

ORDINANCE NO. 2020-109

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROANOKE, TEXAS, ABANDONING, VACATING, AND CLOSING UNUSED ROADWAY RIGHT-OF-WAY CONSISTING OF A TWENTY FOOT (20') WIDE UNUSED ALLEY RIGHT-OF-WAY ADJACENT TO LOTS 3A-R AND 4A, BLOCK 10 OF THE O.T. ROANOKE ADDITION, AN ADDITION TO THE CITY OF ROANOKE, DENTON COUNTY, TEXAS, AND WHICH IS MORE PARTICULARLY DESCRIBED AND OR DEPICTED IN EXHIBIT A, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES; AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED CONVEYING SAID UNUSED RIGHT-OF-WAY TO ADJACENT PROPERTY OWNER; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Roanoke, Texas, is a Texas home-rule municipality; and

WHEREAS, Section 311.001(a) of the Texas Transportation Code generally provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, Section 311.007 of the Texas Transportation Code provides the authority for a home-rule municipality to vacate, abandon or close a street or alley within the municipality; and

WHEREAS, the City Council of the City of Roanoke, Texas, conducted a public hearing on the closure of certain portions of the right-of-way, located within the City of Roanoke, Texas, as depicted in **Exhibit A**, which is attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council of the City of Roanoke, Texas, finds and determines that the unused approximately twenty foot (20') wide alley right-of-way adjacent to the following properties should be abandoned and conveyed to the abutting property owner:

- (1) Lot 3A-R, Block 10 of O.T. Roanoke Addition, an addition to the City of Roanoke, Denton County, Texas (305 Main Street, Roanoke, Texas) (formerly Lot 3A, Block 10 of O.T. Roanoke Addition, an addition to the City of Roanoke, Denton County, Texas); and
- (2) Lot 4A, Block 10 of O.T. Roanoke Addition, an addition to the City of Roanoke, Denton County, Texas (303 Main Street, Roanoke, Texas) (formerly Lots 4, 5, and 6, Block 10 (E ½) of O.T. Roanoke Addition, an addition to the City of Roanoke, Denton County, Texas);

all of which is more particularly described and/or depicted in **Exhibit A**, which is attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council of the City of Roanoke, Texas, has determined and finds it is in the public interest that the heretofore described portion of unused alley right-of-way, as described and/or depicted in **Exhibit A**, which is attached hereto and incorporated herein for all purposes, should be abandoned, and conveyed to the abutting property owners.

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

Section 1. FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. ABANDON UNUSED ALLEY RIGHTS-OF-WAY

That the implied, dedicated right-of-way consisting of an approximately twenty foot (20') wide unused alley right-of-way adjacent to Lots 3A-R and 4A, Block 10 of the O.T. Roanoke Addition, an addition to the City of Roanoke, Denton County, Texas, and more particularly described and/or depicted in ***Exhibit A***, which is attached hereto and incorporated herein for all purposes, is hereby abandoned, vacated, and closed as a public roadway right-of-way or alley right-of-way.

Section 3. AUTHORIZE THE CONVEYANCE OF ALLEY RIGHTS-OF-WAY

That the City Council of the City of Roanoke, Texas, does hereby authorize the City Manager to execute a deed or deeds in a form similar to the deed attached hereto as ***Exhibit B***, and any and all documents necessary conveying the unused rights-of-way to the abutting property owners.

Section 4. SEVERABILITY CLAUSE

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 of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 6. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Roanoke, Texas, on this the 24th day of March, 2020.

APPROVED:

Carl E. Gierisch, Jr., Mayor

ATTEST:

April S. Hill, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

Exhibit A

Legal Description and or Depiction of Right-of-Way

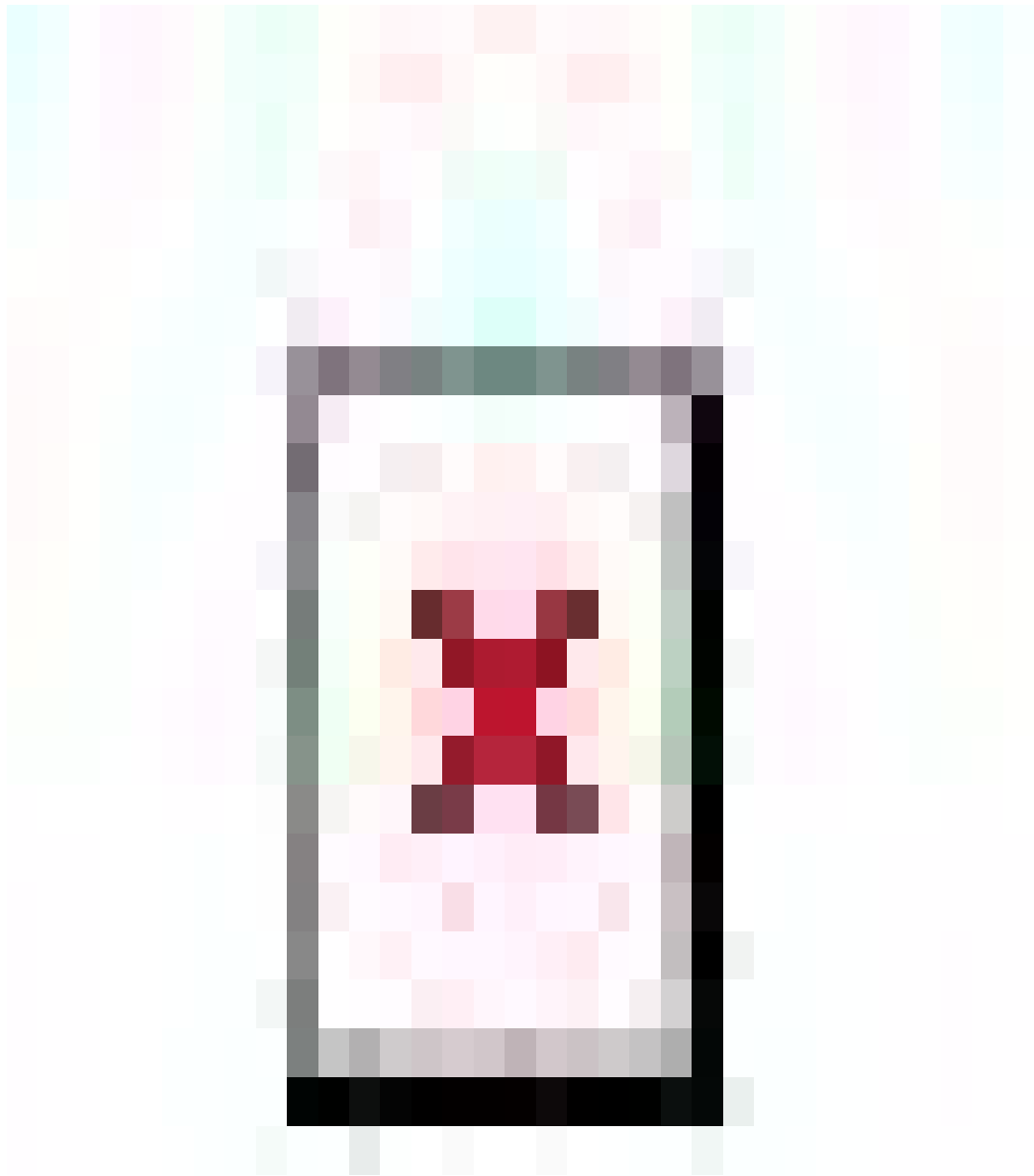


Exhibit B

Deed

AFTER RECORDING, RETURN TO:

Scott Campbell
City of Roanoke
108 S. Oak Street
Roanoke, Texas 76262

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

QUITCLAIM DEED

(Prepared without benefit of title examination)

STATE OF TEXAS §
 §
COUNTY OF DENTON §

KNOW ALL MEN BY THESE PRESENTS:

