



RESOLUTION NO. 2015-010

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH RELEASING AND VACATING THAT CERTAIN FIRE LANE, MUTUAL ACCESS, AND WATER EASEMENT OUT OF LOT 1, BLOCK B, MERCER CROSSING ADDITION I, CITY OF FARMERS BRANCH; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, AS A QUITCLAIM DEED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a Fire Lane, Mutual Access, and Water Easement was conveyed to the City of Farmers Branch ("City") by instrument dated April 17, 2008, accepted April 21, 2008, and recorded April 23, 2008, as Instrument No. 20080134023 in the Official Public Records, Dallas County, Texas (the "Easement") out of a portion of the following described property:

Lot 1, Block B, Mercer Crossing Addition I, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat thereof recorded in Volume 2003184, Page 61, Deed Records, Dallas County, Texas; and

WHEREAS, neither the City nor any other public utility has placed any facilities within the Easement or otherwise made an actual appropriation of the Easements by entry, use, or improvement; and

WHEREAS, the current owner of the underlying fee title to the property burdened by the Easement ("the Grantee") has requested the City vacate, abandon, or otherwise quitclaim any interest the City may have in the Easement so Grantee may be re-plat and develop Grantee's property without the encumbrance caused by the Easement; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, acting pursuant to law and upon the request of Grantee finds it to be in the public interest to abandon and quitclaim the City's interest in the Easement and is of the opinion and finds the Easement is not needed for public use and should be abandoned and quitclaimed to Grantee, subject to the reservations and conditions of this document;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The City of Farmers Branch hereby abandons and quitclaims all right, title, and interest in and to the Easement and the property interests conveyed therein.

SECTION 2. The City of Farmers Branch does not by this Resolution abandon any other interest other than that described in the Easement.

SECTION 3. The City Secretary is authorized and directed to prepare a certified copy of this Resolution and furnish the same to Grantee, and the recording of this Resolution in the Official Public Records of Dallas County, Texas, shall serve as the quitclaim deed and release of Easement of the City of Farmers Branch, Texas, and all rights, title and interests described therein, subject to the limitations and reservations of this Resolution.

SECTION 4. This Resolution shall be effective immediately upon final passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS 3rd DAY OF FEBRUARY, 2015.

ATTEST:

APPROVED:

Angie Kelly, City Secretary

Bob Phelps, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:1/9/15:69769)