

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

**SPECIAL WARRANTY DEED**

**DATE:** \_\_\_\_\_, 2014, but effective \_\_\_\_\_.

**GRANTORS:**

**CITY OF BRYAN, TEXAS**, a Texas Home Rule Municipality, individually and as its interests may appear as one-half interest owner in the Brazos Valley Solid Waste Management Agency as created pursuant to that certain *BVSWMA Joint Solid Waste Management Agreement* dated May 9, 1990, as amended by that certain *BVSWMA First Amended Joint Solid Waste Management Agreement* dated May 3, 2000, and as further amended by that certain *BVSWMA First Supplement to Joint Solid Waste Management Agreement* dated May 29, 2003

**CITY OF COLLEGE STATION, TEXAS**, a Texas Home Rule Municipality, individually and as its interests may appear as one-half interest owner in the Brazos Valley Solid Waste Management Agency as created pursuant to that certain *BVSWMA Joint Solid Waste Management Agreement* dated May 9, 1990, as amended by that certain *BVSWMA First Amended Joint Solid Waste Management Agreement* dated May 3, 2000, and as further amended by that certain *BVSWMA First Supplement to Joint Solid Waste Management Agreement* dated May 29, 2003

**GRANTORS' MAILING ADDRESSES:** (including County)

CITY OF BRYAN, TEXAS  
P. O. Box 1000  
Brazos County, Texas  
Bryan, Texas 77805

CITY OF COLLEGE STATION, TEXAS  
P. O. Box 9960  
Brazos County, Texas  
College Station, Texas 77842\\

**GRANTEE:** BRAZOS VALLEY SOLID WASTE MANAGEMENT AGENCY, INC., a Texas non-profit local government corporation and a local government corporation created by GRANTORS pursuant to Chapter 431, Texas Transportation Code and Chapter 394, Texas Local Government Code

**GRANTEE'S MAILING ADDRESS:**  
(including County)

P. O. Box 10027  
Brazos County  
College Station, Texas 77842

**CONSIDERATION:** TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, including, but not limited to, the settlement and compromise of the dispute between the Grantors in the case styled City of Bryan, Texas v. City of College Station, Texas, filed as Cause No. 08-001626.CV-272 in the 272<sup>nd</sup> Judicial District Court of Brazos County, Texas, pursuant to that certain *Final Settlement Agreement and Release* signed by Grantors on September 13, 2010, and further pursuant to and in accordance with (1) that certain *Interlocal Cooperation Agreement* dated January 14, 2010, between Grantors, and (2) that certain *Asset Transfer and Debt Reimbursement Agreement* dated September 13, 2010 by and among Grantors and Grantee.

**PROPERTY:**

All that certain tract or parcel of land containing 16.7 acres of land, more or less, lying and being situated in the THOMAS CARUTHERS LEAGUE, Abstract No. 9 in College Station, Brazos County, Texas, being the remainder of that 75.17 acre tract described in deed to Brazos Valley Solid Waste Management Agency recorded in Volume 1235, Page 59 of the Official Records of Brazos County, Texas, lying southwest of that 179.99 acre Tract I conveyed to Brazos Valley Solid Waste Management Agency, Inc., by deed recorded in Volume 9857, Page 186, of the Official Records of Brazos County, Texas; said 16.7 acre tract of land being more particularly described by metes and bounds and shown on plat marked **Exhibit A** attached hereto and made a part hereof for all intents and purposes.

**RESERVATIONS FROM CONVEYANCE:**

THERE IS HEREIN RESERVED for Grantors and Grantors' successors and assigns, as their interests may appear, all oil, gas and other minerals owned by Grantors located in and under and that may be produced from the Property to the extent not reserved by prior grantors; provided, *however*, Grantors for themselves and their successors and assigns hereby waive all surface rights and other rights of ingress and egress in and to the Property, and agree that in conducting operations with respect to the exploration for and production, processing, transporting and marketing of oil, gas and other minerals from the Property, that no portion of the surface of the Property will be used, occupied or damaged and that fixtures, equipment, buildings or structures used in connection with the exploitation of the reserved mineral, oil and gas rights, shall not be placed on the surface of the Property. Nothing herein, however, restricts or prohibits the pooling or unitization of the portion of the mineral estate owned by Grantors with land other than the Property; or the exploration or production of the oil, gas and other minerals by means of wells that are drilled or mines that open on land other than the Property but enter or bottom under the Property, provided that these operations in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property.

**EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property.

Grantors, for the consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, GRANT, SELL, and CONVEY to Grantee, all of Grantors' right, title, and interest in 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 successors and assigns forever. Grantors bind Grantors and Grantors' successors to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantors but not otherwise.

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

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2014, but effective \_\_\_\_\_.

**CITY OF COLLEGE STATION, TEXAS, A  
TEXAS HOME RULE MUNICIPALITY,  
INDIVIDUALLY AND AS CO-OWNER OF  
BRAZOS VALLEY SOLID WASTE  
MANAGEMENT AGENCY**

By: \_\_\_\_\_  
NANCY BERRY, Mayor

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2014, but effective \_\_\_\_\_.

**CITY OF BRYAN, TEXAS, A TEXAS HOME  
RULE MUNICIPALITY, INDIVIDUALLY AND  
AS CO-OWNER OF BRAZOS VALLEY SOLID  
WASTE MANAGEMENT AGENCY**

By: \_\_\_\_\_  
JASON P. BIENSKI, Mayor

THE STATE OF TEXAS           §  
  §     ACKNOWLEDGMENT  
COUNTY OF BRAZOS         §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2014, by NANCY BERRY, as Mayor of the CITY OF COLLEGE STATION, TEXAS, a Texas Home Rule Municipal Corporation, on behalf of said municipality.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of Texas

THE STATE OF TEXAS           §  
  §     ACKNOWLEDGMENT  
COUNTY OF BRAZOS         §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2014, by JASON P. BIENSKI, as Mayor of the CITY OF BRYAN, TEXAS, a Texas Home Rule Municipal Corporation, on behalf of said municipality.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of Texas

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary  
City of Bryan

\_\_\_\_\_  
Janis Hampton, City Attorney  
City of Bryan

**PREPARED IN THE OFFICE OF:**  
City of College Station, Texas  
Legal Department  
P.O. Box 9960  
College Station, TX 77842-9960

**AFTER RECORDING, RETURN TO:**  
City of College Station, Texas  
Legal Department  
P.O. Box 9960  
College Station, TX 77842-996

# Exhibit "A"

## Joe Orr, Inc.

A BASELINE CORPORATION CO.  
Post Office Box 11979  
College Station, TX 77842-1979  
(979) 693-2777  
*TBPLS Firm no. 100544-00*

Boundary Survey – 16.7 acres  
Remainder of BVSWMA 75.17 ac. Tract  
Thomas Caruthers league A-9  
College Station, Texas  
21 January 2014

All of that certain tract or parcel of land lying and being situated in the Thomas Caruthers league, abstract no. 9, in College Station, Brazos County, Texas, being the remainder of that 75.17 acre tract described in deed to Brazos Valley Solid Waste Management Agency recorded in volume 1235, pg. 59 of the Official Records of Brazos County, Texas, lying southwest of that 179.99 acre Tract I conveyed to Brazos Valley Solid Waste Management Agency, Inc. by deed recorded in volume 9857, page 186 of the Official Public Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at a 1/2" iron rod found at the most westerly corner of said 179.99 acre tract and formerly marking an angle point in the northwest line of said 75.17 acre tract, from where the City of College Station GPS control monument no. 9 bears N 38° 59' 11" E – 2044.4 feet.

Thence S 41° 45' 21" W – 1199.07 feet, along said northwest line of the 75.17 acre tract, also being along the southeast line of that 0.36 acre tract described in Quit Claim deed to the City of College Station recorded in volume 4443, pg. 17 of the Official Public Records of Brazos County, Texas, and after passing a 1/2" iron rod set in 2002 at 1061.20 feet, being the southeast line of that 100.64 acre tract described in deed to the City of College Station recorded in volume 6927, page 226 of the Official Public Records of Brazos County, Texas, to a 1/2" iron rod found marking the most westerly corner of the 75.17 acre tract and this remainder tract;

Thence S 48° 15' 31" E – 25 feet, along the common line of said 75.17 acre tract and that 45.1 acre tract described in deed to the City of College Station recorded in volume 3900, page 188 of the Official Public Records of Brazos County, Texas, to a point for corner in the center of Lick Creek;

Thence down the center of Lick Creek, being the common boundary of said 75.17 acre and 45.1 acre tracts, generally as follows:

N 60° E – 22 feet, S 66° E – 75 feet, S 85° E – 90 feet, S 63° E – 140 feet, S 1° W – 100 feet, S 35° E – 35 feet, N 80° E – 70 feet, N 47° E – 107 feet and N 27° 57' E – 112.98 feet to a point for corner;

Thence N 89° 07' 15" E – 117.31 feet, continuing along the common boundary of said 75.17 acre and 45.1 acre tract, cutting across land in an oxbow of Lick Creek and passing 1/2" iron rods found at 25.00 feet and 92.31 feet, to a point in the center of Lick Creek;

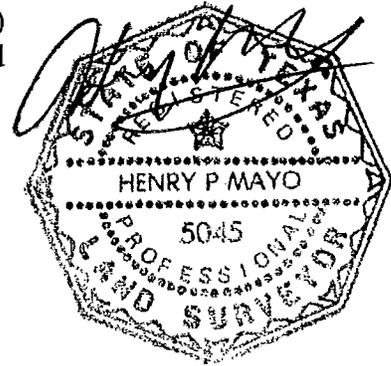
Thence down the center of Lick Creek, continuing along the common boundary of said 75.17 acre and 45.1 acre tracts, generally as follows:

S 60° E – 50 feet, N 77° E – 60 feet, N 39° E – 200 feet, N 19° E – 45 feet, N 75° E – 25 feet, S 40° E – 40 feet, S 13° E – 70 feet, S 64° E – 115 feet, N 70° E – 115 feet, N 43° E – 70 feet, N 1° W – 60 feet, N 40° W – 65 feet, N 60° W – 90 feet, N 40° W – 160 feet, N 31° E – 30 feet, N 70° E – 40 feet, S 84° E – 100 feet, N 85° E – 85 feet, N 70° E – 180 feet, S 71° E – 130 feet and S 88° E – 27.1 feet to the most easterly corner of this remainder tract;

Thence N 57° 45' 49" W – 895.67 feet, through said 75.17 acre tract, along a southwest line of said 179.99 acre tract, to the Point of Beginning and containing 16.7 acres of land more or less.

Bearings are Texas State Plane, Central Zone NAD83 (CORS) datum, based on City of College Station GPS monuments no. 9 and no. 138 (S 9° 19' 11" W).

See survey plat dated January 2014.

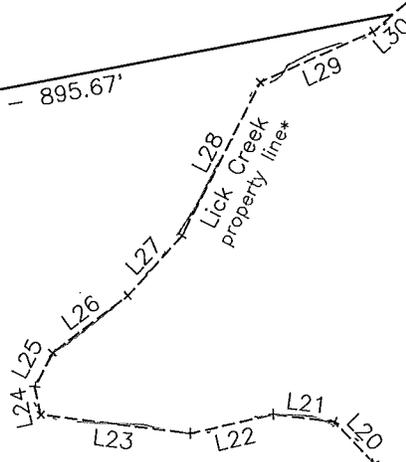


Survey Note:  
 City of CS GPS mon. no. 9 bears  
 N 38°59'11"E 2044.4' from the  
 Point of Beginning (P.O.B.)

City of College Station  
 66.32 acres  
 vol. 4480, pg. 135

P.O.B.  
 1/2" IR found  
 at 20' Elm

N 57°45'49"W - 895.67'



1% Flood Hazard Boundary  
 Zone AE, as depicted on FIRM  
 no. 48041C0310E (May 2012)

**16.7 acres**

Brazos Valley Solid Waste  
 Management Agency  
 (rem. of) 75.17 ac.  
 Vol. 1235, Pg. 59

exception to creek boundary

N 89°07'15"E - 117.31'  
 creek Q to creek Q  
 N 89°07'15"E - 67.31'  
 IR to IR

\* Creek Boundary Note:

The property line is along the actual  
 centerline of the creek, except where  
 shown. These meander lines  
 are only approximately along creek Q.

City of College Station  
 0.36 ac. (Quitclaim)  
 vol. 4443, pg. 17

S 41°45'21"W - 1199.07'

1061.20'  
 old barbed-wire fence



Lick Creek  
 25'  
 1/2" IR found

S 84°50'42"E - 566.39'  
 IR to IR

MEANDER LINE TABLE	
L1	N 60° E - 22'
L2	S 66° E - 75'
L3	S 85° E - 90'
L4	S 63° E - 140'
L5	S 1° W - 100'
L6	S 35° E - 35'
L7	N 80° E - 70'
L8	N 47° E - 107'
L9	N 27°57'E - 112.98'
L10	S 60° E - 50'
L11	N 77° E - 60'
L12	N 39° E - 200'
L13	N 19° E - 45'
L14	N 75° E - 25'
L15	S 40° E - 40'
L16	S 13° E - 70'
L17	S 64° E - 115'
L18	N 70° E - 115'
L19	N 43° E - 70'
L20	N 1° W - 60'
L21	N 40° W - 65'
L22	N 60° W - 90'
L23	N 40° W - 160'
L24	N 31° E - 30'
L25	N 70° E - 40'
L26	S 84° E - 100'
L27	N 85° E - 85'
L28	N 70° E - 180'
L29	S 71° E - 130'
L30	S 88° E - 27.1'

City of College Station  
 (remainder of) 39.52 acres  
 vol. 3900, pg. 188

City of College Station  
 100.64 acres  
 vol. 6927, pg. 226

1/2" IR found  
 in old fenceline

S 48°15'31"E - 25'  
 to creek Q

City of College Station  
 45.1 acres  
 vol. 3900, pg. 188

traces of old fence  
 along property line

Lick Creek



Floodplain and Easement Notes:

As depicted on the current FIRM,  
 almost all of this 16.7 ac. tract lies  
 within the 1% Flood Hazard Area.

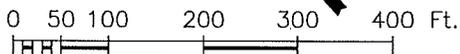
This tract is 'land-locked' with  
 access only through adjoining tracts.

No defined easements nor utility lines  
 are known within this 16.7 ac. tract.

The following easements affected the  
 parent tract (75.17 ac.), but do not  
 cover any utilities located within this  
 16.7 acre remainder of the tract:

- Blanket pipeline easements in  
 vol. 49, pgs. 20 & 34 (Humble)
- 100' powerline easements in  
 vol. 130, pgs. 184 & 217 (GSU)
- 20' utility easement in  
 vol. 776, pg. 348 (CoCS)
- 50' electrical & water easement in  
 vol. 953, pg. 664 (CoCS)

January 2014



Bearinas are TX State Plane, Central