

ORDINANCE NO. 31559

An ordinance providing for the abandonment and relinquishment of a portion of a drainage and utility easement, located in City Block A/2745 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Connecticut at White Rock, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement 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 a future effective date for the abandonment, relinquishment and quitclaim made herein; 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 Connecticut at White Rock, LLC, a Texas limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

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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, 9 and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, 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, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall ensure water and wastewater engineering plans must be approved (Private Development Contracts - executed and plans signed from WW19-025) prior to the effectiveness of this abandonment.

SECTION 10. That as a condition of this abandonment and relinquishment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of adjoining properties within one year after passage of this ordinance showing the dedication of not less than 18,211 square feet for a water easement in City Block A/2745 satisfactory to the Director of Department of Sustainable Development and Construction. This final replat shall be recorded by **GRANTEE** in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas. Failure to record a final replat in accordance with the terms of this section shall render this ordinance null and void, and of no further effect. Further, the final replat shall be filed with the Department of Sustainable Development and Construction of the City of Dallas before a certified copy of this ordinance shall be delivered to **GRANTEE**.

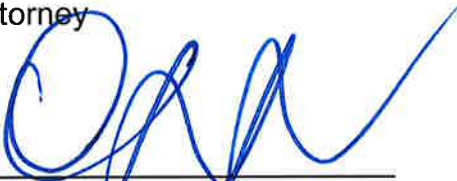
SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, and the recording of the final replat as set forth in Section 10 with the completion of dedication set forth, 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 12. That this ordinance is also designated for City purposes as Contract No. DEV-2019-00009683.

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SECTION 13. 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,
City Attorney

BY: 
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and
Construction

BY: 
Assistant Director

Passed JUN 24 2020.

PARTIAL DRAINAGE AND UTILITY EASEMENT ABANDONMENT
STREET AND EASEMENT PLAT
CITY OF DALLAS BLOCK A/2745
ANDREW T. NANNY SURVEY, ABSTRACT NO. 1094
CITY OF DALLAS, DALLAS COUNTY, TEXAS

200987

31559

Being a 63,564 square foot or 1.460 acre tract of land situated in the Andrew T. Nanny Survey, Abstract No. 1094, City Block No. A/2745, City of Dallas, Dallas County, Texas, being a portion of that tract of land conveyed to Connecticut at White Rock, LLC, a Texas limited liability company, by Special Warranty Deed recorded in Instrument No. 201800257186, Official Public Records, Dallas County, Texas, same being out of the Street and Easement Plat, according to the Map thereof recorded in Volume 49, Page 11, Map Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the West corner of a tract of land conveyed to Niroj Realty LLC, a Texas Limited Liability Company, by Deed recorded in Inst. No 201900331681, Official, Public, Records, Dallas County, Texas, said point being in the Northeast Right-of-Way line of Gaston Avenue (variable width right-of-way);

THENCE North 36 degrees 02 minutes 49 seconds East, along the Northwest line of said Niroj Realty LLC tract, a distance of 15.00 feet to a point for corner, said corner being the POINT OF BEGINNING, said corner being the beginning of a non-tangent curve to the left, having a radius of 4956.07 feet, a delta of 01 degrees 01 minutes 09 seconds, and a chord bearing and distance of North 54 degrees 27 minutes 57 seconds West, 88.15 feet;

THENCE, along said curve to the left, an arc length of 88.15 feet to a point for corner;

THENCE North 44 degrees 53 minutes 59 seconds East, passing an "X" found in concrete for reference at a distance of 35.01 feet, and continuing a total distance of 635.21 feet to a point for corner, said corner being the beginning of a tangent curve to the right, having a radius of 86.00 feet, a delta of 47 degrees 42 minutes 44 seconds, and a chord bearing and distance of North 67 degrees 07 minutes 05 seconds East, 69.56 feet;

THENCE, along said curve to the right, an arc length of 71.62 feet to a point for corner;

THENCE South 89 degrees 06 minutes 00 seconds East, a distance of 16.13 feet to a point for corner, said corner being the beginning of a tangent curve to the right, having a radius of 141.60', a delta of 40 degrees 57 minutes 02 seconds, and a chord bearing and distance of South 68 degrees 38 minutes 42 seconds East, 99.06 feet;

CONTINUED ON SHEET 2 OF 4

(For SPRG use only)
Reviewed By: [Signature]
Date: 05.06.2020
SPRG No.: 4801

GENERAL NOTES:

1) BEARINGS ARE BASED ON THE NORTHWEST LINE OF LOT 4, BLOCK A/2745, ARBORETUM VILLAGE, N 44°53'59" E, INSTRUMENT NUMBER 201500008407, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS



BRYAN CONNALLY
R.P.L.S. NO. 5513



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.cbglntx.com

SHEET 1 OF 4
JOB NO. 1805086-2
DRAWN BY: WTH
DATE: 05/04/2020

PARTIAL DRAINAGE AND UTILITY EASEMENT ABANDONMENT
STREET AND EASEMENT PLAT
CITY OF DALLAS BLOCK A/2745
ANDREW T. NANNY SURVEY, ABSTRACT NO. 1094
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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31559

CONTINUED FROM SHEET 1 OF 4

THENCE, along said curve to the right, an arc length of 101.20 feet to a point for corner;

THENCE South 45 degrees 05 minutes 04 seconds East, a distance of 41.43 feet to a point for corner;

THENCE South 44 degrees 53 minutes 59 seconds West, a distance of 80.00 feet to a point for corner;

THENCE North 44 degrees 54 minutes 21 seconds West, a distance of 37.15 feet to a point for corner, said corner being the beginning of a curve to the left, having a radius of 61.60 feet, a delta of 40 degrees 58 minutes 37 seconds, and a chord bearing and distance of North 68 degrees 39 minutes 29 seconds West, 43.12 feet;

THENCE, along said curve to the left, an arc length of 44.06 feet to a point for corner;

THENCE North 89 degrees 06 minutes 00 seconds West, a distance of 16.21 feet to a point for corner, said corner being the beginning of a curve to the left, having a radius of 6.00 feet, a delta of 52 degrees 29 minutes 04 seconds, and a chord bearing and distance of South 64 degrees 56 minutes 18 seconds West, 5.31 feet;

THENCE, along said curve to the left, an arc length of 5.50 feet to a point for corner;

THENCE South 44 degrees 53 minutes 59 seconds West, a distance of 517.87 feet to a point for corner, said corner being on the Northeast line of said Niroj Realty LLC tract;

THENCE North 53 degrees 13 minutes 23 seconds West, along the Northeast line of said Niroj Realty LLC tract, a distance of 9.24 feet to a 1/2 inch iron rod found with plastic yellow cap stamped "Texas Heritage Surveying, LLC" for corner, said corner being the North corner of said Niroj Realty LLC tract;

THENCE South 36 degrees 02 minutes 49 seconds West, along the Northwest line of said Niroj Realty LLC tract, a distance of 104.75 feet to the POINT OF BEGINNING, and containing 63,564 square feet or 1.460 acres.

(For SPRG use only)
 Reviewed By: *JB*
 Date: 05.06.2020
 SPRG No.: 4801

GENERAL NOTES:

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Bryan Connally
 BRYAN CONNALLY
 R.P.L.S. NO. 5513



CBG Surveying Texas, LLC.

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SHEET 2 OF 4
 JOB NO. 1805086-2
 DRAWN BY: WTH
 DATE: 05/04/2020

**PARTIAL DRAINAGE AND UTILITY EASEMENT ABANDONMENT
STREET AND EASEMENT PLAT
CITY OF DALLAS BLOCK A/2745
ANDREW T. NANNY SURVEY, ABSTRACT NO. 1094
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

31559

SHEET 4 OF 4

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., PG. = VOLUME, PAGE
CM = CONTROLLING MONUMENT
R.O.W. = RIGHT-OF-WAY
IRF = IRON ROD FOUND
IRS = 1/2 INCH IRON ROD SET WITH PLASTIC YELLOW CAP STAMPED
"CBG SURVEYING" FOR CORNER
YC = YELLOW CAP
TXHS = TEXAS HERITAGE SURVEYING, LLC
C&B = CARTER & BURGESS

LOT 2, BLOCK 7/2748
WINSTED VILLAGE
APARTMENTS
VOL. 95193, PG. 2086
D.R.D.C.T.

BLOCK A/2745
215,584
SQUARE FEET
4.949 ACRES

AREA TO BE
ABANDONED
83,564
SQUARE FEET
1.460 ACRES



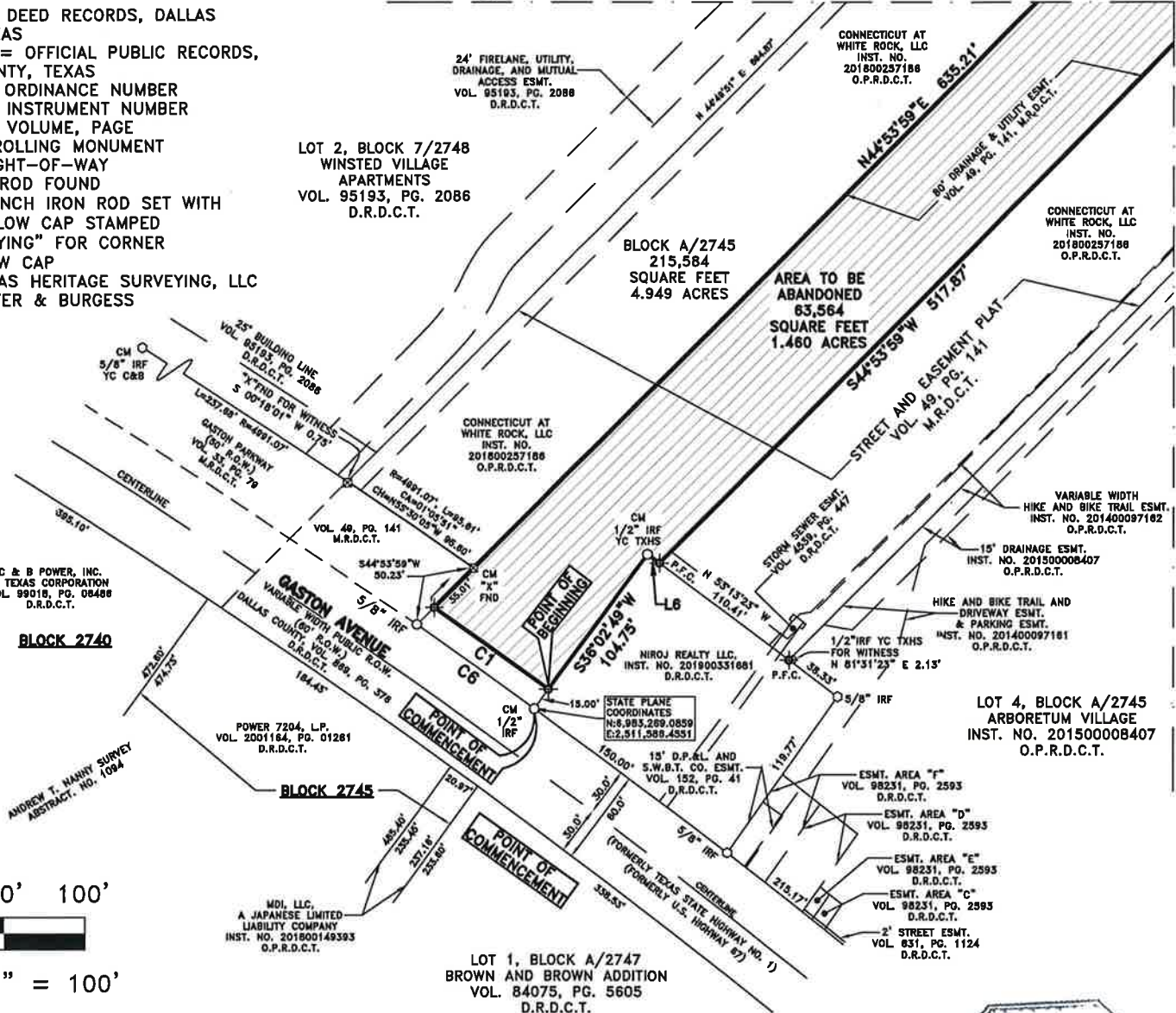
SCALE: 1" = 100'

