

ORDINANCE NO. {{item.sequential_number}}

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RELEASE OF A 0.0689-ACRE RIGHT-OF-WAY EASEMENT SUBJECT TO A PUBLIC UTILITY EASEMENT LEGALLY DESCRIBED AS BEING A PORTION OF AN UNIMPROVED TWENTY-FOOT-WIDE ALLEY LOCATED IN BLOCK 51, ORIGINAL TOWN TEMPLE, AS PER VOLUME 36, PAGE 640, DEED RECORDS OF BELL COUNTY, TEXAS, AND BEING THE ALLEY NORTH OF WEST AVENUE F, BETWEEN SOUTH 5TH STREET AND SOUTH 7TH STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Temple Independent School District (TISD), requests the release of a 0.0689-acre right-of-way (ROW) easement being a portion of an unimproved 20-foot-wide alley located in Block 51, Original Town Temple, as per Volume 36, Page 640, Deed Records of Bell County, Texas;

Whereas, the northern portion of this alley was previously abandoned to TISD with a utility easement retained - TISD is currently seeking to abandon the remainder of the existing unimproved ROW easement, being more particularly described in the survey and field notes attached hereto as Exhibit A, to facilitate expansion of its operations center;

Whereas, Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easements may be released - however, the Public Works Department requested that a public utility easement be retained to service a wastewater line under the unimproved ROW easement;

Whereas, Staff recommends Council authorize the release of a 0.0689-acre ROW easement subject to a public utility easement legally described as being a portion of an unimproved 20-foot-wide alley located in Block 51, Original Town Temple, as per Volume 36, Page 640, Deed Records of Bell County, Texas, and being the alley north of West Avenue F, between South 5th Street and South 7th Street; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council approves the release of a 0.0689-acre right-of-way easement subject to a public utility easement legally described as being a portion of an unimproved 20-foot-wide alley located in Block 51, Original Town Temple, as per Volume 36, Page 640, Deed Records of Bell County, Texas, and being the alley north of West Avenue F, between South 5th Street and South 7th Street, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's Office, to execute any necessary documents.

Part 3: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **September, 2024**.

PASSED AND APPROVED on Second and Final Reading on the **19th** day of **September, 2024**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney