

Austin Parkland Records

Selected Documents for Counsel

Read these four selections first. Pages are copied unchanged from the two Austin production PDFs. Full files are preserved as N03 and N04. Page references use the PDF viewer count, not stamped page numbers. Selections do not replace review of the complete record.

County acknowledgment of parkland acceptance

January 11, 1991 • N04, PDF p. 104 • This packet p. 2

Commissioner Heiligenstein acknowledges County acceptance of the 7.38 acres for parkland. He also notes the one-year reverter and the absence of a title policy.

Acceptance and recording required for final approval

April 20, 1990 • N03, PDF pp. 58-59 • This packet pp. 3-4

Austin review requires execution, County acceptance, recording and a certified copy before final plat approval. The same comments exclude County maintenance responsibility.

Dedication tied to the subdivision requirement

April 4, 1990 • N03, PDF pp. 24-25 • This packet pp. 5-6

Review calculates a 0.35-acre minimum and identifies the 7.38-acre tract as satisfying it. Distinguish the calculated minimum from the larger approved dedication.

Recorded deed and signed parkland acceptance

October-November 1990 • N04, PDF pp. 108-112 • This packet pp. 7-11

Read the park-use language, all reservations and conditions, and the signed acceptance on packet p. 11. County Court acceptance minutes are separately provided in N01.

MIKE HEILIGENSTEIN
County Commissioner
Precinct 1, Williamson County



211 COMMERCE BLVD. #7
ROUND ROCK, TEXAS 78664

(512) 244-2359
244-2433

January 11, 1991

Mr. Bill Schoenemann
Planning Department
City of Austin
P.O. Box 1088
Austin, Tx. 78767

RE: WARRANTY DEED
Carolville, Ltd.

Dear Mr. Schoenemann:

This to acknowledge that Williamson County has received and accepted a deed from Carolville, Ltd. for 7.38 acres of land out of the Samuel Daymon survey A-170 and the John Dillard Survey A-179 to be used as park land. This document is of record in the Williamson County Commissioners court minutes Volume 46, page 835 which were recorded on November 19, 1990.

It is understood the deed contains a reverter clause that in the event Breakaway Park, Section Three is not approved as a final plat within one year from date of the deed, the land will revert back to the grantor. The deed was accepted without a title policy.

If you should have any further questions, please feel free to contact my office.

Sincerely,

A handwritten signature in blue ink that reads "Mike Heiligenstein".

Mike Heiligenstein
Precinct One

ADDITIONAL REVIEW COMMENTS

TO: LAURETTA DOWD, CASE MANAGER

FROM: BILL SCHOENEMANN, REVIEWER

DATE: 20-APRIL-1990

PROJECT NAME: BREAKAWAY PARK, SECTION 3, SUBDIVISION

FILE NUMBER: C8-90-0040

After review of the recorded documents of the Williamson County, Texas, Volume 41, Pages 342 and 343, Agenda Items from the Williamson County Commissioners Court, the following comments must also be included for the proposed development.

In order for PRELIMINARY PLAN APPROVAL:

1. Applicant to revise note number 2 to read as follows: "The parkland requirement for this development will be satisfied prior to, and not a part of the Final Plat".
2. Applicant to add the following note: "Williamson County, Texas, has agreed to consider the granting the approval of the Preliminary Plan for this development if Williamson County, Texas will not be responsible for any maintenance responsibilities of the approved parkland tract. These maintenance responsibilities shall remain with the owner of Breakaway Park, Section 3, Subdivision, or his/her assigns. Williamson County, Texas will not be responsible for any maintenance (financially, materially or physically), in regards to this parkland tract.
3. Applicant to clear comments through reviewer at 499-2251.

In order for FINAL PLAT APPROVAL, the following comments must be satisfied:

1. Applicant shall comply with comment numbers PK4 thru PK8 (Inclusive), as previously submitted to applicant.
2. Applicant shall prepare the required Field Notes and Exhibits for the approved parkland tract, prepare a General Warranty Deed for the approved parkland tract conveyance to Williamson County, Texas, have this General Warranty Deed executed, receive the acceptance of this General Warranty Deed from Williamson County, Texas, and have all of the required documents (General Warranty Deed, Field Notes and Exhibits) recorded in the Real Property Records of Williamson County, Texas.
3. Applicant to provide a certified copy of all of the above recorded documents to this reviewer prior to Final Plat approval.
4. Applicant to add the following plat note to the Final Plat: "The parkland requirements for this development were satisfied prior to, and not a part of this Final Plat. These parkland requirements were satisfied with the dedication of the approved and adjacent parkland tract as recorded in Volume _____, Page(s) _____,

of the Williamson County, Texas, Real Property Records."

5. Applicant shall also show this Volume and Page Number(s) on that parkland tract that was conveyed to Williamson County, Texas, for parkland purposes. Williamson County, Texas shall also be shown as the owner of this parkland tract.
6. Applicant shall add the following plat note: "The maintenance responsibility for the parkland tract, as recorded in Volume _____, Page(s) _____, of the Williamson County, Texas, Real Property Records, shall remain with the owner of Breakaway Park, Section 3 Subdivision, or his/her assigns. Williamson County, Texas, is the owner of this approved parkland tract, and is not responsible for any maintenance, either financially, materially or physically, in regards to this parkland tract."
7. Applicant shall ensure clear title to the land to be dedicated as parkland. In order to do this, applicant shall follow the attached "Procedures to Ensure Clear Title to Land for Park Purposes". These procedures were drafted by the City of Austin, and will be applicable to Williamson County, Texas.
8. Applicant to clear comments through reviewer at 499-2251.

REVIEW COMMENTS

TO: SUBDIVISION PROCESSING

CASE MANAGER: Dowd, Lauretta

FROM: PARKLAND REVIEW

FILE NUM: C8-90-0040

PROJECT NAME: BREAKAWAY PARK SECTION 3

LOCATION: BREAKAWAY RD

DUE DATE: 9-APR-1990

REVIEWER: SCHOENEMANN, BILL

DATE: 4-APR-1990

PK 1. Parkland requirements for this development are 0.35 acres. These parkland requirements are based on 25 Single-Family Units x 5 acres of required parkland per 1000 residents x 2.8 residents per Single-Family Unit. ✓

PK 2. The parkland dedication requirements for this development will be satisfied at final plat with the dedication of the 7.38 acre tract of land to Williamson County, Texas for park and recreational and drainage purposes. ✓

PK 3. Note Number 2, as per the preliminary plan, states that "the parkland requirement has been fulfilled with parkland adjacent to this subdivision dedicated to and accepted by Williamson County". Applicant shall provide proof of this conveyance to Williamson County, Texas. He/she shall provide a copy of the recorded General Warranty Deed and the required Field Notes and Exhibits. This copy shall be provided to this reviewer. If the conveyance of this parkland tract has not taken place, applicant shall immediately prepare the required Field Notes and Exhibits and General Warranty Deed, and submit them to the County Commissioner (Mike Heiligenstein) for Precinct 1, Williamson County, Texas, for approval and acceptance. The Grantor shall execute the General Warranty Deed prior to, and not a part of the Final Plat for this Subdivision. If the executed General Warranty Deed and required Field Notes and Exhibits have, or have not been recorded, applicant has the responsibility of proceeding with the recording of these documents, and providing proof of this transaction. ✓

PK 4. Applicant shall note, on Final Plat, that the parkland conveyance of the approved 7.38 acre tract has been deeded to Williamson County in order to satisfy the parkland requirements for this Subdivision. Applicant shall also place the Volume and Page Number of this recordation on the parkland tract previously deeded to Williamson County, Texas. The Final Plat of this Subdivision will not be approved by this reviewer unless the above information is provided on the Final Plat. ✓ @ F.I.P.

DATE: 4-APR-1990
FILE: C8-90-0040

PK 5. Applicant shall also provide a plat note on the Final Plat, or provide a Restrictive Covenant prior to Final Plat approval, specifying that "The City of Austin shall be released from any financial responsibility for the platting process or construction costs and maintenance because the approved parkland tract of 7.38 acres that is adjacent to this Subdivision was dedicated and deeded to Williamson County, Texas, prior to, and not a part of the Final Plat. The General Warranty Deed shall also reflect this agreement.

✓
@ F.P.

PK 6. Applicant shall also provide a "Letter of Acceptance" for the approved parkland tract (7.38 acres). This "Letter of Acceptance" shall be provided from Mike Heiligenstein, the County Commissioner for Precinct 1, Williamson County, Texas. This "Letter of Acceptance" shall provide Williamson County's acceptance of the 7.38 parkland tract for park, recreational and drainage purposes; and accepts the ownership and maintenance responsibility of said tract.

@ FP

PK 7. Prior to Final Plat approval, applicant to specify the ownership and maintenance responsibility for the proposed parkland tract that is deeded or to be deeded to Williamson County, Texas. The subdivider, or his/her assigns, shall own and maintain this proposed parkland tract until the parkland tract is deeded by separate instrument to Williamson County, Texas, and accepts the ownership and maintenance responsibility for said tract.

✓
@ FP

PK 8. Prior to Final Plat approval of this Subdivision, applicant shall provide an Owner's Title Policy and Tax Certificate to Mike Heiligenstein, County Commission for Precinct 1, Williamson County, Texas (see "Procedures to Ensure Clear Title to Land for Park Purposes"). These document will ensure clear title to the land dedicated to Williamson County, Texas, for park, recreational and drainage purposes. The "Owner's Title Policy" requirement assures that this land dedicated to Williamson County, Texas, will not be subject to any reservations of record, liens, encumbrances of any kind, easements, which, in the opinion of Williamson County, Texas, will interfere with the use of the land for park, recreational and drainage purposes.

@ FP

PK 9. Applicant to clear comments through reviewer at 499-2251. ✓

Bill Scheneman
Reviewer's Signature - Initial Comments

Bill Scheneman 5/25/90
Reviewer's Signature - Signoff

WARRANTY DEED

STATE OF TEXAS

*

COUNTY OF WILLIAMSON

*

Date: OCT. 30, 1990

Grantor: CAROLVILLE, LTD., a Texas Limited Partnership
1000 Bank of the Hills Tower
13809 Research Blvd.
Austin, Tx. 78750

Grantee: WILLIAMSON COUNTY, c/o MIKE HEILIGENSTEIN COUNTY COMMISSIONER

Address: 309 East Main Street
Round Rock, Tx. 78664

Consideration: TEN AND 00/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, and for which no lien either express or implied, is herein retained.

Property (including any improvements):

7.38 acres of land out of the Samuel Daymon Survey A-170 and the John Dillard Survey A-179, in Williamson County, Texas, and being more fully described in Exhibit "A" attached hereto and made a part hereof.

Conveyance:

Grantor, for the consideration hereinbefore 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 the rights and appurtenances thereto in anywise belonging, to have and hold it to Grantee, Grantee's successors or assigns forever; provided, however, that the herein described property is conveyed exclusively for parks and recreational purposes for public use by the citizens of Williamson County.

Reversion:

In the event that Breakaway Park, Section III, is not approved by the City of Austin and Williamson County as a final plat within one year from the date hereof, the property described herein shall absolutely revert, without necessity for suit or reentry, to Grantor and Grantor's successors and assigns.

Clear Title:

Grantor does not retain any liens or encumbrances, express or implied against the property other than as expressly set forth under the provisions hereof. Grantor shall ensure a clear title for the herein described property that is to be conveyed to Williamson County for parks and recreational purposes.

Conditions:

As a condition and by acceptance of this conveyance, Williamson County hereby dedicates the herein described property for park and recreational purposes for public use by the citizens of Williamson County, Texas, subject to the reservations, exceptions and restrictions set forth below, which reservations, exceptions and restrictions shall be construed as prior and superior to the dedication for park purposes described in this paragraph.

Reservations from and Exceptions to Conveyance and Warranty:

Grantors expressly reserve for a period of ten (10) years following the date of execution, unto themselves, their heirs, executors and assigns, the right to construct, reconstruct, repair, remove, replace, relocate and maintain utility lines of all kinds and descriptions, including, but not limited to, water, sewer, drainage, electric, telegraph, telephone, and telecommunications, over, under and across the herein described property, and connections with any of the foregoing to similar utilities on, under and across contiguous and adjacent property, provided that said lines and structures, and connections are first approved by Williamson County, as to: (a) whether such line, structure or connection constitutes and environmental or safety hazard in relation to the use of the herein described property for park and recreational purposes: and (b) if approved under (a), the location of said line, structure or connection. The reservation contained in this Paragraph is expressly subject to all powers given Williamson County, or other applicable laws, to restrain, restrict and control the placement of utilities in park and recreational areas.

The use of the herein described property for park and recreational purposes is expressly restricted and limited by the right of Williamson County, which right is herein conveyed by Grantors, to construct, reconstruct, repair, remove, replace, relocate, and maintain roads and streets and utility lines of all kinds and descriptions, including, but not limited to, water sewer, drainage, electric, telegraph, telephone, and telecommunications with any of the foregoing to similar utilities on, under, or across contiguous and adjacent property, provided that the location of said lines and structures, and connections, are first approved by Williamson County, as to: (a) whether such road, street, line, structure, or connection contributes to an environmental or safety hazard in relation to the use of the herein described property used for park and recreational purposes; and (b) is approved under (a), the location of said road, street, line, structure or connection.

Grantor binds Grantor and Grantor's heirs, executors, administrators, 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 hereof.

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

CAROLVILLE, LTD., a Texas
Limited Partnership


PHILIP H. ANNIS
GENERAL PARTNER

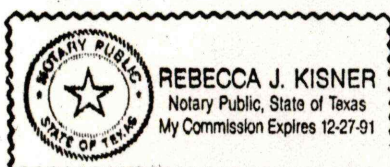
STATE OF TEXAS

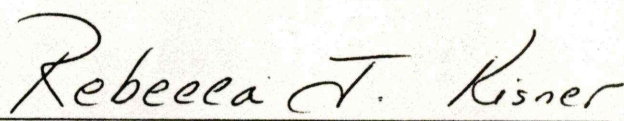
*

COUNTY OF Williamson

*

This instrument was acknowledged before me on Oct. 30, 1990 by PHILIP H. ANNIS, General Partner of CAROLVILLE, LTD., a Texas Limited Partnership.




Rebecca J. Kisner
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

LAW OFFICES OF DALE ILLIG, PC
P. O. BOX 965
GEORGETOWN, TX. 78627-0965

c:\10\park.d
10.19.90



October 3, 1990

Carolville, Ltd.

to

Williamson County

Exhibit 'A' Page 1 of 2

Parkland for Breakaway
Park Section 3 (Proposed)

FIELD NOTES for 7.38 acres of land out of the Samuel Daymon Survey A-170 and the John Dillard Survey A-179 in Williamson County, Texas, said land being out of that certain 123.02 acre tract as conveyed to Carolville, Ltd by deed recorded in Volume 1910, Page 929-940, Williamson County Deed Records, being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ -inch steel pin found at the northwest corner of the proposed Lot 60, Breakaway Park Section 3, a proposed subdivision, for the northeast corner of this described tract; said steel pin bearing for reference N47°10'50"W 426.69 feet from a $\frac{1}{2}$ -inch steel pin found at the northwest corner of Lot 37, Breakaway Park Section 2, a subdivision recorded in Book D, Page 82 of the Williamson County Plat Records;

THENCE with the boundary of proposed Breakaway Park Section 3 the following 6 courses:

- 1) S5°58'30"E 520.24 feet to a $\frac{1}{2}$ -inch steel pin found for angle point;
- 2) S19°13'00"E 233.00 feet to a $\frac{1}{2}$ -inch steel pin found for the southeast corner of this described tract;
- 3) S68°53'00"W 249.00 feet to a $\frac{1}{2}$ -inch steel pin found at the beginning of a curve which is part of the cul-de-sac right-of-way line of proposed Chitina Court;
- 4) around said curve to the left a chord which bears S68°53'00"W 100.00 feet, said curve having an arc length of 118.21 feet, a radius of 60 feet and an internal angle of 112°53'07", to a $\frac{1}{2}$ -inch steel pin found at end of curve;
- 5) S68°53'00"W 75.00 feet to a $\frac{1}{2}$ -inch steel pin found for angle point;
- 6) S24°00'00"W 59.00 feet to a $\frac{1}{2}$ -inch steel pin set for the most southern corner of this described tract;

THENCE N66°00'00"W 252.61 feet to a $\frac{1}{2}$ -inch steel pin set for the most western corner of this described tract;

THENCE N24°19'11"E 852.91 feet to a $\frac{1}{2}$ -inch steel pin set for the northwest corner of this described tract;

THENCE N69°08'00"E 180.00 feet to the point of BEGINNING, containing 7.38 acres.

Surveyed by: Stuart Watson
Stuart Watson, RPLS 4550

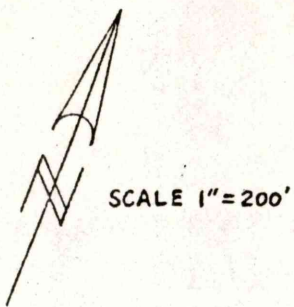
City of Austin Grid-- G44

Basis of Bearings-- Breakaway Park Section 2 Subdivision Plat

Date of Survey-- October 3, 1990

FIELD NOTES REVIEWED

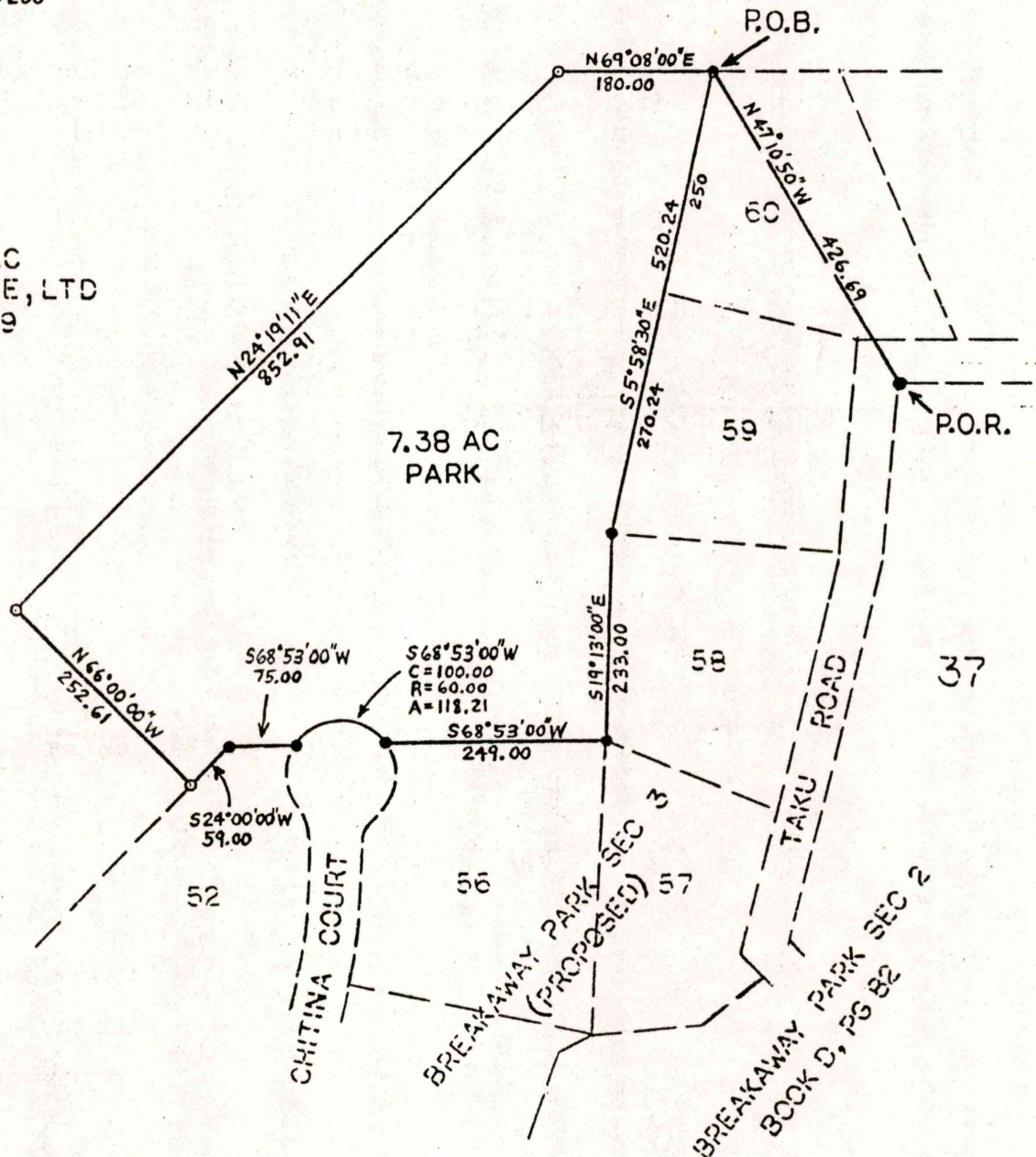
By Mike Fitts Date 10/22/90
Engineering Support Section/
Department of Public Works
and Transportation



LEGEND

- Steel pin set
- Steel pin found

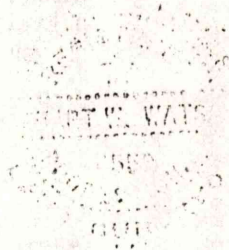
123.02 AC
CAROLVILLE, LTD
1910/929



October 3, 1990

MAP OF 7.38 ACRE PARK TO BE DEEDED TO WILLIAMSON COUNTY
IN CONJUNCTION WITH BREAKAWAY PARK SECTION 3 SUBDIVISION (PROPOSED)

SURVEYED BY: Stuart Watson
Stuart Watson, RPLS 4550



PARK LAND ACCEPTANCE
BY
WILLIAMSON COUNTY
GEORGETOWN, TEXAS

17

Williamson County - Georgetown, Texas, by its signature of its duly authorized representative hereto, does accept the grant of park land as hereinabove described, subject to all provisions and conditions contained herein.

EXECUTED this 19th day of November 1990.

WILLIAMSON COUNTY

BY: [Signature]
DON WILSON, COUNTY JUDGE
GEORGETOWN, TEXAS 78626

THE STATE OF TEXAS

§

COUNTY OF WILLIAMSON

§

§

This instrument was acknowledged before me on the ____ day of _____, 1990, by Don Wilson, Williamson County Judge, Georgetown, Texas 78626.

NOTARY PUBLIC, STATE OF TEXAS

PREPARED IN THE OFFICE OF:

LAW OFFICES OF DALE ILLIG, PC
P. O. BOX 965
GEORGETOWN, TX. 78627-0965

STATE OF TEXAS COUNTY OF WILLIAMSON
I hereby certify that this Instrument was FILED
on the date and at the time stamped hereon
by me; and was duly RECORDED, in the Volume
and Page of the named RECORDS of Williamson
County, Texas, as stamped hereon by me, on

NOV 20 1990



[Signature]
COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

FILED FOR RECORD
WILLIAMSON COUNTY, TX
1990 NOV 19 PM 3:19
[Signature]
COUNTY CLERK