

RESOLUTION 23-1791

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS, REQUESTING THE TRANSFER OF THAT CERTAIN PUBLIC ROADWAY DESCRIBED HEREIN ON EXHIBIT "A" FROM THE TEXAS DEPARTMENT OF TRANSPORTATION TO THE CITY OF DENTON. THE LIMITS OF THE CERTAIN PUBLIC ROADWAY DESCRIBED ABOVE ARE ELM STREET AND LOCUST STREET FROM EAGLE DRIVE TO UNIVERSITY DRIVE.

WHEREAS, the City of Denton wishes to undertake full jurisdiction, control, and maintenance of the property, for public road purposes, which property is situated within the City of Denton and more particularly described in Exhibit "A" attached hereto; and

WHEREAS, the Texas Department of Transportation has committed to and scheduled a construction project on these roadways to bring the roadway quality in line with City of Denton Standards; and

WHEREAS, the City of Denton will work to maintain and improve the aforementioned property in perpetuity;

NOW, THEREFORE, BE IT RESOLVED:

THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS HEREBY RESOLVES:

SECTION 1. The findings and recitals contained in the preamble to this resolution are hereby incorporated by reference into the body of this resolution as fully set forth herein.

SECTION 2. Upon transfer of the property more particularly described in Exhibit "A" attached hereto from the State of Texas, by and through the Texas Transportation Commission, to the City of Denton, the City of Denton undertakes full jurisdiction, control, and maintenance of the property for public road purposes with the understanding that, if the property is no longer used for public road purposes, it shall automatically revert to the State of Texas.

SECTION 3. The State of Texas, by and through the Texas Transportation Commission, and on behalf of the Texas Department of Transportation, shall execute a Transfer of Right of Way instrument conveying all of the State's right, title, and interest subject to a Reverter, the exceptions, reservations, covenants, conditions and/or interests, if any, as shown in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

SECTION 3. If any provision of this resolution or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 4. This resolution shall become effective immediately upon its passage and approval.

The Motion to approve this resolution was made by Joe Holland  
and seconded by Brandon Chase McGee, the resolution was  
passed and approved by the following vote [ 7 - 0 ]

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Vicki Byrd, District 1:	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Brian Beck, District 2:	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Paul Meltzer, District 3:	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Joe Holland, District 4:	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Brandon Chase McGee, At Large Place 5:	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Chris Watts, At Large Place 6:	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>

PASSED AND APPROVED this the 23<sup>rd</sup> day of January, 2024.

  
GERARD HUDSPETH, MAYOR

ATTEST:

JESUS SALAZAR, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:

MACK REINWAND, CITY ATTORNEY



BY: Benjamin M. Samples, Esq.

Digitally signed by Benjamin Samples  
DN: cn=Benjamin Samples, o=CITY OF DENTON, ou=City of Denton, email=benjamin.samples@cityofdenton.com  
Date: 2024.01.23 10:23:23 -0500

# **EXHIBIT A**

**(Roadway Transfer to Governmental Entity  
Request for US 77 From Eagle Drive to US 380)**

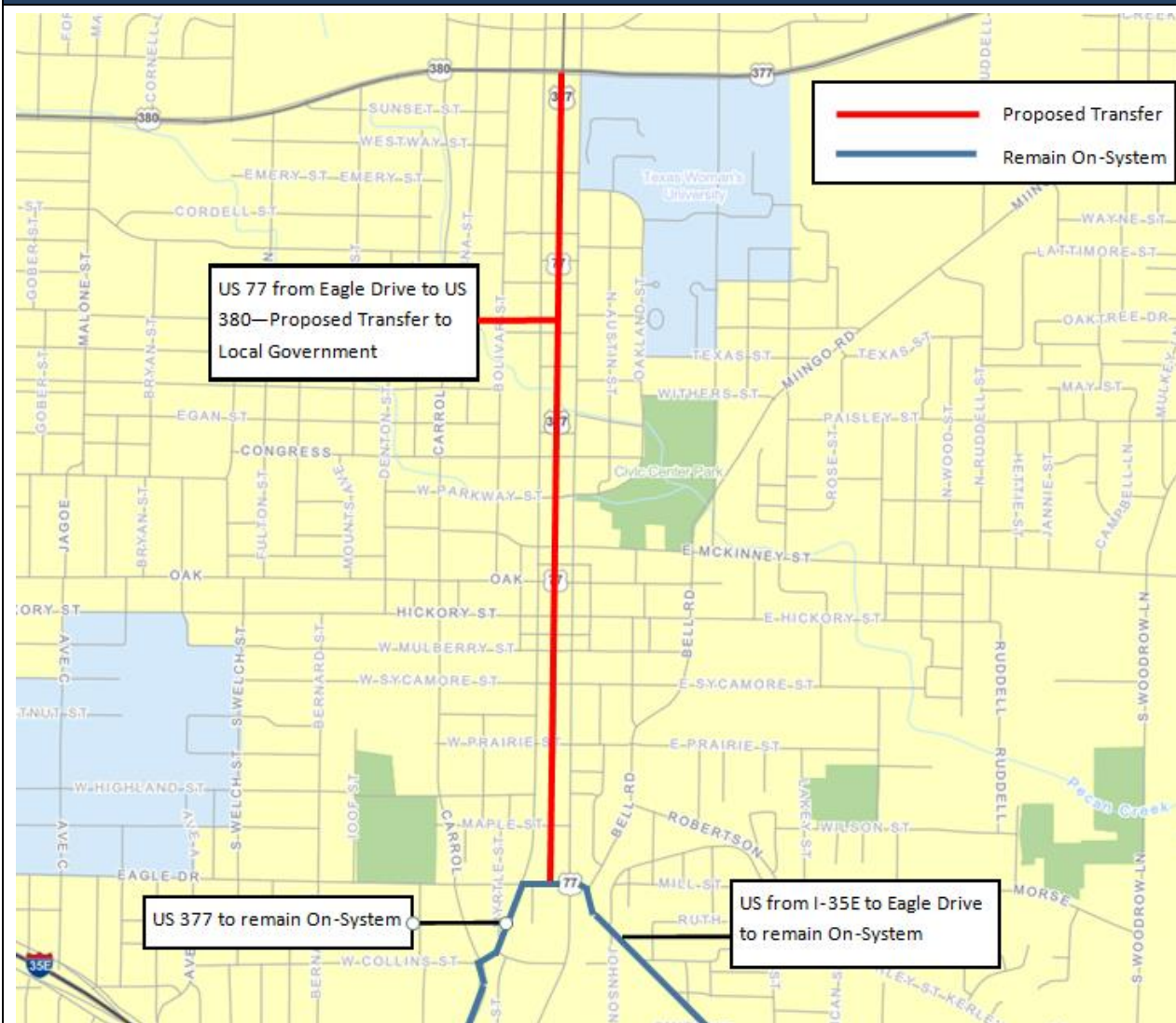


# TRANSFER TO GE REQUEST MEMO

1/8/2024

**Subject:** Roadway Transfer to Governmental Entity Request for US 77 (From Eagle Drive to US 380)

Vicinity/Area Map



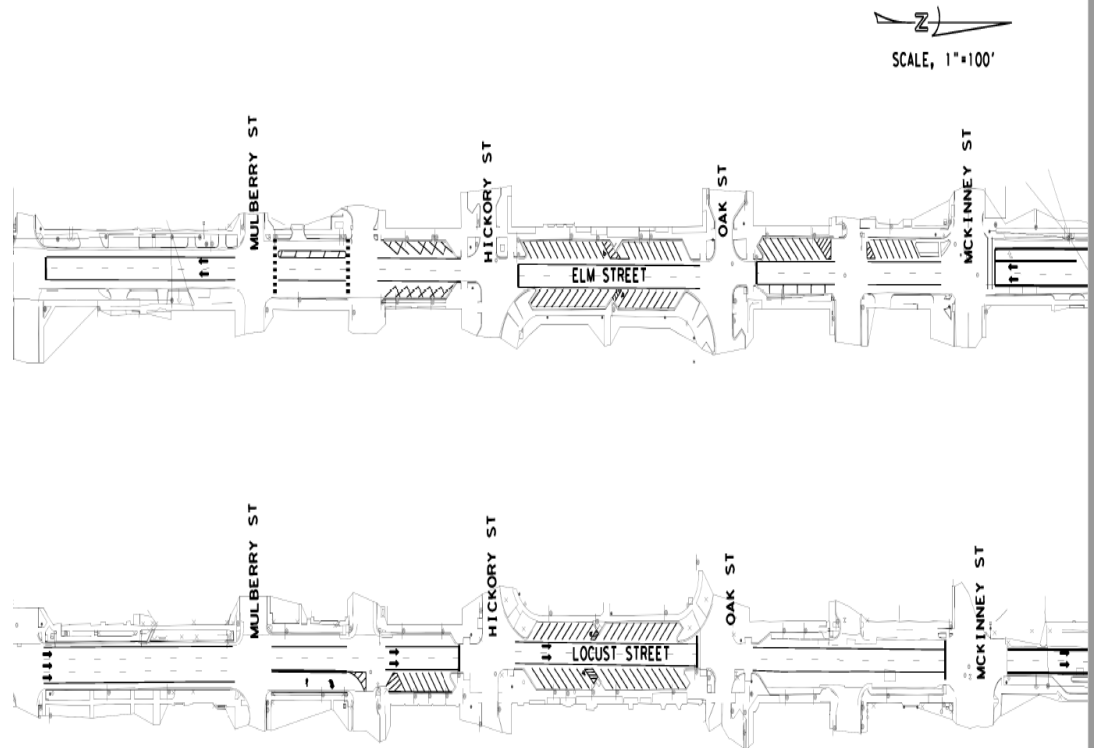
## Turn-Back Information

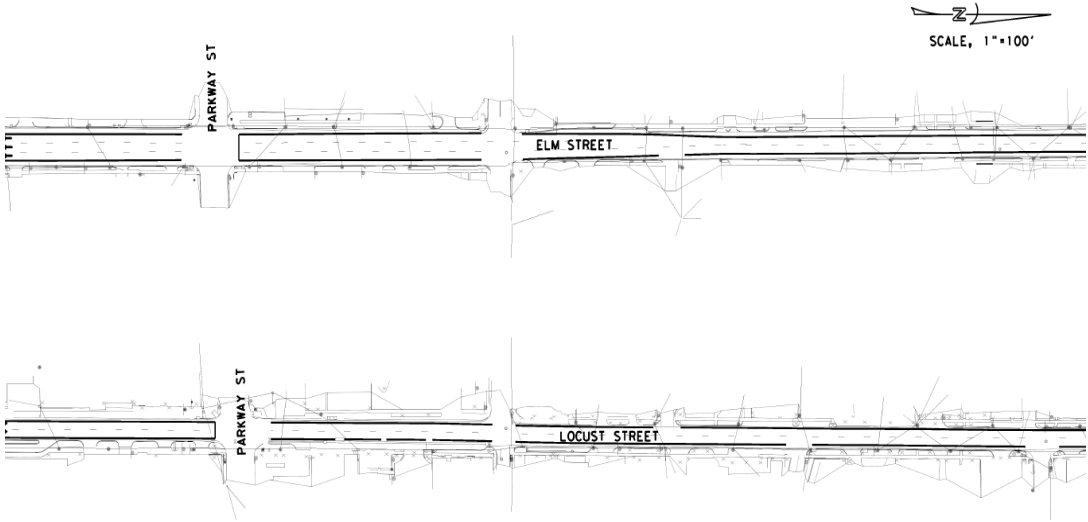
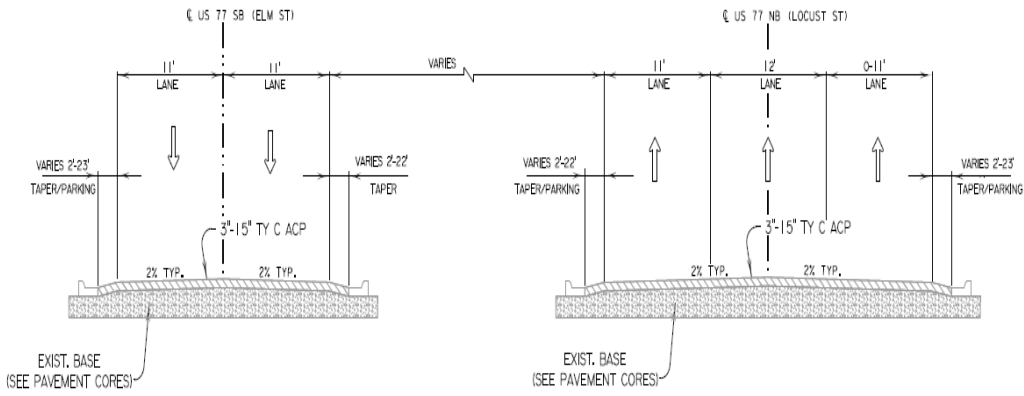
The transfer is on US 77 from Eagle Drive to US 380. Eagle Drive is also On-System and will remain On-System to provide a connection between US 377 and US 77 to the South. US 77 will connect to the North of US 380. The section of US 77 proposed to be transferred to the Local Government is a one-way couplet that runs through downtown Denton and primarily serves local traffic visiting the Downtown core.

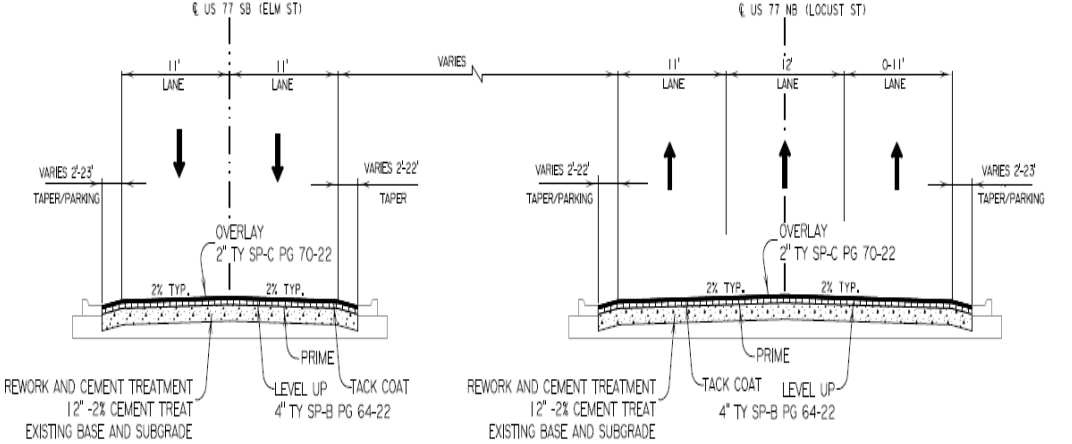
Description of Section with Limits (Plan view, if helpful)

The existing section of US 77 includes a one-way couple through Downtown Denton. From Eagle Drive to Hickory Street (Downtown Square), Southbound is 2-Lanes and Northbound is 3 Lanes. From Hickory Street through McKinney Street, there are 2-Lanes Northbound and 2-Lanes Southbound. From McKinney Street to Congress Street, there are 2-Lanes Northbound and 3-Lanes Southbound. From Congress Street to US 380, there are 2-Lanes Northbound and 2-Lanes Southbound.

From W. Prairie Street to McKinney Street, there is On-Street parking through the Downtown core.



	
<p>Traffic (Existing and Projected)</p>	<p>US 77: From Eagle Drive to US 380  2021 AADT 15,480  2041 AADT 20,743</p>
<p>Typical Section (Existing and Proposed)</p>	 <p style="text-align: center;"><u>EXISTING TYPICAL SECTION</u></p>

	 <p style="text-align: center;"><b>PROPOSED TYPICAL SECTION</b></p>
<p><b>Reason for Request</b></p> <ul style="list-style-type: none"> <li>-What is Proposed?</li> <li>-Why is it Proposed?</li> </ul>	<p><b>Proposing</b></p> <p>The City of Denton is requesting US 77 from Eagle Drive to US 380 be transferred to the local government. To the South of the requested turnback, US 377 and US 77 are connected by Eagle Drive (Eagle Drive is designated as both US 377 and US 77). These On-System roadways to the South of the transfer are proposed to remain On-System to maintain connectivity for the State system outside of the city's Downtown Core. Further, US 77 North of US 380 is proposed to remain On-System and provide a connection from US 380 to North Loop 288 and I-35.</p> <p>The section proposed for the transfer is being requested by the City of Denton to allow for the City to begin planning to expanding pedestrian elements, aesthetics and beautification efforts to their downtown core and re-configure on-street parking through the downtown core.</p> <p>The City of Denton is not planning to reduce capacity along this section of US 77 after the transfer. Future feasibility studies are planned to look at improving configurations for multi-modal transportation options along the corridor that maintain existing capacity for vehicles.</p> <p>In addition, the City of Denton has City water and wastewater lines under the pavement of US 77 that date back before the roadway was designated On-System. The City of Denton has undergone substantial reconstruction of those facilities, but they remain under the pavement of the roadway. Transferring this section of US 77 allows the city to maintain their facilities more efficiently.</p> <p>A planned TxDOT project will rehabilitate a section of US 77 from Eagle Drive to McKinney Street. The proposed projects and turnback would have minimal impacts to traffic flow through the area.</p> <p>The transfer would improve safety for both the traveling public in vehicles as well as pedestrians and bicyclists as the City explores options to re-configure On-Street parking and further separate and dedicate areas to alternative modes of transportation.</p>
<p><b>Particular Points to be Addressed</b></p>	<ol style="list-style-type: none"> <li>1. No</li> <li>2. No</li> </ol>

<ul style="list-style-type: none"> <li>-Is there a Planned Lane Number or Size Reduction ?</li> <li>-Is Roadway Capacity to be Reduced?</li> <li>-Is there a Traffic Impact on the State System?</li> <li>-What are the Anticipated Savings?</li> </ul>	<ol style="list-style-type: none"> <li>3. No. Full connectivity remains on the State system by maintaining the connection at Eagle Drive.</li> <li>4. Savings will be found in the reduction of maintenance costs. Some of which are on-going maintenance costs as a result of the water and wastewater lines under the roadway.</li> </ol>
Funding (if needed)	<b>Roadway Project (Eagle Drive to McKinney Street – CSJ: 0196-01-117):</b> Estimated costs are \$ 2.2 M and will be funded through the Dallas District’s CAT 1 allocation.
Timeline for Transfer	The rehabilitation project is planned to let Q3 FY 2024. The documentation, resolution and approval for the transfer would happen concurrently with the project planning. At completion of the rehabilitation, the City of Denton would accept the transfer to an Off-System roadway.

Reviewer Use Only			
Reviewer	Contact	Initial	Comments
TPP	<a href="mailto:jeremy.rogers@txdot.gov">jeremy.rogers@txdot.gov</a>		
MNT	<a href="mailto:mark.j.johnson@txdot.gov">mark.j.johnson@txdot.gov</a>		
ROW	<a href="mailto:kyle.madsen@txdot.gov">kyle.madsen@txdot.gov</a>		
Director of Project Development	<a href="mailto:mo.bur@txdot.gov">mo.bur@txdot.gov</a>		
Chief Engineer	<a href="mailto:lance.simmons@txdot.gov">lance.simmons@txdot.gov</a>		



# **EXHIBIT B**

**(Transfer of Right of Way  
Deed)**

## TRANSFER OF RIGHT OF WAY DEED

STATE OF TEXAS           §  
                                     §  
COUNTY OF DENTON     §

Highway US77  
RCSJ 0196-01-022

**THE STATE OF TEXAS, acting by and through the Texas Transportation Commission and on behalf of the Texas Department of Transportation,** hereinafter referred to as “**Grantor,**” pursuant to Minute Order [\_\_\_\_\_] passed by the Texas Transportation Commission on [\_\_\_\_\_] as shown by the official minutes of the Texas Transportation Commission, and in consideration of the Grantee assuming jurisdiction, control, and maintenance of the highway right of way the subject of this transfer, as described in Exhibit A, has this day Sold and Transferred and by these presents does Grant, Assign, Sell, and Convey, for public road purposes, unto **the CITY OF DENTON, TEXAS,** hereinafter referred to as “**Grantee,**” all of Grantor’s right, title, and interest in and to that certain tract or parcel of land situated in Denton, County, Texas, said land being more particularly described in Exhibit A, attached hereto and made a part hereof, (such tract or parcel of land hereinafter referred to as the “**Tract**”); **SAVE AND EXCEPT,** however, there is excepted and reserved here from all of Grantor’s right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the Tract.

**ADDITIONAL RESERVATION:** If the property is no longer used for public road purposes, if the unrestricted motor vehicle lanes are reduced in number or width, or if the capacity of the roadway is reduced at all, said real property shall immediately and automatically revert to the State of Texas.

This transfer is pursuant to V.T.C.A., Transportation Code, Chapter 202, Subchapter B, § 202.021(e)(2).

Anything herein to the contrary notwithstanding, this conveyance is made subject to the rights of any and all existing public utilities or common carriers in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, § 202.029. Any required adjustment will be at no cost to Grantor. Furthermore, this conveyance is made subject to any easements for access to a right of way, implied or otherwise, appurtenant to any and all properties abutting the Tract. In addition, this conveyance is subject to all matters of public record and to all easements, leases, agreements, licenses, or other interests which affect the Tract, and to any matter which would be disclosed by title examination, survey, investigation, or inquiry, including, but not limited to, the rights of parties in possession.

BY THE ACCEPTANCE OF THIS TRANSFER OF RIGHT OF WAY, GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE HAS THOROUGHLY INSPECTED AND EXAMINED THE TRACT TO THE EXTENT DEEMED NECESSARY BY THE GRANTEE IN ORDER TO ENABLE THE GRANTEE TO EVALUATE THE ACQUISITION OF THE TRACT. GRANTEE REPRESENTS THAT IT IS RELYING SOLELY ON ITS OWN EXPERTISE AND THAT OF GRANTEE’S CONSULTANTS (IF ANY), AND THAT GRANTEE HAS CONDUCTED SUCH INSPECTIONS AND INVESTIGATIONS OF THE TRACT, INCLUDING, BUT NOT LIMITED TO, THE PHYSICAL, TOPOGRAPHIC, AND ENVIRONMENTAL CONDITIONS THEREOF, AND IS RELYING UPON THE SAME, AND HEREBY ASSUMES THE RISK OF ANY ADVERSE MATTERS, INCLUDING, BUT NOT LIMITED TO, ADVERSE PHYSICAL, TOPOGRAPHIC, AND ENVIRONMENTAL CONDITIONS THAT MAY NOT HAVE BEEN REVEALED BY GRANTEE’S INSPECTIONS AND INVESTIGATIONS. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT GRANTEE IS ACQUIRING THE TRACT ON AN “AS IS, WHERE IS” AND “WITH ALL FAULTS” BASIS, WITHOUT REPRESENTATIONS, WARRANTIES, OR COVENANTS, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE. GRANTEE HEREBY WAIVES AND RELINQUISHES ALL RIGHTS AND PRIVILEGES ARISING OUT OF, OR WITH RESPECT OR IN RELATION TO, ANY

REPRESENTATIONS, WARRANTIES, OR COVENANTS, WHETHER EXPRESS OR IMPLIED, WHICH MAY HAVE BEEN MADE OR GIVEN, OR WHICH MAY HAVE BEEN DEEMED TO HAVE BEEN MADE OR GIVEN, BY GRANTOR OR ANY OF ITS REPRESENTATIVES. GRANTEE HEREBY ASSUMES ALL RISK AND LIABILITY (AND AGREES THAT GRANTOR SHALL NOT BE LIABLE FOR ANY SPECIAL, DIRECT, INDIRECT, CONSEQUENTIAL, OR OTHER DAMAGES) RESULTING OR ARISING FROM GRANTEE'S USE, MAINTENANCE, REPAIR, OR OPERATION OF THE TRACT.

WITHOUT LIMITING THE GENERAL PROVISIONS ABOVE, IT IS UNDERSTOOD AND AGREED THAT GRANTOR IS NOT MAKING AND SPECIFICALLY DISCLAIMS ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED, AS TO (a) MATTERS OF TITLE; (b) ZONING; (c) TAX CONSEQUENCES; (d) PHYSICAL OR ENVIRONMENTAL CONDITIONS; (e) AVAILABILITY OF ACCESS, INGRESS, OR EGRESS; (f) OPERATING HISTORY OR PROJECTIONS; (g) VALUATION; (h) AVAILABILITY AND ADEQUACY OF UTILITIES; (i) GOVERNMENTAL APPROVALS; (j) GOVERNMENTAL REGULATIONS OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE TRACT, INCLUDING, WITHOUT LIMITATION: (1) THE VALUE, CONDITION, MERCHANTABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY, OR FITNESS OF THE TRACT FOR A PARTICULAR USE OR PURPOSE; (2) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS INCORPORATED INTO ANY OF THE TRACT; AND (3) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE TRACT. GRANTEE FURTHER EXPRESSLY ACKNOWLEDGES AND AGREES THAT GRANTOR IS NOT REPRESENTING OR WARRANTING THAT ANYTHING CAN OR WILL BE ACCOMPLISHED THROUGH GRANTEE'S OR GRANTOR'S EFFORTS WITH REGARD TO THE PLANNING, PLATTING, OR ZONING PROCESS OF ANY GOVERNMENTAL AUTHORITIES, BOARDS, OR ENTITIES. GRANTEE FURTHER ACKNOWLEDGES THAT GRANTOR HAS NOT WARRANTED, AND DOES NOT HEREBY WARRANT, THAT THE TRACT NOW OR IN THE FUTURE WILL MEET OR COMPLY WITH THE REQUIREMENTS OF ANY SAFETY CODE, ENVIRONMENTAL LAW, OR REGULATION OF ANY STATE OR FEDERAL AUTHORITY OR JURISDICTION.

This Transfer of Right of Way is expressly made by Grantor and accepted by Grantee without any warranty of title of any kind, oral or written, express or implied, whether existing by common law, by statute, or any other manner. Grantee expressly agrees that the implied covenants set forth in § 5.023 of the Texas Property Code are not applicable to this Transfer of Right of Way.

**TO HAVE AND TO HOLD** the Tract, together with all and singular the rights and appurtenances thereto in any way belonging, unto said Grantee and Grantee's successors and assigns forever, subject to the limitations and conditions hereinabove stated.

**IN TESTIMONY WHEREOF**, I have caused the Seal of the State to be affixed.

Executed this the \_\_\_\_ day of \_\_\_\_\_ 2024.

---

GREG ABBOTT  
GOVERNOR OF TEXAS

Recommended for Approval:

---

Marc D. Williams, P.E.  
Executive Director

Attest:

---

Jane Nelson  
Secretary of State

Approved:

Ken Paxton  
Attorney General

By: \_\_\_\_\_  
Carter Cole  
Assistant Attorney General

**ACKNOWLEDGED, AGREED AND ACCEPTED**

**GRANTEE:**

**CITY OF DENTON, TEXAS**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

MACK REINWAND, CITY ATTORNEY

BY: \_\_\_\_\_

STATE OF TEXAS §

§

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of the City of Denton, Texas, a Texas home-rule municipal corporation, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public Signature

State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

**NOTE TO COUNTY CLERK: PROPERTY CODE § 12.006 AUTHORIZES THE RECORDATION OF THIS INSTRUMENT WITHOUT FURTHER ACKNOWLEDGMENT OR PROOF OF THE SIGNATURE OF THE GOVERNOR.**

# **EXHIBIT A**

**(Turnback line 1 and Turnback Line 2)**

EXHIBIT "A"

County: Denton  
Highway: U.S. 77 Locust Street  
Project Limits: at U.S. 380  
R.O.W. CSJ: 0196-01-022

Page 1 of 3  
August 24, 2023

LINE DESCRIPTION 1

Description of a line situated in Denton County, Texas, in the B.B.B. and C.R.R. Co. Survey, Abstract Number 185, it being the intent of this line description to remove the land South of this line from State of Texas Highway System and the land North of this line to be retained by the State of Texas, said line being determined from right-of-way maps and documents for United States Highway 77 (U.S. 77), also called Locust Street, a variable width right-of-way called a 60 foot right-of-way at this point, on file at the Texas Department of Transportation, Dallas District Headquarters in Mesquite, Texas and real property records on file with the Denton County Clerk's official public records, said line being more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod found at the intersection of the existing West right-of-way line of said U.S. 77 and the existing South right-of-way line of United States Highway 380 (U.S. 380), a variable width right-of-way, being a Northeast corner of a called 1.455 acre tract of land described by Special Warranty Deed to Project Capricorn Denton TX LLC, recorded on December 05, 2022 in Document Number 2022-165690, Official Public Records, Denton County, Texas (O.P.R.D.C.T.), in the South line of a tract of land described by Deed to State of Texas, recorded in Volume 4340, Page 2394, O.P.R.D.C.T., and having surface coordinates of North 7,134,439.97, East 2,387,066.52, from which a 1/2 inch iron rod found, being the most Northerly Northeast corner of said Project Capricorn tract and an entrant corner of said State of Texas tract, bears North 44° 04' 34" West, a distance of 34.38 feet;

- 1) **THENCE** South 88° 31' 29" East, along said line, a distance of 60.01 feet to a PK nail with a damaged washer found at the intersection of the existing East right-of-way line of said U.S. 77 and the existing South right-of-way line of said U.S. 380, being a Northwest corner of a tract of land described by Deeds to Texas Woman's University, recorded in Volume 81, Page 429, Volume 182, Page 204, and Volume 216, Page 513, O.P.R.D.C.T., and the Southwest corner of a tract of land described by Deed to State of Texas, recorded in Volume 4333, Page 3071, O.P.R.D.C.T., from which a 5/8 inch iron rod with aluminum cap stamped "TEXAS WOMAN'S UNIVERSITY 2015 JQ ENG SURVEY MARKER" found bears South 00° 30' 09" West, a distance of 1,177.27 feet.

Note: Basis of bearing is Grid North, referenced to the Texas Coordinate System of 1983, North Central Zone (4202), and based upon the North American Datum of 1983 (NAD 83), 2011 Adjustment, Epoch 2010.

Note: All distances and coordinates shown herein are U.S. Survey Feet adjusted to Surface, unless noted otherwise, using the TxDOT Denton County Surface Adjustment Factor 1.000150630. (Grid Northing & Grid Easting x 1.000150630 = Surface) origin 0,0.

Note: This written description is accompanied by a survey plat which covers the identical parcel that is shown herein, signed and sealed on even date herewith and is hereby made a part of this document.

EXHIBIT "A"

County: Denton  
Highway: U.S. 77 Locust Street  
Project Limits: at U.S. 380  
R.O.W. CSJ: 0196-01-022

Page 2 of 3  
August 24, 2023

LINE DESCRIPTION 1

Note: Abstracting was performed without the benefit of title commitments. All matters of record by not be shown herein.

Note: Field surveys were performed in August of 2023.

I, Daniel M. Putman, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this written description and accompanying plat of even survey date represent an actual survey made on the ground in August of 2023 under my supervision.



8/24/2023

Daniel M. Putman  
Texas Registered Professional Land Surveyor #6729

Cobb, Fendley and Associates, Inc.  
TBPELS Land Surveying Firm No. 10046700  
One Ridgmar Centre  
6500 West Freeway, Suite 300  
Fort Worth, Texas 76116  
Phone: 817.445.1016  
Fax: 817.445.1017

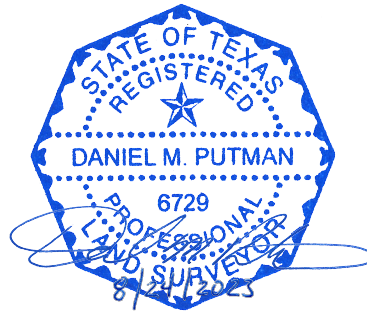
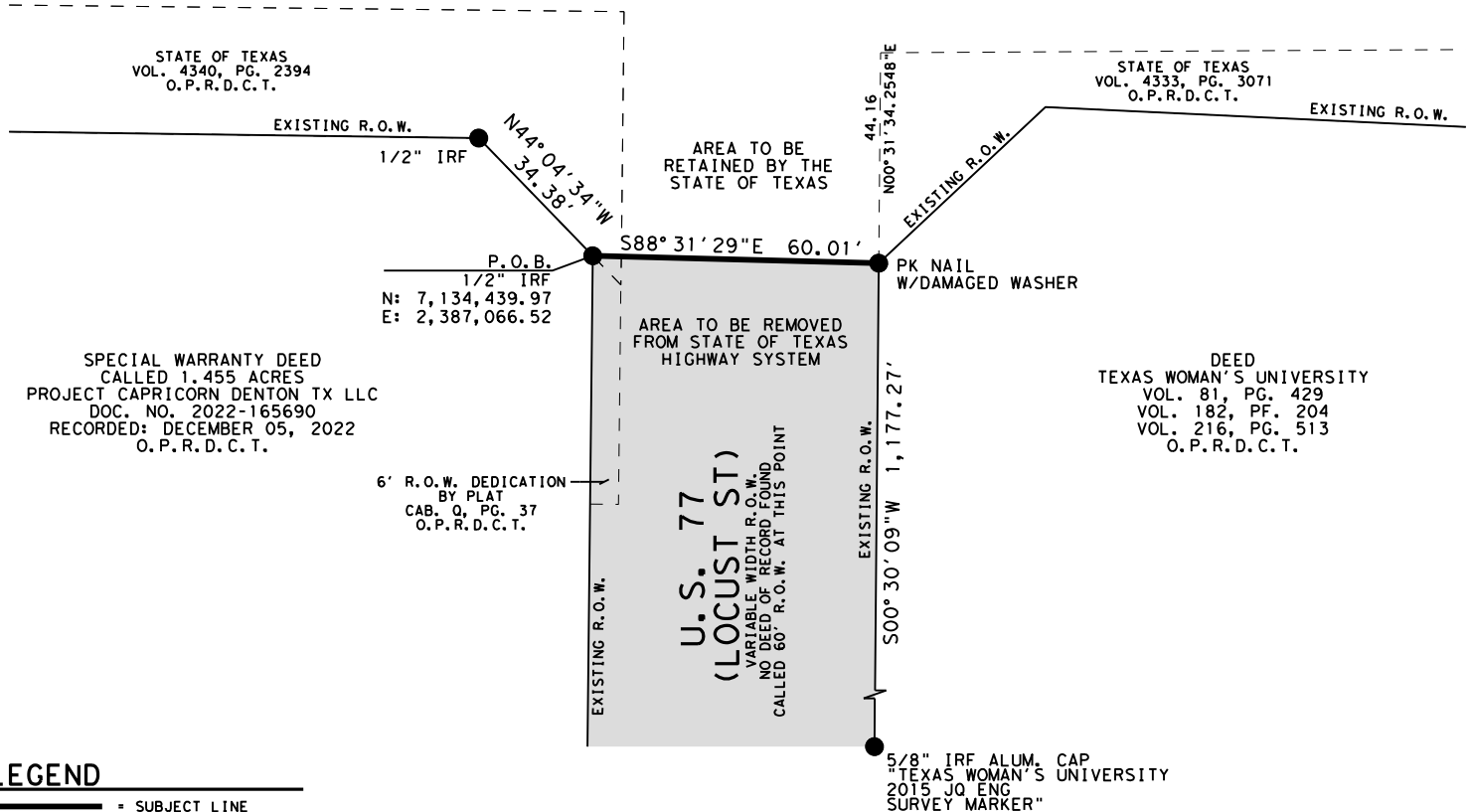




EXHIBIT "A"  
PAGE 3 OF 3

B.B.B. AND C.R.R. CO. SURVEY  
ABSTRACT NO. 185

U.S. 380  
VARIABLE WIDTH R.O.W.



LEGEND

- = SUBJECT LINE
- = EXISTING ROW
- - - = ROW PARCEL
- P — = PROPERTY LINE
- - - = EASEMENT
- - - E - - - = APPROX. SURVEY LINE
- - - = PROPOSED BASELINE
- ↖ = FEE HOOK

O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS,  
DENTON COUNTY, TEXAS

P.O.B. = POINT OF BEGINNING

DOC. NO. = DOCUMENT NUMBER

VOL. = VOLUME

PG. = PAGE

CAB. = CABINET

R.O.W. = RIGHT-OF-WAY

IRF = IRON ROD FOUND

N.T.S. = NOT TO SCALE

☐ = 5/8 INCH IRON ROD WITH PINK PLASTIC CAP STAMPED  
"TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" SET

○ = 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED  
"COBB FENDLEY & ASSOCIATES" SET OR AS OTHERWISE NOTED

● = MONUMENT FOUND (AS NOTED)

I HEREBY CERTIFY THAT THIS PLAT HEREIN AND ACCOMPANYING  
LEGAL DESCRIPTION OF EVEN SURVEY DATE REPRESENTS AN  
ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

*Daniel M. Putman*

8/24/2023

DANIEL M. PUTMAN, RPLS NO. 6729

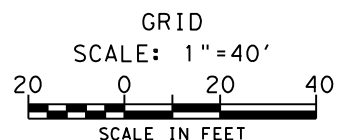
COBB, FENDLEY & ASSOCIATES, INC.

TBPELS LAND SURVEYING FIRM NO. 10046700

DATE

NOTES:

1. BASIS OF BEARING IS GRID NORTH, REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), AND BASED UPON THE NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT, EPOCH 2010.
2. ALL DISTANCES AND COORDINATES SHOWN HEREIN ARE U.S. SURVEY FEET ADJUSTED TO SURFACE, UNLESS NOTED OTHERWISE, USING THE TXDOT DENTON COUNTY SURFACE ADJUSTMENT FACTOR 1.000150630.  
(GRID NORTHING & GRID EASTING X 1.000150630 = SURFACE) ORIGIN 0,0.
5. THIS SURVEY PLAT IS ACCOMPANIED BY A WRITTEN DESCRIPTION WHICH COVERS THE IDENTICAL SUBJECT LINE THAT IS SHOWN HEREIN, SIGNED AND SEALED ON EVEN DATE HERewith AND IS HEREBY MADE A PART OF THIS DOCUMENT.
6. ABSTRACTING WAS PERFORMED WITHOUT THE BENEFIT OF TITLE COMMITMENTS. ALL MATTERS OF RECORD MAY NOT BE SHOWN HEREIN.
7. FIELD SURVEYS WERE PERFORMED IN AUGUST OF 2023.



## EXHIBIT "A"

County: Denton  
Highway: U.S. 77 Locust Street  
Project Limits: at U.S. 77 Eagle Drive  
R.O.W. CSJ: 0196-01-022

Page 1 of 3  
August 24, 2023

### LINE DESCRIPTION 2

Description of a line situated in Denton County, Texas, in the William Loving Survey, Abstract Number 759, it being the intent of this line description to remove the land North of this line from State of Texas Highway System and the land South of this line to be retained by the State of Texas, said line being determined from right-of-way maps and documents for United States Highway 77 (U.S. 77), also called Locust Street, a variable width right-of-way called a 72 foot right-of-way at this point, on file at the Texas Department of Transportation, Dallas District Headquarters in Mesquite, Texas and real property records on file from the Denton County Clerk's official public records, said line being more particularly described as follows:

**BEGINNING** at a PK nail in asphalt found at the intersection of the existing East right-of-way line of said U.S. 77 Locust Street and the existing North right-of-way line of said U.S. 77, also called Eagle Drive, a variable width right-of-way, no deed of record found, being the Southwest corner of a called 0.374 acre tract of land described by Warranty Deed with Vendor's Lien to Ali Al-Khafaji, recorded on May 31, 1984 in Volume 1413, Page 125, Official Public Records, Denton County, Texas (O.P.R.D.C.T.), and having surface coordinates of North 7,125,713.18, East 2,387,123.35, from which a PK nail in asphalt found in the South line of said Al-Khafaji tract and the north line of said U.S. 77 Eagle Drive, bears South 63° 48' 12" East, a distance of 33.32 feet;

- 1) **THENCE** North 85° 38' 11" West, along said line, a distance of 69.89 feet to a 5/8 inch iron rod with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" set at the intersection of the existing West right-of-way line of said U.S. 77 Locust Street and the existing North right-of-way line of said U.S. 77 Eagle Drive, being the Southeast corner of a tract of land described by Warranty Deed as Tract 1 to Hi-Lo Auto Supply, L.P., recorded on November 30, 1998 in Volume 4227, Page 542, O.P.R.D.C.T., said Tract 1 also described by plat as that called 0.835 acre Lot 7R, Block D, Blount Addition, recorded on March 25, 1999 in Cabinet Q, Page 167, O.P.R.D.C.T. and the Northeast corner of a 0.122 acre right-of-way dedication by said plat, from which an X cut in concrete found, being the Northeast corner of said Lot 7R in the existing West right-of-way line of said U.S. 77 Locust Street, bears North 00° 18' 26" West, a distance of 171.49 feet.

Note: Basis of bearing is Grid North, referenced to the Texas Coordinate System of 1983, North Central Zone (4202), and based upon the North American Datum of 1983 (NAD 83), 2011 Adjustment, Epoch 2010.

Note: All distances and coordinates shown herein are U.S. Survey Feet adjusted to Surface, unless noted otherwise, using the TxDOT Denton County Surface Adjustment Factor 1.000150630. (Grid Northing & Grid Easting x 1.000150630 = Surface) origin 0,0.

Note: This written description is accompanied by a survey plat which covers the identical parcel that is shown herein, signed and sealed on even date herewith and is hereby made a part of this document.

EXHIBIT "A"

County: Denton  
Highway: U.S. 77 Locust Street  
Project Limits: at U.S. 77 Eagle Drive  
R.O.W. CSJ: 0196-01-022

Page 2 of 3  
August 24, 2023

LINE DESCRIPTION 2

Note: Abstracting was performed without the benefit of title commitments. All matters of record by not be shown herein.

Note: Field surveys were performed in August of 2023.

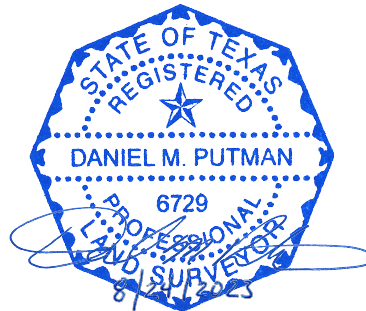
I, Daniel M. Putman, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this written description and accompanying plat of even survey date represent an actual survey made on the ground in August of 2023 under my supervision.



8/24/2023

Daniel M. Putman  
Texas Registered Professional Land Surveyor #6729

Cobb, Fendley and Associates, Inc.  
TBPELS Land Surveying Firm No. 10046700  
One Ridgmar Centre  
6500 West Freeway, Suite 300  
Fort Worth, Texas 76116  
Phone: 817.445.1016  
Fax: 817.445.1017



# EXHIBIT "A"

PAGE 3 OF 3

XCUT  
IN CONCRETE

N00° 18' 26" W  
868.54'

XCUT  
IN CONCRETE

WILLIAM LOVING SURVEY  
ABSTRACT NO. 759

WARRANTY DEED  
TRACT 1  
HI-LO AUTO SUPPLY, L.P.  
VOL. 4227, PG. 542  
RECORDED: NOVEMBER 30, 1998  
O.P.R.D.C.T.  
ALSO DESCRIBED AS  
CALLED 0.835 ACRES  
LOT 7R, BLOCK D  
BLOUNT ADDITION  
CAB. Q, PG. 167  
RECORDED: MARCH 25, 1999  
O.P.R.D.C.T.

U.S. 77  
(LOCUST ST)  
VARIABLE WIDTH R.O.W.  
VOL. 75, PG. 54  
CALLED 72' R.O.W. AT THIS POINT

AREA TO BE REMOVED  
FROM STATE OF TEXAS  
HIGHWAY SYSTEM

WARRANTY DEED WITH  
VENDOR'S LIEN  
TRACT 1  
NO CALLED ACREAGE  
ALI AL-KHAFAJI  
VOL. 1056, PG. 165  
RECORDED: JANUARY 19, 1981  
O.P.R.D.C.T.

WARRANTY DEED WITH  
VENDOR'S LIEN  
TRACT 2  
NO CALLED ACREAGE  
ALI AL-KHAFAJI  
VOL. 1056, PG. 165  
RECORDED: JANUARY 19, 1981  
O.P.R.D.C.T.

M.E.P. AND P.R.R. CO. SURVEY  
ABSTRACT NO. 623

WARRANTY DEED WITH  
VENDOR'S LIEN  
CALLED 0.374 ACRES  
ALI AL-KHAFAJI  
VOL. 1413, PG. 125  
RECORDED: MAY 31, 1984  
O.P.R.D.C.T.

0.122 ACRE R.O.W. DEDICATION BY PLAT

AREA TO BE  
RETAINED BY THE  
STATE OF TEXAS

P.O.B.  
PK NAIL IN ASPHALT  
N: 7,125,713.18  
E: 2,387,123.35

S63° 33' 32" E  
48' 12"

EXISTING R.O.W.

## LEGEND

- = SUBJECT LINE
- = EXISTING ROW
- - - = ROW PARCEL
- P — = PROPERTY LINE
- - - = EASEMENT
- - - E - - - = APPROX. SURVEY LINE
- - - = PROPOSED BASELINE
- ↖ = FEE HOOK

O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS,  
DENTON COUNTY, TEXAS

P.O.B. = POINT OF BEGINNING

DOC. NO. = DOCUMENT NUMBER

VOL. = VOLUME

PG. = PAGE

CAB. = CABINET

R.O.W. = RIGHT-OF-WAY

IRF = IRON ROD FOUND

N.T.S. = NOT TO SCALE

☒ = 5/8 INCH IRON ROD WITH PINK PLASTIC CAP STAMPED  
"TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" SET

○ = 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED  
"COBB FENDLEY & ASSOCIATES" SET OR AS OTHERWISE NOTED

● = MONUMENT FOUND (AS NOTED)

I HEREBY CERTIFY THAT THIS PLAT HEREIN AND ACCOMPANYING  
LEGAL DESCRIPTION OF EVEN SURVEY DATE REPRESENTS AN  
ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

*Daniel M. Putman*

8/24/2023

DANIEL M. PUTMAN, RPLS NO. 6729

COBB, FENDLEY & ASSOCIATES, INC.

TBPELS LAND SURVEYING FIRM NO. 10046700

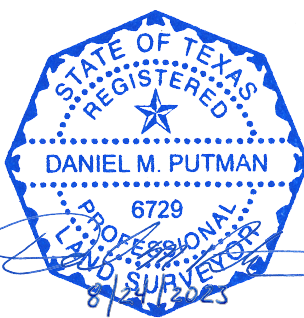
DATE

U.S. 77  
(EAGLE DR)

VARIABLE WIDTH R.O.W.  
NO DEED OF RECORD FOUND

## NOTES:

1. BASIS OF BEARING IS GRID NORTH, REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), AND BASED UPON THE NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT, EPOCH 2010.
2. ALL DISTANCES AND COORDINATES SHOWN HEREIN ARE U.S. SURVEY FEET ADJUSTED TO SURFACE, UNLESS NOTED OTHERWISE, USING THE TXDOT DENTON COUNTY SURFACE ADJUSTMENT FACTOR 1.000150630.  
(GRID NORTHING & GRID EASTING X 1.000150630 = SURFACE) ORIGIN 0,0.
3. THIS SURVEY PLAT IS ACCOMPANIED BY A WRITTEN DESCRIPTION WHICH COVERS THE IDENTICAL SUBJECT LINE THAT IS SHOWN HEREIN, SIGNED AND SEALED ON EVEN DATE HERewith AND IS HEREBY MADE A PART OF THIS DOCUMENT.
4. ABSTRACTING WAS PERFORMED WITHOUT THE BENEFIT OF TITLE COMMITMENTS. ALL MATTERS OF RECORD MAY NOT BE SHOWN HEREIN.
5. FIELD SURVEYS WERE PERFORMED IN AUGUST OF 2023.



GRID  
SCALE: 1" = 40'  
20 0 20 40  
SCALE IN FEET