



ORDINANCE NO. 2018-11

AN ORDINANCE ABANDONING THAT PORTION OF SOUTH SILVER STREET BOUNDED TO THE NORTH BY THE WEST PECAN STREET RIGHT-OF-WAY AND TO THE SOUTH, BY THE WILLOW STREET RIGHT-OF-WAY, AND THAT PORTION OF ELM STREET BOUNDED TO THE EAST BY THE SOUTH SILVER STEET RIGHT-OF-WAY AND TO THE WEST BY RAILROAD RIGHT-OF-WAY; SAID ELM STREET ABANDONMENT TO BE SUBJECT TO RETENTION OF A PUBLIC UTILITY AND DRAINAGE EASEMENTS; DIRECTING THE CITY SECRETARY TO CAUSE THIS ORDINANCE TO BE RECORDED IN THE DEED RECORDS OF BURNET COUNTY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 10.11 of the City Charter establishes requirements and procedures for abandonment of rights-of-way; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on July 2, 2018 and by unanimous vote approved the abandonment of the rights-of-way; and

WHEREAS, the City Council in accordance with the City Charter conducted a public hearing on July 10, 2018; and

WHEREAS, the City Council finds that it is necessary to retain public utility and drainage easements; and

WHEREAS, the City Council of the City of Burnet has determined that abandonment of those street rights-of-way referenced herein to be in the best public interest; and

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 Street Rights-of-Way. That portion of South Silver Street bounded to the north by the West Pecan Street right-of-way and to the south, by the Willow Street right-of-way, and that portion of Elm Street bounded to the east by the South Silver Street right-of-way and to the west by the City of Austin Railroad right-of-way and more particularly described on Exhibit "A" attached hereto and incorporated for all purposes herein, are hereby abandoned in favor of the abutting property owners.

Section 3. Retention of Public Utility Easement and Drainage Easements.

Said Elm Street abandonment is subject to retention of a public utility easement more particularly described and attached hereto as Exhibit "B". Said abandonment is additionally subject to the retention of drainage easements as described and attached hereto as Exhibit "C".

Section 4. Abandonment Recorded.

The City Secretary of the City of Burnet is hereby directed, upon its final passage, to cause this ordinance to be recorded in the Deed Records of Burnet County.

Section 5. Repealer.

That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 6. 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 7. Effective Date.

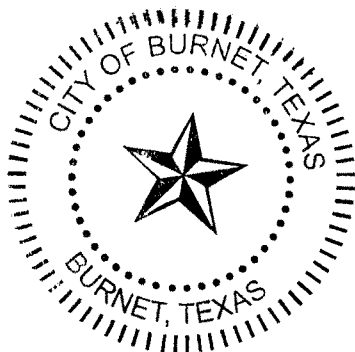
That this ordinance is effective upon final passage and approval.

Section 8. Open Meetings.

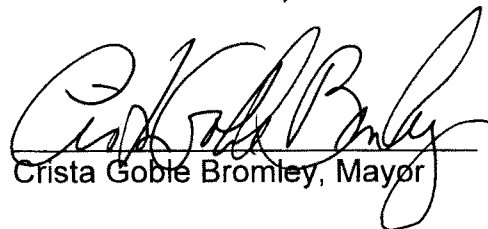
That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this the 10TH day of July 2018.

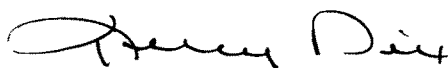
FINALLY PASSED AND APPROVED on this the 24th day of July 2018.



CITY OF BURNET, TEXAS


Crista Gobie Bromley, Mayor

ATTEST:



Kelly Dix, City Secretary

Exhibit "A"

Rights-of-Way to be Abandoned

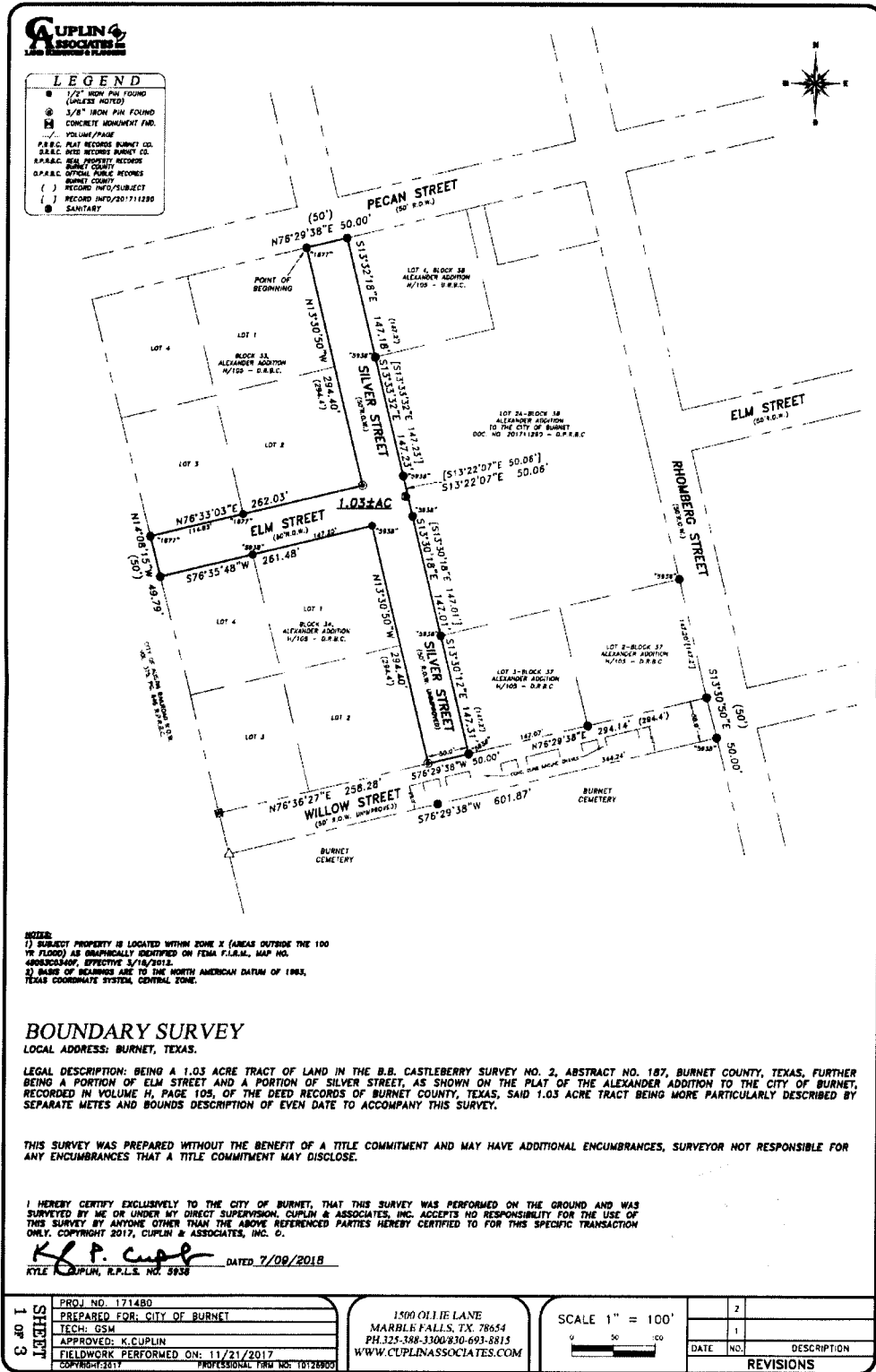
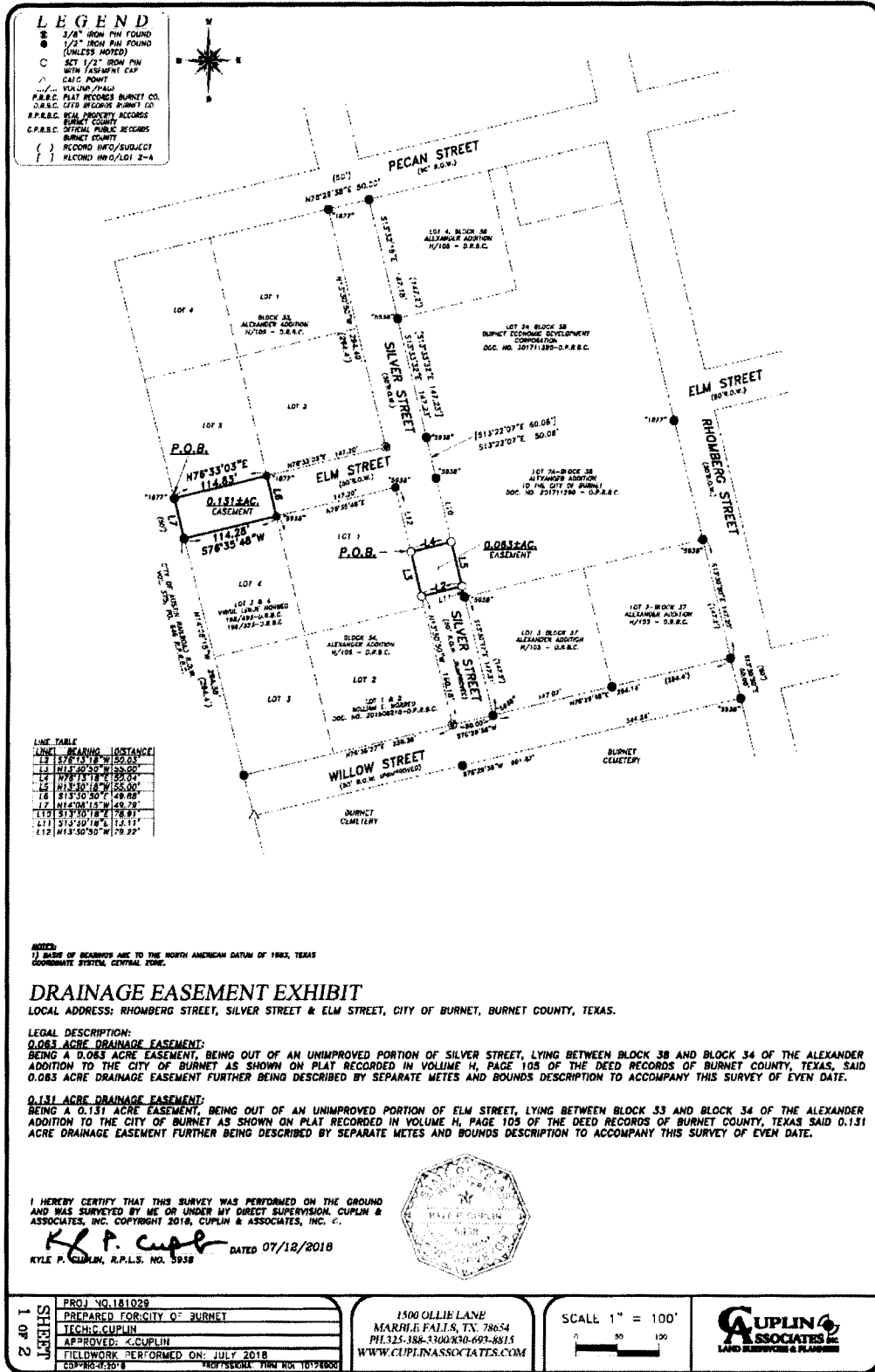


Exhibit "C" Drainage Easement



SHEET
1 OF 2

PROJ. NO. 181028
PREPARED FOR: CITY OF BURNET
TECH: C. CUPLIN
APPROVED: C. CUPLIN
FIELDWORK PERFORMED ON: JULY 2018
COP: 18-1028

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SCALE 1" = 100'
0 50 100