That the ***CITY OF ROANOKE, TEXAS*** (“Grantor”), whether one or more, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) cash in hand to Grantor paid by ***TODD A. DURDEN*** and ***GRETCHEN R. DURDEN*** (“Grantee”), the receipt of which is hereby acknowledged, and other good and valuable consideration, the receipt and sufficiency of which is hereby also acknowledged, has QUITCLAIMED, and by these presents does QUITCLAIM unto the said Grantee all of Grantor’s right, title, and interest in and to the following described real estate, to-wit:

BEING the western most ten feet (10’) of the approximately twenty foot (20’) wide unused alley right-of-way adjacent to Lot 4A, Block 10 of the O.T. Roanoke Addition, an addition to the City of Roanoke, Denton County, Texas, which is more particularly described and/or depicted in *Exhibit A*, which is attached hereto and incorporated herein for all purposes; such right-of-way being abandoned by the City of Roanoke, Texas, per Ordinance No. 2020-109, a copy of which is attached hereto.

Together with all and singular Grantor’s right, title, interest, estate, claim, and demand in and to the hereditaments and appurtenances thereto belonging or in anywise pertaining.

TO HAVE AND TO HOLD all its right, title and interest to the above described property

and premises unto the said Grantee, Grantee's heirs, executors, administrators and assigns forever, so that neither Grantor nor Grantor's successors or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof.

WITNESS THE GRANTOR'S HAND EFFECTIVE as of the 24th day of March, 2020.

GRANTOR:

CITY OF ROANOKE, TEXAS
a Texas home-rule municipality

Scott Campbell, City Manager

ATTEST:

April S. Hill, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

ACKNOWLEDGMENT

STATE OF TEXAS

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COUNTY OF DENTON

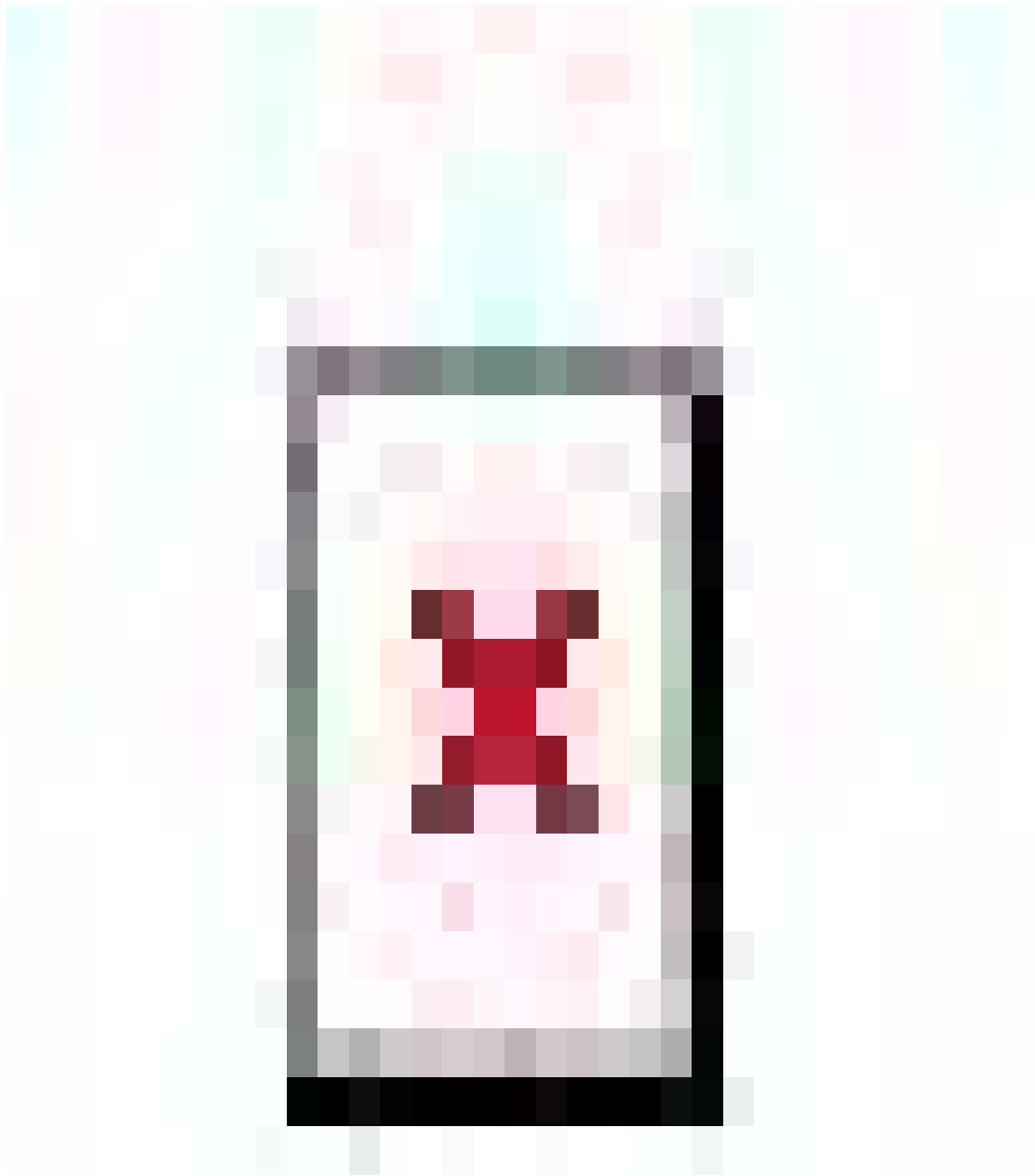
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This instrument was acknowledged before me on the 24th day of March, 2020, by Scott Campbell, City Manager for the City of Roanoke, Texas, a Texas home-rule municipality, on behalf of said municipality.

Notary Public, State of Texas

Exhibit A

Legal Description and/or Depiction of
Abandoned Right-of-Way



AFTER RECORDING, RETURN TO:

Scott Campbell
City of Roanoke
108 S. Oak Street
Roanoke, Texas 76262

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QUITCLAIM DEED

(Prepared without benefit of title examination)

STATE OF TEXAS §
 §
COUNTY OF DENTON §

KNOW ALL MEN BY THESE PRESENTS:

That the ***CITY OF ROANOKE, TEXAS*** (“Grantor”), whether one or more, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) cash in hand to Grantor paid by ***SEAN TURNER, LAUREN TURNER*** and ***KIMBERLY TURNER*** (“Grantee”), the receipt of which is hereby acknowledged, and other good and valuable consideration, the receipt and sufficiency of which is hereby also acknowledged, has QUITCLAIMED, and by these presents does QUITCLAIM unto the said Grantee all of Grantor’s right, title, and interest in and to the following described real estate, to-wit:

BEING the eastern most ten feet (10’) of the approximately twenty foot (20’) wide unused alley right-of-way adjacent to Lot 3A-R, Block 10 of the O.T. Roanoke Addition, an addition to the City of Roanoke, Denton County, Texas, which is more particularly described and/or depicted in *Exhibit A*, which is attached hereto and incorporated herein for all purposes; such right-of-way being abandoned by the City of Roanoke, Texas, per Ordinance No. 2020-109, a copy of which is attached hereto.

Together with all and singular Grantor’s right, title, interest, estate, claim, and demand in and to the hereditaments and appurtenances thereto belonging or in anywise pertaining.

TO HAVE AND TO HOLD all its right, title and interest to the above described property

and premises unto the said Grantee, Grantee's heirs, executors, administrators and assigns forever, so that neither Grantor nor Grantor's successors or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof.

WITNESS THE GRANTOR'S HAND EFFECTIVE as of the 24th day of March, 2020.

GRANTOR:

CITY OF ROANOKE, TEXAS
a Texas home-rule municipality

Scott Campbell, City Manager

ATTEST:

April S. Hill, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

ACKNOWLEDGMENT

STATE OF TEXAS

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COUNTY OF DENTON

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This instrument was acknowledged before me on the 24th day of March, 2020, by Scott Campbell, City Manager for the City of Roanoke, Texas, a Texas home-rule municipality, on behalf of said municipality.

Notary Public, State of Texas

Exhibit A

Legal Description and/or Depiction of
Abandoned Right-of-Way

