

ORDINANCE NO. 090-027

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, PROVIDING FOR THE ABANDONMENT OF A PORTION OF CLARA STREET IN THE TOWN OF ADDISON, DALLAS COUNTY, TEXAS; PROVIDING FOR RETURN THEREOF TO OPUBCO PROPERTIES, INC., A TEXAS CORPORATION; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT AND CONVEYANCE MADE HEREIN; PROVIDING FOR THE 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 hereinafter described tract of land to Grantee and is of the opinion that said portion of the street is not deeded for public use, and the same should be abandoned and quitclaimed to OPUBCO Properties, Inc. ("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: a portion of Clara Street in the Town of Addison, Dallas County, Texas, and being more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2. That for and in consideration of the sum of One Dollar (\$1.00) paid by Grantee, the Town of Addison does by these presents BARGAIN, SELL, RELEASE AND FOREVER QUITCLAIM unto the said Grantee, its successors 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, its successors 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 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 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 or 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, its successors or assigns.

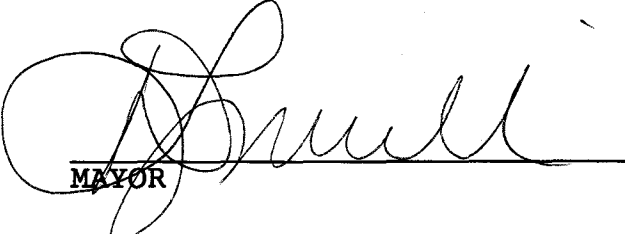
SECTION 4. That the terms and conditions contained in this ordinance shall be binding upon Grantee, their heirs and assigns.

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 upon final passage of this ordinance, the City Secretary shall transmit a certified copy of this ordinance to the Grantee.

SECTION 7. This ordinance shall take effect upon receipt by the City Secretary of a duly executed deed conveying to the City certain tracts of land described in an agreement between it and Grantee or immediately from and after its passage and publication in accordance with the provisions of the charter of the Town of Addison which either occurs latter.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 12th day of June, 1990.


MAYOR

ATTEST:


CITY SECRETARY

Published 7-8-90

EXHIBIT "A"

BEING a tract of land situated in part of Lot 5, Block D, and Lot 13, Block B, of the Julian Addition, Town of Addison, Dallas County, Texas, as recorded in Volume 1, page 538, of the Plat records, Dallas County Deed Records, out of the G.W. FISHER SURVEY, ABSTRACT NO. 482, and being more particularly described as follows:

COMMENCING at the intersection of the north R.O.W. of Clara Street (50' R.O.W.), with the east R.O.W. of Julian Street (60' R.O.W.);

THENCE, easterly with said north R.O.W., a distance of 210 ft. to the Point of Beginning; said Point of Beginning being on the east R.O.W. of a 20 ft. alley;

THENCE, N 89 11'19" E, with the north R.O.W. of Clara Street, a distance of 190.0 feet to a point;

THENCE, S 0 42'31" E, 50.0 feet to a point on the south R.O.W. of Clara Street;

THENCE, S 89 11'19" W, with said south R.O.W. of Clara Street, a distance of 190.0 feet to a point being on the aforementioned east R.O.W. of a 20' alley;

THENCE, N 0 42'31" W, with the east R.O.W. of said 20' alley a distance of 50.0 feet to the Point of Beginning, containing 0.2181 acres of land, more or less.