

ORDINANCE

AN ORDINANCE ABANDONING AND VACATING A CERTAIN PORTION OF A THIRTY (30) FOOT RIGHT-OF-WAY AND DRAINAGE EASEMENT IN THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS; INCORPORATING THE RECITALS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE, SAVINGS CLAUSE, AND EFFECTIVE DATE; AND DIRECTING THE CITY SECRETARY TO RECORD A COPY OF THIS ORDINANCE ON THE JOHNSON COUNTY REAL PROPERTY RECORDS.

WHEREAS, the City of Burleson, Texas (the “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, a thirty (30) foot right-of-way and drainage easement was granted to the City and recorded on April 4, 1980, in Volume 827, Page 5 of the Deed Records of Johnson County, Texas (the “Easement”), and

WHEREAS, the City Council finds that a certain portion of the Easement as more particularly described and depicted in **Exhibit A**, which is attached to and incorporated into this ordinance, is not needed for right-of-way and drainage easement purposes and will not be needed in the future for said purposes; and

WHEREAS, the City Council has determined in the exercise of its home-rule powers and governmental functions that the proposed abandonment and vacation of the Easement is in the best interests of the City; and

WHEREAS, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City; and

WHEREAS, the City Council finds that this ordinance may be considered and approved in only one meeting, because the provisions of this ordinance concern the abandonment and vacation of a City-owned right-of-way that does not propose a change to the language of the Code of Ordinances of the City.

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

Section 1.

That the certain portion of the Easement shown and more particularly described in **Exhibit A**, which is attached to and incorporated into this ordinance, be and the same is hereby abandoned

and vacated insofar as all public use, right, title, and interest in and to the described Easement are concerned; **SAVE AND EXCEPT**, this ordinance does not obligate the City to remove, replace, or repair any improvements currently existing in the portion of the Easement being abandoned and vacated, and any such improvements shall be abandoned, vacated, and left in place by the City. Moreover, this action shall not affect the public use, right, title, and interest, if any, of any existing franchise utilities or other third-parties currently located in the Easement being abandoned and vacated by this ordinance, nor shall this ordinance affect the public use, right, title, and interest to the public utility easements dedicated by plat on the affected tract(s), if any.

Section 2.

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Burleson's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

Section 3.

The recitals set forth above are incorporated into the body of this ordinance as if fully set forth herein.

Section 4.

That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 7.

The City Secretary is hereby directed to file a copy of this ordinance with the Johnson County

Clerk on the Real Property Records, Johnson County, Texas.

PASSED AND APPROVED the _____ day of _____, **20**_____.

First and Final Reading: the _____ day of _____, 20_____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

EXHIBIT A

LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE J.W. HENDERSON SURVEY, ABSTRACT NO. 376, JOHNSON COUNTY, TEXAS, BEING ALL OF THAT RIGHT-OF-WAY AND DRAINAGE EASEMENT GRANTED TO THE CITY OF BURLESON IN THAT DOCUMENT RECORDED IN VOLUME 827, PAGE 5, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND IN THE EASTERLY RIGHT-OF-WAY LINE OF N. WILSON STREET (80' R-O-W) AND IN THE SOUTHEASTERLY LINE OF LOT 5, BLOCK 2, WILSHIRE VILLAGE, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 318, PLAT RECORDS, JOHNSON COUNTY, TEXAS (P.R.J.C.T.), ALSO BEING THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO RCM DEPOT ON MAIN, L.P., AND DESCRIBED AS TRACT 2 IN THAT DEED RECORDED IN INSTRUMENT NO. 2017-3612, D.R.J.C.T.;

THENCE ALONG SAID SOUTHEASTERLY LINE N 45°02'46" E, AT A DISTANCE OF 242.42 FEET PASSING A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544" FOR THE MOST EASTERLY CORNER OF SAID LOT 5, FOR A TOTAL DISTANCE OF 258.06 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF LOT 7C, BLOCK 2, WILSHIRE VILLAGE, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 391, P.R.J.C.T.;

THENCE S 45°11'20" E, A DISTANCE OF 41.34 FEET TO A POINT;

THENCE N 82°52'42" E, A DISTANCE OF 23.37 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF N. MAIN STREET (50' R-O-W);

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE S 05°45'48" E, A DISTANCE OF 30.00 FEET TO A POINT;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE S 82°52'42" W, A DISTANCE OF 37.27 FEET TO A POINT;

THENCE N 45°11'20" W, A DISTANCE OF 26.06 FEET TO A POINT;

THENCE S 45°02'46" W, A DISTANCE OF 252.66 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF N. WILSON STREET (80' R-O-W) AND IN THE WESTERLY LINE OF SAID TRACT 2;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND SAID WESTERLY LINE N 05°44'22" W, A DISTANCE OF 38.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 9581 SQUARE FEET OF LAND, MORE OR LESS.

SURVEYOR'S CERTIFICATE:

PREPARED BY ME OR UNDER MY DIRECTION.



Matt Powell
MATT POWELL

REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5544

DATED: 03/09/22



DATE: 03-09-22	DRAWN: J.B.P.	CHECKED: M.P.	DFW JOB No. 2016057-03	EXHIBIT "A"	SHT. NO. 2 OF 2
----------------	---------------	---------------	------------------------	-------------	--------------------

EXHIBIT A

