

ORDINANCE 094-049

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, PROVIDING FOR THE ABANDONMENT OF AN ALLEY DEDICATION OVER LOT 8, BLOCK 8171, G.W. JOHNSEN SUBDIVISION ADDITION TO THE TOWN OF ADDISON (FORMERLY IN THE CITY OF DALLAS), DALLAS COUNTY, TEXAS; PROVIDING FOR THE RETURN THEREOF TO GIL L. TURCHIN AND SALLY M. HERBERT; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT AND CONVEYANCE MADE HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there currently exists a ten (10) foot alley easement (the "alley easement") located across the western most portion of the property described as Lot 8, Block 8171 of the G.W. Johnson Subdivision, an addition to the Town of Addison, Texas (the "City") as shown on the map thereof recorded in Volume 76061, Page 1014 of the Map Records of Dallas County, Texas; and

WHEREAS, the City Council, acting pursuant to law, and upon the request and petition of Grantee, herein deems it advisable to abandon and convey the alley easement to Grantees and is of the opinion that said alley easement is not needed for public use except as a utility easement for Texas Utilities Electric Company, and that to that extent the alley easement should be abandoned and quitclaimed to Gil L. Turchin and Sally M. Herbert ("Grantees"), as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council is of the opinion that the best interest and welfare of the public will be served by abandoning and conveying the same to Grantees 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. That the following described tract of land in the Town of Addison, (formerly in the City of Dallas), Dallas County, Texas:

The ten (10) foot alley easement ("Alley Easement") over and along with the western most property line of Lot 8, Block 8171 of G. W. Johnsen Subdivision Addition (and being more generally described as 14805 Winnwood Road) to the Town of Addison, Dallas County, Texas, as shown on the map thereof recorded in Volume 76061, Page 1014 of the Map Records of 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; provided, however, that the use of the said Alley Easement by Texas Utilities Electric Company, its successors and assigns for utility purposes is not abandoned, vacated or closed but is reserved for such utility purposes and shall continue in full force and effect.

SECTION 2. That for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) paid by Grantees, the Town of Addison does by these presents BARGAIN, SELL, RELEASE and FOREVER QUITCLAIM unto the said Grantees, their heirs and assigns, all its rights, title and interest in and to the Alley Easement, 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 Grantees, 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, or 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 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. If such relocation, removal or adjustment is made necessary by Grantees' use of the said subject property, such shall be at the expense of Grantees herein, their heirs, successors or assigns.

SECTION 4. The terms and conditions contained in this Ordinance shall be binding upon Grantees, their heirs, successors and assigns.

SECTION 5. 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. 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 Grantees upon receipt of said consideration.

SECTION 7. 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 9th day of August, 1994.


MAYOR

Published
11/17/94



ATTEST:

C. MORAN
CITY SECRETARY

APPROVED AS TO FORM:

James R. Ryan
CITY ATTORNEY

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FILED

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EARL BULLOCK
COUNTY CLERK
DALLAS COUNTY

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is hereby null and unenforceable under federal law.
STATE OF TEXAS
I hereby certify this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of Dallas County, Texas as stamped hereon by me.

COUNTY OF DALLAS

JAN 11 1995

Earl Bullock
COUNTY CLERK, Dallas County, Texas



RETURN TO:

NAME DIANA MILLER

ADDRESS TOWN OF ADDISON P.O. Box 144

CITY ADDISON, TX 75001