

ORDINANCE NO. 107

**AN ORDINANCE OF THE TOWN OF BAYSIDE, TEXAS,  
REGARDING CERTAIN SEGMENTS OF  
STREET RIGHTS-OF-WAY**

WHEREAS, a petition has been submitted to the City Council (the "Council") of the Town of Bayside, Texas (the "Town"), by property owners of real property abutting specific portions of certain street rights-of-way (as hereinafter more specifically described, the "Rights-of-Way"), seeking to clarify the Council's previous rejection and abandonment of any interest of the Town in the Rights-of-Way;

WHEREAS, by that certain resolution of the Council adopted on March 27, 2018, the Council previously rejected and abandoned the Rights-of-Way, which resolution refers to the Town's abandonment and disclaimer of "all interest in the described property" but does not include an adequate legal description or identification of the "described property";

WHEREAS, the petitioners seek this Ordinance for the purpose of clearly identifying the abutting properties affected by the Town's rejection and abandonment of the Rights-of-Way so that such matters as they affect title to such properties may be clearly reflected of record in the real property records of Refugio County, Texas;

WHEREAS, the Rights-of-Way were never opened, improved, nor maintained by the Town, and it is in the interest of the public and the Town that the Town be relieved of any obligation to maintain the Rights-of-Way or any liability that may arise from such obligation, and that the affected abutting properties be clearly identified for purposes of assessment of ad valorem taxes by the taxing authorities;

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

SECTION 1. The offer of the Rights-of-Way had existed by virtue of that certain instrument executed by Hobart Huson et ux., dated February 10, 1960, recorded in Volume 112, Page 71 et seq., of the Deed Records of Refugio County, Texas, which instrument offered a public dedication of certain segments of real property, identified by reference therein to street names designated on that certain map or plat of the former Town of St. Mary's (the same being now included within the town of Bayside) recorded for historical purposes on November 8, 1937 in Volume 2, Page 15 of the Map and Plat Records of Refugio County, Texas.

SECTION 2. The Council, as an exercise of its discretion and finding the Rights-of-Way, as specifically described in Exhibit A, attached hereto and incorporated herein for all purposes, were not essential for and were not used for flow of traffic in the area in which such Rights-of-Way were located, rejected, vacated, and abandoned the Rights-of-Way, and all rights of the Town in

EXHIBIT A TO ORDINANCE NO. \_\_\_\_\_

DESCRIPTION OF RIGHTS-OF-WAY

By reference to that certain plat of the Town of St. Mary's, recorded in Volume 2, Page 15 of the Map and Plat Records of Refugio County, Texas, for purposes of identification, being all of that certain portion of: (i) Centre Street, extending from the southern boundary line of 1st Street to the margin of Copano Bay; (ii) Alamo Street, extending from the southern boundary line of 1st Street to the margin of Copano Bay; (iii) Nopal Street, extending from the southern boundary line of 1st Street to the margin of Copano Bay; (iv) Magnolia Street, extending from the southern boundary line of 1st Street to the margin of Copano Bay; (v) Palmeto Street, extending from the southern boundary line of 1st Street to the margin of Copano Bay; (vi) Chaparel Street, extending from the southern boundary line of 1st Street to the margin of Copano Bay; and (vii) Laurel Street, extending from the southern boundary line of 1st Street to the margin of Copano Bay.

and to such land for the use by the public were and hereby are rejected, relinquished, and abandoned.

SECTION 3. Those properties abutting the Rights-of-Way are, by reference to that certain plat of the Town of St. Mary's, recorded in Volume 2, Page 15 of the Map and Plat Records of Refugio County, Texas as follows: Block 1, Lots 8 and 9; Block 2, Lots 1, 8, 9, and 16; Block 3, Lots 1, 8, 9, and 16; Block 4, Lots 1, 8, 9, and 16; Block 5, Lots 1, 8, 9, and 16; Block 6, Lots 1, 8, 9, and 16; Block 7, Lots 1, 8, 9, and 16; Block 8, Lots 1 and 16.

The foregoing list is made solely to facilitate indexing of this Ordinance in the real property records of Refugio County, Texas. The underlying fee ownership of the Rights-of-Way by the adjacent lot owners identified in this Section 3 is unburdened by any rights the Town may have had therein.

SECTION 4. The Mayor or her designee, severally, are authorized and directed to execute and deliver all documents and to do all other things conducive to reflect the Town's rejection, vacation and abandonment of and disclaimer of interest in the Rights-of-Way.

SECTION 5. This Ordinance becomes effective December 10, 2019.

SECTION 6. This Ordinance shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of the Ordinance shall not affect the validity or constitutionality of any other section, clause, provision or portion of this Ordinance.

PASSED AND APPROVED THIS 10 DAY OF December, 2019.

Sharon Scott  
Mayor

ATTEST:

Connie Cramer  
City Secretary