

RESOLUTION NO. 21-021

RESOLUTION AUTHORIZING THE RELEASE OF RESTRICTIONS ON PROPERTIES TRANSFERRED AND CONVEYED UNDER THE MARLIN URBAN DEVELOPMENT PLAN; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER RELEASES; AND PROVIDING OPEN MEETINGS AND EFFECTIVE DATE CLAUSES.

WHEREAS, on April 29, 2019, the City conveyed certain tracts and parcels to an individual, Phuc Hong Lam, by special warranty deeds under the terms and provisions of the Marlin Urban Redevelopment Plan;

WHEREAS, the special warranty deeds delivered contain restrictions prohibiting transfer of the property and providing for the reverter of the title to the parcels and tracts to the City if the grantee under the special warranty deeds transferred title to the properties without complying with the restrictions contained in the special warranty deeds;

WHEREAS, the special warranty deeds delivered contained restrictions requiring the grantee under the special warranty deeds to abate and clean the property and bring the property into compliance with the City of Marlin's municipal code of ordinances and other ordinances and regulations of the City of Marlin;

WHEREAS, the special warranty deeds delivered contain restrictions that provide that the grantee described in the special warranty deeds will be obligated to pay liquidated damages to the city for a violation of the restrictions contained in the special warranty deeds;

WHEREAS, the City Council now finds it necessary and advisable to adopt this Resolution to provide for a release of the restrictions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARLIN, TEXAS, THAT:

Section 1. Findings of Fact. The findings and recitations set forth in the preamble of this Resolution are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Compliance with Restrictions. The City Council finds that the grantee in the four special warranty deeds, Phuc Hong Lam, has fully complied with the restrictions contained in the four special warranty deeds dated April 29, 2019.

Section 3. Release of Restrictions. The City Council finds it is in the best interest of the City, and in order to fulfill the terms, goals, and intent of the Marlin Urban Redevelopment Plan, to release the restrictions contained in the four special warranty deeds to Phuc Hong Lam dated April 29, 2019, including the \$2,500.00 liquidated damages restriction and the right of reverter restriction set forth in the special warranty deeds.

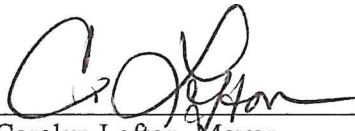
Section 4. Execution of Releases. The City Council authorizes the Mayor for the City of Marlin to execute the Releases attached to this Resolution as Exhibit "A."

Section 5. Open Meetings. That it is hereby officially found and determined that the meeting at which this Resolution 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 Resolution shall take effect immediately upon its adoption by the City Council and publication as required by the *Loc. Gov't. Code*.

PASSED AND APPROVED on this the 14th day of December, 2021.

CITY OF MARLIN, TEXAS



Carolyn Lofton, Mayor

ATTEST:



Maryann Waddle

Exhibit “A”

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.

RELEASE

WHEREAS, on April 29, 2019, in Deed from John Keefer, Mayor of the City of Marlin, Texas, et al., as Grantor to Grantee, Phuc Hong Lam, by instrument recorded in Volume 359, Page 114 in the Official Records of Falls County, Texas, Grantor imposed certain restrictions and conditions (the "Restrictions") on the property described more particularly below:


Being Part of Lot Number 2, Block Number 5, T.D. Reed Addition, City of Marlin, Falls County, Texas, as shown on plat of said subdivision of record in Volume 6, Page 462, Deed Records of Falls County, Texas, (hereafter referred to as the "Property").

WHEREAS, Grantee has contracted to sell the Property, but requires a Release of the Restrictions on the Property in order to do so.

WHEREAS, Grantor has determined that Grantee's use of the Property is in full compliance with the terms and conditions of the Restrictions and is further in compliance of the City of Marlin's municipal code.

WHEREAS, Grantor has determined that Grantee has completed all terms and obligations due by Grantee to the Marlin Urban Redevelopment Plan as set forth in the special warranty deed to the Grantee.

NOW THEREFORE, the City of Marlin does hereby release, abandon and forever discharge the Restrictions imposed on the Property by Grantor, including: (i) the Twenty-Five Hundred Dollar (\$2,500.00) liquidated damages provision, and (ii) the right reversion of title in favor of Grantor.



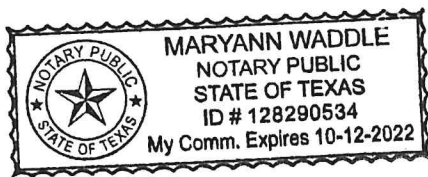
Mayor Carolyn Lofton

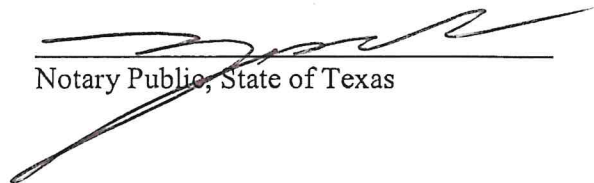
ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF FALLS §

This instrument was acknowledged before me on December 14, 2021 by Mayor Carolyn Lofton, Mayor for the City of Marlin.





Notary Public, State of Texas

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Being Part of Lot Number 1, Block Number 9, Southwest, City of Marlin, Falls County, Texas, as shown on plat of said subdivision of record in Volume 2, Page 67A-H, Plat Records of Falls County, Texas (hereafter referred to as the "Property").

WHEREAS, Grantee has contracted to sell the Property, but requires a Release of the Restrictions on the Property in order to do so.

WHEREAS, Grantor has determined that Grantee's use of the Property is in full compliance with the terms and conditions of the Restrictions and is further in compliance of the City of Marlin's municipal code.

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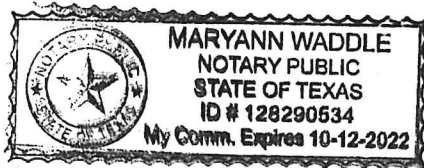
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Being All of Lot Number 5 and the West 20' of Lot Number 4, Block Number 11, Threadgill Addition, City of Marlin, Falls County, Texas, as shown on plat of said subdivision of record in Volume 17, Page 538 and Volume 68, Page 304, Deed Records of Falls County, Texas (hereafter referred to as the "Property").

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Mayor Carolyn Lofton

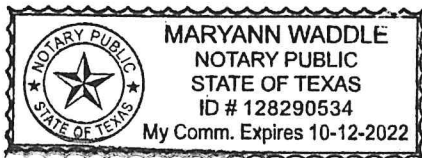
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Being Lot Number 27, Block Number 37, T.D. Reed Addition, AKA as Block Number 7, City of Marlin, Falls County, Texas, as shown on plat of said subdivision of record in Volume 6, Page 462, Deed Records of Falls County, Texas (hereafter referred to as the "Property").

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