ORDINANCE No. 1096

ORDINANCE CLOSING, VACATING AND ABANDONING A 16,796 SQUARE-FOOT PORTION OF 7TH STREET (A 60-FOOT RIGHT-OF-WAY SITUATED BETWEEN EAST MAIN AVENUE AND EAST AVENUE B); A 24,071 SQUARE-FOOT PORTION OF EAST AVENUE B (A 60-FOOT RIGHT-OF-WAY SITUATED BETWEEN THE UNION RAILROAD RIGHT-OF-WAY AND 8TH STREET); AND A 10,071 SQUARE-FOOT PORTION OF AN ALLEY (A 20-FOOT ALLEY SITUATED BETWEEN THE UNION PACIFIC RAILROAD RIGHT-OF-WAY AND 8TH STREET), ALL LOCATED WITHIN AND/OR IMMEDIATELY ADJACENT TO BLOCK 107 AND 108 OF THE EAST ROBSTOWN SUBDIVISION, A MAP OF WHICH IS RECORDED IN VOLUME 10, PAGES 30 AND 31, NUECES COUNTY MAP RECORDS AND EMBRACING A TOTAL OF 50,938 SQUARE FEET (1.17 ACRES); AND REQUIRING OWNERS, LEGACY REAL ESTATE MANAGEMENT, LLC, TO COMPLY WITH THE CONDITIONS; **DECLARING** SPECIFIED A **PUBLIC PURPOSE:** INCORPORATING RECITALS; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Legacy Real Estate Management, LLC is requesting the closure, vacation and abandonment of 7th Street, East Avenue B and 20-foot alley portions embracing a 50,938 square feet (1.17 acres) all located within and/or immediately adjacent to Blocks 107 and 108 of the East Robstown Subdivision, Volume 10, Pages 30 and 31, Map Records of Nueces County, Texas, located north of East Main Avenue, east of the Union Pacific Railroad, west of 8th Street and up to and including the right-of-way of East Avenue B adjoining said Blocks 107 and 108 of the East Robstown Subdivision;

WHEREAS, with proper notice to the public, a public hearing was held on Thursday, November 12, 2020 during a City of Robstown Planning & Zoning Commission meeting and a second public hearing was held on Monday November 16, 2020 at a City of Robstown meeting of the City Council, during which all interested parties and citizens were allowed to appear and be heard;

WHEREAS, it has been determined that it is feasible and advantageous to the City of Robstown to close, vacate and abandon portions of 7th Street, East Avenue B, and a 20-foot Alley situated within and adjoining Blocks 107 and 108 of the said East Robstown Subdivision;

BE IT ORDAINAED BY THE CITY COUNCIL OF THE CITY OF ROBSTOWN, TEXAS:

SECTION 1. ABANDONMENT. Pursuant to the request of Legacy Real Estate Management, LLC (Owner), a 50,938 square-foot portion of a 7th Street 60-foot right-of-way, East Avenue B 60-foot right-of-way, and 20-foot alley portions all located within and/or immediately adjacent to Blocks 107 and 108 of the East Robstown Subdivision, Volume 10, Pages 30 and 31, Map Records of Nueces County, Texas, is closed, vacated and abandoned by the City of Robstown ("City"), subject to the

Owner's compliance with the conditions specified in Section 2 of this ordinance. Exhibit "A", which is the metes and bounds description and field notes, "Exhibit "B", which is the graphical representation of the legal description, which are attached to and incorporated in this ordinance by reference as if it was fully set out herein in their entireties.

SECTION 2. The closing, abandonment and vacation of a section of the improved and unimproved 7th Street, East Avenue B and 20-foot alley sections described in Section 1 of this ordinance is expressly conditioned upon the Owner's compliance with the following requirements:

- a. Upon approval by the City Council and issuance of the ordinance, all grants of public street and alley rights-of-way closures must be recorded at the Owner's expense in the real property Official Deed and Map Records of Nueces County, Texas, in which the affected property is located, with a copy of the recording provided to the City. Failure to record as required by this Ordinance within 180 calendar days will hereby make this Ordinance null and void.
- b. A 15-foot utility easement (Electrical Easement #1) around an existing transformer and electric utility line is retained in favor of the Robstown Utility System.
- c. A 10-foot utility easement (Electrical Easement #2) around an existing electric utility line is retained in favor of the Robstown Utility System.
- d. A 10-foot utility easement (Electrical Easement #3) around an existing electric utility line is retained in favor of American Electric and Power (AEP).
- e. A 30-foot by 144.83-foot portion of an East Avenue B will revert to AEP. A right-of-way reversion deed in favor of AEP will be recorded in the Nueces County Official Deed and Map Records.
- f. All existing wastewater lines situated within the limits of the 7th Street, East Avenue B and the existing 20-foot alley portions proposed for closure will revert to Legacy Real Estate Management, LLC for permanent ownership and maintenance. The Robstown Utility System will maintain any wastewater lines situated within the 8th Street and East Main Avenue rights-of-way serving the Owner's property.
- g. All existing water distribution mains and related appurtenances situated within the limits of the 7th Street, East Avenue B and the existing 20-foot alley portions proposed for closure will be provided easements as determined by the City Engineer and the Nueces County Water Control & Improvement District No. 3.
- h. Any franchise utility (telephone, cable, etc.) requiring relocation shall be relocated at the owner's expense as determined by the franchise utility.
- Upon receipt of an appraisal of the street and alley rights-of-way proposed for closure, the
 Owner shall pay the City an amount equal to the appraised value in the amount of
 \$ plus the cost of the appraisal.

SECTION 3. PUBLIC PURPOSE That said portions of the Public Right of Way described in Section 1, save and except the utility easements described therein are no longer needed for public purposes and it is in the public interest of the City of Robstown, to abandon said described portions of the Public Right of Way.

SECTION 4. SCOPE. That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of land described in Section 1. of this ordinance, and shall be construed only to that interest the governing body of the City of Robstown may legally and lawfully abandon.

SECTION 5. AUTHORITY AND EXCEPTION. In addition to the express reservations provided for in Section 1 hereof, the abandonment is made subject to any and all valid, conditions, easements, restrictions and the like filed of record in the real property records of San Patricio County Texas. The Mayor of the City or the City Secretary as the case may be are authorized to quit claim and convey the interests described in Section 1 hereof to Legacy Real Estate Management, LLC.

SECTION 6. INCORPORATION OF RECITALS. The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them as findings of fact.

SECTION 7. REPEALING ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

That the foregoing ordinance was read for the First time and passed to its Second reading on this the 16th day of November 2020 with the following votes:

Mayor	Gilbert Gomez	Mayor	
Mayor Pro Tem	Mary Ann Y. Saenz	Place No. 1	
Council Members:	Nelda Sanchez	Place No. 2	
		Place No. 3	
		Place No. 4	
		Place No. 5	
	Victor Orona, Jr.	Place No. 6	

That the foregoing ordinance day <u>December 2020</u> with the		ond time and pa	assed FINALLY on this the 21st
Mayor	Gilbert Gomez	Mayor	
Mayor Pro Tem	Mary Ann Y. Saenz	Place No. 1	
Council Members:	Nelda Sanchez	Place No. 2	
		Place No. 3	
	-	Place No. 4	
		Place No. 5	
	Victor Orona, Jr.	Place No. 6	
KOBSTOWN		1 ST DAY OF DECEMBER 2020. TITY OF ROBSTOWN, TEXAS	
	$\overline{\mathbf{c}}$	ilbert Gomez, Mayor	
ATTEST:			
Salvador Ochoa, Jr., City Secretary			

MURRAY BASS, JR., P.E., R.P.L.S. NIXON M. WELSH, P.E., R.P.L.S. www.bass-welsh.com

3054 S. ALAMEDA, ZIP 78404 361 882-5521~ FAX 361 882-1265

e-mail: <u>murrayjr@aol.com</u> e-mail: <u>nixmwl@gmail.com</u>

BASS & WELSH ENGINEERING

TX Registration No. F-52 Survey Registration No. 100027-00 P.O. Box 6397 Corpus Christi, TX 78466-6397

June 27, 2020

Field Note Description Street and Alley Closures

Being a tract situated in Robstown, Nueces County, Texas, located adjacent to Blocks 107 and 108 of the East Robstown Subdivision, as shown on the map thereof recorded in Volume 10 at Page 30 and 31 of the Map Records of Nueces County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at the southeast corner of the heretofore referenced Block 108, East Robstown Subdivision, said point lying in the north right-of-way line of East Main Avenue; THENCE N 08°48'14" E a distance of 20.07 feet to a 5/8 inch iron rod set for the most southerly southeast corner and point of **BEGINNING** for this tract, said point lying in the east right-of-way line of 7th Street;

THENCE N 81°11'46" W across the 7th Street right-of-way a distance of 60.00 feet to a point in the west right-of-way line of 7th Street and the east boundary of Block 107, East Robstown Subdivision, for a corner of this tract:

THENCE N 08°48'14" E along the west right-of-way line of 7th Street and the east boundary of Block 107, a distance of 119.93 feet to a point for an interior corner of this tract, said point being the northeast corner of Block 107 and at the intersection of the south boundary of a 20-foot wide alley and the west right-of-way line of 7th Street;

THENCE N 81°11'46" W a distance of 108.54 feet to the northwest corner of Block 107 and the most westerly southwest corner of this tract, said point lying in the east right-of-way line of the Union Pacific Railroad right-of-way;

THENCE N 35°20'13" E along the east right-of-way line of the Union Pacific Railroad a distance of 22.35 feet to a point for a corner of this tract, said point being at the intersection of the Union Pacific Railroad right-of-way and the north boundary of the 20-foot wide alley;

THENCE S 81°11'46" E along the north boundary of said 20-foot wide alley, a distance of 98.55 feet to a point for an interior corner of this tract, said point lying in the east boundary of Block 107 and the west right-of-way line of 7th Street;

THENCE N 08°48'14" E along the east boundary of Block 107 and the west right-of-way line of 7th Street, a distance of 140.00 feet to a point in the northeast corner of Block 107, said point being at the intersection of the west right-of-way line of 7th Street and the south right-of-way line of East Avenue B;

THENCE N 81°11'46" W along the north boundary of Block 107 and the south right-of-way of East Avenue B, a distance of 28.60 feet to a 5/8 inch iron rod found in the east right-of-way line of the Union Pacific Railroad right-of-way for a corner of this tract;

THENCE N 35°21'14" E along the east right-of-way line of the Union Pacific Railroad right-of-way, a distance of 67.10 feet to a 5/8 inch rod set for the most northerly northwest corner of this survey, said point being at the intersection of the east right-of-way line of Union Pacific Railroad and the north right-of-way of East Avenue B,



said point lying in the south boundary of the tract shown on the map recorded in Volume 10, at Pages 30 and 31 of the Map Records of Nueces County, Texas, in the name of Central Power and Light Company;

THENCE S 81°11'46" E along the north right-of-way line of East Avenue B and the south boundary of the Central Power and Light Company tract, a distance of 313.79 feet to a point for an intermediate corner of this tract:

THENCE S 08°48'14" W a distance of 30.00 feet to a point on the centerline of East Avenue "B" for a corner of this tract;

THENCE S 81°11'46" E along the centerline of East Avenue "B' a distance of 144.83 feet to a point on the west right-of-way line of 8the Street to a point for the most easterly northeast corner of this tract;

THENCE S 08°48'14" W along the west right-of-way line of 8th Street a distance of 30.00 feet to a 5/8 inch iron rod found for the northeast corner of Block 108 and a corner of this tract;

THENCE N 81°11'46" W along the south right-of-way line of East Avenue B and the north boundary of Block 108, East Robstown Subdivision, a distance of 400.00 feet to a 5/8 inch iron rod found for the northwest corner of Block 108 and an interior corner of this tract, said point lying at the intersection of the south right-of-way line of East Avenue B and the east right-of-way line of 7th Street;

THENCE S 08°48'14" W along the west boundary of Block 108 and east right-of-way of 7th Street a distance of 140.00 feet to a point for an intermediate corner of this tract, said point lying at the intersection of the east right-of-way line of 7th Street and the north boundary of the 20-foot wide alley;

THENCE S 81°11'46" E along the north boundary of said 20-foot wide alley a distance of 400.00 feet to a point in the east boundary of Block 108 and the west right-of-way line of 8th Street for a corner of this tract;

THENCE S 08°48'14" W along the west right-of-way line of 8th Street, a distance of 20.00 feet to a point for an intermediate corner of this tract;

THENCE N 81°11'46" W along the south boundary of the 20-foot wide alley, a distance of 400.00 feet to a point for an interior corner of this tract, said point lying at the intersection of the south boundary of the 20-foot wide alley and the east right-of-way line of 7th Street;

THENCE S 08°48'14" W along the west boundary of Block 108 and the east right-of-way line of 7th Street, a distance of 119.93 feet to the **POINT OF BEGINNING** forming a tract embracing 50,938 square feet (1.17 acres).

Murray Bass, Jr., R.P.L.S.

Note: Basis of Bearing is State of Texas Lambert Grid, South Zone, NAD 1983

MBJ:sab

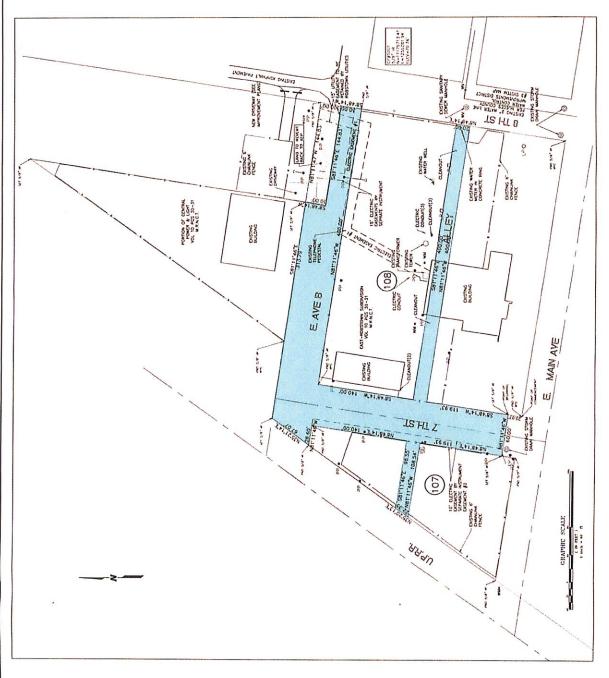
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ROBSTOWN, TEXAS EAST-ROBSTOWN SUBDIVISION BLOCKS 1074 & 108 STREET AND ALLEY CLOSURE





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e-mail: nixmw1@gmail.com

BASS & WELSH ENGINEERING

TX Registration No. F-52 Survey Registration No. 100027-00 P.O. Box 6397 Corpus Christi, TX 78466-6397

July 7, 2020

Field Note Description Electrical Easement

Being a tract situated in Robstown, Nueces County, Texas, over and across portions of East Avenue "B" and portions of closed East Avenue 'B" and Block 108, of the East Robstown Subdivision, as shown on the map thereof recorded in Volume 10 at Page 30 and 31 of the Map Records of Nueces County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the north right-of-way line of East Avenue "B" and the south boundary of a tract shown as the Central Power and Light Company Tract, as shown on the map of the East Robstown Subdivision, whence the southeast corner of the Central Power and Light Company Tracts bears S81°11'46"E at 8.45 feet;

THENCE S 15°59'10" W across East Avenue 'B" and into Block 108, a distance of 77.54 feet to a point for a corner of this tract;

THENCE N 79°15'13" W a distance of 153.28 feet to a point for an interior corner of this tract;

THENCE S 27°49'39" W a distance of 130.82 feet to a point for the southeast corner of this tract, said point lying against the north edge of an existing building;

THENCE N 81°05'15" W along the north edge of said building a distance of 15.00 feet to a point for the southwest corner of this tract;

THENCE N 08°02'13" E a distance of 12.98 feet to a point for a corner of this tract;

THENCE S 82°18'39" E a distance of 3.82 feet to a point for an interior corner of this tract;

THENCE N 27°49'39" E a distance of 133.24 feet to a point for a corner of this tract;

THENCE S 79°15'13" E a distance of 150.68 feet to a point for an interior corner of this tract;

THENCE N 15°59'10" E a distance of 61.97 feet to a point in the south boundary of the heretofore referenced Central Power and Light Company tract for the northwest corner of this tract;

THENCE S 81°11'46" E a distance of 15.12 feet to the **POINT OF BEGINNING** forming a tract embracing 5,429 square feet (0.125 acres).

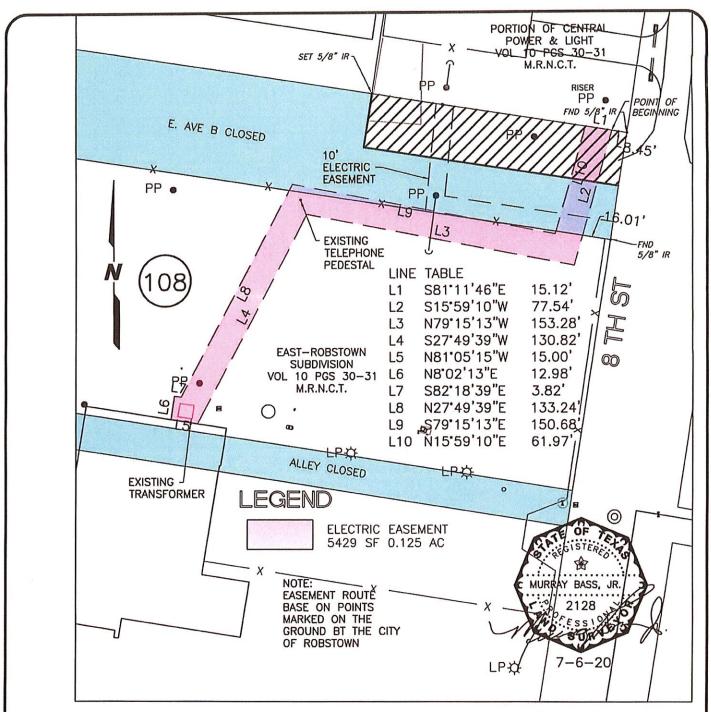
Murray Bass Jr R P.I.S

Note: Basis of Bearing is State of Texas Lambert Grid, South Zone, NAD 1983

MBJ:sab

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EXHIBIT "A"



ELECTRIC EASEMENT #1

LEGACY REAL ESTATE
MANAGEMENT LLC—GRANTOR
CITY OF ROBSTOWN—GRANTEE

Prepared by:

Bass & Welsh Engineering
3054 So. Alameda St.
Corpus Christi, Tx. 78404
(361) 882-5521 (phone)
(361) 882-1265 (fax)
Firm Registration No. F-52

Job No: 20020
Scale: 1"=50'
Date: 7-6-20
Drawing No: ELEC EASEMENT 1
Plotscale: 1=1
Sheet 1 of 1

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e-mail: murrayjr@aol.com e-mail: nixmwl@gmail.com

BASS & WELSH ENGINEERING

TX Registration No. F-52 Survey Registration No. 100027-00 P.O. Box 6397 Corpus Christi, TX 78466-6397

July 7, 2020

Field Note Description Electrical Easement

Being a tract situated in Robstown, Nueces County, Texas, in the East Robstown Subdivision, as shown on the map thereof recorded in Volume 10 at Page 30 and 31 of the Map Records of Nueces County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of Block 107, of the heretofore referenced East Robstown Subdivision, for the northwest corner of this tract, said point lying in the former right-of-way of 7th Street which is now closed by City ordinance;

THENCE S 81°11'46" E into the closed 7th Street right-of-way a distance of 10.00 feet to a point for the northeast corner of this tract;

THENCE S 08°48'14" W 10.00 feet east of and parallel to the former west right-of-way line of 7th Street a distance of 279.93 feet to a point for the southwest corner of this tract;

THENCE N 81°11'46" W a distance of 10.00 feet to a point in the former west boundary of 7th Street for the southwest corner of this tract;

THENCE N 08°48'14" E along the former west right-of-way line of 7th Street and the east boundary of Block 107, East Robstown Subdivision, a distance of 279.93 feet to the **POINT OF BEGINNING** forming a tract embracing 2,799 square feet (0.064 acres).

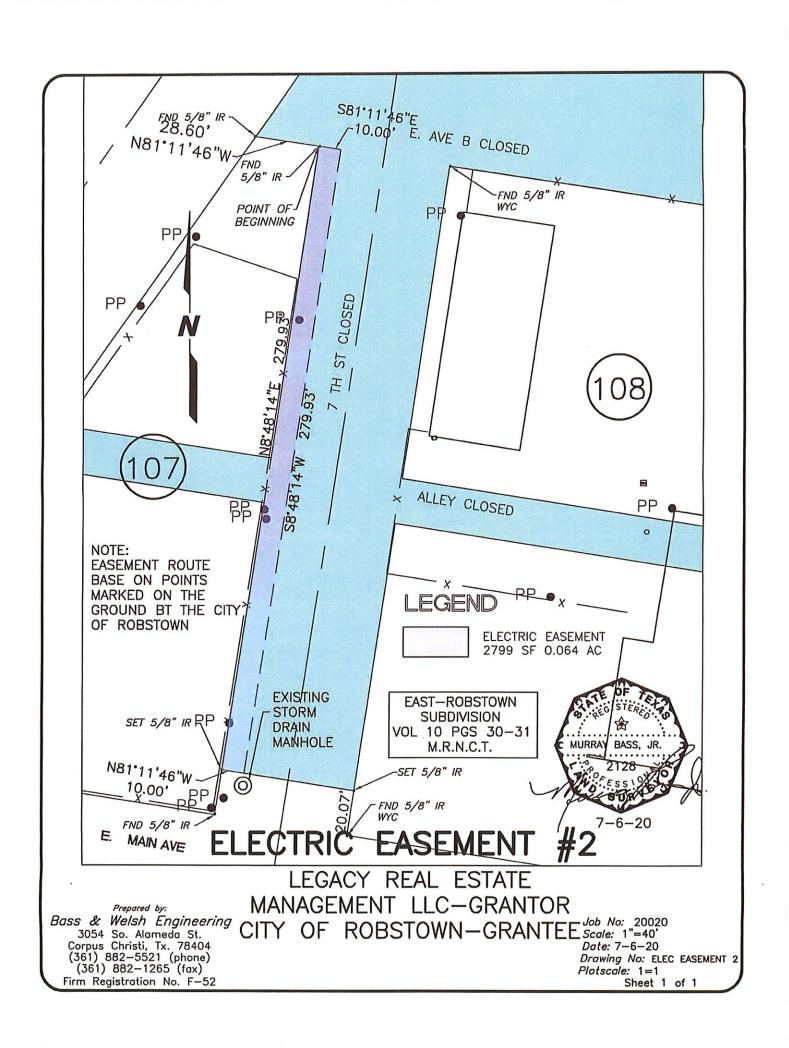
Myrray Bass, Jr., R.P.L.S.

Note: Basis of Bearing is State of Texas Lambert Grid, South Zone, NAD 1983

MBJ:sab

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BASS & WELSH ENGINEERING

TX Registration No. F-52 Survey Registration No. 100027-00 P.O. Box 6397 Corpus Christi, TX 78466-6397

July 22, 2020

Field Note Description Electrical Easement

Being a tract situated in Robstown, Nueces County, Texas, over and across a portion of East Avenue B, as shown on the map of East Robstown Subdivision as recorded in Volume 10 at Page 30 and 31 of the Map Records of Nueces County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of Block 108, East Robstown Subdivision, for the most southerly southeast corner of this tract;

THENCE N 81°11'46" W along the north boundary of Block 108, a distance of 104.93 feet to a point for the southwest corner of this tract;

THENCE N 05°42'59" E a distance of 60.09 feet to a point in the north right-of-way line of East Avenue B for the northwest corner of this tract;

THENCE S 81°11'46" E along the north right-of-way line of East Avenue B a distance of 10.01 feet to a point for the most northeasterly corner of the tract;

THENCE S 05°42'59" a distance of 50.07 feet to a point for an interior corner of this tract, said point being 10.00 feet measured at a right angle north of and parallel to the south right-of-way line of East Avenue B;

THENCE S 81°11'46" E 10.00 feet north of and parallel to the south right-of-way line of East Avenue B a distance of 95.46 feet to a point for the most northerly southeast corner

THENCE S 08°48'14" W a distance of 10.00 feet to the **POINT OF BEGINNING** forming a tract embracing 1,553 square feet (0.04 acres).

