

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ABANDONING AND VACATING CERTAIN PRESCRIPTIVE RIGHT-OF-WAY (GOOD HOPE ROAD) AS REFLECTED ON EXHIBIT A; MAKING FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, the Town of Prosper, Texas ("Town"), is a duly organized political subdivision and home-rule municipality of the State of Texas; and

**WHEREAS**, the Town obtained certain prescriptive right-of-way along a street (indicated as Good Hope Road) generally located north of Windsong Parkway and beginning at a point approximately 300 feet north of Mill Branch Drive and extending northward approximately 750 feet as shown on Exhibit A, a copy of which is attached and is incorporated by reference; and

**WHEREAS**, Exhibit A reflects an approximately 60-foot (60') wide prescriptive right-of-way (or street), approximately 750 feet in length, as indicated above, and the property upon which the right-of-way (or street) is located has never been dedicated to the Town; and

**WHEREAS**, since the prescriptive right-of-way (or street) is no longer utilized as such, the Town has determined that the approximately 60' prescriptive right-of-way (or street) should be abandoned and vacated, and that any and all rights that the Town may have in the prescriptive right-of-way (or street) should be released to the adjacent property owners, which abandonment and vacation the Town Council has determined is in furtherance of the public health, safety and welfare of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:**

### **SECTION 1**

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

### **SECTION 2**

From and after the effective date of this Ordinance, the Town's prescriptive right-of-way (or street) and any and all rights and interests that the Town may have in such right-of-way (or street), as set forth in the attached Exhibit A, are hereby abandoned and vacated by the Town, and the Town hereby disclaims any interest in the right-of-way (or street).

### **SECTION 3**

All ordinances, orders or resolutions heretofore passed and adopted by the Town Council are hereby repealed to the extent that said ordinances, resolutions, or parts thereof, are in conflict herewith.

#### **SECTION 4**

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

#### **SECTION 5**

Effective Date. This Ordinance shall become effective from and after its adoption and publication, as required by law.

**DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 26TH DAY OF APRIL, 2022.**

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Ray Smith, Mayor

**ATTEST:**

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Michelle Lewis Sirianni, Town Secretary

**APPROVED AS TO FORM AND LEGALITY:**

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Terrence S. Welch, Town Attorney