

ORDINANCE NO. _____

AN ORDINANCE MAKING CERTAIN FINDINGS OF FACT AND VACATING AND ABANDONING A 15' PUBLIC UTILITY EASEMENT, WHICH CROSSES AND LIES WITHIN LOTS 3 AND 4, BLOCK 1, UNIVERSITY PRESERVE SUBDIVISION IN THE CITY OF COLLEGE STATION, TEXAS.

WHEREAS, the City of College Station has received an application for the vacation and abandonment of a fifteen (15) foot wide public utility easement, which crosses and lies within Lots 3 and 4, Block 1, University Preserve Subdivision in the City of College Station, said easement being more particularly described on Exhibit "A" attached hereto; and

WHEREAS on March 11, 2004, the City Council of the City of College Station, Texas, heard the application of Switzer Deason, for the vacation and abandonment of the aforementioned fifteen (15) foot wide public utility easement that crosses and lies within Lots 3 and 4, Block 1, University Preserve Subdivision, according to a plat recorded in Volume 4958, Page 252, of the Official Records of Brazos County, Texas; and

WHEREAS, in order for any portion of an easement to be vacated and abandoned by the City Council of the City of College Station, the Council must make certain findings of facts; and

WHEREAS, after hearing the application of Switzer Deason to vacate and abandon the fifteen (15) foot wide public utility easement, the City Council of the City of College Station, finds the following facts:

1. The location of the utility easement crosses the applicant's property and inhibits its development.
2. The utility easement is no longer used by the City and there is no infrastructure in the easement.
3. That the land use in the neighborhood appears to be stable and the use to which this property is being put is not likely to change within the foreseeable future and is similar to the use to that of the neighborhood; and

WHEREAS, the City Council after hearing the application and finding the specific facts as stated above now concludes and finds that:

1. The fact that the location of the utility easement that crosses the applicant's property would deprive the applicant of the reasonable use of his property.
2. The fact that the land use is not likely to change within the foreseeable future provides a basis for granting applicant's request to vacate and abandon the utility easement necessary for the preservation and enjoyment of the substantial property right of the applicant.
3. The fact that the abandonment of a portion of the easement is not detrimental to the public health, safety or welfare or injurious to the property in the area; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, that a fifteen (15) foot wide public utility easement, which crosses and lies within Lots 3 and 4, Block 1, University Preserve Subdivision in the City of College Station, said easement being more particularly described on Exhibit "A" attached hereto, be abandoned and vacated.

PASSED, ADOPTED and APPROVED this 11th day of March, 2004.

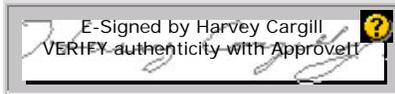
APPROVED:

Ron Silvia, Mayor

ATTEST:

CONNIE HOOKS, City Secretary

APPROVED:



City Attorney