

**ORDINANCE NO. 28685**

An ordinance providing for the abandonment of portions of Avenues A, B, D, E, Fiji Street, Danel Street and two easements located in and adjacent to City Blocks 4716, 4717, 4718, 4719, 4720, A/5914, B/5914 and C/5914 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Sphinx Development Corporation and SDC Sachse Senior Villas, L.L.C.; 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**, on August 12, 2009, the City Council of the City of Dallas passed Ordinance No. 27620, providing for the abandonment of portions of Fiji Street, Danel Street, Avenue B and easements to the abutting owner Sphinx Development Corporation; and

**WHEREAS**, on August 11, 2010, the City Council of the City of Dallas passed Ordinance No. 27937, amending Ordinance No. 27620 by altering Section 9 to extend the final replat requirement from one year to sixteen months; and

**WHEREAS**, the final replat requirement was not met within the specified time period; and

**WHEREAS**, Ordinance No. 27620, as amended by Ordinance No. 27937 is now null and void; and

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Sphinx Development Corporation, a Texas corporation and SDC Sachse Senior Villas, L.L.C., a Texas limited liability company, hereinafter collectively 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 street rights-of-way and easements 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 are 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 **TEN THOUSAND EIGHT HUNDRED AND 00/100 (\$10,800.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, 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 their 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, 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 as to Exhibit A Tracts 1, 2, 3, 4, 5 and 6, which is attached hereto and for all intents and purposes made a part hereof.

**SECTION 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, their 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 part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, their 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**, their 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**, their 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**, their

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 record a final replat of the adjoining properties within one year of the effective date of this ordinance showing the fee simple dedication of not less than 108,101 square feet of needed right-of-way in City Blocks A/5914, B/5914 and C/5914. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned areas and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the terms of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE**.

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall within one year of the effective date of this ordinance submit engineering plans for the area to be replatted and the dedication area required by Section 9 of this ordinance to the Department of Sustainable Development and Construction Engineering Division for review and acceptance. 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 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 effectiveness of this abandonment, close, barricade and/or place signs in the areas described in Exhibit A Tracts 1, 2, 3, 4, 5 and 6 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 Tracts 1, 2, 3, 4, 5 and 6, closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, their successors and assigns, to the satisfaction of the Director of Sustainable Development and Construction.

**SECTION 12.** That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said easements described in Exhibit A Tracts 7 and 8 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 easements 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.

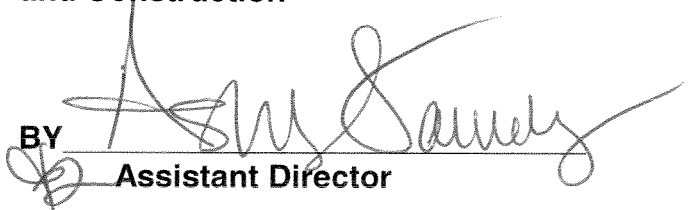
**SECTION 13.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, which certified copy shall be delivered to the Director of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2 and plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the filing of the final replat 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 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 14.** 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

BY   
Assistant City Attorney

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

BY   
Assistant Director

Passed JUN 27 2012.

28685  
EXHIBIT A

121655

EXHIBIT A-TRACT 1

Right-of-Way Abandonment  
**Avenue A**  
between Avenue C and Avenue B  
Oak Cliff Heights Addition  
Adjacent to  
City Blocks 4717, 4718, 4719 and 4720

**BEING** a 15,757 square foot tract of land situated in the William S. Beatty Survey, Abstract No. 57, Dallas, Dallas County, Texas adjacent to City Blocks 4717, 4718, 4719 and 4720 and also being a portion of Avenue A as shown on plat of Oak Cliff Heights Addition as recorded in Volume 1, Page 98, Plat Records, Dallas County, Texas (PRDCT) being more particularly described by metes and bounds as follows:

**BEGINNING** at set 5/8 inch yellow capped iron rod marked "BHB INC" (set iron rod) for the southeast corner of the intersection of Avenue C (a 56' Right-of-Way) and Avenue A, (a variable width Right-of-Way), same point being in the northwest corner of a remainder tract of land described by deed to SDC Sachse Senior Villas, L.L.C., as recorded in Instrument No. 20080121319 Official Public Records, Dallas County, Texas (O.P.R.D.C.T.),

**THENCE** South 00°47'27" East with the west line of said SDC Sachse Senior Villas, L.L.C. tract as recorded in Instrument No. 20080121319, O.P.R.D.C.T., at 92.80 feet passing a found 3/8" iron rod from which the northwest corner of a tract of land described by deed to SDC Sachse Senior Villas, L.L.C. as recorded in Instrument No. 20080194722, O.P.R.D.C.T., bears South 00°47'27" East, a distance of 2.13 feet and continuing in all a total distance of 193.64 feet to set iron rod for the southwest corner of the said SDC Sachse Senior Villas, L.L.C. tract, as recorded in Instrument No. 20080194722, O.P.R.D.C.T., from which a 2 inch iron pipe bears North 62°11'08" East, a distance of 1.00 feet, same being the northwest corner of the intersection of said Avenue A and Avenue D (a 40' Right-of-Way) as shown on the aforementioned Oak Cliff Heights Addition plat;

**THENCE** South 00°32'16" West, a distance of 40.00 feet to a set iron rod;

**THENCE** South 89°27'44" East, a distance of 13.87 feet to a set iron rod for the northwest corner of a tract of land described by deed to SDC Sachse Senior Villas, L.L.C. as recorded in Document No. 20080194722, O.P.R.D.C.T.;

**THENCE** South 00°32'16" West, at 52.24 feet passing a found 1/2 inch iron rod and at 102.24 feet passing a found 1/2 inch iron rod for the southwest corner of Lot 6 of the aforementioned Oak Cliff Heights Addition, same being the northwest corner of Lot 5, said Addition and at 152.24 feet passing a found 3/4 inch iron pipe for the southwest corner of said Lot 5, same being the northwest corner of Lot 1 of said Addition, in all a distance of 252.24 feet to a set iron rod in the north right-of-way line of Avenue B (a 40' Right-of-Way);

**THENCE** North 89°27'44" West, a distance of 40.00 feet to a set iron rod for the southeast corner of Lot 17 of said Oak Cliff Heights Addition, and being the northwest intersection of the aforesaid Avenue A and said Avenue B;

**THENCE** North 00°32'16" East, a distance of 485.68 feet to a set iron rod for the northeast corner of the remainder of Lot 26 of said Oak Cliff Heights Addition, and being the southwest intersection of said Avenue A and the aforesaid Avenue C;

REVIEWED BY

*JB* 09-17-2010  
SPRG-1897

SHEET 1 OF 4

28685  
EXHIBIT A

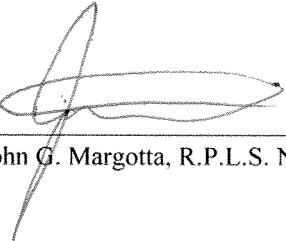
121655

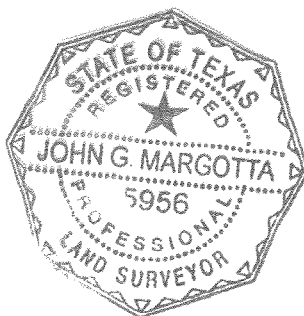
EXHIBIT A-TRACT 1

Right-of-Way Abandonment  
**Avenue A**  
between Avenue C and Avenue B  
Oak Cliff Heights Addition  
Adjacent to  
City Blocks 4717, 4718, 4719 and 4720

**THENCE** South 89°51'36" East, a distance of 21.64 feet to the **POINT OF BEGINNING** and containing 15,757 square feet or 0.362 acre of land more or less;

Bearings referenced to the west line of the Oak Cliff Heights Addition as recorded in Volume 1, Page 98, Plat Records, Dallas County, Texas.

  
9-17-10  
John G. Margotta, R.P.L.S. No. 5956



REVIEWED BY  
JR 09.17.2010  
SPRS 1897



# EXHIBIT A

Right-of-Way Abandonment

**Avenue A**

# EXHIBIT A-TRACT 1

between Avenue C and Avenue B  
Oak Cliff Heights Addition  
Adjacent to  
City Blocks 4717, 4718, 4719 and 4720

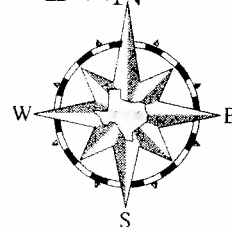
## Avenue C

(56' Right-of-Way)

(per Inst#201000127675)

(O.P.R.D.C.T.)

# 121655



0 40'

SCALE: 1" = 40'

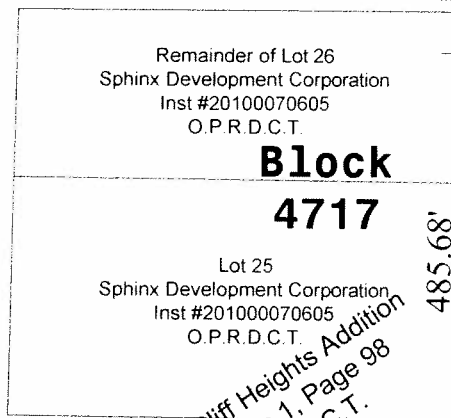
**Fran Way**

(40' Right-of-Way)

(per Inst#201000127675)  
(O.P.R.D.C.T.)

## Avenue E

(40' Right-of-Way)



**Block 4717**

Lot 25  
Sphinx Development Corporation  
Inst #20100070605  
O.P.R.D.C.T.  
Oak Cliff Heights Addition  
Volume 1, Page 98  
P.R.D.C.T.

485.68'

21.64'  
Measured  
R.O.W.

15,757 square feet  
0.362 acre

S 00°47'27" E

SDC Sachse Senior Villas, L.L.C.  
INST# 20080121319  
O.P.R.D.C.T.

3/8" IRF  
(CM)

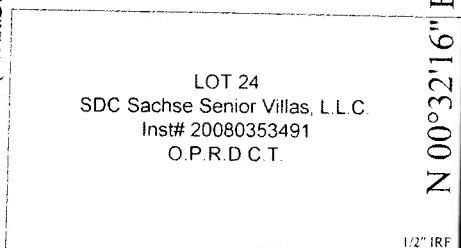
**Block 4718**

SDC Sachse Senior Villas, L.L.C.  
INST# 20080194722  
O.P.R.D.C.T.

193.64'

N 00°32'16" E

1/2" IRF



LOT 24  
SDC Sachse Senior Villas, L.L.C.  
Inst# 20080353491  
O.P.R.D.C.T.

LOT 23  
SDC Sachse Senior Villas, L.L.C.  
Inst# 20080324017  
O.P.R.D.C.T.

**Avenue A**  
(A Variable Width Right-of-Way)

IRS

MATCHLINE

MATCHLINE

## Avenue D

Number	Bearing	Distance
L1	S 00°32'16" W	40.00'
L2	S 89°27'44" E	13.87'
L3	N 89°27'44" W	40.00'
L4	S 89°51'36" E	21.64'

IRS = set 5/8 inch iron rod with yellow cap marked "BHB INC"

Bearings referenced to the west line of the Oak Cliff Heights Addition as recorded in Volume 1, Page 98, Plat Records, Dallas County, Texas

REVIEWED BY

JE 09-17-2010  
SPRB-1897



Baird, Hampton & Brown, Inc.  
Engineering & Surveying

6500 Ridgeway Place, Ste. 200, Fort Worth, TX 76116 Tel: (817) 338-1277 Fax: (817) 338-9245 E: info@bhbinc.com

Drawing: E:\Survey\10-300\007\Draw\Avenue A.dwg Saved By: John Margotta Save Time: 9/17/2010 11:18 AM  
Plotted by: John Margotta Plot Date: 9/17/2010 11:20 AM

SHEET 3 OF 4

# EXHIBIT A

IRS = set 5/8 inch iron rod with yellow cap marked "BHB INC"

Bearings referenced to the west line of the Oak Cliff Heights Addition as recorded in Volume 1, Page 98, Plat Records, Dallas County, Texas

## EXHIBIT A-TRACT 1

# 28685

Right-of-Way Abandonment

### Avenue A

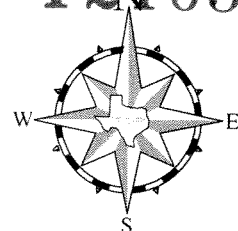
between Avenue C and Avenue B

Oak Cliff Heights Addition

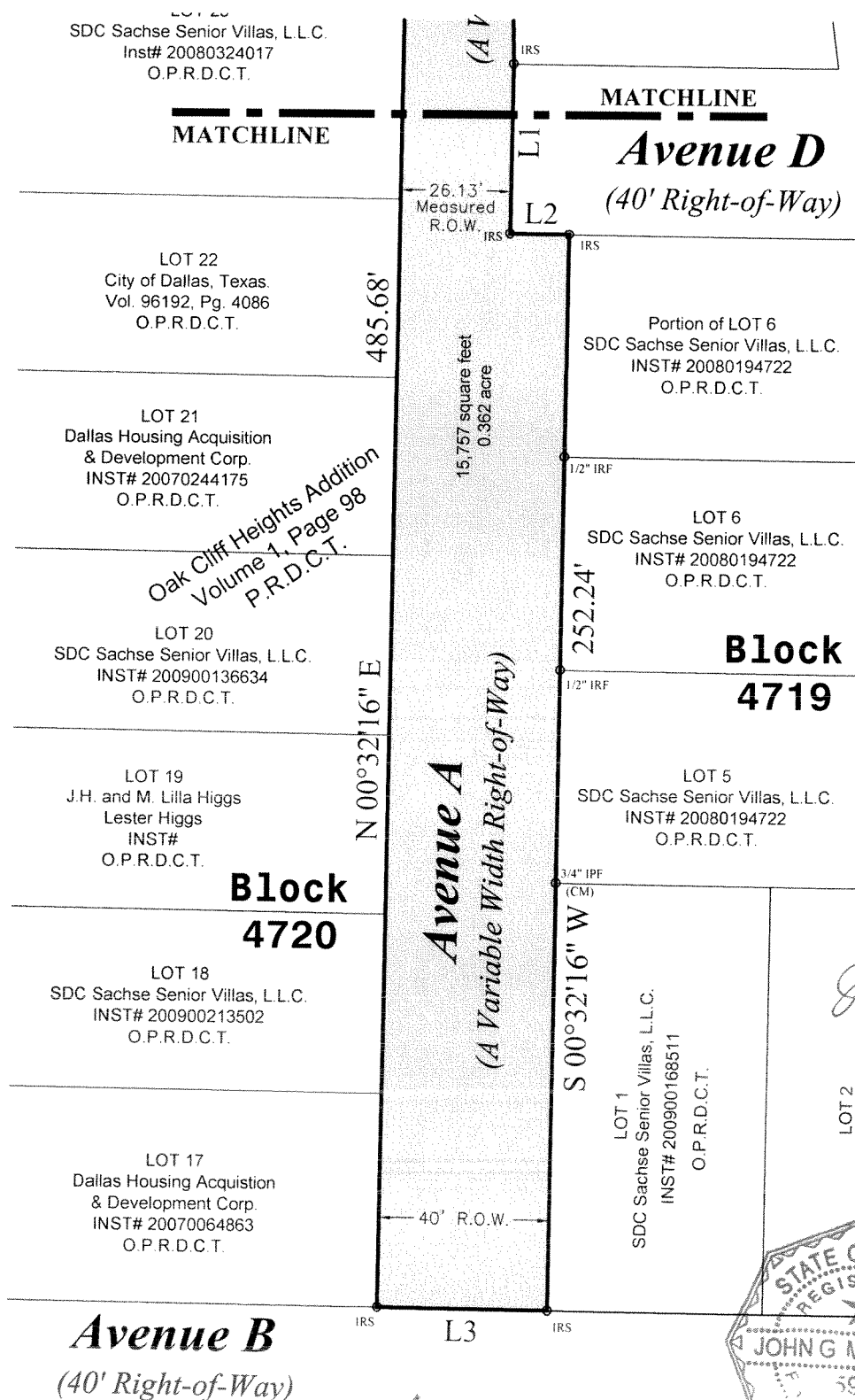
Adjacent to

City Blocks 4717, 4718, 4719 and 4720

# 121655

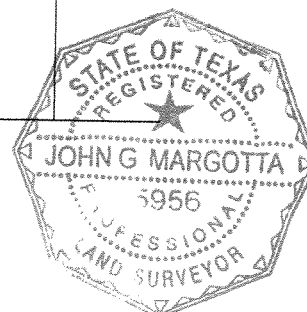


0 40'  
SCALE: 1" = 40'



REVIEWED BY

JA 09.17.2010  
SPRG-1897



**Baird, Hampton & Brown, Inc.**  
Engineering & Surveying  
6300 Ridgeway Place, Ste. 700 Fort Worth, TX 76116 Tel: (817) 336-1277 Fax: (817) 336-9245 E-Mail: Survey@bhbinc.com

John G. Margotta, R.P.L.S. No. 5956 Date 9-17-10

SHEET 4 OF 4

Drawing: E:\Survey\10\300\1007\Draw\Avenue A.dwg Saved By: John Margotta Save Time: 9/17/2010 11:18 AM  
Plotted by: John Margotta Plot Date: 9/17/2010 11:20 AM

Right-of-Way Abandonment  
**Avenue B**  
between Fran Way and S. Corinth Street  
Oak Cliff Heights Addition  
Adjacent to  
City Block 4719 and 4720

## EXHIBIT A-TRACT 2

**BEING** a 3,909 square foot tract of land situated in the William S. Beatty Survey, Abstract No. 57, adjacent to City Blocks 4719 and 4720, Dallas, Dallas County, Texas, also being a portion of Avenue B (A measured Variable Width Right-of-Way) as shown on the Plat of Oak Cliff Heights Addition as recorded in Volume 1, Page 98, Plat Records, Dallas County, Texas (P.R.D.C.T.) and being more particularly described by metes and bounds as follows:

**BEGINNING** at a set 5/8 inch yellow capped iron rod marked "BHB INC" (set iron rod) for the northeast corner of the intersection of said Avenue B and Fran Way (a 40' Right-of-Way), same being the southwest corner of Lot 17 of said Oak Cliff Heights Addition;

**THENCE** South 89°27'44" East with the south line of said Lot 17, at 96.58 feet passing the northwest corner of the intersection of said Avenue B and Avenue A (A 40' Width Right-of-Way), same being the southeast corner of said Lot 17 and at 136.58 feet passing the northeast corner of the intersection of said Avenue B and said Avenue A, same being the southwest corner of Lot 1 of said Oak Cliff Heights Addition, being a total distance of 186.58 feet to a set iron rod for the southeast corner of said Lot 1, same being the southwest corner of Lot 2 of said Addition, same being on the north right-of-way line of said Avenue B;

**THENCE** over and across the existing Avenue B Right-of-Way, the following courses and distances:

South 00°32'16" West departing said line, a distance of 7.98 feet to a set iron rod;

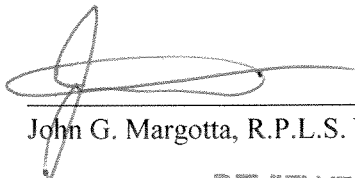
South 81°30'13" West, a distance of 128.49 feet to a set iron rod;

North 88°53'44" West, a distance of 49.91 feet to a set iron rod;

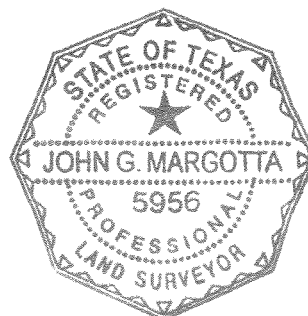
North 43°57'23" West, a distance of 14.16 feet to a set iron rod;

North 00°58'59" East, a distance of 17.57 feet to the **POINT OF BEGINNING** and containing 3,909 square feet or 0.090 acre of land more or less;

Bearings referenced to the west line of the Oak Cliff Heights Addition as recorded in Volume 1, Page 98, Plat Records, Dallas County, Texas.

  
John G. Margotta, R.P.L.S. No. 5956      Date 9-15-10

REVIEWED BY  
JR 09.17.2010  
SPRG 1094



# EXHIBIT A

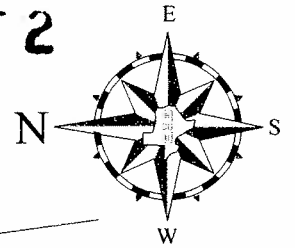
Right-of-Way Abandonment

## Avenue B

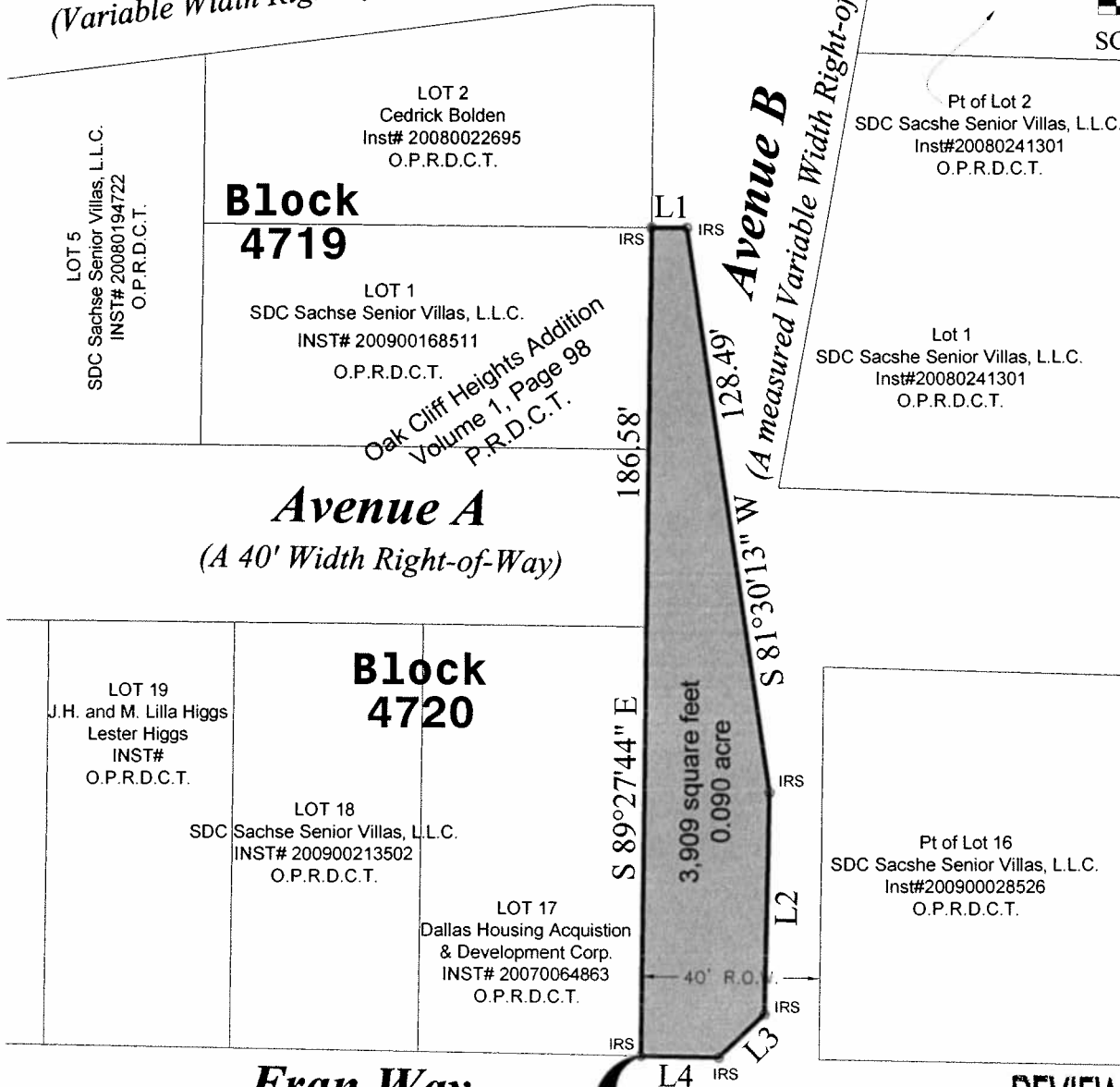
# EXHIBIT A-TRACT 2

between Fran Way and S. Corinth Street  
Oak Cliff Heights Addition  
Adjacent to  
City Block 4719 and 4720

**S. Corinth Street**  
(Variable Width Right-of-Way)



0 40'  
SCALE: 1" = 40'



**Avenue A**  
(A 40' Width Right-of-Way)

**Fran Way**  
(40' Right-of-Way)

(per Inst#20070431553 and Inst#200900068722)  
(O.P.R.D.C.T.)

**Point Of Beginning**

REVIEWED BY

JZ 09.17.2010  
SPRS-1894

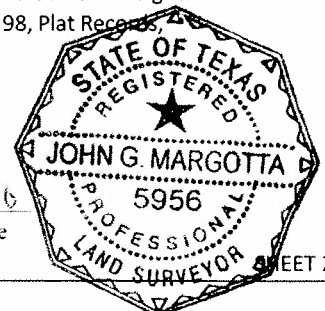
IRS = set 5/8 inch iron rod with yellow cap marked "BHB INC"

Bearings referenced to the west line of the Oak Cliff Heights  
Addition as recorded in Volume 1, Page 98, Plat Rec.,  
Dallas County, Texas

Number	Bearing	Distance
L1	S 00°32'16" W	7.98'
L2	N 88°53'44" W	49.91'
L3	N 43°57'23" W	14.16'
L4	N 00°58'59" E	17.57'

**Baird, Hampton & Brown, Inc.**  
Engineering & Surveying  
6390 Higgins Place, Ste. 700 Fort Worth, TX 76116 Tel:(817)338-1277 Fax:(817)338-9245 E-Mail:Survey@bhbinc.com

John G. Margotta, R.P.L.S. No. 5956 Date 9-15-16



28685  
EXHIBIT A

121655

EXHIBIT A-TRACT 3

Right-of-Way Abandonment  
**Avenue D**  
Between Avenue A and S. Corinth Street  
Oak Cliff Heights Addition  
Adjacent to City Blocks 4718 and 4719

**BEING** a 3,148 square foot tract of land situated in the William S. Beatty Survey, Abstract No 57, adjacent to city blocks 4718 and 4719, City of Dallas, Dallas County, Texas and a portion of Avenue D (a 40' Right-of-Way) as shown on the plat Oak Cliff Heights Addition as recorded in Volume 1, Page 98, Plat Records, Dallas County, Texas (P.R.D.C.T.) and being more particularly described by metes and bounds as follows:

**BEGINNING** at a set 5/8 inch yellow capped iron rod marked "BHB INC" (set iron rod), from which a found 2 inch iron pipe bears North 62°11'08" East, a distance of 1.00 feet, same being in the north line of said Avenue D, and being the southwest corner of a tract of land described by deed to SDC Sachse Senior Villas, L.L.C. as recorded in Instrument No. 20080194722, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.);

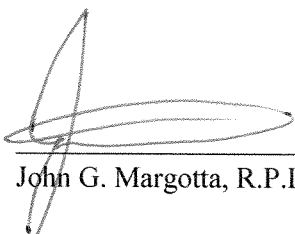
**THENCE** South 89°27'44" East with the north line of said Avenue D, the same being the south line of said SDC tract, a distance of 75.96 to a set iron rod in the west line of S. Corinth Street ( A Variable Width Right-of-Way), same being the southeast corner of said SDC tract;

**THENCE** South 07°14'34" East departing said south line and with the west right-of-way line of said S. Corinth Street, a distance of 40.37 feet to a set iron rod for the northeast corner of a tract of land described by deed to SDC Sachse Senior Villas, L.L.C. as recorded in Instrument No. 20080194722 O.P.R.D.C.T.;

**THENCE** North 89°27'44" West departing said west right-of-way line and with the south line of the aforesaid Avenue D, the same being the north line of said SDC tract, a distance of 81.42 feet to a set iron rod;

**THENCE** North 00°32'16" East, a distance of 40.00 feet to the **POINT OF BEGINNING** and containing 3,148 square feet or 0.072 acre of land more or less.

Bearings referenced to the west line of the Oak Cliff Heights Addition as recorded in Volume 1, Page 98, Plat Records, Dallas County, Texas

 9-15-16  
John G. Margotta, R.P.L.S. No. 5956

REVIEWED BY

09.17.2010  
SPRG-1895

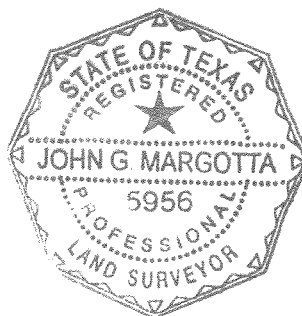


EXHIBIT 85

121655

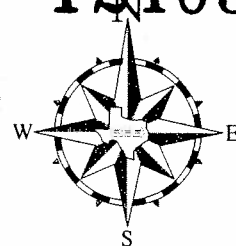
Right-of-Way Abandonment

Avenue D EXHIBIT A-TRACT 3

Between Avenue A and S. Corinth Street

Oak Cliff Heights Addition

Adjacent to City Blocks 4718 and 4719



0 40'

SCALE: 1" = 40'

**Avenue E**  
(40' Right-of-Way)

LOT 24  
SDC Sachse Senior Villas, L.L.C.  
Inst# 20080353491  
O.P.R.D.C.T.

1/2" IRF

LOT 23  
SDC Sachse Senior Villas, L.L.C.  
Inst# 20080324017  
O.P.R.D.C.T.

Oak Cliff Heights Addition  
Volume 1, Page 98  
P.R.D.C.T.

LOT 22  
City of Dallas, Texas.  
Vol. 96192, Pg. 4086  
O.P.R.D.C.T.

**Block**  
**4720**

LOT 21  
Dallas Housing Acquisition  
& Development Corp.  
INST# 20070244175  
O.P.R.D.C.T.

**Block**  
**4718**

SDC Sachse Senior Villas, L.L.C.  
INST# 20080194722  
O.P.R.D.C.T.

25.15'  
Measured  
R.O.W.

**Point of Beginning**

IRS L1 IRS

**Avenue D**  
(40' Right-of-Way)

3,148 square feet  
0.072 acre

IRS L3 IRS

Portion of LOT 6  
SDC Sachse Senior Villas, L.L.C.  
INST# 20080194722  
O.P.R.D.C.T.

**Block**  
**4719**

LOT 6  
SDC Sachse Senior Villas, L.L.C.  
INST# 20080194722  
O.P.R.D.C.T.

**Avenue A**

(A Variable Width Right-of-Way) L4

40' R.O.W.

**S. Corinth Street**  
(Variable Width Right-of-Way)

**REVIEWED BY**

09.17.2010  
SPRB-1895

IRS = set 5/8 inch iron rod with yellow cap marked "BHB INC"

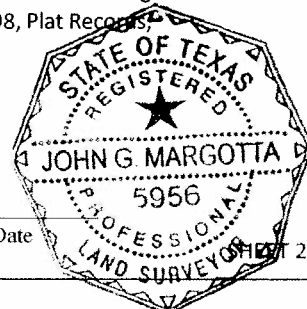
Bearings referenced to the west line of the Oak Cliff Heights  
Addition as recorded in Volume 1, Page 98, Plat Record,  
Dallas County, Texas

Number	Bearing	Distance
L1	S 89°27'44" E	75.96'
L2	S 07°14'34" E	40.37'
L3	N 89°27'44" W	81.42'
L4	N 00°32'16" E	40.00'

**Baird, Hampton & Brown, Inc.**  
Engineering & Surveying  
6300 Ridges Place, Ste. 700 Fort Worth, TX 76116 Tel (817) 338-1277 Fax (817) 338-9245 E-Mail Survey@bahb.com

Drawing: E:\Survey\10300\007\Draw\Avenue D.dwg Saved by: Angelica Rodriguez Save Time: 8/13/2010 2:35 PM  
Plotted by: Angelica Rodriguez Plot Date: 9/14/2010 2:05 PM

John G. Margotta, R.P.L.S. No. 5956 Date



SHEET 2 OF 2

EXHIBIT A 28685  
EXHIBIT A-TRACT 4

121655

Right-of-Way Abandonment  
**Avenue E**  
between Fran Way and Avenue A  
Oak Cliff Heights Addition  
Adjacent to  
City Blocks 4717 and 4720

**BEING** a 3,743 square foot tract of land situated in the William S. Beatty Survey, Abstract No 57, adjacent to City Blocks 4717 and 4720, Dallas, Dallas County, Texas and being a portion of Avenue E (a 40' Right-of-Way) as shown on the plat Oak Cliff Heights Addition, as recorded in Volume 1, Page 98, Plat Records, Dallas County, Texas (P.R.D.C.T.) and being more particularly described by metes and bounds as follows:

**BEGINNING** at set 5/8 inch yellow capped iron rod marked "BHB INC" (set iron rod), being the northeast corner of the intersection of Fran Way (a 40' Right-of-Way) and said Avenue E, same being the southwest corner of Lot 25 of said Oak Cliff Heights Addition;

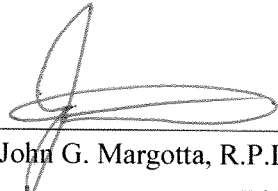
**THENCE** South 89°27'44" East with the south line of said Lot 25, a distance of 93.42 feet to a set iron rod for the southeast corner of said Lot 25, same being in the northwest intersection of said Avenue E and Avenue A (a 21.64 measured Variable Width Right-of-Way);

**THENCE** South 00°32'16" West, a distance of 40.00 feet to a set iron rod for the northeast corner of Lot 24 of said Oak Cliff Heights Addition, same being the southwest corner of the intersection of said Avenue E and said Avenue A;

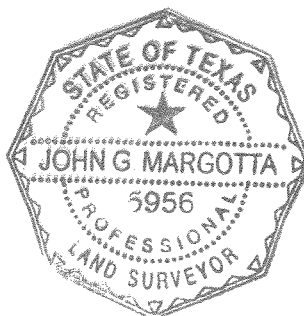
**THENCE** North 89°27'44" West with the north line of said Lot 24, a distance of 93.74 feet to a set iron rod for the northwest corner of said Lot 24, same being the southeast corner of the intersection of said Avenue E and the aforementioned Fran Way;

**THENCE** North 01°00'00" East, a distance of 40.00 feet to the **POINT OF BEGINNING** and containing 3,743 square feet or 0.086 acre of land more or less;

Bearings referenced to the west line of the Oak Cliff Heights Addition as recorded in Volume 1, Page 98, Plat Records, Dallas County, Texas.

  
9-15-10  
John G. Margotta, R.P.L.S. No. 5956

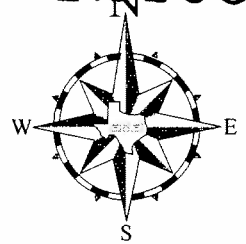
REVIEWED BY  
JR 09.17.2010  
SPRG-1896



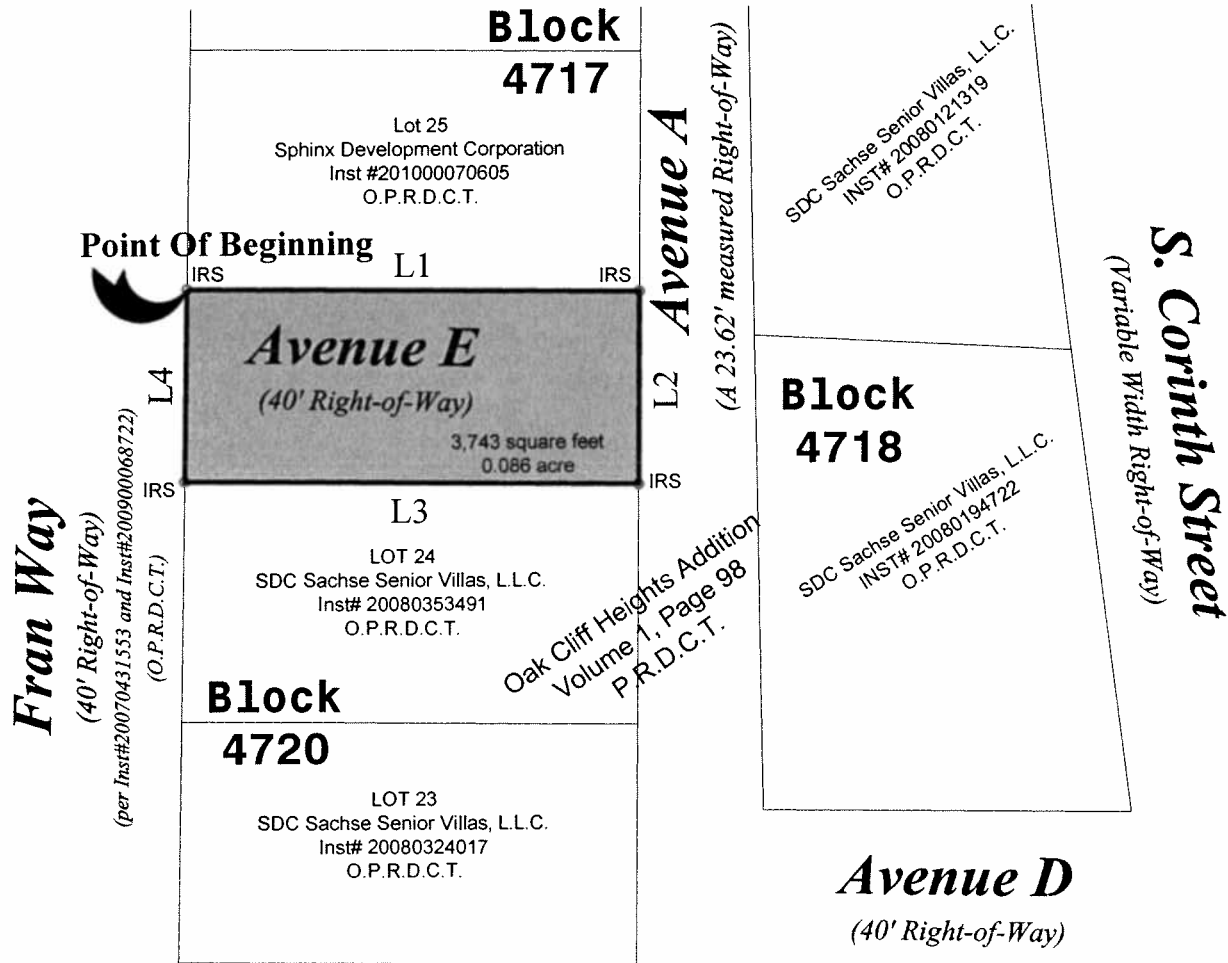
# 28685 EXHIBIT A

121655

**EXHIBIT A-TRACT 4**  
Right-of-Way Abandonment  
**Avenue E**  
between Fran Way and Avenue A  
Oak Cliff Heights Addition  
Adjacent to  
City Blocks 4717 and 4720



0 40'  
SCALE: 1" = 40'



**REVIEWED BY**

09.17.2010  
SPRG-1896

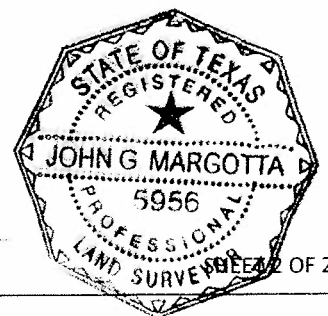
IRS = set 5/8 inch iron rod with yellow cap marked "BHB INC"

Bearings referenced to the west line of the Oak Cliff Heights Addition as recorded in Volume 1, Page 98, Plat Records, Dallas County, Texas

Number	Bearing	Distance
L1	S 89°27'44" E	93.42'
L2	S 00°32'16" W	40.00'
L3	N 89°27'44" W	93.74'
L4	N 01°00'00" E	40.00'

**Baird, Hampton & Brown, Inc.**  
Engineering & Surveying  
6300 Ridgeley Place, Ste. 700 Fort Worth, TX 76116 Tel: (817) 338-1277 Fax: (817) 338-9245 E-Mail: Survey@bhbinc.com

John G. Margotta, R.P.L.S. No. 5956 Date 9-15-10





28685  
STREET RIGHT-OF-WAY ABANDONMENT  
DANIEL STREET  
ADJACENT TO BLOCK'S A/5914 and B/5914  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

121655  
EXHIBIT A-TRACT 5

**BEING** a 15,159 Sq. Ft. (0.3480 acres) tract or parcel of land situated in the William S. Beatty Survey, Abstract Number 57, City of Dallas, Dallas County, Texas, being Daniel Street (a 50-foot wide right-of-way) as recorded in Volume 15, Page 299, Plat Records, Dallas County, Texas and being part of Carver Heights Apartments, an addition to the City of Dallas as recorded in Volume 15, Page 299, Plat Records of Dallas County, Texas, being adjacent to Dallas City Block's A/5914 and B/5914, and being more particularly described by metes and bounds as follows:

**COMMENCING** at a 5/8-inch iron rod found for the Southeast corner of said Carver Heights Apartments tract, said point also being in the intersection of Fran Way (a 40-foot wide right-of-way) and Compton Street (a 35-foot wide right-of-way);

**THENCE** South 67°55'04" West, along the North line of said Compton Street, a distance of 88.33 feet to the **POINT OF BEGINNING** at the intersection with the East line of said Daniel Street;

**THENCE** South 67°55'04" West, along the North line of said Compton Street and along the West line of said Daniel Street, a distance of 50.00 feet to a point for corner at the intersection with the West line of said Daniel Street;

**THENCE** North 22°04'56" West, leaving the North line of said Compton Street, a distance of 34.98 feet to a point for corner at the beginning of a curve to the right whose chord bears North 10°32'56" West, 43.99 feet;

**THENCE** in a Northwesterly direction along said curve to the right and the West line of said Daniel Street, having a central angle of 23°04'00", a radius of 110.00 feet, and an arc length of 44.28 feet to a point for corner;

**THENCE** North 00°59'04" East, along the West line of said Daniel Street, a distance of 234.00 feet to a point for corner in the Southerly line of Avenue B (a 50-foot wide right-of-way);

**THENCE** South 89°00'56" East, along the Southerly line of said Avenue B, a distance of 50.00 feet to a point for corner;

**THENCE** South 00°59'04" West, leaving the Southerly line of said Avenue B and along the East line of said Daniel Street, a distance of 234.00 feet to a point for corner at the beginning of a curve to the left whose chord bears South 10°32'56" East, 23.99 feet;

**THENCE** in a Southerly direction along said curve to the left and the East line of said Daniel Street, having a central angle of 23°04'00", a radius of 60.00 feet, and an arc length of 24.16 feet to a point for corner;

**THENCE** South 22°04'56" East, along the East line of said Daniel Street, a distance of 34.98 feet to the **POINT OF BEGINNING** and containing 15,159 SQ. FT. or 0.3480 acres of land, more or less.

Basis of bearings is the North line of SDC Fiji Senior L.P. tract, being N 62°00'00"E, as recorded in County Clerk File No. 20070431553, Deed Records of Dallas County, Texas.



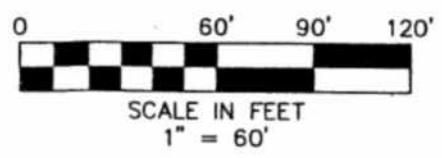
<b>CEI</b> Engineering Associates, Inc.	
ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS	
Tri West Plaza, 3030 LBJ Freeway (972) 488-3737 Suite 100, Dallas, TX 75234 FAX (972) 488-6732	
JOB NO. 25547 EXB	
(For SPRG use only) Reviewed by: <u>[Signature]</u> Date: <u>5-14-2009</u> SPRG NO: 1670	DATE 05/12/09 SHEET NO. 1 of 2

28685

121655

EXHIBIT A-TRACT 5

STREET RIGHT-OF-WAY ABANDONMENT  
DANIEL STREET  
ADJACENT TO BLOCK'S A/5914 and B/5914  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

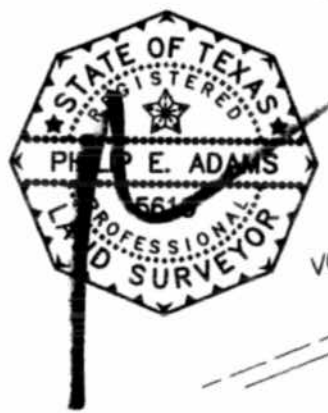


Basis of bearings is the North line of SDC Fiji Senior L.P. tract, being N 62°00'00"E, as recorded in County Clerk File No. 20070431553, Deed Records of Dallas County, Texas.

WILLIAM S. BEATTY SURVEY  
ABSTRACT NO. 57

CARVER HEIGHTS APARTMENTS  
VOLUME 15, PAGE 299  
P.R.D.C.T.

SPHINX DEVELOPMENT CORP.  
C.C.F. # 200900068722  
D.R.D.C.T.



5' EASEMENT  
VOLUME 15, PAGE 299  
P.R.D.C.T.

A=44.28'  
R=110.00'  
CEN=23°04'00"  
CB=N10°32'56"W  
CD=43.99'

34.98'  
N22°04'56"W  
589.56'

567°55'04"W  
50.00'  
COMPTON STREET  
(35' RIGHT-OF-WAY)

MISS CARRIE GILROY'S ADDITION  
VOL. 2, PG. 254  
M.R.D.C.T.

SPHINX DEVELOPMENT CORP.  
C.C.F. # 200900068722  
D.R.D.C.T.

AVENUE B  
(50' RIGHT-OF-WAY)

50.00'  
S89°00'56"E

DANIEL STREET  
(50' RIGHT-OF-WAY)  
15,159 SQUARE FEET  
VOL. 15, PAGE 299  
M.R.D.C.T.

234.00'  
S00°59'04"W

BLOCK A/5914

A=24.16'  
R=60.00'  
CEN=23°04'00"  
CB=S10°32'56"E  
CD=23.99'

34.98'  
S22°04'56"E  
567°55'04"W  
88.33'

514.50'  
S00°58'59"W

FRAN WAY  
(40' RIGHT-OF-WAY)

POC

5/8" IRF  
(CM)

POB

# LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- C.C.F. COUNTY CLERK'S FILE
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS
- IRF IRON ROD FOUND
- P.R.D.C.T. PLAT RECORDS, DALLAS COUNTY, TEXAS

**CEI Engineering Associates, Inc.**

ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

Tri West Plaza, 3030 LBJ Freeway (972) 488-3737  
Suite 100, Dallas, TX 75234 FAX (972) 488-6732

(For SPRG use only)  
Reviewed by: *Ey*  
Date: 5/14/2009  
SPRG NO: 1670

JOB NO. 25547 EXB  
DATE 05/12/09  
SHEET NO. 2 OF 2

**BEING** a 1.047 acre (45,607 Sq. Ft.) tract or parcel of land situated in the William S. Beatty Survey, Abstract Number 57, City of Dallas, Dallas County, Texas, and being Fiji Street (a 50-foot wide right-of-way), and Avenue B. (a 50-foot wide right-of-way), being part of CARVER HEIGHTS APARTMENTS, an addition to the City of Dallas as recorded in Volume 15, Page 299, Plat Records of Dallas County, Texas, being adjacent to Dallas City Block's A/5914, B/5914 and C/5914, and being more particularly described by metes and bounds as follows:

**COMMENCING** at a 5/8-inch iron rod found for the Southeast corner of said CARVER HEIGHTS APARTMENTS, said point also being in the intersection of the West line of Fran Way (a 40-foot wide right-of-way) and the Northwest line of Compton Street (a 35-foot wide right-of-way);

**THENCE** North 00°58'59" East along the West line of said Fran Way, a distance of 255.08 feet to the **POINT OF BEGINNING** at the intersection of the South line of said Avenue B;

**THENCE** North 89°00'56" West leaving the West line of said Fran Way and along the South line of said Avenue B, a distance of 213.17 feet to a point for corner at the beginning of a curve to the left whose chord bears South 79°27'04" West 83.97 feet;

**THENCE** in a Southwesterly direction along the South side of said Avenue B. along said curve to the left having a central angle of 23°04'00", a radius of 210.00 feet, and an arc length of 84.54 feet to a point for corner;

**THENCE** South 67°55'04" West along the South line of Avenue B, a distance of 138.94 feet to a point for corner at the beginning of a curve to the left whose chord bears South 32°26'34" West 168.30 feet;

**THENCE** in a Southwesterly direction along the South line of said Avenue B. and the East line of said Fiji Street and along said curve to the left having a central angle of 70°57'00", a radius of 145.00 feet, and an arc length of 179.56 feet to a point for corner;

**THENCE** South 03°01'56" East along the East line of said Fiji Street a distance of 151.88 feet to a point for corner at the beginning of a curve to the left whose chord bears South 12°33'26" East 52.95 feet;

**THENCE** in a Southerly direction continuing along the East line of said Fiji Street along said curve to the left having a central angle of 19°03'00", a radius of 160.00 feet, and an arc length of 53.20 feet to a point for corner;

**THENCE** South 22°04'56" East a distance of 41.54 feet to a point for corner in the Northerly line of said Compton Street;

**THENCE** South 67°55'04" West along the Northerly line of said Compton Street, a distance of 50.00 feet to a point for corner;

**THENCE** North 22°04'56" West leaving the Northerly line of said Compton Street and along the West line of said Fiji Street a distance of 41.54 feet to a point for corner at the beginning of a curve to the right whose chord bears North 12°33'26" West 69.50 feet;

**THENCE** in a Northerly direction along the West line of said Fiji Street along said curve to the right having a central angle of 19°03'00", a radius of 210.00 feet, and an arc length of 69.82 feet to a point for corner;

**THENCE** North 03°01'56" West continuing along the West line of said Fiji Street a distance of 151.88 feet to a point for corner at the beginning of a curve to the right whose chord bears North 32°26'34" East 226.34 feet;

**THENCE** in a Northeasterly direction along the West line of said Fiji Street and the North line of said Avenue B, along said curve to the right having a central angle of 70°57'00", a radius of 195.00 feet, and an arc length of 241.47 feet to a point for corner;

**THENCE** North 67°55'04" East along the North line of said Avenue B, a distance of 138.94 feet to a point for corner at the beginning of a curve to the right whose chord bears North 79°27'04" East 103.97 feet;

**THENCE** in a Easterly direction continuing along the North line of said Avenue B, along said curve to the right having a central angle of 23°04'00", a radius of 260.00 feet, and an arc length of 104.67 feet to a point for corner;

**THENCE** South 89°00'56" East continuing along the North line of said Avenue B, a distance of 213.17 feet to a point for corner in the West line of said Fran Way;

**THENCE** South 00°58'59" West along the West line of said Fran Way, a distance of 50.00 feet to the **POINT OF BEGINNING** and containing 45,607 Sq. Ft. or 1.047 acres of land, more or less.

Basis of bearings is the North line of SDC Fiji Senior L.P. tract, being N 62°00'00"E, as recorded in County Clerk File No. 20070431553, Deed Records of Dallas County, Texas.



		<b>Engineering Associates, Inc.</b>	
		ENGINEERS • PLANNERS • SURVEYORS	LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS
1511 West Plaza, 3030 LBJ Freeway Suite 100, Dallas, TX 75234		(972) 488-3737 FAX (972) 488-6732	JOB NO. 25547 Ex. 5
(For SPRG use only) Reviewed by: <i>[Signature]</i> Date: 5/11/09 SPRG NO: 1669		DATE 5/11/09	SHEET NO. 1 OF 2

~~121655~~  
EXHIBIT A-TRACT 6

PLAT RECORDS,  
DALLAS COUNTY, TEXAS





28685  
EASEMENT ABANDONMENT  
CARVER HEIGHTS APARTMENTS  
BLOCK C/5914

121655  
EXHIBIT A-TRACT 7

CITY OF DALLAS, DALLAS COUNTY, TEXAS

**BEING** a 252 Sq. Ft. (0.005 acre) tract or parcel of land situated in the William S. Beatty Survey, Abstract Number 57, City of Dallas, Dallas County, Texas, Dallas City Block C/5914, and being part of CARVER HEIGHTS APARTMENTS, an addition to the City of Dallas as recorded in Volume 15, Page 299, Plat Records of Dallas County, Texas, also being part of that tract of land as described in Special Warranty Deed to Sphinx Development Corporation as recorded in County Clerk's File Number 200900068722, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

**COMMENCING** at a 5/8-inch iron rod found for the Northwest corner of said CARVER HEIGHTS APARTMENTS, said point also being in the South line of a tract of land as described to SDC Fiji Senior, L.P., as recorded in County Clerk's File Number 20070431553, Deed Records, Dallas County, Texas, and also being the common corner of a tract of land as described to Dallas Area Rapid Transit, as recorded in Volume 93057, Page 2438, Deed Records, Dallas County, Texas;

**THENCE** South 03°02'01" East, along the East line of said DART tract and the West line of said Sphinx Development Corporation tract, a distance of 183.45 feet to the **POINT OF BEGINNING**;

**THENCE** South 87°42'20" East a distance of 28.03 feet to a point for corner in the Northwest line of Fiji Street (a 50' wide right-of-way), at the beginning of a curve to the left whose chord bears South 26°15'17" West, 10.94 feet;

**THENCE** in a Southwesterly direction along said curve to the left along the Northwest line of said Fiji Street, having a central angle of 3°12'57", a radius of 195.00 feet, and an arc length of 10.94 feet to a point for corner;

**THENCE** North 87°42'20" West, leaving the Northwest line of said Fiji Street, a distance of 22.66 feet to a point for corner in East line of said DART tract;

**THENCE** North 03°02'01" West, along the East line of said DART tract, a distance of 10.04 feet to the **POINT OF BEGINNING** and containing 252 Sq. Ft. or 0.005 acres of land, more or less.



Basis of bearings is the North line of SDC Fiji Senior L.P. tract, being N 62°00'00"E, as recorded in CCF# 20070431553, Deed Records of Dallas County, Texas.

<b>CEI</b> Engineering Associates, Inc.	
ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS	
Tri West Plaza, 3030 LBJ Freeway Suite 100, Dallas, TX 75234	(972) 488-3737 FAX (972) 488-6732
JOB NO. 25547 EXB	
(For SPRG use only) Reviewed by: <i>[Signature]</i> Date: 5-14-2009 SPRG NO: 1672	DATE 5/11/09 SHEET NO. 1 of 2

EASEMENT ABANDONMENT  
CARVER HEIGHTS APARTMENTS  
BLOCK C/5914  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

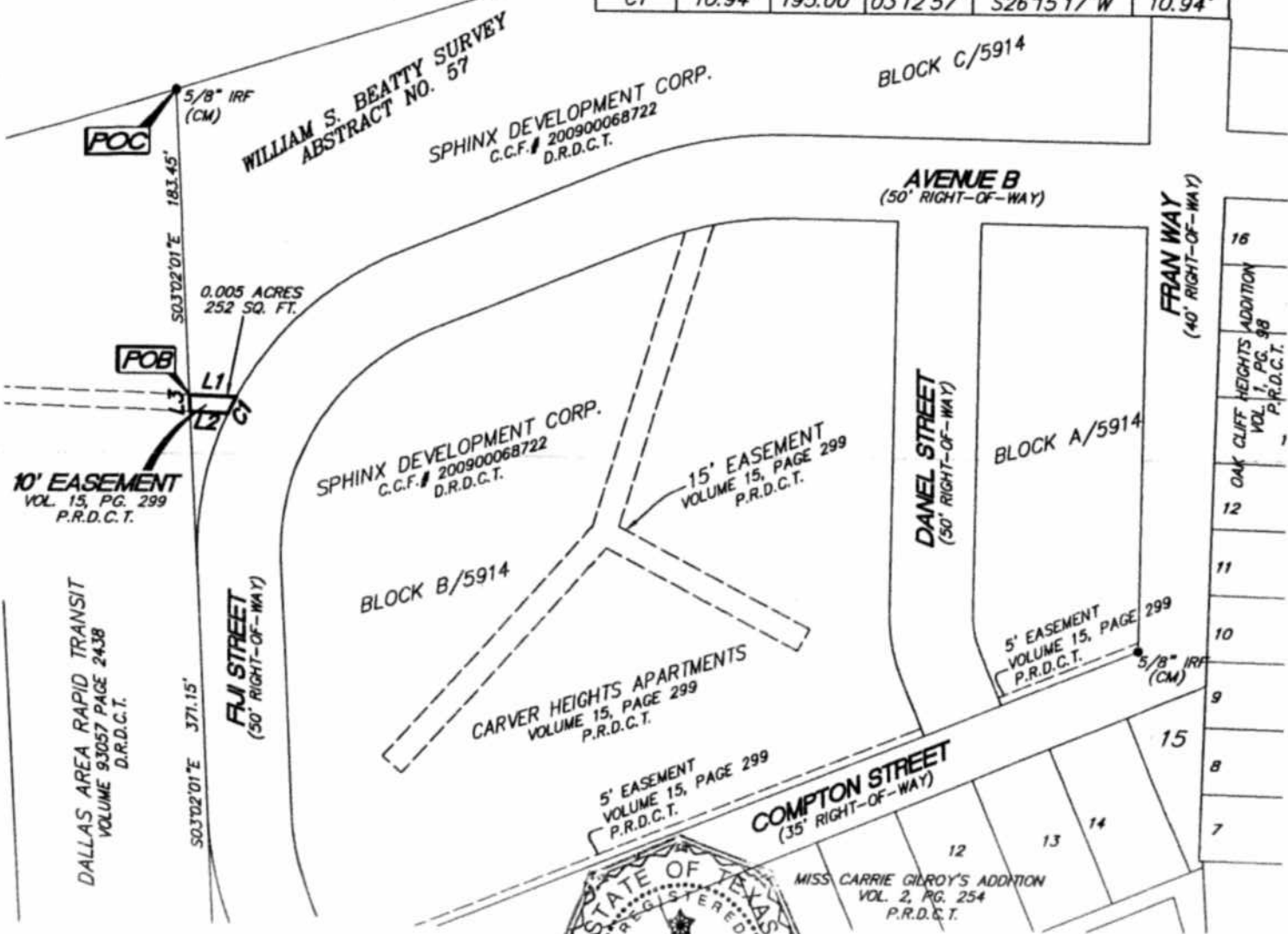
EXHIBIT A-TRACT 7



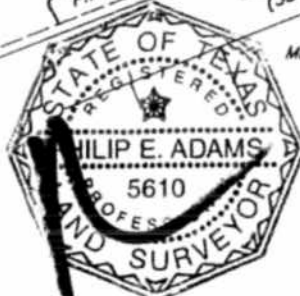
SDC FIJI SENIOR, L.P.  
DOC. # 20070431553  
D.R.D.C.T.

LINE TABLE		
LINE	LENGTH	BEARING
L1	28.03'	S87°42'20"E
L2	22.66'	N87°42'20"W
L3	10.04'	N03°02'01"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. BEARING	CHORD
C1	10.94'	195.00'	03°12'57"	S26°15'17"W	10.94'



Basis of bearings is the North line of  
SDC Fiji Senior L.P. tract, being  
N 62°00'00"E, as recorded in CCF#  
20070431553, Deed Records of Dallas  
County, Texas.



## LEGEND

BOUNDARY LINE	—
RIGHT OF WAY LINE	- - -
C.C.F.	COUNTY CLERK'S FILE
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
IRF	IRON ROD FOUND
P.R.D.C.T.	PLAT RECORDS, DALLAS COUNTY, TEXAS



Engineering Associates, Inc.

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LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

Tri West Plaza, 3030 LBJ Freeway (972) 488-3737  
Suite 100, Dallas, TX 75234 FAX (972) 488-6732

JOB NO.  
25547 EXB

(For SPRG use only)  
Reviewed by: *[Signature]*  
Date: 5/14/09  
SPRG NO: 1672

DATE  
5/11/09

SHEET NO.  
2 OF 2

28685  
EASEMENT ABANDONMENT  
CARVER HEIGHTS APARTMENTS  
BLOCK B/5914

121655  
EXHIBIT A-TRACT 8

CITY OF DALLAS, DALLAS COUNTY, TEXAS

**BEING** a 7,625 Sq. Ft. (0.175 acres) tract or parcel of land situated in the William S. Beatty Survey, Abstract Number 57, City of Dallas, Dallas County, Texas, Dallas City Block No. B/5914, and being part of CARVER HEIGHTS APARTMENTS, an addition to the City of Dallas as recorded in Volume 15, Page 299, Plat Records of Dallas County, Texas, also being part of that tract of land as described in Special Warranty Deed to Sphinx Development Corporation, as recorded in County Clerk File No. 200900068722, D.R.D.C.T., and being more particularly described by metes and bounds as follows:

**COMMENCING** at a 5/8-inch iron rod found for the South corner of said CARVER HEIGHTS APARTMENTS tract, said point also being in the intersection of the West line of Fran Way (a 40-foot wide right-of-way) and the North line of Compton Street (a 35-foot wide right-of-way);

**THENCE** South 89°36'22" West a distance of 203.50 feet to the **POINT OF BEGINNING**;

**THENCE** North 61°48'54" West a distance of 128.72 feet to a point for corner;

**THENCE** South 41°36'51" West a distance of 182.61 feet to a point for corner;

**THENCE** North 48°23'09" West a distance of 15.00 feet to a point for corner;

**THENCE** North 41°36'51" East a distance of 186.89 feet to a point for corner;

**THENCE** North 16°54'13" East a distance of 185.76 feet to a point for corner in the South line of Avenue B (a 50 foot wide right-of-way) at the beginning of a curve to the right whose chord bears North 76°04'49" East, 17.47 feet;

**THENCE** in a Easterly direction along the South line of said Avenue B, along said curve to the right having a central angle of 4°46'01", a radius of 210.00 feet, and an arc length of 17.47 feet to a point for corner;

**THENCE** South 16°54'13" West, leaving the South line of said Avenue B, a distance of 190.20 feet to a point for corner;

**THENCE** South 61°48'54" East a distance of 128.49 feet to a point for corner;

**THENCE** South 28°11'06" West a distance of 15.00 feet to the **POINT OF BEGINNING** and containing 7,625 Sq. Ft or 0.175 acres of land, more or less.



Basis of bearings is the North line of SDC Fiji Senior L.P. tract, being N 62°00'00"E, as recorded in County Clerk File No. 20070431553, Deed Records of Dallas County, Texas.

<b>CEI</b>		<b>Engineering Associates, Inc.</b>	
ENGINEERS • PLANNERS • SURVEYORS		LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS	
Tri West Plaza, 3030 LBJ Freeway Suite 100, Dallas, TX 75234		(972) 488-3737 FAX (972) 488-6732	JOB NO. 25547 EXH
(For SPRG use only) Reviewed by: <i>[Signature]</i> Date: 5/11/2009 SPRG NO: 1671		DATE 5/12/09	SHEET NO. 1 of 2

# LEGEND

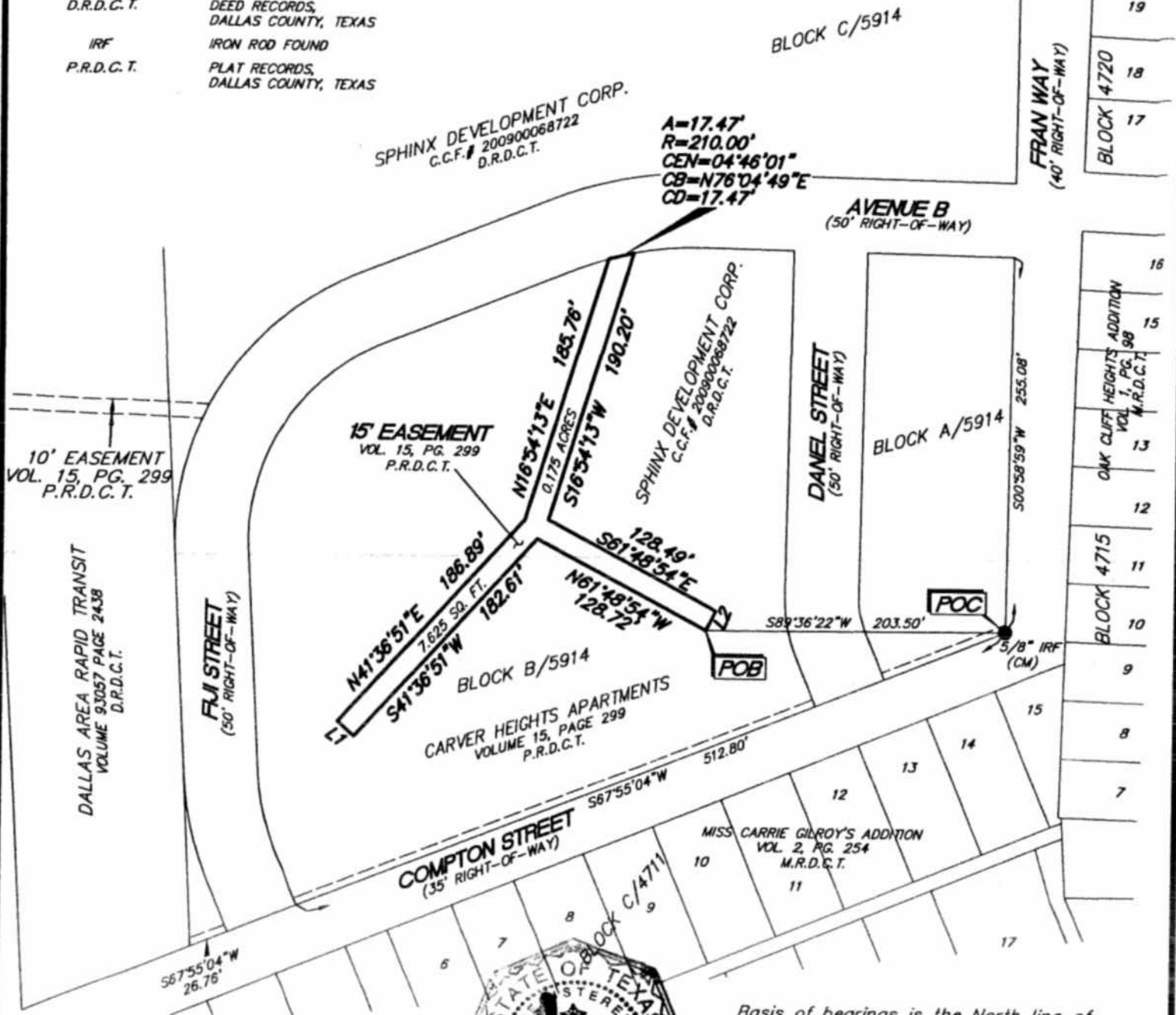
C.C.F.  
D.R.D.C.T.  
IRF  
P.R.D.C.T.

BOUNDARY LINE  
RIGHT OF WAY LINE  
COUNTY CLERK'S FILE  
DEED RECORDS,  
DALLAS COUNTY, TEXAS  
IRON ROD FOUND  
PLAT RECORDS,  
DALLAS COUNTY, TEXAS

EASEMENT ABANDONMENT  
CARVER HEIGHTS APARTMENTS  
BLOCK B/5914

CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 8



LINE TABLE

LINE	LENGTH	BEARING
L1	15.00'	N48°23'09"W
L2	15.00'	S28°11'06"W

Basis of bearings is the North line of  
SDC Fiji Senior L.P. tract, being  
N 62°00'00"E, as recorded in County  
Clerk File No. 20070431553, Deed  
Records of Dallas County, Texas.



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Suite 1250, Dallas, TX 75234

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FAX (972) 488-6732

(For SPRG use only)  
Reviewed by: *[Signature]*  
Date: 5-14-2009  
SPRG NO: 1671

DATE 5/12/09  
SHEET NO. 2 OF 2

SCALE IN FEET



## **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.