

ORDINANCE NO. 75-2019

AN ORDINANCE PROVIDING FOR ABANDONMENT OF PORTIONS OF PUBLIC RIGHTS-OF-WAY; PROVIDING FOR TERMS AND CONDITIONS OF SUCH ABANDONMENT; AUTHORIZING THE MAYOR TO EXECUTE ABANDON AND RELINQUISH THE CITY OF ABILENE'S INTEREST IN SAID PORTIONS OF PUBLIC RIGHTS-OF-WAY, SPECIFICALLY TO LONE STAR RAIL; AND CALLING A PUBLIC HEARING.

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

PART 1: That the following described portions of public rights-of-way, as described on Exhibits "A" attached hereto and made a part of this ordinance for all purposes, be and the same are hereby abandoned, vacated and closed insofar as the right, title or easement of the City of Abilene is concerned, subject to conditions as stated herein.

PART 2: That said portions of public rights-of-way are not needed for the City of Abilene's purposes, and it is in the City of Abilene's interest to abandon said described portions of public rights-of-way, specifically to Lone Star Rail, as a part of Planned Development 165.

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 on attached Exhibits "A" respectively, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PART 4: That the Mayor of the City of Abilene is hereby authorized to abandon and relinquish the City of Abilene's interest in said tracts of land, to Lone Star Rail Company.

PASSED ON FIRST READING THE 21st day of November, 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 18th day of October, 2019, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 5th day of December, 2019, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 5th day of December, 2019.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

CITY ATTORNEY

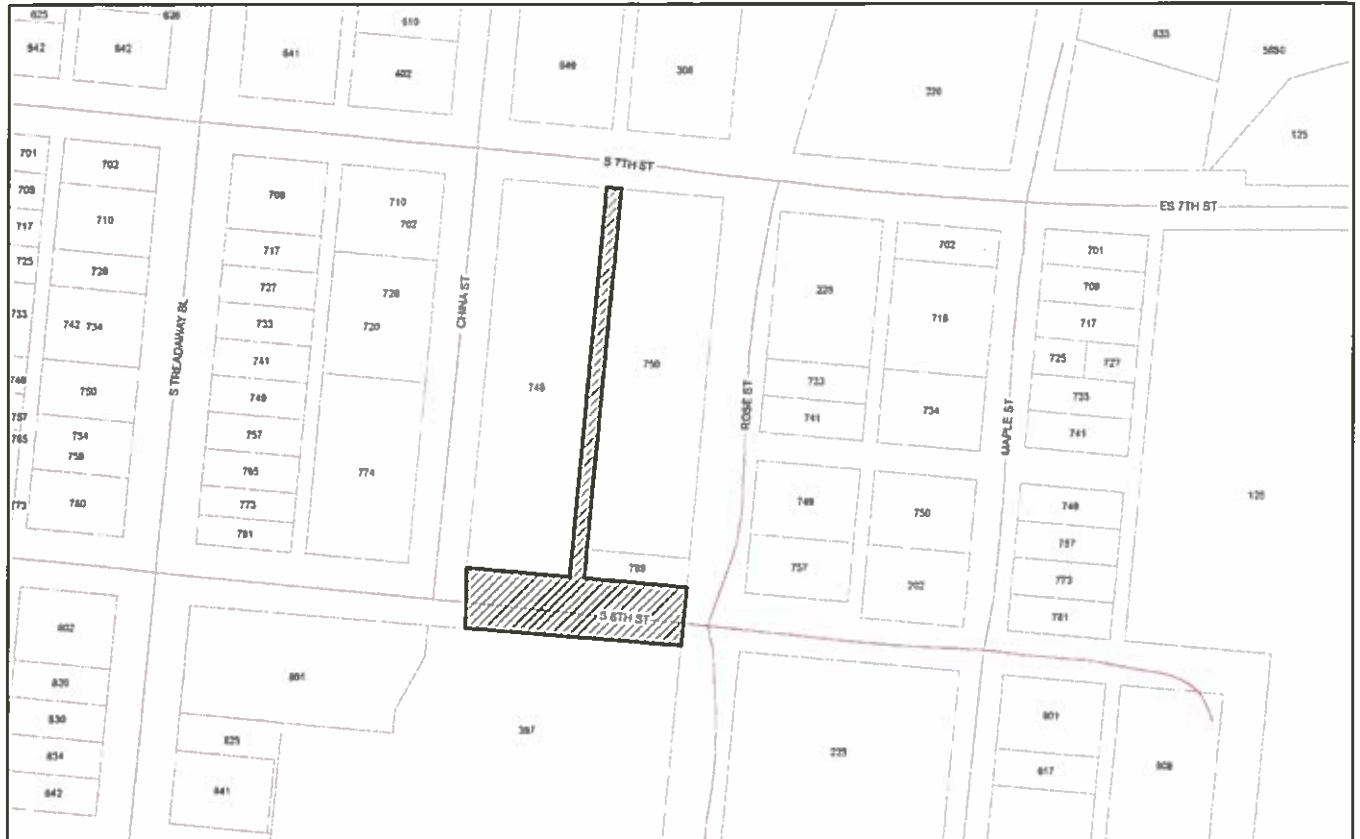


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EXHIBIT "A"

The City of Abilene hereby abandons 531' of an existing 20' wide alley extending south from South 7th Street to S. 8th Street, and 300' of South 8th Street beginning at the easternmost extent of China Street right of way to the westernmost extent of South Switching Rail Road right of way.

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



With the following conditions:

1. Approval and recording of suitable replat integrating the abandoned alley segment and the portion of S. 8th into one or more new lot(s) adjoining to the north and/or south of this alley segment;
2. That such replat include a 24-foot paved fire lane constructed on Rose Street as it extends south from S. 7th Street to S. 8th Street for emergency services access; and
3. 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 and street segments) 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-