

On: Jun 30, 2006 at 10:39A

ORDINANCE NO. 85 By
Lucinda H. Cordova

AN ORDINANCE APPROVING THE MAYOR'S
AUTHORITY TO EXECUTE FOR AND ON BEHALF OF THE TOWN OF BAYSIDE
CONVEYANCE DOCUMENTS FOR CERTAIN DESCRIBED PROPERTY;
AND PROVIDING FOR PUBLICATION

WHEREAS, the Plat of Saint Mary's Addition to the Town of Bayside, Refugio County, Texas was filed for record on June 16, 1910 and recorded on August 11, 1910 at Volume 1, Page 10, Map Records of Refugio County, Texas; and

WHEREAS, in the year 1913, the owner of certain property attempted to dedicate the following property to the public for extension of a street ("Property"):

The Northeast 44' of Lot Thirteen (13) and the Southwest 22' of Lot Twelve (12), Block Fifty (50), St. Mary's Addition to the Town of Bayside, in Refugio County, Texas, according to the plat of said Addition recorded in Volume 1, Page 10, Map and Plat Records of Refugio County, Texas; and

WHEREAS, the Town of Bayside, as the political subdivision having jurisdiction over such dedication, has never formally accepted the dedication document, and no public improvements have been made to such property; and

WHEREAS the Town of Bayside made no public use whatsoever of the following portion of the Property ("NE/44' of Lot 13"):

The Northeast 44' of Lot Thirteen (13) Block Fifty (50), Wt. Mary's Addition to the Town of Bayside, in Refugio County, Texas, according to the plat of said Addition recorded in Volume 1, Page 10, Map and Plat Records of Refugio County, Texas; and

WHEREAS, the Town of Bayside did not accept the attempted dedication of the NE/44' of Lot 13, no claim of any kind has been made thereto, and the Town of Bayside has therefore executed a Deed Without Warranty dated April 12, 2006 conveying the NE/44' of Lot 13 to Donald J. Foxhall and Naomi Z. Foxhall (aka Naome Z. Foxhall), recorded in Volume 192, Page 284, Official Public Records, Refugio County, Texas ("NE/44' Deed Without Warranty"), in order to avoid a dispute with the grantee claiming title to such NE/44' of Lot 13; and

WHEREAS, the Town of Bayside initially accepted the public dedication of the following property ("SW/22' of Lot 12"):

The Southwest 22' of Lot Twelve (12), Block Fifty (50), Wt. Mary's Addition to the Town of Bayside, in Refugio County, Texas, according to the plat of said Addition recorded in Volume 1, Page 10, Map and Plat Records of Refugio County, Texas; and

WHEREAS, the Town of Bayside has decided not to extend the public street over the SW/22' of Lot 12, and has exchanged such SW/22' of Lot 12 for other property for which the Town of Bayside has an actual public use, such exchange being evidenced by Deed of Exchange dated September 24, 2002, recorded on September 25, 2002, under Doc# 00016983, Official Public Records, Refugio County, Texas ("SW/22' Deed of Exchange") by which the SW/22' of Lot 12 was conveyed by the Town of Bayside to Donald J. Foxhall, aka Don Foxall; and

WHEREAS, prior to conveying the Property, the Town Council has investigated the matter of conveying such property and found such Property unnecessary and unneeded, and that adequate access and right-of-way and public utility easements will still exist for all affected property; and

WHEREAS, the Town Council has found that the conveyance of said Property is necessary for the public safety, health, comfort, convenience and welfare of the Town of Bayside.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAYSIDE, TEXAS:

Section 1. That the Mayor has been authorized to execute on behalf of the Town of Bayside both the SW/22' Deed of Exchange with respect to the SW/22' of Lot 12 and the NE/44' Deed Without Warranty with respect to the NE/44' of Lot 13 to Donald J. Foxhall and wife Naome Z. Foxhall (aka Naomi Z. Foxhall) in accordance with the terms thereof.

Section 2. That the Property is hereby closed and abandoned for all public purposes, including but not limited to each of the following: (a) as a public street; (b) as a public utility easement; and (c) for any other public use.

Section 3. The SW/22' of Lot 12 is hereby declared surplus and unneeded by the Town of Bayside and may be sold for the fair market value of the land as a narrow strip of land pursuant to Section 272.001, Local Government Code in accordance with the SW/22' Deed of Exchange.

Section 4. It is declared that: (a) the NE/44' of Lot 13 is not needed by the Town of Bayside; (b) the NE/44' of Lot 13 was never accepted by the Town of Bayside as a public dedication; (c) a claim to the NE/44' of Lot 13 by the Town of Bayside may result in legal liability and cost to the Town of Bayside by reason of the claim to title by Foxhall; and (d) such NE/44' of Lot 13 may be conveyed by deed from the Town of Bayside, without warranty, according to the terms of the NE/44' Deed Without Warranty.

Section 5. The City Secretary is hereby authorized and directed to publish notice of this Ordinance by the publication of the caption of this Ordinance in the official newspaper of the Town of Bayside on two separate occasions and by recording a certified copy of such Ordinance in the Deed Records of Refugio County, Texas.

PASSED and APPROVED this the 13th day of June, 2006.

THE TOWN OF BAYSIDE

Billy P Fricks
BILLY P FRICKS, MAYOR

ENTERED

ATTEST:

Connie Cramer
Connie Cramer, City Secretary

Filed for Record in:
Refugio County

On: Jun 30, 2006 at 10:39A

As a
Recordings

Document Number: 00023651

Amount 24.00

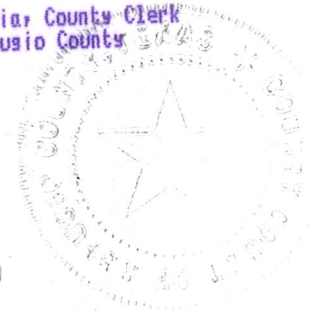
Receipt Number - 37573

By:
Lucinda H. Cordova

STATE OF TEXAS COUNTY OF REFUGIO
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 named records of: OPR
Refugio County
as stamped hereon by me.

Jun 30, 2006

Ruby Garcia, County Clerk
Refugio County



SCANNED

By Lucinda H Cordova Deputy