

ORDINANCE NO. 1204-07-19

AUTHORIZING THE VACATING AND ABANDONMENT OF A 20-FOOT WIDE ALLEY OWNED BY THE CITY OF HONDO AND LOCATED BETWEEN 16TH STREET AND 17TH STREET, AND BETWEEN AVENUE M AND AVENUE K; AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION REPLAT ABANDONING THE ALLEY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Hondo, Texas, as a city incorporated and operating under the laws of the State of Texas, has the authority under Chapters 282 and 253 of the Local Government 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, and

WHEREAS, the City of Hondo owns a 20-foot wide alley and public right of way that runs North and South between 16th Street and 17th Street, and lies East of Avenue M and West of Avenue K, dedicated to the City of Hondo in subdivision plat of record at Volume 1, Page 27, Deed Records, Medina County, Texas (the "Alley"); and

WHEREAS, the City of Hondo owns all of the lots abutting the Alley and in accordance with Section 1.2500 of the City Code of Ordinances wishes to replat the abutting lots and abandon the Alley; and

WHEREAS, upon considering the proposed abandonment and vacating of the Alley finds that the utilities existing, or that will exist in the future, in the area of the Alley and/or Public Rights-of-Way will be sufficiently protected by the proposed subdivision replat by being either relocated or placed into easements provided to the City of Hondo and that the utility companies serving the area including and surrounding the Alley and/or Public Rights-of-Way have determined that their utilities, if existing, will also be sufficiently protected by the same means; and

WHEREAS, the abandonment and vacating of said 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 Alley for public use, since it is not used for vehicular traffic; 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 Alley be vacated and closed and abandoned, in favor of the request of the abutting property owners, and they be responsible for any applicable surveying, deeds and recording costs to transfer the property to the abutting property owners, if any.

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

SECTION 1. The Alley as described in **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 easement shown on subdivision replat or that will be granted by the abutting property owners to the City, as listed in **Exhibit "B,"** shall be and remain with the City.

SECTION 2. 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 right-of-way for use as a road and roadway, but reserving the past, present and future utility easements for the City.

SECTION 3. The City Manager is hereby authorized to execute the subdivision replat included in **Exhibit "B"** vacating and abandoning the Alley, except that City retains an easement for any existing and future utilities located in the Alley, along with any past, present, or future utility easement belonging to the City.

SECTION 4. The abandonment provided for herein shall extend only to the public right and title in and to the tracts of land described in Section 1 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 5. The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them as findings of fact.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.


SECTION 8. The Ordinance shall be effective immediately following its passage and approval by council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS, THIS
22nd day of July, 2019.



JAMES W. DANNER, MAYOR

ATTEST:



Miguel Cantu
City Secretary



EXHIBIT "A"
Description of 20 ft.-Wide Alley

THE STATE OF TEXAS
COUNTY OF MEDINA

PREPARED FOR: The City of Hondo

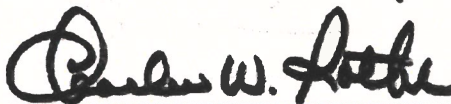
FIELD NOTES TO DESCRIBE

A survey of 0.138 acres (6000.00 Sq. Ft.) of land situated within the Corporate Limits of the City of Hondo, in Medina County, Texas, being all of that certain 20-foot-wide Alley lying within Block 9 of the Original Town of Hondo, as shown on a plat thereof recorded in Volume 1 on Page 27 of the Plat Records of Medina County, Texas, and being more particularly described by metes and bounds as follows:

- BEGINNING:** At the point-of-intersection of the South line of 16th Street (formerly Alexander Street) and the West line of said 20-foot-wide Alley for the Northeast corner of Lot 10, Block 9, and the Northwest corner of this survey;
- THENCE:** Along the South line of said 16th Street and across the North line of said 20-foot-wide Alley, N 86-23-56 E 20.00 feet to the Northwest corner of Lot 11, Block 9, and the Northeast corner of this survey;
- THENCE:** Along the East line of said 20-foot-wide Alley and the West lines of Lots 11-20, Block 9, S 03-36-04 E 300.00 feet to a point on the North line of 17th Street (formerly Courand Street) for the Southwest corner of said Lot 20 and the Southeast corner of this survey;
- THENCE:** Along the North line of said 17th Street and across the South line of said 20-foot-wide Alley, S 86-23-56 W 20.00 feet to the Southeast corner of Lot 1, Block 9, and the Southwest corner of this survey;
- THENCE:** Along the West line of said 20-foot-wide Alley and the East lines of Lots 1-10, Block 9, N 03-36-04 W 300.00 feet to the POINT OF BEGINNING.

The bearings are relative to Geodetic North WGS 84 as taken from GPS observations.

I certify that the foregoing field note description was prepared from an actual survey made on the ground under my supervision and that same is true and correct. Witness my hand and seal this the 16th day of July 2019.



Charles W. Rothe, R.P.L.S. No. 2453
1705 Avenue K, P.O. Box 426
Hondo, Texas 78861
Ph: 830-426-3005
Fax 830-426-8160
Email: cwrothe@rothe-inc.com

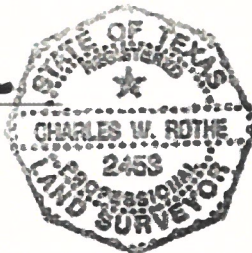


Exhibit "B"
Proposed Subdivision Replat Abandoning Alley

