

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.

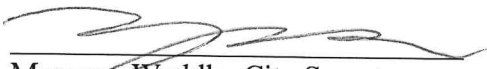
FIRST READING on this the 12 th day of March 2024.

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

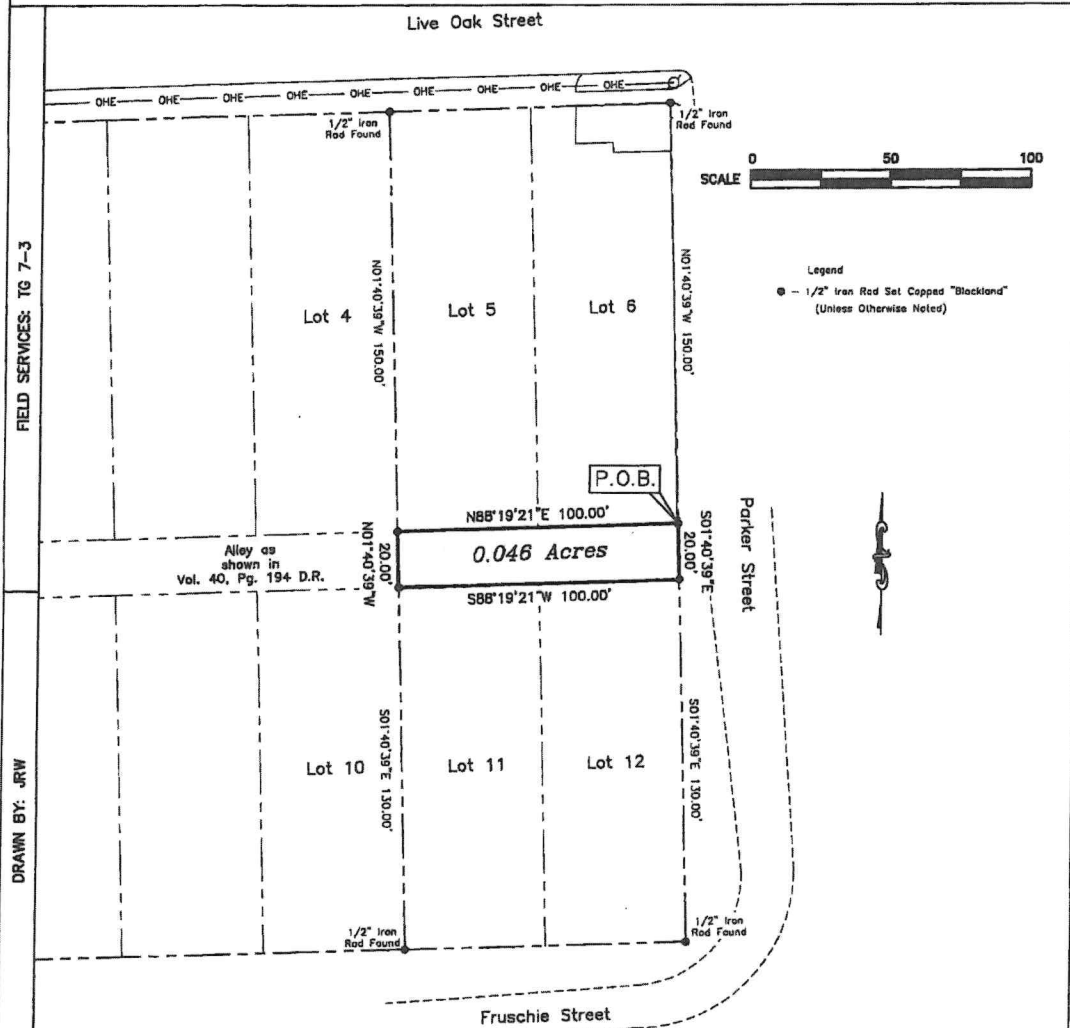

Maryann Waddle, City Secretary


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.



FIELD SERVICES: TG 7-3

DRAWN BY: JRW

ORDERED BY: Larry Jackson

Field Notes for 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. 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.

Job Number: 22-09-0584

BLACKLAND SURVEYING
 P.O. Box 387 West, Texas 76801
 (254) 437-1442
 T.B.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.

