

ORDINANCE NO. 09-2019

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 conditions 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.

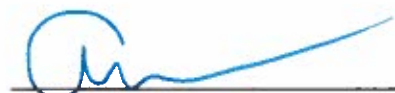
PASSED ON FIRST READING this 24<sup>th</sup> day of January A.D. 2019.

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 15<sup>th</sup> day of December, 2018, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 14<sup>th</sup> day of February, 2019 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14<sup>th</sup> day of February, A.D. 2019.

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY

  
\_\_\_\_\_  
MAYOR

APPROVED:  
  
\_\_\_\_\_  
CITY ATTORNEY

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EXHIBIT "A"

The City of Abilene hereby abandons 278' of Cedar Street between North 16th and North 15th Streets, between Pine Street and Hickory Street; a 20-foot wide right-of-way for public alley extending 350 feet east from this segment of Cedar Street, midway and parallel between North 16th and 15th Streets; a 15-foot-wide right-of-way for public alley extending 340 feet west from that same segment of Cedar Street, approximately midway and parallel between North 16th and 15th Streets; and a 20-foot wide right-of-way for public alley extending 128 feet north from North 15th Street and situated 140 feet west from and parallel to Cedar Street.

All Public Right-of-Way as indicated and shown in the map below within the dashed area:



With the following conditions:

1. Approval and subsequent recording of replat integrating the abandoned street and alleys into one or more new lot(s) also including the existing lots adjacent to street and alleys authorized to be abandoned;
2. That such replat shall include suitable easements for continued access to all existing utilities planned to remain within the otherwise abandoned street and alley rights-of-way; and
3. Any utilities shall be moved at the property owners expense (Existing sewer, overhead power lines, and water) or shall remain within necessary easements

4. That the proponent of this replat provide City staff with documentation from an appropriate official of each affected utility provider (having facilities now situated in subject alley segments and right-of-way) and indicating that such facilities have either already been relocated or that suitable financial arrangements have been made for the timely relocation of these affected utilities.

-END-