

THE STATE OF TEXAS §  
  §  
COUNTY OF WISE           §

BOUNDARY LINE AGREEMENT

THIS AGREEMENT is entered into by and among the STATE OF TEXAS, METROPLEX STONE COMPANY, a Texas corporation doing business in Wise County, Texas, BRIDGEPORT AGGREGATE, INC., a Texas corporation doing business in Tarrant County, Texas, and CARL C. BARKSDALE, JERRY L. BARKSDALE and wife, AVA DEANN BARKSDALE (the "Barksdales"), and ERNEST E. COX, individuals residing in Wise County, Texas.

1. Subject and Purpose of Agreement. This agreement establishes and determines the exact location of the common boundary lines between three adjoining tracts of land, one of which is owned by the State of Texas and the other two of which are owned by the Barksdales, subject to certain outstanding limestone leases in which the other parties hereto own an interest, in order to eliminate the present existing doubt and uncertainty about the location of the land resulting from possible conflicting or overlapping descriptions in various conveyances recorded in the Deed Records of Wise County, Texas.

2. Tracts Affected. The State of Texas owns the tract of land known as the Henry Engle Pre-Emption Survey No. 3687, Certificate No. P-3687 ("Tract A"), as described by metes and bounds in Exhibit "A", which tract lies immediately to the south and east of a four-parcel tract ("Tract B") owned by the Barksdales as described by metes and bounds in Exhibit "B". Immediately to the south and east of the said Henry Engle Survey lies the other tract owned by the Barksdales ("Tract C"), which tract is described by metes and bounds in Exhibit "C". The common boundary lines between these three tracts are the ones herein established and agreed upon.

3. Agreed Boundary Lines.

(a) It is agreed by and among the parties hereto that the common boundary line separating Tracts A and B above

described shall hereafter be established, located and determined as follows:

Beginning at a 1-inch galvanized iron pipe in the West line of said Engle Survey from which a 1 inch galvanized iron pipe marking the most westerly southwest corner of same bears South 229.86 varas;

THENCE NORTH 115.14 varas to a point for corner in Rock Quarry for the northwest corner of the Engle Survey;

THENCE with the north line of same South 89°18'57" East at 138.47 varas pass a 1-inch galvanized iron pipe, continuing same bearing a total distance of 621.12 varas to a 1 inch galvanized iron pipe at the intersection of the north line of said Engle Survey and the westerly Right-of-Way line of the Chicago, Rock Island and Pacific Railroad.

(b) It is agreed by and among the parties hereto that the common boundary line separating Tracts A and C above described shall hereafter be established, located and determined as follows:

Beginning at a point on the most easterly west line of the said Engle Survey from which a set stone found in an old stone mound for the original south-southwest corner of same bears South 0°31'53" East 739 varas;

THENCE with the said most easterly west line of the Engle Survey North 0°31'53" West 251 varas to an interior corner of same in the Chicago, Rock Island and Pacific Railroad from which a 1 inch galvanized iron pipe bears South 0°31'53" East 54.84 varas, another bears North 89°18'03" West 68.2 varas;

THENCE with the most northerly south line of the said Engle Survey North 89°18'03" West 268 varas.

4. Covenant Running with Land. This agreement establishing the common boundary lines above described shall be a covenant running with the land as to each of the adjoining tracts above described, and shall be binding upon the STATE OF TEXAS, METROPLEX STONE COMPANY, and BRIDGEPORT AGGREGATE, INC. and their successors and assigns, and upon the other parties hereto, and their heirs, executors, administrators and assigns.

5. Exhibits. Each of the exhibits attached hereto is specifically incorporated herein by reference.

EXECUTED in multiple originals to be effective as of

July 1, 1982.

THE STATE OF TEXAS

Approved  
Audit \_\_\_\_\_  
Legal SLR  
Geology MHJ  
Execution \_\_\_\_\_  
Engineering \_\_\_\_\_

By: Bob Armstrong  
Bob Armstrong, Commissioner  
of the General Land Office  
of the State of Texas

METROPLEX STONE COMPANY

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

BRIDGEPORT AGGREGATE, INC.

By: \_\_\_\_\_  
Lester W. Mathis, President

Carl C. Barksdale  
Carl C. Barksdale

Jerry C. Barksdale  
Jerry C. Barksdale

Ava Deann Barksdale  
Ava Deann Barksdale

\_\_\_\_\_  
Ernest E. Cox

THE STATE OF TEXAS

COUNTY OF Drawis

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The instrument was acknowledged before me on the 24<sup>th</sup>  
day of September, 1982 by Bob Armstrong, Commissioner of  
the General Land Office of the State of Texas, on behalf of the  
State of Texas.

Lisa Renée Mata  
Notary Public in and for  
the State of Texas

My Commission Expires:

September 15, 1984

THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

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This instrument was acknowledged before me on the \_\_\_\_\_  
day of \_\_\_\_\_, 1982 by \_\_\_\_\_,  
of Metroplex Stone Company, a corporation, on  
behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for  
the State of Texas

My Commission Expires:  
\_\_\_\_\_

THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

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This instrument was acknowledged before me on the \_\_\_\_\_  
day of \_\_\_\_\_, 1982 by Lester W. Mathis,  
President of Bridgeport Aggregate, Inc., a corporation, on behalf  
of said corporation.

\_\_\_\_\_  
Notary Public in and for  
the State of Texas

My Commission Expires:  
\_\_\_\_\_

THE STATE OF TEXAS  
COUNTY OF Wise

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This instrument was acknowledged before me on the 31  
day of July, 1982 by Carl C. Barksdale.

Mary Beth Zoombe  
Notary Public in and for  
the State of Texas

My Commission Expires:  
7-29-82

THE STATE OF TEXAS       §  
  §  
COUNTY OF Wise       §

This instrument was acknowledged before me on the 31  
day of July, 1982 by Jerry L. Barksdale.

Mary Beth Joomba  
Notary Public in and for  
the State of Texas

My Commission Expires:  
7-29-82

THE STATE OF TEXAS       §  
  §  
COUNTY OF Wise       §

The instrument was acknowledged before me on the 31  
day of July, 1982 by Ava Deann Barksdale.

Mary Beth Joomba  
Notary Public in and for  
the State of Texas

My Commission Expires:  
7-29-82

THE STATE OF TEXAS       §  
  §  
COUNTY OF \_\_\_\_\_ §

The instrument was acknowledged before me on the \_\_\_\_\_  
day of \_\_\_\_\_, 1982 by Ernest E. Cox.

\_\_\_\_\_  
Notary Public in and for  
the State of Texas

My Commission Expires:  
\_\_\_\_\_

EXHIBIT "A"

FIELD NOTES of the Henry Engle Pre-Emption Survey No. 3687, Certificate No. P-3687, being a survey of 119.37 acres of land made for Public School Fund by virtue of its ownership. Said land is situated in Wise County, about 12 miles N 85°W from Decatur, the county seat,

and is described by metes and bounds as follows, to-wit:

Beginning at a set stone found in old stone mound the original south-southwest corner of the Henry Engle Pre-Emption Survey No. 3687;

THENCE with the east line of the Joseph Harrell Survey North 0°31'53" West 990 varas to a point for corner on the Chicago, Rock Island and Pacific Railroad from which a 1-inch galvanized iron pipe bears South 0°31'53" E 54.84 varas, another bears North 89°18'03" West 68.2 varas;

THENCE with the north line of said Harrell Survey North 89°18'03" West 1130 varas to a 1-inch galvanized iron pipe for a corner of the Edward Stephens Survey;

THENCE with a line of same North 345 varas to another corner of same in a rock quarry from which a 1-inch galvanized iron pipe bears South 115.14 varas, another bears South 89°18'57" East 138.47 varas;

THENCE with another line of said Stephens Survey South 89°18'57" East 1344 varas to a point for corner in an old rock quarry from which a 1-inch galvanized iron pipe bears North 89°18'57" West 360.22 varas, another bears South 0°23'39" West 205 varas;

THENCE with another line of said Stephens Survey South 0°23'39" West 1333 varas to a 1-inch galvanized iron pipe in the north line of the Samuel Wood Survey;

THENCE with the north line of same North 89°55'35" West 214 varas to the place of beginning.

