

ORDINANCE NO. _____

AN ORDINANCE MAKING CERTAIN FINDINGS OF FACT AND VACATING AND ABANDONING A PORTION OF A TWENTY (20) FOOT WIDE SANITARY SEWER EASEMENT, WHICH CROSSES AND LIES WITHIN LOT 2, BLOCK 1, E&M JONES FARM 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 portion of a twenty (20) foot wide sanitary sewer easement, which crosses and lies within Lot 2, Block 1, E&M Jones Farm Place, in the City of College Station, said portion of the sanitary sewer easement being more particularly described on Exhibit "A" attached hereto; and

WHEREAS on August 8, 2005, the City Council of the City of College Station, Texas, heard the application of Jim Stewart for the vacation and abandonment of the aforementioned portion of the twenty (20) foot wide sanitary sewer easement that crosses and lies within Lot 2, Block 1, E&M Jones Farm Place, as described in Volume 479, Page 780, 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 Jim Stewart to vacate and abandon a twenty (20) foot wide sanitary sewer easement, the City Council of the City of College Station, finds the following facts:

1. The location of a twenty (20) foot wide sanitary sewer easement crosses the applicant's property and inhibits its development.
2. The existing sanitary sewer main has been relocated to another public utility easement and there is no other infrastructure in this portion of the easement to be abandoned.
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 twenty (20) foot wide sanitary sewer 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 a 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 portion of a twenty (20) foot wide strip of land previously dedicated as a sanitary sewer easement, which crosses and lies within Lot 2, Block 1, E&M Jones Farm Place, in the City of College Station, as described on Exhibit "A" attached hereto, be abandoned and vacated.

PASSED, ADOPTED and APPROVED this 8th day of August, 2005.

APPROVED:

Ron Silvia, Mayor

ATTEST:

CONNIE HOOKS, City Secretary

APPROVED:

E-Signed by Carla A. Robinson
VERIFY authenticity with Approver

City Attorney