

ORDINANCE NO. 24-001

**AN ORDINANCE OF THE CITY OF MARLIN, TEXAS, CLOSING, VACATING, AND ABANDONING AN ALLEYWAY AND EASEMENT AREA; PROVIDING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH ABANDONED ALLEY-WAY AND EASEMENT AREA TO THE ABUTTING PROPERTY OWNER BY A QUITCLAIM DEED; PROVIDING SEVERABILITY, OPEN MEETINGS, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, Larry W. Jackson submitted an Application for the Vacation/Abandonment of Public Easement/Right-of-Way, or alleyway which included a survey of the subject alleyway and easement area as authorized by Chapter 25, Article VI of the Marlin Code of Ordinance;

**WHEREAS**, the alleyway and easement area requested to be abandoned is described in the survey and legal description in the attached **Exhibit "A"**, is not necessary for use by the City of Marlin (herein the "City") as an alley or street and was never improved or used as an alleyway or public street by either the City or the general public and any easement area is not needed or necessary for the City's use;

**WHEREAS**, the City finds that there are no City utilities located in or upon the dedicated right-of-way to be vacated and abandoned;

**WHEREAS**, Larry W. Jackson owns the property abutting the alleyway and easement area described in the attached **Exhibit "A"**;

**WHEREAS**, the City will no longer have any obligation or duty to improve or maintain the portions of the vacated and abandoned rights-of-way as provided in this Ordinance and that the maintenance and improvement of such portions of the vacated right-of-way, as provided in this Ordinance, shall be of the sole responsibility and obligation of Larry W. Jackson and any subsequent owner of the property;

**WHEREAS**, the City Council for the City of Marlin finds that the vacating of, abandonment of, and cessation and elimination of the City's obligation and duty to pay for any maintenance for the portions of the alleyway and easement area to be vacated and abandoned identified in the attached **Exhibit "A"**, as provided in this Ordinance, serves a public purpose for the City and for the Citizens of the City of Marlin;

**WHEREAS**, the notice and bidding requirements set forth in Section 272.001(a) of the Texas Local Government Code are not required, and pursuant to 272.001(b), (b)(1), and (b)(2), of the Texas Local Government Code, the requirements to obtain fair market value for the conveyance or transfer of the street rights-of-way is not required because Larry W. Jackson is the owner of the abutting property in fee simple;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLIN, 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 Marlin, Texas.

**Section 2. Right-of-Way.** The alleyway and easement area described and depicted in the survey and legal description in the attached **Exhibit "A"** all as shown and described in the map attached hereto as **Exhibit "A"** and incorporated herein for all purposes, is hereby permanently closed, vacated, and abandoned by the City and the general public. No other portion of any other City street or right-of-way shall be vacated, closed, abandoned, or otherwise affected by this Ordinance.

**Section 3. Authorization to Execute Necessary Instruments.** The Mayor is expressly, authorized to execute a quitclaim deed for the alleyway and easement area r described in the survey and legal description in the attached **Exhibit "A"** to Larry W. Jackson, as provided by City Ordinance.

**Section 4. 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 5. 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.*

**Section 6. Effective Date.** This ordinance shall take effect immediately from and after its passage.


**FIRST READING** on this the 12 th day of March 2024.


**SECOND READING** on this the 9 day of April, 2024.

**AND PASSED AND APPROVED** on this the 9 day of April, 2024.

**ATTEST:**

**CITY OF MARLIN, TEXAS**

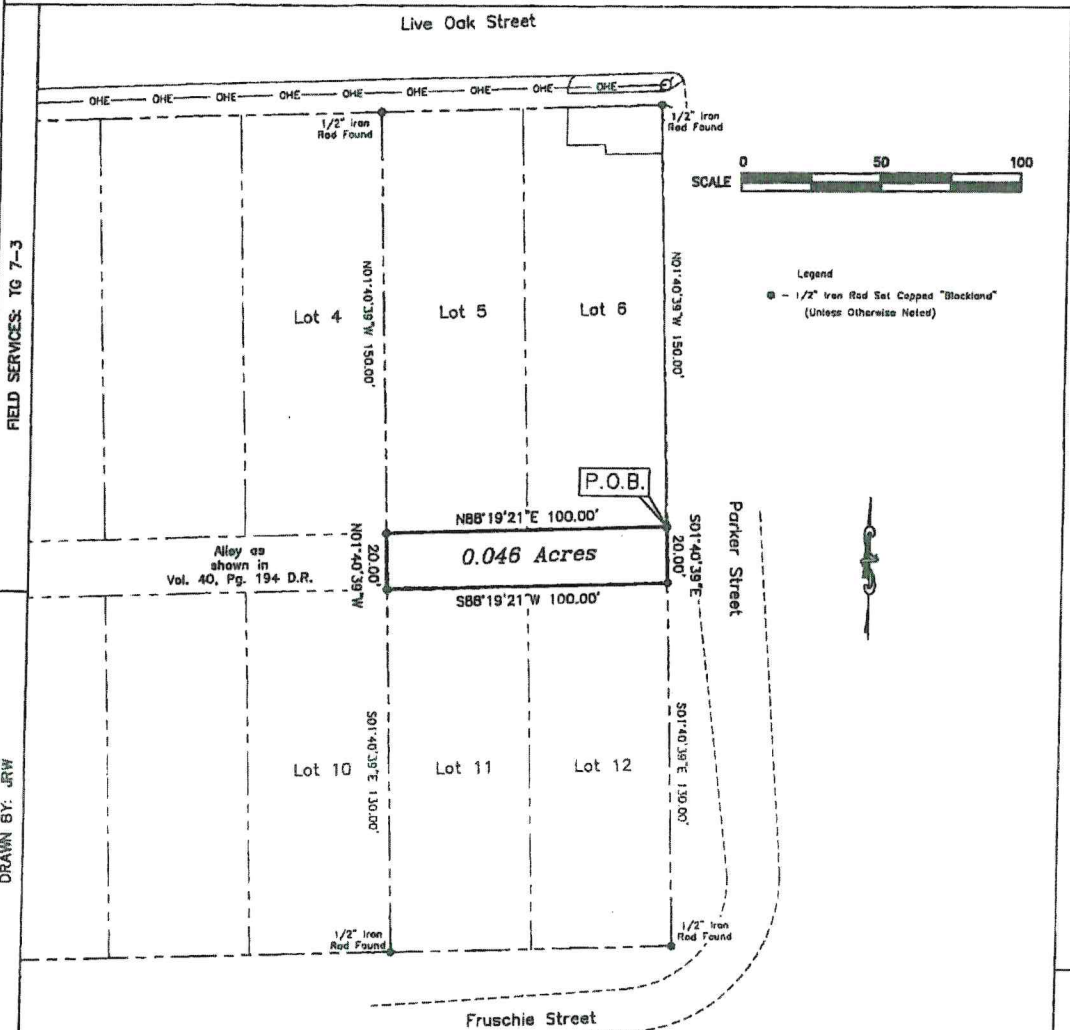
  
Maryam Waddle, City Secretary

  
Susan Byrd, Mayor

**EXHIBIT "A"**

**Survey and Legal Description**

Sketch showing 0.046 acres in the City of Marlin, Falls, County, Texas being a portion of an Alley as show in BLOCK 3 of the A.E. AIKMAN ADDITION to the City of Marlin, Falls County, Texas, as per plat recorded in Volume 40, Page 194 of the Deed Records of Falls County, Texas.



Legend  
 ● - 1/2" Iron Rod Set Capped "Blackland"  
 (Unless Otherwise Noted)

FIELD SERVICES: TG 7-3

DRAWN BY: JRW

ORDERED BY: Larry Jackson

Job Number: 22-09-0584

Field Notes for 0.048 acres in the City of Marlin, Falls, County, Texas being a portion of an Alley as show in BLOCK 3 of the A.E. AIKMAN ADDITION to the City of Marlin, Falls County, Texas, as per plat recorded in Volume 40, Page 194 of the Deed Records of Falls County, Texas. Described as follows with bearings based on the State Plane Coordinate System, Texas Central, NAD 83.

