

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2024-29

AN ORDINANCE AMENDING ORDINANCE NO. 2024-10, WHICH, SUBJECT TO CONDITIONS NOT HAVING OCCURRED, AUTHORIZED THE VACATION, ABANDONMENT, AND CLOSURE OF ALL RIGHT, TITLE, AND INTEREST IN A SEGMENT OF A PUBLIC RIGHT-OF-WAY KNOWN AS KNAPP RD; BUT ONLY TO THAT PORTION OF KNAPP RD LOCATED SOUTH OF THE GUADALUPE RIVER; AMENDING SUCH ORDINANCE BY REVISING THE CONDITIONS REQUIRED TO TAKE FINAL ACTION TO CAUSE THE VACATION, ABANDONMENT, AND CLOSURE

WHEREAS, Knapp Rd. is a street within the City of Kerrville, Texas, and currently exists on both sides of the Guadalupe River; and

WHEREAS, City Council annexed the segment of Knapp Rd. that exists on the south side of the Guadalupe River on or about October 23, 2018, referred to herein as the “Knapp Rd. Segment”; and

WHEREAS, the property owner who owns a portion of the property that the Knapp Rd. Segment extends across previously applied to the City for the City to vacate, abandon, and close this right-of-way (the “Applicant”); and

WHEREAS, City Council held a public hearing on April 9, 2024, as advertised in a newspaper of general circulation and on the City’s website, to consider public comments regarding the Applicant’s request to vacate, abandon, and close the Knapp Rd. Segment; and

WHEREAS, since the adoption of Ordinance 2024-10, the Applicant has attempted to negotiate for the provision of an alternative access way to the only remaining private property owner using the Knapp Rd. Segment (Owner), such access to be built by the Applicant in accordance with applicable City laws and to thereafter be maintained by the Applicant; and

WHEREAS, the Applicant has failed to reach an agreement with the Owner, and as such, now seeks an amendment to the conditions specified in Ordinance No. 2024-10, to both meet the lawful access rights of the Owner and following such, to move forward with the actions to fully vacate, abandon, and close the Knapp Rd. Segment;

WHEREAS, City Council, acting pursuant to state law, once again finds it in the public interest and advisable to vacate, abandon, and close the Knapp Rd.

Segment, subject to those unamended and remaining limitations and conditions specified in Ordinance No. 2024-10 and in accordance with the amendment below;

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. Section Five of Ordinance No. 2024-10 is amended and replaced in its entirety as follows:

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

A. In compliance with Chapter 82 of the City's Code of Ordinances (the Subdivision Code), the Applicant, Applicant's successor in interest, or a combination thereof, shall submit a subdivision plat to the City, said plat absorbing all of the Knapp Rd. Segment into the underlying properties. No plat will impair the rights retained by City pursuant to Section Four, above, if any, unless in the course of platting, the Applicant, Applicant's successor in interest, or a combination thereof, at its own expense, otherwise accounts for those rights according to the City's regulations. Further, the plat shall note such previously established rights, if any. Finally, and if not previously accomplished another way, the plat shall convey a river trail easement to the City in the general vicinity of and aligned with the Knapp Rd. Segment.

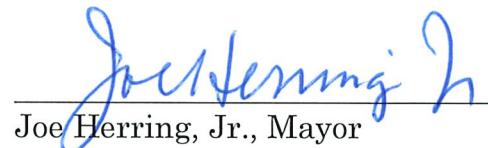
B. Pursuant to the Subdivision Code and the process of receiving approval for the plat from the City and prior to recording the plat, the Applicant, Applicant's successor in interest, or a combination thereof, shall construct a street to the property consisting of that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, and being 7.85 acres, more or less, out of Joseph S. Anderson Survey No. 141, Abstract No. 2, in Kerr County, Texas; more particularly described in **Exhibit C**. Such street shall be designed, constructed, and thereafter dedicated to the public as an alternative, equivalent access way to this property.”

SECTION THREE. The provisions of this Ordinance are to be cumulative of all other Ordinances or parts of Ordinances, including Ordinance No. 2024-10, governing or regulating the same subject matter as that covered herein; provided, however, that all prior Ordinances or parts of Ordinances, including Ordinance No. 2024-10, inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

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

PASSED AND APPROVED ON FIRST READING, this the 22 day of OCTOBER, A.D., 2024.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 19 day of November, A.D., 2024.



Joe Herring, Jr.
Joe Herring, Jr., Mayor

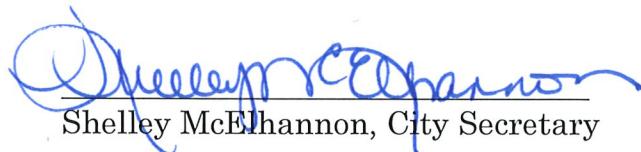
APPROVED AS TO FORM:



Michael C. Hayes

Michael C. Hayes, City Attorney

ATTEST:



Shelley McElhannon

Shelley McElhannon, City Secretary

EXHIBIT C

12-8067

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Warranty Deed with Vendor's Lien

Date: December 12, 2012

Grantor: GARY B. HOLLOWAY, Successor Trustee of The Gale & Urcel Holloway Family Trust, dated December 27, 2006

Grantor's Mailing Address:

3171 Rose Ave
Santa Barbara, CA
93401

Grantee: JAMES A. BUITA and SUSAN M. CORY

Grantee's Mailing Address:

1520 S. Kerrville Road, 32101 Dual St.
Kerrville, Texas 78028 Austin, TX 78705
Travis-Kerr County

Consideration:

Cash and a note of even date executed by Grantee and payable to the order of The Gale & Urcel Holloway Family Revocable Trust, dated December 27, 2006 in the principal amount of FOUR HUNDRED TWENTY THOUSAND AND NO/100 DOLLARS (\$420,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of The Gale & Urcel Holloway Family Revocable Trust, dated December 27, 2006 and by a first lien deed of trust of even date from Grantee to Greg Richards, Trustee.

Property (including any improvements):

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, and being 7.85 acres, more or less, out of Joseph S. Anderson Survey No. 141, Abstract No. 2, in Kerr County, Texas and being more particularly described by metes and bounds on Exhibit "A" attached hereto and incorporated herein by this reference.

Reservations from Conveyance: None

FILED BY AND RETURN TO:
33875
{ PAGE * MERGEFORMAT } KERR COUNTY ABSTRACT & TITLE CO.
712 Earl Garrett Street
Kerrville, Texas 78028

Exceptions to Conveyance and Warranty:

1. Standby fees, taxes and assessments for 2012 and all subsequent years.
2. Visible and/or apparent roadways or easements over or across the subject property.
3. Easement to LCRA dated November 4, 1941, recorded in Volume 68, Page 602, Easement Records of Kerr County, Texas, and as shown on survey dated August 19, 2010, by Don W. Voelkel, Registered Professional Land Surveyor No. 3990.
4. Easement to LORA dated December 8, 1947, recorded in Volume 4, Page 48, Easement Records of Kerr County, Texas and as shown on survey dated August 19, 2010, by Don W. Voelkel, Registered Professional Land Surveyor No. 3990.
5. Easement to LCRA dated July 6, 1978, recorded in Volume 10, Page 184, Easement Records of Kerr County, Texas.
6. 10 ft. wide road easement dated July 24, 1979, from Sidney Bacon and Dan Bacon to C.A. Sneed, recorded in Volume 224, Page 409, Deed Records of Kerr County, Texas, and as shown on survey dated August 19, 2010 by Don W. Voelkel, Registered Professional Land Surveyor No. 3990.
7. Property lying inside the fence line, but outside the property line on the northeast property line, as shown on survey dated August 19, 2010, by Don W. Voelkel, Registered Land Surveyor No. 3990.
8. Rights and claims on adjoining owners, if any, to that portion of the Property lying outside interior fence(s), as shown on survey dated August 19, 2010, by Don W. Voelkel, Registered Professional Land Surveyor No. 3990.
9. Asphalt driveway lies within 20 foot of roadway easement as shown on survey dated August 19, 2010, by Don W. Voelkel, Registered Professional Land Surveyor No. 3990.
10. Easements and all matters as shown on survey dated August 19, 2010, by Don W. Voelkel, Registered Professional Land Surveyor No. 3990.
11. Property lies within Knapp Road as shown on survey dated August 19, 2010, by Don W. Voelkel, Registered Professional Land Surveyor No. 3990.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold

it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

When the context requires, singular nouns and pronouns include the plural.

STATE OF TEXAS

COUNTY OF KERR

GARY B. HOLLOWAY, Successor Trustee of
The Gale & Urcel Holloway Family Trust, dated
December 27, 2006

This instrument was acknowledged before me on Dec. 12, 2012, GARY B.
HOLLOWAY, Successor Trustee of The Gale & Urcel Holloway Family Trust, dated December 27,
2006.



Notary Public, State of Texas
My commission expires:



Filed by and Return to:
Kerr County Abstract & Title Company

Prepared in the Law Offices of



280 Thompson Drive
Kerrville, Texas 78028

{ PAGE * MERGEFORMAT }

Being all of a certain tract or parcel of land out of Joseph S. Anderson Survey No. 141, Abstract No. 2, in Kerr County, Texas; part of the land described as 9.48 acres, in an Assumption Quitclaim Deed from Dan Wallace Bacon to Sidney Harry Bacon executed the 7th day of July, 1986 and recorded in Volume 382 at Page 400 of the Real Property Records of Kerr County, Texas; and being more particularly described by notes and bounds as follows:

Beginning at an existing 4" iron stake near the center of Knapp Road, a public road assessment, for the south corner of the herein described tract, in the common line between said 9.48 acres and 10 acres conveyed to David J. Copeland, et ux, from John D. Hoble, et ux, by a Warranty Deed executed the 3rd day of October, 1975 and recorded in Volume 182 at Page 639, the east corner of 0.65 acre conveyed to C. A. Snod, et ux, from Sidney Bacon, et ux, by a Warranty Deed executed the 26th day of July, 1979 and recorded in Volume 224 at Page 409, both recordings in the Deed Records of Kerr County, Texas;

THENCE, upon, over and across said 9.48 acres along the northeast line of said 0.65 acre, N.66°03'08"W, 196.18 ft. to an existing 4" iron stake at the north corner of said 0.65 acre, the east corner of 0.84 acre conveyed to Ruth Thompson from Grady A. West, et ux, by a Warranty Deed executed the 19th day of October, 1966 and recorded in Volume 126 at Page 706 of the Deed Records of Kerr County, Texas;

THENCE, along the common line between said 9.48 acres and said 0.84 acre: N.56°01'37"W, 103.70 ft. to a 4" iron stake; N.81°18'06"W, 116.42 ft. to an existing 4" iron pipe; and S.89°14'23"W, 54.86 ft. to a 4" iron stake set for the west corner of the herein described tract, the westerly common corner of said 9.48 acres and said 0.84 acre, in the east line of 12.5 acres conveyed to William Conner Dougherty, et ux, from Dwight R. Knapp by a Warranty Deed executed the 3rd day of September, 1969, and recorded in Volume 140 at Page 197 of the Deed Records of Kerr County, Texas;

THENCE, with or near a fence along the common line between said 0.84 acres and said 12.5 acres: N.23°38'15"E, 341.77 ft. to an anglepost; and N.46°31'01"E, at 233.03 ft. passing a fence endpost, then continuing not along a fence, at 340.00 ft. passing a 4" iron stake set for reference, then continuing for a total distance of 351.30 ft. to an unmarked point in the waters of the Guadalupe River for the north corner of the herein described tract, the west corner of 0.3 acre conveyed to the Upper Guadalupe River Authority from Sidney Bacon, et ux, by a Warranty Deed executed the 6th day of July, 1978, and recorded in Volume 214 at Page 499 of the Deed Records of Kerr County, Texas;

THENCE, upon, over and across said 9.48 acres along the southwest line of said 0.3 acre, S.62°43'52"E, 376.36 ft. to an unmarked point in the waters of said Guadalupe River for the east corner of the herein described tract in the common line between said 9.48 acres and said 10 acres;

THENCE, along the common line between said 9.48 acres and said 10 acres, S.46°29'17"E, at 31.60 ft. passing a 4" iron stake set for reference, then northwest of and converging with a fence, at 202.36 ft. passing a fence cornerpost in the occupied northwest right-of-way line of said Knapp Road, then upon, over and across said Knapp Road, approximately along its centerline for a total distance of 666.68 ft. to the PLACE OF BEGINNING containing 7.85 acres of land, more or less, within those notes and bounds.

FILED AND RECORDED
At 1:22 o'clock P.M.
STATE OF TEXAS
COUNTY OF KERR

DEC 20 2012

I hereby certify that this instrument was filed in the Kerr County
records on Dec 20, 2012 and time stamped herein by me and via d.
recorded in the Official Public Records of Kerr County, Texas
Anthony P. Baker, County Clerk

Exhibit "A"