

ORIGINAL

RESOLUTION NO. 614

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, DEDICATING ELEVEN (11.00) ACRES OF NATURE PRESERVE PARKLAND IN THE COTTONWOOD SHORES COMMUNITY PARK AS DESCRIBED IN EXHIBIT (A) ATTACHED AS OPEN SPACE FOR PERPETUITY, AS REQUIRED BY THE TEXAS PARKS AND WILDLIFE DEPARTMENT; APPROVING THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING ITS EXECUTION BY THE CITY SECRETARY AND MAYOR; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the COTTONWOOD SHORES City Council desires to provide quality park facilities for the residents of COTTONWOOD SHORES; and

WHEREAS, the City of COTTONWOOD SHORES has obtained a grant from the Texas Parks and Wildlife Department for the development of a community park and desires to comply with all of the requirements set forth in the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS THAT;

SECTION 1. In order to fulfill the requirements of the Texas Parks and Wildlife Department's grant to the City of COTTONWOOD SHORES, the City Council of COTTONWOOD SHORES, Texas hereby designates 11.00 acres of Nature Preserve parkland in the COTTONWOOD SHORES Community Park for open space.

SECTION 2. The Mayor of the City of COTTONWOOD SHORES, along with the City Secretary, are hereby authorized to execute the appropriate documents approving the terms and conditions of the agreement with the Texas Parks and Wildlife Department.

SECTION 3. Any prior Resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 4. Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

SECTION 5. This Resolution shall take effect immediately from and after its passage and it is so duly resolved.

DULY PASSED AND ADOPTED by the City Council of the City of COTTONWOOD SHORES, Texas, on this the 5th day of November, 2009.


Bentley Martin Mayor



ATTEST:


Cynthia Schwertner, City Secretary

 ORIGINAL

CITY OF COTTONWOOD SHORES

3808 Cottonwood Drive, Cottonwood Shores, Texas 78657
Phone # (830) 693-3830 • Fax # (830) 693-6436



Since 1987

Website: www.cottonwoodshores.org

To: Lakeside at CastleRock, LLC
C/O Marley Porter

Re: 11 acres (as defined by plat and legal description, attached)

The City of Cottonwood Shores, by signature and adoption of Resolution on this 5th day of November 2009.

1. Name and maintain in perpetuity, the name, "The Nature Preserve at CastleRock".
2. Have prepared and installed a permanent marker comprised of a brass plaque set into concrete, to be installed in a location of maximum visibility in the park, stating the following:
 - a. the name of the park, "The Nature Preserve at CastleRock" and
 - b. the sentence, "Land donated by Lakeside at CastleRock, LLC, 2009."
3. Develop the park according to the specifications and plans submitted and permitted by the State.
4. Develop to completion the park within three years of the date of execution of this agreement.
5. Maintain the park in clean, good and working order, as mandated by the State of Texas.


Bentley Martin, Mayor

Attest:


Cynthia Schwertner, City Secretary



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS - YOUR SOCIAL SECURITY NUMBER AND/OR YOUR DRIVER'S LICENSE NUMBER.

GIFT DEED WITHOUT WARRANTY

DATE: August 20, 2009

GRANTOR: Lakeside At CastleRock, LLC

GRANTOR'S MAILING ADDRESS (including county): 11313 Oak Branch Drive, Austin, Hays County, Texas, 78737

GRANTEE: City of Cottonwood Shores

GRANTEE'S MAILING ADDRESS (including county): 3808 Cottonwood Drive, Cottonwood shores, Burnet County, Texas, 78657

CONSIDERATION: Ten and No/100-(\$10.00)-Dollars and other valuable consideration

PROPERTY (including any improvements): Being an eleven acre tract of land out of the Evergreen Subdivision, an unrecorded subdivision in Burnet County, Texas, out of the John W. Brooks Survey No. 1059, the F. Engleking Survey No. 611, and the Ferdinand Leuders Survey No. 602, in said 11.00 acres depicted as "Nature Preserve" on the plat attached hereto and made a part hereof for all pertinent purposes.

RESERVATIONS FROM. PROVISIONS OF AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

1. The Nature Preserve shall be continuously and exclusively maintained as a City Park and Nature Reserve. The Park shall be constructed within three (3) years from the date hereof. The name of the park shall be CastleRock Nature Preserve. The property shall remain a park into perpetuity. The property shall be maintained in a clean and orderly manner.

2. This conveyance is made and accepted subject to the following matters, to the extent same are in effect at this time: Any and all restrictions, covenants, conditions and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the hereinabove described property.

Grantor, for in consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors or 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.

It is Grantor's intention to make a gift as a charitable contribution under applicable income tax laws and regulations.

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

This Warranty Deed was prepared without examination of title to the property described herein.

Lakeside At CastleRock, LLC

Robert E. Peerman,
Managing Member

STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on the ____ day of _____, 2009 by
Robert E. Peerman, Managing Member of Lakeside at CastleRock, LLC.

Notary Public, State of Texas