

**SPECIAL WARRANTY DEED**  
**DEDICATING PROPERTY AS PUBLIC PARKLAND**

**STATE OF TEXAS**

§

§

**KNOW ALL PERSONS BY THESE PRESENTS:**

**COUNTY OF BELL**

§

THAT, **WHITIS INVESTMENT, LTD.**, a limited partnership organized under the laws of the State of Texas ("Grantor"), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to Grantor paid by the **CITY OF KILLEEN, TEXAS**, a municipal corporation and home-rule city of the State of Texas, whose mailing address is 101 N. College St., Killeen, Texas 76541 ("Grantee"), the receipt and sufficiency hereby acknowledged, has GRANTED, SOLD, and CONVEYED and by these presents does GRANT, SELL, and CONVEY, unto Grantee as dedicated public parkland, the following described real property, together with all rights, titles, and interests appurtenant thereto and improvements situated thereon (the "Property"):

Being a 1.395-acre tract of land out of the C.T. Bourland Survey, Abstract No. 137, legally described as KILLEEN ETR DTP ADDITION, BLOCK 001, LOT 002.

This Donation Deed and the conveyance hereinabove set forth are executed by Grantor and accepted by Grantee subject to the terms, conditions and provisions hereof and further subject to all easements, conditions, restrictions, covenants, mineral or royalty interests, mineral reservations, surface waivers, utility conveyances, liens, encumbrances, regulations or orders of municipal and/or other governmental authorities, if any, or other matters of record in Bell County, Texas, to the extent the same are validly existing and applicable to the Property (collectively, the "Permitted Encumbrances").

EXCEPT FOR THE WARRANTY OF TITLE SET FORTH ABOVE, GRANTOR EXPRESSLY DISCLAIMS ALL WARRANTIES OF ANY NATURE, KIND OR CHARACTER WHATSOEVER, EXPRESS OR IMPLIED, REGARDING THE PHYSICAL AND ENVIRONMENTAL CONDITION OF THE PROPERTY OR THE IMPROVEMENTS ON THE PROPERTY, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES OF HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND GRANTEE ACCEPTS SUCH PROPERTY AND IMPROVEMENTS IN AN "AS IS WHERE IS" CONDITION, WITH ALL FAULTS.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND, all singular the title to the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise, subject only to the Permitted Encumbrances.

EXECUTED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**GRANTOR:**

**WHITIS INVESTMENT, LTD.,**

By: Whitis Investment Management, LC

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

**STATE OF TEXAS**       §  
                                  §  
**COUNTY OF BELL**     §

BEFORE ME, the undersigned notary public, appeared \_\_\_\_\_,  
known to me to be the \_\_\_\_\_ of Whitis Investment  
Management, LC, on behalf of said limited partnership.

GIVEN under my hand and seal of office on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public, in and for the State of Texas

**STATE OF TEXAS**           §  
  §  
**COUNTY OF BELL**         §

The City of Killeen, Texas, a home-rule municipality and political subdivision of the State of Texas did at a regular meeting of the City Council with a quorum being present, on \_\_\_\_\_, 2023 vote to authorize the acceptance of this dedication of the Property as a public parkland.

\_\_\_\_\_  
Kent Cagle  
City Manager

**STATE OF TEXAS**           §  
  §  
**COUNTY OF BELL**         §

BEFORE ME, the undersigned notary public, appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of the City of Killeen, Bell County, Texas, on behalf of said city.

GIVEN under my hand and seal of office on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public, in and for the State of Texas

**After recording, please return to:**  
**Laura Calcote**  
**City Secretary**  
**City of Killeen, Texas**  
**101 N. College Street**  
**Killeen, Texas 76541**