

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A CERTAIN PORTION OF PURSLEY BOULEVARD (FORMER COUNTY ROAD 786); VACATING, ABANDONING, AND CLOSING THAT PORTION OF THAT STREET; QUITCLAIMING THAT PORTION OF THAT STREET TO THE ADJOINING FEE TITLE OWNER; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST DOCUMENTS TO CARRY OUT THIS ORDINANCE; AND CONTAINING RELATED PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS ("THE CITY"):

Section 1. The term "Street Easement" herein shall mean the portion of Pursley Boulevard (Former County Road 786) described by metes and bounds and shown on the drawing included in the Petition to Abandon Street Easement attached hereto as Exhibit "A" and incorporated herein in full.

Section 2. The City Council hereby finds that all statements contained in this section or in any other part of this Ordinance are true.

- a. The Street Easement is within the city limits of the City of Iowa Colony.
- b. The only property owner whose property abuts the Street Easement has petitioned the City of Iowa Colony, Texas for this Ordinance.
- c. No property relies upon the Street Easement for access, because Pursley Boulevard has been rerouted around the Street Easement.
- d. The owner of the only property that formerly relied upon the Street Easement for access before Pursley Boulevard was rerouted around the Street Easement has petitioned the City for this Ordinance.
- e. There are no utility facilities in the Street Easement.
- f. Utility easements have been included in the new dedicated easements for new streets that now reroute around the Street Easement.
- g. The Street Easement no longer serves any public purpose, convenience, or necessity.
- h. This Ordinance promotes the public health, safety, and welfare.

- i. This ordinance is made in reliance on the and incorporated herein in full.

Section 3. The above defined Street Easement as described by metes and bounds on Exhibit “A” hereto and shown on the map on Exhibit “A” hereto is hereby vacated, abandoned, and closed.

Section 4. This Ordinance shall also serve as a quitclaim as herein stated. The City of Iowa Colony, Texas hereby quitclaims any interest it may hold in the Street Easement, on behalf of the public or otherwise, to the adjoining fee property owner, to have and to hold all of the City’s right, title, and interest in and to the above described Street Easement unto the Grantee, and Grantee’s successors and/or assigns forever, as herein stated. This quitclaim divides the Street Easement along the centerline of that easement and quitclaims each half separately to the adjoining fee property owner on that side of the Street Easement. This quitclaim is made with absolutely NO WARRANTY, EXPRESS OR IMPLIED, OF ANY KIND WHATSOEVER, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF TITLE, ANY WARRANTY OF MERCHANTABILITY, OR ANY WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE. THE PROPERTY IS QUITCLAIMED AS-IS IN EVERY RESPECT, INCLUDING BUT NOT LIMITED TO THE PHYSICAL CONDITION AND THE TITLE.

Section 5. This ordinance is intended to be effective to abandon, vacate, close, and quitclaim the above described Street Easement. However, the Mayor and City Secretary are hereby authorized to execute and attest, respectively, any other documents necessary or convenient to carry out those actions.

Section 6. If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this order shall remain in full force and effect.

Section 7. This ordinance shall be effective immediately upon its passage and adoption.

READ, PASSED, and APPROVED on the FIRST READING on DECEMBER 19, 2022.

READ, PASSED, APPROVED, and ADOPTED on the SECOND and FINAL READING ON MAY 15, 2023.

CITY OF IOWA COLONY, TEXAS

By: _____
WIL KENNEDY, MAYOR

ATTEST:

KAYLEEN ROSSER, CITY SECRETARY

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

 This instrument was acknowledged before me, on the ____ day of _____, 2023, by
Wil Kennedy, as Mayor on behalf of the City of Iowa Colony, Texas.

Notary Public in and for the State of Texas

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

 This instrument was acknowledged before me, on the ____ day of _____, 2023, by
Kayleen Rosser, as City Secretary on behalf of the City of Iowa Colony, Texas.

Notary Public in and for the State of Texas

**EXHIBIT "A" TO
ORDINANCE ABANDONING A PORTION OF PURSLEY BOULEVARD
(FORMER COUNTY ROAD 786)**

**PETITION TO ABANDON STREET EASEMENT,
INCLUDING METES AND BOUNDS PROPERTY DESCRIPTION AND
MAP**