



City Council Agenda Item Summary Report

Meeting Date: July 10, 2018

Submitted by: Candy McQuiston, Interim Director of Public Works

Consent

Public Hearing

Action Item x

Item Title: Discuss and consider approval of a Resolution accepting a Quitclaim Deed from the State of Texas for a section of FM 740 from Broad Street to College Avenue.

Summary Statement:

The City indicated an interest to TxDOT in acquiring a portion of FM 740 (South Bois D' Arc Street) from Broad Street to College Avenue. TxDOT has approved the request and has agreed to remove the segment from the state highway system.

Attachments:

D20180613 FM 740 Quitclaim Deed Resolution
Letter from TxDOT and Quitclaim Deed Document

**CITY OF FORNEY, TEXAS
RESOLUTION NO. 18-_____**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS ACCEPTING A QUITCLAIM DEED FROM THE STATE OF TEXAS TO THE CITY OF FORNEY FOR A PORTION OF FM 740 (SOUTH BOIS D'ARC STREET) FROM BROAD STREET TO COLLEGE AVENUE; ACCEPTING MAINTANCE RESPONSIBILITIES FOR SAID THOROUGHFARE; AUTHORIZING THE CITY MANAGER TO RECORD THE DEED IN THE PROPERTY RECORDS OF KAUFMAN COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Forney, Texas (the "City") has indicated its interest in acquiring a portion of the FM 740 aka South Bois D' Arc Street; and

WHEREAS, FM 740 from Broad Street to College Avenue is no longer needed for State Highway purposes; and

WHEREAS, pursuant to Chapter 202, Subchapter B of the Texas Transportation Code, the Texas Transportation Commission may recommend the quitclaim of a state highway to a City who has indicated interest.

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

SECTION 1. The above and foregoing premises are true and correct and are incorporated herein and made part hereof for all purposes.

SECTION 2. That the attached Exhibit "A" Quitclaim Deed from the State of Texas to the City of Forney for a portion of the right-of-way for FM 740 aka South Bois D' Arc Street from Broad Street to College Avenue is hereby accepted, and the City Manager is authorized to record the Quitclaim Deed in the property records of Kaufman County, Texas.

SECTION 3. This Resolution shall take effect immediately from and after its passage.

PRESENTED AND PASSED by the City Council of the City of Forney, Texas, this the ____ day of _____, 2018.

Rick Wilson, Mayor

ATTEST:

Dorothy Brooks, City Secretary

Exhibit A



Texas Department of Transportation

DALLAS DISTRICT | 4777 US HIGHWAY 80 EAST | MESQUITE, TEXAS 75150-6643 | (214) 320-6100 | WWW.TXDOT.GOV
* Kaufman-Rockwall Area Office * 2750 South Washington * Kaufman, Texas 75142 * (972) 962-3617 *

April 10, 2018

Ms. Candy McQuiston
Interim Director of Public Works
City of Forney
P.O. Box 826
Forney, TX 75126

Dear Ms. McQuiston:

Enclosed please find an instrument executed by the Governor on April 2, 2018, quitclaiming FM 740 right of way to which there is no record title to the City of Forney.

Please record the enclosed instrument in the Deed Records of Kaufman County Texas and return a copy of the recorded instrument to this office.

If you have any questions or comments, please let me know.

Sincerely,

Jeffrey Bush, P.E.
Area Engineer
Kaufman-Rockwall Counties

Enclosures
xc: City of Forney

QUITCLAIM DEED

STATE OF TEXAS §
 §
COUNTY OF KAUFMAN §

FM 740
RCSJ 1091-02-023
Tract 1

In Forney, KAUFMAN COUNTY, on FARM TO MARKET ROAD 740, the State of Texas used certain land for highway purposes to which there is no record title in the state’s name.

The land (Tract 1), RCSJ 1091-02-023, shown on Exhibit A, as Bois D’Arc Street between Broad Street and College Avenue, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim to the city of any interest that might have accrued to the state by use of property.

The city will assume control, jurisdiction, and maintenance of Tract 1 and has requested the quitclaim to the city.

THE STATE OF TEXAS, acting through the Texas Transportation Commission and on behalf of the Texas Department of Transportation, hereinafter sometimes referred to as **Grantor**, pursuant to Minute Order 115166, passed by the Texas Transportation Commission on February 22, 2018, as shown by the official minutes of the Texas Transportation Commission, has recommended, subject to approval by the Attorney General, that the Governor of Texas execute a proper instrument quitclaiming to the

CITY OF FORNEY, TEXAS

hereinafter sometimes referred to as **Grantee**, whether one or more, all the State’s right and interest in Tract 1, more particularly described in Exhibit A, in consideration of the foregoing premises as authorized by V.T.C.A., Transportation Code, Chapter 202, Subchapter B.

NOW, THEREFORE, I, GREG ABBOTT, GOVERNOR OF THE STATE OF TEXAS, by virtue of the power vested in me by law and in accordance with the laws of the State of Texas, for and in consideration of the foregoing premises, and other good and valuable consideration, the receipt of which is hereby acknowledged, have **RELEASED, REMISED, and QUITCLAIMED** and do by these presents **RELEASE, REMISE, and QUITCLAIM** to the

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all the State’s right and interest in that certain tract or parcel of land situated in Kaufman County, Texas, which is described in Exhibit A.

Anything herein to the contrary notwithstanding, this quitclaim is made subject to the rights of any and all existing public utilities or common carriers in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, Section 202.029. Any required adjustment will be at no cost to Grantor. Furthermore, this quitclaim is made subject to any easements for access to a right of way, implied or otherwise, appurtenant to any and all properties abutting that certain tract or parcel quitclaimed hereby. In addition, this quitclaim is subject to all matters of public record and to all easements, leases, agreements, or licenses, or other interests which affect the property, and to any matter which would be disclosed by title examination, survey, investigation, or inquiry, including but not limited to the rights of parties in possession.

THIS QUITCLAIM OF THE PROPERTY IS MADE ON AN "AS IS" BASIS, WITH ALL FAULTS AND WITH ANY AND ALL LATENT AND PATENT DEFECTS. BY ACCEPTANCE HEREOF, GRANTEE ACKNOWLEDGES THAT GRANTEE HAS NOT RELIED UPON ANY COVENANT, REPRESENTATION OR WARRANTY, ORAL OR WRITTEN, EXPRESS OR IMPLIED, BY GRANTOR OR BY ANY REPRESENTATIVE OF GRANTOR WITH RESPECT TO THE PROPERTY, AND THAT NEITHER GRANTOR NOR ANY REPRESENTATIVE OF GRANTOR HAS MADE ANY COVENANT, REPRESENTATION OR WARRANTY, ORAL OR WRITTEN, EXPRESS OR IMPLIED, OF MERCHANTABILITY, MARKETABILITY, PHYSICAL CONDITION, PRESENCE OF HAZARDOUS MATERIALS, VALUATION, UTILITY, FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE. GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE HAS INSPECTED THE PROPERTY AND THE PHYSICAL AND TOPOGRAPHIC CONDITION OF THE PROPERTY AND ACCEPTS QUITCLAIM TO THE PROPERTY "AS IS" IN ITS EXISTING PHYSICAL AND TOPOGRAPHIC CONDITION AND THAT GRANTEE IS RELYING ON GRANTEE'S OWN EXAMINATION OF THE PROPERTY.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging unto said Grantee and Grantee's heirs, successors, and/or assigns forever, subject to the reservations and exceptions described herein.

IN TESTIMONY WHEREOF, I have caused the Seal of the State to be affixed.

Executed this the 2nd day of April, 2018.



Greg Abbott
GREG ABBOTT
GOVERNOR OF TEXAS

Recommended for Approval:

James M. Bass
James M. Bass
Executive Director

Approved:

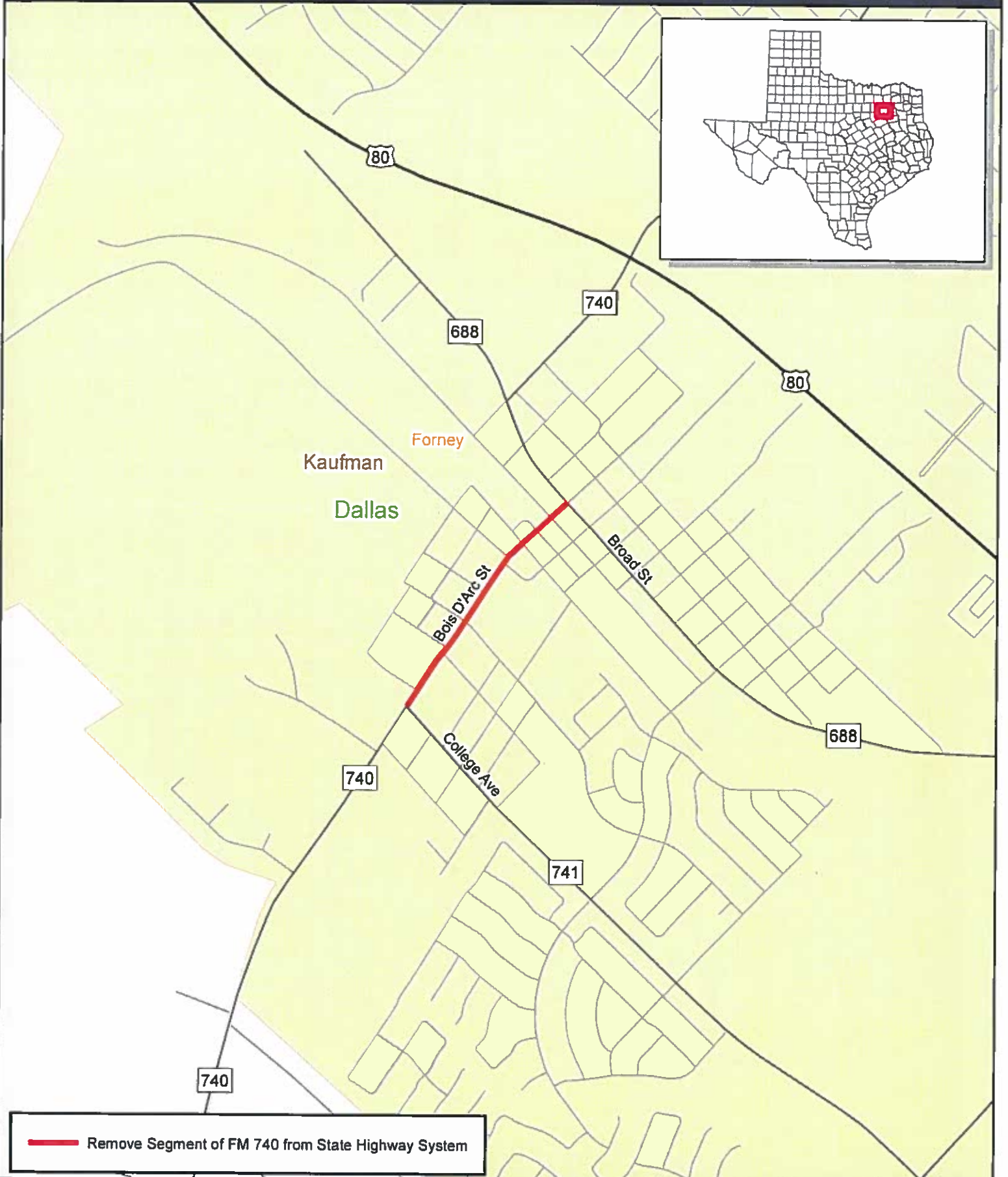
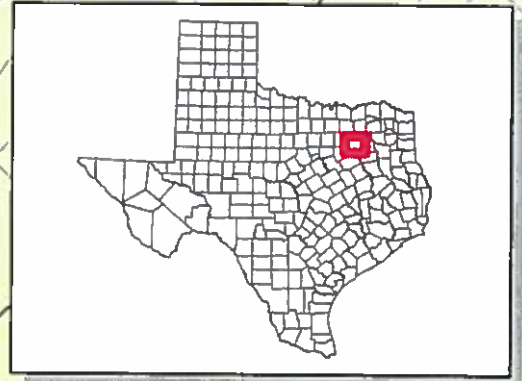
Ken Paxton
Attorney General

By: Garland Williams
Garland Williams
Assistant Attorney General

Attest:

Rolando B. Pablos
Rolando B. Pablos
Secretary of State

NOTE TO COUNTY CLERK: PROPERTY CODE § 12.006 AUTHORIZES THE RECORDATION OF THIS INSTRUMENT WITHOUT ACKNOWLEDGMENT OR FURTHER PROOF OF THE SIGNATURE OF THE GOVERNOR.



 Remove Segment of FM 740 from State Highway System



0 0.1 0.2
Miles

