

ORDINANCE NO. 14-2021

AN ORDINANCE PROVIDING FOR ABANDONMENT OF CERTAIN PORTION OF PUBLIC RIGHT-OF-WAY FOR BEECH STREET AND THE ENTIRE 20-FOOT-WIDE ALLEY NORTH OF LOTS 5 AND 6 OF BLOCK "C" IN DARBY OF NORTH PARK SUBDIVISION, PROVIDING FOR 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 public right-of-way for Beech Street and entire 20-foot-wide alley north of Lots 5 and 6 in Block C of Darby of North Park Subdivision, as described on Exhibit "A" attached hereto and made 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 City of Abilene is concerned, subject to the underlying property owner(s) graphically resubdividing (by replat,) the subject portion of public right-of-way into the adjoining properties.

PART 2: That said portion of public right-of-way is not needed for public purposes, and it is in the public interest to abandon the above described portion of 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 tract of land specifically 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 THE 25th day of February, A.D. 2021.

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 16<sup>th</sup> day of January, 2021, 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 11<sup>th</sup> day of March, 2021, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 11<sup>th</sup> day of March, 2021.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY



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EXHIBIT "A"

The City of Abilene hereby abandons the 60-foot-wide improved public right-of-way for Beech Street, extending approximately 150-feet north from the northernmost right-of-way boundary for Ambler Avenue. As well as the entire 20-foot-wide alley which appears north of Lots 5 and 6 in Block C of Darby of North Park Subdivision in Abilene, Taylor County, Texas.

SUBJECT to the following conditions:

1. Approval and subsequent recording of a re-plat showing how the street and alley rights-of-way will be integrated with one or more adjacent new lot(s).
2. On the required replat, right-of-way must be reserved and/or dedicated for a suitable vehicle turnaround at the termination of the remaining dead-end segment of Beech Street as a result of this abandonment. Such turnaround may be either a "cul-de-sac" or "hammerhead" type, but must be designed and improved to allow routine movement of utility service and refuse collection vehicles.
3. On the required replat, suitable easements must be reserved for continued access to all existing utility facilities planned to remain within the otherwise abandoned street and alley rights-of-way.
4. Relocate any affected existing facilities not remaining in place, at the expense of the property owner(s) within whose land the abandoned street and alley will be integrated.
5. Provide City staff with documentation from an appropriate official of each affected utility provider (having facilities remaining in the subject street and alley rights-of-way) and which indicates that such facilities have either already been relocated or that suitable financial arrangements have been made for the timely relocation of these affected utilities.

