

ORDINANCE NO. 2026-15

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS PROVIDING FOR THE ABANDONMENT, VACATION, AND CLOSURE OF CERTAIN STREETS WITHIN PORTIONS OF THE HI-MOUNT ADDITION WITHIN THE CITY LIMITS OF BRECKENRIDGE, STEPHENS COUNTY, TEXAS; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT INCLUDING THE CONVEYANCE OF PROPERTY; PROVIDING SAVINGS, REPEALER AND SEVERABILITY CLAUSES; AND ESTABLISHING 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 provides 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 has received a request to close, abandon, and vacate certain City streets within the Hi-Mount Addition, an unrecorded subdivision partially within the City limits of the City of Breckenridge (the “Street Property”), as evidenced by an Affidavit dated June 14, 1948 and recorded in Volume 222, Page 458 of the Deed Records of Stephens County, Texas (the “Affidavit”) from William C. Townson, an individual who owns property which abuts most of the Street Property;

WHEREAS, because the plat of the Hi-Mount Addition was not recorded, the City cannot confirm that the streets within said Addition were lawfully dedicated to or accepted by the City;

WHEREAS, the City owns some of the property adjacent to the City property;

WHEREAS, the City wishes to close the Street Property, to the extent that it has the jurisdiction to do so, as the streets in question are not used as public thoroughfares; 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.

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. Streets Abandoned. The portions of Russell Street, Dunnigan Avenue, O'Conner Avenue, and Stocker Avenue and the portions of the alleys within Blocks 34 and 34 of the Hi-Mount Addition, an unrecorded addition to the City of Breckenridge, as referenced in Volume 222, Page 458 of the Deed Records and Slide 24A of the Plat Cabinet, Stephens County, Texas as shown and more further described as Parcel One, Parcel Two, and Parcel Three in the attached **Exhibit "A"** shall be and are hereby abandoned, vacated, and closed insofar as the right, title, and easement of the public is concerned, if any, and to the extent that the City has taken dedication of said streets; subject, however, to the conditions, requirements, and restrictions hereinafter more fully set out.

SECTION 4. Fair Market Value. The City Commission finds that the Street Property was originally dedicated to the public at no cost to the City, if the Street Property was in fact dedicated, and any fair market value that the Street Property may have is offset from the City's release from the obligation to maintain the Street Property.

SECTION 5. Extent of Abandonment. The abandonment, vacation, and closure provided for herein shall extend only to the public right, title, easement and interest that the City may have and shall be construed to the extent only to that interest which the City may legally and lawfully abandon, vacate, and close, and may be subject to recorded reversionary interests.

SECTION 6. Conveyance. The City Secretary is authorized and directed to prepare and record a certified copy of this ordinance in the Real Property Records of Stephens County, Texas. The Mayor is hereby authorized and directed to convey by Quitclaim Deed, in "As Is" condition, all of the interest of the City in and to the Street Property, to the owner of property abutting upon said streets, except for the portions of the Street Property adjacent to real property owned by the City.

SECTION 7. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent that they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent an prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8. Severability. Should any section, subsection, sentence, clause, phrase of the 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. Breckenridge hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9. Effective Date. This Ordinance shall become effective immediately upon its adoption.

DULY PASSED AND APPROVED by the City Commission of the City of Breckenridge, Texas, this the 4th day of August, 2026.

Kord Trammel, Mayor

ATTEST:

Jessica Sutter, City Secretary

EXHIBIT "A"

