

ORDINANCE NO. 28244

An ordinance providing for the abandonment of a portion of an alley located in City Block 31/4329 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Sapphire Road Development, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; 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; providing a future effective date for this abandonment; 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 Sapphire Road Development, LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, the portion of said alley is 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 tract 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 and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **EIGHTEEN THOUSAND ONE HUNDRED SEVENTY-TWO AND NO/100 DOLLARS (\$18,172.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 12, 13, 14, 15 and 16, 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 of its right, title and interest in and to the certain tract 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, future effective date 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 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, 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 convey by Street Easement to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable title, subject to only those title exceptions approved by the City Attorney, and insured by an owner's policy of title insurance approved as to form by the City Attorney, to certain properties located in City Block 31/4329, containing approximately 4,068 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 10. That at such time as the instrument described in Section 9 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 11. That this ordinance and properly executed Street Easement, approved as to form by the City Attorney, be forwarded to a title insurance company for closing. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the official real property records of the county in which the subject property is located and thereafter returned to the City Secretary for permanent record.

SECTION 12. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall pay all closing costs and title expenses associated with the acquisition of the property described in Section 9 above.

SECTION 13. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall within 180 days of the date of this ordinance 1) submit paving and drainage plans for the area to be replatted per Section 15 of this ordinance and the dedication area required by Section 9 of this ordinance to the Department of Sustainable Development and Construction Engineering Division for review and approval, and 2) execute a private development contract with the City of Dallas approved by the Director of Sustainable Development and Construction or his/her designee for the construction of said paving and drainage infrastructure. This abandonment shall not be effective unless and until **GRANTEE** complies with this provision, and **GRANTEE's** failure to satisfy said conditions shall render this ordinance null and void and of no further effect.

SECTION 14. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall within 180 days of the date of this ordinance 1) submit detailed plans for the construction of the alley turnout within the area described in Exhibit C to the Department of Sustainable Development and Construction Engineering Division for review and approval, and 2) execute a private development contract with the City of Dallas approved by the Director of Sustainable Development and Construction or his/her designee for the construction of said alley turnout. This abandonment shall not be effective unless and until **GRANTEE** complies with this provision, and **GRANTEE's** failure to satisfy said conditions shall render this ordinance null and void and of no further effect.

SECTION 15. 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 tract 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 area is located after its approval by the City Plan Commission of the City of Dallas.

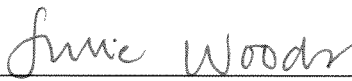
SECTION 16. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area 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 17. 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 area is 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 Sections 2 and 12, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the completion of the dedication set forth in Section 9, 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 area 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 18. 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 JUN 22 2011.

EXHIBIT A**12' ALLEY RIGHT-OF-WAY ABANDONMENT**

111725

Part of Block 31/4329
James Cole Survey, Abstract No. 232
James Ray Survey, Abstract No. 1214
City of Dallas, Dallas County, Texas

2824.4

DESCRIPTION, of a 9,086 square foot (0.209 acre) tract of land situated in the James Cole Survey, Abstract No. 232 and the James Ray Survey, Abstract No. 1214, Dallas County, Texas; being part of a 12-foot wide alley across Block 31/4329 of the Official Block Numbers of the City of Dallas, Texas as dedicated by plat of Bellevue Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 1, Page 475 of the Map Records of Dallas County, Texas; said 9,086 square foot tract being more particularly described as follows (bearing system for this survey (North 21 degrees, 23 minutes, 55 seconds West for the east right-of-way line of Denley Drive) is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, State Plane Surface Bearings, based on Reference Frame: NAD83 (CORS96), EPOCH: 2002.00.):

COMMENCING, at a 1/2-inch iron rod found at the intersection of the said east line of Denley Drive (a 50-foot wide right-of-way) and the south right-of-way line of Mentor Avenue (a 50-foot wide right-of-way), said point being the northwest corner of Lot 17, Block 31/4329 of said Bellevue Addition;

THENCE, North 68 degrees, 36 minutes, 05 seconds East, along the said south line of Mentor Avenue and the north line of said Lot 17, a distance of 169.00 feet to a point at the intersection of the said south line of Mentor Avenue and the west right-of-way line of said 12-foot alley; said point being the northeast corner of said Lot 17;

THENCE, South 21 degrees, 23 minutes, 55 seconds East, departing the said south line of Mentor Avenue and along the said west line of the 12-foot alley and the east line of said Lot 17 and Lot 16, Block 31/4329 of said Bellevue Addition, a distance of 100.00 feet to the POINT OF BEGINNING; said point being the southeast corner of said Lot 16 and the northeast corner of Lot 15, Block 31/4329 of said Bellevue Addition;

THENCE, North 68 degrees, 36 minutes, 05 seconds East, departing the said west line of the 12-foot alley, a distance of 12.00 feet to a 1/2-inch iron rod with "DCA INC." cap found for corner in the east right-of-way line of said 12-foot alley; said point being the southwest corner of Lot 19, Block 31/4329 and the northwest corner of Lot 20, Block 31/4329, both of said Bellevue Addition;

THENCE, South 21 degrees, 23 minutes, 55 seconds East, along the said east line of the 12-foot alley, the west line of said Lot 20, and Lots 21 through 34, Block 31/4329 of said Bellevue Addition, a distance of 758.04 feet to a 1/2-inch iron rod found for corner at the intersection of the said east line of the 12-foot alley and the north right-of-way line of Atlas Drive (a 45-foot wide right-of-way)(called 50-feet wide); said point being the southwest corner of said Lot 34;

THENCE, South 77 degrees, 00 minutes, 15 seconds West, along the projected north line of said Atlas Drive, a distance of 12.13 feet to a point for corner at the intersection of the said north line of Atlas Drive and the said west line of the 12-foot alley; said point being the southeast corner of Lot 1, Block 31/4329 of said Bellevue Addition;

(For SPRG use only)	
Reviewed By:	<u>JS</u>
Date:	<u>05.10.2011</u>
SPRG NO:	<u>2130</u>

EXHIBIT A

12' ALLEY RIGHT-OF-WAY ABANDONMENT

111725

Part of Block 31/4329
James Cole Survey, Abstract No. 232
James Ray Survey, Abstract No. 1214
City of Dallas, Dallas County, Texas

(continued)


28244

THENCE, North 21 degrees, 23 minutes, 55 seconds West, departing the said north line of Atlas Drive and along the said west line of the 12-foot alley, the east line of said Lot 1, and Lots 2 through 15, Block 31/4329 of said Bellevue Addition, a distance of 756.26 feet to the POINT OF BEGINNING;

CONTAINING, 9,086 square feet or 0.209 acres of land, more or less.


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

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


Eric A. Kreiner
Date 05/09/2011
Registered Professional Land Surveyor No. 5320
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00
(Revised 04/29/2011)



1352-11.024-EXR1.dwg
1352-11.024-EXR1.doc JRM

(For SPRG use only)	
Reviewed By:	
Date:	<u>05.10.2011</u>
SPRG NO:	<u>2130</u>

111725

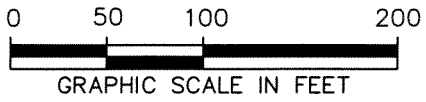


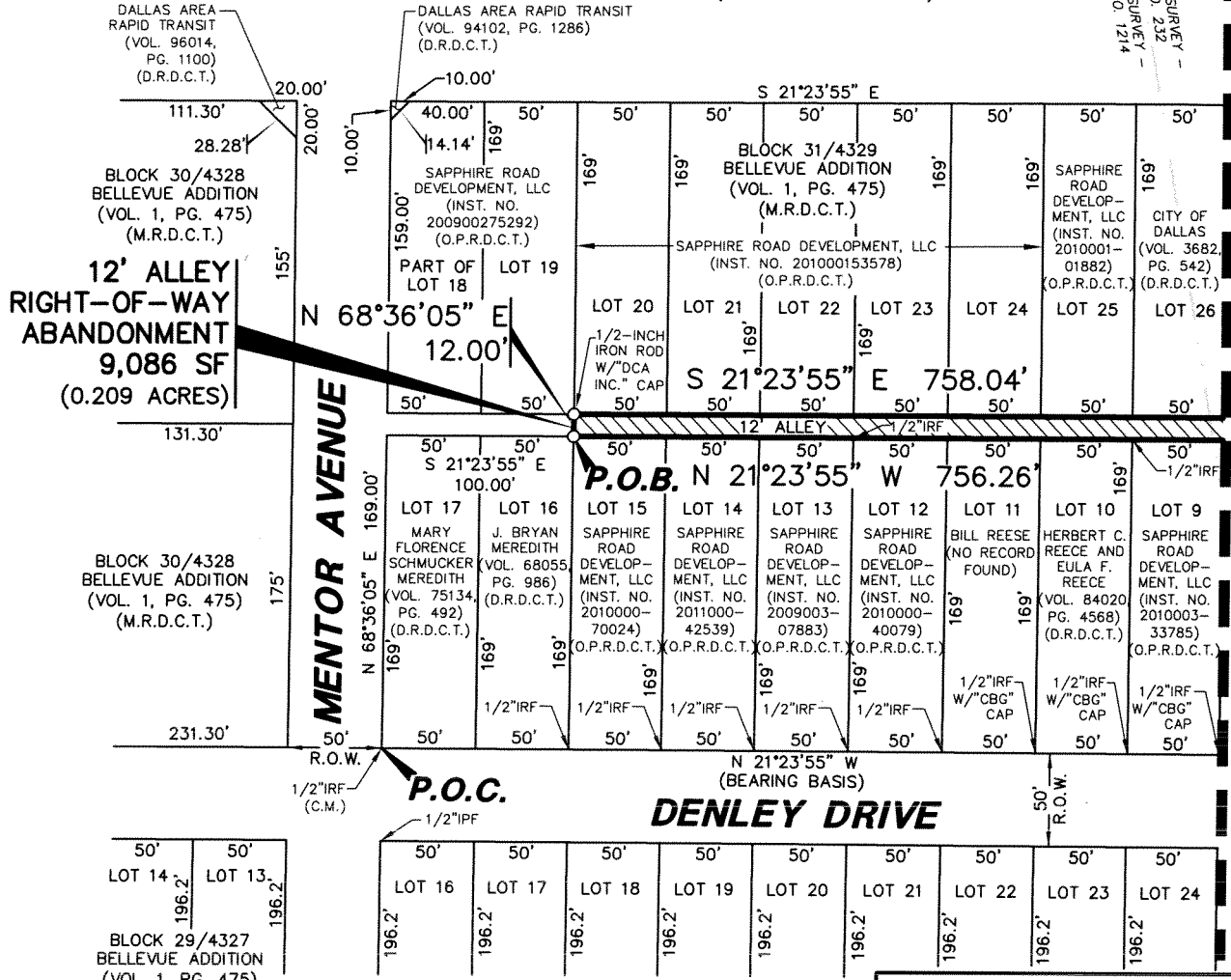
EXHIBIT A

28244

LANCASTER ROAD

(VARIABLE WIDTH R.O.W.)

JAMES COLE SURVEY -
ABSTRACT NO. 232
JAMES RAY SURVEY -
ABSTRACT NO. 1214



(For SPRG use only)
Reviewed By: [Signature]
Date: 05.10.2011
SPRG NO: 2130

LEGEND	
—	PROPERTY LINE
- - -	ABANDONMENT LINE
○	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	CONTROLLING MONUMENT
1/2"IRF	1/2-INCH IRON ROD FOUND
XF	"+" CUT IN CONC. FOUND
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey (North 21 degrees, 23 minutes, 55 seconds West for the east right-of-way line of Denley Drive) is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, State Plane Surface Bearings, based on Reference Frame: NAD83 (CORS96), EPOCH: 2002.00.

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"=100'	MAY 2011	1352-11.024

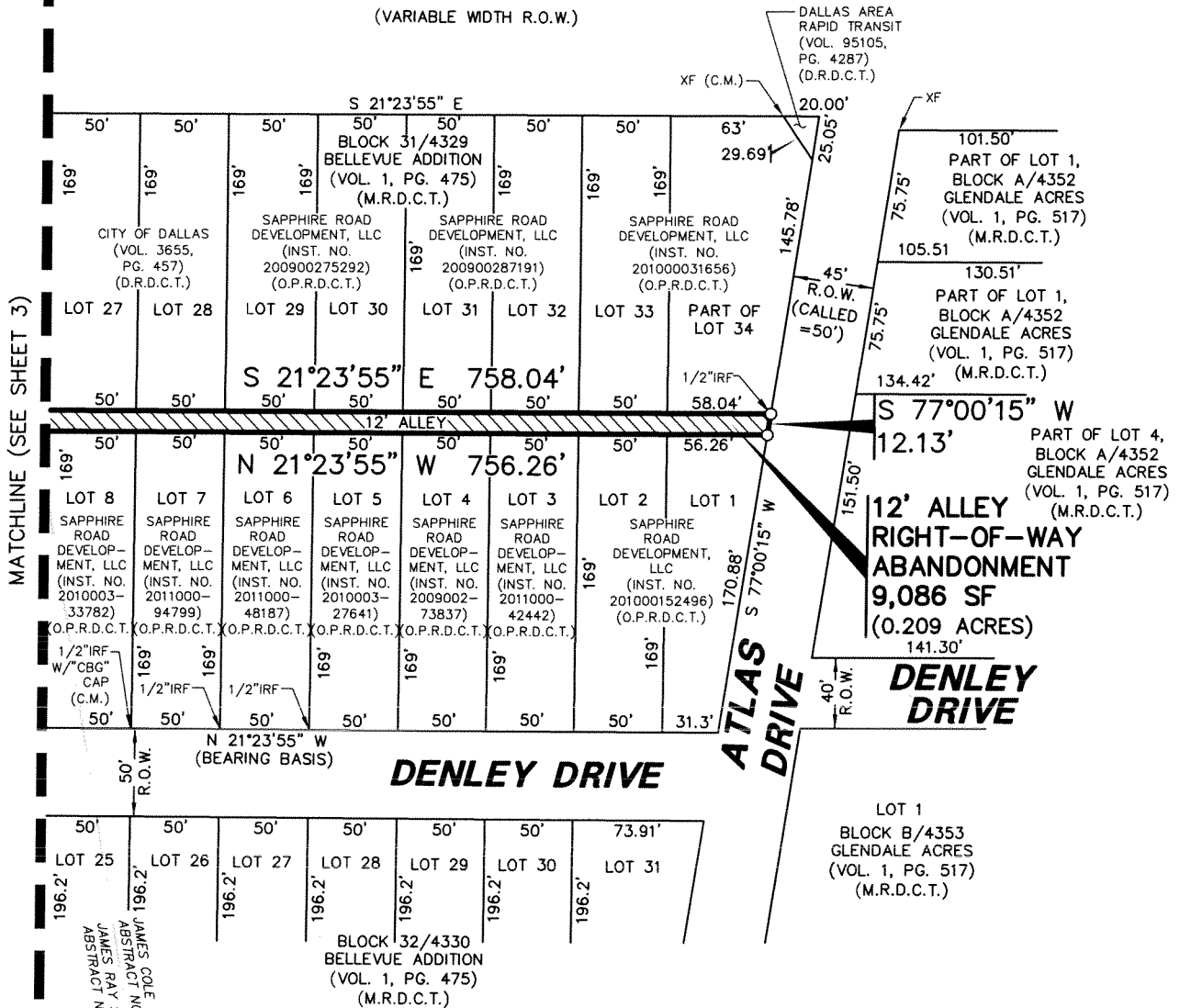
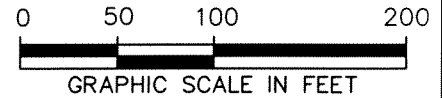
12' ALLEY RIGHT-OF-WAY ABANDONMENT

PART OF BLOCK 31/4329
JAMES COLE SURVEY, ABSTRACT NO. 232
JAMES RAY SURVEY, ABSTRACT NO. 1214
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 4

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05/09/2011 - 11:27AM
J.MILLER

2824.4

(VARIABLE WIDTH R.O.W.)



