

ORDINANCE NO. 2017-O-08

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, ABANDONING THE VILLAGE'S RIGHTS TO APPROXIMATELY 73,616 SQUARE FEET OF PLATTED RIGHT-OF-WAY, CONSISTING OF A 50 FOOT WIDE ROADWAY RIGHT-OF-WAY PLATTED ON THE PLAT OF THE LAKE TRAVIS SUBDIVISION NO. 1; MAKING VARIOUS FINDINGS AND PROVISION RELATED TO THE SUBJECT.

WHEREAS, Mike and Debbie Gold, Rolando Osorio and Kenia Cubas, Elena Egorova, and Beaches LTD, OWNERS and APPLICANTS are requesting that the Village abandon approximately 73,616 square feet of a platted right-of-way on the plat of the Lake Travis Subdivision No. 1 in the Village of Volente and County of Travis; and,

WHEREAS, this platted right-of-way has never been developed or used as a right-of-way; and,

WHEREAS, this platted right-of-way is not needed as Village right-of-way; and,

WHEREAS, the OWNERS and APPLICANTS are simultaneously conveying to the Village of Volente right-of-way on and contiguous to Lime Creek Road in the Village of Volente; and,

WHEREAS, there are no existing utilities in the right-of-way and the right-of-way serves no purpose to the Village; and,

WHEREAS, after notice and public hearing as required by law, the City Council of the Village of Volente, Texas, deems it in the public interest to abandon this property to the OWNERS and APPLICANTS.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council of the Village of Volente hereby abandons to APPLICANTS approximately 73,616 square feet of the platted right-of-way on the plat of Lake Travis Subdivision No. 1, as shown on Exhibit "A", attached hereto and incorporated herein.

SECTION 3. The APPLICANTS shall simultaneously convey to the Village of Volente approximately 73,616 square feet under and contiguous to Lime Creek Road in the Village of Volente as shown on Exhibit "B", attached hereto and incorporated herein.

SECTION 4. This abandonment is made expressly subject to, and is not intended in any way to affect the rights of owners of other public or private utilities, if any, to continue to occupy and to have access to all of said abandoned property, and all such rights shall continue in full force and effect until released by owners of such utility facilities, nor shall this abandonment effect any private easement rights.

SECTION 5. APPLICANTS shall accept the provision of this Ordinance by signing as indicated below within sixty (60) days after this Ordinance is adopted by the City Council. In the event said acceptance is not signed as provided for, this abandonment shall be of no further effect and shall be considered as having been entirely canceled.

SECTION 6. The Mayor is authorized to execute the necessary Release of Easement in form and content approved by the City Attorney. The Release shall release the abandoned Easement as described to the APPLICANTS.

SECTION 7. It is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 8. All Ordinances or part thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 9. This Ordinance is adopted in compliance with the Texas Open Meetings Act and the procedural ordinances of the Village of Volente.

PASSED & APPROVED by the City Council on this, the 13th day of November, 2017.

VILLAGE OF VOLENTE:

Ken Beck, Mayor

Attest:

Nicole Vicuña, City Secretary

Mail recorded document to:

**Village of Volente
16100 Wharf Cove
Volente, Texas 78641**