

**LEGAL DESCRIPTION**

**TRACT 1**  
Being 98.8909 acres (4,307,686 square feet), more or less, lying and being situated in the L. McLaughlin Survey, Abstract No. 38, out of and a part of a called 725.31 acre tract or parcel of land, lying and being situated in the L. McLaughlin Survey, Abstract No. 38, in the W. S. Martin Survey, Abstract No. 35, in the O. Wilcox Survey, Abstract No. 234, in the M. Mitchell Survey, Abstract No. 181, and in the A. G. Gholson Survey, Abstract No. 123, Brazos County, Texas, as described in the Partition and Exchange Agreement by and between Esther Jane Grant McDougal, et vir, and Diebel Family Partners, Ltd, as recorded in Volume 2601, Page 98, of the Official Records of Brazos County, Texas

AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2" IRON ROD WITH CAP MARKING THE MOST SOUTHERLY CORNER OF A CALLED 12,749 ACRE TRACT AS DESCRIBED IN DEED TO CITY OF BRYAN dba BRYAN TEXAS UTILITIES, RECORDED IN VOLUME 11504, PAGE 293, OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: NORTH 62 DEGREES 10 MINUTES 53 SECONDS EAST, WITH THE SOUTHEAST LINE OF THE SAID 12,749 ACRE TRACT, A DISTANCE OF 42.66 FEET TO A 1/2" IRON ROD WITH CAP SET FOR THE POINT OF BEGINNING AND THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: NORTH 62 DEGREES 10 MINUTES 53 SECONDS EAST, A DISTANCE OF 707.29 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKING THE MOST EASTERLY CORNER OF THE SAID 12,749 ACRE TRACT AND THE MOST SOUTHERLY CORNER OF A CALLED 159,047 ACRE TRACT AS DESCRIBED IN DEED TO AXIS PIPE AND TUBE, INC. RECORDED IN VOLUME 11505, PAGE 1, OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: NORTH 62 DEGREES 10 MINUTES 53 SECONDS EAST, WITH THE SOUTHEAST LINE OF THE SAID 159,047 ACRE TRACT, A DISTANCE OF 3110.67 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKING THE MOST EASTERLY CORNER OF THE SAID 159,047 ACRE TRACT IN THE SOUTHWEST LINE OF THE UNION PACIFIC RAILROAD 100' RIGHT OF WAY AND THE MOST NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: SOUTH 48 DEGREES 24 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWEST LINE OF THE UNION PACIFIC RAILROAD 100' RIGHT OF WAY A DISTANCE OF 1227.84 FEET TO A SET 1/2" IRON ROD WITH CAP FOR THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: SOUTH 62 DEGREES 27 MINUTES 02 SECONDS WEST, A DISTANCE OF 3784.53 FEET TO A SET 1/2" IRON ROD WITH CAP FOR THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: NORTH 48 DEGREES 22 MINUTES 09 SECONDS WEST, A DISTANCE OF 846.44 FEET TO A SET 1/2" IRON ROD WITH CAP FOR ANGLE POINT;

THENCE: NORTH 48 DEGREES 08 MINUTES 56 SECONDS WEST, A DISTANCE OF 361.54 FEET TO THE PLACE OF BEGINNING AND CONTAINING WITHIN THESE CALLS 4,307,686 SQUARE FEET OR 98.8909 ACRES OF LAND.

**TRACT 3**  
Being 1,1091 acres (48,314 square feet), more or less, lying and being situated in the L. McLaughlin Survey, Abstract No. 38, out of and a part of a called 725.31 acre tract or parcel of land, lying and being situated in the L. McLaughlin Survey, Abstract No. 38, in the W. S. Martin Survey, Abstract No. 35, in the O. Wilcox Survey, Abstract No. 234, in the M. Mitchell Survey, Abstract No. 181, and in the A. G. Gholson Survey, Abstract No. 123, Brazos County, Texas, as described in the Partition and Exchange Agreement by and between Esther Jane Grant McDougal, et vir, and Diebel Family Partners, Ltd, as recorded in Volume 2601, Page 98, of the Official Records of Brazos County, Texas

AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2" IRON ROD WITH CAP MARKING THE MOST SOUTHERLY CORNER OF A CALLED 12,749 ACRE TRACT AS DESCRIBED IN DEED TO CITY OF BRYAN dba BRYAN TEXAS UTILITIES, RECORDED IN VOLUME 11504, PAGE 293, OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS AND THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: NORTH 62 DEGREES 10 MINUTES 53 SECONDS EAST, WITH THE SOUTHEAST LINE OF THE SAID 12,749 ACRE TRACT, A DISTANCE OF 42.66 FEET TO A SET 1/2" IRON ROD WITH CAP FOR THE MOST NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: SOUTH 48 DEGREES 08 MINUTES 56 SECONDS EAST, A DISTANCE OF 361.54 FEET TO A SET 1/2" IRON ROD WITH CAP FOR ANGLE POINT;

THENCE: SOUTH 48 DEGREES 22 MINUTES 09 SECONDS EAST, A DISTANCE OF 846.44 FEET TO A SET 1/2" IRON ROD WITH CAP FOR THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: SOUTH 62 DEGREES 27 MINUTES 02 SECONDS WEST, A DISTANCE OF 42.80 FEET TO A SET 1/2" IRON ROD WITH CAP FOR THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: NORTH 48 DEGREES 22 MINUTES 09 SECONDS WEST, ALONG A WESTERLY LINE OF THE SAID 725.31 ACRE TRACT A DISTANCE OF 831.31 FEET TO A FOUND FENCE POST AND ANGLE POINT OF THE HEREIN DESCRIBED TRACT MARKING THE MOST NORTHERLY CORNER OF A CALLED 1.89 ACRE TRACT DESCRIBED IN DEED TO S.A. LUZA BRAGG RECORDED IN VOLUME 406, PAGE 842 DEED RECORDS BRAZOS COUNTY, TEXAS AND THE MOST EASTERLY CORNER OF A CALLED 133,016 ACRE TRACT DESCRIBED IN DEED TO CITY OF BRYAN RECORDED IN VOLUME 291, PAGE 576 DEED RECORDS BRAZOS COUNTY, TEXAS;

THENCE: NORTH 48 DEGREES 08 MINUTES 56 SECONDS WEST, ALONG THE NORTHEAST LINE OF THE SAID 133,016 ACRE TRACT A DISTANCE OF 376.44 FEET TO THE PLACE OF BEGINNING AND CONTAINING WITHIN THESE CALLS 48,314 SQUARE FEET OR 1,1091 ACRES OF LAND.

TRACTS 1 AND 3, COMPRISE THE FEE LANDS AND CONTAIN 100 ACRES OF LAND.

**TRACT 2 (40 FOOT WIDE EASEMENT)**  
Being 1,7506 acres (76,255 square feet), more or less, out of and a part of the following tracts lying and being situated in the L. McLaughlin Survey, Abstract No. 38, Brazos County, Texas: 100,805 acres as described in deed to The City of Bryan, recorded in Volume 296, Page 216, Deed Records of Brazos County, Texas AND 12,748 acres as described in deed to The City of Bryan dba Bryan Texas Utilities, recorded in Volume 11504, Page 293, Official Records of Brazos County, Texas.

AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

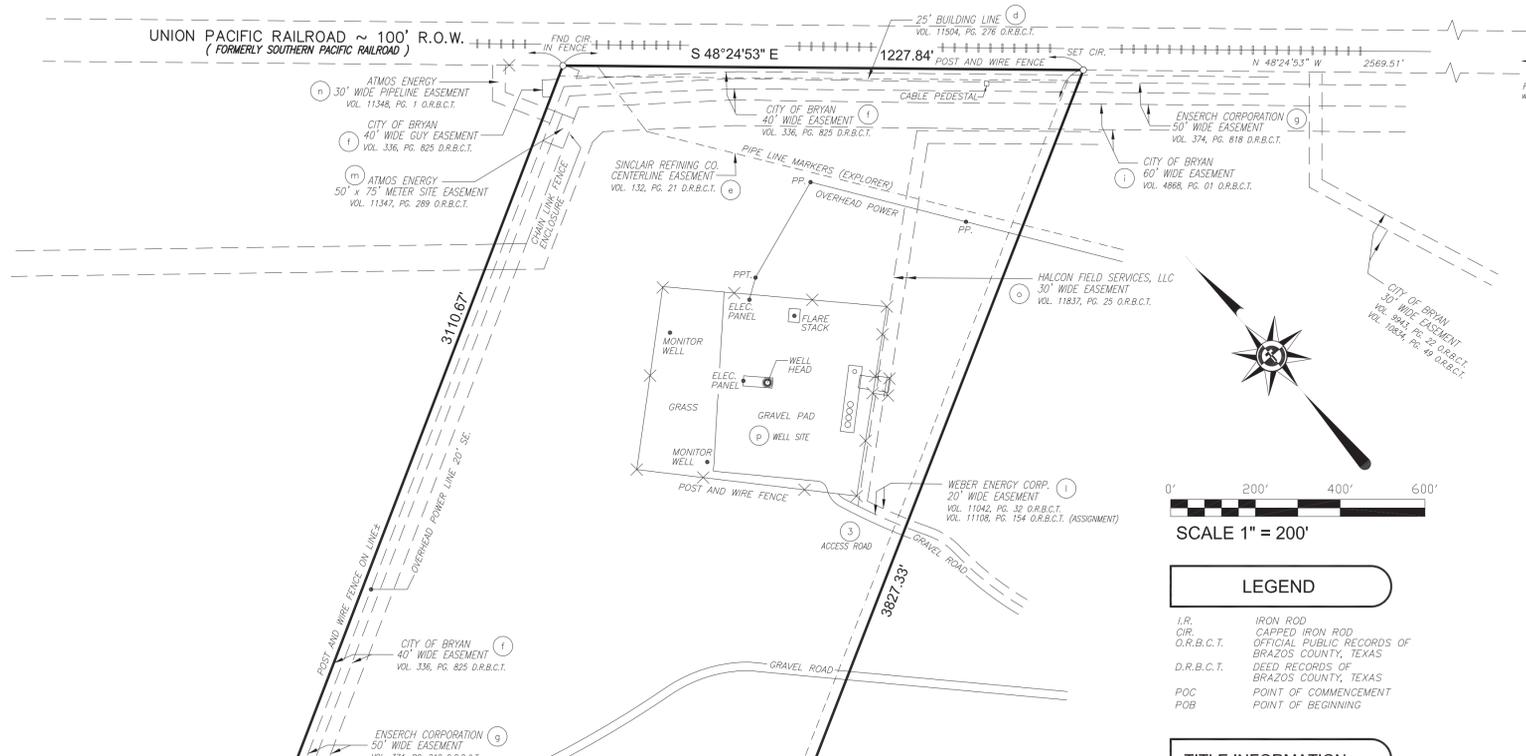
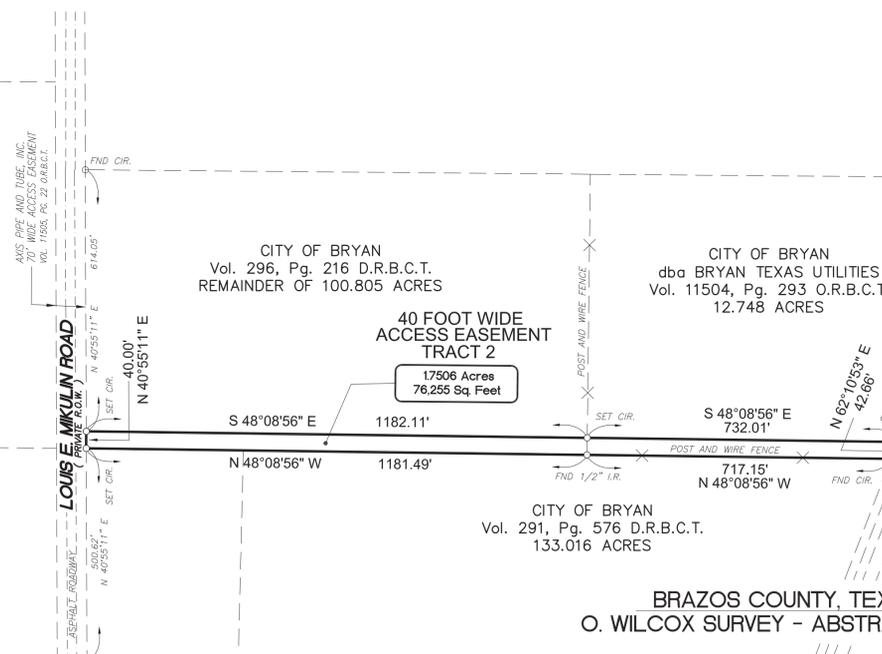
BEGINNING AT A FOUND 1/2" IRON ROD WITH CAP MARKING THE MOST SOUTHERLY CORNER OF THE SAID 12,748 ACRE TRACT AND THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: NORTH 48 DEGREES 08 MINUTES 56 SECONDS WEST, WITH THE NORTHWEST LINE OF THE SAID 12,748 ACRE TRACT, AT A DISTANCE OF 717.15 FEET PASS A FOUND 1/2" IRON ROD FOR THE MOST WESTERLY CORNER OF THE SAID 12,748 ACRE TRACT AND THE MOST SOUTHERLY CORNER OF THE SAID 100,805 ACRE TRACT AND CONTINUING FOR A TOTAL DISTANCE OF 1898.64 FEET TO A SET 1/2" IRON ROD WITH CAP FOR THE MOST WESTERLY CORNER OF THE SAID 100,805 ACRE TRACT DESCRIBED TRACT SET IN THE SOUTHWEST LINE OF A 70' PRIVATE ACCESS EASEMENT RECORDED IN VOLUME 11505, PAGE 22 OFFICIAL RECORDS BRAZOS COUNTY, TEXAS;

THENCE: NORTH 40 DEGREES 55 MINUTES 11 SECONDS EAST, WITH THE SOUTHEAST LINE OF THE SAID 70' PRIVATE ACCESS EASEMENT, A DISTANCE OF 40.00 FEET TO A SET 1/2" IRON ROD WITH CAP FOR THE MOST NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: SOUTH 48 DEGREES 08 MINUTES 56 SECONDS WEST, AT A DISTANCE OF 1182.11 FEET PASS A SET 1/2" IRON ROD WITH CAP IN THE COMMON LINE BETWEEN THE SAID 100,805 ACRE TRACT AND THE SAID 12,748 ACRE TRACT AND CONTINUING FOR A TOTAL DISTANCE OF 1914.12 FEET TO A SET 1/2" IRON ROD FOR THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: SOUTH 62 DEGREES 10 MINUTES 53 SECONDS WEST, A DISTANCE OF 42.66 FEET TO THE PLACE OF BEGINNING AND CONTAINING WITHIN THESE CALLS 76,255 SQUARE FEET OR 1.7506 ACRES OF LAND.



**AXIS PIPE AND TUBE, INC.**  
Vol. 11505, Pg. 1 O.R.B.C.T.  
159.047 ACRES

**TRACT 1**  
98.8909 Acres  
4,307,686 Sq. Feet

**DIEBEL FAMILY PARTNERS, LTD.**  
Vol. 2601, Pg. 98 O.R.B.C.T.  
REMAINDER OF 724.32 ACRES

**BRAZOS COUNTY, TEXAS**  
**L. McLAUGHLIN SURVEY - ABSTRACT #38**

**CITY OF BRYAN**  
Vol. 296, Pg. 216 D.R.B.C.T.  
REMAINDER OF 100.805 ACRES

**CITY OF BRYAN dba BRYAN TEXAS UTILITIES**  
Vol. 11504, Pg. 293 O.R.B.C.T.  
12.748 ACRES

**40 FOOT WIDE ACCESS EASEMENT TRACT 2**  
17506 Acres  
76,255 Sq. Feet

**40 FOOT WIDE TRACT 3**  
11091 Acres  
48,314 Sq. Feet

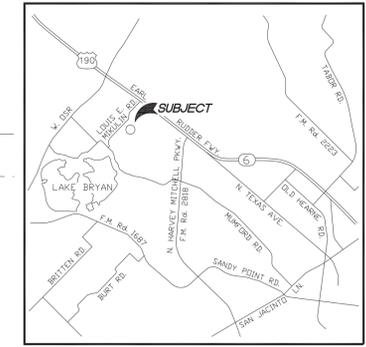
**CITY OF BRYAN**  
Vol. 291, Pg. 576 D.R.B.C.T.  
133,016 ACRES

**S.A. LUZA BRAGG**  
Vol. 406, Pg. 842  
1.89 ACRES

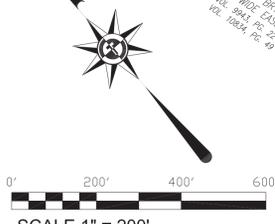
**T.W. LUZA**  
Vol. 390, Pg. 211  
1.89 ACRES

**P.M. LUZA McNEAL**  
Vol. 555, Pg. 146  
1.89 ACRES

**O. WILCOX SURVEY - ABSTRACT #234**



VICINITY MAP  
N.T.S.



**SCALE 1" = 200'**

**LEGEND**

I.R. IRON ROD  
C.I.R. CAPPED IRON ROD  
O.R.B.C.T. OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS  
D.R.B.C.T. DEED RECORDS OF BRAZOS COUNTY, TEXAS  
P.O.C. POINT OF COMMENCEMENT  
P.O.B. POINT OF BEGINNING

**TITLE INFORMATION**

The Title Description and Exceptions hereon are from Alamo Title Insurance, title commitment under G.F. No. S35760 with an effective date of November 17, 2014.

**SCHEDULE B items**

- TRACTS 1 AND 3 ( fee land )**
- (c) Terms, provisions, covenants, conditions, restrictions, easements, charges, fees, assessments, and liens provided in the Covenants, Conditions and Restrictions recorded in Volume 11504, Page 276, Official Records of Brazos County, Texas. (Blanket in nature and cannot be shown)
  - (d) Twenty-five (25') foot building setback line along all property lines per Restrictions recorded in Volume 11504, page 276, Official Records of Brazos County, Texas. (Does affect subject tract and is shown hereon)
  - (e) Easement executed by Mrs. Mit Donsby and Mit Donsby, her husband to Sinclair Refining Company, dated April 12, 1947, recorded in Volume 132, Page 21, Deed Records of Brazos County, Texas. (Does affect subject tract and is shown hereon)
  - (f) Easement executed by Mrs. Esther M. Donsby to City of Bryan, dated March 13, 1975, recorded in Volume 336, Page 825, Deed Records of Brazos County, Texas. (Does affect subject tract and is shown hereon)
  - (g) Easement executed by Esther M. Donsby and Mit Donsby to Enserch Corporation, dated May 10, 1977, recorded in Volume 374, Page 818, Deed Records of Brazos County, Texas. (Does affect subject tract and is shown hereon)
  - (h) Blanket Easement executed by Esther M. Donsby to Enserch Corporation (c/o Lone Star Gas Company), dated January 17, 1989 recorded in Volume 1102, Page 159, Official Records of Brazos County, Texas. (Blanket in nature and cannot be shown)
  - (i) Easement executed by Diebel Family Partners, Ltd. to the City of Bryan, dated August 13, 2002, recorded in Volume 4668, Page 1, Official Records of Brazos County, Texas. (Does affect subject tract and is shown hereon)
  - (j) Pipeline Easement executed by Diebel Family Partners, Ltd. to Weber Energy Corporation, dated November 28, 2012, recorded in Volume 11042, Page 32, Official Records of Brazos County, Texas. Partial Abandonment of Pipeline Easement executed by Weber Energy Corporation to ETC Texas Pipeline, Ltd., dated December 21, 2013, recorded in Volume 11108, Page 154, Official Records of Brazos County, Texas. (Does affect subject tract and is shown hereon)
  - (k) Easement executed by Diebel Family Partners, Ltd. to Atmos Energy Corporation, dated May 14, 2013, recorded in Volume 11347, Page 289, Official Records of Brazos County, Texas. (Does affect subject tract and is shown hereon)
  - (l) Easement executed by Diebel Family Partners, Ltd. and City of Bryan to Atmos Energy Corporation, dated May 14, 2013, recorded in Volume 11348, Page 1, Official Records of Brazos County, Texas. (Does affect subject tract and is shown hereon)
  - (m) Pipeline easement executed by Diebel Family Partners, Ltd. to Halcon Field Services, LLC, dated September 12, 2013, recorded in Volume 11837, Page 25, Official Records of Brazos County, Texas and amended by instrument dated August 28, 2014, recorded in Volume 12319, Page 4, Official Records of Brazos County, Texas. (Does affect subject tract and is shown hereon)
  - (n) Well head and monitor well sites located on subject property. (Does affect subject tract and is shown hereon)
- TRACT 2 ( easement )**
- (x) Easement executed by Esther McCulloch Donsby to the City of Bryan, Texas dated January 25, 1984, recorded in Volume 645, Page 405, Official Records of Brazos County, Texas. (Blanket in nature and cannot be shown)
  - (y) Easement executed by Esther M. Donsby to Enserch Corporation (c/o Lone Star Gas Company), dated January 17, 1989 recorded in Volume 1102, Page 159, Official Records of Brazos County, Texas. (Blanket in nature and cannot be shown)

**FLOOD INFORMATION**

By graphic plotting only, this property is located in Zone "X" of the Federal Emergency Management Agency's Flood Insurance Rate Map No. 48041C0202D, which bears an effective date of May 16, 2012, and is NOT in a special flood hazard area. No field surveying was performed to determine this Zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

Zone "X" denotes areas not in the 0.2% annual chance floodplain.

**BASIS OF BEARING**

Bearings on this survey are derived from GPS observations based on Texas State Plane Coordinates Central Zone, NAD 83.

**CEMETERY**

There is no visible evidence of cemeteries on the subject property at the time of survey.

**SURVEYOR'S NOTES**

1. No observable evidence of earth moving work, building construction or building additions within recent months.
2. No observable evidence of changes in street right of way lines completed, and available from the controlling jurisdiction and no observable evidence of recent street or sidewalk construction or repairs.
3. No observable evidence of site use as a solid waste dump, sump or sanitary landfill.
4. Property has physical access to Louis E. Mikulin Road.
5. All statements within the certification, and other references located elsewhere hereon, related to: utilities, improvements, structures, buildings, party walls, parking, easements, servitudes, and encroachments; are based solely on above ground, visible evidence, unless another source of information is specifically referenced hereon.
6. The legal descriptions of the tracts contained hereon form a mathematical closed figure.
7. No buildings existing on the surveyed property.

**SURVEYOR CERTIFICATION**

To:  
Axis Pipe & Tube, Inc., a Delaware corporation  
Alamo Title Insurance and Lawyers Title Company of Brazos County

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, (except in states that require record monument platting), 3, 4, 6(a), 6(b) (none provided), 8, 11(b) (Observed evidence together with evidence from plans obtained from utility companies or provided by client, and markings by utility companies and other appropriate sources), 13, 14, 16, 17, 18 (observable evidence of site use as a solid waste dump, sump or sanitary landfill) of Table A thereof.

**Paul Coyne**  
Registered Professional Land Surveyor  
Texas Registration No. 6374  
Date: December 4, 2014

REVISIONS		
REV.	DESCRIPTION	DATE
1	ADD RESTRICTED AREAS	10/20/14
2	UPDATED TITLE COMMITMENT	12/03/14

BEING PART OF THE L. McLAUGHLIN SURVEY, ABSTRACT No. 38

**DIEBEL FAMILY PARTNERS, LTD. VOL. 2601, PG. 98 O.R.B.C.T.**  
**CITY OF BRYAN, VOL. 296, PG. 216 O.R.B.C.T.**  
**CITY OF BRYAN, VOL. 11504, PG. 293 O.R.B.C.T.**

ADDRESS: LOUIS E. MIKULIN ROAD, BRYAN  
BRAZOS COUNTY, TEXAS

PROJECT NAME: PROJECT COSMOS

**TETRA**  
2901 Livingston Street  
P.O. Box 10000, Fort Worth, Texas 76160-1000  
E-Mail: Survey@TETRA.com  
www.TSATX.com

SCALE: 1" = 200'

DATE: 10-20-2014

DRAWN BY: JP    CHECKED BY: PC    APPROVED BY: RAM  
CLIENT: AXIS PIPE AND TUBE, INC.    JOB NO: 13-0018-003