

ACT OF DONATION AND SPECIAL WARRANTY DEED

STATE OF TEXAS

COUNTY OF HIDALGO

KNOW ALL MEN BY THESE PRESENTS:

That I/WE/US, **CITY OF EDINBURG, TEXAS**, a home rule municipal corporation of Hidalgo County, Texas, appearing herein through Joe Ochoa, Mayor, duly elected and authorized to appear and act herein, who declared the mailing address of the City to be 210 West McIntyre, Edinburg, Texas 78539, (hereinafter referred to as **GRANTOR** and/or **DONOR**)

Does by this act and in and for the consideration of the mutual benefits which shall inure to the advantage of the Grantor/Donor and the Grantee/Donee with the construction and manning of the INS Border Patrol Sector Headquarters and support facilities upon the described property, **GRANTOR/DONOR** does by these presents, **GRANT, BARGIN, DONATE, CONVEY AND TRANSFER** unto **THE UNITED STATES OF AMERICA** for the use and benefit of the Immigration and Naturalization Service and/or the U. S. Border Patrol (hereinafter referred to as "**GRANTEE**") and/or its successors and/or assigns **THE FEE SIMPLE TITLE TO THE SURFACE AND SURFACE ONLY** to the following described real property, to wit:

A CERTAIN 28.65 ACRE TRACT OF LAND composed of portions of LOTS SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), TWENTY-THREE (23), TWENTY-FOUR (24), and TWENTY-FIVE (25), THE M.L. WOODS COMPANY TRACT NO. 4, HIDALGO COUNTY, TEXAS, according to the map or plat thereof recorded in Volume 5, page 51 of the map records of Hidalgo County, Texas, and according to a Warranty Deed with Vendor's lien recorded under County Clerk Document Number 862217 and 864895 Official Records of Hidalgo County, Texas, reference to which is made here for all purposes and being more particularly described by metes and bounds as follows:

Beginning at a ½ inch iron rod 24 inches in length with plastic cap stamped RPLS 4856 set on the original south right of way line of Trenton Road for an exterior corner of this tract, said point being N 81 degrees 35 minutes W two hundred eight and 71/100ths (208.71) feet and S 08 degrees 25 minutes W twenty (20) feet from a 60 penny nail found in the centerline of Trenton Road and being the Northeast corner of Lot 18;

THENCE, S 08 degrees 25 minutes W along the west line of the Noe E. Escobar Tract (a 1 acre tract of land in the northeast corner of Lot 18 as described in Warranty Deed recorded in Volume 986, page 59 of the Deed Records, Hidalgo County, Texas) passing at ten (10) feet a ½ inch iron rod 24 inches in length with plastic cap stamped RPLS 4856 set on the south line of a highway right of way easement to the County of Hidalgo (as per Deed recorded in Volume 1410, page 876 of the Deed Records for Hidalgo County, Texas) a distance of one hundred eighty-eight and 71/100ths (188.71) feet to a 5/8 inch iron rod being the southwest corner of the Noe E. Escobar tract and an interior corner of this tract;

THENCE S 81 degrees 35 minutes E along the south line of the Noe E. Escobar tract, passing a ½ inch iron rod 24 inches in length with plastic cap stamped RPLS 4856 set at one hundred seventy-six and 21/100ths (176.21) feet for the west line of a sixty-five (65.0) foot Hidalgo County Irrigation District No. 2 canal right of way (as shown on map found in Volume 5, page 51 of the Map Records of Hidalgo County, Texas), for a total distance of two hundred eight and 71/100th (208.71) feet to a 5/8 inch iron rod on the east line of Lot 18, the west line of Lot 19, center line of irrigation canal and being the southeast corner of the Noe E. Escobar tract and the northeast corner of this tract;

THENCE, S 08 degrees 25 minutes W along the east line of Lots 18 and 23, also being the centerline of the 65 foot irrigation canal right of way, for a distance of seven hundred eighty-one and 29/100ths (781.29) feet to a ½ inch iron rod 24 inches in length with plastic cap stamped RPLS 4856 set for the northeast corner of the Max F. York Tract (being the south one-half (S1/2) of Lot Twenty-three (23), the M.L. Woods Company Tract No. 4 as described in the Warranty Deed with Vendor's lien in County Clerk's Document No. 933393, Official Records, Hidalgo County, Texas) being the southeast corner of this tract;

THENCE, N 81 degrees 35 minutes W along the north line of the Max F. York Tract, passing a ½ inch iron rod found at thirty-two and 5/10ths (32.5) feet set on the west line of the 65.0 foot Hidalgo County Irrigation District No. 2 canal right of way, passing a ½" iron rod found at six hundred forty (640) feet marking the east right of way line of the forty (40) foot county road (as shown on map filed in Volume 5, page 51 of the Map Records of Hidalgo County, Texas), a distance of six hundred sixty (660) feet to a ½ inch rod found on the west line of Lot 23, east line of Lot 24 and the center line of the forty foot county road, and an interior corner of this tract;

THENCE, N 08 degrees 25 minutes E along the line common to Lots 23 and 24 and being the center line of the 40 foot county road, a distance of seventeen and 57/100ths (17.57) feet to a ½ inch iron rod 24 inches in length with plastic cap stamped RPLS 4856 set for an interior corner of this tract;

THENCE, North 81 degrees 35 minutes W, passing a ½ inch iron rod 24 inches in length with plastic cap stamped RPLS 4856 set at twenty (20) feet for the west right of way line of the 40 foot county road, a total distance of four hundred fifty-two and 33/100ths (452.33) feet to a ½ inch iron rod 24 inches in length with plastic cap stamped RPLS 4856 set for an interior corner of this tract;

THENCE, S 08 degrees 25 minutes W, a distance of three hundred forty-seven and 57/100ths (347.57) feet to a ½ inch iron rod 24 inches in length with plastic cap stamped RPLS 4856 set on the south line of Lot 24 for an exterior corner of this tract;

THENCE, along the south line of Lots 24 and 25 (the north line of Lots 28 and 29) a distance of five hundred eighty-four and 93/100ths (584.93) feet to a ½ inch iron rod 24 inches in length with plastic cap stamped RPLS 4856 set for the most southerly southwest corner of this tract;

THENCE, N 08 degrees 25 minutes E a distance of forty (40) feet to a ½ inch iron rod 24 inches in length with plastic cap stamped RPLS 4856 set for an interior corner of this tract;

THENCE, N 81 degrees 35 minutes W a distance of sixty-one and 73/100ths (61.73) feet to a ½ inch iron rod 24 inches in length with plastic cap stamped RPLS 4856 set on the easterly right of way line of U.S. Expressway 281 for the most westerly southwest corner of this tract;

THENCE, N 38 degrees 51 minutes 19 seconds E, Actual (N38 degrees 56 minutes 10 seconds E per title) along the easterly right of way line of U. S. 281 Expressway for a distance of one thousand, one hundred twenty-nine and 58/100ths (1,129.58) feet, Actual (1,129.47 feet Title) to a ½ inch iron rod found for the northwest corner of this tract;

THENCE, N 68 degrees 27 minutes 09 seconds E, Actual (N 68 degrees 42 minutes 49 seconds E, Title) along the east right of way line of U. S. 281 Expressway a distance of one hundred seventy-three and 87/100ths (173.87 feet, Actual (173.60 feet, Title) to a ½ inch iron rod found for an exterior corner of this tract;

THENCE, S 81 degrees 32 minutes 31 seconds E, Actual (S 81 degrees 30 minutes 53 Seconds E, along the south right of way line of U. S. 281 Expressway, passing a ½ inch iron rod at three hundred fifty-eight (358) feet located on the westerly right of way line of a forty (40) foot county road, passing a ½ inch iron rod found at three hundred ninety-eight (398) feet marking the easterly right of way line of said forty (40) foot county road, a total distance of seven hundred sixteen and 53/100ths (716.53) feet, Actual) (716.33 feet, Title) to a 5/8 inch iron rod found for an interior corner of this tract;

THENCE, N 08 degrees 26 minutes 41 seconds E, Actual (N 08 degrees 29 minutes 7 seconds E, Title) along the east right of way line of U. S. 281 Expressway, passing a ½ inch iron rod found at 189.78 feet, Actual (190 feet, Title) on the south right of way of Trenton Road, a total distance of one hundred ninety-nine and 78/100ths (199.78) feet, Actual (200 feet, Title) to a ½ inch iron rod 24 inches in length with plastic cap stamped RPLS 4856 set on the original south right of way line of Trenton Road for an exterior corner of this tract;

THENCE, S 81 degrees 35 minutes E, Actual (S 81 degrees 30 minutes 53 seconds E, Title) a distance of one hundred ten and 76/100ths (110.76) feet, Actual (111.51 feet, Title) to the POINT OF BEGINNING, and containing 28.65 acres of land more or less. All bearings described herein are in accordance with Survey of M. L. Woods Company Tract No. 4 filed for record in Volume 5, Page 51 of the map records of Hidalgo County, Texas. All as more fully shown on a survey of Quintanilla, Headley and Associates, Inc., dated April 3, 2002, last revised June 10, 2002, a copy of which is annexed hereto as Exhibit "A" and made a part hereof.

THIS PROPERTY TAKEN SUBJECT TO THE FOLLOWING:

a. Oil, gas, and mineral leases, and the amendments and assignments thereof as per instrument dated October 21, 1953 and filed for record in Volume 784, page 83, instrument dated November 15, 1973 filed for record in Volume 1387, page 685, Deed Records of Hidalgo County, Texas and as per instrument dated April 6, 2000 filed for record under Clerk's instrument number 862217 and 864495 of the official records of Hidalgo County, Texas.

b. Oil, gas, and mineral leases, and the amendments and assignments thereof as per instrument dated July 9, 1965 and filed for record in Volume 300, page 221, instrument dated March 27, 1961 filed for record in Volume 263, page 294, and as per instrument dated April 4, 1961 filed for record in Volume 263, page 359, Oil and Gas Records Hidalgo County, Texas, unitized in instrument dated September 28, 1999 and recorded under Clerk's instrument number 826555 of the official records of Hidalgo County, Texas.

- c. Oil, gas and mineral leases and reservations as shown in the chain of title, including, but not limited to, the following lease dated May 4, 1945 filed in Volume 60, page 75, unit designation filed in Volume 302, page 584 of the Oil and Gas Lease Records and the amendments thereof filed as Document Numbers 797498, 797499, 797500, 797501, and 797502 of the official records of Hidalgo County, Texas.
- d. Non-drilling Agreements recorded under Clerk's instrument numbers 860323 and 864218 of the official records of Hidalgo County, Texas.
- e. Easement for 12 inch tile drain line as set forth in an instrument recorded in Volume 1400, page 279 of the of the Deed Records of Hidalgo County, Texas. (LOTS 16 and 25)
- f. Ten Foot Easement for County Road Right of Way (now Trenton Road) granted to Hidalgo County by instrument dated June 17, 1974 and filed for registry in Volume 1410, page 876 of the of the Deed Records of Hidalgo County, Texas. (LOT 18)
- g. Terms and provisions contained in a Memorandum of Surface Damage Settlement and Release dated July 16, 1998 filed for record as Document Number 805917 of the official records of Hidalgo County, Texas.
- h. Forty foot county road within Lots 17, 18, 23 and 24 M.L. Woods Company Tract No. 4 as shown on plan filed in Map Records Volume 5, page 51 of the records of Hidalgo County, Texas.
- i. Easements, rights of way, encroachments, overlaps, and other matters which would be shown on a current survey of the property, including, but not limited to, the 32.5 irrigation ditch and thirty foot irrigation easement in favor of Hidalgo County Irrigation District No. 2, 2inch waterline of N.A.W.S.C, telephone line and overhead power line within the county road easement and overhead power line along the westerly sideline adjacent to the U.S. 281 Expressway as shown on the survey of Quintanilla, Headley and Associates, Inc., dated April 3, 2002, last revised June 10, 2002.
- j. Easements, Rules, Regulations and Rights, if any, in favor of the Hidalgo County Irrigation District No.2.
- k. **RESERVING UNTO GRANTOR, ITS HEIRS, SUCCESSORS AND ASSIGNS** any and all oil, gas, and other minerals, as defined by law, in and under said property and all appurtenant rights for the exploration, development, production, and removal of same, provided that any exploration, development, production and/or removal of same in and under said lands shall be subject to local, state, and federal laws with respect to environmental pollution and further provided that the type and location of any structure, improvement, and /or appurtenance thereto now existing or hereafter to be erected and/or constructed on said land in connection with the exploration, development, production and/or removal of said oil, gas, or other minerals shall be subject to the prior written approval of the District Engineer, U.S. Army Corps of Engineers, Galveston District, or his duly authorized representative.

The Premises are conveyed subject to existing easements for public roads and highways, public utilities, railroads and pipelines; oil, gas, and other minerals outstanding in third parties; oil, gas, and mineral leases outstanding in third parties.

AS FURTHER CONSIDERATION AND A CONDITION OF THE DONATION, in the event the United States does not commence construction of the contemplated INS Border Patrol Sector Headquarters and support facilities within five (5) years of the execution of the Deed of Donation, then in that event the property shall be returned to the Vendor/Donor upon written request by the appropriate official. However, this right of reverter shall terminate immediately upon expenditure of any funds appropriated for the construction of the INS facilities and/or improvements.

It being understood that the hereinabove described property is being donated by the City of Edinburg and accepted by the United States of America for the use and benefit of the Immigration and Naturalization Service, 425 I Street, Washington, D.C. 20536, their successors and assigns as the case may be under the Homeland Protection Act.

FURTHER, in consideration of the Donation, the said GRANTOR/DONOR does hereby REMISE, RELEASE, and FOREVER QUITCLAIM unto the Grantee/Donee, all of its rights, title, and interest in and to the banks, beds, and waters of any streams and/or irrigation canals bordering the said land herein conveyed

and also all interest in any alleys, roads, streets, ways, strips, gores or railroad rights of way abutting or adjoining said land and any means of ingress or egress appurtenant thereto.

TO HAVE AND TO HOLD the above described fee title to the property together with all and singular the rights and appurtenances thereto in anywise belonging unto GRANTEE/DONEE, its successors and assigns forever; GRANTOR/DONOR does hereby bind itself, its successors and assigns, to warrant and forever defend all and singular the said premises; unto GRANTEE/DONEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

AND NOW TO THESE PRESENTS COMES AND INTERVENES, THE UNITED STATES OF AMERICA, appearing herein through Richard W. Harrison, Chief, Real Estate Division of the U. S. Army Corps of Engineers, Galveston District, duly authorized to appear herein to accept the Donation of the hereinabove described property upon the terms and conditions outlined herein.

IN TESTIMONY WHEREOF, witness my signature at Edinburg, Texas on this 27th day of NOVEMBER 2002.

UNITED STATES OF AMERICA
Grantee/Donor

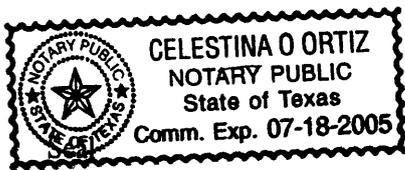
CITY OF EDINBURG, TEXAS
GRANTOR/DONOR

By: Richard W. Harrison
Richard W. Harrison, Chief
USACE - SWG - RE
STATE OF TEXAS

By: Joe Ochoa
JOE OCHOA, Mayor

COUNTY OF HIDALGO

On this 27th day of NOVEMBER, 2002 before me, a Notary Public in and for said State, personally appeared JOE Ochoa, not in his individual capacity but as Mayor of and the duly authorized representative for The City of Edinburg, Texas, known to me to be the same person and acting in said capacities who executed the within Act of Donation and Special Warranty Deed, and acknowledged to me that he executed the same for the purposes therein stated.

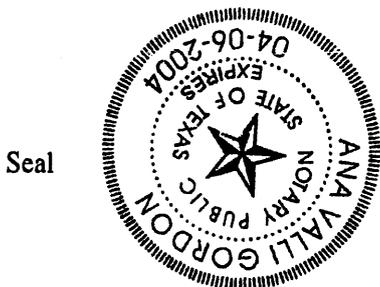


Celestina O. Ortiz
Notary Public
My Commission expires:

STATE OF TEXAS

COUNTY OF GALVESTON

On this 27th day of NOVEMBER, 2002 before me, a Notary Public in and for said State, personally appeared Richard W. Harrison, appearing herein in his capacity as Chief, Real Estate Division, U.S. Army Corps of Engineers, Galveston District, and the duly authorized representative for The United States of America, known to me to be the same person and acting in said capacities who executed the within Act of Donation and Special Warranty Deed, and acknowledged to me that he executed the same for the purposes therein stated.



Ana Valli Gordon
Notary Public
My Commission expires: 4/6/04

NON-GRADING CONTRACT TRACT, NW, NORTHWEST ONE-FORTH (NW 1/4) OF LOT 23, AND ONE-FORTH (NE 1/2) OF LOT 24, ACCORDING TO COUNTY CLERK'S DOCUMENT NO. 864218, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

SURFACE DAMAGE SETTLEMENT AND RELEASE TRACT, A 2.0 ACRE TRACT OF LAND OUT OF THE SOUTHWEST 2.5 ACRES OF LOT 24, M.L. WOODS DEED WITH WARRANTY TO COUNTY CLERK'S OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

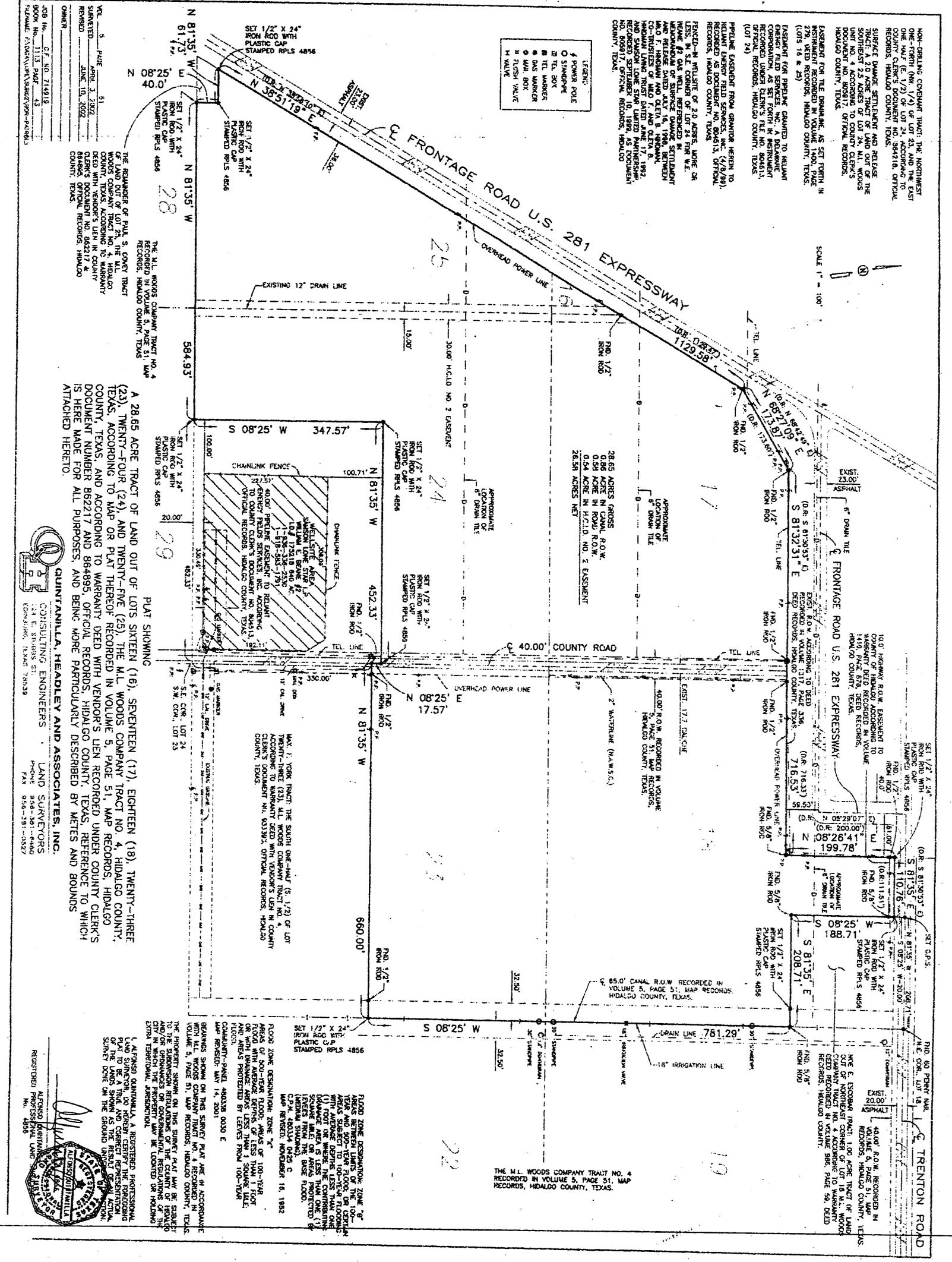
ESSEMENT FOR THE DRAINAGE, AS SET FORTH IN PLAT NO. 28, RECORDED IN VOLUME 1400, PAGE 24, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS. (LOT 24)

PRELIMINARY EASEMENT FROM GRANTOR HEREIN TO RELIANT ENERGY FIELD SERVICES, INC. (4/8/89), RECORDED AS DOCUMENT NO. 864513, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

FILED IN WELLSITE OF 2.0 ACRES, MORE OR LESS, IN S.E. CORNER OF LOT 24 FOR W.E. BEAVER #2 GAS WELL, REFERENCED IN MEMORANDUM OF SURFACE DAMAGE SETTLEMENT AND F. HANCOCK AND OLIVIA B. HANCOCK CO-TRUSTEES OF WILD F. AND OLIVIA B. HANCOCK LAND TRUST DATED JUNE 17, 1992, RECORDED SETBACK 10 FEET AS INSTRUMENT NO. 869917, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

- LEGEND:
- ☐ POWER POLE
 - STANDPIPE
 - TEL. BOX
 - TEL. MARKER
 - GAS MARKER
 - MAIL BOX
 - RUSH VALVE
 - H. WAIVE

SCALE 1" = 100'



OWNER: M.L. WOODS COMPANY TRACT NO. 4 RECORDED IN VOLUME 5, PAGE 51, MAP RECORDS, HIDALGO COUNTY, TEXAS.

DATE: JUNE 10, 2002

PLAT NO. 28

A 28.65 ACRE TRACT OF LAND OUT OF LOTS SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), TWENTY-THREE (23), TWENTY-FOUR (24), AND TWENTY-FIVE (25), THE M.L. WOODS COMPANY TRACT NO. 4, HIDALGO COUNTY, TEXAS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 5, PAGE 51, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED WITH VENDOR'S LIEN RECORDED UNDER COUNTY CLERK'S OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED HERETO.

QUINTANILLA, HEADLEY AND ASSOCIATES, INC.
CONSULTING ENGINEERS
LAND SURVEYORS
134 E. ST. LOUIS ST.
EDINBURG, TEXAS 78029
PHONE 362-3811-6400
FAX 362-3511-0327

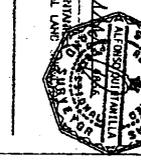


EXHIBIT "A" TO Act of Donation by City of Edinburg, Tx. to USA

Filed for Record in:
Hidalgo County
by J. D. Salinas, III
County Clerk

On: Feb 06, 2003 at 03:58P

As a Recording

Document Number: 1165407
Total Fees : 22.00

Receipt Number - 475765

By,
Imelda Leal, Deputy

STATE OF TEXAS, COUNTY OF HIDALGO
Certified to be a true and correct copy of
the original of file and of record in my
office.

Date

2-6-03

J. D. Salinas, III
County Clerk

By

Imelda Leal, Deputy

