

ORDINANCE NO. _____

AN ORDINANCE MAKING CERTAIN FINDINGS OF FACT AND VACATING AND ABANDONING THE EXISTING RIGHT-OF-WAY AND EASEMENTS LOCATED ON THE 29.51 ACRE TRACT AT 2710 HORSE HAVEN LANE IN COLLEGE STATION.

WHEREAS, the City of College Station has received an application for the vacation and abandonment of the existing right-of-way and easements, being more particularly described on Exhibits A.1 thru A.6 attached hereto;

WHEREAS on April 14, 2005, the City Council of the City of College Station, Texas, heard the application of Oakwood Custom Homes Group, Ltd, represented by Greg Taggart of Municipal Design Group, for the vacation and abandonment of the aforementioned existing right-of-way and easements, being more particularly described on Exhibits A.1 thru A.6 attached hereto; 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 Oakwood Custom Homes Group, Ltd to vacate and abandon these existing right-of-way and easements, the City Council of the City of College Station, finds the following facts:

1. The location of these existing right-of-way and easements is adjacent to the applicant's property and inhibits its development, because the owner is redeveloping the property into a single family residential development and the easements would render many of the proposed lots unbuildable.
2. Due to the proposed extension of Horse Haven Lane to the proposed Horseback Court the abandonment of the existing Horse Haven Lane turnaround represented in Exhibit A.1 and A.2 is necessary; and
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
5. A blanket easement has been previously dedicated for the entire 29.51 acre tract to enable the city to maintain its facilities in place and extend utilities to the property.

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 these existing right-of-way and easements are adjacent to 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 right of way and easements 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 right of way and easements 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, the vacation and abandonment of these existing right-of-way and easements, being more particularly described on Exhibits A.1 thru A.6 attached hereto, be abandoned and vacated only upon completion of the following conditions:

1. The pavement which exists as the turnaround for Horse Haven Lane, described in Exhibit A.1 and A.2, shall not be removed until construction begins on the extension of Horse Haven Lane to the proposed Horseback Court.

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

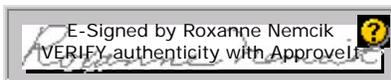
APPROVED:

RON SILVIA, Mayor

ATTEST:

CONNIE HOOKS, City Secretary

APPROVED:



City Attorney