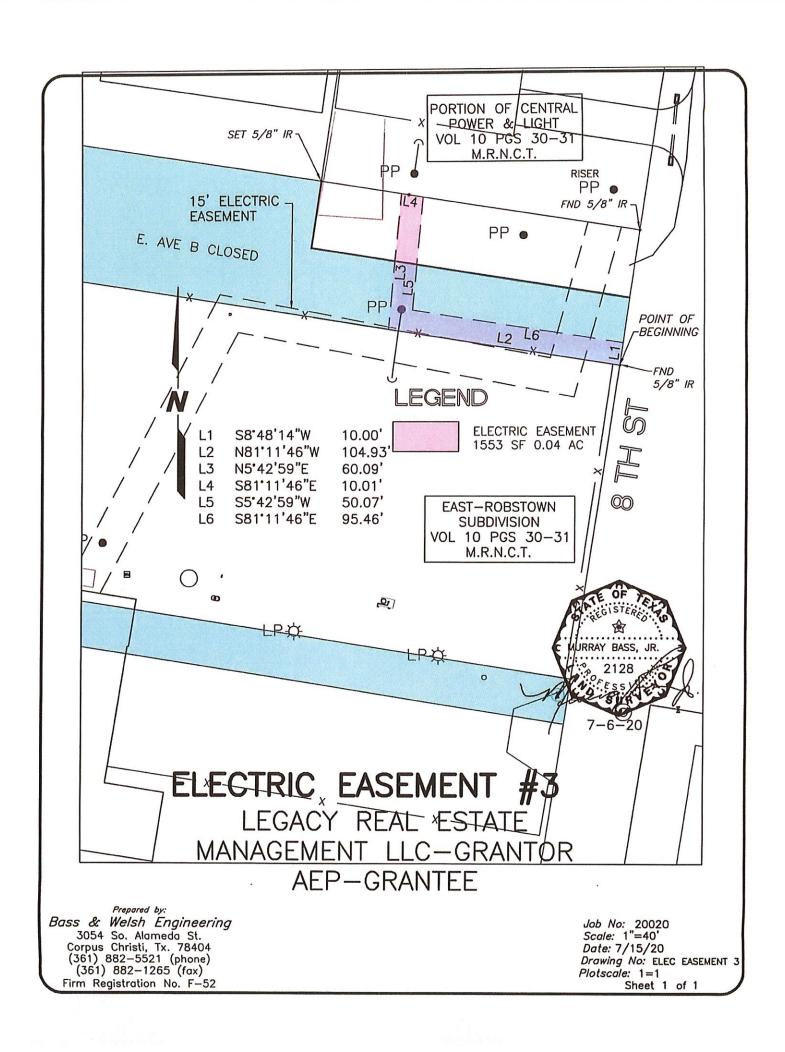
Myrray Bass, Jr., R.P.L.S.

Note: Basis of Bearing is State of Texas Lambert Grid, South Zone, NAD 1983

MBJ:sab

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BASS & WELSH ENGINEERING

TX Registration No. F-52 Survey Registration No. 100027-00 P.O. Box 6397 Corpus Christi, TX 78466-6397

September 29, 2020

Field Note Description Right-of-Way Reverting to AEP

Being a tract situated in Robstown, Nueces County, Texas, in the East Robstown Subdivision, as shown on the map thereof recorded in Volume 10 at Page 30 and 31 of the Map Records of Nueces County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point where the centerline of East Avenue "B" interests the west right-of-way line of 8th Street in the heretofore referenced East Robstown Subdivision for the southeast corner of this tract;

THENCE N 81°11'46" W along the centerline of East Avenue "B" a distance of 144.83 feet to a point for the southwest corner of this tract;

THENCE N 08°48'14" E a distance of 30.00 feet to a point in the north right-of-way line of East Avenue "B" and the south boundary of the Central Power and Light Company tract shown on the heretofore referenced map of East Robstown Subdivision for the northwest corner of this tract;

THENCE S 81°11'47" E along the north right-of-way line of East Avenue "B" and the south boundary of the Central Power and Light Company tract a distance of 144.83 feet to the southwest corner of the Central Power and Light Company tract, said point lying in the west right-of-way line of 8th Street;

THENCE S 08°48'14" W along the west right-of-way line of 8th Street a distance of 30.00 feet to the **POINT OF BEGINNING** forming a tract embracing 4,345 square feet (0.10 acres).

Murray Bass, Jr., R.P.L.S.

Note: Basis of Bearing is State of Texas Lambert Grid, South Zone, NAD 1983

MBJ:sab

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