

**AFFIDAVIT OF LEGAL RIGHT TO PRODUCE GROUNDWATER**

(Entity Form)

BEFORE ME, the undersigned authority, on this day personally appeared Nathan G. Jones, who being duly sworn on his oath, says and deposes as follows:

"My name is Nathan G. Jones. I am the Director (title) of Utilities & Energy Services (name of entity) (hereinafter referred to as the "Applicant"). I have been authorized by Texas A M University (name of entity) to give this affidavit. I am of sound mind, over eighteen (18) years of age, and have never been convicted of a felony or of a crime involving moral turpitude. My address is 1584 TAMU, College Station, Texas. I have personal knowledge of the facts stated herein, and they are true and correct.

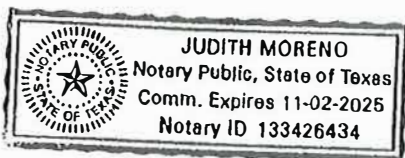
1. I am submitting to the Brazos Valley Groundwater Conservation District ("District") an application for a drilling and/or operating permit on behalf of the Applicant for a water well located at BELLIS Campus.
2. Applicant has the legal authority to produce the groundwater associated with the land surface and the permit application for the well listed in #1 above, as required by District Rule 7.1(c).
3. Exhibit A, attached hereto, is the map that identifies the water rights to be legally controlled by the Applicant under District Rule 7.1(c) for the well listed in #1 above.
4. I have provided to the District documents that prove Applicant's right to own, control, or produce the groundwater rights associated with the permit application for the well listed in #1 above, as required by District Rule 7.1(c).
5. I have provided to the District documents, if any, that fully evidence all transfer(s) of Applicant's right to own, control, or produce the groundwater rights to another person/entity that are associated with the land surface and the permit application, as required by Rule 7.1(c). And I understand that I am required to provide such transfer documents as they occur in the future.
6. I understand that a permit may be amended or revoked if the groundwater rights or right to produce, related to a permit under Rule 7.1(c), are legally transferred to another person/entity.

**FURTHER AFFIANT SAYETH NOT."**

Signed [Signature]  
Authorized representative of Applicant

SWORN AND SUBSCRIBED to before me on this the 13 day of June, 2024.

(Notary Seal)



[Signature]  
Notary Public in and for the State of Texas  
My Commission Expires: 11/2/25

## DEED WITHOUT WARRANTY

THE STATE OF TEXAS X

COUNTY OF DALLAS X

KNOW ALL MEN BY THESE PRESENTS:

THIS INDENTURE, made this 30th day of April, 1962, between the UNITED STATES OF AMERICA, acting by and through the Secretary of Health, Education, and Welfare by the Regional Director, Region VII, Department of Health, Education, and Welfare, under and pursuant to the powers and authority contained in the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U.S.C.A. 471 et seq.), hereinafter referred to as the Act, and Reorganization Plan No. 1 of 1953, Public Law 13, 83rd Congress, GRANTOR, and the State of Texas acting by and through The Board of Directors of the Agricultural and Mechanical College of Texas, an educational instrumentality duly organized and existing under the laws of the State of Texas, under and pursuant to the powers and authority contained in the Acts of the Legislature of Texas in Section 36, Article IV, of Senate Bill No. 1 of the First Called Session of the 57th Legislature, GRANTEE,

## WITNESSETH:

1. WHEREAS, certain real and related personal property hereinafter fully described was heretofore declared surplus, and in accordance with the provisions of the aforesaid Act, was assigned by the Administrator of General Services to the Secretary of Health, Education, and Welfare for disposal upon his recommendation that said property was needed for educational and research purposes; and

2. WHEREAS, it is the desire of the Board of Directors of the Agricultural and Mechanical College of Texas, the governing authority of the Agricultural and Mechanical College of Texas, to purchase said property at a public benefit allowance to be utilized in accordance with its application dated August 31, 1961, and amendments to said application dated January 15, 1962, January 17, 1962, and which application and amendments are hereby made a part hereof by reference; and

3. WHEREAS, notice was given to the Administrator of General Services of intention to transfer said property to the State of Texas for the use and benefit of the Agricultural and Mechanical College of Texas in accordance with the provisions of Section 203(k)(1) of the Act, and he has advised in writing that no objection is interposed to said disposal; and

4. WHEREAS, the total fair value of the property hereby conveyed is \$3,651,090.00, enumerated and described in four parcels as follows:

Land	\$ 360,300.00
Schedule A, Part 1	3,060,900.00
Schedule A, Part 2	225,600.00
Schedule A, Part 3	<u>4,290.00</u>
Total	\$3,651,090.00

NOW THEREFORE, the GRANTOR, for and in consideration of the Premises and the sum of Three million six hundred fifty-one thousand and ninety dollars (\$3,651,090.00) to be paid by the GRANTEE by earning a Public Benefit Allowance of one hundred percent for said sum by observance and performance by the GRANTEE, its successors and assigns, of the covenants, conditions, reservations and restrictions hereinafter contained does by these presents, bargain, sell, grant, and convey, but without warranty, express or implied, and under and subject to the covenants, conditions, reservations, restrictions, and exceptions hereinafter set forth, unto the GRANTEE, its successors and assigns, the property more particularly described and set forth in the hereinafter attached Schedule A, Part 1, Schedule A, Part 2, and Schedule A, Part 3, which are made a part hereof by reference as fully as though incorporated herein, together with the following described real property, all situate, lying and being in the County of Brazos, State of Texas, to-wit:

BEING 1991.39 acres of fee-owned land described as follows:

BEING portions of the James Curtis, Jr., Survey A-12, the John Williams Survey A-237, and the Thomas F. McKinney Survey A-33, Brazos County, Texas, and more particularly described as follows:

BEGIN at the southernmost corner of the said John Williams Survey and the easternmost corner of the James Curtis, Jr., Survey, situated in the northwesterly line of the Thomas F. McKinney Survey, same being in the southeasterly boundary

line of the former Bryan Air Force Base, and said point of beginning; being the most easterly corner of a 10.40 acre acquisition tract, BA-16, formerly owned by Sam Fachorn, et ux;

THENCE south 47° 20' W 517.2 feet with the southeasterly boundary of Tract BA-16 and the southeasterly line of the former Bryan Air Force Base, to the most southerly corner of said Tract BA-16, and also being the most easterly corner of a 11.0 tract, identified BA-17, acquired from Charles Todaro, et ux;

THENCE south 45° 30' W 550 feet, more or less, with the southeasterly line of former Bryan Air Force Base, being the southeasterly line of Tract BA-17, to the most southerly corner of said Tract BA-17, said point being the most easterly corner of a 6.80 acre tract, identified BA-18, acquired from Sam Piccolo;

THENCE along the southeasterly line of said Tract BA-18, being the southeasterly line of the former Bryan Air Force Base, as follows: South 47° 20' W 327.4 feet to a point of tangency; thence 30.3 feet along the arc of a curve to the left, the radius of which is 5754.65 feet, and the chord of which bears south 47° 11' W 30.3 feet to the most southerly corner of said Tract BA-18, being the most easterly corner of a 42.5 acre tract, identified BA-19, acquired from Sam N. Fachorn, et ux;

THENCE with the southeasterly line of Tract BA-19, the southeasterly line of the former Bryan Air Force Base, as follows: Continuing along the arc of said curve to the left 274.4 feet to a point of tangency; thence south 44° 18' W 1730.0 feet to a point; thence south 57° 50' W 97.9 feet to a point; thence south 48° 36' W 1271.6 feet to a point; thence south 15° 13' 486.2 feet to a point, being the most southerly corner of said Tract BA-19;

THENCE south 13° 44' W with a southeasterly line of a 90.8 acre tract of land, identified BA-25, acquired from Joe Viola, et ux, being along the southeasterly line of the former Bryan Air Force Base, 61.0 feet to the most easterly corner of a 20.5 acre tract, identified BA-23, acquired from Mary Viola, et vir;

THENCE south 13° 44' W with the southeasterly line of said Tract BA-23, a southeasterly line of the former Bryan Air Force Base, 969.8 feet to the most southerly corner of said Tract BA-23;

THENCE north 66° 2' W with the southwesterly line of said Tract BA-23, a southwesterly line of said former Bryan Air Force Base, 1265.9 feet to the most westerly corner of said Tract BA-23, being in the southeasterly line of a 63.4 acre tract, identified BA-24, acquired from Tony J. Messina, et ux;

THENCE south 50° 55' W with the southeasterly line of said Tract BA-24, being a southeasterly line of the former Bryan Air Force Base, 932.4 feet, more or less, to the most northerly corner of a 1.26 acre tract of land, identified as Tract 52, acquired from Joe Viola, et ux;

THENCE south with the east line of said Tract 52, being an east line of the former Bryan Air Force Base, 548 feet to the intersection of this line with an east line of an 35.38 acre tract, identified as Tract 53, acquired from Nat B. Allen, Jr., et al;

THENCE south with the east line of said Tract 53, being an east line of the former Bryan Air Force Base, 607 feet to the southeast corner of said Tract 53;

THENCE west with the south line of said Tract 53, being a south line of the former Bryan Air Force Base, 1500 feet to the southwest corner of said Tract 53, being the northeast corner of a 40.70 acre tract, identified as Tract 56, acquired from N. B. Allen, Jr. et al;

THENCE west with the south line of said Tract 56, being a south line of the former Bryan Air Force Base, 650 feet, more or less, to a point on top of a steep bank, same being the northeast bank of the Brazos River, and also the southwest corner of said Tract 56;

THENCE upstream with the meanders of the top of said steep bank in a northwesterly direction, being the west line of said Tract 56 and a west line of the former Bryan Air Force Base, approximately 1450 feet to a point for the northwest corner of said Tract 56, being the southeast corner of a 2.50 acre tract, identified as Tract 57, acquired from John Regmund, et ux;

THENCE upstream with the meanders of the top of said steep bank in a northwesterly direction with the southwesterly line of said Tract 57, being a southwesterly line of former Bryan Air Force Base, approximately 125 feet to the southwest corner of said Tract 57;

THENCE north  $44^{\circ} 24'$  E 880 feet, to a point;

THENCE north 110 feet more or less, to a point in the southwesterly line of a 101.70 acre tract of land, identified as Tract BA-26, acquired from Sam Piccolo, et ux;

THENCE north  $45^{\circ} 0'$  W with the southwesterly line of said Tract BA-26, being a southwesterly line of the former Bryan Air Force Base, 1758.2 feet to a point on the southeasterly right-of-way line of the former Pitts-Bridge Road, being the most westerly corner of said Tract BA-26;

THENCE north  $45^{\circ} 21'$  E with the northwesterly line of said Tract BA-26, being a northwesterly line of the former Bryan Air Force Base, 1034.1 feet to the most southerly corner of a 66.9 acre tract of land, identified as BA-28, acquired from Willie Kuder, et ux;

THENCE north  $45^{\circ} 24'$  W with the southwesterly line of said Tract BA-28, being a southwesterly line of the former Bryan Air Force Base, 1230.1 feet to the most westerly corner of said Tract BA-28, being the most southerly corner of a 75 acre tract, identified as BA-33, acquired from John Regmund, et ux;

THENCE north  $45^{\circ}$  W with the southwesterly line of said Tract BA-33, being a southwesterly line of former Bryan Air Force Base, 1513.32 feet to the most westerly corner of said Tract BA-33, being the southwest corner of a 118.50 acre tract of land, identified as BA-34, acquired from Madison Bradley, et al;

THENCE north  $45^{\circ} 24'$  W with the southwest line of said Tract BA-34, being a southwest line of the former Bryan Air Force Base, 852.8 feet to the most westerly corner of said Tract BA-34, being the most southerly corner of a 20.20 acre tract of land, identified as BA-41, acquired from Leila Law Boatwright, Estate;

THENCE along the southwesterly boundary of said Tract BA-41, being a southwesterly boundary of the former Bryan Air Force Base, as follows: North  $45^{\circ} 24'$  W 698.6 feet to a point; thence north  $32^{\circ} 57'$  W 123.3 feet to the most westerly corner of said Tract BA-41, being the most southerly corner of a 12.60 acre tract, identified as BA-40, acquired from Robert Person, et al;

THENCE north  $32^{\circ} 57'$  W with the southwesterly line of said Tract BA-40, being a southwesterly line of the former Bryan Air Force Base, 395.1 feet for the most westerly corner of said Tract BA-40, being the most westerly corner of the former Bryan Air Force Base, said point being the southeasterly right-of-way line of a country road;

THENCE north  $44^{\circ} 30'$  E 850 feet, more or less, with the northwesterly line of said Tract BA-40, being a northwesterly line of the former Bryan Air Force Base, to the northerly boundary right-of-way of Bryan-Moseley Ferry Road, being the most southerly corner of a 1.70 acre tract of land, identified as BA-50, acquired from Anton Regmund;

THENCE south  $77^{\circ} 46'$  W along said northerly right-of-way line with the southerly line of said Tract BA-50, being a southerly line of former Bryan Air Force Base, 54.7 feet to the most westerly corner of said Tract BA-50;

THENCE north  $44^{\circ} 30'$  E with the northwesterly line of said Tract BA-50, being a northwesterly line of the former Bryan Air Force Base, 2422.4 feet to a point on the southerly right-of-way line of Texas State Highway No. 21, for the most northerly corner of this tract;

THENCE north  $77^{\circ} 69'$  E with the northerly line of said Tract BA-50, the north line of the former Bryan Air Force Base, and the southerly right-of-way line of Texas Highway 21, 54.6 feet to a northerly corner of Tract BA-34;

THENCE north  $77^{\circ} 49'$  E along a north line of said Tract BA-34, being a north line of the former Bryan Air Force Base, and the southerly right-of-way line of said Highway 21, 350 feet to the most westerly corner of a 15.60 acre tract of land, identified BA-37, acquired from Odessie B. Oldham, et al;

THENCE north  $77^{\circ} 49'$  E with the northerly line of said Tract BA-37, being the northerly line of the former Bryan Air Force Base, and the southerly right-of-way line of State Highway 21, 508.2 feet to the most northerly corner of said Tract BA-37, being the most westerly corner of a 15.80 acre tract of land, identified as BA-36, acquired from Isaac Bradley, Estate;

THENCE north  $80^{\circ} 45'$  E with the north line of said Tract BA-36, being the north line of the former Bryan Air Force Base and the southerly right-of-way line of State Highway 21, 544 feet to the most northerly corner of this tract, which is the most westerly corner of a 15.80 acre tract of land, identified as BA-35, and acquired from Samuel Demart, et al;

THENCE north  $77^{\circ} 49'$  E with the north line of said Tract BA-35, being the north line of the former Bryan Air Force Base, and the southerly right-of-way line of State Highway 21, 1049.5 feet for the northeast corner of said Tract BA-35, being the most northerly northwest corner of a 30.00 acre tract of land, identified as BA-7, acquired from Frank J. Kocman;

THENCE north  $77^{\circ} 49'$  E with the north line of said Tract BA-7, being the north line of former Bryan Air Force Base, and the southerly right-of-way line of State Highway 21, 600 feet, more or less, to the northeast corner of this tract, being the northwest corner of a 52.00 acre tract, identified as BA-6, acquired from Ophelia Uhyrek, et al;

THENCE north  $77^{\circ} 49'$  E along the north line of said Tract BA-6, being the north line of the former Bryan Air Force Base, and the southerly right-of-way line of State Highway 21, 2000 feet, more or less, to the intersection of this line with the boundary line between the James Curtis, Jr. Survey No. A-12 and the John Williams Survey No. A-237, said intersection being the most westerly corner of a 32.50 acre tract of land, identified as BA-5, and acquired from R. L. Smith, Estate;

THENCE north  $77^{\circ} 49'$  E along the northerly line of said Tract BA-5, being the northerly line of the former Bryan Air Force Base, 2533.2 feet for the northeast corner of said Tract BA-5, and being the most northerly northwest corner of a 77.50 acre tract of land, identified as BA-1, and acquired from Charles Merka, et ux;

THENCE north  $77^{\circ} 49'$  E with the northerly line of said Tract BA-1, being the north line of the former Bryan Air Force Base, and the southerly right-of-way line of State Highway 21, 317.3 feet to the northeast corner of said Tract BA-1, being the northwest corner of a 0.40 acre tract of land, identified as Tract BA-49, and acquired from Fred A. Wehrman, et ux;

THENCE north  $77^{\circ} 49'$  E with the north line of said Tract BA-49, being the north line of the former Bryan Air Force Base, and southerly right-of-way line of State Highway 21, 172.7 feet for the northeast corner of said Tract BA-49;

THENCE south with the east line of said Tract BA-49, being an east line of the former Bryan Air Force Base, 205.1 feet to a point on the northeasterly line of said Tract BA-1;

THENCE south  $45^{\circ} 0'$  E with the northeasterly line of said Tract BA-1, being the northeasterly line of the former Bryan Air Force Base, 1354.0 feet to a point on the northwesterly line of the former right-of-way for the Bryan-Moseley Ferry Road;

THENCE south  $44^{\circ} 25'$  W 11.4 feet along said northwesterly right-of-way to a point;

THENCE crossing said Bryan-Moseley Ferry Road and along the southwesterly right-of-way line of a country road, being the northeasterly boundary line of said Tract BA-1 and the north-easterly boundary of the former Bryan Air Force Base as follows: South  $45^{\circ} 12'$  E 1011.8 feet to a point; thence south  $44^{\circ} 25'$  E 1641.8 feet to a point; thence south  $45^{\circ} 2'$  E 959.5 feet to a point on the northerly right-of-way line of a country road; said point being the most easterly corner of said Tract BA-1 and the most easterly corner of the former Bryan Air Force Base;

THENCE south  $42^{\circ} 29'$  W with the southeasterly line of said Tract BA-1, being a southeasterly line of the former Bryan Air Force Base, 506.6 feet to the most southerly corner of said Tract BA-1, being the most easterly corner of a 77.90 acre tract of land, identified as BA-2, acquired from Joe Varisco, et ux;

THENCE along the south boundary line of said Tract BA-2, being the southeasterly boundary line of the former Bryan Air Force Base, and the northwesterly right-of-way line of a county road as follows: South  $44^{\circ} 40'$  W 1013.8 feet to a point; thence south  $45^{\circ} 52'$  W 850.1 feet to the most southerly corner of said Tract BA-2, said point being the place of beginning and containing 1991.26 acres of land, more or less.

IT IS EXPRESSLY UNDERSTOOD and AGREED that two tracts of land acquired by Declarations of Taking in Civil Action No. 824 in the District Court of the United States for the Southern District of Texas, Houston Division, are hereby conveyed, which tracts, identified in said Civil Action No. 824 as Tract BA-1A and Tract BA-5A, are described as follows:

TRACT BA-1A

BEING a tract of land situated in the County of Brazos, State of Texas, being part of the John Williams Survey (A-237), and being more particularly described as follows, all bearings being referred to true north:

BEGINNING at the most easterly corner of the Mary A. Smith 150.0 acre tract;

THENCE south  $45^{\circ} 01'$  east, 47.7 feet to a point on the northerly line of the right-of-way for Texas State Highway No. 21;

THENCE south  $77^{\circ} 49'$  west, 90.7 feet along the northerly right-of-way line for said Texas State Highway No. 21 to a point;

THENCE north  $46^{\circ} 08'$  east, 76.3 feet along the southeasterly line of the said Mary A. Smith 150.0 acre tract to the point of beginning, containing 0.04 acre, more or less.

TRACT BA-5A

BEING a tract of land situated in the County of Brazos, State of Texas, being part of the John Williams Survey (A-237), and being more particularly described as follows, all bearings being referred to true north:

BEGINNING at the most northerly corner of the Charles Merka 77.5 acre tract;

THENCE south  $46^{\circ} 08'$  west, 76.3 feet along the northwesterly line of the said Charles Merka 77.5 acre tract to a point on the northerly line of the right-of-way for Texas State Highway No. 21;



THENCE south 77° 49' west, 8.3 feet along the northerly right-of-way line for said Texas State Highway No. 21 to a point;

THENCE north 00° 04' east, 117.6 feet to a point;

THENCE south 45° 01' east, 89.0 feet to the point of beginning, containing 0.09 acre, more or less.

The total acreage described above aggregates 1991.39 acres.

IT IS THE INTENTION and UNDERSTANDING of the GRANTOR that the foregoing descriptions describe the same land that was acquired by the United States of America as follows:

(a) 1095.55 of the 1991.39 acres, constituting

TRACTS

BA-1, BA-1A, BA-2, BA-3, BA-4, BA-5, BA-5A, BA-6, BA-7, BA-8, BA-11, BA-11A, BA-12, BA-13, BA-14, BA-15, BA-17, BA-18, BA-24, BA-30, BA-31, BA-32, BA-33, BA-34, BA-36, BA-37, BA-38, BA-40, BA-41, BA-42, BA-45, BA-49, BA-35, BA-43, BA-46, and BA-9, were acquired by Declarations of Taking in Civil Action No. 824 in the District Court of the United States for the Southern District of Texas, Houston Division; and

(b) 895.84 of the 1991.39 acres were acquired by warranty deeds, and are described as follows:

<u>Acquisition Tract No.</u>	<u>Acreage</u>	<u>Deed Date</u>	<u>Recording Data</u>
BA-10	53.50	5-24-43	Vol. 113, Page 227
BA-16	10.40	7-19-43	Vol. 113, Page 482
BA-19	42.50	5-5-43	Vol. 113, Page 61
BA-20	98.00	2-16-43	Book 112, Page 294
BA-21	99.20	2-8-43	Vol. 112, Page 137
BA-22	100.90	2-11-43	Vol. 112, Page 353
BA-23	20.5	3-3-43	Vol. 112, Page 298
		6-19-43	Vol. 113, Page 364
BA-25	90.80	3-3-43	Vol. 112, Page 297
BA-26	101.70	3-3-43	Vol. 112, Page 295
BA-27	62.00	5-6-43	Vol. 113, Page 59
BA-28	66.90	3-29-43	Vol. 112, Page 465
BA-29	45.30	4-10-43	Vol. 112, Page 502
BA-39	20.90	3-29-43	Vol. 112, Page 464
BA-44	1.70	7-19-43	Vol. 113, Page 469
BA-50	1.70	4-9-43	Vol. 112, Page 403
52	1.26	7-28-52	Vol. 155, Page 144
53	35.38	11-17-52	Book 156, Page 599
56	40.70	3-9-54	Vol. 162, Page 570
57	2.5	11-10-53	Vol. 161, Page 493

THE GRANTOR'S interest hereby conveyed in the above-described tracts acquired by Declaration of Taking ((a) above) is the fee title SUBJECT to EXISTING EASEMENTS for PUBLIC ROADS and HIGHWAYS, PUBLIC UTILITIES, RAILROADS and PIPELINES.

THE GRANTOR'S interest hereby conveyed in the above-described tracts acquired by Warranty Deed ((b) above) is the fee title SUBJECT to EXISTING EASEMENTS for PUBLIC ROADS and HIGHWAYS, PUBLIC UTILITIES, RAILROADS and PIPELINES, and ALSO to the following SPECIFIC RESERVATIONS, CONDITIONS and COVENANTS:

EXCEPTED from the conveyance of the above-referenced TRACTS BA-16 and BA-19 is an undivided, 1/16th interest (same being 1/2 of the usual 1/3 royalty) in and to all of the oil, gas, and other minerals in and under, or that may be produced from the land; which is the same RESERVATION in a deed from the Federal Land Bank of Houston to Ross Boano, recorded in Volume 100, Page 480, of the Deed Records of Brazos County, Texas, to which deed reference is here made for fuller description. Said TRACTS BA-16 and BA-19 are described as follows:

TRACT BA-16

A tract of land situated in the County of Brazos, State of Texas, and being part of the James Curtis, Jr., Survey (A-12), and being more particularly described as follows, all bearings being referred to true north:

BEGINNING at the most northerly corner of the Charles Todaro 10.5 acre tract, said point being on the southeasterly line of the Frank Hubacek 53.5 acre tract;

THENCE north  $44^{\circ} 47'$  east, 517.2 feet along said southeasterly line of said Frank Hubacek 53.5 acre tract to a point on the northeasterly line of the aforesaid James Curtis, Jr., Survey (A-12), said point being in the center line of a county road;

THENCE south  $43^{\circ} 49'$  east, 884.1 feet along said northeasterly survey line and said center line of said county road to a point on the northwesterly line of the right-of-way for a county road;

THENCE south  $47^{\circ} 20'$  west, 517.2 feet along said northwesterly right-of-way line for said county road to a point;

THENCE north  $43^{\circ} 49'$  west, 861.0 feet along the northeasterly line of the aforesaid Charles Todaro 10.5 acre tract to the point of beginning, containing 10.4 acres, more or less.

