

ORDINANCE NO. O-2010-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, APPROVING THE DESIGNATION OF TYLER INDUSTRIAL DISTRICT NO. 1 AND APPROVING AN INDUSTRIAL DISTRICT AGREEMENT WITH MCWANE, INCORPORATED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to promote the public welfare; and

WHEREAS, Texas Local Government Code Section 42.044(b) authorizes the governing body of a municipality to designate any part of its extraterritorial jurisdiction as an industrial district, and to treat such designated area in a manner considered by the governing body to be in the best interests of the municipality; and

WHEREAS, Texas Local Government Code Section 42.044(c) provides that the governing body may make written contracts with owners of land in the industrial district; and

WHEREAS, the City of Tyler and McWane, Incorporated have agreed to enter into an Industrial District Agreement governing the Tyler Pipe area in the City of Tyler extraterritorial jurisdiction; and

WHEREAS, creation of the Industrial District and approval of the Industrial District Agreement will encourage the expansion and growth of industries in the designated area; and

WHEREAS, creation of the Industrial District and approval of the Industrial District Agreement are considered to be in the public interest;

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

PART 1: That Tyler Industrial District No. 1, as further described in the Tyler Industrial District Agreement attached hereto as Exhibit "1", is hereby approved and established.

PART 2: That the Tyler Industrial District Agreement attached hereto as Exhibit "1", is hereby authorized and approved, and its requirements are incorporated herein.

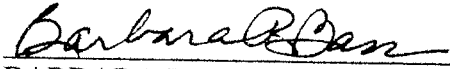
PART 3: That the City Manager or designee is authorized to take all actions necessary to execute the Industrial District Agreement in accordance with this ordinance.

PART 4: That this ordinance and the Industrial District Agreement shall be recorded in the real property records of Smith County, Texas.

PART 5: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

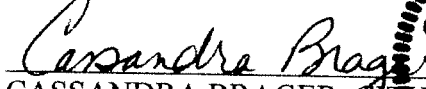
PART 6: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be February 26, 2010.

PASSED AND APPROVED this 24th day of February, A. D., 2010.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

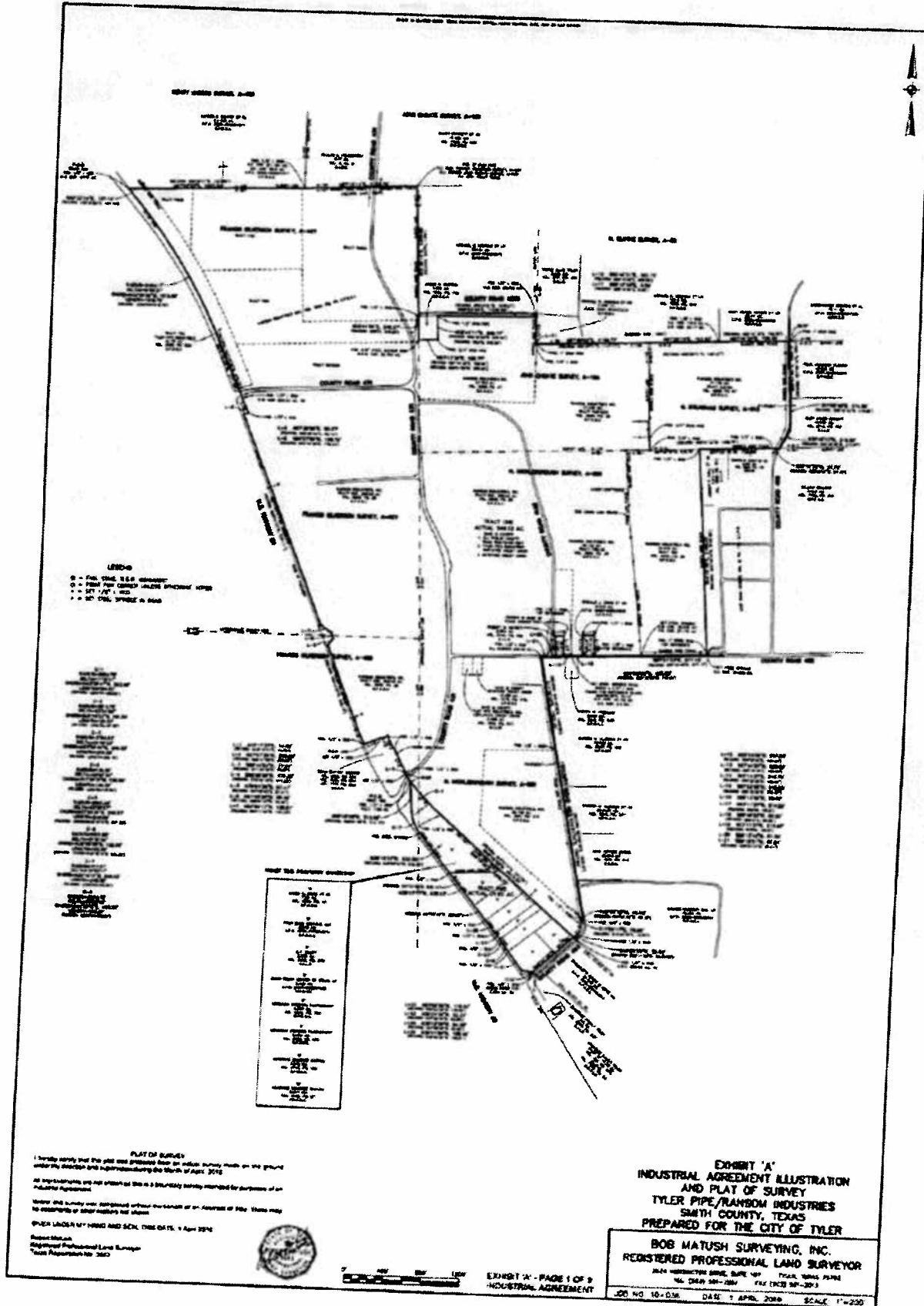


APPROVED:



