

AN ORDINANCE #24

AUTHORIZING THE MAYOR AND TOWN SECRETARY TO SIGN THE ATTACHED WARRANTY DEED GRANTING PARCEL "B" TO JOHN H. SCOTT AND SHARON MARIE SCOTT: AND, AUTHORIZING SAID MAYOR AND TOWN SECRETARY TO ACCEPT AND PROPERLY RECORD THE ATTACHED WARRANTY DEED GRANTING PARCEL "A" TO THE TOWN OF BAYSIDE UPON THE COMPLETION OF CERTAIN PREREQUISITIES.

BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BAYSIDE, REFUGIO COUNTY, TEXAS;

WHEREAS, John H. Scott and Sharon Marie Scott, his wife, are owners of a narrow strip of land, to-wit: parcel "A", incapable of being used independently, which land abuts, and is adjacent to useable land owned by the Town of Bayside, Texas; and

WHEREAS, the Town of Bayside, Texas, is the owner of similar narrow strip of land, to-wit: parcel "B" which is also incapable of being used independently, which land abuts, and is adjacent to useable land owned by John H. Scott and Sharon Marie Scott, his wife; and

WHEREAS, all parties would be greatly enriched and benefited by a like kind exchange of said parcels of realty, including the residents of the Town of Bayside, Texas, being equitable in these premises; and

WHEREAS, Articles 962 and 5431c-12 specifically authorize this Town Board to dispose of such parcels of realty, in this manner, without bids or publication; and

WHEREAS, the Town of Bayside is receiving at least the fair market value of the land it is conveying.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN BOARD OF THE TOWN OF BAYSIDE, TEXAS:

Section 1: The Mayor and Town Secretary shall not convey parcel "B" described as follows:

Being 5785 square feet of land out of that part of Third Street of the St. Mary's Addition to Bayside as recorded in Volume 1, Page 10, Map Records of Refugio County, Texas, that was abandoned with the construction of F. M. Highway 1257 (formerly F. M. Highway 136), and is more particularly described by metes and bounds as follows, to-wit:

Beginning at a 1 1/2" iron pipe 4 feet high found at the intersection of the western right-of-way line of F.M. Highway 1257 and northwest line of said Third Street and southeast line of Farm Tract 590 of Burton and Danforth's addition to the Bayside Colony as recorded in Volume 1, Page 9, Map Records of Refugio County, Texas, and the north corner of this survey; from whence the south corner of said Farm Tract 590 at a corner in the northwest line of Third Street bears S. 48° 00' W., 559.5 feet;

Thence, S. 48° 00' W., with the southeast line of Farm Tract 590 and northwest line of Third Street, 295.22 feet to a 3/4" iron pipe set for the west or southwest corner of this survey;

Thence, due East, a distance of 57 feet to a 3/4" iron pipe set in the western right-of-way line of F.M. Highway 1257, for the southeast corner of this survey;

Thence with the western right-of-way line of said highway as follows:

N. 35° 52' E., 183.7 feet to a 1/2" iron rod;

N. 35° 24' E., 72.1 feet to the Place of Beginning, Containing 5785 square feet of land, more or less.

Until the following has taken place:

- A. The Mayor and City Secretary receive a release of Vendor's Lien now recorded against parcel "A" in favor of the First National Bank of Woodsboro, Texas recorded in Volume 226, page 484 of the Deed Records of Refugio County, Texas, and additionally secured by a Deed of Trust to Jack J. Hinkle, Trustee recorded in Volume 111, page 143 of the Deed of Trust Records of Refugio County, Texas
- B. That the Mayor and Town Secretary shall not convey said parcel "B" until they shall also receive a lien free current commitment for title insurance, from a solvent and bona fide title insurance company, in an amount representing the fair market value of said parcel "A" described as follows:

Being 5785 square feet of land out of that certain two acre tract conveyed by Jack Gumm and wife, Lucille Gumm, to John H. Scott and wife, Sharon Marie Scott, by deed dated November 13, 1978, as recorded in Volume 226, Page 484, of the deed records of Refugio County, Texas, and is located in the southern portion of that part of said two acres that lies east of F.M. Highway 136, and is also a part of Farm Tract 590, of the Burton and Danforth St. Mary's Addition to the Bayside Colony, as recorded in Volume 1, Page 9, of the Map Records of Refugio County, Texas, and is more particularly described by metes and bounds as follows, to-wit:

Beginning at a 1½" iron pipe 4 feet high found at a corner of the Western line of Third Street (now abandoned) of the St. Mary's Addition to Bayside according to the established Map recorded in Volume 1, Page 10, of the Map Records of Refugio County, Texas, the south corner of Farm Tract 590, the south corner of said two acre tract and the south corner of this survey;

Thence, N. 48° 00' E., with the northwest line of Third Street and southeast line of said two acre tract, 264.28 feet to a 3/4" iron pipe set for the northeast corner of this survey,

Thence, due West, a distance of 62.1 feet to a 3/4" iron pipe set in the eastern right-of-way line of F. M. Highway 136 for the northwest corner of this survey;

Thence with the eastern right-of-way line of said highway with a slight curve, to the right as follows:

S. 36° 23' W., 16.6 feet; S. 37° 53' W., 100 feet;

S. 39° 03' W., 100 feet to a 3/4" iron pipe set in the West line of Farm Tract 590, and also the West line of said two acre tract for a corner of this survey;

Thence, due South, with the West line of Farm Tract 590 and said two acre tract, 6.8 feet to the Place of Beginning, Containing 5785 square feet of land, more or less.

- C. The Mayor and Town Secretary shall not convey said parcel "B" until they shall receive a duly executed warranty Deed to said parcel "A", a copy of which deed is attached hereto and incorporated herein for all purposes.

Section 2: The exchange of all documents may be done at the time of closing.

Section 3: All deeds and releases shall be promptly recorded by the Mayor or Town Secretary, when received by them from the Scotts and the lineholders.

Section 4: Upon receipt of the aforesaid deed/parcel "A", from the Scotts, and upon receipt of the duly executed releases of liens aforesaid, and upon the receipt of the aforesaid commitment for title insurance, the Mayor and Town Secretary are thereby and hereby authorized to execute and convey the warranty deed to parcel "B", a copy of which is attached hereto and incorporated herein by reference for all purposes.

Section 5: This ordinance shall become effective upon its passage-due to the urgent nature of, and the need for prompt action on the matter, as so declared by the Mayor and found by the Town Board, thus justifying suspension of the rules, IT IS ACCORDINGLY SO ORDAINED, this 13th day, of May, 19 85.

ATTEST:

W. J. Johnson
Town Secretary

W. D. Buchanan
Mayor
Town of Bayside, Texas

APPROVED AS TO FORM:

15th day, of April, 19 85.

Mary R. Collina
Mary R. Collina
Town Attorney