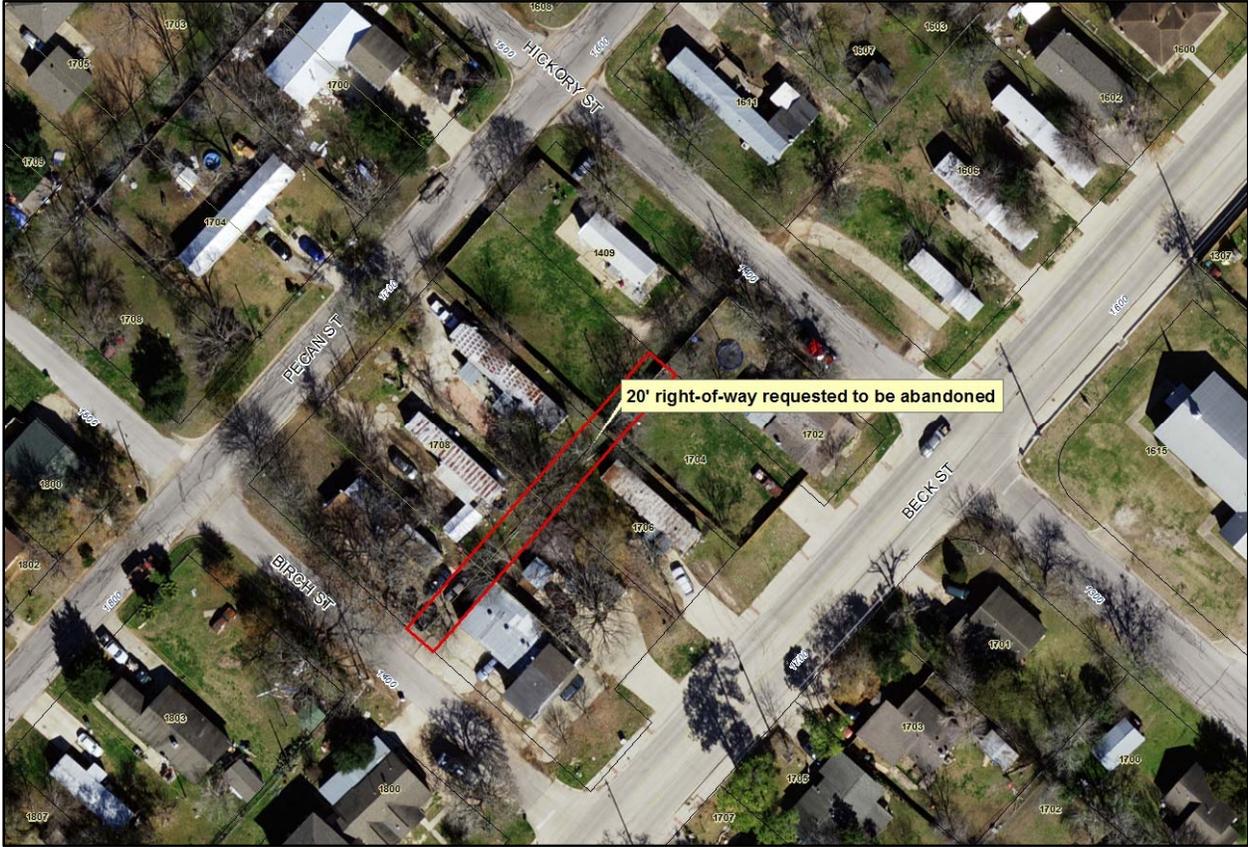


LOCATION MAP:



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 8th 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 21st 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.;

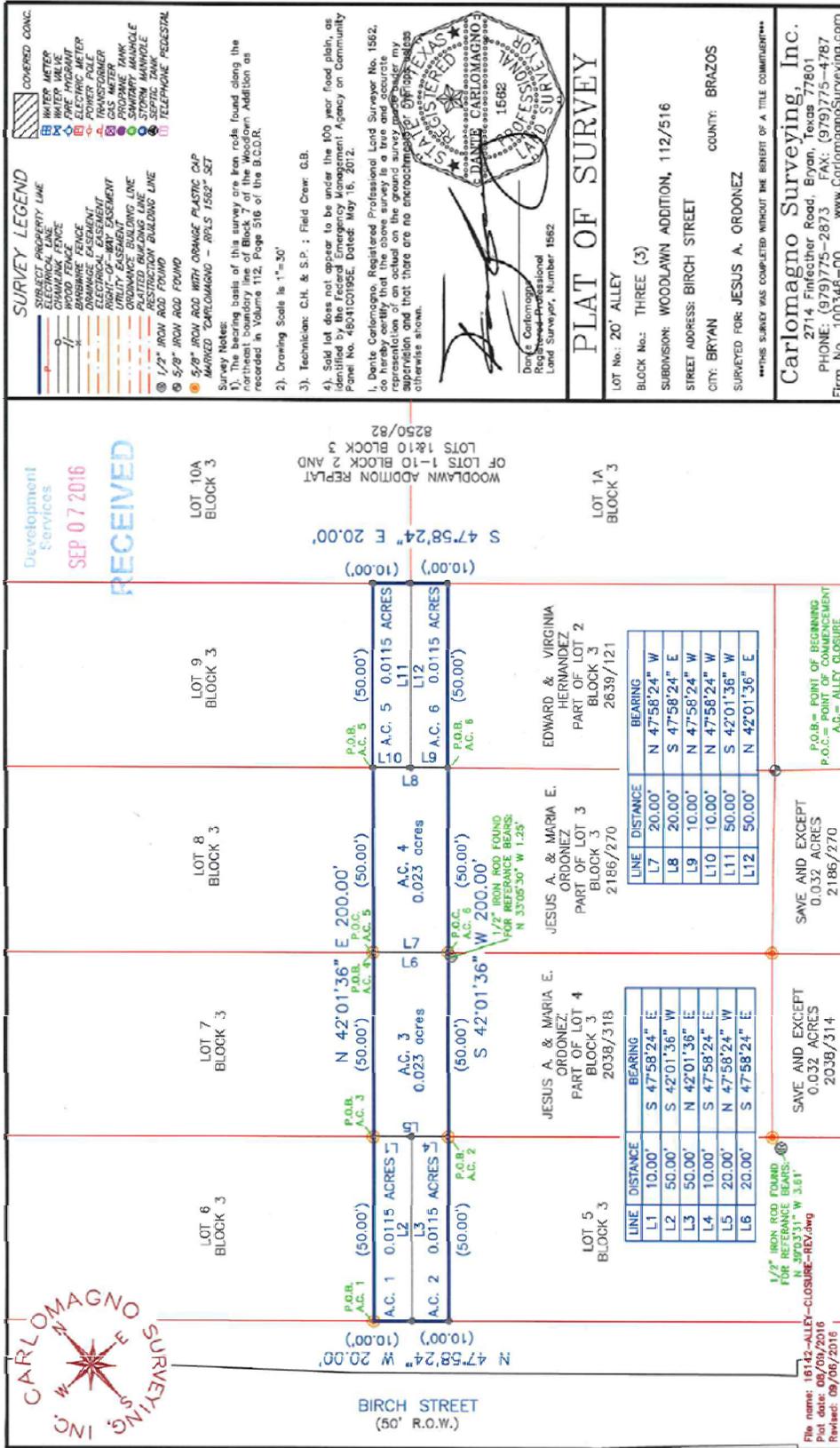
THENCE along the common line of this tract and the said Hernandez tract, passing the said Hernandez tract, and continuing on along the northwest line of Part of Lot 3, owned by Jesus A. and Maria E. Ordonez (Ordanez-Lot 3), as recorded in Volume 2186, Page 270 of the B.C.O.R., passing the said Ordanez-Lot 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":



- SURVEY LEGEND**
- COVERED CONC.
 - WATER METER
 - WATER VALVE
 - FIRE HYDRANT
 - ELECTRIC METER
 - TRANSFORMER
 - GAS METER
 - PROPANE TANK
 - STORM MANHOLE
 - SEPTIC TANK
 - TELEPHONE FEDESTAL
 - SUBJECT PROPERTY LINE
 - CHANKING FENCE
 - WOOD FENCE
 - DRIVING FENCE
 - ELECTRICAL EASEMENT
 - RIGHT-OF-WAY EASEMENT
 - UTILITY EASEMENT
 - GUIDANCE BUILDING LINE
 - PLATTED BUILDING LINE
 - RESTRICTION BUILDING LINE
 - 1/2" IRON ROD FOUND
 - 5/8" IRON ROD WITH ORANGE PLASTIC CAP MARKED CARLOMAGNO - RPLS 1562 SET

Survey Notes:
 1) The bearing basis of this survey are iron rods found along the boundary of the Woodlawn Addition as recorded in Volume 112, Page 516 of the B.C.D.R.
 2) Drawing Scale is 1"=30'
 3) Technician: C.H. & S.P.; Field Crew: G.B.
 4) Sold lot does not appear to be under the 100 year flood plain, as identified by the Federal Emergency Management Agency on Community Panel No. 48041C0195E, Dated: May 16, 2012.

I, Daniel Carlomagno, Registered Professional Land Surveyor No. 15682, do hereby certify that the above survey is a true and accurate representation of an actual on the ground survey performed under my supervision and that there are no encroachments or other matters otherwise shown.

Daniel Carlomagno
 Registered Professional Land Surveyor, Number 15682

PLAT OF SURVEY

LOT No.: 20' ALLEY
 BLOCK No.: THREE (3)
 SUBDIVISION: WOODLAWN ADDITION, 112/516
 STREET ADDRESS: BIRCH STREET
 CITY: BRYAN
 COUNTY: BRAZOS
 SURVEYED FOR: JESUS A. ORDOÑEZ

Carlomagno Surveying, Inc.
 2714 Fincheater Road, Bryan, Texas 77801
 PHONE: (979)775-2873 FAX: (979)775-4787
 Firm No. 100346-00 www.CarlomagnoSurveying.com

EXHIBIT "C-1":

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 DRIVERS LICENSE NUMBER.

QUITCLAIM DEED

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

KNOW ALL PERSONS BY THESE PRESENTS:

That the CITY OF BRYAN TEXAS a municipal corporation existing by and under the laws of the STATE OF TEXAS acting by and through its duly elected mayor (Grantor) does by these presents RELEASE AND FOREVER QUIT CLAIM unto **Jesus and Maria Ordonez**, the owners of the property adjacent thereto (Grantee), all of the following tract of land described as follows:

0.069 acre tract or parcel of land, lying and being situated in the Woodlawn Addition, Block 3, in Bryan, Brazos County, Texas, and being part of the 20' wide alley in Block 3 of said Woodlawn Addition adjacent to Lots 3 through 8, according to the plat recorded in Volume 112, Page 516, of the Deed Records of Brazos County, Texas, said tract being more particularly described by metes-and-bounds as follows on attached Exhibit "C-1A through C-4A" and labelled "A.C. 1, A.C. 2, A.C. 3, and A.C. 4" on attached Exhibit "C-1B."

This conveyance is subject to all present zoning and deed restrictions, if the latter exist Grantor expressly reserves all easements whether apparent or non-apparent, aerial, surface, underground or otherwise.

Subject to the above reservation, Grantor quitclaims to Grantee all of Grantor right, title and interest in and to such tract of land, to have and to hold it to Grantee, Grantee's heirs successors and assigns forever. Neither Grantor nor Grantor's successors or assigns will have, claim or demand any right or title to the property or any part of it and this deed is given to relinquish and release any right, title, and interest the Grantor its successors and assigns may have in the above-described property. When the context requires singular nouns and pronouns include the plural.

This conveyance is authorized by an ordinance of the governing body for the City of Bryan as approved and adopted on November 21, 2016.

EXECUTED this the _____ day of _____, 2016

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before a notary public on _____ by Jason P. Bienski, Mayor of the City of Bryan, a municipal corporation, on behalf of said Municipal Corporation.

Notary Public, State of Texas

Exhibit "C-1A":

**ALLEY CLOSURE 1
METES AND BOUNDS DESCRIPTION
0.0115 ACRES TRACT
WOODLAWN ADDITION
BRAZOS COUNTY, TEXAS**

Being a tract of land containing 0.0115 acres, out of the Woodlawn Addition, Brazos County, Texas, also being the part of 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 said Woodlawn Addition, the said 0.0115 acres tract being the same tract of land shown on the Plat of Survey prepared by Carlomagno Surveying, having the file name 16142-Alley-Closure-Rev.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);

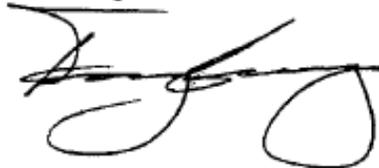
THENCE along the common line of this tract and the said Lot 6, North 42°01'36" East, a distance of 50.00 feet to a 5/8" iron rod with an orange plastic cap marked "Carlomagno RPLS 1562" found for the north corner of this tract, also being a point along the northwest line of the said Alley, also being the east corner of the said Lot 6, also being the south corner of Lot Seven (7);

THENCE severing the said Alley the following calls and distances:

South 47°58'24" East, a distance of 10.00 feet to a point for the east corner of this tract;

South 42°01'36" West, a distance of 50.00 feet to a point for the south corner of this tract, also being a point along the southwest line of the said Alley, also being a point along the northeast right-of-way line 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 10.00 feet to the **PLACE OF BEGINNING** containing 0.0115 acres.



Dante Carlomagno
Texas Registered Professional
Land Surveyor No. 1562
16142-Alley Closure-Rev-AC1.doc
September 6, 2016



Exhibit "C-2A":

**ALLEY CLOSURE 2
METES AND BOUNDS DESCRIPTION
0.0115 ACRES TRACT
WOODLAWN ADDITION
BRAZOS COUNTY, TEXAS**

Being a tract of land containing 0.0115 acres, out of the Woodlawn Addition, Brazos County, Texas, also being part of 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 said Woodlawn Addition, the said 0.0115 acres tract being the same tract of land shown on the Plat of Survey prepared by Carlomagno Surveying, having the file name 16142-Alley-Closure-Rev.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 east corner of this tract, also being a point along the southeast line of the said Alley, also being the west corner of Part of Lot Four (4), owned by Jesus A. and Maria E. Ordonez (Oordonez), as recorded in Volume 2038, Page 318 of the Brazos County Official Records (B.C.O.R.), also being the north corner of Lot Five (5);

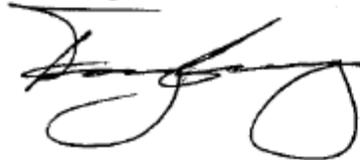
THENCE along the common line of this tract and the said Lot 5, South 42°01'36" West, a distance of 50.00 feet to a point for the south corner of this tract, also being the south corner of the said Alley, also being the west corner of the said Lot 5, also being a point along the northeast right-of-way line of Birch Street, a 50' right-of-way;

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 10.00 feet to a point for the west corner of this tract, also being a point along the southwest line of the said Birch Street;

THENCE severing the said Alley the following calls and distances:

North 42°01'36" East, a distance of 50.00 feet to a point for the north corner of this tract;

South 47°58'24" East, a distance of 10.00 feet to the **PLACE OF BEGINNING** containing 0.0115 acres.



Dante Carlomagno
Texas Registered Professional
Land Surveyor No. 1562
16142-Alley-Closure-Rev-AC2.doc
September 6, 2016

Exhibit "C-3A":

**ALLEY CLOSURE 3
METES AND BOUNDS DESCRIPTION
0.023 ACRES TRACT
WOODLAWN ADDITION
BRAZOS COUNTY, TEXAS**

Being a tract of land containing 0.023 acres, out of the Woodlawn Addition, Brazos County, Texas, also being a part of 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 said Woodlawn Addition, the said 0.023 acres tract being the same tract of land shown on the Plat of Survey prepared by Carlomagno Surveying, having the file name 16142-Alley-Closure-Rev.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 a point along the northwest line of the said Alley, also being the east corner of Lot Six (6), also being the south corner of Lot Seven (7);

THENCE along the common line of this tract and the said Lot 7, North 42°01'36" East, a distance of 50.00 feet to a 5/8" iron rod with an orange plastic cap marked "Carlomagno RPLS 1562" found for the north corner of this tract, also being a point along the northwest line of the said Alley, also being the east corner of the said Lot 7, also being the south corner of Lot Eight (8);

THENCE severing the said Alley, South 47°58'24" East, a distance of 20.00 feet to a 5/8" iron rod with an orange plastic cap marked "Carlomagno RPLS 1562" found for the east corner of this tract, also being a point along the southeast line of the said Alley, also being the west corner of Part of Lot Three (3), owned by Jesus A. and Maria E. Ordonez, as recorded in Volume, 2186, Page 270 of the Brazos County Official Records (B.C.O.R.), also being the north corner of Part of Lot Four (4), owned by Jesus A. and Maria E. Ordonez (Ordonez-Lot 4), as recorded in Volume 2038, Page 318 of the B.C.O.R., from which a 1/2" iron rod found for reference bears North 33°05'30" West, a distance of 1.25 feet ;

THENCE along the common line of this tract and the said Ordonez-Lot 4, South 42°01'36" West, a distance of 50.00 feet to a 5/8" iron rod with an orange plastic cap marked "Carlomagno RPLS 1562" found for the south corner of this tract, also being a point along the southeast line of the said Alley, also being the west corner of the said Ordonez-Lot 4, also being the north corner of Lot Five (5);

THENCE severing the said Alley, North 47°58'24" West, a distance of 20.00 feet to the **PLACE OF BEGINNING** containing 0.023 acres.



Dante Carlomagno
Texas Registered Professional
Land Surveyor No. 1562
16142-Alley-Closure-Rev-AC3.doc
September 6, 2016



Exhibit "C-4A":

**ALLEY CLOSURE 4
METES AND BOUND DESCRIPTION
0.023 ACRES TRACT
WOODLAWN ADDITION
BRAZOS COUNTY TEXAS**

Being a tract of land containing 0.023 acres, out of the Woodlawn Addition, Brazos County, Texas, also being a part of 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 said Woodlawn Addition, the said 0.023 acres tract being the same tract of land shown on the Plat of Survey prepared by Carlomagno Surveying, having the file name 16142-Alley-Closure-Rev.dwg and being more particularly described as follows:

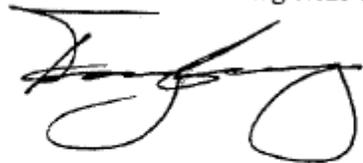
BEGINNING at a 5/8" iron rod with an orange plastic cap marked "Carlomagno RPLS 1562" found for the west corner of this tract, also being a point along the northwest line of the said Alley, also being the east corner of Lot Seven (7), also being the south corner of Lot Eight (8);

THENCE along the common line of this tract and the said Lot 8, North 42°01'36" East, a distance of 50.00 feet to a point for the north corner of this tract, also being a point along the northwest line of the said Alley, also being the east corner of the said Lot 8, also being the south corner of Lot Nine (9);

THENCE severing the said Alley, South 47°58'24" East, a distance of 20.00 feet to a point for the east corner of this tract, also being a point along the southeast line of the said Alley, also being the west corner of Part of Lot Two (2), owned by Edward and Virginia Hernandez, as recorded in Volume 2639, Page 121 of the Brazos County Official Records (B.C.O.R.), also being the north corner of part of Lot Three (3), owned by Jesus A. and Marie E. Ordonez (Ordonez-Lot 3), as recorded in Volume 2186, Page 270 of the B.C.O.R.;

THENCE along the common line of this tract and the said Ordonez-Lot 3, South 42°01'36" West, a distance of 50.00 feet to a 5/8" iron rod with an orange plastic cap marked "Carlomagno RPLS 1562" found for the south corner of this tract, also being a point along the southeast line of the said Alley, also being the west corner of the said Ordonez-Lot 3, also being the north corner of Part of Lot Four (4), owned by Jesus A. and Maria E. Ordonez, as recorded in Volume 2038, Page 318 of the B.C.O.R., from which a 1/2" iron rod found for reference bears North 33°05'30" West, a distance of 1.25 feet;

THENCE severing the said Alley, North 47°58'24" West, a distance of 20.00 feet to the **PLACE OF BEGINNING** containing 0.023 acres.



Dante Carlomagno
Texas Registered Professional
Land Surveyor No. 1562
16142-Alley-Closure-Rev-AC4.doc
September 6, 2016



Exhibit "C-1B":

EXHIBIT "C-2":

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 DRIVERS LICENSE NUMBER.

QUITCLAIM DEED

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

KNOW ALL PERSONS BY THESE PRESENTS:

That the CITY OF BRYAN TEXAS a municipal corporation existing by and under the laws of the STATE OF TEXAS acting by and through its duly elected mayor (Grantor) does by these presents RELEASE AND FOREVER QUIT CLAIM unto **Francisco and Ruby Aguinaga**, the owner of the property adjacent thereto (Grantee), all of the following tract of land described as follows:

0.0115 acre tract or parcel of land, lying and being situated adjacent to Lot 9 in Block 3 of the Woodlawn Addition in Bryan, Brazos County, Texas, and being half of the 20' wide alley in said Block 3 of Woodlawn Addition, according to the plat recorded in Volume 112, Page 516, of the Deed Records of Brazos County, Texas, said tract being more particularly described by metes-and-bounds as follows on attached Exhibit "C-5A" and labelled "A.C. 5" on attached Exhibit "C-2B."

This conveyance is subject to all present zoning and deed restrictions, if the latter exist Grantor expressly reserves all easements whether apparent or non-apparent, aerial, surface, underground or otherwise.

Subject to the above reservation, Grantor quitclaims to Grantee all of Grantor right, title and interest in and to such tract of land, to have and to hold it to Grantee, Grantee's heirs successors and assigns forever. Neither Grantor nor Grantor's successors or assigns will have, claim or demand any right or title to the property or any part of it and this deed is given to relinquish and release any right, title, and interest the Grantor its successors and assigns may have in the above-described property. When the context requires singular nouns and pronouns include the plural.

This conveyance is authorized by an ordinance of the governing body for the City of Bryan as approved and adopted on November 21, 2016.

EXECUTED this the _____ day of _____, 2016

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before a notary public on _____ by Jason P. Bienski, Mayor of the City of Bryan, a municipal corporation, on behalf of said Municipal Corporation.

Notary Public, State of Texas

Exhibit "C-5A":

**ALLEY CLOSURE 5
METES AND BOUNDS DESCRIPTION
0.0115 ACRES TRACT
WOODLAWN ADDITION
BRAZOS COUNTY, TEXAS**

Being a tract of land containing 0.0115 acres, out of the Woodlawn Addition, Brazos County, Texas, also being part of the remainder of 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 said Woodlawn Addition, unless otherwise stated, the said 0.0115 acres tract being the same tract of land shown on the Plat of Survey prepared by Carlomagno Surveying, having the file name 16142-ALLEY-DIVIDE.dwg and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with an orange plastic cap marked "Carlomagno RPLS 1562" found for a point along the northwest line of the said Alley, also being the east corner of Lot Seven (7), also being the south corner of Lot Eight (8);

THENCE along the common line of the said Alley and the said Lot 8, North 42°01'36" East, a distance of 50.00 feet to a point for the **PLACE OF BEGINNING** of this tract, also being a point along the northwest line of the said Alley, also being the east corner of the said Lot 8, also being the south corner of Lot Nine (9);

THENCE along the common line of this tract and the said Lot 9, North 42°01'36" East, a distance of 50.00 feet to a point for the north corner of this tract, also being the north corner of the remainder of the said Alley, also being the east corner of the said Lot 9, also being a point along the southwest line of Lot Ten A (10A), Block 3 of Woodlawn Addition Replat of Lots One (1)-Ten (10) Block Two (2) and Lots 1 and 10 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, South 47°58'24" East, a distance of 10.00 feet to a point for the east corner of this tract, also being a point along the northeast line of the said Alley, also being the south corner of the said Lot 10A, also being the west corner of Lot One A (1A), Block 3 of the said Woodlawn Replat;

THENCE severing the said Alley the following calls and distances:

South 42°01'36" West, a distance of 50.00 feet to a point for the south corner of this tract;

North 47°58'24" West, a distance of 10.00 feet to the **PLACE OF BEGINNING** containing 0.0115 acres.



Dante Carlomagno
Texas Registered Professional
Land Surveyor No. 1562
16142-Alley-Closure-Rev-AC5.doc
September 6, 2016



EXHIBIT "C-3":

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 DRIVERS LICENSE NUMBER.

QUITCLAIM DEED

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

KNOW ALL PERSONS BY THESE PRESENTS:

That the CITY OF BRYAN TEXAS a municipal corporation existing by and under the laws of the STATE OF TEXAS acting by and through its duly elected mayor (Grantor) does by these presents RELEASE AND FOREVER QUIT CLAIM unto **Edward and Virginia Hernandez**, the owner of the property adjacent thereto (Grantee), all of the following tract of land described as follows:

0.0115 acre tract or parcel of land, lying and being situated adjacent to Lot 2 in Block 3 of the Woodlawn Addition in Bryan, Brazos County, Texas, and being half of the 20' wide alley in said Block 3 of Woodlawn Addition, according to the plat recorded in Volume 112, Page 516, of the Deed Records of Brazos County, Texas, said tract being more particularly described by metes-and-bounds as follows on attached Exhibit "C-6A" and labelled "A.C. 6" on attached Exhibit "C-3B."

This conveyance is subject to all present zoning and deed restrictions, if the latter exist Grantor expressly reserves all easements whether apparent or non-apparent, aerial, surface, underground or otherwise.

Subject to the above reservation, Grantor quitclaims to Grantee all of Grantor right, title and interest in and to such tract of land, to have and to hold it to Grantee, Grantee's heirs successors and assigns forever. Neither Grantor nor Grantor's successors or assigns will have, claim or demand any right or title to the property or any part of it and this deed is given to relinquish and release any right, title, and interest the Grantor its successors and assigns may have in the above-described property. When the context requires singular nouns and pronouns include the plural.

This conveyance is authorized by an ordinance of the governing body for the City of Bryan as approved and adopted on November 21, 2016.

EXECUTED this the _____ day of _____, 2016

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before a notary public on _____ by Jason P. Bienski, Mayor of the City of Bryan, a municipal corporation, on behalf of said Municipal Corporation.

Notary Public, State of Texas

Exhibit "C-6A":

**ALLEY CLOSURE 6
METES AND BOUNDS DESCRIPTION
0.0115 ACRES TRACT
WOODLAWN ADDITION
BRAZOS COUNTY, TEXAS**

Being a tract of land containing 0.0115 acres, out of the Woodlawn Addition, Brazos County, Texas, also being part of 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 said Woodlawn Addition, unless otherwise stated, the said 0.0115 acres tract being the same tract of land shown on the Plat of Survey prepared by Carlomagno Surveying, having the file name 16142-Alley-Closure-Rev.dwg and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with a an orange plastic cap marked "Carlomagno RPLS 1562" found for a point along the southeast line of the said Alley, also being the west corner of Part of Lot Three (3), owned by Jesus A. and Maria E. Ordonez (Ordonez-Lot 3), as recorded in Volume 2186, Page 270 of the Brazos County Official Records (B.C.O.R.), also being the north corner of Part of Lot Four (4), owned by Jesus A. and Maria E. Ordonez, (Ordonez-Lot 4), as recorded in Volume 2038, Page 318 of the B.C.O.R.;

THENCE along the common line of this tract and the said Ordonez-Lot 3, North 42°01'36" East, a distance of 50.00 feet to the **PLACE OF BEGINNING** of this tract, also being a point along the southeast line of the said Alley, also being the north corner of the said Ordonez-Lot 3, also being the west corner of Part of Lot Two (2), owned by Edward and Virginia Hernandez (Hernandez-Lot 2), as recorded in volume 2639, Page 121 of the B.C.O.R.;

THENCE severing the said Alley the following calls and distances:

North 47°58'24" West, a distance of 10.00 feet to a point for the west corner of this tract;

North 42°01'36" East, a distance of 50.00 feet to a point for the north corner of this tract, also being a point along the northeast line of the said Alley, also being the south corner of Lot Ten A (10A), Block 3 of the Woodlawn Addition Replat of Lots One (1)-Ten (10) Block Two (2) and Lots 1 and 10 Block 3 (Woodlawn Replat), as recorded in Volume 8250, Page 82 of the B.C.O.R, also being the west corner of Lot One A (1A), Block 3 of the said Woodlawn Replat;

THENCE along the common line of this tract and the said Lot 1A, South 47°58'24" East, a distance of 10.00 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 line of the said Lot 1A, also being the north corner of the said Hernandez-Lot 2;

THENCE along the common line of this tract and the said Hernandez-Lot 2, South 42°01'36" West, a distance of 50.00 feet to the **PLACE OF BEGINNING** containing 0.0115 acres.

Dante Carlomagno
Texas Registered Professional
Land Surveyor No. 1562
16142-Alley-Closure-AC6.dwg
September 6, 2016



PLANNING AND ZONING COMMISSION MEETING MINUTE RECORD OF OCTOBER 6, 2016:

5. CONSENT AGENDA.

e. Right-of-way Abandonment RA16-08: Alley in Block 3 of Woodlawn Addition

A request to abandon an approximately 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, being a total of 0.0115 acres (4,000 square feet) of land in Bryan, Brazos County, Texas. (S. Doland)

Commissioner Swearingen moved to approve the Consent Agenda. Commissioner Bush seconded the motion, and the motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

October 6, 2016



**Right-of-way Abandonment case no. RA16-08:
Alley in Block 3 of the Woodlawn Addition**

SIZE AND LOCATION: 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

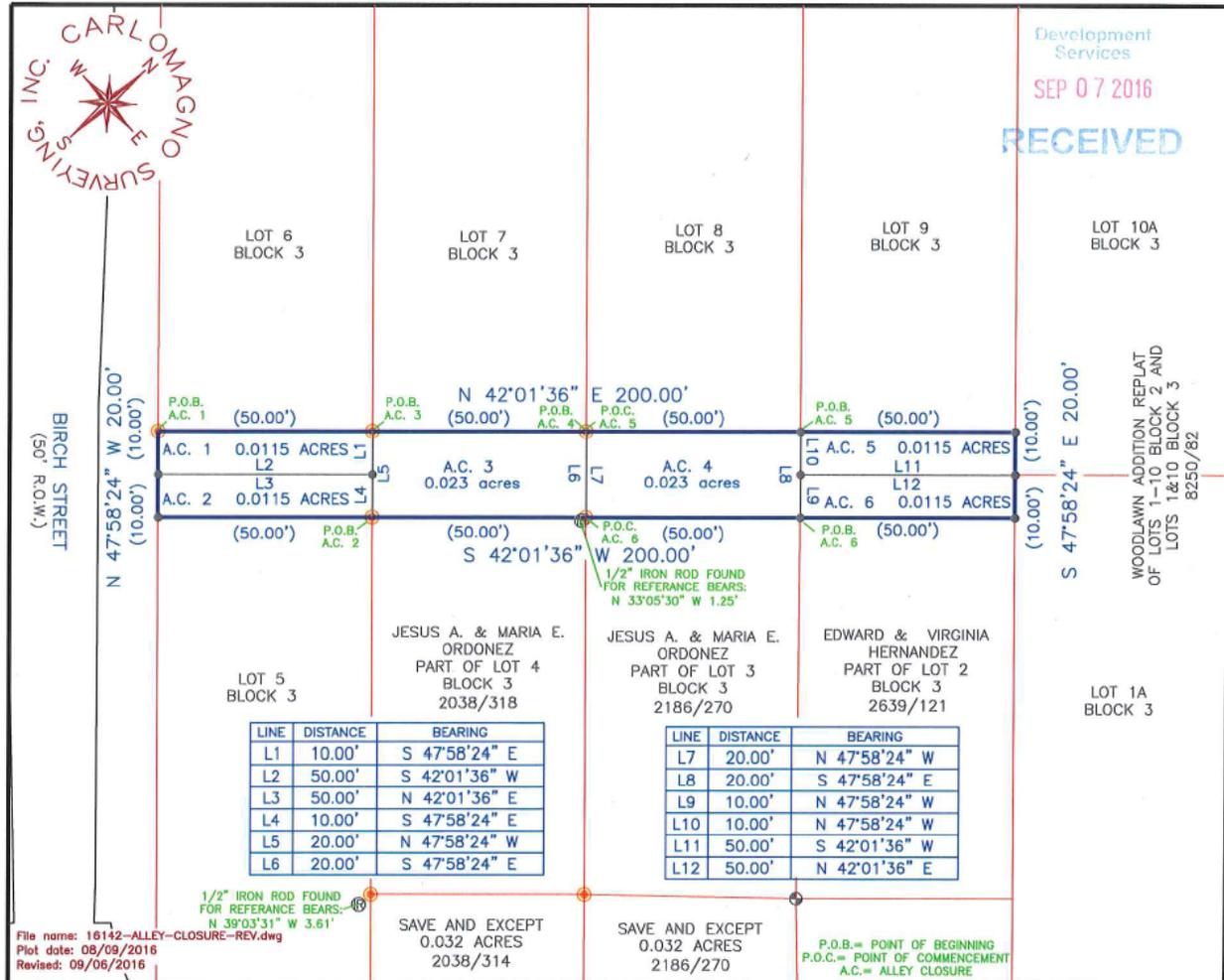
APPLICANT(S): Jesus A. Ordonez

STAFF CONTACT: Stephanie Doland, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested right-of-way abandonment.



DETAIL OF PROPOSED ALLEY RIGHT-OF-WAY REQUESTED TO BE ABANDONED:



RIGHT-OF-WAY REQUESTED TO BE ABANDONED:

The applicant, Jesus A. Ordonez, and all abutting property owners are requesting the official abandonment of a 200-foot long by 20-foot wide public alley right-of-way in Block 3 of the Woodlawn Addition. The right-of-way in question was originally dedicated with the Woodlawn Addition plat that was recorded at the Brazos County Court House in 1940, and has never been improved with a driving surface. Lots in this City block are zoned Mixed Use – Residential (MU-1) and are either vacant or occupied by manufactured homes.

In September 2007, Block 2 and Lots 1 and 2 in Block 3 of the Woodlawn Addition was replatted and with the replat a portion of the alley was abandoned to these adjacent lots. Therefore, Lots 1 and 10 are not included with this alley abandonment request, because that alley has already been abandoned and integrated with the adjacent lots.

This proposal includes the request to incorporate the width of the entire 20-foot wide alley with Lots 3 and 4 because these lots are approximately 20 feet shorter in length than the adjacent lots. The remaining lots in the block (Lots 2, 5, 6, and 9) are requested to be combined with equal amounts of alley property. Therefore, if approved as requested, Lots 2, 5, 6, and 9 would each gain 10 feet of land.

Bryan's City Council is authorized to formally abandon all or portions of rights-of-way originally dedicated for public use, allowing the conveyance of that land to adjoining property owners, in equal and proportionate amounts based on their ownership of adjoining land. The Planning and Zoning Commission hears and makes a recommendation on proposals to abandon any such rights-of-way.

ANALYSIS AND RECOMMENDATION:

Excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. The alley right-of-way requested to be abandoned has never been improved with a driving surface. Abandoning the subject right-of-way, therefore, will not interfere with the smooth circulation of vehicular and pedestrian traffic.

No public or franchised utility facilities are currently located in the alley right-of-way requested to be abandoned. City staff does not foresee a need for possible future use of this alley for public utility purposes.

The Site Development Review Committee and staff recommend **approving** the request to abandon this alley right-of-way, as requested. Abandoning the subject right-of-way, as recommended, will allow this land to be integrated with adjacent lots and relieve the public from maintenance responsibilities. Staff contends that, in this particular case, the recommended rearrangement of land will have the most likely long-range public benefit.