

ORDINANCE NO. 2022.05.10__

AN ORDINANCE TO CLOSE, VACATE, AND ABANDON A PORTION OF ELM STREET ON THE WEST SIDE OF VINE STREET BETWEEN BLOCK 26 AND BLOCK 27 OF THE ORIGINAL TOWN OF GLEN ROSE; REQUIRING THREE THOUSAND DOLLARS COMPENSATION; AUTHORIZING ISSUANCE OF A QUIT CLAIM DEED; REQUIRING A UTILITY EASEMENT; PROVIDING REPEALING, SEVERABILITY AND PROPER NOTICE, MEETING, AND QUORUM CLAUSES; REQUIRING FILING WITH SOMERVELL COUNTY CLERK; AND, ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose (City) is a Type A General Law municipality operating under the general laws of the State of Texas;

WHEREAS, the City Council is the Governing Body of a Type A General Law municipality.

WHEREAS, pursuant to §311.008 of the Texas Transportation Code, “The governing body of a general-law municipality by ordinance may vacate, abandon, or close a street or alley of the municipality if a petition signed by all the owners of real property abutting the street or alley is submitted to the governing body”;

WHEREAS, pursuant to §272.001(b)(2) of the Texas Local Government Code (TLGC), the sale of “streets or alleys, owned in fee or used by easement” are not subject to the procedures required in the sale of other municipal property;

WHEREAS, pursuant to §272.001(b) of the TLGC, “The land and those interests described by this subsection may not be conveyed, sold, or exchanged for less than the fair market value of the land or interest unless the conveyance, sale, or exchange is with one or more abutting property owners who own the underlying fee simple”;

WHEREAS, pursuant to §272.001(c), streets or alleys, owned in fee or used by easement must be divided between “abutting property owners in proportion to their abutting ownership”;

WHEREAS, Elm Street west of Vine Street is undeveloped and the City has no plans to develop and open that street;

WHEREAS, due to the topography of the area, previously the Council had been informed that if Elm Street west of Vine Street were to be built, the grade of said street would be steeper than what is allowed under Texas Department of Transportation specifications;

WHEREAS, on April 5, 2022 Stephen LaMure, Manager of GR Vine Properties, LLC, owner of the real property abutting both sides of said street, presented signed and notarized applications requesting the vacation and/or abandonment and closure of said street;

WHEREAS, LaMure also provided the City with a survey of said street by David F. Lyons, Jr., RPLS No. 5649, dated March 11, 2019;

WHEREAS, to be able to provide utility service to future development beyond the abandoned portion of Elm Street, the City needs to retain a utility easement in that portion of Elm Street being abandoned;

WHEREAS, on April 12, 2022 after voting to abandon said street, the City Council instructed City Attorney Pendleton to determine the value of the abandoned street and to prepare the documents needed to convey title of said abandoned street to LaMure;

WHEREAS, according to Somervell County Appraisal District records, the GR Vine Properties, LLC tracts abutting both sides of said street have a value of sixty cents per square foot (\$0.60/SF), thus, a value of three thousand dollars (\$3,000.00) has been calculated for the fifty foot by one hundred foot (50' X 100') portion of Elm Street that is being abandoned; and,

WHEREAS, the City Council has determined for the good government, peace, and order of the municipality, to adopt an ordinance to close, vacate, and abandon a one hundred foot (100') long portion of Elm Street beginning at the west side of Vine Street and running between Block 26 and Block 27 of the Original Town of Glen Rose;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE:

SECTION 1 (of 9)
INCORPORATION OF RECITALS

All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2 (of 9)
CLOSURE OF A PORTION OF PECAN STREET

All that portion of Elm Street, starting at its intersection with Vine Street and proceeding west for one hundred feet (100') between Block 26 and Block 27 of the Original Town of Glen Rose, as better described in the attached Exhibit "A" which is incorporated by reference, shall be closed, vacated, and abandoned.

SECTION 3 (of 9)
QUIT CLAIM DEED AUTHORIZED

Upon receipt of three thousand three hundred dollars (\$3,000.00), payable to the City of Glen Rose, the Mayor of the City of Glen Rose, Texas, is hereby authorized to sign a quit claim deed conveying title to that 0.11 acre portion of Elm Street closed, vacated, and abandoned by this Ordinance, as described in Exhibit "A," to abutting property owner, GR Vine Properties, LLC.

SECTION 4 (of 9)
UTILITY EASEMENT REQUIRED

The Mayor is to ensure that the City secures a utility easement through the entire length of the tract that is being conveyed.

SECTION 5 (of 9)
SAVINGS/REPEALING CLAUSE

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6 (of 9)
SEVERABILITY CLAUSE

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council of the City of Glen Rose 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 and phrases be declared unconstitutional or invalid.

SECTION 7 (of 9)
PROPER NOTICE, MEETING, AND QUORUM CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to §22.039 of the Texas Local Government Code.

SECTION 8 (of 9)
FILING REQUIREMENT

A copy of this ordinance shall be presented for filing with the County Clerk of Somervell County, Texas by the office of the City Secretary.

SECTION 9 (of 9)
EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage.

PASSED AND APPROVED this the 10th day of May, 2022.

APPROVED:

Julia Douglas, Mayor

ATTEST:

Rosario Sosol-Lihaut, Deputy City Secretary