

ORDINANCE NO. 31251

An ordinance providing for the abandonment and relinquishment of a portion of a utility easement, located in City Block 2/6451 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Lopez Realty Limited Liability Company; 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 Lopez Realty Limited Liability Company, 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 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 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 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 ordinance is also designated for City purposes as Contract No. DEV-2019-00009592.

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: 
Assistant Director

Passed JUN 26 2019 .

31251

UTILITY EASEMENT ABANDONMENT
REVISED PLAT OF ROSELAWN ADDITION
LOTS 6, 7, 32 & 33, BLOCK 2/6451
JAMES S. SHELLEY SURVEY, ABSTRACT NO. 1354
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A

190995

Being a 524 square foot tract of land situated in the J.S. Shelby Survey, Abstract No. 1354, City of Dallas, Dallas County, Texas, the subject tract being part of Lots 6, 7, 32 and 33, Block 2/6451, of Revised Plat of Roselawn Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 3, Page 171, Map Records, Dallas County, Texas, as conveyed to Lopez Realty Limited Liability Company, a Texas limited liability company by Special Warranty Deed with Vendor's Lien recorded in Instrument Number 201700080219, Official Public Records, Dallas County, Texas, the subject tract being a 5 foot wide utility easement created by said Revised Plat of Roselawn Addition, and being more particularly described as follows:

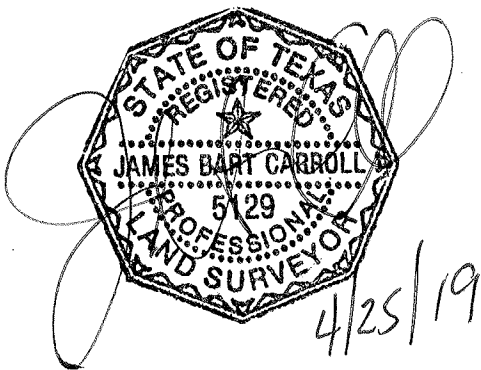
Commencing at a 1/2" iron pin found on the west right-of-way line of Brockbank Drive (66' R.O.W.) for the southeast corner of said Lot 6 and the northeast corner of Lot 5, of said Block 2/6451; Thence, South 89°15'00" West, along the south line of said Lot 6 and the north line of said Lot 5, a distance of 204.68 feet to a point on the east line of said 5 foot wide utility easement for the Point of Beginning;

Thence, South 89°15'00" West, along the south lines of said Lots 6 and 33 and the north lines of said Lot 5 and Lot 34, of said Block 2/6451, a distance of 5.00 feet to a point for corner on the west line of said utility easement;

Thence, North 00°20'07" West, along the west line of said 5 foot utility easement, a distance of 104.78 feet to a point for corner on the north line of said Lopez tract and the south line of a tract of land conveyed to 9722 Real Estate Holdings, LP by deed recorded in Instrument Number 200600440002, Official Public Records, Dallas County, Texas;

Thence, North 89°15'00" East, along the north line of said Lopez tract, the south line of said 9722 Real Estates Holdings, LP tract and the south line of Lot 7A, Block 2/6451, of Ramiro and Elizabeth Lopez Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Instrument Number 200900121413, Official Public Records, Dallas County, Texas, a distance of 5.00 feet to a point for corner on the east line of said 5 foot utility easement;

Thence, South 00°20'07" East, along the east line of said 5 foot utility easement, a distance of 104.78 feet to the Point of Beginning and containing 524 square feet or 0.0120 acres of land.



(For SPRG use only)	
Reviewed by:	JL
Date:	4-30-19
SPRG No.:	4826

Bearings based on the west line of deed recorded in Instrument No. 201700080219, Official Public Records, Dallas County, Texas. (N00°20'10"W)

SHEET 1 OF 2

CARROLL CONSULTING GROUP, INC.

P.O. BOX 11

PHONE: (972) 742-4411

LAVON, TEXAS 75166 TEXAS FIRM REGISTRATION NO.: 10007200

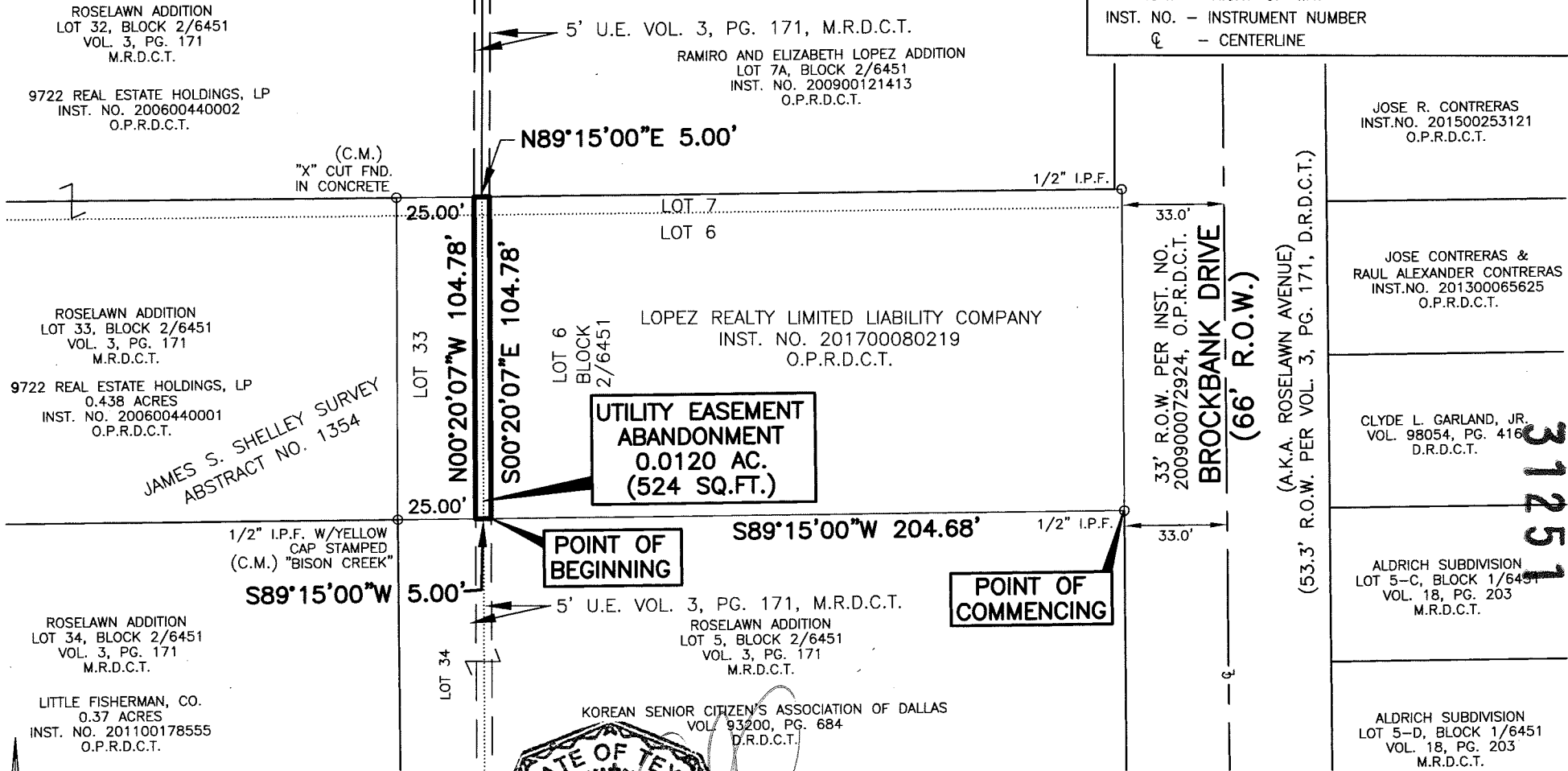
JOB No.	SCALE:	DATE	DRAWN BY:
2407-17	1"=50'	FEBRUARY 18, 2019	CP

JAMES BARTON CARROLL, R.P.L.S. 5129

UTILITY EASEMENT ABANDONMENT
 REVISED PLAT OF ROSELAWN ADDITION
 LOTS 6, 7, 32 & 33, BLOCK 2/6451
 JAMES S. SHELLEY SURVEY, ABSTRACT NO. 1354
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

LEGEND

I.P.F. - IRON PIN FOUND
 (C.M.) - CONTROL MONUMENT
 D.R.D.C.T. - DEED RECORDS DALLAS COUNTY TEXAS
 O.P.R.D.C.T. - OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
 M.R.D.C.T. - MAP RECORDS DALLAS COUNTY TEXAS
 R.O.W. - RIGHT-OF-WAY
 INST. NO. - INSTRUMENT NUMBER
 ☉ - CENTERLINE



JOSE R. CONTRERAS
 INST.NO. 201500253121
 O.P.R.D.C.T.

JOSE CONTRERAS &
 RAUL ALEXANDER CONTRERAS
 INST.NO. 201300065625
 O.P.R.D.C.T.

CLYDE L. GARLAND, JR.
 VOL. 98054, PG. 416
 D.R.D.C.T.

ALDRICH SUBDIVISION
 LOT 5-C, BLOCK 1/6451
 VOL. 18, PG. 203
 M.R.D.C.T.

ALDRICH SUBDIVISION
 LOT 5-D, BLOCK 1/6451
 VOL. 18, PG. 203
 M.R.D.C.T.

31251

190995

Exhibit A

ROSELAWN ADDITION
 LOT 32, BLOCK 2/6451
 VOL. 3, PG. 171
 M.R.D.C.T.

9722 REAL ESTATE HOLDINGS, LP
 INST. NO. 200600440002
 O.P.R.D.C.T.

RAMIRO AND ELIZABETH LOPEZ ADDITION
 LOT 7A, BLOCK 2/6451
 INST. NO. 200900121413
 O.P.R.D.C.T.

(C.M.)
 "X" CUT FND.
 IN CONCRETE

1/2" I.P.F.

LOT 7
 LOT 6

ROSELAWN ADDITION
 LOT 33, BLOCK 2/6451
 VOL. 3, PG. 171
 M.R.D.C.T.

9722 REAL ESTATE HOLDINGS, LP
 0.438 ACRES
 INST. NO. 200600440001
 O.P.R.D.C.T.

JAMES S. SHELLEY SURVEY
 ABSTRACT NO. 1354

LOT 33

LOT 6
 BLOCK
 2/6451

LOPEZ REALTY LIMITED LIABILITY COMPANY
 INST. NO. 201700080219
 O.P.R.D.C.T.

UTILITY EASEMENT
 ABANDONMENT
 0.0120 AC.
 (524 SQ.FT.)

POINT OF
 BEGINNING

POINT OF
 COMMENCING

1/2" I.P.F. W/YELLOW
 CAP STAMPED
 (C.M.) "BISON CREEK"

S89°15'00"W 204.68'

1/2" I.P.F.

S89°15'00"W 5.00'

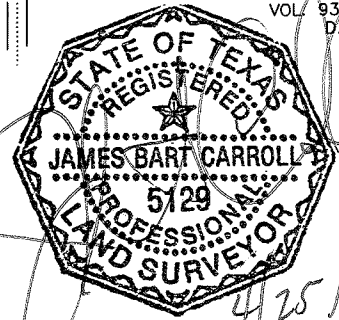
5' U.E. VOL. 3, PG. 171, M.R.D.C.T.

ROSELAWN ADDITION
 LOT 34, BLOCK 2/6451
 VOL. 3, PG. 171
 M.R.D.C.T.

LITTLE FISHERMAN, CO.
 0.37 ACRES
 INST. NO. 201100178555
 O.P.R.D.C.T.

LOT 34

KOREAN SENIOR CITIZEN'S ASSOCIATION OF DALLAS
 VOL. 93200, PG. 684
 D.R.D.C.T.



4/25/19

Bearings based on the west line of deed
 recorded in Instrument No.
 201700080219, Official Public Records,
 Dallas County, Texas. (N00°20'10"W)

SHEET 2 OF 2

(For SPRG use only)
 Reviewed by: JL
 Date: 4-30-19
 SPRG No. 4826



0' 50'
 GRAPHIC SCALE:
 1 INCH = 50 FEET

JAMES BARTON CARROLL, R.P.L.S. 5129

CARROLL CONSULTING GROUP, INC.
 P.O. BOX 11 PHONE: (972) 742-4111
 LAVON, TEXAS 75166 TEXAS FIRM REGISTRATION NO.: 10007200

JOB No.	SCALE:	DATE	DRAWN BY:
2407-17	1"=50'	FEBRUARY 18, 2019	CP



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 JUN 26 2019

ORDINANCE NUMBER 31251

DATE PUBLISHED JUN 29 2019

ATTESTED BY: