

CITY OF RIVER OAKS ORDINANCE NO. 1319-2021

AN ORDINANCE VACATING AND ABANDONING CERTAIN DESCRIBED STREET RIGHT-OF-WAY PREVIOUSLY DEDICATED TO THE CITY; DECLARING THAT SUCH RIGHT-OF-WAY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY RELEASING AND ASSIGNING THE REAL PROPERTY TO THE OWNERS OF THE FEE ESTATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council adopted Ordinance # 1312-2021 on May 11, 2021 abandoning 0.008 acre portion of a variable width alley located within the right-of-way in the rear of the property at 4710 River Oaks Blvd that after careful study and consideration, had determined that the right-of-way to be abandoned is not being used by, nor useful or convenient to the public in general, and that the public would be better served and benefited by its vacation and abandonment; and

WHEREAS, since the adoption of Ordinance # 1312-2021 Jolly Dreams Corporation requested to purchase an additional 25-feet increasing the total square footage of land to be purchased from 342 square feet to 417 square feet thereby, necessitating repealing the former ordinance as adopted; and

WHEREAS, the City Council of the City of River Oaks, after careful study and consideration, has determined that the 417 square-feet of right-of-way to be abandoned is not being used by, nor useful or convenient to the public in general, and that the public would be better served and benefited by its vacation and abandonment; and

WHEREAS, in order to remove any question as to the continued interest in the right-of-way to be abandoned, the City desires to execute a deed without warranty releasing and assigning all title and control in the right-of-way to be abandoned to the owners of the fee estate on which the right-of-way to be abandoned is located.

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

SECTION 1

The City Council finds that the 0.010 acre portion of a variable width public alley described on Exhibit A attached, is not being used by, nor useful or convenient to the public in general and that the public would be better served and benefited by the vacation and abandon of the right-of-way to be abandoned.

SECTION 2

The City Manager of the City of River Oaks, Texas, is hereby authorized and empowered to execute a deed without warranty to the 0.010 acre portion of a variable width public alley to be abandoned, which deed is attached to this Ordinance as Exhibit B, to the current owner of the fee estate on which the easement is located, specifically, Jolly Dreams Corporation.

SECTION 3

After the deed without warranty is executed, the owner of the fee estate is authorized to file it in the deed records of Tarrant County, Texas.

SECTION 4

With the adoption of this Ordinance, the former Ordinance # 1312-2021 as adopted on May 11, 2021 is hereby repealed in its entirety.

SECTION 5

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 6

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

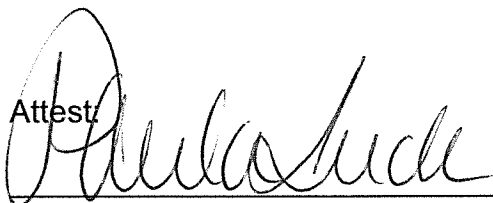
PASSED AND APPROVED on this the 27th day of July, 2021.

Approved:



Mayor

Attest:



City Secretary

Exhibit A

(See attached Description)

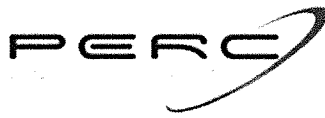


EXHIBIT "A"
METES & BOUNDS DESCRIPTION

BEING A 0.010 ACRE TRACT OF LAND LOCATED IN THE J. P. LUSK SURVEY, ABSTRACT NO. 947, TARRANT COUNTY, TEXAS, BEING A PORTION OF A VARIABLE WIDTH PUBLIC ALLEY AS SHOWN ON THE PLAT FOR ROCKWOOD TERRACE, FIRST FILING, AN ADDITION TO THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS, RECORDED IN VOLUME 388-B, PAGE 165, PLAT RECORDS, TARRANT COUNTY, TEXAS (PRTCT), SAID 0.010 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A MAG NAIL FOUND AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAID PUBLIC ALLEY, AND THE EAST RIGHT-OF-WAY LINE OF LONG AVENUE, AN 80-FOOT PUBLIC RIGHT-OF-WAY, AND BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 8, OF SAID ROCKWOOD TERRACE, FIRST FILING, FROM WHICH A 5/8 INCH CAPPED IRON ROD FOUND STAMPED "PROLINE", BEARS SOUTH 00 DEGREES 13 MINUTES 15 SECONDS EAST, A DISTANCE OF 132.36 FEET, SAID BEGINNING POINT HAVING A NAD83 TEXAS COORDINATE SYSTEM POSITION (GRID) OF N:6968967.8 E:2309391.6 (BEARINGS & COORDINATE VALUES SHOWN HEREON ARE IN REFERENCE TO THE NAD83 – TEXAS COORDINATE SYSTEM – NORTH CENTRAL ZONE, 4202, BASED ON GPS OBSERVATIONS UTILIZING THE LEICA GPS REFERENCE NETWORK)

THENCE NORTH 00 DEGREES 13 MINUTES 15 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE, A DISTANCE OF 3.00 FEET, TO A 5/8 INCH CAPPED IRON ROD SET STAMPED "PERC ENGINEERING", FROM WHICH THE CALCULATED SOUTHWEST CORNER OF LOT 2, BLOCK 8, OF SAID ROCKWOOD TERRACE, FIRST FILING, BEARS NORTH 00 DEGREES 13 MINUTES 43 SECONDS EAST, A DISTANCE OF 17.00 FEET;

THENCE SOUTH 89 DEGREES 42 MINUTES 36 SECONDS EAST, A DISTANCE OF 139.00 FEET, TO A 5/8 INCH CAPPED IRON ROD SET STAMPED "PERC ENGINEERING", BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH 00 DEGREES 13 MINUTES 15 SECONDS EAST, A DISTANCE OF 3.00 FEET, TO A 5/8 INCH CAPPED IRON ROD SET STAMPED "PERC ENGINEERING", BEING ON THE NORTH LINE OF SAID LOT 1, BLOCK 8, BEING COMMON WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID PUBLIC ALLEY, FROM WHICH A 5/8 INCH CAPPED IRON ROD FOUND STAMPED "PROLINE" FOR THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 8, BEARS SOUTH 89 DEGREES 42 MINUTES 36 SECONDS EAST, A DISTANCE OF 91.27 FEET;

THENCE NORTH 89 DEGREES 42 MINUTES 36 SECONDS WEST, ALONG SAID COMMON LINE, A DISTANCE OF 139.00 FEET, TO THE **POINT OF BEGINNING**, AND CONTAINING 0.010 ACRES (417 SQUARE FEET) OF LAND, MORE OR LESS.

SEE ACCOMPANYING EXHIBIT "A1" DATED JULY 19, 2021.


MERLE W. MILLER

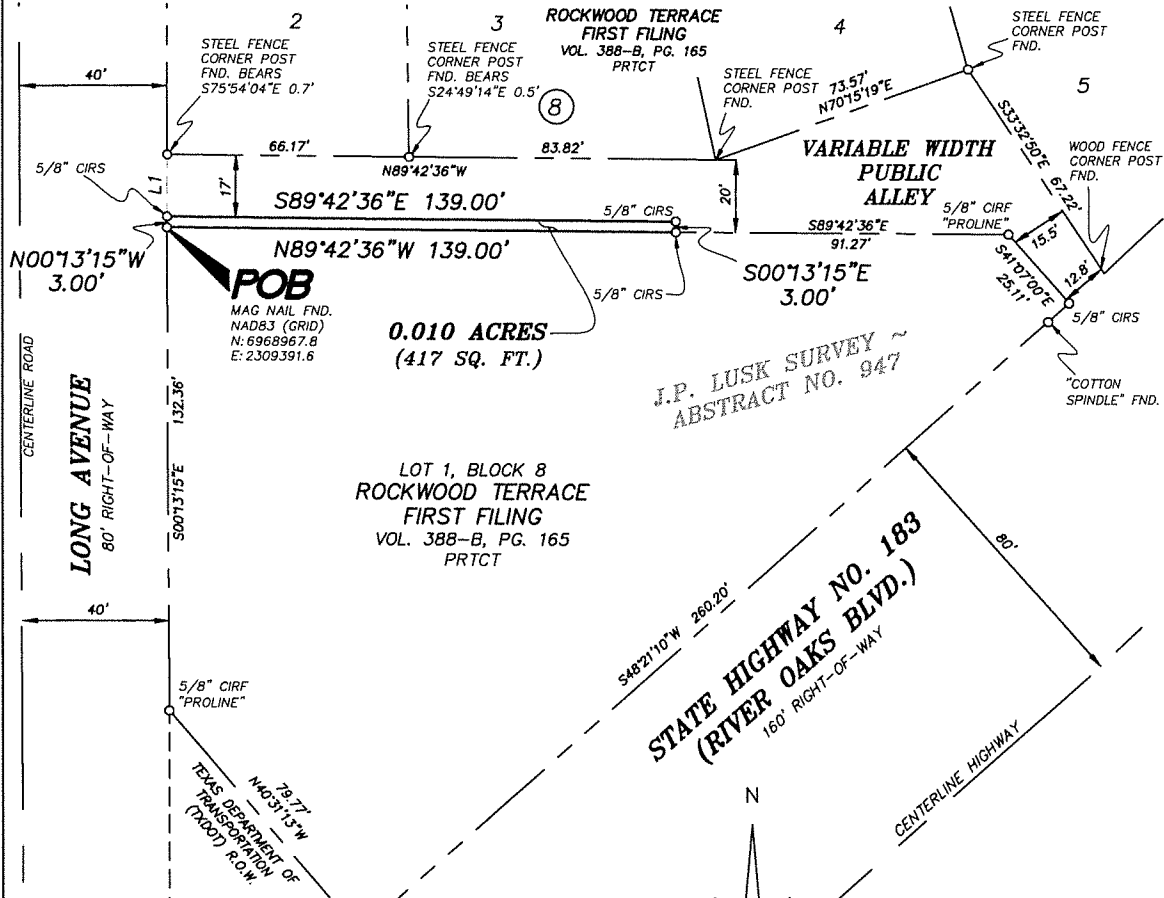
DATE: 07/19/2021
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5438
STATE OF TEXAS



EXHIBIT "A1"

SURVEY OF 0.010 ACRES OF LAND (417 SQUARE FEET)

LOCATED IN THE J.P. LUSK SURVEY, TARRANT COUNTY, TEXAS, BEING A PORTION OF A VARIABLE WIDTH PUBLIC ALLEY, ACCORDING TO THE PLAT RECORDED IN VOLUME 388-B, PAGE 165, PLAT RECORDS, TARRANT COUNTY, TEXAS.



LINE TABLE		
TAG NO.	BEARING	DISTANCE
L1	N00°13'43"E	17.00'

LEGEND/ABBREVIATIONS

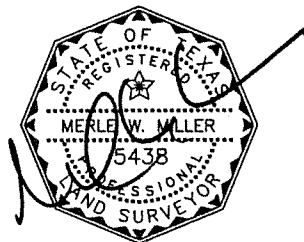
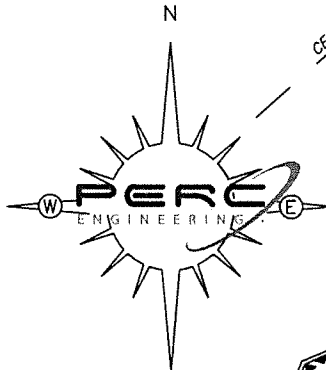
CIRS	CAPPED IRON ROD SET STAMPED "PERC ENGINEERING"	PRCT	PLAT RECORDS, TARRANT COUNTY, TEXAS
IRF	IRON ROD FOUND	VOL.	VOLUME
CIRF	CAPPED IRON ROD FOUND	PG.	PAGE
OPRTCT	OFFICIAL PUBLIC RECORDS TARRANT COUNTY, TEXAS	POB	POINT OF BEGINNING
MEAS.	MEASURED		

1). EXCEPT AS SPECIFICALLY STATED OR SHOWN HEREON, THIS AS-SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE OR APPARENT AT THE TIME OF SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

2). THIS SURVEY SKETCH WAS PREPARED WITHOUT BENEFIT OF CURRENT ABSTRACT OF TITLE INFORMATION. ALL MATTERS OF RECORD, SUCH AS EASEMENTS, RESTRICTIONS, OR AGREEMENTS, MAY NOT BE SHOWN HEREON. THE SURVEYOR HAS NOT ABSTRACTED THE PROPERTY.

3). THE SUBJECT PROPERTY IS LOCATED IN ZONE "X", AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD; AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM), MAP NUMBER 48439C0170L, MAP REVISED MARCH 21, 2019. THE SURVEYOR HAS NOT PERFORMED A STUDY OF THE LIMITS OF THE FLOODPLAIN AND THIS DESIGNATION IS BASED SOLELY ON OVERLAYING THE FLOOD MAP ONTO THE SUBJECT TRACT.

5). THE BEARINGS AND GRID COORDINATES SHOWN HEREON ARE IN REFERENCE TO THE NAD83 - TEXAS STATE PLANE COORDINATE SYSTEM - NORTH CENTRAL ZONE, 4202, BASED ON GPS OBSERVATION UTILIZING THE LEICA GPS REFERENCE NETWORK.



07-19-2021



4055 INTERNATIONAL PLAZA, STE 430
FORT WORTH, TX 76109
MAIN: 817.380.5110
tbpels #10194323
www.PERC-eng.com

DATE: 07-19-2021 SCALE: 1" = 40' DRAWN BY: SAT CHECKED BY: MMW JOB NO.: 2223549

Exhibit B

(See Attached Deed without warranty)

Deed without Warranty

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: _____

Grantor: City of River Oaks, Texas

Grantor's Mailing Address:

4900 River Oaks Boulevard, River Oaks, Texas 76114 (*Tarrant County, Texas*)

Grantee: Jolly Dreams Corporation

Grantee's Mailing Address: _____

(_____ *County*, _____)

Consideration: TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements): See attached Exhibit A

Reservations from Conveyance:

For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of a permanent and perpetual utility easement for the purpose of installing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing, and operating electrical, drainage and utility facilities in, into, upon, over, across, under and through the Property.

Grantee and Grantee's heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under any easement granted herein any temporary or permanent structures.

The permanent utility easement herein reserved to the Grantor shall run with the land and forever be a right in and to the land belonging to Grantee, and Grantee's successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in Grantee's chain of title. The permanent utility easement granted therein is exclusive, and Grantee shall not convey any other easement or conflicting rights within the area covered by the grant to any other person.

Exceptions to Conveyance:

THIS CONVEYANCE IS EXECUTED, DELIVERED AND ACCEPTED SUBJECT TO AD VALOREM TAXES FOR THE CURRENT YEAR, ROLLBACK TAXES DUE TO THIS CONVEYANCE OR GRANTEE'S USE OF THE SUBJECT PROPERTY, MAINTENANCE FUND LIENS, ZONING ORDINANCES, RECORDED AND PRESCRIPTIVE EASEMENTS, UTILITY DISTRICT ASSESSMENTS AND STANDBY FEES, IF ANY.

Grantor, for the consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever, without express or implied warranty. All warranties that might arise by common law as well as the warranties in section 5.023 of the Texas Property Code (or its successor) are expressly excluded.

This conveyance is intended to include any property interests obtained by after-acquired title.

When the context requires, singular nouns and pronouns include the plural.

NOTICE: This Deed without Warranty has been prepared from the information furnished by Grantor and Grantee, and there has been no title search of any nature performed, including but not limited to any determination of ownership or outstanding debts and liens on said property, nor has there been an investigation as to whether there are any delinquent taxes due on said property.

GRANTOR:

City of River Oaks, Texas

By: _____
Marvin Gregory, City Manager

STATE OF TEXAS

COUNTY OF TARRANT

Before me on this day personally appeared Marvin Gregory, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he is the City Manager of River Oaks, Texas, and he acted on and by the authority of the City Council and executed the above deed for the purposes and consideration therein expressed.

Given under my and seal of office this _____ day of _____, 2021.

[SEAL]

Notary Public, State of Texas

My commission expires: _____

AFTER RECORDING RETURN TO:

Attn: _____

Jolly Dreams Corporation

Address: _____

{End of Document}

Exhibit A

BEING A 0.010 ACRE TRACT OF LAND LOCATED IN THE J.P. LUSK SURVEY, ABSTRACT NO. 947, TARRANT COUNTY, TEXAS, BEING A PORTION OF A VARIABLE WIDTH PUBLIC ALLEY AS SHOWN ON THE PLAT OF RECORD FOR ROCKWOOD TERRACE, FIRST FILING, AN ADDITION TO THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS, RECORDED IN VOLUME 388-B, PAGE 165, PLAT RECORDS, TARRANT COUNTY, TEXAS (PRTCT), SAID 0.0108 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A MAG NAIL FOUND AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAID PUBLIC ALLEY, AND THE EAST RIGHT-OF-WAY LINE OF LONG AVENUE, AN 80 FOOT PUBLIC RIGHT-OF-WAY, AND BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 8, OF SAID ROCKWOOD TERRACE, FIRST FILING FROM WHICH A 5/8 INCH CAPPED IRON ROD FOUND STAMPED "PROLINE", BEARS SOUTH 00 DEGREES 13 MINUTES 15 SECONDS EAST, A DISTANCE OF 132.36 FEET, SAID BEGINNING POINT HAVING A NAD83 TEXAS COORDINATE SYSTEM POSITION (GRID) OF N:6968967.8 E:2309391.6 (BEARINGS & COORDINATE VALUES SHOWN HEREON ARE IN REFERENCE TO THE NAD83 – TEXAS COORDINATE SYSTEM – NORTH CENTRAL ZONE, 4202, BASED ON GPS OBSERVATIONS UTILIZING THE LEICA GPS REFERENCE NETWORK);

THENCE NORTH 00 DEGREES 13 MINUTES 15 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE, A DISTANCE OF 3.00 FEET, TO A 5/8 INCH CAPPED IRON ROD SET STAMPED "PERC ENGINEERING", FROM WHICH THE CALCULATED SOUTHWEST CORNER OF LOT 2, BLOCK 8, OF SAID ROCKWOOD TERRACE, FIRST FILING BEARS NORTH 00 DEGREES 13 MINUTES 43 SECONDS EAST, A DISTANCE OF 17.00 FEET;

THENCE SOUTH 89 DEGREES 42 MINUTES 36 SECONDS EAST, A DISTANCE OF 139.00 FEET, TO A 5/8 INCH CAPPED IRON ROD SET STAMPED "PERC ENGINEERING", BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH 00 DEGREES 13 MINUTES 15 SECONDS EAST, A DISTANCE OF 3.00 FEET, TO A 5/8 INCH CAPPED IRON ROD SET STAMPED "PERC ENGINEERING", BEING ON THE NORTH LINE OF SAID LOT 1, BLOCK 8, BEING COMMON WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID PUBLIC ALLEY, FROM WHICH A 5/8 INCH CAPPED IRON ROD FOUND STAMPED "PROLINE" FOR THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 8 BEARS SOUTH 89 DEGREES 42 MINUTES 36 SECONDS EAST, A DISTANCE OF 91.27 FEET;

THENCE NORTH 89 DEGREES 42 MINUTES 36 SECONDS WEST, ALONG SAID COMMON LINE, A DISTANCE OF 139.00 FEET, TO THE POINT OF BEGINNING, AND CONTAINING 0.010 ACRES (417 SQUARE FEET) OF LAND, MORE OR LESS.