

**COMMITMENT FOR TITLE INSURANCE
EXHIBIT "A"
LEGAL DESCRIPTION**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

File No.: 1061936

TRACT 1:

Being all that certain tract, parcel, lot, situated in the John Gregg Survey, Abstract No. 171 and being described as part of Block 42 as shown on the map of BROOKLYN (now Forney) recorded in [Plat Cabinet 1, Sleeve 83](#) in the Map Records of Kaufman County, Texas, and being all that tract of land described in special warranty deed to Randy A. Philbeck and Gayle L. Philbeck d/b/a Philbeck's Antiques recorded in Volume 4206, Page 10, Deed Records, Kaufman County, Texas, shown as Tract 1, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found marking a northwest corner of said Tract 1, being in the easterly line of Chestnut Street (an 80' R.O.W.), at the intersection of the north line of the Texas & Pacific Railroad (a variable width R.O.W.);

THENCE, N 49°29'56" E, departing the north line of said Texas & Pacific R.O.W., along the easterly line of said Chestnut Street, a distance of 125.30 feet to a ½ inch iron rod found for corner, being at the intersection of the northeast line of said Chestnut Street and the southwest line of Farm to Market Road 688, known as East Broad Street, (a 100' R.O.W.), and also being at a non-tangent curve to the left having a central angle of 6°32'03", a radius of 1722.22 feet, and a chord bearing and distance of S 49°43'59" E, 196.30 feet;

Along said curve to the left and the southwest R.O.W. of said Broad Street, an arc length of 196.41 feet to a mag nail set for corner;

THENCE, S 43°10'57" W, departing said southwest right-of-way of East Broad Street, across part of said Block 42, a distance of 301.88 feet to a ½ inch iron rod found for corner in the northeast right-of-way of said railroad, and being in a non-tangent curve to the right having a central angle of 00°36'14", a radius of 1846.65 feet, and a chord bearing and distance of N 43°24'07" W, 19.46 feet;

Along said curve to the right and the northerly line of said Texas & Pacific Railroad R.O.W., a distance of 19.46 feet;

THENCE, N 43°06'00" W, a distance of 90.52 feet to a ½ inch iron rod found for corner in the northeast line of said Texas & Pacific Railroad R.O.W.;

THENCE, N 46°05'35" E, continuing along the easterly line of said railroad right-of-way, a distance of 150.08 feet to a ½ inch iron rod found for corner in the northeast R.O.W. of the said Texas & Pacific Railroad;

THENCE, N 41°16'37" W, along the said Texas & Pacific Railroad R.O.W., a distance of 108.20 feet to the POINT OF BEGINNING and containing 43,787 square feet or 1.005 acres of land, more or less.

PROPERTY DESCRIPTION - 101 ACRES

SCHEDULE B ITEMS:

- 1a. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, ROADWAYS, ENCROACHMENTS, ETC., WHICH A SURVEY OR PHYSICAL INSPECTION OF THE PREMISES WOULD DISCLOSE.
- c. TITLE TO, AND EASEMENTS IN, ANY PORTION OF THE LAND LYING WITHIN ANY HIGHWAYS, ROADS, STREETS, OR OTHER WAYS.
- d. RIGHTS OF TENANTS, AND ASSIGNS, AS TENANTS ONLY, UNDER CURRENTLY EFFECTIVE LEASE AGREEMENTS.
- e. ROADWAY EASEMENTS, AS SET FORTH BY DEED RECORDED IN/UNDER VOLUME 658, PAGE 85 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS (SHOWN HEREON)
- f. WATER AND SEWER EASEMENTS, REFERENCED IN DEED RECORDED IN/UNDER VOLUME 658, PAGE 85 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS (SHOWN HEREON)
- g. ACCESS EASEMENT, AS SET FORTH BY DEED RECORDED IN/UNDER VOLUME 287, PAGE 382 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS (NOT PLATABLE-APPEARS NOT TO AFFECT SUBJECT PROPERTY)
- h. AN EASEMENT GRANTED TO TEXAS POWER & LIGHT COMPANY BY INSTRUMENTS RECORDED IN/UNDER VOLUME 287, PAGE 634 AS AFFECTED BY VOLUME 329, PAGE 7, BOTH OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS. (APPEARS NOT TO AFFECT SUBJECT PROPERTY)
- i. AN EASEMENT GRANTED TO TEXAS POWER & LIGHT COMPANY AND SOUTHWESTERN BELL TELEPHONE COMPANY BY INSTRUMENT RECORDED IN/UNDER VOLUME 565, PAGE 146 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS. (SHOWN HEREON- POWER POLES SHOWN)
- j. AN EASEMENT GRANTED TO TEXAS POWER & LIGHT COMPANY BY INSTRUMENT RECORDED IN/UNDER VOLUME 601, PAGE 107 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS. (SHOWN HEREON AS EVIDENCED BY POWER POLES)
- k. EASEMENT 20 FEET WIDE, GRANTED TO NORTH TEXAS MUNICIPAL WATER DISTRICT AS SET FORTH BY INSTRUMENT RECORDED IN/UNDER VOLUME 601, PAGE 333 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS (NOT SHOWN. EASEMENT APPROXIMATELY 600 FEET OF SUBJECT PROPERTY'S SOUTH PROPERTY LINE)
- l. EASEMENT DEED BY COURT ORDER, GRANTED TO SPRINT COMMUNICATIONS COMPANY L.P., GUEST COMMUNICATIONS COMPANY, LLC AND V/A CENTURIME COMMUNICATIONS, LLC, LEVEL 3 COMMUNICATIONS, LLC, AND WTRF COMMUNICATIONS, INC. AS SET FORTH BY INSTRUMENT RECORDED IN/UNDER VOLUME 4837, PAGE 101 (2019-0013074) OF THE OFFICIAL PUBLIC RECORDS OF KAUFMAN COUNTY, TEXAS. (AFFECTS SUBJECT PROPERTY-BOTH TRACTS)

FLOOD HAZARD DESIGNATION

SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP No. 48297001850, WITH AN EFFECTIVE DATE OF JULY 3, 2012, FOR COMMUNITY PANEL No. 482970, IN KAUFMAN COUNTY, STATE OF TEXAS, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED.

ZONE-X AREA OF MODERATE FLOOD HAZARD, USUALLY INFLECTED ON A FIRM AS ABOVE THE 500-YEAR FLOOD LEVEL. ZONE X IS THE AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD AND PROTECTED BY LEVEE FROM 100-YEAR FLOOD.

NOTES:

1. PROPERTY IS ZONED (GR) GENERAL RETAIL, AND (CB1) CENTRAL BUSINESS TRANSITION OVERLAY ACCORDING TO CITY OF FORTNEY, TEXAS OFFICIAL ZONING MAP, ORDINANCE No. 1201
2. ACCORDING TO EASEMENT RECORDED IN VOLUME 658, PAGE 85, THE FOLLOWING: PROVIDED, HOWEVER, THAT THE WATER AND SEWER LINES IN PLACE DO NOT AFFECT THE FUTURE USE OF THE GRANTORS REMAINING PROPERTY, BUT ANY EVENT THE GRANTEE SHALL HAVE A TEN (10) FOOT EASEMENT FOR UTILITIES ALONG THE SPUR TRACT.

BEING ALL THAT CERTAIN TRACT, PARCEL, LOT, SITUATED IN THE JOHN CREGG SURVEY, ABSTRACT No. 171 AND BEING DESCRIBED AS PART OF BLOCK 42 AS SHOWN ON THE MAP OF BROOKLYN (NOW FORNEY) RECORDED IN PLAT CABINET 1 SLEEVE 63 IN THE MAP RECORDS OF KAUFMAN COUNTY, TEXAS, AND BEING ALL THAT TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO RANDY A. PHILBECK AND GAYLE L. PHILBECK 4/9/96 PHILBECK'S ARTICLES RECORDED IN VOLUME 4206, PAGE 10, DEED RECORDS, KAUFMAN COUNTY, TEXAS, SHOWN AS TRACT 1, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND MARKING A NORTHWEST CORNER OF SAID TRACT 1, BEING IN THE EASTERLY LINE OF CHESTNUT STREET (A 60' R.O.W.), AT THE INTERSECTION OF THE NORTH LINE OF THE TEXAS & PACIFIC RAILROAD (A VARIABLE WIDTH R.O.W.);

THENCE, N49°29'56"E, DEPARTING THE NORTH LINE OF SAID TEXAS & PACIFIC R.O.W., ALONG THE EASTERLY LINE OF SAID CHESTNUT STREET, A DISTANCE OF 125.30 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER, BEING AT THE INTERSECTION OF THE NORTHEAST LINE OF SAID CHESTNUT STREET AND THE SOUTHWEST LINE OF FARM TO MARKET ROAD 688, KNOWN AS EAST BROAD STREET, (A 100' R.O.W.), AND ALSO BEING AT A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 87°32'00", A RADIUS OF 1722.27 FEET, AND A CHORD BEARING AND DISTANCE OF S49°43'50"E, 196.30 FEET.

ALONG SAID CURVE TO THE LEFT AND THE SOUTHWEST R.O.W. OF SAID BROAD STREET, AN ARC LENGTH OF 186.41 FEET TO A MAG NAIL SET FOR CORNER;

THENCE, S43°10'57"W, DEPARTING SAID SOUTHWEST RIGHT-OF-WAY OF EAST BROAD STREET, ACROSS PART OF SAID BLOCK 42, A DISTANCE OF 301.88 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER IN THE NORTHEAST RIGHT-OF-WAY OF SAID RAILROAD, AND BEING IN A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 02°38'14", A RADIUS OF 1848.65 FEET, AND A CHORD BEARING AND DISTANCE OF N43°24'07"W, 19.46 FEET.

ALONG SAID CURVE TO THE RIGHT AND THE NORTHERLY LINE OF SAID TEXAS & PACIFIC RAILROAD R.O.W., A DISTANCE OF 18.46 FEET;

THENCE, N47°05'07"W, A DISTANCE OF 80.59 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER IN THE NORTHEAST LINE OF SAID TEXAS & PACIFIC RAILROAD R.O.W.;

THENCE, N47°05'25"E, CONTINUING ALONG THE EASTERLY LINE OF SAID RAILROAD RIGHT-OF-WAY, A DISTANCE OF 150.08 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER IN THE NORTHEAST R.O.W. OF THE SAID TEXAS & PACIFIC RAILROAD;

THENCE, N47°15'37"W, ALONG THE SAID TEXAS & PACIFIC RAILROAD R.O.W., A DISTANCE OF 108.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 43,787 SQUARE FEET OR 1.005 ACRES OF LAND

PROPERTY DESCRIPTION - CALLED TRACT 2

BEING ALL THAT CERTAIN TRACT, PARCEL, LOT, SITUATED IN THE JOHN CREGG SURVEY, ABSTRACT No. 171 AND BEING DESCRIBED AS PART OF BLOCK 42 AS SHOWN ON THE MAP OF BROOKLYN (NOW FORNEY) RECORDED IN PLAT CABINET 1 SLEEVE 63 IN THE MAP RECORDS OF KAUFMAN COUNTY, TEXAS, AND BEING ALL THAT TRACT OF LAND DESCRIBED AS TRACT 2 IN SPECIAL WARRANTY DEED TO RANDY A. PHILBECK AND GAYLE L. PHILBECK 4/9/96 PHILBECK'S ARTICLES RECORDED IN VOLUME 4206, PAGE 10, DEED RECORDS, KAUFMAN COUNTY, TEXAS, SHOWN AS TRACT 2, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF SAID TRACT 2, BEING IN THE SOUTHWESTERLY LINE OF FARM TO MARKET ROAD 688 COMMONLY KNOWN AS EAST BROAD STREET (A 100' R.O.W.), ALSO MARKING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO SAID HADAMPT, LTD AS RECORDED IN VOLUME 1343, PAGE 294, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE, S38°54'15"W, DEPARTING THE SOUTHERLY LINE OF SAID EAST BROAD STREET R.O.W. ALONG THE COMMON LINE OF SAID TRACT 2 AND SAID SINK MARKING, LTD TRACT, A DISTANCE OF 175.90 FEET TO AN "X-CUT" FOUND IN CONCRETE FOR CORNER;

THENCE, S50°58'23"E, A DISTANCE OF 17.72 FEET TO AN "X-CUT" FOUND IN CONCRETE FOR CORNER;

THENCE, S37°03'28"W, ALONG THE COMMON LINE OF SAID SINK MARKING TRACT, A DISTANCE OF 145.97 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER IN THE NORTHERLY LINE OF THE TEXAS & PACIFIC RAILROAD (A VARIABLE WIDTH R.O.W.), ALSO MARKING THE SOUTHWEST CORNER OF THE SAID SINK MARKING TRACT AND BEING IN A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 02°34'15", A RADIUS OF 1848.65 FEET, AND A CHORD BEARING AND DISTANCE OF N48°59'22"W, 211.65 FEET.

ALONG SAID CURVE TO THE RIGHT AND NORTHERLY LINE OF SAID TEXAS AND PACIFIC RAILROAD, AN ARC LENGTH OF 211.78 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE, N43°10'57"E, DEPARTING THE NORTHERLY RIGHT-OF-WAY LINE OF SAID TEXAS & PACIFIC RAILROAD, ACROSS SAID BLOCK 42, A DISTANCE OF 301.88 FEET TO A MAG NAIL SET FOR CORNER IN THE SOUTHEAST R.O.W. LINE OF SAID EAST BROAD STREET;

THENCE, S52°54'50"E, ALONG THE SOUTHERLY R.O.W. LINE OF SAID EAST BROAD STREET, A DISTANCE OF 171.57 FEET TO THE POINT OF BEGINNING AND CONTAINING 50,780 SQUARE FEET OR 1.172 ACRES OF LAND

SURVEYOR'S CERTIFICATE

I, PETER F. MEMBERSKY, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY TO McChap Ventures, LLC AND STEWART TITLE GUARANTY COMPANY, THAT THE PLAT SHOWN HEREON ACCURATELY REPRESENTS THE PROPERTY AS DETERMINED BY ME ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND THAT ALL CORNERS ARE AS SHOWN HEREON

THERE ARE NO VISIBLE ENCROACHMENTS, CONFLICTS OR PROTRUSIONS APPEARED ON THE GROUND, EXCEPT AS SHOWN HEREON.

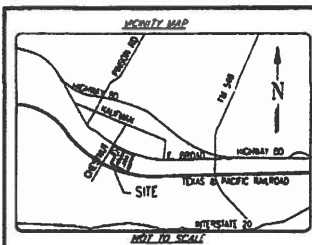
PETER F. MEMBERSKY, RPLS No. 3740
DATE: 02/04/2021



RANDY & GAYLE PHILBECK
PHILBECK ARTICLES
903 E. BROAD STREET
FORTNEY, TEXAS, 75116
214-202-0181
pphilbeck@aol.com

FILE No. 1061936

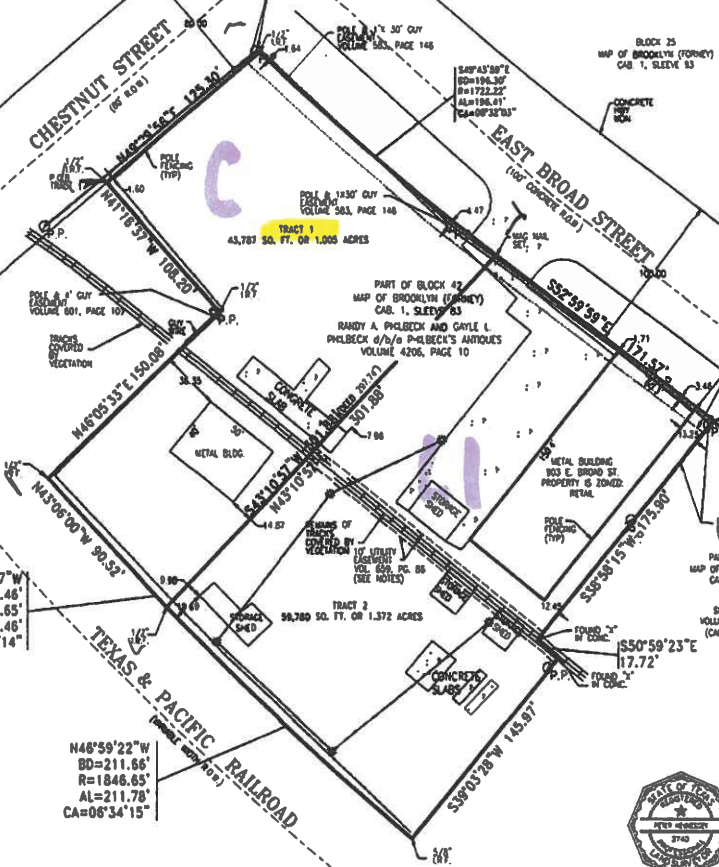
A 05.11.21 UPDATED SURVEY					
SURVEY					
903 E. BROAD STREET					
MEMBERSKY ENGINEERING, INC.					
4417 W. 40TH ST., SUITE 100, CARROLLTON, TEXAS 75006 (972) 242-8100					
FORTNEY, TEXAS 75126					
DESIGN	DRAWN	DATE	SCALE	CRD	FILE NO.
PH	NEW	04-29-21	1"=40'	V15049	2/2



BLOCK 41
MAP OF BROOKLYN (FORNEY)
CAB. 1, SLEEVE 83

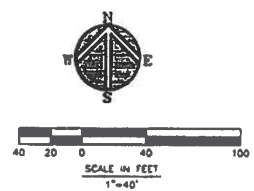
JOHN GREGG SURVEY.
ABSTRACT No. 171

BLOCK 25
MAP OF BROOKLYN (FORNEY)
CAB. 1, SLEEVE 83



N43°24'07"W
BD=19.46'
R=1846.65'
AL=19.46'
CA=00°36'14"

N46°59'22"W
BD=211.86'
R=1846.65'
AL=211.78'
CA=06°34'15"



1090 SURVEY DATA, WINOXY SURVEYORS
306 N ADELAIDE ST. TERRELL, TEXAS, 75253-7101
winoxysur@bbccolinet.net

RANDY & GAYLE PHILBECK
PHILBECK ANTOULES
903 E. BROAD STREET
FORNEY, TEXAS, 75126
214-202-0191
phiback@comcast.net



FILE No. 1061936

AUG. 11.21 UPDATED SURVEY					
SURVEY					
903 E. BROAD STREET					
H HENNESSY ENGINEERING, INC. E					
1417 N. MAIN ST., SUITE 100, CANTONMENT, TEXAS, 75008 (214) 202-0470					
FORNEY, TEXAS 75126					
DESIGN	DRAWN	DATE	SCALE	CMD	FILE NO.
PH	NEM	04.29.21	1"=40'		V15049 1/2

