

**ORDINANCE NO. 3567**

**AN ORDINANCE VACATING AND ABANDONING IN-PLACE A PORTION OF A DRAINAGE EASEMENT PREVIOUSLY CONVEYED TO THE CITY; DECLARING THAT SUCH PORTION OF THE EASEMENT IS NO LONGER NEEDED FOR USE BY THE PUBLIC.**

**WHEREAS**, the City of North Richland Hills, Texas (“the City”) is a home rule city acting under its power adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, on or about January 7, 1993, a drainage easement was granted to the City, which such easement is filed of record as Instrument No. D193004495 and recorded at the Deed Records of Tarrant County, Texas, Volume 10908, Page 651; and

**WHEREAS**, a Developer is requesting that an unused portion of the existing drainage easement (existing easement depicted and described in **Exhibit “A”** herein) be abandoned, and after careful study and consideration, the City Council has determined that the public would be better served and benefited by vacating and abandoning a portion of the existing easement; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:**

**SECTION 1:** The City Council hereby finds the recitals above to be true and correct, and such recitals are hereby incorporated into this Ordinance as if written herein.

**SECTION 2:** The City Council finds that the public would be better served and benefited by the vacation and abandonment of a portion of the drainage easement conveyed to the City on or about January 7, 1993 filed of record as Instrument No. D193004495 and recorded at the Deed Records of Tarrant County, Texas, Volume 10908, Page 651, and as shown and described on **Exhibit “Original Easement”** attached hereto and incorporated herein. The portion of the existing easement to be abandoned is shown and depicted on **Exhibits “A” and “B.”**

**SECTION 3:** The City Council finds that a portion of the existing easement that is to be abandoned is no longer needed for public use.

**SECTION 4:** This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 5:** All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6:** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7:** This Ordinance shall be in full force and effect from and its passage.

**AND IT SO ORDAINED.**

PASSED AND APPROVED on this 28<sup>th</sup> day of January, 2019.

**CITY OF NORTH RICHLAND HILLS**

By: \_\_\_\_\_  
Oscar Trevino, Mayor

ATTEST:

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Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

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Maleshia B. McGinnis, City Attorney