

ORDINANCE NO. 03-07

AN ORDINANCE FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A CERTAIN PORTION OF DEDICATED ROADWAY; CONTAINING FINDINGS OF FACT; VACATING, ABANDONING AND CLOSING SAID PORTION OF SAID DEDICATED ROADWAY; PRESERVING UTILITY EASEMENTS AND OTHER ROADWAY EASEMENTS; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST DOCUMENTS FOR SUCH ABANDONMENT; AND PROVIDING A SAVINGS CLAUSE, SEVERANCE CLAUSE, AND EFFECTIVE DATE.

WHEREAS, the location of Main Street at Block 115, City of Danbury, Brazoria County, Texas, according to the map or plat of said City recorded in Volume 80, Page 624 of the Deed Records of Brazoria County, Texas, was moved when State Spur 28 was constructed; and

WHEREAS, the new right of way of State Spur 28 crosses the old right of way of Main Street at an angle at said Block 115, as shown on the map attached hereto as Exhibit "A"; and

WHEREAS, the movement of the street from the old Main Street location to the new State Spur 28 location leaves a useless triangle of right of way, bounded on the Southwest by the Northeast line of Block 115, and bounded on the Northeast by the Southwest right of way line of State Spur 28, and extending from the East corner of Block 115 to the North corner of Block 115, all as shown on Exhibit "A" hereto; and

WHEREAS, the City Council has determined that the street right of way within said triangle no longer serves any public purpose or necessity; and

WHEREAS, all property owners whose property abuts the street right of way in said triangle have in writing requested that the City of Danbury, Texas abandon the old Main Street right of way within said triangle;

WHEREAS, said triangle of street right of way is within the city limits of the City of Danbury;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS, DULY ASSEMBLED:

Section 1. The statements contained in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The City Council of the City of Danbury, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of the above triangle of street right of way.

**RECORDER'S MEMORANDUM:**

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon, or photo-copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

City of Danbury POB 115 250 Danbury 7-775310

Section 3. The above described triangle of street right of way is hereby vacated, abandoned, and closed.

Section 4. This ordinance is intended to be effective to abandon the above described triangle of street right of way. However, the Mayor and City Secretary are hereby authorized to execute and attest, respectively, any other documents necessary or convenient to carry out said abandonment.

Section 5. However, under no circumstances shall this ordinance abandon any portion of any utility easement in said triangle or elsewhere, nor any portion of the right of way of State Spur 28. This section shall govern and control over any conflicting provisions in any portion of this ordinance.

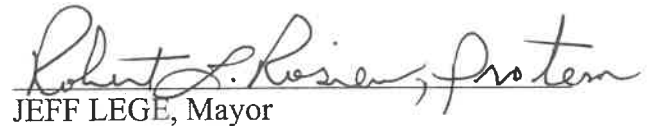
Section 6. All other easements and portions of easements shall remain in full force and effect.

Section 7. If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this order shall remain in full force and effect.


Section 8. This ordinance shall be effective immediately upon its passage and approval.

PASSED AND APPROVED ON eighteenth DAY OF December, 2003.

CITY OF DANBURY, TEXAS

  
JEFF LEGE, Mayor

ATTEST:

  
DEE GRIGSBY, City Secretary

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me, on the 19<sup>th</sup> day of December, 2003, by Jeff Lege, Mayor, of the City of Danbury, Texas.

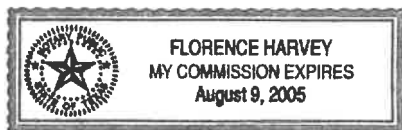


*Jeff Lege*  
*Florence Harvey*  
Notary Public in and for the State of Texas

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me, on the 19<sup>th</sup> day of December, 2003, by Dee Grigsby, City Secretary, of the City of Danbury, Texas.



*Dee Grigsby*  
*Florence Harvey*  
Notary Public in and for the State of Texas

## EXHIBIT "A"

A triangular tract of land, adjoining Lots 1 through 6, Block 115, City of Danbury, Brazoria County, Texas, according to the map or plat of said City recorded in Volume 80, Page 624 of the Deed Records of Brazoria County, Texas, and further described as follows:

BEGINNING at the East corner of Block 115;

THENCE North 50 deg. 07 min. West 300 feet along the Northeast line of Block 115, to the North corner of Block 115 for a point for corner;

THENCE North 39 deg. 53 min. East, in line with the Northwest line of Block 115, to a point for corner in the Southwest right of way line of State Spur 28;

THENCE Southeasterly along the Southwest right of way line of State Spur 28 to the Place of Beginning.