

ORDINANCE NO. 31287

An ordinance providing for the abandonment of portions of Winnetka Avenue (formerly Earle Street) located adjacent to City Blocks 18/3979 and 19/3980 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Paul V. Toler and Donna Toler and Worth Trinity, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; 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; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Paul V. Toler and Donna Toler, a married couple, and Worth Trinity, LLC, a Texas limited liability company, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portions of Winnetka Avenue are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms, conditions and reverter hereinafter more fully set forth.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the reverter and the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **ONE HUNDRED THIRTY-FIVE THOUSAND EIGHT HUNDRED THIRTY-ONE AND NO/100 DOLLARS (\$135,831.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, 11, 12 and 14, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, the reverter, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A as follows: unto Paul V. Toler and Donna Toler, all of its right, title and interest in Tract 1 of Exhibit A; unto Worth Trinity, LLC, all of its right, title and interest in Tract 2 of Exhibit A. Provided however, that if **GRANTEE**, their heirs, successors and assigns, fails to file a final replat of the adjoining properties as required in Section 9 of this ordinance, but no later than the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

“(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator’s action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005”;

or (ii) the date that is the sixth anniversary of the passage of this ordinance; THEN this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **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**.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, future effective date 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 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, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, their heirs, successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

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, 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 heirs, 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

SECTION 8. (continued)

described in Exhibit A, which **GRANTEE**, their heirs, 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 heirs, 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 a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of the adjoining properties within one (1) year of the effective date of this ordinance showing the dedication by easement of not less than 4,194 square feet of needed sidewalk right-of-way along Fort Worth Avenue adjacent to City Blocks 18/3979 and 19/3980. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in

SECTION 9. (continued)

accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall complete construction of sidewalk improvements of the dedication area conveyed in Section 9 of this ordinance and described in City Plan File No. S189-053. Sidewalk build-out shall comply with the City of Dallas sidewalk construction standards and be approved by Director of Sustainable Development and Construction.

SECTION 11. That as a condition of this abandonment and as part of the consideration for the quitclaim made herein, **GRANTEE** shall collectively complete a final replat of the following: 1) Lot 3 Block 18/3979 as depicted in Exhibit A-Tract 1 and 2) Lot 1 Block 19/3980 as depicted in Exhibit A-Tract 2. The collective final replat shall be done so as not to cause a loss of access or landlock to properties located in City Blocks 18/3979 and 19/3980. Failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect.

SECTION 12. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey a wastewater easement to the City of Dallas, within 90 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Block 19/3980 containing approximately ~~5,805~~ 9,442 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 13. That at such time as the instrument described in Section 12 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the

SECTION 13. (continued)

official real property records of the county in which the subject property is located; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 14. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the areas described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, their heirs, successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 15. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, 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, and the filing of the final replat set forth in Sections 9 and 11 and completion of the dedication set forth in Section 12, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, subject to a reverter interest, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. 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 (1) year after its passage.

SECTION 16. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00006207 for Worth Trinity, LLC and DEV-2018-00006208 for Paul V. Toler and Donna Toler.

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SECTION 17. 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: B. N. [Signature]
Assistant City Attorney

BY: [Signature]
Assistant Director
SP12

Passed AUG 28 2019

31287

STREET ABANDONMENT
FLANDERS HEIGHTS ADDITION REVISED

Exhibit A - Tract 191233

A PORTION OF WINNETKA AVENUE (FORMERLY EARLE STREET)
ADJACENT TO CITY OF DALLAS BLOCK 18/3979
WILLIAM COOMBS SURVEY, ABSTRACT NO. 290
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 9,353 square feet tract of land situated in the William Coombs Survey, Abstract No. 290, City of Dallas, Dallas County, Texas, said being a portion of Winnetka Avenue (variable width Right-of-Way, formerly called Earle Street, a 66 foot Right-of-Way), created in Flanders Heights Addition Revised, an Addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 90, Page 20, Deed Records, Dallas County, Texas, adjacent to City Block 18/3979, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for corner, said corner being the South corner of the remainder of Lot 3, Block 19/3980, of said Flanders Heights Addition Revised, and being that tract of land conveyed to Worth Trinity, LLC, a Texas limited liability company, by deed recorded in Instrument No. 201600326553, Official Public Records, Dallas County, Texas, said corner being the intersection of the apparent centerline of said Winnetka Avenue and the Northeast Right-of-Way line of Interstate 30 (variable width right-of-way, created in Vol. 97072, Pg. 3953; Vol. 4405, Pg. 424; Ordinance No. 6895; Vol. 4382, Pg. 539; Vol. 2000027, Pg. 7581; Vol. 4634, Pg. 317; Vol. 4490, Pg. 120; Vol. 69158, Pg. 48);

THENCE South 54 degrees 40 minutes 11 seconds West, along said Northwest Right-of-Way line of said Interstate 30, a distance of 39.35 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being the intersection of the apparent centerline of said Winnetka Avenue, and the Northwest Right-of-Way line of said Interstate 30, said corner being the POINT OF BEGINNING;

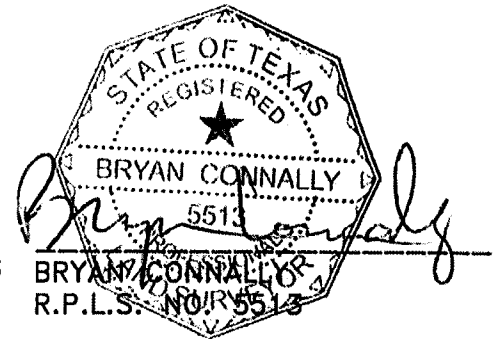
THENCE South 54 degrees 40 minutes 11 seconds West, along said Northwest Right-of-Way line of said Interstate 30, a distance of 39.35 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being the Southeast corner of the remainder of Lot 3, Block 18/3979, of said Flanders Heights Addition Revised, also being that tract of land conveyed to Paul V. Toler and wife, Donna Toler, by deed recorded in Volume 2000218, Page 4214, Deed Records, Dallas County, Texas, and being the Southwest corner of said Winnetka Avenue;

THENCE North 00 degrees 34 minutes 57 seconds West, along the East line of said Toler tract, and the East line of that tract of land also conveyed to Paul V. Toler and wife, Donna Toler, by deed recorded in Volume 2005012, Page 60, Deed Records, Dallas County, Texas, a distance of 291.42 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being in the Southeast Right-of-Way line of Fort Worth Avenue, also known as County Road 119 (100 foot right-of-way, created in Vol. 1789, Pg. 186; Vol. 1794, Pg. 544; Vol. 1779, Pg. 388; Vol. 1790, Pg. 48; Vol. 1799, Pg. 528; Vol. 1790, Pg. 51; Vol. 1795, Pg. 27; Vol. 1777, Pg. 161; Vol. 1789, Pg. 187; Vol. 1777, Pg. 149, formerly Dallas Avenue, created in Vol. 90, Pg. 20), and being in a non-tangent curve to the left, having a radius of 1482.69 feet, a delta of 01 degrees 29 minutes 20 seconds, and a chord bearing and distance of North 55 degrees 26 minutes 18 seconds East, 38.53 feet;

THENCE, along said curve to the left, an arc distance of 38.53 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being the intersection of the apparent centerline of said Winnetka Avenue and the Southeast Right-of-Way line of said Fort Worth Avenue;

THENCE South 00 degrees 39 minutes 32 seconds East, along the apparent centerline of said Winnetka Avenue, a distance of 290.53 feet to the POINT OF BEGINNING, and containing 9,353 square feet or 0.215 of an acre of land.

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 10/20/17
SPRG No.: 4302



GENERAL NOTES:

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



CBG Surveying, Inc.

