

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE ABANDONMENT OF A PORTION OF FANNIDELLA DRIVE THAT IS APPROXIMATELY 0.0732 ACRES OF RIGHT OF WAY AND DESCRIBED AND DEPICTED ON EXHIBIT A; RETAINING ALL RIGHTS TO AND IN THE REMAINING PORTION OF ANY RIGHT OF WAY SHOWN ON THE ADMINISTRATIVE PLAT; PROVIDING FOR THE CONVEYANCE OF THE RIGHT OF WAY UPON DEDICATION OF RIGHT OF WAY FOR A HIKE-AND-BIKE TRAIL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (“City”) is the owner of certain right-of-way known as Fannidella Drive and being depicted in the public records of Dallas County by use and occupation is deemed right of way of the City;

WHEREAS, Fannidella Drive is listed as a collector roadway on the City’s Transportation Plan Map;

WHEREAS, Kirby Rice Ltd. (“Applicant”) with the consent of all other abutting property owners, has requested the City abandon a portion of Fannidella Drive (“ROW”), as further described and depicted on Exhibit “A,” attached hereto and incorporated for all purposes, in order to accomplish the plans set forth in the Applicant’s original submission to the City for the Applicant’s development;

WHEREAS, Section 272.001 of the Texas Local Government Code provides for the conveyance, sale, or exchange of a property interest by the City to an abutting property owner;

WHEREAS, Section 311.007 of the Texas Transportation Code provides a home-rule municipality authority to vacate, abandon, or close a street or alley;

WHEREAS, the applicable City departments have reviewed and approved the City’s abandonment of the ROW;

WHEREAS, an appraisal was completed determining the market value of the fee simple interest in the ROW;

WHEREAS, Applicant will dedicate a hike-and-bike trail on its property to the City as consideration of the market value of the abandoned ROW;

WHEREAS, the Applicant has also complied with all other requirements of the abandonment application;

WHEREAS, there shall no longer be a public necessity for the current ROW, and the current ROW should be abandoned as a public use; and

WHEREAS, this abandonment shall extend only to the public right of way, title and interest which the City of Carrollton, Texas may have in and to said right of way and to such interest that the governing body of the City of Carrollton may legally and lawfully abandon.

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

SECTION 1.

All of the above premises to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.

The ROW is no longer needed for public use, and it is in the public interest of the City of Carrollton to abandon the described ROW.

SECTION 3.

The City retains all rights in the remainder of the City's right of way that is not expressly abandoned herein, and nothing herein shall limit the City's rights and use of the public right of way.

SECTION 4.

The abandonment provided for herein is made and accepted subject to all present zoning and deed restrictions, and all easements, whether apparent or non-apparent, including aerial, surface, or underground.

SECTION 5.

The described ROW is hereby abandoned, and the City Manager is authorized to convey the property by Deed Without Warranty to the adjacent owner of the property upon the recording of the plat in the public records of Dallas County dedicating the hike-and-bike trail to the City of Carrollton.

SECTION 6.

The City Manager is authorized to take those steps reasonable and necessary to comply with the purpose and intent of this Ordinance, including, through a designee, executing all necessary documents for the abandonment in accordance with all applicable laws.

SECTION 7.

This Ordinance shall become effective on and after its adoption.

DULY PASSED AND APPROVED this the _____ day of _____, 20____.

CITY OF CARROLLTON, TEXAS

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

Approved as to form:

Approved as to content:

Meredith Ladd
City Attorney

Jonathan Wheat, P.E.
Director of Engineering