

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

## **SPECIAL WARRANTY DEED**

STATE OF TEXAS

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**KNOW ALL MEN BY THESE PRESENTS:**

COUNTY OF HIDALGO

That, **Barry W. Dickerson a/k/a Barry Dickerson and wife, Linda R. Dickerson a/k/a Linda Dickerson**, 107 Laurel Drive, Weslaco, of the County of Hidalgo, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of **TWO MILLION FOUR HUNDRED THOUSAND and 00/100ths DOLLARS (\$2,400,000.00) (the consideration recited herein represents a settlement and compromise by all parties as to the value of the property herein conveyed in order to avoid formal Eminent Domain proceedings and the added expense of litigation)** to Grantors in hand paid by Hidalgo County, acting by and through the Hidalgo County Commissioner's Court, 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 Hidalgo County, Texas, all that certain tract or parcel of land lying and being situated in the County of Hidalgo, State of Texas, more particularly described as follows:

### **TRACT 1:**

A 19.96 acre tract of land being the north half of Block 188, **LA BLANCA AGRICULTURAL SUBDIVISION "B,"** Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 2, Page 42, Map Records, Hidalgo County, Texas, and according to Warranty Deed with Vendor's Lien recorded under County Clerk's Document Number 652515, Official Records, Hidalgo County, Texas, reference to which is here made for all purposes and being more particularly described by metes and bounds as follows.

BEGINNING at a cotton picker spindle set in the centerline of Sunflower Road for the Northwest corner of Block 188 and the Northwest corner of this tract,

THENCE, North 89 degrees 36 minutes East, along the North line of Block 188, passing a ½" iron rod 24" in length with plastic cap stamped RPLS 4856 set at 20.00 feet for the East right of way line of Sunflower Road, passing a ½" iron rod 24" in length with plastic cap stamped RPLS 4856 set at 1,057.57 feet for the West line of an Hidalgo County Drainage District No.1 easement (recorded in Volume 2116, Page 229, Official Records, Hidalgo County, Texas), a total distance of 1,317.57 feet to a ½" iron rod 24" in length with plastic cap stamped RPLS 4856 set for the Northeast corner of Block 188 and the Northeast corner of this tract,

THENCE, South 00 degrees 24 minutes East, along the East line of Block 188, a distance of 660.00 feet to a point for the Northeast corner of the Kirk Carkenord tract (a 28.364 acre tract out of Blocks 177 and 188, La Blanca Agricultural Subdivision "B" according to Warranty Deed recorded in Volume 1578, Page 325, and Warranty Deed recorded under

County Clerk's Document Number 1049422, Official Records, Hidalgo County, Texas) and the Southeast corner of this tract,

THENCE, South 89 degrees 36 minutes West, along the North line of the Kirk Carkenord tract, the North line of the Pablo Rodriguez tract (a tract out of Block 188, La Blanca Agricultural Subdivision "B" according to Quitclaim Deed recorded under County Clerk's Document Number 421690, Official Records, Hidalgo County, Texas) and the North line of the Ramon Lerma Tract (a 1.0 acre tract out of Block 188, La Blanca Agricultural Subdivision "B" according to Deed recorded in Volume 621, Page 425, Deed Records), passing a ½" iron rod 24" in length with plastic cap stamped RPLS 4856 set at 1,297.57 feet for the East right of way line of Sunflower Road, a total distance of 1,317.57 feet to a cotton picker spindle set on the West line of Block 188 and in the centerline of Sunflower Road for the Northwest corner of said tract and the Southwest corner of this tract,

Thence, North 00 degrees 24 minutes West, along the West line of Block 188 and the centerline of Sunflower Road, a distance of 660.00 feet to the point of beginning and containing 19.96 acres of land, more or less.

**TRACT 2:**

A 21.23 acre tract of land (map records: 22.25 acres) being all of Lot 1, Section 266, **TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY**, Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 2, Page 29, Map Records, Hidalgo County, Texas, and according to Warranty Deed with Vendor's Lien recorded under County Clerk's Document Number 652515, and Warranty Deed recorded under County Clerk's Document Number 1510454, Official Records, Hidalgo County, Texas, reference to which is here made for all purposes and being more particularly described by metes and bounds as follows.

BEGINNING at a cotton picker spindle set at the intersection of the centerlines of Sunflower Road and Tex-Mex Road for the southeast corner of Lot 1 and the Southeast corner of this tract;

THENCE, North 80 degrees 51 minutes West, along the South line of Lot 1 and the centerline of Tex-Mex Road, a distance of 683.20 feet (map record: 685.15 feet) to a cotton picker spindle set for the Southwest corner of Lot 1 and the Southwest corner of this tract;

THENCE, North 09 degrees 08 minutes 06 seconds East, along the West line of Lot 1, passing at 20.00 for the north right of way line of Tex-Mex Road, a total distance of 1,709.21 feet (map record: 1,716.76 feet) feet to a ½" iron rod found for the Northwest corner of Lot 1 and the Northwest corner of this tract;

THENCE, South 80 degrees 50 minutes 39 seconds East, along the North line of Lot 1, passing a ½" iron rod 24" in length with plastic cap stamped RPLS 4856 set at 378.63 feet for the West right of way line of Sunflower Road, a total distance of 398.91 feet to a cotton picker spindle set in the centerline of Sunflower Road for the Northeast corner of Lot 1 and the Northeast corner of this tract;

THENCE, South 00 degrees 18 minutes 29 seconds East, along the East line of Lot 1 and

the centerline of Sunflower Road, a distance of 1,732.72 feet to the point of beginning and containing 21.23 acres of land, more or less.

**TRACT 3:**

A 112.29 acre tract of land being all of Lots 1, 8 and 9, and the South 29.52 acres of Lot 10, **R. B. CURRY SURVEY NO. 4**, Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 2, Page 23, Map Records, Hidalgo County, Texas, and according to Assumption Warranty Deed recorded in Volume 1730, Page 28, Deed Records, Hidalgo County, Texas, reference to which is here made for all purposes and being more particularly described by metes and bounds as follows.

BEGINNING at a cotton picker spindle set at the intersection of the centerline of Tex-Mex Road and Sunflower Road for the Northeast corner of Lot 1 and the Northeast corner of this tract,

Thence, South 00 degrees 18 minutes 29 seconds East (Deed Record: South 09 degrees 37 minutes East), along the East line of Lot 1, 8, and 9, and the centerline of Sunflower Road, a distance of 2,999.27 feet (Deed Record: 3,000.60 feet; Map Record: 3,000.29 feet) to a ½" iron rod 24" in length with plastic cap stamped RPLS 4856 set for the Southeast corner of Lot 9 and the Southeast corner of this tract,

Thence, North 80 degrees 51 minutes West (Deed Record; West), along the South line of Lots 9 and 10, a distance of 3,209.72 feet (Deed Record: 3,213.80 feet; Map Record: 3,215.30 feet) to a cotton picker spindle set in the centerline of Dillion Road for the Southwest corner of Lot 10 and the Southwest corner of this tract,

Thence, North 09 degrees 14 minutes East (Deed Record: North), along the West line of Lot 10, and the centerline of Dillion Road, a distance of 738.00 feet to a cotton picker spindle set for an exterior corner of this tract;

Thence, South 80 degrees 51 minutes East passing a ½ inch iron rod 24" in length with plastic cap stamped RPLS 4856 set at 20.00 feet for the East right of way line of Dillion Road, a total distance of 1,742.40 feet to a ½" iron rod 24" in length with plastic cap stamped RPLS 4856 set on the West line of Lot 9 and the East line of Lot 10 for an interior corner of this tract;

Thence, North 09 degrees 14 minutes East, along the West line of Lots 1, 8 and 9, passing at 262.00 feet the centerline of Curry Road (not open), passing a ½" iron rod 24" in length with plastic cap stamped RPLS 4856 set at 2,200.50 feet to a cotton picker spindle set in the centerline of Tex-Mex Road for the Northwest corner of Lot 1 and Northwest corner of this tract;

Thence, South 80 degrees 51 minutes East, along the North line of Lot 1 and the centerline of Tex-Mex Road, a distance of 970.16 feet (Map Record: 971.90 feet) to the point of beginning and containing 112.29 acres of land, more or less.

## **RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

### **EXCEPTIONS AS TO TRACT 1:**

1. An undivided ½ interest in all oil, gas and other minerals on, in or that may be produced from the subject property reserved in Deed dated July 12, 1940 recorded in Volume 478, Page 185, Deed Records, Hidalgo County, Texas. Title to said Lease not checked subsequent to date of aforesaid instrument. (as to the South one-half of Tract 1)
2. Oil and Gas Leases dated March 9, 1943 recorded in Volume 48, Page 534, and dated March 9, 1948, recorded in Volume 86, Page 299, Oil and Gas Records of Hidalgo County, Texas, and unitized in instruments dated May 1, 1956, recorded in Volume 189, Page 512 and revision dated May 27, 1959, recorded in Volume 230, Page 254, Oil and Gas Records, Hidalgo County, Texas. Title to said Leases not checked subsequent to dates of aforesaid instruments.
3. Right-of-Way Easement granted to Hidalgo County Drainage District No. 1, by instrument recorded in Volume 2116, Page 229, Official Records of Hidalgo County, Texas and as shown by Survey dated March 5, 2009, prepared by Alfonso Quintanilla, Registered Professional Land Surveyor.
4. Easements, rights, rules, and regulations in favor of Donna Irrigation District Hidalgo County No. 1.
5. Easements and conditions as shown on the Map recorded in Volume 2, Page 42, Map Records of Hidalgo County, Texas.
6. Easements, or claims of easements, which are not of public record.
7. The Company's liability herein will not extend to cover any conflicts arising as to the gap between the chain link fence and the hog wire fence and the most westerly portion of the North boundary line of subject property, as shown by Survey dated March 5, 2009, prepared by Alfonso Quintanilla, Registered Professional Land Surveyor.

### **EXCEPTIONS AS TO TRACT 2:**

1. Easements for roadways and canal rights of way as reserved in Deeds executed by Stewart Farm Mortgage Company, recorded in Volume 196, Page 441 and Volume 226, Page 383, both in the Deed Records of Hidalgo County, Texas.
2. Easements for roadways as shown on the subdivision plat recorded in Volume 2, Page 29, Map Records of Hidalgo County, Texas and as shown by Survey dated March 5, 2009, prepared by Alfonso Quintanilla, Registered Professional Land Surveyor.
3. Easements, rights, rules, and regulations in favor of Hidalgo County Irrigation District No. 1.
4. Easements, or claims of easements, which are not of public record.
5. An undivided one-half interest in all oil, gas and other minerals reserved in Deed dated February 1, 1949 recorded in Volume 657, Page 78, Deed Records, Hidalgo County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument. (As to the East 11 acres of said Tract 2)
6. Oil, Gas and Mineral Leases dated October 8, 1969, recorded in Volume 324, Page 331 and in Volume 325, Page 577, Oil and Gas Records, Hidalgo County, Texas. Title to said Lease not checked subsequent to date of aforesaid instrument.
7. Oil and Gas Lease dated March 1, 1948, from G.B. Sammons to La Gloria Corp., recorded in Volume 76, Page 559, Oil and Gas Lease Records of Hidalgo County, Texas. Title to said Lease not checked subsequent to date of aforesaid instrument.
8. All oil, gas, and other minerals reserved in Deed recorded in Volume 1116, Page 987, both in Deed Records of Hidalgo County, Texas. Title to said interest not checked subsequent to the date of aforesaid instrument. (As to the West 11.25 acres of Tract 2)
9. All rights, titles and interests in and to all portions of the subject property lying within a drainage ditch, drainage pipe, drainage line, a canal or an irrigation line as may be claimed in fee by Hidalgo County Irrigation District No. 1.
10. Irrigation Valves and Irrigation Line within an Irrigation Easement traversing the Southern portion of subject property as shown by Survey dated March 5, 2009, prepared by Alfonso Quintanilla, Registered Professional Land Surveyor.
11. Drain Ditch Easement located at the South side of subject property as shown on the Survey dated March 5, 2009, prepared by Alfonso Quintanilla, Registered Professional Land Surveyor.

**EXCEPTIONS AS TO TRACT 3:**

1. Right-of-Way Easement granted by Mrs. F. B. Seale to Hidalgo County, by instrument dated April 4, 1958, recorded in Volume 913, Page 485, Deed Records of Hidalgo County, Texas and as shown on Survey dated March 29, 2009, prepared by Alfonso Quintanilla, Registered Professional Land Surveyor. (as to Lots 1 and 8)
2. Right-of-Way Easement granted by C. H. Murrell to Hidalgo County, by instrument dated April 2, 1958, recorded in Volume 913, Page 484, Deed Records of Hidalgo County, Texas and as shown on Survey dated March 29, 2009, prepared by Alfonso Quintanilla, Registered Professional Land Surveyor. (as to Lot 9)
3. Easements for roadways as shown on the Map recorded in Volume 2, Page 23, Map Records of Hidalgo County, Texas and as shown on Survey dated March 29, 2009, prepared by Alfonso Quintanilla, Registered Professional Land Surveyor.
4. Irrigation valves, irrigation lines, vacuum relief valve and gatewells, as shown on Survey dated March 29, 2009, prepared by Alfonso Quintanilla, Registered Professional Land Surveyor.
5. Easements, rights, rules, and regulations in favor of Hidalgo County Irrigation District No. 1.
6. Easements, or claims of easements, which are not of public record.
7. Oil and Gas Lease dated March 9, 1943, from W. R. Jackson to McCollum Oil Co., recorded in Volume 49, Page 73, Oil and Gas Lease Records of Hidalgo County, Texas. Title to said Lease not checked subsequent to date of aforesaid instrument. (as to Lots 1, 2, and 3)
8. All oil, gas, and other minerals reserved in Deeds recorded in Volume 601, Page 156, Deed Records of Hidalgo County, Texas and Volume 403, Page 108, Oil and Gas Lease Records of Hidalgo County, Texas. Title to said interests not checked subsequent to the dates of aforesaid instruments. (as to Lot 1, 2 and 3)
9. All oil, gas and other minerals reserved and/or conveyed in Deeds recorded in Volume 936, Page 483 and Volume 768, Page 129, both in Deed Records of Hidalgo County, Texas and Volume 403, Page 108, Oil and Gas Lease Records of Hidalgo County, Texas. Title to said interests not checked subsequent to the dates of aforesaid instruments. (as to Lot 7)
10. Oil and Gas Lease dated March 9, 1943 from C. I. Haven and wife to McCollum Oil Co., recorded in Volume 65, Page 77, Oil and Gas Lease Records of Hidalgo County, Texas. Title to said Lease not checked subsequent to date of aforesaid instrument. (as to Lot 8)
11. Oil and Gas Lease dated March 9, 1943 from Wade H. Bliss, et all to McCollum Oil Co., recorded in Volume 65, Page 129, Oil and Gas Lease Records of Hidalgo County, Texas. Title to said Lease not checked subsequent to date of aforesaid instrument. (as to Lot 8)
12. All oil, gas, and other minerals conveyed in Deed recorded in Volume 403, Page 108, Oil and Gas Lease Records of Hidalgo County, Texas. Title to said interest not checked subsequent to the date of aforesaid instrument. (as to Lots 8, 9 and 10)
13. All rights, title, and interest in and to the irrigation line/canal right-of-way along the East side of Lot 1, the West side of Lot 7, the East side of Lot 8, the South and East side of Lot 9 and the South and West sides of Lot 10 of said property claimed in fee by Hidalgo County Irrigation District No. 1.
14. Subdivision regulations of the County of Hidalgo and/or ordinance or governmental regulations of the City wherein the subject property lies or holds extra-territorial jurisdiction.
15. Terms, conditions, and stipulations of all unrecorded farm lease agreements, if any.

Grantor hereby reserves unto Grantor all of Grantor's present and reversionary rights, titles and interests in and to all of the oil, gas and other minerals in, on and under or that may be produced from the Property (Tracts 1, 2 and 3) ("**Grantor's Retained Minerals**"), together with the right of ingress and egress at all times for the purpose of mining, drilling, exploring, operating and developing said lands for oil, gas, and other minerals and removing the same therefrom. The term "**minerals**" as used herein means, minerals of every kind and character including but not limited to, oil, gas, sulphur, coal, lignite, uranium, vanadium and other fissionable source materials.

**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 herein 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 them, but not otherwise*, except as to the reservations from and exceptions to conveyance and warranty.

**GRANTEE BY ACCEPTANCE OF THIS WARRANTY DEED ACKNOWLEDGES AND AGREES THAT (i) IT HAS INSPECTED THE SUBJECT PROPERTY AND HAS SATISFIED ITSELF AS TO THE CONDITION OF THE SAME; (ii) IT ACCEPTS THE SUBJECT PROPERTY “AS IS, WHERE IS” AND “WITH ALL FAULTS”; AND (iii) THIS DEED IS EXECUTED AND DELIVERED WITHOUT IMPLIED WARRANTY AS TO HABITABILITY, SUITABILITY, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, DESIGN, QUALITY, OPERATION, COMPLIANCE WITH SPECIFICATIONS, ABSENCE OF LATENT DEFECTS, ABSENCE OF FAULTS, FLOODING, UTILITIES, CONDITION OR ABSENCE OF HAZARDOUS OR TOXIC SUBSTANCE (INCLUDING ASBESTOS), OR COMPLIANCE WITH LAWS AND REGULATIONS (INCLUDING WITHOUT LIMITATION, THOSE RELATING TO HEALTH, SAFETY AND THE ENVIRONMENTAL, AND FIRE, SAFETY AND HEALTH CODES), SAVE AND EXCEPT THE WARRANTY OF TITLE CONTAINED HEREIN.**

IN WITNESS WHEREOF, this instrument is executed on this the \_\_\_\_\_ day of July, 2009.

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Barry W. Dickerson a/k/a Barry Dickerson

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Linda R. Dickerson a/k/a Linda Dickerson

(Acknowledgment)

STATE OF TEXAS           §  
  §  
COUNTY OF HIDALGO   §

This instrument was acknowledged before me on July \_\_\_\_\_, 2009, by Barry W. Dickerson a/k/a Barry Dickerson and wife, Linda R. Dickerson a/k/a Linda Dickerson.

\_\_\_\_\_  
Notary Public, State of Texas

**GMP: 4211.0**

**After recording return to:**  
Greg M. Powers  
1217 East Harrison  
Harlingen, Texas 78550