

ORDINANCE NO. 230711-01

ABANDONING OF EAST/WEST ALLEY IN BLOCK 30

AN ORDINANCE OF THE CITY OF BIG LAKE, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST IN AN ALLEY NOTED AS THE EAST/WEST ALLEY EASMENT, BLOCK 30, ORIGINAL TOWN OF BIG LAKE, REAGAN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE OFFICIAL PUBLIC RECORDS OF REAGAN COUNTY, TEXAS, AS A QUITCLAIM DEED; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY DOCUMENTS NECESSARY TO COMPLETE SAID ABANDONMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Big Lake, Texas, acting pursuant to State law and upon request of the abutting property owner, hereinafter referred to as Grantee, deems it advisable to abandon and quitclaim the hereinafter described Alley to Grantee, and is of the opinion and finds that said Alley is not needed for public use and should be abandoned and quitclaimed to Grantee, subject to the reservations and conditions of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG LAKE, TEXAS, THAT:

SECTION 1.0 The City of Big Lake, Texas, on behalf of the public, hereby abandons, vacates and quitclaims in favor of the abutting owner of the underlying fee simple title all of the City's right, title and interest, and to the Alley, together with all improvements constructed on the surfaces thereof, and together with all rights to lay, construct, maintain, repair, and remove telecommunication, electrical, water, gas, storm sewer and sanitary sewer lines and appurtenances in, above, over, and underneath the following described real property:

Being part of a tract of land situated in Reagan County, Texas, also referred to as the East/West Alley easement, located in Block 30, Original Town of Big Lake as recorded in the County Clerk Records, Reagan County, Texas, and being more particularly described and depicted in Exhibit "A" attached hereto and incorporated by reference (the "Alley").

SECTION 2.0 The abandonment and vacation of the Alley described and depicted in Exhibit "A" is subject to all and any existing easement rights of others, if any, whether apparent or nonapparent, aerial, surface, underground or otherwise owned by third-parties.

SECTION 3.0 The City Administrator is authorized and directed to prepare a certified copy of this ordinance and furnish the same to abutting property owners, and the recording of this abandonment ordinance in the Official Records of Reagan County, Texas, shall serve as the quitclaim deed of the City of Big Lake, Texas, of all the right, title or interest of the City of Big Lake, Texas, in and to said Alley described and depicted in Exhibit "A", subject to the limitations and reservations of this ordinance.

SECTION 4.0 The City Administrator is authorized to execute any documents necessary to complete the abandonment contemplated herein.

SECTION 5.0 This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

SECTION 6.0 Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

SECTION 7.0. Severability. It hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of the Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to the end the provisions of this Ordinance are declared to be severable.

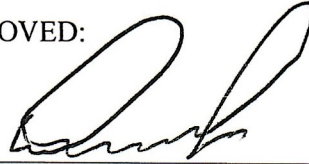
SECTION 8.0. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose and said meeting was given as required by the Open Meetings Act.

INTRODUCED AND APPROVED ON THE 20th DAY OF JUNE, 2023, AND;

PASSED AND ADOPTED ON THE 11 DAY OF JULY, 2023; by a vote of

5 (ayes) to 0 (nays) and 0 (abstentions) of the City Council of the City of Big Lake, Texas.

APPROVED:



David Melms
Mayor

DULY ENROLLED:



Sheri Benson
City Administrator

Exhibit A

