

ORDINANCE NO. 2022-7

AN ORDINANCE OF THE CITY OF BEASLEY, TEXAS, FINDING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF THAT PORTION OF PUBLIC RIGHT-OF-WAY NEAR AVENUE H AND SOUTH 1ST STREET AND CONTINUING NORTHEAST OF 1ST STREET; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; MAKING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City, as fee owner of property underlying the hereinafter described right-of-way, desires to vacate, abandon, and close that portion of Avenue H from South 1st Street to the northeastern end of Avenue H, an unimproved right-of-way that does not provide the only access route to any other property, as more particularly described in Exhibit "A", attached hereto and incorporated by reference for all purposes, (the "Right-of-way");

WHEREAS, the City Council has received a request from an adjacent property owner to the Right-of-way to purchase a portion of that Right-of-way; and

WHEREAS, the City Council has determined these Right-of-way is no longer necessary for public convenience and necessity and should be vacated, abandoned, and closed;

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

Section 1. That the facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The City Council hereby finds and determines that public convenience and necessity no longer require the continued existence of this Right-of-way and said Right-of-way is hereby vacated, abandoned, and closed.

Section 3. Further, the City Council authorizes the Mayor and City Secretary to execute one or more quitclaim deeds in the form prepared by the City Attorney conveying one or more portions of the Right-of-way to one or more adjacent property owners, in accordance and subject to Chapter 272 of the Texas Local Government Code.

Section 4. **Effective Date and Publishing.** This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in accordance with Chapter 52 of the Texas Local Government Code and Article II of the City Charter.

Section 5. **Conflict and Repeal.** This ordinance is intended to be cumulative and shall not repeal any previous ordinances except to the extent of an irreconcilable conflict.

Section 6. Severability. In the event any clause, phrase provision, sentence, or part of this ordinance or the application of the same to any person or circumstance 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 of the same, notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Beasley on this 15th day of NOV, 2022.

CITY OF BEASLEY, TEXAS



Kenneth Reid, Mayor

ATTEST:



Misty Tiemann, City Secretary

Exhibit A

Fort Bend CAD Web Map

