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ORDINANCE NO. 108

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A PORTION OF COMMUNITY PLACE (FORMERLY ROBERTS STREET); QUITCLAIMING SAID ABANDONED STREET TO THE ABUTTING PROPERTY OWNERS; RESERVING UNTO THE CITY OF ABILENE A UTILITY EASEMENT WITHIN THE RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

WHEREAS, the City Attorney of the City of Abilene has recommended to the City Council that a portion of Community Place (formerly Roberts Street), in the City of Abilene, Taylor County, Texas, which is neither needed, nor used, for public purposes, be closed, abandoned and quitclaimed to the abutting property owners, subject to the reservation of an easement unto the City of Abilene for any and all utility purposes along the right of way so abandoned, with the further restriction that no permanent structures will be placed on said easement; and,

WHEREAS, it is the opinion of the City Council that such abandonment, with such reservation, 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 thoroughfare, situated within the City of Abilene, Taylor County, Texas, be, and the same is hereby abandoned, vacated and closed insofar as the right, title and easement of the public are concerned, but reserving unto the City of Abilene an easement for any and all utility purposes within the right of way so abandoned, with the further restriction that no permanent structures will be placed on said easement.

BEING an abandoned portion of Community Place formerly known as Roberts Street and being 50 feet North and South by 141.1 feet East and West and being more particularly described below:

BEGINNING at a point, said point being the Northwest corner of Lot 1 of the Sayles and Hughes Subdivision of the South part of Block 1, Elmwood Addition to the City of Abilene, Taylor County, Texas;

THENCE North with the East Right of Way line of Blair Street, a distance of 50 feet for a corner;

THENCE East and parallel with the North boundary line of Lot 1 of said Sayles and Hughes Subdivision, a distance of 141.1 feet for a corner;

THENCE South and parallel with the East Right of Way line of Blair Street, a distance of 50 feet for a corner, said corner being the Northeast corner of Lot 1 of said Sayles and Hughes Subdivision;

THENCE West with the North boundary line of Lot 1 of said Sayles and Hughes Subdivision, a distance of 141.1 feet to the place of beginning,

Said tract or parcel of land containing 0.16 acres of land more or less.

SAVE AND EXCEPT an Easement being the North 30.5 feet of said aforementioned tract or parcel of land, said easement being for the maintenance of an existing 8 inch sewer line and general ingress and egress of vehicles of the City of Abilene.

PART 2: That the City of Abilene does, by these presents, quitclaim subject to the reservation and restriction set out above, 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 nor its legal representatives or assigns, shall have any right, title or interest in such property, premises or appurtenances, or any part thereof.

PART 3: That the abandonment, subject to the reservation and restrictions provided for herein, shall extend only to the public right, title and easement 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 23rd day of May, A. D. 1974.

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 27 day of May A. D. 1974, 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, said Ordinance was passed on second and final reading.

PASSED ON SECOND AND FINAL READING, this 27 day of June,

A. D. 1974.

(SEAL)

J. C. Hunter, Jr.  
MAYOR

ATTEST:

Ruth Hodgkin  
CITY SECRETARY

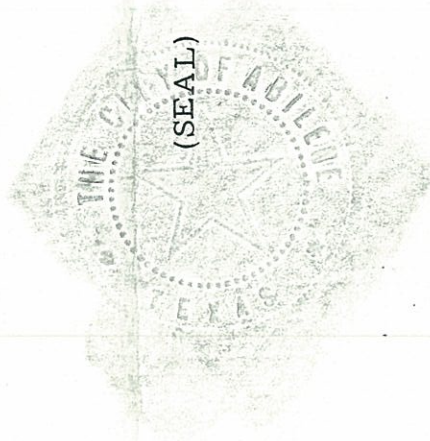
APPROVED:

Robert D. Chestman  
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 a Resolution adopted by the City Council and same being recorded in the Minutes of the City Council of the City of Abilene, Texas.

Given under my hand and seal of office, this the 27 day of June, A. D., 1974.



*Ruth Hodgkin*  
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Ruth Hodgkin, City Secretary  
City of Abilene, Texas

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