

CITY OF THORNDALE

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE CITY OF THORNDALE, TEXAS, (THE "CITY") FINDING THAT THE PORTION OF *EAST GIBSON STREET WHICH IS A RIGHT OF WAY* LOCATED STARTING FROM FM 486 EAST TO THE THORNDALE INDEPENDENT SCHOOL DISTRICT (THE "TISD") PROPERTY LINE, IS NOT NECESSARY FOR PUBLIC USE AS A THOROUGHFARE; PROVIDING FOR THE VACATION AND ABANDONMENT OF THE STREET AS A CITY RIGHT OF WAY; AND RELEASING ANY AND ALL PUBLIC RIGHTS, TITLE AND INTEREST.

WHEREAS, pursuant to Chapter 311 of the Texas Transportation Code, a general-law municipality such as the City of Thorndale has exclusive control over the highways, streets, and alleys of the municipality; and

WHEREAS, pursuant to Chapter 311 of the Texas Transportation Code, the City has the authority to vacate, abandon, and close highways, streets, and alleys within the municipality; and

WHEREAS, within the City there is a Street and Right of Way that is located between FM 486 East and the property line of TISD, described in more detail in *Exhibit "A"*, (hereafter referred to as the "Street");

WHEREAS, in a sworn petition dated November 11, 2022, *TISD, through its representative Adam Ivy, TISD Superintendent*, has requested that the Street be vacated and abandoned by the City to provide a safer area for traffic relating to the school and the school's students; and

WHEREAS, the City Council has determined that the Street has not been used as a public thoroughfare, is not necessary as a public thoroughfare and has no other public use; and

WHEREAS, the City Council finds that vacating and abandoning the Street would have no adverse effect on adjacent properties as TISD owns all other properties; and

WHEREAS, the City Council has determined that it is in the best interest of the City to vacate and abandon the Street; and

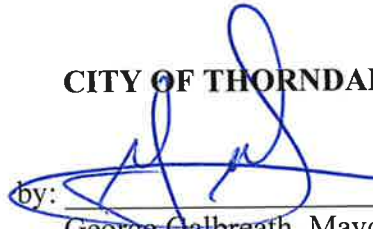
NOW THEREFORE, be it ordained by the City Council of the City of Thorndale, State of Texas:

- 1. Findings of Fact:** That the foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if set forth herein at length.
- 2. Street Vacation:** The City Council hereby vacates and abandons the Street (or portion of a street) and Right of Way, which is described in *Exhibit A*.

3. **Abandonment of Rights:** The City Council hereby abandons any and all public rights, title and interest, if any, to the Street (or portion of a street).
4. **Severability:** If any word, article, phrase, paragraph, sentence, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.
5. **Effective Date:** This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.
6. **Proper Notice & Open Meeting:** It is hereby officially found and determined that the meeting at which 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, the 12th day of April, 2023, by a vote of 4 (ayes) to _____ (nays) to 1 (abstentions) of the City Council of the City of Thorndale.

CITY OF THORNDALE

by: 
George Galbreath, Mayor

ATTEST:


Stacy Irwin, City Secretary

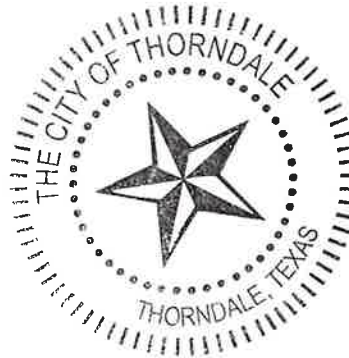
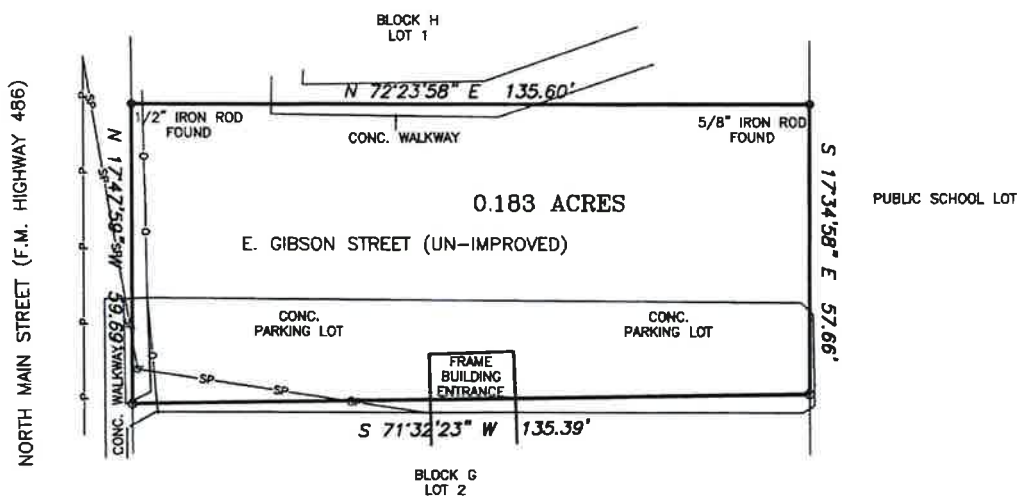


EXHIBIT “A”

**C. AUGUST MOERBE ADDITION
CITY OF THORNDALE**
(PLAT RECORDS - CABINET A, SLIDE 31-C)
MILAM COUNTY, TEXAS



NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THIS SURVEYOR HAS MADE NO ATTEMPT TO RESEARCH EASEMENTS AND/OR OTHER MATTERS WHICH MAY BE REFLECTED ON A CURRENT TITLE COMMITMENT.
2. THIS SURVEY DOCUMENT IS CONSIDERED TO BE INVALID (IN ITS ENTIRETY) IF IT HAS BEEN ALTERED IN ANY WAY WHATSOEVER.

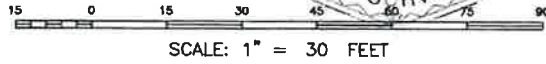
LEGEND

- SP- SERVICE POWERLINE
- P- OVERHEAD POWERLINE
- O- PIPE FENCE
- O MAG-NAIL SET WITH WASHER MARKED "TRIAD RPLS 5952"


I, BRADLEY L. LIPSCOMB, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5952 IN THE STATE OF TEXAS, DO HEREBY CERTIFY TO THE TITLE AGENCY, UNDERWRITER, LENDER, MORTGAGE CO. AND/OR PURCHASER THAT THIS SURVEY WAS MADE ON THE GROUND; THIS PLAT HEREON AND THE FIELD NOTES WRITTEN HEREON TRULY AND CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY; THE SIZE, LOCATION AND TYPE OF BUILDINGS AND IMPROVEMENTS ARE AS SHOWN; THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN. SAID PROPERTY HAS ACCESS TO AND FROM A PUBLICLY MAINTAINED ROADWAY; PROPERTY IS NOT WITHIN ZONE A OF THE FLOOD HAZARD AREA ACCORDING TO FLOOD RATE MAP COMMUNITY NO. 480934, CITY OF THORNDALE, MILAM COUNTY, TEXAS, DATED AUGUST 13, 1978. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION III SURVEY.

GIVEN UNDER MY HAND AND SEAL THIS 27TH DAY OF JANUARY, 2023.

BRADLEY L. LIPSCOMB, RPLS



BEARINGS ARE BASED ON THE
TEXAS STATE PLANE COORDINATE SYSTEM
OF 1983, TEXAS CENTRAL ZONE



TRIAD SURVEYING, INC. FIRM REGISTRATION NO. 10007900
528 COUNTY ROAD 325 P.O. BOX 1489 ROCKDALE, TX. 76567

FACILITY PLAT
0.183 ACRES
EAST GIBSON STREET (UN-IMPROVED)
TOWN OF THORNDALE
MILAM COUNTY, TEXAS

Completion Date: 1/27/23	Drawn By: SR
Scale: 1"=30'	Surveyed by: RP/LR
Project No.: S23-034	Checked by: BL



In Re: 0.183 Acres
A part of the Right-of-Way of Gibson Street
C. August Moerbe Addition
City of Thorndale
Milam County, Texas

All that certain tract or parcel of land situated in the City of Thorndale Milam County, Texas, being all of Gibson Street lying between Main Street and the Public School Lot shown on a map or plat thereof recorded in Cabinet A, Slide 31-C of the Plat Records of Milam County, Texas and, and being more particularly described by metes and bounds as follows to wit:

BEGINNING at a found 5/8" iron rod on the west line of the Public School Lot of the said C. August Moerbe Addition, at the southeast corner of Lot 1, Block H of the said C. August Moerbe Addition, at a northeast corner of an end of the said Gibson Street, for the northeast corner of this tract;

THENCE S17°34'58"E - 57.66' along the common line between the said Public School Lot and the said end of Gibson Street to set mag nail in concrete with washer marked "TRIAD RPLS 5952" at the northeast corner of Lot 2, Block G of the said C. August Moerbe Addition, at the southeast corner of the said end of Gibson Street, for the southeast corner of this tract;

THENCE S71°32'23"W - 135.39' along the common line between the said Lot 2, Block G and the said Right-of-Way of Gibson Street to a set mag nail in concrete with washer marked "TRIAD RPLS 5952" at the intersection of the east Right-of-Way line of Main Street and the south Right-of-Way of the said Gibson Street, at the northwest corner of the said Lot 2, Block G, for the southwest corner of this tract;

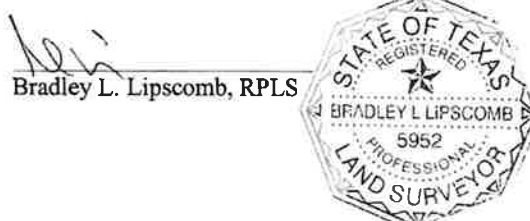
THENCE N17°47'59"W - 59.69' along the east Right-of-Way line of Main Street, crossing the said Right-of-Way of Gibson Street to a found 1/2" iron rod at the southwest corner of the said Lot 1, Block H, at the intersection of the said east Right-of-Way line of Main Street and the north Right-of-Way line of Gibson Street, for the northwest corner of this tract;

THENCE N72°23'58"E - 135.60' along the common line between the said Lot 1, Block H and the said Right-of-Way of Gibson Street to the **POINT OF BEGINNING** containing within these metes and bounds 0.183 Acres of land.

Bearings are based on the Texas State Plane Coordinate System of 1983, Texas Central Zone.

I, Bradley L. Lipscomb, Registered Professional Land Surveyor No. 5952 in the State of Texas, do hereby certify that this survey was performed on the ground under my supervision and that the field notes hereon are true and correct to the best of my knowledge.

Given under my hand and seal this 27th day of January, 2023.



Triad Surveying, Inc.
Firm Registration No. 10007900
P.O. Box 1489
Rockdale, Texas 76567
(512) 446-3457

Project No. S23-034