

ORDINANCE NO. 31399

An ordinance providing for the abandonment of portions of Elm Street located adjacent to City Blocks G/170 and 182 in the City of Dallas and County of Dallas, Texas, subject to a reverter; providing for the quitclaim thereof to Westdale Main, LTD and Elm Street Lofts, LTD; providing for the terms and conditions of the abandonment 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.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Westdale Main, LTD, a Texas limited partnership and Elm Street Lofts, LTD, a Texas limited partnership, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter interest, the hereinafter described tracts of land, and is of the opinion that, subject to the terms conditions and reverter herein provided, said portions of Elm Street are not needed for public use, and same should be abandoned 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 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, be and the same are abandoned, vacated and closed insofar as the right, title and easement of the public are concerned; subject, however, to the reverter and 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 QUITCLAIM unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made and with the reverter interest herein stated, all its right, title and interest in and to that certain tracts of land hereinabove described in Exhibit A as follows: unto Westdale Main, LTD, all of its right, title and interest in Tract 1 of Exhibit A; unto Elm Street Lofts, LTD, all of its right, title and interest in Tract 2 and Tract 3 of Exhibit A. Provided however, that if the existing encroachments situated on and adjacent to the area to be abandoned is ever: (i) partially demolished, removed or damaged and is not promptly thereafter repaired or rebuilt; (ii) substantially or totally demolished, removed or damaged; or (iii) abandoned in whole or in part by **GRANTEE**, its successors and assigns, 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, 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 provided for herein is 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, 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 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 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**, their 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 area described in Exhibit A, which **GRANTEE**, their 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 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 Liability Act, 42 U.S.C. Section 9601 et seq., as amended, (b) any "hazardous substances": under the Texas Hazardous Substances Spill Prevention

SECTION 8. (continued)

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:

- (a) ensure the footprint of the building encroaching into the right-of-way does not change.
- (b) ensure no digging will encroach into the right-of-way.
- (c) acknowledge Atmos has a 2-inch poly IP main approximately 4 feet off the right-of-way and if this line is to be moved.
- (d) acknowledge the City of Dallas Thoroughfare Plan, Section 51A-9, Elm Street requires 60 feet of right-of-way.

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: (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

SECTION 10. (continued)

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 year after its passage.

SECTION 11. That this ordinance is also designated for City purposes as Contract No. DEV-2019-000010655 for Westdale Main, LTD and Contract No. DEV-2019-00011540 for Elm Street Lofts, LTD.

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 _____.

DEC 11 2019

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EXHIBIT A-TRACT 1

STREET RIGHT OF WAY ABANDONMENT
 PORTION OF ELM STREET ADJACENT TO
 DALLAS CITY BLOCKS G/170
 J. GRIGSBY SURVEY, ABSTRACT NO. 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 44 square feet or 0.001 acres tract of land situated in the J. Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being adjacent to Dallas City Block G/170, and being a portion of Elm Street, a called 60 foot wide right-of-way per City of Dallas Ordinance Book 1-A, Years 1873-1882, Page 133, with the subject tract being more particularly described as follows:

COMMENCING at a building corner being the intersection of the south line of said Elm Street with the west line of Good-Latimer Expressway, a variable width right-of-way, created by deed to the City of Dallas, recorded in Volume 3390, Page 163 of the Deed Records, Dallas County, Texas (DRDCT), being the northeast corner of a tract conveyed as Tract 1 by Special Warranty Deed with Vendor's Lien to Elm Street Lofts, Ltd., recorded in Volume 99241, Page 77 DRDCT;

THENCE S 75°15'18" W, 124.61 feet along the south line of said Elm Street and the north line of said Elm Street Lofts tract, to a point in the wall of a building for the POINT OF BEGINNING of the subject tract, being the northwest corner of said Elm Street Lofts tract, being the northeast corner of a called 17,916 square foot or 0.4113 acre tract conveyed by General Warranty Deed with Vendor's Lien to Westdale Main, Ltd., recorded in Volume 96031, Page 2284 DRDCT, and from which an "X" found in concrete on the west line of Good-Latimer Expressway, a variable width right-of-way, created by deed to the City of Dallas, recorded in Volume 3390, Page 163 DRDCT, for the north corner of another right-of-way conveyed to the City of Dallas, recorded in Volume 3607, Page 246 DRDCT, for an easterly corner of said Elm Street Lofts tract, bears S 65°59'54" E, 159.78 feet;

