

**COUNCIL WORKSHOP AND SPECIAL MEETING
AUGUST 10, 2009
MINUTES**

1. Call to Order

The Town Council of the Town of Shady Shores, Texas convened in a Special Meeting on August 10, 2009 at 7:00 p.m., Shady Shores Community Center, 101 South Shady Shores Road, Shady Shores, Texas. Notice of the meeting was posted as required by Title 5, Chapter 551 of the Government Code. The following members were present: Mayor Olive Stephens, Mayor pro tem Betty Brown, Councilmembers Polly Carter, Charles Grimes, Jerry Williams and Nita Watkins. A quorum was present.

2. Pledge Allegiance to the Flag.

The Pledge of Allegiance to the United States Flag and the Texas Flag was recited by all present.

3. Discussion and take appropriate action regarding adopting an Ordinance abandoning a road between Lakeshore and Laura.

ORDINANCE NO. 215-8-2009
(Abandonment of Street Right-of-Way)

AN ORDINANCE OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS, ABANDONING A STREET RIGHT-OF-WAY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE REAL PROPERTY RECORDS OF DENTON COUNTY TEXAS AS A QUITCLAIM DEED; PROVIDING FOR THE INDEMNIFICATION OF THE TOWN OF SHADY SHORES AGAINST DAMAGES ARISING OUT OF THE ABANDONMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Shady Shores, acting pursuant to law and upon the request and petition of Matthew R. Wilson, the abutting owner, hereinafter referred to as Grantee, deems it advisable to abandon and quitclaim the hereinafter described street right-of-way to Grantee, and is of the opinion and finds that said right-of-way is not needed for public or private utility use and should be abandoned and quitclaimed to Grantee, subject to the reservations and conditions of this Ordinance; and

WHEREAS, the cost of maintenance and improvements of the street right-of-way described in Exhibit "A" would exceed the fair market value of the street right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, DENTON COUNTY TEXAS:

SECTION 1. Roadway Abandoned.

That for the consideration stated herein in Section 3, and subject to the conditions set forth herein, the Town of Shady Shores ("Town") hereby abandons and quitclaims in favor of Matthew R. Wilson ("Wilson"), the abutting owner, the street right-of-way in Exhibit "A" (pages 1, 2, and 3) attached hereto and made a part hereof for all purposes, the same as if fully copied herein. The abandoned strip of land is approximately 22 feet wide, between Lake Shores Road on the west, Laura Street on the east, Lot 20, Block A on the north, and Lot 12, Block B on the south. The strip of land has no road name, and is not used as a road. The metes and bounds description is as shown on Exhibit A, page 2.

The tract is 65' on the north side, 22.11' on the east side, 50' on the south side, and 25.44' on the west side. The abandoned right-of-way is hereafter referred to as the "Abandoned R.O.W.". The legal description of Lot 20, Block A and Lot 12, Block B included as Exhibit B is from the deed to Matthew R. Wilson filed on December 22, 1999 in the Denton County records, Volume 4493, Pages 3336-3339.

SECTION 2. Reservations.

The said right-of-way is abandoned, vacated and closed insofar as the right, title and interest of the public to such right-of-way are concerned. The Town of Shady Shores does hereby abandon all of its right, title, and interest in and to that Abandoned R.O.W. described in Exhibit "A", either in fee simple or by easement or otherwise, together with any and all improvements thereon, subject to the limitations and reservations stated herein.

SECTION 3. Re-Flat

- a. The Abandoned R.O.W. described herein is being conveyed to the abutting owner for less than the fair market value because the conveyance is to the abutting property owner. Matthew it Wilson shall be required to file a plat or a re-plat of the Wilson property in order to create a single platted lot out of the Abandoned ROW. shown in Exhibit "A", together with Lot 20, Block A of J.W. Franck's Addition, to Denton County, Texas, according to the plat thereof; recorded in Volume 298, Page 61, D.R.D.C.T., and Lot 12, Block B, of J.W. Franck's Camp, an addition to Denton County, Texas, according to the plat thereof recorded in Volume 321, Page 556, D.R.D.C.T., according to the deed recorded in Volume 4493, Page 3338, of the RP.R.D.C.T. The owner shall be required to plat or re-plat the property according to all platting rules, regulations, and resolutions of the Town of Shady Shores, Texas, in conjunction with the street abandonment. The Town Secretary is authorized and directed to prepare a certified copy of this Ordinance and furnish the same to Matthew it Wilson, and the recording of this abandonment Ordinance in the real property records of Denton County, Texas, shall serve as the quitclaim deed of the Town of Shady Shores, Texas, to Matthew R. Wilson, of all the right, title, or interest of the Town of Shady Shores in and to the Abandoned R.O.W. described in Exhibit "A", subject to the limitations and reservations of this Ordinance, and the request in b., below.
- b. The consideration for this conveyance by the Town to Wilson is received when Wilson has submitted, received approval, and filed, at his expense, a re-plat as required by this section. Filing a re-plat approval in the Denton County records, which has been approved by the Town shall be proof of payment of this required consideration. Wilson shall pay all of the Town's legal fees, costs and expenses for the re-plat process.

SECTION 4. Indemnification.

As condition of this abandonment and as a part of the consideration for the quitclaim to Grantee herein, Grantee agrees to indemnify, defend, release and hold the Town of Shady Shores whole and harmless against any and all claims for damages, costs, or expenses to persons or property that may wise out of; or be occasioned by or from, the abandonment, closing, vacation, and quitclaim by the Town of Shady Shores of the area described in Exhibit "A" and Grantee hereby agrees to defend any and all suits, claims, or causes of action brought against the Town on account of the same, and to discharge any judgment or judgments that may be rendered against the Town of Shady Shores in connection therewith.

SECTION 5. Effective Date.

This Ordinance shall take effect immediately from and after its date of passage and the publication of its caption as the law in such cases provides, and it is accordingly so ordained.

ADOPTED by the Town Council of the Town of Shady Shores, Denton County, Texas, on the **10th** day of **August** _____ **2009**.

ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO ADOPT AN ORDINANCE NO. 215-8-2009 ABANDONING A ROAD WITH NO NAME BETWEEN LAKESHORE AND LAURA PROVIDING THAT ALL REQUIREMENTS OF THE ORDINANCE ARE FULFILLED BY PLAT OWNER. SECONDED BY NITA WATKINS.

FOR: UNANIMOUS THE MOTION CARRIED 5-0.

- 4. Review Department of the Army Proposal for lease to non-state government agencies for low density recreation wildlife management area**

Discussion only.

- 5. Review Challenge Partnership Agreement between the US Army Corps of Engineers and the Town of Shady Shores for management and development of “low Density” recreation within Wildlife Management areas.**

Discussion only.

- 6. Review the use of street lights in subdivisions.**

Discussion only.

- 7. Council members to provide list of ordinances needing review.**

(Council members to come prepared to identify the ordinances that need to be reviewed)

Discussion only.

- 8. Adjourn.**

ACTION TAKEN: Betty Brown made a motion to adjourn meeting. Seconded by Jerry Williams.

For: Unanimous The motion carried 5-0

Olive Stephens, Mayor

Attest:

Town Secretary