

PETITION TO CLOSE CEDAR AVENUE AND AN ALLEY BETWEEN SPRING ST
AND GENII ST IN SMITH 1ST ADDITION
HIGH ISLAND, GALVESTON COUNTY, TEXAS

TO THE HONORABLE COMMISSIONERS' COURT OF GALVESTON COUNTY,
TEXAS:

NOW COMES, Johnny Andres, Carolyn Andres, Kendall LaRay Barrow, executor for the Mary Barrow Estate and five (5) other residents of Precinct No. 2, Galveston County, Texas, and file this, their Petition and Application for the abandonment and discontinuance of a street and alley in Smith's 1st Addition, Galveston County, Texas, and for an appropriate Order of this Honorable Court so abandoning and discontinuing said hereinafter described alley in accordance with and as provided for by Chapter 251, Subchapter B, of the Texas Transportation Code, and in support thereof would respectfully show unto the Court the following:

I.

That the alley sought to be abandoned are more fully described as follows, to-wit:

See attached Exhibit "A" attached hereto and made a part thereof.

II.

That Petitioners, **Johnny Andres, Carolyn Andres, and Kendall LaRay Barrow, executor for the Mary Barrow Estate**, are the owners of property adjacent to the proposed abandonment.

III.

That said street and alley are not "public roads" within the meaning of the laws of the State of Texas, nor was the street or alley at any time up to and including the present time located within the limits of an incorporated city or town.

IV.

That the street and alley have never been opened and used as a public road for more than 50 years, nor has the County of Galveston ever exercised any control, right of control, jurisdiction or dominion either for itself or on behalf of the public generally by working or spending money on the same or by any other act or in any other manner as a road.

V.

That there is not now any public need for the maintaining of the street or alley as a roadway by the County of Galveston, and that the burdens and liabilities which would be imposed upon the County of Galveston by opening and maintaining the same would not be justified by the advantages which the opening and maintenance of same would give to the public.

VI.

That in the event said street and alley are abandoned by the County, Petitioners, Johnny Andres, Carolyn Andres and Kendall LaRay Barrow, executor for the Mary Barrow Estate, are willing to pay to the County the fair market value of such street and alley as determined by a Real Estate Appraiser chosen by the County as well as all appraisal costs.

VII.

All public and private utility companies serving the area have determined that they have no facilities within the area to be abandoned and have no objection to this abandonment.

VIII.

WHEREFORE, Petitioners pray that twenty (20) days notice of this Application and Petition by given, that said notice should be published as required by law; that


Petitioners furnish satisfactory proof of posting of said notice and that upon final hearing hereof this Honorable Court adopt a proper Resolution vacating and abandoning every claim or right the County of Galveston or the general public has or may have in the unopened and unused portions of the street and alley described herein, subject, however, to any easements of record or easements now existing on the ground and that this Honorable Court enter such further orders and take such further action as may be proper or necessary in the premises.


Signature

Johnny Andres
Printed Name


Signature

Carolyn Andres
Printed Name


Signature

Kendall L. Barrow
Printed Name


Signature

Hedy Andres
Printed Name


Signature

Leroy A. Mears
Printed Name


Signature

Sabrina Bobino
Printed Name


Signature

William Maxey
Printed Name


Signature

Donna J. Wichkaski
Printed Name

Exhibit "A"



Cedar Ave ROW
60' x 300'
18,000 sf

Alley
20' x 300'
6,000 sf