

BLUCHER PARK

THIS DEED, made this _____ day of _____, 1940,
between Mary E. v. Blucher (list the other names), parties of
the first part, and the City of Corpus Christi, Texas, parties
of the second part,

WITNESSETH, that whereas the parties of the first part
are owners of a parcel of land, which,

IN MEMORY OF CHARLES FREDERICK HARVEY von BLUCHER,
their husband and father, they desire shall be used for park
purposes for the enjoyment of the people of Corpus Christi,
under appropriate restrictions and subject to reversion only
as hereinafter set forth:

NOW THEREFORE the said parties of the first part, in
consideration of \$1.00 and the performance of the conditions
and purposes hereinafter set forth, do grant unto the City
of Corpus Christi, Texas, with covenant of special warranty,
and upon the conditions herein named, the said parcel of land,
that is to say:

(Describe the land.)

The said grant is upon the following trusts, conditions
and stipulations:

1. The property shall be used to provide a wooded park
of natural beauty for the conservation and collection of native

shrubs, trees and plants; to provide a song-bird sanctuary, where birds may find refuge and gladden the world with their songs; and to provide a place where city dwellers may commune with nature in an atmosphere of quiet and relaxation.

2. The name shall be and always remain BLUCHER PARK.

3. In general, landscaping of the area shall follow the natural contours of the land, avoiding artificiality or formality of design. The trees now standing, on account of their age and beauty, shall not be removed without consent of the donors. As far as practicable, the berrybearing bushes and other wild plants now growing ⁱⁿ the area shall be preserved, and in further plantings especial attention shall be given to the cultivation of native plants and wild flowers. Provision shall be made for a place where birds may drink and bathe. At least one entrance to the park from Carrizo St. shall be provided. Benches and resting places may be provided.

4. The broken storm sewer through the area shall be repaired and improved, or such steps taken as may be necessary to eliminate the unpleasant condition now existing where the waters from this sewer overspread a portion of the tract.

5. The park shall be suitably lighted, to increase the period of service and to discourage disorderly conduct.

as may be necessary to place the street in good condition and to protect the adjoining property of donors from erosion. The City shall place a hard surface on said portion of N. Carrizo Street, and shall place a street light on said street, on the east side, between Kinney Ave. and Blucher Street.

9. The City of Corpus Christi shall bear any and all expense attached to title matters.

10. Beautification of the land for the purposes hereinbefore set forth shall be well underway, and compliance with other conditions be commenced, at the expiration of twelve months from date of execution of deed; and if this provision is not carried out, title to the property shall revert to the donors. In the event said premises shall not be named and maintained as herein provided, then the title thereto shall revert to donors or their heirs at law, with no taxes delinquent for the intervening period of time, provided that said parties of the first part, their heirs or assigns, they or one or more of them, shall have reported to the proper authority of the City of Corpus Christi that such use has ceased or such default has occurred and same has not been remedied within a period of 90 days from the date of such notice.

11. The following privileges shall accrue to donors:

Donors may erect in the area such suitable memorial as they may desire.

The general outline of beautification plans is to be worked

6. The premises shall always be kept in attractive condition and not permitted to become a nuisance in any manner.

7. There shall be allowed no auditorium, lecture platform, or building of any sort, except small structures that may be found necessary or advisable for the upkeep of the premises, and no structure whatsoever unless it is under the administration of the same branch of the city government as the park; no concessions, such as cold drink stands; no playground equipment, shuffleboard courts, horse shoe pitching facilities, or the like, and no promoted games or contests except such as may be related to the purpose of the park, such as bird house building contests; no picnic facilities; no zoo or snake garden; no campers; and the area shall not be used as an amphitheatre for large public gatherings. It shall not be placed under the management or sponsorship of any club, society, or organization, but the cooperation of any organization especially interested in parks and gardens may be accepted.

8. In view of the fact that the portion of N. Carrizo St. alongside the park was donated and dedicated by C. F. H. von Blucher, and that the agreement of dedication provided for completion of that portion of N. Carrizo "to the proper city grade, with the necessary bridges, culverts, and drains to place this extension in first class condition as a public thoroughfare," and further, that said portion of N. Carrizo St. is not now in good condition as a thoroughfare, the City shall place such grades, drains and culverts

out in consultation with a designated member of donors' family, for at least the first two years.

Any land owned by any of the donors individually or by donors under any form of trust or estate, which adjoins the park or which adjoins that portion of N. Carrizo St. adjoining the park, as well as a tract of land at 117 North Carrizo St. belonging to the estate of Miss Julia A. v. Blucher, shall be exempt from any and all future special park assessments, and in the event N. Carrizo St. is ever permanently paved, the pro rata share of donor's assessment shall be paid by the City of Corpus Christi. This benefit shall apply only so long as ownership of such lands remains in family of donors or in an estate in which donors are heirs, and shall cease if such lands are transferred to any other owner unless the new owner be a member or members of the family of donors.

12. Restrictions governing development and operation of the park shall be in force for fifty years from date of execution of deed, unless earlier modified by consent of the donors. If at any time after the expiration of the fifty years it is found, after a public hearing preceded by adequate printed notice of hearing, to be no longer practicable to maintain the area for the purpose, *for which it was given; it may be used by the city for some other purpose,* provided that other land not inferior in value, attractiveness or fitness for the original purpose may be substituted, and the name, BLUCHER PARK, shall be transferred to that plot.

IN WITNESS HEREOF, the said Mary E. v. Blucher (add here
the names of the others), parties of the first part, and the
City of Coppus Christi, party of the second part, have hereunto
set their hands.
