

ORDINANCE NO. 30553

An ordinance amending Ordinance No. 23183, by altering the preamble, and Sections 1, 2, and 10 thereof; providing for consideration to be paid to the City of Dallas; providing for payment of the publication fee; providing a savings clause; and providing an effective date.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Ordinance No. 23183 adopted by the City Council of the City of Dallas on June 11, 1997, be and the same is hereby amended by altering the preamble and Sections 1, 2, and 10 to read as follows:

"An ordinance providing for the abandonment of a portion of Taylor Street right-of-way located adjacent to City Block 15/144 in the City of Dallas and County of Dallas, Texas, ~~subject to a reverter~~, providing for the quitclaim thereof to East End Market Place Limited; providing for the terms and conditions of the abandonment 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."

"**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of East End Market Place Limited, a Texas limited liability company, hereinafter referred to as **GRANTEE** deems it advisable to abandon and quitclaim, ~~subject to a reverter interest~~, the hereinafter described tract of land, and is of the opinion that said street right-of-way is not currently needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, ~~subject to reverter as hereinafter provided, for so long as the existing~~

SECTION 1. (continued)

~~loading docks encroachment remains within said Taylor Street right-of-way area;~~
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**, ~~subject to a reverter,~~ for the consideration hereinafter more fully set forth;"

"**SECTION 1.** That the tract of land described in Exhibit A, which is attached hereto and made a part hereof, be and the same is abandoned, vacated and closed insofar as the right, title and easement of the public are concerned; subject, however, to the ~~reverter and the conditions~~ hereinafter more fully set out."

"**SECTION 2.** That for and in monetary consideration of the sum of Thirteen Thousand Nine Hundred Forty and NO/100 (\$13,940.00) DOLLARS paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents QUITCLAIM unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made ~~and with the reverter interest herein stated,~~ all its right, title and interest in and to that certain tract or parcel of land hereinabove described in Exhibit A, ~~provided however,~~ that if the ~~existing loading docks and/or building, whichever occurs first, situated on and adjacent to the area to be abandoned are ever:~~ (i) ~~partially demolished, removed or damaged and are not promptly thereafter repaired or rebuilt within 90 days;~~ (ii) ~~substantially or totally demolished, removed or damaged and not promptly thereafter repaired or rebuilt within 90 days;~~ or (iii) ~~abandoned in whole or in part by~~ **GRANTEE**, its successors and assigns, then this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City;

SECTION 1. (continued)

~~and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance.~~ **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.**"

"**SECTION 10.** 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 Property Management Director, or her 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 Property Management Director, or her designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to prepare and deliver a QUITCLAIM DEED with regard to the area abandoned herein, ~~subject to a reverter interest,~~ should such be requested by **GRANTEE** hereunder, same to 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 Property Management Director, or her designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage."

SECTION 2. That, as consideration for amending Ordinance No. 23183, Taylor Street 2111, LP, agrees to pay monetary consideration in the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** to the City of Dallas, and, by its tender thereof, accepts the terms and conditions of this ordinance.

SECTION 3. 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

SECTION 3. (continued)

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 4. That the terms and conditions of Ordinance No. 23183 shall remain in full force and effect except as amended hereby.

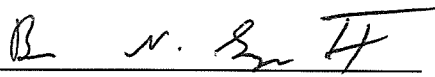
SECTION 5. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development 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 shall deliver to **GRANTEE** the 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 (1) year after its passage.

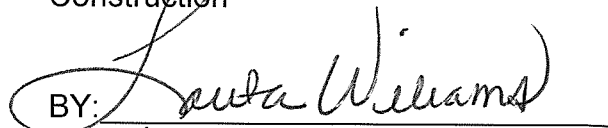
SECTION 6. That this contract is designated as Contract No. DEV-2017-00002096.

SECTION 7. 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
AUG 9 2017

BY: 
Assistant Director

Passed _____.



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 30553

DATE PUBLISHED AUG 12 2017

ATTESTED BY: