

RESOLUTION NO. R-07-2008

A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS PROVIDING FOR APPROVAL OF AND AUTHORIZATION FOR THE MAYOR TO SIGN A CONTRACT TO PURCHASE A 0.92 ACRE TRACT OF LAND LOCATED AT OAK DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS; INCLUDING AUTHORIZATION OF AN EASEMENT TO THE SELLER AND CONSUMMATION OF A PURCHASE OF SAID PROPERTY.

WHEREAS, the City currently leases real property to provide public parking near the Downtown Square in order to promote tourism and the economic development of the City; and,

WHEREAS, the City has negotiated with Calkins Interests, Ltd. ("Seller"), the owner and seller of real property described herein, and the City and Seller have negotiated a contract to purchase such property to use for public parking; and,

WHEREAS, as a condition of the sale of the property, the Seller will retain an easement for the septic system to the Seller and its successors, and will be responsible for all maintenance of the septic system; and,

WHEREAS, the City Council has determined that it would be in the best interest of the City to purchase the property on the terms described herein.

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

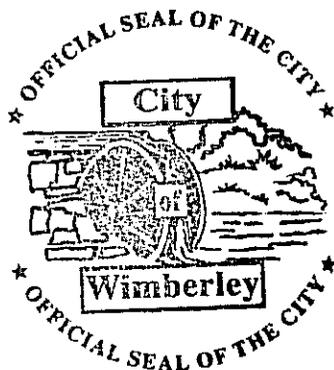
1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
2. The Council hereby approves the real estate sales contract negotiated and proposed between Calkins Interests, Ltd. ("Seller") and the City of Wimberley, Texas to purchase a 0.92 acre tract of land fronting on Oak Drive, Wimberley, Hays County, Texas, the exact location to be determined in accordance with the terms of the agreement and the survey to be attached to such agreement.
3. The Council hereby instructs and authorizes the City Administrator or the Mayor to take all action necessary and execute any and all remaining documents necessary to complete and close on the purchase of the real property, to include the execution of an easement to the Seller for access and use of the septic system in accordance to the terms of the easement attached to the real estate sales contract, acceptance of the General Warranty deed in the form attached to the real estate sales contract and such other documents as may be required by the title company as appropriate and in accordance with the terms and conditions of the real estate sales contract.

4. All other actions taken and things done heretofore by the City Administrator and the Mayor, pursuant to their official authority, with respect to the transaction contemplated hereby, be and the same are hereby ratified approved and adopted.

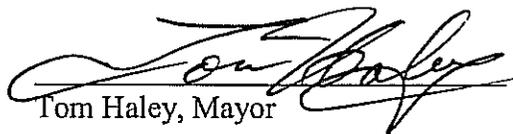
5. This Resolution shall be in full force and effect from and after its date of approval.

6. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

ADOPTED AND APPROVED this the 6th day of November, 2008.



CITY OF WIMBERLEY


Tom Haley, Mayor

ATTEST:


Cara McPartland, City Secretary