ORDINANCE NO. 29378

An ordinance providing for the abandonment and relinquishment of portions of a water easement and a sanitary sewer easement, located in City Block 5973 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to WCH Limited Partnership; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement, if needed 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 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 WCH Limited Partnership, a Texas 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 tracts of land to GRANTEE, and is of the opinion that, subject to the terms and conditions herein provided, said 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 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 tracts 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 TEN THOUSAND EIGHT HUNDRED AND NO/100 (\$10,800.00) DOLLARS paid by GRANTEE, and the

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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 those certain tracts or parcels 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.

That as a condition of this abandonment and as a part of the SECTION 8. consideration for the guitclaim 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 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 For purposes hereof, "Hazardous Substance" means the connection therewith. 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 seg., 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 seg., 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 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: WARREN M. S. ERNST City Attorney

DAVID COSSUM

Director Department Interim of Sustainable Development and Construction

Passed

JUN 25 2014

Assistant Director

WATER EASEMENT ABANDONMENT NINTH SECTION OF WYNNEWOOD ADDITION BLOCK 5973

BEING 2,064 square feet or 0.047 acre tract of land in the John W. Wright Survey, Abstract No. 1551, City of Dallas, Dallas County, Texas, Block 5973, Ninth Section of Wynnewood Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 12, Page 214-A, Map Records, Dallas County, Texas (M.R.D.C.T.), and being a portion of that certain tract of land described as Tract II in a Special Warranty Deed to WCH Limited Partnership (hereinafter referred to as Tract II), as recorded in Volume 93237, Page 5104, Deed Records, Dallas County, Texas (D.R.D.C.T.), and also being all of that certain tract of land described as Tract I also known as 15' Water Easement (hereinafter referred to as 15' Water Easement), as recorded in Volume 96001, Page 1674, D.R.D.C.T., said 15' Water Easement being more particularly described, by metes and bounds, as follows:

COMMENCING at a five-eights inch iron rod with plastic cap stamped "GSES" found for the intersection of the existing East right-of-way line of Zang Boulevard (125' right-of-way), as recorded in Volume 2173, Page 294, D.R.D.C.T. with the existing Southerly right-of-way line of Louisiana Avenue (50' right-of-way), as dedicated in Volume 15, Page 407, M.R.D.C.T.;

THENCE with the existing Southerly right-of-way line of said Louisiana Avenue and crossing said Block 5973 and said Tract II for the following 5 courses:

- 1. North 83 degrees 34 minutes 04 seconds East departing the existing East right-of-way line of said Zang Boulevard and departing the West line of said Block 5973 and said Tract II, a distance of 1.50 feet to a five-eights inch iron rod with plastic cap stamped "GSES" found for the beginning of a tangent curve to the right whose long chord bears South 59 degrees 43 minutes 46 seconds East, a distance of 66.33 feet;
- 2. Southeasterly with said curve to the right having a radius of 55.49 feet, through a central angle of 73 degrees 24 minutes 21 seconds, for an arc length of 71.09 feet to a five-eights inch iron rod with plastic cap stamped "GSES" found;
- 3. South 23 degrees 01 minute 35 seconds East, a distance of 153.34 feet to the beginning of a tangent curve to the left whose long chord bears South 32 degrees 14 minutes 15 seconds East, a distance of 41.47 feet;
- 4. Southeasterly with said curve to the left having a radius of 129.54 feet, through a central angle of 18 degrees 25 minutes 19 seconds, for an arc length of 41.65 feet to the POINT OF BEGINNING, same being the continuation of said curve to the left whose long chord bears South 46 degrees 07 minutes 32 seconds East, a distance of 21.13 feet;
- 5. Southeasterly with said curve to the left having a radius of 129.54 feet, through a central angle of 9 degrees 21 minutes 15 seconds, for an arc length of 21.15 feet;

THENCE South 00 degrees 53 minutes 11 seconds East departing the existing Southerly right-of-way line of said Louisiana Avenue and continue crossing said Block 5973 and said Tract II, a distance of 130.54 feet;

THENCE South 89 degrees 06 minutes 49 seconds West continue crossing said Block 5973 and said Tract II, a distance of 15.00 feet;

THENCE North 00 degrees 53 minutes 11 seconds West continue crossing said Block 5973 and said Tract II, a distance of 145.42 feet to the PLACE OF BEGINNING, and containing an area of 2,064 square feet or 0.047 acre of land.

All bearings shown herein are Texas Coordinate System, NAD83 (CORS), Texas North Central Zone (4202). All distances shown herein are surface distances.

Michael Dan Davis

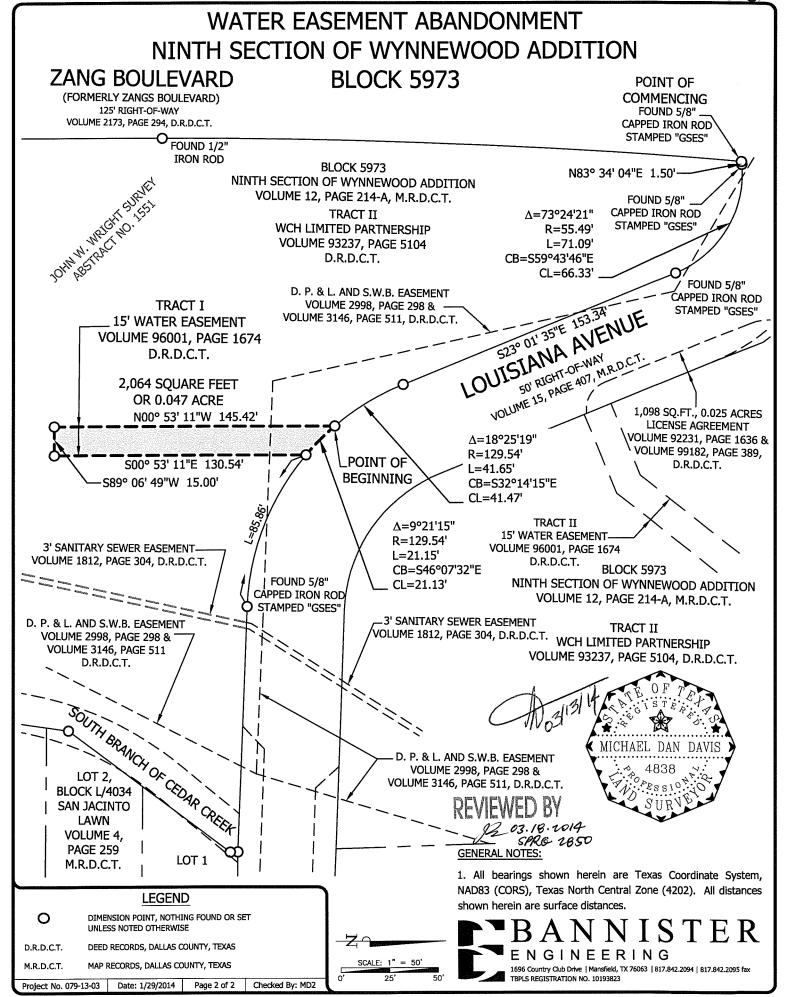
Registered Professional Land Surveyor

Texas Registration No. 4838

REVIEWED BY Pr 03.18.2014 SPRE 2850



03/13/14



SANITARY SEWER EASEMENT ABANDONMENT NINTH SECTION OF WYNNEWOOD ADDITION BLOCK 5973

BEING a 1,481 square feet or 0.034 acre tract of land in the John W. Wright Survey, Abstract No. 1551, City of Dallas, Dallas County, Texas, Block 5973, Ninth Section of Wynnewood Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 12, Page 214-A, Map Records, Dallas County, Texas (M.R.D.C.T.), and being a portion of that certain tract of land described as Tract II in a Special Warranty Deed to WCH Limited Partnership (hereinafter referred to as Tract II), as recorded in Volume 93237, Page 5104, Deed Records, Dallas County, Texas (D.R.D.C.T.), and also being created by and a portion of that certain tract of land described as 3' Sanitary Sewer Easement, as recorded in Volume 1812, Page 304, D.R.D.C.T., being more particularly described, by metes and bounds, as follows:

COMMENCING at a five-eights inch iron rod with plastic cap stamped "GSES" found for the intersection of the existing East right-of-way line of Zang Boulevard (125' right-of-way), as recorded in Volume 2173, Page 294, D.R.D.C.T. with the existing Southerly right-of-way line of Louisiana Avenue (50' right-of-way), as dedicated in Volume 15, Page 407, M.R.D.C.T.;

THENCE with the existing Southerly right-of-way line of said Louisiana Avenue and crossing said Block 5973 and said Tract II for the following 6 courses:

- 1. North 83 degrees 34 minutes 04 seconds East departing the existing East right-of-way line of said Zang Boulevard and departing the West line of said Block 5973 and said Tract II, a distance of 1.50 feet to a five-eights inch iron rod with plastic cap stamped "GSES" found for the beginning of a tangent curve to the right whose long chord bears South 59 degrees 43 minutes 46 seconds East, a distance of 66.33 feet;
- 2. Southeasterly with said curve to the right having a radius of 55.49 feet, through a central angle of 73 degrees 24 minutes 21 seconds, for an arc length of 71.09 feet to a five-eights inch iron rod with plastic cap stamped "GSES" found;
- 3. South 23 degrees 01 minute 35 seconds East, a distance of 153.34 feet to the beginning of a tangent curve to the left whose long chord bears South 55 degrees 54 minutes 08 seconds East, a distance of 140.63 feet;
- 4. Southeasterly with said curve to the left having a radius of 129.54 feet, through a central angle of 65 degrees 45 minutes 05 seconds, for an arc length of 148.66 feet to a five-eights inch iron rod with plastic cap stamped "GSGS"found;
- 5. South 88 degrees 46 minutes 40 seconds East, a distance of 8.31 feet to the POINT OF BEGINNING, same being the Westerly line of the aforesaid 3' Sanitary Sewer Easement;
- 6. South 88 degrees 46 minutes 40 seconds East crossing said 3' Sanitary Sewer Easement, a distance of 3.05 feet to the Easterly line of said Sanitary Sewer Easement;

CONTINUED on Sheet No. 2

REVIEWED BY \$2.03.18.2014 SPR& 2879





SANITARY SEWER EASEMENT ABANDONMENT NINTH SECTION OF WYNNEWOOD ADDITION BLOCK 5973

CONTINUED from Sheet No. 1:

THENCE South 11 degrees 38 minutes 43 seconds West, departing the existing Southerly right-of-way line of said Louisiana Avenue and crossing said Tract II and also with the Easterly line of said 3' Sanitary Sewer Easement, a distance of 447.68 feet;

THENCE South 21 degrees 38 minutes 43 seconds West, crossing said Tract II with the Easterly line of said 3' Sanitary Sewer Easement, a distance of 46.48 feet to the Southerly line of said Tract II, same being the Northerly line of that certain tract of land described as Lot 1, Block G/5973, Hamilton Quick Lube No. 1 (hereinafter referred to as Lot 1), an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 99216, Page 1, M.R.D.C.T.;

THENCE North 67 degrees 40 minutes 11 seconds West with the common line between said Tract II and said Lot 1, and crossing said 3' Sanitary Sewer Easement, a distance of 3.00 feet to the Westerly line of said 3' Sanitary Sewer Easement;

THENCE North 21 degrees 38 minutes 43 seconds East, departing the Southerly line of said Tract II, crossing said Tract II, with the Westerly line of said 3' Sanitary Sewer Easement, a distance of 46.18 feet;

THENCE North 11 degrees 38 minutes 43 seconds East, continue crossing said Tract II with the Westerly line of said 3'Sanitary Sewer Easement, a distance of 446.87 feet to the PLACE OF BEGINNING, and containing an area of 1,481 square feet or 0.034 acre of land.

All bearings shown herein are Texas Coordinate System, NAD83 (CORS), Texas North Central Zone (4202).

Michael Dan Davis

Registered Professional Land Surveyor

Texas Registration No. 4838

MICHAEL DAN DAVIS

SURV

REVIEWED BY SPRE 1879



PROOF OF PUBLICATION - LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL JUN 2 5 2014	
ORDINANCE NUMBER	29378
DATE PUBLISHED JUN	N 28 2014

ATTESTED BY:

Lasa G. Lias