

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2021-07**

AN ORDINANCE VACATING, ABANDONING, AND CLOSING ALL RIGHT, TITLE, AND INTEREST IN A PORTION OF A PUBLIC RIGHT-OF-WAY, CONSISTING OF APPROXIMATELY 8,504 SQUARE FEET OF AN UNIMPROVED PORTION OF A DEDICATED STREET THAT INTERSECTS WITH MEADOW VIEW LANE AND THEREAFTER TERMINATES; SAID RIGHT-OF-WAY DEDICATED BY A PLAT OF A SUBDIVISION WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, AND RECORDED IN VOLUME 2, PAGE 102 OF THE PLAT RECORDS OF KERR COUNTY, TEXAS; AND, LOCATED ON AND BETWEEN THE PROPERTIES KNOWN AS 304 AND 400 MEADOW VIEW LANE; FINDING THAT SAID RIGHT-OF-WAY IS NOT REQUIRED FOR FUTURE USE AS A PUBLIC STREET; ORDERING RECORDING; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THIS SUBJECT

WHEREAS, an unimproved and unmarked portion of a public right-of-way intersects Meadow View Lane (“Right-of-Way Segment”); and

WHEREAS, the Right-of-Way Segment has not been, and will not be, required for public use as the City has no plans to improve or maintain it as a public right-of-way; and

WHEREAS, a property owner who owns property adjacent to this Right-of-Way Segment has asked the City to abandon and vacate the right-of-way; and

WHEREAS, the Right-of-Way Segment is unimproved, located between two properties upon which homes have been built, terminates at this location, is not needed as a future public right-of-way, and would require the expenditure of funds to improve and maintain; and

WHEREAS, City staff recommends that City Council formally vacate, abandon, and close the Right-of-Way Segment, subject to terms of this Ordinance; 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 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 a street or alley; and

WHEREAS, City Council held a public hearing beginning at approximately 6:00 p.m. on March 9, 2021, as advertised in a newspaper of general circulation and on the City's website, to consider public comments regarding the issue of vacation, abandonment, and closure of the Right-of-Way Segment; and

WHEREAS, the Right-of-Way Segment exists by easement (plat) and as such, the rights vacated, abandoned, and closed by the City pursuant to this Ordinance will unburden the underlying fee ownership of the Right-of-Way Segment by the adjacent property (lot) owners and thus, the City, pursuant to Section 272.001, Texas Local Government Code, is not required to receive value for this action; and

WHEREAS, in addition, the City never having to improve or maintain this street provides a reasonable amount of value to the City to support its vacation, abandonment, and closure of the Right-of-Way Segment; and

WHEREAS, pursuant to the actions contemplated to be taken below and in order to avoid any future cost to the public with respect to the future improvement and maintenance of the Right-of-Way Segment, City Council, acting pursuant to state law, finds it to be in the public interest and advisable to vacate, abandon, and close the Right-of-Way Segment, 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 matters set forth in the preamble to this Ordinance are hereby found to be true and correct.

SECTION TWO. City Council finds that the following Right-of-Way Segment is no longer essential to the safe and efficient flow of traffic or to any other authorized public use. As an exercise of its discretion, City Council hereby vacates, abandons, and closes in favor of the abutting property owners, as appropriate, all of the City's right, title, and interest of the public in and to the Right-of-Way Segment, which is identified as follows, subject however, to the conditions and restrictions provided below:

That portion of an unimproved fifty foot (50') street dedication from its intersection with Meadow View Lane, and being pictured and depicted in the exhibits found in Exhibit A, attached hereto and incorporated herein by reference.

SECTION THREE. The Right-of-Way Segment exists by virtue of the Meadow View Estate subdivision plat recorded at Volume 2, Page 102 of the Plat Records of Kerr County, Texas.

SECTION FOUR. The properties abutting the Right-of-Way Segment are:

304 Meadow View Lane, Kerrville, TX 78028
400 Meadow View Lane, Kerrville, TX 78028

The listing above is made solely to facilitate indexing this Ordinance in the Real Property Records of Kerr County, Texas. If the listing is inaccurate or not comprehensive, it does not affect the validity of this Ordinance or the vacation, abandonment, and closure of the Right-of-Way Segment.

SECTION FIVE. The Right-of-Way Segment exists by easement (plat). The rights vacated, abandoned, and closed by the City pursuant to this Ordinance will unburden the underlying fee ownership of the Right-of-Way Segment by the adjacent property (lot) owners.

SECTION SIX. All presently existing water and wastewater lines and facilities, electric transmission and distribution lines and facilities, gas lines and facilities, communication lines and facilities, or any other public utility lines and facilities, if any, may remain in place despite this Ordinance and may continue to be used, repaired, enlarged, and maintained in the ordinary course of business. Such easements include a sewer easement, as dedicated by the subdivision plat recorded at Volume 2, Page 102 of the Plat Records of Kerr County, Texas; and a water and sewer easement, as dedicated by the instrument recorded in Volume 2, Page 361 of the Real Property Records of Kerr County, Texas. The City hereby notifies the adjacent property owners and others that it currently maintains a wastewater main within this easement area and any use by a private party of the area following approval of this Ordinance may not interfere with such use. Should interference occur, City has the right to terminate or remove the interfering use immediately, without notice, and without any duty to remediate or pay for any damage, should any occur. Any person wanting removal of an existing utility line or facility must negotiate separately with the pertinent utility. Any person building on the Right-of-Way Segment without first reaching an agreement with a utility having a line(s) or facility(s) within the segment, including the City, does so at its own risk. This closure does not give up any right arising other than from the plat creating the Right-of-Way Segment. Neither does this Ordinance create new easement rights.

SECTION SEVEN. The following condition precedent to the vacation, abandonment, and closure shall apply and be part of the consideration for the action authorized by this Ordinance:

Within 18 months of the adoption of this Ordinance, the owner(s) adjacent to the Right-of-Way Segment shall submit, obtain approval, and officially record a subdivision plat absorbing all of the abandoned Right-of-Way Segment into adjacent lot(s) and reconfiguration of said lot(s) along with the adjacent property, meeting all requirements of the City's subdivision regulations. No plat will impair the rights retained by City pursuant to Section Six, above, unless in the course of platting, the owner(s), at its own expense, otherwise provides for those rights according to platting rules of general applicability. Further, the plat shall note such previously established rights.

SECTION EIGHT. The City Secretary is authorized and directed to prepare a certified copy of this Ordinance and furnish the same to abutting property owners, and in addition, record this vacation, abandonment, and closure Ordinance in the Real Property Records of Kerr County, Texas, subject to the conditions in Section Seven, above.

SECTION NINE. The City Manager and City Attorney, or designee(s), are authorized and directed to execute and deliver any document(s) and to take any action(s) necessary to complete the vacation, abandonment, and closure.

SECTION TEN. This Ordinance shall become effective immediately after its second reading and final passage.

PASSED AND APPROVED ON FIRST READING, this the 09 day of MARCH, A.D., 2021.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 23 day of MARCH, A.D., 2021.



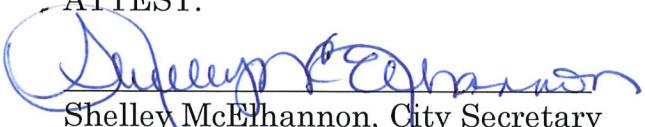
Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:



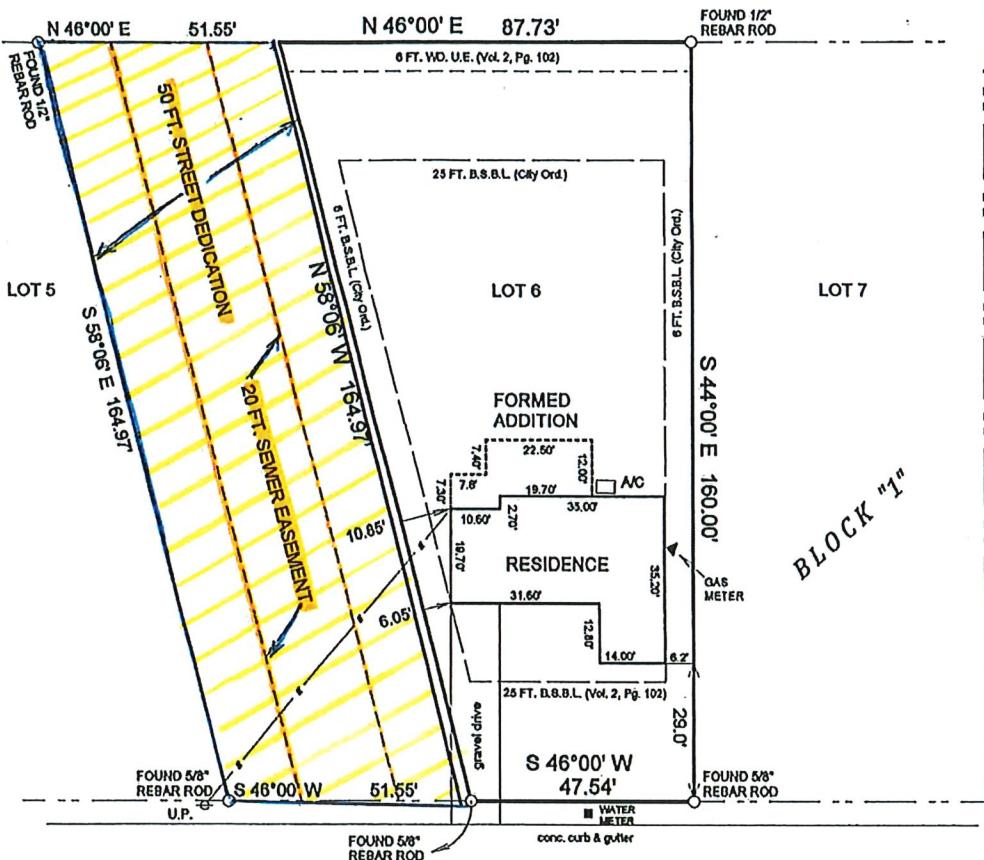
Shelley McElhannon, City Secretary

FORM BOARD SURVEY PLAT OF LOT 6, BLOCK "1", OF MEADOW VIEW ESTATES, A
SUBDIVISION OF KERR COUNTY, TEXAS, OF RECORD IN VOLUME 2, PAGE 102, PLAT
RECORDS OF KERR COUNTY, TEXAS.

7.1 Ac.
Hervey Squaro Limited Partnership
Vol. 1469, Pg. 302



SCALE: 1" = 30 FEET



FORM BOARD SURVEY - 400 MEADOW VIEW LANE

I, Gary Max Brandenburg, Registered Professional Land Surveyor No. 5164
hereby certify that this plat represents a survey made on the ground under my
direct supervision and direction on September 20, 2019.

Gary Max Brandenburg
Registered Professional Land Surveyor No. 5164



JOB NO. GMB-563

CLIENT STEVE PRATT

OWNER: FRANK GALVAN

PROPERTY ADDRESS:
400 MEADOWVIEW LANE
KERRVILLE, TEXAS 78028

DRAWN BY GMB

GARY MAX BRANDENBURG LAND SURVEYING
200 NIMITZ DR. KERRVILLE, TX. 78028 830 928-8220
gary.brandenburg50@yahoo.com

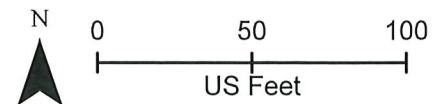
Texas Board of Professional Land Surveying
12100 Park 35 Circle, Bldg. A, Suite 156, MC-230
Austin, Texas 78753 512 239-5263

Ordinance No. 2021-07



Address Label

- Lot
- Easement
- Public ROW
- ROW To Be Abandoned



03/03/2021 04:09 PM

joyoung

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.
It does not represent an on-the-ground survey and represents only approximate relative locations.

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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 records of the City of Kerrville, Texas are kept under my custody and control, and that the attached is a true and correct copy of Ordinance No. 2021-07 as the original appears in the records kept in the office of the City Secretary for the 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 25th day March, 2021.

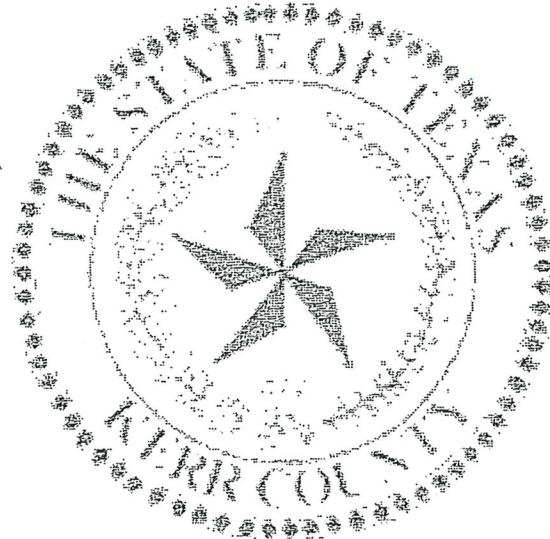


Shelley McElhannon
City Secretary
City of Kerrville, Texas
701 Main Street
Kerrville, TX 78028



FILE AND RETURN TO:

KERRVILLE Kesha Franchuna
DEPUTY CITY SECRETARY
KERRVILLE CITY HALL
101 Main STREET
KERRVILLE TX 78028



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.



FILED AND RECORDED
AT 9:34 A.M.
STATE OF TEXAS
COUNTY OF KERR

March 24, 2021

I hereby certify that this instrument was filed in the
numbered sequence on the date and time
stamped above by me and was duly recorded in
the Official Public Records of Kerr County Texas.

Jackie Dowdy, County Clerk

Deputy

**All Transactions Approved****Bureau: 8088171 - Kerr County, TX Clerk**

Case Number or Name	Amount	Quantity	Conv.	Result
			Fee	
Court Fees and Fines: 21-02554 & 21-02555 9:34 AM	\$108.00	1	\$3.08	Approved
Payment ID: 100217992865				
Recordings				
Total Amounts + All Fees:	\$111.08			

BILLING INFORMATION**Payment will be billed to:****KESHA FRANCHINA****Card ending in ...0300 (Visa)****Processed at 03/26/2021 9:46:02 AM CDT**

LEGAL NOTICE

Certified Payments provides a service for consumers and businesses to make payments via their credit card for various types of services and taxes. By utilizing Certified Payments, you, the cardholder, are subject to the following terms and conditions. By submitting your payment through Certified Payments, you are agreeing to the terms and conditions listed in the Legal Notices link below. Please read all terms and conditions carefully.

Privacy Statement - www.certifiedpayments.net/PrivacyStatement.aspx

Legal Notice - www.certifiedpayments.net/LegalNotices.aspx

Jackie Dowdy
 Kerr County Clerk
 700 Main St., Rm 122
 Kerrville, TX 78028



Receipt Number : 141169
 Date Paid : 3/26/2021 9:47:05AM
 User: Nuvia

Payment No:137511 Paid Amount:108.00

Payment Type:Credit Card Payment

Credit Card No :0300

Cost Code	Type	Amount Owed	Amount Paid	Balance Owed
<u>Instrument : Daily Non Cases Fees</u>	Inst Type:		Book:	Page:
COURT HOUSE SECURITY	CL	2.00	2.00	0.00
RECORDS ARCHIVAL	CL	20.00	20.00	0.00
RECORDS MANAGEMENT	CL	20.00	20.00	0.00
RECORDING FEE	CL	66.00	66.00	0.00
	Totals	108.00	108.00	0.00

Paid By : KESHA FRANCHINA

Payment Remarks : 21-02554/21-02555 9:34 AM	Original Balance :	108.00
	Amount Paid :	108.00
	Amount Applied :	108.00
	Amount Unapplied	0.00