



RESOLUTION NO. R-028-2001

RESOLUTION OF THE VILLAGE OF WIMBERLEY AUTHORIZING THE EXECUTION OF A CONSERVATION EASEMENT INCLUDING AN AGREEMENT BETWEEN THE VILLAGE AND THE WIMBERLEY VALLEY WATERSHED ASSOCIATION FOR THE USE OF THE CYPRESS CREEK NATURE TRAIL AREA IN A MANNER THAT PROMOTES A PUBLIC PURPOSE OF THE VILLAGE, THAT BEING THE CONSERVATION AND PRESERVATION OF THE NATIVE AND NATURAL ENVIRONMENT; PROVIDING FOR AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the Village of Wimberley desires to protect the natural resources, ecological areas, and water supply sources within the Village; and

WHEREAS, the City Council is particularly concerned about that certain real estate consisting of approximately 7.19 acres of land located along the bank of Cypress Creek near Wimberley square, more particularly described in Exhibit A attached hereto; and

WHEREAS, Chapter 51 of the Texas Local Government Code grants municipalities the express statutory authority to take action that is for the good government, peace, or order of the municipality, or for the trade and commerce of the municipality; and

WHEREAS, the City Council desires to exercise the authority granted to it to protect the Village's natural resources when necessary for the preservation of those resources; and

WHEREAS, state law, including Texas Local Government Code Section 253.011, authorizes the Village to transfer certain real property or interests in real property to be to certain nonprofit organizations when the conveyance requires the nonprofit organization to use the property in a manner that primarily promotes a public purpose of the Village; and

WHEREAS, the City Council expressly finds that the certain real estate consisting of approximately 7.19 acres of land located along the bank of Cypress Creek near Wimberley square has special conservation value due to its natural, scenic, ecological, and fragile character; and

WHEREAS, the City Council expressly finds that the preservation of this real estate and the establishment of a conservation area at the site through the enactment of a conservation easement would serve a legitimate public purpose and be in the public interest; and

WHEREAS, the City Council expressly finds that the Wimberley Valley Watershed Association, as a duly incorporated nonprofit organization, is an appropriate entity to hold and monitor said conservation easement.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF WIMBERLEY, TEXAS:

1. **Conservation Easement:** The City Council hereby authorizes the Mayor to execute on the Village's behalf a Conservation Easement granting certain property interests to the Wimberley Valley Watershed Association.
2. **Public Purpose:** The conservation easement authorized by this Resolution must contain a provision requiring the Wimberley Valley Watershed Association to use the property interest it is receiving, that being a conservation easement, in a manner that primarily promotes a public purpose of the Village. If at any time the Wimberley Valley Watershed Association fails to use the property in that manner, ownership of the property interest shall automatically revert to the Village.
3. **Effective Date:** This Resolution shall take effect immediately from and after its passage and publication as may be required by governing law.
4. **Proper Notice and Meeting:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED this 20th day of December, 2001, by a vote of ___ ayes, ___ nays, and ___ abstentions of the City Council of the Village of Wimberley, Texas.

VILLAGE OF THE WIMBERLEY

By: _____
Linda Hewlett, Mayor

ATTEST:

Adelle Turpen, City Secretary

APPROVED AS TO FORM:

Alan J. Bojorquez, City Attorney

Attachments Upon Passage:

- meeting agenda
- meeting minutes