

ORDINANCE NO. O-2011-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING FOR THE ABANDONMENT, VACATION AND CLOSURE OF THE FOLLOWING STREET SEGMENTS, TO WIT: A PORTION OF CONNIE STREET DESCRIBED AS 0.33+/- ACRES, ARNOLD ESTATES, SECTION 1, C.T. /WARD SURVEY, A-612; PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT, VACATION AND CLOSURE; AND PROVIDING FOR THE CITY ADMINISTRATOR TO EXECUTE AND DELIVER A CERTIFICATE OF COMPLIANCE TO THE ABUTTING PROPERTY OWNER(S).

* * * * *

WHEREAS, the City Council of the City of Magnolia, Montgomery County, Texas, acting pursuant to law, deems it advisable to abandon, vacate and close the hereinafter described street segment and is of the opinion that said land is not needed for public use and therefore constitutes a public charge without corresponding benefit, and that same should be abandoned, vacated and closed as hereinafter provided; and

WHEREAS, the City Council of the City of Magnolia, Texas is of the opinion that the best interest and welfare of the public will be served by abandoning, vacating and closing same resulting in the vesting of title in the abutting property owner(s), subject to the conditions, requirements and restrictions contained herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS

1. That a portion of Connie Street, **that is not being used**, located in the City of Magnolia, Montgomery County, Texas, shall be and the same is hereby abandoned, vacated and closed insofar as the right, title and easement of the public is concerned; subject, however, to the conditions, requirements and restrictions hereinafter more fully set out and which street segment is described more particularly in attached Exhibit "A" which is incorporated herein for all purposes.
2. That the abandonment, vacation and closure provided for herein is made and accepted subject to all present plats and deed restrictions if the latter exist, and all easements, whether apparent or non-apparent, aerial, surface or underground.
3. That the abandonment, vacation and closure provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to that interest which the governing body for the City of Magnolia may legally and lawfully abandon, vacate and close.
4. That the City Administrator of the City of Magnolia is hereby authorized to execute and deliver a Certificate of Compliance to the abutting owner(s) upon completion of all conditions and requirements set forth in this Ordinance.
5. That the abutting property owner(s) shall pay all costs associated with procedures necessitated by the request to abandon this street segment, plus compensation for the fair market value of the abandoned property.

6. The abandonment, vacation and closure shall be effective upon abutting owner(s) satisfying all conditions and requirements set forth in this Ordinance as evidenced by a Certificate of Completion executed by the City Administrator.

APPROVED AND ADOPTED on this the 17th day of May, 2011.

THE CITY OF MAGNOLIA, TEXAS

By: Todd Kana
Todd Kana, Mayor

ATTEST:

Lynne George
Lynne George, TRMC, CPM, City Secretary

