

**AGENDA PLACEMENT FORM**

(Submission Deadline – Monday, 5:00 PM before Regular Court Meetings)

Date: \_\_\_\_\_

Meeting Date: 12/21/2023

Submitted By: County Judge's Office

Department: \_\_\_\_\_

Signature of Elected Official/Department Head:  
\_\_\_\_\_

<b>Court Decision:</b> <small>This section to be completed by County Judge's Office</small>
<b>COMMISSIONERS COURT</b>
<b>DEC 21 2023</b>
<b>Acknowledged</b>

**Description:**

Acknowledgement of Recorded Closing Documents for 411 Marti Dr., Cleburne, Texas 76031 Including Special Warranty Deed to Johnson County, Special Warranty Deed to City of Cleburne (for Road Portion), Agreement to Terminate Declaration of Covenants and Easements, City of Cleburne Ordinance 2023-79 Accepting Marti Dr. into City Maintenance, and Correction of Easement Agreement-County Judge's Office

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(May attach additional sheets if necessary)

**Person to Present:** \_\_\_\_\_

(Presenter must be present for the item unless the item is on the Consent Agenda)

**Supporting Documentation:** (check one)     PUBLIC     CONFIDENTIAL

(PUBLIC documentation may be made available to the public prior to the Meeting)

**Estimated Length of Presentation:** \_\_\_\_\_ minutes

**Session Requested:** (check one)

Action Item     Consent     Workshop     Executive     Other \_\_\_\_\_

**Check All Departments That Have Been Notified:**

County Attorney     IT     Purchasing     Auditor

Personnel     Public Works     Facilities Management

Other Department/Official (list) \_\_\_\_\_

**Please List All External Persons Who Need a Copy of Signed Documents  
In Your Submission Email**

**ORDINANCE**

NO. OR11-2023-78 Fidelity National GF# 9001222500287

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, ACCEPTING THE DEDICATION OF A 1.3952 ACRE TRACT OF LAND COMMONLY KNOWN AS BENTLEY DRIVE, ALSO KNOWN AS MARTI DRIVE, BY TOTAL ENERGIES E&P BARNETT USA, LLC; AUTHORIZING THE CITY SECRETARY TO FILE THIS ORDINANCE WITH THE OFFICE OF THE JOHNSON COUNTY CLERK; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

---

**WHEREAS**, the City of Cleburne, Texas (the “City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, Bentley Drive, also known as Marti Drive, (“the Road”) was initially developed as a public street as shown on the final plat of the Marti-Bentley Subdivision as recorded in Volume 8, Page 209 of the plat records of Johnson County; and

**WHEREAS**, on August 14, 2012, the City passed Ordinance OR08-2012-31 closing, vacating, and abandoning the entire right-of-way of the Road; and

**WHEREAS**, Total Energies E&P Barnett USA, LLC, owns the Road and has requested the City consider accepting the existing roadway as a public street, regaining public ownership, interest, and control of the Road and right-of-way; and

**WHEREAS**, Total Energies E&P Barnett USA, LLC, has provided to the City the special warranty deed attached hereto as **Exhibit A**, that includes a metes and bounds description and a depiction of the Road; and

**WHEREAS**, the City believes it is in the best interest of the City to regain public ownership, interest, and control of the Road.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, THAT:**

**SECTION ONE.** The following property is hereby accepted as public property:

**BEING ALL OF BENTLEY DRIVE, AKA MARTI DRIVE, AS RECORDED IN VOLUME 8, PAGE 209 OF THE PLAT RECORDS OF JOHNSON COUNTY, TEXAS AND SHOWN IN EXHIBITS A AND B, ATTACHED HERETO.**

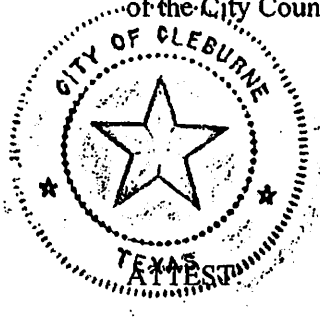
**SECTION TWO.** The City Secretary is hereby authorized to file this Ordinance and the Special Warranty Deed attached hereto as Exhibit A in the real property records in the Office of the Johnson County Clerk.

**SECTION THREE.** If any provision or any section of this Ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.


**SECTION FOUR.** This Ordinance shall be cumulative of all provisions of ordinances of the City of Cleburne, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION FIVE.** This Ordinance shall be in full force and effect from and after its date of passage, and it is so ordained.

**PASSED AND APPROVED** this the 14th day of November, 2023, at a Regular Meeting of the City Council of the City of Cleburne, Texas.



CITY OF CLEBURNE

BY:   
\_\_\_\_\_  
Scott Cain, Mayor

  
\_\_\_\_\_  
Ivy Peterson, City Secretary

**Johnson County**  
**April Long**  
**Johnson County**  
**Clerk**

---

**Instrument Number:** 2023 - 33603

eRecording - Real Property

Ordinance

Recorded On: December 05, 2023 01:29 PM

Number of Pages: 3

---

**" Examined and Charged as Follows: "**

Total Recording: \$30.00

---

**\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\***

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2023 - 33603  
Receipt Number: 20231205000096  
Recorded Date/Time: December 05, 2023 01:29 PM  
User: Leslie S  
Station: ccl83

**Record and Return To:**

Corporation Service Company



**STATE OF TEXAS**  
**COUNTY OF JOHNSON**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Johnson County, Texas.

April Long  
Johnson County Clerk  
Johnson County, TX

*April Long*