

RESOLUTION NO. 13-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS, AUTHORIZING THE CITY MANAGER TO PERFORM ACTIONS ON BEHALF OF THE CITY OF COMMERCE IN EXECUTION OF GENERAL WARRANTY DEED BY AND FROM CITY OF COMMERCE, TEXAS UNDER LOCAL GOVERNMENT CODE TITLE 8, SUBTITLE C, CHAPTER 272; AND GRANTING AUTHORITY TO THE CITY MANAGER TO EXECUTE SAID RESOLUTION AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE CITY MANAGER'S SIGNATURE TO THIS RESOLUTION AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL INSTRUMENTS REQUISITE TO THIS RESOLUTION AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE CITY MANAGER'S SIGNATURE TO SAID INSTRUMENTS.

WHEREAS, the City of Commerce, Texas is the owner of a tract of land known as S5074 SULLIVAN ADDITION PHASE I REPLAT LOT A (GREEN BELT DEDICATION), Hunt County, Texas, (the "Property"), which is no longer needed for municipal use; and

WHEREAS, the tract is a narrow strip of land, that because of its shape, lack of access to public roads, and small area, cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances, and may be sold without public bid to the abutting owner under Local Government Code Title 8, Subtitle C, Chapter 272; and

WHEREAS, Shane Kyle Lowe, an abutting property owner, proposes to accept conveyance of said property from the City of Commerce, Texas; **Now, therefore**,

BE IT RESOLVED by the governing body of the City of Commerce (the "Governmental Agency"), at a duly called meeting of the governing body held on June 17, 2014, the following resolution was introduced and adopted:

SECTION 1. That City Manager for the City of Commerce is authorized to execute a Special Warranty Deed, to be attested by the City Secretary upon approval as to form by the City Attorney, to assign and convey to Shane Kyle Lowe a portion of the property known as S5074 SULLIVAN ADDITION PHASE I REPLAT LOT A (GREEN BELT DEDICATION) of the City of Commerce, Hunt County, Texas, under Title 8, Subtitle C, Chapter 272 of the Local Government Code. The Special Warranty Deed is subject to the conditions contained in Section 2.

SECTION 2. That the Special Warranty Deed shall provide that the conveyance to Shane Kyle Lowe ("Grantee") is subject to the following:

- (a) any visible and apparent easements and any encroachments whether of record or not; and
- (b) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interest, mineral leases or other instruments of record and applicable to the property or any part thereof; and

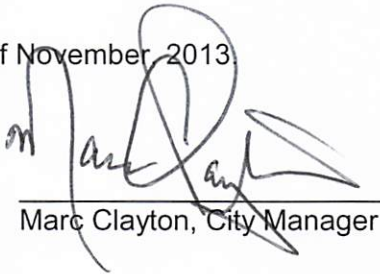
- (c) to the maximum extent allowed by law, (i) Grantee is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS"; and (ii) Grantee assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired.

SECTION 3. That if a title policy is desired by Grantee, same shall be at the expense of said Grantee.

SECTION 4. That the conveyance shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by Grantee.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Commerce, Texas, and it is accordingly so resolved.

PASSED AND APPROVED this 19th day of November, 2013.



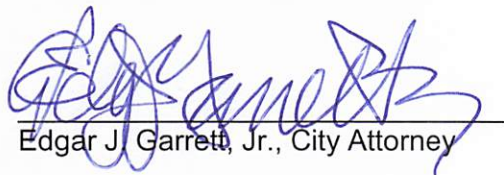
Marc Clayton, City Manager

ATTEST:



Marty Cunningham, City Secretary

APPROVED AS TO FORM:



Edgar J. Garrett, Jr., City Attorney