

ORDINANCE NO. 2025-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS PROVIDING FOR THE ABANDONMENT, VACATION, AND CLOSURE OF A PORTION OF MORNINGSIDE DRIVE IN THE COUNTRY CLUB ESTATE ADDITION, CITY OF BRECKENRIDGE, STEPHENS COUNTY, TEXAS; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT INCLUDING THE CONVEYANCE OF PROPERTY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge (the “City”) is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, pursuant to Section 3.11 of the City Charter, the City has “exclusive control of all alleys, streets, gutters, and sidewalks situated within the City”, including “the power to vacate and abandon and sell and convey in fee that portion of any street, alley, avenue, boulevard or other public thoroughfare or public grounds”;

WHEREAS, the City has received a request to close, abandon, and vacate the portion of Morningside Drive south of the northern boundary line of Lot 7 in Block G of the County Club Estate Addition, City of Breckenridge, Stephens County, Texas (the “Street Property”) by West Texas Group Investments, LLC, the owner of the property adjacent to the Street Property;

WHEREAS, 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 an adjacent property owner without complying with notice and bidding requirements; and

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

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

I. 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.

II. 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.

III. Property Abandoned. A portion of Morningside Drive, a platted street within Country Club Estates, Phase 1, also known as Country Club Estates Addition, Phase 1, an addition to the City of Breckenridge according to plat of the same filed 20 January 1982, correction dedication deed recorded

in volume 515 page 319 of the Deed Records of Stephens County, and corrected plat located in Slide 88A of the Plat Cabinet in the Plat Records of said Stephens County, said portion of Morningside Drive lying south of Lot 7 of Block G of said Country Club Estates Addition, Phase 1 (the “Street Property”) shall be and 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.

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

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

VI. Conveyance. The City Secretary is authorized and directed to prepare and record a certified copy of this Ordinance in the Official Public 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 Street Property, except for the reservation of a utility easement, to the owner of property abutting upon said property.

VII. Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

VIII. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Commission hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared unconstitutional or invalid.

IX. Effective Date. This Ordinance shall become effective immediately upon its adoption by the City Commission.

PASSED, APPROVED, AND ADOPTED on this the 6th day of May 2025.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

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