

ORDINANCE 2018-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, PROVIDING FOR THE ABANDONMENT, VACATION, AND CLOSURE OF THE SEGMENT OF POPLAR STREET, LOCATED BETWEEN PECAN STREET AND STATE HIGHWAY 95, LOCATED IN BASTROP, TEXAS, AS SHOWN IN EXHIBIT A; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; THE TERMS AND CONDITIONS OF ABANDONMENT, VACATION, AND CLOSURE; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE AND PROPER NOTICE & MEETING.

WHEREAS, Howard Wayne McElroy (the "Applicant") has requested to relocate the right-of-way for Poplar Street between Pecan Street and State Highway 95 that currently bisects the Applicant's property; and

WHEREAS, the City Council of the City of Bastrop ("City"), acting pursuant to law, deems it advisable to abandon, vacate, and close the segment of Poplar Street between Pecan Street and State Highway 95 and is of the opinion that the segment should be relocated to the north edge of the Applicant's property that will be dedicated with the McElroy Acres Final Plat; and

WHEREAS, the City Council of the City is of the opinion that the best interest and welfare of the public will be served by abandoning, vacating and closing same resulting in the vesting of title in the abutting property owner(s), subject to the conditions, requirements and restrictions contained herein.

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

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: ORDER OF STREET VACATION AND ABANDONMENT

- A. The City Council of the City hereby declares and orders that a portion of Poplar Street, as depicted in Exhibit "A" attached hereto and incorporated fully herein, and located in the City of Bastrop, Bastrop County, Texas, shall be and the same is hereby abandoned, vacated and closed insofar as the right, title and easement of the public is concerned.
- B. That the abandonment, vacation and closure provided for herein is made and accepted.
- C. That the abandonment, vacation and closure provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to that interest which the governing body for the City of Bastrop may legally and lawfully abandon, vacate and close.
- D. That the abutting property owner shall dedicate right-of-way from Pecan Street to State Highway 95 for Poplar Street at the northern boundary of their property, with the recordation of the McElroy Acres Final Plat. The McElroy Acres Final Plat must be accepted by the city for recordation before the abandonment, vacation and closure of the segment of Poplar Street.
- E. That the City Manager of the City of Bastrop is hereby authorized to execute and deliver a Certificate of Compliance to the abutting owner(s) upon completion of all conditions and requirements set forth in this Ordinance.

F. The abandonment, vacation and closure shall be effective upon abutting owner(s) satisfying all conditions and requirements set forth in this Ordinance as evidenced by a Certificate of Completion executed by the City Manager.

Section 3: REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

Section 4: SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

Section 5: CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

Section 6: EFFECTIVE DATE

This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

Section 7: PROPER NOTICE & MEETING

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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & ACKNOWLEDGED on First Reading on this the 11th day of December 2018.

READ & APPROVED on Second Reading on this the 8TH day of January 2019.

APPROVED:



Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

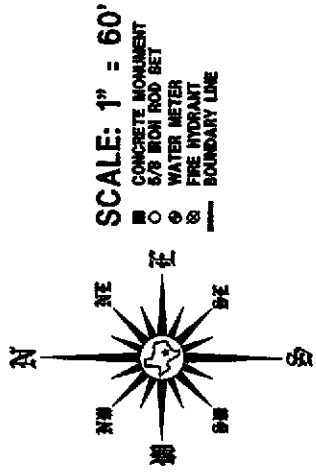
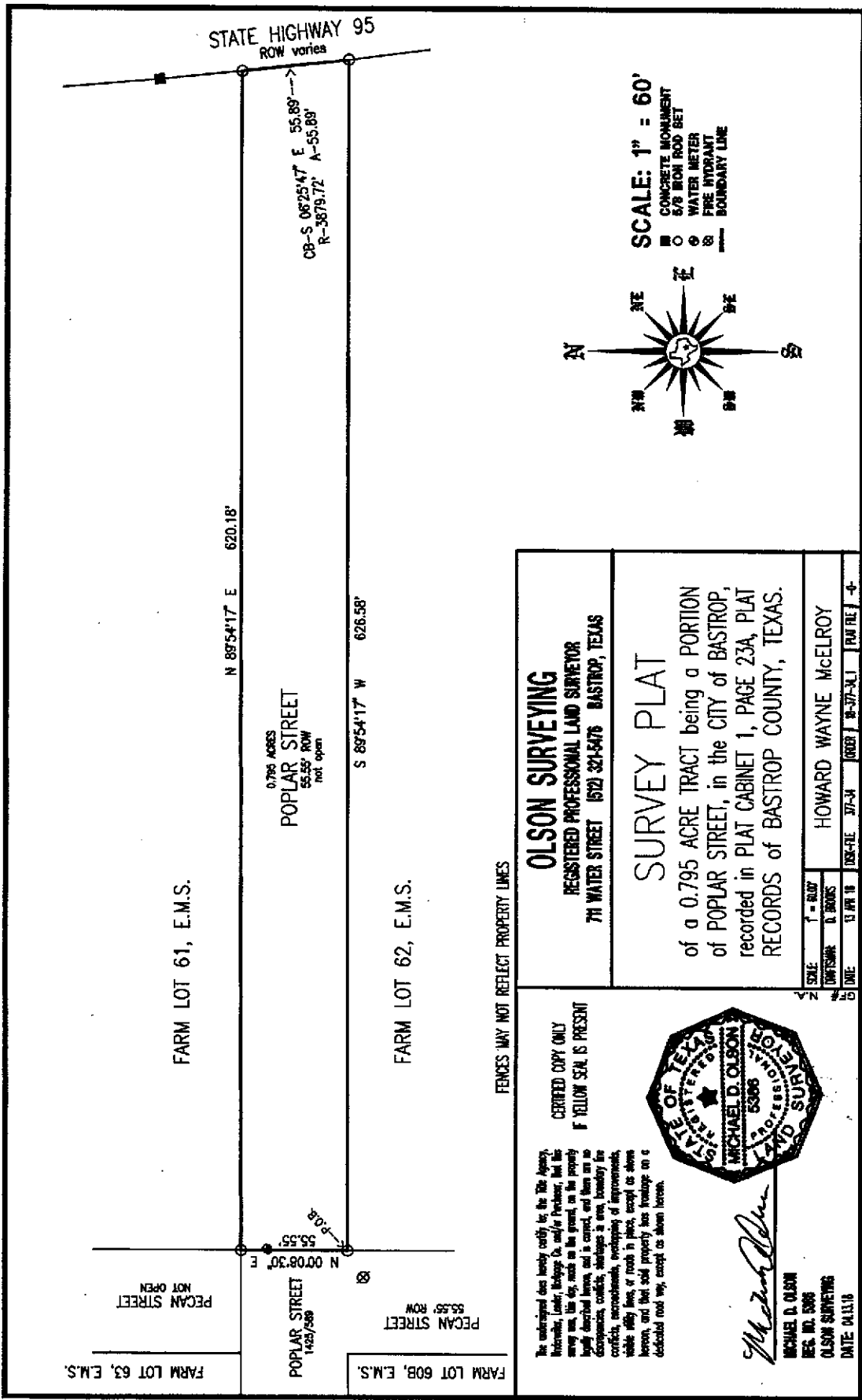
APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

EXHIBIT "A"

Segment of Poplar Street Closing and Vacation



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

SURVEY PLAT
 of a 0.795 ACRE TRACT being a PORTION
 of POPLAR STREET, in the CITY of BASTROP,
 recorded in PLAT CABINET 1, PAGE 23A, PLAT
 RECORDS of BASTROP COUNTY, TEXAS.

SCALE:	1" = 60'
DRAWN BY:	D. BROOKS
DATE:	13 APR 18
ORDER #	18-37-A
PLAT FILE #	4-

HOWARD WAYNE McELROY

CERTIFIED COPY ONLY
 IF YELLOW SEAL IS PRESENT

The undersigned does hereby certify for the State Agency, the accuracy, location, bearings, distances, and the true and correct nature of the survey shown on this plat, and that the same was made by me or under my direct supervision and is correct, and that there are no discrepancies, omissions, or errors of any kind, boundary line, or other matters, except as shown hereon, and that said property has heretofore on a dedicated road way, except as shown hereon.

STATE OF TEXAS
REGISTERED PROFESSIONAL LAND SURVEYOR
MICHAEL D. OLSON
53086

Michael D. Olson
 MICHAEL D. OLSON
 REG. NO. 53086
 OLSON SURVEYING
 DATE: 04/11/18

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FENCES MAY NOT REFLECT PROPERTY LINES

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

FIELD NOTES FOR A PORTION OF POPLAR STREET IN THE CITY AND COUNTY OF BASTROP, TEXAS.

BEING a 0.795 acre portion of Poplar Street in the City of Bastrop, Bastrop County, Texas, according to the plat as recorded in Plat Cab. 1, Page 23A, Bastrop County Plat Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod set at the intersection of the east line of Pecan Street with the south line of Poplar Street, the northwest corner of Farm Lot 62, East of Main Street, for the southwest corner of this tract.

THENCE crossing Poplar Street, N 00 deg. 08 min. 30 sec. E, 55.55 feet to a 5/8 inch iron rod set at the intersection of the east line of Pecan Street with the north line of Poplar Street, the southwest corner of Farm Lot 61, East of Main Street, for the northwest corner of this tract.

THENCE with the north line of Poplar Street and the south line of Farm Lot 61, East of Main Street, N 89 deg. 54 min. 17 sec. E, 620.18 feet to a 5/8 inch iron rod set at the intersection of the west line of State Highway 95 with the north line of Poplar Street, for the northeast corner of this tract.

THENCE with the west line of State Highway 95 along a curve to the left whose radius is 3879.72 feet and chord bears, S 06 deg. 25 min. 47 sec. E, 55.89 feet; 55.89 feet along the arc to a 5/8 inch iron rod set at the intersection of the west line of State Highway 95 with the south line of Poplar Street for the southeast corner of this tract.

THENCE with the south line of Poplar Street and north line of Farm Lot 62, East of Main Street, S 89 deg. 54 min. 17 sec. W, 626.58 feet to the POINT OF BEGINNING, containing 0.795 acres of land.



Michael D. Olson
Reg. Pro. Land Surveyor 5386



Order# 18-377-34_1

Date Created: 4-11-18

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