

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE ABANDONMENT AND VACATION OF A 20.00 FOOT PORTION OF AN ALLEY RECORDED BY PLAT IN DALLAS COUNTY OFFICIAL PUBLIC RECORD, INSTRUMENT # 201200174335 LOCATED BETWEEN LOT 1, BLOCK A AND LOT 2, BLOCK A OF THE CARROLLTON HEIGHTS, PHASE 2 ADDITION; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, the City of Carrollton is the owner of an easement for a 20.00 foot alley located between Lot 1 Block A (1211 Erie Street) and Lot 2 Block A (1205 Erie Street) of the Carrollton Heights, Phase 2 Addition, which alley is shown on Exhibit A, a replat showing such easement, attached hereto and incorporated for all purposes and filed of record in Dallas County Land Records under Document Number 201200174335 ("Alley");

WHEREAS, the Alley was originally dedicated to the City in 1908 along with the other streets of the Carrollton Heights Addition in Document Number 1-193 filed of record in the Dallas County Land Records and attached as Exhibit B;

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 property owner, Gary Sisco, has requested to have the Alley abandoned and is the sole owner on both sides of the Alley;

WHEREAS, the City of Carrollton has not developed the Alley by paving or locating any utilities in the Alley; and

WHEREAS, the City Council of the City of Carrollton has determined the Alley has not been developed by the paving or location of utilities, has never been utilized, and should be abandoned as a public use;

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

Section 1.

All of the above premises are found 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 Alley between Lot 1 Block A (1211 Erie Street) and Lot 2 Block A (1205 Erie Street), located in the Carrollton Heights, Phase 2 Addition in the City of Carrollton, more particularly described on the attached Exhibit A, is no longer needed for public use and is hereby abandoned and vacated in its entirety.

Section 3.

The City Manager or his designee is hereby authorized to execute all necessary documents for the abandonment and vacation of the Alley in accordance with all applicable laws.

Section 4.

The City retains all rights in the remaining streets and alleys dedicated to the City unless specifically abandoned or vacated by the City and nothing shall limit the use of the public Right of Way.

Section 5.

This Ordinance shall become effective on and after its adoption and publication.

DULY PASSED AND APPROVED this the 7th day of July, 2015.

CITY OF CARROLLTON, TEXAS

By: _____
Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson, City Secretary

Approved as to form:

Approved as to form:

Meredith Ladd, City Attorney

Cesar J. Molina., Jr., P.E.
Director of Engineering