

MODIFICATION OF DEED

This Modification of Deed ("Modification") is entered into as of the ____ day of _____, 2024 (the "Effective Date") by the **CITY OF NEW BRAUNFELS**, a home rule municipality ("CONB") and **ADM MILLING CO.**, a Minnesota corporation ("ADM").

RECITALS

A. WHEREAS, Pursuant to that certain instrument dated July 18, 1881, recorded in Volume Z, Page 22 of the Deed Records of Comal County, Texas (the "Deed"), CONB conveyed certain property in the City of New Braunfels, Comal County, Texas, as more particularly described in the Deed (the "Conveyance Property") to the New Braunfels Woolen Manufacturing Company.

B. WHEREAS, ADM is the current owner of the portion of the Conveyance Property that is located on the property described in EXHIBIT A attached hereto (such portion of the Conveyance Property being referred to herein as the "Release Property").

C. WHEREAS, the Deed provides that the owner of the Conveyance Property shall furnish and propel water from the Comal River to such tanks, cisterns and reservoirs as may be provided by the City of New Braunfels and such places in said City as the City shall provide, and such water as furnished shall be in sufficient quantities at all times to supply any demand for fire extinguishing purposes, keeping said tanks filled at all times if so required by ordinance of the City Council of the City of New Braunfels (together with all other obligations of the owner of the Conveyance Property set forth in the Deed, collectively the "Owner Obligations").

D. WHEREAS, the Deed provides that any failure at any time on the part of the owner of the Conveyance Property to comply with the terms of the Deed will work as a forfeiture of said Conveyance Property and all rights appertaining thereto to the City of New Braunfels (together with any other reverter, right of reversion and other reversionary rights and interests set forth in the Deed, collectively the "Reverter").

NOW THEREFORE, for and in consideration of Ten and No/100 Dollar (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged by CONB, CONB hereby agrees as follows:

1) Modification. CONB hereby agrees that (i) the Owner Obligations and the Reverter are hereby fully terminated in their entirety and shall hereafter be of no further force or effect as to the Release Property, (ii) the owner of the Release Property shall have no Owner Obligations under the Deed and (iii) CONB has no Reverter with respect to the Release Property.

2) Runs With the Land; Binding Effect. This Modification shall be effective from and after the Effective Date. The terms, provisions and conditions of this Modification shall run with the land, shall be binding upon CONB and its successors and assigns, and shall inure to the benefit of the owner of the Release Property and its successors and assigns.

3) Authority. Each of the individuals executing this Modification represents and warrants that he or she is duly authorized to execute this Modification on behalf of their respective party hereunder, and that all corporate, partnership, trust, governmental or other action necessary for such party to execute, enter into, and perform obligations in this Modification have been duly taken by such party and have occurred.

IN WITNESS WHEREOF, CONB and ADM have executed this Modification as of the Effective Date.

[Signature Pages Follow]

CITY OF NEW BRAUNFELS,
a home rule municipality

STATE OF TEXAS §
COUNTY OF COMAL §

Notary Public, in and for
The State of Texas

ADM MILLING CO.,
a Minnesota corporation

STATE OF _____ §
COUNTY OF _____ §

Notary Public, in and for
The State of

EXHIBIT A
Description of Release Property
METES AND BOUNDS DESCRIPTION
FOR A 4.373 ACRE TRACT OF LAND
"TRACT 1"

Being a 4.373 acre tract of land located in the J.M. Veramendi Survey, Abstract No. 2, Comal County, Texas, being all of Lots 102, 144, 145 and part of Lot 133, New City Block 2004, and Lots 136, 260, 261, 263 and 298, New City Block 2005, City of New Braunfels, recorded in Volume 284, Page 817, corrected in Volume 286, Page 616, Deed Records, Comal County, Texas, and a called 0.436 of an acre tract of land, "Area 1", (a former portion of Gilbert Street now closed) recorded in Document No. 9606001284, Official Public Records, Comal County, Texas said 4.373 acre tract of land located being more particularly described as follows:

BEGINNING at a found 1/2" iron pin in the Southeast right of way line of East Mill Street for the West corner of a called 1.004 acre tract of land recorded in Document No. 201906026762, Official Public Records, Comal County, Texas, same point being the North corner of Lot 298, New City Block 2005, City of New Braunfels;

THENCE departing the Southeast right of way line of East Mill Street, with the Southwest line of said 1.004 acre tract and the Northeast lines of Lots 298 and 261, S 52°59'24" E, a distance of 193.48 feet to a fence corner post found for the South corner of said 1.004 acre tract, the East corner of Lot 261, same point being the West corner of Lot 260, and a corner of the herein described tract;

THENCE with the Southeast line of said 1.004 acre tract and the Northwest line of Lot 260, N 38°50'32" E, a distance of 169.16 feet to a found 1/2" iron pin in concrete at the edge of water in the Southwest bank of the Comal River for the East corner of said 1.004 acre tract, the North corner of Lot 260 and a corner of the herein described tract;

THENCE with the edge of water along the Southwest bank of the Comal River and the Northeast line of Lot 260, the following six (6) calls:

1. S 04°56'19" E, a distance of 35.30 feet to a point for a corner;
2. S 34°35'05" E, a distance of 31.76 feet to a point for a corner;
3. S 26°29'20" E, a distance of 31.01 feet to a point for a corner;
4. S 78°47'20" E, a distance of 18.29 feet to a point for a corner;
5. S 41°36'00" E, a distance of 91.12 feet to a point for a corner;
6. S 46°57'11" E, a distance of 4.49 feet to a set mag nail in a concrete drainage structure at the waters edge for the East corner of Lot 260, same point lying in the Northwest right of way line of East San Antonio Street, and a corner of the herein described tract;

THENCE departing the Southwest bank of the Comal River, with the Northwest right of way line of East San Antonio Street, and the Southeast line of Lots 260, Lot 136, and a called 0.436 acre tract of land, "Area 1", S 38°26'41" W, a distance of 349.16 feet to a set 1/2" iron rod with cap "HMT" point for the South corner of said 0.436 of an acre tract, same point being the East corner of Lot 133, and an East corner of a strip of Lot 133 conveyed to the City of New Braunfels in Volume 226, Page 495, Deed Records, Comal County, Texas, for a corner of the herein described tract;

THENCE departing the Northwest right of way line of East San Antonio Street, with the Southwest line of said 0.436 of an acre tract, the Northeast line of Lot 133 and the Northeast line of said strip of Lot 133 conveyed to City of New Braunfels, N 52°39'58" W, a distance of 192.06 feet to a point for a corner in the Southwest line of said 0.436 of an acre tract, the North corner of said Lot 133, same point being the East corner of Lot 145, New City Block 2004, and the Northwest corner of said strip of Lot 133 conveyed to the City of New Braunfels, for a corner of the herein described tract of land;

THENCE departing the Southwest line of said 0.436 of an acre tract, with the Southwest line of said strip of Lot 133 conveyed to the City of New Braunfels, S 50°52'34" E, a distance of 192.04 feet to a point in the Northwest right of

way line of East San Antonio Street and the Southeast line of Lot 133, for the South corner of said save and except tract and a corner of the herein described tract;

THENCE with the Southeast line of Lot 133 and the Northwest right of way line of East San Antonio Street, S 38°26'41" W, a distance of 90.29 feet to a found 4" fence post under a concrete wall for the South corner of Lot 133, the East corner of Lot 132, and a corner of the herein tract;

THENCE departing the Northwest right of way line of East San Antonio Street, with the Southwest line of Lot 133 and the Northeast line of Lot 132, N 52°57'51" W, a distance of 192.04 feet to a point lying inside of a 21" pecan tree for the West corner of Lot 133, the North corner of Lot 132, the South corner of Lot 145, and the East corner of Lot 144, for a corner of the herein described tract;

THENCE with the Northwest lines of Lots 132 and Lot 2, and the Southeast lines of Lots 144 and 102, S 37°56'48" W, a distance of 190.72 feet to a set 1/2" iron pin with cap "HMT" in the Northeast right of way line of North Market Avenue for the West corner of Lot 2, the South corner of Lot 102, and the South corner of the herein described tract;

THENCE with the Northeast right of way line of North Market Avenue and the Southwest line of Lot 102, N 52°25'05" W, a distance of 192.06 feet to a set 1/2" iron pin with cap "HMT" in the East right of way line of the intersection of North Market Avenue and East Mill Street for the West corner of Lot 102, and a corner of the herein described tract;

THENCE with the Southeast right of way line of East Mill Street, the Northwest lines of Lots 102, 144, and 145, and the Northwest line of the aforementioned 0.436 of an acre tract of land, N 37°56'14" E, a distance of 336.66 feet to a found 1/2" iron pin for the North corner of said 0.436 of an acre tract, same point being the West corner of the aforementioned Lot 298, New City Block 2005, and a corner of the herein described tract;

THENCE continuing with the Southeast right of way line of East Mill Street and the Northwest line of said Lot 298, N 37°42'14" E, a distance of 188.94 feet to the POINT OF BEGINNING, containing 4.373 acres of land in Comal County, Texas.

Bearings shown hereon are based on the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (NA2011) Epoch 2010.00.