

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

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AUTHORIZING THE VACATING, ABANDONMENT AND CONVEYANCE OF AN APPROXIMATE 10-FOOT SANITARY SEWER EASEMENT LOCATED ON AN APPROXIMATE 11.49 ACRE TRACT OF LAND WITHIN THE THOS. J. HANKS SURVEY, ABSTRACT 644, TARRANT COUNTY, TEXAS AND LOCATED WITHIN THE RETTA ESTATES SUBDIVISION (VOLUME 3483, PAGE 19 DRTCT), SUCH SANITARY SEWER EASEMENT BEING IDENTIFIED AS “RIGHT-OF-WAY EASEMENT” AND RECORDED AT VOLUME 7290, PAGES 68 AND 69 OF THE TARRANT COUNTY LAND RECORDS (“EASEMENT”); DECLARING THAT SUCH EASEMENT IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD, TEXAS, TO EXECUTE ANY DOCUMENTS NECESSARY TO CONVEY SAID 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 an approximate 10 foot sanitary sewer easement recorded at Volume 7290, Pages 68 and 69 of the Tarrant County Land Records and identified as “Right-of Way Easement”, hereinafter more specifically described in **Exhibit “A”**, the “**Easement**”, attached hereto and incorporated herein, such Easement being located on an approximate 11.94 acre tract of land within the Thos. J. Hanks Survey, Abstract 644, Tarrant County (Volume 3483, Page 19 DRTCT and in an Affidavit of Heirship (Volume 6492, Page 493), located within the Retta Estates subdivision in the City of Mansfield, Tarrant County, Texas, hereinafter the “**Property**” 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; and,

**WHEREAS**, in order to remove any question as to the continued interest or ownership of the public in such Easement, the City desires to execute a Quit Claim Deed releasing all title, ownership and control in said right-of-way easement to the owner or owners of the abutting property, a substantial copy of which is attached hereto and incorporated herein as **Exhibit “B”**, the “**Quit Claim Deed**”; and,

**WHEREAS**, the City Council has determined it necessary to adopt this Ordinance abandoning the Easement and authorizing the Mayor to execute a Quit Claim Deed to relinquish any and all claims to interest in the Easement, and has determined that such action is beneficial to the public health, safety and welfare.

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

**SECTION 1.**  
**Incorporation of Recitals**

The foregoing Recitals are findings of the City Council and are incorporated into this Ordinance as if written word for word.

**SECTION 2.**  
**Easement Abandoned/Quit Claim Deed Authorized**

By adoption of this Ordinance, the City of Mansfield, Texas hereby vacates and abandons any and all right, title and interest in the Easement previously granted and burdening the Property, more particularly described in Exhibit "A" hereto, and has determined that the City has no continuing right, title or interest in the Easement. Further, the City hereby authorizes the Mayor of the City of Mansfield, Texas, to execute a Quit Claim Deed, in the form set forth in Exhibit "B" hereto, and all other necessary documents to release all claims to title, ownership, or control of the Easement described hereinabove, on behalf of the City of Mansfield, Texas, and to convey any such interest to the abutting property owner.

**SECTION 3.**

A copy of this Ordinance and the Quit Claim 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.

**DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 13<sup>TH</sup> DAY OF JANUARY, 2025.**

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**Michael Evans, Mayor**

**ATTEST:**

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**Susana Marin, City Secretary**

**APPROVED AS TO FORM:**

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**Patricia Adams**, City Attorney