

ORDINANCE NO. 2021-31

ORDINANCE NO. 2021-31, 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 MAGNOLIA STREET AND PINE STREET, ALL SITUATED IN BLOCK 35 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 SCOTT GORDAN MOORE, JR.; 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 Scott Gordan Moore, Jr. 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.

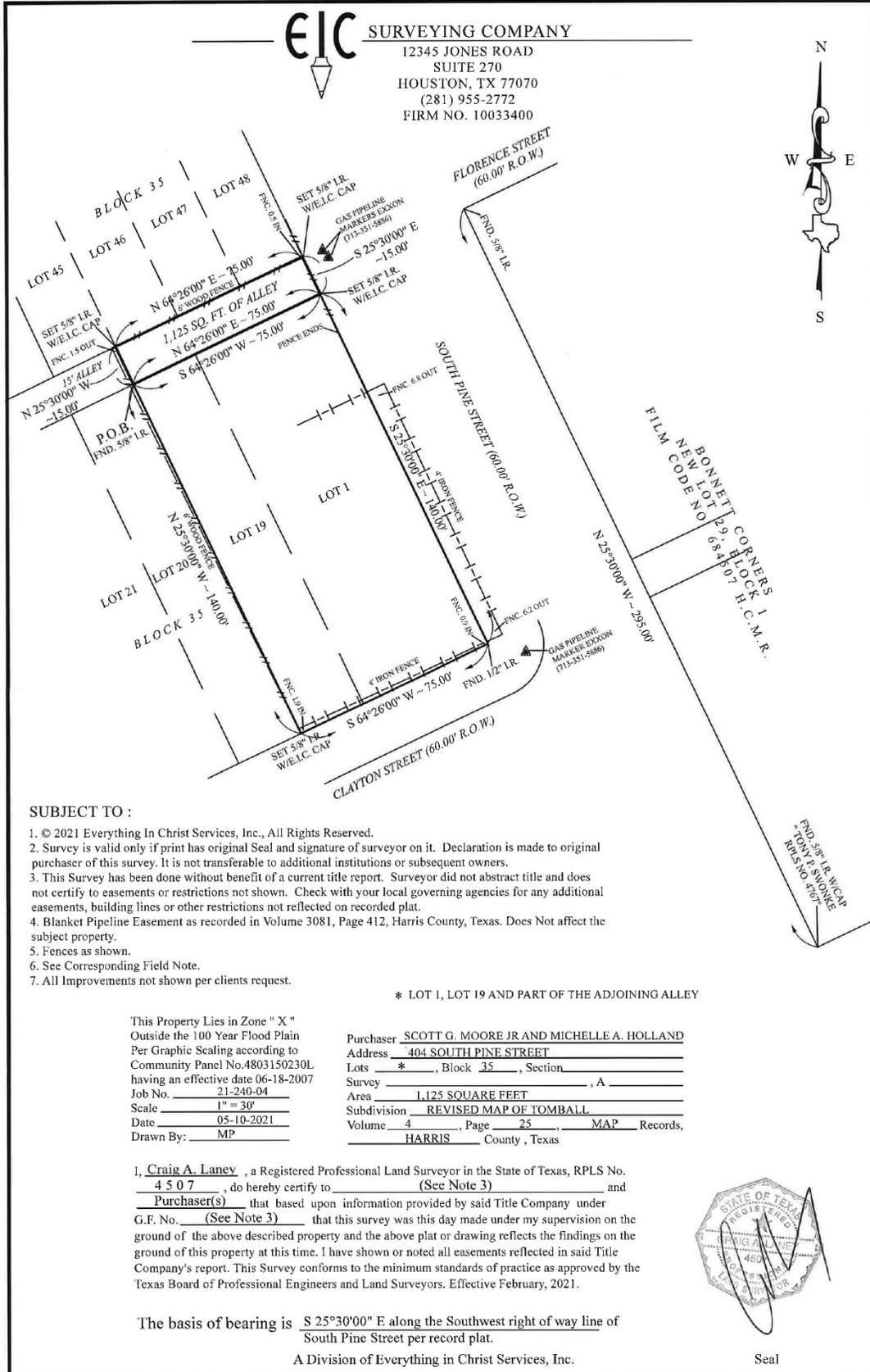
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>ABSENT</u>

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary

Exhibit "A"



SURVEYING COMPANY
 12345 JONES ROAD
 SUITE 270
 HOUSTON, TX 77070
 (281) 955-2772
 FIRM NO. 10033400



SUBJECT TO :

1. © 2021 Everything In Christ Services, Inc., All Rights Reserved.
2. Survey is valid only if print has original Seal and signature of surveyor on it. Declaration is made to original purchaser of this survey. It is not transferable to additional institutions or subsequent owners.
3. This Survey has been done without benefit of a current title report. Surveyor did not abstract title and does not certify to easements or restrictions not shown. Check with your local governing agencies for any additional easements, building lines or other restrictions not reflected on recorded plat.
4. Blanket Pipeline Easement as recorded in Volume 3081, Page 412, Harris County, Texas. Does Not affect the subject property.
5. Fences as shown.
6. See Corresponding Field Note.
7. All Improvements not shown per clients request.

* LOT 1, LOT 19 AND PART OF THE ADJOINING ALLEY

This Property Lies in Zone " X " Outside the 100 Year Flood Plain Per Graphic Scaling according to Community Panel No.4803150230L having an effective date 06-18-2007
 Job No. 21-240-04
 Scale 1" = 30'
 Date 05-10-2021
 Drawn By: MP

Purchaser SCOTT G. MOORE JR AND MICHELLE A. HOLLAND
 Address 404 SOUTH PINE STREET
 Lots *, Block 35, Section _____, A _____
 Survey _____ Area 1,125 SQUARE FEET
 Subdivision REVISED MAP OF TOMBALL
 Volume 4, Page 25, MAP _____ Records, _____
HARRIS County, Texas

I, Craig A. Laney, a Registered Professional Land Surveyor in the State of Texas, RPLS No. 4507, do hereby certify to _____ (See Note 3) and _____ Purchaser(s) that based upon information provided by said Title Company under G.F. No. _____ (See Note 3) that this survey was this day made under my supervision on the ground of the above described property and the above plat or drawing reflects the findings on the ground of this property at this time. I have shown or noted all easements reflected in said Title Company's report. This Survey conforms to the minimum standards of practice as approved by the Texas Board of Professional Engineers and Land Surveyors. Effective February, 2021.

The basis of bearing is S 25°30'00" E along the Southwest right of way line of South Pine Street per record plat.

A Division of Everything in Christ Services, Inc.



Seal

Exhibit "A"



12345 Jones Road, Suite 270
Houston, TX 77070
281-955-2772 • Fax 281-955-6678
www.eicsurveying.com • eic@eicsurveying.com

Firm No. 100334-00

All that certain tract or parcel containing 1,125 square feet of land out of a 15' alley in Block 35 of Revised Map of Tomball, a subdivision in Harris County, Texas according to the map or plat thereof filed for record in Volume 4, Page 25 of the Harris County Map Records, said 1,125 square foot tract of land being more particularly described by metes and bounds as follows:

BEBINNING at a 5/8" iron rod (found) in the Southeast line of said 15' alley marking the Northerly corner of Lot 20 in said Block 35, the Westerly corner of Lot 19 in said Block 35 and the Southerly corner of the herein described 1,125 square foot tract of land;

THENCE N 25°30'00" W, a distance of 15.00 feet to a 5/8" iron rod with EIC cap (set) in the Northwest line of said 15' alley marking the Easterly corner of Lot 45 in said Block 35, the Southerly corner of Lot 46 in said Block 35 and the Westerly corner of the herein described 1,125 square foot tract of land;

THENCE N 64°26'00" E, a distance of 75.00 feet along the Northwest line of said 15' alley and the Southeast line of said Lot 46 to a 5/8" iron rod with EIC cap (set) marking the intersection of the Northwest line of said 15' alley with the Southwest right-of-way line of South Pine Street, (60.00 feet in width), same point marking the Easterly corner of Lot 48 in said Block 35 and the Northerly corner of the herein described 1,125 square foot tract of land;

THENCE S 25°30'00" E, a distance of 15.00 feet along the Southwest right-of-way line of said South Pine Street to a 5/8" iron rod with EIC cap (set) marking the intersection of the Southeast line of said 15' alley with the Southwest right-of-way line of said South Pine Street, same point marking the Northerly corner of Lot 1 in said Block 35 and the Easterly corner of the herein described 1,125 square foot tract of land;

THENCE S 64°26'00" W, a distance of 75.00 feet along the Southeast line of said 15' alley and the Northwest line of said Lot 1 to the POINT OF BEGINNING and containing 1,125 square feet of land.

Surveyed on the ground May 10, 2021.

Job No. 21-240-04. (see corresponding plat)

The basis of bearing is S 25°30'00" E along the Southwest right-of-way line of South Pine Street per record plat.

