

RESOLUTION NO. 15-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS, AUTHORIZING THE VACATION AND ABANDONMENT OF PROPERTY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH VACATION AND ABANDONMENT; AUTHORIZING THE CITY MANAGER TO PERFORM ACTIONS ON BEHALF OF THE CITY OF COMMERCE IN EXECUTION OF SPECIAL WARRANTY DEED BY AND FROM CITY OF COMMERCE, TEXAS ON PROPERTY VACATED AND ABANDONED BY CITY OF COMMERCE, TEXAS; 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 a City incorporated and operating under the laws of the State of Texas, which has the authority under Chapters 282 and 253 of the Local Government Code, as amended, to vacate, abandon and close municipal building sites, by ordinance, when such action is in the best interest of and serves the public purpose; and

WHEREAS, the City of Commerce, Texas currently owns real estate known as 1201 Alamo, Property ID #54273, S4380, Origin Town of Commerce, Blk 10, Lot 8B (E1/2), Commerce, Hunt County, Texas (the "Property").

WHEREAS, the Property to be abandoned and vacated is not currently in use by the City of Commerce and is not open to the public; and

WHEREAS, the City Council of the City of Commerce, Texas, finds and declares that it is in the best interest of all of the citizens of the City of Commerce, Texas that the Property be vacated and abandoned by allowing the improvement of said property and eliminating the obligation of the City to maintain the same.

WHEREAS, the Property was publicly advertised for sale by the City of Commerce, Texas, and one bid was received in the amount of \$1,250.0000 (One thousand, two hundred and fifty and No/100 Dollars).

WHEREAS, the City of Commerce, Texas wishes to sell the Property to the highest and best bidders with the highest and best bid, said bidders being Jordan Garrett with said bid of \$1,250.00 (One thousand, two hundred and fifty and No/100 Dollars).

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 January 20, 2015, the following resolution was introduced and adopted:

SECTION 1. That the Property known as 1201 Alamo, Property ID #54273, S4380, Origin Town of Commerce, Blk 10, Lot 8B (E1/2), Commerce, Hunt County, Texas and that is made a part of this resolution for all

purposes, be, and the same are hereby abandoned and vacated insofar as the right, title or easement of the public is concerned.

SECTION 2. That said Property known as is not needed for municipal purposes and it is in the public interest of the City of Commerce, Texas to abandon said described property.

SECTION 3. 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 Jordan Garrett the property known as 1201 Alamo, Property ID #54273, S4380, Origin Town of Commerce, Blk 10, Lot 8B (E1/2), Commerce, Hunt County, Texas. The Special Warranty Deed is subject to the conditions contained in Section 4.

SECTION 4. That the Special Warranty Deed shall provide that the conveyance to Jordan Garrett ("Grantees") is subject to the following:

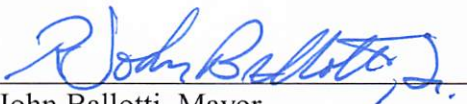
- (a) any visible and apparent easements and any encroachments whether of record or not; and
- (b) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interest, mineral leases or other instruments of record and applicable to the property or any part thereof; and
- (c) to the maximum extent allowed by law, (i) Grantees are taking the Property "AS IS, WHERE IS, WITH ALL FAULTS"; and (ii) Grantees assume all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired.

SECTION 5. That if a title policy is desired by Grantees, same shall be at the expense of said Grantees.

SECTION 6. 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 Grantees.

SECTION 7. 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.

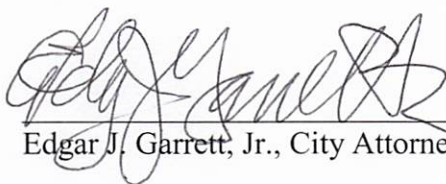
PASSED AND APPROVED this 20th day of January, 2015.


John Ballotti, Mayor

ATTEST:

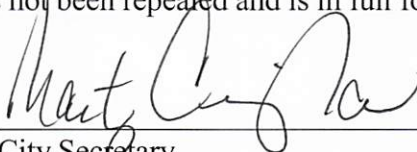

Marty Cunningham, City Secretary
(seal)

APPROVED AS TO FORM:

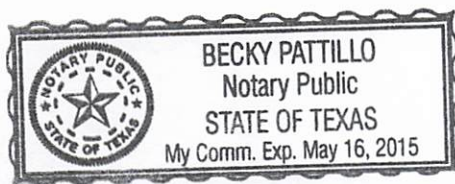

Edgar J. Garrett, Jr., City Attorney

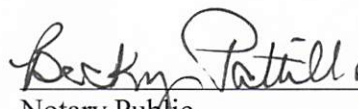
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a resolution, and that the same has not been repealed and is in full force and effect.

(Seal)


City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 21st day of January, 2015, to certify which witness my hand and seal of office.




Notary Public,
State of Texas