

ORDINANCE NO. 29772

An ordinance providing for the abandonment and relinquishment of a portion of a sanitary sewer easement, located in City Block B/7226 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Econo-Fuel, 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 Econo-Fuel, 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 tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said 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, 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 Chief Financial Officer 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, to the extent allowed by law, 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 area 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.

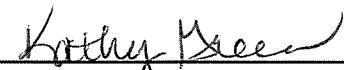
**SECTION 9.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon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

BY   
Assistant City Attorney

BY   
for Assistant Director

Passed         JUN 17 2015        .

79116

151181

EXHIBIT A

(for SPRG use only)

**SANITARY SEWER EASEMENT ABANDONMENT**  
PORTION OF LONE STAR PARK-PHASE III, BLOCK B/7226  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Reviewed By: JL

Date: 2-2-15

SPRG NO: 3141

Being a 2,205 square feet (0.051) acre tract of land situated in the John C. Reed Survey, Abstract No. 1186, and being a portion of a sanitary sewer easement created by Lone Star Park - III of Block B/7226, Lone Star Park - Phase III, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 79244, Page 120, Deed Records, Dallas County, Texas, and being a portion of Tract 1 and Tract 2 to Econo-fuel, Inc., by Special Warranty Deed recorded in Instrument No. 201100240374, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for the most westerly northwest corner of said Block B/7226, same being the south end of a curved corner clip at the intersection of the east right-of-way line of Westmoreland Road (a 100 foot right-of-way) with the south right-of-way line of West Commerce Street (an 80 foot right-of-way), same being the most westerly northwest corner of said Tract 1;

THENCE South 00 deg. 01 min. 52 sec. East, along the common line of said Block B/7226, said Tract 1, and the east right-of-way line of said Westmoreland Road, passing a 1/2 inch iron rod found at a distance of 56.79 feet for the northwest corner of that certain tract of land to City of Dallas, by deed recorded in Volume 81091, Page 694, said Deed Records, and continuing along the common line of said City of Dallas tract, and the east right-of-way line of said Westmoreland Road, passing an 'X' cut found at a distance of 111.87 feet for the southwest corner of said City of Dallas tract, and continuing along the common line of said Block B/7226, said Tract 1, and the east right-of-way line of said Westmoreland Road, a total distance of 145.21 feet to a point for the Northwest corner of the herein described tract, same being the POINT OF BEGINNING;

THENCE through the interior of said Tract 1, the next two calls as follows:  
North 89 deg. 58 min. 08 sec. East, a distance of 10.00 feet to a point for the Northeast corner of the herein described tract;

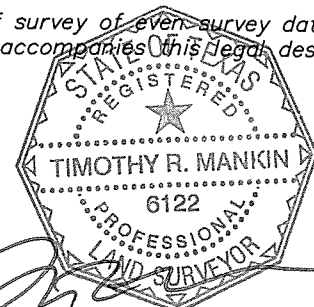
South 00 deg. 01 min. 52 sec. East, passing the South line of said Tract 1, same being the North line of aforesaid Tract 2, and continuing through the interior of said Tract 2, a distance of 220.63 feet to a point for the Southeast corner of the herein described tract, same being in the South line of said Tract 2, same being in a North line of that certain tract of land to C & C Properties Westmoreland, LLC, by Deed Recorded in Vol. 2004161, Pg. 2282, of aforesaid Official Public Records;

THENCE North 89 deg. 58 min. 55 sec. West, along the common line of said Tract 2 and said C & C Properties Westmoreland tract, a distance of 9.84 feet to a point for the Southwest corner of the herein described tract, same being the Southwest corner of said Tract 2, same being the most westerly Northwest corner of said C & C Properties Westmoreland tract, same being in the East right-of-way line of aforesaid Westmoreland Road;

THENCE along the common line of said Tract 2 and said Westmoreland Road as follows:  
North 00 deg. 54 min. 10 sec. West, a distance of 10.55 feet to a 5/8 inch capped iron rod found for angle point;  
North 00 deg. 01 min. 52 sec. West, passing at a distance of 139.54 feet a 5/8 inch iron rod found for the Northwest corner of said Tract 2, same being the Southwest corner of aforesaid Tract 1, and continuing along the common line of said Tract 1 and said Westmoreland Road, a total distance of 210.08 feet to the POINT OF BEGINNING and containing 2,205 square feet or 0.051 acre of computed land, more or less.

\*BEARINGS ARE BASED ON THE EAST LINE (SOUTH 00 DEG. 02 MIN. 30 SEC. WEST) OF THAT CERTAIN TRACT OF LAND TO ECONOFUEL, INC. BY DEED RECORDED IN INSTRUMENT NO. 201100240374, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS.\*

*A plat of survey of even survey date herewith accompanies this legal description.*



Timothy R. Mankin  
Registered Professional Land Surveyor No. 6122

PAGE 1 OF 2

JOB NO.120105SSE AB

DATE: 12/03/2014

REV. 1/22/2015

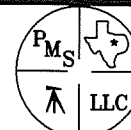
SCALE: N.T.S.

DRAWN BY: J.B.W.

CHECKED BY: T.R.M.

**PEISER & MANKIN SURVEYING, LLC**  
[www.peisersurveying.com](http://www.peisersurveying.com)

623 E. DALLAS DRIVE  
GRAPEVINE, TX 76051  
817-481-1806 (O)  
817-481-1809 (F)



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BOUNDARIES • TOPOGRAPHY  
MORTGAGE

**WEST COMMERCE STREET**  
(AN 80' RIGHT-OF-WAY)

D=14°04'55"  
R=480.75'  
L=118.16'  
CB=N82°57'26"E  
CD=117.86'

S81°25'15"E

151181

LINE TABLE		
LINE	LENGTH	BEARING
L1	9.84'	N 89°58'55" W
L2	220.63'	S 00°01'52" E
L3	10.00'	N 89°58'08" E
L4	210.08'	N 00°01'52" W
L5	10.55'	N 00°54'10" W

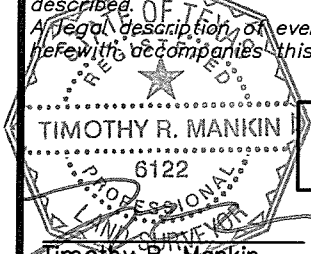
**POINT OF COMMENCING**

**LEGEND**

IRF - Iron Rod Found  
 D.R.D.C.T. - Deed Records of Dallas County Texas  
 O.P.R.D.C.T. - Official Public Records of Dallas County Texas  
 ESMT - Easement

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement tract described.

A legal description of even survey date herewith accompanies this plat of survey.



**POINT OF BEGINNING**

Timothy R. Mankin  
 Registered Professional Land Surveyor No. 6122

\*BEARINGS ARE BASED ON THE EAST LINE (SOUTH 00 DEG. 02 MIN. 30 SEC. WEST) OF THAT CERTAIN TRACT OF LAND TO ECONOFUEL, INC. BY DEED RECORDED IN INSTRUMENT NO. 201100240374, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS.\*

**WESTMORELAND ROAD**  
 (A 100' RIGHT-OF-WAY)  
 TO COUNTY 4-30-40

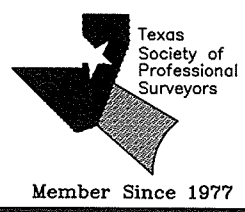
**SANITARY SEWER EASEMENT ABANDONMENT**  
 PORTION OF LONE STAR PARK-PHASE III, BLOCK B/7226  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

JOB NO. 120105SSE AB  
 DATE: 12/03/2014  
 REV. 1/22/2015

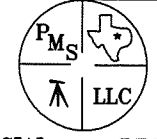
**PEISER & MANKIN SURVEYING, LLC**  
 www.peisersurveying.com

SCALE: 1" = 60'  
 DRAWN BY: J.B.W.  
 CHECKED BY: T.R.M.

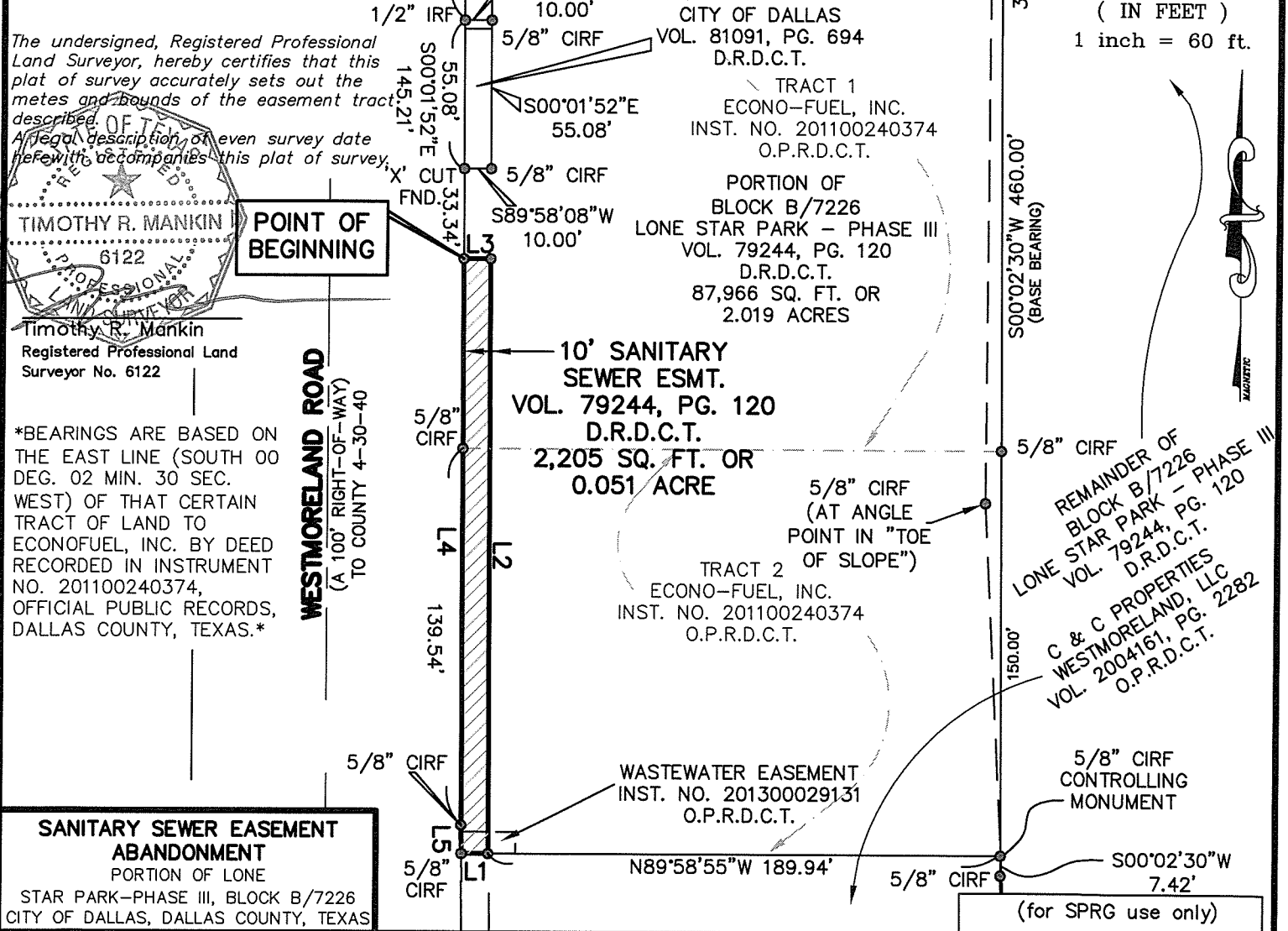
623 E. DALLAS DRIVE  
 GRAPEVINE, TX 76051  
 817-481-1806 (O)  
 817-481-1809 (F)

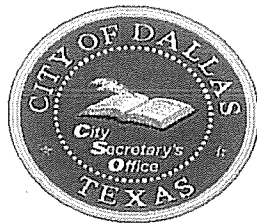


(for SPRG use only)  
 Reviewed By: JL  
 Date: 2-2-15  
 SPRG NO: 3161



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 BOUNDARIES • TOPOGRAPHY  
 MORTGAGE





## 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 17 2015

ORDINANCE NUMBER 29772

DATE PUBLISHED JUN 20 2015

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose C. Liss".