

ORDINANCE NO. 2021 - 06

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A PORTION OF WEST NEAL STREET, A PUBLIC STREET AS DEPICTED IN "EXHIBIT A" ATTACHED HERETO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 311.007 of the Texas Transportation Code provides that "[a] home-rule municipality may vacate, abandon, or close a street or alley . . ."; and

WHEREAS, the City Council of the City of Commerce, Texas, acting pursuant to state law, deems it advisable to abandon the hereinafter depicted Public Street, and is of the opinion that said Public Street is not needed for public use and therefore constitutes a public charge without corresponding benefit, and that its installation, maintenance and repair would be an unnecessary charge against the City of Commerce's economy; and

WHEREAS, the adjoining property owners are in agreement with the abandonment of this portion of the street and will assume maintenance for this portion; and

WHEREAS, it appears that it is in the best interest for the health, safety, and economy of the City of Commerce, Texas and its Citizens that such Public Street be abandoned and closed as a Public Way as hereinafter provided.

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Abandonment Granted. This City of Commerce Ordinance is hereby passed to reflect that a portion of the Public Street known as West Neal Street, located within the City of Commerce, Hunt County, Texas, shall be and the same is hereby abandoned insofar as the right, title and easement of the public is concerned which portion of said Public Street is depicted more particularly in attached Exhibit A which is incorporated herein for all purposes. The City Manager is hereby authorized to execute a Quitclaim deed to the adjoining property owners for this portion of the street.

SECTION 3. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Commerce hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED on the FIRST READING at a regular meeting of the City Council of the City of Commerce, Texas, on the 19th day of January 2021.

PASSED AND APPROVED on the SECOND READING at a regular meeting of the City Council of the City of Commerce, Texas on this the 17th day of February 2021.

ATTEST:

CITY OF COMMERCE, TEXAS



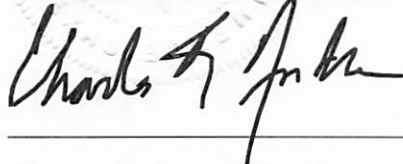
Molly Jacobsen, City Secretary

(seal)



Wyman Williams, Mayor

APPROVED AS TO FORM:



Charles Anderson, City Attorney

EXHIBIT A

The portion of West Neal Street, approximately 750 feet, which extends south from Culver Street and dead-ends within the Texas A&M – Commerce lands.

