



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: R-1

Date: July 12, 2006

Subject: Request that the City Council consider adopting a Resolution of the City Council of the City of Tyler, Texas, dedicating 3.34 acres of parkland along the north side of Woldert Community Park as described in exhibit "A" attached as open space for perpetuity, as required by the Texas Parks and Wildlife Department; approving the terms and conditions of the Agreement; authorizing its execution by the City Manager and Mayor; repealing all resolutions in conflict; providing a severability clause; and providing an effective date.

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Item Reference:

The Parks Department submitted a Texas Parks and Wildlife Grant for the purpose of improving the park amenities at Woldert Park. As a part of the application, 3.34 acres of land was donated to the City of Tyler and was used as a natural area for the Woldert Park grant project. The lake would be to the east of the glass recreation center and the multi-purpose field to the west in the meadow area north of the swimming pool. In order to fulfill the requirements of the Texas Parks and Wildlife Department's grant to the City of Tyler, the City Council must designate the 3.34 acres of land donated to the City for this parkland in the Woldert Community Park for open space.

Recommendation:

It is recommended that the City Council adopt a Resolution dedicating 3.34 acres of parkland along the north side of Woldert Community Park, as described in exhibit "A", as open space.

**Drafted/Recommended By:
Department Leader:**

**Edited/Submitted By:
City Manager:**

RESOLUTION NO. R-2006-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, DEDICATING 3.34 ACRES OF PARKLAND ALONG THE NORTH SIDE OF WOLDERT COMMUNITY PARK AS DESCRIBED IN EXHIBIT "A" ATTACHED AS OPEN SPACE FOR PERPETUITY, AS REQUIRED BY THE TEXAS PARKS AND WILDLIFE DEPARTMENT; APPROVING THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER AND MAYOR; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Tyler City Council desires to provide quality park facilities for the residents of Tyler;
and

WHEREAS, the City of Tyler has obtained a grant from the Texas Parks and Wildlife Department for the development of community and desires to comply with all of the requirements set forth in the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS THAT;

PART 1: In order to fulfill the requirements of the Texas Parks and Wildlife Department's grant to the City of Tyler, the City Council of Tyler, Texas hereby designates 3.34 acres of parkland in the Woldert Community Park for open space.

PART 2: The Mayor of the City of Tyler, along with the City Manager, are hereby authorized to execute the appropriate documents approving the terms and conditions of the agreement with the Texas Parks and Wildlife Department.

PART 3: Any prior Resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

PART 4: Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

PART 5: This Resolution shall take effect immediately from and after its passage and it is so duly resolved.

PASSED AND APPROVED this 12th day of July, A.D., 2006.

JOSEPH O. SEEBER, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

CASSANDRA BRAGER, CITY CLERK

APPROVED:

CITY ATTORNEY

EXHIBIT "A" TO RESOLUTION R-2006-15

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Exhibit "A"

Being a 3.34 acre tract in the F. D. Bodenhamer Survey, Abstract No. 96, part of a called 213.873 acre tract from Lometa Hudnall Cox and Sam Roosth, Trustees of the Lometa Hudnall Cox Trust No. 2 and Ogden S. Hudnall, Joan V. Hudnall, and Tony K. Morgan, Trustees of the Ogden S. Hudnall Trust No. 2 to Westchase Center, Inc. described in a Deed recorded in Volume 6464, Page 230 of the Smith County Official Public Records, said 3.34 acre tract being more completely described as follows:

Beginning at a 1/4" iron rod set at the Northwest corner of a called 27.484 acre tract to the City of Tyler described in a Deed recorded in Volume 652, Page 307 of the Smith County Land Records, also being on the South boundary of said 213.873 acre tract from which a 1/4" iron bolt found at an ell corner in a lower West boundary line of same bears North 89 degrees 27 minutes 39 seconds West, a distance of 573.67 feet;

Thence North 00 degrees 29 minutes 19 seconds East, a distance of 304.00 feet to a 1/2" iron rod set in the Southwest bank of Blackfork Creek;

Thence with said Southwest bank of Blackfork Creek as follows:

South 78 degrees 19 minutes 16 seconds East, a distance of 54.27 feet to a 1/2" iron rod set at the intersection of the West bank of another creek with said Southwest bank of Blackfork Creek;

North 65 degrees 56 minutes 15 seconds East, a distance of 40.26 feet to a 1/2" iron rod set at the intersection of the East bank of said other creek with said Southwest bank of Blackfork Creek;

South 68 degrees 22 minutes 40 seconds East, a distance of 134.71 feet to a 1/2" iron rod set;

South 58 degrees 12 minutes 31 seconds East, a distance of 92.60 feet to a 1/2" iron rod set;

North 83 degrees 18 minutes 05 seconds East, a distance of 32.21 feet to a 1/2" iron rod set;

South 67 degrees 49 minutes 51 seconds East, a distance of 68.70 feet to a 1/2" iron rod set;

South 45 degrees 42 minutes 33 seconds East, a distance of 35.17 feet to a 1/2" iron rod set;

South 65 degrees 49 minutes 45 seconds East, a distance of 111.05 feet to a 1/2" iron rod set;

South 45 degrees 37 minutes 43 seconds East, a distance of 19.01 feet to a 1/2" iron rod set;

South 69 degrees 08 minutes 46 seconds East, a distance of 142.33 feet to a 1/2" iron rod set;

North 85 degrees 06 minutes 40 seconds East, a distance of 49.72 feet to a 1/2" iron rod set;

South 76 degrees 34 minutes 20 seconds East, a distance of 160.50 feet to a 1/2" iron rod set;

South 48 degrees 08 minutes 23 seconds East, a distance of 45.43 feet to a 1/2" iron rod set in the South boundary line of said 213.873 acre tract and the North boundary line of said 27.484 acre tract from which a 1/2" iron rod set at the Northeast corner of said 27.484 acre tract bears South 89 degrees 27 minutes 39 seconds East, a distance of 77.79 feet;

Thence North 89 degrees 27 minutes 39 seconds West, a distance of 904.66 feet with the South boundary line of said 213.873 acre tract and the North boundary line of said 27.484 acre tract to the **place of beginning containing 3.34 acres of land.**

Bearings are based on a lower West boundary line of said 213.873 acre tract to Westchase Center, Inc. per Deed recorded in Volume 6464, Page 230 of the Smith County Official Public Records.

STATE OF TEXAS COUNTY OF SMITH
I hereby certify that this instrument was
filed on the date and time stamped hereon
by me and was duly recorded in the Official
Public records of Smith County, Texas.



MAR 21 2005

Judy Carnes
JUDY CARNES
COUNTY CLERK, Smith County, Texas

CETIFICATE

**THE STATE OF TEXAS
COUNTY OF SMITH**

I, Cassandra Brager, being the current City Clerk of the City of Tyler, Texas, do hereby certify that the attached is a true and correct copy of Resolution No. R-2006- 15, passed and approved by the City Council of the City of Tyler, Texas, on the 12th day of July, 2006, and such Resolution was duly passed and approved at a meeting open to the public and notices of the meeting, giving the dates, place and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this ____ day of _____ 20__.

Cassandra Brager
City Clerk