

ORDINANCE NO. 2022.06.14__

AN ORDINANCE VACATING AND EXTINGUISHING ANY CLAIM BY THE CITY OF GLEN ROSE TO A UTILITY EASEMENT FOR AN ABANDONED 4" SANITARY SEWER LINE IN BLOCK 1, LOTS 1, 2, 3, AND 4 OF THE W.B. PRUITT ADDITION OF THE CITY OF GLEN ROSE, SOMERVELL COUNTY, TEXAS; PROVIDING REPEALING, SEVERABILITY, AND PROPER NOTICE, MEETING, AND QUORUM CLAUSES; AND, ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a 4" sanitary sewer line is shown running through Block 1, Lots 1, 2, 3, and 4 of the W. B. Pruitt Addition of the City of Glen Rose (City) on a City Utility Map; and

WHEREAS, no recorded easement has been found for said 4" sanitary sewer line; and

WHEREAS, said sanitary sewer line has been abandoned and is no longer in use; and

WHEREAS, Lovell N. Roberts III, Managing Member for 704 Barnard, LLC, owner of Lots 2, 3, 4 and the remainder of Lot 1, of Block 1 of the W. B. Pruitt Addition (the Subject Property) as evidenced by Instruments 20120311 and 20220034 in the Somervell County Deed Records, has petitioned the City "to vacate a presumptive, prescriptive sanitary sewer easement located on" the subject property; and

WHEREAS, the City Council has determined for the good government, peace, and order of the municipality, to adopt an ordinance vacating and extinguishing any claim the City may have to a utility easement for the 4" sanitary sewer line running through Block 1, Lots 1, 2, 3, and 4 of the W. B. Pruitt Addition of the City of Glen Rose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE:

SECTION 1 (of 7)
INCORPORATION OF RECITALS

All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2 (of 7)
EASEMENT VACATED AND EXTINGUISHED

Any claim the City may have to a utility easement for the 4" sanitary sewer line running through Block 1, Lots 1, 2, 3, and 4 of the W. B. Pruitt Addition of the City of Glen Rose, as shown in Exhibit A which is attached hereto and incorporated herein by reference, is vacated and extinguished.

SECTION 3 (of 7)
SAVINGS/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All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict.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.

SECTION 4 (of 7)
SEVERABILITY CLAUSE

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal 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 Council of the City of Glen Rose 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, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5 (of 7)
PROPER NOTICE, MEETING, AND QUORUM CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to §22.039 of the Texas Local Government Code.

SECTION 6 (of 7)
EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage.

PASSED AND APPROVED this the 14th day of June, 2022.

APPROVED:

Julia Douglas, Mayor

ATTEST:

Staci L. King, City Secretary