



RESOLUTION R-2018-163

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO APPROVING THE ACTION OF THE W. A. PACE MEMORIAL PARK TRUSTEES TO SEEK COURT ORDERED MODIFICATION OF THE TRUST TERMS TO MODIFY THE NUMBER OF TRUSTEES AND TO APPOINT THE VILLAGE OF SALADO AS A TRUSTEE OR THE SOLE TRUSTEE, AND IN THE EVENT OF SUCH MODIFICATION, ACCEPTING THE APPOINTMENT OF THE VILLAGE OF SALADO AS TRUSTEE OR SOLE TRUSTEE OF THE W. A. PACE MEMORIAL PARK, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 16, 1946, J.W. Pace and Elizabeth Pace Hodges executed a deed conveying a 7.75 acre tract of land in Bell County Texas to certain Trustees and their successors in office to use such property to operate and maintain the W. A. Pace Memorial Park (the "Park"); and

WHEREAS, on June 4, 1993, the 146th District Court of Bell County issued an Order Appointing Successor Trustees of the Park to replace the original Trustees and provided for the powers of such Trustees and a means to appoint successor Trustees; and

WHEREAS, on July 25, 2017, all of the then current Park Trustees of the Park by a majority vote appointed the sitting Mayor and Aldermen of the Village of Salado, in their individual capacities, as their successor Trustees; and

WHEREAS, from time to time there are opportunities for park funding and other assistance from outside entities and state agencies that are not available to the Park because it is not under the direction or auspices of a governmental entity such as the Village; and

WHEREAS, the Trustees, with the objective of facilitating such opportunities without going against the original intent of the Trust, have authorized the filing of a petition with the Bell County District Court (the "Court") to seek modification of the terms of the Trust to provide that the number of Trustees be reduced from six to one and that the Village of Salado, in its Capacity as a Type A, General Law Municipality of the State of Texas, be appointed as Sole Trustee of the Park; or such other similar modification of the terms of the Trust that may be approved by the Court that will meet the objectives of the Trustees; and

WHEREAS, Section 112.009 of the Texas Property Code requires that any person or entity appointed as a Trustee under the Texas Trust Code must agree to accept the appointment; and

WHEREAS, the Board of Aldermen finds that the appointment of the Village of Salado as a Trustee or the Sole Trustee of the W. A. Pace Memorial Park will be in the best interest of the Village;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO:

Section 1.

That the foregoing recitals are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.

Section 2.

That the Board of Aldermen hereby approves of the action of the W. A. Pace Memorial Park Trustees to seek a court order to modify the terms of the Trust to provide that the number of Trustees be reduced from six to one and that the Village of Salado, in its Capacity as a Type A, General Law Municipality of the State of Texas, be appointed as Sole Trustee of the Park; or such other similar modification of the terms of the Trust that may be approved by the Court that will meet the objectives of the Trustees.

Section 3.

That in the event that the Bell County District Court orders the modifications requested by the Trustees, the Board of Aldermen hereby accepts the appointment of the Village of Salado as a Trustee of the Park or as Sole Trustee of the Park and authorizes the Village Administrator to take any action or execute any documents necessary to achieve the modification.

Section 4. Severability.

Should any of the clauses, sentences, paragraphs, sections or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.

Section 5. Effective Date.

That this Resolution shall be effective immediately upon its passage and approval.

PASSED AND APPROVED by the Board of Aldermen of the Village of Salado this 18th day of January, 2018 by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions).


Skip Blancett, Mayor

ATTEST:


Cara McPartland, Village Secretary



RECEIVED
APR 9 2018
By *[Signature]*

ORIGINAL

CAUSE NO. 141,862 - B

IN THE MATTER OF

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IN THE 146th

DISTRICT COURT

BELL COUNTY, TEXAS

2018 APR - 8 AM 9:00

FILED

W. A. PACE MEMORIAL PARK

**ORDER GRANTING MODIFICATION OF
THE W. A. PACE MEMORIAL PARK TRUST**

On this date came to be heard the Petition for Modification of the W. A. Pace Memorial Park Trust filed by PLAINTIFFS, Skip Blancett, Fred Brown, Amber Preston Dankert, Michael McDougal, Andy Jackson and Frank Coachman, Trustees of the W. A. Pace Memorial Park Trust. The Court, having considered the same, is of the opinion that the Modification should be GRANTED.

IT IS HEREBY ORDERED THAT:

1. The number of Trustees of the W. A. Pace Memorial Park is hereby reduced from six (6) to one (1);
2. The Village of Salado, a Type A General Law municipality of the State of Texas, acting by and through its duly elected Mayor and Board of Aldermen that are currently in office, or that may be elected to such offices in the future, is hereby appointed as the Sole Trustee of the W. A. Pace Memorial Park;
3. The Sole Trustee shall serve without bond; and
4. The Sole Trustee shall have all powers specified in the Texas Trust Code and the Texas Trust Act as those statutes presently exist and as they may be amended in the future.

Signed on April 6, 2018

[Signature]

JUDGE PRESIDING

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE & CORRECT COPY
OF THE ORIGINAL ON FILE

APR - 6 2018

Order Granting Modification of The W.A. Pace Memorial Park Trust



JOANNA STATON
DISTRICT CLERK, BELL CO., TEXAS
BY *[Signature]* DEPUTY

