

**ORDINANCE NO. 2021-3854**

**AN ORDINANCE VACATING, ABANDONING AND CLOSING THE PORTION OF THE OHIO STREET RIGHT-OF-WAY SITUATED BETWEEN EAST MAIN STREET AND THE NORTH A STREET RIGHT-OF-WAY, LOCATED IN BLOCKS 186 AND 187, TOWN OF LA PORTE, AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNER; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City Council of the City of La Porte has been requested by the record owner of the property abutting the portion of Ohio Street right-of-way located between East Main Street and the North A Street right-of-way, located in Blocks 186 and 187, Town of La Porte, to vacate, abandon and close 28,000 square feet of said right-of way, and;

**WHEREAS**, the City Council of the City of La Porte has determined and does hereby find, determine, and declare that the portion of Ohio Street right-of-way located between East Main Street and the North A Street right-of-way, located in Blocks 186 and 187, Town of La Porte is not suitable, needed, or beneficial to the public as a public road, street, or alley, and the closing of the portion of Ohio Street right-of-way located between East Main Street and the North A Street right-of-way, located in Blocks 186 and 187, Town of La Porte, is for the protection of the public and for the public interest and benefit, and that the portion of Ohio Street right-of-way located between East Main Street and the North A Street right-of-way, located in Blocks 186 and 187, Town of La Porte, should be vacated, abandoned, and permanently closed.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:**

**Section 1.** Under and by virtue of the power granted to the City of La Porte under its home rule charter, Chapter 62 of the City of La Porte Code of Ordinances and Chapter 253, Texas Local Government Code, the portion of the Ohio Street right-of-way located between East Main Street and the North A Street right-of-way, located in Blocks 186 and 187, Town of La Porte is hereby permanently vacated, abandoned, and closed by the City of La Porte, such right-of-way being generally illustrated on Exhibit "A" incorporated herein, and further described to wit:

BEING A TRACT OR PARCEL CONTAINING 0.64 OF AN ACRE OR 28,000 SQUARE FEET OF LAND SITUATED IN BLOCKS 186 AND 187, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS, BEING A PORTION OF OHIO STREET (80' R.O.W.) AS RECORDED UNDER VOL. 78, PG. 627, OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.), WITH SAID 0.64 OF AN ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM. SOUTH CENTRAL ZONE (NAD 83):

**BEGINNING** at the southeast corner of Lot 19, Block 186, Town of La Porte right and the Ohio Street right-of-way (80') wide;

**THENCE**, in a northwesterly direction along the southwest right-of-way line of the Ohio Street right-of-way, a distance of 350' to its intersection with the south line of the North A Street right-of-way (60' wide);

**THENCE**, in a northeasterly direction across the Ohio Street right-of-way, a distance of 80' to its intersection with the northeasterly line of the Ohio Street right-of-way (60' wide) and Lot 1, Block 187, Town of La Porte;

**THENCE**, in a southeasterly direction along the northeast right-of-way line of the Ohio Street right-of-way, a distance of 350' to its intersection with the north line of East Main Street;

**THENCE**, in a southwesterly direction across the Ohio Street right-of-way, a distance of 80' to its intersection with the southeast corner of Lot 19, Block 186, Town of La Porte, said point marking the POINT OF BEGINNING of the herein-described tract containing a total of 28,000 square feet (0.64 acres).

**Section 2.** That the abandonment, vacation and closure provided for herein is made and accepted subject to all present zoning and deed restrictions if the latter exist, and all easements, whether apparent or non-apparent, aerial, surface or underground.

**Section 3.** That the abandonment, vacation and closure provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to that interest which the governing body for the City of La Porte may legally and lawfully abandon, vacate and close.

**Section 4.** That the City Manager is hereby authorized to execute and deliver a Deed Without Warranty to the abutting owner upon completion of all conditions and requirements set forth in this Ordinance.

**Section 5.** That the abutting property owner shall pay all costs associated with procedures necessitated by the request to abandon the portion of the Ohio Street right of way located between East Main Street and the North A Street right-of-way, located in Blocks 186 and 187, Town of La Porte, as described in this Ordinance, plus compensation for the market value of such abandoned property in accordance Chapter 62 of the City of La Porte Code of Ordinances.

**Section 6.** The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

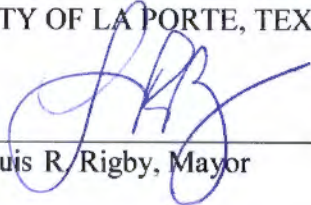
**Section 7:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

**Section 8.** If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of the ordinance.

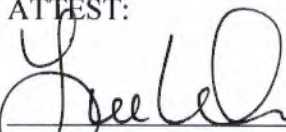
**Section 9.** This ordinance shall be effective from and after its passage and approval, and it is so ordered.


**PASSED AND APPROVED THIS 13<sup>th</sup> day of DECEMBER 2021.**

CITY OF LA PORTE, TEXAS


  
\_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

  
\_\_\_\_\_  
Lee Woodward, City Secretary



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Clark Askins, Assistant City Attorney

## DEED WITHOUT WARRANTY

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: December 13, 20 21

Grantor: CITY OF LA PORTE, TEXAS, a municipal corporation

Mailing Address: 604 West Fairmont Parkway, La Porte, TX 77571

Grantee: LA PORTE MINI STORAGE, LLC

Mailing Address: 507 E. Main St., La Porte, TX, 77571

Consideration: Ten and No/100 Dollars (\$10.00) cash  
and other good and valuable considerations

Property: (including any improvements):

Being the portion of the Ohio Street right of way situated between East Main Street and the North A Street right-of-way, located in Blocks 186 and 187, Town of La Porte, and containing a cumulative total of 28,000 square feet, and be more fully described as follows:

BEING A TRACT OR PARCEL CONTAINING 0.64 OF AN ACRE OR 28,000 SQUARE FEET OF LAND SITUATED IN BLOCKS 186 AND 187, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS, BEING A PORTION OF OHIO STREET (80' R.O.W.) AS RECORDED UNDER VOL. 78, PG. 627, OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.), WITH SAID 0.64 OF AN ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM. SOUTH CENTRAL ZONE (NAD 83):

**BEGINNING** at the southeast corner of Lot 19, Block 186, Town of La Porte right and the Ohio Street right-of-way (80') wide;

**THENCE**, in a northwesterly direction along the southwest right-of-way line of the Ohio Street right-of-way, a distance of 350' to its intersection with the south line of the North A Street right-of-way (60' wide);



**THENCE**, in a northeasterly direction across the Ohio Street right-of-way, a distance of 80' to its intersection with the northeasterly line of the Ohio Street right-of-way (60' wide) and Lot 1, Block 187, Town of La Porte;

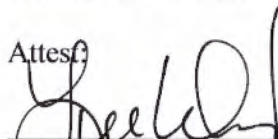
**THENCE**, in a southeasterly direction along the northeast right-of-way line of the Ohio Street right-of-way, a distance of 350' to its intersection with the north line of East Main Street;

**THENCE**, in a southwesterly direction across the Ohio Street right-of-way, a distance of 80' to its intersection with the southeast corner of Lot 19, Block 186, Town of La Porte, said point marking the **POINT OF BEGINNING** of the herein-described tract containing a total of 28,000 square feet (0.64 acres).

Reservations from and Exception to Conveyance and Warranty: This conveyance is made subject to all and singular the restrictions, conditions, oil, gas, and other mineral reservations, easements, and covenants, if any, applicable to and enforceable against the above described property as reflected by the records of the county clerk of the aforesaid county.

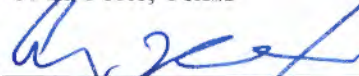
Grantor for the consideration and subject to the reservations from and exceptions to conveyance, conveys to Grantee the property without express or implied warranty, and all warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successor) are excluded.

Attest:

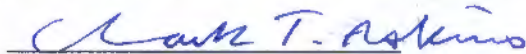
  
Lee Woodward  
City Secretary



City of La Porte, Texas

By:   
Corby D. Alexander  
City Manager

Approved as to form:

  
Clark T. Askins  
Assistant City Attorney

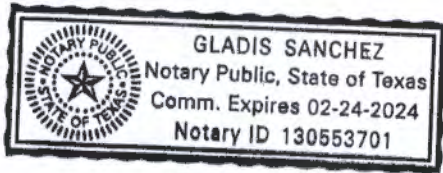
STATE OF TEXAS

§  
§  
§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 14<sup>th</sup> day of December, 2021,  
by Corby D. Alexander, City Manager of the City of La Porte, Texas, a municipal corporation.

Gladis Sanchez  
Notary Public, State of Texas



**AFTER RECORDING RETURN TO:**

ASKINS & ASKINS, P.C.  
P.O. Box 1218  
La Porte, TX 77572-1218

**PREPARED IN THE LAW OFFICE OF:**

ASKINS & ASKINS, P.C.  
P.O. Box 1218  
La Porte, TX 77572-1218




# ROW Closure

**SAC  
#21-2500006**

**Ohio St./E. Main**

## Legend

 Subject Tract



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 125 feet



NOVEMBER 2021  
PLANNING DEPARTMENT



# R.C. Chuoke & Associates, Inc.

Appraisers & Consultants

P.O. Box 1447  
League City, Texas 77574

Office- 281-338-9633  
Fax- 281-338-9533

September 27, 2021

City of La Porte  
P.O. Box 1115  
La Porte, Texas 77572

Dear Sirs:

In accordance with your request, I have inspected the following described property for the purpose of estimating the **Market Value** following described property as of the date of this analysis. As per our agreement, the data and analysis is presented in an abbreviated Restricted Appraisal format and is not intended to contain the full analysis.

## **BRIEF LEGAL DESCRIPTION OF PROPERTY**

Known as +-28,000 square feet of land out of Ohio Street which is an unopened right of way situated between East Main Street and North A Street, La Porte, Harris County, Texas.

I hereby certify that I have personally inspected the property described from the public street and that all data gathered by my investigation is from sources believed reliable and true. In preparing this Restricted Appraisal, a study of comparable sales and other related market data was performed. Per instructions from the client this market value indication does not reflect any discounting for use as a public right of way. It should clearly be understood that this letter only constitutes only a statement of the final value and that does not presume to be the complete analysis of the subject property nor a complete appraisal format and is subject to the preparation of a detailed appraisal report. The subject property is a portion of unopened Ohio Street Right of Way is described by the survey as a total of +-0.64 acres or 28,000 square feet of land area. This right of way to be abandoned is 80 feet X 350 feet. This right of way is located situated between North Main Street and North "A" Street in central eastern La Porte. The topography of the subject site is generally flat and level in terms of topography. It is not located in the 100 year flood plain. Adjacent property uses consist primarily of commercial property uses. The adjacent and nearby properties on the north side of East Main Street appear to be zoned for general commercial use by the City of



.....Page 2 Continued.....

La Porte. The Highest and Best Use of the subject property is determined to be for use either for a street right of way, however it may have an alternative use by adjacent property owners (assemblage) due to its configuration. The client and intended user of this appraisal is the City of La Porte only. The intended use is to estimate the current market value of the subject property of this analysis as described above for use in establishing a market value for the subject property by the client. There has been no transfer of the subject property noted for the past 36 months per appraisal district records. The effective date of the appraisal is September 10, 2021 and last site inspection is September 10, 2021. The date of the report is September 27, 2021. The estimated exposure time is up to 24 months.

Other sales of generally similar properties in the subject neighborhood were researched that had locations that range from primary to secondary type roadways. A unit value range of between \$1.00 PSF to over \$5.00 PSF was noted. After adjustments, it is my opinion the estimated unit value range for the subject property would be a unit value of **\$1.75 PSF**.

Therefore the unit market value of the subject tract is estimated at **\$1.75 PSF or a total of \$49,000, which is based on 100% fee simple ownership with no discounting applied for use as a public right of way.**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Chris Chuoke". The signature is written in a cursive style with a long horizontal stroke at the end.

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Chris Chuoke, President  
R.C. CHUOKE & ASSOCIATES, INC.