

Partners title/KAM



ORD

20070391631

2 PGS

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 007-036**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS PROVIDING FOR THE ABANDONMENT OF A PORTION OF A PUBLIC UTILITY EASEMENT ON PROPERTY REFERRED TO AS THE MILENNIUM PHASE II SUBDIVISION, A TRACT OF 2.5343 ACRES LOCATED AT THE NORTHWEST CORNER OF ARAPAHO ROAD AND DALLAS PARKWAY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a tract of land known as the Millennium Phase II Subdivision was the subject of a plat filed of record in Volume 98221, Page 00022, Real Property Records, Dallas County, Texas (copy attached as Exhibit 1 and incorporated herein); and

**WHEREAS**, the plat of the Millennium Phase II Subdivision reflected an approximately 25 foot utility easement, recorded by separate instrument, Volume 81075, Page 1696, Real Property Records, Dallas County, Texas, dedicated to public utility use which runs the length of the property and parallel to the south property line; and

**WHEREAS**, the current owner of the property desires to construct a building which will slightly encroach into the public utility easement (copy of attached as Exhibit 2); and

**WHEREAS**, there presently exist no water, sanitary sewer, or storm water lines within the public utility easement; and

**WHEREAS**, Section 272.001, Tex. Loc. Gov. Code, authorizes the release and abandonment of the Easement Portion to the adjacent owner; and

**WHEREAS**, the City Council of the Town of Addison, Texas, acting pursuant to law, deems it advisable to abandon the Easement Portion which is no longer needed for public use, and said property should be abandoned, relinquished and vacated to the adjacent landowner.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein for all purposes.


Section 2. Abandonment. The Town of Addison does hereby abandon, relinquish and vacate the Easement Portion described and depicted in Exhibit 2 to the adjacent landowner. The Town reserves all authority and rights it has in the public utility easement not abandoned by this Ordinance.

Section 3. Extent of Abandonment. The abandonment provided herein shall apply to the public right, title, easement and interest that the Town of Addison may lawfully abandon, vacate and relinquish. The Town of Addison makes no warranty as to title to the land abandoned.

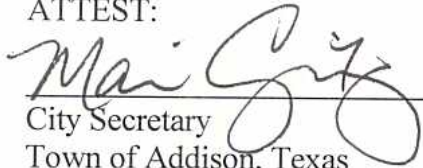
Section 4. Recording. The City Secretary is hereby directed to certify a copy of this Ordinance and cause it to be recorded in the Deed Records of Dallas County, Texas.

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

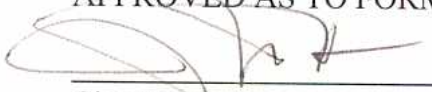
**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 23rd day of October, 2007.

  
\_\_\_\_\_  
Mayor  
Town of Addison, Texas

ATTEST:

  
\_\_\_\_\_  
City Secretary  
Town of Addison, Texas

APPROVED AS TO FORM:


  
\_\_\_\_\_  
City Attorney  
Town of Addison, Texas

Published: N/A



**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

  
John F. Warren, County Clerk  
Dallas County TEXAS

October 31, 2007 03:00:47 PM

FEE: \$20.00

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