

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

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 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 Public Access, Drainage and Utility Easement granted by Ralph L. Mason Trust, recorded by County Clerk File No. 2007-59444, Real Property Records of Denton County, Texas (the “Subject Easement”); and

WHEREAS, Ralph L. Mason Trust, (“Owner” or “Grantee”), is the record abutting owner of the property subject to the Subject Easement; and

WHEREAS, the Owner has requested the City to abandon, relinquish, and quitclaim a 1.266 acre the Subject Easement (the “Abandonment Tract”), as described and depicted in Exhibit “A” attached hereto, in exchange for an alternative Sanitary Sewer Easement on the property, as described and depicted in Exhibit “B” (the “Alternative Easement”).

WHEREAS, City Staff reviewed the request of the Owner and determined that the Subject Easement is no longer necessary for any current or future public access, drainage or non-sanitary sewer utility project which will allow for the area to be developed with permitted improvements, and City Staff recommends the Subject Easement be released, abandoned, and vacated 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 Subject Easement is no longer necessary to address previous public access, drainage or non-sanitary sewer utility infrastructure improvements concerns on the property or for any current or future public access, drainage or non-sanitary sewer utility 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 Subject Easement area was provided by the Owner and it lists the fair market value at Three Hundred Twenty-Eight Thousand Seventy-Seven and 00/100 Dollars (\$328,077.00); and

WHEREAS, staff recommends releasing the Subject Easement tract at no cost to the Owner as the City acquired the easement at no cost, the existing sewer line will not be affected as a new Sanitary Sewer Easement has been conveyed for the public improvements. The Subject Easement tract has no identified current or future use for public drainage, access or non-sanitary sewer improvements; and

WHEREAS, the City Council of the City of Denton, acting pursuant to law and upon request and petition of the Ralph L. Mason Trust; hereinafter referred to a Grantee, deems it advisable to abandon, relinquish and quitclaim the City of Denton's right, title and interest in and to the hereinafter described tract of land to Grantee, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to Grantee as hereinafter provided, for the 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 same to 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 and relinquishes all of its right, title and interest in and to the Abandonment Tract, that 1.266 acre Subject Easement, as described and depicted in Exhibit "A," attached to this Ordinance and made a part hereto for all purposes, subject, however, 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 Ralph L Mason Trust, LLC, and the further consideration described in Sections 6, 7, 8 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 and interest 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 in exchange for the Alternative Easement attached as Exhibit "B."

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.

SECTION 5. That the terms and conditions contained in this ordinance shall be binding upon Grantee, its heirs, successors and assigns.

**SECTION 6. 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 7. 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.

SECTION 8. That the abandonment, relinquishment and vacation made herein shall be subject to Owner conveying an Sanitary Sewer Easement to the City of Denton for a perpetual sanitary sewer easement, within 60 days of the effective date of this ordinance, in, under, through, across and along certain properties located in the W. Pogue Survey, Abstract No. 1012, as recorded in City of Denton, Denton County, Texas, and as part of the consideration for the property herein abandoned by the City of Denton and deeded to the Owner. Said Sanitary Sewer Easement to be conveyed shall be acceptable to the Director of Development Services of the City of Denton and contain approximately 0.686 acre tract of land, a description is attached hereto and made a part hereof as Exhibit B. Failure to convey the above described easement as set forth shall render this ordinance null and void and of no further effect.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein Grantee shall:

- a) Ensure that the existing sewer line does not exceed 12 inches in diameter as required in 7.6.7 of the Denton Development Code.

SECTION 10. That at such time as the instrument described in Section 8 above is executed and delivered to the City of Denton and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Development Services is authorized and directed to record said instrument in the Deed Records of Denton County, Texas; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 11. 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 12. 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 Tract 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 13. 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 14. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the public street and thoroughfare is located, which certified copy shall be delivered to the Director of Department of Development Services, or designee.

SECTION 15. 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 16. This Ordinance shall become effective immediately upon its passage and approval.

*[Signatures to appear on the following page.]*

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

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
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Mayor Gerard Hudspeth: \_\_\_\_\_

Vicki Byrd, District 1: \_\_\_\_\_

Brian Beck, District 2: \_\_\_\_\_

Paul Meltzer, District 3: \_\_\_\_\_

Joe Holland, District 4: \_\_\_\_\_

Brandon Chase McGee, At Large Place 5: \_\_\_\_\_

Chris Watts, At Large Place 6: \_\_\_\_\_

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
GERARD HUDSPETH, MAYOR

ATTEST:  
JESUS SALAZAR, CITY SECRETARY

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

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY  
ATTORNEY

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

Digitally signed by Benjamin Sanders  
DN: CN=benjaminsanders, O=City of Dallas,  
OU=Department Users and Groups, ou=General  
Comments, ou=Digital Signatures, ou=Signatures,  
email=benjaminsanders@cityofdallas.com  
Date: 2024.02.20 11:16:09

# **EXHIBIT A**

**(Abandonment Tract)**

Denton County  
Cynthia Mitchell  
County Clerk  
Denton, Tx 76202



70 2007 00059444

Instrument Number: 2007-59444

Recorded On: May 22, 2007

As  
Easement

Parties: RALPH L MASON TRUST

To

Billable Pages: 8

Number of Pages: 8

Comment:

( Parties listed above are for Clerks reference only )

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

Easement	44.00
Total Recording:	44.00

\*\*\*\*\* 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: 2007-59444

Receipt Number: 388030

Recorded Date/Time: May 22, 2007 09:13:37A

User / Station: J Morris - Cash Station 1

Record and Return To:

CITY OF DENTON  
ENGINEERING DEPT  
901A TEXAS ST  
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 herein, and was duly RECORDED in the Official Records of Denton County, Texas.



Cynthia Mitchell

County Clerk  
Denton County, Texas

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**PUBLIC ACCESS, PUBLIC DRAINAGE AND PUBLIC UTILITY EASEMENT**

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DENTON

§

THAT Ralph L. Mason Trust (Grantor), of Oklahoma County, Oklahoma, whose address is 5725 N.W. 152<sup>nd</sup> Street, Oklahoma City, Oklahoma 73142, 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 W. Pogue Survey, Abstract No. 1012.

**EASEMENT DESCRIBED AND  
ILLUSTRATED IN ATTACHED EXHIBIT "A"**

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 all-weather driving surface, public drainage facilities and public utility facilities 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 all-weather driving surface, public drainage facilities and  
public utility facilities or any part thereof.

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 17<sup>th</sup> day of January, 2007.

RALPH L. MASON TRUST

By: Ralph L. Mason  
Ralph L. Mason, Trustee

## ACKNOWLEDGMENT

THE STATE OF OKLAHOMA §  
COUNTY OF OKLAHOMA §

This instrument was acknowledged before me on the 12 day of January 2000, by  
Ralph L. Mason, Trustee of the Ralph L. Mason Trust.



Notary Public in and for the  
State of Oklahoma

Accepted this 7<sup>th</sup> day of FEBRUARY, 2007, for the City of Denton, Texas  
(Resolution No. 91-073).

By: Doreen E. Blackstone For  
Paul Williamson PAUL WILLIAMSON  
Real Estate and  
Capital Support Manager

After filing, please return to:

City or Denton  
601 E. Hickory Street, Suite B  
Denton, TX 76205

Attn: Paul Williamson

City of Denton  
Engineering Department  
901-A Texas Street  
Denton, Texas 76209

EXHIBIT "A"

DATE: 12/07/06  
JOB NO. 06-11-229(3)  
SHEET 1 OF 5  
LEGAL DESCRIPTION

JOINT ACCESS AND PUBLIC DRAINAGE AND  
UTILITY EASEMENT

BEING SITUATED IN THE W. POGUE SURVEY, ABSTRACT NO. 1012, DENTON COUNTY, TEXAS AND BEING PART OF A CALLED 14.22 ACRE TRACT OF LAND DESCRIBED IN A DEED TO RALPH L. MASON TRUST OF RECORD IN VOLUME 5036, PAGE 3823 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS, AND PART OF A CALLED 1.88 ACRE TRACT OF LAND DESCRIBED IN A DEED TO RALPH L. MASON TRUST OF RECORD IN VOLUME 5040, PAGE 1273 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS, AND PART OF A CALLED 0.40 ACRE TRACT OF LAND (TRACT 1) DESCRIBED IN A DEED TO RALPH L. MASON TRUST OF RECORD IN VOLUME 5150, PAGE 1708 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT AN "X" CUT FOUND IN CONCRETE IN THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 380 (VARIABLE WIDTH RIGHT-OF-WAY) AT THE SOUTHWEST CORNER OF A CALLED 0.76 ACRE TRACT OF LAND DESCRIBED IN A DEED TO RALPH L. MASON TRUST OF RECORD IN VOLUME 5040, PAGE 1269 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS, AND IN THE EAST LINE OF A CALLED 3 ACRE TRACT OF LAND DESCRIBED IN A DEED TO THE BOARD OF AMERICAN MISSIONS OF THE LUTHERAN CHURCH IN AMERICA OF RECORD IN VOLUME 656, PAGE 396 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS;

THENCE NORTH 01°07'45" EAST WITH SAID EAST LINE, A DISTANCE OF 244.89 FEET TO A POINT FOR CORNER;

THENCE SOUTH 88°31'34" EAST, A DISTANCE OF 55.16 FEET TO A POINT FOR CORNER AT THE PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT, SAID POINT BEING AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 49.00 FEET, A CENTRAL ANGLE OF 28°44'07", AND A CHORD WHICH BEARS NORTH 33°11'48" WEST, A DISTANCE OF 24.32 FEET;

THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 24.57 FEET TO A POINT FOR CORNER;

THENCE SOUTH 88°31'34" EAST, A DISTANCE OF 596.08 FEET TO A POINT FOR CORNER;

THENCE SOUTH 83°16'39" EAST, A DISTANCE OF 753.87 FEET TO A POINT FOR CORNER;

