

**CITY OF CORINTH, TEXAS  
ORDINANCE NO. 22-03-03-09**

**AN ORDINANCE OF THE CITY OF CORINTH, TEXAS ABANDONING A UTILITY EASEMENT DEDICATED VIA PLAT AND RECORDED IN THE DENTON COUNTY PLAT RECORDS VOLUME 15, PAGE 1, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" HERETO; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, TO SERVE AS A QUITCLAIM DEED AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECT THE ABANDONMENT OF THE UTILITY EASEMENT; PROVIDING FOR THE INDEMNIFICATION OF THE CITY OF CORINTH AGAINST DAMAGES ARISING OUT OF THE ABANDONMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Corinth is a home rule municipality and pursuant to its Charter and state law, the City is authorized to own property and sell property and to divest itself of any and all interests in property, including without limitation its interest in easements granted to the City for public purposes; and

**WHEREAS**, Thomas and Michelle Tonkin are the owners of Lot 15R block E of the Meadows North Estates a subdivision of land situated in the M., E.P. & P. R.R. CO. Survey No 39 Abstract No. 911, City of Corinth, Denton County, Texas, as depicted in a Final Plat Document Number 2018-368 dated August 22, 2018 (the "Property"); and

**WHEREAS**, Thomas and Michelle Tonkin (the "Property Owner") has requested that the City abandon a Utility Easement that was previously granted to the City of Corinth and that is recorded in the **Denton County Plat Records, Volume 15, Page 1**, and more specifically described in **Exhibit "A"**, a copy of which is attached hereto and incorporated herein, (the "Utility Easement Dedication" or "Plat"); and

**WHEREAS**, the Utility Easement to be abandoned is 0.021 Acres (5 feet in width) and more specifically described in **Exhibit "B"** (the "Utility Easement Abandonment") hereto;

**WHEREAS**, the City Council has determined that no public infrastructure is located within the Utility Easement, and that the Utility Easement as located upon the Property is not necessary for future use by the City for the location of public infrastructure, and thus the City Council finds that abandonment of the Utility Easement as requested by the Property Owner is appropriate; and

**WHEREAS**, the City Council has determined it appropriate to adopt this Ordinance abandoning and quitclaiming to the Property Owner any and all interest in the Utility Easement described in **Exhibit "B"** hereto;

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

**SECTION 1.**

That the foregoing recitals are findings of the Corinth City Council and are incorporated into this Ordinance as if written word for word.

**SECTION 2.**

That the City of Corinth hereby abandons the Utility Easement as more specifically described in **Exhibit "B"** hereto and the City does hereby quitclaim in favor of Property Owner Thomas and Michelle Tonkin, such Utility Easement.

**SECTION 3.**

That the Utility Easement is abandoned, vacated, and closed, insofar as the right title and interest of the public to such Utility Easement are concerned. That the City of Corinth does not abandon any other interest other than that described in **Exhibit "B"**, but does hereby abandon all of its right, title and interest in and to that certain Utility Easement described in **Exhibit "B"**, together with any and all improvements thereon.

**SECTION 4.**

That upon passage hereof, the City Secretary is authorized and directed to prepare a certified copy of this ordinance and furnish the same to Thomas and Michelle Tonkin, and the recording of this abandonment ordinance in the real property records of Denton County, Texas shall serve as the quitclaim deed of the City of Corinth, Texas to Thomas and Michelle Tonkin, of all right, title, or interest of the City of Corinth in and to the Utility Easement described in **Exhibit "B"**. The City Manager is further authorized to execute any additional documents necessary to effect the abandonment of the Utility Easement.

**SECTION 5.**

As a condition of this abandonment and as a part of the consideration for the quitclaim to Grantee herein, Grantee agrees to indemnify, defend, release and hold the City of Corinth whole and harmless against any and all claims for damages, costs or expenses to persons or property that may arise out of or be occasioned by or from, the abandonment, closing, vacation, and quitclaim by the City of Corinth of the Utility Easement described in **Exhibit "B"** and the Grantee hereby agrees to defend any and all suits, claims, or causes, of action brought against the City on account of the same, and to discharge any judgment or judgments that may be rendered against the City of Corinth in connection therewith.

**SECTION 6.**

This Ordinance shall take effect from and after its adoption.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
CORINTH, TEXAS** on this 3rd day of March, 2022.



Bill Heidemann, Mayor

**ATTEST:**

  
Lana Wylie, City Secretary



**APPROVED AS TO FORM:**


  
Patricia A. Adams, City Attorney



EXHIBIT "B"

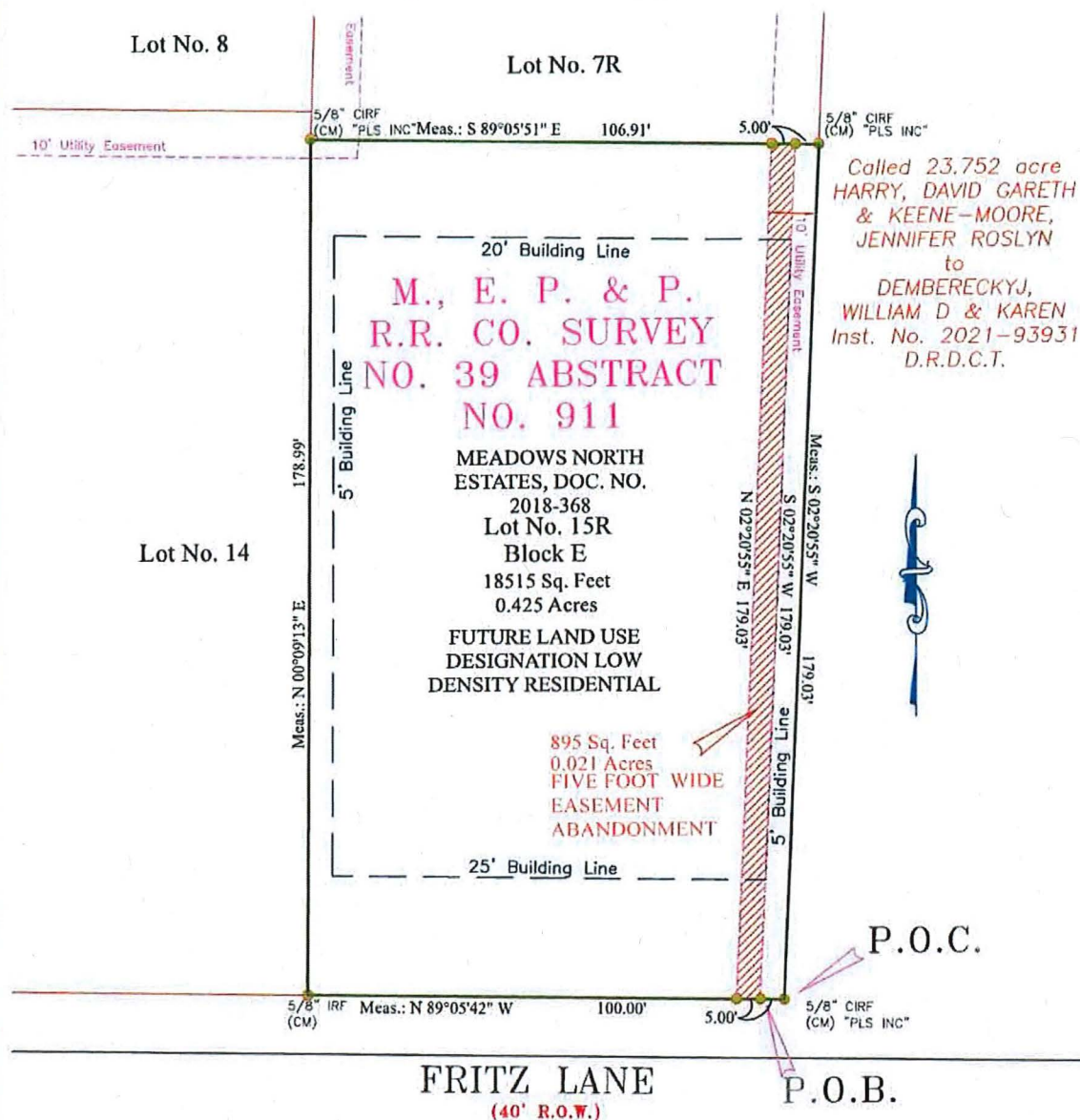
5 FOOT UTILITY EASEMENT ABANDONMENT

### Meadows North Estates Addition

Lot 15R, Block E

M., E. P. &amp; P. R.R. CO., Survey No. 39, Abstract No. 911

City of Corinth, Denton County, Texas



By

Date: 02/18/2022

LEGEND OF SYMBOLS & ABBREVIATIONS			
<i>CIRS</i>	<i>Capped Iron Rod Set</i>	<i>Electric Meter</i>	①
<i>Water Meter</i>	Ⓜ	<i>Electric Control Box</i>	Ⓜ
<i>Fire Hydrant</i>	Ⓜ	<i>Property Line</i>	—
<i>Onceer Underground Elec.</i>	— — — — —	<i>Adjoiner Property Line</i>	—
<i>Light Pole</i>	Ⓜ	<i>Iron Fence</i>	Ⓜ
<i>Power Pole</i>	Ⓜ	<i>Wood Fence</i>	Ⓜ
<i>Sanitary Sewer Manhole</i>	Ⓜ	<i>Chain Link Fence</i>	Ⓜ
<i>Concrete</i>	Ⓜ	<i>Barbed Wire Fence</i>	Ⓜ
<i>Gas Meter</i>	Ⓜ	<i>Overhead Powerline</i>	— — — — —

**SANDS SURVEYING CORPORATION**

2221 Justin Road #119-466  
Flower Mound, TX 75028  
PH: (214) 919-7883  
Texas Firm Registration No. 10014600  
[www.ssctx.net](http://www.ssctx.net)



I, J. Scott Cole, Registered Professional Land Surveyor No. 5411, do hereby certify that this plat is the result of a survey made by me or under my direction on the ground of the property shown hereon, the lines and dimensions of said property being as indicated by this plat.  
Bearing Source: All bearings are based on Texas State Plane Coordinate System, North Central Zone.



## **EXHIBIT "B"**

### **5 FOOT UTILITY EASEMENT ABANDONMENT**

Meadows North Estates Addition

Lot 15R, Block E

M., E. P. & P. R.R. CO., Survey No. 39, Abstract No. 911

City of Corinth, Denton County, Texas

Being a 5 foot wide (895 Square Foot, 0.021 acre) utility easement abandonment, same being the West half of a 10 foot wide Utility Easement over and across that certain called, Lot 15R, Block E of the Meadows North Estates Addition, an Addition to the City of Corinth, Denton County, Texas according to the Amended Plat thereof recorded in Document Number 2018-368 of the Plat Records of Denton County Texas, said 895 square foot (0.021 acre) tract to be more particularly described by meets and bounds as follows:

COMMENCING at the Southeast corner of said Lot 15R of said Amended Plat, same being the Southwest corner of that certain called 23.752 acre tract of land described in Deed from Harry, David Gareth & Keene-Moore, Jennifer Roslyn to Demberecky, William D & Karen and recorded in Inst. No. 2021-93931 of the Deed Records of Denton County, Texas and being in the North line of Fritz Lane (40 foot wide Right-of-Way);


THENCE North 89°05'42" West with the South line of said Lot 15R, same being the North line of said Fritz Lane a distance of 5.00 feet to a point for corner in said North and South lines, and being at the POINT OF BEGINNING;

THENCE North 89°05'42" West continuing with said North and South lines a distance of 5.00 feet to a point for corner at the Southwest corner of the above referenced (10 foot wide Utility Easement);

THENCE North 02°20'55" East over and across said Lot 15R a distance of 179.03 feet to a point for corner in the North line of said Lot 15R;

THENCE North 89°05'51" East a distance of 5.00 feet to a point for corner in said North line;

THENCE South 02°20'55" West over and across said Lot 15R a distance of 179.03 feet back to the POINT OF BEGINNING AND CONTAINING 895 square feet or 0.021 acres of land, more or less.

  
J. Scott Cole  
Registered Professional  
Land Surveyor No. 5411

