

ORDINANCE NO. 000-022

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS PROVIDING FOR THE ABANDONMENT OF A PORTION OF A PUBLIC UTILITY EASEMENT ON PROPERTY REFERRED TO AS THE AWECO SUBDIVISION LOCATED ADJACENT TO ADDISON AIRPORT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a tract of land known as the Aweco Subdivision was the subject of a replat filed of record in Volume 97093, Page 6846, Real Property Records, Dallas County, Texas (copy attached as Exhibit 1 and incorporated herein); and

WHEREAS, the replat of the Aweco Subdivision created an approximately 25 foot utility easement dedicated to public utility use which runs the length of the property and parallel to the south property line; and

WHEREAS, the current owner of the property desires to construct a building which will slightly encroach into the public utility easement to the extent depicted and described on Exhibit 2 ("Easement Exhibit") attached hereto and incorporated herein (the area being encroached upon is referred to in Exhibit 2 as "Easement - 1" and herein as the "Easement Portion"); and

WHEREAS, there presently exist no water, sanitary sewer, or storm water lines within the public utility easement; and

WHEREAS, Section 272.001, Tex. Loc. Gov. Code, authorizes the release and abandonment of the Easement Portion to the adjacent owner; and

WHEREAS, the City Council of the Town of Addison, Texas, acting pursuant to law, deems it advisable to abandon the Easement Portion which is no longer needed for public use, and said property should be abandoned, relinquished and vacated to the adjacent landowner.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein for all purposes.

Section 2. Abandonment. The Town of Addison does hereby abandon, relinquish and vacate the Easement Portion described and depicted in Exhibit 2 to the adjacent landowner. The Town reserves all authority and rights it has in the public utility easement not abandoned by this Ordinance.

Section 3. Extent of Abandonment. The abandonment provided herein shall apply to the public right, title, easement and interest that the Town of Addison may lawfully abandon, vacate and relinquish. The Town of Addison makes no warranty as to title to the land abandoned.

Section 4. Recording. The City Secretary is hereby directed to certify a copy of this Ordinance and cause it to be recorded in the Deed Records of Dallas County, Texas.

Section 5. Effective Date. This Ordinance shall take effect immediately upon passage and it is so ordained.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 13TH day of June, 2000.



Mayor

ATTEST:



City Secretary

PUBLISHED ON: _____

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS HOME INTERIORS AND GIFTS, INC. AND METROPORT REALTY CORPORATION are the owners of certain land situated in the William Lomax Survey, Abstract No. 792, Town of Addison, Dallas County, Texas and including all of the Aweco Subdivision, an addition to the Town of Addison as recorded in Volume 79136, Page 2610, Deed Records, Dallas County, Texas and all of a certain tract of land conveyed to Personal Way Aviation by deed recorded in Volume 93249, Page 829, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a P.K. nail set for corner in the northwest line of Addison Center, an addition to the Town of Addison as recorded in Volume 84103, Page 3367, Deed Records, Dallas County, Texas, said P.K. nail also being the corner southerly corner of Van Hoff Addition, an addition to the Town of Addison as recorded in Volume 79122, Page 1831, Deed Records, Dallas County, Texas;

THENCE South 44 deg. 14 min. 47 sec. West along the northwest line of said Addison Center and the northwest line of a tract of land conveyed to Eddies Enterprises, Inc. by deed recorded in Volume 81067, Page 704, Deed Records, Dallas County, Texas a distance of 520.64 feet to a P.K. nail found at angle point in the east line of Personal Way Aviation Addition, an addition to the Town of Addison as recorded in Volume 90241, Page 2840, Deed Records, Dallas County, Texas;

THENCE North 45 deg. 33 min. 00 sec. West along the northeast line of said Personal Way Aviation Addition a distance of 228.09 feet to a 1/2 inch iron rod set for corner in a southeast line of Addison Airport;

THENCE North 43 deg. 16 min. 00 sec. East along the southeast line of said Addison Airport a distance of 519.89 feet to a P.K. nail set for corner at the most northerly corner of said Aweco Subdivision, said P.K. nail also being the most westerly corner of Van Hoff Addition, an addition to the Town of Addison as recorded in Volume 79122, Page 1831, Deed Records, Dallas County, Texas;

THENCE South 46 deg. 44 min. 00 sec. East along the southwest line of said Van Hoff Addition a distance of 220.09 feet to the POINT OF BEGINNING and containing 112,182.47 square feet or 2.5723 acres of land.

OFF ADDITION
22 PG. 2/21

LUKE STREET
2 PG. 2/21

BONNING

LOT 1
ADDISON CENTER
VOL. 84103, PG. 3367

STATE OF TEXAS

BEFORE ME, the undersigned, a notary public in and for said State, on this day personally appeared DONALD J. CARTER known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 12 day of March, 1997.



