

DEED OF GIFT

of

2795

NETTE SHULTZ PARK

10 ACRES

THE STATE OF TEXAS )  
COUNTY OF DENTON )

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Nette Shultz, Susie V. Beyette and Callie R. Ratliff, herein called "grantors", each a feme sole, of the County of Denton and State of Texas, in consideration of, and as a visible and substantial expression of, our interest in and affection for the City where we live and the people thereof, and in further consideration of benefits expected to accrue to our nearby properties;

HAVE GIVEN AND CONVEYED and by these presents do give and convey, subject to the following provisions hereof, unto the City of Denton, Texas, a municipal corporation within the County of Denton, and State of Texas, the following described real property, to-wit:

THAT CERTAIN TEN (10) ACRES TRACT OR PARCEL OF LAND situated in Denton County, State of Texas, out of the Hardin Carter Survey, Abstract No. 281, being part of that certain 40 acre tract described in a deed made by Nette Shultz, Susie V. Beyette and Callie R. Ratliff to Joe Skiles which is of record in Book 411 at page 135 of the Denton County Deed Records, in which deed 10 acres was reserved by grantors to be later given and conveyed by them to the City of Denton for Park purposes after said Skiles should have platted and subdivided his 30 acres, and said Skiles having now filed of record his subdivision plat (said plat having been first approved by grantors herein) designating his 30 acres as blocks Nos. 1, 2, 3, 4, 5 and 6 of Crestwood Heights Addition to the City of Denton, which plat and record thereof in the office of the County Clerk of Denton County are here referred to for all relevant purposes -- therefore the remaining and unplatted 10 acres is intended to be conveyed by this instrument -- such 10 acres covered hereby being described by metes and bounds (according to field notes thereof recently compiled by Robert May, Land Surveyor) as follows:

BEGINNING at a corner in the center line of the street known as Woodhaven Drive, said beginning corner being 383.4 feet north and 165 feet east of the southwest corner of said Hardin Carter Survey;

THENCE North with the said center line of Woodhaven Drive, 314.4 feet to a corner;

THENCE with a curve to the right whose radius is 446.9 feet, 99.5 feet to a corner;

THENCE in a northeasterly direction with the center line of said Woodhaven Drive 51.5 feet to the center line of the street known as Brookfield Lane;

THENCE East with the said center line of Brookfield Lane, 223.4 feet to a corner;

THENCE with a curve to the left and with the said center line of Brookfield Lane, 117.75 feet to a corner;

THENCE North with the said center line of Brookfield Lane, 167 feet to a corner;

THENCE East, 510 feet to a corner in the center line of the street known as Rockwood Lane;

THENCE South with the said center line of Rockwood Lane, and with a curve to the left, 114.3 feet to a corner;

THENCE South with the said center line of Rockwood Lane, 140 feet to the intersection of such center line of Rockwood Lane with the center line of the street known as Royal Lane;

THENCE West with the said center line of Royal Lane, 285 feet to a corner;

THENCE with a curve to the left with the center line of said Royal Lane 70.4 feet to a corner;

THENCE South with the said center line of Royal Lane, 615 feet to the intersection of such center line of Royal Lane with the center line of above mentioned Woodhaven Drive;

THENCE West with the center line of said Woodhaven Drive, 188.5 feet to a corner;

THENCE with a curve to the right, 97.7 feet to a corner;

THENCE in a Northwesterly direction with the said center line of Woodhaven Drive, 178.8 feet to a corner;

THENCE with a curve to the right and with the said center line of said Woodhaven Drive, 138.1 feet to the place of beginning, and containing ten (10) acres of land;

PROVIDED NEVER-THE-LESS that this gift is made upon the following conditions, covenants and stipulations, the due observance of which is essential to the validity and <sup>continuance</sup> ~~continuance~~ of this grant, and to which conditions, covenants and stipulations the City of Denton in taking and accepting under this gift agrees, to-wit:

1. That said property shall be forthwith set apart, designated, treated and maintained by the governing authorities of the said City of Denton as a public municipal park for the use of the people under proper regulations and control, where the people may assemble as a place of rest and for other usual and legitimate public municipal park purposes (except that this clause shall not allow any use or purpose elsewhere herein expressly prohibited);

