

RESOLUTION NO. R-85-2004

A RESOLUTION OF THE VILLAGE OF WIMBERLEY, TEXAS, AUTHORIZING THE MAYOR OF THE VILLAGE OF WIMBERLEY TO EXECUTE A QUITCLAIM DEED REGARDING A PORTION OF A TRACT OF LAND TO THE WIMBERLEY SENIOR CITIZENS ACTIVITIES, INC., A TEXAS NONPROFIT CORPORATION, PURSUANT TO SECTION 272.001 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED, AND OTHER RELEVANT AUTHORITY, IN CONJUNCTION WITH THE WIMBERLEY COMMUNITY CENTER PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND MEMORIALIZING PROPER NOTICE AND MEETING.

WHEREAS, the Village of Wimberley, Texas ("Village") is currently engaged in a worthwhile and important public works project regarding the construction and operation of a Community Center for the benefit of the community of Wimberley, Texas, and all of its citizens and visitors ("Community Center Project"); and

WHEREAS, the Village is currently engaged in construction activities on the land pertaining to the Community Center Project; and

WHEREAS, the Wimberley Senior Citizens Activities, Inc. ("WSCAI"), a Texas nonprofit corporation, including its Board of Directors, officers, members and supporters, have tirelessly and diligently provided valuable assistance to the Village regarding the initiation and successful completion and operation of the Community Center Project, including the grant to the Village by deed of express easements that directly benefit the Village and the Community Center Project regarding the public purposes of road access, parking, and utility service; and

WHEREAS, the Village has recently acquired title to a reversionary interest in a portion of a certain tract of land currently owned by WSCAI, said tract of land being more particularly described as Lot 1 of the Wimberley Community Center Subdivision, as described by that certain plat of record in Volume 11, Pages 187-188 of the Plat Records of Hays County, Texas; and

WHEREAS, the Village now desires to transfer to WSCAI all of its right, title, and interest in and to the reversionary interest now held by the Village regarding a portion of the above described Lot 1 of the Wimberley Community Center Subdivision through a quitclaim deed, pursuant to and in compliance with Section 272.001 of the Texas Local Government Code, as amended, and other relevant authority, including but not limited to the exemptions from notice and bidding requirements contained in Section 272.001(a) and Section 272.001(b)(1) and (b)(3) of the Texas Local Government Code, and further, in appreciation of the tireless and diligent efforts of WSCAI toward the successful completion and operation of the Community Center Project and in

consideration of the donation of real property to the Village for the Community Center Project;

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

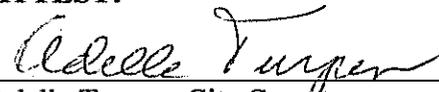
- (1) Pursuant to Section 272.001 of the Texas Local Government Code, as amended, and all other relevant authority, the City Council of the Village of Wimberley hereby authorizes the Mayor of the Village to execute all necessary documents, including but not limited to the following document, in order to memorialize, effectuate, and conclude the transfer to WSCAI of all of the Village's right, title, and interest in and to the reversionary interest now held by the Village regarding a portion of the above described Lot 1 of the Wimberley Community Center Subdivision: that certain Quitclaim Deed from the Village to WSCAI regarding this transfer, as described in Exhibit A, attached hereto and incorporated by reference.
- (2) The City Council hereby finds that:
 - (a) WSCAI is a nonprofit organization;
 - (b) the transfer described in item (1) above is in the public interest, and promotes the public interest, of the Village of Wimberley, Texas; and
 - (c) the exemptions to notice and bidding contained in Section 272.001(a) and Section 272.001(b)(1) and (b)(3) of the Texas Local Government Code are expressly found by the City Council, and said exemptions are deemed appropriate and applicable to the transfer described in item (1) above.
- (4) The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such findings as a part of this Resolution. The contents of all documents attached to this Resolution are incorporated by reference for all purposes.
- (5) This Resolution shall take effect immediately from and after its passage and publication as may be required by governing law, if any.
- (6) It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given, as required by Chapters 551 and 552 of the Texas Government Code.

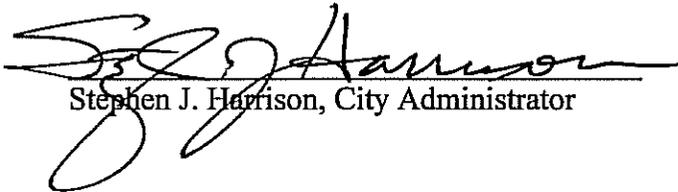
PASSED AND APPROVED by the City Council of the Village of Wimberley, Texas by a vote of 5 (Ayes) 0 (Nays) this 16th day of December, 2004.

VILLAGE OF WIMBERLEY, TEXAS

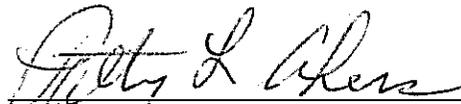
By: 
Stephen J. Klepfer, Mayor

ATTEST:


Adelle Turpen, City Secretary


Stephen J. Harrison, City Administrator

APPROVED AS TO FORM:


Patty L. Akers, Village Attorney
Village of Wimberley, Texas

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Quitclaim

Date:

Grantor: Village of Wimberley, Texas

Grantor's Mailing Address: P.O. Box 2027
Wimberley, Hays County, Texas 78676

Grantee: Wimberley Senior Citizens Activities, Inc., a Texas Nonprofit Corporation

Grantee's Mailing Address: 14050 Ranch Road 12
Wimberley, Hays County, Texas 78676

Consideration: Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements): All of the Reversionary Interest now held by Grantor in that certain tract or parcel of land, being and situated in Hays County, Texas, more particularly described as follows: being a portion of a certain tract of land currently owned by WSCAI, said tract of land being more particularly described as Lot 1 of the Wimberley Community Center Subdivision, as described by that certain plat of record in Volume 11, Pages 187-188 of the Plat Records of Hays County, Texas;

Exceptions to Conveyance : All easements, mineral reservations and other matters of record in the Real Property Records of Hays County, Texas, to the extent valid and existing and applicable to the property.

For the Consideration, Grantor quitclaims to Grantee all of Grantor's right, title, and interest in and to the Property, if any, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Neither Grantor nor Grantor's heirs, successors, or assigns will have, claim, or demand any right or title to the Property or any part of it.

When the context requires, singular nouns and pronouns include the plural.

VILLAGE OF WIMBERLEY, TEXAS

By *Stephen J. Klepfer*
Stephen J. Klepfer, Mayor

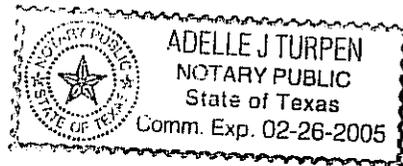
State of Texas §
County of Hays §

This instrument was acknowledged before me on January 20,
2005 by Stephen J. Klepfer, the Mayor of the Village of Wimberley, Texas, on behalf
of said municipal corporation.

Adelle J. Turpen
Notary Public, State of Texas
My Commission Expires:

After Recording, Return to:

Bickerstaff, Heath, Smiley, Pollan, Kever
& McDaniel, LLP
816 Congress Ave., Suite 1700
Austin, Texas 78701-2443



Attn.: Denise Cheney

0.512-ac (portion of 1.856 acre tract)
Amasa Turner Survey
Hays County, Texas

LAI Job No. 030210
FN0549(wdo)
Page 1 of 2

FIELD NOTES DESCRIPTION

DESCRIPTION OF 0.512 ACRES (22,313 SQUARE FEET) OF LAND IN THE AMASA TURNER SURVEY, HAYS COUNTY, TEXAS; BEING A PORTION OF LOT 1, WIMBERLEY COMMUNITY CENTER SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN VOLUME 11, PAGE 187, PLAT RECORDS OF HAYS COUNTY, TEXAS, SAID PORTION OF LOT 1 BEING THE SOUTHERN APPROXIMATE 298 FEET OF THAT CERTAIN CALLED 1.856 ACRES OF LAND DESCRIBED IN THE DEED TO THE WIMBERLEY SENIOR CITIZENS ACTIVITIES, INC. OF RECORD IN VOLUME 912, PAGE 490, AND VOLUME 1346, PAGE 54, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 0.512 ACRE, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with plastic cap stamped "LAI" set previously in the north right-of-way line of Ranch Road 12 as described in the Right-of-Way Easement of record in Volume 135, Page 298, Deed Records of Hays County, Texas, for the southwest corner of said 1.856 acre tract, being the southwest corner of said Lot 1, being the southeast corner of a called 15.399 acre tract described in a deed to Brookshire Investments Co. of record in Volume 1247, Page 117, Official Public Records of Hays County, Texas, and being the southwest corner and **POINT OF BEGINNING** of the tract described herein;

THENCE with the north right-of-way line of said Ranch Road 12, same being the north line of said Right-of-Way Easement described in Volume 135, Page 298, Deed Records of Hays County, Texas, and being the south line of said Lot 1, being a curve to the left having a radius of 2,824.80 feet, an arc distance of 75.05 feet, and a chord bearing S 52° 59' 41" E a distance of 75.05 feet, to a calculated point for the southeast corner of said 1.856 acre tract and of the tract described herein, same being the southwest corner of a called 5.061 acre tract described in a deed to Wimberley Senior Citizens Activities, Inc. of record in Volume 1312, Page 495, Official Public Records of Hays County, Texas, from which a ½-inch iron rod found at a point of tangency bears along said curve having a radius of 2,824.80 feet, an arc distance of 78.06 feet and a chord bearing S 54° 32' 51" E a distance of 78.05 feet;

THENCE N 37° 23' 20" E, leaving the north line of said Ranch Road 12 and crossing said Lot 1 with the east line of said 1.856 acre tract, same being the west line of said 5.061 acre tract, a distance of 297.10 feet to a calculated point in the north line of said Lot 1, same being the south line of Lot 2, said Wimberley Community Center subdivision, and being the northeast corner of the tract described herein, from which a ½-inch iron rod found for the northeast corner of said 1.856 acre tract, same being the northwest corner of said 5.061 acre tract, bears N 37° 23' 20" E a distance of 798.37 feet;

THENCE N 52° 35' 22" W, leaving the common line of said 1.856 acre and 5.061 acre tracts, with the common line of said Lot 1 and Lot 2, a distance of 74.94 feet to a calculated point in the west line of said 1.856 acre tract, same being the east line of said 15.399 acre tract, being the common west corner of said Lots 1 and 2, and being the northwest corner of the tract described herein, from which a ½-inch iron rod found for the northwest corner of said 1.856 acre tract, same being the northwest corner of said Lot 2 and the northeast corner of said 15.993 acre tract, bears N 37° 24' 38" E a distance of 759.72 feet;

THENCE S 37° 24' 38" W, with the west line of said Lot 1, same being the west line of said 1.856 acre tract and the east line of said 15.399 acre tract, a distance of 297.63 feet to the **POINT OF BEGINNING** and containing 0.512 acre of land, more or less.

0.512-ac (portion of 1.856 acre tract)
Amasa Turner Survey
Hays County, Texas

BEARING BASIS: Texas Coordinate System, South Central Zone, NAD83.

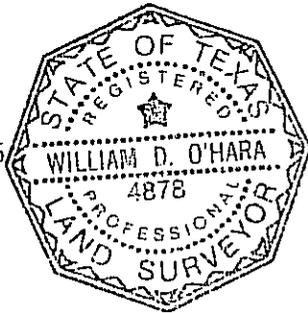
LAI WORD FILE: FN0549(wdo)

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TRAVIS §

That I, William D. O'Hara, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying sketch is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the month of July 2004, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 18th of January 2005 A.D.

Loomis Austin, Inc
Austin, Texas 78746



William D. O'Hara
William D. O'Hara
Registered Professional Land Surveyor No. 4878
State of Texas

Filed for Record in:
Hays County
On: Jan 26, 2005 at 12:23P
Document Number: 05002332
Amount: 20.00
Receipt Number - 117491
By:
Patricia Lackey, Deputy
Lee Carlisle, County Clerk
Hays County