

ORDINANCE NO. 2006-08-22-001

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, CLOSING, VACATING AND ABANDONING A PORTION OF AN ALLEY IN BLOCK 13 OF THE ORIGINAL TOWN OF KEMPNER, LAMPASAS COUNTY, TEXAS, ABUTTING LOT 12 AND LOCATED BETWEEN AND PERPENDICULAR TO PECAN STREET AND ASH STREET; PROVIDING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH ABANDONED ALLEY BY QUIT CLAIM DEED; AND PROVIDING A SEVERABILITY CLAUSE AND OPEN MEETING CLAUSE.

WHEREAS, a portion an alley located in Block 13 in the Original Town of Kempner, Lampasas County, Texas, abutting Lot 12 and located between and perpendicular to Ash Street and Pecan Street, being more particularly shown and described in Exhibits "A" and "B" attached hereto and incorporated herein for all purposes, (the "Alley") is surplus and not necessary for use by the City as an alley;

WHEREAS, it has been requested that said Alley, be closed, vacated and abandoned by the City of Kempner, Texas (the "City");

WHEREAS, the Alley is not necessary for the purpose of serving the general public or the landowners adjacent thereto as an alley;

WHEREAS, the City has established the fair market value of the above described Alley as being \$400.00 ("Purchase Price"); and

WHEREAS, Chapt. 272, *Tex. Loc. Gov't. Code*, authorizes political subdivisions to sell and convey streets and alleys to abutting owners in proportion to ownership at an appraised fair market value.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of fact by the City Council of Kempner, Texas.

Section 2. Alleyway. The Alley, located in Block 13 in the Original Town of Kempner, Lampasas County, Texas, located between and perpendicular to Ash Street and Pecan Street, being approximately 10 feet in width and 150 feet in length, abutting the northern property line of Lot 12, more particularly shown and described in Exhibits "A" and "B", is surplus and not necessary for use by the City as an alley or street and is hereby permanently closed, vacated and abandoned by the City and the general public.

Section 3. Consideration. The Mayor and the City Secretary be and are hereby authorized, empowered, instructed, and directed to execute a Quit Claim deed conveying the rights and interests of the City in the above described abandoned and vacated Alley to the abutting property owner, Walter L. Prugh ("Prugh"); provided that Prugh pays the Purchase Price and any attorney's fees billed to the City for drafting of documents related to the abandonment and conveyance of the Alley. Upon the payment of the Purchase Price, attorney's fees, and the execution of such deed, the deed shall be and become a valid and binding act and deed of the City of Kempner, Texas.

Section 4. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

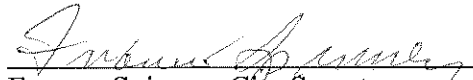
Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED on this the 22nd day August 2006.

THE CITY OF KEMPNER, TEXAS


Gene Isenhour, Mayor

Attest:


Frances Spinney, City Secretary



JERRY M. GOODSON

409 S. WESTERN AVE.
POST OFFICE BOX 349
LAMPASAS, TEXAS 78550
OFFICE: 512-556-6885 HOME: 512-556-5295
FAX: 512-556-6261

REGISTERED
PROFESSIONAL LAND SURVEYOR
LICENSED
STATE LAND SURVEYOR

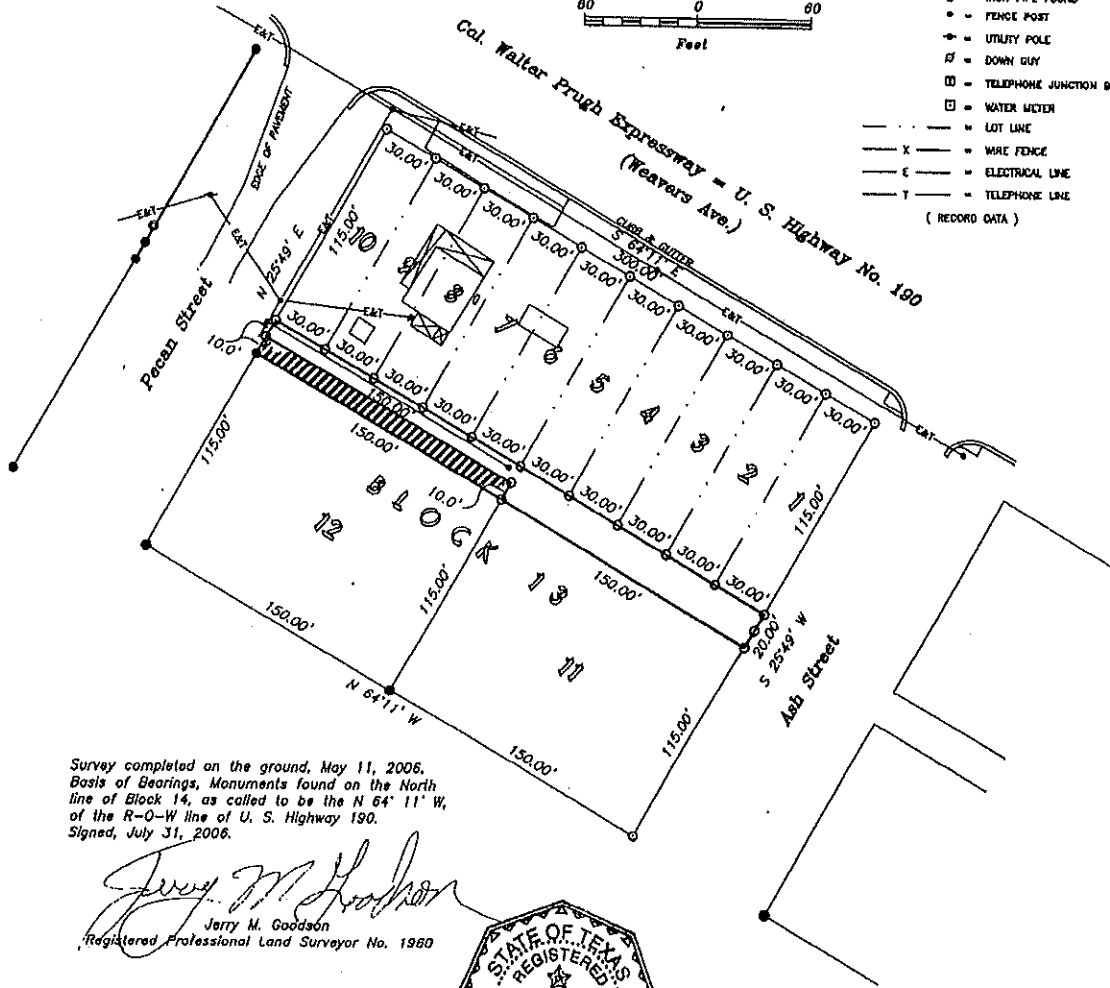


PLAT SHOWING THE LOCATION AND DIMENSIONS OF LOTS
1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, AND THE ALLEY
ALL IN BLOCK 13, OF CITY OF KEMPNER, COUNTY
OF LAMPASAS, TEXAS, AS RECORDED IN
PLAT CABINET 1, SLIDES 11-12, OF THE
PLAT RECORDS OF LAMPASAS COUNTY, TEXAS.

MADE FOR: CITY OF KEMPNER.

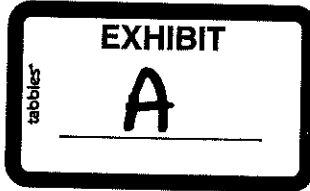
LEGEND

- = IRON PIN SET
 - = IRON PIN FOUND
 - ⊙ = IRON PIPE FOUND
 - = FENCE POST
 - ⊕ = UTILITY POLE
 - ⊥ = DOWN GUY
 - ⊠ = TELEPHONE JUNCTION BOX
 - ⊞ = WATER METER
 - = LOT LINE
 - X — = WIRE FENCE
 - E — = ELECTRICAL LINE
 - T — = TELEPHONE LINE
- (RECORD DATA)



Survey completed on the ground, May 11, 2006.
Basis of Bearings, Monuments found on the North
line of Block 14, as called to be the N 64° 11' W,
of the R-O-W line of U. S. Highway 190.
Signed, July 31, 2006.

Jerry M. Goodson
Jerry M. Goodson
Registered Professional Land Surveyor No. 1980





JERRY M. GOODSON

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FIELD NOTES OF A PORTION OF THE ALLEY IN BLOCK 13, OF KEMPNER, IN THE
CITY OF KEMPNER, LAMPASAS COUNTY, TEXAS.

MADE FOR: CITY OF KEMPNER.

Being the West ¼ of the South ¼ of the Alley in Block 13, of Kempner, in the City of
Kempner, Lampasas County, Texas, as recorded in Plat Cabinet 1, Slides 11-12, of the
Plat Records of Lampasas County, Texas;

Beginning at a ¼ inch iron pin, found, at the Northwest corner of Lot 12, of said
Block 13;

THENCE, S 64° 11' E, with the North line of said lot 11, 150.00 Feet, to a ¼ inch
iron pin, set with J.M. Goodson RPLS 1960 cap, at the Northwest corner of said Lot
11, being the Northeast corner of Lot 12;

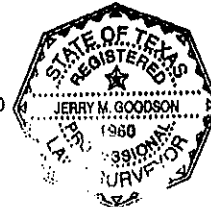
THENCE, N 25° 49' E, 10.00 Feet, to a ¼ inch iron pin, set with J.M. Goodson RPLS
1960 cap, in the center of said alley, from whence a ¼ inch iron pin, set with J.M.
Goodson RPLS 1960 cap, at the common South corner of Lots 5 and 6, Brs. N 25° 49' E,
10.00 Feet;

THENCE, N 64° 11' W, with the center of said alley, 150.00 Feet, to a ¼ inch iron
pin, set with J.M. Goodson RPLS 1960 cap, at the West end of said alley, from
whence a ¼ inch iron pin, found, with J.M. Goodson RPLS 1960 cap, Brs. N 25° 49' E,
10.00 Feet;

THENCE, S 25° 49' W, 10.00 Feet, to the PLACE OF BEGINNING. Survey completed on the
ground, May 11, 2006. Basis of Bearings, monuments found on the North line of Block
14 as called to be N 64° 11' E, on the R-O-W line of U. S. Highway No. 190. Also
reference accompanying Plat of tract described herein. Signed, July 31, 2006.

Jerry M. Goodson
Jerry M. Goodson

Registered Professional Land Surveyor No. 1960



EXHIBIT

B

tabbles

QUITCLAIM DEED

COPY

DATE: 22nd DAY OF August, 2006.

GRANTORS: **City of Kempner, Texas**

GRANTORS' MAILING ADDRESS: **P.O. Box 660, Kempner, Lampasas
County, Texas 76539-0660**

GRANTEE: **Walter L. Prugh**

GRANTEE'S MAILING ADDRESS: **P.O. Box 6, Kempner, Lampasas County,
Texas 76539-0006**

CONSIDERATION: (Four Hundred Dollars) \$400.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: The following described property in the City of Kempner, Lampasas, Texas:

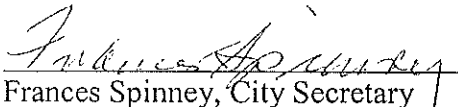
All that certain property, being 0.04 acre, more or less, being more particularly shown and described in Exhibits "A" and "B" attached hereto and incorporated herein for all purposes.

For the consideration Grantor quitclaims to Grantee all of Grantor's right, title, and interest in and to the property, including all oil, gas and other minerals that are in and under the property and that may be produced from it, together with the rights and appurtenances thereto, to have and to hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns shall have, claim or demand any right or title to the property or any part of it.

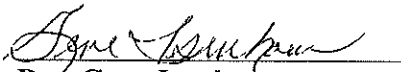
Date: August, 22, 2006

ATTEST:

**GRANTOR
City of Kempner, Texas**



Frances Spinney, City Secretary



By: **Gene Isenhour**
Title: **Mayor**

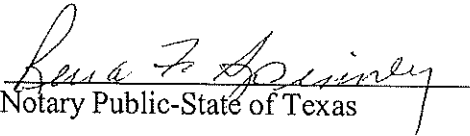
THE STATE OF TEXAS §

COUNTY OF LAMPASAS §

*Md to W. Prugh
8-28-06*

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Gene Isenhour, Mayor, City of Kempner, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 22nd day of August, 2006.


Notary Public-State of Texas

After Recording Return To:
City of Kempner
City Secretary
P.O. Box 660
Kempner, Texas 76539-0660

