



# City of Saginaw

## City of Saginaw

**Meeting Date:** 05/17/2016

**Staff Contact:**

Mark White

Director of Public Works

**Agenda Item:** 7  
(CC-0516-18)

**E-mail:**

[mwhite@saginawtx.org](mailto:mwhite@saginawtx.org)

**Phone:**

817-230-0500

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**SUBJECT:** Consideration and Action regarding Abandonment of Easement, 1001 Kennedy Lane

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**BACKGROUND/DISCUSSION:**

This easement was granted to the City in 1984. The purpose of the 30' easement was to allow access along property owned at that time by Faith Tabernacle Church. The easement contains language stipulating that if the City did not use the easement for a year then the easement would revert back to the owner. The City has not used this easement for access in many years and has no plans to do so. The current property owner (Richard Townsley III) has requested that the City formally abandon the easement.

**FINANCIAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval of the abandonment of the easement at 1001 Kennedy Lane.

Attachments

Memo with Attachments from Mark White

Release of Easement

To: Nan Stanford, City Manager

From: Mark White, Director of Public Works

Subject: Consider Abandonment of Driveway Easement

Date: May 10, 2016

In November of 1984 a 30' wide easement was given to the City of Saginaw for access along property then owned by the Faith Tabernacle Church on FM 156. There is language contained in the easement that stipulates that if the City does not use the easement for a year it reverts back to the owner. The staff is unaware of the last time the City utilized the easement and the property is cross fenced. It has certainly been beyond the one year provision since it was used. The owner has requested the City formally abandon (release) the easement.

Staff recommends the Council abandon the easement in accordance with the verbiage provided within it.

500  
500

THE STATE OF TEXAS ]  
COUNTY OF TARRANT ]

11/08/84  
11/09/84

That, FAITH TABERNACLE ASSEMBLY, INCORPORATED, for and in consideration of the City of Saginaw, has granted and conveyed, and by these presents does hereby grant and convey unto the said City of Saginaw, a Drive Easement over and across that strip of land described as follow, to-wit:

BEING a tract of land out of the DAVID COOK SURVEY, Abstract No. 345, in Tarrant County, Texas, and being described as follows:

BEGINNING at an iron pin situated in the West R.O.W. line of Highway No. 156 (Blue Mound Road), also being the Northeast corner of tract of land conveyed to the State of Texas recorded in Volume 3676, Page 662, Deed Records, Tarrant County, Texas, also being a part of the same tract of land recorded in Volume 1146, Page 105, Deed Records, Tarrant County, Texas;

THENCE North 89 degrees 31 minutes West along the North line of said tract recorded in Volume 3676, Page 662, 1005.74 feet to an iron pin for corner;

THENCE North 37 degrees 44 minutes West 38.18 feet to an iron pin for corner;

THENCE South 89 degrees 31 minutes East 1029.27 feet to an iron pin for corner;

THENCE South 0 degrees 19 minutes West along Highway No. 156, 30.0 feet to the place of beginning and containing 0.70 acres of land, more or less.

HOWEVER, it is expressly stipulated and provided that this easement is to remain in force continuing ONLY so long as it is used by the City of Saginaw and upon abandonment of said use for a period of one year or longer, said easement shall revert back to Grantor herein, FAITH TABERNACLE ASSEMBLY, INCORPORATED.

TO HAVE AND TO HOLD, the above described premises, together with all singular the rights and appurtenances thereto in anywise belonging unto the said City of Saginaw.

EXECUTED this the 6th day of November, 1984.

FAITH TABERNACLE ASSEMBLY, INCORPORATED

by: Harley D. Martin  
Harley D. Martin, President

by: Arnold V. Armstrong  
Arnold Armstrong, Trustee

by: Leland Arrington  
Leland Arrington, Trustee

by: Jesse Lindsey  
Jesse Lindsey, Trustee

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The State of Texas    }  
County of Tarrant    }

Before me, the undersigned authority on this day personally appeared HARLEY D. MARTIN, President, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said FAITH TABERNACLE ASSEMBLY, INCORPORATED, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 7<sup>th</sup> day of November, 1984.

Patricia Hilborn  
Notary Public, State of Texas

The State of Texas    }  
County of Tarrant    }

Before me, the undersigned authority, on this day personally appeared ARNOLD ARMSTRONG, LELAND ARRINGTON and JESSE LINDSEY, AS TRUSTEES, known to me to be the persons and officers whose names are subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said FAITH TABERNACLE ASSEMBLY, INCORPORATED, a corporation, and that they executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 7<sup>th</sup> day of November, 1984.


Patricia Hilborn  
Notary Public, State of ~~Texas~~


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USLIFE Title of Fort Worth  
734 SO. SAGINAW BLVD.  
SAGINAW, TEXAS 76179

FILED  
TARRANT COUNTY

84 NOV -8 12:13

BY   
MADRID HERRERA  
COUNTY CLERK

NOV 8 1984  
COUNTY CLERK  
TARRANT COUNTY, TEXAS  
  
I hereby certify that this instrument was FILED on the  
date and at the time stamped herein by me and was duly  
RECORDED in the volume and page of the Record Register  
of Tarrant County, Texas, as stamped herein by me.  
COUNTY OF TARRANT  
STATE OF TEXAS

0003 740 1090

TO ALL PARTIES DIRECTLY INTERESTED IN THE PREMISES SURVEYED I have this day executed a careful and accurate survey made on the grounds of the property located at 871 & 1001 Kennedy Lane in the City of Sargent, Tarrant County, Texas, being:

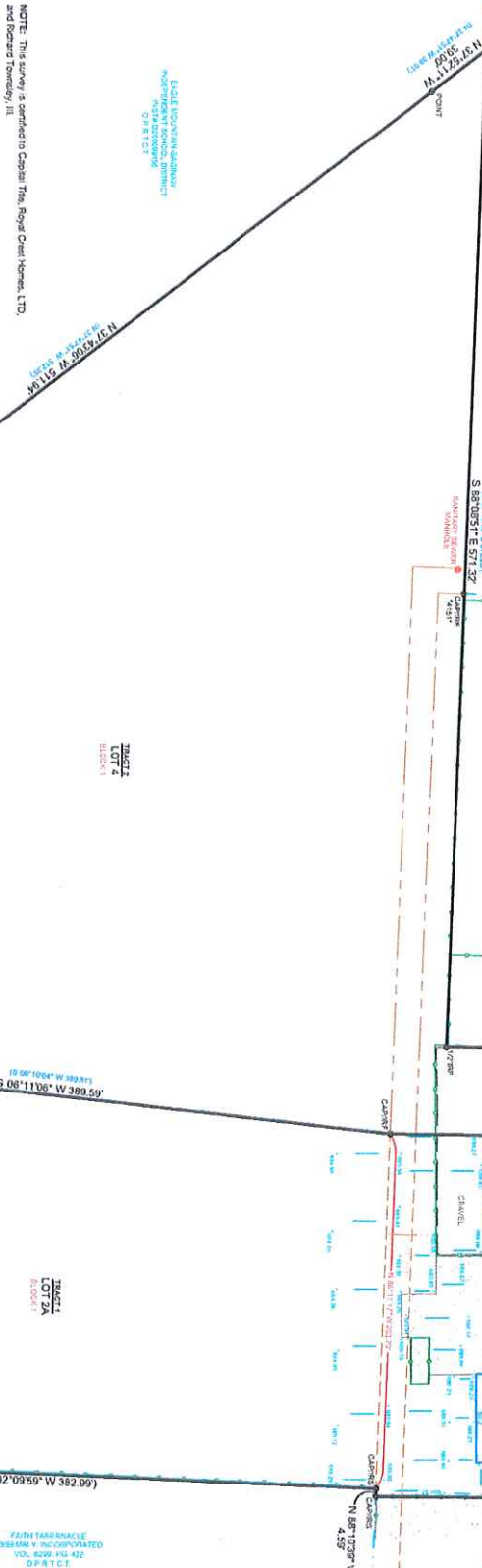
**TRACT 1** Block 1, Blue Mount Road Industrial Park, an Addition to the City of Sargent, Tarrant County, Texas, according to the Plat thereof recorded in Chain & Stake 78271 Plat Record, Tarrant County, Texas.

