

RESOLUTION NO. R-2012-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS DECLARING CERTAIN REAL PROPERTY LOCATED AT LOT 16, BLOCK 6760 AS SURPLUS PROPERTY, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TYLER JUNIOR COLLEGE DISTRICT RELATED TO DONATION OF SAID PROPERTY, AND AUTHORIZING DONATION OF THE PROPERTY TO TYLER JUNIOR COLLEGE DISTRICT UPON EXECUTION OF AN INTERLOCAL AGREEMENT IN ACCORDANCE WITH STATE LAW; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tyler, Smith County, Texas, has become the owner of certain real property located at 750 S. Porter Ave., Lot 16, Block 6760 which is no longer necessary, appropriate or profitable to the City of Tyler; and

WHEREAS, Tex. Local Gov't Code Section 272.001(ℓ) states that notice and bidding requirements provided by Subsection (a) do not apply to a donation or sale made under this subsection. Additionally, under Section 272.001(ℓ) a city may donate or sell for less than fair market value a designated parcel of land or an interest in real property to another political subdivision if:

- (1) the land or interest will be used by the political subdivision to which it is donated or sold in carrying out a purpose that benefits the public interest of the donating or selling political subdivision;
- (2) the donation or sale of the land or interest is made under terms that effect and maintain the public purpose for which the donation or sale is made; and
- (3) the title and right to possession of the land or interest revert to the donating or selling political subdivision if the acquiring political subdivision ceases to use the land or interest in carrying out the public purpose; and

WHEREAS, the Tyler Junior College District (TJC) has requested that the City donate the above described property to TJC to be used by TJC to carrying out a purpose benefiting the public interest of both the City of Tyler and TJC; and

WHEREAS, it is the City's intent to execute an Interlocal Agreement which sets out terms that effect and maintain the public purpose for which the donation is made and meets all requirements of Section 272.001(ℓ) of the Tex. Local Gov't Code;

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

PART 1: That the City Council declares that certain real property located at Lot 16, Block 6760 as surplus property, authorize the City Manager to execute an Interlocal Agreement setting out terms that effect and maintain the public purpose for which the donation is made, and upon the execution of an Interlocal Agreement meeting all requirements of Section 272.001(ℓ) of the Tex. Local Gov't Code authorize the donation of the above described property to the Tyler Junior College.

PART 2: That this resolution shall take effect immediately upon adoption.


ADOPTED this 24th day of October, 2012.



**BARBARA BASS, MAYOR
CITY OF TYLER, TEXAS**

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK



GARY C. LANDERS, CITY ATTORNEY