

ORDINANCE NO. 084-089

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, PROVIDING FOR THE ABANDONMENT OF A DRAINAGE AND UTILITY EASEMENT OVER LOT 74, BLOCK B OAKS NORTH ADDITION TO THE TOWN OF ADDISON, DALLAS COUNTY, TEXAS; PROVIDING FOR THE RETURN THEREOF TO L. C. SHORE AND J. YASSAI; 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, 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 drainage and utility easement is not needed for public use, and the same should be abandoned and quitclaimed to L. C. Shore and J. Yassai ("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 Grantee for the consideration hereinafter more fully set forth.

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

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 and easement of the public are concerned; subject, however, to the conditions hereinafter more fully set out: the five (5) foot drainage and utility easement ("Drainage and Utility Easement") over and along the southern most property line of Lot 74, Block B of Oaks North Addition to the Town of Addison, Dallas County, Texas, as shown on the plat recorded in the plat records of Dallas County, Texas.

SECTION 2. That for and in consideration of the sum of One Dollars (\$1.00) paid by Grantee, the Town of Addison does by these presents BARGAIN, SELL, RELEASE AND FOREVER QUITCLAIM unto the said Grantee, their 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 Grantee, their heirs and assigns forever, so that neither it, the said Town of Addison, Texas, nor its successors, 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.

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 other-

wise, 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 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, their 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 City Council of the Town 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.  
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DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 13<sup>th</sup> day of November, 1984.

MAYOR *[Signature]*

ATTEST:

*Jacque Kuss*  
CITY SECRETARY