

STATE OF TEXAS

§

AFTER RECORDING, RETURN TO:

COUNTY OF TARRANT

§

Town of Westlake

§

3 Village Circle, Suite# 202

Westlake, TX 76262

Attn: Eddie Edwards

**PARK DEDICATION**

**Effective Date:** December 4, 2008

**Grantor (include mailing address):**

Westlake Terra LLC  
395 W. Northwest Parkway, Suite 300  
Southlake, TX 76092

**Grantee (including mailing address):**

Town of Westlake  
3 Village Circle, Suite# 202  
Westlake, TX 76262

**Consideration:**

Ten dollars (\$10.00) and other good and valuable consideration paid by Grantee, the receipt and sufficiency of which are acknowledged by Grantor.

**Description of Park:**

See Exhibit A attached hereto

**Purpose:**

This Dedication is made and accepted for the following purposes:

**Constructing, reconstructing and maintaining a public park**

**Conveyance:**

Grantor dedicates to Grantee, for benefit of the public, the use of the Park for the purposes permitted above but none other; TO HAVE AND TO HOLD, unto Grantee, and its permitted successors and assigns. Grantor binds Grantor and Grantor's successors and assigns, to warrant and defend title to the Park in favor of Grantee against every person whomsoever lawfully claiming or to claim the same or any part thereof; but this conveyance is made and accepted subject to all encumbrances, covenants, easements and other matters recorded in the Real Property Records of Tarrant County, Texas.

**Affirmative Maintenance Covenant:**

This conveyance is made and accepted subject to the following affirmative covenant ("Maintenance Covenant"):

For so long as the Property is used as a public park, Homeowners Association of Terra Bella, Inc., a Texas non-profit corporation, shall maintain the park as follows: (i) the park is to left in a "natural state"; (ii) only the entrance area will be landscaped and manicured; (iii) trash will be removed after storms; (iv) the pedestrian trail through the park will be kept in good condition. Homeowners Association of Terra Bella, Inc. shall have a non-exclusive easement over, under and upon the Property to access the Property for performing maintenance. If the Maintenance Covenant is violated by Homeowners Association of Terra Bella, Inc., (i) Grantee may prosecute a proceeding at law or in equity to enjoin such violation, and/or (ii) Grantee may perform such maintenance and recover the reasonable cost thereof from Homeowners Association of Terra Bella, Inc.

**Miscellaneous:**

1. If Grantee shall declare this Dedication abandoned, or discontinue use of the Park for a period of one year, then this Dedication shall cease and terminate and all right, title and interest in and to the Park shall pass to Homeowners Association of Terra Bella, Inc., its successors and assigns.
2. The rights and obligations set forth in this Dedication shall bind and inure to the benefit of the successors and assigns of Homeowners Association of Terra Bella, Inc., a Texas non-profit corporation and Grantee and shall run with the land.

[SIGNATURE PAGE FOLLOWS]

**Exhibit A**

Lot 20, Block 1, Terra Bella, an Addition to the City of Westlake, Tarrant County, Texas, according plat thereof recorded at Cabinet A, Slide 12979, Plat Records, Tarrant County, Texas, SAVE AND EXCEPT, 7404.69 square feet of land, more or less, in the northwest corner of such lot, with the save and except parcel being more particularly described on the following page.

[Continued On Next Page]

EXECUTED effective as of the day first written above.

Westlake Terra LLC

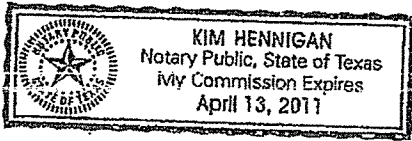
*M. Paul Spain*  
M. Paul Spain, President

STATE OF TEXAS                   §  
                                                  §  
COUNTY OF TARRANT           §

This instrument was acknowledged before me on November 4, 2008 by M. Paul Spain, President of Westlake Terra LLC, a Texas limited liability company, on behalf of the company.

*Kim Hennigan*  
Notary Public, State of Texas

[seal]



THIS DEDICATION IS ACCEPTED AS OF THE \_\_\_  
DAY OF NOVEMBER, 2008:

TOWN OF WESTLAKE TEXAS

By: *Thomas E. Bryner*  
Thomas E. Bryner, Town Manager

THE MAINTENANCE COVENANT IS AGREED:

Homeowners Association of Terra Bella, Inc., a Texas non-profit corporation

By: *M. Paul Spain*  
M. Paul Spain, President

**Exhibit "A" (Page 1 of 2)**

Legal Description - NWC Tract, (Lot 20, Block 1, Terra Bella)

Being a tract of land situated in the C.M. Throop Survey Abstract No. 1510, in the Town of Westlake, Tarrant County, Texas, being part of Lot 20, Block 1, of Terra Bella, an addition to the Town of Westlake, as described in Cabinet A, Page 12979, of the Plat Records of Tarrant County, Texas, and being more particularly described as follows:

BEGINNING, at the northwest corner of Terra Bella and Lot 20, and being in the south line of Westlake/Southlake Park Addition No. 1, as described in Volume 388-214, Page 78, of said Plat Records, a 1/2" iron rod found with a red cap;

Thence, N89°33'40"E, with the said common line, for a distance of 173.00 feet;

Thence, S79°59'44"W, departing the said line, for a distance of 52.58 feet, to the beginning of a curve to the left with a central angle of 31°33'47" and a radius of 75.00';

Thence, with the curve to the left, for an arc length of 41.32 feet;

Thence, S48°25'57"W, for a distance of 40.69 feet, to the beginning of a curve to the left with a central angle of 20°20'50" and a radius of 75.00';

Thence, with the curve to the left, for an arc length of 26.63 feet, to the beginning of a reverse curve to the right, with a central angle of 38°18'47" and a radius of 50.00';

Thence, with the curve to the right, for an arc length of 33.43 feet, to the beginning of a reverse curve to the left, with a central angle of 29°04'43" and a radius of 50.00';

Thence, with the curve to the left, for an arc length of 25.38 feet;

Thence, S37°19'11"W, for a distance of 19.24 feet, to the west line of Terra Bella and Lot 20, also being the east line of the Dove Addition as described in Cabinet A, Page 6965, of said Plat Records;

Thence, N07°54'35"E, with said line, for a distance of 127.65 feet, to the Point Of Beginning, containing 7,404.69 square feet of land, more or less.

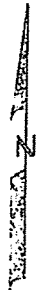
Bearings referenced to Terra Bella Plat.



*C. Scott Stoneburner*  
11-25-08

Exhibit "A" (Page 2 of 2)

Westlake / Southlake Park  
 Addition No. 1  
 Volume 388-214, Page 78  
 PRTCT



SCALE: 1" = 50'

POINT OF BEGINNING

N89°33'40"E - 173.00'

1/2" IRF RED CAP

N07°54'35"E - 127.65'

Dove Addition  
 Lot 2, Block 1  
 Cabinet A, Page 6965  
 PRTCT

FEMA Zone X

FEMA Zone AE

C. M. THROOP SURVEY  
 ABSTRACT NO. 1510

Graphical Location of the 100 Year Floodplain per  
 FEMA Flood Insurance Rate Map 48439C0660 E,  
 dated May 15, 2000. Zone AE with minimum fills  
 without disturbing trees.

LOT 20 - BLK 1  
 20.38 ac.  
 ( PUBLIC OPEN SPACE )

LINE TABLE

L1	S79°59'44"W	- 52.58'
L2	S48°25'57"W	- 40.69'
L3	S37°19'11"W	- 19.24'

CURVE TABLE

CURVE NO.	DELTA	RADIUS	LENGTH
1.	31°33'47"	75.00'	41.32'
2.	20°20'50"	75.00'	26.63'
3.	38°18'47"	50.00'	33.43'
4.	29°04'43"	50.00'	25.38'

KIRKWOOD BRANCH



C. Scott Stoneburner  
 11-25-08

NWC TRACT

LOT 20 - BLOCK 1, TERRA BELLA  
 CM THROOP SURVEY ABST. NO 1510  
 TOWN OF WESTLAKE  
 TARRANT COUNTY, TEXAS

Note: Bearings are referenced to Terra Bella Plat.