

ORDINANCE NO. 31059

An ordinance providing for the abandonment and relinquishment of a portion of a utility easement, located in City Block 1/5670 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Michelle N. Thomas and Stewart H. Thomas; 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 Michelle N. Thomas and Stewart H. Thomas, a married couple; 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 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 DOLLARS (\$5,400.00)** paid by **GRANTEE**, and the

further consideration described in Section 2, 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 ordinance is also designated for City purposes as Contract No. DEV-2018-00007998.

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:
CHRISTOPHER J. CASO,
Interim City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and
Construction

BY: 
Assistant City Attorney

BY: 
SOIL Assistant Director

Passed DEC 12 2018

3105910' UTILITY EASEMENT ABANDONMENT
COLONY RIDGE ADDITION
PORTION OF LOT 30, CITY OF DALLAS BLOCK 1/5670
ALEXANDER HARWOOD SURVEY, ABSTRACT NO. 582
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A
181783

Being a 750 square foot (0.02 acre) tract of land situated in the Alexander Harwood Survey, Abstract Number 582 and being a 10 foot utility easement out of Lot 30, City of Dallas Block Number 1/5670 of the Colony Ridge Addition, in the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 6, Page 115, Map Records, Dallas County, Texas, same being a portion of that tract of land conveyed to Michelle N. Thomas and Stewart H. Thomas, by General Warranty Deed recorded in Instrument Number 201800210957, Official Public Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod found for corner, said corner being the Southwest corner of Lot 31, Block 1/5670 of Washburn Addition, according to the Plat thereof recorded in Volume 200206, Page 3508, Deed Records, Dallas County, Texas and being the Northwest corner of said Thomas tract, and being in the East line of Horseshoe Trail (50 foot right-of-way, Colony Ridge Addition, Volume 6, Page 115), from which a 1 inch iron pipe found bears South 00 degrees 29 minutes 37 seconds East, a distance of 75 feet for witness;

THENCE North 89 degrees 30 minutes 00 seconds East along the South line of said Lot 31, a distance of 140.00 feet to a point for corner, said corner being the Point of Beginning of that tract herein described;

THENCE South 00 degrees 30 minutes 00 seconds East, a distance of 75.00 feet to a point for corner, said corner being in the North line of that tract of land conveyed to James E. Swift, Jr. by General Warranty Deed recorded in Instrument Number 201200083021, Official Public Records, Dallas County, Texas and being the Northeast corner of Lot 29, Block 1/5670 of Colony Ridge Addition;

THENCE South 89 degrees 30 minutes 00 seconds West, along the North line of said Lot 29, a distance of 10.00 feet to a point of for corner;

THENCE North 00 degrees 30 minutes 00 seconds West, a distance of 75.00 feet to a point for corner, said corner being in the South line of said Lot 31;

THENCE North 89 degrees 30 minutes 00 seconds East, a distance of 10.00 feet to the POINT OF BEGINNING and containing 750 square feet or 0.02 acres of land.

GENERAL NOTES:

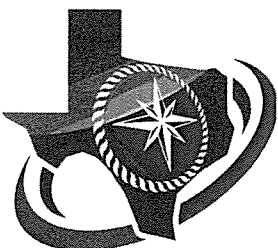
1) BASIS OF BEARING IS THE NORTH LINE OF THOMAS TRACT, BEING NORTH 89 DEGREES 30 MINUTES 00 SECONDS, AS RECORDED IN INST. NO. 201800210957.

(For SPRG use only)	
Reviewed By:	<u>G.S.</u>
Date:	<u>10-9-18</u>
SPRG No.:	<u>4649</u>



Bryan Connally

BRYAN CONNALLY
R.P.L.S. NO. 5513
10/08/18



CBG Surveying Texas LLC

PLANNING SURVEYING
12025 Shiloh Road • Suite 230 Dallas, Texas 75228
P 214.349.9485 F 214.349.2216
Firm No. 10168800
www.cbgdw.com

SHEET 1 OF 2
JOB NO. 1508350-04
DRAWN BY: BG

3105 910' UTILITY EASEMENT ABANDONMENT COLONY RIDGE ADDITION

Exhibit A
181783

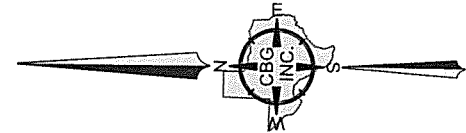
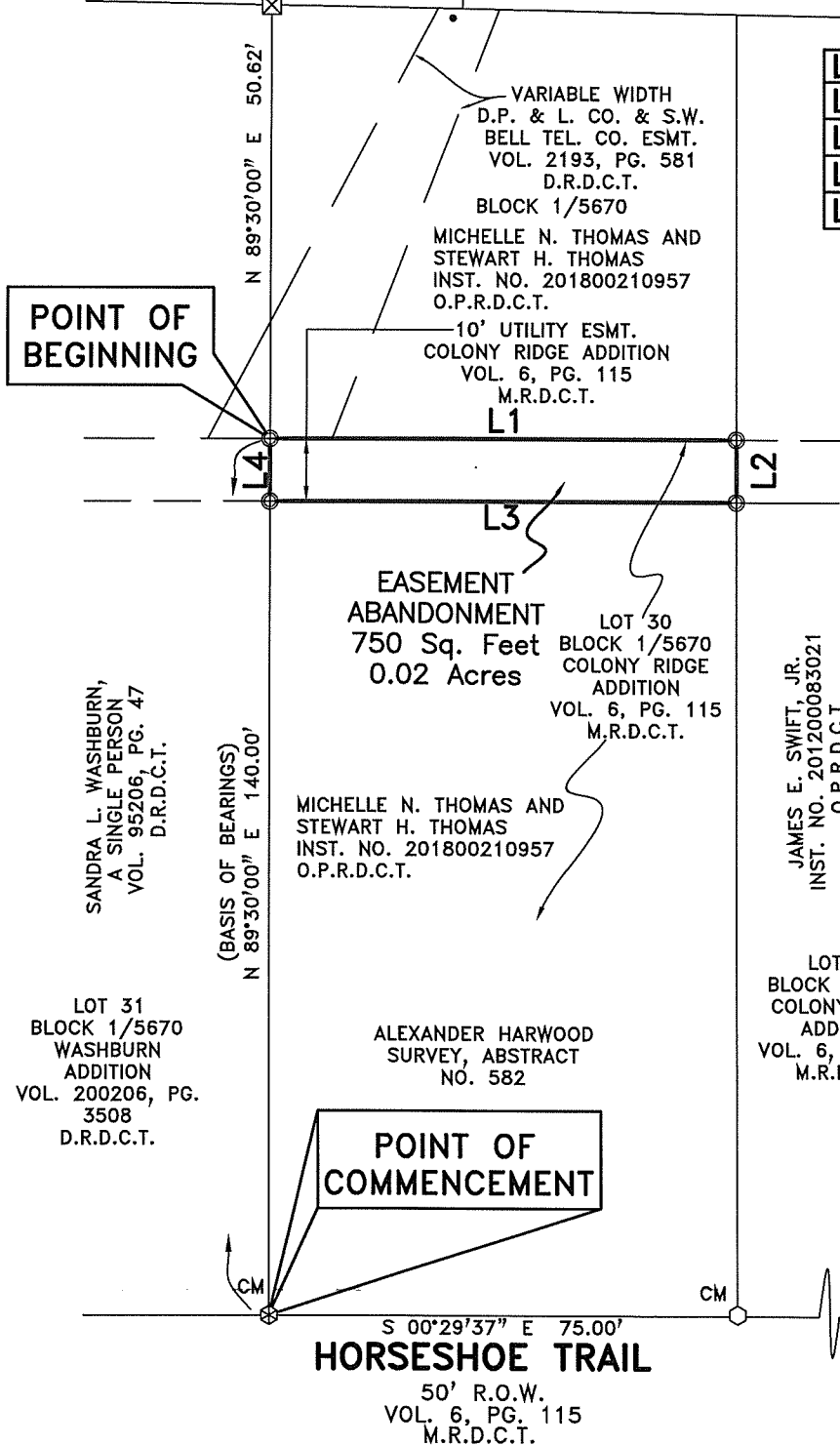
PORTION OF LOT 30, CITY OF DALLAS BLOCK 1/5670
ALEXANDER HARWOOD SURVEY, ABSTRACT NO. 582
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BLOCK 5673

MICHAEL MINZER
VOL. 92227, PG. 3148
D.R.D.C.T.

CROWN STERLING
LAND HOLDINGS III, LLC
INST. NO. 201600346952
O.P.R.D.C.T.

LINE	BEARING	DISTANCE
L1	S 00°30'00" E	75.00'
L2	S 89°30'00" W	10.00'
L3	N 00°30'00" W	75.00'
L4	N 89°30'00" E	10.00'



LEGEND:

- ⊗ 5/8 INCH IRON ROD FOUND
- 1/2 INCH IRON ROD FOUND
- ⊕ 1 INCH IRON PIPE FOUND
- ⊙ POINT FOR CORNER
- ⊠ 1/2 INCH PIPE FOUND
- CM CONTROLLING MONUMENTS
- SQ. FT. SQUARE FEET
- R.O.W. RIGHT-OF-WAY
- VOL., PG. VOLUME, PAGE
- INST. NO. INSTRUMENT NUMBER
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS
- M.R.D.C.T. MAP RECORDS, DALLAS COUNTY, TEXAS

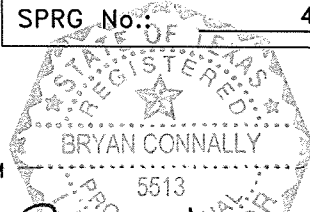
1) BASIS OF BEARING IS THE NORTH LINE OF THOMAS TRACT, BEING NORTH 89 DEGREES 30 MINUTES 00 SECONDS, AS RECORDED IN INST. NO. 201800210957.

(For SPRG use only)

Reviewed By: G.S.

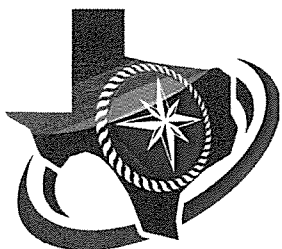
Date: 10-9-18

SPRG No.: 4649



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R.P.L.S. NO. 5513
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CBG Surveying Texas LLC

PLANNING · SURVEYING
12025 Shiloh Road · Suite 230 · Dallas, Texas 75228
P 214.349.9485 · F 214.349.2216
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SHEET 2 OF 2
JOB NO. 1508350-04
DRAWN BY: BG



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 12 2018

ORDINANCE NUMBER 31059

DATE PUBLISHED DEC 15 2018

ATTESTED BY: