

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS CLOSING, VACATING, AND ABANDONING A TWO HUNDRED SQUARE FOOT PORTION OF EAST WILLIAMS STREET OF THE EAST BRECKENRIDGE ADDITION; PROVIDING FOR CONVEYANCE OF SAID ABANDONED STREET PROPERTY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge (the “City”) is a home rule municipality operating 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;

WHEREAS, Section 311.007 of the Texas Transportation Code provides that a home rule municipality may vacate, abandon, and close a street or alley, and Sections 253.001(a) and 272.001 of the Texas Local Government Code provide that a city may convey abandoned street or alley property to the adjacent property owners without complying with notice and bidding requirements;

WHEREAS, on July 16, 1991, the City Commission of the City of Breckenridge (the “City Commission”) adopted Ordinance No. 91-13 to, in part, close a portion of East Williams Street south of Lots 5 and 6, Block B, East Breckenridge Addition;

WHEREAS, the City has recently sold Lots 5 and 6, Block B, East Breckenridge Addition and conveyed that property in addition to the street property closed by Ordinance No. 91-13, but a recent survey has found that a two hundred square foot portion of East Williams Street was not closed by Ordinance No. 91-13;

WHEREAS, City staff has proposed to close this two hundred square foot portion of East Williams Street in the East Breckenridge Addition (the “Street Property”) and to convey it to the owner of the adjacent property recently sold by the City; and

WHEREAS, the City Commission has determined that it would be to the public benefit to abandon, vacate, and close the Street Property, that said land is not needed for public use and therefore constitutes a public charge without a corresponding public benefit, and that the Street Property should be abandoned, vacated, and closed, and conveyed to the adjacent property owner as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

SECTION 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Findings. After due deliberations, the City Commission has concluded that the adoption of this Ordinance is in the best interest of the City of Breckenridge, Texas and of the public health, safety, and welfare.

SECTION 3. Street Abandoned. The following street property is hereby closed, vacated, and abandoned:

All that certain 200 square foot tract or parcel of land situated in the City of Breckenridge in the northwest quarter of Section 9 of the Lunatic Asylum Lands, original grantee and patentee Stephens County, Abstract Number 165, patent filed 12 June 1877, and recorded in volume B page 389 of the Deed Records of the County of Stephens State of Teas, and said tract being part of East Williams Street of the East Breckenridge Addition, according to the plat of the same filed 07 March 1921, originally filed in volume 197 page 654 of the Deed Records of said Stephens County, and said plat now located in the Plat Cabinet in Slide 9A of the Plat Records of said Stephens County, and said tract being identified as Tract Two in, and being more particularly described by, the survey plat attached as Exhibit "A" and metes and bounds description attached as Exhibit "B".

SECTION 4. Fair Market Value. The City Commission finds that the street was originally dedicated to the public at no cost to the City and any fair market value that the Street Property may have is offset from the City's release from the obligation to maintain the Street Property.

SECTION 5. Extent of Abandonment. The abandonment, vacation, and closure provided for herein shall extend only to the public right, title, easement, and interest, and shall be construed to extend only to that interest which the City may legally and lawfully abandon, vacate, and close, and may be subject to recorded reversionary interests.

SECTION 6. Release of Easements. All public easements and rights-of-way on the Street Property are hereby released.

SECTION 7. Conveyance. The City Secretary is authorized and directed to record a copy of this Ordinance in the Real Property Records of Stephens County, Texas. The Mayor is hereby authorized and directed to convey by Deed Without Warranty, in "As Is" condition, all of the interest of the City to the Street Property to the property owner abutting said Street Property.

SECTION 8. Savings/Repealing Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Commission.

DULY PASSED AND APPROVED by the City Commission of the City of Breckenridge, Texas, this the 9th day of January, 2024.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

EXHIBIT "B"

OWEN SURVEYING CO.

P. O. BOX 336, BRECKENRIDGE, TX 76424

MICHAEL DAVIS,
PRESIDENT
OFFICE 254-559-9898
FAX 254-559-7372

ERIC BRENNAN, RPLS #5560

Firm Number 10069000
www.owensurveying.com

METES AND BOUNDS DESCRIPTION

Tract Two - 200 Square Foot Tract

Page 1 of 2

All that certain 200 square foot tract or parcel of land situated in the City of Breckenridge in the northwest quarter of Section 9 of the Lunatic Asylum Lands, original grantee and patentee Stephens County, Abstract Number 165, patent filed 12 June 1877, and recorded in volume B page 389 of the Deed Records of the County of Stephens State of Texas, and said tract being part of East Williams Street of the East Breckenridge Addition, according to plat of the same filed 07 March 1921, originally filed in volume 197 page 654 of the Deed Records of said Stephens County, and said plat now located in the Plat Cabinet in Slide 9A of the Plat Records of said Stephens County, and being more particularly described as follows;

COMMENCING at a set MAG nail rebar on the south line of said East Walker Street, 5 feet east of the northeast corner of said Block B, said nail being the northeast corner of the west 5 feet of said South Butte Avenue as described and closed by City Ordinance No. 91-13, City of Breckenridge, approved 16 July 1991, filed 17 July 1991, and recorded in volume 1007 page 41 of said deed records said City ordinance, said nail also having NAD83 NCTZ grid coordinates of N-6957953.03, E-1847395.71;

THENCE: South 00 degrees 00 minutes 29 seconds West, with the east line of the west 5 feet of said South Butte Avenue, a distance of 180.00 feet to a set 1/2 inch rebar on the north line of said Williams Street for the **POINT OF BEGINNING** and the northeast corner of the tract being described herein;

THENCE: South 00 degrees 00 minutes 29 seconds West, a distance of 40.00 feet to a set railroad spike in the center of said Williams Street for the southeast corner of this tract, from said spike a found 5/8 inch rod bears South 87 degrees 09 minutes 33 seconds East, a distance of 1.37 feet;

THENCE: North 89 degrees 59 minutes 31 seconds West, with the center of said William Street, a distance of 5.0 feet to a set railroad spike on the east line of said Butte Street for the southwest corner of this tract;

EXHIBIT "B"

**Tract Two - 200 Square Foot Tract
Page 2 of 2**

THENCE: North 00 degrees 00 minutes 29 seconds East, with the east line of another tract as described in said City ordinance, and with the west line of said Butte street, a distance of 40.00 feet to a point in a brick building for the northwest corner of this tract, said point being the southeast corner of said Block B;

THENCE: South 89 degrees 59 minutes 31 seconds East, and passing at 1.1 feet the edge of said building, and continuing on said course a total distance of 5.00 feet to the **POINT OF BEGINNING** and containing 200 square feet of land.

NAD83 NCTZ Grid Bearings.



Eric Brennan, Texas Registered
Professional Land Surveyor
Number 5560
Dated 07 December 2023