

MEMORANDUM

DATE: April 15, 2024

TO: Mayor & City Council
CC: Mercy Rushing, City Manager

FROM: David Madsen

SUBJECT: **Council Meeting Agenda Item:** Subdivision of Property to include Right-of-Way Dedication.

Background Information:

The purpose of the hearing is to hear a request from Brian Steck to re-subdivide his properties located off Shelton, Bromberg and Baker. The property is zoned Industrial and will be used for the development of a self-storage facility and industrial lease spaces. There will be no City infrastructure constructed for this development, however there will be a right of way dedication of Shelton for future street improvement. The right-of-Way Dedication Agreement is included.

Recommendation: Planning & Zoning recommend approval

Final Disposition:

RIGHT-OF-WAY DEDICATION AGREEMENT

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF WOOD §

THIS AGREEMENT is made and entered into effective as of the _____ day of _____, 2024, between Brian Steck, hereinafter referred to as “GRANTOR” and THE CITY OF MINEOLA, a Type A-General Law Municipality organized and existing under the laws of the State of Texas and, hereinafter referred to as “GRANTEE.”

I.
GRANT OF RIGHT OF WAY

For the consideration described in Paragraph II, GRANTOR grants GRANTEE a 0.314 acre tract to be used by Grantee as a permanent right of way for public use in the street identified and named as Shelton Street that is more specifically described and identified in EXHIBIT “A”, which is attached hereto and incorporated herein for all purposes, upon and across the following described property (the “Property”) of the GRANTOR:

See EXHIBIT “A” attached hereto and incorporated herein for all purposes.

II.
CONSIDERATION

This right of way is granted in consideration of the GRANTEE’s payment to the GRANTOR of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

III.
CHARACTER OF RIGHT OF WAY

This instrument grants a permanent right of way appurtenant to the dominant tenement. The dominant tenement is the following described property of the GRANTOR:

See EXHIBIT “A” attached hereto and incorporated herein for all purposes.

IV.
PURPOSE OF RIGHT OF WAY

This permanent right of way, with its rights and privileges, shall be used for the purpose of establishing a public right-of-way and/or roadway for the passage and accommodation of vehicular and pedestrian traffic.

V.
DURATION

The right of way herein granted shall be perpetual and exist as long as the GRANTEE has the authority and necessity to use the right of way for the purpose described in Section IV.

VI.
WARRANTY OF TITLE

GRANTOR and GRANTOR's successors and assigns are and shall be bound to warrant and forever defend the right of way conveyed in this instrument to GRANTEE and GRANTEE's successors and assigns against every person unlawfully claiming or to claim all or any part of the interest in the property.

VII.
EXCLUSIVENESS OF RIGHT OF WAY

The right of way, rights and privileges granted by this conveyance are exclusive and GRANTOR covenants not to convey any other right of way or conflicting rights in the area covered by this grant.

VIII.
RIGHTS RESERVED

GRANTOR retains fee simple title to the property the subject of this Agreement. However, GRANTOR may not conduct any activity on or about said property which may, in any way, interfere with the purpose of the right of way granted to GRANTEE.

IX.
ENTIRE AGREEMENT

This agreement contains the entire agreement between the parties related to its subject matter. Any oral representations or modifications concerning this agreement shall be of no force and effect. Any subsequent amendment or modification must be in writing and agreed to by both parties.

X.
BINDING EFFECT

This agreement shall bind and inure to the benefit of the respective parties hereto, their successors and assigns.

EXECUTED this _____ day of _____, 2024.

GRANTOR:

BRIAN STECK

Signature: _____

GRANTEE:

THE CITY OF MINEOLA, TEXAS

By: _____
Jayne Lankford, Mayor

THE STATE OF TEXAS §
 §
COUNTY OF WOOD §

 SUBSCRIBED AND SWORN TO before me by _____, on this
_____ day of _____, 2024.

NOTARY PUBLIC, STATE OF TEXAS

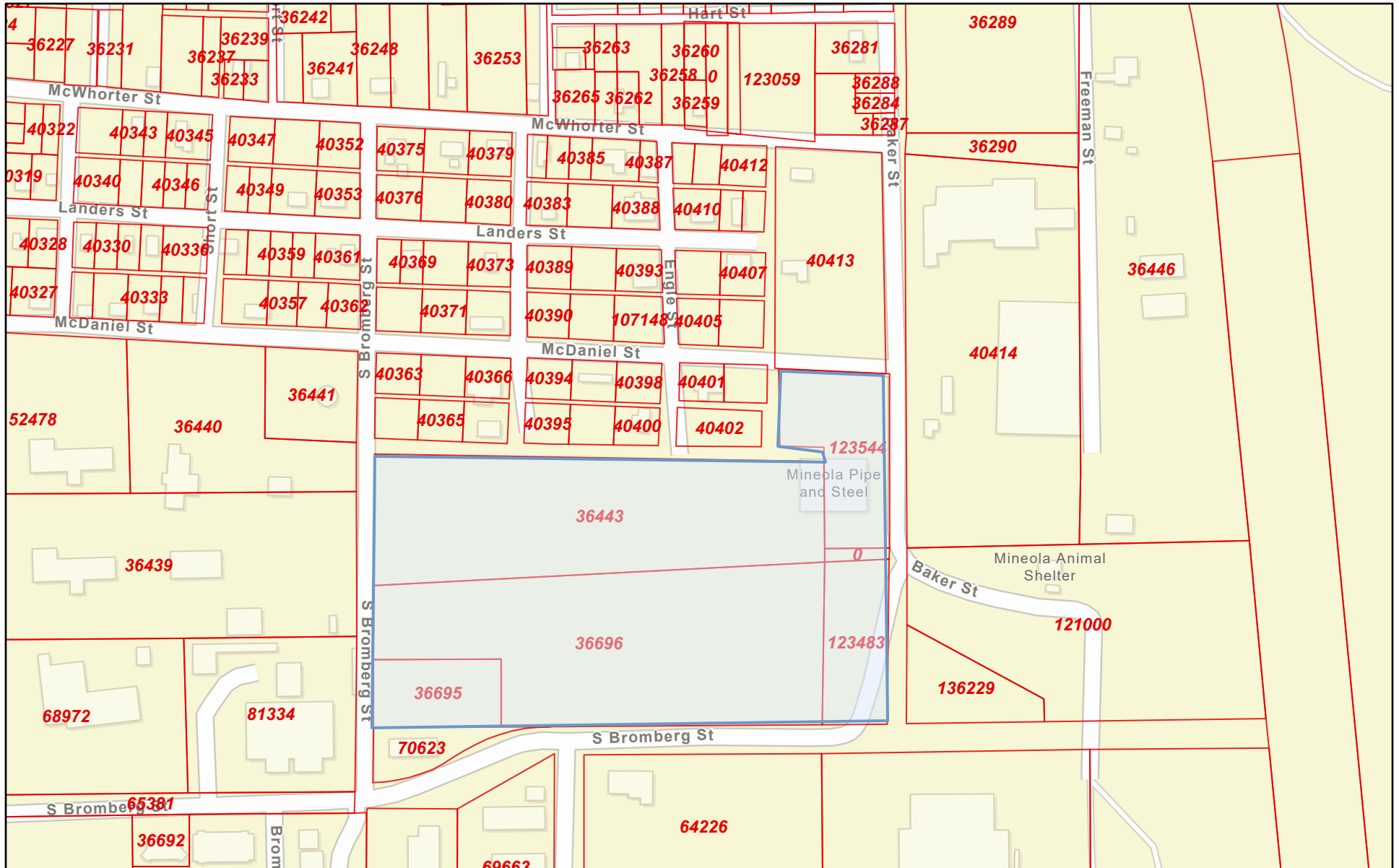
THE STATE OF TEXAS §
 §
COUNTY OF WOOD §

 SUBSCRIBED AND SWORN TO before me by Jayne Lankford, Mayor of THE CITY
OF MINEOLA, TEXAS, on behalf of such municipality, this _____ day of _____,
2024.


NOTARY PUBLIC, STATE OF TEXAS

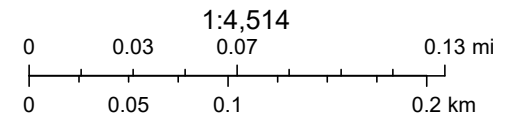
EXHIBIT A
PROPERTY AND RIGHT OF WAY DESCRIPTION

Wood CAD Web Map



3/27/2024, 11:38:17 AM

-  Abstracts
-  Parcels

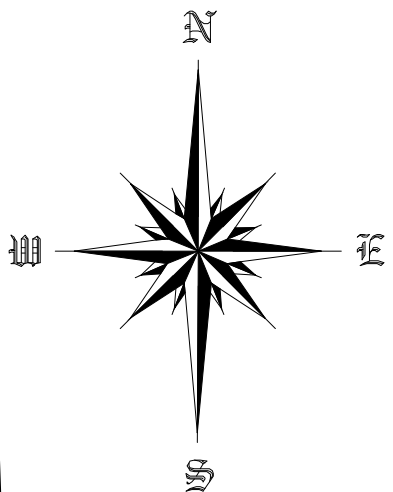


Esri Community Maps Contributors, Baylor University, City of Tyler, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, TomTom,

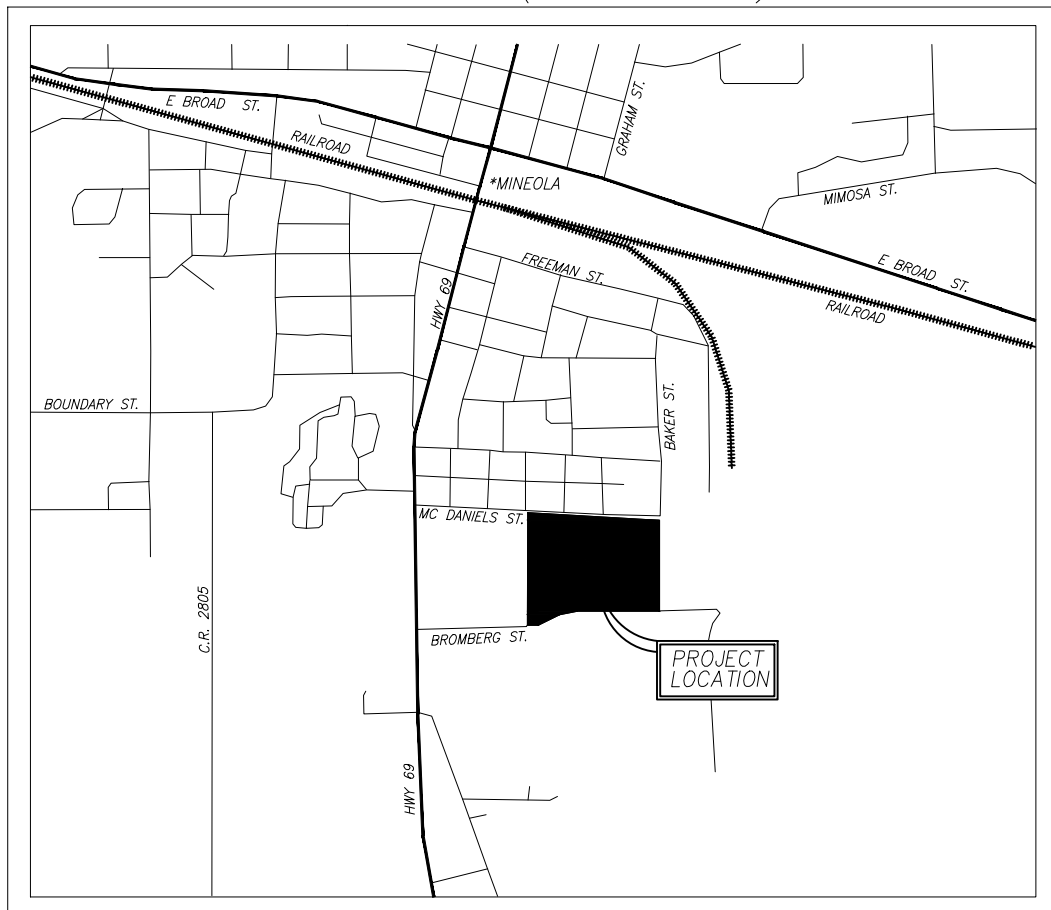
Wood County Appraisal District, BIS Consulting - www.bisconsulting.com

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

N



VICINITY MAP (NOT TO SCALE)



REVELLE-LANDERS SUBDIVISION
VOL. 90, PG. 205
(D.R.W.C.T.)

* NOTE: BY GEOGRAPHIC PLOTTING THE SUBJECT PROPERTY IS WITHIN THE FLOOD ZONE X, OTHER AREAS, AS INDICATED ON FEDERAL EMERGENCY MANAGEMENT FLOOD MAPS, COMMUNITY MAP NUMBER 48499C0340C, DATED SEPTEMBER 3, 2010.

THAT I, BRIAN STECK, BEING THE OWNER OF THE PROPERTY SHOWN HEREON DO ACCEPT THIS PLAT FOR RESUBDIVISION OF LOTS 1, BLK. 235 OF THE STECK INDUSTRIAL NORTH #1 (VOL. 10, PG. 22), LOT 1, MEDC ADDITION (VOL. 9, PG. 396), AND LOT 1 OF CITY BLOCK 293, CITY OF MINEOLA, DO HEREBY ADOPT THE RESUBDIVISION SHOWN HEREON AS LOTS 1, 2, 3, 4, AND 5 OF THE STECK SUBDIVISION. THIS PLAT SHALL BE MADE THEREWITH SUBJECT TO THE RESTRICTIONS AND CONDITIONS RECORDED IN THE TEXAS REAL PROPERTY RECORDS OF THE WOOD COUNTY, TEXAS, PERTAINING TO SUBDIVISION SHOWN HEREON.

BY: BRIAN STECK
P.O. BOX 180
MINEOLA, TEXAS 75773

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED BRIAN STECK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 2024.

NOTARY PUBLIC

APPROVED BY THE CITY COUNCIL OF MINEOLA, STATE OF TEXAS, THIS THE _____ DAY OF _____, 2024.

BY: _____

NOTE: BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (N.A.D. 83), AS DERIVED FROM GPS OBSERVATIONS USING THE HxGN SMARTNET NORTH AMERICAN RTK NETWORK.

I, R.S. NEALLY, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5385, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER MY DIRECTION AND SUPERVISION ON THE GROUND DURING THE MONTHS OF FEBRUARY AND MARCH, 2024.

GIVEN UNDER BY HAND & SEAL, THIS THE 20th DAY OF MARCH, 2024

"PRELIMINARY" THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

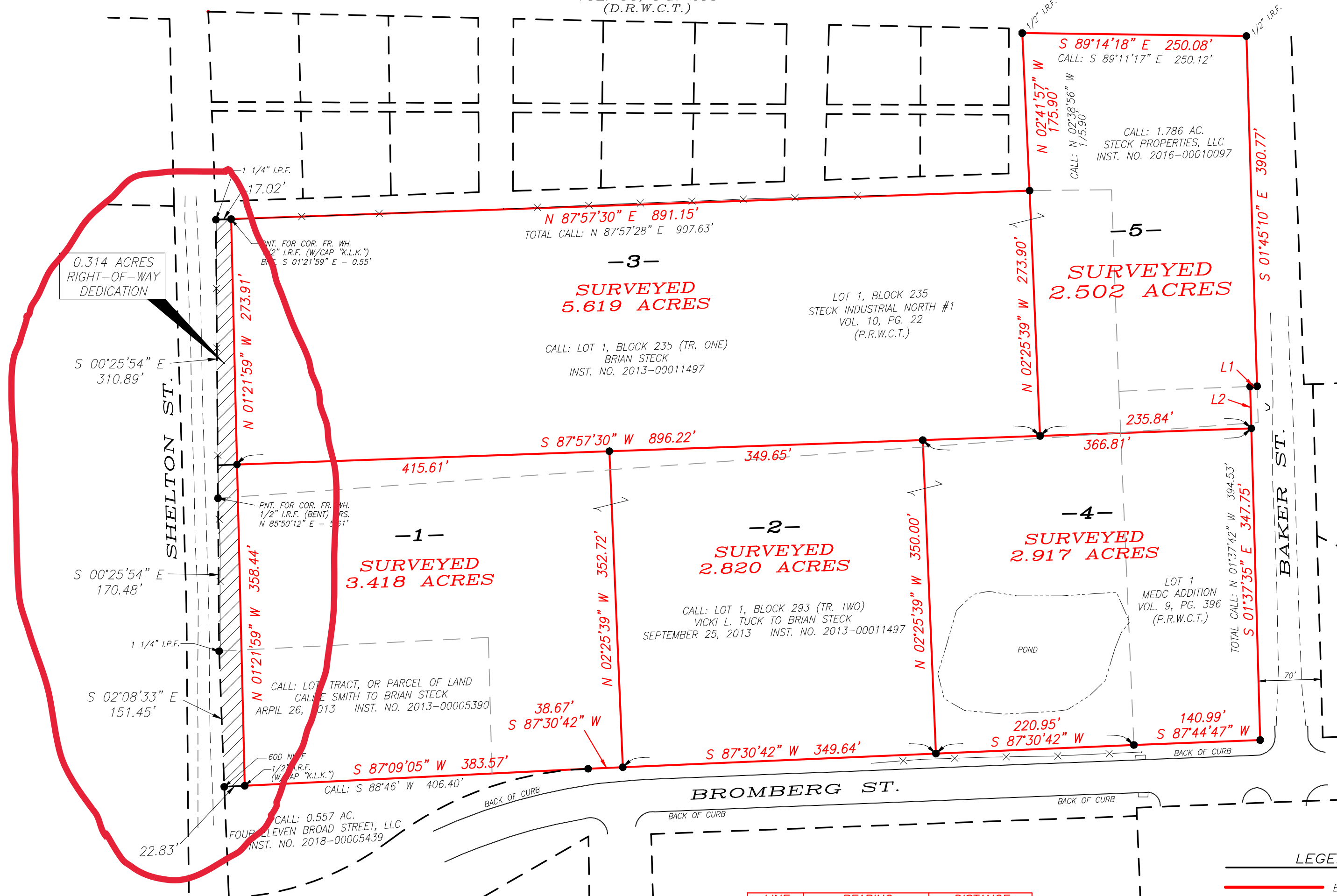
BY: R.S. NEALLY
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5385
TBPLS FIRM NO. 10025700

RECORDED IN CABINET _____, SLIDE _____
PLAT RECORDS OF WOOD COUNTY, TEXAS
DATE RECORDED: _____

PRELIMINARY PLAT
SHOWING
A RESUBDIVISION OF LOT 1, BLK. 235 OF THE STECK INDUSTRIAL NORTH #1 (VOL. 10, PG. 22), A RESUBDIVISION OF LOT 1, MEDC ADDITION (VOL. 9, PG. 396), AND LOT 1 OF CITY BLOCK 293, THE STECK SUBDIVISION
J.E. WHITE SURVEY, A-612
CITY OF MINEOLA, WOOD COUNTY, TEXAS
SCALE: 1" = 100'



DRAWN BY: C.J.C. CHECKED BY: R.S.N. FB/PG: 2503/1 JOB. NO: T240050_SUB PLAT.DWG



LINE	BEARING	DISTANCE
L1	S 87°53'40" W	7.76'
L2	S 01°37'35" E	46.78'

LEGEND

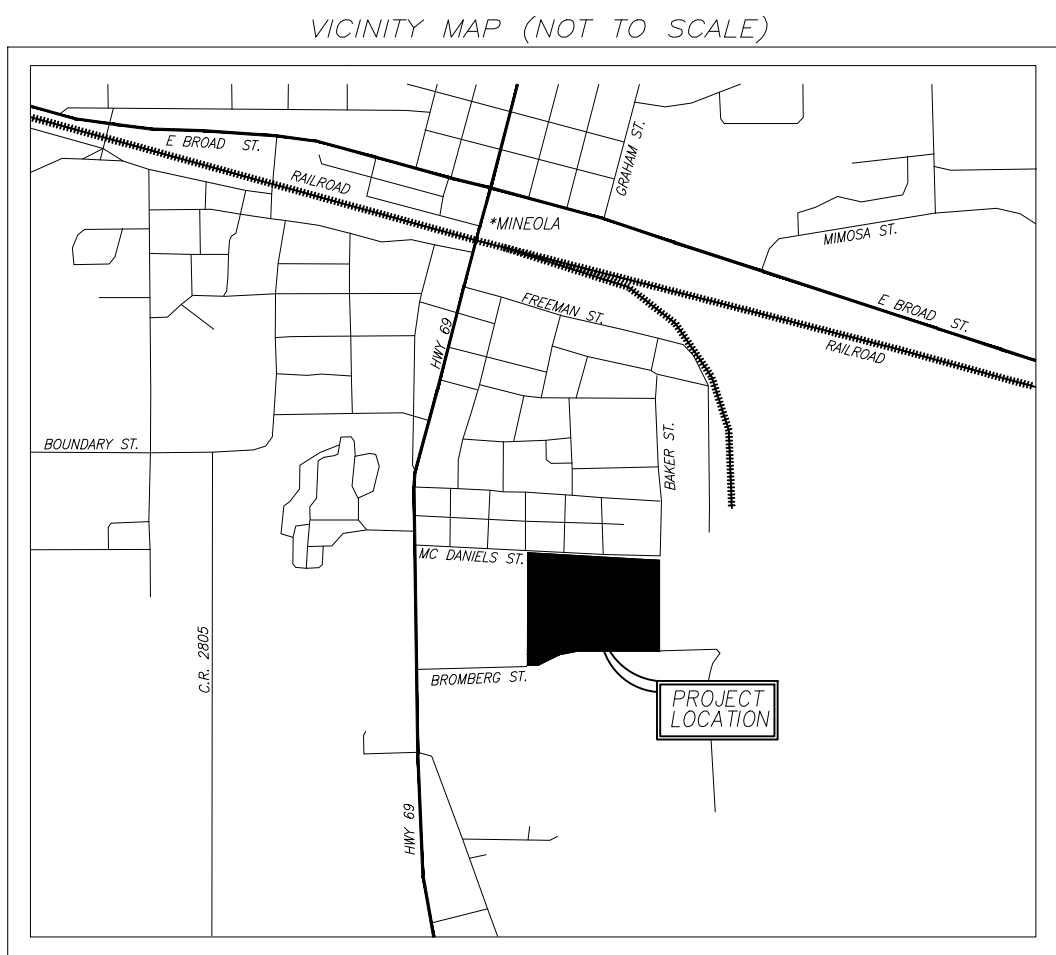
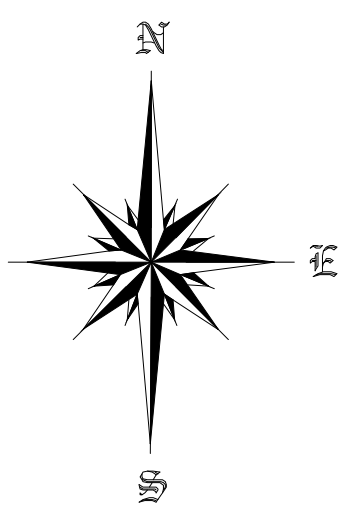
	BOUNDARY LINE
	ORIGINAL DEED LINE
	ADJOINER LINE
	WIRE FENCE

CORNER LEGEND

	IRON ROD (FOUND)
	IRON PIPE (FOUND)
	IRON ROD (SET WITH CAP MARKED "STANGER") EXCEPT AS NOTED

PREPARED BY:
STANGER
SURVEYING TYLER LLC
1595 E. Grande Blvd.
Tyler, Texas 75703
(903) 534-0174

COPYRIGHT 2024
ALL RIGHTS RESERVED
STANGER SURVEYING TYLER LLC
TYLER, TEXAS



* NOTE: BY GEOGRAPHIC PLOTTING THE SUBJECT PROPERTY IS WITHIN THE FLOOD ZONE X, OTHER AREAS, AS INDICATED ON FEDERAL EMERGENCY MANAGEMENT FLOOD MAPS, COMMUNITY MAP NUMBER 48499C0340C, DATED SEPTEMBER 3, 2010.

THAT I, BRIAN STECK, BEING THE OWNER OF THE PROPERTY SHOWN HEREON DO ACCEPT THIS PLAT FOR RESUBDIVISION OF LOTS 1, BLK. 235 OF THE STECK INDUSTRIAL NORTH #1 (VOL. 10, PG. 22), LOT 1, MEDC ADDITION (VOL. 9, PG. 396), AND LOT 1 OF CITY BLOCK 293, CITY OF MINEOLA, DO HEREBY ADOPT THE RESUBDIVISION SHOWN HEREON AS LOTS 1, 2, 3, 4, AND 5 OF THE STECK SUBDIVISION. THIS PLAT SHALL BE MADE THEREWITH SUBJECT TO THE RESTRICTIONS AND CONDITIONS RECORDED IN THE TEXAS REAL PROPERTY RECORDS OF THE WOOD COUNTY, TEXAS, PERTAINING TO SUBDIVISION SHOWN HEREON.

BY: BRIAN STECK
P.O. BOX 180
MINEOLA, TEXAS 75773

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED BRIAN STECK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 2024.

NOTARY PUBLIC

APPROVED BY THE CITY COUNCIL OF MINEOLA, STATE OF TEXAS, THIS THE _____ DAY OF _____, 2024.

BY: _____

NOTE: BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (N.A.D. 83), AS DERIVED FROM GPS OBSERVATIONS USING THE HxGN SMARTNET NORTH AMERICAN RTK NETWORK.

I, R.S. NEALLY, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5385, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER MY DIRECTION AND SUPERVISION ON THE GROUND DURING THE MONTHS OF FEBRUARY AND MARCH, 2024.

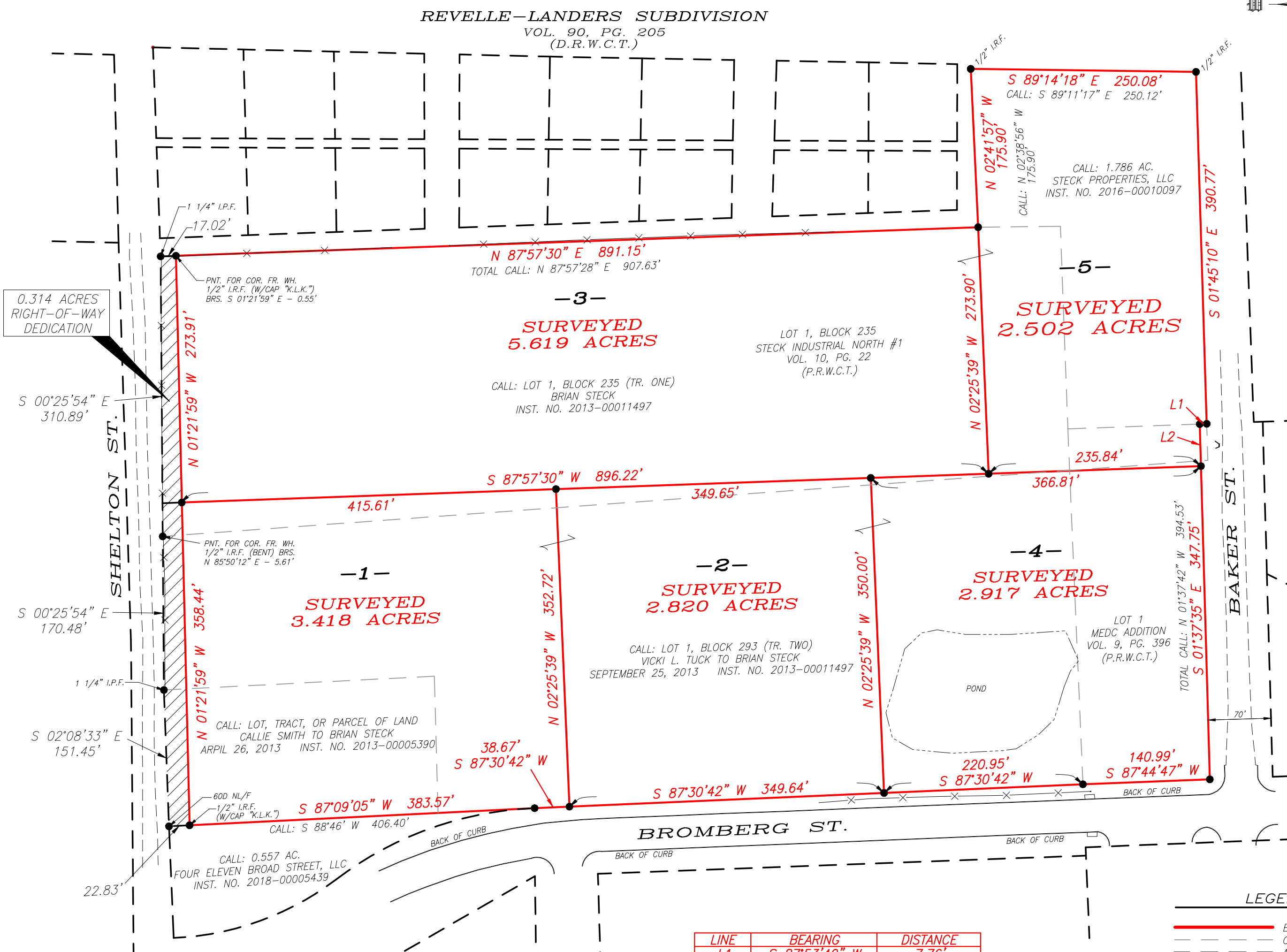
GIVEN UNDER BY HAND & SEAL, THIS THE 20th DAY OF MARCH, 2024

"PRELIMINARY" THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

BY: R.S. NEALLY
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5385
TBPLS FIRM NO. 10025700

RECORDED IN CABINET _____, SLIDE _____
PLAT RECORDS OF WOOD COUNTY, TEXAS
DATE RECORDED: _____

DRAWN BY: C.J.C. CHECKED BY: R.S.N. FB/PG: 2503/1 JOB. NO: T240050_SUB PLAT.DWG



LINE	BEARING	DISTANCE
L1	S 87°53'40" W	7.76'
L2	S 01°37'35" E	46.78'

LEGEND

	BOUNDARY LINE
	ORIGINAL DEED LINE
	ADJOINER LINE
	WIRE FENCE

CORNER LEGEND

	I.R.F. = IRON ROD (FOUND)
	I.P.F. = IRON PIPE (FOUND)
	= IRON ROD (SET WITH CAP MARKED "STANGER") EXCEPT AS NOTED

PRELIMINARY PLAT
SHOWING

A RESUBDIVISION OF LOT 1, BLK. 235 OF THE STECK INDUSTRIAL NORTH #1 (VOL. 10, PG. 22), A RESUBDIVISION OF LOT 1, MEDC ADDITION (VOL. 9, PG. 396), AND LOT 1 OF CITY BLOCK 293, THE STECK SUBDIVISION J.E. WHITE SURVEY, A-612 CITY OF MINEOLA, WOOD COUNTY, TEXAS
SCALE: 1" = 100'



PREPARED BY:
STANGER
SURVEYING TYLER LLC
1595 E. Grande Blvd.
Tyler, Texas 75703
(903) 534-0174

COPYRIGHT 2024
ALL RIGHTS RESERVED
STANGER SURVEYING TYLER LLC
TYLER, TEXAS