

ORDINANCE NO. 3877

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS VACATING AND ABANDONING A PORTION OF A UTILITY EASEMENT PREVIOUSLY DEDICATED TO THE CITY; DECLARING THAT SUCH EASEMENT IS NO LONGER NEEDED FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED RELEASING AND ASSIGNING THE EASEMENT TO THE OWNER OF THE FEE ESTATE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Richland Hills, Texas is a home-rule municipality located in Tarrant County, Texas 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, on or about November 5, 2014, a utility easement was granted to the City, which such easement was filed of record as Instrument D214242710 in the Deed Records of Tarrant County, Texas; and

WHEREAS, the current property owners, CWT Homes LLC (“Developer”) and Adrian J. Raabe and Timothy J. Raabe (“Owner”) plan to construct private improvements on the property, and after careful study and consideration, the City Council has determined that the public would be better served and benefitted by vacating and abandoning a portion of the existing easement (depicted and described in **Exhibit “A”** herein); and

WHEREAS, in order to remove any question as to the continued interest in the easement or the City’s intention to relinquish its rights in the easement, the City desires to execute a quitclaim deed releasing and assigning all title and control in said easement to the owners of the fee estate on which the easement is located.

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 benefitted by the vacation and abandonment of the utility easement conveyed to the City on or about November 5, 2014, filed of record as Instrument No.

D214242710 of the Deed Records, Tarrant County, Texas, and as shown and described on **Exhibit “B”** attached hereto and incorporated herein.

SECTION 3: The purpose of vacating and abandoning the portion of the existing utility easement is to allow the Developer and Owner to construct private improvements across a portion of the easement which is no longer needed.

SECTION 4: The City Council finds that the existing easement that is to be abandoned is no longer needed for public use.

SECTION 5: The Mayor of the City of North Richland Hills, Texas, is hereby authorized and empowered to execute a quitclaim deed releasing all claims to title, ownership, or control of a portion of the above-described utility easement to the current owners of the fee estate on which the easement is located.

SECTION 6: Developer and Owner, the current owners of the fee estate, shall agree to release the City from any and all liability for claims for damages or loss, unless such damage or loss is caused by the negligent acts or omissions or intentional misconduct of the City, its employees, officers, subcontractors, agents, or representatives. Developer and Owner shall further agree that Developer and Owner will be liable for any and all claims for damages or loss of any kind, for any reason, for any and all activities, whether real or asserted, resulting on the property, arising out of or in connection with the abandoned easement, if such damage or loss is caused by the negligent acts or omissions or intentional misconduct of Developer and Owner, its employees, officers, subcontractors, agents, or representatives. Such agreement, when executed by Developer and Owner, shall be attached hereto as **Exhibit “C.”** Release of this easement shall run with the land and be binding on all successors and assigns of the fee estate.

SECTION 7: Upon execution of the quitclaim deed and the release agreement, the City Secretary is authorized and instructed to file this ordinance along with the quitclaim deed in the deed records of Tarrant County, Texas.

SECTION 8: 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 9: 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 10: This ordinance shall be in full force and effect immediately following its passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this 9th day of December, 2024.

CITY OF NORTH RICHLAND HILLS

By: _____
Jack McCarty, Mayor

ATTEST:

Alicia Richardson
City Secretary/Chief Governance Officer

APPROVED AS TO FORM AND LEGALITY:

Bradley A. Anderle, City Attorney