

**THE STATE OF TEXAS §**

**COUNTY OF BROWN §**

**ORDER OF ABANDONMENT**

After required notice, motion duly made and seconded in the normal order of business of the meeting of the Brown County Commissioners Court, discussion, and unanimous vote of approval on April 5, 2021, the following is entered in accordance with Sections 272.001 and 263.054 of the Texas Local Government Code to convey an abandoned alley in May, Texas out of the J. B. Ford Addition to the successor in title of the original developer of that addition, by the County Judge, Paul D. Lilly:

IT IS ORDERED AND DECREED that this ORDER OF ABANDONMENT to relinquish, and the following described land is hereby RELINQUISHED to:

RICKY ENRIQUEZ

and is described as follows:

All that certain tract and parcel of land located and being situated in Brown County, Texas, and being an abandoned alleyway in Block 2 of the J.B. Ford's addition to the town of May as depicted in Volume 1, Page 230 of the official Plat Records of Brown County, the abandonment of which was Ordered by the the said Brown County Commissioners Court by action taken on April 5, 2021, and which was approved for conveyance to the Grantee named in this special warranty deed by a motion and resolution adopted by said Commissioners Court on April 5, 2021; Which tract and parcel of land is more particularly described as a 24 foot alley

April 5, 2021  
(Exhibit #3)

abutting the south boundary of lots 7, 8, 9, 10 and 11 of Block 2 of the J.B. Ford's Addition , and an alley abutting the west boundaries of lots 11 and 12, Block 2 of the J.B. Ford's Addition as depicted in the above referenced plat, and therein dedicated to public use.

SIGNED AND ENTERED this 9<sup>th</sup> day of April, 2021.

**BROWN COUNTY**

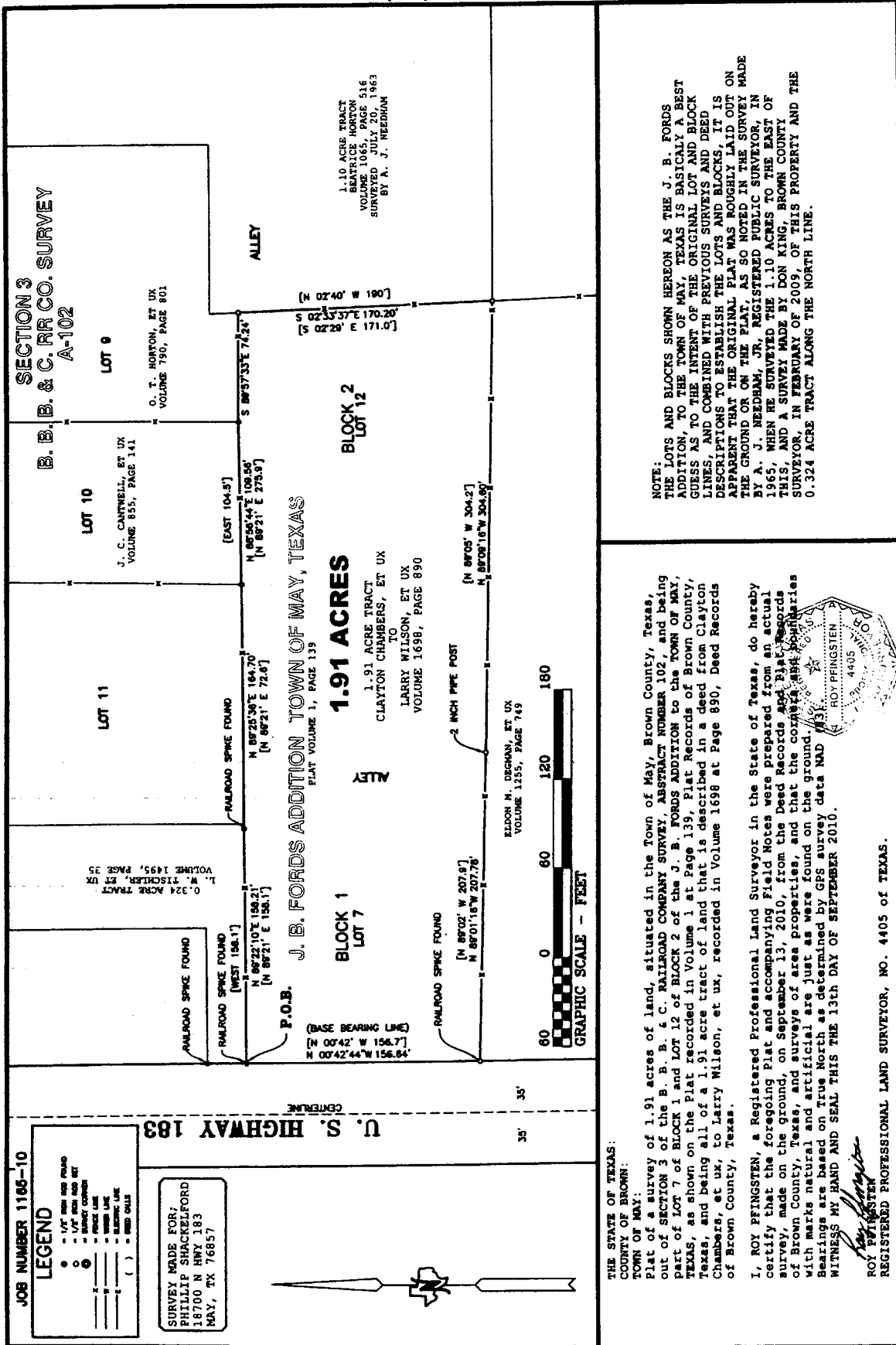
By: Paul D. Lilly  
PAUL D. LILLY, COUNTY JUDGE

# PFINGSTEN SURVEYORS, P.C.

701 W. CENTRAL, PO BOX 39, COMANCHE, TEXAS 76442

325-356-2267 OFFICE, 325-356-2903 FAX

rpsurveyor@verizon.net



THE STATE OF TEXAS:  
 COUNTY OF BROWN:  
 I, ROY PFINGSTEN, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the foregoing Plat and accompanying Field Notes were prepared from an actual survey, made on the ground, on September 13, 2010, from the Deed Records and Plat Records of Brown County, Texas, and surveys of area properties, and that the corners and boundaries with marks natural and artificial are just as were found on the ground.  
 BEARINGS ARE BASED ON TRUE NORTH AS DETERMINED BY GPS SURVEY DATA NAD 83.  
 WITNESS MY HAND AND SEAL THIS 13TH DAY OF SEPTEMBER 2010.

*Roy Pfingsten*  
 ROY PFINGSTEN  
 REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 4405 OF TEXAS.

APPROXIMATE

AVENUE

215 N. 1st St.

Loop Nelson

Isaac  
Sandler

L. C. Nelson

Marlin

Operating

HANDLING FILE

800 N. 1st St.

ROADS

All Sander

E. N. 1st St.

ROAD

215 N. 1st St.

215 N. 1st St.

215 N. 1st St.

215 N. 1st St.

215 N. 1st St.

215 N. 1st St.

§ 271.002 Local Government Contracts with Private Entities for Civil Works Projects and Improvements to Real Property

Research References

Encyclopedias

- 32 *Enc. Jur. & Municipal Corporations* § 357 Comparative Procedures and Compliance With Statute
- 31 *Enc. Jur. & Public Works and Contracts* § 1 Principles Law of Government Contractors
- 31 *Enc. Jur. & Public Works and Contracts* § 16 Importance of Compulsive Bidding for Public Contract or Award

69 *Enc. Jur. & Statutes* § 511 Levy by Governing Body of School District Generally

Treatises and Practice Aids

- Brooks, 23 *Texas Practice Series* § 1210 Overview
- Brooks, 36 *Texas Practice Series* § 1824 Public Works Contracts

CHAPTER 272. SALE OR LEASE OF PROPERTY BY MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

Section

272.001 Notice of Sale or Exchange of Land by Political Subdivision: Exemptions

Section

272.002 Sale or Transfer of Heavy Equipment or Vehicle

§ 272.001 Notice of Sale or Exchange of Land by Political Subdivision: Exemptions

(a) Except for the types of land and interests covered by Subsection (b), (c), (d), (e), or (f), and except as provided by Section 272.002, real property land owned by a political subdivision of the state may be sold or exchanged for other land, notice to the general public of the offer of the land for sale or exchange must be published in a newspaper of general circulation to affect the public to which the land is located or, if there is no such newspaper, in an adjoining county. The notice must include a description of the land, including its location, and the procedure by which sealed bids or proposals for the land or offers to exchange the land may be submitted. The notice must be published on two consecutive days and the sale or exchange may not be made until after the fifth day after the date of the second publication.

(b) The notice and bidding requirements of Subsection (a) do not apply to the sale of land and real property interests described by this subsection and owned by a political subdivision. The land and those interests described by this subsection may not be conveyed, sold, or exchanged for less than the fair market value of the land or interest unless the conveyance, sale, or exchange is with one or more existing property owners who own the underlying real estate. The fair market value is determined by an appraisal obtained by the political subdivision that owns the land or interest or, if the case of land or an interest owned by a home-rule municipality, the fair market value may be determined by the price obtained by the municipality at a public auction for which notice to the general public is published in the manner described by Subsection (a). The notice of the auction must include, instead of the content required by Subsection (a), a description of the land, including its location, the date, time, and location of the auction, and the procedures to be followed at the auction. The appraisal or public auction made is conclusive of the fair market value of the land or interest, regardless of any contrary provision of a home-rule charter. This subsection applies to:

- (1) narrow strips of land or land that because of its shape, lack of access to public roads, or small size cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances;

**ACQUISITION, SALE, OR LEASE**  
Title 3

**With Private Entities for Civil  
Rights in Real Property**

1989  
By: The 39th Legislature, 1st Call, Laws by  
Creating Body of School District, Gen-  
erally

**Second Practice Aids**

Chs. 29 Texas Practice Series S 1240  
Overview

Chs. 39 Texas Practice Series S 1324  
Title Works Contents

**PERIOD BY MUNICIPALITIES  
LOCAL GOVERNMENTS**

1989  
By: The 39th Legislature, 1st Call, Laws by  
Creating Body of School District, Gen-  
erally

**Land by Private Subdivision**

covered by Subsection (1), (2), (3), (4),  
or (5) of this section and which is a  
exchange for other land, shall be  
to be exchanged must be published in  
public records in which the land is located  
and the date of publication of such notice  
shall be published in which notice  
of the land may be subdivided. The  
and the sale of exchange must be  
in the public records.

Subsection (3) is not applicable to the  
land by this subsection and owned by  
persons dependent on the subdivision  
as does the fair market value of the  
or exchange is with one or more  
being the subject. The fair market  
by the voluntary subdivision that some  
an interest owned by a bona fide  
acquired by the owner obtained by the  
and the personal public is published in  
a notice of the auction must include  
a description of the land including  
location, and the proceeds to be  
the auction price is conclusive of the  
value of any voluntary provision of a

notice of its status, date of release, or  
regarding the land is subject to the  
dominant interest of the interest.

**PROPERTY ACQUISITION, SALE, OR LEASE**  
Title 3

§ 272.001

(2) streets or alleys, owned in fee or used by easement

(3) land in a real property interest originally acquired for streets, rights of  
way, or easements that are subject subdivision interests exchanged in state and  
to be used for streets, rights of way, easements, or other public purposes,  
including transferring public to use;

(4) land that the public subdivision wants to have developed by contract with  
an independent contractor;

(5) a real property interest conveyed to a governmental entity that has the  
power of eminent domain;

(6) a municipality's land that is located in a re-investment zone designated as  
provided by law and that the municipality desires to have developed under a  
project plan adopted by the municipality for the zone; or

(7) a property interest owned by a defense base development authority estab-  
lished under Chapter 332, Local Government Code, as added by Chapter 1921,  
Acts of the 76th Legislature, Regular Session, 1979.

(c) The land or interests described by Subsections (b)(1) and (2) may be sold to  
(1) adjoining property owners if the same subdivision in the land has been  
subdivided; or

(2) adjoining property owners if a portion of their adjoining ownership and the  
division between owners into the public is an equitable matter.

(d) This section does not apply to the governing body of a municipal subdivision to  
accept an offer or offer to be conducted in certain exchanges.

(e) This section does not apply to land to be exchanged, either land that is  
acquired by acquisition by or exchanged for other land, or at least equal value.

(f) The fair market value of land, as obtained, or other real property interest by  
exchange for land, or easement, or other real property interest is determined by  
Subsection (1) or, otherwise, determined by an appraiser selected by the public  
subdivision. The cost of any appraisal, or other property interests conducted on  
the affected land or to be an interest of an owner, shall be paid by the public  
subdivision or the affected landowner, as determined in determining fair market  
value.

(g) A subdivided subdivision may, subject to a specific land or real property interest,  
except by acquisition, and the exchange, of whatever nature, the land or  
interest of an owner for the acquisition of ownership of other real property  
interest. The public subdivision shall determine the terms and conditions of the  
acquisition as to acquisition and benefits to public purpose. If acquisition of  
land under this subsection serves a public purpose, the land may be conveyed for  
less than its fair market value. For this subsection, "land" means an individual  
corporation, partnership, or other legal entity.

(h) A municipality, plus the municipality and a municipality of more than one  
municipality that is located primarily in a county with a population of approximately 100,000 or more,  
owning land within a city or town where the doctrine of a bid would be if the like  
were filed to its status, except may, without notice of the subdivision of bid, sell  
the land to the person holding the land for the fair market value of the land as  
determined by a qualified appraiser. While land described by this subsection is  
other land, the municipality owning the land may not sell the land to any person,  
other than the person holding the land, to protect the public health, safety, or  
welfare and to ensure an adequate municipal water supply. Property sold by the  
municipality under this subsection is not subject to and the owner is not entitled to  
the easement provided by Section 11.021, Local Government Code. The instrument conveying  
the property under this subsection must include a provision stating that the

exemption does not apply to the conveyance. In this subsection, "lake" means an inland body of standing water, including a reservoir formed by impounding the water of a river or creek but not including an impoundment of salt water or brackish water, that has a storage capacity of more than 10,000 acre-feet.

(4) A political subdivision that acquires land or a real property interest with funds received for economic development purposes from the community development block grant nonentitlement program authorized by title I of the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.) may lease or convey the land or interest, without the solicitation of bids, to a private for-profit entity or a nonprofit entity that is a party to a contract with the political subdivision if the land or interest will be used by the private for-profit entity or the nonprofit entity in carrying out the purpose of the entity's grant or contract. The land or interest may be leased or conveyed without the solicitation of bids if the political subdivision adopts a resolution stating the conditions and circumstances for the lease or conveyance and the public purpose that will be addressed by the lease or conveyance.

(5) A political subdivision may donate, exchange, convey, sell, or lease land, improvements, or any other interest in real property to an institution of higher education as that term is defined by Section 61.028, Education Code, to promote a public purpose related to higher education. The political subdivision shall determine the terms and conditions of the transaction so as to effectuate and maintain the public purpose. A political subdivision may donate, exchange, convey, sell, or lease the real property interest for less than its full market value and without complying with the notice and bidding requirements of Subsection (2).

(6) This section does not apply to sales or exchanges of land owned by a municipality operating a municipally owned electric or gas utility or land held or managed by the municipally owned utility, or by a division of the municipally owned electric or gas utility that constitutes the substantial majority of the assets of the utility, provided that the governing body of the municipally owned utility shall adopt a resolution stating the conditions and circumstances for the sale or exchange and the public purpose that will be achieved by the sale or exchange. For purposes of this subsection, "municipally owned utility" means a utility that is engaged in the generation, transmission, or distribution of electric energy or the natural and "improved" gas, steam, or high-pressure gas, or the production of the utility's governing body from municipally owned sources.

(7) The notice and bidding requirements prescribed by Subsection (2) do not apply to a donation or sale made under this subsection. A political subdivision may donate or sell for less than fair market value a decommissioned vessel of 600 or more gross tons to a nonprofit or a political subdivision.

(8) The land or interest will be used by the political subdivision to which it is donated or sold if conveying it to a purpose that benefits the public interest of the donating or selling political subdivision.

(9) The donation or sale of the land or interest is made under terms that direct and maintain the public purpose for which the donation or sale is made, and

(10) the title and chain of possession of the land or interest revert to the donating or selling political subdivision or the acquiring political subdivision ceases to use the land or interest in carrying out the public purpose.

Act 1987, 74th Leg., ch. 129, § 11, eff. Sept. 1, 1987; amended by Act 1989, 76th Leg., ch. 1, § 68(a), eff. Aug. 27, 1989; Act 1989, 76th Leg., ch. 248, § 1, eff. Aug. 23, 1989; Act 1991, 78th Leg., ch. 222, § 1, eff. June 6, 1991; Act 1983, 78th Leg., ch. 110, § 1, eff. Aug. 30, 1983; Act 1985, 78th Leg., ch. 205, § 2, eff. Aug. 30, 1985; Act 1987, 79th Leg., ch. 22, § 1, eff. Aug. 30, 1987; Act 1993, 83rd Leg., ch. 619, § 1, eff. Aug. 30, 1993; Act 1995, 84th Leg., ch. 328, § 1, eff. Aug. 30, 1995; Act 1999, 86th Leg., ch. 76, § 1, eff. Sept. 1, 1999.

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Act 1995,  
May 29, 1995  
Act 1997,  
77th Leg.,  
Act 199,  
Act 2001,  
Act 837

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§ 317

ACQUISITION, SALE, OR LEASE

The acquisition, "lease" means any right granted by transferring the title of real estate...

Real property interest with funds on the continuing development by title II of the Housing and Section 801 (a) (2) (g) may lease or...

any conveyance, sale, or lease and... of higher... to provide a... shall determine...

exchange of land owned by a... of the... by a... of the municipality...

of the... may donate...

offer... which it is...

land... and... to the... for the purpose...

ended by Acts 1989, 76th Leg., ch. 1, § 1, eff. Aug. 23, 1989; Acts 1991, 77th Leg., ch. 110, § 1, eff. Aug. 30, 1991; Acts 1993, 78th Leg., ch. 220, § 1, eff. Aug. 1993; Acts 1995, 79th Leg., ch. 76, § 1, eff. Sept. 1, 1995.

PROPERTY ACQUISITION, SALE, OR LEASE

§ 272.001

Acts 1985, 74th Leg., ch. 271, § 1, eff. Sept. 1, 1985; Acts 1989, 76th Leg., ch. 297, § 1, eff. May 29, 1989; Acts 1991, 77th Leg., ch. 110, § 43, eff. Sept. 1, 1991; Acts 1999, 76th Leg., ch. 451, § 1, eff. June 13, 1999; Acts 1999, 76th Leg., ch. 465, § 1, eff. June 13, 1999; Acts 2001, 77th Leg., ch. 1021, § 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1030, § 1, eff. June 16, 2001; Acts 2001, 77th Leg., ch. 1026, § 12109, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 173, § 1, eff. May 23, 2003; Acts 2011, 82nd Leg., ch. 323 (HB 2690) § 1, eff. June 17, 2011; Acts 2011, 82nd Leg., ch. 726 (HB 324) § 2, eff. June 17, 2011; Acts 2019, 86th Leg., ch. 747 (HB 337) § 1, eff. June 11, 2019.

Historical and Statutory Notes

2019 Legislation: Acts 2019, 86th Leg., ch. 747 (HB 337) in (d) in the first sentence substituted "other than a municipality with a population of more...

than one million that is located primarily in a county with a population of two million or more, or having a population of 825,001 or less and...

Cross References

Dallas County hospital district, budget agreements and fees for sale of real property: see V.T.C.A., Health and Safety Code § 231.059.

Research References

Encyclopedia: § 28, Art. 31 Municipal Corporations § 235, Sale or Conveyance by Council or Municipality; § 22, Art. 30 Municipal Corporations § 304, Acquisition or Disposition of Property by Municipalities; § 27, Art. 31 Municipal Corporations § 316, Donation of Real Property or Acquisition of Property Value by Municipalities; § 27, Art. 31 Municipal Corporations § 307, Transfer and Holding of Real Property Acquired to Sale of Municipalities; § 22, Art. 30 Municipal Corporations § 304, Sale of Public Lands of City, Village or Township by Municipality; § 22, Art. 30 Municipal Corporations § 305, Sale of Unimproved Land-Use Rights by Councils and County Delegation Districts; § 20, Art. 30 Public Lands § 43, Contract of Sale of County Land, Unimproved Other than; § 20, Art. 30 Public Lands § 104, Sale of Public School Land, Generally.

Forms: Texas Board Legal and Business § 11.24, Replacement Property Conditions.

Trusts and Estates: Will: Section 4 Texas Probate Statutes § 4.19, School Lands, Interest in Public Charities, Power of Disposition in Community, Charitable Organizations of Other Charitable Organizations.

Trusts and Estates: Will: Section 22 Texas Probate Statutes § 4.03, Sale or Lease of Property.

Trusts and Estates: Will: Section 23 Texas Probate Statutes § 18.02, Powers, Incapacity.

Trusts and Estates: Will: Section 29 Texas Probate Statutes § 20.24, Sale, Lease or Mortgage of Real Property.

Trusts and Estates: Will: Section 35 Texas Probate Statutes § 4.24, Sale of Public Property.

Trusts and Estates: Will: Section 36 Texas Probate Statutes § 46.29, Municipalities, River Authorities.

Trusts and Estates: Will: Section 36 Texas Probate Statutes § 40.12, Sale of Abandoned Right-Of-Way.