

ORDINANCE NO. 2014-17

AN ORDINANCE ABANDONING AN ALLEY LOCATED ADJACENT TO LOTS 8, 9 AND 10 OF THE KINCHELOE ADDITION, CITY OF BURNET; ABANDONING SAID ALLEY IN FAVOR OF THE ADJACENT PROPERTY OWNERS; RETAINING A PUBLIC UTILITY EASEMENT COINCIDENT IN LOCATION AND DIMENSION WITH SAID ALLEY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Burnet holds an alley right-of-way that lies southerly of lot s 8, and 9, and northerly of lot 10 out of the Kincheloe Addition to the City of Burnet, Burnet County Texas, said ally being more particularly described by Exhibit A attached hereto: and;

WHEREAS, the Hill Country Children's Advocacy Center is owner of said Lots 8, 9 and 10 out of the Kinchhole Addition; and

WHEREAS, the aforementioned alley right-of-way contains utility improvements owned by the City of Burnet; and

WHEREAS, The City Council finds that subject to retention of a public utility easement, said alley can be abandoned in favor of the adjoining property owner without detrimental effect to the future growth and development of the City; and

WHEREAS, it is to the benefit of the City for financial and maintenance aspects to abandon said alley right-of-way in favor of the Hill Country Children's Advocacy Center subject to retention of a public utility easement; and

WHEREAS, the City has obtained an opinion, rendered by a qualified realtor, as to the value of said property: and

WHEREAS, based on this opinion, the City, after factoring loss of value resulting from retention of said utility easement, to be one-thousand, six-hundred, fifty dollars (\$1,650); and

WHEREAS, The City has determined the cost of obtaining the survey necessary to support said alley abandonment to be six-hundred, fifty dollars (\$650); and

WHEREAS, in order to serve the best interests of the citizens of the City of Burnet, it is City Council's desire that the City recoup both the value lost through abandonment and the hard cost of having said alley surveyed:

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

Section 1. Findings. The findings and recitations set out hereinabove are 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 Alley Right-of-Way. In return for compensation totaling one-thousand, six-hundred, fifty dollars (\$1,650) for loss of value to the City, six-hundred, fifty dollars (\$650) reimbursement for preparation of the survey attached as Exhibit A hereto, and subject to retention of a public utility easement as specified in Section 3, below, the City of Burnet does hereby abandon the twenty foot (20ft) wide alley lying southerly of lots 8 and 9, and northerly of lot 10 of the Kincheloe Addition to the City of Burnet, Burnet County, Texas as shown on the plat recorded in Cabinet 1, Slide 155D of the Plat Records of Burnet County, Texas, said alley way being more particularly described by Exhibit A attached hereto and incorporated for all purposes herein. Said abandonment shall be in favor of the Hill Country Children's Advocacy Center, owner of the abutting properties.

Section 3. Retention of Easement. The City hereby retains and shall cause to have recorded, a public utility easement, said easement to be coincident with the alley right-of-way abandoned by Section 2 above, and being more particularly described as follows:

Beginning at a one-half inch iron pin set with 5938 property cap and located at the northwest corner of lot 10, Kincheloe Addition, City of Burnet, Cabinet 1/Slide 1550—P.R.B.C., thence

North 21° 31' 16" West a distance of 20.00 feet to a one-half inch iron pin found, thence

North 68° 43' 37" East a distance of 90.24-feet to a one-half inch iron pin found, thence

North 68° 43' 37" East a distance of 75.06-feet to a one-half inch iron pin found; thence

South 16° 33' 58" East a distance of 20.08-feet to a one-half inch iron pin set with 5938 property cap; thence

South 68° 43' 37" West a distance of 163.57-feet to close.

Section 4. Document Recordation. Upon its final approval by City Council, payment to the City of Burnet of all funds specified in Section 2, above, the City shall cause this ordinance inclusive of the attached Exhibit A, to be recorded with the office of the Burnet County Clerk.

Section 5. Repeal of Conflicting Ordinances. All Ordinances or parts thereof in conflict herewith are amended to the extent of such conflict only.

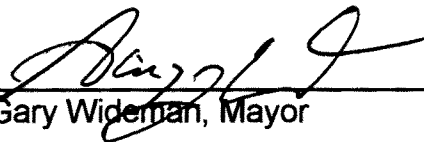
Section 6. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 7. Open Meetings. 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 Meetings Act, Chapter 551, Local Government Code.

Section 8. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

PASSED AND APPROVED on First Reading this 12th day of August, 2014.

FINALLY PASSED AND APPROVED on this the 26th day of August, 2014.



Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary

