

ORDINANCE NO. 2149

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS
VACATING AND ABANDONING CERTAIN
RIGHT-OF-WAY LOCATED IN BLOCK NO. 324, REVISED
MAP, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS**

WHEREAS the property owner has requested that a portion of the public right-of-way located in Block 324 of the Revised Map of the City of Terrell, Kaufman County, Texas, be vacated; and

WHEREAS it appears that there is no present or foreseeable transportation requirement for that certain right-of-way and no public purpose for which said right-of-way is needed;

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

ARTICLE I.

THAT any interest the City of Terrell might claim, now or in the future, in the following described real property be vacated and abandoned:

Being all that tract or parcel of land situated in the F.E. Houston Survey, Abstract 212, and being in the corporate limits of the City of Terrell, Kaufman County, Texas, and lying in the westerly R.O.W. of Frances Street, South of the Southwest R.O.W. line of State Street and being more completely described as follows:

Commencing at the south corner of Block 324, Revised Map of Terrell, same being the south corner of an 0.752 acre tract described in deed, dated September 6, 1996, conveyed to Elizabeth Gilmore by James Bradley Nance, as recorded in Volume 1225, Page 948, of Deed Records of Kaufman County, Texas. Said corner also being the intersection of the Northeast line of Pecan Street and the West line of Frances Street. Thence N07°26'W with the West R.O.W line of Frances Street, same being the East line of Block 324 and the East line of the herein above described 0.752 acre tract, a distance of 39.6 feet to the POINT OF BEGINNING.

THENCE N07°26'E continuing with the West R.O.W. of Frances Street and the East line of said Block 324, a distance of 156.4 feet to a point in the Southwest R.O.W. of State Street, same being the Northeast corner of said Block 324;

THENCE S47°14'E with the said R.O.W. of State Street a distance of 83.2 feet to a point for corner;

THENCE S39° 29'W a distance of 127.8 feet to the Point of Beginning and containing 5310.3 square feet or 0.12 acre of land, more or less.

ARTICLE II.

THAT said right-of-way, as set forth above, save any exception noted, is hereby vacated and abandoned, and every claim, right or rights, either the City of Terrell or the public generally has in and to said right-of-way is hereby released and relinquished forever; and whatever control right of control, jurisdiction or dominion the City of Terrell has or may have had, either for itself or on behalf of the public generally, over the same as public 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 III.

THAT this ordinance shall be filed of record in the Real Property Records of Kaufman County;
and

THAT the Mayor is hereby authorized to execute a Special Warranty Deed on behalf of the City of Terrell to interests in any of the above described right-of-way upon the request of the property owner.

PASSED AND APPROVED on first reading this the 7th day of January, 2003.

PASSED AND ADOPTED on second reading this the 21st day of January, 2003.

Frances R. Anderson, Mayor

Attest:

John Rounsavall, City Secretary

Approved as to form:

Mary Gayle Ramsey, City Attorney