet wide right-of-way); in all, a total distance of 254.01 feet (called 254.77 feet) to a 1/2 inch iron rod, with cap, found in the centerline of said County Road No. 495 for an exterior corner of this tract and an exterior corner of said 462.74 acres. Said point being in the North line of said Lot 93.

THENCE: North 86°59'24" East (called North 87°01'17" East) along an exterior North line of this tract, the Easternmost North line of said 462.74 acres, the North lines of said Lots 93 and 92 and the centerline of said County Road 495, for a distance of 1039.58 feet (called 1039.42 feet) to a 1/2 inch iron rod, with cap, found for an exterior corner of this tract, the Northeast corner of said 462.74 acres, the Northeast corner of said Lot 92, the Northwest corner of Lot 49 of said Stilson & Hill's Subdivision and the Northwest corner of a tract of land described as all of Lots 49 and 52 and the West 1/2 of Lot 50 as conveyed by Jesse Moore to Bertha Moore (McShan) by Deed dated January 28, 1957 and recorded in Volume 457 at Page 609 of the Deed Records of Liberty County, Texas.

THENCE: South 02°55'05" East (called South 03°00'08" East) along an interior line of this tract, the Northernmost East line of said 462.74 acres and the common line of said Lots 92 and 49, for a distance of 703.59 feet (called 704.00 feet) to a 3/4 inch iron pipe found for an angle point in said line at the common corner of said Lots 49, 52, 98 and 92.

THENCE: South 02°59'10" East (called South 02°57'19" East) along an interior line of this tract, the Northernmost East line of said 462.74 acres and the common line of said Lots 52 and 98 and the common line of Lots 55 and 54 of said Stilson & Hill's Subdivision, and at 907.83 feet pass a 1/2 inch iron rod found for the common corner of Lots 52, 54, 55 and 98; in all, a total distance of 2268.66 feet (called 2268.53 feet) to a 1/2 inch iron rod found for an interior corner of this tract, an angle point in the Northernmost East line of said 462.74 acres, the common corner of said Lots 54, 55, the West 1/2 of Lot 57 and the East 1/2 of Lot 57, the Southwest corner of that certain 213.772 acres conveyed by David Arlen Nelson, et al, to 1992 Rizzo Family Trust by Deed dated April 22, 1997 and recorded in Volume 1668 at Page 279 of the Official Public Records of Liberty County, Texas and by Virgil E. Holbrook, et al, to 1992 Rizzo Family Trust by Deed dated August 29, 1995 and recorded under County Clerk's File No. 2003012413 of the Official Public Records of Liberty County, Texas, and a middle Northwest corner of said 556.0168 acres.

THENCE: North 87°02'14" East (called North 87°01'21" East) along an interior North line of this tract, an exterior North line of said 556.0186 acres, the Westernmost South line of said 213.772 acres, the North line of the East 1/2 of said Lot 57 and the South lines of Lots 54 and 53 of said Stilson & Hill's Subdivision for a distance of 1280.75 feet (called 1281.28 feet) to a 1/2 inch iron rod (bent) found in the centerline of an existing 50 feet wide roadway for an interior corner of this tract, an interior corner of said 556.0186 acres, the common corner of Lots 53, 57, 41 and 40 of said Stilson & Hill's Subdivision and the Southernmost Southeast corner of said 213.772 acres.

THENCE: North 02°58'24" West (called North 02°56'39" West) along an interior line of this tract, the Northernmost West line of said 556.0186 acres, the centerline of said roadway, the Southernmost East line of said 213.772 acres, the East line of said Lot 53 and the West line of said Lot 41, for a distance of 1360.99 feet (called 1361.10 feet) to a 4 inch pinched-top iron pipe found for an exterior corner of this tract, the Northernmost Northwest corner of said 556.0186 acres, the common corner of Lots 41, 42, 51 and 53 of said Stilson & Hill's Subdivision and an interior corner of said 213.772 acres.

THENCE: North 87°01'21" East along an exterior North line of this tract, the Northernmost North line of said 556.0186 acres, the Easternmost South line of said 213.772 acres, the North lines of Lots 41 and 39 and the South lines of Lots 42 and 38 of said Stilson & Hill's Subdivision, for a distance of 2562.87 feet (called 2562.45 feet) to a 3/4 inch iron rod, with cap (BHA), found in the West line of said 261.0209 acres, the East line of said Survey No. 35 and the West line of said Survey No. 39, for an interior corner of this tract, the Northeast corner of said 556.0186 acres, the Easternmost Southeast corner of said 213.772 acres, the Southeast corner of said Lot 38 and the Northeast corner of said Lot 39 of said Stilson & Hill's Subdivision.

THENCE: North 02°59'11" West (called North 02°57'58" West) along an exterior line of this tract, the West line of said 261.0209 acres, the West line of said Survey No. 39, the East line of said Survey No. 35, the East line of said 213.772 acres and the East line of Lots 39, 38 and 37 of said Stilson & Hill's Subdivision, for a distance of 1197.08 feet (called 1196.51 feet) to a 3/4 inch iron rod found for an exterior corner of this tract, the Northwest corner of said Survey No. 39, the Southwest corner of said Munson League, the Northwest corner of said 261.0209 acres and the Southwest corner of Lot 21 of said Brown & Sterling Subdivision.

THENCE: North 87°22'13" East along an exterior North line of this tract, the North line of said Survey No. 39, the North line of said 261.0209 acres, the South line of said Munson League and the South line of said Lot 21, for a distance of 1931.29 feet to a 1/2 inch iron rod, with cap (BHA), found for an exterior corner of this tract and the Northwest corner of that certain 1.3151 acres conveyed by CMC Railroad, Inc. to TRT LeaseCo, LLC by Instrument dated July 21, 2014 and recorded under County Clerk's File No. 2014011029 of the Official Public Records of Liberty County, Texas.

THENCE: South 02°37'47" East along an interior line of this tract and the West line of said 1.3151 acres for a distance of 157.87 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and the Southwest corner of said 1.3151 acres.

THENCE: North 87°22'13" East along an interior North line of this tract and the South line of said 1.3151 acres for a distance of 362.66 feet to a magnetic nail found for an interior corner of this tract and the Southeast corner of said 1.3151 acres.

PAGE NO. 10 – 1230.9784 ACRES

THENCE: North 02°28'58" West along an interior line of this tract and the East line of said 1.3151 acres for a distance of 157.87 feet to an "x" in concrete found for an exterior corner of this tract and the Northeast corner of said 1.3151 acres. Said point being in the North line of said Survey No. 39, the South line of said Munson League and the South line of said Lot 21 of Brown & Sterling Subdivision. Said point has a State Plane Coordinate Value of Y=10,011,166.85 and X=4,014,206.05.

THENCE: North 87°22'13" East along an exterior North line of this tract, the North line of said Survey No. 39, the South line of said Munson League, the South line of Lots 21 and 8 of said Brown & Sterling Subdivision and the South line of County Road 493 (50 feet wide right-of-way), for a distance of 38.28 feet to a magnetic nail found for an exterior corner of this tract and the Northwest corner of that certain 3.2622 acres conveyed by CMC Railroad, Inc. to TRT LeaseCo, LLC by Instrument dated July 21, 2014 and recorded under County Clerk's File No. 2014011029 of the Official Public Records of Liberty County, Texas.

THENCE: South 02°37'47" East along an interior line of this tract and the West line of said 3.2622 acres for a distance of 274.66 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and the Southwest corner of said 3.2622 acres.

THENCE: North 11°48'16" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 14.95 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: North 28°12'44" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 15.31 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: North 47°42'39" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 9.99 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: North 87°44'49" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 375.15 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line at the Southeast corner of said 3.2622 acres.

THENCE: North 54°55'24" East (called North 54°55'20" East) along an interior line of this tract and the East line of said 3.2622 acres for a distance of 453.16 feet (called 453.17 feet) to a 6 inch metal post (Y=10,011,205.18 and X=4,015,020.32) found for an interior corner of this tract in the North line of said Survey No. 39, the South line of said Munson League, the South line of said Lot 8 of Brown & Sterling Subdivision and the North line of said 261.0209 acres. Said point being the Southwest corner of said 9.43 acres.

PAGE NO. 11 – 1230.9784 ACRES

THENCE: North 10°24'11" East along the Northernmost West line of this tract and the West line of said 9.43 acres for a distance of 4107.37 feet (called 4107.36 feet) to a 1/2 inch iron rod, with cap (BHA), found for the Northwest corner of this tract and the Northwest corner of said 9.43 acres.

THENCE: North 87°20'15" East along the Easternmost North line of this tract and the North line of said 9.43 acres for a distance of 102.66 feet to the PLACE OF BEGINNING and containing within these boundaries 1230.9784 acres of land.

SURVEYOR'S CERTIFICATE

I, Juliene Ramsey, Registered Professional Land Surveyor No. 4379, do hereby certify that the foregoing field notes were prepared from an actual survey made on the ground, under my supervision, in November and December of 2014 and that all lines, boundaries and landmarks are accurately described therein. These metes and bounds were prepared to be used with that certain ALTA/ACSM Land Title Survey signed and sealed by the undersigned on _____.

WITNESS my hand and seal at Baytown, Texas, this the 14th day of January, A. D., 2015.