EXHIBIT "B"

All that certain tract or parcel of land, situated in WISE COUNTY, TEXAS and being a part of the Edward Stephens Survey, Abstract Number 756 and part of the Samuel Woods Survey, Abstract No. 895 and described as follows, to wit:

FIRST TRACT: Part of the Edward Stephens Survey;

BEGINNING at the SE corner of the upper Samuel Woods Survey;

THENCE - West 568 varas; THENCE --South 310 varas;

THENCE --East 502 varas; THENCE - North 84 varas;

THENCE - East 66 varas; THENCE --North 226 vrs to the place of beginning, containing 30 acres and 1186 square varas;

SECOND TRACT: Part of the Samuel Woods Survey;

BEGINNING at the South line of the old T F Jamison Survey, a Large rock for corner;

THENCE --North 571 varas; THENCE --West 428 1/4 varas;

THENCE --South 571 varas;

THENCE --East 428 1/4 varas to the place of beginning, containing 43 1/3 acres of land.

THIRD TRACT: Part of the said Samuel Woods Survey;

BEGINNING 341 3/4 varas from the N.E. corner of M C Largent's Survey (tract)

THENCE --South 117 varas; THENCE --West 428 varas;

THENCE --North 117 varas;

THENCE --East 428 varas to the place of beginning, containing 8-8/10 acres of land, containing in the three tracts above described 82.13 acres of land, more or less and being same land conveyed by Earl Barksdale and wife to Carl C Barksdale by deed dated September 20, 1937 recorded Volume 134 page 590 of the Deed Records of Wise County, Texas.

FOURTH TRACT: Being 20.847 acres of land situated in the Edward Stephens Survey; Abstract Number 756, Wise County, Texas and being a part of the 220 acre tract described in deed from V. S. Largent et ux to R. Lee Morris, dated March 2, 1905, recorded in Volume 56, page 596, Deed Records of Wise County, Texas, and being more particularly described as follows:

BEGINNING at an iron stake at fence corner on the North line of aforesaid 220 acre tract at its intersection with the West Right of Way line of Railroad;

THENCE SOUTH 28 degrees 46' East 528 feet, South 40' East 550 feet and South 22 degrees 03' East 136.9 feet with fence on West R.O.W. line of Railroad to an iron stake for corner;

THENCE WEST 1240 feet to an iron stake in fence on West line of said 220 acre tract;

THENCE NORTH 1011 feet with fence to an iron stake at corner;

THENCE EAST 581 feet with fence to the place of beginning, containing 20.847 acres of land.



EXHIBIT "C"

Being 10.658 acres of land, more or less, part of the Joseph Harrell Survey, Abstract Number 440 in Wise County, Texas, and being a part of the land described in deed from The Chicago Rock Island and Gulf Railway Company to R. L. Morris, dated October 30, 1916, and recorded on January 30, 1978 in the office of the County Clerk of Wise County, Texas, under Clerk's File Number 23,671, and being described as follows:

BEGINNING at an iron stake in fence line on the West line of Railroad, at its intersection with the North line of said Harrell survey;  
THENCE South 45 degrees East 225.6 feet with Railroad right of way to an iron stake at fence corner on the East line of said Harrell Survey;

THENCE SOUTH 545 feet with fence to an iron stake at a corner;

THENCE NORTH 80 degrees 30' West 753 feet with fence to an iron stake at a corner;

THENCE NORTH 580 feet with fence to an iron stake at corner on the North line of said Harrell survey;

THENCE EAST 583 feet with survey to the place of beginning, and containing 10.658 acres of land, more or less.

File No. Sketch 52

Wise County

Boundary Line Agreement

Filed 10-13- 1982

BOB ARMSTRONG, Com'r

By J. E. McCarty

and containing 10.628 acres of land, more or less,  
 THENCE EAST 283 feet with survey to the place of beginning,  
 on the North line of said Hartzell survey;  
 THENCE NORTH 280 feet with fence to an iron stake at corner  
 iron stake at a corner;  
 THENCE NORTH 80 degrees 30' West 723 feet with fence to an  
 THENCE SOUTH 265 feet with fence to an iron stake at a corner;  
 Survey;  
 to an iron stake at fence corner on the East line of said Hartzell  
 THENCE South 45 degrees East 325.6 feet with Railroad right of way  
 at its intersection with the North line of said Hartzell survey;  
 BEGINNING at an iron stake in fence line on the West line of Railroad,  
 being described as follows:  
 Clerk of Wise County, Texas, under Clerk's File Number 23,571, and  
 30, 1916, and recorded on January 30, 1918 in the office of the County