

ORDINANCE NO. 2022-05-09-H

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

WHEREAS, the City of Ranger has been requested to sell and transfer the unopened rights-of-way locally known as Byrens Street that lies between and abuts Lots 7-12, Block 9 and Lots 13-18, Block 2, Byrens and Riddle Addition, and the unopened McCleskey Avenue that lies adjacent to and abuts Lots 13-18, Block 9, Byrens and Riddle Addition, and the unopened 15' wide alley that lies between and abuts Lots 7-12, Block 9 and Lots 13-18, Block 9, Byrens and Riddle Addition all located in Ranger, Eastland County, Texas;

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

WHEREAS, these unopened portions of Byrens Street and McCleskey Avenue and the unopened alleyway abut land owned by a single property owner;

WHEREAS, the owner of the property abutting and adjacent to the portion of Byrens Street and McCleskey Avenue and the unopened alleyway desires to purchase and acquire these rights-of-way;

WHEREAS, the City Council has determined that it is willing to sell, grant and convey the unopened right-of-way known as Byrens Street that lies between and abuts Lots 7-12, Block 9 and Lots 13-18, Block 2, Byrens and Riddle Addition, and the unopened McCleskey Avenue that lies adjacent to and abuts Lots 13-18, Block 9, Byrens and Riddle Addition, and the unopened 15' wide alley that lies between and abuts Lots 7-12, Block 9 and Lots 13-18, Block 9, Byrens and Riddle Addition all located in Ranger, Eastland County, Texas via a Special Warranty Deed and reserving a public utility and access easement within the alleyway 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 the above-referenced rights-of-way 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 Byrens Street and McCleskey Avenue described in the attached Exhibit A to Robert Hooper, the owner of the adjacent and abutting property, provided that the special warranty deed shall reserve to the City a public utility and access 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 portions of Byrens Street and McCleskey Avenue and the unopened alleyway 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 alleyway 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 Byrens Street and McCleskey Avenue. Other than the portion stated herein, the remainder of Byrens Street and McCleskey Avenue as well as the alleyway 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.

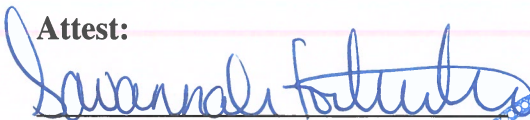
Section 7. Effective Date. This ordinance shall take effect immediately from and after its passage.

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 25th day of April, 2022.

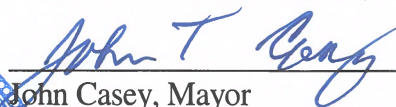
PASSED AND FINALLY APPROVED on this 9th day of May, 2022.

Attest:



Savannah Fortenberry, City Secretary

THE CITY OF RANGER, TEXAS



John Casey, Mayor



Exhibit A

(Insert metes and bound description and survey of the closed portion of
Byrens Street, McCleskey Avenue and alleyway)

Exhibit B

SPECIAL WARRANTY DEED