

**AN ORDINANCE FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED USE OF A 38-FOOT-WIDE ALLEY, IN BLOCK 34, HOUSTON HEIGHTS SUBDIVISION, LYING BETWEEN LOTS 8 THROUGH 24 AND LOTS 25 THROUGH 40 OF SAID BLOCK 34, LOCATED IN THE JOHN AUSTIN SURVEY, ABSTRACT NO. 1, HARRIS COUNTY, TEXAS; ABANDONING THE ALLEY TO SLATE HEIGHTS, LP, THE ABUTTING PROPERTY OWNER, IN CONSIDERATION OF ITS CONVEYANCE TO THE CITY OF A 10-FOOT-WIDE ACCESS EASEMENT, AND OTHER GOOD AND VALUABLE CONSIDERATION; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS, SLATE HEIGHTS, LP, a Texas Limited Partnership, (the "Owner")** has requested that the **CITY OF HOUSTON, TEXAS**, a municipal corporation situated in Harris, Fort Bend and Montgomery Counties, Texas (the "City"), abandon a 38-foot-wide alley within Block 34, Houston Heights Subdivision, lying between Lots 8 through 24 and Lots 25 through 40 of said Block 34, located in the John Austin Survey, Abstract No. 1, Harris County, Texas; and

**WHEREAS**, the Joint Referral Committee of the City has reviewed and approved the Owner's request, and the Director of Houston Public Works has recommended that the alley be abandoned; and

**WHEREAS**, the alley has been appraised by an independent appraiser, whose written appraisal report is available to City Council and has been taken into consideration in determining the action herein taken; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the City Council of the City of Houston, Texas, finds and determines that public convenience and necessity no longer require the continued use of a 38-foot-wide alley within Block 34, Houston Heights Subdivision, lying between Lots 8 through 24 and Lots 25 through 40 of said Block 34, located in the John Austin Survey, Abstract No. 1, Harris County, Texas, consisting of Parcel SY19-062, and being more particularly described by metes and bounds on **EXHIBIT "A"** attached hereto. The alley is hereby sold and abandoned to the Owner.

**Section 2.** That the City Council hereby quitclaims, to Owner, the City's entire right, title, interest, claim and demand in and to Parcel SY19-062, and said parcel is hereby sold to the Owner in consideration of its conveyance to the City of a 10-foot-wide access easement, consisting of Parcel AY19-121, between West 25<sup>th</sup> Street and West 26<sup>th</sup> Street, also located in the John Austin Survey, Abstract No. 1, Harris County, Texas, Houston Heights Subdivision, and being more particularly described by metes and bounds on the **EXHIBIT "B,"** attached hereto, and other good and valuable consideration.

**Section 3.** That the conveyance of the 10-foot-wide access easement to the City shall be effected by an easement conveyance document substantially in the form of the Easement Conveyance Document attached hereto as an **EXHIBIT "C"** and made a part hereof, with such changes as may be approved by the City Attorney or his designees.

**Section 4.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five (5) days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Charter of the City of Houston, Texas.

**PASSED AND ADOPTED** this 23rd day of September, 2020.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Charter of the City of Houston, Texas, the effective date of the foregoing Ordinance is SEP 29 2020.

[Signature]  
City Secretary

Prepared by Legal Dept.  
[Signature], 2020

[Signature]  
Holland S. Banks  
Assistant City Attorney

(Requested by Carol Ellinger Haddock, P.E., Director, Houston Public Works, City of Houston.)

CAPTION PUBLISHED IN DAILY COURT  
REVIEW  
DATE: SEP 29 2020

AYE	NO	
✓		<b>MAYOR TURNER</b>
....	....	<b>COUNCIL MEMBERS</b>
✓		PECK
✓		DAVIS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	

**EXHIBIT "A"**  
**[PARCEL SY19-062]**



**EXHIBIT "B"**  
**[PARCEL AY19-121]**



**EXHIBIT "C"**  
**EASEMENT CONVEYANCE DOCUMENT**

**EASEMENT CONVEYANCE**

**STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §**

**GRANTOR(S):**

**Slate Heights, LP, a Texas Limited Partnership**

**GRANTOR'S MAILING ADDRESS:**

9811 Katy Freeway, Suite 925  
Houston, Texas, 770024

**GRANTEE:**

**CITY OF HOUSTON, a municipal corporation situated in Harris, Fort Bend and Montgomery Counties, Texas**

**GRANTEE'S MAILING ADDRESS:**

P.O. Box 1562  
Houston, TX 77521

**CONSIDERATION:**

TEN DOLLARS AND NO/100 (\$10.00) and other good and valuable consideration.

**PROPERTY:**

A 0.0344 acre (1,500 square foot) easement for access purposes (the "Easement"), situated in the Houston Heights Subdivision, located in the John Austin Survey, Abstract No. 1, Harris County, Texas, being out of and a part of a portion of Lot 8, Block 34 and a portion of the 38-foot-wide alley in Block 34, Houston Heights Subdivision, a portion of Restricted Reserve "A", Block 1, Shady Acres Church of Christ, and being more particularly described by metes and bounds in **EXHIBIT "A"** attached hereto and made a part hereof (the "Property").

This conveyance of the Easement is made subject to all restrictions, covenants, conditions, rights-of-way, easements, mineral reservations and royalty reservations of record, if any, in the office of the County Clerk of Harris County, Texas, but only to the extent that the same are valid and subsisting, are binding upon municipalities, and affect the Property.

Grantee shall have such access across, along, under and upon the Property, and may enter upon such Property to engage in such activities as may be necessary, requisite, convenient or appropriate in connection therewith. Grantee's rights in and to the Property

shall include, without limitation, the right to clear and remove trees, growth and shrubbery from within the Easement, and the right to bring and operate such equipment thereupon as may be necessary or appropriate to effectuate the purpose for which this Easement is granted.

Grantor, for the Consideration, grants, sells and conveys to Grantee the Easement in and to the Property, together with, all and singular, the rights and appurtenances thereto in a wise belonging, to have and to hold it to Grantee and Grantee's successors and assigns for the term of the Easement. Grantor binds Grantor and Grantor's successors and assigns to warrant and defend, for the term of the easement, all and singular, the Easement in and to the Property to Grantee and Grantee's successors or assigns against every person whosoever lawfully claiming or to claim the same or any part thereof, except as to the exceptions to conveyance and warranty set forth above, by, through or under Grantor, but not otherwise.

**IN WITNESS WHEREOF**, these presents have been executed by Grantor(s) to this \_\_\_\_ day of \_\_\_\_\_, 2020.

**Grantor:**

**Slate Heights, LP, a Texas limited partnership,  
By: Slate Heights GP, LLC, a Texas limited liability company**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**THE STATE OF TEXAS       §**

**COUNTY OF HARRIS       §**

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_, \_\_\_\_\_, of **Slate Heights GP, LLC**, a Texas limited liability company and general partner of **Slate Heights, LP**, a Texas limited partnership, on behalf of said entity.

\_\_\_\_\_  
Notary Public, State of Texas

**(Notary Seal)**

\_\_\_\_\_  
Holland Banks  
Assistant City Attorney  
Parcel No: AY19-121

**EXHIBIT A**

