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ORD 1/6

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 011-056**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS PROVIDING FOR THE ABANDONMENT OF THE TOWN'S INTEREST IN A PORTION OF NON-EXCLUSIVE UTILITY EASEMENT GENERALLY LOCATED WITHIN THE AREA ADJACENT TO THE SOUTHEAST CORNER OF THE INTERSECTION OF ADDISON ROAD AND KELLER SPRINGS ROAD; PROVIDING FOR RECORDING OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, there is located within Lot 1, Block A of the Keller Springs Lofts Addition (an addition to the Town of Addison, Texas according to the Final Plat thereof recorded in Instrument No. 20080022312 of the Official Public Records of Dallas County, Texas) (the "Property") a non-exclusive 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, Texas (the "City") abandon its interest in a .0069-acre portion of the Utility Easement as shown and depicted on Exhibit B attached hereto and incorporated herein (the "Abandoned Utility Easement"); and

**WHEREAS**, the City has no utilities or other facilities 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 212.011(a) of the Texas Local Government Code ("Code") provides that the approval of a plat by a municipality is not considered an acceptance of a proposed dedication and does not impose on the municipality any duty regarding the maintenance or improvement of any dedicated parts until the appropriate municipal authorities make an actual appropriation of the dedicated parts by entry, use, or improvement; and

**WHEREAS**, the Abandoned Utility Easement is an area that cannot be used independently under the City's current zoning or applicable subdivision or other development control ordinances, and Section 272.001 of the Code provides for the release and abandonment of the Abandoned Utility Easement to the abutting property owners; 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 Abandoned Utility Easement has not been used, needed, or appropriated and will not be used, needed or appropriated by the City for public use, and the said property should be abandoned, relinquished and vacated, and is of the opinion that the best interest and welfare of the public is served by abandoning the 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 and made a part hereof for all purposes.

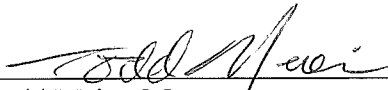
Section 2. Abandonment of Easement. The Town of Addison, Texas does hereby abandon, relinquish and vacate its interest, if any, in the Abandoned Utility Easement described in the attached Exhibit B.


Section 3. Extent of Abandonment. The abandonment provided herein shall apply only 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 of any kind, including warranty of title, as to the Abandoned Utility Easement.

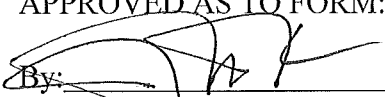
Section 4. Certification; Recording. The City Secretary is hereby directed to certify a copy of this Ordinance and cause it to be recorded in the Official Public Records of Dallas County, Texas.

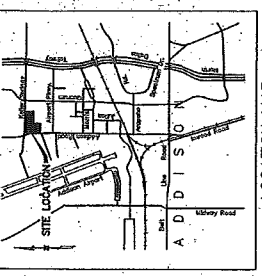
Section 5. Effective Date. This Ordinance shall take effect immediately upon passage and approval.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 13<sup>th</sup> day of September, 2011

  
\_\_\_\_\_  
Todd Meier, Mayor

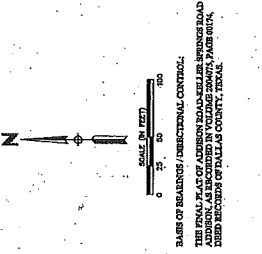
ATTEST:  
By:   
\_\_\_\_\_  
Chris Terry, City Secretary

APPROVED AS TO FORM:  
By:   
\_\_\_\_\_  
John Hill, City Attorney

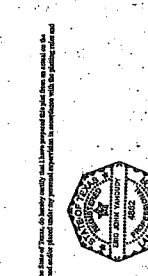


LOCATION MAP

GRID	LINE	CORNER	DATE	BY
C-1	10000'	2500'	10/17	MARSHALL
C-1	10000'	4000'	10/17	MARSHALL
C-1	10000'	5500'	10/17	MARSHALL
C-1	10000'	7000'	10/17	MARSHALL
C-1	10000'	8500'	10/17	MARSHALL
C-1	10000'	10000'	10/17	MARSHALL
C-1	10000'	11500'	10/17	MARSHALL
C-1	10000'	13000'	10/17	MARSHALL
C-1	10000'	14500'	10/17	MARSHALL
C-1	10000'	16000'	10/17	MARSHALL
C-1	10000'	17500'	10/17	MARSHALL
C-1	10000'	19000'	10/17	MARSHALL
C-1	10000'	20500'	10/17	MARSHALL
C-1	10000'	22000'	10/17	MARSHALL
C-1	10000'	23500'	10/17	MARSHALL
C-1	10000'	25000'	10/17	MARSHALL



**KELLER SPRINGS ROAD**  
 DETAIL 'N'  
 BASE OF BEARING / ANGULAR CENTER  
 THE PLAN OF THE CENTER LINE OF THE KELLER SPRINGS ROAD ADDITION, AS SHOWN IN VOLUME 20007, PAGE 207, IS HEREBY RECORDED IN THE PUBLIC RECORDS OF DALLAS COUNTY, TEXAS.



**STATE OF TEXAS**  
 COUNTY OF DALLAS  
 I, **SAVA J. JAMES**, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office for record on this 10th day of February, 2008.

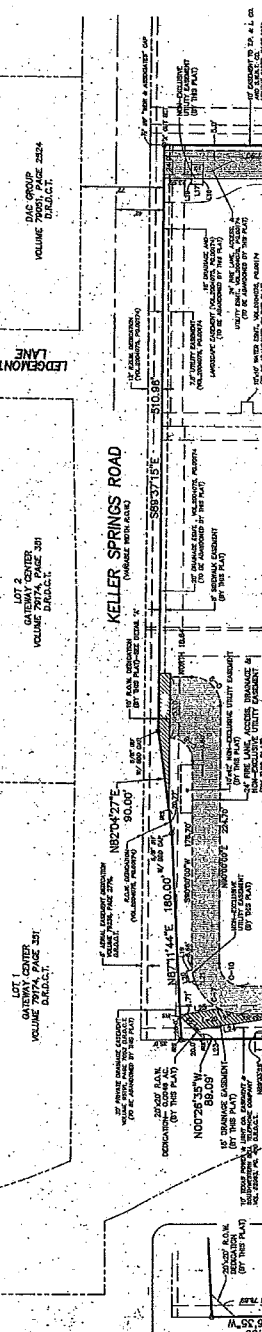
**OWNER'S CERTIFICATE**  
 I, the undersigned, being the owner of the above described property, do hereby certify that the above described property is not subject to any other liens, mortgages, or other encumbrances, and that the same is being offered for sale to the public in accordance with the provisions of the laws of the State of Texas relating to the sale of real property by the owner.

**CITY OF DALLAS**  
 I, **LOU J. GAY**, Mayor, do hereby certify that the above described property is not subject to any other liens, mortgages, or other encumbrances, and that the same is being offered for sale to the public in accordance with the provisions of the laws of the State of Texas relating to the sale of real property by the owner.

**APPROVED FOR THE CITY OF DALLAS**  
 I, **LOU J. GAY**, Mayor, do hereby certify that the above described property is not subject to any other liens, mortgages, or other encumbrances, and that the same is being offered for sale to the public in accordance with the provisions of the laws of the State of Texas relating to the sale of real property by the owner.

**FINAL PLAN**  
**KELLER SPRINGS LOFTS ADDITION**  
**LOT 1 & LOT 2, BLOCK A**  
 BEING A RE-PLAT OF LOTS 1 & 2, BLOCK A, ADDISON ROAD, KELLER SPRINGS ADDITION, TOWN OF ADDISON, DALLAS COUNTY, TEXAS, 7.370 ACRES SITUATED IN THE C.W. FISHER SURVEY, ABSTRACT NO. 482.  
 JANUARY 2008

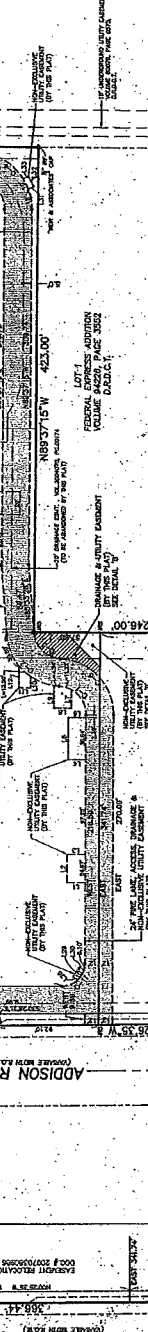
**WOODMONT TO GROUP VIII, L.P.**  
 PREPARED FOR  
 WOODMONT TO GROUP VIII, L.P.  
 10000 W. WILSON ROAD, SUITE 100  
 DALLAS, TEXAS 75241  
 PHONE (469) 622-4777  
 FAX (469) 622-4777



**LOT 1, BLOCK A**  
 5.889 Acres  
 WOODMONT TO GROUP VIII, L.P.  
 INST. NO. 20000394839  
 LOT 1, BLOCK A  
 1.734 ACRES  
 Addition to Lot 1, Block A, Volume 20007, Page 207.

**LOT 2, BLOCK A**  
 1.468 Acres  
 WOODMONT TO GROUP VIII, L.P.  
 INST. NO. 200077777  
 LOT 2, BLOCK A  
 1.468 ACRES  
 Addition to Lot 2, Block A, Volume 20007, Page 207.

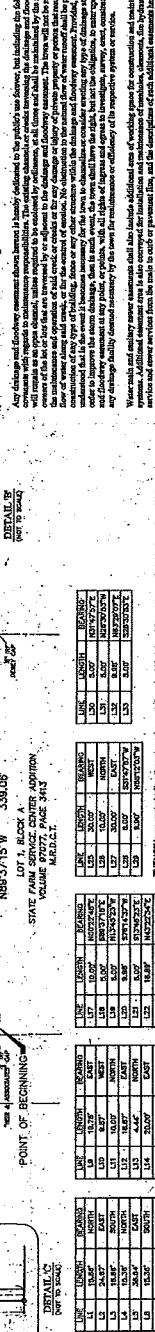
**LOT 3, BLOCK A**  
 1.468 Acres  
 WOODMONT TO GROUP VIII, L.P.  
 INST. NO. 200077777  
 LOT 3, BLOCK A  
 1.468 ACRES  
 Addition to Lot 3, Block A, Volume 20007, Page 207.



**LOT 4, BLOCK A**  
 1.468 Acres  
 WOODMONT TO GROUP VIII, L.P.  
 INST. NO. 200077777  
 LOT 4, BLOCK A  
 1.468 ACRES  
 Addition to Lot 4, Block A, Volume 20007, Page 207.

**LOT 5, BLOCK A**  
 1.468 Acres  
 WOODMONT TO GROUP VIII, L.P.  
 INST. NO. 200077777  
 LOT 5, BLOCK A  
 1.468 ACRES  
 Addition to Lot 5, Block A, Volume 20007, Page 207.

**LOT 6, BLOCK A**  
 1.468 Acres  
 WOODMONT TO GROUP VIII, L.P.  
 INST. NO. 200077777  
 LOT 6, BLOCK A  
 1.468 ACRES  
 Addition to Lot 6, Block A, Volume 20007, Page 207.



**LOT 7, BLOCK A**  
 1.468 Acres  
 WOODMONT TO GROUP VIII, L.P.  
 INST. NO. 200077777  
 LOT 7, BLOCK A  
 1.468 ACRES  
 Addition to Lot 7, Block A, Volume 20007, Page 207.

**LOT 8, BLOCK A**  
 1.468 Acres  
 WOODMONT TO GROUP VIII, L.P.  
 INST. NO. 200077777  
 LOT 8, BLOCK A  
 1.468 ACRES  
 Addition to Lot 8, Block A, Volume 20007, Page 207.

**LOT 9, BLOCK A**  
 1.468 Acres  
 WOODMONT TO GROUP VIII, L.P.  
 INST. NO. 200077777  
 LOT 9, BLOCK A  
 1.468 ACRES  
 Addition to Lot 9, Block A, Volume 20007, Page 207.

**OWNER'S CERTIFICATE**  
 I, the undersigned, being the owner of the above described property, do hereby certify that the above described property is not subject to any other liens, mortgages, or other encumbrances, and that the same is being offered for sale to the public in accordance with the provisions of the laws of the State of Texas relating to the sale of real property by the owner.

**CITY OF DALLAS**  
 I, **LOU J. GAY**, Mayor, do hereby certify that the above described property is not subject to any other liens, mortgages, or other encumbrances, and that the same is being offered for sale to the public in accordance with the provisions of the laws of the State of Texas relating to the sale of real property by the owner.

**APPROVED FOR THE CITY OF DALLAS**  
 I, **LOU J. GAY**, Mayor, do hereby certify that the above described property is not subject to any other liens, mortgages, or other encumbrances, and that the same is being offered for sale to the public in accordance with the provisions of the laws of the State of Texas relating to the sale of real property by the owner.

LAND DESCRIPTION  
UTILITY EASEMENT ABANDONMENT

BEING a tract of land situated in the G.W. Fisher Survey, Abstract No. 482, Town of Addison, Dallas County, Texas and being a portion of Lot 1, Block A of the Keller Springs Lofts Addition, an addition to the Town of Addison as recorded in CC# 20080022312 of the Deed Records, Dallas County, Texas (D.R.D.C.T.) and being all of a Non-Exclusive Utility Easement as recorded in CC# 20080022312 (D.R.D.C.T.) and being more particularly described as follows;

COMMENCING at a 5/8 inch iron rod found with plastic cap stamped "Huitt-Zollars" at the southwest corner of Said Lot 1, said point being on the easterly right-of-way line of Addison Road (a variable width right-of-way);

THENCE North 00 degrees 26 minutes 35 seconds West, along the easterly right-of-way line of Addison Road, a distance of 177.34 feet to a point for corner from which a 5/8 inch iron rod found with plastic cap stamped "BDD" bears North 00 degrees 26 minutes 35 seconds West a distance of 2.94 feet;

THENCE North 89 degrees 33 minutes 25 seconds East, departing the easterly right-of-way line of Addison Road, a distance of 34.96 feet to the POINT OF BEGINNING;

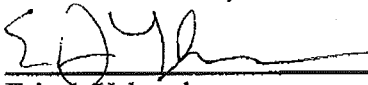
THENCE North a distance of 10.00 feet to a point for corner;

THENCE East a distance of 30.00 feet to a point for corner;

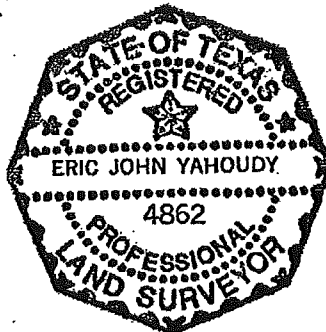
THENCE South a distance of 10.00 feet to a point for corner;

THENCE West a distance of 30.00 feet to the POINT OF BEGINNING and containing 300 square feet or .0069 of an acre of land, more or less.

For Huitt-Zollars, Inc

 9-1-2011

Eric J. Yahoudy  
Registered Professional Land Surveyor  
Texas Registration No. 4862  
Huitt-Zollars, Inc.  
1717 McKinney Avenue  
Suite 1400  
Dallas, Texas 75202  
Ph. (214) 871-3311  
Date: September 1, 2011



J:\Survey\4088\01\keller Springs Lofts\wp\EASEMENT ABANDON.doc

**BASIS OF BEARINGS / DIRECTIONAL CONTROL:**

THE FINAL PLAT OF KELLER SPRINGS LOFTS ADDITION, AS RECORDED IN CC#20080022312, REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS.

10' TEXAS POWER & LIGHT CO. EASEMENT & SOUTHWESTERN BELL TELEPHONE COMPANY VOL. 82093, PG. 450 D.R.D.C.T.

NON-EXCLUSIVE UTILITY EASEMENT CC#20080022312 D.R.D.C.T.

SCALE: 1"=40'

**KELLER SPRINGS LOFTS ADDITION  
LOT 1 & 2, BLOCK A  
CC# 20080022312  
D.R.D.C.T.**

**POINT OF BEGINNING**

**LOT 1, BLOCK A**

10' TEXAS POWER & LIGHT CO. EASEMENT & SOUTHWESTERN BELL TELEPHONE COMPANY VOLUME 82093, PAGE 450 D.R.D.C.T.

30' PRIVATE DRAINAGE EASEMENT VOL. 95191, PG. 7052 D.R.D.C.T.  
(TO BE ABANDONED BY PLAT RECORDED IN CC#20080022312)

NON-EXCLUSIVE UTILITY EASEMENT CC#20080022312 D.R.D.C.T.

**POINT OF COMMENCING**

WEST 341.74'

24' FIRE LANE, ACCESS & NON-EXCLUSIVE UTILITY EASEMENT CC#20080022312 D.R.D.C.T.

NON-EXCLUSIVE UTILITY EASEMENT CC#20080022312 D.R.D.C.T.

5' SIDEWALK EASEMENT CC#20080022312 D.R.D.C.T.

**LOT 2, BLOCK A**

LINE	BEARING	DISTANCE
L1	N 89°33'25" E	34.96'
L2	NORTH	10.00'
L3	EAST	30.00'
L4	SOUTH	10.00'
L5	WEST	30.00'

5' SIDEWALK EASEMENT CC#20080022312 D.R.D.C.T.

5/8" IRF W/BDD CAP

5/8" IRF W/BDD CAP

N 00°26'35"W 2.94'

177.34'

**ADDISON ROAD**  
(VARIABLE WIDTH R.O.W.)

N00°26'35"W

10' R.O.W. DEDICATION VOL.2004075, PG.00174 D.R.D.C.T.

5/8" IRF W/HZ CAP

**HUITT-ZOLLARS**

Huitt-Zollars, Inc. Dallas  
1717 McKinney Avenue, Suite 1400

Phone (214) 871-3311 Fax (214) 871-0757

**UTILITY EASEMENT ABANDONMENT**  
KELLER SPRINGS LOFTS ADDITION  
LOT 1, BLOCK A

TOWN OF ADDISON  
DALLAS COUNTY, TEXAS

**ORDINANCE NO. 011-056, EXHIBIT B**

PAGE 1 OF 2