

(17)

Ord. # 765

12-13-54

AN ORDINANCE VACATING AND CLOSING NORTH SECOND STREET BETWEEN SHELTON AND GREEN STREETS, AND DIRECTING THE EXECUTION OF A DEED CONVEYING SUCH CLOSED PORTION OF SAID STREET TO MACK EPLEN AND JOHN C. WARD.

WHEREAS, there is recorded in Vol. 2, page 391, Plat Records in the office of the County Clerk of Taylor County, Texas, a map of Oakwood Addition in the City of Abilene; and

WHEREAS, Mack Eplen and John C. Ward are the owners of all of Block No. 12 and all of Block No. 5 of said Oakwood Addition, except that part of Block 5 owned by West Texas Utilities Company, lying adjacent to North Third Street; said Mack Eplen and John C. Ward owning that part of said Blocks 5 and 12 lying adjacent to North Second Street on both sides; and

WHEREAS, said Mack Eplen has heretofore petitioned the said Planning and Zoning Commission of the City of Abilene to close said North Second Street between Shelton and Green Streets, as reflected by the above mentioned map of Oakwood Addition; with the result that said Planning and Zoning Commission did on June 11, 1956, at a special session of said Commission, make and enter the following order:

"ITEM 4. On consideration of a request from Mack Eplen to close North Second Street between Green and Shelton Streets, Mr. Wilson made a motion that the Planning and Zoning Commission recommend closing this street, subject to all utilities easements being worked out. Motion seconded by Mr. Deegan, and carried."

AND WHEREAS, this Board has concluded, after due investigation of all the facts and circumstances relating thereto, that said North Second Street between Shelton and Green Streets, as reflected by said map of Oakwood Addition, should not be improved or maintained as a public thoroughfare; and that it will be to the best interest and benefit of the public of Abilene to abandon and vacate same as a public street; and

WHEREAS, this Board has further determined that the City Planning and Zoning Commission thoroughly investigated this matter before it entered the order of June 11, 1956, above quoted; and that such order should be approved and accepted by this Board and carried into execution by the passage of this ordinance, NOW THEREFORE;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE, TEXAS:

That said order passed by the City Planning and Zoning Commission on June 11, 1956, be and the same is hereby approved; and that said North Second Street between Shelton and Green Streets, as shown on the map of said Oakwood Addition be, and the same is hereby ordered closed, vacated and abandoned as a public street, subject, however, to the provision that the City of Abilene shall remain vested with all of the rights, powers and privileges now vested in it, with reference to all utility lines and improvements which are now or may hereafter be located on and under said North Second Street; said City to have the right of ingress and egress at all times to enter upon said street so vacated for the purpose of constructing, maintaining, repairing or removing all such utility lines; it being understood and agreed that said Mack Eplen and John C. Ward, their heirs and assigns, do hereby confirm such easement and all rights thereunto appertaining; it being further understood and agreed that the filing of a certified copy of this ordinance of record with the County Clerk of Taylor County, shall fully evidence such rights so reserved to the City of Abilene.

BE IT FURTHER ORDAINED that the Mayor of the City, with due attestation by the City Secretary, proceed to forthwith execute proper deed in behalf of said City, to Mack Eplen and John C. Ward, conveying the portion of said North Second Street so vacated and ordered closed by this ordinance, reserving in

said deed the option to repurchase said property for the sum of five hundred dollars (\$500.00) cash, provided said option is exercised within a period of five (5) years from the date of execution of said deed by the Mayor.

PASSED ON FIRST READING this the 28th day of November, 1956.

After said passage a Notice of 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 4<sup>th</sup> day of December, 1956, the same being more than one week prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading on the 13th day of December, 1956.

ATTEST:

*P. L. F. Martin*  
City Secretary

*C. E. Rath*  
Mayor

APPROVED AS TO FORM BEFORE PASSAGE:

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Corporation Counsel