

ORDINANCE NO. 67-1983

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.

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

PART 1: That the following described portion of a Public Right of Way, as described on Exhibit "A," attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned.

PART 2: That said portion of a Public Right of Way is not needed for public purposes and it is in the public interest of the City of Abilene to abandon said described portion of a Public Right of Way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts 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.

PASSED ON FIRST READING this the 9 day of June,
A.D. 19 83.

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 5 day of June, 19 83, 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 the 23 day of June, A.D. 19 83.

ATTEST:

Robert Beard, Past
CITY SECRETARY

Walter D. Webb
MAYOR

APPROVED:

Wm. Langley
CITY ATTORNEY

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ORDINANCE NO. 67-1983

EXHIBIT "A"

The four alleys described below are hereby abandoned:

1.

A 20 foot alley between Lots 1 & 2 and Lot 3, Block A, Brentwood Gardens Addition, Abilene, Taylor County, Texas; filed of record October 6, 1976; SAVE AND EXCEPT for retention of a utility easement the length and width of said alley.

2.

BEING 490 square foot tract out of Brentwood Gardens Addition for a partial alley closure and being described by metes and bounds as follows:

BEGINNING at the NE corner of Lot 3, Block A, Brentwood Gardens Addition on the southwest R.O.W. line of Winters Freeway for the NW corner of this tract;

THENCE S 45°45' E along the southwest R.O.W. line of said Winters Freeway 29.99 feet to a point on the west boundary line of proposed Catclaw Drive for the P.C. of a curve to the left;

THENCE along said curve having a radius of 190.75 feet, an arc distance of 33.90 feet, on a chord bearing of S 39°09'30" W 33.86 feet to a point on the east boundary line of said Lot 3;

THENCE-N 0°07'30" W along the east boundary line of said Lot 3 47.18 feet to the POINT OF BEGINNING, and containing 490 square feet of land, more or less.

SAVE AND EXCEPT for alley not being released until after replacement of the roadway is provided.

3.

BEING a 2100 square feet tract out of Section 5, Wyndrock Addition for a partial alley closure and being described by metes and bounds as follows:

BEGINNING at the NE corner of Lot 21, Block 3, Section 5, Wyndrock Addition, same being on the projected south boundary line of Bob-0-Link Drive for the NW corner of this tract;

THENCE S 89°42'30" E along the projected south boundary line of Bob-0-Link Drive 20.0 feet to point on the east boundary line of said alley;

THENCE S 0°17'30" E along the east boundary line of said alley 85.0 feet to a point;

THENCE S 44°27'30" E 28.36 feet to a point;

THENCE S 0°17'30" W 5.14 feet to a point;

THENCE N 89°42'30" W 39.97 feet to a point, same being the SE corner of said Lot 21, Block 3, Section 5, Wyndrock Addition for the SW corner of this tract;

THENCE N 0°17'30" E along the east boundary of said Lot 21 100.0 feet to the POINT OF BEGINNING, and 2100 square feet of land, more or less.

SAVE AND EXCEPT for relocation of the alley at proponent's expense and not be abandoned until suitable replacement connections be made to not have a deadend alley.

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4.

BEING 4665 square feet south of and parallel to the south boundary line of Brentwood Gardens Addition, Abilene, Taylor County, Texas, and being described by metes and bounds as follows:

BEGINNING at a point for the NW corner of this tract, from which the SE corner of Lot 21, Block 3, Section 5, Wyndrock Addition, bears S 0°17'30" W 5 feet and N 89°42'30" W 90 feet;

THENCE S 89°42'30" E along the south boundary line of Lot 3, Block A, Brentwood Gardens Addition, 233.18 feet to a point for the NE corner of this tract;

THENCE S 0°17'30" W 20 feet to a point for the SE corner of this tract;

THENCE N 89°42'30" W 233.18 feet to a point for the SW corner of this tract;

THENCE N 0°17'30" E 20 feet to the POINT OF BEGINNING, and containing 4665 square feet of land, more or less.

SAVE AND EXCEPT for retention of a utility easement the length and width of the alley.

M E M O R A N D U M

June 15, 1983

TO: Ed Seegmiller, City Manager
FROM: Lee Roy George, Director of Planning & CD
SUBJECT: Thoroughfare abandonment, being three 20' alleys

The City Council will consider the above request during a public hearing June 23, 1983.

As you can see by the attached staff report, the staff recommends approval subject to retaining the necessary easements to cover existing utility facilities and an alley opening to a public street. The Planning and Zoning Commission considered the request June 6, 1983, and recommended approval by a vote of 4-0.

If you have any questions, please contact me.

LRG
LRG

RH/hd

Case No.: TC-6183

STAFF REPORT



Applicant: Mecca Investments Co., Agent, Eddie Chase

Location: 3 alleys and a triangular piece in Brentwood Gardens Addition

Request: Thoroughfare abandonments

Zoning: **Parcel:** **Land Use:** **Parcel:**
Adjacent: **Adjacent:**

Development:

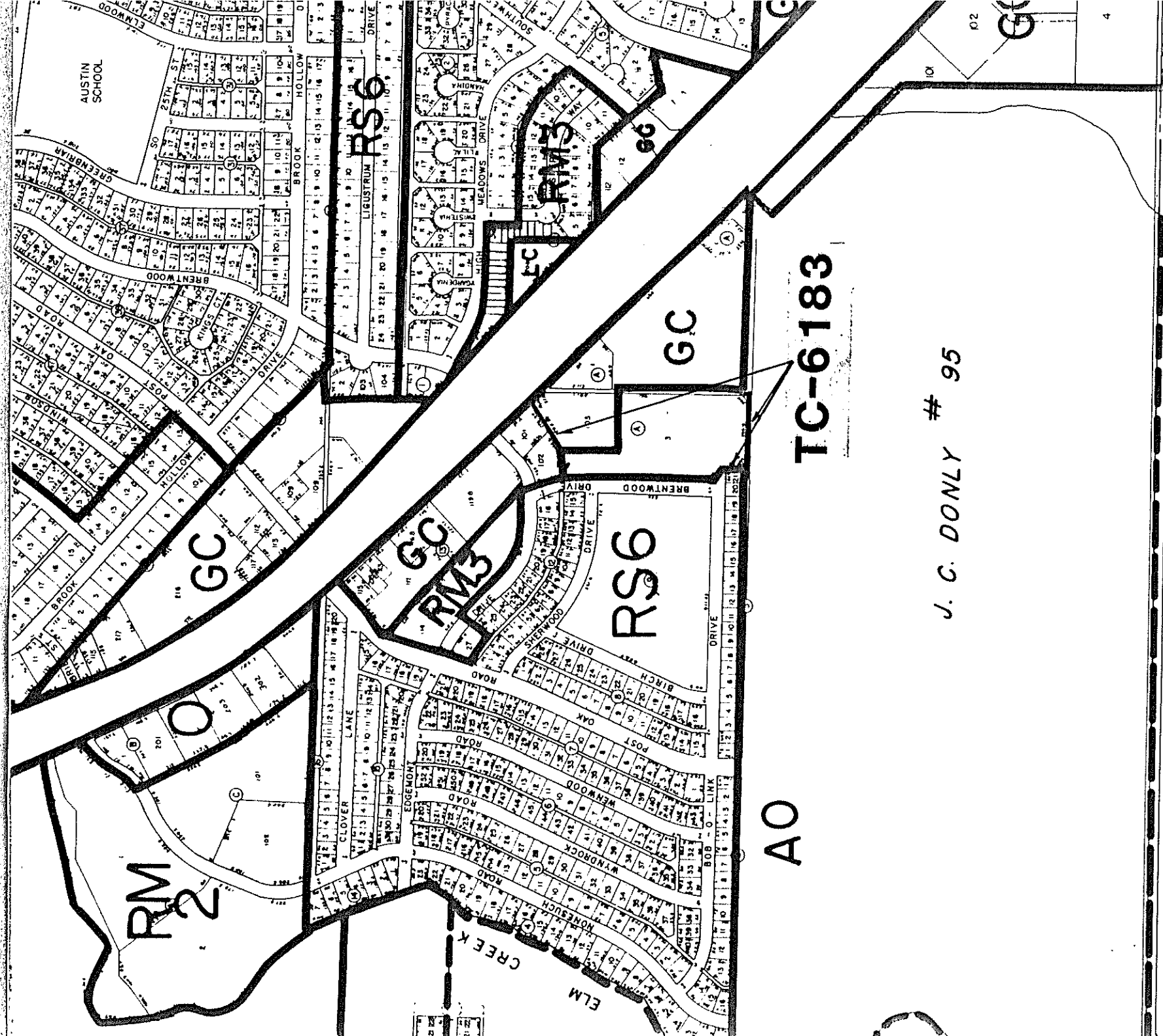
Background:

Considerations: The Plat Review Committee recommends that the alley located between Lots 1, 2, & 3, Block A be retained as a utility easement; the triangle parcel of the North-South alley at S. Clack be released after replacement of the roadway is provided. The East-West alley in Block C south of Bob-0-Link be retained as a utility easement; and the North-South alley utilities be relocated at proponent's expense and both alleys south of Bob-0-Link not be abandoned until suitable replacement connections be made to not have a deadend alley.

Notification: **comment forms were mailed.** **_____ returned in favor, _____ opposed.**

Staff Recommendation: Follow PR Recommendation

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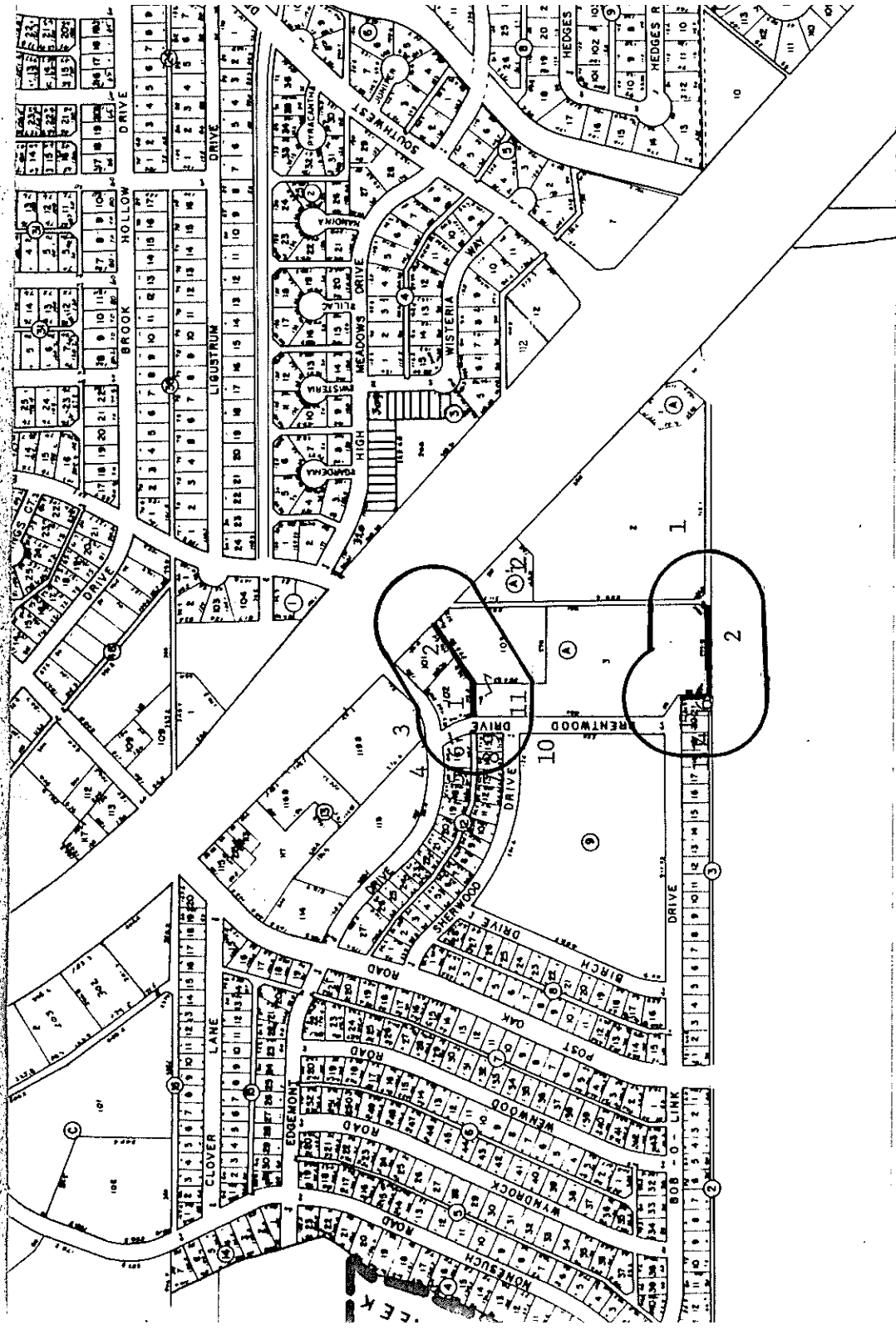
AO

TC-6183

J. C. DONLY # 95

J. E. SHEPPARD # 96

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TC-6183

1. Proponent
2. Southwest Plaza, Inc, 3434 N. 6th, 79603
3. L.A. Brewster, 2850 S. Clack, 79606
4. N. Morris, 3550 N. 6th, 79603
5. B.A. Coley, 4209 Edgemont, 79605
6. K.R. LeMay, 4201 Edgemont, 79605
7. G.L. Rankin, 4218 Sherwood, 79606
8. W.M. Pitts, 3375 Parkcrest, 79605
9. J.M. Greenwood, 4202 Sherwood, 79606
10. Abilene Ind. School District, 842 N. Mockingbird, 79603
11. Bill Senter Trustee, Box 3233, 79604
12. Southwest Plaza Joint Venture, 3102 S. Clack, 79605
13. H.S. McKinney, 4317 Bob-O-Link, 79606
14. D.E. Cocchiara, 4309 Bob-O-Link, 79606
15. S.G. Polk, 4301 Bob-O-Link, 79606
16. W. Logan, Jr, 4225 Bob-O-Link, 79606
17. Mecca Investments, Box 3233, 79604