

**ORDINANCE NO. 1055-12-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HONDO TEXAS, AUTHORIZING THE VACATING AND ABANDONMENT OF A SEGMENT OF ALLEY THAT RUNS NORTH AND SOUTH BETWEEN AVENUE J AND AVENUE K IN THE CITY OF HONDO, MEDINA COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 127, OF THE PLAT RECORDS OF MEDINA COUNTY, TEXAS; RETAINING A GENERAL UTILITY EASEMENT; PROVIDING FOR TERMS AND CONDITIONS OF SUCH THEREOF; FINDING NO DUTY TO MAINTAIN; AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Hondo, Texas as a Home-Rule Municipality and operating under the laws of the State of Texas, has the authority under *Chapters 272, 282 and 253 of the Tex. Loc. Gov't Code*, as amended, to vacate and abandon and close municipal rights-of-way, streets or alleys, by ordinance, when such action is in the best interest of and serves the public purpose;

**WHEREAS**, Chapter 272, *Tex. Loc. Gov't Code*, authorizes political subdivisions to sell and convey rights-of-way to one or more abutting property owners;

**WHEREAS**, a twenty (20) foot wide alley and utility easement running north and south between Avenue J and Avenue K within Block 29 in the City of Hondo appears from existing deed records to previously have been dedicated to the City of Hondo;

**WHEREAS**, the City of Hondo has received a request in accordance with Section 1.07.032 of the City of Hondo Code of Ordinances from St. John the Evangelist Catholic Church, an abutting property owner, to consider the vacating and abandonment of a 20' x 150' segment of said alley encompassing approximately 3,008 square feet, as outlined in the Plat attached hereto as **Exhibit "A"**;

**WHEREAS**, St. John the Evangelist Catholic Church has received written approval from the abutting property owners of Lots 15, 16, 17 and 18 of Block 29 for the church to purchase the segment of alley adjacent to their property pursuant to Section 1.07.032 of the City of Hondo Code of Ordinances;

**WHEREAS**, to the extent that the City's intersecting alley as described in **Exhibit "A"** is abutting the segment of alley to be abandoned, the City as an abutting property owner, hereby approves the purchase of said segment of alley abutting the City's property pursuant to Section 1.07.032 of the City of Hondo Code of Ordinances;

**WHEREAS**, upon considering the request and additional information pertaining to the request, the City Council now finds that the utilities existing, or that will exist in the future, in the segment of the alley to be purchased will be sufficiently protected by being placed into easements provided to the City of Hondo;

**WHEREAS**, the abandonment and vacating of said segment of alley will not affect the traffic flow or pattern in the area, and the City Council finds that it is in the best interest of the City to abandon, vacate and close said segment of alley for public use;

**WHEREAS**, the City has established the fair market value of the above described segment of alley right-of-way as being \$0.10 per square foot; and

**WHEREAS**, the City Council of the City of Hondo, Texas, finds and declares that it is in the best interest of all of the citizens of the City of Hondo, Texas, that said segment of alley be vacated and closed and abandoned, in favor of the request of the abutting property owner, St. John the Evangelist Catholic Church, and that said abutting property owner be responsible for any applicable surveying, deeds and recording costs to transfer the property to St. John the Evangelist Catholic Church.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS THAT:**

**Section 1.** The foregoing recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of fact by the City Council of Hondo, Texas.

**Section 2.** That the following described segment of the alley, as shown on **Exhibit "A"**, attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned, save and except for any past, present, and future utility easements shown on **Exhibit "A"** or that will be granted by St. John the Evangelist Catholic Church to the City in which said easements shall be and remain with the City.

**Section 3.** That said portion of the alley is not needed for public roadway purposes and it is in the public interest of the City of Hondo to abandon said described portion of the alley for use as a road and roadway, but reserving the past, present and future utility easements for the City.

**Section 4.** That the City of Hondo shall not have the duty to maintain said tracts of land described in Section 2 of this Ordinance after abandonment.

**Section 5.** That the City Manager is hereby authorized and directed to convey by Quitclaim Deed the interest of the City of Hondo, Texas, in and to the said segment of the alley, except for any past, present, or future utility easement belonging to the City.

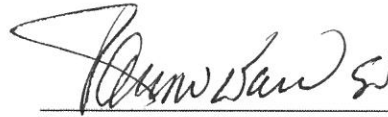
**Section 6.** That the abandonment provided for herein shall extend only to the public right and title in and to the tracts of land described in Section 2 of this Ordinance, and shall be construed only to that interest the governing body of the City of Hondo may legally and lawfully abandon.

**Section 7.** The consideration for said abandonment shall be deposited in the street maintenance fund of the City of Hondo as is required by provisions of the Local Government Code, Section 252.001, as amended.

**Section 8.** This ordinance shall take effect on December 8, 2014.

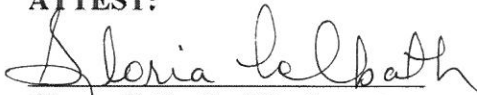
**Section 9.** Should any part of this Ordinance be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

**PASSED AND APPROVED THIS 8th DAY OF DECEMBER, 2014.**



**JAMES W. DANNER, SR., MAYOR**

**ATTEST:**



**Gloria Colbath, City Secretary**

