

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON PROVIDING FOR THE ABANDONMENT, RELINQUISHMENT, AND QUITCLAIM OF A PORTION OF 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; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Denton (“City”) is the holder of a 0.246 acre Public Drainage Easement granted by Herschel V. Forester, Trustee, recorded by County Clerk File No. 2008-72527, Real Property Records of Denton County, Texas and a 1.731 acre Public Drainage Easement granted by Herschel V. Forester, Trustee, recorded by County Clerk File No. 2005-155058, Real Property Records of Denton County, Texas (the “Subject Easements”); and

WHEREAS, Cyrene at Hickory Creek LLC, a Texas limited liability company, (“Grantee”), is the record abutting owner of the property subject to the Subject Easements, Special Warranty Deed recorded by County Clerk File Number 2022-96547, Real Property Records, Denton County, Texas; and

WHEREAS, the Grantee has requested the City to abandon, relinquish, and quitclaim a 0.246-acre Drainage Easement and 0.0981 acres of a 1.731-acre Drainage Easement (“Abandonment Tracts”), as the Abandonment Tracts encumber areas of the Barrel Strap Addition, County Clerk File Number 2024-168, Plat Records, Denton County, Texas and restricts certain Lots from being developed for its slated residential use; and

WHEREAS, storm drainage infrastructure that has been installed by Grantee and accepted by City Staff eliminating the need for the Abandonment Tracts; and

WHEREAS, the Grantee, as required by the Denton Development Code, has constructed public drainage infrastructure improvements to provide the necessary public drainage improvements for the development and has conveyed public easements by separate instrument and by Plat for which the new public improvements are located within; and

WHEREAS, City Staff reviewed the request of the Grantee and determined that the

Abandonment Tracts are no longer necessary for any current or future public drainage project which will allow for the area to be developed with permitted improvements, and City Staff recommends the Abandonment Tracts be released, abandoned, and quitclaimed in its entirety as specified herein; and

WHEREAS, the City Engineer and Public Works staff have confirmed that the property has been developed in such a manner that the Abandonment Tracts are no longer necessary to address previous public drainage concerns on the property or for any current or future public drainage projects; 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 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 Abandonment Tracts was provided by the Grantee, and it lists the fair market value at Fifty-seven Thousand Twenty Dollars and 00/100 Dollars (\$57,020.00); and

WHEREAS, staff recommends releasing the Abandonment Tracts at no cost to the Grantee as the City acquired the easements at no cost, had no public drainage improvements within the Subject Easements, and has no identified current or future use for the Subject Easements; and

WHEREAS, the City Council of the City of Denton, acting pursuant to law and upon the request and petition of the Grantee is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the City of Denton's right, title and interest in and to the Subject Easements to the Grantee, and is of the opinion that, subject to the terms and conditions hereinafter provided, Subject Easements are 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 tract of land 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 monetary consideration of the sum of Three Thousand, Two Hundred Eighty- Six and 00/100 Dollars (\$3,286.00) paid by Cyrene at Hickory Creek LLC and the further consideration described in Sections 4, 7 and 9, 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, relinquishment and quitclaim provided for herein are 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, 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 the Grantee, its heirs, successors and assigns.

SECTION 6. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Denton may legally and lawfully abandon, relinquish and quitclaim.

SECTION 7. **THAT AS A CONDITION OF THIS ABANDONMENT AND AS A PART OF THE CONSIDERATION FOR THE QUITCLAIM TO THE GRANTEE, ITS HEIRS, SUCCESSORS AND ASSIGNS, AGREE TO INDEMNIFY, DEFEND, RELEASE AND HOLD HARMLESS THE CITY OF DENTON 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 THE GRANTEE, ITS 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 THE 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 RELEASE BY THE CITY OF DENTON OF THE AREA SET OUT IN EXHIBIT A. THE 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, 42U.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 INCLUDE ALL PAST AND FUTURE AMENDMENTS THERETO, AS WELL AS APPLICABLE RULES AND REGULATIONS AS NOW OR HEREAFTER PROMULGATED THEREUNDER.

SECTION 8. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to Subject Easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at Grantee's expense, to the new easement, to be provided by Grantee and acceptable to the Director of Development Services, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Development Services; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Development Services. Grantee will grant the new easement at no cost consideration to the City and all work shall be done at the sole cost of Grantee and to the satisfaction of the Director of Development Services. Failure to relocate to the new easement in accordance with the terms of this section shall render this ordinance null and void and of no further effect. To the extent any existing installations and facilities are not relocated, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, (“Facilities”) presently located within the Abandonment Tracts owned and/or operated by the City of Denton or any utility or communications company, public or private, (“Utility”) and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Denton, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain

thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

SECTION 9. Upon evidence showing satisfaction of the above requirements, 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 10. 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 11. 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 Subject Easements 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 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.

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

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzie Rumohr 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 _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:
INGRID REX, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Marcella Lunn

EXHIBIT "A"

LEGAL DESCRIPTION:

BEING a tract of land situated in the B. Merchant Survey, Abstract No. 800, City of Denton, Denton County, Texas, being part of Lot 101X, Block A, of Barrel Strap Residential, an addition to the City of Denton, according to the plat thereof recorded in Document No. 2024-168, of the Plat Records of Denton County, Texas (PRDCT), and being part of a variable width drainage easement according Document No. 2005-155058, of the Official Public Records of Denton County, Texas (OPRDCT), with the subject tract being more particularly described as follows:

BEGINNING at the most easterly southeast corner of said Lot 101X;

THENCE S 35°20'36" W, with the southeast line thereof, 21.98 feet;

THENCE N 00°34'34" W, over and across said Lot 101X, 111.03 feet, to a point in the northeast line thereof;

THENCE S 45°34'43" E, with said north east line, 17.27 feet, to a point for the most easterly northeast corner thereof;

THENCE with the east line of said Lot 101X, the following:

- S 00°34'43" E, 63.46 feet, and
- Around a tangent curve to the left having a central angle of 04°25'35", a radius of 227.50 feet, a chord of S 02°47'30" E – 17.57 feet, an arc length of 17.58 feet, to the POINT OF BEGINNING, with the subject tract containing 1,183 square feet or 0.027 acres of land.



DRAINAGE EASEMENT ABANDONMENT

B MERCHANT SURVEY, A-800

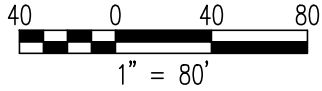
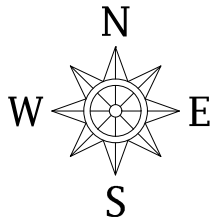
CITY OF DENTON

DENTON COUNTY, TEXAS

Drawn:	Checked:	Date	Job No.
JDB	SFA	3/11/25	21-074

PAGE 1 OF 2

EXHIBIT A



Basis of bearing: State Plane
Coordinate System, Texas North
Central Zone 4202, North
American Datum of 1983.
Adjustment Realization 2011.

HICKORY CREEK ROAD

Variable width ROW

B. Merchant Survey
Abstract No. 800

Barrel Strap Residential
Document No. 2024-168
PRDCT

12

Lot 101X

N 00°34'34" W ~ 111.03'

S 00°34'43" E ~ 63.46'

Easement
Abandonment
0.027 Ac.
(1,183 S.F.)

ERIN LANE
55' ROW

POINT OF
BEGINNING

Variable
Width
Drainage
Easement
Doc. No.
2005-155058
OPRDCT

CURVE AVENUE

55' ROW

Line Table

Line #	Bearing	Distance
L1	S35°20'36"W	21.98'
L2	S45°34'43"E	17.27'

Curve Table

Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	17.58'	227.50'	4°25'35"	S02°47'30"E	17.57'

PAGE 2 OF 2



DRAINAGE EASEMENT ABANDONMENT

B MERCHANT SURVEY, A-800

CITY OF DENTON

DENTON COUNTY, TEXAS

Drawn:	Checked:	Date	Job No.
JDB	SFA	3/11/25	21-074

SCOTT F. AMMONS, R.P.L.S. 6550

EXHIBIT "A"

LEGAL DESCRIPTION:

BEING a tract of land situated in the B. Merchant Survey, Abstract No. 800, City of Denton, Denton County, Texas, being all of Lot 108X and part of Lot 20, Block C, of Barrel Strap Residential, an addition to the City of Denton, according to the plat thereof recorded in Document No. 2024-168, of the Plat Records of Denton County, Texas (PRDCT), and being part of a variable width drainage easement according Document No. 2005-155058, of the Official Public Records of Denton County, Texas (OPRDCT), with the subject tract being more particularly described as follows:

BEGINNING at the most westerly southwest corner of said Lot 108X;

THENCE with the west line of said Lot 108X, the following:

- Around a curve to the right having a central angle of 02°50'02", a radius of 172.50 feet, a chord of N 01°59'44" W – 8.53 feet, an arc length of 8.53 feet, and
- N 00°34'43" W, 63.46 feet, to the northwest corner of said Lot 108X;

THENCE N 44°25'17" E, with the northwest line thereof, 21.21 feet, to the northwest corner of said Lot 20;

THENCE N 89°25'17" E, with the north line of said Lot 20, 17.79 feet;

THENCE S 00°34'34" E, over and across said Lot 20, 98.32 feet, to a point on the south line thereof;

THENCE with the south line of said Lot 20 and said Lot 108X, around a non-tangent curve to the left having a central angle of 00°24'33", a radius of 2027.50 feet, a chord of S 80°09'12" W – 14.48 feet, an arc length of 14.48 feet, to the south corner of said Lot 108X;

THENCE N 53°49'33" W, 22.82 feet, to the POINT OF BEGINNING, with the subject tract containing 3,042 square feet or 0.070 acres of land.



DRAINAGE EASEMENT ABANDONMENT

B MERCHANT SURVEY, A-800

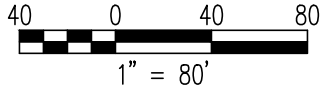
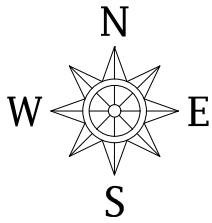
CITY OF DENTON

DENTON COUNTY, TEXAS

Drawn:	Checked:	Date	Job No.
JDB	SFA	3/11/25	21-074

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EXHIBIT A

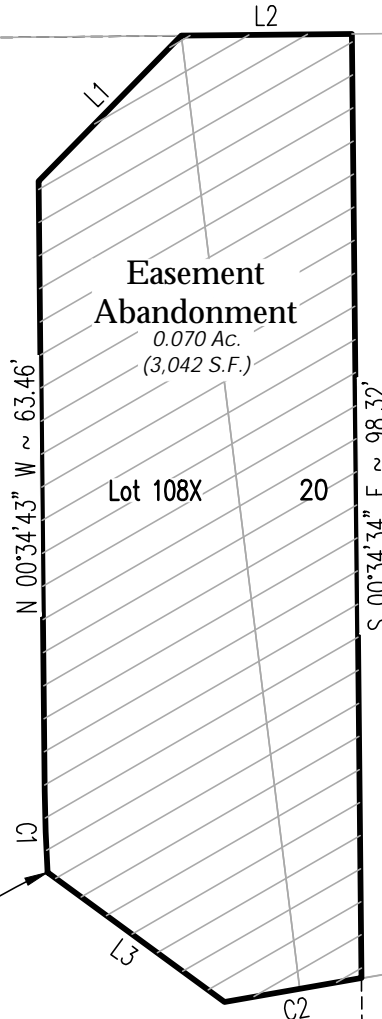


Basis of bearing: State Plane
Coordinate System, Texas North
Central Zone 4202, North
American Datum of 1983.
Adjustment Realization 2011.

HICKORY CREEK ROAD

Variable width ROW

ERIN LANE
55' ROW



B. Merchant Survey
Abstract No. 800

**Barrel Strap
Residential**

Document No.
2024-168
PRDCT

POINT OF
BEGINNING

Variable
Width
Drainage
Easement
Doc. No.
2005-155058
OPRDC

CURVE AVENUE

55' ROW

Line Table

Line #	Bearing	Distance
L1	N44°25'17"E	21.21'
L2	N89°25'17"E	17.79'
L3	N53°49'33"W	22.82'

Boundary Curve Table

Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	8.53'	172.50'	2°50'02"	N01°59'44"W	8.53'
C2	14.48'	2027.50'	0°24'33"	S80°09'12"W	14.48'

PAGE 2 OF 2



DRAINAGE EASEMENT ABANDONMENT

B MERCHANT SURVEY, A-800

CITY OF DENTON

DENTON COUNTY, TEXAS



SCOTT F. AMMONS, R.P.L.S. 6550

Drawn:	Checked:	Date	Job No.
JDB	SFA	3/11/25	21-074

EXHIBIT "A"

LEGAL DESCRIPTION:

BEING a tract of land situated in the B. Merchant Survey, Abstract No. 800, City of Denton, Denton County, Texas, being part of Lot 107X, Block D, of Barrel Strap Residential, an addition to the City of Denton, according to the plat thereof recorded in Document No. 2024-168, of the Plat Records of Denton County, Texas (PRDCT), and being part of a variable width drainage easement according Document No. 2005-155058, of the Official Public Records of Denton County, Texas (OPRDCT), with the subject tract being more particularly described as follows:

BEGINNING at the most westerly corner of said Lot 107X;

THENCE N 26°58'45" E, with the northwest line thereof, 9.67 feet;

THENCE S 00°34'34" E, over and across said Lot 107X, 15.05 feet, to a point on the southwest line thereof;

THENCE with said southwest, around a non-tangent curve to the right having a central angle of 02°36'58", a radius of 172.50 feet, a chord of N 35°10'42" W - 7.88 feet, an arc length of 7.88 feet, to the POINT OF BEGINNING, with the subject tract containing 34 square feet or 0.001 acres of land.



DRAINAGE EASEMENT ABANDONMENT

B MERCHANT SURVEY, A-800

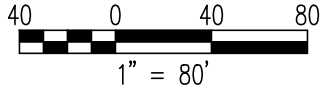
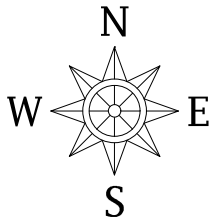
CITY OF DENTON

DENTON COUNTY, TEXAS

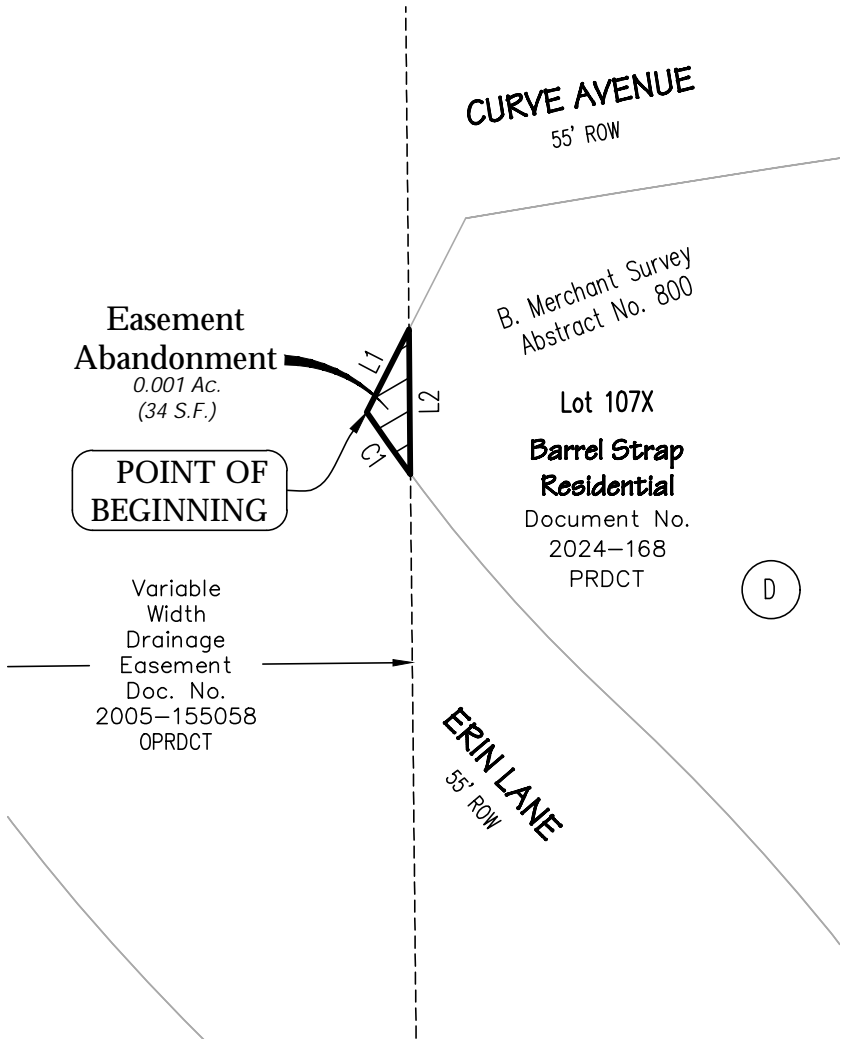
Drawn:	Checked:	Date	Job No.
JDB	SFA	3/11/25	21-074

PAGE 1 OF 2

EXHIBIT A



Basis of bearing: State Plane
Coordinate System, Texas North
Central Zone 4202, North
American Datum of 1983.
Adjustment Realization 2011.



Line Table

Line #	Bearing	Distance
L1	N26°58'45"E	9.67'
L2	S00°34'34"E	15.05'

Curve Table

Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	7.88'	172.50'	2°36'58"	N35°10'42"W	7.88'

PAGE 2 OF 2



DRAINAGE EASEMENT ABANDONMENT

B MERCHANT SURVEY, A-800

CITY OF DENTON

DENTON COUNTY, TEXAS



Scott F. Ammons

SCOTT F. AMMONS, R.P.L.S. 6550

EXHIBIT "A"

LEGAL DESCRIPTION:

BEING a tract of land situated in the B. Merchant Survey, Abstract No. 800, City of Denton, Denton County, Texas, being part of Lot 6, Block C, of Barrel Strap Residential, an addition to the City of Denton, according to the plat thereof recorded in Document No. 2024-168, of the Plat Records of Denton County, Texas (PRDCT), and being part of a variable width drainage easement according Document No. 2005-155058, of the Official Public Records of Denton County, Texas (OPRDCT), with the subject tract being more particularly described as follows:

BEGINNING at a point in the common line between said Lot 6 and Lot 104X, of said Barrel Strap Residential, from which the southeast corner of said Lot 6, bears S 14°54'54" W, 22.12 feet;

THENCE over and across said Lot 6, the following:

- N 00°34'34" W, 5.32 feet, and
- N 89°19'16" E, 1.48 feet, to a point in said common line, from which the northeast corner of said Lot 6, bears N 14°54'54" E, 47.08 feet;

THENCE S 14°54'54" W, with said common line, 5.53 feet, to the POINT OF BEGINNING, with the subject tract containing 4 square feet or 0.0001 acres of land.



DRAINAGE EASEMENT ABANDONMENT

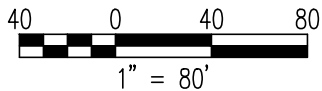
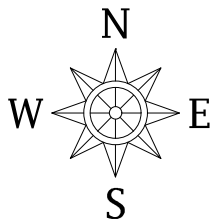
B MERCHANT SURVEY, A-800

CITY OF DENTON

DENTON COUNTY, TEXAS

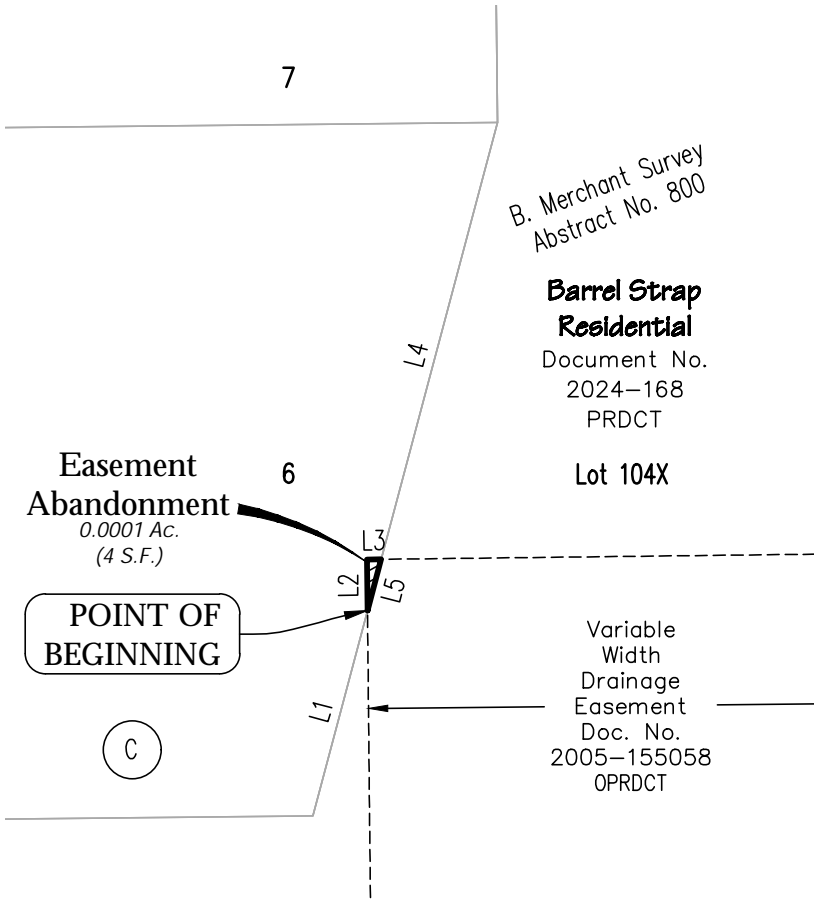
Drawn:	Checked:	Date	Job No.
JDB	SFA	3/11/25	21-074

PAGE 1 OF 2



Basis of bearing: State Plane
Coordinate System, Texas North
Central Zone 4202, North
American Datum of 1983.
Adjustment Realization 2011.

Line Table		
Line #	Bearing	Distance
L1	S14°54'54"W	22.12'
L2	N00°34'34"W	5.32'
L3	N89°19'16"E	1.48'
L4	N14°54'54"E	47.08'
L5	S14°54'54"W	5.53'



DRAINAGE EASEMENT ABANDONMENT
B MERCHANT SURVEY, A-800
CITY OF DENTON
DENTON COUNTY, TEXAS

Drawn:	Checked:	Date	Job No.
JDB	SFA	3/11/25	21-074


SCOTT F. AMMONS, R.P.L.S. 6550

EXHIBIT A



70 2008 00072527

Instrument Number: 2008-72527

Recorded On: July 02, 2008

As
Easement

Parties: FORESTER HERSCHEL V

To

Billable Pages: 6

Number of Pages: 6

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Easement	31.00
Total Recording:	31.00

***** DO NOT REMOVE THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2008-72527

Receipt Number: 500597

Recorded Date/Time: July 02, 2008 11:04:41A

User / Station: H Dunn - Cash Station 4

Record and Return To:

UTILITIES & CIP ENGINEERING
901 A TEXAS STREET
ATTN PAUL WILLIAMSON
DENTON TX 76209



THE STATE OF TEXAS }
COUNTY OF DENTON }

I hereby certify that this instrument was FILED in the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

C. Hutchell

County Clerk
Denton County, Texas

EXHIBIT A

PUBLIC DRAINAGE EASEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DENTON §

THAT Herschel V. Forester, Trustee (Grantor), whose mailing address is 4445 Alpha Road, Dallas, Texas 75244, in consideration of the sum of ONE DOLLAR and NO CENTS (\$1.00) and other good and valuable consideration in hand paid by the City of Denton, Texas (Grantee), receipt of which is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the City of Denton, Texas, the free and uninterrupted use, liberty and privilege of the passage in, along, upon and across the following described property, owned by Grantor and situated in Denton County, Texas, in the B. Merchant Survey, Abstract No. 800.

SEE ATTACHED EXHIBITS "A" & "B"

And it is further agreed that the City of Denton, Texas in consideration of the benefits above set out, will remove from the property above described, such fences, buildings and other obstructions as may now be found upon said property.

For the purpose of constructing, reconstructing, installing, repairing, and perpetually maintaining drainage in, along, upon and across said premises, with the right and privilege at all times of the grantee herein, his or its agents, employees, workmen and representatives having ingress, egress and regress in, along, upon and across said premises for the purpose of making additions to, improvements on and repairs to said drainage facilities or any part thereof.

This easement is hereby adopted by the Grantor and approved by the City of Denton (called "City") subject to the following conditions that shall be binding upon the Grantor, their heirs, grantees and successors: The Public Drainage Easement tract described and illustrated in Exhibits "A" and "B", attached herewith, shall remain open at all times and shall be maintained in a safe and sanitary condition by the Grantor. The City shall not be responsible for the maintenance and operation of said easement or for any damage to private property or person that results from conditions in the Easement or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence or any other structure within the Public Drainage Easement, as herein above defined,

EXHIBIT A

unless approved by the City. The Grantor shall keep the Public Drainage Easement clear and free of debris, silt, and any substance that would result in unsanitary conditions or obstruct the flow of water in any material manner. And, the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance by the Grantor to alleviate any undesirable conditions that may occur. Furthermore, the City shall have the right, but not the obligation, to enter upon the above-described Public Drainage Easement tract to remove any obstruction to the flow of water. Should the City remove any obstruction to the flow of water, after giving the Grantor written notice of such obstruction and Grantor fails to remove such obstruction within thirty (30) days of written notice (24 hours notice in the event of an emergency), then the City of Denton shall be reimbursed by the Grantor the reasonable costs for labor, materials and equipment for such instance. The natural drainage through the Public Drainage Easement is subject to storm water overflow and natural bank erosion to an extent that cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena or resulting from the failure of any structure or structures, within the Public Drainage Easement or otherwise.

This grant and covenants stipulated herein shall run with the land and shall be binding upon the parties and their heirs, successors and assigns; provided, however, that upon the conveyance by Grantor or any successor owner of all of Grantor's (or such successor owner's) ownership interest in the easement tract described above, Grantor or such successor owner shall be automatically released from further liability or obligation arising under this Public Drainage Easement, such liability or obligation shall be deemed assumed by the new owner of the easement tract upon such conveyance.

TO HAVE AND TO HOLD unto the said City of Denton, Texas as aforesaid for the purposes aforesaid the premises above described.

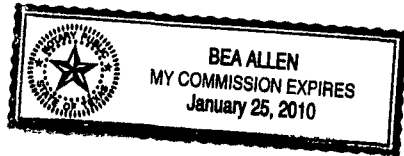
Witness my hand, this 15th day of May, 2008.

By: Herschel V. Forester
Herschel V. Forester, Trustee

EXHIBIT A

THE STATE OF TEXAS §
COUNTY OF Dallas §

This instrument was acknowledged before me on the 15 day of May, 2008
by Herschel V. Forester.



Bea Allen
Notary Public, in and for the State of Texas
My Commission Expires: January 25, 2010

Accepted this 1 day of July, 2008 for the City of Denton, Texas
(Resolution No. 91-073).

By: Mark A. Paul for Paul Williamson
Paul Williamson
Real Estate &
Capital Support Manager

AFTER RECORDING RETURN TO:
UTILITIES & CIP ENGINEERING
901-A Texas Street
Denton, Texas 76209
Attention: Paul Williamson

EXHIBIT A

EXHIBIT "A"

20' DRAINAGE EASEMENT

Barry Merchant Survey, Abstract No. 800
City of Denton, Denton County, Texas

DESCRIPTION, of a 0.246 acre tract of land situated in the Barry Merchant Survey, Abstract No. 800, Denton County, Texas; said tract being part of a tract of land described in deed to Herschel V. Forester, Trustee as recorded in Volume 605, Page 621 of the Deed Records of Denton County, Texas; said 0.246 acre tract being more particularly described as follows (bearing system based on NAD83, Texas State Plane Coordinate System, Zone 4202):

COMMENCING, from a 1/2-inch iron rod with "Pacheco Koch" cap found for corner; said point being the northeast corner of the terminus of Nautical Lane (a 50-foot wide right-of-way) and the northwest corner of Lot 1, Block E of Teasley Harbor Phase 2, an addition to the City of Denton, Denton County, Texas according to the plat thereof recorded in Cabinet V, Page 307 of the Plat Records of Denton County, Texas; said point being the southeast corner of a tract land described in Special Warranty Deed to Kroger Texas L.P. as recorded in Instrument No. 2007-12051 of the Real Property Records of Denton County, Texas;

THENCE, North 00 degrees, 37 minutes, 52 seconds West, along the east line of said Kroger Texas tract, a distance of 35.00 feet to the POINT OF BEGINNING of the herein described tract;

THENCE, North 00 degrees, 37 minutes, 52 seconds West, continuing along the east line of said Kroger Texas tract, a distance of 20.00 feet to a point for corner;

THENCE, traversing across said Forester tract, the following three (3) calls:

North 89 degrees, 22 minutes, 08 seconds East, a distance of 535.95 feet to a point for corner;


South 00 degrees, 37 minutes, 52 seconds East, a distance of 20.00 feet to a point for corner;

South 89 degrees, 22 minutes, 08 seconds West, a distance of 535.95 feet to the POINT OF BEGINNING;

CONTAINING: 10,719 square feet or 0.246 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.


Nijaz Karacic
Registered Professional Land Surveyor No. 5526
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031

11/1/07
Date



20' drainage easement.doc
2763-06.237 als

EXHIBIT A