GARY C. LANDERS
CITY ATTORNEY

Exhibit "A" – Page 1 of 9
Industrial Agreement



**Exhibit 'A' - Page 2 of 9
Metes and Bounds Description
Industrial Agreement
Swan Area**

TRACT ONE:

All that certain tract or parcel of land situated in the John Choate Survey, Abstract 195, the Francis Gilkerson Survey, Abstract 406, the Francis Gilkerson Survey, Abstract 407, the Henry Mickleborough Survey, Abstract 651, and the George Steadham Survey, Abstract 913, Smith County, Texas, being all of that certain called 8.176 acre tract described in a Quitclaim Deed from Missouri Pacific Railroad Company to Tyler Pipe Industries, Inc., dated October 27, 1994, and recorded in Volume 3589, Page 536 of the Land Records of Smith County, Texas, being out of and a part of those certain Tracts One, Two, Three, Four, Five, Ten, Eleven, Twelve, Thirteen and Sixteen, described in a Correction Special Warranty Deed from Tyler Pipe Industries, Inc., to Ransom Industries, Inc., dated December 1, 1995, and recorded in Volume 3909, Page 25 of the Official Public Records of Smith County, Texas, being all of that certain called 22.763 acre tract described in a Warranty Deed from David Jones to Ransom Industries, Inc., dated November 1, 1997, and recorded in Volume 4099, Page 47 of the Official Public Records of Smith County, Texas, and being all of that certain called 25.709 acre tract described in a Quitclaim Deed from Swan Transportation Company to Ransom Industries, Inc., dated May 20, 1997, and recorded in Volume 3991, Page 215 of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found for the northwest corner of said called 8.176 acre tract, same being in the east right-of-way line of U.S. Highway 69;

THENCE, North 87°17'52" East, a distance of 194.35 feet to a ½" iron rod found for the northeast corner of said 8.176 acre tract, same being the northeast corner of a called 211.195 acre tract described in a Deed to Alfred A. Martin et al, dated December 2, 2005, and recorded under Clerk's File Number 2006-R00003317 of said Official Public Records;

THENCE, North 87°52'33" East, with the south line of said 211.195 acre tract, a distance of 1,833.34 feet to a 5/8" iron rod found for the southeast corner of same in the north line of said Tract Three;

THENCE, North 87°15'14" East, with the north line of said Tract Three, a distance of 1,162.78 feet to a 2" iron pipe found for the northeast corner of said Tract Three, same being the northeast corner of said Francis Gilkerson Survey, A-407;

THENCE, South 02°36'19" East, with the east line of said Tract Three and said Tract Two, a distance of 1,356.88 feet to a ½" iron rod found for a corner in County Road 4215;

THENCE, South 02°41'55" East, continuing with said east line, a distance of 249.27 feet to a 5/8" steel sucker rod found for the westernmost northwest corner of said called 22.763 acre tract;

THENCE, North 87°13'38" East, a distance of 199.77 feet to a 3/4" iron pipe found for an interior corner of said 22.763 acre tract;

THENCE, North 02°41'11" West, a distance of 249.77 feet to a ½" iron pipe found for the easternmost northwest corner of said called 22.763 acre tract;

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Industrial Agreement
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THENCE, North 88°53'45" East, a distance of 1,036.49 feet to a ½" iron pipe found for the northeast corner of said 22.763 acre tract;

THENCE, South 00°45'01" East, with the east line of said 22.763 acre tract, a distance of 282.75 feet to a ½" iron rod found for the northernmost northwest corner of said Tract Thirteen, called 37.126 acres;

THENCE, South 88°42'43" East, a distance of 8.56 feet to a 1" iron pipe found for a corner;

THENCE, North 87°40'42" East, a distance of 1,158.77 feet to a ½" iron rod set for the northeast corner of said Tract Thirteen, same being the northwest corner of said Tract Eleven, called 37.175 acres;

THENCE, North 87°28'18" East, a distance of 723.62 feet to a ½" iron rod found for a north corner of said Tract Eleven;

THENCE, North 87°36'20" East, a distance of 728.35 feet to a ½" iron rod set for the northeast corner of said Tract Eleven, same being in County Road 495; for reference, a 1" iron pipe found bears North 87°36'20" East, 20.22 feet;

THENCE, South 03°47'50" East, a distance of 555.17 feet to a ½" iron rod set for an east corner of said Tract Eleven, same being in said County Road 495;

THENCE, South 01°09'48" East, a distance of 374.99 feet to a ½" iron rod set for an east corner of said Tract Eleven, same being in said County Road 495;

THENCE, South 30°45'13" West, a distance of 218.52 feet to a ½" iron rod set for the southeast corner of said Tract Eleven, same being in said County Road 495;

THENCE, South 87°19'00" West, a distance of 67.79 feet to a ½" iron rod found for a south corner of said Tract Eleven;

THENCE, South 87°02'18" West, continuing with the south line of said Tract Eleven, a distance of 752.58 feet to a ½" iron rod found for the northeast corner of said Tract Ten, called 35.932 acres;

THENCE, South 04°19'36" East, at 2,131.02 feet pass a 1" steel rod found for reference, and continuing in all a total distance of 2,165.29 feet to a steel spindle set for the southeast corner of said Tract Ten, same being in the centerline of County Road 492;

THENCE, South 87°51'43" West, a distance of 677.15 feet to a steel spindle set for the southwest corner of said Tract Ten, same being the southernmost southeast corner of said Tract Twelve, called 40.145 acres, same being in said centerline of County Road 492;

THENCE, South 87°52'02" West, with the south line of said Tract Twelve, a distance of 480.02 feet to a steel spindle set for a corner in said centerline of County Road 492;

THENCE, North 02°14'09" West, at 27.51 feet pass a ½" iron rod found for the southeast corner of a called 0.523 acre tract described in a Deed to Donald J. Crow et ux, and recorded under Clerk's File Number 2008-R00031620 of said Official Public Records, and continuing in all a total distance of 217.03 feet to a ½" iron rod found for the northeast corner of said 0.523 acre;

THENCE, South 87°44'57" West, a distance of 120.02 feet to ½" iron rod found for the northwest corner of said 0.523 acre tract;

THENCE, South 02°14'37" East, at 189.50 feet pass a ½" iron rod found for the southwest corner of said 0.523 acre tract, and continuing in all a total distance of 216.78 feet to a steel spindle set for a corner in said centerline of County Road 492, same being in said south line of said Tract Twelve;

THENCE, South 87°52'02" West, a distance of 118.89 feet to a steel spindle set for the southwest corner of said Tract Twelve, same being the southeast corner of a 2.0 acre tract, same being in said centerline of County Road 492; for reference, a ½" iron rod found bears North 04°50'26" East, 24.44 feet;

THENCE, South 88°13'42" West, with the south line of said 2.0 acre tract, a distance of 75.17 feet to a steel spindle set for a corner in said centerline of County Road 492;

THENCE, North 03°11'37" West, at 26.22 feet pass the southeast corner of a called 0.393 acre tract described in a Deed to Robert S. Haynes, and recorded in Volume 3040, Page 459 of said Land Records, and continuing in all a total distance of 216.22 feet to the northeast corner of said 0.393 acre, same being in the base of a fence corner post;

THENCE, South 86°48'23" West, a distance of 90.20 feet to the northwest corner of said 0.393 acre tract, same being in the base of a fence corner post;

THENCE, South 03°11'37" East, at 192.24 feet pass the southwest corner of said 0.393 acre tract, and continuing in all a total distance of 216.22 feet to a steel spindle set for a corner in said centerline of County Road 492;

THENCE, South 88°13'42" West, a distance of 81.34 feet to a steel spindle set for a southeast corner of said Tract One, called 255.03 acres, same being in said centerline of County Road 492;

THENCE, South 89°18'01" West, a distance of 67.01 feet to a ½" iron rod found for an interior corner of said 255.03 acre tract, same being in said centerline of County Road 492;

THENCE, South 11°26'12" East, a distance of 1,002.25 feet to ½" iron rod found for an east corner of said 255.03 acre tract, same being the northeast corner of said called 25.709 acre tract, same being in the centerline of County Road 493;

THENCE, South 11°51'34" East, a distance of 1,827.94 feet to ½" iron rod found for an east corner of said 255.03 acre tract, same being the southeast corner of said 25.709 acre tract, same being in said centerline of County Road 493;

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THENCE, North $49^{\circ}28'33''$ West, with the west line of said 25.709 acre tract, a distance of 49.18 feet to $\frac{1}{2}$ " iron rod found for an interior corner of said 255.03 acre tract, same being in the north right-of-way line of said County Road 493;

THENCE, South $11^{\circ}56'17''$ East, with said north right-of-way line of said County Road 493, a distance of 72.85 feet to a $\frac{1}{2}$ " iron rod found for a corner of said 255.03 acre tract, same being the beginning of a curve to the right having a radius of 134.56 feet;

THENCE, continuing with said north right-of-way line of said County Road 493, and along said curve to the right having a radius of 134.56 feet, a central angle of $58^{\circ}03'34''$, and a chord bearing and distance of South $17^{\circ}39'31''$ West, 130.59 feet, an arc length of 136.35 feet to a $\frac{1}{2}$ " iron rod found for a corner of said 255.03 acre tract;

THENCE, South $46^{\circ}25'05''$ West, continuing with said north right-of-way line of said County Road 493, a distance of 35.55 feet to a $\frac{1}{2}$ " iron rod found for the southwest corner of said 255.03 acre tract, same being in the west line of the former Missouri Pacific Railroad right-of-way (200-ft. wide);

THENCE, North $49^{\circ}18'02''$ West, with the west line of said 255.03 acre tract, same being said west line of said Missouri Pacific Railroad right-of-way, a distance of 1,913.38 feet to a $\frac{1}{2}$ " iron rod found for a corner of same, same being the beginning of a curve to the right having a radius of 2,964.79 feet;

THENCE, continuing with said west line of said 255.03 acre tract, same being said west line of said Missouri Pacific Railroad right-of-way, and along said curve to the right having a radius of 2,964.79 feet, a central angle of $11^{\circ}18'07''$, and a chord bearing and distance of North $43^{\circ}38'47''$ West, 583.88 feet, an arc length of 584.82 feet to a corner of same, and being in the north margin of County Road 431;

THENCE, North $32^{\circ}17'37''$ East, continuing with said west line of said 255.03 acre tract, same being said west line of said Missouri Pacific Railroad right-of-way, a distance of 14.56 feet to a $\frac{1}{2}$ " iron rod found for a corner of same, and being in said north margin of County Road 431;

THENCE, North $27^{\circ}07'35''$ West, continuing with said west line of said 255.03 acre tract, same being said west line of said Missouri Pacific Railroad right-of-way, a distance of 249.86 feet to a $\frac{1}{2}$ " iron rod found for a corner of same, said corner being the beginning of a curve to the right having a radius of 2,914.79 feet;

THENCE, continuing with said west line of said 255.03 acre tract, same being said west line of said Missouri Pacific Railroad right-of-way, and along said curve to the right having a radius of 2,914.79 feet, a central angle of $03^{\circ}34'09''$, and a chord bearing and distance of North $31^{\circ}14'22''$ West, 181.54 feet, an arc length of 181.57 feet to a $\frac{1}{2}$ " iron rod found for a corner of said 255.03 acres;

THENCE, South $69^{\circ}44'54''$ West, a distance of 77.87 feet to a corner;

