

**CITY OF MOULTON, TEXAS
ORDINANCE NO. 01102013-002**

AN ORDINANCE RELATING TO THE ABANDONMENT OF A PORTION OF AN ALLEYWAY LOCATED IN THE CITY OF MOULTON AND RELATING TO THE CITY'S SALE AND CONVEYANCE OF THAT PORTION OF AN ALLEYWAY LOCATED IN THE CITY OF MOULTON; REPEALING ANY INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Moulton, Texas ("City") is a municipality incorporated and operating under the Laws of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Section 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the council considers proper for the government, interest, welfare or good order of the City; and

WHEREAS, pursuant to Texas Local Government Code Section 253.001, Section 311.008 of the Texas Transportation Code and other law, the City Council is authorized to abandon property or an alleyway; and

WHEREAS, pursuant to Texas Local Government Code Sections 51.015, 253.001 and 272.001, the City Council is authorized to sell and convey property; and

WHEREAS, the City of Moulton is the owner of an easement and other property interests in that unnamed north-south 20 foot wide alleyway separating Lots 1, 2 and 3, from Lot 12 in Block No. 3 of the City of Moulton according to the map of said city recorded in Volume 123, Page 180 of the Lavaca County Deed Records (the "Alleyway"); and

WHEREAS, the Alleyway may also be described as the northern portion of that unnamed north-south 20 foot wide alleyway separating Property ID 51783 from Property ID 5885, as identified in the Lavaca County Central Appraisal District records; and

WHEREAS, the Alleyway is also described in the attached Exhibit "A".

WHEREAS, the landholders of the properties abutting the Alleyway in the City of Moulton (specifically the owners of Property ID 5885, Property 51783 and Property 5873, as identified by the Lavaca County Central Appraisal District records) have petitioned the City to abandon those portions of the Alleyway that abut their properties and an owner of one of these properties has asked to purchase that Alleyway from the City of Moulton; and

WHEREAS, the City of Moulton finds that the properties that immediately surround the Alleyway will be owned by the same person or entity and that the Alleyway is of no useful purpose to the City of Moulton, and that said Alleyway exists only of the plat of the City; and

WHEREAS, the owner of the properties surrounding the Alleyway wishes to make use of the properties surrounding the Alleyway and the Alleyway in a manner that will promote the economic viability and health of the City of Moulton and provide its citizens with a valuable service; and

WHEREAS, the City of Moulton finds that the abandonment, sale and conveyance of the Alleyway serves a municipal purpose, is in the best interest of the City of Moulton and its citizens, and will promote the health and welfare of the City of Moulton and its citizens; and

WHEREAS, the City of Moulton finds that the abandonment, sale and conveyance of the Alleyway is within the authority of the City Council, is for the good government, peace or order of the City, and is necessary or proper for carrying out a power granted by law to the City for a municipal purpose.

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

SECTION I. LAND ABANDONMENT

Pursuant to the provision of Title 6, Section 311.008 Texas Transportation Code, as amended, the City Council of the City of Moulton hereby vacates and abandons the Alleyway, which is further described on Exhibit "A" attached hereto and incorporated herein, but states that this abandonment shall not extend to or include any portion of Moore Avenue or any portion of that Alleyway which is located south of the northern border of Property ID 5877, as identified in the Lavaca County Appraisal District records, nor shall it include any right of the City to use, locate, maintain or access any currently existing utilities (sewer, water, gas or electric) currently existing on the Property, and specifically including the sewer line and easement described in Exhibit "B" and those electric lines and equipment described in Exhibit "C".

SECTION II. SALE AND CONVEYANCE

Pursuant to Texas Local Government Code §§ 51.001, 51.012, 51.015, 253.001 and 272.001 the City Council of the City of Moulton hereby approves the sale and conveyance of the Alleyway in accordance with the terms of the Deed Without Warranty attached hereto as Exhibit "D" and incorporated herein. The City Council directs the City Administrator to obtain an appraisal of the fair market value of the Alleyway. The City Council further authorizes the City Administrator and the Mayor Pro-Tem to take the actions necessary to finalize the sale of the Alleyway consistent with the fair market value of the Alleyway and the terms of this Ordinance and to execute the conveyance documents, any purchase and sale documents and any other materials consistent with this Ordinance and necessary to fulfill the purpose and intent of this Ordinance.

SECTION III. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

SECTION IV. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION V. EFFECTIVE DATE

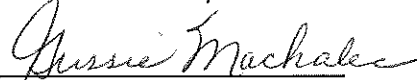
This Ordinance shall take effect immediately upon its passage and publication as may be required by governing law.

SECTION VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 10th day of January, 2013, by a 5 (Ayes)
0 (Nays) 0 (Abstain) vote of the City Council of the City of Moulton, Texas.

CITY OF MOULTON, TEXAS

By: 
Gussie Machalec, Mayor Pro-Tem
City of Moulton, Texas

ATTEST:


Carlene Bradley, City Secretary
City of Moulton, Texas

Lavaca CAD - Map of Property ID 5885 for Year 2013

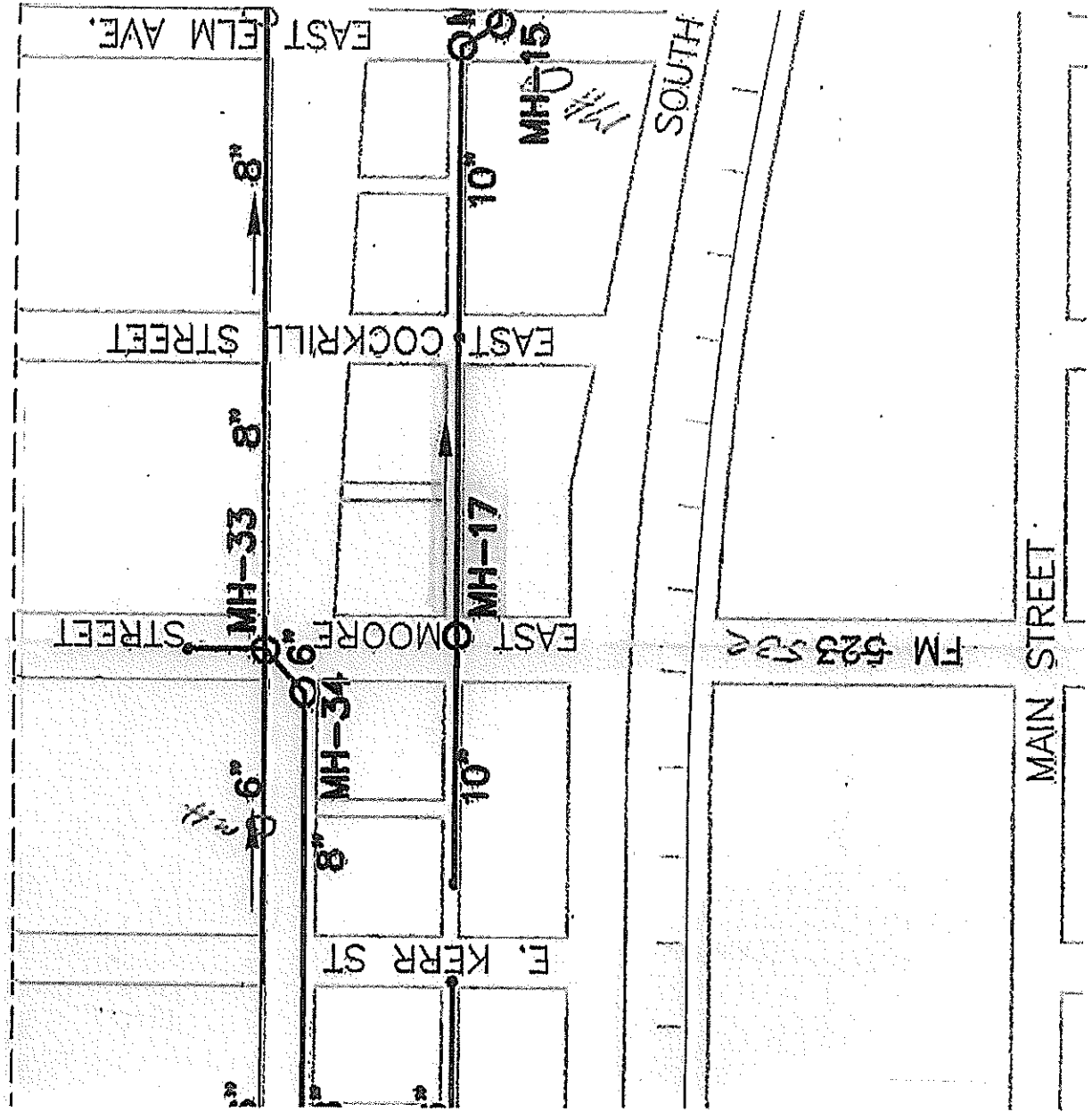


Property Conveyed

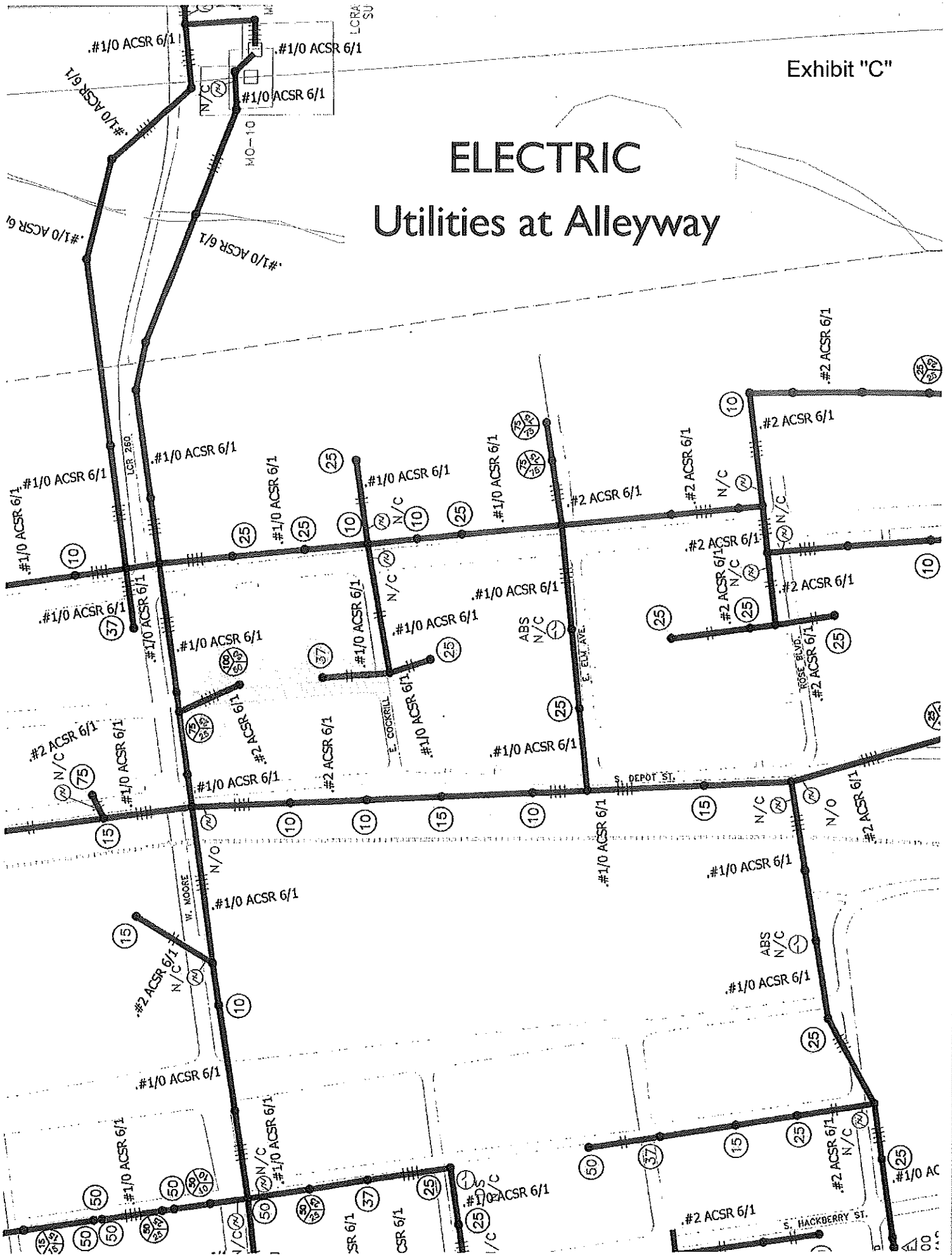
113 Feet

Exhibit "A"

SEWER Utilities at Alleyway (10" Line)



ELECTRIC Utilities at Alleyway



JUN 04 2013

DEED WITHOUT WARRANTY

RECEIVED

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 DRIVER'S LICENSE NUMBER.

