

30710

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of an alley and a portion of Beatrice Street located adjacent to City Blocks 1/6810 and 2/6810 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to West Commerce Investments LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; 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; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of West Commerce Investments LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portions of alley and Beatrice Street are 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 tracts 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

SECTION 1. (continued)

closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **ONE HUNDRED THIRTY-THREE THOUSAND NINE HUNDRED SEVENTY-SIX AND NO/100 DOLLARS (\$133,976.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, and 12, 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 of its right, title and interest in and to the certain tracts 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, future effective date 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) 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

SECTION 8. (continued)

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 file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey by street easement to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable fee simple title, subject to only those title exceptions approved by the City Attorney, and insured by an owner's policy of title insurance approved as to form by the City Attorney, to certain properties located in City Block 1/6810, containing approximately 11,924 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 11. That at such time as the instrument described in Section 10 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located;

SECTION 11. (continued)

and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 12. 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 abandonment, 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/their heir successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 13. 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, and completion of the dedication set forth in Section 10, 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 14. That this contract is designated as Contract No. DEV-2018-00004332.

SECTION 15. 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

DEC 18 2017

Passed _____.

BEING a 11,959 square feet, 0.2745 acre tract of land situated in the William P. Overton Survey, Abstract No. 1106, City of Dallas, Dallas County, Texas, being adjacent to Blocks 1/6810 and 2/6810, and being part of Beatrice Street (a variable width right-of-way) as dedicated by the revised map of the partial subdivision of A.P. Langston's Homestead, a subdivision of record as recorded in Volume 119, Page 496 of the Map Records of Dallas County, Texas and part of a 3 foot right-of-way dedication by plat of Commerce/Beatrice Addition, a subdivision of record as recorded in Volume 89204, Page 16 of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at an "X" cut in concrete found in the current west right-of-way line of said Beatrice Street (a variable width right-of-way dedicated by said plat recorded in Volume 119, Page 496 of said Map Records), for the northeast corner of Lot 1A, Block 2/6810 Commerce/Beatrice Addition, an addition to the City of Dallas according to the plat recorded in Volume 89204, Page 16 of said Deed Records, and being the northeast corner of a called 1.830 acre tract of land described in Special Warranty Deed to West Commerce Investments LLC recorded in Instrument No. 201600049838, Official Public Records of Dallas County, Texas, the northwest corner of said right-of-way dedication by said plat recorded in Volume 89204, Page 16 of said Deed Records, and being in the south line of a called 0.0869 acre tract of land described in Special Warranty Deed to West Commerce Investments LLC recorded in Instrument No. 201700213503 of said Official Public Records;

THENCE with said south line of 0.0869 acre tract and the north line of said right-of-way dedication by said plat recorded in Volume 89204, Page 16 of said Deed Records, North 88°26'07" East, a distance of 3.00 feet to an "X" cut in concrete set for the southeast corner of said 0.0869 acre tract and the northeast corner of said right-of-way dedication by said plat recorded in Volume 89204, Page 16 of said Deed Records and in the original west line of Beatrice Street dedicated by said plat recorded in Volume 119, Page 496 of said Map Records;

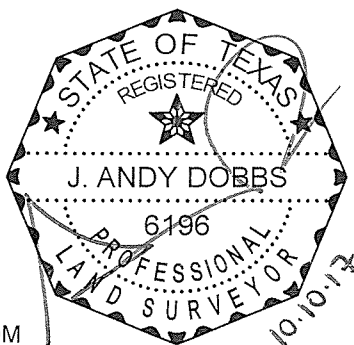
THENCE with the east line of said 0.0869 acre tract and said original west line of Beatrice Street dedicated by said plat recorded in Volume 119, Page 496 of said Map Records, North 1°03'51" West, a distance of 43.37 feet to an "X" cut in concrete set at the intersection of the current south right-of-way line of W. Commerce Street (a variable width right-of-way, Volume 2613, Page 102 of said Deed Records), formerly State Highway 1 and said original west line of Beatrice Street dedicated by said plat recorded in Volume 119, Page 496 of said Map Records, for the northeast corner of said 0.0869 acre tract and the southeast corner of a tract of land described in Right of Way Easement to State of Texas recorded in Volume 1777, Page 152 of said Deed Records;

THENCE departing said original west line of Beatrice Street dedicated by said plat recorded in Volume 119, Page 496 of said Map Records and with said current south right-of-way line of W. Commerce Street, North 75°11'09" East, a distance of 51.48 feet to an "X" cut in concrete set at the intersection of the original east line of Beatrice Street dedicated by said plat recorded in Volume 119, Page 496 of said Map Records and said current south right-of-way line of W. Commerce Street, for the southwest corner of a tract of land described in Right of Way Deed to County of Dallas recorded in Volume 2011, Page 548 of said Deed Records and the northwest corner of a called 0.3441 acre tract of land described in Special Warranty Deed to West Commerce Investments LLC recorded in Instrument No. 201700213503 of said Official Public Records;

CONTINUED ON SHEET 2

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 10/13/17
SPRG NO: 4320

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
ANDY.DOBBS@KIMLEY-HORN.COM



RIGHT-OF-WAY ABANDONMENT
PART OF BEATRICE STREET
ADJACENT TO BLOCKS 1/6810 AND 2/6810
WILLIAM P. OVERTON SURVEY
ABSTRACT NO. 1106
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	JAD	OCT. 2017	064484300	1 OF 3

LEGAL DESCRIPTION (CONTINUED)

THENCE with said original east line of Beatrice Street dedicated by said plat recorded in Volume 119, Page 496 of said Map Records and the west line of said 0.3441 acre tract, South 1°03'51" East, passing at a distance of 96.73 feet an "X" cut in concrete found for the northwest corner of a called 0.733 acre tract of land described in Special Warranty Deed to West Commerce Investments LLC recorded in Instrument No. 201600049842 of said Official Public Records, and being the southwest corner of said 0.3441 acre tract, continuing with said original east line of Beatrice Street dedicated by said plat recorded in Volume 119, Page 496 of said Map Records and the west line of said 0.733 acre tract, in all a total distance of 234.88 feet to 5/8-inch iron rod with "KHA" cap set for corner; from said point a 5/8-inch iron rod with "KHA" cap found for the southwest corner of said 0.733 acre tract bears South 1°03'51" East, a distance of 44.36 feet;

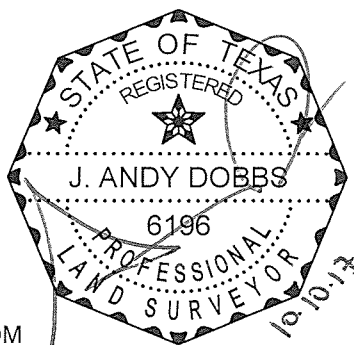
THENCE departing said original east line of Beatrice Street dedicated by said plat recorded in Volume 119, Page 496 of said Map Records and said west line of 0.733 acre tract, South 89°37'00" West, a distance of 53.00 feet to a 5/8-inch iron rod with "KHA" cap set for corner in said current west right-of-way line of Beatrice Street, the east line of said Lot 1A and the east line of said 1.830 acre tract;

THENCE with said current west right-of-way line of Beatrice Street, said east line of Lot 1A and said east line of said 1.830 acre tract, North 1°03'51" West, a distance of 178.62 feet to the **POINT OF BEGINNING** and containing 11,959 square feet or 0.2745 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

(For SPRG use only)
 Reviewed By: A. Rodriguez
 Date: 10/13/17
 SPRG NO: 4320

J. ANDY DOBBS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6196
 13455 NOEL ROAD
 TWO GALLERIA OFFICE TOWER
 SUITE 700
 DALLAS, TEXAS 75240
 PH. (972) 770-1300
 ANDY.DOBBS@KIMLEY-HORN.COM



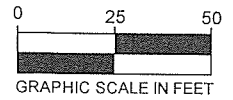
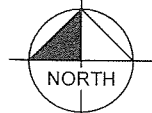
RIGHT-OF-WAY ABANDONMENT
 PART OF BEATRICE STREET
 ADJACENT TO BLOCKS 1/6810 AND 2/6810
 WILLIAM P. OVERTON SURVEY
 ABSTRACT NO. 1106
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	JAD	OCT. 2017	064484300	2 OF 3

30710



W. COMMERCE STREET
(A VARIABLE WIDTH RIGHT-OF-WAY)
(VOLUME 2613, PAGE 102 D.R.D.C.T.)
(FORMERLY ST. HIGHWAY 1)

COUNTY OF DALLAS
VOL. 2011, PG. 548
D.R.D.C.T.

STATE OF TEXAS
(VOL. 1777, PG. 152)
D.R.D.C.T.

STATE OF TEXAS
VOL. 2613, PG. 102
D.R.D.C.T.

CALLLED 0.3441 ACRES
WEST COMMERCE INVESTMENTS LLC
INST. NO. 201700213503
O.P.R.D.C.T.

BECKLEY AVENUE
(A VARIABLE WIDTH RIGHT-OF-WAY)
VOL. 2613, PG. 102, D.R.D.C.T.

1/2" IRF (C.M.)
139.51'
CALLLED 0.0869 ACRES
WEST COMMERCE INVESTMENTS LLC
INST. NO. 201700103888
O.P.R.D.C.T.

P.O.B.

0.2745 ACRES
11,959 SQ. FT.

WEST COMMERCE INVESTMENTS LLC
INST. NO. 201700103888
O.P.R.D.C.T.

LOT 1A, BLOCK 2/6810
COMMERCE/BEATRICE ADDITION
VOL. 89204, PG. 16
D.R.D.C.T.

10' ALLEY ABANDONED BY CITY OF DALLAS
ORDINANCE NO. 30366

10' ATMOS ENERGY EASEMENT
(INST. NO. 201100050828)
O.P.R.D.C.T.

CALLLED 1.830 ACRES
WEST COMMERCE INVESTMENTS LLC
INST. NO. 201600049838
O.P.R.D.C.T.

LEGEND

- P.O.B. = POINT OF BEGINNING
- IRF = IRON ROD FOUND
- IRFC = 5/8" IRON ROD W/ "KHA" CAP FOUND
- IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
- C.M. = CONTROLLING MONUMENT
- XS = "X" CUT IN CONCRETE SET
- XF = "X" CUT IN CONCRETE FOUND
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- VOL. PG. = VOLUME & PAGE
- INST. NO. = INSTRUMENT NUMBER

LOT 2
BLOCK 1/6810
A.P. LANGSTON'S HOMESTEAD REVISED
VOL. 119, PG. 496
M.R.D.C.T.

CALLLED 0.733 ACRES
WEST COMMERCE INVESTMENTS LLC
INST. NO. 201600049842
O.P.R.D.C.T.

LOT 3

LOT 4

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 10/13/17
SPRG NO: 4320

LOT 9A, BLOCK 2/6810
COMMERCE/BEATRICE ADDITION
VOL. 89204, PG. 16
D.R.D.C.T.

3' RIGHT-OF-WAY DEDICATION
VOL. 89204, PG. 16
D.R.D.C.T.

5' RIGHT-OF-WAY DEDICATION
VOL. 73158, PG. 1009
D.R.D.C.T.

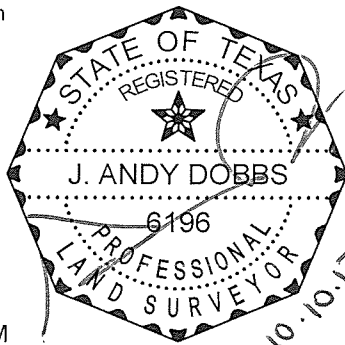
3/4" IRF (C.M.)
LOT 1A, BLOCK A/6809
BLANKS INVESTMENT
BLANKS SUBDIVISION NO. 2 VOL. 87016, PG. 806
VOL. 95068, PG. 1799
D.R.D.C.T.

2' RIGHT-OF-WAY ABANDONED BY
ORDINANCE NO. 19418

NOTES

- Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983, (2011).

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
ANDY.DOBBS@KIMLEY-HORN.COM



RIGHT-OF-WAY ABANDONMENT
PART OF BEATRICE STREET
ADJACENT TO BLOCKS 1/6810 AND 2/6810
WILLIAM P. OVERTON SURVEY
ABSTRACT NO. 1106
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	JBH	JAD	OCT. 2017	064484300	3 OF 3

BEING a 46 square foot (0.001 acres) tract of land situated in the William P. Overton Survey, Abstract No. 1106, City of Dallas, Dallas County, Texas, being in Block 2/6810, and being part of a 10-foot wide public alley created by the revised map of the partial subdivision of A.P. Langston's Homestead, a subdivision of record as recorded in Volume 119, Page 496, Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING a 5/8-inch iron rod with "KHA" cap set in the current south right-of-way line of W. Commerce Street (a variable width right-of-way, Vol. 2613, Pg. 102, Deed Records of Dallas County, Texas, formerly State Highway 1, and being in the east line of said 10-foot wide public alley, for the northwest corner of Lot 1A, Block 2/6810, Commerce/Beatrice Addition, an addition to the City of Dallas according to the plat recorded in Volume 89204, Page 16 of said Map Records, and being the northwest corner of a called 1.830 acre tract of land described in Special Warranty Deed to West Commerce Investments, LLC recorded in Instrument No. 201600049838, Official Public Records of Dallas County, Texas, and being the southwest corner of a called 0.0869 acre tract of land described in Deed to West Commerce Investments, LLC recorded in Instrument No. 201700213503 of said Official Public Records, and being the northeast corner of a tract of land described as the abandoned portion of said 10-foot wide public alley abandoned by City Ordinance No. 30366, and being the northeast corner of a called 0.133 acre tract described in Quitclaim Deed to West Commerce Investments, LLC recorded in Instrument No. 201700103888 of said Official Public Records; from said point a "X" cut in concrete found in the current west right-of-way line of Beatrice Street (a variable width right-of-way, 53 feet wide at this point, Volume 119, Page 496 and Volume 89204, Page 16 of said Deed Records), for the northeast corner of said Lot 1A, and being the northeast corner of said 1.830 acre tract bears North 88°26'07" East, a distance of 139.51 feet;

THENCE with said current south right-of-way line of W. Commerce Street, the north line of said 10-foot wide public alley abandonment, and the north line of said 0.133 acre tract, the following courses and distances:

South 88°26'07" West, a distance of 5.00 feet to a 5/8-inch iron rod with "KHA" cap set for an inner ell corner of said 10-foot wide public alley abandonment and said 0.133 acre tract;

North 1°03'51" West, a distance of 8.56 feet to a 5/8-inch iron rod with "KHA" cap set for the north corner of said 10-foot wide public alley abandonment and said 0.133 acre tract; from said point a 1/2-inch iron rod found for the southeast corner of a tract of land described in Right-of-Way Deed to the State of Texas recorded in Volume 1790, Page 43 of said Deed Records, and being the northeast corner of a tract of land described in Special Warranty Deed to West Commerce Investments, LLC recorded in Instrument No. 201600049839 of said Official Public Records, and being the northeast corner of Lot 2A of Commerce-Langford Addition, an addition to the City of Dallas according to the plat recorded in Volume 94223, Page 4821 of said Deed Records bears South 75°11'09" West, a distance of 5.15 feet;

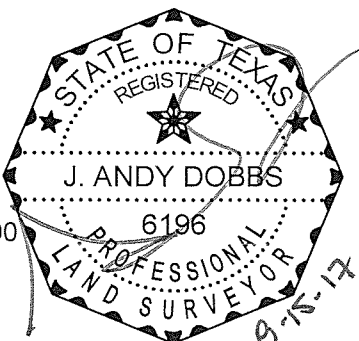
THENCE departing said current south right-of-way line of W. Commerce Street, North 75°11'09" East, a distance of 5.15 feet to a 5/8-inch iron rod with "KHA" cap set in said current south right-of-way line of W. Commerce Street, and being in said east line of 10-foot wide public alley, for the northwest corner of said 0.0869 acre tract, and being the southwest corner of a tract of land described in Right-Of-Way Deed to the State of Texas recorded in Volume 1777, Page 152 of said Deed Records;

THENCE with said current south right-of-way line of W. Commerce Street and said east line of 10-foot wide public alley and the west line of said 0.0869 acre tract, South 1°03'51" East, a distance of 9.74 feet to the **POINT OF BEGINNING** and containing 46 square feet or 0.001 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

(For SPRG use only)
 Reviewed By: G.S.
 Date: 8-29-17
 SPRG NO: 4218

J. ANDY DOBBS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6196
 12750 MERIT DRIVE, SUITE 1000
 DALLAS, TEXAS 75251
 PH. 972-770-1300
 andy.dobbs@kimley-horn.com

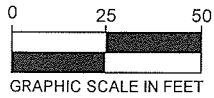
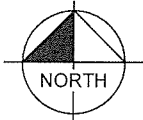


ALLEY ABANDONMENT
 BLOCK 2/6810
 A.P. LANGSON'S HOMESTEAD
 WILLIAM P. OVERTON SURVEY
 ABSTRACT NO. 1106
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn
 12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	JAD	JULY 2017	064484300	1 OF 2

30710

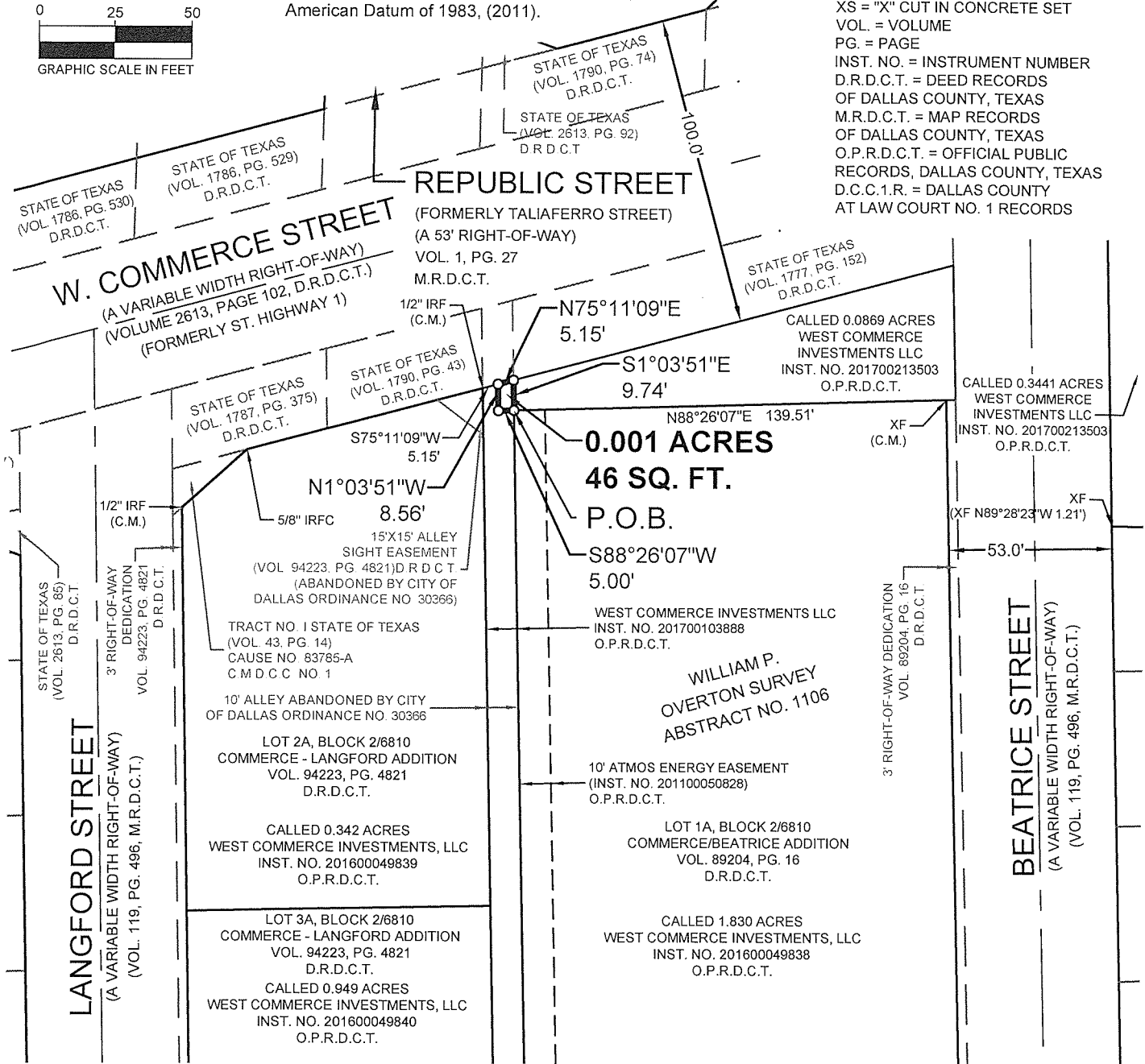


NOTES

- All corners of easement to be acquired are a 5/8" iron rod with "KHA" cap set unless otherwise noted.
- Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983, (2011).

LEGEND

- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- SQ. FT. = SQUARE FEET
- IRFC = IRON ROD W/ "KHA" CAP FOUND
- C.M. = CONTROLLING MONUMENT
- XS = "X" CUT IN CONCRETE SET
- VOL. = VOLUME
- PG. = PAGE
- INST. NO. = INSTRUMENT NUMBER
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- D.C.C.1.R. = DALLAS COUNTY AT LAW COURT NO. 1 RECORDS



LANGFORD STREET
(A VARIABLE WIDTH RIGHT-OF-WAY)
(VOL. 119, PG. 496, M.R.D.C.T.)

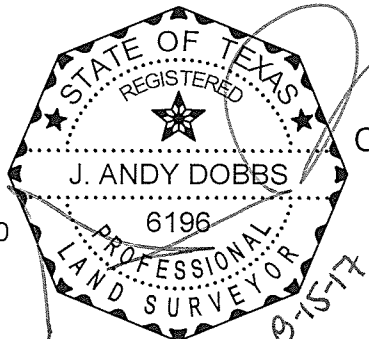
BEATRICE STREET
(A VARIABLE WIDTH RIGHT-OF-WAY)
(VOL. 119, PG. 496, M.R.D.C.T.)

0.001 ACRES
46 SQ. FT.
P.O.B.

ALLEY ABANDONMENT
BLOCK 2/6810
A.P. LANGSON'S HOMESTEAD
WILLIAM P. OVERTON SURVEY
ABSTRACT NO. 1106
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 8-29-17
SPRG NO: 4218

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com



Kimley»Horn

12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	JBH	JAD	JULY 2017	064484300	2 OF 2

30710

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.

BEING an 11,924 square foot tract (0.2737 acre) of land situated in the William P. Overton Survey, Abstract No. 1106, City of Dallas, Dallas County, Texas; and being part of Official City Block Number 6809, and being part of Lots 3 and 4, Block 1/6810, A.P. Langston's Homestead Revised Addition, according to the plat recorded in Volume 119, Page 496, Map Records of Dallas County, Texas, and being part of a called 0.733 acre tract of land described in Special Warranty Deed to West Commerce Investments LLC recorded in Instrument No. 201600049842, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with plastic cap stamped "SGI RPLS 3664" found in the current west right-of-way line of said Beckley Avenue (a variable width right-of-way, Volume 2613, Page 102, Deed Records of Dallas County, Texas), for the southeast corner of said 0.733 acre tract, and being in the north line of Lot 1A, Block A/6809, Blanks Subdivision No. 2, an addition to the City of Dallas according to the plat recorded in Volume 95068, Page 1799 of said Deed Records, and being in the north line of a tract of land described in General Warranty Deed to Blanks Investments recorded in Volume 87016, Page 806 of said Deed Records;

THENCE with said north line of Lot 1A and Blanks Investments tract recorded in Volume 87016, Page 806, and the south line of said 0.733 acre tract, South 89°37'00" West, passing at a distance of 265.80 a 3/4-inch iron rod found in the current east right-of-way line of Beatrice Street (a 57-foot wide right-of-way at this point) as created by the revised map of the partial subdivision of A.P. Langston's Homestead, a subdivision of record as recorded in Volume 119, Page 496 of said Map Records, and by Volume 73158, Page 1009 and Volume 89204, Page 16 of said Deed Records, for the northwest corner of said Lot 1A and Blanks Investments tract recorded in Volume 87016, Page 806, continuing with said south line of 0.733 acre tract in all a total distance of 269.80 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found for southwest corner of said 0.733 acre tract;

THENCE with said current east right-of-way line of Beatrice Street and the west line of said 0.733 acre tract, North 1°03'51" West, a distance of 43.67 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 11°25'55", a radius of 67.00 feet, a chord bearing and distance of North 83°54'03" East, 13.35 feet;

THENCE departing said current east right-of-way line of Beatrice Street and west line of 0.733 acre tract, the following courses and distances:

- In a northeasterly direction, with said curve to the right, an arc distance of 13.37 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;
- North 89°37'00" East, a distance of 162.12 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of 20°44'37", a radius of 179.00 feet, a chord bearing and distance of North 79°14'42" East, 64.45 feet;
- In a northeasterly direction, with said curve to the left, an arc distance of 64.81 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in said current southwest right-of-way line of Beckley Avenue, and being the beginning of a non-tangent curve to the right having a central angle of 9°56'34", a radius of 373.81 feet, a chord bearing and distance of South 29°29'35" East, 64.79 feet; from said point a 1/2-inch iron rod with plastic cap stamped "SGI RPLS 3664" found for the northeast corner of said 0.733 acre tract bears a chord bearing of North 34°32'08" West, a distance of 0.93 feet;

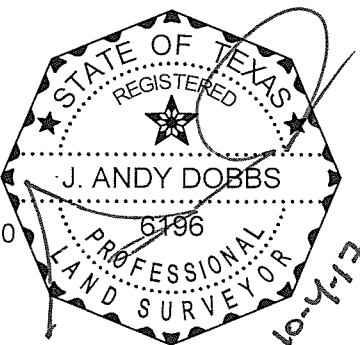
THENCE with said current west right-of-way line of said Beckley Avenue and the east line of said 0.733 acre tract, in a southeasterly direction with said curve to the right, an arc distance of 64.87 feet to the **POINT OF BEGINNING** and containing 11,924 square feet or 0.2737 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

STREET EASEMENT
PART OF LOTS 3 AND 4, BLOCK 1/6810
A.P. LANGSTON'S HOMESTEAD REVISED
AND PART OF BLOCK 6809
WILLIAM P. OVERTON SURVEY
ABSTRACT NO. 1106
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
 Reviewed By: G.S.
 Date: 10-17-17
 SPRG NO: 4241

J. ANDY DOBBS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6196
 12750 MERIT DRIVE, SUITE 1000
 DALLAS, TEXAS 75251
 PH. 972-770-1300
 andy.dobbs@kimley-horn.com



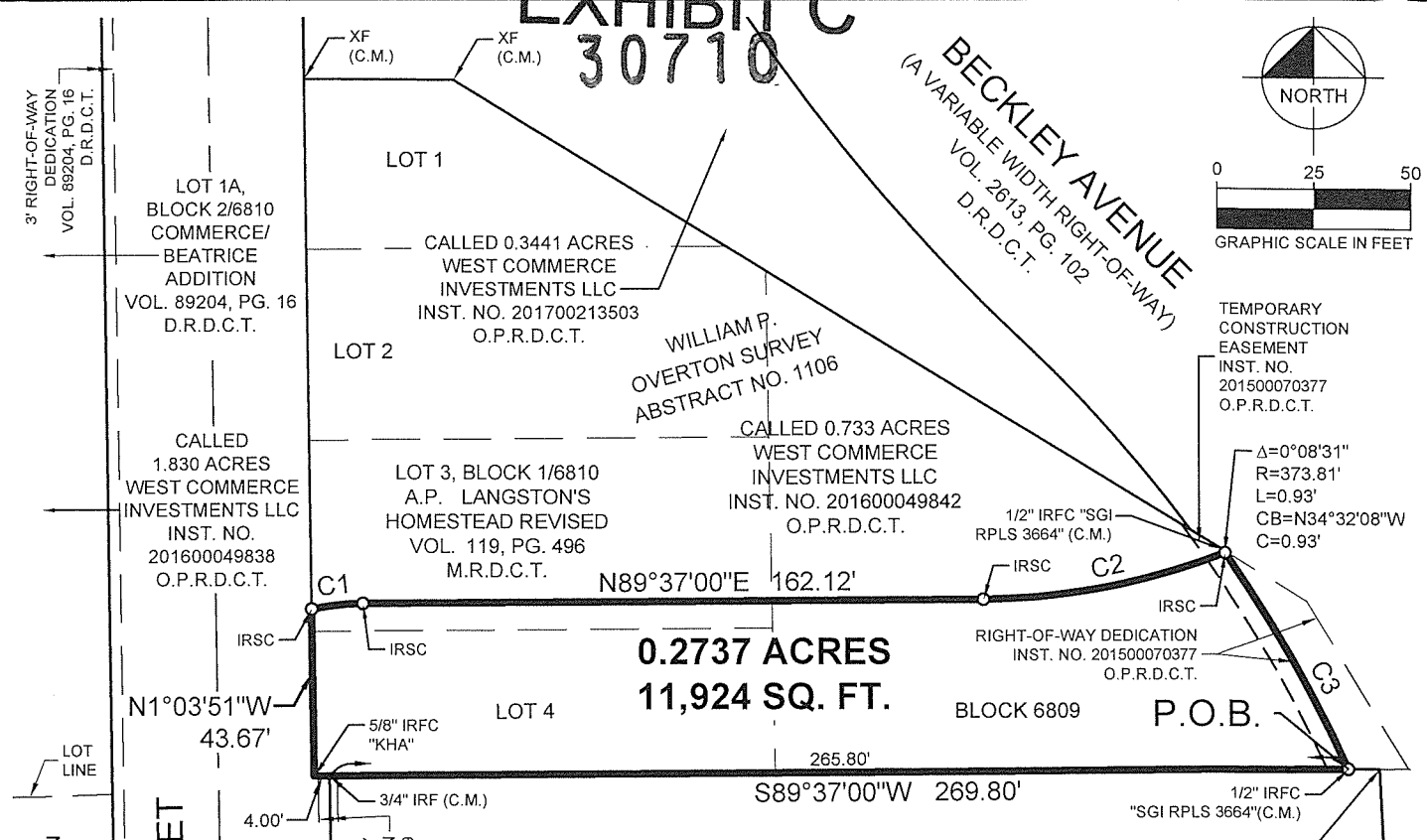
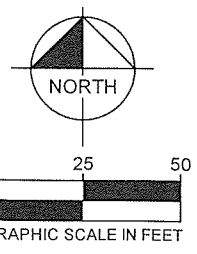
Kimley»Horn

12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	JAD	JULY 2017	064484300	1 OF 2

EXHIBIT C

30710



NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	11°25'55"	67.00'	13.37'	N83°54'03"E	13.35'
C2	20°44'37"	179.00'	64.81'	N79°14'42"E	64.45'
C3	9°56'34"	373.81'	64.87'	S29°29'35"E	64.79'

LOT 9A, BLOCK 2/6810
 COMMERCE/BEATRICE ADDITION
 VOL. 89204, PG. 16
 D.R.D.C.T.

BEATRICE STREET
 (57' WIDE RIGHT-OF-WAY)
 (VOL. 119, PG. 496)
 M.R.D.C.T.

3' RIGHT-OF-WAY DEDICATION
 VOL. 89204, PG. 16
 D.R.D.C.T.

5' RIGHT-OF-WAY DEDICATION
 VOL. 73158, PG. 1008
 M.R.D.C.T.

2' RIGHT-OF-WAY ABANDONED BY ORDINANCE NO. 19418

LEGEND

P.O.B. = POINT OF BEGINNING
 SQ. FT. = SQUARE FEET
 IRF = IRON ROD FOUND
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
 C.M. = CONTROLLING MONUMENT
 XF = "X" CUT IN CONCRETE FOUND
 VOL. = VOLUME
 PG. = PAGE
 INST. NO. = INSTRUMENT NUMBER
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

BLANKS INVESTMENTS
 VOL. 87016, PG. 806
 D.R.D.C.T.

LOT 1A, BLOCK A/6809
 BLANKS SUBDIVISION NO. 2
 VOL. 95068, PG. 1799
 D.R.D.C.T.

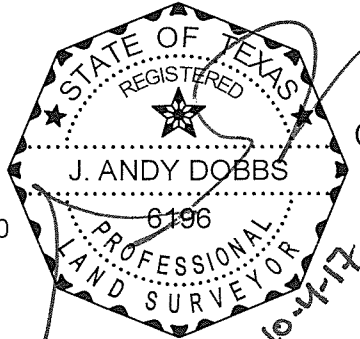
NOTES

- Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983, (2011).

STREET EASEMENT
 PART OF LOTS 3 AND 4, BLOCK 1/6810
 A.P. LANGSTON'S HOMESTEAD REVISED
 AND PART OF BLOCK 6809
 WILLIAM P. OVERTON SURVEY
 ABSTRACT NO. 1106
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
 Reviewed By: G.S.
 Date: 10-17-17
 SPRG NO: 4241

J. ANDY DOBBS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6196
 12750 MERIT DRIVE, SUITE 1000
 DALLAS, TEXAS 75251
 PH. 972-770-1300
 andy.dobbs@kimley-horn.com

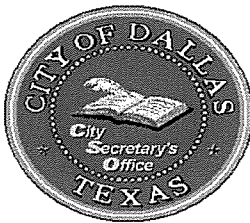


Kimley»Horn

12750 Merit Drive, Suite 1000
 Dallas, Texas 75251 FIRM # 10115500

Tel. No. (972) 770-1300
 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	JBH	JAD	JULY 2017	064484300	2 OF 2



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 DEC 13 2017

ORDINANCE NUMBER 30710

DATE PUBLISHED DEC 16 2017

ATTESTED BY: