



City of Denton

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

AGENDA INFORMATION SHEET

DEPARTMENT: Development Services, Real Estate

ACM: Kenneth Hedges

DATE: June 16, 2026

SUBJECT

Consider adoption of an ordinance of the City of Denton providing for the abandonment, relinquishment and quitclaim a public utility easement (approximately 0.377 acres), situated in the H.H. Haygood Survey, Abstract Number 517, of the Real Property Records of Denton County, Texas, granted to the City of Denton by Carmen Investments, Inc., in County Clerk File No. 2003-R0023064; providing for the quitclaim thereof to Carmen Investments, Inc., a Texas Corporation; providing for the terms and conditions of the abandonment, relinquishment, and quitclaim made herein; 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; providing for severability and an effective date.

BACKGROUND

Carmen Investments Inc. (“Owner”) is the record owner of land situated at 3500 Fairway Dr., Denton, Texas 76226. The Owner has filed an application requesting the City of Denton to abandon and release a public utility easement dedicated to the City on January 23, 2003 (“Subject Easement”), so that it may continue to erect planned residential improvements known as Country Club Village, Phase 3A.

The Subject Easement to be abandoned was dedicated to the City of Denton (“City”) to install utility lines between ClubView Dr. and US Hwy 377. No City utility lines were ever installed within the Subject Easement. An alternate route was used to serve the development with City utilities. The Owner plans to design and develop the tract currently zoned residential with single-family homes.

Staff has reviewed and approved the planned public improvements for the residential development, which renders the Subject Easement no longer necessary for any current or future needs.

The Owner has paid the Easement Abandonment Application fee of Three Thousand Two Hundred Eighty-Six and 00/100 (\$3,286.00). In accordance with Texas Local Government Code, Section 272, an independent appraisal of the Subject Easement was obtained. An independent appraisal of the Subject Easement area was provided by the owner. Given no City infrastructure was ever installed, staff recommends abandoning and releasing the Subject Easement at no additional cost to the Owner.

Staff performs the following analysis for each easement abandonment request (“EAR”) received:

- Is the Subject Easement considered “excess easement”?
- Does the Subject Easement have a current or future public use?
- Is it in the best interests of the general public to abandon the City’s rights in the Subject Easement?

Staff findings on this analysis are as follows:

1. The requested public utility easement known as the Subject Easement, does fit the criteria of “excess easement.” Excess easement is defined as: Property rights acquired or used by the City for easements subsequently declared excess (not needed for any public utility project, the continuation of operation and maintenance of the public utility, and/or foreseeable public utility improvement applications in the future).
2. No, the public utility easement is not slated for utilization for any future public utility facilities.
3. The abandonment of the public utility easement is in the public’s best interest, because the area of the Subject Easement is no longer needed for public utility and the area encumbered can be freed up for other uses.

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.

RECOMMENDATION

Staff recommends approval of the ordinance.

ESTIMATED SCHEDULE OF PROJECT

Project is under construction.

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

- Exhibit 1 – Agenda Information Sheet
- Exhibit 2 – Site Map
- Exhibit 3 – Ordinance

Respectfully submitted:
Captoria Brown
Senior Real Estate Specialist