

**EXHIBIT D**  
[FORM OF EXCHANGE TRACT DEED]

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.

**SPECIAL WARRANTY DEED**

**Date:** \_\_\_\_\_, 2021

**Grantor:** City of San Marcos, Texas, a Texas municipal corporation.

**Grantor's Mailing Address:** 630 East Hopkins Street, San Marcos, Hays County, Texas 78666

**Grantee:** G&H Rental Properties, LLC

**Grantee's Mailing Address:** P.O. Box 201, Martindale, Texas 78655-0201

**Consideration:** TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

**Property (including any improvements):** Being an approximately 0.111 acre tract of land situated in the J.M. Veramendi Survey Number 17, in the City of San Marcos, Hays County, Texas, as further described by metes and bounds in Exhibit A, attached hereto and made a part hereof.

**Reservations from and Exceptions to Conveyance and Warranty:** Validly existing encumbrances, easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments that affect the Property; zoning regulations; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements.

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 way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, 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 and Exceptions to Conveyance and Warranty.

Taxes for 2021 and subsequent taxes and assessments for prior years due to change in land usage, ownership, or both, are assumed by Grantee.

**Grantor makes no warranties of any kind, express or implied, to Grantee, and Grantee waives all warranties and representations from Grantor, whether oral or written, whether expressed or implied, concerning the condition of the Property or improvements thereon, including, without limitation, any warranty of habitability, fitness or suitability for a particular purpose.**

**Grantee further assumes all liability and responsibility related to its use and any proposed development activities on the Property, including compliance with applicable zoning or platting regulations and ordinances, including impervious cover limitations.**

*Restriction:* The conveyance to Grantee herein is subject to the condition, restriction and covenant by Grantee that the Property shall be used only for recreational open space uses for the benefit and enjoyment of residents of Grantee's adjacent multifamily residential developments. Notwithstanding the foregoing, Grantee may, subject to applicable ordinances, install a gazebo of comparable size and style as is currently situated on Grantee's abutting property, together with sidewalks or pathways, playground equipment, grills, benches, picnic tables and trash receptacles. The installation of water or electric service to serve such improvements shall be subject to approval of Grantor, in its sole discretion. All other building improvements are hereby expressly prohibited. The restrictions in this paragraph shall be covenants running with the land binding on Grantee, and Grantee's successors and assigns. Grantor may pursue any remedies available at law or in equity, including the recovery of reasonable attorneys' fees and costs of court, to enforce the provisions of this paragraph. Exclusive venue for any proceeding related to this paragraph shall be in the state court having jurisdiction in Hays County, Texas.

*Temporary Construction Easement:* Grantor hereby reserves a temporary construction easement across the Property for purposes of construction, staging, storage, and access for construction related to the Blanco Riverine Flood Mitigation Project. Grantor shall not utilize the Property for the duration of this temporary construction easement, except with the written permission of Grantee's Director of Engineering and Capital Improvements, or their designee. This temporary construction easement shall expire on the sooner of completion of said project or April 1, 2023.

[SIGNATURES ON NEXT PAGE]

**GRANTOR:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF TEXAS       §  
                                  §  
COUNTY OF HAYS     §

This instrument was acknowledged before me on \_\_\_\_\_, 2021 by \_\_\_\_\_, \_\_\_\_\_ of the City of San Marcos, Texas, a municipal corporation, in such capacity, on behalf of said municipality.

**GRANTEE:**

By: \_\_\_\_\_  
Robert Gordon Hall III, Manager

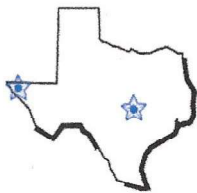
**ACKNOWLEDGMENT**

STATE OF TEXAS           §  
  §  
COUNTY OF HAYS       §

This instrument was acknowledged before me on \_\_\_\_\_, 2021 by Robert Gordon Hall III, Manager of G&H Rental Properties, LLC, a Texas limited liability company, in such capacity, on behalf of said entity.

\_\_\_\_\_  
Notary Public, State of Texas

**EXHIBIT A**  
[ATTACH DESCRIPTION FOR EXCHANGE TRACT]



**ZWA**

**Zamora, L.L.C.**

**State-wide Professional Land Surveying  
Offices in Buda and El Paso Texas**

EXHIBIT " A "

(Parcel #9-C)

**LEGAL DESCRIPTION**

DESCRIPTION OF 0.111 OF AN ACRE (4,827 SQ. FT.) OF LAND, SITUATED IN THE J. VERAMENDI SURVEY NUMBER 17 IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING OUT OF A CERTAIN 3.640 ACRE TRACT OF LAND CONVEYED TO THE CITY OF SAN MARCOS, OF RECORD IN DOCUMENT NUMBER 21011969, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS; SAID 0.111 OF AN ACRE (4,827 SQ. FT.) OF LAND, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found on the south right-of-way line of River Road, a variable width right-of-way, at the north corner of said 3.640 acre tract, being also the west corner of Lot 1B, Replat of Lot 1 Tabor Addition, a subdivision of record in Book 10, Page 121, Plat Records, Hays County, Texas having grid coordinates of (N=13,868,661.53, E=2,312,319.30) and being the north corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE, S 45°49'37" E**, along the north line of said 3.640 acre tract, being also the south line of said Lot 1B, for a distance of **80.52** feet to a 1/2-inch iron rod with "ZWA" cap set, on the north line of said 3.6378 acre tract, being also the south line of said Lot 1B, and being the east corner of the herein described tract;

**THENCE**, over and across said 3.640 acre tract the following two courses and distances:

1. **S 44°10'08" W**, for a distance of **60.00** feet to a 1/2-inch iron rod with "ZWA" cap set, and being the south corner of the herein described tract;
2. **N 45°49'36" W**, for a distance of **80.38** feet to a 1/2-inch iron rod with "ZWA" cap set on the south right-of-way line of said River Road, being also the west line of said 3.640 acre tract, and being the west corner of the herein described tract;

**THENCE, N 44°02'15" E**, along the west line of said 3.640 acre tract and being the south line of said River Road, for a distance of **60.00** feet to the **POINT OF BEGINNING** and containing 0.111 of an acre (4,827 sq. ft.) of land.

**BEARING BASIS**

THE BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD83 (93).

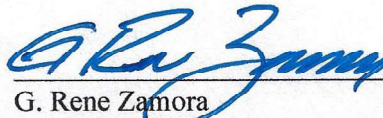
**THE STATE OF TEXAS    §  
                                  §  
COUNTY OF HAYS       §**

**KNOW ALL MEN BY THESE PRESENTS:**

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Buda, Hays County, Texas this the 19th day of May, 2021,  
A.D.

Zamora, L.L.C.  
1425 South Loop 4  
Buda, Texas 78610  
512-295-6201  
Tx. Firm No. 10062700



G. Rene Zamora  
Registered Professional Land Surveyor  
No. 5682 – State of Texas



**REFERENCES**

HCAD PID No. R12015  
Vesting Deed Vol. 3468, Pg. 50

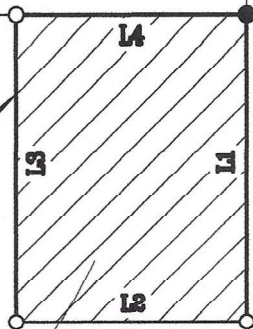
# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## RIVER ROAD (R.O.W. VARIES)

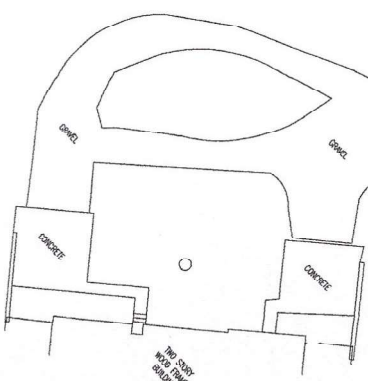
Line Table		
LINE	DIRECTION	LENGTH
L1	S45° 49' 37"E	80.52'
L2	S44° 10' 08"W	60.00'
L3	N45° 49' 36"W	80.38'
L4	N44° 02' 15"E	60.00'

CITY OF SAN MARCOS 0.365 ACRES VOLUME 1158, PAGE 735 O.P.R.H.C.TX. S44°02'15"W 458.79' (S44°10'09"W 459.74')	CITY OF SAN MARCOS 0.19 ACRES VOLUME 1158, PAGE 738 O.P.R.H.C.TX.
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**PARCEL #9C**  
**0.111 ACRES**  
**(4,827 S.F.)**



P.O.B.  
 N=13,868,661.53  
 E=2,312,319.30  
 (GRID)

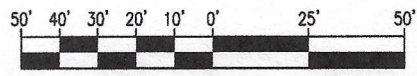
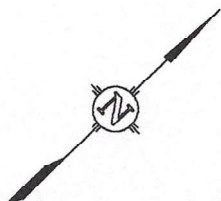


CITY OF SAN MARCOS  
 3.640 ACRES  
 DOC. NO. 21011696  
 O.P.R.H.C.Tx.  
 PROPERTY ID: R12015

LOT 1B  
 REPLAT OF LOT 1  
 TABOR ADDITION  
 BOOK 10, PAGE 121  
 P.R.H.C.Tx.  
 G&H RENTAL PROPERTIES LLC  
 VOLUME 5124, PAGE 511  
 O.P.R.H.C.Tx.  
 PROPERTY ID: R101038

*J. VERAMENDI SURVEY*  
 ABSTRACT NUMBER 17

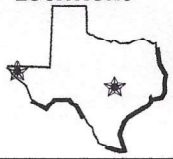
WESLEY NICHOLS  
 10.818 ACRES  
 VOLUME 1178, PAGE 745  
 O.P.R.H.C.Tx.  
 PROPERTY ID: R12072



GRAPHIC SCALE  
 1"=50'  
 MAY, 2021  
 HAYS COUNTY, TEXAS

ALPHA 80 ASSOCIATES LLC  
 57.059 ACRES  
 VOLUME 5370, PAGE 256  
 O.P.R.H.C.Tx.  
 PROPERTY ID: R12116 & R12117

**LOCATIONS**



**ZWA**  
**Zamora, L.L.C.**  
**Professional Land Surveyors**  
 Texas Firm No. 10062700  
 1425 South Loop 4 • Buda, Texas 78610  
 Tel: (512) 295-6201 • Fax (512) 295-6091

PROJECT: BLANCO RIVERINE DRAINAGE RIGHT-OF-WAY
JOB NUMBER: 1024-09-ESMT
DATE: MAY, 2021
SCALE: 1" = 50'
SURVEYOR: ZAMORA
TECHNICIAN: DWG
DRAWING: 1024-09-ESMT R12015 9C.dwg
FIELDNOTES:
PARTYCHIEF:
FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION OF 0.111 ACRE TRACT OF LAND SITUATED IN THE J. VERAMENDI SURVEY, ABSTRACT NUMBER 17, HAYS COUNTY, TEXAS.



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET W/ZWA CAP
- △ CALCULATED POINT
- ⊞ CONCRETE MONUMENT FOUND
- P.R.H.C.T. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- ( ) RECORD INFORMATION
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

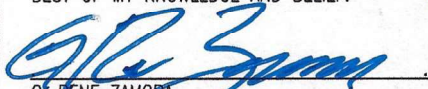
**NOTE:**

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.

**META DATA:**

ALL PROJECT COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83(2011) (EPOCH 2010.00).

I, G. RENE ZAMORA, DO HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

  
 G. RENE ZAMORA  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 5682



SHEET 4 OF 4

**LOCATIONS**



ZWA

**Zamora, L.L.C.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
 1425 South Loop 4 • Buda, Texas 78610  
 Tel: (512) 295-0201 • Fax: (512) 295-0091

<b>PROJECT:</b> BLANCO RIVERINE DRAINAGE RIGHT-OF-WAY	
JOB NUMBER: 1024-09-ESMT	
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SCALE: 1" = 50'	
SURVEYOR: ZAMORA	
TECHNICIAN: DWC	
DRAWING: 1024-09-ESMT R12015 9C.dwg	
FIELDNOTES:	
PARTYCHIEF:	
FIELDBOOKS:	

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