

ORDINANCE NO. 28687

An ordinance providing for the abandonment of portions of Assembly Court, a fire lane easement, and a right-of-way and drainage area located in and adjacent to City Blocks N/6431 and 6433 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to the Dallas Independent School District; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

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**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of the Dallas Independent School District, a governmental instrumentality, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portions of Assembly Court, a fire lane easement, and a right-of-way and drainage area 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 hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **ONE HUNDRED SIXTY-THREE THOUSAND, THREE HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS (\$163,385.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to those certain tracts of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions and conditions of this ordinance.

**SECTION 4.** That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

**SECTION 5.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, as to Exhibits A-Tract 1 and Tract 3 which is attached hereto and made a part hereof for all purposes.

**SECTION 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 7.** That the abandonment and quitclaim provided for herein shall extend only

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

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold whole and harmless the City of Dallas of, from and against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or

codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

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

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the areas described in Exhibit A-Tract 1 and Tract 3 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-Tract 1 and Tract 3 closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Sustainable Development and Construction.

**SECTION 11.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, which certified copy shall be delivered to the Director of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay the Director of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

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**SECTION 12.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:**  
**THOMAS P. PERKINS, JR.**  
City Attorney

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

BY

  
Assistant City Attorney

BY

  
Assistant Director

Passed \_\_\_\_\_

JUN 27 2012

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**STREET RIGHT-OF-WAY ABANDONMENT****EXHIBIT A-TRACT 1**

Part of Assembly Court

Adjacent to Block 6433

J.J. Mooneyham Survey, Abstract No. 929

*City of Dallas, Dallas County, Texas*

DESCRIPTION, of an 18,525 square foot (0.425 acre) tract of land situated in the J.J. Mooneyham Survey, Abstract No. 929, Dallas County, Texas and adjacent to Block 6433 of the Official Block Numbers of the City of Dallas, said tract being a portion of Assembly Court (a variable width right-of-way) (formerly known as Webb Chapel Road) as shown on the plat of Royal Chapel Estates, Second Installment (not dedicated by this plat), an addition to the City of Dallas, Texas recorded in Volume 67040, Page 696 of the Deed Records of Dallas County, Texas; said 18,525 square foot tract being more particularly described as follows (bearing system for this survey is based on a bearing of South 89 degrees, 30 minutes, 53 seconds East for a north line of Lot 2A, Block N/6431, Chapel Point Phase I, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2005155, Page 88 of said Deed Records):

BEGINNING, at a point for corner in the east right-of-way line of said Assembly Court and the west line of a tract of land described as "Tract B for drainage purposes" in Warranty Deed to the City of Dallas recorded in Volume 572, Page 126 of said Deed Records; said point being South 00 degrees, 25 minutes, 50 seconds West, a distance of 10.30 feet from the intersection of the said east line of Assembly Court and the southwest right-of-way line of Webb Chapel Road (a variable width right-of-way, 95 feet wide at this point);

THENCE, South 00 degrees, 25 minutes, 50 seconds West, along the said east line of Assembly Court and the said west line of Tract B, a distance of 233.31 feet to a point for the southwest corner of said Tract B; said point also being the intersection of the east line of said Assembly Court (old Webb Chapel Road - north and south) with the north line of old Webb Chapel Road (east and west);

THENCE, South 89 degrees, 34 minutes, 10 seconds East, along the south line of said Tract B, a distance of 30.00 feet to a "+" cut in concrete found for the southeast corner of said Tract B and in the west line of said Lot 2A; said point being the east corner of the north terminus of said Assembly Court;

THENCE, South 34 degrees, 27 minutes, 00 seconds West, along the said west line of Lot 2A and the west terminus of said Assembly Court, a distance of 60.39 feet to a "+" cut in concrete found for corner; said point being the east corner of the south terminus of said Assembly Court;

THENCE, along a north line of said Lot 2A and the said south terminus of Assembly Court, the following three (3) calls:

North 89 degrees, 29 minutes, 40 seconds West, a distance of 46.14 feet to a 1/2-inch iron rod found for corner;

North 00 degrees, 10 minutes, 44 seconds West, a distance of 7.01 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner;

(For SPRG use only)	
Reviewed By:	<u>DBF</u>
Date:	<u>06-27-2011</u>
SPRG NO:	<u>1862</u>

# EXHIBIT A-TRACT 1

## STREET RIGHT-OF-WAY ABANDONMENT

Part of Assembly Court

Adjacent to Block 6433

J.J. Mooneyham Survey, Abstract No. 929

City of Dallas, Dallas County, Texas

(Continued)

North 89 degrees, 30 minutes, 53 seconds West, a distance of 2.49 feet to a point for corner;

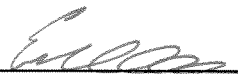
THENCE, North 00 degrees, 19 minutes, 59 seconds East, departing the said south terminus of Assembly Court and along a line parallel to and 3.00 feet east of the east right-of-way line of a 12-foot wide alley dedicated by said plat of Royal Chapel Estates, Second Installment, a distance of 400.31 feet to a point for corner at the beginning of a non-tangent curve to the left;

THENCE, in a southeasterly direction, along said curve to the left, being parallel to and 5.00 feet southwest of the said southwest line of Webb Chapel Road, having a central angle of 12 degrees, 31 minutes, 52 seconds, a radius of 618.19 feet, a chord bearing and distance of South 22 degrees, 46 minutes, 24 seconds East, 134.94 feet, and an arc distance of 135.20 feet to the POINT OF BEGINNING;

CONTAINING, 18,525 square feet or 0.425 acres of land, more or less, of which no warranty is made.

*(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 06/21/2011  
Registered Professional Land Surveyor No. 4900  
Pacheco Koch Consulting Engineers, Inc.  
8350 N. Central Expwy, #1000, Dallas TX 75206  
(972) 235-3031  
TX Reg. Surveying Firm LS-100080-00  
(Revised 06/06/2011)



3016-09.151ex-1R.dwg  
3016-09-151ex-1R.doc JRM

(For SPRG use only)	
Reviewed By:	<u>DBF</u>
Date:	<u>06.22.2011</u>
SPRG NO:	<u>1862</u>

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## EXHIBIT A-TRACT 1



0 50 100 200  
GRAPHIC SCALE IN FEET

**CARRY  
BACK  
CIRCLE**  
(50' RIGHT-OF-WAY)

**BLOCK 11/6432  
ROYAL CHAPEL ESTATES  
SECOND INSTALLMENT**  
(VOL. 67040, PG. 696)  
(D.R.D.C.T.)

SONDRA MUNYER  
(INST. NO. 200700322772)  
(O.P.R.D.C.T.)

LOT 10

LOT 9

LOT 8

LOT 3

LAKKHANA HOPKINS  
(VOL. 93183, PG. 2624)  
(D.R.D.C.T.)

LOT 4  
1/2-INCH IRON ROD  
W/"RPLS 3963"  
CAP FOUND  
SUSAN V. STEELE  
(VOL. 2005003,  
PG. 12047)  
(D.R.D.C.T.)

LOT 5  
1/2-INCH IRON ROD  
W/"RPLS 3963"  
CAP FOUND  
DOROTHY SCHROEDER  
(VOL. 83178, PG. 1073)  
(D.R.D.C.T.)

LOT 6  
1/2-INCH IRON ROD FOUND  
(S 02°19' E - 0.8')  
1/2-INCH IRON ROD FOUND  
RYAN P. MARKS AND  
HEATHER L. FARRIS  
MARKS  
(INST. NO. 20070431749)  
(D.R.D.C.T.)

LOT 7  
RYAN P. MARKS AND  
HEATHER L. FARRIS  
MARKS  
(INST. NO. 20070431749)  
(D.R.D.C.T.)

1/2-INCH IRON  
ROD FOUND  
(N 41°17' E - 0.4')

LOT 9

(PLAT: 12')

MEAS.: 19.1'

LOT 8

3/8-INCH IRON  
ROD FOUND  
(N 10°32' E - 0.4')

L=66.55'

LOT 8

S 89°30'53" E  
(BEARING BASIS)

235.22'

(PLAT: 12')

MEAS.: 21.6'

40' DRAINAGE EASEMENT  
(VOL. 5144, PG. 8)  
(D.R.D.C.T.)

(For SPRG use only)

Reviewed By: DBFDate: 06-22-2011SPRG NO: 1862

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

Eric A. Kreiner Date 06/21/2011

Eric A. Kreiner  
Registered Professional  
Land Surveyor No. 5320  
(Revised 06/06/2011)



LOT 2A,  
BLOCK N/6431  
CHAPEL  
POINT PHASE I  
(VOL. 2005155, PG. 88)  
(D.R.D.C.T.)

DALLAS INDEPENDENT  
SCHOOL DISTRICT  
(INST. NO. 200900275668)  
(O.P.R.D.C.T.)

## LEGEND

- PROPERTY LINE  
— ABANDONMENT LINE  
— EASEMENT LINE  
O POINT FOR CORNER  
(UNLESS OTHERWISE NOTED)  
IRF 1/2-INCH IRON ROD WITH/  
"PACHECO KOCH" CAP FOUND  
(C.M.) - CONTROLLING MONUMENT  
(M.R.D.C.T.) MAP RECORDS OF  
DALLAS COUNTY, TEXAS  
(O.P.R.D.C.T.) OFFICIAL PUBLIC RECORDS OF  
DALLAS COUNTY, TEXAS  
(D.R.D.C.T.) DEED RECORDS OF  
DALLAS COUNTY, TEXAS  
**P.O.B.** POINT OF BEGINNING

$\Delta=12^{\circ}31'52''$   
 $R=618.19'$   
 $L=135.20'$   
 $T=67.87'$   
 $CB=S\ 22^{\circ}46'24''\ E$   
 $CD=134.94'$

**BLOCK U/6433  
SPARKMAN CLUB  
ESTATES NO. 6**  
(VOL. 42, PG. 169)  
(M.R.D.C.T.)

**STREET ABANDONMENT  
ASSEMBLY COURT**  
**18,525 SF**  
(0.425 ACRES)

REMAINING PORTION  
OF BLOCK 6433  
30' DRAINAGE AREA  
TO CITY OF DALLAS  
(TRACT "B")  
(VOL. 572, PG. 126)  
(D.R.D.C.T.)

## LINE TABLE

LINE	BEARING	LENGTH
L1	S 00°25'50" W	10.30'
L2	S 34°27'00" W	60.39'
L3	N 89°29'40" W	46.14'
L4	N 00°10'44" W	7.01'
L5	N 89°30'53" W	2.49'
L6	S 00°25'50" W	233.31'
L7	S 89°34'10" E	30.00'

## NOTES:

- A legal description of even survey date herewith accompanies this plat of survey.
- Bearing system for this survey is based on a bearing of South 89 degrees, 30 minutes, 53 seconds East, for a north line of Lot 2A, Block N/6431, Chapel Point Phase I, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2005155, Page 88 of the Deed Records of Dallas County, Texas.

## STREET RIGHT-OF-WAY ABANDONMENT

PART OF ASSEMBLY COURT  
ADJACENT TO BLOCK 6433

J.J. MOONEYHAM SURVEY, ABSTRACT NO. 929,  
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"=100'	JUNE 2011	3016-09.151

DWG FILE: 3016-09.151EX-1R.DWG

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06/21/2011 - 11:04AM

J.MILLER



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**EXHIBIT A-TRACT 2****20' FIRE LANE EASEMENT ABANDONMENT**

Part of Lot 2, Block N/6431  
 Maplewood Assembly of God Church Addition  
 (Now known as Chapel Point Phase I)  
 J.J. Mooneyham Survey, Abstract No. 929  
 City of Dallas, Dallas County, Texas

DESCRIPTION, of a 15,523 square foot (0.356 acre) tract of land situated in the J.J. Mooneyham Survey, Abstract No. 929, Dallas County, Texas; said tract being part of Lot 2A, Block N/6431, Chapel Point Phase I, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2005155, Page 88 of the Official Public Records of Dallas County, Texas; said tract also being all of a 20-foot wide Fire Lane Easement as set forth on the plat of Maplewood Assembly of God Church Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 69165, Page 2112 of the Deed Records of Dallas County, Texas; and part of that certain tract of land described in General Warranty Deed to Dallas Independent School District recorded in Instrument No. 200900275668 of said Official Public Records; said 15,523 square foot tract being more particularly described as follows (bearing system for this survey is based on a bearing of South 84 degrees, 09 minutes, 20 seconds West for the south line of Lot 2A, Block N/6431 of said Chapel Point Phase I):

COMMENCING, at a 1/2-inch iron rod with "ROOME" cap found in the southwest right-of-way line of Webb Chapel Road (a 95-foot wide right-of-way); said point being the northernmost corner of said Lot 2A and the beginning of a non-tangent curve to the left;

THENCE, in a southeasterly direction, along the said southwest line of Webb Chapel Road, the northeast line of said Lot 2A and said curve to the left, having a central angle of 13 degrees, 18 minutes, 42 seconds, a radius of 613.19 feet, a chord bearing and distance of South 40 degrees, 15 minutes, 01 seconds East, 142.14 feet, an arc distance of 142.46 feet to the POINT OF BEGINNING;

THENCE, continuing along the said southwest line of Webb Chapel Road, the said northeast line of Lot 2A and said curve to the left, having a central angle of 01 degrees, 53 minutes, 09 seconds, a radius of 613.19 feet, a chord bearing and distance of South 47 degrees, 50 minutes, 57 seconds East, 20.18 feet, an arc distance of 20.18 feet to a point for corner at the end of said curve;

THENCE, South 34 degrees, 27 minutes, 00 seconds West, departing the said southwest line of Webb Chapel Road and the said northeast line of Lot 2A, a distance of 162.69 feet to a point for corner;

THENCE, South 55 degrees, 33 minutes, 00 seconds East, a distance of 179.00 feet to a point for corner;

THENCE, South 34 degrees, 27 minutes, 00 seconds West, a distance of 63.00 feet to a point for corner;

THENCE, South 55 degrees, 33 minutes, 00 seconds East, a distance of 43.33 feet to a point for corner;

THENCE, North 84 degrees, 09 minutes, 20 seconds East, a distance of 79.70 feet to a point for corner;

THENCE, North 34 degrees, 27 minutes, 00 seconds East, a distance of 174.00 feet to an angle point;

THENCE, North 02 degrees, 44 minutes, 36 seconds West, a distance of 33.10 feet to a point for corner in the said southwest line of Webb Chapel Road and the said northeast line of Lot 2A; said point being the beginning of a non-tangent curve to the left;

THENCE, in a southeasterly direction, along the said southwest line of Webb Chapel Road, the said northeast line of Lot 2A and said curve to the left, having a central angle of 01 degrees, 57 minutes, 57 seconds, a radius of 613.19 feet, a chord bearing and distance of South 74 degrees, 40 minutes, 37 seconds East, 21.04 feet, an arc distance of 21.04 feet to a point for corner at the end of said curve;

(For SPRG use only)

Reviewed By: DBFDate: 06.05.2011SPRG NO: 2092

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**EXHIBIT A-TRACT 2****20' FIRE LANE EASEMENT ABANDONMENT**

Part of Lot 2, Block N/6431  
 Maplewood Assembly of God Church Addition  
 (Now known as Chapel Point Phase I)  
 J.J. Mooneyham Survey, Abstract No. 929  
 City of Dallas, Dallas County, Texas  
 (continued)

THENCE, South 02 degrees, 44 minutes, 36 seconds East, departing the said southwest line of Webb Chapel Road and the said northeast line of Lot 2A, a distance of 33.31 feet to an angle point;

THENCE, South 34 degrees, 27 minutes, 00 seconds West, a distance of 190.00 feet to a point for corner;

THENCE, South 84 degrees, 09 minutes, 20 seconds West, a distance of 96.30 feet to a point for corner;

THENCE, North 55 degrees, 33 minutes, 00 seconds West, a distance of 70.67 feet to a point for corner;

THENCE, North 34 degrees, 27 minutes, 00 seconds East, a distance of 63.00 feet to a point for corner;


THENCE, North 55 degrees, 33 minutes, 00 seconds West, a distance of 179.00 feet to a point for corner;

THENCE, North 34 degrees, 27 minutes, 00 seconds East, a distance of 185.39 feet to the POINT OF BEGINNING;

CONTAINING, 15,523 square feet or 0.356 acres of land, more or less.

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

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

 04/26/2011  
 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



3016-10.072EX-2.doc  
 3016-10.072EX-2.dwg jrm

(For SPRG use only)	
Reviewed By:	<u>DBF</u>
Date:	<u>06.05.2011</u>
SPRG NO:	<u>2092</u>

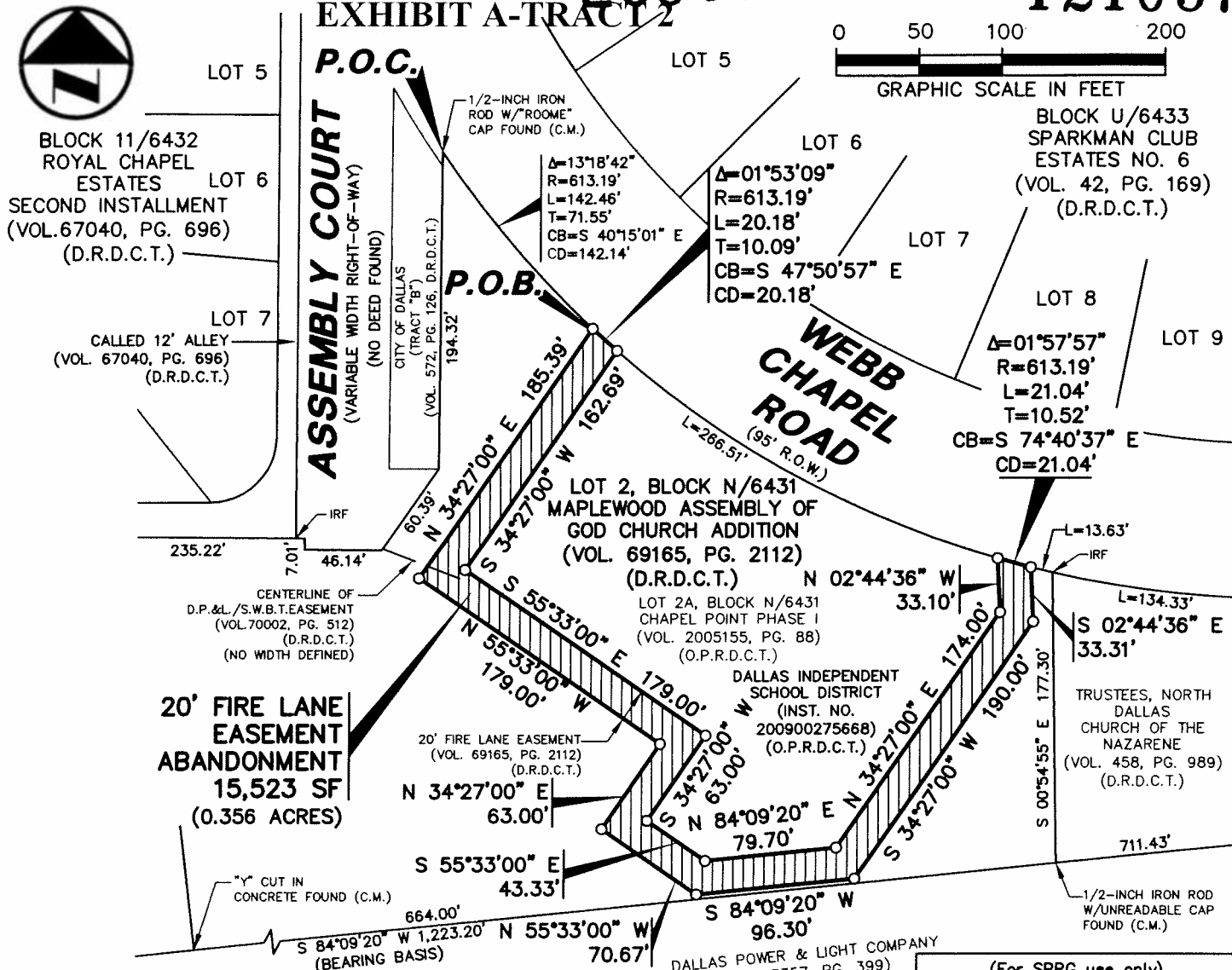
28687

121657

## EXHIBIT A-TRACT 2

0 50 100 200

GRAPHIC SCALE IN FEET



(For SPRG use only)

Reviewed By: DBFDate: 06.05.2011SPRG NO: 2092

## NOTES:

- A legal description of even survey date herewith accompanies this plat of survey.
- Bearing system for this survey is based on a bearing of South 84 degrees, 09 minutes, 20 seconds West for the south line of Lot 2A, Block N/6431, Chapel Point Phase I, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2005155, Page 88 of the Official Public Records of Dallas County, Texas.



Eric A. Kreiner Date 04/26/2011  
Registered Professional  
Land Surveyor No. 5320



**Pacheco Koch**  
DALLAS • FORT WORTH • HOUSTON

8350 N. CENTRAL EXPWY, SUITE 1000  
DALLAS, TX 75208 972.235.3031  
TX REG. ENGINEERING FIRM F-469  
TX REG. SURVEYING FIRM LS-100080-00

<b>DRAWN BY</b> JRM	<b>CHECKED BY</b> EAK	<b>SCALE</b> 1"=100'	<b>DATE</b> APRIL 2011	<b>JOB NUMBER</b> 3016-10.072
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**RIGHT-OF-WAY AND  
30' DRAINAGE AREA ABANDONMENT**

Block 6433

J.J. Mooneyham Survey, Abstract No. 929,  
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 6,257 square foot (0.144 acre) tract of land situated in the J.J. Mooneyham Survey, Abstract No. 929, Dallas County, Texas; said tract being in the remaining portion of Block 6433 and adjacent to Block N/6431 of the Official Block Numbers of the City of Dallas, Texas; said tract also being adjacent to Assembly Court (a variable width right-of-way, formerly known as Webb Chapel Road) as shown on the plat of Royal Chapel Estates, Second Installment (not dedicated by this plat), an addition to the City of Dallas, Texas according to the plat recorded in Volume 67040, Page 696 of the Deed Records of Dallas County, Texas; said tract also being part of that certain tract of land described as "Tract B for drainage purposes" in Warranty Deed to the City of Dallas recorded in Volume 572, Page 126 of said Deed Records; said 6,257 square foot tract being more particularly described as follows (bearing system for this survey is based on a bearing of South 89 degrees, 30 minutes, 53 seconds East for a north line of Lot 2A, Block N/6431, Chapel Point Phase I, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2005155, Page 88 of said Deed Records):

BEGINNING, at a point in the east line of said Tract B and a west line of said Lot 2A; said point being South 00 degrees, 25 minutes, 50 seconds West, a distance of 8.86 feet from a 1/2-inch iron rod with "ROOME" cap found at the intersection of the said east line of Tract B and the southwest right-of-way line of Webb Chapel Road (a variable width right-of-way, 95 feet wide at this point);

THENCE, South 00 degrees, 25 minutes, 50 seconds West, along the said east line of Tract B and the said west line of Lot 2A, a distance of 185.46 feet to a "+" cut in concrete found for the southeast corner of said Tract B; said point also being the southeast corner of the remaining portion of said Block 6433;

THENCE, North 89 degrees, 34 minutes, 10 seconds West, departing the said west line of Lot 2A, and along the south line of said Tract B and the south line of said Block 6433, a distance of 30.00 feet to a point for the southwest corner of said Tract B; said point also being the intersection of the east line of said Assembly Court (old Webb Chapel Road – north and south) with the north line of old Webb Chapel Road (east and west);


THENCE, North 00 degrees, 25 minutes, 50 seconds East, along the west line of said Tract B, the west line of said Block 6433 and the said east line of Assembly Court, a distance of 233.31 feet to a point for corner at the beginning of a non-tangent curve to the left;

THENCE, in a southeasterly direction, departing the said west line of Tract B and the said east line of Assembly Court, and along said curve to the left, having a central angle of 05 degrees 14 minutes, 10 seconds, a radius of 618.19 feet, a chord bearing and distance of South 31 degrees, 39 minutes, 25 seconds East, 56.47 feet, an arc distance of 56.49 feet to the POINT OF BEGINNING;

CONTAINING, 6,257 square feet or 0.144 acres of land, more or less.

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

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

  
Eric A. Kreiner  
Registered Professional Land Surveyor No. 5320  
Pacheco Koch Consulting Engineers, Inc.  
8350 N. Central Expwy, #1000, Dallas TX 75206  
(972) 235-3031  
(Revised 02/28/2012)  
TX Reg. Surveying Firm LS-100080-00  
3016-10.072EX-3.dwg, 3016-10.072EX-3.doc jrm

02/29/2012  
Date



(For SPRG use only)	
Reviewed By:	<u>DBF</u>
Date:	<u>03-02-2012</u>
SPRG NO:	<u>2091</u>

## LINE TABLE



$\Delta = 05^{\circ}14'10''$   
 $R = 618.19'$   
 $L = 56.49'$   
 $T = 28.27'$   
 $CB = S \ 31^{\circ}39'25'' \ E$   
 $CD = 56.47'$

BLOCK U/6433  
SPARKMAN CLUB  
ESTATES NO. 6  
(VOL. 42, PG. 169)  
(M.R.D.C.T.)

**RIGHT-OF-WAY AND  
30' DRAINAGE AREA  
ABANDONMENT  
6,257 SF  
(0.144 ACRES)**

NOTES:

1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of South 89 degrees, 30 minutes, 53 seconds East, for a north line of Lot 2A, Block N/6431, Chapel Point Phase I, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2005155, Page 88 of the Deed Records of Dallas County, Texas.

### LEGEND

\_\_\_\_\_ PROPERTY LINE  
 \_\_\_\_\_ ABANDONMENT LINE  
 \_\_\_\_\_ EASEMENT LINE  
 ○ POINT FOR CORNER  
 (UNLESS OTHERWISE NOTED)  
 (C.M.) - CONTROLLING MONUMENT  
 (M.R.D.C.T.) MAP RECORDS OF  
 DALLAS COUNTY, TEXAS  
 (O.P.R.D.C.T.) OFFICIAL PUBLIC RECORDS OF  
 DALLAS COUNTY, TEXAS  
 (D.R.D.C.T.) DEED RECORDS OF  
 DALLAS COUNTY, TEXAS

(For SPRG use only)

Reviewed By: DBF  
Date: 07.02.2012  
SPRG NO: 2091

DALLAS INDEPENDENT  
SCHOOL DISTRICT  
(INST. NO. 200900275668)  
(O.P.R.D.C.T.)

LOT 2A,  
BLOCK N/6431  
CHAPEL  
POINT PHASE I  
(VOL. 2005155, PG. 88)  
(D.R.D.C.T.)

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

Eric A. Kreiner  
Registered Professional  
Land Surveyor No. 5320



## RIGHT-OF-WAY AND 30' DRAINAGE AREA ABANDONMENT

BLOCK 6433

J.J. MOONEYHAM SURVEY, ABSTRACT NO. 929,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
SHEET 2 OF 2

DWG FILE: 3016-10.072EX-3.DWG

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02/29/2012 - 8:17AM

MILLER



# 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 IS-100080-00

<b>DRAWN BY</b>	<b>CHECKED BY</b>	<b>SCALE</b>	<b>DATE</b>	<b>JOB NUMBER</b>
JRM	EAK	1"=100'	FEB. 2012	3016-09.151

## 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.