

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE ABANDONMENT OF AN EAST-WEST ALLEY CROSSING BALBOA (NOW CLOSED) AND IMMEDIATELY SOUTH OF SOUTH 27TH STREET; QUITCLAIMING SAID ABANDONED ALLEY TO THE ABUTTING PROPERTY OWNERS BUT RESERVING UNTO THE CITY OF ABILENE AN EASEMENT FOR UTILITY PURPOSES; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

WHEREAS, the Planning and Zoning Commission of the City of Abilene has, at the request of Mr. W. J. Fulwiler, recommended to the City Council that the East-West alley crossing Balboa (now closed) and immediately South of South 27th Street, City of Abilene, Taylor County, Texas, which is neither needed, nor used, for public purposes other than as a utility easement, be closed and abandoned for use as an alley and be quitclaimed to the abutting property owners; reserving however a utility easement in all of that tract of land so abandoned and quitclaimed.

WHEREAS, it is the opinion of the City Council that such abandonment is in the public interest of the City of Abilene; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the following described alley situated within the City of Abilene, Taylor County, Texas, be, and the same is hereby, abandoned, vacated and closed insofar as the right and title of the public are concerned:

Being the east-west alley crossing Balboa (now closed) and immediately south of South 27th Street, City of Abilene, Taylor County, Texas.

Excepting and reserving, however, an easement in all of said land for utility purposes.

PART 2: That the City of Abilene does, by these presents, quitclaim all its right, title, claim and demand in and to that tract of land, described in Part 1 hereof, to those owning the property abutting on the above described portion of such street as their interest may appear, with, all and singular, its right, title, interest, estate, claim and demand in said tract, as hereinabove described: TO HAVE AND TO HOLD the above released rights, titles, interests, claims and demand to the said abutting property owners, their heirs and assigns, forever, so that neither the City of Abilene,

not its legal representatives or assigns, shall have any right, title or interest in such property, premises or appurtenances, or any part thereof; however, the City of Abilene does, except and reserve a utility easement in all of said land which is hereby abandoned for alley purposes.

PART 3: That the abandonment provided for herein shall extend only to the public right and title in and to the tract of land described in Part 1 of this Ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PART 4: That, upon final passage hereof, the City Secretary be, and she is hereby, authorized and directed to certify a copy of this Ordinance, and file it in the Deed Records of Taylor County, Texas.

PASSED ON FIRST READING, this the 10 day of February, A.D. 1972.

After said passage, a Notice of the time and place, where and when said Ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter News, a daily newspaper, of general circulation in the City of Abilene, said publication being on the 15 day of February, A.D. 1972, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, the said Ordinance was passed on second and final reading.

PASSED ON SECOND AND FINAL READING, this the 9 day of March

A.D. 1972.

J. C. Hunter, Jr.
MAYOR

(SEAL)
ATTEST:

Ruth Hodgin
CITY SECRETARY

APPROVED:
Ben Nickelsen
CITY ATTORNEY

THE STATE OF TEXAS |
COUNTY OF TAYLOR |
CITY OF ABILENE |

I, Ruth Hodgkin, City Secretary of the City of Abilene, Texas,
do hereby certify that the above and foregoing is a true and correct
copy of an ordinance adopted by the City Council of the City of
Abilene, Texas, on 9th day of March, A.D., 1972,
same being recorded in the Ordinance Records of the City of
Abilene, Texas, Volume 9, Page 335.

Given under my hand and seal of office, this the 15th day
of March, A.D., 1972.



Ruth Hodgkin
CITY SECRETARY
ABILENE, TEXAS