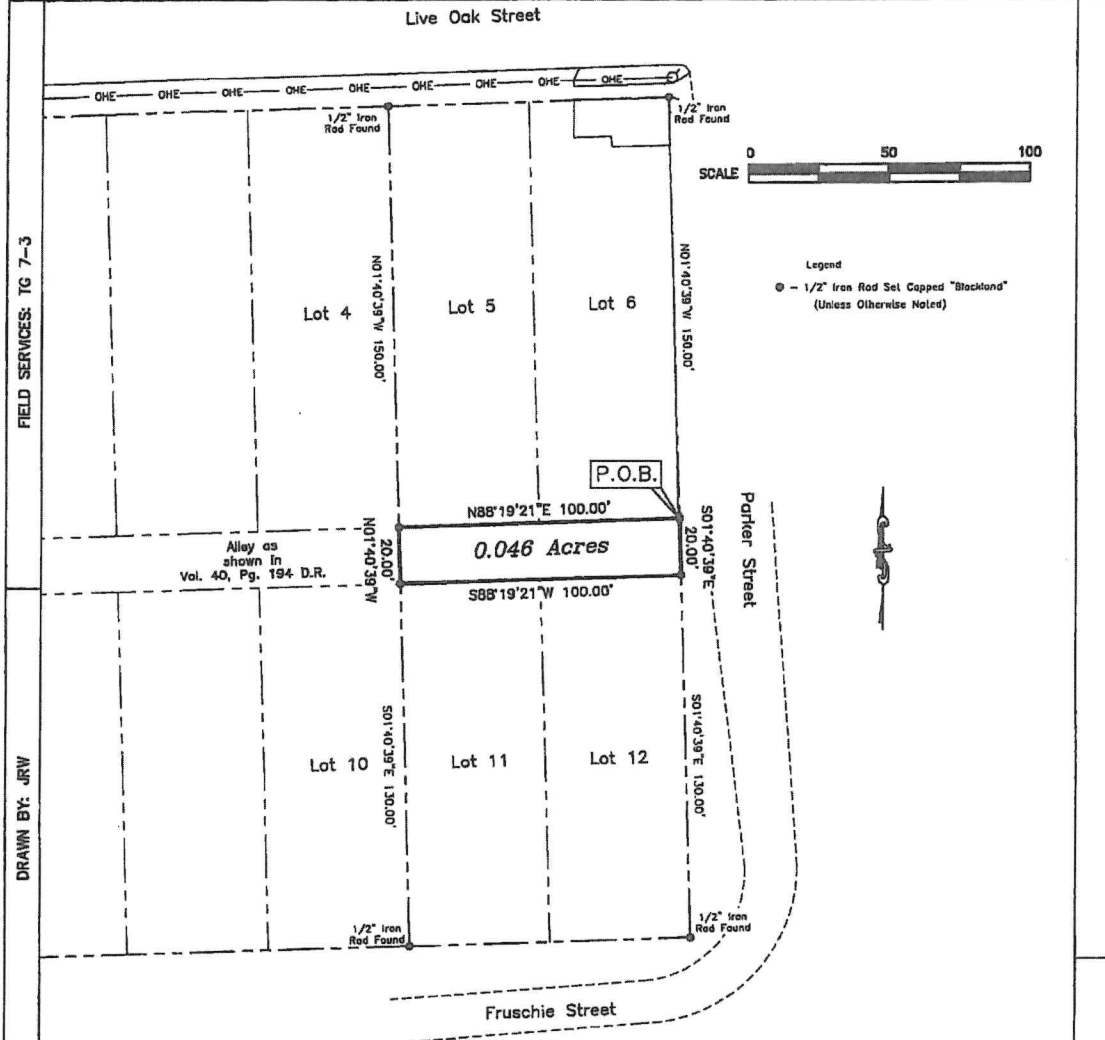
Jacob R. Waters
 JACOB R. WATERS, RPLS, No. 6849

ALL RIGHTS RESERVED BY:
 BLACKLAND SURVEYING LLC 2022

RED SEAL

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

DRAWN BY: JRW

ORDERED BY: Larry Jackson

Job Number: 22-08-0584

Field Notes for 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. 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 8 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 367 West, Texas 76801
 (254) 437-1442
 T.A.P.E.L.S. Firm Registration No. 10194650

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.**

ANSWER SHEET
 A. H. AXMAN'S ALPHABET
 TO THE USE OF
 STUDENTS

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70	71	72
73	74	75	76	77	78	79	80	81	82	83	84
85	86	87	88	89	90	91	92	93	94	95	96
97	98	99	100	101	102	103	104	105	106	107	108
109	110	111	112	113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128	129	130	131	132
133	134	135	136	137	138	139	140	141	142	143	144
145	146	147	148	149	150	151	152	153	154	155	156
157	158	159	160	161	162	163	164	165	166	167	168
169	170	171	172	173	174	175	176	177	178	179	180
181	182	183	184	185	186	187	188	189	190	191	192
193	194	195	196	197	198	199	200	201	202	203	204
205	206	207	208	209	210	211	212	213	214	215	216
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253	254	255	256	257	258	259	260	261	262	263	264
265	266	267	268	269	270	271	272	273	274	275	276
277	278	279	280	281	282	283	284	285	286	287	288
289	290	291	292	293	294	295	296	297	298	299	300

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
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.**

MS. 01713
 A. BLANKMAN'S ACCOUNT
 TO THE CITY OF
 BOSTON, MASSACHUSETTS

1861		1862		1863		1864	
Jan	Feb	Jan	Feb	Jan	Feb	Jan	Feb
1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32
33	34	35	36	37	38	39	40
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81	82	83	84	85	86	87	88
89	90	91	92	93	94	95	96
97	98	99	100	101	102	103	104
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113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128
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137	138	139	140	141	142	143	144
145	146	147	148	149	150	151	152
153	154	155	156	157	158	159	160
161	162	163	164	165	166	167	168
169	170	171	172	173	174	175	176
177	178	179	180	181	182	183	184
185	186	187	188	189	190	191	192
193	194	195	196	197	198	199	200