

ORDINANCE NUMBER 01-15

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS CLOSING, VACATING AND ABANDONING RIGHT-OF-WAYS IN THE CITY OF DE LEON BEING OUT OF BLOCK 10, BLOCK 11, BLOCK 12, BLOCK 19, BLOCK 20, AND BLOCK 21 AND BEING PART OF BIVAR AVENUE, MCKINNEY STREET, LA SALLE STREET, HOUSTON STREET, AND GONZALES AVENUE OF THE ORIGINAL ADDITION OF THE CITY OF DE LEON, TEXAS AND BLOCK XXIV OF THE CENTRAL ADDITION OF THE CITY OF DE LEON; FINDING THAT THE DESCRIBED RIGHT-OF-WAYS ARE NO LONGER NECESSARY FOR PUBLIC USE AS THOROUGHFARES; RELEASING ANY AND ALL PUBLIC RIGHTS TO USE THE TRACTS AS PUBLIC RIGHT-OF-WAYS; AUTHORIZING AND DIRECTING THE CONVEYANCE OF THE RIGHT-OF-WAYS TO THE ADJACENT PROPERTY OWNER BY DEED WITHOUT WARRANTY; AND PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS, pursuant to Chapter 311 of the Texas Transportation Code, a home-rule city such as the City of De Leon has exclusive control over the highways, streets, and alleys of the city;

WHEREAS, pursuant to Chapter 311 of the Texas Transportation Code, the City of De Leon has authority to vacate, abandon, or close a street or alley;

WHEREAS, the City of De Leon is the owner of various tracts of land that are currently designated as public right-of-ways, located in Block 10, Block 11, Block 12, Block 19, Block 20, and Block 21 and being part of Bivar Avenue, McKinney Street, La Salle Street, Houston Street, and Gonzales Avenue of the Original Addition of the City of De Leon, Texas, as shown on the Plat recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and located in Block XXIV of the Central Addition of the City of De Leon, Texas, as shown on the Plat recorded in Cabinet A at Slide 39, of the Plat Records of Comanche County, Texas, and being out of the land that is described in a deed from Archer-Daniels-Midland Company to Golden Peanut Company, LLC, recorded in Volume 789 at Page 253, Deed Records of Comanche County, Texas, and being out of the land that is described in a deed from Gold Kist, Inc. to Golden Peanut Company, LLC, recorded in Volume 789 at Page 262, Deed Records of Comanche County, Texas;

WHEREAS, the owner of the property adjacent to the various right-of-ways, Golden Peanut Company, LLC, has requested that the City of De Leon abandon the right-of-ways and convey the property to Golden Peanut;

WHEREAS, the City Council of the City of De Leon, Texas has determined that the specified portions of the right-of-ways are no longer necessary for public use as thoroughfares and that there are no other owners of property abutting these right-of-ways;

WHEREAS, the City Council of the City of De Leon, Texas wishes to abandon the use of these various tracts of property as part of the public right-of-way and to convey the tracts to Golden Peanut Company, I.J.C,

WHEREAS, the City has established the fair market value of the above described right-of-ways as being \$1.00 per running foot along any abutting property; and

WHEREAS, Chapter 272 of the Texas Local Government Code authorizes political subdivisions to sell and convey abandoned public right-of-ways to abutting owners at fair market value;

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

1. **FINDINGS OF FACT**: The foregoing recitals are hereby found to be true and correct and are incorporated into this Ordinance by reference as findings of fact as if set forth herein at length.
2. **RIGHT-OF-WAYS CLOSURE**: The City Council hereby vacates, abandons, and closes the following tracts as public thoroughfares.
 - a. A 0.09 acre tract situated in the City of De Leon, Comanche County, Texas, and being part of Bivar Avenue, as shown on the Plat of the Original Addition, De Leon, Texas, recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and being further described by metes and bounds in the attached Exhibit "A";
 - b. A 0.02 acre tract situated in the City of De Leon, Comanche County, Texas, and being part of McKinney Street, as shown on the Plat of the Original Addition, De Leon, Texas, recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and being further described by metes and bounds in the attached Exhibit "B";
 - c. A 0.01 acre tract situated in the City of De Leon, Comanche County, Texas, and being part of McKinney Street, as shown on the Plat of the Original Addition, De Leon, Texas, recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and being further described by metes and bounds in the attached Exhibit "C";
 - d. A 0.05 acre tract situated in the City of De Leon, Comanche County, Texas, and being part of Houston Street and Gonzales Avenue, as shown on the Plat of the Original Addition, De Leon, Texas, recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and being further described by metes and bounds in the attached Exhibit "D";
 - e. A 0.29 acre tract situated in the City of De Leon, Comanche County, Texas, and being part of La Salle Avenue, as shown on the Plat of the Original Addition, De Leon, Texas, recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and being further described by metes and bounds in the attached Exhibit "E"; and

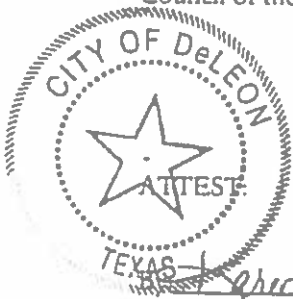
f. A 0.06 acre tract situated in the City of De Leon, Comanche County, Texas, and being part of La Salle Avenue, as shown on the Plat of the Original Addition, De Leon, Texas, recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and being further described by metes and bounds in the attached Exhibit "F".

All tracts being described by survey in the attached Exhibit "G".

3. ABANDONMENT OF RIGHTS: The City Council of the City of De Leon, Texas hereby abandons any and all public rights and interest, if any, to the utilization of the described tracts as public right-of-ways across the surface.
4. CONVEYANCE OF PROPERTY INTEREST: The Mayor and the City Secretary are hereby authorized, empowered, instructed and directed to execute a deed without warranty conveying the rights and interests of the City in the above described abandoned and vacated tracts to Golden Peanut Company, LLC according to the provisions of the Local Government Code, provided that the purchase price to be paid for such property shall be \$1.00 per running foot along the abutting properties. Upon payment of the purchase price and execution of such deed, the deed shall be and become a valid and binding action of the City.
5. SEVERABILITY: If any word, article, phrase, paragraph, sentence, clause or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or application of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.
6. PROPER NOTICE & OPEN MEETING: It is hereby officially found and determined that the meeting at which this Ordinance was 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, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on first reading on this the 25th day of February, 2015 by the City Council of the City of De Leon, Texas.

PASSED AND APPROVED on second reading on this the 2nd day of March, 2015, by the City Council of the City of De Leon, Texas.



CITY OF DE LEON

By: _____

Toby Hight, Mayor


Karen Wilkerson, City Secretary

Exhibit 'A'

PFINGSTEN SURVEYORS, P.C.

107 S. PAGE, PO BOX 39, COMANCHE, TEXAS 76442
325-356-2267 OFFICE, 325-356-2903 FAX
T.B.P.L.S. FIRM NUMBER 10033700
shsurveyor@verizon.net

THE STATE OF TEXAS:
COUNTY OF COMANCHE:
CITY OF DELEON:

0.09 ACRE TRACT J

Being 0.09 of an acre of land, situated in the City of Deleon, Comanche County, Texas, and being part of BIVAR AVENUE, as shown on the Plat of the ORIGINAL ADDITION, DELEON TEXAS, recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and further described as follows:

BEGINNING, at a ¼ inch iron rod set in the South line of Bivar Avenue, and being in the North line of Lot 7, Block 12, from which a ¼ inch iron rod set at the Northwest corner of Lot 7, Block 12, bears N 75° 40' 18" W 29.44 feet, for the Southwest corner of this tract;

THENCE, N 14° 23' 41" E 19.10 feet, to a ¼ inch iron rod set, for the Northwest corner of this tract;

THENCE, S 75° 46' 49" E 213.53 feet, to a ¼ inch iron rod set, for the Northeast corner of this tract;

THENCE, S 14° 08' 44" W 19.50 feet, to a ¼ inch iron rod set in the South line of Bivar Avenue, and being in the North line of Lot 8, Block 11, from which a ¼ inch iron rod set at the Northeast corner of Lot 8, Block 11, bears S 75° 40' 18" E 66.94 feet, for the Southeast corner of this tract;

THENCE, N 75° 40' 18" W 213.62 feet, with the South line of Bivar Avenue, to the point of beginning and containing 0.09 of an acre of land.

I, SCOTT HUDDLESTON, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the foregoing Field Notes and accompanying Plat, was prepared from an actual survey, made on the ground, on January 23, 2015, from the Plat Records of Comanche County, Texas, and surveys of area properties, that the corners and boundaries with marks natural and artificial are just as were found on the ground. Bearings are based on True North as determined by GPS survey data (NAD 83).

WITNESS MY HAND AND SEAL THIS THE 23rd DAY OF JANUARY 201 .


SCOTT HUDDLESTON

REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 6234 of TEXAS.



Exhibit 'B'

PFINGSTEN SURVEYORS, P.C.

107 S. PAGE, PO BOX 39, COMANCHE, TEXAS 76442
325-356-2267 OFFICE, 325-356-2903 FAX
T.B.P.L.S. FIRM NUMBER 10033700
shsurveyor@verizon.net

THE STATE OF TEXAS:
COUNTY OF COMANCHE:
CITY OF DELEON:

0.02 ACRE TRACT K

Being 0.02 of an acre of land, situated in the City of Deleon, Comanche County, Texas, and being part of **McKINNEY STREET**, as shown on the Plat of the **ORIGINAL ADDITION, DELEON, TEXAS**, recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and further described as follows:

COMMENCING, at a 1/4 inch iron rod set at the intersection of the East line of McKinney Street and the South line of Juarez Street, and being the Northwest corner of a Tract VI, that is described in a deed from Archer-Daniels-Midland Company, to Golden Peanut Company, LLC, recorded in Volume 789 at Page 253, Deed Records of Comanche County, Texas, and being the Northwest corner of Block XXIV, of the Central Addition, Deleon, Texas, as shown on the Plat recorded in Cabinet A at Slide 39, said Plat Records;

THENCE, S 14° 17' 41" W 439.76 feet, with the East line of McKinney Street and the West line of Block XXIV, to a 1/4 inch iron rod set, **FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THE 0.02 ACRE TRACT K, HEREINAFTER DESCRIBED AS FOLLOWS:**

THENCE, S 14° 17' 41" W 55.00 feet, with the East line of McKinney Street and the West line of Block XXIV, to a 1/4 inch iron rod set, for the Southeast corner of this tract;

THENCE, N 75° 42' 18" W 19.70 feet, to a 1/4 inch iron rod set, for the Southwest corner of this tract;

THENCE, N 14° 17' 42" E 55.00 feet, to a 1/4 inch iron rod set, for the Northwest corner of this tract;

THENCE, S 75° 42' 18" E 19.70 feet, to the point of beginning and containing 0.02 of an acre of land.

I, SCOTT HUDDLESTON, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the foregoing Field Notes and accompanying Plat, was prepared from an actual survey, made on the ground, on January 23, 2015, from the Deed Records and Plat Records of Comanche County, Texas, and surveys of area properties, that the corners and boundaries with marks natural and artificial are just as were found on the ground. Bearings are based on True North as determined by GPS survey data (NAD 83).

WITNESS MY HAND AND SEAL THIS THE 23rd DAY OF JANUARY 2015.



SCOTT HUDDLESTON

REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 6334 of TEXAS.

Exhibit 'C'
PFINGSTEN SURVEYORS, P.C.

107 S. PAGE, PO BOX 39, COMANCHE, TEXAS 76442
325-356-2267 OFFICE, 325-356-2903 FAX
T.B.P.L.S. FIRM NUMBER 10033700
shsurveyor@verizon.net

THE STATE OF TEXAS:
COUNTY OF COMANCHE:
CITY OF DELEON:

0.01 ACRE TRACT L

Being 0.01 of an acre of land, situated in the City of Deleon, Comanche County, Texas, and being part of **McKINNEY STREET**, as shown on the plat of the ORIGINAL ADDITION, DELEON, TEXAS, recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and further described as follows:

COMMENCING, at a 1/2 inch iron rod set at an intersection of the West line of McKinney Street and the North line of a 20 foot wide Alley, and being the South corner of a Tract III, that is described in a deed from Archer-Daniels-Midland Company, to Golden Peanut Company, LLC, recorded in Volume 789 at Page 253, Deed Records of Comanche County, Texas, and being the Southeast corner of Lot 5, Block 20;

THENCE, N 46° 47' 59" E 43.97 feet, with the Northwest line of McKinney Street and the Southeast line of said Tract III, to an "X" chiseled in concrete, **FOR THE SOUTHWEST CORNER AND POINT OF BEGINNING OF THE 0.01 ACRE TRACT L, HEREINAFTER DESCRIBED AS FOLLOWS;**

THENCE, N 46° 47' 59" E 48.53 feet, with the Northwest line of McKinney Street and the Southeast line of said Tract III, to a 1/2 inch iron rod set, for the North corner of this tract;

THENCE, S 18° 54' 01" W 42.89 feet, to a 1/2 inch iron rod set, for the Southeast corner of this tract;

THENCE, N 71° 05' 59" W 22.71 feet, to the point of beginning and containing 0.01 of an acre of land.

I, SCOTT HUDDLESTON, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the foregoing Field Notes and accompanying Plat, was prepared from an actual survey, made on the ground, on January 23, 2015, from the Deed Records and Plat Records of Comanche County, Texas, and surveys of area properties, that the corners and boundaries with marks natural and artificial are just as were found on the ground. Bearings are based on True North as determined by GPS survey data (NAD 83).

WITNESS MY HAND AND SEAL THIS THE 23rd DAY OF JANUARY 2015.


SCOTT HUDDLESTON

REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 6334 of TEXAS.

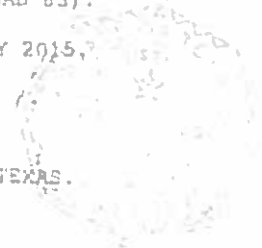


Exhibit 'D'
PFINGSTEN SURVEYORS, P.C.

107 S. PAGE, PO BOX 39, COMANCHE, TEXAS 76442
325-356-2267 OFFICE, 325-356-2903 FAX
T.B.P.L.S. FIRM NUMBER 10033700
shsurveyor@verizon.net

THE STATE OF TEXAS:
COUNTY OF COMANCHE:
CITY OF DELEON:

0.05 ACRE TRACT M

Being 0.05 of an acre of land, situated in the City of Deleon, Comanche County, Texas, and being part of HOUSTON STREET and GONZALES AVENUE, as shown on the Plat of the ORIGINAL ADDITION, DELEON TEXAS, recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and further described as follows;

BEGINNING, at a point in a building, at the intersection in the North line of Gonzales Avenue and the West line of Houston Street, and being the Southeast corner of Lot 12, Block 19, from which a reference 1/2 inch iron rod set, bears S 14° 19' 42" W 5.02 feet, for a corner of this tract;

THENCE, N 14° 19' 42" E 57.20 feet, with the West line of Houston Street, and the East line of Block 19, to a 1/2 inch iron rod set, for the Northwest corner of this tract;

THENCE, S 75° 40' 18" E 14.95 feet, to a 1/2 inch iron rod set, for the Northeast corner of this tract;

THENCE, S 14° 19' 42" W 76.60 feet, to a 1/2 inch iron rod set, for the Southeast corner of this tract;

THENCE, N 75° 40' 18" W 129.95 feet, to a 1/2 inch iron rod set, for the Southwest corner of this tract;

THENCE, N 14° 19' 42" E 9.40 feet, to a 1/2 inch iron rod set in the North line of Gonzales Avenue, and being the Southwest corner of Lot 12, Block 19, for a corner of this tract;

THENCE, S 75° 40' 18" E 115.00 feet, with the North line of Gonzales Avenue, and the South line of Lot 12, Block 19, to the point of beginning and containing 0.05 of an acre of land.

I, SCOTT HUDDLESTON, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the foregoing Field Notes and accompanying Plat, was prepared from an actual survey, made on the ground, on January 23, 2015, from the Plat Records of Comanche County, Texas, and surveys of area properties, that the corners and boundaries with marks natural and artificial are just as were found on the ground.
Bearings are based on True North as determined by GPS survey data (NAD 83).

WITNESS MY HAND AND SEAL THIS THE 23rd DAY OF JANUARY 2015.


SCOTT HUDDLESTON

REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 6334 of TEXAS.

Exhibit 'E'

PFINGSTEN SURVEYORS, P.C.

107 S. PAGE, PO BOX 39, COMANCHE, TEXAS 76442
325-356-2267 OFFICE, 325-356-2903 FAX
T.B.P.L.S. FIRM NUMBER 10033700
shsurveyor@verizon.net

THE STATE OF TEXAS:
COUNTY OF COMANCHE:
CITY OF DELEON:

0.29 ACRE TRACT N

Being 0.29 of an acre of land, situated in the City of Deleon, Comanche County, Texas, and being part of LA SALLE AVENUE, as shown on the Plat of the ORIGINAL ADDITION, DELEON TEXAS, recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and further described as follows:

BEGINNING, at a railroad spike set at the intersection of the East Right of Way line of Texas Street and the North line of La Salle Avenue, and being in the South Right of Way line of Texas Central Railroad, and being the Southwest corner of a 0.353 acre tract, that is described in a deed from Archer-Daniels-Midland Company, to Golden Peanut Company, LLC, recorded in Volume 789 at Page 253, Deed Records of Comanche County, Texas, for the Northwest corner of this tract;

THENCE, S 75° 40' 18" E 250.00 feet, with the North line of La Salle Avenue and the South line of said 0.353 acre tract, to a 1/4 inch iron rod set at the Southeast corner of said 0.353 acre tract, for the Northeast corner of this tract;

THENCE, S 14° 19' 42" W 50.00 feet, crossing La Salle Avenue, to a 1/4 inch iron rod set in the South line of La Salle Avenue, and being the Northeast corner of Lot 10, Block 19, for the Southeast corner of this tract;

THENCE, N 75° 40' 18" W 250.00 feet, with the South line of La Salle Avenue and the North line of Block 19, to a 1/4 inch iron rod set at the intersection of the East Right of Way line of Texas Street and the South line of La Salle Avenue, and being the Northwest corner of Lot 1, Block 19, for the Southwest corner of this tract;

THENCE, N 14° 19' 42" W 50.00 feet, with the East Right of Way line of Texas Street, to the point of beginning and containing 0.29 of an acre of land.

I, SCOTT HUDDLESTON, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the foregoing Field Notes and accompanying Plat, was prepared from an actual survey, made on the ground, on January 23, 2015, from the Deed Records and Plat Records of Comanche County, Texas, and surveys of area properties, that the corners and boundaries with marks natural and artificial are just as were found on the ground. Bearings are based on True North as determined by GFS survey data (NAD 83).

WITNESS MY HAND AND SEAL THIS THE 23rd DAY OF JANUARY 2015.


SCOTT HUDDLESTON

REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 6334 of TEXAS.

Exhibit 'F'

PFINGSTEN SURVEYORS, P.C.

107 S. PAGE, PO BOX 39, COMANCHE, TEXAS 76442
325-356-2267 OFFICE, 325-356-2903 FAX
T.B.P.L.S. FIRM NUMBER 10033700
shaurvayor@verizon.net

THE STATE OF TEXAS:
COUNTY OF COMANCHE:
CITY OF DELEON:

0.06 ACRE TRACT O

Being 0.06 of an acre of land, situated in the City of Deleon, Comanche County, Texas, and being part of LA SALLE AVENUE, as shown on the plat of the ORIGINAL ADDITION, DELEON TEXAS, recorded in Cabinet A at Slide 37, Plat Records of Comanche County, Texas, and further described as follows:

COMMENCING, at a 1/4 inch iron rod set in the West line of McKinney Street, and being the East corner of a Tract III, that is described in a deed from Archer-Daniels-Midland Company, to Golden Peanut Company, LLC, recorded in Volume 789 at Page 253, Deed Records of Comanche County, Texas;

THENCE, N 75° 40' 18" W 180.00 feet, with the North line of La Salle Avenue and the South Right of Way line of Texas Central Railroad, to a 1/4 inch iron rod set at the Northwest corner of a Tract II D, that is described in said Volume 789 at Page 253, **FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THE 0.29 ACRE TRACT O, HEREINAFTER DESCRIBED AS FOLLOWS;**

THENCE, S 14° 19' 42" W 14.00 feet, to a point inside of a building, at the Northeast corner of a Tract II that is described in said Volume 789 at Page 253, and being in the West line of said Tract II D, for the Southeast corner of this tract;

THENCE, N 75° 40' 18" W 173.00 feet, to an "X" chiseled in concrete at the Northwest corner of said Tract II, for a corner of this tract;

THENCE, S 14° 19' 42" W 36.00 feet, to an "X" chiseled in concrete in the North line of Lot 1, Block 20, for a corner of this tract;

THENCE, N 75° 40' 18" W 2.00 feet, to an "X" chiseled in concrete at the Northwest corner of Lot 1, Block 20, for the Southwest corner of this tract;

THENCE, N 14° 19' 42" E 50.00 feet, to a 1/4 inch iron rod set at the North line of La Salle Avenue, and the South Right of Way line of Texas Central Railroad, for the Northwest corner of this tract;

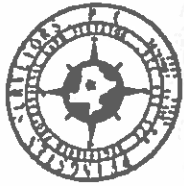
THENCE, S 75° 40' 18" E 175.00 feet, with the North line of La Salle Avenue and the South Right of Way line of Texas Central Railroad, to the point of beginning and containing 0.06 of an acre of land.

I, SCOTT HUDDLESTON, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the foregoing Field Notes and accompanying Plat, was prepared from an actual survey, made on the ground, on January 23, 2015, from the Deed Records and Plat Records of Comanche County, Texas, and surveys of area properties, that the corners and boundaries with marks natural and artificial are just as were found on the ground. Bearings are based on True North as determined by GPS survey data (NAD 83).

WITNESS MY HAND AND SEAL THIS THE 23rd DAY OF JANUARY 2015


SCOTT HUDDLESTON

REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 6334 of TEXAS.

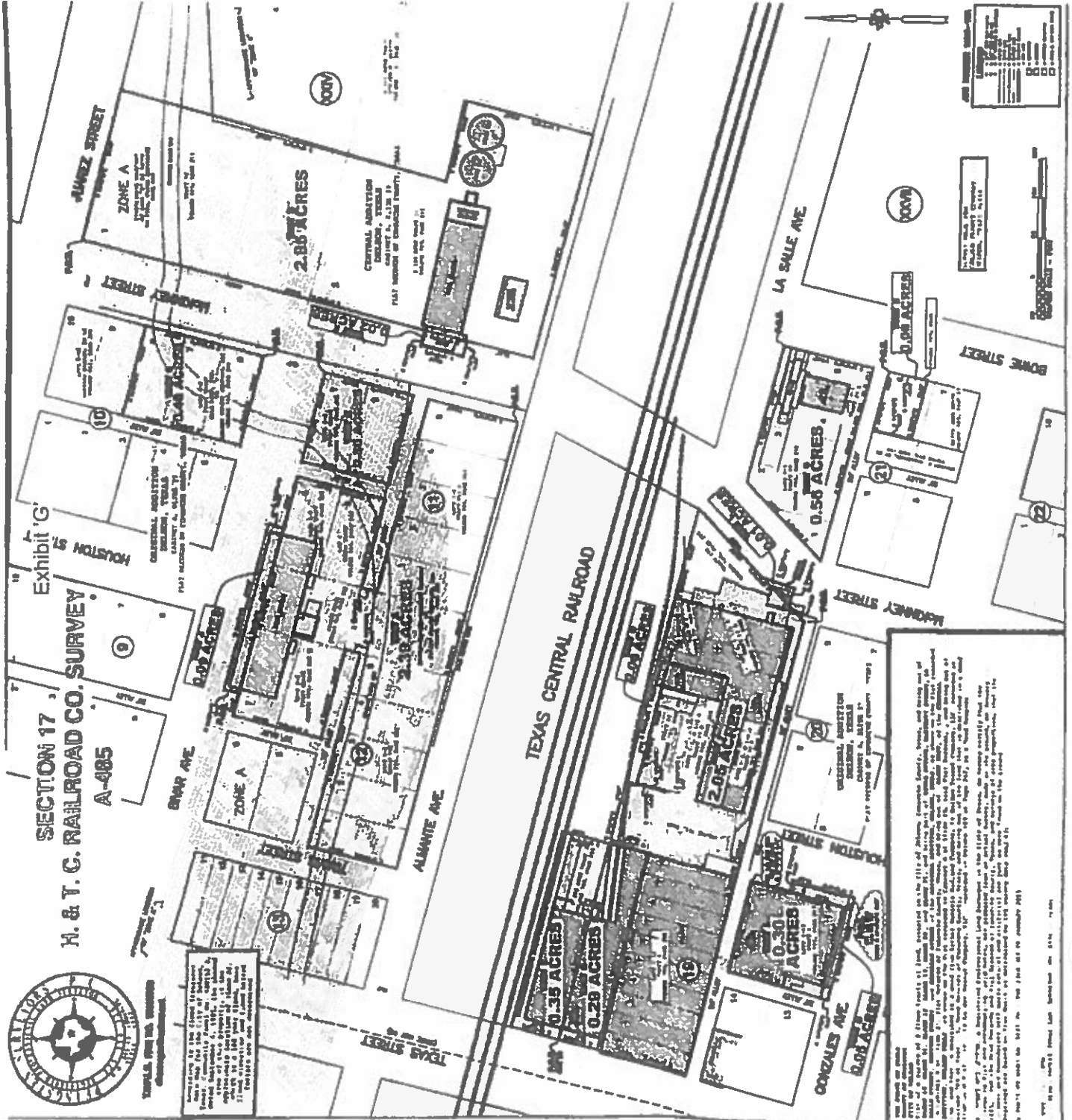


SECTION 17
H. & T. C. RAILROAD CO. SURVEY
A-485

Exhibit 'G'

THIS PLAN IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT HIS WRITTEN CONSENT.

THIS PLAN IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT HIS WRITTEN CONSENT.



THIS PLAN IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT HIS WRITTEN CONSENT.

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