

ORDINANCE NO. 2007-O-11 A

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, ABANDONING A 60' DEDICATED STREET RIGHT-OF-WAY LOCATED NEAR ANCHOR ROAD AND ADJACENT TO THE FORMER MISSOURI PACIFIC RAILROAD, FORMERLY KNOWN AS THE VELASCO TERMINAL RAILROAD, ADJACENT TO THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING CONDITIONS AND REQUIRING DRAINAGE AND UTILITY EASEMENTS TO THE CITY PRIOR TO ABANDONMENT BECOMING FINAL; PROVIDING A SEVERANCE CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, notice has been given and a public hearing held in accordance with law; the City Council finds that this Ordinance is in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, DULY ASSEMBLED:

SECTION 1. Upon completion of the conditions set forth below, the City of Angleton, Texas, hereby abandons, releases, and discharges the following 60 foot right-of-way easement:

SEE ATTACHED EXHIBIT A, METES AND BOUNDS DESCRIPTION, INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, AND ATTACHED EXHIBIT B, A SURVEY INDICATING THE ABANDONED STREET, INCORPORATED HERIN FOR ALL PURPOSES

SECTION 2. This abandonment shall not be effective until the City receives from the owners of the underlying fee estate on each side of said street right of way, an acceptable drainage and utility easement along said abandoned street right-of-way from the grantee **and** adequate consideration as set forth more in detail in Section 3, which is the appraised value of said land. The City will execute for filing a quitclaim deed to evidence all conditions have been met to complete this road abandonment and transfer of ownership of said property. Said owners shall be responsible for any filing fees involved in recording this abandonment of a public street and the deed from the city to the owners.

SECTION 3. That Terry Novak, Lorrie Novak, Nicholas Kieth and Torie Kieth, are the owners of the property on each side of the proposed abandoned 60' platted road, and according to the attached exhibits, will be purchasing 0.33 acres from the city as a result of this road abandonment. The consideration to be paid by Terry Novak, Lorrie Novak, Nicholas Kieth and Torie Kieth to the City prior to the execution of the quitclaim deed from the city is \$_____. This sum shall be paid to the city within 30 days of the passage of this ordinance or this abandonment as to that .33 acre tract shall be null and void.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 5. If any section or part of this Ordinance is unconstitutional, illegal, or invalid, then such unconstitutionality, illegality, or invalidity of such section or part shall in no way effect, impair, or invalidate the remaining portion thereof, but such remaining portion shall remain in full force and effect.

SECTION 6. This ordinance shall be effective from and after its passage and adoption, subject to the performance of the conditions set out in Section 2 above.

PASSED AND ADOPTED, this 27th day of November, 2007.

J. PATRICK HENRY, MAYOR

ATTEST:

AMANDA DAVENPORT, CITY SECRETARY

APPROVED AS TO FORM:

KEITH VAUGHAN, CITY ATTORNEY