

RESOLUTION NO. R-69-2004

A RESOLUTION OF THE CITY COUNCIL OF THE VILLAGE OF WIMBERLEY, TEXAS, RATIFYING THE FILING OF A PETITION BY THE CITY ATTORNEY TO COMMENCE CONDEMNATION PROCEEDINGS OF A REVERSIONARY INTEREST IN A PORTION OF A 1.856 ACRE TRACT OWNED BY THE JOHNNIE L. MCNEIL TRUST AND AUTHORIZING THE CITY ATTORNEY TO TAKE ALL ACTIONS NECESSARY OR DESIRABLE TO COMPLETE THE CONDEMNATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the Village of Wimberley ("City Council") has determined it is in the best interest of the citizens of the Village of Wimberley ("Village") to construct a community center on certain property located on Ranch Road 12 in Wimberley, Texas; and

WHEREAS, the Village has identified property owned by Wimberley Senior Citizens Activities, Incorporated ("WSCAI") as being necessary for the purpose of constructing and operating the community center; and

WHEREAS, the Johnnie L. McNeil Trust ("Trust") owns a reversionary interest in a 1.856 acre tract of property that makes up part of the property owned by WSCAI; and

WHEREAS, a portion of the 1.856 acre tract in which the Trust owns a reversionary interest is property on which the community center will be constructed and operated, more specifically described on Exhibit A, incorporated herein for all purposes; and

WHEREAS, the City Council of the Village, at its December 4, 2003, meeting authorized the Mayor to send a letter to the Trust, care of John H. McCrocklin, offering the appraised value plus one dollar, total not to exceed \$1,000.00, for the reversionary interest in the subject property; and

WHEREAS, the Mayor, on behalf of the Village, offered the Trust \$501.00 for the reversionary interest in the subject property; and

WHEREAS, the Village believes the offer was fair and adequate compensation; and

WHEREAS, the offer letter was sent to Mr. John H. McCrocklin via certified U.S. mail on December 15, 2003; and

WHEREAS, Mr. McCrocklin had until 5:00 p.m. on Monday, December 29, 2003, to respond to the Village's offer on behalf of the Trust; and

WHEREAS, the Village received a response dated January 6, 2004 from Mr. McCrocklin rejecting the Village's offer; and

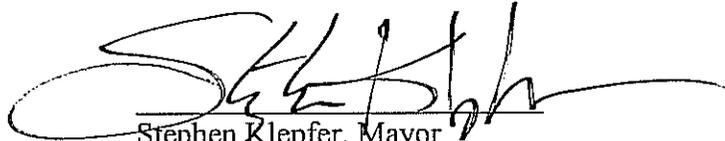
WHEREAS, the City Council of the Village wishes to commence condemnation proceedings of the Trust's reversionary interest in the portion of the 1.856 acre tract owned by the Trust and described in Exhibit A.

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

- (1) The City Council hereby ratifies and approves the filing of a petition by the City Attorney against the Johnnie L. McNeil Trust to initiate condemnation proceedings in relation to a portion of the 1.856 acre tract in which the Trust owns a reversionary interest for the purpose of going forward with the construction and operation of a community center for the benefit of the community of Wimberley, Texas.
- (2) The City Council hereby authorizes the City Attorney to take all actions necessary or advisable to complete the condemnation of the subject property.
- (3) The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Council hereby incorporates such recitals as a part of this Resolution.
- (4) This Resolution shall take effect immediately from and after its passage and publication as may be required by governing law.
- (5) 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 by the City Council of the Village of Wimberley, Texas this 15th day of January, 2004 by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

VILLAGE OF WIMBERLEY



Stephen Klepfer, Mayor

ATTEST:



Adelle Turpen, City Secretary

Attachments Upon Passage:

- meeting agenda
- meeting minutes
- publisher's affidavit (if required)
- other: _____

EXHIBIT A

The Johnnie L. McNeil Trust owns a reversionary interest on a 1.856 acre tract, more specifically described as:

That portion of the 1.856 acre tract of land in Hays County Texas, originally conveyed to the Wimberley Senior Citizens Activities, Inc., by deed recorded in Volume 912, Page 940 of the Hays County Real Property Records, that lies within Lot 2, of the Wimberley Community Center Subdivision, as shown on the plat of said subdivision recorded in Volume 11, Page 187 of the Hays County Plat Records.