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ORDINANCE NO. 144

AN ORDINANCE OF THE CITY OF ABILENE PROVIDING FOR THE ABANDONMENT OF COMMUNITY PLACE, A STREET RUNNING EAST AND WEST FROM THE WEST PROPERTY LINE OF SOUTH WILLIS STREET TO THE EAST PROPERTY LINE OF BLAIR STREET; QUITCLAIMING SAID ABANDONED PORTION TO ABUTTING PROPERTY OWNERS; PROVIDING FOR THE TERMS AND CONDITIONS OF SAID ABANDONMENT; PROVIDING FOR PAYMENT OF THE PUBLICATION FEE AND CALLING A PUBLIC HEARING.

WHEREAS, the owners of property abutting Community Place, a street running East and West between the West property line of South Willis Street and the East property line of Blair Street, have requested the abandonment as a public thoroughfare of the above described street, which street is no longer needed or used for public purposes; and,

WHEREAS, in consideration thereof and to provide for the protection of public utilities located underneath the hereinafter described property, and to provide ingress and egress for emergency fire, police and ambulance vehicles and garbage trucks, the owners have agreed to grant an easement over the street to be closed and to provide a general easement on the East end of said street to provide for the future widening of South Willis Street, and it is the opinion of the City Council that said abandonment, subject to the required easements, is in the public interest of the City of Abilene; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE,
TEXAS:

Section 1: That the following described street, constituting a public street within the corporate limits of the City of Abilene, be and the same is hereby abandoned, closed and vacated insofar as the right, title and easement of the public are concerned, subject to the hereinafter required easements:

All of Community Place, a street running East and West between the West property line of South Willis Street and the East Property line of Blair Street bounded on the North by Lots 1 - 11, Block 11, North-part, Elmwood Addition, and on the South by Lots 10 and 11, Block 1, South part, Elmwood Addition.

Section 2: That the City of Abilene, for and in consideration of the granting of an easement for ingress and egress of emergency fire, police and ambulance vehicles and city garbage trucks across said abandoned street right of way, and the granting of an easement ten (10) feet in width across the East end of said abandoned right of way

for the future widening of South Willis Street, does by these presents, quitclaim all of its right, title, claim and demand to that tract of land described in Section 1 hereof to the owners of the following described property:

- (1) Lots 1 and 2, Block 11, North part, Elmwood Addition - Dr. C. E. Murtha, 3333 South 11th.
- (2) Lots 3 - 7, Block 11, North part, Elmwood Addition, Boy Scouts of America (Henry McGinty), 3325 South 11th.
- (3) Lots 8 - 11, Block 11, North part, Elmwood Addition, Willis Street Church of Christ, 3309 South 11th Street.
- (4) Lot 10, Block 1, South part, Elmwood Addition, I. L. Townsend, 1126 South Willis.
- (5) Lot 1, Block 1, South part, Elmwood Addition, E. R. Clemmer, 1133 Blair,

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 unto the owners hereinabove set out, their heirs 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 appurtenances 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 hereof the above named owners have granted a perpetual easement for emergency fire, police and ambulance vehicles and city garbage trucks over such abandoned right of way and have granted an easement ten (10) feet in width along the East end of such abandoned right of way for the future widening and improvement of South Willis Street.

Section 4: That the above named owners 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 easement in and to the tracts of land described in Section 1 hereof, 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 of the City of Abilene be and she 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 this 11th day of February, A. D. 1965.

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 16th day of February, 1965, 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 25th day of February,
A. D. 1965.

ATTEST:

Rita Jean Martin
City Secretary

W. Lee Byrd
W. Lee Byrd, Mayor

APPROVED:

Les Cochran
Les Cochran, Assistant City Attorney