

ORDINANCE NO. _____

AN ORDINANCE ABANDONING AND VACATING A DRAINAGE AND FLOODPLAIN EASEMENT ON PROPERTY MORE PARTICULARLY DESCRIBED AS LOT 1A, BLOCK 4, THE VILLAGE, PHASE I, AN ADDITION TO THE CITY OF DENTON, RECORDED IN CABINET V, PAGE 760 OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denton (the "City") is the grantee of a certain drainage and floodplain easement located on the property described as Lot 1A, Block 4, The Village, Phase I, an addition to the City of Denton, County of Denton, Texas (the "Property") and reflected on the plat recorded in Cabinet V, Page 760 of the Plat Records of Denton County, Texas (the "Easement") which said Plat is attached as **Exhibit A** to this Ordinance and incorporated herein; and

WHEREAS, on March 2, 2006, the Federal Emergency Management Agency (FEMA) issued a Letter of Map Revision Based on Fill Determination Document (Removal), eliminating the need for the Easement on the Property; and

WHEREAS, Bianum Revocable Trust, as the owner of the Property, has requested the City to abandon and release the Easement on the Property; and

WHEREAS, the City Council has reviewed the abandonment request of the Property owner and finds that the abandonment and release of the Easement is in the best interest of the City of Denton and its citizens and the Easement on the Property is no longer needed for public use; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The Drainage and Floodplain Easement depicted on the Plat in **Exhibit A** is hereby closed, abandoned, and vacated. Notwithstanding anything to the contrary, nothing contained herein shall affect, and the City hereby retains and reserves any and all rights it may have in all other easements and/or rights of way, including without limitation, street rights of way and utility easements, whether conveyed by other instruments, or dedicated or established by plat, in which the Easement may cross and/or overlap.

SECTION 2. The City Manager is hereby authorized to sign a Release of Easement in the form attached hereto as **Exhibit B**, to be filed in the Deed Records of Denton County, Texas.

SECTION 3. 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

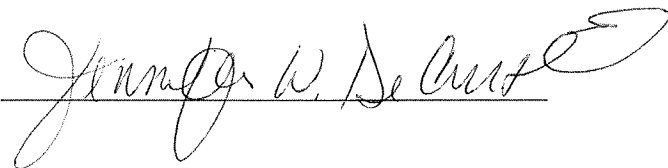
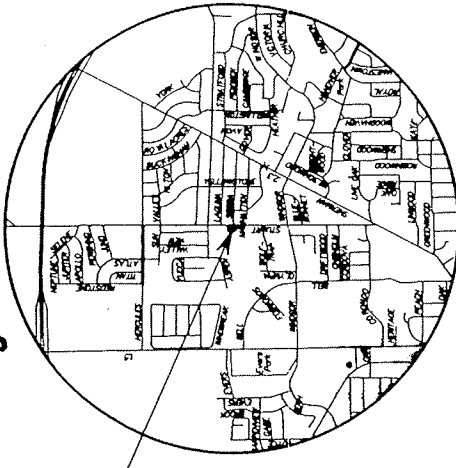
By:  _____

EXHIBIT A

Cab V Pg 760

PROJECT LOCATION



VICINITY MAP
SCALE 1" = 2000'

STANDARD NOTES:
① ALL MONUMENTS ARE SET 1/2" IRON RODS
UNLESS OTHERWISE NOTED.

② P.U.E. = PUBLIC UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT

③ S.Y.S.L. = SIDE YARD SETBACK LINE
B.L. = BUILDING LINE
R.Y.S.L. = REAR YARD SETBACK LINE

④ C/W = CONCRETE SIDEWALK
W/V = WATER VALVE
F.R. = FOUNDATION ROD
P.P. = POWER POLE
L.P. = LIGHT POLE
I.C.V. = IRRIGATION CONTROL VALVE
F.C. = FIBER OPTIC CABLE
T.C.B. = TRANSFORMER CABLE BOX
C.C. = CEMENT CURB
E.B. = ELECTRIC BOX
T.B. = TELEPHONE BOX
F.H. = FIRE HYDRANT
S.M. MH = STORM SEWER MANHOLE

OWNER/DEVELOPER
CPM FINANCIAL CORP.
STEVEN J. MORTONSON
P.O. BOX 12141
FORT WORTH, TX 76110
(214) 226-2672

SURVEYOR
LANDMARK SURVEYORS
4238 I-35 N
DENTON, TEXAS 76207
(940) 382-4016

GRAPHIC SCALE



AMENDING PLAT

LOTS 1A AND 2A, BLOCK 4, OF THE VILLAGE PHASE I
AMENDING LOTS 1 AND 2, BLOCK 4, OF THE VILLAGE PHASE I
BEING 0.468 ACRE IN THE B.B.B. & C.R.R. CO.
SURVEY A-186 IN THE CITY OF DENTON
DENTON COUNTY, TEXAS

4238 I-35 NORTH
DENTON, TEXAS 76207
(940) 382-4016
FAX (940) 387-0704
RECORDED 14 JUL 2004
JOB NO. 543888

MADE BY: BTH SCALE: 1/2" = 100' DATE: 20 APR 2004

Filed 7-2-04 Cab V Pg 760

A-410-15

OWNER'S CERTIFICATE AND DEDICATION

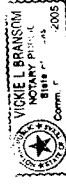
STATE OF TEXAS
COUNTY OF DENTON; WHEREAS WE, CPM Financial Corporation are the
owners of that certain lot, tract, or parcel of land situated in
the B, B, and C, R, R. Company Survey Abstract Number 186, in
the City of Denton, Denton County, Texas, being Lots 1 and 2,
Block 4, of the Village Phase I, as shown on the plat thereof
recorded in Denton County Records, Denton County, Texas, being
recorded in Cabinet 8, Page 241, Plat Records, Denton County,
Texas; Records, Denton County, Texas.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT I, the
aforesaid do hereby adopt this plat designating the hereinabove
tract as LOTS 1A and 2A, Block 4, THE VILLAGE PHASE I, AMENDING
LOTS 1 AND 2, BLOCK 4, OF THE VILLAGE PHASE I, in addition to the
this public easement, all utility easements, drainage
easements, and streets as shown hereon. All and any public
utilities shall have the full right to remove and keep removed
all growths which may endanger or interfere with the line
construction, maintenance, or efficiency of its respective
system including, but not limited to, installing, maintaining and adding
to or removing all or part of its respective systems without the
necessity of anytime of procuring the permission of anyone.

WITNESS MY HAND this 29th day of June 2004

Steven J. Mortonson, President, CPM Financial Corporation

STATE OF TEXAS
COUNTY OF DENTON:
THIS instrument was acknowledged before me on June 29, 2004
by Steven J. Mortonson.



NOTARY PUBLIC
STATE OF TEXAS
Approved this day of June
Development Review Committee, City of Denton

A. D. 2004

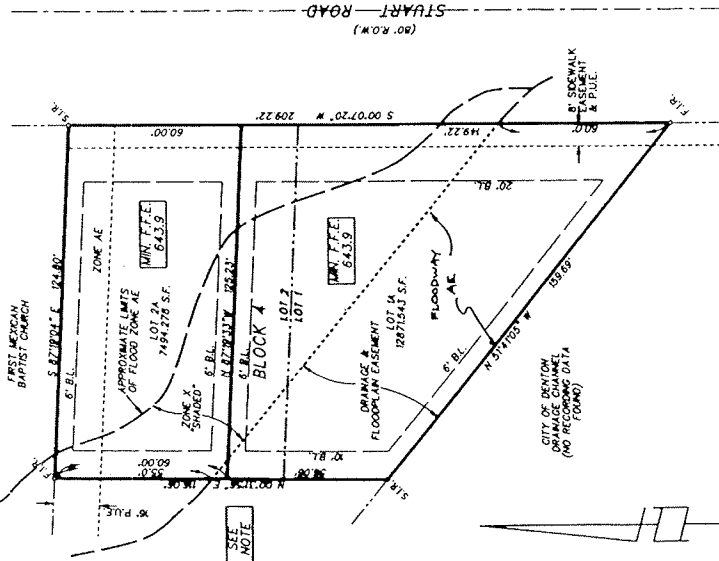
Attested
J. K. Walters
Chairperson, Development Review Committee

Attested
Jennifer Walters, City Secretary

CERTIFICATE OF SURVEYOR
I, the undersigned, a registered professional land surveyor in
the State of Texas, do hereby certify that this plat is true and
correct and was prepared from a true and correct survey of the property
hereunder intended to be shown on the ground.

Further certify that subject property DOES LIE
within the special flood hazard area according to
the FLOOD INSURANCE RATE MAP for Denton County
and Incorporated Areas, Map Number 4812C0380,
Dated March 30, 1998. (Subject property lies in Zone AE,
Floodway, and Zone A-1. B.F.E. = 642.0)

Jerald D. Hansen
Registered Professional Land Surveyor No. 4561



- NOTES:
1. Tract to the west of Lots 1a and 2a is not a buildable lot. No permits will be issued for building in this area. The tract is owned by the City of Denton and is not to be sold or otherwise disposed of by the City of Denton or its successors and assigns.
 2. THE PURPOSE OF THIS AMENDING PLAT IS TO MOVE THE COMMON LOT LINE AND CREATE MORE DESIRABLE LOTS.

EXHIBIT B

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR DRIVER'S LICENSE NUMBER.

RELEASE OF EASEMENT

WHEREAS, the ~~City~~ of Denton (the "City") is the grantee of a certain drainage and floodplain easement located on the property described as Lot 1A, Block 4, The Village, Phase I, an addition to the City of Denton, County of Denton, Texas (the "Property") and reflected on the plat recorded in Cabinet V, Page 760 of the Plat Records of Denton County, Texas (the "Easement") which said Plat is attached as **Exhibit 1** to this Release and incorporated herein; and

WHEREAS, on March 2, 2006, the Federal Emergency Management Agency (FEMA) issued a Letter of Map Revision Based on Fill Determination Document (Removal), eliminating the need for the Easement on the Property; and

WHEREAS, Bianum Revocable Trust, as the owner of the Property, has requested the City to abandon and release the Easement on the Property; and

WHEREAS, the City Council has approved the abandonment request of the Property owner and has determined that the Easement on the Property is no longer needed for public use and thus files this Release.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT:

The City of Denton, a Texas home rule municipal corporation, for and in consideration of Ten (10) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by City and Landowner, have forever released and abandoned the Drainage and Floodplain Easement, as depicted in **Exhibit 1**.

Notwithstanding anything to the contrary herein, nothing contained herein shall affect, and the City hereby retains and reserves, any and all rights it may have in all other easements and/or rights of way, including without limitation, street rights of way and utility easements, whether conveyed by other instruments or dedicated or established by plat, in which the Easement may cross and/or overlap (the "Non-Released Interests").

Executed this _____, day of _____, 2017.

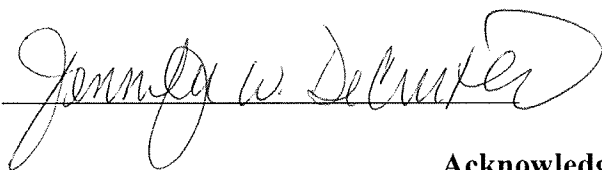
CITY OF DENTON

By: _____
TODD HILEMAN, CITY MANAGER

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

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

BY: 

Acknowledgement

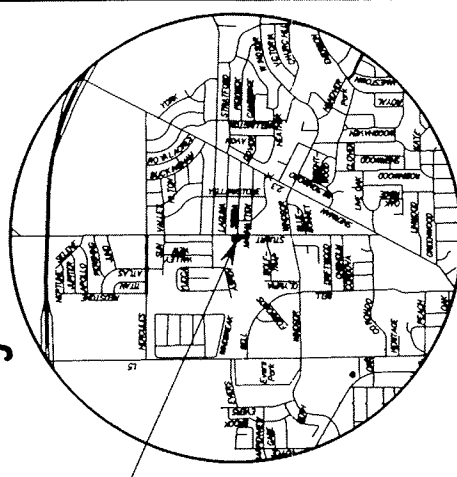
State of Texas §
County of Denton §

This instrument was acknowledged before me on the _____ day of _____, 2017, by Todd Hileman, City Manager, City of Denton, a Texas home rule municipal corporation, on behalf of said municipal corporation.

Notary Public

Cab V Pg 760

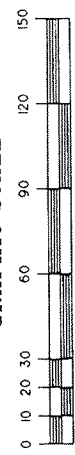
PROJECT LOCATION



VICINITY MAP
SCALE 1" = 2000'

- STANDARD NOTES:
ALL MONUMENTS ARE SET 1/2" IRON RODS
UNLESS OTHERWISE NOTED.
- ① P.U.E. = PUBLIC UTILITY EASEMENT
 - ② D.E. = DRAINAGE EASEMENT
 - ③ S.V.S.L. = SIDE YARD SETBACK LINE
 - ④ C/W = CONCRETE SIDEWALK
 - ⑤ W.V. = WATER VALVE
 - ⑥ F.I.R. = FOUND IRON ROD
 - ⑦ S.P. = SINK POLE
 - ⑧ L.P. = LIGHT POLE
 - ⑨ I.C.V. = IRRIGATION CONTROL VALVE
 - ⑩ F.O.C. = FIBER OPTIC CABLE
 - ⑪ T.O.B. = TRAFFIC CONTROL BOX
 - ⑫ C.O. = CEMENT OVERFLOW CLEANOUT
 - ⑬ E.B. = ELECTRIC BOX
 - ⑭ T.B. = TELEPHONE BOX
 - ⑮ F.H. = FIRE HYDRANT
 - ⑯ S.T.M. MH = STORM SEWER MANHOLE

GRAPHIC SCALE



AMENDING PLAT

LOTS 1A AND 2A, BLOCK 4 OF THE VILLAGE PHASE I
AMENDING LOTS 1 AND 2, BLOCK 4 OF THE VILLAGE, PHASE I
BEING 0.458 ACRE IN THE B.B. & C.R.R. CO.
SURVEY A-186 IN THE CITY OF DENTON
DENTON COUNTY, TEXAS

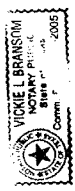
LANDMARK SURVEYORS, INC.
4280 I-35 NORTH
DENTON, TEXAS 76207
(840) 382-4006
FAX (840) 387-9784
E-MAIL: LANDMARK@LANDMARKSURVEYORS.COM
DRAWN BY: BTH SCALE: 1"=40' DATE: 28 APRIL 2004 JOB NO. 040006

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS,
COUNTY OF DENTON: WHEREAS WE, CPM Financial Corporation are the
owners of that certain lot, tract, or parcel of land situated in
the B. B. & C. R. R. Company Survey Abstract Number 186, in
the City of Denton, Denton County, Texas, being Lots 1 and 2,
Block 4, of the Village, Phase I, on addition to the City of Denton
Recorded in Cabinet 18, Page 241, Plat Records, Denton County,
Texas; Records, Denton County, Texas.
NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT I, the
aforesaid do hereby adopt this plat designating the hereinabove,
tract as LOTS 1A AND 2A, BLOCK 4, THE VILLAGE, PHASE I, AMENDING
LOTS 1 AND 2, BLOCK 4 OF THE VILLAGE, PHASE I, on addition to the
City of Denton, Denton County, Texas, and do hereby dedicate to
the City of Denton, Denton County, Texas, and do hereby dedicate to
the City of Denton, Denton County, Texas, all of the easements, and
utilities shall have the full right to remove and keep removed
all growths which may endanger or interfere with the
construction, maintenance, or efficiency of its respective
system on the utility easement for the purpose of constructing,
improving, or repairing the same, and adding to or removing all or
part of its respective systems without the
necessity of anytime of procuring the permission of anyone.
WITNESS MY HAND this 29th day of June, 2004

Steven J. Mortenson, President, CPM Financial Corporation

STATE OF TEXAS
COUNTY OF DENTON:
THIS instrument was acknowledged before me on June 29, 2004
by Steven J. Mortenson.



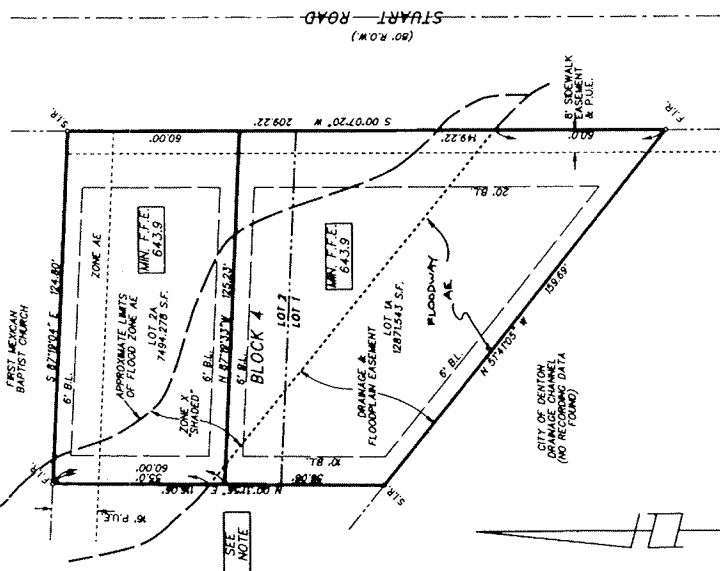
NOTARY PUBLIC
STATE OF TEXAS
Approved this day of June, 2004
Development Review Committee, City of Denton

Attested
J. L. Branstetter
Chairperson, Development Review Committee

Jennifer Walters
Jennifer Walters, City Secretary

CERTIFICATE OF SURVEYOR
I, the undersigned, a registered professional land surveyor in
the State of Texas, do hereby certify that this plat is true and
correct and was prepared from a true and correct survey of the property
and under my supervision on the ground.
I further certify that subject property DOES LIE
within a special flood hazard area according to
the FLOOD INSURANCE RATE MAP for Denton County
and Incorporated Areas, Map Number 4812C0380,
Dated March 30, 1998. (Subject property lies in Zone AE,
Floodway, and Zone A-1.) - B.F.E. = 642.0

Jerald D. Tison
Registered Professional Land Surveyor No. 4561



- NOTES:
1. Tract to the west of Lots 1a and 2a is not a buildable lot. No
rights will be issued for building in this area. Access to this
tract shall be solely by virtue of adjacent Lots 1a and 2a owned
by CPM Financial and/or its successors and assigns.
 2. THE PURPOSE OF THIS AMENDING PLAT IS TO MOVE THE COMMON LOT
LINE AND CREATE MORE DESIRABLE LOTS.

Blumberg No. 5119
EXHIBIT

A-410-15
Filed 7-2-04 Cab V Pg 760