

ORDINANCE NO. 1687

**AN ORDINANCE AUTHORIZING THE CLOSING, VACATION AND ABANDONMENT OF A 0.24 ACRE PORTION OF UNOPENED DEB LYNN STREET RIGHT OF WAY, EAST OF S. HOWE STREET, PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH VACATION AND ABANDONMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED FOR THE 0.24 ACRES TO BE VACATED AND ABANDONED; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Lampasas, Texas is a City incorporated and operating under the laws of the State of Texas, which has the authority under Chapters 282 and 253 of the Local Government Code, as amended, to vacate, abandon and close municipal rights-of-way, streets or alleys, by ordinance, when such action is in the best interest of and/or serves the public purpose; and

**WHEREAS**, a portion of unopened Deb Lynn Street, being 0.24 acres, lying East of S. Howe Street, through outlot 18 and outlot 25 of the subdivision of the L.H.W. Johnson Survey as recorded in Volume 1, Page 34, of the New Plat Records of Lampasas county, Texas and being the same tract or land described in a Deed from Clyde C., Castleberry and wife, Janice Castleberry, to Robert N. Stultz, as recorded in Volume 236, Page 891, of the Deed Records of Lampasas County, Texas, and as shown on a survey drawing attached hereto as Exhibit A, as shown on a survey prepared by Jerry M. Goodson, sealed on August 21, 1985; and

**WHEREAS**, all ROW, commonly known as Deb Lynn Street East of S. Howe Street, is to be closed, abandoned, and vacated, and with all City rights, title and interest being conveyed to the owners of outlot 18 and outlot 25, is unimproved and is not open to the public; and

**WHEREAS**, the property owners requesting the conveyance of this portion of unopened Deb Lynn Street is the sole property owners owning simple fee title to the ROW, other than the City of Lampasas, such that there are no other abutting property owners to be notified of the vacation and abandonment by certified and regular mail; and

**WHEREAS**, the City's Planning and Development Department has reviewed and approved the closure, vacation, and abandonment of unopened Deb Lynn Street- East of S. Howe Street, and the conveyance of the abandoned right-of-way to the adjacent property owner, of the abandoned area, and the City Council now finds that no City utilities currently exist, or will exist in the future, in the area of the unopened Deb Lynn public right-of-way, and if any are needed in the future, they will be sufficiently provided by being either placed into easements in other locations, by 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; and

**WHEREAS**, the closed, abandonment, and vacation of said portion of Deb Lynn Street – East of S. Howe Street will not affect the traffic flow or pattern in the area, and the City Council finds that it is in the best interest of the City to abandon, vacate and close said portion of the unopened Deb Lynn Street for the proposed residential use and to convey of the abandoned area, which is acknowledged and agreed to be 0.24 acres, to the adjacent landowners,

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

**Section 1:** That the identified 0.24-acre portion of unopened Deb Lynn Street- East of S. Howe Street, shown on Exhibit “A,” which is attached hereto, and is made a part of this ordinance for all purposes, be, and the same are hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned.

**Section 2:** That said 0.24 acre portion of this public right-of-ways has been evaluated by the City and is not needed for public roadway purposes and it is in the public interest of the City to abandon said described portions of the public right-of-ways for use as roads and roadways, and to convey same as described herein.

**Section 3:** That the 0.24 acres to be abandoned and vacated, as shown by the survey and metes and bounds attached hereto as Exhibit “A” and made a part hereof for all purposes, be deeded by quit claim to the owners owning underlying fee simple title to 0.24 acres.

**Section 4:** That the City Manager is hereby authorized and directed to convey and transfer by quitclaim deed the portion of Deb Lynn Street – East of S. Howe Street, which is in the interest of the City of Lampasas, Texas, to the owners of underlying property.

**Section 5:** That the vacation, abandonment and transfer provided for herein shall extend only to the public right title and interest and to the tracts of land described in this Ordinance, and shall be construed only to that interest the governing body of the City of Lampasas, Texas may legally and lawfully close, abandon, vacate and convey.

READ and ACKNOWLEDGED on First Reading on the 12 day of Dec, 2022

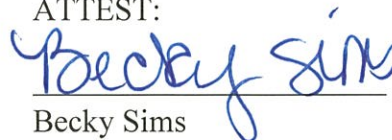
READ and ADOPTED on Second Reading on the 9 day of Jan, 2023

APPROVED:



TJ Monroe  
Mayor

ATTEST:



Becky Sims  
City Secretary

**EXHIBIT "A"**  
**(SURVEY AND METES AND BOUNDS OF DEB LYNN STREET-  
EAST OF S. HOWE STREET 0.24ACRES)**

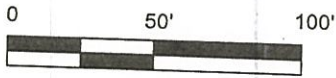
Vacation of Deb Lynn Street- East of S. Howe Street

EXHIBIT

# Maples & Associates, Inc.

www.maplesinc.com • P.O. Box 893 • Lampasas, Texas 76550 • (512) 556-2078 • (512) 556-0500 fax • Firm No. 10097700

EXHIBIT



calculated point from whence  
a 5/8" iron pin found  
Bis. S86°50'14"W 0.15'

**F.M. HWY. 1478**  
(Howe Street)

N0°32'01"E 223.00'  
(N01°40'E 223')

Outlot No. 25  
LHW Johnson 1/3 League  
Plat Cab. 1, Slide 35

**1.00 Acres**

Deborah G. Massey  
Vol. 444 Page 711  
Vol. 104 Page 273

N89°24'51"W 202.57'

(N88°20'W 203')  
Roy J. Stewart, et ux  
(0.9 acres)  
Vol. 378 Page 146

Travis Conner Derwacter  
(0.67 acres)  
Vol. 606 Page 560

Outlot No. 18  
LHW Johnson 1/3 League  
Plat Cab. 1, Slide 35

unimproved street  
LHW Johnson 1/3 League  
Plat Cab. 1, Slide 35

Derwacter deed line

N00°08'03"W  
12.80'

S3°18'21"E 223.00'  
(S02°25'E 223')

A.C. Moore  
(remainder of 4 acres)  
Vol. 59 Page 558

Hancock Golf Course  
City of Lampasas

Basis of Bearings:  
Texas State Plane Coordinate System  
NAD83 Texas Central Zone.

This survey was performed without  
the benefit of a Title Commitment.

### LEGEND

- 1/2" Iron Pin Set with cap marked "MAPLES RPLS 5043"
- ⊕ Calculated Point
- ⊙ 0.75" Iron Pipe Found
- 1/2" Iron Pin Found
- ( ) Record Call

### BOUNDARY SURVEY

Being 1.00 acres of Outlot No. 25 of the L.H.W. Johnson Survey, Abst. No. 419 in Lampasas County, Texas, as shown on a plat recorded in Plat Cabinet 1, Slide 35 of the Plat Records of Lampasas County, Texas, and a portion of a 60 foot wide street shown on said plat, and being the same tract of land described in a deed from Deborah G. Massey, et al, to Deborah G. Massey, dated July 18, 2008, as recorded in Vol. 444, Page 711 of the Deed Records of Lampasas County, Texas.

A legal description of even survey date herewith of the tract shown hereon accompanies this plat.

