

ORDINANCE NO. 28992

An ordinance providing for the abandonment and relinquishment of a portion of a water easement located in City Block B/8472 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Dallas County Schools; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement 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 abandonment 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.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Dallas County Schools, a County School District; 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 easement is not needed for public 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 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 Sections 8 and 9, 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 that certain tract or parcel 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**, 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 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 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.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said water easement 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 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 at such time as the instrument described in Section 9 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the Deed Records of Dallas County, Texas; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 11. 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.

28992

130852

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 Department of Sustainable
Development and Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed MAY 22 2013.

WATER EASEMENT ABANDONMENT

Part of a Water Easement
Within Lot 6, Block B/8472
Samuel Sterling Addition
D.A. Murdock Survey, Abstract No. 998
City of Dallas, Dallas County, Texas

130852

28992

DESCRIPTION, of a 1,398 square foot (0.032 acre) tract of land situated in the D.A. Murdock Survey, Abstract No. 998, Dallas County, Texas; being part of a Water Easement dedicated by the plat of Lot 6, Block B/8472, Samuel Sterling Addition, an addition to the City of Dallas, Texas recorded in Instrument No. 200900059170 of the Official Public Records of Dallas County, Texas; and being part of that tract of land described in Special Warranty Deed to Dallas County Schools recorded in Instrument No. 201000252160 of said Official Public Records; said 1,398 square foot tract being more particularly described as follows (Bearing system for this survey is based on a bearing of South 00 degrees, 02 minutes, 35 seconds West for the east line of said Lot 6):

COMMENCING, at an aluminum disk found at the southeast corner of said Lot 6 and the southwest corner of Lot 2, Block B/8472, Bethesda Church Addition, an addition to the City of Dallas according to the plat recorded in Volume 2004015, Page 4 of said Official Public Records; said point also being in the north right-of-way line of Samuel Boulevard (a 120-foot wide right-of-way); said point also being South 00 degrees, 02 minutes, 35 seconds West, a distance of 374.50 feet from an aluminum disk found at the northeast corner of said Lot 6 and the northwest corner of said Lot 2; said point being in the south right-of-way line of Interstate Highway Number 30 (a 330-foot wide right-of-way);

THENCE, in a westerly direction, along said north line of Samuel Boulevard and the south line of said Lot 6, the following two (2) calls:

North 84 degrees, 26 minutes, 44 seconds West, a distance of 114.88 feet to a 1/2-inch iron rod found; said point being the beginning of a non-tangent curve to the right;

Along said curve to the right, having a central angle of 01 degrees, 33 minutes, 35 seconds, a radius of 5,669.58 feet, a chord bearing and distance of North 83 degrees, 40 minutes, 02 seconds West, 154.33 feet, an arc distance of 154.33 feet to a point being the southernmost corner of said Water Easement;

THENCE, in a northerly direction, departing said north line of Samuel Boulevard and said south line of Lot 6 and along the east line of said Water Easement, the following two (2) calls:

North 36 degrees, 01 minutes, 59 seconds West, a distance of 28.57 feet to a point for corner;

North 08 degrees, 58 minutes, 01 seconds East, a distance of 22.93 feet to the POINT OF BEGINNING;

THENCE, North 81 degrees, 01 minutes, 59 seconds West, departing said east line of the Water Easement, a distance of 20.00 feet to a point for corner; said point being in the west line of said Water Easement;

THENCE, in a northerly direction, along said west line of the Water Easement, the following three (3) calls:

North 08 degrees, 58 minutes, 01 seconds East, a distance of 29.34 feet to a point for corner;

North 81 degrees, 01 minutes, 59 seconds West, a distance of 12.46 feet to a point for corner;

North 08 degrees, 58 minutes, 01 seconds East, a distance of 25.00 feet to a point for corner; said point being the northwest corner of said Water Easement;

(For SPRG use only)	
Reviewed By:	<i>[Signature]</i>
Date:	01.22.2013
SPRG NO:	2562

EXHIBIT A

WATER EASEMENT ABANDONMENT

Part of a Water Easement
Within Lot 6, Block B/8472
Samuel Sterling Addition
D.A. Murdock Survey, Abstract No. 998
City of Dallas, Dallas County, Texas

130852


28992
THENCE, South 81 degrees, 01 minutes, 59 seconds East, along the north line of said Water Easement, a distance of 32.46 feet to a point for corner; said point being the northeast corner of said Water Easement;

THENCE, South 08 degrees, 58 minutes, 01 seconds West, along said east line of the Water Easement, a distance of 54.34 feet to the POINT OF BEGINNING;

CONTAINING: 1,398 square feet or 0.032 acres of land, more or less.

(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 abandonment tract described.


Eric A. Kreiner
Date 01/14/13
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



(For SPRG use only)

Reviewed By: JZ
Date: 01.22.2013
SPRG NO: 2562

LINE TABLE

LINE	BEARING	LENGTH
L1	N 36°01'59" W	28.57'
L2	N 08°58'01" E	22.93'
L3	N 81°01'59" W	20.00'
L4	N 08°58'01" E	29.34'
L5	N 81°01'59" W	12.46'
L6	N 08°58'01" E	25.00'

LEGEND

	PROPERTY LINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE
POC	POINT OF COMMENCING
POB	POINT OF BEGINNING
	EASEMENT CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	CONTROLLING MONUMENT
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

28992 INTERSTATE HIGHWAY No. 30

(R. L. THORNTON FREEWAY)
(330' R.O.W.)



0 20 40 80

GRAPHIC SCALE IN FEET

SANITARY SEWER EASEMENT
(VOL. 86156, PG. 2164)
(D.R.D.C.T.)

ALUMINUM DISK
FOUND (C.M.)

LOT 6, BLOCK B/8472
SAMUEL STERLING ADDITION
(INST. NO. 200900059170)
(O.P.R.D.C.T.)

DALLAS COUNTY SCHOOLS
(INST. NO. 201000252160)
(O.P.R.D.C.T.)

WATER EASEMENT
ABANDONMENT
1,398 SF
(0.032 ACRES)

LOT 2, BLOCK B/8472
BETHESDA CHURCH ADDITION
(VOL. 2004015, PG. 4)
(O.P.R.D.C.T.)
DALLAS CHILDREN'S ADVOCACY CENTER
(INST. NO. 20080079429)
(O.P.R.D.C.T.)

ALUMINUM DISK
FOUND (C.M.)

POB

POC

SAMUEL BOULEVARD

L=677.82'

120' R.O.W.

$\Delta=01^{\circ}33'35''$
 $R=5,669.58'$
 $L=154.33'$
 $T=77.17'$
 $CB=N\ 83^{\circ}40'02''\ W$
 $CD=154.33'$

1/2-INCH
IRON ROD
FOUND

N 84°26'44" W
114.88'

(For SPRG use only)

Reviewed By: [Signature]
Date: 01.22.2013
SPRG NO: 2562

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.

[Signature] 01/14/13
Eric A. Kreiner
Registered Professional
Land Surveyor No. 5320



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 00 degrees, 02 minutes, 35 seconds West for the east line of Lot 6, Block B/8472, Samuel Sterling Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Instrument No. 200900059170 of the Official Public Records of Dallas County, Texas.

WATER EASEMENT ABANDONMENT

PART OF A WATER EASEMENT
WITHIN LOT 6, BLOCK B/8472
SAMUEL STERLING ADDITION
D.A. MURDOCK SURVEY, ABSTRACT NO. 998,
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 MG	CHECKED BY SMH/JAD	SCALE 1"=40'	DATE NOV. 2012	JOB NUMBER 2875-12.277
----------------	-----------------------	-----------------	-------------------	---------------------------