

ORDINANCE NO. _____

AN ORDINANCE ABANDONING AND VACATING CERTAIN PORTIONS OF A 30 FOOT EASEMENT FOR RAILROAD SPUR ON PROPERTY OWNED BY THE CITY OF MANSFIELD AND IDENTIFIED AS LOT 1, BLK 50, HILLCREST ADDITION, NINTH INSTALLMENT, IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; DECLARING THAT SUCH EASEMENT IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THIS ORDINANCE TO BE FILED IN THE OFFICIAL PUBLIC DEED RECORDS OF TARRANT COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Mansfield, Texas (the “City”) is a home rule municipality 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 is the owner of certain real property described as being 43.910 acres of land located in the William C. Price Survey, Abstract No. 1240, and the D. McQueen Survey, Abstract No. 1025, Mansfield, Tarrant County, Texas, and incorporating a portion of Lot 1, Block 50, Hillcrest Addition, Ninth Installment, an addition to the City of Mansfield, Tarrant County, Texas (the “Property”); and,

WHEREAS, the plat for the Property, which was recorded in 1968, in Vol. 388-49, Pg. 11, P.R.T.C.T., dedicated to the public use certain portions of a 30 Foot Easement for Railroad Spur, certain portions of which are shown and specifically identified on the attached **Exhibit A**; and,

WHEREAS, such certain portions of 30 Foot Easement for Railroad Spur have never been used for any public or private railroad spur purposes and are not being used by, nor are they accessible, useful, or convenient to the public in general or to any railroad company for such purposes; therefore, the 30 Foot Easement for Railroad Spur constitutes a public charge without a corresponding public benefit, and City finds that the public would be better served and benefited by the abandonment of said 30 Foot Easement for Railroad Spur as specifically identified on the attached **Exhibit A**, which will also unencumber the Property for future development that will serve the public purposes of the City in the exercise of its governmental functions.

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

SECTION 1.

The recitals and findings above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

Certain portions of a 30 Foot Easement for Railroad Spur shown and specifically identified on the attached **Exhibit A**, are unnecessary for use by the public, and the same are hereby

ABANDONED AND VACATED for railroad spur purposes, insofar as all public use, right, title, and interest in and to the described easement are concerned; **SAVE AND EXCEPT**, this action does not obligate the City to remove, replace, or repair any public utilities currently existing in the portions of the easement being abandoned and vacated, and any such public utilities shall left in place by the City. Moreover, this action shall not affect the public use, right, title, and interest, if any, of any existing franchise utilities or other persons having authorized utility improvements currently located in the easement being abandoned and vacated by this Ordinance.

SECTION 3.

Upon execution of this Ordinance by the Mayor, the City Secretary of the City of Mansfield, Texas, shall file this Ordinance for recording in the Official Public Deed Records of Tarrant County, Texas.

SECTION 4.

The terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause or phrase of this Ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this Ordinance.

SECTION 5.

This ordinance shall take effect immediately from and after its passage upon reading and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 8TH DAY OF MAY, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bradley Anderle, City Attorney