

RESOLUTION NO. 3957

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, VACATING AND ABANDONING A TEMPORARY CONSTRUCTION EASEMENT PREVIOUSLY GRANTED BY RICHARD J. AND JO ANNE GIBSON, REFERENCED IN THE EXHIBIT TO THE PERMANENT UTILITY EASEMENT GRANTED TO THE CITY OF KELLER, TEXAS AND FILED OF RECORD AS DOCUMENT D202105492 IN THE REAL PROPERTY RECORDS OF TARRANT COUNTY TEXAS; DECLARING THAT SUCH EASEMENT IS UNNECESSARY FOR USE BY THE PUBLIC; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED RELEASING AND ASSIGNING THIS EASEMENT TO THE OWNERS OF THE FEE ESTATE.

WHEREAS, on March 22, 2002, Richard J. and Jo Anne Gibson granted a permanent utility easement and temporary construction easement to the City of Keller, Texas; and

WHEREAS, said easement was filed of record as document D202105492 in the real property records of Tarrant County Texas; and

WHEREAS, it has been determined by the City Council of the City of Keller, Texas that the temporary construction easement is not being used by the public and that the public and property owner would be better served and benefited by the City vacating and abandoning its interest, if any, in the temporary construction easement referenced above, while retaining all rights and interests in the permanent utility easement referenced above; and

WHEREAS, in order to remove any question as to the continued interest in the temporary construction easement, the City desires to execute a quitclaim deed releasing, abandoning and assigning the title and control of the City, if any, in the temporary construction easement to the current owner of the fee estate on which the easement is located, while retaining all rights and interests in the permanent

utility easement granted as referenced above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS:

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, the City Council of the City of Keller, Texas hereby finds that the temporary construction easement is not being used by, nor useful or convenient to the public in general and that the public and property owner would be better served and benefitted by the vacation and abandonment of the City's interest, if any, in the temporary construction easement by the filing of a quitclaim deed.

Section 3: THAT, the City Council hereby delegates authority to the City Manager, or his designee to execute the quitclaim deed abandoning and vacating only the City's interest, if any, in the temporary construction easement referenced above to the current owner of the real property on which the easement is located.

Section 4: THAT, this resolution shall be effective upon its adoption.

AND IT IS SO RESOLVED.

Passed by a vote of 5 to 0 on this the 21st day of
November, 2017.

CITY OF KELLER, TEXAS

BY: _____
P.H. McGrail, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney