

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON PROVIDING FOR THE ABANDONMENT, RELINQUISHMENT, AND QUITCLAIM OF A 1.287 ACRE PUBLIC UTILITY EASEMENT GRANTED TO THE CITY OF DENTON BY SELWYN SCHOOL, A CORPORATION ORGANIZED AND MAINTAINED UNDER THE LAWS OF THE STATE OF TEXAS RECORDED BY COUNTY CLERK FILE NUMBER 1986-4670, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS; PROVIDING FOR THE QUITCLAIM THEREOF TO DINI LAND LTD, A TEXAS LIMITED PARTNERSHIP; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT, RELINQUISHMENT AND QUITCLAIM MADE HEREIN; PROVIDING FOR THE INDEMNIFICATION OF THE CITY OF DENTON AGAINST DAMAGES ARISING OUT OF THE ABANDONMENT HEREIN; PROVIDING FOR THE 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 Utility Easement granted by Selwyn School, a Corporation organized and maintained under the laws of the State of Texas, recorded by County Clerk File number 1986-4670, Real Property Records, Denton County, Texas (the “Subject Easement”); and

WHEREAS, DINI LAND, Ltd, a Texas limited partnership, (“Owner”), is the record abutting owner of the property subject to the Subject Easement, Special Warranty Deed recorded by County Clerk File Number 2022-80549, Real Property Records, Denton County, Texas; and

WHEREAS, the Owner has requested the City to abandon, relinquish, and quitclaim the Subject Easement, as the Subject Easement encumbers a portion of the Owners Lot, known as Lot 1, Block A, Selwyn School Addition, County Clerk File Number 2014-213, Plat Records, Denton County, Texas (“Final Plat”) and restricts the Lot from being developed for its slated commercial use; and

WHEREAS, the Owner, as required in the development process, has constructed public infrastructure improvements to provide the necessary public utility improvements for the development and has conveyed public easements (“New Easements”) by separate instrument for which the new public improvements are located within; and

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 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 dedication of the New Easements and infrastructure improvements have rendered the Subject Easement of no further use by the City; and

WHEREAS, the Owner has requested the City to abandon, relinquish and quitclaim the Subject Easement in its entirety as it is no longer necessary; 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 infrastructure improvements concerns on the property or for any current or future public access 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 One Hundred Thousand and 00/100 Dollars (\$100,000.00); and

WHEREAS, staff recommends abandoning, releasing and quitclaiming the Subject Easement tract at no cost to the Owner as the City acquired the easement at no cost, has no public infrastructure within the Subject Easement tract, and has no identified current or future use for the Subject Easement tract; and

WHEREAS, the City Council of the City of Denton, acting pursuant to law and upon the request and petition of the Owner 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 Easement area to the Owner, and is of the opinion that, subject to the terms and conditions hereinafter provided, Subject Easement area is no longer needed for municipal use, and same should be abandoned relinquished and quitclaimed to the Owner as hereinafter provided, for consideration hereinafter stated; NOW, THEREFORE,

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 Subject Easement area to the Owner 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 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 the Owner and the further consideration described in Sections 4, 7 and 10, the City of Denton does by these presents release,

abandon and quitclaim unto the said Owner.

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, and are further subject to the conditions contained in in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 5. That the terms and conditions contained in this ordinance shall be binding upon the Owner, 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 OWNER, 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 OWNER, 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 OWNER, 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 OWNER, 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. The City Manager, or their designee, is authorized to execute a quitclaim deed document evidencing the abandonment of the Subject Easement, suitable for recordation in the Real Property Records of Denton County, Texas.

SECTION 9. 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 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 Subject Easement abandoned, released and 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 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 to appear on 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:	_____	_____	_____	_____
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: _____

EXHIBIT A
(Public Utility Easement Abandonment)

**20-FOOT WIDE PURPOSE UTILITY
EASEMENT ABANDONMENT
VOL. 1808, PG. 260, D.R.D.C.T.
SITUATED IN THE
B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NUMBER 192
CITY OF DENTON, DENTON COUNTY, TEXAS**

LEGAL DESCRIPTION

Being a 1.287 acre tract of land situated in the B.B.B. & C.R.R. Co. Survey, Abstract Number 192, in the City of Denton, Denton County, Texas, and being part of Lot 1, Block A, of SELWYN SCHOOL ADDITION, an addition to the City of Denton, Denton County, Texas, according to the plat recorded in Instrument Number 2014-213 of the Plat Records of Denton County, Texas (P.R.D.C.T.), and being part of a tract of land described in a Special Warranty Deed to AR1 LAND, LTD., recorded in Instrument Number 2021-15986 of the Official Public Records Denton County, Texas (O.P.R.D.C.T.), same being all of a tract of land described as a 20-foot wide Purpose Utility Easement, recorded in Volume 1808, Page 260 of the Deed Records of Denton County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch found iron rod with a cap stamped "PRECISE" at the most southerly northwest corner of said Lot 1, Block A, and the northeast corner of WESTERN GATE BUSINESS PARK ADDITION, an addition to the City of Denton, Denton County, Texas, according to the plat recorded in Instrument Number 2015-286, P.R.D.C.T., same being at an angle point of Lot 1, Block 1 of BETHEL TEMPLE PARSONAGE ADDITION, an addition to the City of Denton, Denton County, Texas, according to the plat recorded in Cabinet F, Page 117, P.R.D.C.T.;

THENCE South 86 degrees 10 minutes 34 seconds East, along the southerly line of said Lot 1, Block 1 of SELWYN SCHOOL ADDITION, a distance of 20.03 feet to a point for corner (not monumented);

THENCE departing the southerly line of said Lot 1, Block 1, over and across said of Lot 1, Block A, the following courses and distances as follows:

South 00 degrees 27 minutes 53 seconds West, a distance of 754.73 feet to a point for corner (not monumented);

North 88 degrees 06 minutes 47 seconds East, a distance of 1,709.91 feet to a point for corner (not monumented);

North 10 degrees 16 minutes 57 seconds West, a distance of 293.14 feet to a point for corner (not monumented);

**20-FOOT WIDE PURPOSE UTILITY
EASEMENT ABANDONMENT
VOL. 1808, PG. 260, D.R.D.C.T.
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CITY OF DENTON, DENTON COUNTY, TEXAS**

North 71 degrees 28 minutes 08 seconds East, a distance of 20.21 feet to a point for corner (not monumented) on the east line of said Lot 1, Block A and on the west line of a called 20.001 acre tract of land described as Section Two, Tract Two in a deed to Rayzor Investments, LTD, recorded in Volume 1796, Page 601, D.R.D.C.T.;

THENCE South 10 degrees 16 minutes 57 seconds East, along the east line of said Lot 1, Block A and the west line of said 20.001 acre tract, a distance of 319.21 feet to a point for corner (not monumented);

THENCE South 88 degrees 06 minutes 47 seconds West, departing the east line of said Lot 1, Block A and the west line of said 20.001 acre tract, over and across said of Lot 1, Block A, a distance of 1,753.92 feet to a point for corner (not monumented) on the west line of said Lot 1, Block A and the east line of said WESTERN GATE BUSINESS PARK ADDITION;

THENCE North 00 degrees 27 minutes 53 seconds East, along the west line of said Lot 1, Block A and the east line of said WESTERN GATE BUSINESS PARK ADDITION, a distance of 776.74 feet to the **POINT OF BEGINNING AND CONTAINING** 1.287 acres or 56,076 square feet of land, more or less.

**20-FOOT WIDE PURPOSE UTILITY
EASEMENT ABANDONMENT
VOL. 1808, PG. 260, D.R.D.C.T.
SITUATED IN THE
B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NUMBER 192
CITY OF DENTON, DENTON COUNTY, TEXAS**

NOTES:

1. The Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202). All distances shown hereon are surface distances. Surface Adjustment Scale Factor: 1.00015063.

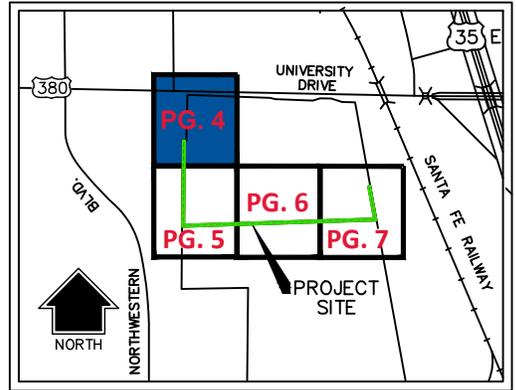
2. A survey plat of even date accompanies this legal description.

Jimmy Bernau

Jimmy Bernau
Registered Professional Land Surveyor
Texas No. 6902
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
214-346-6200
TBPELS Firm No. 10029600

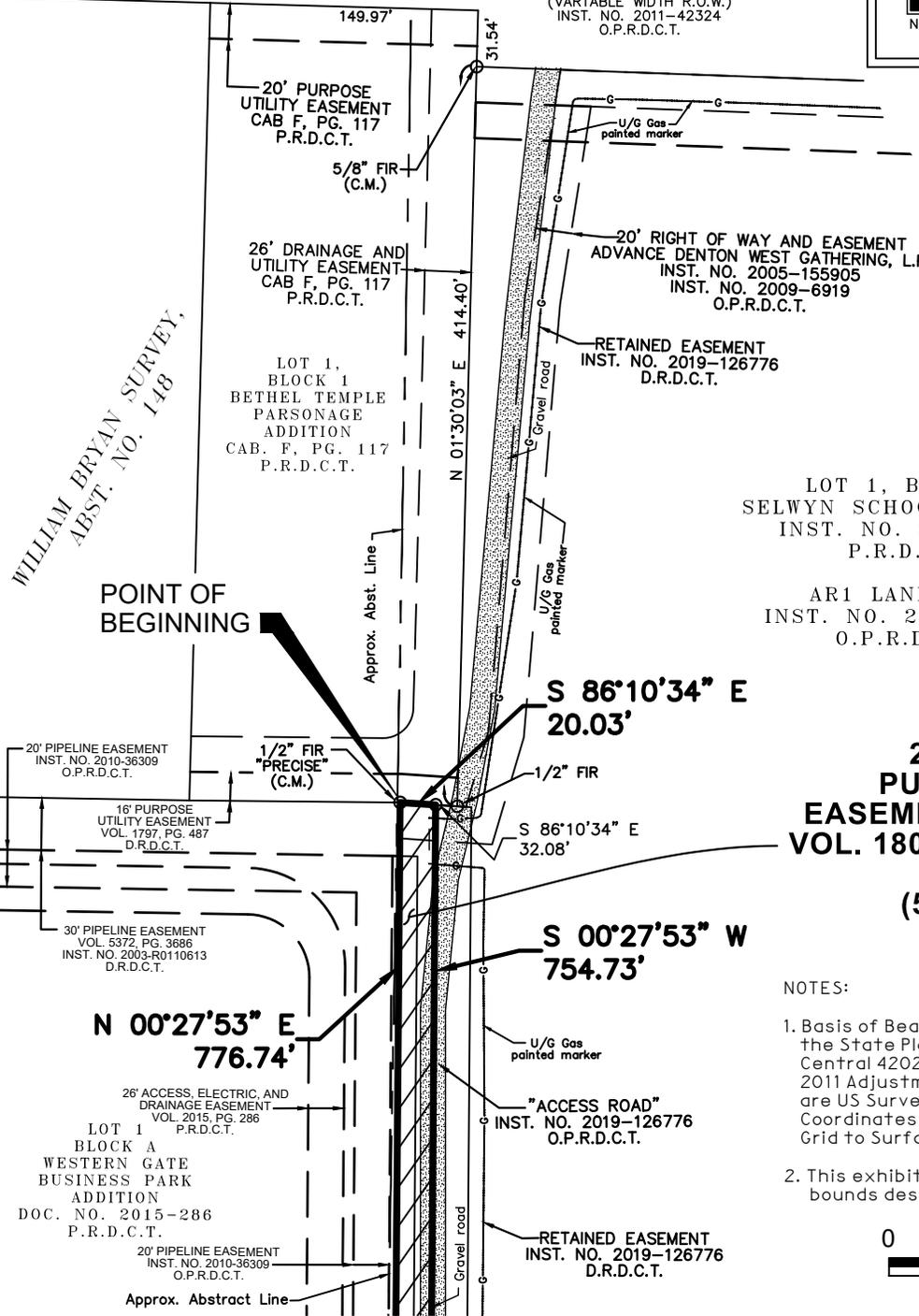


B.B.B. & C.R.R.
CO. SURVEY,
ABSTRACT NO. 141



LOCATION MAP
NOT TO SCALE

U.S. HIGHWAY 380
(UNIVERSITY DRIVE)
(VARIABLE WIDTH R.O.W.)
INST. NO. 2011-42324
O.P.R.D.C.T.



WILLIAM BRYAN SURVEY,
ABST. NO. 148

LOT 1,
BLOCK 1
BETHEL TEMPLE
PARSONAGE
ADDITION
CAB. F, PG. 117
P.R.D.C.T.

LOT 1, BLOCK A
SELWYN SCHOOL ADDITION
INST. NO. 2014-213
P.R.D.C.T.

AR1 LAND, LTD.
INST. NO. 2021-15986
O.P.R.D.C.T.

B.B.B. & C.R.R.
CO. SURVEY,
ABSTRACT NO. 192

**20-FOOT WIDE
PURPOSE UTILITY
EASEMENT ABANDONMENT
VOL. 1808, PG. 260, D.R.D.C.T.
1.287 ACRES
(56,076 SQ. FT.)**

NOTES:

1. Basis of Bearing: Based on observations using the State Plane Coordinate System, Texas North Central 4202, North American Datum of 1983. 2011 Adjustment. Distances shown hereon are US Survey Feet, displayed in surface values. Coordinates shown are grid values, no adjustment. Grid to Surface Scale Factor = 1.00015063.
2. This exhibit was prepared with a metes and bounds description of same date.



SCALE: 1"=100'



POINT OF BEGINNING

LEGEND

FIR	FOUND IRON ROD
C.M.	CONTROL MONUMENT
VOL. PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NUMBER
○	NOT MONUMENTED (UNLESS NOTED)
D.R.D.C.T.	DEED RECORDS OF DENTON COUNTY, TEXAS
P.R.D.C.T.	PLAT RECORDS DENTON COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS

20-FOOT WIDE PURPOSE UTILITY
EASEMENT ABANDONMENT
VOL. 1808, PG. 260, D.R.D.C.T.

SITUATED IN THE
B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NUMBER 192
CITY OF DENTON, DENTON COUNTY, TEXAS
FOR
BDDC, INC.

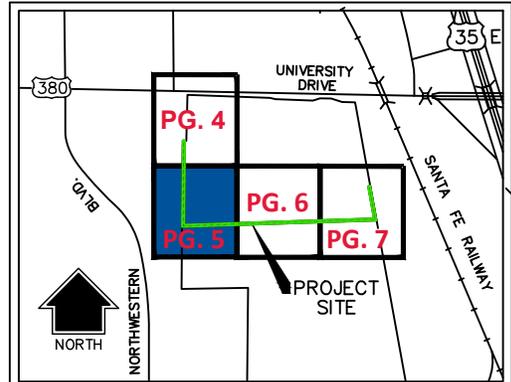
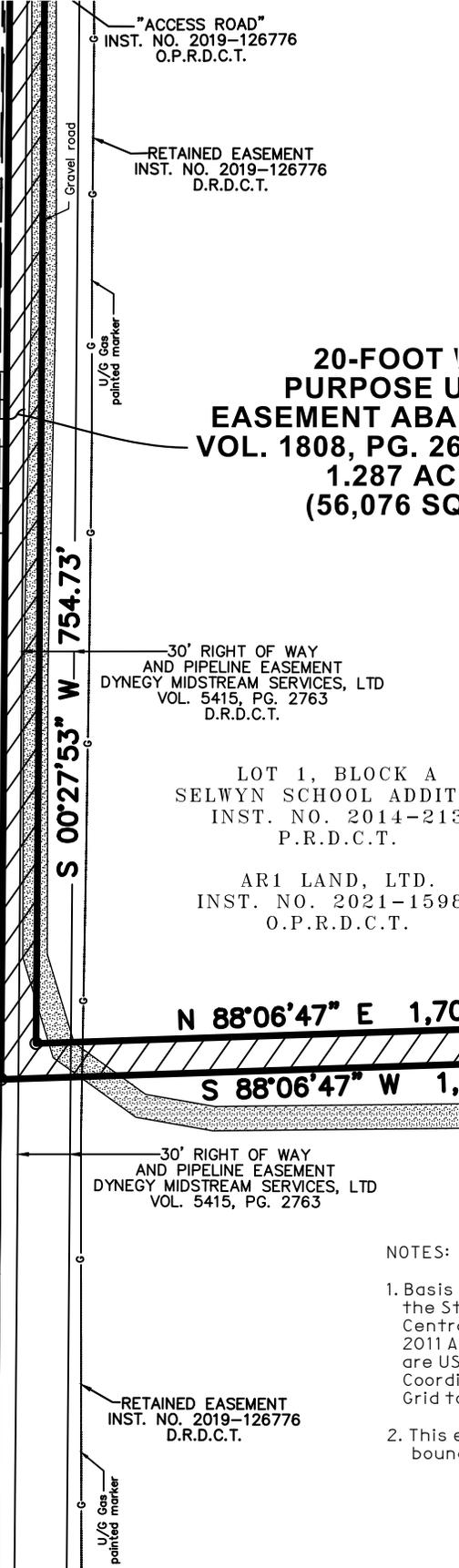
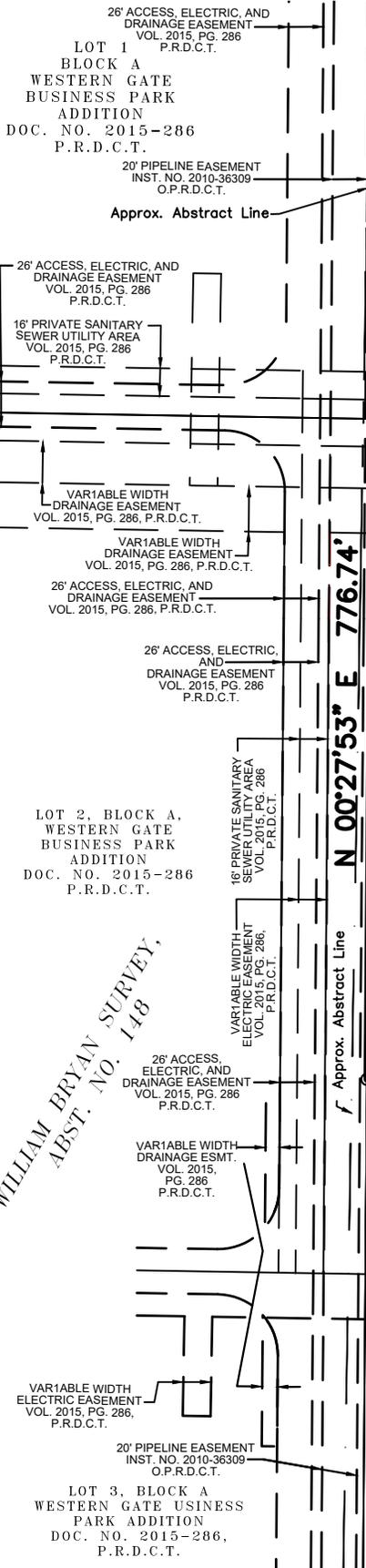


TBPELS FIRM NO. 10029600
HALFF ASSOCIATES, INC. ENGINEERS - SURVEYORS
1201 NORTH BOWSER ROAD - RICHARDSON, TEXAS

AVO: 45519.001

DATE: APRIL, 2022

PAGE 4 OF 7



20-FOOT PURPOSE UTILITY EASEMENT ABANDONMENT
VOL. 1808, PG. 260, D.R.D.C.T.
1.287 ACRES
(56,076 SQ. FT.)

LOCATION MAP
NOT TO SCALE

B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NO. 192

LOT 1, BLOCK A
SELWYN SCHOOL ADDITION
INST. NO. 2014-213
P.R.D.C.T.

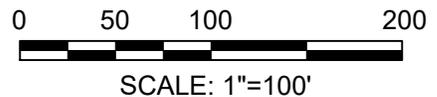
ARI LAND, LTD.
INST. NO. 2021-15986
O.P.R.D.C.T.

N 88°06'47" E 1,709.91'

S 88°06'47" W 1,753.92'

NOTES:

1. Basis of Bearing: Based on observations using the State Plane Coordinate System, Texas North Central 4202, North American Datum of 1983, 2011 Adjustment. Distances shown hereon are US Survey Feet, displayed in surface values. Coordinates shown are grid values, no adjustment. Grid to Surface Scale Factor = 1.00015063.
2. This exhibit was prepared with a metes and bounds description of same date.



WILLIAM BRYAN SURVEY, ABST. NO. 148

LEGEND

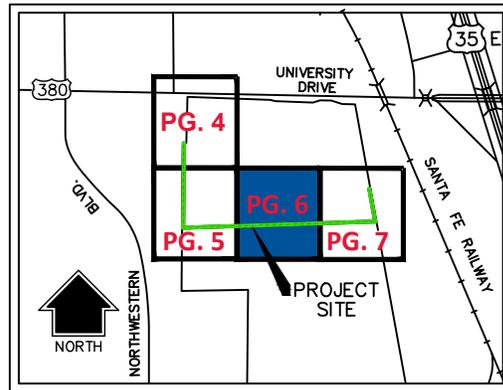
FIR	FOUND IRON ROD
C.M.	CONTROL MONUMENT
VOL. PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NUMBER
○	NOT MONUMENTED (UNLESS NOTED)
D.R.D.C.T.	DEED RECORDS OF DENTON COUNTY, TEXAS
P.R.D.C.T.	PLAT RECORDS DENTON COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS

20-FOOT WIDE PURPOSE UTILITY EASEMENT ABANDONMENT
VOL. 1808, PG. 260, D.R.D.C.T.

SITUATED IN THE
B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NUMBER 192
 CITY OF DENTON, DENTON COUNTY, TEXAS
 FOR
BDDC, INC.

HALFF
 TBPELS FIRM NO. 10029600
 HALFF ASSOCIATES, INC. ENGINEERS - SURVEYORS
 1201 NORTH BOWSER ROAD - RICHARDSON, TEXAS

AVO:	45519.001
DATE:	APRIL, 2022
PAGE	5 OF 7



LOCATION MAP
NOT TO SCALE

B.B.B. & C.R.R.
CO. SURVEY,
ABSTRACT NO. 192

LOT 1, BLOCK A
SELWYN SCHOOL ADDITION
INST. NO. 2014-213
P.R.D.C.T.

ARI LAND, LTD.
INST. NO. 2021-15986
O.P.R.D.C.T.

B.B.B. & C.R.R.
CO. SURVEY,
ABSTRACT NO. 192

EXHIBIT A -
LEASE AREA
(CALLED 25.00 ACRES)
TRACT 1
VOL. 5018, PG. 4378,
D.R.D.C.T.
INST. NO. 2019-126776,
O.P.R.D.C.T.

**20-FOOT WIDE
PURPOSE UTILITY
EASEMENT ABANDONMENT
VOL. 1808, PG. 260, D.R.D.C.T.
1.287 ACRES
(56,076 SQ. FT.)**

N 88°06'47" E 1,709.91'

S 88°06'47" W 1,753.92'

Gravel road

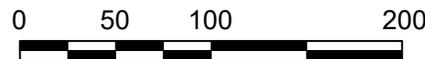
"ACCESS ROAD"
INST. NO. 2019-126776
O.P.R.D.C.T.

DRAINAGE EASEMENT
INST. NO. 2014-213
O.P.R.D.C.T.

Lease Line

NOTES:

1. Basis of Bearing: Based on observations using the State Plane Coordinate System, Texas North Central 4202, North American Datum of 1983, 2011 Adjustment. Distances shown hereon are US Survey Feet, displayed in surface values. Coordinates shown are grid values, no adjustment. Grid to Surface Scale Factor = 1.00015063.
2. This exhibit was prepared with a metes and bounds description of same date.



SCALE: 1"=100'



LEGEND

FIR	FOUND IRON ROD
C.M.	CONTROL MONUMENT
VOL. PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NUMBER
○	NOT MONUMENTED (UNLESS NOTED)
D.R.D.C.T.	DEED RECORDS OF DENTON COUNTY, TEXAS
P.R.D.C.T.	PLAT RECORDS DENTON COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS

**20-FOOT WIDE PURPOSE UTILITY
EASEMENT ABANDONMENT
VOL. 1808, PG. 260, D.R.D.C.T.**

SITUATED IN THE
B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NUMBER 192
CITY OF DENTON, DENTON COUNTY, TEXAS

FOR
BDDC, INC.



TBPELS FIRM NO. 10029600
HALFF ASSOCIATES, INC. ENGINEERS - SURVEYORS
1201 NORTH BOWSER ROAD - RICHARDSON, TEXAS

AVO: 45519.001

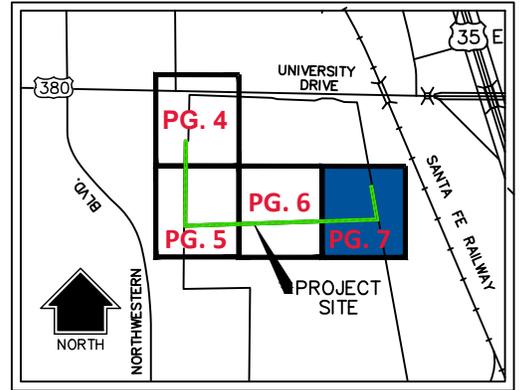
DATE: APRIL, 2022

PAGE 6 OF 7

EXHIBIT A - LEASE AREA
(CALLED 25.00 ACRES)
TRACT 2
VOL. 5018, PG. 4378,
D.R.D.C.T.
INST. NO. 2019-126776,
O.P.R.D.C.T.

LOT 1, BLOCK A
SELWYN SCHOOL ADDITION
INST. NO. 2014-213
P.R.D.C.T.

AR1 LAND, LTD.
INST. NO. 2021-15986
O.P.R.D.C.T.



LOCATION MAP
NOT TO SCALE

B.B.B. & C.R.R.
CO. SURVEY,
ABSTRACT NO. 192

EXHIBIT A -
LEASE AREA
(CALLED 25.00 ACRES)
TRACT 1
VOL. 5018, PG. 4378,
D.R.D.C.T.
INST. NO. 2019-126776,
O.P.R.D.C.T.

20-FOOT WIDE
PURPOSE UTILITY
EASEMENT ABANDONMENT
VOL. 1808, PG. 260, D.R.D.C.T.
1.287 ACRES
(56,076 SQ. FT.)

(CALLED 20.001 ACRES)
SECTION TWO,
TRACT TWO
RAYZOR
INVESTMENTS, LTD
VOL. 1796, PG. 601
D.R.D.C.T.

N 71°28'08" E
20.21'

N 10°16'57" W
293.14'

S 10°16'57" E
319.21'

N 88°06'47" E 1,709.91'

S 88°06'47" W 1,753.92'

S 10°16'57" E
1,336.97'

1/2" FIR
"METROPLEX"
(C.M.)



Jimmy Bernau

DRAINAGE EASEMENT
INST. NO. 2014-213
O.P.R.D.C.T.

NOTES:

1. Basis of Bearing: Based on observations using the State Plane Coordinate System, Texas North Central 4202, North American Datum of 1983, 2011 Adjustment. Distances shown hereon are US Survey Feet, displayed in surface values. Coordinates shown are grid values, no adjustment. Grid to Surface Scale Factor = 1.00015063.
2. This exhibit was prepared with a metes and bounds description of same date.

0 50 100 200

SCALE: 1"=100'

LEGEND

FIR	FOUND IRON ROD
C.M.	CONTROL MONUMENT
VOL. PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NUMBER
○	NOT MONUMENTED (UNLESS NOTED)
D.R.D.C.T.	DEED RECORDS OF DENTON COUNTY, TEXAS
P.R.D.C.T.	PLAT RECORDS DENTON COUNTY, TEXAS
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20-FOOT WIDE PURPOSE UTILITY
EASEMENT ABANDONMENT
VOL. 1808, PG. 260, D.R.D.C.T.

SITUATED IN THE
B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NUMBER 192
CITY OF DENTON, DENTON COUNTY, TEXAS
FOR
BDDC, INC.



TBPELS FIRM NO. 10029600
HALFF ASSOCIATES, INC. ENGINEERS - SURVEYORS
1201 NORTH BOWSER ROAD - RICHARDSON, TEXAS

AVO: 45519.001

DATE: APRIL, 2022

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EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, 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 abandoned area described in Exhibit “A”, 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. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. 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. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE’S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE’S successors and assigns. Should GRANTEE’S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE’S successors and assigns. 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.