

**DEED WITHOUT WARRANTY**

STATE OF TEXAS           §  
  §        KNOW ALL MEN BY THESE PRESENTS THAT:  
COUNTY OF COLLIN       §

**CITY OF MCKINNEY, TEXAS**, a Texas municipal corporation and home-rule city (whether one or more, "**Grantor**"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration paid by \_\_\_\_\_ (whether one or more, "**Grantee**"), the receipt and sufficiency of which are hereby acknowledged and confessed, subject to the exceptions, liens, encumbrances, terms and provisions hereinafter set forth and described, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto Grantee, without warranty of any kind, in and to the following described lot, tract or parcel of land situated in Collin County, Texas, save and except approximately 1,157 square feet of land that Grantor hereby reserves unto itself in fee simple for right-of-way ("Reserved Fee Simple Right-of-Way Property") and approximately 999 square feet of land that Grantor reserves unto itself as a drainage easement together with a right of ingress and egress across the Property as hereinafter defined ("Reserved Easement Property"), each of which reservations of land rights (collectively the "Reserved Property") are more particularly described by metes and bounds in Exhibit A and depicted in Exhibit B attached hereto and incorporated herein by reference for all purposes allowed by law:

Lot 436A of the McKinney Outlots Addition to the City of McKinney, Collin County, Texas, also known as 402 Rice Street, as recorded in Volume 711, Page 630 of the Collin County Land Records; and conveyed to the City of McKinney, Texas in Document No. 20070717000981940 as recorded in the Official Records of Collin County, Texas (the "Property").

This conveyance is subject to: (i) any and all mineral reservations, restrictions, covenants, conditions and easements, if any, relating to the above-described property, but only to the extent that they are still in effect and shown of record in Collin County, Texas; and (ii) all zoning law regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the above-described Property. Improvements approved by the Grantor may be placed on the Reserved Easement Property, which improvements shall be compatible with the use of the easement and any utility facilities located within the Reserved Easement Property. No improvements may be placed by Grantee in or about the Reserved Fee Simple Right-of-Way.

For the same consideration recited above, Grantor hereby BARGAINS, SELLS AND TRANSFERS, without warranty, express or implied, all interest, if any, of Grantor in (i) strips or gores, if any, between the Property and abutting or immediately adjacent properties, and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or immediately adjacent to the Property, but not including any right or interest in or to any contiguous or abutting lands owned by Grantor or its assigns.

This conveyance is subject to all matters of public record and to all easements, leases, agreements or licenses, or other interests which affect the Property, and to any matter which would be disclosed by title examination, survey, investigation or inquiry, including but not limited to the rights of parties in possession.

**GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE PHYSICAL CONDITION, OR ANY OTHER MATTER AFFECTING OR RELATED TO THE PROPERTY OR ANY IMPROVEMENTS THEREON, INCLUDING WITHOUT LIMITATION THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. GRANTEE IS ACQUIRING THE PROPERTY "AS IS, WHERE IS" AND "WITH ALL FAULTS, LIABILITIES, AND DEFECTS, LATENT OR OTHERWISE, KNOWN OR UNKNOWN," IN ITS PRESENT STATE AND CONDITION AS OF THE CLOSING DATE, WITH NO RIGHTS OF RECOURSE AGAINST GRANTOR (OR ANY RELATED OR AFFILIATED PARTY) FOR SAME. BY THE ACCEPTANCE OF THIS DEED, GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE HAS THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY THE GRANTEE IN ORDER TO ENABLE THE GRANTEE TO EVALUATE THE PURCHASE OF THE PROPERTY.**

Excluded and excepted from this deed are any and all warranties, express or implied, regarding the Property, including, without limitation, any warranties arising at common law or implied as a result of §5.023 of the Texas Property Code, or any successor statute.

**TO HAVE AND TO HOLD** the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging unto said Grantee and Grantee's heirs, successors and assigns forever, subject to the reservations and exceptions described herein.

**EXECUTED** to be effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**GRANTOR:**

CITY OF MCKINNEY, TEXAS  
a Texas municipal corporation and home-rule city

By: \_\_\_\_\_  
JASON GRAY  
City Manager

**GRANTEE:**

\_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
SANDY HART, TRMC, MMC  
City Secretary  
BLANCE I. GARCIA  
Deputy City Secretary

**STATE OF TEXAS           §**  
  **§**  
**COUNTY OF COLLIN       §**

This instrument was ACKNOWLEDGED before me, on the \_\_\_\_ day of \_\_\_\_\_, 2013, by Jason Gray, City Manager of the City of McKinney, Texas, a Texas municipal corporation and home-rule city.

[SEAL]

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Printed Name of Notary Public

*[Continued on following page.]*

STATE OF TEXAS                   §  
  §  
COUNTY OF COLLIN           §

This instrument was acknowledged before me on \_\_\_\_\_, 2013, by  
\_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_, a Texas \_\_\_\_\_,  
on behalf of said \_\_\_\_\_.

[SEAL]

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Printed Name of Notary Public

When recorded, return to:

**EXHIBIT A**

**DESCRIPTION OF RESERVED PROPERTY**

*Reserved Fee Simple Right-of-Way Property:*

BEING a tract of land, **reserved to the City of McKinney, Texas, a Texas municipal corporation and home-rule city, as right-of-way in fee simple**, situated in the Ed Bradley Survey, Abstract No. 85, Collin County, Texas and being part of a tract conveyed to the City of McKinney as recorded in Document No. 20070717000981940, Official Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod set for corner at the intersection of the south Right of Way line of Howell Street and the west Right of Way line of Rice Street;

THENCE South 01 degrees 27 minutes 20 seconds West following the west ROW line of said Rice Street a distance of 46.00 feet to a ½ inch iron rod found at the southeast corner of said City Tract;

THENCE North 88 degrees 32 minutes 40 seconds West following the south line of said City Tract a distance of 5.90 feet to a ½ inch iron rod set for corner;

THENCE North 01 degrees 03 minutes 43 seconds East a distance of 26.01 feet to a ½ inch iron rod set for corner;

THENCE North 43 degrees 38 minutes 56 seconds West a distance of 21.32 feet to a ½ inch rod set for corner;

THENCE North 88 degrees 21 minutes 35 seconds West a distance of 146.82 feet to a ½ inch iron rod set for corner in the west line of said City Tract;

THENCE North 01 degrees 27 minutes 20 seconds East following the west line of said City Tract a distance of 4.47 feet to a ½ inch iron rod set for corner in the south ROW line of said Howell Street;

THENCE South 88 degrees 32 minutes 40 seconds East following the south ROW line of said Howell Street a distance of 168.00 feet to the POINT OF BEGINNING and containing 1,157 square feet or 0.027 acres of land, more or less.

Reserved Easement Property:

BEING a tract of land, **reserved to the City of McKinney, Texas, a Texas municipal corporation and home-rule city, as a non-exclusive drainage easement** with the right of ingress and egress over that portion of the servient estate as is reasonably necessary to and for the limited purpose of accessing the Reserved Easement Property together with all rights to construct, reconstruct and perpetually maintain storm drainage and positive overflow facilities together with all necessary appurtenances thereto (the "Facilities") in, on, under, over and across said land situated in the Ed Bradley Survey, Abstract No. 85, Collin County, Texas and being part of a tract conveyed to the City of McKinney as recorded in Document No. 20070717000981940, Official Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a ½ inch iron rod set for corner at the intersection of the south Right of Way line of Howell Street and the west Right of Way line of Rice Street;

THENCE South 88 degrees 32 minutes 40 seconds West following the south ROW line of said Howell Street a distance of 168.00 feet to a point;

THENCE South 01 degrees 27 minutes 20 seconds West a distance of 4.47 feet to the POINT OF BEGINNING;

THENCE North 88 degrees 21 minutes 35 seconds East a distance of 40.00 feet to a point;

THENCE South 01 degrees 38 minutes 25 seconds West a distance of 25.00 feet to a point;

THENCE North 88 degrees 21 minutes 35 seconds West a distance of 39.92 feet to a point;

THENCE North 01 degrees 27 minutes 20 seconds East a distance of 25.00 feet to the POINT OF BEGINNING and containing 999 square feet of land, more or less.