

**ORDINANCE NO. 04-2019**

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 conditions 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 20<sup>th</sup> day of December, 2018.

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 17<sup>th</sup> day of November, 2018, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 10<sup>th</sup> day of January, 2019 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 10<sup>th</sup> day of January, 2019.

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY

  
\_\_\_\_\_  
MAYOR

APPROVED:

  
\_\_\_\_\_  
CITY ATTORNEY



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EXHIBIT "A"

The City of Abilene hereby abandons 150' of an existing 20' wide alley extending east from North Pioneer Drive, between North 9th Street and North 10th Street, specifically between 901 North Pioneer Drive and 4325 North 10th Street.

All Public Right-of-Way as indicated and shown in the map below within the dashed area:



With the following conditions:

1. Approval and recording of suitable replat integrating the abandoned alley segment into one or more new lot(s) adjoining to the north and/or south of this alley segment;
2. That such replat include dedication of suitable outlet of the otherwise dead-end alley remaining in this city block, to intersect with North 9th and/or North 10th Streets; and
3. That the proponent of this replat provide City staff with documentation from an appropriate official of each affected utility provider (having facilities now situated in subject alley segment) and indicating that such facilities have either already been relocated or that suitable financial arrangements have been made for the timely relocation of these affected utilities.

-END-