

ORDINANCE NO. 2004-04-13-001

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, CLOSING, VACATING AND ABANDONING A PORTION OF STREET RIGHT-OF-WAY; AUTHORIZING CONVEYANCE TO ABUTTING PROPERTY OWNERS IN PROPORTION TO ABUTTING OWNERSHIP; 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, the remainder of the street right-of-way shall remain open for ingress and egress of the public;

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 city has received an appraisal establishing the fair market value of \$618.00 for the described right-of-way; and,

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 0.187 acres of right-of-way of Elm Street, (also known as Conductor St.) 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, is hereby permanently closed, vacated and abandoned by the City and the general public. Such right-of-way 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 portion of the street as shown and described in Exhibit "A" and Exhibit "B" to Juan Lopez, the abutting property owner in proportion to ownership; provided that the purchase price to be paid for such property shall be \$618.00 for the 0.187 acres of such tract of right-of-way. Upon the payment of the purchase price and attorney's fees incurred by the City in relation to the abandonment of the right-of-way, 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. 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. Effective Date. This ordinance shall take effect immediately from and after its passage.

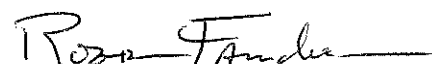
Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapt.551, Tex. Gov't Code.

PASSED AND APPROVED on First Reading this 13th day of April 2004.

Attest:

THE CITY OF KEMPNER, TEXAS


Frances Spinney, City Secretary


Roger Fancher, Mayor



APPROXIMATE LOCATION OF SURVEY LINE

GEORGE RICKS NO. 582 SURVEY

ANN L. HUGHES VOL. 357, PG. 835 TRACT 2; 5.14 AC.

N16°54'10"W 66.09'
(N16°52'18"W 66.09')

(N37°45'11"E 147.69')
N37°53'05"E 147.52'

N37°53'05"E P.O.B. 40.00'

N58°29'14"W 119.07'

ANN L. HUGHES VOL. 357, PG. 835 TRACT 2; 5.14 AC.

N68°43'53"W 122.25'

S53°49'05"W 18.03.09'

S58°29'15"E 133.58'

S33°49'59"W 134.83'
(S33°47'00"W 134.79')
TAD L. HENDRICKSON and wife
SHELLY HENDRICKSON
VOL. 335, PG. 663
0.488 AC.

JUAN LOPEZ and wife
CARMEN M. LOPEZ
VOL. 304, PG. 501
1.459 ACRES
(REMAINDER PORTION OF BLOCK 1)

ORIGINAL TOWN OF KEMPNER BLOCK .11, SLIDE 11

ONE-STORY WOOD FRAME DWELLING

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ONE-STORY WOOD FRAME DWELLING

ONE-STORY WOOD FRAME DWELLING

ONE-STORY WOOD FRAME DWELLING

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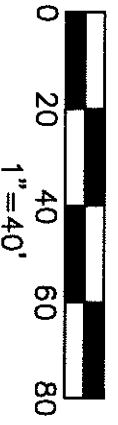
HIGH STREET (80' R.O.W.)

ELM STREET (80' R.O.W.)

BLOCK '3'

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET W/CAP (INTERSTATE SURVEYING)
- ▲ 60D NAIL FOUND
- 3" PIPE POST
- △ CALCULATED POINT (UNLESS OTHERWISE NOTED)
- (XXX) RECORD INFORMATION



NOTE: THE BEARINGS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS USING A NAD83 CONVERSION TO TEXAS STATE PLANE COORDINATES, CENTRAL ZONE, FROM WGS-84.

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.