

ORDINANCE NO. 11-2019

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 24th 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 15th 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 14th 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 14th day of February, A.D. 2019.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

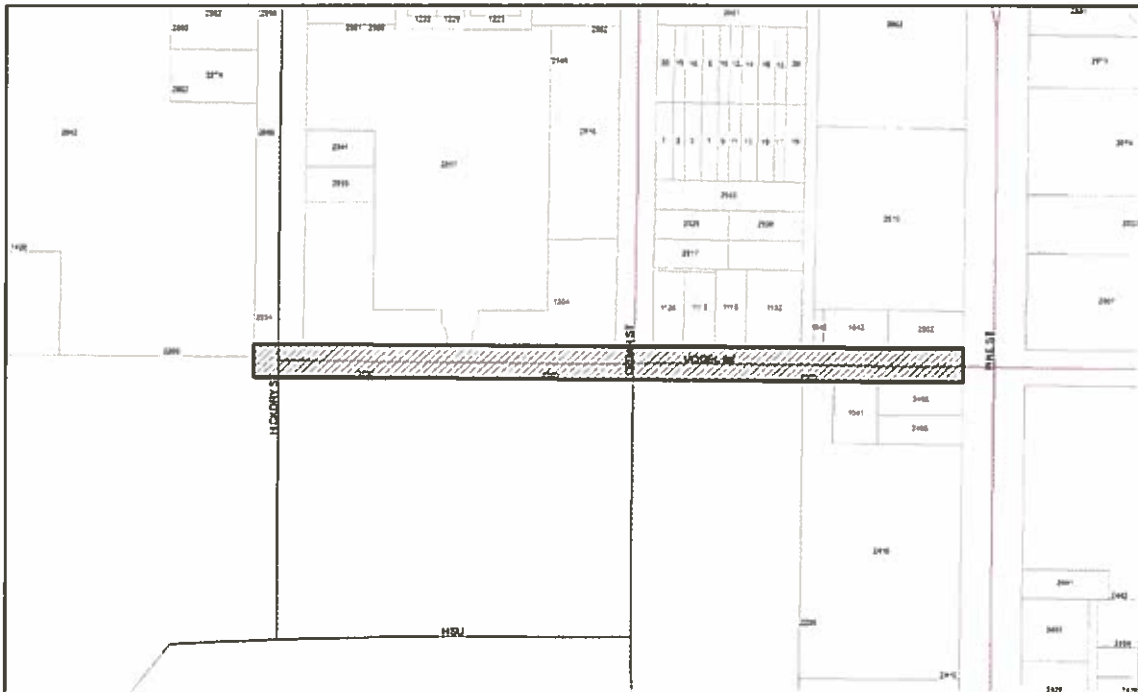
CITY ATTORNEY

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EXHIBIT "A"

The City of Abilene hereby abandons approximately 1,140' of public right-of-way for Vogel Avenue extending west from Pine Street through and including Vogel Avenue's intersection with Hickory Street.

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



With the following conditions:

1. Reserving an open and unobstructed easement for utilities, drainage, refuse collection, and emergency vehicle access, extending over the entire length and width of this other abandoned right-of-way; and
2. The singular owner of all adjacent properties (Hardin-Simmons University) paying for all necessary relocation and/or replacement of signs for traffic control and for demarcating public vs. private maintenance
3. That the City Manager be authorized to execute and deliver a Quit Claim Deed conveying the public's interest in this street right-of-way to the owner(s) of adjoining private property, equally (from north-to-south) and proportionately (from east-to-west); and
4. That such Quit Claim Deed reserve open and unobstructed easements ensuring continued access for overhead and underground utilities, storm water drainage, solid waste collection and emergency services, over the entire width and length of this otherwise abandoned right-of-way for Vogel Avenue.

-END-