

ORDINANCE 2022-16 _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS FINDING THAT A PORTION OF SAN ANTONIO STREET LOCATED ALONG BLOCK 93 OF THE CITY OF CUERO; A PORTION OF WEST LIVE OAK STREET RUNNING IN BETWEEN BLOCKS 93 AND 94 OF THE CITY OF CUERO; A PORTION OF WEST COURTHOUSE STREET RUNNING BETWEEN BLOCKS 86 AND 87 IN THE CITY OF CUERO AND A PORTION OF MILL STREET, ALSO KNOWN AS GAZZIE STREET LOCATED IN BLOCK 86 IN THE CITY CUERO SHOULD BE CLOSED; AND HEREBY CLOSING THAT PORTION OF SAN ANTONIO STREET LOCATED ALONG BLOCK 93 CITY OF CUERO; A PORTION OF WEST LIVE OAK STREET RUNNING IN BETWEEN BLOCKS 93 AND 94 OF THE CITY OF CUERO; A PORTION OF WEST COURTHOUSE STREET RUNNING BETWEEN BLOCKS 86 AND 87 IN THE CITY OF CUERO AND A PORTION OF MILL STREET, ALSO KNOWN AS GAZZIE STREET LOCATED IN BLOCK 86 IN THE CITY OF CUERO, TEXAS, BUT RESERVING A UTILITY EASEMENT IN FAVOR OF THE CITY, AND PRESCRIBING AN EFFECTIVE DATE.

WHEREAS, Amherst _____, the owner of real property abutting and underlying a portion of the of San Antonio street located in Block 93, City of Cuero; a portion of West Live Oak Street running in between Blocks 93 and 94 of the City of Cuero; a portion of West Courthouse Street running between Blocks 86 and 87 in the city of Cuero and a portion of Mill Street, also known as Gazzie Street located in Block 86, in the City of Cuero, as depicted on the Attached **Exhibit “A” and “B”**; and

WHEREAS such streets are not now useful to the public and as such it would be beneficial that the portions of those streets listed herein be closed only; and

WHEREAS, it is the City of Cuero’s intent to merely close those portions San Antonio Street located in Block 93, City of Cuero, West Live Oak Street running in between Blocks 93 and 94 of the City of Cuero, West Courthouse Street running between Blocks 86 and 87 in the City of Cuero and Mill Street, also known as Gazzie Street located in Block 86, in the City of Cuero, to public access, but not to close access to its public utility easements in the said streets; and

WHEREAS, the City is NOT vacating or abandoning those portions of San Antonio Street located in Block 93, City of Cuero, West Live Oak Street running in between Blocks 93 and 94 of the City of Cuero, West Courthouse Street running between Blocks 86 and 87 in the City of Cuero and Mill Street, also known as Gazzie Street located in Block 86, in the City of Cuero, but only closing those portions of San Antonio Street located in Block 93, City of Cuero, West Live Oak Street running in between Blocks 93 and 94 of the City of Cuero, West Courthouse Street running between Blocks 86 and 87 in the City of Cuero and Mill Street, also known as Gazzie Street located in Block 86, in the City of Cuero; and

WHEREAS, the City reserves the right to re-open said portions of San Antonio Street located in Block 93, City of Cuero, West Live Oak Street running in between Blocks 93 and 94 of the City of Cuero, West Courthouse Street running between Blocks 86 and 87 in the City of Cuero and Mill Street, also known as Gazzie Street located in Block 86, in the City of Cuero, at any time in the future to allow for public access; and

WHEREAS, it is RESERVED to the City of Cuero, its successors and assigns, utility easements in all said street closed for the purposes of placing, constructing, repairing, maintaining, rebuilding, replacing, relocating, and removing utility mains, lines, poles, and appurtenances for all public utilities owned or franchised by the City of Cuero, including but not limited to sewer, water and electricity; and

WHEREAS, those portions of San Antonio Street located in Block 93, City of Cuero, West Live Oak Street running in between Blocks 93 and 94 of the City of Cuero, West Courthouse Street running

between Blocks 86 and 87 in the City of Cuero and Mill Street, also known as Gazzie Street located in Block 86, in the City of Cuero, do not revert to the adjoining property owners.

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

SECTION ONE. That portion of **San Antonio Street** in the City of Cuero running in a Northerly direction between Block 93 and the Southern Pacific Railroad Right of Way, a with the Eastern boundary of said street running along the Western boundary of Lots 9 and 1, in Block 93, City of Cuero and the Westerly boundary of said street running along the Eastern boundary of that Southern Pacific Railroad Right of Way in City of Cuero is hereby CLOSED SUBJECT TO THE HEREIN RESERVED UTILITY EASEMENT.

SECTION TWO. That portion of **West Live Oak Street** running in an Easterly direction between Blocks 93 and 94 in the City of Cuero, from the Eastern boundary line of San Antonio Street to the Westerly boundary line of Gazzie Street is hereby CLOSED SUBJECT TO THE HEREIN RESERVED UTILITY EASEMENT.

SECTION THREE. That portion of **West Courthouse Street** running between Blocks 86 and 87 in the City of Cuero in an Easterly direction, with its Northerly boundary located along Lots 9, 10, 11, 12, 13, and 14, in Block 87, and its Southerly boundary located along Lots 1, 2, 3, 4, 4, 5 and 6, in Block 86 of the City of Cuero is hereby CLOSE SUBJECT TO THE HEREIN RESERVED UTILITY EASEMENT.

SECTION FOUR. That portion of **Mill Street, also known as Gazzie Street** located in Block 86, running in a Northerly direction, with its Eastern boundary located along the Westerly boundary of Lot 5, in Block 86 and its Westerly boundary located along the Southern boundary of Lot 3, in Block 86 of the City of Cuero is hereby CLOSED SUBJECT TO THE HEREIN RESERVED UTILITY EASEMENT.

SECTION FIVE. That the City of Cuero, its successors and assigns, shall continue to have all rights on, over, under, through and across the herein closed streets, as to a utility easement for the purposes of placing, constructing, repairing, maintaining, rebuilding, replacing, relocating, and removing utility mains, lines, poles, and appurtenances for public utilities owned or franchised by the City of Cuero, including but not limited to sewer, water and electricity.

SECTION SIX That a map depicting that portion of said streets being closed is attached hereto as **Exhibits "A" and "B"**.

SECTION SEVEN. That **Exhibits "A" and "B"** are attached hereto and incorporated into this ordinance by reference and made a part hereof as if fully rewritten or reproduced herein.

SECTION EIGHT. That the City Manager, or his designee, severally, are authorized and directed to take all necessary action and to do all things conducive to reflect this closure of said streets, including but not limited to placing barricades across said closed streets.

SECTION NINE. This ordinance shall take effect immediately from and after its passage.

SECTION TEN. 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 the meeting was given as require by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION ELEVEN. 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 or 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.

UPON MOTION OF COUNCILMEMBER GARZA, SECONDED BY COUNCILMEMBER ALLEN, THAT THE ORDINANCE BE PASSED ON FIRST READING THE 25TH DAY OF OCTOBER, 2022, AYES: 7 NAYES: 0 MOTION CARRIED.

UPON MOTION OF COUNCILMEMBER _____, SECONDED BY COUNCILMEMBER _____, THAT THE ORDINANCE BE PASSED ON SECOND READING THE _____ DAY OF _____, 2022, AYES: _____ NAYES: _____ MOTION CARRIED.

SARA POST MEYER
Mayor

ATTEST:

JENNIFER ZUFELT
CITY SECRETARY

APPROVED AS TO LEGALITY:

JAMES K. CRAIN, III
CITY ATTORNEY

EXHIBIT A

EXHIBIT B

MAP