

ORDINANCE NO. 29025

An ordinance providing for the abandonment and relinquishment of a portion of a sanitary sewer easement, located in City Block 7/1616 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to TRG Wycliff, L.P.; 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 TRG Wycliff, L.P., a Delaware limited partnership, 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 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 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**, 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 a 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 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.

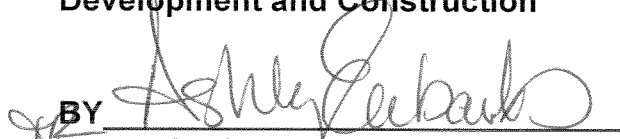
APPROVED AS TO FORM:
THOMAS P. PERKINS, JR.
City Attorney

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

BY


Assistant City Attorney

BY


Assistant Director

Passed JUN 12 2013.

29025

ABANDONMENT OF A PORTION OF A
SANITARY SEWER EASEMENT
PART OF LOT 16, BLOCK 7/1616
CLIFTON PLACE NO. 1
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 5,089 SQUARE FOOT (0.117 ACRES) TRACT OF LAND SITUATED IN THE CITY OF DALLAS, TEXAS, OUT OF THE J. A. SYLVESTER SURVEY, ABSTRACT NO. 1383 AND BEING PART OF LOT 16 AND BLOCK 7/1616, CLIFTON PLACE PLAT NO. 1, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGE 438 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, A PORTION OF THE PROPERTY CONVEYED TO TRG WYCLIFF, L.P., BY SPECIAL WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 201300041383 OF THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, AND CREATED AS A SANITARY SEWER EASEMENT AS RECORDED IN VOLUME 1234, PAGE 432 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT AN 5/8" IRON FOUND FOR CORNER AT THE INTERSECTION OF THE SOUTHEAST RIGHT-OF-WAY LINE OF WYCLIFF AVENUE (105' RIGHT-OF-WAY) AND THE NORTHEAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE (50' RIGHT-OF-WAY);

THENCE SOUTH 47° 30' 00" EAST, ALONG THE NORTHEAST RIGHT-OF-WAY LINE OF SAID CONGRESS AVENUE AND THE COMMON SOUTHWEST LINE OF THE OF LOTS 14, 15, AND 16 FOR A DISTANCE OF 128.03 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE NORTH 45° 28' 00" EAST DEPARTING THE NORTHEASTERLY LINE OF SAID CONGRESS AVENUE OVER AND ACROSS LOT 16 FOR A DISTANCE OF 150.00 FEET TO A POINT FOR CORNER IN THE SOUTHWESTERLY LINE OF A 15 FOOT ALLEY ALSO BEING IN THE NORTHEASTERLY LINE OF SAID LOT 16;

THENCE SOUTH 47° 30' 00" EAST ALONG THE SOUTHWESTERLY LINE OF SAID 15 FOOT ALLEY AND THE NORTHEASTERLY LINE OF SAID LOT 16 FOR A DISTANCE OF 33.97 FEET TO A POINT FOR THE COMMON CORNER OF SAID LOT 16 AND LOT 17;

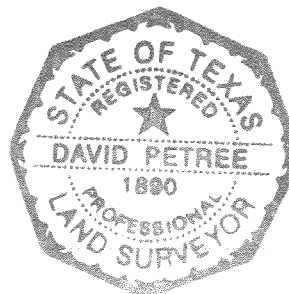
THENCE SOUTH 45° 28' 00" WEST DEPARTING THE SOUTHWEST OF SAID 15 FOOT ALLEY ALONG THE COMMON LINE OF SAID LOTS 16 AND 17 FOR A DISTANCE OF 150.00 FEET TO A POINT FOR THE COMMON CORNER OF SAID LOTS 16 AND 17 IN THE NORTHEASTERLY LINE OF SAID CONGRESS AVENUE;

THENCE NORTH 47° 30' 00" WEST ALONG THE NORTHEASTERLY LINE OF SAID CONGRESS AVENUE DEPARTING THE SOUTHWESTERLY LINE OF SAID LOT 16 FOR A DISTANCE OF 33.97 FEET TO THE POINT OF BEGINNING AND CONTAINING 5,089 SQUARE FEET (0.117 ACRES) OF LAND, MORE OR LESS.

David Petree

DATE 2-21-2013

DAVID PETREE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1890



REVIEWED BY

BASIS OF BEARINGS (SOUTH 47° 30' 00" EAST)
SOUTHWESTERLY LINE OF CONGRESS AVENUE
PER TEXAS NORTH CENTRAL ZONE 4202 NORTH
AMERICAN DATUM 1983.

(For SPRG Use Only)

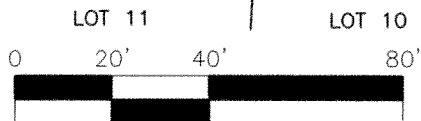
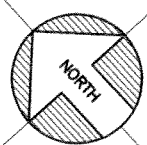
Reviewed By: DBF
Date: 02-08-2013
SPRG NO. 2538

DAVID PETREE
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 1890
11015 MIDWAY ROAD
DALLAS, TEXAS 75229
PH (214) 358-4500
FAX (214) 358-4600

FEBRUARY 21, 2013

SHEET 1 OF 2

29025



GRAPHIC SCALE: 1"=40'

(For SPRG Use Only)

Reviewed By: DBF
 Date: 05-08-2013
 SPRG NO. 2538

LOT 8

LOT 7

15' ALLEY

VOL. 1, PG. 438, M.R.D.C.T.

S 47°30'00" E
33.97'

WYCLIFF AVENUE
 (105' PUBLIC RIGHT-OF-WAY)

LOT 14
 214 WEST TWELFTH
 PARTNERS, LLC
 INST. NO. 201000259742
 O.P.R.D.C.T.

LOT 15
 10' STORM SEWER EASEMENT
 VOL. 930, PG. 1573, D.R.D.C.T.
 8' SANITARY SEWER EASEMENT
 VOLUME 409, PAGE 719, D.R.D.C.T.

TRUMAN NGUYEN
 & MAI TRAN
 INST. NO. 201000248094
 O.P.R.D.C.T.

CM
 FND. 5/8"
 IRON ROD 54'

CM
 FND. 5/8"
 IRON ROD 54'

S 47°30'00" E - 128.03'

N 47°30'00" W
33.97'

5,089 S.F. (0.117 AC.)
 ABANDONMENT OF
 A PORTION OF A
 SANITARY SEWER EASEMENT
 VOLUME 1234, PAGE 432
 D.R.D.C.T.

LOT 17
 BLOCK 7/1616
 CLIFTON PLACE PLAT NO. 1
 VOL. 1, PG. 438, M.R.D.C.T.
 TRG WYCLIFF, L.P.
 INST. NO. 201300041383,
 O.P.R.D.C.T.

CONGRESS AVENUE

(50' PUBLIC RIGHT-OF-WAY)

VOL. 1, PG. 438, M.R.D.C.T.

BASIS OF BEARINGS (SOUTH 47° 30' 00" EAST)
 NORTHEASTERLY LINE OF CONGRESS AVENUE
 PER TEXAS NORTH CENTRAL ZONE 4202 NORTH
 AMERICAN DATUM 1983.

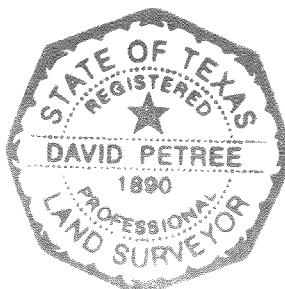
REVIEWED BY

TRG WYCLIFF ADDITION
 LOT 1A, BLOCK 6/1616
 TRG-BRAES BROOK, L.P.
 INST. NO. 201200041404
 O.P.R.D.C.T.

LEGEND

POB POINT OF BEGINNING
 POC POINT OF COMMENCING
 D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS
 M.R.D.C.T. MAP RECORDS, DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS,
 DALLAS COUNTY, TEXAS
 INST. NO. INSTRUMENT NUMBER
 I.R.F. IRON ROD FOUND
 CM CONTROLLING MONUMENT

ABANDONMENT OF
 A PORTION OF A
 SANITARY SEWER EASEMENT
 PART OF LOT 16, BLOCK 7/1616
 CLIFTON PLACE NO. 1
 CITY OF DALLAS, DALLAS COUNTY, TEXAS



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FEBRUARY 21, 2013

SHEET 2 OF 2