

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

DATE: _____, 2018

GRANTOR: CITY OF BURNET, TEXAS

GRANTOR'S MAILING ADDRESS (including county):

1001 Buchanan Drive, Suite 4
Burnet, Burnet County, Texas 78611

GRANTEE: COUNTY OF BURNET, TEXAS

GRANTEE'S MAILING ADDRESS (including county):

220 S. Pierce Street
Burnet, Burnet County, Texas 78611

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged.

Property: (including any improvements): Approximately 8.954 acres of real property located in Burnet County, Texas and more particularly described on **Exhibit "A"**, attached hereto and incorporated herein by reference for all purposes.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: This conveyance is made subject to any validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and standby fees, and assessments from any taxing authorities for 2018 and subsequent years, the payment of which Grantee assumes, and subsequent assessments for this and prior years due to changes in land usage or ownership, or both, the payment of which Grantee assumes.

RIGHT OF REENTRY/POWER OF TERMINATION: Pursuant to Texas Local Government Code Section 272.001(l), Grantor grants all of the Property to Grantee on condition that the Property is used exclusively for a public purpose that benefits Grantor. If Grantee does not use, or ceases to use, the Property for such purposes, Grantor, or Grantor's successors, may re-enter and repossess the premises, and Grantor, or Grantor's successors, may bring an action to regain title to the Property.

GRANTOR, for the Consideration. and subject to the Exceptions to Conveyance and Warranty and Grantor's Right of Reentry/Power of Termination, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, TO HAVE AND TO HOLD it to Grantee and Grantee's heirs, successors, and assigns and Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor but not otherwise on condition that the Property is used exclusively for a public purpose that benefits Grantor.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESSED OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE OR (2) ARISING AS A RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO THE EXISTING LAWS ENACTED AFTER THE EFFECT DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY.

When the context requires, singular nouns and pronouns include plural.

Signature page to follow:

IN WITNESS WHEREOF, the Grantor herein has executed this Special Warranty Deed to be effective the Day and Year written above.

CITY OF BURNET

By: _____
Crista Goble Bromley, Mayor

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

This instrument was acknowledged before me on the _____ day of _____, 2018, by Crista Goble Bromley, for and on behalf of the City of Burnet, Texas, in her official capacity as Mayor for said city.

NOTARY PUBLIC, STATE OF TEXAS

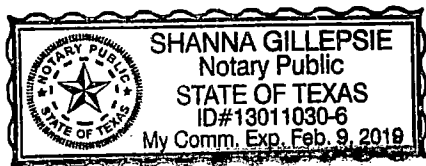
ACCEPTED BY:

COUNTY OF BURNET, TEXAS

By: *J. Oakley*
James Oakley, County Judge

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

This instrument was acknowledged before me on the 10th day of April, 2018, by James Oakley, for and on behalf of Burnet County, Texas, in his official capacity as County Judge.



Shanna Gillespie
NOTARY PUBLIC, STATE OF TEXAS

The preparer of this document has made no investigation of the following matters: the accuracy of the legal description used herein, whether or not the Grantor is the correct owner of the property, whether or not the party signing on behalf of the Grantor is authorized to sign on behalf of the Grantor, or any title matters whatsoever.

AFTER RECORDING RETURN TO:

BURNET COUNTY
220 S. Pierce Street
Burnet, TX 78611

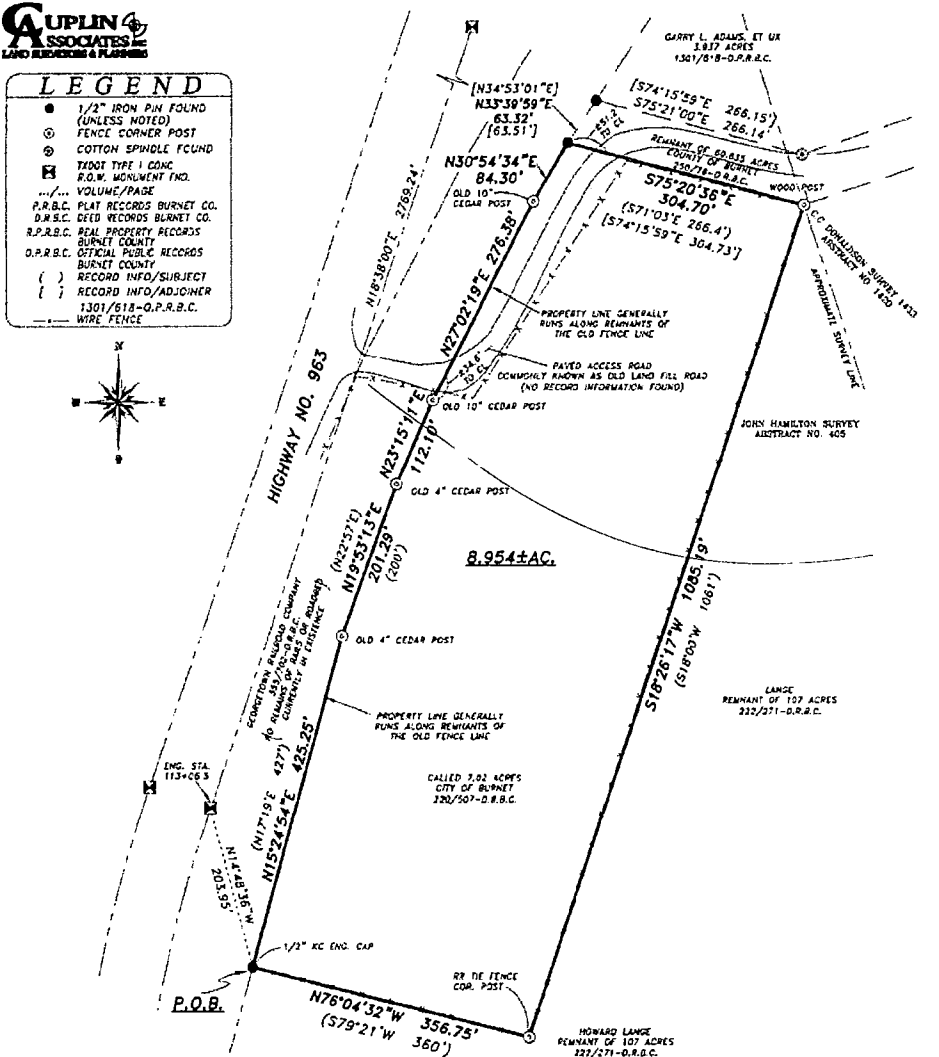
PREPARED IN THE LAW OFFICE OF:

DENTON, NAVARRO, ROCHA & BERNAL, P.C.
2517 N. Main Avenue
San Antonio, Texas 78212

EXHIBIT "A"



LEGEND	
●	1/2" IRON PIN FOUND (UNLESS NOTED)
⊙	FENCE CORNER POST
⊙	COTTON SPINDLE FOUND
⊙	TRUST TYPE 1 CONC. P.O.M. MONUMENT FND.
⊙	VOLUME/PAGE
P.R.B.C.	PLAT RECORDS BURNET CO.
D.M.S.C.	DEED RECORDS BURNET CO.
R.P.R.B.C.	REAL PROPERTY RECORDS BURNET COUNTY
O.P.R.B.C.	OFFICIAL PUBLIC RECORDS BURNET COUNTY
()	RECORD INFO/SUBJECT
[]	RECORD INFO/ADJOINER
1301/618-O.P.R.B.C.	
---	WIRE FENCE



NOTES:
 1) CURRENT DEED RECORDED IN VOLUME 220, PAGE 507 DOES NOT MATHEMATICALLY CLOSE BY APPROXIMATELY 178 FT.
 2) BASIS OF BEARINGS ARE TO THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE.

BOUNDARY SURVEY

LOCAL ADDRESS: HIGHWAY 963, BURNET, TEXAS.

LEGAL DESCRIPTION: BEING AN 8.954 ACRE TRACT OF LAND, OUT OF THE JOHN HAMILTON SURVEY, ABSTRACT NO. 405, BURNET COUNTY, TEXAS, FURTHER BEING THE SAME TRACT AS A CALLED 7.02 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT TO THE CITY OF BURNET, BURNET COUNTY, TEXAS FROM L.C. LANGE SR. AND WIFE OLENE LANGE DATED JULY 3RD, 1975, RECORDED IN VOLUME 220, PAGE 507 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS AS FENCED AND OCCUPIED CURRENTLY ON THE GROUND, SAID 8.954 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY SEPARATE METES AND BOUNDS DESCRIPTION TO ACCOMPANY THIS SURVEY OF EVEN DATE.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND MAY HAVE ADDITIONAL ENCUMBRANCES. SURVEYOR NOT RESPONSIBLE FOR ANY ENCUMBRANCES THAT A TITLE COMMITMENT MAY DISCLOSE.

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SUPERVISED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PROFESSIONAL SERVICE MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS OF PRACTICE AS ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

DANNY J. STARK, R.P.L.S. NO. 5602 DATED 02/21/2018



SHEET 1 OF 2	PROJ. NO. 17171	1500 OLLIE LANE	SCALE 1" = 150'	2
	PREPARED FOR CITY OF BURNET	MARBLE FALLS, TX 78654	0 75 150	1
	TECHNICAL	PH. 325-388-3300/310-693-8815		
	APPROVED: K. CUPLIN	WWW.CUPLINASSOCIATES.COM	DATE	DESCRIPTION
	FIELDWORK PERFORMED ON: JAN. & FEB. 2018		NO.	
	COPYRIGHT 2018 PROFESSIONAL PROJ. NO. 1018200			REVISIONS

BEING AN 8.954 ACRE TRACT OF LAND, OUT OF THE JOHN HAMILTON SURVEY, ABSTRACT NO. 405, BURNET COUNTY, TEXAS, FURTHER BEING THE SAME TRACT AS A CALLED 7.02 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT TO THE CITY OF BURNET, BURNET COUNTY, TEXAS FROM L.C. LANGE SR. AND WIFE OLENE LANGE DATED JULY 3RD, 1975, RECORDED IN VOLUME 220, PAGE 507 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS AS FENCED AND OCCUPIED CURRENTLY ON THE GROUND, SAID 8.954 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pin found with "KC ENG." property cap, in an old remnant of a fence line along the occupied right-of-way of the Gerogetown Railroad Company, as described in document recorded in Volume 355, Page 702 of the Deed Records of Burnet County, Texas, at a northwesterly corner of the remnant of a called 107 acre tract as described in document to Howard Lange, recorded in Volume 222, Page 271 of the Deed Records of Burnet County, Texas, at the occupied southwest corner of said 7.02 acre tract, and being the southwest corner hereof, WHENCE a found concrete highway marker type 1 along the easterly right-of-way line of Highway No. 963 at highway engineer's station 113+06.5 bears, North 14°48'36" West, a distance of 203.96'

THENCE along the remnant of an old fence line along the easterly right-of-way line of said railroad (no remnant of rails and railroad bed currently in existence), the westerly line of said 7.02 acre tract as occupied on the ground, and the westerly line hereof, the following courses and distances;

- 1) North 15°24'54" East, a distance of 425.25' to an old 4" cedar fence post;
- 2) North 19°53'13" East, a distance of 201.29' to an old 4" cedar fence post;
- 3) North 23°15'11" East, a distance of 112.10' to an old 10" cedar fence post;
- 4) North 27°02'19" East, passing the approximate centerline of a paved access road commonly known as Old Land Fill Road (no documentation of record found) at a distance of +/- 34.6', and continuing along for a total distance of 276.38' to an old 4" cedar fence post;
- 5) North 30°54'34" East, a distance of 84.30' to a 1/2" iron pin found, at a westerly corner of the remnant tract of a called 60.635 acre tract of land as described in document to the County of Burnet, recorded in Volume 250, Page 76 of the Deed Records of Burnet County, Texas, being the occupied northwesterly corner of said 7.02 acre tract, and being the northwesterly corner hereof;

THENCE South 75°20'36" East, along a southerly line of the remnant of said 60.635 acre tract, the northerly occupied line of said 7.02 acre tract, and the northerly line hereof, passing through the approximate center line of said paved access roadway at a distance of +/- 51.2', and continuing for a total distance of a distance of 304.70' to a wooden fence corner post, at a northwesterly corner of the remnant of said 107 acres, at the occupied northeasterly corner of said 7.02 acre tract, and being the northeasterly corner hereof;

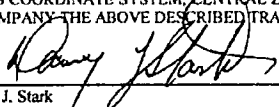
THENCE South 18°26'17" West, generally along a fence line, along a westerly line of the remnant tract of said 107 acre tract, the easterly occupied line of said 7.02 acre tract, and the easterly line hereof, a distance of 1085.19' to a railroad tie fence corner post of said fence line, being a westerly interior corner of the remnant of said 107 acre tract, at the occupied southeasterly corner of said 7.02 acre tract, and being the southeasterly corner hereof;

THENCE North 76°04'32" West, generally along a fence line, along a northerly line of the remnant of said 107 acre tract, the southerly occupied line of said 7.02 acre tract, and the southerly line hereof, a distance of 356.75' to the POINT OF BEGINNING, calculated to contain 8.954 acres.

Surveyor's Note:

Reasonable and prudent efforts to obtain documentation for the old abandoned railroad proved futile. The controlling entity of the railroad right of way (Capitol Metropolitan Transportation Authority) has no maps available to indicate the placement of the original right of way. Any evidence of rails, railroad bed, ballast, etc. has long been removed or destroyed. This survey represents our best efforts to reconstruct the original boundary based upon remnants of fencing believed to be on or near the original railroad right of way line and found monuments and other evidence of occupation on this and adjoining tracts.

I HEREBY CERTIFY EXCLUSIVELY TO THE CITY OF BURNET, BURNET COUNTY, TEXAS, THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PROFESSIONAL SERVICE MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS OF PRACTICE AS ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING. CUPLIN & ASSOCIATES, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE ABOVE REFERENCED PARTIES HEREBY CERTIFIED TO FOR THIS SPECIFIC TRANSACTION ONLY. COPYRIGHT 2018, CUPLIN & ASSOCIATES, INC. © BASIS OF BEARINGS ARE TO TEXAS COORDINATE SYSTEM, CENTRAL ZONE. A PLAT OF SURVEY OF EVEN DATE WAS PREPARED AS IS INTENDED TO ACCOMPANY THE ABOVE DESCRIBED TRACT OF LAND.


Danny J. Stark
Registered Professional Land Surveyor No. 5602

Dated: 2/21/2018

