



# ABANDONMENT OF PUBLIC RIGHT-OF-WAY/EASEMENT APPLICATION

## MINIMUM SUBMITTAL REQUIREMENTS

- Abandonment Fee (\$550 for right-of-way, \$250 for easement)
- A completed copy of the Abandonment of Public ROW/Easement Application All exhibits processed (except for Exhibit No. 3 & 4, which will be processed by staff).
- A copy of a recent (within 90 days) deed or title insurance policy showing the names of the owners, or, an older deed or titles with a Nothing Further Certificate.
- For unplatted property, a signed, sealed and dated metes and bounds description and a diagram of the property showing the location of the abandonment.
- For platted property, a copy of the plat showing the lot, block, subdivision, and recording information.
- Corporate or partnership owners must furnish a copy of a corporate resolution or other proof of authority to sign on behalf of the corporation, partnership, or joint venture.

### APPLICATION

ADDRESS: Alley - between Bufford St. and Eldred St.

LEGAL DESCRIPTION: Block 33 , Original Town of Burleson

### APPLICANT (Primary Contact for the Project):

Name: Paul Jenkins and Blaine Crews - Rhythm Ventures, LLC

Street Address: 5049 Edwards Ranch Road

City: Fort Worth State: Texas Zip Code: 76109

Phone Number: 817-343-2939 Fax Number: \_\_\_\_\_

### PROPERTY OWNER'S INFORMATION (If different from above):

Name: \_\_\_\_\_ email: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

*The applicant has prepared this application and certifies that the facts stated hereing and exhibits attached hereto are true and correct.*

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Dale

**APPLICATION FOR  
THE ABANDONMENT OF A  
PUBLIC RIGHT-OF-WAY/EASEMENT**

Date: 8/20/23

Location of Right-of-way/Easement to be Abandoned:

Alley within Block 33, Original Town of Burleson - see exhibits contained in application

Property Owner's Name and Address: City of Burleson

141 W. Renfro St, Burleson, Texas, 76028

Property Owner's Phone Number: 817-426-9600

Property Owner's email: citymanager@burlesontx.com

**TO THE MAYOR AND CITY COUNCIL OF THE CITY OF BURLESON:**

The undersigned hereby makes application for the abandonment of that portion of the above right-of-way particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. The undersigned will hold the City of Burleson harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.
2. Attached, marked Exhibit No. 1, are two sealed metes and bounds descriptions (dividing the area in half) of the area sought to be abandoned, prepared by a Registered Public Surveyor.
3. Attached, marked Exhibit No. 2, are two copies of a plat or detailed sketch of that portion of the public right-of-way/easement sought to be abandoned and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described right-of-way/easement is situated, together with the record owners of such lots.
4. Attached, marked Exhibit No. 3, is the consent of all public utilities to the abandonment.
5. Attached, marked Exhibit No. 4, is the consent of City of Burleson staff.
6. Attached, marked Exhibit No. 5, is the consent of all the abutting property owners, except the following: (if none, so state)

None

7. Such public right-of-way/easement should be abandoned because:

The area is unimproved and the city has no plans to pave the alley

8. Such public right-of-way/easement has been and is being used as follows:

The ROW is currently unimproved and there is an existing sewer line in the alley.

A utility easement will be retained as part of the abandonment.

I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF TEXAS

ACKNOWLEDGEMENT

COUNTY OF JOHNSON

Subscribed and sworn to me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

STATE OF TEXAS

ACKNOWLEDGEMENT

COUNTY OF JOHNSON

Subscribed and sworn to me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

## EXHIBIT NO. 1

Attached is a sealed copy of the metes and bounds description of the public right-of-way or easement situated in Block 33, Original Town of Burleson Addition/Subdivision/Survey to the City of Burleson, Johnson County, Texas, sought to be abandoned.

See next page

**LEGAL DESCRIPTION**

A TRACT OF LAND SITUATED IN THE J.W. HENDERSON SURVEY, ABSTRACT NO. 376, JOHNSON COUNTY, TEXAS, BEING ALL OF A 20' ALLEY, BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, DEED RECORDS, JOHNSON COUNTY, TEXAS(D.R.J.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544" FOR THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID 20' ALLEY AND THE SOUTHERLY RIGHT-OF-WAY LINE OF E. BUFFORD STREET (80' R-O-W), AND FOR THE NORTHWESTERLY CORNER OF LOT 9, BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, D.R.J.C.T.;

THENCE LEAVING SAID INTERSECTION S 05°49'52" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 115.00 FEET TO A 60D NAIL FOUND FOR THE SOUTHWESTERLY CORNER OF SAID LOT 9, BLOCK 33;

THENCE N 84°10'08" E ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 20' ALLEY, A DISTANCE OF 115.00 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" FOR THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE AND THE WESTERLY RIGHT-OF-WAY LINE OF S. DOBSON STREET (80' R-O-W), AND FOR THE SOUTHEASTERLY CORNER OF LOT 8, BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, D.R.J.C.T.;

THENCE LEAVING SAID INTERSECTION S 05°49'52" E, A DISTANCE OF 20.00 FEET TO A 1/2" IRON ROD FOUND FOR THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 20' ALLEY AND SAID WESTERLY RIGHT-OF-WAY LINE OF S. DOBSON STREET (80' R-O-W), AND FOR THE NORTHEASTERLY CORNER OF LOT 7, BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, D.R.J.C.T.;

THENCE LEAVING SAID INTERSECTION S 84°10'08" W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 20' ALLEY, A DISTANCE OF 115.00 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWESTERLY CORNER OF LOT 6, BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, D.R.J.C.T.;

THENCE S 05°54'52" E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID 20' ALLEY, A DISTANCE OF 115.00 FEET TO A 1/2" IRON ROD FOUND FOR THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID ELDRED STREET (80' R-O-W), AND FOR THE SOUTHWESTERLY CORNER OF SAID LOT 6, BLOCK 33;

THENCE LEAVING SAID INTERSECTION S 84°10'08" W, A DISTANCE OF 20.00 FEET TO A 5/8" IRON ROD FOUND FOR THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SAID 20' ALLEY AND SAID NORTHERLY RIGHT-OF-WAY LINE, AND FOR THE SOUTHEASTERLY CORNER OF LOT 5, BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, D.R.J.C.T.;

THENCE LEAVING SAID INTERSECTION N 05°49'52" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 250.00 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" FOR THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE AND SAID SOUTHERLY RIGHT-OF-WAY LINE OF EAST BUFFORD STREET (80' R-O-W) AND FOR THE NORTHEASTERLY CORNER OF LOT 1R, BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 9, PAGE 730, PLAT RECORDS, JOHNSON COUNTY, TEXAS;

THENCE LEAVING SAID INTERSECTION N 84°10'08" E, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 7300 SQUARE FEET OF LAND MORE OR LESS

**SURVEYOR'S CERTIFICATE:**

PREPARED BY ME OR UNDER MY DIRECTION.



*Matt Powell*  
 MATT POWELL

REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 5544

DATED: 12/19/22



**EXHIBIT "B"**

SHT. NO.  
 2 OF 2

DATE: 12-19-22

DRAWN: R.G.F.

CHECKED: M.P.

DFW JOB No. 2022048-01

## EXHIBIT NO. 2

Attached is a copy of a plat or detailed sketch of the public right-of-way/easement sought to be abandoned in the above-mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public right-of-way/easement sought to be vacated is situated, and the addition or subdivision in which the portion of the public right-of-way/easement sought to be abandoned is situated. Also, the names of record owners of the abutting lots are shown.

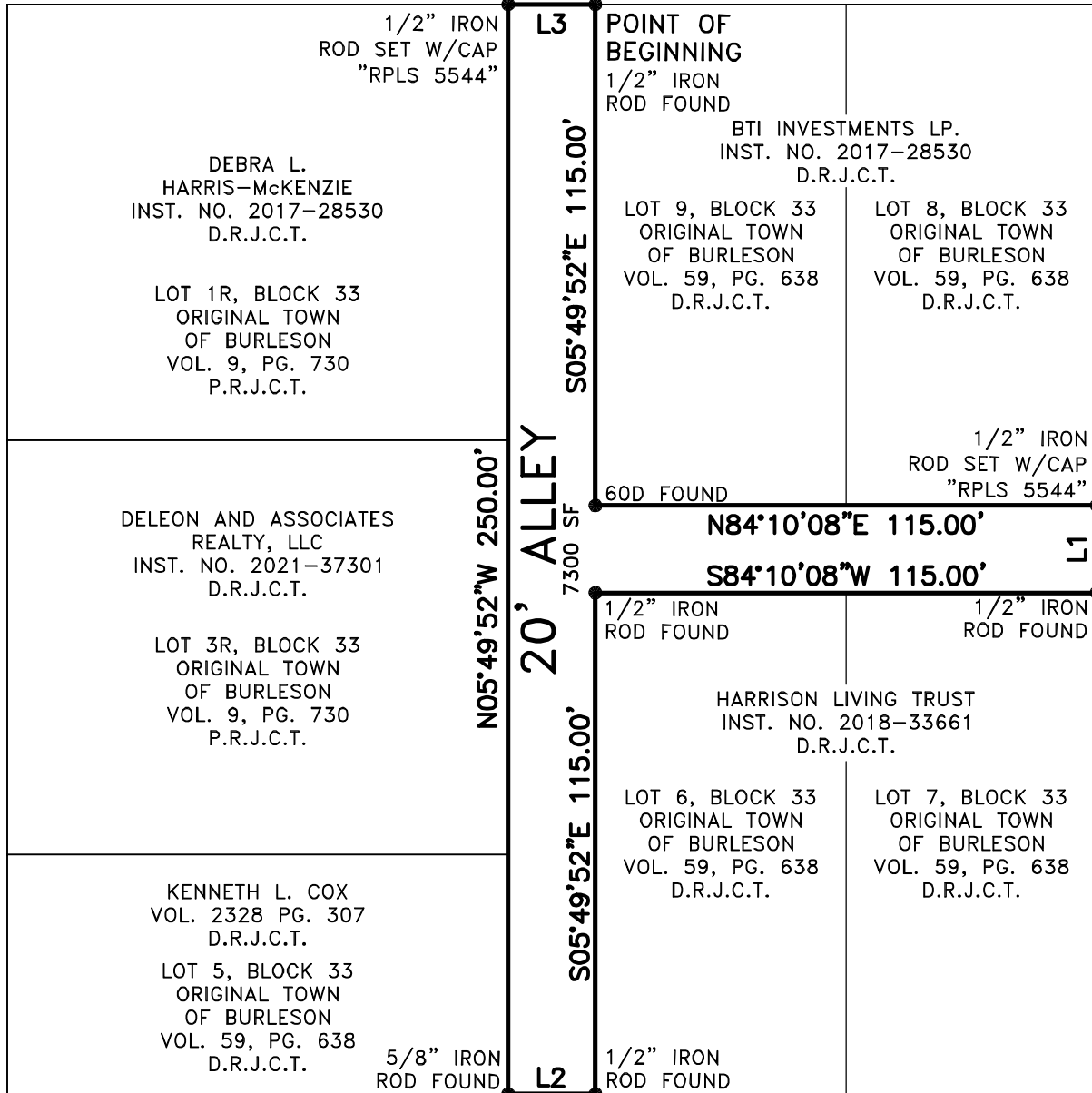
See next page

# E. BUFFORD STREET

(80' R-O-W)

S. COMMERCE STREET  
(50' R-O-W, FORMERLY EAST FRONT ST.)

S. DOBSON STREET  
(80' R-O-W)



# E. ELDRED STREET

(80' R-O-W)

**NOTE:**

THIS EXHIBIT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD THAT MAY AFFECT THE SUBJECT PROPERTY.

**BASIS OF BEARINGS:**

BASIS OF BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983, TEXAS NORTH CENTRAL ZONE, DERIVED FROM GPS OBSERVATIONS.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S05°49'52"E	20.00'
L2	S84°10'08"W	20.00'
L3	N84°10'08"E	20.00'



SCALE: 1" = 40'



AN EXHIBIT SHOWING A  
**20' ALLEY**  
RIGHT-OF-WAY ABANDONMENT  
CITY OF BURLESON, JOHNSON COUNTY, TEXAS

EXHIBIT "A"

SHT. NO.  
1 OF 2

DATE: 12-19-22

DRAWN: R.G.F.

CHECKED: M.P.

DFW JOB No. 2022048-01

EXHIBIT NO. 3

~~ROW-EASEMENT~~ ABANDONMENT  
UTILITY COMPANY SIGN OFF SHEET

The undersigned public utility companies, using or entitled to use under the terms and provisions of agreements with the City of Burleson, that portion of the public ~~utility easement~~ ROW sought to be abandoned, do hereby consent to the joint use of the described portion of such ~~utility easement in Lot(s) \_\_\_\_\_, Block(s) \_\_\_\_\_ of the \_\_\_\_\_~~ Addition to the City of Burleson, \_\_\_\_\_ County, Texas. ~~to the joint use of the described portion of such utility easement~~ to the abandonment of the alley within Block 33, Original Town of Burleson.

**ONCOR ELECTRIC DELIVERY**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**AT&T**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**CHARTER CABLE**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**BETHESDA WATER SUPPLY CORP.**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**JOHNSON COUNTY SPECIAL  
UTILITY DISTRICT**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**PATHWAY COMMUNICATIONS**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**UNITED COOPERATIVE SERVICES**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**ATMOS ENERGY**

By: \_\_\_\_\_

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_



**EXHIBIT NO. 4**

The undersigned, City staff of the City of Burleson, certify that they have carefully considered the Application for Abandonment of the public right-of-way/easement referred to above from the standpoint of the City of Burleson ordinances and with respect to present and future needs of the City of Burleson and see no objection to the requested abandonment from the City's standpoint.

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Assistant Director of Public Works/Utilities  
City of Burleson

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Deputy Director of Public Works/Streets and Drainage  
City of Burleson

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Assistant Director of Public Works (Development) / City Engineer  
City of Burleson

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Director of Development Services  
City of Burleson

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Fire Marshal  
City of Burleson

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Building Official  
City of Burleson

EXHIBIT NO. 5

The undersigned owners of property abutting upon that portion of the public right-of-way/easement named and described in the Application for Abandonment of a Public Right-of-Way/Easement referred to above, do hereby consent to such abandonment. **and have indicated their desire to receive half of the abandoned right-of-way from the City.**

Name: Debra Harris McKennie  
Address: 175 Stella St Burleson Tx 76028  
Phone Number: 817 994-8854  
Signature: Debra Harris McKennie

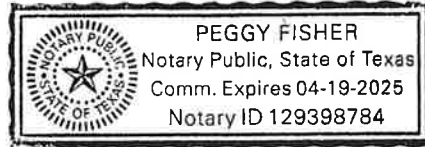
STATE OF TEXAS

COUNTY OF Johnson

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared in person, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE 24<sup>th</sup> DAY OF August, 2023

Peggy Fisher  
Notary Public in and for the State of Texas



Name: Kenneth L. Cox  
Address: 405 Berryhill, Springtown, Tex 76082  
Phone Number: 817-220-2526  
Signature: Kenneth Cox

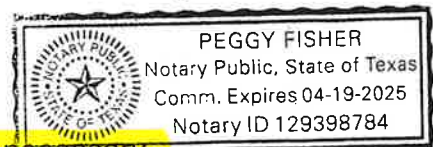
STATE OF TEXAS

COUNTY OF Tarrant

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared in person, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE 25<sup>th</sup> DAY OF August, 2023

Peggy Fisher  
Notary Public in and for the State of Texas



Attach as many copies of this sheet as necessary.

EXHIBIT NO. 5 (page 2)

The undersigned owners of property abutting upon that portion of the public right-of-way/easement named and described in the Application for Abandonment of a Public Right-of-Way/Easement referred to above, do hereby consent to such abandonment. **and have indicated their desire to receive half of the abandoned right-of-way from the City.**

Name: Marcadean Harrison  
Address: 2823 Donnybrook Av., Burleson, TX 76028  
Phone Number: 817-475-7268  
Signature: Marcadean Harrison

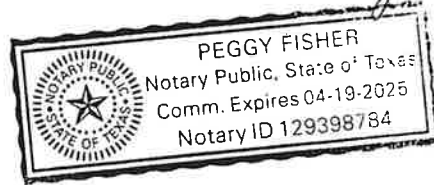
STATE OF TEXAS

COUNTY OF Johnson

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared in person, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE 22<sup>nd</sup> DAY OF August, 2023

Peggy Fisher  
Notary Public in and for the State of Texas



Name: Richard Harrison  
Address: 2823 Donnybrook Av., Burleson, TX 76028  
Phone Number: 817-229-8693  
Signature: Richard Harrison

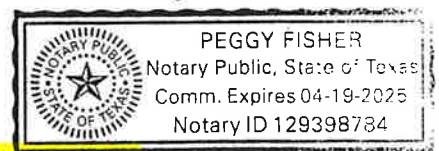
STATE OF TEXAS

COUNTY OF Johnson

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE 22<sup>nd</sup> DAY OF August, 2023

Peggy Fisher  
Notary Public in and for the State of Texas



Attach as many copies of this sheet as necessary.

EXHIBIT NO. 5

The undersigned owners of property abutting upon that portion of the public right-of-way/easement named and described in the Application for Abandonment of a Public Right-of-Way/Easement referred to above, do hereby consent to such abandonment and have indicated their desire to receive half of the abandoned right-of-way from the City.

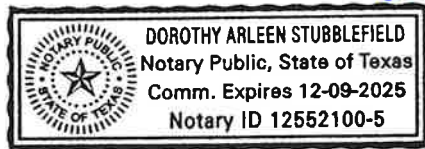
Name: Charlie DeLeon  
Address: 325 S. WARREN ST Burleson TX 76028  
Phone Number: 682-583-2127  
Signature: [Handwritten Signature]

STATE OF TEXAS  
COUNTY OF Johnson

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared DeLeon, Charlie, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE 25 DAY OF August, 2023

[Handwritten Signature: Dorothy Arleen Stubblefield]  
Notary Public in and for the State of Texas



Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Signature: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**Attach as many copies of this sheet as necessary.**