

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

AN ORDINANCE RELEASING, ABANDONING AND VACATING A 2.056 ACRE PUBLIC DRAINAGE EASEMENT GRANTED TO THE CITY OF DENTON, TEXAS BY WYNNE/JACKSON LAKES DEVELOPMENT LP, A TEXAS LIMITED PARTNERSHIP ON MAY 25, 2005 AND RECORDED AS INSTRUMENT NO. 2005-85937 IN THE REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS;; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Denton, Texas ("City") is the holder of the public drainage easement granted to the City by Wynne/Jackson Lakes Development, LP dated May 25, 2005 and recorded as Instrument No. 2005-85937 of the Real Property Records, Denton County, Texas (the "Drainage Easement"); and

WHEREAS, Bloomfield Homes, L.P., a Texas limited partnership company ("Owner") has represented to the City it is the owner of the property subject to the Drainage Easement; and

WHEREAS, the Owner has requested the City release, abandon and vacate the Drainage Easement in its entirety as recently constructed drainage facilities supersede the necessity of the Drainage Easement; and

WHEREAS, the City reviewed the request of the Owner, determined the Drainage Easement is no longer needed, and recommended the Drainage 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 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 following Drainage Easement held by the City of Denton, Texas, is released, abandoned, and vacated in its entirety:

2.056 acres Public Drainage Easement granted to the City of Denton, Texas by Wynne/Jackson Lakes Development LP, a Texas Limited Partnership on May 25, 2005 and recorded as instrument No. 2005-85937, Real Property Records, Denton County, Texas, and

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

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CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

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

BY: \_\_\_\_\_