

RESOLUTION R-01-2009

A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS ACCEPTING A GIFT OF REAL PROPERTY FROM PEDERNALES ELECTRIC COOPERATIVE, INC.

WHEREAS, Pedernales Electric Cooperative, Inc. ("PEC") is the owner of a certain surplus 0.158 acre tract of real property, more or less located in Hays County, and more particularly described in Exhibit "A", attached hereto and by this reference incorporated herein (the "Property"); and,

WHEREAS, the board of directors of PEC has determined that the Property no longer serves a business use to the cooperative, and is authorized by law to donate the Property to the City subject to the condition that the Property only be used for a public purpose; and,

WHEREAS, the City Council of Wimberley Texas has expressed a desire to use the Property for public purposes, to include but not limited to, leaving the Property vacant as scenic open space; and appreciates the cooperative and generous efforts of the PEC in donating the Property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, COUNTY OF HAYS, STATE OF TEXAS:

I. FINDINGS OF FACT

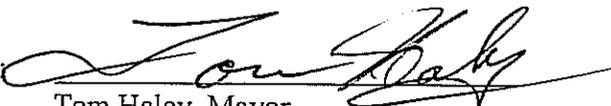
All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. RESOLUTION

THAT the Mayor be authorized to sign and accept on behalf of the City of Wimberley, Texas, a deed from Pedernales Electric Cooperative Inc., attached as Exhibit "A" and incorporated by reference for all purposes, conveying a tract of real property described as 0.158 acre tract, more or less located in Hays County, to the City of Wimberley, without cost and subject to the terms and conditions cited in the deed.

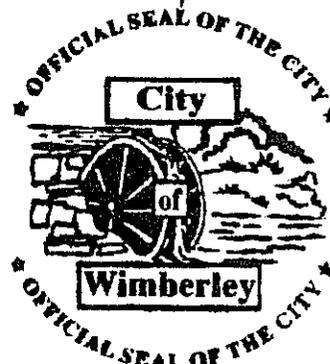
PASSED AND APPROVED this 15th January, 2009, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: 
Tom Haley, Mayor

ATTEST:


Cara McPartland, City Secretary



Hays County
Linda C. Fritsche
County Clerk
San Marcos, Texas 78666



70 2009 90001557

Instrument Number: 2009-90001557

As

Recorded On: January 16, 2009

OPR RECORDINGS

Parties: PEDERNALES ELECTRIC COOPERATIVE INC

Billable Pages: 5

To WIMBERLEY CITY OF

Number of Pages: 6

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

OPR RECORDINGS	32.00
Total Recording:	32.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Record and Return To:

Document Number: 2009-90001557
Receipt Number: 210323
Recorded Date/Time: January 16, 2009 02:01:24P
Book-Vol/Pg: BK-OPR VL-3575 PG-774
User / Station: R Robinson - Cashiering #4

CITY OF WIMBERLEY
ORIGINAL TO CUSTOMER
SAN MARCOS TX 78666

State of Texas |
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas



Linda C. Fritsche, County Clerk



DEED

STATE OF TEXAS §
COUNTY OF HAYS §

WHEREAS, Pedernales Electric Cooperative, Inc. is the owner of a certain 0.158 acre tract of land, more or less located in Hays County and more particularly described in Exhibit "A", attached hereto and by this reference incorporated herein (the "Property"); and,

WHEREAS, the City of Wimberley Texas has expressed a desire to make public use of the Property; and,

WHEREAS, the board of directors of Pedernales Electric Cooperative, Inc. has determined that the Property no longer serves a business use to the cooperative; and,

WHEREAS, the board of directors of Pedernales Electric Cooperative, Inc. has agreed by corporate resolution to transfer the Property to the City of Wimberley, Texas provided that the Property be used only for a public purpose;

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That, Pedernales Electric Cooperative, Inc., a Texas electric cooperative headquartered in Johnson City, Blanco County, Texas, State of Texas, hereinafter referred to as Grantor, for and in consideration of the sum of Ten Dollars and other valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor, has GRANTED, SOLD, and CONVEYED, and by these presents does GRANT, SELL, and CONVEY to the City of Wimberley, Hays County, Texas, hereinafter referred to as Grantee, the Property, together with all and singular the rights and appurtenances pertaining to the Property, including any right, title and interest of Grantor in and to adjacent streets, alleys or rights-of-way.

Provided, however, Grantor RESERVES FROM AND EXCEPTS TO CONVEYANCE AND WARRANTY the following:

Any and all easements, rights-of-ways, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, and other instruments that affect the Property; rights of any party or parties who are or have been in physical possession of any part of the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, vacancies, conflicts, or shortages in area or boundary lines; any obligations or restrictions imposed on the Property by any governmental authority; and any encroachments or overlapping of improvements.

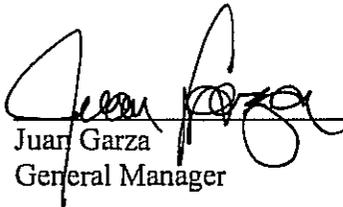
It is expressly understood and agreed to by the parties that the Property shall be used solely for public purposes, and no buildings, improvements or other structures may be constructed thereon, other than facilities used by the Grantee, its successors or assigns, for public purposes (the "Condition").

TO HAVE AND TO HOLD THE PROPERTY, together with all and singular the rights and appurtenances belonging in any way to the Grantee and its successors and assigns, provided, however, if the Condition is violated, Grantor, its successors and assigns shall have the right to reenter and retake the Property and the improvements thereon. No act or omission on the part of Grantor, its successors or assigns, shall be a waiver of the operation or enforcement of the Condition. Subject to the reservations and exceptions from conveyance and warranty set forth hereinabove, Grantor binds itself and its successors, and assigns to warrant and forever defend all and singular the Property to Grantee and its successors, and assigns against every person lawfully claiming or to claim all or any part of the Property by, through, or under the Grantor but not otherwise.

Executed this 15th day of JANUARY, 2009.

GRANTOR:

PEDERNALES ELECTRIC COOPERATIVE, INC.



Juan Garza
General Manager

STATE OF TEXAS §
COUNTY OF HAYS §

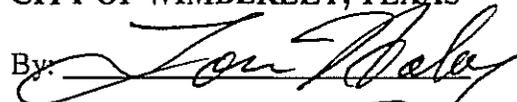
This instrument was acknowledged before me by Juan Garza, General Manager of Pedernales Electric Cooperative, Inc., a Texas electric cooperative, on this 15th day of January 2009.



Notary Public, State of Texas

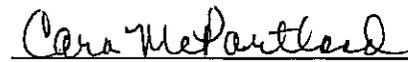
AGREED TO AND ACCEPTED BY GRANTEE:

CITY OF WIMBERLEY, TEXAS

By: 

Printed Name: Tom Haley
Title: Mayor

ATTEST:



Cara McPartland, City Secretary

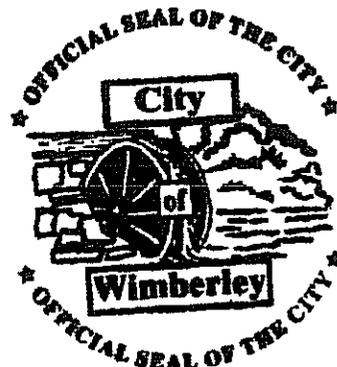
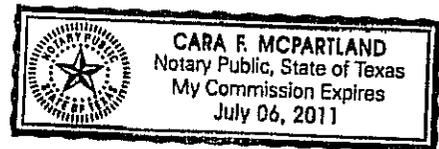


EXHIBIT A

Being a 0.158 acre tract of land located in the Town of Wimberley, Texas, and being out of the Amasa Turner Survey in Hays County, Texas, and being a portion of Lot 7 of the Carl F. & Adelia Scudder Addition No.1 of record in Volume 135, Page 547 of the Deed Records of Hays County, Texas, and being the same tract of land, called 0.158 acres, conveyed to Pedernales Electric Cooperative, Inc. by Deed recorded in Volume 1140, Page 540 of the Deed Records of Hays County, Texas, said 0.158 acre tract being more particularly described as follows:

BEGINNING: At an iron pin found in the Easterly line of R.M. Highway No. 2325, for the Northwest corner of the above referenced tract, for the Northwest corner of this tract;

THENCE: Along the Northerly line of the above referenced tract, the Northerly line of Lot 7, N 65° 55' E 98.90 feet to an iron pipe found in the curving Westerly line of R.M. Highway No. 12, for the Northeast corner of the above referenced tract, for the Northeast corner of this tract;

THENCE: In a Southeasterly direction along the Westerly line of said R.M. Highway No. 12 and a curve to the left, having a central angle of 09° 56' 25", a radius of 756.80 feet, a tangent of 65.81 feet, an arc length of 131.30 feet, and a chord bearing and distance of S 14° 25' 21" E 131.13 feet to an iron pin found in same, for the Southeast corner of the above referenced tract, for the Southeast corner of this tract;

THENCE: S 61° 41' W 7.20 feet to an iron pin found in the Easterly line of R.M. Highway No. 2325, for the Southwest corner of the above referenced tract, for the Southwest corner of this tract;

THENCE: Along the Easterly line of said R.M. Highway No. 2325, N 54° 28' W 93.58 feet, an iron pipe found and N 48° 36' W 53.94 feet to the Point of Beginning and containing 0.158 acres of land, more or less.

STATE OF TEXAS
COUNTY OF HAYS

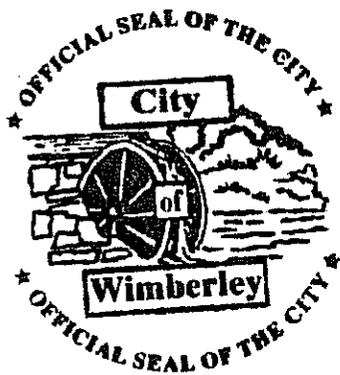
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CERTIFICATE TO COPY OF PUBLIC RECORD

I hereby certify, in the performance of the functions of my office, that the attached instrument is a full, true and correct copy of Resolution No. R-01-2009, accepting a gift of real property from Pedernales Electric Cooperative, Inc., as the same appears of record in my office and that said document is an official record from the public office of the City Secretary of the City of Wimberley, Texas, Hays County, State of Texas, and is kept in said office.

I further certify that I am the City Secretary of the City of Wimberley, Texas, that I have legal custody of said record, and that I am a lawful possessor and keeper and have legal custody of the records in said office.

In witness whereof I have hereunto set my hand and affixed the official seal of said office this 15th day of January, 2009.



Cara McPartland

Cara McPartland
City Secretary and Records Management Officer

Wimberley, Hays County
State of Texas

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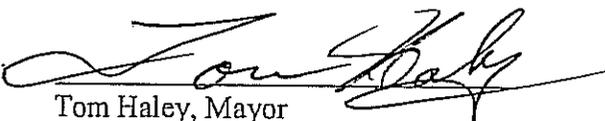
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CITY OF WIMBERLEY

By: 
Tom Haley, Mayor

ATTEST:


Cara McPartland, City Secretary

Grantee's Mailing Address:
P.O. Box 2027
Wimberley, TX 78676

