

ORDINANCE NO. 744

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, CLOSING, VACATING, AND ABANDONING A PORTION OF STREET RIGHT-OF-WAY COMMONLY KNOWN AS OLD MANOR-TAYLOR ROAD CONSISTING OF 0.143 ACRES (APPROXIMATELY 6,235 SQ FT) IN THE SUMNER BACON SURVEY NO. 62, IN TRAVIS COUNTY, TEXAS; AUTHORIZING CONVEYANCE TO ABUTTING PROPERTY OWNERS IN PROPORTION TO ABUTTING OWNERSHIP; PROVIDING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH ABANDONED RIGHT-OF-WAY BY SPECIAL WARRANTY DEED; PROVIDING SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the 0.143 acre street right-of-way as shown in Exhibit "A" commonly known as Old Manor-Taylor Road is surplus and not necessary for use by the City of Manor, Texas ("City"), the general public, or the landowners adjacent thereto as a street;

WHEREAS, Chapt. 272, *Tex. Loc. Gov't Code*, authorizes political subdivisions to sell and convey rights-of-way to abutting owners in proportion to abutting ownership; and

WHEREAS, a 0.006 acre tract right-of-way dedication easement is being conveyed to the City as consideration for the street right-of-way being vacated as more particularly described and shown in Exhibit "D"; and

WHEREAS, the City Council of the City of Manor, Texas ("City Council") has determined that the conveyance of the 0.006 acre tract right-of-way dedication easement is necessary for use by the City for public access purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of fact by the City Council of Manor, Texas.

Section 2. Right-of-Way. The 0.143 acre (approximately 6,235 sq. ft.) right-of-way commonly known as Old Manor-Taylor Road in the Sumner Bacon Survey No. 62, in Travis County, Texas, as shown in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property" or "right-of-way"), is hereby permanently closed, vacated, and abandoned by the City and the general public.

Section 3. Consideration and Authorization to Execute Special Warranty Deed. The Mayor and the City Secretary are hereby authorized, empowered, instructed and directed to execute a special warranty deed or deeds, from time to time, in a form substantially similar to that set forth in Exhibit "B" attached hereto and incorporated herein for all purposes ("Special Warranty Deed"), conveying the rights and interests of the City in the Property to abutting property owners, in proportion

to their ownership of the abutting property; provided that an owner in fee of abutting property may, by a written notarized instrument, release and assign his or her right to purchase a portion of the street right-of-way to any other owner of property that abuts such street right-of-way, in a form substantially similar to that set forth in Exhibit “C” attached hereto and incorporated herein for all purposes (the “Release”), thereby authorizing the City to convey such interest to such assignee. Upon the conveyance of the 0.006 right-of-way dedication easement in a form substantially similar to that set forth in Exhibit “D” attached hereto and incorporated herein for all purposes (the “Easement”), payment of any surveying fees, and a proportionate amount of attorneys fees related to drafting and reviewing documents necessary to convey the Property, the execution and filing of a Release in the county real property records, as necessary, and the execution of such deed, such deed shall be and become a valid and binding act and deed of the City of Manor, Texas.

Section 4. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. Effective Date. This ordinance shall take effect immediately from and after its passage.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED on this ____ day of _____, 2024.

Attest:

THE CITY OF MANOR, TEXAS

Lluvia T. Almaraz, City Secretary

Dr. Christopher Harvey, Mayor

Exhibit "A"
0.143 Acres of Right-of-Way

Exhibit "B"

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

COUNTY OF TRAVIS § **KNOW ALL PERSONS BY THESE PRESENTS:**

That the **City of Manor, Texas**, a Texas municipal corporation, hereinafter called "**GRANTOR**," for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), together with other good and valuable consideration, to **GRANTOR** cash in hand paid by

(insert name(s) of buyer(s)), hereinafter called "**GRANTEE**", the receipt of which is hereby acknowledged, has **GRANTED, SOLD and CONVEYED**, and by these presents does **GRANT, SELL and CONVEY** unto the said **GRANTEE**, all that certain lot, tract or parcel of land known and described as follows:

PROPERTY: (insert property description)

This conveyance is expressly made subject to the restrictions, covenants and easements, if any, apparent on the ground, in use or existing of record in the office of the County Clerk of Travis County, Texas, to which reference is here made for all purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto the said **GRANTEE**, the heirs, executors, successors and assigns forever, and **GRANTOR** does hereby bind its successors and assigns to **WARRANT AND FOREVER DEFEND**, all and singular, the said premises unto the said **GRANTEE**, the heirs, executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same by, through or under the City of Manor, Texas, but not otherwise.

[signature page follows]

EXECUTED at Manor, Travis County, Texas, this the ___ day of _____ 20__.

Attest:

City of Manor, Texas

Lluvia T. Almaraz, City Secretary

Dr. Christopher Harvey, Mayor

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Dr. Christopher Harvey, Mayor, of the City of Manor, Texas, 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 consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the __ day of ____ 20__.

Notary Public-State of Texas

AFTER RECORDING PLEASE RETURN TO:

City of Manor
Attn: City Secretary
105 E. Eggleston Street
Manor, Texas 78653

Exhibit “C”

RELEASE AND ASSIGNMENT OF INTEREST IN PROPERTY

THE STATE OF TEXAS §

COUNTY OF TRAVIS § KNOW ALL PERSONS BY THESE PRESENTS:

I/We, _____
(“**RELEASOR(S)**”), am/are the owner(s) in fee of property that abuts the twenty foot (20’) alley right-of-way crossing Block 8, A.E. Lane’s Addition to the Town of Manor, a subdivision in Travis County, Texas according to the map or plat of record in Volume 2, Page 223 of the Plat Records of Travis County, Texas, as shown in Exhibit “A” attached hereto and incorporated herein for all purposes (the “**ROW**”). The City Council of the City of Manor, Texas, has authorized conveyance of the ROW to abutting property owners in proportion to their ownership of the abutting ROW.

I/We do not wish to exercise my/our right to purchase any portion of the ROW, and I/we hereby release and assign to _____ (the “**ASSIGNEE**”), who own property abutting the ROW, any interest I/we may have to purchase a portion of the ROW in proportion to my/our ownership of abutting property, said portion more particularly described as follows:

PROPERTY:
(insert property description)

I/we hereby authorize the City of Manor, Texas to convey the Property to the **ASSIGNEE**, subject to the reserved drainage and public utility easements.

EXECUTED at _____, _____ County, Texas, this the ___ day of _____ 20__.

RELEASOR(S)

By: _____ (printed name)

By: _____ (printed name)

THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, Releasor herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the __ day of ____ 20__.

Notary Public-State of Texas

THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, Releasor herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the __ day of ____ 20__.

Notary Public-State of Texas

AFTER RECORDING PLEASE RETURN TO:

City of Manor

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Attn: City Secretary
105 E. Eggleston Street
Manor, Texas 78653

Exhibit “D”

**Right-of-Way Dedication Easement
[attached]**

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS § **KNOW ALL PERSONS BY THESE PRESENTS:**

OLD MANOR-TAYLOR ROAD RIGHT-OF-WAY DEDICATION EASEMENT

DATE: _____, 2024

GRANTOR: Henrietta B. Velasquez, an individual, including its successors and assigns

GRANTOR'S MAILING ADDRESS (including county):

Henrietta B. Velasquez
14315 Old Manor Taylor Road
Manor, Texas 78653
Travis County

GRANTEE: City of Manor, a Texas municipal corporation, including its successors and assigns

GRANTEE'S MAILING ADDRESS (including county):

City of Manor
105 E. Eggleston Street
Manor, Texas 78653
Travis County

LIENHOLDER: None

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

EASEMENT PROPERTY:

A 0.006 acre right-of-way easement tract located in Travis County, Texas, as more particularly described in Exhibit "A" attached hereto and incorporated herein as if fully transcribed herein.

See "Sketch" attached hereto and made a part of Exhibit "A" for all intents and purposes hereunto and in any wise pertaining, showing such Easement Property.

EASEMENT PURPOSE: The right-of-way easement shall be dedicated to the public and used for the purpose of constructing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing or causing to be placed, constructed, operated, repaired, maintained, rebuilt, replaced, relocated and removed facilities or improvements reasonably necessary and useful for a public right-of-way for streets, drives, drainage, public utilities, utility services, public places and other public uses (the “Facilities”).

EXCEPTIONS TO WARRANTY: This conveyance is made and accepted subject to any and all restrictions, conditions, covenants, easements, rights-of-way, encumbrances, mineral or royalty reservations or interests or other matters affecting the Easement Property and appearing of record in the Official Public Records of Travis County, Texas, to the extent that the same are in effect and validly enforceable against the Easement Property.

GRANT OF EASEMENT: Grantor, for the Consideration, and subject to the Exceptions to Warranty, does hereby grants, sells, conveys and dedicates unto Grantee and Grantee’s successors and assigns a permanent, public right-of-way easement (the “Easement”) in upon, over, on, under, above and across the Easement Property for the Easement Purpose, subject to the continuing and future control and regulation of the use of such public right-of-way by the City of Manor.

Covenants and Conditions: The Easement granted is subject to the following covenants and conditions:

1. The Easement and the rights granted herein are exclusive, subject to all of the terms hereof.
2. The duration of the Easement is perpetual.

The covenants, terms and conditions of this Easement are covenants running with the land, and inure to the benefit of, and are binding upon, Grantor, Grantee, and their respective legal representatives, successors and assigns.

TO HAVE AND TO HOLD the same Easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee and its successors and assigns forever. Grantor does hereby binds itself and its successors and assigns, to **WARRANT AND FOREVER DEFEND** all and singular the easements herein granted, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the easements or any part thereof.

When the context requires, singular nouns and pronouns include the plural.

[Signature pages follow this page.]

IN WITNESS WHEREOF, this instrument is executed on the date first provided above.

GRANTOR:

Henrietta B. Velasquez

THE STATE OF TEXAS

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COUNTY OF _____

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BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this the _____ day of _____ 2024, personally appeared Henrietta B. Velasquez, Grantor herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Notary Public - State of Texas

ACCEPTED:

Grantee: City of Manor, a Texas municipal corporation

By: _____
Scott Moore, City Manager

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this the _____ day of _____ 2024, personally appeared Scott Moore, City Manager, on behalf of the City of Manor, Texas, as Grantee herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Notary Public - State of Texas

AFTER RECORDING RETURN TO:

City of Manor
Attn: City Secretary
105 E. Eggleston Street
Manor, Texas 78653

**Exhibit "A"
Legal Description and Sketch of the Right-of-Way Easement Property**