

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE ABANDONMENT OF A PORTION OF RIGHT OF WAY LOCATED ALONG WEST CROSBY ROAD AS DEPICTED ON DALLAS COUNTY DEED RECORDS INSTRUMENT NO. 200600232399; RETAINING ALL RIGHTS TO AND IN THE REMAINING PORTION OF THE ROAD RIGHT OF WAY SHOWN ON THE LUNA PARK PLACE SECOND REPLAT; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, City is the owner of right-of-way located between Lot 1, Block 3 (1700 W Crosby Rd) and Lot 3R-1, Block 2 (1504 Selene Dr.) of the Luna Park Place Addition, which is described in Exhibit A and shown on Exhibit B, both attached hereto and incorporated for all purposes, (the "Property"); and

WHEREAS, Section 272.001 of the Texas Local Government Code provides for the conveyance, sale or exchange of a property interest by the City to an abutting property owner;

WHEREAS, Section 311.007 of the Texas Transportation Code provides a home-rule municipality authority to vacate, abandon, or close a street or alley;

WHEREAS, the property owner, Icon Newco 2, LLC, or its assigns, has requested to have the right of way ("ROW") abandoned and is the sole owner on both sides of the ROW;

WHEREAS, the Property has not been utilized since the completion of the President George Bush Turnpike restricted its planned use, it is no longer needed, and should be abandoned as a public use; and

WHEREAS, this abandonment shall extend only to the public right of way, title and interest which the City of Carrollton, Texas may have in and to said right of way, and shall be construed to extend only to the Property and to such interest that the governing body of the City of Carrollton may legally and lawfully abandon.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION 1.

All of the above premises to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.

The Property is no longer needed for public use, and is hereby abandoned in its entirety.

SECTION 3.

The City retains all rights in the remainder of the City's right of way, including that right of way recorded in Dallas County deed records Instrument number 200600232399 that is not expressly abandoned herein, and nothing herein shall limit the City rights and use of the public right of way.

SECTION 4.

The City Manager is authorized to take those steps reasonable and necessary to comply with the purpose and intent of this resolution, including, through a designee, executing all necessary documents for the abandonment and conveyance of the Property in accordance with all applicable laws.

SECTION 5.

This Ordinance shall become effective on and after its adoption and publication.

DULY PASSED AND APPROVED this the 3rd day of May, 2016.

CITY OF CARROLLTON, TEXAS

By: _____
Matthew Marchant, Mayor

ATTEST:

Laurie Garber, City Secretary

Approved as to form:

Approved as to content:

Susan Keller
Assistant City Attorney

Cesar J. Molina, Jr., P.E.
Director of Engineering

CITY OF CARROLLTON, TEXAS
WEST CROSBY ROAD
LUNA PARK PLACE

DESCRIPTION

BEING A 9,455 SQUARE FOOT STRIP OF LAND IN THE WILLIAM MASTERS SURVEY, ABSTRACT NO. 899, DALLAS COUNTY, TEXAS, BEING PART OF THE RIGHT OF WAY FOR WEST CROSBY ROAD AS SHOWN ON THE REPLAT OF LOTS 1, 2, AND 3, LUNA PARK PLACE, AN ADDITION TO THE CITY OF CARROLLTON AS RECORDED IN VOLUME 89041, PAGE 746 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, (DRDCT), AS SHOWN ON THE ATTACHED EXHIBIT "A", AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

IT IS THE INTENT TO DESCRIBE A STRIP OF LAND, BEING BOUNDED ON THE WEST BY THE EAST LINE OF THE NTTA RIGHT OF WAY PARCEL 24-24 AS RECORDED IN VOLUME 2003056, PAGE 9458 DRDCT, BEING BOUNDED ON THE NORTH BY THE NORTH LINE OF THE RIGHT OF WAY FOR WEST CROSBY ROAD, AND BEING BOUNDED ON THE SOUTH BY THE SOUTH LINE OF THE RIGHT OF WAY FOR WEST CROSBY ROAD;

The POINT OF BEGINNING is a 5/8 inch iron rod with cap found marking the southwest corner of the remainder of Lot 1, Block 3 of said Luna Park Place Replat, being on the north line of the Right of Way of West Crosby Road, and being one the east line of said NTTA Right of Way;

THENCE North 89°59'02" East, with the south line of said Lot 1, being the north line of the Right of Way for West Crosby Road, a distance of 158.62 feet to a found 5/8 inch iron rod with cap, said point being at the beginning of a non-tangent curve to the left;

THENCE with said curve to the left having a radius of 61.50 feet, through a central angle of 72°, an arc length of 77.35 feet, and having a chord which bears South 18°26'18" West, a distance of 72.35 feet to point, said point being on the south line of the curving Right of Way for West Crosby Road, and being on the north line of Lot 3R-1, Block 2, Second Replat of Luna Park Place, an addition to the City of Carrollton as recorded in County Clerks File No. 200600232399, and being at the beginning of a non-tangent curve to the left;

THENCE with said curve to the left having a radius of 30.00 feet, through a central angle of 44°34'15", an arc length of 23.34, and having a chord which bears North 67°43'50" West, a distance of 22.75 feet to a point of tangent;

THENCE South 89°59'02" West, with the south line of the Right of Way for West Crosby Road, being the north line of said Lot 3R-1, a distance of 149.61 feet to a half inch iron rod with cap found marking the northwest corner of Lot 3R-1, and being on the east line of the Right of Way for NTTA Parcel 24-24;

THENCE North 30°12'06" East, with the east line of said NTTA Right of Way, a distance of 69.43 feet to the POINT OF BEGINNING, and containing 9,455 square feet of land.

NOTE:

All bearings are based on the Texas Coordinate System, N.A.D. 83 (1993 Adj.), North Central Zone, 4202.

John F. Wilder 1-26-15
John F. Wilder, R.P.L.S. Date
Texas Registration No. 4285,
BW2 Engineers, Inc.



Exhibit B

SURVEY: WILLIAM MASTERS SURVEY, ABST. NO. 899

LOCATION: CARROLLTON, DALLAS COUNTY, TEXAS

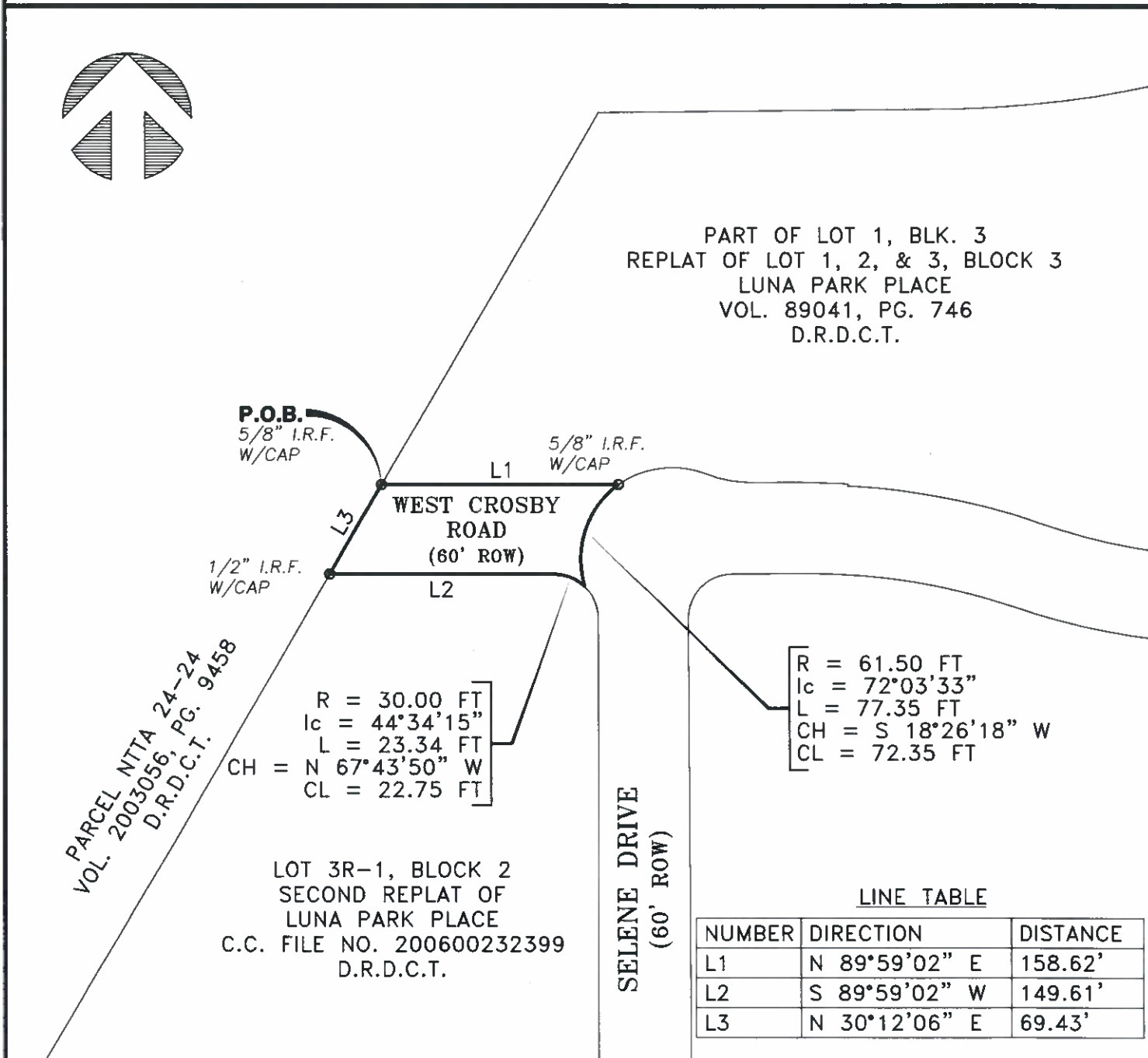
PLAT OF EXHIBIT 'A': 9,455 S.F.

CITY OF CARROLLTON, TEXAS

WEST CROSBY ROAD

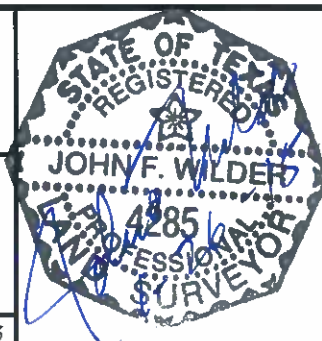
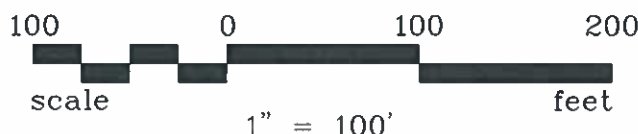
LUNA PARK PLACE

NOTE: THE BASIS OF BEARINGS FOR THIS SURVEY IS THE TEXAS STATE PLANE NAD83 NORTH CENTRAL ZONE (4202)



BW2 ENGINEERS, INC.

1919 S. Shiloh Road
Suite 500, L.B. 27
Garland, Texas 75042
(972) 864-8200 (T) (972) 864-8220 (F)
Firm Registration No. F-5290



BW2 JOB NO: 14-1673

DRAWN BY: BW2

DATE: OCT. 2014

CHECKED BY: BW2

J: 14-1673\DRAWINGS\EASEMENT.DWG

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