

**ORDINANCE NO. 2015-12**

AN ORDINANCE ABANDONING THAT PORTION OF ALLEY LOCATED IN BLOCK 13, JOHNSON ADDITION TO THE CITY OF BURNET, BURNET COUNTY, TEXAS AND BOUNDED BY LOTS 3 AND 4 TO THE NORTH AND LOTS 5 AND 6 TO THE SOUTH, SAID LOTS COLLECTIVELY BEING DESCRIBED AS BEING 910 EAST PECAN STREET;.ABANDONING SAID ALLEY IN FAVOR OF THE ADJACENT PROPERTY OWNER; ESTABLISHING FAIR VALUE FOR SAID ALLEY; DIRECTING THE CITY SECRETARY TO CAUSE THIS ORDINANCE TO BE RECORDED IN THE OFFICE OF THE BURNET COUNTY CLERK; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 10.11 of the City of Burnet Charter authorizes abandonment of public rights-of-way following notice to affected property owners and a Planning and Zoning Commission hearing at which interested parties are afforded the opportunity to speak; and

WHEREAS, following public notice to the owners all property located within two-hundred feet of the alleyway in question, the City of Burnet Planning and Zoning Commission, on June 1, 2015 did conduct such a hearing and recommended that said alley be abandoned subject to retention of a public utility easement; and

WHEREAS, the City Council of the City of Burnet has determined that the portion of alley located in Block 13, Johnson Addition, and bounded by lots 3 and 4 to the north and lots 5 and 6 to the south is a public right-of-way; and

WHEREAS, the City Council has further determined there is no further public purpose in maintaining said alley; and

WHEREAS, Whereas the Burnet Economic Development Corporation as the adjacent property owner holds title to the property underlying said public right-of-way; and

WHEREAS; the Burnet Economic Development Corporation 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. The public right of way described as being that portion of a twenty (20) foot wide alleyway located in Block 13, Johnson Addition, bounded to the north by lots 3 and 4, to the south by lots 5 and 6 and more particularly described by the land title survey performed by Cuplin and Associates, Inc., dated April 22, 2015, attached hereto and incorporated as Exhibit A for all purposes herein, is hereby abandoned in favor of the Burnet Economic Development Corporation.

Section 3. Fair Value. Based on a Competitive Market Analysis perform by licensed real estate broker, the fair value of said alley way is determined to be \$2,000.

Section 4. Recordation. Following approval at final reading, and payment by the Burnet Economic Development Corporation to the City of fair value as established herein, the City Secretary is directed to cause this ordinance, inclusive of Exhibit A, to be recorded in the office of the Burnet County Clerk.

Section 5. Repealer. Any other ordinance or part of any ordinance in conflict herewith is hereby repealed to the extent that it is in conflict.

Section 6. Severability. Should any provisions of this ordinance shall 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. This ordinance shall become effective following approval at final reading by City Council, and recordation in the office of the Burnet County Clerk.

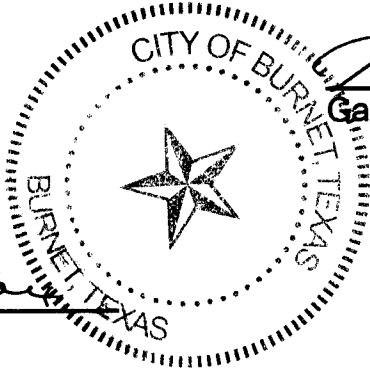
PASSED AND APPROVED on First Reading this 9th day of June, 2015.


FINALLY PASSED AND APPROVED on this 23rd day of June, 2015.

CITY OF BURNET, TEXAS

ATTEST:


Kelly Dix, City Secretary




Gary Wideman, Mayor

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS



201505097

June 24, 2015 09:51:44 AM

FEE: \$20.00

Janet Parker, County Clerk
Burnet County, Texas