

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A CERTAIN PORTION OF PURSLEY BOULEVARD (FORMER COUNTY ROAD 786); VACATING, ABANDONING, AND CLOSING THAT PORTION OF THAT STREET; QUITCLAIMING THAT PORTION OF THAT STREET TO THE ADJOINING FEE TITLE OWNER; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST DOCUMENTS TO CARRY OUT THIS ORDINANCE; AND CONTAINING RELATED PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS ("THE CITY"):

Section 1. The term "Street Easement" herein shall mean the portion of Pursley Boulevard (Former County Road 786) described by metes and bounds and shown on the drawing included in the Petition to Abandon Street Easement attached hereto as Exhibit "A" and incorporated herein in full.

Section 2. The City Council hereby finds that all statements contained in this section or in any other part of this Ordinance are true.

- a. The Street Easement is within the city limits of the City of Iowa Colony.
- b. The only property owner whose property abuts the Street Easement has petitioned the City of Iowa Colony, Texas for this Ordinance.
- c. No property relies upon the Street Easement for access, because Pursley Boulevard has been rerouted around the Street Easement.
- d. The owner of the only property that formerly relied upon the Street Easement for access before Pursley Boulevard was rerouted around the Street Easement has petitioned the City for this Ordinance.
- e. There are no utility facilities in the Street Easement.
- f. Utility easements have been included in the new dedicated easements for new streets that now reroute around the Street Easement.
- g. The Street Easement no longer serves any public purpose, convenience, or necessity.
- h. This Ordinance promotes the public health, safety, and welfare.

- i. This ordinance is made in reliance on the and incorporated herein in full.

Section 3. The above defined Street Easement as described by metes and bounds on Exhibit "A" hereto and shown on the map on Exhibit "A" hereto is hereby vacated, abandoned, and closed.

Section 4. This Ordinance shall also serve as a quitclaim as herein stated. The City of Iowa Colony, Texas hereby quitclaims any interest it may hold in the Street Easement, on behalf of the public or otherwise, to the adjoining fee property owner, to have and to hold all of the City's right, title, and interest in and to the above described Street Easement unto the Grantee, and Grantee's successors and/or assigns forever, as herein stated. This quitclaim divides the Street Easement along the centerline of that easement and quitclaims each half separately to the adjoining fee property owner on that side of the Street Easement. This quitclaim is made with absolutely NO WARRANTY, EXPRESS OR IMPLIED, OF ANY KIND WHATSOEVER, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF TITLE, ANY WARRANTY OF MERCHANTABILITY, OR ANY WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE. THE PROPERTY IS QUITCLAIMED AS-IS IN EVERY RESPECT, INCLUDING BUT NOT LIMITED TO THE PHYSICAL CONDITION AND THE TITLE.

Section 5. This ordinance is intended to be effective to abandon, vacate, close, and quitclaim the above described Street Easement. However, the Mayor and City Secretary are hereby authorized to execute and attest, respectively, any other documents necessary or convenient to carry out those actions.

Section 6. If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this order shall remain in full force and effect.

Section 7. This ordinance shall be effective immediately upon its passage and adoption.

READ, PASSED, and APPROVED on the FIRST READING on DECEMBER 19, 2022.

READ, PASSED, APPROVED, and ADOPTED on the SECOND and FINAL READING ON MAY 15, 2023.

CITY OF IOWA COLONY, TEXAS

By: 

WIL KENNEDY, MAYOR

ATTEST:

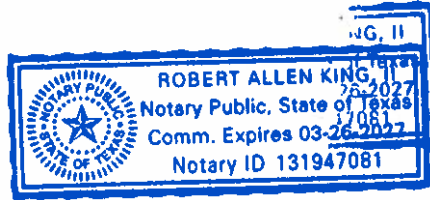

KAYLEEN ROSSER, CITY SECRETARY



THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me, on the 15 day of May, 2023, by Wil Kennedy, as Mayor on behalf of the City of Iowa Colony, Texas.

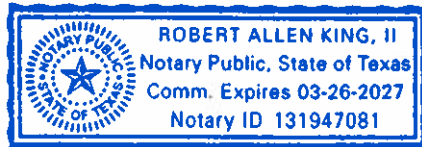


RAK
Notary Public in and for the State of Texas

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me, on the 15 day of May, 2023, by Kayleen Rosser, as City Secretary on behalf of the City of Iowa Colony, Texas.



RAK
Notary Public in and for the State of Texas

**EXHIBIT "A" TO
ORDINANCE ABANDONING A PORTION OF PURSLEY BOULEVARD
(FORMER COUNTY ROAD 786)**

**PETITION TO ABANDON STREET EASEMENT,
INCLUDING METES AND BOUNDS PROPERTY DESCRIPTION AND
MAP**

**PETITION TO ABANDON STREET EASEMENT
(Portion of Pursley Boulevard)**

GR-M1, LTD. and **Toll Southwest, LLC** (jointly and severally called “Petitioners”) hereby petition the City of Iowa Colony to abandon, vacate, and close the portion (herein called “the Street Easement”) of the right of way for Pursley Boulevard (Former County Road 786) described by metes and bounds and shown on the drawing attached hereto as Exhibit “A” and incorporated herein in full.

Pursley Boulevard has been rerouted around the segment (“the Street Easement”) of Pursley Boulevard that is the subject of this petition.

There are no utility facilities in the Street Easement. Utility easements have been included in the new dedicated easements for new streets that now reroute around the Street Easement.

Petitioners are the only owners of any property abutting the Street Easement. No property relies upon the Street Easement for access. Petitioners are the sole owners of all property that formerly relied upon the Street Easement for access before Pursley Boulevard was rerouted around the Street Easement.

Petitioners hereby release and indemnify the City of Iowa Colony, its personnel, and its representatives from any and all claims of any nature whatsoever by any person, liability, damages, attorney’s fees, and costs of defense in any way arising wholly or partially, directly or indirectly, from the granting of this petition, from closing, vacating, or closing the Street Easement, or from quitclaiming the Street Easement to Petitioners, INCLUDING SUCH MATTERS ARISING WHOLLY OR PARTLY, DIRECTLY OR INDIRECTLY, FROM THE NEGLIGENCE OF THE PERSONS INDEMNIFIED.

SIGNATURE PAGES FOLLOW.

GR-M1, LTD.

By: _____

Signature

Name: _____

Title: _____

ATTESTED BY ANOTHER
AUTHORIZED AGENT:

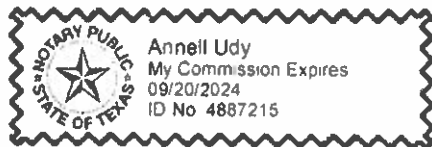
By: _____

Signature

Name: _____

Title: _____

SUBSCRIBED, SWORN AND ACKNOWLEDGED BEFORE ME, by
Matthew Lawson, as the President, on behalf
of GR-M1, LTD., on this 24th day of April, 2022, to certify which witness my hand and seal
of office.



Annel Udy
Notary Public in and for the State of Texas

SUBSCRIBED, SWORN AND ACKNOWLEDGED BEFORE ME, by
_____, as the _____, on behalf
of GR-M1, LTD., on this ____ day of _____, 2022, to certify which witness my hand and seal
of office.

Notary Public in and for the State of Texas

**PETITION TO ABANDON STREET EASEMENT
(Portion of Pursley Boulevard)**

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Petitioners hereby release and indemnify the City of Iowa Colony, its personnel, and its representatives from any and all claims of any nature whatsoever by any person, liability, damages, attorney's fees, and costs of defense in any way arising wholly or partially, directly or indirectly, from the granting of this petition, from closing, vacating, or closing the Street Easement, or from quitclaiming the Street Easement to Petitioners, INCLUDING SUCH MATTERS ARISING WHOLLY OR PARTLY, DIRECTLY OR INDIRECTLY, FROM THE NEGLIGENCE OF THE PERSONS INDEMNIFIED.

SIGNATURE PAGES FOLLOW.

TOLL SOUTHWEST, LLC

By: David Assid
Signature

Name: DAVID ASSID
Title: DIVISION PRESIDENT

ATTESTED BY ANOTHER
AUTHORIZED AGENT:

By: _____
Signature

Name: _____
Title: _____

SUBSCRIBED, SWORN AND ACKNOWLEDGED BEFORE ME, by
David Assid, as the Division President, on behalf
of TOLL SOUTHWEST, LLC on this 11 day of April, 2022, to certify which witness my
hand and seal of office. 2023 18



Tiffany Kay Brandt
Notary Public in and for the State of Texas

SUBSCRIBED, SWORN AND ACKNOWLEDGED BEFORE ME, by
_____, as the _____, on behalf
of TOLL SOUTHWEST, LLC on this ____ day of _____, 2022, to certify which witness my
hand and seal of office.

Notary Public in and for the State of Texas

**ATTACHMENT TO PETITION TO ABANDON STREET
EASEMENT**

METES AND BOUNDS DESCRIPTION WITH MAP

H. T. & B. R.R. COMPANY
ABSTRACT 282, SECTION 61

P.O.B.
TRACT 1
TRACT 2

CALLED 207,892 AC.
GR-M1, Ltd.
B.C.C.F. NO. 2006037042



SCALE: 1" = 300'

LINE	BEARING	DISTANCE
L1	N 87°19'17" E	30.00'
L2	S 87°10'00" W	30.00'
L3	S 87°16'49" W	30.00'
L4	N 87°19'17" E	30.00'

LEGEND

AC.	Acres
FND.	Found
B.C.C.F.	Brazoria County Clerk File
B.C.D.R.	Brazoria County Deed Records
B.C.P.R.	Brazoria County Plat Records
I.R.	Iron Rod
P.O.B.	Point of Beginning
PG.	Page
VOL.	Volume

NOTES:

1. Bearings shown hereon refer to the Texas State Plane Coordinate System of 1983, South Central Zone, as determined by GPS measurements.
2. This exhibit was prepared without the benefit of a current title report, therefore, all easements or other matters of record might not be shown hereon.
3. For additional information about the subject tract, see the metes and bounds description prepared separately.
4. No Visible or apparent improvements or features are shown hereon.

TRACT 2
1.819 ACRES

TRACT 1
1.976 ACRES

CALLLED 162.47 AC.
GR-M1, Ltd.
B.C.C.F. NO. 2006030311

N 02°50'17" W 2,640.84'
S 02°50'17" E 2,640.82'

CALLLED 120.58 AC.
GR-M1, Ltd.
B.C.C.F. NO. 2006048994

N 02°50'17" W 2,869.25'
S 02°50'17" E 2,869.17'

CALLLED 21.7895 AC.
B.C.C.F. NO
2009037981

30' WIDE ROAD ESMT.
VOL. 843, PG. 978,
B.C.D.R.



ENGINEERING THE FUTURE
SINCE 1936

10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINCO.COM
TBPE No. F-726
TBPELS No. 10092300

EXHIBIT MAP OF TWO TRACTS
OF LAND SITUATED IN THE W.H.
DENNIS SURVEY, A-514, AND THE
T. & B. R.R. COMPANY ABSTRACT
287, SECTION 53,
BRAZORIA COUNTY, TEXAS

DATE: December 6, 2022 SCALE: 1" = 300' JOB NO.: 081-011-00
DWG. NAME: 08101100V-EHPC04.dwg DRAWING NO.: NONE

**METES AND BOUNDS DESCRIPTION
TRACT 1
BEING 1.976 ACRES SITUATED IN THE
W.H. DENNIS SURVEY, ABSTRACT 514,
BRAZORIA COUNTY, TEXAS**

A 1.976 ACRE TRACT OF LAND SITUATED IN THE W.H. DENNIS SURVEY, ABSTRACT NO. 514, BRAZORIA COUNTY, TEXAS, BEING A NORTHERLY PORTION OF THAT CERTAIN 30 FOOT WIDE ROAD EASEMENT RECORDED UNDER VOLUME 843, PAGE 978 OF THE BRAZORIA COUNTY DEED RECORDS AND BEING OUT OF A CALLED 120.58 ACRE TRACT OF LAND CONVEYED TO GR-M1 AND RECORDED UNDER BRAZORIA COUNTY CLERKS FILE NUMBER (B.C.C.F. NO.) 2006048994; SAID 1.976 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING, northwesterly corner of said 120.58 acre tract of land, same being the northwesterly corner of said W.H. Dennis Survey and the northeasterly corner of the H. T. & B. R.R. Company Survey, Abstract 287, Section 53;

- (1) **THENCE**, North 87°19'17" East, along the northerly line of said 120.58 acre tract for a distance of 30.00 feet to the northeasterly corner of the herein described tract of land;
- (2) **THENCE**, South 02°50'17" East, parallel to and 30 feet perpendicular from the westerly line of said 120.58 feet for a distance of 2,869.17 feet to the southeasterly corner of the herein described tract being in the southerly line of said 120.58 acre tract;
- (3) **THENCE**, South 87°10'00" West, along the southerly line of said 120.58 acre tract for a distance of 30.00 feet to the southwesterly corner of said 120.58 acre tract;
- (4) **THENCE**, North 02°50'17" West, along the westerly line of said 120.58 feet for a distance of 2,869.25 feet to the **POINT OF BEGINNING** and containing 1.976 Acres of land. This description was prepared in conjunction with an exhibit map (08101100V-2022-EHPC04.DWG) dated December 6, 2022.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPELS NO. 10092300

Date: December 6, 2022

Job No: 081-011-00

File No: R:\2008\081-011-00\documents\technical\Exhibits\2022\08101100V_MB-EHPC04 TRACT 1.docx

METES AND BOUNDS DESCRIPTION
TRACT 2
BEING 1.819 ACRES SITUATED IN THE
H. T. & B. R.R. COMPANY SURVEY, ABSTRACT 287, SECTION 53
BRAZORIA COUNTY, TEXAS

A 1.819 ACRE TRACT OF LAND SITUATED IN THE H. T. & B. R.R. COMPANY SURVEY, ABSTRACT 287, SECTION 53, BRAZORIA COUNTY, TEXAS, BEING ALL OF THAT 30 FOOT WIDE ROAD EASEMENT RECORDED UNDER VOLUME 845, PAGE 416 OF THE BRAZORIA COUNTY DEED RECORDS AND OUT OF A CALLED 162.47 ACRE TRACT OF LAND CONVEYED TO GR-M1 AND RECORDED UNDER BRAZORIA COUNTY CLERKS FILE NUMBER (B.C.C.F. NO.) 2006030311; SAID 1.819 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING, northeasterly corner of said 162.47 acre tract of land, same being the northwesterly corner of said W.H. Dennis Survey and the northeasterly corner of the H. T. & B. R.R. Company Survey, Abstract 287, Section 53;

- (1) **THENCE**, South 02°50'17" East, along the easterly line of said 162.47 feet for a distance of 2,640.82 feet to the southeasterly corner of said 162.47 acre tract;
- (2) **THENCE**, South 87°16'49" East, along the southerly line of said 162.47 feet for a distance of 30.00 feet to the southwesterly corner of the herein described tract;
- (3) **THENCE**, North 02°50'17" West, parallel to and 30 feet perpendicular from the easterly line of said 162.47 acre tract for a distance of 2,640.84 feet to the northwesterly corner of the herein described tract being in the northerly line of said 162.47 acre tract;
- (4) **THENCE**, South 87°19'17" East, along the northerly line of said 162.47 acre tract for a distance of 30.00 feet to the **POINT OF BEGINNING** and containing 1.819 Acres of land. This description was prepared in conjunction with an exhibit map (08101100V-2022-EHPC04.DWG) dated December 6, 2022.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPELS NO. 10092300

Date: December 6, 2022

Job No: 081-011-00

File No: R:\2008\081-011-00\documents\technical\Exhibits\2022\08101100V_MB-EHPC04 TRACT 1.docx