

ORDINANCE NO. 48-2021

AN ORDINANCE PROVIDING FOR ABANDONMENT OF THE COMPLETE 60-FOOT-WIDTH OF PUBLIC RIGHT-OF-WAY FOR SOUTH 10TH STREET (FORMERLY CHURCH STREET) BETWEEN SYCAMORE AND ELM STREETS; A 20-FOOT-WIDE ALLEY PROJECTING 150 FEET SOUTH FROM SAID UNIMPROVED SEGMENT OF SOUTH 10TH STREET, MIDWAY AND PARALLEL BETWEEN SYCAMORE AND ELM STREETS; AND A 20-FOOT-WIDE ALLEY (UNIMPROVED) EXTENDING EAST-TO-WEST FOR A DISTANCE OF 300 FEET BETWEEN SYCAMORE AND ELM STREETS, 140 FEET SOUTH FROM AND PARALLEL TO RIGHT-OF-WAY FOR SOUTH 9TH STREET, PROVIDING FOR 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 public right-of-way for South 10th Street, and associated two alleys as described on Exhibit "A" attached hereto and made 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 City of Abilene is concerned, subject to the underlying property owner(s) graphically resubdividing (by replat,) the subject portion of public right-of-way into the adjoining properties.

PART 2: That said portion of public right-of-way is not needed for public purposes, and it is in the public interest to abandon the above described portion of public right-of-way.

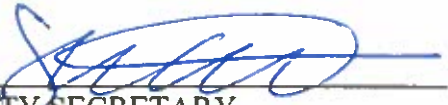
PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tract of land specifically described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING THE 26th day of August, A.D. 2021.

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 17th day of July, 2021, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 9th day of September, 2021, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 9th day of September, 2021.

ATTEST:



CITY SECRETARY

MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT "A"

The City of Abilene hereby abandons the complete 60-foot-width of public right-of-way available for South 10th Street (Formerly Church Street) and the 20-foot wide unimproved alley each extending approximately 300-feet east-to-west between Sycamore and Elm Streets originally dedicated with the "Geo. W. Jalonicks Second Addition" recorded in 1884. As well as a portion of the improved alley extending south 150-linear feet from the south right-of-way boundary of Church Street dedicated with the "F. W. Hughes Subdivision of block B & C of Geo. W. Jalonicks Second Addition" in south-central Abilene, Taylor County, Texas.

SUBJECT to the following conditions:

1. Approval and subsequent recording of a re-plat showing how the street and alley rights-of-way will be integrated with one or more adjacent new lot(s).
2. On the required re-plat, suitable easements must be reserved for continued access to all existing utility facilities planned to remain within the otherwise abandoned street rights-of-way.
3. Relocate any affected existing facilities not remaining in place, at the expense of the property owner(s) within whose land the abandoned street right-of-way will be integrated.
4. Provide City staff with documentation from an appropriate official of each affected utility provider (having facilities remaining in the subject street and alley rights-of-way) and which indicates that such facilities have either already been relocated or that suitable financial arrangements have been made for the timely relocation of these affected utilities.

