

ORDINANCE NO. 2023-59

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE ABANDONMENT OF A 36,154 SQUARE FOOT RIGHT-OF-WAY DESCRIBED AS CHAMPIONS BOULEVARD WITHIN THE CHAMPIONS BUSINESS PARK SUBDIVISION AND LOCATED BETWEEN I-35 FRONTAGE AND POST ROAD, SUBJECT TO REPLACEMENT RIGHT-OF-WAY BEING DEDICATED TO THE CITY; AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO EXECUTE A QUITCLAIM DEED TO THE ABUTTING PROPERTY OWNER REQUESTING SUCH ABANDONMENT, SUBJECT TO THE OWNER DEDICATING A REPLACEMENT RIGHT-OF-WAY TO THE CITY; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. On July 25, 2023, the City Planning and Zoning Commission conducted a public hearing on an application requesting the abandonment of a 36,154 square foot right-of-way described as Champions Boulevard (“Champions Boulevard Street Section”) within the Champions Business Park Subdivision and located between I-35 Frontage and Post Road and voted to recommend City Council approval of the request, subject to the dedication to the City of replacement right-of-way described as Riverwalk Drive by the Yarrington Commons Preliminary Plat. The Champions Boulevard Street section is shown in Exhibit A, attached hereto and made a part hereof.

2. The fair market value of the alternative right-of-way being dedicated to the City is equal or greater than the value of the Paramount Circle Street Section to be abandoned by the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The abandonment of the Champions Boulevard Street Section is approved, subject to the abutting owner requesting the abandonment dedicating to the City replacement right-of-way described as Riverwalk Drive by the Yarrington Commons Preliminary Plat.

SECTION 2. Subject to the conditions stated in Section 1, the City Manager, or her designee, is authorized to execute a quitclaim deed conveying the Champions Boulevard Street Section to the abutting owner requesting the abandonment, with no additional payment of fair market value to the City, inasmuch as the replacement right-of-way being dedicated by the owner to the City is of equal or greater value than the value of the Champions Boulevard Street Section.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4: All ordinances and resolutions or parts of ordinances or resolutions in conflict

with this ordinance are repealed.

SECTION 5. This Ordinance will take effect immediately after the date of its final passage.

PASSED AND APPROVED on first reading on September 5, 2023.

PASSED, APPROVED AND ADOPTED on second reading on September 19, 2023.

Jane Hughson
Mayor

Attest:

Elizabeth Trevino
City Clerk

Approved:

Samuel J. Aguirre
City Attorney

EXHIBIT “A”
Description of Abandoned Street Section
(following page)