

ORDINANCE NO. _____

AN ORDINANCE RELEASING, ABANDONING AND VACATING 0.037 ACRE AND 0.159 ACRE OF DRAINAGE EASEMENT GRANTED TO THE CITY OF DENTON, TEXAS BY KEVIN NELMS, RICHARD GREB AND WIFE, NANCY GREB RECORDED AS INSTRUMENT NO. 2014-26437, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, SITUATED IN THE DAVID HOUGH SURVEY, ABSTRACT NO. 646, DENTON COUNTY, TEXAS, AND GENERALLY LOCATED WITHIN THE 2100 BLOCK OF SOUTH MAYHILL ROAD; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Denton is the holder of the Drainage Easement; and

WHEREAS, the City of Denton has determined that the Drainage Easement is no longer necessary because of road alignment design changes in respect to the pending Mayhill Road Widening and Improvements project; and

WHEREAS, the City of Denton finds it is in the mutual interests of the City and the Owners of the property tract encumbered by Drainage Easement to release, abandon and vacate the Drainage Easement; and

WHEREAS, the City Council of the City of Denton, Texas, finds it is in the public interest to release, abandon, and vacate the Drainage 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 drainage easement held by the City of Denton, Texas and recorded as Instrument No. 2014-26437, Real Property Records, Denton County, Texas, is hereby released, abandoned, and vacated.

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 Drainage Easement which were released, abandoned, 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 Drainage 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 abandonment of Drainage 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 _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

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

BY:  _____