

RESOLUTION NO. 2011-05-02

A RESOLUTION OF THE CITY OF WESTON, TEXAS, AUTHORIZING THE MAYOR TO ACCEPT THE DEDICATION OF AN APPROXIMATELY 156.92 ACRE TRACT OF LAND OUT OF THE A. J. CULWELL SURVEY, ABSTRACT NO. 209 AND THE GRIZZEL KENNEDY SURVEY, ABSTRACT NO. 498, COLLIN COUNTY, TEXAS FOR PUBLIC PARKLAND PURPOSES; PROVIDING THAT THE DEDICATION IS CONSISTANT WITH THE DEVELOPMENT PLAN SET FORTH IN THAT CERTAIN DEVELOPMENT AGREEMENT DATED DECEMBER 13, 2005 BY AND BETWEEN THE CITY OF WESTON AND HONEY CREEK PARTNERS, L.P., A TEXAS LIMITED PARTNERSHIP AND WESTON LAND LTD., A TEXAS LIMITED PARTNERSHIP, AS AMENDED; PROVIDING FOR CERTAIN CONDITIONS TO THE DEDICATION AND SETTING FORTH THE MUTUAL UNDERSTANDING AND AGREEMENT OF THE PARTIES WITH RESPECT TO THE DEDICATION; AUTHORIZING THE MAYOR TO FILE OR DEFEND LITIGATION REGARDING THE CONVEYANCE, OWNERSHIP AND USE OF THE PARKLAND PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, on December 13, 2005 the City of Weston and Honey Creek Partners, L.P., a Texas Limited Partnership (the "Developer") and Weston Land Ltd., a Texas Limited Partnership entered into a development agreement pursuant to Chapter 212, Subchapter G of the Texas Local Government Code, which has subsequently been amended ("Development Agreement"); and

WHEREAS, the Development Agreement proposes a development plan for a master planned community, including the dedication and development of public parkland; and

WHEREAS, in furtherance of the development plan, the Developer now dedicates an approximately 156.92 acre tract of land out of the A. J. Culwell Survey, Abstract No. 209 and the Grizzel Kennedy Survey, Abstract No. 498, Collin County, Texas and described further in Exhibit "A" hereto, for public parkland purposes ("Park Tract"); and

WHEREAS, the Developer agrees to mow (or cause to be mowed) and maintain the Park Tract in exchange for any hay (or other traditional agricultural production) that can be produced on the Park Tract by virtue of such mowing operations, until the Park Tract is developed as a park or included in the City's annual budget for maintenance of parkland; and

WHEREAS, the City agrees to accept the dedication of the Park Tract subject to a reverter clause, provided, however, that in the event the Park Tract reverts back to the Developer in accordance with the terms set forth in the dedication instrument, the Developer covenants and agrees to convey to the City that certain tract of land described by metes and bounds in Exhibit "B" ("Alternate Tract") attached hereto within thirty (30) days after title reverts; and

WHEREAS, the City and Developer agree that the Alternate Tract shall be used for matching value for grant applications and the Developer shall mow or continue to maintain the Alternate Tract until the Alternate Tract is developed as a park or included in the City's annual budget for maintenance of parkland; and

WHEREAS, upon dedication of each tract the Developer retains a license for ingress and egress upon the applicable tract, which license shall expire on May 15, 2013; and

WHEREAS, in order to facilitate the conveyance and acceptance of the Park Tract the Mayor is hereby authorized to file or have filed the dedication instrument of record in the real property records of the County and to file or defend litigation regarding the conveyance, ownership and use of the Park Tract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS THAT:

SECTION 1.

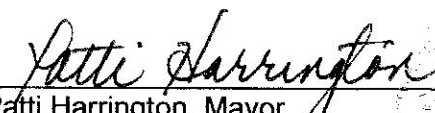
The recitals contained above are hereby adopted by the City Council as if copied verbatim herein and the Mayor is hereby directed to take all action necessary to carry out the purposes of this Resolution, contingent upon written agreement by the Developer with the terms and conditions of this Resolution, below.

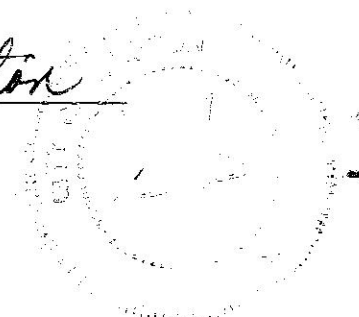
SECTION 2.

