

RETURN TO:
ALAMO TITLE COMPANY
3305 NORTHLAND DR., #100
AUSTIN, TEXAS 78731
GF# 7006097-1

TRV 2000167964
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GENERAL WARRANTY DEED

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

DATE: 16th day of October, 2000

GRANTOR: Joseph G. Wheeler and Dennis A. Fahrenthold

GRANTOR'S MAILING ADDRESS: 4131 Spicewood Springs Road #B2
Austin, Travis County, Texas 78759-8658
(including county)

GRANTEE: City of Austin, a Texas municipal corporation situated in the Counties of Travis and Williamson, State of Texas.

GRANTEE'S MAILING ADDRESS:
P.O. Box 1088
Austin, Travis County, Texas 78767-8839
Attn.: Real Estate Services Division

CONSIDERATION: TEN DOLLARS AND NO/100 (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: All that certain tract of land situated in Travis County, Texas, generally described as 1.625 acres of land, more or less, out of the Green McCoy Survey as more fully described in Exhibit "A", attached hereto and incorporated herein for all pertinent purposes; and together with any improvements and fixtures thereon, and any and all rights and appurtenances pertaining to the "Property", including any development rights, utility rights which are appurtenant to, or allocated to the "Property", including, but not limited to, all water and wastewater rights allocable to the Property, all easements appurtenant, and any right, title and interest of Seller in and to minerals, mineral rights and royalty interests, adjacent streets, alleys, and rights of way related to the "Property". All of such real property, rights, interests and appurtenances herein collectively mean the "Property".

CONVEYANCE: Grantor, for the consideration stated and subject to the reservations from and exceptions to conveyance and warranty stated herein, GRANTS, SELLS AND CONVEYS to Grantee the Property, together with all and singular rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, and Grantee's successors and assigns forever, provided, however, that the Property is conveyed exclusively for Park and Recreational Purposes for the use by the general public of the City of Austin. Grantor does not retain any liens or encumbrances, express or implied, against the property.

CONDITIONS: Seller sells this Property to the City of Austin on the condition that by accepting this conveyance, the City of Austin dedicates the Property for Park and Recreational Purposes for the use by the general public of the City of Austin, subject to the terms and conditions and restrictions set forth below, which reservations, exceptions and restrictions must be construed as being prior in time to the dedication of the Property for park purposes.

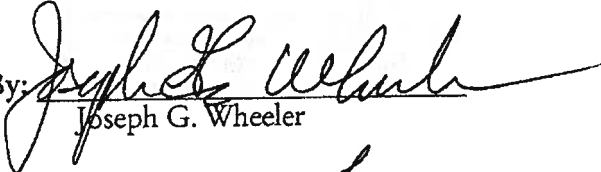
RESERVATIONS FROM AND EXCEPTONS TO CONVEYANCE:

1. The items shown in Exhibit "B", attached hereto and incorporated herein, but only to the extent the same are valid, in existence and affect the tract or tracts noted in Exhibit "A" or the use thereof by Grantee.
2. Easements to the City of Austin are not, and must not be deemed, merged with the title conveyed herein.
3. Ad valorem property taxes on the Property for the current year, which, having been prorated, are assumed by Grantee.
4. Seller purports to have paid to install two conduits under Spicewood Springs Road in the early 1980s to provide the ability to connect to utility services when Seller's the remainder property was developed. City of Austin Water/Wastewater staff cannot find any as-built documentation of the conduits being installed. If the conduits exist and are usable as is, Seller retains the right, at Seller's sole expense, to use the conduits to supply utility services to Seller's remainder property, and to cross the Property being sold to the Buyer only to supply such utility services. Provided, however, that Seller must comply with all then-current City rules, regulations, and ordinances applicable to utility service hookups and installation. Further, in consideration for buyer granting Seller and utility easement across the Property, Seller authorizes Buyer to use the conduits, at its sole expense, to provide utility services to the Property, if sufficient space allows both the Property and Seller's remainder property to be served. Seller agrees to pro rate the cost of installing water and/or wastewater utility lines to both Seller's remainder property and Buyer's Property, with buyer, if only one water and/or wastewater line can be installed in the conduits for any reason. Further, Seller must make every effort to minimize damage to the Property when Seller installs the utility services to Seller's remainder property. If utility services are installed, Buyer will provide a utility easement on the Property and Seller will dedicate a utility easement on the remainder property. Seller must pay all cost of locating and determining usability of the conduits.

5. The City of Austin expressly reserves the right to use the Property to construct, reconstruct, repair, remove, replace, relocate, and maintain streets and utility lines of all kinds, including, but not limited to, water, sewer, drainage, electric, telegraph, telephone, and telecommunication lines, on, over, under, and across the Property, and connections with any of the foregoing to similar utilities on, under, or across contiguous and adjacent property, despite dedication of the Property for park and recreational purposes. However, the location of any such lines, structures, and connections, must first be reviewed to minimize environmental impacts on the park and for safety issues related to using the park after installation of streets or utility lines. If such road, street, line, structure, or connection constitutes an environmental or safety hazard related to the use of the Property for park and recreational purposes, then the Director of the Department of Public Works and Transportation of the City of Austin and/or the Director of Water and Wastewater Utility of the City of Austin, as appropriate, must approve the location, and further, the location must also be approved by the Director of the Parks and Recreation Department of the City of Austin.

Grantor binds Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof. When the context requires, singular nouns and pronouns, include the plural.

GRANTOR:

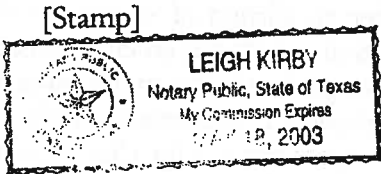
By: 
Joseph G. Wheeler

By: 
Dennis A. Fahrenthold

ACKNOWLEDGMENT

State of Texas §
County of Travis §

This instrument was acknowledged before me on 16th day of October, 2000 by Joseph G. Wheeler.



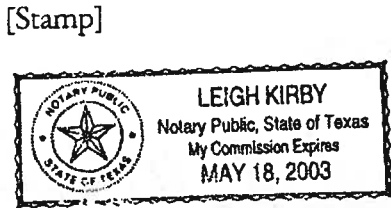
[Handwritten Signature]

Notary Public, State of Texas

ACKNOWLEDGMENT

State of Texas §
County of Travis §

This instrument was acknowledged before me on 16th day of October, 2000 by Dennis A. Fahrenthold.



[Handwritten Signature]

Notary Public, State of Texas

~~AFTER RECORDING, RETURN TO:
City of Austin
Department of Public Works and Transportation
Attention: Junie Marie Plummer
P. O. Box 1088
Austin, Texas 78767-8839
File # 3688.59
TCAD No. 01-5918-0330~~

EXHIBIT "B"
PERMITTED EXCEPTIONS

1. Easement granted to Southwestern Bell Telephone Company in instrument recorded in Volume 1436, Page 281, Deed Records, Travis County, Texas.
2. Fill and Lateral Support Easement granted to Travis County in instrument recorded in Volume 8555, Page 598, Deed Records, Travis County, Texas.
3. Easement awarded to the City of Austin by Judgment rendered under Cause No. 1642, Probate Court No. 1, Travis County, Texas, a copy of which is recorded in Volume 11059, Page 989, Real Property Records, Travis County, Texas.
4. Public Utility Easement described in Deed from the County of Travis to Joseph G. Wheeler and Dennis W. Fahrenthold recorded in Volume 11091, Page 654, Real Property Records, Travis County, Texas.

**CARSON AND BUSH
PROFESSIONAL SURVEYORS, INC.**

1904 FORTVIEW ROAD
AUSTIN, TX 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

October 3, 2000

FIELD NOTE DESCRIPTION OF 1.625 ACRES OF LAND OUT OF THE GREEN McCOY SURVEY NO. 29, ABSTRACT NO. 514, IN TRAVIS COUNTY, TEXAS, AND BEING THAT SAME (1.624 ACRE) TRACT OF LAND CONVEYED TO JOSEPH G. WHEELER AND DENNIS A FAHRENTHOLD IN A DEED AS RECORDED IN VOLUME 11099 PAGE 671 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found in the southeasterly right-of-way line of Spicewood Springs Road, and being at the most northeasterly corner of that certain (1.624 acre) tract of land conveyed to Joseph G. Wheeler and Dennis A. Fahrenthold in a deed as recorded in Volume 11099 Page 671 of the Real Property Records of Travis County, Texas, and being for the most northeasterly corner of the tract herein described,

THENCE, with the easterly line of the Wheeler tract, the following three (3) courses:

- 1) S 04 deg. 56' 39" E 164.61 feet to a ½" iron rod found,
- 2) S 01 deg. 49' 10" W 327.96 feet to a ½" iron rod found,
- 3) S 09 deg. 03' 15" W 174.46 feet to a ½" iron rod found in the current northeasterly right-of-way line of Spicewood Springs Road, being for the most southerly corner of this tract, and from which another ½" iron rod found bears S 08 deg. 56' 22" W 11.19 feet,

THENCE, with the northeasterly right-of-way line of Spicewood Springs Road the following three (3) courses:

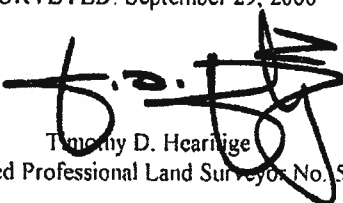
- 1) along a curve to the left, having a radius of 414.53 feet and a chord which bears N 15 deg. 57' 32" W 340.19 feet to a ½" iron rod found, and from which another ½" iron rod found bears S 48 deg. 56' 24" W 50.05 feet,
- 2) N 40 deg. 12' 25" W 183.04 feet to a ½" iron pipe found and from which another ½" iron pipe found bears S 64 deg. 35' 34" W 51.87 feet,
- 3) along curve to the right, having a radius of 30.37 feet, and a chord which bears N 03 deg. 24' 47" E 41.66 feet to a ½" iron pipe found in the southeasterly right-of-way line of Spicewood Springs Road (a.k.a. Old Lampasas Trail), and being for the most northerly northwest corner of this tract,

THENCE, with the southeasterly right-of-way line of Spicewood Springs Road, the following four (4) courses:

- 1) N 46 deg. 36' 23" E 16.28 feet to a ½" iron pipe found,
- 2) N 56 deg. 11' 42" E 42.62 feet to a ½" iron pipe found,
- 3) N 55 deg. 00' 00" E 137.08 feet to a ½" iron rod found,
- 4) N 60 deg. 09' 10" E 84.58 feet to the PLACE OF BEGINNING, in all containing 1.625 acres of land.

SURVEYED: September 29, 2000

BY:


Timothy D. Hearitoe
Registered Professional Land Surveyor No. 5036



see accompanying map no. A 630108

FIELD NOTES REVIEWED

By John Moore Date 10-5-2000
Engineering Support Section
Department of Public Works
and Transportation

EXHIBIT "A"

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

10-19-2000 02:58 PM 2000167964
OJEDAB \$21.00
DANA DEBEAUVOIR , COUNTY CLERK
TRAVIS COUNTY, TEXAS

