VILLAGE OF VOLENTE

ORDINANCE NO. 2020-O-02

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, CLOSING, VACATING, AND ABANDONING A PORTION BUDDY AVENUE, IN THE VILLAGE OF VOLENTE, TEXAS, AND AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED; AND PROVIDING FOR THE FOLLOWING FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, EFFECTIVE DATE AND PROPER NOTICE AND MEETING

WHEREAS, pursuant to Chapter 311 of the Texas Transportation Code, a general-law municipality such as Volente has exclusive control over the highways, streets and Streets of the municipality; and

WHEREAS, pursuant to Section 311.008 of the Texas Transportation Code, the Village of Volente has the authority to vacate, abandon, and close streets within the Village upon a petition of the abutting property owners of said street or right of way; and

WHEREAS, Scott, Paul and Hallie Spurlin are the sole owners and constitute all of the abutting owners on both sides of that certain street described as Buddy Avenue located between lots 17 and 23 of Lake Travis Subdivision No. 3, described in more detail in Exhibit A, (hereafter referred to as the "");

WHEREAS, Scott, Paul and Hallie Spurlin, owner of lots 17 and 23 have requested that the Right of Way be vacated; and

WHEREAS, the said City Council called a public hearing on the proposed closing of said portion of Buddy Avenue to be held in the Council chamber at the Fire Hall on the 21st day of January, 2020, of which due notice was given by publication one (1) time in the Hill Country News, a newspaper of general circulation in the Village on the 2nd day of January, 2020, and said public hearing was held on the day stated in said notice; and

WHEREAS, the City Council has determined that the Right of Way has not been used as a public thoroughfare, is not necessary as a public thoroughfare and has no other public use; and

WHEREAS, in accordance with Texas Local Government Code Section 272.001(b) the Council determined that the was to be conveyed at no cost to the abutting property owners who own the underlying fee simple.

WHEREAS, the City Council finds that vacating the Right of Way would have no adverse effect on adjacent properties; and

WHEREAS, the City Council has determined that it is in the best interest of the City to vacate, abandon, and close the Street; and

NOW THEREFORE, be it ordained by the City Council of the Village of Volente, State of Texas:

1. Findings of Fact: That the foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if set forth herein at length.

2. Enactment: The City Council hereby vacates, abandons, and closes the Right of Way, which is more particularly described in Exhibit A.

3. Abandonment of Rights: The City Council hereby abandons any and all public rights, title and interest, if any, to the Street. The Mayor of the Village of Volente is hereby authorized and directed to convey by Quit Claim all of the interest of the Village of Volente in and to the said right-of-way described in Section 1 of this ordinance save all present and future public utility easements to Scott, Paul and Hallie Spurlin, the owners of property abutting upon said right-of-way.

4. Repealer: In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconditional; and the City Council of the Village of Volente, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

5. Severability: If any word, article, phrase, paragraph, sentence, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

6. Effective Date: This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

7. Proper Notice and Open Meeting: 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, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED, this 21st day of January, 2020, by a vote of 5 (ayes) to Ø (nays) to Ø (abstentions) of the City Council of the Village of Volente.

VILLAGE OF VOLENTE

by: Jana Nace

Jana Nace, Mayor

Attest:

Nanette Akinleye

Nanette Akinleye, Acting City Secretary