

**ORDER VACATING ROAD  
("Order")**

**STATE OF TEXAS                   §**

**COUNTY OF BRAZOS           §**

**WHEREAS**, the Brazos County Commissioners Court desires to close, abandon, and vacate a public road upon the following tract:

All that certain, lot, tract or parcel of land lying and being situated in the E. M. MILLICAN SURVEY, Abstract No. 40, Brazos County, Texas and being the continuation of a platted but unnamed street (50' wide) lying along the Northeast line of Block/Division IV and Block/Division V, Millican Townsite, according to the plat recorded in Volume P. Page 484, Deed Records, Brazos County, Texas and lying Southeast of Clay Street (Jones Street by plat), and also being all of a platted but unnamed street (60' wide) lying between Block/Division IV and Block/Division V, and being further described by metes and bounds in **Exhibit A**, attached hereto and incorporated herein by reference;

**WHEREAS**, Texas Transportation Code §251.001 defines "abandon" as to "relinquish the public's right of way in and use of the road" and defines "vacate" as to "terminate the existence of the road by direct action of the commissioners court of a county". TEXAS TRANSPORTATION CODE §251.001 (1) and (3); and

**WHEREAS**, Texas Transportation Code §251.051(a)(1) states "the commissioners court of a county shall order that public roads be laid out, opened, discontinued, closed, abandoned, vacated or altered." TEXAS TRANSPORTATION CODE §251.051 (a) (1); and

**WHEREAS**, Texas Transportation Code §251.051(b)(1) states "a unanimous vote of the commissioners court is required to close, abandon, or vacate a public road." TEXAS TRANSPORTATION CODE §251.051(b)(1); and

**WHEREAS**, no person that owns property that abuts the public road being closed, abandoned and vacated has attempted to enjoin the entry or enforcement of this order. TEXAS TRANSPORTATION CODE §251.058(a)(1); and

**WHEREAS**, the public road being closed, abandoned and vacated does not provide the only ingress or egress to any property adjacent to it. TEXAS TRANSPORTATION CODE §251.058 (a) (2); and

**WHEREAS**, title to the public road being closed, abandoned and vacated to the center line of the road will vest on the date this order is signed by the county judge in the owner of the property that abuts the road being closed, abandoned and vacated, and a copy of this order shall be filed in the deed records of the county and serves as the official instrument of conveyance from the county to the owner of the abutting property. TEXAS TRANSPORTATION CODE §251.058 (b).

**NOW, THEREFORE, IT IS ORDERED**, upon proper notice and announcement as required by law, and upon motion duly made and seconded, and passed by a unanimous vote, as indicated by the signatures of the County Commissioners below, the public road upon the following tract is hereby closed, abandoned and vacated:

All that certain, lot, tract or parcel of land lying and being situated in the E. M. MILLICAN SURVEY, Abstract No. 40, Brazos County, Texas and being the continuation of a platted but unnamed street (50' wide) lying along the Northeast line of Block/Division IV and Block/Division V, Millican Townsite, according to the plat recorded in Volume P. Page 484, Deed Records, Brazos County, Texas and lying Southeast of Clay Street (Jones Street by plat), and also being all of a platted but unnamed street (60' wide) lying between Block/Division IV and Block/Division V, and being further described by metes and bounds in **Exhibit A**, attached hereto and incorporated herein by reference;

**FURTHERMORE, BE IT ORDERED** that this Order serves as the official instrument of conveyance of the property described in **Exhibit A**, from the Grantor, Brazos County, Texas, to the owner of property abutting the road closed, abandoned and vacated, said owner being CURTIS CAPPS; the dimensions of the property being conveyed are described in **Exhibit A**, attached hereto and incorporated for all purposes herein.

Issued by authority of the Commissioners Court of Brazos County, Texas, this \_\_\_\_ day of \_\_\_\_\_, 2023.

---

Duane Peters  
County Judge

---

Commissioner Steve Aldrich  
Precinct 1

---

Commissioner Chuck Konderla  
Precinct 2

---

Commissioner Nancy Berry  
Precinct 3

---

Commissioner Wanda J. Watson  
Precinct 4

STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on \_\_\_\_\_, 2023, by Duane Peters, County Judge of the County of Brazos, Texas, a Political Subdivision of the State of Texas.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on \_\_\_\_\_, 2023, by Steve Aldrich, Commissioner Pct. 1 of the County of Brazos, Texas, a Political Subdivision of the State of Texas.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on \_\_\_\_\_, 2023, by Chuck Konderla, Commissioner Pct. 2 of the County of Brazos, Texas, a Political Subdivision of the State of Texas.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on \_\_\_\_\_, 2023, by Nancy Berry, Commissioner Pct. 3 of the County of Brazos, Texas, a Political Subdivision of the State of Texas.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on \_\_\_\_\_, 2023, by Wanda J. Watson, Commissioner Pct. 4 of the County of Brazos, Texas, a Political Subdivision of the State of Texas.

\_\_\_\_\_  
Notary Public, State of Texas

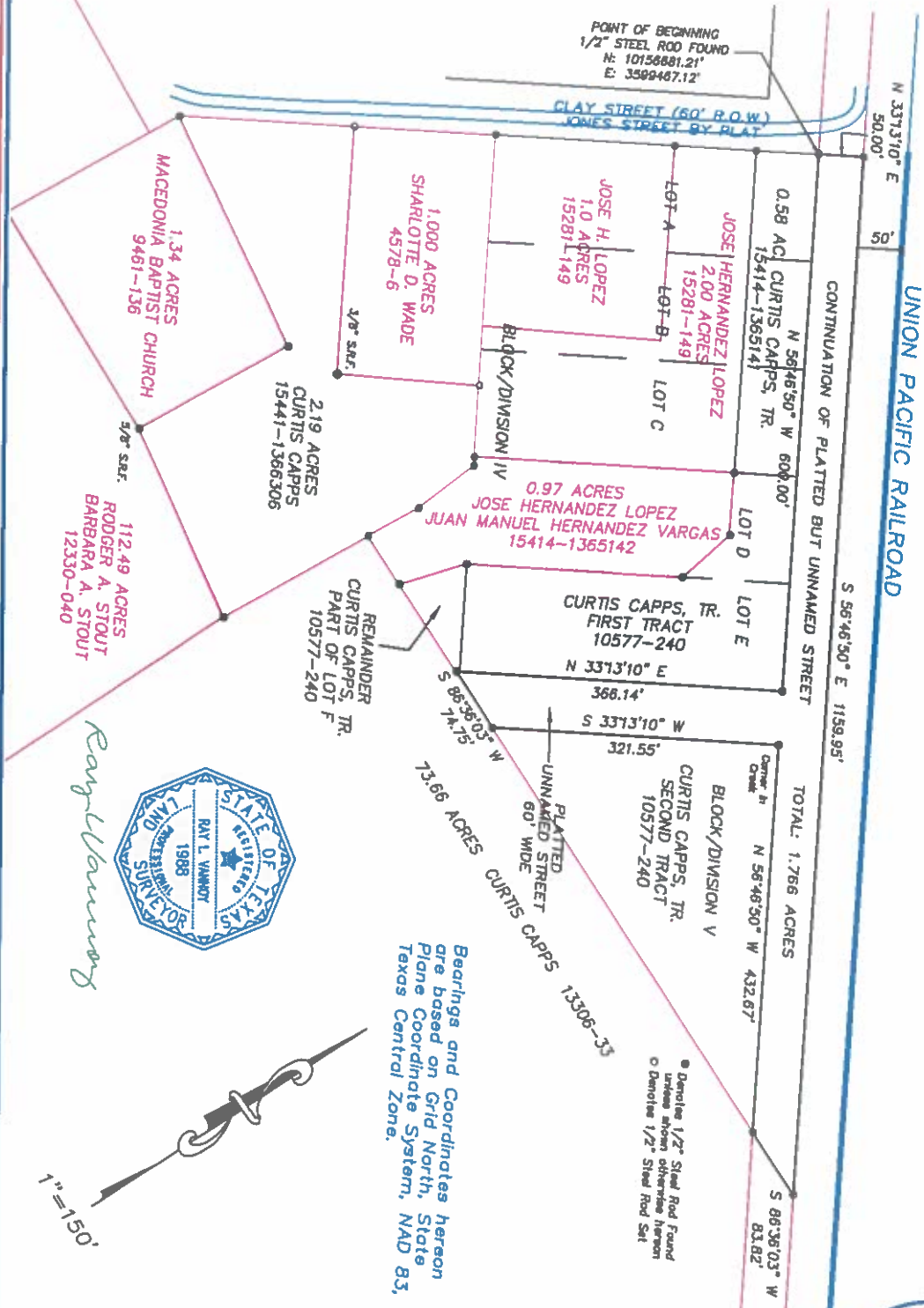
# Vannoy & Assoc., Inc.

Exhibit "A"

SURVEY PLAT  
STREET ABANDONMENT  
FIELD NOTES ATTACHED

STATE OF TEXAS  
COUNTY OF BRAZOS

BEING all that tract of land in Brazos County, Texas, out of the E. M. Millican Survey, A-40, and being part of the Millican Townsite, according to the plat recorded in Volume P, Page 484, Deed Records, Brazos County, Texas.



Sheet 1 of 2  
No Title Commitment Furnished



FIELD NOTES  
STREET ABANDONMENT  
PLAT ATTACHEDSTATE OF TEXAS  
COUNTY OF BRAZOS

BEING all that tract of land in Brazos County, Texas, out of the E. M. Millican Survey, A-40, and being the continuation of a platted but unnamed street (50' wide) lying along Northeast line of Block/Division IV and Block/Division V, Millican Townsite, according to the plat recorded in Volume P, Page 484, Deed Records, Brazos County, Texas, and lying Southeast of Clay Street (Jones Street by plat), and also being all of a platted but unnamed street (60' wide) lying between Block/Division IV and Block/Division V, and being further described as follows:

BEGINNING at a 1/2 inch steel rod found at the North corner of said Block/Division IV, said point having State Plane Grid Coordinates of N: 10156681.21 feet and E: 3599467.12 feet (NAD 83, Texas Central Zone);

THENCE North 33 degrees 13 minutes 10 seconds East, 50.00 feet to a 1/2 inch steel rod set for corner;

THENCE South 56 degrees 46 minutes 50 seconds East, parallel with and 50.00 feet Southwesterly from the center of the Union Pacific Railroad, 1159.95 feet to a 1/2 inch steel rod set in the extension of the South line of Division V, Millican Townsite;

THENCE South 86 degrees 36 minutes 03 seconds West, 83.82 feet to a 1/2 inch steel rod set at the East corner of said Division V;

THENCE North 56 degrees 46 minutes 50 seconds West, parallel with and 100.00 feet Southwesterly from the center of the Union Pacific Railroad, 432.67 feet to a point in a creek for the North corner of Block/Division V;

THENCE South 33 degrees 13 minutes 10 seconds West, 321.55 feet along the Southeast line of said 60 foot wide street to a 1/2 inch steel rod found at the West corner of Block/Division V;

THENCE South 86 degrees 36 minutes 03 seconds West, 74.75 feet to a 1/2 inch steel rod found at the South corner of Block/Division IV;

THENCE North 33 degrees 13 minutes 10 seconds East, 366.14 feet along the Northwest line of said 60 foot wide street to a 1/2 inch steel rod found for the East corner of Block/Division IV;

THENCE North 56 degrees 46 minutes 50 seconds West, parallel with and 100.00 feet Southwesterly from the center of the Union Pacific Railroad, 600.00 feet to the POINT OF BEGINNING, containing 1.766 acres of land.

The plat and field notes shown hereon were prepared from an on the ground survey performed under my supervision on July 19, 2022.

July 23, 2022



Ray L. Vannoy

Ray L. Vannoy  
L.S.L.S., R.P.L.S. No. 1988

Sheet 2 of 2  
No Title Commitment Furnished

