

**RESOLUTION NO. 2003- 30**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CORRECTION DEDICATION DEED WITHOUT WARRANTY ACCEPTING A 0.82 ACRE TRACT OF LAND IN THE JAMES REED SURVEY, ABSTRACT 286, VICTORIA COUNTY, TEXAS; AND DECLARING AN EFFECTIVE DATE.

The Correction Dedication Deed is granted in correction of a Quitclaim Deed issued by John J. Swoboda, Jr. to the City on May 2, 2001. The Correction Dedication Deed gives John J. Swoboda, Jr., back his mineral rights, but gets surface rights for the City of Victoria.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The City Manager is authorized to execute, on behalf of the City of Victoria, a Correction Dedication Deed without Warranty accepting a 0.82 acre tract of land in the James reed Survey, Abstract 286, Victoria County, Texas in the form attached as **Exhibit "A"** which is attached hereto and made a part hereof.

2.

To the extent the aforementioned transfer grants surface rights to the City of Victoria, execution of this deed by the City Manager shall constitute the City of Victoria's abandonment of mineral rights back to John J. Swoboda, Jr. the original grantor, and the City Manager is further authorized to execute documents as necessary to memorialize such abandonment.

3.

This resolution shall become effective immediately upon adoption.

PASSED, this the 4<sup>th</sup> day of March, 2003.

AYES: 6

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 4<sup>th</sup> day of March, 2003



ATTEST:

*Scarlet Swoboda*  
SCARLET SWOBODA, City Secretary

Distribution: Legal Department

*Gary Middleton*  
GARY MIDDLETON, Mayor of the  
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

*David Atmar Smith*  
DAVID ATMAR SMITH, City Attorney

Copies sent **March 5, 2003**

Correction Dedication Deed without Warranty

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF VICTORIA

This deed is granted in correction of a Quitclaim Deed issued by John J. Swoboda, Jr. to the City on May 2, 2001, recorded as Instrument # 200105535 in the Official Records of the City of Victoria. Victoria Industrial Equipment, Ltd., a Texas limited partnership, and John J. Swoboda, Jr. hereinafter called "Grantors", dedicate to the City of Victoria, a Texas municipal corporation, whose address is Legal Department, City of Victoria, P.O. Box 1758, Victoria, Victoria County, Texas 77902, hereinafter called "Grantee", for \$1.00 and other good and valuable consideration, the following described tract or parcel of land lying and being situated in Victoria County, Texas, to-wit:

A 0.82 acre tract of land in the James Reed Survey, Abstract 286, Victoria County, Texas, said tract being more particularly described by metes and bounds in Exhibit "A" and depicted in Exhibit "B" both of which are attached hereto and made a part hereof, hereinafter called the "Property",

except as to the "Reservations from Conveyance", together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's 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.

Reservations from Conveyance—There is expressly reserved unto John J. Swoboda, Jr. from this conveyance the right to produce oil and gas in and under the Property, including all easements owned or held by any lessee or mineral owner on, over, or across the Property for the purpose of producing or transporting any of the minerals together with the right of ingress and egress thereon, except that the surface of the property may not be disturbed in exploiting said minerals.

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

EXECUTED, this 6 day of February, 2003.

Victoria Industrial Equipment, Ltd., a Texas limited partnership

Norman Swoboda, a general partner of Victoria Industrial Equipment, Ltd.

John J. Swoboda, Jr. and Victoria Industrial Equipment, Ltd., a Texas limited partnership

John J. Swoboda, Jr., individually and as general partner of Victoria Industrial Equipment, Ltd.

Accepted by the City of Victoria, a Texas municipal corporation, pursuant to Victoria City Council Resolution 2003- R:

Denny L. Arnold, City Manager

Acknowledgement

THE STATE OF TEXAS COUNTY OF VICTORIA

This instrument was acknowledged before me on the 6 day of Feb, 2003 by Norman Swoboda, general partner of Victoria Industrial Equipment, Ltd., a Texas limited partnership, on behalf of said limited partnership.

Cindy Shiller, Notary Public

Acknowledgement

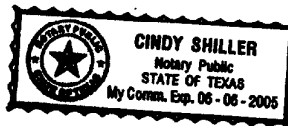


THE STATE OF TEXAS COUNTY OF VICTORIA

This instrument was acknowledged before me on the 6 day of Feb, 2003 by John J. Swoboda, Jr., individually and as general partner of Victoria Industrial Equipment, Ltd., a Texas limited partnership, on behalf of said limited partnership.

Cindy Shiller, Notary Public

Acknowledgement



THE STATE OF TEXAS COUNTY OF VICTORIA

This instrument was acknowledged before me on the \_\_\_ day of \_\_\_, 2003 by Denny L. Arnold, City Manager of the City of Victoria, a Texas municipal corporation, on behalf of said municipal corporation.

Notary Public

0.82 ACRE

THE STATE OF TEXAS)  
THE COUNTY OF VICTORIA)

BEING a 0.82 acre tract of land situated in the James Reed Survey, Abstract 286, Victoria County, Texas and being a portion of that certain tract of land designated Tract 4 and described as 18.22 acres as conveyed by John J. Swaboda, Jr. and Norman L. Swaboda to Norman L. Swaboda according to instrument recorded in Volume 230, Page 351 of the Official Records of said County, said 0.82 acre tract of land being more fully described by metes and bounds as follows:

BEGINNING at a 1-1/4 inch diameter iron pipe found marking a common corner of said 18.22 acre tract, that certain tract of land described as 3.307 acres as conveyed by G. L. Wigington to Robert F. Parlier according to instrument recorded in Volume 1018, Page 797A of the Deed Records of said County, and that certain tract of land designated as Lot 1, Block 1 of WE LOVE R. V. CAMPGROUND as recorded in Volume 2, Page 62A of the Plat Records of said County, and further said iron pipe is in the northeast line of Lone Tree Road as currently used and maintained, said iron pipe bears South 45 deg. 24' 20" West (basis of bearing) a distance of 775.49 feet from a 5/8 inch diameter rebar with yellow plastic cap stamped "USI RPLS 4943" found marking the north corner of said Lot 1, Block 1;


THENCE, North 44 deg. 35' 40" West, along the northeast line of said Lone Tree Road, a distance of 60.00 feet to a 5/8 inch rebar found marking a common corner of said 18.22 acre tract and said Lone Tree Road;

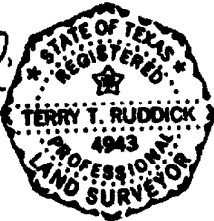
THENCE, North 45 deg. 24' 20" East, parallel to and 60.00 feet northwest of the common line of said 18.22 acre tract and said Lot 1, Block 1, a distance of 593.44 feet to a 5/8 inch diameter rebar with yellow plastic cap stamped "USI RPLS 4943" set for corner in the common line of said 18.22 acre tract and that certain tract of land designated Tract 1 and described as 6.92 acres as conveyed by John J. Swaboda, Jr. and Norman L. Swaboda to Victoria Industrial Equipment, LTD. according to instrument recorded in Volume 230, Page 359 of the Official Records of said County;

THENCE, South 44 deg. 27' 27" East, along said common line, a distance of 60.00 feet to a 5/8 inch rebar with yellow plastic cap stamped "USI RPLS 4943" set to mark the common corner of said 18.22 acre tract and said 6.92 acre tract in northwest line of said Lot 1, Block 1;

THENCE, South 45 deg. 24' 20" West, along the common line of said 18.22 acre tract and said Lot 1, Block 1, a distance of 593.29 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 0.82 acre of land more or less.

The foregoing fieldnote description and accompanying survey plat were prepared from an actual survey made on the ground under my supervision in April 2001 and are true and correct to the best of my knowledge and belief.

  
Terry T. Ruddick  
Registered Professional Land Surveyor  
Texas No. 4943 4/4/01

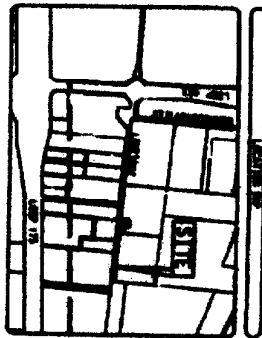


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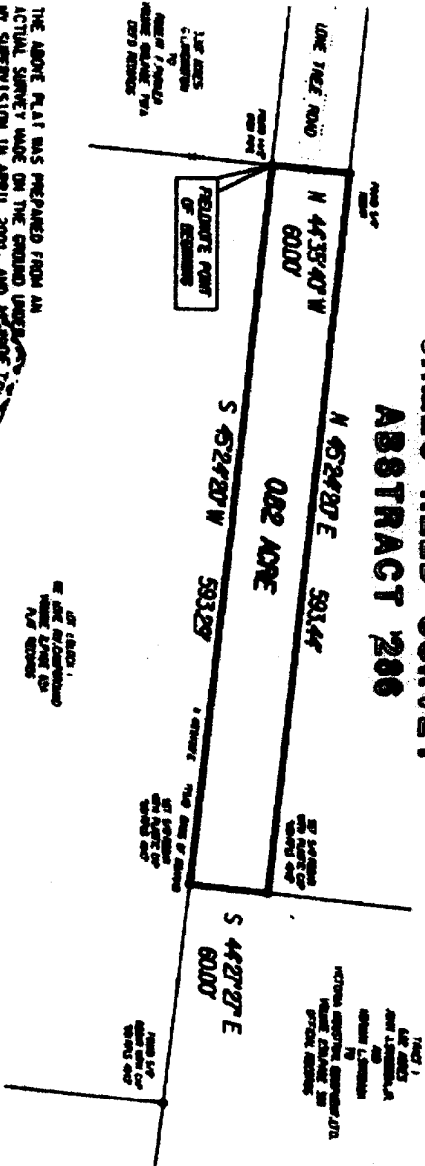
Exhibit "A"

BEING A 0.82 ACRE TRACT OF LAND SITUATED  
 IN THE JAMES REED SURVEY, ABSTRACT 206,  
 VICTORIA COUNTY, TEXAS.

TRACT 1  
 0.82 ACRES  
 BEING THE  
 S 42° 27' 27" E  
 593.29  
 OF SECTION 10,  
 T. 10 N.,  
 R. 10 E.,  
 ABSTRACT 206,  
 VICTORIA COUNTY,  
 TEXAS.



### JAMES REED SURVEY ABSTRACT 206



THE ABOVE PLAT WAS PREPARED FROM AN  
 ACTUAL SURVEY MADE ON THE GROUND UNDER  
 MY SUPERVISION IN APRIL 2001, AND I AM  
 AND CORRECT TO THE BEST OF MY KNOWLEDGE,  
 AND BELIEF.

TERRELL T. RUDOLPH  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS NO. 4943

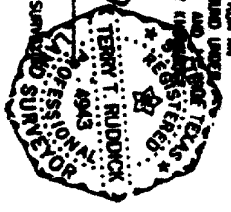


Exhibit "B"