



**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 007-036**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS PROVIDING FOR THE ABANDONMENT OF THE TOWN'S INTEREST IN A PUBLIC UTILITY EASEMENT LOCATED ON PROPERTY WHICH IS IDENTIFIED ON THE FINAL PLAT THEREOF AS MILLENNIUM PHASE II AND WHICH IS LOCATED ADJACENT TO THE DART RAIL SYSTEM; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a tract of land known as Millennium Phase II (the "Millennium Phase II Tract") was the subject of a Final Plat filed of record in Volume 98221, Page 0022, Deed Records, Dallas County, Texas (copy attached as Exhibit 1 and incorporated herein) (the "Final Plat") (the Final Plat being the current plat for the Millennium Phase II Tract); and

**WHEREAS**, the Final Plat shows an approximately 25 foot utility easement which runs L-shaped halfway along the length of the property and parallel to the north property line (the "Utility Easement") and references thereon, as the instrument establishing the Utility Easement, a document recorded in Volume 81075, Page 1696 of the Deed Records of Dallas County, Texas; and

**WHEREAS**, the instrument filed of record in Volume 81075, Page 1696 of the Deed Records of Dallas County is a plat entitled "Adelstein Addition" (a copy of which is attached hereto as Exhibit 2), which shows thereon a utility easement in the approximate same location as the location of the Utility Easement on the Final Plat; and

**WHEREAS**, the Utility Easement is also described by metes and bound and depicted in Exhibit 3 attached hereto and incorporated herein; and

**WHEREAS**, in addition to the Utility Easement, there also exists within the Millennium II Tract a Fire Lane and Utility Easement as shown on the Final Plat and as further shown on the attached Exhibit 3 (the "Fire Lane and Utility Easement"), which in part runs parallel to the Utility Easement and partially overlaps the same, as shown on Exhibit 3 (the overlapping area being shown on Exhibit 3 [e.g., by cross-hatching]); and

**WHEREAS**, the current owner of the Millennium Phase II Tract desires to construct a building which will encroach into the Utility Easement; and

**WHEREAS**, the Fire Lane and Utility Easement being in place and in effect, the Town does not have a need for the Utility Easement, and there presently exists no Town of Addison water, sanitary sewer, or storm water lines within the Utility Easement; and

**WHEREAS**, Section 272.001, Tex. Loc. Gov. Code, authorizes the release and abandonment of the Utility Easement to the abutting property owner who owns the underlying fee simple; and

**WHEREAS**, the City Council of the Town of Addison, Texas, acting pursuant to law, deems it advisable to abandon only the Utility Easement (and not the Fire Lane and Utility Easement), as the Utility Easement is not needed for public use, and said property should be abandoned, relinquished and vacated to the abutting property owner who owns the underlying fee simple.

**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; Reservation. The Town of Addison does hereby abandon, relinquish and vacate its interest in the Utility Easement described and depicted in Exhibit 3. The Town reserves all authority and rights it has in the Utility Easement not abandoned by this Ordinance. The Town does not by this instrument abandon the Fire Lane and Utility Easement or any interest therein, the Town reserving all of its right, title and interest in and to the Fire Lane and Utility Easement.

Section 3. Extent of Abandonment. The abandonment provided herein shall apply only to the public right, title, easement and interest that the Town of Addison may lawfully abandon, vacate and relinquish in the Utility Easement. The Town of Addison makes no warranty as to title to the Utility Easement and 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 23rd day of October, 2007.

  
\_\_\_\_\_  
Joe Chow, Mayor

ATTEST:

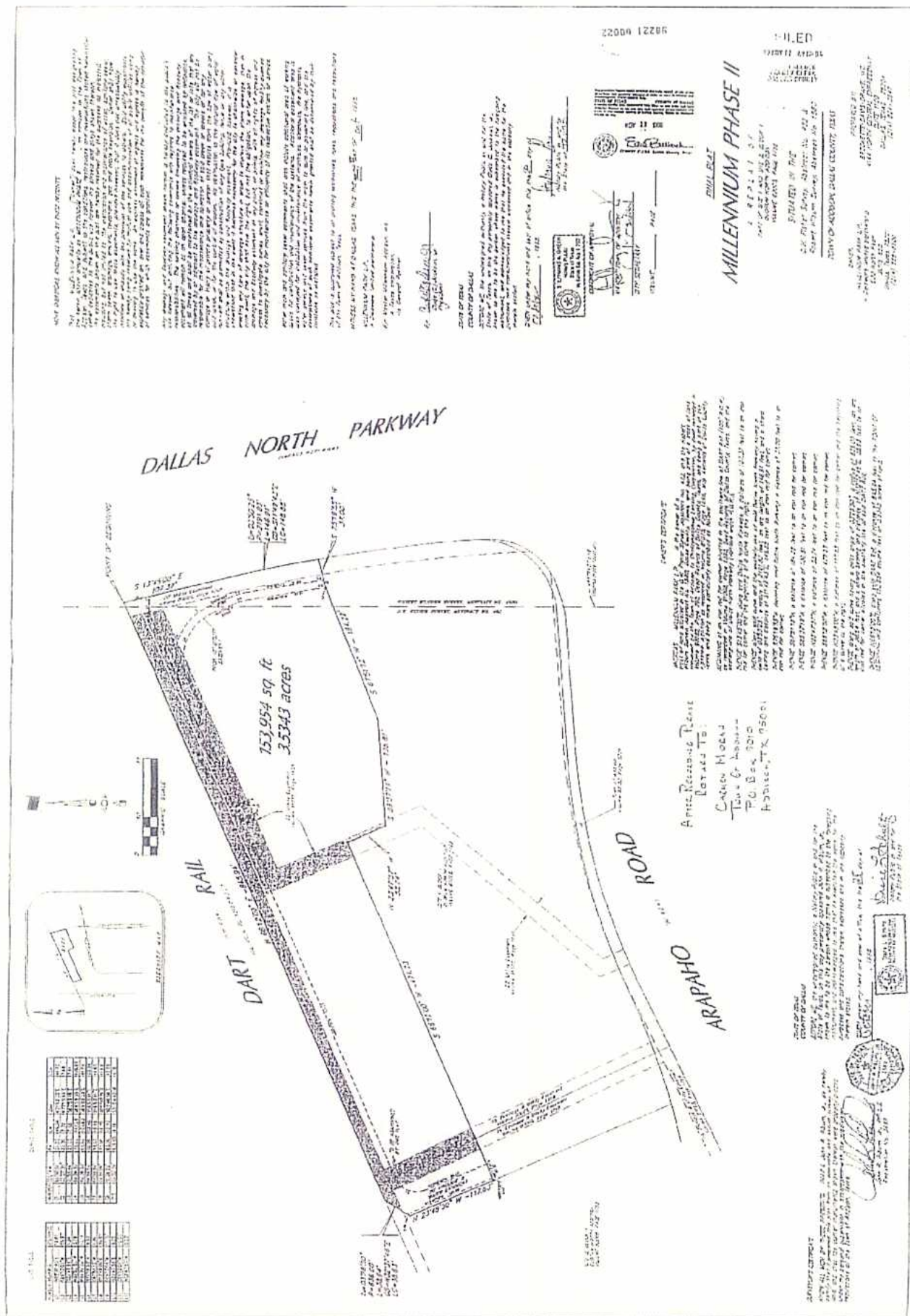
  
\_\_\_\_\_  
Mario Canizares, City Secretary

APPROVED AS TO FORM:

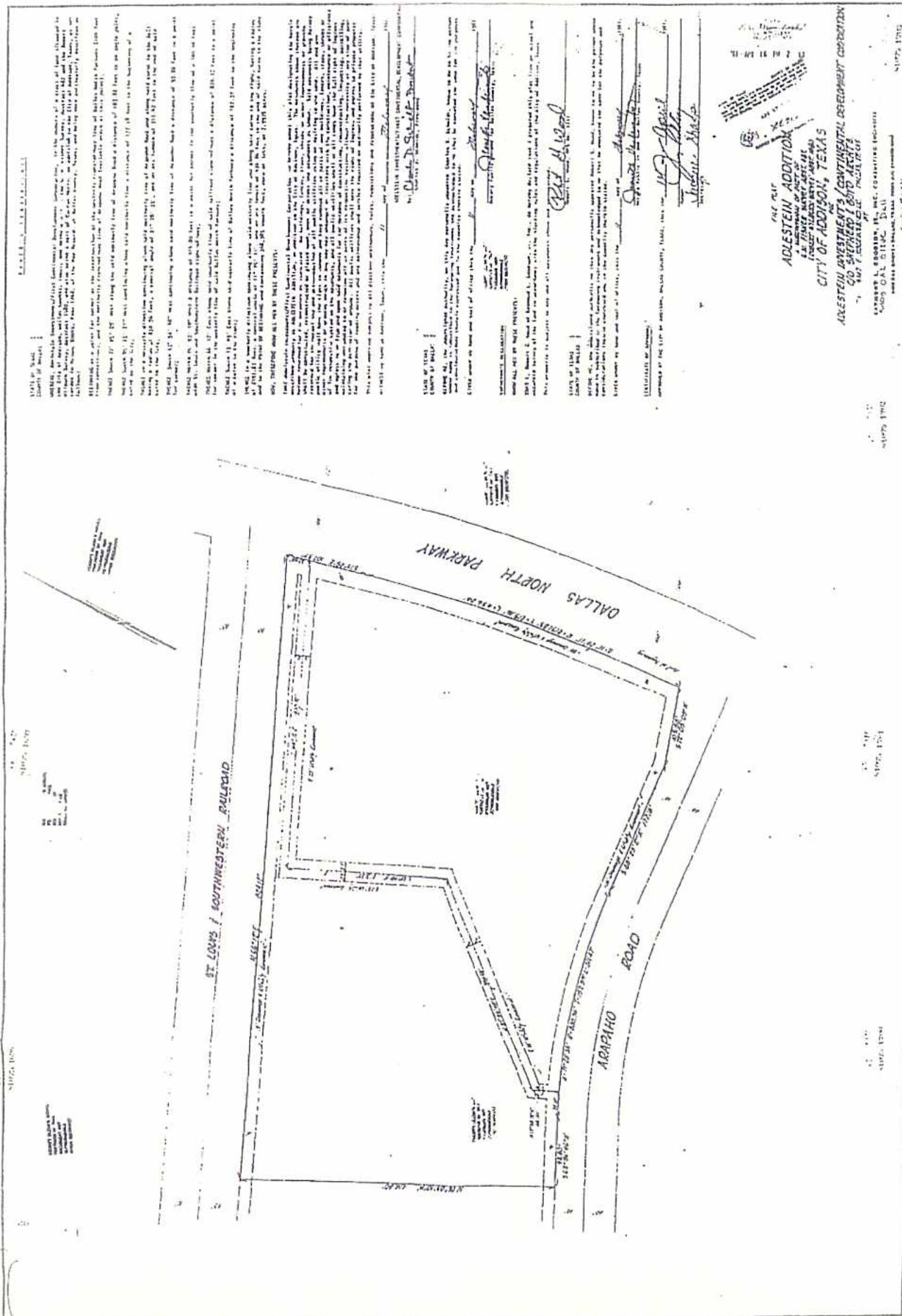
  
\_\_\_\_\_  
John Hill, City Attorney



[Copy of Millennium Phase II Final Plat]



[Copy of Adelstein Addition Plat]



STATE OF TEXAS,  
COUNTY OF DALLAS,  
SHERIFF'S OFFICE,  
ADELSTEIN ADDITION  
PLAT NO. 112

BEFORE ME, the undersigned authority, on this day personally appeared Charles S. Adelstein, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 11th day of April, 1952.

My Commission Expires April 11, 1954

Charles S. Adelstein  
Notary Public in and for the State of Texas

STATE OF TEXAS,  
COUNTY OF DALLAS,  
SHERIFF'S OFFICE,  
ADELSTEIN ADDITION  
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Notary Public in and for the State of Texas

THE CITY OF ADELSTEIN ADDITION  
BY: Charles S. Adelstein  
CITY OF ADELSTEIN ADDITION, TEXAS

ADDELSTEIN INVESTMENTS / CONTINENTAL DEVELOPMENT CORPORATION  
C/O SHEPHERD / BOND AGENCY  
4007 CAL ST., DALLAS, TEXAS

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EASEMENT ABANDONMENT  
UTILITY EASEMENT  
G. W. FISHER SURVEY, ABST. 482 &  
ROBERT WILBURN SURVEY, ABST. 1580  
TOWN OF ADDISON, DALLAS COUNTY, TEXAS.

[Copy of Easement Abandonment document  
prepared by Brockette Davis Drake (2 pages)

BEING a tract of land situated in the G. W. Fisher Survey, Abst. 482, Dallas County, Texas and being part of a tract of land conveyed by the Town of Addison to Chattahoochee Leasing Corporation, by deed recorded in Volume 98182, Page 790, Deed Records of Dallas County, Texas, and being situated in Millennium Phase II as recorded in Volume 98221, Page 22, Deed Records of Dallas County, Texas, same being all of a 25' Utility Easement as dedicated in Volume 81075, Page 1696, Map Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a capped iron rod set for corner, same being the southernmost south line of said Millennium Phase II, same being the north line of Millennium Phase I as recorded in Volume 98221, Page 21, Deed Records of Dallas County;

THENCE N 23°47'57" W, along the common line of said Millennium Phase I and Phase II, a distance of 53.74 feet to a point for corner;

THENCE S 66°12'00" W, continuing along said common line, a distance of 19.72 feet to a point for corner;

THENCE N 23°48'00" W, departing said common line, a distance of 120.99 feet to a point for corner;

THENCE N 66°12'00" E, a distance of 395.12 feet to a point for corner;

THENCE S 13°45'00" E, a distance of 20.31 feet to a point for corner;

THENCE S 66°12'00" W, a distance of 366.58 feet to a point for corner;

THENCE S 23°48'00" E, a distance of 156.59 feet to a point for corner on the aforesaid common line of Millennium Phase I and Millennium Phase II;

THENCE S 85°37'19" W, along the common line of Said Millennium Phase I and Phase II, a distance of 5.60 feet to the POINT OF BEGINNING and containing 10,680 square feet or 0.245 of an acre of land.

BASIS OF BEARINGS:

Bearings are based upon the west right of way line (S 13°45'00" E) of Dallas North Freeway as shown on Millennium Phase II, in addition to the Town of Addison, Dallas County, Texas, as recorded in Volume 98221, Page 00022, Deed Records, Dallas County, Texas.

 BROCKETTE · DAVIS · DRAKE, Inc.  
consulting engineers  
Civil & Structural Engineering · Surveying  
4144 North Central Expressway, Suite 1100 Dallas, Texas 75204  
(214)824-3647, fax (214) 824-7064



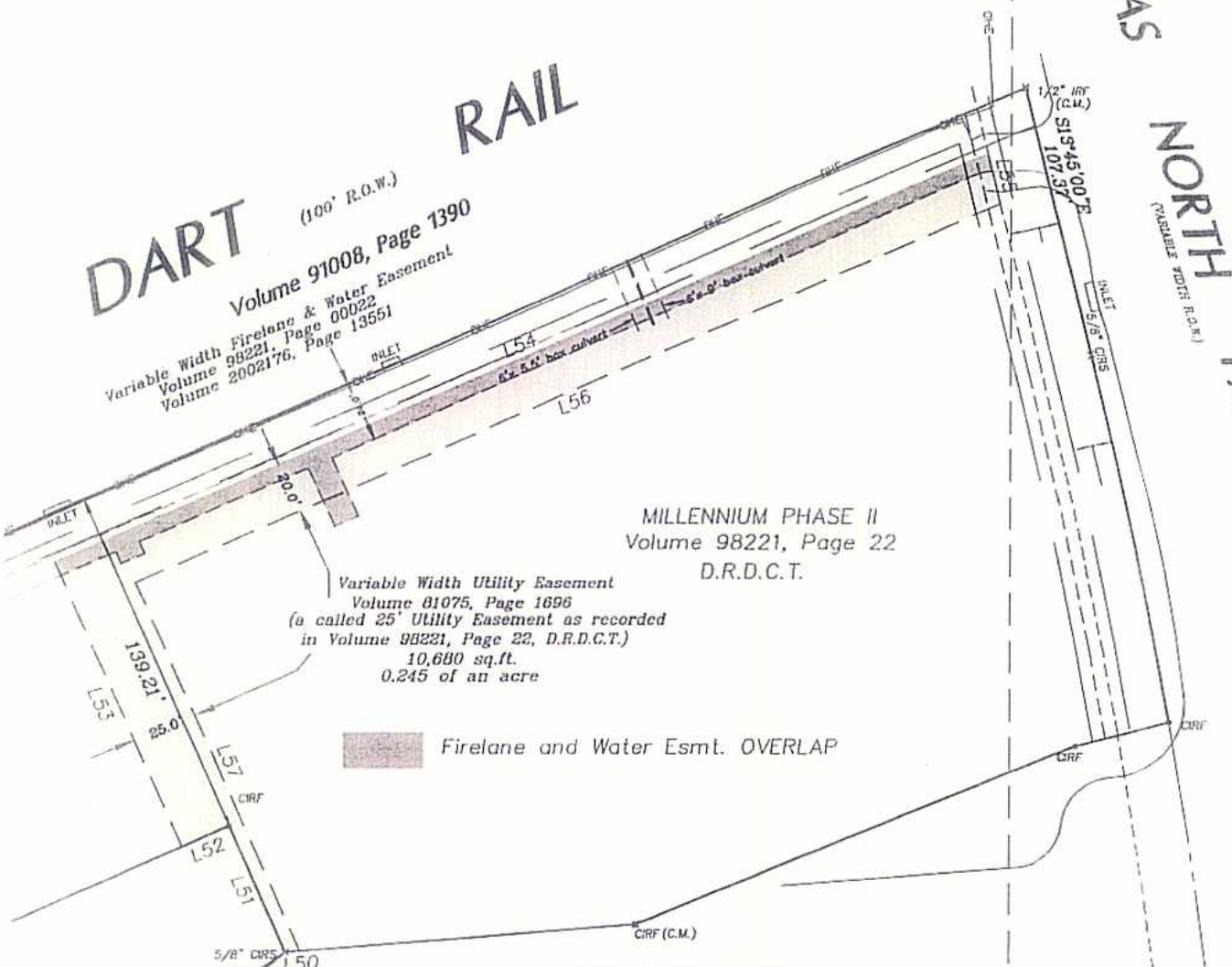
# EASEMENT ABANDONMENT

## UTILITY EASEMENT

G. W. FISHER SURVEY, ABST. 482 &  
 ROBERT WILBURN SURVEY, ABST. 1580  
 WN OF ADDISON, DALLAS COUNTY, TEXAS

**DART RAIL**  
 (100' R.O.W.)  
 Volume 91008, Page 1390  
 Variable Width Firelane & Water Easement  
 Volume 98221, Page 0022  
 Volume 2002176, Page 13551


**DALLAS NORTH PARKWAY**  
 (VARIABLE WIDTH R.O.W.)



Variable Width Utility Easement  
 Volume 81075, Page 1896  
 (a called 25' Utility Easement as recorded  
 in Volume 98221, Page 22, D.R.D.C.T.)  
 10,680 sq.ft.  
 0.245 of an acre

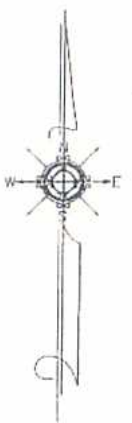
MILLENNIUM PHASE II  
 Volume 98221, Page 22  
 D.R.D.C.T.

MILLENNIUM PHASE I  
 Volume 98221, Page 21  
 D.R.D.C.T.

 Firelane and Water Esmt. OVERLAP

POINT OF BEG.

NUMBER	BEARING	DIST
L50	S 85°37'19" W	5.60'
L51	N 23°47'57" W	53.74'
L52	S 66°12'00" W	19.72'
L53	N 23°48'00" W	120.99'
L54	N 66°12'00" E	395.12'
L55	S 13°45'00" E	20.31'
L56	S 66°12'00" W	366.58'
L57	S 23°48'00" E	156.59'



ROBERT WILBURN SURVEY, ABSTRACT NO. 1580  
 G.W. FISHER SURVEY, ABSTRACT NO. 482

*Unfiled B. Drake  
 10/22/09*

**B BROCKETTE · DAVIS · DRAKE , inc.**  
**D consulting engineers**  
 Civil & Structural Engineering · Surveying  
 4144 North Central Expressway, Suite 1100 Dallas, Texas 75204  
 (214)824-3647, fax (214) 824-7064

# FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

A handwritten signature in black ink, appearing to read "John F. Warren", is written over the printed name.

John F. Warren, County Clerk

Dallas County TEXAS

January 17, 2008 12:54:24

FEE: \$36.00

20080018638