

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS, VACATING AND ABANDONING A PORTION OF THE NORTHERN APPROXIMATE TEN FEET OF A FIFTEEN FOOT WIDE UTILITY EASEMENT LOCATED ACROSS LOT 1R1, BLOCK 1, OF THE FULLER ADDITION LOCATED UNDER A BUILDING ENCROACHMENT, AN ADDITION TO THE CITY OF SAGINAW, TARRANT COUNTY, TEXAS, WHICH LOT IS MORE COMMONLY KNOWN AS 340 S. BLUE MOUND ROAD; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; AUTHORIZING THE CITY SECRETARY TO FILE THE QUITCLAIM DEED IN THE DEED RECORDS OF TARRANT COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw 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, CVS Investments LLC is the sole and current owner of Lot 1R1, Block 1, of the Fuller Addition, an Addition to the City of Saginaw, Tarrant County, Texas, also known as 340 S. Blue Mound Road; and

WHEREAS, a fifteen-foot utility easement exists along the south line of Lot 1R1, Block 1 of the Fuller Addition that has been encroached upon a distance of approximately ten feet by a building as shown on Exhibit "A"

WHEREAS, Mr. Frank Roszell, on behalf of CVS Investments LLC, has requested the City of Saginaw to abandon all rights, title, and interest to a portion of the northern approximate ten feet of an existing fifteen-foot utility easement within the limits of the encroachment located across the property ("Utility Easement") which burdens the Property; and

WHEREAS, the Utility Easement is not being utilized and all current utility providers within the City have consented to the abandonment of the Utility Easement or provided a waiver of use of the Utility Easement; and

WHEREAS, the City Council has determined that the Utility Easement is not useful or convenient to the public in general, that it therefore constitutes a public charge without a corresponding public benefit, and that the public would be better served and benefitted by its vacation and abandonment; and

WHEREAS, in order to remove any question as to the continued interest or ownership of the public in the Utility Easement, the City desires to execute a quitclaim deed releasing all title,

ownership and control in the Utility Easement to the owners of the title to the underlying property.

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

SECTION 1

The City does hereby vacate and abandon all of the rights, title, and interest of the City and the public in the said approximate 10-foot Utility Easement that is located across the Property, as depicted in Exhibit "A," which exhibit is attached hereto and incorporated herein by reference for all purposes.

SECTION 2

The Mayor of the City of Saginaw is hereby authorized and empowered to execute, on behalf of the City, a quitclaim deed releasing title to the owners of title to the Property, all claims to title, ownership or control of the Utility Easement described in Section 1 of this Ordinance ("Quitclaim Deed").

SECTION 3

The City Secretary is directed to file an original of the Quitclaim Deed in the Deed Records of Tarrant County, Texas.

SECTION 4

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6

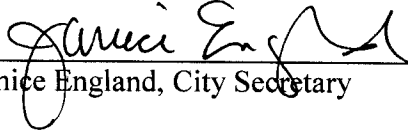
This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 19th DAY OF MARCH, 2019.



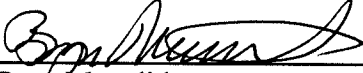
Todd Flippo, Mayor

ATTEST:

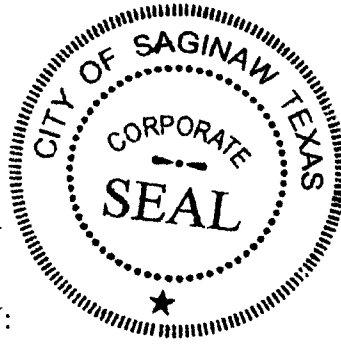


Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:



Bryn Meredith



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

QUITCLAIM DEED

**STATE OF TEXAS §
 §
COUNTY OF TARRANT §**

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the City Council of the City of Saginaw, Texas, after careful study and consideration, found and determined that the northern approximate 10-foot wide portion of an existing 15-foot utility easement which is located under a building encroachment on property located at 340 S. Blue Mound Road, City of Saginaw, Tarrant County, Texas ("Property"), was not being used by, nor useful or convenient to, the public in general, and constituted a public charge without a corresponding public benefit, and that the public would be better served and benefitted by the vacation and abandonment of such portion of the utility easement; and

WHEREAS, on the 19th day of March, 2019, based on such findings and determinations, the City Council of the City of Saginaw, Texas, adopted Ordinance No. 2019-05, which vacated and abandoned such portion of the utility easement in the City of Saginaw, Tarrant County, Texas; and

WHEREAS, CVS Investments LLC owns the underlying title to the hereinafter described property where the vacated and abandoned portion of a utility easement was located and desire a quitclaim deed to remove any question concerning the continued interest of the City of Saginaw in such vacated and abandoned portion of the utility easement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the CITY OF SAGINAW, TEXAS, Grantor, does hereby bargain, sell, release, vacate, abandon and forever quitclaim unto CVS Investments LLC, Grantee, and his heirs, successors and assigns, all of Grantor's right, title, and interest, if any, in and to that portion of a utility easement described on Exhibit "A" attached hereto and incorporated herein for all purposes.

TO HAVE AND TO HOLD all of Grantor's right, title and interest, if any, in and to the above-described vacated and abandoned portion of a utility easement unto the Grantee, and their heirs, successors and assigns forever, so that neither Grantor nor its successors or assigns shall have, claim or demand any right, title or interest in or to the vacated and abandoned portion the utility easement and appurtenances or any part thereof.

EXECUTED this 19th day of March, 2019.

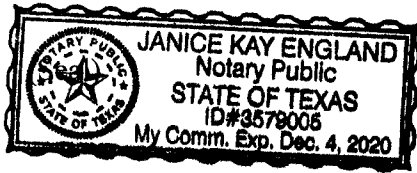
CITY OF SAGINAW

Todd Flippo
TODD FLIPPO, MAYOR

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, Janice England, Notary Public, on this day personally appeared Todd Flippo, Mayor of the City of Saginaw, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

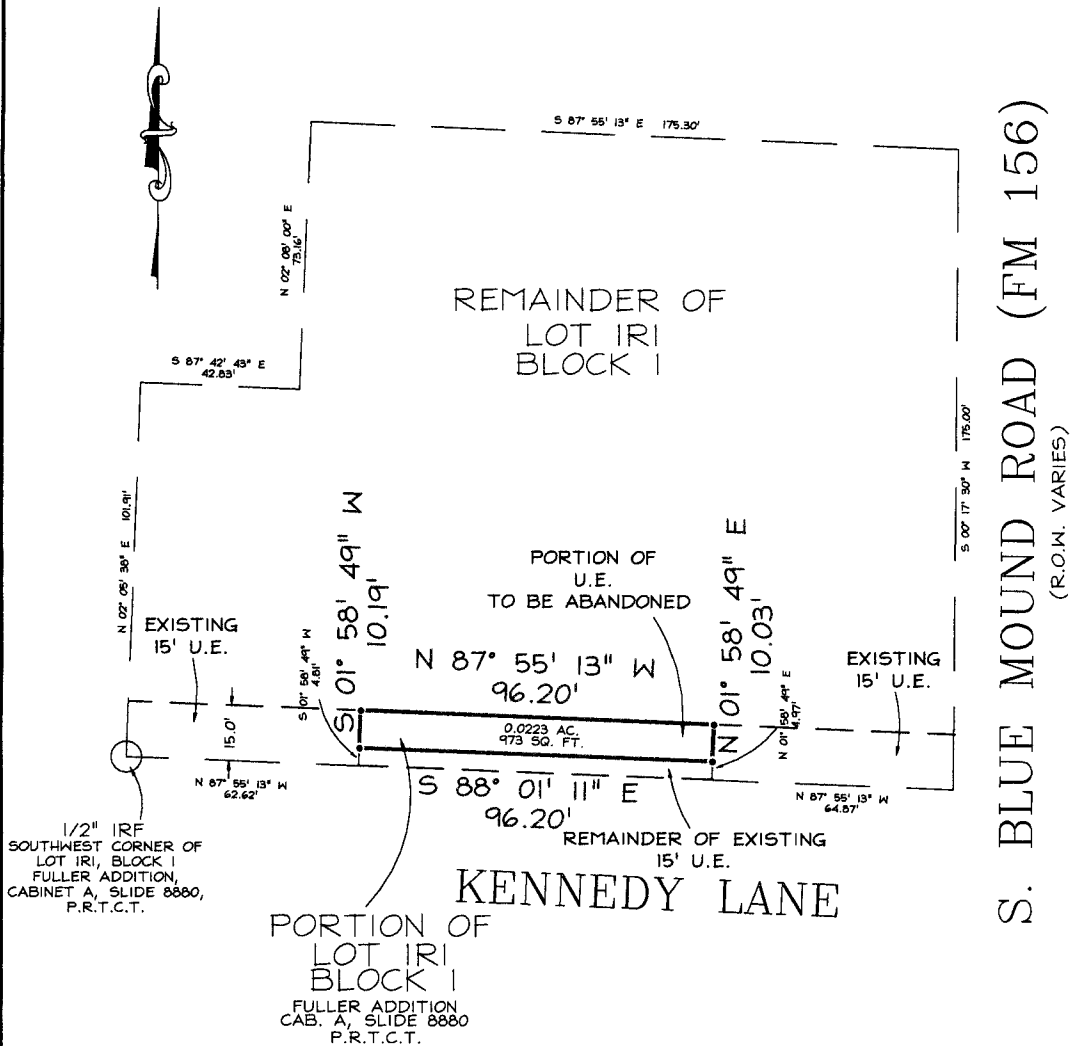
Given under my hand and seal of office this 19th day of March, 2019.



Janice Kay England
NOTARY PUBLIC in and for the State of Texas

Scale: 1" = 40' Tech: AT Job No: 1902RT26EASE
 Field: NB

UTILITY EASEMENT ABANDONMENT



1/2" IRF
 SOUTHWEST CORNER OF
 LOT 1RI, BLOCK 1
 FULLER ADDITION,
 CABINET A, SLIDE 8860,
 P.R.T.C.T.

PORTION OF
 LOT 1RI,
 BLOCK 1
 FULLER ADDITION
 CAB. A, SLIDE 8860
 P.R.T.C.T.



Paul G. Fuller II Date: 03/06/2019

I hereby certify that this plat is true and correct to the best of my knowledge and belief as surveyed by me or under my direct supervision. This survey was done without a title search and shows only easements on the recorded subdivision plat and does not include other easements of record which may affect this property.

UTILITY EASEMENT
 ABANDONMENT
 PORTION OF LOT 1RI, BLOCK 1
 FULLER ADDITION
 CAB. A, SLIDE 8860
 CITY OF FORT WORTH, TARRANT COUNTY, TEXAS

**FULLER ENGINEERING
 & LAND SURVEYING, INC.**

LEGEND OF ABBREVIATIONS AND SYMBOLS			
B.L. = Building Line	I.P.F. = Iron Pipe Found	● = Power Pole	---//--- = Wood Fence
C.M. = Control Monument	I.R.F. = Iron Rod Found	P.O.S.E. = Public Open Space Easement	○---○ = Chain Link Fence
D.E. = Drainage Easement	I.R.S. = Capped Iron Rod Set	R.O.W. = Right of Way	—○— = Iron Fence
D.U.E. = Drainage & Utility Easement	O.H.E. = Overhead Electric	⊙ = Water Meter	—X— = Wire Fence
M.E. = Maintenance Easement ()	() = Record Data	U.E. = Utility Easement	—■— = Electric Meter
ET = Electric Transformer ()	() = Bearing Basis	□ ^{gm} = Gas Meter	