

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, subject to retention as stated in Exhibit A.

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 23 day of OCTOBER A.D. 2003.

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 October 2003, 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 13 day of NOVEMBER, A.D. 2003.

ATTEST:

Op Moore  
CITY SECRETARY

Grady Bass  
MAYOR

APPROVED:

Sharon E. Hicks  
CITY ATTORNEY

ORDINANCE NO. 42-2003

EXHIBIT "A"

The City of Abilene hereby abandons the following thoroughfare: Marathon Road from the south right-of-way line of State Hwy 351 to the north right-of-way line of Morrow Lane, Abilene, Taylor County, Texas; SUBJECT TO: (1) Maintain a drainage easement over entire right-of-way from Morrow Drive to North Edge of existing east-west drainage easement; (2) Maintain an accessible easement on existing water line; (3) Change the address of the ACU Maintenance Facility to East Ambler Avenue (4) Retain the southern end of Marathon Road as an accessible utility easement (AEP has underground lines in it); (5) Maintain existing utility easements along north property lines of Morrow Lane and Marathon Road; (6) Oncor has existing 3" and 1½" gas mains located in the right-of-way on the east side of Marathon Road and crossing Marathon road in the proposed abandonment section. No structures are to be built over existing gas mains, and any costs to relocate existing gas mains would be at the expense of the proponent; filed for record December 30, 1985, Taylor County File Number 25367.

Location:

Marathon Road

-END-