Juliene Ramsey
Registered Professional Land Surveyor No. 4379
14-4472.cmerrinc.west.fdn.doc
Hutchison & Associates, Inc.
Engineering Firm #F-267
Surveying Firm #100293-00



**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

Lee Haldusek Chambers
Lee Haldusek Chambers, County Clerk
Liberty County Texas

January 24, 2019 09:18:40 AM

FEE: \$88.00

CMACIAS

ORD

2019002214



CITY OF DAYTON, TEXAS

ORDINANCE O2018-35

AN ORDINANCE, PURSUANT TO A VOLUNTARY REQUEST BY THE PROPERTY OWNER, ANNEXING THE HEREINAFTER DESCRIBED 304.2753 ACRE TRACT OF ADDITIONAL TERRITORY TO THE CITY OF DAYTON, LIBERTY COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of a 304.2753 acre tract of land situated in the Frank Humphrey Survey No. 36, Abstract 545 and the Frank Humphrey Survey No. 38, Abstract 546, both in Liberty County, Texas, and described more particularly in Exhibit A. has submitted a written request for the City of Dayton to annex that tract; and

WHEREAS, said tract being annexed is one-half mile or less in width, is contiguous to the City of Dayton, Texas, and is vacant and without residents; and

WHEREAS, the Texas Local Government Code and/or Section 1.03 of the Charter of the City of Dayton, Texas, an incorporated home rule municipality, authorizes the annexation of territory subject to the laws of this state; and

WHEREAS, Section 43.028 of the Texas Local Government Code specifically authorizes municipalities to annex sparsely occupied areas of land on petition of area landowners; and

WHEREAS, an offer of a development agreement pursuant to the Texas Local Government Code has been rejected; and

WHEREAS, the procedures prescribed by Section 1.03 of the Charter of the City of Dayton, Texas and the laws of this state have been duly followed with respect to the annexation of the territory described in Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS:

Section 1: That the 304.2753 acre tract of property situated in the Frank Humphrey Survey No. 36, Abstract 545 and the Frank Humphrey Survey No. 38, Abstract 546, both in Liberty County, Texas, said property being more fully described in Exhibit A, is hereby annexed into the City of Dayton, Liberty County, Texas, and that the boundary limits of the City of Dayton be and the same are hereby extended to include the above described territory within the city limits of the City of Dayton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the

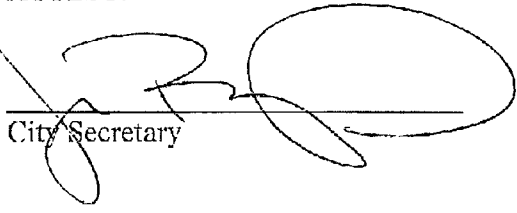
City of Dayton, Texas and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.

The City Secretary is hereby directed to file with the County Clerk of Liberty County, Texas, a certified copy of this ordinance.

Section 2: This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Dayton, this 17th day of December 2018.

ATTEST:


City Secretary

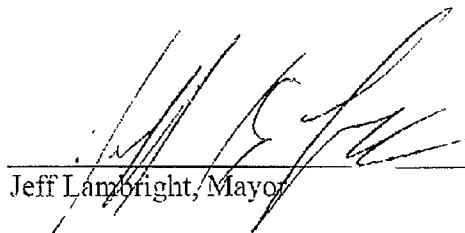

Jeff Lanzbright, Mayor

EXHIBIT A

STATE OF TEXAS)
COUNTY OF LIBERTY)
ANNEXATION PARCEL NO. 4)

DESCRIPTION of a 304.2753 acre tract of land situated in the Frank Humphrey Survey No. 36, Abstract 545 and the Frank Humphrey Survey No. 38, Abstract 546, both in Liberty County, Texas. Said 304.2753 acres being out of and a part of that certain 1231.4616 acres (called 1230.978 acres) situated in the Frank Humphrey Survey No. 38, Abstract 546, the Frank Humphrey Survey No. 36, Abstract 545, the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465, the Elizabeth Munson League, Abstract 88, the G. C. & S. F. Railroad Company Survey No. 21, Abstract 459 and the T. C. Railroad Company Survey No. 39, Abstract 474, all in Liberty County, Texas and said 1231.4616 acres being all of Lots 39, 40, 41, 55, 56, 57, 58, 60, 61, 82, 83, 91, 92, 96 and 98 and part of Lots 59, 84, 85, 89, 90, 93, 94 and 95 of Stilson & Hill's Subdivision according to the plat recorded in Volume "T" at Page 390 of the Deed Records of Liberty County, Texas; also being part of Lots 3, 4, 8 9, 10 and 11 of Brown & Sterling Subdivision according to the plat recorded in Volume 37 at Page 2 of the Deed Records of Liberty County, Texas. Said 1231.4616 acres being all of that certain 462.74 acres (Tract X), part of that certain 261.0209 acres (Tract XI) and part of that certain 9.43 acres (Tract XV) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000452 of the Official Public Records of Liberty County, Texas and part of that certain 556.0186 acres (Tract IX) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000453 of the Official Public Records of Liberty County, Texas. This 304.2753 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 1.0000000. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS, TO-WIT:

COMMENCING at a point in the East right-of-way line of the Southern Pacific/Union Pacific Railroad 100 feet wide right-of-way (recorded in Volume 69 at Page 410 of the Deed Records of Liberty County, Texas) at the Southeast corner of that certain 149.585 acres described under Ordinance 580 of the City of Dayton, Texas. Said COMMENCING POINT has a State Plane Coordinate Value of Y=10,004,805.88 and X=4,014,048.85.

THENCE: South 10°24'11" West for a distance of 2311.08 feet along the East right-of-way line of said Railroad to a point.

THENCE: North 65°51'15" West, over and across said Railroad, for a distance of 102.95 feet to a point in the West right-of-way line of said Railroad.

THENCE: Continue North 65°51'15" West, over and across said Railroad, and along the South line of said 1231.4616 acres, for a distance of 1757.07 feet to a point in the Southernmost West line of said Abstract 474 and the East line of said Abstract 546. Said point has a State Plane Coordinate Value of Y=10,003,293.65 and X=4,011,934.25.

THENCE: Continue North 65°51'15" West for a distance of 2452.88 feet to a point in the centerline of a 50 feet wide road right-of-way as per map of said Stilson and Hill's Subdivision (County Road 494). Said point has a State Plane Coordinate Value of Y=10,004,297.03 and X=4,009,695.98.

PRELIMINARY

PAGE 2 – 304.2753 ACRES, ANNEXATION PARCEL NO. 4.

THENCE: Continue North 65°51'15" West for a distance of 2876.79 feet to a point for the Easternmost Southeast corner and POINT OF BEGINNING of this tract. Said BEGINNING POINT has a State Plane Coordinate Value of Y=10,005,473.81 and X=4,007,070.89.

THENCE: Along and with the boundaries of this tract, the following courses and distances:

North 65°51'15" West for a distance of 260.77 feet;

South 02°58'06" East for a distance of 1560.56 feet;

South 87°01'10" West for a distance of 2334.98 feet;

North 02°53'19" West for a distance of 2851.19 feet;

North 02°53'55" West for a distance of 1336.27 feet to a point in the existing Corporate Limits of the City of Dayton, Texas;

North 45°55'16" East along and with the existing Corporate Limits of said City of Dayton, Texas for a distance of 3401.25 feet to a point for the Northeast corner of this tract;

THENCE: South 02°57'19" East for a distance of 4981.62 feet to the PLACE OF BEGINNING and containing within these boundaries 304.2753 acres or 13,254,230 square feet of land.

SURVEYOR'S CERTIFICATE

I, Glen H. Freeland, Registered Professional Land Surveyor No. 5758, do hereby certify that this document was prepared under 22 TAC §663.21, 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.

WITNESS my hand and seal at Baytown, Texas, this the 17th day of December, A. D., 2018.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Glen H. Freeland
R. P. L. S. No. 5758
18-6107.Annex.Parcel.4.docx
Hutchison & Associates, Inc.
1209 Decker Drive, Suite 100
Baytown, TX 77520
Engineering Firm #F-267
Surveying Firm #100293-00

PRELIMINARY

PETITION FOR ADDITION OF CERTAIN LAND INTO
THE CITY OF DAYTON, TEXAS

THE STATE OF TEXAS §
 §
COUNTY OF LIBERTY §

TO: THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS (the "City"):

CMC Railroad, LLC, a Texas limited liability company (the "Petitioner"), the owner of the land hereinafter described, acting pursuant to the provisions of Chapter 43, Texas Local Government Code, together with all amendments and additions thereto, petitions this Honorable City Council to add the 1230.9784 acre tract of land described by metes and bounds in Exhibit A attached hereto and incorporated herein for all purposes (the "Land"), to the City, and in support of this petition the Petitioner represents, covenants and agrees as follows:

Section 1: The Land lies entirely within Liberty County, Texas and is accurately described by metes and bounds in Exhibit A.

Section 2: The Petitioner holds fee simple title to and full ownership of all the Land.

Section 3: All of the Land is within the extraterritorial jurisdiction of the City, (as such term is defined in Texas Local Government Code Section 42.001 et seq., as amended).

Section 4: The Petitioner is requesting annexation into the City pursuant to Texas Local Government Code, Chapter 43 and is not entering into a development agreement pursuant to Section 43.032, Texas Local Government Code.

Section 5: This Petition shall constitute an election on the part of the Petitioner, its successors and assigns, for the Land and any improvements that are now or may hereafter be constructed thereon, to become liable for all present and future debts of the City in the same manner and to the same extent as other lands and improvements in the City are liable for the City's debts. Petitioner also hereby agrees that the Land, and all improvements thereon presently existing or to be constructed, shall be taxed equally with all other property in the City. The Petitioner acknowledges, consents to, and affirmatively requests the assumption by the Land of a pro rata share of all obligations of the City, and of the taxes levied or hereafter to be levied by the City.

Section 6: The Petitioner hereby certifies that there are no lienholders on the Land.

Section 7: The Petitioner and the City intend to enter into a reimbursement agreement for reimbursement for costs of certain eligible projects in the City of Dayton Reinvestment Zone No. 1, effective the same date as the annexation. This Petition is contingent upon the execution and approval by both Parties of the reimbursement agreement, and the Petitioner may withdraw its Petition if the Parties do not execute and approve the reimbursement agreement.

WHEREFORE, the Petitioner prays that this Petition be granted; that the Land be added to and become a part of the City; and that this Petition, if granted, be filed for record and be recorded in the Official Public Records of Liberty County, Texas.

[EXECUTION PAGE FOLLOWS]

RESPECTFULLY SUBMITTED this th10 day of December, 2018.

PETITIONER:

By: CMC RAILROAD, LLC

By: Marcus Goering
Name: Marcus Goering
Title: President

THE STATE OF TEXAS

§

§

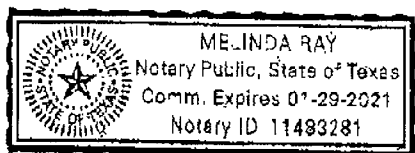
COUNTY OF LIBERTY

§

This instrument was acknowledged before me on this 10th day of December, 2018, by Marcus Goering, President of CMC Railroad, LLC, a Texas limited liability company, on behalf of said company.

Melinda Ray
Notary Public, State of Texas

(NOTARY SEAL)



Attachment:

Exhibit A - Metes and Bounds Description of the Land

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Annette Stephens.

EXHIBIT A

STATE OF TEXAS)
COUNTY OF LIBERTY)

FIELD NOTES of a 1230.9784 acre tract of land situated in the Frank Humphrey Survey No. 38, Abstract 546, the Frank Humphrey Survey No. 36, Abstract 545, the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465, the G. C. & S. F. Railroad Company Survey No. 21, Abstract 459, the Elizabeth Munson League, Abstract 88 and the T. C. Railroad Company Survey No. 39, Abstract 474, all in Liberty County, Texas; also being all of Lots 39, 40, 41, 55, 56, 57, 58, 60, 61, 82, 83, 91, 92, 96, 97 and 98 and part of Lots 59, 84, 85, 89, 90, 93, 94 and 95 of Stilson & Hill's Subdivision according to the plat recorded in Volume "T" at Page 390 of the Deed Records of Liberty County, Texas; also being part of Lots 3, 4, 8, 9, 10, 11 and 12 of Brown & Sterling Subdivision according to the plat recorded in Volume 37 at Page 2 of the Deed Records of Liberty County, Texas. Said 1230.9784 acres being all of that certain 462.74 acres (Tract X), part of that certain 261.0209 acres (Tract XI) and part of that certain 9.43 acres (Tract XV) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000452 of the Official Public Records of Liberty County, Texas and part of that certain 556.0186 acres (Tract IX) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000453 of the Official Public Records of Liberty County, Texas. This 1230.9784 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 1.000142861. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS DESCRIPTION.

BEGINNING at a 3/4 inch iron pipe found in the West right-of-way line of the Southern Pacific Railroad/Union Pacific Railroad 100 feet wide right-of-way described in Volume 69 at Page 410 of the Deed Records of Liberty County, Texas, for the Northeast corner of said 9.43 acres. Said point being the Northeast corner and POINT OF BEGINNING of this tract and has a State Plane Coordinate Value of Y=10,015,250.46 and X=4,015,864.67.

THENCE: South 10°24'11" West along the Northernmost East line of this tract, the East line of said 9.43 acres and the West right-of-way line of said Railroad for a distance of 714.00 feet to 6 inch railroad spike found for an exterior corner of this tract and the Northeast corner of that certain 187.1838 acres conveyed by CMC Railroad, Inc. to TRT LeaseCo, LLC by Instrument dated July 21, 2014 and recorded under County Clerk's File No. 2014011029 of the Official Public Records of Liberty County, Texas. Said point has a State Plane Coordinate Value of Y=10,014,548.10 and X=4,015,735.73.

PAGE NO. 3 - 1230.9784 ACRES

THENCE: North $61^{\circ}36'57''$ West along an interior line of this tract and an exterior line of said 187.1838 acres for a distance of 28.12 feet to a $\frac{3}{8}$ inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and an exterior corner of said 187.1838 acres.

THENCE: South $28^{\circ}23'03''$ West along an interior East line of this tract and an exterior West line of said 187.1838 acres for a distance of 45.21 feet to $\frac{3}{8}$ inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and an exterior corner of said 187.1838 acres.

THENCE: South $61^{\circ}36'57''$ East along an interior East line of this tract and an exterior West line of said 187.1838 acres for a distance of 28.12 feet to a $\frac{3}{8}$ inch by 12 inch spike, with cap (BHA), found for exterior corner of this tract and an interior corner of said 187.1838 acres.

THENCE: South $28^{\circ}23'03''$ West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 456.93 feet to a $\frac{3}{8}$ inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: South $32^{\circ}12'03''$ West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 237.19 feet to a $\frac{3}{8}$ inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: South $25^{\circ}43'49''$ West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 184.75 feet to $\frac{3}{8}$ inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: South $25^{\circ}23'29''$ West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 87.15 feet to a $\frac{3}{8}$ inch by 12 inch spike, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Easterly.

THENCE: Along and around said curve to the left, in a Southerly direction, along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres, said curve having a radius of 61.37 feet, a central angle of $58^{\circ}06'24''$ and a chord bearing and distance of South $01^{\circ}21'36''$ East 59.61 feet, for an arc length of 62.24 feet to a $\frac{3}{8}$ inch by 12 inch spike, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South $23^{\circ}56'17''$ East along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 88.32 feet to a $\frac{3}{8}$ inch by 12 inch spike, with cap (BHA), found for the BEGINNING POINT of a curve to the right, concave Westerly.

THENCE: Along and around said curve to the right, in a Southerly direction, along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres, said curve having a radius of 250.00 feet, a central angle of $47^{\circ}33'34''$ and a chord bearing and distance of South $00^{\circ}09'30''$ East 201.61 feet, for an arc length of 207.52 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South $23^{\circ}37'17''$ West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 3542.57 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line.

THENCE: South $10^{\circ}06'29''$ West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 2061.47 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line at the Southwest corner of said 187.1838 acres.

THENCE: South $36^{\circ}58'09''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 95.38 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 532.17 feet, a central angle of $05^{\circ}54'14''$ and a chord bearing and distance of South $34^{\circ}31'45''$ East 54.81 feet, for an arc length of 54.84 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South $31^{\circ}13'25''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 77.48 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 1265.11 feet, a central angle of $08^{\circ}49'24''$ and a chord bearing and distance of South $39^{\circ}45'41''$ East 194.63 feet, for an arc length of 194.82 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South $46^{\circ}35'03''$ East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 73.25 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 766.47 feet, a central angle of $15^{\circ}16'42''$ and a chord bearing and distance of South $64^{\circ}02'19''$ East 203.78 feet, for an arc length of 204.38 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South 79°09'07" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 118.53 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line.

THENCE: South 50°28'52" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 53.59 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the right, concave Southwesterly.

THENCE: Along and around said curve to the right, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 100.83 feet, a central angle of 31°33'57" and a chord bearing and distance of South 26°04'50" East 54.85 feet, for a distance of 55.55 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South 11°16'48" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 94.88 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 278.59 feet, a central angle of 55°23'16" and a chord bearing and distance of South 33°26'52" East 258.95 feet, for an arc length of 269.31 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South 64°25'10" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 121.23 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line.

THENCE: South 45°39'48" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 370.76 feet (called 370.80 feet) to a 1/2 inch iron rod, with cap (BHA), found in the West right-of-way of said Railroad for an angle point in the Southernmost East line of this tract at the Southeast corner of said 187.1838 acres.

THENCE: South 10°24'11" West along the Southernmost East line of this tract and the West line of said Railroad for a distance of 196.36 feet (called 196.32 feet) to a point in the centerline of an existing canal for the Southeast corner of this tract in the South line of said 556.0186 acres and the North line of that certain 780.95 acre tract conveyed by Bill Sjolander, Trustee, et ux, to Oliver Damek, et al, by Deed dated June 21, 1999 and recorded in Volume 1782 at Page 42 of the Official Public Records of Liberty County, Texas.

THENCE: North 65°51'15" West along the Easternmost South line of this tract, the South line of said 556.0186 acres and the North line of said 780.95 acres for a distance of 7346.56 feet (called 7346.57 feet) to a point in the centerline of an existing canal in the West line of said Lot 84 and the East line of said Lot 83 of said Stilson & Hill's Subdivision, in the West line of said Humphrey Survey No. 38, the East line of said G. C. & S. F. Railroad Co. Survey No. 37, and the Southernmost East line of said 462.74 acres. Said point being an interior corner of this tract, the Southwest corner of said 556.0186 acres and the Northwest corner of said 780.95 acres; from which a found 3/4 inch iron rod, with cap (BHA), bears North 00°29'49" West 44.62 feet and a 2 inch iron post (found sticking up) bears South 07°49'02" East 46.12 feet.

THENCE: South 02°58'06" East (called South 02°56'39" East) along an interior line of this tract, the West line of said 780.95 acres, the Southernmost East line of said 462.74 acres, the West line of said Lots 84 and 85, the West line of said Survey No. 38, the East line of said Lots 83 and 82 and the East line of said Survey No. 37, for a distance of 1559.84 feet (called 1559.54 feet) to a point in the bank of a small canal for an exterior corner of this tract, the Westernmost Southeast corner of said 462.74 acres and the common corner of Lots 81, 82, 85 and 86 of said Stilson & Hill's Subdivision.

THENCE: South 87°00'17" West (called South 86°59'19" West) along the Westernmost South line of this tract, the Westernmost South line of said 462.74 acres, the South line of said Lot 82, the North line of said Lot 81, the North line of that certain 10.000 acres and that certain 5.000 acres conveyed by Elbert McKinzie, et ux, to Gary Schroder, et ux, by Deeds dated July 14, 2006 and recorded under County Clerk's File Nos. 2006010271 and 2006010273, respectively, and at 7.79 feet pass a 1/2 inch iron rod, with cap #5068, (having State Plane Coordinates of Y=10,004,022.12 and X=4,006,905.84); at 2308.92 feet pass a 1/2 inch iron rod, with cap #5068 found in the East right-of-way line of County Road No. 491; in all, a total distance of 2334.22 feet to a point in the centerline of County Road 491 (50 feet wide right-of-way per plat of said Stilson & Hill's Subdivision) found for the Southwest corner of this tract, the Southwest corner of said 462.74 acres and the common corners of Lots 77, 78, 81 and 82 of said Stilson & Hill's Subdivision.

THENCE: North 02°53'25" West (called North 02°54'14" West) along the West line of this tract, the West line of said 462.74 acres, the common line of said Lots 77 and 82 and the common line of Lots 76 and 83, and the centerline of said County Road 491, for a distance of 2850.75 feet (called 2851.82 feet) to a 3/4 inch iron pipe found for an angle point in said line at the common corner of Lots 58, 75, 76 and 83 of said Stilson & Hill's Subdivision; being in the North line of said Survey No. 37 and the South line of said Survey No. 36; said point having a State Plane Coordinate Value of Y=10,006,748.06 and X=4,004,438.48.

