

RESOLUTION NO. 18 - 21

A RESOLUTION OF THE CITY OF COMMERCE, TEXAS AUTHORIZING THE VACATION AND ABANDONMENT OF AN INTEREST IN PROPERTY, SUCH INTEREST BEING A UTILITY EASEMENT AS DESCRIBED IN EXHIBIT "A" HERETO; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH VACATION AND ABANDONMENT; AUTHORIZING THE CITY MANAGER TO PERFORM ACTIONS ON BEHALF OF THE CITY OF COMMERCE IN EXECUTION OF SAID RESOLUTION AND AUTHORIZING THE CITY SECRETARY TO AUTHENTICATE THE MAYOR'S SIGNATURE TO THIS RESOLUTION AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL INSTRUMENTS REQUISITE TO THIS RESOLUTION AND AUTHORIZING THE CITY SECRETARY TO AUTHENTICATE THE CITY MANAGER'S SIGNATURE ON SAID INSTRUMENTS

WHEREAS, the City of Commerce, Texas is a home rule municipality incorporated and operating under the laws of the State of Texas with control over real property and interests in real property which it legally holds; and ,

WHEREAS, the City of Commerce, Texas was deeded a utility easement from the Commerce Investment Company in 1963 on land located along Live Oak Street, such utility easement more being more particularly described on Exhibit "A", a copy of which is attached hereto and incorporated herein (hereinafter "Utility Easement"); and

WHEREAS, the City of Commerce, Texas has received a request from the current owner of the land encumbered by the City's Utility Easement, Derek Lambert, for the vacation and abandonment of the Utility Easement in order to facilitate the sale and/or development of the property which the Utility Easement encumbers; and

WHEREAS, the City has determined that the water lines placed in the Utility Easement have been rerouted and the sewer lines located therein are no longer in use; therefore, there the City no longer has a public need for the use of the utility lines buried within the Utility Easement; and

WHEREAS, the City of Commerce, Texas encourages the development of commercial property along Live Oak Street, and has determined that the abandonment of the unused Utility Easement will encourage development and benefit the public.

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

1. That the foregoing recitals constitute findings of the City Council and are incorporated herein for all purposes.
2. That the Utility Easement described in Exhibit "A" of this Resolution is hereby abandoned and vacated insofar as the right, title or easement of the public is concerned.
3. That the Utility Easement is not needed for municipal purposes, and it is in the public interest of the City of Commerce, Texas to abandon the Utility Easement.
4. That this Resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Commerce, Texas, and it is accordingly so resolved.

PASSED BY THE GOVERNING BODY of the City of Commerce, Texas, at a regular meeting of the City Council of the City of Commerce, Texas on this the 21st day of August, 2018.

ATTEST:

Molly Jacobsen, City Secretary

Wyman Williams, Mayor

(seal)

Approved as to Form:

Patricia Adams, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Resolution, and that the same has not been repealed and is in full force and effect.

(Seal)

Molly Jacobsen, City Secretary

Sworn to and subscribed before me, on this the _____ day of August, 2018 to certify which witness my hand and seal of office.

Notary Public, State of Texas

(Seal)

EXHIBIT "A"
UTILITY EASEMENT DESCRIPTION

Situated in Hunt County, Texas and being a strip or parcel of land, a part of the J. Millsap Survey, Abst. No 781, and within the Corporate Limits of the City of Commerce, and described as follows:

BEGINNING at a point on the Easterly line of 1.531 acres in said Millsap survey conveyed from Biggers to Anglin by deed of record in Vol. 613, page 311 of Hunt County deed records, a stake for corner 185 feet South from N.E. corner of said Biggers to Anglin land, said point being also on Westerly edge of 32 foot street R.O.W.;

THENCE South 20 feet to stake for corner;

THENCE West 166, 3 feet to stake in fence line for corner, said point being on W. Bdry of said Biggers to Anglin land;

THENCE North 20 feet to stake for corner;

THENCE East 166.8 feet to the place of beginning