THENCE SOUTH 88°18'24" EAST, A DISTANCE OF 90.53 FEET TO A POINT FOR CORNER;

THENCE SOUTH 65°51'54" EAST, A DISTANCE OF 148.28 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 22°26'30", AND A CHORD WHICH BEARS SOUTH 77°05'09" EAST, A DISTANCE OF 9.73 FEET;

THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 9.79 FEET TO A POINT FOR CORNER;

THENCE SOUTH 88°18'24" EAST, A DISTANCE OF 159.78 TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 49.00 FEET, A CENTRAL ANGLE OF 64°34'14", AND A CHORD WHICH BEARS SOUTH 56°01'17" EAST, A DISTANCE OF 52.35 FEET;

THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 55.22 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 69°22'00", AND A CHORD WHICH BEARS SOUTH 58°25'09" EAST, A DISTANCE OF 28.45 FEET;

BASIS OF BEARINGS:

ALL BEARINGS ARE PER THE MOST EASTERN NORTH LINE OF THE DEED RECORDED IN VOLUME 5036, PAGE 3823 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS.



*Peter Hine*  
PETER R. HINE, R.P.L.S. 5574

JOINT ACCESS AND PUBLIC DRAINAGE AND UTILITY EASEMENT, SITUATED IN THE W. POGUE SURVEY, ABSTRACT NO. 1012 CITY OF DENTON, DENTON COUNTY, TEXAS	
PREPARED BY: PETER R. HINE, R.P.L.S. NO. 5574 GLOBAL LAND SURVEYING, INC. 704 CENTRAL PARKWAY EAST, SUITE 1214 PLANO, TEXAS, 75074 OFFICE: (972) 881-1700 FAX: (972) 423-1083 E-MAIL: phine@glis-inc.com	

## EXHIBIT "A"

DATE: 12/07/06  
JOB NO. 06-11-229(3)  
SHEET 2 OF 5

### JOINT ACCESS AND PUBLIC DRAINAGE AND UTILITY EASEMENT

THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 30.27 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 58°37'24", AND A CHORD WHICH BEARS NORTH 56°28'24" EAST, A DISTANCE OF 24.48 FEET;

THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 25.58 FEET TO A POINT FOR CORNER IN THE WEST RIGHT-OF-WAY LINE OF OLD NORTH ROAD (54.8' WIDE AS MONUMENTED) FROM WHICH AN "X" CUT FOUND IN CONCRETE IN THE WEST RIGHT-OF-WAY LINE OF SAID OLD NORTH ROAD AND AT THE MOST EASTERN NORTHEAST CORNER OF SAID 14.22 ACRE TRACT BEARS NORTH 01°40'54" EAST, A DISTANCE OF 66.52 FEET;

THENCE SOUTH 01°40'54" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID OLD NORTH ROAD, A DISTANCE OF 58.17 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 61°33'49", AND A CHORD WHICH BEARS NORTH 55°17'15" WEST, A DISTANCE OF 25.59 FEET;

THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 26.86 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 49.00 FEET, A CENTRAL ANGLE OF 67°25'30", AND A CHORD WHICH BEARS NORTH 52°21'25" WEST, A DISTANCE OF 54.39 FEET;

THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 57.66 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 69°39'44", AND A CHORD WHICH BEARS NORTH 53°28'32" WEST, A DISTANCE OF 28.56 FEET;

THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 30.40 FEET TO A POINT FOR CORNER;

THENCE NORTH 88°18'24" WEST, A DISTANCE OF 169.50 FEET TO A POINT FOR CORNER;

THENCE NORTH 65°51'54" WEST, A DISTANCE OF 127.33 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 22°26'30", AND A CHORD WHICH BEARS NORTH 77°05'09" WEST, A DISTANCE OF 9.73 FEET;

THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 9.79 FEET TO A POINT FOR CORNER;

THENCE NORTH 88°18'24" WEST, A DISTANCE OF 101.58 FEET TO A POINT FOR CORNER;

THENCE NORTH 83°16'39" WEST, A DISTANCE OF 753.81 FEET TO A POINT FOR CORNER;

THENCE NORTH 88°31'34" WEST, A DISTANCE OF 465.86 FEET TO A POINT FOR CORNER;

THENCE NORTH 01°07'45" EAST, A DISTANCE OF 12.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 88°31'34" WEST, A DISTANCE OF 114.84 FEET TO THE PLACE OF BEGINNING AND CONTAINING 55,139 SQUARE FEET OR 1.266 ACRES OF LAND.

#### BASIS OF BEARINGS:

ALL BEARINGS ARE PER THE MOST EASTERN NORTH LINE OF THE DEED RECORDED IN VOLUME 5036, PAGE 3823 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS.

JOINT ACCESS AND PUBLIC DRAINAGE AND  
UTILITY EASEMENT, SITUATED IN THE W. POGUE SURVEY,  
ABSTRACT NO. 1012  
CITY OF DENTON, DENTON COUNTY, TEXAS

#### PREPARED BY:

PETER R. HINE, R.P.L.S. NO. 5574  
GLOBAL LAND SURVEYING, INC.  
704 CENTRAL PARKWAY EAST, SUITE 1214  
PLANO, TEXAS, 75074  
OFFICE: (972) 881-1700  
FAX: (972) 423-1083  
E-MAIL: phine@glis-inc.com

**EXHIBIT "A"**

DATE: 12/07/06  
JOB NO. 06-11-229(3)  
SHEET 3 OF 5

JOINT ACCESS AND PUBLIC DRAINAGE AND  
UTILITY EASEMENT

RALPH L. MASON TRUST  
VOLUME 5040, PAGE 1273  
D.R.D.C.T.  
(CALLED 1.88 ACRES)

RALPH L. MASON TRUST  
VOLUME 5036, PAGE 3823  
D.R.D.C.T.  
(CALLED 14.22 ACRES)

BOARD OF AMERICAN MISSIONS OF  
LUTHERAN CHURCH IN AMERICA  
VOLUME 656, PAGE 396  
D.R.C.T.

8' EASEMENT  
VOL. 677, PG. 77 D.R.D.C.T.

RALPH L. MASON TRUST  
VOLUME 5150, PAGE 1708  
D.R.D.C.T.  
(CALLED 0.40 ACRES)

JOINT ACCESS &  
PUBLIC DRAINAGE  
UTILITY EASEMENT  
55,139 SQ. FT.  
(1.268 ACRES)

10' EASEMENT FOR INGRESS  
AND EGRESS VOL.2138,  
PG.430 D.R.D.C.T.  
(TO BE ABANDONED)

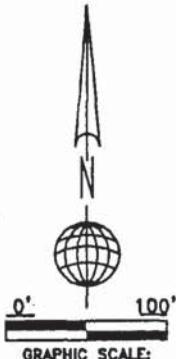
8' EASEMENT  
VOL 677, PG.77 D.R.D.C.T.

RALPH L. MASON TRUST  
VOLUME 5040, PAGE 1269  
D.R.D.C.T.  
(CALLED 0.76 ACRES)

RALPH L. MASON, TRUSTEE  
OF THE RALPH L. MASON  
TRUST  
VOLUME 4885, PAGE 749  
D.R.D.C.T.  
(CALLED 2 ACRES)

## COMMENCE

LINE	DISTANCE	BEARING	LINE	DISTANCE	BEARING
L1	244.89'	N 01°07'45" E	L9	58.17'	S 01°40'54" W
L2	55.16'	S 88°31'34" E	L10	169.50'	N 88°18'24" W
L3	596.08'	S 88°31'34" E	L11	127.33'	N 65°51'54" W
L4	753.87'	S 83°16'39" E	L12	101.58'	N 88°18'24" W
L5	90.53'	S 88°18'24" E	L13	753.81'	N 83°16'39" W
L6	148.28'	S 65°51'54" E	L14	465.86'	N 88°31'34" W
L7	159.78'	S 88°18'24" E	L15	12.00'	N 01°07'45" E
L8	66.52'	N 01°40'54" E	L16	114.84'	N 88°31'34" W



### BASIS OF BEARINGS:

BASIS OF BEARINGS: ALL BEARINGS ARE PER THE MOST EASTERN NORTH LINE OF THE DEED RECORDED IN VOLUME 5036, PAGE 3823 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS.

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	49.00	28°44'07"	24.57	N 33°11'48" W	24.32
C2	25.00	22°26'30"	9.79	S 77°05'09" E	9.73
C3	49.00	64°34'14"	55.22	S 56°01'17" E	52.35
C4	25.00	69°22'00"	30.27	S 58°25'09" E	28.45
C5	25.00	58°37'24"	25.58	N 56°28'24" E	24.48
C6	25.00	61°33'49"	26.86	N 55°17'15" W	25.59
C7	49.00	67°25'30"	57.66	N 52°21'25" W	54.39
C8	25.00	69°39'44"	30.40	N 53°28'32" W	28.56
C9	25.00	22°26'30"	9.79	S 77°05'09" W	9.73

JOINT ACCESS AND PUBLIC DRAINAGE AND  
UTILITY EASEMENT, SITUATED IN THE W. POGUE SURVEY,  
ABSTRACT NO. 1012  
CITY OF DENTON, DENTON COUNTY, TEXAS

PREPARED BY:  
PETER R. HINE, R.P.L.S. NO. 5574  
GLOBAL LAND SURVEYING, INC.  
704 CENTRAL PARKWAY EAST, SUITE 1214  
PLANO, TEXAS, 75074  
OFFICE: (972) 881-1700  
FAX: (972) 423-1083  
E-MAIL: [phine@glslinc.com](mailto:phine@glslinc.com)

EXHIBIT "A"

DATE: 12/07/06  
JOB NO. 06-11-229(3)  
SHEET 4 OF 5

JOINT ACCESS AND PUBLIC DRAINAGE AND  
UTILITY EASEMENT

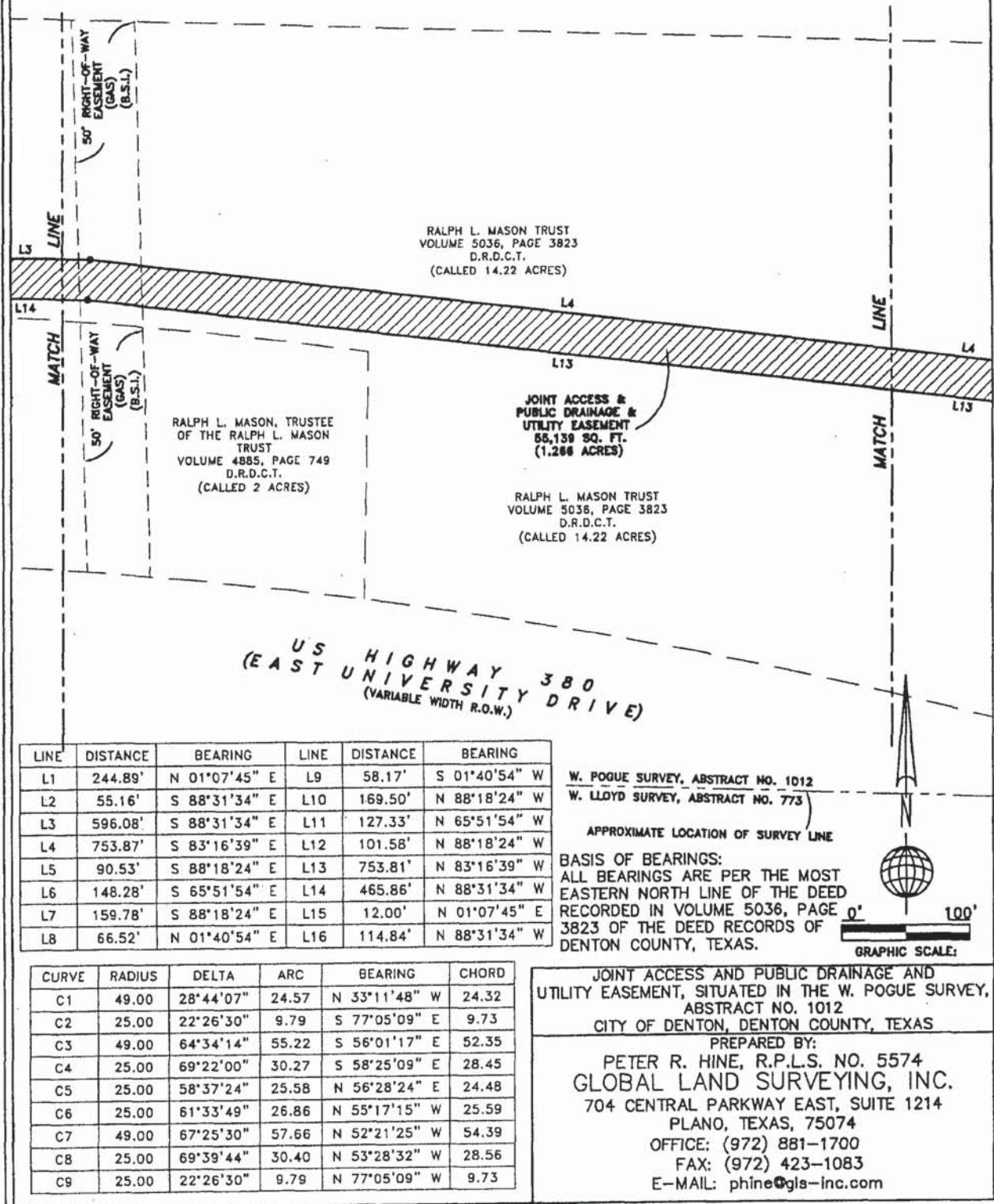
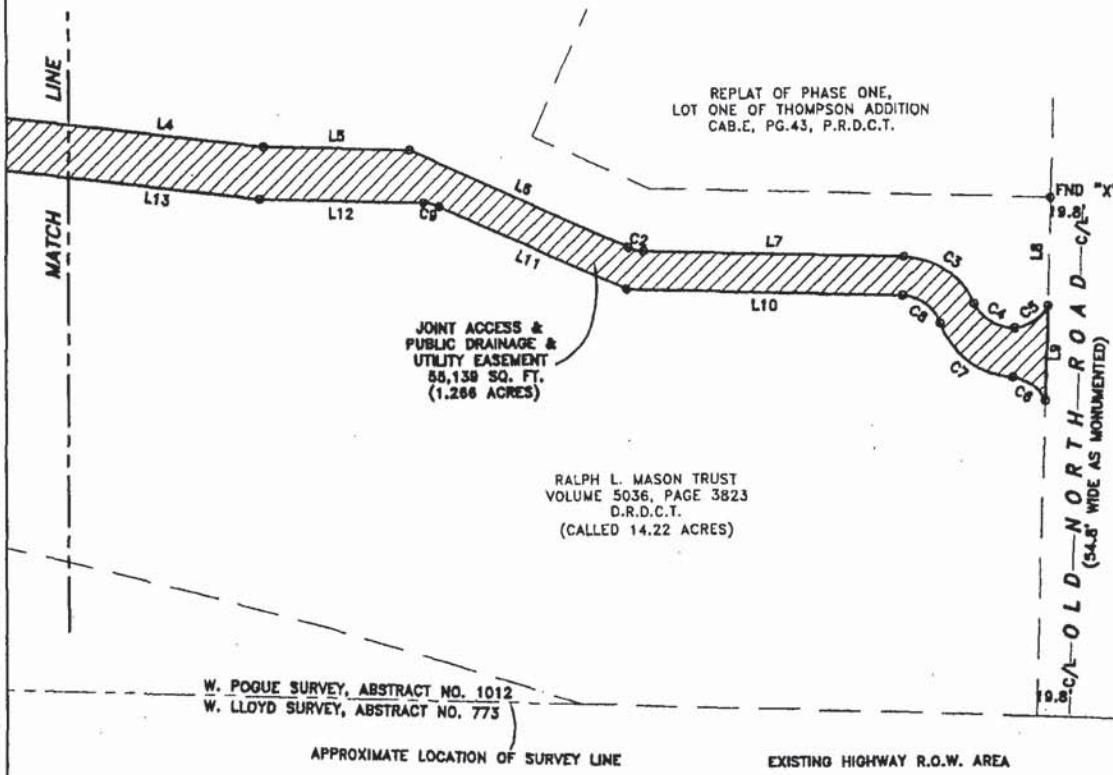


EXHIBIT "A"

DATE: 12/07/06  
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SHEET 5 OF 5

JOINT ACCESS AND PUBLIC DRAINAGE AND  
UTILITY EASEMENT

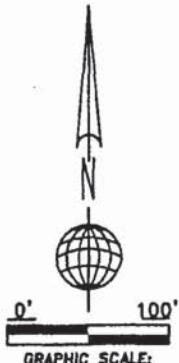


U S H I G H W A Y 3 8 0  
(E A S T U N I V E R S I T Y D R I V E)  
(VARIABLE WIDTH R.O.W.)

LINE	DISTANCE	BEARING	LINE	DISTANCE	BEARING
L1	244.89'	N 01°07'45" E	L9	58.17'	S 01°40'54" W
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BASIS OF BEARINGS:  
ALL BEARINGS ARE PER THE  
MOST EASTERN NORTH LINE  
OF THE DEED RECORDED IN  
VOLUME 5036, PAGE 3823 OF  
THE DEED RECORDS OF  
DENTON COUNTY, TEXAS.



JOINT ACCESS AND PUBLIC DRAINAGE AND  
UTILITY EASEMENT, SITUATED IN THE W. POGUE SURVEY,  
ABSTRACT NO. 1012  
CITY OF DENTON, DENTON COUNTY, TEXAS

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FAX: (972) 423-1083  
E-MAIL: phine@glis-inc.com

# **EXHIBIT B**

## **(Alternative Easement)**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## **SANITARY SEWER EASEMENT**

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

THAT **City of Denton** ("Grantor"), a Texas Municipal Corporation, , for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), the sufficiency of which is herein confessed, , has hereby GRANTED, DEDICATED, BARGAINED, SOLD and CONVEYED and does by these presents GRANT, DEDICATE, BARGAIN, SELL and CONVEY unto the public use ("Grantee") a perpetual sanitary sewer easement (the "Easement") in, along, upon, under, over and across the following described property, owned by Grantor, and situated in Denton County, Texas, located in the \_\_\_\_\_ Survey, Abstract Number \_\_\_, commonly known as \_\_\_\_\_

**EASEMENT AREA DESCRIBED AND DEPICTED  
IN EXHIBIT "A",  
ATTACHED HERETO AND MADE A PART HEREOF**

For the following purposes:

Constructing, reconstructing, installing, repairing, relocating, operating, and perpetually maintaining sanitary sewer pipelines, and all related facilities and appurtenances, respectively, in, along, upon, under, over and across said Easement, including without limitation, the free and uninterrupted use, liberty, passage, ingress, egress and regress, at all times in, along, upon, under, over and across the Easement to Grantee herein, its agents, employees, contractors, workmen and representatives, for the purposes set forth herein, including without limitation, the making additions to, improvements on and repairs to said facilities or any part thereof.

This Easement is subject to the following:

1. Structures. No buildings, fences, structures, signs, facilities, improvements or obstructions of any kind, or portions thereof, shall be constructed, erected, reconstructed or placed in, along, upon, under, over or across the Easement. Further, Grantor stipulates and acknowledges that the Grantee, in consideration of the benefits above set out, may remove from the Easement, such buildings, fences, structures, signs, facilities, improvements and other obstructions as may now or hereafter be found upon said Easement and dispose of any such buildings, fences, structures, signs, facilities, improvements or obstructions in any manner it deems appropriate without liability to Grantee.