STATE OF TEXAS
REGISTERED
ERIC A. KREINER
5320
PROFESSIONAL
LAND SURVEYOR

Reviewed By: JS
Date: 05.10.2011
SPRG NO: 2130

Date _____



DALLAS ■ FORT WORTH ■ HOUSTON

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
JRM	EAK	1"=100'	MAY 2011	1352-11.024

PART OF BLOCK 31/4329
JAMES COLE SURVEY, ABSTRACT NO. 232
JAMES RAY SURVEY, ABSTRACT NO. 1214
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 4 OF 4

28244

111725

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.

EXHIBIT C

28244
ALLEY EASEMENT

111725

Part of Lots 15, 18, 19, 20 and
a 12-foot alley, Block 31/4329
Bellevue Addition
James Ray Survey, Abstract No. 1214
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 4,068 square foot (0.093 acre) tract of land situated in the James Ray Survey, Abstract No. 1214, Dallas County, Texas; said tract being part of Lots 15, 18, 19, 20 and a 12-foot wide alley, Block 31/4329, Bellevue Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 1, Page 475 of the Map Records of Dallas County, Texas; said tract also being part of those tracts of land described in Special Warranty Deeds with Vendor's Lien to Sapphire Road Development, LLC recorded in Instrument No. 200900275292, Instrument No. 201000070024 and Instrument No. 201000153578 of the Official Public Records of Dallas County, Texas; said 4,068 square foot tract being more particularly described as follows (bearing system for this survey (North 21 degrees, 23 minutes, 55 seconds West for the east right-of-way line of Denley Drive) is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, State Plane Surface Bearings, based on Reference Frame: NAD83 (CORS96), EPOCH: 2002.00.):

COMMENCING, at a 1/2-inch iron rod found at the intersection of the said east line of Denley Drive (a 50-foot wide right-of-way) and the south right-of-way line of Mentor Avenue (a 50-foot wide right-of-way), said point being the northwest corner of Lot 17, Block 31/4329 of said Bellevue Addition;

THENCE, South 21 degrees, 23 minutes, 55 seconds East, along the said east line of Denley Drive and the west line of said Lot 17 and Lot 16, Block 31/4329 of said Bellevue Addition, a distance of 100.00 feet to 1/2-inch iron rod found for corner at the POINT OF BEGINNING; said point being the southwest corner of said Lot 16 and the northwest corner of said Lot 15;

THENCE, North 68 degrees, 36 minutes, 05 seconds East, departing the said east line of Denley Drive and along the south line of said Lot 16 and the north line of said Lot 15, at a distance of 169.00 feet passing the southeast corner of said Lot 16 and the northeast corner of said Lot 15, continuing in all a total distance of 181.00 feet to a 1/2-inch iron rod with "DCA INC." cap found for corner in the east right-of-way line of said 12-foot alley; said point being the southwest corner of said Lot 19 and the northwest corner of said Lot 20;

THENCE, North 21 degrees, 23 minutes, 55 seconds West, along the said east line of the 12-foot alley and the west line of said Lots 19 and 18, a distance of 76.00 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner;

THENCE, South 43 degrees, 12 minutes, 00 seconds East, departing the said east line of the 12-foot alley and the said west line of Lot 18, a distance of 32.31 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner;

THENCE, South 21 degrees, 23 minutes, 55 seconds East, a distance of 70.00 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner;

THENCE, South 68 degrees, 36 minutes, 05 seconds West, a distance of 70.00 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner;

(For SPRG use only)	
Reviewed By:	<u>RR</u>
Date:	<u>05.10.2011</u>
SPRG NO:	<u>2131</u>

EXHIBIT C

28244

111725

ALLEY EASEMENT

Part of Lots 15, 18, 19, 20 and
a 12-foot alley, Block 31/4329

Bellevue Addition

James Ray Survey, Abstract No. 1214

City of Dallas, Dallas County, Texas

(continued)

THENCE, North 89 degrees, 35 minutes, 49 seconds West, a distance of 32.31 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner;


THENCE, South 68 degrees, 36 minutes, 05 seconds West, a distance of 93.00 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner in the said east line of Denley Drive and the west line of said Lot 15;

THENCE, North 21 degrees, 23 minutes, 55 seconds West, along the said east line of Denley Drive and the said west line Lot 15, a distance of 12.00 feet to the POINT OF BEGINNING;

CONTAINING, 4,068 square feet or 0.093 acres of land, more or less.


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

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

 05/09/2011
Eric A. Kreiner Date
Registered Professional Land Surveyor No. 5320
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00



1352-11.024-EX2.dwg
1352-11.024-EX2.doc JRM

(For SPRG use only)	
Reviewed By.	
Date:	05.10.2011
SPRG NO:	2131

LEGEND

	PROPERTY LINE
	EASEMENT LINE
○	1/2-INCH IRON ROD WITH "PACHECO KOCH" CAP SET (UNLESS OTHERWISE NOTED)
(C.M.)	CONTROLLING MONUMENT
1/2"IRF	1/2-INCH IRON ROD FOUND
XF	"+" CUT IN CONC. FOUND
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING

EXHIBIT C 28244

0 25 50 100

GRAPHIC SCALE IN FEET



BLOCK 30/4328
BELLEVUE ADDITION
(VOL. 1, PG. 475)
(M.R.D.C.T.)

MENTOR AVENUE

SAPPHIRE ROAD
DEVELOPMENT, LLC
PART OF (INST. NO. 200900275292)
(O.P.R.D.C.T.)

LOT 20

LOT 22

1/2-INCH
IRON ROD
W/"DCA
INC." CAP
FOUND

LOT 21
SAPPHIRE ROAD
DEVELOPMENT, LLC
(INST. NO. 201000153578)
(O.P.R.D.C.T.)

S 43°12'00" E
32.31'

S 21°23'55" E
70.00'

N 21°23'55" W
76.00'

12' ALLEY

BLOCK 31/4329
BELLEVUE ADDITION
(VOL. 1, PG. 475)
(M.R.D.C.T.)

ALLEY EASEMENT
4,068 SF
(0.093 ACRES)

MARY
FLORENCE
SCHMUCKER
MEREDITH
(VOL. 75134,
PG. 492)
(D.R.D.C.T.)

J. BRYAN
MEREDITH
(VOL. 68055,
PG. 986)
(D.R.D.C.T.)

SAPPHIRE ROAD
DEVELOPMENT, LLC
(INST. NO. 2010000-70024)
(O.P.R.D.C.T.)

SAPPHIRE ROAD
DEVELOPMENT, LLC
(INST. NO. 2011000-42539)
(O.P.R.D.C.T.)

SAPPHIRE ROAD
DEVELOPMENT, LLC
(INST. NO. 2009003-07883)
(O.P.R.D.C.T.)

N 68°36'05" E 169.00'

N 68°36'05" E 181.00'

S 68°36'05" W 70.00'

N 89°35'49" W
32.31'

50' R.O.W.

231.30'

1/2"IRF
(C.M.)

1/2"IRF

1/2"IRF

1/2"IRF
(C.M.)

P.O.C.

P.O.B.

N 21°23'55" W
12.00'

N 21°23'55" W
(BEARING BASIS)

DENLEY DRIVE

(For SPRG use only)

Reviewed By: JE
Date: 05.10.2011
SPRG NO: 2131

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

Eric A. Kreiner
Registered Professional
Land Surveyor No. 5320

Date



NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey (North 21 degrees, 23 minutes, 55 seconds West for the east right-of-way line of Denley Drive) is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, State Plane Surface Bearings, based on Reference Frame: NAD83 (CORS96), EPOCH: 2002.00.

ALLEY EASEMENT

PART OF LOTS, 15, 18, 19, 20 AND
A 12-FOOT ALLEY, BLOCK 31/4329
BELLEVUE ADDITION

JAMES RAY SURVEY, ABSTRACT NO. 1214
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
JRM	EAK	1"=50'	MAY 2011	1352-11.024