

ORDINANCE NO. _____

AN ORDINANCE MAKING CERTAIN FINDINGS OF FACT AND VACATING AND ABANDONING A PORTION OF A FIFTY FOOT (50') WIDE ACCESS EASEMENT, WHICH CROSSES AND LIES WITHIN SECTION 4, PHASE 2 OF THE CASTLEGATE 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 portion of a fifty foot (50') wide access easement, which crosses and lies within Section 4, Phase 2 of the Castlegate Subdivision, in the City of College Station, said portion of the access easement being more particularly described on Exhibit "A" attached hereto; and

WHEREAS on February 24, 2005, the City Council of the City of College Station, Texas, heard the application of Greens Prairie Investors, Ltd. for the vacation and abandonment of the aforementioned portion of the 50 foot wide access easement that crosses and lies within Section 4, Phase 2 of the Castlegate Subdivision, according to the plat recorded in Volume 4362, Pages 42 & 43, 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 Greens Prairie Investors, Ltd. to vacate and abandon a 50 foot wide access easement, the City Council of the City of College Station, finds the following facts:

1. The location of a fifty foot (50) wide access easement crosses the applicant's property and inhibits its development.
2. The easement has never been 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 fifty foot (50') wide access 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 a portion of an access 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 portion of a fifty foot (50') wide strip of land previously platted as an access easement, which crosses and lies within Section 4, Phase 2 of the Castlegate Subdivision in the City of College Station, as described on Exhibit "A" attached hereto, be abandoned and vacated.

PASSED, ADOPTED and APPROVED this 24th day of February, 2005.

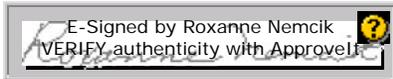
APPROVED:

RON SILVIA, Mayor

ATTEST:

CONNIE HOOKS, City Secretary

APPROVED:



City Attorney