



RESOLUTION NO. 2016-121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH RELEASING AND VACATING THAT CERTAIN UTILITY EASEMENT LOCATED IN THE CITY OF FARMERS BRANCH ACROSS WESTSIDE ADDITION SECTION 2, BLOCK B AND ACROSS DALLAS CITY BLOCK A/6579 IN THE CITY OF DALLAS; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS RESOLUTION FOR RECORDING IN THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, AS A RELEASE AND QUITCLAIM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current owner of the underlying fee title to property burdened by a utility easement for sanitary sewer improvements conveyed to the City of Farmers Branch ("City") by instrument dated September 22 1987, and recorded October 27, 1987, in **Volume 87208, Page 4090, Deed Records, Dallas County, Texas** (the "Easement") has requested the City vacate, abandon, or otherwise quitclaim any interest the City may have in the Easement in order to allow the replatting and development of said property without the encumbrance created by the Easement; and

WHEREAS, the City has removed from service and abandoned its sanitary sewer main within the Easement and no 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 City Council of the City of Farmers Branch, Texas, acting pursuant to law and upon the request of said owner 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 vacated, subject to the reservations and conditions of this Resolution.

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 to the City.

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 record this Resolution in the Official Public Records of Dallas County, Texas, which shall serve as the quitclaim and release of the Easement by 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 13TH DAY OF DECEMBER, 2016.**

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Bob Phelps, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:11/21/16:81635)