

ORDINANCE NO. 15-104

AN ORDINANCE OF THE CITY OF FORT STOCKTON, PECOS COUNTY, TEXAS, CLOSING A 277.78' X 13.78' PUBLIC ALLEY EXTENDING IN A NORTHERLY TO SOUTHERLY DIRECTION LYING AND BEING SITUATED IN BLOCK 62, ORIENT ADDITION, AND BEING BOUNDED ON THE NORTH AND SOUTH BY FOURTH STREET AND FIFTH STREET AND THE EAST AND WEST BY BUTZ STREET AND FRONT STREET, CITY OF FORT STOCKTON, TEXAS.

THE STATE OF TEXAS §

COUNTY OF PECOS § KNOW ALL MEN BY THESE PRESENTS:

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 close any alley upon a petition of all of the abutting owners on said street or alley; and

WHEREAS, **Jeff Franklin** is the sole owner on both sides of that certain alley described as a 277.78' X 13.78' Public Alley Extending in a Northerly to Southerly Direction lying and being situated in Block 62, Orient Addition, and being bounded on the North and South by Fourth Street and Fifth Street and the East and West by Butz Street and Front Street, in said City, as more fully shown by the plat of record in Cabinet 1, Plat Records of County Clerk of Pecos County, Texas.

WHEREAS, the said owner has petitioned the City Council to close said alley; and

WHEREAS, the 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 alley be closed.

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

Section 1. All of that certain alley described as a 277.78' X 13.78' Public Alley Extending in a Northerly to Southerly Direction lying and being situated in Block 62, Orient Addition, and being bounded on the North and South by Fourth Street and Fifth Street and the East and West by Butz Street and Front Street, in the City of Fort Stockton, Texas, as more fully shown by the plat of record in Cabinet 1, Plat Records of County Clerk of Pecos County, Texas, is hereby closed. A survey of the alley to be closed is designated by the term "Alley" on the survey of Mr. Franklin's property attached hereto and incorporated herein as **Exhibit "A."**

Section 2. Attached as **Exhibit "B"** to this ordinance is the application and petition by the landowner requesting closure of said alley.

Section 3. A review has been made by the following City departments which have approved the City closure of this public right-of-way. Those departments include the: Department of Public Works, City Manager and any other City departments deemed necessary by the City Council.

Section 4. The owner of the property abutting the portion of the alley being closed, has conveyed easements to the City to cover any public utility lines which may already exist or that may hereafter be laid in the area in question in the future.

Section 5. Said portion of the alley is not needed for public purposes other than public utilities and it is in the public interest of the City of Fort Stockton to close said described portion of the alley. The closure provided for herein shall extend only to restrict public access to the public right-of-way in and to the tracts of lands described in this ordinance and shall be construed only to the extent the City may legally and lawfully close it. There is hereby retained in the right-of-way to be closed, all public rights of way and City easements, including but not

limited to a permanent easement for all public utilities and utility maintenance vehicles and equipment.

Section 6. The City Manager of the City of Fort Stockton is hereby authorized and directed to sign any documents necessary to complete the objectives of this Ordinance, saving all present and future public easements to the City.


It is the City's intention to merely close public access to the alley but not abandon its public easement in the alley and therefore the City is not selling any property interest to the abutting landowners.

APPROVED & ADOPTED on first and final reading this 8th day of June, 2015.

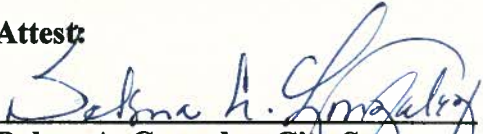
CITY OF FORT STOCKTON



Joe Chris Alexander, Mayor



Raul B. Rodriguez, City Manager

Attest:


Delma A. Gonzalez, City Secretary