

SPECIAL WARRANTY DEED

THE STATE OF TEXAS }
COUNTY OF Brazos }

KNOW ALL MEN BY THESE PRESENTS:

That, City of College Station

of the County of Brazos , State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of Ten and 00/100 Dollars (\$ 10.00) and other good and valuable consideration to Grantors in hand paid by the State of Texas, acting by and through the Texas Transportation Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and by these presents do Grant, Bargain, Sell and Convey unto the State of Texas all that certain tract or parcel of land in Brazos County, Texas, more particularly described in Exhibit "A," which is attached hereto and incorporated herein for any and all purposes.

SAVE and EXCEPT, HOWEVER, it is expressly understood and agreed that Grantors are retaining title to the following improvements located on the property described in said Exhibit "A," to wit: None

Grantors covenant and agree to remove the above-described improvements from said land by the _____ day of _____, 20____, subject, however, to such extensions of time as may be granted by the State in writing; and if, for any reason, Grantors fail or refuse to remove same within said period of time prescribed, then, without any further consideration, the title to all or any part of such improvements not so removed shall pass to and vest in the State of Texas forever.

Grantors reserve all of the oil, gas and sulphur and other minerals in and under said land but waive any and all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for the same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at a point outside the above described property and upon the condition that none of such operations shall be conducted so near the surface of said land as to interfere with the intended use thereof or in any way interfere with, jeopardize, or endanger the facilities of the Texas Department of Transportation or create a hazard to the public users thereof; it being intended, however, that nothing in this reservation shall affect the title and the rights of the State to take and use without additional compensation any water, stone, earth, gravel, caliche, iron ore gravel or any other road building materials upon, in and under said land for the construction and maintenance of the State Highway System of Texas.

RESERVATIONS and RESTRICTIONS It is expressly understood and agreed that this conveyance is made by Grantors and accepted by the State of Texas subject to the following:

1. A possibility of reverter interest in A&M Methodist Church.
2. Any and all rights and/or privileges existing or which may later exist by virtue of that portion of the property being used as a cemetery; including, but not limited to, the rights of sepulcher and interment and to rights of ingress and egress in and to said cemetery.
3. Visible and apparent easements not appearing of record.
4. Any discrepancies, conflicts or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.
5. Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records (or the Official Records or the Deed Records) of Brazos County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

AS IS PROVISION GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE PHYSICAL CONDITION OF THE PROPERTY, OR ANY OTHER MATTER AFFECTING OR RELATED TO THE PROPERTY (OTHER THAN WARRANTIES OF TITLE AS PROVIDED AND LIMITED HEREIN). GRANTEE EXPRESSLY AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE PROPERTY IS CONVEYED "AS IS" AND "WITH ALL FAULTS", AND GRANTOR EXPRESSLY DISCLAIMS, AND GRANTEE ACKNOWLEDGES AND ACCEPTS THAT GRANTOR HAS DISCLAIMED, ANY AND ALL REPRESENTATIONS, WARRANTIES OR GUARANTIES OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED (EXCEPT AS TO TITLE AS HEREIN PROVIDED AND LIMITED) CONCERNING THE PROPERTY, INCLUDING WITHOUT LIMITATION (i) THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE, OF THE PROPERTY (ii) THE MANNER OR QUALITY OF THE CONSTRUCTION, OR THE MATERIALS, IF ANY, INCORPORATED INTO THE CONSTRUCTION, OF ANY IMPROVEMENTS TO THE PROPERTY AND (iii) THE MANNER OF REPAIR, QUALITY OF REPAIR, STATE OF REPAIR OR LACK OF REPAIR OF ANY SUCH IMPROVEMENTS. BY GRANTEE'S ACCEPTANCE OF THIS DEED, GRANTEE REPRESENTS THAT GRANTEE HAS MADE (i) ALL INSPECTIONS OF THE PROPERTY TO DETERMINE ITS VALUE AND CONDITION DEEMED NECESSARY OR APPROPRIATE BY GRANTEE, INCLUDING, WITHOUT LIMITATION, INSPECTIONS FOR THE PRESENCE OF ASBESTOS, PESTICIDE RESIDUES, HAZARDOUS WASTE AND OTHER HAZARDOUS MATERIALS AND (ii) INVESTIGATIONS TO DETERMINE WHETHER ANY PORTION OF THE PROPERTY LIES WITHIN ANY FLOOD HAZARD AREA AS DETERMINED BY THE U.S. ARMY CORPS OF ENGINEERS OR OTHER APPLICABLE AUTHORITY.

TO HAVE AND TO HOLD the premises herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto the State of Texas and its assigns forever; and Grantors do hereby bind ourselves, our heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said premises therein conveyed unto the State of Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

IN WITNESS WHEREOF, this instrument is executed on this the _____ day of _____, 20 _____.

City of College Station

By: _____

Title: Mayor

ACKNOWLEDGMENT

THE STATE OF TEXAS, }
COUNTY OF _____ }

This instrument was acknowledged before me on _____ by _____ as _____ of the _____.

Notary Public, State of Texas

My commission expires: _____

CORPORATE ACKNOWLEDGMENT

THE STATE OF TEXAS, }
COUNTY OF Brazos }

This instrument was acknowledged before me on _____ by Ron Silvia _____, Mayor of City of College Station, Texas, a _____ Home Rule Municipal _____ corporation, on behalf of said corporation.

Notary Public, State of Texas

My commission expires: _____

Approved as to Form

Roxanne Nemaik

City Attorney Date

EXHIBIT "A" Page 1 of 8 Pages

CSJ: 0050-01-060
County: Brazos
Project: BS 6-R
Owner: The City of Collage Station

FIELD NOTES FOR PARCEL 45

Being 0.175 hectare (0.432 acre) of land, more or less, in the C. Burnett League, Abstract No. 7, Brazos County, Texas, being part of and out of that certain 36.31 acres of land, being combined tracts of land conveyed from Victor J. Boriskie and wife Julia S. Boriskie to the City of College Station, Texas, by deed dated July 10, 1946, and recorded in the Deed Records of Brazos County in Volume 127, Page 350, that certain 4 acre tract of land conveyed from the A & M Methodist Church to the City of College Station, Texas, by deed dated March 13, 1947, and recorded in the Deed Records of Brazos County in Volume 129, Page 171, and also that certain tract of land conveyed from W.D. Fitch, Trustee to the City of College Station, Texas, by deed dated February 14, 1973, and recorded in the Deed Records of Brazos County in Volume 470, Page 13, being all of Reserve "B", Southwood Section 26, as shown on map thereof recorded in Volume 310, Page 687, of the Deed Records of Brazos County, Texas; said 0.175 hectare of land being more particularly described in two parts by metes and bounds as follows:

Part 1

COMMENCING at a 13mm (1/2 inch) iron rod found for the most southerly corner of that certain 2.006 acre tract, conveyed to Kenneth P. Martin and wife Gaston Diane Martin, by deed dated October 31, 1989, and recorded in the Official Records of Brazos County in Volume 1221, Page 243, and under County Clerk's File No. 455071, thence as follows;

North 41°11'32" East, along the common line between said 36.31 acre tract and said 2.006 acre tract, a distance of 124.638 meters (408.92 feet) to a 16mm (5/8 inch) iron rod with aluminum TxDOT disk set in the proposed southwesterly right of way line of BS 6-R (width varies), and being the POINT OF BEGINNING of the herein described parcel having surface coordinates of X = 1086098.942 and Y = 3111438.111 (All bearings and coordinates are based on the Texas State Plane Coordinate

EXHIBIT "A" Page 2 of 8 Pages

System, Central Zone, NAD 1927, coordinates are converted to metric and provided by TxDOT. All distances and coordinates shown are surface, and may be converted to grid by multiplying by a combined adjustment factor of 0.99988), and having a station of 22+604.888, and an offset of 19.500 meters (63.98 feet) right of the proposed baseline of BS 6-R.

1. THENCE, NORTH 41°11'32" East, continuing with the common line of said 2.006 acre tract and 36.31 acre tract, a distance of 3.862 meters (12.67 feet) to the existing southwesterly right of way line of BS 6-R, based on a width of 30.480 meters (100.00 feet) recorded in the Deed Records of Brazos County in Volume 310, Page 687, from which a found 13mm (1/2 inch) iron rod bears North 41° East, a distance of 0.541 meters (1.77 feet);
2. THENCE, SOUTH 49°28'04" East, with the southwesterly right of way line of BS 6-R, a distance of 245.155 meters (804.31 feet) to a point of curvature;
3. THENCE, in a southeasterly direction, continuing with the existing southwesterly right of way of BS 6-R, with a curve to the right, having a central angle of 00°54'37", a radius of 1731.139 meters (5679.58 feet), an arc length of 27.502 meters (90.23 feet), a chord bearing of South 49°00'46" East, a distance of 27.502 meters (90.23 feet), to the point of tangency, from which a found 25mm (1 inch) iron pipe bears South 46° East 1.150 meters (3.77 feet);
4. Thence SOUTH 48°33'27" East, continuing with the said existing southwesterly right of way line of BS 6-R, a distance of 40.678 meters (133.46 feet) to a common corner between said 36.31 acre tract and said Reserve "B";
5. THENCE, SOUTH 40°46'50" West, with the common line of said 36.31 acre tract and said Reserve "B", a distance of 6.544 meters (21.47 feet) to a TxDOT aluminum disk on a 16mm (5/8 inch) iron rod set in the said proposed southwesterly right of way line of BS 6-R, and having a station of 22+378.752, and an offset of 22.000 meters (72.18 feet) right of the proposed baseline of BS 6-R;

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6. THENCE, NORTH 48°11'03" West, with the said proposed southwesterly right of way line of BS 6-R, a distance of 18.728 meters (61.44 feet) to a TxDOT brass disk on a 16mm (5/8 inch) iron rod set for an angle point;
7. THENCE, NORTH 41°14'26" West, continuing with the proposed southwesterly right of way line of BS 6-R, a distance of 20.038 meters (65.74 feet) to a TxDOT brass disk on a 16mm (5/8 inch) iron rod set for an angle point;
8. THENCE, NORTH 49°02'28" West, continuing with the proposed southwesterly right of way line of BS 6-R, a distance of 56.914 meters (186.72 feet) to a TxDOT brass disk on a 16mm (5/8 inch) iron rod set for an angle point;
9. THENCE, NORTH 49°30'38" West, continuing with the proposed southwesterly right of way line of BS 6-R, a distance of 217.878 meters (714.82 feet) to the POINT OF BEGINNING and containing 0.127 hectare (0.313 acre) of land, more or less in Part 1.

Part 2

COMMENCING at a 16mm (5/8 inch) iron rod with cap found for a common interior corner of said 36.31 acre tract and said Reserve "B", thence as follows:

South 48°21'01" East, with a common line of said 36.31 acre tract and said Reserve "B", a distance of 68.147 meters (223.58 feet) to a corner;

North 40°46'50" East, with a common line of said 36.31 acre tract and said Reserve "B", a distance of 119.016 meters (390.47 feet) to a TxDOT aluminum disk on a 16mm (5/8 inch) iron rod set in the proposed southwesterly right of way line of BS 6-R (width varies), and being the POINT OF BEGINNING of the herein described parcel having surface coordinates of X = 1086334.792 and Y = 3111231.778 (All bearings and coordinates are based on the Texas State Plane Coordinate System, Central Zone, NAD 1927, coordinates are converted to metric and provided by TxDOT. All distances and coordinates shown are surface, and may be converted to grid by multiplying by a combined adjustment factor

EXHIBIT "A" Page 4 of 8 Pages

of 0.99988), and having a station of 22+378.752, and an offset of 22.000 meters (72.18 feet) right of the proposed baseline of BS 6-R.

1. THENCE, NORTH 40°46'50" East, continuing with a common line of said 36.31 acre tract and said Reserve "B", a distance of 6.544 meters (21.47 feet), to the said existing southwesterly right of way line of BS 6-R;
2. THENCE, SOUTH 48°33'27" East, with the existing southwesterly right of way line of BS 6-R, a distance of 58.622 meters (192.33 feet) to an angle point;
3. THENCE, SOUTH 32°28'15" East, continuing with the existing southwesterly right of way line of BS 6-R (width varies), a distance of 25.571 meters (83.90 feet), to a TxDOT brass disk on a 16mm (5/8 inch) iron rod set for the intersection with the proposed southwesterly right of way line of BS 6-R, having a station of 22+461.870, and an offset of 22.000 meters (72.18 feet) right of the proposed baseline of BS 6-R;
4. THENCE, NORTH 48°10'59" West, with the proposed southwesterly right of way line of BS 6-R, a distance of 83.118 meters (272.70 feet) to the POINT OF BEGINNING and containing 0.048 hectare (0.119 acre) of land, more or less in Part 2. Plat of even date accompanies these field notes.

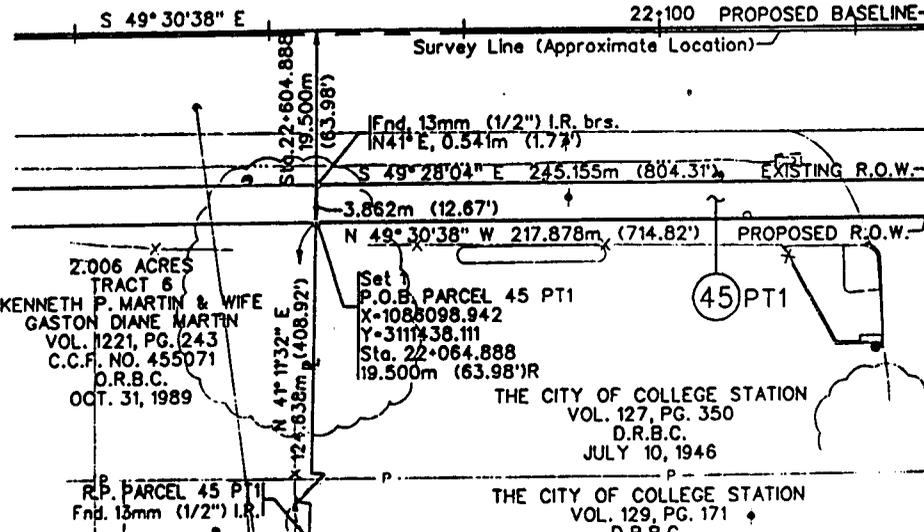


A handwritten signature in black ink, appearing to be "A. M. Story", written over a horizontal line.

Arthur M. Story
Registered Professional Land Surveyor
Reg. No. 4034
Dwg. No. 96003011\PAR45.DGN

M. RECTOR LEAGUE A-46

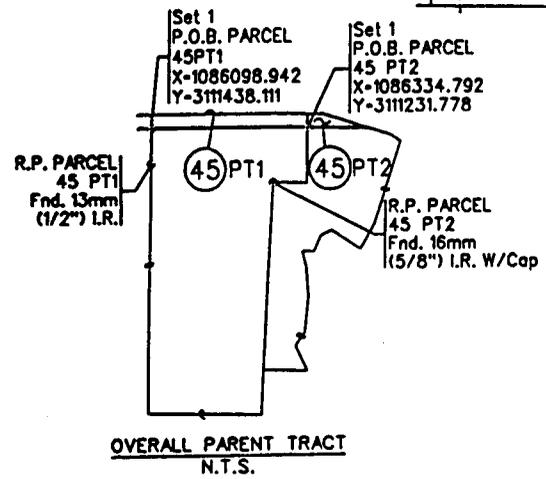
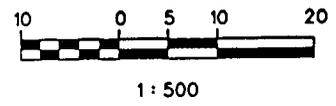
BS 6-R (100' R.O.W.)
VOL. 310, PG. 687 D.R.B.C.



MATCHLINE STATION 22+130.000

NOTES:

1. All bearings and coordinates are based on the Texas State Plane Coordinate System, Central Zone, North American 1927 Datum, converted to metric and provided by TxDOT. All Distances and Coordinates shown are surface and may be converted to grid by multiplying by a combined scale factor of 0.99988.
2. Set: Indicates Texas Department of Transportation brass disk on a 16mm (5/8 inch) iron rod, unless otherwise depicted hereon.
3. Set1: Indicates Texas Department of Transportation aluminum disk set on a 16mm (5/8 inch) iron rod unless otherwise depicted hereon.
4. English units are provided for information only.
5. Metes and bounds of even date accompanies this plat.
6. Abstracting provided by Courthouse Specialists, Inc. dated April, 1997.



C. BURNETT LEAGUE, A-7



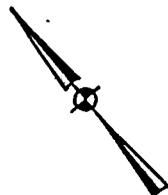
		HECTARES	ACRES
EXISTING		21.06	52.05
TAKING	PT 1	0.127	0.313
	PT 2	0.048	0.119
REMAINING		20.89	51.62

Parcel No. 45 PART 1 & 2
SHEET 1 OF 4

PARCEL PLAT
SHOWING PROPERTY OF

THE CITY OF COLLEGE STATION (CEMETERY)
THE CITY OF COLLEGE STATION (RESERVE "B")

BS 6-R BRAZOS COUNTY
ACCOUNT NO. CSJ 0050-01-060
RODS SURVEYING INC. JULY 1998
SCALE: 1:500

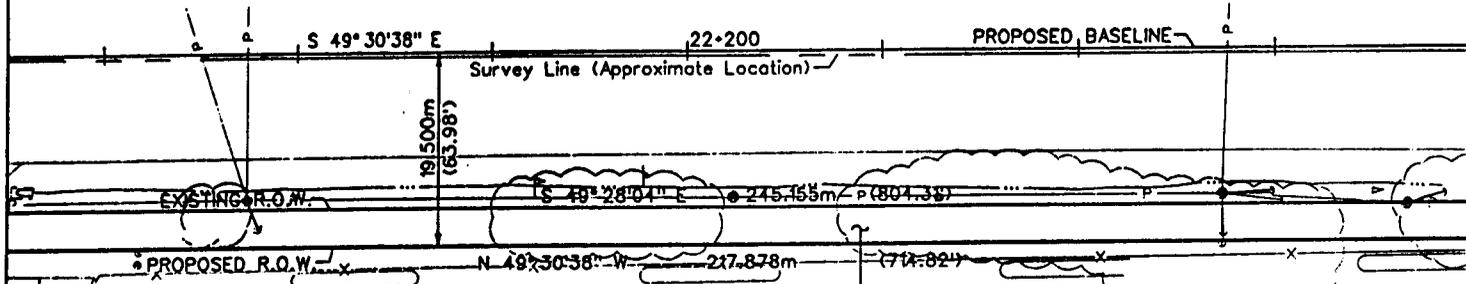


M. RECTOR LEAGUE A-46

BS 6-R (100' R.O.W.)
VOL. 310, PG. 687 D.R.B.C.

MATCHLINE STATION 22+130.000

MATCHLINE STATION 22+280.000



THE CITY OF COLLEGE STATION
VOL. 127, PG. 350
D.R.B.C.
JULY 10, 1946

THE CITY OF COLLEGE STATION
VOL. 129, PG. 171
D.R.B.C.
MAR. 13, 1947

45 PT

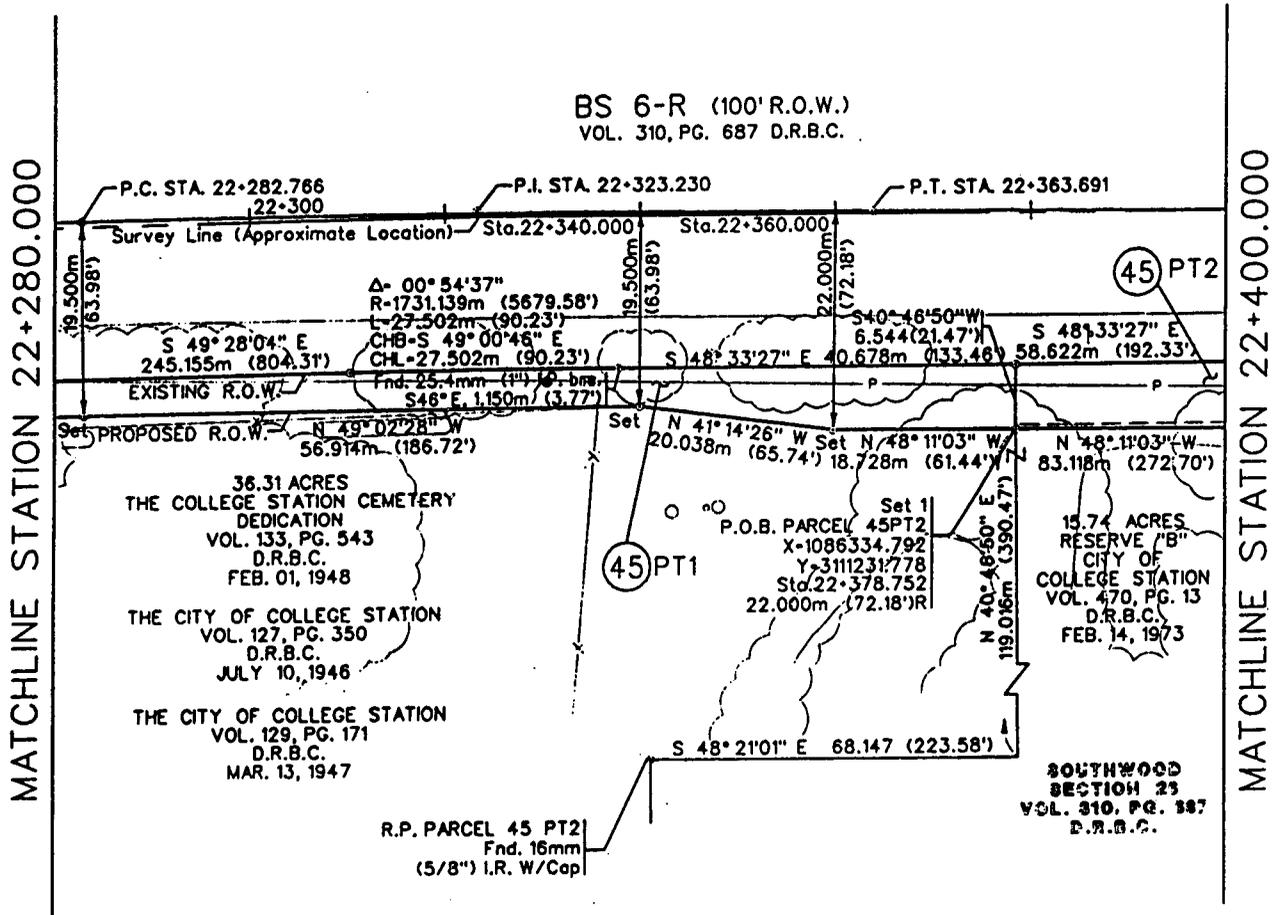
36.31 ACRES
THE COLLEGE STATION CEMETERY
DEDICATION
VOL. 133, PG. 543
D.R.B.C.
FEB. 01, 1948

C. BURNETT LEAGUE, A-7

Parcel No. 45 PART 1 & 2
SHEET 2 OF 4

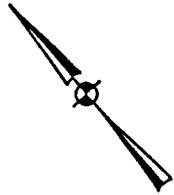
M. RECTOR LEAGUE A-46

BS 6-R (100' R.O.W.)
VOL. 310, PG. 687 D.R.B.C.



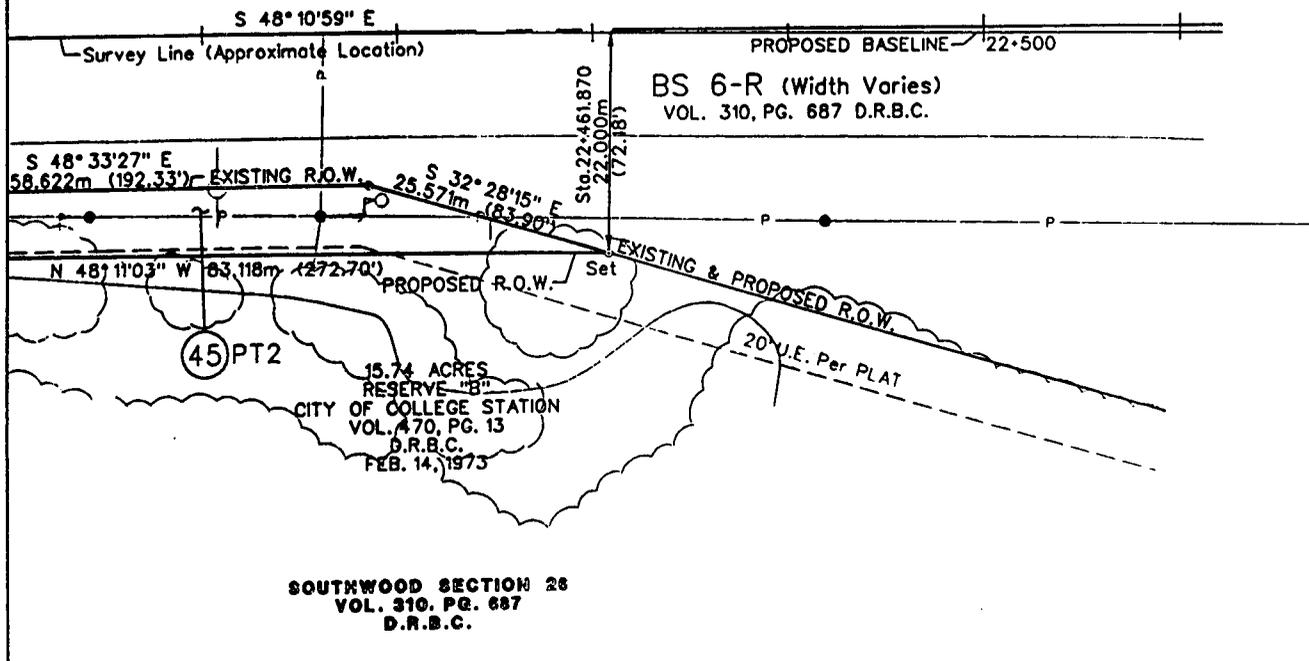
C. BURNETT LEAGUE, A-7

Parcel No. 45 PART 1 & 2
SHEET 3 OF 4



M. RECTOR LEAGUE A-46

MATCHLINE STATION 22+400.000



C. BURNETT LEAGUE, A-7

Parcel No. 45 PART 1 & 2
SHEET 4 OF 4

After recording please return this instrument to:

Parcel No. 45
County Brazos
Highway No. BS 6
Control 0050 Sec. 01 Job 065
Account or Federal No. _____
From: Dominik Dr.
To: FM 2818

DEED

City of College Station Grantors

TO

THE STATE OF TEXAS
AUSTIN, TEXAS

Filed for Record
This _____ day of _____,
A.D. 20____, at _____ o'clock _____ M.

Recorded
This _____ day of _____,
A.D. 20____, in _____
County, Texas, Records of Deeds,
Book _____ Page _____
Other _____
By _____ County Clerk
_____ Deputy

CERTIFICATE OF RECORDING

THE STATE OF TEXAS,
COUNTY OF _____ }