

SPECIAL WARRANTY GIFT DEED

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all 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.

THE STATE OF TEXAS *
 * KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TARRANT *

THAT MIDWAY INDUSTRIAL TRUST, 3838 Oak Lawn Avenue, Suite 800, Dallas, Texas 75219 (Dallas County, Texas), ("Grantor"), for no consideration and for the sole benefit of the CITY OF EULESS, a home-rule municipality ("Grantee"), whose mailing address is 201 N. Ector Drive, Euless, Texas 76039 (Tarrant County, Texas), HAS GIVEN, DONATED, GRANTED and CONVEYED, and by these presents DOES GIVE, DONATE, GRANT and CONVEY unto Grantee all that certain land situated in Tarrant County, Texas as described on that certain field note description of 2.823 acres of land out of the G.W. Couch Survey, Abstract No. 278, attached hereto and made a part hereof for all purposes, together with all appurtenances thereon or in any wise appertaining thereto.

Reservations from Conveyances:

For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of the free, uninterrupted, and perpetual use of, and a separate right to maintain, a non-exclusive easement over, through, and under the property.

For Grantor and Grantor's heirs, successors and assigns forever, a reservation of all oil, gas, and other minerals in and under and that may be produced from the property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the Lease, and all benefits from it.

Exceptions to Conveyance:

Any pipeline easements granted across the land and any visible and apparent easements across the property.

"As Is" Conveyance:

As a material part of the consideration of this deed, Grantor and Grantee agree that Grantee is taking the property "AS IS" with any and all latent and patent defects and that there is no warranty by Grantor that the Property has a particular financial value or is fit for a particular purpose. Grantee acknowledges and stipulates that Grantee is not relying on any representation, statement, or other



assertion with respect to the Property condition but is relying on Grantee's examination of the Property. Grantee takes the Property with the express understanding and stipulation that there are no express or implied warranties.

Grantor, for the consideration and subject to the Reservations from Conveyance, and the exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property.

GRANTOR:

MIDWAY INDUSTRIAL TRUST

By: Samuel R. Bonney, Trustee
Samuel R. Bonney, Trustee

By: Michael M. Smith, Trustee
Michael M. Smith, Trustee

By: _____
Frank B. Dunlap, III

ACKNOWLEDGMENTS

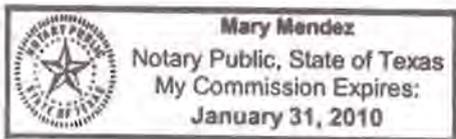
THE STATE OF TEXAS
COUNTY OF DALLAS

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*

KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Samuel R. Bonney known to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for and as the act and deed of Trustee of Midway Industrial Trust, and the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 18th day of August, 2008.



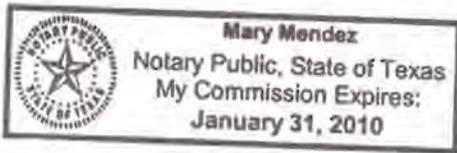
Mary Mendez
Notary Public, State of Texas



THE STATE OF TEXAS *
*
COUNTY OF DALLAS *

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Michael M. Smith known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for and as the act and deed of Trustee of Midway Industrial Trust, and the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 18th day of August, 2008.



Mary Mendez
Notary Public, State of Texas

THE STATE OF TEXAS *
*
COUNTY OF _____ *

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Frank B. Dunlap, III, known to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for and as the act and deed of Trustee of Midway Industrial Trust, and the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 2008.

Notary Public, State of Texas



assertion with respect to the Property condition but is relying on Grantee's examination of the Property. Grantee takes the Property with the express understanding and stipulation that there are no express or implied warranties.

Grantor, for the consideration and subject to the Reservations from Conveyance, and the exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property.

GRANTOR:

MIDWAY INDUSTRIAL TRUST

By: Samuel R. Bonney, Trustee
Samuel R. Bonney, Trustee

By: _____
Michael M. Smith, Trustee

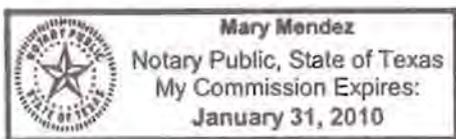
By: Frank B. Dunlap, III, Trustee
Frank B. Dunlap, III

ACKNOWLEDGMENTS

THE STATE OF TEXAS *
COUNTY OF DALLAS * KNOW ALL MEN BY THESE PRESENTS:
*
COUNTY OF DALLAS *

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Samuel R. Bonney known to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for and as the act and deed of Trustee of Midway Industrial Trust, and the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 18th day of August, 2008.



Mary Mendez
Notary Public, State of Texas



THE STATE OF TEXAS *
*
COUNTY OF DALLAS *

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Michael M. Smith known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for and as the act and deed of Trustee of Midway Industrial Trust, and the purposes and consideration therein expressed and in the capacity therein stated.

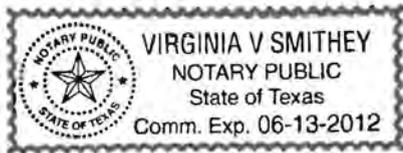
GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 2008.

Notary Public, State of Texas

THE STATE OF TEXAS *
*
COUNTY OF Kerr *

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Frank B. Dunlap, III, known to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for and as the act and deed of Trustee of Midway Industrial Trust, and the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 5th day of August, 2008.



Virginia V. Smithey
Notary Public, State of Texas



Grantee's Acceptance of Deed

City of Euless, Grantee, accepts the attached deed and consents to its form and substance. Grantee acknowledges that the terms of the deed conform with Grantee's intent and that they will control in the event of any conflict with the contract Grantee signed regarding the Property described in the deed.

CITY OF EULESS:

By: _____
Its: _____

STATE OF TEXAS *
 *
COUNTY OF TARRANT *

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, _____, of the City of Euless, Texas, and acknowledged to me that he execute the same for the City of Euless, Texas, and for the purpose and consideration expressed therein, and in the capacity therein stated.

Given under my hand and seal of office this the _____ day of _____, 2007.

Notary Public, State of Texas



Field Note Description

ALL that certain tract or parcel of land situated in the G. W. COUCH SURVEY, ABSTRACT NO. 278 in the City of Fort Worth, Tarrant County, Texas and being a portion of that same tract of land described in the deed to Ross W. Smith as recorded in Volume 3638, Page 349, Deed Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch capped steel rod stamped "T L THOMPSON" found for the southwest corner of Tract 11 of said deed, said rod being the southeast corner of that same tract of land described in the deed to City of Euless as recorded in Volume 11966, Page 1137, Deed Records, Tarrant County, Texas and also being in the northerly right-of-way line of Mosier Valley Road;

THENCE North 01 degrees 15 minutes 36 seconds West with the westerly boundary line of said Tract 11 and with the easterly boundary line of said Euless tract (the basis of bearings of the herein described tract) a distance of 1158.86 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" set in the southerly boundary line of that same tract of land described in the deed to City of Euless as recorded in Volume 14051, Page 567, Deed Records, Tarrant County, Texas;

THENCE North 89 degrees 29 minutes 54 seconds East with said southerly boundary line a distance of 61.66 feet to the westerly boundary line of Lot 1, Block 1, Arco Addition, an Addition to the City of Fort Worth, Tarrant County, Texas according to the plat recorded in Cabinet A, Slide 617, Plat Records, Tarrant County, Texas;

THENCE South 01 degrees 03 minutes 33 seconds East with the westerly boundary line of said Lot 1 a distance of 728.32 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" set for the beginning of a curve to the left whose center bears North 88 degrees 56 minutes 27 seconds East at 334.26 feet;

THENCE southeasterly with said westerly boundary line and with said curve through a central angle of 97 degrees 52 minutes 32 seconds and an arc length of 571.00 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" set for the end of said curve;

THENCE North 79 degrees 33 minutes 11 seconds East with the southerly boundary line of said Lot 1 a distance of 306.59 feet to the northerly right-of-way line of the Chicago, Rock Island and Gulf Railroad;

THENCE South 73 degrees 34 minutes 09 seconds West with said railroad right-of-way line a distance of 422.32 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" set in the northerly right-of-way line of said road;

THENCE South 82 degrees 37 minutes 06 seconds with the northerly boundary line of said road a distance of 334.96 feet to the PLACE OF BEGINNING and containing 2.823 acres of land, more or less as surveyed by Moak Surveyors, Inc. in the month of September 2006.