

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 retention 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 13 day of April A.D. 2000.

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 2 day of April 2000, the same being more than twenty-four (24) hours 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 reading.

PASSED ON SECOND AND FINAL READING THIS 27 day of April, A.D. 2000.

ATTEST:

Op Moore  
CITY SECRETARY

Grady Barr  
MAYOR

APPROVED:

Sharon Hicks  
CITY ATTORNEY

ORDINANCE NO. 12-2000

EXHIBIT "A"

The City of Abilene hereby abandons the following thoroughfares: (1) all of Peppermill Lane from the north right-of-way line of Lynbrook Drive to the north line of Willow Wood Drive; (2) Willow Wood Drive from the east line of Peppermill Lane to the east line of Lot 1, Block G, Continuation 1, Section 1, Waterside at Wyndham; and (3) 28' alleys in Block B and Block C, Section 1, Waterside at Wyndham, Abilene, Taylor County, Texas, SUBJECT TO: (1) the streets be formally created as private streets; accessible utility and drainage easement be kept on all of the thoroughfares; fire apparatus access be maintained;(4) protection for the two lots at the corner of Lynbrook Drive and Peppermill Lane whereby all maintenance on that portion of right-of-way be taken care of by the Waterside at Wyndham Home Owners Association; and (5) compliance with Attachment A, Agreement dated April 25, 2000, from Stockard Investments, Inc. and Waterside at Wyndham Homeowners Association, Inc.; filed for record July 28, 1992, County Clerk file number 12442; December 11, 1998, County Clerk file number 23292; and February 10, 2000, County Clerk file number 2241.

Location:

Peppermill Lane and Lynbrook Drive

**STOCKARD INVESTMENTS, INC.**

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**WATERSIDE AT WYNDHAM  
HOMEOWNERS ASSOCIATION, INC.**

April 25, 2000

City of Abilene  
c/o City Manager  
P.O. Box 60  
Abilene, TX 79601

Re: **Waterside at Wyndham Addition**  
**Cabinet 3, Slide 368, Plat Records of**  
**Taylor County, Texas**

Dear Sirs:

In connection with the development of the Subdivision known as Waterside at Wyndham, we have requested that Peppermill Lane and two alleys within the Subdivision, which were originally dedicated to public use, be now abandoned and returned to private status. This request covers all that portion of Peppermill Lane from its intersection with the north line of Lynbrook Drive, northward to its termination in the Subdivision. Also included are two alleys in Blocks "B" and "C".

In consideration for the granting of this request, we are hereby agreeing to do the following:

- a. We will keep and maintain all that portion of Peppermill Lane to be abandoned, including that part not now in the Subdivision, to City of Abilene standards.
- b. We will install an entrance gate across Peppermill Lane where it enters the Subdivision and also an entrance gate on the alley entrance to the right (east) off of Peppermill.
- c. The alley entrance gate will be recessed to the east a sufficient distance to allow a vehicle to pull in, back up, turn around and exit to the South should that be necessary.


City of Abilene  
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- d. Respecting the fact that the homes on the northeast and northwest corners of Peppermill Lane and Lynbrook Drive are not in the Subdivision, we will not fence or place any obstructions along Peppermill Lane adjoining those two properties.
- e. We will furnish City of Abilene utility, service and emergency providers with the appropriate gate codes to facilitate access to the Subdivision as needed.

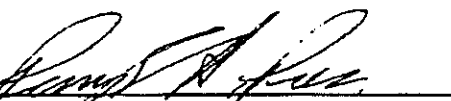
This request is made to provide increased safety and security of property and persons within the Subdivision. Our plan should serve to relieve the need for the City to police the area within the Subdivision and maintain the streets without creating undue hardship or adversely affecting the adjoining and nearby property owners, particularly the two on the corner of Lynbrook Drive and Peppermill Lane.

Sincerely,

Stockard Investments, Inc.

by:   
Perry Stockard, President

Waterside at Wyndham  
Homeowners Association, Inc.

by:   
Perry Stockard, President