



RESOLUTION NO. 20160426-04

**A RESOLUTION AUTHORIZING THE CONVEYANCE OF SPECIFIC PROPERTY TO TAC
EAST HOLDINGS COMPANY NO. 1**

WHEREAS, TexAmericas Center is a political subdivision of the State of Texas with the powers and authorities specified in Chapter 3503 of the Special District Local Laws Code of the State of Texas; and

WHEREAS, TexAmericas Center has established a non-profit corporation, TAC East Holdings Company No. 1, to take title to and hold certain real property of the Authority and to collect income from said property and remit the same (less expenses) to TexAmericas Center;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of TexAmericas Center, that Scott Norton, Executive Director/CEO, shall be and he is hereby authorized to execute a Special Warranty Deed conveying title to the real property described in Exhibit "A" attached hereto to TAC East Holdings Company No. 1.

PASSED and APPROVED this 26th day of April, 2016.



Gabe Tarr, Vice-Chairman of the Board

ATTEST:



Boyd Sartin, Secretary/Treasurer

Attached: Exhibit "A"

EXHIBIT "A"
REVISED
21.621 ACRES

All that certain lot, tract or parcel of land lying and situated in the William H. Fore Headright Survey, Abstract 214, Bowie County, Texas, being a part of that certain tract of land described as Tract 3 – Between Proposed 4th and 5th Street Parcel w/ 2123.097 acres in the deed from United States of America to Red River Redevelopment Authority, now known as TexAmericas Center, dated September 1, 2010, recorded in Volume 5898, Page 1 of the Real property Records in Bowie County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch steel rod found for a corner, capped Texas MG 5760, the Southwest corner of the said 2123.097 acre tract;

THENCE North 00 degrees 00 minutes 00 seconds East a distance of 2532.02 feet and North 90 degrees 00 minutes 00 seconds East a distance of 6676.46 feet to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, at the POINT OF BEGINNING;

THENCE North 00 degrees 33 minutes 45 seconds East a distance of 3190.24 feet to a 1/2 inch steel rod set for a corner, capped MTG 101011-00;

THENCE South 89 degrees 35 minutes 37 seconds East a distance of 267.82 feet to a 1/2 inch steel rod set for a corner, capped MTG 101011-00 said corner bears South 89 degrees 35 minutes 37 seconds East a distance of 100.01 feet, North 00 degrees 31 minutes 26 seconds West a distance of 2073.41 feet to a 1/2 inch steel rod found for a corner, capped MTG 101011-00 (control monument), and North 43 degrees 04 minutes 14 seconds East a distance of 72.51 feet to a 1/2 inch steel rod found for a corner, capped MTG 101011-00, lying in the South line of that certain tract of land described as Tract 20 – Proposed 4th Street w/ 58.304 acres in the deed from United States of America to Red River Redevelopment Authority, now known as TexAmericas Center, dated September 1, 2010, recorded in Volume 5898, Page 1 of the Real property Records in Bowie County, Texas, the Northwest corner of that certain tract of land described as Tract Two (Area E), with 419.186 acres in the deed from TexAmericas Center to TAC East Holdings Company No. 1, dated July 28, 2015, recorded in Document No. 2015-8269 of the Real Property Records of Bowie County, Texas;

THENCE South 00 degrees 31 minutes 26 seconds East a distance of 3135.10 feet to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, said corner bears North 80 degrees 51 minutes 21 seconds East a distance of 101.14 feet, South 00 degrees 31 minutes 26 seconds East (basis of bearings) a distance of 554.66 feet to a 1/2 inch steel rod found for a corner, capped MTG 101011-00 (control monument), and South 50 degrees 15 minutes 44 seconds East a distance of 65.52 feet to a 1/2 inch steel rod found for a corner, capped MTG 101011-00, the Southwest corner of the said 419.186 acre tract;

THENCE South 80 degrees 46 minutes 43 seconds West a distance of 332.10 feet to the point of beginning and containing 21.621 acres of land, at the time of this survey.

This description is based on the survey and plat made by Jeffrey A. Wood, Registered Professional Land Surveyor No. 6220, on March 23, 2016.

Bowie
Tina Petty
County Clerk
New Boston, Texas 75570



70 2016 0000539 3

Instrument Number: 2016-5393

As

Recorded On: April 28, 2016

Recording

Parties: TEXAMERICAS CENTER

Billable Pages: 8

To TAC EAST HOLDINGS COMPANY NO 1

Number of Pages:

Comment: SPECIAL WARRANTY DEED

(Parties listed above are for Clerks reference only)

**** THIS IS NOT A BILL ****

Recording	54.00
Total Recording:	54.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2016-5393
Receipt Number: 331578
Recorded Date/Time: April 28, 2016 08:43:30A

Record and Return To:

JORDAN LAW FIRM
4 WOODMONT CROSSING
TEXARKANA TX 75503

User / Station: V Moore - Cash Station #2

PREPARED IN THE OFFICE OF:
JORDAN LAW FIRM, L.L.P.
#4 Woodmont Crossing
Texarkana, Texas 75503

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 FOR
RECORD IN THE PUBLIC RECORDS:
YOUR SOCIAL SECURITY NUMBER OR
YOUR DRIVER'S LICENSE NUMBER

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Apr 28, 2016 at 08:43A

SPECIAL WARRANTY DEED

Date: April 26, 2016

Grantor: TexAmericas Center, a political subdivision of the State of Texas, acting by and through Scott Norton, Executive Director/CEO, duly authorized by Resolution of the Board of Directors dated April 26, 2016

Grantor's Mailing Address (including county): 107 Chapel Lane
New Boston, Bowie County, Texas 75570

Grantee: TAC East Holdings Company No. 1, a Texas Non-Profit Corporation

Grantee's Mailing Address (including county): 107 Chapel Lane
New Boston, Bowie County, Texas 75570

Consideration: \$1.00 and other good and valuable consideration

Property (including any improvements):

TRACT ONE:

All that certain lot, tract or parcel of land lying and situated in the William H. Fore Headright Survey, Abstract 214, Bowie County, Texas, being a part of that certain tract of land described as Tract 3 – Between Proposed 4th and 5th Street Parcel w/ 2123.097 acres in the deed from United States of America to Red River Redevelopment Authority, now known as TexAmericas Center,

dated September 1, 2010, recorded in Volume 5898, Page 1 of the Real property Records in Bowie County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch steel rod found for a corner, capped Texas MG 5760, the Southwest corner of the said 2123.097 acre tract;

THENCE North 00 degrees 00 minutes 00 seconds East a distance of 2532.02 feet and North 90 degrees 00 minutes 00 seconds East a distance of 6676.46 feet to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, at the POINT OF BEGINNING;

THENCE North 00 degrees 33 minutes 45 seconds East a distance of 3190.24 feet to a 1/2 inch steel rod set for a corner, capped MTG 101011-00;

THENCE South 89 degrees 35 minutes 37 seconds East a distance of 267.82 feet to a 1/2 inch steel rod set for a corner, capped MTG 101011-00 said corner bears South 89 degrees 35 minutes 37 seconds East a distance of 100.01 feet, North 00 degrees 31 minutes 26 seconds West a distance of 2073.41 feet to a 1/2 inch steel rod found for a corner, capped MTG 101011-00 (control monument), and North 43 degrees 04 minutes 14 seconds East a distance of 72.51 feet to a 1/2 inch steel rod found for a corner, capped MTG 101011-00, lying in the South line of that certain tract of land described as Tract 20 – Proposed 4th Street w/ 58.304 acres in the deed from United States of America to Red River Redevelopment Authority, now known as TexAmericas Center, dated September 1, 2010, recorded in Volume 5898, Page 1 of the Real property Records in Bowie County, Texas, the Northwest corner of that certain tract of land described as Tract Two (Area E), with 419.186 acres in the deed from TexAmericas Center to TAC East Holdings Company No. 1, dated July 28, 2015, recorded in Document No. 2015-8269 of the Real Property Records of Bowie County, Texas;

THENCE South 00 degrees 31 minutes 26 seconds East a distance of 3135.10 feet to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, said corner bears North 80 degrees 51 minutes 21 seconds East a distance of 101.14 feet, South 00 degrees 31 minutes 26 seconds East (basis of bearings) a distance of 554.66 feet to a 1/2 inch steel rod found for a corner, capped MTG 101011-00 (control monument), and South 50 degrees 15 minutes 44 seconds East a distance of 65.52 feet to a 1/2 inch steel rod found for a corner, capped MTG 101011-00, the Southwest corner of the said 419.186 acre tract;

THENCE South 80 degrees 46 minutes 43 seconds West a distance of 332.10 feet to the point of beginning and containing 21.621 acres of land, at the time of this survey.

This description is based on the survey and plat made by Jeffrey A. Wood, Registered Professional Land Surveyor No. 6220, on March 23, 2016.

Together with a nonexclusive easement for ingress and egress to and from the above-described Tract One and Tract Two over and across the following tracts:

1. That certain tract known as Oak Street (formerly known as Fourth Street) and described as 58.304 acres in that certain Deed of the United States of America to Red River Redevelopment Authority dated September 1, 2010, recorded in Volume 5898, Page 1 of the Real Property Records of Bowie County, Texas.
2. Cypress Street (formerly known as Fifth Street) and described as an 81.718 acres in that certain Deed of the United States of America to Red River Redevelopment Authority dated September 1, 2010, recorded in Volume 5898, Page 1 of the Real Property Records of Bowie County, Texas.
3. Cass Street (formerly known as Washington Street) and described as 33.260 acres in that certain Deed of the United States of America to Red River Redevelopment Authority dated September 1, 2010, recorded in Volume 5898, Page 1 of the Real Property Records of Bowie County, Texas.
4. Ellis Street more particularly described as follows:

All that certain lot, tract or parcel of land lying and situated in the William H. Fore Headright Survey, Abstract 214, Bowie County, Texas, being part of that certain tract of land described as Tract 3 – Between Proposed 4th and 5th Street Parcel w/ 2123.097 acres in the deed from United States of America to Red River Redevelopment Authority, now known as TexAmericas Center, dated September 1, 2010, recorded in Volume 5898, Page 1 of the Real property Records in Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod, capped MTG 101011-00, set for a corner, lying in the North line of the said Tract 3 and the South line of that certain tract of land described as Tract 20 – Proposed 4th Street w/ 58.304 acres in the deed from United States of America to Red River Redevelopment Authority, now known as TexAmericas Center, dated September 1, 2010, recorded in Volume 5898, Page 1 of the Real property Records in Bowie County, Texas, said corner bears South 86 degrees 39 minutes 55 seconds West (basis of bearings) a distance of 5930.89 feet along the North line of the said Tract 3 and the South line of the said Tract 20, to a 1/2 inch steel rod (control monument no. 1), found for a corner, the Northwesterly Corner of the said Tract 3;

THENCE North 86 degrees 39 minutes 55 seconds East a distance of 200.24 feet along the North line of the said Tract 3 and the South line of the said Tract 20, to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner, lying in the North line of the said

Tract 3 and the South line of the said Tract 20, said corner bears North 86 degrees 39 minutes 55 seconds East a distance of 1224.57 feet along the North line of the said Tract 3 and the South line of the said Tract 20, to a 1/2 inch steel rod (control monument no. 2), capped Texas MG 5760, found for a corner,

THENCE South 43 degrees 04 minutes 14 seconds West a distance of 72.51 feet, to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner, at an angle point;

THENCE South 00 degrees 31 minutes 26 seconds East a distance of 5746.38 feet, to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner, at an angle point;

THENCE South 50 degrees 15 minutes 44 seconds East a distance of 65.52 feet, to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner, lying in the South line of the said Tract 3 and the North line of that certain tract of land described as Tract 10 – Proposed 5th Street Parcel w/ 81.718 acres in the deed from United States of America to Red River Redevelopment Authority, now known as TexAmericas Center, dated September 1, 2010, recorded in Volume 5898, Page 1 of the Real property Records in Bowie County, Texas, said corner bears North 79 degrees 59 minutes 59 seconds East a distance of 788.18 feet along the South line of the said Tract 3 and the North line of the said Tract 10, to a 1/2 inch steel rod, capped Texas MG 5760, found for a corner;

THENCE South 79 degrees 59 minutes 59 seconds West a distance of 202.77 feet along the South line of the said Tract 3 and the North line of the said Tract 10, to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner, lying in the South line of the said Tract 3 and the North line of the said Tract 10, said corner bears South 79 degrees 59 minutes 59 seconds West a distance of 3748.86 feet along the South line of the said Tract 3 and the North line of the said Tract 10, to a concrete nail, found for a corner, lying in the South line of the said Tract 3 and the North line of the said Tract 20;

THENCE North 39 degrees 44 minutes 16 seconds East a distance of 77.37 feet, to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner, at an angle point;

THENCE North 00 degrees 31 minutes 26 seconds West a distance of 5758.16 feet, to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner, at an angle point;

THENCE North 46 degrees 55 minutes 46 seconds West a distance of 69.04 feet to the point of beginning and containing 13.552 acres of land, at the time of this survey.

Each of the above-described streets are private streets owned and controlled by TexAmericas Center. TexAmericas Center reserves the right to dedicate one, or more, or all of said private streets as public streets or to include said private streets in a subdivision plat thereby dedicating said streets as public streets. It shall not be necessary or required that Grantee, its successors or assigns join in the execution of any documents dedicating said private streets as public streets. Upon dedication of

one, more than one, or all of said streets, as applicable, as public streets, the easements described herein shall automatically terminate.

Reservations from and Exceptions to Conveyance and Warranty:

1. Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the property; taxes for the current year, the payment of which Grantee assumes.
2. Easements, restrictions, and covenants, to the extent they apply to the Property, as set forth in that certain Deed Without Warranty dated September 1, 2010, from the United States of America to Red River Redevelopment Authority and recorded in Volume 5898 at Page 1 of the Real Property Records of Bowie County, Texas.

3. **Exceptions and Reservations Generally Applicable to TexAmericas Center East Campus:**

A. This conveyance is made subject to, and Grantee agrees to be bound by, all exceptions, covenants, restrictions, and reservations by the United States of America, acting by and through the Secretary of the Army ("Army"), in that certain Deed Without Warranty dated the 1st day of September, 2010, and recorded in Volume 5898, Page 1 of the Real Property Records of Bowie County, Texas, (the Deed Without Warranty) to the extent said matters affect the Property, including but not limited to the following:

1. Reservation of rights and easements for (a) access; (b) electric, telephone, and other utility service; (c) water, sanitary sewer, industrial wastewater, gas, and storm sewer service; (d) railroad rights-of-way; and (e) line of site clear zone, as set forth in said Deed Without Warranty.
2. CERCLA Covenants and CERCLA Notice as set forth in said Deed Without Warranty.
3. Land Use Restrictions, Residential Use Restriction and Groundwater Restriction and enforcement rights as set forth in Exhibit B, Paragraph 2 of said Deed Without Warranty.
4. Notice of the Presence of Lead-Based Paint and Covenant Against the Use of the Property for Residential Purposes set forth in Paragraph 4, Exhibit B, in said Deed Without Warranty.
5. Notice of the Presence of Asbestos and Covenant as set forth in Exhibit B, Paragraph 3 of said Deed Without Warranty.
6. Notice of the Potential Presence of Munitions and Explosives of Concern (MEC) and Covenant set forth in Exhibit B, Paragraph 6 of said Deed Without Warranty.

B. Grantee purchases the Property "AS IS – WHERE IS." Grantee acknowledges that the Property may not currently be fit for occupancy pursuant to applicable building codes, may not be in compliance with the American with Disabilities Act, or the applicable state law and regulations, and may contain lead-based paint and friable and non-friable asbestos or asbestos-containing materials. The Property is conveyed "AS IS – WHERE IS" without any representations, warranties, or guaranties as to quantity, quality, character, condition, size or kind, or that the Property is in a condition or fit to be used for the purpose for which it is intended, and the conveyance will be without any obligation on the part of the Grantor to make any alterations, repairs, or additions to the Property.

C. Grantee acknowledges and agrees that the Property has been a part of Lone Star Army Ammunition Plant, an installation of the United States of America, Department of the Army, and, as such is conveyed to Grantee, subject to such additional easements, covenants and restrictions as may be referred to and contained in the Memorandum of Agreement and Deed transferring title from the Army to Grantor, or its predecessors in title, including but not limited to, such easements, covenants and restrictions allowing the United States and its agents, employees and contractors access to and over the Property as may be necessary for any investigation, response, or corrective action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. § 9601 et seq. (CERCLA) or any other environmental statute, rule or regulation.

D. Grantee agrees to be bound by, comply with and enforce where required the covenants, restrictions and requirements of the Deed Without Warranty as they relate to and are enforceable against the Property described in this Special Warranty Deed. Grantee acknowledges that said covenants, restrictions and requirements run with the land and are enforceable against Grantee, its heirs, successors and assigns. Grantee for itself, its heirs, successors and assigns covenants that it will include and make binding the terms of the covenants, restrictions, and requirements of the Deed Without Warranty in all subsequent transfers, leases, or conveyance documents that include the Property.

E. Grantee agrees to indemnify and hold harmless the U.S.A. Department of the Army, TexAmericas Center, their officers, agents and employees from and against all suits, claims, demands or actions, liabilities, judgments, costs and attorney's fees arising out of, or in any manner predicated upon personal injury, death or property damage resulting from, related to, caused by or arising out of Grantee's, or Grantee's heirs, successors or assigns having violated the covenants, restrictions and/or requirements set forth in Deed Without Warranty and/or this Special Warranty Deed.

F. Grantor reserves for itself, its successors and assigns forever all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, 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, except as to the reservations from and exceptions to conveyance and warranty.

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 express or implied warranties except for the warranty of title stated in this deed.

The Property is being conveyed to Grantee in an "AS IS, WHERE IS" condition, with all faults. Grantor makes no warranty of condition, merchantability, or suitability or fitness for a particular purpose with respect to the fixtures and personal property. All warranties except for the warranty of title stated in this deed are disclaimed.

Grantee acknowledges and agrees that Grantee is relying solely on Grantee's examination of the Property. Grantee is not relying on any information or disclosures provided by Grantor.

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

TEXAMERICAS CENTER

By: _____



Scott Norton

Executive Director/CEO

Grantees Address:

107 Chapel Lane
New Boston, Texas 75570

STATE OF TEXAS

COUNTY OF BOWIE

This instrument was acknowledged before me on the 26th day of April, 2016, by Scott Norton, Executive Director/CEO of TexAmericas Center on behalf of said political subdivision.




Notary Public, State of Texas

NOTICE TO PURCHASER OF PROPERTY

It is your responsibility to contact the County Tax Assessor or County Appraisal District to transfer the property to your name on the Tax Roll and to claim any and all exemptions to which you are legally entitled. The County Tax Assessor or County Appraisal District is ordinarily located at the County Courthouse

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Apr 28, 2016 at 08:43A