Carol Molloy
Notary Public in and For the State of Texas
My Commission Expires: 5/18/98

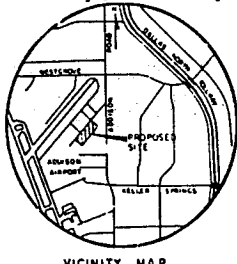
STATE OF TEXAS

BEFORE ME, the undersigned, a notary public in and for said State, on this day personally appeared DONALD J. CARTER known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 12 day of March, 1997.



Carol Molloy
Notary Public in and For the State of Texas
My Commission Expires: 5/18/98



VICINITY MAP

KNOW ALL MEN BY THESE PRESENTS:

THAT HOME INTERIORS AND GIFTS, INC. AND METROPORT REALTY CORPORATION ("Owner") do hereby adopt this replat designating the hereinabove property as the AWECO SUBDIVISION, an addition to the Town of Addison, Texas, and, subject to the conditions, restrictions and reservations stated hereinafter, owner dedicates to the public use forever the streets and alleys shown thereon.

The easements shown on this plat are hereby reserved for the purposes as indicated, including, but not limited to, the installation and maintenance of water, sanitary sewer, storm sewer, drainage, electric, telephone, gas and cable television. Owner shall have the right to use these easements, provided however, that it does not unreasonably interfere or impede with the provision of the services to others. Said utility easements are hereby being reserved by mutual use and accommodation of all public utilities using or desiring to use the same. An express easement of ingress and egress is hereby expressly granted on, over and across all such easements for the benefit of the provider of services for which easements are granted.

Any drainage and floodway easement shown hereon is hereby dedicated to the public's use forever, but including the following covenants with regards to maintenance responsibilities. The existing channels or creeks traversing the drainage and floodway easement will remain as an open channel, unless required to be enclosed by ordinance, at all times and shall be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage and floodway easement. The City will not be responsible for the maintenance and operation of said creek or creeks or for any damage or injury of private property or person that results from the flow of water along said creek, or for the control of erosion. No obstruction to the natural flow of water run-off shall be permitted by construction of any type building, fence or any other structure within the drainage and floodway easement. Provided, however, it is understood that in the event it becomes necessary for the City to channelize or consider erecting any type of drainage structure in order to improve the storm drainage, then in such event, the City shall have the right, but not the obligation, to enter upon the drainage floodway easement at any point, or points, with all rights of ingress and egress to investigate, survey, erect, construct or maintain any drainage facility deemed necessary by the City for drainage purposes. Each property owner shall keep the natural drainage channels and creeks traversing the drainage floodway easement adjacent to his property clean and free of debris, silt, growth, vegetation, weeds, rubbish, refuse, matter and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision and maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage channels and creeks through the drainage and floodway easement, as in the case of all natural channels, are subject to storm water overflow and natural bank erosion to an extent that cannot be definitely defined. The City shall not be held liable for any damages or injuries on any nature resulting from the occurrence of these natural phenomena, nor resulting from the failure of any structure or structures, within the natural drainage channels, and the owners hereby agree to indemnify and hold harmless the City from any such damages and injuries. Building areas outside the drainage and floodway easement line shall be filled to a minimum elevation as shown on the plat. The minimum floor elevation of each lot shall be shown on the plat.

The maintenance or paving of the utility and fire lane easements is the responsibility of the property owner. All public utilities shall at all times have the full right of ingress and egress to and from and upon the said utility easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective system without the necessity at any of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility. Buildings, fences, trees, shrubs or other improvements or growth may be constructed, reconstructed or placed upon, over or across the utility easements as shown, provided, however, that owner shall at its sole cost and expense be responsible under any and all circumstances for the maintenance and repair of such improvements or growth, and any utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growth which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system or service.

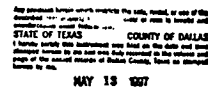
Water main and sanitary sewer easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water service and sewer services from the main to curb or pavement line, and the descriptions of such additional easements herein granted shall be determined by their locations as installed.

This plat is approved subject to all planning ordinances, rules, regulations and resolutions of the Town of Addison, Texas.

WITNESS my hand at Dallas, Texas, on the 12 day of March, 1997.

By: [Signature]
DONALD J. CARTER, CHAIRMAN BOARD
HOME INTERIORS AND GIFTS, INC.

By: [Signature]
RONALD L. CARTER, PRESIDENT
METROPORT REALTY CORPORATION



By: [Signature]
COUNTY CLERK, Dallas County, Texas

Return to:
Andrew Grads
Town of Addison
Po Box 144
Addison, TX 75001

FILED
MAY 13 PM 11:00
FBI/COUNTY CLERK
DALLAS COUNTY

REPLAT
AWECO SUBDIVISION

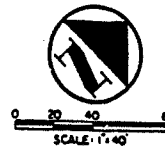
AN ADDITION TO THE TOWN OF ADDISON, TEXAS OUT OF THE WILLIAM LOMAX SURVEY, ABSTRACT NO. 792, DALLAS COUNTY, TEXAS AND BEING A REPLAT OF THE AWECO SUBDIVISION PLUS ADDITIONAL LAND IN SAID LOMAX SURVEY.

OWNERS
METROPORT REALTY CORPORATION
2711 LBJ FREEWAY SUITE 400
DALLAS, TEXAS 75234
972-247-8574

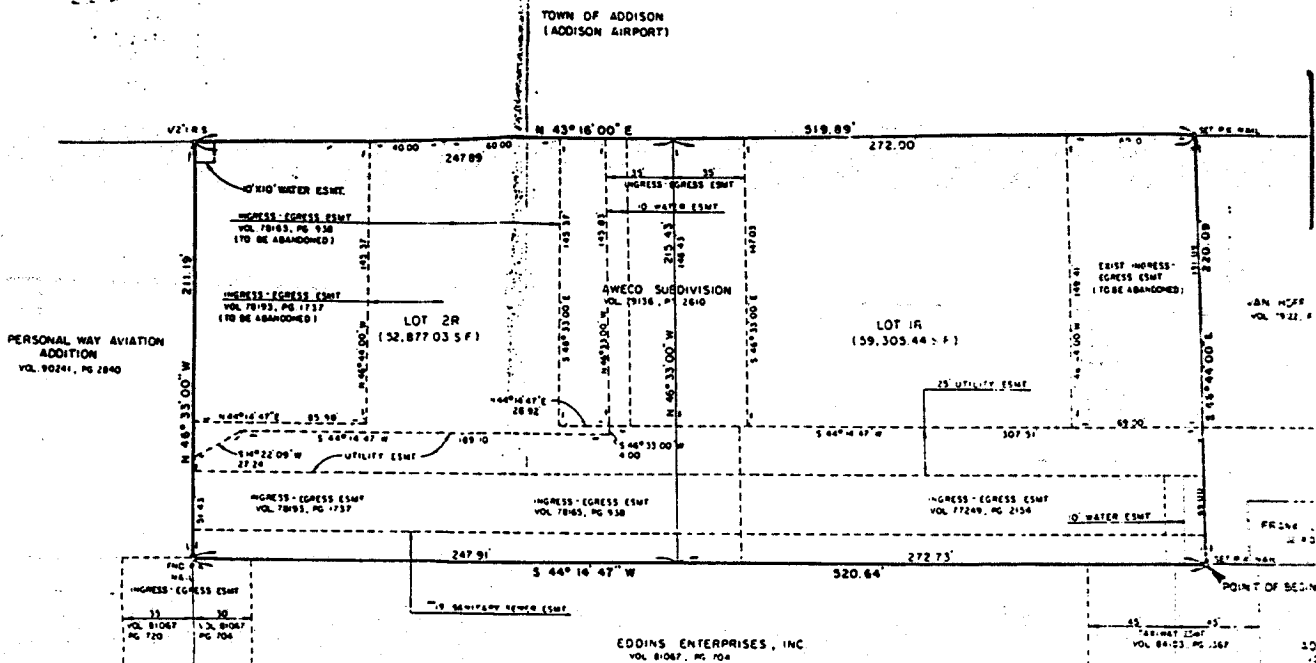
ENGINEER:
NEEDHAM WRIGHT ENGINEERS
10290 MONROE DRIVE, SUITE 101
DALLAS, TEXAS 75229
(214) 357-2981

HOME INTERIORS AND GIFTS, INC.
4540 SPRING VALLEY ROAD
DALLAS, TEXAS 75244
972-390-1180
DATE 1-22-97

NOTE EASEMENTS TO BE ABANDONED BY SEPARATE INSTRUMENT



511.15' 1200'



KNOW ALL MEN BY THESE PRESENTS:

THAT I, Robert L. Wright, do hereby certify that I prepared this plat from an accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the Town of Addison.

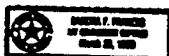
Robert L. Wright
Robert L. Wright
Registered Professional Land Surveyor
No. 3317



STATE OF TEXAS

BEFORE ME, the undersigned, a notary public in and for said State, on this day personally appeared Robert L. Wright known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 21st day of March, 1994.



John P. Thomas
Notary Public in and For the State of Texas
My Commission Expires: 5-28-99

CERTIFICATE OF APPROVAL

APPROVED THIS 10th day of December, 1994 by the Mayor, [Signature] and City Secretary, [Signature] of the Town of Addison, Texas.

[Signature]
MAYOR

[Signature]
CITY SECRETARY

Published
7-14-00