

ORDINANCE NO. {{item.custom_tracking_number}}

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ABANDONMENT OF AN APPROXIMATELY 0.6529-ACRE PORTION OF JACK WHITE STREET RIGHT OF WAY AS DEDICATED IN WALKER SAULSBURY COMMERCIAL SUBDIVISION PHASE III, AN ADDITION TO THE CITY OF TEMPLE, AS SHOWN IN THE PLAT OF RECORD IN CABINET B, SLIDE 240-A, PLAT RECORDS OF BELL COUNTY, TEXAS; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple, through the City Manager's Office, has submitted a request to abandon a approximately 0.6529-acre portion of Jack White Street right of way as dedicated in Walker Saulsbury Commercial Subdivision Phase III, an addition to the City of Temple, as shown in the plat of record in Cabinet B, Slide 240-A, Plat Records of Bell County, Texas;

Whereas, the City is reaching the final stages of construction of the North 31st Street and Interstate Highway 35 (IH-35) Connection Project which begins at Calhoun Avenue connecting to the IH-35 Frontage Road at Bray Street and includes a roundabout connection to North 31st Street and IH-35 Frontage Road at Temple High School - improvements include drainage, water utilities, wastewater, landscaping, pedestrian facilities, roundabout with art feature, striping, and signage which will improve traffic flow in the area and enhance connectivity between North 31st and Interstate Highway 35;

Whereas, the City agreed to exchange the approximately 0.6529-acre of Jack White Street right of way to a property owner as part of a cash transaction to acquire the necessary rights of way and easements from this property owner for the project - the City will retain a 0.2146- acre public utility easement within the abandoned right of way;

Whereas, Texas Local Government Code § 272.001(a)(3) allows a political subdivision to make such exchanges, however, the formal designation as public right of way for this section of Jack White Street needs to be abandoned;

Whereas, Staff recommends Council authorize the abandonment of an approximately 0.6529-acre portion of Jack White Street right of way as dedicated in Walker Saulsbury Commercial Subdivision Phase III, an addition to the City of Temple, as shown in the plat of record in Cabinet B, Slide 240-A, Plat Records of Bell County, Texas;

Whereas, the City agreed to exchange the approximately 0.6529-acre of Jack White Street right of way to a property owner as part of a cash transaction to acquire the necessary rights of way and easements from this property owner for the project – the approximately 0.6529 acres of to-be-abandoned Jack White right-of-way is valued at \$3.00 per square foot which equates to a value of \$85,320.97; 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 abandonment of an approximately 0.6529-acre portion of Jack White Street right of way as dedicated in Walker Saulsbury Commercial Subdivision Phase III, an addition to the City of Temple, as shown in the plat of record in Cabinet B, Slide 240-A, Plat Records of Bell County, Texas.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: 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.

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **April**,
2021.

PASSED AND APPROVED on Second and Final Reading on the **6th** day of **May, 2021.**

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney