

PARK DEED

JOC. NO.
33058032

FILM CODE
00004973065

WARRANTY DEED

THE STATE OF TEXAS
COUNTY OF TRAVIS.

§
§
§

KNOW ALL MEN BY THESE PRESENTS: That The Optimist Club of Western Hills, Austin, Texas a/k/a Optimist Club of Western Hills, Inc., a Texas corporation ("Grantor"), for a good and valuable consideration in hand paid by the City of Rollingwood, Texas, a municipal corporation situated in Travis County, Texas ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Grantee the following described real property in Travis County, Texas, together with all improvements thereon, to wit:

8.934 acres of land, locally known as Hatley Park, as more fully described on Exhibit "A", attached hereto and incorporated herein by reference ("Property").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any way belonging, unto Grantee and Grantee's successors and assigns, forever; and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof; except, however, that this conveyance is made subject to the perpetual roadway easement reserved by deed recorded in Volume 2986, Page 1078, Deed Records of Travis County, Texas, to the extent that the same remains in existence and is applicable to the Property.

This conveyance is additionally made subject to the following restrictive covenants which shall run with the land comprising the Property and which shall be binding upon Grantee, and all future owners of all or any portion of the Property and all persons claiming under them:

1. It is the intention of Grantor and Grantee to provide for preservation of existing athletic fields located on the Property. Accordingly, the use and development of the Property shall be restricted to park and recreational purposes consistent with the use of a portion of the Property for four baseball/softball fields which may be converted to a football/soccer field, which athletic fields may be combination or multi-use fields and which may be improved, reconstructed, relocated or reconfigured as determined by Grantee in its sole discretion. The use of the fields for baseball, football, soccer and girls softball by Westbank areas associations which are primarily for youth within the Eanes Independent School District shall be given priority. The foregoing restrictions shall not be deemed or construed to limit the park and recreational purposes to which the balance of the Property which is not being utilized for athletic fields may be used, it being specifically understood that the remainder of the Property may be used for other park and recreational purposes which are determined by Grantee, in its sole discretion. Further, it is understood and agreed that organizations or associations which utilize the athletic fields may be required by Grantee, as a condition of such use, to participate in the maintenance or upkeep of the fields, as determined by Grantee.

2. No portion of that .9 acre tract out of the Property described on Exhibit "B", attached hereto and incorporated herein by reference, shall be used by Grantee for any on-site wastewater system, and such .9 acre tract may be utilized for purposes of effecting the compliance by the two lots to be subdivided by Grantor out of the 1.1 acre tract being retained by Grantee located on Pleasant Cove Drive with Texas Water Commission Rule 31 TAC

285.18(g)(2), which requires that a total area of one (1) acre per lot be provided if an on-site wastewater system is to be used for a residence on each of those lots; however, no portion of the on-site wastewater system for such lots may actually be located on the .9 acre tract without the prior written consent of Grantee, which may be withheld or denied at Grantee's sole discretion. In the event 31 TAC 285.18(g)(2) is hereafter amended or terminated, or alternative wastewater disposal systems become available, which cause such one-acre minimum requirement to be no longer applicable, then this restriction shall terminate and be of no further effect. This restriction shall not be deemed or construed to limit Grantee's ability to develop the surface of the .9 acre tract for park and recreational purposes.

3. In the event any of the foregoing covenants, conditions or restrictions is held invalid or unenforceable by a court of competent jurisdiction, it shall not affect the validity and enforceability of the other covenants, conditions, or restrictions. If one of the foregoing is subject to more than one interpretation, the interpretation which more clearly reflects the intent of the parties shall be enforced.

Grantee's address: 403 Nixon
Austin, Texas 78746

Executed this the 28th day of MAY, 1993.

THE OPTIMIST CLUB OF WESTERN
HILLS, AUSTIN, TEXAS A/K/A
OPTIMIST CLUB OF WESTERN HILLS,
INC.

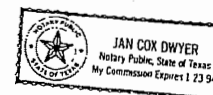
By: *Doyle H. Moore*
Printed Name: Doyle H. Moore
Title: President

ATTEST:

Printed Name: *J. Cox Dwyer*
Title: DIRECTOR

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 28th day of MAY, 1993, by DOYLE H. MOORE, PRESIDENT of The Optimist Club of Western Hills, Austin, Texas a/k/a Optimist Club of Western Hills, Inc., a Texas corporation, on behalf of said corporation.



Jan Cox Dwyer
Notary Public, State of Texas
Printed Name of Notary
My commission expires: _____

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figure 24 | Rollingwood Park warranty deed

EXHIBIT A

FIELD NOTES
FOR

8.934 ACRE TRACT

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE HENRY P. HILL LEAGUE IN THE CITY OF ROLLINGWOOD, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO HAROLD SCHERZ, TRUSTEE, BY DEED RECORDED IN VOLUME 6041, PAGE 461 OF THE DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 1.01 ACRE TRACT OF LAND AS CONVEYED TO OPTIMIST CLUB OF WESTERN HILLS, INC. BY DEED RECORDED IN VOLUME 3647, PAGE 1079 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, WESTERN HILLS ATHLETIC CLUB ADDITION, A SUBDIVISION IN THE CITY OF ROLLINGWOOD, TRAVIS COUNTY, TEXAS, AS RECORDED IN PLAT BOOK 79, PAGES 355 AND 356 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument set at the Southeast corner of the said Scherz Tract, being at the Southwest corner of the said Lot 1, Western Hills Athletic Club Addition, being in the North r.o.w. line of Rollingwood Drive, for the Southeast corner and PLACE OF BEGINNING hereof;

THENCE along the South line of the said Scherz Tract, being the North r.o.w. line of Rollingwood Drive, for the following courses:

N 86° 17' W for a distance of 45.57 feet to a 1/2 inch iron pin set

N 89° 53' W for a distance of 239.18 feet to a 1/2 inch iron pin set at a point of curve

Along a curve to the left whose radius is 797.78 feet whose arc is 161.07 feet and whose chord bears S 84° 20' W for a distance of 160.80 feet to a 1/2 inch iron pin set at the intersection of the North r.o.w. line of Rollingwood Drive and the North r.o.w. line of Gentry Drive for the Southwest corner hereof;

THENCE along the Southwest line of the said Scherz Tract, being the North r.o.w. line of Gentry Drive, for the following courses:

N 14° 53' W for a distance of 125.16 feet to a 1/2 inch iron pin set at a point of curve

Along a curve to the right whose radius is 398.55 feet whose arc is 100.34 feet and whose chord bears N 69° 01' W for a distance of 100.08 feet to a 1/2 inch iron pin found

N 61° 19' 05" W for a distance of 202.57 feet to a concrete monument set at a point of curve, being at the intersection of the North r.o.w. line of Gentry Drive and the East r.o.w. line of Nixon Drive;

FIELD NOTES
FOR

8.934 ACRE TRACT - Page Two

THENCE along the Northwest line of the said Scherz Tract, being the East r.o.w. line of Nixon Drive, for the following courses:

Along a curve to the right whose radius is 15.00 feet whose arc is 29.32 feet and whose chord bears N 05° 11' 30" W for a distance of 24.87 feet to a 1/2 inch iron pin found

N 50° 46' 25" E for a distance of 130.75 feet to a 1/2 inch iron pin set at the most Westerly corner of Lot A, Community Plaza, a subdivision in the City of Rollingwood, Travis County, Texas, as recorded in Plat Book 68, Page 17 of the Plat Records of Travis County, Texas, for a Westerly corner hereof;

THENCE along the Southwest line of the said Lot A, Community Plaza, S 62° 33' 15" E for a distance of 142.44 feet to a 60-d nail found at the most Southerly corner of the said Lot A;

THENCE along the Southeast line of the said Lot A, Community Plaza, for the following courses:

N 52° 49' 05" E for a distance of 113.52 feet to a 1/2 inch iron pin found

N 48° 47' 30" E for a distance of 96.41 feet to a 1/2 inch iron pin set

N 60° 47' 30" E for a distance of 130.99 feet to a 1/2 inch iron pin set at the most Easterly corner of the said Lot A;

THENCE along the Northeast line of the said Lot A, Community Plaza, N 31° 41' 30" W for a distance of 85.09 feet to a 1/2 inch iron pin found at the most Northerly corner of the said Lot A, being in the East r.o.w. line of Nixon Drive;

THENCE along the East r.o.w. line of Nixon Drive, along a curve to the left whose radius is 261.39 feet whose arc is 15.86 feet and whose chord bears N 56° 05' 19" E for a distance of 15.85 feet to a 1/2 inch iron pin set at the most Southerly corner of Lot 6, Block D, Hatley Park Estates, a subdivision in the City of Rollingwood, Travis County, Texas, as recorded in Plat Book 75, Page 257 of the Plat Records of Travis County, Texas;

THENCE along the Southeast line of Block D of the said Hatley Park Estates, for the following courses:

Along a curve to the left whose radius is 261.39 feet whose arc is 102.88 feet and whose chord bears N 43° 04' 30" E for a distance of 102.22 feet to a 1/2 inch iron pin set

N 31° 51' E for a distance of 27.57 feet to a 1/2 inch iron pin found at a point of curve

Along a curve to the right whose radius is 198.83 feet whose arc is 116.37 feet and whose chord bears N 48° 37' 15" E for a distance of 114.72 feet to a 1/2 inch iron pin found

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PARK DEED

FIELD NOTES FOR

8.934 ACRE TRACT - Page Three

N 65° 26' 30" E for a distance of 86.83 feet to a 1/2 inch iron pin found at a point of curve

Along a curve to the left whose radius is 741.52 feet whose arc is 240.62 feet and whose chord bears N 56° 01' 30" E for a distance of 239.57 feet to a 1/2 inch iron pin set

N 46° 46' 15" E for a distance of 5.25 feet to a 1/2 inch iron pin found at the most Easterly corner of Lot 4, Block D of the said Hatley Park Estates, being in the West r.o.w. line of Pleasant Cove, being at the Northwest corner of that certain 0.140 acre tract of land as described in Volume 7558, Page 115 of the Deed Records of Travis County, Texas, for the most Northerly corner hereof;

THENCE along the West r.o.w. line of Pleasant Cove, S 34° 16' 45" E for a distance of 24.19 feet to a concrete monument set;

THENCE along a Northeast line of the herein described tract, for the following courses:

S 44° 37' 30" W for a distance of 224.17 feet to a 1/2 inch iron pin found

S 16° 30' E for a distance of 130.04 feet to a 1/2 inch iron pin found

S 87° 05' 37" E for a distance of 27.88 feet to a 1/2 inch iron pin found

S 74° 51' 27" E for a distance of 61.67 feet to a 1/2 inch iron pin found

S 62° 25' 47" E for a distance of 123.21 feet to a 1/2 inch iron pin found in the West line of Lot 5A, Resubdivision of Lots 5 & 6, Clark Subdivision, a subdivision recorded in Plat Book 83, Page 143C of the Plat Records of Travis County, Texas;

THENCE along the West line of the said Lot 5A for the following course:

Along a curve to the right whose radius is 315.81 feet whose arc is 73.63 feet and whose chord bears S 03° 15' 05" W for a distance of 73.46 feet to a 1/2 inch iron pin found at a Northeast corner of the said Lot 1, Western Hills Athletic Club Addition;

THENCE along the North line of the said Lot 1, N 76° 18' 45" W for a distance of 103.04 feet to a 1/2 inch iron pin found at the Northwest corner of the said Lot 1;

FIELD NOTES FOR

8.934 ACRE TRACT - Page Four

THENCE along an East line of the herein described tract, S 18° 30' W for a distance of 506.55 feet to the PLACE OF BEGINNING and containing 8.934 acres of land, more or less.

I hereby certify that this metes and bounds description is based upon the Land Title Survey and Plat made by Roy D. Smith, Registered Professional Surveyor No. 4094 on May 12, 1993.

AS SURVEYED BY:
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith
ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
May 12, 1993

Job No. 12-67



EXHIBIT B

FIELD NOTES
FOR

0.90 ACRE RESTRICTED ZONE

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE HENRY P. HILL LEAGUE IN THE CITY OF ROLLINGWOOD, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO HAROLD SCHERZ, TRUSTEE, BY DEED RECORDED IN VOLUME 6041, PAGE 461 OF THE DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pin found in the West r.o.w. line of Pleasant Cove, being at the most Easterly corner of Lot 4, Block D, Hatley Park Estates, a subdivision recorded in Plat Book 75, Page 257 of the Plat Records of Travis County, Texas, for the most Northerly corner hereof;

THENCE along the West r.o.w. line of Pleasant Cove, S 34° 16' 45" E for a distance of 24.19 feet to a concrete monument set for an Easterly corner hereof;

THENCE along the Easterly line of the herein described tract, S 44° 37' 30" W for a distance of 224.17 feet to a 1/2 inch iron pin found and S 16° 30' E for a distance of 130.04 feet to a 1/2 inch iron pin found for the Southeast corner hereof;

THENCE along the South line of the herein described tract, for the following courses:

N 87° 05' 37" W for a distance of 57.00 feet to an angle point

S 67° 55' 53" W for a distance of 69.59 feet to an angle point

N 58° 59' 37" W for a distance of 155.93 feet to a 1/2 inch iron pin found in the Southeast line of Block D of the said Hatley Park Estates, for the Southwest corner hereof;

THENCE along the Southeast line of the said Block D for the following course:

FIELD NOTES
FOR

0.90 ACRE TRACT - Page Two

Along a curve to the right whose radius is 198.83 feet, whose arc is 116.37 feet and whose chord bears N 48° 37' 15" E for a distance of 114.72 feet to a 1/2 inch iron pin found

N 65° 26' 30" E for a distance of 86.83 feet to a 1/2 inch iron pin found at a point of curve

Along a curve to the left whose radius is 741.52 feet, whose arc is 240.62 feet and whose chord bears N 56° 01' 30" E for a distance of 239.57 feet to a 1/2 inch iron pin found

N 46° 46' 15" E for a distance of 5.25 feet to the PLACE OF BEGINNING and containing 0.90 acre of land, more or less.

I hereby certify that this metes and bounds description is based upon the Land Title Survey and Plat made by Roy D. Smith, Registered Professional Surveyor No. 4094 on May 12, 1993.

AS SURVEYED BY:
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith
ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
May 12, 1993



Job No. 12-67

FILED
93 MAY 28 PM 4:46
TRAVIS COUNTY TEXAS

STATE OF TEXAS
COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time signed herein by me, and
was duly RECORDED in the Public and Page of the
public RECORDS of Travis County, Texas, on

MAY 28 1993



By: *John D. Dwyer*
John D. Dwyer
301 Commerce Suite 450
Austin Texas 78701
(512) 412-986

REPT -
TRAVIS COUNTY

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