

ORDINANCE NO. 24-S-162

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, CLOSING AND ABANDONING TO THE ABUTTING PROPERTY OWNERS A PORTION OF TROY LANE RIGHT-OF-WAY, FROM WIEDERSTEIN ROAD, NORTH TO THE END (APPROXIMATELY 600 FEET) AND A PORTION OF SHADY LANE RIGHT-OF-WAY FROM WIEDERSTEIN ROAD, NORTH TO THE END (APPROXIMATELY 600 FEET); AND ESTABLISHING AN EFFECTIVE DATE HEREOF

WHEREAS, the City of Schertz, Texas, a home rule municipality, has established a public Right-of-Way, Troy Lane from Wiederstein Road, north to the end (approximately 600 feet) and a portion of Shady Lane Right-of-Way from Wiederstein Road, north to the end (approximately 600 feet); 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

WHEREAS, The Subject Area is abutted to the north by platted property as part of the Harden Subdivision and to the south by platted Right-of-Way, more specifically Wiederstein Road; 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 October 22, 2024, 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 RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The recitals contained 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 judgment and findings of the City Council.

Section 2. That the City Council finds such closure and abandonment as requested will cause no harm or injury to the City 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) or the Texas Local Government Code condition upon The Subject Area being replatted into the property of the abutting property owners within 12 months. The replat must not create any non-conforming lots.

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 Council 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, Texas Government Code, as amended.

Section 9. This Ordinance shall be in force and effect from and after its final passage, and it is so resolved.

Approved on first reading, this _____ day of _____, 2024.

PASSED AND ADOPTED on final reading, this _____ day of _____, 2024.



CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

EXHIBIT A

-  - Fire Station #4 Site
-  - Rights-of-Way to be Abandoned

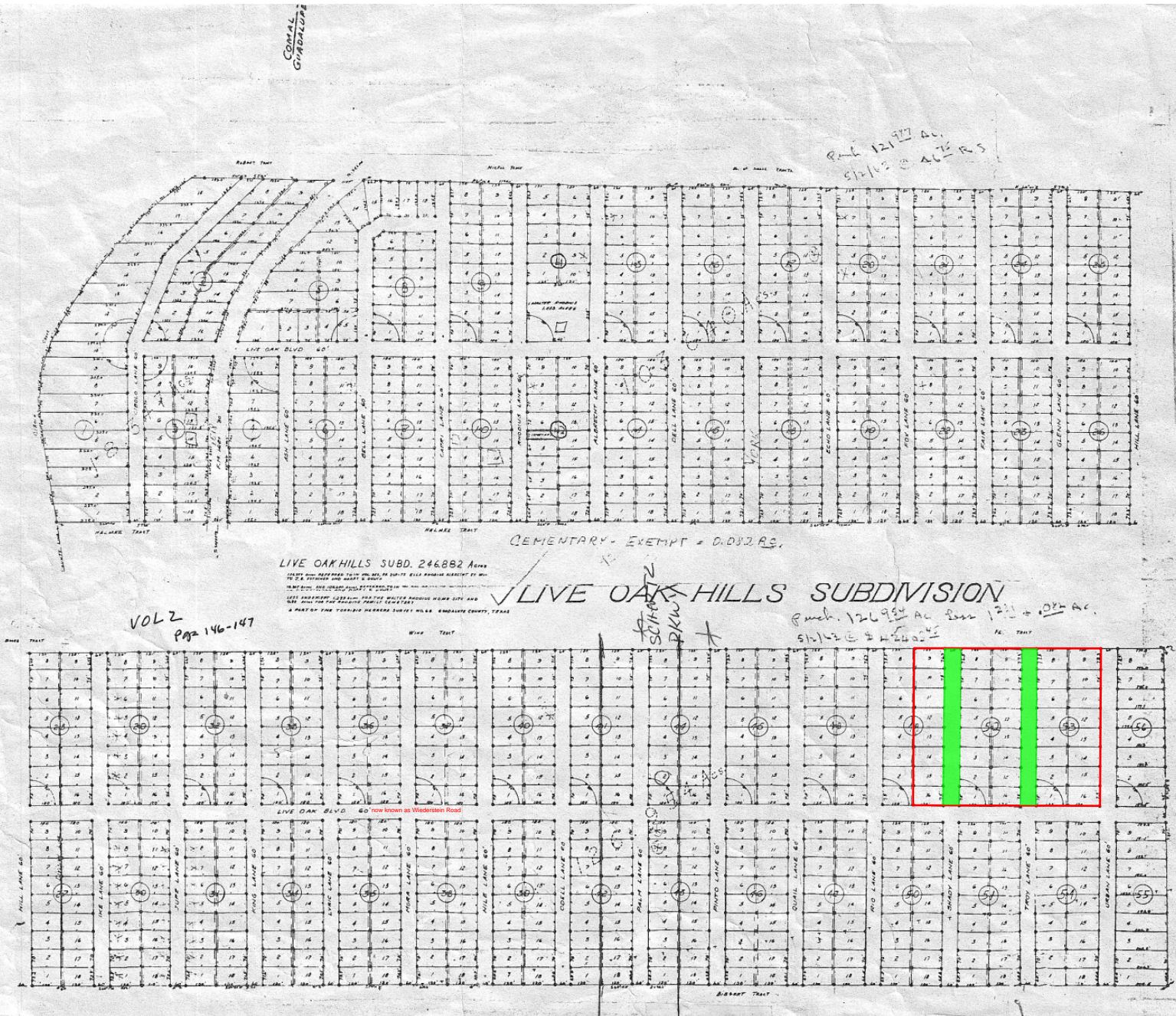




EXHIBIT A

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Portion of Live Oak Hills Subdivision Plat

