

RESOLUTION NO. 2002-108 R

A RESOLUTION ABANDONING A 10' UTILITY EASEMENT LOCATED ON LOT 57R, BLOCK 1, NORTHGATE SUBDIVISION #1, RESUBDIVISION #1, VICTORIA COUNTY, TEXAS, ALSO KNOWN AS 913 EDEN ROC, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED TO THE OWNER OF THE UNDERLYING FEE ESTATE ; AND DECLARING AN EFFECTIVE DATE.

The owner of 913 Eden Roc, Billie B. Cole, has requested that the city abandon a 10' utility easement that is located along the west side of the property line of the lot. The subject property is currently going through the City's Minor Plat process and portions of Lots 56 & 57 are being replatted into one lot.

The City of Victoria has no utilities within the easement but has suggested that at 10' utility easement be provided along one of the interior property lines, in order to serve Navarro from the Eden Roc line; and

The City Council finds the section of the easement on the aforementioned property is no longer necessary for City or other utility uses.

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

1.

The City Council of the City of Victoria vacates and abandons, subject to final negotiations of terms mutually agreeable to all parties, the 10' utility easement located on Lot 57R, Block 1, Northgate Subdivision #1, Resubdivision #1, an addition to the City of Victoria, Victoria County, Texas, otherwise known as 913 Eden Roc, Victoria, Texas, as depicted on Exhibit "A".

2.

The City Manager, Denny L. Arnold, is authorized to execute on behalf of the City of Victoria a Quitclaim Deed conveying the abandoned portion of the aforementioned utility easement to the owner of the underlying fee estate, subject to final negotiations of terms mutually agreeable to all parties and the owner's dedication of a 10' utility easement along one of the interior side lot lines in a form approved by the City Attorney.

3.

This resolution shall become effective immediately upon adoption.

PASSED, this the 16th day of July, 2002.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 16th day of July, 2002.



ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

Gary Middleton
GARY MIDDLETON, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

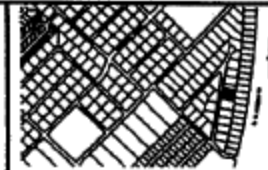
David Atmar-Smith
DAVID ATMAR-SMITH, City Attorney

Distribution: Legal Department
Planning Department

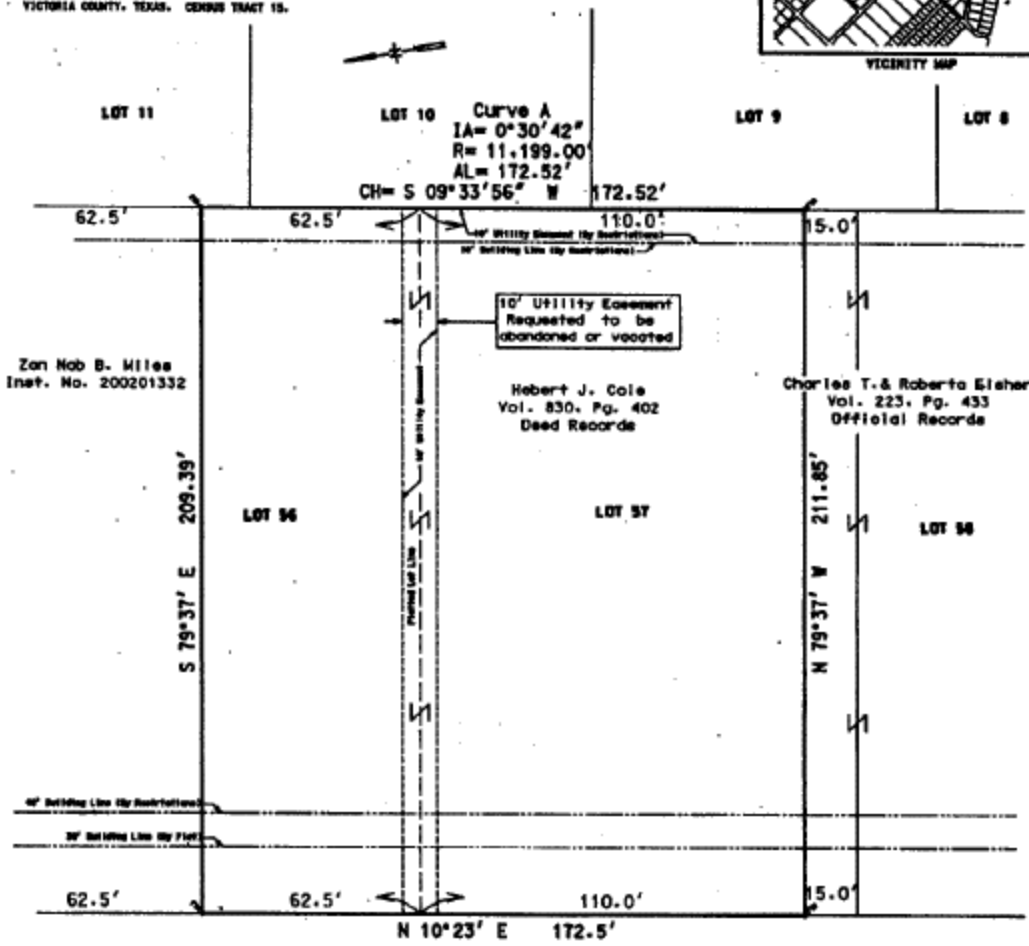
Copies Sent: JULY 17, 2002

LOT SURVEY

BEING THE SOUTH ONE-HALF OF LOT NO. FIFTY-SIX (1/2 OF 56) AND THE NORTH ONE HUNDRED TEN FEET OF LOT NO. FIFTY-SEVEN (110' OF 57), IN BLOCK NO. ONE (1), OF NORTHDATE TRACTS SUBDIVISION NO. 1, A SUBDIVISION TO THE CITY OF VICTORIA, VICTORIA COUNTY, TEXAS. CENSUS TRACT 15.



VICINITY MAP



Zan Nob B. Miles
Inst. No. 200201332

Hebert J. Cole
Vol. 830, Pg. 402
Deed Records

Charles T. & Roberta Eleher
Vol. 223, Pg. 433
Official Records

EDEN ROC ST. (60.0' R.O.W.)

TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE TITLE COMPANY:

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUNDS OF THE PROPERTY LEGALLY DESCRIBED HEREON ON 5/13/2008, AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, ENCUMBRANCES OR RIGHTS OF WAY, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DESIGNATED HIGHWAY.

ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FOR THE CITY OF VICTORIA, VICTORIA COUNTY, TEXAS, COMMUNITY PANEL NUMBER 49024 0005 G, MAP REVISED JULY 21, 1999, THE SUBJECT PROPERTY IS LOCATED IN ZONE X WHICH IS NOT A SPECIAL FLOOD HAZARD AREA.

SIGNED: Terry T. Rudick
TERRY T. RUDICK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 4943
6/5/02



- Note:
- The referenced lot is subject to:
 - Survey Title Search Performed and Provided by Dallas Title Services, Inc. of No. 001201-01.
 - Restrictions recorded in Volume 1, Page 48, First Records and Volume 911, Page 29, Second Records.

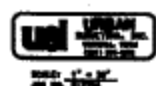


Exhibit "A"