

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING A PORTION OF A UTILITY EASEMENT RELATING TO LOT 9, BLOCK 5, TWIN CREEKS ADDITION, PHASE FIVE, DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD, TEXAS, TO EXECUTE A QUITCLAIM DEED RELEASING PUBLIC OWNERSHIP INTEREST OR CONTROL OF SAID UTILITY EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Mansfield, Texas, after careful study and consideration, has determined that a certain portion of a utility easement relating to **Lot 9, Block 5, Twin Creeks Addition, Phase Five**, an addition to the City of Mansfield, Tarrant County, Texas, hereinafter more specifically described, is not being used by, nor useful or convenient to the public in general; therefore, it constitutes a public charge without a corresponding public benefit, and the public would be better served and benefited by its vacation and abandonment. Said easement is described in Exhibit "A" and "B" attached hereto and made a part hereof for all purposes.

WHEREAS, in order to remove any question as to the continued interest or ownership of the public in said easement, the City desires to execute a Quit Claim Deed releasing all title, ownership and control in said easement to the owner or owners of the abutting property;

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

SECTION 1

The portion of the utility easement, as described hereinabove, is not being used by, nor useful or convenient to the public in general. It constitutes a public charge without a corresponding benefit, and the public would be better served and benefited by its vacation and abandonment. Accordingly, the above described portion of the utility easement, relating to **Lot 9, Block 5, Twin Creeks Addition, Phase Five**, an addition to the City of Mansfield, Tarrant County, Texas, is hereby vacated and abandoned as public property and such area so abandoned shall revert in fee simple to the owner of the remainder of said **Lot 9, Block 5, Twin Creeks Addition, Phase Five**.

SECTION 2

The Mayor of the City of Mansfield, Texas, is hereby authorized and empowered to execute a quitclaim deed releasing all claims to title, ownership, or control of the easement described hereinabove, on behalf of the City of Mansfield, Texas.

SECTION 3

A copy of said quitclaim deed shall be presented for filing with the County Clerk of Tarrant County, Texas by the office of the City Secretary.

SECTION 4

This Ordinance shall become effective immediately upon its passage as provided by law.

First reading approved on the _____ day of _____, 20__.

Second reading approved on the _____ day of _____, 20__.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 20__.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney

QUIT CLAIM DEED

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TARRANT

That the City Council of the City of Mansfield, County of Tarrant, State of Texas, after careful study and consideration, has determined that a certain portion of a utility easement located in **Lot 9, Block 5, Twin Creeks Addition, Phase Five**, hereafter specifically described, is not being used by, nor useful or convenient to the public in general; therefore, it constitutes a public charge without a corresponding public benefit, and the public would be better served and benefited by its vacation and abandonment. For and in consideration of the above findings and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City of Mansfield does hereby bargain, sell, release, vacate, abandon and forever quitclaim unto **Garrett E. Toomey and wife, Natalie M. Toomey** and any and all heirs, legal representatives or assigns, all of its right, title and interest in and to the following described real property situated in Tarrant County, Texas, to wit:

[Refer to Exhibit "A" and "B" Attached]

TO HAVE AND TO HOLD all of its right, title and interest in and to the above described utility easement unto the said Grantee, heirs and assigns forever, so that neither Grantor nor its heirs, legal representatives or assigns shall have, claim or demand any right or title to the aforesaid utility easement, premises or appurtenances or any part thereof.

EXECUTED this ____ day of _____, 20__.

CITY OF MANSFIELD

By: _____
David L. Cook, Mayor

STATE OF TEXAS

COUNTY OF TARRANT

This instrument was acknowledged before me on the ____ day of _____, 20__, by David L. Cook, Mayor of the City of Mansfield, Texas, a municipality, on behalf of said municipality.

Notary Public