

ORDINANCE NO. 2008-02-01

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT-OF-WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND PROPER NOTICE.

WHEREAS, Texas Transportation Code Section 311.008 authorizes the City Council of a general-law municipality to vacate, abandon, or close a municipal street by ordinance if a petition signed by all the owners of real property abutting the street is submitted to the City Council; and

WHEREAS, the Village of Point Venture (“Village”), a general-law Type B municipality, has been requested and petitioned to abandon for the purposes of public transportation a portion of Staghorn Drive between Lots 685 and 684, a dead end street within the limits of the Village of Point Venture; and

WHEREAS, the Petitioners are requesting only that the road be abandoned for general public transit and recognize that an easement is to be retained by the Village of Point Venture for purposes of ingress and egress from the vacated land for utility and other purposes; and

WHEREAS, the Village Council of the Village of Point Venture finds that it is in the public interest to not reconstruct and maintain the deteriorated portion of roadway for which abandonment is sought;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TEXAS THAT:

1. The portion of Staghorn Drive between Lots 685 and 684, located in Section 3-2, Point Venture Subdivision, as more particularly described by metes and bounds in **Exhibit “A-1”** and **“A-2”** and as depicted in the sketches in **Exhibit “B-1”** and **“B-2”**, attached hereto and incorporated herein as if fully set forth (“Property”), and that is within the limits of the Village of Point Venture is hereby abandoned, vacated, and closed insofar as the right, title or easement of the general public is concerned.
2. The Village of Point Venture hereby reserves a utility easement across the Property for purposes of ingress and egress from the Property for utility and other purposes.

3. No above ground structures shall be placed upon the Property nor shall any plantings be placed of such nature as to block access to the Property without prior written approval of the Village of Point Venture Council.
4. This Ordinance shall take effect and be in full force immediately upon its final passage and approval.
5. The City Secretary is hereby directed to file a copy of this Ordinance in the real property records of Travis County.
6. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

A quorum of the Village Council was present at the meeting at which this Ordinance was adopted. The meeting was open to the public and public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED, this the 4th day of February, 2008, by a vote of 5 “ayes” to 0 “no”, with 0 “abstaining” of the Village Council of the Village of Point Venture, Texas.

RICHARD SHINN, Mayor

ATTEST:

CHANCE CHATHAM, Village Secretary