

## Exhibit 5 to AIS

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

AN ORDINANCE RELEASING, ABANDONING AND VACATING A 0.083 ACRE ELECTRIC EASEMENT GRANTED TO THE CITY OF DENTON, TEXAS, BY ALEX WILLIAMS ON OCTOBER 11, 1956 AND RECORDED IN VOLUME 426, PAGE 97, DEED RECORDS, DENTON COUNTY, TEXAS, AND LOCATED IN BLOCK 20 OF THE ORIGINAL TOWN OF DENTON, DENTON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Denton ("City") is the holder of the electric easement granted to the City by Alex Williams, dated October 11, 1956 and recorded in Volume 426, Page 97 of the Deed Records of Denton County, Texas (the "Electric Easement"); and

WHEREAS, Apartments at Victoria Square #1, L.L.C., a Texas limited liability company ("Owner") has represented to the City it is the owner of the property subject to the Electric Easement; and

WHEREAS, the Owner has requested the City release, abandon, and vacate the Electric Easement; and

WHEREAS, the City reviewed the request of the Owner, determined the Electric Easement is no longer needed, and recommended the Electric Easement be released, abandoned and vacated; and

WHEREAS, the City Council of the City of Denton, Texas, finds it is in the public interest to release, abandon, and vacate the Electric Easement; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The recitations and finding set forth above are incorporated by reference.

SECTION 2. The following public Electric Easement held by the City of Denton, Texas, is released, abandoned, and vacated:

A. 0.083 acre Electric Easement granted to the City of Denton, Texas, by Alex Williams on October 11, 1956 and recorded in Volume 426 Page 97, Deed Records, Denton County, Texas.

SECTION 3. The City Manager, or his designee, is authorized to execute a release evidencing this abandonment of the Electric Easement, suitable for recordation in the Real Property Records, Denton County, Texas.

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 Electric Easement released 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 Electric Easement may cover, encumber, include, cross, or overlap.

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:  \_\_\_\_\_