

ORDINANCE NO. 106

Street Abandonment

AN ORDINANCE ABANDONING A PORTION OF THIRD STREET BETWEEN COMMERCE STREET AND TEXAS FARM-MARKET ROAD 1774, ALSO SOMETIMES KNOWN AS FRONT STREET AND MAGNOLIA BOULEVARD.

WHEREAS, the City has the power by virtue of Article 1016, Vernon's Texas Civil Statutes, to vacate, abandon and close a street or a portion thereof; and

WHEREAS, all owners of property abutting Third Street between Commerce Street and FM 1774 have petitioned the City to vacate, abandon or close that portion of Third Street; and

WHEREAS, the City Council finds that it is in the best interest of the citizens that this portion of Third Street be closed so that the Nichols-Sawmill Road may be extended; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

MAGNOLIA:

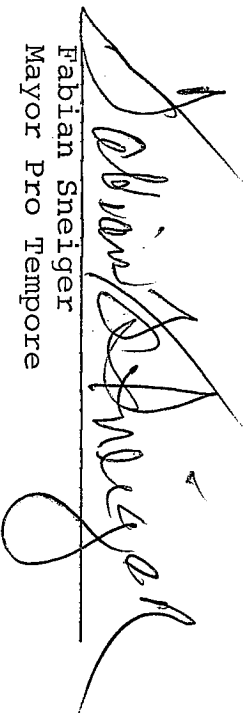
Section 1. That portion of Third Street between Commerce Street and FM 1774, all within the Melton Addition to the Town of Magnolia in the Gamble Dawson Survey, Abstract 177, Montgomery County, is hereby vacated, abandoned and closed.

Section 2. A right-of-way and easement for utilities, including electrical utility, is hereby reserved and retained along the northwest right-of-way line of Third Street between Commerce Street and FM 1774 extending ten (10) feet into Third Street at the surface and upward for sixteen (16) feet, then adding an additional eleven and one-half (11 1/2) feet of aerial easement, for a total aerial easement of twenty-one and one-half (21 1/2) feet, extending upward.

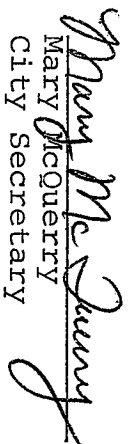
Section 3. This ordinance shall take effect upon acquisition of the right-of-way extension of Nichols-Sawmill Road through Block 8 of the Melton Addition, City of Magnolia, and at that time the Mayor or Mayor pro tempore is authorized

to execute and deliver quit claim deeds to that portion of  
Third Street vacated and abandoned by this ordinance.

PASSED and APPROVED on this 9th day of October,  
1984.

  
Fabian Sneliger  
Mayor Pro Tempore

Attest:

  
Mary McQuerry  
City Secretary

Approved as to form:

  
Burke Martin  
City Attorney