

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF BELL §

That **BILLIE HANKS, JR.** ("Grantor") has DEDICATED, GRANTED and CONVEYED, and by these presents does GRANT, DEDICATE and CONVEY unto the **VILLAGE OF SALADO**, a Type A general law municipality ("Grantee"), the following real property in Bell County, Texas (the "**Property**"):

Six acres of land, or more, more particularly described by metes and bounds and by sketch, attached hereto as **Exhibit A** and incorporated herein by reference.

GRANTOR HEREBY SPECIFICALLY DISCLAIMS ANY WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, OR CONCERNING (i) THE NATURE AND CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, AND THE SUITABILITY THEREOF AND OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY ELECT TO CONDUCT THEREON, AND THE EXISTENCE OF ANY ENVIRONMENTAL HAZARDS OR CONDITIONS THEREON (INCLUDING THE PRESENCE OF ASBESTOS) OR COMPLIANCE WITH ALL APPLICABLE LAWS, RULES OR REGULATIONS; OR (ii) THE COMPLIANCE OF THE PROPERTY OR ITS OPERATION WITH ANY LAWS, ORDINANCES OR REGULATIONS OF ANY GOVERNMENT OR OTHER BODY. GRANTEE ACKNOWLEDGES THAT IT HAS INSPECTED THE PROPERTY AND GRANTEE IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED BY GRANTOR. THE CONVEYANCE OF THE PROPERTY IS MADE ON AN "AS IS" BASIS, AND GRANTEE EXPRESSLY ACKNOWLEDGES THAT EXCEPT AS OTHERWISE SPECIFIED HEREIN, GRANTOR MAKES NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF CONDITION, HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WITH RESPECT TO THE PROPERTY.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its 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.

This conveyance is made by Grantor and accepted by Grantee subject to any and all easements, covenants, rights-of-way, conditions, restrictions, outstanding mineral interests and royalty interests, if any, relating to the Property, to the extent, and only to the extent, that the same may still be in force and effect, and either shown of record in the office of the County Clerk of Bell County, Texas, or apparent on the Property.

This conveyance is made by Grantor and accepted by Grantee subject to the following additional reservations, restrictions, covenants and conditions:

(1) Authorized Uses. The use of the Property shall be restricted to a municipal wastewater treatment plant and related operations. In the event Grantee ever permanently ceases use of the Property for municipal wastewater treatment purposes, then the use of the Property shall be restricted to public greenbelt, open space, parkland and similar public park, recreational or open space uses.

(2) Buffer Zone: There is hereby established within the Property a buffer zone one hundred fifty feet (150') in width within the exterior perimeter of the Property (the "**Buffer Zone**"). No improvements shall be constructed by or on behalf of Grantee within the Buffer Zone other than the following improvements (the "**Authorized Improvements**"): (i) one or more roads for vehicular ingress and egress to the municipal wastewater treatment plant to be constructed by Grantee within the Property; (ii) subsurface wastewater lines to transport wastewater to the wastewater treatment plant within the Property, and treated wastewater effluent lines to transport treated wastewater effluent from the wastewater treatment plant; (iii) subsurface utility lines; and (iv) a fence or wall of a design and materials reasonably approved by Grantor. Except for the Authorized Improvements, the Buffer Zone shall remain undisturbed, and may not be utilized by Grantee for wastewater treatment or disposal operations, or any other purposes.

(3) Reservation of Easement. Grantor expressly reserves and retains unto Grantor, its successors and assigns, an easement (the "**Easement**") upon, across, over and under the Buffer Zone. The purpose of the Easement is for erecting, constructing, installing, replacing, repairing, operating, using, inspecting, reconstructing, modifying, removing and maintaining any and all landscaping, hardscape, walking trails, gardens and composting areas, including improvements to mitigate the impact of Grantee's use of the on the use and enjoyment of adjacent properties, together with all irrigation, walls, fences, paths, ponds, fountains, utilities, pumps, lighting, lines, pipes, conduits and other equipment, improvements and appurtenances related thereto. The Easement shall be subject to the following terms and conditions:

(i) Grantor may cut, trim and control the growth of trees and other vegetation on and in the Buffer Zone which might interfere with or threaten the operation and maintenance of any authorized improvements by Grantor in the Buffer Zone.

(ii) All improvements placed upon or within the Buffer Zone by Grantor shall remain the property of Grantor, except for subsurface treated wastewater effluent lines constructed by Grantor that are dedicated to Village by separate agreement of the parties.

(iii) Grantee expressly subordinates all rights of surface use within the Buffer Zone to the above described authorized Easement uses of said surface by Grantor; provided, however, (i) Grantee's right to construct, own, operate and maintain roads, and wastewater lines, through the Buffer Zone shall prevail over any conflicting use of the Buffer Zone by Grantor; and (ii) any use of the Buffer Zone by Grantor shall be subject to any restrictions imposed by the Texas Commission on Environmental Quality, including any permit issued to Grantee for operation of a municipal wastewater treatment plant within the Property.

(iv) Grantor, together with its successors and assigns, shall retain access to the Buffer Zone at all times.

(v) Grantor, its successors and assigns shall be solely responsible for the design and construction of any improvements constructed by or on behalf of Grantor within the Buffer Zone; the operation, maintenance and repair thereof; and any damages arising from, or related to, the activities of Grantor within the Buffer Zone, or the parties with whom it contracts.

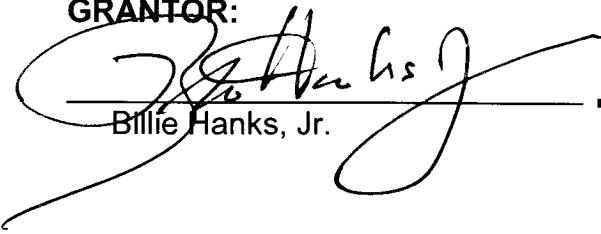
(vi) To the extent authorized by Texas law, Grantee shall indemnify Grantor, its successors and assigns, against any loss and damage which shall be caused by any wrongful or negligent act or omission of Grantee's agents, employees, representatives, members, guests, volunteers, or contractors in the Buffer Zone.

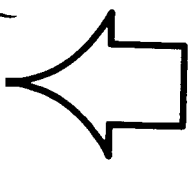
Grantor and Grantee will have recourse to all rights and remedies in law and equity available to enforce the terms, conditions, restrictions and reservations set forth in this Deed, including, without limitation, the rights of specific performance and mandamus actions to enforce the terms of this instrument.

Grantee, by its acceptance hereof, does hereby assume and agree to pay any and all ad valorem taxes pertaining to the Property that may be assessed for calendar year 2015, and for subsequent years.

EXECUTED to be effective the 25th day of November, 2015.

GRANTOR:



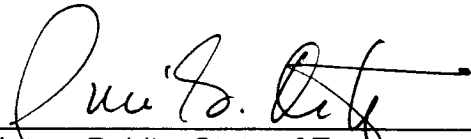
Billie Hanks, Jr. 

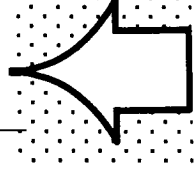
THE STATE OF TEXAS
COUNTY OF BELL

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This instrument was acknowledged before me on the 25 day of November, 2015, by **Billie Hanks, Jr.**





Notary Public, State of Texas 

ACCEPTED:

VILLAGE OF SALADO

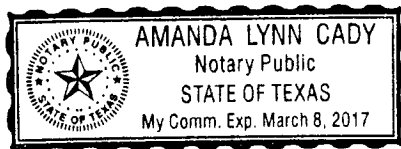
By: *Skip Blancett*
Name: Skip BLANCETT
Title: Mayor

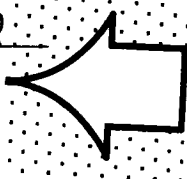
THE STATE OF TEXAS

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COUNTY OF BELL

This instrument was acknowledged before me on the 25th day of November, 2015, by **Skip Blancett**, Mayor of the **Village of Salado**, a Type A general law municipality of the State of Texas, on behalf of said municipality.



Amanda Lynn Cadyp
Notary Public, State of Texas 

After Recording, return to:

Village of Salado
Attn: Kim Foutz
P.O. Box 219
Salado, Texas 76571

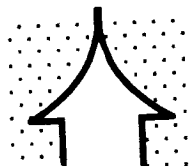
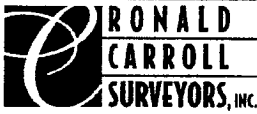


EXHIBIT A

Description of Property



September 1, 2015

Page 1 of 2

Field notes for the Village of Salado, Texas for:

PROPOSED 6.0 ACRES WASTEWATER TREATMENT PLANT SITE

Part of the EDWARD A. PITTS SURVEY, Abstract Number 651, part of the BENJAMIN BOLES SURVEY, Abstract number 62, and part of the JAMES P. WALLACE SURVEY, Abstract Number 901, situated in the Village of Salado, in Bell County, Texas, and embracing a portion of the tract described in the deed to Billie Hanks, Jr. recorded in Document Number 2012-00010320 of the Bell County Official Public Records.

COMMENCING at a 1 inch iron pipe found in the south right of way line of Royal Street, for the northeast corner of Lot 4 of the HOWERTON ADDITION, and addition to Bell County, Texas as it appears upon the map recorded in Cabinet C, Slide 177-C of the Bell County Plat Records, and being the northwest corner of said Hanks tract, and run south 73 degrees-33 minutes-25 seconds east along said south line of the Street, for the north line of said Hanks tract, 134-88/100 feet to a point in the west line of a Proposed 30 feet Access and Utility Easement; then run south 16 degrees-29 minutes west 348-62/100 feet to a point; then run south 33 degrees-42 minutes-05 seconds east 135-18/100 feet to a point; then run south 78 degrees-04 minutes-05 seconds east 305-95/100 feet to a point; then run south 49 degrees-59 minutes-35 seconds east 627-82/100 feet to a point; then run south 19 degrees-48 minutes-35 seconds east 368-0/10 feet to a point; then run south 41 degrees-41 minutes-50 seconds east 278-63/100 feet to a point; north 33 degrees-51 minutes-20 seconds east 252-71/100 feet to a point; then run south 78 degrees-35 minutes-55 seconds east 398-81/100 feet to a point being in the west line of said Proposed WASTEWATER TREATMENT PLANT SITE; and then run south 14 degrees-57 minutes-20 seconds west 122-4/10 feet to a 5/8 inch iron rebar set with a cap stamped "RCS INC" for the southwest and BEGINNING CORNER of the Proposed WASTEWATER TREATMENT PLANT SITE being described.

Thence north 14 degrees-57 minutes-20 seconds east 511-23/100 feet to a 5/8 inch iron rebar set with a cap stamped "RCS INC".

Thence south 75 degrees-02 minutes-40 seconds east 511-23/100 feet to a 5/8 inch iron rebar set with a cap stamped "RCS INC", from said 5/8 inch iron rebar set, another 5/8 inch iron rebar found for the northeast corner of said Hanks tract, being the southeast corner of a tract described in the deed to Elaine D. Wolfe recorded in volume 4910, page 328 of said Official Public Records, and being in the west line of a tract described in the deed to Willie B. Ory Family Trust recorded in volume 4839, page 1 of said Official Public Records, bears south 73 degrees-59 minutes-20 seconds east 60-35/100 feet, and north 16 degrees-no minutes-40 seconds east 427-38/100 feet.

Thence south 14 degrees-57 minutes-20 seconds west 511-23/100 feet to a 5/8 inch iron rebar set with a cap stamped "RCS INC".

September 1, 2015

Page 2 of 2

Field notes for the Village of Salado, Texas for: (continued)

PROPOSED 6.0 ACRES WASTEWATER TREATMENT PLANT SITE

Thence north 75 degrees-02 minutes-40 seconds west 511-23/100 feet to the place of beginning and containing 6-00/100 acres, as surveyed.

See attached 8 ½ inch by 14 inch sketch that accompanies these field notes.

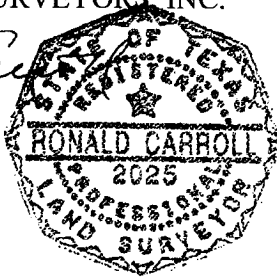
Basis of bearings is on grid bearings as obtained by GPS observations and referenced to the Texas State Plane Coordinate System, Central Zone, NAD83 Datum, and referenced to the LEICA SMARTNET NETWORK OF NORTH AMERICA Base Station "TCTX" at Temple College in Temple, Texas.

Surveyed August 10, 2015.

RONALD CARROLL SURVEYORS, INC.



Ronald Carroll, RPLS
Vice President



S: data txjobs 2015 15084 PapeDawson Draft Field Notes WWTP 6AC BNDRY 090115

BENJAMIN BOLES SURVEY, Abstract Number 62
ED A. PITTS SURVEY, Abstract Number 651

NOTES:

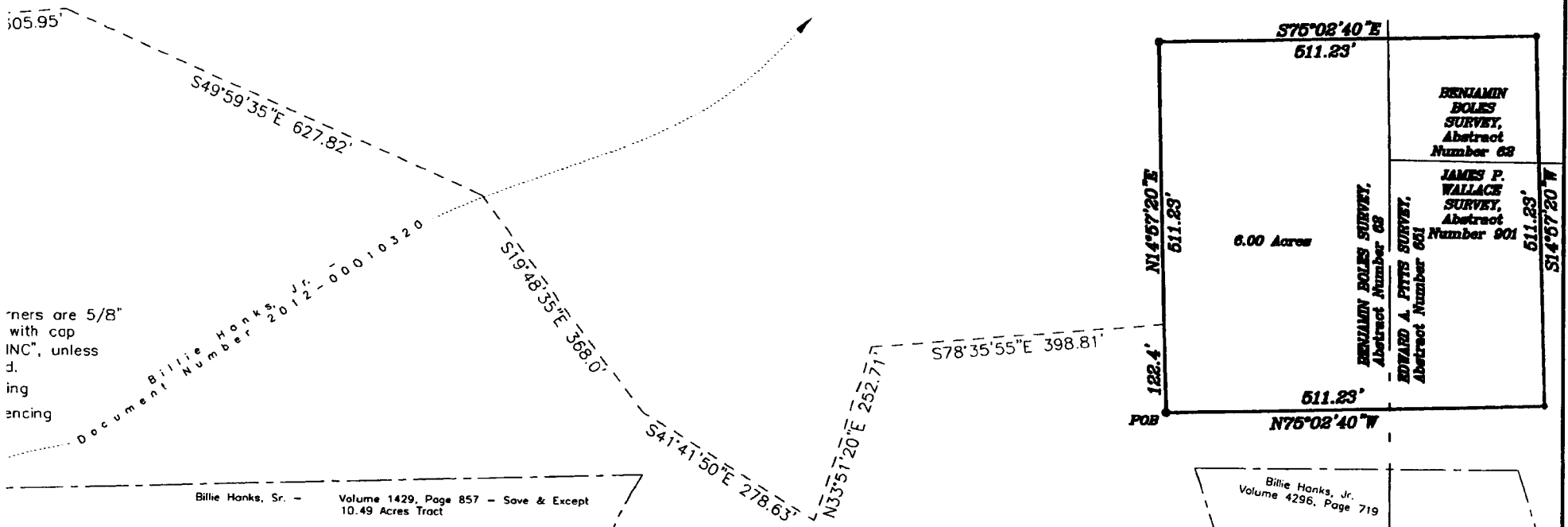
See Field Notes Attached.

Basis of Bearing: The survey work for this project is on Grid Bearings and Coordinates, based upon the Texas State Plane Coordinate System, Central Zone, NAD83 datum obtained from GPS observations and referenced to the SMARTNET NETWORK OF NORTH AMERICA, Base Station "TCTX" at Temple College in Temple, Texas whose published coordinate value: N=10,366,800.416 E=3,229,830.944. The distances shown are surface distances. The Combined Correction Factor (CCF) for this project is 0.9998579.

The research for the land boundary property line of this tract has been provided by this surveyor or his associates. That research includes the names and references to the adjoining property owners. Those adjoiners referenced are for compliance to the Texas Board of Professional Land Surveyors regulations, and are shown for information purposes only. All other research for documents such as, but not limited to, easements, deed restrictions, restrictive covenants, leases, etc. are the responsibility of the client's Title Company or other third parties other than this surveyor or company. this surveyor or company.

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This survey was provided solely for the use of The Village of Salado, Pape Dawson Engineers, and Robert Sulaski.



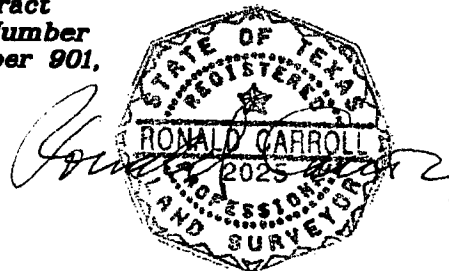
Dimensions are 5/8" with cap
 INC", unless
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Billie Honks, Sr. - Volume 1429, Page 857 - Save & Except
 10.49 Acres Tract

Billie Honks, Jr.
 Volume 4296, Page 719

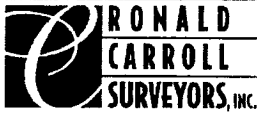
Sketch showing part of the EDWARD A. PITTS SURVEY, Abstract Number 651, part of the BENJAMIN BOLES SURVEY, Abstract Number 62, and part of the JAMES P. WALLACE SURVEY, Abstract Number 901, situated in The Village of Salado in Bell County, Texas.

**Surveyed August 10, 2015.
 RONALD CARROLL SURVEYORS, INC.**



**The Village of Salado
 Waste Water Treatment
 Plant Site**

JOB NO. 15084
 DATE: 9/3/2015
 DWG NAME: 15084-BD-ESMT.dwg
 DISK: S:/RCS Jobs-2015
 DRAWN BY: M.J.S.
 FIELD BOOK: NO. 90 PG 6-13



September 1, 2015

Page 1 of 2

Field notes for the Village of Salado, Texas for:
PROPOSED 30 FEET ACCESS AND UTILITY EASEMENT

Part of the EDWARD A. PITTS SURVEY, Abstract Number 651, part of the BENJAMIN BOLES SURVEY, Abstract number 62, and part of the JAMES P. WALLACE SURVEY, Abstract Number 901, situated in the Village of Salado, in Bell County, Texas, and embracing a portion of the tract described in the deed to Billie Hanks, Jr. recorded in Document Number 2012-00010320 of the Bell County Official Public Records.

COMMENCING at a 1 inch iron pipe found in the south right of way line of Royal Street, for the northeast corner of Lot 4 of the HOWERTON ADDITION, and addition to Bell County, Texas as it appears upon the map recorded in Cabinet C, Slide 177-C of the Bell County Plat Records, and being the northwest corner of said Hanks tract, and then run south 73 degrees-33 minutes-25 seconds east along said south line of the Street, for the north line of said Hanks tract, 134-88/100 feet to a point for the northwest and BEGINNING CORNER of the Proposed 30 feet Access and Utility Easement being described.

Thence **south 73 degrees-33 minutes-25 seconds east** continuing along said south line of Royal Street for the north line of said Hanks tract, **30-0/10 feet** to a point.

Thence **south 16 degrees-29 minutes west 334-59/100 feet** to a point.

Thence **south 33 degrees-42 minutes-05 seconds east 108-9/10 feet** to a point.

Thence **south 78 degrees-04 minutes-05 seconds east 301-22/100 feet** to a point.

Thence **south 49 degrees-59 minutes-35 seconds east 643-41/100 feet** to a point.

Thence **south 19 degrees-48 minutes-35 seconds east 370-28/100 feet** to a point.

Thence **south 41 degrees-41 minutes-50 seconds east 234-12/100 feet** to a point.

Thence **north 33 degrees-51 minutes-20 seconds east 234-07/100 feet** to a point.

Thence **south 78 degrees-35 minutes-55 seconds east 420-74/100 feet** to a point being in the west line of a Proposed 6-0/10 Acres WASTEWATER TREATMENT PLANT SITE.

September 1, 2015

Page 2 of 2

Field notes for the Village of Salado, Texas for: (continued)

PROPOSED 6.0 ACRES WASTEWATER TREATMENT PLANT SITE

Thence **south 14 degrees-57 minutes-20 seconds west 30-06/100 feet** to a point, from said point the southwest corner of said Proposed WASTEWATER TREATMENT PLANT SITE, bears south 14 degrees-57 minutes-20 seconds west 122-4/10 feet.

Thence **north 78 degrees-35 minutes-55 seconds west 398-81/100 feet** to a point.

Thence **south 33 degrees-51 minutes-20 seconds west 252-71/100 feet** to a point.

Thence **north 41 degrees-41 minutes-50 seconds west 278-63/100 feet** to a point.

Thence **north 19 degrees-48 minutes-35 seconds west 368-0/10 feet** to a point.

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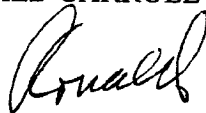
Thence **north 16 degrees-29 minutes east 348-62/100 feet** to the place of beginning and containing 1-85/100 acres, as surveyed.

See attached 8 ½ inch by 14 inch sketch that accompanies these field notes.

Basis of bearings is on grid bearings as obtained by GPS observations and referenced to the Texas State Plane Coordinate System, Central Zone, NAD83 Datum, and referenced to the LEICA SMARTNET NETWORK OF NORTH AMERICA Base Station "TCTX" at Temple College in Temple, Texas.

Surveyed August 10, 2015.

RONALD CARROLL SURVEYORS, INC.



Ronald Carroll, RPLS
Vice President



S: data txjobs 2015 15084 PapeDawson Draft Field Notes 30 ACCESS & UTILITY EASE 090115

BENJAMIN BOLES SURVEY, Abstract Number 68
EDWARD A. PITTS SURVEY, Abstract Number 651

S73°33'25"E
 1641.47'

LEGEND:

- = All Property Corners are 5/8" Iron Rebar Set with cap stamped "RCS INC", unless otherwise stated.
- POB = Point of Beginning
- POC = Point of Commencing
- IPF = Iron Pipe Found

NOTES:

See Field Notes Attached.

Basis of Bearing: The survey work for this project is on Grid Bearings and Coordinates, based upon the Texas State Plane Coordinate System, Central Zone, NAD83 datum obtained from GPS observations and referenced to the SMARTNET NETWORK OF NORTH AMERICA, Base Station "TCTX" at Temple College in Temple, Texas whose published coordinate value: N=10,366,800.416 E=3,229,830.944. The distances shown are surface distances. The Combined Correction Factor (CCF) for this project is 0.9998579.

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301.22'
 305.95'
 30' Access & Utility Easement
 1.85 Acres

S49°52'35"E 643.41'
 N48°59'35"W 627.62'

Document Number 2012-00010320

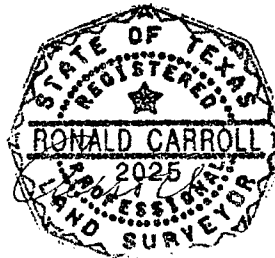
Billie Hanks, Jr.

S19°42'32"E 370.22'
 N78°35'55"W 398.81'
 S78°35'55"E 480.74'
 N14°57'20"E 530.06'
 N33°51'20"E 234.07'
 S33°51'20"W 252.71'
 N41°41'50"E 224.12'
 N41°41'50"W 270.63'

Proposed Site
 511.23'
 N14°57'20"E
 122.4'

Sketch showing part of the EDWARD A. PITTS SURVEY, Abstract Number 651, part of the BENJAMIN BOLES SURVEY, Abstract Number 62, and part of the JAMES P. WALLACE SURVEY, Abstract Number 901, situated in The Village of Salado in Bell County, Texas.
 Surveyed August 10, 2015.
 RONALD CARROLL SURVEYORS, INC.

Ronald



**The Village of Salado
 30' Access and
 Utility Easement**

JOB NO. 15084
 DATE: 9/3/2015
 DWG NAME: 15084-BD-ESMT.dwg
 DISK: S:/RCS Jobs-2015
 DRAWN BY: M.J.S.
 FIELD BOOK: NO. 90 PG 6-13