

VILLAGE OF VOLENTE

ORDINANCE NO. 2014-O-6

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, ACCEPTING THE PUBLIC DEDICATION OF LOTS 21 AND 24 OF LAKE TRAVIS SUBDIVISION NO. 7 OF TRAVIS COUNTY, TEXAS, AS A PUBLIC PARK DEDICATED TO THE PUBLIC BY D. C. REED; NAMING THE DEDICATED PARK “MOLLBERG PARK” AND PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETING AND PUBLIC NOTICE REQUIREMENTS.

WHEREAS, the Village of Volente (“Volente”) was incorporated pursuant to the laws of the State of Texas as a Type B General-Law Municipality following an election held on February 1, 2003; and

WHEREAS, the Village of Volente, Texas, (herein the “Village” or “Volente”) is a municipality authorized by state law, including but not necessarily limited to Chapter 331 of the Texas Local Government Code, to acquire, control, operate, manage, and maintain a public park; and

WHEREAS, D.C. Reed, the owner and subdivider of Lake Travis Subdivision No. 7, dedicated Lot 21 and Lot 24 of Lake Travis Subdivision No. 7 to the public, for use as a park by the general public, by the filing of a plat recorded on February 5, 1940, in Volume 4, Pages 98-99, and Document No. 40098, of the Plat Records of Travis County, Texas; and

WHEREAS, D.C. Reed further evidenced his intent to dedicate Lot 21 and Lot 24 as a public park by affidavit executed by him on Feb. 10, 1941, which affidavit was filed of record on February 21, 1941, at Volume 2728, Pages 193-194 of the Deed Records of Travis County, Texas; and

WHEREAS, this public dedication of Lots 21 and 24 has never been accepted by Travis County by order of the Travis County Commissioners Court; and

WHEREAS, Lots 21 and 24 of Lake Travis Subdivision No. 7 are wholly within the corporate boundaries and jurisdiction of the Village pursuant to the Village’s incorporation in February 2003; and

WHEREAS, the Village’s acceptance of the public dedication of Lots 21 and 24 will promote the public health, and general welfare of the citizens of the Village of Volente and serve to preserve of the environment and valuable natural resources, which is in the public’s interest; and

WHEREAS, the Village may control, operate, manage, and maintain Lots 21 and 24 as a public park for use by the general public; and

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT:

Section 1. Findings.

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the Village Council and incorporated into this ordinance in their entirety for all purposes as findings of fact.

Section 2. Acceptance of Public Dedication of Lots as Park.

The Village hereby accepts as a public park for use of the general public all of Lots 21 and 24 of Lake Travis Subdivision No. 7 (hereinafter, the "Park") as reflected in Volume 4, Pages 98-99, and Document No. 40098, of the Plat Records of Travis County, Texas, a true and correct copy of which is attached hereto and incorporated herein for all intents and purposes as Exhibit "A".

Section 3. Naming of Dedicated Park.

The Village names the Park "Mollberg Park.

Section 3. Control, Operation, Management, and Maintenance of Dedicated Park.

The Village shall have the authority to control, operate, manage, and maintain the Park in accordance with Chapter 331 of the Local Government Code.

Section 5. Severability.

Should any section or portion of this ordinance be held unconstitutional, illegal, or invalid, or in the event the application of this ordinance to any person or set of circumstances is held to be ineffective, invalid or unenforceable for any reason, then that holding shall not be construed to affect the validity of any other portion of this ordinance, and all other portions of this ordinance shall remain in full force and effect. All provisions of this ordinance are declared severable for that purpose.

Section 6. Effective Date.

This ordinance shall take effect immediately upon its approval by the Village Council and its publication in accordance with the provisions of the Texas Local Government Code

Section 7. Public Notice and Open Meetings.

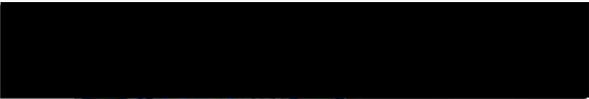
It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED this, the 20th day of May, 2014, by a vote of the Volente Village Council of 5 in favor to 0 opposed, with 0 abstentions.



FREDRICK GRABER, Mayor

Attest:



Joan Jackson, Village Secretary

EXHIBIT “A”

**Volume 4, Pages 98-99 (Document No. 40098)
of the Plat Records of Travis County, Texas**

EXHIBIT "A"

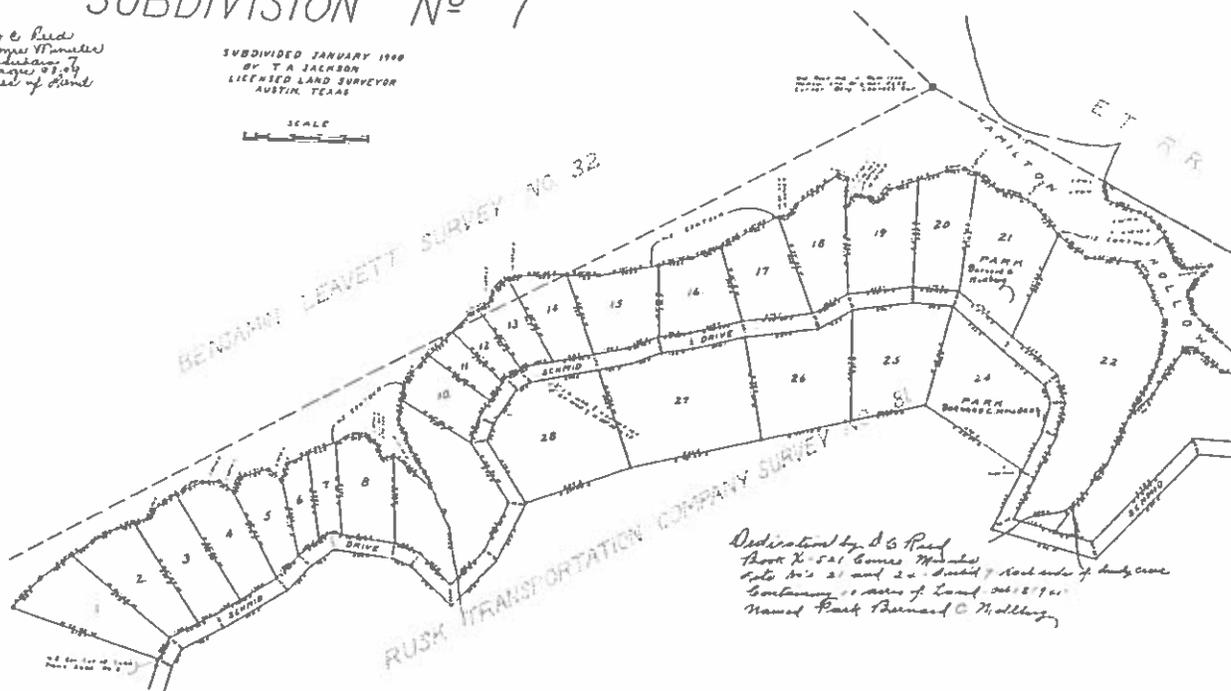
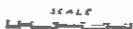
48

78

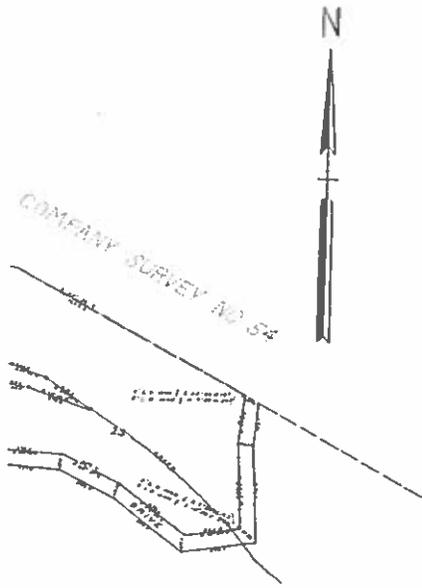
LAKE TRAVIS SUBDIVISION No 7

*Dedicated by B. C. Reed
Book X-521 Comps. Mch. 1900
Lots No's 21 & 22 Subdiv. 7
East Bank of Reservoir No. 7
Containing 10 Acres of Land*

**SUBDIVIDED JANUARY 1900
BY T. A. JACKSON
LICENSED LAND SURVEYOR
AUSTIN, TEXAS**



*Dedicated by B. C. Reed
Book X-521 Comps. Mch. 1900
Lots No's 21 and 22 Subdiv. 7
Containing 10 Acres of Land
Named Park Bernard C. Holling*



LEGEND
 • Dashed Lines 1/2" = 100' By the United States Dept. of Justice Grants of Prohibition for the Standard Fuel Company of Texas
 Survey of an acreage of 712 1/2 acres
 Done 100 feet from 1/2" = 100' line marks
 • Dashed Line State in Post Award
 • Dashed Line State in Post Award

STATE OF TEXAS } KNOW ALL MEN BY THESE PRESENTS
 County of Travis }
 That I, D. C. Dard of the County of Travis State of Texas, owner of certain tracts of lands out of the Benjamin Land Survey No. 28 and the Post Transportation Company Survey No. 61 in Travis County, Texas, which were conveyed to me in accordance with deeds recorded in the Deed Records of Travis County, Texas, in Book 60, Page 228 and Book 607, Pages 23 & 24, I have sold, divided portions of said surveys into Tracts numbered (a) to (n) to wit: (a) to (n) inclusive, in accordance with the map or plat hereto attached and made a part hereof as 'Late Travis Subdivision No. 7' and I have dedicated to the use of the public all streets or roads shown on the map or plat hereto attached.
 Witness My Hand this 15th day of July A.D. 1940

D. C. Dard
 D. C. Dard

STATE OF TEXAS }
 County of Travis }
 Before me the undersigned authority, on this day personally appeared D. C. Dard known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.
 Given under My Hand and seal of office this 15th day of January A.D. 1940

James H. ...
 James H. ...
 County Clerk, Travis County, Texas

see Plat Book 4 page 196
 for com. court approval
 for affidavit as to acreage see
 Book 747 page 647 Reed Records
 Emory Fleming is clerk

Filed for record February 1, A.D. 1940 at 11:30 A.M.
 Recorded February 8, A.D. 1940, at 9 A.M.