

ORDINANCE NO. 30548

An ordinance providing for the abandonment of a portion of Bedford Street located adjacent to City Block 7257 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Singleton Trinity Groves, LP; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; 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 Singleton Trinity Groves, LP, a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim 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 Bedford Street is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning 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 tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **SIXTY-SEVEN THOUSAND NINE HUNDRED EIGHTY AND NO/100 DOLLARS (\$67,980.00)** 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, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract 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 hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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 the General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment 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, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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 and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

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 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) **GRANTEE's** inability to secure consensus support for the abandonment of the area described in Exhibit A from the absentee owner of Lot 5, Block 3/7256 of the Buena Vista Subdivision, also known as 2818 Chicago Street, Dallas, Texas, 75212; (ii) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (iii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iv) 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 (v) 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"

SECTION 8. (continued)

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 as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, 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: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. 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 11. That this contract is designated as Contract No. DEV-2017-00001801.

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:
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and
Construction

BY: 
Assistant City Attorney

BY: 
Assistant Director

Passed
AUG 9 2017

STREET ABANDONMENT

171184

CEMENT CITY ADDITION, ADJACENT TO DALLAS
CITY BLOCK 7257, BEDFORD STREET
WILLIAM COOMBS SURVEY, ABSTRACT NO. 290
CITY OF DALLAS, DALLAS COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF DALLAS §

BEING a 5,665 square foot or 0.130 acre tract of land situated in the WILLIAM COOMBS Survey, Abstract No. 290, City of Dallas, Dallas, County, Texas and being all of the right-of-way (30' right-of-way) of Bedford Street as recorded by plat of Cement City Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 1, Page 156, Map Records, Dallas County, Texas (M.R.D.C.T.), and being adjacent to Block 7257, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with red plastic cap stamped "WAI" found for corner at the intersection of the south right-of-way line of said Bedford Street and the west right-of-way line of said Borger Street, a 40' right-of-way as recorded by plat of Cement City Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 1, Page 156, Map Records, Dallas County, Texas (M.R.D.C.T.);

THENCE South 89 degrees 06 minutes 59 seconds West, departing said west right-of-way line and along said south right-of-way line, a distance of 188.78 feet to a 1/2 inch iron rod with red plastic cap stamped "WAI" found for corner and situated in the east line of Lot 4, Block 3/7256, Buena Vista Addition, recorded in Volume 3, Page 1, M.R.D.C.T.;

THENCE North 00 degrees 34 minutes 33 seconds West, departing the south right-of-way line of said Bedford Street and along the east line of said Lot 4, a distance of 30.00 feet to a 1/2 inch iron rod found for corner and situated in the east line of Lot 5, of said Buena Vista Addition, and the north right-of-way line of said Bedford Street;

THENCE North 89 degrees 06 minutes 59 seconds East, departing the east line of said Lot 5 and along the north right-of-way line of said Bedford Street, same being the south line of Lot 52A, Block 7257, Janson II Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Instrument No. 200600141096, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), a distance of 188.87 feet to a 1/2 inch iron rod with red plastic cap stamped "WAI" found for corner and situated in the west right-of-way line of said Borger Street, said iron rod also being the southeast corner of said Lot 52A, Block 7257;

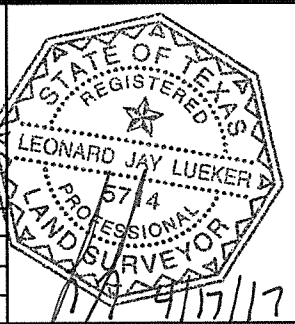
THENCE South 00 degrees 24 minutes 39 seconds East, departing the north right-of-way line of said Bedford Street and the south line of said Lot 52A, Block 7257 and over and across the right-of-way of said Bedford Street, a distance of 30.00 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 0.130 acres or 5,665 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 10th day of August, 2016, utilizing the global positioning system (State Plane Coordinate System, Texas North Central Zone [4202], North American Datum of 1983 [1986])

Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS ■ SURVEYORS
6750 HILLCREST PLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75230
(972) 480-7090 (972) 480-7099 FAX
Texas Engineers Registration No. 89
Texas Surveyors No. 10086600 Expires 12/31/2017
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Scale: N/A
Date: 03.27.17
Dwg. File: 58209.0C-BEDFORD-ABAND
Project No.: 58209.00



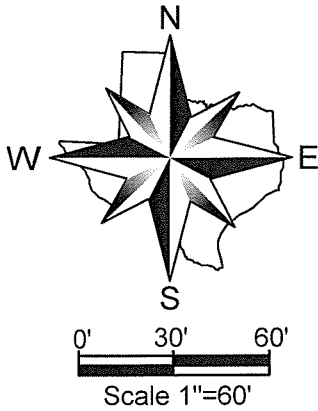
(For SPRG use only)

Reviewed by: A. Rodriguez
Date: 4/19/17
SPRG No. 4048

SHEET
1
OF
2

STREET ABANDONMENT

CEMENT CITY ADDITION, ADJACENT TO DALLAS
 CITY BLOCK 7257, BEDFORD STREET
 WILLIAM COOMBS SURVEY, ABSTRACT NO. 290
 CITY OF DALLAS, DALLAS COUNTY, TEXAS



Basis of bearings is the global positioning system (Texas State Plane Coordinate System, Texas North Central Zone [4202], North American Datum of 1983 [1986])

IRF
 1/2" CIRF

XCF

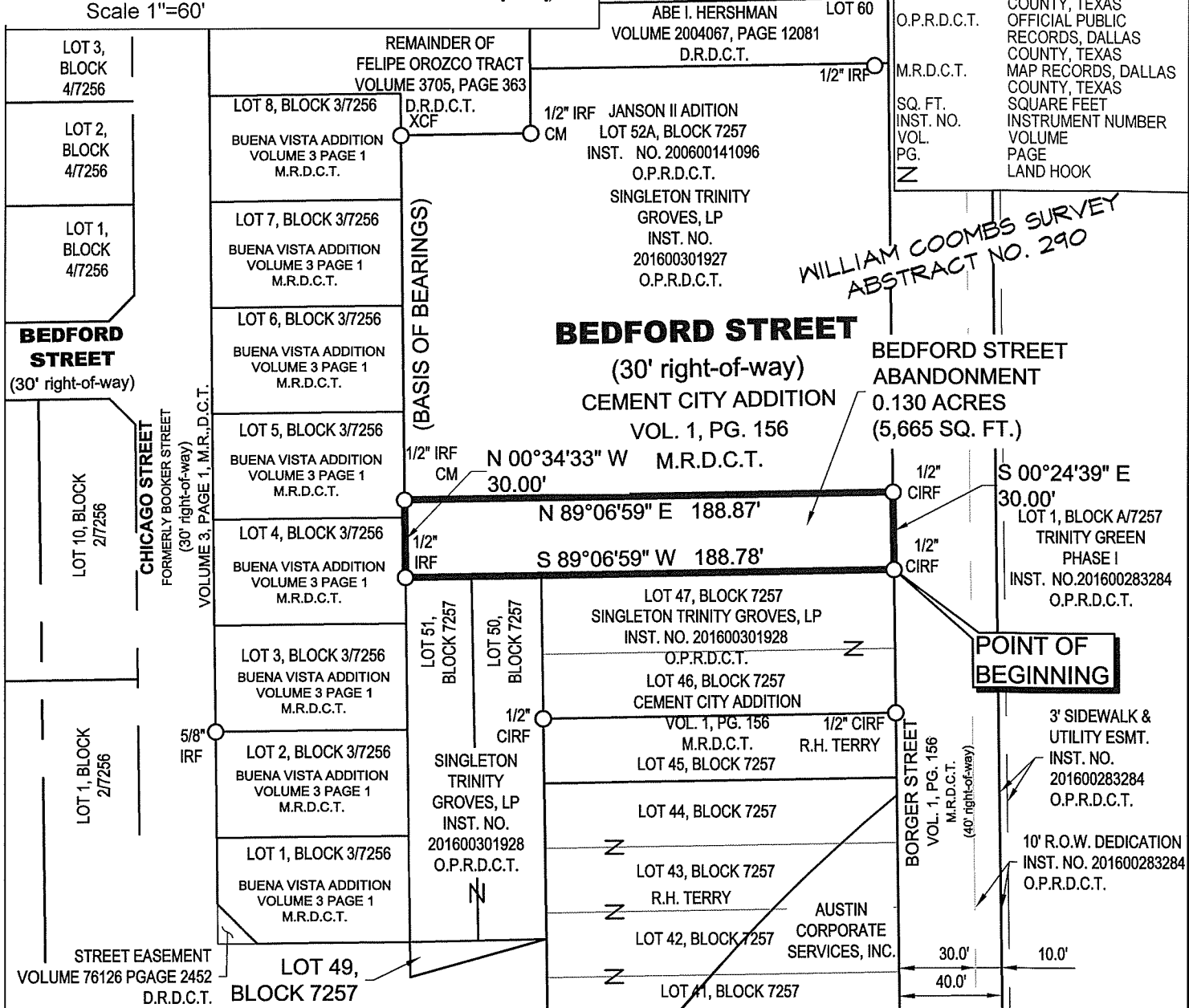
D.R.D.C.T.

O.P.R.D.C.T.

M.R.D.C.T.

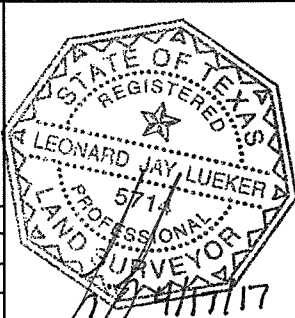
SQ. FT.
 INST. NO.
 VOL.
 PG.
 Z

LEGEND
 IRON ROD FOUND
 1/2" IRON ROD FOUND W/
 RED PLASTIC CAP
 STAMPED "W.A.I."
 FOUND FOR CORNER
 "X" CUT IN CONCRETE
 FOUND FOR CORNER
 DEED RECORDS, DALLAS
 COUNTY, TEXAS
 OFFICIAL PUBLIC
 RECORDS, DALLAS
 COUNTY, TEXAS
 MAP RECORDS, DALLAS
 COUNTY, TEXAS
 SQUARE FEET
 INSTRUMENT NUMBER
 VOLUME
 PAGE
 LAND HOOK



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 DALLAS, TEXAS 75230 (972) 490-7090 (972) 490-7099 FAX
 Texas Engineers Registration No. 89
 Texas Surveyors No. 10086600 Expires 12/31/2017
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Scale : 1" = 60'
 Date : 03.28.17
 Dwg. File : 58209.0C-BEDFORD-ABAND
 Project No. : 58209.00



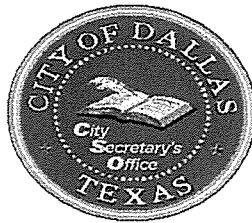
(For SPRG use only)
 Reviewed by: A. Rodriguez
 Date: 4/19/17
 SPRG No. 4048

SHEET
2
 OF
2

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.



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 _____ AUG 9 2017

ORDINANCE NUMBER _____ **30548**

DATE PUBLISHED _____ AUG 12 2017

ATTESTED BY:

Lois G. Liss