**TRACT 2** Block 1, Blue Mount Road Industrial Park, an Addition to the City of Sargent, Tarrant County, Texas, according to the Plat thereof recorded in Chain & Stake 78271 Plat Record, Tarrant County, Texas.

**NOTE:** This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 11/15/2015. There are no visible or apparent encroachments or discrepancies except as shown hereon.



SCALE 1/8" = 20' (AS SHOWN)  
UNLESS OTHERWISE NOTED



**NOTE:** This survey is subject to Capital The Royal Creek Homes, LTD. and Record Township, IT.

**NOTE:** Only the following statements supplied to me by Capital The with GIS 15-2015-02-01 have been reviewed and addressed as follows:

Volume 8901, Page 1387 Easement to the City of Sargent; does affect as shown

Volume 8922, Page 1241 Easement to Texas Electric Service Company; does affect as shown

Volume 8412, Page 718 Easement to Texas Electric Service Company; does affect (buried)

**FLOOD STATEMENT:** I have reviewed the F.E.M.A. Flood Insurance Rate Map for the City of Sargent, Community Number 48011's effective date 9-25-2009 and that map indicates as subject, that this property is within "Zone-Special Flood Hazard Areas" determined to be outside the 0.2% annual chance flood (100-year) as shown on Panel 1501-K of said map.

**NOTE:** City building lines and easement shown on the above referenced plat are shown hereon. No additional encumbrances have been provided for review.

**K&Z SURVEYING**  
1720 WESTMINSTER  
DENTON, TX 76201  
(817) 261-3448  
CONTRACT SURVEYING  
CIVIL SURVEYING  
REAL ESTATE APPRAISAL  
PAUL, AUSTIN MARTI, D.C.

**LEGEND**

- PROPERTY LINE
- EXISTING UTILITY
- NEW UTILITY
- PROPERTY EASEMENT
- EXISTING ROAD
- NEW ROAD
- EXISTING FENCE
- NEW FENCE
- EXISTING LOT
- NEW LOT
- EXISTING EASEMENT
- NEW EASEMENT

**GRAPHIC SCALE:**  
0 50 100 Feet

## Mark White

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**From:** Don D. Phifer [redacted]  
**Sent:** Monday, May 09, 2016 9:44 AM  
**To:** Mark White; Sarah Gilliland; 'Issam Bou-Hamdan'; [redacted]  
**Subject:** FW: ABANDONMENT OF EASEMENT - 1001 Kennedy Lane, Saginaw, TX 76179  
**Attachments:** Release of Easement.docx; EM 8003-1397.pdf; SKM\_C224e15112015420.pdf

Mark,

I would like to thank you again for meeting with us last week to discuss the future development of the Kennedy parcel. As we discussed in the meeting my client would like to remove the 30 drive easement that appears to have been abandoned on the south side of the property between the church and the City.

I have attached for your review a copy of the Survey illustrating the Easement, the Easement and an a Release of Easement prepared by the Title Company.

Please let me know if you have any questions.

Thanks,  
Don

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**From:** Sarah Gilliland [mailto:[redacted]]  
**Sent:** Friday, May 06, 2016 2:46 PM  
**To:** [redacted]  
**Subject:** FW: ABANDONMENT OF EASEMENT - 1001 Kennedy Lane, Saginaw, TX 76179

Attached is the proposed release for City of Saginaw. THANK YOU!

Sarah Gilliland  
Attorney at Law



100 South Village Center Drive  
Southlake, Texas, 76092  
Office: 817-591-0490  
Fax: 817-541-4475

E-mail: [redacted]  
[www.freedomsouthlake.com](http://www.freedomsouthlake.com)

**If you have received wiring instructions from our office via email: For added security and your protection please contact us to verbally verify account information prior to initiating your wire.**