

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: _____, 2007

GRANTOR: COLLEGE STATION INDEPENDENT SCHOOL DISTRICT,
a political subdivision, also or formerly known as A&M CONSOLIDATED
INDEPENDENT SCHOOL DISTRICT

GRANTOR'S MAILING ADDRESS: 1812 Welsh
Brazos County
College Station, Texas 77840

GRANTEE: CITY OF COLLEGE STATION, TEXAS

GRANTEE'S MAILING ADDRESS: 1101 Texas Avenue
Brazos County
College Station, Texas 77840

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration.

PROPERTY:

All that certain tract or parcel of land containing 2567 square feet, more or less, lying and being situated in the Crawford Burnett League, Abstract No. 7, in College Station, Brazos County, Texas, and being a part of Lot 1, Block 1, Athletic Complex, according to plat of record in Volume 1140, Page 497, of the Official Records of Brazos County, Texas; said 2567 square feet of land being a strip of land lying along and adjoining the southwest line of Welsh Avenue and being more particularly described by metes and bounds description in Exhibit "A" attached hereto and made a part hereof for all purposes.

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

1. Temporary Blanket Electric Power Easement from College Station Independent School District to City of College Station, dated April 26, 1988, recorded in Volume 1115, Page 220, of the Official Records of Brazos County, Texas.
2. Utility Easement from College Station Independent School District to City of College Station, Texas, dated January 24, 1992, recorded in Volume 1453, Page 259, of the Official Records of Brazos County, Texas.

3. The following conditions apply to this transaction pursuant to Federal Court Order in Civil Action No. 5281, *United States v. Texas*:

The further covenant, consideration and condition is that the following restrictions shall in all things be observed, followed and complied with:

- a. The above-described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which discriminates against any person because of his race, color or national origin, regardless of whether such discrimination be effected by design or otherwise.
- b. The above-described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which creates, maintains, reinforces, renews, or encourages, or which intends to create, maintain, reinforce, renew, or encourage, a dual system.

These restrictions and conditions shall be binding upon the Grantee, its successors and assigns, for a period of fifty years, from the date hereof; and in case of violation of either or both of the above restrictions, the estate herein granted shall, without entry or suit, immediately revert to and invest in the Grantor herein and its successors shall be entitled to immediate possession of such premises and the improvements thereon; and no act or omission upon the part of the Grantor herein and its successors shall be a waiver of the operation or enforcement of such condition.

The restrictions set out in paragraph "a" above shall be construed to be for the benefit of any person prejudiced by its violation. The restriction specified in paragraph "b" above shall be construed for the benefit of any public school district or any person prejudiced by its violation.

GRANTOR waives all rights with respect to the surface and no owner of the mineral estate shall ever have rights of ingress or egress except as may have been reserved by GRANTOR under the reservations and exceptions expressly listed in this deed or its predecessors in title.

GRANTOR, for the consideration and subject to the RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY, GIVES and DEDICATES to GRANTEE the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to GRANTEE and GRANTEE's successors and assigns forever. GRANTOR binds GRANTOR and GRANTOR's successors and assigns, 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 GRANTOR but not otherwise, except as to the RESERVATIONS FROM CONVEYANCE AND THE EXCEPTIONS TO CONVEYANCE AND WARRANTY.

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

COLLEGE STATION INDEPENDENT SCHOOL
DISTRICT, a political subdivision,
also or formerly known as A&M
CONSOLIDATED INDEPENDENT SCHOOL
DISTRICT

BY: _____
TIM JONES, President of the Board of
Trustees of College Station Independent
School District

Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, TX 77845
(979) 690-3378

Proposed Right-of-way Parcel
Lot 1 Block 1 – Athletic Complex
Crawford Burnett League
College Station, Texas
8 March 2007

All that **certain** tract or parcel of land lying and being situated in the **Crawford Burnett** League, Abstract No. 7, in College Station, **Brazos County, Texas**, being a part of Lot 1 Block 1 Athletic Complex according to plat of record in Volume 1140, Page 497 of the Official Records of **Brazos County, Texas**, being a strip of land lying along and adjoining the southwest line of Welsh Avenue and being more particularly described as follows:

Beginning at a ½" iron rod with and orange plastic cap stamped "H.P. Mayo RPLS 5045" set in the northwest right-of-way line of Harvey Mitchell Parkway from which the City of College Station GPS monument no.119 bears S 35° 51' 41" E – 315.56 feet.

Thence N 31° 17' 52" W – 62.18 feet through the said Lot 1 to a ½" iron rod with an orange plastic cap stamped "H.P. Mayo RPLS 5045" set at the beginning of a tangent curve to the left (R=454.50');

Thence continuing through the said Lot 1 along the arc of said curve through a central angle of 14° 45' 39" (long chord bears N 38° 40' 41" W – 116.77') to a ½" iron rod with and orange plastic cap stamped "H.P. Mayo RPLS 5045" set at the northwest corner of this tract;

Thence N 43° 56' 29" E – 11.84 feet continuing through the said Lot 1 to the northeast corner of this tract in the southwest line of Welsh Avenue;

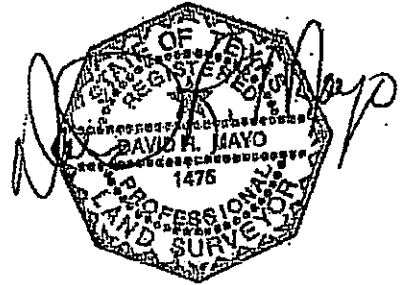
Thence along the arc of a curve to the right (R= 456.24') in the southwest line of Welsh Avenue through a central angle of 16° 35' 32" (long chord bears S 39° 32' 51" E – 131.66 feet to the end of said curve from which a 5/8" iron rod with a plastic cap stamped "Kerr RPLS 4502" was found S 85° E – 0.57 feet;

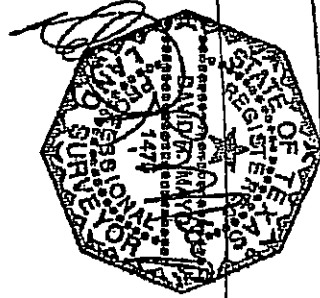
Thence S 31° 15' 05" E – 50.72 feet along the southwest line of Welsh Avenue to the intersection of the southwest line of Welsh Avenue and the northwest right-of-way line of Harvey Mitchell Parkway from which a 5/8" iron rod with a plastic cap stamped "Kerr RPLS 4502" was found S 61° E – 1.06 feet;

Thence S 58° 47' 06" W – 15.30 feet along the northwest right-of-way line of Harvey Mitchell Parkway to the Point of Beginning and containing 2567 square feet of land more or less.

Bearings area Texas State Plane, Central Zone NAD83(1986) datum based on 1994 City of College Station GPS control monument no. 119 and no. 117 (S 1°46'07"W) .

See survey plat prepared in March 2007.



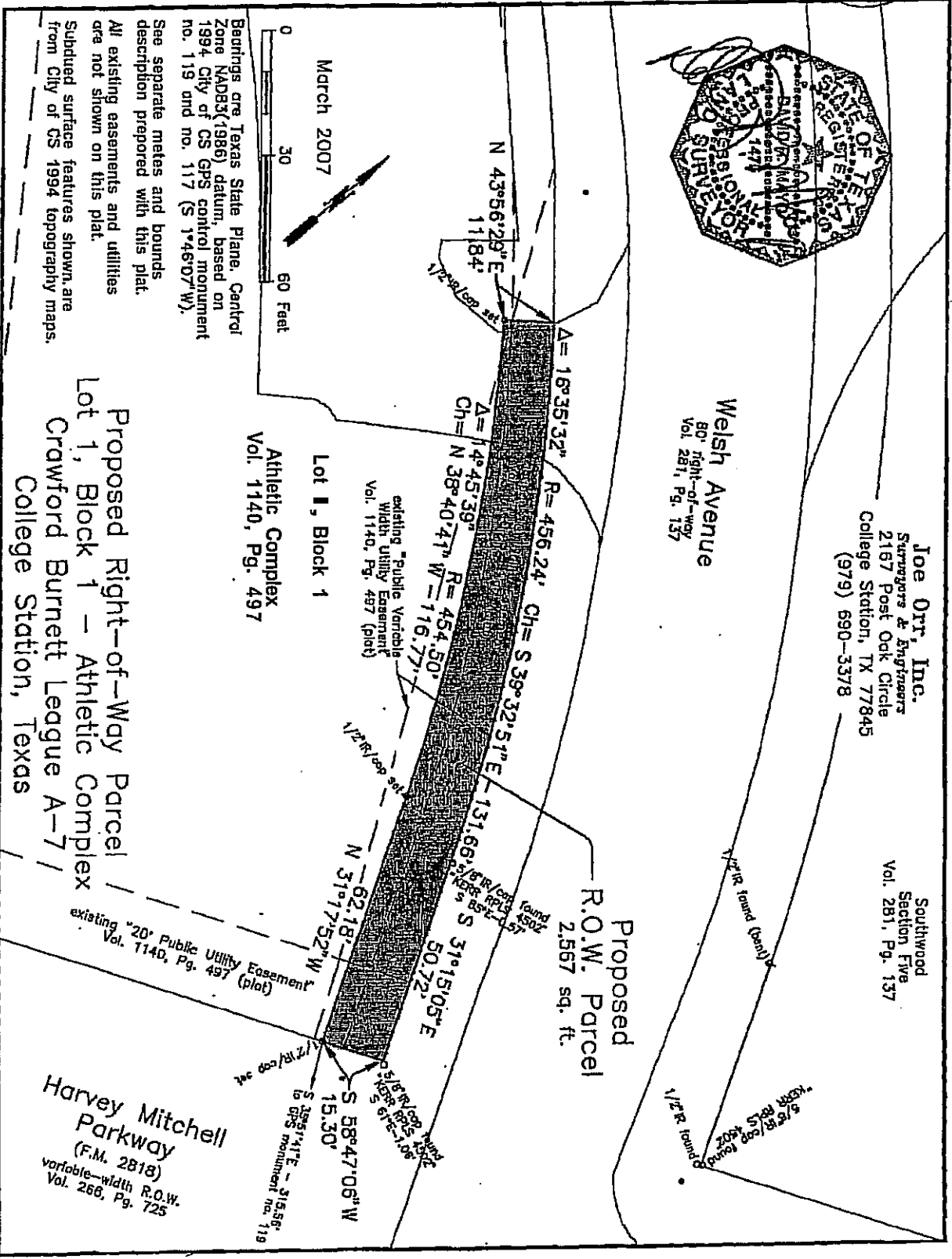


Joe Orr, Inc.
 Surveyors & Engineers
 2167 Post Oak Circle
 College Station, TX 77845
 (979) 690-3378

Southwood
 Section Five
 Vol. 281, Pg. 137

Welsh Avenue
 80' right-of-way
 Vol. 281, Pg. 137

Proposed
 R.O.W. Parcel
 2,567 sq. ft.



March 2007



Bearings are Texas State Plane, Central Zone NAD83(1986) datum, based on 1994 City of CS GPS control monument no. 119 and no. 117 (S 1°46'07\"/>

Proposed Right-of-Way Parcel
 Lot 1, Block 1 - Athletic Complex
 Crawford Burnett League A-7
 College Station, Texas

Athletic Complex
 Vol. 1140, Pg. 497

Lot 1, Block 1

existing "20' Public Utility Easement"
 Vol. 1140, Pg. 497 (plot)

Harvey Mitchell
 Parkway
 (F.M. 2818)
 variable-width R.O.W.
 Vol. 266, Pg. 725

EXHIBIT A