

ORDINANCE NO. 27383

An ordinance providing for the abandonment and relinquishment of a portion of a firelane, access, and utility easement and a portion of a sewer easement located in City Block C/8222 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Prestonwood Tradition, LP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of new easements to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

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WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Prestonwood Tradition, LP, a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of easements is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tracts of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

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SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the above described easements within the area described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Development Services - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

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SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold the City of Dallas whole and harmless against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

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SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said portion of a fire lane, access, and utility easement and portion of a sewer easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to new easements to be provided by **GRANTEE** and acceptable to the Director of Development Services, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within new easements are approved by the Director of Development Services; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Development Services. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Development Services.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Development Services, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:
THOMAS P. PERKINS, JR.
City Attorney**

**THERESA O'DONNELL
Director of Development Services**

BY *Julie K. Jones*
Assistant City Attorney

BY *Theresa O'Donnell*
Interim Assistant Director

Passed NOV 10 2008

27383

08-3044

EXHIBIT A

**FIRELANE, ACCESS, AND UTILITY EASEMENT
ABANDONMENT**

Part of Lot 1, City Block C/8222
Prestonwood Theater
Robert Wilburn Survey, Abstract No. 1580
City of Dallas, Dallas County, Texas

TRACT 1

DESCRIPTION, of a 31,973 square foot (0.734 acre) tract of land situated in the Robert Wilburn Survey, Abstract No. 1580, Dallas County, Texas; said tract being part of Lot 1, City Block C/8222, Prestonwood Theater, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 79139, Page 809, of the Deed Records of Dallas County, Texas; part of a Firelane, Access, and Utility Easement dedicated by the said plat of Prestonwood Theater; and being part of that tract of land described in Special Warranty Deed to Prestonwood Tradition, L.P. recorded in Instrument No. 20080166163, of the Official Public Records of Dallas County, Texas; said 31,973 square foot tract of land being more particularly described as follows (Bearing system for this survey is based on a bearing of South 85 degrees, 45 minutes, 00 seconds East, for the south right-of-way line of Arapaho Road (a variable width right-of-way) according to said plat of Prestonwood Theater):

COMMENCING, at a 5/8-inch iron rod found in the northeasterly right-of way line of Prestonwood Boulevard (an 84-foot wide right-of-way), said point being the most southerly corner of said Lot 1 and the beginning of a curve to the left;

THENCE, in a northwesterly direction along said northeasterly line of Prestonwood Boulevard and the and the westerly line of said Lot 1, and along said curve to the left, having a central angle of 12 degrees, 22 minutes, 59 seconds, a radius of 642.00 feet, a chord bearing and distance of North 22 degrees, 22 minutes, 26 seconds West, 138.48 feet, an arc distance of 138.75 feet to a point for corner at the most southerly corner of said Firelane, Access, and Utility Easement and the POINT OF BEGINNING;

THENCE, in a northwesterly direction continuing along said northeasterly line of Prestonwood Boulevard and the westerly line of said Lot 1, and continuing along said curve to the left, having a central angle of 02 degrees, 29 minutes, 57 seconds, a radius of 642.00 feet, a chord bearing and distance of North 29 degrees, 48 minutes, 53 seconds West, 28.00 feet, an arc distance of 28.00 feet to a point for corner;

THENCE, North 60 degrees, 09 minutes, 04 seconds East, departing said northeasterly line of Prestonwood Boulevard and said westerly line of Lot 1, and along a northwesterly line of said Firelane, Access, and Utility Easement, a distance of 30.05 feet to a point for corner at the beginning of a non-tangent curve to the left;

THENCE, in a northwesterly direction along a southwesterly line of said Firelane, Access, and Utility Easement the following two (2) calls:

Along said non-tangent curve to the left, having a central angle of 18 degrees, 43 minutes, 32 seconds, a radius of 672.00 feet, a chord bearing and distance of North 40 degrees, 23 minutes, 24 seconds West, 218.65 feet, an arc distance of 219.62 feet to a point at the beginning of a reverse curve to the right;

Along said compound curve to the right, having a central angle of 10 degrees, 16 minutes, 37 seconds, a radius of 528.00 feet, a chord bearing and distance of North 44 degrees, 36 minutes, 37 seconds West, 94.58 feet, an arc distance of 94.71 feet to a point at the end of said curve to the right;

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Reviewed By: RME
Date: 08/12/08
SPRG NO: 1493

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**FIRELANE, ACCESS, AND UTILITY EASEMENT
ABANDONMENT**

Part of Lot 1, City Block C/8222
Prestonwood Theater
Robert Wilburn Survey, Abstract No. 1580
City of Dallas, Dallas County, Texas

THENCE, South 54 degrees, 15 minutes, 00 seconds West, a distance of 30.06 feet to a point for corner in said northeasterly line of Prestonwood Boulevard and said westerly line of Lot 1, said point being in a non-tangent curve to the right;

THENCE, in a northwesterly direction along said northeasterly line of Prestonwood Boulevard and said westerly line of Lot 1, and along said non-tangent curve to the right, having a central angle of 02 degrees, 52 minutes, 38 seconds, a radius of 558.00 feet, a chord bearing and distance of North 37 degrees, 50 minutes, 44 seconds West, 28.02 feet, an arc distance of 28.02 feet to a point for corner;

THENCE, North 54 degrees, 15 minutes, 00 seconds East, departing said northeasterly line of Prestonwood Boulevard and said westerly line of Lot 1, and along a northwesterly line of said Firelane, Access, and Utility Easement a distance of 134.21 feet to a point for corner;

THENCE, North 04 degrees, 15 minutes, 00 seconds East, along a westerly line of said Firelane, Access, and Utility Easement, a distance of 151.19 feet to a point for corner;

THENCE, South 85 degrees, 45 minutes, 00 seconds East, a distance of 28.00 feet to a point for corner;

THENCE, South 04 degrees, 15 minutes, 00 seconds West, along an easterly line of said Firelane, Access, and Utility Easement, a distance of 164.25 feet to a point for corner;

THENCE, South 54 degrees, 15 minutes, 00 seconds West, along a southeasterly line of said Firelane, Access, and Utility Easement a distance of 91.13 feet to a point for corner at the beginning of a non-tangent curve to the left;

THENCE, in southeasterly direction along a northeasterly line of said Firelane, Access, and Utility Easement, the following two (2) calls:

Along said non-tangent curve to the left, having a central angle of 10 degrees, 05 minutes, 31 seconds, a radius of 503.00 feet, a chord bearing and distance of South 44 degrees, 42 minutes, 09 seconds East, 88.48 feet, an arc distance of 88.60 feet to a point at the end of said non-tangent curve to the left and the beginning of a reverse curve to the right;

Along said compound curve to the right, having a central angle of 18 degrees, 43 minutes, 32 seconds, a radius of 697.00 feet, a chord bearing and distance of South 40 degrees, 23 minutes, 24 seconds East, 226.78 feet, an arc length of 227.79 feet to a point at the end of said curve to the right;

THENCE, North 33 degrees, 46 minutes, 45 seconds East, along a westerly line of said Firelane, Access, and Utility Easement, a distance of 181.11 feet to a point at the beginning of a curve to the left;

THENCE, in a westerly direction along a southerly line of said Firelane, Access, and Utility Easement the following three (3) calls:

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Reviewed By:	<u>Rmc</u>
Date:	<u>08/12/08</u>
SPRG NO:	<u>1493</u>

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08-3044

EXHIBIT A

**FIRELANE, ACCESS, AND UTILITY EASEMENT
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Part of Lot 1, City Block C/8222
Prestonwood Theater
Robert Wilburn Survey, Abstract No. 1580
City of Dallas, Dallas County, Texas

Along said curve to the left, having a central angle of 113 degrees, 46 minutes, 45 seconds, a radius of 27.50 feet, a chord bearing and distance of North 23 degrees, 06 minutes, 37 seconds West, 46.07 feet, an arc distance of 54.61 feet to a point at the end of said curve to the left;

North 10 degrees, 00 minutes, 00 seconds East, a distance of 0.50 feet to a point for corner;

North 80 degrees, 00 minutes, 00 seconds West, a distance of 55.18 feet to a point for corner;

THENCE, North 10 degrees, 00 minutes, 00 seconds East, along a westerly line of said Firelane, Access, and Utility Easement, a distance of 239.06 feet to a point for corner at the beginning of a non-tangent curve to the right;

THENCE, in an easterly direction along said non-tangent curve to the right, having a central angle of 01 degrees, 27 minutes, 50 seconds, a radius of 1,098.00 feet, a chord bearing and distance of South 83 degrees, 27 minutes, 03 seconds East, 28.05 feet, an arc distance of 28.05 feet to a point at the end of said non-tangent curve to the right;

THENCE, South 10 degrees, 00 minutes, 00 seconds West, along an easterly line of said Firelane, Access, and Utility Easement, a distance of 216.74 feet to a point for corner;

THENCE, in an easterly direction along a northerly line of said Firelane, Access, and Utility Easement, the following three (3) calls:

South 80 degrees, 00 minutes, 00 seconds East, a distance of 27.18 feet to a point for corner;

North 10 degrees, 00 minutes, 00 seconds East, a distance of 0.50 feet to a point at the beginning of non-tangent curve to the right;

Along said non-tangent curve to the right, having a central angle of 113 degrees, 46 minutes, 45 seconds, a radius of 52.50 feet, a chord bearing and distance of South 23 degrees, 06 minutes, 37 seconds East, 87.95 feet, an arc distance of 104.26 feet to a point at the end of said non-tangent curve to the right;

THENCE, South 33 degrees, 46 minutes, 45 seconds West, along a southeasterly line of said Firelane, Access, and Utility Easement, a distance of 220.18 feet to a point for corner;

THENCE, North 56 degrees, 13 minutes, 15 seconds West, along a southerly line of said Firelane, Access, and Utility Easement, a distance of 12.54 feet to a point for corner;

THENCE, South 60 degrees, 09 minutes, 04 seconds West, along a southeasterly line of said Firelane, Access, and Utility Easement, a distance of 25.59 feet to the POINT OF BEGINNING;

CONTAINING; 31,973 square feet or 0.734 acres of land, more or less.

(For SPRG use only)	
Reviewed By:	<u> CME </u>
Date:	<u> 08/12/08 </u>
SPRG NO:	<u> 1493 </u>

**FIRELANE, ACCESS, AND UTILITY EASEMENT
ABANDONMENT**

EXHIBIT A

Part of Lot 1, City Block C/8222
Prestonwood Theater
Robert Wilburn Survey, Abstract No. 1580
City of Dallas, Dallas County, Texas

TRACT 2

DESCRIPTION, of a 20,694 square foot (0.475 acre) tract of land situated in the Robert Wilburn Survey, Abstract No. 1580, Dallas County, Texas; said tract being part of Lot 1, City Block C/8222, Prestonwood Theater, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 79139, Page 809, of the Deed Records of Dallas County, Texas, part of a Firelane, Access, and Utility Easement dedicated by the said plat of Prestonwood Theater; being part of that tract of land described in Special Warranty Deed to Prestonwood Tradition, L.P. recorded in Instrument No. 20080166163, of the Official Public Records of Dallas County, Texas, said 20,694 square foot tract of land being more particularly described as follows (Bearing system for this survey is based on a bearing of South 85 degrees, 45 minutes, 00 seconds East, for the south right-of-way line of Arapaho Road (a variable width right-of-way) according to said plat of Prestonwood Theater):

COMMENCING, at a 5/8-inch iron rod found in the northeasterly right-of way line of Prestonwood Boulevard (an 84-foot wide right-of-way), said point being the most southerly corner of said Lot 1 and the beginning of a curve to the left;

THENCE, in a northwesterly direction along said northeasterly line of Prestonwood Boulevard and the westerly line of said Lot 1, the following two (2) calls:

Along said curve to the left, having a central angle of 33 degrees, 31 minutes, 59 seconds, a radius of 642.00 feet, a chord bearing and distance of North 32 degrees, 56 minutes, 56 seconds West, 370.40 feet, an arc distance of 375.74 feet to a point at the end of said curve to the left and the beginning of a reverse curve to the right;

Along said curve to the right, having a central angle of 13 degrees, 22 minutes, 36 seconds, a radius of 558.00 feet, a chord bearing and distance of North 43 degrees, 05 minutes, 43 seconds West, 129.98 feet, an arc length of 130.27 feet to a point for corner, said point being a westerly corner of said Firelane, Access, and Utility Easement;

THENCE, North 54 degrees, 15 minutes, 00 seconds East, a distance of 30.01 feet to a point at the beginning of a non-tangent curve to the right and the POINT OF BEGINNING;

THENCE, in a northerly direction along a westerly line of said Firelane, Access, and Utility Easement, the following two (2) calls:

Along said non-tangent curve to the right, having a central angle of 22 degrees, 32 minutes, 13 seconds, a radius of 528.00 feet, a chord bearing and distance of North 25 degrees, 09 minutes, 44 seconds West, 206.35 feet, an arc distance of 207.69 feet to a point for corner;

North 04 degrees, 15 minutes, 00 seconds East, a distance of 63.42 feet to a point for corner;

THENCE, in an easterly direction along a north line of said Firelane, Access, and Utility Easement, the following four (4) calls:

South 85 degrees, 45 minutes, 00 seconds East, a distance of 209.16 feet to a point for corner;

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Prestonwood Theater
Robert Wilburn Survey, Abstract No. 1580
City of Dallas, Dallas County, Texas

South 04 degrees, 15 minutes, 00 seconds West, a distance of 0.50 feet to a point for corner;

South 85 degrees, 45 minutes, 00 seconds East, a distance of 165.15 feet to a point at the beginning of a curve to the right;

Along said curve to the right, having a central angle of 01 degrees, 31 minutes, 59 seconds, a radius of 1,122.00 feet, a chord bearing and distance of South 84 degrees, 53 minutes, 45 seconds East, 30.02 feet, an arc distance of 30.02 feet to a point at the end of said curve to the right;

THENCE, North 06 degrees, 30 minutes, 00 seconds East, along a westerly line of said Firelane, Access, and Utility Easement, a distance of 27.82 feet to a point in the southerly right-of-way line of Arapaho Road (a variable width right-of-way) and the north line of said Lot 1, said point being at the beginning of a non-tangent curve to the right;

THENCE, in an easterly direction along said southerly line of Arapaho Road, said north line of Lot 1, and along said non-tangent curve to the right, having a central angle of 01 degrees, 23 minutes, 42 seconds, a radius of 1,150.00 feet, a chord bearing and distance of South 83 degrees, 30 minutes, 08 seconds East, 28.00 feet, an arc distance of 28.00 feet to a point at the end of said non-tangent curve to the right;

THENCE, South 06 degrees, 30 minutes, 00 seconds West, departing said southerly line of Arapaho Road and the north line of said Lot 1, and along an east line of said Firelane, Access, and Utility Easement, a distance of 27.86 feet to a point at the beginning of a non-tangent curve to the right;

THENCE, in an easterly direction along a north line of said Firelane, Access, and Utility Easement, the following two (2) calls:

Along said non-tangent curve to the right, having a central angle of 02 degrees, 47 minutes, 16 seconds, a radius of 1,122.00 feet, a chord bearing and distance of South 81 degrees, 18 minutes, 20 seconds East, 54.59 feet, an arc distance of 54.59 feet to a point at the end of said non-tangent curve to the right;

South 80 degrees, 00 minutes, 00 seconds East, a distance of 87.94 feet to a point for corner in the west line of a 15-foot Utility Easement recorded in Volume 79139, Page 809, of said Deed Records;

THENCE, South 09 degrees, 14 minutes, 30 seconds West, along said west line of 15-foot Utility Easement, a distance of 24.00 feet to a point for corner;

THENCE, in a westerly direction along a south line of said Firelane, Access, and Utility Easement, the following five (5) calls:

North 80 degrees, 00 minutes, 00 seconds West, a distance of 88.26 feet to a point at the beginning of a curve to the left;

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Reviewed By: RMZ
Date: 08/12/08
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EXHIBIT A

**FIRELANE, ACCESS, AND UTILITY EASEMENT
ABANDONMENT**

Part of Lot 1, City Block C/8222
Prestonwood Theater
Robert Wilburn Survey, Abstract No. 1580
City of Dallas, Dallas County, Texas

Along said curve to the left, having a central angle of 05 degrees, 45 minutes, 03 seconds, a radius of 1,098.00 feet, a chord bearing and distance of North 82 degrees, 47 minutes, 06 seconds West, 110.16 feet, an arc distance of 110.21 feet to a point at the end of said curve to the left;

North 85 degrees, 45 minutes, 00 seconds West, a distance of 165.15 feet to a point for corner;

South 04 degrees, 15 minutes, 00 seconds West, a distance of 0.50 feet to a point for corner;

North 85 degrees, 45 minutes, 00 seconds West, a distance of 184.16 feet to a point for corner;

THENCE, in a southerly direction along an east line of said Firelane, Access, and Utility Easement, the following two (2) distances:


South 04 degrees, 15 minutes, 00 seconds West, a distance of 34.38 feet to a point at the beginning of a curve to the left;

Along said curve to the left, having a central angle of 22 degrees, 07 minutes, 18 seconds, a radius of 503.00 feet, a chord bearing and distance of South 25 degrees, 24 minutes, 14 seconds East, 193.00 feet, an arc distance of 194.21 feet to a point at the end of said curve to the left;

THENCE, South 54 degrees, 15 minutes, 00 seconds West, a distance of 25.00 feet to the POINT OF BEGINNING;

CONTAINING; 20,694 square feet or 0.475 acres of land, more or less.

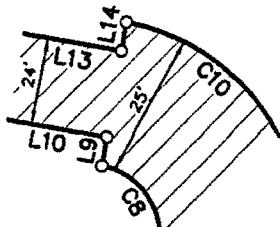
(A survey plat of even survey date herewith accompanies this description.)


Eric A. Kreiner Date 08/11/2008
Registered Professional Land Surveyor No. 5320
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031



Easement abandonment 1.doc
1261F-08-091EX.dwg

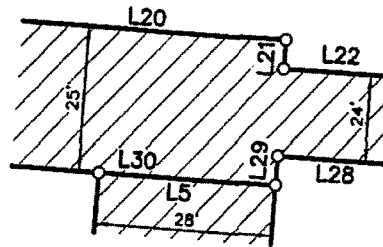
(For SPRG use only)
Reviewed By: RMK
Date: 08/12/08
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1

DETAIL

NOT TO SCALE



2

DETAIL

NOT TO SCALE

LEGEND	
	PROPERTY LINE
	ABANDONMENT LINE
	EXISTING ESMT. LINE
	ABANDONMENT CORNER
	(C.M.) - CONTROLLING MONUMENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
(O.P.R.D.C.T.)	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
(D.R.D.C.T.)	DEED RECORDS OF DALLAS COUNTY, TEXAS

LINE TABLE			LINE TABLE		
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N 60°09'04" E	30.05'	L17	S 60°09'04" W	25.59'
L2	S 54°15'00" W	30.06'	L18	N 54°15'00" E	30.01'
L3	N 54°15'00" E	134.21'	L19	N 04°15'00" E	63.42'
L4	N 04°15'00" E	151.19'	L20	S 85°45'00" E	209.16'
L5	S 85°45'00" E	28.00'	L21	S 04°15'00" W	0.50'
L6	S 04°15'00" W	164.25'	L22	S 85°45'00" E	165.15'
L7	S 54°15'00" W	91.13'	L23	N 06°30'00" E	27.82'
L8	N 33°46'45" E	181.11'	L24	S 06°30'00" W	27.86'
L9	N 10°00'00" E	0.50'	L25	S 80°00'00" E	87.94'
L10	N 80°00'00" W	55.18'	L26	S 09°14'30" W	24.00'
L11	N 10°00'00" E	239.06'	L27	N 80°00'00" W	88.26'
L12	S 10°00'00" W	216.74'	L28	N 85°45'00" W	165.15'
L13	S 80°00'00" E	27.18'	L29	S 04°15'00" W	0.50'
L14	N 10°00'00" E	0.50'	L30	N 85°45'00" W	184.16'
L15	S 33°46'45" W	220.18'	L31	S 04°15'00" W	34.38'
L16	N 56°13'15" W	12.54'	L32	S 54°15'00" W	25.00'

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	12°22'59"	642.00'	138.75'	69.65'	N 22°22'26" W	138.48'
C2	2°29'57"	642.00'	28.00'	14.00'	N 29°48'53" W	28.00'
C3	18°43'32"	672.00'	219.62'	110.80'	N 40°23'24" W	218.65'
C4	10°16'37"	528.00'	94.71'	47.48'	N 44°36'37" W	94.58'
C5	2°52'38"	558.00'	28.02'	14.01'	N 37°50'44" W	28.02'
C6	10°05'31"	503.00'	88.60'	44.41'	S 44°42'09" E	88.48'
C7	18°43'32"	697.00'	227.79'	114.92'	S 40°23'24" E	226.78'
C8	113°46'45"	27.50'	54.61'	42.17'	N 23°06'37" W	46.07'
C9	1°27'50"	1,098.00'	28.05'	14.03'	S 83°27'03" E	28.05'
C10	113°46'45"	52.50'	104.26'	80.50'	S 23°06'37" E	87.95'
C11	13°22'36"	558.00'	130.27'	65.43'	N 43°05'43" W	129.98'
C12	22°32'13"	528.00'	207.69'	105.20'	N 25°09'44" W	206.35'
C13	1°31'59"	1,122.00'	30.02'	15.01'	S 84°53'45" E	30.02'
C14	1°23'42"	1,150.00'	28.00'	14.00'	S 83°30'08" E	28.00'
C15	2°47'16"	1,122.00'	54.59'	27.30'	S 81°18'20" E	54.59'
C16	5°45'03"	1,098.00'	110.21'	55.15'	N 82°47'06" W	110.16'
C17	22°07'18"	503.00'	194.21'	98.33'	S 25°24'14" E	193.00'

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 Reviewed By: RME
 Date: 08/12/08
 SPRG NO: 1493

Pacheco Koch Consulting Engineers
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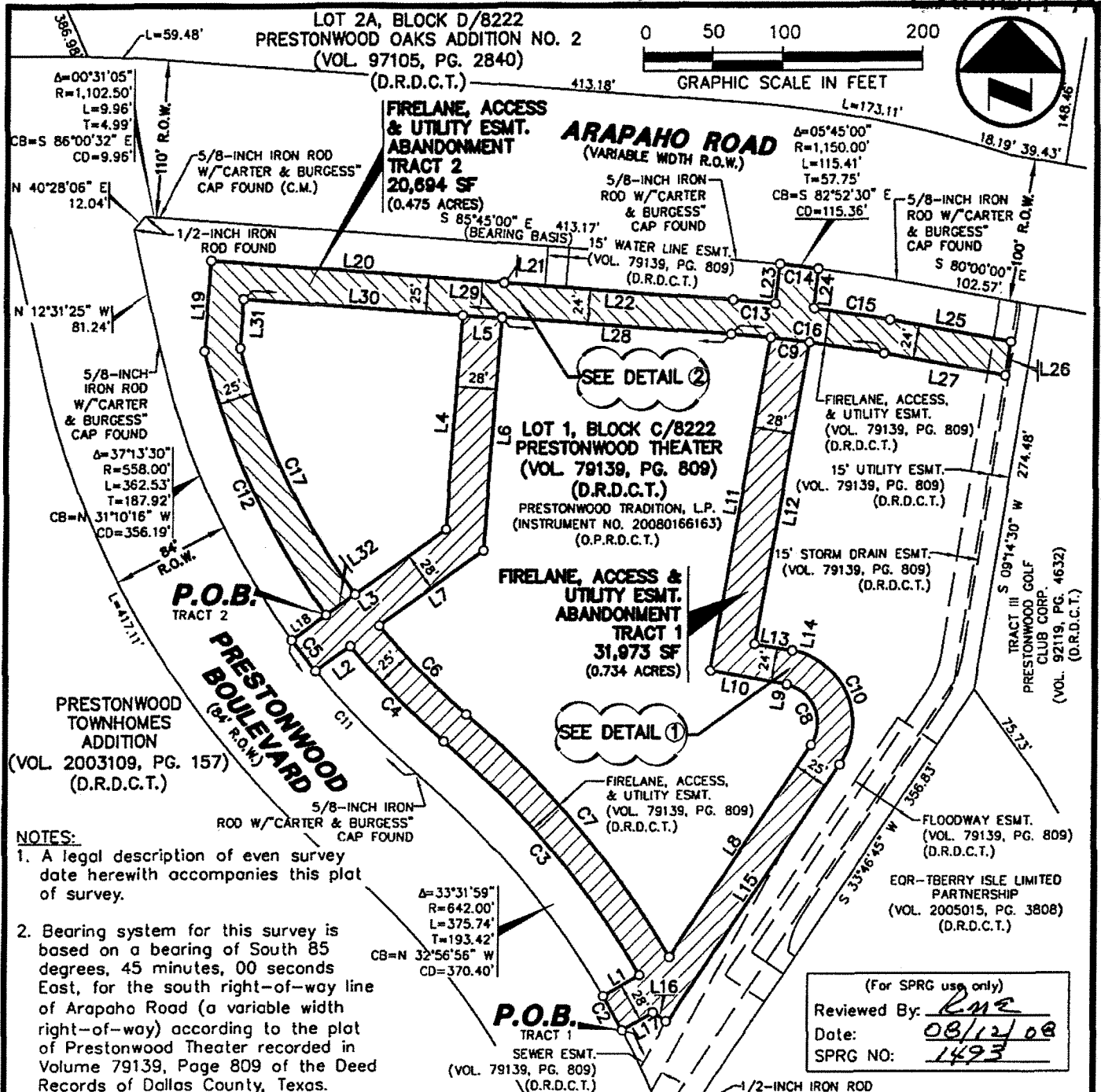
FIRELANE, ACCESS & UTILITY EASEMENT ABANDONMENT
 PART OF LOT 1, CITY BLOCK C/8222 PRESTONWOOD THEATER
 ROBERT WILBURN SURVEY, ABSTRACT NO. 1580
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 SHEET 8 OF 8

DRAWN BY JRM	CHECKED BY EAK	SCALE 1"=100'	DATE JUNE 2008	JOB NUMBER 1261F-08.091
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EX-08-3044



Eric A. Kreiner 08/12/08
 Eric A. Kreiner Date
 Registered Professional
 Land Surveyor No. 5320



(For SPRG use only)
 Reviewed By: RME
 Date: 08/12/08
 SPRG NO: 1493

FIRELANE, ACCESS & UTILITY EASEMENT ABANDONMENT
 PART OF LOT 1, CITY BLOCK C/8222 PRESTONWOOD THEATER
 ROBERT WILBURN SURVEY, ABSTRACT NO. 1580
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 SHEET 7 OF 8

Pacheco Koch Consulting Engineers
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27383

08-3044

EXHIBIT A

**SEWER EASEMENT
ABANDONMENT**

Part of Lot 1, City Block C/8222
Prestonwood Theater
Robert Wilburn Survey, Abstract No. 1580
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 1,655 square foot (0.038 acre) tract of land situated in the Robert Wilburn Survey, Abstract No. 1580, Dallas County, Texas; and being part of Lot 1, City Block C/8222, Prestonwood Theater, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 79139, Page 809, of the Deed Records of Dallas County, Texas, and being a Sewer Easement dedicated by said plat of Prestonwood Theater; and being part of that tract of land described in Special Warranty Deed to Prestonwood Tradition, LP recorded in Instrument No. 20080166163, of the Official Public Records of Dallas County, Texas, said 1,655 square foot tract of land being more particularly described as follows (Bearing system for this survey is based on a bearing of South 85 degrees, 45 minutes, 00 seconds East, for the south right-of-way line of Arapaho Road (a variable width right-of-way) according to said plat of Prestonwood Theater):

COMMENCING, at a 5/8-inch iron rod found in the northeasterly right-of way line of Prestonwood Boulevard (an 84-foot wide right-of-way), said point being the most southerly corner of said Lot 1 and the beginning of a curve to the left;

THENCE, in a northwesterly direction along said northeasterly line of Prestonwood Boulevard and the westerly line of said Lot 1, and along said curve to the left, having a central angle of 08 degrees, 04 minutes, 39 seconds, a radius of 642.00 feet, a chord bearing and distance of North 20 degrees, 13 minutes, 16 seconds West, 90.43 feet, an arc distance of 90.51 feet to a point for corner at the most southerly corner of said Sewer Easement and the POINT OF BEGINNING;

THENCE, in a northwesterly direction continuing along said northeasterly line of Prestonwood Boulevard, the westerly line of said Lot 1, the southwesterly line of said Sewer Easement, and along said curve to the left, having a central angle of 01 degrees, 39 minutes, 44 seconds, a radius of 642.00 feet, a chord bearing and distance of North 25 degrees, 05 minutes, 27 seconds West, 18.62 feet, an arc distance of 18.62 feet to a point for corner;

THENCE, North 28 degrees, 33 minutes, 45 seconds East, departing said northeasterly line of Prestonwood Boulevard and said westerly line of Lot 1, and along the northwesterly line of said Sewer Easement a distance of 37.43 feet to a point for corner in a southerly line of a Firelane, Access, and Utility Easement recorded in Volume 79139, Page 809, of said Deed Records;

THENCE, South 56 degrees, 13 minutes, 15 seconds East, along said southerly line of Firelane, Access, and Utility Easement and said northwesterly line of Sewer Easement, a distance of 1.41 feet to a point for corner;

THENCE, North 33 degrees, 46 minutes, 45 seconds East, along a southeasterly line of said Firelane, Access, and Utility Easement and said northwesterly line of Sewer Easement, a distance of 149.58 feet to a point for corner;

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Reviewed By: RM
Date: 08/12/08
SPRG NO: 1434

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EXHIBIT A


**SEWER EASEMENT
ABANDONMENT**

Part of Lot 1, City Block C/8222
Prestonwood Theater
Robert Wilburn Survey, Abstract No. 1580
City of Dallas, Dallas County, Texas

THENCE, South 28 degrees, 33 minutes, 45 seconds West, departing said southeasterly line of Firelane, Access, and Utility Easement, and along the southeasterly line of said Sewer Easement, a distance of 197.31 feet to the POINT OF BEGINNING;

CONTAINING; 1,655 square feet or 0.038 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)


Eric. A. Kreiner
Registered Professional Land Surveyor No. 5320
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031

08/11/2008
Date

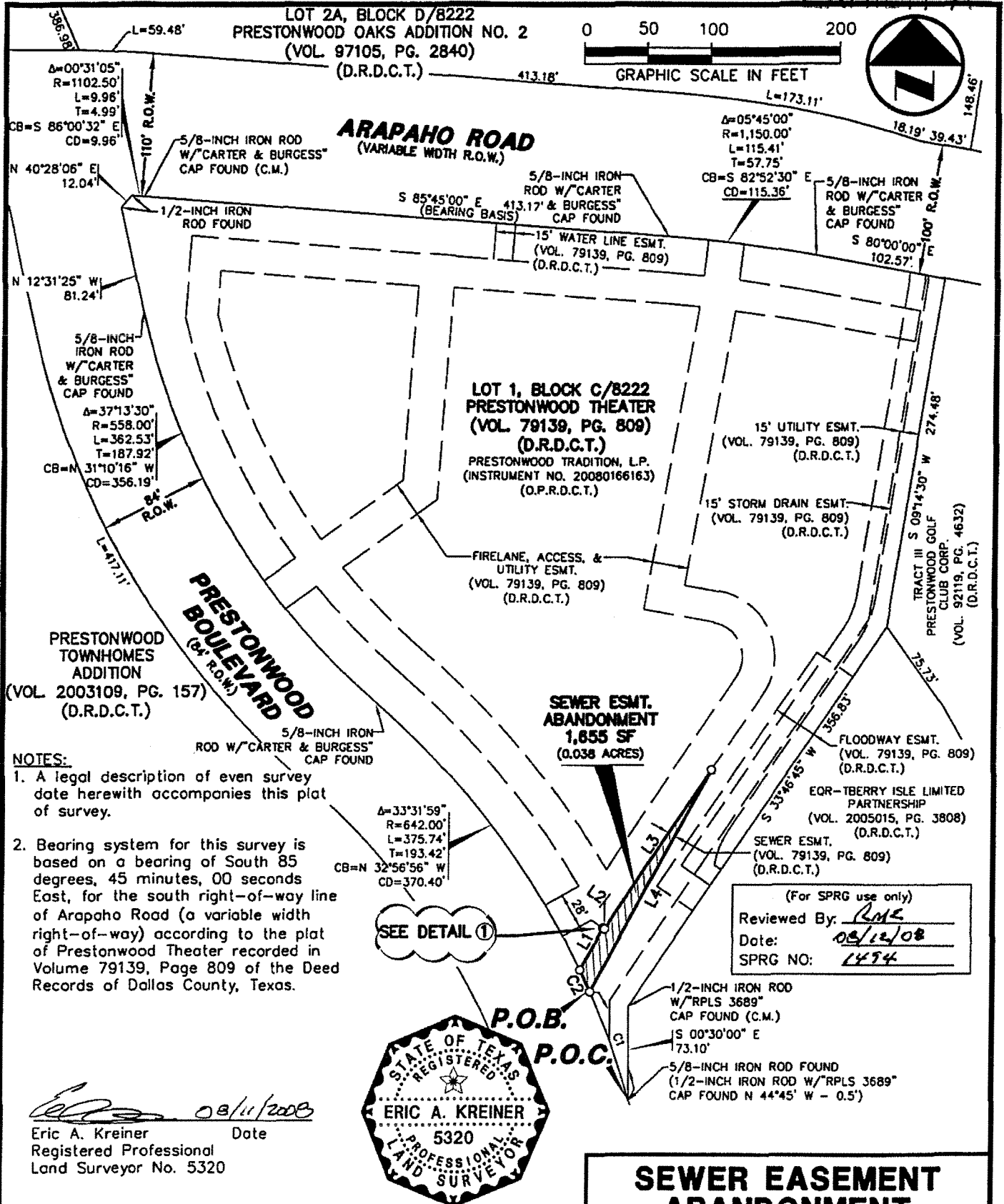


Easement abandonment 2.doc
1261F-08-091EX2.dwg

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Reviewed By:	<u> Laz </u>
Date:	<u> 08/12/08 </u>
SPRG NO:	<u> 1494 </u>

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EXHIBIT 08-3044



**SEWER EASEMENT
ABANDONMENT**

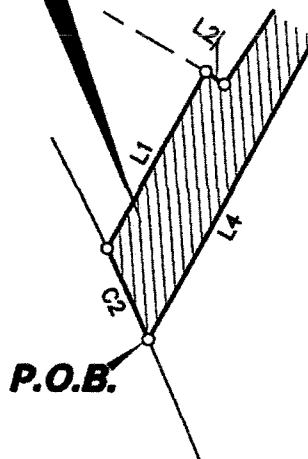
PART OF LOT 1, CITY BLOCK C/8222
PRESTONWOOD THEATER
ROBERT WILBURN SURVEY, ABSTRACT NO. 1580
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 4

Pacheco Koch Consulting Engineers
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LEGEND	
	PROPERTY LINE
	ABANDONMENT LINE
	EXISTING ESMT. LINE
	ABANDONMENT CORNER
(C.M.) -	CONTROLLING MONUMENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
(O.P.R.D.C.T.)	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
(D.R.D.C.T.)	DEED RECORDS OF DALLAS COUNTY, TEXAS

SEWER ESMT.
ABANDONMENT
1,655 SF
(0.038 ACRES)



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 28°33'45" E	37.43'
L2	S 56°13'15" E	1.41'
L3	N 33°46'45" E	149.58'
L4	S 28°33'45" W	197.31'

1 **DETAIL**
NOT TO SCALE

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	8°04'39"	642.00'	90.51'	45.33'	N 20°13'16" W	90.43'
C2	1°39'44"	642.00'	18.62'	9.31'	N 25°05'27" W	18.62'

(For SPRG use only)
Reviewed By: KMZ
Date: 08/12/08
SPRG NO: 1494

Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX. 75206 972.235.3031

SEWER EASEMENT ABANDONMENT
PART OF LOT 1, CITY BLOCK C/8222
PRESTONWOOD THEATER
ROBERT WILBURN SURVEY, ABSTRACT NO. 1580
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 4 OF 4

DRAWN BY JRM	CHECKED BY EAK	SCALE 1"=100'	DATE JUNE 2008	JOB NUMBER 1261F-08.091
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