

ORDINANCE NO. 30712

An ordinance providing for the abandonment and relinquishment of a sanitary sewer easement, located in City Block I/5414 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Ainbinder Northwest Highway LLC; 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 Ainbinder Northwest Highway LLC, a Texas limited liability company; 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 tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said sanitary sewer 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 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, 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, 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**, its successors 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**, 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 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" 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.

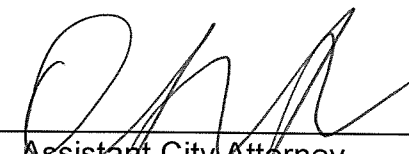
SECTION 9. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt 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-2017-00002811.

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
DEC 13 2017

BY: 
For - Assistant Director

Passed _____.

30712 Exhibit A
6' SANITARY SEWER EASEMENT ABANDONMENT
MEDALLION CENTER NO. 3, LOT B, BLOCK I/5414
BUFFALO BAYOU, BRAZOS & COLORADO
RAILROAD COMPANY SURVEY, ABSTRACT NO. 191
CITY OF DALLAS, DALLAS COUNTY, TEXAS

171859

BEING a 1,800 square foot (0.0413 acre) tract of land situated in the Buffalo Bayou, Brazos & Colorado Railroad Company Survey, Abstract Number 191, City of Dallas, Dallas County, Texas, City of Dallas Block Number I/5414, and being part of Lot B, Block I/5414 of MEDALLION CENTER NO. 3, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 877, Page 1456 of the Deed Records, Dallas County, Texas (D.R.D.C.T.), part of a called 5.973 acre tract of land described as Tract 2 in Special Warranty Deed to Ainbinder Northwest Highway LLC, as recorded in Instrument Number 201600127601 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), the same being a called 5.979 acre tract of land described as Tract 2 in Deed Without Warranty to Ainbinder Northwest Highway LLC, as recorded in Instrument Number 201600127602, O.P.R.D.C.T., and being all of a 6' Sanitary Sewer Easement, as dedicated by plat of said MEDALLION CENTER NO. 3 addition, and being more particularly described as follows:

BEGINNING at a 3/8-inch found iron rod on the southwest right-of-way line of Theater Way (formerly known as Impala Lane, a 60-foot wide right-of-way), as recorded in Volume 795, Page 1325, D.R.D.C.T., for the north corner of said Lot B, Block I/5414, the east corner of Lot 1-R, Block I/5414 of DON CARTER'S ALL STAR LANES ADDITION, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 76106, Page 1577, D.R.D.C.T., the east corner of a tract of land described in deed to Dallas Children's Theater, as recorded in Volume 2002069, Page 11464, D.R.D.C.T., the north corner of said 5.973 acre and 5.979 acre tracts, and the north corner of said 6' Sanitary Sewer Easement;

THENCE South 45 degrees 32 minutes 26 seconds East, with the southwest right-of-way line of said Theater Way, with the northeast line of said Lot B, Block I/5414, with the northeast line of said 5.973 acre and 5.979 acre tracts, and with the northeast line of said 6' Sanitary Sewer Easement, a distance of 6.00 feet to the east corner of said 6' Sanitary Sewer Easement;

THENCE South 44 degrees 27 minutes 34 seconds West, departing the southwest right-of-way line of said Theater Way, the northeast line of said Lot B, Block I/5414, and the northeast line of said 5.973 acre and 5.979 acre tracts, with the southeast line of said 6' Sanitary Sewer Easement, a distance of 300.00 feet to a point on the common southwest line of said Lot B, Block I/5414 and northeast line of Lot A, Block I/5414 of said MEDALLION CENTER NO. 3 addition for the south corner of said 6' Sanitary Sewer Easement;

(For SPRG use only)	
Reviewed by:	<u>G.S.</u>
Date:	<u>7-28-17</u>
SPRG No.	<u>4217</u>

30712 Exhibit A

171859

**6' SANITARY SEWER EASEMENT ABANDONMENT
MEDALLION CENTER NO. 3, LOT B, BLOCK I/5414
BUFFALO BAYOU, BRAZOS & COLORADO
RAILROAD COMPANY SURVEY, ABSTRACT NO. 191
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

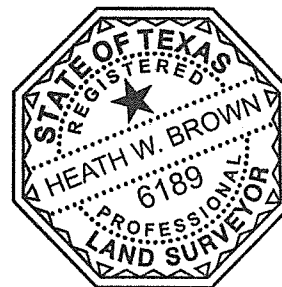
THENCE North 45 degrees 32 minutes 26 seconds West, with the common southwest line of said Lot B, Block I/5414, the northeast line of said Lot A, Block I/5414, and with the southwest line of said 6' Sanitary Sewer Easement, a distance of 6.00 feet to a point on the southeast line of said Lot 1-R, Block I/5414, the northwest line of said 5.973 acre and 5.979 acre tracts, and the southeast line of said Dallas Children's Theater tract for the west corner of said Lot B, Block I/5414 and the west corner of said 6' Sanitary Sewer Easement;

THENCE North 44 degrees 27 minutes 34 seconds East, with the northwest line of said Lot B, Block I/5414, with the southeast line of said Lot 1-R, Block I/5414, with the northwest line of said 5.973 acre and 5.979 acre tracts, with the southeast line of said Dallas Children's Theater tract, and with the northwest line of said 6' Sanitary Sewer Easement, a distance of 300.00 feet to the POINT OF BEGINNING and containing 1,800 square feet or 0.0413 of an acre of land, more or less.

The Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. Adjustment Realization 2011.

Heath W. Brown 6-28-2017

Heath W. Brown
Registered Professional Land Surveyor
Texas No. 6189
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
214-346-6326
TBPLS Firm No. 10029600



(For SPRG use only)	
Reviewed by:	<u>G.S.</u>
Date:	<u>7-28-17</u>
SPRG No.	<u>4217</u>

(For SPRG use only)
 Reviewed by: G.S.
 Date: 7-28-17
 SPRG No. 4217



CALLLED 12.944 ACRES
 WPA INVESTMENT GROUP, LTD.
 INSTR. NO. 200900094431
 O.P.R.D.C.T.

SOUTHWESTERN BELL TELEPHONE COMPANY
 UNPLATTED BLOCK 5415
 PARTIAL RELEASE OF EASEMENT
 INSTR. NO. 201700090350
 ONCOR ELECTRIC DELIVERY COMPANY LLC
 PARTIAL RELEASE OF EASEMENT
 INSTR. NO. 201700122877
 O.P.R.D.C.T.

15' EASEMENT TO DALLAS POWER & LIGHT COMPANY AND SOUTHWESTERN BELL TELEPHONE COMPANY PART 1
 VOL. 73199, PG. 0062
 D.R.D.C.T.

SIDEWALK & UTILITY EASEMENT
 INSTR. NO. 201700155143
 O.P.R.D.C.T.

15' DALLAS POWER & LIGHT COMPANY AND SOUTHWESTERN BELL TELEPHONE COMPANY EASEMENT PART 1
 VOL. 98, PG. 1898
 D.R.D.C.T.

BLOCK 5415
 MEDALLION CENTER NO. 2
 VOL. 51, PG. 221
 M.R.D.C.T.

CALLLED 7.3139 ACRES
 TRACT 1
 AINBINDER NORTHWEST HIGHWAY LLC
 INSTR. NO. 201600127601, O.P.R.D.C.T.
 THE SAME BEING
 CALLLED 7.314 ACRES
 TRACT 1
 AINBINDER NORTHWEST HIGHWAY LLC
 INSTR. NO. 201600127602
 O.P.R.D.C.T.

6' SANITARY SEWER EASEMENT
 ABANDONMENT
 MEDALLION CENTER NO. 3, LOT B, BLOCK I/5414
 BUFFALO BAYOU, BRAZOS & COLORADO RAILROAD COMPANY SURVEY,
 ABSTRACT NO. 191
 CITY OF DALLAS, DALLAS COUNTY, TEXAS



LOT 1A,
 BLOCK C/5414
 EASTRIDGE CENTER
 PHASE 2
 VOL. 2003027,
 PG. 00139
 D.R.D.C.T.

15' EASEMENT TO DALLAS POWER & LIGHT COMPANY AND SOUTHWESTERN BELL TELEPHONE COMPANY
 VOL. 74113, PG. 1048
 D.R.D.C.T.

15' EASEMENT TO DALLAS POWER & LIGHT COMPANY AND SOUTHWESTERN BELL TELEPHONE COMPANY
 VOL. 68237, PG. 2857
 D.R.D.C.T.

5/8" FIR W/CAP
 RPLS 1890'

THEATER WAY
 (FORMERLY KNOWN AS IMPALA LANE)
 (60' WIDE R.O.W.)
 VOL. 795, PG. 1325
 D.R.D.C.T.

BUFFALO BAYOU, BRAZOS & COLORADO RAILROAD
 ABSTRACT NUMBER 191

LOT B
 BLOCK I/5414
 MEDALLION CENTER NO. 3
 VOL. 877, PG. 1456
 D.R.D.C.T.

CALLLED 5.973 ACRES
 TRACT 2
 AINBINDER NORTHWEST HIGHWAY LLC
 INSTR. NO. 201600127601
 O.P.R.D.C.T.
 THE SAME BEING
 CALLLED 5.979 ACRES
 TRACT 2
 AINBINDER NORTHWEST HIGHWAY LLC
 INSTR. NO. 201600127602
 O.P.R.D.C.T.

TEMPORARY ACCESS EASEMENT
 INSTR. NO. 201700155083
 O.P.R.D.C.T.

STREET ABANDONMENT
 QUALITY LANE
 (60'-FOOT WIDE R.O.W.)
 VOL. 51, PG. 221
 M.R.D.C.T.
 PORTION ABANDONED BY
 ORDINANCE NO. 30273
 AMENDED BY
 ORDINANCE NO. 30377

REMAINDER OF LOT A
 BLOCK I/5414
 MEDALLION CENTER NO. 3
 VOL. 877, PG. 1456
 D.R.D.C.T.



The Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. Adjustment Realization 2011.

EASEMENT AND RIGHT OF WAY TO TEXAS UTILITIES ELECTRIC COMPANY
 VOL. 95122, PG. 3222
 D.R.D.C.T.

5/8" FIR w/Yellow CAP
 RPLS 3689'

N44°27'34"E
 60.00'
 3/8" FIR (CM)

POINT OF BEGINNING

S44°27'34"E 300.00'
 S44°27'34"W 300.00'
 N45°32'26"W 6.00'

LOT 1-R
 BLOCK I/5414
 DON CARTER'S ALL STAR LANES ADDITION
 VOL. 76106, PG. 1577
 D.R.D.C.T.

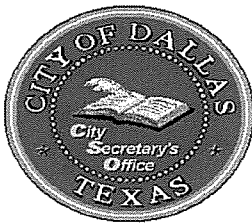
6' SANITARY SEWER EASEMENT
 TO THE CITY OF DALLAS
 VOL. 877, PG. 1456
 D.R.D.C.T.
 1,800 SO. FT.
 OR
 0.0413 ACRE

- LEGEND
- (CM) CONTROLLING MONUMENT
 - R.O.W. RIGHT-OF-WAY
 - 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
 - 1/2" FIR 1/2-INCH FOUND IRON ROD WITH A PLASTIC CAP STAMPED "HALFF"
 - FIR W/CAP FOUND IRON ROD
 - VOL. INSTRUMENT NUMBER
 - PG. VOLUME
 - Sq. Ft. SQUARE FEET

NORTHWEST HIGHWAY / LOOP 12
 (VARIABLE WIDTH R.O.W.)
 ORIGINAL 100' R.O.W.
 VOL. 1639, PG. 516, D.R.D.C.T.

FOUND "x"

LOT LINE



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 30712

DATE PUBLISHED DEC 16 2017

ATTESTED BY: