

RESOLUTION NO. R2019-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ABANDONING THOSE UNIMPROVED PORTIONS OF THE HILL, CLARK, LAMAR, COKE, AND WILLOW STREET RIGHTS-OF-WAY; ABANDONING THOSE ALLEY RIGHTS-OF-WAY LOCATED IN BLOCKS 11, 12, 21, 22, 27, 28, AND 38, JOHNSON ADDITION TO THE CITY OF BURNET; DIRECTING THE CITY SECRETARY TO FILE IN THE BURNET COUNTY OFFICE OF DEED RECORDS, A DEED GRANTING OWNERSHIP OF SAID STREET AND ALLEY RIGHTS-OF-WAY TO LANGLEY HOMES, INC; ABANDONING THOSE UNIMPROVED PORTIONS OF THE CACTUS, PRAIRIE, VALLEY, HILL, CLARK, LAMAR, AND COKE STREET RIGHTS-OF-WAY GENERALLY DESCRIBED AS BEING LOCATED SOUTH OF ELM STREET AND EAST OF WESTFALL STREET; ABANDONING THOSE ALLEY RIGHTS-OF-WAY LOCATED IN BLOCKS 9, 10, 23, 24, 25, 26, 29, AND 40, OF THE JOHNSON ADDITION TO THE CITY OF BURNET; AND DIRECTING THE CITY SECRETARY TO FILE IN THE BURNET COUNTY OFFICE OF DEED RECORDS, A DEED GRANTING OWNERSHIP OF SAID STREET AND ALLEY RIGHTS-OF-WAY TO CGG HOLDINGS III, L.L.C.

Whereas, the City Council of Burnet Texas (“City Council”) desires to continue to protect and ensure the public health, safety and welfare of its citizens by effectively managing the City’s real property interests that are held in trust for the public; and

Whereas, Section 311.007 of the Texas Transportation Code provides a “home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality”; and

Whereas, Section 272.001(b) of the Texas Local Government Code authorizes the sale of a municipality’s interest in real property for less than market value if the municipality’s interest in the real property is by easement and the conveyance, sale, or exchange is with one or more abutting property owners who own the underlying fee simple; and

Whereas, City Council has received a request from the abutting property owners, Langley Homes Inc. and CGG Holdings III L.L.C. to abandon a portion of public right-of-way; and

Whereas, the street and alley rights-of-way are undeveloped; and

Whereas, City Council has determined that abandonment of said rights-of-way will facilitate development of the underlying land in a manner that provides for the orderly extension of streets and utilities necessary to the orderly and beneficial growth of the City of Burnet; and

Whereas, City Council has further determined that extension of said streets and utilities will promote the health, safety, and general welfare of the citizens of Burnet;

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Whereas, City Council has further determined that extension of said streets and utilities will promote the health, safety, and general welfare of the citizens of Burnet;

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby resolved by City Council to be made a part hereof for all purposes as findings of fact.

Section 2. Abandonment Authorized.

A. City Council does hereby authorize the abandonment in favor of Langley Homes, Inc.:

- I. Those undeveloped portions of the Willow, Hill, Clark, Lamar, and Coke Street rights-of-way generally described as being located south of Elm Street and East of Westfall Street, said rights-of-way being more particularly described by Exhibit A, a copy of which is attached hereto and incorporated for all purposes herein., and
- II. Those alley rights-of-way located in Blocks 11, 12, 21, 22, 27, 28, 27, and 38, Johnsons addition to the City of Burnet, said rights-of-way being more particularly described by Exhibit A, a copy of which is attached hereto and incorporated for all purposes herein.

B. City Council does hereby authorize the abandonment in favor of CGG Holding III, L.L.C.:

- I. Those undeveloped portions of the Cactus, Prairie, Valley, Hill, Clark, Lamar, and Coke Street rights-of-way generally located south of Elm Street and east of Westfall Street, said rights-of-way being more particularly described by Exhibit A, a copy of which is attached hereto and incorporated for all purposes herein.
- II. Those undeveloped alley rights-of-way located in Blocks 9, 10, 23, 24, 25, 26, 39, AND 40, Johnson Addition to the City of Burnet, said rights-of-way being more particularly described by Exhibit A, a copy of which is attached hereto and incorporated for all purposes herein.

Section 3. City Manager Directed to Execute Deeds


A. The Manager is hereby authorized and directed to execute an instrument, along with any other such instrument and document reasonably necessary to facilitate the purpose of this resolution, granting ownership to Langley Homes, Inc., those rights of way described in Section 2.A I and Section 2.A.II above, and further directing, upon such execution, the City Secretary to record said instrument(s) in the Real Property Records of Burnet County, Texas.

B. The Manager is hereby authorized and directed to execute an instrument, along with any other such instrument and document reasonably necessary to facilitate the purpose of this resolution, granting ownership to CGG Holdings III, L.L.C., those rights of way described in Section 2BA I and Section 2.B.II above, and further directing, upon such execution, the City Secretary to record said instrument(s) in the Real Property Records of Burnet County, Texas.

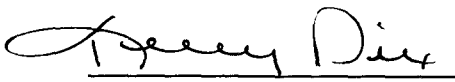
Section . Open Meetings. It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED this the 10th day of December, 2019.

CITY OF BURNET, TEXAS


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

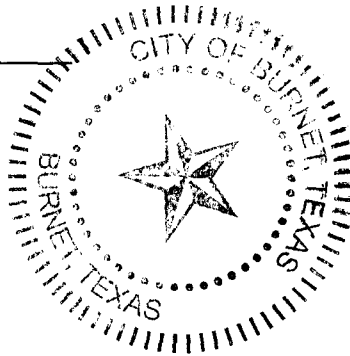


Exhibit "A"
Rights-of-Way to be Abandoned

