

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

**RESOLUTION AND ORDER TO ABANDON AN ALLEY AT THE FOLLOWING LOCATION:**

**AN APPROXIMATELY 0.1226 ACRE 20' ALLEY IN BLOCK 8 OF THE FRESNO TOWNSHIP SUBDIVISION, IN FORT BEND COUNTY, TEXAS ("SUBJECT ALLEY") AS DESCRIBED AND DEPICTED IN THE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.**

WHEREAS, the land occupied by streets as shown on the plat recorded in Volume 2, Page 5 to of the Official Public Records of Fort Bend County on July 26, 1911 was dedicated to the use of the public ("Public") by the owner within such plat; and

WHEREAS, the plat does not specifically provide the same type of dedicatory language for alleys shown on the plat; and

WHEREAS, it is unclear that absent an express dedication of the alleys, the owner intended to dedicate the alleys shown on the plat and there is no evidence available to suggest Fort Bend County (the "County") took any action to accept the alleys on behalf of the Public for public use; and

WHEREAS, the Fort Bend County Appraisal District records currently reflect ownership of the Subject Alley in the name of the County, on behalf of the Public; and

WHEREAS, the Subject Alley never appears to have been utilized by the Public and certain improvements have been constructed within the alley for private use; and

WHEREAS, without acknowledging the acceptance of any such interests on behalf of the Public, the County desires to release and abandon any and all interest in the Subject Alley, if any existing, as it never appears to have been needed, nor is currently needed for use by the Public.

THEREFORE, on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, at a regular meeting of the Commissioners Court of Fort Bend County, Texas, sitting as the governing body of Fort Bend County, Texas, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, duly put and carried, by unanimous vote, Commissioners Court adopts the resolution and orders to abandon a 20' alley measuring approximately 0.1226 acre in Fort Bend County, Texas, as shown on the description attached hereto as Exhibit A.

As the owner of the property that abuts the portion of the alley being abandoned, title to shall be vested in the name of the following property owners as a property owner who receives a conveyance under § 251.058, Texas Transportation Code:

- Albert C. and Bessie L. Hughes, owners of Lot 1, Block 8
- Albert and Bessie Hughes, owners of Lots 2, 3, 4, & (PT) 5, 6, Block 8
- Albert C. and Bessie L. Hughes, owners of Lots 9-16 (N 52.95'), Block 8
- Ewell Crowe, Lots 17-20 (N ½) & (PT) Lots 15 & 16, Block 8

After due consideration, the Court finds that the above described alley never been used a Public right of way and the County's needs and that of the public interest would be better served if any existing interest in Subject Alley is released, abandoned and closed.

IT IS ORDERED that any existing interest in the Subject Alley be released, abandoned and closed as a Public alley as shown on the field notes and exhibit attached hereto as Exhibit A and the same is hereby abandoned as a county right of way pursuant to Texas Transportation Code §251.058b and §251.051 and that this Order be hereby filed in the Official Public Records of Fort Bend County, Texas forthwith.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**Fort Bend County**

By: \_\_\_\_\_  
Robert E. Hebert, County Judge

ATTEST:

\_\_\_\_\_  
Laura Richard, County Clerk

# EXHIBIT A

STATE OF TEXAS

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COUNTY OF FORT BEND

Metes & Bounds Description

20 Foot Wide Alley Way

A tract of land containing 0.1226 Acre being a portion of an alley way in Block 8 of Town of Fresno, according to the map or plat thereof recorded in Volume 2, Page 5 of the Plat Records of Fort Bend County, Texas, and being more particularly described by metes and bounds as follows: (bearings based on Fort Bend County Clerk's File No. 9571405)

BEGINNING at a 1 Inch iron pipe found on the west right-of-way line of Cleveland Avenue (60 Feet wide) being the southeast corner of Lot 1, of said Block 8, and being the northeast corner of this alley tract;

THENCE, SOUTH, with the said west right-of-way line of Cleveland Street, across said alley, a distance of 20.00 Feet to a 5/8 Inch iron rod at the northeast corner of Lot 20 of Block 8, being the southeast corner of this alley tract;

THENCE, WEST, with the south line of said 20 Foot wide alley, being the north line of Lots 10 through 20, a distance of 270.79 Feet to a 1 Inch iron pipe found on the easterly right-of-way line of FM 521 being the southwest corner of this tract;

THENCE, NORTH 20° 20' 00" EAST, with the easterly right-of-way line of said FM 521, a distance of 21.33 Feet to a 1 Inch iron pipe found on the north line of the aforementioned 20 Foot alley being the northwest corner of this alley tract;

THENCE, EAST, with the north line of said 20 Foot wide alley, being the south line of Lots 1 through 6, a distance of 263.38 Feet to the POINT OF BEGINNING and containing 0.1226 Acre of land.



Terrance P. Mish  
Registered Professional Land Surveyor  
No. 4981  
Job No. 14-12015, CN  
February 9, 2015

