



ORDINANCE NO. 2017-11

AN ORDINANCE ABANDONING THAT 0.338 ACRE TRACT OF LAND LOCATED EAST OF SOUTH SILVER STREET, WEST OF SOUTH RHOMBERG STREET AND LYING BETWEEN BLOCKS 37 AND 38 OF THE ALEXANDER ADDITION, SAID TRACT BEING FURTHER DESCRIBED AS THE 600 BLOCK OF THE EAST ELM STREET RIGHT-OF-WAY; ABANDONING SAID RIGHT-OF-WAY IN FAVOR OF THE OWNER OF THE ABUTTING PORTIONS OF SAID BLOCKS 37 AND 38; RETAINING A TWENTY-FIVE FOOT SANITARY SEWER EASEMENT DEDICATED TO THE CITY OF BURNET; DIRECTING THE CITY SECRETARY TO FILE A DEED ABANDONING SAID RIGHT-OF-WAY AND GRANTING SAID EASEMENT; 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 0.338 acre portion of the East Elm Street right-of-way described above to be in the best public interest; and

WHEREAS, Whereas the Burnet Economic Development Corporation (BEDC), as owner of the abutting properties, holds title to the land underlying said public right-of-way; and

WHEREAS; the BDEC has 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. That portion of the East Elm Street right-of-way lying east of South Silver Street and west of South Rhomberg Street, between Blocks 37 and 38, said 0.338 acre being more particularly described by that May 31, 2017 graphic exhibit prepared by Cuplin and Associates, attached hereto as Exhibit A and incorporated for all purposes herein is hereby abandoned in favor of the Burnet Economic Development Corporation in return for the fair value consideration of a twenty-five (25) foot Sanitary Sewer Easement granted to the City of Burnet and more particularly described on Exhibit A attached hereto..

Section 3. Deed to be Recorded. The City Secretary is hereby directed to cause to be filed with the County Clerk's office, a deed granting to the Burnet Economic

Development Corporation, that portion of the East Elm Street right-of-way described in Exhibit A attached hereto and further granting to the City of Burnet the twenty-five (25) foot sanitary sewer easement described by that same Exhibit A.

Section 4. Repealer. That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 5. 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.

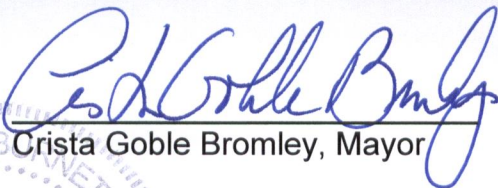
Section 6. Effective Date. That this ordinance is effective upon final passage and approval.

Section 7. 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.

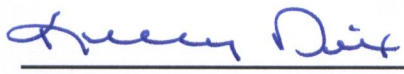
PASSED AND APPROVED on First Reading this 13th day of June, 2017.

FINALLY PASSED AND APPROVED on this 27th day of June, 2017.

CITY OF BURNET, TEXAS


Crista Goble Bromley, Mayor

ATTEST:



Kelly Dix, City Secretary



EXHIBIT A



LEGEND	
●	1/2" IRON PIN FOUND
○	1/4" IRON PIN FOUND
- / -	VOLUME/PAGE
0244.C	OFFICIAL PUBLIC RECORDS
	BURNET COUNTY
P.O.B.	POINT OF BEGINNING
()	RECORD INFO/SUBJECT

- NOTES:
- 1) SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREAS OUTSIDE THE 100 YR FLOOD) AS GEOPHICALLY IDENTIFIED ON FEMA F.I.R.M., MAP NO. 480350340F, EFFECTIVE 03/15/2012.
 - 2) BASIS OF BEARINGS ARE TO THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE.

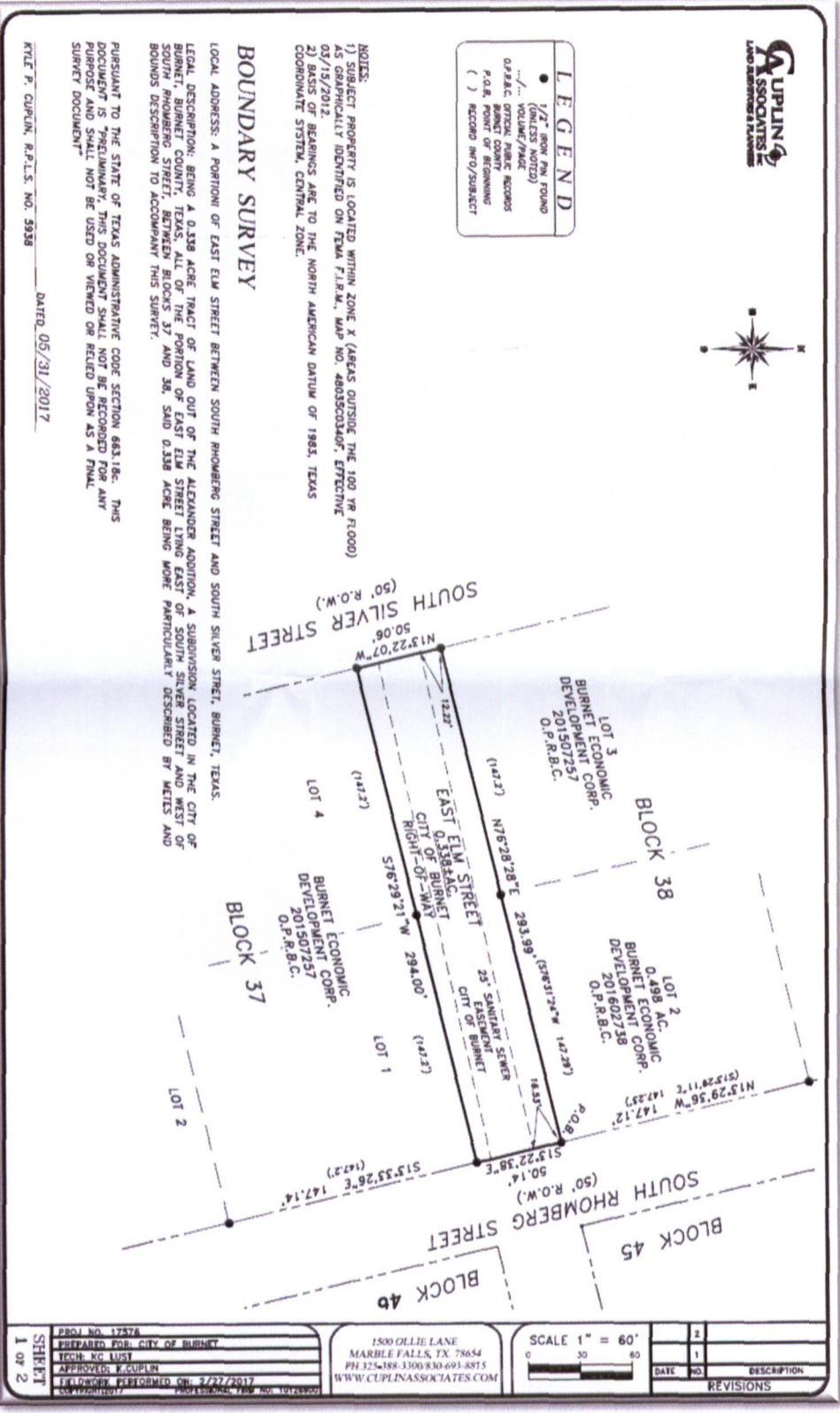
BOUNDARY SURVEY

LOCAL ADDRESS: A PORTION OF EAST ELM STREET BETWEEN SOUTH RHOMBERG STREET AND SOUTH SILVER STREET, BURNET, TEXAS.

LEGAL DESCRIPTION: BEING A 0.338 ACRE TRACT OF LAND OUT OF THE ALEXANDER ADDITION, A SUBDIVISION LOCATED IN THE CITY OF BURNET, BURNET COUNTY, TEXAS, ALL OF THE PORTION OF EAST ELM STREET LING EAST OF SOUTH RHEMBERG STREET AND WEST OF SOUTH SILVER STREET, BLOCK 38 AND 39, SAID 0.338 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION TO ACCOMPANY THIS SURVEY.

PURSUANT TO THE STATE OF TEXAS ADMINISTRATIVE CODE SECTION 663.18c, THIS DOCUMENT IS "PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT"

KYLE P. CUPLIN, R.P.L.S. NO. 5939 DATE: 05/31/2017



PROJ. NO. 17578	DATE	2	
PREPARED FOR: CITY OF BURNET	NO.	1	
DESIGNER: K. CUPLIN	DATE		
APPROVED: K. CUPLIN	NO.		
FIELDWORK PERFORMED ON: 2/27/2017	DATE		
SCALE: 1" = 60'	NO.		
1500 OLIE LANE	DESCRIPTION		
MARBLE FALLS, TX 78654			
PH 325-188-3300/830-691-8815			
WWW.CUPLINASSOCIATES.COM			

EXHIBIT A

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CUPLIN & ASSOCIATES, Inc.
land surveyors & planners

Prepared For: The City of Burnet, Texas
Project No. 161220
Date: 10/04/2016

FIELD NOTES TO ACCOMPANY A SURVEY PLAT OF 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 AS FOLLOWS:

BEGINNING at a 3/8" iron rod found in the north right-of-way line of said League Street and the south line of that certain 5 acre Block No. 8 of the Peter Kerr Donation, being the southeast corner of that certain 0.151 acre tract of land conveyed to Charleen Carothers in Document No. 201602281 of the Official Public Records of Burnet County, Texas and the southwest corner of that certain 0.17 acre tract of land conveyed to Josef K. Hernandez and wife, Rebecca K. Hernandez in Document No. 201607517 of the Official Public Records of Burnet County, Texas, for the northwest corner hereof, from which 1/2" iron rod found with plastic survey cap stamped DJS 5602, for the northwest corner of said 0.17 acre tract bears N13°29'56"W (called N12°00'W), a distance of 69.74 feet (called 70.00 feet);

THENCE N76°34'11"E (called N78°00'E) with the north right-of-way line of said League Street, the south line of said 5 acre Block No. 8 and the north line hereof, a distance of 103.08 feet (called 103.00 feet) to a 1/2" iron rod found at the point of intersection of the north right-of-way line of said League Street and the west right-of-way line of Hill Street for the southeast corner of said 5 acre Block No. 8, the southeast corner of said 0.17 acre tract and the northeast corner hereof, from which a 5/8" iron rod found for the northeast corner of said 0.17 acre tract bears N13°41'21"W (called N12°00'W), a distance of 69.86 feet (called 70.00 feet);

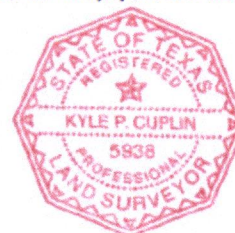
THENCE S13°41'21"E with an extension of the west line of said Hill Street and the east line hereof, a distance of 5.60 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN 5938, for the southeast corner hereof;

THENCE S76°34'11"W with the south line hereof, a distance of 103.10 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN 5938, for the southwest corner hereof;

THENCE N13°29'56"W with the west line hereof, a distance of 5.60 feet to the **POINT OF BEGINNING**, containing 577 Square Feet, more or less

I hereby certify that this survey was prepared on the ground and was surveyed by me or under my direct supervision and that this professional service meets or exceeds the current minimum standards of practice as established by the Texas Board of Professional Land Surveying. Basis of Bearings are to N.A.D. of 1983, Texas Coordinate System, Central Zone. A Plat of Survey of even date was prepared as is intended to accompany the above described tract of land.


Registered Professional Land Surveyor No. 5938 Dated: 10/04/2016



1500 Ollie Lane, Marble Falls, Texas 78654
PH: 325.388.3300 Fax: 325.388.3320 Prof. Firm No. 10126900
www.cuplinassociates.com

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FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Janet Parker

Janet Parker, County Clerk

Burnet County Texas

7/11/2017 10:45:06 AM

FEE: \$28.00

201706731

ORD