

ORDINANCE NO. 007-99

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, CLOSING, VACATING AND ABANDONING A PORTION OF ALLEYWAY IN BLOCK 15 OF THE ORIGINAL ADDITION TO THE CITY OF DE LEON; PROVIDING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH ABANDONED ALLEY RIGHT-OF-WAY BY SPECIAL WARRANTY DEED; AND PROVIDING A SEVERABILITY CLAUSE AND OPEN MEETING CLAUSE.

WHEREAS, a twenty feet (20') wide, more or less, alley ("Alley") exists between and parallel to Holland Street and Johnson Street, beginning at the most northerly right-of-way of Bivar Street and running south from Bivar Street, and such alley is surplus and not necessary for use by the City as an alley or street;

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

WHEREAS, that part of the Alley described above is not necessary for the purpose of serving the general public or the landowners adjacent thereto as an alley or street;

WHEREAS, the City has established the fair market value of the above described right-of-way as being \$.1521 per square foot;

WHEREAS, Chapt. 272, *Tex. Loc. Gov't. Code*, authorizes political subdivisions to sell and convey streets and alleys to abutting owners at an appraised fair market value;

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

Section 1. Findings. 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 of De Leon, Texas.

Section 2. Alleyway. The Alley beginning on the most northerly right-of-way of Bivar Street, between and parallel to Holland Street and Johnson Street, running 115 feet due south from Bivar Street between lots 8 and 9 and lots 6 and 7 of Block 15 of the Original Addition of De Leon, in Comanche County, Texas per plat of records of said County and State, and ending at the point parallel to the most southerly boundary of lots 9 and 6 of Block 15 of the Original Addition of the City of De Leon, in Comanche County, Texas as more particularly shown in 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. Consideration. The Mayor and the City Secretary be and are hereby authorized, empowered, instructed and directed to execute special warranty deeds conveying the rights and interests of the City in the above described abandoned and vacated portion of the above described alley attached to the abutting property owners in proportion to their ownership, unless waiver or assignment of rights are filed by the abutting owner to any portion of said right; provided that the purchase price to be paid for such property shall be \$.1521 per square foot of such tract of alleyway. Upon the payment of the purchase price and the execution of such deed, such deed(s) shall be and become a valid and binding act and deed of the City of De Leon, Texas.

Section 4. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance 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. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 511, Tex. Gov't. Code.*

PASSED AND APPROVED on this the 8th day June 1999.

THE CITY OF DE LEON, TEXAS


Norma Jo Locke, Mayor

Attest:


Regenia Sadberry, City Secretary

