

ORDINANCE NO. 19-06-20-22

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS ABANDONING A SANITARY SEWER EASEMENT RECORDED IN THE DENTON COUNTY LAND RECORDS AT DR VOLUME 00650, PAGE 292, 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 00650, Page 292**, and more specifically described in **Exhibit "A"**, a copy of which is attached hereto and incorporated herein (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 00650, Page 292**, a copy of the recorded Easement document being included as a 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 Adams, City Attorney

EXHIBIT "A"

The Easement being a strip of land across the tract referred to in the H. Garrison Survey/E. Marsh Survey, Abstract No. 507-833, Denton County, Texas, twenty-five (25) feet in width, more particularly described in deed from Bettie Robinson et al to Virgil T. Griffith dated January 1924, containing 30.4 acres more or less, recorded in volume 190, Page 357, of the Deed Records of said County.

EXHIBIT "A"

DR VOL 00650 PAGE 292

THE STATE OF TEXAS

COUNTY OF

KNOW ALL MEN BY THESE PRESENTS:

That Margal Griffith 11591

of the County of Denton, State of Texas, hereinafter called "Grantor", for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the City of Cosworth, hereinafter called "City", an easement and right-of-way for the purpose of constructing a water/sewer line, the term of such easement to end when the City of Cosworth accepts the entire water/sewer system when construction of same is completed; and Grantor does also grant to said City a perpetual easement and right-of-way for the purpose of operating and maintaining such water/sewer line; easements and rights-of-way over and across Grantor's land in H. Garrison Survey, White Marsh Survey, Abstract No. 507-833, Denton County, Texas, more particularly described in deed from Bettie Robison W.C. Meadows Virgil T. Griffith, dated Jan, 19 24, and recorded in Volume 770 (325), Page 357 (406) of the Deed Records of said County and containing 30.4 acres, more or less.

The Construction Easement being a strip of land across the tract referred to above, twenty-five (25) feet in width, with the Grantee herein being hereby authorized to designate the course of the easement herein conveyed. When the pipe line is installed, the Operation and Maintenance Easement herein granted shall be limited to a strip of land ten (10) feet in width, with the center line thereof being the pipe line as installed.

Together with the right of ingress and egress over Grantor's adjacent lands to or from said right-of-way for the purpose of constructing, improving, reconstructing, repairing, inspecting, maintaining and removing said water/sewer line and appurtenances; the right to relocate said line in the same relative position to any adjacent road, if same is widened in the future; the right to prevent possible interference with the operation of said line and to remove possible hazard thereto; the right to prevent the construction, for a distance of one-half the width of the easement on each side of the actual center of where said water/sewer line is laid, of any building, structures or other obstructions which may endanger or interfere with the efficiency, safety or convenient operation of said water/sewer line and its appurtenances. If such buildings, structures or other obstructions are constructed by Grantor, as above mentioned, without written consent of the City, the City shall have the right to remove same from such space, and this agreement, together with other provisions of this grant shall constitute a covenant running with the land for the benefit of the City, its successors and assigns.

The right is reserved to Grantor to use the land over which a right-of-way or easement is herein granted, provided such use shall not include any use which might interfere with the exercise by the City of the rights hereby granted. The consideration recited herein shall constitute payment in full for all damages sustained by Grantor by reason of the installation of the structures referred to herein and the Grantee will maintain such easement in a state of good repair and efficiency so that no unreasonable damages will result from its use to Grantor's premises.

TO HAVE AND TO HOLD the above-described easement and rights unto the said City
of Cosynth, its successors and assigns, forever.

And Grantor does hereby bind himself, his heirs and legal representatives, to Warrant
and forever Defend all and singular the above-described easement and rights unto the Said City,
its successors and assigns, against every person whomsoever lawfully claiming or to claim the same
or any part thereof.

EXECUTED THIS 23 day of March, 19 72.

Virgil T. Griffith
Lorene Griffith

(JOINT ACKNOWLEDGMENT)

THE STATE OF TEXAS }
COUNTY OF }

Before me, the undersigned authority, on this day personally appeared Virgil Griffith
and Lorene Griffith his wife, both known to me to be the persons whose names are subscribed
to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein
expressed. And the said Lorene Griffith wife of said Virgil Griffith
having been examined by me privily and apart from her husband, and having the same by me fully explained to her, she, the
said Lorene Griffith acknowledged such instrument to be her act and deed, and she declared
that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office on this the

23 day of March, A. D. 19 72
Juanita Chamber Denton
Notary Public in and for Denton County, Texas.



FILED FOR RECORD: 11th DAY OF July A.D. 1972 at 9:02 o'clock A. M.
RECORDED: 19th DAY OF July A.D. 1972 at 9:44 o'clock A. M.
BY _____ DEPUTY THETA PARKER, COUNTY CLERK
DENTON COUNTY. TEXAS