

# ORDINANCE NO. 28604

An ordinance providing for the abandonment of portions of Bearden Lane and an alley located adjacent to City Block 6180 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Robert K. Milligan; 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; providing for the waiver of certain provisions of the Dallas Development Code; 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 Robert K. Milligan, an individual, 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, said portions of Bearden Lane and an alley 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 those certain provisions of Section 51A-8.507(b) of the Dallas Development Code regarding dead-end alleys to the extent, not required by state law or City Charter, are hereby waived with respect to this ordinance.

**SECTION 2.** That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof, 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 3.** That for and in monetary consideration of the sum of **TWENTY-FOUR THOUSAND NINE HUNDRED SIXTY AND NO/100 (\$24,960.00) DOLLARS** 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 that 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 4.** That upon payment of the monetary consideration set forth in Section 3, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

**SECTION 5.** That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 3 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 6.** 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 for all intents and purposes made a part hereof.

**SECTION 7.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, his heirs and assigns.

**SECTION 8.** That the abandonment and quitclaim provided for herein shall extend only to that interest 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 9.** That as a condition of this abandonment and as part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, his heirs 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**, his 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**, his 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**, his 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 10.** 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 area is located after its approval by the City Plan Commission of the City of Dallas.

**SECTION 11.** 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 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 heir successors and assigns, to the satisfaction of the Director of Sustainable Development and Construction.

**SECTION 12.** 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 3, 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 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 13.** 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  
and Construction

**THERESA O'DONNELL**  
Director of Sustainable Development

BY

  
Assistant City Attorney

BY

  
Assistant Director

Passed MAR 28 2012

## LEGAL DESCRIPTION

28604

**BEING** a 24,734 square feet or 0.568 acre tract of land situated in the James L. Beeman Survey, Abstract No. 96, City of Dallas Block 6180, City of Dallas, Dallas County, Texas and being part of Bearden Lane in Block 6180, created in the Burkett Subdivision, an addition to the City of Dallas, Texas, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas said tract also being described in Quitclaim Deed to Robert K. Milligan, recorded in Instrument No. 201200017248, Official Public Records of Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at the intersection of the west right-of-way line of S. Buckner Boulevard (a 100-foot wide right-of-way) and the south right-of-way line of Bearden Lane (a 50-foot wide right-of-way);

**THENCE** with said south right-of-way line, the following courses and distances:

South 89°45'00" West, a distance of 209.40 feet to an angle point;

North 68°38'11" West, a distance of 2.80 feet to a 5/8" iron rod with "KHA" cap set for the **POINT OF BEGINNING**;

**THENCE** continuing with said south right-of-way line and the north line of Lots 9 through 15, Burkett Subdivision, the following courses and distances:

North 68°38'11" West, a distance of 105.11 feet to a 5/8" iron rod with "KHA" cap set for corner;

South 89°45'00" West, at a distance of 15.45 feet, passing a brass disk found at the northwest corner of Lot 9, continuing in all a total distance of 389.98 feet to a 5/8" iron rod with "KHA" cap set in the east line of a tract of land described in Warranty Deed with Vendor's Lien to Ministerios Tiempo De Dios, Inc. recorded in Instrument No. 20080212957, Official Public Records of Dallas County, Texas at the northwest corner of Lot 15, Burkett Subdivision;

**THENCE** with said east line, North 00°25'11" West, a distance of 50.00 feet to a 5/8" iron rod with "KHA" cap set at the southwest corner of Lot 1, Burkett Subdivision;

**THENCE** departing said east line, with the north right-of-way line of Bearden Land and the south line of Lots 1 through 8, Burkett Subdivision, the following courses and distances:

North 89°45'00" East, a distance of 399.68 feet to a 5/8" iron rod with "KHA" cap set at an angle point;

South 68°38'11" East, a distance of 94.59 feet to a 5/8" iron rod with "KHA" cap set at the intersection of said north right-of-way line and the west line of a 12-foot wide alley; said point also being at the southeast corner of said Lot 8, Burkett Subdivision;

**THENCE** departing said north right-of-way line, South 00°30'00" East, a distance of 53.88 feet to the **POINT OF BEGINNING** and containing 24,734 square feet or 0.568 acres of land.

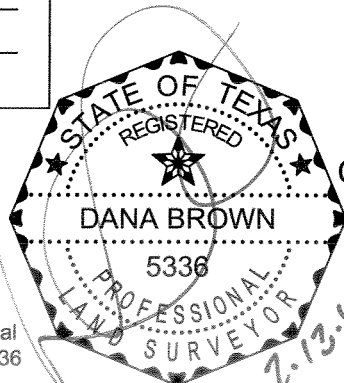
The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of Bearden Lane according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas;

(For SPRG use only)

Reviewed By: DBF

Date: 02-15-2012

SPRG NO: 2281



Dana Brown  
Registered Professional  
Land Surveyor No. 5336

**STREET RIGHT OF WAY  
ABANDONMENT  
BEARDEN LANE  
24,734 SQ.FT. IN BLOCK 6180  
BURKETT SUBDIVISION  
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.
n/a	SRD	DAB	DEC. 2011	063362200	1 OF 3

28604

MATCH LINE (SEE SHEET 3)

LOT 6

BLOCK 6180

BURKETT  
SUBDIVISION  
VOL. 22, PG. 129  
M.R.D.C.T.

LOT 7

LOT 8

12' ALLEY

INST. NO. 201200017248  
O.P.R.D.C.T.

IRSC

24734 SQ.FT.  
0.568 ACRES

IRSC

S68°38'11"E 94.59'

S0°30'00"E  
53.88'

P.O.B.

N68°38'11"W  
2.80'

S89°45'00"W 209.40'

S. BUCKNER BOULEVARD  
(100' R.O.W.)

P.O.C.

(50' R.O.W.)  
VOL. 22, PG. 129  
M.R.D.C.T.

BEARDEN LANE

JAMES P. MILLIGAN and  
BARBARA J. MILLIGAN  
REVOCABLE LIVING TRUST  
VOL. 98058, PG. 4544  
D.R.D.C.T.

"TRACT II"

BURKETT  
SUBDIVISION  
VOL. 22, PG. 129  
M.R.D.C.T.15' EASEMENT  
VOL. 22, PG. 129  
M.R.D.C.T.

LOT 9

BLOCK 6180

30' EASEMENT FOR  
STREET PURPOSES  
VOL. 5367, PG. 294  
D.R.D.C.T.

STREET RIGHT OF WAY

ABANDONMENT  
BEARDEN LANE

24,734 SQ.FT. IN BLOCK 6180

BURKETT SUBDIVISION

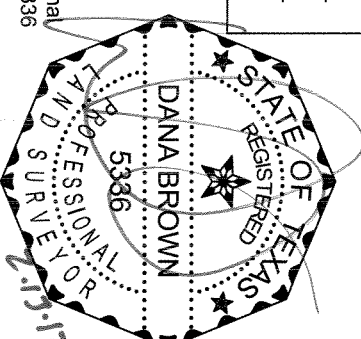
CITY OF DALLAS, DALLAS COUNTY, TEXAS

## NOTES

The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of Bearden Lane according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas;

Dana Brown  
Registered Professional  
Land Surveyor No. 5336

(For SPRG use only)  
Reviewed By: DBF  
Date: 02.15.2012  
SPRG NO: 2881



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12700 Park Central Drive, Suite 1800  
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Scale	Drawn By	Checked By	Date	Project No.	Sheet No.
1" = 40'	SRD	IDAB	DEC. 2011	063362200	2 OF 3

MINISTERIOS TIEMPO DE DIOS, INC.  
INST. NO. 20080212957  
O.P.R.D.C.T.

3/4" IRF  
(C.M.)

12' ALLEY

VOL. 22, PG. 129  
M.R.D.C.T.

N0°25'11"W 133.76'

LOT 1

LOT 2

15' EASEMENT  
VOL. 22, PG. 129  
M.R.D.C.T.

LOT 3

LOT 4

LOT 5

LOT 6

BURKETT  
SUBDIVISION  
VOL. 22, PG. 129  
M.R.D.C.T.

ROBERT K. MILLIGAN  
INST. NO. 20070368961  
O.P.R.D.C.T.

BLOCK 6180

N89°45'00"E 399.68'

MATCH LINE (SEE SHEET 2)

# BEARDEN LANE

(50' R.O.W.)  
VOL. 22, PG. 129  
M.R.D.C.T.

24734 SQ.FT.  
0.568 ACRES

INST. NO. 201200017248  
O.P.R.D.C.T.

28604

IRSC

IRSC

N0°25'11"W  
50.00'

15' EASEMENT  
VOL. 22, PG. 129  
M.R.D.C.T.

BURKETT  
SUBDIVISION  
VOL. 22, PG. 129  
M.R.D.C.T.

S89°45'00"W 389.98'  
BLOCK 6180

ROBERT K. MILLIGAN  
INST. NO. 20070390650  
O.P.R.D.C.T.

LOT 15

LOT 14

LOT 13

LOT 12

LOT 10

(For SPRG use only)

Reviewed By: DGF

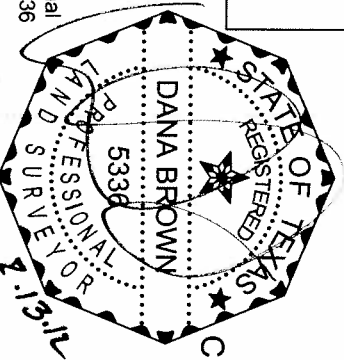
Date: 02-15-2012

SPRG NO: 2881

## NOTES

The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of Bearden Lane according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas.

Dana Brown  
Registered Professional  
Land Surveyor No. 5336



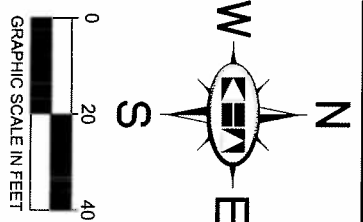
CITY OF DALLAS, DALLAS COUNTY, TEXAS

ABANDONMENT  
STREET RIGHT OF WAY  
BEARDEN LANE  
24,734 SQ.FT. IN BLOCK 6180  
BURKETT SUBDIVISION



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 1" = 40'	Drawn By SRD	Checked By DAB	Date DEC. 2011	Project No. 063362200	Sheet No. 3 OF 3
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## LEGAL DESCRIPTION

28604

**BEING** a 8,996 square feet or 0.207 acre tract of land situated in the James L. Beeman Survey, Abstract No. 96, City of Dallas Block 6180, City of Dallas, Dallas County, Texas and being all of a 15-foot wide alley right-of-way in Block 6180, created in the Burkett Subdivision, an addition to the City of Dallas, Texas, recorded in Volume 22, Page 129 Map Records of Dallas County, Texas, said tract also being described in Quitclaim Deed to Robert K. Milligan, recorded in Instrument No. 201200017248, Official Public Records of Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at the intersection of the west right-of-way line of S. Buckner Boulevard (a 100-foot wide right-of-way) and the south right-of-way line of Bearden Lane (a 50-foot wide right-of-way);

**THENCE** with said west right-of-way line, South 0°30'00" East, a distance of 94.00 feet to the northeast corner of Lot 20-A, Block 6180, H & H subdivision, an addition to the City of Dallas, Texas, according to the plat recorded in Volume 44, Page 29, Map Records of Dallas County, Texas;

**THENCE** departing said west right-of-way line and with the north line of said Lot 20-A, Block 6180, South 89°45'00" West, at a distance of 30.00 feet, passing a brass disk found, continuing in all a total distance of 100.00 feet to a point in a building for the **POINT OF BEGINNING**; said point being the northeast corner of the easterly terminus of said 15-foot wide alley;

**THENCE** with said easterly terminus and the west line of said Lot 20-A, South 0°30'00" East, a distance of 15.00 feet to a point in a building at the southeast corner of said easterly terminus;

**THENCE** with the south line of said 15-foot wide alley the north line of said Lot 20-A, South 89°45'00" West, at a distance of 30.00 feet, passing a 3/8" iron rod found at the westernmost northwest corner of said Lot 20-A, Block 6180 and the northeast corner of Lot 16A, Block 6180, Ebenezer Memorial Missionary Church Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2001141, Page 43, Deed Records of Dallas County, Texas, continuing in all a total distance of 599.74 feet to a 5/8" iron rod with "KHA" cap set in the east line of a tract of land described in Warranty Deed with Vendor's Lien to Ministerios Tiempo De Dios, Inc., recorded in Instrument No. 20080212957, Official Public Records of Dallas County, Texas at the southwest corner of the westerly terminus of said 15-foot wide alley; said point also being the northwest corner of said Lot 16A, Block 6180;

**THENCE** with said east line of the Ministerios Tiempo De Dios, Inc., tract, North 0°25'11" West, a distance of 15.00 feet to a 5/8" iron rod with "KHA" cap set at the northwest corner of said westerly terminus; said point also being the southwest corner of Lot 15, Burkett Subdivision;

**THENCE** departing said east line and with the north line of said 15-foot wide alley, at a distance of 374.72 feet, passing a brass disk found at the southwest corner of Lot 9, Burkett Subdivision, continuing in all a total distance of 599.72 feet to the **POINT OF BEGINNING** and containing 8,996 square feet or 0.207 acre of land.

The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of the 15-foot wide alley according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas;

(For SPRG use only)

Reviewed By: DBF  
Date: 02-15-2012  
SPRG NO: 2282

Dana Brown  
Registered Professional  
Land Surveyor No. 5336



ALLEY RIGHT OF WAY  
ABANDONMENT  
8,996 SQ.FT. IN BLOCK 6180  
BURKETT SUBDIVISION  
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.
N/A	SRD	DAB	DEC. 2011	063362200	1 OF 3

MATCH LINE (SEE SHEET 3)

LEGEND

- A = DELTA ANGLE OR CENTRAL ANGLE
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
- 5/8" IRFC = 5/8" IRON ROD W/ CAP FOUND
- IPF = IRON PIPE FOUND
- BDF = BRASS DISK FOUND
- C.M. = CONTROLLING MONUMENT
- 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, DALLAS COUNTY, TEXAS

"TRACT II"

JAMES P. MILLIGAN and  
BARBARA J. MILLIGAN  
REVOCABLE LIVING TRUST VOL. 22, PG. 129  
VOL. 98058, PG. 4544  
M.R.D.C.T.  
D.R.D.C.T.

LOT 9

BLOCK 6180

INST. NO. 201200017248  
O.P.R.D.C.T.

15' EASEMENT  
VOL. 22, PG. 129  
M.R.D.C.T.

30' EASEMENT FOR  
STREET PURPOSES  
VOL. 5367, PG. 294  
D.R.D.C.T.

P.O.C.

BEARDEN LANE

(50' R.O.W.)  
VOL. 22, PG. 129  
M.R.D.C.T.

S. BUCKNER BOULEVARD

(100' R.O.W.)

N89°45'00"E 599.72' 8996 SQ.FT.  
0.207 ACRES

15' ALLEY VOL. 22, PG. 129  
M.R.D.C.T.

S0°30'00"E 100.00'  
BDF (C.M.)

30' EASEMENT FOR  
STREET PURPOSES  
VOL. 5367, PG. 296  
ABANDONED BY  
ORD. NO. 13463  
VOL. 71247, PG. 80  
D.R.D.C.T.  
UTILITY RIGHTS  
RESERVED

EBENEZER MEMORIAL  
MISSIONARY CHURCH  
VOL. 82018, PG 2550  
D.R.D.C.T.

LOT 16A, BLOCK 6180  
EBENEZER MEMORIAL  
MISSIONARY CHURCH  
ADDITION  
VOL. 2001141, PG 43  
D.R.D.C.T.

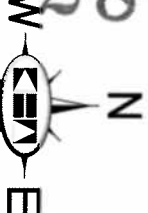
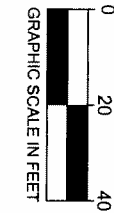
LOT 20-A  
BLOCK 6180  
(NOT SET)  
H & H SUBDIVISION  
VOL. 44, PG. 29  
M.R.D.C.T.

"TRACT II"  
JAMES P. MILLIGAN and  
BARBARA J. MILLIGAN  
REVOCABLE LIVING TRUST  
VOL. 98058, PG. 4544  
D.R.D.C.T.

(For SPRG use only)

Reviewed By: D.B.F.

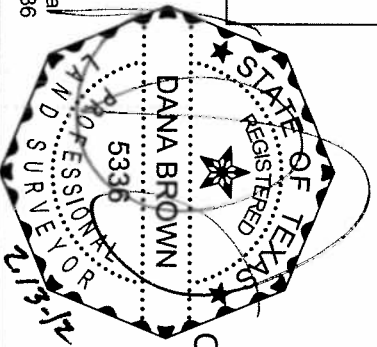
Date: 12-15-2012  
SPRG NO: 2282



NOTES

The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of the 15-foot alley according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas.

Dana Brown  
Registered Professional  
Land Surveyor No. 5336



ALLEY RIGHT OF WAY  
ABANDONMENT  
8,996 SQ.FT. IN BLOCK 6180  
BURKETT SUBDIVISION  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



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Scale	Drawn By	Checked By	Date	Project No.	Sheet No.
1" = 40'	SPB	DAB	DEC. 2011	063362200	2 OF 3

28604

MINISTERIOS TIEMPO DE DIOS, INC.  
INST. NO. 20080212957  
O.P.R.D.C.T.

## LEGEND

A = DELTA ANGLE OR CENTRAL ANGLE  
P.O.C. = POINT OF COMMENCING  
P.O.B. = POINT OF BEGINNING  
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
5/8" IRFC = 5/8" IRON ROD W/CAP FOUND  
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EBENEZER MEMORIAL  
MISSIONARY CHURCH  
VOL. 96183, PG 679  
D.R.D.C.T.

15' EASEMENT  
VOL. 22, PG. 129  
M.R.D.C.T.

LOT 15

LOT 14

LOT 13

LOT 12

LOT 11

LOT 10

8996 SQ.FT.  
0.207 ACRES

S89°45'00"W 599.74'

15' ALLEY  
VOL. 22, PG. 129  
M.R.D.C.T.

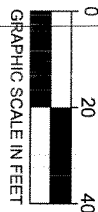
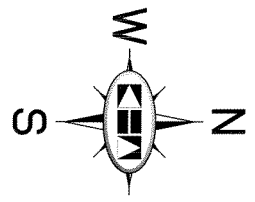
MATCH LINE (SEE SHEET 2)

DEED LINE

LOT 16A, BLOCK 6180  
EBENEZER MEMORIAL  
MISSIONARY CHURCH  
ADDITON  
VOL. 2001141, PG 43  
D.R.D.C.T.

T.P.&L. CO. EASEMENT  
VOL. 2627, PG. 149  
M.R.D.C.T.

EBENEZER MEMORIAL  
MISSIONARY CHURCH  
VOL. 82018, PG 2550  
D.R.D.C.T.



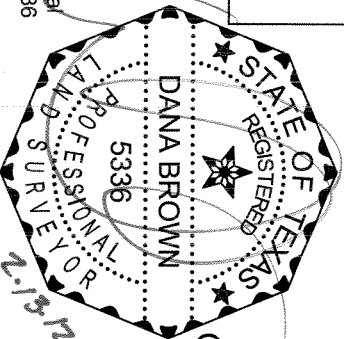
(For SPRG use only)

Reviewed By: DBFDate: 02.15.2012  
SPRG NO: 2282

## NOTES

The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of the 15-foot alley according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas.

Dana Brown  
Registered Professional  
Land Surveyor No. 5336



CITY OF DALLAS, DALLAS COUNTY, TEXAS

ALLEY RIGHT OF WAY  
ABANDONMENT

8,996 SQ.FT. IN BLOCK 6180  
BURKETT SUBDIVISION



Kimley-Horn  
and Associates, Inc.

12700 Park Central Drive, Suite 1800  
Dallas, Texas 75251

Tel. No. (972) 770-1300  
Fax No. (972) 239-3920

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	SRD	DAB	DEC. 2011	063362200	3 OF 3

## 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.