

TOWN OF ADDISON, TEXAS

1262864

ORDINANCE NO. 001-001

Deed 01/23/01

2481333

\$13.00

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS PROVIDING FOR THE ABANDONMENT OF THE TOWN'S INTEREST IN A DRAINAGE AND UTILITY EASEMENT LOCATED AT 14783 BUCKINGHAM COURT; PROVIDING FOR RECORDING OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, there is located on Lot 16, Block B of Oaks North Addition (an Addition to the Town of Addison, Texas according the plat thereof recorded in Volume 79010, Page 1955, map records, Dallas County, Texas (as corrected)) (the "Property") a five (5) foot drainage and utility easement as shown and depicted on Exhibit A attached hereto and incorporated herein (the "Utility Easement"); and

WHEREAS, the owners of the Property have requested that the Town of Addison abandon its interest in a portion of the Utility Easement (the "Abandoned Utility Easement") as shown on Exhibit A; and

WHEREAS, the City has no utilities located in the Abandoned Utility Easement, has never appropriated or used the Abandoned Utility Easement, has never accepted the dedication of the Abandoned Utility Easement by formal acceptance, entry, use or improvement, and does not need the Abandoned Utility Easement for any public purpose; and

WHEREAS, Section 212.048 of the Texas Local Government Code ("Code") provides that the approval of a development plat is not considered an acceptance of a proposed dedication unless a municipality makes an actual appropriation of the dedicated area; and

WHEREAS, Section 272.001 of the Code, provides for the release and abandonment of the hereinafter described drainage and utility easement to the adjacent owner; and

WHEREAS, the City Council, acting pursuant to law, deems it advisable to abandon the City's interest, if any, in the Abandoned Utility Easement for the reason that the said Easement has not been used or needed and will not be used or needed by the City for public use, and said property should be abandoned, relinquished and vacated.

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 and made a part hereof for all purposes.

Section 2. Abandonment of Easement. The Town of Addison does hereby abandon, relinquish and vacate its interest in the Abandoned Utility Easement described in the attached Exhibit A.

Section 3. Extent of Abandonment. The abandonment provided herein shall apply to the City's public right, title, easement and interest that the City may lawfully abandon, vacate and relinquish. The City makes no warranty or representation as to title to the Abandoned Utility Easement.

Section 4. Certification; 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 9th day of January, 2001.



R. Scott Wheeler, Mayor
Town of Addison, Texas

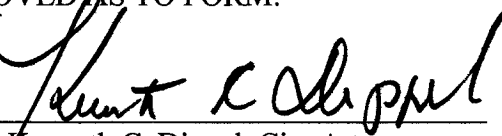
ATTEST:

By:


Carmen Moran, City Secretary

APPROVED AS TO FORM:

By:


Kenneth C. Dippel, City Attorney

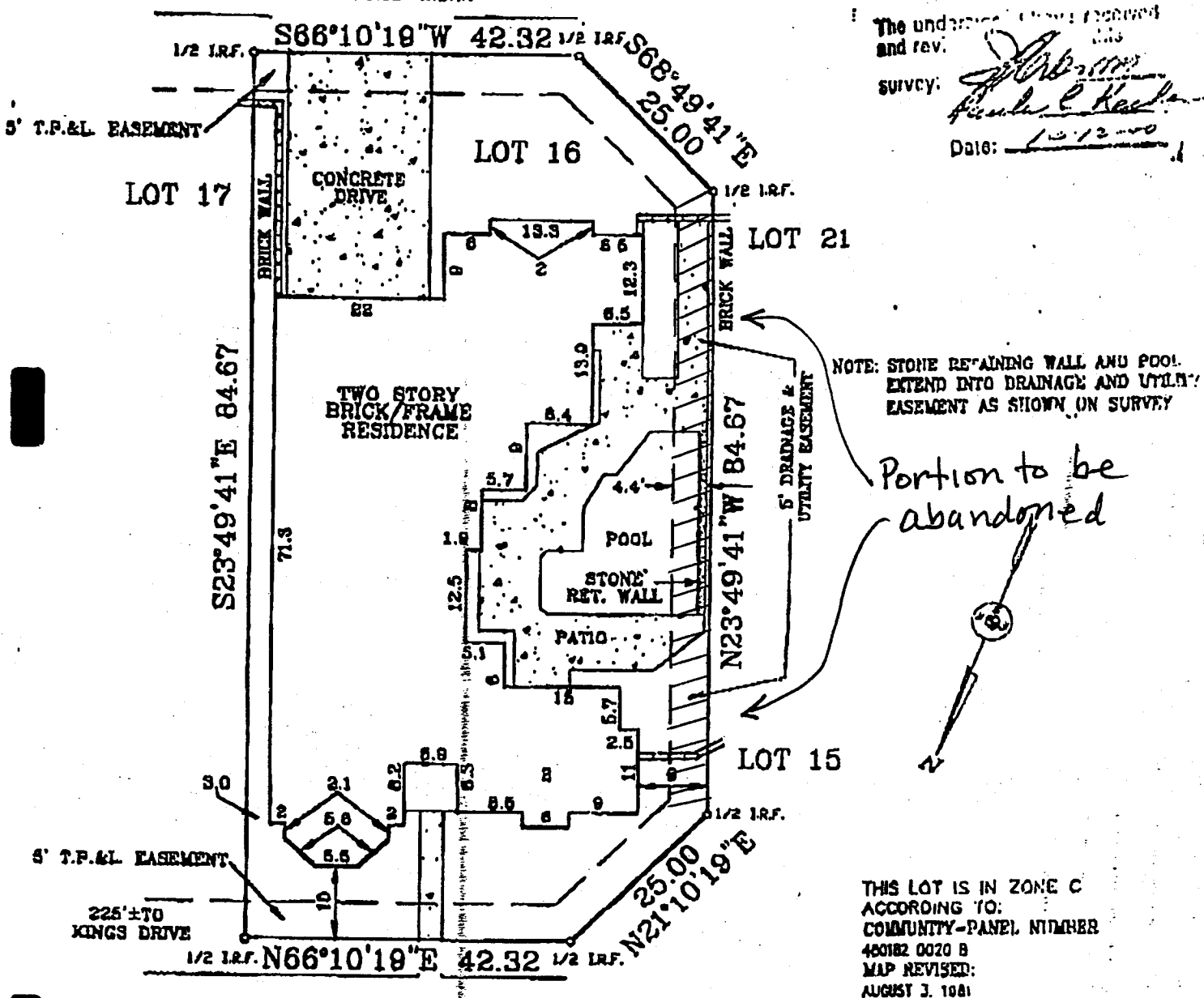
SURVEY PLAT

EXHIBIT "A"

THIS IS TO CERTIFY THAT I HAVE THIS DATE MADE A SURVEY ON THE GROUND LOCATED AT 14783 BUCKINGHAM COURT IN THE CITY OF ADDISON, TEXAS, DESCRIBED AS FOLLOWS:

Lot 16, Block B of Oaks North Addition, an Addition to the City of Addison, Dallas County, Texas, according to the Plat thereof recorded in Volume 79010, Page 1955, Map Records, Dallas County, Texas, together with Certificate of Correction recorded in Volume 79226, Page 2296, Deed Records, Dallas County, Texas, Certificate of Correction recorded in Volume 80155, Page 2118, Deed Records, Dallas County, Texas, and Certificate of Correction recorded in Volume 82016, Page 2081, Deed Records, Dallas County, Texas.

WINDSOR COURT
50.00' R.O.W.



The undersigned has reviewed and rev. this survey:
Paul C. Kerber
Date: 10/12/00

NOTE: STONE RETAINING WALL AND POOL EXTEND INTO DRAINAGE AND UTILITY EASEMENT AS SHOWN ON SURVEY

THIS LOT IS IN ZONE C
ACCORDING TO:
COMMUNITY-PANEL NUMBER
460182 0020 B
MAP REVISED:
AUGUST 3, 1981

14783 BUCKINGHAM COURT
50.00' R.O.W.

TO: IRWIN J. KERBER AND PAULA KERBER

OFFICE OF THE CITY SECRETARY

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ORDINANCE NO. 001-001

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48280 5101007

FILED

2001 JAN 23 PM 12:25

EARL BULLOCK
COUNTY CLERK
DALLAS COUNTY

CARMEN MORAN
TOWN OF ADDISON
P.O. Box 9010
ADDISON, TX 75001

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid 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.

JAN 23 2001



Earl Bullock
COUNTY CLERK, Dallas County, Texas