

AFTER RECORDING, RETURN TO:

Sandy Hart, City Secretary  
City of McKinney  
P. O. Box 517  
McKinney, Texas 75069

**RELEASE OF DRAINAGE EASEMENT**

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STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN

**WHEREAS**, by instrument dated the 24<sup>th</sup> day of January, 2007, and recorded at Clerk's Document Number 20070208000187060 in the Collin County Land Records on or about February 8, 2007, **MARGAUX WATER TOWER PARTNERS, LTD.**, a Texas limited partnership, granted the **CITY OF MCKINNEY**, a Texas municipal corporation, ("McKinney") a variable width Drainage Easement containing approximately 0.690 acres of land, more or less, in the G. S. Baccus Survey, Abstract No. 119, City of McKinney, Collin County, Texas, (the "Easement"); and

**WHEREAS**, McKinney has been requested to abandon its rights under the Easement to accommodate development on the property that is subservient to the Easement; and

**WHEREAS**, McKinney is desirous of releasing said Easement.

**NOW, THEREFORE**, for a valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **CITY OF MCKINNEY** does hereby release, abandon, discharge and quitclaim unto the original grantor **MARGAUX WATER TOWER PARTNERS, LTD.**, and its successors and assigns, all rights, title and interest in the Easement dated the 24<sup>th</sup> day of January, 2007, and recorded at Clerk's Document Number 20070208000187060 in the Collin County Land Records on or about February 8, 2007, unto the said original grantor Westerra Stonebridge, LP, and its successors and assigns, forever **SUBJECT TO THE FOLLOWING:**

As further consideration for McKinney's release, abandonment, discharge and quitclaim of the foregoing described Easement, **MARGAUX WATER TOWER PARTNERS, LTD., AND ITS SUCCESSORS AND ASSIGNS, DO HEREBY RELEASE, INDEMNIFY AND HOLD MCKINNEY HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS OR SUITS, INCLUDING MCKINNEY'S REASONABLE ATTORNEY'S FEES, DAMAGES AND JUDGMENTS ARISING OUT OF OR RELATED TO THE INSTALLATION, CONSTRUCTION, AND/OR REMOVAL OF ANY IMPROVEMENTS WITHIN AND ABOUT THE EASEMENT, ANY REQUIRED REMEDIATION AND SOIL STABILIZATION WITHIN AND ABOUT THE EASEMENT AS WELL AS MCKINNEY'S USE OF THE AFORESAID EASEMENT.**

EXECUTED to be effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**CITY OF MCKINNEY**

By: \_\_\_\_\_  
TOM MUEHLENBECK  
Interim City Manager

Date Signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
SANDY HART, TRMC, MMC  
City Secretary  
DENISE VICE  
Assistant City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Office of the City Attorney

STATE OF TEXAS  
COUNTY OF COLLIN

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by TOM MUEHLENBECK, Interim City Manager of the *CITY OF MCKINNEY*, a Texas municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

**AGREED AND ACCEPTED BY:**

***MARGAUX WATER TOWER PARTNERS,  
LTD.***, a Texas limited partnership

By: \_\_\_\_\_  
MATTHEW E. MALOUF  
President

Date Signed: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF COLLIN

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by MATTHEW E. MALOUF, President of *MARGAUX WATER TOWER PARTNERS, LTD.*, a Texas limited partnership, on behalf of said partnership.

\_\_\_\_\_  
Notary Public, State of Texas

PREPARED IN THE OFFICES OF:

*BROWN & HOFMEISTER, L.L.P.*  
740 E. Campbell Road, Suite 800  
Richardson, Texas 75081  
214/747-6100  
214/747-6111 Fax