

ORDINANCE NO. 1201-06-19

AN ORDINANCE OF THE CITY OF HONDO ABANDONING A 0.133 TRACT OF LAND BEING A PORTION OF AN ALLEY THAT RUNS EAST AND WEST BETWEEN AVENUE M AND AVENUE N AND LIES SOUTH OF 13TH STREET AND 14TH STREET IN THE CITY OF HONDO, MEDINA COUNTY, TEXAS; RETAINING A UTILITY EASEMENT; ACCEPTING APPRAISAL AS FAIR MARKET VALUE FOR PROPERTY; DECLARING A PUBLIC PURPOSE; INCORPORATING RECITALS; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE.

* * * * *

WHEREAS, Local Government Code Section 272.001(b)-(c) provides that the notice and bid requirements in Section 272.001(a); a city may sell for fair market value streets or alleys, owned in fee or used by easement to an abutting property owner without satisfying and

WHEREAS, City of Hondo Code of Ordinances, Section 2.10.002 provides the requirements for closure, vacation, and abandonment of the right of way to a political subdivision, which include: (1) submission of a written request; (2) payment of processing fee; (3) payment of fair market value for the property; (4) execution of an agreement setting out the fee and terms of conveyance; (5) an city council ordinance closing, vacating, and abandoning the public right of way; and

WHEREAS, Local Government Code Section 272.001(b) provides that “fair market value” is determined by an appraisal obtained by the city that owns the land or interest; and

WHEREAS, the City owns a twenty (20) foot wide alley, including water and wastewater utility lines running east and west between Avenue M and Avenue N and lying south of 13th Street and north of 14th Street and described as: (the “Property”)

A 0.133 acre (5,800 s.f.) tract out of the C.J. Bless Addition of record in Vol. 37, Page 619, Deed Records of Medina County, Texas and being all of that tract of land between Lots 1-4, Block 1, and Lots 5-8, Block 1 of said Bless Addition, Medina County Texas, and being more particularly described by metes and bounds in the survey field notes included in **EXHIBIT “A”**, attached hereto for all purposes

WHEREAS, the City and County are political subdivisions of the state of Texas; and

WHEREAS, County submitted a written request dated May 17, 2019, to City requesting that City convey the Property to County for purposes related to construction of the Medina County Courthouse Annex Project and which will benefit the public its serves; and

WHEREAS, the City is agreeable to conveying the Property to County subject to the terms and conditions of the Purchase-Sale Agreement attached hereto as **EXHIBIT "B"**, attached hereto and incorporated for all purposes; and

WHEREAS, the City finds that abandonment of the Property will not affect the traffic flow or pattern in the area, and further finds that it is in the best interest of the City to abandon, vacate and close the Property for public use; and

WHEREAS, City now wishes to abandon this city property subject to the terms and conditions set forth below; now

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

SECTION 1. ABANDONMENT. The following portions of the Public Right of Way of land more or less and described as: (the "Property")

A 0.133 acre (5,800 s.f.) tract out of the C.J. Bless Addition of record in Vol. 37, Page 619, Deed Records of Medina County, Texas and being all of that tract of land between Lots 1-4, Block 1, and Lots 5-8, Block 1 of said Bless Addition, Medina County Texas, and being more particularly described by metes and bounds in the survey field notes included in **EXHIBIT "A"**, attached hereto for all purposes

The Property is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned; **SAVE AND EXCEPT** a utility easement reserved by and on behalf of the City, upon, the Property being abandoned. City shall have the right at any time after the abandonment of the properties described herein with or without notice to the petitioner to enter upon the land to survey, access and use its easements the rights which are reserved unto the City forever. City reserves all water and mineral rights on the Property.

SECTION 2. PUBLIC PURPOSE That said portions of the Public Right of Way described in Section 1, save and except the utility easements described therein are no longer needed for public purposes and it is in the public interest of the City, to abandon said described portions of the Public Right of Way.

SECTION 3. SCOPE. That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of land described in Section 1 of this ordinance, and shall be construed only to that interest the governing body of the City may legally and lawfully abandon.

SECTION 4. AUTHORITY AND EXCEPTION. In addition to the express reservations provided for in Section 1 hereof, the abandonment is made subject to any and all valid, conditions, easements, restrictions and the like filed of record in the real property records of Medina County Texas. The City Manager is authorized to execute the Purchase – Sale Agreement included in **EXHIBIT "B"** and a Special Warranty Deed substantially in the

EXHIBIT A
PROPERTY DESCRIPTION
of 0.133 Acre Tract

Vacating Parcel

05/16/19

Description

0.133 Acres

Description of a 0.133 Acre (5,800 Sq. Ft.) tract out of the C. J. Bless Addition of record in Volume 37, Page 619 of the Deed Records of Medina County, Texas and being all that tract of land between Lots 1-4, Block 1 and Lots 5-8 Block 1 of said Bless Addition, Medina County, Texas and being more particularly described by metes and bounds as follows:

(All bearings are based on the Texas State plane Coordinate System, Central Zone, North American Datum of 1983. All coordinates are on Grid.)

Beginning at a 5/8" rebar with a orange cap found in the East line of Avenue "N" (50' Right of Way) for the Southwest corner of said Lot 8 and the Northwest corner hereof, and from which a 5/8" rebar with a orange cap found at the intersection of the South line of 13th Street and the East Line of Avenue "N" for the Northwest corner of said Lot 8 Bears North 00°09'48" East, a distance of 145.33 feet;


THENCE South 89°57'34" East, Along the South line of Lot 8, Lot 7, Lot 6, and Lot 5, a distance of 290.00 feet to a 5/8 inch rebar with an orange cap found in the West line of Avenue "M" (Right of Way Varies) for the Southeast corner of said Lot 5 and the Northeast corner hereof;

THENCE South 00°09'48" West, along the West line of Avenue "M", a distance of 20.00 feet to a 5/8 inch rebar with an orange cap found for the Northeast corner of said Lot 1 and the Southeast corner hereof;

THENCE North 89°57'34" West, Along the North line of said Lot 1, Lot 2, Lot 3 and Lot 4, a distance of 290.00 feet to a 5/8 inch rebar found in the East line of Avenue "N" for the Northwest corner of said Lot 4 and the Southwest corner hereof

THENCE North 00°09'48" East, Along the East line of Avenue "N", same being the West line hereof, a distance of 20.00 feet to the POINT OF BEGINNING of herein described tract and containing a calculated area of .0.133 acres (5800 Sq. Ft) of land.

I, Philip V. Hampton RPLS 5520, certify that this description was performed in the field and a sketch title "Alley Vacat" accompanies this description.

 5/16/19

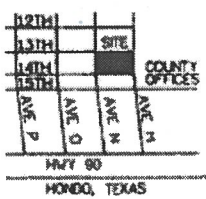
Texas Registration No. 5520
Firm #: 10193840



SurGIS of Texas Corporation
12274 Bandera Road
Helotes, Texas 78023

1 of 2

210-367-5843
Job Number 105-12

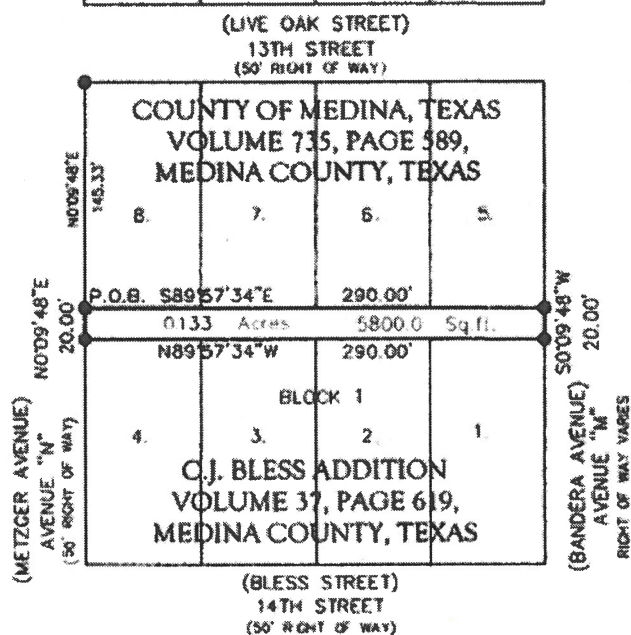


BLOCK 5	
2.	1.
72 1/2	72 1/2

BLOCK 2			
4.	3.	2.	1.
72 1/2	72 1/2	72 1/2	72 1/2

BLOCK 6	
6.	5.
72 1/2	72 1/2

2.	1.
72 1/2	72 1/2



0.133 ACRES OUT OF BLOCK 1, C.J. BLESS
ADDITION VOLUME 37, PAGE 619, DEED RECORDS
OF MC MULLEN COUNTY, TEXAS.

LEGEND

P.O.C. POINT OF COMMENCEMENT

P.I.B. POINT OF BEGINNING

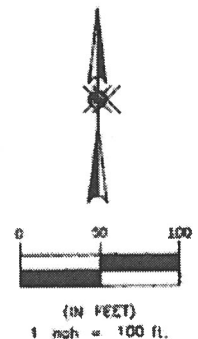
● 5/8" REBAR FOUND WITH A ORANGE CAP

Notes

1) Bearings are based on the Texas
State Plane Coordinate System, NAD 83,
Texas South Central Zone, U.S. Feet.

I HEREBY STATE: THAT THIS SURVEY WAS CREATED
ACCORDING TO AN ACTUAL SURVEY MADE ON THE
GROUND BY ME ON FEBRUARY 14, 2019.

Philip V. Hampton 5/14/19
Philip V. Hampton, P.L.S., NO. 5520



PAGE 2 OF 2



12274 Bandera Road Ste 123
Melotes, Texas 78023
www.surgis-texas.com
210-367-3843
firm # 10193840

EXHIBIT B

PURCHASE-SALE AGREEMENT

EXHIBIT C
SPECIAL WARRANTY DEED

form included in **EXHIBIT "C"**, to convey the interests described in Section 1 hereof to Medina County upon receipt of the fair market value for said properties paid to the City of Hondo.

SECTION 5. FAIR MARKET VALUE. City accepts the property appraisal prepared by Love & Associates, dated March 27, 2019, estimating the value of the Property at \$6,000.00 and establishing the fair market value for the Property as required under Local Government Code Section 272.001(b).

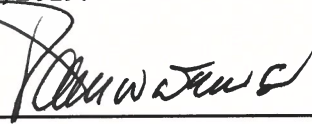
SECTION 6. INCORPORATION OF RECITALS. The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them as findings of fact.

SECTION 7. REPEALING ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 9. EFFECTIVE DATE. The Ordinance shall be effective immediately following its passage and approval by council.

PASSED AND APPROVED 10th day of JUNE, 2019.



JAMES W. DANNER, SR., MAYOR

ATTEST:



Miguel Cantu, City Secretary



