

RESOLUTION 2022- 46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS, APPROVING THE REPLAT OF PROPERTY ID #81646, AN APPROXIMATELY 0.1672 ACRE LOT, MORE SPECIFICALLY DESCRIBED AS S5150 W J TAYLOR ADDITION #1, BLK 4, LOT 4, LOCATED WITHIN THE CITY LIMITS OF COMMERCE, TEXAS; AND ABANDONING THE CONTINGUOUS ALLEY IN CLOSEST PROXIMITY TO SAID PROPERTY; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Commerce, Texas is a home-rule municipality; and

WHEREAS, pursuant to the Texas Local Government Code Section 212 and Appendix B, Section 2.6 of the Commerce Code of Ordinances, the City Council is required to take action regarding certain plats; and

WHEREAS, Walter Remaley of the Moore St. Commons, ("the Applicant") has submitted a Replat for Property ID #81646, a residential lot, zoned A-2; and

WHEREAS, the Replat is consistent with comprehensive plans designating A-2 and requirements of the Apartment-Dwelling (A-2) Zoning; and

WHEREAS, the Subject Alley never appears to have been utilized by the Public or utilized for infrastructure improvements within the City of Commerce, and certain improvements could or have been constructed within the alley for private use; and

WHEREAS, a public hearing was held and the replat was recommended unanimously for approval by the Planning & Zoning Commission on October 12, 2022; and

WHEREAS, the City of Commerce Community Development Department has reviewed the above referenced plat and found it is in compliance with state law and the City's Code of Ordinances, and the Texas Local Government Code Section 212 governing replats; and

WHEREAS, notice of the subdivision were sent in accordance with the Subdivision Ordinance to notify the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS:

Section 1: The Replat of Property ID #81646, Blk 4, Lot 4, of the Moore St. Commons at 1405 Moore St., within the city limits of Commerce, Texas is hereby approved for recording, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

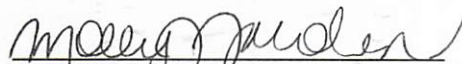
Section 2: All orders, ordinances, and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 3: That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED BY THE GOVERNING BODY of the City of Commerce, Texas, at a regular meeting of the City Council of Commerce, Texas, on the 18th day of October 2022.

ATTEST:

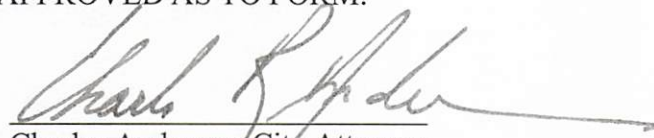
CITY OF COMMERCE


Molly Jacobsen, City Secretary


Teddy Reel, Mayor

(Seal)

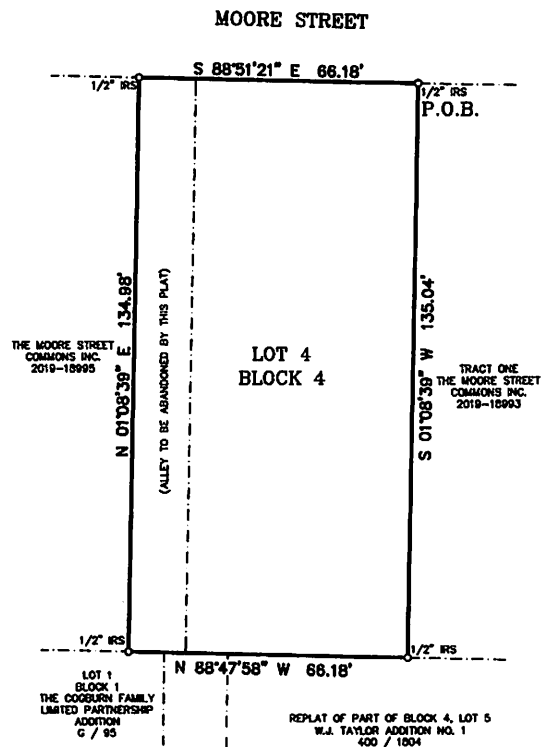
APPROVED AS TO FORM:


Charles Anderson, City Attorney

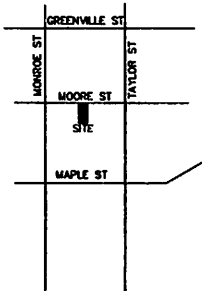
I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a resolution, and that the same has not been repealed and is in full force and effect.

(Seal)


Molly Jacobsen, City Secretary
City of Commerce



VICINITY MAP



SCALE: 1" = 20'

LEGEND

* POWER POLE
 * WATER VALVE
 * WATER METER
 * GAS METER
 * MAILBOX
 * GLENN OUT
 * ELECTRIC METER
 * TELEPHONE POLE/ST.

* 1" = 1" WOOD FENCE
 * 1" = 1" BRICK FENCE
 * 1" = 1" CHAIN LINK FENCE



Owens Land Surveying

www.owenslandsurveying.com (903) 450-9837 / (903) 450-9875

FIRM REG. CERT. #10022400
P.O. BOX 1025
GREENVILLE, TX 75403

Owner:
Moore St Commons, Inc.
4536 CR 2604
Caddo Mills, Tx. 75113

Surveyor:
Owens Land Surveying
P.O. Box 1025
2616 Stanswell Street
Greenville, Tx. 75402
(903) 450-9837

OWNER'S CERTIFICATE

WHEREAS MOORE ST COMMONS, INC. is the owner of a tract or parcel of land situated in City of Commerce, Hunt County, Texas and being further described as follows:

LEGAL DESCRIPTION

BEING a tract or parcel of land situated within the City of Commerce, Hunt County, Texas, being part of Lot 4 and part of the alley, Block 4 of the W.J. TAYLOR ADDITION, an Addition to the City of Commerce, Hunt County, Texas according to the Plat thereof recorded in Volume 118 at Page 454 of the Deed Records of Hunt County, Texas, also being all of Tract Two as described in a General Warranty Deed from SPKR Equities, Corp to The Moore St. Commons, Inc. as recorded in Deed Document No. 2019-18993 of the Official Public Records of Hunt County, Texas and being further described as follows:

BEGINNING at a 1/2 inch iron rod set for a corner at the northeast corner of subject tract on the south line of Moore Street;
THENCE S 01°08'39" W along the east line of subject tract, a distance of 135.04 feet to a 1/2 inch iron rod set for a corner at the southeast corner of subject tract;
THENCE N 88°47'58" W a distance of 66.18 feet to a 1/2 inch iron rod set for a corner;
THENCE N 01°08'39" E along the west line of said alley, a distance of 134.98 feet to a 1/2 inch iron rod set for a corner on the south line of Moore Street;
THENCE S 88°51'21" E along the south line of Moore Street, a distance of 66.18 feet returning to the Point of Beginning and containing 0.205 acre of land

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, MOORE ST COMMONS, INC., acting herein by and through its duly authorized officers, does hereby adopt this plat designating the heretofore described property as REPLAT OF LOT 4 AND PART OF THE ALLEY, BLOCK 4 OF W.J. TAYLOR ADDITION, an Addition to the City of Commerce, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Commerce. In addition, utility easements may also be used for the mutual use and accommodations of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Commerce's use thereof. The City of Commerce and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easement. The City of Commerce and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of construction, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Commerce, Texas.

WITNESS MY HAND this _____ day of _____, 2022.

Owner

STATE OF TEXAS:
COUNTY OF _____

BEFORE ME, the undersigned authority, a Notary Public in and for _____ County, Texas, on this day personally appeared the person(s) whose name(s) is (are) subscribed to the foregoing instrument and they acknowledge same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2022.

Notary Public in and for _____ County, Texas

SURVEYOR'S CERTIFICATE

I, Donald S. Holder, Registered Professional Land Surveyor, State of Texas, hereby certify that the description and plat herein are taken from actual measurements upon the ground and are true and correct to the best of my knowledge and belief this the 12 day of SEP 2022, and the monuments shown thereon have been found or set under my supervision and their location, size and material description are correctly shown.

Donald S. Holder
Donald S. Holder
R.P.L.S. No. 5266

STATE OF TEXAS:
COUNTY OF _____

BEFORE ME, the undersigned authority, a Notary Public in and for _____ County, Texas, on this day personally appeared the person(s) whose name(s) is (are) subscribed to the foregoing instrument and they acknowledge same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 13 day of September 2022.

Notary Public in and for Hunt County, Texas

CERTIFICATE OF APPROVAL

Approved, Planning and Zoning, City of Commerce, Texas.

Planning and Zoning Chairperson _____ Date _____

Approved, City Manager, City of Commerce, Texas.

City Manager _____ Date _____

Attest: City Secretary, City of Commerce, Texas.

City Secretary _____ Date _____

NOTES:

1. Hearings are based on WGS84.
2. According to the Flood Insurance Rate Map No. 48231C02850 dated January 6, 2012, published by the Federal Emergency Management Agency, the subject property lies within Flood Zone "X" and is not shown to be within a special flood hazard area. This statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

**REPLAT OF LOT 4 AND
PART OF THE ALLEY,
BLOCK 4 OF W.J.
TAYLOR ADDITION**
CITY OF COMMERCE
HUNT COUNTY, TEXAS
0.205 ACRE
SEPTEMBER, 2022

Owner:
Moore St Commons, Inc.
4536 CR 2604
Caddo Mills, Tx. 75113

Surveyor:
Owens Land Surveying
P.O. Box 1025
2616 Stanswell Street
Greenville, Tx. 75402
(903) 450-9837



DATE: SEPT. 1, 2022
DRAWN BY: S. HOLDER

SCALE: 1" = 20'
JOB NO.: 2022-368