

ORDINANCE NO. 085-021

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF APPROXIMATELY 12000 SQUARE FEET OF LAND LOCATED WEST OF DALLAS PARKWAY AND SOUTH OF THE ST. LOUIS & SOUTHWESTERN RAILROAD IN THE TOWN OF ADDISON, COUNTY OF DALLAS, TEXAS, WITHIN THE LIMITS HEREINAFTER MORE FULLY DESCRIBED; PROVIDING FOR THE SALE AND CONVEYANCE THEREOF TO ROBERT W. COLLINS AND HARRY CRUTCHER, III, TRUSTEES; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT AND CONVEYANCE MADE HEREIN; PROVIDING FOR THE CONSIDERATION TO BE PAID TO THE TOWN OF ADDISON; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, acting pursuant to law, and upon the request and petition of Robert W. Collins and Harry Crutcher, III, Trustees, herein called Grantee, deems it advisable to abandon and convey the hereinafter described tract of land to Grantee and is of the opinion that said tract is not needed for public use, and the same should be abandoned and quitclaimed to 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 the Grantee for the consideration hereinafter more fully set forth; now, therefore,

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

SECTION 1. The following described tract of land in the Town 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 12,748 square foot tract of land situated in the Town of Addison, Dallas County, Texas, out of the G.W. Fisher Survey, Abstract Number 482, said 12,748 square foot tract of land being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set in the westerly right-of-way line of Dallas Parkway (variable width right-of-way) for the southeast corner of the tract of land described in the deed to Opubco Properties, Inc. as recorded in Volume 82020, Page 0684, Deed Records of Dallas County, Texas, also being in the northerly line of the tract of land described as Tract B in the deed to Opubco Properties, Inc. recorded in Volume 82020, Page 0693, Deed Records of Dallas County, Texas;

THENCE with the westerly right-of-way line of Dallas Parkway the following:

North 00 deg. 56' 16" West a distance of 412.88 feet to a 1/2 inch iron rod set for corner in a curve to the right, the radius point of said curve being situated North 86 deg. 27' 02" East a distance of 2964.79 feet from said iron rod;

Northwesterly with said curve through a central angle of 2 deg. 19' 58" an arc distance of 120.71 feet to a 1/2 inch iron rod set for corner;

THENCE departing the westerly right-of-way line of Dallas Parkway, South 13 deg. 20' 17" East a distance of 37.81 feet to a 1/2 inch rod set for the point of curvature of a curve to the right having a radius of 626.62 feet;

THENCE southeasterly with said curve through a central angle of 11 deg. 19' 54" an arc distance of 123.93 feet to a 1/2 inch iron rod set for the point of tangency of said curve;

THENCE South 02 deg. 00' 23" East a distance of 82.23 feet to a 1/2 inch iron rod set for the point of curvature of a curve to the left having a radius of 1997.84 feet;

THENCE southeasterly with said curve through a central angle of 8 deg. 24' 56" an arc distance of 293.44 feet to a 1/2 inch iron rod set for northeasterly corner of the aforementioned Tract B, Opubco Properties, Inc.;

THENCE with said northerly line, South 89 deg. 33' 05" West a distance of 48.08 feet to the POINT OF BEGINNING;

CONTAINING an area of 12,748 square feet of 0.293 acres of land.

SECTION 2. For and in consideration of the sum of Twenty Dollars (\$20.00) paid by Grantee, the Town of Addison does by these presents FOREVER QUITCLAIM unto the said Grantee, 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 Grantee, his heirs and assigns forever, so that neither it, the Town of Addison, Texas, nor its successors, no 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, and is subject to all present zoning and deed restrictions, and is subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground, or otherwise, and is subject to any existing utilities or communications facilities presently located within the abandoned area, owned and/or operated by the Town of Addison so 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, communications 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 Town of Addison may legally and lawfully abandon and vacate.

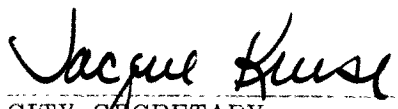
SECTION 6. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance to be recorded in the Deed Records of Dallas County, Texas; upon receipt of said consideration, the City Secretary shall deliver to Grantee the certified copy of this ordinance. The City Secretary shall be the sole source for receiving certified copies of this ordinance after its passage.

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 TOWN OF ADDISON, TEXAS,  
on this the 16th day of April, 1985.

  
MAYOR

ATTEST:

  
CITY SECRETARY

APPROVED AS TO FORM:

  
ATTORNEY

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5-2-85