TRACT BA-19

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr., Survey (A-12), and part of the Thomas F. McKinney Survey (A-33), and being more particularly described as follows, all bearings being referred to true north:

BEGINNING at the most southerly corner of the Antonio Cascio 100.9 acre tract, said corner being on the north-easterly line of the Joe Viola 60-foot lane;

THENCE north  $45^{\circ} 10'$  east, 3263.3 feet along the south-easterly lines of the said Antonio Cascio 100.9 acre tract, the Ignazio Froscono 99.2 acre tract, and the Santo Di Mario 98.0 acre tract to a point;

THENCE north  $45^{\circ} 13'$  west, 428.1 feet along a northeasterly line of the said Santo Di Mario 98.0 acre tract to a point;

THENCE north  $44^{\circ} 47'$  east, 759.2 feet along a southeasterly line of the said Santo Di Mario 98.0 acre tract, and the southeasterly lines of the Lena Scapaneti 16.1 acre tract and the Rosa Morill 16.1 acre tract to a point on the south-easterly line of the Joe Piccolo 16.1 acre tract;

THENCE south  $45^{\circ} 49'$  east, 821.1 feet along the southwesterly line of the Sam Piccolo 6.8 acre tract to a point on a curve on the northwesterly right-of-way line for a county road;

THENCE along the said northwesterly right-of-way line for the said county road as follows: 274.4 feet along the arc of a curve to the left, the radius of which is 5754.65 feet and the chord of which bears south  $45^{\circ} 40'$  west, 274.4 feet to a point of tangency;

THENCE south  $44^{\circ} 18'$  west, 1730.0 feet to a point;

THENCE south  $57^{\circ} 50'$  west, 97.9 feet to a point;

THENCE south  $48^{\circ} 36'$  west, 1271.6 feet to a point;

THENCE south  $15^{\circ} 13'$  west, 486.2 feet to a point;

THENCE departing from said northwesterly right-of-way line for said county road north  $65^{\circ} 55'$  west, 596.6 feet along the north-easterly line of the aforesaid Joe Viola 60-foot lane to the point of beginning, and containing 42.5 acres, more or less.

IT IS FURTHER EXPRESSLY UNDERSTOOD and AGREED that the above-referenced TRACT BA-20 was acquired SUBJECT to the rights of the public to that portion of the Pitts-Bridge Road, which formerly traversed this land; and this tract is conveyed with that RESERVATION. Said TRACT BA-20 is described as follows:

TRACT BA-20

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr., Survey (A-12) and

being more particularly described as follows, all bearings

being referred to true north:

BEGINNING at the most easterly corner of the Ignazio Frosciono 99.2 acre tract, said point being on the north-westerly line of the Sam N. Fachorn 42.5 acre tract;

THENCE north  $44^{\circ} 38'$  west, 4212.1 feet along the north-easterly line of the said Ignazio Frosciono 99.2 acre tract to a point on the center line of the Pitts-Bridge Road;

THENCE north  $44^{\circ} 38'$  east, 1043.8 feet along the center line of the said Pitts-Bridge Road to a point;

THENCE departing from center line of said Pitts-Bridge Road, south  $44^{\circ} 38'$  east, 3791.6 feet along the southwesterly line of the Lena Scapaneti 16.1 acre tract to a point, said point being on the aforesaid northwesterly line of the Sam N. Fachorn 42.5 acre tract;

THENCE along the northwesterly line of said Sam N. Fachorn 42.5 acre tract as follows: South  $44^{\circ} 47'$  west, 308.7 feet to a point; south  $45^{\circ} 13'$  east, 428.1 feet to a point; south  $45^{\circ} 10'$  west, 739.2 feet to the point of beginning and containing 98.0 acres, more or less.

IT IS EXPRESSLY UNDERSTOOD and AGREED that the above-referenced TRACT BA-26 was acquired and is SUBJECT to a utility easement granted the City of Bryan by easement deed which is recorded in Book 98, Page 175, of the Deed Records of Brazos County, Texas, to which reference is made for fuller description; and this tract is conveyed with that RESERVATION. Said Tract BA-26 is described as follows:

TRACT BA-26

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr., Survey (A-12), and being more particularly described as follows, all bearings being referred to true north:

BEGINNING at the most westerly corner of the Joe Viola 90.8 acre tract;

THENCE south  $47^{\circ} 21'$  east, 297.5 feet along a southwesterly line of the said Joe Viola 90.8 acre tract to a point;

THENCE south  $44^{\circ} 24'$  west 679.5 feet along a northwesterly boundary of said Joe Viola 90.8 acre tract and its extension to a point on the southwesterly boundary of the former Bryan Airfield;

THENCE along said southwesterly boundary line of said former Bryan Airfield as follows: North  $45^{\circ} 00'$  west, 1868.2 feet to a point on the southeasterly right-of-way line for Pitts-Bridge Road;

THENCE north 45° 21' east, 1034.1 feet along the said southeasterly right-of-way line for said Pitts-Bridge Road to a point;

THENCE departing from the southeasterly right-of-way line for said Pitts-Bridge Road north 45° 24' west, 30.0 feet to a point in the center line of the said Pitts-Bridge Road, said point being on the southwesterly boundary of said former Bryan Airfield;

THENCE departing from said former Bryan Airfield along the center line of the said Pitts-Bridge Road as follows: North 45° 11' east, 1246.1 feet to a point;

THENCE north 47° 30' east, 300.8 feet to a point;

THENCE north 51° 45' east, 52.6 feet to a point;

THENCE departing from said center line of said Pitts-Bridge Road south 47° 43' east, 1589.6 feet along the southwesterly line of the Joe Messina Lane to a point on the northwesterly line of the aforesaid Joe Viola 90.8 acre tract;

THENCE south 45° 40' west, 2041.0 feet along the said northwesterly line of the said Joe Viola 90.8 acre tract to the point of beginning, and containing 101.7 acres, more or less.

IT IS FURTHER UNDERSTOOD and AGREED that the above-referenced TRACT BA-50 was acquired and is SUBJECT to the rights of Bryan and Central Texas Interurban Railway Company under that certain right-of-way deed dated May 28, 1913, recorded in Book 44, Page 223, of the Deed Records of Brazos County, Texas; and said Tract BA-50 is further SUBJECT to a utility easement granted the City of Bryan, Texas, which easement deed, dated April 19, 1937, is recorded in Book 98, Page 124, of the Deed Records of Brazos County, Texas, to which reference is made; and this tract is conveyed SUBJECT to these two reservations Tract BA-50 is described as follows:

TRACT BA-50

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr., Survey (A-12); and being more particularly described as follows, all bearings being referred to true north:

BEGINNING at the intersection of the southerly line of the right-of-way for Texas State Highway No. 21 and a northwesterly line of the Madison Bradley 119.5 acre tract;

THENCE south 44° 30' west, 2422.3 feet along a northwesterly line of said Madison Bradley 119.5 acre tract, the northwesterly line of the Mike Bowser 9.5 acre tract, and the northwesterly line of the George W. Persons 12.6 acre tract to a point on the northerly line of the right-of-way for the Bryan-Moseley Ferry Road;

THENCE south  $77^{\circ} 46'$  west, 54.7 feet along said northerly right-of-way line to a point;

THENCE, departing from said northerly right-of-way line, north  $44^{\circ} 30'$  east, 2422.4 feet to a point on the southerly right-of-way line for aforesaid Texas State Highway No. 21;

THENCE north  $77^{\circ} 49'$  east, 54.6 feet along said southerly right-of-way line to the point of beginning, containing 1.7 acres, more or less.

IT IS UNDERSTOOD and AGREED that the above-referenced TRACT BA-56 was acquired and is SUBJECT to the rights of the public and adjoining land owners in access to the public roads, and the right of water flowage through drainage ditches across a portion of the tract as a covenant running with the land in a deed from M. F. Dansby to Ross Benevanti and Paul Stalloni, dated November 4, 1911, and recorded in Volume 37, Page 293, Deed Records of Brazos County, Texas; in a deed from M. F. Dansby to Joe S. Salidina, dated November 4, 1911, recorded in Volume 39, Page 195, Deed Records of Brazos County, Texas; and in deed from Joe S. Salidina et ux to N. D. Allen, dated September 2, 1944, recorded in Volume 117, Page 238, Deed Records of Brazos County, Texas; and this tract is conveyed SUBJECT to these reservations. Tract BA-56 is described as follows:

TRACT BA-56

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr., Survey (A-12) and being more particularly described as follows:

BEGINNING at the southeast corner of Tract No. BA-26 and being in the northwest line of the N. B. Allen, Jr., property, same being also a corner on the boundary line of Bryan Air Force Base;

THENCE along the boundary line between the said N. B. Allen, Jr., and Bryan Air Force Base properties as follows: North  $44^{\circ} 24'$  east, 440.2 feet to a point for the northernmost corner of said N. B. Allen, Jr., property;

THENCE south  $45^{\circ} 32'$  east, 703.9 feet to a point for the northeast corner of said N. B. Allen, Jr., property;

THENCE south 1606.5 feet to a point for the southeast corner of said N. B. Allen, Jr., property;

THENCE departing from said boundary line west, 650 feet, more or less, to a point on top of a steep bank, same being the northeast bank of Brazos River and also the southwest corner of said N. B. Allen, Jr., property;

THENCE upstream with the meanders of the top of said steep bank in a northwesterly direction approximately 1450 feet to a point for the northwest corner of said N. B. Allen, Jr., property and the southeast corner of the John Regmund property;

THENCE along the common line between the said N. B. Allen, Jr., and the John Regmund properties north 44° 24' east, 945 feet, more or less, to the point of beginning and containing 40.7 acres, more or less.

IT IS UNDERSTOOD and AGREED that all of the Government-owned improvements located in and upon the above-described 1991.39 acres of land are hereby conveyed with the EXCEPTION of the following enumerated and described building

BUILDINGS EXCEPTED

<u>NUMBER</u>	<u>KNOWN AS</u>	<u>FORMER USE</u>
1.	T-40	Administration
2.	T-41, T-42, T-45 & T-503	Storage Sheds
3.	T-43 & T-44	Open Squadron
4.	T-58	Synthetic General Training Storage
5.	T-205, T-209, T-216, T-220 T-224 & T-232	Squadron Headquarters
6.	T-206, T-207, T-208, T-210, T-211, T-212, T-213, T-214, T-215, T-221, T-222, T-223, T-225, T-226, T-227, T-228, T-229, T-230, & T-231	Dormitories
7.	T-233, T-234, & T-235	Recreation
8.	217	Latrine and Showers
9.	T-246, T-247, T-248, T-249 T-250 & T-251	Officers Quarters
10.	T-255, T-256, T-257, T-258, T-259, T-260, T-268, T-269, T-270, T-277, T-278, T-279	Dormitories
11.	T-261, T-262, T-263 & T-264	Latrines
12.	T-48 & T-70	Administration
13.	T-49	Personal Equipment Storage
14.	T-66	Utility Vault
15.	T-17	Photo Lab
16.	S-15 & T-16	Post Exchange & Warehouse
17.	T-301 & T-307	Squadron Headquarters
18.	T-317 & T-328	Administrative Supply

<u>NUMBER</u> (Cont'd)	<u>KNOWN AS</u>	<u>FORMER USE</u>
19.	T-303, T-304, T-305, T-306, T-308, T-309, T-310, T-311, T-312, T-318, T-319, T-320, T-321, T-322, T-323, T-324, T-325, T-326, T-327, T-329, and T-330	Dormitories
20.	T-333 and T-335	Latrines
21.	T-332 and T-334	Recreation Lounges
22.	T-74 and T-75	Squadron Operations
23.	T-73	Parachute Storage Shed
24.	T-76	Storage Shed
25.	T-86	Administration
26.	T-87 and T-88	Field Maintenance Shops
27.	T-401, T-409, T-416	Squadron Headquarters
28.	T-402, T-403, T-405, T-406, T-407, T-408, T-413, T-414, and T-415	Dormitories
29.	T-417 and T-418	Recreation Lounges
30.	T-471, T-472, T-480, T-481, and T-482	Cadet Quarters
31.	T-485	Latrine
32.	T-493	Radio
33.	S-586	Traffic Check House
34.	S-23	AP Headquarters
35.	S-24	Storeroom
36.	S-900, S-901, S-902, S-903, S-904, S-905, S-906, S-907, S-908, S-909, S-910, S-911, S-912, S-913, S-914, S-915, S-916, S-917, S-918, S-919, S-920, S-921	Four-Family Housing Units

IT IS EXPRESSLY UNDERSTOOD and AGREED that the above-numbered buildings are EXCEPTED from this conveyance to be offered at public sale for off-site removal from the subject land; and the GRANTOR does hereby reserve unto itself, its successors in function and assigns, for a period of one (1) year from the date of sale of each building the right of ingress and egress in and upon the land to remove said building and/or buildings from said land.



IT IS FURTHER UNDERSTOOD and AGREED that Building P-775, the Service Station, together with the right of ingress and egress over the existing streets and roads to said building is EXCEPTED from this conveyance, and hereby RESERVED to the Ada Oil Company, its successors or assigns, or the legal owner of said Building to be determined.

SUBJECT to all easements, rights of way, and servitudes of record, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions, except as hereinafter limited, remainder and remainders, rents, issues and profits and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, in law as well as in equity of the said GRANTOR, of, in and to the herein described property for every part and parcel thereof with the appurtenances, except as hereinafter expressly reserved.

TO HAVE AND TO HOLD, the foregoing described property together with all and singular the rights, privileges and appurtenances thereto in anywise belonging unto the said GRANTEE, its successors and assigns forever.

BE IT FURTHER KNOWN BY THESE PRESENTS:

THE GRANTOR for and in consideration of the Premises herein, and other good and valuable considerations to be paid by the GRANTEE by earning a Public Benefit Allowance of one hundred percent (100%) by the observance and performance by the GRANTEE, its successors and assigns, of the covenants, conditions, reservations and restrictions hereinafter contained does by these presents bargain, sell, grant and convey, but without warranty, express or implied, and under and subject to the covenants, conditions, reservations, restrictions, and exceptions hereinafter set forth, unto the GRANTEE, its successors and assigns, the following described property and property rights situate, lying and being in said County of Brazos, State of Texas, to-wit:

BEING 121.84 acres in Easements consisting of the following tracts:

1.

BEING those certain Utility Easements which were acquired by Declarations of Taking in Civil Action No. 1941 in the District Court of the United States for the Southern District of Texas, Houston Division, in the following tracts:

<u>TRACT NO.</u>	<u>ACREAGE</u>
BA-OR-1A	0.57
BA-OR-5	0.67
BA-OR-4	0.15

The estate acquired and hereby conveyed in these tracts is a perpetual easement in, over, and across the above tracts for the location, construction, operation, maintenance, repair, and patrol of electrical transmission, telephone and telegraph lines. Descriptions of these tracts are as follows:

TRACT BA-OR-1A

A tract of land 30 feet in width situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr., Survey (A-12), containing 0.57 of an acre, more or less, being bounded on the southerly end by the northeasterly line of the Ernest Bradley 15.8 acre tract and on the easterly end by a southwesterly line of the Frank Kooman 102.0 acre tract, and being 15 feet on either side of the following described center line, all bearings being referred to true north:

From the most southerly corner of the Madison Bradley 20.0 acre tract, north  $44^{\circ} 51'$  west, 1060 feet to the point of beginning, said point being on the northeasterly line of the said Ernest Bradley 15.8 acre tract;

THENCE north  $12^{\circ} 11'$  west, 6.0 feet to a point;

THENCE north  $77^{\circ} 49'$  east, 823.0 feet to a point on a southwesterly line of the said Frank Kooman 102.0 acre tract.

TRACT BA-OR-5

A tract of land 30 feet in width situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr., Survey (A-12), containing 0.67 of an acre, more or less, being bounded on the southerly end by the southwesterly line of the Ernest Bradley 15.8 acre tract and on the northerly end by the northeasterly line of the said Ernest Bradley 15.8 acre tract, and being 15 feet on either side of the following described center line, all bearings being referred to true north:

From the most southerly corner of said Ernest Bradley 15.8 acre tract north  $44^{\circ} 51'$  west, 250 feet to the point of beginning; said point being on the southwesterly line of the said Ernest Bradley 15.8 acre tract;

THENCE north 12° 11' west, 974.0 feet to a point on the northeasterly line of the said Ernest Bradley 15.8 acre tract.

TRACT BA-OR-4

A tract of land 30 feet in width situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr. Survey (A-12), containing 0.15 of an acre, more or less, being bounded on the southerly end by the northerly line of the right-of-way for Texas State Highway No. 21 and on the northerly end by the southwesterly line of the Ernest Bradley 15.8 acre tract, and being 15 feet on either side of the following described center line, all bearings being referred to true north:

From the most southerly corner of the said Ernest Bradley 15.8 acre tract, south 77° 49' west, 130 feet to the point of beginning; said point being on the northerly line of the right-of-way for said Texas State Highway No. 21;

THENCE north 12° 11' west, 220.0 feet to a point on the southwesterly line of the said Ernest Bradley 15.8 acre tract.

2.

BEING those certain Easements for a railroad right-of-way which were acquired by Declarations of Taking in Civil Action No. 8447 in the District Court of the United States for the Southern District of Texas, Houston Division, over the following tracts:

<u>TRACT NO.</u>	<u>ACREAGE</u>
BA-RR-1	2.05
BA-RR-2	1.05
BA-RR-3	1.19

The estate acquired and hereby conveyed in the above tracts of land is a perpetual easement in, on, under, over, and across said tracts, together with any and all improvements thereon and all appurtenances thereto for the construction, maintenance, operation, and patrol of a railroad spur. Descriptions of these tracts are as follows:

TRACT BA-RR-1

A perpetual easement in, over, upon and across all that certain tract of land situated in the John Williams Survey, Abstract No. 237 in Brazos County, Texas, being out of a

tract of 43.5 acres conveyed to Henry Regmund and wife, Barbara Regmund, by F. J. Regmund, et al, by deed dated December 31, 1909, recorded in Volume 34, Page 517, Deed Records of Brazos County, Texas, being a 50-foot strip of land for a railroad right-of-way spur to serve the Air Corps Advanced Single Engine School near Bryan, Texas, and being 25 feet on each side of the center line of said railroad spur track, said 50-foot strip or tract of land being more particularly described as follows:

Commencing at a point where the International-Great Northern Railroad Company's south property line intersects the west line of Public Road, the center line of which crosses the center line of said Railroad Company main line tract at chainage Station 890 + 70 I.C.C., said point being 50 feet distant southerly at right angles from the center line of said main line track;

THENCE north  $86^{\circ} 31'$  west along said Railroad Company's south property line, 50 feet from and parallel with the center line of said main line track, a distance of 364 feet to the point of beginning.

THENCE south  $86^{\circ} 45'$  west a distance of 7 feet to a point, said point being the P. C. of a curve to the left having a radius of 1248.57 feet, and being 25 feet distant southerly at right angles from the center line of said proposed spur track;

THENCE southwesterly on said curve to the left, 25 feet from and parallel with the center line of said proposed spur track, a distance of 1366.6 feet to the P. T. of said curve;

THENCE south  $24^{\circ}$  west on a tangent to said curve, 25 feet from and parallel with the center line of said proposed spur track, a distance of 526.27 feet to a point in the southerly line of said Henry and Barbara Regmund tract of 43.5 acres, said point being north  $44^{\circ} 55'$  west a distance of 151.2 feet from the southeasterly corner of said Henry and Barbara Regmund 43.5 acre tract;

THENCE north  $44^{\circ} 55'$  west along said Henry and Barbara Regmund southerly line, at 26.8 feet cross the center line of said proposed spur track, at 53.6 feet point for corner which is 25 feet distant westerly at right angles from the center line of said proposed spur track;

THENCE north  $24^{\circ}$  east 25 feet from and parallel with said center line, a distance of 507 feet to the P. C. of a curve to the right having a radius of 1298.57 feet;

THENCE northeasterly on said curve to the right, 25 feet from and parallel with the center line of said proposed spur track, a distance of 1177.25 feet to a point in said Railroad Company's south property line, said point being 50 feet distant southerly at right angles from the center line of said main line track;

THENCE south  $86^{\circ} 31'$  east along said Railroad Company's south property line, 50 feet from and parallel with the center line of said main line track, at 111 feet cross the center line of said proposed spur track, at 245 feet the point of beginning, containing 2.05 acres, more or less.

TRACT BA-RR-2

A perpetual easement in, over, upon, and across all that certain tract of land situated in the John Williams Survey, Abstract No. 237, in Brazos County, Texas, being out of a tract of 82.5 acres of land conveyed to Herman F. Wehrman by J. H. Wehrman, et al, by deed dated October 24, 1927, and recorded in Volume 71, page 34, of the Deed Records of Brazos County, Texas, being a 50-foot strip of land for right-of-way of railroad spur to serve the Air Corps Advanced Single Engine School near Bryan, Texas, and being 25 feet on each side of the center line of said railroad spur track; said 50-foot strip or tract of land being more particularly described as follows:

Commencing at a point where the northeasterly line of said Herman F. Wehrman 82.5 acre tract intersects the north right-of-way line of State Highway No. 21;

THENCE north  $44^{\circ} 55'$  west along the Herman F. Wehrman northeasterly line, a distance of 2077.2 feet to the point of beginning, said point being 25 feet distant easterly at right angles from the center line of said proposed spur track;

THENCE south  $24^{\circ}$  west 25 feet from and parallel with the center line of said proposed spur track, a distance of 911 feet to a point in the southwesterly line of said Herman F. Wehrman 82.5 acre tract, said point being in the center line of farm road;

THENCE north  $44^{\circ} 55'$  west along the center line of said farm road and southwesterly line of Herman F. Wehrman 82.5 acre tract, at 26.8 feet cross the center line of said proposed spur track, at 53.6 feet point for corner which is 25 feet distant westerly at right angles from the center line of said proposed spur track;

THENCE north  $24^{\circ}$  east 25 feet from and parallel with the center line of said proposed spur track, a distance of 911 feet to a point in the northeasterly line of said Herman F. Wehrman 82.5 acre tract;

THENCE south  $44^{\circ} 55'$  east along the northeasterly line of said Herman F. Wehrman 82.5 acre tract, at 26.8 feet cross the center line of said proposed spur track, at 53.8 feet the point of beginning, containing 1.05 acres, more or less.

TRACT BA-RR-3

A perpetual easement in, over, upon and across all that certain tract of land situated in the John Williams Survey, Abstract No. 237, in Brazos County, Texas, being out of a tract of 81 acres of land conveyed to Fred A. Wehrman by J. H. Wehrman et ux. by deed dated October 24, 1927, and recorded in Volume 71, page 35, of the Brazos County Deed Records, being a 50-foot strip of land for right-of-way of railroad spur to serve the Air Corps Advanced Single Engine School near Bryan, Texas, and being 25 feet on each side of the center line of said railroad spur track; said 50-foot strip or tract of land being more particularly described as follows:

Commencing at a point where the northeasterly line of the Fred A. Wehrman 81 acre tract intersects the north right-of-way line of State Highway No. 21;

THENCE north  $44^{\circ} 55'$  west along the northeasterly line of said Fred A. Wehrman 81 acre tract, a distance of 1190.2 feet to the point of beginning, said point being 25 feet distant easterly at right angles from the center line of said proposed spur track;

THENCE south  $24^{\circ}$  west 25 feet from and parallel with said center line, a distance of 156.01 feet to the P. C. of a curve to the left having a radius of 1885.08 feet;

THENCE southerly on said curve to the left 25 feet from and parallel with the center line of said proposed spur track, a distance of 789.04 feet to the P. T. of said curve;

THENCE south, on a tangent to said curve, 25 feet from and parallel with the center line of said spur track, a distance of 97.05 feet to a point in the southwesterly line of said Fred A. Wehrman 81 acre tract;

THENCE north  $45^{\circ}$  west, along the southwesterly line of said Fred A. Wehrman 81 acre tract, at 35.3 feet cross the center line of said proposed spur track, at 70.6 feet point for corner, which is 25 feet distant westerly at right angles from the center line of said proposed spur track;

THENCE north 25 feet from and parallel with said center line a distance of 47.05 feet to the P. C. of a curve to the right having a radius of 1935.08 feet;

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THENCE northerly on said curve to the right, 25 feet from and parallel with the center line of said proposed spur track, a distance of 809 feet to the P. T. of said curve;

THENCE north 24° east 25 feet from and parallel with said center line, a distance of 175.29 feet to a point in the northeasterly line of said Fred A. Wehrman 81 acre tract;

THENCE south 44° 55' east along the northeasterly line of said Fred A. Wehrman 81 acre tract, at 26.8 feet cross the center line of said proposed spur track at 53.6 feet the point of beginning, containing 1.19 acres, more or less.

3.

BEING that certain Drainage Easement which was acquired over Tract 55-E, containing 1.40 acres, by deed dated October 19, 1942, and recorded in Volume 158, Page 315, of the Deed Records of Brazos County, Texas. The estate acquired and hereby conveyed in this tract is an easement for the location and maintenance of a drainage ditch or canal across this tract, with the right of ingress and egress for the purpose of maintaining such drainage ditch or canal, so long as the United States Army shall own the land now constituting what is locally designated as "Bryan Airfield". IT APPEARS that this easement will revert to the former owner by the sale of this property to the GRANTEE herein; however, the purpose of including it in this conveyance is to convey the interest, if any, the United States of America might have in this drainage ditch. Tract 55-E is described as follows:

Part of the James Curtis, Jr., Survey, Abstract No. 12, in Brazos County, Texas, and being approximately thirty-two (32) acres remaining out of a tract originally containing seventy-four and one-tenth (74-1/10) acres, and described as "First Tract" in deed to Sam N. Fachorn by Ross Bonano, dated December 2, 1939, and recorded in Volume 101, Page 542, of the Brazos County Deed Records and more particularly described as follows:

BEGINNING at a point in the northwest line of the Sam N. Fachorn tract, said point bearing south 48° 36' west 684.1 feet from the north corner;

THENCE along the meanders of the present channel in a south and southeasterly direction to a point in the east line in the Sam N. Fachorn tract; said point bearing south 5° 58' east, 1134.07 feet from the north corner of said tract;

THENCE along the east line of said tract 769.41 feet to the end of said tract;

The above described easement is 40 feet wide across the tract with the meanders of the present channel being the center line and then narrowing to 20 feet wide along the County road and the east line of the Sam N. Fachorn property;

AND containing 1.40 acres of land.

4.

BEING those certain Avigation Easements which were acquired by Declarations of Taking in Civil Action No. 8599 in the District Court of the United States for the Southern District of Texas, Houston Division, in the following tracts;

<u>TRACT NO.</u>	<u>ACREAGE</u>
58-E	1.20
59-E	5.38
60-E	16.90
61-E	15.80
62-E	7.90
68-E	0.62

The estate acquired and hereby conveyed in Tracts 58-E, 59-E, and 60-E is as follows:

The continuing perpetual right to cut to ground level, remove, and prohibit the growth of such trees, bushes, shrubs, or any other perennial growth or undergrowth which could in the future infringe upon, or extend into, or above the Glide Angle Plane and/or the Transitional Plane, described as follows:

RUNWAY APPROACH ZONE

The runway approach zone is described as follows: Beginning at a point in the line of prolongation of the center line of the North-South Runway of the Bryan Air Force Base level with and 1000 feet distant from the end of said runway;



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THENCE to the right forming an interior angle of  $90^{\circ} 00' 00''$  with the line of prolongation of the center line of the runway, 750 feet to a point;

THENCE to the left forming an interior angle of  $97^{\circ} 07' 30''$  with the last mentioned line, 10,077.82 feet to a point;

THENCE to the left forming an interior angle of  $82^{\circ} 52' 30''$  with the last mentioned line, 4000 feet to a point;

THENCE to the left forming an interior angle of  $82^{\circ} 52' 30''$  with the last mentioned line 10,077.82 feet to a point 750 feet from the point of beginning;

THENCE to the left forming an interior angle of  $97^{\circ} 07' 30''$  with said last mentioned line, 750 feet to the point of beginning.

#### GLIDE ANGLE PLANE

The glide angle plane is a trapezoidal plane extending over the runway approach zone starting at an elevation equivalent to the center line elevation at the end of the runway and sloping upward from the narrower end at a rate of 1 foot vertically for each 500 feet horizontally.

#### TRANSITIONAL PLANES

The transitional planes extend upward and outward (a) from the inside lines of the transitional zones, along the runway and prolongations thereof above defined, and (b) from the outside boundaries of the glide angle planes sloping upward at a rate of 1 foot vertically for each 7 feet horizontally, measured at right angles to the center line of the runway involved.

The estate acquired and hereby conveyed in Tracts 61-E, 62-E, and 68-E is: The continuing perpetual right to cut to ground level, remove, and prohibit the growth of such trees, bushes, shrubs, or any other perennial growth or undergrowth which could in the future infringe upon, or extend into, or above the Glide Angle Plane, as described above.

There was also acquired and hereby conveyed in Tracts 58-E, 59-E, 60-E, 61-E, 62-E, and 68-E the right to prohibit the future construction of buildings, or other structures from infringing upon, or extending into or above the Glide Angle Plane and/or Transitional Plane, as described above.

The descriptions of Tracts 58-E, 59-E, 60-E, 61-E, 62-E, and 68-E are:

TRACT 58-E

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr. Survey (A-12), and being more particularly described as follows:

From the center line of the north end of the westernmost north-south runway of Bryan Air Force Base north  $10^{\circ} 00'$  east, 3590 feet to the point of beginning, said point being the west corner of this tract, and being also in the southwest line of the Frank Kocman Estate property;

THENCE along the north line of this tract east, 300 feet to a point in the westerly line of a 30.8 acre tract of land known as Tract BA-OR-2 of Bryan Air Force Base, Avigation Easement for same obtained from Frank Kocman, Estate, dated 28 September, 1943, said point being also the east corner of this tract;

THENCE along the westerly line of said Tract BA-OR-2 of Bryan Air Force Base south  $09^{\circ} 00'$  east, 360 feet to a point in the northeast line of the Madison Bradley property, same being the south corner of said Frank Kocman Estate property;

THENCE along the common line between said Frank Kocman Estate and Madison Bradley properties north  $44^{\circ} 51'$  west, 500 feet to the point of beginning and containing 1.20 acres, more or less.

TRACT 59-E

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr. Survey (A-12), and being more particularly described as follows:

From the center line of the north end of the westernmost north-south runway of Bryan Air Force Base north  $25^{\circ} 50'$  east, 2570 feet to the point of beginning, said point being the intersection of the west line of Tract No. BA-OR-2 Avigation Easement of Bryan Air Force Base with the northerly right-of-way line of State Highway No. 21, same being the southeast corner of this tract and the southwest corner of said Tract No. BA-OR-2 of Bryan Air Force Base, same being a 30.8 acre tract of land, Avigation Easement obtained from Frank Kocman, Estate, dated 28 September, 1943;

THENCE along the northwesterly right-of-way line of said state highway south  $77^{\circ} 49'$  west, 570 feet to a point, same being the southwest corner of said Frank Kocman, Estate property and the southeast corner of the Frank J. Kocman property;

THENCE along the common line between said Frank Kocman, Estate and Frank J. Kocman properties north  $45^{\circ} 00'$  west, 190 feet to a point in the southeast line of the Ernest Bradley, Estate, same being the westernmost corner of said Frank Kocman, Estate property and the northernmost corner of said Frank J. Kocman property;

THENCE along the common line between said Frank Kocman, Estate property on the right and the Ernest Bradley Estate and the Madison Bradley properties on the left north  $45^{\circ} 09'$  east, 807.8 feet to a point in the westerly line of said Tract BA-OR-2 of Bryan Air Force Base for the northernmost corner of this tract;

THENCE along the westerly line of said Tract BA-OR-2 south 09° 00' east 560 feet to the point of beginning, containing 5.38 acres, more or less.

TRACT 61-E

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr. Survey (A-12), and being more particularly described as follows:

From the center line of the north end of the westernmost north-south runway of Bryan Air Force Base north 08° 27' east, 2170 feet to the point of beginning, said point being the southernmost corner of the Ernest Bradley, Estate property, and the easternmost corner of the Oscar Johnson property, same being also in the northwest line of the Frank J. Kocman property;

THENCE along the common line between said Ernest Bradley, Estate and the Oscar Johnson properties north 45° 00' west, 1324 feet to a point in the southeast line of the Mrs. Joe J. Frazzino property for the westernmost corner of said Ernest Bradley, Estate property and the northernmost corner of said Oscar Johnson property;

THENCE along the common line between said Ernest Bradley, Estate property on the right and said Mrs. Joe J. Frazzino and the J. Kalinex properties on the left north 45° 00' east, 523 feet to a point for the northernmost corner of said Ernest Bradley, Estate property and the westernmost corner of the Madison Bradley property;

THENCE along the common line between said Ernest Bradley, Estate and Madison Bradley properties south 45° 00' east, 1308 feet to a point in the northwest line of the Frank Kocman Estate property for the easternmost corner of said Ernest Bradley, Estate property and the southernmost corner of said Madison Bradley property;

THENCE along the common line between said Ernest Bradley, Estate property on the right and the Frank Kocman, Estate and the Frank J. Kocman properties on the left south 45° 09' west, 523 feet to the point of beginning and containing 15.80 acres, more or less.

TRACT 62-E

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr. Survey (A-12), and being more particularly described as follows:

From the center line of the north end of the westernmost north-south runway of Bryan Air Force Base north 02° 04' east, 2010 feet to the point of beginning, said point being the southwest corner of the Oscar Johnson property and the southeast corner of the Zula Bradley Jones Property;

THENCE along the common line between said Oscar Johnson and the Zula Bradley Jones properties north 45° 00' west, 1200 feet to a point in the south-east line of the Mrs. Joe J. Frazzino property for the westernmost corner of said Oscar Johnson property and the northernmost corner of the said Zula Bradley Jones property;

THENCE along the common line between said Oscar Johnson and the Mrs. Joe J. Frazzino properties north 45° 00' east, 268 feet to a point for the northernmost corner of said Oscar Johnson property and the westernmost corner of the Ernest Bradley, Estate property;

THENCE along the common line between said Oscar Johnson and Ernest Bradley, Estate properties south 45° 00' east, 1324 feet to a point in the northwest line of the Frank J. Kocman property for the easternmost corner of said Oscar Johnson property and the southernmost corner of said Ernest Bradley, Estate property;

THENCE along the common line between said Oscar Johnson and Frank J. Kocman properties south 45° 09' west, 75 feet to a point in the north right-of-way line of State Highway No. 21 for the southeast corner of said Oscar Johnson property and the westernmost corner of said Frank J. Kocman property;

THENCE along the north right-of-way line of said State Highway south 77° 49' west, 180 feet to the point of beginning and containing 7.90 acres, more or less.

TRACT 68-E

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr. Survey (A-12), and being more particularly described as follows:

From the center line of the north end of the westernmost north-south runway of Bryan Air Force Base north 07° 53' east, 2080 feet to the point of beginning, said point being the intersection of the northwest line of the Frank J. Kocman property with the north right-of-way line of State Highway No. 21, same being in the southwest line of the Oscar Johnson property, and being also the southwest corner of said Frank J. Kocman property;

THENCE along the common line between said Frank J. Kocman property on the right and the Oscar Johnson and the Ernest Bradley, Estate properties on the left north 45° 09' east, 280 feet to a point for the northernmost corner of said Frank J. Kocman property and the westernmost corner of the Frank Kocman Estate;

THENCE along the common line between said Frank J. Kocman and the Frank Kocman, Estate properties south 45° 00' east, 190 feet to a point in the north right-of-way line of said State Highway No. 21, same being the easternmost corner of said Frank J. Kocman property;

THENCE along the northerly right-of-way line of said state highway south 77° 49' west, 350 feet to the point of beginning and containing 0.62 acre, more or less.

TRACT 60-E

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr. Survey (A-12), and being more particularly described as follows:

From the center line of the north end of the westernmost north-south runway of Bryan Air Force Base north 15° 15' east, 2625 feet to the point of beginning, said point being the southernmost corner of the Madison Bradley property and the easternmost corner of the Ernest Bradley Estate property, and being also in the northwest line of the Frank Kocman Estate property;

THENCE along the common line between said Madison Bradley and Ernest Bradley, Estate properties north 45° 00' west, 1277.7 feet to the westernmost corner of said Madison Bradley property and the northernmost corner of said Ernest Bradley Estate property, same being in the southeast line of the J. Kalineo property;

THENCE along the common line between said Madison Bradley and J. Walenic properties north 45° 00' east, 145 feet to a point for the northwest corner of this tract;

THENCE along the north line of this tract east, 775 feet to a point in the northeast line of said Madison Bradley Property, same being the south-west line of the Frank Kocman, Estate property, for the northeast corner of this tract;

THENCE along the common line between said Madison Bradley property on the right and said Frank Kocman Estate, property and Tract BA-OR-2 of Bryan Air Force Base, (Avigation Easement for same obtained from Frank Kocman, Estate, dated 28 September 1943), on the left south 44° 51' east, 767.5 feet to a reentrant corner of said Tract BA-OR-2 of Bryan Air Force Base, same being also the easternmost corner of said Madison Bradley property;

THENCE along the common line between said Madison Bradley property on the right and said Tract BA-OR-2 of Bryan Air Force Base and the Frank Kocman Estate properties on the left south 45° 09' west, 683.2 feet to the point of beginning and containing 16.90 acres, more or less.

5.

Clearance Easements were acquired and hereby conveyed over Tracts 63-E, 64-E, and 65-E by the following deeds:

<u>TRACT NO.</u>	<u>ACREAGE</u>	<u>DEED DATE</u>	<u>RECORDING DATA</u>
63-E	7.90	3-19-54	Page 568, Vol. 167
64-E	10.50	4-4-55	Page 346, Vol. 168
65-E	12.40	5-23-55	Page 56, Vol. 169

Tracts 63-E, 64-E, and 65-E are described as follows:

TRACT 63-E

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr. Survey (A-12), and being more particularly described as follows:

From the center line of the north end of the westernmost north-south runway of Bryan Air Force Base north  $02^{\circ} 04'$  east, 2010 feet to the point of beginning, said point being the southeast corner of the Zula Bradley Jones property and the southwest corner of the Oscar Johnson property, same being also in the north right-of-way line of State Highway 21;

THENCE along the north right-of-way line of said State Highway south  $77^{\circ} 49'$  west, 385 feet to a point for the southwest corner of said Zula Bradley Jones property and the southeast corner of the Lily E. Smith property;

THENCE along the common line between said Zula Bradley Jones and the Lily E. Smith properties north  $45^{\circ} 00'$  west, 990 feet to a point in the southeast line of the Mrs. Joe J. Frazzino property for the westernmost corner of said Zula Bradley Jones property and the northernmost corner of said Lily E. Smith property;

THENCE along the common line between said Zula Bradley Jones and the Mrs. Joe J. Frazzino properties north  $45^{\circ} 00'$  east, 330 feet to a point for the northernmost corner of said Zula Bradley Jones property and the westernmost corner of said Oscar Johnson property;

THENCE along the common line between said Zula Bradley Jones and the Oscar Johnson properties south  $45^{\circ} 00'$  east, 1200 feet to the point of beginning and containing 7.90 acres, more or less.

TRACT 64-E

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr. Survey (A-12), and being more particularly described as follows:

From the center line of the north end of the westernmost north-south runway of Bryan Air Force Base north  $08^{\circ} 30'$  west, 1945 feet to the point of beginning, said point being the southeast corner of the Lily E. Smith property and the southwest corner of the Zula Bradley Jones property, said point being also in the north right-of-way line of State Highway No. 21;

THENCE along the north right-of-way line of said State Highway south  $77^{\circ} 49'$  west, 910 feet to a point for the southwest corner of this tract;

THENCE along the west line of this tract north, 725 feet to a point in the southeast line of the Mrs. Joe J. Frazzino property for the northwest corner of this tract;

THENCE along the common line between said Lily E. Smith and Mrs. Joe J. Frazzino properties north  $45^{\circ} 00'$  east, 265 feet to a point for the northernmost corner of said Lily E. Smith property and the westernmost corner of the Zula Bradley Jones property;

THENCE along the common line between said Lily E. Smith and the Zula Bradley Jones properties south  $45^{\circ} 00'$  east, 990 feet to the point of beginning and containing 10.50 acres, more or less.

TRACT 65-E

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr. Survey (A-12), and being more particularly described as follows:

From the center line of the north end of the westernmost north-south runway of Bryan Air Force Base north  $07^{\circ} 10'$  west, 3,265 feet to the point of beginning, said point being the easternmost corner of the Mrs. Joe J. Frazzino property and the southernmost corner of the J. Kalinec property, said point being also in the northwest line of the Ernest Bradley, Estate property;

THENCE along the common line between said Mrs. Joe J. Frazzino property on the right and said Ernest Bradley, Estate, the Oscar Johnson, the Zula Bradley Jones, and the Lily E. Smith properties on the left, south  $45^{\circ} 00'$  west, 1,150 feet to a point for the southernmost corner of this tract;

THENCE along the west line of this tract north 1,050 feet to a point for the northwest corner of this tract;

THENCE along the north line of this tract east, 570 feet to a point in the northeast line of said Mrs. Joe J. Frazzino property, same being also the southwest line of the J. Kalinec property, for the northeast corner of this tract;

THENCE along the common line between said Mrs. Joe J. Frazzino and J. Kalinec properties south  $45^{\circ} 00'$  east, 365 feet to the point of beginning and containing 12.40 acres, more or less.

6.

By deed dated December 11, 1954, recorded in Volume 166, Page 494, Deed Records of Brazos County, Texas, the GRANTOR acquired an easement in acquisition Tract 66-E, containing 1.50 acres. The estate acquired and hereby conveyed to the GRANTEE is: A perpetual and assignable easement and right-of-way for the free and unobstructed passage of aircraft in, through, and across the air space above the Glide Angle Plane, hereinafter described, over so much of the following described parcel of land in Brazos County, State of Texas, and lies within the Runway Approach Zone, hereinafter more particularly described, for the north-south runway of the Bryan Air Force Base, to-wit:

GLIDE ANGLE PLANE

The glide angle plane is a trapezoidal plane extending over the runway approach zone starting at an elevation equivalent to the center line elevation at the end of the runway and sloping upward from the narrower end at a rate of one foot vertically for each 50 feet horizontally.

RUNWAY APPROACH ZONE

The runway approach zone is described as follows: Beginning at a point in the line of prolongation of the center line of the North-South Runway of the Bryan Air Force Base, level with and 1,000 feet distant from the north end of said runway;

THENCE to the right forming an interior angle of  $90^{\circ} 00' 00''$  with the line of prolongation of the center line of the runway, 750 feet to a point;

THENCE to the left forming an interior angle of  $97^{\circ} 07' 30''$  with the last mentioned line, 10,077.82 feet to a point;

THENCE to the left forming an interior angle of  $82^{\circ} 52' 30''$  with the last mentioned line, 4,000 feet to a point;

THENCE to the left forming an interior angle of  $82^{\circ} 52' 30''$  with the last mentioned line, 10,077.82 feet to a point 750 feet from the point of beginning;

THENCE to the left forming an interior angle of  $97^{\circ} 07' 30''$  with the last said mentioned line, 750 feet to the point of beginning.

Tract 66-E is described as follows:

TRACT 66-E

A tract of land situated in the County of Brazos, State of Texas, being part of the James Curtis, Jr. Survey (A-12), and being more particularly described as follows:

From the center line of the north end of the westernmost north-south runway of Bryan Air Force Base north  $07^{\circ} 10'$  west 3265 feet to the point of beginning, said point being the southernmost corner of the J. Kalinec property and the easternmost corner of the Mrs. Joe J. Frazzino property and being also in the northwest line of the Ernest Bradley Estate property;

THENCE along the common line between said J. Kalinec and the Mrs. Joe J. Frazzino properties north  $45^{\circ} 00'$  west, 365 feet to a point for the westernmost corner of this tract;

THENCE along the north line of this tract east, 530 feet to a point in the southeast line of said J. Kalinec property, same being also the northwest line of the Madison Bradley property, for the easternmost corner of this tract;

THENCE along the common line between said J. Kalinec property on the right and said Madison Bradley and the Ernest Bradley Estate properties on the left south  $45^{\circ} 00'$  west, 381 feet to the point of beginning, containing 1.50 acres, more or less.



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IT IS EXPRESSLY UNDERSTOOD and AGREED that the GRANTOR did acquire a permit for the construction, operation, and maintenance of a railroad spur track across State Highway No. 21 from the State of Texas, identified as acquisition Tract 51-P; that Article IV of the permit requires the GRANTOR to remove the said track across the highway and to restore the premises in the event of abandonment of the airfield and the track is no longer needed by the GRANTOR for national defense; and that the obligations of the GRANTOR, as well as the rights of the GRANTOR on this permit, are hereby conveyed to the GRANTEE, its successors and assigns.

SUBJECT to all easements, rights-of way, and servitudes of record; together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions, except as hereinafter limited, remainder and remainders, rents, issues and profits and also all the estate, right, title, interest, property, possession, claim and demand whatsoever in law as well as in equity of the said GRANTOR, of, in, and to the herein described property for every part and parcel thereof with the appurtenances, except as hereinafter expressly reserved.

TO HAVE AND TO HOLD the foregoing described property together with all and singular the rights, privileges, and appurtenances thereto in any wise belonging, unto The State of Texas, acting by and through the Board of Directors of the Agricultural and Mechanical College of Texas, its successors in function and assigns, in fee simple; PROVIDED, HOWEVER, that this deed is made and accepted upon each of the following conditions subsequent which shall be binding upon and enforceable against said GRANTEE, its successors or assigns, and each of them as follows:

1. That for a period of twenty (20) years from the date of this deed the above-described property herein conveyed, shall be utilized continuously for educational and research purposes in accordance with the plan set forth in the above-referenced application and amendments and for no other purpose.

2. That during the aforesaid period of twenty (20) years the GRANTEE will resell, rent, lease, mortgage, encumber, or otherwise dispose of the above-described property, or any part thereof or interest therein, only as the Department of Health, Education, and Welfare or its successor in function, in accordance with existing regulations, may authorize in writing.

3. That one (1) year from the date of this deed, and annually thereafter for the aforesaid period of twenty (20) years, unless the Department of Health, Education, and Welfare or his successor in function otherwise directs, the GRANTEE, its successors or assigns, will file with the Department of Health, Education, and Welfare or its successor in function, reports on the operation and maintenance of the above-described property, and will furnish as requested, such other pertinent data evidencing continuous use of the property for the purposes specified in the above-referenced application and amendments.

In the event of a breach of any of the conditions set forth above whether caused by the legal or other inability of the GRANTEE, its successors or assigns, to perform any of the obligations herein set forth, all right, title, and interest in and to the herein described property shall, at the GRANTOR'S option, revert to and become the property of the United States of America, which shall have an immediate right of entry thereon, and the GRANTEE, its successors and assigns, shall forfeit all right, title, and interest in and to the above-described property and in any and all of the tenements, hereditaments and appurtenances thereunto belonging.

PROVIDED, HOWEVER, that the failure of the Department of Health, Education, and Welfare, or its successor in function, to insist in any one or more instances upon complete performance of any of the said conditions shall not be construed as a waiver or a relinquishment of the future performance of any of such conditions, but the GRANTEE'S obligations with respect to such future performance shall continue in full force and effect.

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PROVIDED FURTHER, that in the event the United States of America fails to exercise its option to re-enter the above-described property for any such breach of said conditions within twenty-one (21) years from the date of this conveyance, the conditions set forth above, together with all rights of the United States of America to re-enter as herein provided, shall, as of that date terminate and be extinguished.

In the event title to the above-described premises is reverted to the United States of America for non-compliance or voluntarily reconveyed in lieu of reverter, the GRANTEE, at the option of the Department of Health, Education, and Welfare, or its successor in function, shall be responsible and be required to reimburse the United States of America for the decreased value of the above-described property not due to reasonable wear and tear, the common enemy, acts of God, and alterations and conversions made by the GRANTEE to adapt the property to the use for which the property was acquired. The United States of America shall, in addition thereto, be reimbursed for such damages, including such costs as may be incurred in recovering title to or possession of the property as it may sustain as the result of non-compliance.

The GRANTEE may secure abrogation of the conditions designated 1, 2, and 3 herein by:

First. Obtaining the consent of the Department of Health, Education, and Welfare, or its successor in function; and

Second. Payment to the United States of America of the public benefit allowance granted to the GRANTEE of One Hundred Percent (100%) from the fair value of Three million six hundred fifty-one thousand and ninety Dollars (\$3,651,090.00), less a credit at the rate of five percent (5%) for each twelve (12) months during which the property has been kept, maintained, and utilized in accordance with the purpose set forth in the above-referenced application and amendments.

The GRANTEE by the acceptance of this deed, covenants and agrees, for itself, its successors and assigns, that in the event the property conveyed hereby is sold, leased, mortgaged, encumbered, or otherwise disposed of,

or is used for purposes other than those set forth in the above-identified application or amendments without the consent of the Department of Health, Education, and Welfare, all revenues or the reasonable value, as determined by the Department of Health, Education, and Welfare, of benefits to the GRANTEE, its successors and assigns deriving directly or indirectly from such sale, lease, mortgage, encumbrance, disposal or use (or the reasonable value as determined by the Department of Health, Education, and Welfare of any other unauthorized use) shall be considered to have been received and held in trust by the GRANTEE, its successors and assigns, for the United States of America and shall be subject to the direction and control of the Department of Health, Education, and Welfare.

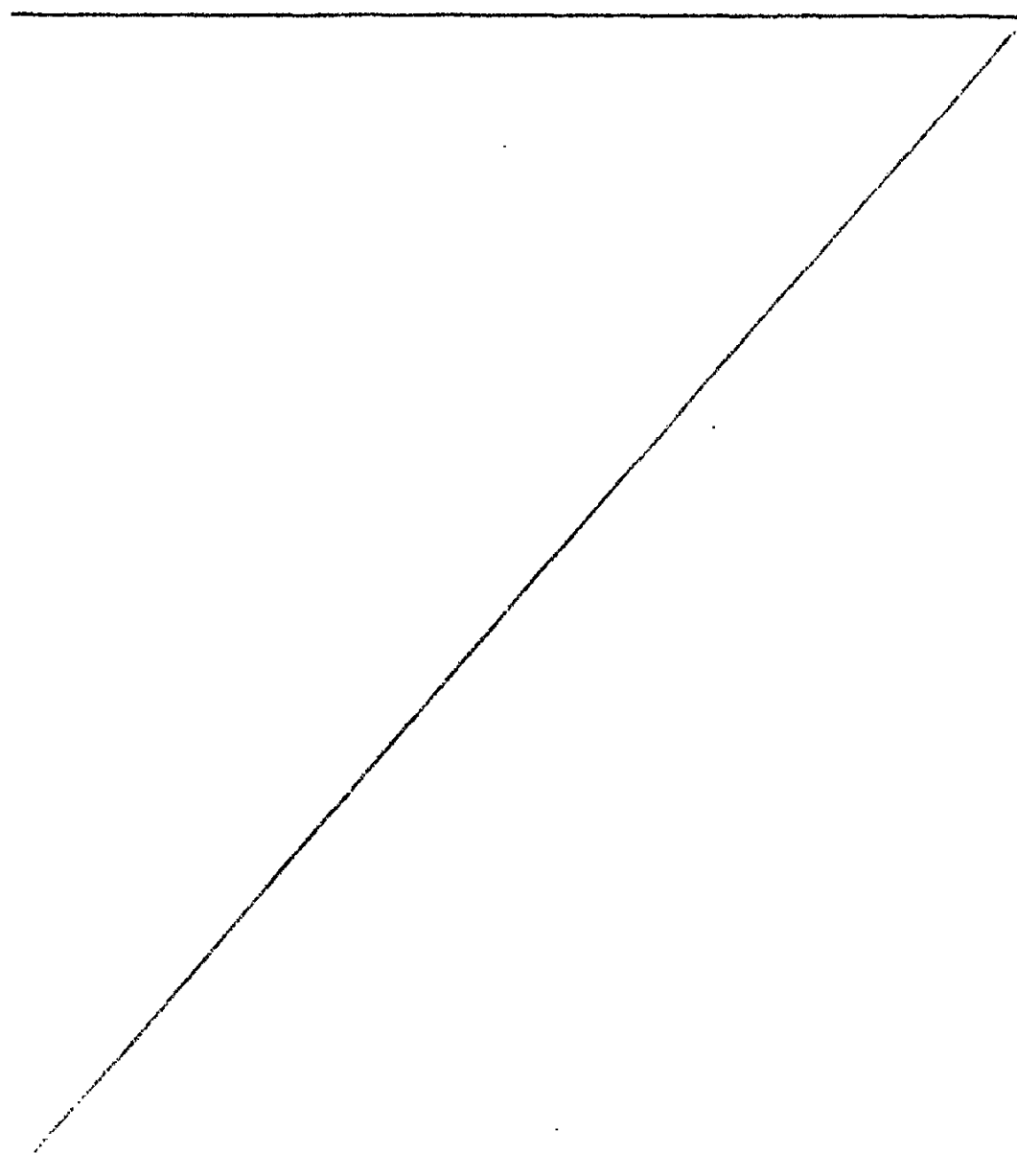
The GRANTEE by the acceptance of this deed, further covenants and agrees, for itself, its successors and assigns, that if the GRANTEE, its successors and assigns, shall cause any of said improvements to be insured against loss, damage or destruction and any such loss, damage or destruction shall occur during the period the GRANTEE, its successors or assigns, holds title to said property subject to said conditions 1, 2, and 3 said insurance and all moneys payable to the GRANTEE, its successors or assigns, thereunder shall be held in trust by the GRANTEE, its successors or assigns, and shall be promptly used by the GRANTEE, its successors or assigns, for the purpose of repairing such improvements and restoring the same to their former condition, or, if not so used, shall be paid over to the Treasurer of the United States in an amount not exceeding the unamortized public benefit allowance of the buildings, structures or improvements lost, damaged, or destroyed.

The GRANTEE further covenants and agrees, for itself, its successors and assigns, that during the aforesaid period of twenty (20) years all revenues or the reasonable value, as determined by the Department of Health, Education, and Welfare, of benefits to the GRANTEE its successors or assigns, deriving directly or indirectly from any and all mineral leases or royalties, or from the extraction of petroleum, gas, hydrocarbons, minerals, or other ores or substances from the property hereby conveyed shall be held in trust

by the GRANTEE, its successors or assigns for the United States of America and shall be subject to the direction and control of the Department of Health, Education, and Welfare; and the GRANTEE, further covenants and agrees, for itself, its successors and assigns that the United States of America, or its assigns, may at its option, at any time during the aforesaid period of twenty (20) years, re-enter and effect reverter of all right, title, and interest in and to the subsurface rights and interests in the property hereby conveyed; and the GRANTEE further covenants and agrees, for itself, its successors and assigns, that upon the exercise of the above-mentioned option by the United States of America, or its assigns, the GRANTEE, its successors and assigns, will execute and deliver to the United States of America, or its assigns, any and all instruments determined by the United States of America, or its assigns, to be necessary, in accordance with the law of the State of Texas, to effect such retransfer of title and to retransfer to the United States of America, its assigns, lessees, agents or any other person acting pursuant to its permission and authority, the exclusive right at any time to enter upon said property to search for, extract, work, remove and in any manner transport to market or otherwise dispose of petroleum, minerals, gas, hydrocarbons, minerals or other ores or substances, including the right to operate any instrumentalities necessary or convenient for locating, extracting or removing any of the aforesaid substances, together with the right to use water from said lands in operating the same, the right of ingress, egress and regress over said land for said purposes and the right to all other things necessary or convenient in connection with any of the foregoing purposes, not inconsistent with the educational use for which the said property is conveyed.

The GRANTEE, by acceptance of this deed, covenants and agrees, for itself, its successors and assigns, that the United States of America shall have the right during any period of emergency declared by the President of the United States or by the Congress of the United States to the full, unrestricted possession, control and use of the property hereby conveyed, or any portion thereof, including any additions or improvements thereto made subsequent to this conveyance. Prior to the expiration or termination of the period of restricted use by the GRANTEE, such use may be either

exclusive or non-exclusive and shall not impose any obligation upon the United States of America to pay rent or any other fees or charges during the period of emergency, except that the United States of America shall (i) bear the entire cost of maintenance of such portion of the property used by it exclusively or over which it may have exclusive possession or control, (ii) pay the fair share, commensurate with the use, of the cost of maintenance of such of the property as it may use non-exclusively or over which it may have non-exclusive possession or control, (iii) pay a fair rental for the use of improvements or additions to the premises made by the GRANTEE without Government aid, and (iv) be responsible for any damage to the surplus real property, improvement and/or personalty, caused by its use, reasonable wear and tear, the common enemy and Acts of God excepted.



IN WITNESS WHEREOF, the GRANTOR and the GRANTEE have caused these presents to be executed aa of the day and year first above written.

UNITED STATES OF AMERICA  
Acting by and through the Secretary of  
Health, Education, and Welfare

BY: J. H. Bond  
J. H. Bond, Regional Director  
Region VII, Department of Health,  
Education, and Welfare, Dallas, Texas

ACKNOWLEDGMENT

THE STATE OF TEXAS     |  
COUNTY OF DALLAS     |

BEFORE ME, a Notary Public in and for said County, State of Texas, on this day personally appeared J. H. Bond, Regional Director, Region VII, Department of Health, Education, and Welfare, acting for the UNITED STATES OF AMERICA and the Secretary of Health, Education, and Welfare, known to me to be the person whose name is subscribed in the foregoing instrument and acknowledged to me that he executed the same voluntarily for the purposes and considerations therein expressed and with full authority and as the act and deed of the UNITED STATES OF AMERICA and the Secretary of Health, Education, and Welfare.

Given under my hand and seal of office this 2nd day of April, 1962.

Earlene Ransom EARLENE RANSOM  
Notary Public in and for Dallas  
County, Texas

My Commission Expires:  
1st day of June, 1963

ACCEPTANCE

THE STATE OF TEXAS    X

COUNTY OF BRAZOS       X

BY THE ACCEPTANCE of this instrument, the State of Texas, acting by and through the Board of Directors of the Agricultural and Mechanical College of Texas, for itself, its successors in function and assigns, hereby accepts and agrees to all of the terms, conditions, restrictions, and reservations contained herein.

IN WITNESS WHEREOF, The Board of Directors of the Agricultural and Mechanical College of Texas, of the County of Brazos, State of Texas afore-said has caused these presents to be signed by James E. Rudder, President of the Agricultural and Mechanical College of Texas, or whoever his successor in function be, thereunto authorized by Resolution of said Board of Directors passed and adopted in a meeting held the 28th day of August, 1961, a copy of which is hereto annexed, and its seal hereunto affixed the 30th day of April, 1962.

THE STATE OF TEXAS  
Acting by and through the Board of  
Directors of the Agricultural and  
Mechanical College of Texas

BY: James E. Rudder  
James E. Rudder, President





ACKNOWLEDGMENT

THE STATE OF TEXAS    §

COUNTY OF BRAZOS       §

BEFORE ME, a Notary Public in and for said County of Brazos, State of Texas, on this day personally appeared James E. Rudder, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same voluntarily and as the act and deed of the State of Texas acting by and through the Board of Directors of the Agricultural and Mechanical College of Texas, an educational instrumentality of the State of Texas, organized and existing under the laws thereof, and as President of said College, and for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 30th day of April, 1962.

Guldene Holt  
Notary Public in and for  
Brazos County

My Commission Expires:  
3d day of June, 1963



## Exhibit A

R E S O L U T I O N

WHEREAS, certain property owned by the United States of America known as Bryan Air Force Base, consisting of approximately 1991.8 acres of fee-owned land, 148.44 acres of easements, 378 structures, and all related personal property located in the County of Brazos, State of Texas, has been declared surplus and is subject to disposal by the Secretary of Health, Education, and Welfare and

WHEREAS, the Agricultural and Mechanical College of Texas is in need of said property and can utilize the same for educational and research programs, and

WHEREAS, it is the desire of the Board of Directors of the Agricultural and Mechanical College of Texas, the governing authority of the Agricultural and Mechanical College of Texas, to make application to the United States Government for acquisition of the property under the provisions of Section 203 (k)(1) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as Amended, and regulations and procedures promulgated thereunder; and

WHEREAS, the Legislature of Texas in Section 36, Article IV, of Senate Bill No. 1 of the First Called Session of the 57th Legislature has authorized the Board of Directors of the Texas Agricultural and Mechanical College System to accept from the Federal Government the Bryan Air Force Base facilities for use by the Agricultural and Mechanical College of Texas in connection with the research and extension programs of the Agricultural and Mechanical College of Texas for such other purposes as may be consistent with the educational missions of the institution; provided, however, that none of the funds appropriated to the Texas Agricultural and Mechanical College System from the general revenue fund shall be used for such purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Agricultural and Mechanical College of Texas that James E. Rudder, President of the Agricultural and Mechanical College of Texas or whoever his successor in function be, is hereby designated as the proper official of said Agricultural and Mechanical College of Texas by whom negotiations for such acquisitions are to be prosecuted; and he is hereby duly authorized to do any and

Exhibit A

all things necessary and proper to procure acquisition of, and to accept, the property approved for transfer by the Department of Health, Education, and Welfare for the Agricultural and Mechanical College of Texas.

BE IT FURTHER RESOLVED that the Agricultural and Mechanical College of Texas is ready, willing and able, and is hereby authorized to pay, from sources other than the general revenue funds available to it, all external administrative expenses incident to the transfer of said property; and to assume immediate care and maintenance thereof,

BE IT FURTHER RESOLVED that three certified copies of this resolution be furnished to the Regional Representative, Division of Surplus Property Utilization, Department of Health, Education, and Welfare as evidence of the official action of the Board of Directors of the Agricultural and Mechanical College of Texas in authorizing the application for, and acquisition of said property.

IN TESTIMONY WHEREOF we hereunto sign our names and attach the seal of said institution for it and in its behalf this 28th day of August, 1961.

Board of Directors of the Agricultural and Mechanical College of Texas

By: /s/ Eugene B. Darby  
President

ATTEST:

(S E A L)

By: /s/ Edith S. Menefee  
Acting Secretary

C E R T I F I C A T E

I hereby certify the above to be a true and correct copy of a Resolution passed and adopted by the Board of Directors of the Agricultural and Mechanical College of Texas in a meeting held on the 28th day of August 1961.

Signature: Edith S. Menefee

Title: Acting Secretary

SCHEDULE "A"  
Part 1

<u>BLDG. NO.</u>	<u>AIR FORCE USE</u>	<u>PROPOSED USE</u>	<u>FAIR VALUE</u>
1081	Boundary Fence (40,761 linear ft.)		\$ 6,000.00
1082	Security Fence (12,408 linear ft.)		(valued w/bldg. 1081)
S-3	Communications	Salvage	350.00
S-6	Chapel	Religious Purposes	18,000.00
T-7	Headquarters	Administrative Offices	31,000.00
S-11	Theater	Educational Theater	20,000.00
T-12	Gymnasium	Physical Education	37,000.00
P-30	Hangar	Hay and Equipment Barn	60,000.00
T-31	Hangar	Chemical Laboratory	52,000.00
T-46	Hangar	Electrical Laboratory	50,000.00
47	Storage	Compressed Gas Storage	1,200.00
S-56	Training	Engineering Extension	3,500.00
S-57	Training	Engineering Extension	3,500.00
60	Storage	Compressed Gas Storage	1,200.00
S-61	Offices	Offices	18,000.00
S-63	Fire Station	Storage and Workshop	9,300.00
S-64	Parachutes	Salvage	350.00
69	Utility Vault	Utility Vault	5,400.00
P-71A	Storage	House and Acetylene Generator	5,600.00
S-72	Hangar	Electrical Laboratory	50,000.00
77	Control Tower	Control Tower	16,000.00
S-78	Power Supply	Power Supply	600.00
S-79	Operations	Engineering Extension	3,500.00
S-80	Training	Engineering Extension	3,500.00
T-81	Hobby Shop and Bowling Alley	Laboratory	28,000.00
82	Truck Filling Stand	Truck Filling Stand	-0-
S-90	Hangar	Highway Conditon Laboratory	110,000.00
S-92	Maintenance Shop	Mechanical Laboratory	70,000.00
S-93	Electronic Shop	Electronic Laboratory	35,000.00
95	Storage	Compressed Gas Storage	1,200.00
97	Pump Station	Pump Station	3,000.00

## Part 1 Continued

<u>Bldg. No.</u>	<u>Air Force Use</u>	<u>Proposed Use</u>	<u>Fair Value</u>
98	Pump Station	Pump Station	\$ 2,800.00
S-175	Classroom	Classroom	2,300.00
S-176	Classroom	Classroom	6,800.00
S-177	Classroom	Classroom	6,800.00
S-178	Classroom	Classroom	6,800.00
S-179	Classroom	Classroom	6,800.00
S-180	Classroom	Classroom	20,000.00
S-190	Altitude Chamber	Offices and Storage	10,000.00
T-236	Mess Hall	Veterinarian Laboratory	60,000.00
T-240	Airman's Club	Social Center	50,000.00
241	Swimming Pool	Swimming Pool	10,000.00
242	Locker Room	Locker Room	7,000.00
S-253	Mess Hall	Salvage	300.00
T-267	Officer's Club	Administrative Offices	48,000.00
T-271	Tennis Courts	Tennis Courts	2,300.00
T-345	N. C. O. Club	Cafeteria and Student Center	40,000.00
T-346	Barracks	Dormitory	4,700.00
T-347	Barracks	Dormitory	4,700.00
T-348	Barracks	Dormitory	4,700.00
T-349	Barracks	Dormitory	4,700.00
T-350	Barracks	Dormitory	4,700.00
T-352	Barracks	Social Center	21,000.00
T-367	Mess Hall	Offices and Laboratories	25,000.00
430	Brick Dormitory	Laboratories and Living Quarters	250,000.00
431	Brick Dormitory	Laboratories and Living Quarters	250,000.00
S-440	Water Pump Station	Water Pump Station	340,000.00
T-441	Food Inspection	Storage	3,700.00
T-442	Latrine	Restroom	0 (valued w/S-440)
T-443	Guard House	Storage	3,700.00
446	Water Storage Tank	Water Storage Tank	0 (valued w/S-440)

## Part 1 Continued

<u>Bldg. No.</u>	<u>Air Force Use</u>	<u>Proposed Use</u>	<u>Fair Value</u>
447	Water Treatment Plant	Water Treatment Plant	0 (valued w/S-440)
448	Beacon Light	Central Lighting	2,500.00
S-450	Water Supply Building	Water Supply Building	0 (valued w/S-440)
460	Water Storage Tank	Water Storage Tank	0 (valued w/S-440)
T473	Barracks	Dormitory (Relocate)	2,500.00
T-474	Barracks	Dormitory (Relocate)	2,500.00
T-475	Barracks	Dormitory (Relocate)	2,500.00
T-476	Barracks	Dormitory (Relocate)	2,500.00
T-483	Administrative Supply	Dormitory (Relocate)	2,500.00
T-487	Administrative "	Dormitory (Relocate)	2,500.00
T-488	Offices	Dormitory (Relocate)	2,500.00
S-490	Headquarters	Salvage	250.00
499	Inspection and Repair Shop	Diesel Engine Laboratory	3,500.00
500	Reclamation Shop	Fuel Injection Laboratory	2,200.00
502	Engine Repair Shop	Diesel Engine Laboratory	70,000.00
505	Pump Station	Pump Station	9,700.00
508	Pump House	Pump House	6,400.00
T-509	Pump House	Pump House	1,500.00
T-510	Warehouse	Warehouse	32,000.00
T-511	Warehouse	Warehouse	32,000.00
T-512	Warehouse	Warehouse	32,000.00
T-513	Warehouse	Warehouse	32,000.00
T-516	Commissary	Warehouse	24,000.00
T-517	Warehouse	Warehouse	42,000.00
T-518	Warehouse	Warehouse	32,000.00
T-519	Warehouse	Warehouse	32,000.00
S-521	Warehouse	Warehouse	58,000.00
S-522	Warehouse	Fan Testing Laboratory	65,000.00
523	Warehouse	Farm Equipment Shop and Storage	65,000.00
524	Warehouse	Equipment Storage	65,000.00
T-526	Warehouse	Restrooms	2,800.00

## Part 1 Continued

<u>Bldg. No.</u>	<u>Air Force Use</u>	<u>Proposed Use</u>	<u>Fair Value</u>
T-527	Latrine (Paint Storage)	Paint Storage	850.00
T-528	Lumber Shed	Lumber Shed	400.00
T-529	Warehouse	Supply Center	10,000.00
T-530	Maintenance Shop	Shops	13,000.00
T-532	Pavement and Grounds Building	Fire Station	4,700.00
S-535	Administration Building	Offices and Shops	37,000.00
T-540	Storage	Paint Shop	1,600.00
T-541	Paint Shop	Paint Shop	3,200.00
T-546	Auto Maintenance	Storage	3,000.00
T-547	Auto Maintenance	Tool Shop	1,000.00
T-555	Auto Maintenance	Offices	1,800.00
T-561	Auto Maintenance	Vehicle Maintenance	52,000.00
561	Paint Facility	Paint Facility	0 (valued w/T-561)
563	Auto Wash Rack	Auto Wash Rack	0 (valued w/T-561)
564	Auto Grease Rack	Auto Grease Rack	0 (valued w/T-561)
580	Truck Service	Maintenance Shop	2,300.00
S-650	Dental Clinic	Dog House	7,000.00
S-651	Flight Surgeon Clinic	X-ray Facility and Dog House	10,000.00
S-653	Hospital	Offices, Dog Surgery and Dog House	17,000.00
S-654	Barracks	Dog House	15,000.00
S-658	Hospital	Laboratory and Dog House	14,000.00
S-659	Hospital	Laboratory and Dog House	16,000.00
S-660	Hospital	Dog House	9,000.00
S-661	Hospital	Dog House	9,500.00
S-662	Hospital	Dog House	9,500.00
S-663	Hospital	Dog House	9,000.00
S-664	Hospital	Dog House	10,000.00
S-665	Warehouse	Dog Food Storage	2,000.00
T-669	Barracks	Poultry Barn	2,000.00
T-670	Barracks	Poultry Barn	2,000.00
T-671	Barracks	Poultry Barn	2,000.00

## Part 1 Continued

<u>Bldg. No.</u>	<u>Air Force Use</u>	<u>Proposed Use</u>	<u>Fair Value</u>
T-672	Barracks	Poultry Barn	\$ 2,000.00
S-673	Mess Hall	Animal Diagnostic Laboratory	14,000.00
S-674	Medical Supplies	Poultry Brooding and Feed Storage	7,000.00
S-675	Hospital	Laboratories and Poultry Hatchery	9,000.00
S-676	Medical Supply	Inflamable Storage	600.00
T-678	Latrines	Sterilization of Poultry Equipment	6,000.00
T-679	Latrines	Sterilization of Poultry Equipment	0 (valued w/T-678)
T-680	Recreation Room	Poultry Barn	2,000.00
T-691	Storage	Storage	0 (valued w/696)
696	Sewage Treatment Plant	Sewage Treatment Plant	40,000.00
S-707	Pastry Kitchen	Storage	5,700.00
T-708	Recreation	Storage	3,600.00
S-717	Recreation	Recreation Equipment Repair Shop	8,000.00
S-750	Golf Recreation	Golf Recreation	1,100.00
S-800	Family Housing	Teacherage	11,000.00
S-801	Family Housing	Teacherage	16,000.00
S-802	Family Housing	Teacherage	16,000.00
880	Swimming Pool	Swimming Pool	10,000.00
881	Bath House	Bath House	7,000.00
882	Latrine	Livestock Barn	10,000.00
T-892	Storage	Livestock Barn	1,600.00
T-893	Storage	Livestock Barn	1,600.00
T-894	Warehouse	Livestock Barn	800.00
T-895	Storage	Livestock Barn	800.00
T-896	Dog Kennel	Livestock Barn	1,800.00
T-899	Storage	Livestock Barn	800.00
1002	Communications	Livestock Barn and Feed Storage	4,300.00



Sanitary Sewer System including sewage disposal plant, structures  
and existing equipment, mains and laterals \$ 38,000.00

Water System including pump house, pumping equipment wells,  
storage tanks, refrigerating unit, mains and laterals 110,000.00

\$ 3,060,900.00

TOTAL

## Part 2

<u>Bldg. No.</u>	<u>Air Force Use.</u>	<u>Proposed Use</u>	<u>Fair Value</u>
T-1	Headquarters	Laboratory	\$ 12,400.00
T-2	Administrative Offices	Library	4,700.00
T-4	Post Office	Offices	4,700.00
T-151	Barracks	Housing	3,600.00
T-152	Barracks	Housing	3,600.00
T-153	Barracks	Housing	3,600.00
T-154	Barracks	Housing	3,600.00
T-155	Barracks	Housing	3,600.00
T-156	Barracks	Housing	3,600.00
T-157	Barracks	Housing	3,600.00
T-158	Barracks	Housing	3,700.00
T-159	Headquarters	Housing	2,800.00
T-160	Barracks	Housing	3,600.00
T-161	Barracks	Housing	3,600.00
T-162	Barracks	Housing	3,600.00
T-163	Barracks	Housing	3,600.00
T-164	Barracks	Housing	3,600.00
T-165	Barracks	Housing	3,600.00
T-166	Headquarters	Housing	2,800.00
T-167	Recreation and Latrine	Housing	5,000.00
T-168	Recreation and Latrine	Housing	5,000.00
T-351	Barracks	Housing	4,700.00
T-353	Barracks	Housing	4,700.00
T-354	Barracks	Housing	4,700.00
T-355	Barracks	Housing	4,700.00
T-356	Barracks	Housing	4,700.00
T-357	Barracks	Housing	4,700.00
T-358	Barracks	Housing	4,700.00
T-359	Latrine	Housing	4,100.00
T-360	Administration	Housing	4,700.00
T-362	Latrine	Housing	4,100.00

## Part 2 Continued

<u>Bldg. No.</u>	<u>Air Force Use</u>	<u>Proposed Use</u>	<u>Fair Value</u>
T-363	Administrative Supply	Housing	\$ 2,800.00
T-364	Offices	Offices	19,200.00
T-365	Barracks	Housing	4,700.00
T-366	Barracks	Housing	4,700.00
T-368	Barracks	Housing	4,700.00
T-369	Barracks	Housing	4,700.00
T-370	Barracks	Housing	4,700.00
T-371	Barracks	Housing	4,700.00
T-701	Barracks	Offices	19,600.00
T-702	Barracks	Offices	19,600.00
T-718	Reproduction	Storage	2,500.00
		<b>TOTAL</b>	<u>\$225,600.00</u>

## Part 3

<u>Bldg. No.</u>	<u>Air Force Use</u>	<u>Fair Value</u>
T-67	Warehouse	\$ 50.00
T-68	Shop Survey and Inspection	90.00
T-83	Storage	100.00
T-84	Storage	20.00
T-89	Latrine	85.00
T-91	Heating Plant	135.00
S-94	Compressed Air Plant	65.00
T-484	Latrine and Showers	500.00
S-501	Equipment Shop	700.00
T-504	Maintenance Building	800.00
T-506	Warehouse	800.00
T-520	Latrine	190.00
T-550	Vehicle Fueling Station	80.00
T-554	Maintenance	85.00
656	Covered Walkway	200.00
T-682	Range Control House (2)	40.00
T-683	Target Storage	75.00
T-684	Control House (2)	40.00
T-685	Control House (2)	40.00
T-686	Target Storage	75.00
T-687	Control House (2)	40.00
T-688	Control House (2)	40.00
T-689	Control House (2)	40.00
TOTAL		\$, - 4,290.00

FILED FOR RECORD 1:15 O'CLOCK P. M., 21st DAY OF May  
 19 62 . RECORDED 10 O'CLOCK A. M. 23 DAY OF  
 May 19 62 TO WHICH I CERTIFY.

A. B. SYPTAK, C. C. C. B. C.

BY *[Signature]* DEPUTY