

ORDINANCE NO. 1879

AN ORDINANCE VACATING AND ABANDONING A CERTAIN EASEMENT AND RIGHT OF WAY IN THE RANSOM SOWELL SURVEY, ABSTRACT NO. 443, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; AND PROVIDING THAT IT SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

ARTICLE I.

WHEREAS, the City Council of the City of Terrell has determined that there is no present or foreseeable need in the future for the use of an approximate forty (40) foot right-of-way dedicated to the City of Terrell through the Stewart-Campbell Addition, Ransom Sowell Survey, Abstract No. 443, Terrell, Kaufman County, Texas.

THEREFORE, in consideration of the foregoing, the City Council of the City of Terrell hereby vacates and abandons any interest the City might claim now or in the future in the forty (40) foot right-of-way dedicated to the City of Terrell in the Stewart-Campbell Addition, and being approximately 0.67 of an acre of land out of the Ransom Sowell Survey, Abstract No. 443, within the corporate limits of the City of Terrell, Kaufman County, Texas, and being shown as a 40 foot wide right-of-way Dedication on the Plat of the Stewart-Campbell Addition as filed for record in Plat Cabinet 1, Envelope 701 of the Plat Records of Kaufman County, Texas. Said 0.67 of an acre being more particularly described on Exhibit "A" attached and by reference made a part hereof for all purposes.

Said right-of-way referenced above is hereby vacated and abandoned; and every claim, right or rights, either the City of Terrell, Texas, or the public generally has in and to said right-of-way is hereby released and relinquished forever subject to the reservation set forth below; and whatever control, right of control, jurisdiction and dominion the City of Terrell has, either for itself or on behalf of the public generally, over the right-of-way is hereby vacated and abandoned so that the City of Terrell neither for itself nor on behalf of the public generally, shall hereafter have or assert any claim or right whatsoever to the same or any part thereof; **SUBJECT HOWEVER** to the reservation by the City of Terrell, an easement over, under, across and upon the above referenced 0.67 of an acre of land for the installation and maintenance of public utility facilities. The City of Terrell reserves unto itself, its successors, assigns, for all times hereafter an easement to repair and maintain the public utility facilities located on said property conveyed, including but not limited to, the right to enter upon the above described property for the purpose of installation, maintenance and repair of said public utility facilities.

ARTICLE II.

If any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Terrell, Texas, hereby declares it would have enacted such remaining portions, despite such invalidity.

ARTICLE III.

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

ARTICLE IV.

This ordinance will take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

PASSED AND APPROVED THIS 15th day of July, 1997.

PASSED AND ADOPTED THIS 5th day of August, 1997.

DON L. LINDSEY, MAYOR

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVE AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY

COUNTY OF KAUFMAN

This instrument was acknowledged before me this _____ day of _____, 1997, by Don L. Lindsey.

Notary Public, State of Texas

EXHIBIT A
ORDINANCE NO. 1879

Being 0.67 of an acre of land out of the Ransom Sowell Survey, Abstract No. 443, within the corporate limits of the City of Terrell, Kaufman County, Texas and being shown as a 40 foot wide right-of-way Dedication on the plat of the Stewart Campbell Addition as filed for record in Plat Cabinet 1, Envelope 701 of the Plat Records of Kaufman County, Texas. Said 0.67 of an acre being more particularly described as follows:

Beginning at the Southwest corner of the herein above described Stewart Campbell Addition at a point in the North or Northeast right-of-way line of Intersection Highway 20;

THENCE North 28 degrees 25' east with the West or Northwest line of said Stewart Campbell Addition, a distance of 714.83 feet to a point, being the most Southerly corner of a 100 foot wide right-of-way Dedication per the Plat of said Stewart Campbell Addition and being at a point in a nontangent curve to the left, having a radius of 1050.00 feet, a central angle of 3 degrees 00'05", and a chord that bears North 75 degrees 04'43" East 55.00 feet;

THENCE with said curve to the left, an arc distance of 55.00 feet to a point in the Northwest line of Lot 2 of said Stewart Campbell Addition;

THENCE North 63 degrees 28' West with said North of Northwest right-of-way line, a distance of 40.00 feet to the Point of Beginning and containing 0.67 of an acre of land, more or less.