THENCE S 75°15'18" W, 49.29 feet through said building, along the south line of said Elm Street and the north line of said Westdale Main tract, to a point in a wall for the northwest corner of said Westdale Main tract, and that portion thereof conveyed again to Westdale Main, Ltd., recorded in Instrument Number 20070145928, Official Public Records, Dallas County, Texas (OPRDCT), and being the northeast corner of a tract conveyed as "Tract 4" by deed to the Beverly Ann Fonberg Trust, recorded in Volume 73111, Page 2183 DRDCT, and from which an aluminum monument found on the north line of Main Street, a called 79.5 foot wide right-of-way per City of Dallas Ordinance Book 1-A, Years 1873-1882, Page 133, for the southwest corner of said Westdale Main tract, recorded in Volume 96031, Page 2284 DRDCT, bears S 03°35'05" E, 204.17 feet;

PAGE 1 OF 3



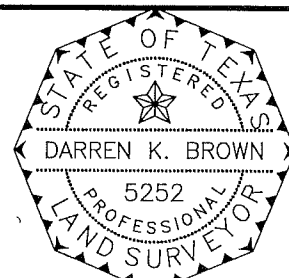
Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB		5/23/19	19-020

(For SPRG use only)

Reviewed By: JL
 Date: 7-18-19
 SPRG No: 4938

NOTES:

1. Basis of bearing derived State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Adjustment realization 2011.
2. A parcel plat map of even date hereby accompanies this legal description.



DARREN K. BROWN, R.P.L.S. 5252

31399

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EXHIBIT A-TRACT 1

STREET RIGHT OF WAY ABANDONMENT
 PORTION OF ELM STREET ADJACENT TO
 DALLAS CITY BLOCKS G/170
 J. GRIGSBY SURVEY, ABSTRACT NO. 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE N 14°40'42" W, 0.90 feet into said Elm Street, along said wall, to a point for the building corner;

THENCE N 75°15'18" E, 49.29 feet through said Elm Street, to a point for corner;

THENCE S 14°40'42" E, through said Elm Street, passing at 0.20 feet the face of the building, and continuing through said building a total distance of 0.90 feet to the POINT OF BEGINNING with the subject tract containing 44 square feet or 0.001 acres of land.

PAGE 2 OF 3



Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB		5/23/19	19-020

(For SPRG use only)

Reviewed By: JL
 Date: 7-18-19
 SPRG No: 4938

NOTES:

1. Basis of bearing derived State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Adjustment realization 2011.
2. A parcel plat map of even date hereby accompanies this legal description.

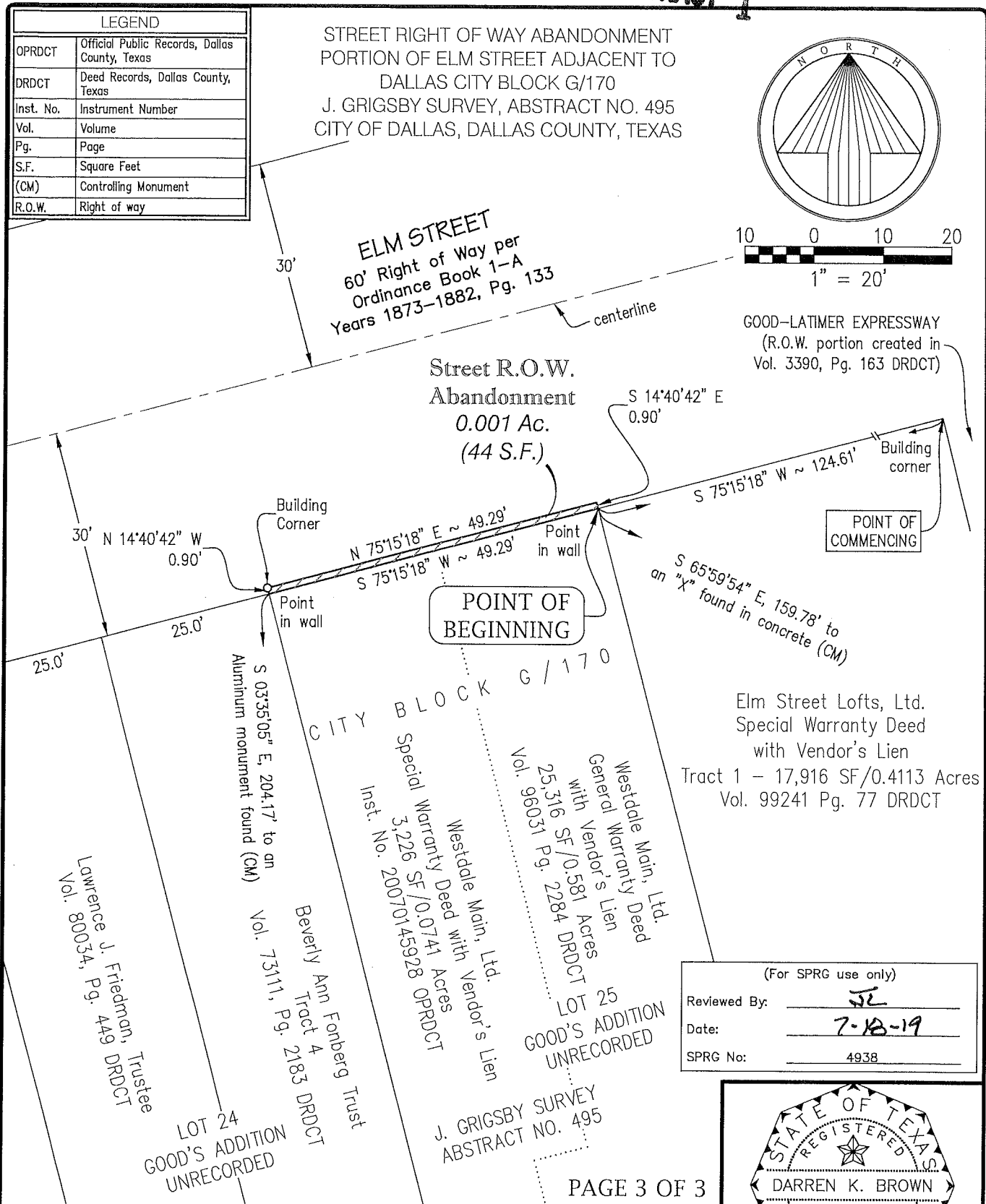


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 DARREN K. BROWN, R.P.L.S. 5252

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EXHIBIT A-TRACT 1



NOTES:

1. Basis of bearing derived State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Adjustment realization 2011.
2. A legal description of even date hereby accompanies this parcel plat map.

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TBPE No. F-2121 • TBPLS No. F-10043100

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ED	DKB	1" = 20'	5/23/19	19-020

EXHIBIT A-TRACT 2

STREET RIGHT OF WAY ABANDONMENT
 PORTION OF ELM STREET ADJACENT TO
 DALLAS CITY BLOCK G/170
 J. GRIGSBY SURVEY, ABSTRACT NO. 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 44 square feet or 0.001 acres tract of land situated in the J. Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being adjacent to Dallas City Block G/170, and being a portion of Elm Street, a called 60 foot wide right-of-way per City of Dallas Ordinance Book 1-A, Years 1873-1882, Page 133, with the subject tract being more particularly described as follows:

COMMENCING at a building corner being the intersection of the south line of said Elm Street with the west line of Good-Latimer Expressway, a variable width right-of-way, created by deed to the City of Dallas, recorded in Volume 3390, Page 163 of the Deed Records, Dallas County, Texas (DRDCT), being the northeast corner of a tract conveyed as Tract 1 by Special Warranty Deed with Vendor's Lien to Elm Street Lofts, Ltd., recorded in Volume 99241, Page 77 DRDCT;

THENCE S 75°15'18" W, 75.49 feet along the south line of said Elm Street and the north line of said Elm Street Lofts tract, to a point in the wall of a building for the POINT OF BEGINNING of the subject tract, and from which an "X" found in concrete on the west line of Good-Latimer Expressway, a variable width right-of-way, created by deed to the City of Dallas, recorded in Volume 3390, Page 163 DRDCT, for the north corner of another right-of-way conveyed to the City of Dallas, recorded in Volume 3607, Page 246 DRDCT, for an easterly corner of said Elm Street Lofts tract, bears S 51°47'38" E, 125.29 feet;

THENCE S 75°15'18" W, 49.12 feet through said building, along the south line of said Elm Street and the north line of said Elm Street Lofts tract to a point in a wall of a building, said point being the northwest corner of said Elm Street Lofts tract, and being the northeast corner of a tract conveyed by General Warranty Deed with Vendor's Lien to Westdale Main, Ltd., recorded in Volume 96031, Page 2284 DRDCT, and from which an aluminum monument found on the north line of Main Street, a called 79.5 foot wide right-of-way per City of Dallas Ordinance Book 1-A, Years 1873-1882, Page 133, for the southwest corner of a tract conveyed by General Warranty Deed with Vendor's Lien to Westdale Main, Ltd., recorded in Volume 96031, Page 2284 DRDCT, bears S 09°09'55" W, 219.11 feet;

THENCE N 14°40'42" W, 0.90 feet into said Elm Street, through said wall, to a point on the north line thereof;

THENCE N 75°15'18" E, 49.12 feet through said Elm Street, generally along said wall, to the northeast corner of said building;

THENCE S 14°44'42" E, 0.90 feet through said Elm Street, along another east wall of said building, to the POINT OF BEGINNING with the subject tract containing 44 square feet or 0.001 acres of land.

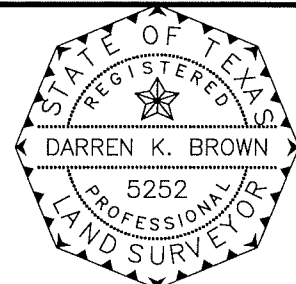
PAGE 1 OF 2

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Reviewed By: JL
 Date: 7-18-19
 SPRG No: 4940

NOTES:

1. Basis of bearing derived State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Adjustment realization 2011.
2. A parcel plat map of even date hereby accompanies this legal description.



D. K. Brown
 DARREN K. BROWN, R.P.L.S. 5252

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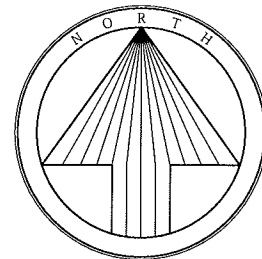
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EXHIBIT A-TRACT 2

LEGEND	
OPRDCT	Official Public Records, Dallas County, Texas
DRDCT	Deed Records, Dallas County, Texas
Inst. No.	Instrument Number
Vol.	Volume
Pg.	Page
S.F.	Square Feet
(CM)	Controlling Monument
R.O.W.	Right of way

STREET RIGHT OF WAY ABANDONMENT
PORTION OF ELM STREET ADJACENT TO
DALLAS CITY BLOCK 170
J. GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS



10 0 10 20
1" = 20'

GOOD-LATIMER EXPRESSWAY
(R.O.W. portion created in
Vol. 3390, Pg. 163 DRDCT)

Building
corner

ELM STREET
60' Right of Way per
Ordinance Book 1-A
Years 1873-1882, Pg. 133

Street R.O.W.
Abandonment
0.001 Ac.
(44 S.F.)

Building
Corner

POINT OF
COMMENCING

N 14°40'42" W
0.90'

30'

30'

N 75°15'18" E ~ 49.12'
S 75°15'18" W ~ 49.12'

Point
in wall

Point of
Beginning

S 14°44'42" E
0.90'

S 75°15'18" W ~ 75.49'

Dallas City Block line
on "X" found in concrete (CM)
S 51°47'38" E, 125.29' to

CITY BLOCK 182

LOT 26
GOOD'S ADDITION
UNRECORDED

Elm Street Lofts, Ltd.

Special Warranty Deed with Vendor's Lien

Tract 1 - 17,916 SF/0.4113 Acres

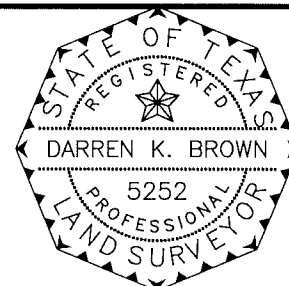
Vol. 99241 Pg. 77 DRDCT

(For SPRG use only)

Reviewed By: JL
Date: 7-18-19
SPRG No: 4940

J. GRIGSBY SURVEY
ABSTRACT NO. 495

PAGE 2 OF 2



DARREN K. BROWN, R.P.L.S. 5252

NOTES:

1. Basis of bearing derived State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Adjustment realization 2011.
2. A legal description of even date hereby accompanies this parcel plat map.

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Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 20'	5/23/19	19-020

STREET RIGHT OF WAY ABANDONMENT
PORTION OF ELM STREET ADJACENT TO
DALLAS CITY BLOCK 182
J. GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 38 square feet or 0.001 acres tract of land situated in the J. Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being adjacent to Dallas City Block 182, and being a portion of Elm Street, a called 60 foot wide right-of-way per City of Dallas Ordinance Book 1-A, Years 1873-1882, Page 133, with the subject tract being more particularly described as follows:

COMMENCING at a building corner being the intersection of the south line of Elm Street with the west line of Good-Latimer Expressway, a variable width right-of-way, created by deed to the City of Dallas, recorded in Volume 3390, Page 163 of the Deed Records, Dallas County, Texas (DRDCT), being the northeast corner of a tract conveyed as Tract 1 by Special Warranty Deed with Vendor's Lien to Elm Street Lofts, Ltd., recorded in Volume 99241, Page 77 DRDCT;

THENCE S 75°15'18" W, 10.90 feet along the south line of said Elm Street and the north line of said Elm Street Lofts tract, to a building corner for the POINT OF BEGINNING, and from which an "X" found in concrete on the west line of Good-Latimer Expressway, a variable width right-of-way, created by deed to the City of Dallas, recorded in Volume 3390, Page 163 DRDCT, for the north corner of another right-of-way conveyed to the City of Dallas, recorded in Volume 3607, Page 246 DRDCT, for an easterly corner of said Elm Street Lofts tract, bears S 20°58'04" E, 100.59 feet;

THENCE S 75°15'18" W, 39.77 feet through said building, along the south line of said Elm Street and the north line of said Elm Street Lofts tract to a point in a building wall, and from which an aluminum monument found on the north line of Main Street, a called 79.5 foot wide right-of-way per City of Dallas Ordinance Book 1-A, Years 1873-1882, Page 133, for the southwest corner of a tract conveyed by General Warranty Deed with Vendor's Lien to Westdale Main, Ltd., recorded in Volume 96031, Page 2284 DRDCT, bears S 24°20'51" W, 258.09 feet;

THENCE N 14°44'42" W, 0.97 feet into said Elm Street, along said wall, to a building corner for the northwest thereof;

THENCE N 75°15'18" E, 39.77 feet through said Elm Street, to a point for corner;

THENCE S 14°44'42" E, 0.97 feet through said Elm Street, to the POINT OF BEGINNING with the subject tract containing 38 square feet or 0.001 acres of land.

PAGE 1 OF 2



Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB		5/23/19	19-020

(For SPRG use only)

Reviewed By: JL
Date: 7-12-19
SPRG No: 4939

NOTES:

1. Basis of bearing derived State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Adjustment realization 2011.
2. A parcel plat map of even date hereby accompanies this legal description.



[Signature]
DARREN K. BROWN, R.P.L.S. 5252

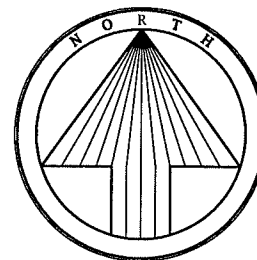
31399

EXHIBIT A-TRACT 3

191894

LEGEND	
OPRDCT	Official Public Records, Dallas County, Texas
DRDCT	Deed Records, Dallas County, Texas
Inst. No.	Instrument Number
Vol.	Volume
Pg.	Page
S.F.	Square Feet
P.O.B.	Point of beginning
(CM)	Controlling Monument
R.O.W.	Right of way

STREET RIGHT OF WAY ABANDONMENT
PORTION OF ELM STREET ADJACENT TO
DALLAS CITY BLOCK 182
J. GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS



10 0 10 20
1" = 20'

ELM STREET
60' Right of Way per
Ordinance Book 1-A
Years 1873-1882, Pg. 133

Street R.O.W.
Abandonment
0.001 Ac.
(38 S.F.)

GOOD-LATIMER EXPRESSWAY
(R.O.W. portion created in
Vol. 3390, Pg. 163 DRDCT)

N 14°44'42" W 0.97'
Building Corner
Point in wall
N 75°15'18" E ~ 39.77'
S 75°15'18" W ~ 39.77'
Building Corner
S 14°44'42" E 0.97'
S 75°15'18" W 10.90'
Building corner

P.O.B.

POINT OF COMMENCING

LOT 25
GOOD'S ADDITION
UNRECORDED

S 24°20'51" W, 258.09' to an
Aluminum monument found (CM)

LOT 26
GOOD'S ADDITION
UNRECORDED

S 20°58'04" E, 100.59' to
an "x" found in concrete (CM)

Elm Street Lofts, Ltd.

Special Warranty Deed with Vendor's Lien
Tract 1 - 17,916 SF/0.4113 Acres
Vol. 99241 Pg. 77 DRDCT

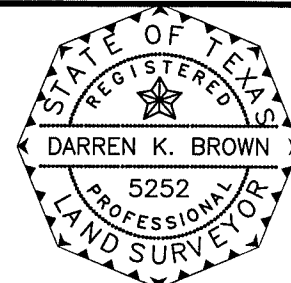
(For SPRG use only)	
Reviewed By:	JL
Date:	7-12-19
SPRG No:	4939

J. GRIGSBY SURVEY
ABSTRACT NO. 495

PAGE 2 OF 2

NOTES:

1. Basis of bearing derived State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Adjustment realization 2011.
2. A legal description of even date hereby accompanies this parcel plat map.



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Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 20'	5/23/19	19-020

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.



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL DEC 11 2019

ORDINANCE NUMBER 31399

DATE PUBLISHED DEC 14 2019

ATTESTED BY: