



201000171039  
ORD 1/6

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 010-012**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS PROVIDING FOR THE ABANDONMENT WITHOUT WARRANTY OF THE TOWN'S INTEREST IN A PORTION OF CELESTIAL ROAD AS DESCRIBED HEREIN NEAR THE INTERSECTION OF CELESTIAL ROAD AND WINNWOOD ROAD WITHIN THE TOWN; AUTHORIZING AS MAY BE NECESSARY A CONVEYANCE OF SUCH ABANDONED PORTION TO THE ABUTTING PROPERTY OWNER; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town of Addison, Texas (the "City"), a home rule municipality, owns an easement for street purposes in Celestial Road, which street runs generally east and west within a portion of the City; and

WHEREAS, at the eastern end of Celestial Road, just west of its intersection with Winnwood Road, the street is of varying widths, and the City desires to establish a uniform width for the street and accordingly to abandon the City's interest in a portion of the street which is no longer needed for public purposes and which is described in Exhibit A attached hereto and incorporated herein (the "Property"); and

WHEREAS, the City (i) has exclusive control and authority over its streets and may change a public street (Section 311.001, Tex. Transp. Code), (ii) has authority to abandon and discontinue a City street (Section 1.05, City Charter; Section 311.007, Tex. Transp. Code), (iii) may sell and convey an abandoned part of a street (Section 253.001(a), Tex. Loc. Gov. Code), and (iv) is authorized to convey a street, owned in fee or used by easement, to abutting property owners in the same subdivision (if the land has been subdivided) or to abutting property owner in proportion to their abutting ownership (and the division between owners must be made in an equitable manner), and such conveyance may be for less than the fair market value if the conveyance is with one or more abutting property owners who own the underlying fee simple (Section 272.001(b), (c) Tex. Loc. Gov. Code); and

WHEREAS, the City Council, acting pursuant to law, deems it advisable to abandon only the City's street right-of-way interest (for vehicular and pedestrian traffic) in the Property, which is surplus and is no longer needed for public use, and said Property should be abandoned, relinquished and vacated to the abutting property owner who owns the underlying fee simple title, subject to the provisions set forth herein.

**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. Subject to the provisions set forth in Section 3, below, the Town of Addison does hereby abandon, relinquish and vacate the City's interest for street right-

of-way (pedestrian and vehicular traffic) purposes in the Property described and depicted in Exhibit A attached hereto and incorporated herein, such Property being a portion of Celestial Road. Subject to the terms and provisions of this Ordinance, such abandonment is in favor of the owner of the property abutting the Property and owning the underlying fee simple, which abutting property is described in Exhibit B attached hereto and incorporated herein (the "Abutting Property").

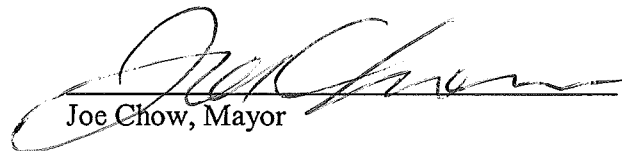
Section 3. Extent of Abandonment; No Warranty. The abandonment provided for herein shall apply only to the public right, title, easement and interest that the Town of Addison may lawfully abandon, vacate and relinquish in the Property. Without limiting the foregoing, there is no abandonment of any use of or right to occupy the Property or any portion of the Property by any public utility (including, without limitation, for electric, gas, telephone, fiber optic, and/or cable television purposes). Notwithstanding any other provision of this Ordinance, the Town of Addison makes no warranty or other representation as to title to the Property and the land abandoned.

Section 4. Further Action. If further action is needed in connection with the matters set forth herein, the Mayor of the City is authorized to execute an instrument, in form and content approved by the City Attorney and subject to and in accordance with law, conveying without warranty the City's interest in the Property as abandoned by this Ordinance to the owner of the Abutting Property. This Ordinance is governed by, subject to, and shall be construed in accordance with the laws of the State of Texas and with the City Charter and ordinances of the City, and venue for any action or proceeding in connection with this Ordinance shall lie exclusively in Dallas County, Texas.

Section 5. 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 6. Effective Date. This Ordinance shall take effect immediately upon passage and approval and it is so ordained.

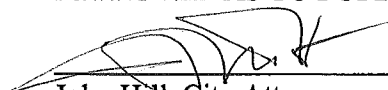
**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 25<sup>th</sup> day of May, 2010.

  
Joe Chow, Mayor

ATTEST:

  
\_\_\_\_\_  
Lea Dunn, City Secretary

APPROVED AS TO FORM:

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

**EXHIBIT A**  
**TO ORDINANCE NO. 010-012**

## RIGHT OF WAY ABANDONMENT

BEING a tract of land situated in the Thomas Garvin Survey, Abstract No. 524, also being a portion of Celestial Road (a 50' ROW) and a portion of City of Dallas Block No. 8166, Town of Addison, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner in the South ROW line of Celestial Road, said iron rod being in the East line of a tract of land conveyed to Robert J. Downs, Jr. by Deed recorded in Volume 72134, Page 67, Deed Records, Dallas County, Texas and also being at the Northwest corner of Lot 1, Block A/8166, Armstrong Addition, recorded in Volume 79050, Page 1857, Map Records, Dallas County, Texas;

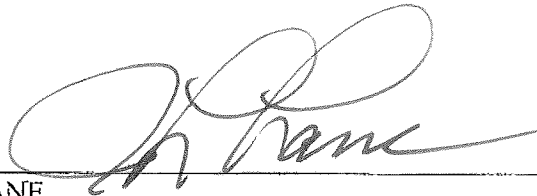
THENCE: North 00 degrees 00 minutes 30 seconds East, departing the South ROW line of Celestial Road, a distance of 11.25 feet to a 1/2 inch iron rod set for corner 25.00 feet from and parallel to the centerline of Celestial Road;

THENCE: South 68 degrees 01 minutes 00 seconds East, being at all times 25.00 feet from and parallel to the centerline of Celestial Road, a distance of 123.38 feet to a 1/2 inch iron rod set for corner;

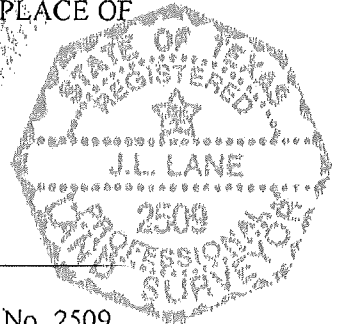
THENCE: South 17 degrees 26 minutes 40 seconds West, a distance of 10.46 feet to a 1/2 inch iron rod found for corner in the South ROW line of Celestial Road, said iron rod also being at the Northeast corner of said Lot 1, Block A/8166 and the Northwest corner of Lot 2 of said Block A/8166, Armstrong Addition;

THENCE: North 68 degrees 01 minutes 00 seconds West, along the South ROW line of Celestial Road and the North line of said Lot 1, Block A/8166, a distance of 120.00 feet to the PLACE OF BEGINNING and containing 1,269 square feet of land.

June 8, 2009



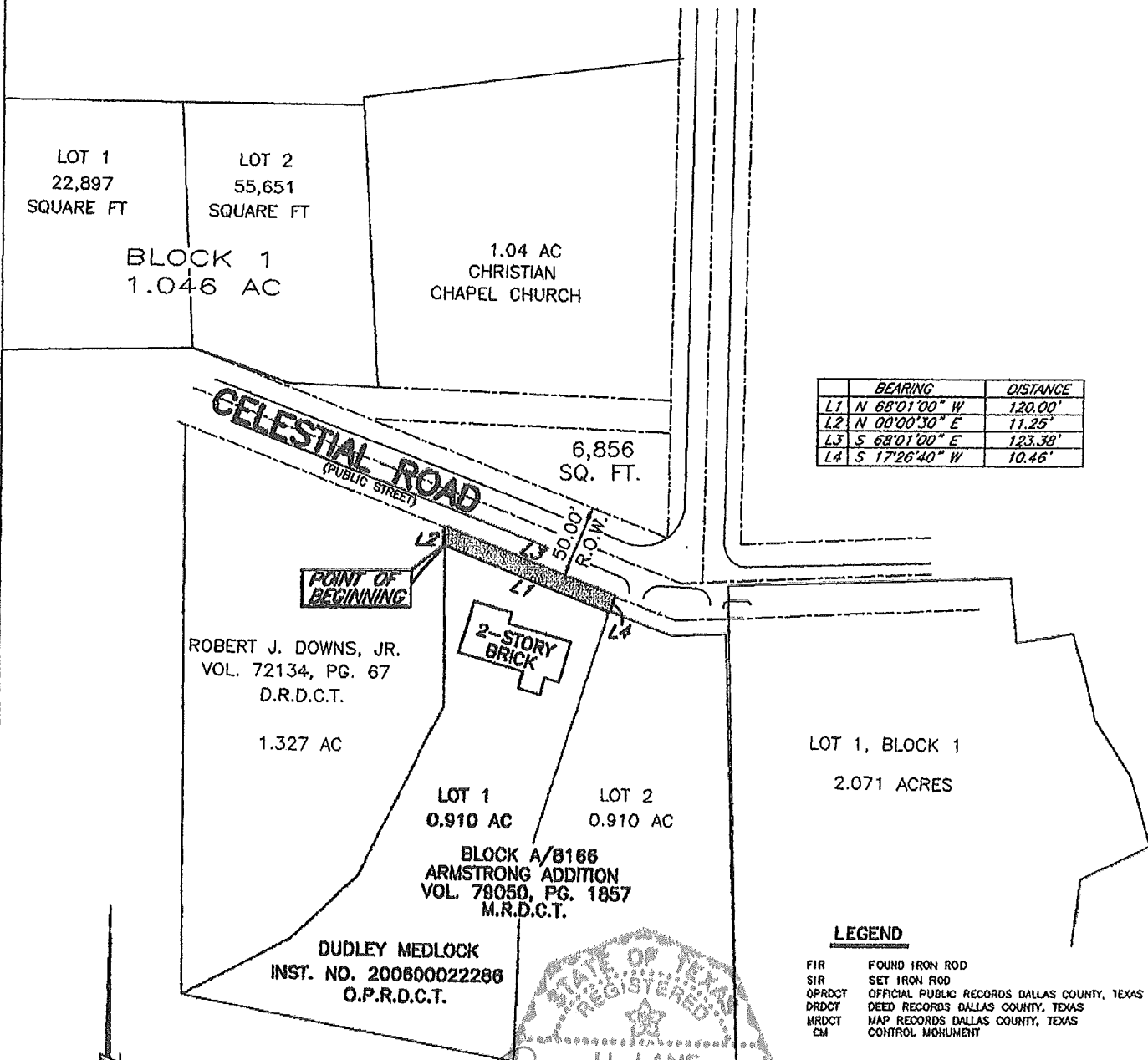
J. L. LANE  
REGISTERED PROFESSIONAL LAND SURVEYOR No. 2509



### BASIS OF BEARINGS

The South ROW line of Celestial Road as recorded in Vol. 79050, Pg. 1857, Map Records, Dallas County, Texas, North 68 degrees 01 minutes 00 seconds West

**RIGHT-OF-WAY ABANDONMENT**  
**DALLAS CITY BLOCK 8166**  
**THOMAS GARVIN SURVEY, ABSTRACT NO. 524**  
**ANNEXED TO THE TOWN OF ADDISON**  
**DALLAS COUNTY, TEXAS**



ROBERT J. DOWNS, JR.  
 VOL. 72134, PG. 67  
 D.R.D.C.T.  
 1.327 AC

LOT 1 0.910 AC      LOT 2 0.910 AC  
**BLOCK A/B166**  
**ARMSTRONG ADDITION**  
 VOL. 79050, PG. 1857  
 M.R.D.C.T.

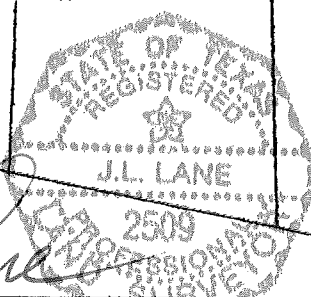
DUDLEY MEDLOCK  
 INST. NO. 200600022286  
 O.P.R.D.C.T.

LOT 1, BLOCK 1  
 2.071 ACRES

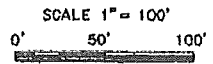
**LEGEND**

- FIR      FOUND IRON ROD
- SIR      SET IRON ROD
- OPRDCT OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
- DRDCT   DEED RECORDS DALLAS COUNTY, TEXAS
- MRDCT   MAP RECORDS DALLAS COUNTY, TEXAS
- CM      CONTROL MONUMENT

**BASIS OF BEARING:**  
 THE SOUTH RIGHT-OF-WAY LINE OF  
 CELESTIAL ROAD AS RECORDED IN  
 VOL. 79050, PG. 1857, MAP RECORDS,  
 DALLAS COUNTY, TEXAS  
 N 68°01'00" W



*J.L. Lane*  
 J.L. LANE RPLS 2509  
 2717 MOTLEY DR., STE. B  
 MESQUITE, TX 75150  
 972-681-4442



**EXHIBIT B**  
**TO ORDINANCE NO. 010-012**

Abutting Property

Lot 1, Block A/1866 of the replat of Lot 1, Block A/1866 of the Armstrong Addition, as set forth and shown in the replat filed of record in Volume 79050, Page 1857 of the Official Public Records of Dallas County, Texas, the same being the real property described in that General Warranty Deed with Vendor's Lien in favor of Third Party from Sara Harrington, as Grantors, to Dudley Medlock, as Grantees, recorded as Instrument No. 200600022286 of the Official Public Records of Dallas County, Texas, and being generally described as 5560 Celestial Road, Dallas, Texas 75254.

Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
07/07/2010 10:52:56 AM  
\$36.00



A handwritten signature in black ink, appearing to be "JFW", is written over the seal.

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