

ORDINANCE NO. _____

AN ORDINANCE MAKING CERTAIN FINDINGS OF FACT AND VACATING AND ABANDONING A 0.583-ACRE PORTION OF THE SIXTY FOOT (60') WIDE RIGHT-OF-WAY OF RENEE LANE, IN THE CITY OF COLLEGE STATION, TEXAS.

WHEREAS, the City of College Station has received an application for the vacation and abandonment of a sixty foot (60') wide right-of-way, being more particularly described on Exhibit "A" attached hereto; and

WHEREAS on April 28, 2005, the City Council of the City of College Station, Texas, heard the application of Edelweiss Gartens Venture and Lick Creek Farm & Ranch Trust, both represented by Steve Arden for the vacation and abandonment of the aforementioned sixty foot (60') wide right-of-way according to the Final Plat of Bald Prairie Subdivision recorded in Volume 321, Page 571, 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 Steve Arden to vacate and abandon a sixty (60) foot wide right-of-way, the City Council of the City of College Station, finds the following facts:

1. The location of a sixty foot (60') wide right-of-way is adjacent to the applicant's property and inhibits its development. Steve Arden is the Managing Partner of Edelweiss Gartens Venture and has provided a Letter of Appointment from Lick Creek Farm & Ranch Trust authorizing Steve Arden as "Authorized Agent" to request, file and execute all applications and permits required and necessary thereto, including incorporating the development of the Real Property into Plats and Re-Plats of any adjacent subdivisions; and
2. There is no utility infrastructure in the right-of-way; and
3. The section of roadway to be abandoned does not provide public access to any other properties; 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;

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 sixty foot (60') wide right-of-way is adjacent to the applicant's property would deprive the applicant of the reasonable use of his property because this abandonment would enable an improved street layout with increased connectivity for the remainder of Renee Lane.
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 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 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 sixty foot (60') wide strip of land previously platted as a public right-of-way, which was dedicated in Final Plat of Bald Prairie Subdivision recorded in Volume 321, Page 571 in the City of College Station, as described on Exhibit "A" attached hereto, be abandoned and vacated only upon completion of the following condition:

- 1. Applicant shall design and construct a cul-de-sac located at the new terminus of Renee Lane meeting all applicable City standards within six (6) months of the abandonment. If said improvements are not completed within six (6) months, the abandonment shall be null and void and have no further force or effect;

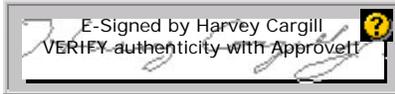
PASSED, ADOPTED and APPROVED this _____ day of _____, 2005.

APPROVED:

 RON SILVIA, Mayor

ATTEST:

 CONNIE HOOKS, City Secretary



 City Attorney