ORDINANCE NO. 17-100
(Corrected & Restated)

AN ORDINANCE RE-PLATTING A 0.783 ACRE TRACT OF LAND BEING LOTS 1-3, 23, AND A PORTION OF LOTS 4, 21, 22, & 24, BLOCK 1 AND THE RE-PLAT/ABANDONMENT/VACATION/CLOSURE OF 0.089 ACRES OF THE 20' ALLEY LOCATED BETWEEN LOTS 1-4 & 21-24, BLOCK 1, ROCKWOOD ADDITION TO THE CITY OF FORT STOCKTON, PECOS COUNTY, TEXAS, ALL OUT OF A 7.931 ACRE TRACT LOCATED IN FORT STOCKTON, PECOS COUNTY, TEXAS FOR THE CONSTRUCTION OF A *BUSH'S CHICKEN RESTAURANT* WHEREIN PROPERTY SHALL BE REFERRED TO AS THE "VRE FORT STOCKTON ADDITION." ADDITIONALLY, A SPECIFIC-USE PERMIT FOR A RESTAURANT DRIVE-THRU WINDOW IN A RETAIL (R) DISTRICT, AS REQUIRED BY THE CODE OF ORDINANCES OF THE CITY OF FORT STOCKTON.

WHEREAS, the City of Fort Stockton is an incorporated municipality operating under the general laws of this State; and

WHEREAS, V.T.C.A., Transportation Code Section §311.008 authorizes any such city or town to vacate, abandon or close any alley or street upon a petition of all of the abutting owners on said alley or street; and

WHEREAS, Fort Stockton Income Properties, LLC is the sole abutting property owner of that unimproved 0.089 Acres of a 20' alley located between Lots 1-4 & 21-24, Block 1, Rockwood Addition; &

WHEREAS, said owner has petitioned the City Council to Re-Plat/Abandon/Vacate/Close that portion of Alley; &

WHEREAS, the City of Fort Stockton, upon receipt of said petition on the **14th day of November, 2016** retained **Highland Realty,** a licensed appraiser in Pecos County, Texas, to provide a Comparative Market Analysis of 3,814.2 square foot alleyway of the City's interest in said alley, at the request & payment of **$750.00** from 2014 VRE, LLC (Fort Stockton Income Properties LLC) and said analysis reported to the City Secretary that the value of the City's interest in said portion of alley was **$8,105.18**; &

WHEREAS, 2014 VRE, LLC (Fort Stockton Income Properties LLC) has paid all costs incurred and has tendered a check payable to the City of Fort Stockton in the sum of **$8,515.18,** which includes **$410.00 for Administrative Fee/Related Costs**; &

WHEREAS, said City Council called a **Public Hearing** on the proposed Re-Plat of a 0.783 Acre Tract of Land being Lots 1-3, 23, and a Portion of Lots 4, 21, 22 & 24, Block 1 and the Re-Plat/Abandonment/Vacation/Closure of 0.089 Acres of the 20' Alley located between Lots 1-4 & 21-24, Block 1, Rockwood Addition to the City of Fort Stockton, Pecos County, Texas, All Out of a 7.931 Acre Tract located in Fort Stockton, Pecos County, Texas for the construction of a Bush's Chicken Restaurant. Additionally, a Specific-Use Permit for a Restaurant Drive-Thru Window in a Retail (R) District, as required by the Code of Ordinances of the City of Fort Stockton to be held in the Council Chamber at City Hall on the **23rd day of January, 2017**, of which due notice was given by publication one (1) time in the Fort Stockton Pioneer, a newspaper of general circulation in the city on the **5th day of January, 2017**, and said public hearing was held on the day stated in said notice; &

WHEREAS, said City Council finds and declares that it is in the best interest of all of the citizens of the City of Fort Stockton that said portion of alley be vacated, abandoned, and/or closed and re-platted.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT STOCKTON, TEXAS:

Section 1. A Re-Plat of a 0.783 Acre Tract of Land: Lots 1-3, 23, and a Portion of Lots 4, 21, 22, & 24, Block 1 and the Re-Plat/Abandonment/Vacation/Closure of 0.089 Acres of the 20' Alley located between Lots 1-4 & 21-24, Block 1, Rockwood Addition to the City of Fort Stockton, Pecos County, Texas, All Out of a 7.931 Acre Tract located in Fort Stockton, Pecos County, Texas for the construction of a Bush's Chicken Restaurant. Additionally, a Specific-Use Permit for a Restaurant Drive-Thru Window in a Retail (R) District, as required by the Code of Ordinances of the City of Fort Stockton, as shown on plat and more particularly described by

metes and bounds. A legal description and survey of the property is attached as **Exhibit "A."**

Section 2. Attached as **Exhibit "B"** to this ordinance is the application and petition by the landowner, **Fort Stockton Income Properties LLC**, requesting the Re-Plat/Abandonment/Vacation/Closure of 0.089 Acres of the 20' Alley located between Lots 1-4 & 21-24, Block 1, Rockwood Addition to the City of Fort Stockton, Pecos County, Texas, All Out of a 7.931 Acre Tract located in Fort Stockton, Pecos County, Texas.

Section 3. Said alley is not needed for public purposes and it is in the public interest of the City of Fort Stockton to Re-Plat/Abandon/Vacate/Close said described portion of alley. The Re-Plat/Abandonment /Vacation/Closure provided for herein shall extend only to the public right, title and easement in and to the tracts of lands described in this ordinance and shall be construed only to that interest the governing body of the City of Fort Stockton may legally and lawfully Re-Plat/Abandon/Vacate/Close.

Section 4. The City Manager of the City of Fort Stockton is hereby authorized and directed to convey by Quit Claim or Deed Without Warranty attached hereto as **Exhibit "C"** all of the interest of the City of Fort Stockton in and to the said portion of alley described in Section 1 of this ordinance save all present and future public utility easements to **Fort Stockton Income Properties LLC,** the owner of property abutting upon said portion of street as its respective interests may appear, upon payment. The consideration for said sale, heretofore received, shall be deposited in the **Street Maintenance Fund**, as required by Tex. Loc. Gov't Code §253.001.

Section 5. A Comparative Market Analysis which was completed on the 8th day of December, 2016 by Highland Realty for $750. The market value of said alley was determined to be $8,105.18 plus $410.00 in Administrative Fees/Related Costs was paid to the City of Fort Stockton.

PASSED, APPROVED, AND ADOPTED on first and final reading this 23rd day of January, 2017.

CITY OF FORT STOCKTON

Joe Chris Alexander, Mayor

Frank Rodriguez III, City Manager

Attest:

Delma A. Gonzalez, City Secretary

Approved As To Form & Legality:

Jesse Gonzales, Jr., City Attorney