

ORDINANCE NO. 19-06-20-20

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS ABANDONING A SANITARY SEWER EASEMENT RECORDED IN THE DENTON COUNTY LAND RECORDS AT DR VOLUME 190, PAGE 357, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" HERETO; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, TO SERVE AS A QUITCLAIM DEED AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECT THE ABANDONMENT OF THE EASEMENT; PROVIDING FOR THE INDEMNIFICATION OF THE CITY OF CORINTH AGAINST DAMAGES ARISING OUT OF THE ABANDONMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth is a home rule municipality and pursuant to its Charter and state law, the City is authorized to own property and sell property and to divest itself of any and all interests in property, including without limitation its interest in easements granted to the City for public purposes; and

WHEREAS, Crosspointe Lot Venture, LLC is the owner of an approximate 6.380 acre tract of land situated in the E. Marsh Survey, Abstract 833, City of Corinth, Denton County, Texas, as depicted in a Final Plat dated June 21, 2018 (the "Property"); and

WHEREAS, Crosspointe Lot Venture, LLC (the "Property Owner") has requested that the City abandon a certain Sanitary Sewer Easement on the Property that was previously granted to the City of Corinth and that is recorded in the **Denton County Land Records at DR Volume 190, Page 357**, and more specifically described in **Exhibit "A"**, a copy of which is attached hereto and incorporated herein, which Easement is identified as Document # 2006-96886 and as Document # 2006-56329 in the Denton County Land Records (the "Sanitary Sewer Easement" or "Easement"); and

WHEREAS, the City Council has determined that no public infrastructure is located within the Easement, and that the Easement as located upon the Property is not necessary for future use by the City for the location of public infrastructure, and thus the City Council finds that abandonment of the Easement as requested by the Property Owner is appropriate; and

WHEREAS, the City Council has determined it appropriate to adopt this Ordinance abandoning and quitclaiming to the Property Owner any and all interest in the Easement described in **Exhibit "A"** hereto;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION 1.

That the foregoing recitals are findings of the Corinth City Council and are incorporated into this Ordinance as if written word for word.

SECTION 2.

That the City of Corinth hereby abandons the Sanitary Sewer Easement as more specifically described in **Exhibit "A"** hereto and filed in the **Denton County Land Records at DR Volume 190, Page 357**, a copy of the recorded Easement document being attached hereto and included as part of **Exhibit "A"** and the City does hereby quitclaim in favor of Property Owner Crosspointe Lot Venture, LLC, such Sanitary Sewer Easement.

SECTION 3.

That the Sanitary Sewer Easement is abandoned, vacated, and closed, insofar as the right title and interest of the public to such easement are concerned. That the City of Corinth does not abandon any other interest other than that described in **Exhibit "A"**, but does hereby abandon all of its right, title and interest in and to that certain Easement described in **Exhibit "A"**, together with any and all improvements thereon.

SECTION 4.

That upon passage hereof, the City Secretary is authorized and directed to prepare a certified copy of this ordinance and furnish the same to Crosspointe Lot Venture, LLC, and the recording of this abandonment ordinance in the real property records of Denton County, Texas shall serve as the quitclaim deed of the City of Corinth, Texas to Crosspointe Lot Venture, LLC, of all right, title, or interest of the City of Corinth in and to the Easement described in **Exhibit "A"**. The City Manager is further authorized to execute any additional documents necessary to effect the abandonment of the Easement.

SECTION 5.

As a condition of this abandonment and as a part of the consideration for the quitclaim to Grantee herein, Grantee agrees to indemnify, defend, release and hold the City of Corinth whole and harmless against any and all claims for damages, costs or expenses to persons or property that may arise out of or be occasioned by or from, the abandonment, closing, vacation, and quitclaim by the City of Corinth of the Easement described in **Exhibit "A"** and the Grantee hereby agrees to defend any and all suits, claims, or causes,

of action brought against the City on account of the same, and to discharge any judgment or judgments that may be rendered against the City of Corinth in connection therewith.

SECTION 6.

This Ordinance shall take effect from and after its adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS on this 20 day of June 2019.



APPROVED:

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Patricia A. Adams, City Attorney

EXHIBIT "A"

Being a tract of land situation in the Edwin Marsh Survey, Abstract No. 833, Town of Corinth, Denton County, Texas, and being a part of that certain tract or parcel of land as monumented on the ground and described by deed to Louanna Griffith and V.T. Griffith according to the deed filed of record in Volume 190, Page 357, Deed Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at a ½" iron rod found in the south line of that tract of land conveyed to Hillwood/Corinth, Ltd. according to the deed filed of record in Volume 190, Page 357, Deed Records of Denton County, Texas, near the intersection of Tower Ridge Road, and Meadow Oaks Drive, for the northeast corner of said Griffith tract;

THENCE North 89°53'53" West, along the north line of said Griffith tract, and the south line of said Hillwood/Corinth tract, a distance of 434.76 feet to the **PLACE OF BEGINNING** of this easement tract;

THENCE South 13°34'23" East, a distance of 387.56 feet to a point for a corner of this easement;

THENCE South 57°44'23" West, a distance of 101.95 feet to a point for a corner of this easement;

THENCE North 00°22'55" East, a distance of 23.75 feet to a point for a corner of this " easement;

THENCE North 57°44'23" West, a distance of 74.79 feet to appoint for a corner of this easement;

THENCE North 13°34'40" West, a distance of 378.08 feet to a point in the north line of said Griffith tract and the south line of said Hillwood/Corinth tract, for a corner of this easement;

THENCE South 89°53'53" East, along the north line of said Griffith tract and the south line of said Hillwood/Corinth, tract, a distance of 20.58 feet, to the **PLACE OF BEGINNING** and containing 9.423.5 square feet, or .22 acres of land more or less, and being subject to any and all easements that may affect.

EXHIBIT "B"

Louanna Griffith and V.T. Griffith
20' Sanitary Easement

Edwin Marsh Survey
Abstract No. 833

STATE OF TEXAS §

COUNTY OF DENTON §

Being a tract of land situated in the Edwin Marsh Survey, Abstract No. 833, Town of Corinth, Denton County, Texas, and being a part of that certain tract or parcel of land as monumented on the ground and described by deed to Louanna Griffith and V.T. Griffith according to the deed filed of record in Volume 190, Page 357, Deed Records of Denton County, Texas, and being more particularly described as follows:

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Denton County
Cynthia Mitchell
County Clerk
Denton, TX 76202



702006 00096886

Instrument Number: 2006-96886

As

Recorded On: August 08, 2006

Easement

Parties: ESTATE OF VIRGIL T GRIFFITH

Billable Pages: 5

To

Number of Pages: 5

Comment:

**** Examined and Charged as Follows: ****

Easement	32.00
Total Recording:	32.00

634
634

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law

File Information:

Document Number: 2006-96886

Receipt Number: 313137

Recorded Date/Time: August 08, 2006 09:38A

User / Station: J Morris - Cash Station 1

Record and Return To:

CITY OF CORINTH
ATTN ELAINE HERZOG
3300 CORINTH PKWY
CORINTH TX 76208



THE STATE OF TEXAS)
COUNTY OF DENTON)

I hereby certify that this instrument was FILED in the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Cynthia Mitchell

County Clerk
Denton County, Texas

634
634

THE STATE OF TEXAS
COUNTY OF DENTON

20' SANITARY EASEMENT

That I, Michelle Jones, Administratrix of the Estate of Virgil T. Griffith, GRANTOR herein, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration in hand paid by the CITY OF CORINTH, a home rule municipal corporation of the County of Denton, State of Texas, GRANTEE herein, the receipt and sufficiency of which is hereby acknowledged and confessed do hereby grant, sell and convey unto the said GRANTEE a permanent easement for the purpose of installing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing and operating sanitary sewer facilities in, into, upon, over, across, under and through all that land in Denton County, Texas described as follows, to-wit:

A 20' wide Permanent Easement containing approximately 0.22 acres, as more particularly described in Exhibit "A" and shown in Exhibit "B" attached hereto and incorporated herein.

GRANTOR covenants and agrees that GRANTOR and GRANTOR'S herein, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under any easements granted herein any temporary or permanent structures, and it is further agreed that GRANTEE shall have the right to excavated and fill upon said permanent easement and to remove from said permanent easement, any fences, buildings or other obstructions as may now be found upon said permanent easement. Grantee specially covenants that any desired or prospective use by Grantor may, with substantially correct and accurate information, be submitted to Grantee for a written response within 60 days as to whether such proposed use would be in conflict with the dominant estate. Grantee will not unreasonably withhold such consent. It is the intent and purpose of this easement to facilitate the maximum use by Grantor of Grantor's residual rights and uses, subject only to the rights of the dominant estate. Acceptable uses by Grantor include non-commercial recreational facilities, paving, playground equipment, roads and streets crossing at an angle of at least 45 degrees or more to the center line and intersecting utilities crossing at an intersecting point not less than 45 degrees.

It is further intended that the Permanent 20' Sanitary Easement herein granted to the GRANTEE shall run with the land and forever be a right in and to the land belonging to GRANTOR, and GRANTOR'S successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in GRANTOR'S chain of title. The Permanent 20' Sanitary Easement, rights and privileges granted therein are exclusive, and GRANTOR covenants that it will not convey any other easement of conflicting rights within the area covered by the grant to any other person.

TO HAVE AND TO HOLD the above described permanent easement with the right of ingress and egress thereto, together with all and singular the rights and appurtenances thereto in any wise belonging unto GRANTEE its successors and assigns, forever, and GRANTOR does hereby bind herself, her heirs, successors and assigns to warrant and forever defend, all and singular, the said premises unto the GRANTEE its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed this 13 day of January, 2006.

ESTATE OF VIRGIL T. GRIFFITH

Michelle Jones Administratrix
Michelle Jones, Administratrix

*City of Corinth
Attn: Elaine Herzog
3300 Corinth Pkwy.
Corinth, Tx. 76208*

THE STATE OF TEXAS

20' SANITARY EASEMENT

COUNTY OF DENTON

BEFORE ME, the undersigned authority in and for said county, Texas, on this day personally appeared Michele Jones, Administratrix of the Estate of Virgil T. Griffith, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was executed for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 13 day of January, 2006.

Martha Bosley
Notary Public in and for The State of Texas

My Commission Expires

Typed or Printed Name of Notary



EXHIBIT 'A'

Louanna Griffith and V.T. Griffith
20' Sanitary Easement

Edwin Marsh Survey
Abstract No. 833

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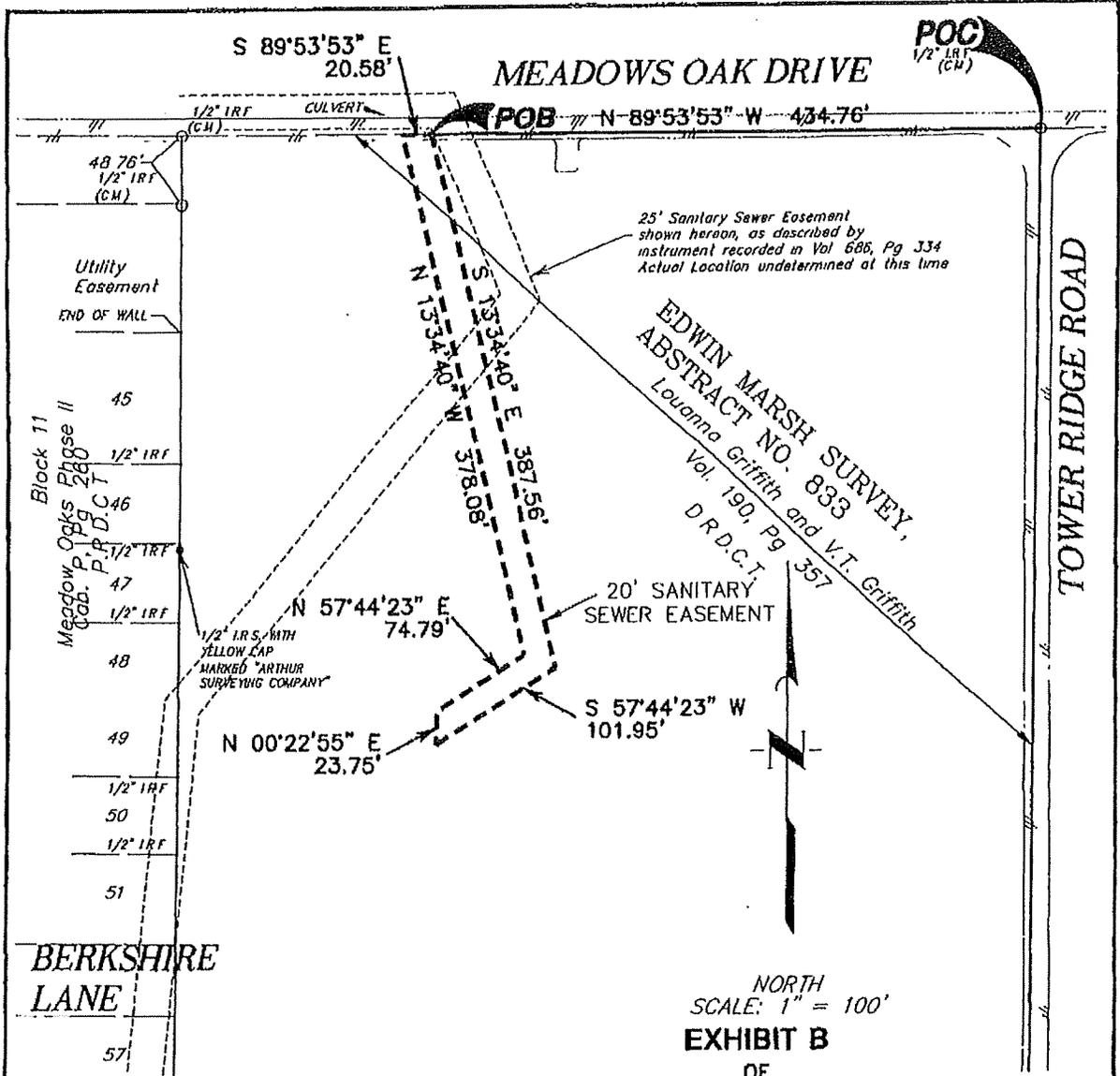
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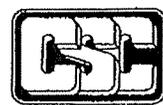


NOTE: SEE EXHIBIT 'A' FOR FIELD NOTE DESCRIPTION

NOTE: THE BASIS OF BEARING IS THE SOUTH LINE OF A TRACT OF LAND AS DESCRIBED IN DEED TO LOUANNA GRIFFITH AS RECORDED IN VOLUME 190, PAGE 357 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS

- LEGEND:**
- P.O.C. POINT OF COMMENCEMENT
 - P.O.B. PLACE OF BEGINNING
 - D.R.D.C.T. DEED RECORDS, DENTON COUNTY, TEXAS
 - P.R.D.C.T. PLAT RECORDS, DENTON COUNTY, TEXAS

NORTH
SCALE: 1" = 100'
EXHIBIT B
OF
20' SANITARY SEWER EASEMENT
BEING
0.22 AC. OR 9423.5 SQUARE FEET
OUT OF THE
EDWIN MARSH SURVEY, ABST. No. 833
TOWN OF CORINTH
DENTON COUNTY, TEXAS
MARCH 2005



COTTON SURVEYING COMPANY
3030 LBJ Freeway, Suite 910
Dallas, Texas 75234

Denton County
Cynthia Mitchell
County Clerk
Denton, TX 76202



70 2006 00056329

Instrument Number: 2006-56329

Recorded On: May 11, 2006

As
Easement

Parties: GRIFFITH VIRGIL T ESTATE OF

Billable Pages: 5

To

Number of Pages: 5

Comment:

**** Examined and Charged as Follows: ****

Easement	32.00
Total Recording:	32.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2006-56329
Receipt Number: 289210
Recorded Date/Time: May 11, 2006 04:13P

Record and Return To:

GRIFFIN AND JONES
400 W OAK ST STE 300
DENTON TX 76201

User / Station: K Kirby - Cash Station 2



THE STATE OF TEXAS }
COUNTY OF DENTON }

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed herein, and was duly RECORDED in the Official Records of Denton County, Texas.

C Mitchell

County Clerk
Denton County, Texas

THE STATE OF TEXAS
COUNTY OF DENTON

20' SANITARY EASEMENT

That I, Michelle Jones, Administratrix of the Estate of Virgil T. Griffith, GRANTOR herein, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration in hand paid by the CITY OF CORINTH, a home rule municipal corporation of the County of Denton, State of Texas, GRANTEE herein, the receipt and sufficiency of which is hereby acknowledged and confessed do hereby grant, sell and convey unto the said GRANTEE a permanent easement for the purpose of installing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing and operating sanitary sewer facilities in, into, upon, over, across, under and through all that land in Denton County, Texas described as follows, to-wit:

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IN WITNESS WHEREOF, this instrument is executed this 13 day of January, 2006.

ESTATE OF VIRGIL T. GRIFFITH

Michelle Jones Administratrix
Michelle Jones, Administratrix

THE STATE OF TEXAS

20' SANITARY EASEMENT

COUNTY OF DENTON

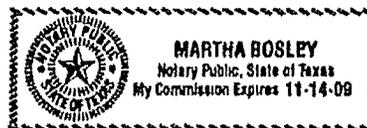
BEFORE ME, the undersigned authority in and for said county, Texas, on this day personally appeared Michele Jones, Administratrix of the Estate of Virgil T. Griffith, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was executed for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 13 day of January, 2006.

Martha Bosley
Notary Public in and for The State of Texas

My Commission Expires

Typed or Printed Name of Notary



Return to:
Griffin & Jones
400 W. Oak St 300
Denton, TX 76201

EXHIBIT 'A'

Louanna Griffith and V.T. Griffith
20' Sanitary Easement

Edwin Marsh Survey
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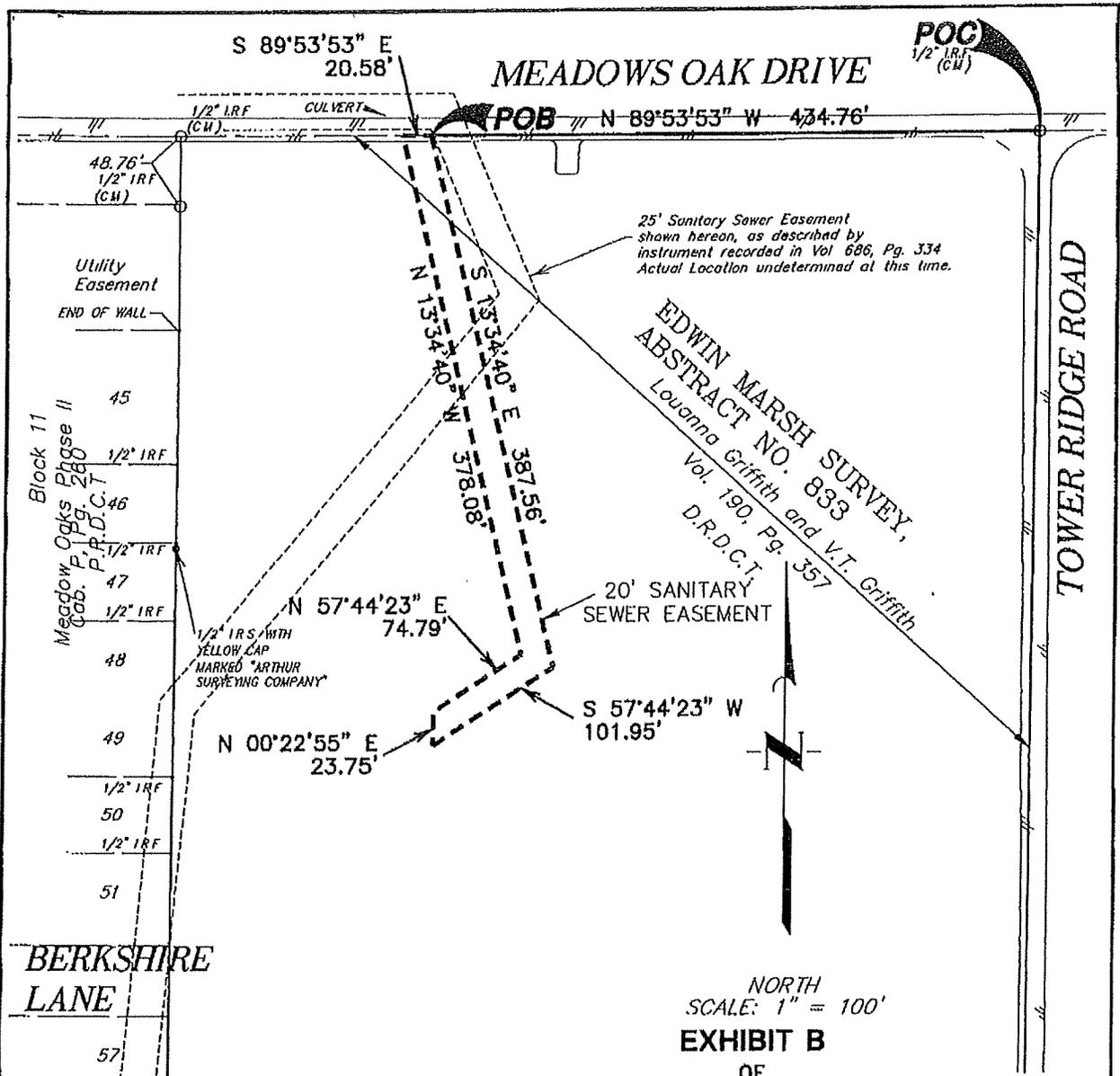
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- LEGENED:**
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 - D.R.D.C.T. DEED RECORDS, DENTON COUNTY, TEXAS
 - P.R.D.C.T. PLAT RECORDS, DENTON COUNTY, TEXAS

NORTH
 SCALE: 1" = 100'
EXHIBIT B
 OF
20' SANITARY SEWER EASEMENT
 BEING
0.22 AC. OR 9423.5 SQUARE FEET
 OUT OF THE
EDWIN MARSH SURVEY, ABST. No. 833

TOWN OF CORINTH
 DENTON COUNTY, TEXAS
 MARCH 2005

COTTON SURVEYING COMPANY
 3030 LBJ Freeway, Suite 910
 Dallas, Texas 75234

MWG/MAR JOB No.D117-001 **DWG. No. 590**