

DEC 23-81 1783 * 9.00

WARRANTY DEED OF GIFT

DEC 23-81 1784 * 5.00

2-75-6070

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That FRED A. GOTTESMAN of Orleans Parish, Louisiana, acting herein by and through his attorney-in-fact, Sanford L. Gottesman, in order to aid and assist the City of Austin in the preservation of natural, open space areas for the use and enjoyment of its citizens, has GIVEN, GRANTED AND CONVEYED, and by these presents does GIVE, GRANT AND CONVEY unto THE CITY OF AUSTIN, a municipal corporation, all of the following described real property for parkland and recreational purposes with the restrictions and upon the covenants and conditions below stated, in Travis County, Texas, to-wit:

Lot E-1, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 81, Page 3672, Plat Records of Travis County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, its successors and assigns forever; and Grantor herein does hereby bind himself, his heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by through or under him, but not otherwise.

This conveyance is made and accepted subject to any and all easements, covenants, rights-of-way, conditions, restrictions, mineral reservations and royalty reservations, if any, relating to the hereinabove described property, to the extent, and only to the extent, that the same may still be in force and effect and either shown of record in the office of the County Clerk of Travis County, Texas, or apparent on the property.

This conveyance is further made and accepted subject to the covenant made by Grantee, by the acceptance hereof; and

2-75-6071

the condition, that the above described property shall be used only as a permanent public park for pleasure and recreational purposes and any improvements shall be operated and maintained for such purposes at the sole expense of the Grantee herein, such covenant and condition to be binding upon and to be observed by the Grantee herein, as well as its successors and assigns, and to run in favor of and be enforceable by Grantor and any person who now or hereafter shall own any part of Barton Creek Plaza Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 81, Page 2870, Plat Records of Travis County, Texas. In the event of and upon any violation or non-observance of the above covenant and condition, this conveyance shall be null and void and the above described property shall then and there wholly and absolutely revert, without suit or re-entry, to the Grantor herein, his heirs, successors, and assigns; and no act or omission upon the part of the beneficiaries of this clause shall constitute a waiver of the operation or enforcement of such covenant and condition.

It is further understood and agreed that Grantor herein expressly excepts and reserves unto Grantor, his heirs, successors and assigns (and with respect to any cutting, trimming and/or removal of vegetation pursuant to (iii) below, following at least ten (10) days written notice to the Director of the Parks and Recreation Department of the City of Austin and with the approval of the Director of the applicable utility with respect to which such cutting, trimming and/or removal is to be performed (which approval shall not be unreasonably withheld)) a non-exclusive, perpetual right-of-way and easement over, under, across and through the herein described property, for purposes of (i) placing, constructing, operating, using, repairing, maintaining, replacing, relocating, inspecting, and removing telephone, telegraph or electric poles, lines, and overhead systems; underground electric, telephone, gas, water, sewer and wastewater lines, pipes and systems; cable television lines; drainage and irrigation systems, including ditches, culverts, pipes, sprinklers, lines and related facilities (together with the right to divert and cause water to be put on the property for irrigation and drainage purposes); and any other utilities whatsoever; (ii) as allowed by applicable ordinances of the City of Austin, placing and maintaining dirt and other fill material for embankments,

2-75-6072

excavation and/or grading as may be necessary or appropriate for any roads, driveways and/or parking areas placed or located on the balance of the lots in said Barton Creek Plaza Subdivision; and (iii) all rights and privileges reasonably necessary or appurtenant thereto, including temporary construction easements required for any easement granted pursuant to the provisions hereof and the right of access to the property, together with the right to cut, trim, and remove any trees, shrubbery or other vegetation, as may be necessary to accomplish any of the purposes set forth in this paragraph.

EXECUTED December 22, 1981, to be effective for all purposes as of December 23, 1981.

FRED A. GOTTESMAN

By:

Sanford L. Gottesman
Sanford L. Gottesman,
Attorney in Fact

Accepted this 23 day of December, 1981.

THE CITY OF AUSTIN

By:

Richard D. Hinger
Its CITY MANAGER

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Sanford L. Gottesman, Attorney in Fact of Fred A. Gottesman, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 22 day of December, 1981.

NOTARY SEAL

My Commission Expires:

(Print Name)

Ann. Terry Bray
Notary Public, Travis County,
TEXAS

MY COMMISSION EXPIRES
JUNE 30, 1984

15/05
12/22/81

2-75-6073

FILED

Dec 23 4 57 PM '81

Doris H. Angeline
COUNTY CLERK
TRAVIS COUNTY, TEXAS

*City of Austin
Legal Dept.
Jan 7, 1982*

7649 274



STATE OF TEXAS
I hereby certify that this instrument was filed in the
date and at the time stamped herein, and was duly
RECORDED in the Volume and Page of this named Record
of Travis County, Texas, as same hereinafter by me or
COUNTY CLERK

DEC 23 1981

Doris H. Angeline
COUNTY CLERK
TRAVIS COUNTY, TEXAS

7649 277