

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

AN ORDINANCE RELEASING, ABANDONING AND VACATING A 0.08 ACRE PORTION OF A 0.4138 ACRE PUBLIC UTILITIES EASEMENT RECORDED IN VOLUME 2637, PAGE 12, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, AND LOCATED IN THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 141; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Denton is the holder of the Public Utility Easement; and

WHEREAS, Westgate Properties, L.P., ("Owner") has represented to the City it is the owner of the property subject to the Public Utility Easement; and

WHEREAS, the Owner has requested the abandonment of a portion of the Public Utility Easement; and

WHEREAS, the City reviewed the request of the Owner and determined that a portion of the Public Utility Easement is no longer needed, and recommends that the Public Utility Easement be partially released, abandoned and vacated; and

WHEREAS, the City Council of the City of Denton, Texas, finds it is in the public interest to release, abandon, and vacate a portion of the Public Utility Easement; 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 following portion of the Public Utility Easement held by the City of Denton, Texas, is hereby released, abandoned, and vacated as described and depicted on the attached "Exhibit A".

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 the portion of the Public Utility Easement which was released, abandoned, 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 Public Utility Easement may cover, encumber, include, cross or overlap.

SECTION 4. The City Manager, or his designee, is authorized to execute a release document evidencing this partial abandonment of the Public Utility 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

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

APPROVED AS TO LEGAL FORM:  
ANITA BURGESS, CITY ATTORNEY

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

## EXHIBIT "A" attachment to ordinance

### LEGAL DESCRIPTION

Being a tract of land in the B.B. & C. Railroad Survey, Abstract Number 141 in the City of Denton, Denton County, Texas and being a part of Lot 3, Block A of Medical Center Addition, Section One, an addition to the Denton, Denton County, Texas as recorded in Cabinet F, Page 349 of the Plat Records, Denton County, Texas; the subject tract being more particularly described as follows;

Commencing at a ½" iron rod found in the East line of Worthington Drive and being the Northwest corner of Lot 4 of said addition and the Southwest corner of said Lot 3;

Thence North 32 minutes 47 seconds East with the East line of said road and the West line of said Lot 3 a distance of 137.99 feet to a point;

Thence South 89 degrees 27 minutes 13 seconds East perpendicular to the West line of said Lot 3 a distance of 16.00 feet to the POINT OF BEGINNING;

Thence North 32 minutes 47 seconds East parallel to the West line of said Lot 3 a distance of 16.00 feet to a point;

Thence North 89 degrees 24 minutes 38 seconds East a distance of 217.92 feet to a point;

Thence South 00 degrees 25 minutes 38 seconds West a distance of 16.00 feet to a point;

Thence South 89 degrees 24 minutes 38 seconds West a distance of 217.96 feet to the POINT OF BEGINNING and enclosing 0.08 of an acre of land more or less.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a licensed Land Surveyor under the laws of the State of Texas.

  
Ernest Woorster  
R.P.L.S. # 6509

12 July 2016  
Date

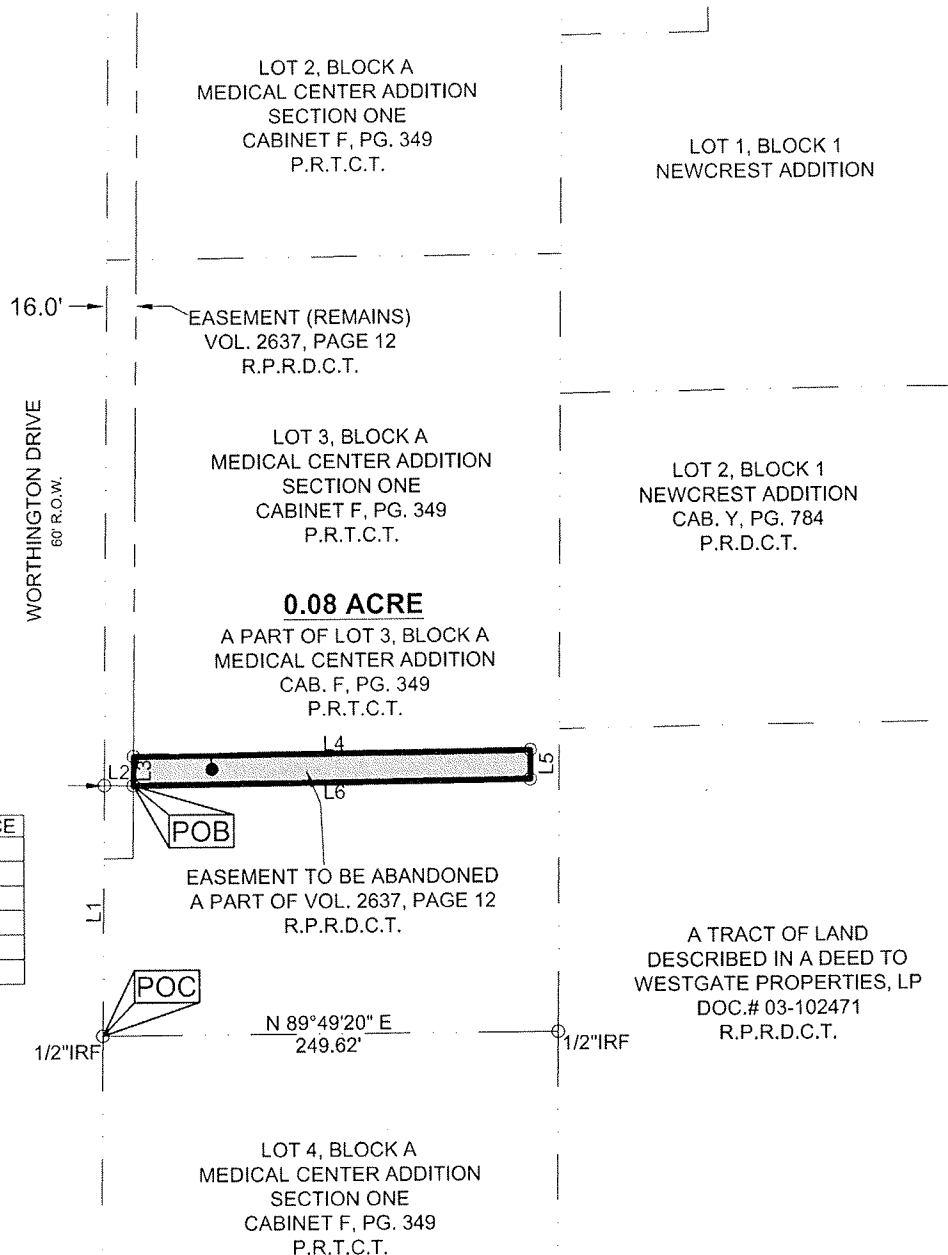


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EAGLE SURVEYING, LLC  
210 S. ELM STREET  
SUITE: 104  
DENTON, TX 76201  
(940) 222-3009  
TX FIRM # 10194177

JOB NUMBER	DRAWN BY	DATE
16-07	DBR	6/30/2016



LINE	BEARING	DISTANCE
L1	N 00°32'47" E	137.99'
L2	S 89°27'13" E	16.00'
L3	N 00°32'47" E	16.00'
L4	N 89°24'38" E	217.92'
L5	S 00°25'38" W	16.00'
L6	S 89°24'38" W	217.96'

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1" = 100'  
 0 50 100

#### LEGEND

CIRF = CAPPED IRON ROD FOUND  
 POB = POINT OF BEGINNING  
 POC = POINT OF COMMENCEMENT  
 —ε— = CENTERLINE OF ROAD

JOB NUMBER	DRAWN BY	DATE
16-07	DBR	6/30/2016