

ORDINANCE NO. 30-2021

AN ORDINANCE PROVIDING FOR ABANDONMENT OF CERTAIN PORTION OF PUBLIC RIGHT-OF-WAY FOR SOUTH 9TH STREET AND THE ENTIRE ALLEY EXTENDING 50 FEET DIRECTLY SOUTH THEREFROM, 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 South 9th Street and the entire width of an alley projecting 50 feet south from said portion of South 9th Street, as described on Exhibit "A" attached hereto and made 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 expressed also in attached Exhibit "A".

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 24th day of June, 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 15th day of May, 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 8th day of July, 2021, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 8th day of July, 2021

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY



EXHIBIT "A"

The City of Abilene hereby abandons the 80-foot-wide public right-of-way for South 9th Street extending 140 feet east from the easternmost line of right-of-way for South Treadaway Boulevard (a.k.a. Business U.S. Highway 83) as well as the entire alley located directly east from Lot 1 in Block W of J. Stoddard's Subdivision of Lot 2 in Block 190 of Abilene's Original Townsite, as said Lot 1 appears on the subdivision plat originally recorded on Page 629 in Volume J of Deed Records for Taylor County, Texas; SUBJECT TO the following conditions:

1. A suitable graphic resubdivision (replat) is prepared by a Texas-registered surveyor, approved by the City of Abilene and, then, recorded with the Taylor County Clerk. Such replat must illustrate how both affected rights-of-way (authorized to be abandoned) will be integrated with adjoining property and/or reserved in an alternative arrangement of dedicated alleyways or easements allowing free access by refuse collection trucks, as well as otherwise suitable access for maintaining, repairing and replacing underground and overhead utilities located therein.
2. Installation of any one or more fence(s) projecting across easements reserved with overhead electric or telecommunication utilities therein shall necessitate coordination with affected utility providers, to ensure minimum vertical and horizontal clearances as well as placement of gates offering ease of access by utility service providers.



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