

**ORDINANCE NO. 2024-15**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, CLOSING AND ABANDONING TO THE ABUTTING PROPERTY OWNER A PORTION OF A CERTAIN UNIMPROVED STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE REAL PROPERTY CONTRACT; AND ESTABLISHING AN EFFECTIVE DATE HEREOF.**

WHEREAS, the City of Gonzales, Texas, a home rule municipality, has among its real property interests certain unopened public streets located within property that is within the municipal boundaries and has no known use or purpose; and,

WHEREAS, the Street found within the property described in the attached Exhibit A from the Official Public Records of Gonzales County (hereinafter the "Street") is an unimproved street; and,

WHEREAS, pursuant to Section 311.007 of the Texas Transportation Code, a home-rule municipality may vacate, abandon, or close a street or alley; and,

WHEREAS, pursuant to Section 272.001 (b) and (c) the City is not required to solicit bids or otherwise establish a fair market value for streets they choose to close and sell to abutting landowners; and,

WHEREAS, no detriment or hazard to the City of Gonzales or its citizens has been found; and,

WHEREAS, the Charter of the City of Gonzales provides that the portions of the avenues of the city not deemed needed at the time for municipal purposes and the streets belonging to said city which have never been opened or used for street purposes by the public, the city is authorized to sell.

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

Section 1. That the recitals contain in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 2. That the City Council finds that such closure and abandonment as requested will cause no harm or injury to the City of Gonzales or its citizens.

Section 3. That pursuant to the authority provided to the City by Section 311.007 of the Texas Transportation Code and Section 272.001(b)(2) of the Texas Local Government Code, City Council hereby closes and abandons to the abutting owners the Street as described in **Exhibit "A"**.

Section 4. That the City Manager is authorized to execute the real property contract for the sale of the abandoned street attached hereto as **Exhibit B**, an appropriate deed, retaining all mineral rights and interest in the property to be conveyed, and other instruments reasonably necessary to complete the closure and conveyance; provided that the release of the abandoned street is apportioned to the abutting owners as required in Section 272.001(b)(2) of the Texas Local Government Code.

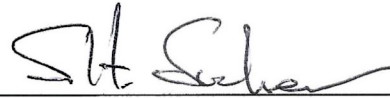
Section 5. That should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

Section 6. That it is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the approval and recordation of a deed and survey evidencing the closed and abandoned public street described herein.

**PASSED AND APPROVED this 13<sup>th</sup> day of June 2024**

**CITY OF GONZALES**



\_\_\_\_\_  
Mayor, S.H. Sucher

ATTEST:



\_\_\_\_\_  
Kristina Vega, City Secretary



## EXHIBIT "A"

### S15-023StreetB

Being all that portion of College Street (unopened), lying between Range No. 2 and Range No. 3, East of Water Street, in the Original Outer Town of Gonzales, Texas, intended to be described by metes and bounds as follows:

**BEGINNING** at a point at the intersection of the east line of said Range No. 2 and the west line of said College Street, with the west line of the residue of a tract of land described in Partition Deed dated October 2, 1995, executed by Mary Martha Ehrig, et al., to Ernest Kapavik and Ruby Marie Kapavik, recorded in Volume 758, Page 198, of the Official Records of Gonzales County, and the east line of Farm to Market Road No. 794, for a northwest corner of this tract or parcel of land hereby intended to be described;

**THENCE** North  $07^{\circ} 48' 38''$  East 44.57 feet, along the west line of the residue of said Kapavik tract, and the east line of said Farm to Market Road No. 794, to a 5/8 inch iron rod found at the northwest corner of the residue of said Kapavik tract, and at the southwest corner of a tract of land described in Warranty Deed dated April 19, 2010, executed by Jeffery S. Dolezal to Henry Charles Schmidt, III, recorded in Volume 1020, Page 687, of the Official Records of Gonzales County, for the northwest corner of this tract or parcel of land hereby intended to be described;

**THENCE** North  $83^{\circ} 09' 12''$  East 34.85 feet along the north line of the residue of said Kapavik tract, and the south line of said Schmidt tract, to a point at the intersection of said lines with the east line of said College Street and the west line of said Range No. 3, for the northeast corner of this tract or parcel of land hereby intended to be described;

**THENCE** South  $21^{\circ} 31' 09''$  East 452.52 feet along the east line of said College Street and the west line of said Range No. 3, to a point at the intersection of the east line of said College Street and the west line of said Range No. 3 with the south line of the residue of said Kapavik tract, and the north line of a tract of land described in Special Warranty Deed dated December 28, 2010, executed by Ruby Marie Kapavik, Independent Executrix to Ruby Kapavik, recorded in Volume 1039, Page 19, of the Official Records of Gonzales County, for the southeast corner of this tract or parcel of land hereby intended to be described;

**THENCE** crossing said College Street, South  $88^{\circ} 33' 01''$  West 59.14 feet along the south line of the residue of said Kapavik tract, and said Kapavik tract, to a point at the intersection of said lines with the west line of said College Street and the east line of said Range No. 2, for the southwest corner of this tract or parcel of land hereby intended to be described;

**THENCE** North  $21^{\circ} 39' 09''$  West 402.19 feet along the west line of said College Street and the east line of said Range No. 2, to the PLACE OF BEGINNING, containing within said bounds, 0.56 of an acre of land, more or less, as is shown on Gonzales First Shot Surveying Plat No. S15-023B, dated March 23, 2015.

These Field Notes were prepared from a survey done on the ground under my supervision and are true and correct to the best of my knowledge.



SETH M. FULLILOVE  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6397

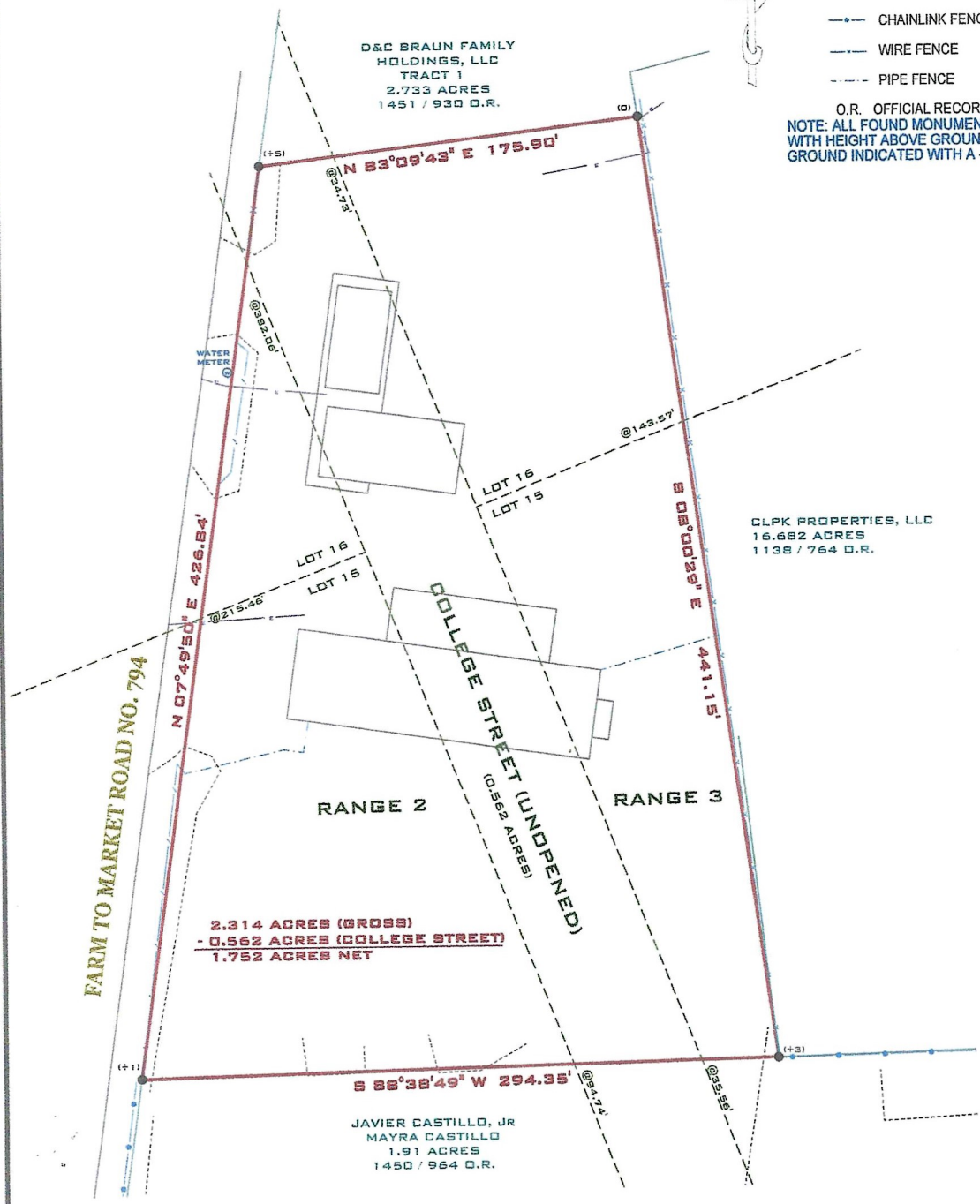


## EXHIBIT A

**ORIGINAL OUTER TOWN OF GONZALES  
PARTS OF LOTS 15 & 16, RANGE 2  
PARTS OF LOTS 15 & 16, RANGE 3  
EAST OF WATER STREET  
CITY OF GONZALES  
GONZALES COUNTY, TEXAS**

- G.P.S.  
GRID NORTH**
- LEGEND**
- 5/8" IRON ROD FOUND
  - ELECTRIC LINE
  - BOARD FENCE
  - CHAINLINK FENCE
  - WIRE FENCE
  - PIPE FENCE

O.R. OFFICIAL RECORDS  
NOTE: ALL FOUND MONUMENTS DESCRIBED  
WITH HEIGHT ABOVE GROUND OR BELOW  
GROUND INDICATED WITH A -, 0, OR +#



PLAT SHOWING all that certain tract of 1.752 acres of land, more or less, more or less, lying and being situated in Gonzales County, Texas, being part of Lots Nos. 15 and 16, Ranges No. 2 and part of Lots Nos. 15 and 16, Range No. 3, East of Water Street, in the Original Outer Town of Gonzales, more particularly being part of the land described in General Warranty Deed dated May 29, 2015, executed by Anita Kapavik Dement, et al to Timothy E. Moran and Danielle Rachal Moran, recorded in Volume 1202, Page 651, of the Official Records of Gonzales County.

The undersigned does hereby certify that this survey was this day made March 18, 2024, on the ground of the property, legally described hereon and is correct; and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, visible encroachments, overlapping of improvements, easements or apparent rights-of-way, except as shown hereon, and said property has access to and from dedicated roadway, except as shown hereon.

SETH M. FULLILOVE  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6397



GONZALES FIRST SHOT SURVEYING, L.L.C. 409 St. GEORGE STREET GONZALES, TEXAS 78629 830-672-6585 FIRM# 10172000		
SCALE: 1" = 40'	DATE: 03/18/24	SIZE: 11x17
DRAWN: GAB	CHECKED:	JOB: S24-043