

ORDINANCE NO. 28834

An ordinance providing for the abandonment and relinquishment of a portion of a water easement located in City Block 3/5572 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to the Estate of John Allen Curtis, Deceased; 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 the Estate of John Allen Curtis, Deceased, by and through Catherine A. Curtis, its Independent Administrator; 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 tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of water 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 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 City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land 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 tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

28834


122766

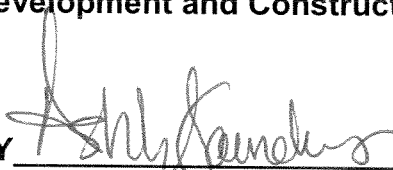
SECTION 9. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt 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.

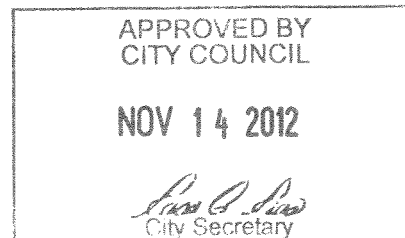
APPROVED AS TO FORM:
THOMAS P. PERKINS, JR.
City Attorney

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

BY 
Assistant City Attorney

BY 
Assistant Director

Passed NOV 14 2012



15' WATER EASEMENT ABANDONMENT
PART OF LOT 2, BLOCK 3/5572 OF
MANCHESTER DOWNS ADDITION

EXHIBIT A
122766

28834

Being a 2,492 square feet tract of land situated in J.L. Farquhar Survey, Abstract No. 455, Dallas County, Texas, and being part of Lot 2, in Block 3/5572 of Manchester Downs Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 9, Page 235, Map Records, Dallas County, Texas, and being part of a tract of land conveyed to John Allen Curtis, by Warranty Deed recorded in Volume 76203, Page 2082, Deed Records, Dallas County, Texas, the subject 15' Water District easement being created by Volume 9, page 235, Map Records, Dallas County, Texas, and created and conveyed to Dallas County Preston Road Fresh Water Supply District No. 10 by Volume 1716, Page 41, Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING from a 1/2 inch iron rod found for corner, said corner being in the South line of Manning Lane (50 foot right-of-way) and being the Northeast corner of Lot 3 in said addition;

THENCE East, along the South line of said Manning Lane, a distance of 35.50 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being the POINT OF BEGINNING;

THENCE East, continuing along the South line of said Manning Lane, a distance of 15.00 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner;

THENCE South 00 degrees 34 minutes 20 seconds East, a distance of 166.18 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being in the North line of Lot 1, in Block 1/5563 of Lansdowne Estates, an addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 7, Page 253, Map Records, Dallas County, Texas;

THENCE North 89 degrees 55 minutes 00 seconds West, along the North line of said Lot 1, a distance of 15.00 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being the Northeast corner of Lot 13, in Block 1/5571 of Midway-Northwest Estates, an addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 83107, Page 3546, Map Records, Dallas County, Texas;

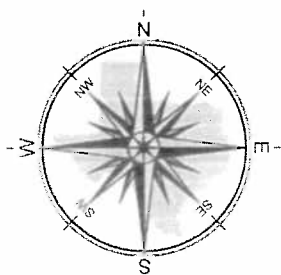
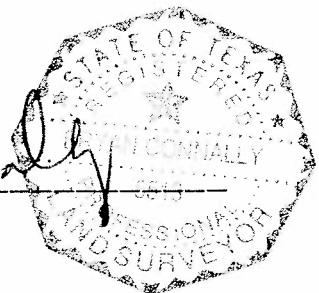
THENCE North 00 degrees 34 minutes 20 seconds West, a distance of 166.16 feet to the POINT OF BEGINNING and containing 2,492 square feet or 0.057 acres of land.

GENERAL NOTES:

1) BEARINGS ARE BASED ON PLAT RECORDED IN
VOLUME 9, PAGE 235, PLAT RECORDS, DALLAS
COUNTY, TEXAS. (S04°41'50"E)

REVIEWED BY
JL 09.26.2012
SPRG 2476

Bryan Connally
BRYAN CONNALLY
R.P.L.S. NO. 5513



CBG Surveying, Inc.

PLANNING • SURVEYING
12025 Shiloh Road Suite 230 Dallas, Texas 75228
P 214.349.9485 • F 214.349.2216
www.cbgdffw.com

SHEET 1 OF 2
JOB NO. 1202092-2
DRAWN BY: R.G.
DATE: 08/15/12

15' WATER EASEMENT ABANDONMENT
PART OF LOT 2, BLOCK 3/5572 OF
MANCHESTER DOWNS ADDITION

122766
EXHIBIT A

30' 15' 0 30' 60'

28834

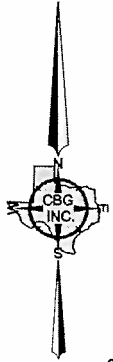
MANNING LANE

SCALE: 1" = 30'

EAST (FORMERLY GUERNSEY LANE)

50' R.O.W.

POINT OF COMMENCING
POINT OF BEGINNING
EAST 35.50'
EAST 15.00'
EAST 79.80'
104.0' TO MANCHESTER DRIVE (NOT FIELD MEASURED)



LOT 3, BLOCK 3/5572
MANCHESTER DOWNS ADDITION
VOLUME 9, PAGE 235
M.R.D.C.T.

50' BUILDING LINE
VOLUME 9, PAGE 235, M.R.D.C.T.

JOHN ALLEN CURTIS
VOLUME 76203, PAGE 2082
D.R.D.C.T.

LOT 2, BLOCK 3/5572
MANCHESTER DOWNS ADDITION
VOLUME 9, PAGE 235
M.R.D.C.T.

LOT 1, BLOCK 3/5572
MANCHESTER DOWNS ADDITION
VOLUME 9, PAGE 235
M.R.D.C.T.

15' WATER
EASEMENT ABANDONMENT
2,492 sq. ft.
0.057 acres

15' WATER EASEMENT
VOLUME 9, PAGE 235, M.R.D.C.T.
VOLUME 1716, PAGE 41, D.R.D.C.T.

7.5' DALLAS POWER & LIGHT AND
SOUTHWESTERN BELL TELEPHONE EASEMENT
VOLUME 2844, PAGE 40, D.R.D.C.T.

LOT 13, BLOCK 1/5571
MIDWAY-NORTHWEST ESTATES
VOLUME 83107, PAGE 3546
D.R.D.C.T.

N 89°55'00" W
15.00'

LOT 1, BLOCK 1/5563
LANSLOWNE ESTATES
VOLUME 7, PAGE 253
M.R.D.C.T.

LOT 2, BLOCK 1/5563
LANSLOWNE ESTATES
VOLUME 7, PAGE 253
M.R.D.C.T.

GENERAL NOTES:
1) BEARINGS ARE BASED ON PLAT RECORDED IN
VOLUME 9, PAGE 235, PLAT RECORDS, DALLAS
COUNTY, TEXAS. (S04°41'50"E)

LEGEND:
CM - CONTROLLING MONUMENT
D.R.D.C.T. - DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T. - MAP RECORDS, DALLAS COUNTY, TEXAS
IRF = IRON ROD FOUND
IRS = IRON ROD SET WITH YELLOW PLASTIC CAP
STAMPED "CBG SURVEYING"
R.O.W. = RIGHT-OF-WAY

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SHEET 2 OF 2
JOB NO. 1202092-2
DRAWN BY: R.G.
DATE: 08/15/12

REVIEWED BY
09.16.2012
SPRG-2476

