

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 February, A.D. 1989.

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 2 day of February, 1989, 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 16 day of February, A.D. 1989.

ATTEST:

[Signature]
CITY SECRETARY

[Signature]
MAYOR

APPROVED:

[Signature]
CITY ATTORNEY

EXHIBIT "A"

Close dedicated thoroughfares, being:

A portion of an unpaved, unplatted public road known as Curry Lane out of the S. Ricker Survey #45 and the W. Scallorns Survey #46 labeled as Parcel I per attached map and being more particularly described as follows:

Beginning at the intersection of south right-of-way of Southwest Drive and said Curry Lane;

Thence in a southerly direction along said Curry Lane to the intersection of said Curry Lane and the proposed north right-of-way of Rebecca Lane.

and

Abandonment of the east portion of an unpaved, unplatted public road known as Church Road and being along the south line of S. Ricker Survey #45 and the north line of the W. Scallorns Survey #46 labeled as Parcel II per attached map and being more particularly described as follows:

Beginning at a point located 740 feet east of the intersection of Church Road and the easterly right-of-way line of the proposed alignment of Rebecca lane.

Thence extending east approximately 2130 feet to the center line of Elm Creek;

SAVE AND EXCEPT: That portion not abandoned which is to be in the proposed extension of Southwest Drive and being more particularly described in the following field notes:

Fieldnotes of a survey of 0.11 acre of land out of the William Scallorns Survey #46 and the S. Ricker Survey #45, Taylor County, Texas. Said land is a part of that land conveyed to Dunigan Investments, a Partnership, from Tommy E. Million by deed dated July 16, 1984, as recorded in Volume 1359, Page 158 of the deed records of Taylor County, Texas and being more particularly described as follows;

Beginning at a set 3/8"X12" nail in the South line of a public road, known as Church Road, from which the northeast corner of said Scallorns Survey #46 bears North 1° 39' East 15 feet and South 88° 21' East 1693 feet;

Note: all bearings are based on grid North as tied to the State Plane Coordinate System North Central Zone;

Thence North 88° 21' 15" West for a distance of 159.85 feet along the South line of said public road to a set 3/8"X12" nail;

Thence North 43° 02' 13" East for a distance of 39.99 feet to a found 3/8"X12" nail in the North line of said public road;

Thence South 88° 21' 15" East for a distance of 159.79 feet along the North line of said public road to a found 3/8"X12" nail;

Thence South 42° 57' 45" West for a distance of 39.94 feet to the place of beginning and containing 0.11 acre of land.

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This abandonment shall not be effective until the extensions of Rebecca Lane and Southwest Drive are open and accepted by the City of Abilene.

-END-

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