

ORDINANCE NO.

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.

WHEREAS, the City of Denton (“City”) is the holder of a Public Utility Easement granted to the City of Denton by recorded instrument No. 2003-R0023064 in the Real Property Records of Denton County, Texas (the “Subject Easement”); and

WHEREAS, Carmen Investments, Inc., a Texas Corporation (“Owner” or “Grantee”), is the record abutting owner of the property subject to the Subject Easement, ownership granted by Special Warranty Deed recorded by County Clerk File Number 2025-20138, Real Property Records, Denton County, Texas; and

WHEREAS, the Subject Easement encumbers a portion of the Owner’s Lot, known as Country Club Village, Phase 3A Lot 1, Block A an addition to the City of Denton, Denton County, Texas, Document Number 2021-489, Plat Records, (“Final Plat”) and restricts the Lot from being developed in compliance with the Denton Development Code; and

WHEREAS, the Owner has requested the City to abandon, relinquish, and quitclaim a public utility easement conveyed to City of Denton by instrument No. 2003-R0023064. The Subject Easement to be abandoned is approximately 0.377-acres (the “Abandonment Tract”), as described and depicted in Exhibit “A” attached hereto; and

WHEREAS, the City Engineer, and Public Works staff have confirmed that the property has been developed in such a manner that the Abandonment Tract is no longer necessary to address previous public utility easement concerns on the property or for any current or future public utility easement; and

WHEREAS, Section 272.001(b)(2) of the Texas Local Government Code provides an applicable exception to the notice and bidding requirements where land and interests to be abandoned are designated or used by easement, fair market value has been determined, and the exchange transaction is with an adjacent landowner; and

WHEREAS, Section 272.001 also provides that the land and those interests may be conveyed, sold, or exchanged for less than the fair market value if exchanged with an abutting property owner who owns the underlying fee simple; and

WHEREAS, an independent appraisal of the Subject Easement area was provided by the Owner and it lists the fair market value at Nine Hundred Fifty-Two and 00/100 Dollars (\$952.00); and

WHEREAS, staff recommends the abandonment of the Abandonment Tract at no cost to the Owner as the City acquired the easements by dedication at no cost and the existing public utility easement is no longer required by the City. The Abandonment Tract has no identified current or future use; and

WHEREAS, the City Council of the City of Denton, acting pursuant to law and upon the request and petition of the Owner is of the opinion that the best interest and welfare of the City will be served by abandoning, releasing and quitclaiming the City of Denton's right, title and interest in and to the Subject Easement to the Grantee, and is of the opinion that, subject to the terms and conditions hereinafter provided, the Subject Easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to the Grantee as hereinafter provided, for consideration hereinafter stated; and

WHEREAS, the City Council of the City of Denton is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the Abandonment Tract to the Grantee for the consideration and subject to the terms and conditions hereinafter more fully set forth; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The recitations and finding set forth above are incorporated herein by reference.

SECTION 2. That the City of Denton hereby abandons, relinquishes and quitclaims all of its right, title and interest in and to the approximately 0.377-acre public utility easement conveyed to City of Denton by instrument No. 2003-R0023064 and more particularly described in Exhibit A, attached hereto and made apart hereof; subject to the conditions hereinafter more fully set out.

SECTION 3. That for and in consideration described in Sections 4 and 7, the City of Denton does by these presents **FOREVER QUITCLAIM** unto the said **Grantee**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title in and to the certain tract(s) or parcel(s) of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **Grantee** forever may be abandoned, released, and vacated.

SECTION 4. That the abandonment and quitclaim provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 5. That the terms and conditions contained in this ordinance shall be binding upon Grantee, its heirs, successors and assigns.

SECTION 6. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement, and interest, and shall be construed to extend only to that interest the Governing Body of the City of Denton may legally and lawfully abandon and vacate.

SECTION 7. **THAT AS A CONDITION OF THIS ABANDONMENT AND AS A PART OF THE CONSIDERATION FOR THE QUITCLAIM TO GRANTEE HEREIN, GRANTEE, ITS/THEIR HEIRS/SUCCESSORS AND ASSIGNS, AGREE TO INDEMNIFY, DEFEND, RELEASE AND HOLD HARMLESS THE CITY OF DENTON AS TO ANY AND ALL CLAIMS FOR DAMAGES, FINES, PENALTIES, COSTS OR EXPENSES TO PERSONS OR PROPERTY THAT MAY ARISE OUT OF, OR BE OCCASIONED BY OR FROM: (I) THE USE AND OCCUPANCY OF THE AREA DESCRIBED IN EXHIBIT A BY GRANTEE, ITS/THEIR HEIRS/SUCCESSORS AND ASSIGNS; (II) THE PRESENCE, GENERATION, SPILLAGE, DISCHARGE, RELEASE, TREATMENT OR DISPOSITION OF ANY HAZARDOUS SUBSTANCE ON OR AFFECTING THE AREA SET OUT IN EXHIBIT A, (III) ALL CORRECTIVE ACTIONS CONCERNING ANY DISCOVERED HAZARDOUS SUBSTANCES ON OR AFFECTING THE AREA DESCRIBED IN EXHIBIT A, WHICH GRANTEE, ITS HEIRS, SUCCESSORS AND ASSIGNS AGREE TO UNDERTAKE AND COMPLETE IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS; AND (IV) THE ABANDONMENT, CLOSING, VACATION AND QUITCLAIM BY THE CITY OF DENTON OF THE AREA SET OUT IN EXHIBIT A. GRANTEE, ITS HEIRS, SUCCESSORS AND ASSIGNS HEREBY AGREE TO DEFEND ANY AND ALL SUITS, CLAIMS, OR CAUSES OF ACTION BROUGHT AGAINST THE CITY OF DENTON ON ACCOUNT OF SAME, AND DISCHARGE ANY JUDGMENT OR JUDGMENTS THAT MAY BE RENDERED AGAINST THE CITY OF DENTON IN CONNECTION THEREWITH. FOR PURPOSES HEREOF, "HAZARDOUS SUBSTANCE" MEANS THE FOLLOWING: (A) ANY "HAZARDOUS SUBSTANCES" UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT, 42 U.S.C. SECTION 9601 ET SEQ., AS AMENDED; (B) ANY "HAZARDOUS SUBSTANCE" UNDER THE TEXAS HAZARDOUS SUBSTANCES SPILL PREVENTION AND CONTROL ACT, TEX. WATER CODE, SECTION 26.261 ET SEQ., AS AMENDED; (C) PETROLEUM OR PETROLEUM-BASED PRODUCTS (OR ANY DERIVATIVE OR HAZARDOUS CONSTITUENTS THEREOF OR ADDITIVES THERETO), INCLUDING WITHOUT LIMITATION, FUEL AND LUBRICATING OILS; (D) ANY "HAZARDOUS CHEMICALS" OR "TOXIC CHEMICALS" UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT, 29 U.S.C. SECTION 651 ET SEQ., AS AMENDED; (E) ANY "HAZARDOUS WASTE" UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT, 42 U.S.C. SECTION 6901 ET SEQ., AS AMENDED; AND (F) ANY "CHEMICAL SUBSTANCE" UNDER THE TOXIC SUBSTANCE CONTROL ACT, 15 U.S.C. SECTION 2601 ET SEQ., AS AMENDED. REFERENCES TO PARTICULAR ACTS OR CODIFICATIONS IN THIS DEFINITION I N C L U D E ALL PAST AND FUTURE AMENDMENTS THERETO,**

**AS WELL AS APPLICABLE RULES AND REGULATIONS AS NOW OR
HEREAFTER PROMULGATED THEREUNDER.**

SECTION 8. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Denton County, Texas, which certified copy shall be delivered to the Director of Development Services, or designee.

SECTION 9. Notwithstanding anything to the contrary contained in this Ordinance, the City of Denton retains and reserves any and all easements, rights of way, and any other rights or interests, other than the Abandonment Tract abandoned, relinquished and quitclaimed in Section 2 above, whether acquired, obtained, owned, or claimed by the City of Denton or public, by, through, or under conveyance, dedication by plat, or other express dedication, implied dedication, prescription, or by any other manner or means, in or to lands in which the Subject Easements may cover, encumber, include, cross, or overlap.

SECTION 10. The City Manager, or designee, is authorized to execute a quitclaim deed document evidencing the abandonment of the Abandonment Tract suitable for recordation in the Real Property Records of Denton County, Texas.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the public street and thoroughfare is located, which certified copy shall be delivered to the Director of Department of Development Services, or designee.

SECTION 12. The provisions of this Ordinance are severable, and the invalidity of any phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION 13. This Ordinance shall become effective immediately upon its passage and approval.

[Signatures to appear on the following page.]

The motion to approve this ordinance was made by _____ and seconded by _____ . The ordinance was passed and approved by the following vote [-]:

	Aye	Nay	Abstain	Absent
Gerard Hudspeth, Mayor:	_____	_____	_____	_____
Jordan Villarreal, District 1:	_____	_____	_____	_____
Nick Stevens, District 2:	_____	_____	_____	_____
Suzi Ruhmor, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee: At Large Place 5	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2026.

GERARD HUDSPETH, MAYOR

ATTEST:
KRISTI FOGLE, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY:  _____

EXHIBIT A

(Public Utility Easement Abandonment)