

ORDINANCE NO. _____

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL
PROVIDING FOR THE ABANDONMENT, VACATION AND
CLOSURE OF A VARIABLE WIDTH PORTION OF THE
NORTHERN SIDE OF WALTERS STREET EAST OF
LEONARD STREET AS SHOWN IN EXHIBIT “A”;
PROVIDING FOR THE TERMS AND CONDITIONS OF
THE ABANDONMENT, VACATION AND CLOSURE; AND
DECLARING AN EMERGENCY.**

WHEREAS, the Lewisville City Council, acting pursuant to Chapter 311.007 of the Texas Transportation Code, deems it advisable to abandon, vacate and close the hereinafter described right-of-way segment and is of the opinion that said land is not needed for public use as a right-of-way and, therefore, constitutes a public charge without corresponding benefit, and that same should be abandoned, vacated and closed, as hereinafter provided; and

WHEREAS, the Lewisville City Council is of the opinion that the best interest and welfare of the public will be served by abandoning, vacating and closing same resulting in the vesting of title in the abutting property owner, subject to the conditions, requirements, and restrictions contained herein; and

WHEREAS, the City of Lewisville is the current owner of the property abutting the variable width portion of the northern side of Walters Street east of Leonard Street, described herein and shown more particularly in the highlighted portion on Exhibit “A”; and

WHEREAS, the southern portion of Walters Street east of Leonard Street will remain as a public right-of-way.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF LEWISVILLE, TEXAS, THAT:**

SECTION 1. ABANDONMENT. A variable width portion of the northern half of Walters Street east of Leonard Street located in Lewisville, Denton County, Texas, described more particularly in the highlighted portion on the attached Exhibit “A”, is hereby abandoned, vacated and closed insofar as the right, title, and easement of the public in such right-of-way is concerned; subject, however, to the conditions, requirements, and restrictions hereinafter more fully set out and which street segment is described more particularly in attached Exhibit “A” which is incorporated herein for all purpose.

SECTION 2. SUBJECT TO ALL ZONING AND DEED RESRICTIONS. The abandonment, vacation and closure provided for herein is made and accepted subject to all present zoning and deed restrictions if the latter exist, and all easements, whether apparent or non-apparent, aerial, surface or underground.

SECTION 3. RETAINING ALL OTHER EASEMENTS HELD BY THIRD PARTIES. The abandonment, vacation and closure provided for herein shall extend only to the public right, title, easement, and interests relating to the right-of-way and shall be construed to extend only to that interest which the governing body for the City of Lewisville may legally and lawfully abandon, vacate and close. Any other easement held by third parties shall not be affected by this abandonment, vacation and closure.

SECTION 4. DOCUMENTS NECESSARY TO TRANSFER OWNERSHIP. The City Manager of the City of Lewisville, Texas is authorized to execute any documents necessary to show full ownership of the unencumbered land vesting in the abutting landowner, which at the time of the passage of this ordinance, is the City of Lewisville.

SECTION 5. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect and be in full force and effect immediately upon passage of this ordinance.

SECTION 8. EMERGENCY. It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 19TH DAY OF NOVEMBER, 2018.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Worster, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

EXHIBIT A