

**ORDINANCE NO. 1927**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, VACATING AND ABANDONING A PORTION OF ELM STREET RIGHT-OF-WAY BETWEEN ROCKWALL AND MORRIS, 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:**

**WHEREAS**, a petition, signed by adjacent property owners requesting the Elm Street right-of-way between Rockwall and Morris Streets be closed to public use and abandoned, has been filed with the City for consideration; and

**WHEREAS**, this body has determined that a public need for the subject right-of-way 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 Elm Street right-of-way between Rockwall and Morris Streets within the City of Terrell, Kaufman County, Texas, be and is hereby closed and abandoned:

SITUATED in Kaufman County, Texas, within the corporate limits of the City of Terrell, a part of the F. E. Houston Survey, Abstract No. 212, and being a portion of the right-of-way (R.O.W.) dedicated for public street purposes by the plat of Paschals Addition to said City, as recorded on 22 April 1890 in Vol. 51, Page 148, of the deed records of said County, and being more particularly described as follows:

BEGINNING at the Southeast corner of Block 165 of said Addition, said corner being the intersection of the North R.O.W. line of Elm Street with the West R.O.W. line of Morris (formerly, Medora) Street;

THENCE Southerly, with the said West line of Morris, a distance of 55 feet, more or less, to the Northeast corner of Block 164 of said Addition;

THENCE Westerly, with the South line of Elm St., the common North line of said Block 164, a distance of 190 feet, more or less, to corner in the Northwest line of the said Paschals Addition;

THENCE Northeasterly, with said line, a distance of 78 feet, more or less, to the West corner of the above said Block 165;

THENCE Easterly, with the North line of Elm St., the common South line of said Block 165, a distance of 145 feet, more or less, to the PLACE OF BEGINNING, and containing 0.2 acre, more or less.

(NOTE that all the above distances are based on scaling a reproduction of the original plat of Paschal's Addition. This was necessary because the plat provides no dimensions in the subject area.)

Said 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 right-of-way are hereby released and relinquished forever 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 right-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.

**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**

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

### **ARTICLE IV**

**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 V**

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 APPROVED THIS 19<sup>TH</sup> DAY OF MAY, 1998.**

**PASSED AND ADOPTED THIS 26<sup>TH</sup> DAY OF MAY, 1998.**

**APPROVED:**

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Henry C. Madgwick, Sr., Mayor

**ATTEST:**

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Jeanne Brooks, Assistant City Secretary

**APPROVED AS TO FORM:**

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Mary Gayle Ramsey, City Attorney