

ORDINANCE NO. 2006-07-11-001

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, 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, between and perpendicular to Ash Street and Pecan Street, being more particularly shown and described in Exhibit "A" 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 \$ 900.00 ("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, between and perpendicular to Ash Street and Pecan Street, being approximately 10 feet in width and 150 feet in length, abutting the southern property lines of Lots 6, 7, 8, 9 and 10, and being approximately 20 feet in width and 150 feet in length abutting the southern property lines of Lots 1, 2, 3, 4 and 5 and the northern property line of Lot 11, more particularly shown and described in Exhibit "A", 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, as depicted on Exhibit "A" attached hereto and incorporated herein, to the abutting property owner, Brown L. Smith ("Smith"); provided that Smith pays the Purchase Price. Upon the payment of the Purchase Price 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 11th day of July, 2006.

THE CITY OF KEMPNER, TEXAS


Gene Isenhour, Mayor

Attest:



Frances Spinney, City Secretary

EXHIBIT "A"

Metes and Bounds Description and Survey of Alley



JERRY M. GOODSON

409 S. WESTERN AVE.
 POST OFFICE BOX 349
 LAMPASAS, TEXAS 76550
 OFFICE: 512-556-6885 HOME: 512-556-5295
 FAX: 512-556-6261

REGISTERED
 PROFESSIONAL LAND SURVEYOR
 LICENSED
 STATE LAND SURVEYOR

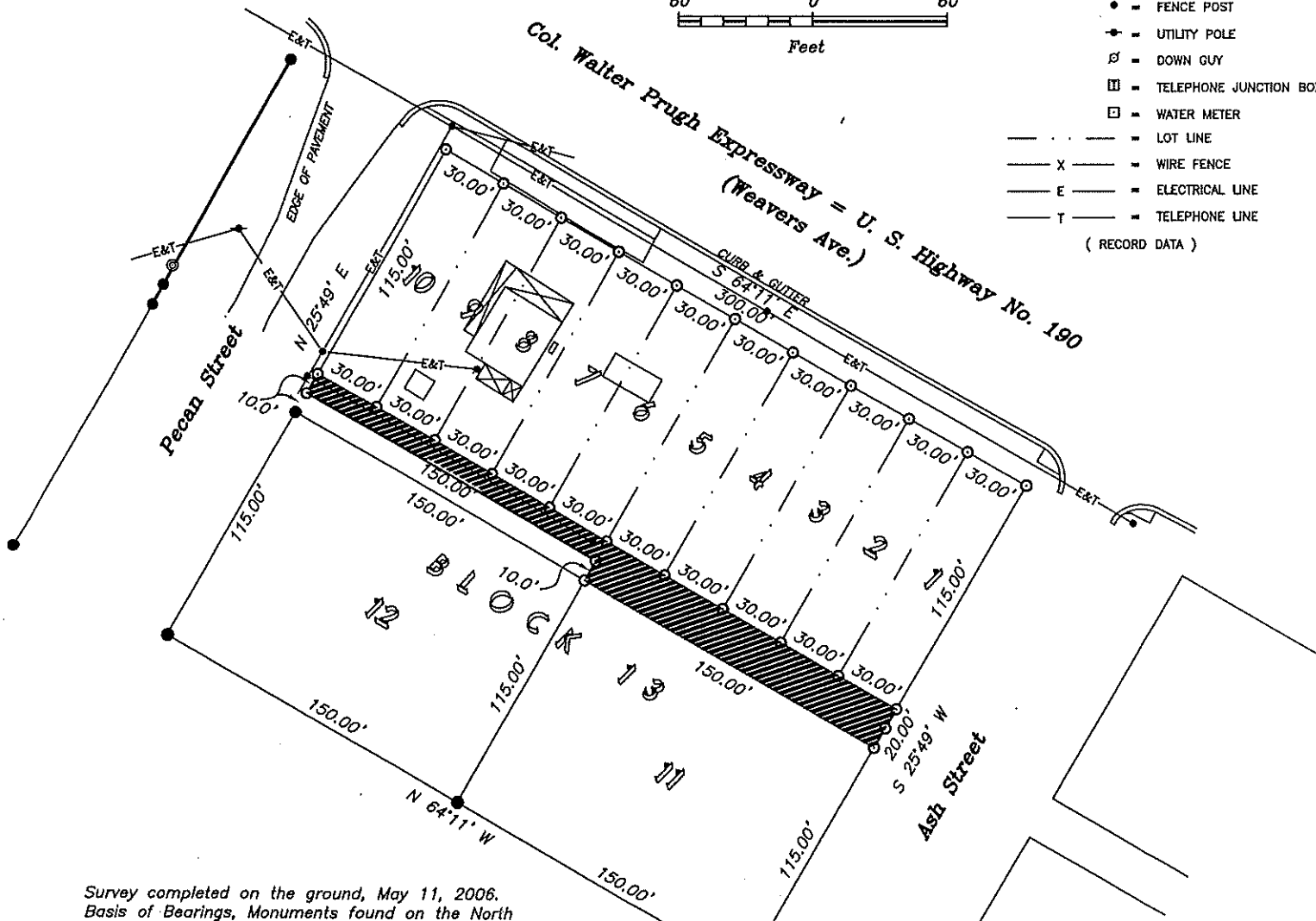
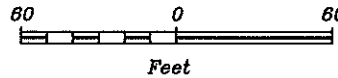


**PLAT SHOWING THE LOCATION AND DIMENSIONS OF LOTS
 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, AND THE ALLEY
 ALL IN BLOCK 13, OF CITY OF KEMPNER, COUNTY
 OF LAMPASAS, TEXAS, AS RECORDED IN
 PLAT CABINET 1, SLIDES 11-12, OF THE
 PLAT RECORDS OF LAMPASAS COUNTY, TEXAS.**

MADE FOR: BROWN L. SMITH

LEGEND

- = IRON PIN SET
 - = IRON PIN FOUND
 - ⊙ = IRON PIPE FOUND
 - = FENCE POST
 - ⊙ = UTILITY POLE
 - ⊘ = DOWN GUY
 - ⊞ = TELEPHONE JUNCTION BOX
 - ⊞ = WATER METER
 - = LOT LINE
 - - - = 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



JERRY M. GOODSON

409 S. WESTERN AVE.
POST OFFICE BOX 349
LAMPASAS, TEXAS 76550
OFFICE: 512-556-6885 HOME: 512-556-5295
FAX: 512-556-6261

REGISTERED
PROFESSIONAL LAND SURVEYOR
LICENSED
STATE LAND SURVEYOR

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

MADE FOR: BROWN L. SMITH.

Being the North $\frac{1}{2}$ and the East $\frac{1}{2}$ of the South $\frac{1}{2}$ 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 $\frac{1}{2}$ inch iron pin, set with J.M. Goodson RPLS 1960 cap, at the Southwest corner of Lot 10, of said Block 13;

THENCE, S $64^{\circ} 11' E$, with the South lines of Lots 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1, 300.00 Feet, to a $\frac{1}{2}$ inch iron pin, set with J.M. Goodson RPLS 1960 cap, at the Southeast corner of said Lot 1;

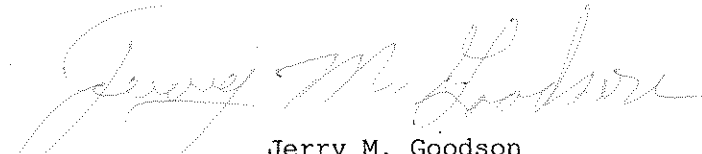
THENCE, S $25^{\circ} 49' W$, with the East line of said Alley, 20.00 Feet, to a $\frac{1}{2}$ inch iron pin, set with J.M. Goodson RPLS 1960 cap, at the Northeast corner of Lot 11;

THENCE, N $64^{\circ} 11' W$, with the North line of said lot 11, 150.00 Feet, to a $\frac{1}{2}$ 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 $25^{\circ} 49' E$, 10.00 Feet, to A $\frac{1}{2}$ inch iron pin, set with J.M. Goodson RPLS 1960 cap, in the center of said alley, from whence a $\frac{1}{2}$ inch iron pin, set with J.M. Goodson RPLS 1960 cap, at the common South corner of Lots 5 and 6, Brs. N $25^{\circ} 49' E$, 10.00 Feet;

THENCE, N $64^{\circ} 11' W$, with the center of said alley, 150.00 Feet, to a $\frac{1}{2}$ inch iron pin, set with J.M. Goodson RPLS 1960 cap, at the West end of said alley, from whence a $\frac{1}{2}$ inch iron pin, found, Brs. S $25^{\circ} 49' W$, 10.00 Feet;

THENCE, N $25^{\circ} 49' E$, 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 $64^{\circ} 11' E$, on the R-O-W line of U. S. Highway No. 190. Also reference accompanying Plat of tract described herein. Signed, June 16, 2006.


Jerry M. Goodson

Registered Professional Land Surveyor No. 1960

