

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

**AN ORDINANCE VACATING AND ABANDONING A PORTION OF A UTILITY EASEMENT RELATING TO LOT 7, 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 7, 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 7, 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 7, 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**

## **EXHIBIT "A"**

To be abandoned:

A 7.5 foot by 90 foot utility easement located 50 feet from the rear property line on Lot 7, Block 5, Twin Creeks, Phase 5, an addition to the City of Mansfield according to the plat filed in Cabinet A, Slide 12664, Plat Records, Tarrant County, Texas.

|        |                               |        |                     |          |                              |      |                    |
|--------|-------------------------------|--------|---------------------|----------|------------------------------|------|--------------------|
| B.L.   | " Building Line               | I.P.F. | " Iron Pipe Found   | P.A.E.   | " Public Access Easement     | —//— | " Wood Fence       |
| C.M.   | " Control Monument            | I.R.F. | " Iron Rod Found    | P.O.S.E. | " Public Open Space Easement | —O—  | " Chain Link Fence |
| D.E.   | " Drainage Easement           | I.R.S. | " Iron Rod Set      | R.O.W.   | " Right of Way               | —□—  | " Iron Fence       |
| D.U.E. | " Drainage & Utility Easement | O.H.E. | " Overhead Electric | R.W.     | " Retaining Wall             | —X—  | " Wire Fence       |
| M.E.   | " Maintenance Easement ( )    |        | " Record Data       | U.E.     | " Utility Easement           | —X—  | " Electric Meter   |
| ET     | " Electric Transformer ( )    |        | " Bearing Base      | □        | " Gas Meter                  | —m   |                    |

LOT 7  
BLOCK 5  
0.3525 AC.  
15356 SQ. FT.

HUDSON DRIVE  
(50' R.O.W.)

Date: 09/04/14

I, Frederick H. Kuepfer, Registered Professional Land Surveyor No. 8832, do hereby declare that the map shown herein accurately represents the property determined by an on-the-ground survey made under my direct supervision and correctly shows the boundary lines and dimensions of the property, as found on the ground. I further declare that the survey was made by me or under my instructions, except as shown and sold previously to the public in any way. All easements and right-of-ways that the surveyor has knowledge of or has been advised of and these shown on the referenced plot of record are shown or noted as such. I further declare that the exclusive use of this company, the mortgage company and the purchaser.

This lot is not affected by the following:

- (101)-Easement, Vol. 1454, Pg. 575, Vol. 11747, Pg. 1, Vol. 14675, Pg. 16, D.R.T.C.T.
- (101)-Easement, Vol. 1459, Pg. 599, D.R.T.C.T.
- (101)-Easement, Vol. 1490, Pg. 419, D.R.T.C.T.
- (10K)-Easement, Vol. 5515, Pg. 882, D.R.T.C.T.
- (101)-Easement, Vol. 5515, Pg. 884, D.R.T.C.T.

According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 40499C0160 K, dated September 25, 2009, this property does not lie within a 100-Year Flood Hazard Area.

Lot 7, Block 6, TWIN CREEKS ADDITION-PHASE FIVE, an Addition to the City of Mansfield, Tarrant County, Texas, according to plat recorded in Cabinet A, Slide 12884, Deed Records of Tarrant County, Texas.

Purchaser

1309BD02C

A.L.S. LAND SURVEYING  
Professional Land Surveying Services  
FIRM REG NO. 10100200  
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