THENCE: North 02°50'54" West (called North 02°50'35" West) along the West line of this tract, the West line of said 462.74 acres, the common line of said Lots 58 and 75 and the common line of Lots 59 and 74 and the centerline of said County Road 491, for a distance of 2018.09 feet (called 2017.80 feet) to a 1/2 inch iron rod, with cap (BHA), found in the Southeast right-of-way line of U. S. Highway 90 (220 feet wide right-of-way) for the Westernmost Northwest corner of this tract, the Westernmost Northwest corner of said 462.74 acres and the Northwest corner of the residue of said Lot 59; from which a 1/2 inch iron rod (found) bears South 45°55'24" West 2.66 feet.

THENCE: North 45°55'24" East (called North 45°55'09" East) along the Northwest line of this tract, the Northwest line of said 462.74 acres, the Northwest lines of the residue of Lots 59, 95 and 94 of said Stilson & Hill's Subdivision and the Southeast right-of-way line of said U. S. Highway 90, for a distance of 3234.33 feet to a 1/2 inch iron rod, with cap, found for an exterior corner of this tract, an exterior corner of said 462.74 acres and a Northwest corner of the residue of a 1.35 acre tract of land conveyed to Joe F. Hajdik, et ux, by Eleanor Prochazka, et al, by Deed dated July 21, 1981 and recorded in Volume 916 at Page 353 of the Deed Records of Liberty County, Texas.

THENCE: South 04°29'09" East (called South 04°33'25" East) along an interior line of this tract, an interior line of said 462.74 acres and the West line of said 1.35 acre tract for a distance of 79.02 feet (called 78.98 feet) to a 1/2 inch iron rod, with cap, found for an interior corner of this tract, an interior corner of said 462.74 acres and the Southwest corner of said 1.35 acre tract.

THENCE: North 84°45'02" East (called North 84°49'09" East) along an interior North line of this tract, an North interior line of said 462.74 acres and the South line of said 1.35 acre tract for a distance of 368.03 feet (called 368.50 feet) to a 1/2 inch iron rod, with cap, found for an interior corner of this tract, an interior corner of said 462.74 acres and the Southeast corner of said 1.35 acre tract.

THENCE: North 04°23'28" West (called North 04°25'12" West) along an interior line of this tract, an interior line of said 462.74 acres and the East line of said 1.35 acre tract and at 225.0 feet pass a 1/2 inch iron rod, with cap, found for reference in the South right-of-way line of County Road No. 495 (60 feet wide right-of-way); in all, a total distance of 254.01 feet (called 254.77 feet) to a 1/2 inch iron rod, with cap, found in the centerline of said County Road No. 495 for an exterior corner of this tract and an exterior corner of said 462.74 acres. Said point being in the North line of said Lot 93.

THENCE: North 86°59'24" East (called North 87°01'17" East) along an exterior North line of this tract, the Easternmost North line of said 462.74 acres, the North lines of said Lots 93 and 92 and the centerline of said County Road 495, for a distance of 1039.58 feet (called 1039.42 feet) to a 1/2 inch iron rod, with cap, found for an exterior corner of this tract, the Northeast corner of said 462.74 acres, the Northeast corner of said Lot 92, the Northwest corner of Lot 49 of said Stilson & Hill's Subdivision and the Northwest corner of a tract of land described as all of Lots 49 and 52 and the West 1/2 of Lot 50 as conveyed by Jesse Moore to Bertha Moore (McShan) by Deed dated January 28, 1957 and recorded in Volume 457 at Page 609 of the Deed Records of Liberty County, Texas.

THENCE: South 02°55'05" East (called South 03°00'08" East) along an interior line of this tract, the Northernmost East line of said 462.74 acres and the common line of said Lots 92 and 49, for a distance of 703.59 feet (called 704.00 feet) to a 3/4 inch iron pipe found for an angle point in said line at the common corner of said Lots 49, 52, 98 and 92.

THENCE: South 02°59'10" East (called South 02°57'19" East) along an interior line of this tract, the Northernmost East line of said 462.74 acres and the common line of said Lots 52 and 98 and the common line of Lots 55 and 54 of said Stilson & Hill's Subdivision, and at 907.83 feet pass a 1/2 inch iron rod found for the common corner of Lots 52, 54, 55 and 98; in all, a total distance of 2268.66 feet (called 2268.53 feet) to a 1/2 inch iron rod found for an interior corner of this tract, an angle point in the Northernmost East line of said 462.74 acres, the common corner of said Lots 54, 55, the West 1/2 of Lot 57 and the East 1/2 of Lot 57, the Southwest corner of that certain 213.772 acres conveyed by David Arlen Nelson, et al, to 1992 Rizzo Family Trust by Deed dated April 22, 1997 and recorded in Volume 1668 at Page 279 of the Official Public Records of Liberty County, Texas and by Virgil E. Holbrook, et al, to 1992 Rizzo Family Trust by Deed dated August 29, 1995 and recorded under County Clerk's File No. 2003012413 of the Official Public Records of Liberty County, Texas, and a middle Northwest corner of said 556.0168 acres.

THENCE: North 87°02'14" East (called North 87°01'21" East) along an interior North line of this tract, an exterior North line of said 556.0186 acres, the Westernmost South line of said 213.772 acres, the North line of the East 1/2 of said Lot 57 and the South lines of Lots 54 and 53 of said Stilson & Hill's Subdivision for a distance of 1280.75 feet (called 1281.28 feet) to a 1/2 inch iron rod (bent) found in the centerline of an existing 50 feet wide roadway for an interior corner of this tract, an interior corner of said 556.0186 acres, the common corner of Lots 53, 57, 41 and 40 of said Stilson & Hill's Subdivision and the Southernmost Southeast corner of said 213.772 acres.

THENCE: North 02°58'24" West (called North 02°56'39" West) along an interior line of this tract, the Northernmost West line of said 556.0186 acres, the centerline of said roadway, the Southernmost East line of said 213.772 acres, the East line of said Lot 53 and the West line of said Lot 41, for a distance of 1360.99 feet (called 1361.10 feet) to a 4 inch pinched-top iron pipe found for an exterior corner of this tract, the Northernmost Northwest corner of said 556.0186 acres, the common corner of Lots 41, 42, 51 and 53 of said Stilson & Hill's Subdivision and an interior corner of said 213.772 acres.

THENCE: North 87°01'21" East along an exterior North line of this tract, the Northernmost North line of said 556.0186 acres, the Easternmost South line of said 213.772 acres, the North lines of Lots 41 and 39 and the South lines of Lots 42 and 38 of said Stilson & Hill's Subdivision, for a distance of 2562.87 feet (called 2562.45 feet) to a 3/4 inch iron rod, with cap (BHA), found in the West line of said 261.0209 acres, the East line of said Survey No. 35 and the West line of said Survey No. 39, for an interior corner of this tract, the Northeast corner of said 556.0186 acres, the Easternmost Southeast corner of said 213.772 acres, the Southeast corner of said Lot 38 and the Northeast corner of said Lot 39 of said Stilson & Hill's Subdivision.

THENCE: North 02°59'11" West (called North 02°57'58" West) along an exterior line of this tract, the West line of said 261.0209 acres, the West line of said Survey No. 39, the East line of said Survey No. 35, the East line of said 213.772 acres and the East line of Lots 39, 38 and 37 of said Stilson & Hill's Subdivision, for a distance of 1197.08 feet (called 1196.51 feet) to a 3/4 inch iron rod found for an exterior corner of this tract, the Northwest corner of said Survey No. 39, the Southwest corner of said Munson League, the Northwest corner of said 261.0209 acres and the Southwest corner of Lot 21 of said Brown & Sterling Subdivision.

THENCE: North 87°22'13" East along an exterior North line of this tract, the North line of said Survey No. 39, the North line of said 261.0209 acres, the South line of said Munson League and the South line of said Lot 21, for a distance of 1931.29 feet to a 1/2 inch iron rod, with cap (BHA), found for an exterior corner of this tract and the Northwest corner of that certain 1.3151 acres conveyed by CMC Railroad, Inc. to TRT LeaseCo, LLC by Instrument dated July 21, 2014 and recorded under County Clerk's File No. 2014011029 of the Official Public Records of Liberty County, Texas.

THENCE: South 02°37'47" East along an interior line of this tract and the West line of said 1.3151 acres for a distance of 157.87 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and the Southwest corner of said 1.3151 acres.

THENCE: North 87°22'13" East along an interior North line of this tract and the South line of said 1.3151 acres for a distance of 362.66 feet to a magnetic nail found for an interior corner of this tract and the Southeast corner of said 1.3151 acres.

PAGE NO. 10 – 1230.9784 ACRES

THENCE: North 02°28'58" West along an interior line of this tract and the East line of said 1.3151 acres for a distance of 157.87 feet to an "x" in concrete found for an exterior corner of this tract and the Northeast corner of said 1.3151 acres. Said point being in the North line of said Survey No. 39, the South line of said Munson League and the South line of said Lot 21 of Brown & Sterling Subdivision. Said point has a State Plane Coordinate Value of Y=10,011,166.85 and X=4,014,206.05.

THENCE: North 87°22'13" East along an exterior North line of this tract, the North line of said Survey No. 39, the South line of said Munson League, the South line of Lots 21 and 8 of said Brown & Sterling Subdivision and the South line of County Road 493 (50 feet wide right-of-way), for a distance of 38.28 feet to a magnetic nail found for an exterior corner of this tract and the Northwest corner of that certain 3.2622 acres conveyed by CMC Railroad, Inc. to TRT LeaseCo, LLC by Instrument dated July 21, 2014 and recorded under County Clerk's File No. 2014011029 of the Official Public Records of Liberty County, Texas.

THENCE: South 02°37'47" East along an interior line of this tract and the West line of said 3.2622 acres for a distance of 274.66 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and the Southwest corner of said 3.2622 acres.

THENCE: North 11°48'16" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 14.95 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: North 28°12'44" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 15.31 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: North 47°42'39" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 9.99 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: North 87°44'49" East along an interior line of this tract and the South line of said 3.2622 acres for a distance of 375.15 feet to a 3/8 inch by 12 inch spike, with cap (BHA), found for an angle point in said line at the Southeast corner of said 3.2622 acres.

THENCE: North 54°55'24" East (called North 54°55'20" East) along an interior line of this tract and the East line of said 3.2622 acres for a distance of 453.16 feet (called 453.17 feet) to a 6 inch metal post (Y=10,011,205.18 and X=4,015,020.32) found for an interior corner of this tract in the North line of said Survey No. 39, the South line of said Munson League, the South line of said Lot 8 of Brown & Sterling Subdivision and the North line of said 261.0209 acres. Said point being the Southwest corner of said 9.43 acres.

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THENCE: North 10°24'11" East along the Northernmost West line of this tract and the West line of said 9.43 acres for a distance of 4107.37 feet (called 4107.36 feet) to a 1/2 inch iron rod, with cap (BHA), found for the Northwest corner of this tract and the Northwest corner of said 9.43 acres.

THENCE: North 87°20'15" East along the Easternmost North line of this tract and the North line of said 9.43 acres for a distance of 102.66 feet to the PLACE OF BEGINNING and containing within these boundaries 1230.9784 acres of land.

SURVEYOR'S CERTIFICATE

I, Juliene Ramsey, Registered Professional Land Surveyor No. 4379, do hereby certify that the foregoing field notes were prepared from an actual survey made on the ground, under my supervision, in November and December of 2014 and that all lines, boundaries and landmarks are accurately described therein. These metes and bounds were prepared to be used with that certain ALTA/ACSM Land Title Survey signed and sealed by the undersigned on _____.

WITNESS my hand and seal at Baytown, Texas, this the 14th day of January, A. D., 2015.

Juliene Ramsey
Registered Professional Land Surveyor No. 4379
14-4472.cmcerrinc.west.fdn.doc
Hutchison & Associates, Inc.
Engineering Firm #E-267
Surveying Firm #100293-00

FILED AND RECORDED OFFICIAL PUBLIC RECORDS



Lee Haldusek Chambers
Lee Haldusek Chambers, County Clerk
Liberty County Texas

January 24, 2019 09:18:40 AM

FEE: \$88.00 CMACIAS
ORD

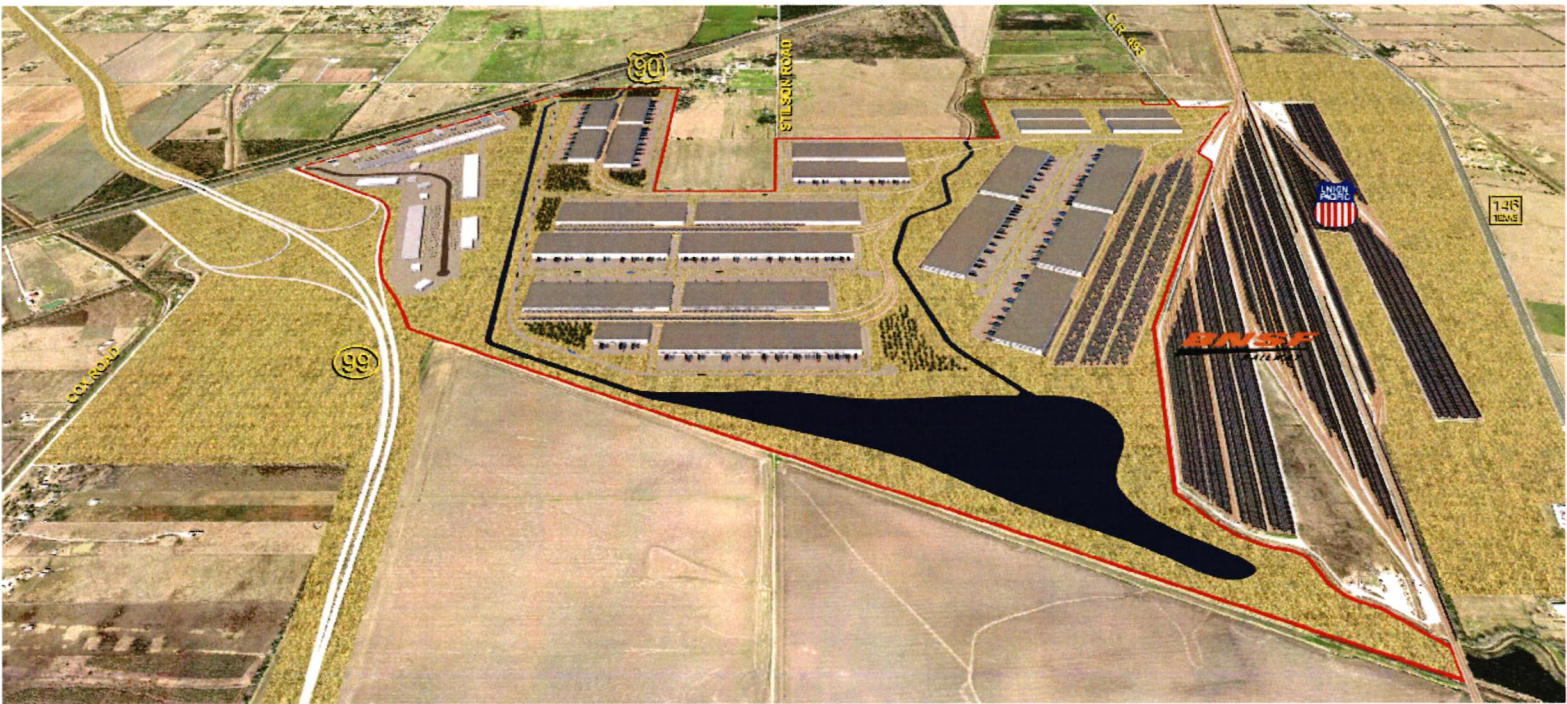
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Attachment E

Additional documentation supporting the need for service in the Gulf Inland Logistics Park



PROVIDING UNMATCHED TRANSPORTATION CAPABILITIES & LOGISTICS SOLUTIONS



Gulf Inland Logistics Park is uniquely situated in the Gulf transportation network to provide the most expedient access to the nation's highway and rail systems.

Gulf Inland's direct access to US Highway 90 and Highway 146, as well as two Class I rail carriers, the BNSF Railway and Union Pacific Railroad, provide unmatched access to Houston, the Gulf, the nation and the globe.

1,050 ACRE RAIL-SERVED INDUSTRIAL PARK NEAR HOUSTON, TEXAS

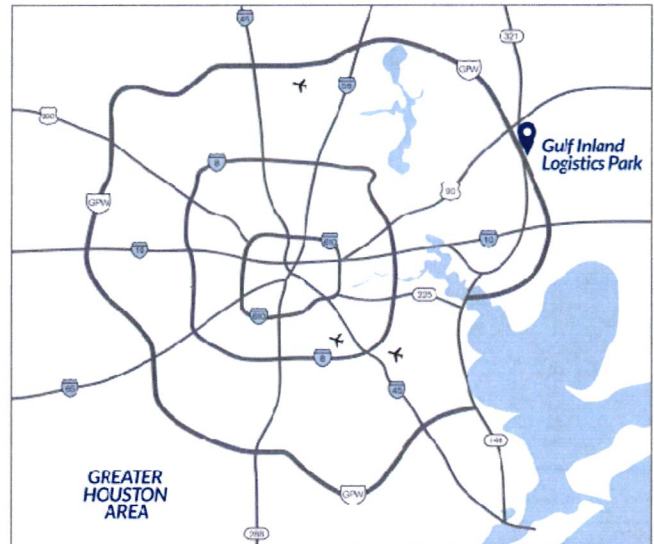
WWW.GULFINLANDLOGISTICSPARK.COM

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THE PROJECT

Gulf Inland Logistics Park is a multi modal transportation and logistics center, featuring more than 1,050 acres of available land to meet the needs of today's logistics, transportation, & manufacturing businesses. The master-planned park will include:

- **Land Size:** Approximately 1,050 Acres
- **Location:** Less than 25 miles north of the Port of Houston
- **Vertical Product:** Over 10 million square feet of industrial, office and commercial buildings
- **Building Sizes:** Ranging from 100,000 square feet to 1,500,000 square feet
- **Highway Access:** Located adjacent to US Highway 90, State Highway 146 and State Highway 99 / the Grand Parkway, which provide direct connections to Interstate 10, Interstate 45, Beltway 8 and US Highway 59.
- **Rail Service:** Rail service provided by CMC Railroad, the BNSF Railway, and the Union Pacific Railroad
- **Railcar Storage:** Planned storage for over 2,000 railcars (in addition to the existing BNSF Railway and Union Pacific Railroad facilities)
- **Incentives:** Economic incentive package available to qualified park tenants
- **Labor:** Access to competitively priced labor force
- **Services:** Full railcar repair facility & multi-commodity transload center with unit train capacity



LOCATION

Located in Dayton, Texas, in business friendly Liberty County

- Direct connections to the BNSF Railway and Union Pacific Railroad
- Fronting Highway 90 and Highway 146 providing a direct route to the Houston Ship Channel
- Access via US Highway 90 to Houston and the region via I-10, I-45, US Highway 59 and Beltway 8
- Located on the Baytown Subdivision 1 mile south of the BNSF/Union Pacific mainline connecting Houston to New Orleans and beyond.
- 5 Texas Ports within 100 miles - Beaumont, Freeport, Galveston, Houston, and Port Arthur

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Online dating ends with stolen car, arrest

From community reports
DAILY SOUTH ADVOCATE

What should have been a pleasant experience in meeting someone new resulted in an alleged victim having her new car stolen along with cash, a cell phone and a wallet containing personal papers.

The woman told deputies with the Liberty County Sheriff's Office that she had used Matthew Albert Carpenter through an online dating service and had been dating him for about a month. She said she had invited Carpenter to her home and he stole her new car along with cash and other items and fled.

The daughter of the woman devised a fake profile on the same dating website and had started talking to Carpenter. She told him



Matthew Albert Carpenter

she wanted to meet him in person at a motel in the city of Dayton at 9 p.m. that evening and Carpenter agreed.

Dayton police officers worked with the woman's daughter to arrest Carpenter. When he showed up for the meeting, it was directly into police custody. Law enforcement officials said Carpenter arrived in the victim's stolen car which was returned to her that evening.

Carpenter, whose last known address was in California, was arrested and booked into the Liberty County Jail on a State Jail felony charge of Unauthorized Use of a Motor Vehicle.

Texas state historian to keynote at historical commission meeting

From community reports
DAILY SOUTH ADVOCATE

Bill O'Neal, State Historian of Texas, will be the guest speaker at the quarterly meeting of the Liberty County Historical Commission, Monday, October 16, at 6 p.m. in the Harrell Building, 158 San Jacinto Street in Liberty.

O'Neal's program will focus on the musical traditions of Texas.

O'Neal has served as State Historian of Texas for six years, since being sworn in by Gov. Rick Perry in 2002. He is the author of 40 books and more than 300 articles and book reviews on the history of Texas. He has received numerous awards including the A.C. Green Distinguished Award for his work on the Texas Book Festival in 2005 and

Lifetime Achievement Award of the World War II Veterans Association in 2002. He was selected by True West Magazine in 2007 as the Best Living Texas Writer. O'Neal has appeared in television documentaries on the history channel, The Learning Channel, PBS, A&E, CBS and the American History Channel.

O'Neal taught history at Panola College in Cardozo from 1970 until 2004. His teaching awards include a Pioneer Professorship, a statewide honor, awarded in 2000. He was named Panola County Citizen of the Year in 1988 and again in 2004. In 2001, he was named an Honorary Doctor of Letters Degree from Texas A&M University in Commerce and that same year Panola College's newest



Bill O'Neal, State Historian of Texas will be the guest speaker at the quarterly meeting of the Liberty County Historical Commission, Monday, October 16, at 6 p.m. in the Harrell Building, 158 San Jacinto Street in Liberty. O'Neal's program will focus on the musical traditions of Texas.

auditorium was named Bill O'Neal Hall.

O'Neal is a much sought after speaker in Texas and most recently presented Musical Traditions of Texas at the state convention of the Daughters of the Republic of Texas last May in Dallas.

For more information concerning the Liberty County Historical Commission or O'Neal's program, please email County Chair Linda Jamison at ljamison@gmail.com or call 936-334-5803.

Gulf Inland Logistics Park signs initial user land sales

From community reports
DAILY SOUTH ADVOCATE

Gulf Inland Logistics Park (GILP), a 1,650-acre industrial and commercial development located near Dayton, has signed initial user land sales with twelve industrial specialty chemical companies.

Gulf Inland Logistics Park will eventually include over 10 million

square feet of rail-served industrial facilities, with dual rail service from both the Union Pacific and Burlington Northern Santa Fe railroads and in-park rail car storage for over 1,850 railcars.

Both tenants will be utilizing their own facilities at Gulf Inland to improve supply chain logistics, expand business opportunities, and achieve cost savings.

The GILP is located adjacent to the existing Union Pacific and BNSF Railway railcar storage in Brownfield, which total over 1,850 combined railcar spaces. Gulf Inland will have dual rail service from both the UP and BNSF railroads via a turnout on the Brownfield Branch line and in-park railcar storage for over 1,850 railcars. Gulf Inland features strong highway access to major logistics centers, including the

Port of Houston and George Bush Intercontinental Airport. Gulf Inland has direct access to US Highway 90 and State Highway 16A.

Gulf Inland sits within Tax Incremental Reinvestment Zone No. 2 (TIRZ) in Liberty County which was established in May of this year and recently appointed a board consisting of 10 local stakeholders. The strong support of the City

of Dayton and Liberty County through the TIRZ has allowed Gulf Inland to accelerate its development, and the Park has a growing backlog of prospective tenants.

Marcus Giering, CEO of CMC Railroad, the owner of Gulf Inland, said in a statement, "We are excited to break ground on these initial sales, and see the pace of development accelerating into 2009. Gulf In-

land provides tenants a uniquely advantaged location for rail-served industrial facilities, with convenient access to all other major forms of transportation, including road, sea and air, as well."

Giering was unavailable to answer questions and name the two companies, or give details on their profile, particularly what kind of chemicals will be on the property.

Dayton topped by Crosby

By Elliott Lapsin
STAFF WRITER

Dayton got off to a hot start against Crosby.

The Broncos led by two touchdowns in the first quarter. However, Crosby took control of the game and turned a 20-7 win during their homecoming. The Cougars used a 26-7 first half run to take control of the game.



Dayton senior wide receiver Margie Donnette goes up for a Kobe Coker pass while Dayton junior Relee Chismene tries to defend. The Cougars eventually scored a few plays later to extend their lead over the Broncos.



Crosby sophomore Jaden Fields intercepts a Bruno pass while Dayton's wide receiver Brandon Lantry watches helplessly in the end zone. The Cougars took the ball down the field before they turned it over in the see-saw battle of Highway 90.

DISD announces HOF inductees

From community reports
DAILY SOUTH ADVOCATE

Dayton ISD has announced that there will be a Sports Hall of Fame Induction Ceremony, October 19, at 5 p.m., to be held at the Dayton High School Performing Arts Center.

The community is invited to attend this special occasion as they honor some of the greatest athletes to participate in the Dayton ISD athletic program.

The inductees will also be honored during a pregame ceremony at the Dayton Broncos vs. Fort Worth Cowboys football game at Bronco stadium later that same evening. The district is asking that their fans arrive at the stadium by 7 p.m. to support their inductees into the Dayton ISD Sports Hall of Fame.



Dayton senior Zach Pike runs the ball into the end zone drawing the Broncos within 8 points. It was the closest they would get as Crosby pulled away in the fourth quarter to win the district contest, 46-0.

The list includes athletes Rick Kesterson, Troy Barrett, John Call, Tony Davis, Jeff Edwards, Henry Auer, Myrtle Dever Freeman, Beverly (Lull) Lee, Eric Grooms, and Harold Burdick. Hall of Fame inductees also include

honorees Lois Pratt, Margaret Stewart, Larnest Jones, and Clarence Brooks. The 100-mile relay team of Virgil "Buddy" Hollbrook, Leonard Cramer, Bryan Shelton, and Ray Alford. Seabury will also be inducted.

Holley named Liberty County Sheriff employee of the month

From community reports
DAILY SOUTH ADVOCATE

Last week, the Liberty County Sheriff's monthly personnel meeting, Chief Deputy Don Neyland announced that Patrol Coordinator Lela Holley had been selected as the 12th employee of the month for October.

As always, this honor goes to a sheriff's employee who has demonstrated outstanding qualities and an expertise in his or her work assignment and this month's selection could not have been more on target.

At all the employees selected in the past for this prestigious award, perhaps none others have had such a varied and wide range of public service and first responder assignments as Holley. Starting out her first responder duties with a local volunteer fire department gave her the opportunity to move on later as a paramedic in an ambulance. As an EMS technician, will tell you, after a few years of the strenuous job of filling people on vehicles into the back of ambulances, it will



Lela Holley

take its toll on ones back. Even with all the past medical training to her credit, Holley felt it was time to move on to another calling of becoming a dispatcher with the Liberty County Sheriff's Office.

With over 1,000 hours of specialized training, she helps maintain, among other assignments, records for the agency's environment and deputy as well as records for the LSC's gun range coordinator.

In her personal life, after raising her two adult children, she is enjoying her off-duty, full-time job of raising her young grandson. Being able to relate to young children is well, she perhaps, who helped lead in Holley getting a great deal of recognition recently when she was a dispatcher and received a 98 call from a young girl who reported that her mother was on the floor and unresponsive. Acting as a cool-headed dispatcher, Holley kept the girl on the telephone and calling her while deputies searched for the correct location of her house and the location of the phone call. Holley's calm

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Assistant DA leaves to fight human trafficking

Montgomery County Assistant District Attorney Tyler Durman is resigning to take a position facing human trafficking in Uganda. Head of the special crimes division at the DA's Office, Durman will be leaving sometime in November. **Page 9**

HARVEY



Kids deal with trauma from massive storms

Jane Clements' daughter let out a blood-curdling scream and pounded on the bedroom door when it accidentally closed on her, a symbol of her newfound anxiety when separated from her mother. Since Hurricane Harvey flooded the Clements' former home and uprooted the family, the mother-daughter duo have become a symbol for the little girl. **Page 2**

HAPPY HANDYMAN Give bugs the boot with VS02 spray

About a year ago we were lucky to find a pest control who can save your life. It's called VS02. VS02 is a water-based, crystal-free, low-toxicity and extremely effective for our South Texas pests. Fix it if you see a roach, ant, scorpion or spider inside your home... VS02 is the choice. But I have to tell you I have been looking for a product that is oil-based. **Page 4**



Dayton ISD drops tax rate for 2019

By David Taylor

STAFF WRITER

Taxpayers receiving high or value on their homes this year will see savings from the Dayton ISD portion of their property tax bill. The rate was set at the district's last meeting at \$1.27 per \$100 property value, down from \$1.37 last year. The move signals a property tax bill savings of \$20 for a family with a home valued at \$200,000 by the county appraisal of

the. The reduction was made possible with additional state funds, Dayton ISD officials said. The 2018 Legislature provided homeowners some relief on the Maintenance and Operations portion of the tax rate, which allowed the district to lower that portion of the tax rate by 7 cents from \$0.04 to \$0.97 per \$100 of value. The remainder of the tax rate was lowered through the interest and sinking portion, which

is set by the district at a rate needed to pay for the current year's bond payments based on voter-approved bonds. "The district was able to do this because the values rose, and we have a healthy bond balance in 2019. It didn't make sense to keep it at the same rate," said Tom Pierce, associate superintendent of business services for Dayton ISD. "The completed process still is still being worked through in the Texas Education

Agency's commission office, but districts had to set the rate for the coming year without knowing the full implications of the bill. "We do have templates for the best guesses we can use while we were waiting on clarification from TEA," Pierce said. The district's chief financial officer said the rate also kicked in some additional aid through 2021 as he able to reduce the tax rate and give the taxpayer some relief.

The Tax Rate Notice, published in the Liberty County News Advocate, shows the average taxable value of a residence in Dayton ISD was \$159,521 in 2018 and that has increased to what this year is \$165,202. When the lower tax rate is applied to that average income value, despite the increase in value, taxpayers will receive an average savings of \$10.45. The district has reduced the overall tax rate for four tax continues on A8

FOOTBALL FRIDAY



Liberty junior running back Terrick Peterson scrambled, weaved, and slashed through the Indian defense Friday night leading the Panther running game to a non-district victory.

Liberty takes advantage of Cleveland miscues

By David Taylor

STAFF WRITER

The Liberty Panthers took advantage of Cleveland miscues in the first quarter and capitalized on them, taking an insurmountable lead and defeating the Indians Friday night at Bear Memorial Stadium Friday night, 40-16.

The Panthers scored five times in the first quarter alone when Liberty's coach Chad Taylor noticed something happening on the field after their last score. The Indians fumbled the ball on their next possession and the Panthers took the ball down the field in three plays and 47 yards capped by a 1-yard plunge by Johnny Harris into to give Liberty a quick two touchdown lead.

Then, it happened again. The Cleveland defense should have been lined up

one yard past the 50-yard line, their own 40, but they noticed they were at least five or more yards back. "I told our kids to squall it to the left just past the 50-yard line and told our kids to go for the ball," he said. They did. Six plays later they were in the end zone behind the strong running of junior running back Terrick Peterson and coming a 20-0 lead with 5:00 left in the

first quarter. Liberty wasn't finished. Taylor noticed it again, but they had left the middle wide open. Kicker Eric Espinoza, who finished the night with nine point-after-attempts, walked the ball again just past the 50-yard line and his teammates recovered the second outside kick except.

Three plays later the Panthers were on the board again with a commanding

27-0 lead with 4:41 left in the first quarter. "We didn't come into the game looking to do outside kicks after a touchdown," Taylor said, but they took advantage of the opening. Cleveland turned the ball over on downs on their next drive to the Liberty 33. The Panthers were flagged with a penalty for false start and then Harris found an opening up

Liberty continues on A9

Dayton leaders prepare city for coming growth

By David Taylor

STAFF WRITER

Dayton city manager Tim Melancon answered calm as he delivered the state of the city address to a packed crowd of Dayton Chamber of Commerce members.

Melancon braced residents for the influx of

growth headed to the area. "This year, the city of Dayton is in the year of transition. You don't see a lot of radical change, but officials are doing work behind the scenes getting the city ready for 2020, 2021, and a bonanza year in 2022," he said.

Melancon outlined six different foundational advances to help prepare the city for the coming change: the Unified Development Code and they tied it with land use regulations; a Master Park Plan to help utilize grant funding through state agencies and build better amenities for the community; the downtown revitalization plan; a Tax Incremental Reinvest

ment Zone No. 1 that will help with the building of Gulf Island Logistics Industrial Park; a police department recognition process; and land building relationships with county, state and federal governments.

Unified Development Code adoption Melancon said there

were two major aspects as to why the Unified Development Code is a big deal for the city of Dayton.

First, it's a reworking of planning and permitting within the city that involves new subdivisions. That includes how the city will now look at subdividing land, streamlining the

Dayton continues on A6

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COMMUNITY



Crawfish Shack reopens for season

Crosby's sub-favorite Crawfish Shack announced it opened business Jan. 8, signaling the start of crawfish season for residents across the region.

The beloved restaurant has become the go-to for residents during crawfish season. **Page A3**

COMMUNITY

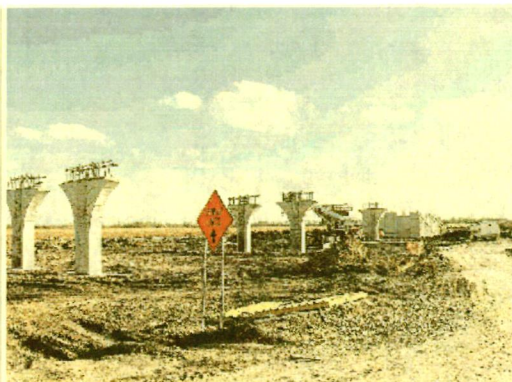


Christmas tree winners selected

Winners of the 2019 Dayton Christmas tree decorating competition were announced and the top vote-getters included a law enforcement-themed tree and a patriotic-themed one that featured a bald eagle. **Page A2**

HAPPY HANDYMAN Repellents a better choice than poison

When my husband and I decided to re-land our back yard, my sweet Charlie bought a 50-pound bag of grass seed. That sounded like a great idea until we found out, and not far from the neighborhood of the "all you can eat buffet" located our garage. They must have sent out an alarm because before I knew it I was feeding dozens of mice, and they were contemplating coming in my back door. Over my dead body! **Page A8.**



Bridge beams and ramps for the bridge over CR 143 in Dayton are already being constructed as part of the segment of SR 99 that runs through the Dayton area.

Growth more 'visible' in new year as cities prep for change

Liberty, Dayton and Cleveland officials give updates on what to expect in '20

By David Taylor
@davidtaylor

While 2019 brought little change to the city, much of it was infrastructure and finalizing plans. But city officials all agree, 2020 will be the year that many of those plans come into fruition and the landscape of the city's largest cities began to change. So get your shovel and camera ready. The groundbreakings and grand openings are going to start coming at a feverish pace than ever before.

City of Cleveland

City manager Kelly McDermott began her interview with the Advocate by

saying she had a major announcement to make—but not until February. It does have to do with a new business venture that she promised means more jobs and could involve both commercial and retail in the area. That alone says a lot, particularly for the growth of the economy of the city.

The city is seeing the growth in the area as Plain Grove continues to expand with the estimated \$100-plus homes being sold each month by the four homebuilders, it also stresses out the school district, which successfully passed a bond to build new schools last year and will continue to grow over the



Distinet Castles, Inc. is expected to put in its own signage in the next few months in Liberty.

new 30-20 years.

Mickley Corporation already has 15 homes on the ground in the new Grand Reserve subdivision. Some of the retail has already been built and

more are expected in 2020.

"They just brought in the plans for the country club house at the golf course and they plan on opening the golf course and the club

Outlook continues on A1

Blood levels at dire lows

LifeShare Blood seeks donations as supply wanes

By David Taylor
@davidtaylor

The LifeShare Blood Center has put out an urgent call for blood donations of all blood types. The center supplies blood products for hospital use in several counties including Liberty.

According to Tillynn Yonara, M.D., MSCP, account manager at LifeShare in Keokuk, Iowa, donations drop significantly during the last week of December and the beginning of January, and now, the use of blood has exceeded blood donations.

"The result is a less than one-day supply for nearly all blood types and components," she said.

January is National Blood Donor Month and to serve their communities and hospitals, LifeShare strives to keep a three-day supply on hand.

"A three-day supply of blood allows for weather-related issues when blood cannot be collected, increased demand due to large accidents involving multiple trauma patients or times when several patients are having emergency surgeries and requiring many units of blood," she said.

Blood donors are urged to take 45 minutes out of their day and donate blood at the local center or a mobile drive.

Mark Thornton, CEO of Liberty-Dayton Medical Center said the hospital is **Blood continues on A1**

Anderson to be honored at chamber's awards event

By Marcus Gutierrez
@marcugutierrez

Business owners and community members have the opportunity to start the new year with the Greater Cleveland Chamber of Commerce.

It's almost time for the annual awards banquet in late January. The Greater Cleveland Chamber 2020 Annual Awards Banquet will take place Jan. 21 from 6-9 p.m. at the Cleveland Civic Center.

This year's theme will be kinetic romance, and we

entire is preferred but guests are allowed to where they would like.

This year "Stars of Cleveland" will be awarded with the Business of the Year, Jean Nobel McAdams Volunteer of the Year, Alfred I. Anderson Citizen of the Year, Ambassador of the Year and the Humanitarian of the Year.

The Queen of the Year award honors the late Alfred I. Anderson who passed away in 2008. Anderson helped the chamber and the city of Cleveland throughout his years of living.

There will be dinner catered by Chuck Wagon Style Barbecue, a cash bar and entertainment provided by DJ Music Dancing.

You can purchase tickets online at clevelandchamber.com or you can call the office at 281-802-8786. Prepaid tickets are on sale with the senior's fee \$45 (\$50 at the door).

All other prepaid tickets are \$80 (\$85 at the door). Night-pack tickets are \$90.

marcus.gutierrez@chron.com



The Greater Cleveland Chamber of Commerce's awards banquet is slated for 6-9 p.m. Jan. 21.



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COMMUNITY | FROM THE COVER

CALENDAR

JANUARY 9, THURSDAY

Thirty Valley: The Lower Thirty Valley Band Club will be held on Thursday, Jan. 9, at 8:00 p.m. at the PNH Center, 1022 Sam Houston Ave., in Liberty across from the First Liberty National Bank. Be sure to come early for our "Buddy's Chut" time. If you have any questions call President Gary Holmes at 281-978-0274 or e-mail him at gpholmes23@gmail.com. The speaker will be Todd Newkirk. His presentation will be on "Dance Unlimited: Conversation Works in Texas."

JANUARY 10, WEDNESDAY

LIBERTY: The Liberty-Denton Chamber of Commerce will host their first luncheon for 2008 on Jan. 10 in the Liberty Center, 1022 Sam Houston in Liberty.

Guest speaker for the lunch is Dr. Josh Curran with the Liberty County Sheriff's Office.

JANUARY 10, THURSDAY

LIBERTY: CasaMata's Brio, Liberty Thrift, Tea Post Center parking lot. Reservations must be made in advance to travel to Kinder, La. Call Lisa Gaddy at 936-6238-5140.

JANUARY 11, FRIDAY

LIBERTY: The Liberty County Housing Authority is reaching out to the leaders of all family and social service organizations within Liberty County, and volunteers familiar with these organizations. With the purpose to collaborate on services in our county to better serve our citizens in need, we are announcing our introductory "Networking Brown Bag Lunch" to be held from 12 noon to 1 p.m. on Jan. 11 at 2102 CCS St. in Liberty. We will be providing tea, coffee, and cookies.

Bring your lunch, your business cards, your ideas, and be prepared to tell us about your organization and assistance on new visitors for Liberty County residents. Please RSVP with your name and organization to: 936-6238-5140, ext. 5.

JANUARY 20, MONDAY

CLEVELAND: Greater Cleveland Chamber 2020 Annual Awards Banquet, Cleveland Civic Center, 8-9 p.m. DJ, cash bar, buffet and wine. Grand prize (\$20 per ticket to play), silent auction, \$55 fee at the door, \$50 fee for prepaid reservation, \$45 fee for prepaid senior 50+ and \$250 fee for 6 pack prepaid reservation.

JANUARY 24, FRIDAY

CLEVELAND: Greater Cleveland Chamber 2020 Annual Awards Banquet. The theme is rustic romantic. Cleveland Civic Center, 8-9 p.m. DJ, cash bar, buffet and wine. Grand prize (\$20 per ticket to play), silent auction, \$55 fee at the door, \$50 fee for prepaid reservation, \$45 fee for prepaid senior 50+ and \$250 fee for 6 pack prepaid reservation.

JANUARY 25, SATURDAY

DAYTON: Annual Bonds and Bulletin fundraiser. Dayton Community Center, 6 p.m. Benefiting Dayton Volunteer Fire Department. Entertainment will be provided by Austin Talar and the Dayton Band. The Southern Brown Band, VIP tables, which include a cash dinner, and wine or whiskey of choice, and Reserved tables should be reserved early. Space is at a premium. The deadline to reserve a table is Jan. 15. Tables cost \$10. A VIP table for 10 people is \$500, which includes cash dinner, two bottles of wine or one bottle of whiskey. A standard table for 10 people is \$300, which includes two bottles of wine and one bottle of whiskey. Single tickets at the door are \$35 each. For more information or to reserve a table contact John Coleman - 936-640-1044.

Tammy Alexander - 936-640-1044, 640-0000, David Rodgers - 832-473-9880.
KINGWOOD: Every year, thousands of legal permanent residents from around the world dream of becoming United States citizens. To help them achieve their goal, these individuals are invited to attend the Citizenship Forum at Lone Star College-Kingwood on Saturday, Jan. 25. The workshop is from 8 a.m. - 2 p.m. in the Student Conference Center (SCC). This event is a partnership with the National Association of Latino Educators and Accredited Officials (NALCEO), Educational Fund, the Office of New Americans and Immigrant Communities, and the Office of the Mayor. Sponsors for this year are the New American Campaign, University of Houston, and NALCEO. All the 75 participants will receive free one-on-one citizenship application assistance from NALCEO Educational Fund, the Office of New Americans and Immigrant Communities. To receive services, applicants must be 18 years of age or older, of good moral character, and a legal permanent resident for the past five years or three years if married and living with a U.S. spouse. Applicants should also have knowledge of U.S. history and government.

and can read, write, speak, and understand English.

FEBRUARY 8, SATURDAY

DAYTON: Step back into the 1920s at the Dayton Chamber of Commerce's Spawaway Party and Flowering 20s banquet at their 10th annual banquet on Feb. 8 at 6 p.m. Awards will be presented to those who have sacrificed so much for the betterment of Dayton. Sponsors are still available by calling Jessica at 936-257-2303. Purchase tickets by calling 936-257-2303.

FEBRUARY 15, SATURDAY

LIBERTY: The 5th Annual Liberty Freedom Ride is always a highlight for riders and for an entire day of Feb. 15. It is the benefit scholarship for the Liberty ISD Education Foundation and includes different distances and routes. The ride kicks off at 8 a.m. and begins at ends at the Liberty Center, 1022 Sam Houston in Liberty. Fee is \$40 per rider and riders also receive a shirt and an 180 sandwich lunch. Snacks are provided along the route. The foundation is a tax-exempt 501(c)(3) organization. To register or for additional questions, contact Bruce at 936-641-0367.

FEBRUARY 22, SATURDAY

LAKE HOUSTON: Go the distance during the Lake Houston Family YMCA Bridge Fest 2020 Color Run. The race features a 3K family run in addition to a 1-mile children's run and a 1-mile race for people with adaptive needs. Beginning as a celebration of the opening of the Lake Houston Parkway bridge, Bridge Fest continues to be an important event in our community. Participation in Bridge Fest supports Y programs that positively impact the Lake Houston community. Proceeds benefit the YMCA Better Use Campaign, which helps everyone, regardless of age, ability, income or background, have the opportunity to learn, grow and thrive at the Y. Register at houston.ymca.org/bridgefest.

FEBRUARY 25, TUESDAY

DAYTON: Dayton Area Chamber of Commerce 44th Annual Awards Banquet is scheduled for Tuesday, Feb. 25, 2020 at the Dayton Community Center. Forms for nominating the two persons for Citizen of the Year (one from Liberty and one from Dayton) are now available for download. The deadline for returning the forms is 5 p.m. Wednesday, Dec. 10, 2019.

Outlook

from page A1

house by April," she said. McElroy is building in new quality homes.

Inside the city, Kendall Homes is doing a lot of work in the neighborhood and city area. Most of the homes in Liberty are new, built in the last five years or by 80%. McElroy said that the new homes being built in Liberty are already sold, and they average in the \$200,000 range. Kendall Homes has purchased approximately 200 lots in the area and another 100 in Glen Park. In the downtown area, new small retail and district offices will be moving in during 2020. In another strip center, more retail is moving in.

The city is also in talks with new developers for another chain auto parts store.

One disappointment in retail is being addressed. The Huddle House built in front of Grand Interstate never opened. The original owner was from Texas and had the funds here to build the restaurant, and it's ready to open, down to the interior, furniture, set, and everything except for one major thing. With the tariffs in place, they are unable to get the cost of the money here to open and pay staff.

"They need the startup funds, they can't get it here," McElroy said. There is a need to find an investor who will buy the restaurant and open as soon as possible.

McDonald said the estimated five startup costs would be around \$50,000.

Two other retail spots have been sold in the same strip center.

Outlook

from page A1

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Blood

from page A1

currently at full stock and normal levels.

Liberty-area blood drives

Donations in the Liberty County area include Walmart in Liberty from noon to 5 p.m. today, Liberty Regional Medical Center from 8 a.m. to noon Jan. 10, and at the Liberty Walmart from 8:30 a.m. to 5 p.m. and Saturday mornings from 9 a.m. to noon.

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currently at full stock and normal levels.

Liberty-area blood drives

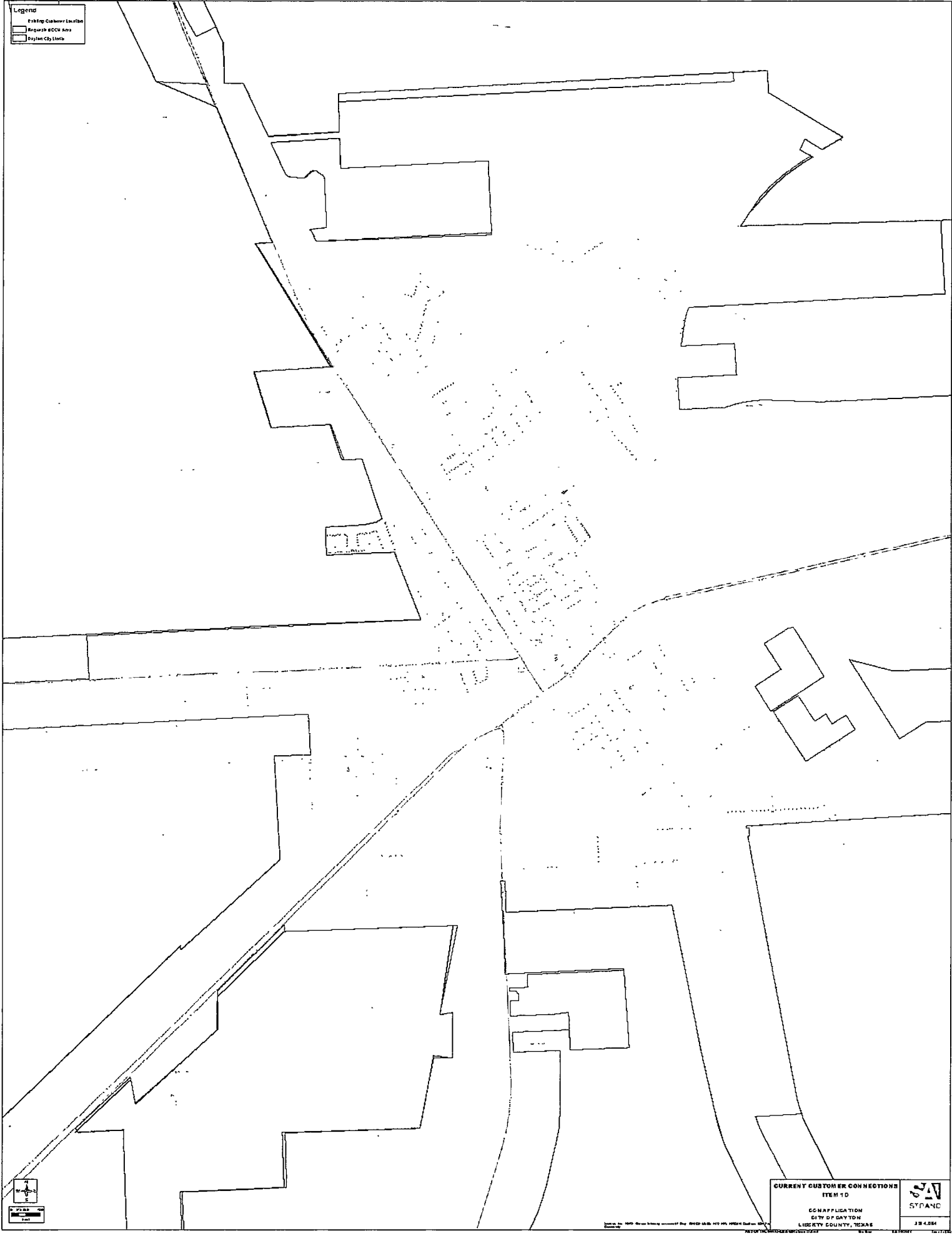
Donations in the Liberty County area include Walmart in Liberty from noon to 5 p.m. today, Liberty Regional Medical Center from 8 a.m. to noon Jan. 10, and at the Liberty Walmart from 8:30 a.m. to 5 p.m. and Saturday mornings from 9 a.m. to noon.



Donations in the Liberty County area include Walmart in Liberty from noon to 5 p.m. today and Liberty-Denton Regional Medical Center on Jan. 10.

Attachment F

Detailed map showing the location of the current customer connections in the updated and corrected requested area



CURRENT CUSTOMER CONNECTIONS
ITEM 10

CONNECTION
CITY OF DAYTON
LIBERTY COUNTY, TEXAS

STPANC
J. B. L. 2004

CD ATTACHED

TO VIEW PLEASE CONTACT
CENTRAL RECORDS
512-936-7180