

ORDINANCE NO. 1085-01-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HONDO TEXAS, AUTHORIZING THE VACATING AND ABANDONMENT OF SEGMENTS OF ALLEY THAT RUNS WEST AND EAST BETWEEN AVENUE J AND AVENUE K AND SOUTH OF 20TH STREET IN THE CITY OF HONDO, MEDINA COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 127, OF THE PLAT RECORDS OF MEDINA COUNTY, TEXAS; RETAINING A GENERAL UTILITY EASEMENT; PROVIDING FOR TERMS AND CONDITIONS OF SUCH THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hondo, Texas as a Home-Rule Municipality and operating under the laws of the State of Texas, has the authority under *Chapters 272, 282 and 253 of the Tex. Loc. Gov't Code*, as amended, to vacate and abandon and close municipal rights-of-way, streets or alleys, by ordinance, when such action is in the best interest of and serves the public purpose;

WHEREAS, Chapter 272, *Tex. Loc. Gov't Code*, authorizes political subdivisions to sell and convey rights-of-way to one or more abutting property owners;

WHEREAS, the City of Hondo is requesting the City Council to approve vacating and abandonment of two segments of a 0.139 acre portion of a City owned alley running west and east located between Avenue J and Avenue K and running south of 20th Street in order to construct the City's new library facility as described in the attached plat and field notes made part of this ordinance and marked Exhibit "A";

WHEREAS, Segment No. 1, is a twenty (20) foot wide alley and utility easement running west and east located between Avenue J and Avenue K and Segment No. 2, is a twenty (20) foot wide alley and utility easement running south of 20th Street and intersecting with Segment No. 1, both segments being located within Block 29 in the City of Hondo appear from existing deed records to previously have been dedicated to the City of Hondo;

WHEREAS, the City of Hondo has received written approval from the abutting property owners of Lots 15, 16, 17 and 18 and St. John the Evangelist Catholic Church all within Block 29 for the City to abandon and vacate the segment the alley adjacent to their property pursuant to Section 1.07.032 of the City of Hondo Code of Ordinances;

WHEREAS, the City is the abutting property owner of Lots 6-10 of Segment No. 2 and approves the vacating and abandonment of said segment of alley abutting the City's property pursuant to Section 1.07.032 of the City of Hondo Code of Ordinances;

WHEREAS, upon considering the request and additional information pertaining to the request, the City Council now finds that the utilities existing, or that will exist in the future, in the segments of the alley to be abandoned and vacated will be sufficiently protected by the City's existing easements;

WHEREAS, the abandonment and vacating of said segments of alley will not affect the traffic flow or pattern in the area, and the City Council finds that it is in the best interest of the City to abandon, vacate and close said segment of alley for public use; and

WHEREAS, the City Council of the City of Hondo, Texas, finds and declares that it is in the best interest of all of the citizens of the City of Hondo, Texas, that said segments of alley be vacated and closed and abandoned in favor of the request of the City of Hondo.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS THAT:

Section 1. The foregoing recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of fact by the City Council of Hondo, Texas.

Section 2. That the following described segments of the alley, as shown on the plat and field notes in Exhibit "A", attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned, save and except for any past, present, and future utility easements shown on Exhibit "A" in which said easements shall be and remain with the City.

Section 3. That said portion of the alley described herein is not needed for public roadway purposes and it is in the public interest of the City of Hondo to abandon said described portion of the alley for use as a road and roadway, but reserving the past, present and future utility easements for the City.

Section 4. That the abandonment provided for herein shall extend only to the public right and title in and to the tracts of land described in Section 2 of this Ordinance, and shall be construed only to that interest the governing body of the City of Hondo may legally and lawfully abandon.

Section 5. This ordinance shall take effect on January 25, 2016.

Section 6. Should any part of this Ordinance be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

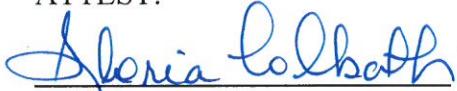
PASSED AND APPROVED THIS 1st DAY OF FEBRUARY, 2016.



JAMES W. DANNER, MAYOR



ATTEST:



Gloria Colbath, City Secretary

Medina County, Texas

20th Street Sur. 186

N 86°31'58" E 20.13' N 36°25'22" E 39.88'
 N 86°31'58" E 160.02' N 36°25'22" E 39.88'
 10 11 12 13 14
 9 8 7 6 5 4 3 2 1 0
 Avenue K Avenue J

Block 29

Allen C. Bulack
abst. 56

0.139 ACRE
(6068.3 Sq. Ft.) - 20' Alley -
S 03°36'41" E 139.90'

Charles W. Rothe
Registered Professional Surveyor No. 2453
Firm No. 1012200

Charles W. Rothe

STATE OF TEXAS
CHARLES W. ROTH
2453
PROFESSIONAL
SURVEYOR

I certify that the foregoing plot was prepared from an actual survey made under my supervision on the ground, that same is true and correct and was performed in accordance with the requirements for a Plat Survey, I.E. Conforming Survey. Witness my hand and seal this the 1st day of January 2006.

The bearings are relative to Goodfellow North N 86°31'58" E as taken from GPS Observations.

I certify that the foregoing plot was prepared from an actual survey made under my supervision on the ground, that same is true and correct and was performed in accordance with the requirements for a Plat Survey, I.E. Conforming Survey. Witness my hand and seal this the 1st day of January 2006.

Vol. 1, Pg. 127 (PR)

LEGEND

WATER LINE W N
GAS LINE G S
ELECTRIC LINE E E
TELEPHONE LINE T T
SEWER LINE S S

SET 5/8" IRON PIN - O

Charles Rothe & Assoc., Inc.
Engineers & Surveyors
1705 Ave K, P.O. Box 426
Hondo, TX 78861
Ph: (830)726-3005
Fax: (830)725-3160
E-mail: crrothe@comcast.net
www.hondosurveyor.com

Ord# 1085-01-16

EXHIBIT

A

THE STATE OF TEXAS
COUNTY OF MEDINA

PREPARED FOR: City of Hondo

FIELD NOTES TO DESCRIBE

A survey of 0.139 acre (6068.3 Sq. Ft.) of land situated within the Corporate Limits of the City of Hondo, in Medina County, Texas, out of Survey No. 186, Abstract No. 56, Allen C. Bulack, original Grantee, being a portion of that certain North-South 20 foot-wide alley and all of that certain East-West 20 foot-wide alley within Block 29 of the original Town of Hondo as shown on a plat thereof recorded in Volume 1 on Page 127 of the Plat Records of Medina County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING: At a $\frac{1}{2}$ " iron pin found on the South line of 20th Street for the Northwest corner of Lot 11, Block 29, of said original Town of Hondo, and the upper Northeast corner of this survey from which a $\frac{1}{2}$ " iron pin found at the point-of-intersection of the South line of said 20th Street and the West line of Avenue J for the Northeast corner of Lot 14, Block 29 of said original Town of Hondo bears N 86-25-22 E 139.88 feet;

THENCE: Along the West line of said Lot 11, S 03-36-41 E 139.90 feet to a $\frac{1}{2}$ " iron pin found for the Southwest corner of said Lot 11 and an interior corner of this survey;

THENCE: Along the South lines of Lots 11-14, Block 29, of said original Town of Hondo, N 86-22-37 E 140.15 feet to a $\frac{1}{2}$ " iron pin found on the Northwest line of said Avenue J for the Southeast corner of said Lot 14 and the lower Northeast corner of this survey;

THENCE: Along the West line of said Avenue J, S 04-45-41 E 20.48 feet to a $\frac{1}{2}$ " iron pin found for the Northeast corner of Lot 15, Block 29, of said original Town of Hondo and the Southeast corner of this survey;

THENCE: Along the North lines of Lots 15-18, Block 29, of said original Town of Hondo, S 86-31-16 W at 140.53 feet pass a 5/8" iron pin set for the Northwest corner of said Lot 18, continuing across said North-South alley a total distance of 160.67 feet to a 5/8" iron pin set on the East line of Lot 5, Block 29, of said original Town of Hondo, for the Southwest corner of this survey;

THENCE: Along the East lines of Lots 5-10, Block 29, of said original Town of Hondo, N 03-37-09 W at 10.03 feet pass a $\frac{1}{2}$ " iron pin found for the Northeast corner of said Lot 5 and the Southeast corner of said Lot 6, continuing a total distance of 160.02 feet to a $\frac{1}{2}$ " iron pin found on the South line of said 20th Street for the Northeast corner of said Lot 10 and the Northwest corner of this survey;

THENCE: Along the South line of said 20th Street, N 86-31-58 E 20.13 feet to the POINT OF BEGINNING.

The bearings are relative to Geodetic North WGS 84 as taken from GPS Observations.

I certify that the foregoing field note description was prepared from an actual survey made under my supervision on the ground and that same is true and correct. Witness my hand and seal this the 11 day of January, 2016.