

# ABANDONMENT OF PUBLIC RIGHT-OF-WAY/EASEMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS
Abandonment Fee (\$550 for right-of-way, \$250 for easement)  A completed copy of the Abandonment of Public ROW/Easement Application  All exhibits processed (except for Exhibit No. 3 & 4, which will be processed by staff).  A copy of a recent (within 90 days) deed or title insurance policy showing the names of the owners, or, an older deed or titles with a Nothing Further Certificate.  For unplatted property, a signed, sealed and dated metes and bounds description and a
diagram of the property showing the location of the abandonment.  For platted property, a copy of the plat showing the lot, block, subdivision, and recording information.  Corporate or partnership owners must furnish a copy of a corporate resolution or other proof of authority to sign on behalf of the corporation, partnership, or joint venture.
APPLICATION
ADDRESS: 1S1 N Main St Burleson, texas 76008  LEGAL DESCRIPTION: Lots 1 = 2, Block 1 Depot on Main  (Lots 1 = 6 + 10 - 11, Block 9 + 23)
LEGAL DESCRIPTION: Lot 1 - 2, Block 1 Depot on Main
APPLICANT (Primary Contact for the Project):
Name: Zachan Conly email: Conly orally capital.com  Street Address: 909 Lake (aslyn Plan, Ste 150)  City:
Street Address: 909 Care Carolyn Plans Ste 150
City: State: Zip Code: Zip Code:
Phone Number: Fax Number:
PROPERTY OWNER'S INFORMATION (If different from above):
Name: Dept on Main Holdings, LLC email:
Street Address:
City:         State:         Zip Code:           Phone Number:         Fax Number:
Friorie Number.
The applicant has prepared this application and certifies that the facts stated hereing and exhibits attached hereto are true and correct.
Signature of Owner $\frac{3//y/2/22}{\text{Date}}$
Signature of Owner Date
Abandonment Location: 30 ROW + Drainge Fasement Page 1 of 8  Uol. 827, Pj. S DRJCT

# APPLICATION FOR THE ABANDONMENT OF A PUBLIC RIGHT-OF-WAY/EASEMENT

Date: 3/14/22
Location of Right-of-way/Easement to be Abandoned:  30' Row Drame Easurer Vol. 827, Po. 5 ORTCT
Property Owner's Name and Address: Opport on Main Holdings, LLC  901 Lake Carolyn Plany Ste. 150 Irving, TX 75039  Property Owner's Phone Number: (618) 382-9125
Property Owner's Phone Number: (618) 382 - 9125
Property Owner's email: Concer @ Malty Capital. Com
TO THE MAYOR AND CITY COUNCIL OF THE CITY OF BURLESON:
The undersigned hereby makes application for the abandonment of that portion of the above right-of-way particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:
<ol> <li>The undersigned will hold the City of Burleson harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.</li> </ol>
<ol> <li>Attached, marked Exhibit No. 1, are two sealed metes and bounds descriptions (dividing the area in half) of the area sought to be abandoned, prepared by a Registered Public Surveyor.</li> </ol>
3. Attached, marked Exhibit No. 2, are two copies of a plat or detailed sketch of that portion of the public right-of-way/easement sought to be abandoned and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described right-of-way/easement is situated, together with the record owners of such lots.
4. Attached, marked Exhibit No. 3, is the consent of all public utilities to the abandonment.
5. Attached, marked Exhibit No. 4, is the consent of City of Burleson staff.
<ol><li>Attached, marked Exhibit No. 5, is the consent of all the abutting property owners, except the following: (if none, so state)</li></ol>
none, solely on Depot on Main Holdings, LCC property
Abandonment Location: 30' Row + Ominge Fasener  Vol. 827, lg. 3 DR JCT  Page 2 of 8

7.	Such public right-of-way/easement should be abandoned because:  by speck instrumed before recording
	approved pht
8.	Such public right-of-way/easement has been and is being used as follows:  Change I — to be rebuilt
	ar that all of the information contained in this application is true and correct to the best of nowledge and belief.
Owne	er's Signature: Mes
Date:	3/14/2022
	E OF TEXAS  ACKNOWLEDGEMENT  NTY OF JOHNSON
	cribed and sworn to me, a Notary Public, this <u>IUM</u> day of <u>MWM</u> , 20 <u>2</u> 2,
	SARAH ELAINE BROWN Notary Public, State of Texas Comm. Expires 09.17.25

Attached is a sealed copy of the metes and bounds description of the public right-of-way or easement situated in J.W. Harrison Survey. Abs. No. 3 Addition/Subdivision/Survey to the City of Burleson, Johnson County, Texas, sought to be abandoned.

See next page

#### **LEGAL DESCRIPTION:**

A TRACT OF LAND SITUATED IN THE J.W. HENDERSON SURVEY, ABSTRACT NO. 376, JOHNSON COUNTY, TEXAS, BEING ALL OF THAT RIGHT-OF-WAY AND DRAINAGE EASEMENT GRANTED TO THE CITY OF BURLESON IN THAT DOCUMENT RECORDED IN VOLUME 827, PAGE 5, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND IN THE EASTERLY RIGHT-OF-WAY LINE OF N. WILSON STREET (80' R-O-W) AND IN THE SOUTHEASTERLY LINE OF LOT 5, BLOCK 2, WILSHIRE VILLAGE, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 318, PLAT RECORDS, JOHNSON COUNTY, TEXAS (P.R.J.C.T.), ALSO BEING THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO RCM DEPOT ON MAIN, L.P., AND DESCRIBED AS TRACT 2 IN THAT DEED RECORDED IN INSTRUMENT NO. 2017-3612, D.R.J.C.T.;

THENCE ALONG SAID SOUTHEASTERLY LINE N 45°02'46" E, AT A DISTANCE OF 242.42 FEET PASSING A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544" FOR THE MOST EASTERLY CORNER OF SAID LOT 5, FOR A TOTAL DISTANCE OF 258.06 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF LOT 7C, BLOCK 2, WILSHIRE VILLAGE, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 391, P.R.J.C.T.;

THENCE S 45°11'20" E, A DISTANCE OF 41.34 FEET TO A POINT;

THENCE N 82°52'42" E, A DISTANCE OF 23.37 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF N. MAIN STREET (50' R-O-W);

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE S 05°45'48" E, A DISTANCE OF 30.00 FEET TO A POINT;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE S 82°52'42" W, A DISTANCE OF 37.27 FEET TO A POINT;

THENCE N 45°11'20" W, A DISTANCE OF 26.06 FEET TO A POINT;

THENCE S 45°02'46" W, A DISTANCE OF 252.66 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF N. WILSON STREET (80' R-O-W) AND IN THE WESTERLY LINE OF SAID TRACT 2;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND SAID WESTERLY LINE N 05°44'22" W, A DISTANCE OF 38.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 9581 SQUARE FEET OF LAND, MORE OR LESS.

### SURVEYOR'S CERTIFICATE:

PREPARED BY ME OR UNDER MY DIRECTION.



MATT POWELL
REGISTERED PROFESSIONAL LAND SURVEYOR

TEXAS REGISTRATION NO. 5544

DATED: 03/09/22



EXHIBIT "A"

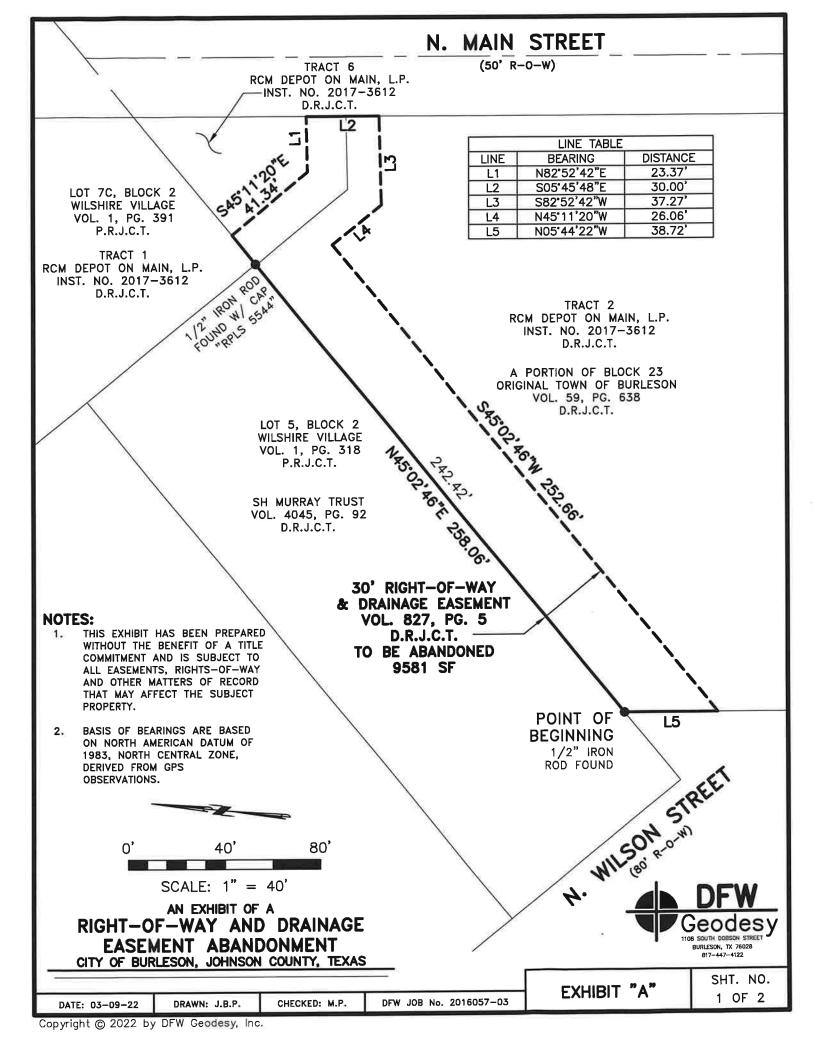
SHT. NO. 2 OF 2

DATE: 03-09-22 DRAWN: J.B.P.

CHECKED: M.P. DFW JOB No. 2016057-03

Attached is a copy of a plat or detailed sketch of the public right-of-way/easement sought to be abandoned in the above-mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public right-of-way/easement sought to be vacated is situated, and the addition or subdivision in which the portion of the public right-of-way/easement sought to be abandoned is situated. Also, the names of record owners of the abutting lots are shown.

See next pay



## EASEMENT ABANDONMENT UTILITY COMPANY SIGN OFF SHEET

provisions of agreements with the City of I	s, using or entitled to use under the terms and Burleson, that portion of the public utility easement to the joint use of the described portion of such of the Burleson Addition  County, Texas.
ONCOR ELECTRIC DELIVERY	AT&T
By: Jenna Devine (Please Print)  Title: (Please Print)	By:
(Please Print)	By: (Please Print)
Title: Utility Designer	Title:
(Please Print)	Title: (Please Print)
Signature:	Signature:
CHARTER CABLE	BETHESDA WATER SUPPLY CORP.
Bv:	By:
By:(Please Print)	By:(Please Print)
Title:	Title:
Title:(Please Print)	Title: (Please Print)
Signature:	Signature:
JOHNSON COUNTY SPECIAL UTILITY DISTRICT	PATHWAY COMMUNICATIONS
	By:
By:(Please Print)	By:(Please Print)
Title:(Please Print)	Title:(Please Print)
(Please Print)	
Signature:	Signature:
UNITED COOPERATIVE SERVICES	ATMOS ENERGY
By:(Please Print)	Ву:
(Please Print)	
Title:	Title: (Please Print)
Title:(Please Print)	(Please Print)
Signature:	Signature:

### EASEMENT ABANDONMENT UTILITY COMPANY SIGN OFF SHEET

provisions of agreements with the City of sought to be abandoned, do hereby cons-	s, using or entitled to use under the terms and Burleson, that portion of the public utility easement ent to the joint use of the described portion of such 23 of the Burleson Addition  County, Texas.
ONCOR ELECTRIC DELIVERY	AT&T
By:(Please Print)	By:(Please Print)
(Please Print)	
Title:(Please Print)	Title: (Please Print)
(Please Print)	
Signature:	Signature:
CHARTER CABLE	BETHESDA WATER SUPPLY CORP.
By: Erik Saucedo	By:
By: Erik Saucedo (Please Print)	By:(Please Print)
Title Construction Supervisor	Title:(Please Print)
(Please Print) Signature: Erik Saucedo	Signature:
JOHNSON COUNTY SPECIAL UTILITY DISTRICT	PATHWAY COMMUNICATIONS
By:(Please Print)	By:(Please Print)
Title:(Please Print)	Title: (Please Print)
Signature:	Signature:
UNITED COOPERATIVE SERVICES	ATMOS ENERGY
By:(Please Print)	Ву:
Title:(Please Print)	Title: (Please Print)
(Please Print)	
Signature:	Signature:

### EASEMENT ABANDONMENT UTILITY COMPANY SIGN OFF SHEET

The undersigned public utility companies, using or entitled to use under the terms and provisions of agreements with the City of Burleson, that portion of the public utility easement sought to be abandoned, do hereby consent to the joint use of the described portion of such utility easement in Lot(s)\_\_\_\_, Block(s)\_\_\_23 of the \_\_\_\_Burleson Addition Addition to the City of Burleson, \_\_\_\_\_\_Onno \_\_\_\_ County, Texas. ONCOR ELECTRIC DELIVERY AT&T By:\_\_\_\_(Please Print) (Please Print) Title: (Please Print) (Please Print) Signature:\_\_\_\_\_ Signature: BETHESDA WATER SUPPLY CORP. **CHARTER CABLE** (Please Print) (Please Print) (Please Print) (Please Print) Signature: Signature: **PATHWAY COMMUNICATIONS** JOHNSON COUNTY SPECIAL UTILITY DISTRICT ana Collier (Please Print) (Please Print) Title: Deputy GM- Nevelopment & operations (Please Print) Title:\_\_\_ (Please Print) Signature: Signature:\_\_\_\_ ATMOS ENERGY **UNITED COOPERATIVE SERVICES** (Please Print) Title:\_\_\_\_\_(Please Print) (Please Print) Signature: Signature: NOTE: ONLY UTILITY COMPANIES THAT PROVIDE SERVICE IN THE AREA

REQUESTED FOR USE MUST COMPLETE THIS EXHIBIT.

### EASEMENT ABANDONMENT UTILITY COMPANY SIGN OFF SHEET

The undersigned public utility companies, using or entitled to use under the terms and provisions of agreements with the City of Burleson, that portion of the public utility easement sought to be abandoned, do hereby consent to the joint use of the described portion of such utility easement in Lot(s)\_\_\_\_, Block(s)\_\_\_\_3 of the \_\_\_\_\_ **Burleson Addition** Addition to the City of Burleson, Johnson County, Texas. AT&T ONGOR ELECTRIC DELIVERY (Please Print) (Please Print) Title: (Please Print) (Please Print) Signature: Signature: BETHESDA WATER SUPPLY CORP. CHARTER CABLE (Please Print) (Please Print) (Please Print) (Please Print) Signature: Signature: PATHWAY COMMUNICATIONS JOHNSON COUNTY SPECIAL UTILITY DISTRICT (Please Print) (Please Print) (Please Print) (Please Print) Signature: Signature: ATMOS ENERGY UNITED COOPERATIVE SERVICES By:\_\_\_\_\_ (Please Print) Title:\_\_\_\_\_(Please Print) Title: Field Engineering Manager (Please Print) Signature: Signature:

### EASEMENT ABANDONMENT UTILITY COMPANY SIGN OFF SHEET

The undersigned public utility companies, using or entitled to use under the terms and provisions of agreements with the City of Burleson, that portion of the public utility easement sought to be abandoned, do hereby consent to the joint use of the described portion of such utility easement in Lot(s) 77 & 87, Block(s) 9 23 of the Wishire Village Burleson Addition Addition to the City of Burleson, Johnson County, Texas.

ONCOR ELECTRIC DELIVERY	AT&T
Bv:	By: Metisa McElyea (Please Print)
By:(Please Print)	
Title:	Title: AT&T ROW (Please Print)
Title:(Please Print)	(Please Print)
Signature:	Signature: Wilma Mequiya
CHARTER CABLE	BETHESDA WATER SUPPLY CORP.
Ву:	Ву:
By:(Please Print)	By:(Please Print)
	Title:(Please Print)
Title:(Please Print)	(Please Print)
Signature:	Signature:
JOHNSON COUNTY SPECIAL UTILITY DISTRICT	PATHWAY COMMUNICATIONS
	By:(Please Print)
By:(Please Print)	·
Title:(Please Print)	Title:(Please Print)
(Please Print)	(Please Print)
Signature:	Signature:
UNITED COOPERATIVE SERVICES	ATMOS ENERGY
Ву:	By:
By:(Ptease Print)	-
Title:	Title:(Please Print)
Title:(Please Print)	(Please Print)
Signature:	Signature:

## EASEMENT ABANDONMENT UTILITY COMPANY SIGN OFF SHEET

provisions of agreements with the City of Bu	using or entitled to use under the terms and urleson, that portion of the public utility easement to the joint use of the described portion of such of the Burleson Addition  County, Texas.
ONGOD EL FOTDIO DEL IVERY	ATOT
ONCOR ELECTRIC DELIVERY	AT&T
By:(Please Print)	By: (Please Print)
Title:(Please Print)	Title: (Please Print)
Signature:	Signature:
CHARTER CABLE	BETHESDA WATER SUPPLY CORP.
	By Stern Sierror
By:(Please Print)	(Please Print)
Title:(Please Print)	By: Sievoss  (Please Print)  Title: General Manger  (Please Print)  Signature: Manger
Signature:	Signature: the
JOHNSON COUNTY SPECIAL UTILITY DISTRICT	PATHWAY COMMUNICATIONS
By:(Please Print)	By:(Please Print)
·	
Title:(Please Print)	Title:(Please Print)
Signature:	Signature:
UNITED COOPERATIVE SERVICES	ATMOS ENERGY
Ву:	By:
(Please Print)	· N <del>a</del>
Title:(Please Print)	Title:
(Please Print)	Title: (Please Print)
Signature:	Signature:
NOTE: ONLY UTILITY COMPANIES	THAT PROVIDE SERVICE IN THE AREA

REQUESTED FOR USE MUST COMPLETE THIS EXHIBIT.

J-971

#### **EXHIBIT NO. 3**

## EASEMENT ABANDONMENT UTILITY COMPANY SIGN OFF SHEET

provisions of agreements with the City of Burl sought to be abandoned, do hereby consent to	sing or entitled to use under the terms and eson, that portion of the public utility easement to the joint use of the described portion of such of the Burleson Addition County, Texas.
ONCOR ELECTRIC DELIVERY	AT&T
By:(Please Print)	By:(Please Print)
	•
Title:(Please Print)	Title:(Please Print)
Signature:	Signature:
Signature	
CHARTER CABLE	BETHESDA WATER SUPPLY CORP.
By:(Please Print)	By:(Please Print)
Title:(Please Print)	Title:(Please Print)
•	
Signature:	Signature:
JOHNSON COUNTY SPECIAL UTILITY DISTRICT	PATHWAY COMMUNICATIONS
	By: MARK ELROD (Please Print)
By:(Please Print)	(Please Print)
Title:(Please Print)	Title: CNGINEER
	Title: ENGINEER  (Please Print)  Signature: Work Show
Signature:	Signature: VIIIII
UNITED COOPERATIVE SERVICES	ATMOS ENERGY
Ву:	Ву:
By:(Please Print)	
Title:(Please Print)	Title:(Please Print)
Signature:	Signature:

## EASEMENT ABANDONMENT UTILITY COMPANY SIGN OFF SHEET

provisions of agreements with the City of E	nt to the joint use of the described portion of such  Burleson, that portion of the public utility easement of the joint use of the described portion of such  Burleson Addition  County, Texas.
Addition to the City of Bulleson,	
ONCOR ELECTRIC DELIVERY	AT&T
Bv:	Ву:
By:(Please Print)	By:(Please Print)
Title:	Title:(Please Print)
Title:(Please Print)	(Please Print)
Signature:	Signature:
CHARTER CABLE	BETHESDA WATER SUPPLY CORP.
	Bv:
By:(Please Print)	By:(Please Print)
•	Title:
Title:(Please Print)	Title: (Please Print)
Signature:	Signature:
JOHNSON COUNTY SPECIAL UTILITY DISTRICT	PATHWAY COMMUNICATIONS
	By: (Please Print)
By:(Please Print)	(Please Print)
Title:(Please Print)	Title: (Please Print)
(Please Print)	(Please Print)
Signature:	Signature:
UNITED COOPERATIVE SERVICES	ATMOS ENERGY
By:	By:_BOB DAVISON
By:(Please Print)	% ra
Title:	Title: SR. PROJECT SPECIALIST
(Please Print)	(Please Print)
Signature:	Signature: Bob Davison

The undersigned, City staff of the City of Burleson, certify that they have carefully considered the Application for Abandonment of the public right-of-way/easement referred to above from the standpoint of the City of Burleson ordinances and with respect to present and future needs of the City of Burleson and see no objection to the requested abandonment from the City's standpoint.

Lewi At
Assistant Director of Public Works/Utilities
City of Burleson
Jeins On Rogs
Assistant Director of Public Works/Streets and Solid Waste City of Burleson Traffic Eng. over Streets & Drainag
City of Burleson Traffic Eng. over Streets & warnag
Evalue alpha
Assistant Director of Public Works- Engineering
City of Burleson
Director of Development Services City of Burleson
Tel llore
Fire Marshal
City of Burleson
Olar Minhad
Building Official
City of Burleson

## NA- 30' Row? Drainage resement located solely on Depot on Main's. EXHIBIT NO. 5 Property

The undersigned owners of property abutting upon that portion of the public right-of-way/easement named and described in the Application for Abandonment of a Public Right-of-Way/Easement referred to above, do hereby consent to such abandonment.

Name:
Address:
Phone Number:
Signature:
STATE OF TEXAS
COUNTY OF
BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.
WITNESS MY HAND AND SEAL OF OFFICE THIS THE DAY OF, 20
Notary Public in and for the State of Texas
Name:
Address:
Phone Number:
Signature:
STATE OF TEXAS
COUNTY OF
BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.
WITNESS MY HAND AND SEAL OF OFFICE THIS THE DAY OF, 20
Notary Public in and for the State of Texas
Attach as many copies of this sheet as necessary.
Abandonment Location: Page 8 of 8