

ORDINANCE NO. 2002-05-28-001

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, CLOSING, VACATING AND ABANDONING A PORTION OF AN ALLEY IN BLOCK 2 OF THE ORIGINAL TOWN OF KEMPNER; RETAINING A UTILITY EASEMENT; PROVIDING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH ABANDONED ALLEY RIGHT-OF-WAY BY SPECIAL WARRANTY DEED; AND PROVIDING A SEVERABILITY CLAUSE AND OPEN MEETING CLAUSE.

WHEREAS, a twenty feet (20') wide, more or less, of alley exists between and parallel to Elm Street and perpendicular to FM 2313 being approximately 205 feet in length is surplus and not necessary for use by the City as an alley or street

WHEREAS, retaining a twenty feet (20') wide, more or less, of public utility easement within the vacated alley is necessary for use by the City for public utility purposes;

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

WHEREAS, that part of the alley described above 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 right-of-way as being \$ 1,000.00;

WHEREAS, Chapt. 272, *Tex. Loc. Gov't. Code*, authorizes political subdivisions to sell and convey streets and alleys 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. 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.

(a) The Alley being approximately 20 feet by 205 feet located in Block 2 of the Original Town of Kempner running Parallel to Elm Street and Perpendicular to FM 2313 in Kempner, in Lampasas County, Texas as more particularly shown in Exhibit "A" attached hereto and incorporated herein for all purposes, is hereby permanently closed, vacated and abandoned by the City and the general public.

Section 3. Retain Utility Easement. A public utility easement over, across, under and through the Alley as more particularly shown in Exhibit "A" attached hereto and incorporated herein for all purposes, is hereby retained by the City and the general public for use as a public utilities easement.

Section 4. 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 portion of the alley as described in Exhibit "A" to the abutting property owner, Harold Ramm. That such special warranty deed shall retain to the City a public utility easement over, under, and through the alley. That upon the payment of the purchase price and the execution of such deed, that same shall be and become a valid and binding act and deed of the City of Kempner, Texas. In the event the City or any utility company shall hereafter excavate on the easement retained, the City, or the utility company, as the case may be, shall level the soil and repair the excavation to the City's satisfaction.

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. 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. 511, Tex. Gov't. Code.*

PASSED AND APPROVED on this the 28th day May 2002.

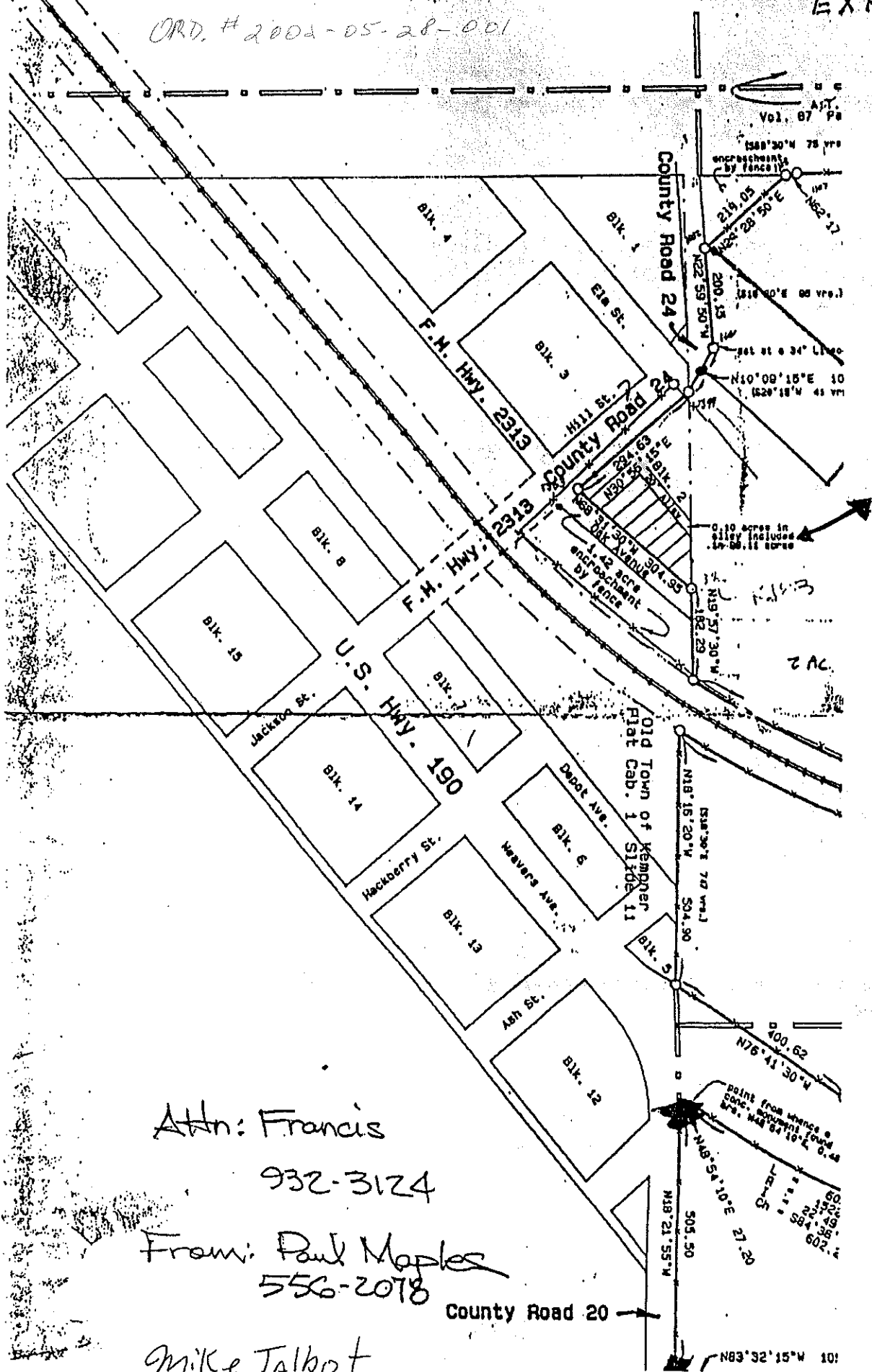
THE CITY OF KEMPNER, TEXAS


Roger Francher, Mayor

Attest:


Francis Spinney, City Secretary

ORD. # 2002-05-28-001



FROM
 SANCTER
 PLAT LINE
 SOUTH
 218'

Attn: Francis
 932-3124

From: Paul Maples
 556-2078

Mike Talbot

County Road 20