



TOWN OF ADDISON, TEXAS

ORDINANCE NO. 009-010

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS PROVIDING FOR THE ABANDONMENT OF THE TOWN'S INTEREST IN AN EASEMENT DESCRIBED HEREIN WHICH IS NOT NEEDED FOR A PUBLIC USE OR PURPOSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, Texas (the "City"), acting pursuant to law (including, without limitation, Section 272.001, Tex. Loc. Gov. Code), deems it advisable to abandon its easement as described herein which is not needed for a public use or purpose and which cannot be used independently under the City's current zoning or applicable subdivision or other development control ordinances, and said described easement should be abandoned, relinquished, and vacated; and

WHEREAS, the City Council of the Town of Addison, Texas is of the opinion that the best interest and welfare of the public is served by abandoning same.

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, Texas (the "City") does hereby abandon, relinquish and vacate its interest in the easement described in that instrument which is recorded in Volume 70219, Page 0854 of the Official Public Records of Dallas County, Texas and a true and correct copy of which is attached hereto Exhibit A and incorporated herein for all purposes.

Section 3. Extent of Abandonment. The abandonment provided herein shall apply only to the public right, title, easement and interest that the City may lawfully abandon, vacate and relinquish. The City makes no warranty of any kind, including any warranty of title, as to title to the easement and the land and interest 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 Official Public Records of Dallas County, Texas.

Section 5. Effective Date. This Ordinance shall take effect immediately upon passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 28th day of April, 2009.

Joe Chow, Mayor

ATTEST:

By: Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: John Hill, City Attorney

**EXHIBIT A**

**TO AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS**

*[being a copy of that instrument recorded in  
Volume 70219, Page 0854, Official Public Records, Dallas County, Texas]*

STATE OF TEXAS |  
COUNTY OF DALLAS |

1111 167723 17-18 211  
KNOW ALL MEN BY THESE PRESENTS: DEED RECORD

That Greenhaven Apartment Venture, of the County of Dallas and State of Texas, in consideration of the sum of One (\$1.00) Dollar to us in hand paid, the receipt of which is hereby acknowledged, and in consideration of the special benefits to be derived by my remaining property, do hereby dedicate to the City of Addison, the hereinafter described tract of land as a 15 ft. sanitary sewer easement. said tract of land lying and being more particularly described on the attached sheet. (See attached sheet which is part of this easement. Easements A and H.)

The hereinabove described tract of land is hereby dedicated as a 15 ft. sanitary sewer easement for the perpetual use and benefit of the City of Addison and the utility company operating within the City of Addison, provided however, that nothing herein shall be construed as a dedication of said tract as a public street other than for vehicles owned and operated by the City of Addison or its agents and vehicles owned and operated by the utility company or its agents entitled to use said easement. The public utility shall have the right to remove or keep removed all or parts of buildings, fences, trees, shrubs or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on this easement; and the public utility company shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the necessity at any time of procuring the permission of anyone.

In testimony whereof, witness my hand, this the 27<sup>th</sup>  
October A. D. 1970.

Robert S. Folsom  
Robert S. Folsom

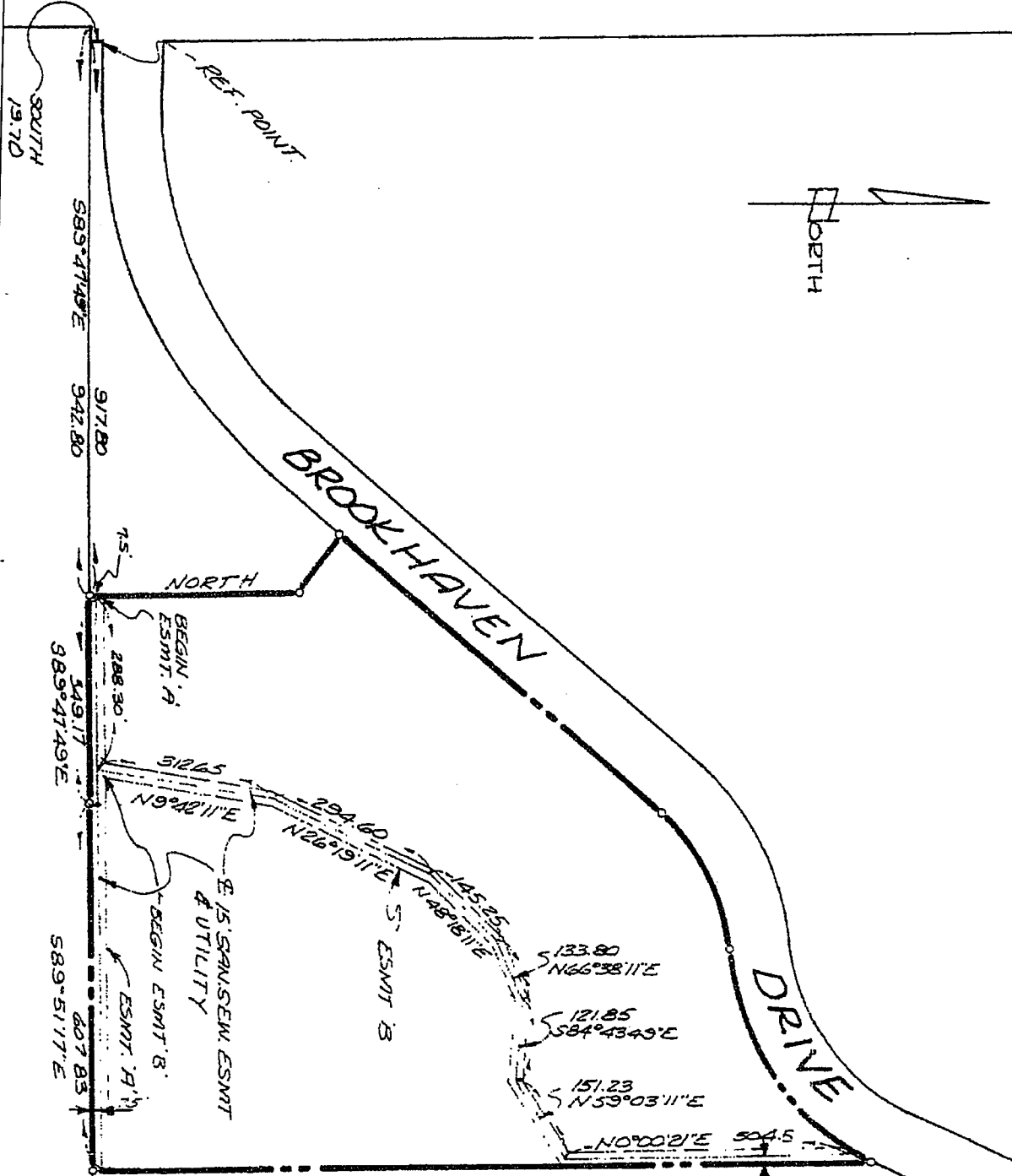
STATE OF TEXAS |  
COUNTY OF DALLAS |

Before me, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared Robert S. Folsom, 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 27<sup>th</sup> day  
of October A. D. 1970.

Maria Garrison  
Notary Public in and for Dallas County, Texas

MARSH LANE



SCALE 1"=200'

707.19 0°55'

Being two 15.0 ft. strips of land, 7.5 ft. either side of the below described centerlines situated in the Noah Good Survey, Abstract 520 of Dallas County, Texas, and being in the City of Addison, Dallas County, Texas, and being more particularly described as follows:

Easement A

Commencing at the intersection of the South right of way line of Brookhaven Drive and the East right of way line of Marsh Lane, thence South along the East right of way line of Marsh Lane a distance of 19.70 ft. thence departing from the East right of way line of Marsh Lane South 89° 47' 49" East a distance of 917.80 ft., thence North a distance of 7.5 ft. to the beginning of this easement;  
Thence South 89° 47' 49" East a distance of 349.17 ft.;  
Thence South 89° 51' 17" East a distance of 607.83 ft. to the end of this easement.

Easement B

Commencing at the intersection of the South right of way line of Brookhaven Drive and the East right of way line of Marsh Lane, thence South along the East right of way line of Marsh Lane a distance of 19.7 ft. thence departing from the East right of way line of Marsh Lane South 89° 47' 49" East a distance of 917.80 ft., thence North a distance of 7.5 ft. thence South 89° 49' 49" East a distance of 288.30 ft. to the beginning of this easement;  
Thence North 9° 42' 11" East a distance of 312.65 ft.  
Thence North 26° 19' 11" East a distance of 294.60 ft.  
Thence North 48° 18' 11" East a distance of 145.25  
Thence North 66° 38' 11" East a distance of 133.80 ft.  
Thence South 84° 43' 49" East a distance of 121.85 ft.  
Thence North 59° 03' 11" East a distance of 151.23 ft.  
Thence North 0° 00' 21" East a distance of 504.5 ft. to the end of this easement, said point being in the Southeasterly right of way line of Brookhaven Drive.

STATE OF TEXAS COUNTY OF DALLAS  
I hereby certify that this instrument was filed on the  
date and time stamped hereon by me and was duly re-  
corded in the volume and page of the named records  
of Dallas County, Texas as stamped hereon by me.

NOV 11 1970



*Tom E. Ellis*  
COUNTY CLERK, Dallas County, Texas

*Cheryl [Signature]*  
TOM E. ELLIS, County Clerk  
18 Nov 11 11:38 AM '70  
FILED FOR RECORD

*Return to  
City Secretary  
City of Addison  
PO Box 3133  
Addison, Texas 75001*