

ORDINANCE NO. 2151

AN ORDINANCE ABANDONING AND AUTHORIZING THE CITY MANAGER TO SELL APPROXIMATELY 0.017 ACRES OF SURPLUS DEDICATED ALLEY RIGHT-OF-WAY ADJACENT TO LOT 11R, BLOCK 7, TIER "B", CITY OF PORTLAND IN THE 400 BLOCK OF FIRST AVENUE; AND PROVIDING AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS Chapter 253 of the Texas Local Government Code authorizes cities to sell surplus property dedicated as a street, alley, or public way; and

WHEREAS City of Portland Code of Ordinances Chapter 19 Article V sets forth the procedure for the City of Portland to sell property which is dedicated as a street, alley, or public way; and,

WHEREAS the City Council conducted a Public Hearing on May 16, 2017, to solicit comments from citizens and other interested parties concerning the appropriateness of the request by David Garza to declare approximately 0.017 acres of dedicated alley right-of-way adjacent to Lot 11R, Block 7, Tier "B", City of Portland in the 400 block of First Avenue "surplus" and selling the same to David Garza; and,

WHEREAS no formal written protest was filed by adjacent property owners and a majority vote is required to approve both readings of this ordinance.

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

SECTION 1: Approximately 0.017 acres of dedicated alley right-of-way adjacent to Lot 11R, Block 7, Tier "B", City of Portland in the 400 block of First Avenue as depicted in Exhibit "A" is hereby declared "surplus".

SECTION 2: The City Manager is authorized to sell approximately 0.017 acres of dedicated alley right-of-way adjacent to Lot 11R, Block 7, Tier "B", City of Portland in the 400 block of First Avenue as depicted in Exhibit "A" to David Garza with the following conditions:

- a. The buyer shall pay the City of Portland \$4,687.50
- b. The buyer shall pay all costs associated with the closing, including legal fees
- c. The deed for the purchase shall contain language stating that the buyer agrees to hold the City harmless for damages created by the sale of the property
- d. The deed for purchase shall state that the property must be platted before any development of the property can commence. All City of Portland platting regulations

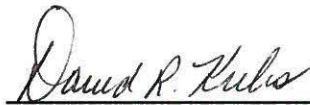
shall apply and the buyer shall pay all platting costs.

e. The sale does not include mineral rights.

SECTION 3: This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after the publication provided herein.

PASSED and **APPROVED** on second reading this 6th day of June 2017.

CITY OF PORTLAND



David Krebs
Mayor

ATTEST:



Annette Hall
City Secretary



STATE OF TEXAS
COUNTY OF NUECES

Field notes of a 0.017 acre tract being the west 50 feet of a 15 foot alley in Block 7 as shown on the Portland Tier B map or plat recorded in Volume 1, Page 5A, Map Records San Patricio County, Texas. Said 0.017 acre tract being more particularly described as follows:

COMMENCING at a 1" iron pipe found in the intersection of the north right of way of 1st Avenue and the east right of way of the remaining east 50 feet of that portion of Houston Street closed by Commissioner's Court of San Patricio County, Texas and described in a deed recorded in Document No. 101335, Deed Records San Patricio County, Texas, for the southwest corner of Lot 13, Block 7, Portland Tier B, as shown on a map recorded in Volume 1, Page 5A, Map Records San Patricio County, Texas, from **WHENCE** a 5/8" iron rod found for the southeast corner of Lot 24, Block 7 of said Portland Tier B Subdivision bears, North 89°54'37" East, a distance of 300.43 feet; **THENCE** with the east right of way of said remaining east 50 feet of that portion of Houston Street, North 00°16'15" West, a distance of 142.28 feet to a 5/8" iron rod found, for the southwest corner of this survey, and for the **POINT OF BEGINNING**.

THENCE North 00°16'15" West, a distance of 15.00 feet to a 5/8" iron rod found for the southwest corner of Lot 12, and for the northwest corner of this survey.

THENCE North 89°43'45" East, at a distance of 50.06 to a 5/8" iron rod found for the southeast corner of Lot 11, for the southwest corner of Lot 10, and for the northeast corner of this survey.

THENCE South 00°16'15" East, a distance of 15.00 feet to a 5/8" iron rod found for the northwest corner of Lot 15, for the northeast corner of Lot 14, and for the southeast corner of this survey.

THENCE South 89°43'45" West, at a distance of 50.06 feet to the **POINT OF BEGINNING** of this tract, and containing 0.017 acres of land, more or less.

Notes:

- 1.) Bearings are based on Global Positioning System NAD 83 (93) 4205 Datum.
- 2.) A Map of equal date accompanies this Metes and Bounds description.
- 3.) Set 5/8" iron rod = iron rod set with yellow plastic cap labeled Brister Surveying.

I, Ronald E. Brister do hereby certify that this survey of the property legally described herein was made on the ground this day July 19, 2016 and is correct to the best of my knowledge and belief.

Ronald E. Brister

Ronald E. Brister, RPLS No. 5407

Date: October 31, 2016.



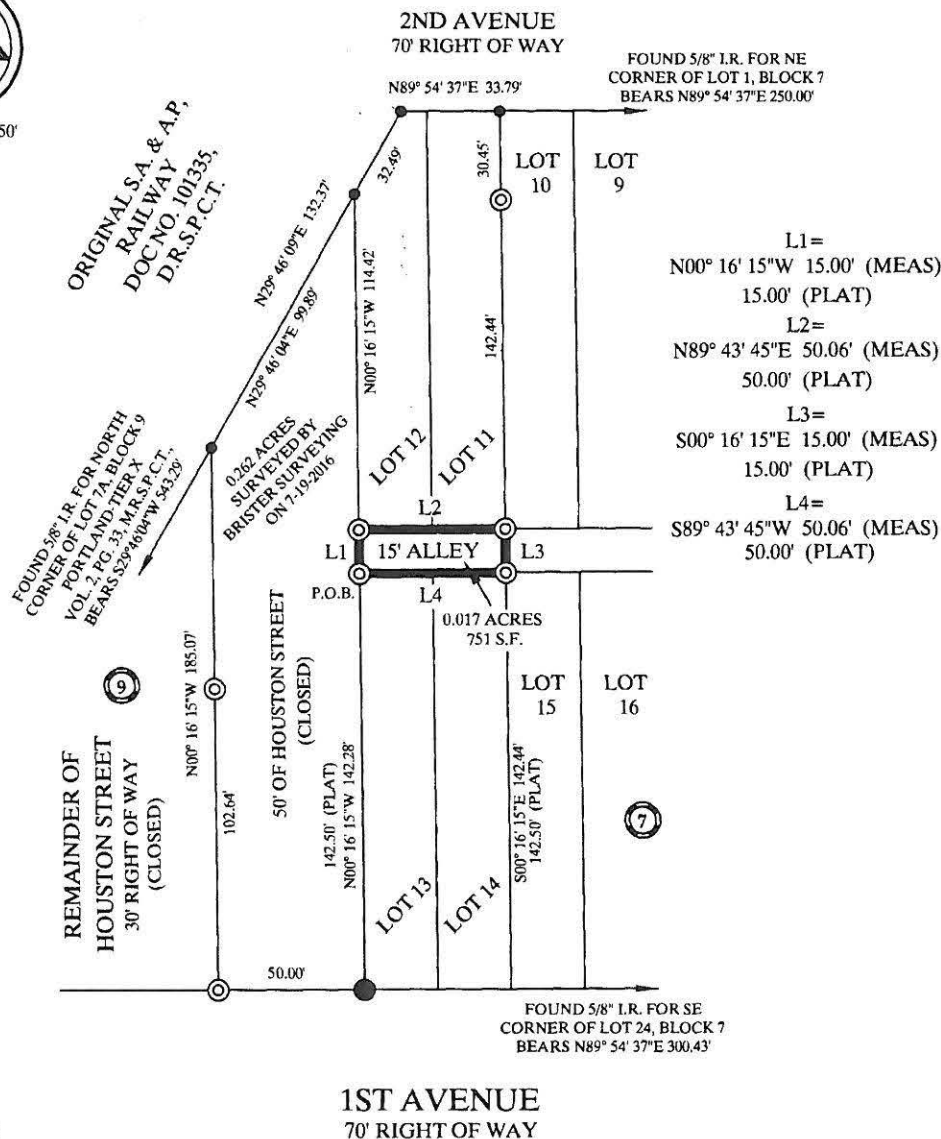
Job No. 161556A

SURVEY OF
A 0.017 ACRE TRACT BEING THE WEST 50 FEET OF A 15 FOOT ALLEY IN
BLOCK 7 AS SHOWN ON THE PORTLAND TIER B MAP OR PLAT RECORDED
IN VOLUME 1, PAGE 5A, MAP RECORDS SAN PATRICIO COUNTY, TEXAS.



SCALE 1" = 50'

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT



- = POINT
- = 1" IRON PIPE
- ⊙ = FOUND 5/8" IRON ROD

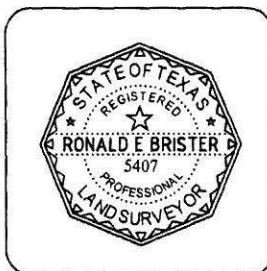


Brister Surveying

4455 South Padre Island Drive Suite 51
 Corpus Christi, Texas 78411
 Off 361-850-1800
 Fax 361-850-1802
 Bristersurveying@corpus.twcsc.com
 Firm Registration No. 10072800

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY
 IS LOCATED WITHIN ZONE C AS DEFINED
 BY THE FEDERAL EMERGENCY MANAGEMENT
 MAPS. COMMUNITY PANEL 480559 0005 B
 DATED JULY 3, 1985

AND ☐ IS ☒ IS NOT LOCATED IN A DESIGNATED 100
 YEAR FLOOD ZONE.



- NOTES:
- 1.) TOTAL SURVEYED AREA IS 0.017 ACRES.
 - 2.) MEASURED BEARINGS ARE BASED ON GLOBAL POSITIONING SYSTEM NAD 83 (93) 4205 DATUM.
 - 3.) SET 5/8" IRON ROD = IRON ROD SET WITH YELLOW PLASTIC CAP LABELED BRISTER SURVEYING.
 - 4.) A METES AND BOUNDS DESCRIPTION OF EQUAL DATE ACCOMPANIES THIS SURVEY.

THIS SURVEY DOES NOT INCLUDE THE RESEARCH,
 INVESTIGATION, OR LOCATIONS OF ALL SERVITUDES,
 EASEMENTS, RIGHT OF WAYS, OR UTILITIES ON THIS
 PROPERTY.

I, RONALD E. BRISTER DO HEREBY CERTIFY THAT
 THIS SURVEY OF THE PROPERTY LEGALLY
 DESCRIBED HEREIN WAS MADE ON THE GROUND
 THIS DAY JULY 19, 2016, AND IS CORRECT TO THE
 BEST OF MY KNOWLEDGE AND BELIEF.

Ronald E. Brister
 RONALD E. BRISTER R.P.L.S. NO. 5407

SURVEY DATE OCTOBER 31, 2016

JOB NO. 161556A