

ORDINANCE NO. 2002-07-09-001

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, CLOSING, VACATING AND ABANDONING A PORTION OF AN ALLEY IN BLOCK 3 OF THE ORIGINAL TOWN OF KEMPNER; 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 portion of a twenty feet (20') wide, more or less, alley exists adjacent to the north property lines of the western half of lot 7 and lots 8, 9 and 10, Block 3, George Ricks Survey, Abstract No. 582, being approximately 122 feet in length ("the Alley Portion"), said Alley Portion being surplus and not necessary for use by the City as an alley or street;

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

WHEREAS, the Alley Portion 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 Alley Portion as being \$ 853.00; and

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. The Alley Portion, being approximately 20 feet by 122 feet, located in Block 3 of the Original Town of Kempner and existing adjacent to the north property lines of the western half of lot 7 and lots 8, 9 and 10, Block 3, George Ricks Survey, Abstract No. 582, is surplus and not necessary for use by the City as an alley or street. Said Alley Portion is particularly shown in Exhibit "A" attached hereto and incorporated herein for all purposes, 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 Portion, as depicted on Exhibit "A"

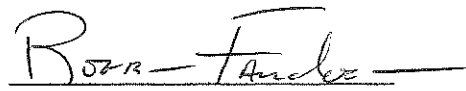
attached hereto and incorporated herein, to the abutting property owner, Patricia Lee Lavender. That upon the payment of the purchase price and the execution of such deed, the same shall be and become a valid and binding act and deed of the City of Kempner, Texas.

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

PASSED AND APPROVED on this the 9th day July 2002.

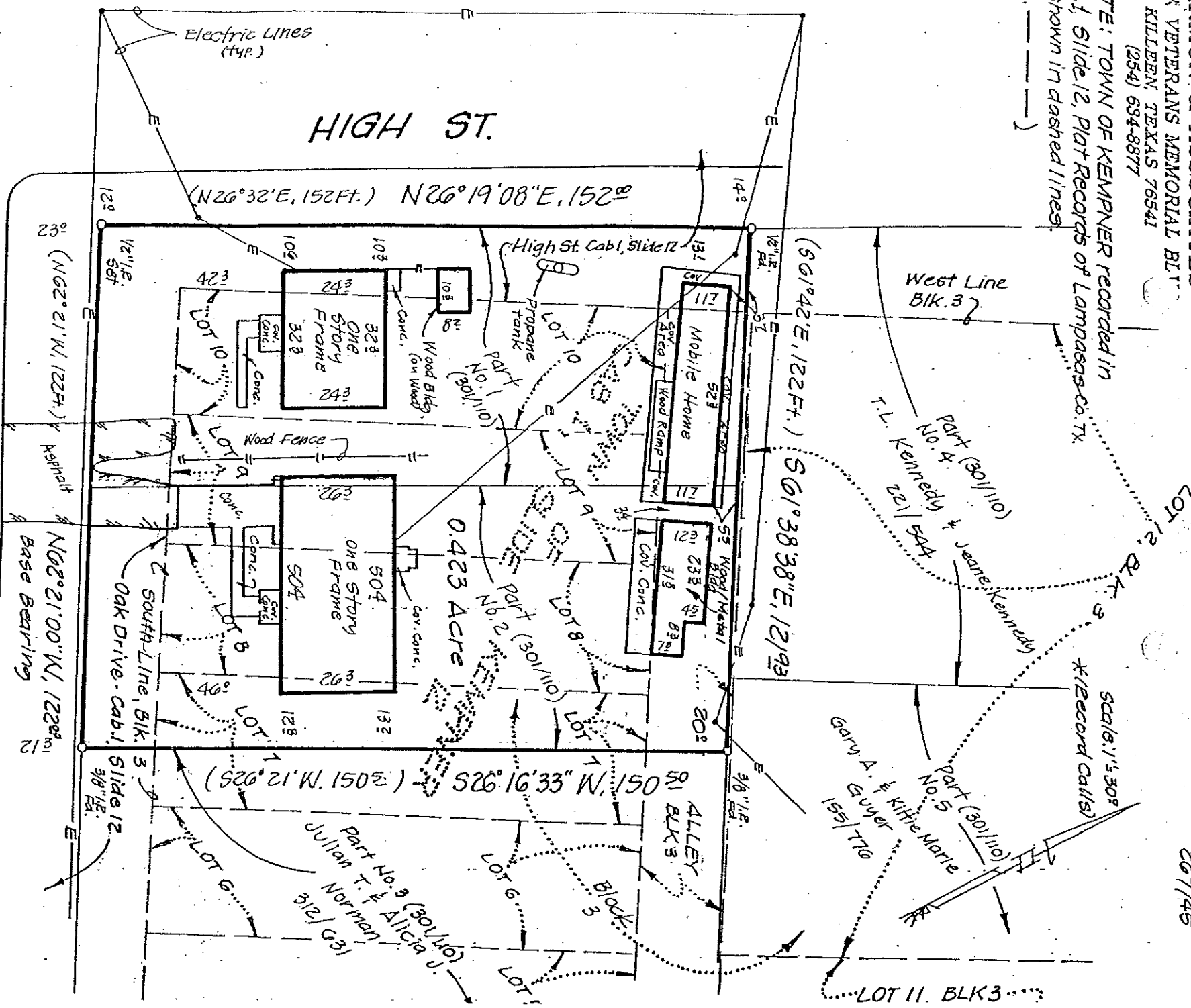
THE CITY OF KEMPNER, TEXAS


Roger Fancher, Mayor

Attest:


Frances Spinney, City Secretary

NOTE: TOWN OF KEMPNER recorded in Cab. 1, Slide 12, Plat Records of Lampasas Co. TX. is shown in dashed lines. (i.e. - - - - -)



F.M. No. 2313
Route 2, Box 3

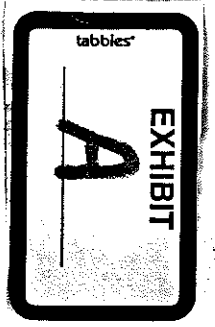
0.423 acre, part of the George Ricks Survey, Abstract No. 582, known as part of a 20 foot alley, Block 3, part of Lot 7, Block 3, all of Lots 8, 9 & 10, Block 3, part of Oak Drive and part of High Street as shown on the plat of the Town of Kempner recorded in Cabinet 1, Slide 12, Plat Records of Lampasas County, Texas. Bearings are based on the recorded deed in Volume 244, Page 814, 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.

IN WITNESS THEREOF, my hand and seal this the 2nd day of May, 2002.

B. Harmon

Bruce M. Harmon
Registered Professional Land Surveyor, No. 4482



LEGAL DESCRIPTION for a tract of land in Lampasas County, Texas, part of the George Risks Survey, Abstract No. 582, and being the same tract described in a Deed from Lee Allen Jackson to Robert Allen Jackson recorded in Volume 244, Page 814, Deed Records of Lampasas County, Texas, and known as part of a 20.0 foot wide alley, Block 3, part of Lot 7, Block 3, and all of Lots 8, 9, & 10, Block 3, part of Oak Drive, and part of High Street as shown on the Plat of the Town of Kempner recorded in Cabinet 1, Slide 12, Plat Records of Lampasas County, Texas, and the land herein described also shown as Part No. 1 and Part No. 2, on the Plat dated Sept. 14, 1970 recorded in Volume 301, Page 110, Deed Records of Lampasas County, Texas.

BEGINNING at a 3/8" iron rod found in the north right of way line of F. M. 2313 (as referenced in Volume 312, Page 631) being the southwest corner of the Julian T. & Alicia J. Norman tract (Part No. 3 - 301/110) recorded in Volume 312, Page 631, the southeast corner of Part No. 2 (301/110), and the southeast corner of the Jackson tract, for the southeast corner of this.

THENCE N. 62 deg. 21' 00" W., 122.00 feet (N. 62 deg. 21' W., 122 feet) with the north right of way line of F. M. 2313 (as referenced in Volume 312, Page 631) to a 1/2" iron rod set being the southwest corner of Part No. 1 (301/110) and the southwest corner of the Jackson tract, for the southwest corner of this.

THENCE N. 26 deg. 19' 08" E., 152.00 feet (N. 26 deg. 32' E., 152 feet) to a 1/2" iron rod found being the southwest corner of the T. L. Kennedy & Jeane Kennedy tract (Part No. 4 - 301/110) recorded in Volume 221, Page 544, the northwest corner of Part No. 1 (301/110), and the northwest corner of the Jackson tract, for the northwest corner of this.

THENCE S. 61 deg. 38' 38" E., 121.93 feet (S. 61 deg. 42' E., 122 feet) to a 3/8" iron rod found in the south line of the Gary A. & Kittie Marie Guyer tract (Part No. 5 - 301/110) recorded in Volume 155, Page 776 being the northwest corner of the Norman tract (Part No. 3 - 301/110), the northeast corner of Part No. 2 (301/110), and the northeast corner of the Jackson tract, for the northeast corner of this.

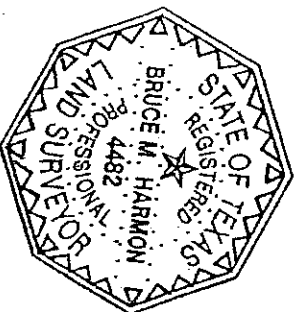
THENCE S. 26 deg. 16' 33" W., 150.50 feet (S. 26 deg. 21' W., 150.5 feet) to the place of beginning containing 0.423 acre of land according to my Survey and my Calculations.


The bearings of this Legal Description are based on the south line of the tract described in a Deed to Robert Allen Jackson recorded in Volume 244, Page 814, Deed Records of Lampasas County, Texas.

-----See attached Plat-----

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 2nd day of May, 2002.




Bruce M. Harmon
Registered Professional
Land Surveyor No. 4482

