

ORDINANCE NO. 2022-03-28-F

AN ORDINANCE OF THE CITY OF RANGER, TEXAS AUTHORIZING THE SALE AND CONVEYANCE OF THE BRISTOW AVENUE; AUTHORIZING CONVEYANCE OF THE CLOSED PORTION OF BRISTOW AVENUE BY SPECIAL WARRANTY DEED RESERVING A PUBLIC UTILITY EASEMENT; PROVIDING FINDINGS OF FACT; PROVIDING SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the street right-of-way locally known as Bristow Avenue, located in Ranger, Eastland County, Texas, from where it abuts Block 26 and Block 27, Hodges Oak Park Addition and which is bounded on the north by Wayland Road and on the south by Gerdes Street has never been opened as an active right-of-way;

WHEREAS, there may be utility lines within such unopened right-of-way;

WHEREAS, this unopened portion of Bristow Avenue is abutted by land owned by a single property owner;

WHEREAS, the owner of the property abutting and adjacent to the portion of Bristow Avenue desires to purchase and acquire this unopened portion of Bristow Avenue;

WHEREAS, the City Council has determined that it is willing to sell, grant and convey the unopened right-of-way known as Bristow Avenue where it abuts Block 26 and Block 27 via a Special Warranty Deed and reserving a public utility easement should there be or should there need to be any public utilities to the properties; and

WHEREAS, the City desires to adopt an ordinance confirming, ratifying, and approving the closure of a portion of Bristow Avenue which is shown on the survey/plat attached with the legal description as "Exhibit A."

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of fact by the City Council of Ranger, Texas.

Section 2. Consideration and Authorization to Execute Special Warranty Deed. The Mayor and the City Secretary are hereby authorized, empowered, instructed and directed to execute a special warranty deed, in a form substantially similar to that set forth in "Exhibit B" conveying the rights and interests of the City in the closed portion of Bristow Avenue described in the attached Exhibit A to Nancy B. Burrow, the owner of the adjacent and abutting property, provided that the special warranty deed shall reserve to the City a public utility easement for the installation, location, use, repair, maintenance and replacement of public utility lines and facilities, as described in the deed

attached as "Exhibit B," and provided that the consideration for the conveyance of the closed portion of Bristow Avenue shall be payment of the cost of the survey plus \$100.00. Upon the execution of a deed such as the deed attached as Exhibit B the deed shall be and become a valid and binding act and deed of the City of Ranger, Texas.

Section 3. Retain Utility Easement. A public utility easement (as above referenced) in, upon, under, and across the closed portion of Bristow Avenue is hereby reserved and retained by the City as described and set forth as a reservation to conveyance in the deed attached as "Exhibit B."

Section 4. The Remainder of Bristow Avenue. Other than the portion stated herein, the remainder of Bristow Avenue shall remain open.

Section 5. Consideration. In consideration of this conveyance, shall pay the City as set out herein.

Section 6. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. Effective Date. This ordinance shall take effect immediately from and after its passage.

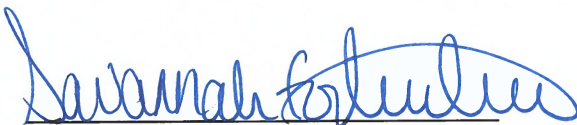
Section 8. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED on First Reading on this 14 day of March, 2022.

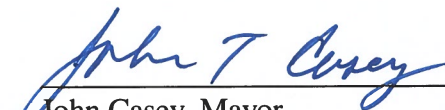
PASSED AND FINALLY APPROVED on this 28 day of March, 2022.

Attest:

THE CITY OF RANGER, TEXAS



Savannah Fortenberry, City Secretary



John Casey, Mayor



Exhibit A

(Insert metes and bound description and survey of the closed portion of Bristow Avenue)



FLOOD HAZARD STATEMENT
 The property and improvements described above is in Flood Zone "X", which is defined as areas determined to be outside the 500-year flood plain, according to the "Flood Hazard Boundary Map", Community Panel No. 48133002350, for the City of Ranger, Eastland County, Texas, as published by the Department of Housing and Urban Development, Federal Insurance Administration, with latest revision dated April 5, 2019.

PLAT OF A SURVEY OF REAL PROPERTY AND IMPROVEMENTS SITUATED ON LOTS 1, 2, 3, 4 & LOTS 10, 11 & 12 OF BLOCK 26, LOTS 5, 6 & 7 OF BLOCK 27, HODGES OAK PARK ADDITION TO THE TOWN OF RANGER EASTLAND COUNTY, TEXAS.

I, Lynn Williamson, Registered Professional Surveyor No. 5085, do hereby certify to Nancy B. Burrow, Cody Whitfield, Chelsea Whitfield and Old Republic Title, that this Plat was made from an actual on the ground survey made on the 21st of July, 2021 under my direct supervision, that all monuments exist as shown hereon and this survey substantially conforms with the current professional and technical standards established by the Texas Board of Professional Land Surveying.

Lynn Williamson
 Registered Professional Surveyor
 07/22/2021

Property subject to restrictive covenants filed of record as follows:
 Volume 485 Page 460, Deed Records of Eastland County, Texas.

LEGEND:
 * FOUND IRON ROD OR PIN
 • SET 1/2" REBAR WITH CAP
 - - - - - DESCRIBED TRACT
 - - - - - FENCE LINE

WILLIAMSON SURVEYING, INC.
 201 WEST MAIN, SUITE 302
 EASTLAND, TEXAS 76448
 254 629 8151
 williamson@tbusbusiness.com

JB10906 07/22/2021 NANCY BURROW
 GRAPHIC SCALE 1"=40'

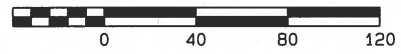


Exhibit B

SPECIAL WARRANTY DEED

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.

TEXAS SPECIAL WARRANTY DEED

Date: March 28, 2022

Grantor: City of Ranger, Texas, a home rule municipal corporation

Grantor's Mailing Address: 400 West Main Street, Eastland County, Ranger, Texas 76470

Grantee: Nancy B. Burrow

Grantee's Mailing Address: 3608 San Ramon Dr., Arlington, Texas 76013

Consideration: One dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

Property (including improvements): All that certain lot, tract or parcel of land, lying and being situated in Eastland County, Texas, and described as follows:

That portion of platted, unopened Bristow Avenue that lies between and abuts Block 26 and Block 27, Hodges Oak Park Addition, and bounded on the north by the Wayland Road right-of-way and on the south by Gerdes Street right-of-way, all within the Town of Ranger, Eastland County, Texas as per the Official plat of said addition filed of record in Slide 80, Plat Cabinet Records of Eastland County, Texas, as set out in Exhibit "A," attached hereto.

Reservations from Conveyance and Warranty: Grantor hereby reserves from the conveyance of the Property for the benefit of Grantor a perpetual easement located upon the above specifically described property with the right of entry and access, for the express purpose of accessing, inspecting, maintaining, repairing, removing, and replacing any and all city utilities located on or within the property. This conveyance is expressly made subject to the restrictions, covenants and easements, if any, apparent on the ground, and utility easements, if any, in use by the City or any other public utility, or now in force and existing of record in the office of the County Clerk of Eastland County, Texas, to which reference is here made for all purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Tracy A. Mills, her heirs, executors, successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns to **WARRANT AND FOREVER DEFEND**, all and singular, the said premises unto the said Grantee, her heirs, executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same by, through or under the City of Ranger, Texas, but no further.

EXECUTED at Ranger, Eastland County, Texas, this the 28 day of March, 2022.

ATTEST:

CITY OF RANGER, TEXAS

Savannah Fortenberry
Savannah Fortenberry, City Secretary

John Casey
John Casey, Mayor

STATE OF TEXAS)

COUNTY OF EASTLAND)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that John Casey, as the Mayor for the City of Ranger, Texas, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, executed the same voluntarily on the day the same bears date.

Given under my hand this 29 day of March, 2022.

[Signature]
Notary Public

My Commission Expires: 12-19-23

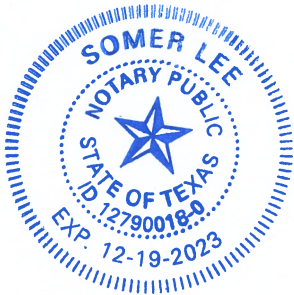


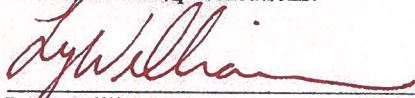
EXHIBIT "A"

LEGAL DESCRIPTION
AND SURVEY

STATE OF TEXAS
CITY OF RANGER
COUNTY OF EASTLAND

That portion of Bristow Avenue that abuts Blocks 26 and Block 27, Hodges Oak Park Addition, Town of Ranger, Eastland County, Texas as per the Official plat of said addition filed of record in Slide 80, Plat Cabinet Records of Eastland County, Texas.

I, Lynn Williamson, Texas Registered Professional Surveyor No. 5085, do hereby certify to Nancy Burrow and the City of Ranger, that this legal description correctly represent the facts found on the ground at the time of survey, (07/21/2021), and that this professional service conforms to the current Texas Society of Professional Surveyors Standards and Specifications.



Lynn Williamson
Registered Professional Surveyor No. 5085
02238/2022

