

AFTER RECORDING, RETURN TO:

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

PARTIAL RELEASE OF EXCLUSIVE SANITARY SEWER & DRAINAGE EASEMENT

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN

WHEREAS, by instrument dated the 19th day of December, 2001, and recorded at Clerk's Document Number 20020129000143140 in the Collin County Land Records on or about January 29, 2002, Westerra Stonebridge, LP, a Delaware limited partnership, granted the **CITY OF MCKINNEY**, a Texas municipal corporation, ("McKinney") an exclusive variable width Sanitary Sewer & Drainage Easement containing approximately 10,395 square feet or 0.2386 acres of land, more or less, in the A. S. Young Survey, Abstract No. 1037, City of McKinney, Collin County, Texas, (the "Exclusive Easement") together with a fifty foot (50') wide temporary construction easement (collectively the "Exclusive Easement Property"); and

WHEREAS, by instrument dated the 22nd day of May, 2002, and recorded at Clerk's Document Number 20021111001659280 in the Collin County Land Records on or about November 11, 2002, Westerra Stonebridge, LP, a Delaware limited partnership, granted the **CITY OF FRISCO**, a Texas municipal corporation, ("Frisco") a nonexclusive variable width Sanitary Sewer and Drainage Easement containing approximately 10,395 square feet or 0.2386 acres of land, more or less, in the A. S. Young Survey, Abstract No. 1037, City of McKinney, Collin County, Texas, (the "Frisco Easement") together with a fifty foot (50') wide temporary construction easement (collectively the "Frisco Easement Property"); and

WHEREAS, by instrument dated the 8th day of November, 2002, and recorded at Clerk's Document Number 20021112001672130 in the Collin County Land Records on or about November 12, 2002, Westerra Stonebridge, LP, granted the *CITY OF MCKINNEY*, a Texas municipal corporation, a nonexclusive variable width Sanitary Sewer and Drainage Easement containing approximately 10,395 square feet or 0.2386 acres of land, more or less, in the A. S. Young Survey, Abstract No. 1037, City of McKinney, Collin County, Texas, (the "Nonexclusive Easement") together with a fifty foot (50') wide temporary construction easement (collectively the "Nonexclusive Easement Property"); and

WHEREAS, the property descriptions of the property that is the subject of the Exclusive Easement, the Frisco Easement and the Nonexclusive Easement are identical and convey similar rights to the respective grantees save and except the right of exclusivity contained in the Exclusive Easement; and

WHEREAS, both McKinney and Frisco own certain infrastructure that is situated within the Exclusive Easement Property; and

WHEREAS, McKinney has been requested to abandon its rights under the Exclusive Easement in favor of the Nonexclusive Easement to accommodate development on the property that is subservient to the Exclusive Easement; and

WHEREAS, McKinney is desirous of releasing the Exclusive Easement in part, at least, as provided in this Partial Release of Exclusive Sanitary Sewer & Drainage Easement ("Partial Release").

NOW, THEREFORE, for a valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the *CITY OF MCKINNEY* does hereby release, discharge and quitclaim **IN PART** unto the original grantor Westerra Stonebridge, LP, and its successors and assigns, all rights,

title and interest in the Exclusive Easement dated the 19th day of December, 2001, and recorded at Clerk's Document Number 20020129000143140 in the Collin County Land Records on or about January 29, 2002, unto the said original grantor Westerra Stonebridge, LP, and its successors and assigns, forever **SUBJECT TO THE FOLLOWING RESERVATIONS:**

1. Only those improvements that are compatible with McKinney's use of the Exclusive Easement Property for the purpose of installing, operating, repairing and perpetually maintaining a Storm Drainage System and a Sanitary Sewer System and all appurtenances thereto (the "Facilities") and which improvements are approved by McKinney may be placed on and about the Exclusive Easement Property; and

2. Nothing contained in this Partial Release shall abandon, diminish or release or be interpreted as abandoning, diminishing or releasing any of McKinney's rights in and to that certain Nonexclusive Easement dated the 8th day of November, 2002, and recorded at Clerk's Document Number 20021112001672130 in the Collin County Land Records on or about November 12, 2002.

EXECUTED to be effective as of the _____ day of _____, 2014.

CITY OF MCKINNEY

By: _____
JOSE MADRIGAL
Deputy City Manager

Date Signed: _____

ATTEST:

SANDY HART, TRMC, MMC
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 JOSE MADRIGAL, Deputy City Manager of the **CITY OF MCKINNEY**, a Texas municipal corporation, on behalf of said corporation.

Notary Public, State of Texas

PREPARED IN THE OFFICES OF:

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