

ORDINANCE NO. 2022 -83

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE ABANDONMENT AND RELEASE OF ALL OR PORTIONS OF VARIOUS STREETS, EASEMENTS AND ALLEYWAYS, INCLUDING PORTIONS OF LOQUAT STREET AND LOCUST STREET, TO TEXAS STATE UNIVERSITY IN EXCHANGE FOR THE CONVEYANCE BY TEXAS STATE UNIVERSITY OF CERTAIN REAL PROPERTY INTERESTS IN CONNECTION WITH THE SESSOM CREEK IMPROVEMENTS PROJECT (PHASE 2); AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO EXECUTE THE APPROPRIATE CONVEYANCE INSTRUMENTS TO AND FROM TEXAS STATE UNIVERSITY, SUBJECT TO APPROVAL OF THE FORMS THEREOF BY THE CITY ATTORNEY; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. Concurrent with the adoption of this ordinance on first reading the City Council approved an Interlocal Agreement with Texas State University (the "Interlocal Agreement") providing for the parties to exchange certain real property interests, including all or portions of streets, alleys and easements in connection with the Sessom Creek Improvements Project (Phase 2).

2. The value of the real property interests exchanged were determined to be of comparable value.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The following real property interests are hereby authorized to be abandoned or released to Texas State University, subject to the conditions in Section 2:

a. Easement recorded in Volume 236, Page 306 of the Hays County Real Property Records, Hays County, Texas.

b. 16-foot-wide alley located between Lots 60 and 61 from Peachtree Street to rear property corners of Lots 60 and 61, as depicted in the Park Addition First and Second Division, as recorded in Volume 54, Page 420 of the Plat Records of Hays County, Texas.

c. 16-foot-wide alley located between Lots 57, 54, 38, and Lots 56, 53, and 39, from Peachtree Street as depicted in the Park Addition First and Second Division, as recorded in Volume 54, Page 420 of the Plat Records of Hays County, Texas, to its terminus with the intersection of Sessom Drive.

d. Pecan Street (now known as Loquat Street) between Lots 55, 53, 40, and Lots 52, 41, and 42, from Peachtree Street to Walnut Street (now known as Sessom Drive) as depicted in the Park Addition First and Second Division, as recorded in Volume 54, Page 420 of the Plat Records of Hays County, Texas, to its terminus with the intersection of Sessom Drive.

e. 16-foot-wide alley located between Lots 41, 52, 41, 42, and Lots 50 and 43, from Peachtree Street to Walnut Street (now known as Sessom Drive) as depicted in the Park Addition First and Second Division, as recorded in Volume 54, Page 420 of the Plat Records of Hays County, Texas, to its terminus with the intersection of Sessom Drive.

f. Locust Street from Lot 53 to the property corners of Lots 50 and 49, and Lots 43 and 44 as depicted in the Park Addition First and Second Division, as recorded in Volume 54, Page 420 of the Plat Records of Hays County, Texas.

Each of the foregoing real property interests are illustrated in Exhibit A, attached hereto and made a part hereof for all purposes.

SECTION 2. The conveyances authorized in Section 1 are subject to the following conditions:

a. Texas State University shall have approved the Interlocal Agreement described in paragraph 1 of the Recitals and neither the City nor Texas State University shall have terminated the Interlocal Agreement.

b. Texas State shall concurrently convey to the City all property interests contemplated by the Interlocal Agreement in such form as is approved by the City Attorney.

c. All conditions precedent in the Interlocal Agreement shall have been satisfied, including the requirement that a mutually agreed replat of all lots shown in Exhibit A is approved by the San Marcos Planning and Zoning Commission, such replat to only be recorded concurrently with all instruments of conveyance contemplated by the Interlocal Agreement and this ordinance.

SECTION 3. Subject to the conditions stated in Section 2, the City Manager, or her designee, is authorized to execute appropriate instruments conveying said real property interests to and from Texas State University.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5: All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This Ordinance will take effect immediately after the date of its final passage.

PASSED AND APPROVED on first reading on September 20, 2022.

PASSED, APPROVED AND ADOPTED on second reading on October 3, 2022.

Jane Hughson
Mayor

Attest:

Elizabeth Trevino
City Clerk

Approved:

Michael J. Cosentino
City Attorney

EXHIBIT A

