

City of Bynum, Texas

Ordinance No. 2024-0228

AN ORDINANCE OF THE CITY OF BYNUM, TEXAS, FINDING THAT THE STREET (AS DESCRIBED BELOW) LOCATED IN THE ALEX MCCOMMAS ADDITION #1 OF THE CITY OF BYNUM, TEXAS AS RECORDED IN VOLUME 100, PAGE 634 OF THE OFFICIAL DEED RECORDS HILL COUNTY, TEXAS; IS NOT NECESSARY AS A THOROUGHFARE, PROVIDING THE VACATION, ABANDONMENT AND CLOSURE OF SAID STREET RELEASING ANY PUBLIC RIGHTS, TITLE AND INTEREST;

WHEREAS, pursuant to Chapter 311 of the Texas Transportation Code, a general law municipality such as the City of Bynum has exclusive control over streets and alleys of the municipality; and

WHEREAS, within the City of Bynum, the plat of the city streets and alleys show the street through Bynum, Alex McCommas #1 addition was never constructed accordingly; and

WHEREAS, a petition was duly filed with the City Council of the City of Bynum, Texas asking the City Council to vacate and abandon a portion of Hamlet Street; and

WHEREAS, after due notice as required by law, the council has, at the time and place mentioned in the notice, heard all person desiring to be heard on the question and has ascertained that the easement or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a easement herein described; has not been actually used by the public generally for a period of at leave five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street to be vacated have given consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the street.

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

Section 1. The City of Bynum, Texas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the street designated as follows:

A 60' X 480' part of Hamlet Avenue between White Avenue and Tolivar Ave (State Highway 171) of the Alex McCommas #1 addition of the City of Bynum as recorded in Volume 100 Page 634 of the Official Deed Records of Hill County and further described as:

BEGINNING at the southeast corner of Block 4, Lot 9,

THENCE northeasterly a distance of approximately 478 feet to the southeast corner of Block 4 Lot 16,

THENCE southeasterly along the westerly line of the right-of-way of Tolivar Avenue for a distance of 60 feet to the northeaster corner of Block 4 Lot 33,

THENCE southwesterly a distance of approximately 486 feet to the northwest corner of Block 4 Lot 25,

THENCE northwesterly along the easterly line of the right-of-way of White Avenue for a distance of 60 feet to the place of beginning.

Section 2. A copy of the ordinance duly certified by the city secretary shall be filed and recorded in the Official Deed Records of Hill County.

Section 3. Severability: If any word, article, phrase, paragraph, sentence, cause or provisions 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 provisions, and to this end the provisions of this Ordinance are declared severable.

Section 4. This Ordinance shall take effect and be in force from and after its passage.

Passed this 28th day of February, 2024.



Approved:

Lori Youngblood

Mayor Lori Youngblood

Attest:

Mickey Runion

City Secretary Mickey Runion