

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS ABANDONING AND VACATING A 0.351 ACRE PORTION OF CHURCH STREET ROADWAY SITUATED IN THE BASTROP TOWN TRACT SURVEY, ABSTRACT NUMBER 11, BASTROP COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND PLAT ATTACHED HERETO AND INCORPORATED FOR ALL PURPOSES AS EXHIBIT "A"; 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 Church Street, 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:

1. FINDINGS OF FACT

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

2. ABANDONMENT

That the right-of-way identified as a portion of Church Street, generally consisting of 0.351 acres of land out of the Bastrop Town Tract Survey, Abstract Number 11, 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.

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 Church Street right-of-way to the abutting property owners.

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.

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.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

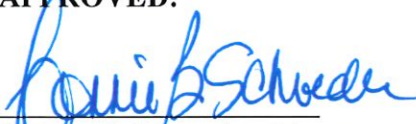
7. OPEN MEETINGS

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 this, the 26th day of January, 2021.

READ & APPROVED on the Second Reading on this, the 23rd day of February, 2021.

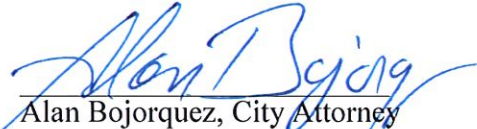
APPROVED:

by: 
Connie B. Schroeder, Mayor

ATTEST:


Ann Franklin, City Secretary

APPROVED AS TO FORM:


Alan Bojorquez, City Attorney

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 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 CALVARY 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 all of that certain 0.351 acre (15,297 square feet) tract of land situated in the Bastrop town tract survey, abstract number 11, Bastrop county, Texas, being more particularly described as being A PORTION OF CHURCH STREET (55.55' R.O.W.), OF THE CITY OF BASTROP, SAID 0.351 ACRE (15,297 SQUARE FEET) 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.

(Signatures Next Page)

EXECUTED AND EFFECTIVE ON THIS THE 5th day of March, 2021.

GRANTOR:

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

Paul Hofmann
Paul Hofmann, City Manager

ATTEST:

Ann Franklin
Ann Franklin, City Secretary

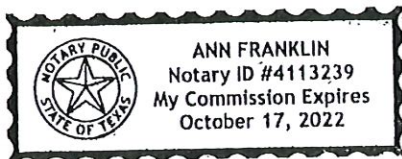
APPROVED AS TO FORM:

Alan Bojorquez
Alan Bojorquez, City Attorney

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF BASTROP

This instrument was acknowledged before me on the 5th day of March, 2021,
Paul Hofmann, City Manager for the City of Bastrop, Texas, a Texas home-rule municipality, on
behalf of said municipality.



Ann Franklin
NOTARY PUBLIC, STATE OF TEXAS