

# Exhibit 6 to AIS

S:\Legal\Our Documents\Ordinances\17\Pecan Creek Addition Abandonment Ordinance - TL rev.docx

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

AN ORDINANCE AUTHORIZING THE ABANDONMENT AND RELEASE OF CERTAIN BLANKET ELECTRIC UTILITY EASEMENTS OWNED BY THE CITY, TO THE EXTENT THAT THEY ENCUMBER CERTAIN REAL PROPERTY OWNED BY MICAH DEWEERD HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY, CONTAINING APPROXIMATELY 1.61 ACRES, AS DESCRIBED IN THAT DEED RECORDED AS INSTRUMENT NUMBER 2016-140641, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS; BEING LOCATED IN THE W. GARRISON SURVEY, ABSTRACT NO. 1545, CITY OF CORINTH, TEXAS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Micah Deweerd Holdings, LLC, a Texas limited liability company (the "Owner") is the owner of certain real property located in the City of Corinth, Denton County, Texas and containing approximately 1.61 acres of land, as described in that Certain Deed filed as instrument number 2016-140641 in the Real Property Records, Denton County, Texas, being located in the W. Garrison Survey, Abstract No. 1545, City of Corinth, Texas, as more particularly described in Exhibit "A" attached hereto by reference (the "Property"); and

WHEREAS, the Property is encumbered by certain electric easements: (i) That certain easement from W.D. Pockrus and wife, Nora Pockrus to Brazos River Transmission Electric Cooperative, Inc. dated October 2, 1952, recorded in volume 384, page 118 of the Real Property Records of Denton County, Texas, (ii) that certain easement from D.R. Brady and wife, Mabel Brady to Brazos River Transmission Electric Cooperative, Inc., dated June 18, 1952, recorded in Volume 381, page 490 of the Real Property Records of Denton County, Texas, and (iii) that certain easement from John Gassaway and wife, Ida F. Gassaway to Brazos River Transmission Electric Cooperative, Inc., dated June 1, 1946, recorded in Volume 332, page 499 of the Real Property Records of Denton County, Texas (all easements collectively referred to herein as the "Easements").

WHEREAS, the Easements were assigned to the City of Denton, Texas ("City") pursuant to that certain Assignment of Easements dated October 23, 1987, recorded in Volume 2736, page 825 of the Real Property Records of the Denton County, Texas; and

WHEREAS, the Owner has requested the City release, abandon and vacate the Easements to the extent that they affect and encumber his property only; and

WHEREAS, the City reviewed the request and determined that the Easements are no longer needed along or within the Property, and recommended the Easements be released, abandoned and vacated as to the 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 following Easements held by the City of Denton, Texas, are released, abandoned, and vacated only to the extent they affect the Property:

## Exhibit 6 to AIS

- A. Brazos River Transmission Electric Cooperative, Inc. dated October 2, 1952, recorded in volume 384, page 118 of the Real Property Records of Denton County, Texas.
- B. Brazos River Transmission Electric Cooperative, Inc., dated June 18, 1952, recorded in Volume 381, page 490 of the Real Property Records of Denton County, Texas.
- C. Brazos River Transmission Electric Cooperative, Inc., dated June 1, 1946, recorded in Volume 332, page 499 of the Real Property Records of Denton County, Texas.

The City specifically retains and reasserts its ownership interest in the remaining of the properties affected and encumbered by the Easements and the Assignment of Easements, recorded in Volume 2736, Page 825, of the Real Property Records of Denton County, Texas.

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 on the Property, other than the Easements 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 Easements may cover, encumber, include, cross or overlap.

SECTION 4. 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 5. 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 6 to AIS

Escrow File No.: 165927

## EXHIBIT "A"

All that certain lot, tract or parcel of land situated in the City of Corinth, Denton County, Texas and being part of Lot 2, Block A of Pecan Creek Addition, an addition to said City, according to the re-plat thereof, recorded in Document Number 2010-134, Plat Records, Denton County, Texas and being tract being more particularly described as follows:

Beginning at an "X" cut set in the Northwest line of Post Oak Drive and the center of a 50' Public Access Easement and Drainage and Utility Easement per said Plat for the South corner of said Lot 2;

Thence the following three calls with said Easement and the West line of said Lot 2;

North 41 degrees 28 minutes 23 seconds West, 44.42 feet to an "X" cut set at the beginning of a curve to the right having a radius of 150.00 feet, and whose long chord bears North 36 degrees 20 minutes 14 seconds West, 26.94 feet;

Thence along said curve an arc length of 26.98 feet to an "X" cut set;

North 31 degrees 11 minutes 07 seconds West, 103.66 feet to an "X" set;

Thence North 36 degrees 00 minutes 17 seconds East, 362.90 feet to a capped iron rod found in the new Southwest right-of-way of Interstate Highway 35E for the North corner of the herein described tract;

Thence along said Southwest line and along a curve to the left whose long chord bears South 52 degrees 48 minutes 24 seconds East, 52.39 feet and whose radius is 1178.30 feet, and an arc length of 52.40 feet to a capped iron rod found;

Thence South 53 degrees 37 minutes 40 seconds East, 63.09 feet to a 1/2" iron rod found;

Thence South 47 degrees 01 minutes 54 seconds East, 11.53 feet to a TXDOT monument found;

Thence South 08 degrees 37 minutes 01 seconds East, 74.14 feet to a TXDOT monument found;

Thence South 36 degrees 00 minutes 17 seconds West, 109.01 feet to a TXDOT monument found;

Thence South 54 degrees 07 minutes 11 seconds East, 8.45 feet to a TXDOT monument found;

Thence South 36 degrees 21 minutes 57 seconds West with the North line thereof and South line of said Lot 2, 50.61 feet to a capped iron rod found at the beginning of a curve to the right, having a radius of 953.31 feet, and whose long chord bears South 42 degrees 16 minutes 37 seconds West, 206.70 feet;

Thence along said curve an arc length of 207.11 feet to the Place of Beginning and containing 1.61 acres of land more or less.