

ORDINANCE NO. 113

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; RESERVING AN ALLEY AND A RIGHT-OF-WAY OR EASEMENT FOR UTILITIES, AND PROVIDING FOR AN EFFECTIVE DATE.

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; and

WHEREAS, the City Council intended to reserve an alleyway across present Third Street; and

WHEREAS, Ordinance No. 106 has not yet become effective under its Section 3; 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, except as provided in the following sections.

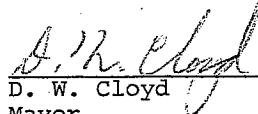
Section 2. A right-of-way and easement for utilities, including electrical utility, is hereby reserved and retained along the northwest right-of-way line of Third Street between Commerce Street and FM 1774 extending ten (10) feet into Third Street at the surface and upward for sixteen (16) feet, then 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. An alleyway 20 feet in width and 50 feet in length is hereby reserved unto the city and excepted from abandonment, the said reserved alleyway being an extension of the existing alleyway through Block 8 of the Melton Addition in the City of Magnolia, Montgomery County, Texas, and recorded in Volume 29, Page 75 of the Deed Records of Montgomery County.

Section 4. 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.

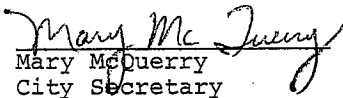
Section 5. Upon passage and approval of this ordinance, prior Ordinance No. 106 is repealed.

PASSED and APPROVED on this 26 day of February, 1985.




D. W. Cloyd
Mayor

Attest:



Mary McQuerry
City Secretary

Approved as to form:



Burke Martin
City Attorney