

CITY OF BASTROP ORDINANCE NO. 2016 - 25

AUTHORIZING THE VACATION, ABANDONMENT, AND CONVEYANCE OF A PORTION OF UNOPENED PAUL C. BELL STREET, JEFFERSON STREET, MILL STREET, AND SOUTH STREET AT THE INTERSECTION OF BUILDING BLOCKS 20, 21, 99, 98, AND 97; AUTHORIZING THE CONVEYANCE OF A PART OF THE NORTH AND SOUTH PORTION OF BLOCK 20 AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH; AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIM DEEDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop, Texas as a City incorporated and operating under the laws of the State of Texas, has the authority under Chapters 282 and 253 of the Local Government Code, as amended, to vacate and abandon and close municipal rights-of-way, streets or alleys, by ordinance, when such action is in the best interest of and serves the public purpose; and

WHEREAS, the City owns a portion of the South Half of Block 20, East of Water Street, described in a Deed from F.A. Orgain to the City of Bastrop, dated June 7, 1910 and recorded in Volume 47, Page 189 of the Deed Records of Bastrop County, Park and a portion of the North half of building Block 20, according to the June 1920 "George Iredell Maps" of the City of Bastrop, and as shown on the survey and diagram attached as Exhibit "A"; and

WHEREAS, the City owns a portion of unopened Paul C. Bell ("Bell") Street, Jefferson Street, Mill Street and South Street situated at the intersection of Building Blocks 20, 21, 99, 98, and 97, South of Jasper Street and to the West of Hill Street, within a plat situated in the City of Bastrop according to the George Iredell Map of the City of Bastrop, dated July, 1920 and recorded in Plat Cabinet 1, Slide 23A of the Plat Records of Bastrop County. The unopened streets to be vacated and abandoned by the City are identified as Items #2 and Item #3, on attached Exhibit "A" and by the metes and bounds legal description and/or survey, attached hereto as Exhibit "B."

WHEREAS, the portions of Jefferson Street, Mill Street and South Street, together with the North and South portions of Building Block 20 to be vacated and conveyed to the

abutting property owner totals 3.42 acres, shown as Item #2, on Exhibit "A" attached hereto; and

WHEREAS, the portion of Bell Street to be vacated and conveyed to the abutting property owner totals 0.339 acres, shown as Item #3, on Exhibit "A" attached hereto; and

WHEREAS, the portions of Bell Street, Jefferson Street, Mill Street and South Street to be vacated and conveyed in the identified survey, at this time, are unimproved and are not open to the public; and

WHEREAS, the City of Bastrop has received a request from the abutting property owner to consider vacating and abandoning said portion of Bell Street, Jefferson Street, Mill Street and South Street, and/or that Public Right-of-Way and to convey a portion of the North and the South half of Building Block 20, shown as a portion of Item #2, on Exhibit "A" attached hereto; and

WHEREAS, the property owner requesting the vacation and abandonment, abuts on both sides of Bell Street, Jefferson Street, Mill Street, and South Street such that there are no other abutting property owners to be notified of the vacation and abandonment by certified and regular mail; and

WHEREAS, the City's Planning and Development Department has reviewed and approved the proposed request, the City Council now finds that the utilities existing, or that will exist in the future, in the area of the unopened Streets, Alleys, and/or public Right-of-ways will be sufficiently protected by being either relocated or placed into easements and that the utility companies serving the area including and surrounding the right-of-way have determined that their utilities, if existing, will also be sufficiently protected by the same means; and

WHEREAS, the abandonment and vacation of said portions of Bell, Jefferson, Mill Street and South Street will not affect the traffic flow or pattern in the area, and the City Council finds that it is in the best interest of the City to abandon, vacate and close said portion of the Streets; and

WHEREAS, in consideration for the conveyance by the City to Robert Long of 3.482 acres, identified as portions of Block 20 and portions of Jefferson, Mill Street and South Street, and .339 acres of unopened Bell Street, shown as Item #4, on Exhibit "A" attached hereto, the City of Bastrop will obtain a 30 foot wide public utility easement, described by the metes and bounds on attached Exhibit "B"; and

WHEREAS, the City Council of the City of Bastrop, Texas, finds and declares that it is in the best interest of all of the citizens of the City of Bastrop, Texas that the identified

portions of Bell Street, Jefferson Street, Mill Street, and South Street be vacated and closed and abandoned, in favor of the request of the applicant; and

WHEREAS, the City Council has determined that it is in the best interest of all the citizens of the City of Bastrop, Texas, that the applicant exchange for abandoned streets Mill, Jefferson and South, and a portion of Block 20 (totaling 3.482 acres), and a portion of Bell Street (totaling .339 acres), property owned by the applicant worth the fair market value of the City property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

Section 1: That the following identified portions of unopened Bell Street, Mill Street, Jefferson Street, and South Street shown as Item #2 and Item #3 on Exhibit “A,” which is attached hereto, and is made a part of this ordinance for all purposes, be, and the same are hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned.

Section 2: That said portions of Streets, Alleys, and/or Public Right-of-Ways are not needed for public roadway purposes and it is in the public interest of the City of Bastrop to abandon said described portions of the Streets, Alleys, and/or Public Right-of-Ways for use as roads and roadways.

Section 3: That the 30 foot wide public utility easement across out of portions of Block 20, Block 97, Block 98 and portions of abandoned Jefferson Street, shown as Item #4 on Exhibit “B” attached hereto, will be granted to the City by the requesting adjacent property owner/applicant; and

Section 4: That the parties acknowledge and agree that the exact location of the 30 foot wide public utility easement identified as Item #4 on Exhibit A, is currently unknown, and further, the location shown as Item #4, on Exhibit “A” and the related survey is an approximation of the location of the municipal service lines and that, based on the City’s findings the public utility easement may need to be adjusted when the service lines are specifically located, which is agreed to by the adjacent requesting property owner/applicant.

Section 5: That the Mayor and/or the City Manager are hereby authorized and directed to convey and transfer by quitclaim deed, in exchange for the public utility easement, the following interest of the City of Bastrop, Texas, except for any past, present, or future utility easement belonging to the City, (1) 3.482 acres consisting of a portion of the South half of building Bock 20 East of Water Street, a portion of the North half of Building Block 20 and part of the unopened right of way of Mill Street, South Street and Jefferson Street, and (2) 0.339 acre tract, being a part of the unopened right-of-way of Paul C. Bell Street,

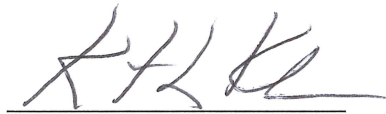
both of which are identified on Exhibit "A", more specifically as Item #2 and Item #3, respectively.

Section 6: That the abandonment and conveyance provided for herein shall extend only to the public right and title in and to the tracts of land described in this Ordinance, and shall be construed only to that interest the governing body of the City of Bastrop may legally and lawfully abandon and convey same.

READ and Acknowledged on First Reading on the 13th day of September, 2016

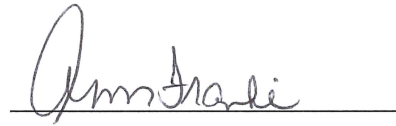
READ and Approved on Second Reading on the 27th day of September, 2016.

APPROVED:

A handwritten signature in black ink, appearing to be 'KK', written over a horizontal line.

Ken Kesselus
Mayor

ATTEST:

A handwritten signature in black ink, appearing to be 'Ann Franklin', written over a horizontal line.

Ann Franklin
City Secretary

EXHIBIT "A"

[Map]

EXHIBIT "B"
(Metes and Bounds Legal Description of 30 foot easement – Item #4)