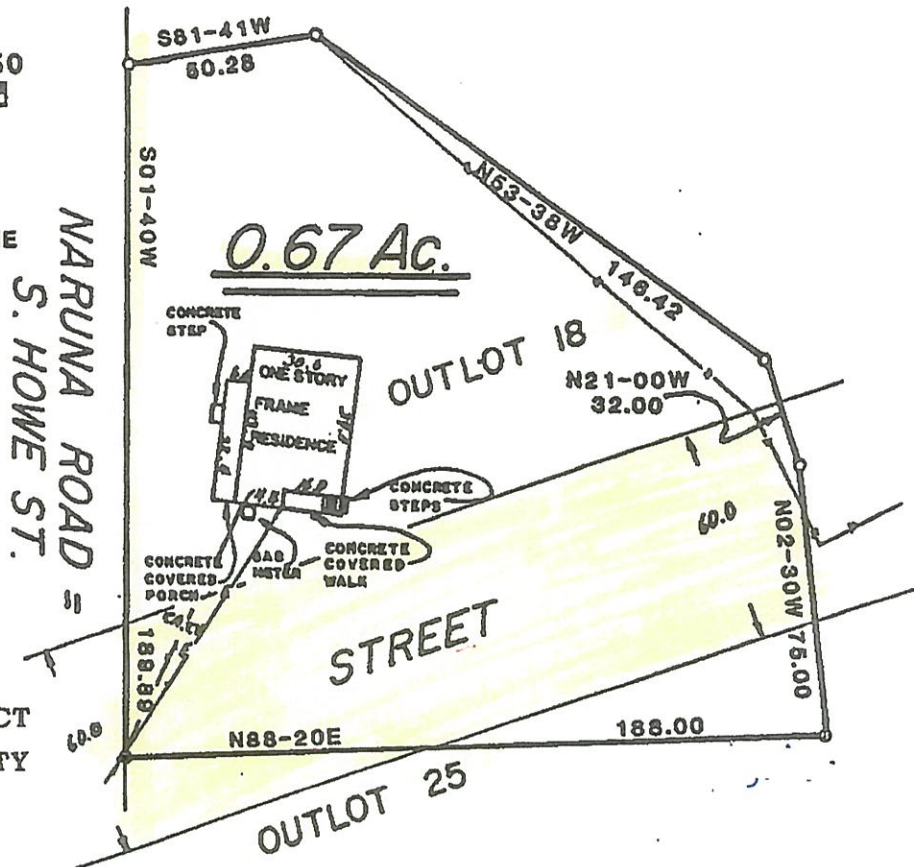
Surveyed on the ground on November 17, 2022.

Paul W. Maples, RPLS  
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Job No. 221103





- IRON PIN SET
- IRON PIN FOUND
- ELECTRIC POWERLINE
- WIRE FENCE
- CABLE T.V.



PLAT AND FIELD NOTES OF A TRACT  
OF LAND IN THE CITY AND COUNTY  
OF LAMPASAS, TEXAS.

MADE FOR: ROBERT N. STULTZ.

Being 0.67 Acres, more or less, comprised of 0.04 Acres, more or less, of Outlot No. 25, and 0.38 Acres, more or less of Outlot No. 18, and 0.24 Acres, more or less, of a 60 foot wide Street, between said Outlots, of the subdivision of the L. H. W. Johnson Survey, as recorded in Volume 1, Page 34, of the New Plat Records of Lampasas County, Texas, and being the same tract of land described as Two tracts, in a Deed from Clyde C. Castleberry and wife, Janice Castleberry, to Robert N. Stultz, as recorded in Volume 236, Page 891, of the Deed Records of Lampasas County, Texas;

BEGINNING, at a 1/2 inch iron pin, found, at the Southwest corner hereof, and Second Tract, in said deed, on the East R-O-W line of Howe Street, also known as Naruna Road, and also known as Texas F. M. Hwy. No. 1478;

THENCE, N88-20E, with the South line of said Second Tract, 188.00 Feet, to a 1/2 inch iron pin, set, at the Southeast corner hereof, and said Second Tract;

THENCE, N02-30W, 75.00 Feet, to a 1/2 inch iron pin, set;

THENCE, N21-00W, 32.00 Feet, to a 1/2 inch iron pin, set;

THENCE, N53-38W, 146.42 Feet, to a 1/2 inch iron pin, set, at fence post;

THENCE, S81-41W, 50.28 Feet, to a 1/2 inch iron pin, set, at fence post, at the Northwest corner of First Tract in said deed, on said R-O-W line;

THENCE, S01-40W, with said R-O-W lines, 189.89 Feet, to the place of beginning.