

ORDINANCE NO. 2024-24

ABANDONING A PORTION OF MADISON STREET AND
HOUSTON STREET RIGHTS-OF-WAY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, ABANDONING, VACATING, AND CLOSING A PORTION OF MADISON STREET RIGHT-OF-WAY AND A PORTION OF HOUSTON STREET RIGHT-OF-WAY, NORTH OF STATE HIGHWAY 71 AND SOUTH OF GOVERNMENT STREET, AS DESCRIBED IN EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS TO CONVEY THE CITY'S REMAINING REAL PROPERTY INTEREST, IF ANY, IN SAID RIGHT-OF-WAY TO ADJACENT OWNERS; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Bastrop, Texas ("City") is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Section 311.001 of the Texas Transportation Code generally provides that a home-rule municipality has exclusive control over the public highways, streets, and alleys of the municipality; and

WHEREAS, Section 311.007 of the Texas Transportation Code provides the authority for a home- rule municipality to vacate, abandon or close a street or alley within the municipality; and

WHEREAS, the City Council has determined and finds it is in the public interest to vacate, abandon, and close a certain portion or portions of the public right-of-way as described herein and as described and/or depicted in **Exhibit A**, attached hereto.

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

Section 1. Findings of Fact. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

Section 2. Abandonment. The City Council hereby vacates, abandons, and closes:

- (a) the portion of the public right-of-way being a **portion of Madison Street**, located north of the State Highway 71 right-of-way and south of the Government Street right-of-way, generally consisting of land out of or

between Building Blocks 126 and 139 in the City of Bastrop, with such streets as shown on the map or plat recorded in Plat Cabinet No. 1, Page 23A, of the plat records of Bastrop County, Texas; and

(b) the portion of the public right-of-way being **a portion of Houston Street**, located north of the State Highway 71 right-of-way and south of the Government Street right-of-way, generally consisting of land out of or between Building Blocks 139 and 162, with such streets as shown on the map or plat recorded in Plat Cabinet No. 1, Page 23A, of the plat records of in the City of Bastrop, Bastrop County, Texas;

such portions of the public rights-of-way to be abandoned being more particularly described and/or depicted in *Exhibit A*, which is attached hereto and incorporated herein for all purposes.

Section 3. Conveyance Authorized, if necessary. After abandonment of the rights-of-way by this Ordinance, if it is determined by the City Manager, in consultation with the City Attorney, that the City holds any remaining real estate interests in the portion of the public rights-of-way abandoned by this Ordinance, the City Council hereby authorizes and directs the City Manager to execute any deed(s) or other documents, in forms substantially similar to *Exhibit B* attached hereto, as necessary to convey such remaining real estate interests to the abutting property owner(s), in accordance with applicable state laws and local ordinances.

Section 4. Repealer: To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

Section 5. Severability: If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 6. Effective Date: This Ordinance shall take effect immediately after its final passage and any publication, if necessary, in accordance with the requirements of the City of Bastrop and the laws of the State of Texas.

Section 7. Proper Notice and Meeting: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & ACKNOWLEDGED on First Reading by the City Council of the City of Bastrop, Texas, on this, the ____ day of August 2024.

PASSED & APPROVED on Second Reading by the City Council of the City of Bastrop, Texas, on this, the ____ day of _____ 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

EXHIBIT A
ROW Portions To Be Closed

EXHIBIT B
Form of Conveyance Instrument for Closed ROW