ORDINANCE NO. 2020-1

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, ABANDONING THE DRAINAGE EASEMENT 10 FEET IN WIDTH CENTERED ALONG THE COMMON LINE OF LOT 87 AND LOT 88 OF JAMAICA BEACH, SECTION 23, A SUBDIVISION IN GALVESTON COUNTY, TEXAS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the Applicants are John J. Brick and Janice P. Brick, and the Drainage Easement Owner, is the City of Jamaica Beach; and,

WHEREAS, the property is commonly known as a 10 foot wide drainage easement for storm water drainage, running North to South centered along lots 87 and 88, Section 23, lying and being situated in the City of Jamaica Beach, Galveston County, Texas and property is legally described as Drainage Easement 10 feet in width centered along the common line of lot 87 and lot 88, as reflected by the recorded subdivision plat dated May 10, 1965; and,

WHEREAS, on November 12, 1993, the Applicants filed a request to the City to abandon the aforementioned drainage easement, as more particularly described and detailed in the Staff Report with attachments, attached hereto as Exhibit 1, for all intents and purposes; and,

WHEREAS, as set out in the Staff Report, the City must formally abandon the drainage easement by way of Ordinance and the said Ordinance must be filed with the Galveston County Clerk’s Office for the abandonment to be properly recorded; and,

WHEREAS, Staff finds the abandonment will not impact the storm water drainage, since the property owners granted to the City of Jamaica Beach, Texas a drainage easement on the property described as Lot 88 to begin 20 feet from adjacent Lot 87 and be 10 feet wide, running North to South along the Eastern most side of one half (1/2) of Lot 88, Jamaica Beach, Section 23, Galveston County, Texas, as set forth in instrument recorded under Galveston County Clerk’s File No. 9323887 dated June 11, 1993; and,

WHEREAS, Staff recommends approval of the request for abandonment with the conditions that a sum of one dollar ($1.00) cash, and other good and valuable be paid by the Applicants as essentially a 1 to 1 exchange of easement; and,

WHEREAS, after conducting a public hearing, the City Council of the City of Jamaica Beach, Texas, deems it in the public interest to abandon this property, subject to the conditions stated in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMAICA BEACH, TEXAS:
SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council of the City of Jamaica Beach, Texas, hereby releases any and all interest in the subject property. The City Council of the City of Jamaica Beach, Texas, hereby abandons to the Applicants the property described as the drainage easement 10 feet in width centered along the common line of lot 87 and lot 88 of Jamaica Beach, Section 23, a subdivision in Galveston County, Texas.

SECTION 3. It is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. This Ordinance shall be and become effective from and after its adoption.

APPROVED AND ADOPTED this the 2nd day of March, 2020.

CITY OF JAMAICA BEACH, TEXAS:

[Signature]

Steve Spicer, Mayor

ATTEST:

[Signature]

Lupe Rushing, City Secretary
EXHIBIT 1

MEMORANDUM

TO: HONORABLE MAYOR & ESTEEMED COUNCIL MEMBERS

FROM: CITY ADMINISTRATOR

DATE: MARCH 2, 2020

SUBJECT: PUBLIC HEARING ABANDONMENT OF DRAINAGE EASEMENT

BACKGROUND

The City received a request by Mr. John Brick to abandon the original 10 foot wide drainage easement along lot lines 87 and 88 of section 23. In 1993 the property owner apparently wanted to add an addition on to their home. They purchased half of lot 88 to accommodate the size of the addition. The addition would be constructed over the original 10 foot wide drainage easement that was platted when the subdivision was initially developed. In order to maintain the same drainage capacity, the property owner granted Jamaica Beach a 10 foot wide drainage easement back in 1993. Said easement is located on the eastern most side of half-lot 88 as noted in Galveston County Clerk’s File No. 9323887. A copy of this file is included in your Council Packet. Unfortunately, the original 10 foot wide drainage easement as reflected on the May 10, 1965 Subdivision Plat was not abandoned at the time the new (1993) 10 foot wide drainage easement was granted. This is essentially a “1 to 1 exchange of easement.

The City, by way of Ordinance, must formally abandon the drainage easement 10 feet in width centered along the common line of Lot 87 and Lot 88 of Jamaica Beach Section 23. If after Council review, the Ordinance abandoning said easement is approved, the City will file the ordinance with the Galveston County Clerk’s Office.

RECOMMENDATION

The City Council approves the Ordinance to formally abandon the drainage easement 10 feet in width centered along the common line of Lot 87 and Lot 88 of Jamaica Beach Section 23 as reflected on the May 10, 1965 Subdivision Plat. Additionally, the City for and in consideration of the sum of one dollar cash, and other good and valuable consideration be paid by John and Janice Brick for the formal abandonment of the aforementioned drainage easement.

Respectfully submitted,

Sean L. Hutchison, CPM
City Administrator
November 12, 1993

Mayor & City Council of Jamaica Beach
Jamaica Beach, Texas

RE: Lot 87 & 88 Jamaica Beach
    Section 23
    Galveston County
    16707 Cormorant
    Jamaica Beach, Texas

I would like to request to abandon the drainage easement between Lot 87 and Lot 88.

Our existing house on Lot 87 has an addition that covers part of Lot 88.

Attached is a copy of the recorded document that moves the drainage easement to the eastern most side of Lot 88.

I would appreciate a reply to this request.

[Signature]

John J. Birck
DRAINAGE EASEMENT

THE STATE OF TEXAS  
COUNTY OF GALVESTON  

THAT we, John J. and Janice P. Brick,  
for and in consideration of the sum of ONE DOLLAR ($1.00) cash,  
and other good and valuable consideration to us/us in hand paid  
by the CITY OF JAMAICA BEACH, TEXAS, the receipt of which is  
hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by  
these presents do GRANT, SELL AND CONVEY unto the said the CITY  
of JAMAICA BEACH, TEXAS, a drainage easement for storm water  
drainage, in and to the following described property lying and  
being situate in Galveston County, Texas, and being described as  
follows, to-wit:

See Exhibit "A" for property described, which is attached  
here to and made a part hereof.

TO HAVE AND TO HOLD the above described drainage easement,  
together with all and singular the rights and appurtenances  
thereto in anywise belonging unto the said the CITY OF JAMAICA  
BEACH, TEXAS.

WITNESS MY/OUR HAND(S) this 11th day of June,  
1993.

John J. Brick
Janice P. Brick

RECORDER'S MEMORANDUM:  
At the time of recordation, this instrument  
was found to be inadequate for the best  
photographic reproduction because of ill- 
legibility, carbons or photo copy, discolored  
paper, etc. All blackouts, additions and  
changes were present at the time the instru- 
ment was filed and recorded.
ADDRESS OF GRANTEE
CITY OF JAMAICA BEACH
P.O. Box 5264
Galveston, Texas 77554

THE STATE OF TEXAS )
COUNTY OF (Galveston )

This instrument was acknowledged on the 11th day of
June, 1993, by John J. Brick and

Jane Brick

Notary Public in and for the State of Texas
My Commission Expires: 10-93
EXHIBIT "A"

Description of Property:

Drainage Easement on Lot 88 to begin 20 feet from adjacent Lot 87 and be 10 feet wide, running North to South along the Eastern most side of one half (1/2) of Lot 88, Jasmin Ranch, Section 23, Galveston County, Texas.

FILED FOR RECORD
93 JUN 11 AM 10:44

J. Etheredge
COUNTY CLERK
GALVESTON COUNTY, TEXAS

STATE OF TEXAS COUNTY OF GALVESTON
I hereby certify that this instrument was filed on the date and time stamped heron by me and executed and recorded in the Official Public Records of Real Property of Galveston County Texas, on
JUL 11 1993

[Signature]
COUNTY CLERK
GALVESTON CO., TEXAS
LAND TITLE SURVEY OF A TRACT OF LAND being
Lot 87 and the West 1/2 of Lot 88 of JAMAICA
BEACH, SECTION 23, a subdivision in Galveston
County, Texas, according to the map or plat
thereof recorded in Volume 1616, Page 57 of the
Map Records of Galveston County, Texas.

Subject property: 16707 Cormorant Road
Galveston County, Texas

This survey is certified for this transaction only and may only
be relied on by John Brick and Janice P. Brick. This survey is
only valid if print has original seal and signature of surveyor.
I hereby certify that this survey was made on the ground
under my direct supervision and that this plat correctly
represents the facts found at the time of the survey.

Laurence C. Wall
RPLS #4814
January 29, 2018

TLTS, Inc.
TEXAS LAND TITLE SURVEYORS
1961 Moody Avenue
Galveston, Texas 77550
(409) 765-6953