

ORDINANCE NO. 31402

An ordinance providing for the abandonment and relinquishment of portions of a drainage easement and wastewater easement, located in City Block S/5455 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Preston Hollow Village Phase 3, LP; 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 Preston Hollow Village Phase 3, LP, a Texas limited partnership; 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 as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, prior to the effectiveness of this abandonment, ensure water and wastewater engineering plans are approved, Private Development Contracts (P-Contracts) are executed and plans are signed from PID-8443. Failure to comply with the terms and conditions of this section shall render this ordinance null and void.

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-2019-00010331.

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

DEC 11 2019

Passed _____.

31402
DRAINAGE EASEMENT ABANDONMENT
WILLOW CREEK
PART OF LOT 1, BLOCK S/5455
C.S. ROBERTS SURVEY, ABSTRACT NO. 1190
CITY OF DALLAS, DALLAS COUNTY, TEXAS

191897
EXHIBIT A-TRACT 1

PROPERTY DESCRIPTION

BEING a 0.044 acre (1,938 square foot) tract of land situated in the C.S. Roberts Survey, Abstract No. 1190, Dallas County, Texas, and being part of Lot 1, Block S/5455 of Willow Creek Addition, an addition to the City of Dallas as recorded in Volume 933, Page 679 Deed Records, Dallas County, Texas, said tract also being a portion of the property described in general warranty deed to Preston Hollow Village Phase 3, LP Instrument No. 201700362159 Official Public Records, Dallas County, Texas, furthermore a portion of a drainage easement recorded in Instrument No. 201500037818 Official Public Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 3 inch aluminum monument stamped "PHV, PH ONE 3689" found in the south line of said Lot 1, the north line of Walnut Hill Lane (a variable width right-of-way) and the west line of Sauret Terrace (Instrument No. 201500057533 O.P.R.D.C.), said monument being North 88°28'52" East and 350.14 feet from an "x" cut in concrete found at the southwest corner of said Lot 1;

THENCE North 43°50'17" East, departing the north line of said Walnut Hill and traveling along the west line of said Sauret Terrace, a distance of 26.16 feet to a 3 inch aluminum monument stamped "PHV, PH ONE 3689" found for corner;

THENCE North 00°48'19" West, continuing along said west line, for a distance of 51.32 feet to the POINT OF BEGINNING;

THENCE North 57°17'43" West, departing said west line of Sauret Terrace and over and across aforementioned Lot 1, for a distance of 30.29 feet to a corner;

THENCE South 88°08'01" West for a distance of 43.46 feet to a corner;

THENCE North 01°51'59" West for a distance of 25.00 feet to a corner;

THENCE North 88°08'01" East for a distance of 58.62 feet to a corner and the beginning of a tangent curve to the left with a radius of 73.75 feet and a chord which bears South 87°45'12" East for 10.58 feet;

THENCE along said curve to the left through a central angle of 08°13'35" and an arc length of 10.59 feet to a corner in the west line of aforementioned west line of Sauret Terrace;

THENCE South 00°48'19" East along said west line, for a distance of 41.44 feet to the POINT OF BEGINNING and containing 0.044 acres, or 1,938 square feet of land, more or less.

The Basis of Bearing is (N 00°48'19" W) along the west line of Lot 1, Block S/5455, Willow Creek Addition per North American Datum 1983, Texas State Plane Zone 4202. Adjustment realization 2011.

rev: August 21, 2019
April 16, 2019
Project No. 13179

(For SPRG use only)	
Reviewed By:	<u>JL</u>
Date:	<u>8-27-19</u>
SPRG NO.:	<u>4998</u>

801 East Campbell Road – Suite 575
Richardson, Texas 75081
Ph: 214.328.3500 Fax: 214.328.3512
email@piburncarson.com

31402 EXHIBIT A-TRACT 1

191897

DRAINAGE EASEMENT ABANDONMENT

WILLOW CREEK
PART OF LOT 1, BLOCK S/5455
C.S. ROBERTS SURVEY, ABSTRACT NO. 1190
CITY OF DALLAS, DALLAS COUNTY, TEXAS

0 10 30 50 75 feet

SCALE: 1" = 50'

C.S. Roberts Survey,
Abstract No. 1190
Part of Lot 1, Block S/5455
Willow Creek Addition
Vol. 933, Pg. 679
D.R.D.C.T.

PRESTON HOLLOW VILLAGE PHASE 3, LP
Inst. No. 201700362159
O.P.R.D.C.T.

DRAINAGE EASEMENT ABANDONMENT
INST NO. 201500037818
0.044 ACRE (1,938 SQUARE FEET)

VARIABLE ACCESS ESMT
INST NO 201500181608
O.P.R.D.C.T.

WATER ESMT
INST NO 201500253161
O.P.R.D.C.T.

Lot 1B Block S/5455
Preston Hollow Village,
Phase One
Inst. No. 201500253161
O.P.R.D.C.T.

WALNUT HILL PHASE 1, LP
Inst. No. 201400093270
O.P.R.D.C.T.

WATER ESMT
INST NO 201500253161
O.P.R.D.C.T.

20' WASTEWATER EASEMENT
INST NO. 201300353032

25' BUILDING LINE
VOL. 933, PG. 679, D.R.D.C.T.

ONCOR EASEMENT
INST NO 201400219611
O.P.R.D.C.T.

P.O.C.
mon
(cm)

WALNUT HILL LANE (County Road 286)
variable width right-of-way

LINE AND CURVE TABLE

LINE	BEARING	DISTANCE
L1	N 43°50'17" E	26.16'
L2	N 00°48'19" W	51.32'

CURVE	DELTA	CHORD BEARING	RADIUS	ARC LENGTH	CD. LENGTH
C1	08°13'35"	S 87°45'12" E	73.75	10.59	10.58

NOTES:

mon = 3" aluminum monument stamped "PHV,
PH ONE 3689" found for corner
"x" fnd = "x" cut in concrete found for corner
O.P.R.D.C.T. = Official Public Records, Dallas
County, Texas
D.R.D.C.T. = Deed
Records, Dallas County,
Texas
Vol = Volume
Pg = Page
POC = Point of Commencing
POB = Point of Beginning
Inst. = Instrument
No. = Number
cm = controlling monument

The Basis of Bearing is (N 00°48'19" W) along the
west line of Lot 1, Block S/5455, Willow Creek
Addition per North American Datum 1983, Texas
State Plane Zone 4202. Adjustment realization
2011.

rev: August 21, 2019
April 16, 2019
Project No. 13179

(For SPRG use only)

Reviewed By: JL
Date: 8-27-19
SPRG NO.: 4998

801 East Campbell Road - Suite 575
Richardson, Texas 75081
Ph: 214.328.3500 Fax: 214.328.3512
email@piburncarson.com

(For SPRG use only)	
Reviewed By: <u>JS</u>	
Date: <u>8-27-19</u>	
SPRG NO.: <u>4997</u>	

WILLOW CREEK
PART OF LOT 1, BLOCK S/5455
C.S. ROBERTS SURVEY, ABSTRACT NO. 1190
CITY OF DALLAS, DALLAS COUNTY, TEXAS

PROPERTY DESCRIPTION

BEING a 0.566 acre (24,653 square foot) tract of land situated in the C.S. Roberts Survey, Abstract No. 1190, Dallas County, Texas, and being part of Lot 1, Block S/5455 of Willow Creek on, an addition to the City of Dallas as recorded in Volume 933, Page 679 Deed Records, Dallas County, Texas, said tract also being a portion of the property described in general warranty deed to Preston Hollow Village Phase 3, LP Instrument No. 201700362159 Official Public Records, Dallas County, Texas, furthermore a portion of a Wastewater Easement recorded in Instrument No. 201300353032 Official Public Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 3 inch aluminum monument stamped "PHV, PH ONE 3689" found in the south line of said Lot 1 and the north line of Walnut Hill Lane (a variable width right-of-way), said monument being North 88°28'52" East and 350.14 feet from an "x" cut in concrete found in the west line of Sauret Terrace (Instrument No. 201500057533 O.P.R.D.C.T.) at the southwest corner of said Lot 1;

THENCE North 43°50'17" East, departing the north line of said Walnut Hill and traveling along said west line of Sauret Terrace a distance of 26.16 feet to a 3 inch aluminum monument stamped "PHV, PH ONE 3689" found for corner;

THENCE North 00°48'19" West continuing along said west line of Sauret Terrace for a distance of 45.32 feet to the POINT OF BEGINNING;

THENCE North 57°17'43" West departing said west line of Sauret Terrace and over and across aforementioned Lot 1 for a distance of 34.36 feet to a corner;

THENCE South 89°34'46" West for a distance of 113.73 feet to a corner;

THENCE North 57°26'05" West for a distance of 93.20 feet to a corner and the beginning of a non tangent curve to the left with a radius of 340.00 feet and a chord which bears North 13°09'51" East for 169.35 feet;

THENCE along said curve to the left through a central angle of 28°50'31" and an arc length of 171.15 feet to a corner;

THENCE North 00°48'21" West for a distance of 630.97 feet to a corner;

THENCE South 89°43'19" West for a distance of 189.17 feet to a corner in the east line of a 15 foot alley (Volume 111, Page 2839 D.R.D.C.T.);

THENCE North 00°48'19" West, with the east line of said alley, for a distance of 20.00 feet to a corner;

THENCE North 89°43'19" East, departing the east line of said alley and over and across aforementioned Lot 1, for a distance of 209.17 feet to a corner;

THENCE South 00°48'21" East for a distance of 650.67 feet to a corner and the beginning of a tangent curve to the right with a radius of 360.00 feet and a chord which bears South 11°42'16" West for 161.41 feet;

THENCE along said curve to the right through a central angle of 25°54'36" and an arc length of 162.80 feet to a corner;

THENCE South 57°26'05" East for a distance of 69.42 feet to a corner;

THENCE North 89°34'46" East for a distance of 113.76 feet to a corner;

THENCE South 57°17'43" East for a distance of 27.06 feet to a corner in the west line of aforementioned Sauret Terrace;

THENCE South 00°48'19" East, along said west line of Sauret Terrace, for a distance of 23.99 feet to the POINT OF BEGINNING and containing 0.667 acres, or 29,035 square feet of land, more or less.

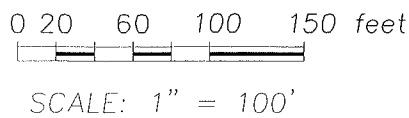
The Basis of Bearing for this description is (N 00°48'19" W) along the west line of Lot 1, Block S/5455, Willow Creek Addition per North American Datum 1983, Texas State Plane Zone 4202. Adjustment realization 2011.

