

ORDINANCE NO. 1860

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, VACATING AND ABANDONING A STREET IN J.W. CUDE SURVEY, CITY OF TERRELL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

WHEREAS, a petition signed by adjacent property owners, requesting that a portion of Artesia Street be closed to public use and abandoned, has been filed with the City for consideration; and

WHEREAS, this body has following proper notice to the public and adjacent property owners, conducted a public hearing on the matter, heard testimony concerning the request, and determined that a public need for the subject street no longer exists, and that its vacation would be to the public benefit in general;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Terrell, Texas:

THAT the portion of Artesia Street situated in the J.W. Cude survey, Abstract No. 90, within the corporate limits of the City of Terrell, Kaufman County, Texas, and lying between the South line of Nash Street and the North line of U.S. Hwy 80 (Moore Ave.) less save and except those two 15 foot wide parcels previously conveyed per Quit Claim Deeds as recorded in Volume 167, Page 763, and Volume 938, Page 191, of the Deed Records of Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast corner of Block 130 of the Moore and Nash Addition to the City of Terrell, Texas;

THENCE in an Easterly direction, parallel to the centerline of Nash Street, a distance of 65 feet to the Northwest corner of that 15 foot wide tract described in Volume 617, Page 763, of said Deed Records;

THENCE in a Southerly direction, parallel to the East lines of Blocks 130 and 131 of said Moore and Nash addition, a distance of 145 feet to the North line of Moore Ave.;

THENCE in a Westerly direction, parallel to the center line of Moore Ave., a distance of 65 feet to the Southeast corner of Block 130 of the Moore and Nash addition;

THENCE in a Northerly direction with the East line of said Block 130, a distance of 145 feet to the Point of Beginning and containing 0.216 of an acre, more or less;

BE and is hereby closed and abandoned.

ARTICLE II

THAT all Ordinances of the City of Terrell, Texas, in conflict with the provisions of this Ordinance be, and same are, hereby repealed.

ARTICLE III

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

ARTICLE IV

This ordinance will take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

PASSED AND APPROVE THIS 7TH DAY OF JANUARY, 1997.

PASSED AND ADOPTED THIS 21ST DAY OF JANUARY, 1997.

APPROVED:

Don L. Lindsey, Mayor

ATTEST:

Bobby Bishop, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney