

# Exhibit 4 to AIS

S:\Legal\Our Documents\Ordinances\17\QT 912 Sanitary Sewer Easement Abandonment Ordinance - TL rev.docx

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

AN ORDINANCE ABANDONING, RELEASING, AND VACATING A 0.1195 ACRE PORTION OF A 0.232 ACRE SANITARY SEWER EASEMENT RECORDED IN VOLUME 1729, PAGE 177, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, AND LOCATED IN THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 192; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Denton ("City") is the holder of the Sanitary Sewer Easement as recorded in Volume 1729, Page 177, Real Property Records, Denton County, Texas; and

WHEREAS, Quicktrip Corporation, ("Owner") has represented to the City it is the owner of the property subject to the Sanitary Sewer Easement; and

WHEREAS, the Owner has requested the abandonment of a portion of the Sanitary Sewer Easement as described and depicted on the attached "Exhibit A"; and

WHEREAS, the City reviewed the request of the Owner and determined that the portion of the Sanitary Sewer Easement described and depicted in Exhibit A is no longer needed, and recommends that the Sanitary Sewer Easement be abandoned, released, and vacated only to the extent described in Exhibit A, with the remainder retained by the City; and

WHEREAS, the City Council of the City of Denton, Texas, finds it is in the public interest to abandon, release, and vacate a portion of the Sanitary Sewer 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 Sanitary Sewer Easement held by the City of Denton, Texas, is hereby abandoned, released, and vacated only to the extent 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 Sanitary Sewer Easement which was abandoned, released, 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 Sanitary Sewer 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 Sanitary Sewer 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.

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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:  \_\_\_\_\_

## LEGAL DESCRIPTION

**BEING** a tract of land in the City of Denton, Denton County, Texas out of the B.B.B. & C. R.R. Company Survey, Abstract No. 192, and being a part of a 2.3265 acre tract of land conveyed to Quiktrip Corporation according to the deed filed for record in County Clerk's File No. 2010-64057, Deed Records, Denton County, Texas being more particularly described by metes and bounds as follows:

**COMMENCING** at a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" in the south right of way line of U.S. Highway 380 (variable-width right of way), the east right of way line of Kansas City Southern Railway (150' right of way), the northwest corner of said 2.3265 acre tract, from which a 3 1/2" aluminum TxDot monument bears South 64 degrees, 59 minutes, 52 seconds West, a distance of 0.48 feet;

**THENCE**, along the east line of said Railway right-of-way and the west line of said 2.3265 acre tract, South 22 degrees 01 minutes 20 seconds East, a distance of 255.01 feet to a point in the north line of an existing 16 foot wide Sanitary Sewer Easement as recorded in Volume 1729, Page 177, Deed Records, Denton County, Texas, from which a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" bears South 22 degrees 01 minutes 20 seconds East, 60.10 feet;

**THENCE**, along the north line of said existing Sanitary Sewer Easement, North 48 degrees 58 minutes 04 seconds, a distance of 21.15 feet to the **POINT OF BEGINNING**;

**THENCE**, continuing along the north line of said Easement as follows:

North 48 degrees 58 minutes 04 seconds East, a distance of 292.98 feet;

North 28 degrees 13 minutes 36 seconds East, a distance of 25.34 feet to a point in the east line of said 2.3265 acre tract, being in the west right-of-way line of Interstate Highway 35 (variable width R.O.W.);

**THENCE**, along the east line of said 2.3265 acre tract and the west right-of-way line of Interstate Highway 35, South 71 degrees 41 minutes 15 seconds East, a distance of 16.24 feet to a point, being in the south line of said existing Sanitary Sewer Easement;

**THENCE**, along the south line of said existing Easement as follows:

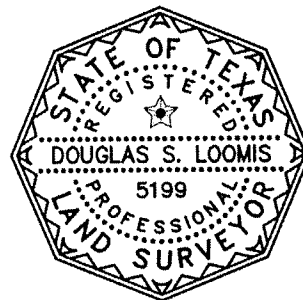
South 28 degrees 13 minutes 36 seconds West, a distance of 31.07 feet;

South 48 degrees 58 minutes 04 seconds West, a distance of 301.42 feet;

**THENCE**, North 22 degrees 01 minutes 20 seconds West, a distance of 16.92 feet to the **POINT OF BEGINNING** and containing 5,207 square feet or 0.1195 acres of land more or less.



Douglas S. Loomis  
Registered Professional Land Surveyor No. 5199



### EASEMENT EXHIBIT

PART OF 2.3265 ACRES

C.C.F. No. 2007-143671, D.R.D.C.T.)

B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 192

CITY OF DENTON, DENTON COUNTY TEXAS

Date: 10/11/2010

Scale: N/A

Project No. 0814954



Survey Consultants, Inc.

811 E. Plano Parkway  
Suite 117

Plano, Texas 75074

(972) 424-7002 Voice

(972) 633-1702 Fax

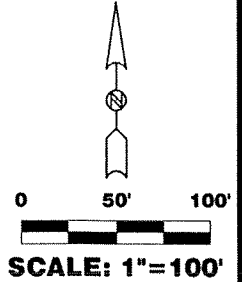
WWW.SurveyConsultantsInc.Com

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## LEGEND

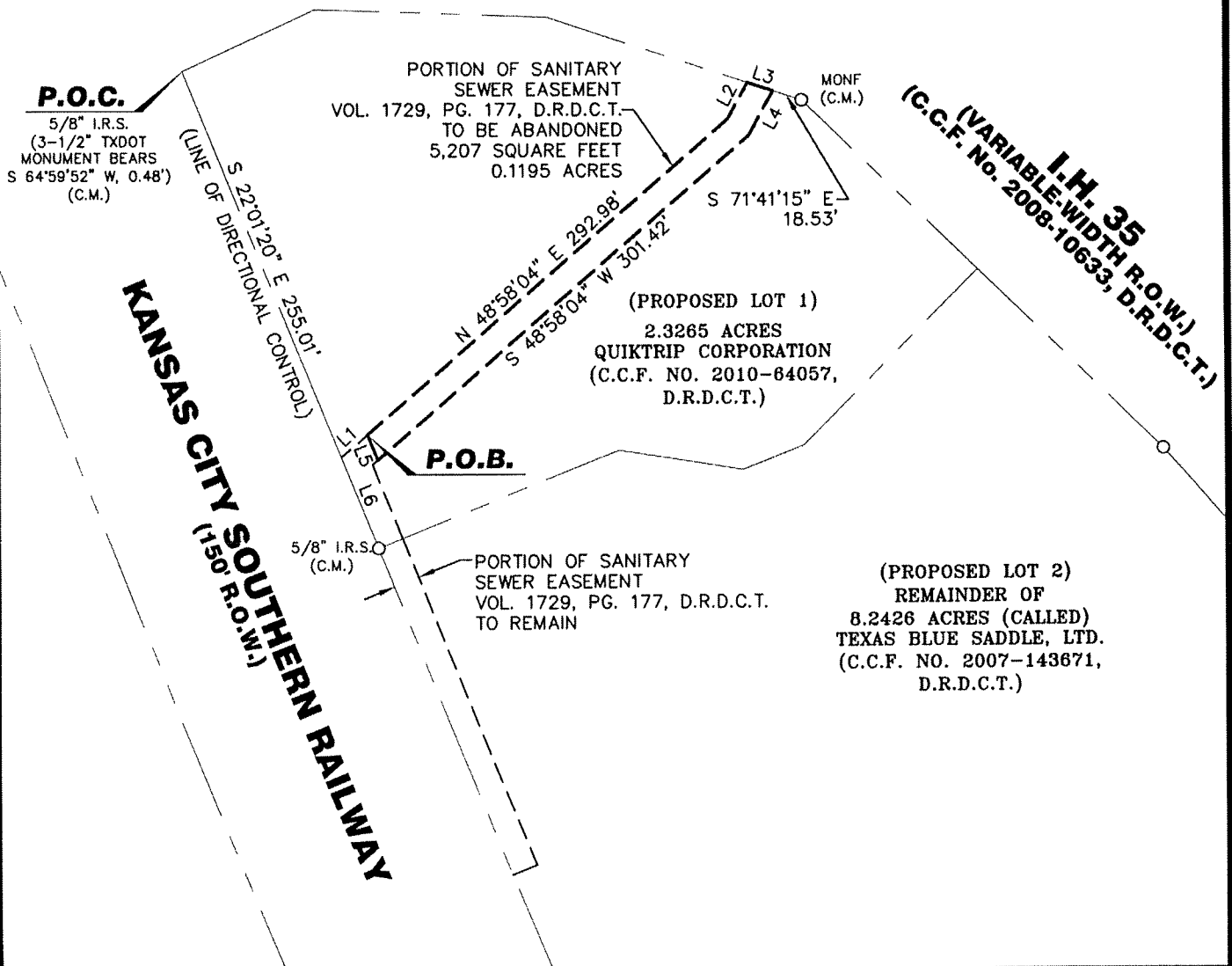
5/8" I.R.S. 5/8" IRON ROD SET WITH PLASTIC  
CAP STAMPED "R.P.L.S. 5199"  
(CM) CONTROLLING MONUMENT  
D.R.D.C.T. DEED RECORDS, DENTON COUNTY, TEXAS  
I.R.F. IRON ROD FOUND  
P.R.D.C.T. PLAT RECORDS, DENTON, COUNTY, TEXAS  
NTS NOT TO SCALE  
PG. PAGE  
P.O.B. POINT OF BEGINNING  
P.O.C. POINT OF COMMENCING  
R.O.W. RIGHT-OF-WAY  
VOL. VOLUME

NUMBER	DIRECTION	DISTANCE
L1	N 48°58'04" E	21.15'
L2	N 28°13'36" E	25.34'
L3	S 71°41'15" E	16.24'
L4	S 28°13'36" W	31.07'
L5	N 22°01'20" W	16.92'
L6	S 22°01'20" E	60.10'



BASIS OF BEARINGS  
WEST LINE OF 8.2426 ACRE TRACT  
S 22°01'20" E  
(C.C.F. No. 2007-143671. D.R.D.C.T.)

**U.S. HIGHWAY 380**  
(VARIABLE-WIDTH R.O.W.)  
(C.C.F. NO. 2008-10633,  
D.R.D.C.T.)



## EASEMENT EXHIBIT

PART OF 2.3265 ACRES  
C.C.F. No. 2007-143671, D.R.D.C.T.)  
B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 192  
CITY OF DENTON, DENTON COUNTY TEXAS

Date: 10/11/2010 Scale: 1"=100' Project No. 0814954



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