

ORDINANCE NO. 27998

An ordinance providing for the abandonment of portions of alleys located in City Blocks C/3385 and 92/3075 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Dallas Independent School District; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; 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.

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WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Dallas Independent School District, a governmental instrumentality, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim 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 alleys are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning 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 tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FORTY-FOUR THOUSAND AND NO/100 DOLLARS (\$44,000.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10, 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 of its right, title and interest in and to the certain tracts 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 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, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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 and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

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 whole and harmless the City of Dallas of, from and 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.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned areas are located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the areas described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Sustainable Development and Construction.

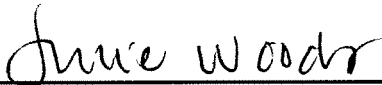
SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, which certified copy shall be delivered to the Director of Sustainable Development 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: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. 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 12. 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

Part of Block C/3385
W.H. Hord Survey, Abstract No. 560
City of Dallas, Dallas County, Texas

DESCRIPTION, of an 8,000 square foot (0.184 acre) tract of land situated in the W.H. Hord Survey, Abstract No. 560, Dallas County, Texas; being all of a 20-foot wide alley across Block C/3385 of the Official Block Numbers of the City of Dallas, Texas as dedicated by the plat of Original Town of Oak Cliff, now an addition to the City of Dallas, Texas recorded in Volume 89, Page 1 of the Deed Records of Dallas County, Texas and the plat of Dallas Land And Loan Co's Add. No. 1 To Oak Cliff, now an addition to the City of Dallas, Texas recorded in Volume 93, Page 277 of said Deed Records; said 8,000 square foot tract being more particularly described as follows (bearing system based on a bearing of South 33 degrees, 30 minutes, 00 seconds East for the southwest right-of-way line of North Crawford Street according to the plat of W.H. Adamson High School recorded in Instrument No. 200600014481 of the Official Public Records of Dallas County, Texas):

BEGINNING, at a "+" cut in concrete found for corner at the intersection of the northeast right-of-way line of North Storey Street (a 60-foot wide right-of-way) and the northwest right-of-way line of said alley; said point being the southernmost corner of Lot 1, Block C/3385 of said Dallas Land And Loan Co's Add. No. 1 to Oak Cliff; said point also being located South 33 degrees, 30 minutes, 00 seconds East, a distance of 175.25 feet from a PK nail found at the intersection of the said northeast line of North Storey Street and the southeast right-of-way line of East Ninth Street (a 60-foot wide right-of-way);

THENCE, North 56 degrees, 19 minutes, 32 seconds East, along the southeast line of Lots 1, 2, 3 and 4, Block C/3385 of said Dallas Land And Loan Co's Add. No. 1 To Oak Cliff and Lot 4, Block C/3385 of said Original Town of Oak Cliff, a distance of 400.00 feet to a "+" cut in concrete found for corner at the intersection of the said northwest line of the alley and the southwest right-of-way line of North Crawford Street (a 60-foot wide right-of-way); said point being the easternmost corner of said Lot 4;

THENCE, South 33 degrees, 30 minutes, 00 seconds East, along the projected southwest line of said North Crawford Street, a distance of 20.00 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner at the intersection of the said southwest line of North Crawford Street and the southeast right-of-way line of said alley;

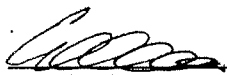
THENCE, South 56 degrees, 19 minutes, 32 seconds West, along the northwest line of Lot 5, Block C/3385 of said Original Town of Oak Cliff and Lots 6, 7, and 8, Block C/3385 of said Dallas Land And Loan Co's Add. No. 1 To Oak Cliff, a distance of 400.00 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner at the intersection of the said southeast line of the alley and the said northeast line of North Storey Street; from said point a 3/8-inch iron rod found bears South 59 degrees, 03 minutes West, a distance of 4.8 feet;

THENCE, North 33 degrees, 30 minutes, 00 seconds West, along the projected northeast line of said North Storey Street, a distance of 20.00 feet to the POINT OF BEGINNING;

CONTAINING, 8,000 square feet or 0.184 acres of land, more or less.

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

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract of land described.


Eric A. Kreiner
Registered Professional Land Surveyor No. 5320
Pacheco Koch Consulting Engineers
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00



Sheet 1 of 3


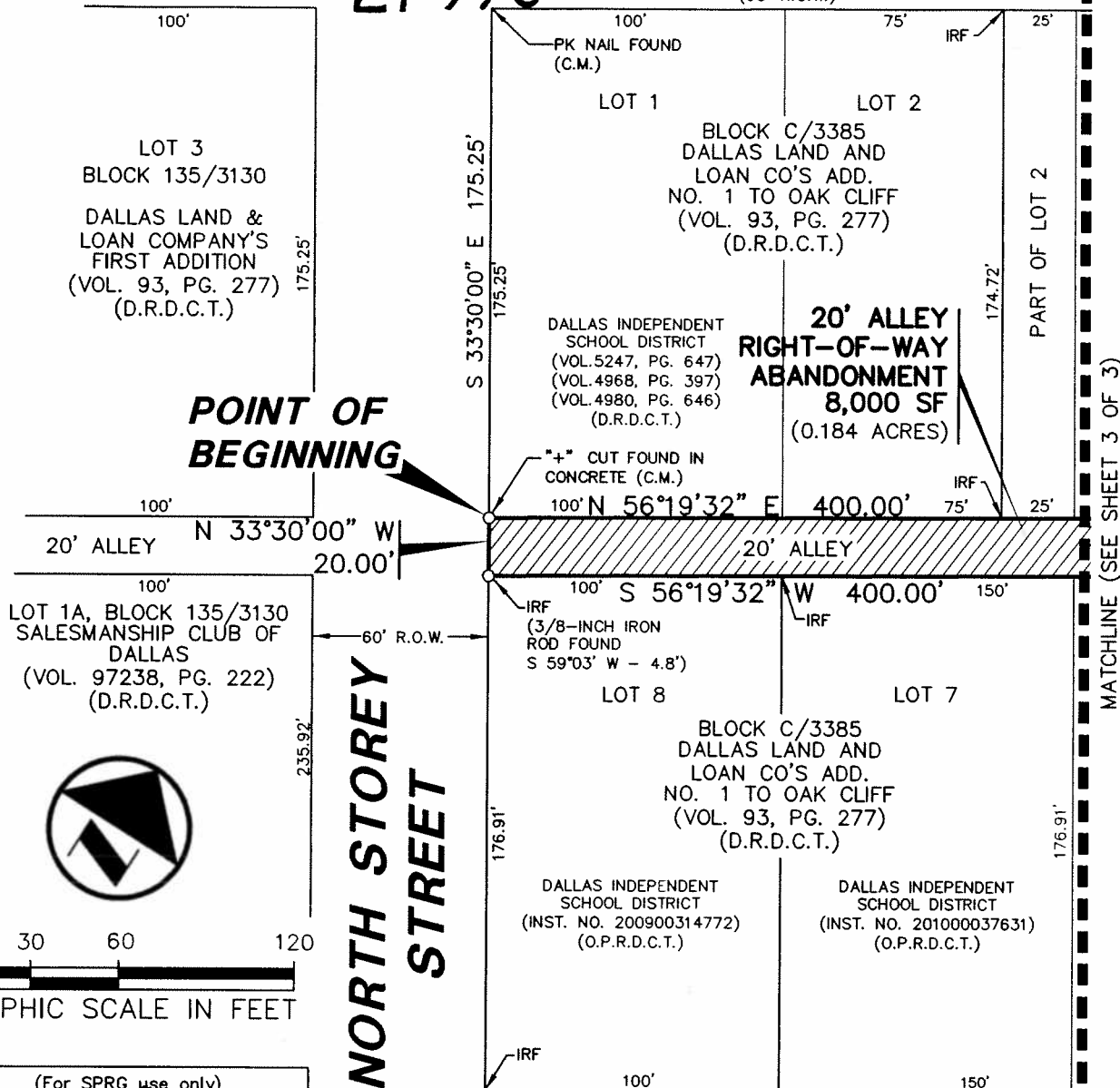
(For SPRG use only)	
Reviewed By:	
Date:	06-24-2010
SPRG NO:	1908

EXHIBIT A

27998 E. NINTH STREET
(60' R.O.W.)

102402



POINT OF BEGINNING

20' ALLEY
N 33°30'00" W
20.00'

LOT 1A, BLOCK 135/3130
SALESMANSHIP CLUB OF DALLAS
(VOL. 97238, PG. 222)
(D.R.D.C.T.)



0 30 60 120
GRAPHIC SCALE IN FEET

(For SPRG use only)

Reviewed By: *[Signature]*
Date: 06.24.1010
SPRG NO: 1908

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.

[Signature] 06/23/2010
Eric A. Kreiner Date
Registered Professional
Land Surveyor No. 5320



E. TENTH STREET
(60' R.O.W.)

NOTES:

1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of South 33 degrees, 30 minutes, 00 seconds East for the southwest right-of-way line of North Crawford Street according to the plat of W.H. Adamson High School recorded in Instrument No. 200600014481 of the Official Public Records of Dallas County, Texas.

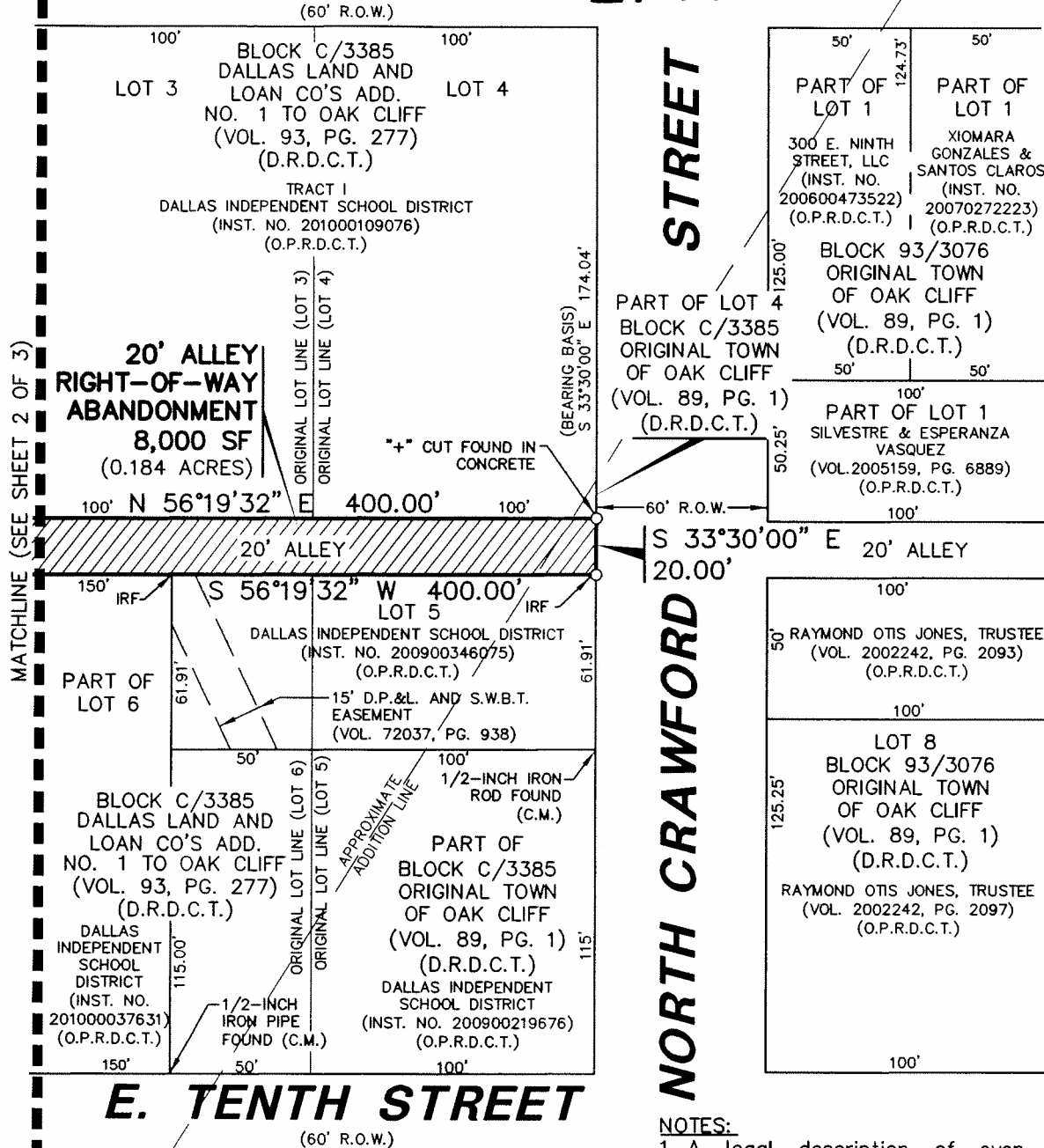
**20' ALLEY
RIGHT-OF-WAY
ABANDONMENT**

PART OF BLOCK C/3385
W.H. HORD SURVEY, ABSTRACT NO. 560
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 2 OF 3

Pacheco Koch 8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
DALLAS ■ FORT WORTH ■ HOUSTON TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY KCH	CHECKED BY EAK	SCALE 1"=60'	DATE APRIL 2010	JOB NUMBER 2397-09.074
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E. NINTH STREET 27998 EXHIBIT A



NOTES:

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2. Bearing system for this survey is based on a bearing of South 33 degrees, 30 minutes, 00 seconds East for the southwest right-of-way line of North Crawford Street according to the plat of W.H. Adamson High School recorded in Instrument No. 200600014481 of the Official Public Records of Dallas County, Texas.

20' ALLEY RIGHT-OF-WAY ABANDONMENT

PART OF BLOCK C/3385
W.H. HORD SURVEY, ABSTRACT NO. 560
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 3

Pacheco Koch

DALLAS ■ FORT WORTH ■ HOUSTON

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
KCH	EAK	1"=60'	APRIL 2010	2397-09.074

Part of Block 92/3075
W.H. Hord Survey, Abstract No. 560
City of Dallas, Dallas County, Texas

27998

DESCRIPTION, of an 8,000 square foot (0.184 acre) tract of land situated in the W.H. Hord Survey, Abstract No. 560, Dallas County, Texas; being all of a 20-foot wide alley across Block 92/3075 of the Official Block Numbers of the City of Dallas, Texas as dedicated by the plat of Original Town of Oak Cliff, now an addition to the City of Dallas, Texas recorded in Volume 89, Page 1 of the Deed Records of Dallas County, Texas and the plat of Dallas Land And Loan Co's Add. No. 1 To Oak Cliff, now an addition to the City of Dallas, Texas recorded in Volume 93, Page 277 of said Deed Records; said 8,000 square foot tract being more particularly described as follows (bearing system based on a bearing of South 56 degrees, 30 minutes, 00 seconds West for the northwest right-of-way line of East Ninth Street according to the plat of W.H. Adamson High School recorded in Instrument No. 200600014481 of the Official Public Records of Dallas County, Texas):

BEGINNING, at a 1/2-inch iron rod found for corner at the intersection of the northeast right-of-way line of North Crawford Street (a 60-foot wide right-of-way) and the northwest right-of-way line of said alley; said point being the southernmost corner of Lot 8, Block 92/3075 of said Dallas Land And Loan Co's Add. No. 1 To Oak Cliff; said point also being located South 33 degrees, 30 minutes, 00 seconds East, a distance of 205.25 feet from a 1/2-iron rod found at the intersection of the said northeast line of North Crawford Street and the southeast right-of-way line of East Eighth Street (a 60-foot wide right-of-way);

THENCE, North 56 degrees, 30 minutes, 00 seconds East, along the southeast line of Lots 8, 9 and 10, Block 92/3075 of said Dallas Land And Loan Co's Add. No. 1 To Oak Cliff and Lots 1 and 2, Block 92/3075 of said Original Town of Oak Cliff, a distance of 400.00 feet to a point for corner at the intersection of the said northwest line of the alley and the southwest right-of-way line of North Patton Avenue (a 60-foot wide right-of-way); said point being the easternmost corner of said Lot 2; from said point a 1/2-inch iron rod found bears North 82 degrees, 56 minutes West, a distance of 0.6 feet;

THENCE, South 33 degrees, 30 minutes, 00 seconds East, along the projected southwest line of said North Patton Avenue, a distance of 20.00 feet to a point for corner at the intersection of the said southwest line of North Patton Avenue and the southeast right-of-way line of said alley; said point being the northernmost corner of Lot 3, Block 92/3075 of said Original Town of Oak Cliff; from said point a "+" cut in concrete found bears South 67 degrees, 46 minutes West, a distance of 0.6 feet;

THENCE, South 56 degrees, 30 minutes, 00 seconds West, along the northwest line of Lots 3 and 4, Block 92/3075 of said Original Town of Oak Cliff, Lot 6, Block 92/3075 of said Dallas Land And Loan Co's Add. No. 1 To Oak Cliff and Lot 7A, Block 92/3075 W. H. Adamson High School Offsite Parking Addition, an addition to the City of Dallas, Texas according to the plat recorded Volume 88046, Page 1780 of said Deed Records, a distance of 400.00 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner at the intersection of the said southeast line of the alley and the said northeast line of North Crawford Street;

(For SPRG use only)	
Reviewed By:	<u>JZ</u>
Date:	<u>06-24-2010</u>
SPRG NO:	<u>1909</u>

Part of Block 92/3075
W.H. Hord Survey, Abstract No. 560
City of Dallas, Dallas County, Texas
(continued)


27998

THENCE, North 33 degrees, 30 minutes, 00 seconds West, along the projected northeast line of said North Crawford Street, a distance of 20.00 feet to the POINT OF BEGINNING;

CONTAINING, 8,000 square feet or 0.184 acres of land, more or less.

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

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract of land described.


Eric A. Kreiner
Registered Professional Land Surveyor No. 5320
Pacheco Koch Consulting Engineers
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00

06/23/2010
Date



ALLEY 92-3075.DOC
2397-09.163.dwg jrm


(For SPRG use only)	
Reviewed By:	
Date:	06.24.2010
SPRG NO:	1909

EXHIBIT A

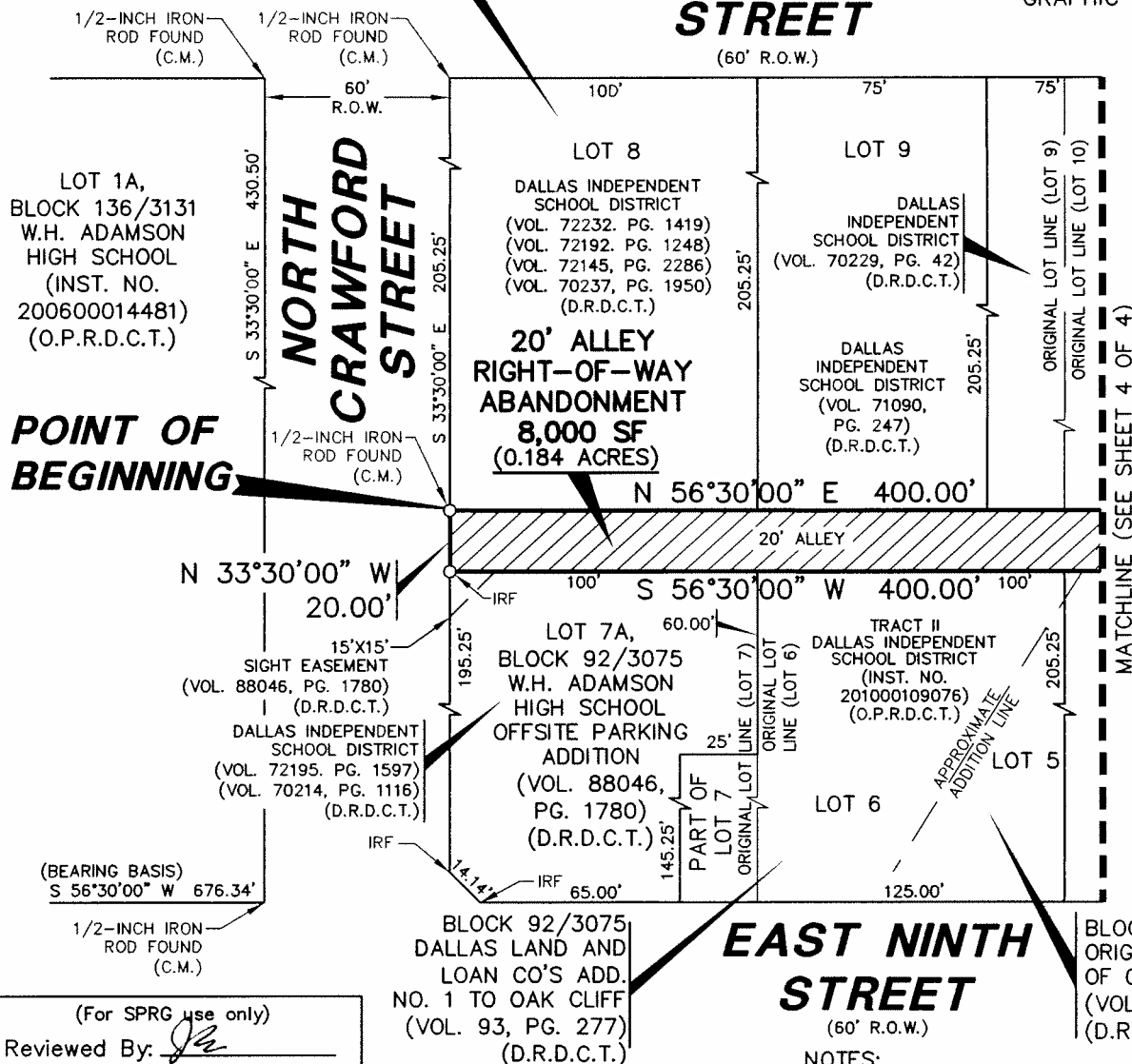
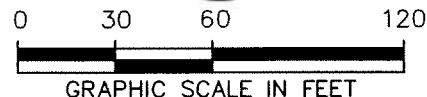
27998



2402

BLOCK 92/3075
DALLAS LAND AND
LOAN CO'S ADD.
NO. 1 TO OAK CLIFF
(VOL. 93, PG. 277)
(D.R.D.C.T.)

EAST EIGHTH STREET



(For SPRG use only)
Reviewed By: *[Signature]*
Date: 06-24-2010
SPRG NO: 1909

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.

[Signature] 06/23/2010
Eric A. Kreiner Date
Registered Professional
Land Surveyor No. 5320



Pacheco Koch

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
DALLAS ■ FORT WORTH ■ HOUSTON TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
JRM	EAK	1"=60'	APRIL 2010	2397-09.163

20' ALLEY RIGHT-OF-WAY ABANDONMENT

PART OF BLOCK 92/3075
W.H. HORD SURVEY, ABSTRACT NO. 560
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 4

Reviewed By: JS
Date: 06.24.2010
SPRG NO: 1909

DWG FILE: 2397-09.163EX2.DWG

27998

EXHIBIT B**ADDITIONAL ABANDONMENT PROVISIONS**

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.