

ORDINANCE NO. 2021-32

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF AN UNIMPROVED RIGHT-OF-WAY BETWEEN SOUTH CHESTNUT STREET AND SOUTH HOWARD STREET, ALL SITUATED IN BLOCK 80 OF REVISED MAP OF TOMBALL, HARRIS COUNTY, TEXAS, AND AS RECORDED IN VOLUME 4, PAGE 25 OF THE HARRIS COUNTY MAP RECORDS; VACATING, ABANDONING, AND CLOSING SAID UNIMPROVED RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, A QUITCLAIM DEED CONVEYING SAID UNIMPROVED RIGHT-OF-WAY TO GREVIS PROPERTIES, LLC, KEVIN AND MADONNA EDMOND AND HENRY ALLEE; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas finds that public convenience and necessity no longer require the continued existence of the roadway and street right-of-way described below and that it should be vacated, abandoned, and closed for the reason that the same is no longer needed by the City; now, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

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

Section 2. The City Council of the City of Tomball, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of that portion of the roadway right-of-way described in Section 3 hereof.

Section 3. The roadway and street right-of-way, more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes, located within the City of Tomball, Harris County, Texas, is hereby vacated, abandoned, and closed.

Section 4. The Mayor and City Secretary are hereby authorized to execute and attest, respectively, a quitclaim deed, conveying the hereinabove described abandoned roadway and street right-of-way to Grevis Properties, LLC, Kevin and Madonna Edmond and Henry Allee in consideration for the payment to the City of fair market value therefor.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF
SEPTEMBER 2021.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>ABSENT</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF
SEPTEMBER 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

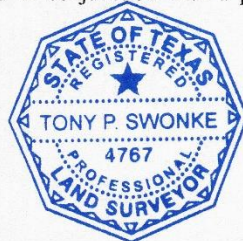
Exhibit "A"

METES & BOUNDS

Being a 0.1544 acre (6725 square feet) tract of land in the William Hurd Survey, Abstract No. 371, in Harris County, Texas, consisting of the two City of Tomball alleys in Block 80 of **REVISED MAP OF TOMBALL**, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas, **SAVE & EXCEPT** those certain two 337.5 square-foot tracts of land adjacent to Lots 25-26 and Lots 35-36 (hereafter called "cut-out one" and "cut-out two, respectively). Said 0.1544 acres is hereafter referred to as "the subject tract", and is more particularly described as follows:

BEGINNING at a ½ inch iron rod found lying in the East right-of-way line of Chestnut Street (60 foot R-O-W), in the North line of the said alley, and marking the Southwest corner of Lot 21 in said Block 80, and the Northwest corner of the subject tract; **THENCE** North 64°29'00" East (Reference Bearing based on above-referenced map of Tomball), with the North line of the alley, a distance of 100.00 feet to a 5/8 inch iron rod found marking the Southwest corner of said Lot 25, the Southeast corner of Lot 24, and the Northwest corner of said cut-out one; **THENCE** South 25°31'00" East, departing the North line of the said alley, a distance of 6.75 feet to a point lying in the centerline of the alley and marking the Southwest corner of said cut-out one; **THENCE** North 64°29'00" East, with the centerline of the alley, a distance of 50.00 feet to a point marking the Southeast corner of said cut-out one; **THENCE** North 25°31'00" West, departing the centerline of the alley, a distance of 6.75 feet to a 5/8 inch iron rod found marking the Southeast corner of said Lot 26, the Southwest corner of Lot 27, and the Northeast corner of said cut-out one; **THENCE** North 64°29'00" East, with the North line of the alley, a distance of 200.00 feet to an iron rod found marking the Southeast corner of Lot 34, the Southwest corner of said Lot 35, and the Northwest corner of said cut-out two; **THENCE** South 25°31'00" East, departing the North line of the said alley, a distance of 6.75 feet to a point lying in the centerline of the alley and marking the Southwest corner of said cut-out two; **THENCE** North 64°29'00" East, with the centerline of the alley, a distance of 50.00 feet to a point lying in the West right-of-way line of Howard Street (60 foot R-O-W), and marking the Southeast corner of cut-out two, and the Northeast corner of the subject tract; **THENCE** South 25°31'00" East, with the West line of Howard Street, a distance of 6.75 feet to a ½ inch iron rod found marking the Northeast corner of Lot 16 in said Block 80, and the upper Southeast corner of the subject tract; **THENCE** South 64°29'00" West, departing the West line of Howard Street, and with the South line of a 13.5-foot-wide alley, a distance of 190.00 feet to a 5/8 inch iron rod found lying at the intersection of the said 13.5-foot-wide alley, and the East line of a 20-foot-wide alley, and marking the Northwest corner of said Lot 16, and an interior corner of the subject tract; **THENCE** South 25°31'00" East, with the East line of the said 20-foot-wide alley, a distance of 100.00 feet to a 5/8 inch iron rod found lying in the North line of Green Street (60 foot R-O-W), and marking the Southwest corner of Lot 13 in said Block 80, and the lower Southeast corner of the subject tract; **THENCE** South 64°29'00" West, with the North line of Green Street, a distance of 20.00 feet to a 5/8 inch iron rod found marking the Southeast corner of Lot 17 in said Block 80, and the lower Southwest corner of the subject tract; **THENCE** North 25°31'00" West, departing the North line of Green Street, and with the West line of the said 20-foot-wide alley, a distance of 100.00 feet to a 5/8 inch iron rod found lying at the intersection of the said 20-foot-wide alley and the said 13.5-foot-wide alley, and marking the Northeast corner of Lot 20 in said Block 80, and an interior corner of the subject tract; **THENCE** South 64°29'00" West, a distance of 190.00 feet to an iron rod found lying in the East line of Chestnut Street, and marking the Northwest corner of said Lot 20, and the upper Southwest corner of the subject tract; **THENCE** North 25°31'00" West, with the East line of Chestnut Street, a distance of 13.50 feet to the **POINT OF BEGINNING** and containing 0.1544 acres of land.

NOTE #1: These field notes are submitted in conjunction with a plat by Tony Swonke Land Surveying, reference to which is here made.



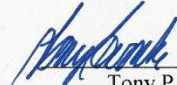

Tony P. Swonke
RPLS No. 4767
August 16, 2021

Exhibit "A"

A plat of a 0.1544 acre (6725 Sq. Ft.) tract of land
in the William Hurd Survey, Abstract No. 371, in Harris County, Texas,
and consisting of the two City of Tomball alleys in Block 80 of
REVISED MAP OF TOMBALL,
an addition in Harris County, Texas, according to the map or plat thereof
recorded in Vol. 4, Pg. 25, of the Map Records of Harris County, Texas.

SAVE & EXCEPT

those certain two 337.5 square foot tracts of land being adjacent to
Lots 25-26 and Lots 35-36 ("Cut-out One" & "Cut-out Two"),

SCALE: 1" = 30 Ft.
0 10 20 30

NOTE: Metes & Bounds have also been
submitted in conjunction with this plat.

I do hereby certify that this survey
substantially conforms to the current Texas Society
of Professional Surveyors Standards and
Specifications for a Category 1A Condition II
Survey.
Signed, stamped and dated this 16th day of
August, 2021.



Prepared by
Tony Swonke Land Surveying
700 Kane Street
Tomball, TX 77375
281-351-7789

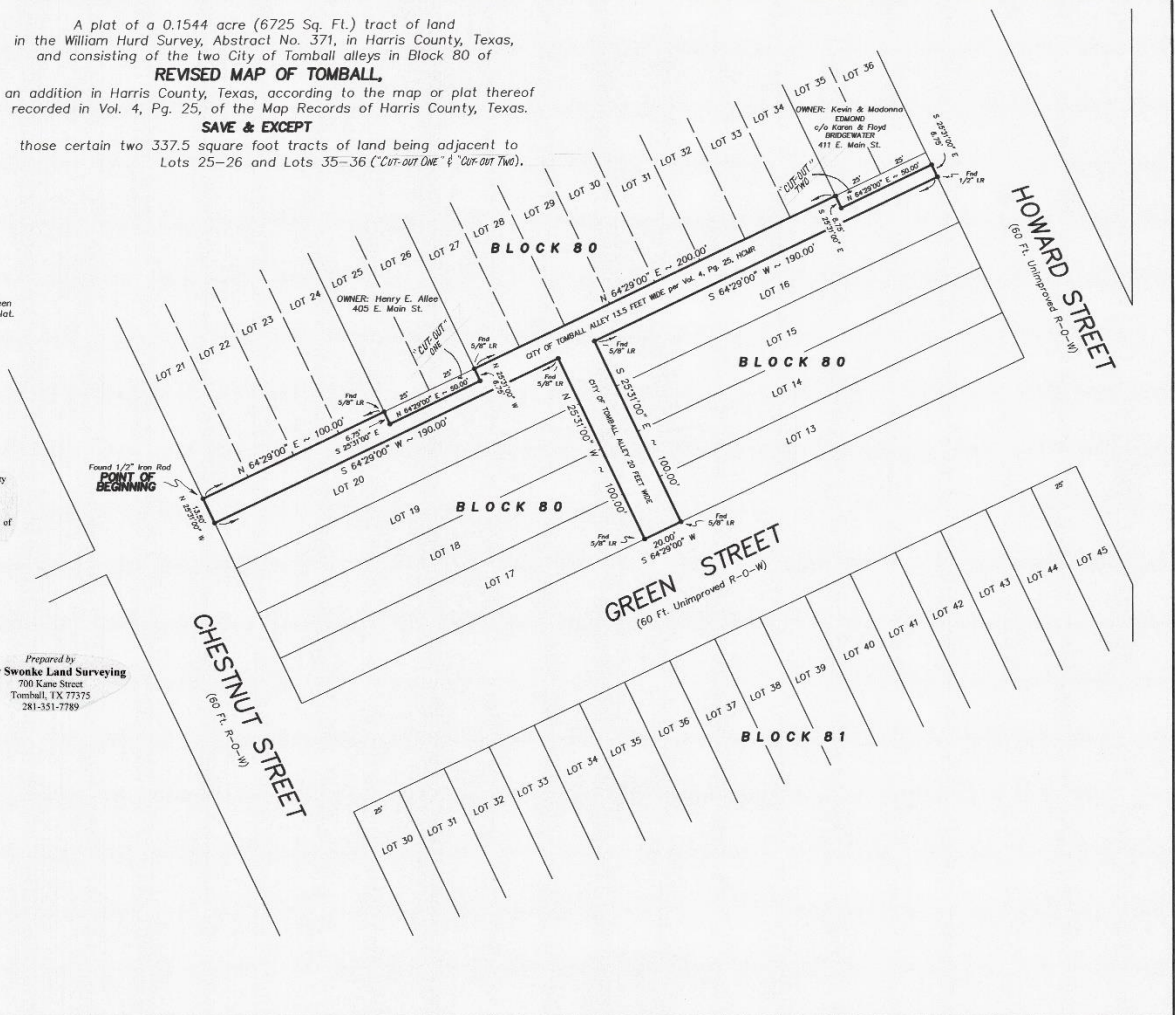


Exhibit "A"

METES & BOUNDS (Adjacent to 405 E. Main St.)

Being 6.75-foot by 50-foot tract of land containing 337.5 square feet, out of and a part of a 13.5-foot-wide City of Tomball alley in Block 80 of **REVISED MAP OF TOMBALL**, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas, said 337.5 square foot tract of land is hereafter referred to as "the subject tract" and is more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found lying in the North line of the said alley and marking the Southwest corner of Lot 25 and the Southeast corner of Lot 24 in said Block 80, and marking the Northwest corner of the subject tract;

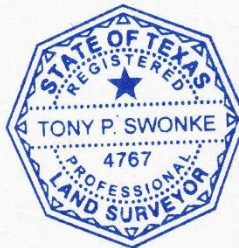
THENCE North 64°29'00" East (Reference Bearing based on above-referenced map of Tomball), with the North line of the alley, at 25.0 feet pass the Southeast corner of said Lot 25 and the Southwest corner of Lot 26, and continuing a total distance of 50.00 feet to an iron rod found marking the Southeast corner of said Lot 26, the Southwest corner of Lot 27, and the Northeast corner of the subject tract;

THENCE South 25°31'00" East, departing the North line of the said alley, a distance of 6.75 feet to a point lying in the centerline of the alley and marking the Southeast corner of the subject tract;

THENCE South 64°29'00" West, with the centerline of the alley, a distance of 50.00 feet to a point marking the Southwest corner of the subject tract;

THENCE North 25°31'00" West, departing the centerline of the alley, a distance of 6.75 feet to the **POINT OF BEGINNING** and containing 337.5 square feet of land.

NOTE #1: These field notes are submitted in conjunction with a plat by Tony Swonke Land Surveying, reference to which is here made.



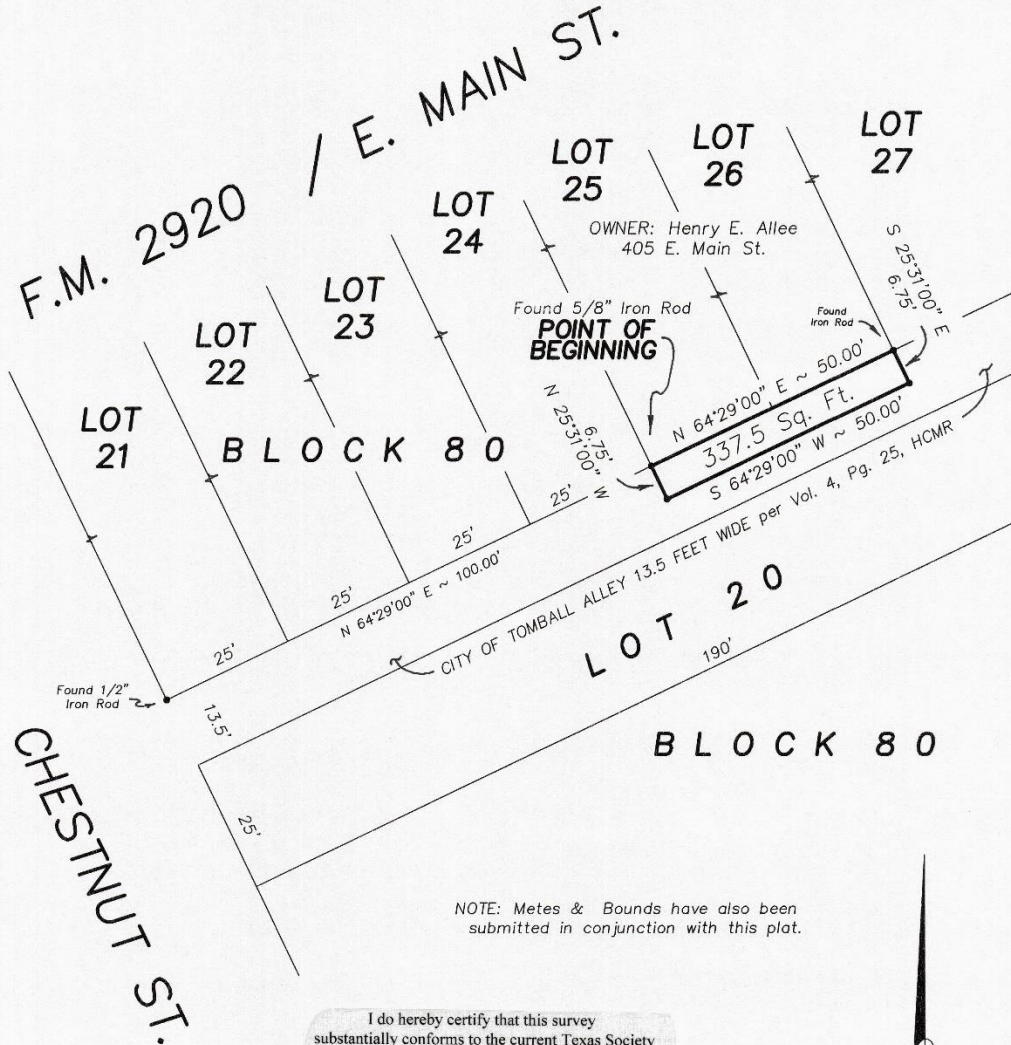
Tony P. Swonke
RPLS No. 4767
August 16, 2021

Exhibit "A"

A plat of a 6.75 foot by 50 foot strip of land containing 337.5 square feet, out of and a part of that certain 13.5-foot-wide alley in Block 80 of

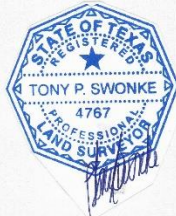
REVISED MAP OF TOMBALL,

an addition in Harris County, Texas, according to the map or plat thereof recorded in Vol. 4, Pg. 25, of the Map Records of Harris County, Texas.



NOTE: Metes & Bounds have also been submitted in conjunction with this plat.

I do hereby certify that this survey substantially conforms to the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A Condition II Survey.
Signed, stamped and dated this 16TH day of AUGUST, 2021.



Prepared by
Tony Swonke Land Surveying
700 Kane Street
Tomball, TX 77375
281-351-7789

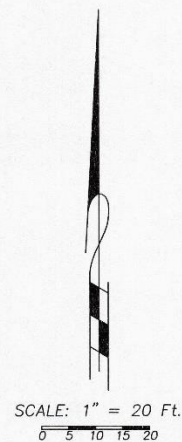


Exhibit "A"

METES & BOUNDS (Adjacent to 411 E. Main St.)

Being 6.75-foot by 50-foot tract of land containing 337.5 square feet, out of and a part of a 13.5-foot-wide City of Tomball alley in Block 80 of **REVISED MAP OF TOMBALL**, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas, said 337.5 square foot tract of land is hereafter referred to as "the subject tract" and is more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found lying in the West right-of-way line of Howard Street (60 foot R-O-W), in the North line of the said alley, and marking the Southeast corner of Lot 36 in said Block 80, and the Northeast corner of the subject tract;

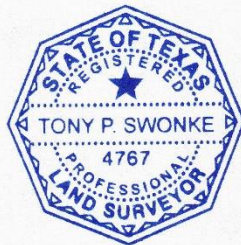
THENCE South 25°31'00" East, departing the North line of the said alley and with the West line of Howard Street, a distance of 6.75 feet to a point lying in the centerline of the alley and marking the Southeast corner of the subject tract;

THENCE South 64°29'00" West, departing the West line of Howard Street, and with the centerline of the alley, a distance of 50.00 feet to a point marking the Southwest corner of the subject tract;

THENCE North 25°31'00" West, departing the centerline of the alley, a distance of 6.75 feet to an iron rod found marking the Southwest corner of Lot 35, the Southeast corner of Lot 34, and the Northwest corner of the subject tract;

THENCE North 64°29'00" East (Reference Bearing based on above-referenced map of Tomball), with the North line of the alley, at 25.0 feet pass the Southeast corner of said Lot 35 and the Southwest corner of said Lot 36, and continuing a total distance of 50.00 feet to the **POINT OF BEGINNING** and containing 337.5 square feet of land.

NOTE #1: These field notes are submitted in conjunction with a plat by Tony Swonke Land Surveying, reference to which is here made.



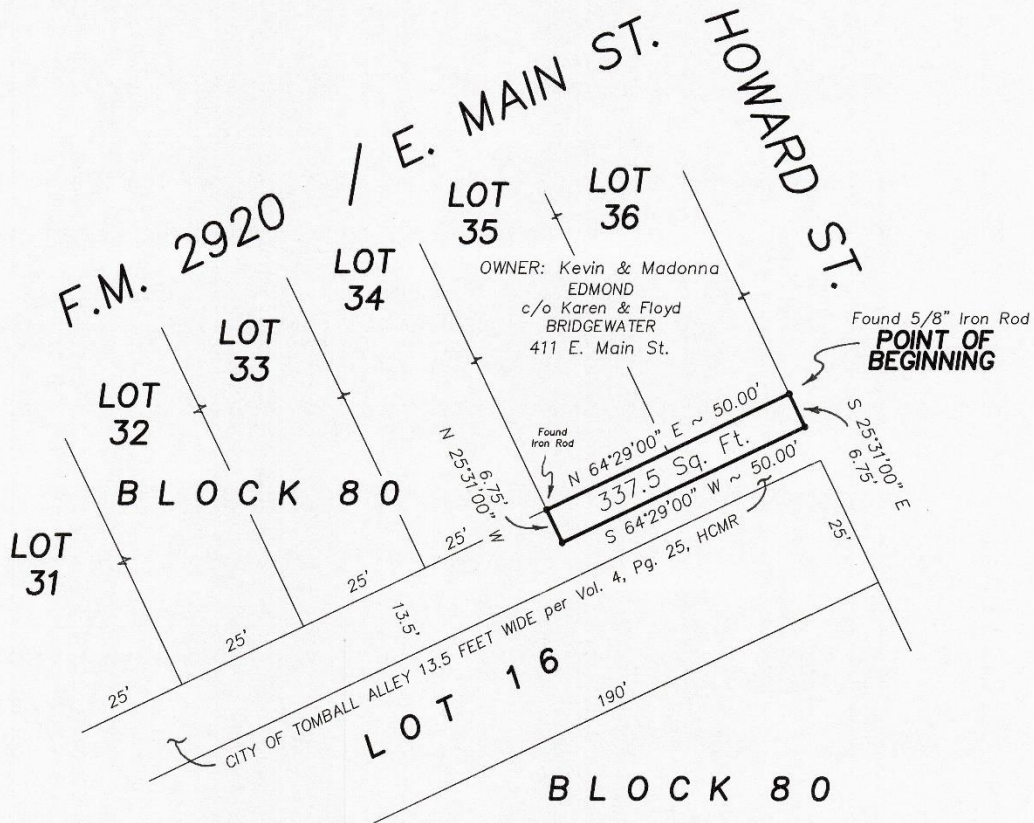
Tony P. Swonke
RPLS No. 4767
August 16, 2021

Exhibit "A"

A plat of a 6.75 foot by 50 foot strip of land containing 337.5 square feet, out of and a part of that certain 13.5-foot-wide alley in Block 80 of

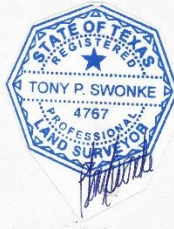
REVISED MAP OF TOMBALL,

an addition in Harris County, Texas, according to the map or plat thereof recorded in Vol. 4, Pg. 25, of the Map Records of Harris County, Texas.



NOTE: Metes & Bounds have also been submitted in conjunction with this plat.

I do hereby certify that this survey substantially conforms to the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A Condition II Survey.
Signed, stamped and dated this 16TH day of AUGUST, 2021.



SCALE: 1" = 20 Ft.
0 5 10 15 20

Prepared by
Tony Swonke Land Surveying
700 Kane Street
Tomball, TX 77375
281-351-7789

Exhibit "A"

A plat of a 0.1240 acre (5400 Sq. Ft.) tract of land
in the William Hurd Survey, Abstract No. 371, in Harris County, Texas,
same being a former 13.5-foot-wide City of Tomball alley in Block 80 of
REVISED MAP OF TOMBALL,
an addition in Harris County, Texas, according to the map or plat thereof
recorded in Vol. 4, Pg. 25, of the Map Records of Harris County, Texas.

NOTE: Metes & Bounds have also been
submitted in conjunction with this plat.

SCALE: 1" = 30 Ft.
0 10 20 30

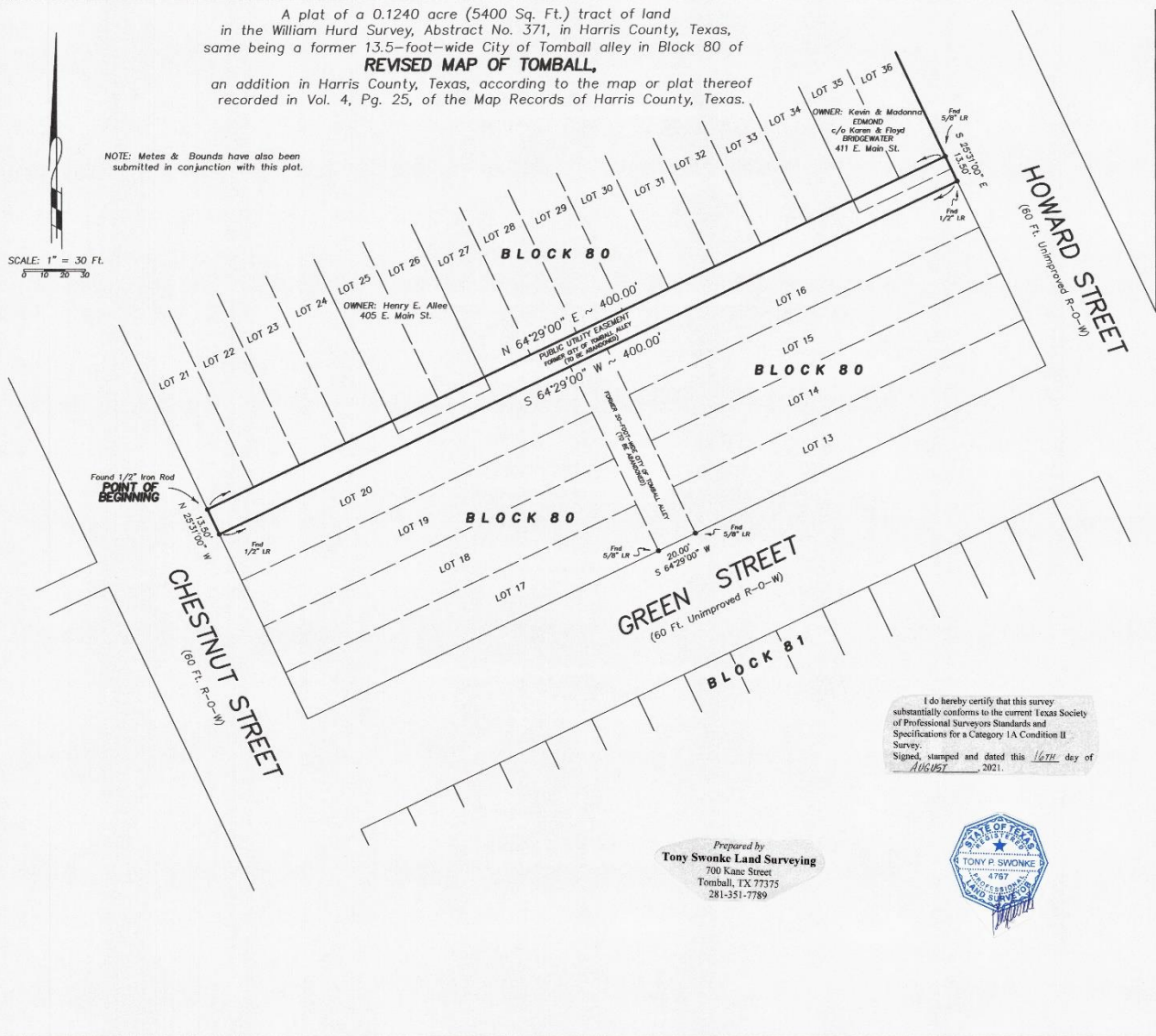


Exhibit "A"

Metes & Bounds (13.5-Foot-Wide Public Utility Easement)

Being a 0.1240 acre (5400 square feet) tract of land in the William Hurd Survey, Abstract No. 371, in Harris County, Texas, and being a former City of Tomball alley in Block 80 of **REVISED MAP OF TOMBALL**, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas, said 0.1240 acres is hereafter referred to as "the subject tract", and is more particularly described as follows:

BEGINNING at a ½ inch iron rod found lying in the East right-of-way line of Chestnut Street (60 foot R-O-W), in the North line of the said former alley, and marking the Southwest corner of Lot 21 in said Block 80, and the Northwest corner of the subject tract;

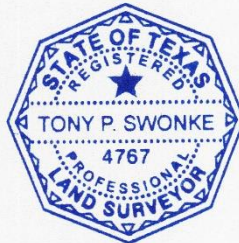
THENCE North 64°29'00" East (Reference Bearing based on above-referenced map of Tomball), departing the East line of Chestnut Street and with the North line of the said former alley, a distance of 400.00 feet to a 5/8 inch iron rod found lying in the West right-of-way line of Howard Street (60 foot R-O-W), and marking the Southeast corner of Lot 36 in said Block 80, and the Northeast corner of the subject tract;

THENCE South 25°31'00" East, with the West line of Howard Street, a distance of 13.50 feet to a ½ inch iron rod found marking the Northeast corner of Lot 16 in said Block 80, and the Southeast corner of the subject tract;

THENCE South 64°29'00" West, departing the West line of Howard Street, and with the South line of the said former alley, a distance of 400.00 feet to a 1/2 inch iron rod found lying in the East line of Chestnut Street, and marking the Northwest corner of Lot 20 in said Block 80, and the Southwest corner of the subject tract;

THENCE North 25°31'00" West, with the East line of Chestnut Street, a distance of 13.50 feet to the **POINT OF BEGINNING** and containing 0.1240 acres of land.

NOTE #1: These metes & bounds are submitted in conjunction with a plat by Tony Swonke Land Surveying, reference to which is here made.



Tony P. Swonke
RPLS No. 4767
August 16, 2021