



LD 2016000127
3 PGS

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.

WARRANTY DEED

DATE: January 8, 2016

GRANTOR: CITY OF LINDEN, a Texas Municipality, whose address is P.O. Box 419, Linden, Texas 75563, acting herein by and through its Mayor, CLARENCE BURNS

GRANTEE: LINDEN HERITAGE FOUNDATION, a Texas Non-Profit Corporation, whose address is P. O. Box 507, Linden, Texas 75563

CONSIDERATION: AS A GIFT

The CITY OF LINDEN transfers & conveys to the said LINDEN HERITAGE FOUNDATION all that certain tract or parcel of land situated in the City of Linden, Cass County, Texas, and being a part of the M. Powell HR Survey, being described as follows:

All that certain 1300 square feet tract of land out of a tract described in Vol. N-4, Pg. 635, Deed Records, Cass County, Texas, situated in the town of Linden, Cass County, Texas, being a part of the Matthew Powell Survey, A-858, being a part of Lot 5, Block 2, in the Original Townsite of Linden, and shown on plat recorded in Cabinet A, Slide 1, Cass County Plat Records, said 1300 square feet of land being more particularly described by metes and bounds as follows: (Bearing Basis: Plat Record: A/1)

Beginning at: A 1/2" iron rod set at the intersection of the North right-of-way Rush Street and the East right-of-way of Taylor Street for the Southwest corner of this tract and Lot 5, Block 2;

Thence: NORTH, 50.00 feet along the WEST line of Lot 5, Block 2 and the East right-of-way of Taylor Street to a 1/2" iron rod set for the Northwest corner of this tract and Lot 5, Southwest corner of Lot 6;

Thence: EAST, 26.00 feet with common boundary Lots 5 and 6, Block 2 and the South line of Vol. 1176, Pg. 395, Parcel Four, to a 1/2" iron rod set for the Northeast corner of this tract;

Thence: SOUTH, 50.00 feet with a new line to a 1/2" iron rod set in the North right-of-way line of Rush Street, South line of Lot 5, Block 2 for the Southeast corner of this tract;

Thence: WEST, 26.00 feet with the South line of Lot 5, Block 2 and the North right-of-way line of Rush Street to the Point of Beginning, containing 1300 square feet of land, more or less.

and encompassing the Old Linden Firehouse now standing on said parcel, this being the western portion of a parcel referred to in DEED VOLUME N-4 PAGE 635 of the deed records of Cass County;

This deed, however, remains subject to the following assurances and restrictions:

1. That the LINDEN HERITAGE FOUNDATION obtain a General Liability Policy and hold the City harmless from any public liability claims that may ensue during the time the Foundation has possession of the property;
2. That the LINDEN HERITAGE FOUNDATION evaluate the structural damage to the historic Firehouse and sponsor a plan for stabilization of the building, including the pursuit of historic preservation grants and landmark designations;
3. That if, within 5 years, the building has not been substantially stabilized, with viable development commenced or completed by a qualified private investor or corporation, then ownership will be forfeited back to the CITY OF LINDEN -- with the proviso that the City of Linden will place no unreasonable obstacles in the path of private development on site.

It is further agreed herein that the CITY OF LINDEN grants to the LINDEN HERITAGE FOUNDATION, subject to the above assurances and restrictions, a limited right-of-way for the use and benefit of the LINDEN HERITAGE FOUNDATION as follows:

A right-of-way of 36" in the east margin of Taylor Street and along the west line of the above-described parcel - but limited to the right to uncover, restore, beautify, and maintain the former native rock retaining wall along the west facade of the historic Linden Firehouse - the original rock wall having been disguised in recent years with a cover of unsightly mounded asphalt;

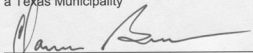
and the CITY OF LINDEN will defend this marginal right of way against anyone claiming it or in any manner preventing free and unobstructed use of it by the LINDEN HERITAGE FOUNDATION and its successors and assigns. As consideration for the granting of said right-of-way, the LINDEN HERITAGE FOUNDATION agrees to improve and restore said retaining wall at its own expense, and in a manner that adds positive value to the historic Firehouse and that substantially beautifies this section of the city of Linden. This agreement shall inure to and bind the successors and assigns of the parties, and shall constitute a covenant running with the lands herein described.

RESERVATIONS FROM CONVEYANCE: None

To have and to hold the above referenced premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said LINDEN HERITAGE FOUNDATION, its successors and assigns, forever. And the CITY OF LINDEN, TEXAS does hereby bind itself, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

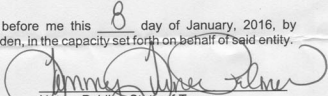
Witness my hand at Linden, Texas, this 8 day of January, 2016.

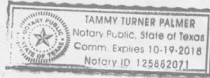
CITY OF LINDEN
a Texas Municipality


By: CLARENCE BURNS
Its: Mayor

STATE OF TEXAS §
COUNTY OF CASS §

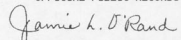
This instrument was acknowledged before me this 8 day of January, 2016, by CLARENCE BURNS, Mayor for the City of Linden, in the capacity set forth on behalf of said entity.


Notary Public, State of Texas
My Commission Expires:



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS


January 11, 2016 10:09:59 AM

2016000127

FEE: \$58.00

Jamie A. O'Rand County Clerk
Cass County TEXAS