

ORDINANCE NO. 30971

An ordinance providing for the abandonment and relinquishment of two storm sewer easements, located in City Block E/2367 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Mockingbird Venture Partners, L.L.C. and Greenway-Mockingbird, L.P.; 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 Mockingbird Venture Partners, L.L.C., a Delaware limited liability company and Greenway-Mockingbird, L.P., a Texas limited partnership; 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 tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said storm sewer easements are 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 tracts 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, future effective date 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 tracts or parcels 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 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**, their 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**, their 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**, their 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**, their 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 ordinance is also designated for City purposes as Contract Nos. DEV-2018-00005805 and DEV-2018-00005848.

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:  BY: 
Assistant City Attorney Assistant Director

SEP 12 2018

Passed _____.

30971

LEGAL DESCRIPTION

BEING a 725 square foot (0.0166 acre) tract of land situated in the Miles Bennett Survey, Abstract No. 52, City of Dallas, Dallas County, Texas and being part of Lots 2 & 4, Block E/2367, West Love Addition, Phase 2, an addition to the City of Dallas according to the plat recorded in Instrument No. 201600349652 of the Official Public Records, Dallas County, Texas and being part of that tract of land described as Tract 4 in Special Warranty Deed to Mockingbird Venture Partners, L.L.C recorded in Instrument No. 200900077070 of said Official Public Records and being all of a Storm Sewer Easement to the City of Dallas dedicated by said West Love Addition, Phase 2 and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with plastic cap stamped "KHA" found in the northwest right-of-way line of Mockingbird Lane (a 100-foot right-of-way) dedicated by Volume 2813, Page 258 of the Deed Records of Dallas County, Texas and being the east corner of said Lot 2, Block E/2367, from which a 5/8" iron rod with plastic cap stamped "KHA" found at the easternmost corner of said Lot 4, Block E/2367 bears North 46°27'54" East, a distance of 10.01 feet;

THENCE with the common line of said Lots 2 & 4, Block E/2367, North 45°34'23" West, a distance of 31.08 feet to the **POINT OF BEGINNING**;

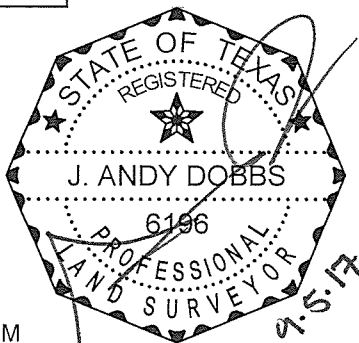
THENCE departing said common line of Lots 2 & 4, Block E/2367, over and across said Lots 2 & 4, Block E/2367, the following courses and distances:

- South 89°25'36" West, a distance of 50.42 feet to a point for corner;
- North 0°34'24" West, a distance of 15.00 feet to a point for corner;
- North 89°25'36" East, passing said northeast line of Lot 2, Block E/2367 at a distance of 35.42 feet and continuing in all a total distance of 40.84 feet to a point for corner;
- South 45°34'23" East, a distance of 21.21 feet to a point for corner;
- South 89°25'36" West, a distance of 5.42 feet to the **POINT OF BEGINNING** and containing 725 square feet or 0.0166 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: JD
 Date: 2/27/2018
 SPRG NO: 4452

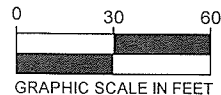
J. ANDY DOBBS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6196
 13455 NOEL ROAD
 TWO GALLERIA OFFICE TOWER
 SUITE 700
 DALLAS, TEXAS 75240
 PH. (972) 770-1300
 ANDY.DOBBS@KIMLEY-HORN.COM



**STORM SEWER EASEMENT
 ABANDONMENT**
 WEST LOVE ADDITION, PHASE 2
 PART OF LOTS 2 & 4, BLOCK E/2367,
 MILES BENNETT SURVEY, ABSTRACT NO. 52
 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	MTC	JAD	SEP. 2017	064271011	1 OF 2



LOT 4, BLOCK E/2367
WEST LOVE ADDITION, PHASE 2
INST. NO. 201600349652
O.P.R.D.C.T.

MILES BENNETT SURVEY,
ABSTRACT NO. 52

WATER & WASTEWATER
EASEMENT
(INST. NO. 201400069411)
O.P.R.D.C.T.

27" UTILITY EASEMENT
INST. NO. 201600349652
O.P.R.D.C.T.

DRAINAGE EASEMENT
INST. NO. 201400069412
D.R.D.C.T.

ACCESS EASEMENT
INST. NO. 201600244613
O.P.R.D.C.T.
EASEMENT PARCEL A
INST. NO. 201600275934
O.P.R.D.C.T.

LOT 3, BLOCK E/2367
WEST LOVE ADDITION, PHASE 2
INST. NO. 201600349652
O.P.R.D.C.T.

GREENWAY-MOCKINGBIRD, L.P.
INST. NO. 200600441187
O.P.R.D.C.T.

