

ORDINANCE NO. 2011-2

AUTHORIZING THE ABANDONMENT AND DISPOSITION OF PORTIONS OF UNOPENED CITY STREET RIGHTS-OF-WAY, LOCALLY KNOWN AS NEWTON STREET, BETWEEN ABANDONED CLAY STREET AND PITT STREET (UNOPENED), WHICH IS SITUATED BETWEEN BUILDING BLOCKS 118 AND 119, OR PORTION(S) THEREOF; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT AND DISPOSITION; AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED PERTAINING TO SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop, Texas, as a home rule municipality incorporated and operating under the laws of the State of Texas, has the authority under Chapters 271, 272 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 actions is in the best interest of and serves the public purpose; and

WHEREAS, a strip of land being +/-55.55 feet wide and being +/-166 feet long, comprising approximately 9,130 square feet, also being the eastern half of the original "Newton Street" located between abandoned Clay Street and Pitt Street (unopened), which is situated between Building Blocks 118 and 119, as granted to the City of Bastrop in its original founding land grant, and

WHEREAS, these portions of a Public Street Rights-of Way are owned in fee simple by the City of Bastrop and recorded in Plat Cabinet 1, Page 23A, of the Plat Records of Bastrop County, Bastrop, Texas; and

WHEREAS, these portions of Newton Street, at this time, are unimproved and not open to the public; and

WHEREAS, the City of Bastrop has considered abandoning and disposing of these portions of Newton Street and/or that Public Street Rights-of-Way; and

WHEREAS, the City's Planning and Development Department has reviewed and recommends the proposed request, and the City Council now finds that the utilities existing, or that will exist in the future, in the area of the unopened Public Street Rights-of-Way will be sufficiently protected by being either relocated or placed into easements and that the utility companies serving the area including and surrounding the rights-of-way, and have determined that the City's utilities, if existing, will also be sufficiently protected by the same means.

WHEREAS, the abandonment and vacating of said portion of the Public Street Rights-of-Way will not affect the traffic flow or pattern in the area, and

WHEREAS, the City Council finds that it is in the best interest of the City to abandon, dispose and close these portions of the Public Street Rights-of Way for public use; 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 these portions of Newton Street be vacated and closed and abandoned, that the City dispose of the real property in accordance with local and State law, and that the City of Bastrop be responsible for timely recording information related to such abandonment and disposition in the Bastrop County Deed Records.

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

Section 1: That the following described portion of a Public Street Rights-of-Way, as illustrated in Exhibit "A," which is attached hereto and 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 these portions of Public Street Rights-of-Way are not needed for public roadway purposes and it is in the public interest of the City of Bastrop and its citizens to abandon the described portions of the Public Street Rights-of-Way for use as roads and roadways.

Section 3: That the City Manager is hereby authorized and directed to dispose, convey and/or transfer, by quitclaim deed, in accordance with local and State laws, the interest of the City of Bastrop, Texas, in and to the Public Street Rights-of-Way, except for any past, present, or future utility easement belonging to the City.

Section 4: That the abandonment provided for herein shall extend only to the public right and title in and to the tracts of land described in Section 1 of this Ordinance, and shall be construed only to that interest the governing body of the City of Bastrop may legally and lawfully abandon.


Section 5: The consideration for said abandonment, if any, shall be deposited in the street maintenance fund of the City of Bastrop as is required by provisions of the State law, as set forth in the Local Government Code, Chapters 271, 272, and/or 253, as amended.

READ and ACKNOWLEDGED on First Reading on the 11th day of January, 2011.

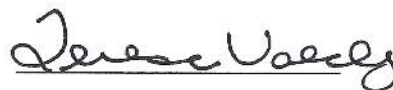
READ and ADOPTED on Second Reading on the 25th day of January, 2011.

APPROVED:

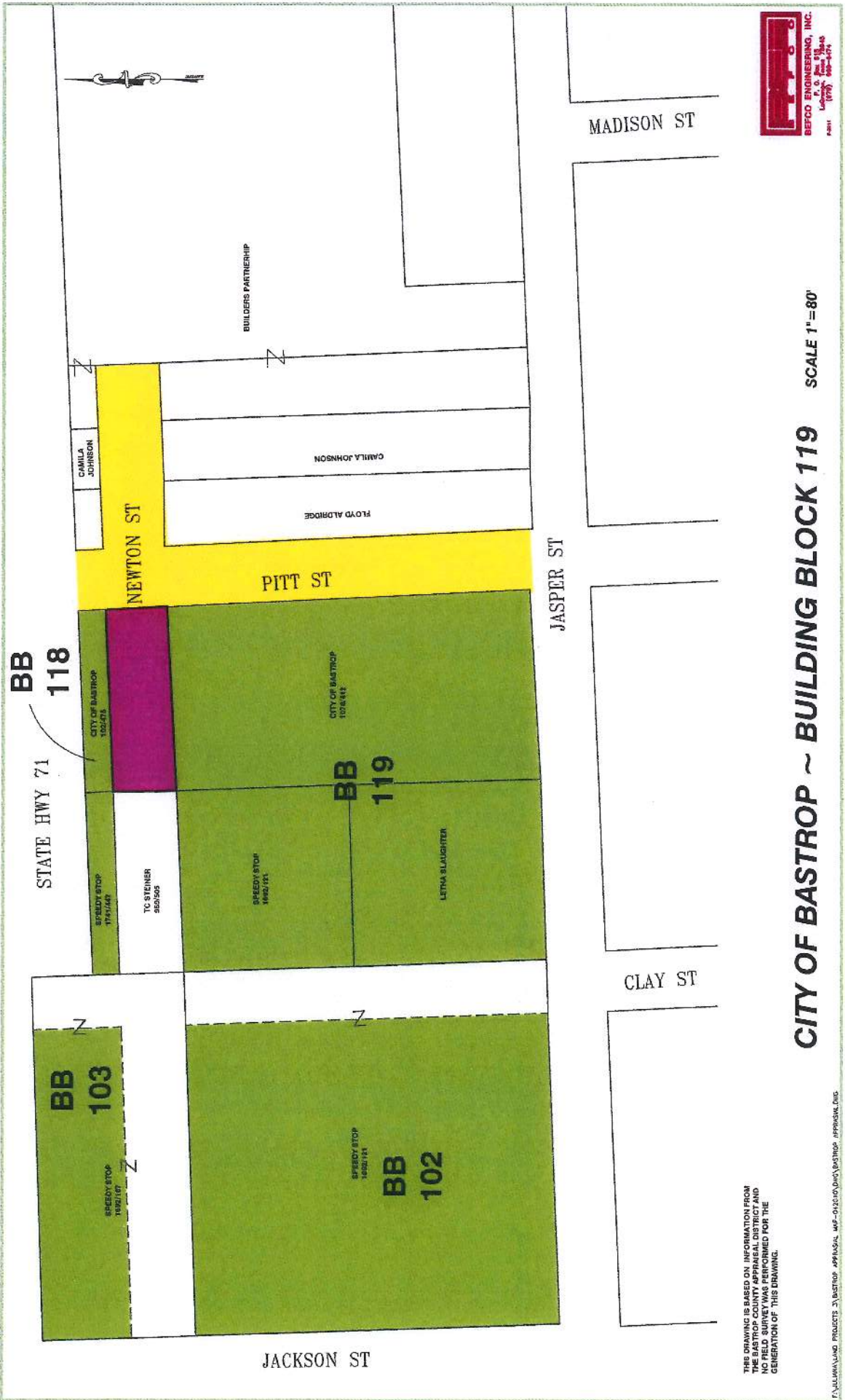
ATTEST:



Terry Orr
Mayor



Teresa Valdez
City Secretary



BB 118

STATE HWY 71

CAMILA JOHNSON

NEWTON ST

PITT ST

JASPER ST

MADISON ST

BB 103

BB 119

BB 102

JACKSON ST

CLAY ST

CITY OF BASTROP ~ BUILDING BLOCK 119

SCALE 1" = 80'



THIS DRAWING IS BASED ON INFORMATION FROM THE BASTROP COUNTY APPRAISAL DISTRICT AND NO FIELD SURVEY WAS PERFORMED FOR THE GENERATION OF THIS DRAWING.