

**ORDINANCE NO. 3413**

**AN ORDINANCE ABANDONING AND CLOSING A PORTION OF BIRCHWOOD DRIVE IN THE CITY OF NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS, CONTINGENT UPON THE DEDICATION OF REPLACEMENT UTILITY AND DRAINAGE EASEMENTS BY A REPLAT OF LOT 1, BLOCK A, RACETRAC ADDITION TO THE CITY OF NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS, AND AUTHORIZING THE CONVEYANCE OF THE CLOSED STREET TO ADJACENT OWNERS.**

**WHEREAS**, the City Council has been requested to vacate and abandon a portion of Birchwood Drive ("Drive"), which will no longer be needed for street purposes after the replat referred to herein is completed, and convey it to the owners of property which is adjacent to the abandoned portion of the Drive; and

**WHEREAS**, the City Council has determined that the portion of the above named public street described in the attachments hereto is no longer required or convenient for street purposes;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:**

Section 1: THAT that portion of Birchwood Drive described in Exhibit A hereto is hereby abandoned and automatically closed effective on the approval of the replat of Lot 1, Block A, Racetrac Addition to the City of North Richland Hills, Tarrant County, Texas.

Section 2: THAT the property described in Exhibit A shall be conveyed to the owner of property described in the foregoing plat, Bomac Davis Investments LLC, conditional upon and in consideration of the following public purposes:

- (a) Plat dedication of replacement easements for the relocated public and franchise utilities, including drainage;
- (b) Plat dedication of a public access easement within which the proposed vehicular turn-around will be constructed;
- (c) Construction and final acceptance by the City of all public infrastructure needed to replace water, sanitary sewer, and drainage service to the remaining Birchwood Drive;
- (d) Construction and final acceptance of the hammerhead public access easement at the terminus of Birchwood Drive as depicted on the plat; and
- (e) Provision of a maintenance agreement for the public access turnaround.

Section 3: THAT if the conditions and public purposes in Section 2 above are not

satisfied within two (2) years from the approval date of the replat of Lot 1, Block A, Racetrac Addition to the City of North Richland Hills, Tarrant County, Texas, the owner(s) of the property shall reconvey that portion of Birchwood Drive described in Exhibit A to the City at no cost to the City.

**AND IT IS SO ORDAINED.**

Passed on the \_\_\_ day of May, 2016.

**CITY OF NORTH RICHLAND HILLS**

By: \_\_\_\_\_  
Oscar Trevino, Mayor

**ATTEST:**

\_\_\_\_\_  
Alicia Richardson, City Secretary

Approved as to form and legality:

\_\_\_\_\_  
Cara Leahy White, Assistant City Attorney

**Recommended:**

\_\_\_\_\_  
Mike Curtis, Managing Director Development Services

# Exhibit A

50' RIGHT-OF-WAY ABANDONMENT  
PORTION OF A  
BIRCHWOOD DRIVE  
VOLUME 388-25, PAGE 100  
P.R.T.C.T.

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STATE OF TEXAS  
COUNTY OF TARRANT

Being a 0.304 acre tract of land out of the W. W. Wallace Survey, Abstract No. 1606, in the City of North Richland Hills, Tarrant County, Texas, being a portion Birchwood Drive as dedicated in Clear View Addition, 3rd Filing, an addition to the City of North Richland Hills, according to the plat thereof recorded in Volume 388-25, Page 100, Plat Records, Tarrant County, Texas and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod set for corner at the southwest corner of said Lot A, Block 22, Clear View Addition, 3rd Filing, an addition to the City of North Richland Hills, according to the plat thereof recorded in Volume 388-25, Page 100, Plat Records, Tarrant County, Texas, same point being the northwest corner of Lot 1R, Block 21, Venture Addition, an addition to the City of North Richland Hills, according to the plat thereof recorded in Cabinet A, Slide 5058, Plat Records, Tarrant County, Texas, said point also being in the east line of F. M. Road 1936 (Davis Boulevard) (a variable width foot right-of-way):

THENCE North 01 degrees 29 minutes 54 seconds West, along the east line of said F. M. Road 1936 (Davis Boulevard) and along the west line of said Lot A, Block 22, a distance of 117.26 feet to a 1/2 inch iron rod set for corner, said point being the northwest corner of said Lot A, Block 22, same point being in the southwest corner of said 0.304 acre tract of land being described;

THENCE North 01 degrees 29 minutes 54 seconds West, continuing along the east line of said F. M. Road 1936 (Davis Boulevard), a distance of 50.01 feet to a 5/8 inch iron rod found for corner, said point being the northwest corner of said 0.304 acre tract of land being described, same point being in the southwest corner of said Lot A1, Block 21, Clear View Addition, Replat, an addition to the City of North Richland Hills, according to the plat thereof recorded in Volume 388-209, Page 81, Plat Records, Tarrant County, Texas;

THENCE North 89 degrees 35 minutes 30 seconds East, along the south line of said Lot A1, Block 21 and the north line of said Birchwood Drive, a distance of 264.68 feet to a 5/8 inch iron rod found for corner, said point being the northeast corner of said 0.304 acre tract of land being described, same point being the southeast corner of said Lot A1, Block 21, said point also being the southwest corner of Lot 1, Block 21, Clear View Addition, 3rd Filing, an addition to the City of North Richland Hills, according to the plat thereof recorded in Volume 388-25, Page 100, Plat Records, Tarrant County, Texas;

THENCE South 02 degrees 02 minutes 31 seconds East, along the east line of said 0.304 acre tract of land being described, a distance of 48.92 feet to a 1/2 inch iron rod found for corner, said point being the northwest corner of Lot 1, Block 22, Clear View Addition, 3rd Filing, an addition to the City of North Richland Hills, according to the plat thereof recorded in Volume 388-25, Page 100, Plat Records, Tarrant County, Texas;

THENCE South 01 degrees 06 minutes 47 seconds East, along the west line of said Lot 1, Block 22, a distance of 1.10 feet to 1/2 inch iron rod set for corner, said point being the southeast corner of said 0.304 acre tract of land being described, same point being the south line of said Birchwood Drive;

THENCE South 89 degrees 35 minutes 30 seconds West, along the south line of said Birchwood Drive, a distance of 265.14 feet to the POINT OF BEGINNING and containing 13,246 square feet or 0.304 acres of computed land.

#### NOTE:

1. IRF - IRON ROD FOUND
2. IRFC - IRON ROD FOUND WITH CAP
3. IRSC - IRON ROD SET WITH CAP STAMPED RPLS NO. 3047
4. POC - POINT OF COMMENCING
5. POB - POINT OF BEGINNING
6. D.R.D.T.T. - DEED RECORDS, TARRANT COUNTY, TEXAS
7. O.P.R.T.C.T. - OFFICIAL PUBLIC TARRANT, DALLAS COUNTY, TEXAS
8. Basis of Bearing - The bearings shown hereon are based on the Texas State Plane Coordinate System NAD 83 - North Central Zone



*William P. Price*  
9/2/15



### SURVEY GROUP

SURVEYING \* CONSULTING \* MANAGEMENT

TBPS No. 001733-00

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