

ORDINANCE NO. 27997

An ordinance providing for the abandonment and relinquishment of portions of two storm sewer easements located in City Block 5775 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Northwest/Webb Chapel Properties, L.P.; 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.

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WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Northwest/Webb Chapel Properties, L.P., 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 portions of storm sewer easements are 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 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 those certain tracts or parcels 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 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 areas 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 areas 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 portions of storm sewer easements shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement to be provided by **GRANTEE** and acceptable to the Director of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Sustainable Development and Construction. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

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 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 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 Sustainable Development
 and Construction

BY 
 Assistant City Attorney

BY 
 Assistant Director

Passed SEP 22 2010.

27997

STORM WATER DRAINAGE FACILITIES EASEMENT ABANDONMENT
BLOCK 5775
CITY OF DALLAS,
DALLAS COUNTY, TEXAS

75 SQUARE FEET

BEING a 75 square foot tract of land situated in the Dickerson Parker Survey, Abstract No. 1113, City of Dallas, Dallas County, Texas, and in City of Dallas Block 5775, being part of a tract of land described in Special Warranty Deed with Vendor's Lien to Northwest/Webb Chapel Properties, LP, recorded in Instrument No. 200600185054, Official Public Records of Dallas County, Texas and also being all of "Tract No. 1 (Storm Sewer Easement)" as described in instrument recorded in Volume 75052, Page 674, Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the north right-of-way line of Northwest Highway (a 100-foot wide right-of-way) and the southwest right-of-way line of Webb Chapel Road (a variable width right-of-way);

THENCE North 44°24'00" West, with said southwest right-of-way line, a distance of 626.64 feet to a 1/2" iron rod found at the northernmost corner of a tract of land described in Special Warranty Deed to Metro Pacific Equities, Inc. recorded in Instrument No. 20070316979, Official Public Records of Dallas County, Texas;

THENCE with said southwest right-of-way line, South 45°05'20" West, a distance of 10.00 feet to a 5/8" iron rod with "KHA" cap found at the **POINT OF BEGINNING**; said point being the easternmost corner of said Northwest/Webb Chapel Properties, LP tract;

THENCE departing said southwest right-of-way line and with the northwest line of said Metro Pacific Equities, Inc. tract, South 45°05'20" West, a distance of 25.00 feet to a point for corner;

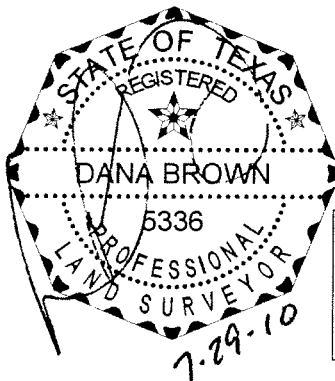
THENCE departing said northwest line, North 44°24'00" West, a distance of 3.00 feet to a point for corner;

THENCE North 45°05'20" East, a distance of 25.00 feet to a point for corner in said southwest right-of-way line of Webb Chapel Road;

THENCE with said southwest right-of-way line, South 44°24'00" East, a distance of 3.00 feet to the **POINT OF BEGINNING** and containing 75 square feet of land.

Bearings are expressed as grid bearings (Texas Coordinate System of 1983, Zone 4202, NAD 83 datum), as determined by GPS observation resulting in a bearing of South 44°24'00" East for the southwest right-of-way line of Webb Chapel Road.

Dana Brown
Registered Professional
Land Surveyor No. 5336
Kimley-Horn and Associates, Inc.
12700 Park Central Drive, Suite 1800
Dallas, Texas 75251-1516



(For SPRG use only)

Reviewed By: [Signature]
Date: 08.02.2010
SPRG NO: 1913

27997

10240 1

(SEE PAGE 3)

S44°24'00"E 515.53'

3643 NORTHWEST HWY. LP
INST.#20070221779
O.P.R.D.C.T.3/8" IRF
(C.M.)

N44°24'00"W 626.64'

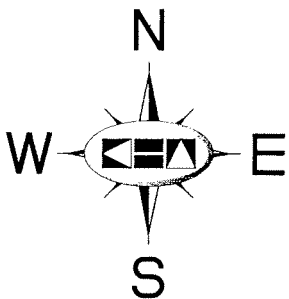
WEBB CHAPEL ROAD
(VARIABLE WIDTH R.O.W.)REMAINDER OF
ALBERT SUSMAN
VOL. 3588, PG. 180
D.R.D.C.T.3643 NORTHWEST HWY. LP
INST.#20070315505
O.P.R.D.C.T.STATE OF TEXAS
INST.# 200503546890
O.P.R.D.C.T.

P.O.C.

NORTHWEST HIGHWAY
(100' R.O.W.)

LEGEND

IRFC = 5/8" IRON ROD WITH "KHA" CAP FOUND
 C.M. = CONTROLLING MONUMENT
 IRF = IRON ROD FOUND
 P.O.C. = POINT OF COMMENCING
 P.O.B. = POINT OF BEGINNING
 D.P.&L. CO. = DALLAS POWER AND LIGHT COMPANY
 S.W.B.T. = SOUTHWESTERN BELL TELEPHONE
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
 INST.# = INSTRUMENT NUMBER
 R.O.W. = RIGHT-OF-WAY



(For SPRG use only)

Reviewed By: JL
 Date: 08-02-2010
 SPRG NO: 1913

**STORM WATER DRAINAGE
 FACILITIES EASEMENT
 ABANDONMENT
 BLOCK 5775
 CITY OF DALLAS,
 DALLAS COUNTY, TEXAS**



**Kimley-Horn
 and Associates, Inc.**

Tel. No. (972) 770-1300
 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 20'	SRD	DAB	DEC. 2009	063362166	2 OF 3

27997

10240 1

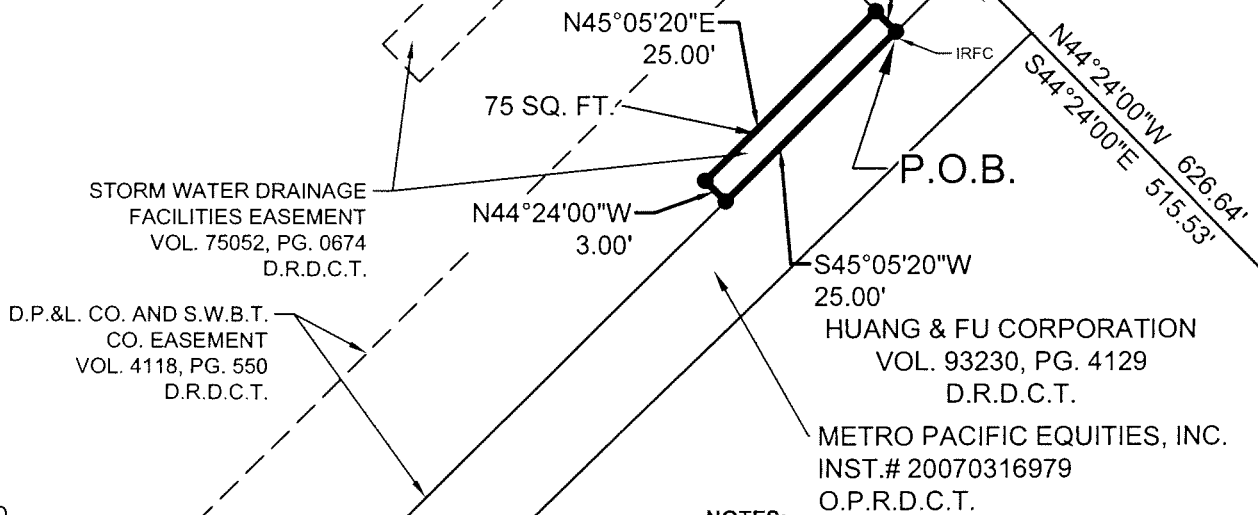
DICKERSON PARKER SURVEY
ABSTRACT NO. 1113

BLOCK 5775

NORTHWEST/WEBB CHAPEL
PROPERTIES, LP
INST.# 200600185054
O.P.R.D.C.T.