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Firm No. 10168800

SHEET 1 OF 2
JOB NO. 1614610-3A
DRAWN BY: WTH
DATE: 08/31/17

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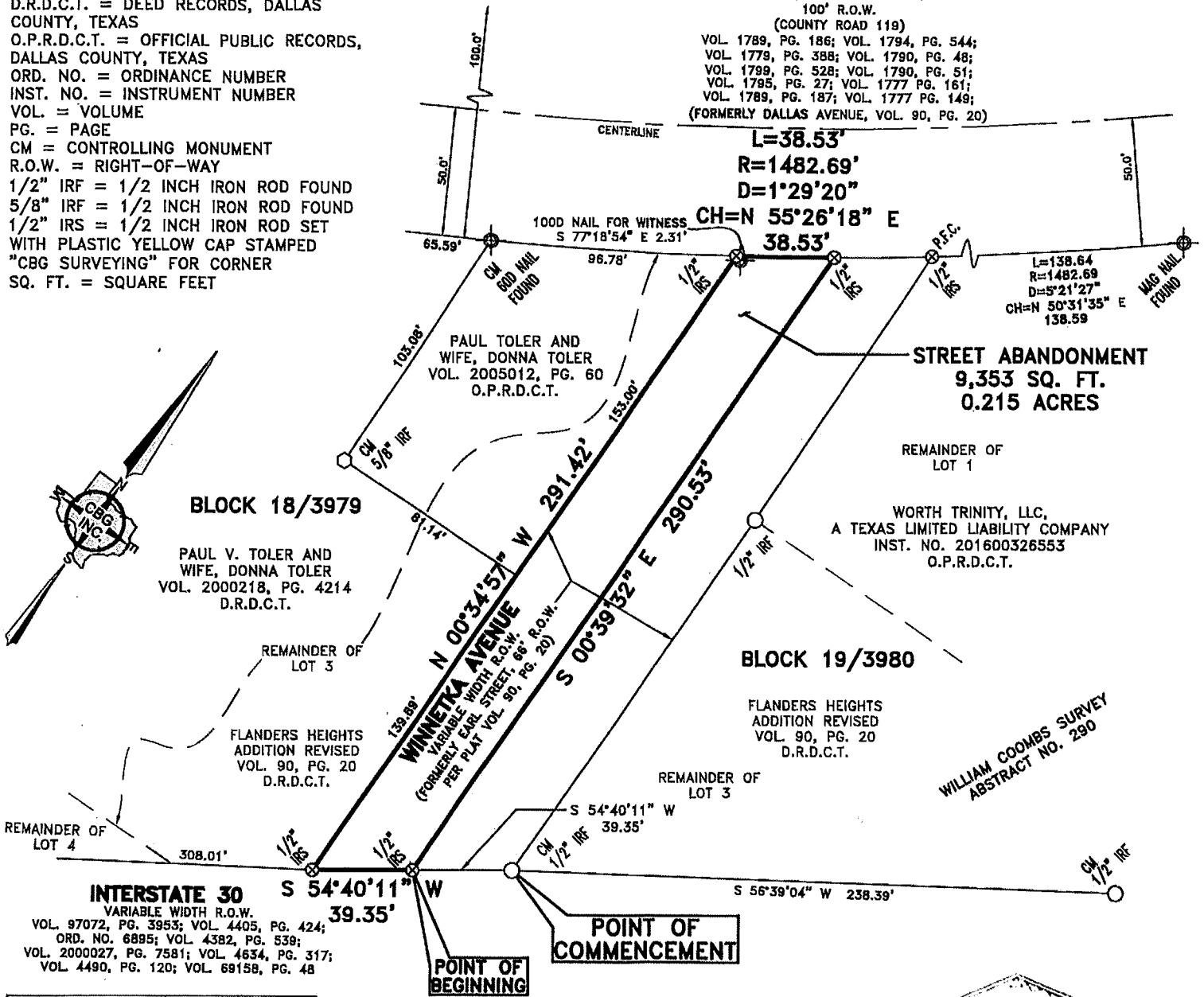
191233

STREET ABANDONMENT
FLANDERS HEIGHTS ADDITION REVISED Exhibit A - Tract 1
A PORTION OF WINNETKA AVENUE (FORMERLY EARLE STREET)
ADJACENT TO CITY OF DALLAS BLOCK 18/3979
WILLIAM COOMBS SURVEY, ABSTRACT NO. 290
CITY OF DALLAS, DALLAS COUNTY, TEXAS

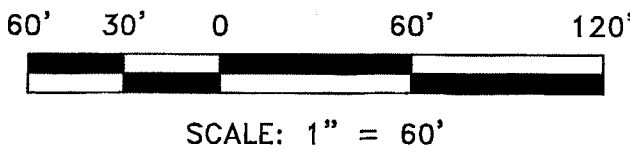
LEGEND:
D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
ORD. NO. = ORDINANCE NUMBER
INST. NO. = INSTRUMENT NUMBER
VOL. = VOLUME
PG. = PAGE
CM = CONTROLLING MONUMENT
R.O.W. = RIGHT-OF-WAY
1/2" IRF = 1/2 INCH IRON ROD FOUND
5/8" IRF = 1/2 INCH IRON ROD FOUND
1/2" IRS = 1/2 INCH IRON ROD SET WITH PLASTIC YELLOW CAP STAMPED "CBG SURVEYING" FOR CORNER
SQ. FT. = SQUARE FEET

FORT WORTH AVENUE

100' R.O.W.
(COUNTY ROAD 119)
VOL. 1789, PG. 186; VOL. 1794, PG. 544;
VOL. 1779, PG. 388; VOL. 1790, PG. 48;
VOL. 1799, PG. 528; VOL. 1790, PG. 51;
VOL. 1795, PG. 27; VOL. 1777 PG. 161;
VOL. 1789, PG. 187; VOL. 1777 PG. 149;
(FORMERLY DALLAS AVENUE, VOL. 90, PG. 20)

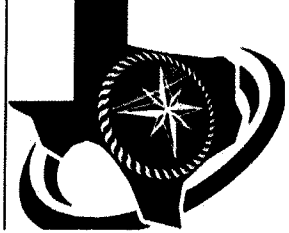
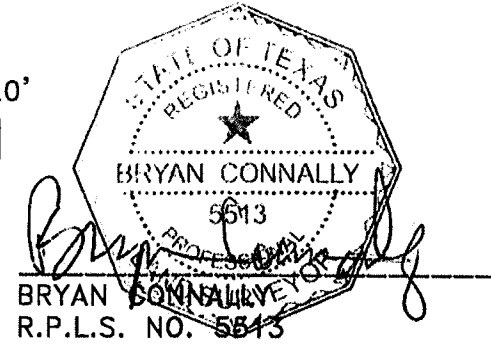


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Reviewed By: A. Rodriguez
Date: 10/20/17
SPRG No.: 4302



GENERAL NOTES:

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



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SHEET 2 OF 2
JOB NO. 1614610-3A
DRAWN BY: WTH
DATE: 08/31/17

31287

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**STREET ABANDONMENT
 FLANDERS HEIGHTS ADDITION REVISED Exhibit A – Tract 2
 A PORTION OF WINNETKA AVENUE (FORMERLY EARLE STREET)
 ADJACENT TO CITY OF DALLAS BLOCK 19/3980
 WILLIAM COOMBS SURVEY, ABSTRACT NO. 290
 CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Being an 9,442 square feet tract of land situated in the William Coombs Survey, Abstract No. 290, City of Dallas, Dallas County, Texas, said being a portion of Winnetka Avenue (variable width Right-of-Way, formerly called Earle Street, a 66 foot Right-of-Way), created in Flanders Heights Addition Revised, an Addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 90, Page 20, Deed Records, Dallas County, Texas, adjacent to City Block 19/3980, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the South corner of the remainder of Lot 3, Block 19/3980, of said Flanders Heights Addition Revised, and being that tract of land conveyed to Worth Trinity, LLC, a Texas limited liability company, by deed recorded in Instrument No. 201600326553, Official Public Records, Dallas County, Texas, said corner being the Intersection of the the Southeast Right-of-Way line of said W. Winnetka Avenue , and the Northwest Right-of-Way line of Interstate 30 (variable width right-of-way, created in Vol. 97072, Pg. 3953; Vol. 4405, Pg. 424; Ordinance No. 6895; Vol. 4382, Pg. 539; Vol. 2000027, Pg. 7581; Vol. 4634, Pg. 317; Vol. 4490, Pg. 120; Vol. 69158, Pg. 48);

THENCE South 54 degrees 40 minutes 11 seconds West, along said Northwest Right-of-Way line of said Interstate 30, a distance of 39.35 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being in the apparent centerline of said Winnetka Avenue;

THENCE North 00 degrees 39 minutes 32 seconds West, along the apparent centerline of said Winnetka Avenue, a distance of 290.53 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being the intersection of the apparent centerline of said Winnetka Avenue and the Southeast Right-of-Way line of Fort Worth Avenue, also known as County Road 119 (100 foot right-of-way, created in Vol. 1789, Pg. 186; Vol. 1794, Pg. 544; Vol. 1779, Pg. 388; Vol. 1790, Pg. 48; Vol. 1799, Pg. 528; Vol. 1790, Pg. 51; Vol. 1795, Pg. 27; Vol. 1777, Pg. 161; Vol. 1789, Pg. 187; Vol. 1777, Pg. 149, formerly Dallas Avenue, created in Vol. 90, Pg. 20), and being in a non-tangent curve to the left, having a radius of 1482.69 feet, a delta of 01 degrees 29 minutes 20 seconds, and a chord bearing and distance of North 53 degrees 56 minutes 58 seconds East, 38.53 feet;

THENCE, along said curve to the left, an arc distance of 38.53 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being the Northwest corner of the remainder of Lot 1, Block 19/3980, of said Flanders Heights Addition Revised, same being said Worth Trinity, LLC tract;

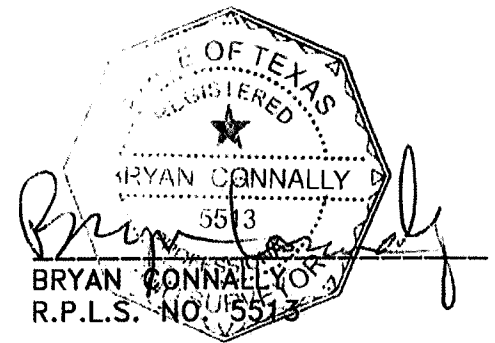
THENCE South 01 degrees 23 minutes 42 seconds East, along the West line of said Worth Trinity, LLC tract, a distance of 124.08 feet to a 1/2 inch iron rod found for corner, said corner being the Southwest corner of said remainder of Lot 1;

THENCE South 00 degrees 26 minutes 22 seconds East, continuing along said West line of Worth Trinity, LLC tract, a distance of 166.39 feet to the POINT OF BEGINNING, and containing 9,442 square feet or 0.217 acres of land.

(For SPRG use only)
 Reviewed By: A. Rodriguez
 Date: 10/20/17
 SPRG No.: 4307

GENERAL NOTES:

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



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SHEET 1 OF 2
 JOB NO. 1614610-3B
 DRAWN BY: WTH
 DATE: 08/31/17

31287

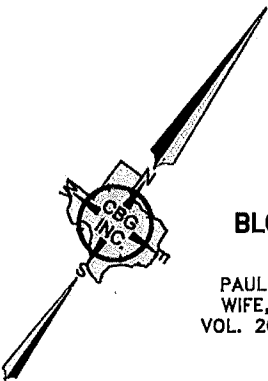
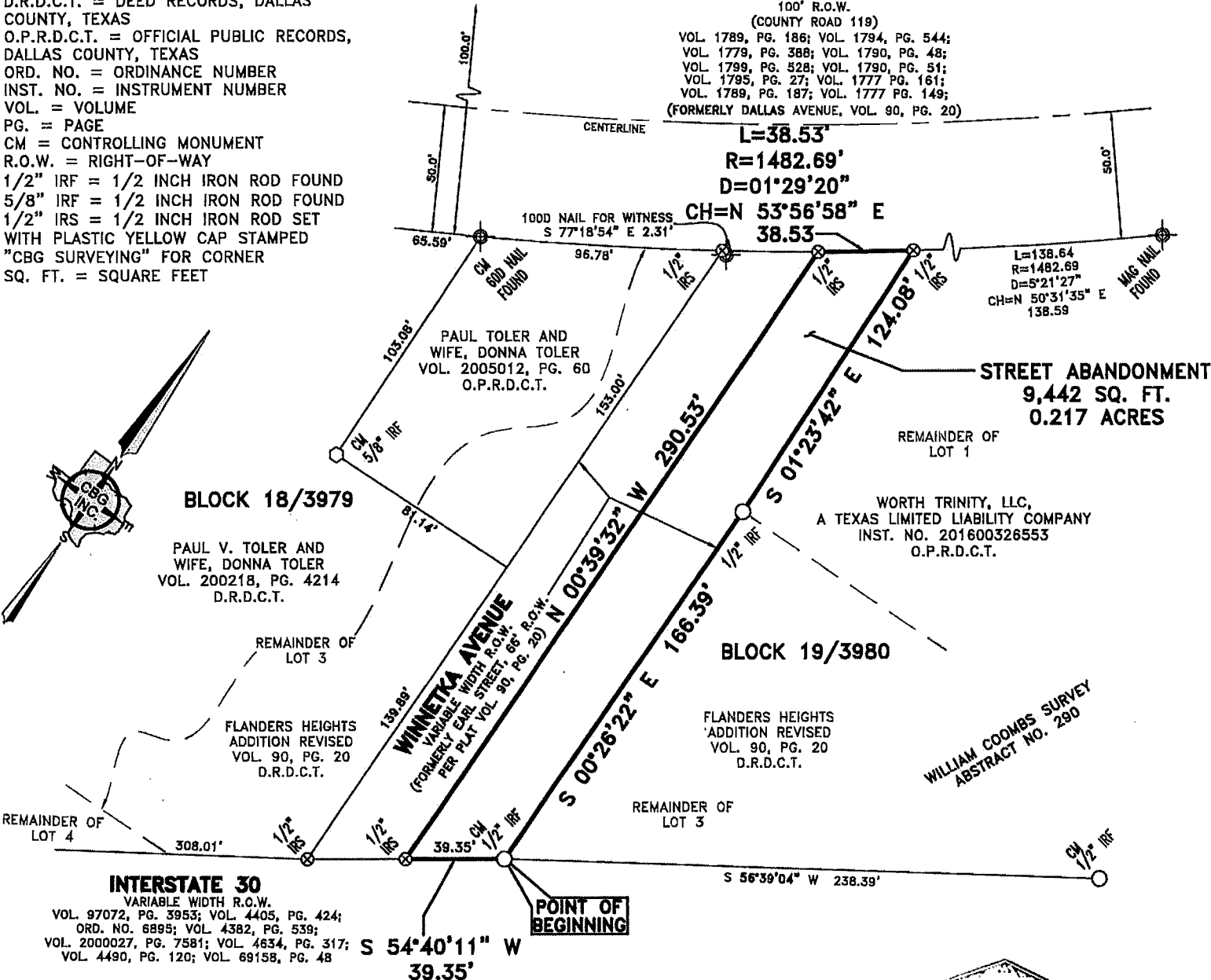
STREET ABANDONMENT
FLANDERS HEIGHTS ADDITION REVISED
A PORTION OF WINNETKA AVENUE (FORMERLY EARLE STREET)
ADJACENT TO CITY OF DALLAS BLOCK 19/3980
WILLIAM COOMBS SURVEY, ABSTRACT NO. 290
CITY OF DALLAS, DALLAS COUNTY, TEXAS

191233
Exhibit A - Tract 2

LEGEND:
D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
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1/2" IRF = 1/2 INCH IRON ROD FOUND
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SQ. FT. = SQUARE FEET

FORT WORTH AVENUE

100' R.O.W.
(COUNTY ROAD 119)
VOL 1789, PG. 186; VOL 1794, PG. 544;
VOL 1779, PG. 388; VOL 1790, PG. 48;
VOL 1799, PG. 528; VOL 1790, PG. 51;
VOL 1795, PG. 27; VOL 1777 PG. 161;
VOL 1789, PG. 187; VOL 1777 PG. 149;
(FORMERLY DALLAS AVENUE, VOL. 90, PG. 20)



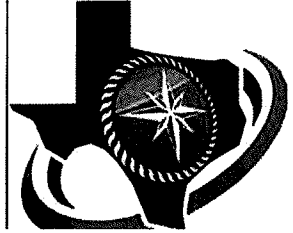
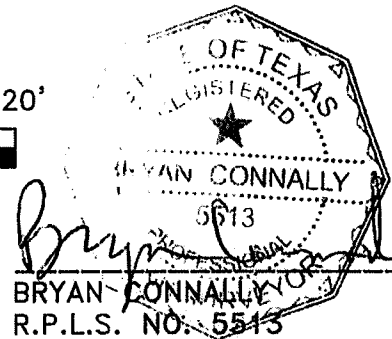
(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 10/20/17
SPRG No.: 4307



SCALE: 1" = 60'

GENERAL NOTES:

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SHEET 2 OF 2
JOB NO. 1614610-3B
DRAWN BY: WTH
DATE: 08/31/17

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

31287

WASTEWATER EASEMENT
FLANDERS HEIGHTS ADDITION REVISED

REVISED Exhibit C

A PORTION OF WINNETKA AVENUE (FORMERLY EARL STREET)

ADJACENT TO CITY OF DALLAS BLOCK 19/3980

WILLIAM COOMBS SURVEY, ABSTRACT NO. 290

CITY OF DALLAS, DALLAS COUNTY, TEXAS

191233

Being a 9,442 square feet, or 0.217 of an acre of land situated in the William Coombs Survey, Abstract No. 290, City of Dallas, Dallas County, Texas, said tract being a portion of Winnetka Avenue (variable width Right-of-Way, formerly called Earl Street, a 66 foot Right-of-Way), created in Flanders Heights Addition Revised, an Addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 90, Page 20, Deed Records, Dallas County, Texas, adjacent to City Block 19/3980, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the South corner of the remainder of Lot 3, Block 19/3980, of said Flanders Heights Addition Revised, and being that tract of land conveyed to Worth Trinity, LLC, a Texas limited liability company, by deed recorded in Instrument No. 201600326553, Official Public Records, Dallas County, Texas, said corner being the intersection of the East Right-of-Way line of said Winnetka Avenue, and the Northwest Right-of-Way line of Interstate 30 (variable width right-of-way, created in Vol. 97072, Pg. 3953; Vol. 4405, Pg. 424; Ordinance No. 6895; Vol. 4382, Pg. 539; Vol. 2000027, Pg. 7581; Vol. 4634, Pg. 317; Vol. 4490, Pg. 120; Vol. 69158, Pg. 48, Deed Records, Dallas County, Texas (D.R.D.C.T.)), from which a 1/2 inch iron rod found for reference with a bearing of South 56 degrees 39 minutes 04 seconds West, at a distance of 238.39 feet;

THENCE South 54 degrees 40 minutes 11 seconds West, departing the East line of said Winnetka Avenue and along the Northwest Right-of-Way line of said Interstate 30, a distance of 39.35 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being in the centerline of said Winnetka Avenue;

THENCE North 00 degrees 39 minutes 32 seconds West, departing the Northwest Right-of-Way line of said Interstate 30, and along the centerline of said Winnetka Avenue, a distance of 290.53 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being in the Southeast Right-of-Way line of Fort Worth Avenue, also known as County Road 119 (100 foot right-of-way, created in Vol. 1789, Pg. 186; Vol. 1794, Pg. 544; Vol. 1779, Pg. 388; Vol. 1790, Pg. 48; Vol. 1799, Pg. 528; Vol. 1790, Pg. 51; Vol. 1795, Pg. 27; Vol. 1777, Pg. 161; Vol. 1789, Pg. 187; Vol. 1777, Pg. 149, D.R.D.C.T., formerly Dallas Avenue, created in Vol. 90, Pg. 20, D.R.D.C.T.), and being in a non-tangent curve to the left, having a radius of 1482.69 feet, a delta of 01 degrees 29 minutes 20 seconds, and a chord bearing and distance of North 53 degrees 56 minutes 58 seconds East, 38.53 feet;

THENCE, along said Southeast Right-of-Way line of said Fort Worth Avenue, and said curve to the left, an arc distance of 38.53 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being the Northwest corner of the remainder of Lot 1, Block 19/3980, of said Flanders Heights Addition Revised, same being said Worth Trinity, LLC tract, said corner also being the intersection of the Southeast Right-of-Way line of said Fort Worth Avenue and the East Right-of-Way line of said Winnetka Avenue;

THENCE South 01 degrees 23 minutes 42 seconds East, along the East Right-of-Way line of said Winnetka Avenue, and the West line of said Worth Trinity, LLC tract, a distance of 124.08 feet to a 1/2 inch iron rod found for corner, said corner being the Southwest corner of said remainder of Lot 1;

THENCE South 00 degrees 26 minutes 22 seconds East, continuing along said West line of Worth Trinity, LLC tract, a distance of 166.39 feet to the POINT OF BEGINNING, and containing 9,442 square feet or 0.217 acres of land.

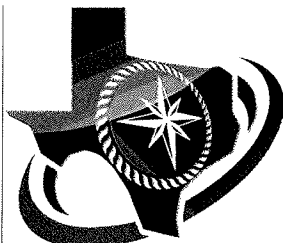
(For SPRG use, only)
Reviewed By: [Signature]
Date: 08-27-2019
SPRG No.: 4702



[Signature]
BRYAN CONNALLY
R.P.L.S. NO. 5513
DATE SIGNED: 8/27/19

GENERAL NOTES:

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



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.obgnctx.com

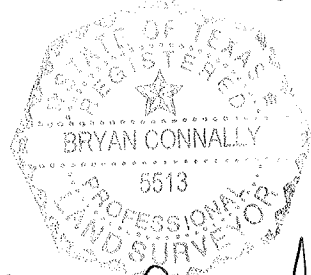
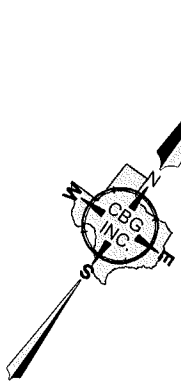
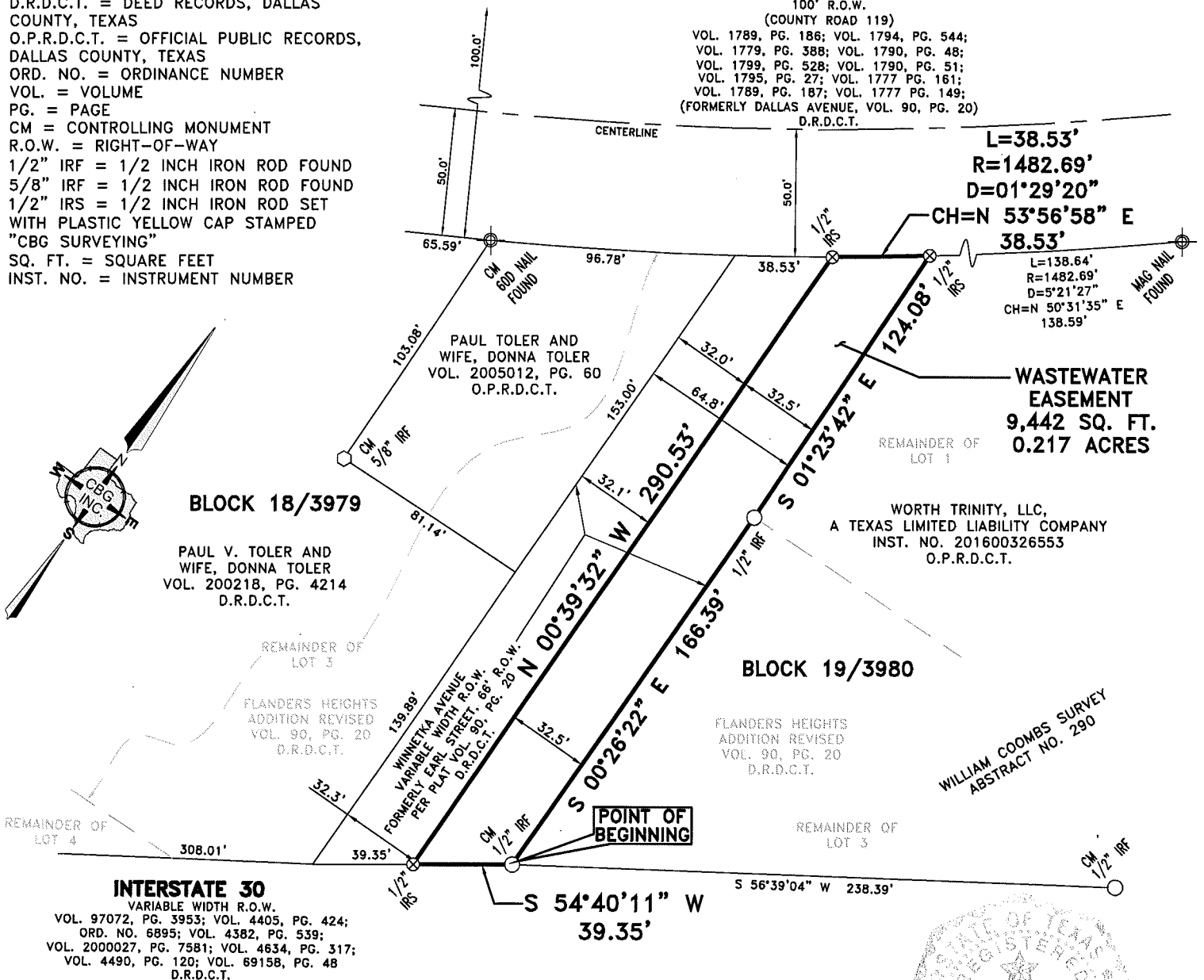
SHEET 1 OF 2
JOB NO. 1614610-5
DRAWN BY: WTH
DATE: 08/27/19

31287 WASTEWATER EASEMENT FLANDERS HEIGHTS ADDITION REVISED A PORTION OF WINNETKA AVENUE (FORMERLY EARL STREET) ADJACENT TO CITY OF DALLAS BLOCK 19/3980 WILLIAM COOMBS SURVEY, ABSTRACT NO. 290 CITY OF DALLAS, DALLAS COUNTY, TEXAS

191233

LEGEND:
D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
ORD. NO. = ORDINANCE NUMBER
VOL. = VOLUME
PG. = PAGE
CM = CONTROLLING MONUMENT
R.O.W. = RIGHT-OF-WAY
1/2" IRF = 1/2 INCH IRON ROD FOUND
5/8" IRF = 1/2 INCH IRON ROD FOUND
1/2" IRS = 1/2 INCH IRON ROD SET WITH PLASTIC YELLOW CAP STAMPED "CBG SURVEYING"
SQ. FT. = SQUARE FEET
INST. NO. = INSTRUMENT NUMBER

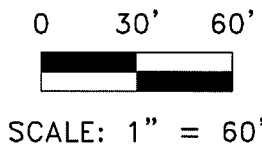
FORT WORTH AVENUE
100' R.O.W.
(COUNTY ROAD 119)
VOL. 1789, PG. 186; VOL. 1794, PG. 544;
VOL. 1779, PG. 388; VOL. 1790, PG. 48;
VOL. 1799, PG. 528; VOL. 1790, PG. 51;
VOL. 1795, PG. 27; VOL. 1777 PG. 161;
VOL. 1789, PG. 187; VOL. 1777 PG. 149;
(FORMERLY DALLAS AVENUE, VOL. 90, PG. 20)
D.R.D.C.T.



Bryan Connally

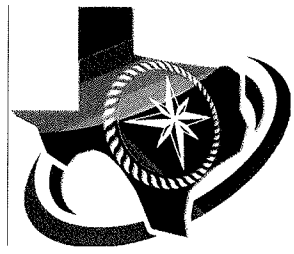
BRYAN CONNALLY
R.P.L.S. NO. 5513
DATE SIGNED: 8/27/19

(For SPRG use only)
Reviewed By: [Signature]
Date: 08-27-2019
SPRG No.: 4702



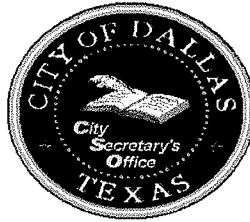
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SHEET 2 OF 2
JOB NO. 1614610-5
DRAWN BY: WTH
DATE: 08/27/19



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 AUG 28 2019

ORDINANCE NUMBER 31287

DATE PUBLISHED AUG 31 2019

ATTESTED BY: