

ORDINANCE NO. 006-99

AN ORDINANCE CLOSING, VACATING AND ABANDONING A UTILITY EASEMENT THAT RUNS DIAGONALLY ACROSS LOTS Q AND R, BLOCK V, CENTRAL ADDITION, AS SHOWN ON THE RECORDED PLAT OF SUCH LOTS; AUTHORIZING AND DIRECTING THE RELEASE OF SUCH EASEMENT FOR AND IN CONSIDERATION OF A TEN FOOT WIDE EASEMENT ACROSS A PORTION OF LOT R; MAKING FINDINGS OF FACT; AND PROVIDING SEVERABILITY AND OPEN MEETING CLAUSES.

WHEREAS, a ten foot (10') wide utility easement is shown in the Plat Records of Block V, Central Addition, running diagonally across Lots R and Q (the "platted easement");

WHEREAS, it has been requested that the platted easement be closed, vacated and abandoned by the City of De Leon, Texas (the "City");

WHEREAS, that part of the platted easement described above is not necessary for the purpose of serving the general public or the landowners adjacent thereto as an utility easement;

WHEREAS, a ten feet (10') easement across Lot R is necessary as a utility easement;

WHEREAS, the owner of Lot Q and Lot R has agreed to grant the City a utility easement over and across Lot R in exchange for a release of the platted easement, and both easements are of substantially the same size; and

WHEREAS, Chapt. 272.001(b)(3), Tex. Loc. Gov't. Code, authorizes the City to sell or exchanged real property interests in easements for other land to be used for easements;

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

Section 1. The foregoing recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of fact by the City Council.

Section 2. The platted easement, which begins at a center point 112' feet, more or less, from the Northeasterly corner of Johnson and Dolores Street at the western property line of Lot R, Block V, of the Central Addition and extending five feet (5') more or less on either side of the center point and running at an angle across the southern portion of Lot R and the Northern portion of Lot Q easterly to the existing water well located between Lot Q and Lot P and being at a center point of 47', more or less, from the boundary of Lot Q beginning at Dolores Street, as shown on in the Plat and Dedication, adopted and filed for record by the Board of Commissioners of the City of

De Leon, Texas, date September 9, 1965, and duly recorded in the Official Plat Records of Comanche County, Texas, as more particularly shown as a cross hatched area on Exhibit "A" attached hereto and incorporated herein for all purposes, is hereby permanently closed, vacated and abandoned by the City and the general public.

Section 3. The Mayor and the City Secretary be and are hereby authorized, empowered, instructed and directed to execute a release of easement releasing the platted easement and the rights and interests of the City in the above described abandoned and vacated portion of the platted easement to the property owner of Lot Q and Lot R, upon receipt of a ten foot (10') wide utility easement across Lot R. The easement to be conveyed to the City shall have as a center line the existing water line that crosses Lot R in an east-west direction on a line generally parallel to the side lot lines of Lot R, beginning at a point in the easterly right-of-way line of Johnson Street that is one hundred fifteen feet (115'), more or less, northeast of the intersection of said ROW line with the northernmost ROW line of Dolores Street. Such ten foot (10') easement shall extend from the easterly ROW line of Johnson Street to the rear, most easterly, lot line of said Lot R. Upon receipt of the duly executed and recordable easement, the City shall release the existing platted easement across Lot R and Lot Q and such release of easement shall be and become a valid and binding act and deed of the City. In the event the City or any utility company shall hereafter excavate on the easement to be granted the City by the owner of Lots R and Q, the City, or the utility company, as the case may be, shall level the soil and repair the excavation to the City's satisfaction.


Section 4. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. It is hereby officially found and determined that notice of the time, place and subject matter of the meeting at which this ordinance was passed was given and the meeting was open to the public as required by Chapt. 551, Tex. Gov't. Code.

PASSED AND APPROVED on this the 27 day April 1999.

Attest:

THE CITY OF DE LEON, TEXAS

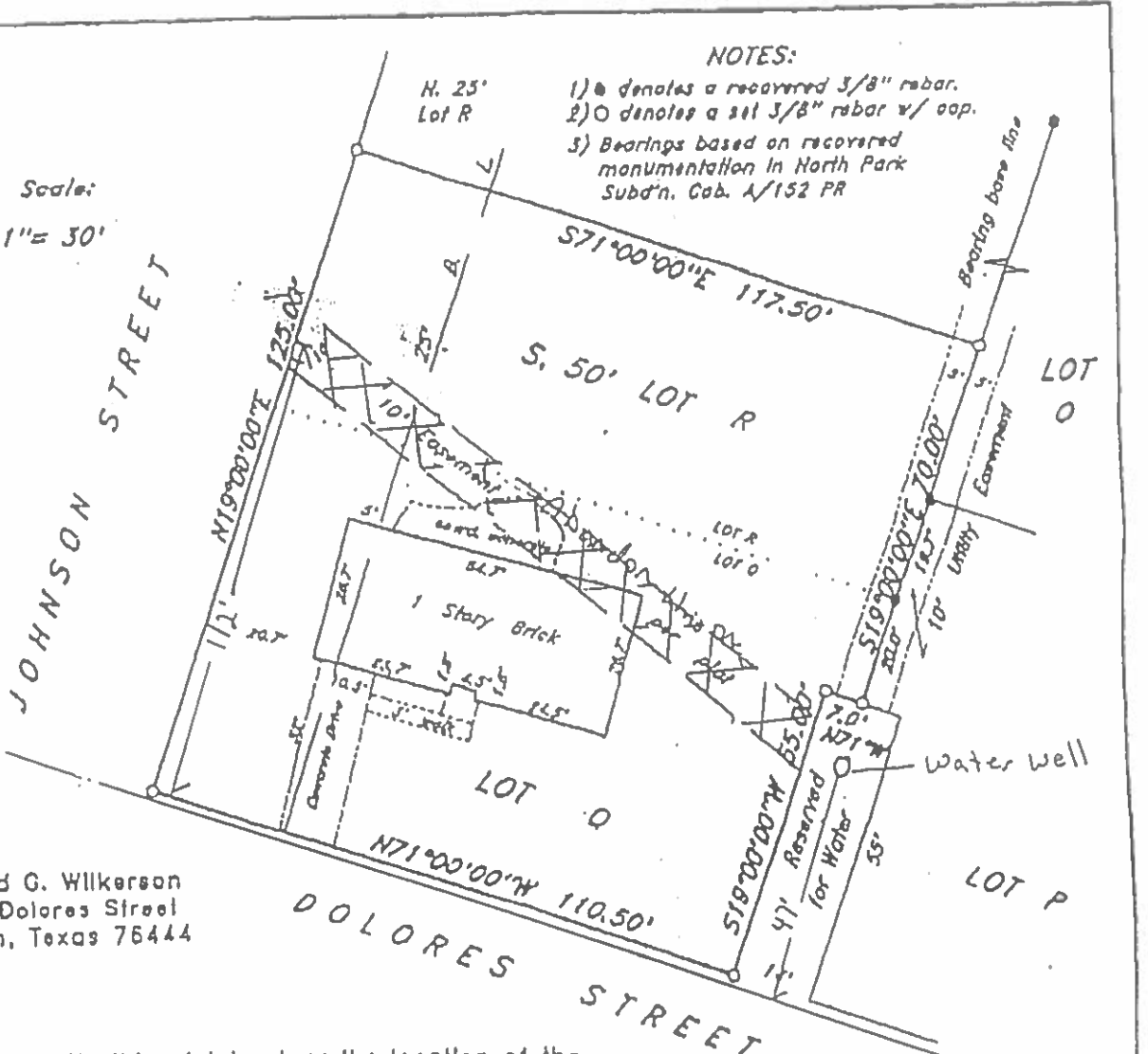

Regenia Sadberry, City Secretary


Norma Jo Locke, Mayor

NOTES:

- 1) ● denotes a recovered 3/8" rebar.
- 2) ○ denotes a set 3/8" rebar w/ cap.
- 3) Bearings based on recovered monumentation in North Park Subd'n. Cdb. A/152 PR

Scale:
1" = 30'



Ronald G. Wilkerson
226 Dolores Street
DeLeon, Texas 76444

I hereby certify this plat to show the location of the improvements situated upon Lot Q and the South 50 feet of Lot R, Block V, Central Addition to the City of DeLeon, Comanche County, Texas, according to plat recorded in Volume 2, Page 37, Plat Records, Comanche County, Texas and that all visible protrusions and overlapping of improvements are as shown.

This property does not lie in the flood zone according to FIRM, Community-Panel No. 480152 01 B.

Surveyed on the ground February 22, 1999.

H. A. A. S.
HAAS & ASSOCIATES SURVEYING
P.O. Box 1489, Abilene, Texas 79604-1489
PH. 816-687-2129 FAX 816-637-2130
Doc No. 229-10 File No. 299-06

Rex D. Haas
Registered Professional
Land Surveyor
No. 4378

EXHIBIT
A