

ORDINANCE NO. 816

***“An Ordinance Abandoning And Conveying A Portion Of The Right Of Way Of
Impala Isle Drive. - Beyer”***

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, ABANDONING A PORTION PUBLIC ROAD RIGHT OF WAY AND AUTHORIZING THE MAYOR TO EXECUTE A CONVEYANCE OF THE SAME; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A SAVINGS CLAUSE; SEVERABILITY; REPEALER, EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Granite Shoals, Texas (“City”) owns an interest in land, specifically described on Exhibit “A” attached hereto and hereafter referred to as the “Land”; and

WHEREAS, the Land consists of an approximately 304 Square Feet of the City’s right-of-way at the terminus of Web Isle Drive which is not currently in use by the City and for which the City has no future use; and

WHEREAS Joanne and Kenneth Beyer, owners of Lot 19-A, Impala Isle, (the “Owners”) own property adjacent to the Land; and

WHEREAS, the Owners have requested that the City convey the land to the Owners so that the Owners can expand the improvements on their property and comply with the City’s building setback code requirements; and

WHEREAS, pursuant to section 253.001 of the Texas Local Government Code, the City can sell or convey land or an interest in land that is an abandoned part of a street; and

WHEREAS, pursuant to section 272.001(b) of the Texas Local Government Code, the City may convey the Land to abutting property owners who own the underlying fee simple; and

WHEREAS, in order to effectuate the conveyance of the property interest, the City Council of the City (“Council”) must adopt an ordinance abandoning the Land and directing the Mayor to execute the conveyance; and

WHEREAS, pursuant to the laws of the State of Texas, including Chapter 51 of the Texas Local Government Code, the Council may adopt ordinances and rules that are for good government and necessary for carrying out the power granted by law to the municipality; and

WHEREAS, the Council determined that the abandonment and conveyance of the subject property is in the best interest of the citizens of the City;

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

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of Granite Shoals and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. ABANDONMENT AND CONVEYANCE

A. The Land consisting of approximately 304 square feet, which is owned by the City and is a portion of the Impala Isle Drive right-of-way adjacent to the Owners' property described in Exhibit "A" attached hereto and incorporated herein, is hereby abandoned.

B. The Mayor of the City is hereby authorized to execute a conveyance of the Land to the Owners.

SECTION III. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

SECTION IV. SEVERABILITY

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION V. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.


SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

SECTION VII. PROPER NOTICE AND MEETING


It is hereby officially found and determined that the meeting at that this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED this 14th day of September, 2021.



Will Skinner
Mayor

ATTEST:



Elaine Simpson,
City Secretary

APPROVED AS TO FORM:

Joshua Katz,
City Attorney



Exhibit "A"

Adjacent to Lot 19-A, Impala Isle, the "pie shape" portion of the Offset Cul-de-Sac:
Being 304 Square Feet of land, a portion of Impala Isle Drive, Impala Isle Section,
Sherwood Shores, a Burnet County Subdivision according to the Plat recorded in Volume
1, Page 120 Or Cabinet 1, Slide 32D of the Plat Records of Burnet County, Texas

EXHIBIT "A"

STATE OF TEXAS:
COUNTY OF BURNET:
CITY OF GRANITE SHOALS:

FIELD NOTES to accompany a Survey Exhibit of a 304 Square Feet tract, a portion of Impala Isle Drive, Impala Isle Section of Sherwood Shores, a subdivision located in the City of Granite Shoals, Burnet County, Texas, and recorded on a plat in Volume 1, Page 120, also referenced in Cabinet 1, Slide 32D of the Plat Records of Burnet County, Texas; said 304 Square Feet tract of land being more particularly described by metes and bounds as follows:

BEGINNING ½-inch iron rod found, for the common front corner of Lot 18 of said Impala Isle Section, with Lot 19-A, A Plat to Form Lot Nos. 19-A and 19-B, Impala Isle, Sherwood Shores, according to the plat recorded in Cabinet 2, Slide 49B of the Plat Records of Burnet County, Texas, and lying in northwest curve of an offset cul-de-sac of Impala Isle Drive, for the north corner hereof, from which a PK nail found, for the rear corner of said 19-A bears N 45°43'56" W [N 51°05'45" W], a distance of 92.08 feet [92.08'];

THENCE, crossing through said cul-de-sac into Impala Isle Drive, with the northeast and southeast lines hereof, the following two (2) calls:

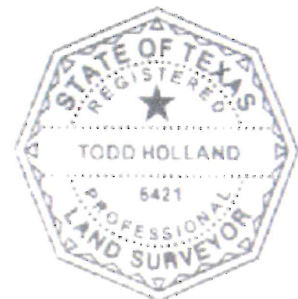
1. S 45°43'56" E, with the projection of the common lot line of said Lots 18 and 19-A, a distance of 19.65 feet, to calculated point, lying within a power pole, for the east corner hereof, and
2. S 45°16'49" W, a distance of 20.03 feet, to a ½-inch iron rod found, for a corner of said Lot 19-A, for the south corner hereof, from which the common front corner of said Lot 19-A and Lot 19-B bears S 45°16'49" W [S 39°55'00" W], a distance of 49.00 feet and another ½-inch iron rod found, for the south corner of said Lot 19-B bears S 45°16'49" W [S 39°55'00" W], a distance of 68.99 feet;

THENCE, with the arc of the curve of said cul-de-sac, being the common line of said Lot 19-A, with Impala Isle Drive, for the west line hereof, an arc distance of 30.75 feet, a radius 20.00 feet, through a delta angle of 88°05'29" and a chord bearing N 00°19'20" E, a chord distance of 27.81 feet, to the Point of Beginning and containing 304 Square Feet of land, more or less.

THE BASIS OF BEARINGS FOR THIS SURVEY IS TEXAS STATE PLANE, LAMBERT GRID, TEXAS CANTRAL ZONE. ESTABLISHED WITH THE GEONET-A, RTK NETWORK.



Todd Holland
Registered Professional Land Surveyor No. 5421
July 9, 2021

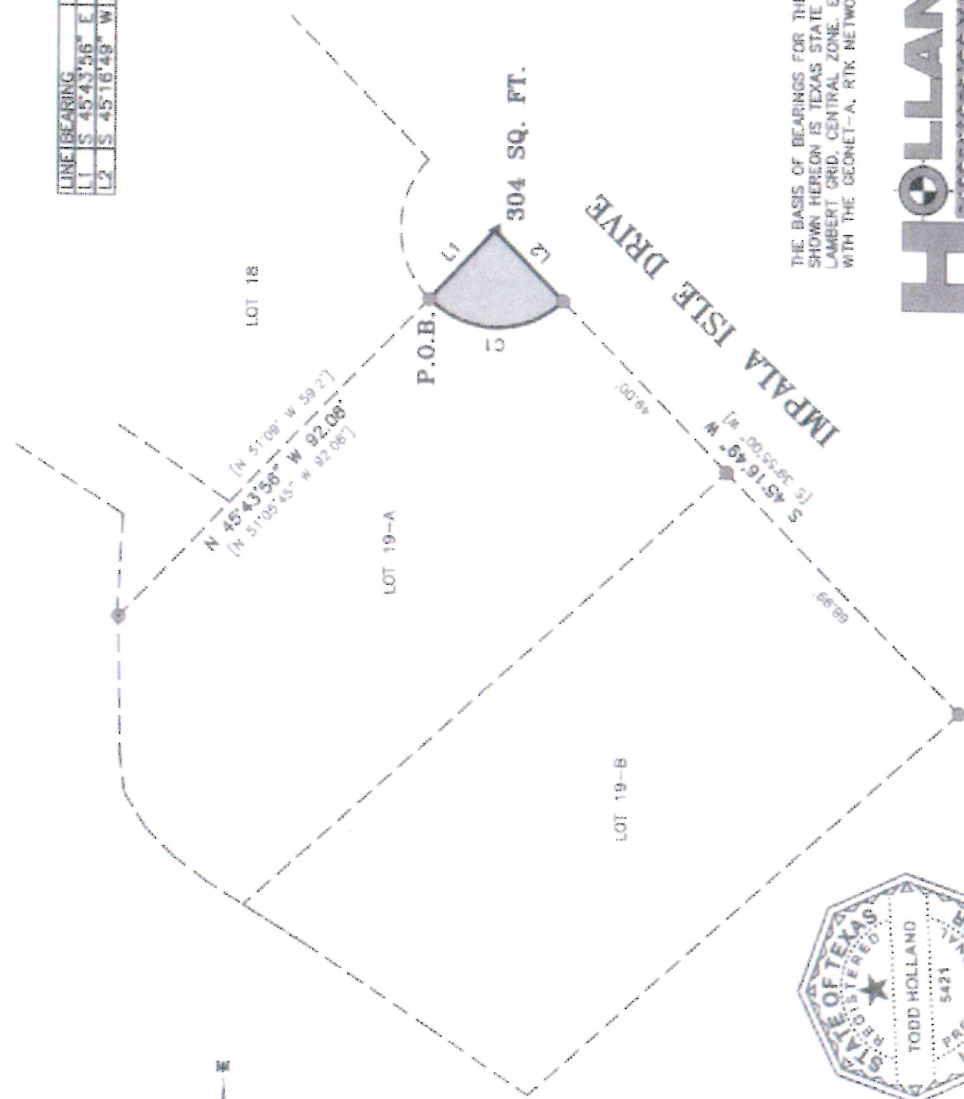


SURVEY EXHIBIT

BEING 304 SQUARE FEET OF LAND, A PORTION OF IMPALA ISLE DRIVE, IMPALA ISLE SECTION, SHERWOOD SHORES, A BURNET COUNTY SUBDIVISION ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 120 OR CABINET 1, SLIDE 32D OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS.

CURVE ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	30.75	85.05 29'	N 00°19'20"	E 127.81

LINE BEARING	DISTANCE
L1 S 45°43'46"	E 19.65'
L2 S 45°16'49"	W 20.03'



LEGEND

- 1/2" IRON ROD FOUND
- ⊙ P.K. NAIL FOUND
- ▲ CALCULATED POINT
- U.E. UTILITY EASEMENT
- - - B.S. BUILDING SETBACK
- () RECORD INFORMATION

SCALE: 1" = 30'

THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAY BE OTHER EASEMENTS OR ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY THAT IS SHOWN HEREON.

I, TODD HOLLAND, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON DURING JUNE/JULY, 2021, UNDER MY DIRECTOR AND SUPERVISION; THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

7/9/2021
DATE

TODD HOLLAND
REGISTERED PROFESSIONAL
LAND SURVEYOR
NO. 5421, STATE OF TEXAS

CLIENT: JOANNE BEYER
HOLLAND # 2021-111
DRAWN BY: T. HOLLAND



THE BASIS OF BEARINGS FOR THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE, LAMBERT GRID, CENTRAL ZONE, ESTABLISHED WITH THE GEONET-A, RTK NETWORK.

HOLLAND

SURVEYING

PROFESSIONAL SURVEYING AND MAPPING SERVICES
P.O. BOX 1847
MARBLE FALLS, TEXAS 78654
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