

MEMORANDUM OF AGREEMENT

This **MEMORANDUM OF AGREEMENT** (“MOA”) is entered into this _____ day of _____, 2024, by and between the **CITY OF NEW BRAUNFELS** (the “Buyer”), a home-rule city under the laws of the State of Texas, whose address is 550 Landa Street, New Braunfels, Comal County, TX 78130, and **GREGORY W. KRAFT AND WIFE, PAMELA S. KRAFT** (the “Seller”), whose address is PO Box 311807, New Braunfels, Comal County, Texas 78131.

RECITALS

WHEREAS, in order to properly secure and maintain property located within the Runway Protection Zone (RPZ) of Runway 31 of the New Braunfels National Airport, the Buyer intends to acquire a portion of the Seller’s property as more particularly described on the attached Exhibits “A” and “B” collectively referred to as (the “Property”); and

WHEREAS, the Buyer and Seller have come to an agreement on the compensation for the acquisition of the Property; and

WHEREAS, the Buyer and Seller agree that it is important to confirm this agreement in order to avoid any possible misunderstanding as to the details of the purchase or process by which the Buyer will make payment;

NOW, THEREFORE, in consideration of the representation, covenants, and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. The Seller has agreed to convey the Property to Buyer for the total purchase price of Two Hundred Ninety Three Thousand Two Hundred Eighty Dollars (\$293,280.00).

The total purchase price constitutes full payment to be made by the Buyer for the Property to be conveyed and any improvements thereon. The payment is subject to the final approval by the City of New Braunfels City Council.

2. Until payment is made by the City of New Braunfels, title and possession of the property to be conveyed remains with you. You shall bear all risk of loss to any and all such property prior to such payment. Either you or City of New Braunfels shall have the right to terminate this agreement.

3. It is expressly understood that upon closing on the Property, the Seller will surrender, give up and deliver possession to the above-described premises subject to a reasonable amount of time for vacating the premises.
4. The closing shall take place at Corridor Title Company located at 410 West San Antonio Street, Suite 100, New Braunfels, TX 78130.
5. At closing, the Buyer and Seller agree to execute a General Warranty Deed. A sample copy of this agreement has been attached as Exhibit "C"
6. The Buyer agrees to pay all necessary title closing and recording costs except for costs necessary to provide clear title to the Property.
7. Upon execution of this agreement, the Buyer will commence with coordinating with the Title Company clear any title encumbrances, issue funds for payment and schedule closing.
8. This MOU shall terminate within 90 days after the date of closing or (2) years after the date of execution whichever occurs first.
9. This MOU may only be terminated by mutual agreement by both parties.
10. This MOU shall become effective upon execution of the MOU by both parties.
11. All exhibits are incorporated herein for all purposes.

IN WITNESS WHEREAS, the Buyer and Seller mutually consent to enter into this MOU on the date set forth above.

SELLER

Gregory W. Kraft

Pamela S. Kraft

BUYER
CITY OF NEW BRAUNFELS

Robert Camareno, City Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF GUADALUPE §

Before me, a Notary Public, on this _____ day of _____, ____ personally appeared GREGORY W. KRAFT, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF GUADALUPE §

Before me, a Notary Public, on this _____ day of _____, ____ personally appeared PAMELA S. KRAFT, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF COMAL §

Before me, a Notary Public, on this _____ day of _____, ____ personally appeared ROBERT CAMARENO, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as City Manager of the CITY OF NEW BRAUNFELS, TEXAS.

WITNESS my hand and official seal.

Notary Public, State of Texas

EXHIBIT "A"

Job No. 2300000237.000.2
June 8, 2023

3.120 Acre
Runway Protection Zone Tract

State of Texas
County of Guadalupe

Fieldnotes, for 3.120 Acres, situated in the Antonio M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, out of a 52.940 Acre tract, described in a Deed from Kraft Communications, LLC, to Gregory W. Kraft and wife, Pamela S. Kraft, as recorded in Document Number 202099002488 of the Official Public Records of Guadalupe County, Texas, said 3.120 Acres being more fully described by metes and bounds as follows;

Commencing, at a ½ Inch Iron Rod found, on the called Southeast Right-of-Way of Texas Farm to Market Road Number 758, for the North corner of a 72-1/2 Acre tract, described in a Deed from Alma Timmermann to Elfriede Voigt, as recorded in Volume 187, Page 480 of the Deed Records of Guadalupe County, Texas, the West corner of the said 52.940 Acre tract, **from whence**, a ½ Inch Iron Rod found, on the said Southeast Right-of-Way, for a corner of the said 52.940 Acre tract, bears North 45°21'26" East, 1191.71 Feet, another ½ Inch Iron Rod with Yellow plastic Cap stamped "HMT" found, on the said Southeast Right-of-Way, for the North corner of a 45.53 Acre tract, described in a Deed from Elaine V. Deering to The City of New Braunfels, as recorded in Document Number 2016025376 of the said Official Public Records, bears South 45°10'33" West, 10.08 Feet;

Thence, South 44°37'05" East, departing the Southeast Right-of-Way of the said Texas Farm to Market Road Number 758, with the common line of the said 72-1/2 Acre tract and the said 52.940 Acre tract, at 67.17 Feet, pass a ½ Inch Iron Rod with Yellow plastic Cap stamped "HMT" found, on line, for a corner of the said 45.53 acre tract, in all 71.90 Feet, to a ½ Inch Iron Rod with Yellow Plastic Cap stamped "Baseline Corp." set, for the **Point of Beginning** and West corner of this tract;

Thence, South 53°15'50" East, departing the said Common line, at 1310.25 Feet, pass a ½ Inch Iron Rod with Yellow plastic Cap stamped "HMT" found, 0.52 Feet, Left of Line, in all 1352.05 Feet, to a ½ Inch Iron Rod with Yellow Plastic Cap stamped "Baseline Corp." set, on the Northwest line of a 200.6 Acre tract described in a Deed from Valerie Z Parker and Vance R. Parker to Upriver Investments, LLC, as recorded in Document Number 202299037755 of the said Official Public Records, the Southeast line of the said 52.940 Acre tract, for the East corner of this tract;

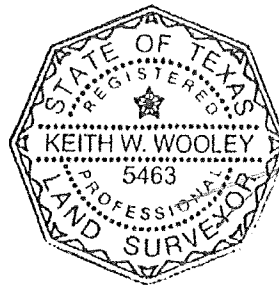
Thence, South 45°13'18" West, with the common line of the said 200.6 Acre tract and the said 52.940 Acre tract, 203.25 Feet, to a ½ Inch Iron Rod found, for the East corner of the said 72-1/2 Acre tract and the said 45.53 Acre tract, the South corner of the said 52.940 Acre tract and this tract;

Thence, North 44°37'05" West, with the common line of the said 72-1/2 Acre tract and the said 52.940 Acre tract, at 41.74 Feet, pass a ½ Inch Iron Rod with Yellow Plastic Cap stamped "HMT" found, 0.12 Feet, Left of Line, for the East corner of the said 45.53 Acre tract, continue with the said Common line, the Northeast line of the said 45.53 Acre tract, in all 1337.25 Feet, to the **Point of Beginning**, containing 3.120 Acres (135,900 Square Feet) of Land, more or less.

Bearings are based on GPS, NAD83, State Plane Coordinates, Texas South Central Zone 4204.

Unless this fieldnote description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

Also reference accompanying Map of tract described herein.



Baseline Corporation

[Handwritten Signature]
Keith W. Wooley, R.P.L.S.
License No. 5463

1. All Bearings and Coordinates shown hereon are based upon the Texas Coordinate system, NAD83 (NA2011), South-Central zone. All distances shown hereon are surface distances. Coordinates were adjusted from State plane grid to surface using a scaled adjustment factor of 1.0001403117 (Reciprocal = 0.9998597080) (Record Bearing/Distance)

3. This Survey was prepared without the benefit of a Current Title Report.

4. Site Address: 2606 FM 758, NEW BRAUNFELS, TEXAS,
GUADALUPE COUNTY, TEXAS.

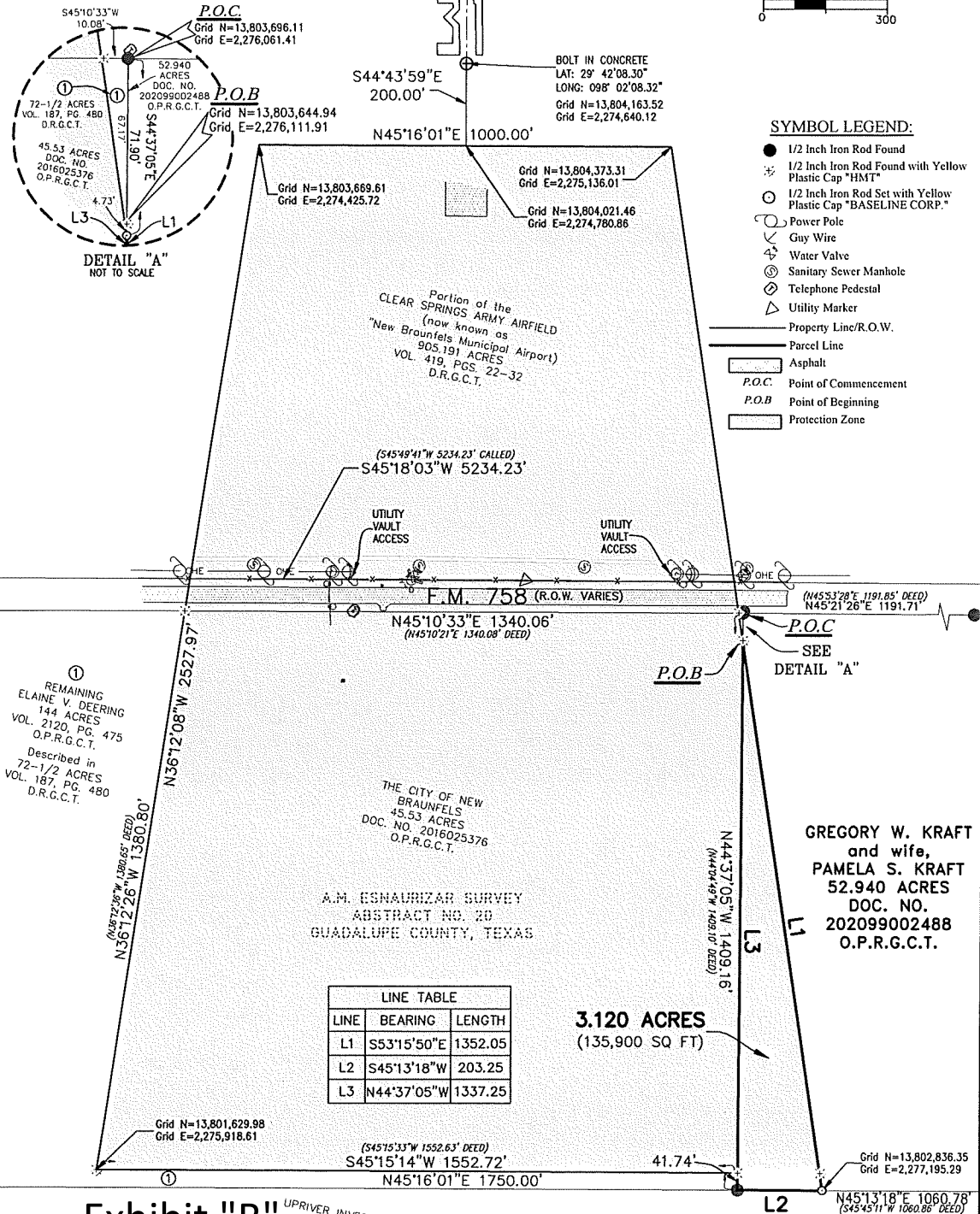


Exhibit
Sketch to Accompany

3.120 Acres, situated in the Antonio M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, out of a 52.940 Acre tract, described in a Deed from Kraft Communications, LLC, to Gregory W. Kraft and wife, Pamela S. Kraft, as recorded in Document Number 202099002488 of the Official Public Records of Guadalupe County, Texas.

DCCM

Baseline Corporation | TxSurv F-10030200
190 S Seguin Ave, New Braunfels, TX 78130
830.606.3913 | BaselineSurveyors.net

DRAWN BY: M.H.

CHECKED BY: K.W.W.

DATE: MAY 2023

JOB NO.: 2300000237.000.2

SHEET 2 OF 3

Exhibit "C"

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

GENERAL WARRANTY DEED

DATE: _____

GRANTOR: GREGORY W. KRAFT AND WIFE, PAMELA S. KRAFT

GRANTOR'S MAILING ADDRESS (including county):

PO Box 311807
New Braunfels, Comal County, Texas 78131

GRANTEE: THE CITY OF NEW BRAUNFELS, TEXAS, a Municipal Corporation

GRANTEE'S MAILING ADDRESS (including county):

550 Landa Street
New Braunfels, Comal County, Texas 78130

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY (including any improvements): being described in Exhibits "A" and "B" attached hereto and made a part hereof.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY: This conveyance is made and accepted subject to any and all restrictions, covenants, conditions, reservations, setback lines and easements, if any, now outstanding and of record in Comal County, Texas, and to all zoning laws, regulations and ordinances of municipal and/or governmental authorities, if any, but only to the extent that they are still in effect, relating to the Property.

Grant of Property: Grantor, for the Consideration and subject to the Reservations From and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, its successors or assigns forever.

TO HAVE AND TO HOLD the Property herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto Grantee and its successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto the Grantee, its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

When the context requires, singular nouns and pronouns include the plural.

GRANTOR:

Gregory W. Kraft

Pamela S. Kraft

ACCEPTED:

CITY OF NEW BRAUNFELS, TEXAS

By: Robert Camareno, City Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF GUADALUPE §

Before me, a Notary Public, on this _____ day of _____, ____ personally appeared GREGORY W. KRAFT, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF GUADALUPE §

Before me, a Notary Public, on this _____ day of _____, ____ personally appeared Pamela S. KRAFT, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COMAL §

Before me, a Notary Public, on this _____ day of _____, ____ personally appeared ROBERT CAMARENO, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as City Manager of the CITY OF NEW BRAUNFELS, TEXAS.

WITNESS my hand and official seal.

Notary Public, State of Texas