

# JOEL MOORE LAW, P.L.L.C.

P.O. BOX 777  
CELINA, TX 75009

JOEL MOORE, MANAGING MEMBER  
ATTORNEY AT LAW  
TEXAS · LOUISIANA · ILLINOIS

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January 9, 2012

The Honorable Judge Keith Self  
Collin County Commissioner's Court  
2300 Bloomdale, Suite 4192  
McKinney, TX 75071  
*Via e-mail to [bbilyeu@collincountytx.gov](mailto:bbilyeu@collincountytx.gov)*

RE: Request to abandon failed dedication of a "public road," release any related easements, and quitclaim any interests in order to clear title for Joel & Megan Moore

Dear Judge Self:

My wife Megan and I respectfully request the consideration of the Commissioner's Court in executing the attached Order, Release of Easement, & Quitclaim Deed ("Order") regarding a 1978 purported dedication of a public road and utility easement. We believe the dedication was never valid because it was never accepted by anybody, and that if it were valid, it failed long ago because nothing was ever built in the purported easement area and it only dead ends into the middle of our land and benefits nobody. The attached Order would clear our title.

In 1978, Dan Christie and Craig Glendenning were dividing up land to sell in smaller tracts. Today my wife and I own two of those tracts for a contiguous 25.03 acres.

While dividing land, Mr. Christie and Mr. Glendenning created a number of roads. Among the roads they created was "Tract III" in an instrument recorded in the Deed Records at Volume 1152, Page 534, which is attached. Tract III is a purported dedication to the public of a road and utility easement.

The "Tract III" easement starts at what today is Wolf Trail in Collin County, Texas between Celina and Weston. Wolf Trail forms the North boundary of our land, and the easement starts near the middle of our North boundary (see attached survey, and Collin County records). From Wolf Trail, the easement proceeds South for about 500 feet and dead ends into the middle of our land.

No roadway or any other improvement exists within the easement area. As shown in the attached picture, not only does no road exist within the "easement" area, but many mature trees are growing there, and due to a creek bed the area is very poorly suited for a road. Even if a roadway did exist, it would be useless because it would dead end into the middle of our land and would be of no benefit to anybody. The easement is only a cloud on our title.

A valid dedication of a public road requires acceptance of the dedication. *See, e.g., Lambright v. Trahan*, 322 S.W.3d 424, 431 (Tex. App.--Texarkana 2010). Even where a roadway dedication is validly made and accepted, it can later be abandoned when the roadway's "use for which it was dedicated 'becomes impossible, or so highly improbable as to be practically impossible, or where the object of the use for which the [roadway] is dedicated wholly fails.'" *Braun v. Braun*, No. 04-09-00486-CV at 15 (Tex. App. 2010).

In our case, we do not believe there was ever a valid dedication, because the land is not within any municipality and Collin County never accepted the purported dedication. The attached Affidavit of Carla Weiss, a Collin County Right-of Way Coordinator, states that the roadway was never approved or adopted by Collin County or used as a road.

Even if there was a valid dedication, the roadway has long since been common law abandoned because its object has failed. In fact, I believe its object failed within two years of dedication.

Our approximately 12.91 acre tract of land used to be owned by two different parties. Mr. Christie and Mr. Glendenning acquired the North approximate 8.112 acres as part of a large 149.433 acre tract they were dividing and selling (Volume 1135, Page 276, Deed Records). The Chandlers owned the South 4.814 acres of our 12.91 acre tract, and I believe the easement was designed to cross the North 8.112 acres to reach the Chandlers' land so they would not be landlocked. But less than two years after the easement dedication, Mr. Christie and Mr. Glendenning acquired the South 4.814 acres from the Chandlers (Volume 1236, Page 218) and combined those acres with the North 8.112 acres in order to sell to Bill Herrin what today is known as a larger 12.91 acre tract (Volume 1236, Page 215), eliminating the need for the Tract III public road dedication.

Today, all the easement does is dead end into the middle of our land.

Based upon the Transportation Code (see attachment), the Collin County Commissioner's Court appears to have the authority to order a public road closed, abandoned, or vacated. Even though we do not believe there is a road to abandon, having an Order from the Commissioner's Court that we could file in the Deed Records would help us clear our title of the failed easement dedication.

Please find attached to this letter a number of supporting documents that may be of assistance to you in considering our request. We respectfully propose the attached "Order, Release of Easement, & Quitclaim Deed" to clear our title. Based upon discussion with the Office of the County Clerk, I believe your signature with the County Seal on the attached Order could be filed in the Deed Records as required by the Transportation Code.

I would be pleased to appear in person before the Commissioner's Court for questioning or to further explain or support my request as desired. Also, please do not hesitate to contact me by phone or email at any time if you should like to discuss this matter further, or if we may provide additional details or supporting documents. I may be reached at (469) 777-6347, or via email at [jm@joelmoorelaw.com](mailto:jm@joelmoorelaw.com).

Thank you very much for your consideration.

Respectfully submitted,



Joel Moore, Managing Member  
JOEL MOORE LAW, P.L.L.C.

Attachments (6):

Order, Release of Easement, & Quitclaim Deed  
Dedication of Roadway to the Public, Volume 1152, Page 534, Deed Records, Collin County, Texas (December 13, 1978)  
Affidavit of Joel Brandon Moore with attached Exhibit 1 and Exhibit 2  
December 14, 2011 letter from Carla Weiss, Collin County Right-of Way Coordinator  
Affidavit of Carla Weiss, Collin County Right-of Way Coordinator  
Excerpts from Texas Transportation Code

cc: Bill Bilyeu (via e-mail)

## ORDER, RELEASE OF EASEMENT, & QUITCLAIM DEED

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: September 29, 2011.  
Grantor: County of Collin, State of Texas.  
Grantees: Joel Brandon Moore & Megan Janelle Moore, husband & wife,  
16312 Dry Creek Blvd, Prosper, Texas, 75078.  
Property: Tract III in "Dedication of Roadway to the Public," dated December 13, 1978,  
Volume 1152, Page 534, Deed Records, Collin County, Texas:

All that certain lot, tract or parcel of land lying and being situated in the County of Collin, State of Texas and being part of the L. Melvin Survey, Abstract No. 598, and being a description of a 40 foot wide roadway and utility easement over and across part of a 149.433 acre tract of land conveyed by David Witts to Issac Lee Horn et al by Deed recorded in Volume 980, Page 345, Deed Records of Collin County, Texas, and described by metes and bounds, as follows, to-wit:

BEGINNING at a steel rod maintaining an ell corner to said 149.433 acre tract, said rod being North 88 deg. 12 min. West a distance of 1915.32 ft., and North 00 deg. 07 min. 12 sec. East a distance of 472.5 ft. from the Southeast corner of the L. Melvin Survey;

THENCE North 89 deg. 34 min. 06 sec. West with the South line of said 149.433 acre tract, a distance of 40.00 ft. to a point;

THENCE North 00 deg. 07 min. 12 sec. East a distance of 517.90 ft. to a point in the South line of a 60 ft. wide roadway easement;

THENCE South 80 deg. 23 min. 34 sec. East with the South line of said 60 ft. wide roadway easement, a distance of 40.55 ft. to a point;

THENCE South 00 deg. 07 min. 12 sec. East a distance of 472.5 ft. to the PLACE OF BEGINNING.

**WHEREAS** on this day, the Commissioner's Court of Collin County, Texas considered Grantees' request for an Order: (i) closing, abandoning, and vacating any public roadway over and across the Property; (ii) abandoning, releasing, and discharging all easements and rights created in or to the Property by instrument recorded at Volume 1152, Page 534, Deed Records, Collin County, Texas; and (iii) quitclaiming all right, title, and interest that Grantor or the public may have in or to the Property to Grantees; and

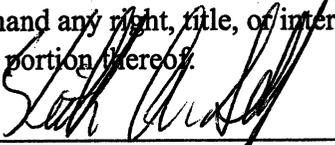
**WHEREAS** the Court finds that Grantees own the Property and the relevant land surrounding the Property, and no other property would be adversely affected by the requested relief; that the Property was never approved, adopted, used, or otherwise accepted by Collin County or the public as a public road or otherwise; and that the requested relief should be granted;

**NOW THEREFORE**, by virtue of the authority vested in the Collin County Commissioner's Court, it is hereby and by unanimous vote of the Collin County Commissioner's Court:

**ORDERED** that any and all public roads over and across the Property have been closed, abandoned, and vacated and by this Order are closed, abandoned, and vacated;

**ORDERED** that Grantor has abandoned, released, and discharged and by this instrument does abandon, release, and discharge all those certain easements and rights created in or to the Property by instrument dated December 13, 1978, recorded January 10, 1979, Volume 1152, Page 534, Deed Records, Collin County, Texas; and

**ORDERED** that Grantor has quitclaimed, granted, and conveyed and by this instrument does quitclaim, grant, and convey to Grantees all right, title, and interest of Grantor and/or the public in or to the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold unto Grantees, their heirs or assigns forever, so that neither Grantor nor the public, nor their respective heirs, successors, or assigns shall have, claim, or demand any right, title, or interest in or to the Property, the rights and appurtenances thereto, or any portion thereof.

  
\_\_\_\_\_  
Collin County Judge Keith Self

[County Seal]

RECORD AND RETURN TO: JOEL & MEGAN MOORE, 16312 DRY CREEK BLVD, PROSPER, TX 75078

1175

VOL 1152, PAGE 534

THE STATE OF TEXAS X

DEDICATION OF ROADWAY  
TO THE PUBLIC

COUNTY OF COLLIN X

We, DAN CHRISTIE and CRAIG GLENDENNING, have DEDICATED,  
and by these presents to DEDICATE to the public the following  
described property, for the exclusive use of a roadway:

TRACT I

All that certain lot, tract or parcel of land lying and being situated in the County of Collin, State of Texas and being part of the L. Melvin Survey, and being a description of a 60 ft. wide roadway and utility easement over and across a part of a 149.433 acre tract of land conveyed by David Witts to Isaac Lee Horn et al by Deed Recorded in Volume 980, Page 345, Deed Records Collin County, Texas, the center of said 60 ft. wide roadway and utility easement being described as follows, to-wit:

BEGINNING at a corner in a 60 ft. wide roadway and utility easement across said 149.433 acre tract, said point being South 87 deg. 54 min. 19 sec. East, 480.25 ft., and South 02 deg. 05 min. 41 sec. West, 600.0 ft. from the Northwest corner of said 149.433 acre tract;

THENCE South 05 deg. 14 min. 46 sec. West with the center of said 60 ft. wide roadway and utility easement, a distance of 620.06 ft. to a steel rod at the radius point of a 40 ft. radius cul-de-sac, said point being the end of said 60 ft. wide roadway and utility easement.

TRACT II

All that certain lot, tract or parcel of land lying and being situated in the County of Collin, State of Texas and being part of the L. Melvin Survey, Abstract No. 598 and being a description of a 40 foot wide roadway and utility easement along a part of the North line of a 25½ acre tract conveyed by Bob Parish et ux to F. H. Chandler, Jr., et ux by Deed recorded in Volume 701, Page 258, Deed Records of Collin County, Texas, the North line of said 40 ft. wide roadway and utility easement being described as follows, to-wit:

BEGINNING at a point in the North line of said 25½ acre tract, South 88 deg. 04 min. 13 sec. East a distance of 386.18 ft. from the Northwest corner of said 25½ acre tract;

THENCE South 88 deg. 04 min. 13 sec. East with the North line of said 25½ acre tract and with the North line of the herein described roadway and utility easement, at 40 feet passing the radius point of a cul-de-sac, and continuing for a total distance of 796.63 ft. to a steel rod, the end of said 40 ft. wide roadway and utility easement.

DEDICATION CONTINUED ON PAGE TWO

TRACT III

All that certain lot, tract or parcel of land lying and being situated in the County of Collin, State of Texas and being part of the L. Melvin Survey, Abstract No. 598, and being a description of a 40 foot wide roadway and utility easement over and across part of a 149.433 acre tract of land conveyed by David Witts to Issac Lee Horn et al by Deed recorded in Volume 980, Page 345, Deed Records of Collin County, Texas, and described by metes and bounds, as follows, to-wit:

BEGINNING at a steel rod maintaining an ell corner to said 149.433 acre tract, said rod being North 88 deg. 12 min. West a distance of 1915.32 ft., and North 00 deg. 07 min. 12 sec. East a distance of 472.5 ft. from the Southeast corner of the L. Melvin Survey;

THENCE North 89 deg. 34 min. 06 sec. West with the South line of said 149.433 acre tract, a distance of 40.00 ft. to a point;

THENCE North 00 deg. 07 min. 12 sec. East a distance of 517.90 ft. to a point in the South line of a 60 ft. wide roadway easement;

THENCE South 80 deg. 23 min. 34 sec. East with the South line of said 60 ft. wide roadway easement, a distance of 40.55 ft. to a point;

THENCE South 00 deg. 07 min. 12 sec. East a distance of 472.5 ft. to the PLACE OF BEGINNING.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said public.

EXECUTED this 13<sup>th</sup> day of December, 1978.

*Dan Christie*

DAN CHRISTIE

*Craig Glendenning*

CRAIG GLENDENNING

THE STATE OF TEXAS     X     VOL 1152 PAGE 536  
COUNTY OF COLLIN     X

BEFORE ME, the undersigned authority, on this day personally appeared DAN CHRISTIE and CRAIG GLENDENNING, known to me to be the person whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 13<sup>th</sup> day of December, 1978.

*Jasan L. Webb*  
Notary Public, Collin County, Texas



FILED FOR RECORD 10 DAY OF January, A.D. 1979, at \_\_\_\_\_ M.  
RECORDED 11 DAY OF January, A.D. 1979.  
JAS. R. WEBB, COUNTY CLERK, COLLIN COUNTY, TEXAS.  
BY: Ann Boren DEPUTY.

**Affidavit of Joel Brandon Moore**

STATE OF TEXAS       §  
COUNTY OF DALLAS   §

BEFORE ME, the undersigned notary public, on this day personally appeared Joel Brandon Moore, the Affiant, a person whose identity is known to me. After I administered an oath to Affiant, Affiant testified:

1. "My name is Joel Brandon Moore. I am over 18 years of age, of sound mind, and capable of making this Affidavit. All of the facts and statements in this Affidavit are based upon and within my personal knowledge and are true and correct.
2. "On September 29, 2011, my wife Megan Janelle Moore and I, together as husband and wife, purchased two tracts of land located in Collin County, Texas, which shall respectively be referred to below as tract one and tract two.
3. "Tract one is the subject property of a General Warranty Deed from grantors Gregory A. Schultz and Susan Schultz, husband and wife, to me and my wife as grantees, dated and executed on September 29, 2011, as recorded in instrument number 20111003001047700, Deed Records, Collin County, Texas.
4. "Tract one may be described as a 12.91 acre tract of land, as shown on a recent survey performed at my request by Peiser Surveying Co., 623 East Dallas Road, Grapevine, Texas, and as shown on the aforementioned General Warranty Deed.
5. "Tract two is the subject property of a General Warranty Deed With Vendor's Lien from grantors Chris Vogelsang and Lora Vogelsang, husband and wife, to me and my wife as grantees, dated and executed on September 29, 2011, as recorded in instrument number 20110930001042500, Deed Records, Collin County, Texas.
6. "Tract two may be described as a 12.12 acre tract of land, as shown on a recent survey performed at my request by Peiser Surveying Co., 623 East Dallas Road, Grapevine, Texas, and as shown on the aforementioned General Warranty Deed With Vendor's Lien.
7. "Tract one and tract two are both situated in the Levi Melvin Survey, Abstract No. 598, in Collin County, Texas.
8. "Tract one and tract two are contiguous to each other as adjoining properties, without any existing roads or any property owned by any other party between the two tracts, except as discussed in this Affidavit.
9. "Tract one and tract two share a mutual boundary line that is 981.45 feet long. Said boundary line

forms the East boundary line of tract one, and the West boundary line of tract two.

10. "Together, tract one and tract two total 25.03 acres of contiguous land, as shown on a recent survey performed at my request by Peiser Surveying Co., 623 East Dallas Road, Grapevine, Texas, which contiguous 25.03 acres shall together be referred to below as the 'Land'.
11. "Attached to this Affidavit as Exhibit 1 is a true and correct copy of the certified and sealed 25.03 acre survey of the Land provided to me by Peiser Surveying Co.
12. "I personally accompanied the surveyors while they were performing the survey work for Peiser Surveying Co. that was necessary to create the survey attached as Exhibit 1, and was present when the surveyors were locating the pins representing the boundary lines for our property.
13. "During the past several months beginning on August 4, 2011, I have spent a significant amount of time on the Land. Recently I spent over 20 hours dismantling old, broken-down barbed wire fencing in various locations on the Land, and spent significant other time getting to know the Land, taking pictures, and making observations about the Land for future development and agricultural and wildlife uses.
14. "I have made observations on the Land in the company of representatives of the Texas Parks and Wildlife Department, an arborist organization, and the Grayson-Collin Electric Co-op.
15. "I have met personally with persons associated with the Texas AgriLife Extension Service in Collin County and the Collin Central Appraisal District respecting agriculture and wildlife uses for the Land.
16. "I am an attorney, have been practicing law since 2003, was first licensed as an attorney in Texas in 2004, and am familiar with the process of performing title research, reading metes and bounds descriptions, and other requirements for performing title research for real property in Collin County.
17. "I have conducted extensive research into Collin County deed records, both online via Collin County's website and during at least three to four trips to the Collin County Clerk's office to examine microfiche and other public records related to the Land.
18. "I have learned both through my independent research and the assistance of Peiser Surveying Co. that an approximately 40-foot wide strip of land over and across part of tract one was dedicated to

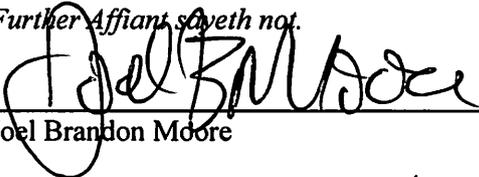
the public as a roadway in 1978, which will be referred to as the 'Roadway Dedication'.

- 19. "The Roadway Dedication was recorded in an instrument appearing in the deed records of Collin County at volume 1152, page 534, and the Roadway Dedication is Tract III in said instrument.
- 20. "The Roadway Dedication is also roughly sketched in the survey attached as Exhibit 1.
- 21. "In Exhibit 1, the Roadway Dedication is shown by a long, narrow, rectangular box marked with a dotted line in the middle of the 25.03 acres, and on the top half of the property.
- 22. "As the attached survey shows, and I have personally observed through physical observation of the land and its boundary markers and title history research and review of various deeds and metes and bounds descriptions, the Roadway Dedication dead ends in the middle of our Land, and does not abut any other party's land, except that the North line of the Roadway Dedication appears to be contiguous with about 40 feet of the South line of a public right of way currently known as Wolf Trail, which grants access to our Land.
- 23. "I personally took the photograph attached to this Affidavit as Exhibit 2 on or about September 11, 2011.
- 24. "The photograph attached as Exhibit 2 is taken from Wolf Trail, Collin County, Texas near the North boundary line of the Land, looking South, and is a true and correct representation of said vantage point on September 11, 2011.
- 25. "The photograph shows a lot of trees, and shows pink flagging tape attached to a tree that was placed there by the surveyors to easily identify the approximate location of a nearby pin in the ground.
- 26. "The pin in the ground marks the point that was the Northeast corner of tract one, which we bought from the Schultzes on September 29, 2011, and the Northwest corner of tract two, which we bought from the Vogelsangs on September 29, 2011.
- 27. "According to the metes and bounds description of the Roadway Dedication, and according to the survey attached as Exhibit 1, the public roadway that is the subject of the Roadway Dedication was supposed to be located to the right of the flagging tape in the attached picture.
- 28. "The picture shows, and I have personally observed that there is no roadway of any kind, nor any structure or any other evidence of any devel-

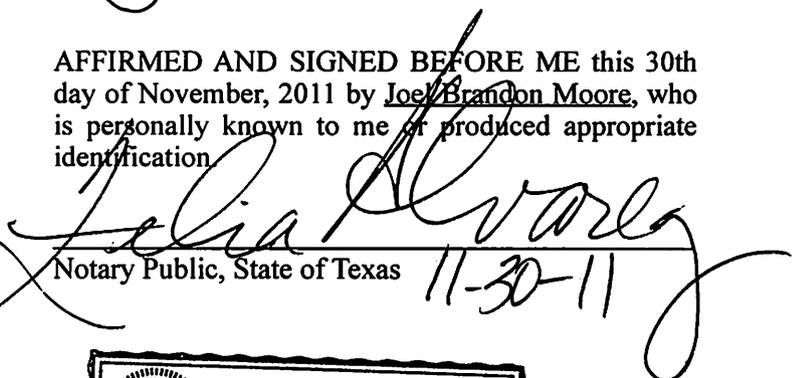
opment whatever within the Roadway Dedication area.

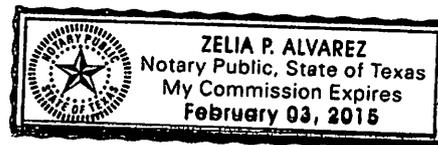
- 29. "There is no evidence that the Roadway Dedication has ever been used for any public or even private purpose.
- 30. "Today the Roadway Dedication serves no useful purpose, because even if a roadway were built, the only property that could possibly be impacted is our Land, but we already have access to our Land through approximately 1,210.16 feet of frontage on Wolf Trail.
- 31. "Based upon my legal research, a dedication of a roadway to the public must be accepted by use or otherwise, or the dedication fails.
- 32. "Based upon my legal research, a dedication of a roadway to the public may be abandoned even if initially valid where its original purpose has become practically impossible or completely failed.
- 33. "It is my professional opinion as an attorney that because no use has been made of the Roadway Dedication since 1978, the dedication failed and was never a valid dedication, or in the alternative, that if the Roadway Dedication was ever valid, it is now abandoned because its original purpose to provide road access is failed now that we are the only private party with any land touching the Roadway Dedication area."

*Further Affiant saith not.*

  
\_\_\_\_\_  
Joel Brandon Moore

AFFIRMED AND SIGNED BEFORE ME this 30th day of November, 2011 by Joel Brandon Moore, who is personally known to me or produced appropriate identification

  
\_\_\_\_\_  
Notary Public, State of Texas 11-30-11







**Exhibit 2**

Recorded Road Dedication



**COLLIN COUNTY**

Public Works Department  
700 A Wilmeth Road  
McKinney, Texas 75069  
[www.collincountytx.gov](http://www.collincountytx.gov)  
972-548-3700 (Phone)  
972-548-3754 (Fax)

December 14, 2011

Joel Moore  
P.O. Box 777  
Celina, TX 75009

Subject: Recorded Road Dedication

Dear Mr. Moore,

Enclosed is the modified affidavit you requested Collin County sign in reference to the subject.

If you have any questions, please call: (Metro) 972-424-1460, ext. 3740 or (972) 548-3740. [Cweiss@co.Collin.TX.US](mailto:Cweiss@co.Collin.TX.US)

Respectfully,

A handwritten signature in cursive script that reads "Carla Weiss".

Carla Weiss  
Right-Of-Way Coordinator

STATE OF TEXAS §  
COUNTY OF DALLAS §

BEFORE ME, the undersigned notary public, on this day personally appeared Carla Weiss, the Affiant, a person whose identity is known to me. After I administered an oath to Affiant, Affiant testified:

1 "My name is Carla Weiss. I am over 18 years of age, of sound mind, and capable of making this Affidavit. All of the facts and statements in this Affidavit are based upon and within my personal knowledge and are true and correct.

2 "I am employed by Collin County, Texas as a Right-of-Way Coordinator.

3 "The regular responsibilities of my position as Right-of-Way Coordinator include reading metes and bounds descriptions and determining whether certain roads have been adopted into and maintained by the Collin County road system.

4 "In response to a request from Joel Brandon Moore, I personally reviewed appropriate Collin County records related to a certain roadway dedication appearing as Tract III in an instrument executed on December 13, 1978 and recorded in the public deed records of Collin County at volume 1152, page 534, which is referred to herein as the 'Roadway Dedication'.

Affidavit of Carla Weiss

5 "I have determined that the Roadway Dedication was never approved or adopted by the Collin County Commissioners Court and accepted into the Collin County road system, and was never constructed or maintained by Collin County.  
6 "Collin County has no interest in and has no interest to relinquish in the Roadway Dedication."

*Further Affiant sayeth not.*

Carla Weiss

Carla Weiss

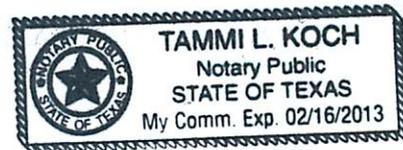
AFFIRMED AND SIGNED BEFORE ME this 13<sup>th</sup> day of December, 20 11 by Carla Weiss, who is personally known to me or produced appropriate identification.

Tammi L. Koch

Notary Public, State of Texas

My commission expires: 02/16/2013

Stamp/Seal



### **Sec. 251.051 General Authority of Commissioners Court**

- (a) The commissioners court of a county shall:
- (1) order that public roads be laid out, opened, discontinued, closed, abandoned, vacated, or altered; and
  - (2) assume control of streets and alleys in a municipality that does not have an active de facto municipal government.
- (b) A unanimous vote of the commissioners court is required to:
- (1) close, abandon, or vacate a public road; or
  - (2) alter a public road, except to shorten it from end to end.
- (c) The commissioners court of a county may not discontinue a public road until a new road designated by the court as a replacement is ready to replace it.
- (d) The commissioners court may not discontinue, close, or abandon an entire first-class or second-class road unless the road has been vacated or unused for at least three years.

### **Sec. 251.058 Closing, Abandoning, and Vacating Public Road**

- (a) A property owner may not enjoin the entry or enforcement of an order of a commissioners court, acting at the request of any person or on its own initiative, to close, abandon, and vacate a public road or portion of a public road unless the property owner is entitled to an injunction because:
- (1) the person owns property that abuts the portion of the road being closed, abandoned, and vacated; or
  - (2) the portion of the road being closed, abandoned, and vacated provides the only ingress to or egress from the person's property.
- (b) Title to a public road or portion of a public road that is closed, abandoned, and vacated to the center line of the road vests on the date the order is signed by the county judge in the owner of the property that abuts the portion of the road being closed, abandoned, and vacated. A copy of the 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. The order shall:
- (1) include the name of each property owner who receives a conveyance under this section;
  - (2) include the dimensions of the property being conveyed to each property owner; and
  - (3) be indexed in the deed records of the county in a manner that describes:
    - (A) the county conveying the property as grantor; and
    - (B) the property owner receiving the conveyance as grantee.
- (c) This section does not deprive a person whose property abuts the road at a point other than the portion of the road being closed, abandoned, and vacated of a right to seek compensation for damages caused by:
- (1) any depreciation in the value of the property; or
  - (2) any impairment to the property owner's right of ingress to or egress from the property.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 233, Sec. 1, eff. September 1, 2009.