

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS PROVIDING FOR THE ABANDONMENT OF THE TOWN'S INTEREST IN A DRAINAGE AND UTILITY EASEMENT LOCATED AT 4875 BELT LINE ROAD; PROVIDING FOR RECORDING OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, there is located on Lot 3A, Block A of Beltway – Quorum Addition (an Addition to the Town of Addison, Texas according the plat thereof recorded as instrument number 201400062879, Dallas County, Texas) (the “Property”) an ingress/egress, drainage and utility easement as shown and depicted on Exhibit A attached hereto and incorporated herein (the “Utility Easement”); and

WHEREAS, the owners of the Property have requested that the Town of Addison abandon its interest in a portion of the ingress/egress, drainage and utility easement (the “Abandoned Easement”) as shown in the hatched area on Exhibit A; and

WHEREAS, the City has no utilities located in the Abandoned Easement, has never appropriated or used the Abandoned Easement, has never accepted the dedication of the Abandoned Easement by formal acceptance, entry, use or improvement, and does not need the Abandoned Easement for any public purpose; and

WHEREAS, Section 212.011 of the Texas Local Government Code (“Code”) provides that the approval of a plat is not considered an acceptance of a proposed dedication and does not impose on the municipality any duty regarding the maintenance or improvement of any dedicated parts until the appropriate municipal authorities make an actual appropriation of the dedicated parts by entry, use, or improvement; and

WHEREAS, Section 272.001 of the Code, provides for the release and abandonment of the hereinafter described ingress/egress, drainage and utility easement to the adjacent owner; and

WHEREAS, the City Council, acting pursuant to law, deems it advisable to abandon the City’s interest, if any, in the Abandoned Easement for the reason that the said Easement has not been used or needed and will not be used or needed by the City for public use, and said property should be abandoned, relinquished and vacated.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Abandonment of Easement. The Town of Addison does hereby abandon, relinquish and vacate its interest in the Abandoned Easement described in the attached Exhibit A.

Section 3. Extent of Abandonment. The abandonment provided herein shall apply to the City's public right, title, easement and interest that the City may lawfully abandon, vacate and relinquish. The City makes no warranty or representation as to title to the Abandoned Easement.

Section 4. Certification; Recording. The City Secretary is hereby directed to certify a copy of this Ordinance and cause it to be recorded in the Deed Records of Dallas County, Texas.

Section 5. Effective Date. This Ordinance shall take effect immediately upon passage and it is so ordained.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the _____ day of _____, 2015.

Todd Meier, Mayor
Town of Addison, Texas

ATTEST:

By: _____
Chelsea Gonzalez, City Secretary

APPROVED AS TO FORM:

By: _____
Brenda N. McDonald, City Attorney

