

**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.**

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**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.

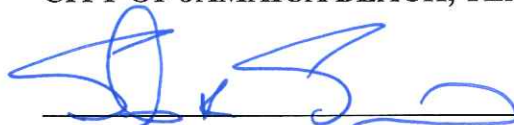
**SECTION 3.** It is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a final judgment or decree of any 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 2<sup>nd</sup> day of March, 2020.

**CITY OF JAMAICA BEACH, TEXAS:**

  
\_\_\_\_\_  
Steve Spicer, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Lupe Rushing, City Secretary

**EXHIBIT 1**

**MEMORANDUM**

**City Administrator's Report**

**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

To: JEAN HUTCHISON

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.

John J. Brink

008-96-1535

9323887

DRAINAGE EASEMENT

THE STATE OF TEXAS )  
COUNTY OF GALVESTON ) KNOW ALL MEN BY THESE PRESENTS:

THAT I/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 me/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  
hereto 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,  
19 93.

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 il-  
legibility, carbon or photo copy, discolored  
paper, etc. All blockouts, additions and  
changes were present at the time the instru-  
ment was filed and recorded.

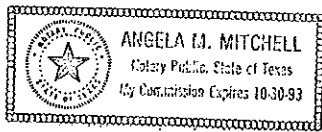
ADDRESS OF GRANTEE  
CITY OF JAMAICA BEACH  
P.O. Box 5264  
Galveston, Texas 77554

THE STATE OF TEXAS )

COUNTY OF Galveston)

This instrument was acknowledged on the 11<sup>th</sup> day of  
June, 1993, by John T. Brick and  
Janice Brick

*Angela M. Mitchell*



seal

Notary Public in and for  
the State of Texas

My Commission Expires: 10-93

JUN 01 '93 11:29AM MITCHELL, S W MENDMIN

P.4

008-96-1537

**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, Jamaica Beach, Section 23, Galveston County, Texas.

FILED FOR RECORD

93 JUN 11 AM 10:44

*Jessie L. Kirkendall*  
COUNTY CLERK  
GALVESTON COUNTY, TEXAS

P.O. Box 5306

GALVESTON Texas 77554

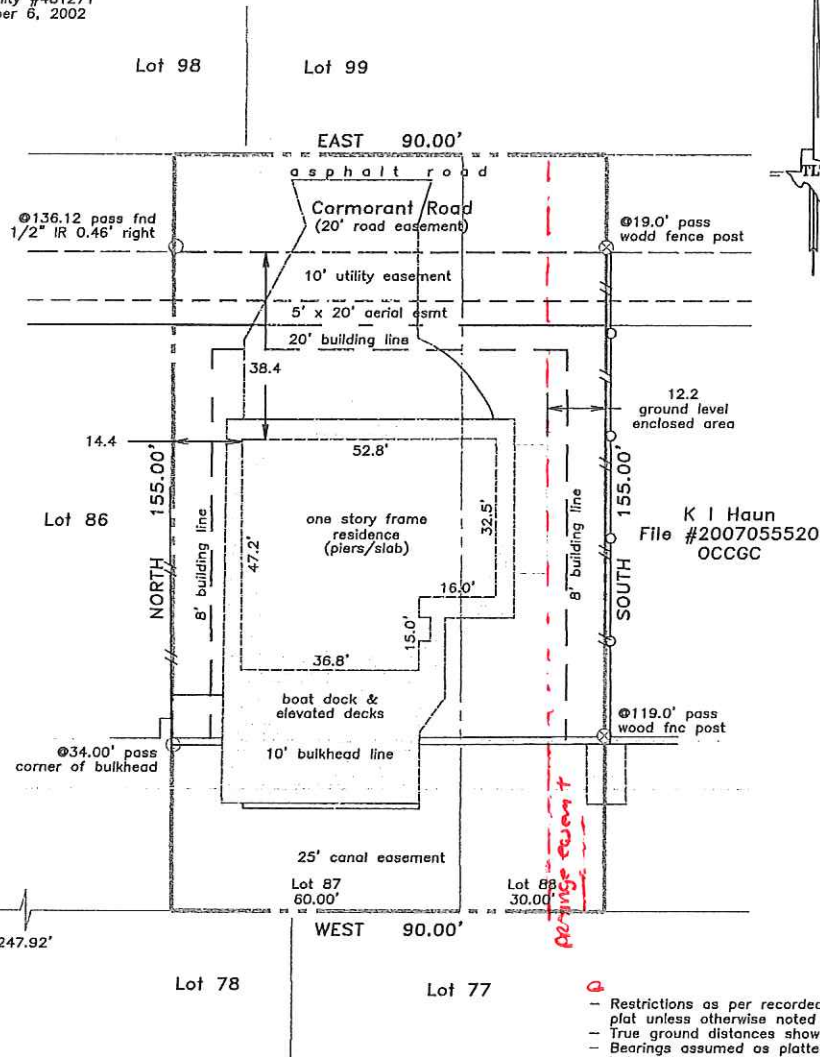
STATE OF TEXAS COUNTY OF GALVESTON  
I hereby certify that this instrument was filed  
on the date and time stamped hereon by me and  
was duly recorded in the Official Public Records  
for Real Property of Galveston County Texas, on

JUN 11 1993



*Jessie L. Kirkendall*  
COUNTY CLERK  
GALVESTON CO., TEXAS





- Restrictions as per recorded plat unless otherwise noted
- True ground distances shown
- Bearings assumed as plotted
- Vol 1710, Page 12, OCCGC
- 10' front utility esmt
- 5' x 20' aerial esmt on UE
- 20' front building line
- 8' side building lines
- Vol 1709, Pg 428, OCCGC
- 5' x 20' aerial easement
- Survey monuments reconciled w/numerous previous surveys

NOTES:  
 NO RECORDS SEARCH CONTRACTED. RECORD EASEMENTS, RESTRICTIONS, ROADWAYS, RIGHTS-OF-WAY, BUILDING LINES, ENCUMBRANCES, ETC. BY COMMON KNOWLEDGE ONLY.  
 CLIENT HOLDS TLTS, INC. HARMLESS FROM RESPONSIBILITY FOR SAME



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