(For SPRG use only)
Reviewed By: *[Signature]*
Date: 05.06.2020
SPRG No.: 4801

NOTE:
SEE SHEET 4 OF 4 FOR CURVE DATA.

GENERAL NOTES:

1) BEARINGS ARE BASED ON THE NORTHWEST LINE OF LOT 4, BLOCK A/2745, ARBORETUM VILLAGE, N 44°53'59" E, INSTRUMENT NUMBER 201500008407, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS



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SHEET 3 OF 4
JOB NO. 1805086-2
DRAWN BY: WTH
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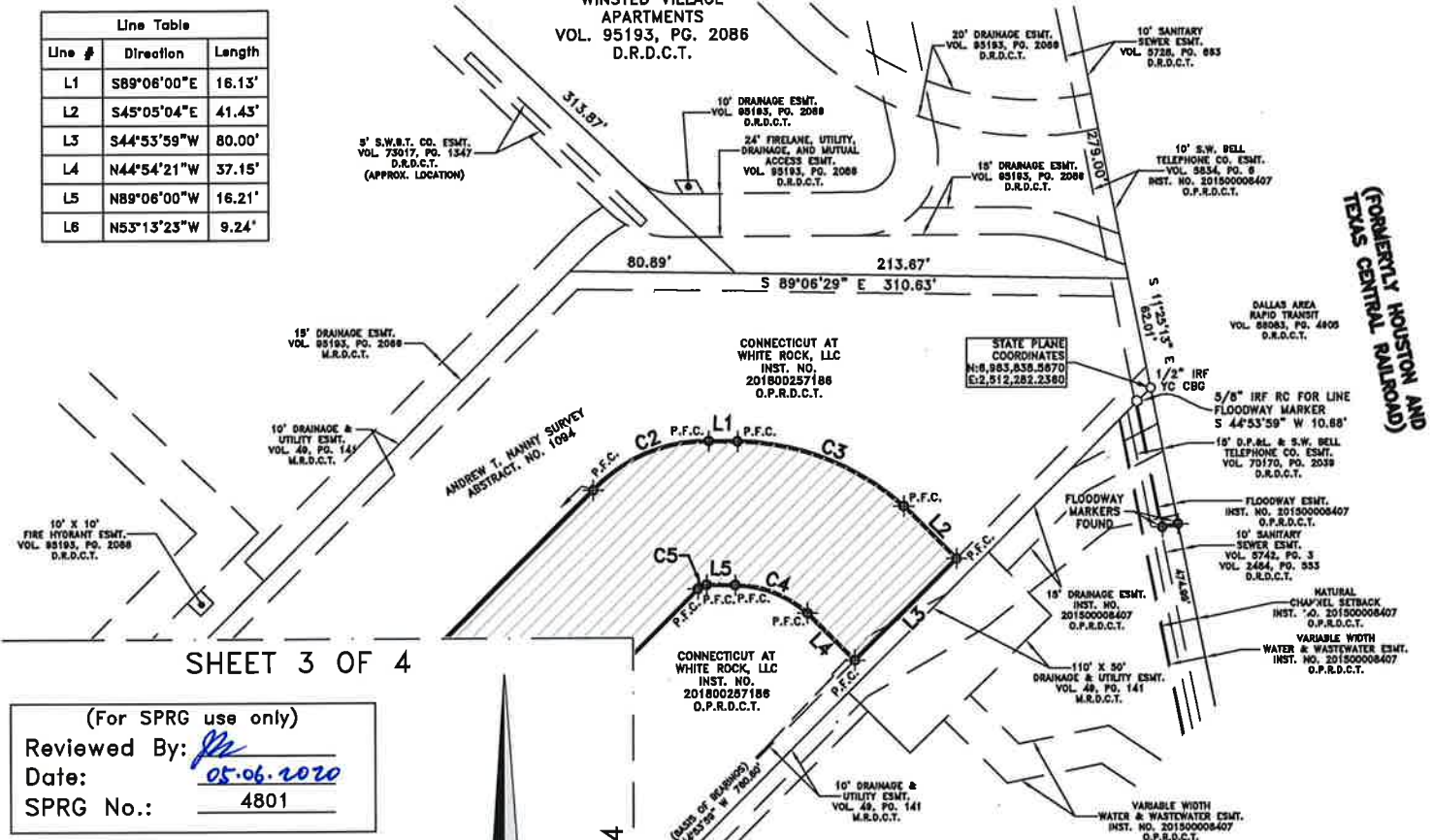
PARTIAL DRAINAGE AND UTILITY EASEMENT ABANDONMENT
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 ANDREW T. NANNY SURVEY, ABSTRACT NO. 1094
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| Line # | Direction | Length |
|--------|-------------|--------|
| L1 | S89°06'00"E | 16.13' |
| L2 | S45°05'04"E | 41.43' |
| L3 | S44°53'59"W | 80.00' |
| L4 | N44°54'21"W | 37.15' |
| L5 | N89°06'00"W | 16.21' |
| L6 | N53°13'23"W | 9.24' |

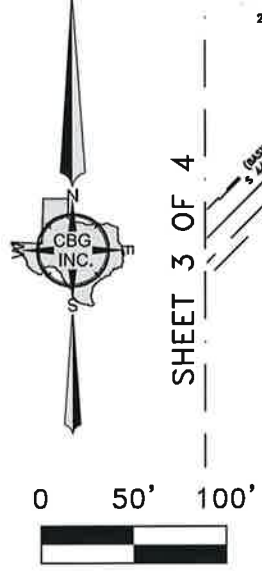
LOT 3, BLOCK 7/2748
 WINSTED VILLAGE
 APARTMENTS
 VOL. 95193, PG. 2086
 D.R.D.C.T.



(FORMERLY HOUSTON AND TEXAS CENTRAL RAILROAD)

(For SPRG use only)
 Reviewed By: *[Signature]*
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 YC = YELLOW CAP
 TXHS = TEXAS HERITAGE SURVEYING, LLC
 C&B = CARTER & BURGESS



SCALE: 1" = 100'

| Curve # | Radius | Length | Delta | Chord Bearing | Chord Length |
|---------|----------|---------|-----------|---------------|--------------|
| C1 | 4956.07' | 88.15' | 01°01'09" | N54°27'57"W | 88.15' |
| C2 | 88.00' | 71.62' | 47°42'44" | N67°07'05"E | 69.56' |
| C3 | 141.60' | 101.20' | 40°57'02" | S68°38'42"E | 99.06' |
| C4 | 61.60' | 44.06' | 40°58'37" | N68°39'29"W | 43.12' |
| C5 | 8.00' | 5.50' | 52°29'04" | S64°56'18"W | 5.31' |
| C6 | 4941.07' | 90.49' | 1°02'58" | N54°28'52"W | 90.49' |

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[Signature]
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SHEET 4 OF 4
 JOB NO. 1805086-2
 DRAWN BY: WTH
 DATE: 05/04/2020



200987

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 24 2020

ORDINANCE NUMBER 31559

DATE PUBLISHED JUN 27 2020

ATTESTED BY: