

ORDINANCE NO. 2026-20

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS PROVIDING FOR THE ABANDONMENT, VACATION, AND CLOSURE OF A 0.37 ACRE TRACT OF LAND OUT OF WESTWOOD ROAD, A PLATTED RIGHT OF WAY OF THE REPLAT OF BLOCK 5 AND 6 AND THE NORTH HALF OF BLOCK 4 OF WESTRIDGE ADDITION TO THE CITY OF BRECKENRIDGE, STEPHENS COUNTY, TEXAS; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT INCLUDING THE CONVEYANCE OF PROPERTY; PROVIDING SAVINGS, REPEALER AND SEVERABILITY CLAUSES; AND ESTABLISHING 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 provides that a city may convey abandoned street or alley property to the adjacent property owners without complying with notice and bidding requirements;

WHEREAS, the City has received a request to close, abandon, and vacate a 0.37 acre tract of land situated in the southeast quarter of Section 5 of the Lunatic Asylum Lands, Abstract Number 1285, and being part of Westwood Road, a platted right of way of the Re-Plat of Block 5 and 6 and the North Half of Block 4 of Westridge Addition, and also called to be a 60 foot right of way as depicted in the Baxley Addition to the City of Breckenridge, Stephens County, Texas (the “Street Property”) by property owners, Cody D. Wimberley, Michelle D. Wimberley, J.M. Mercer, and Wilma Tyshann Mercer, whose properties abut the Street Property;

WHEREAS, the City wishes to close the Street Property as the streets in question are not used as public thoroughfares; and

WHEREAS, the City Commission of the City 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.

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. Streets Abandoned. The portion of Westwood Road described as a certain 0.37 acre tract of land situated in the southeast quarter of Section 5 of the Lunatic Asylum Lands, Abstract Number 1285, City of Breckenridge, Stephens County, Texas as shown and more further described in the attached **Exhibit “A”** shall be and is hereby abandoned, vacated, and closed insofar as the right, title, and easement of the public is concerned; subject, however, to the conditions, requirements, and restrictions hereinafter more fully set out.

SECTION 4. Fair Market Value. The City Commission finds that the Street Property 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 that the City may have and shall be construed to the extent 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. Conveyance. The City Secretary is authorized and directed to prepare and record a certified copy of this ordinance in the Real Property Records of Stephens County, Texas. The Mayor is hereby authorized and directed to convey by Quitclaim Deed, in “As Is” condition, all of the interest of the City in and to the Street Property, to the owners of property abutting upon said street.

SECTION 7. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent that they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent an prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8. Severability. Should any section, subsection, sentence, clause, phrase of the Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Breckenridge hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9. Effective Date. This Ordinance shall become effective immediately upon its adoption.

DULY PASSED AND APPROVED by the City Commission of the City of Breckenridge, Texas, this the 1st day of September, 2026.

Kord Trammel, Mayor

ATTEST:

Jessica Sutter, City Secretary

EXHIBIT "A"

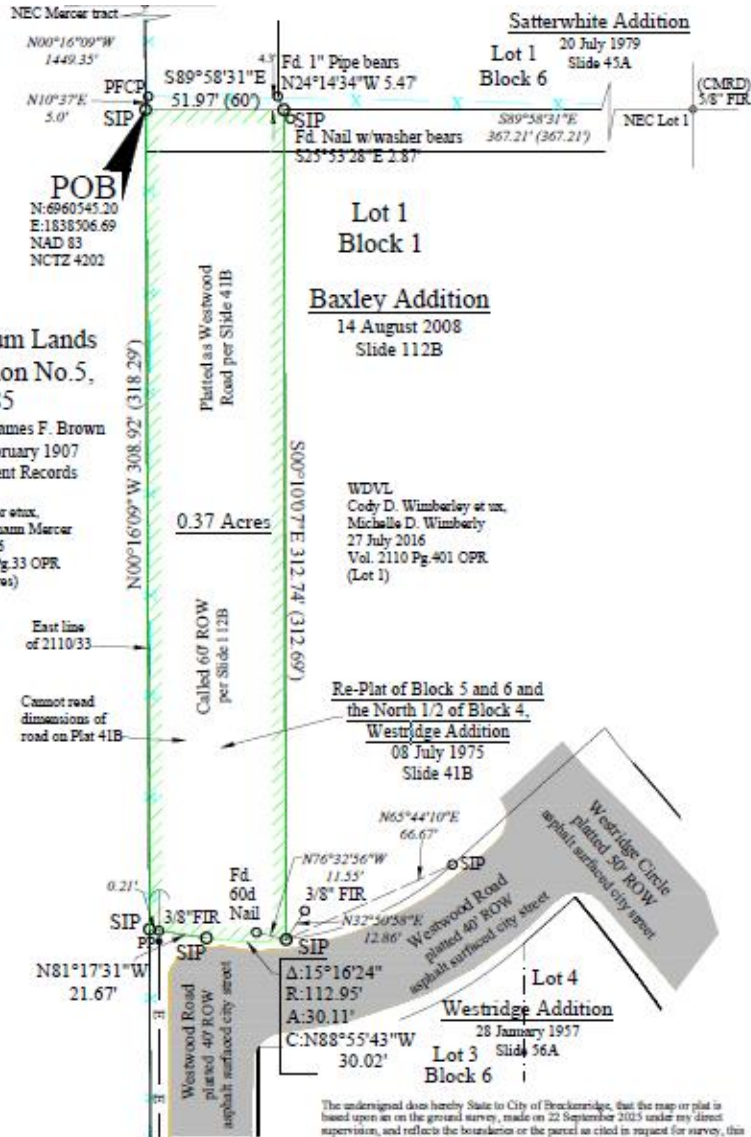
Proprietary Assets Notice:

This plat and its accompanying field notes, which have been digitally saved, are the exclusive proprietary assets of this surveyor and Owen Surveying Company and therefore all rights for its use are hereby reserved. Any alteration or changes to the original digital copy which is not authorized in writing by this surveyor and Owen Surveying Company is strictly prohibited. Any alteration to any digital copy of said plat or field notes shall render the unauthorized copy null and void. This surveyor and Owen Surveying Company are not liable for any document that has been altered by any means from its original which was signed, approved and provided by this surveyor and company to its customer. This surveyor and Owen Surveying reserves the right to seek independent legal redress and demand damages for any individual or company making any unauthorized alterations or changes to the original document or any person or company intentionally making use of a document that is known to have unauthorized alterations. If any person becomes aware or has knowledge of any unauthorized use or alteration of this plat or field notes, then that person shall promptly notify this surveyor or Owen Surveying of such unauthorized use or alteration or that person shall become liable for the unauthorized use.

Lunatic Asylum Lands SE/4 Section No. 5, A-1285

grantee and patentee James F. Brown
patent filed 18 February 1907
Vol. A Pg. 563 Patent Records

J. M. Mercer et ux,
Wilma Tysam Mercer
15 July 2016
Vol. 2110 Pg. 33 OPR
(108.16 Acres)



NOTES:

1. This survey is made subject to any rights that may exist in adjoining land owners having portions of the subject property that may constitute encroachments, the length of time any fence line has existed on the subject property or adjoining property, whether in nature, any individual rights of adjoining owners and any claims of adverse possession. Please note legal counsel is then required.
2. Adjoining land data is for informational purposes only and does not represent a complete survey of these lands. Please consult an adjoining property owner map when there is a corner survey of these points. This plat represents a survey of the boundaries and improvements of the parcels shown in regard to survey. This plat does not represent a complete survey of adjoining lands.
3. The surveyor has made no investigation as to independent use of the fence line, monuments of record, easements, restrictive covenants, easements, life estates, or any other facts that a correct title search may disclose.
4. This plat or map represents a survey of the surface of the land as shown on the request survey, and was performed from an actual survey made upon the surface of the land. A survey or investigation for sub-surface features was not performed. The surveyor does not state that there is or is not any sub-surface or subsurface structures, features or other objects concealed or situated below the surface of the land as shown herein.
5. Coordinates shown herein are for general location purposes only and are not the controlling feature for the position shown herein.

Legend

PP= Power Pole
SIP= Set 1/2 inch Rebar with plastic cap marked
OWEN SURV 5560

-X- = Fence
-EC- = Electric, and Cable line
WM= Water Meter
GM= Gas Meter
FIR= Fd iron rod
(CM)= Controlling Monument
(RD) = Record Dignity

This Plat subject to any subdivision regulations that may exist and apply to this subdivision.

This parcel has offsite controlling monuments.

NOTE: For Meter and Bounds
See Accompanying Document

Basis of Bearings
NAD83 NCTZ (4202) Grid North Bearings
Distances reflect surface measurements
Owen Surveying Co., Copyright Reserved 2023



ERIC BRANNEN, TEXAS
REGISTERED PROFESSIONAL
LAND SURVEYOR
NUMBER 5560

Boundary survey on 0.37 Acres being part of a
platted 60' Right of Way of Block 1 of the
Baxley Addition, an addition to
the City of Breckenridge,
County of Stephens, State of Texas

OWEN SURVEYING CO.

FIRM #10069000 WWW.OWENSURVEYING.COM
110 W. ELLIOTT ST., BRECKENRIDGE, TX 76424
PHONE (254)559-9898 FAX (254)559-7372 CELL (254)559-0127

BOUNDARY PLAT: STEPHENS COUNTY
DRAWN BY: CH CHECKED BY: EB
Scale: 1" = 40' Date: 22 December 2025 Print Number: B - 570B

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

0.37 Acre Tract

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All that certain 0.37 acre tract or parcel of land in the City of Breckenridge situated in the southeast quarter of Section 5 of the Lunatic Asylum Lands, Abstract Number 1285, original grantee and patentee James F. Brown, filed 18 February 1907, and recorded in volume A page 563 of the Patent Records of the County of Stephens, State of Texas, said tract being part of Westwood Road, a platted right of way of the Re-Plat of Block 5 and 6 and the North 1/2 of Block 4 of Westridge Addition, an addition to said City of Breckenridge according to plat of the same filed 08 July 1975, and located in the plat cabinet in slide 41B of the Plat Records of said Stephens County, and said right of way called to be a 60 foot Right of way as depicted in the Baxley Addition, an addition to said City of Breckenridge according to plat of the same filed 14 August 2008, and located in the plat cabinet in slide 112B of said plat records, and being more particularly described as follows;

BEGINNING for the northwest corner of the tract being described herein at a set 1/2 inch rebar on the east line of a called 108.16 acre tract as described in deed to J.M. Mercer et ux, Wilma Tyshann Mercer, filed 15 July 2016, and recorded in volume 2110 page 33 of the Official Public Records of said Stephens County, said rebar being the northwest corner of said Re-Plat, from said rebar, a pipe fence corner post bears North 10 degrees 37 minutes East, a distance of 5.0 feet, and from said rebar, the northeast corner of said Mercer tract bears North 00 degrees 16 minutes 09 seconds West, a distance of 1449.35 feet, said rebar also having a NAD 83 NCTZ (4202) State Plane Coordinates of N:6960545.20 E:1838506.69;

THENCE: South 89 degrees 58 minutes 31 seconds East, a distance of 51.97 feet to a set 1/2 inch rebar for the northeast corner of this tract, said rebar being the northwest corner of Lot 1, of Block 1 of said Baxley Addition, same being northwest corner of a tract of land described in deed to Cody D. Wimberley et ux, Michelle D. Wimberley, filed 27 July 2016, and recorded in volume 2110 page 401 of said official public records, from said rebar, a found 1 inch pipe bears North 24 degrees 14 minutes 34 seconds West, a distance of 5.47 feet, and from said rebar, a found 5/8 inch iron rod being the northeast corner of said Lot 1, Block 1 of said Baxley Addition bears South 89 degrees 58 minutes 31 seconds East, a distance of 367.21 feet, and from said rebar, a found nail with washer bears South 25 degrees 53 minutes 28 seconds East, 2.87 feet;

0.37 Acre Tract
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THENCE: South 00 degrees 10 minutes 07 seconds East, with the apparent east line of said Westwood Road, and the west line of said Lot 1, a distance of 312.74 feet to a set 1/2 inch rebar for the southeast corner of this tract, same being the southwest corner of said Lot 1, same being the southwest corner of said Wimberley tract, and said rebar being on the north line of Westwood Road as shown on plat of Westridge Addition, an addition to said City of Breckenridge according to plat of the same filed 28 January 1957, and located in the plat cabinet in slide 56A of said plat records, from said rebar, a found 3/8 inch iron rod bears North 32 degrees 50 minutes 58 seconds East, a distance of 12.86 feet, and from said rebar, a found 60d nail bears North 76 degrees 32 minutes 56 seconds West, a distance of 11.55 feet;

THENCE: With a curve turning to the right, having an central angle of 15 degrees 16 minutes 24 seconds, and having a radius of 112.95 feet, and having a chord bearing of North 88 degrees 55 minutes 43 seconds West, and a chord length of 30.02 feet, an arc length of 30.11 feet to a set 1/2 inch rebar for the end of said curve;

THENCE: North 81 degrees 17 minutes 31 seconds West, and passing at 21.46 feet a found 3/8 inch rod, and continuing on said course a total distance of 21.67 feet to a set 1/2 inch rebar on the east line of said Mercer tract for the southwest corner of this tract;

THENCE: North 00 degrees 16 minutes 09 seconds West, with the east line of said Mercer tract, a distance of 308.92 feet to the **POINT OF BEGINNING** and containing 0.37 of an acre of land.



A stylized handwritten signature in blue ink, consisting of a large capital 'E' followed by a capital 'B' and a long horizontal flourish extending to the right.

Eric Brennan, Texas Registered
Professional Land Surveyor
Number 5560
Dated 22 December 2025