Date: May 15, 2013

Grantor: City of Moulton, Lavaca County, Texas

Grantor's Mailing Address:

City of Moulton
102 S. Main
Moulton, Texas 77975
Lavaca County

Grantee: Nazarali Samanani

Grantee's Mailing Address:

Nazarali Samanani
Bless Real Investments, Inc.
1147 Sugar Creek Drive
Sugarland, Texas 77478
Fort Bend County

Consideration:

Good and valuable consideration paid by Grantee to Grantor.

Property (including any improvements):

In the City of Moulton, Lavaca County, Texas, the northern half of that unnamed north-south 20 foot wide alleyway separating Lots 1, 2 and 3, from Lot 12 in Block No. 3 of the City of Moulton according to the map of said city recorded in Volume 123, Page 180 of the Lavaca County Deed Records. The Property conveyed herein shall stop at the southern boundary of Moore Avenue. This is the same alley abandoned by the City of Moulton in Ordinance No. 01102013-002 dated January 10, 2013.

This Property may also be described as the northern portion of that unnamed north-south 20 foot wide alleyway separating Property ID 51783 from Property ID 5885, as identified in the Lavaca County Central Appraisal District records. The portion of the Property and alleyway conveyed herein is bounded on its northern boundary by the southern boundary of Moore Avenue, and shall

not include any portion of that alleyway which is located south of the northern border of Property ID 5877, as identified in the Lavaca County Central Appraisal District records.

The Property is further described in the attached Exhibit "A".

Exceptions to Conveyance and Warranty:

The Property is hereby sold and conveyed by Grantor to Grantee with the following exceptions to conveyance: (1) validly existing easements, rights of way, and prescriptive rights, whether of record or not, with the exception of the City's easement rights to use the surface estate as an alleyway or road; (2) the City's right to continue to locate, use and maintain the existing utilities or utilities easements located on or under the Property including, without limitation, any existing sewer lines, water lines, gas lines and electric lines or equipment located on the Property, (3) all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral leases, and water interests outstanding, and other instruments that affect the Property; (4) validly existing rights of adjoining owners in any walls and fences situated on a common boundary; (5) any discrepancies, conflicts, or shortages in area or boundary lines; (6) any encroachments or overlapping of improvements; and (7) ad valorem taxes for the current year, and prior and subsequent years, if assessed, due and owing, which Grantee shall assume and agree to pay due to change in land usage, ownership, or both.

Reservations from Conveyance:

Grantor hereby reserves from this Conveyance the following rights in the Property, which are expressly excluded and exempted from this sale: (1) Grantor's right to use, locate, maintain and access at all times all utilities that exist on or under the Property, including any sewer lines, water lines, gas lines and electric lines and any existing equipment related or necessary thereto. More specifically, a sewer line and easement exists on the Property in the areas described in the attached Exhibit "B" and an electric line and easement exists, including no less than two electric line poles, electric lines and transformers on the Property in the areas described in the attached Exhibit "C". It is expressly agreed that Grantor shall retain the right to use, locate, maintain and access these utilities.

Conveyance and Conditions to Conveyance:

Grantor, for the Consideration described herein and subject to the Exceptions to Conveyance and Warranty and Reservations from Conveyance and subject to any other conditions names herein, grants, sells and conveys to Grantee any right, title or interest Grantor may have in the Property, including any right vested in Grantor to make use of the surface of the Property as an alleyway or roadway, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever.

The following terms and conditions apply to this conveyance:

AS A MATERIAL PART OF THE CONSIDERATION FOR THIS DEED WITHOUT WARRANTY, GRANTOR AND GRANTEE AGREE THAT GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION TOGETEHER WITH ALL LATENT AND PATENT DEFECTS AND REFLECTS THE AGREEMENT OF THE PARTIES THAT GRANTOR MAKES NO

198334

FILED FOR RECORD
At 1:40 O'Clock P M

MAY 29 2013

ELIZABETH A. KOUBA, CLERK
COUNTY COURT LAVACA CO., TEXAS
By Patricia Moulton Deputy

FILED BY: LUANN DRAKE
PAID & RETURN TO:
CITY OF MOULTON
P.O. BOX 369
MOULTON, TX 77975

COMPARSED

STATE OF TEXAS
COUNTY OF LAVACA
I hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly
recorded in the Volume and Page of the Official
Records of Lavaca County, Texas.

MAY 30 2013

ELIZABETH A. KOUBA
LAVACA COUNTY CLERK
By Patricia Zabransky
Deputy
Vol. 616 Page 180-183

PATRICIA ZABRANSKY

