

**ORDINANCE NO. 2013-12**

**AN ORDINANCE OF THE CITY OF BURNET, TEXAS, ABANDONING A RIGHT-OF-WAY HELD BY THE CITY OF BURNET IN FAVOR OF ALANA KAY KROEGER ROBERTS 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 1.086 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**, it is for the benefit of the City for financial and maintenance aspects to abandon said right-of-way in favor of Alana Kay Kroeger Roberts, 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 Alana Kay Kroeger Roberts 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, Alana Kay Kroeger Roberts 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 Alana Kay Kroeger Roberts 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 1.086 acre tract of land; out of the Peter Kerr portion and creek addition of the City of Burnet, Texas , and being all of the Johnson Street and Watts Street Right-of-Ways, contained within the boundaries of a called 5.12 acre tract of land, described in a deed to Alana Kay Kroeger Roberts, as conveyed in Volume 1115, Page 882 of the official public records of Burnet County, Texas, also, being all of the right-of-way for Johnson Street, adjacent to Lot 2, Block 44, and the North half of Lot 1, Block 43 of said Peter Kerr portion , described in a deed to Alana Kay Kroeger Roberts, as conveyed in Instrument No. 201002578 and in an affidavit of ownership, filed by Alana Kay Kroeger Roberts, as recorded in Instrument No. 201204185 of the official public record of Burnet County, Texas, said 1.086 acre tract, being more particularly described by metes and bounds as shown in 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.

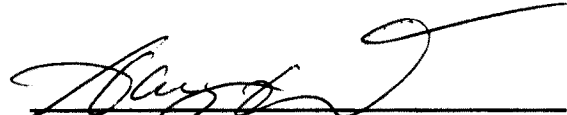
**Section 5. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this 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 11<sup>th</sup> day of June, 2013.

**FINALLY PASSED AND APPROVED** on this the 25<sup>th</sup> day of June, 2013.

  
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Gary Wideman, Mayor

**ATTEST:**

  
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Kelly Dix, City Secretary

