

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, ABANDONING A RIGHT OF WAY EASEMENT, DEDICATED AS FARMERS BRANCH COPPELL ROAD, SOUTH OF LOTS 17 AND 18 NORTHLAKE ESTATES (160 AND 164 SOUTHWESTERN BLVD.) AND ADJACENT TO SOUTHWESTERN BOULEVARD, AS DESCRIBED IN EXHIBITS "A" AND "B" ATTACHED HERETO, IN FAVOR OF THE ABUTTING PROPERTY OWNER TO THE NORTH; PROVIDING THAT SUCH ABANDONMENT SHALL BE IN EXCHANGE FOR THE PAYMENT BY THE ABUTTING PROPERTY OWNER OF THE FAIR MARKET VALUE OF THE PORTION OF THE RIGHT OF WAY EASEMENT TO BE ABANDONED; PROVIDING THAT SUCH ABANDONMENT SHALL BE THE INTEREST WHICH THE CITY MAY LEGALLY AND LAWFULLY ABANDON; PROVIDING THAT SAID ORDINANCE SHALL CONSTITUTE A QUITCLAIM DEED THAT MAY BE RECORDED WITH THE COUNTY CLERK OF DALLAS COUNTY TEXAS; AUTHORIZING THE MAYOR TO SIGN; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Coppel has determined that the right of way easement located adjacent to lots 17 and 18 of the Northlake Estates (160 and 164 Southwestern Blvd.), an Addition to the City of Coppel, Texas and more particularly described in Exhibits "A" and "B" attached hereto, is no longer needed for City services; and

WHEREAS, the abutting property owner to the north desires that said right of way easement be abandoned and in consideration thereof has agreed to pay to the City of Coppel, Texas, the fair market value of the property as established by the Dallas County appraisal district; and

WHEREAS, the Dallas County appraisal district establishes the fair market value of the easement to be abandoned, to be **\$31,255.30**.

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

SECTION 1. That the City Council of the City of Coppel, Texas has determined that the right of way easement or any public use of such property located adjacent to Lot 17 and 18 of the Northlake Estates (160 and 164 Southwestern Blvd.) an Addition to the City of Coppel, Texas, and more particularly described in Exhibits "A" and "B ", attached hereto and made a part

hereof for all purposes, is no longer needed or necessary for public purposes and should be, and is hereby, abandoned in favor of the abutting property owner to the north, in exchange for the payment of the fair market value of such right-of-way and/or easement to be abandoned.

SECTION 2. That the fair market value of the said right of way easement being abandoned has been determined by an appraisal to be **\$31,255.30**.

SECTION 3. That upon payment of **\$31,255.30** to the City by the abutting property owner to the south, this abandonment ordinance shall constitute a Quitclaim Deed in favor of the abutting property owner to the south, and a certified copy of the same may be filed in the Deed Records of Dallas County, Texas, and/or the Mayor is authorized to execute a Quit Claim Deed to acknowledge such abandonment.

SECTION 4. That the abandonment provided for herein shall extend only to the public right, title and interest which the City of Coppell, Texas, may have in and to said utility easement, and shall be construed to extend only to such interests that the governing body of the City of Coppell, Texas, may legally and lawfully abandon.

SECTION 5. If any article, paragraph, subdivision, clause or provision of this ordinance, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 6. That this ordinance shall become effective from and after its passage as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Coppell, Texas, this the _____ day of _____ 2014.

APPROVED:

KAREN SELBO HUNT, MAYOR

ATTEST:

CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH/mpm TM 63333)