

ORDINANCE NO. 30551

An ordinance providing for the abandonment and relinquishment of a floodway easement, located in City Block B/5446 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Dagmawi Asseged Yemenu and Addisalem W. Kassa; 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 Dagmawi Asseged Yemenu, an individual and Addisalem W. Kassa, an individual; hereinafter referred to collectively 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, 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 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 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 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, 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**, their 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**, their heirs 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) the use and occupancy of the area described in Exhibit A by **GRANTEE**, their 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**, their 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**, their 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, 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 contract is designated as Contract No. DEV-2017-00002662.

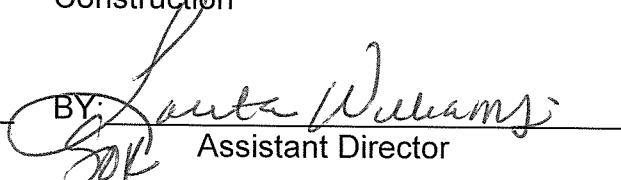
SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

**Floodway Easement Abandonment
Addisalem Addition
Lot 17A, Block B/5446
D.A. Murdock Survey, Abstract No. 997
City of Dallas, Dallas County, Texas**

Exhibit A

BEING a 1,540 square foot (0.0353 acres) tract of land situated in the D.A. Murdock Survey, Abstract No. 997, in the City of Dallas, Dallas County, Texas, in City Block B/5446 and being part of a tract of land described in General Warranty Deed with Vendor’s Lien to Dagmawi Asseged Yemenu and Addisalem W. Kassa, husband and wife, as recorded in Instrument No. 201500052283, of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), being Lot 17A, Block B/5446 of White Rock Addisalem Addition, as recorded in Instrument No. 201600136767, O.P.R.D.C.T., and being more particularly described as follows:

COMMENCING at an aluminum disc stamped “WHITE ROCK/ADDISALEM, BLOCK B/5446, RPLS 5310” found at the northwest corner of said Lot 17A, being in the southeast line of Goforth Road (55 width right-of-way – by use and occupation);

THENCE South 44 degrees 00 minutes 29 seconds West, with the northwest line of said Lot 17A and the southeast line of said Goforth Road, a distance of 90.00 feet to the northernmost corner of an existing Floodway Easement, as shown on said White Rock Addisalem Addition;

THENCE South 46 degrees 14 minutes 45 seconds East, departing the northwest line of said Lot 17A and the southeast line of said Goforth Road, and with the northeast line of said Floodway Easement, a distance of 28.45 feet to the **POINT OF BEGINNING**;

THENCE South 43 degrees 54 minutes 03 seconds West, departing the northeast line of said Floodway Easement, a distance of 32.94 feet to a 1/2 inch iron rod set;

THENCE South 46 degrees 21 minutes 46 seconds East, a distance of 50.98 feet to a 1/2 inch iron rod set;

THENCE North 43 degrees 57 minutes 54 seconds East, a distance of 27.08 feet to the northeast line of said Floodway Easement;

THENCE North 81 degrees 42 minutes 51 seconds West, with the northeast line of said Floodway Easement, a distance of 1.12 feet to a Floodway Monument found;

THENCE North 37 degrees 24 minutes 42 seconds West, continuing with the northeast line of said Floodway Easement, a distance of 41.69 feet to a Floodway Monument found;

THENCE North 46 degrees 14 minutes 45 seconds West, continuing with the northeast line of said Floodway Easement, a distance of 8.88 feet to the **POINT OF BEGINNING** and containing 1,540 square feet (0.0353 acres) of land.

(For SPRG use only)	
Reviewed by:	<u> G.S. </u>
Date:	<u> 6-20-17 </u>
SPRG No.	<u> 4167 </u>

30551

171187

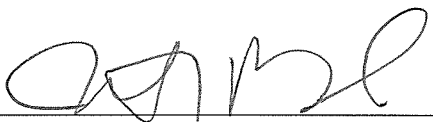
Exhibit A

**Floodway Easement Abandonment
Addisaleem Addition
Lot 17A, Block B/5446
D.A. Murdock Survey, Abstract No. 997
City of Dallas, Dallas County, Texas**

A plat accompanies this legal description.

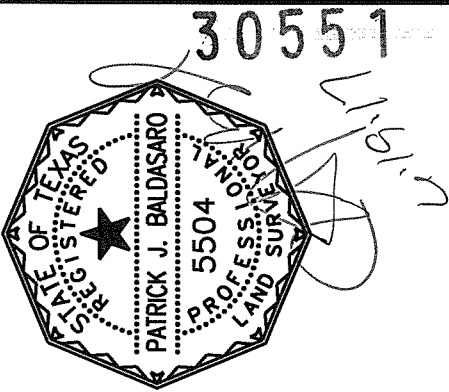
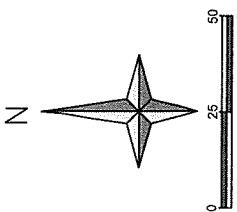
Bearings and coordinates used hereon are derived from the State Plane Coordinate System, Texas, North Central Zone 4202, American Datum 1983 (NAD83), adjustment realization 2011.



By: 
Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504
PJB Surveying, LLC
TBPLS Firm No. 10194303

Date: 6-19-17

(For SPRG use only)	
Reviewed by:	<u>G.S.</u>
Date:	<u>6-20-17</u>
SPRG No.	<u>4167</u>



30551

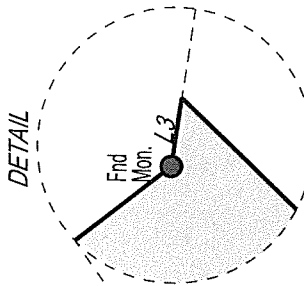
Exhibit A
171187

**FLOODWAY EASEMENT ABANDONMENT
ADDISALEM ADDITION
LOT 17A, BLOCK B/5446
D.A. MURDOCK SURVEY, ABSTRACT NO. 997
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

PREPARED BY:
PJB Surveying
200 W. BELMONT DR., SUITE D
ALLEN, TX. 75013
TBPLS 10194303

LINE TABLE

L1	S 43°54'03" W	32.94'
L2	N 43°57'54" E	27.08'
L3	N 81°42'51" W	1.12'
L4	N 37°24'42" W	41.69'
L5	N 46°14'45" W	8.88'



GOFORTH CIRCLE ESTATES
INST. NO. 2016000699449
O.P.R.D.C.T.

GOFORTH CIRCLE
(Vol. 26, Pg. 225)
(M.R.D.C.T.)

**LOT 17A
BLOCK B/5446
WHITE ROCK ADDISALEM**
INST. NO. 201600136767
O.P.R.D.C.T.

LOT 20

LOT 14

- - Found Monument as noted
- - Iron rod set - size as noted
- Sq. Ft. - Square Feet
- RM - Monument of Record

O.P.R.D.C.T. - Official Public Records of Dallas County, Texas
D.R.D.C.T. - Deed Records of Dallas County, Texas
M.R.D.C.T. - Map Records of Dallas County, Texas
Inst. No. - Instrument Number
Vol./Pg. - Volume/Page

BASIS OF BEARINGS: State Plane Coordinate System,
Texas North Central Zone 4202, North American Datum
(NAD) 1983, adjustment realization 2011

P.O.C.
Found alum. disc stamped "WHITE ROCK / ADDISALEM, BLOCK B/5446, RPLS 5310"
R.M.

D.A. Murdock Survey
Abstract No. 997

**BLOCK A/8123
NORTHEAST SERVICE CENTER**
VOL. 89171, PG. 2563
D.R.D.C.T.

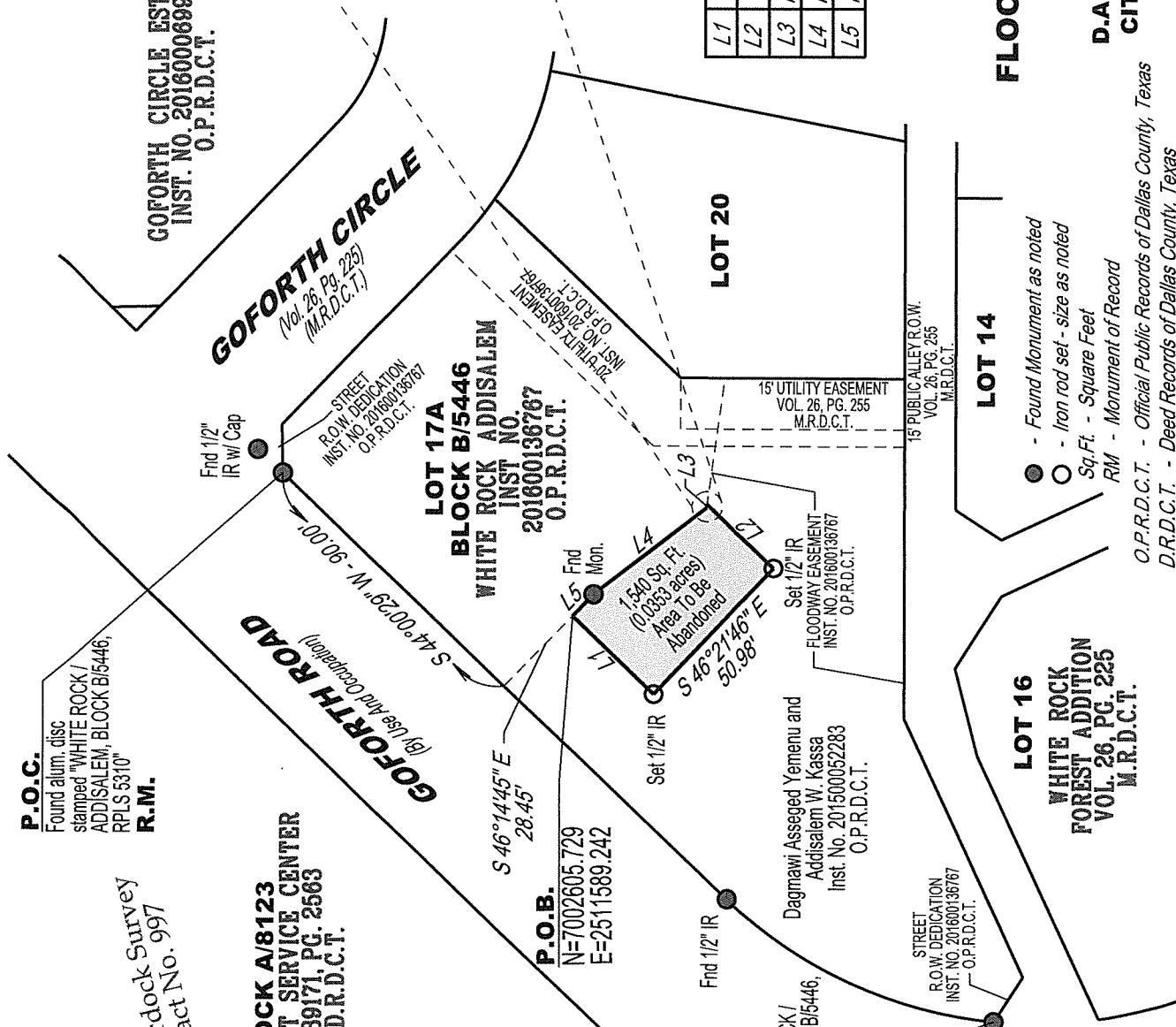
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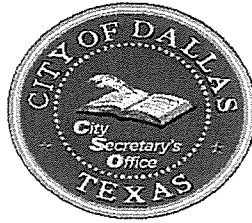
Found alum. disc stamped "WHITE ROCK / ADDISALEM, BLOCK B/5446, RPLS 5310"
R.M.

**LOT 16
WHITE ROCK
FOREST ADDITION**
VOL. 26, PG. 225
M.R.D.C.T.

(For SPRG use only)

Reviewed by: G.S.I.
Date: 6-28-17
SPRG No. 4167





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 30551

DATE PUBLISHED AUG 12 2017

ATTESTED BY: