

## ORDINANCE 2019-62

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS ABANDONING, VACATING, AND CLOSING A 0.211 ACRE PORTION OF ADAMS STREET ROADWAY BEING OUT OF BUILDING BLOCK 12 (WEST OF WATER STREET) IN THE CITY OF BASTROP, BASTROP COUNTY, TEXAS, AND WHICH IS MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT A, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES; AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED TO CONVEY SAID RIGHT-OF-WAY TO ADJACENT OWNERS; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

**WHEREAS**, the City of Bastrop, Texas ("City") is a Home-Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, Section 311.001(a) of the Texas Transportation Code generally provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

**WHEREAS**, Section 311.007 of the Texas Transportation Code provides the authority for a home-rule municipality to vacate, abandon or close a street or alley within the municipality; and

**WHEREAS**, the City Council of the City of Bastrop, Texas, has determined and finds it is in the public interest that the portion of Adams Road, as described and/or depicted in *Exhibit A*, which is attached hereto and incorporated herein for all purposes, should be abandoned, vacated, and closed as a public right-of-way.

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

### SECTION 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

### SECTION 2. ABANDONMENT

That the right-of-way identified as Adams Street, generally consisting of 0.211 acres of land out of Building Block 12 (West of Water Street) in the City of Bastrop, Bastrop County, Texas, more

particularly described in the field notes and plat in *Exhibit A*, which is attached hereto and incorporated herein for all purposes, is hereby abandoned, vacated, and closed as a public roadway.

### **SECTION 3. DEED AUTHORIZATION**

That the City Council of the City of Bastrop, Texas does hereby authorize the City Manager to execute a deed or deeds in a form substantially similar to the deed attached hereto as *Exhibit B*, and any and all documents necessary to convey the Adams Street right-of-way to the abutting property owners.

### **SECTION 4. REPEALER**

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

### **SECTION 5. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

### **SECTION 6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.


### **SECTION 7. OPEN MEETINGS**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.


**READ & ACKNOWLEDGED** on First Reading on the 12th day of November 2019.

**READ & APPROVED** on the Second Reading on the 26th day of November 2019.


**APPROVED:**

by   
Connie B. Schroeder, Mayor

**ATTEST:**

  
Ann Franklin, City Secretary

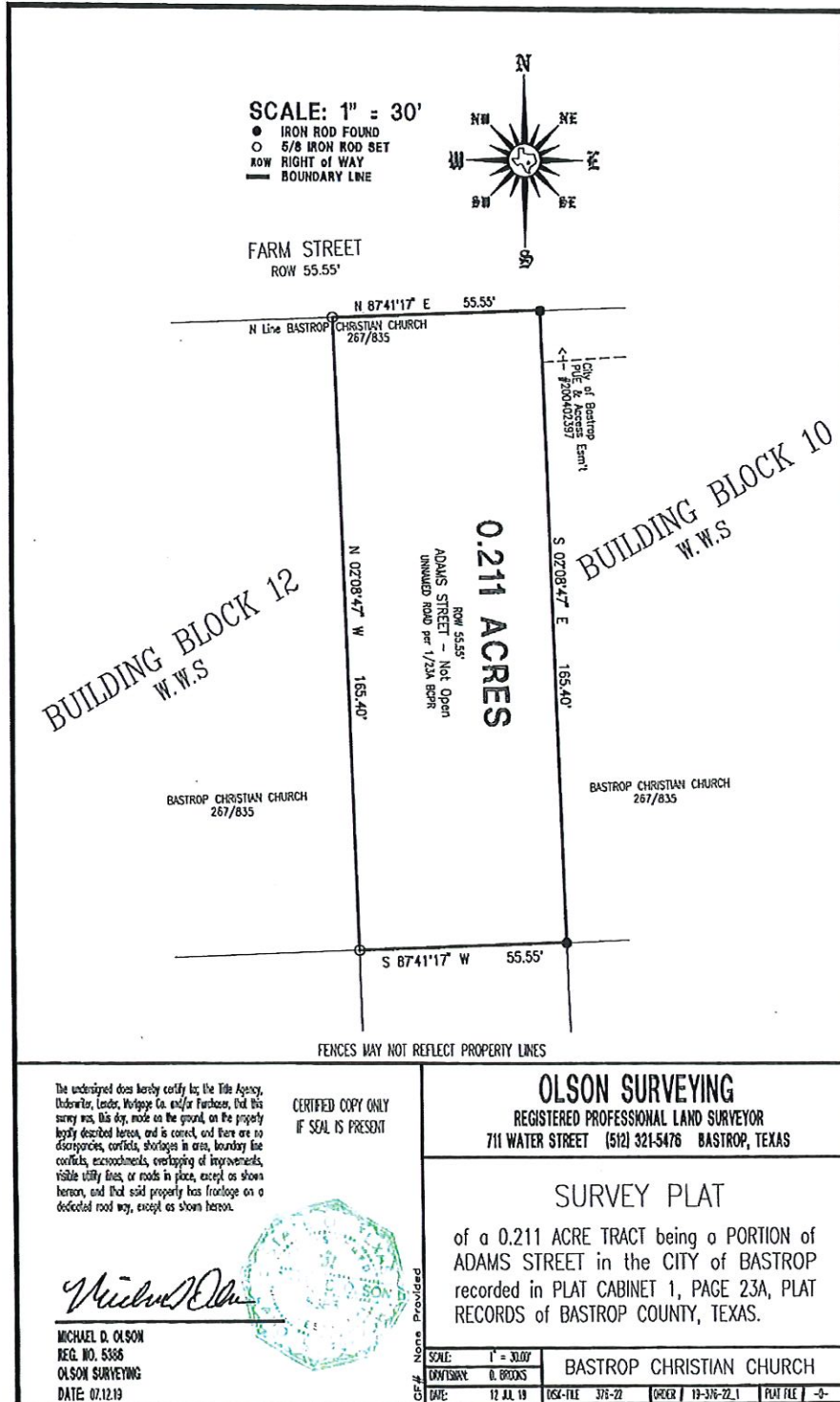
**APPROVED AS TO FORM:**

  
Alan Bojorquez, City Attorney

## **Exhibit A**

### **Legal Description of Adams Street Right-of-Way**

**EXHIBIT "A"**



**OLSON SURVEYING**

Registered Professional Land Surveyor  
711 Water Street  
Bastrop, Texas 78602  
Phone (512)321-5476 Fax (512)303-5476  
[olsonsurvey@sbcglobal.net](mailto:olsonsurvey@sbcglobal.net)

FIELD NOTES FOR A 0.211 ACRE PORTION OF ADAMS STREET IN THE CITY OF BASTROP, BASTROP COUNTY, TEXAS.

BEING a 0.211 acre portion of Adams Street in the City of Bastrop, Bastrop County, Texas, according to the map of said city as recorded in Plat Cabinet 1, Page 23A, Bastrop County Plat Records and a portion of that certain tract described in a deed from The Calvary Baptist Church of Bastrop to Bastrop Christian Church of Bastrop, dated October 5, 1978, recorded in Vol. 267, Page 835, Bastrop County Deed Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the intersection of the south line of Farm Street, (55.55 foot right-of-way) with the east line of Adams Street, (55.55 foot right-of-way) and northwest corner of Building Block 10, (West of Water Street), in the north line of the Bastrop Christian Church tract, for the northeast corner of this tract.

THENCE with the east line of Adams Street and west line of Building Block 10, S 02 deg. 08 min. 47 sec. E, 165.40 feet to a 1/2 inch iron rod found in the south line of the Bastrop Christian Church tract, for the southeast corner of this tract.

THENCE crossing Adams Street, S 87 deg. 41 min. 17 sec. W, 55.55 feet to a 5/8 inch iron rod set in the west line of Adams Street, the east line of Building Block 12, (West of Water Street), and south line of the Bastrop Christian Church tract for the southwest corner of this tract.

THENCE with the west line of Adams Street and east line of Building Block 12, N 02 deg. 08 min. 47 sec. W, 165.40 feet to a 5/8 inch iron rod set at the intersection of the south line of Farm Street with the west line of Adams Street, in the north line of the Bastrop Christian Church tract, the northeast corner of Building Block 12, for the northwest corner of this tract.

THENCE with the south line of Farm Street, the north line of the Bastrop Christian Church tract and crossing Adams Street, N 87 deg. 41 min. 17 sec. E, 55.55 feet to the POINT OF BEGINNING, containing 0.211 acres of land.



Michael D. Olson  
Reg. Pro. Land Surveyor 5386



Order# 19-376-22\_1

Date Created: 7-16-19

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## **Exhibit B**

### **Deed Transferring Adams Street Right-of-Way**

**Notice of Confidentiality rights: If you are a Natural Person, you may remove or strike any of the following information from this instrument before it is filed for record in the Public Records: your Social Security Number or your Drivers' License Number.**

**DEED WITHOUT WARRANTY**

STATE OF TEXAS           §  
                                      §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF BASTROP     §

**CITY OF THE BASTROP, TEXAS**, a Texas home-rule municipality (whether one or more, "Grantor"), for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00), and other good and valuable consideration paid by **BASTROP CHRISTIAN CHURCH** (whether one or more, "Grantee"), the receipt and sufficiency of which are hereby acknowledged and confessed, subject to the exceptions, liens, encumbrances, terms and provisions hereinafter set forth and described, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto Grantee, without warranty of any kind, all of that certain lot, tract or parcel of land situated in Bastrop County, Texas, and being more particularly described real estate, to-wit:

Being a 0.211 acre tract or parcel of land out of Building Block 12 (West of Water Street) in the City of Bastrop, Bastrop County, Texas according to the Map of Said City as recorded in Plat Cabinet 1, Page 23A, Bastrop County Plat Records and being a part of that certain tract described in a deed from The Calvary Baptist Church of Bastrop to Bastrop Christian Church of Bastrop, dated October 5, 1978, recorded in Vol. 267, Page 835, Bastrop County Deed Records; said 0.211 acre tract of land be more particularly described by metes and bounds and plat attached hereto as Exhibit "A" and incorporated herein for all purposes.

**NOTICE: NO RESPONSIBILITY FOR VALIDITY OF REAL ESTATE TITLE IS ASSUMED BY THE ATTORNEYS PREPARING THIS INSTRUMENT UNLESS A WRITTEN TITLE OPINION IS RENDERED.**

**RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:** This conveyance is made and accepted subject to the following matters, if any, to the extent same are in effect at this time, relating to the Property, and shown of record in the herein-above mentioned County and State: any and all reservations, restrictions, covenants, conditions and easements, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities.

Grantor for the Consideration and subject to the Reservations From and Exceptions to Conveyance and Warranty, conveys all of Grantor's right, title and interest in and to Property to Grantee, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, successors, or assigns forever, without express or



implied warranty; and all warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successor) are excluded.

Grantee assumes all ad valorem taxes due on the Property for the current year.

When the context requires, singular nouns and pronouns include the plural.


EXECUTED AND EFFECTIVE THIS 7<sup>TH</sup> day of January, 2021.

**GRANTOR:**

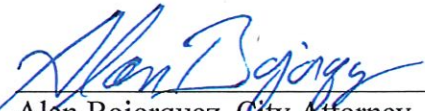
**THE CITY OF BASTROP, TEXAS**  
a Texas home-rule municipality

  
\_\_\_\_\_  
Paul A. Hofmann, City Manager

**ATTEST:**

  
\_\_\_\_\_  
Ann Franklin, City Secretary

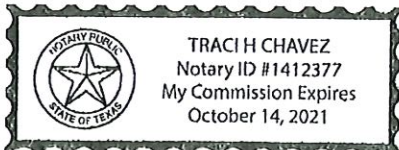
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Alan Bojorquez, City Attorney

**ACKNOWLEDGEMENT**

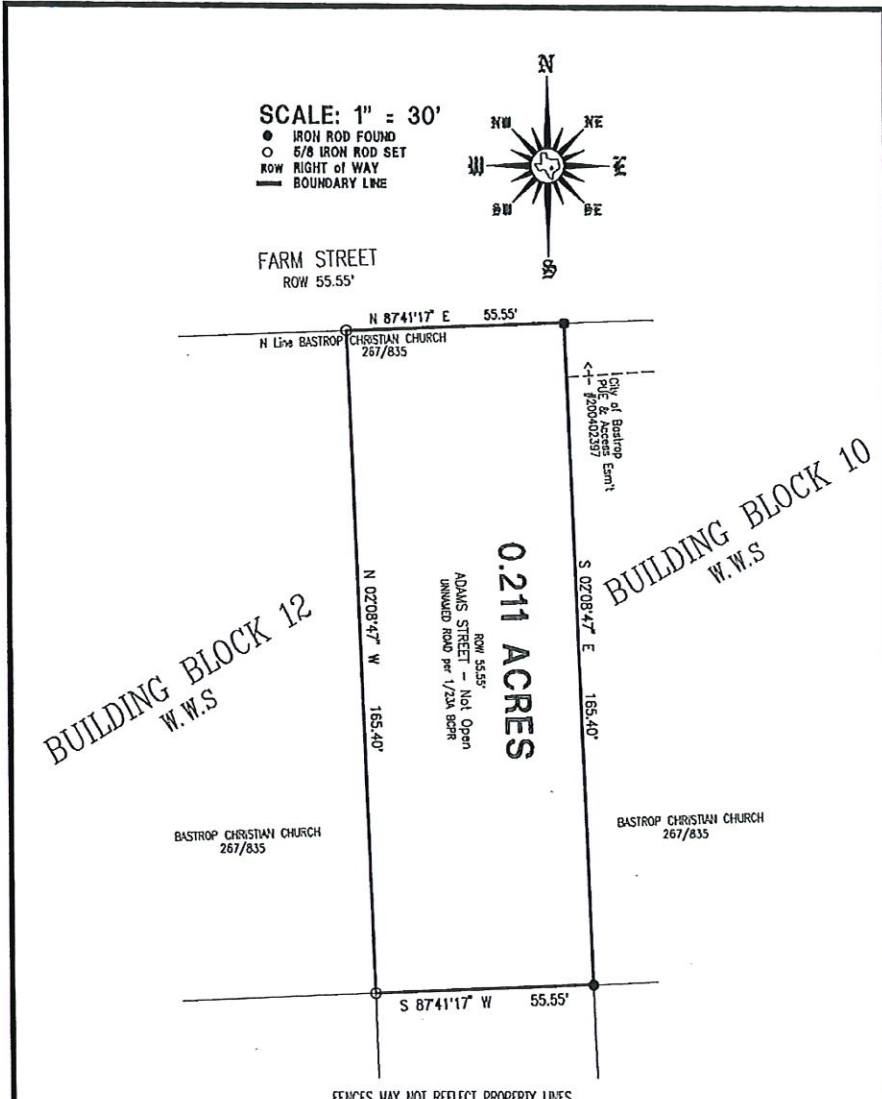
STATE OF TEXAS  
COUNTY OF BASTROP

This instrument was acknowledged before me on the 7<sup>TH</sup> day of January, 2021,  
PAULA HOFMANN, City Manager for the City of Bastrop, Texas, a Texas home-rule municipality, on  
behalf of said municipality.



  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

**EXHIBIT "A"**



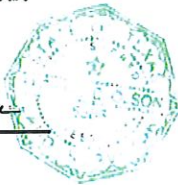
FENCES MAY NOT REFLECT PROPERTY LINES

The undersigned does hereby certify that the Title Agency, Underwriter, Lender, Mortgage Co. and/or Purchaser, that this survey was, this day, made on the ground, on the property legally described hereon, and is correct, and there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and that said property has frontage on a dedicated road way, except as shown hereon.

CERTIFIED COPY ONLY  
IF SEAL IS PRESENT

*Michael D. Olson*

MICHAEL D. OLSON  
REG. NO. 5386  
OLSON SURVEYING  
DATE: 07.12.19



**OLSON SURVEYING**  
REGISTERED PROFESSIONAL LAND SURVEYOR  
711 WATER STREET (512) 321-5476 BASTROP, TEXAS

**SURVEY PLAT**  
of a 0.211 ACRE TRACT being a PORTION of  
ADAMS STREET in the CITY of BASTROP  
recorded in PLAT CABINET 1, PAGE 23A, PLAT  
RECORDS of BASTROP COUNTY, TEXAS.

SCALE: 1" = 30.00'  
DRAWN: D. BRONKS  
DATE: 12 JUL 19  
BASTROP CHRISTIAN CHURCH

None Provided  
DSK-FILE 37E-22 PRKER 19-376-22.1 PLAT FILE -9-

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