

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING A PORTION OF SENTRY DRIVE SOUTH RIGHT-OF-WAY ALONG PROPOSED ANTLER DRIVE, DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD, TEXAS, TO EXECUTE A DEED WITHOUT WARRANTY RELEASING PUBLIC OWNERSHIP INTEREST OR CONTROL OF SAID RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Mansfield, Texas, after careful study and consideration, has determined that a certain portion of right-of-way of Sentry Drive South in the City of Mansfield, Johnson County, Texas, hereinafter more specifically described, is not being used by, nor useful or convenient to the public in general; therefore, it constitutes a public charge without a corresponding public benefit, and the public would be better served and benefited by its vacation and abandonment. Said right-of-way is described in Exhibit “A” and “B” attached hereto and made a part hereof for all purposes.

WHEREAS, in order to remove any question as to the continued interest or ownership of the public in said right-of-way, the City desires to execute a Deed Without Warranty releasing all title, ownership and control in said right-of-way to the owner or owners of the abutting property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1

The portion of the right-of-way, as described hereinabove, is not being used by, nor useful or convenient to the public in general. It constitutes a public charge without a corresponding benefit, and the public would be better served and benefited by its vacation and abandonment. Accordingly, the above described portion of the right-of-way in the City of Mansfield, Johnson County, Texas, is hereby vacated and abandoned as public property and such area so abandoned shall revert in fee simple to the owner of the abutting property.

SECTION 2

The Mayor of the City of Mansfield, Texas, is hereby authorized and empowered to execute a Deed Without Warranty releasing all claims to title, ownership, or control of the right-of-way described hereinabove, on behalf of the City of Mansfield, Texas.

SECTION 3

A copy of said Deed Without Warranty shall be presented for filing with the County Clerk of Johnson County, Texas by the office of the City Secretary.

SECTION 4

This Ordinance shall become effective immediately upon its passage as provided by law.

First reading approved on the _____ day of _____, 2017.

Second reading approved on the _____ day of _____, 2017.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2017.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney