

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN CLOSING ALL OF THE TEN FOOT WIDE ALLEYWAY AND RIGHT OF WAY LOCATED BETWEEN 13TH AND 14TH STREETS IN BLOCK 1, BOOTY AND LESEUER ADDITION TO THE CITY OF GEORGETOWN; PROVIDING FOR THE ABANDONMENT BY QUITCLAIM DEED OF SAID ALLEYWAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT; CALLING A PUBLIC HEARING; PROVIDING A CONFLICT AND SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Georgetown (the “City”) has received a request from owner of Lots 1, 2, 3, & 4, Booty and LeSeuer Addition (the “Applicant”) to vacate and abandon portions of an alleyway abutting the west property line of those lots and bisecting Block 1, between 13th and 14th Streets, as depicted in that certain Plat filed in Volume 87, Page 279, Official Public Records of Williamson County, Texas. Applicants wish to continue utilizing the alley as it has been historically, as private portions of those lots described above; the alley having never been developed as such.

WHEREAS, notice of the time and place, where and when this Ordinance would be given a public hearing and considered for final passage, was published in the *Williamson County Sun*, a newspaper of general circulation in the City of Georgetown, said publication being on the 17th day of July, 2019, and the 7th day of August, 2019 the same being more than seventy-two (72) hours prior to the times designated for said hearing.

WHEREAS, the owner of Lots 5, 6, 7, & 8, abutting the alley on the west side, has consented to the abandonment and disclaimed an interest in the alley; and,

WHEREAS, upon considering the Application and additional information pertaining to the Application, the City Council now finds that (a) there are no existing utilities located within the property to be abandoned; OR (b) the utilities existing in the area of the street, alley, and/or public right-of-way will be sufficiently protected by being either relocated or placed into easements and that the utility companies serving the area including and surrounding the right-of-way have determined that their utilities, if existing, will also be sufficiently protected by the same means.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN TEXAS:

SECTION 1. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim. The City Council hereby finds that this ordinance implements the following policies of the 2030 Comprehensive Plan- Policy Plan Element(s):

4. Effective Governance

4.1 Effective, Responsive Government

B. We have created and enforced innovative, effective and fair regulatory codes and development standards to guide and improve development quality.

The City Council further finds that the adoption of this ordinance is not inconsistent or in conflict with any other 2030 Comprehensive Plan Policies.

SECTION 2. That the above described streets, alleys, road widening easements and/or public rights-of-way, being also generally depicted in that certain Plat filed as Volume 87, Page 279, Official

Public Records of Williamson County, Texas, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned.

SECTION 3. That said streets, alleys, road widening easements and/or public rights-of-way are not needed for public purposes and it is in the public interest of the City of Georgetown to abandon said streets, alleys, road widening easements and/or public rights-of-way.

SECTION 4. That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of land described in SECTION 2 of this ordinance, and shall be construed only to that interest the governing body of the City of Georgetown may legally and lawfully abandon.

SECTION 5. The City Attorney is hereby authorized to issue and the Mayor authorized to execute a Quitclaim Deed in the form attached hereto as Exhibit "A" and the City Secretary is authorized to attest thereto on behalf of the City of Georgetown.

SECTION 6. This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Georgetown, and this ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are hereby superseded.

SECTION 7. If any provision of this ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 8. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective and be in full force and effect in accordance with the provisions of the Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the ____ day of _____, 2019.

PASSED AND APPROVED on Second Reading on the ____ day of _____, 2019.

ATTEST:

THE CITY OF GEORGETOWN:

Robyn Densomore, City Secretary

By: _____
Dale Ross, Mayor

APPROVED AS TO FORM:

Charlie McNabb, City Attorney

EXHIBIT "A"

QUITCLAIM DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

DATE: _____, 20__

GRANTOR: City of Georgetown, a Texas home-rule municipal corporation

GRANTOR'S Mailing Address (including County): P.O. Box 409, Georgetown, Williamson County, Texas 78627

GRANTEE: Main and 7th, LLC, a Texas limited liability corporation

GRANTEE'S Mailing Address (including County): 244 Gabriel Woods Drive, Georgetown, Williamson County, Texas, 78633

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY:

BEING all of that portion of a ten (10) foot alley, bisecting Block 1 of the Booty & LeSueur Addition to the City of Georgetown, Texas, as it abuts and adjoins Lot ____, Block 1, Booty & LeSueur Addition to the City of Georgetown as recorded in Volume 87, Page 279, Official Public Records of Williamson County, Texas.

For the consideration, GRANTOR quitclaims to GRANTEE all of GRANTOR'S right, title, and interest in and to the above described Property, to have and to hold it to GRANTEE, GRANTEE'S successors and assigns, forever. Neither GRANTOR, nor

GRANTOR'S successors and assigns, shall have, claim or demand any right or title to the property or any part of it.

EXECUTED this the ____ day of _____, 2019.

GRANTOR
CITY OF GEORGETOWN

ATTEST:

BY: _____
Dale Ross, Mayor

Robyn Densmore, City Secretary

STATE OF TEXAS)
)
COUNTY OF WILLIAMSON)

ACKNOWLEDGMENT

BEFORE ME, the undersigned authority, on this date personally Dale Ross, Mayor of the City of Georgetown, a Texas home-rule municipal corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said municipality, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____day of _____, 2019.

Notary Public, State of Texas

APPROVED AS TO FORM:

Charlie McNabb, City Attorney