

**SPECIAL COUNCIL MEETING**  
**Thursday, April 7, 2005**  
**8:00 a.m.**  
**CITY COUNCIL OF THE CITY OF ABILENE, TEXAS**  
**CITY COUNCIL CHAMBERS**  
**CITY HALL**

The City Council of the City of Abilene, Texas, met for a Special Council Meeting on April 7, 2005 at 8:00 a.m. in the City Council Chambers of City Hall for the purpose of considering **TC-2005-1**, a thoroughfare abandonment of one foot along the alley and one foot along south 4<sup>th</sup> Street, property located at 342 Palm. Mayor Norm Archibald was present and presiding with Councilmen Anthony Williams, Stormy Higgins, Kris Southward and Councilwoman Laura Moore. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, Assistant City Secretary Renee Scott and various members of the City staff. Councilmen Sam Chase and John Hill were absent.

Mayor Archibald led the Pledge of Allegiance and gave the invocation.

Mayor Archibald recognized Jon James, Director of Planning and Development Services who presented **TC-2005-1**, the abandonment of a portion of public right-of-way, being considered on second and final reading and for public hearing.

Mr. James stated the applicant, Cathryn Fleming is requesting the abandonment of one foot of the South 4<sup>th</sup> Street right-of-way and the east one foot of an alley right-of-way adjacent to their property at 342 Palm Street. The request is the result of an attempt to sell the residential property. Mr. James noted there is a house on the property as well as two separate garage type apartments located in the rear of the property, both of these separate dwellings encroach on the right-of-way. Mr. James further stated the structures were built circa 1925 and during those 80 years the structures have encumbered the right-of-ways, therefore to complete the transaction, to sell the property, the encroachments need to be addressed. Mr. James stated initially there was a recommendation to do a street use license instead of the abandonment, however the street use license was not a sufficient remedy for the lending institution. Staff and the Plat Review Committee recommend approval of the request. The Planning and Zoning Commission recommend approval with the condition that all areas of the abandonment, not under the footprint of the existing buildings, be kept as an open easement.

Mayor Archibald opened the item for discussion and there were no comments from Council. The Mayor noted that he understands other remedies have been attempted to sell the property but to meet the lending institutions requirements the thoroughfare abandonment is the most expeditious solution.

Mayor Archibald opened the public hearing and the following individual addressed the Council:

- Cathryn Fleming, applicant – Ms. Fleming stated her appreciation to Mr. James and Mr. Armstrong for their efforts concerning her request and to Council for having a special meeting to move forward with the passing of the ordinance. Ms. Fleming further stated the property had never been financed until now and before they can sell

the property the lender is requiring the thoroughfare abandonment be approved. Ms. Fleming requested Council approve the thoroughfare abandonment.

There being no one else present and desiring to be heard the public hearing was closed.

Councilman Higgins made a motion to approve **TC-2005-1**, a thoroughfare abandonment of one foot along the alley and one foot along south 4<sup>th</sup> Street, with the condition that all areas of the abandonment, not under the footprint of the existing buildings, be kept as an open easement, property located at 342 Palm. Councilman Williams seconded the motion, and the motion carried.

**AYES:** Councilmen Williams, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

**NAYS:** None

The Ordinance is numbered **7-2005** and captioned as follows:

**AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.**

#### **EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session pursuant to Sections 551.071, 551.074, and 551.072 of the Open Meetings Act, to seek the advice of the City Attorney with respect to pending and contemplated litigation, to consider the appointment and evaluation of public officers, and to consider the purchase, exchange, lease or value of real property.

Councilman Chase was present during Executive Session only.

#### **REGULAR SESSION**

The Council reconvened from Executive Session and reported no action taken.

There being no further business, Mayor Archibald adjourned the meeting at 8:30 a.m.

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Renee Scott  
Assistant City Secretary

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Norm Archibald  
Mayor