

ORDINANCE NO. 2010-03-09-001

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, CLOSING, VACATING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY OF OAK AVENUE, SIGNAL STREET, CONDUCTOR STREET, AND AN ALLEY IN BLOCK 4 OF THE ORIGINAL TOWN OF KEMPNER, LAMPASAS COUNTY, TEXAS, PERPENDICULAR TO SIGNAL STREET; AUTHORIZING CONVEYANCE TO THE ABUTTING PROPERTY OWNER; PROVIDING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH ABANDONED STREET RIGHT-OF-WAY BY SPECIAL WARRANTY DEED; PROVIDING SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the street right-of-way as shown and described in the survey attached hereto as Exhibit "A", is surplus and not necessary for use by the City as an alley or street;

WHEREAS, it has been requested that only a portion of the street right-of-way, described herein, be closed, vacated and abandoned by the City of Kempner, Texas (the "City");

WHEREAS, that portion of the right-of-way described in Exhibit "A" is not necessary for the purpose of serving the general public or the landowners adjacent thereto as a street;

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

WHEREAS, the portion of the right-of-way to be abandoned abuts multiple pieces of property, of which the proposed buyer is the sole owner; and

WHEREAS, the City has established the fair market value of the above described street right-of-way as being a total of \$4,350.00;

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. Right-of-Way. The 0.435 acres of the rights-of-way of Conductor Street, Signal Street, and Oak Street, and the alley located in Block 4, all in the City of Kempner, Lampasas County, Texas, as shown and described in the survey attached hereto as Exhibit "A" and incorporated herein for all purposes (the "Property"), is hereby permanently closed, vacated and abandoned by the City and the general public. The Property shown on Exhibit "A" is more particularly described by metes and bounds in Exhibit "B," attached hereto and incorporated herein

for all purposes.

Section 3. Consideration. The Mayor and the City Secretary be and are hereby authorized, empowered, instructed and directed to execute a special warranty deed conveying the rights and interests of the City in the above described abandoned and vacated Property as shown and described in Exhibit "A" and Exhibit "B" to Ann Hughes, the sole abutting property owner; provided that the purchase price to be paid for such Property shall be \$4,350.00. Upon the payment of the purchase price and the execution of such deed, such deed shall be and become a valid and binding act and deed of the City of Kempner, Texas. Both Exhibit "A" and Exhibit "B" shall be attached as exhibits to the special warranty deed.

Section 4. Retain Utility Easement. A perpetual easement in, upon, under, and across the Property is hereby retained by the City and the general public for use as a utility easement, and will be expressly retained in the special warranty deed to be delivered to the buyer.

Section 5. 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 6. Effective Date. This ordinance shall take effect immediately from and after its passage.

Section 7. 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 First Reading this 9th day of March, 2010.

Attest:

THE CITY OF KEMPNER, TEXAS



Frances Spinney, City Secretary



Gene Isenhour, Mayor

Maples & Associates, Inc.

www.maplesinc.com • P.O. Box 893 • Lampasas, Texas 76550 • (512) 556-2078 • (512) 556-0500 fax

LEGAL DESCRIPTION OF A TRACT OF LAND IN LAMPASAS COUNTY, TEXAS.

Being 0.435 acres of the George Ricks Survey, Abst. No. 582 in Lampasas County, Texas, and being parts of Oak Avenue, Signal Street (formerly known as High Street), Conductor Street (formerly known as Elm Street), and a 20 foot wide alley in Block 4 of the Original Town of Kemper, a subdivision recorded in Plat Cabinet 1, Slide 11 of the Plat Records of Lampasas County, Texas; said 0.435 acres being more particularly described as follows:

BEGINNING at a 1/2 inch iron pin set for the south corner of said Lot 1, Block 4, being on the north line of Oak Avenue and the west line of Signal Street (formerly known as High Street);

THENCE North 59° 03' 04" West, with the southwest line of said Block 4 and the northeast line of said Oak Avenue, 236.78 feet to a magnetized nail set in a chainlink fence on the southwest line of said Lot 8;

THENCE South 28° 26' 49" West, along the general course of a fence, 28.15 feet to a 1/2 inch iron pin set on the northeast right of way line of F.M. Hwy. 2313;

THENCE with the northeast right of way line of said F.M. Hwy. 2313 as follows;

South 64° 26' 13" East, 4.25 feet;

South 61° 38' 04" East, 248.21 feet to a 1/2 inch iron pin set in a fence within said Signal Street right of way;

THENCE along the general course of a fence within said Signal Street right of way as follows:

North 28° 39' 57" East, 117.17 feet to a 1/2 inch iron pin set at a fence corner;

North 25° 32' 36" East, 41.99 feet to a 1/2 inch iron pin set at a fence corner;

North 31° 26' 44" East, 83.88 feet to a 1/2 inch iron pin set at a fence corner;

North 31° 19' 07" East, 63.17 feet to a 1/2 inch iron pin set for a corner on the south line of a 0.187 acre tract of land described in a deed to Phil Egbert, et ux, as recorded in Vol. 398, Page 824 of said deed records;

THENCE North 59° 20' 20" West, with the south line of said 0.187 acre tract, 119.07 feet to a 1/2 inch iron pin set for the southwest corner of said 0.187 acre tract;

THENCE North 37° 21' 30" East, with the west line of said 0.187 acre tract, 9.90 feet to a 1/2 inch iron pin set;

THENCE South 70° 15' 28" West, with the north line of said Conductor Street and the north line of said original town, 62.84 feet to a 1/2 inch iron pin set for the north corner

THENCE South 30° 56' 55" West, with the southeast line of said Lot 11 and the northwest line of said Signal Street, 115.00 feet to a 1/2 inch iron pin set for the south corner of said Lot 11;

THENCE North 59° 03' 04" West, with the southwest line of said Lot 11 and the northeast line of a 20 foot wide alley, 242.78 feet to a 1/2 inch iron pin set for the west corner of said Lot 11, being on the north line of said original town;

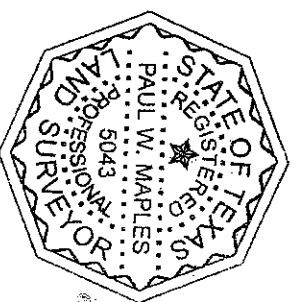
THENCE South 70° 35' 51" West, with the north line of said original town, 25.98 feet to a 1/2 inch iron pin set for the north corner of said Lot 9;

THENCE South 59° 03' 04" East, with the northeast lines of said Lots 1 through 9 and the southwest line of said alley, 259.36 feet to a 1/2 inch iron pin set on the northwest line of said Signal Street for the east corner of said Lot 1;

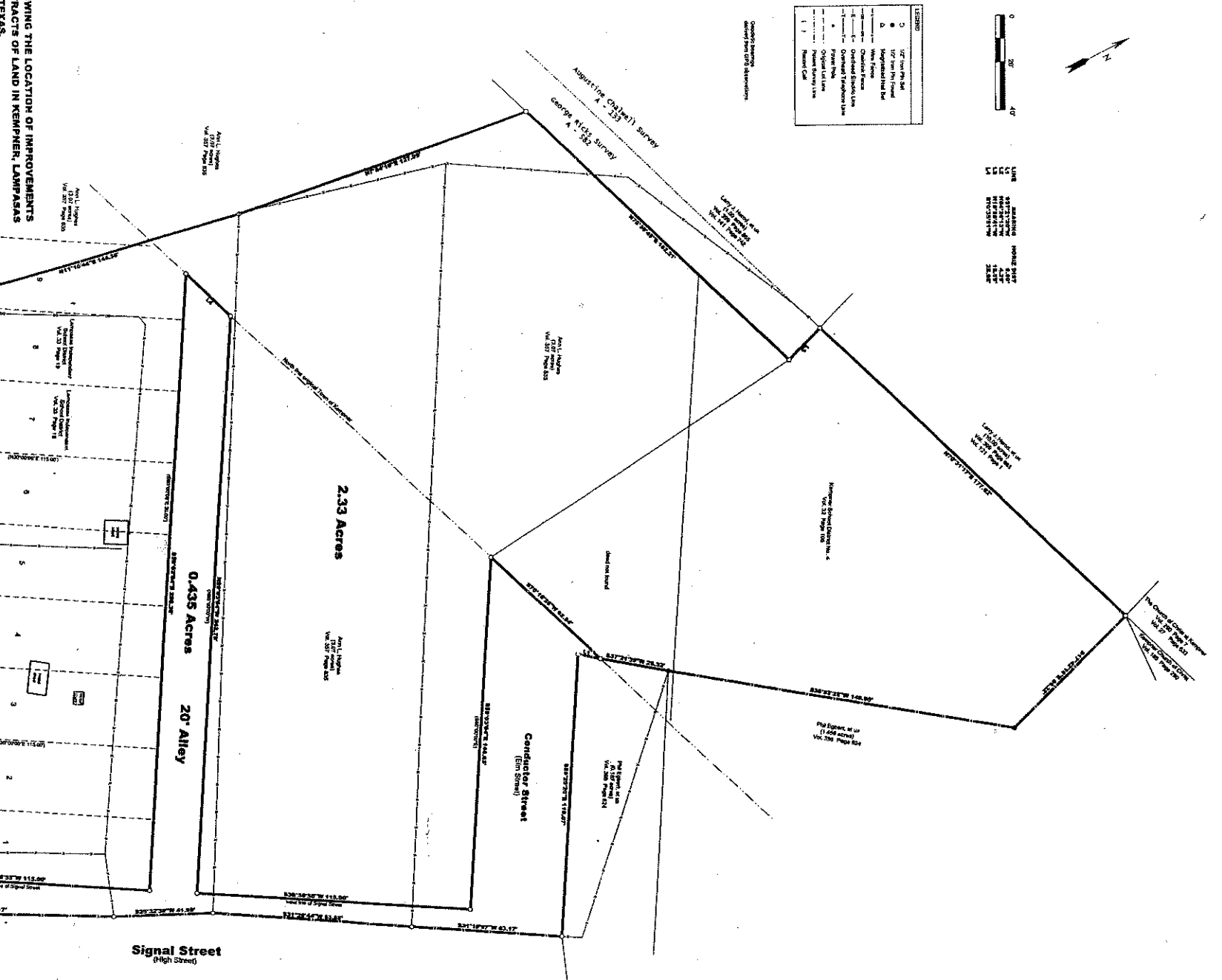
THENCE South 30° 56' 55" West, with the southeast line of said Lot 1 and the northwest line of said Signal Street, 115.00 feet to the PLACE OF BEGINNING, as surveyed on the ground on August 29, 2008, by MAPLES & ASSOCIATES, INC., and as shown on an accompanying plat of even survey date herewith.



Paul W. Maples, RPLS
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PLAN SHOWING THE LOCATION OF IMPROVEMENTS
ON TWO TRACTS OF LAND IN KEMPNER, LAMPASAS
COUNTY, TEXAS.



Signal Street
(High Street)

20' Alley

2.33 Acres

0.435 Acres

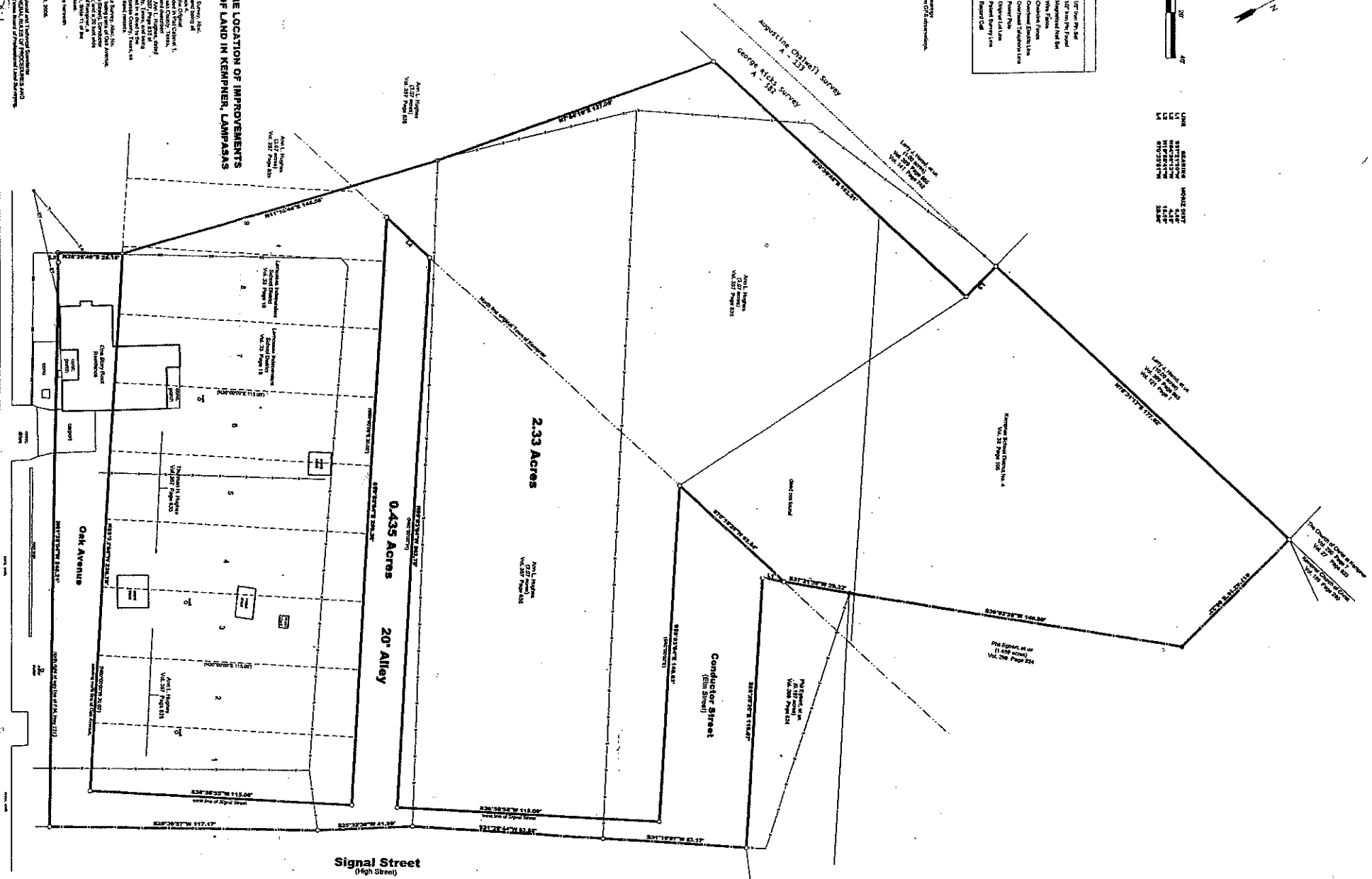
Candador Street
(City Street)



LINE	BEARING	LENGTH	BEARING	LENGTH
1	N 12° 00' 00" E	100.00	S 87° 00' 00" W	100.00
2	S 87° 00' 00" W	100.00	N 12° 00' 00" E	100.00
3	N 12° 00' 00" E	100.00	S 87° 00' 00" W	100.00
4	S 87° 00' 00" W	100.00	N 12° 00' 00" E	100.00

LEGEND	DESCRIPTION
○	1/4 Section Corner
●	1/2 Section Corner
○	Section Corner
—	Original Boundary Line
- - -	Proposed Boundary Line
—	Proposed Right-of-Way Line
—	Proposed Easement Line
—	Proposed Utility Line
—	Proposed Right-of-Way Line
—	Proposed Easement Line
—	Proposed Utility Line

Boundary Survey
Surveyed from 1955 to 1956



**PLAT SHOWING THE LOCATION OF IMPROVEMENTS
ON TWO TRACTS OF LAND IN KEMPER, LAMPASAS
COUNTY, TEXAS.**

This plat was prepared by the Kemper Land Survey, Inc., a corporation organized under the laws of the State of Texas, and is a true and correct copy of the original plat on file in the office of the County Clerk of Lampasas County, Texas, and is a true and correct copy of the original plat on file in the office of the County Clerk of Lampasas County, Texas, and is a true and correct copy of the original plat on file in the office of the County Clerk of Lampasas County, Texas.



F.M. Hwy 2313