

ORDINANCE NO. 2491

AN ORDINANCE VACATING AND ABANDONING A CERTAIN UTILITY EASEMENT ON LOT 4, BLOCK 132 OF THE MOORE-NASH 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 fifteen feet (15') wide utility easement dedicated to the City of Terrell on Lot 4, Block 132, Moore-Nash 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 utility easement being fifteen feet (15') in width, within Lot 4, Block 132 of the Moore-Nash Addition as described in a deed to Obed Castillo as recorded in Volume 2639, Page 410 of the Deed Records of Kaufman County, Texas, and being further described as one (1) fifteen feet (15') wide utility easement extending North to South approximately 193 feet from the south line of Nash Street to the south property line of said Lot 4, Block 132, Moore-Nash Addition (see Exhibit "A").

Said utility easement 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, 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.

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 17th day of May, 2011.

PASSED AND ADOPTED THIS 7th day of June, 2011.

HAL RICHARDS, MAYOR

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY

EXHIBIT - A

NASH STREET (50')

