

ORDINANCE NO. 27566

An ordinance providing for the abandonment and relinquishment of a portion of a storm sewer easement, located in City Block 5533 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Raksha Parmar and Rohit Parmar; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement, if needed, 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.

ooooooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Raksha Parmar and Rohit Parmar, individuals; hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of easement 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 tract 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.

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 that certain tract or parcel of land hereinabove 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**, their heirs 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.

27566

091493

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, their heirs 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**, their heirs 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 area described in Exhibit A, which **GRANTEE**, their heirs 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**, their heirs 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.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said portion of storm sewer easement shall not become effective until and unless: (i) any existing installations and facilities are relocated, at **GRANTEE's** expense, to a new easement to be provided by **GRANTEE**, if needed, and acceptable to the Director of Development Services, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement 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 
Assistant City Attorney

BY 
Assistant Director

Passed JUN 10 2009 .

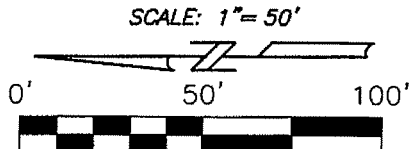
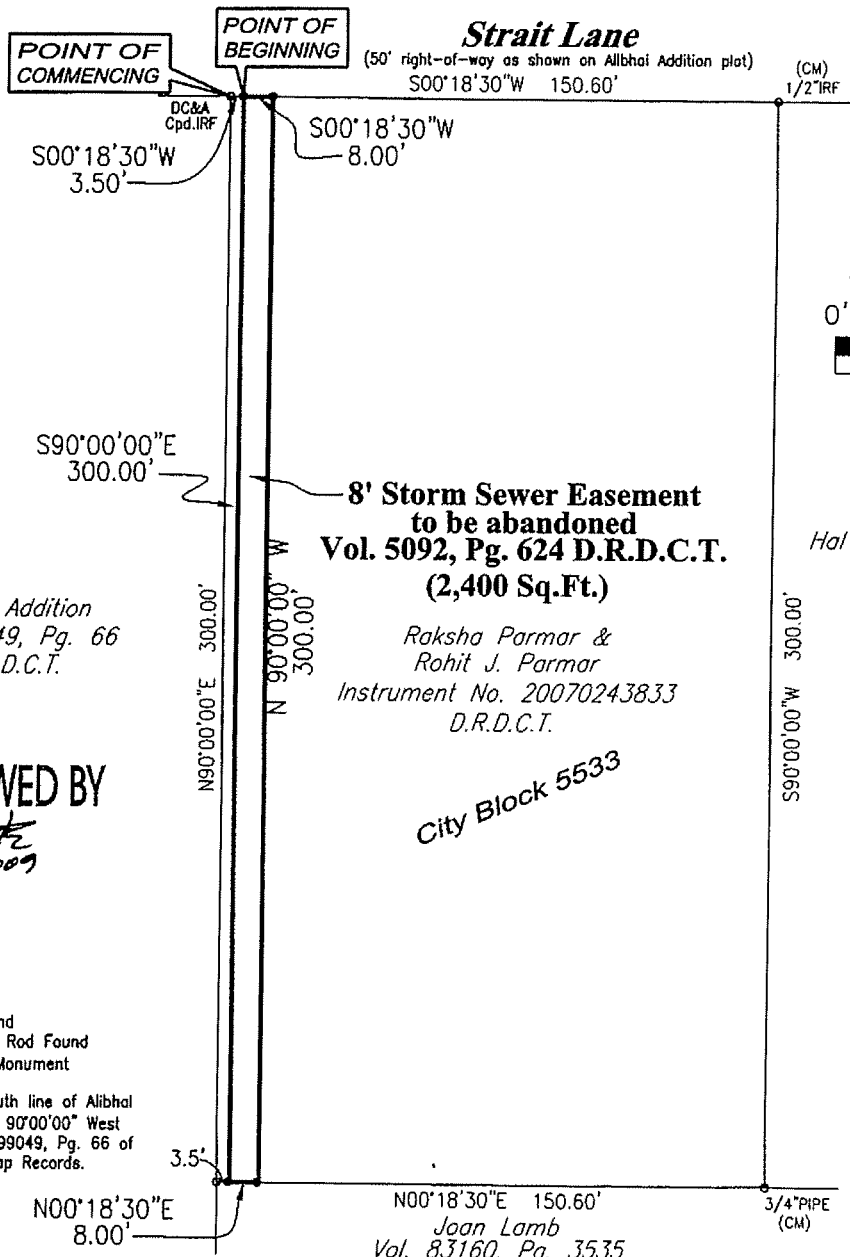
27566

091493

Storm Sewer Easement Abandonment

Milford F. Fortner Survey, Abstract No. 478
City of Dallas, Dallas County, Texas
Dallas City Block 5533
Sheet 2 of 2

EXHIBIT A



Hal W. & Sharon B. Johnson
Vol. 91170, Pg. 700
D.R.D.C.T.

Raksha Parmar &
Rohit J. Parmar
Instrument No. 20070243833
D.R.D.C.T.

City Block 5533

Alibhai Addition
Vol. 99049, Pg. 66
M.R.D.C.T.

REVIEWED BY
[Signature]
3-18-2009
1649

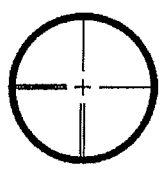
LEGEND
IRF = Iron Rod Found
CIRF = Capped Iron Rod Found
(CM) = Controlling Monument

Bearing Source: South line of Alibhai Addition being South 90°00'00" West as recorded in Vol. 99049, Pg. 66 of the Dallas County Map Records.

[Signature]
Chad Sledge
R.P.L.S. 5733

Job No. 1684853 Date: 1/23/2009 Revised: 3/5/2009
P:\LB\2009Q1\1684853.dwg

Joan Lamb
Vol. 83160, Pg. 3535
D.R.D.C.T.



ROOME LAND SURVEYING, INC.
2000 AVENUE G
SUITE 810
PLANO, TX 75074
Phone Number (972) 423-4372
Fax Number (972) 423-7523



27566

091493

Storm Sewer Easement Abandonment

Milford F. Fortner Survey, Abstract No. 478
City of Dallas, Dallas County, Texas
Dallas City Block 5533

EXHIBIT A

Sheet 1 of 2

BEING a 2,400 square foot tract situated in the State of Texas, County of Dallas, being a part of the Milford F. Fortner Survey, Abstract No. 479, being a part of City of Dallas Block 5533, being a Storm Sewer Easement to the City of Dallas recorded in Volume 5092, Page 624 of the Deed Records of Dallas County, Texas and being a part of a 1.04 acre tract as described in General warranty deed to Raksha Parmar & Rohit J. Parmar as recorded in Instrument No. 20070243833 of the Deed Records of Dallas County, Texas with the said easement being more particularly described as follows:

COMMENCING at a DC&A capped iron rod found marking the northeast corner of said 1.04 acre Parmar tract, the southeast corner of the Alibhai Addition, an addition to the City of Dallas as recorded in Volume 99049, Page 66 of the Map Records of Dallas County, Texas and being in the west right-of-way line of Strait Lane (50' right-of-way);

THENCE with the east line of said Parmar tract and the west right-of-way line of said Strait Lane, South 00°18'30" West, 3.50 feet to a point marking the northeast corner of said easement and the POINT OF BEGINNING;

THENCE with east line of said easement, said Parmar tract and the west right-of-way line of said Strait Lane, South 00°18'30" West, 8.00 feet to a point marking the southeast corner of said easment;

THENCE departing the right-of-way of said Strait Lane and with the south line of said easement, North 90°00'00" West, 300.00 feet to a point marking the southwest corner of said easement and being in the west line of said Parmar tract and the east line of a tract of land described in warranty deed to Joan Lamb in Volume 83160, Page 3535 of the Deed Records of Dallas County, Texas;

THENCE with the west line of said easement, said Parmar tract and the east line of said Lamb tract, North 00°18'30" East, 8.00 feet to a point marking the northwest corner of said easement and from which the northwest corner of said Parmar tract and the northeast corner of said Lamb tract bears, North 00°18'30" East, 3.50;

THENCE with the north line of said easement, South 90°00'00" East, 300.00 feet to the PLACE OF BEGINNING and containing 2,400 square feet or 0.055 acre of land.

Bearing Source: South line of Alibhai Addition being South 90°00'00" West as recorded in Vol. 99049, Pg. 66 of the Dallas County Map Records.

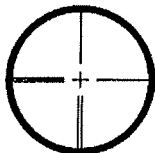
REVIEWED BY

D.J. [Signature]
5.18.2009
1649

Chad Sledge
Chad Sledge
R.P.L.S. 5733

Job No. lb84853 Date: 1/23/2009 Revised: 3/5/2009

P:\LB\2009Q1\lb84853.dwg



ROOME LAND SURVEYING, INC.

2000 AVENUE G
SUITE 810
PLANO, TX 75074
Phone Number (972) 423-4372
Fax Number (972) 423-7523

