

ORDINANCE NO. 173

AN ORDINANCE OF THE CITY OF ROLLINGWOOD AUTHORIZING THE VACATION OF A CERTAIN PORTION OF SOUTH PEAK ROAD TO THE EXTENT OF PUBLIC USE, BUT NOT EXCLUDING ACCESS TO THE PUBLIC UTILITIES LOCATED IN THE VACATED PORTION OF THE ROADWAY; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Rollingwood, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of part of South Peak Road, a public street; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS:

SECTION 1: That, subject to the conditions hereinbelow set out, all of that part of South Peak Road, hereafter described, is no longer required for public use, and the public interest will be subserved by the vacation thereof, and that same is hereby vacated. That portion of South Peak Road which is hereby vacated is described as follows:

BEGINNING at a point at the southwest corner of the property belonging to JOHN C. CHUMNEY and BERTHA HOLCK CHUMNEY, more particularly described as follows: a 0.0598 acre tract of land, out of the Henry P. Hill League in Travis County, Texas, recorded in Volume 3035, Page 174 of the Travis County Deed Records, for the point of beginning describing that portion of South Peak Road to be vacated;

THENCE, in a westerly direction, as a projection of the south property line of the said JOHN C. CHUMNEY and BERTHA HOLCK CHUMNEY tract, above described, to the point of intersection with the east property line of the HERBERT PATTON and MAUD ANN PATTON property, more particularly described as follows: Lot 5, Timberline Terrace Subdivision, Section 1, of record in Book 8, Page 6 of the Plat Records of Travis County, Texas;

THENCE, in a southerly direction along the east property line of the HERBERT PATTON and MAUD ANN PATTON tract, above described, to the southeast corner of said property;

THENCE, in an easterly direction to the southwest corner of the PAUL S. MEISLER and JO STOLTZ property, more particularly described as follows: a 0.530 acre tract of land, out of the Henry P. Hill League in Travis County, Texas, recorded in Volume 1965, Page 18 of the Travis County Deed Records and being a one lot subdivision known as "The Bee Cave Road Office Park" of record in Volume 85, Page 131A of the Plat Records of Travis County, Texas;

THENCE, in a northerly direction along the west property line of said PAUL S. MEISLER and JO STOLTZ property to the POINT OF BEGINNING.

SECTION 2: The vacation herein provided for is contingent upon:

A. Payment to the City of Rollingwood, Texas, for deposit into the City treasury of TWENTY THOUSAND (\$20,000) DOLLARS by PAUL S. MEISLER by not later than January 1, 1986, as compensation for the benefits which will accrue the owners of the property abutting said public street hereby vacated.

B. Construction of a landscaped greenbelt area across the north boundary line of the vacated portion of South Peak Road.

C. Dedication, in an approved form and acceptance by the City of Rollingwood, of a public utility easement located in that part of South Peak Road hereby vacated.

D. Execution and delivery to the City of Rollingwood of a release, in a form approved and accepted by the City of Rollingwood, freeing said City, its officers, agents, and employees, from any and all damages, if any, which may flow as a result of the requested street vacation.

SECTION 3: Upon occurrence of all of the contingencies set out in §2 of this ordinance, the City Secretary shall make certification that such contingencies have occurred and shall date and attach such certification to this ordinance. This ordinance shall take effect on the date of such certification; provided, that if such certification is not made and attached to this ordinance by January 1, 1986, then

this ordinance shall be null and void. Such certification by the City Secretary, if made as above authorized, shall be and remain a permanent part of this ordinance.

SECTION 4: If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

PASSED by the City Council of the City of Rollingwood at a meeting on the 17th day of October, 1985, at which a quorum was present and for which due notice was given pursuant to Tex. Rev. Civ. Stat. Ann. art. 6252-17 (1970, Supp. 1985).

ATTEST:

Cindy Selman
CINDY SELMAN, City Secretary

APPROVED this 17th day
of October, 1985.

Harry F. Rogers
HARRY ROGERS, Mayor

ORDINANCE NO. 173-A

AN ORDINANCE OF THE CITY OF ROLLINGWOOD AMENDING ORDINANCE NO. 173 BY AMENDING THE STANDARDS BY WHICH THE CITY SECRETARY MAY CERTIFY THAT THE CONTINGENCIES REQUIRED BY THE CITY COUNCIL FOR VACATION OF A CERTAIN PORTION OF SOUTH PEAK ROAD HAVE BEEN MET; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS:

SECTION 1: That Section 3 of Ordinance No. 173 of the City of Rollingwood, be, and same is hereby amended to hereafter read as follows:

SECTION 3: Upon occurrence of all of the contingencies set out in §2 of this ordinance, or upon satisfactory arrangements having been made with the City to assure that such contingencies will take place, the City Secretary shall:

(1) sign and date the certification to the effect that such contingencies either have occurred or that the City has been given satisfactory assurance that such contingencies will occur; and

(2) attach such certification to this ordinance.

This ordinance shall take effect on the date of such certification; provided, that if such certification is not made by January 1, 1986, then this ordinance shall be null and void. Such certification by the City Secretary, if made as above authorized, shall be and remain a permanent part of this ordinance.

SECTION 2: If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances, is for

any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

PASSED by the City Council of the City of Rollingwood at a meeting on the 1st day of November, 1985, at which a quorum was present and for which due notice was given pursuant to TEX.REV.CIV.STAT.ANN. art. 6252-17 (1970, Supp. 1985).

ATTEST:

CINDY SELMAN, City Secretary

APPROVED this 4th day
of October, 1985.

Harry Rogers
HARRY ROGERS, Mayor