

ORDINANCE NO. 2022-15

AN ORDINANCE OF THE PORT ARANSAS CITY COUNCIL OF THE CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS FINDING THAT ALLEY CLOSING REQUEST VC-22-001688, A 20' WIDE AND APPROXIMATELY 215' LONG UNIMPROVED ALLEY BEING BETWEEN AND ADJACENT TO COQUINA SUBDIVISION LOTS 6E & 5 , LOTS 6D & 4, LOTS 6C & 3, & LOTS 6B & 2 (129-209 SIXTH ST & 126-202 GULF ST) AND WITHIN THE CITY OF PORT ARANSAS, IS NOT NECESSARY FOR PUBLIC USE AS A THOROUGHFARE; PROVIDING FOR THE VACATION, ABANDONMENT AND CLOSURE OF THE UNIMPROVED ALLEY; AND RELEASING ANY AND ALL PUBLIC RIGHTS, TITLE AND INTEREST.

WHEREAS, pursuant to chapter 311 of the Texas Transportation Code, municipalities such as Port Aransas have exclusive control over the highways, streets and easements of the municipality; and

WHEREAS, pursuant to Chapter 311 of the Texas Transportation Code, the City of Port Aransas has the authority to vacate, abandon, and close streets and easements within the city; and

WHEREAS, within the City of Port Aransas there is a 20' Wide and Approximately 215' Long Unimproved Alley Being Between And Adjacent To Coquina Subdivision Lots 6E & 5, Lots 6D & 4, Lots 6C & 3, & Lots 6B & 2 (129-209 Sixth St & 126-202 Gulf St), hereafter referred to as the "Alley"; and

WHEREAS, an application received on July 19, 2022, David & Jennifer Kinkaid & Arthur Serrano & Deann Ash (and further by email, Gene Frost & Duston Ross) have requested that the Alley be closed, attached hereto as Exhibit A; and

WHEREAS, the Planning & Zoning Commission addressed this request at their August 30, 2022 Meeting and a Public Hearing was scheduled for September 15, 2022 before the City Council; and

WHEREAS, the City Council has determined that the Alley has not been used as a public thoroughfare, is not necessary as a public thoroughfare and has no other public use; and

WHEREAS, the City Council finds that vacating the Alley would have no adverse effect on adjacent properties; and

WHEREAS, the City Council has determined that it is in the best interest of the City to vacate, abandon, and close the Alley.

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

SECTION 1. FINDING OF FACT.

That the foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if set forth herein at length.

SECTION 2. ALLEY CLOSURE.

The City Council hereby vacates, abandons, and closes a 20' Wide and Approximately 215' Long Unimproved Alley Being Between And Adjacent To Coquina Subdivision Lots 6E & 5, Lots 6D & 4, Lots 6C & 3, & Lots 6B & 2 (129-209 Sixth St & 126-202 Gulf St), which is more particularly described in drawing attached hereto as Exhibit A.

SECTION 3. ABANDONMENT OF RIGHTS.

The City Council hereby abandons any and all public rights, title and interest, if any, to a 20' Wide and Approximately 215' Long Unimproved Alley Being Between And Adjacent To Coquina Subdivision Lots 6E & 5, Lots 6D & 4, Lots 6C & 3, & Lots 6B & 2 (129-209 Sixth St & 126-202 Gulf St).

SECTION 4. LAND RECORDS.

The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City, and in the land records of Nueces County.

SECTION 5. SEVERABILITY.

If any word, article, phrase paragraph, sentence, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions of applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage after third reading and publication as may be required by government law.


SECTION 7. PROPER NOTICE & OPEN MEETING.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that 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.

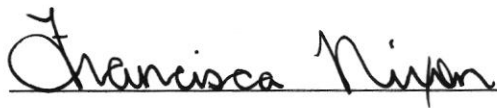
PASSED, ORDAINED, APPROVED and **ADOPTED** this 15th day of NOVEMBER, 2022.



CITY OF PORT ARANSAS, TEXAS


Wendy Moore, Mayor

ATTEST:



Francisca Nixon, City Secretary

First Reading: September 15, 2022

Second Reading: October 20, 2022

Third Reading: November 15, 2022