

**ORDINANCE NO. 1878**

**AN ORDINANCE VACATING AND ABANDONING A CERTAIN ALLEY EASEMENT AND RIGHT OF WAY IN BLOCK 12 OF THE ORIGINAL TOWN OF TERRELL ADDITION. CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; AND PROVIDING THAT IT SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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

**ARTICLE I.**

**WHEREAS**, the City Council of the City of Terrell has determined that there is no present or foreseeable need in the future for the use by the public of an approximate twenty (20) foot alley easement and right-of-way dedicated to the City of Terrell in Block 12, Original Town of Terrell Addition, Terrell, Kaufman County, Texas.

**THEREFORE**, in consideration of the foregoing, the City Council of the City of Terrell hereby vacates and abandons any interest the City might claim now or in the future in the alley easement and right-of-way being a two (2) alleys, 20 feet in width, within Block 12 of the Original Town of Terrell as shown and defined on the Plat of the Town of Terrell as recorded in Volume P, Page 580 and Volume Q, Page 10 of the Deed of Plat Records of Kaufman County, Texas, and being further described as (1) a twenty (20) foot wide alley extending East to West approximately 250 feet from the West line of Virginia Street to the East line of Adelaide Street and (2) a twenty (20) foot wide alley extending North to South approximately 150 feet from the South line of the herein above described alley to the North line of Cottage Street.

Said easements and right-of-way referenced above are hereby vacated and abandoned; and every claim, right or rights, either the City of Terrell, Texas, or the public generally has in and to said easements and rights-of-way are hereby released and relinquished forever, subject to the reservation set forth below; and whatever control, right of control, jurisdiction and dominion the City of Terrell has, either for itself or on behalf of the public generally, over the easements and rights-of-way is hereby abandoned so that the City of Terrell neither for itself nor on behalf of the public generally, shall hereafter have or assert any claim or right whatsoever to the same or any part thereof; **SUBJECT HOWEVER**, to the reservation by the City of Terrell of an easement for the maintenance of the public utility facilities located on said property vacated and abandoned. The City of Terrell reserves unto itself, its successors, assigns and franchised utility companies, for all times hereafter, an easement and right-of-way to repair and maintain the public utility facilities located on said property vacated and abandoned including, but not limited to, the right to enter upon the above described property for the purpose of maintenance and repair of said public utility facilities.

**ARTICLE II.**

If any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Terrell, Texas, hereby declares it would have enacted such remaining portions, despite such invalidity.

### **ARTICLE III.**

All ordinance or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**ARTICLE IV.**

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

**PASSED AND APPROVED THIS** 15th day of July, 1997.

**PASSED AND ADOPTED THIS** 5th day of August, 1997.

\_\_\_\_\_  
DON L. LINDSEY, MAYOR

ATTEST:

\_\_\_\_\_  
JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
MARY GAYLE RAMSEY, CITY ATTORNEY

COUNTY OF KAUFMAN

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
1997, by Don L. Lindsey.

\_\_\_\_\_  
Notary Public, State of Texas

## EXHIBIT "A"

Being 2 alleys, 20 feet in width, within Block 12 of the Original Town of Terrell as shown and defined on the Plat of Terrell as recorded in Volume P, Page 580 and Volume 1, Page 10 of the Deed or Plat Records of Kaufman County, Texas and being further described as (1) a 20 foot alley extending East to West approximately 250 feet from the West line of Virginia Street to the East line of Adelaide Street and (2) a 20 foot wide Alley extending North to South approximately 150 feet from the South line of the herein above described Alley to the North line of Cottage Street.