rev: August 21, 2019
April 16, 2019
Project No. 13179

31402 EXHIBIT A-TRACT 2

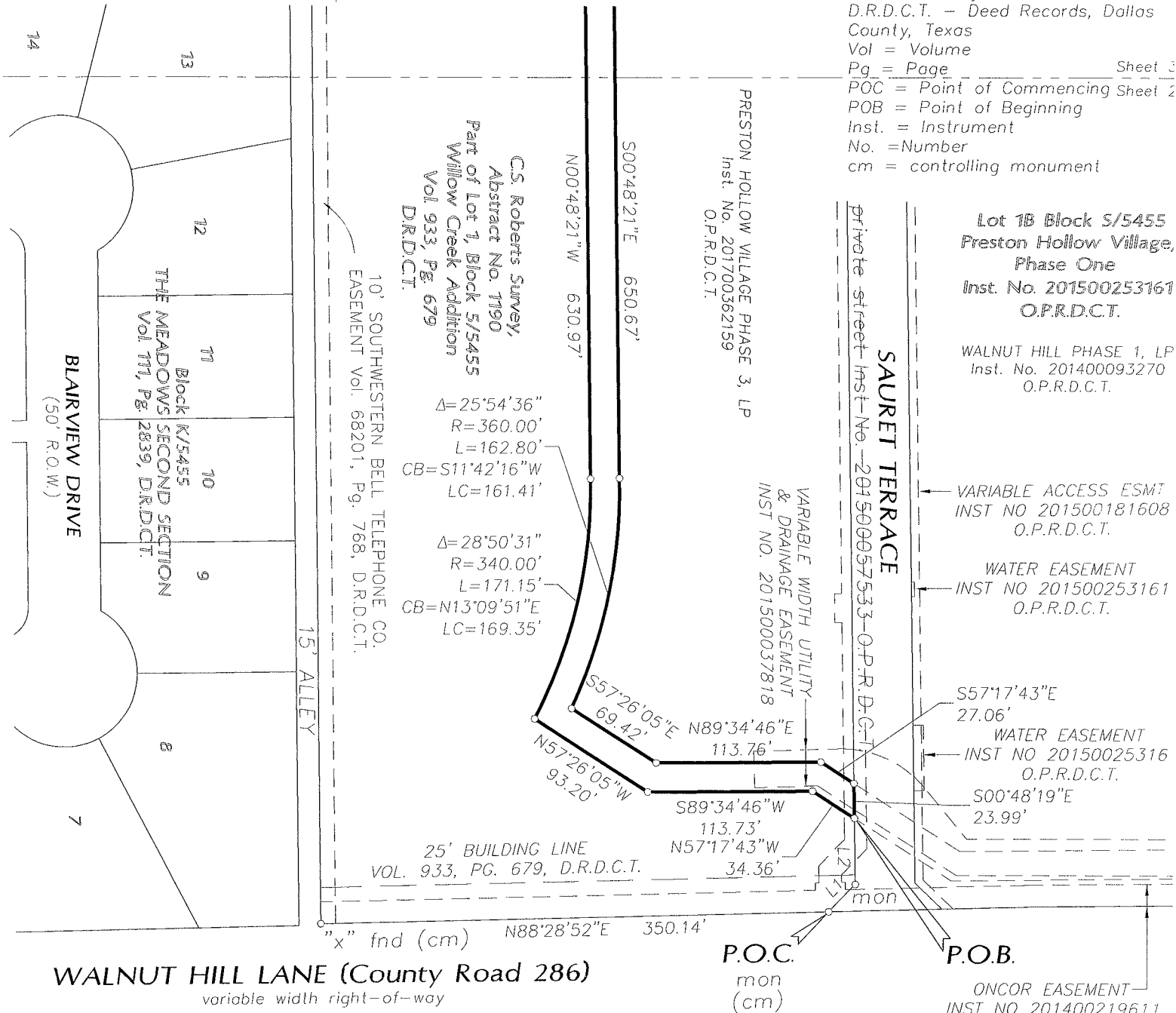
WASTEWATER EASEMENT ABANDONMENT

191897



WILLOW CREEK
PART OF LOT 1, BLOCK S/5455
C.S. ROBERTS SURVEY, ABSTRACT NO. 1190
CITY OF DALLAS, DALLAS COUNTY, TEXAS

NOTES:
mon = 3" aluminum monument stamped "PHV, PH ONE 3689" found for corner
"x" fnd = "x" cut in concrete found for corner
O.P.R.D.C.T. = Official Public Record Dallas County, Texas
D.R.D.C.T. = Deed Records, Dallas County, Texas
Vol = Volume
Pg = Page
Sheet 2
POC = Point of Commencing Sheet 2
POB = Point of Beginning
Inst. = Instrument
No. = Number
cm = controlling monument



LINE	BEARING	DISTANCE
L1	N 43°50'17" E	26.16'
L2	N 00°48'19" W	45.32'

(For SPRG use only)

Reviewed By: SL

Date: B-27-19

SPRG NO.: 4997

rev: August 21, 2019
April 16, 2019
Project No. 13179

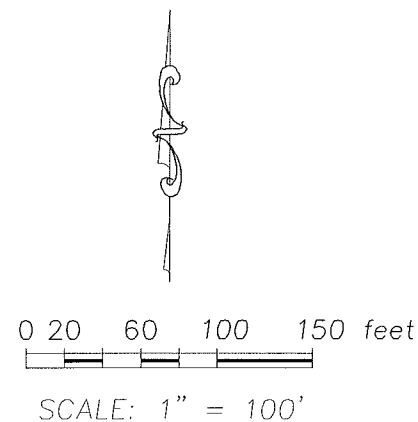
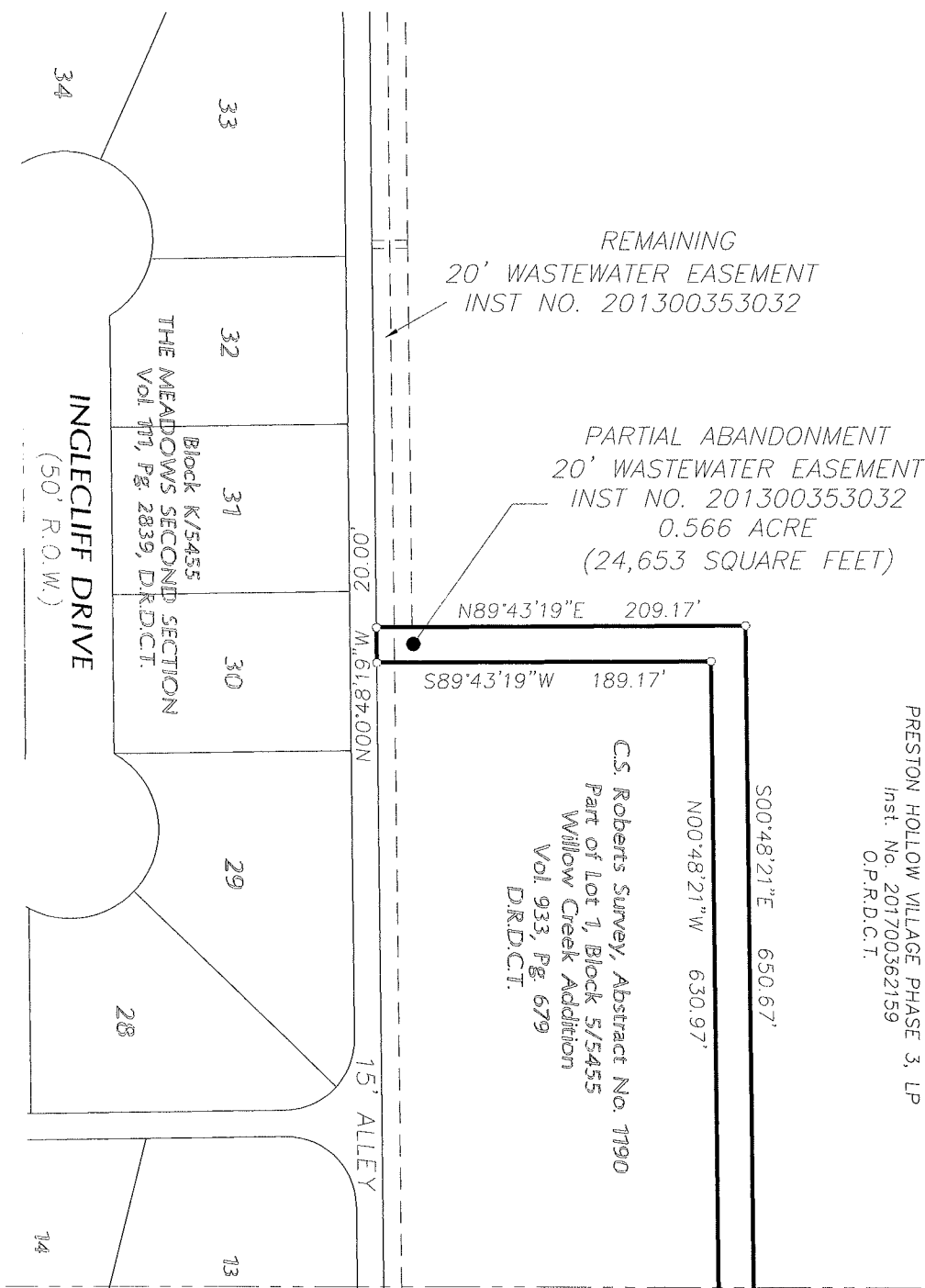
801 East Campbell Road - Suite 575
Richardson, Texas 75081
Ph: 214.328.3500 Fax: 214.328.3512
email@piburncarson.com

31402 EXHIBIT A-TRACT 2

WASTEWATER EASEMENT ABANDONMENT

191897

WILLOW CREEK
PART OF LOT 1, BLOCK S/5455
C.S. ROBERTS SURVEY, ABSTRACT NO. 1190
CITY OF DALLAS, DALLAS COUNTY, TEXAS



NOTES:
mon = 3" aluminum monument
stamped "PHV, PH ONE 3689"
found for corner
"x" fnd = "x" cut in concrete
found for corner
O.P.R.D.C.T. = Official Public Records
Dallas County, Texas
D.R.D.C.T. = Deed Records, Dallas
County, Texas
Vol = Volume
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Inst. = Instrument
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Sheet 3
Sheet 2

The Basis of Bearing for this description is (N 00°48'19"
W) along the west line of Lot 1, Block S/5455, Willow
Creek Addition per North American Datum 1983, Texas
State Plane Zone 4202. Adjustment realization 2011.

(For SPRG use only)	
Reviewed By:	<u>JL</u>
Date:	<u>8-27-19</u>
SPRG NO.:	<u>4997</u>

rev: August 21, 2019
April 16, 2019
Project No. 13179

Sheet 3 of 3

801 East Campbell Road — Suite 575
Richardson, Texas 75081
Ph: 214.328.3500 Fax: 214.328.3512
email@piburncarson.com



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 31402

DATE PUBLISHED DEC 14 2019

ATTESTED BY: