

SPECIAL WARRANTY DEED

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF HAYS §

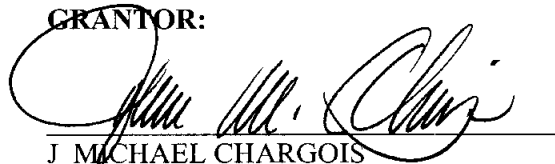
THAT J. Michael Chargois, an individual, as his sole and separate property ("Grantor"), for and in consideration of the sum of \$10 00 and other good and valuable consideration paid to Grantor by the City of San Marcos, Texas, a municipal corporation ("Grantee"), whose address is 630 E Hopkins Street, San Marcos, Hays, County, Texas 78666, the receipt and sufficiency whereof are hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL AND CONVEY unto Grantee, all of that certain unimproved real property situated in Hays County, Texas, more particularly described in Exhibit A attached hereto and incorporated herein by reference, together with all and singular the rights and appurtenances of Grantor pertaining thereto, including any right, title and interest of Grantor in and to adjacent streets, alleys or rights-of-way (collectively, the "Property"), subject, however, to any and all restrictions, covenants, easements, tenancies and other encumbrances of whatsoever nature, if any, relating to the Property, and all matters visible and apparent on the ground

TO HAVE AND TO HOLD the Property, subject to the aforesaid encumbrances, unto Grantee forever for so long as the Property is used only for Permitted Uses (as defined below), and when the Property ceases to be used for Continuous Operation (as defined below) of the Lift Station (as defined below), then title to the Property shall automatically (and without any notice or requirement for re-entry by Grantor) revert to and fully revest in Grantor, its successors and assigns and all right, title and interest of in and to the Property shall forthwith cease and determine As used herein, the term (i) "Lift Station" shall refer to and mean a sanitary sewer lift station servicing, without limitation, the real property described in Exhibit B attached hereto and incorporated herein by reference, (ii) "Permitted Uses" shall refer to and mean Grantee's use of the Property for the construction, installation, use, repair, reconstruction, maintenance and operation of the Lift Station, and (iii) "Continuous Operation" shall mean operation, without interruption, subject to force majeure of more than thirty (30) consecutive days

Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the aforesaid encumbrances, unto Grantee against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject, however, to the matters set forth herein

EXECUTED as of December 15 2003

GRANTOR:


J MICHAEL CHARGOIS

THE STATE OF TEXAS

COUNTY OF ~~TRAVIS~~
Williamson

§
§
§

This instrument was acknowledged before me on this 15th day of December, 2003, by J. Michael Chargois, proved through a driver's license to be the person whose name is subscribed to this instrument


Notary Public, State of Texas

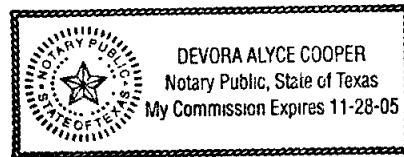


Exhibit "A"

AUSTIN SURVEYORS

P.O. BOX 180243
AUSTIN, TEXAS 78718

Bk	Vol	Pg
04022973	OPR 2521	16

2105 JUSTIN LANE #103
(512) 454-6605

Accompaniment to sketch 960-1E.doc

FIELD NOTES FOR 0.046 ACRES

All that certain tract or parcel of land situated in the William H. Van Horn Survey, A-484, in Hays County, Texas and being a part of a 56 288 acre tract of land conveyed to J. Michael Chargois by deed recorded in Volume 1798, Page 47 of the Official Public Records of Hays County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point for the West corner of this tract from which point an iron pin found in the South corner of the above mentioned San Marcos Toyota Subdivision bears S 44°17'46" W 30 00 feet., N 45°42'09" W 404 38 feet, and S 44°08'00" W 74 77 feet

THENCE N 44° 17' 46" E 40 00 feet to the North corner of this tract.

THENCE S 45° 42' 14" E 50 00 feet to the East corner of this tract.

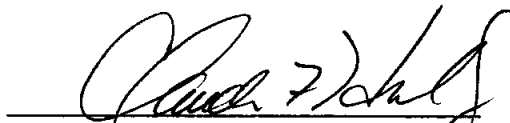
THENCE S 44° 17' 46" W 40 00 feet to the South corner of this tract.

THENCE N 45° 42' 14" W 50.00 feet to the POINT OF BEGINNING containing 0 046acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes were prepared from public records, supplemental on-the-ground surveys, and calculations made under my supervision and are correct to the best of my knowledge and belief. These field notes are to be used for a lift station easement only. Any use by these or other persons or parties for any other purpose is expressly prohibited.



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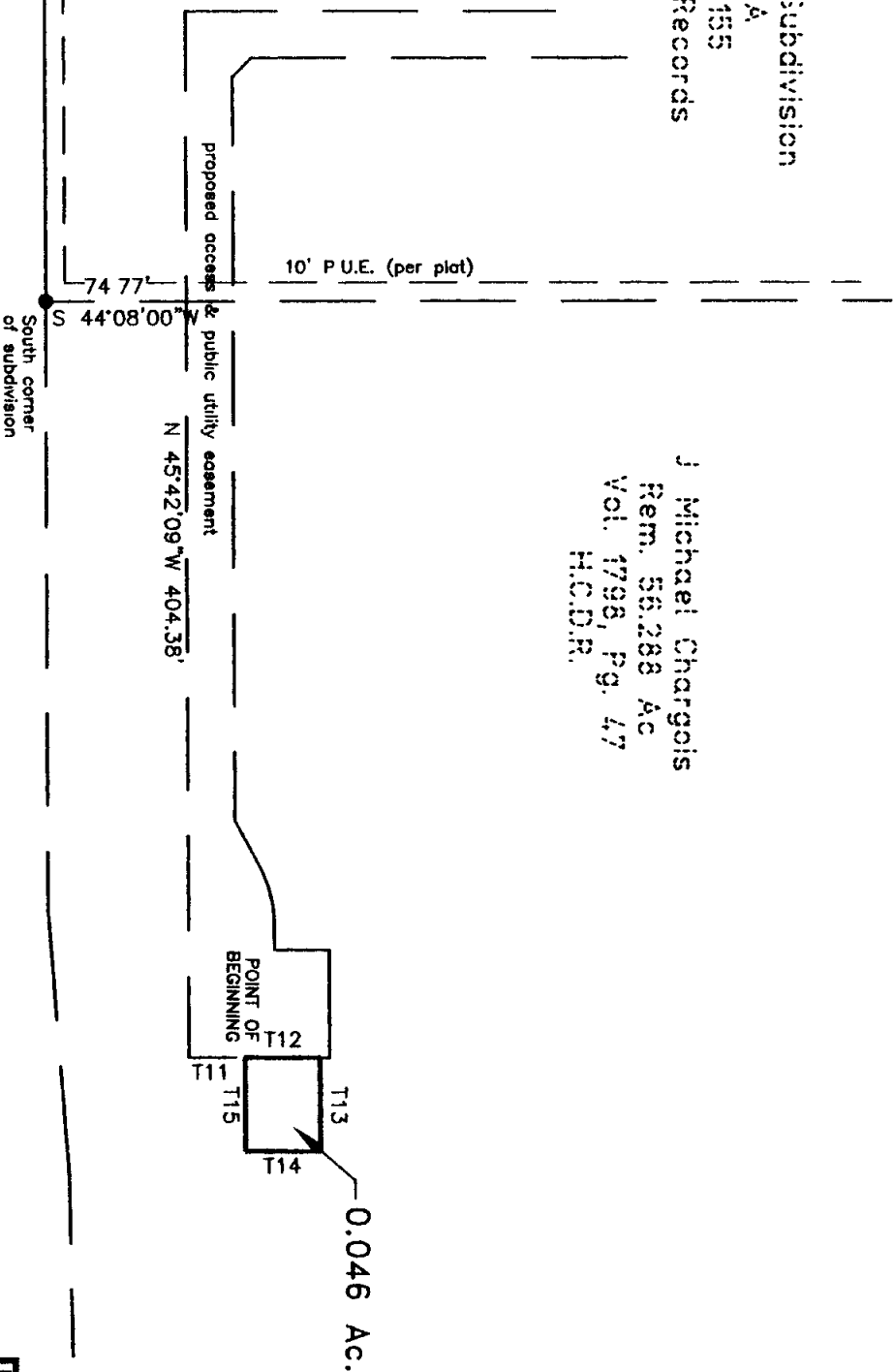

Claude F. Hinkle, Jr.
R.P.L.S. No. 4629

02 Sept 03
Date 960-1E.doc

Sketch to accompany field notes for a 0.046 acre tract of land
in the W.H. Van Horn Survey, A-484, in Hays County, Texas

San Marcos Toyota Subdivision
Lot 2 Block A
Book 9, Page 155
Hays County Plat Records

J Michael Charcois
Rem. 56.288 Ac.
Vol. 1798, Pg. 47
H.C.D.R.

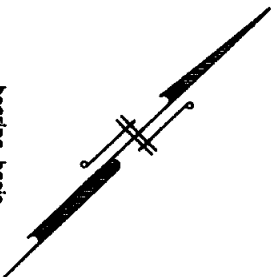


Course	Bearing	Distance
T11	S 44°17'46\"	30.00'
T12	N 44°17'46\"	40.00'
T13	S 45°42'14\"	50.00'
T14	S 44°17'46\"	40.00'
T15	N 45°42'14\"	50.00'

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Field notes prepared

Scale 1" = 100'



File No.	860-1638P	Designed By	skip
Job No.	860-177	Drawn By	skip
Date	August, 2003	Checked By	
Scale	1" = 100'	Revised	



AUSTIN SURVEYORS

2105 Justin Lane #103
Austin, Texas 78757
512-454-6605

Exhibit "B"
Bk Vol Pg
04022973 DPR 2521 18

FIELD NOTES FOR 20.669 ACRES

All that certain tract or parcel of land situated in Hays County, Texas and being a part of the William H. Van Horn Survey, A-484 and being also a part of a 56.288 acre tract of land described in a Deed of Trust recorded in Volume 1798, Page 47 of the Official Public Records of Hays County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING in the intersection of the Southeast right-of-way line of Interstate Highway #35 and the Southwest right-of-way line of County Road #235 (Posey Road) for the North corner of the above mentioned 56.288 acre tract and the North corner of this tract.

THENCE S 46°01'17" E with the Southwest line of the said County Road #235 607.01 feet to an iron pin set for the East corner of this tract.

THENCE S 44°08'00" W 280.00 feet to an iron pin set for an ell corner of this tract.

THENCE S 46°01'17" E 400.00 feet to an iron pin set for an ell corner of this tract.

THENCE S 44°08'00" W 728.25 feet to an iron pin set on the Southwest line of the said 56.288 acre tract and the Northeast line of a 14.86 acre tract of land conveyed to Ivar Gunnarson by deed recorded in Volume 1484, Page 581 of the Deed Records of Hays County, Texas for the South corner of this tract.

Filed for Record in:
Hays County
on Dec 10, 2004 at 09:52A
Document Number: 04022973
Amount: 22.00
Receipt Number - 107211
By,
Rose Robinson, Deputy
Lee Carlisle, County Clerk
Hays County

THENCE N 45°43'40" W with the Southwest line of the said 56.288 acre tract 670.90 feet to an iron pin found for an angle point of the said 56.288 acre tract and an angle point of this tract.

THENCE N 45°21'38" W 336.12 feet to an iron pin found on the Southeast right-of-way line of Interstate Highway #35 for the West corner of the said 56.288 acre tract and the West corner of this tract.

THENCE N 44°08'00" E 1000.94 feet to the POINT OF BEGINNING containing 20.669 acres of land, more or less.