

ORDINANCE NO. 28716

An ordinance providing for the abandonment and relinquishment of a water main easement and a portion of a sanitary sewer easement located in City Block 7332 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Dallas Housing Corporation; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of new easements to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

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WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Dallas Housing Corporation, a Texas non-profit corporation, hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to 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 easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming said portions of easements to **GRANTEE** for the consideration and subject to the terms and conditions and future effective date hereinafter more fully set forth; **Now, Therefore,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

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SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tracts of land described in Exhibit A, attached hereto and made a part hereof; 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 **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, 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 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, 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, relinquishment 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.

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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, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold the City of Dallas whole and harmless 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"

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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 this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said water main easement and portion of sanitary sewer easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easements to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 10. 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 Department 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 Department of Sustainable Development and Construction or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department 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 11. 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.

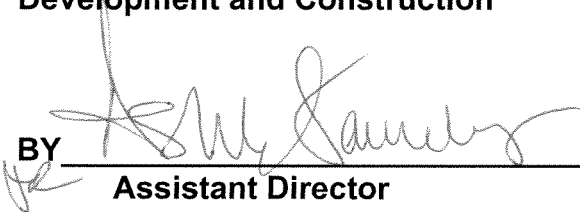
APPROVED AS TO FORM:
THOMAS P. PERKINS, JR.
City Attorney

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

BY


Assistant City Attorney

BY


Assistant Director

Passed

AUG 08 2012

**10' WATER MAIN EASEMENT
ABANDONMENT**

Part of Block 7332

Lorenzo Van Cleve Survey, Abstract No. 1514

City of Dallas, Dallas County, Texas

28716

DESCRIPTION, of a 3,247 square foot (0.075 acre) tract of land situated in the Lorenzo Van Cleve Survey, Abstract No. 1514, Dallas County, Texas and being part of Block 7332 of the Official Block Numbers of the City of Dallas, Texas; said tract being part of that certain tract of land described in Special Warranty Deed to Dallas Housing Corporation recorded in Volume 94239, Page 4852 of the Deed Records of Dallas County, Texas and being all of a 10-foot wide Water Main Easement recorded in Volume 83061, Page 1183 of said Deed Records; said 3,247 square foot tract being more particularly described as follows (bearing system is based on a bearing of South 60 degrees, 00 minutes, 00 seconds West for the north right-of-way line of Southerland Avenue, according to said deed recorded in Volume 94239, Page 4852 of said Deed Records):

COMMENCING, at a 1/2-inch iron rod with "PACHECO KOCH" cap found at the intersection of the northwest right-of-way line of Wonderview Way a (60-foot wide right-of-way) and the northeast right-of-way line of Van Cleve Drive (a 60-foot wide right-of-way);

THENCE, in a westerly direction, along the said northeast line of Van Cleve Drive, the following two (2) calls:

North 72 degrees, 33 minutes, 41 seconds West, a distance of 311.00 feet to a 1/2-inch iron pipe found at the beginning of a tangent curve to the left;

Along said curve to the left, having a central angle of 15 degrees, 50 minutes, 35 seconds, a radius of 414.58 feet, a chord bearing and distance of North 80 degrees, 29 minutes, 57 seconds West, 114.27 feet, an arc distance of 114.64 feet to the POINT OF BEGINNING;

THENCE, continuing along the said northeast line of Van Cleve Drive and along said curve to the left, having a central angle of 01 degrees, 23 minutes, 50 seconds, a radius of 414.58 feet, a chord bearing and distance of North 89 degrees, 07 minutes, 10 seconds West, 10.11 feet, an arc distance of 10.11 feet to a point for corner;

THENCE, North 07 degrees, 36 minutes, 01 seconds West, departing the said northeast line of Van Cleve Drive, a distance of 306.00 feet to a point for corner;

THENCE, South 82 degrees, 23 minutes, 59 seconds West, a distance of 8.00 feet to a point for corner;

THENCE, North 07 degrees, 36 minutes, 01 seconds West, a distance of 10.00 feet to a point for corner;

THENCE, North 82 degrees, 23 minutes, 59 seconds East, a distance of 18.00 feet to a point for corner;

(For SPRG use only)	
Reviewed By:	<u>JS</u>
Date:	<u>11.22.2011</u>
SPRG NO:	<u>2255</u>

**10' WATER MAIN EASEMENT
ABANDONMENT**

Part of Block 7332

Lorenzo Van Cleve Survey, Abstract No. 1514

City of Dallas, Dallas County, Texas

(continued)


28716

THENCE, South 07 degrees, 36 minutes, 01 seconds East, a distance of 317.49 feet to the
POINT OF BEGINNING;

CONTAINING, 3,247 square feet or 0.075 acres of land, more or less.

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

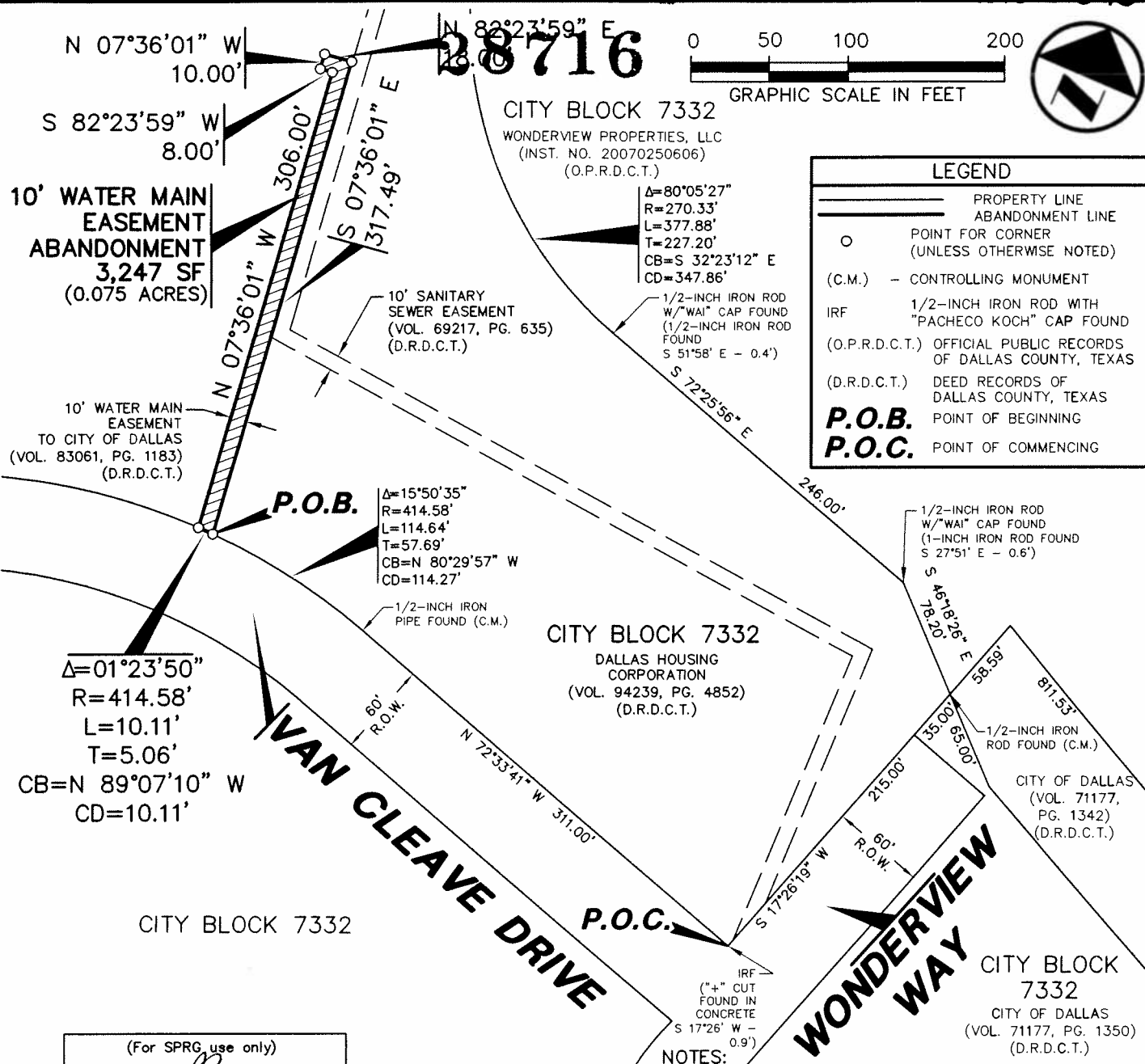
The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing
description accurately sets out the metes and bounds of the abandonment tract described.


Eric A. Kreiner
Date 09/14/2011
Registered Professional Land Surveyor No. 5320
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00
EX12.doc, 2441A-08.372 ex12.dwg jrm



(For SPRG use only)

Reviewed By: JK
Date: 11.22.2011
SPRG NO: 2255



(For SPRG use only)
 Reviewed By: [Signature]
 Date: 11.12.2011
 SPRG NO: 2255

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

Date



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'	SEPT. 2011	2441-08.372

10' WATER MAIN EASEMENT ABANDONMENT

PART OF BLOCK 7332
 LORENZO VAN CLEVE SURVEY,
 ABSTRACT NO. 1514
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 SHEET 3 OF 3

**10' SANITARY SEWER EASEMENT
PARTIAL ABANDONMENT**

Part of Block 7332
Lorenzo Van Cleve Survey, Abstract No. 1514
City of Dallas, Dallas County, Texas

28716

DESCRIPTION, of a 7,859 square foot (0.180 acre) tract of land situated in the Lorenzo Van Cleve Survey, Abstract No. 1514, Dallas County, Texas and being part of Block 7332 of the Official Block Numbers of the City of Dallas, Texas; said tract being part of that certain tract of land described in Special Warranty Deed to Dallas Housing Corporation recorded in Volume 94239, Page 4852 of the Deed Records of Dallas County, Texas and being part of a 10-foot wide Sanitary Sewer Easement recorded in Volume 69217, Page 635 of said Deed Records; said 7,859 square foot tract being more particularly described as follows (bearing system is based on a bearing of South 60 degrees, 00 minutes, 00 seconds West for the north right-of-way line of Southerland Avenue, according to said deed recorded in Volume 94239, Page 4852 of said Deed Records):

COMMENCING, at a 1/2-inch iron rod with "PACHECO KOCH" cap found at the intersection of the northwest right-of-way line of Wonderview Way (a 60-foot wide right-of-way) and the northeast right-of-way line of Van Cleve Drive (a 60-foot wide right-of-way);

THENCE, North 17 degrees, 26 minutes, 19 seconds East, along the said northwest line of Wonderview Way, a distance of 4.57 feet to a point at the southernmost corner of said 10-foot wide Sanitary Sewer Easement;

THENCE, North 01 degrees, 09 minutes, 41 seconds West, departing the said northwest line of Wonderview Way and along a west line of said 10-foot wide Sanitary Sewer Easement, a distance of 198.50 feet to the POINT OF BEGINNING;

THENCE, North 84 degrees, 32 minutes, 11 seconds West, a distance of 425.96 feet to a point for corner;

THENCE, North 07 degrees, 31 minutes, 41 seconds West, a distance of 368.67 feet to a point for corner;

THENCE, North 82 degrees, 28 minutes, 19 seconds East, a distance of 10.00 feet to a point for corner;

THENCE, South 07 degrees, 31 minutes, 41 seconds East, a distance of 360.72 feet to a point for corner;

THENCE, South 84 degrees, 32 minutes, 11 seconds East, a distance of 416.84 feet to a point for corner;

THENCE, South 01 degrees, 09 minutes, 41 seconds East, a distance of 10.06 feet to the POINT OF BEGINNING;

CONTAINING, 7,859 square feet or 0.180 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.



09/14/2011

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

TX Reg. Surveying Firm LS-100080-00

EX11.doc, 2441A-08.372 ex11.dwg jrm



(For SPRG use only)

Reviewed By: 

Date: 11.22.2011

SPRG NO: 2254

28716

MATCHLINE (SEE SHEET 3)

CITY BLOCK 7332

DALLAS HOUSING
CORPORATION
(VOL. 94239, PG. 4852)
(D.R.D.C.T.)

10' WATER MAIN
EASEMENT
TO CITY OF DALLAS
(VOL. 83061, PG. 1183)
(D.R.D.C.T.)

$\Delta=45^{\circ}51'38''$
 $R=414.58'$
 $L=331.84'$
 $T=175.38'$
 $CB=S\ 84^{\circ}29'32''\ W$
 $CD=323.05'$

10' SANITARY
SEWER EASEMENT
(VOL. 69217, PG. 635)
(D.R.D.C.T.)

$\Delta=80^{\circ}05'27''$
 $R=270.33'$
 $L=377.88'$
 $T=227.20'$
 $CB=S\ 32^{\circ}23'12''\ E$
 $CD=347.86'$

1/2-INCH IRON ROD
W/"WAI" CAP FOUND
(1/2-INCH IRON ROD
FOUND
 $S\ 51^{\circ}58'\ E\ 0.4'$)



GRAPHIC SCALE IN FEET

CITY BLOCK 7332

WONDERVIEW PROPERTIES, LLC
(INST. NO. 20070250606)
(O.P.R.D.C.T.)

10' SANITARY
SEWER EASEMENT
PARTIAL ABANDONMENT
7,859 SF
(0.180 ACRES)

1/2-INCH IRON ROD
W/"WAI" CAP FOUND
(1-INCH IRON ROD FOUND
 $S\ 27^{\circ}51'\ E\ 0.6'$)

CITY OF DALLAS
(VOL. 71177,
PG. 1342)
(D.R.D.C.T.)

CITY BLOCK
7332
CITY OF DALLAS
(VOL. 71177, PG. 1350)
(D.R.D.C.T.)

CITY BLOCK 7332

VAN CLEAVE DRIVE

P.O.B.

P.O.C.

WONDERVIEW WAY

(For SPRG use only)

Reviewed By: JR
Date: 11.22.2011
SPRG NO: 2254

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of South 60 degrees, 00 minutes, 00 seconds West for the north right-of-way line of Southerland Avenue, according to the deed recorded in Volume 94239, Page 4852 of the Deed Records of Dallas County, Texas.

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

09/14/2011

Date



Pacheco Koch

DALLAS ■ FORT WORTH ■ HOUSTON

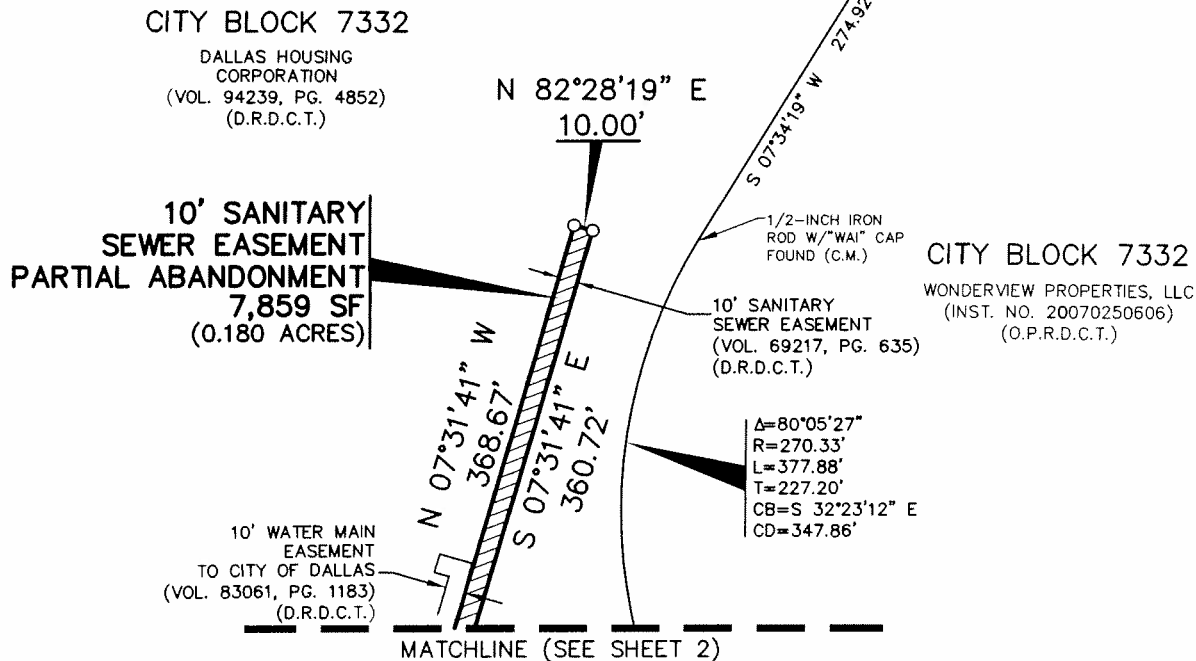
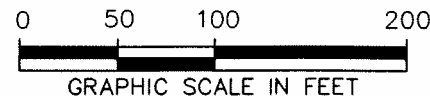
8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-100080-00

10' SANITARY SEWER EASEMENT PARTIAL ABANDONMENT

PART OF BLOCK 7332
LORENZO VAN CLEVE SURVEY,
ABSTRACT NO. 1514
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 2 OF 3

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
JRM	EAK	1"=100'	SEPT. 2011	2441-08.372

28716



LEGEND

	PROPERTY LINE
	ABANDONMENT LINE
	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	CONTROLLING MONUMENT
IRF	1/2-INCH IRON ROD WITH "PACHECO KOCH" CAP FOUND
(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
P.O.C.	POINT OF COMMENCING

(For SPRG use only)

Reviewed By:

Date: 11-22-2011

SPRG NO: 2254

10' SANITARY SEWER EASEMENT PARTIAL ABANDONMENT

PART OF BLOCK 7332
LORENZO VAN CLEVE SURVEY,
ABSTRACT NO. 1514
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
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DRAWN BY
JRM

CHECKED BY
EAK

SCALE
1"=100'

DATE
SEPT. 2011

JOB NUMBER
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