City of Pflugerville

Legislation Details (With Text)

File #:	ORD-0428	**Version:**	2	**Name:**	
Type:	Ordinance			**Status:**	Approved
File created:	10/8/2018			**In control:**	City Council
On agenda:	11/27/2018			**Final action:**	

Title: Approving an ordinance on second reading with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS CLOSING, VACATING, ABANDONING AND CONVEYING A PORTION OF THE E.W. PFLUGER ADDITION PUBLIC RIGHT-OF-WAY IN THE CITY OF PFLUGERVILLE, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED WITHOUT WARRANTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Abandonment Ordinance, 2. Abandonment Exhibit

Date	Ver.	Action By	Action	Result
11/27/2018	2	City Council	Approved on Second Reading	Pass
11/13/2018	1	City Council	Approved on First Reading	Pass

Approving an ordinance on second reading with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS CLOSING, VACATING, ABANDONING AND CONVEYING A PORTION OF THE E.W. PFLUGER ADDITION PUBLIC RIGHT-OF-WAY IN THE CITY OF PFLUGERVILLE, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED WITHOUT WARRANTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

At the January 9th, 2018 council work session (2018-6444), Council directed staff to allow alley vacations in Old Town, provided that such vacations were made subject to the reservation of any required easements and communication regarding landowner risks for any development in the associated easements, and directed staff to bring all such requests to Council for consideration.

If approved, this proposed ordinance will vacate an existing, unpaved portion of right-of-way (alley) located between 3rd Street and 4th Street as well as parallel to and between West Hall Street and West Pfluger Street while reserving a public utility easement in this location. This portion of the right-of-way has never been used for public purposes and has been vacant since the City acquired it. There are currently four single family residences that are adjacent to this alley. All four of the associated landowners have petitioned for this vacation and abandonment. Upon vacation of the right-of-way, each owner is entitled to ½ of the alley property adjacent to their property in accordance with Texas Local Government Code, Section 272.001(c)(2). This property will be deeded to each applicable property owner through City Manager execution of the no warranty deeds included as exhibits to this ordinance after Council approval of the abandonment. City staff has confirmed with all franchised public utility providers and appropriate City departments that the property is no longer

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needed for public right-of-way or utility purposes and that it is in the public interest to close, vacate, abandon and convey the property to the petitioners. A public utility easement will be secured through reservation incident to the No Warranty Deed conveyance. The City Attorney has reviewed and approved the abandonment instrument as to form.

Supporting documents attached:
Abandonment Ordinance
Abandonment Exhibit

Recommended Action
Motion to approve the ordinance on second reading as presented closing, vacating, abandoning and conveying a portion of the E.W. Pfluger Addition Public Right-of-Way and authorizing the City Manager to execute a deed without warranty.