

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A ROAD EASEMENT AT THE CORNER OF BROOKHAVEN CLUB DRIVE AND SPRING VALLEY ROAD IN THE CITY OF ADDISON, COUNTY OF DALLAS, TEXAS, WITHIN THE LIMITS HEREINAFTER MORE FULLY DESCRIBED; PROVIDING FOR THE SALE AND CONVEYANCE THEREOF TO CHARLES GARTNER, AN INDIVIDUAL; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT AND CONVEYANCE MADE HEREIN; PROVIDING FOR THE CONSIDERATION TO BE PAID TO THE CITY OF ADDISON; PROVIDING FOR THE PAYMENT OF THE PUBLICATION FEE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Addison, acting pursuant to law, and upon the request and petition of Grantee herein, deems it advisable to abandon and convey the hereinafter described tract of land to Grantee and is of the opinion that said road easement is not needed for public use, and the same should be abandoned and quitclaimed to CHARLES GARTNER as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Addison is of the opinion that the best interest and welfare of the public will be served by abandoning and conveying the same to CHARLES GARTNER for the consideration hereinafter more fully set forth; Now, Therefore,

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

SECTION 1. That the following described tract of land in the City of Addison, County of Dallas, Texas, be and the

same is hereby abandoned, vacated and closed insofar as the right, title and easement of the public are concerned; subject, however, to the conditions hereinafter more fully set out:

DESCRIPTION of a 0.1794 acre tract of land in the Noah Good Survey, Abstract 520 and being in the City of Addison, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the point of intersection of the westerly ROW line of Brookhaven Club Road (a 100' wide ROW) and the southerly ROW line of Spring Valley Road (a variable width ROW); thence along a curve in a southwesterly direction, the center of which bears S 46° 24' 51" E 250.00 feet, through a central angle of 11° 23' 19", an arc distance of 49.62 feet; thence N 63° 42' 00" W 1.80 feet to the POINT OF BEGINNING,
THENCE S 26° 18' 00" W a distance of 60.00 feet to a point;
THENCE N 63° 42' 00" E a distance of 146.85 feet to the beginning of a curve to the left which has a radius of 216.41 feet;
THENCE along said curve through a central angle of 2° 22' 56" an arc distance of 9.00 feet to a point for corner;
THENCE N 0° 09' 00" E a distance of 18.24 feet to a point;
THENCE S 89° 51' 00" E a distance of 99.41 feet to a point;
THENCE S 63° 42' 00" E a distance of 74.65 feet to the POINT OF BEGINNING, containing 7815 square feet (0.1794 acres) of land, more or less.

SECTION 2. That for and in consideration of the sum of Twenty Dollars (\$20.00) paid by CHARLES GARTNER the City of Addison does by these presents BARGAIN, SELL, RELEASE AND FOREVER QUITCLAIM unto the said CHARLES GARTNER, his heirs and assigns, all its rights, title and interest in and to that certain tract or parcel of land hereinabove described. TO HAVE AND TO HOLD the said premises, together with all and singular the rights privileges, hereditaments and appurtenances thereto in any manner belonging, unto the said CHARLES GARTNER, his heirs and assigns forever, so that neither it, the said City of Addison, Texas, nor its successors,

nor any person or persons claiming under it shall, at any time hereafter, have, claim or demand any right or title to the aforesaid premises and appurtenances, or any part thereof.

SECTION 3. This conveyance is made subject to all present zoning and deed restrictions, if the latter exist, and is subject to all existing easement rights of others, if any, whether apparent or nonapparent, aerial, surface, underground, or otherwise, and is subject to any existing utilities or communication facilities presently located within the abandoned area, owned and/or operated by the City of Addison or any utility or communications company, public or private, and to any vested rights presently owned by any public or private utility for the use of the abandoned area for facilities presently located within the boundaries of said abandoned area; and the relocation, removal, or adjustment of any or all such utilities or facilities, including water and sanitary sewer lines, gas lines, storm sewers, communication facilities and electrical facilities, If such relocation, removal or adjustment is made necessary by Grantee's use of the said subject property, shall be at the expense of Grantee herein, his heirs, successors or assigns.

SECTION 4. That the terms and conditions contained in this ordinance shall be binding upon Grantee, his heirs and assigns.

SECTION 5. That the abandonment and conveyance provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest of the Governing Body of the City of Addison may

legally and lawfully abandon and vacate.

SECTION 6. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance to be recorded in the Deed Records of Dallas County, Texas, and a certified copy of same shall be delivered to Grantee upon receipt of said consideration, plus the fee for publishing this ordinance, which Grantee shall likewise pay.

SECTION 7. That the necessity for abandoning the property hereinabove described creates an urgency and an emergency and requires that this Ordinance take effect from and after its passage as the law in such cases provides.

DULY PASSED by the City Council of the City of Addison, Texas this the 12th day of August, 1975.

APPROVED:

Jerry Redding
Mayor

ATTESTED:

Joyce S. Duvors
City Secretary

APPROVED AS TO FORM:

Robert L. McCall
Attorney