

AN ORDINANCE 2011-03-10-0210

ACCEPTING A DONATION IN THE AMOUNT OF \$100,000.00 FROM THE ESTATE OF MARY MCKINNEY, AS PRESCRIBED IN HER LAST WILL AND TESTAMENT, FOR THE SAN ANTONIO PUBLIC LIBRARY.

* * * * *

WHEREAS, on February 11, 2010, the San Antonio Public Library received a letter from Richard H. Noll, Attorney at Law; and

WHEREAS, the letter was official notification that the Library had been named as a Devisee in the Last Will and Testament of Mary McKinney; and

WHEREAS, accompanying the letter was a copy of the Last Will and Testament and Probate Order; and

WHEREAS, on December 3, 2010, the San Antonio Public Library received a letter accompanied by a Jefferson State Bank check in the amount of \$100,000.00 made payable to the San Antonio Public Library; and

WHEREAS, the Will did not stipulate a restriction on the use of the funds; and

WHEREAS, it is the direction of the San Antonio Public Library Board of Trustees that the best use of this gift is to support the new Parman and Mission branch libraries; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee, or the Director of the Library Department or his designee is hereby authorized to accept a donation in the amount of \$100,000.00 from the estate of Mary McKinney, as prescribed in her Last Will and Testament, for the San Antonio Public Library. A copy of the approved Last Will and Testament are attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. Funds generated by this ordinance in the amount of \$50,000.00 will be deposited into Fund 29603004, Internal Order 204000000579 and General Ledger 4502210 and these funds will be designated for the Mission Branch Library.

SECTION 3. Additional funds generated by this ordinance in the amount of \$50,000.00 will be deposited into Fund 45099000, WBS element 40-00142-90-19, entitled Private Contribution-Mary E McKinney Estate, and General Ledger 4502280 entitled Contribution from other Agencies.

SECTION 4. The amount of \$50,000.00 is appropriated in Fund 45099000, General Obligation Capital Projects, Project Definition 40-00142, Parman (New Branch Library), WBS element 40-00142-05-02-01, entitled City Construction, General Ledger 5201140, and is authorized to be encumbered and made payable for construction services.

SECTION 5. The financial fiscal allocations in this Ordinance are subject to approval by the Chief Financial Officer, City of San Antonio. The Chief Financial Officer, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

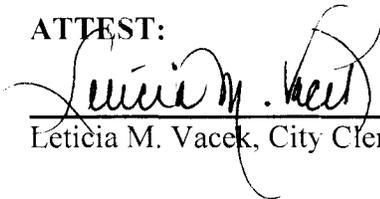
SECTION 6. This ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

PASSED AND APPROVED this 10th day of March, 2011.



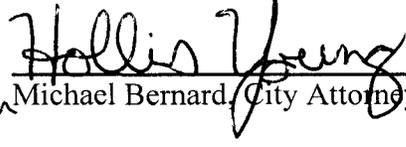
M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Michael Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 23

Name:	23						
Date:	03/10/2011						
Time:	10:48:07 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance accepting a donation in the amount of \$100,000.00 from the estate of Mary McKinney, as prescribed in her Last Will and Testament, for the San Antonio Public Library. [T.C. Broadnax, Assistant City Manager; Ramiro Salazar, Director, Library]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

NO. 2009-PC-3462

IN THE ESTATE OF	§	IN THE PROBATE COURT
MARY E. McKINNEY,	§	NO. 2
DECEASED	§	BEXAR COUNTY, TEXAS

RECEIPT AND RELEASE

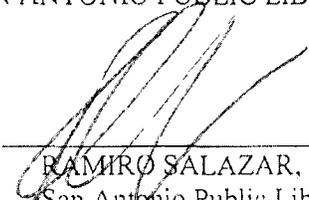
The undersigned hereby acknowledges RECEIPT of the following, in full satisfaction of this Estate to which the undersigned is entitled:

Cash Disbursement -- \$100,000.00

This receipt is also a FULL RELEASE of the Estate and all persons acting for or on behalf of such Estate with respect to any and all claims or demands which the undersigned may have with respect to the Estate or any of its assets.

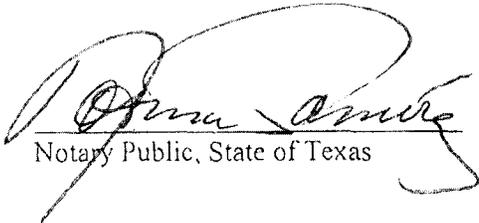
DATED this 3rd day of December, 2010.

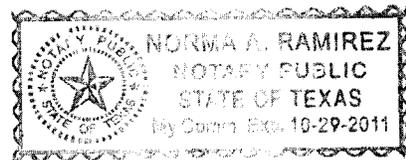
SAN ANTONIO PUBLIC LIBRARY

By: 
 RAMIRO SALAZAR, Director
 San Antonio Public Library

STATE OF TEXAS	§
COUNTY OF BEXAR	§

This instrument was acknowledged before me on this 3rd day of December, 2010, by Ramiro Salazar, Director, San Antonio, Public Library.


 Notary Public, State of Texas



2009PC3462

LAST WILL AND TESTAMENT

OF

MARY E. McKINNEY

FILED
IN MATTER OF ESTATE
2009 DEC -2 AM 8:44

CLERK OF DISTRICT COURT
BEXAR COUNTY, TEXAS

BY _____
DEPUTY

STATE OF TEXAS
COUNTY OF BEXAR

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

THAT I, MARY E. McKINNEY, a resident of Bexar County, Texas, being in good health, of sound and disposing mind and memory, above the age of eighteen (18) and not being actuated by any duress, menace, fraud, mistake or undue influence, do MAKE, PUBLISH and DECLARE this to be my LAST WILL AND TESTAMENT, hereby expressly revoking all Wills and Codicils heretofore made by me.

MARITAL STATUS

I declare that I am a single person.

ITEM I - EXECUTORSHIP

A. Executorship. I appoint LAWRENCE E. NOLL as Independent Executor of this Will and of my estate. If LAWRENCE E. NOLL should predecease me or fail or cease to serve or be unable to serve as Executor for any reason, then I appoint JEFFERSON STATE BANK, 711 Navarro Street, San Antonio, Texas, to serve as Independent Executor of this Will and of my estate. As used herein the term Executor shall always mean Independent Executor.

B. Compensation and Bond. My individual executor shall receive reasonable compensation for acting as Executor and no Executor shall be required to furnish bond. As compensation for its services, JEFFERSON STATE BANK, as Independent Executor, shall be entitled to receive compensation for being Executor as provided for in its standard compensation schedule in effect at the time such services are rendered.

C. Powers. I give unto my Executor full power and authority to sell, convey or encumber, with or without notice to the public, all or any part of my properties and estates and any increases thereof, on such

MEM
MEM

terms and conditions as shall in his sole judgment be deemed to be in the best interest of my estate; and such power and authority to purchase and acquire or sell and make other distribution of any and all stocks, bonds and other securities registered in my name or in my name jointly with any other person and to receive, collect and receipt for all monies or property owing to my estate and to do and perform any and all other acts as in his judgment may be necessary, convenient or desirable in carrying out the purposes of this Will, with full right and authority to engage in, own and operate or liquidate and discontinue any trade or business in which I may be in any manner engaged or interested at my decease, it being my express intention to vest in my Independent Executor all of the power and authority to manage, control and dispose of all properties and estates which I hold at the time of my decease; and, further, I hereby authorize my Independent Executor to settle and discharge or deny and contest any and all claims which may be presented against my estate as he in his sole discretion may deem just, fair and proper.

D. Time and Method of Distribution. I hereby direct my Independent Executor to pay out of my estate as soon after my death as practicable all of my funeral expenses and medical expenses connected with my death and all unsecured debts justly owed by me at the time of my death including inheritance taxes; and I hereby direct that the payment or prepayment of all secured debts shall be made by my Independent Executor only if, as and when in his sole discretion, such payment or prepayment thereof is due or would inure to the benefit of my estate. Subject to the foregoing, I direct my Independent Executor to distribute my estate as soon as possible after my death and my Independent Executor is authorized to make such distribution in cash or in kind or partly in cash and partly in kind.

E. Limitation of Court Supervision. I direct that the administration of my estate be conducted independently of the County Court and that no other action shall be had in the County Court in relation to the settlement of my estate other than the probating and recording of my Last Will and the return of an inventory, appraisement and list of claims of my estate.

ITEM II - DISPOSITION OF ESTATE

A. Disposition of Estate: Specific and Residuary Bequests

1. Specific Bequests. Subject to the provisions of Item I, Paragraph D, hereof, I make the following specific bequests:

- a. To ROBERT BRYAN, P. O. Box 131, Charlotte, Texas 78011, I GIVE, DEVISE and BEQUEATH the total sum of Fifty Thousand Dollars (\$50,000.00). Should ROBERT BRYAN predecease me or fail to survive me by 30 days and leave a surviving child or children, including an adopted child or children, then such issue shall take their share per stirpes and not per capita. Should ROBERT BRYAN predecease me or fail to survive me by 30 days and fails to leave any surviving issue, then ROBERT BRYAN's legacy will be divided, share and share alike, amongst the remaining surviving beneficiaries of Specific Bequests.
- b. To CAREY BRYAN, P. O. Box 482, Charlotte, Texas 78011 I GIVE, DEVISE and BEQUEATH the total sum of Fifty Thousand Dollars (\$50,000.00). Should CAREY BRYAN predecease me or fail to survive me by 30 days and leave a surviving child or children, including an adopted child or children, then such issue shall take their share per stirpes and not per capita. Should CAREY BRYAN predecease me or fail to survive me by 30 days and fails to leave any surviving issue, then CAREY BRYAN's legacy will be divided, share and share alike, amongst the remaining surviving beneficiaries of Specific Bequests.
- c. To the SAN ANTONIO PUBLIC LIBRARY OF SAN ANTONIO, TEXAS, I GIVE, DEVISE and BEQUEATH the total sum of One Hundred Thousand Dollars (\$100,000.00). Should the SAN ANTONIO PUBLIC LIBRARY OF SAN ANTONIO, TEXAS no longer be in existence at the time of my death, this bequest shall lapse and become part of the residuary of my estate.
- d. To JAMES R. COOK, JR, I GIVE, DEVISE and BEQUEATH the total sum of Fifty Thousand Dollars (\$50,000.00). Should JAMES R. COOK, JR predecease me or fail to survive me by 30 days and leave a surviving child or children, including an adopted child or children, then such issue shall take their share per stirpes and not per capita. Should JAMES R. COOK, JR predecease me or fail to survive me by 30 days and fails to leave any surviving issue, then JAMES R. COOK, JR'S legacy will be divided share and share alike amongst the remaining surviving or existing specific beneficiaries.
- e. To HOLY CROSS OF SAN ANTONIO, 426 N. San Felipe, San Antonio, Texas, I GIVE, DEVISE, and BEQUEATH the sum of One Hundred Thousand Dollars (\$100,000.00). Should the HOLY CROSS OF SAN ANTONIO no longer be in existence at the time of my death, this bequest shall lapse and become part of the residuary of my estate.

2. Residuary Bequest. Subject to the provisions of Item I, Paragraph D, and Item II, Paragraph A (1(a) - 1(d)), hereof, I GIVE, DEVISE and BEQUEATH all of the rest, residue and remainder of my property and estate which I may own at the time of my death, whether real, personal, or mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I any acquire or become entitled to after the execution of this Will, including all lapsed legacies and devises or other gifts made by this Will which fail for any reason, to THE FELIX AND ELIZABETH MCKINNEY SCHOLARSHIP FUND established at the University of Texas at San Antonio (UTSA) to be used for the purposes and intentions set out in such scholarship fund.

ITEM III - MISCELLANEOUS PROVISIONS

A. Invalid Provisions. If any part of this Will shall be invalid, illegal or inoperative for any reason, it is my intention that the remaining parts, so far as possible and reasonable, shall be effective and fully operative. My Independent Executor may seek and obtain court instructions for the purpose of carrying out as nearly as may be possible the intention of this Will as shown by the terms hereof, including the term held invalid, illegal or inoperative.

B. Headings. The headings which have been used throughout this Will have been inserted for administrative convenience only and do not constitute matter to be construed in interpreting this Will.

ITEM IV

IN WITNESS WHEREOF, I, MARY E. MCKINNEY, hereby set my hand to this my LAST WILL AND TESTAMENT, typewritten on five (5) sheets of paper (including an attestation clause, signature of witnesses and attached affidavit) on this the 1st day of September, 2006.

Mary E. McKinney
MARY E. MCKINNEY

SIGNED, DECLARED and PUBLISHED by MARY E. MCKINNEY, as her LAST WILL AND TESTAMENT in the presence of us, the attesting witnesses, who have hereto subscribed our names in the

presence of the said MARY E. McKINNEY at special instance and request, and in the presence of each other, on this 1st day of September 2006.

Janice B Schett
WITNESS

148 W Arrowhead, San Antonio, TX
ADDRESS 78222

Margan Stansell
WITNESS

1216 Weeping Willow San Antonio TX 78232
ADDRESS

STATE OF TEXAS §
COUNTY OF BEXAR §

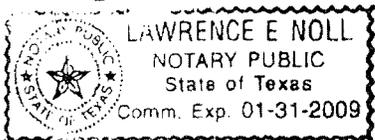
BEFORE ME, the undersigned authority, on this day personally appeared, MARY E. McKINNEY, Janice B Schett and Margan Stansell, known to me to be the Testatrix and witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument, in their respective capacities, and all of said persons being by me duly sworn that said Testatrix declared to me and to the said witnesses in my presence that said instrument is her Last Will and Testament and that MARY E. McKINNEY had willingly made and executed it as free act and deed for the purposes therein expressed; and the said witnesses, each on his respective oath, stated to me, in the presence and hearing of the said Testatrix, that the said Testatrix had declared to them that said instrument is her Last Will and Testament, and that MARY E. McKINNEY executed the same as such and wanted each of them to sign the same as witnesses in the presence of the said Testatrix at request; and that was at that time eighteen (18) years of age or over and was of sound mind; and that each of said witnesses was then at least fourteen (14) years of age.

Mary E. McKinney
MARY E. McKINNEY, Testatrix

Janice B Schett
Witness

Margan Stansell
Witness

Subscribed and acknowledged before me by the said, MARY E. McKINNEY, Testatrix, and subscribed and sworn to before said Janice B Schett and Margan Stansell, witnesses, this 1st day of September, 2006.



[Signature]
Notary Public, State of Texas

MEM
MEM

IN THE ESTATE OF	§	IN THE PROBATE COURT
MARY E. MCKINNEY,	§	NO. 2
DECEASED	§	BEXAR COUNTY, TEXAS

**ORDER PROBATING WILL AND
AUTHORIZING LETTERS TESTAMENTARY**

On this day came on to be heard the Application filed herein by Jefferson State Bank, for the probate of the Will of Mary E. McKinney, hereinafter called Decedent, and for the issuance of Letters Testamentary.

The Court, after having heard and considered the evidence, finds that legal notices of the filing of said Application have been issued and posted in the manner and for the length of time required by law, and no one came to contest same; and it further appearing that said Will was executed on September 1, 2006 with the formalities and solemnities and under the circumstances required by law to make it a valid Will, was self-proved according to law during the lifetime of said Decedent; that such Will has not been revoked by Decedent; that Decedent died at San Antonio, Bexar County, Texas on November 16, 2009; that this Court has jurisdiction and venue over the estate because Decedent was domiciled in Texas and had a fixed place of residence in Bexar County, Texas at the time of her death; that four years have not elapsed since the death of Decedent or prior to the said Application; that a necessity exists for the administration of this estate; that the following state, governmental agency of the state, or charitable organizations are named by the Will as devisees:

Name: SAN ANTONIO PUBLIC LIBRARY OF SAN ANTONIO, TEXAS
Address: 625 Shook, San Antonio, Texas 78212

Name: HOLY CROSS OF SAN ANTONIO
Address: 426 N. San Felipe, San Antonio, Texas 78228

Name: THE FELIX AND ELIZABETH McKINNEY SCHOLARSHIP FUND
established at the UNIVERSITY OF TEXAS AT SAN ANTONIO
(UTSA)
Address: One UTSA Circle, San Antonio, Texas 78249

that Decedent's Will named Lawrence E. Noll to serve as independent executor; that Lawrence E. Noll has declined to serve by Waiver and Renunciation of Right to Letters Testamentary duly executed and filed with the papers of this cause; that Decedent's Will named Jefferson State Bank to serve as an alternate Independent Executor to act independently without bond or other security, and the said Jefferson State Bank is not disqualified by law from serving as such or from accepting Letters Testamentary, and is entitled to such letters.

IT IS THEREFORE ORDERED AND DECREED by the Court that said Will is hereby proved and established and admitted to probate and recorded as the **LAST WILL AND TESTAMENT** of said Mary E. McKinney, Deceased, and that Jefferson State Bank be, and is hereby appointed Independent Executor of said Will and Estate without bond.

IT IS FURTHER ORDERED by the Court that Letters Testamentary upon the Will and Estate of Mary E. McKinney, Deceased, be and the same are hereby granted, that the Clerk shall issue said Letters Testamentary to Jefferson State Bank, as Independent Executor, when qualified according to law, and that no other action shall be had in this Court other than the return of an Inventory, Appraisement and List of Claims as required by law and the notice to beneficiaries required by Section 128A of the Texas Probate Code. No interested person has filed an application for the appointment of appraisers, and appointment of appraisers by the Court is waived.

SIGNED this 14 day of Dec, 2009.

19 Tom Rickhoff
JUDGE PRESIDING

APPROVED AS TO FORM:

Richard H. Noll
Attorney for Jefferson State Bank
State Bar No.: 15066600
4849 Fredericksburg Road
San Antonio, TX 78229-3627
Telephone: (210) 344-1411
Facsimile: (210) 344-4880