

ORDINANCE NO. _____

AN ORDINANCE RELEASING, ABANDONING AND VACATING A 0.103 ACRE PORTION OF A 0.187 ACRE PUBLIC UTILITIES EASEMENT RECORDED IN VOLUME 923, PAGE 431, DEED RECORDS, DENTON COUNTY, TEXAS, AND LOCATED IN THE A. HILL SURVEY, ABSTRACT NO. 623; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, City of Denton, by way of Denton Municipal Electric ("Owner") has represented and requested the abandonment of a portion of the Public Utility Easement; and

WHEREAS, the City reviewed the request 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" and "Exhibit B", respectively.

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"

PARTIAL ABANDONMENT OF EASEMENT

(Volume 923, Page 431, D.R.D.C.T.)

BEING 0.103 acres of land situated in the Alexander Hill Survey, Abstract No. 623, City of Denton, Denton County, Texas, and being part of that certain Public Utility Easement conveyed to the City of Denton, Texas, as recorded in Volume 923, Page 431 of the Deed Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a point in the North line of the above cited Public Utility Easement, said point being in the West line of a called 2.112 acre tract of land described in a Deed to the City of Denton, Texas, as recorded in Document No. 2015-24936 of the Official Records of Denton County, Texas and the East line of Lot 1, Block A of Myrtle Street Warehouse Addition, as recorded in Document No. 2014-166 of the Plat Records of Denton County, Texas, from which a 1/2 inch iron rod with cap stamped "RPLS 4561" found for the Northwest corner of said 2.112 acre tract and the Northeast corner of said Lot 1 bears North 00°07'14" East a distance of 89.68 feet;

THENCE North 89°44'19" East departing the West line of said 2.112 acre tract and the East line of said Lot 1, and along the North line of said Public Utility Easement, for a distance of 282.16 feet to a point for the Northeast corner of said Public Utility Easement, said point being in the East line of said 2.112 acre tract and the West line of S. Locust Street, a variable width right-of-way, from which a steel fence corner post found at the Northeast corner of said 2.112 acre tract bears North 23°37'13" East a distance of 97.25 feet;

THENCE South 23°37'13" West along the East line of said 2.112 acre tract and the West line of S. Locust Street, for a distance of 17.53 feet to a point for the Southeast corner of said Public Utility Easement;

THENCE South 89°44'19" West departing the East line of said 2.112 acre tract and the West line of S. Locust Street, and along the South line of said Public Utility Easement, for a distance of 275.17 feet to a point for corner in the West line of said 2.112 acre tract and the East line of said Lot 1;

THENCE North 00°07'14" East along the West line of said 2.112 acre tract and the East line of said Lot 1, for a distance of 16.03 feet to the **POINT OF BEGINNING**, and containing 0.103 acres of land, more or less.

NOTE: Bearings are referenced to grid north of the Texas Coordinate System of 1983 (North Central Zone; NAD83(2011) Epoch 2010) as derived locally from Western Data Systems Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) survey methods. Distances represent surface values utilizing a surface adjustment factor of 1.000150630 to scale from grid to surface.



Todd B. Turner, R.P.L.S. No. 4859
Teague Nall & Perkins
1517 Centre Place Drive, Suite 320
Denton, Texas 76205
940-383-4177
Date: March 22, 2016



GARY LEE FOSTER
CALLED 0.694 ACRES
DOC. NO. 94-056132
R.P.R.D.C.T.

1/2" IRF
(CM)

96.47'

1/2" CIRF
"RPLS 4561"
(CM)

LOT 1, BLOCK A
MYRTLE STREET
WAREHOUSE ADDITION
DOC. NO. 2014-166
P.R.D.C.T.

**POINT OF
BEGINNING**

**PARTIAL ABANDONMENT
OF EASEMENT**
(0.103 ACRES)

N 89°44'19" E 282.16'

S 89°44'19" W 275.17'

EXISTING 16" PUBLIC UTILITY ESMT.
TO REMAIN
VOL. 923, PG. 431
D.R.D.C.T.

EXISTING 16" PUBLIC UTILITY ESMT.
VOL. 923, PG. 431
D.R.D.C.T.

CITY OF DENTON, TEXAS
CALLED 2.112 ACRES
DOC. NO. 2015-24936
O.R.D.C.T.

ALEXANDER HILL SURVEY
ABSTRACT NO. 623

LEGEND	
▲	CALCULATED POINT
●	1/2" IRON ROD FOUND (UNLESS NOTED OTHERWISE)
(CM)	CONTROLLING MONUMENT
FCP	FENCE CORNER POST
D.R.D.C.T.	DEED RECORDS DENTON COUNTY TEXAS
O.R.D.C.T.	OFFICIAL RECORDS DENTON COUNTY TEXAS
P.R.D.C.T.	PLAT RECORDS DENTON COUNTY TEXAS
R.P.R.D.C.T.	REAL PROPERTY RECORDS DENTON COUNTY TEXAS
---	EASEMENT BOUNDARY LINE
---	PROPERTY LINE
---	EASEMENT LINE

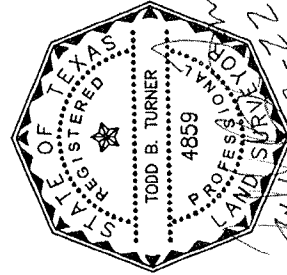
NOTES:

- Bearings are referenced to grid north of the Texas Coordinate System of 1983 (North Central Zone; NAD83(2011) Epoch 2010) as derived locally from Western Data Systems Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) survey methods. Distances represent surface values utilizing a surface adjustment factor of 1.000150630 to scale from grid to surface.
- A Legal Description of even date herewith accompanies this exhibit. See page 1 of 2.
- Utilities are not shown.



teague nall & perkins

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T.B.P.L.S. Firm No. 10011601



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 23°37'13" W	17.53'
L2	N 00°07'14" E	16.03'

SCALE: 1" = 60'



EXHIBIT "B"

**PARTIAL ABANDONMENT
OF EASEMENT**

BEING 0.103 ACRES OF LAND SITUATED IN THE
ALEXANDER HILL SURVEY, ABSTRACT NO. 623

CITY OF DENTON

DENTON COUNTY, TEXAS

DME13222