

ORDINANCE NO. 3875

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS VACATING AND ABANDONING A PORTION OF GUY STREET RIGHT-OF-WAY PREVIOUSLY DEDICATED TO THE CITY; DECLARING THAT SUCH RIGHT-OF-WAY IS NO LONGER NEEDED FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED RELEASING AND ASSIGNING THE RIGHT-OF-WAY TO THE OWNER OF THE FEE ESTATE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Richland Hills, Texas is a home-rule municipality located in Tarrant County, Texas acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, on or about April 17, 1946, by plat and filed of record in Volume 1789 Page 378, Deed Records, Tarrant County, Texas, and annexed into the City of North Richland Hills, Texas, on or about June 14, 1958, by Ordinance 40 of the Town Council of North Richland Hills, Tarrant County, Texas; and

WHEREAS, the current property owner, C2C Smithfield LP (“Developer”) is planning to construct a mixed-use project on the property, and after careful study and consideration, the City Council has determined that the public would be better served and benefitted by vacating and abandoning a portion of the existing right-of-way; and

WHEREAS, in order to remove any question as to the continued interest in the right-of-way or the City’s intention to relinquish its rights in the right-of-way, the City desires to execute a quitclaim deed releasing and assigning all title and control in said right-of-way to the owners of the fee estate on which the right-of-way is located.

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

SECTION 1: The City Council hereby finds the recitals above to be true and correct, and such recitals are hereby incorporated into this Ordinance as if written herein.

SECTION 2: The City Council finds that the public would be better served and benefitted by the vacation and abandonment of the right-of-way conveyed to the City

on or about April 17, 1946, by plat and filed of record in Volume 4789, Page 378 of the Deed Records, Tarrant County, Texas, and as shown and described on **Exhibit "A"** attached hereto and incorporated herein. The existing right-of-way to be abandoned is shown and depicted on **Exhibit "A."**

SECTION 3: The purpose of vacating and abandoning the portion of the existing right-of-way is to allow the Developer to construct private improvements, landscaping, and sidewalks across a portion of the right-of-way which is no longer needed.

SECTION 4: The City Council finds that the existing right-of-way that is to be abandoned is no longer needed for public use.

SECTION 5: The property described as a sixty- (60-) foot wide section of land, more or less, and containing seventeen thousand seven hundred seventy-five (17,775) square feet (0.408 acres), and further described in **Exhibit "A"** shall be conveyed to the owner of the property, C2C Smithfield, LP, conditional upon and inconsideration of the following public purposes:

- (a) Developer's dedication by plat of public right-of-way at the far west end of Arthur Drive within which a proposed vehicular turn-around will be constructed; and
- (b) Developer's construction of all paving, utility and drainage improvements as shown in the "Arthur Roadway Replacement" plans dated September 6, 2024.

SECTION 6: If the conditions and public purposes stated in Section 5 of this Ordinance are not satisfied within three (3) years from the date of approval of this Ordinance, Developer shall reconvey that portion of right-of-way described in Exhibit A to the City at no cost to the City.

SECTION 7: The Mayor of the City of North Richland Hills, Texas, is hereby authorized and empowered to execute a quitclaim deed releasing all claims to title, ownership, or control of a portion of the above-described right-of-way to the current owner of the fee estate on which the right-of-way is located.

SECTION 8: Developer, the current owner of the fee estate, shall agree to release the City from any and all liability for claims for damages or loss, unless such damage or loss is caused by the negligent acts or omissions or intentional misconduct of the City, its employees, officers, subcontractors, agents, or representatives. Developer shall further agree that Developer will be liable for any and all claims for damages or loss of any kind, for any reason, for any and all activities, whether real or asserted, resulting on the property, arising out of or in connection with the abandoned right-of-way, if such damage or loss is caused by the negligent acts or omissions or intentional

misconduct of Developer, its employees, officers, subcontractors, agents, or representatives. Such agreement, when executed by Developer, shall be attached hereto as **Exhibit "B."** Release of this right-of-way shall run with the land and be binding on all successors and assigns of the fee estate.

SECTION 9: The City Manager is authorized to execute any and all documents related to the abandonment and conveyance authorized by this Ordinance.

SECTION 10: Upon execution of the quitclaim deed and the release agreement, the City Secretary is authorized and instructed to file this ordinance along with the quitclaim deed in the deed records of Tarrant County, Texas.

SECTION 11: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 12: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 13: This ordinance shall be in full force and effect immediately following its passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this 9th day of December, 2024.

CITY OF NORTH RICHLAND HILLS

By: _____
Jack McCarty, Mayor

ATTEST:

Alicia Richardson
City Secretary/Chief Governance Officer

APPROVED AS TO FORM AND LEGALITY:

Bradley A. Anderle, City Attorney