

RESOLUTION NO. 02-07-2023C

A RESOLUTION ORDERING A SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 6, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF GAINESVILLE, TEXAS, IN ACCORDANCE WITH SECTION 253.001 OF THE TEXAS LOCAL GOVERNMENT CODE, A PROPOSITION TO AUTHORIZE THE SALE, CONVEYANCE, OR EXCHANGE OF SESQUICENTENNIAL PARK, SITUATED ON THE NORTHEAST CORNER OF GRIBBLE STREET AND NORTH CLEMENTS STREET, FOR THE PURPOSES OF ECONOMIC DEVELOPMENT IN THE CITY, ACQUIRING AND IMPROVING PROPERTY FOR A NEW FIRE STATION, AND IMPLEMENTING PARK IMPROVEMENTS; PROVIDING THAT SAID PROPOSITION BE PLACED ON THE SAME BALLOT AS THE HERETOFORE CALLED REGULAR MUNICIPAL ELECTION TO BE HELD ON THE SAME DATE; AND PROVIDING THAT THE EARLY VOTING, IN PERSON VOTING, POLLING PLACES, VOTING SYSTEM, AND ELECTION ADMINISTRATION PROVISIONS FOR THE GENERAL ELECTION APPLY TO THIS SPECIAL ELECTION.

WHEREAS, the City Council of the City of Gainesville, Texas (“City Council”) has reviewed the economic development needs of the City of Gainesville (“City”) and has determined that it would be prudent to consider whether the tract of land situated on the northeast corner of Gribble Street and North Clements Street currently owned by the City could potentially enhance the tax base for the City; and

WHEREAS, a portion of said tract of land is held and claimed as a public park, commonly known as Sesquicentennial Park, and the remainder of the tract is currently the location of a City fire station; and

WHEREAS, in accordance with Texas Local Government Code § 253.001, the issue of the authorization of the sale, conveyance, or exchange of a public park by the City must be submitted to the qualified voters of the City, and proceeds from the sale must be used to acquire and improve property for the purposes for which the sold property was used; and

WHEREAS, the City Council has determined that a special election should be ordered and a proposition should be submitted to the voters of the City of Gainesville, Texas regarding the sale, conveyance, or exchange of Sesquicentennial Park and the fire station; and

WHEREAS, the City Council hereby finds and determines the sale, conveyance, or exchange of Sesquicentennial Park being submitted to the qualified voters of the City for approval is in compliance with the Texas Local Government Code and that the holding of

this election on a uniform election date, May 6, 2023, is in conformance with all applicable election laws; and

WHEREAS, in accordance with Chapter 26 of the Parks and Wildlife Code, before the City may change the use of a park, the City must hold a public hearing as prescribed by that Chapter; and

WHEREAS, prior to a final decision on whether to sell the tract that includes Sesquicentennial Park, the City Council will hold a public hearing on the proposal as specified in Chapter 26 of the Parks and Wildlife Code; and

WHEREAS, contingent on obtaining approval by the voters to sell, convey, or exchange Sesquicentennial Park, and the consideration of testimony presented at the public hearing, the City Council will consider removing the park designation and inviting sealed bids to sell, convey, or exchange the park and fire station parcel for fair market value in accordance with the notice and bidding requirements of Chapter 272 of the Texas Local Government Code; and

WHEREAS, upon approval by the voters to sell, convey, or exchange the fire station and park, and the consideration of testimony presented at the public hearing, the City Council may consider whether to enter into an agreement to have the current park and fire station parcel developed for economic development purposes and to obtain a more efficient fire station location and implement park improvements at another location.

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

SECTION 1. A special election is hereby ordered to be held at the polling sites designated by the City Council in the heretofore ordered General Election on May 6, 2023, for the purpose of submitting the following proposition to the qualified voters of the City of Gainesville, Texas:

PROPOSITION NO. 1

Authorize the City of Gainesville to sell, convey, or exchange Sesquicentennial Park and the fire station site, situated on the northeast corner of Gribble Street and North Clements Street, for the purpose of acquiring and improving property for a new fire station and implementing park improvements.

___ For ___ Against

SECTION 2. Propositions approved by a majority of the voters shall be effective when the City has canvassed the election results and enters an order stating the same.

SECTION 3. As soon as practicable after the election and the declaration by the Council that the votes have been canvassed, the City shall certify to the Secretary of State an authenticated copy showing approval or disapproval of the proposition.

SECTION 4. The special election is hereby ordered to be held on Saturday, May 6, 2023, in accordance with the laws of Texas, and the provisions of the Charter of the City of Gainesville, and the proposition shall be placed on the same ballot as the heretofore called General Election on May 6, 2023, and shall be prepared in accordance with the Texas Election Code.

SECTION 5. The election ordered herein shall be held as prescribed by law in the City of Gainesville during the hours and at the sites for early voting, in-person voting and ballot by mail as set forth in the General Election Order and shall be administered in accordance with the same provisions set forth the General Election Order.

SECTION 6. In accordance with Texas Election Code § 4.003(a)(1), notice of said election shall be given by publishing both in English and Spanish a substantial copy of this ordinance in a newspaper of general circulation at least once, not earlier than the 30th day or later than the 10th day before election day.

SECTION 7. Should any section, subsection, sentence, clause, or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The City hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 8. The recitals contained in the preamble of this Resolution are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 9. This Resolution shall be effective upon passage.

PASSED AND APPROVED this the 7th day of February 2023, by the following vote:

7 AYES, 0 NAYS, 0 ABSENCES, 0 ABSTENTIONS



TOMMY MOORE, MAYOR

ATTEST:


DIANA ALCALA, CITY SECRETARY

