

RESOLUTION NO. 94-2023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE EXECUTION OF A DONATION OF BOY SCOUT BUILDING
CONTENTS TO A NON-PROFIT ORGANIZATION**

WHEREAS, October 5th, 2010 The Breakfast Optimist Club of Abilene entered into lease agreement with City of Abilene; and

WHEREAS, the term of the lease was for ten years, expiring on October 5th 2020; and

WHEREAS, March 1st, 2023 Notice of Right to Reclaim Abandoned Property was sent to Breakfast Optimist Club of Abilene, Inc. to remove or dispose of items left by Boy Scout Troops within 60 days after the date of the letter; and

WHEREAS, property remaining after 60 days: the City of Abilene may remove and dispose of abandoned items;

WHEREAS, the Texas Constitution, Art. III, § 52(a) and Art. XI, § 3 generally prohibit the donation or gift of property by a municipality to a private entity or person; and

WHEREAS, a municipality may make a donation or gift of property if (1) the conveyance will serve a predominantly public purpose of the city; (2) the city will retain sufficient control to ensure the public purpose is carried out; and (3) the city will receive return benefit; and

WHEREAS, the unclaimed items have minimal monetary value to the City of Abilene, and the public is better served if the items are donated to local non-profit organizations for distribution to the public; and

WHEREAS, the City Council, City of Abilene, finds that the donation of the unclaimed items to local non-profit organizations will serve a predominately public purpose, the city will retain sufficient control to ensure the public purpose is carried out, and the city will receive a benefit.


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

Part 1: That the Parks & Recreation Department is hereafter authorized to donate unclaimed items located in the Boy Scouts Building in Oscar Rose Park to local non-profit organizations to serve the public purpose.

Part 2: That this Resolution shall take effect immediately from and after passage.


ADOPTED this 25th day of May 2023.

ATTEST:


Shawna Atkinson, City Secretary


Weldon Hurt, Mayor

APPROVED:


Stanley Smith, City Attorney