

ORDINANCE #003-24

AN ORDINANCE CLOSING, VACATING, AND ABANDONING THE RIGHT OF WAY KNOWN AS THAT PORTION OF NORTH WEATHERFORD STREET (AKA BARKER AVENUE) THAT RUNS ADJACENT TO LOTS 7, 8, 9 AND 10, BLOCK 27, OF THE RAILROAD ADDITION TO THE CITY OF DE LEON, AS IS DEPICTED IN THE PLAT RECORDS OF THE CITY OF DE LEON, AND FOR THAT PORTION OF THE ALLEY THAT RUNS BETWEEN LOTS 7, 8, 9 AND 10, BLOCK 27, AND LOTS 1,2,3 AND 4, BLOCK 27, OF THE RAILROAD ADDITION TO THE CITY OF DE LEON; FINDING THAT A PROPER REQUEST HAS BEEN RECEIVED FROM THE OWNER OF THE PROPERTY ABUTTING AND ADJOINING SAID RIGHT OF WAY TO BE CLOSED; FINDING THAT CLOSING, VACATING, AND ABANDONING SAID RIGHT OF WAY IS IN THE BEST INTERESTS OF THE CITY OF DE LEON AND ITS CITIZENS; FINDING THAT THE CITY SECRETARY SHOULD FILE A CERTIFIED COPY OF THIS ORDINANCE IN THE DEED RECORDS OF COMANCHE COUNTY, TEXAS; AND THAT THE RIGHT OF WAY CLOSED, VACATED AND ABANDONED HEREIN BE CONVEYED BY OPERATION OF LAW TO EACH ABUTTING PROPERTY OWNER, WITH EACH PROPERTY OWNER ON EACH SIDE OF THE RIGHT OF WAY ABANDONED HEREIN RECEIVING ONE HALF OF THE WIDTH OF THE RIGHT OF WAY; PROVIDING FOR THE PAYMENT OF CERTAIN COSTS BY THE ABUTTING PROPERTY OWNER AS A CONDITION FOR CLOSING, VACATING AND ABANDONING THE RIGHT OF WAY DESCRIBED HEREIN.

WHEREAS, there has been presented a request to the City Council of the City of De Leon, Texas, the governing body of said City, from the owners of property abutting the hereinafter described right of way, requesting the City of De Leon, Texas, to close, vacate, abandon, discontinue, and abolish the hereinafter described right of way; and

WHEREAS, the City of De Leon, Texas, and the City of Council of said City have found and determined, after report and examination thereof, that the hereinafter described right of way is no longer needed or necessary for public use and that the closing of said right of way will be to the benefit, interest, welfare, safety, and convenience of the City of De Leon and its citizens. The City Council further finds that the City of De Leon should abandon said right of way and quit claim any right it may hold in the right of way to the adjacent landowners; and

WHEREAS, the City shall have the right to reserve easements necessary for existing utilities within said right of way, if same exist, or require relocation thereof. Should the closing require relocation of utilities, such relocation shall be at applicant's expense.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, that:

I.

That portion of North Weatherford Street (aka Barker Avenue) that runs adjacent to Lots 7, 8, 9 and 10, Block 27, of the Railroad Addition to the City of De Leon, as is provided in the Plat Records, and that portion of the alley that runs between Lots 7, 8, 9 and 10, Block 27, and Lots 1, 2, 3 and 4, Block 27, of the Railroad Addition to the City of De Leon, as is depicted in attached Exhibit "A," is hereby closed, abandoned and vacated, and the rights of the City of De Leon, Texas, and the public generally to use said right of way are hereby terminated.

II.

And it further appearing to the City Council of the City of De Leon, Texas, acting in accordance with the laws of the State of Texas, that the City Secretary be directed to file a certified copy of this ordinance in the deed records of Comanche County, Texas, and that the right of way herein described be conveyed to the abutting property owners by operation of law, with each abutting property owner receiving one half of its width on each side of the abandoned right of way.

III.

And it further appearing to the City Council of the City of De Leon, Texas, acting in accordance with the laws of the State that before the City Secretary files the certified copy of this ordinance in the deed records of Comanche County, Texas, that the following abutting property owner who requested the closing, vacating and abandonment of the right of way pay the City of De Leon, the following consideration: the costs to advertise the public hearing in the newspaper and the costs of the City Attorney to advise and assist in the closure of the right of way in the amount of \$250.00, and the recording fees to file the ordinance in the deed records of Comanche County, Texas:

Gordon Watts
3301 Hwy 6
De Leon, Tx. 76444

IV.

This ordinance shall become effective after its passage by the City Council.


PASSED AND APPROVED ON ONE READING AS AN EMERGENCY MATTER DECLARED BY THE CITY COUNCIL PURSUANT TO ARTICLE VII, SECTION 10 OF THE CITY CHARTER this 11TH day of March, 2024 by a unanimous vote of the City Council.

ATTEST:

CITY OF DE LEON, TEXAS


Melinda K. Harbour, City Secretary




Jan Grisham, Mayor
City of De Leon, Texas