

DEED WITHOUT WARRANTY

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.

Date: January 12, 2009

Grantor: EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1

Grantor's Mailing Address (including county):  
294 CANDELARIA ST.  
EL PASO COUNTY  
EL PASO, TEXAS 79907

Grantee: Kenneth and Blanca Nichols

Grantee's Mailing Address (including county): P.O. Box 284, Clint, Texas 79836, El Paso County

Consideration: TEN AND NO/100 DOLLARS and other valuable consideration.

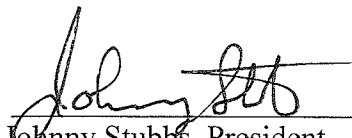
Property: SEE EXHIBIT "A" ATTACHED HERETO

Reservations from and Exceptions to Conveyance and Warranty: Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance, and operation of the El Paso County Water Improvement District No. 1; taxes for the current year, the payment of which Grantee assumes; but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

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 way belonging, to have and to hold it to Grantee, Grantee's heirs, successors and assigns forever, without express or implied warranty. All warranties that might arise by common law as well as the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

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

EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1

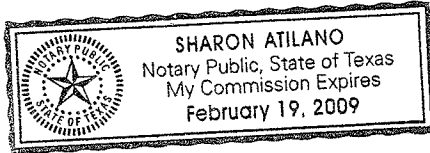
  
\_\_\_\_\_  
Johnny Stubbs, President

(NOTARY ON FOLLOWING PAGE)

STATE OF TEXAS  
COUNTY OF EL PASO

This instrument was acknowledged before me on January 14<sup>th</sup>, 2009, by  
Johnny Stubbs on behalf of the EL PASO COUNTY WATER IMPROVEMENT  
DISTRICT NO. 1

Sharon Atilano  
Notary Public, State of Texas



THE UNDERSIGNED BUYER HEREBY ACCEPTS AND CONSENTS TO THE FORM OF DEED ATTACHED HERETO INCLUDING, BUT NOT LIMITED TO, THE PROVISIONS CONCERNING TITLE EXCEPTIONS CONTAINED THEREIN, AND ACKNOWLEDGES THAT SAME IS IN CONFORMITY WITH BUYER'S INTENT, AND THE TERMS AND PROVISIONS OF SAME SHALL CONTROL IN THE EVENT OF ANY CONFLICT WITH THE CONTRACT BUYER HAS SIGNED REGARDING THE PROPERTY DESCRIBED HEREIN.

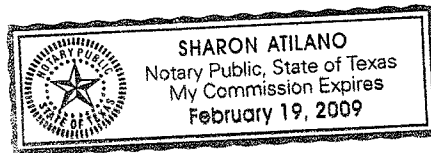
Kenneth Nichols  
Kenneth Nichols

Blanca Nichols  
Blanca Nichols

STATE OF TEXAS  
COUNTY OF EL PASO

This instrument was acknowledged before me on January 13<sup>th</sup>, 2009, by  
Kenneth Nichols and Blanca Nichols.

Sharon Atilano  
Notary Public, State of Texas



# Barragan & Associates

Land Planning & Land Surveying

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax(915) 591-5706

## DESCRIPTION

**PROPERTY DESCRIPTION** of a parcel of land being a portion of a 100 foot right-of-way of Clint Spur Drain, also known as a portion of Tract 6, Block 21, San Elizario Grant, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

**COMMENCING** for reference at a county monument found on the centerline intersection of Alameda Avenue and Main Street; **THENCE**, N 06°33'28" W, a distance of 2835.95 feet to a set 5/8" rebar on the westerly right-of-way line of Clint Spur Drain, said rebar also being the southeasterly corner for tract 6A, Block 21, San Elizario Grant, as described in deed filed in Volume 1125, Page 840, Deed Records of El Paso County, Texas, said rebar also being on the northerly right-of-way line of Clint Ditch, said rebar also being the **POINT OF BEGINNING** of this parcel;

**THENCE**, N 10°49'00" W, along the common line of Tract 6A, Block 21, San Elizario Grant, El Paso County, Texas, and the Westerly right-of-way line of said Clint Spur Drain, a distance of 105.63 feet to a set 5/8" rebar for a point of curvature of this parcel;

**THENCE**, continuing along said Westerly right-of-way line, 52.78 feet along the arc of a curve to the left, with a radius of 120 feet, a tangent of 26.82 feet, an interior angle of 25°12'00", and whose chord bears N 23°25'00" W, a distance of 52.35 feet to a set 5/8" rebar for a corner of this parcel;

**THENCE**, N 36°01'00" W, continuing along said Westerly right-of-way line, a distance of 290.13 feet to a set 5/8" rebar for a point of curvature of this parcel;

**THENCE**, 23.87 feet along the arc of a curve to the right, with a radius of 173.40 feet, a tangent of 11.95 feet, an interior angle of 7°53'11", and whose chord bears N 32°04'25" W, a distance of 23.85 feet to a set 5/8" rebar on the common line of said Tract 6A and Tract 12D, Block 24, San Elizario Grant, for a corner of this parcel;

**THENCE**, N 75°50'00" E, along said common line of Tracts 6A and 12D, a distance of 105.97 feet to a set 5/8" rebar on the common line of said Tract 6 and the Easterly right-of-way line of Clint Spur Drain for a point for a corner of this parcel;

**THENCE**, S 36°01'00" E, along said Easterly right-of-way line, a distance of 274.48 feet to a set 5/8" rebar for a point of curvature of this parcel;

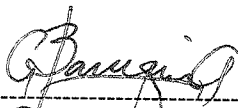
**THENCE**, continuing along said Easterly right-of-way line, 96.76 feet along the arc of a curve to the right, with a radius of 220 feet, a tangent of 49.18 feet, an interior angle of 25°12'00", and whose chord bears S 23°25'00" E, a distance of 95.98 feet to a set 5/8" rebar for a corner of this parcel;

**THENCE**, S 10°49'00" E, continuing along said Easterly right-of-way line, a distance of 146.37 feet to a set 5/8" rebar on the Northerly right-of-way line of Clint Ditch for a corner of this parcel;

**THENCE**, N 78°39'00" W, along said northerly right-of-way line of Clint Ditch, a distance of 107.98 feet to the **POINT OF BEGINNING** of the herein described parcel and containing in all 49,516 sq. ft. or 1.14 acres of land more or less.

### Notes:

1. Bearings recited herein are based on the County plat of San Elizario Grant.
2. A plat of survey of even date accompanies this description.
3. This property may be subject to easements whether of record or not.

  
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Benito Barragan TX R.P.L.S. 5615, October 30, 2008  
CLINT SPUR DRAIN

# Exhibit A

LINE TABLE		
LINE	LENGTH	BEARING
L1	105.63	N10°49'00"W
L2	107.98	N78°39'00"W

TRACT 12D, BLCOK 24,  
SAN ELIZARIO GRANT,  
PLAT RECORDS,  
EL PASO COUNTY, TEXAS.  
VOLUME 958, PAGE 81,  
VOLUME 659, PAGE 548

100' CLINT SPUR DRAIN

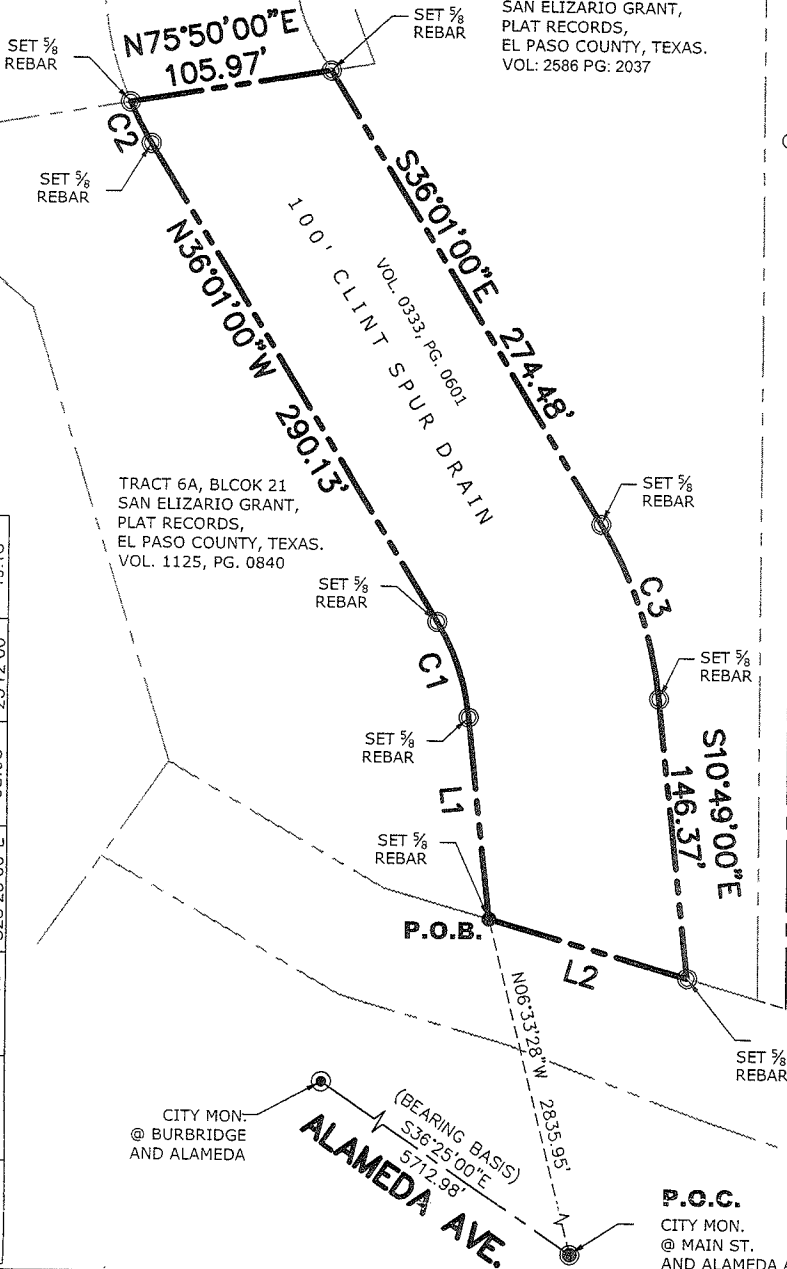
TRACT 6, BLCOK 21  
SAN ELIZARIO GRANT,  
PLAT RECORDS,  
EL PASO COUNTY, TEXAS.  
VOL: 2586 PG: 2037

TRENT STREET  
(30' R.O.W.)

TRACT 5, BLCOK 21  
SAN ELIZARIO GRANT,  
PLAT RECORDS,  
EL PASO COUNTY, TEXAS.  
VOL: 2586 PG: 2037

TRACT 6A, BLCOK 21  
SAN ELIZARIO GRANT,  
PLAT RECORDS,  
EL PASO COUNTY, TEXAS.  
VOL. 1125, PG. 0840

CURVE TABLE					
CURVE	LENGTH	RADIUS	BEARING	CHORD	TANGENT
C1	52.78	120.00	N23°25'00"W	52.35	26.82
C2	23.87	173.40	N32°04'25"W	23.85	11.95
C3	96.76	220.00	S23°25'00"E	95.98	49.18



- NOTES:
- SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "X", AREA OF MINIMAL FLOODING, PER F.I.R.M. PANEL NUMBER 300 B, LAST REVISION DATE 09-04-91. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
  - BEARINGS SHOWN ARE BASED ON THE COUNTY PLAT OF SAN ELIZARIO GRANT.
  - THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER RECORDED OR NOT (NOT SHOWN).
  - THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
  - A WRITTEN DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

SCANNED

**Barragan & Associates**  
LAND PLANNING & SURVEYING  
10950 Pellicano Drive Building F.  
El Paso Tx 79935  
Phone (915) 591-5709 Fax (915) 591-5706

## Plat of Survey

BEING A PORTION OF  
A 100 FOOT WIDE RIGHT-OF-WAY  
OF CLINT SPUR DRAIN,  
ALSO KNOWN AS:  
A PORTION OF TRACT 6,  
BLOCK 21, SAN ELIZARIO GRANT,  
EL PASO COUNTY, TEXAS.  
AREA 49,516 SQ. FT. OR 1.14 ACRES ±

VOLUME N/A PAGE N/A  
Scale 1"=100 Date 10-30-08 Drawn by OM/RV

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Benito Barragan*  
Benito Barragan, R.P.L.S., Tex., No. 5615  
Job No. 071010-06 Copy Rights ©

Doc# 20090003701  
#Pages 4 HWPages 1  
1/20/2009 10:23:29 AM  
Filed & Recorded in  
Official Records of  
EL PASO COUNTY  
DELIA BRIONES  
COUNTY CLERK  
Fees \$28.00

5

SCANNED

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded by document number in the Official Public Records of Real Property in El Paso County.



*Delia Briones*

EL PASO COUNTY, TEXAS