LOT 2, BLOCK E/2367
WEST LOVE ADDITION, PHASE 2
INST. NO. 201600349652
O.P.R.D.C.T.
TRACT 4
MOCKINGBIRD VENTURE PARTNERS, L.L.C.
INST. NO. 200900077070
O.P.R.D.C.T.

**0.0166 ACRES
725 SQ. FT.**

P.O.B.

N45°34'23"W
31.08'

SANITARY SEWER EASEMENT
INST. NO. 201600349652
O.P.R.D.C.T.

IRFC

N46°27'54"E
10.01'

STORM SEWER EASEMENT
INST. NO. 201600349652
O.P.R.D.C.T.

MOCKINGBIRD LANE
(100-FOOT WIDE RIGHT-OF-WAY)

(VOL. 2813, PG. 258)
D.R.D.C.T.

CENTERLINE

P.O.C.

LEGEND

- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- IRFC = 5/8" IRON ROD W/ PLASTIC CAP STAMPED "KHA" FOUND
- VOL. = VOLUME
- PG. = PAGE
- INST. NO. = INSTRUMENT NUMBER
- SQ. FT. = SQUARE FEET
- C.M. = CONTROLLING MONUMENT

NOTES

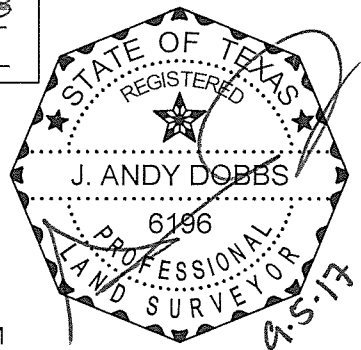
Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

STORM SEWER EASEMENT
ABANDONMENT

WEST LOVE ADDITION, PHASE 2
PART OF LOTS 2 & 4, BLOCK E/2367,
MILES BENNETT SURVEY, ABSTRACT NO. 52
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: JD
Date: 2/27/2018
SPRG NO: 4452

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
13455 NOEL ROAD
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Scale 1" = 60'	Drawn by MTC	Checked by JAD	Date SEP. 2017	Project No. 064271011	Sheet No. 2 OF 2
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LEGAL DESCRIPTION

30971

BEING a 776 square foot (0.0178 acre) tract of land situated in the Miles Bennett Survey, Abstract No. 52, City of Dallas, Dallas County, Texas and being part of Lot 3, Block E/2367, West Love Addition, Phase 2, an addition to the City of Dallas according to the plat recorded in Instrument No. 201600349652 of the Official Public Records, Dallas County, Texas and being part of that tract of land described in Special Warranty Deed to Greenway-Mockingbird, L.P. recorded in Instrument No. 200600441187 of said Official Public Records and being all of a Storm Sewer Easement to the City of Dallas dedicated by said West Love Addition, Phase 2 and being more particularly described as follows:

COMMENCING at a mag nail with washer stamped "WEST LOVE KHA" found in the northwest right-of-way line of Mockingbird Lane (a 100-foot right-of-way) dedicated by Volume 2813, Page 258 of the Deed Records of Dallas County, Texas and being the south corner of said Lot 3, Block E/2367, from which a 5/8" iron rod with plastic cap stamped "KHA" found at a west corner of Common Area A, Block E/2367 of said West Love Addition, Phase 2 bears South 46°27'54" West, a distance of 46.53 feet;

THENCE with the common line of said Lot 3 & Common Area A, Block E/2367, North 45°34'23" West, a distance of 13.83 feet to the **POINT OF BEGINNING**;

THENCE continuing with said common line of Lot 3 & Common Area A, Block E/2367, North 45°34'23" West, a distance of 16.36 feet to a point for corner;

THENCE departing said common line of Lot 3 & Common Area A, Block E/2367, over and across said Lot 3, Block E/2367, the following courses and distances:

- North 20°55'58" East, a distance of 48.51 feet to a point for corner;
- South 69°04'02" East, a distance of 15.00 feet to a point for corner;
- South 20°55'58" West, a distance of 55.03 feet to the **POINT OF BEGINNING** and containing 776 square feet or 0.0178 acres of land.

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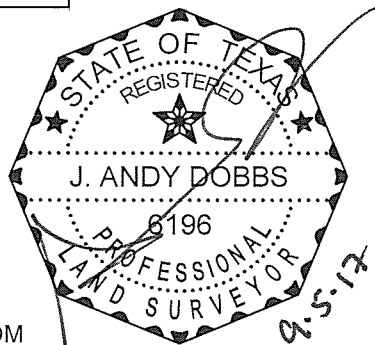
(For SPRG use only)

Reviewed By: JD
 Date: 2/27/2018
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STORM SEWER EASEMENT
 ABANDONMENT

WEST LOVE ADDITION, PHASE 2
 PART OF LOT 3, BLOCK E/2367,
 MILES BENNETT SURVEY, ABSTRACT NO. 52
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

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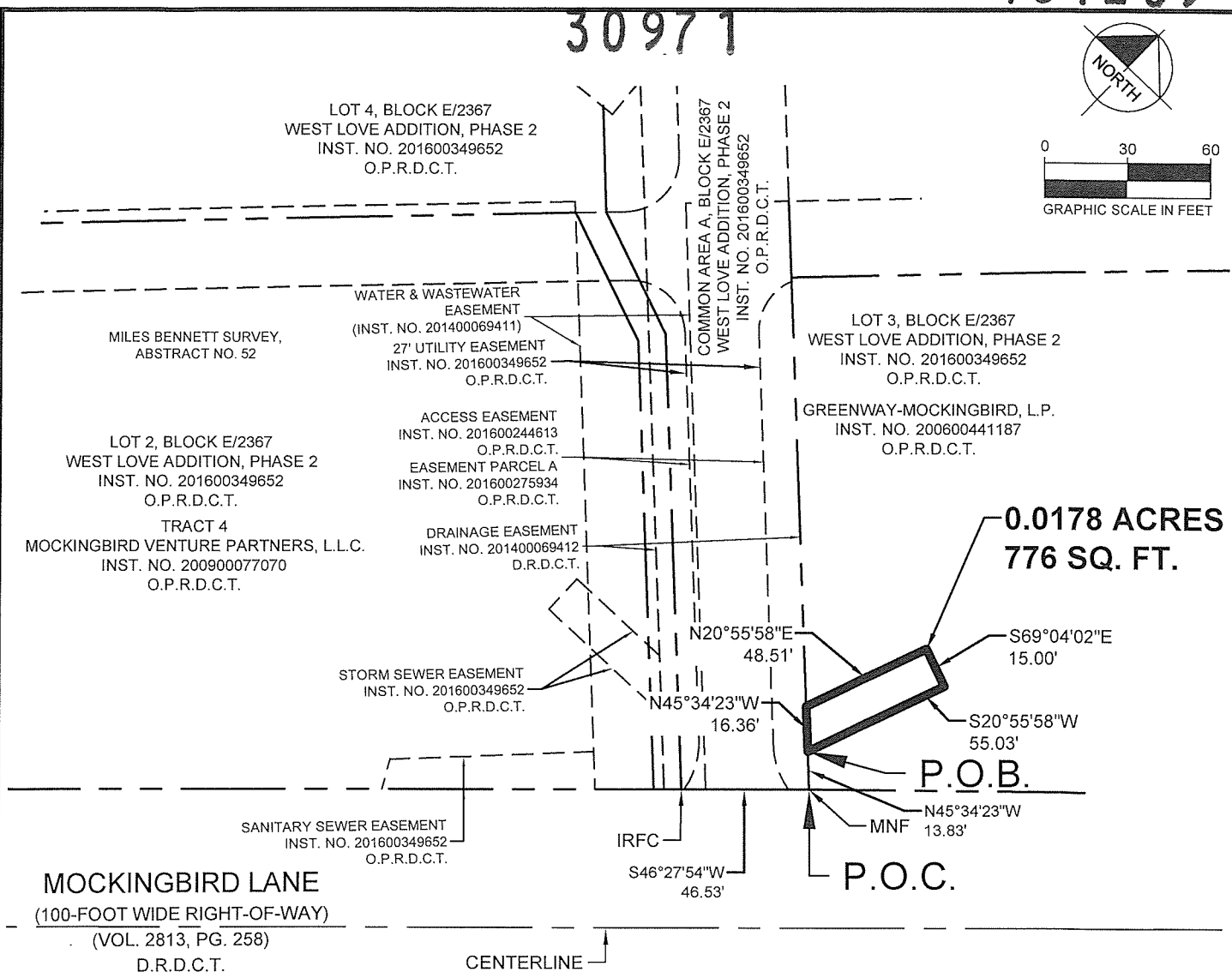
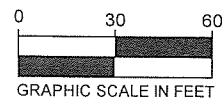


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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTC	JAD	SEP. 2017	064271011	1 OF 2

30971



0.0178 ACRES
776 SQ. FT.

LEGEND

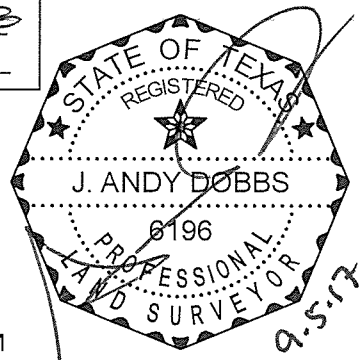
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- MNF = MAG NAIL W/ WASHER STAMPED "WEST LOVE KHA" FOUND
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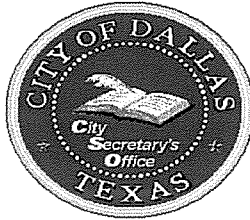


STORM SEWER EASEMENT
 ABANDONMENT
 WEST LOVE ADDITION, PHASE 2
 PART OF LOT 3, BLOCK E/2367,
 MILES BENNETT SURVEY, ABSTRACT NO. 52
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	MTC	JAD	SEP. 2017	064271011	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 SEP 12 2018

ORDINANCE NUMBER 30971

DATE PUBLISHED SEP 15 2018

ATTESTED BY: