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

GIFT DEED

STATE OF TEXAS	§	KNOW ALL OF THESE
	§	
COUNTY OF COMAL	§	PRESENTS:

That ARROYO GOODWIN, LP, a Texas limited partnership, whose mailing address is P. O. Box 171004, San Antonio, TX 78217, Attn: Mike W. Lancaster (“Grantor”), has GIFTED, GRANTED and CONVEYED, and by these presents does GIFT, GRANT and CONVEY unto NEW BRAUNFELS PARKS FOUNDATION, A Texas non-profit corporation (“Grantee”), whose mailing address is P. O. Box 312634, New Braunfels, Texas 78231, the following described tract of land (the “Property”) in Comal County, Texas.

Lot 901, Block 1, Arroyo Verde Subdivision Unit 4, Comal County, Texas, according to map or plat thereof recorded in Document No. 202106040857 Official Public Records, Comal County.

This conveyance is expressly made and accepted subject only to all matters set forth on Exhibit “A” attached hereto and made a part hereof for all purposes (the “Permitted Exception”).

TO HAVE AND TO HOLD, subject to the reservations and exceptions herein the Property, together with all improvements located thereon and all rights, titles and interests appurtenant thereto unto the said Grantee, its successors and assigns forever, without express or implied warranty, except Grantor does hereby bind Grantor and Grantor’s successors to WARRANT AND FOREVER DEFEND all and singular the Property unto said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise, subject to the reservations and exceptions herein.

Grantor excepts here from and reserves unto itself, its successors and assigns, and its predecessors in title in accordance with its respective interest of record, all oil, gas and other minerals in, on or under the land conveyed hereby (collectively, the “Minerals Estate”), but Grantor on behalf of itself, its successors and assigns, does hereby forever release and relinquish its right to enter upon and use the surface of said land for exploring and drilling for and producing and mining such oil, gas and other minerals, provided that the same does not disturb Grantee’s use of the Property, including any improvements situated thereon. Grantor shall have and hereby reserves the right to drill under and through subsurface of land below the depth of one hundred feet (100’) from the surface thereof by a well or wells located on the surface of land outside the boundaries of the land conveyed hereby and the right to pool and combine such Property with other land for the purpose of exploring and drilling for and producing and mining

such minerals by virtue of operations conducted on such other lands, but not the lands conveyed hereby.

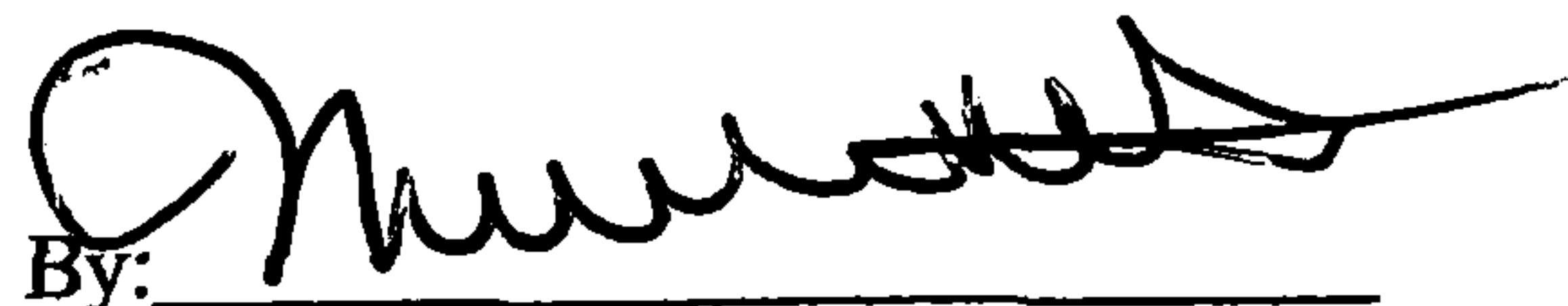
As a material inducement to Grantor to convey the Property to Grantee, the Property is conveyed to Grantee subject to the following restriction: the Property shall be used solely and exclusively as a public park. The foregoing restriction is a covenant running with the Property for the benefit of Grantor, its successors and assigns, and all land owned by Grantor as of the date of this conveyance. In the event the Grantee ceases to exist or function under its Articles of Incorporation as set forth in its present or hereafter amended charter from the State of Texas and/or the above referenced property is no longer used as a public park, title to the Property at Grantor's option, shall revert to and pass to Grantor, its successors and/or assigns, without any encumbrances other than those stated in the attached Exhibit "A", for its unrestricted use and benefit. Notwithstanding the foregoing, Grantee may in the future transfer its rights to the Property to the City of New Braunfels, Texas provided that the Property's use remains as a public park.

GRANTEE ACKNOWLEDGES AND AGREES, THAT GRANTOR HEREBY SPECIFICALLY DISCLAIMS ANY WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR WRITTEN, PAST, PRESENT, OR FUTURE, OF, AS TO, OR CONCERNING THE NATURE AND CONDITION OF THE LIABILITIES, CLAIMS, DAMAGES AND COSTS (AND AGREE THAT GRANTOR SHALL NOT BE LIABLE FOR ANY SPECIAL, DIRECT, INDIRECT, CONSEQUENTIAL, OR OTHER DAMAGES RESULTING OR ARISING FROM OR RELATED TO THE OWNERSHIP, USE, CONDITION, LOCATION, MAINTENANCE, REPAIR OR OPERATION OF THE PROPERTY. GRANTEE EXPRESSLY ACCEPTS THE PROPERTY AS IS, WHERE IS, WITH ALL FAULTS, AND WAIVES (TO THE EXTENT ALLOWED BY APPLICABLE LAW) ANY CLAIMS UNDER FEDERAL, STATE OR OTHER LAW THAT GRANTEE MIGHT OTHERWISE HAVE AGAINST GRANTOR RELATING TO THE TITLE, USE, CHARACTERISTICS OR CONDITION OF THE PROPERTY. NOTWITHSTANDING THE FOREGOING, GRANTOR DOES PROVIDE THE SPECIAL WARRANTY OF TITLE FOR THE PROPERTY AS SET FORTH ABOVE.

IN WITNESS WHEREOF, this Gift Deed is executed by Grantor to be effective as of the 17th day of December, 2021.

Grantor:
Arroyo Goodwin, LP,
A Texas partnership

By: La Crema GP, LLC
A Texas limited liability company
General Partner

By: 

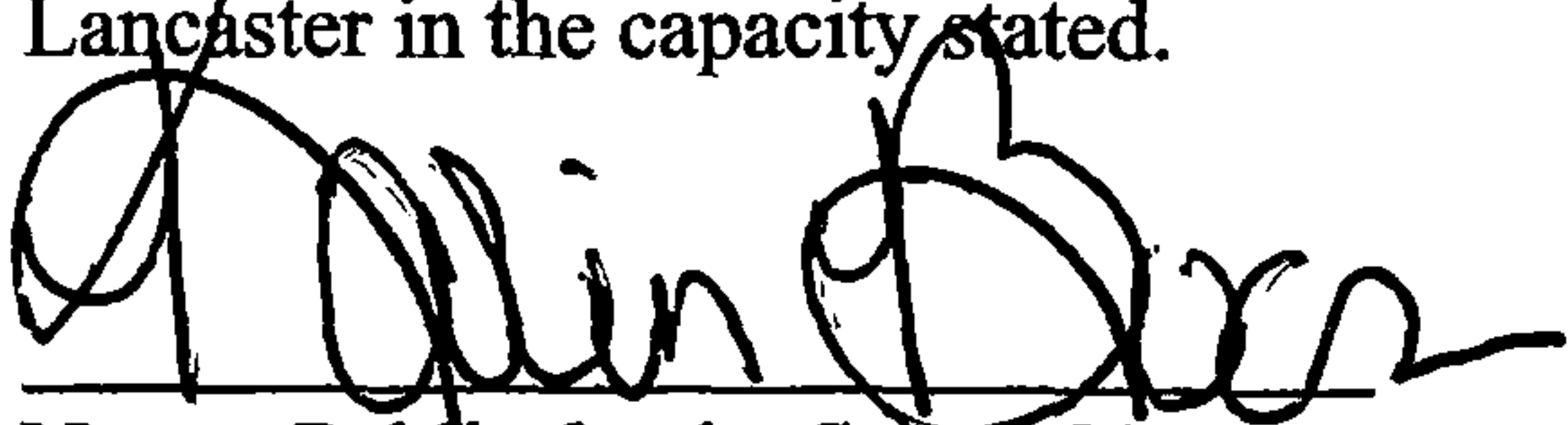
Mike Lancaster
Authorized Manager

THE STATE OF TEXAS

§
§
§

COUNTY OF COMAL

This instrument was acknowledged before me on 17th day of December 2021, by Mike W. Lancaster in the capacity stated.


Notary Public for the State of Texas

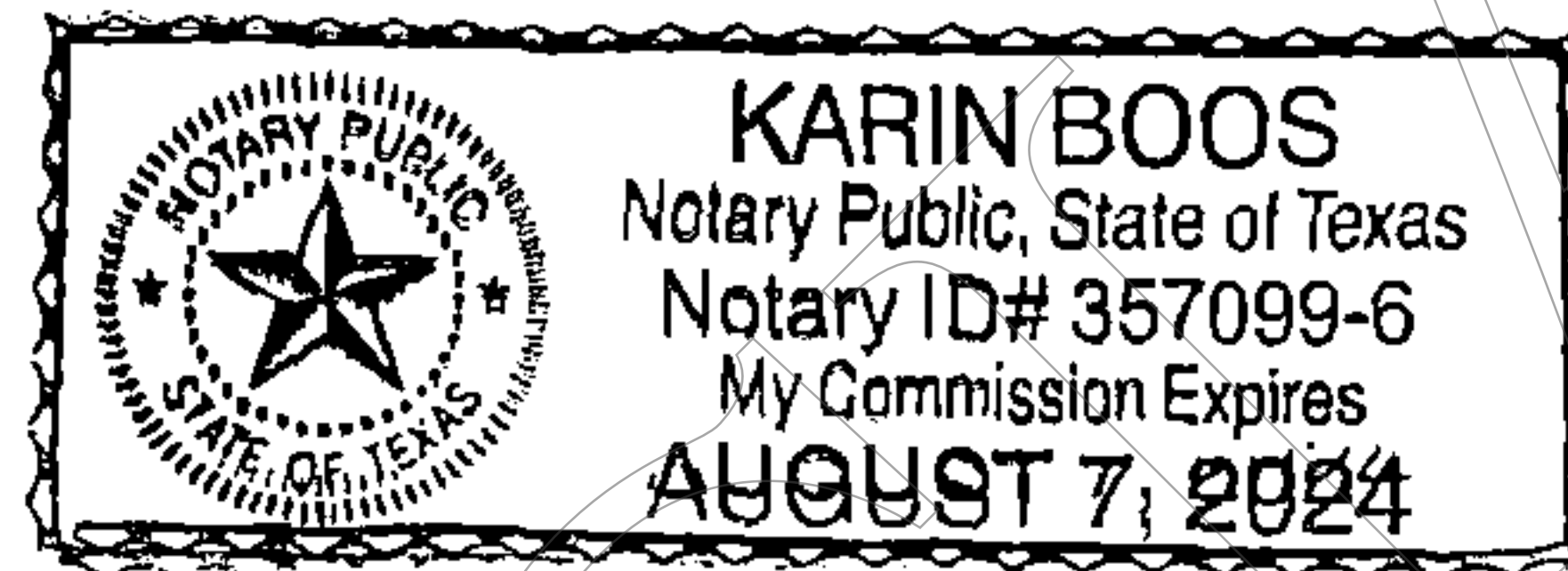


EXHIBIT "A"

1. All visible and apparent easements or uses and all underground easements or uses, the existence of which may arise by unrecorded grant or by use during the time the Grantor has owned the Property, Grantor does not have any knowledge of any such described easements or uses.

Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
01/03/2022 02:21:27 PM
CHRISTY 4 Page(s)
202206000246



Bobbie Koepp