

ORDINANCE NO. _____

AN ORDINANCE MAKING CERTAIN FINDINGS OF FACT AND VACATING AND ABANDONING A TEN (10) FOOT WIDE PUBLIC UTILITY EASEMENT, WHICH CROSSES AND LIES WITHIN LOT 3R, REPLAT OF LOTS 1 & 2 HENTON SUBDIVISION AND LOT 2, ONE LINCOLN PLACE IN THE CITY OF COLLEGE STATION, TEXAS.

WHEREAS, the City of College Station has received an application for the vacation and abandonment of a ten (10) foot wide public utility easement, which crosses and lies within LOT 3R, REPLAT OF LOTS 1 & 2 HENTON SUBDIVISION AND LOT 2, ONE LINCOLN PLACE in the City of College Station, said portion of the public utility 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 David Scarmardo for Sahara Realty Group, Ltd. for the vacation and abandonment of the aforementioned ten (10) foot wide public utility easement that crosses and lies within LOT 3R, REPLAT OF LOTS 1 & 2 HENTON SUBDIVISION (RECORDED IN VOLUME 2017, PAGE 239) AND LOT 2, ONE LINCOLN PLACE (RECORDED IN VOLUME 690, PAGE 175), according to the replat recorded in Volume 6347, Page 185, 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 David Scarmardo to vacate and abandon a ten (10) foot wide public utility easement, the City Council of the City of College Station, finds the following facts:

1. The location of a ten (10) foot wide public utility easement crosses the applicant's property and inhibits its development.
2. The 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 ten (10) foot wide public 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 a portion of the public 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 ten (10) foot wide strip of land previously platted as a public utility easement, which crosses and lies within LOT 3R, REPLAT OF LOTS 1 & 2 HENTON SUBDIVISION AND LOT 2, ONE LINCOLN PLACE, in the City of College Station, as described on Exhibit "A" attached hereto, be abandoned and vacated.

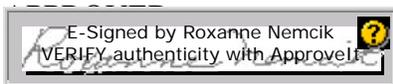
PASSED, ADOPTED and APPROVED this ____ day of _____, 2005.

APPROVED:

Ron Silvia, Mayor

ATTEST:

CONNIE HOOKS, City Secretary



City Attorney