

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE MAKING CERTAIN FINDINGS OF FACT AND VACATING AND ABANDONING A 20 FOOT WIDE PUBLIC UTILITY EASEMENT, THAT CROSSES AND LIES WITHIN LOT 2 OF THE REPUBLICBANK ADDITION, IN THE CITY OF COLLEGE STATION, TEXAS.

WHEREAS, the City of College Station has received an application for the vacation and abandonment of a 20 foot wide public utility easement, that crosses and lies within Lot 2 of the Republicbank Addition, in the City of College Station, said public utility easement being more particularly described on Exhibit "A" attached hereto; and

WHEREAS on April 29, 2004, the City Council of the City of College Station, Texas, heard the application of Mary Makins, Manager of Jane Street, Ltd., for the vacation and abandonment of the aforementioned of the 20 foot wide public utility easement that crosses and lies within Lot 2 of the Republicbank Addition, according to the plat recorded in Volume 980, Page 629, of the Official Records of Brazos County, Texas; and

WHEREAS, in order for 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 Mary Makins, Manager of Jane Street, Ltd., to vacate and abandon a 20 foot wide public utility easement, the City Council of the City of College Station, finds the following facts:

1. That the location of a 20 foot wide public utility easement crosses the property and inhibits its development by the owner.
2. That the public utility easement is being used by the City, Verizon Telephone Company and Cox Communications, Inc. and the existing sewer line and electric will be rerouted by the applicant. Cox Communications, Inc. and Verizon Telephone Company will reroute their utility.
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 20 foot wide public utility easement that crosses the applicant's property would deprive the owner of the reasonable use of the property for development purposes.
2. The fact that the applicant intends to relocate the existing sewer and electrical infrastructure to a replacement public utility easement.
2. The fact that the land use is not likely to change within the foreseeable future provides a basis for granting the applicant's request to vacate and

abandon the public utility easement necessary for the preservation and enjoyment of the substantial property right of the owner.

3. The fact that the abandonment of the easement is will not detrimental to the public health, safety or welfare or injurious to the property in the area once the rerouted utilities are relocated to a replacement easement and accepted by the City Engineer; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, that a 20 foot wide strip of land previously platted as a public utility easement, which crosses and lies within Lot 2 of the Republicbank Addition in the City of College Station, as described on Exhibit "A" attached hereto, be abandoned and vacated by the City only upon completion of the following conditions:

1. That the applicant relocate the rerouted sewer and electric infrastructure to a replacement public utility easement;
2. That the City Engineer approve the rerouted sewer and electric infrastructure; and
3. That the applicant dedicate to the City the replacement public utility easement either by replat or by separate instrument in compliance with the City's regulations;

Provided, however, that the City reserves all rights in the existing public utility easement until such time as the above conditions are met by the applicant and accepted by the City.

PASSED, ADOPTED and APPROVED this 29th day of April, 2004.

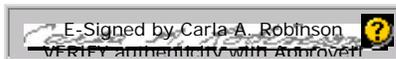
APPROVED:

RON SILVIA, Mayor

ATTEST:

CONNIE HOOKS, City Secretary

APPROVED:



CITY ATTORNEY