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
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 73A, 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 ½ 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.

THEN 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 ½ inch iron rod found in the south line of the Bastrop Christian Church tract, for the southeast corner of this tract.

THEN acrossing 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.

THEN 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.

THEN 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.

Elsie D. Olson
Reg. No. 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
DEED WITHOUT WARRANTY

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

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 7th day of January, 2021.

GRANTOR:

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

[Signature]
Paul A. Hofmann, City Manager

ATTEST:

[Signature]
Ann Franklin, City Secretary

APPROVED AS TO FORM:

[Signature]
Alán Bojorquez, City Attorney

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF BASTROP

This instrument was acknowledged before me on the 7th day of January, 2021, by Paul A. Hofmann, City Manager for the City of Bastrop, Texas, a Texas home-rule municipality, on behalf of said municipality.

[Signature]
Traci X. Chavez
NOTARY PUBLIC, STATE OF TEXAS

City of Bastrop
Adams Street ROW Abandonment  

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November 12, 2019
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THENCE with the east line of Adams Street and west line of Building Block 10, S 02 deg. 08 min. +7 sec. E, 165.40 feet to a ½ 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.
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[Signature]

Michael D. Olson
Reg. Pro. Land Surveyor 5386

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Date Created: 7-16-19

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