

ORDINANCE NO. 20-K-35

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, CLOSING AND ABANDONING TO THE ABUTTING PROPERTY OWNERS A PORTION OF URBAN LANE RIGHT-OF-WAY BETWEEN LIVE OAK HILLS SUBDIVISION LOT 1, BLOCK 55 AND LIVE OAK HILLS SUBDIVISION LOT 18, BLOCK 54; AND ESTABLISHING AN EFFECTIVE DATE HEREOF

WHEREAS, the City of Schertz, Texas, a home rule municipality, has established a public right-of-way between Live Oak Hills Subdivision Lot 1, Block 55 (Guadalupe County Property ID: 32206) and Live Oak Hills Subdivision Lot 18, Block 54 (Guadalupe County Property ID: 32205) described in the Exhibit A attached herein (herein after, the “Subject Area”); and

WHEREAS, The Subject Area is located entirely within the Live Oak Hills Subdivision and is between Lot 1, Block 55 and Lot 18, Block 55; and

WHEREAS, as a result of the Live Oak Hills Subdivision being platted prior to being annexed into the City of Schertz the construction of Urban Lane did not occur; and

WHEREAS, the Subject Area is abutted to the north by platted right of way, and to the south by platted property as part of the Carolina Crossing Subdivision; and

WHEREAS, pursuant to Section 311.007 of the Texas Transportation Code, a home-rule municipality may vacate, abandon, or close a street or alley; and

WHEREAS, no detriment or hazard to the City of Schertz or its citizens has been found; and

WHEREAS, on November 10, 2020, a Public Hearing was held to allow members of the public to give testimony, and comment, on the merits of the Subject Area abandonment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:

Section 1. That the recitals contain in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgement and findings of the Council.

Section 2. That the City Council finds that such closure and abandonment as requested will cause no harm or injury to the City of Schertz or its citizens, said portion of right of way is not needed for public purpose and it is in the public interest to abandon said portion of right of way.

Section 3. That the Subject Area as depicted on Exhibit “A”, is hereby closed, abandoned and vacated insofar as the right, title or easement of the public is concerned and shall only extend to the public right, title and easement that the City may legally and lawfully abandon, subject to the conditions of Section 4.

Section 4. That the Subject Area is abandoned to the abutting owners, as authorized by Section 311.007 of the Texas Transportation Code and Section 272.001 (b)(2) of the Texas Local Government Code, conditioned upon the abutting property owners payment based on the appraised value of the property.

Section 5. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 8. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 9. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 10. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Approved on first reading the 10th day of November, 2020.

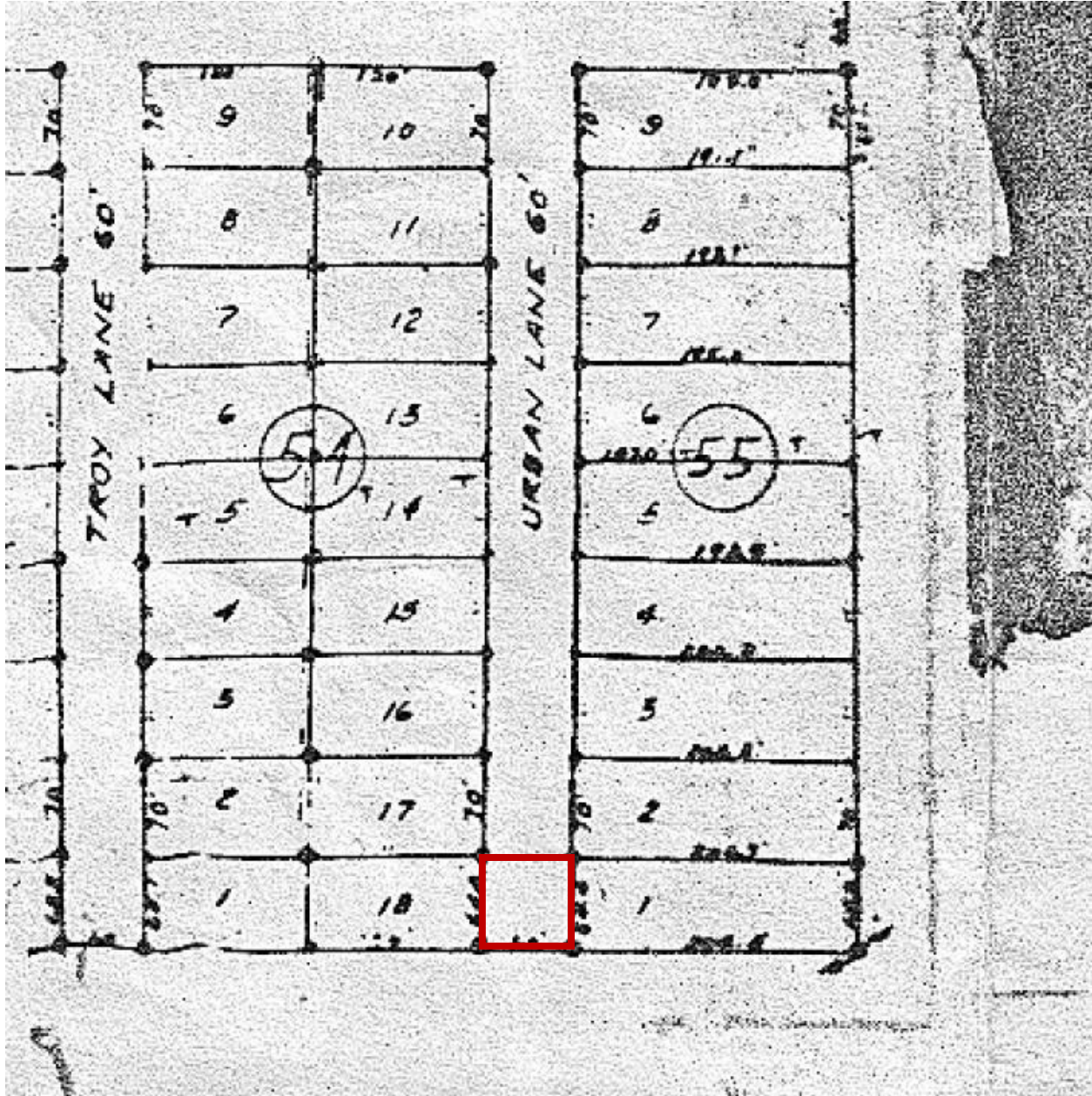
PASSED, APPROVED AND ADOPTED on final reading the 1st day of December, 2020.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary
(SEAL OF THE CITY)

Exhibit "A"
Subject Property



Area to be abandoned via Ordinance No. 20-K-35