THENCE, South $68^{\circ}55'58''$ West, a distance of 177.23 feet to a $\frac{1}{2}$ " iron rod found for a southwest corner of said 255.03 acre tract, same being in said east right-of-way line of U.S. Highway 69, said corner being in a curve to the right having a radius of 3,754.83 feet;

THENCE, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, and along said curve to the right having a radius of 3,754.83 feet, a central angle of $04^{\circ}06'22''$, and a chord bearing and distance of North $23^{\circ}56'46''$ West, 269.03 feet, an arc length of 269.09 feet to a concrete R.O.W. monument found for a corner and the end of said curve;

THENCE, North $21^{\circ}45'20''$ West, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 848.01 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North $36^{\circ}01'30''$ East, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 87.47 feet to a corner of same;

THENCE, North $21^{\circ}45'20''$ West, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 65.05 feet to a corner of same;

THENCE, North $54^{\circ}59'17''$ West, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 135.51 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North $21^{\circ}44'11''$ West, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 2,360.73 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North $67^{\circ}39'06''$ East, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 50.57 feet to a $\frac{1}{2}$ " iron rod found for a corner of same;

THENCE, North $24^{\circ}27'09''$ West, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 168.76 feet to a $\frac{1}{2}$ " iron rod found for a northwest corner of said 255.03 acre tract, same being in the south margin of County Road 471;

THENCE, North $26^{\circ}18'25''$ West, at 95.25 feet pass a $\frac{1}{2}$ " iron rod set for the southwest corner of said 8.176 acre tract, and continuing with said east right-of-way line of U.S. Highway 69, in all a total distance of 771.58 feet a $\frac{1}{2}$ " iron rod set for a west corner of said 8.176 acre tract, same being the beginning of a curve to the left having a radius of 5,484.17 feet;

THENCE, continuing with said east right-of-way line of U.S. Highway 69, and along said curve to the left having a radius of 5,484.17 feet, a central angle of $16^{\circ}55'21''$, and a chord bearing and distance of North $33^{\circ}09'59''$ West, 1,613.89 feet, an arc length of 1,619.77 feet to a $\frac{1}{2}$ " iron rod set for a corner of said 8.176 acre tract and the end of said curve;

THENCE, North $40^{\circ}32'14''$ West, continuing with said east right-of-way line of U.S. Highway 69, same being the west line of said 8.176 acre tract, a distance of 107.14 feet to the POINT OF BEGINNING and containing 546.12 acres of land, more or less, SAVE AND EXCEPT THE FOLLOWING:

1. All of the public County Road rights-of-way and U.S. Highway 69 rights-of-way that are contained in the heretofore described tract of land;
2. All that certain tract or parcel of land situated in the Henry Mickleborough Survey, Abstract 651, Smith County, Texas, being all of that certain called 0.4599 acre tract described in a Warranty Deed from Tyler Pipe Industries, Inc., to Tyler Pipe Industries, Inc., Credit Union, dated February 15, 1982, and recorded in Volume 1949, Page 547 of the Land Records of Smith County, Texas;
3. All that certain tract or parcel of land situated in the Henry Mickleborough Survey, Abstract 651, Smith County, Texas, being all of that certain called 0.459 acre tract described in a Deed Without Warranty from Ransom Industries, L.P., to Keystone Credit Union, dated May 20, 2003, and recorded in Volume 7279, Page 475 of the Official Public Records of Smith County, Texas.

TRACT TWO:

All that certain tract or parcel of land situated in the Francis Gilkerson Survey, Abstract 406, and the Henry Mickleborough Survey, Abstract 651, Smith County, Texas, being all of that certain called 7.580 acre tract described in a Warranty Deed with Vendor's Lien from Daisy Johnson to James D. Hicks and Kenneth Ray Jenkins, dated May 27, 2005, and recorded in Volume 7805, Page 40 of the Official Public Records of Smith County, Texas, being all of that certain called 2.836 acre tract described in an Assumption Warranty Deed from Four Star General Partnership to Four Star Rentals, L.L.C., dated December 14, 2006, and recorded under Clerk's File Number 2006-R00060674 of the Official Public Records of Smith County, Texas, being all of that certain Tract One, called 2.225 acres, described in a Warranty Deed with Vendor's Lien from Joe Don Terry et al to W.T. Smart, dated April 2, 1991, and recorded in Volume 3099, Page 578 of the Land Records of Smith County, Texas, being all of that certain called 2.000 acre tract described in a Special Warranty Deed from Highland Park Land Company to Rush Truck Centers of Texas, L.P., dated February 9, 2007, and recorded under Clerk's File Number 2007-R00007482 of the Official Public Records of Smith County, Texas, being all of that certain called 1.053 acre tract described in a Warranty Deed from Charles T. Flowers et ux Jerri L. Flowers to Centrex/Stabbing Partnership, dated December 21, 1993, and recorded in Volume 3456, Page 869 of the Land Records of Smith County, Texas, being all of that certain called 2.000 acre tract described in a Warranty Deed from Harrison Jackson McInnis, Jr., et ux Gracie McInnis to Centrex/Stabbing Partnership, dated December 21, 1993, and recorded in Volume 3456, Page 866 of the Land Records of Smith County, Texas, being out of and a part of that certain called 1.873 acre tract described in a Warranty Deed with Vendor's Lien from Joe Don Terry and Gary W. Camp to Centrex/Shawnee Capital Trust Partnership, dated December 15, 1995, and recorded in Volume 3742, Page 182 of the Official Public Records of Smith County, Texas, and being out of and a part of that certain called 2.854 acre tract described in a Warranty Deed with Vendor's Lien from Jerry B. Terry and Joe D. Terry to Centrex/Shawnee Capital Trust Partnership, dated January 28, 1999, and recorded in Volume 4649, Page 67 of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found for the northeast corner of said called 7.560 acre tract, same being in the east right-of-way line of U.S. Highway 69, same being in the south right-of-way line of County Road 431, same being in the west line of that certain Tract One, called 255.03 acres described in a Correction Special Warranty Deed from Tyler Pipe Industries, Inc., to Ransom Industries, Inc., dated December 1, 1995, and recorded in Volume 3909, Page 25 of said Official Public Records, same being in a curve to the left having a radius of 2,964.79 feet;

THENCE, with said west line of said 255.03 acre tract, and along said curve to the left having a radius of 2,964.79 feet, a central angle of 09°23'18", and a chord bearing and distance of South 44°36'11" East, 485.26 feet, an arc length of 485.81 feet to a ½" iron rod found for an east corner of said 7.560 acre tract and the end of said curve;

THENCE, South 49°18'02" East, continuing with said west line of said 255.03 acre tract, at 881.90 pass the southeast corner of said 7.560 acre tract, same being the northeast corner of said called 2.836 acre tract, at 994.26 feet pass the southeast corner of said 2.836 acres, same being the northeast corner of said called 2.225 acre tract, at 1,197.36 feet pass the southeast corner of said 2.225 acres, same being the northeast corner of said called 2.000 acre Rush Truck Centers tract, at 1,368.37 feet pass the southeast corner of said 2.000 acres, same being the northeast corner of said called 1.053 acre tract, at 1,454.69 feet pass the southeast corner of said 1.053 acres, same being the northeast corner of said called 2.000 acre Centrex/Stabbing tract, at 1,612.18 feet pass the southeast corner of said 2.000 acres, same being the northeast corner of said called 1.873 acre tract, and continuing in all a total distance of 1,909.72 feet to the southeast corner of the herein described tract, from which a ½" iron rod found for the southwest corner of said 255.03 acre tract bears South 49°18'02" East, 3.66 feet, for reference; said southeast corner being in the east line of said 1.873 acre tract, and being 30.00 feet perpendicular in a northwesterly direction from the centerline of pavement of County Road 493;

THENCE, South 46°52'05" West, along a line being 30.00 feet perpendicular in a northerly direction from and parallel with the centerline of pavement of County Road 493, a distance of 557.25 feet to a corner in the west line of said called 2.854 acre tract, same being in said east right-of-way line of U.S. Highway 69;

THENCE, North 83°02'55" West, with said east right-of-way line of U.S. Highway 69, a distance of 116.64 feet to a concrete R.O.W. monument found for a west corner of said 2.854 acre tract, same being in a curve to the left having a radius of 5,801.65 feet;

THENCE, with said east right-of-way line of U.S. Highway 69, and along said curve to the left having a radius of 5,801.65 feet, a central angle of 03°27'09", and a chord bearing and distance of North 37°55'01" West, 349.54 feet, at 246.59 feet pass a ½" iron rod found for the northwest corner of said 2.854 acre tract, same being the southwest corner of said 2.000 acre Centrex/Stabbing tract, and continuing in all an arc length of 349.59 feet to a ½" iron rod set for a corner and the end of said curve;

THENCE, North 36°01'00" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 52.24 feet to a ½" iron rod found for the northwest corner of said 2.000 acre tract, same being the southwest corner of said 1.053 acre tract;

THENCE, North 39°12'30" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 84.98 feet to a ½" iron rod found for the northwest corner of said 1.053 acre tract, same being the southwest corner of said Rush Truck Centers 2.000 acre tract;

THENCE, North 39°11'00" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 168.48 feet to a ½" iron rod found for the northwest corner of said 2.000 acre tract, same being the southwest corner of said 2.225 acre tract;

THENCE, North 39°17'17" West, continuing with said east right-of-way line of U.S. Highway 69, at 200.00 feet pass the northwest corner of said 2.225 acre tract, same being the southwest corner of said 2.838 acre tract, and continuing in all a total distance of 635.63 feet to a ½" iron rod found for the northwest corner of said 2.838 acre tract, same being the southwest corner of said 7.560 acre tract;

THENCE, North 39°15'17" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 532.89 feet to a steel spindle rod found for a corner of said 7.560 acre tract, same being the beginning of a curve to the right having a radius of 417.57 feet;

THENCE, with said east right-of-way line of U.S. Highway 69, and along said curve to the left having a radius of 417.57 feet, a central angle of 34°02'11", and a chord bearing and distance of North 22°14'11" West, 244.43 feet, an arc length of 248.06 feet to a ½" iron rod set for a corner of said 7.560 acre tract and the end of said curve;

THENCE, North 05°10'15" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 313.86 feet to the POINT OF BEGINNING and containing 21.95 acres of land, more or less.

I hereby certify that the above description was prepared from an actual survey made on the ground under my direction and supervision during the Month of April, 2010. GIVEN UNDER MY HAND AND SEAL this date, 1 April 2010.

(Reference is hereby made to the plat of survey, Job No. 08-474. Bearings are based on the Texas Coordinate System, North Central Zone, Nad83 Map Datum).

Robert Matush
Registered Professional Land Surveyor
Texas Registration No. 3683



Exhibit B - Page 2 of 7
Metes and Bounds Description
Limited McWane Incorporated Annexation
County Rd. 493 to County Rd. 471

All that certain tract or parcel of land situated in the Francis Gilkerson Survey, Abstract 406, the Francis Gilkerson Survey, Abstract 407, and the Henry Mickleborough Survey, Abstract 651, Smith County, Texas, being out of and a part of the right-of-way of U.S. Highway 69, being a part of the rights-of-way of County Road 431, County Road 471 and County Road 493, being out of and a part of that certain Tract One, called 255.03 acres, Tract Seven, called 54.111 acres, and Tract Forty-Two, called 8 acres, described in a Correction Special Warranty Deed from Tyler Pipe Industries, Inc., to Ransom Industries, Inc., dated December 1, 1995, and recorded in Volume 3909, Page 25 of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a concrete R.O.W. monument found for a corner in the east right-of-way line of U.S. Highway 69, same being an interior corner of that certain called 0.255 acre tract described in a Deed from Roland W. Chamblee et ux Emma Sarah Chamblee to the State of Texas, dated September 5, 1961, and recorded in Volume 1019, Page 565 of the Deed Records of Smith County, said corner being in a curve to the left having a radius of 5,801.65 feet;

THENCE, along said curve to the left having a radius of 5,801.65 feet, a central angle of $02^{\circ}30'15''$, and a chord bearing and distance of North $34^{\circ}20'42''$ West, 253.54 feet, an arc length of 253.56 feet to a concrete R.O.W. monument found for a corner in the east right-of-way line of U.S. Highway 69;

THENCE, South $83^{\circ}02'55''$ East, with said east right-of-way line of U.S. Highway 69, a distance of 116.64 feet to a corner, same being 30.00 feet perpendicular in a northwesterly direction from the centerline of pavement of County Road 493;

THENCE, North $46^{\circ}52'05''$ East, along a line being 30.00 feet perpendicular in a northerly direction from and parallel with the centerline of pavement of County Road 493, a distance of 557.25 feet to a corner in the west line of the former Missouri Pacific Railroad right-of-way, from which a $\frac{1}{2}$ " iron rod found for the southwest corner of said 255.03 acre tract bears South $49^{\circ}18'02''$ East, 3.66 feet, for reference;

THENCE, North $49^{\circ}18'02''$ West, with said west line of said Missouri Pacific Railroad right-of-way, a distance of 1,909.72 feet to a $\frac{1}{2}$ " iron rod found for a corner of same, same being the beginning of a curve to the right having a radius of 2,964.79 feet;

THENCE, continuing with said west line of said 255.03 acre tract, same being said west line of said Missouri Pacific Railroad right-of-way, and along said curve to the right having a radius of 2,964.79 feet, a central angle of $11^{\circ}18'07''$, and a chord bearing and distance of North $43^{\circ}38'47''$ West, 583.88 feet, an arc length of 584.82 feet to a corner of same, and being in the north margin of County Road 431;

THENCE, North $32^{\circ}17'37''$ East, continuing with said west line of said 255.03 acre tract, same being said west line of said Missouri Pacific Railroad right-of-way, a distance of 14.56 feet to a $\frac{1}{2}$ " iron rod found for a corner of same, and being in said north margin of County Road 431;

THENCE, North 27°07'35" West, continuing with said west line of said 255.03 acre tract, same being said west line of said Missouri Pacific Railroad right-of-way, a distance of 249.86 feet to a ½" iron rod found for a corner of same, said corner being the beginning of a curve to the right having a radius of 2,914.79 feet;

THENCE, continuing with said west line of said 255.03 acre tract, same being said west line of said Missouri Pacific Railroad right-of-way, and along said curve to the right having a radius of 2,914.79 feet, a central angle of 03°34'09", and a chord bearing and distance of North 31°14'22" West, 181.54 feet, an arc length of 181.57 feet to a ½" iron rod found for a corner of said 255.03 acres;

THENCE, South 69°44'54" West, a distance of 77.87 feet to a corner;

THENCE, South 68°55'58" West, a distance of 177.23 feet to a ½" iron rod found for a southwest corner of said 255.03 acre tract, same being in said east right-of-way line of U.S. Highway 69, said corner being in a curve to the right having a radius of 3,754.83 feet;

THENCE, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, and along said curve to the right having a radius of 3,754.83 feet, a central angle of 04°06'22", and a chord bearing and distance of North 23°58'46" West, 269.03 feet, an arc length of 269.09 feet to a concrete R.O.W. monument found for a corner and the end of said curve;

THENCE, North 21°45'20" West, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 848.01 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 36°01'30" East, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 87.47 feet to a corner of same;

THENCE, North 21°45'20" West, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 65.05 feet to a corner of same;

THENCE, North 54°58'17" West, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 135.51 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 21°44'11" West, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 2,360.73 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 67°39'06" East, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, a distance of 50.57 feet to a ½" iron rod found for a corner of same;

THENCE, North 24°27'09" West, continuing with said west line of said 255.03 acre tract, same being said east right-of-way line of U.S. Highway 69, at 168.76 feet pass a ½" iron rod found for a northwest corner of said 255.03 acre tract, and continuing in all a total distance of 190.80 feet to a corner, same being 35.00 feet perpendicular in a southerly direction from the centerline of pavement of County Road 471;

THENCE, South 70°29'17" West, along a line being 35.00 feet perpendicular in a southerly direction from and parallel with the centerline of pavement of County Road 471, at 271.50 feet pass the west right-of-way line of U.S. Highway 69, and continuing in all a total distance of 864.56 feet to a corner and the beginning of a curve to the right having a radius of 1,154.98 feet;

THENCE, continuing along said line being 35.00 feet perpendicular in a southerly direction from and parallel with the centerline of pavement of said County Road 471, and along said curve to the right having a radius of 1,154.98 feet, a central angle of 31°32'45", and a chord bearing and distance of South 89°03'39" West, 627.91 feet, an arc length of 635.91 feet to a corner and the end of said curve;

THENCE, North 75°40'04" West, continuing along said line being 35.00 feet perpendicular in a southerly direction from and parallel with the centerline of pavement of said County Road 471, a distance of 224.03 feet to a corner and the beginning of a curve to the left having a radius of 1,329.41 feet;

THENCE, continuing along said line being 35.00 feet perpendicular in a southerly direction from and parallel with the centerline of pavement of said County Road 471, and along said curve to the left having a radius of 1,329.41 feet, a central angle of 07°48'33", and a chord bearing and distance of North 78°59'45" West, 181.05 feet, an arc length of 181.19 feet to a corner in the west line of said called 8 acre Tract Forty-Two; for reference, a ½" iron rod found bears South 02°26'09" East, 5.35 feet;

THENCE, North 02°26'09" West, with said west line of said 8 acre tract, a distance of 58.18 feet to a 5/8" iron rod found for the northwest corner of said 8 acre tract;

THENCE, North 87°33'51" East, with the north line of said 8 acre tract, a distance of 68.87 feet to a corner, same being 35.00 feet perpendicular in a northerly direction from and parallel with the centerline of pavement of said County Road 471, same being in a curve to the right having a radius of 1,399.41 feet;

THENCE, along said line being 35.00 feet perpendicular in a northerly direction from and parallel with the centerline of pavement of said County Road 471, and along said curve to the right having a radius of 1,399.41 feet, a central angle of 05°25'20", and a chord bearing and distance of South 77°48'09" East, 132.38 feet, an arc length of 132.43 feet to a corner and the end of said curve;

THENCE, South 75°40'04" East, continuing along said line being 35.00 feet perpendicular in a northerly direction from and parallel with the centerline of pavement of said County Road 471, a distance of 223.94 feet to a corner and the beginning of a curve to the left having a radius of 1,084.98 feet;

THENCE, continuing along said line being 35.00 feet perpendicular in a northerly direction from and parallel with the centerline of pavement of said County Road 471, and along said curve to the left having a radius of 1,084.98 feet, a central angle of $31^{\circ}32'00''$, and a chord bearing and distance of North $89^{\circ}04'02''$ East, 589.62 feet, an arc length of 597.13 feet to a corner and the end of said curve;

THENCE, North $70^{\circ}29'17''$ East, continuing along said line being 35.00 feet perpendicular in a northerly direction from and parallel with the centerline of pavement of County Road 471, a distance of 586.26 feet to a corner, same being in said west right-of-way line of U.S. Highway 69, from which a concrete R.O.W. monument found for reference bears North $22^{\circ}27'56''$ West, 5.53 feet;

THENCE, South $22^{\circ}27'56''$ East, with said west right-of-way line of U.S. Highway 69, a distance of 65.01 feet to the southeast corner of the herein described tract, same being in the south right-of-way line of County Road 471;

THENCE, North $70^{\circ}29'17''$ East, a distance of 276.35 feet to a corner, same being in said south right-of-way line of County Road 471;

THENCE, South $24^{\circ}27'09''$ East, along a line being 5.00 feet perpendicular in an easterly direction from and parallel with said west line of said 255.03 acre tract, a distance of 200.57 feet to a corner;

THENCE, South $67^{\circ}39'06''$ West, continuing along said line being 5.00 feet perpendicular in a southerly direction from and parallel with said west line of said 255.03 acre tract, a distance of 50.82 feet to a corner;

THENCE, South $21^{\circ}44'11''$ East, continuing along said line being 5.00 feet perpendicular in an easterly direction from and parallel with said west line of said 255.03 acre tract, a distance of 2,354.29 feet to a corner;

THENCE, South $54^{\circ}59'17''$ East, continuing along said line being 5.00 feet perpendicular in an easterly direction from and parallel with said west line of said 255.03 acre tract, a distance of 135.51 feet to a corner;

THENCE, South $21^{\circ}45'20''$ East, continuing along said line being 5.00 feet perpendicular in an easterly direction from and parallel with said west line of said 255.03 acre tract, a distance of 69.30 feet to a corner;

THENCE, South $36^{\circ}01'30''$ West, continuing along said line being 5.00 feet perpendicular in an easterly direction from and parallel with said west line of said 255.03 acre tract, a distance of 87.47 feet to a corner;

THENCE, South $21^{\circ}45'20''$ East, continuing along said line being 5.00 feet perpendicular in an easterly direction from and parallel with said west line of said 255.03 acre tract, a distance of 845.23 feet to a corner, same being the beginning of a curve to the left having a radius of 3,749.83 feet;

THENCE, continuing along said line being 5.00 feet perpendicular in an easterly direction from and parallel with said west line of said 255.03 acre tract, and along said curve to the left having a radius of 3,749.83 feet, a central angle of $04^{\circ}02'10''$, and a chord bearing and distance of South $23^{\circ}54'40''$ East, 264.09 feet, an arc length of 264.14 feet to a corner and the end of said curve;

THENCE, North $88^{\circ}55'58''$ East, continuing along said line being 5.00 feet perpendicular in a northerly direction from and parallel with said west line of said 255.03 acre tract, a distance of 172.68 feet to a corner;

THENCE, North $89^{\circ}44'54''$ East, continuing along said line being 5.00 feet perpendicular in an easterly direction from and parallel with said west line of said 255.03 acre tract, a distance of 82.16 feet to a corner, same being the beginning of a curve to the left having a radius of 2,909.79 feet;

THENCE, continuing along said line being 5.00 feet perpendicular in an easterly direction from and parallel with said west line of said 255.03 acre tract, and along said curve to the left having a radius of 2,909.79 feet, a central angle of $03^{\circ}39'29''$, and a chord bearing and distance of South $31^{\circ}12'00''$ East, 185.74 feet, an arc length of 185.77 feet to a corner and the end of said curve;

THENCE, South $27^{\circ}07'35''$ East, continuing along said line being 5.00 feet perpendicular in an easterly direction from and parallel with said west line of said 255.03 acre tract, a distance of 252.97 feet to a corner;

THENCE, South $32^{\circ}17'37''$ West, continuing along said line being 5.00 feet perpendicular in a southerly direction from and parallel with said west line of said 255.03 acre tract, a distance of 13.89 feet to a corner, same being in a curve to the left having a radius of 2,959.79 feet;

THENCE, continuing along said line being 5.00 feet perpendicular in an easterly direction from and parallel with said west line of said 255.03 acre tract, and along said curve to the left having a radius of 2,959.79 feet, a central angle of $11^{\circ}14'02''$, and a chord bearing and distance of South $43^{\circ}40'49''$ East, 579.39 feet, an arc length of 580.32 feet to a corner and the end of said curve;

THENCE, South $49^{\circ}18'02''$ East, continuing along said line being 5.00 feet perpendicular in an easterly direction from and parallel with said west line of said 255.03 acre tract, a distance of 1,970.61 feet to a corner, same being 30.00 feet perpendicular in a southerly direction from the centerline of pavement of County Road 493;

THENCE, South $46^{\circ}52'05''$ West, along a line being 30.00 feet perpendicular in a southerly direction from and parallel with the centerline of pavement of County Road 493, a distance of 560.63 feet to a concrete R.O.W. monument found for a corner in the east right-of-way line of U.S. Highway 69, same being the northernmost southeast corner of that certain called 0.255 acre tract described in a Deed from Roland W. Chamblee et ux Emma Sarah Chamblee to the State of Texas, dated September 5, 1961, and recorded in Volume 1019, Page 565 of the Deed Records of Smith County, for reference;

THENCE, South $07^{\circ}08'53''$ West, with said east right-of-way line of U.S. Highway 69, a distance of 158.22 feet to the POINT OF BEGINNING and containing 4.569 acres of land, more or less.

Exhibit 'B'
McWane Annexation
Page 7 of 7

I hereby certify that the above description was prepared from an actual survey made on the ground under my direction and supervision during the Month of September, 2008. GIVEN UNDER MY HAND AND SEAL this date, 4 March 2010.

(Reference is hereby made to the plat of survey, Job No. 08-474. Bearings are based on the Texas Coordinate System, North Central Zone, Nad83 Map Datum).

Robert Matush
Registered Professional Land Surveyor
Texas Registration No. 3683

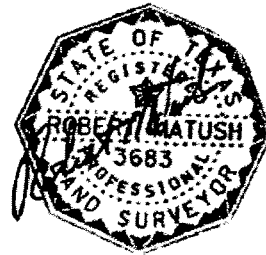


EXHIBIT "C"

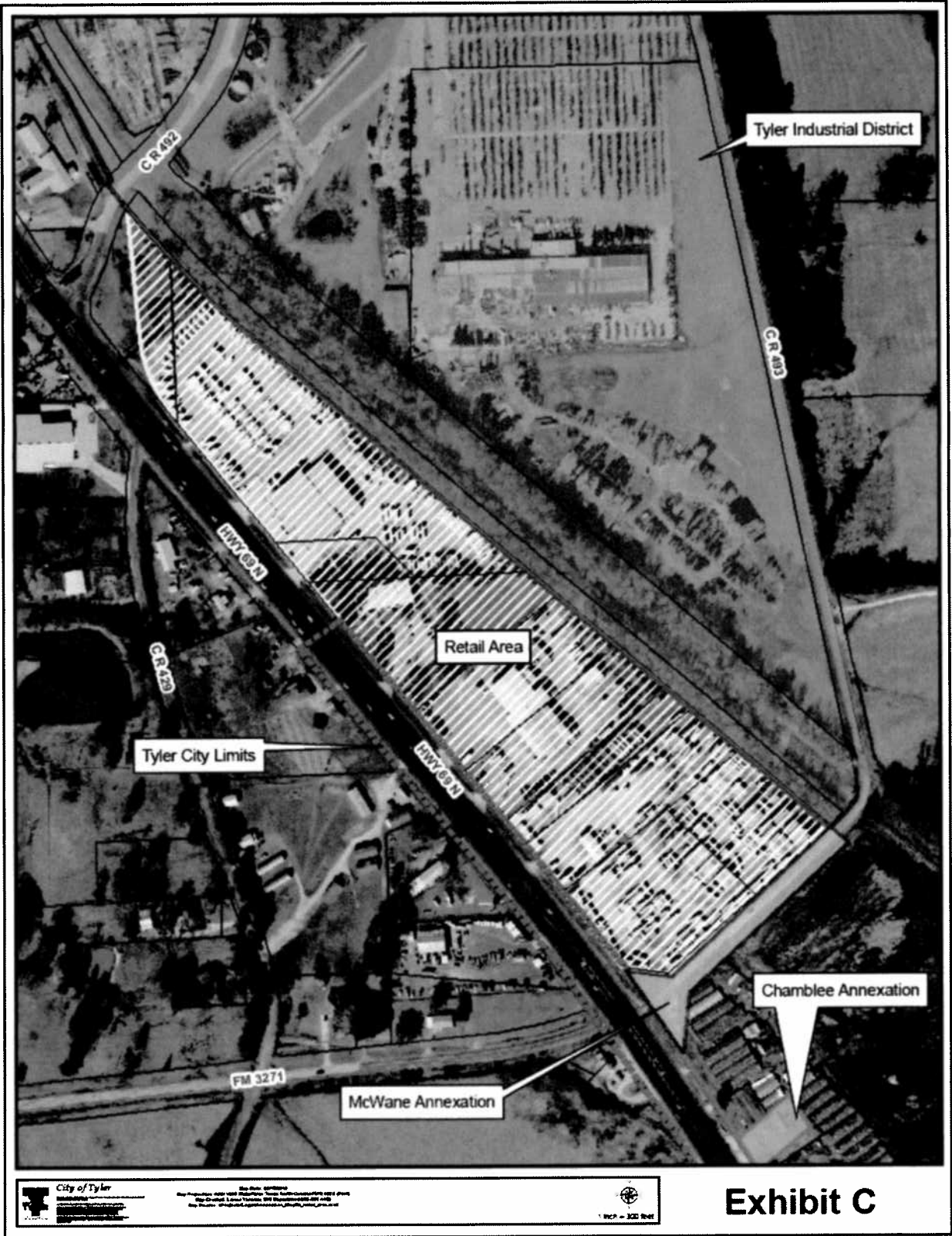


Exhibit C