

**ORDINANCE NO. 2002-09-24-001**

**AN ORDINANCE CLOSING, VACATING AND ABANDONING A PORTION OF ELM STREET THAT ABUTS LOT 11, BLOCK 3, TOWN OF KEMPNER; PROVIDING FINDINGS OF FACT; AUTHORIZING AND DIRECTING CONVEYANCE OF A PART OF SUCH ABANDONED STREET BY QUIT CLAIM DEED FOR THE APPRAISED AMOUNT; PROVIDING A SEVERABILITY CLAUSE AND AN OPEN MEETINGS CLAUSE.**

**WHEREAS**, Lot 11, Block 3, Town of Kempner, Lampasas County, Texas, abuts the southern right-of-way of Elm Street (also known as Conductor Street);

**WHEREAS**, it has been requested that a portion of the right-of-way of Elm Street that abuts Lot 11, Block 3, Town of Kempner, and contains 0.110 acre of land, more or less, be closed, vacated and abandoned by the City of Kempner, Texas (the "City");

**WHEREAS**, that part of the street referenced above, as more particularly described hereinafter, is not necessary for the purpose of serving the general public or the landowners adjacent thereto as a street;

**WHEREAS**, the City has obtained an appraisal establishing the fair market value of the above described right-of-way as being \$619.00; and

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

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

**Section 1.** 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.

**Section 2.** The part or portion of the right-of-way of Elm Street that abuts Lot 11, Block 3, Town of Kempner, being the area shown as a cross hatched area on the plat attached hereto and incorporated herein as Exhibit "A", being the 0.110 acre, more or less, tract described in Exhibit "B" attached hereto and incorporated herein for all purposes, is hereby permanently closed, vacated and abandoned by the City and the general public.

**Section 3.** The Mayor and the City Secretary be and are hereby authorized, empowered, instructed and directed to execute a Quit Claim Deed and Release conveying the rights and interests of the City in the above described abandoned and vacated portion of Elm Street to the abutting property owner of Lot 11, Block 3, Town of Kempner; provided that the purchase price to be paid for such property shall be \$619.00 plus the cost and expense to the City for preparing this Ordinance


and the Quit Claim Deed and Release. Upon the payment of the purchase price and costs and execution of the Quit Claim Deed shall be and become a valid and binding act and deed of the City of Kempner, Texas.

**Section 4.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application 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.

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

PASSED AND APPROVED on this the 24th day of September, 2002.

THE CITY OF KEMPNER, TEXAS

  
\_\_\_\_\_  
Roger Fancher, Mayor

Attest:

  
\_\_\_\_\_  
Frances Spinney, City Secretary

**QUITCLAIM DEED AND RELEASE**

STATE OF TEXAS                    §  
   §  
COUNTY OF LAMPASAS        §

DATE:                    September 24, 2002

GRANTOR:                City of Kempner, Texas, P. O. Box 660, Kempner, Lampasas County, Texas 76539

GRANTEE:                Wilburn O. Stacy and wife Joyce Stacy, 181 Hill Street, Kempner, Lampasas County, Texas 76539

CONSIDERATION:        TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration

PROPERTY:              0.110 acres of land, more or less, being part of the George Ricks Survey, Abstract No. 582, and being a part of the tract described as Tract 1, and part of the right-of-way of Elm Street as shown on the plat of the Town of Kempner, recorded in Cabinet 1, Slide 12, Plat Records of Lampasas County, Texas, as shown as a cross hatched area on the plat attached hereto and incorporated herein for all purposes as Exhibit "A", and more particularly described in the property description attached hereto and incorporated herein for all purposes as Exhibit "B".

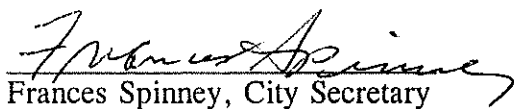
For the consideration Grantor quitclaims to Grantee all of Grantor's right, title, and interest in and to the property, save and except and excluding all water, oil, gas and other minerals that are in and under the property and that may be produced from it, together with the rights and appurtenances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

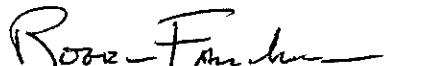
When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 24th day of September, 2002.

City of Kempner, Texas

Attest:

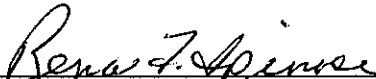
  
Frances Spinney, City Secretary

By:   
Name: Roger Fancher  
Title: Mayor

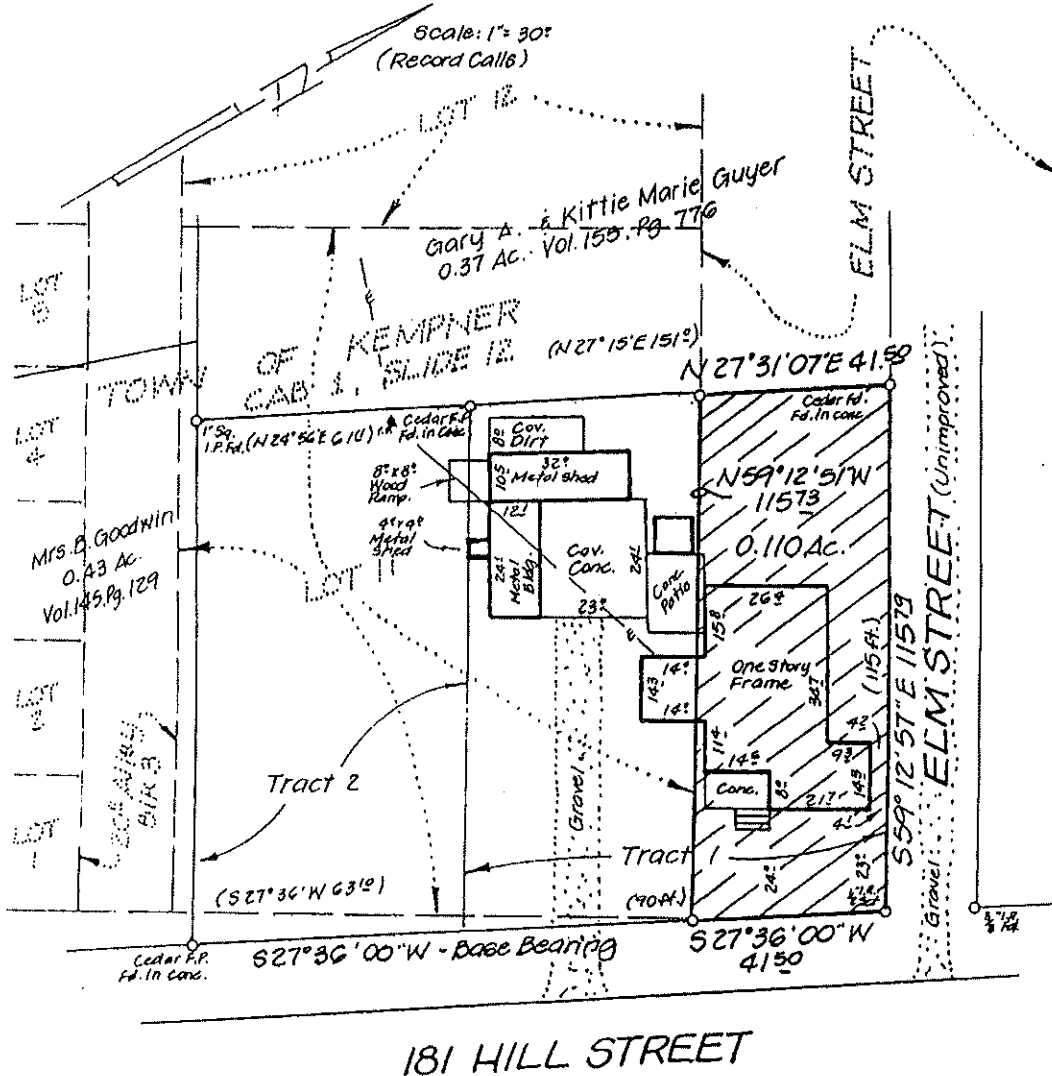
**ACKNOWLEDGEMENT**

STATE OF TEXAS                   §  
  §  
COUNTY OF LAMPASAS         §

This instrument was acknowledged before me on this the 24th day of September,  
2002, by Roger Fancher, Mayor of the City of Kempner, Texas, on behalf of the City.

  
\_\_\_\_\_  
Notary Public - State of Texas \





\* Crosshatched Area (0.110 Ac.) is within the original R.O.W. of Elm Street per the Plat of the Town of Kempner recorded in Cab. 1, Slide 12, P.R.L. Co.

0.110 acres, being part of the George Ricks Survey, Abstract No. 582, and being part of the tract described as TRACT 1, and part of the Right of Way of Elm Street as shown on the plat of the Town of Kempner, recorded in Cabinet 1, Slide 12, Plat Records of Lampasas County, Texas, Bearings are based on recorded deed recorded in Volume 199, Page 14, Deed Records of Lampasas County, Texas.

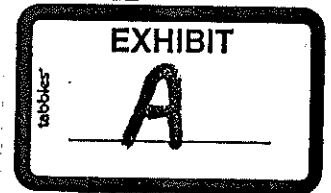
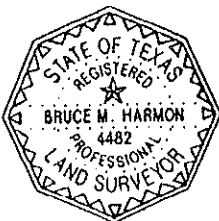
SEE ATTACHED LEGAL DESCRIPTION

STATE OF TEXAS \* KNOW ALL MEN BY THESE PRESENTS, that I, BRUCE M. HARMON, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the tract shown hereon. This document not valid without original signature. This Survey is valid for a period of 90 days after date shown below.

COUNTY OF BELL \*

IN WITNESS THEREOF, my hand and seal this the 5th day of September, 2002.

*B.M.H.*  
 Bruce M. Harmon  
 Registered Professional Land Surveyor, No. 4482



HARMON AND ASSOCIATES  
105 W. VETERANS MEMORIAL BLVD  
KILLEEN, TEXAS 76541  
(254)634-8877

LEGAL DESCRIPTION for a tract of land in Lampasas County, Texas, part of the George Ricks Survey, Abstract No. 582, and being part of the tract described as TRACT 1 in a Deed to Wilburn O. Stacy and wife, Joyce Stacy recorded in Volume 199, Page 14, Deed Records of Lampasas County, Texas, and being part of the Right of Way of Elm Street as shown on the Plat of the Town of Kempner recorded in Cabinet 1, Slide 12, Plat Records of Lampasas County, Texas.

BEGINNING at a 1/2" iron rod set at the intersection of the apparent south line of Elm Street and the apparent west line of Hill Street being the northeast corner of TRACT 1, for the northeast corner of this.

THENCE S. 27 deg. 36' 00" W., 41.50 feet (90 feet) (S. 27 deg. 36' W. - Base Bearing) with the east line of TRACT 1 to the intersection of the apparent west line of Hill Street and the south line of Elm Street as shown on the Plat of the Town of Kempner, being the northeast corner of Lot 11, Block 3, Town of Kempner, for the southeast corner of this.

THENCE N. 59 deg. 12' 51" W., 115.73 feet with the south line of Elm Street as shown on the Plat of the Town of Kempner and the north line of Lot 11, Block 3 to the east line of the Gary A. & Kittie Marie Guyer 0.37 acre tract recorded in Volume 155, Page 776, for the southwest corner of this.

THENCE N. 27 deg. 31' 07" E., 41.50 feet (N. 27 deg. 15' E.) with the east line of the Guyer tract to a cedar fence post found in concrete in the apparent south line of Elm Street being the northeast corner of the Guyer tract and the northwest corner of TRACT 1, for the northwest corner of this.

THENCE S. 59 deg. 12' 57" E., 115.79 feet (115 feet) with the apparent south line of Elm Street to the place of beginning containing 0.110 acre of land according to my Survey and my Calculations.

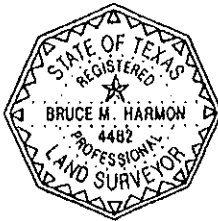
The bearings of this Legal Description are based on the east line of TRACT 2 as described in a Deed to Wilburn O. Stacy and wife, Joyce Stacy recorded in Volume 199, Page 14, Deed Records of Lampasas County, Texas and shown on attached Survey Plat.


---See attached Plat---

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STATE OF TEXAS \* KNOW ALL MEN BY THESE PRESENTS, that I, BRUCE M. HARMON  
Registered Professional Land Surveyor, do hereby certify that I did cause  
COUNTY OF BELL \* to be surveyed on the ground the above described tract. This document is  
not valid without original signature.

IN WITNESS THEREOF, my hand and seal, this the 5th day of September, 2002.



  
Bruce M. Harmon  
Registered Professional  
Land Surveyor No. 4482

