

## Exhibit "F"

conclusive of the fair market value thereof; now, therefore;

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS**

#### **SECTION 1**

That the City of New Braunfels, acting by and through its City Manager shall execute a Deed Without Warranty to HEB Grocery Company LP, conveying all of its right, title and interest in and to the public right-of-way and all rights in and to a 0.23 acre tract of land, more or less, being public street right-of-way located at the terminus of Merriweather Street, and said street right-of-way being in the City of New Braunfels, Texas. A survey of the property to be conveyed is attached marked Exhibit "A" and is described in attached marked Exhibit "B". If said Deed Without Warranty is not executed within one hundred and twenty (120) days of the second and final reading of this ordinance, this ordinance shall become null and void and a new application for abandonment shall be required.

#### **SECTION 2**

That the following restrictions will apply to the property:

- 1. A pedestrian access easement will be dedicated across the subject property to allow neighborhood residents to continue to access the retail center. This can be dedicated as part of the plat.*
- 2. A replat of the existing HEB property to include the purchased right-of-way must be submitted and approved by the City prior to ownership transfer. Recordation will occur subsequent to the transfer.*
- 3. Use of the property is limited to a parking lot.*

#### **SECTION 3**

That all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.