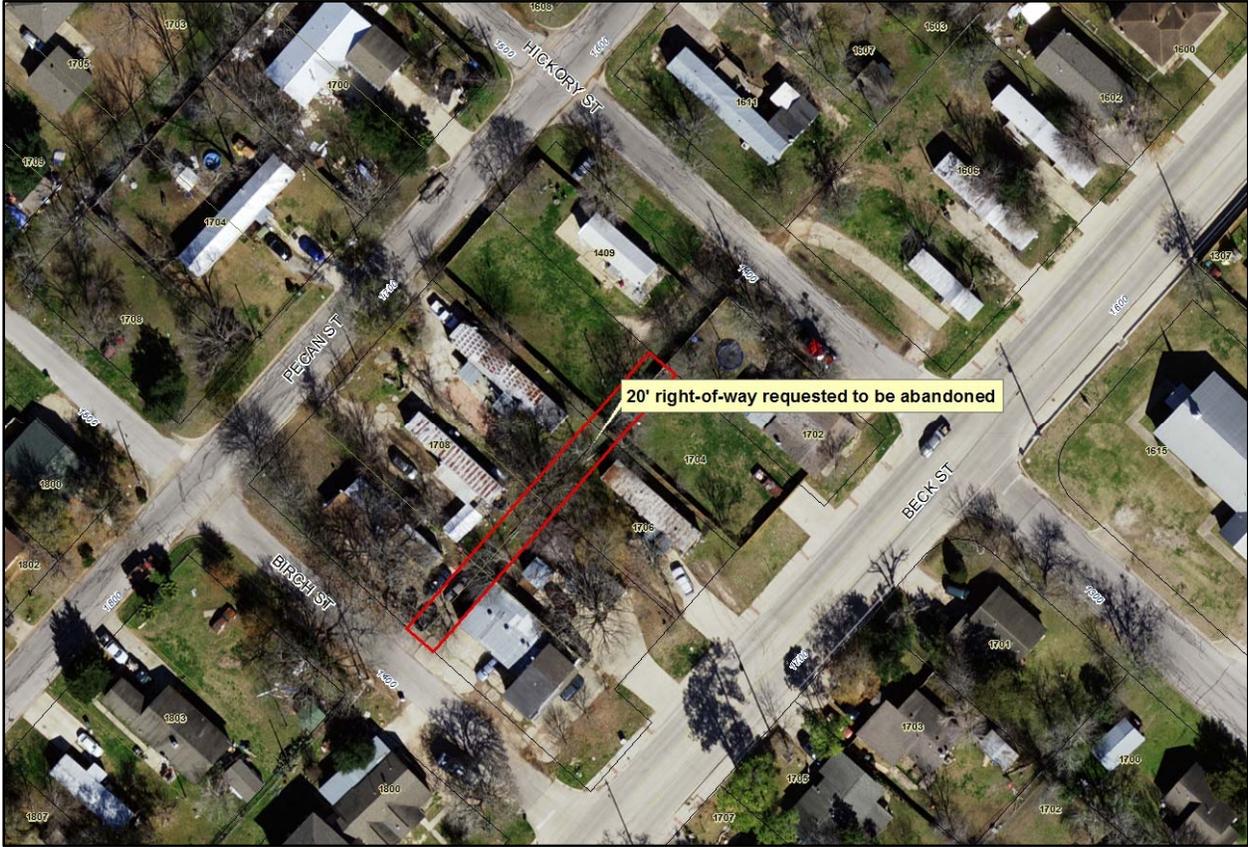


**LOCATION MAP:**



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF THE FOLLOWING PUBLIC RIGHT-OF-WAY, TO WIT: 0.0918 ACRE SECTION OF PUBLIC ALLEY RIGHT-OF-WAY EXTENDING EAST-TO-WEST BETWEEN BIRCH STREET AND HICKORY STREET IN BLOCK 3 OF THE WOODLAWN ADDITION IN BRYAN, BRAZOS COUNTY, TEXAS; AUTHORIZING THE CONVEYANCE THEREOF TO THE ABUTTING PROPERTY OWNERS; PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the owner of Lots 2 through 9 in Block 3 of the Woodlawn Addition have requested the abandonment of approximately 0.0918 acres of public alley right-of-way located adjacent to said lots; and

**WHEREAS**, during its regular meeting on October 6, 2016, the Bryan Planning and Zoning Commission recommended approving the request to abandon and close said public alley right-of-way (case no. RA16-08); and

**WHEREAS**, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration a part of which being the discontinuance of the obligations of the City of Bryan to maintain said alley right-of-way; and

**WHEREAS**, said above recited considerations are of at least equal value to the appraised market value of this alley right-of-way; and

**WHEREAS**, the City Council of the City of Bryan, acting pursuant to law, deems it advisable to abandon and convey this tract of land to the abutting property owners and is of the opinion that said land is not needed for public use, and that same should be abandoned to the abutting property owners as hereinafter provided; and

**WHEREAS**, the City Council of the City of Bryan is of the opinion that the best interest and welfare of the public will be served by abandoning and conveying same to the abutting property owners;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN:**

1.

That all language contained in the preambles to this Ordinance shall be incorporated into the text of the Ordinance as if set forth verbatim herein.

2.

That the following described tract in the City of Bryan, Brazos County, Texas be and the same is hereby abandoned, vacated and closed insofar as the right and title of the public are concerned:

a 20-foot wide and 200-foot long public alley right-of-way extending east-to-west between Birch Street and Hickory Street in Block 3 of the Woodlawn Addition, said tract being described more particularly on attached Exhibit "A" and depicted on Exhibit "B."

3.

That the abandonment and conveyance provided for herein is made and accepted subject to all present zoning and deed restrictions, if the latter exist, and all existing easements, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

4.

That the abandonment and conveyance provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to the interest which the governing body for the City of Bryan may legally and lawfully abandon and vacate.

5.

That the Mayor of the City of Bryan is hereby authorized to execute and deliver quit claim deeds conveying the above-described property to the abutting property owners. Said deeds shall furthermore conform to all other conditions and restrictions herein set out and are attached hereto as Exhibits "C-1" through "C-3" and incorporated herein by this reference for all purposes.

6.

That this ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 8<sup>th</sup> day of November, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 21<sup>st</sup> day of November, 2016 by a vote of \_\_\_ yeses and \_\_\_ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

\_\_\_\_\_  
Jason P. Bienski, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Janis K. Hampton, City Attorney

**Exhibit "A":**

**METES AND BOUNDS DESCRIPTION  
0.0918 ACRES TRACT  
WOODLAWN ADDITION  
BRAZOS COUNTY, TEXAS**

Being a tract of land containing 0.0918 acres, out of the Woodlawn Addition, Brazos County, Texas, also being the remainder of the 20' Alley (Alley) out of Block Three (3) of the said Woodlawn Addition, a subdivision recorded in Volume 112, Page 516 of the Brazos County Deeds Records (B.C.D.R.), all further mentioned Lots are out of the said Block 3 of the Woodlawn Addition, unless otherwise stated, the said 0.0918 acres tract being the same tract of land shown on the Plat of Survey prepared by Carlomagno Surveying, having the file name 16142-Alley.dwg and being more particularly described as follows:

**BEGINNING** at a 5/8 iron rod with an orange plastic cap marked "Carlomagno RPLS 1562" found for the west corner of this tract, also being the west corner of the said Alley, also being a point along the northeast right-of-way of Birch Street, a 50' right-of-way, also being the south corner of Lot Six (6);

**THENCE** along the common line of this tract and the said Lot 6, passing the said Lot 6 and continuing along the southeast line of Lot Seven (7), passing the said Lot 7 and continuing along the southeast line of Lot Eight (8), passing the said Lot 8 and continuing along the southeast line of Lot Nine (9), North 42°01'36" East, a distance of 200.00 feet to a point located for the north corner of this tract, also being the north corner of the said Alley, also being the east corner of the said Lot 9, also being a point along the southwest boundary line of Lot Ten A(10A), Block 3 of the Woodlawn Addition Replat of Lots One (1) through 10 block Two (2) and Lots 1 and Ten (10) of Block 3 (Woodlawn Replat), as recorded in Volume 8250, Page 82 of the Brazos County Official Records (B.C.O.R.);

**THENCE** along the common line of this tract and the said Lot 10A, passing the said Lot 10A, and continuing on along the southwest boundary line of Lot 1A, Block 3 of the said Woodlawn Replat, South 47°58'24" East, a distance of 20.00 feet to a point for the east corner of this tract, also being the east corner of the said Alley, also being a point along the southwest boundary line of the said Lot 1A, Block 3 also being the north corner of Part of Lot 2, owned by Edward and Virginia Hernandez (Hernandez) as recorded in Volume 2639, Page 121 of the B.C.O.R.;

**THENCE** along the common line of this tract and the said Hernandez tract, passing the said Hernandez tract, and continuing on along the northwest line of Part of Lot 3, owned by Jesus A. and Maria E. Ordonez (Ordanez-Lot 3), as recorded in Volume 2186, Page 270 of the B.C.O.R., passing the said Ordanez-Lot 3, and continuing on along the northwest line of Part of Lot Four (4), owned by Jesus A. and Maria E. Ordonez (Ordanez-Lot 4), as recorded in Volume 2038, Page 318 of the B.C.O.R., passing the said Ordanez-Lot 4 and continuing on along the northwest line of Lot Five (5), South 42°01'36" West, a distance of 200.00 feet to a point for the south corner of this tract, also being the south corner of the said Alley, also being the west corner of the said Lot 5, also being a point along the northeast right-of-way of the said Birch Street;

**THENCE** along the common line of this tract and the northeast right-of-way line of the said Birch Street, North 47°58'24" West, a distance of 20.00 feet to the **PLACE OF BEGINNING** containing 0.0918 acres.



Dante Carlomagno  
Texas Registered Professional  
Land Surveyor No. 1562  
16142-Alley.doc  
August 5, 2016

**Exhibit "B":**

