

ORDINANCE NO. 006-98

AN ORDINANCE CLOSING, VACATING AND ABANDONING A TWENTY EIGHT FOOT WIDE, MORE OR LESS, STRIP OF RIGHT-OF-WAY ON THE SOUTH SIDE OF DOLORES STREET BETWEEN JOHNSON STREET AND FANNIN STREET; PROVIDING FINDINGS OF FACT; AUTHORIZING AND DIRECTING CONVEYANCE OF SUCH ABANDONED STREET RIGHT-OF-WAY BY SPECIAL WARRANTY DEEDS FOR THE APPRAISED AMOUNT; PROVIDING FOR RETAINING AN EASEMENT FOR UTILITIES; AND PROVIDING A SEVERABILITY CLAUSE AND AN OPEN MEETING CLAUSE.

WHEREAS, twenty eight feet (28'), more or less, of right-of-way ("ROW") exists on the south side of Dolores Street, from the intersection of Dolores Street and Johnson Street to the intersection of Dolores Street and Fannin Street, is outside the travel lanes of Dolores Street, and such ROW is surplus and not necessary for use by the city as street ROW;

WHEREAS, it has been requested that a portion of the ROW on the south side of Dolores Street, from Johnson Street to Fannin Street, be closed, vacated and abandoned by the City of De Leon, Texas (the "City");

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

WHEREAS, the City has obtained an appraisal establishing the fair market value of the above described right-of-way as being \$1.00 per front foot on Dolores Street; and

WHEREAS, Chapt. 272, Tex. Loc. Gov't. Code, authorizes political subdivisions to sell and convey streets 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. 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 most southerly twenty eight (28') feet, more or less, of the right-of-way of Dolores Street extending from Johnson Street to Fannin Street, 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 special warranty deed conveying the rights

and interests of the City in the above described abandoned and vacated portion of Dolores Street to the abutting property owners in proportion to their ownership; provided that such special warranty deed shall retain to the city a utility easement over the entirety of such conveyed parcels; and provided further that the purchase price to be paid for such property shall be \$1.00 per running foot of frontage of such tract on Dolores Street, i.e., as an example, a person owning a lot that abuts such vacated tract for a distance of 100 feet may purchase such abutting twenty eight foot (28') strip for the sum of \$100.00. 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. In the event the City or any utility company shall hereafter excavate on the easement retained, 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 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.

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 23rd day of June 1998.

THE CITY OF DE LEON, TEXAS



Norma Jo Locke, Mayor

Attest:



Regenia Sadberry, City Secretary