

ORDINANCE NO. _____

AN ORDINANCE MAKING CERTAIN FINDINGS OF FACT AND VACATING AND ABANDONING A PORTION OF THE SIXTY FOOT (60') WIDE LUTHER STREET WEST RIGHT-OF-WAY IN THE CITY OF COLLEGE STATION, TEXAS, FOR ROADWAY PURPOSES BUT RETAINING A PUBLIC UTILITY EASEMENT IN THE SAME AREA.

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 in Exhibit "A" attached hereto; and

WHEREAS on May 26, 2005, the City Council of the City of College Station, Texas, heard the application of Callaway Development Corporation and Coca-Cola Enterprises, Inc. for the vacation and abandonment of a portion of Luther Street West; and

WHEREAS, in order for any portion of a Right-of-Way 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 Callaway Development Corporation and Coca-Cola Enterprises, Inc. to vacate and abandon a portion of the 60 foot (60') wide right-of-way of Luther Street West, the City Council of the City of College Station, finds the following facts:

1. A portion of the Luther Street West right-of-way crosses the applicant's property and inhibits its development.
2. Utility infrastructure exists within the right-of-way and the City needs the area for public utilities.
3. The City does not need the area being abandoned for street/roadway purposes.

WHEREAS, the City Council after hearing the application and finding the specific facts as stated above now concludes and finds that:

1. The portion of the right-of-way described in Exhibit A crosses the applicant's property would deprive the applicant of the reasonable use of his property.
2. 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;
3. The City will retain a public utility easement in the area described in Exhibit A but abandon the use of the area as a road;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, the portion of Luther Street West right of way described in Exhibit A will be abandoned for roadway and transportation purposes but the City shall retain and easement in and does not abandon the use of the are described in Exhibit A as a public utility easement,

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PASSED, ADOPTED and APPROVED this 26th day of May, 2005.

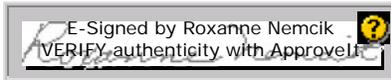
APPROVED:

RON SILVIA, Mayor

ATTEST:

CONNIE HOOKS, City Secretary

APPROVED:



City Attorney