



CITY OF DENISON, TEXAS

PETITION TO ABANDON PORTION OF RIGHT-OF-WAY

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF DENISON, TEXAS:

I, the undersigned owner(s) of _____, as recorded in Vol. ____, Page ____, of the deed of records of Grayson County, Texas, (hereinafter "Applicant"), petition the City of Denison, Texas (hereinafter "City"), pursuant to Texas Transportation Code §311.007, to abandon _____ of the right-of-way which is part of _____, as recorded in Vol. _____, Page _____, of the deed of records of Grayson County, Texas as more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes (hereinafter "Property").

I, the petitioner(s), agree to release, defend, indemnify and hold harmless the City of Denison, its officers and employees against all suits, claims, and causes of action, including without limitation damages of every nature and type, costs, expenses, judgments, and attorneys fees, that may result from, relate to, or arise or grow out of the Applicant's request for closure and abandonment of the Property, whether such claims are made by or on behalf of Applicant, an abutting Property owner, or any third party claiming or seeking an interest or benefit to or from the Property.

By my signature(s) below on the petition I agree to pay the costs of an appraisal to obtain the fair market value of the Property by a City approved real estate appraiser and the costs of title search and survey of the property. Additionally, I agree to pay all Administrative fees as set forth in Section 21-82 of Article IV, "Street and Alley Abandonments" of the Code of Ordinances of the City of Denison. I understand that without payment of such costs, the City will not proceed with appraisal of the Property that we are requesting to be abandoned and vacated nor will the City proceed with sending notices or setting a public hearing. I also understand that these costs and fees are not refundable.

Within five (5) business days of receipt of the appraisal, Applicant shall pay the City the appraised value of the Property to be abandoned. City agrees to retain such payment until final action of City Council. In the event of Council approval of the abandonment, City shall be entitled to retain the payment by Applicant; however, in the event of Council denial of the abandonment, such payment shall be returned to Applicant. Notwithstanding the foregoing, Applicant understands that Section 21-84 of Article IV of the Denison Code of Ordinances, requires that City to sell the Property abandoned to abutting property owners in proportion to their abutting ownership, such division to be made in an equitable manner. The Applicant agrees to provide, at his/her sole cost and expense, individual quitclaim deeds for each affected property owner who does not desire to purchase any of the Property, and upon providing those deeds, the City will provide Applicant an executed quitclaim deed and other documents necessary to convey ownership to Applicant.

Check and complete one of the following:

- I certify that there are no other property owners owning land butting the Property I am requesting be abandoned.
- I certify that there are property owners owning land abutting to the Property I am requesting be abandoned and that those property owners have declined participation in the abandonment petition. The names and addresses for all such

owners are: _____

Each of these owners has either submitted a petition requesting abandonment of the right-of- way so it can be divided among the owners, has submit a signed statement providing the reason for non-participation, and will provide a quitclaim deed upon approval of the abandonment by the City. Applicant understands that the costs of obtaining and filing quitclaims deeds are at Applicant's sole cost and expense. The foregoing documents are attached hereto and incorporated as **Exhibit "B"**.

OWNER(S):

(Signature)
Name printed: _____

Address: _____

Date: _____

(Signature)
Name printed: _____

Address: _____

Date: _____

STATE OF _____ § COUNTY OF _____§

BEFORE ME, the undersigned, a Notary Public in and for **The** State of Texas, 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 expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, 20____.

Notary Public, State of Texas

An application is not deemed filed pursuant to Texas Local Government Code Chapters 212 and 232 until all prerequisite authorizations and all documents required by and prepared in accordance with the requirements of the DMC Chapter 22 subdivision regulations are complete......

OFFICIAL USE ONLY

Received Date: _____ Received By: _____
Case No.: _____ P & Z and City Council Hearings: _____



City of Denison
Developer Acknowledgement Form

I, _____, am aware and agree that I am solely responsible for all development costs related to this project, including but not limited to fees and costs related to site development and construction, plan review, construction inspections and testing, improvements necessary to offset impacts from my development, contribution to master plans, impact fees, and any other costs and/or fees related to my development and the impact to existing neighborhoods and infrastructure in the City and the Extra Territorial Jurisdiction (ETJ).

Owner/Project Representative
Printed Name

Date

Signature

EXHIBIT A

[TO BE ATTACHED BY PETITIONER DEPICTING RIGHT-OF-WAY REQUESTED TO BE
ABANDONED]