

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE VACATION AND ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY FOR CARROLL AVENUE AND A PORTION OF AN ALLEY RIGHT-OF-WAY LOCATED BETWEEN MYERS DRIVE AND SOUTH MAIN STREET, SAID RIGHT-OF-WAYS BEING RECORDED IN DALLAS COUNTY OFFICIAL PUBLIC RECORDS BY PLAT THEREOF RECORDED IN VOLUME 274, PAGE 75 MAP RECORDS OF DALLAS COUNTY, TEXAS (M.R.D.C.T.) AND BY PLAT THEREOF RECORDED IN VOLUME 10, PAGE 221 (M.R.D.C.T); AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, property described and shown in Exhibit A represents City of Carrollton right-of-way for Carroll Avenue located between Myers Street and Main Street (“Street”) and situated in the D.C. Perry’s Addition of the William Larner Survey, Abstract Number 799, and filed of record in Map Records of Dallas County, Texas, Volume 274, Page 75, attached hereto as Exhibit C and in the Blanton Addition, of the William Larner Survey, Abstract Number 799, and filed of record in Map records of Dallas County, Texas, Volume 10, Page 221, attached hereto as Exhibit D;

**WHEREAS**, property described and shown in Exhibit B represents City of Carrollton right-of-way for an alley located south of Belt Line Road between Myers Street and Main Street (“Alley”) situated in the D.C. Perry’s Addition of the William Larner Survey, Abstract Number 799, and filed of record in Map Records of Dallas County, Texas, Volume 274, Page 75, attached hereto as Exhibit C;

**WHEREAS**, the City of Carrollton is the property owner on both sides of Carroll Avenue and has requested to have the Street abandoned;

**WHEREAS**, the City of Carrollton is the property owner of the Alley and has requested to have the Alley abandoned;

**WHEREAS**, Mohammad S. Walizada, Rona Walizada and Todd Bascou, ET UX (“Requestors”) are property owners located on the north side of the Alley, have also requested the abandonment of the alley, and descriptions of the portions to be abandoned to Requestors are attached hereto as Exhibits E and F (“North Alley”);

**WHEREAS**, Requestors have agreed to convey all easements, including utility easements, necessary to the City to be located in the North Alley, and said easements will be reserved in the conveyance deed to Requestors;

**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**, a development agreement has been executed between Trammel Crow and the City of Carrollton providing for compensation to the City for the right-of-way abandonments;

**WHEREAS**, the City shall no longer have any responsibility for any improvement or maintenance of the Street or Alley (collectively referred to as Right-of-Ways);

**WHEREAS**, all necessary easements including water and sanitary sewer easement in the Alley will be reserved upon the conveyance of the property to a new owner in order to maintain the existing water line and a new sanitary sewer line;

**WHEREAS**, this abandonment shall extend only to the title and interest which the City of Carrollton, Texas may have in and to the Right-of-Ways, and shall be construed to extend only to such interest that the governing body of the City of Carrollton may legally and lawfully abandon; and

**WHEREAS**, the City Council of the City of Carrollton has determined the Right-of-Ways are no longer needed as a public use, and should be abandoned.

**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 Right-of-Ways as shown and described in Exhibits A and B are no longer needed for public use and are hereby abandoned in their entirety. The City retains all rights in the remainder of any property, including right of way or easements not expressly abandoned herein.

**Section 3.**

The City Manager or his designee is hereby authorized to execute all necessary documents for the abandonment and conveyance of the Right-Of-Ways in accordance with the intent of this Ordinance and with all applicable laws.

**Section 4.**

If any section, sub-section, paragraph, clause, phrase, or provisions of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions hereof, other than the part so decided to be invalid or unconstitutional.

**Section 5.**

This ordinance shall become effective after its passage and approval by the City Council and its publication.

PASSED AND APPROVED this the \_\_\_ day of \_\_\_\_\_, 2017.

CITY OF CARROLLTON, TEXAS

By: \_\_\_\_\_  
Kevin Falconer, Mayor

ATTEST:

\_\_\_\_\_  
Laurie Garber, City Secretary

Approved as to form:

Approved as to content:

\_\_\_\_\_  
Susan Keller  
Assistant City Attorney

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