

ORDINANCE NO. 28717

An ordinance providing for the abandonment and relinquishment of a portion of a drainage easement located in City Block J/4032 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to 7-Eleven, Inc.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; 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 7-Eleven, Inc., a Texas 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 portion of drainage easement to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of drainage easement is 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 portion of drainage easement 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 City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the portion of drainage easement described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions 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 and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to that certain portion of drainage easement 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, 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.

**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 area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

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**SECTION 9.** 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.

**SECTION 10.** 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.

JOHN W. WRIGHT SURVEY, ABSTRACT NO. 1551

PART OF LOT 6A, BLOCK J/4032, EXXON ZANG ADDITION (VOL. 99202, PG. 648, D.R.D.C.T.)

CITY OF DALLAS, DALLAS COUNTY, TEXAS

28717

Being a 6,008 square feet (0.138 acre) tract of land situated in the John W. Wright Survey, Abstract No. 1551 in the City of Dallas, Dallas County, Texas, and being a portion of Lot 6A, Block J/4032, Exxon Zang Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 99202, Page 648, Deed Records, Dallas County, Texas, same being all of a 27' Drainage Easement to the City of Dallas created by Volume 97210, Page 04525, Deed Records, Dallas County, Texas, and being a portion of the same property conveyed to 7-Eleven, Inc., a Texas Corporation by Special Warranty Deed recorded in Instrument No. 201200016463, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an "X" found in the North line of W. Illinois Avenue (a variable width right-of-way), said point being the Southwest corner of the remainder of Lot 5, Block J/4032, Crow-Coker Addition No. 2, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 71028, Page 1964, Deed Records, Dallas County, Texas conveyed to Local Properties, LLC by Instrument No. 20070379798, Official Public Records, Dallas County, Texas;

Thence South 88 degrees 37 minutes 39 seconds West, along the North line of said W. Illinois Avenue, a distance of 1.10 feet to a point for corner, said point being the beginning of a non-tangent curve to the right having a radius of 513.50 feet, a central angle of 05 degrees 39 minutes 12 seconds, and a chord that bears North 12 degrees 40 minutes 37 seconds West, a distance of 50.65 feet;

Thence leaving the North line of said W. Illinois Avenue and over and across said Lot 6A as follows:

Along said curve to the right, an arc length of 50.67 feet to a point for corner, said point being the beginning of a reverse curve to the left having a radius of 486.50 feet, a central angle of 12 degrees 38 minutes 28 seconds, and a chord that bears North 16 degrees 10 minutes 15 seconds West, a distance of 107.12 feet;

Along said curve to the left, an arc length of 107.34 feet to a point for corner;

North 22 degrees 29 minutes 29 seconds West, a distance of 78.12 feet to a point for corner;

North 00 degrees 07 minutes 28 seconds East, a distance of 21.87 feet to a point for corner in the South line of the remainder of Lot 1, Block J/4032, revised plat of San Jacinto Lawn, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 4, Page 259, Deed Records, Dallas County, Texas conveyed to Lupe Lafuente and Gloria Lafuente by deed recorded in Volume 2003223, Page 00662, Deed Records, Dallas County, Texas;

Thence South 81 degrees 55 minutes 14 seconds East, along the South line of said Lafuente tract, a distance of 21.59 feet to a point for corner;

Thence leaving the South line of said Lafuente tract and over and across said Lot 6A as follows:

South 22 degrees 29 minutes 29 seconds East, a distance of 87.33 feet to a point for corner, said point being the beginning of a tangent curve to the right having a radius of 513.50 feet, a central angle of 12 degrees 38 minutes 28 seconds, and a chord that bears South 16 degrees 10 minutes 15 seconds East, a distance of 113.06 feet;

Along said curve to the right and arc length of 113.29 feet to a point for corner, said point being the beginning of a reverse curve to the left having a radius of 486.50 feet, a central angle of 01 degrees 37 minutes 42 seconds, and a chord that bears South 10 degrees 39 minutes 52 seconds East, a distance of 13.83 feet;

Along said curve to the left, an arc length of 13.83 feet to a point for corner in the most Southwestern North line of said Local Properties, LLC tract;

Thence South 88 degrees 26 minutes 30 seconds West, along said most Southwestern North line of Local Properties, LLC tract, a distance of 16.88 feet to an "X" found at an exterior ell corner of said Local Properties, LLC tract;

Thence South 00 degrees 06 minutes 11 seconds West, along the West line of said Local Properties, LLC tract, a distance of 39.96 feet to the Point of Beginning and containing 6,008 square feet (0.138 acre) of land.

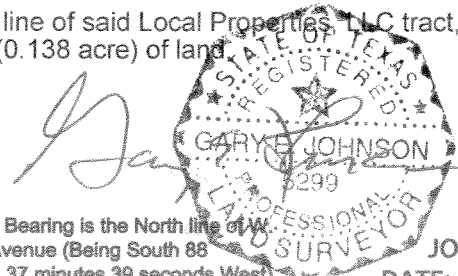
REVIEWED BY

JK 04.27.10/12  
SARG 2340



TEXAS HERITAGE SURVEYING, INC.  
10610 Metric Drive, Suite 124, Dallas, TX 75243  
Office 214-340-9700 Fax 214-340-9710  
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Basis of Bearing is the North line of W.  
Illinois Avenue (Being South 88  
degrees 37 minutes 39 seconds West)  
per plat recorded in Volume 99202,  
Page 648, D.R.D.C.T.



JOB# 1102570-2  
DATE: April 17, 2012  
Page 1 of 3

**EXHIBIT A EXHIBIT A**  
**27' DRAINAGE EASEMENT ABANDONMENT**

**121927**

JOHN W. WRIGHT SURVEY, ABSTRACT NO. 1551  
PART OF LOT 6A, BLOCK J/4032, EXXON ZANG ADDITION (VOL. 99202, PG. 648, D.R.D.C.T.)  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HAMILTON QUICK LUBE NO. 1, LOT 1, BLOCK G/5973  
VOL. 99216, PG. 00001  
D.R.D.C.T.

**MONTANA AVENUE**  
50' RIGHT-OF-WAY

**28717**



SCALE - 1" = 40'  
40 20 0 20 40

REVISED PLAT OF SAN JACINTO LAWN  
REMAINDER OF LOT 1, BLOCK J/4032  
VOL. 4, PG. 259  
D.R.D.C.T.

DRAINAGE ESMT.  
VOL. 97210, PG. 04519  
D.R.D.C.T.

LUPE LAFUENTE AND  
GLORIA LAFUENTE  
VOL. 2003223, PG. 00662  
D.R.D.C.T.

15' SANITARY SEWER ESMT.  
VOL. 71028, PG. 1964  
D.R.D.C.T.

WASTEWATER ESMT.  
VOL. 99202, PG. 648  
D.R.D.C.T.

10' SANITARY  
SEWER ESMT.  
VOL. 5366, PG. 29  
D.R.D.C.T.

7-ELEVEN, INC.,  
A TEXAS CORPORATION  
INST. NO. 201200016463  
O.P.R.D.C.T.

WASTEWATER ESMT.  
VOL. 99202, PG. 648  
D.R.D.C.T.

DRAINAGE ESMT.  
VOL. 71028, PG. 1964  
D.R.D.C.T.

6,008 SQ.FT. (0.138 ACRES)  
DRAINAGE ESMT.  
VOL. 97210, PG. 04525  
D.R.D.C.T.

LOCAL PROPERTIES, LLC  
INST. NO. 20070379798  
O.P.R.D.C.T.

EXXON ZANG ADDITION  
LOT 6A, BLOCK J/4032  
VOL. 99202, PG. 648  
D.R.D.C.T.

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*PR* 04.27.2012  
SPRG 2340

3' SANITARY  
SEWER ESMT.  
VOL. 1812, PG. 304  
D.R.D.C.T.

REMAINDER OF LOT 5, BLOCK J/4032  
CROW-COKER ADDITION NO. 2  
VOL. 71028, PG. 1964  
D.R.D.C.T.

12' DRAINAGE ESMT.  
VOL. 4490, PG. 50  
D.R.D.C.T.

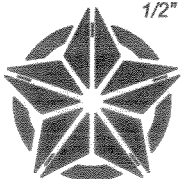
DRAINAGE ESMT.  
VOL. 97210, PG. 04531  
D.R.D.C.T.

LEGEND:  
INST. NO.  
CM  
IRF  
D.R.D.C.T.  
O.P.R.D.C.T.  
VOL., PG.

(CM) 1/2" IRF  
S 88°37'39" W 190.00'  
(BASIS OF BEARINGS)

**W. ILLINOIS AVENUE**  
VARIABLE WIDTH RIGHT-OF-WAY

POINT OF  
BEGINNING



TEXAS HERITAGE SURVEYING, INC.  
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Basis of Bearing is the North line of W.  
Illinois Avenue (Being South 88  
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per plat recorded in Volume 99202,  
Page 648, D.R.D.C.T.

JOB# 1102570-2  
DATE: April 17, 2012  
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Scale: 1" = 40'

## 27' DRAINAGE EASEMENT ABANDONMENT

121927

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CITY OF DALLAS, DALLAS COUNTY, TEXAS

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EASEMENT LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S88°37'39"W	1.10'
L2	N22°29'29"W	78.12'
L3	N00°07'28"E	21.87'
L4	S81°55'14"E	21.59'
L5	S22°29'29"E	87.33'
L6	S88°26'30"W	16.88'
L7	S00°06'11"W	39.96'

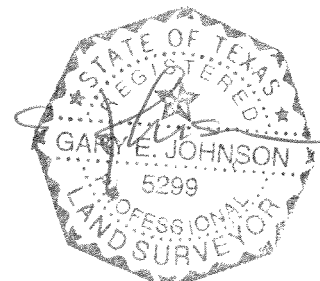
EASEMENT CURVE TABLE

CURVE #	LENGTH	RADIUS	CENTRAL ANGLE	CHORD
C1	50.67'	513.50'	05°39'12"	N12° 40' 37"W 50.65'
C2	107.34'	486.50'	12°38'28"	N16° 10' 15"W 107.12'
C3	113.29'	513.50'	12°38'28"	S16° 10' 15"E 113.06'
C4	13.83'	486.50'	01°37'42"	S10° 39' 52"E 13.83'

REVIEWED BY

JH 04.27.2012  
SPR 2340

Dag



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