

# EXHIBIT 5 attachment to AIS

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELEASING, ABANDONING AND VACATING A 2.249 ACRE PUBLIC DRAINAGE EASEMENT GRANTED TO THE CITY OF DENTON, TEXAS, BY TEASLEY COMMONS, LTD. ON AUGUST 5, 2004 AND RECORDED AS INSTRUMENT NO. 2004-111117, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, SITUATED IN THE C. POULALLIER SURVEY, ABSTRACT NO. 1006, DENTON COUNTY, TEXAS, AND LOCATED WITHIN THE 3200 BLOCK OF TEASLEY LANE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Denton is the holder of the Drainage Easement; and

WHEREAS, CDI Sundown LLC., a Texas limited liability company ("Owner") has represented to the City it is the owner of the property subject to the Drainage Easement; and

WHEREAS, the Owner has requested the City release, abandon and vacate the Drainage Easement; and

WHEREAS, staff reviewed the request of the Owner, and recommends that the Drainage Easement be released, abandoned and vacated after the following conditions have occurred: (1) the construction, completion, and acceptance by the City of the planned permanent drainage infrastructure required for the overall Teasley Commons Addition; and (2) the dedication of new drainage easements to the City, as evidenced by the recordation of the pending final subdivision plat of Lots 5 and 6, Block A, Teasley Commons Addition; and

WHEREAS, the City Council of the City of Denton, Texas, finds it is in the public interest to release, abandon, and vacate the Drainage Easement upon the occurrence of the above-referenced conditions; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON ORDAINS:

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

SECTION 2. The 2.249 acre Public Drainage Easement granted to the City of Denton, Texas, by Teasley Commons, Ltd., a Texas limited liability partnership, recorded as Instrument No. 2004-111117, Real Property Records, Denton County, Texas will hereby be released, abandoned, and vacated without further action of Council after the occurrence of the following conditions : (1) the construction, completion, and acceptance by the City of the planned permanent drainage infrastructure required for the overall Teasley Commons Addition; and (2) the dedication of new drainage easements to the City, as evidenced by the recordation of the pending final subdivision plat of Lots 5 and 6, Block A, Teasley Commons Addition.

SECTION 3. 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 Public Drainage Easement released, abandoned, vacated 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 Public Drainage Easement may cover, encumber, include, cross or overlap.

SECTION 4. Following the occurrence of the conditions specified above, the City Manager, or his designee, is authorized to execute a release document evidencing this abandonment of Public Drainage Easement, suitable for recordation in the Real Property Records, Denton County, Texas.

SECTION 5. 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 6. This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
AARON LEAL, INTERIM CITY ATTORNEY

BY: 