

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS ABANDONING APPROXIMATELY 7,231 SQUARE FEET (0.166 ACRES) OF PUBLIC STREET RIGHT-OF-WAY, LOCATED BETWEEN HILL AVENUE AND THE TERMINUS OF GARDEN STREET, ACCORDING TO THE PROVISIONS OF CHAPTER 253, SECTION 253.001 OF THE TEXAS LOCAL GOVERNMENT CODE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels has street rights to a 7,231 square foot (0.166-acre) tract of land, more or less, being public street right-of-way, located between Hill Avenue and the terminus of Garden Street, and said street right-of-way being in the City of New Braunfels, Texas; and

WHEREAS, the City of New Braunfels, having received a request from James Farley and Guillermina Espinosa petitioning the City to consider the abandonment of said right-of-way; and

WHEREAS, after determining that there is no need for the City of New Braunfels or any other surrounding property owners to retain the street right-of-way, it is the decision of the City Council of the City of New Braunfels that action be taken to release same to James Farley and Guillermina Espinosa in the proper and legal manner; and

WHEREAS, the fair market value of the land is determined to be TWENTY-FIVE THOUSAND TWO HUNDRED SIXTY EIGHT DOLLARS and NO CENTS (\$25,268.00) and thus by making the sale of the land to the abutting property owners, the City of New Braunfels will be complying with all sections of said Chapter 253, Section 253.001, and that the sale of said land in this particular instance has been determined by a fair appraisal and is conclusive of the fair market value thereof; **now, therefore;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT the City of New Braunfels, acting by and through its City Manager shall execute a Deed without Warranty to James Farley and Guillermina Espinosa, conveying all of its right, title and interest in and to the public right-of-way and all rights in and to a 7,231 square foot (0.166-acre) tract of land, more or less, being public street right-of-

way located between Hill Avenue and the terminus of Garden Street, and said street right-of-way being in the City of New Braunfels, Texas. A survey of the property to be conveyed is attached as Exhibit "A" and is described in the attached Exhibit "B". If said Deed Without Warranty is not executed within one hundred and eighty (180) days of the second and final reading of this ordinance, this ordinance shall become null and void and a new application for abandonment shall be required.

SECTION 2

THAT the following conditions apply to the said abandonment:

1. The subject property must be included within a plat of the adjacent properties owned by the applicants in compliance with the City's Subdivision Platting standards within 180 days of the second and final reading of this ordinance.
2. The plat shall include the following easements:
 - a. A minimum 20-foot wide utility easement, 10 feet on either side of the existing water and wastewater lines.
 - b. A minimum 10-foot wide utility easement for the existing electric secondary line.
3. Ownership transfer will occur by a Deed Without Warranty after the final plat has been approved by the City.
4. Recordation of the final plat will occur after the transfer of ownership of the property.

SECTION 3

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 4

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 5

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 6

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 27th day of September, 2021.

PASSED AND APPROVED: Second reading this 11th day of October, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

Page 4 of 5

METES AND BOUNDS DESCRIPTION
FOR

A 0.166 of an acre tract of land being a portion of West Garden Street and adjoining New City Block (N.C.B.) 1014 and N.C.B. 1015 in the City of New Braunfels, Comal County, Texas. Said 0.166 of an acre tract being more fully described as follows:

BEGINNING: At a found ½" iron rod at the east corner of Lot 19, N.C.B. 1014, and at the westernmost intersection of said West Garden Street and Hill Street, a variable width public right-of-way from which a found rail road spike at the north corner of Lot 18, N.C.B. 1014 and at the east corner of Lot 15, N.C.B. 1014 bears N 52°33'10" W, a distance of 194.16 feet;

THENCE: S 52°33'10" E, crossing said West Garden Street, with the southwest right-of-way line of said Hill Street, a distance of 63.68 feet to a found ½" rod at the southernmost intersection of said West Garden Street and said Hill Street and at the north corner of Lot 11, N.C.B. 1015;

THENCE: S 38°16'17" W, with the southeast right-of-way line of said West Garden Street and the northwest line of said Lot 11, a distance of 86.13 feet to a found ½" iron rod at the west corner of a tract of land described in deed to James Farley recorded in Document No. 202006036209 of the Official Public Records of Comal County, Texas and at the easternmost corner of a called 0.254 acre tract described in deed to Ronald Hannan and Kim Hannan recorded in Document No. 201506016740 of said Official Public Records from which a found 1" iron rod at the south corner of said tract of land to James Farley bears S 52°33'37" E, a distance of 29.00 feet;

THENCE: Over and across said West Garden Street, with the northeast and northwest lines of said 0.254 acre tract, the following bearings and distances:

N 52°33'37" W, a distance of 31.61 feet to a found ½" iron rod with a yellow cap;

S 38°47'22" W, a distance of 54.15 feet to a set ½" iron rod with cap marked "HMT";

N 54°51'12" W, a distance of 31.57 feet to a found ½" iron rod at a northwest corner of said 0.254 acre tract, on the northwest right-of-way line of said West Garden Street and on the southeast line of said Lot 19;

THENCE: N 38°14'51" E, with said line, a distance of 141.55 feet to the POINT OF BEGINNING and containing 0.166 acres of land in the City of New Braunfels, Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Reference exhibit of a 0.166 of an acre tract prepared this same date.

 06/04/21
Jon W. Cooper

Registered Professional Land Surveyor No. 6716

S:\Projects\Title Surveys\NCB 1015\Garden Street ROW\21-0486 Bndy and M&B\Word\21-0486 MB 0.166 AC.docx



Job No.: 21-0486
Page 1 of 1

EXHIBIT "B"