ORDER NO. 363

STATE OF TEXAS §   IN THE COMMISSIONERS COURT

COUNTY OF COMAL §

ORDER ABANDONING A PORTION OF A ROAD BETWEEN LOTS 1 and 9, BLOCK 9, AND LOTS 2 and 8, BLOCK 9, WITHIN THE SUBDIVISION CALLED BRACKEN

WHEREAS, the Comal County Commissioners Court desires to abandon a portion of a road dedicated to the public being described as that portion of an Alley between Lots 1, 2, 8, and 9, Block 9, within the subdivision called Bracken, recorded in Volume Y, Page 389 of the Deed Records of Comal County and more particularly described in Exhibits A and B, attached hereto and incorporated herein by reference; and

WHEREAS, Texas Transportation Code §251.051 (a)(1) states "the commissioners court of a county shall order that public road be laid out, opened, discontinued, closed, abandoned, vacated, or altered." TEX. TRANS. CODE §251.051 (a)(1); and

WHEREAS, Texas Transportation Code §251.051 (b)(1) states "a unanimous vote of the commissioners court is required to close, abandon, or vacate a public road." TEX. TRANS. CODE §251.051(b)(1); and

WHEREAS, no person that owns property that abuts the portion of the public road being abandoned has attempted to enjoin the entry or enforcement of this order. TEX. TRANS. CODE §251.058 (a)(1); and

WHEREAS, the portion of the public road being abandoned does not provide the only ingress or egress to any property adjacent to it. TEX. TRANS. CODE §251.058 (a)(2); and

WHEREAS, title to the portion of the public road being abandoned to the center line of the road will vest on the date this order is signed by the county judge in the owner of the property that abuts the portion of the road being abandoned, and a copy of this order shall be filed in the deed records of the county and serves as the official instrument of conveyance from the county to the owner of the abutting property. TEX. TRANS. CODE §251.058(b).

NOW, THEREFORE, IT IS ORDERED, upon proper notice and announcement as required by law, and upon motion duly made and seconded, and passed by a unanimous vote, as indicated by the signatures of the Commissioners below, a road being described as that portion of an Alley between Lots 1, 2, 8, and 9, Block 9, within the subdivision called Bracken, recorded in Volume Y, Page 389 of the Deed Records of Comal County, is hereby discontinued and as identified, is hereby abandoned, vacated, and closed.

FURTHERMORE, BE IT ORDERED that this Order serves as the official instrument of conveyance of the property described in Exhibit A, from the Grantor, Comal County, to the Grantee, Amadeo R. Lara, Jr., et al; the dimensions of the property being conveyed are also described in Exhibit A.

FURTHERMORE, BE IT ORDERED that this Order serves as the official instrument of conveyance of the property described in Exhibit B, from the Grantor, Comal County, to the Grantee, Lenz Real Estate, LLC; the dimensions of the property being conveyed are also described in Exhibit B.

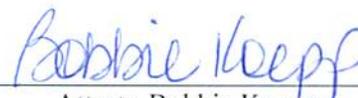**ORDERED by Comal County Commissioners Court, New Braunfels, Texas, this, the 22nd day of October, 2015.**

Sherman Krause, County Judge

Donna Eccleston
Commissioner, Pct. #1

Scott Haag
Commissioner, Pct. #2

Kevin Webb
Commissioner, Pct. #3

Jen Crownover
Commissioner, Pct. #4

Attest: Bobbie Koepp
Comal County Clerk

PROPERTY DESCRIPTION:

A 10' wide strip of land, being the western half of a 20' wide strip of land, called Alley, adjacent to Lots 1 and 2, Block 9, Town of Bracken, recorded in Volume Y, Pages 389-390, of the Deed Records of Comal County, Texas.

EXHIBIT A

PROPERTY DESCRIPTION:

A 10' wide strip of land, being the eastern half of a 20' wide strip of land, called Alley, adjacent to Lots 8 and 9, Block 9, Town of Bracken, recorded in Volume Y, Pages 389-390, of the Deed Records of Comal County, Texas.

EXHIBIT B