

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A PORTION OF PALM STREET BETWEEN SOUTH THIRTY-FOURTH STREET AND SOUTH THIRTY-SIXTH STREET, AND A PORTION OF SOUTH THIRTY-SIXTH STREET BETWEEN TREADAWAY BOULEVARD AND PALM STREET; QUITCLAIMING SAID ABANDONED PORTIONS OF SAID STREETS TO TREANOR EQUIPMENT COMPANY; PROVIDING FOR THE TERMS AND CONDITIONS OF SAID ABANDONMENT; PROVIDING FOR PAYMENT OF THE PUBLICATION FEE; AND CALLING A PUBLIC HEARING.

WHEREAS, Treanor Equipment Company, a California Corporation registered to do business in the State of Texas, is the owner of certain lots in Blocks 9, 10 and 11, Country Club Addition to the City of Abilene, said blocks abutting on both sides of portions of South 36th Street and Palm Street, and which portions are no longer needed or used for public purposes and the said Treanor Equipment Company has requested the City of Abilene to close and abandon the hereinafter described portions of South 36th Street and Palm Street; and,

WHEREAS, in consideration thereof and to provide for the protection of public utilities located underneath the hereinafter described portion of Palm Street, Treanor Equipment Company has agreed to grant an easement over said portion for the installation, maintenance, repair and replacement of any and all public utilities with the right of ingress and egress thereto, and it is the opinion of the Board of Commissioners that said abandonment and easement are in the public interest; now, therefore,

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

Section 1: That the following described streets be, and the same are hereby, abandoned, vacated and closed insofar as the right, title and easement of the public are concerned:

PALM STREET from the South right-of-way line of South 34th Street to the North right-of-way line of South 36th Street; and,

SOUTH THIRTY-SIXTH STREET from the East right-of-way line of Treadaway Boulevard to the East right-of-way line of Palm Street.

Section 2: That the City of Abilene, for and in consideration of the dedication of an easement over a portion of the above described section of Palm Street, hereinabove abandoned, does by these presents quitclaim all of its right, title, claim and demand

to those tracts of land described in Section 1 of this ordinance, to Treanor Equipment Company, a California Corporation registered to do business in the State of Texas, with all and singular its right, title, interest, estate, claim and demand in said tract as described; to have and to hold the above released rights, titles, interests, claims and demands to the said Treanor Equipment Company, its successors and assigns forever, so neither the City of Abilene nor its legal representatives or assigns shall have any right or title to or interest in such property, premises or apurtenances or any part thereof at any time hereafter.

Section 3: That in consideration of the abandonment and the divesting of its municipal interest as described in Sections 1 and 2 of this ordinance, Treanor Equipment Company has, by separate instrument, receipt of which is hereby acknowledged and confessed by the City of Abilene, granted a perpetual easement for public utility purposes over that portion of Palm Street abandoned by the City in Section 1 hereof, and which portion is more fully described as follows:

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BEGINNING at the northwest corner of Lot 1, Block 11, Country Club Addition; THENCE South along the East property line of Palm Street a distance of 660 feet to the southwest corner of Lot 8, Block 11, Country Club Addition; THENCE West along the South property line of South 36th Street a distance of 60' to a point 60' West of the said southwest corner of Lot 8; THENCE North a distance of 660 feet along the West property line of Palm Street to the northeast corner of Lot 8, Block 9, Country Club Addition; THENCE East 60' to the place of beginning.

Section 4: That the said Treanor Equipment Company shall pay the fee for the publication and filing of this ordinance.

Section 5: That the abandonments provided for herein shall extend only to the public right, title and interest in and to the tracts of land described in Section 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. That, upon final passage hereof, the City Secretary be, and is hereby, authorized and directed to certify a copy of this ordinance and file it in the Deed Records of Taylor County, Texas.

PASSED ON FIRST READING on this 14th day of March, A. D. 1963.

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

Ablene, said publication being on the 18th day of March, 1963, the same being more than one (1) week 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 hearing.

PASSED ON SECOND AND FINAL READING this 28th day of March, 1963.

(SEAL)

ATTEST:

C. R. Kinard
MAYOR

Lila Fern Martin
CITY SECRETARY

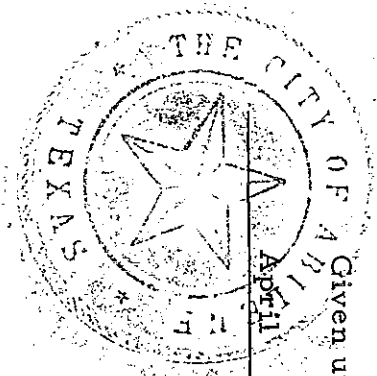
APPROVED AS TO FORM:
JOHN W. DAVIDSON, Corporation Counsel

John W. Davidson

X

THE STATE OF TEXAS 1
COUNTY OF TAYLOR 1
CITY OF ABILENE 1

I, Lila Fern Martin, City Secretary of the City of Abilene, Texas do hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Board of Commissioners of the City of Abilene, Texas, same being recorded in Volume 7 page 557 of the Ordinance Records of the City of Abilene, Texas.



Given under my hand and seal of office this the 1st day of April, 1963.

Lila Fern Martin
Lila Fern Martin, City Secretary,
City of Abilene, Texas.

CERTIFICATE OF RECORD

STATE OF TEXAS
County of Taylor

I, MRS CHESTER HUTCHESON, County Clerk in and for said County, do hereby certify that the foregoing instrument dated the 17 day of April, 1963, with its certificate of authentication was filed for record in my office this 17 day of April, 1963, at 9:30 o'clock P.M., and duly recorded this 18 day of April, 1963, at 9:45 o'clock A.M., in the 706 Records of said County, in Volume 706 on page 644.

Witness my hand and Seal of the County Court of said County at office in Abilene, Texas, the day and year last above written.
By *Verethley* Deputy MRS. CHESTER HUTCHESON, County Clerk, Taylor County