

ORDINANCE NO. 2023-19

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS CLOSING, VACATING, AND ABANDONING THE ALLEY IN BLOCK 68 OF THE ORIGINAL TOWN OF BRECKENRIDGE; PROVIDING FOR CONVEYANCE OF SAID ABANDONED ALLEY PROPERTY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge (the “City”) is a home rule municipality operating under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code;

WHEREAS, Section 311.007 of the Texas Transportation Code provides that a home rule municipality may vacate, abandon, and close a street or alley, and Sections 253.001(a) and 272.001 of the Texas Local Government Code provide that a city may convey abandoned street or alley property to the adjacent property owners without complying with notice and bidding requirements;

WHEREAS, the City received a request from the owner of a majority of the property within Block 68 of the Original Town of Breckenridge to close the alley within Block 68 (the “Alley Property”), and the City has received consent of the remaining two (2) property owners for said closure; and

WHEREAS, the City Commission of the City of Breckenridge has determined that it would be to the public benefit to abandon, vacate, and close the Alley Property, that said land is not needed for public use and therefore constitutes a public charge without a corresponding public benefit, and that the Alley Property should be abandoned, vacated, and closed, and conveyed to the adjacent property owners as hereinafter provided.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

SECTION 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Findings. After due deliberations, the City Commission has concluded that the adoption of this Ordinance is in the best interest of the City of Breckenridge, Texas and of the public health, safety, and welfare.

SECTION 3. Alley Abandoned. The sixteen-foot-wide alley located within Block 68 of the Original Town of Breckenridge, Stephens County, Texas, as further described in the attached **Exhibit “A”**, is hereby closed, vacated, and abandoned.

SECTION 4. Fair Market Value. The City Commission finds that the alley was originally dedicated to the public at no cost to the City and any fair market value that the Alley Property may have is offset from the City’s release from the obligation to maintain the Alley Property.

SECTION 5. Retention of Easements. The City shall retain a utility easement within the Alley Property for itself and other authorized utility providers.

SECTION 6. Conveyance. The City Secretary is authorized and directed to prepare and record a copy of this Ordinance in the Real Property Records of Stephens County, Texas. The Mayor is hereby authorized and directed to convey by Deed Without Warranty, in “As Is” condition, all of the interest of the City in and to the Alley Property, to the property owners abutting said Alley Property, in proportion to their ownership interests.

SECTION 7. Savings/Repealing Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. Effective Date. This ordinance shall take effect upon its adoption.

DULY PASSED AND APPROVED by the City Commission of the City of Breckenridge, Texas, this the 7th day of November, 2023.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

EXHIBIT "A"

