

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL PROVIDING FOR THE ABANDONMENT, VACATION AND CLOSURE OF A SIXTY-SIX (66) FOOT WIDE SECTION OF RIGHT-OF-WAY, SOUTH OF EAST CHURCH STREET AND NORTH OF EAST MAIN STREET, AS SHOWN IN EXHIBIT “A”; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT, VACATION AND CLOSURE; PROVIDING A REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the original Kealy Addition had the right-of-way for Railroad Street farther west than Railroad Street’s current location (“Original ROW”); and

**WHEREAS**, the City of Lewisville constructed Railroad Street in its current location; and

**WHEREAS**, the City of Lewisville abandoned, vacated and closed the Original ROW, except for the portion of the right-of-way that is the subject of this ordinance (“Subject ROW”), as shown in Exhibit “A”; and

**WHEREAS**, all portions of the Original ROW were released back, through a quitclaim deed, to the abutting landowners, except for a portion of the Subject ROW (Unreleased ROW), as shown in Exhibit “B”; and

**WHEREAS**, it appears that the Subject ROW was accidentally omitted from said abandonment, vacation, and closure, and the Unreleased ROW was accidentally omitted from reversion; and

**WHEREAS**, the Original ROW has never been constructed, used or maintained by the City of Lewisville; and

**WHEREAS**, the Unreleased ROW has been treated as if it was released back to the abutting landowner for over thirty years.

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

**SECTION 1.** That the right-of-way described in the attached Exhibit "A" be and the same is hereby extinguished, vacated, closed and permanently abandoned insofar as the right, title, and easement of the public in such right-of-way is concerned.

**SECTION 2.** That 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 easement held by third parties shall not be affected by this abandonment, vacation and closure.

**SECTION 3.** That the City Manager of the City of Lewisville, Texas is authorized to execute any documents necessary to show full ownership of the unencumbered land, as described in Exhibit "B", vesting in the abutting landowner.

**SECTION 4.** Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

**SECTION 5.** 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 6.** This ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

**SECTION 7.** 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 5TH DAY OF AUGUST, 2019.**

**APPROVED:**

\_\_\_\_\_  
Rudy Durham, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Worster, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY