



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: March 5, 2024

SUBJECT

Consider adoption of an ordinance of the City of Denton providing for the abandonment, relinquishment, and quitclaim of a 1.266-acre public access, drainage and utility easement granted to the City of Denton by Ralph L. Mason Trust, recorded by County Clerk File No. 2007-59444, the Real Property Records of Denton County, Texas; providing for the quitclaim thereof to Ralph L. Mason Trust; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a sanitary sewer easement to the City of Denton; providing for the indemnification of the City of Denton against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Denton; providing for severability and an effective date.

BACKGROUND

The Ralph L. Mason Trust (“Owner”) is the record owner of land recorded in Volume 4885, Page 749, Volume 5036, Page 3523, Volume 5040, Page 1237, and Volume 5040, Page 129 Deed Records, Denton County, Texas. The Owner has filed an application requesting the City of Denton to abandon and release the public access, drainage and utility easement encumbering its property (“Subject Easement”), so that it may continue to erect planned improvements known as the 380 Multi-Family Development located at the Northwest Corner of University and Old North Rd. in Denton.

The Subject Easement requested for abandonment was granted to the City of Denton in 2007 by Ralph L. Mason Trust, for the benefit of a future planned development. The development planned in 2007 never came to fruition and the Owner now plans to redesign and develop the tract with a new layout. The owner proposes to abandon the 32’ multi-purpose Subject Easement and replace it with a dedicated 16’ Sanitary Sewer Easement. Staff has reviewed and approved the planned public improvements for the multi-family development, which renders the Subject Easement no longer necessary for any current or future public access or drainage needs.

The Owner has paid the requested Easement Abandonment Application fee of Three Thousand Two Hundred Eighty-Six and 00/100 Dollars (\$3,286.00). In accordance with Texas Local Government Code, Section 272, an independent appraisal of the Subject Easement was obtained. The fair market value was appraised at Three Hundred Twenty-Eight Thousand, Seventy-Seven Dollars (\$328,077.00).

Staff recommends abandoning and releasing the Subject Easement.

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

- Is the Easement considered “excess easement”? Excess easement is defined as: Property rights acquired or used by the City but later deemed not needed for any public project, the continuation of operation and maintenance of public infrastructure, and/or no foreseeable public improvements in the future.
- Does the easement have a current, continued, or identified future public use?
- Is it in the best interest of the public to abandon the City’s rights in the easement?

Staff findings on this analysis are as follows:

1. The Subject Easement/abandonment area included public access and drainage uses that have been deemed “excess”. Staff has determined that a 32’ wide easement is excessive as the public access and public drainage uses are no longer needed.
2. The City only needs to retain a 16’ sanitary sewer easement sufficient for continued operation and maintenance of the existing sewer line which will be contained within the new sanitary sewer easement conveyed by the Owner.
3. Abandoning the Subject Easement is in the public’s best interests because the owner will convey a new dedicated easement and the Owner will be able to maximally develop the property as planned.

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

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 - Location Map

Exhibit 3 - Ordinance

Respectfully submitted:
Captoria Brown, Senior Real Estate Specialist
Development Services-Real Estate