

ORDINANCE NO. 2022.06.14__

AN ORDINANCE TO CLOSE, VACATE, AND ABANDON A 0.21 ACRE PORTION OF AN UNNAMED, UNIMPROVED STREET IN THE W. B. PRUITT ADDITION OF THE CITY OF GLEN ROSE; REQUIRING COMPENSATION; AUTHORIZING ISSUANCE OF A QUIT CLAIM DEED; 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; and

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

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”; and

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; and

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”; and

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”; and

WHEREAS, the unnamed street shown on the plat of the W. B. Pruitt Addition to the City of Glen Rose is undeveloped and the City has no plans to develop and open said street; and

WHEREAS, signed and notarized applications by Lovell Nelson Roberts, III and Ann Claybaugh, owners and or Managing Members of all the properties abutting said street have been submitted, requesting the vacation and/or abandonment and closure of a .21 acre portion of said street as identified in a survey prepared by W. L. “Will” Vaughn, dated May of 2022; and

WHEREAS, using the \$1.04/foot average value of all the land adjoining that portion of the street to be abandoned, as found in the Somervell Central Appraisal District records, the value of the 0.21 acre tract identified in the Vaughn Survey is calculated as being \$9,514.00 ; 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 the 0.21 acre tract identified in the survey by Will Vaughn.

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

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 UNNAMED STREET IN THE W. B. PRUITT ADDITION

All that portion of the unnamed street in the W. B. Pruitt Addition of the City of Glen Rose as described in the attached Exhibit "A" and Exhibit "B," which are incorporated herein by reference, shall be closed, vacated, and abandoned.

SECTION 3 (of 9)
QUIT CLAIM DEED AUTHORIZED

Upon receipt of nine thousand five hundred fourteen dollars (\$9,514.00), 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 0.21 acre portion of the unnamed street in the W. B. Pruitt Addition to be closed, vacated, and abandoned by this Ordinance, as described in Exhibit "A" and Exhibit "B," to abutting property owners, Lovell Nelson Roberts and 704 Barnard, LLC (the Managing Member of which is Lovell N. Roberts) .

SECTION 4 (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 5 (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 6 (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 7 (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 8 (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:

Staci King, City Secretary