

ORDINANCE NO. 19-Q

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AUTHORIZING AND APPROVING EXCHANGES AND CONVEYANCES OF PUBLIC RIGHTS-OF-WAY WITHIN THE PROPOSED MUSTANG CROSSING SUBDIVISION; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, M/I Homes of Houston, LLC., the owner of the property being developed as the Mustang Crossing subdivision (the “Developer”), desires to plat the lots in Sections 5 and 5B of said subdivision and to realign the undeveloped roadways as appropriate to serve the platted lots; and

WHEREAS, the proposed plat and layout of Mustang Crossing would require the City of Alvin, Texas (the “City”) to abandon 0.6371 acres, more or less, of public rights-of-way more particularly described herein; and

WHEREAS, the Developer proposes to dedicate 3.34 acres to the City for use as public right-of-way in exchange for the City’s abandonment of the 0.6371 acres;

WHEREAS, the Developer owns the property abutting both sides of the 0.6371 acres of public right-of-way to be abandoned;

WHEREAS, the 0.6371 acres of public right-of-way is not being used and will not be necessary for use by the City as a street or roadway upon platting of the Mustang Crossing subdivision, Section 5 and Section 5B;

WHEREAS, the City is authorized by the Section 272.001 of the Texas Local Government Code to exchange public rights-of-way for other land to be used for public rights-of-way without a public sale;

WHEREAS, the City finds that it is in the public interest and necessary to the planning and layout of the City to abandon the 0.6371 acres of public right-of-way and to accept the dedication of 3.34 acres of public right-of-way from the Developer, which will more appropriately serve the platted subdivision;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, THAT:

Section 1. Findings of Fact. The findings and recitations set out hereinabove are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Abandonment of Right-of-Way. The 0.3754 acres of public right-of-way, situated in Brazoria County, Texas, as described in Exhibit “A,” attached hereto and incorporated for all purposes, and the 0.2617 acres of public-right-of-way, situated in Brazoria County, Texas, as

described in Exhibit "B," attached hereto and incorporated for all purposes, shall be permanently closed, vacated, and abandoned by the City and the general public upon the City's acceptance of the dedication of 3.34 acres to the City as public right-of-way by the Developer as set forth in Section 3.

Section 3. Recordable Instruments.

(a) The City Council hereby authorizes and directs the Mayor of the City to execute a Special Warranty Deed conveying the rights and interests of the City in the abandoned and vacated portions of the rights-of-way as described in Section 2 above and Exhibits "A" and "B" to the Developer, in exchange for a properly executed and legally sufficient final plat of Mustang Crossing, Section 5, which dedicates 2.97 acres of land, more or less, as depicted on the Mustang Crossing, Section 5 subdivision plat; and a properly executed and legally sufficient final plat of Mustang Crossing, Section 5B, which dedicates 0.37 acres of land, more or less, as depicted on the Mustang Crossing Section 5B subdivision plat, to the City for use as a public right-of-way.

(b) The City Council further authorizes the Mayor to hold the Special Warranty Deed in escrow until such time as the final plat of Mustang Crossing, Section 5 and Section 5B, dedicating 3.34 acres of public right-of-way to the City is accepted by the City. After the City Manager or Mayor determines that the 3.34 acres of public right of way has been dedicated to and accepted by the City by the Developer, the Mayor will cause and direct the Special Warranty Deed to be recorded in the Brazoria County Deed Records.

Section 4. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

Section 5. Open Meetings. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this 1st day of August, 2019.

CITY OF ALVIN, TEXAS

ATTEST:

By: _____

Paul A. Horn
Mayor

By: _____

Dixie Roberts
City Secretary

EXHIBIT A

Exhibit__ Page 1 of 3 Pages

County: Brazoria
Project: Mustang Crossing- 30' Road Abandonment
C.I. No.: 1171-19
Job Number: 2017-250-114

METES AND BOUNDS FOR 0.3754 ACRES

Being a 0.3754 acre tract of land located in the subdivision of the Hooper and Wade Survey, Section 18, Abstract 488, in Brazoria County, Texas and recorded in Volume 6, Page 152 and Volume 32, Page 2 of the Deed Records of Brazoria County (D.R.B.C.); said 0.3754 acre tract being a portion of Lots 26 and 27 of said subdivision and a portion of a call 55.14 acre tract of land recorded in Clerk's File No. 2017064035 of the Official Public Records of Brazoria County (O.P.R.B.C.); said 0.3754 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to northwesterly line of said call 55.14 acre tract and the Texas Coordinate System, South Central Zone, NAD 1983):

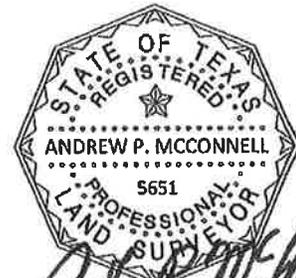
Commencing at a 1/2-inch iron rod found at the north corner of Lot 26, the west corner of Lot 27, the south corner of Lot 28, the east corner of Lot 25 of said Hooper and Wade subdivision, being the east corner of a call 9.99 acre tract of land conveyed to Frank C. Planka and wife, Marjorie A. Planka recorded in Clerk's File No. 2002-020054 of the O.P.R.B.C.;

Thence, with the northwest line of said Lot 26 common with the southeast line of said Lot 25, South 59 degrees 47 minutes 40 seconds West, a distance of 15.00 feet to the southwest line of a 30 feet wide road shown on aforesaid map recorded in Volume 6, Page 152 of the D.R.B.C.;

Thence, across said Lot 26 and aforesaid call 55.14 acre tract, with said southwest line, South 30 degrees 10 minutes 55 seconds East, a distance of 377.10 feet to the **Point of Beginning** of the herein described tract;

1. Thence, leaving said southwest line, 32.33 feet along the arc of a curve to the right, said curve having a central angle of 37 degrees 03 minutes 10 seconds, a radius of 50.00 feet and a chord that bears North 40 degrees 34 minutes 51 seconds East, a distance of 31.77 feet to the northeast line of aforesaid 30 feet wide road;
2. Thence, across aforesaid Lot 27 and aforesaid call 55.14 acre tract, with said northeast line, South 30 degrees 10 minutes 55 seconds East, a distance of 554.49 feet to the south line of of said call 55.14 acre tract and north Right-of-Way line of FM 1462 (150 feet wide) recorded in Volume 959, Page 400 of the D.R.B.C.;

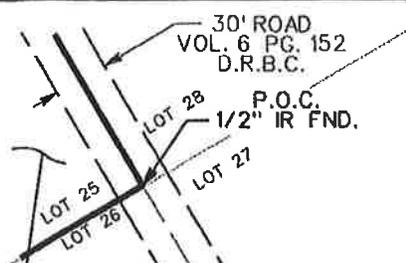
3. Thence, with the north Right-of-Way line of said FM 1462 common with the south line said call 55.14 acre tract, 32.40 feet along the arc of a curve to the right, said curve having a central angle of 01 degrees 00 minutes 41 seconds, a radius of 1,835.08 feet and a chord that bears South 81 degrees 59 minutes 19 seconds West, a distance of 32.40 feet to the southwest line of aforesaid 30 feet wide road;
4. Thence across said call 55.14 acre tract and aforesaid Lot 26, with said southwest line, North 30 degrees 10 minutes 55 seconds West, a distance of 531.80 feet to the **Point of Beginning** and containing 0.3754 acres of land.



Andrew P. McConnell
5-23-19



0 25 50 100
1" = 100'



55.14 ACRES
BEING ALL OF A
CALL 55.14 ACRE TRACT
CONVEYED TO
M.I. HOMES, L.L.C.
(TRACT 1) RECORDED IN
C.F. NO. 2017064035 O.P.R.B.C.

CALL 9.99 ACRES
FRANK C. PLANKA
AND WIFE,
MARJORIE A. PLANKA
C.F. NO. 2002-020054
O.P.R.B.C.

SUBDIVISION OF THE
HOOPER AND WADE SURVEY
SECTION 18
VOL. 6, PG. 152
VOL. 32, PG. 2
D.R.B.C.

P.O.B.
1171-19

FUTURE
COLT CANYON DRIVE

FUTURE
MUSTANG CROSSING
SECTION 5

0.3754 ACRES
M&B NO. 1171-19

FUTURE
STEED BLUFF DRIVE

NOTES

1. P.O.B.: POINT OF BEGINNING
P.O.C.: POINT OF COMMENCING
VOL.: VOLUME PG.: PAGE
O.P.R.B.C.: OFFICIAL PUBLIC
RECORDS OF BRAZORIA COUNTY

Costello



Engineering and Surveying
9990 Richmond Avenue, Suite 460 N
Houston, Texas 77042
(713) 783-7788 (713) 783-3580, Fax
TBPE FIRM REG. No. 280
TBPLS FIRM REG. No. 100486

EXHIBIT OF 30' WIDE ROAD
ABANDONMENT AT
MUSTANG CROSSING SECTION 5

FM 1462 (150' WIDE)
VOL. 959, PG. 400
D.R.B.C.

S:\NEW\Mustang Crossing\2017250 BC MUD 73114 MUD Map\117119.dgn
5/23/2019 9:24:14 AM

EXHIBIT B

Exhibit__ Page 1 of 3 Pages

County: Brazoria
Project: Mustang Crossing- 40' Road Abandonment
C.I. No.: 1172-19
Job Number: 2017-250-114

METES AND BOUNDS FOR 0.2617 ACRES

Being a 0.2617 acre tract of land located in the subdivision of the Hooper and Wade Survey, Section 18, Abstract 488, in Brazoria County, Texas and recorded in Volume 6, Page 152 and Volume 32, Page 2 of the Deed Records of Brazoria County (D.R.B.C.); said 0.2617 acre tract being a portion of Lots 15 and 26 of said Hooper and Wade subdivision and a portion of a call 55.14 acre tract of land recorded in Clerk's File No. 2017064035 of the Official Public Records of Brazoria County (O.P.R.B.C.); said 0.2617 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the northwesterly line of the 55.14 acre tract and the Texas Coordinate System, South Central Zone, NAD 1983):

Commencing at a 1/2-inch iron rod found at the north corner of said Lot 15, the west corner of Lot 26, the south corner of Lot 25 and the east corner of Lot 16 of said Hooper and Wade subdivision, said Lot 16 being conveyed to Alvin Evangelical Church in Clerk's File No. 1994-042297 of the O.P.R.B.C. and said Lot 25 being conveyed to Frank C. Planka and wife, Marjorie A. Planka recorded in Clerk's File No. 2002-020054 of the O.P.R.B.C.;

Thence, with the northeast line of said Lot 15 common with the southwest line of said Lot 26, South 30 degrees 06 minutes 48 seconds East, a distance of 172.67 feet to the **Point of Beginning** of the herein described tract;

1. Thence, across said Lot 26, South 74 degrees 40 minutes 50 seconds East, a distance of 28.50 feet to the northeast line of a 40 feet wide road shown on aforesaid map recorded in Volume 32, Page 2 of the D.R.B.C.;
2. Thence, with said northeast line, South 30 degrees 06 minutes 48 seconds East, a distance of 285.00 feet to the south line of aforesaid call 55.14 acre tract common with the north Right-of-Way line of FM 1462 (150 feet wide) recorded in Volume 959, Page 400 of the D.R.B.C.;
3. Thence, across said Lot 26 and aforesaid Lot 15, with the south line of aforesaid call 55.14 acre tract common with the north Right-of-Way line of said FM 1462, North 74 degrees 40 minutes 50 seconds West, a distance of 57.00 feet to the southwest line of aforesaid 40 feet wide road;

Exhibit__ Page 2 of 3 Pages

4. Thence across said Lot 15 and said call 55.14 acre tract, with said southwest line, North 30 degrees 06 minutes 48 seconds West, a distance of 285.00 feet;
5. Thence, leaving said southwest line, across said Lot 15 and said call 55.14 acre tract, South 74 degrees 40 minutes 50 seconds East, a distance of 28.50 feet to the **Point of Beginning** and containing 0.2617 acres of land.



Andrew P. McConnell
5-23-19

N

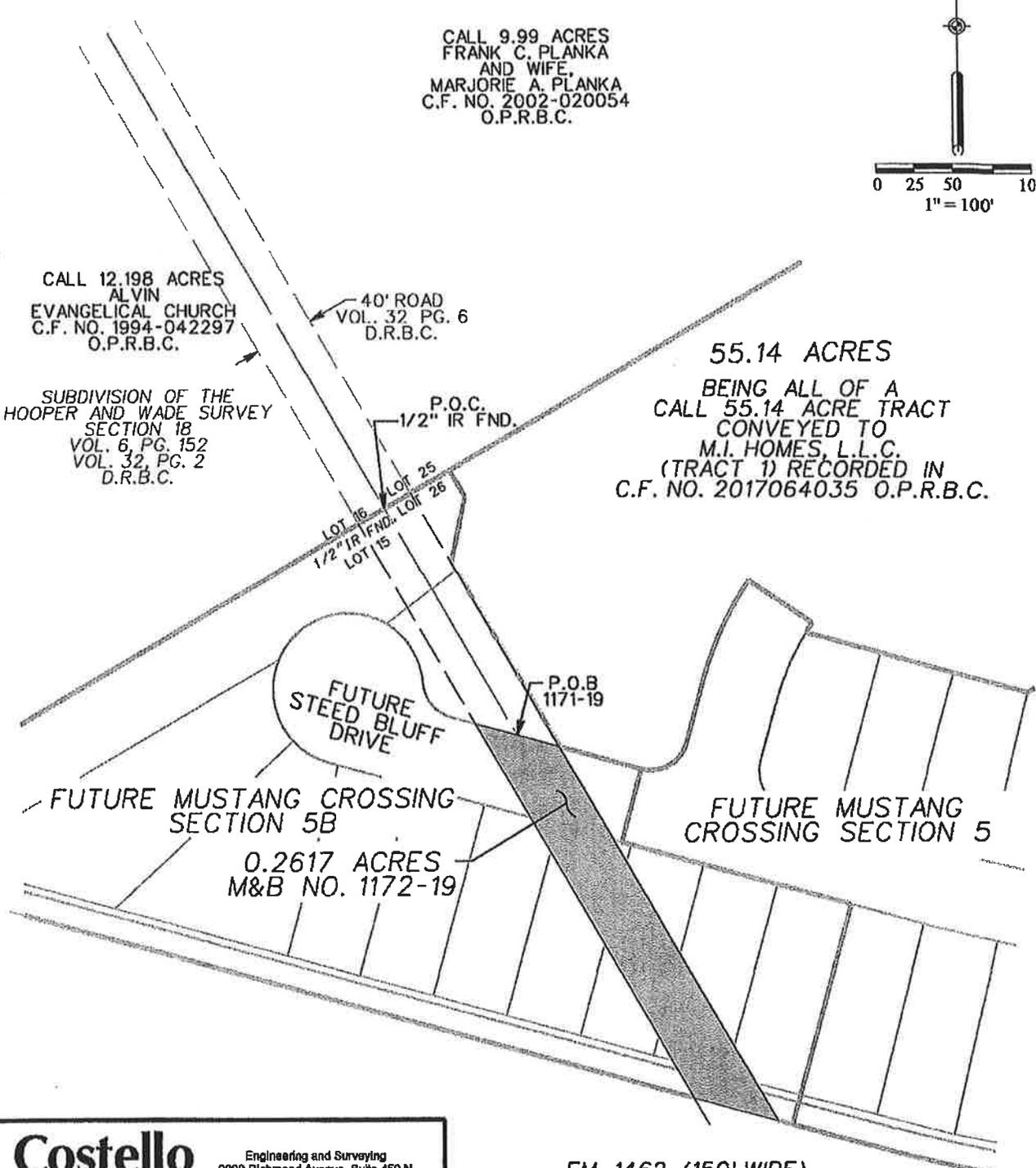


CALL 9.99 ACRES
FRANK C. PLANKA
AND WIFE,
MARJORIE A. PLANKA
C.F. NO. 2002-020054
O.P.R.B.C.

CALL 12.198 ACRES
ALVIN
EVANGELICAL CHURCH
C.F. NO. 1994-042297
O.P.R.B.C.

SUBDIVISION OF THE
HOOPER AND WADE SURVEY
SECTION 18
VOL. 6, PG. 152
VOL. 32, PG. 2
D.R.B.C.

55.14 ACRES
BEING ALL OF A
CALL 55.14 ACRE TRACT
CONVEYED TO
M.I. HOMES, L.L.C.
(TRACT 1) RECORDED IN
C.F. NO. 2017064035 O.P.R.B.C.



Costello



Engineering and Surveying
9990 Richmond Avenue, Suite 450 N
Houston, Texas 77042
(713) 783-7788 (713) 783-3680, Fax
TBPE FIRM REG. No. 280
TBPLS FIRM REG. No. 100488

FM 1462 (150' WIDE)
VOL. 959, PG. 400
D.R.B.C.

NOTES

1. P.O.B.: POINT OF BEGINNING
P.O.C.: POINT OF COMMENCING
VOL.: VOLUME, PG.: PAGE
O.P.R.B.C.: OFFICIAL PUBLIC
RECORDS OF BRAZORIA COUNTY

EXHIBIT OF 40' WIDE ROAD
ABANDONMENT AT
MUSTANG CROSSING SECTION 5

VACATION OF SUBDIVISION PLAT

STATE OF TEXAS §

COUNTY OF BRAZORIA §

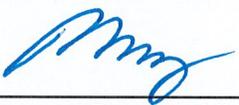
KNOWN ALL MEN BY THESE PRESENTS:

M/I Homes of Houston, LLC, a Delaware Limited Liability Company, acting by and through Brannon Boozer, Vice President of Land, being the sole owner and proprietor of the following described property in City of Alvin, Brazoria County, Texas, to-wit:

Mustang Crossing Section Five, located in the Hooper & Wade Survey, Abstract 488 in the City of Alvin, Brazoria County, Texas; which plat was recorded in the Official Public Records of Brazoria County (Instrument Number 2019013189) on March 25, 2019.

Do hereby desire and declare that said plat, subdivision, and dedication thereon, be vacated and cancelled so as to convert all of said platted property to acreage tracts as same existed before such property was platted, subdivided, and recorded.

By: M/I Homes of Houston, LLC
A Delaware Limited Liability Company

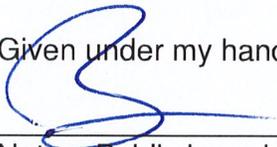
By: 
Brannon Boozer, Vice President of Land

STATE OF TEXAS §

COUNTY OF BRAZORIA §

Before me, the undersigned authority, on this day personally appeared Brannon Boozer, Vice President of Land, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out, and as the act and deed of said limited liability company.

Given under my hand and seal of office, this 24 day of May, 2019.


Notary Public in and for
the State of Texas



My Commission Expires: _____