

**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 ___ DAY OF _____, 2023.

TODD FLIPPO,
MAYOR

ATTEST:

JANICE ENGLAND, CITY SECRETARY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

BRYN MEREDITH, CITY ATTORNEY

“EXHIBIT A”