Beginning at a 1/2"-Iron rod set capped "Blackland" at the intersection of the North line of said alley and the West line of Parker Street, at the Southeast corner of Lot 6 of said A.E. Aikman Addition, for the Northeast corner of this tract;

THENCE S 01degrees 40minutes 39seconds E 20.00 feet along the West line of Parker Street to a 1/2"-Iron rod set capped "Blackland" at the intersection of the South line of said alley and the West line of Parker Street, at the Northeast corner of Lot 12 of said A.E. Aikman Addition, for the Southeast corner of this tract;

THENCE S 88degrees 19minutes 21seconds W 100.00 feet along the South line of said alley to a 1/2"-Iron rod set capped "Blackland", at the Northwest corner of Lot 11 of said A.E. Aikman Addition, for the Southwest corner of this tract;

THENCE N 01degrees 40minutes 39seconds W 20.00 feet to a 1/2"-Iron rod set capped "Blackland" in the North line of said alley, at the Southwest corner of Lot 5 of said A.E. Aikman Addition, for the Northwest corner of this tract;

THENCE N 88degrees 19minutes 21seconds E 100.00 feet along the North line of said alley to the POINT OF BEGINNING, containing 0.046 acres of land.

**BLACKLAND SURVEYING**  
 P.O. Box 357 West, Texas 76891  
 (254) 457-1442  
 T.A.P.E.L.S. Firm Registration No. 10184650

The survey as shown hereon was prepared from an on-the-ground survey performed under my supervision on the 5th day of January 2021.

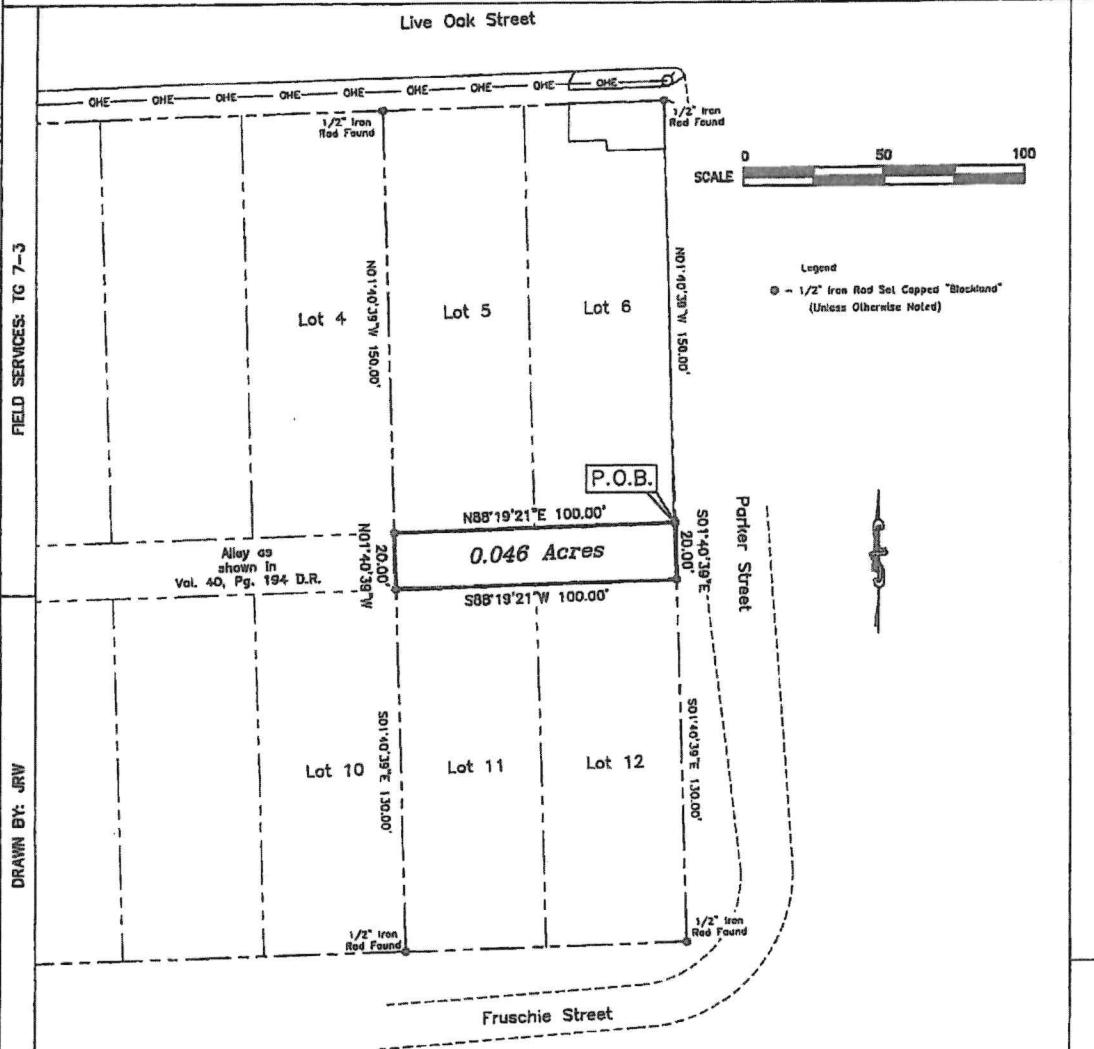
*Jacob R. Waters*  
**JACOB R. WATERS, RPLS, No. 6849**

ALL RIGHTS RESERVED BY:  
 BLACKLAND SURVEYING LLC 2022

RED SEAL

**JACOB R. WATERS**  
 6849  
 PROFESSIONAL LAND SURVEYOR  
 SURVEYED: 1/5/2021

Sketch showing 0.046 acres in the City of Marlin, Falls County, Texas being a portion of an Alley as show in BLOCK 3 of the A.E. AIKMAN ADDITION to the City of Marlin, Falls County, Texas, as per plat recorded in Volume 40, Page 194 of the Deed Records of Falls County, Texas.



FIELD SERVICES: TG 7-3

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ORDERED BY: Larry Jackson

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 THENCE N 01degrees 40minutes 39seconds W 20.00 feet to a 1/2-iron rod set capped "Blackland" in the North line of said alley, at the Southwest corner of Lot 5 of said A.E. Aikman Addition, for the Northwest corner of this tract;  
 THENCE N 88degrees 19minutes 21seconds E 100.00 feet along the North line of said alley to the POINT OF BEGINNING, containing 0.046 acres of land.

**BLACKLAND SURVEYING**  
 P.O. Box 387 West, Texas 76681  
 (254) 937-1412  
 T.A.P.E.L.S. Firm Registration No. 10194630

The survey as shown hereon was prepared from an on-the-ground survey performed under my supervision on the 5th day of January 2021.

*Jacob R. Waters*  
**JACOB R. WATERS, RPLS. No. 6849**

ALL RIGHTS RESERVED BY:  
 BLACKLAND SURVEYING LLC 2022

RED SEAL

SURVEYED: 1/5/2021

Application to Vacate/Abandon Alley Way and Easement

**Exhibit "A"**

Being that portion of that certain .046 acres situated in or adjacent to Lot(s) 5,6,11,12, Block(s) 3, Aikman an addition to the City of Marlin, Falls County, Texas, and being more particularly described as follows:

Tract 1: Lot 5 and 6, in Block 3, of Aikman Addition, in the City of Marlin, Falls County, Texas, according to the plat of record in Volume 40, Page 194, Deed Records of Falls County, Texas.

Tract 2: Lot 11 and 12, in Block 3, of Aikman Addition, in the City of Marlin, Falls County, Texas, according to the plat of record in Volume 40, Page 194, Deed Records of Falls County, Texas.

\_\_\_\_\_  
Registered Professional Land Surveyor

\_\_\_\_\_  
Date

\_\_\_\_\_  
SEAL

**Owner of Record  
City of Marlin  
Aikman Addition  
Block 3  
Lots 5, 6, 11,12**

**Owner:  
Larry W. Jackson  
1212 Live Oak Street  
Marlin, TX 76661-2605**

**Tract 1:  
Lot Five (5) and Six (6), in Block Three (3), of Aikman Addition, in the City of Marlin, Falls County, Texas, according to the plat of record in Volume 40, Page 194, Deed Records of Falls County, Texas.**

**Tract 2:  
Lot Eleven (11) and Twelve (12), in Block Three (3), of Aikman Addition, in the City of Marlin, Falls County, Texas, according to the plat of record in Volume 40, Page 194, Deed Records of Falls County, Texas.**

ANNALS OF THE  
A. H. LEVYMAN ARCHITECTS

TO THE CITY OF

NEW YORK

NO.	DATE	DESCRIPTION	AMOUNT
1	1910	...	...
2	1911	...	...
3	1912	...	...
4	1913	...	...
5	1914	...	...
6	1915	...	...
7	1916	...	...
8	1917	...	...
9	1918	...	...
10	1919	...	...
11	1920	...	...
12	1921	...	...
13	1922	...	...
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95	2004	...	...
96	2005	...	...
97	2006	...	...
98	2007	...	...
99	2008	...	...
100	2009	...	...



Application to Vacate/Abandon Alley Way and Easement

**Exhibit "B"**

The following is a survey plat of the .046 acres situated in or is adjacent to Lot(s) 5,6,11,12, Block(s) 3, Aikman an addition to the City of Marlin, Falls County, Texas.

\_\_\_\_\_  
Registered Professional Land Surveyor

\_\_\_\_\_  
Date

\_\_\_\_\_  
SEAL

**Owner of Record  
City of Marlin  
Aikman Addition  
Block 3  
Lots 5, 6, 11,12**

**Owner:  
Larry W. Jackson  
1212 Live Oak Street  
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ANSWER  
A. H. WIKMAN, EDITOR  
THE DAILY NEWS  
ARLINGTON, TEXAS

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
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1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200



**COPY**

**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.**

**QUITCLAIM DEED**

STATE OF TEXAS                   §  
  §  
COUNTY OF FALLS               §

THE CITY OF MARLIN, TEXAS, ("Grantor"), in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, has QUITCLAIMED and does QUITCLAIM to LARRY W. JACKSON, an individual ("Grantee"), all of Grantor's right, title, and interest, if any, in and to the real property described in the attached Exhibit "A", and all improvements located on it. (collectively, the "Property").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances to it in any way belonging, to Grantee, its successors, and its assigns forever, WITHOUT ANY WARRANTIES OR REPRESENTATIONS BY GRANTOR, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF CONDITION, MERCHANTABILITY, HABITABILITY, OR FITNESS FOR A PARTICULAR USE, OR WITH RESPECT TO THE VALUE, PROFITABILITY, OR MARKETABILITY OF THE PROPERTY; so that neither Grantor nor Grantor's heirs, administrators, executors, successors, or assigns will have, claim, or demand any right or title to the Property or any part of it.

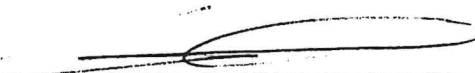
Grantee, by his acceptance of this deed, assumes payment of all standby charges, ad valorem taxes, and assessments for the 2024 calendar year and later calendar years not yet due and payable, each to the extent attributable to all or part of the Property.

Grantee's address is: 1212 Live Oak Street, Marlin, Texas 76661-2605.

EXECUTED on April 22, 2024.

**GRANTOR:**

THE CITY OF MARLIN, TEXAS,  
a Municipal Corporation,

By:   
Name: Susan Byrd  
Title: Mayor

**ACKNOWLEDGMENT**

STATE OF TEXAS

§

COUNTY OF FALLS

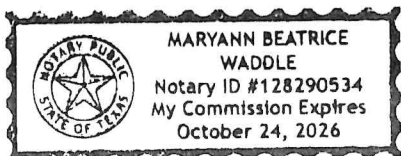
§

§

This instrument was acknowledged before me on April 22, 2024, by Susan Byrd, in her capacity as the Mayor of the City of Marlin, Texas.



\_\_\_\_\_  
Notary Public – State of Texas



**EXHIBIT "A"**

***SURVEY AND LEGAL DESCRIPTION OF THE PROPERTY***

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