

ORDINANCE NO. O-2011-023-15

AN ORDINANCE VACATING AND ABANDONING A PORTION OF HUNTER STREET IN THE CITY OF HALTOM CITY, TARRANT COUNTY, TEXAS; DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF HALTOM CITY TO EXECUTE A QUITCLAIM DEED RELEASING PUBLIC OWNERSHIP, INTEREST AND CONTROL OF THIS RIGHT-OF-WAY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City, Texas is a home rule city acting under its charter adopted by the electorate pursuant of Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Haltom City, after careful study and consideration, has determined that the right-of-way located in a portion of Hunter Street is not being used by, nor useful or convenient to the public in general; therefore, it constitutes a public charge without a corresponding public benefit, and the public would be better served and benefitted by its vacation and abandonment; and

WHEREAS, in order to remove any question as to the continued interest or ownership of the public in said right-of-way, the City desires to execute a quitclaim deed releasing all title, ownership and control in said right-of-way to the owner of the abutting property.

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

SECTION 1.

That portion of Hunter Street described in Exhibit "A" and further depicted on Exhibit "B", attached hereto, is vacated and abandoned as public property. The right-of-

way so vacated and abandoned shall revert in fee simple to the owner of the abutting property.

SECTION 2.

The Mayor of the City of Haltom City, Texas, is hereby authorized and directed to execute a quitclaim deed to the abutting property owner in the form shown in Exhibit "C" releasing all claims to title, ownership, or control of the right-of-way on behalf of the City of Haltom City, Texas. A copy of this quitclaim deed shall be presented for filing with the County Clerk of Tarrant County, Texas by the office of the City Secretary.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS 14 DAY OF
November, 2011.

PASSED AND APPROVED ON SECOND READING THIS 28 DAY OF
NOVEMBER, 2011.



Richard Hudson
MAYOR

ATTEST:

Art Comacho
CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Wkoe
CITY ATTORNEY

Exhibit "A"

LEGAL DESCRIPTION

DEDICATION

STATE OF TEXAS
COUNTY OF TARRANT

WHEREAS Thomas Roberson, is the owner of Lot 9, Block 5, EAST CLIFF ADDITION, to the City of Haltom City, Tarrant County, Texas, according to the plat record in Volume 388-V Page 64, Plat Recrds, Tarrant County, Texas, as conveyed in Volume 13331, Page 186, dated July 22, 1998 and the South 25 feet of Hunter Street, contiguous to said Lot 9, Block 5, as abandoned by Haltom City Ordinance No. _____ and conveyed to Thomas Roberson in County Clerk's File No. _____ dated June _____ 2011, said tract being more particularly described by metes and bound as follows:

BEGINNING at a 1\2" Iron Rod Found at the Northeast corner of Lot 9, Block 5, EAST CLIFF ADDITION, to the City of Haltom City, Texas as recorded in Volume 388-V, Page 64, of the Plat Records, Tarrant County, Texas an also being the South right of way line of Hunter Street (abandoned by Haltom City Ordinance No, _____) and the West right of way line of Cheryl Street.

THENCE: South 90.13 feet along said west right of way (60' wide) to a 3\8" Iron Rod Found at the Southeast corner of said Lot 9;

THENCE: West 118.00 feet to a point of which a chain link fence post bears East 0.97 feet;

THENCE: North 90.13 feet passing the South line of above referenced Hunter Street in all 115.13 feet of which a chain link fence post bears S 66°12'52" E 1.10 feet;

THENCE: East 118.00 feet along the South lines of Lot 1, and Lot 2, of Block 22, WEST BROWNING ADDITION, to the City of Haltom City, as recorded in Volume 388-11, Page 83, of the Plat Records, Tarrant County, Texas, to a 5\8" Iron Rod Set in the West right of way line of Cheryl Street for the Northeast corner of the herein described subject property;

THENCE: South 25.00 feet to the POINT OF BEGINNING and containing 13,585 square feet or 0.312 acres of land.

EXHIBIT C

QUITCLAIM DEED

STATE OF TEXAS §
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COUNTY OF TARRANT §

KNOW ALL MEN BY THESE PRESENTS:

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any 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.

For and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the City of Haltom City ("Grantor") does hereby bargain, sell, convey and quitclaim unto Thomas Roberson ("Grantee"), whose address is 3733 Cheryl Street, Haltom City, Texas 76117-2714, all of Grantor's right, title and interest in and to that certain right of way and land (the "Property") described in Exhibit A and Exhibit B attached hereto and incorporated herein.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the Property, together with all and singular the rights and appurtenances belonging in any way to Grantor, unto Grantee, its successors and assigns forever, and neither Grantor nor Grantor's heirs, personal representatives, successors or assigns shall have, claim or demand any right, title or interest in all or any part of the Property.

EXECUTED this 02 day of December, 2011.

CITY OF HALTOM CITY

By: 

Mayor

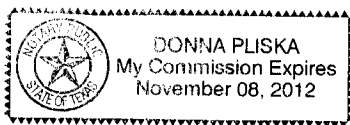
STATE OF TEXAS §
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COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Richard Hutchison, known to me to be the mayor of the City of Haltom City, and acknowledged to me that he executed the foregoing instrument on behalf of the City of Haltom City for the purposes and consideration expressed therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 2nd day of December, 2011.

(SEAL)

Donna Pliska
Notary Public, State of Texas



TITLE CO. ALAMO
ADDRESS 3500 HULEN
GF NO. MO 00283428 JJ

MORTGAGE CO. NA

BORROWER ABLE HOUSE BUYERS

JOB NO. 98001794

DATE JULY 16, 1998