CITY OF DALLAS
VOL. 4049, PG. 420
D.R.D.C.T.

WEBB CHAPEL ROAD
(VARIABLE WIDTH R.O.W.)



LEGEND

IRFC = 5/8" IRON ROD WITH "KHA" CAP FOUND
C.M. = CONTROLLING MONUMENT
IRF = IRON ROD FOUND
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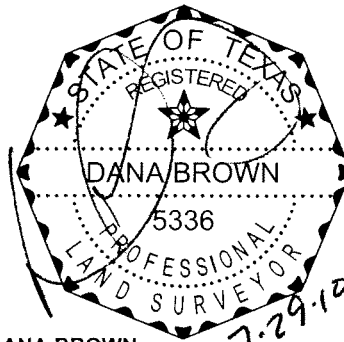
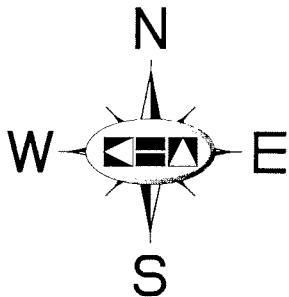
NOTES:

Bearings are expressed as grid bearings (Texas Coordinate System of 1983, Zone 4202, NAD 83 datum), as determined by GPS observation resulting in a bearing of South 44°24'00" East for the southwest right-of-way line of Webb Chapel Road.

(For SPRG use only)

Reviewed By: *[Signature]*
Date: 08.02.2010
SPRG NO: 1913

**STORM WATER DRAINAGE
FACILITIES EASEMENT
ABANDONMENT**
BLOCK 5775
CITY OF DALLAS,
DALLAS COUNTY, TEXAS



DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336



**Kimley-Horn
and Associates, Inc.**

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 20'	SRD	DAB	DEC. 2009	063362166	3 OF 3

STORM WATER DRAINAGE FACILITIES EASEMENT ABANDONMENT
BLOCK 5775
CITY OF DALLAS,
DALLAS COUNTY, TEXAS

215 SQUARE FEET

BEING a 215 square foot tract of land situated in the Dickerson Parker Survey, Abstract No. 1113, City of Dallas, Dallas County, Texas, and in City of Dallas Block 5775, being part of a tract of land described in Special Warranty Deed with Vendor's Lien to Northwest/Webb Chapel Properties, LP, recorded in Instrument No. 200600185054, Official Public Records of Dallas County, Texas and also being all of "Tract No. 2 (Storm Sewer Easement)" as described in instrument recorded in Volume 75052, Page 674, Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the north right-of-way line of Northwest Highway (a 100-foot wide right-of-way) and the southwest right-of-way line of Webb Chapel Road (a variable width right-of-way);

THENCE North 44°24'00" West, with said southwest right-of-way line, a distance of 626.64 feet to a 1/2" iron rod found at the northernmost corner of a tract of land described in Special Warranty Deed to Metro Pacific Equities, Inc. recorded in Instrument No. 20070316979, Official Public Records of Dallas County, Texas;

THENCE with said southwest right-of-way line, South 45°05'20" West, a distance of 10.00 feet to a 5/8" iron rod with "KHA" cap found at the easternmost corner of said Northwest/Webb Chapel Properties, LP tract;

THENCE with said southwest right-of-way line, North 44°24'00" West, a distance of 31.15 feet to the **POINT OF BEGINNING**;

THENCE departing said southwest right-of-way line, South 45°05'20" West, a distance of 39.00 feet to a point for corner;

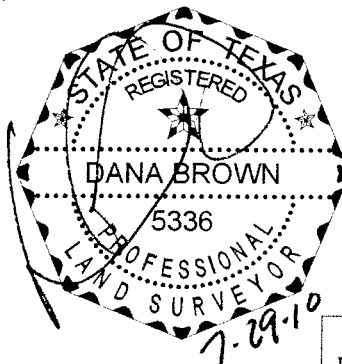
THENCE North 44°24'00" West, a distance of 5.50 feet to a point for corner;

THENCE North 45°05'20" East, a distance of 39.00 feet to a point for corner in said southwest right-of-way line of Webb Chapel Road;

THENCE with said southwest right-of-way line, South 44°24'00" East, a distance of 5.50 feet to the **POINT OF BEGINNING** and containing 215 square feet of land.

Bearings are expressed as grid bearings (Texas Coordinate System of 1983, Zone 4202, NAD 83 datum), as determined by GPS observation resulting in a bearing of South 44°24'00" East for the southwest right-of-way line of Webb Chapel Road.

Dana Brown
 Registered Professional
 Land Surveyor No. 5335
 Kimley-Horn and Associates, Inc.
 12700 Park Central Drive, Suite 1800
 Dallas, Texas 75251-1516



27997

102401

(SEE PAGE 3)

S44°24'00"E 515.53'

3643 NORTHWEST HWY. LP
INST.#20070221779
O.P.R.D.C.T.

3/8" IRF
(C.M.)

N44°24'00"W 626.64'

WEBB CHAPEL ROAD
(VARIABLE WIDTH R.O.W.)

REMAINDER OF
ALBERT SUSMAN
VOL. 3588, PG. 180
D.R.D.C.T.

3643 NORTHWEST HWY. LP
INST.#20070315505
O.P.R.D.C.T.

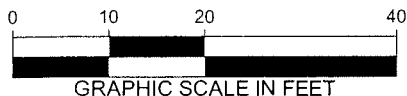
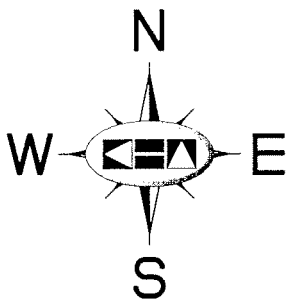
STATE OF TEXAS
INST.# 200503546890
O.P.R.D.C.T.

P.O.C.

NORTHWEST HIGHWAY
(100' R.O.W.)

LEGEND

IRFC = 5/8" IRON ROD WITH "KHA" CAP FOUND
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GRAPHIC SCALE IN FEET

(For SPRG use only)

Reviewed By: *[Signature]*
Date: 08.02.2010
SPRG NO: 1943

STORM WATER DRAINAGE
FACILITIES EASEMENT
ABANDONMENT
BLOCK 5775
CITY OF DALLAS,
DALLAS COUNTY, TEXAS



Kimley-Horn
and Associates, Inc.

12700 Park Central Drive, Suite 1800
Dallas, Texas 75251

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
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27997

10240 1

JACKSON PARKER SURVEY
ABSTRACT NO. 1113

BLOCK 5775

NORTHWEST/WEBB CHAPEL
PROPERTIES, LP
INST.# 200600185054
O.P.R.D.C.T.

215 SQ. FT.

N44°24'00"W
5.50'

STORM WATER DRAINAGE
FACILITIES EASEMENT
VOL. 75052, PG. 0674
D.R.D.C.T.

D.P.&L. CO. AND S.W.B.T.
CO. EASEMENT
VOL. 4118, PG. 550
D.R.D.C.T.

CITY OF DALLAS
VOL. 4049, PG. 420
D.R.D.C.T.

S44°24'00"E
5.50'

P.O.B.

WEBB CHAPEL ROAD
(VARIABLE WIDTH R.O.W.)

N44°24'00"W
31.15'

S45°05'20"W
10.00'

1/2" IRF (C.M.)

IRFC

N44°24'00"W 626.64'
S44°24'00"E 515.53'

HUANG & FU CORPORATION
VOL. 93230, PG. 4129
D.R.D.C.T.

METRO PACIFIC EQUITIES, INC.
INST.# 20070316979
O.P.R.D.C.T.

LEGEND

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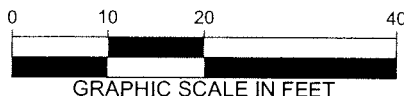
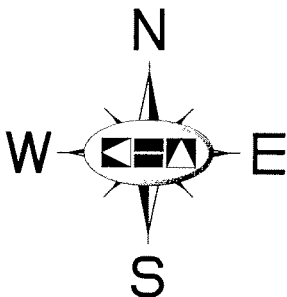
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(SEE PAGE 2)