



TOWN OF ADDISON, TEXAS

ORDINANCE NO. 009-013

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 entitled "Easement Dedications" which is recorded in Volume 80049, Page 2086 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 Chew, 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 80049, Page 2086, Official Public Records, Dallas County, Texas]*

DEED RECORD

EASEMENT DEDICATIONS

A

4106

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9.00 DEED
2 03/10/80

STATE OF TEXAS
COUNTY OF DALLAS

KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned, MULTIVEST REAL ESTATE FUND, LTD., SERIES V, a Michigan limited partnership, hereinafter called "Grantor", for a good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant to the CITY OF ADDISON, TEXAS, hereinafter called "Grantee", a non-exclusive 15' drainage easement for the purpose of constructing, operating, and maintaining a storm sewer line over and across Grantor's land located in the City of Addison, Dallas County, Texas, and more particularly described as follows:

Being the centerline description of a 15' wide drainage easement in the NOAH GOOD SURVEY, ABSTRACT 520, in the City of Addison, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South line of Brookhaven Club Drive (a 100' R.O.W.), said point also being N 41°12'11" E, 501.64' along the South Right-of-Way of Brookhaven Club Drive from the most Westerly corner of a 21.51 acre tract of land conveyed to MultiVest Real Estate Fund, Ltd., Series V, and recorded in Volume 73250, Page 1090, Deed Records, Dallas County, Texas;

THENCE, S 48°47'49" E, 87.6' along the centerline of a 15' drainage easement;

THENCE, S 40°54'51" E, 225.01' along the centerline of said drainage easement;

THENCE, S 35°14'52" E, continuing along the centerline of said drainage easement, 90 feet to the end of the centerline of the 15' wide drainage easement.

That, any construction, operation and maintenance of said storm sewer line by Grantee shall be performed with due diligence

80049 2086

so as not to unreasonably interfere with the use of Grantor's property, including the flow of pedestrian and vehicular traffic, and Grantee shall, if possible, restore such easement area to a comparable condition as existed prior to such construction, operation and maintenance.

That, Grantor hereby reserves the right to locate other utilities in the aforesaid easement area subject to the written approval of Grantee, which approval shall not be unreasonably withheld. Grantor hereby reserves the right to use the surface area of the aforesaid easement for any purpose whatsoever so long as the same does not substantially interfere with Grantee's right to construct, operate and maintain such storm sewer line. Notwithstanding anything contained herein to the contrary, Grantor shall not construct a building on the easement area without prior written approval of the Grantee, which approval shall not be unreasonably withheld.

That, Grantor hereby reserves the right, from time to time, to relocate, at its expense, such storm sewer line, subject to the prior written approval of the Grantee, which approval shall not be unreasonably withheld. If such storm sewer line is relocated, Grantor will grant to Grantee a new easement and Grantee will release the existing easement.

That, Grantee hereby expressly agrees to hold harmless and indemnify Grantor from and against any and all liability resulting from the negligent act and work performed by Grantee pursuant to this instrument.

That, Grantor hereby dedicates and conveys to Grantee for public use all of its right, title and interest in and to the storm sewer line constructed and installed under the above-described easement area.

That, Grantee hereby accepts the dedication of the storm sewer line for public use and agrees to maintain, repair and replace same as required.

80049 2087

TO HAVE AND TO HOLD the above-described easement and all rights unto the said City of Addison, Texas, its successors and assigns, forever.

And Grantor does hereby bind its successors and assigns to warrant and forever defend all and singular the above-described easement and all right unto said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED THIS 26 day of Feb, 1980.

MULTIVEST REAL ESTATE, INC.,
a Delaware corporation, as General
Partner of MultiVest Real Estate
Fund, Ltd., Series V., a Michigan
limited partnership

By Michael V. Campbell

Its: Vice President

"GRANTOR"

CITY OF ADDISON, TEXAS

By _____

Its: _____

"GRANTEE"

STATE OF TEXAS I
 I
COUNTY OF DALLAS I

On this the 21 day of February, 1980, before me personally appeared Michael V. Campbell to me personally known, who being by me duly sworn that he is the Vice President of MULTIVEST REAL ESTATE, INC., a Delaware corporation, General Partner of MULTIVEST REAL ESTATE FUND, LTD., SERIES V, a Michigan limited partnership, the corporation that executed the foregoing instrument as General Partner of said limited partnership by authority of the Board of Directors of MULTIVEST REAL ESTATE, INC., and acknowledged before me said instrument to be the free act and deed of said corporation.

[Signature]
Notary Public in and for
Dallas County, Texas

80049 2088

THE STATE OF TEXAS X
 X
COUNTY OF DALLAS X

On this the _____ day of _____, 1980, before me personally appeared _____, to me personally known, who being by me duly sworn states that he is the _____ of the City of Addison, Texas, a municipal corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Notary Public in and for
Dallas County, Texas

COMMISSION EXPIRES
JULY 1, 1981
DALLAS COUNTY, TEXAS

PAGE
80049 2089

GINN, INC.
CONSULTING ENGINEERS
18740 Midway Rd., Ste. 602
Dallas, Texas 75234

FILED
L. E. Mustlock
COUNTY CLERK

'80 MAR 7 PM 2:40

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.

MAR 10 1980



L. E. Mustlock

COUNTY CLERK, Dallas County, Texas

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