

## 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.

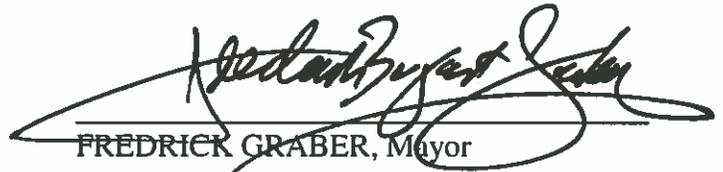
**Section 6. Effective Date.**

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 20<sup>th</sup> 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"

98

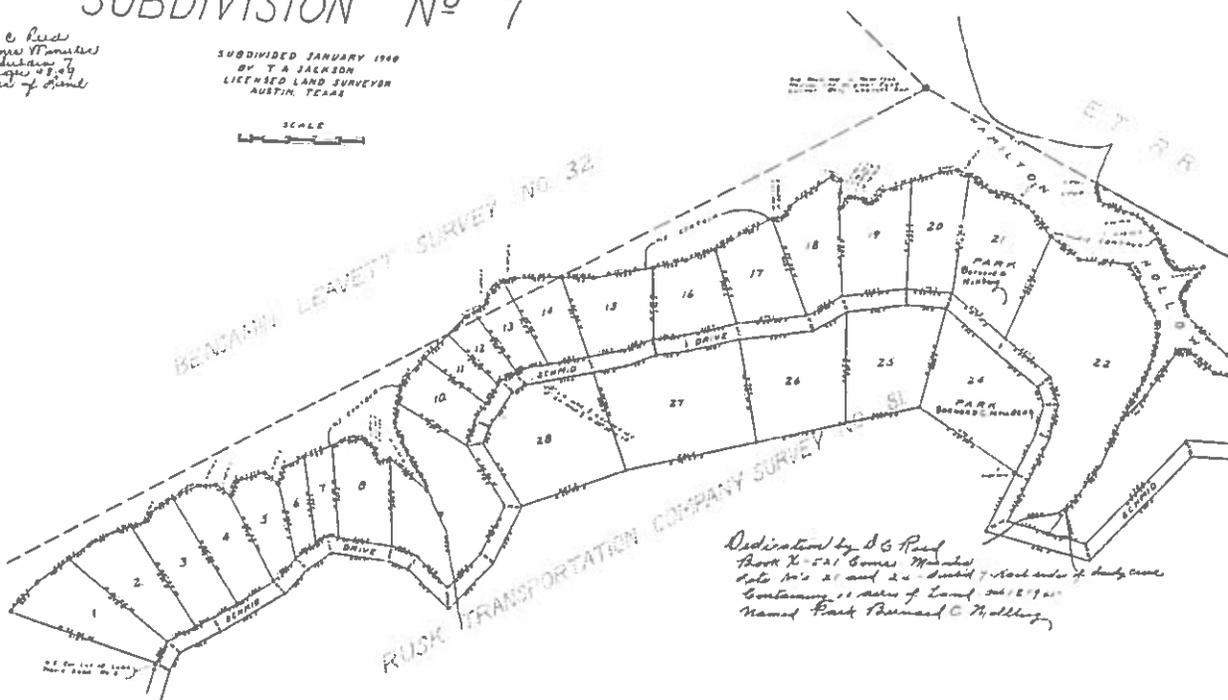
78

## LAKE TRAVIS SUBDIVISION No 7

*Dedicated by B & R Road  
Book X-521 Comes Number  
Lots No's 21 & 22 Subdiv 7  
Containing 10 acres of Land  
Containing 10 Acres of Land*

SUBDIVIDED JANUARY 1940  
BY T A JACKSON  
LICENSED LAND SURVEYOR  
AUSTIN, TEXAS

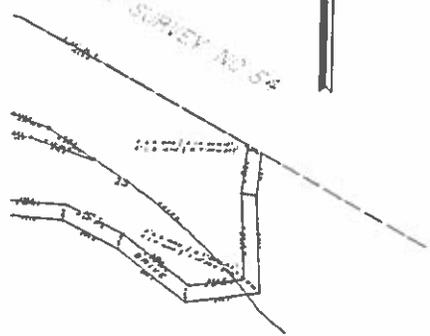
SCALE  
1" = 100'



*Dedicated by B & R Road  
Book X-521 Comes Number  
Lots No's 21 and 22 - Subdiv 7 - Road side of body canal  
Containing 10 acres of Land 200 x 500 ft  
Named Park Drive C. Hollings*



COMPANY SURVEY NO. 52



LEGEND

- Dashed Line 1/2 inch off by the United States Dept of Interior Bureau of Reclamation for the Standard Aerial Camera Station Survey of an elevation of 718' above mean sea level shown above N. 1/2 S. 1/4 Cont. mark
- Dashed Line 1/2 inch is Post Bound
- Dashed Line 1/2 inch is Cont Bound

STATE OF TEXAS } KNOW ALL MEN BY THESE PRESENTS  
 County of Travis } That I, D. C. Reed of the County of Travis  
 State of Texas owner of various tracts of lands out of  
 the Standard Aerial Survey No. 52 and the Post  
 Transportation Company Survey No. 22 in Travis County,  
 Texas which were conveyed to me in accordance with  
 deeds recorded in the Deed Records of Travis County, Texas  
 in Book 81, Page 228 and Book 83, Page 230, do hereby sub-  
 divide portions of said surveys into Tracts A, B and C  
 to hereby split (24) inclusive, in accordance with the map or plat  
 hereto attached and make a part hereof.

Said Subdivision is to be known and designated  
 as "Lots This 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. Reed*  
D. C. Reed

STATE OF TEXAS }  
 County of Travis } Before me the undersigned authority on this day  
 personally appeared D. C. Reed 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 Williams*  
Notary Public, Travis County, Texas

*See Plat Book 4 page 196  
 for land court approval.  
 for affidavit as to Aerial Survey  
 Book 74 7 page 647 filed Records  
 Emilio Spindberg, Clerk*

Filed for record February 1, A.D. 1940 at 11:30 A.M.  
 Recorded February 2, A.D. 1940 at 9 A.M.