2. That no part of said property shall ever be commercialized, sold or exchanged by said City;

3. That the meaning of the word "park" in the minds of both parties grantor and grantee hereto, at the time of giving and accepting this gift and conveyance, as applied to the said tract of land hereinbefore described, does not include, but the contrary excludes, the use of said property or any part thereof for the purposes

of a carnival, amusement park or the like, and no part of said property shall ever be used for any such purpose;

4. That said City of Denton shall provide adequately and sufficiently for the maintenance and care of said park tract, and keep same in a clean and attractive condition, and plant and maintain same with such trees, shrubs and/or flowers as are appropriate to a high-class public municipal park;

5. That the said City of Denton shall name and style said park (by which name it shall thenceforth perpetually be known and officially designated) as "Nette Shultz Park";

6. Violation of any of the conditions, covenants, stipulations, terms or provisions hereof shall, at the option of grantors at any time thereafter exercised, entitle grantors (and in connection with such entitlement it is hereby covenanted, stipulated and agreed that no lapse of time nor any delay whatever on the part of grantors to take action, and no act or omission whatsoever on the part of grantors following after any such violation, shall ever be considered or construed as constituting a waiver of any of such conditions, covenants, terms, stipulations and provisions hereof or as constituting a waiver of any provisions whatsoever of this instrument regarding enforcement of its conditions, covenants, stipulations, terms or provisions) to at the option of grantors either declare this instrument and any conveyance evidenced hereby to be null and void, in which case the above described land and its improvements shall thereupon immediately revert in fee simple to grantors, who may at any time thereafter, peaceably and without necessity of any legal action or recourse, re-enter and take possession of said land and its improvements; or else, alternatively and at the option of grantors as aforesaid, to in case of any such violation enforce the said conditions, covenants, stipulations, terms and provisions hereof by mandamus, injunction, or any other court action or suit whatsoever, as well as to enforce same by any other lawful means of whatever kind or character;

7. The conditions, covenants and stipulations hereof are not meant to be merely personal to the named parties grantor and grantee herein, but to the contrary each and every term and provision of this instrument whatsoever, together with all rights and liabilities at any time pertaining to or supporting same, shall inure to the benefit, not only of the named parties grantor herein, but also to the benefit of their respective heirs, devisees, executors and administrators; likewise all of such conditions, covenants, stipulations, terms and provisions hereof shall extend and apply not only to the named grantee City of Denton herein, but also to its successor or successors, including any municipal park board or commission or other agency to which the said City may hereafter entrust the maintenance and/or operation of said Nette Shultz Park;

... the original of this instrument, already duly signed and acknowledged by the grantors herein, shall be thereupon proffered to the governing body of the City of Denton, not in delivery hereof but for action of said body in accepting or rejecting same as is and without change or modification -- such acceptance hereof to be evidenced by said governing body's formal Ordinance or Resolution in due form to that effect, and this instrument shall be of no force or effect to create any rights in grantees hereunder of any kind unless the same, having attached thereto a duly and formally certified copy of such an acceptance Ordinance or Resolution, shall, within thirty (30) days from the date hereof, be filed for record in the office of the County Clerk, of Denton County, Texas, for record in the Deed Records of said County, and a duly certified copy (certified by said County Clerk) of such recorded deed and attached Ordinance or Resolution furnished to grantors herein;

TO HAVE AND TO HOLD the above described property and premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said City of Denton and its successors or successors, for the purposes and uses only that are hereinbefore provided and upon the conditions, covenants, stipulations, terms and provisions that are hereinbefore stated.

DONE this the 9th day of May, A. D. 1956.

Nette Shultz  
(Nette Shultz)

Susie V. Beyette  
(Susie V. Beyette)

Callie R. Ratliff  
(Callie R. Ratliff)

THE STATE OF TEXAS )  
COUNTY OF DENTON )

BEFORE ME, the undersigned authority, in and for the County and State aforesaid, on this day personally appeared Nette Shultz, Susie V. Beyette and Callie R. Ratliff, each a feme sole, known to me to be the persons whose names are subscribed to the foregoing instrument, and each acknowledged to me that they each executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 9th day of May, A. D. 1956.

Sumner Lee Shelton  
Notary Public, Denton County, Texas

FILED FOR RECORD: 14 day of May A.D. 1956 at 3:10 o'clock P.M.  
RECORDED: 8 day of June A.D. 1956 at 10:25 o'clock A.M.  
By: \_\_\_\_\_ Deputy. A. J. Barnett, Clerk County Court, Denton County, Texas.

NO. 56 A.D.

27716

AN ORDINANCE ACCEPTING A DEED OF TEN ACRES CONVEYED BY NETTE SHULTZ, SUSIE V. BEYETTE, AND CALLIE R. RATLIFF FOR PARK PURPOSES.

WHEREAS, Nette Shultz, Susie V. Beyette and Callie R. Ratliff, have by instrument dated May 8, 1956, conveyed to the City of Denton, Texas, the following described property lying and being situated in the City and County of Denton:

THAT CERTAIN TEN (10) ACRE TRACT OR PARCEL OF LAND situated in Denton County, State of Texas, out of the Hardin Carter Survey, Abstract No. 281, being part of that certain 40 acre tract described in a deed made by Nette Shultz, Susie V. Beyette and Callie R. Ratliff to Joe Skiles which is of record in Book 411 at page 138 of the Denton County Deed Records, in which deed 10 acres was reserved by grantors to be later given and conveyed by them to the City of Denton for Park purposes after said Skiles should have platted and subdivided his 30 acres, and said Skiles having now filed of record his subdivision plat (said plat having been first approved by grantors herein)

designating his 80 acres as Blocks Nos. 1, 2, 3, 4, 5 and 6 of Greenwood Heights Addition to the City of Denton, which plat and record thereof in the office of the County Clerk of Denton County are here referred to for all relevant purposes -- therefore the remaining and unplattd 10 acres is intended to be conveyed by this instrument -- such 10 acres covered hereby being described by metes and bounds (according to field notes thereof recently compiled by Robert May, Land Surveyor) as follows:

**BEGINNING** at a corner in the center line of the street known as Woodhaven Drive, said beginning corner being 383.4 feet north and 165 feet east of the southwest corner of said Hardin Carter Survey;

**THENCE** North with the said center line of Woodhaven Drive, 314.4 feet to a corner;

**THENCE** with a curve to the right whose radius is 446.9 feet, 29.6 feet to a corner;

**THENCE** in a Northeasterly direction with the center line of said Woodhaven Drive 51.5 feet to the center line of the street known as Brookfield Lane;

**THENCE** East with the said center line of Brookfield Lane, 223.4 feet to a corner;

**THENCE** with a curve to the left and with the said center line of Brookfield Lane, 117.75 feet to a corner;

**THENCE** North with the said center line of Brookfield Lane, 167 feet to a corner;

**THENCE** East, 510 feet to a corner in the center line of the street known as Rockwood Lane;

**THENCE** South with the said center line of Rockwood Lane, and with a curve to the left, 114.3 feet to a corner;

**THENCE** South with the said center line of Rockwood Lane, 140 feet to the intersection of such center line of Rockwood Lane with the center line of the street known as Royal Lane;

**THENCE** West with the said center line of Royal Lane, 285 feet to a corner;

**THENCE** with a curve to the left with the center line of said Royal Lane 70.6 feet to a corner;

**THENCE** South with the said center line of Royal Lane, 815 feet to the intersection of such center line of Royal Lane with the center line of above mentioned Woodhaven Drive;

**THENCE** West with the center line of said Woodhaven Drive, 188.5 feet to a corner;

**THENCE** with a curve to the right, 97.7 feet to a corner;

**THENCE** in a Northwesterly direction with the said center line of Woodhaven Drive, 178.8 feet to a corner;

**THENCE** with a curve to the right and with the said center line of said Woodhaven Drive, 138.1 feet to the place of beginning, and containing ten (10) acres of land;

WHEREAS, the City Commission of the City of Denton, Texas, deems it to the best interest of said City to accept said conveyance,

NOW, THEREFORE, be it ordained by the City Commission of the City of Denton, Texas, that said conveyance be and it is hereby accepted in accordance with all the terms and provisions set out in said conveyance of May 3, 1956.

PASSED AND APPROVED this 07 day of May A.D., 1956.

/s/ Charles J. Floyd  
Vice Chairman, City Commission  
City of Denton, Texas

ATTEST:

/s/ J. D. Dugan III  
City Secretary  
City of Denton, Texas

Approved as to Legal Form:

Approved:

/s/ [Signature]  
City Attorney  
City of Denton, Texas

/s/ [Signature]  
Mayor,  
City of Denton, Texas

To certify that this is a true and correct copy of an ordinance passed by the City of Denton, Texas, May 22, 1956.

[Signature]  
City Secretary

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THE STATE OF TEXAS |  
COUNTY OF Denton |

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared W. D. Buttrill known to me to be the person and officer 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, this 21 day of May, A. D., 19 56.

[Signature]  
Notary Public in and for  
County, Texas

FILED FOR RECORD: 26 day of May, A.D. 1956 at 3:10 o'clock P.M.  
RECORDED: 8 day of June, A.D. 1956 at 10:30 o'clock A.M.  
By: \_\_\_\_\_ Deputy. A. J. Barnett, Clerk County Court, Denton County, Texas.

THE STATE OF TEXAS,  
COUNTY OF DENTON.

2709

I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the files of the City of Denton, Texas.

That on January 21, 1955, Mrs. Minnie Chestnam purchased the sum of \$1250.00 of the residence of George Howard and wife, Willie Pearl Howard, at the above address on Lots Numbers 6, 7, 8 and 9 in Block No. 29 of the Town of Arma, Texas, and was representing the purchase price of said property; that in closing said sale on or about the 11th day of January, 1956, Farmers and Merchants State Bank, of Arma, Texas, advanced to the said Mrs. Minnie Chestnam the purchase price, a vendor's lien for which was reserved in the deed of conveyance from H. E. Kainer et al to the said George Howard and wife, Willie Pearl Howard, and additionally secured by deed of trust; that it was intended by the parties that the said Mrs. Minnie Chestnam, the mother of Willie Pearl Howard, should have a vendor's lien on said property to secure her in the repayment of said sum of money, and that it was the further intention of the purchasers of said property that at such time as the bank's loan had been paid, that they would borrow an additional sum of \$1250.00 to repay the said \$1250.00 so advanced by the said Mrs. Minnie Chestnam.

That said purchasers are paying off the \$1250.00 loan to said Bank and are obtaining a release of the same, and have applied to the said bank for the additional loan to pay off the advance made by the said Mrs. Minnie Chestnam on the purchase price for said property; and affiant Mrs. Minnie Chestnam hereby assigns and sets over any and all interest and all liens held by her on said property to said bank.

This affidavit is made as evidencing the intention of the parties in connection with the purchase of said property and in the advance made by the said Mrs. Minnie Chestnam; and to further evidence the fact that it has at all times been the intention of the parties that the said Mrs. Minnie Chestnam should have and hold a vendor's lien on said property, and that she should be repaid therefor in the manner herein stated.


FILED FOR RECORD: 23 day of May A.D. 1956 at 1:00 o'clock P.M.  
RECORDED: 2 day of June A.D. 1956 at 9:00 o'clock A.M.  
By \_\_\_\_\_ Deputy. A. J. Barnett, Clerk County Court,  
Denton County, Texas.

## NETTE SHULTZ PARK 2770

THE STATE OF TEXAS I  
COUNTY OF DENTON I KNOW ALL MEN BY THESE PRESENTS:

That I, Joe Skiles, owner of the land herein described, out of the H. Carter Survey, Abstract No. 281, in Denton County, Texas, have caused the same to be surveyed by R. T. May, Jr., a surveyor of Denton County, Texas, and the said R. T. May, Jr. has prepared a set of field notes describing said land, the same being herewith attached under his certificate, and that from said field notes the said R. T. May, Jr. platted said land into Blocks 1 thru 6 of WINDSOR PARK ADDITION to the City of Denton, Texas, said plat, bearing the signature of the said R. T. May, Jr., being filed this date in the office of the County Clerk of Denton County, Texas, now, therefore, I, the said Joe Skiles, do hereby adopt said plat and declare the same to be Blocks 1 thru 6 of WINDSOR PARK ADDITION to the City of Denton, Texas, with streets and easements as shown thereon, and with NETTE SHULTZ PARK as shown thereon, hereby dedicating said streets to the City of Denton, Texas as public streets and said NETTE SHULTZ PARK as a public park for the City of Denton, Texas, and I hereby declare that I will hereafter convey said land so described by reference to said plat and by said lots and blocks thereon shown.

WITNESS MY HAND THIS the 15th day of May, 1956.

  
Joe Skiles

### CERTIFICATE & FIELD NOTES

WINDSOR PARK ADDITION  
Blocks 1 thru 6  
H. Carter Survey, Abst. No. 281  
Denton, Denton County, Texas

All that certain lot, tract or parcel of land lying and being situated in the City and County of Denton, State of Texas, and being out of the H. Carter Survey, Abstract No. 281, and being more particularly described as follows:

BEGINNING at the Southwest corner of said H. Carter Survey;

THENCE in a Northerly direction with the West boundary line of said H. Carter Survey and with the West boundary line of a tract described in deed from Nette Shultz to Joe Skiles, as shown of record in Volume \_\_\_\_\_, Page \_\_\_\_\_, Deed Records, Denton County, Texas; 1640.0 feet to a corner;

THENCE South 74 Degrees and 35 Minutes East with the Northerly boundary line of said Joe Skiles tract, 1168.0 feet to an iron stake for corner;

THENCE South 33 Degrees and 00 Minutes East, 200.0 feet to a corner, said corner being the Northeast corner of Lot 10, Block 6 of said subdivision;

THENCE South 23 Degrees and 47 Minutes West along the East boundary line of said Lot 10, 98.9 feet to the Southeast corner of said lot;

THENCE with a curve to the left, 166.0 feet to a corner;

THENCE South, 325.0 feet to a corner in the South boundary line of Woodhaven Drive;

THENCE West, 140.0 feet to the intersection of the South boundary line of Woodhaven Drive with the East boundary line of Reckwood Lane;

THENCE South with the East boundary line of said Rockwood Lane, 150.0 feet to a corner, said corner being in the South boundary line of said Joe Skiles tract and the South boundary line of said H. Carter Survey;

THENCE West with the South boundary line of said tract and the South boundary line of said Survey, 1031.0 feet to the place of beginning.

I, H. T. May, Jr., a surveyor residing in Denton County, Texas, do hereby certify that the above and foregoing field notes were prepared by me from a survey on the ground, that the same comprise the field notes of blocks 1 thru 6 of the WINDSOR PARK ADDITION to the City of Denton, Texas, that I have platted the above tract of land into said Blocks 1 thru 6 of said WINDSOR PARK ADDITION and said plat bearing my signature has been filed this date in the office of the County Clerk of Denton County, Texas.

H. T. May, Jr.  
H. T. May, Jr.

SUBSCRIBED AND SWORN TO BEFORE me this the 15th day of May, 1956.

W. H. Mason, Jr.  
Notary Public, Denton County, Texas

THE STATE OF TEXAS |  
COUNTY OF DENTON |

BEFORE ME, the undersigned authority, a Notary Public in and for Denton County, Texas, on this day personally appeared Joe Skiles and H. T. May, Jr., known to me to be the persons whose names are subscribed to the foregoing instrument, who acknowledged to me that they signed the said instrument for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 16th day of May, 1956.

W. H. Mason, Jr.  
Notary Public, Denton County, Texas

FILED FOR RECORD: 23 day of May A.D. 1956 at 2:00 o'clock P.M.  
RECORDED: 8 day of June A.D. 1956 at 7:50 o'clock A.M.  
By \_\_\_\_\_ Deputy. A. J. Barnett, Clerk County Court,  
Denton County, Texas.

THE STATE OF TEXAS |  
COUNTY OF DENTON |

KNOW ALL MEN BY THESE PRESENTS:

That I, Joe Skiles, owner of the land herein described, for and in consideration of the benefits that will accrue to me, and for the convenience of myself in conveying and selling said land, have caused said land to be surveyed by H. T. May, Jr., a land surveyor of Denton County, Texas, and said field notes thereof, together with the certificate of the said H. T. May, Jr., are herewith attached, and from said field notes the said H. T. May, Jr. has