

Exhibit 5 attachment to AIS

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ORDINANCE NO. _____

AN ORDINANCE DEFINING A 0.084 ACRE PORTION OF A 9.5 ACRE BLANKET ELECTRIC EASEMENT ASSIGNED TO THE CITY OF DENTON FROM BRAZOS ELECTRIC POWER COOPERATIVE, INC., RECORDED IN VOLUME 1106, PAGE 78 OF THE DEED RECORDS OF DENTON COUNTY TEXAS, BEING ORIGINALLY CONVEYED BY BILLY W. CLAYTOR AND W.O. CLAYTOR TO BRAZOS RIVER TRANSMISSION ELECTRIC COOPERATIVE, INC., RECORDED IN VOLUME 357, PAGE 48, DEED RECORDS, DENTON COUNTY, TEXAS, EASEMENT LOCATED IN THE R.B. LONGBOTTOM SURVEY, ABSTRACT NO. 775; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Denton is the holder of an electric easement, assigned to the City of Denton from Brazos Electric Power Cooperative, Inc., recorded in Volume 1106, Page 78 of the Deed Records of Denton County Texas, being originally conveyed by Billy W. Claytor and W.O. Claytor to Brazos River Transmission Electric Cooperative, Inc., recorded in Volume 357, Page 48, Deed Records, Denton County, Texas, (the "Electric Easement") encumbering a 0.75 acre tract presently owned by Victory @ 288, LLC as evidenced by general warranty deed recorded under Document Number 2015-148235 in the Real Property Records of Denton County, Texas and located at 3012 E. University, Denton, Texas, (the "Property"); and

WHEREAS, Victory @ 288, LLC., (the "Owner") has represented and requested the City specifically define the boundaries of its Electric Easement, as it affects the Property; and

WHEREAS, the City reviewed the request and determined that the electric facilities existing upon the Property do not require the entirety of the 0.75 acre Property tract; and

WHEREAS, the public is served by specifically defining the precise location of the Electric Easement, now being described and depicted in "Exhibit A", attached hereto, and recommends that the Electric Easement be partially released, abandoned and vacated as to the remainder of the Property only; and

WHEREAS, the City Council of the City of Denton, Texas, finds it is in the public interest to define the Electric Easement limits as described and depicted in "Exhibit A," releasing the remainder of the Electric Easement as it covered this Property only; 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 area covered by the Electric Easement held by the City of Denton, Texas, is hereby specifically defined and retained by the City as described and depicted on the attached "Exhibit A", (the Retained Electric Easement).

SECTION 3. The City hereby releases, vacates, and abandons the remainder of the Electric Easement not depicted in "Exhibit A" as it related to the Property only, retaining all other rights to other lands covered by the Electric Easement.

SECTION 4. 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 Electric Easement which was released, abandoned, and vacated in Section 3 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 Electric Easement may cover, encumber, include, cross or overlap.

SECTION 5. The City acknowledges an existing structure within the Retained Electric Easement. In the event that an application for Certificate of Occupancy is made in regard to the Property, the existing structure shall be removed from the area of the Retained Electric Easement by the applicant, prior the issuance of any Certificate of Occupancy. No other structures or above-ground appurtenances shall be permitted, without the express written permission of the City, within the Retained Electric Easement.

SECTION 6. The City Manager, or his designee, is authorized to execute documents evidencing this specific defining of easement area and partial abandonment of the Electric Easement, suitable for recordation in the Real Property Records, Denton County, Texas.

SECTION 7. 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 8. This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY:  _____

EXHIBIT A attachment to Ordinance

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2746.48'	21.38'	21.38'	N 87°54'35" E	0°26'46"

LINE	BEARING	DISTANCE
L1	N 00°24'45" W	170.24'
L2	S 00°30'08" E	171.39'
L3	N 89°01'19" W	21.65'

0.084 ACRES
R.B. LONGBOTTOM SURVEY, A-775
DENTON COUNTY, TEXAS

FIELD NOTES TO A 0.084 ACRE ELECTRIC EASEMENT SITUATED IN THE R.B. LONGBOTTOM SURVEY, ABSTRACT NO. 775, DENTON COUNTY, TEXAS, BEING OUT OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO 3012 E. UNIVERSITY TRUST, B.A. DAREIDIA & ROGER YALE, RECORDED IN C.C. FILE# 2008-133097, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE EASEMENT HEREIN DESCRIBED AT A 1/2-INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 3012 E. UNIVERSITY TRUST TRACT;

THENCE NORTH 00 DEGREES 24 MINUTES 45 SECONDS WEST, A DISTANCE OF 170.24 FEET TO A 1-INCH IRON ROD FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 380 (E. UNIVERSITY DRIVE) FOR THE NORTHWEST CORNER OF SAID 3012 E. UNIVERSITY TRUST TRACT AND THE NORTHWEST CORNER OF SAID EASEMENT HEREIN DESCRIBED, SAID POINT BEING IN A CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 21.38 FEET, A RADIUS OF 2746.48 FEET, A CENTRAL ANGLE OF 00 DEGREES 26 MINUTES 46 SECONDS, AND A CHORD THAT BEARS NORTH 87 DEGREES 54 MINUTES 35 SECONDS EAST, A DISTANCE OF 21.38 FEET TO THE NORTHEAST CORNER OF SAID EASEMENT HEREIN DESCRIBED, FROM WHICH A CONCRETE MONUMENT FOUND FOR THE NORTHEAST CORNER OF SAID 3012 E. UNIVERSITY TRUST TRACT BEARS A NORTH 86 DEGREES 29 MINUTES 21 SECONDS EAST, A DISTANCE OF 114.80 FEET;

THENCE SOUTH 00 DEGREES 30 MINUTES 08 SECONDS EAST, A DISTANCE OF 171.39 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID EASEMENT HEREIN DESCRIBED, FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 3012 E. UNIVERSITY TRUST TRACT BEARS SOUTH 89 DEGREES 01 MINUTES 19 SECONDS EAST, A DISTANCE OF 170.11 FEET;

THENCE NORTH 89 DEGREES 01 MINUTES 19 SECONDS WEST, A DISTANCE OF 21.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.084 ACRES OF LAND, MORE OR LESS.

CERTIFICATION:

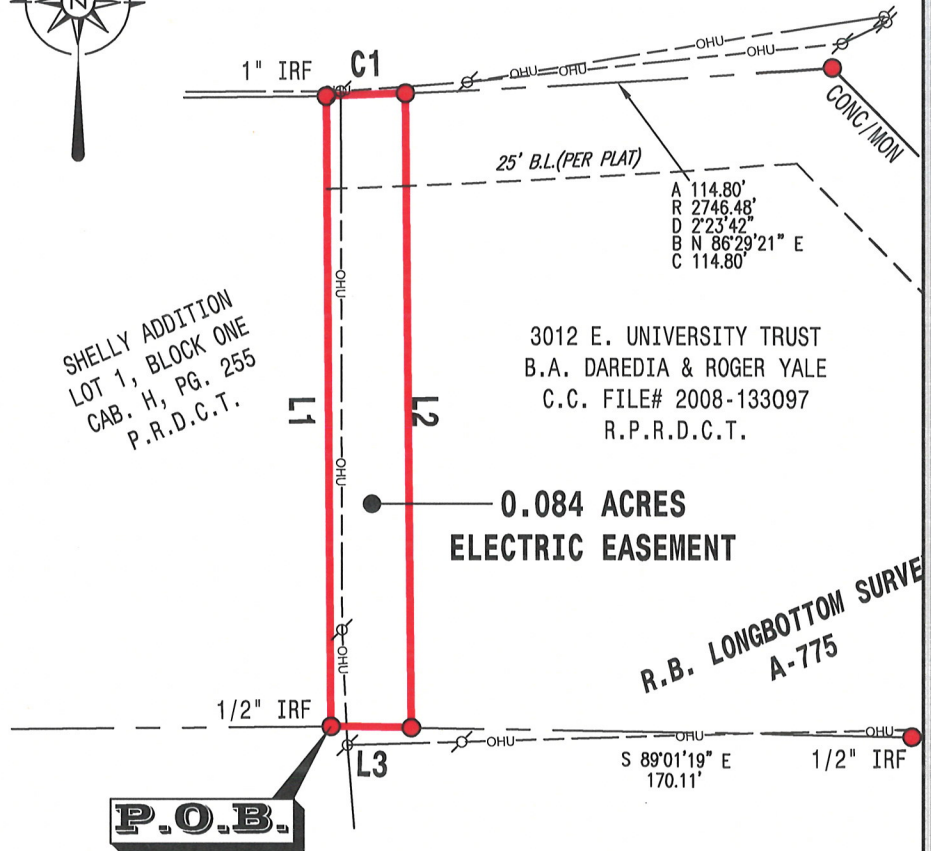
I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED FROM AN ACCURATE ON-THE-GROUND SURVEY OF THE PREMISES DEPICTED HEREON AND DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED HERETO, CONDUCTED UNDER MY DIRECTION AND SUPERVISION ON 09/22/2015 AND THAT THE FINDINGS AND RESULTS OF SAID SURVEY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

J.E. Thompson

J.E. THOMPSON II R.P.L.S. No 4857



U.S. HWY 380 (E. UNIVERSITY DRIVE)
(200' R.O.W.)



SHELLY ADDITION
LOT 1, BLOCK ONE
CAB. H, PG. 255
P.R.D.C.T.

3012 E. UNIVERSITY TRUST
B.A. DAREIDIA & ROGER YALE
C.C. FILE# 2008-133097
R.P.R.D.C.T.

**0.084 ACRES
ELECTRIC EASEMENT**

**R.B. LONGBOTTOM SURVEY
A-775**



ZIMMERER KUBOTA &
EQUIPMENT, INC.
VOLUME 2675, PAGE 443
R.P.R.D.C.T.

**ELECTRIC EASEMENT
0.084 ACRES
IN THE R.B. LONGBOTTOM SURVEY
ABSTRACT NO. 775
DENTON COUNTY, TEXAS**



301 W. BROADWAY ST.
GAINESVILLE, TX 76240
PH. 940-665-9105
FAX. 940-665-9106
TBPLS FIRM NO. 10048000

DRAWN BY:	DATE:	JOB NO.	SCALE:	PAGE:
CJ	06/10/2016	090166-3	1" = 50'	1 OF 1

EXHIBIT A