

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON PROVIDING FOR THE ABANDONMENT, RELINQUISHMENT, AND QUITCLAIM OF A PORTION OF VARIOUS PERMANENT WATER LINES, GENERALLY LOCATED ALONG IH35E FROM FM1173 TO LOOP 288, AND ALONG US 77, SITUATED IN THE NATHAN WADE SURVEY ABSTRACT NO. 1407, BBB & C RR CO. SURVEY ABSTRACT NO. 141, ALL IN THE CITY AND COUNTY OF DENTON, TEXAS, AND MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A" (COLLECTIVELY, THE "PROPERTY INTERESTS") TO BE RECORDED BY DENTON COUNTY CLERK, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS GRANTED TO THE STATE OF TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT") BY THE CITY OF DENTON; PROVIDING FOR THE QUITCLAIM THEREOF TO TXDOT, PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT, RELINQUISHMENT, AND QUITCLAIM MADE HEREIN; PROVIDING FOR THE CONVEYANCE OF EASEMENTS TO THE TXDOT; 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. (PROJECT NUMBER 630519525 NORTHWEST WATER TRANSMISSION LINE IMPROVEMENT PROJECT)

WHEREAS, the City of Denton ("City" or "Grantor") is the holder of various easement property interests described in the attached Exhibit "A" granted to the City of Denton, Texas that were recorded by Denton County Clerk, Real Property Records of Denton County, Texas (the "Subject Easements"); and

WHEREAS, the Subject Easements were previously approved by Ordinance 2022-181 authorizing the use of Eminent Domain to condemn property interests if agreements could not be reached; authorizing the City Attorney, or their designee, to file eminent domain proceedings if necessary, and the reimbursement of the costs of acquiring the Subject Easements was authorized by the reimbursement agreement(s) approved by the City Council on February 15, 2022, granted by City of Denton, Texas; and

WHEREAS, TxDOT ("Grantee") has requested the City to abandon, relinquish, and quitclaim various easement property interests owned by the City ("Abandonment Tracts"), as the Abandonment Tracts encumber an area of TxDOT's property and the area of the Abandonment Tracts is generally described in Exhibit "B"; and

WHEREAS, various infrastructure has been relocated by City Staff eliminating the need for the Abandonment Tracts; and

WHEREAS, City Staff reviewed the request from TxDOT to determine that the Abandonment Tracts are no longer necessary for any current or future public utility 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 Capital Projects 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 utility concerns on the property or for any current or future public utility projects; and

WHEREAS, Staff recommends releasing the Abandonment Tracts for reimbursement cost to the Grantor as set forth in the reimbursement agreement(s) between Grantor and Grantee; and

WHEREAS, the City Council of the City of Denton, acting pursuant to law and upon the request and petition of Grantee deems it advisable to abandon and quitclaim the Abandonment Tracts to Grantee, and is of the opinion that, subject to the terms and conditions herein provided, said is/are not need for municipal or public use, and same should be abandoned and quitclaimed to Grantee, as hereinafter stated; and NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

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

SECTION 2. That the City of Denton shall abandon the Abandonment Tracts upon completion of relocation and removal of the existing utilities to the Subject Easements. Subject to the foregoing, the City relinquishes and quitclaims all of its right, title and interest in and to the Abandonment Tracts described in Exhibit B, 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 approximately **Three Million, Nine Hundred Sixty-Four-Thousand, Seven Hundred Twenty and 00/100 Dollars (\$3,964,720.00)** to be paid by TxDOT, 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 B. **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 City Council of the City of Denton may legally

and lawfully abandon, relinquish, and quitclaim.

SECTION 7. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to the Abandonment Tracts shall not become effective until and unless the existing installations and facilities are relocated, and reimbursed at Grantee's expense, to the Subject Easements and acceptable to the City as is hereinafter provided. Failure to relocate to the Subject Easements and reimbursement of cost to the **GRANTOR** in accordance with the terms of this section shall render this ordinance null and void and of no further effect.

SECTION 8. 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 Tracts, suitable for recordation in the Real Property Records of Denton County, Texas.

SECTION 9. That, upon receipt of the monetary consideration set forth in Section 3, 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 10. 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 Tracts 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 Easement may cover, encumber, include, cross, or overlap.

SECTION 11. TO THE EXTENT PERMITTED BY LAW, 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 INCLUDE ALL PAST AND FUTURE AMENDMENTS THERETO, AS WELL AS APPLICABLE RULES AND REGULATIONS AS NOW OR HEREAFTER PROMULGATED THEREUNDER.

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 by _____. The ordinance was passed and approved by the following vote [____ - ____]:

	Aye	Nay	Abstain	Absent
Mayor Chris Watts:	_____	_____	_____	_____
Jordan Villarreal, District 1:	_____	_____	_____	_____
Nick Stevens, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
George Ferrie, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

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

CHRIS WATTS, MAYOR

ATTEST:

KRISTI FOGLE, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:

MACK REINWAND, CITY ATTORNEY

BY: _____

A handwritten signature in blue ink, appearing to read "J. Zell", is written over a horizontal line.

EXHIBIT A
Subject Easements
(Various Permanent Water and Wastewater Easements,
Abandonment, Easements list)

EXHIBIT A

<u>Parcel#</u>	<u>Property Owner</u>	<u>SOS Officer</u>
2-WL	CATDENTON 35 FIVE,	Shula Netzer
9-WL	DENTON ICC 35, LLC	Bradley D. Copeland

EXHIBIT B

Abandonment of Tracts Map

