

ORDINANCE NO. 31254

An ordinance providing for the abandonment and relinquishment of portions of a sanitary sewer easement, located in City Block 3108 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Angel 11:11, 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 abandonments 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 Angel 11:11, LLC, an Arizona 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 tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said 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 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 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**, 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 areas 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 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**, 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 areas 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 relinquishment and as a part of the consideration for the quitclaim made herein, **GRANTEE** must execute a P-Contract and complete plans associated with Project Number PID 8480 as approved by City Sustainable Development and Construction Department-Water and Wastewater Division.

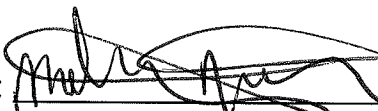
SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt 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-2019-00010100.

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

EASEMENT ABANDONMENT
12 FOOT SANITARY SEWER CITY OF DALLAS EASEMENT 190998
BEING IN 0.148 ACRE TRACT 1
SITUATED IN DALLAS CITY BLOCK 3108
AARON OVERTON SURVEY, ABSTRACT NO. 1101
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 515 square foot (0.0118 acre) 12 foot wide sanitary sewer easement situated in the Aaron Overton Survey, Abstract No. 1101, being a tract situated in Dallas City Block 3108 of the City of Dallas, Dallas County, Texas, and being a portion of called 0.148 acre Tract 1 conveyed to ANGEL 11:11, LLC, by Warranty Deed with Vendor's Lien recorded in Instrument No. 201500035040, Official Public Records, Dallas County, Texas, being created by Volume 3636, Page 294, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a PK Nail found at the intersection of the North right-of-way line of Davis Street (formerly State Highway No. 180)(60 foot public right-of-way), City of Dallas, Volume 911, Page 238, Deed Records, Dallas County, Texas, and the West right-of-way line of Vernon Avenue (60 foot public right-of-way), Volume 389, Page 564, Deed Records, Dallas County, Texas, and being the Southeast corner of the herein described tract;

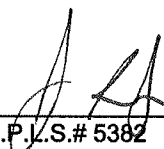
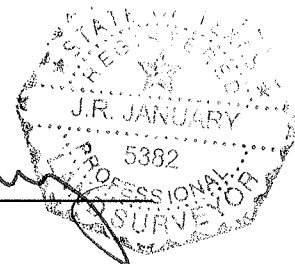
Thence South 89 degrees 18 minutes 00 seconds West, along the North right-of-way line of said Davis Street, a distance of 137.94 feet to a point at the Southeast corner of the herein described easement abandonment and being the POINT OF BEGINNING;


Thence South 89 degrees 18 minutes 00 seconds West, along the North right-of-way line of said Davis Street, a distance of 12.00 feet to a point for corner at the Southwest corner of said Tract 1 and the Southeast corner of Tract 3 recorded in said Instrument No. 201500035040, Official Public Records, Dallas County, Texas, and being the Northwest corner of City of Dallas, Volume 911, Page 238, Deed Records, Dallas County, Texas, and the Northeast corner of street easement recorded in Volume 913, Page 24, Deed Records, Dallas County, Texas;

Thence North 00 degrees 37 minutes 29 seconds West, along the West line of said Tract 1 and the East line of said Tract 3, a distance of 42.96 feet to a point at the Northwest corner of said Tract 1 and being the Southwest corner of Tract 2 recorded in Instrument No. 201500035040, Official Public Records, Dallas County, Texas;

Thence North 89 degrees 21 minutes 01 seconds East, along the North line of said Tract 1 and the South line of said Tract 2, a distance of 12.00 feet to a point for corner;

Thence South 00 degrees 37 minutes 29 seconds East, over and across said Tract 1, a distance of 42.95 feet to the POINT OF BEGINNING and containing 515 square feet or 0.0118 acre of land.


J.R. January, R.P.L.S.# 5382


(For SPRG use only)
Reviewed by: 
Date: 08.12.2016
SPRG No. 3662



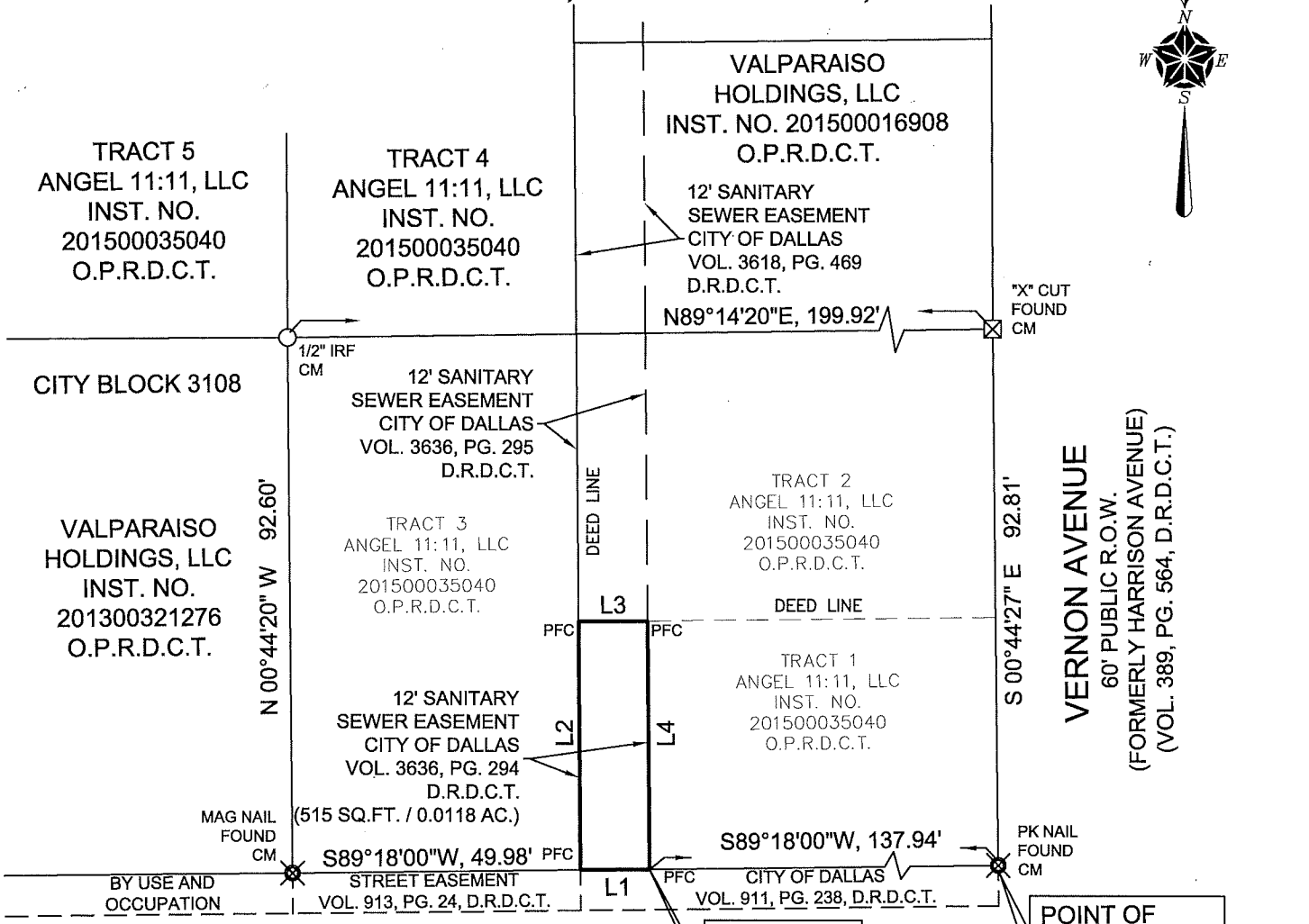
TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm #10169300

Bearings are based on Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

Job# 1504520-5
Drawn: CN
Date: 08/01/2016
Page 1 of 2

31254

EASEMENT ABANDONMENT Exhibit A - Tract 1
12 FOOT SANITARY SEWER CITY OF DALLAS EASEMENT 190998
BEING IN 0.148 ACRE TRACT 1
SITUATED IN DALLAS CITY BLOCK 3108
AARON OVERTON SURVEY, ABSTRACT NO. 1101
CITY OF DALLAS, DALLAS COUNTY, TEXAS



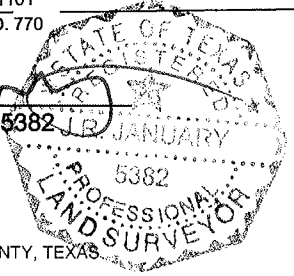
LINE #	LENGTH	DIRECTION
L1	12.00'	S89°18'00"W
L2	42.96'	N0°37'29"W
L3	12.00'	N89°21'01"E
L4	42.95'	S0°37'29"E

APPROXIMATE SURVEY LINE LOCATION



AARON OVERTON SURVEY, ABSTRACT NO. 1101
 GEORGE L. LEONARD SURVEY, ABSTRACT NO. 770

J.R. January, R.P.L.S.# 5382



- LEGEND:**
- CM CONTROLLING MONUMENT
 - IRF IRON ROD FOUND
 - SQ.FT SQUARE FEET
 - R.O.W. RIGHT-OF-WAY
 - D.R.D.C.T DEED RECORDS, DALLAS COUNTY, TEXAS
 - PFC POINT FOR CORNER
 - VOL., PG. VOLUME, PAGE
 - INST. NO. INSTRUMENT NUMBER
 - O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

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 Date: 08.12.2016
 SPRG No. 3662



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 Firm #10169300

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Job# 1504520-5
 Scale: 1" = 30'
 Drawn: CN
 Date: 08/01/2016
 Page 2 of 2

31254

Exhibit A - Tract 2

EASEMENT ABANDONMENT
12 FOOT SANITARY SEWER CITY OF DALLAS EASEMENT
BEING IN TRACT 2
SITUATED IN DALLAS CITY BLOCK 3108
AARON OVERTON SURVEY, ABSTRACT NO. 1101
CITY OF DALLAS, DALLAS COUNTY, TEXAS

190998

Being a 596 square foot (0.0137 acre) 12 foot wide sanitary sewer easement situated in the Aaron Overton Survey, Abstract No. 1101, being a tract situated in Dallas City Block 3108 of the City of Dallas, Dallas County, Texas, and being a portion of called Tract 2 conveyed to ANGEL 11:11, LLC, by Warranty Deed with Vendor's Lien recorded in Instrument No. 201500035040, Official Public Records, Dallas County, Texas, being created by Volume 3636, Page 295, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a PK Nail found at the intersection of the North right-of-way line of Davis Street (formerly State Highway No. 180)(60 foot public right-of-way), City of Dallas, Volume 911, Page 238, Deed Records, Dallas County, Texas, and the West right-of-way line of Vernon Avenue (60 foot public right-of-way), Volume 389, Page 564, Deed Records, Dallas County, Texas, and being the Southeast corner of Tract 1, recorded in said Instrument No. 201500035040, Official Public Records, Dallas County, Texas;

Thence South 89 degrees 18 minutes 00 seconds West, along the North right-of-way line of said Davis Street, a distance of 149.94 feet to a point at the Southwest corner of Tract 1 recorded in said Instrument No. 201500035040, and the Southeast corner of Tract 3 recorded in said Instrument No. 201500035040, Official Public Records, Dallas County, Texas, and being the Northwest corner of City of Dallas, Volume 911, Page 238, Deed Records, Dallas County, Texas, and the Northeast corner of street easement recorded in Volume 913, Page 24, Deed Records, Dallas County, Texas;

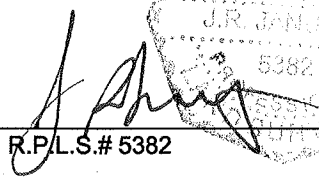
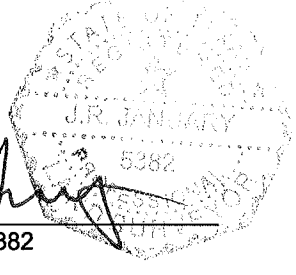
Thence North 00 degrees 37 minutes 29 seconds West, along the West line of said Tract 1 and the East line of said Tract 3, a distance of 42.96 feet to a point at the Northwest corner of said Tract 1 and being the Southwest corner of said Tract 2 recorded in Instrument No. 201500035040, Official Public Records, Dallas County, Texas, and being the POINT OF BEGINNING;

Thence North 00 degrees 37 minutes 29 seconds West, along the West line of said Tract 2 and the East line of said Tract 3, a distance of 49.69 feet to a point for corner at the Northwest corner of said Tract 2 and the Northeast corner of said Tract 3 and the Southeast corner of Tract 4 recorded in said Instrument No. 201500035040, Official Public Records, Dallas County, Texas, and being the Southwest corner of a tract of land conveyed to Valparaiso Holdings, LLC, by Deed recorded in Instrument No. 201500016908, Official Public Records, Dallas County, Texas;

Thence North 89 degrees 14 minutes 20 seconds East, along the North line of said Tract 2 and South line of said Valparaiso Holdings tract, a distance of 12.00 feet to a point for corner lying in said North line of said Tract 2 and South line of said Valparaiso Holdings tract;

Thence South 00 degrees 37 minutes 29 seconds East, over and across said Tract 2, a distance of 49.72 to a point for corner lying in the South line of said Tract 2 and the North line of said Tract 1;

Thence South 89 degrees 21 minutes 01 seconds West, along the South line of said Tract 2 and the North line of said Tract 1, a distance of 12.00 feet to the POINT OF BEGINNING and containing 596 square feet or 0.0137 acre of land.


J.R. January, R.P.L.S.# 5382


(For SPRG use only)
Reviewed by: JR
Date: 08.12.2016
SPRG No. 3804



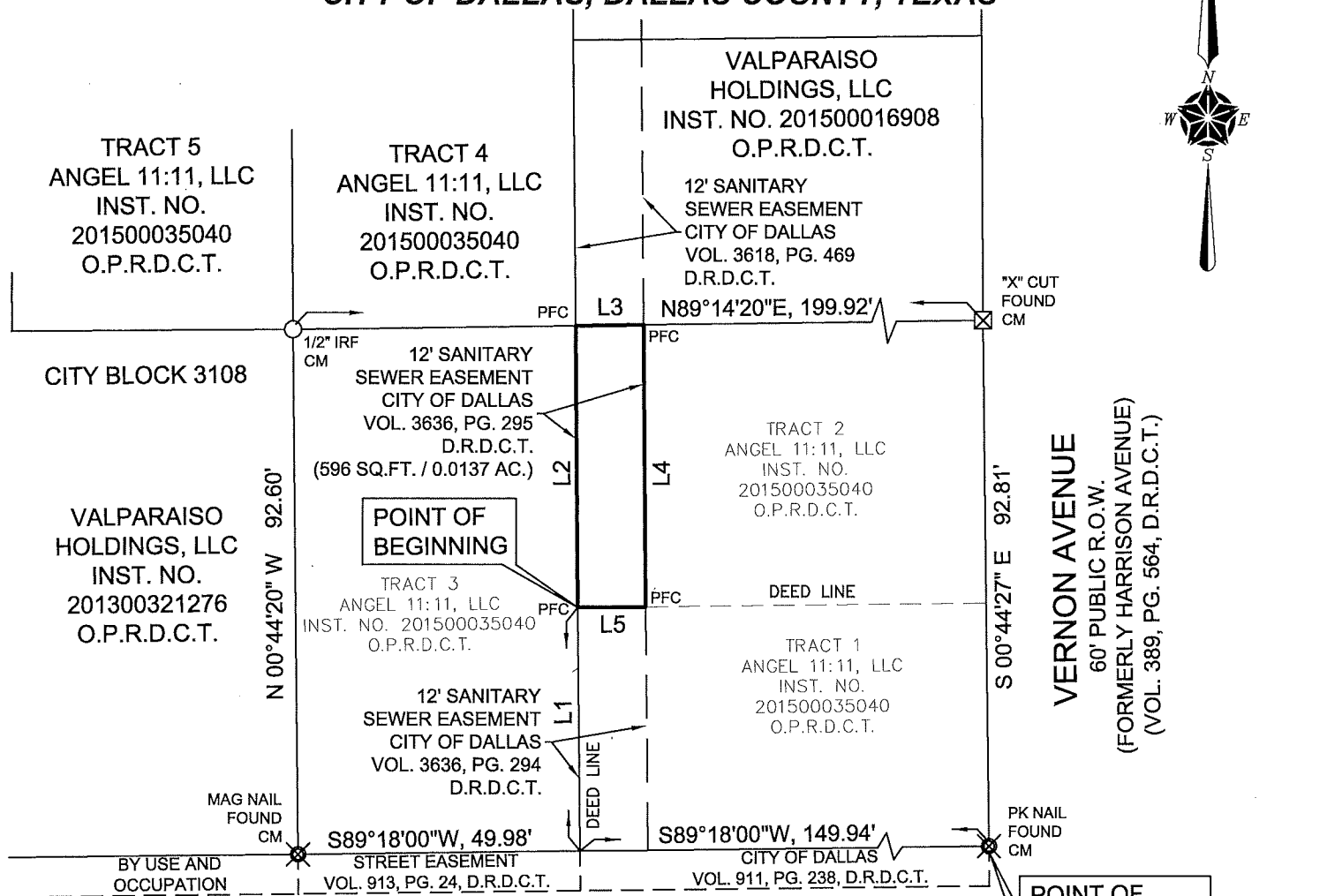
TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm #10169300

Bearings are based on Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

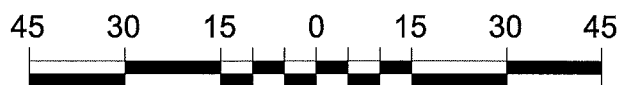
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Drawn: CN
Date: 03/03/2016
Page 1 of 2

31254

EASEMENT ABANDONMENT Exhibit A - Tract 2
12 FOOT SANITARY SEWER CITY OF DALLAS EASEMENT 190998
BEING IN TRACT 2
SITUATED IN DALLAS CITY BLOCK 3108
AARON OVERTON SURVEY, ABSTRACT NO. 1101
CITY OF DALLAS, DALLAS COUNTY, TEXAS



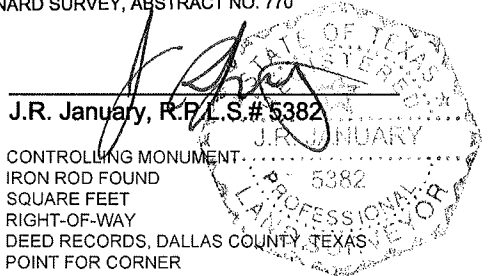
PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	42.96'	N0°37'29\"W
L2	49.69'	N0°37'29\"W
L3	12.00'	N89°14'20\"E
L4	49.72'	S0°37'29\"E
L5	12.00'	S89°21'01\"W



SCALE 1"=30'

AARON OVERTON SURVEY, ABSTRACT NO. 1101
 GEORGE L. LEONARD SURVEY, ABSTRACT NO. 770

APPROXIMATE SURVEY LINE LOCATION



- LEGEND:**
- CM CONTROLLING MONUMENT
 - IRF IRON ROD FOUND
 - SQ.FT SQUARE FEET
 - R.O.W. RIGHT-OF-WAY
 - D.R.D.C.T DEED RECORDS, DALLAS COUNTY, TEXAS
 - PFC POINT FOR CORNER
 - VOL., PG. VOLUME, PAGE
 - INST. NO. INSTRUMENT NUMBER
 - O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

(For SPRG use only)
 Reviewed by: [Signature]
 Date: 08.12.2016
 SPRG No. 3804



TEXAS HERITAGE SURVEYING, INC.
 10610 Metric Drive, Suite 124, Dallas, TX 75243
 Office 214-340-9700 Fax 214-340-9710
 txheritage.com
 Firm #10169300

Bearings are based on Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

Job# 1504520-5
 Scale: 1" - 30'
 Drawn: CN
 Date: 03/03/2016
 Page 2 of 2

31254

Exhibit A – Tract 3

190998

Sanitary Sewer Easement Abandonment
Being in 0.172 Acres
Block 3108
Aaron Overton Survey, Abstract No. 1101
City of Dallas, Dallas County, Texas

BEING a 600 square feet or 0.013 acre tract of land situated in the Sanitary Sewer Easement to the City of Dallas recorded in Volume 3618, Page 469 of the Deed Records of Dallas County Texas (D.R.D.C.T.), being a part of Tract 9 of Angel 11:11, LLC, a 0.172 acre tract recorded in, General Warranty Deed, Instrument Number 201700153589 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T) and being part of City Block 3108 in the Aaron Overton Survey, Abstract Number 1101, City of Dallas, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the North line of Davis Street (60' Right-Of-Way recorded in Volume 389, Page 564 of the D.R.D.C.T) and the West line of Vernon Avenue (60' Right-Of-Way recorded in Volume 389, Page 564 of the D.R.D.C.T), same being the Southeast corner of a tract of land of Angel 11:11, LLC, recorded in Instrument Number 201500035040 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and same point being South 89 deg. 38 min. 41 sec. East a distance of 10 feet from a found "x" cut used as a control monument;

Thence North 00 deg. 38 min. 53 sec. West a distance of 143 feet along the West line of Vernon Avenue (60' Right-Of-Way) to the Northeast corner of said Tract 9;

Thence South 89 deg. 21 min. 07 sec. West a distance of 138 feet along the North line of said Tract 9, to a 1/2" Iron Rod with a yellow cap stamped "SGI RPLS 6715", set for the **POINT OF BEGINNING**;

THENCE South 00 deg. 38 min. 53 sec. East a distance of 50.00 feet to a 1/2" Iron Rod with a yellow cap stamped "SGI RPLS 6715", set for a corner, and being the North line of Tract 10 of Angel 11:11, LLC, recorded in Instrument Number 201500035040 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T);

THENCE South 89 deg. 21 min. 07 sec. West a distance of 12.00 feet to a 1/2" Iron Rod with a yellow cap stamped "SGI RPLS 6715", set for a corner, same being the Southwest corner of said Tract 9;

THENCE North 00 deg. 38 min. 53 sec. West a distance of 50.00 feet along the East line of Tract 7 of Angel 11:11, LLC, recorded in Instrument Number 201500035040 (O.P.R.D.C.T.) to a 1/2" Iron Rod with a yellow cap stamped "SGI RPLS 6715", set for a corner, same being the Northwest corner of said Tract 9;

THENCE North 89 deg. 21 min. 07 sec. East a distance of 12.00 feet along the North line of said Tract 9 to **POINT OF BEGINNING**, containing 600.00 square feet of land or 0.013 acres of land, more or less.

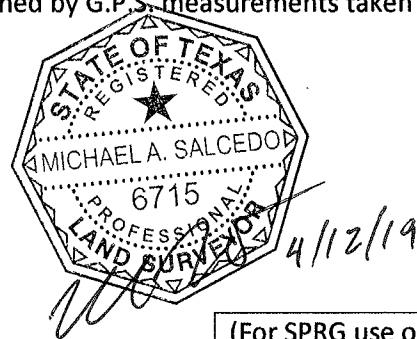
BASIS OF BEARING: The basis of bearing is the State Plane coordinate system, Texas North Central - Zone 4202, North American Datum of 1983 (2011). Geodetic Bearing established by G.P.S. measurements taken on October 26, 2017.

Signed this 12th

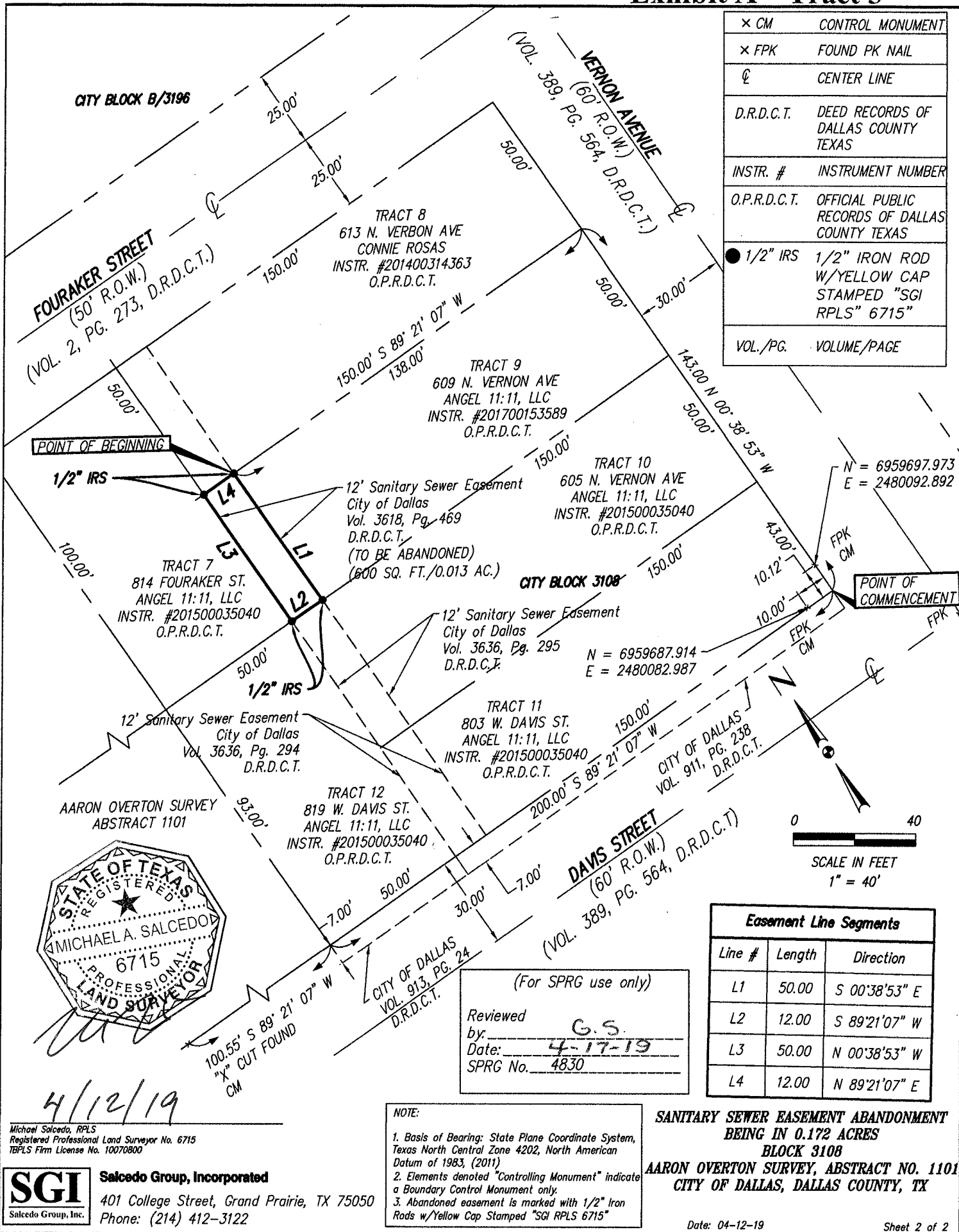
Day of April 2019 by:

[Signature]

Michael Salcedo, RPLS No. 6715



(For SPRG use only)
Reviewed by: G.S.
Date: 4-17-19
SPR No. 4830



× CM	CONTROL MONUMENT
× FPK	FOUND PK NAIL
⊕	CENTER LINE
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY TEXAS
INSTR. #	INSTRUMENT NUMBER
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY TEXAS
● 1/2" IRS	1/2" IRON ROD W/YELLOW CAP STAMPED "SGI RPLS" 6715"
VOL./PG.	VOLUME/PAGE

Line #	Length	Direction
L1	50.00	S 00°38'53" E
L2	12.00	S 89°21'07" W
L3	50.00	N 00°38'53" W
L4	12.00	N 89°21'07" E

(For SPRG use only)

Reviewed by: G.S.
 Date: 4-17-19
 SPRG No. 4830

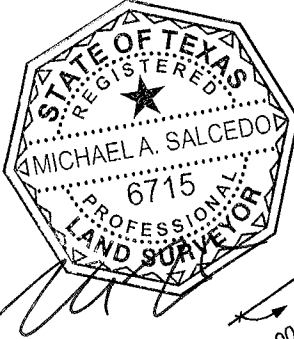
NOTE:

1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, (2011)
2. Elements denoted "Controlling Monument" indicate a Boundary Control Monument only.
3. Abandoned easement is marked with 1/2" Iron Rods w/Yellow Cap Stamped "SGI RPLS 6715"

**SANITARY SEWER EASEMENT ABANDONMENT
 BEING IN 0.172 ACRES
 BLOCK 3108
 AARON OVERTON SURVEY, ABSTRACT NO. 1101
 CITY OF DALLAS, DALLAS COUNTY, TX**

Michael Salcedo, RPLS
 Registered Professional Land Surveyor No. 6715
 TBPLS Firm License No. 10070800

SGI Salcedo Group, Incorporated
 401 College Street, Grand Prairie, TX 75050
 Phone: (214) 412-3122



4/12/19



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 31254

DATE PUBLISHED JUN 29 2019

ATTESTED BY: