

ORDINANCE NO. 273

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A ROAD EASEMENT ON THE EAST SIDE OF ADDISON ROAD ALONG THE WAKEFIELD ADDITION IN THE CITY OF ADDISON, COUNTY OF DALLAS, TEXAS, WITHIN THE LIMITS HEREINAFTER MORE FULLY DESCRIBED; PROVIDING FOR THE RETURN THEREOF TO FOLSOM INVESTMENTS; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT AND CONVEYANCE MADE HEREIN; AN 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 Folsom Investments 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 Folsom Investments for the consideration hereinafter more fully set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

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:

Being a tract of land situated in the William Lomax Survey, Abstract No. 792 in the City of Addison, Dallas County, Texas, and being more particularly described as follows:

Commencing at a point at the intersection of the east right-of-way line of Addison Road (a 60 foot R.O.W.) and the north right-of-way line of Keller Springs Road (a 50 foot R.O.W.), said point being in a curve to the right in a northwesterly direction, having a central angle of $23^{\circ} 23' 35''$, a radius of 686.30 feet and a tangent bearing of N. $23^{\circ} 36' 35''$ W., Thence along said curve and said east right-of-way of Addison Road, 280.21 feet to the end of said curve; Thence N. $0^{\circ} 13' 00''$ W., 2485.38 feet along said east right-of-way of Addison Road to the Point of Beginning;

THENCE N. $0^{\circ} 13' 00''$ W., 115.00 feet along the said east right-of-way of Addison Road to a point for corner;

THENCE leaving the said east right-of-way of Addison Road, N. $89^{\circ} 47' 00''$ E., 20.00 feet to a point for corner;

THENCE S. $0^{\circ} 13' 00''$ E., 115.00 feet to a point for corner;

THENCE S. $89^{\circ} 47' 00''$, 20.00 feet to the Point of Beginning and containing 2300 square feet.

Section 2. That for and in consideration of the sum of One Dollar (\$1.00) paid by Folsom Investments the City of Addison does by these presents BARGAIN, SELL, RELEASE AND FOREVER QUITCLAIM unto the said Folsom Investments, its 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 Folsom Investments, 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.

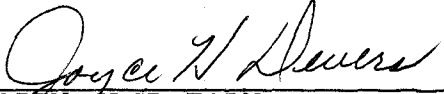
Section 6. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance to be recorded in the Deed Records of Dallas County, Texas, and a certified copy of same shall be delivered to Grantee upon receipt of said consideration.

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 27th day of July, 1976.


MAYOR

ATTEST:


CITY SECRETARY