

**MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF  
TRINITY RIVER VISION AUTHORITY ("TRVA")  
HELD ON THE 7th DAY OF OCTOBER, 2009**

---

The call of the roll disclosed the presence of the Directors as follows:

Present

G.K. Maenius  
Kathleen Hicks  
Vic Henderson  
Elaine Petrus  
Roy C. Brooks

Also in attendance were: J.D. Granger, Woody Frossard, Steve Christian, Sandy Swinnea, Shanna Cate and Laura Mayberry of TRVA; Randle Harwood and Mark Rauscher representing the City of Fort Worth; Marty Leonard and Rachel Navejar of the Tarrant Regional Water District; Lee Christie and Jared Harrell of Pope, Hardwicke, Christie, Schell, Kelly & Ray, L.L.P.; Bob Riley of BLG Northside; Don Funderlic of CDM; Ann Scruggs of Pinnacle Consulting; Chris Keffer of Trinity River Communications; and Bill Hanna of the *Fort Worth Star-Telegram*.

**I. Call to Order**

President Maenius convened the meeting at 2:07 P.M. with the assurance that a quorum was present and all requirements of the Texas Open Meetings Act had been met.

**II. Public Comment**

None.

**III. Action Items**

A1.

On a motion made by Director Henderson and seconded by Director Brooks, the Directors unanimously voted to approve the minutes from the meeting held on September 2, 2009.

A2.

With the recommendation of Sandy Swinnea (Chief Financial Officer, TRVA), Director Brooks moved to receive and file the TRVA Finance Report. The motion was seconded by Director Henderson and the vote in favor was unanimous.

A3.

With the recommendation of Ms. Swinnea, Director Petrus moved to receive and file the TRV-Central City Finance Report. The motion was seconded by Director Henderson and the vote in favor was unanimous.

#### **IV. Discussion Items**

D1.

##### **Update on TRV Master Plan Projects**

A.

Woody Frossard (Project Manager, TRVA) informed the Board that contractors for the U.S. Army Corps of Engineers (USACE) had experienced weather delays during their work to move soils at the North Samuels Avenue site. USACE anticipates that the excavation contract at the South Samuels Avenue site will not be let until November. Additionally, Mr. Frossard noted that the soils removed from the South Samuels Avenue site will be used to fill the City's auto impound site. The cars from the auto impound are being transferred to the City's Brennan Avenue landfill site. J.D. Granger (Executive Director, TRVA) noted that signage has been placed near the North Samuels Avenue site to inform the public that the ongoing construction is part of the TRV-Central City Project.

B.

Shanna Cate (Planning and Development Manager, TRVA) informed the Board that there

are no current updates related to TRV-Trinity Uptown Development.

C.

Randle Harwood (Program Management Office Director, City of Fort Worth) updated the Board on the progress of the Riverside Park and Gateway Park Master Plans. A public meeting was conducted in Spanish last week regarding the Riverside Park Master Plan. The next step is for the City to come back to the community with a concept plan in the second week of November. Additionally, Mr. Harwood informed that Board that the City is currently working with the Amon G. Carter Foundation to finalize a gift of land, which will include a 99-acre landfill site. The next step in this process will be City Council approval.

D.

Rachel Navejar (Neighborhood and Recreational Enhancement Coordinator, TRWD) informed the Board that construction began on September 19, 2009 on the Trinity Trail retaining wall near Rogers Road and University Drive. The retaining wall will provide a safer route for cyclists and runners, ADA accessibility and more intimacy with the river. Signage has been placed near the site to warn users of the trail re-route and describe the new improvements. TRWD is working with the City on a trail re-route plan for Phase 2 of the project.

D2.

The Board noted that the next meeting of TRVA is tentatively scheduled for a date to be determined during the second week of November at the Tarrant Regional Water District Administration Building, 800 E. North Side Drive, Fort Worth, Texas.

**V. Executive Session**

President Maenius next called an executive session at 2:22 P.M. under Section 551.072 of the Texas Government Code to deliberate the purchase or value of real property and under

Section 551.071 of the Texas Government Code to conduct a private consultation with attorneys regarding pending or contemplated litigation. The executive session concluded, and President Maenius reconvened the regular session, at 2:54 P.M., noting that a quorum was present.

A4.

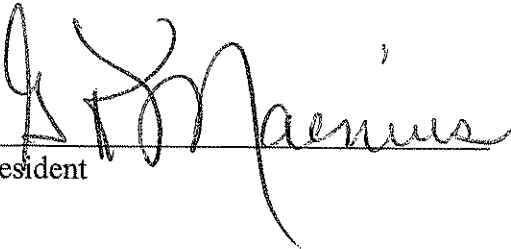
With the recommendation of Steve Christian (Real Property Director, TRVA), Director Petrus moved to recommend to the Board of Directors of the Tarrant Regional Water District that it authorize exercising the power of eminent domain to acquire certain real property located at 921 N. Henderson Street, and 1854 White Settlement Road, Fort Worth, Tarrant County, Texas for the TRV-Central City Project as set forth in the resolution attached hereto as Exhibit "1." The motion was seconded by Director Henderson and the vote in favor was unanimous.

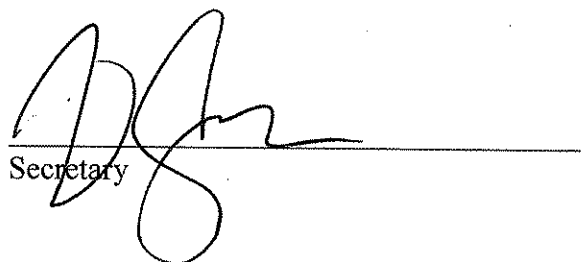
A5.

With the recommendation of Mr. Christian, Director Petrus moved to recommend to the Board of Directors of the Tarrant Regional Water District that it authorize exercising the power of eminent domain to acquire certain real property located at 1111 Jacksboro Highway, Fort Worth, Tarrant County, Texas for the TRV-Central City Project as set forth in the resolution attached hereto as Exhibit "2." The motion was seconded by Director Hicks and the vote in favor was unanimous.

## VI. Adjourn

There being no further business before the Board of Directors, the meeting was adjourned at 2:56 P.M.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF  
TRINITY RIVER VISION AUTHORITY**

**WHEREAS**, the Board of Directors of Trinity River Vision Authority ("TRVA") has determined, and hereby determines, that the Trinity River Vision – Central City Project, as amended and defined by the Final Supplement No. 1 to the Final Environmental Impact Statement for the Central City Project, Upper Trinity River, Texas released by the U.S. Army Corps of Engineers - Fort Worth District and dated March 2008 (the "Project"), is a public works project intended to enhance water and flood control of the Trinity River in Tarrant County, Texas, will facilitate water control, flood control and storm and flood drainage, promote recreation, conserve and develop the natural resources of this state, and will control, store, preserve, develop and distribute storm and flood waters within the geographical boundaries of the Tarrant Regional Water District ("TRWD"), and will serve other public purposes for which TRWD was created pursuant to Article 16, Section 59, of the Texas Constitution;

**WHEREAS**, the Board of Directors of TRVA has determined, and hereby determines, and that it is necessary and convenient in the public interest to construct the Project in Tarrant County, Texas;

**WHEREAS**, the Board of Directors of TRVA has determined that in order to fulfill the public purposes aforesaid, it will be necessary to acquire certain interests in real property, and to relocate certain personal property, in order to facilitate the construction of the Project, including public transportation improvements and modifications necessary to accommodate the Project;

**WHEREAS**, the Board of Directors of TRVA has determined that it is reasonable, necessary, and appropriate to acquire the following interests in real estate which the Board of Directors of TRVA has determined, and hereby determines, are necessary for the Project (collectively, the "Property"):

Tract One: Fee simple title to the surface estate only of 0.596 acres of land, including improvements, being a portion of Lot 1, Block 1, Rebecca Levitan Addition, an addition to the City of Fort Worth, Tarrant County, Texas, recorded in Volume 388-77, Page 44, Plat Records, Tarrant County, Texas, and further being a tract of land described in a deed to Gabor Sztamenits, recorded in Document No. D204132945, Deed Records, Tarrant County, Texas, and further described on the survey plat attached hereto as Exhibit "A";

Tract Two: Fee simple title to the surface estate only of 0.454 acres of land, including improvements, being a portion of Lot 3, Block 1, Rebecca Levitan Addition, an addition to the City of Fort Worth, Tarrant County, Texas, recorded in Volume 388-180, Page 96, Plat Records, Tarrant County, Texas, and further being a tract of land described in a deed to Gabor Sztamenits, recorded in Volume 16234, Page 73, Deed Records, Tarrant County, Texas, and further described on the survey plat attached hereto as Exhibit "B"; and

Tract Three: Fee simple title to the surface estate only of 3.388 acres of land, including improvements, being a portion of Lot 3, Block 1, Rebecca Levitan

Addition, an addition to the City of Fort Worth, Tarrant County, Texas, recorded in Volume 388-180, Page 96, Plat Records Tarrant County Texas, and further being a tract of land described in a deed to Overseas Orders Corporation, recorded in Volume 8799, Page 1699, Deed Records, Tarrant County, Texas, and further described on the survey plat attached hereto as Exhibit "C"

**WHEREAS**, the Board of Directors of TRVA has determined that the staff of TRVA should be authorized to take all steps as may be reasonable and necessary to facilitate acquisition of the above-described Property by TRWD for the Project, including the commencement of eminent domain proceedings, with title to be held in the name of TRWD.

**NOW, THEREFORE**, it is hereby

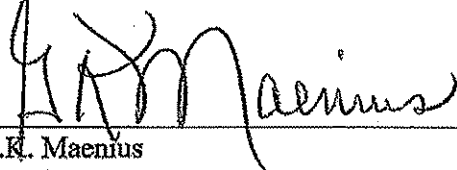
**RESOLVED**, that the foregoing recitals are adopted as resolutions of the Board of Directors of TRVA as if fully set forth herein;

**FURTHER RESOLVED**, that R. Steve Christian, Real Property Director, and the staff of TRVA should be, and are hereby, authorized to take all steps which are reasonably necessary to facilitate the acquisition of the above-described Property by TRWD, whether by eminent domain or by purchase, and in connection therewith to pay all reasonable and necessary costs incurred with such acquisition; and

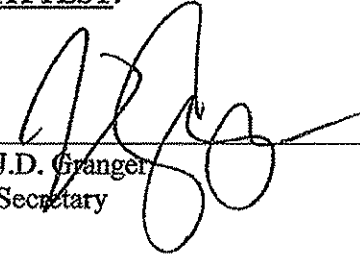
**FURTHER RESOLVED**, that the Board of Directors of TRVA recommends approval of the acquisition of the Property by the Board of Directors of TRWD, whether by eminent domain or by purchase.

**IN WITNESS WHEREOF**, the undersigned have set their hand hereunto, effective the 7<sup>th</sup> day of October, 2009.

**ADOPTED:**

  
\_\_\_\_\_  
G.K. Maenius  
President

**ATTEST:**

  
\_\_\_\_\_  
J.D. Granger  
Secretary

LEGAL DESCRIPTION

**BEING** a portion of Lot 1, Block 1, Rebecca Levitan Addition, an addition to the City of Fort Worth, Tarrant County, Texas, recorded in Volume 388-77, Page 44, Plat Records Tarrant County Texas (P.R.T.C.T.), and further being a tract of land described in a deed to Gabor Sztamenlis, recorded in Document No. D204132945, Deed Records, Tarrant County, Texas (D.R.T.C.T.); said tract of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch Britton & Crawford capped iron rod found (control monument) being the Northwest corner of said Lot 1 at the intersection of the Southerly right-of-way line of N. Henderson Street and the Easterly right-of-way line of the Fort Worth and Western Rail Road (100' R.O.W.);

**THENCE** South 47 degrees 45 minutes 37 seconds East along the Northerly line of said Lot 1 and said Southerly right-of-way line of N. Henderson Street a distance of 53.43 feet to a car axel found being the most Northerly Northeast corner of said Lot 1;

**THENCE** South 22 degrees 15 minutes 06 seconds West along the Easterly line of said Lot 1 passing at a distance of 10.64 feet the Northwest corner of Lot 3, Block 1, Rebecca Levitan Addition, an addition to the City of Fort Worth, Tarrant County, Texas, recorded in Volume 388-180, Page 96, P.R.T.C.T., and further being the Northwest corner of a tract of land described in a deed to Overseas Orders Corporation, recorded in Volume 8799, Page 1699, D.R.T.C.T., in all a distance of 496.94 feet to a steel fence post found being the Southwest corner of Lot 3 and in the North line of the remainder of a tract of land described in a deed to 2000 WHITE SETTLEMENT, L.P., recorded in Volume 16837, Page 286, D.R.T.C.T.;

**THENCE** North 89 degrees 33 minutes 15 seconds West, a distance of 54.36 feet to a 1/2 inch Britton & Crawford capped iron rod found (control monument) in the West line of said Lot 1 on the Easterly right-of-way line of said Rail Road;

**THENCE** North 22 degrees 16 minutes 45 seconds East along the West line of said Lot 1 and said Easterly right-of-way line a distance of 535.40 feet to the POINT OF BEGINNING and containing 25,983 Square Feet or 0.596 Acre of Land.

Note: Survey sketch to accompany this legal description.

Note: Basis of bearing = NAD 83 Texas North Central Zone (4202).

Note: Coordinates shown are surface coordinates based on NAD 83 Texas North Central Zone (4202) with an adjustment factor of 1.0001375289116

I do hereby certify on this 30 day of January, 2007, that a survey was made on the ground as per the field notes shown on this survey and is true and correct according to the standards of the Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey, and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements located within five (5) feet of said boundaries, if any, and shows the location of all visible easements and rights-of-way and the rights-of-way, easements, and other matters of record as listed in Schedule B of the Commitment for Title issued by Chicago Title Insurance Company, Dated January 24, 2006, GF# 06-00434 affecting the subject property, and the location of all curb cuts and driveways, if any.

Except as shown on the survey: (i) there are no visible encroachments upon the subject property by visible improvements on adjacent property, (ii) there are no visible encroachments on adjacent property, streets or alleys by any visible improvements on the subject property, and (iii) there are no visible conflicts or discrepancies.

The subject property abuts N. Henderson Street, a variable width right-of-way, which provides apparent access to and from the subject property.

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

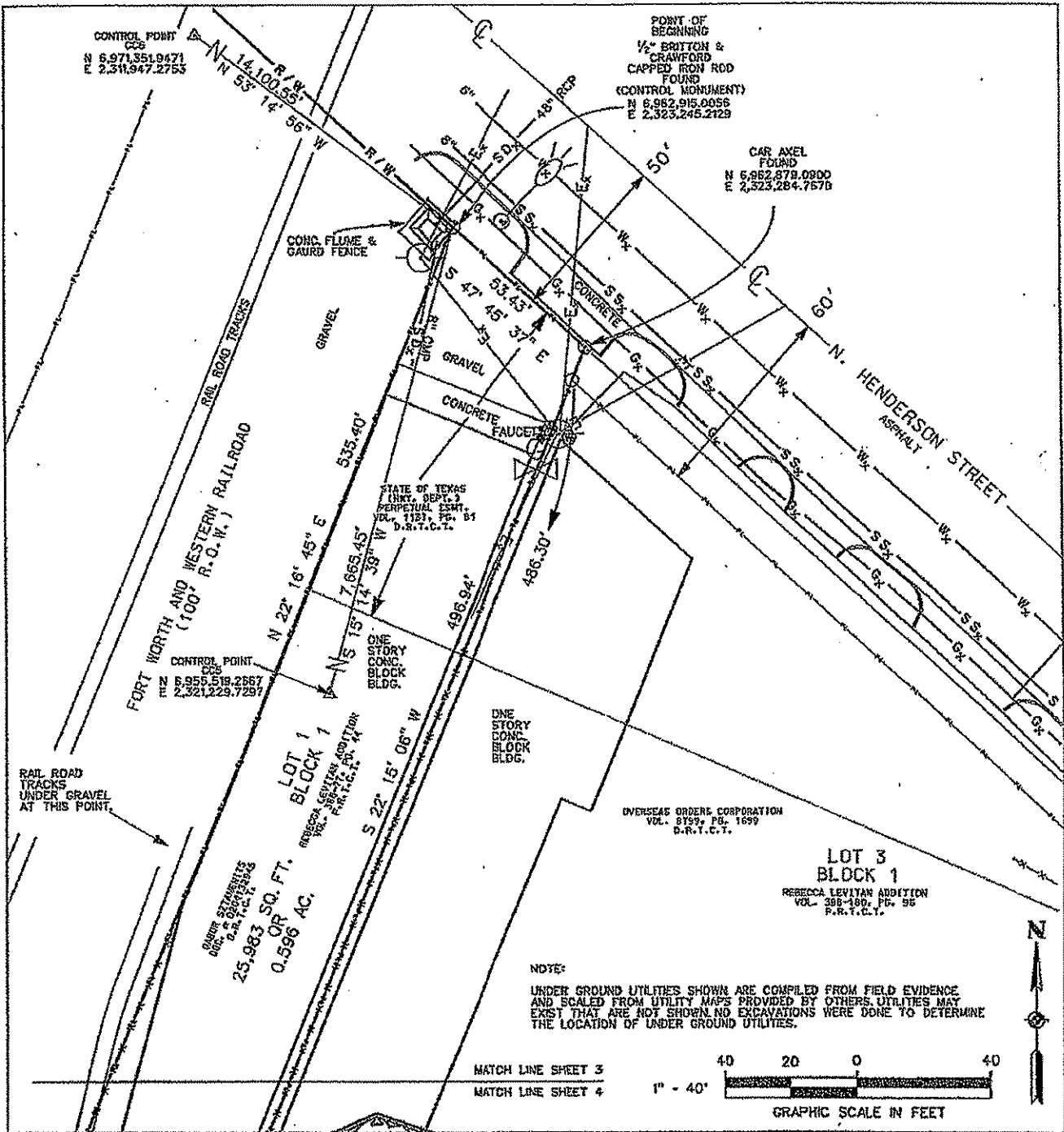
By: TranSystems

Kenneth D. Erwin  
Kenneth D. Erwin  
Registered Professional Land Surveyor  
No. 5554



Dated: 2-14-07

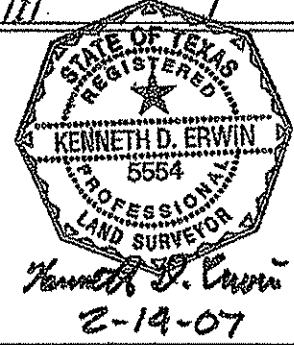




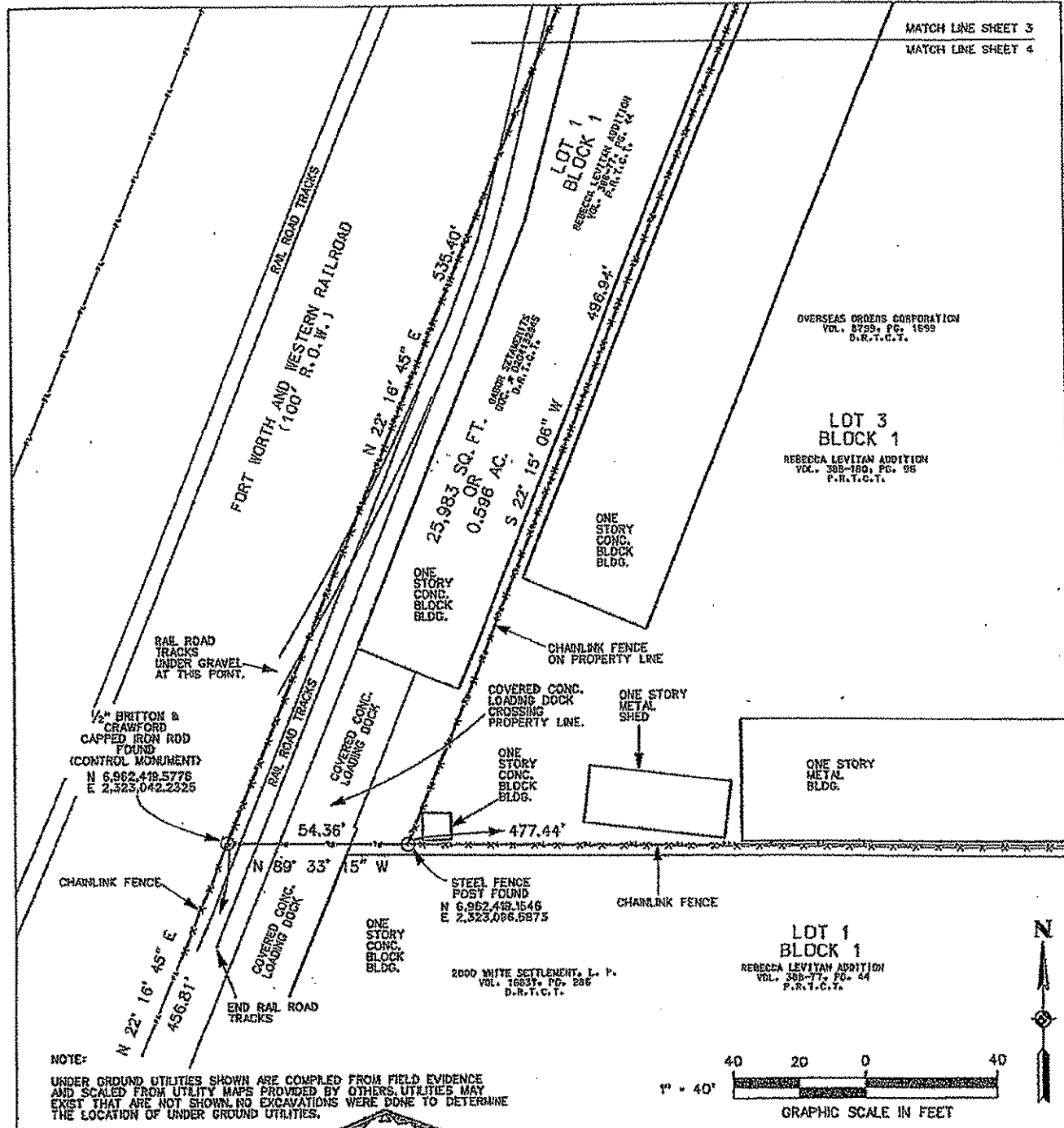
**Survey Systems**

500 W. 7TH ST., SUITE 1100  
 FORT WORTH, TEXAS 76102  
 817-339-8950  
 FAX 817-336-2247  
 PROJ NO: P202, 06 0524

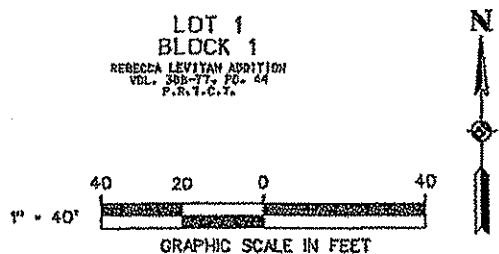
SCALE: 40  
 DATE: 1-30-07  
 DESIGNED BY:  
 DRAWN BY: K.D.E.  
 CHECKED BY: D.L.B.  
 FILE NAME: P172\_V-PRD001.DGN  
 REVISED: 2-16-07



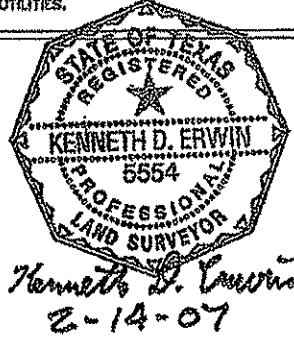
SHEET TITLE	LAND TITLE SURVEY GABDR SZTAMENITS PARCEL #172	
PROJECT	TRINITY RIVER VISION	
NOTE:	COORDINATES SHOWN ARE SURFACE COORDINATES BASED ON NAD 83 TEXAS NORTH CENTRAL ZONE (4202) WITH AN ADJUSTMENT FACTOR OF 1.0001375289116	
		PG. 3 of 4



NOTE:  
UNDER GROUND UTILITIES SHOWN ARE COMPILED FROM FIELD EVIDENCE AND SCALED FROM UTILITY MAPS PROVIDED BY OTHERS. UTILITIES MAY EXIST THAT ARE NOT SHOWN. NO EXCAVATIONS WERE DONE TO DETERMINE THE LOCATION OF UNDER GROUND UTILITIES.



**Survey Systems**  
500 W. 7TH ST., SUITE 1100  
FORT WORTH, TEXAS 76102  
817-339-8850  
FAX 817-336-2247  
PROJ NO: P202 06 0824  
SCALE: 40  
DATE: 1-30-07  
DESIGNED BY:  
DRAWN BY: K.D.E.  
CHECKED BY: D.L.D.  
FILE NAME: FITZ\_V-P0001.DGN  
REVISED: 2-14-07



SHEET TITLE	LAND TITLE SURVEY GABOR SZTAMENTITS PARCEL #172
PROJECT	TRINITY RIVER VISION
NOTE: COORDINATES SHOWN ARE SURFACE COORDINATES BASED ON NAD 83 TEXAS NORTH CENTRAL ZONE (4202) WITH AN ADJUSTMENT FACTOR OF 1.000135289116	PG. 4 of 4

## LEGAL DESCRIPTION

- BEING** a portion of Lot 3, Block 1, Rebecca Levitan Addition, an addition to the City of Fort Worth, Tarrant County, Texas, recorded in Volume 388-180, Page 96, Plat Records, Tarrant County Texas (P.R.T.C.T.), and further being a tract of land described in a deed to Gabor Sztamenits, recorded in Volume 16234, Page 73, Deed Records, Tarrant County, Texas (D.R.T.C.T.); said tract of land being more particularly described by metes and bounds as follows:
- BEGINNING** at a X cut in concrete found (control monument) being the Northwest corner of said Sztamenits tract and a ell corner of said Lot 3 and the Northeast corner of Lot 1, Block 1, Rebecca Levitan Addition, an addition to the City of Fort Worth, Tarrant County, Texas, recorded in Volume 388-77, Page 44, P.R.T.C.T., and the Northeast corner of a tract of land described in a deed to 2000 White Settlement, L.P. recorded in Volume 16837, Page 286, D.R.T.C.T., and further being on the South line of a tract of land described in a deed to Overseas Orders Corporation, recorded in Volume 8799, Page 1699, (D.R.T.C.T.);
- THENCE** South 89 degrees 33 minutes 15 seconds East along the common line between said Sztamenits tract and Overseas Orders Corporation tract a distance of 68.74 feet to a X in concrete set;
- THENCE** South 47 degrees 05 minutes 25 seconds East continuing along said common line, passing at a distance of 46.68 feet a X in concrete set being the Southeast corner of said Overseas Orders tract and the Southwest corner of a tract of land described in a deed to Bhavik, L.L.C. recorded in Volume 11662, Page 1451 D.R.T.C.T., in all a distance of 60.73 feet to a point being the Northeast corner of said Sztamenits tract and the Northwest corner of a tract of land described in a deed to Hansa R. Patel, recorded in Volume 12052, Page 1675, D.R.T.C.T., from which a 1/2 inch capped iron rod stamped Area Surveying found bears South 00 degrees 13 minutes 19 seconds West, a distance of 6.00 feet;
- THENCE** South 00 degrees 13 minutes 19 seconds West along the common line between said Sztamenits tract and said Bhavik, L.L.C. tract a distance of 140.53 feet to a 1/2 inch capped iron rod stamped Area Surveying found (control monument) being the Southeast corner of said Sztamenits tract and the Southwest corner of said Patel tract, on the North line of a tract of land described in a deed to John K. Line, recorded in Document No. D205389197, D.R.T.C.T.;
- THENCE** South 89 degrees 45 minutes 44 seconds West along the common line between said Sztamenits tract and said John K. Line tract, a distance of 113.70 feet to a X in concrete set on the East line of said 2000 White Settlement, L.P. tract;
- THENCE** North 00 degrees 19 minutes 21 seconds East along the common line between said Sztamenits tract and said 2000 White Settlement, L.P. tract, a distance of 182.88 feet to the POINT OF BEGINNING and containing 19,772 Square Feet or 0.454 Acre of Land.

Note: Survey sketch to accompany this legal description.

Note: Basis of bearing = NAD 83 Texas North Central Zone (4202).

Note: Coordinates shown are surface coordinates based on NAD 83 Texas North Central Zone (4202) with an adjustment factor of 1.0001375289116

I do hereby certify on this 26 day of January, 2007, that a survey was made on the ground as per the field notes shown on this survey and is true and correct according to the standards of the Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey, and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements located within five (5) feet of said boundaries, if any, and shows the location of all visible easements and rights-of-way and the rights-of-way, easements, and other matters of record as listed in Schedule B of the Commitment for Title issued by Chicago Title Insurance Company, Dated February 14, 2006, GF# 06-00431 affecting the subject property, and the location of all curb cuts and driveways, if any.

Except as shown on the survey: (i) there are no visible encroachments upon the subject property by visible improvements on adjacent property; (ii) there are no visible encroachments on adjacent property, streets or alleys by any visible improvements on the subject property, and (iii) there are no visible conflicts or discrepancies.

The subject property abuts no street, but has a Ingress Egress Easement recorded in Volume 16234, Page 73, Deed Records Tarrant County, Texas, which provides apparent access to and from the subject property to White Settlement Road (a variable width right-of-way).

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

By: TranSystems

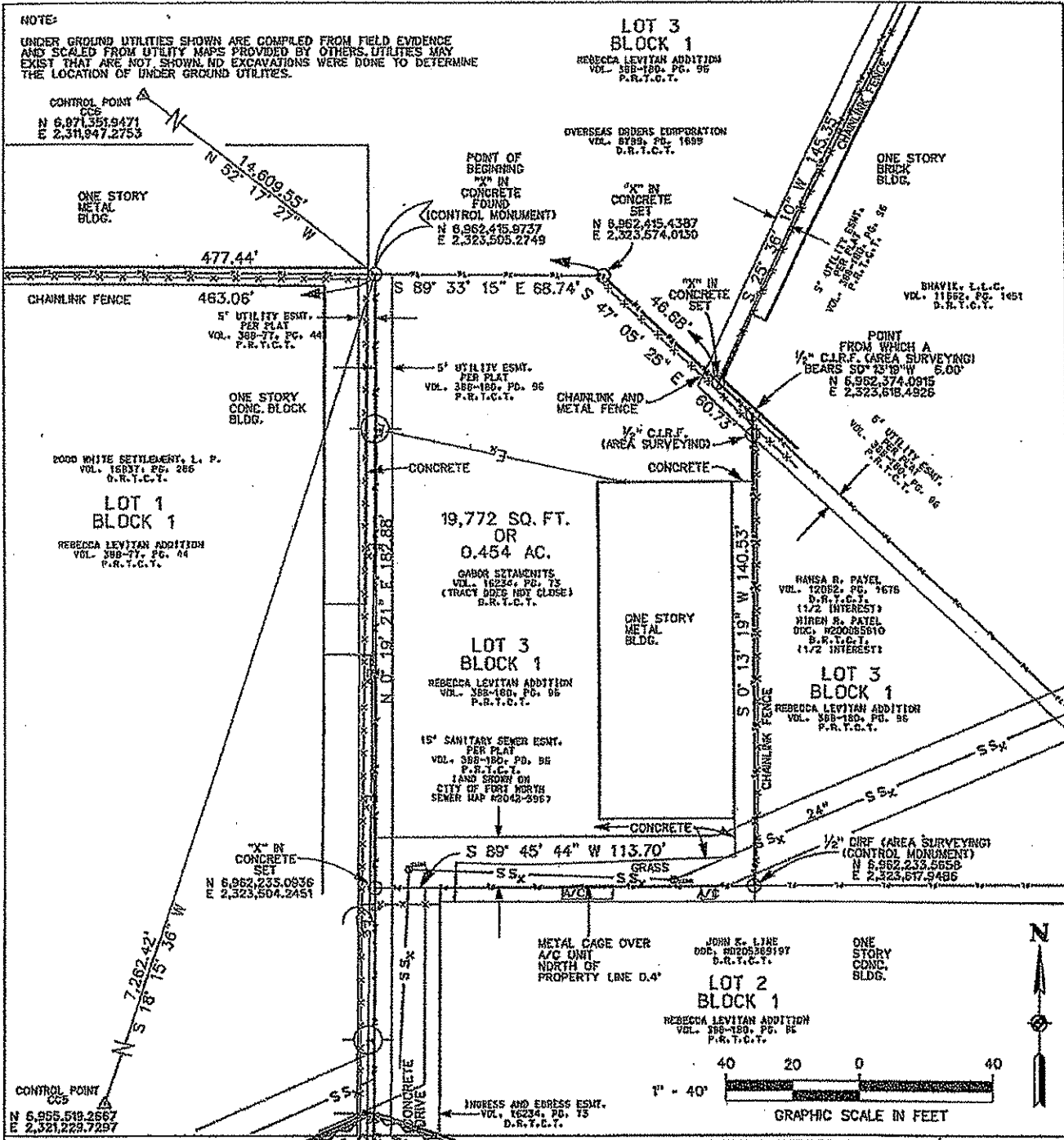
Kenneth D. Erwin  
Kenneth D. Erwin  
Registered Professional Land Surveyor  
No. 5554



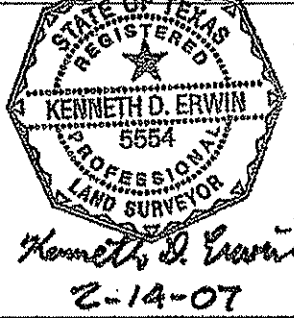
Dated: 2-14-07

**NOTE:**

UNDER GROUND UTILITIES SHOWN ARE COMPILED FROM FIELD EVIDENCE AND SCALED FROM UTILITY MAPS PROVIDED BY OTHERS. UTILITIES MAY EXIST THAT ARE NOT SHOWN. NO EXCAVATIONS WERE DONE TO DETERMINE THE LOCATION OF UNDER GROUND UTILITIES.



**Survey Systems**  
 500 W. 7TH ST., SUITE 1100  
 FORT WORTH, TEXAS 76102  
 817-339-8950  
 FAX 817-336-2247  
 PROJ NDI P202 06 0524  
 SCALE: 40  
 DATE: 1-26-07  
 DESIGNED BY:  
 DRAWN BY: K.D.E.  
 CHECKED BY: D.L.D.  
 FILE NAME: P136-V-P00001.DGN  
 REVISED: 2-14-07



SHEET TITLE		LAND TITLE SURVEY
		GABOR SZTAMENITS
		PARCEL #136
PROJECT		TRINITY RIVER VISION
NOTE: COORDINATES SHOWN ARE SURFACE COORDINATES BASED ON NAD 83 TEXAS NORTH CENTRAL ZONE (4202) WITH AN ADJUSTMENT FACTOR OF 1.0001375289116		PG. 3 of 3

## LEGAL DESCRIPTION

- BEING** a portion of Lot 3, Block 1, Rebecca Levitan Addition, an addition to the City of Fort Worth, Tarrant County, Texas, recorded in Volume 388-180, Page 96, Plat Records Tarrant County Texas (P.R.T.C.T.), and further being a tract of land described in a deed to Overseas Orders Corporation, recorded in Volume 8799, Page 1699, Deed Records, Tarrant County, Texas (D.R.T.C.T.); said tract of land being more particularly described by metes and bounds as follows:
- BEGINNING** at a steel fence post found (control monument) being the most Westerly Southwest corner of said Lot 3 and the Southeast corner of a tract of land described in a deed to Gabor Sztamenits, recorded in Document No. 204132945, D.R.T.C.T. and further being on the North line of a tract of land described in a deed to 2000 White Settlement L.P., recorded in Volume 16837, Page 286, D.R.T.C.T.;
- THENCE** North 22 degrees 15 minutes 06 seconds East along the common line between said Overseas Orders Corporation tract and said Sztamenits tract a distance of 486.30 feet to a 5/8 inch capped iron rod stamped TranSystems set on the Southerly right-of-way line of North Henderson Street being the Northwest corner of said Lot 3, from which a car axel found (control monument) being the Northeast corner of said Sztamenits tract on the Southerly right-of-way line of said North Henderson Street bears North 22 degrees 15 minutes 06 seconds East, a distance of 10.64 feet;
- THENCE** South 47 degrees 45 minutes 00 seconds East along the Southerly right-of-way line of said North Henderson Street and the Northerly line of said Lot 3, a distance of 527.25 feet to a X in concrete set, being the Northeasterly corner of said Lot 3 on the West line of a tract of land described in a deed to Bhavik, L.L.C., recorded in Volume 11662, Page 1451, D.R.T.C.T.;
- THENCE** South 25 degrees 36 minutes 10 seconds West along the common line between said Lot 3 and said Bhavik, L.L.C. tract a distance of 145.35 feet to a X in concrete set on the Northeasterly line of a tract of land described in a deed to Gabor Sztamenits recorded in Volume 16234, Page 73, D.R.T.C.T.;
- THENCE** North 47 degrees 05 minutes 25 seconds West along the common line between said Overseas Orders Corporation tract and said Sztamenits tract a distance of 46.68 feet to a X in concrete set;
- THENCE** North 89 degrees 33 minutes 15 seconds West continuing along said common line passing at a distance of 68.74 feet an X in concrete found being the Northeast corner of Lot 1, Block 1 Rebecca Levitan Addition, an addition to the City of Fort Worth, Tarrant County, Texas, recorded in Volume 388-77, Page 44, P.R.T.C.T., in all a distance of 477.44 feet to the POINT OF BEGINNING and containing 147,594 Square Feet or 3.388 Acres of Land.

Note: Survey sketch to accompany this legal description.

Note: Basis of bearing = NAD 83 Texas North Central Zone (4202).

Note: Coordinates shown are surface coordinates based on NAD 83 Texas North Central Zone (4202) with an adjustment factor of 1.0001375289116

I do hereby certify on this 22 day of January, 2007, that a survey was made on the ground as per the field notes shown on this survey and is true and correct according to the standards of the Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey, and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements located within five (5) feet of said boundaries, if any, and shows the location of all visible easements and rights-of-way and the rights-of-way, easements, and other matters of record as listed in Schedule B of the Commitment for Title Issued by Chicago Title Insurance Company, Dated February 14, 2006, GF# 06-00426 affecting the subject property, and the location of all curb cuts and driveways, if any.

Except as shown on the survey: (i) there are no visible encroachments upon the subject property by visible improvements on adjacent property, (ii) there are no visible encroachments on adjacent property, streets or alleys by any visible improvements on the subject property, and (iii) there are no visible conflicts or discrepancies.

The subject property abuts Henderson Street, a Variable width right-of-way, which provides apparent access to and from the subject property.

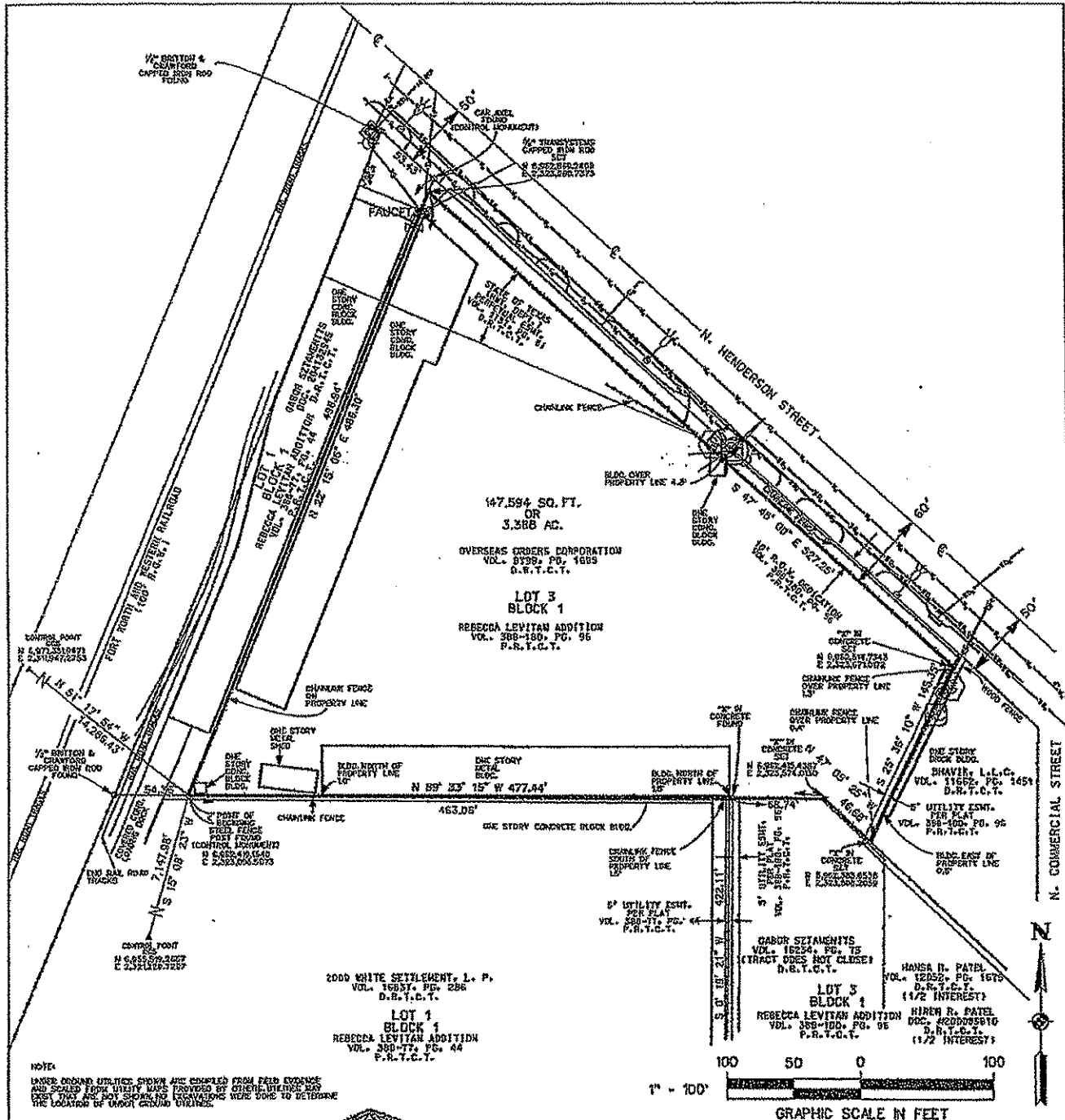
This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

By: TranSystems

Kenneth D. Erwin  
Kenneth D. Erwin  
Registered Professional Land Surveyor  
No. 5554



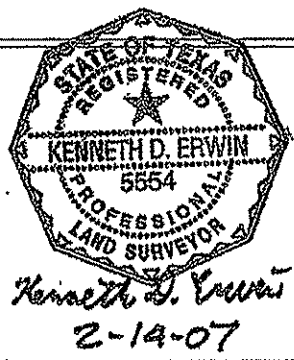
Dated: 2-14-07



NOTE:  
 UNDERGROUND UTILITIES SHOWN ARE DERIVED FROM FIELD EVIDENCE  
 AND SCALED FROM UTILITY MAPS PROVIDED BY OTHER UTILITIES AND  
 THEY ARE NOT SHOWN AS TRAVELING WERE DONE TO DETERMINE  
 THE LOCATION OF UNDERGROUND UTILITIES.



**Survey Systems**  
 500 W. 7TH ST., SUITE 1100  
 FORT WORTH, TEXAS 76102  
 817-339-8950  
 FAX 817-336-2247  
 PROJ. NO: P202 06 0524  
 SCALE: 100  
 DATE: 1-22-07  
 DESIGNED BY:  
 DRAWN BY: K. D. E.  
 CHECKED BY: D. L. D.  
 FILE NAME: P67-V-PB0001.DGN  
 REVISED: 2-14-07



SHEET TITLE	
LAND TITLE SURVEY OVERSEAS ORDERS CORPORATION PARCEL #67	
PROJECT	
TRINITY RIVER VISION	
NOTE: COORDINATES SHOWN ARE SURFACE COORDINATES BASED ON NAD 83 TEXAS NORTH CENTRAL ZONE (4202) WITH AN ADJUSTMENT FACTOR OF 1.0001375289116	PG. 3 of 3



**RESOLUTION OF THE BOARD OF DIRECTORS  
OF  
TRINITY RIVER VISION AUTHORITY**

**WHEREAS**, the Board of Directors of Trinity River Vision Authority ("TRVA") has determined, and hereby determines, that the Trinity River Vision – Central City Project, as amended and defined by the Final Supplement No. 1 to the Final Environmental Impact Statement for the Central City Project, Upper Trinity River, Texas released by the U.S. Army Corps of Engineers - Fort Worth District and dated March 2008 (the "Project"), is a public works project intended to enhance water and flood control of the Trinity River in Tarrant County, Texas, will facilitate water control; flood control and storm and flood drainage, promote recreation, conserve and develop the natural resources of this state, and will control, store, preserve, develop and distribute storm and flood waters within the geographical boundaries of the Tarrant Regional Water District ("TRWD"), and will serve other public purposes for which TRWD was created pursuant to Article 16, Section 59, of the Texas Constitution;

**WHEREAS**, the Board of Directors of TRVA has determined, and hereby determines, and that it is necessary and convenient in the public interest to construct the Project in Tarrant County, Texas;

**WHEREAS**, the Board of Directors of TRVA has determined that in order to fulfill the public purposes aforesaid, it will be necessary to acquire certain interests in real property, and to relocate certain personal property, in order to facilitate the construction of the Project, including public transportation improvements and modifications necessary to accommodate the Project;

**WHEREAS**, the Board of Directors of TRVA has determined that it is reasonable, necessary, and appropriate to acquire the following interest in real estate which the Board of Directors of TRVA has determined, and hereby determines, is necessary for the Project (collectively, the "Property"):

Fee simple title to the surface estate only of 0.1578 acres of land, including improvements, situated in the City of Fort Worth, Tarrant County, Texas and being a portion of a tract of land conveyed to Commercial Net Lease Realty, LP by deed recorded as Instrument No. D205044512, Real Property Records, Tarrant County, Texas, said tract being a portion of Lot 4-A, Block 13 of Bailey's Industrial Addition, 3rd Filing, being an addition to the City of Fort Worth according to the plat recorded in Volume 388-71, Page 744, Plat Records, Tarrant County, Texas, and further described on the survey plat attached hereto as Exhibit "A"

**WHEREAS**, the Board of Directors of TRVA has determined that the staff of TRVA should be authorized to take all steps as may be reasonable and necessary to facilitate acquisition of the above-described Property by TRWD for the Project, including the commencement of eminent domain proceedings, with title to be held in the name of TRWD.

**NOW, THEREFORE**, it is hereby

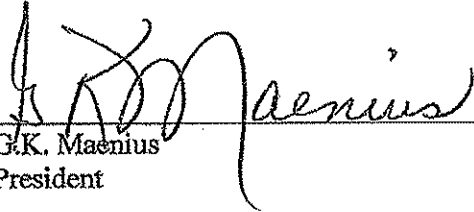
**RESOLVED**, that the foregoing recitals are adopted as resolutions of the Board of Directors of TRVA as if fully set forth herein;

**FURTHER RESOLVED**, that R. Steve Christian, Real Property Director, and the staff of TRVA should be, and are hereby, authorized to take all steps which are reasonably necessary to facilitate the acquisition of the above-described Property by TRWD, whether by eminent domain or by purchase, and in connection therewith to pay all reasonable and necessary costs incurred with such acquisition; and

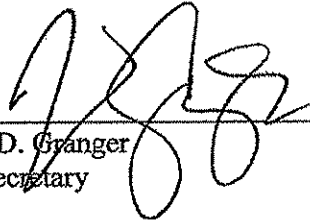
**FURTHER RESOLVED**, that the Board of Directors of TRVA recommends approval of the acquisition of the Property by the Board of Directors of TRWD, whether by eminent domain or by purchase.

**IN WITNESS WHEREOF**, the undersigned have set their hand hereunto, effective the 7<sup>th</sup> day of October, 2009.

**ADOPTED:**

  
\_\_\_\_\_  
G.K. Maenius  
President

**ATTEST:**

  
\_\_\_\_\_  
J.D. Granger  
Secretary

**PARCEL 46  
COMMERCIAL NET LEASE REALTY, LP**

**SITUATED** in the City of Fort Worth, Tarrant County, Texas and being a portion of a tract of land conveyed to Commercial Net Lease Realty, LP by deed recorded in Instrument No. D205044512 of the Deed Records of Tarrant County, Texas (D.R.T.C.T.), said tract being all of Lot 4-A, Block 13 of Bailey's Industrial Addition, 3<sup>rd</sup> Filing, being an addition to the City of Fort Worth according to the plat recorded in Volume 388-71, Page 744 of the Plat Records of Tarrant County, Texas (P.R.T.C.T.); said portion of said tract being herein more particularly described by metes and bounds as follows:

**BEGINNING** at a ½" iron rod set at the south property corner of the said Lot 4-A and the west property corner of Lot 5, Block 13 of Bailey's Industrial Addition, being an addition to the City of Fort Worth according to the plat recorded in Volume 388-C, Page 95 of the P.R.T.C.T., said point also being the southeast property corner of Lot 1-A, Block 13 of Bailey's Industrial Addition, being an addition to the City of Fort Worth according to the plat recorded in Volume 388-71, Page 119 of the P.R.T.C.T., said point also being on the northerly right-of-way line of Shamrock Avenue;

**THENCE** North 50°26'36" West, along the southwesterly property line of the said Lot 4-A and along the northeasterly property line of the said Lot 1-A, 36.33 feet to a ½" iron rod set at the beginning of a non-tangent curve to the right with a radius of 340.05 feet;

**THENCE** in a northeasterly direction along the said curve through a central angle of 11°08'06" and an arc length of 66.09 feet across a chord which bears North 36°53'27" East 63.98 feet to a ½" iron rod set;

**THENCE** North 42°29'30" East 118.80 feet to a ½" iron rod set on the northeasterly property line of the said Lot 4-A and on the existing southwesterly right-of-way line of Jacksboro Highway;

**THENCE** South 50°20'24" East, along the said property line and said right-of-way line, 33.27 feet to an X mark cut in concrete found at the east property corner of the said Lot 4-A and on the northwesterly property line of the said Lot 5, said point also being the north property corner of a tract of land conveyed to Stafford M. Page by Instrument No. D206129353 of the D.R.T.C.T.;

**THENCE** South 39°33'24" West, along the southeasterly property line of the said Lot 4-A and along the said northwesterly property line of Lot 5, 184.50 feet to the **POINT OF BEGINNING**.

The tract of land being herein described contains **0.1578 acres (6,873 square feet)** of land.

Note: Survey sketch to accompany this legal description.

Note: Basis of Bearing = NAD 83 Texas North Central Zone (4202)

Note: Coordinates shown are surface coordinates based on NAD 83 Texas North Central Zone (4202) with an adjustment factor of 1.0001375289116.

**EXHIBIT A**

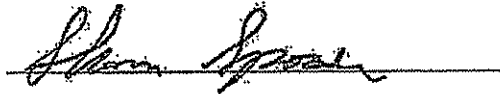
I do certify on this 15<sup>th</sup> day of January, 2009, that a survey was made on the ground as per the field notes shown on this survey and is true and correct according to the standards of the Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey, and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements located within five (5) feet of said boundaries, if any, and shows the location of all visible easements and rights-of-way and the rights-of-way, easements and other matters of record as listed in Schedule B of the Commitment for Title issued by Chicago Title Insurance Company, Dated June 11, 2008, GF# DT-08-01648-SLT affecting the subject property.

Except as shown on the survey: (i) there are no visible encroachments upon the subject property by visible improvements on adjacent property, (ii) there are no visible encroachments on adjacent property, streets or alleys by any visible improvements on the subject property, and (iii) there are no visible conflicts or discrepancies.

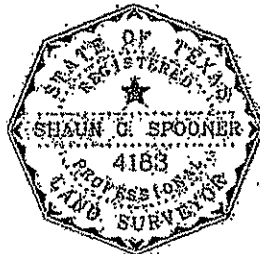
The property adjoins Jacksboro Highway, a variable width street right-of-way which provides apparent access to and from the subject property.

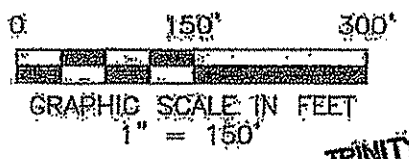
This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

By: Spooner and Associates, Inc.



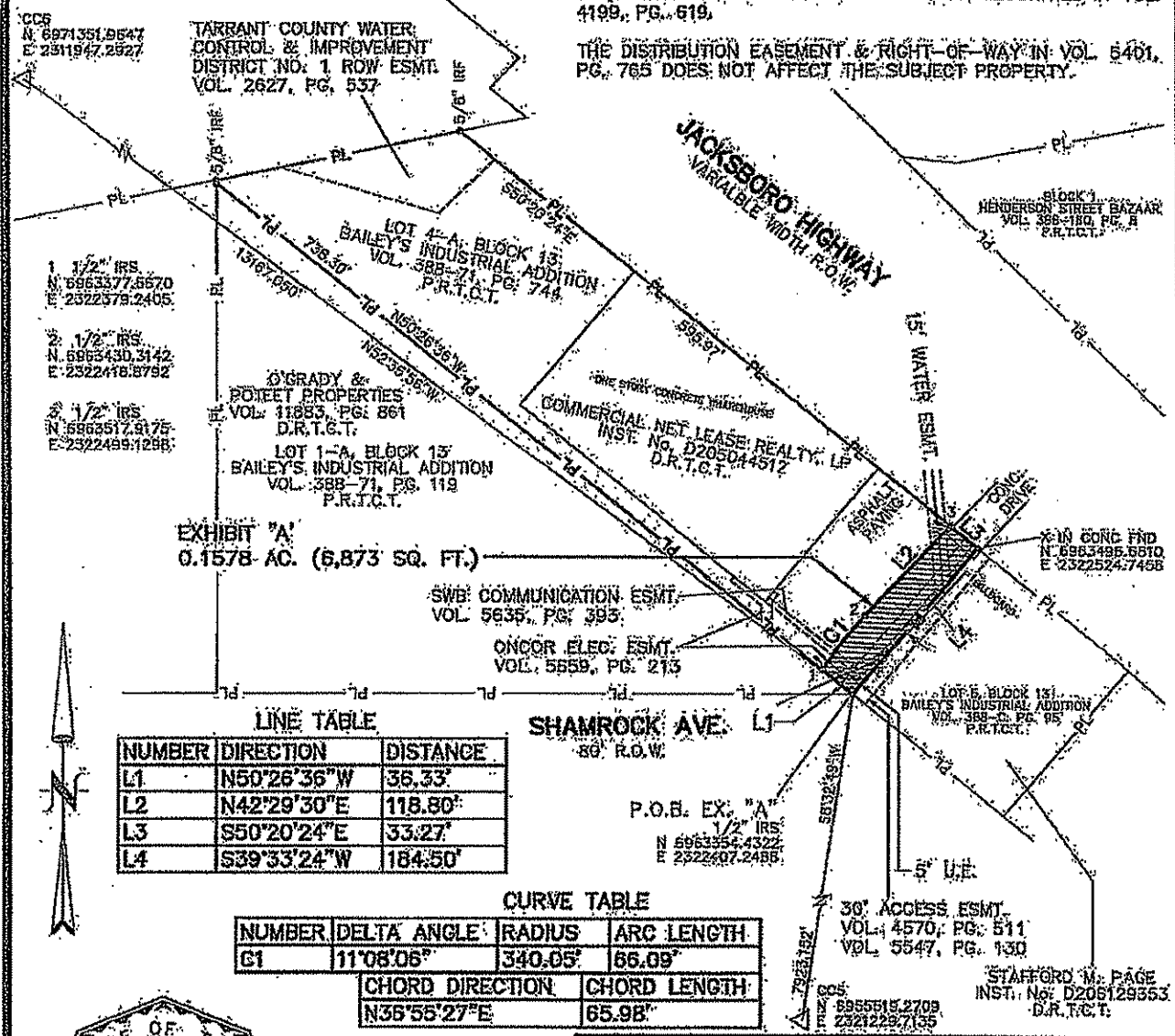
Surveyors Name: Shaun Spooner  
Registered Professional Land Surveyor,  
Texas No. 4183  
Date of Survey: 1-15-09  
Revised on 3-05-09





NOTES: THE 110' PERPETUAL EASEMENT & RIGHT-OF-WAY IN VOL. 1137, PG. 81 AND SHOWN ON PLAT OF BAILEY'S INDUSTRIAL ADDN. VOL. 388-76, PG. 95 AS "HIGHWAY BORROW PIT EASEMENT" DOES NOT AFFECT THE SUBJECT PROPERTY BECAUSE OF THE PORTION OF SAID EASEMENT BEING QUIT CLAIMED BY STATE TO BROWN SECURITIES IN VOL. 4199, PG. 619.

THE DISTRIBUTION EASEMENT & RIGHT-OF-WAY IN VOL. 6401, PG. 765 DOES NOT AFFECT THE SUBJECT PROPERTY.



LINE TABLE

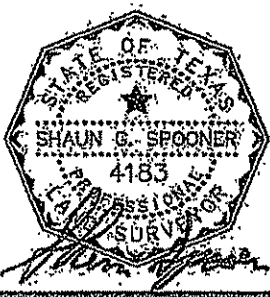
NUMBER	DIRECTION	DISTANCE
L1	N50°26'36"W	36.33'
L2	N42°29'30"E	118.80'
L3	S50°20'24"E	33.27'
L4	S39°33'24"W	184.50'

CURVE TABLE

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH
G1	11°08'06"	340.05'	66.09'

CHORD DIRECTION	CHORD LENGTH
N36°55'27"E	65.98'



**SPOONER & ASSOCIATES**  
REGISTERED PROFESSIONAL LAND SURVEYORS

309 BYERS ST. STE 100  
EULESS, TEXAS 76039  
PH (817) 281-2355  
FAX (817) 685-8508  
TRINITY RIVER VISION PROJECT - PARCEL 46

DATE: 3-05-09  
DRAWN BY: S.G.S.  
CHECKED BY: S.G.S.  
JOB No. 08-097

PARCEL 46:  
LAND TITLE SURVEY  
COMMERCIAL NET LEASE REALTY, LP.