

CITY OF NEDERLAND
ORDINANCE NO. 2026-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEDERLAND, TEXAS, AUTHORIZING, APPROVING AND RATIFYING THE REAL ESTATE EXCHANGE AGREEMENT ("REA") ENTERED INTO BY AND BETWEEN THE CITY AND ENERGY TRANSFER MARKETING & TERMINALS, L.P. ("ETMT"), WHEREIN THE CITY AGREED TO TRANSFER ITS 20'X100' ALLEYWAY TO ETMT IN EXCHANGE FOR ETMT'S AGREEMENT TO TRANSFER TO THE CITY ITS 2.069-ACRE TRACT WITH AN ADJOINING 30' WIDE ACCESS EASEMENT; AUTHORIZING AND APPROVING THE CITY MANAGER'S EXECUTION OF ALL AGREEMENTS AND TRANSFER DOCUMENTS ANCILLARY TO SAID REA; AND AUTHORIZING THE PAYMENT OF TITLE INSURANCE FEES AND CLOSING COSTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS by Ordinance No. 2024-15 the City abandoned a 20' wide alleyway (retaining a 20' wide utility easement) and agreed to exchange this property for property owned by Energy Transfer Marketing & Terminals, L.P., ("ETMT") of greater size and value to be utilized for public use – a green waste site.

WHEREAS commensurate with the enactment of Ordinance No. 2024-15 the City Council authorized and approved a certain Real Estate Exchange Agreement ("REA") by and between the City and ETMT, wherein the City agreed to transfer its interest in an alleyway described as 0.0459 acre of land, part of a 20' wide alley in Block 4, Burson Addition, to ETMT in exchange for ETMT's agreement to transfer its 2.069-acre tract and a 30' wide adjoining permanent access easement to the City.

WHEREAS the property owners adjoining the abandoned alleyway have conveyed their interest in the alleyway to the City by special warranty deeds and the City and ETMT have reached an agreement on the terms and condition of a Permanent Access Road Easement Agreement for the green waste site, all of which constitutes essential requirements for the finalization of the exchanges set forth in the REA.

WHEREAS the City Council has determined that the City is ready to convey its interest in the alleyway (retaining a 20' utility easement) to ETMT by special warranty deed and ETMT is ready to convey its 2.069-acre tract to the City by special warranty deed, and, further, the City Council has determined that the Permanent Access Road Easement Agreement by and between the City and ETMT, which attached as Exhibit "A"

is acceptable according to its terms and conditions, together with all other documents necessary to effectuate the terms and conditions of the REA.

WHEREAS the City Council expressly finds that the exchange of its alley way for the property owned by ETMT, which is of greater size and market value and acceptable for use as a green waste site, is for a public purpose and benefit.

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

Section 1: The Real Estate Exchange Agreement ("REA") entered into by the City and Energy Transfer Marketing & Terminals, L.P. ("ETMT") on or about June 24, 2024, is approved and ratified according to its terms and conditions, together with all ancillary documents executed to effectuate the terms and conditions of said REA.

Section 2: The Permanent Access Road Easement Agreement as set forth in Exhibit "A" attached is accepted and approved according to its terms and conditions.

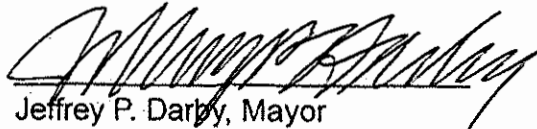
Section 3: Nederland City Manager, Manuel De La Rosa, is authorized to execute the Permanent Access Road Easement Agreement in the form attached as Exhibit "A" and any and all ancillary closing documents necessary to effectuate the terms and conditions of the REA; and the City Manager is further authorized to use City funds to pay for all reasonable and necessary closing costs, including but not limited to the fees associated with the purchase of title insurance on the property and the easement received in the exchange with ETMT and the recording fees associated with documents transferring property and/or granting easements to the City.

Section 4: All ordinances or part of ordinances in conflict herewith are hereby repealed.

Section 5: This Ordinance shall take effect and be in full force and effect from and after its passage.

Section 6: The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meeting Act, Texas Government Code, Chapter 551.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Nederland, Texas on this the 12th day of October 2026.


Jeffrey P. Darby, Mayor
City of Nederland, Texas

ATTEST:

Joni Underwood
Joni Underwood, City Clerk
City of Nederland, Texas

APPROVED AS TO FORM AND LEGALITY:

Richard D. Hughes
Richard D. Hughes, City Attorney
City of Nederland, Texas

