

ORDINANCE NO. 27995

An ordinance providing for the abandonment and relinquishment of a portion of a sanitary sewer easement located in City Block 1/8018 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Boise Cascade Building Materials Distribution, L.L.C. (formerly known as Boise Building Solutions Distribution, L.L.C.); providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; 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 for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Boise Cascade Building Materials Distribution, L.L.C., a Delaware limited liability company; 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 tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of sanitary sewer 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 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, 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 Sustainable Development and Construction - 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.


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 area 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 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 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 Sustainable Development and Construction, 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 Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 10. 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 Sustainable Development and
Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed SEP 22 2010.

EXHIBIT A
27995

102399

ABANDONMENT OF A 15' PUBLIC SANITARY SEWER EASEMENT
BOISE CASCADE
PORTION OF LOT 1, BLOCK 1/8018
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 19,138 square foot (0.439 acres) portion of land situated in the Samuel P. Loving Survey, Abstract No. 773, City of Dallas, Dallas County, Texas and being a part of Lot 1, Block 1/8018 of BOISE CASCADE, an Addition to the City of Dallas, Dallas County, Texas according to the Map thereof recorded in Volume 84002, Page 2799 of the Map Records of Dallas County, Texas and also being part of a tract of land described in Special Warranty Deed to Boise Building Solutions Distribution, L.L.C., Tract 1, as recorded in Volume 2004215, Page 148, Official Public Records, Dallas County, Texas and said portion being more particularly described as follows:

BEGINNING at a 3 inch metallic cap set at the northeast corner of said Lot 1, from which a 1/2 inch iron rod found for reference that bears S 88° 15' 47" E and a distance of 0.52 feet, said point also being the southeast corner of Tract 3, a tract of land conveyed to Boise Building Solutions Distribution, L.L.C. as recorded in Volume 2004215, Page 148, Official Public Records, Dallas County, Texas and said point also being in the west right of line of the Atchison Topeka & Santa Fe Railroad; a 50 foot right-of-way;

THENCE S 04° 07' 12" W along the west right-of-way line of said Atchison Topeka & Santa Fe Railroad and the east line of said, Lot 1, a distance of 334.38 feet to a 3 inch metallic cap set and the beginning of a curve to the left, having a delta of 07° 40' 03", a radius of 1298.57 feet, a chord bearing and distance of S 00° 01' 59" W, 173.65 feet and an arc length of 173.78 feet, to a 1/2 inch iron rod found for corner;

THENCE S 88° 15' 12" W, along the south line of said Lot 1 and the north right-of-way line of said Atchison Topeka & Santa Fe Railroad, now a 100 foot right-of-way, passing at 25.01 feet, a 1/2 inch iron rod found, said rod marking the northeast corner of Tract 2, a tract of land conveyed to Boise Building Solutions Distribution, L.L.C. as recorded in Volume 2004215, Page 148, Official Public Records, Dallas County, Texas, continuing along the south line of said Lot 1 and the north line of said Tract 2, a total distance of 100.06 feet to a point for corner;

THENCE N 03° 20' 47" W, leaving the north line of said Tract 2, crossing said Lot 1, a distance of 15.00 feet to a point for corner;

THENCE N 88° 15' 12" E, continuing across said Lot 1, a distance of 85.03 feet to a point for corner at the beginning of a non-tangent curve to the right;

THENCE along said curve to the right having a delta of 06° 59' 22", a radius of 1313.57 feet, a chord bearing and distance of N 00° 22' 24" E, 160.14 feet and an arc length of 160.24 feet, to a point for corner;

THENCE N 04° 07' 12" E, continuing across said Lot 1, a distance of 318.33 feet to a point for corner;

THENCE N 89° 58' 58" W, continuing across said Lot 1, a distance of 685.80 feet to a point for corner in the middle of a tributary of Five Mile Creek, said point being in the west line of said Lot 1 and the east line of Lot 2, Block 1/8018;

EXHIBIT A

102399

27995

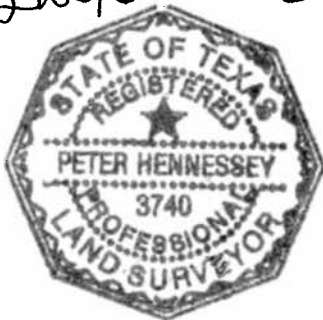
ABANDONMENT OF A 15' PUBLIC SANITARY SEWER EASEMENT
BOISE CASCADE
PORTION OF LOT 1, BLOCK 1/8018
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE N 26° 03' 52" E, along the centerline of said tributary and along the western line of said Lot 1 and the east line of said Lot 2, a distance of 16.70 feet to a point for corner in the middle of said tributary; said point being the northwest corner of said Lot 1 and the northeast corner of said, Lot 2;

THENCE S 89° 58' 58" E, along the common line of said Lot 1 and said Tract 3, a distance of 694.58 feet to the POINT OF BEGINNING and containing 19,138 square feet or 0.439 acres of land.

BASIS OF BEARING is the east R.O.W. line of Duncanville Road being N00°16'10"W, Volume 84002, Page 2799, Map Records, Dallas County, Texas.

Peter Hennessey



6-3-2010

Peter F. Hennessey, R.P.L.S. #3740
Hennessey Engineering, Inc.

Jun 03, 2010-9:16am H:\DRAWINGS\2008\J0840\CIVIL\EASEMENT AGREEMENT\J0840 ABANDON EASEMENT SS.dwg

HENNESSEY
ENGINEERING, INC.

1417 W. MAIN STREET, CARROLLTON, TX 75006
PH: (972)245-9478 / FAX: (972)245-7087

(For SPRG use only)

Reviewed By: DBF
Date: 6-10-2010
SPRG NO: 1900

SHEET NO.:

2

OF

3

FILE NO.: J0840

EXHIBIT A 27995

102399

ABANDONMENT OF A 15' PUBLIC SANITARY SEWER EASEMENT
BOISE CASCADE
PORTION OF LOT 1, BLOCK 1/8018
CITY OF DALLAS, DALLAS COUNTY, TEXAS

CITY OF DALLAS BLOCK NO. 8018

CHARLES A. BARNES,
TRUSTEE
VOL. 94248, PG. 2166
D.R.D.C.T.
(REMAINDER)

20' DRAINAGE EASEMENT
VOLUME 82225, PAGE 1684

BOISE BUILDING SOLUTIONS DISTRIBUTION, L.L.C.

TRACT 3
VOL. 2004215, PG. 148
O.P.R.D.C.T.

P.O.B.
3" M.C.S.

S89°58'58"E 694.58'

1/2" F.I.R.
FOR REF.
S88°15'47"E
0.52'

704.89'
N.T.S.

N26°03'52"E
16.70'

N89°58'58"W
685.80'

19,138 SQ. FT.
0.439 ACRES

50' DRAINAGE AND UTILITY
ESMT.
VOLUME 84002, PAGE 2799
D.R.D.C.T.

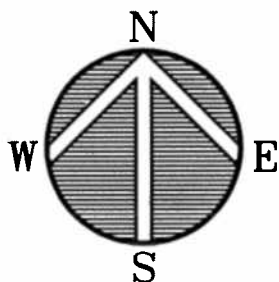
15' PUBLIC SANITARY SEWER
VOLUME 84002, PAGE 2799
M.R.D.C.T.

LOT 2, BLOCK 1/8018
BOISE CASCADE
VOL. 84002, PG. 2799
M.R.D.C.T.
CHARLES A. BARNES, TRUSTEE
VOLUME 2003041, PAGE 14489
D.R.D.C.T.

CITY OF DALLAS BLOCK NO. 8018

LOT 1, BLOCK 1/8018
BOISE CASCADE
VOL. 84002, PG. 2799
M.R.D.C.T.

BOISE BUILDING SOLUTIONS DISTRIBUTION, L.L.C.
TRACT 1
VOL. 2004215, PG. 148
O.P.R.D.C.T.



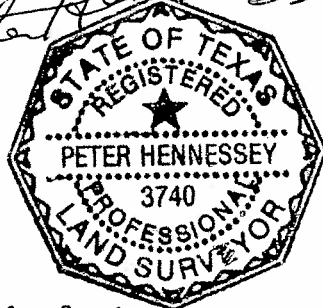
SCALE IN FEET

1"=100'

DUNCANVILLE ROAD
(100' R.O.W.)

N00°16'10"W
1/2" F.I.R.
(C.M.)

S88°15'12"W ~1375.93'



6-3-10

APPROXIMATE LOCATION
SAMUEL P. LOVING SURVEY, ABSTRACT NO. 773
WILLIAM JAMES SURVEY, ABSTRACT NO. 691

D=06°59'22"
R=1313.57'
L=160.24'
LC=160.14'
CB=N00°22'24"E

D=7°40'03"
R=1298.57'
L=173.78'
LC=173.65'
CB=S00°01'59"W

N88°15'12"E
85.03'
N03°20'47"W
15.00'

S88°15'12"W
100.06'

CITY OF DALLAS BLOCK NO. 6962

BOISE BUILDING SOLUTIONS
DISTRIBUTION, L.L.C.

TRACT 2
VOL. 2004215, PG. 148
O.P.R.D.C.T.

1/2" F.I.R.
(C.M.)

1/2" F.I.R.

L=185.44'
L=1323.57'

A.T. & S.F. RAILROAD
(100' R.O.W.)

LEGEND:
F.I.R. = FOUND IRON ROD
M.C.S. = METALLIC CAP SET
P.O.B. = POINT OF BEGINNING
D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T. = MAP RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
N.T.S. = NOT TO SCALE
C.M. = CONTROL MONUMENT

BASIS OF BEARING is the east R.O.W. line of Duncanville Road being N00°16'10"W,
Volume 84002, Page 2799, Map Records, Dallas County, Texas.

Jun 03, 2010-9:20am H:\DRAWINGS\2008\J0840\CIVIL\EASEMENT AGREEMENT\J0840 ABANDON EASEMENT SS.dwg

HENNESSEY
ENGINEERING, INC.

1417 W. MAIN STREET, CARROLLTON, TX 75006
PH: (972)245-9478 / FAX: (972)245-7087

(For SPRG use only)
Reviewed By: DBF
Date: 6-10-2010
SPRG NO: 1900

FILE NO.: J0840

SHEET NO.:

3

OF 3