

**ORDINANCE NO. 2023-38**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A CERTAIN PORTION OF A CITY OF TOMBALL UTILITY EASEMENT OUT OF UNRESTRICTED RESERVES “A3” AND “A4”, BLOCK 1, REPLAT OF UNRESTRICTED RESERVE “A” BLOCK ONE TOMBALL VILLAGE SQUARE ACCORDING TO THE MAP OR PLAT THEROF AS RECORDED IN FILM CODE NO. 518014 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PORTION OF SUCH CITY OF TOMBALL UTILITY EASEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY SECRETARY TO ATTEST A QUITCLAIM DEED QUITCLAIMING THE CITY’S INTEREST IN SAID ABANDONED EASEMENT; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

WHEREAS, the City of Tomball, Texas (“City”) owns a sixteen (16’) City of Tomball utility easement containing 0.2087 acres of land being out of Unrestricted Reserves “A3” and “A4”, Block 1, Replat of Unrestricted Reserve “A” Block One Tomball Village Square according to the map or plat thereof as recorded in Film Code No. 518014 of the Map Records of Harris County, Texas and is more particularly described in Exhibit “A” attached hereto and incorporated herein for all purposes (“Easement”); and

**WHEREAS**, the City Council of the City has determined that public necessity and convenience no longer require the existence of the Easement; and

**WHEREAS**, the City Council has determined that the Easement should be vacated, abandoned, and closed for the reason that it is no longer needed by the City; and

**WHEREAS**, the City Council desires to convey the Easement to the owner of the property on which the Easement exists; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL,**

**TEXAS:**

**Section 1.** That the facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** That the City Council of the City of Tomball, Texas, hereby finds and determines that the public convenience and necessity no longer require the continued existence of the Easement described in Section 3 hereof.

**Section 3.** That the portion of that certain City of Tomball Utility Easement containing 0.2087 acres of land being out of Unrestricted Reserves “A3” and “A4”, Block 1, Replat of Unrestricted Reserve “A” Block One Tomball Village Square according to the map or plat thereof as recorded in Film Code No. 518014 of the Map Records of Harris County, Texas and is more particularly described in Exhibit “A”, is hereby vacated, abandoned, and closed.

**Section 4.** That the City Manager is authorized to execute a quitclaim deed quitclaiming Easement described in Section 3 hereof to the owners of the property on which the Easement is located in exchange for the receipt of fair market value for the Easement.

**FIRST READING:**

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2023.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

**SECOND READING:**

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2023.

COUNCILMAN FORD \_\_\_\_\_  
COUNCILMAN STOLL \_\_\_\_\_  
COUNCILMAN DUNAGIN \_\_\_\_\_  
COUNCILMAN TOWNSEND \_\_\_\_\_  
COUNCILMAN PARR \_\_\_\_\_

\_\_\_\_\_  
LORI KLEIN QUINN, Mayor

ATTEST:

\_\_\_\_\_  
TRACYLYNN GARCIA, City Secretary