That this Resolution shall be effective on and from its date of passage indicated below and it is so resolved.

RESOLVED AND ENTERED this the 26TH day of MAY, 2011

APPROVED BY:


Patti Harrington, Mayor



ATTEST;


Michele Smith Secretary

For good and valuable consideration received, the sufficiency of which is hereby confessed, Honey Creek Partners, L.P. hereby acknowledges receipt of this Resolution as of the date set forth below and agrees to comply with the obligations attributed herein to the "Developer" in accordance to the terms and conditions set forth herein.

RECEIVED, ACKNOWLEDGED and AGREED TO by Honey Creek Partners, L.P. on this the 14 day of July, 2011.

HONEY CREEK PARTNERS, LP,
a Texas limited partnership

By: Honey Creek Partners GP, Inc.

Becky Porter

Title: President

Becky Porter

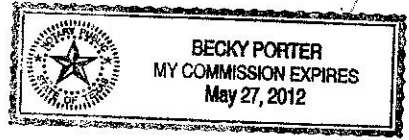


EXHIBIT "A"
156.92 ACRE TRACT
PARK DEDICATION DESCRIPTION

Being a tract of land situated in Collin County, Texas, in the A. J. Culwell Survey, Abstract No. 209 and the Grizzel Kennedy Survey, Abstract No. 498 and being a part of a 823.48 acre tract of land described in a Deed from Janice Burks Brittingham to Honey Creek Ranch Corporation, recorded in Volume 4768, Page 3562;

BEGINNING at a point on the South property line of said 823.48 acre tract, said point also being the Northwest corner of a tract deeded to L. M. King in Volume 1011, Page 643 of the Deeds Records of Collin County, Texas, and said point also being on North ROW line of County Road 170;

THENCE, N 14°15'46" W, leaving said property line and ROW line, a distance of 778.96 feet to a point for corner;

THENCE, N 42°02'29" W, a distance of 1072.04 feet to a point for corner;

THENCE, N 17°03'47" W, a distance of 1138.78 feet to a point for corner, said point being on a west line of said 823.48 acre tract;

THENCE, N 43°37'35" E, leaving said property line, a distance of 2530.32 feet to a point for corner, said point being back on a property line of said 823.48 acre tract;

THENCE, along said property line of 823.48 acre tract as follows:

 S 87°51'59" E, a distance of 301.83 feet to a point for corner;

 S 84°51'36" E, a distance of 229.52 feet to a point for corner;

 S 86°20'05" E, a distance of 640.82 feet to a point for corner, said point also being in the center of a creek;

 THENCE, along said creek, N 10°28'54" E, a distance of 43.70 feet to a point for corner;

 THENCE, N 13°41'14" W, a distance of 48.22 feet to a point for corner, said point also being the Southwest corner of a 91.816 acre tract of land deeded to Honey Creek Ranch Corp.;

THENCE, N 89°57'06" E, leaving said creek and along the South property line of said 91.816 acre tract and North property line of said 823.48 acre tract of land a distance of 299.87 feet to a point for corner;

THENCE, S 23°03'54" W, a distance of 4881.89 feet to a point for corner, said point being back on the north ROW line of County Road 170 and a South property line of said 823.48 acre tract;

THENCE, N 86°55'02" W, along said property line of 823.48 acre tract and North ROW line of County Road 170, a distance of 55.50 feet to the POINT OF BEGINNING AND CONTAINING 156.92 acres of land.



FM 455

FM 543

CR 171

206.91 ACRE TRACT
HONEY CREEK RANCH CORP.

FM 543

CR 171

823.48 ACRE TRACT
HONEY CREEK RANCH CORP.

91.816 ACRE TRACT
HONEY CREEK RANCH CORP.

CR 171

S87°51'59"E 301.83'
 S84°51'36"E 229.52'
 N13°41'14"W 48.22'
 N89°57'06"E 299.87'
 S86°20'05"E 640.82'
 N10°28'54"E 43.70'

156.92 ACRES

N12°02'21"W
248.78'

S82°23'41"W
488.83'

823.48 ACRE TRACT
HONEY CREEK RANCH CORP.

FM 543

POINT OF
BEGINNING

N86°55'02"W
55.50'

L. M. KING TRACT
VOL. 1011, PG. 643

CR 170

CR 170

EXHIBIT "A"
156.92 ACRE TRACT
CITY PARK DEDICATION
PARKS OF HONEYCREEK

EXHIBIT "B"
2.3 ACRE TRACT
CITY PARK LEGAL DESCRIPTION

BEING a part of a 206.91 acre tract of land conveyed to Honey Creek Ranch Corporation by Deed recorded in Volume 4768, Page 3562 of Deed Records of Collin County, Texas, in the William Culwell Survey, Abstract No. 184, situated in the Town of Weston, Collin County, Texas and being more particularly described as follows:

BEGINNING on the North property line of said 206.91 acre tract of land, said point also being on the Southeast corner of a 0.6550 acre tract of land conveyed from Everett Alan Miller to Honey Creek Ranch Corporation;

THENCE, S89°38'27"E, along North property line of said 206.91 acre tract, a distance of 275.11 feet to a point for corner, said point also being the beginning of a non-tangent curve to the left having a delta of 01°02'21", a radius of 1050.0 feet and a chord of S01°38'16"E, 19.04 feet; said point also being on the West R.O.W. line of a future 100 foot R.O.W.;

THENCE, along said curve to the left, and along West R.O.W. line of a future 100' R.O.W., a distance of 19.04 feet to a point for corner;

THENCE, S02°09'26"E, along West R.O.W. line of a future 100' R.O.W., a distance of 305.91 feet to a point for corner, said point also being on the North R.O.W. line of a future 60 foot R.O.W.;

THENCE, S87°50'34"W, along future North R.O.W. line, a distance of 138.81 feet to a point for corner, said point also being the beginning of a curve to the right having a delta of 112°36'48", a radius of 198.0 feet and a chord of N35°51'02"W, 329.48 feet;

THENCE, along said curve to the right, a distance of 389.16 feet to a point for corner, said point also being the beginning of a curve to the left having a delta of 13°40'32", a radius of 280.0 feet and a chord of N13°37'06"E, 66.68 feet;

THENCE, along said curve to the left, a distance of 66.83 feet to a point for corner, said point also being on the South line of said 0.6550 acre tract;

THENCE, S89°38'27"E, a distance of 28.81 feet to the POINT OF BEGINNING AND CONTAINING 2.3 acres of land.



FM 543

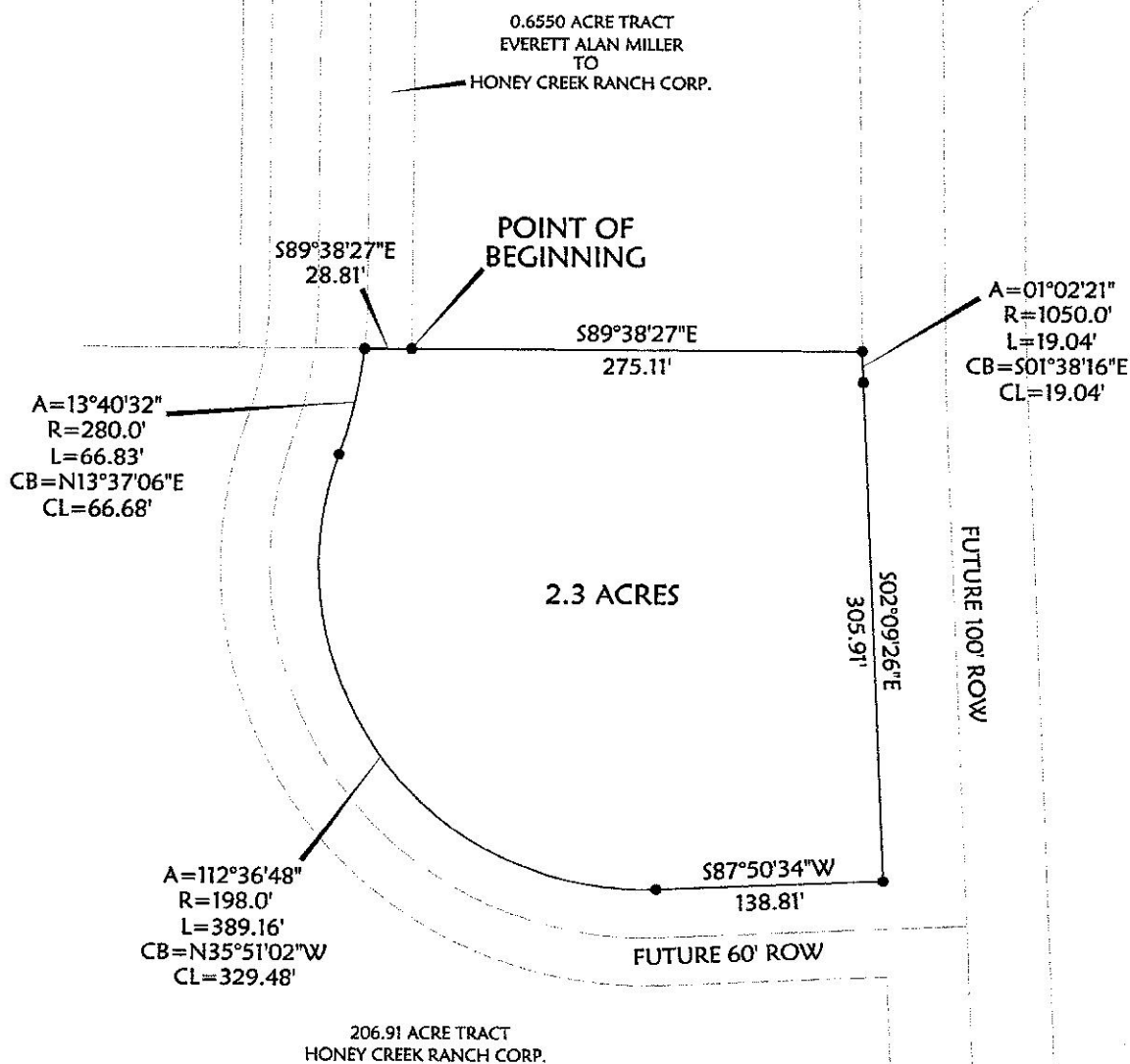


EXHIBIT "B"
2.3 ACRE TRACT
CITY PARK

DEDICATION DEED

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

That HONEY CREEK PARTNERS, L.P. ("Grantor") for Ten Dollars (\$10.00) cash and other valuable consideration to it in hand paid by the CITY OF WESTON ("Grantee") whose address is 301 Main Street, Weston, Texas 75097, the receipt and sufficiency of which is acknowledged, has DEDICATED, GRANTED and CONVEYED and by these presents does hereby DEDICATE, GRANT and CONVEY as community parkland unto the said Grantee that certain parcel of land more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Property").

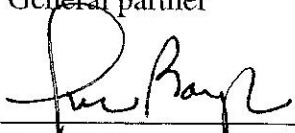
This conveyance is subject to easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens or conveyances, that affect the property; and rights of parties in possession.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said GRANTEE, so long as the Grantee approves funding in the total amount of \$200,000.00 for ball field improvements to be placed on the Property. If Grantee fails to approve said funding on or before May 15, 2013, the Property shall automatically revert to Grantor free and clear of all liens and encumbrances, and Grantor does hereby bind itself, its successors and assigns 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, except as to the reservations and exceptions referenced herein.

IN WITNESS WHEREOF this Dedication Deed is executed this 25th day of May, 2011.


HONEY CREEK PARTNERS, LP,
a Texas limited partnership

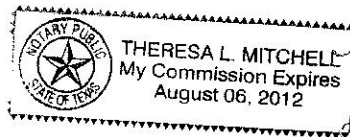
By: Honey Creek Partners, G.P., Inc.,
General partner

By: 
Jon W. Bayless, President

ACCEPTED BY:

THE CITY OF WESTON


Mayor



Theresa L. Mitchell, May 31, 2011
State of Texas County of Collin

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 25th day of May, 2011, by Jon W. Bayless, President of Honey Creek Partners, G.P., Inc. general partner of Honey Creek Partners, LP, a Texas limited partnership.



Beverly Murphy
Notary Public in and for the State of Texas

My Commission Expires:
6-13-11

BEVERLY MURPHY
Printed Name of Notary

AFTER RECORDING, RETURN TO:

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156.92 ACRE TRACT
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BEGINNING at a point on the South property line of said 823.48 acre tract, said point also being the Northwest corner of a tract deeded to L. M. King in Volume 1011, Page 643 of the Deeds Records of Collin County, Texas, and said point also being on North ROW line of County Road 170;

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5-23-2011

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156.92 ACRES

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156.92 ACRE TRACT
CITY PARK DEDICATION
PARKS OF HONEYCREEK

Filed and Recorded
Official Public Records
Stacy Kemp, County Clerk
Collin County, TEXAS
06/02/2011 08:32:02 AM
\$40.00 CLUNA
20110602000563460



Stacy Kemp