

ORDINANCE NO. **26909**

An ordinance providing for the abandonment and relinquishment of a portion of a drainage easement located in City Block A/392 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Anland 2A, L.P.; 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 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 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 Anland 2A, L.P., 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 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 hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions,

26909

reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to that 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, and conditions of this ordinance.

SECTION 4. That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519, and Department of Development Services - 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 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 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 the City of Dallas whole and harmless against 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

26909

occupancy of the property 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 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 this abandonment, relinquishment and quitclaim provided herein is made subject to and shall in no way limit, restrict, abandon, relinquish or affect the street right-of-way for High Market Street.

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 Development Services, or her

26909

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 Development Services, or her designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Development Services, or her designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 11. 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:
THOMAS P. PERKINS, JR.
City Attorney

THERESA O'DONNELL
Director of Development Services

BY 
Assistant City Attorney

BY 
Assistant Director

Passed SEP 12 2007.

FIELD NOTES DESCRIBING PART OF A 10 FOOT WIDE DRAINAGE EASEMENT TO BE ABANDONED IN CITY BLOCK A/392 AND ADJACENT TO CITY BLOCK 3/403 J. GRIGSBY SURVEY, ABSTRACT NO. 495, DALLAS COUNTY, TEXAS

BEING a 43 square foot tract of land situated in the J. Grigsby Survey, Abstract No. 495, and being a part of Block A/392 and adjacent to Block 3/403, Official City of Dallas Numbers and being a part of Lot 1, Block A/392 of VICTORY SOUTH ADDITION PHASE 2, an addition to the City of Dallas, Dallas County, Texas, as recorded in Instrument Number 200600179521 of the Official Public Records of Dallas County, Texas, (O.P.R.D.C.T.) and being part of those certain drainage easements described in deed to the City of Dallas, as recorded in Volume 2002020, Page 11798 of the Deed Records of Dallas County, Texas, (D.R.D.C.T.) and being a part of a tract of land described in deed to Anland 2A, L.P., as recorded in Volume 98060, Page 3979, D.R.D.C.T and being more particularly described as follows:

BEGINNING at a found 3-inch aluminum disk stamped "VICTORY SOUTH ADDITION BLOCK A/392 HALFF ASSOC. INC." (hereinafter referred as "found A.D.") at the intersection of the north right-of-way line of High Market Street (a variable width right-of-way), dedicated to the City of Dallas, as recorded in Instrument Number 200600074601, O.P.R.D.C.T., with the east right-of-way line of Victory Avenue (a variable width right-of-way), dedicated to the City of Dallas, as recorded in Volume 2001041, Page 5452, D.R.D.C.T;

THENCE North 15 degrees 08 minutes 15 seconds West, along said east right-of-way line, a distance of 6.10 feet to a 1/2 inch set iron rod with yellow plastic cap stamped "HALFF ASSOC. INC." (hereinafter referred as "with cap") for corner, from which a found A.D. bears North 15 degrees 08 minutes 15 seconds West, a distance of 279.19 feet;

THENCE South 75 degrees 08 minutes 19 seconds East, departing said east right-of-way line, a distance of 16.29 feet to a point for corner on the north right-of-way line of said High Market Street;

THENCE South 83 degrees 05 minutes 36 seconds West, along said north right-of-way line, a distance of 14.25 feet to the POINT OF BEGINNING AND CONTAINING 43 square feet or 0.0010 acre of land, more or less.

Handwritten signature and professional seal for Colin J. Henry, Registered Professional Land Surveyor No. 5230, State of Texas. The seal is octagonal with a star in the center. To the right of the seal is the handwritten date 2/7/07.

(For SPRG use only) Reviewed By: _____ Date: _____ SPRG NO.: _____

REVIEWED BY Jz 06.21.2007

26909

EXHIBIT A

072551

FIELD NOTES DESCRIBING PART OF A 10 FOOT WIDE
DRAINAGE EASEMENT ~~TO BE ABANDONED~~
IN CITY BLOCK A/392 AND ADJACENT TO CITY BLOCK 3/403
J. GRIGSBY SURVEY, ABSTRACT NO. 495, DALLAS COUNTY, TEXAS

Basis of bearing is based on Texas State Plane Coordinate System, 1983 (1993), North Central Zone 4202, based on GPS measurements from Triangulation Station "Buckner Reset", and "Arlington RRP". Convergence angle at "Buckner Reset" is 00 Degrees 59 Minutes 28.8 Seconds as computed by Corpscon V4.11.

REVIEWED BY

Jh 06.21.2007

(For SPRG use only)	
Reviewed By:	_____
Date:	_____
SPRG NO.:	_____

PART OF A 10 FOOT WIDE DRAINAGE EASEMENT TO BE ABANDONED
IN CITY BLOCK A/392 AND ADJACENT TO BLOCK 3/403
J. GRIGSBY SURVEY, ABSTRACT NO. 495, DALLAS COUNTY, TEXAS

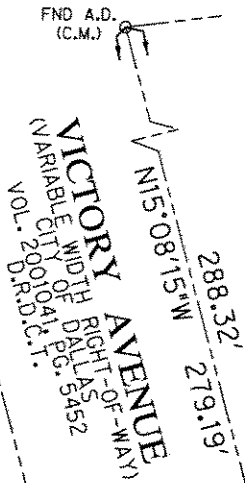
BLOCK A/392

LOT 1, BLOCK A/392
VICTORY SOUTH ADDITION PHASE 2
INSTR. NO. 200600179521
O.P.R.D.C.T.

(OWNER)
ANLAND 2A, L.P.
VOL. 98060, PG. 3979
D.R.D.C.T.

J. GRIGSBY SURVEY
ABSTRACT NO. 495

10 FOOT WIDE DRAINAGE EASEMENT
VOL. 2002020, PG. 11798
D.R.D.C.T.
(TO BE ABANDONED)
43 SQ. FT.
OR
0.0010 AC.



POINT OF BEGINNING

N15°08'15"W
6.10'

FND A.D.
(C.M.)

1/2" S.I.R.
W/CAP

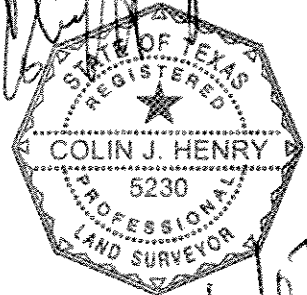
S75°08'19"E
16.29'

S83°05'36"W
14.25'

HIGH MARKET STREET
(VARIABLE WIDTH RIGHT-OF-WAY)
CITY OF DALLAS
INSTR. NO. 200600074601
O.P.R.D.C.T.

BLOCK 3/403

LOT 1A, BLOCK 3/403
VICTORY SOUTH ADDITION PHASE 2
INSTR. NO. 200600179521
O.P.R.D.C.T.



2/7/07

LEGEND:

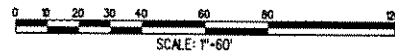
- (C.M.) CONTROL MONUMENT
- 1/2" S.I.R. W/CAP 1/2" SET IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HALFF ASSOC. INC."
- FND A.D. FOUND 3" ALUMINUM DISK STAMPED "VICTORY SOUTH ADDITION BLOCK A/392 HALFF ASSOC. INC."

(For SPRG use only)

Reviewed By: _____
 Date: _____
 SPRG NO.: _____

REVIEWED BY

Jr 06.21.2007



NOTE:
Basis of Bearing is based on Texas State Plane Coordinate System, 1983 (1993), North Central Zone 4202, based upon GPS measurements from Triangulation Station 'Buckner Reser' and 'Arlington RRP'. Convergence angle at 'Buckner Reser' is 00 Degrees 59 Minutes 28.8 Seconds as computed by Corpscon V4.11. The monuments used for basis of bearing are noted hereon as (C.M.).

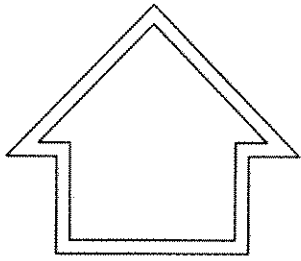
Halff Associates, Inc.

ENGINEERS ARCHITECTS SCIENTISTS PLANNERS SURVEYORS

SCALE: 1"=60' AV0.21600 W004 JUNE 2007

3/4

PART OF A 10 FOOT WIDE DRAINAGE EASEMENT TO BE ABANDONED
IN CITY BLOCK A/392 AND ADJACENT TO CITY BLOCK 3/403
J. GRIGSBY SURVEY, ABSTRACT NO. 495
DALLAS COUNTY, TEXAS, MAPSCO 45J



NORTH
N.T.S.



VICTORY

AVENUE

NORTH HOUSTON STREET

HARRY HINES

PAYNE

OLIVE

CEDAR SPRINGS

RIVER

WOODALL RODGERS FWY.

FIELD

LAMAR

LAWSON

INDUSTRIAL BLVD.

CITY OF DALLAS
TRACT

CONTINENTAL

EASEMENT TO
BE ABANDONED



COMMERCE

(For SPRG use only)

Reviewed By: _____

Date: _____

SPRG NO.: _____

