

ORDINANCE NO. 31253

An ordinance providing for the abandonment and relinquishment of a portion of a floodway easement, located in City Block 2/2972 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Knott Holdings, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; to the City of Dallas and the relocation of existing facilities; 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 Knott Holdings, 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 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 Sections 8 and 9, 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 as a condition of this abandonment and as part of the consideration **GRANTEE** shall provide proof of receipt of a Letter of Map Revision (LOMR) from Federal Emergency Management Agency (FEMA) which removes abandonment area from floodplain zone. The abandonment area must be modeled, and the hydraulic model must meet the city's criteria; the area must be filled two feet above the base flood elevation; and a LOMR must be obtained from FEMA.

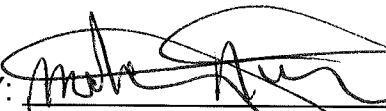
SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt 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 11. That this ordinance is also designated for City purposes as Contract No. DEV-2019-00009087.

SECTION 12. 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

FLOODWAY EASEMENT ABANDONMENT

190997
Exhibit A

31253

LOT 7A, BLOCK 2/2972 OF CALLEJO ADDITION - BOB-O-LINKS DOWNS
AG HYDE SURVEY, ABSTRACT NO. 552
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being 5,631 square feet or 0.129 of an acre of land located in the AG HYDE SURVEY, Abstract No. 552, City of Dallas, Dallas County, Texas, and being a portion of Lot 7A, Block 2/2972 of Callejo Addition - Bob O- Links Downs, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 94196, Page 1410, Deed Records, Dallas County, Texas and being a portion of the land described in Warranty Deed with Vendor's Lien to Knott Holdings, LLC - 3810 Frontier Series, recorded in Instrument No. 201700300333, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found in the Northeast line of Frontier Lane, a 50' wide public right-of-way, as dedicated by plat of and being the South corner of Lot 6, Block 2/2972 of Bob-O-Links Downs, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 15, Page 185, Map Records, Dallas County, Texas, at the West corner of said Lot 7A, from which a 1/2" iron rod found bears North 44°49'37" West, a distance of 129.95' at the South common corner of Lots 4 and 5 of said Block 2/2972 and from which a 1/2" iron rod found in the Northwest line of Bob-O-Links Drive, a 60' wide public right-of-way dedicated by said Bob-O-Links addition bears South 44°46'52" East, a distance of 152.13' and South 64°47'50" West, a distance of 276.13' at the South common corner of Lots 19 and 20, Block 1/2972;

Thence North 44°44'42" East, along the common line of said Lots 6 and 7A, a distance of 122.66' to a 1/2" iron rod with a 3-1/4" aluminum disk stamped "FLOODWAY" found for corner and being the PLACE OF BEGINNING of the herein described tract of land;

Thence North 44°44'42" East, a distance of 35.49' to a point for corner in Williamson Branch, at the East corner of said Lot 6 and the North corner of said Lot 7A;

Thence South 45°45'58" East, along the Northeast line of said Lot 7A, a distance of 167.39' to a 1/2" iron rod with a 3-1/4" aluminum disk stamped "FLOODWAY" found for corner;

Thence passing through said Lot 7A, the following four courses:

1. South 87°19'13" West, a distance of 23.60' to a point for corner;
2. North 66°08'50" West, a distance of 41.48' to a 1/2" iron rod with a 3-1/4" aluminum disk stamped "FLOODWAY" found for corner;
3. North 56°45'32" West, a distance of 85.73' to a 1/2" iron rod with a 3-1/4" aluminum disk stamped "FLOODWAY" found for corner;
4. North 22°02'28" West, a distance of 31.18' to the PLACE OF BEGINNING and containing 5,631 square feet or 0.129 of an acre of land.

ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983. (2011)


CITY PLAN FILE NO. S178-083

(FOR SPRG USE ONLY)

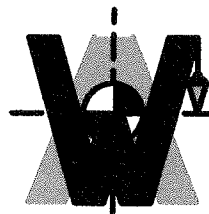
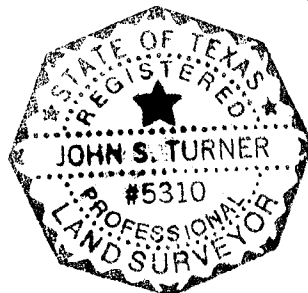
REVIEWED BY: G.S.

DATE: 2-13-19

SPRG NO.: 4732


John S. Turner, R.P.L.S. #5310

2-7-19
Date



A&W SURVEYORS, INC.

Professional Land Surveyors

TEXAS REGISTRATION NO. 100174-00

P.O. BOX 870029, MESQUITE, TX. 75187

PHONE: (972) 681-4975 FAX: (972) 681-4954

WWW.AWSURVEY.COM

Job Number: 18-2392

Date: 11-14-2018

Drafter: 543

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FLOODWAY EASEMENT ABANDONMENT

190997
Exhibit A

SHEET 2 OF 2

31253

LOT 7A, BLOCK 2/2972 OF CALLEJO ADDITION - BOB-O-LINKS DOWNS
AG HYDE SURVEY, ABSTRACT NO. 552
CITY OF DALLAS, DALLAS COUNTY, TEXAS

CITY PLAN FILE NO. S178-083

APPROXIMATE LOCATION
AG HYDE SURVEY
ABSTRACT NO. 552

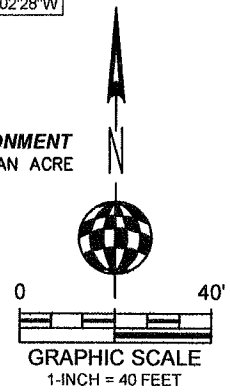
APPROXIMATE LOCATION
AA NELSON SURVEY
ABSTRACT NO. 1073

LINE TABLE						
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING	
L1	122.66'	N44°44'42"E	L5	41.48'	N66°08'50"W	
L2	35.49'	N44°44'42"E	L6	85.73'	N56°45'32"W	
L3	167.39'	S45°45'58"E	L7	31.18'	N22°02'28"W	
L4	23.60'	S87°19'13"W				

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REVIEWED BY: CS
DATE: 2-13-19
SPRG NO.: 4732

FLOODWAY EASEMENT
VOLUME 94196, PAGE 1410
D.R.D.C.T.

FLOODWAY EASEMENT ABANDONMENT
5,631 SQUARE FEET OR 0.129 OF AN ACRE



LOT 5

LOT 6

BLOCK 2/2972
BOB-O-LINKS DOWNS
VOLUME 15, PAGE 185
M.R.D.C.T.

JOHN CARLTON PETTEWAY, III
AND KIMBERLY PATRICE KINSEL
VOLUME 2001047, PAGE 3841
D.R.D.C.T.

1/2" IRF w/ 3-1/4"
ALUMINUM DISK
STAMPED "FLOODWAY"

PLACE OF
BEGINNING

1/2" IRF w/ 3-1/4"
ALUMINUM DISK
STAMPED "FLOODWAY"

KNOTT HOLDINGS, LLC-
3810 FRONTIER SERIES
INSTRUMENT NO.
201700300333
O.P.R.D.C.T.

LOT 7A
BLOCK 2/2972
CALLEJO ADDITION
BOB-O-LINKS DOWNS
VOLUME 94196, PAGE 1410
D.R.D.C.T.

ALL BEARINGS ARE BASED ON TEXAS
STATE PLANE COORDINATE SYSTEM,
NORTH CENTRAL ZONE 4202, NORTH
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1/2" IRF

PLACE OF
COMMENCING

FRONTIER LANE
(FORMERLY ANITA STREET)
60' WIDE PUBLIC RIGHT-OF-WAY
VOLUME 15, PAGE 185 - M.R.D.C.T.

BLOCK 1/2972
NORTH RIDGE ESTATES NO.6
VOLUME 15, PAGE 185
M.R.D.C.T.

LOT 18

30' BUILDING LINE
VOLUME 15, PAGE 185
M.R.D.C.T.

LEGEND

●	1/2" IRF	1/2" IRON ROD FOUND
⊠	CORNER	NO MONUMENT SET OR FOUND
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS	
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS	
SQ. FT.	SQUARE FEET	

LOT 10

BLOCK 1/2984
H.D. LEWIS SUBDIVISION
VOLUME 18, PAGE 83
M.R.D.C.T.

BOB-O-LINK DRIVE
60' WIDE PUBLIC RIGHT-OF-WAY
VOLUME 15, PAGE 185 - M.R.D.C.T.

FRONTIER
LANE
60' WIDE PUBLIC RIGHT-OF-WAY
VOLUME 30, PAGE 238
M.R.D.C.T.

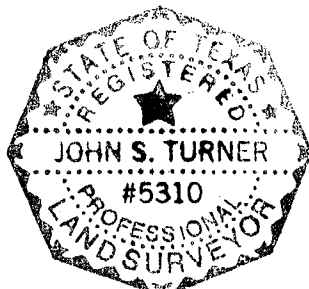
BLOCK 2/2884
NORTH RIDGE ESTATES NO.6
VOLUME 34, PAGE 103
M.R.D.C.T.

LOT 1

John S. Turner
John S. Turner, R.P.L.S. #5310

2-7-19

Date



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Job Number: 18-2392

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FLOODWAY EASEMENT ABANDONMENT

LOT 7A, BLOCK 2/2972 OF CALLEJO ADDITION - BOB-O-LINKS DOWNS
AG HYDE SURVEY, ABSTRACT NO. 552
CITY OF DALLAS, DALLAS COUNTY, TEXAS

190997
EXHIBIT A

31253

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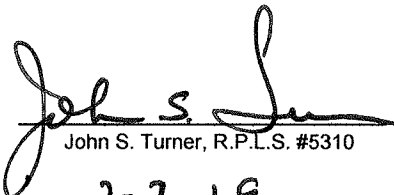
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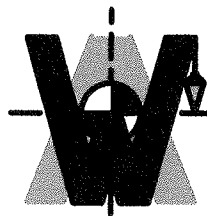
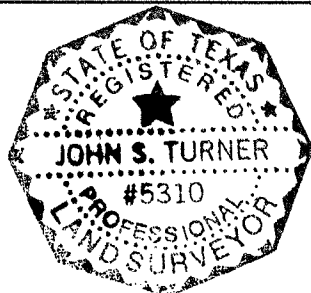
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John S. Turner, R.P.L.S. #5310
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Date



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EXHIBIT A

FLOODWAY EASEMENT ABANDONMENT

SHEET 2 OF 2

LOT 7A, BLOCK 2/2972 OF CALLEJO ADDITION - BOB-O-LINKS DOWNS
AG HYDE SURVEY, ABSTRACT NO. 552
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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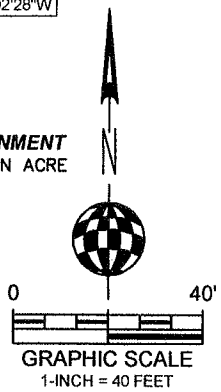
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APPROXIMATE LOCATION
AA NELSON SURVEY
ABSTRACT NO. 1073

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INSTRUMENT NO.
201700300333
O.P.R.D.C.T.

PLACE OF COMMENCING

N44°49'37"W
129.95' TO 1/2" IRF
CONTROLLING MONUMENT

FRONTIER LANE
(FORMERLY ANITA STREET)
50' WIDE PUBLIC RIGHT-OF-WAY
VOLUME 15, PAGE 185 - M.R.D.C.T.

BLOCK 1/2972
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VOLUME 15, PAGE 185
M.R.D.C.T.

LOT 18
30' BUILDING LINE
VOLUME 15, PAGE 185
M.R.D.C.T.

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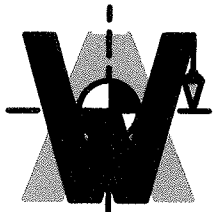
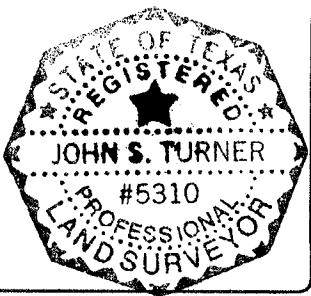
LOT 1
30' BUILDING LINE
VOLUME 34, PAGE 103
M.R.D.C.T.

LEGEND	
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⊠	1/2" IRON ROD FOUND
⊞	CORNER
⊞	NO MONUMENT SET OR FOUND
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
SQ. FT.	SQUARE FEET

LOT 10

BLOCK 1/2984
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VOLUME 18, PAGE 83
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Job Number: 18-2392 Date: 11-14-2018 Drafter: 543

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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

31253

ORDINANCE NUMBER _____

DATE PUBLISHED JUN 29 2019

ATTESTED BY: