

ORDINANCE NO. 2016-35

**AN ORDINANCE ABANDONING THAT 577 SQUARE FOOT SECTION OF THE EAST LEAGUE STREET RIGHT-OF-WAY ABUTTING THAT PORTION OF BLOCK NUMBER EIGHT, PETER KERR DONATION KNOWN AS 310 S HILL STREET; ABANDONING SAID RIGHT-OF-WAY IN FAVOR OF THE OWNERS OF SAID 310 S HILL STREET; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, The City Council of the City of Burnet has determined that abandonment of that 577-square foot portion of the E. League Street right-of-way located adjacent the portion of the five acre Block 8; Peter Kerr Donation known as 310 S Hill Street to be in the best public interest; and

**WHEREAS**, Whereas Josef and Rebecca Hernandez, as the adjacent property owners, holds title to the property underlying said public right-of-way; and

**WHEREAS**; the Josef and Rebecca Hernandez have expressed a desire to see said public right-of-way abandoned;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Abandonment of Right-of-way.** Upon payment in the amount of seven hundred dollars (\$700.00), the City Secretary shall cause to be filed with the County Clerk's office, a deed abandoning and granting to Josef and Rebecca Hernandez, the owners of 310 S. Hill Street, that portion of public right of way described as being a 577 square foot tract of land out of the John Hamilton Survey No.1, Abstract No. 405 in Burnet County, Texas and being a portion of League Street in the City of Burnet, Burnet County, Texas, said 577 square foot tract being more particularly described by Exhibit A, a copy of which is attached hereto and incorporated for all purposes herein,

**Section 3. Repealer.** That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

**Section 4. Severability.** That should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

**Section 5. Effective Date.** That this ordinance is effective upon final passage and approval.

**Section 6. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Loc. Gov't. Code.

**PASSED AND APPROVED** on First Reading this 8<sup>th</sup> day of November, 2016.

**FINALLY PASSED AND APPROVED** on this 13<sup>th</sup> day of December, 2016.

**CITY OF BURNET, TEXAS**

  
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Gary Wideman, Mayor

**ATTEST:**

  
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Kelly Dix, City Secretary

