

RESOLUTION NO. 2019-R51

A RESOLUTION TO ABANDON A 0.694 ACRE (30,212 SQUARE FEET) PERMANENT EASEMENT FOR UTILITIES SITUATED IN THE JOHN SMALL SURVEY NO. 183, ABSTRACT NO. 441, CITY OF BOERNE, KENDALL COUNTY, TEXAS RECORDED IN VOLUME 1543, PAGES 185-192 OF THE KENDALL COUNTY OFFICIAL RECORDS

WHEREAS, the City of Boerne acquired an easement on September 21, 2016, described as a 0.694 of an acre tract, or 30,212 square feet more or less, easement located in a 7.963 acre tract described in deed recorded in Volume 1479, Page 827-834, a 2.875 acre tract in deed recorded in Volume 1033, Page 744-749, both of the Official Public Records of Kendall County, Texas and on Morningside Ministries Boerne Campus II Subdivision recorded in Volume 6, Page 50 of the Map and Plat Records of Kendall County, Texas out of the John Small Survey No. 183, Abstract 441, in Kendall County, Texas, for the purpose of utilities, including without limitation, sewer, water, gas, electric, telephone and cable television, with all necessary and/or desirable lines, laterals and/or appurtenances thereto (the "Utilities"); and

WHEREAS, the Warranty Deed was recorded in Volume 1543, Pages 185-192 of the Real Property Records, Kendall County, Texas; and

WHEREAS, the Warranty Deed describes the Utilities Easement as 0.694 acre (30,212 square feet) and located in the John Small Survey No. 183, Abstract No. 441, City of Boerne, Texas;

WHEREAS, City no longer has any use for this Utilities Easement and seeks to abandon and terminate same; and

WHEREAS, the City Council of the City of Boerne, Texas, has determined that the Utility Easement is no longer necessary or desired and should be abandoned and terminated.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

that the City Council hereby authorizes the Mayor to execute Exhibit A abandoning and terminating said utility easement.

PASSED and APPROVED on this the ____ day of June, 2019.

APPROVED:

Mayor

ATTEST:

City Secretary

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

ABANDONMENT AND TERMINATION OF DRAINAGE EASEMENT

STATE OF TEXAS §
 §
COUNTY OF KENDALL §

WHEREAS, by the Utilities Easement dated September 21, 2016, executed by the City of Boerne and recorded in Volume 1543, Pages 185-192, of the Real Property Records, Kendall County, Texas, the City of Boerne, Texas ("Grantee") maintained a Permanent Utilities Easement for the purpose of utilities, including without limitation, sewer, water, gas, electric, telephone and cable television, with all necessary and/or desirable lines, laterals and/or appurtenances thereto (the "Drainage System") on the property described in the Drainage Easement as follows:

0.694 of an acre tract, or 30,212 square feet more or less, easement located in a 7.963 acre tract described in deed recorded in Volume 1479, Page 827-834, a 2.875 acre tract in deed recorded in Volume 1033, Page 744-749, both of the Official Public Records of Kendall County, Texas and on Morningside Ministries Boerne Campus II Subdivision recorded in Volume 6, Page 50 of the Map and Plat Records of Kendall County, Texas out of the John Small Survey No. 183, Abstract 441, in Kendall County, Texas.

WHEREAS, the City no longer has any use for the Utilities Easement and seeks to abandon and terminate same;

WHEREAS, the City Council of the City of Boerne, Texas, has determined that the Utilities Easement is no longer necessary or desired and should be abandoned and terminated.

NOW THEREFORE, the City Council, by Resolution No. 2019-R51 duly made and adopted at its regular meeting of June 11, 2019, has abandoned and terminated and does hereby evidence abandonment and termination of the Easement.

EXECUTED this the ____ day of June, 2019.

CITY OF BOERNE, TEXAS

Mayor

ATTEST:

Lori Carroll, City Secretary

(signatures continue on following page)

THE STATE OF TEXAS §
 §
COUNTY OF KENDALL §

 This instrument was acknowledged before me on this the _____ day of June, 2019, by Tim Handren, Mayor, City of Boerne, Texas, on behalf of said City.

Notary Public in and for the State of Texas