

**ORDINANCE NO. 2022.01.11\_\_**

**AN ORDINANCE TO CLOSE, VACATE, AND ABANDON A PORTION OF THE ALLEY LOCATED BETWEEN THIRD AND FOURTH STREETS, RUNNING FROM CLAY TO ELM STREET, BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE, TEXAS; AUTHORIZING ISSUANCE OF A QUIT CLAIM DEED; PROVIDING FOR 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**, §272.001 of the Texas Local Government Code (TLGC) authorizes municipalities to convey an abandoned street or alley to the abutting property owner for less than fair market value;

**WHEREAS**, pursuant to §253.001 of the TLGC, “To effect the sale (*of an abandoned roadway*), the governing body shall adopt an ordinance directing the municipality's mayor or city manager to execute the conveyance”;

**WHEREAS**, at the January 13, 1999 City Council Meeting, the Council voted to approve a project whereby County Surveyor would begin establishing surveys of the properties in the “Wolf City” portion of the City;

**WHEREAS**, as that project progressed, at the June 12, 2001 City Council Meeting, the City Council voted to approve the closure of a list of alleys in the “Wolf City” portion of the City with the understanding that “when each homeowner has his lot surveyed, he will, at his own expense, submit a Quit Claim Deed to the City, granting him the right to the City’s portion of the alleyway (in most cases, 7 feet)”;

**WHEREAS**, the portion of the alley described in Exhibit “A” of this Ordinance was among the alleys approved for closure and conveyance to abutting property owners by the City Council on June 12, 2001;

**WHEREAS**, the property owner has provided a survey and has petitioned the City to grant a quit claim deed for that portion of the abandoned alley abutting his property; and,

**WHEREAS**, in the lawful exercise of the powers granted to it and for the good government, peace, and order of the City, the City Council has decided to adopt this ordinance abandoning that portion of an alley described in Exhibit “A”, and authorize and direct the Mayor to sign a quit claim deed conveying said abandoned street to Michael R. Dworzak and Catherine Dworzak;

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

**SECTION 1 (of 8)  
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 8)**  
**CLOSURE OF A PORTION OF AN ALLEY**

All that portion of an alley located between Third and Fourth Streets, running from Clay Street to Elm Street as better described in Exhibit "A" which is attached hereto and incorporated herein as though included in the Body of this Ordinance.

**SECTION 3 (of 8)**  
**QUIT CLAIM DEED AUTHORIZED**

The Mayor of the City of Glen Rose, Texas, is hereby authorized and directed to sign a quit claim deed conveying title to that portion of an alley located between Third and Fourth Streets, running from Clay Street to Elm Street closed, as described in Exhibit "A, vacated, and abandoned by this Ordinance to Michael R. Dworzak and Catherine Dworzak.

**SECTION 4 (of 8)**  
**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 8)**  
**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 8)**  
**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 8)**  
**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 8)**  
**EFFECTIVE DATE**

This Ordinance shall take effect immediately upon passage.

**PASSED AND APPROVED this the 11<sup>th</sup> day of January, 2022.**

**APPROVED:**

\_\_\_\_\_  
Julia Douglas, Mayor

**ATTEST:**

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Stephanie McDonald, City Secretary