



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Development Services, Real Estate

ACM: Cassandra Ogden

DATE: December 25, 2025

SUBJECT

Consider adoption of an ordinance of the City of Denton providing for the abandonment, relinquishment, and quitclaim a public drainage easement being approximately 0.246-acre, situated in the B. Merchant Survey, Abstract number 800, recorded by County Clerk document number 2008-72527, Real Property Records, Denton County, Texas granted to the City of Denton by Herschel V. Forester, trustee, and 0.0981 acres of a 1.731-acre public drainage easement, situated in the B. Merchant survey, Abstract number 800, recorded by County Clerk document number 2005-155058, Real Property Records, Denton County, Texas granted to the City of Denton by Herschel V. Forester, trustee; providing for the quitclaim thereof to Cyrene at Hickory Creek llc, a Texas limited liability company; providing for the terms and conditions of the abandonment, relinquishment, and quitclaim made herein; providing for the conveyance of a easement and/or facilities to the City of Denton; providing for the indemnification of the City of Denton against damages arising out of the abandonment herein; providing for consideration to be paid to the City of Denton and providing for a severability and an effective date. (Barrel Strap Residential Development-Drainage Easement Abandonments)

BACKGROUND

Cyrene At Hickory Creek LLC, a Texas limited liability company, (“Owner”), is the record owner of Barrel Strap Residential Addition, and has requested the City of Denton to abandon and release a 0.246-acre Drainage Easement and 0.0981 acres of a 1.731-acre Drainage Easement that is encumbering its Addition. Said addition is a Residential 17.176-acre development located south of Hickory Creek Road, east of Barrell Strap Road, west of Nautical Lane and north of Ocean Drive. The Additions new Drainage improvements has made the subject drainage easement areas to not be needed.

The subject 0.246-acre Drainage Easement was conveyed to the City of Denton at no cost in 2008 for the benefit of the west adjacent development known as, Hickory Creek Plaza to address a portion of its storm-water run-off. And the 1.731-acre Drainage Easement was conveyed to the City of Denton at no cost in 2005 for the benefit of the Wheeler Ridge Phase 4 addition to address a portion of its storm-water run-off. Only 0.0981 acres of the 1.731-acre Drainage Easement is being requested for abandonment as the remaining area is still necessary. The two Drainage Easements were designed as a temporary solution until the subject Addition was developed, and no public infrastructures were constructed within the Easement areas.

With the Development of the Addition and its drainage improvements, has rendered the areas requested for abandonment to be no longer necessary for the benefit of Public Storm-water runoff and are obsolete. The Owner has constructed Staff approved, public drainage improvements valued at \$835,962.72 and public

road improvements valued at \$966,821.21 a total value of \$1,802,783.93. Additionally, the Owner has dedicated by Plat, new Public Easements and Right-of-ways for the additions Public Improvements.

In accordance with Texas Local Government Code, section 272 an independent appraisal of the slated Abandonment Area was provided by the Owner. The fair market value of the abandonment area was appraised at Fifty-seven Thousand Twenty Dollars and No Cents (\$57,020.00).

Staff recommends abandoning and releasing the Abandonment Areas at no cost to the Owner as the City acquired the easement at no cost, has not installed any public infrastructure within the Abandonment Areas, and has no identified current or future use for the portion slated for abandonment.

Staff performs an analysis on the request for abandonments as follows:

- Is the easement tract requested for abandonment considered “excess easement”?
- Does the easement tract requested for abandonment have a continued public use?
- Is it the best interests of the general public to abandon the government’s rights in the subject abandonment tract?
- Would the granting of this request establish a precedent for future abandonment requests?

Staff findings on this analysis are as follows:

1. The requested drainage easements known as the abandonment tracts, does fit the criteria of “excess easement.” Excess easement is defined as: Property rights acquired or used by the City for easement subsequently declared excess (not needed for any public drainage project, the continuation of operation and maintenance of public drainage, and/or no foreseeable public drainage improvement applications in the future).
2. No, the public drainage easements are not slated for utilization for any future public drainage facilities.
3. The abandonment of public drainage easements is in the public’s best interests, because the area of the subject abandonments is no longer needed for public drainage and the area encumbered can be freed up for other uses.
4. This abandonment will not set a precedent, because the above three standards have been met.

If a Council member determines that he or she has a conflict of interest pursuant to the Ethics Ordinance, he or she may contact the City Attorney’s Office to have a Recusal Form prepared prior to consideration of this agenda item.

OPTIONS

1. Approve proposed ordinance.
2. Decline to approve proposed ordinance.
3. Table for future consideration.

RECOMMENDATION

Staff recommends approval of the ordinance.

ESTIMATED SCHEDULE OF PROJECT

Summer of 2025

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

N/A

FISCAL INFORMATION

All costs associated with the processing of the abandonment request are being borne by the Applicant.

EXHIBITS

1. Agenda Information Sheet
2. Location Map
3. Site Map
4. Applicants narrative
5. Vesting Deed
6. Secretary of State Corporation members list
7. Ordinance

Respectfully submitted:
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Development Services-Real Estate

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