

ORDINANCE NO. 2024-11

AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 329 AMMANN RD., BOERNE, KENDALL COUNTY, TEXAS (THE "PROPERTY") TO KENDALL COUNTY, A TEXAS POLITICAL SUBDIVISION, IN THE AMOUNT OF \$10.00; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND SPECIAL WARRANTY DEED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Boerne, Texas (the "City"), is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Local Government Code; and

WHEREAS, Kendall County, Texas (the "County"), is a political subdivision of the State of Texas; and

WHEREAS, the City and the County are governmental entities with the power of eminent domain; and

WHEREAS, the City desires to sell, and the County desires to purchase, the Property and improvements located at 329 Ammann Rd., Boerne, Kendall County, Texas (the "Property"); and

WHEREAS, the City hereby finds, declares, and certifies that (1) the Property is not a public park or public square; (2) the Property may be legally sold pursuant to Texas Local Gov't Code Ch. 253 and Ch. 272, and other applicable law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

SECTION 1

That the recitals above are true and correct and are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2

That the City Manager of the City of Boerne, Texas, is hereby authorized to sell the Property to Kendall County, Texas, for \$10.00, and the City Manager of the City of Boerne, Texas, is further authorized and directed to execute a purchase and sale agreement, special warranty deed, and any other documents necessary to close the sale and convey the Property.

SECTION 3

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4

This Ordinance shall be in full force and effect from and its passage, and it so ordained.

PASSED, APPROVED and ADOPTED on this the ____ day of July, 2024.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney