

CITY OF HIGHLAND HAVEN, TEXAS

RESOLUTION #108

A RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY OWNED REAL ESTATE TO THE HIGHLAND HAVEN PROPERTY OWNERS ASSOCIATION, INC. FOR THE SOLE PURPOSE OF ADMINISTERING THE CONVEYANCE OF SAME TO ABUTTING PROPERTY OWNERS

WHEREAS, when the subdivision of Highland Haven, Texas, hereinafter referred to as “the City” or “City”, was initially developed, certain acts and/or failures to act, on the part of the developer of the subdivision, resulted in significant discrepancies in property boundaries of certain platted lots and other parcels of land within the subdivision, and

WHEREAS, such discrepancies resulted in various small strips of land and land underneath the waters of dredged channels, hereinafter referred to as “subject property” remaining in the ownership of the subdivision developer and/or his heirs instead of being conveyed to the purchasers of abutting property, and

WHEREAS, such discrepancies in property boundaries and ownership have continued through the incorporation of the subdivision of Highland Haven, Texas as the City of Highland Haven, Texas, and continue to the date of this resolution, and

WHEREAS, owners of property abutting subject strips, hereinafter referred to as “abutting property owners”, have paid all property taxes on subject strips from the date of the first purchase of the abutting property from the subdivision developer to the present time, and

WHEREAS, abutting property owners have, for many years, assumed they owned subject strips and have used, developed, maintained, and otherwise acted in all respects as the rightful owners of subject strips, and

WHEREAS, subject strips all front on either the main body of water of Lake Lyndon B. Johnson (formerly named Lake Granite Shoals or Lake Wirtz) or dredged channels leading to such lake, and all original and subsequent purchasers of abutting platted properties believed they were purchasing waterfront property, and

WHEREAS, all abutting property owners have had their property appraised and taxes levied as if their property was in fact waterfront property, and

WHEREAS, abutting property owners have been issued building permits for boat and other watercraft facilities, storage buildings, retaining walls, and other property improvements, that are either partially or totally on and/or above subject property. Such building permits were and have been issued by either the subdivision developer, the Highland Haven Property Owners Association, Inc., or the City of Highland Haven over a period of approximately twenty-nine (29) years, and

WHEREAS, all original and subsequent sales of the subdivided and platted property abutting subject strips were made as sales and purchases of waterfront property, and

WHEREAS, in June 2000 a committee was formed, of representatives of the City and the Highland Haven Property Owners Association, Inc., hereinafter referred to as HHPOA, to attempt to resolve the discrepancies in property boundaries and to obtain legal title to subject property in the names, and for the benefit, of abutting property owners. The committee so formed is named the Joint Committee for Property Discrepancies Resolution, and is hereinafter referred to as the “Committee”, and

WHEREAS, the Committee was initially funded by a cash contribution from HHPOA and then by continuing in-kind contributions from the City. Additional funding was obtained by prepaid

“fair share costs” from most of the abutting property owners, and

WHEREAS, the efforts of the Committee have resulted in legal title to subject property being conveyed to the City, and

WHEREAS, the City, having acquired ownership of subject property, having no interest in continuing its ownership of same, preferring instead that ownership be conveyed to the abutting property owners, and

WHEREAS, the HHPOA, acting on behalf of the abutting property owners, has indicated its desire to acquire subject property from the City for the sole purpose of administering the conveyance of same to the abutting property owners, and

WHEREAS, the cost to the City of acquiring title to subject property was approximately \$500.00 of in-kind contributions of the City to the Committee, and the Burnet Central Appraisal District has appraised subject property at a value of \$68.00, the City has concluded that the sale price of subject property to HHPOA is therefor \$500.00, and

WHEREAS, it is in the best interests of the City and its citizens that ownership of subject property be placed in the abutting property owners in order to incorporate subject property under the control of responsible property owners and to thereby establish subject property to the building, health and safety codes of the City, and

WHEREAS, it is the intent of HHPOA to convey title to subject property to the abutting property owners for a consideration equal to each such property owners fair share of the cost to the Committee and HHPOA of acquiring title to subject property in the name of the City and subsequently in the name of HHPOA. It is also the express intent of HHPOA that neither the City, the Committee, nor HHPOA have any unrecovered costs, cash or in-kind, as a result of their combined efforts in resolving the discrepancies in boundaries referred to herein, and

WHEREAS, it is the intent of the City that the conveyance of subject property to HHPOA and subsequent conveyance to abutting property owners be considered in compliance with Chapter 272, Section 272.001(b) of the Local Government Code of the State of Texas, that states in part “The land and those interests described by this subsection may not be conveyed, sold or exchanged for less than the fair market value of the land or interest unless the conveyance, sale or exchange is with one or more abutting property owners who own the underlying fee simple.”, now therefore, be it

RESOLVED, that the City of Highland Haven, Texas does hereby agree to accept and abide by the terms of the Offer to Purchase dated May 14, 2001 from HHPOA to the City, a copy of which is attached hereto. Provided, however, that the price to be paid to the City be no less than \$500.00. It is further provided that such sale and conveyance be accomplished with all due dispatch and that it be done in full compliance with the laws of the State of Texas.

Passed and approved by the Board of Aldermen of the City of Highland Haven, Texas on this the 19th day of June 2001.

W.E. Cole, Mayor Pro Tempore

Jeanne Ormiston, City Secretary