

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON PROVIDING FOR THE ABANDONMENT, RELINQUISHMENT, AND QUITCLAIM OF A PORTION OF VARIOUS (I) PERMANENT WATER EASEMENTS (II) PERMANENT WASTEWATER EASEMENTS, AND (III) PERMANENT ELECTRIC EASEMENTS, GENERALLY LOCATED ALONG INTERSTATE 35E, EAST OF LOOP 288, SITUATED IN THE JOHN MCGOWAN SURVEY - ABSTRACT NO. 797; THE GIDEON WALKER SURVEY - ABSTRACT NO. 1330, THE MEMPHIS, EL PASO AND PACIFIC RAILROAD COMPANY SURVEY - ABSTRACT NO. 950, THE DANIEL LOMBARD SURVEY - ABSTRACT NO. 784, AND THE J. WORRALL SURVEY - ABSTRACT NO. 1433, 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.

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 2021-717, authorizing the use of Eminent Domain to condemn property interest if agreement 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 January 14, 2020, 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 is 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 pf 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 Thirty-Five Million **and 00/100 Dollars (\$35,000,000)** 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. 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 12. This ordinance shall become effective immediately upon its passage and approval.

[signatures on the following page]

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:	_____	_____	_____	_____
Suzi 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
Subject Easements
(Various Permanent Water and Wastewater Easements, Drainage Easement
Abandonment, & Electric Easements list)

<u>Parcel #</u>	<u>Property Owner</u>	<u>SOS officer</u>
4	Pick'n'Sav Stores, Inc. #96	Timothy Johnson (Director)
6	Santander Denton, Ltd., a Texas limited partnership	DANIEL D BOECKMAN (President)
11	Halle Properties, LLC, an Arizona limited liability company	BRUCE T HALLE (Director)
66	Carmaxx	William D Nash (Director)
68	TT of Denton, Inc.	Terry Taylor (Director)
70	TT of North Texas, Inc.	Terry Taylor (Director)
73	Accessory Super Store, Inc.	Bryce McCallum (Director)
74	Arthur W. Hollingsworth	Arthur W. Hollingsworth
75, 75A, 75B	J&S Wood, LP	James F Wood
76	Mayhill Denton, LP, a Texas limited partnership	Joy H Phillips
85	CB Green Investments, L.L.C., a Texas limited liability company	G. Michael Green (Manager)
87	PWS Holdings 19, LLC	Robert A Christianson
88	Goel Ventures, LLC, a Texas limited liability company	Siddhartha Goel
89	Columbia Medical Center of Denton	Nicholas L. Paul (Vice President)
90	Mayhill/2499, LLC, a Texas limited liability company	Kenneth Brown (Member)
91	Josten's, Inc.	Michael B Polk (President)
92,92A	Josten's, Inc.	Michael B Polk (President)
93	B.A. Badie	N/A
94	Carroll Family Investments, Ltd.	Christopher S. Carroll (Manager & Director)
95	GHLDS #2, LLC, a Texas limited liability company	Gurdev S. Gill (Manager & Director) Rajeev S Gill (Manager & Director)
97	Denton Commons, LLC	Edward Lively (Manager)
98	Darius H. Heidary, M.D.	N/A
99	F & J Partners, Ltd.	Frank Kudlac (President)
103	Cole OB Denton, TX, LLC, a Delaware limited liability company	Vereit Real Estate, L.P. (authorized signature)
104	Roadhouse Enterprises, Inc., a Texas corporation	Gerald Morgan (President & Director) Celia Catlett (General Counsel & Director)
105	FCPT SW Properties, LLC, a Delaware limited liability company	William R. White III (Manager)
106	ARCP RL Portfolio IV, LLC, a Delaware limited liability company	ARCP RL Portfolio IV, LLC (authorized Signature)

107	Texas Student Housing Corporation -- Denton Project	Henry C. Smyth (President)
109	Denton PCR, Ltd., a Texas limited liability company	Richard D. Kelly (President)
113	Josten's, Inc.	Michael B Polk (President)
117	Melvin A. Kausen and Marie A. Kausen Family Trust	N/A
119	Windriver Lodging, Ltd.	Vimal Patel (Director)

EXHIBIT B

Abandonment of Tracts Map

