

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ABANDONING A PUBLIC ACCESS, FIRE LANE, AND UTILITY EASEMENT; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS RESOLUTION FOR RECORDING IN THE REAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS, AS A QUITCLAIM DEED; PROVIDING FOR THE INDEMNIFICATION OF THE CITY OF ALLEN, TEXAS, AGAINST DAMAGES ARISING OUT OF THE ABANDONMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO COMPLETE ABANDONMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Allen, acting pursuant to law and upon the request of Arkoma Real Estate Ventures LP, deems it advisable to abandon and quitclaim the hereinafter described public access, fire lane, and utility easement and is of the opinion and finds that said easement is not needed for public use and should be abandoned and quitclaimed, subject to the reservations and conditions of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The City of Allen hereby abandons and quitclaims in favor of the record owner of the underlying fee simple interest (the "Grantee") all of the City's right, title and interest in a 0.158 acre tract of land out of the John J. Miller Survey, Abstract No. 609, City of Allen, Collin County, Texas, more particularly described in that certain *Public Access, Fire Lane, and Utility Easement* ("the Easement") dated September 8, 2010, and recorded September 14, 2010, as Instrument No. 20100910000977980 in the Real Property Records, Collin County, Texas.

SECTION 2. The City of Allen expressly does not abandon any other interest other than that which is described in the Easement.

SECTION 3. The City Secretary is authorized and directed to prepare a certified copy of this Resolution and record same in the Real Property Records of Collin County, Texas, and this Resolution shall serve as the quitclaim deed of the City of Allen, Texas, to the Grantee, of all the right, title or interest of the City of Allen in and the Easement subject to the limitations and reservations of this Resolution.

SECTION 4. As a condition of this abandonment and as a part of the consideration for the quitclaim herein, Grantee is deemed to have agreed to indemnify, defend, release and hold the City of Allen, Texas, whole and harmless against any and all claims for damages, costs or expenses to persons or property that may arise out of, or be occasioned by or from, the abandonment, closing, vacation, and quitclaim by the City of Allen, Texas, of Easement, and Grantee hereby agrees to defend any and all suits, claims, or causes of action brought against the City on account of the same, and to discharge any judgment or judgments that may be rendered against the City of Allen in connection therewith.

SECTION 5. This Resolution shall be in force and effect from and after its passage on the date shown below.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 28TH DAY OF FEBRUARY 2017.

APPROVED:

Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, CITY SECRETARY
(kbl:2/21/17:84020)