

**CITY OF SAGINAW, TEXAS
ORDINANCE NO. 2023-18**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS, VACATING AND ABANDONING THE 8-FOOT UTILITY EASEMENT LOCATED ACROSS LOT 27, BLOCK 1, OF THE DOMINION ADDITION, PHASE 2, AN ADDITION TO THE CITY OF SAGINAW, TARRANT COUNTY, TEXAS, WHICH LOT IS MORE COMMONLY KNOWN AS 1120 LITTLE JOHN DRIVE; 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, Mr. Linthicum is the sole and current owner of Lot 27, Block 1, of the Dominion Addition, Phase 2, an Addition to the City of Saginaw, Tarrant County, Texas, also known as 1120 Little John Drive; and

WHEREAS, Mr. Linthicum, has requested the City of Saginaw to abandon all rights, title, and interest to the existing 8-foot utility easement 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:

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 8-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.

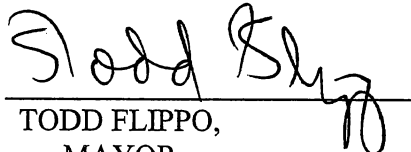
SECTION 4

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.

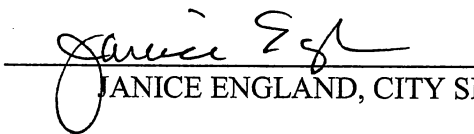
SECTION 5

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 16th DAY OF May, 2023.


TODD FLIPPO,
MAYOR

ATTEST:


JANICE ENGLAND, CITY SECRETARY

EFFECTIVE: 5-25-2023

APPROVED AS TO FORM AND LEGALITY:


BRYN MEREDITH, CITY ATTORNEY



“EXHIBIT A”

TITLE CO: STEWART
BUILDER: CHELDAN
DATE: 11-23-16

PURCHASER: LINTHICUM

* 1/2" I.R. FND.
(CAPPED BEASLEY 4050)

CONC. RUNNER

DIRECTIONAL CONTROL LINE
N 89°58'06" W 66.00'

8' UTILITY ESM'T. A/8367

LOT 27

*20' B.L.

37.2'

*7.5' B.L.

9.7'

4.3'

1.4'

45.5'

BRICK & FRAME RESIDENCE

84.5'

AC

N 00°01'54" E 100.49'

28
A/8367

25' BUILDING LINE

8.0'

20.2'

7.7'

5.3'

9.4'

11.0'

13.3'

8.1'

S 00°01'54" W 100.49'

26
A/8367

10' UTILITY ESM'T. A/8367

S 89°58'06" E 66.00'

1/2" I.R. FND.
(CAPPED B & D SURVEYING)

5/8" I.R. FND.
(CAPPED DOWDY)

1120 LITTLE JOHN COURT
(50' R.O.W.)

**NOTE: UTILITY EASEMENT SHOWN ALONG STREET RIGHT-OF-WAY IS
BASED ON SCALED DISTANCE SINCE NO DIMENSION GIVEN ON PLAT.**

**NOTE: BASIS OF BEARINGS FOR THIS SURVEY FROM
DATA PROVIDED BY THE RECORDED PLAT.**

UTILITY LEGEND

GAS METER: ⑥	CABLE BOX: ③
TEL. PED: ①	ELEC. BOX: ④
FIRE HYDRANT: ②	TRANSFORMER: ⑤
LIGHT POLE: ⑦	SIGN: ⑧
WATER METER: ⑨	MANHOLE: ⑩
WATER VALVE: ⑪	AREA DRAIN: ⑫

LEGEND

BARB/CHAINLINK FENCE — X —
 IRON FENCE — O —
 WOOD FENCE — □ —
 TELEPHONE — T —
 ELECTRIC — E —
 * = CONTROL MONUMENT

WOOD	STONE	Tile
CONCRETE	BRICK	ASPHALT

SURVEYOR'S STATEMENT: The Undersigned Registered Professional Land Surveyor has prepared this survey for the exclusive use of the hereon named Home Builder

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 existing 8 - foot utility easement which is located on property located at 1120 Little John Drive, 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 16th day of May, 2023, based on such findings and determinations, the City Council of the City of Saginaw, Texas, adopted Ordinance No. 2023-18, which vacated and abandoned such portion of the utility easement in the City of Saginaw, Tarrant County, Texas; and

WHEREAS, Richard Linthicum owns the underlying title to the hereinafter described property where the vacated and abandoned portion of a utility easement was located and desires 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 Richard Linthicum, 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 16th day of May, 2023.

CITY OF SAGINAW


TODD FLIPPO, MAYOR

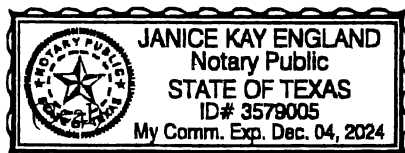
STATE OF TEXAS

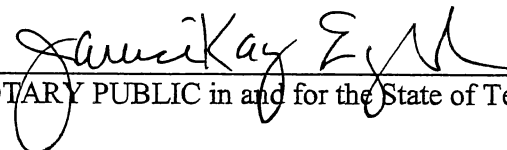
COUNTY OF TARRANT

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BEFORE ME, Todd Flippo, 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 16th day of May, 2023.




NOTARY PUBLIC in and for the State of Texas