2. Access. For the purpose of exercising and enjoying the rights granted herein, the Grantee shall have access to the Easement by way of existing public property or right-of-way.

3. Trees and Landscaping. No shrub or tree shall be planted upon the Easement or that may encroach upon the Easement. Grantee may cut, trim, or remove any shrubs or trees, or portions of shrubs or trees now or hereafter located within or that may overhang upon the Easement without liability to Grantee, including without limitation, the obligation to make further payment to Grantor.

4. Grantor's Rights. Grantor shall have the right, subject to the restrictions contained herein, to make use of the Easement for any purpose that does not interfere with the City's rights granted to it herein for the purposes granted.

5. Successors and Assigns. This grant and the provisions contained herein shall constitute covenants running with the land and shall be binding upon the Grantor and Grantee, and their heirs, successors and assigns.

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

Witness my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

City Project: Easement Abandonment - 380 Multi-Family Development

City Project (JDE) Number:

Parcel Number:

## ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF DENTON

Notary Public, in and for the State of \_\_\_\_\_  
My commission expires: \_\_\_\_\_

UPON FILING, RETURN TO:

## City of Denton-Real Estate

401 N. Elm Street

Denton, TX 76201

EXHIBIT "A"

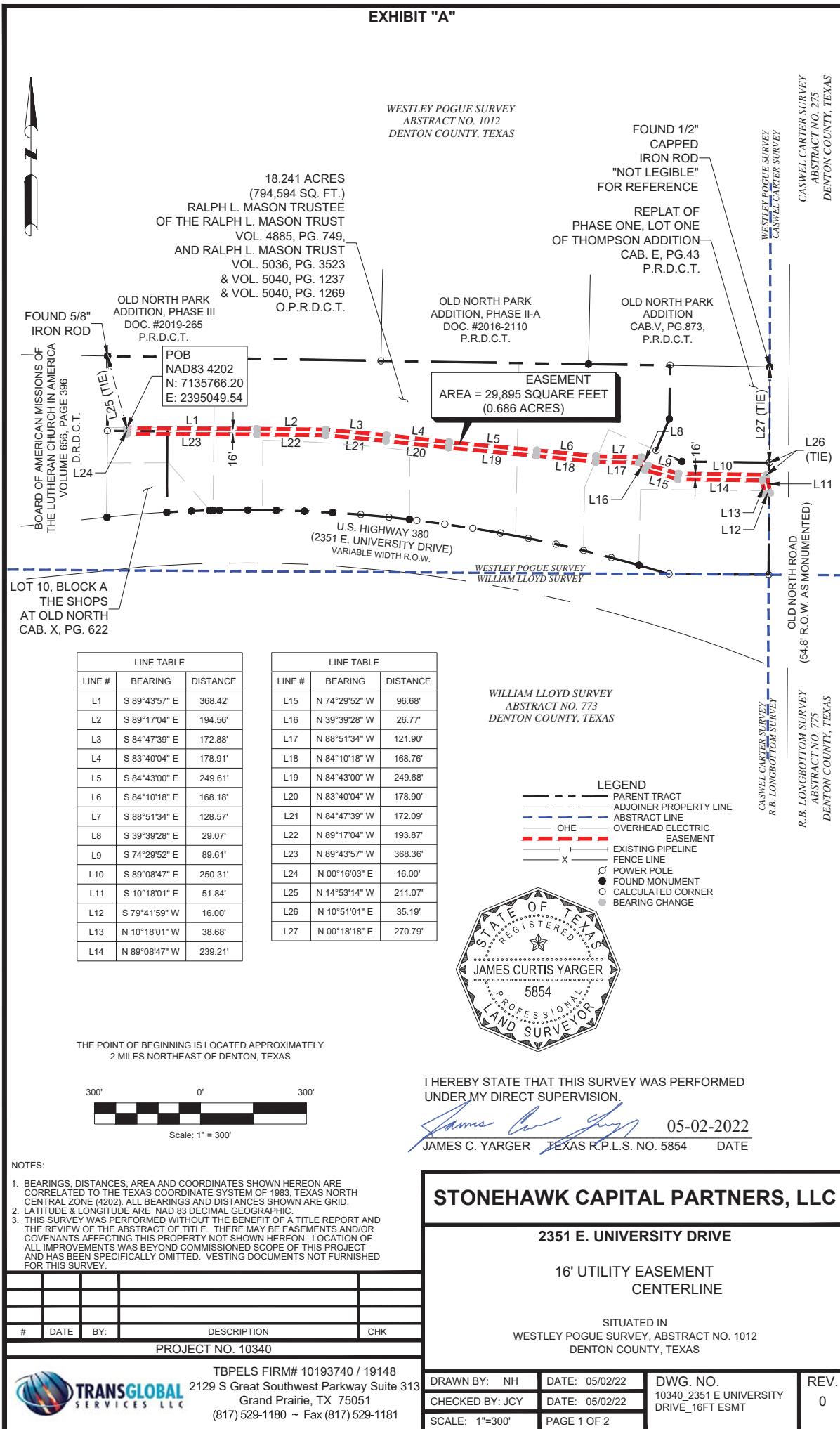


EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

BEING A 16' WIDE UTILITY EASEMENT SITUATED IN THE WESTLEY POGUE SURVEY, ABSTRACT NO. 1012, DENTON COUNTY, TEXAS, AND BEING PART OF A 18.241 ACRES TRACT OF LAND CONVEYED TO RALPH L. MASON TRUSTEE OF THE RALPH L. MASON TRUST, RECORDED IN VOL. 4885, PG. 749, OFFICIAL PUBLIC RECORDS, OF DENTON COUNTY TEXAS, AND TO RALPH L. MASON TRUST, RECORDED IN VOL. 5036, PG. 3523, & VOL. 5040, PG. 1237, & VOL. 5040, PG. 1269, OFFICIAL PUBLIC RECORDS, OF DENTON COUNTY TEXAS. SAID 16' UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT (N: 7135766.20, E:2395049.54) IN SAID WESTLEY POGUE SURVEY, FROM WHICH A 5/8" IRON PIPE FOUND FOR THE NORTHWEST CORNER OF SAID 18.241 ACRES TRACT BEARS N 14°53'14" W, A DISTANCE OF 211.07 FEET (TIE);

THENCE S 89°43'57" E, A DISTANCE OF 368.42 FEET TO A POINT;  
THENCE S 89°17'04" E, A DISTANCE OF 194.56 FEET TO A POINT;  
THENCE S 84°47'39" E, A DISTANCE OF 172.88 FEET TO A POINT;  
THENCE S 83°40'04" E, A DISTANCE OF 178.91 FEET TO A POINT;  
THENCE S 84°43'00" E, A DISTANCE OF 249.61 FEET TO A POINT;  
THENCE S 84°10'18" E, A DISTANCE OF 168.18 FEET TO A POINT;  
THENCE S 88°51'34" E, A DISTANCE OF 128.57 FEET TO A POINT;  
THENCE S 39°39'28" E, A DISTANCE OF 29.07 FEET TO A POINT;  
THENCE S 74°29'52" E, A DISTANCE OF 89.61 FEET TO A POINT;  
THENCE S 89°08'47" E, A DISTANCE OF 250.31 FEET TO A POINT, FROM WHICH THE CALCULATED NORTHEAST CORNER OF SAID 18.241 ACRE TRACT BEARS N 10°51'01" E, A DISTANCE OF 35.19 FEET (TIE), FOUND A FOUND 1/2" CAPPED IRON ROD "NOT LEGIBLE" BEARS N 00°18'18" E, A DISTANCE OF 270.79 FEET (TIE);  
THENCE S 10°18'01" E, A DISTANCE OF 51.84 FEET TO A POINT;  
THENCE S 79°41'59" W, A DISTANCE OF 16.00 FEET TO A POINT;  
THENCE N 10°18'01" W, A DISTANCE OF 38.68 FEET TO A POINT;  
THENCE N 89°08'47" W, A DISTANCE OF 239.21 FEET TO A POINT;  
THENCE N 74°29'52" W, A DISTANCE OF 96.68 FEET TO A POINT;  
THENCE N 39°39'28" W, A DISTANCE OF 26.77 FEET TO A POINT;  
THENCE N 88°51'34" W, A DISTANCE OF 121.90 FEET TO A POINT;  
THENCE N 84°10'18" W, A DISTANCE OF 168.76 FEET TO A POINT;  
THENCE N 84°43'00" W, A DISTANCE OF 249.68 FEET TO A POINT;  
THENCE N 83°40'04" W, A DISTANCE OF 178.90 FEET TO A POINT;  
THENCE N 84°47'39" W, A DISTANCE OF 172.09 FEET TO A POINT;  
THENCE N 89°17'04" W, A DISTANCE OF 193.87 FEET TO A POINT;  
THENCE N 89°43'57" W, A DISTANCE OF 368.36 FEET TO A POINT;

THENCE N 00°16'03" E, A DISTANCE OF 16.00 FEET TO A POINT OF BEGINNING AND CONTAINING A TOTAL OF 29,895 SQUARE FEET OR 0.686 ACRES, MORE OR LESS.

STONEHAWK CAPITAL PARTNERS, LLC

2351 E. UNIVERSITY DRIVE

16' UTILITY EASEMENT  
CENTERLINE

SITUATED IN  
WESTLEY POGUE SURVEY, ABSTRACT NO. 1012  
DENTON COUNTY, TEXAS

#	DATE	BY:	DESCRIPTION	CHK
PROJECT NO. 10340				



TBPELS FIRM# 10193740 / 19148  
2129 S Great Southwest Parkway Suite 313  
Grand Prairie, TX 75051  
(817) 529-1180 ~ Fax (817) 529-1181

DRAWN BY: NH	DATE: 05/02/22	DWG. NO.	REV.
CHECKED BY: JCY	DATE: 05/02/22	10340_2351 E UNIVERSITY DRIVE_16FT ESMT	0
SCALE: 1"=300'	PAGE 2 OF 2		