

ORDINANCE NO. 825

AN ORDINANCE FOR THE ABANDONMENT OF A UTILITY EASEMENT NORTH OF BELT LINE ROAD AND EAST OF ADDISON ROAD; PROVIDING FOR THE RETURN THEREOF TO MCM COMPANY, A PARTNERSHIP COMPOSED OF HOBART I. MOSES, JR. AND JAMES R. CLINE; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT AND CONVEYANCE MADE HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, Texas 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 utility easement is not needed for public use, and the same should be abandoned and quitclaimed to MCM Company, a partnership composed of Hobart I. Moses, Jr. and James R. Cline, (sometimes hereinafter called "Grantee"), as hereinafter provided for the consideration hereinafter stated; and

WHEREAS, the City Council of the Town 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 MCM Company, a partnership composed of Hobart I. Moses, Jr. and James R. Cline for the consideration hereinafter more fully set forth.

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

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SECTION 1. That the following described tract of land in the Town of Addison, Dallas County, Texas, be, and the same is hereby abandoned, vacated and closed insofar as the right, title

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and easement of the public are concerned; subject, however, to the conditions hereinafter more fully set out:

BEING a tract of land in the G. W. Fisher Survey, Abstract No. 482, and being more particularly described as follows:

COMMENCING at the intersection of the centerlines of Belt Line Road and Addison Road; thence, North, 0°17'00" E, 1089.50 feet, to a point in the centerline of Addison Road; thence, South, 89°43'00"E, 30.00 feet, to a point in the east R.O.W. line of Addison Road, said point being the POINT OF BEGINNING;

THENCE, North, 0°17'00"E, 20.00 feet to a point;

THENCE, South, 89°43'00"E, 15.00 feet to a point;

THENCE, South, 0°17'00"W, 20.00 feet to a point;

THENCE, North, 89°43'00"W, 15.00 feet to the POINT OF BEGINNING and describing aforesaid construction easement.

SECTION 2. That for and in consideration of the sum of One Dollar (\$1.00) paid by MCM Company, a partnership composed of Hobart I. Moses, Jr. and James R. Cline the Town of Addison does by these presents BARGAIN, SELL, RELEASE AND FOREVER QUITCLAIM unto the said MCM Company, a partnership composed of Hobart I. Moses, Jr. and James R. Cline , its successors and assigns, all its right, 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 MCM Comapny, a partnership composed of Hobart I. Moses, Jr. and James R. Cline, its successors and assigns, forever, so that neither it, the said Town of Addison, Texas, nor its successory, nor any person or persons claiming under it shall, at any time hereinafter, have, claim or demand any right or title to the aforesaid premises and appurtenances, or any part thereof.

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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 Town of Addison, Texas, 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-of-way, title, easement and interest, and shall be construed to extend only to that interest of the City Council of the Town of Addison, Texas, may legally and lawfully abandon and vacate.

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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 all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed, specifically Ordinance No. 812, and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 8. 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 TOWN OF ADDISON, TEXAS, this the 24 day of August, 1982.

John Redding
MAYOR

ATTEST:

Jaquie Kuse
CITY SECRETARY

EFFECTIVE DATE:

9-1-82

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COUNTY CLERK, Dallas County, Texas

[Handwritten signature]

AUG 26 1982

STATE OF TEXAS
COUNTY OF DALLAS
I hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly re-
corded in the volume and page of the named records
of Dallas County, Texas as stamped hereon by me.

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FILED
COUNTY CLERK
DALLAS COUNTY

*James Kinosh
Tandem
P.O. Box 184
Ojai, CA 91324 TX. 75001*