

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2021-02

21-01031

AN ORDINANCE VACATING, ABANDONING, AND CLOSING A PUBLIC RIGHT-OF-WAY CONSISTING OF A PORTION OF A SIXTEEN FOOT WIDE ALLEY, WHICH WAS ORIGINALLY LOCATED IN ITS ENTIRETY BETWEEN FRANCISCO LEMOS STREET AND HAYS STREET; SAID PORTION CONSISTING OF APPROXIMATELY 0.0508 ACRES OUT BLOCK 48 OF THE CHAS SCHREINER 2ND ADDITION TO THE CITY OF KERRVILLE, A SUBDIVISION OF KERR COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME K, PAGES 1-7 OF THE DEED RECORDS OF KERR COUNTY, TEXAS; MAKING A FINDING THAT THE ALLEY IS NOT REQUIRED FOR PRESENT OR FUTURE PUBLIC USE; PROVIDING FOR THE TERMS AND CONDITIONS OF VACATION, ABANDONMENT, AND CLOSURE; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, AS A QUITCLAIM DEED; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO EFFECTUATE THE VACATION, ABANDONMENT, CLOSURE, AND QUITCLAIM; AND PROVIDING FOR A PUBLIC HEARING

WHEREAS, the owner of the property located at 300 Main Street ("Owner") and adjacent properties is currently redeveloping property and expanding its use; and

WHEREAS, pursuant to this redevelopment, the Owner has requested that the City vacate, abandon, and close a portion of an alley, which as originally established was located between and intersected with Francisco Lemos Street and Hays Street; such interest is more specifically described below and is referred to herein as the "Right-of-way"; and

WHEREAS, the Owner owns the property on both sides of the Right-of-way; and

WHEREAS, City staff has considered the public's present and future use of the Right-of-way and do not believe that the alley is required for such use; and

WHEREAS, based upon its analysis, City staff recommends vacating, abandoning, and closing the Right-of-way; and

WHEREAS, the City previously received an appraisal as to the fair market value of the City's interest in other rights-of-way interests in the immediately vicinity

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of the Right-of-way, and taking that appraisal, have applied it to the interest here to determine what they believe to be the fair market value of this Right-of-Way; and

WHEREAS, in reviewing this analysis, Council finds that the City is receiving adequate value for the action it is taking herein; and

WHEREAS, the City of Kerrville, Texas, is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Transportation Code Section 311.007 authorizes any such city to vacate, abandon, or close any street or alley; and

WHEREAS, City Council held a public hearing beginning at approximately 6:00 p.m. on January 12, 2021, as advertised, to consider public comments regarding the issue of vacation, abandonment, and closure of the Right-of-way; and

WHEREAS, City Council authorizes the City Manager to effectuate the formal vacation, abandonment, closure, and quitclaim of the Right-of-way, subject to the terms of this Ordinance; and

WHEREAS, the City Council of the City of Kerrville, Texas, acting pursuant to state law and to facilitate the redevelopment of property and the expansion of its use, finds it to be in the public interest and advisable to vacate, abandon, close, and quitclaim the Right-of-way, subject to the limitations and conditions which follow;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. The facts and findings set forth in the preamble to this Ordinance are hereby found to be true and correct and are adopted.

SECTION TWO. Subject to the limitations and conditions which follow, the City Council hereby vacates, abandons, closes, and quitclaims in favor of the abutting property owner, all of the City's right, title, and interest of the public in and to the following public street right-of-way, constituting a portion of the alley that intersects Francisco Lemos Street and continues east toward Hays Street; said interest being more particularly described and depicted in **Exhibit A**, attached hereto and incorporated herein by reference. The vacation, abandonment, and closure does not extend to any portion of the alley referenced above not described in **Exhibit A**.

SECTION THREE. The vacation, abandonment, and closure of the Right-of-way described in **Exhibit A**, and authorized herein, is made and accepted subject to all existing easements, whether apparent or non-apparent, aerial, or underground. In addition, the approval of this Ordinance does not waive any part of the City's development process or approvals required by City Code for development and construction activities, which may include platting and the conveyance of easements to the City in connection with such plat, such as easements for utilities, storm drainage, fire lanes, and access.

SECTION FOUR. The vacation, abandonment, and closure authorized herein shall extend only to the public right, title, easement, and interest for the street and alley and shall be construed to extend only to that interest which the City Council may legally and lawfully vacate, abandon, and close, to include quitclaiming such rights in favor of the abutting property owner to the street and alley.

SECTION FIVE. The City Secretary is authorized and directed to prepare a certified copy of this Ordinance and furnish the same to abutting property owner(s), and in addition, record this abandonment Ordinance in the Official Public Records of Kerr County, Texas, which such recording shall serve as the quitclaim deed of the City of Kerrville, Texas, of all the right, title, or interest of the City in and to said Right-of-way described in **Exhibits A and B**.

SECTION SIX. The Owner shall pay \$19,465.00 to the City as a portion of the value to be realized by the City and public in response to the vacation, abandonment, and closure of the Right-of-way.

SECTION SEVEN. The City Manager is authorized to execute any documents necessary to complete the vacation, abandonment, and closure, and quitclaim contemplated herein.

SECTION EIGHT. The payment that the City receives pursuant to Section Six above shall be transferred into the appropriate budget line item and shall be utilized solely for street maintenance purposes in accordance with Section 253.001, Texas Local Government Code.

SECTION NINE. This Ordinance takes effect upon its adoption.

PASSED AND APPROVED ON FIRST READING, this the 12 day of JANUARY, A.D., 2021.

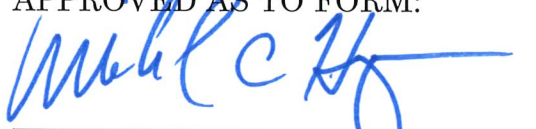
PASSED AND APPROVED ON SECOND AND FINAL READING, this the 26 day of JANUARY, A.D., 2021.


Bill Blackburn, Mayor

ATTEST:


Shelley McElhannon, City Secretary

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

T:\LEGAL\PUBLIC WORKS\STREETS (ROW)\VACATE\HAYS STREET-VACATE\ALLEY - BETWEEN HAYS & F LEMOS_121720.DOCX

EXHIBIT A



0.0508 Acres
(3,163 Sq. Ft.)
2220-12143 ex1 .dwg

Fn. No. 2220-12143-ex1
November 18, 2020
Job No. 2220-12143

FIELD NOTE DESCRIPTION

Being 0.0508 acres situated in the city of Kerrville, Kerr County, Texas, being a portion of a 16' wide Public Alley in Block 48 located between Francisco Lemos Street and Hays Street as shown on Block 48 of the Chas Schreiner Addition to the City of Kerrville, a Subdivision of Kerr County Texas, according to the plat of said subdivision recorded in Volume K, Page 1-7 of the Deed Records of Kerr County Texas; This 0.0508 acres being more particularly described by Metes and Bounds with all bearings being referenced to the Texas State Plane Coordinate System, South Central Zone, North American Datum of 1983;

Commencing, at a set 1/2 inch iron rod on the northeasterly Right-of-Way (ROW) line of Main St, being the most westerly corner of Lot 1, Block 1 of the H.E.B. Kerrville #1 Subdivision as recorded in Instrument No. 19-07830 of the Public Records of Kerr County Texas, being also the most southerly corner of Lot 299, Block 48 of said Schreiner Addition;

Thence, along the common line of said Lot 1 and Lot 299, N 44° 56' 51" E, 201.47 feet, to a corner being on the southwesterly ROW line of said 16' Alley, the most easterly corner of said Lot 299 and an interior corner of said Lot 1 for the **Point of Beginning** of herein described tract;

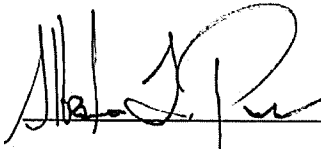
Thence, crossing said 16' Alley, N 44° 56' 51" E, 16.00 feet to a corner on the northeasterly ROW line of said 16' Alley, being the most southerly corner of Lot 350, Block 48 of said Schreiner Addition and an interior corner of said Lot 1;

Thence, along the northwesterly line of said Lot 1, the following courses;

- S 45° 06' 33" E, 138.43 feet to a corner;
- S 44° 53' 27" W, 16.00 feet to a corner;
- N 45° 06' 33" W, 138.45 feet to the **Point of Beginning**, containing 0.0508 acres (2,215 square feet) of land, more or less.

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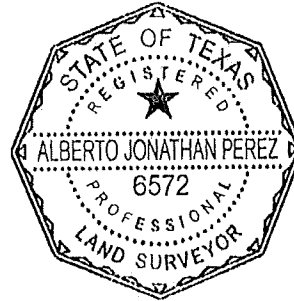
Note: Sketch of even date to accompany this Field Note Description



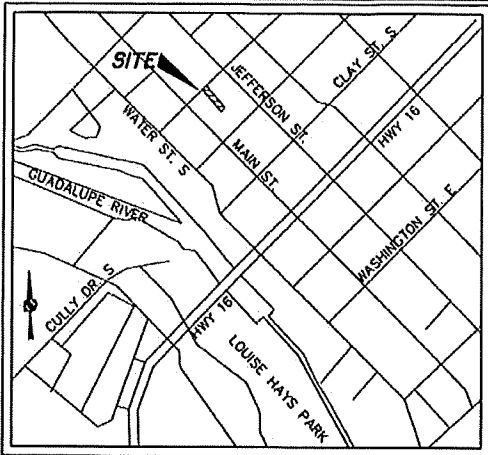
11/18/2020

Alberto Jonathan Perez
Registered Professional Land Surveyor
Texas Registration Number 6572
Stantec Consulting Services, Inc.
70 NE Loop 410, Suite 1100
San Antonio, Texas 78216
210/525-9090
TBPLS Firm No.: 10194228

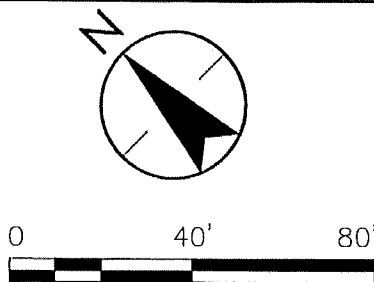
Date



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VICINITY MAP
N.T.S.
KERR COUNTY, TEXAS



LEGEND

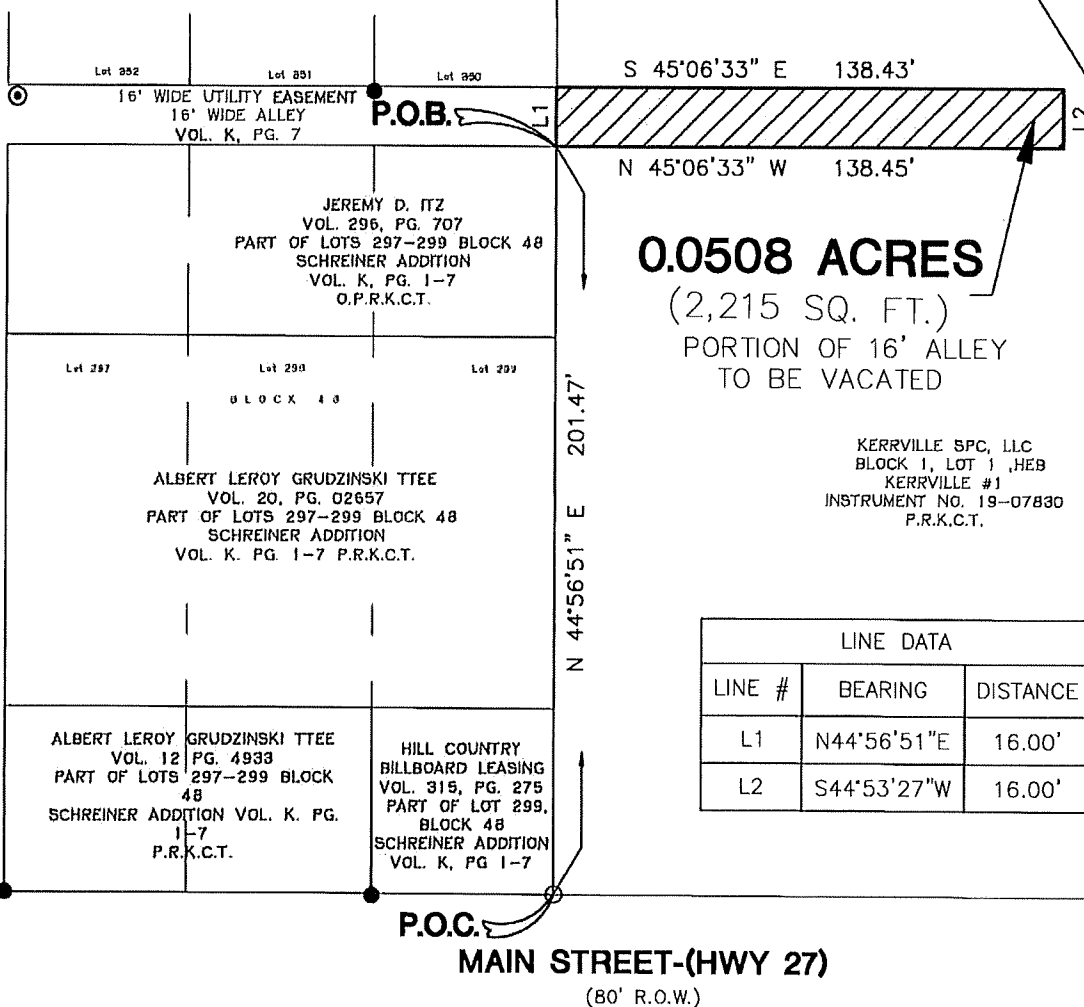
- 1/2" IRON ROD FOUND
- ▲ PK NAIL FOUND
- 1/2" IRON ROD SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

BEARING BASIS

BEARINGS ARE BASED ON NORTH AMERICAN DATUM, 1983, TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, ESTABLISHED FROM GPS OBSERVATIONS UTILIZING THE WDS COOPERATIVE NETWORK.

KERRVILLE SPC, LLC
BLOCK 2, LOT 1, HEB
KERRVILLE #1
INSTRUMENT NO. 19-07880
P.R.K.C.T.

FRANCISCO LEMOS STREET
(80' R.O.W.)



KERRVILLE SPC, LLC
BLOCK 1, LOT 1, HEB
KERRVILLE #1
INSTRUMENT NO. 19-07830
P.R.K.C.T.

LINE DATA

LINE #	BEARING	DISTANCE
L1	N44°56'51"E	16.00'
L2	S44°53'27"W	16.00'



Stantec

70 NE Loop 410, Suite 1100
San Antonio, TX 78216
Tel. (210) 525-9000 Fax (210) 525-0528
TBPES # F-1048 TBPES # F-10194228
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SKETCH TO ACCOMPANY DESCRIPTION OF

OF A 0.0508 ACRE TRACT SITUATED IN KERR COUNTY, TEXAS, BEING A PORTION OF A CALLED 16' ALLEY AS SHOWN ON BLOCK 48 OF THE SCHREINER ADDITION AS RECORDED IN VOLUME K, PAGE 1-7 OF THE PLAT RECORDS OF KERR COUNTY, TEXAS

PORTION OF A 16' ALLEY
CLOSURE

SHEET 3 OF 3

DATE: 11/18/2020

SCALE: AS SHOWN

DRAWN BY: STAFF

FILE: 12143v01_ex01.dwg

PROJECT No. : 222012143

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City of Kerrville

701 Main Street • Kerrville, Texas 78028 • 830.257.8000 • kerrvilletx.gov

STATE OF TEXAS

COUNTY OF KERR

I, Shelley McElhannon, hereby certify that I am the City Secretary of the City of Kerrville, Kerr County, Texas, and that the minutes, resolutions, ordinances, regulations, codes, and laws of the City of Kerrville are kept under my custody and control, and that the attached is a true and correct copy of Ordinance No. 2021-02 "Vacating, Abandoning, and Closing a public right-of-way and portion of a sixteen foot wide alley between Francisco Lemos and Hays Street" as the original appears on file in the Office of the City Secretary, City of Kerrville, Texas.

In Testimony Whereof, I have hereunto set my hand and seal and affixed the official Seal of the City of Kerrville, Texas, this the 28 day of January, 2021.

Shelley McElhannon
City Secretary
City of Kerrville, Texas
701 Main Street



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✓ FILE AND RETURN TO:

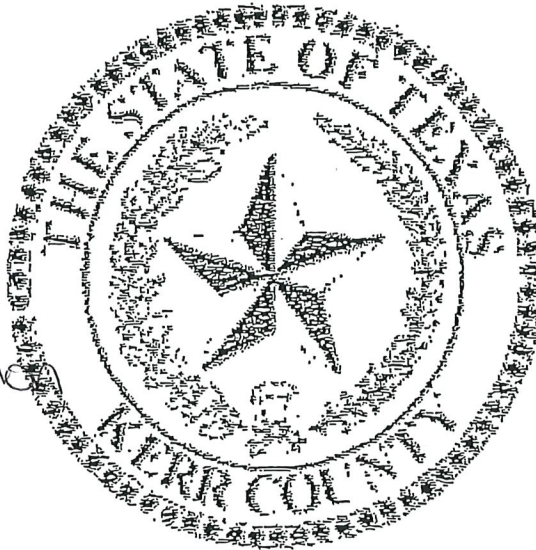
City Secretary's Office

701 Main Street

Kerrville, TX 78028

Attn: Shelley McElhannon

Kesha Franzschura



Complete this form and return to:

Kerr County Clerk

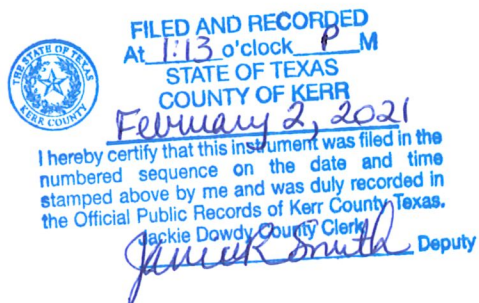
Attn: Land Records

700 Main Street, RM 122

Kerrville, TX 78028

INCLUDE THIS FORM WITH YOUR RECORDS AND PAYMENT.

Call us with questions: 830-792-2255.



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