

ORDINANCE NO. 2012-12

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, ABANDONING A RIGHT-OF-WAY HELD BY THE CITY OF BURNET IN FAVOR OF BURNET CONSOLIDATED INDEPENDENT SCHOOL DISTRICT ON THE CONDITION THE CITY IS GRANTED AN EASEMENT IN AND TO ITS UTILITIES FOR PURPOSES OF MAINTAINING THE CITY'S UTILITIES.

WHEREAS, it is believed the City of Burnet has a 50-foot right-of-way in and to a 0.735 acre tract of land more fully described in Exhibit A;

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

WHEREAS, the City of Burnet City Council approved an agreement to abandon said right-of-way in favor of Burnet Consolidated Independent School District on the 14th day of March, 1995 and that the logistics of said agreement were never carried out;

WHEREAS, it is for the benefit of the City for financial and maintenance aspects to abandon said right-of-way in favor of Burnet Consolidated Independent School District, however, the City must be granted an easement, in exchange for the abandonment of the right of way, to allow for utility maintenance;

WHEREAS, it is not necessary for the City to retain the right-of-way for its development;

WHEREAS, upon abandonment, the Burnet Consolidated Independent School District will be responsible for maintaining said right-of-way;

WHEREAS, it is essential that the City retain an easement in and to the abandoned right-of-way to maintain the City's utilities which currently exist or may exist in the future, the BCISD therefore grants the City such easement necessary to retain, maintain, relocate, build, and improve, and alter the utilities upon said right-of-way;

WHEREAS, the City desires to carry out the logistics of said agreement by abandoning any interest it may have in and to said right-of-way in favor of Burnet Consolidated Independent School District on the condition that the City retain an easement to said right-of-way to maintain the City's easements.

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 Right-of-Way. The City of Burnet does hereby abandon any interest it has in and to a 50' right-of-way as part of a 0.735 acre tract of land; 32,029 square feet; out of the John Hamilton Survey No. 1, Abstract No. 405, being a portion of Taggard Street (Platted as a 50' wide public right-of-way) and being a portion of the Kerr Donation, as shown on the Official Map of the City of Burnet, Texas, dated February 12, 1948, said 0.735 acres; 32,029 square feet; being more particularly described by metes and bounds as shown at Exhibit "A".

Section 3. Retention of Easement. The City; however, shall retain an easement in and to the abandoned right-of-way as described in section 2 above and Exhibit A attached for purposes of maintaining its utilities.

Section 4. Repeal of Conflicting Ordinances. All Ordinances or parts thereof in conflict herewith are amended to the extent of such conflict only.

Section 5. 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.

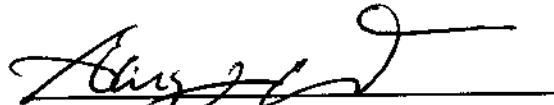
Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

Section 7. 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 13th day of March, 2012.

FINALLY PASSED AND APPROVED on this the 27th day of March, 2012.

City of Burnet, Texas



Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary

