

ORDINANCE NO. 29773

An ordinance providing for the abandonment and relinquishment of a sanitary sewer main easement and a water main and appurtenances easement, located in City Block 6454 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Dallas Independent School District; 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 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 Dallas Independent School District, a governmental instrumentality; 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 **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 the 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 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.

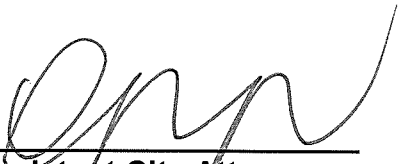
SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns to the extent allowed by law, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, 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 areas 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 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 Sections 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 
 Assistant Director

Passed JUN 17 2015 .

**ABANDONMENT OF THE REMAINDER
OF A 6' SANITARY SEWER MAIN EASEMENT**

Part of Block 6454,
James S. Shelby Survey, Abstract No. 1354
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 1,929 square foot (0.044 acre) tract of land situated in the James S. Shelby Survey, Abstract No. 1354, City of Dallas, Dallas County, Texas; said tract being part of Block 6454, Official Numbers of the City of Dallas, part of that certain tract of land described in General Warranty Deed to Dallas Independent School District recorded in Instrument No. 201300365588 of the Official Public Records of Dallas County, Texas and all of the remaining portion of land described as Easement Strip No. 2 (For Sanitary Sewer Main Purposes Only) to the City of Dallas, Texas recorded in Volume 69143, Page 894 and in Volume 70107, Page 560, both of the Deed Records of Dallas County, Texas (hereinafter referred to as Easement Strip No. 2); said 1,929 square foot tract being more particularly described as follows (bearing system for this survey is based on a bearing of North 89 degrees, 38 minutes, 21 seconds West for the north right-of-way line of a 15-foot wide alley between Block 6454 and Block C/6456, Francisco Medrano Middle School Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 20080360842 of said Official Public Records):

COMMENCING, at a "+" cut in concrete found at the intersection of the said east line of Brockbank Drive (a variable width right-of-way, originating in Volume 305, Page 1214 of said Deed Records) and the south right-of-way line of said 15-foot wide alley between Block 6454 and Block C/6456 (originating in Volume 305, Page 1214 of said Deed Records); said point being the northeast corner of that certain tract of land described in Warranty Deed to the City of Dallas, Texas recorded in Instrument No. 200900096959 of said Official Public Records, the northwest corner of said Dallas Independent School District tract and in a non-tangent curve to the right;

THENCE, in a southerly direction, along the said east line of Brockbank Drive, the said east line of the City of Dallas tract recorded in Instrument No. 200900096959, Official Public Records and the said west line of the Dallas Independent School District tract, the following two (2) calls:

Along said curve to the right, having a central angle of 06 degrees, 13 minutes, 26 seconds, having a radius of 433.00 feet, a chord bearing and distance of South 02 degrees, 31 minutes, 36 seconds East, 47.01 feet, an arc distance of 47.04 feet;

South 00 degrees, 35 minutes, 08 seconds West, a distance of 44.55 feet to the POINT OF BEGINNING in the north line of said Easement Strip No. 2;

THENCE, departing the said east line of Brockbank Drive, the said east line of the City of Dallas tract recorded in Instrument No. 200900096959, Official Public Records and the said west line of the Dallas Independent School District tract and into and across the said Dallas Independent School District tract, the following two (2) calls:

South 89 degrees, 44 minutes, 18 seconds East, along the said north line of Easement Strip No. 2, a distance of 321.53 feet to a point for corner; said point being the northeast corner of said Easement Strip No. 2;

(For SPRG use only)	
Reviewed By:	<u> JL </u>
Date:	<u> 4-9-15 </u>
SPRG NO:	<u> 3219 </u>

**ABANDONMENT OF THE REMAINDER
OF A 6' SANITARY SEWER MAIN EASEMENT**

Part of Block 6454,
James S. Shelby Survey, Abstract No. 1354
City of Dallas, Dallas County, Texas

South 00 degrees, 15 minutes, 42 seconds West, along the east line of said Easement Strip No. 2, a distance of 6.00 feet to a point for corner in the south line of the said Dallas Independent School District tract and the north line of that certain tract of land described in Special Warranty Deed to Dallas Independent School District recorded in Instrument No. 201300383845 of said Official Public Records; said point being the southeast corner of said Easement Strip No. 2;

THENCE, North 89 degrees, 44 minutes, 18 seconds West, along the said south line of the first referenced Dallas Independent School District tract, the south line of said Easement Strip No. 2 and the said north line of the second referenced Dallas Independent School District tract, at a distance of 83.46 feet passing the northwest corner of the second referenced Dallas Independent School District tract and the northeast corner of that certain tract of land described in Special Warranty Deed to Dallas Independent School District recorded in Instrument No. 201400085037 of said Official Public Records, then continuing along the north line of the third referenced Dallas Independent School District tract in all a total distance of 321.56 feet to a point for corner in the said east line of Brockbank Drive; said point being the southeast corner of the City of Dallas tract recorded in Instrument No. 200900096959, Official Public Records, the northeast corner of that certain tract of land described in Warranty Deed to the City of Dallas, Texas recorded in Instrument No. 200900139675 of said Official Public Records, the northwest corner of the third referenced Dallas Independent School District tract and the southwest corner of the first referenced Dallas Independent School District tract;

THENCE, North 00 degrees, 35 minutes, 08 seconds East, departing the said south line of Easement Strip No. 2 and along the said east line of Brockbank Drive, the said east line of the City of Dallas tract recorded in Instrument No. 200900096959, Official Public Records and the said west line of the first referenced Dallas Independent School District tract, a distance of 6.00 feet to the POINT OF BEGINNING;

CONTAINING, 1,929 square feet or 0.044 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

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

Michael C. Clover _____ *01/14/2015*

Michael C. Clover
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031

TX Reg. Surveying Firm LS-10008000

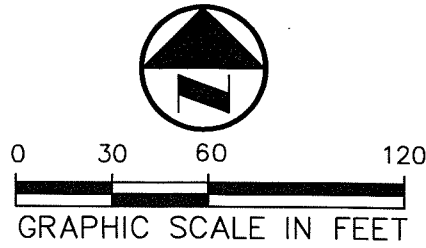
Revised: 3/17/15
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(For SPRG use only)	
Reviewed By:	<u> JC </u>
Date:	<u> 4-9-15 </u>
SPRG NO:	<u> 3219 </u>

LEGEND	
—————	PROPERTY LINE
—————	ABANDONMENT LINE
-----	DEED LINE
-----	SUBDIVISION LINE
IRF -	1/2-INCH IRON ROD WITH "PACHECO KOCH" CAP FOUND (SET BY PREVIOUS SURVEY)
XF -	"+" CUT IN CONCRETE FOUND (SET BY PREVIOUS SURVEY)
(C.M.) -	CONTROLLING MONUMENT
M.R.D.C.T. -	MAP RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T. -	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. -	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
VOL. -	VOLUME
PG. -	PAGE
INST. -	INSTRUMENT

(For SPRG use only)
 Reviewed By: JL
 Date: 4-9-15
 SPRG NO: 3219

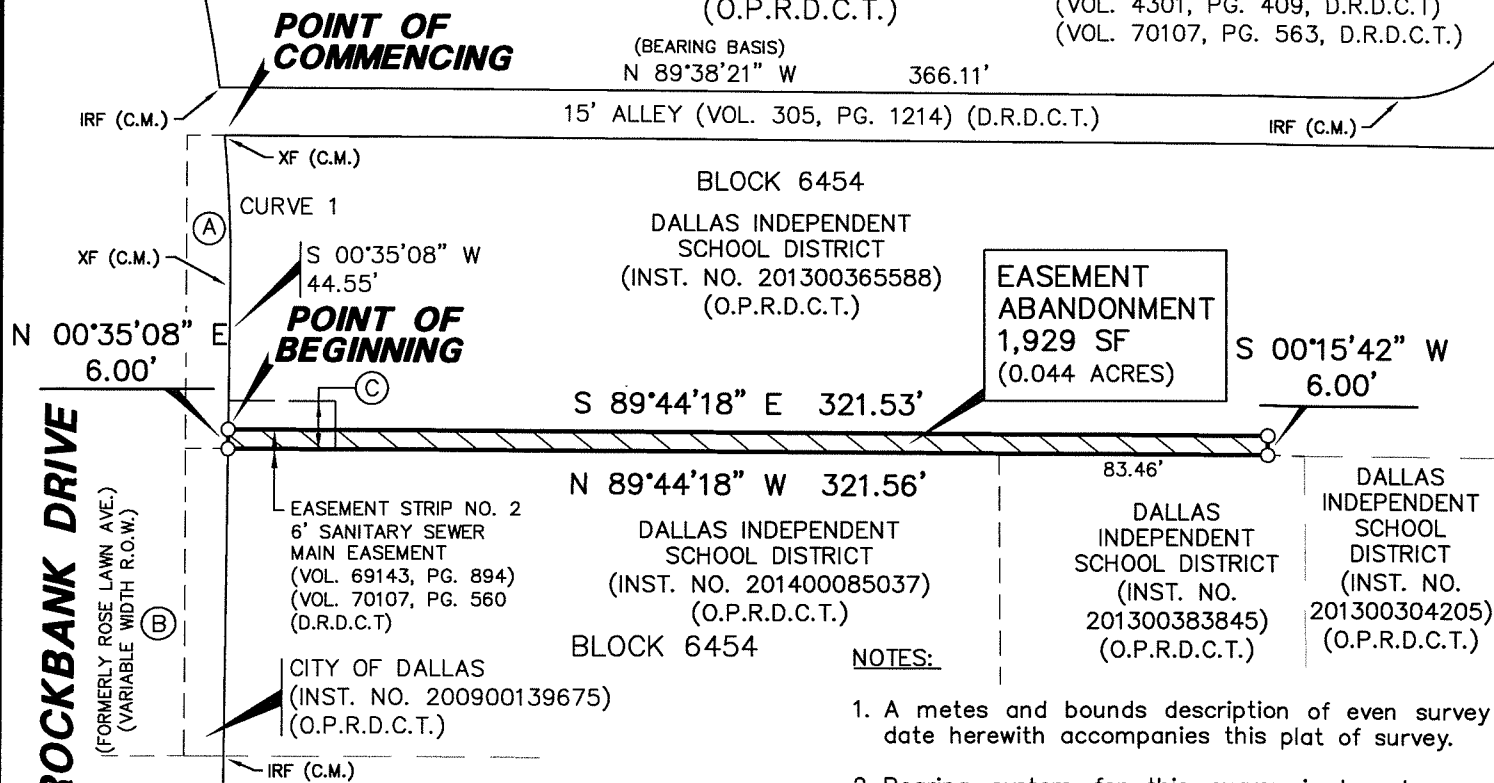


CURVE 1
 $\Delta=06^{\circ}13'26''$
 $R=433.00'$
 $L=47.04'$
 $T=23.54'$
 $CB=S\ 02^{\circ}31'36''\ E$
 $CD=47.01'$

- (A) CITY OF DALLAS (INST. NO. 200900096959) (O.P.R.D.C.T.)
- (B) (VOL. 305, PG. 1214) (D.R.D.C.T.)
- (C) 15' DP&L AND SOUTHWESTERN BELL TELEPHONE EASEMENT (VOL. 4301, PG. 409, D.R.D.C.T.) (VOL. 70107, PG. 563, D.R.D.C.T.)

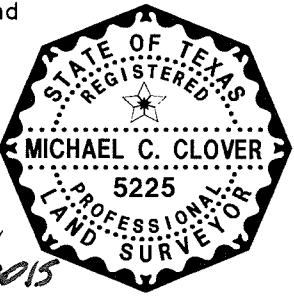
LOT 1A, BLOCK C/6456
 FRANCISCO MEDRANO MIDDLE SCHOOL
 ADDITION
 (INST. NO. 20080360842) (O.P.R.D.C.T.)

(BEARING BASIS)
 N 89°38'21" W 366.11'



- 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 North 89 degrees, 38 minutes, 21 seconds West for the north right-of-way line of a 15-foot wide alley between Block 6454 and Block C/6456, Francisco Medrano Middle School Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 20080360842 of the Official Public Records of Dallas County, Texas.

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.



Michael C. Clover
 Michael C. Clover
 Registered Professional Land Surveyor No. 5225
 Revised 03/17/2015
 Date: 01/14/2015

ABANDONMENT OF THE REMAINDER OF A 6' SANITARY SEWER MAIN EASEMENT
 PART OF BLOCK 6454,
 JAMES S. SHELBY SURVEY, ABSTRACT NO. 1354
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 PAGE 3 OF 3

Pacheco Koch 8350 N. CENTRAL EXPWY. SUITE 1000
 DALLAS, TX 75206 972.235.3031
 TX REG. ENGINEERING FIRM F-469
 TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
ACD	MCC/GMP	1"=60'	01/14/2015	2438-13.267

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**ABANDONMENT OF THE REMAINDER
OF A 10' WATER MAIN EASEMENT**

Part of Block 6454,
James S. Shelby Survey, Abstract No. 1354
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 4,190 square foot (0.096 acre) tract of land situated in the James S. Shelby Survey, Abstract No. 1354, City of Dallas, Dallas County, Texas; said tract being part of Block 6454, Official Numbers of the City of Dallas, part of that certain tract of land described in General Warranty Deed to Dallas Independent School District recorded in Instrument No. 201300365588 of the Official Public Records of Dallas County, Texas and all of the remaining portion of land described as Easement Strip No. 1 (For Water Main and Appurtenances only) to the City of Dallas recorded in Volume 69143, Page 894 and in Volume 70107, Page 560, both of the Deed Records of Dallas County, Texas (hereinafter referred to as Easement Strip No. 1); said 4,190 square foot tract being more particularly described as follows (bearing system for this survey is based on a bearing of North 89 degrees, 38 minutes, 21 seconds West for the north right-of-way line of a 15-foot wide alley between Block 6454 and Block C/6456, Francisco Medrano Middle School Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 20080360842 of said Official Public Records):

COMMENCING, at a "+" cut in concrete found at the intersection of the east right-of-way line of Brockbank Drive (a variable width right-of-way, originating in Volume 305, Page 1214 of said Deed Records) and the south right-of-way line of said 15-foot wide alley between Block 6454 and Block C/6456 (originating in Volume 305, Page 1214 of said Deed Records); said point being the northeast corner of that certain tract of land described in Warranty Deed to the City of Dallas, Texas recorded in Instrument No. 200900096959 of said Official Public Records, the northwest corner of said Dallas Independent School District tract and in a non-tangent curve to the right;

THENCE, in a southerly direction, along the said east line of Brockbank Drive, the said east line of the City of Dallas tract recorded in Instrument No. 200900096959, Official Public Records, the said west line of the Dallas Independent School District tract and said curve to the right, having a central angle of 04 degrees, 42 minutes, 31 seconds, having a radius of 433.00 feet, a chord bearing and distance of South 03 degrees, 17 minutes, 03 seconds East, 35.57 feet, an arc distance of 35.58 feet to the POINT OF BEGINNING in the north line of said Easement Strip No. 1;

THENCE, South 89 degrees, 44 minutes, 18 seconds East, departing the said west line of Brockbank Drive, the said east line of the City of Dallas tract recorded in Instrument No. 200900096959, Official Public Records and the said west line of the Dallas Independent School District tract and into and across the said Dallas Independent School District tract along the said north line of Easement Strip No. 1, a distance of 419.05 feet to a point for corner in the east line of said Dallas Independent School District tract and the west line of that certain tract of land described in Deed of Substitute Trustee to Calvary Hill Cemetery recorded in Volume 89109, Page 2846 of said Deed Records; said point being the northeast corner of said Easement Strip No. 1;

(For SPRG use only)	
Reviewed By:	<u> JL </u>
Date:	<u> 4-9-15 </u>
SPRG NO:	<u> 3220 </u>

ABANDONMENT OF THE REMAINDER OF A 10' WATER MAIN EASEMENT

Part of Block 6454, James S. Shelby Survey, Abstract No. 1354 City of Dallas, Dallas County, Texas

THENCE, South 00 degrees, 14 minutes, 18 seconds East, along the said east line of the Dallas Independent School District tract, the east line of said Easement Strip No. 1 and the said west line of the Calvary Hill Cemetery tract, a distance of 10.00 feet to a point for corner; said point being the southeast corner of said Easement Strip No. 1;

THENCE, North 89 degrees, 44 minutes, 18 seconds West, departing the said east line of the Dallas Independent School District tract and the said west line of the Calvary Hill Cemetery tract and into and across the said Dallas Independent School District tract along the south line of the said Easement Strip No. 1, a distance of 419.04 feet to a point for corner in the said east line of Brockbank Drive, the said east line of the City of Dallas tract recorded in Instrument No. 200900096959, Official Public Records and the said west line of said Dallas Independent School District tract; said point being in a non-tangent curve to the left;

THENCE, in a northerly direction, departing the said south line of Easement Strip No. 1 and along the said east line of Brockbank Drive, the said east line of the City of Dallas tract recorded in Instrument No. 200900096959, Official Public Records, the said west line of the Dallas Independent School District tract and said curve to the left, having a central angle of 01 degrees, 19 minutes, 24 seconds, a radius of 433.00 feet, a chord bearing and distance of North 00 degrees, 16 minutes, 05 seconds West, 10.00 feet, an arc distance of 10.00 feet to the POINT OF BEGINNING;

CONTAINING, 4,190 square feet or 0.096 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

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

Handwritten signature of Michael C. Clover and date 01/14/2015

Michael C. Clover Date Registered Professional Land Surveyor No. 5225 Pacheco Koch Consulting Engineers, Inc. 8350 N. Central Expwy, #1000, Dallas TX 75206 (972) 235-3031

TX Reg. Surveying Firm LS-10008000

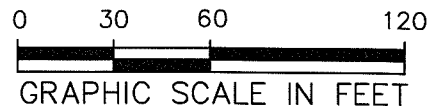
Revised: 3/17/15 2438-13.267EX4.doc 2438-13.267EX4.dwg acd



Form with fields: Reviewed By: JL, Date: 4-9-15, SPRG NO: 3220

LEGEND	
	PROPERTY LINE
	ABANDONMENT LINE
	DEED LINE
	SUBDIVISION LINE
IRF -	1/2-INCH IRON ROD WITH "PACHECO KOCH" CAP FOUND (SET BY PREVIOUS SURVEY)
XF -	"+" CUT IN CONCRETE FOUND (SET BY PREVIOUS SURVEY)
(C.M.) -	CONTROLLING MONUMENT
M.R.D.C.T. -	MAP RECORDS OF DALLAS COUNTY, TEXAS
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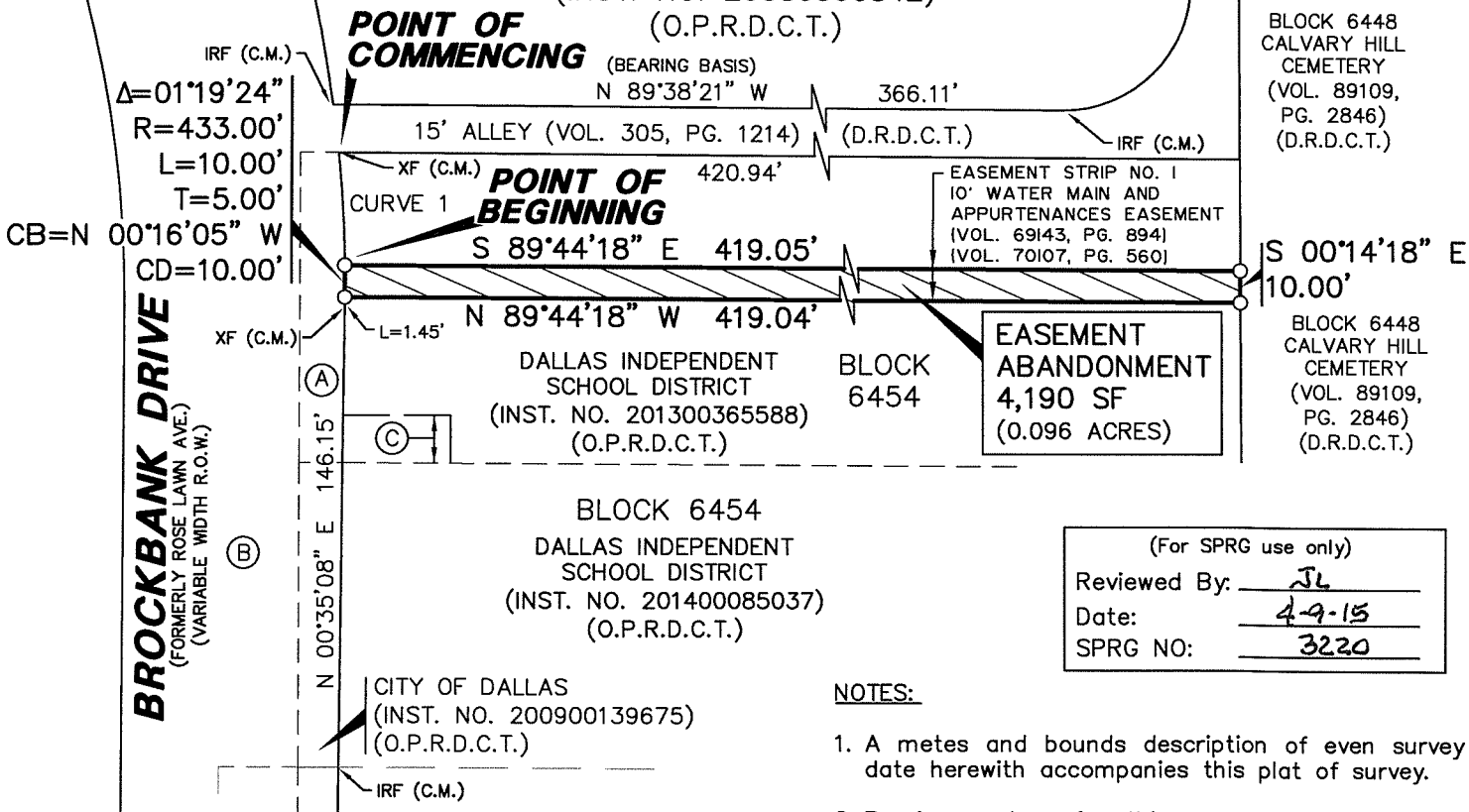
- (A) CITY OF DALLAS (INST. NO. 200900096959) (O.P.R.D.C.T.)
- (B) (VOL. 305, PG. 1214) (D.R.D.C.T.)
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CURVE 1
 $\Delta=04^{\circ}42'31''$ T=17.80'
 R=433.00' CB=S 03^o17'03" E
 L=35.58' CD=35.57'

LOT 1A, BLOCK C/6456
 FRANCISCO MEDRANO MIDDLE SCHOOL
 ADDITION
 (INST. NO. 20080360842)
 (O.P.R.D.C.T.)

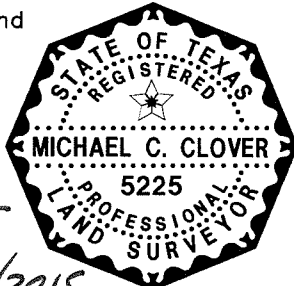
BLOCK 6448
 CALVARY HILL
 CEMETERY
 (VOL. 89109,
 PG. 2846)
 (D.R.D.C.T.)



(For SPRG use only)
 Reviewed By: JL
 Date: 4-9-15
 SPRG NO: 3220

- NOTES:**
- A metes and bounds description of even survey date herewith accompanies this plat of survey.
 - Bearing system for this survey is based on a bearing of North 89 degrees, 38 minutes, 21 seconds West for the north right-of-way line of a 15-foot wide alley between Block 6454 and Block C/6456, Francisco Medrano Middle School Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 20080360842 of the Official Public Records of Dallas County, Texas.

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.



Michael C. Clover
 Registered Professional Land Surveyor No. 5225
 Revised 03/17/2015
 Date 01/14/2015

ABANDONMENT OF THE REMAINDER OF A 10' WATER MAIN EASEMENT
 PART OF BLOCK 6454,
 JAMES S. SHELBY SURVEY, ABSTRACT NO. 1354
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 PAGE 3 OF 3

Pacheco Koch
 8350 N. CENTRAL EXPWY. SUITE 1000
 DALLAS, TX 75206 972.235.3031
 TX REG. ENGINEERING FIRM F-469
 TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
ACD	MCC	1"=60'	01/14/2015	2438-13.267

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