

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE ABANDONMENT OF SIMMONS PARKWAY AND A PORTION OF BOOTH DRIVE TOTALING APPROXIMATELY 1.57 ACRES OF RIGHT OF WAY, AS DEPICTED ON DALLAS COUNTY DEED RECORDS INSTRUMENT NUMBERS 86070-3658, 992080-0060, AND 92031-4160; RETAINING ALL RIGHTS TO AND IN THE REMAINING PORTION OF ANY RIGHT OF WAY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City is the owner of right-of-way known as Simmons Parkway and Booth Drive, as depicted on Dallas County deed records instrument numbers 86070-3658, 992080-0060, and 92031-4160 wherein said right of way was dedicated to the city, and which right of way is described herein in Exhibit A and shown on Exhibit B, both attached hereto and incorporated for all purposes, (the “ROW”);

WHEREAS, Simmons Parkway and Booth Drive are local roadways with very limited function for access or mobility;

WHEREAS, Sandy Lake IV Ltd. (“Applicant”) with the consent of all adjacent property owners, has requested the City abandon the ROW;

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 applicable City departments have reviewed and approved the City’s abandonment of the ROW;

WHEREAS, an economic development agreement has been approved and executed between Sandy Lake IV Ltd. and the City of Carrollton providing the provisions for consideration for the abandonment;

WHEREAS, the Applicant has also complied with all other requirements of the abandonment application;

WHEREAS, any existing easements will be reserved upon the conveyance of the property;

WHEREAS, the ROW is predominantly surrounded by properties owned by Applicant or a legal entity related to or under the control of Applicant, and is no longer utilized as right of way for public use, but used by Applicant in the operations of its business;

WHEREAS, the ROW is no longer needed for travel by the public, 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 it is in the public interest of the City of Carrollton to abandon the described ROW.

SECTION 3.

The City retains all rights in the remainder of the City's right of way, including that right of way recorded in the public records of Dallas County as instrument numbers 86070-3658, 992080-0060, and 92031-4160 that is not expressly abandoned herein, and nothing herein shall limit the City's rights and use of the public right of way.

SECTION 4.

The abandonment provided for herein is made and accepted subject to all present zoning and deed restrictions, and all easements, whether apparent or non-apparent, including aerial, surface or underground.

SECTION 5.

The described ROW is hereby abandoned, and the City Manager is authorized to convey the property by Deed Without Warranty to the adjacent owner of the property.

SECTION 6.

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

SECTION 7.

This Ordinance shall become effective on and after its adoption.

DULY PASSED AND APPROVED this the _____ day of _____, 20_____.

CITY OF CARROLLTON, TEXAS

By: _____
Kevin W. Falconer, Mayor

ATTEST:

Laurie Wilson, City Secretary

Approved as to form:

Susan Keller
Assistant City Attorney

Approved as to content:

Tom Hammons, Jr., P.E.
Director of Engineering

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A PORTION OF A VARIABLE WIDTH STRIP OF LAND DEDICATED AS RIGHT-OF-WAY FOR SIMMONS PARKWAY (CAPITAL DRIVE) AND BOOTH DRIVE SITUATED IN THE MARTHA P. GREEN SURVEY, ABSTRACT 519, CITY OF CARROLLTON, DALLAS COUNTY, TEXAS, SHOWN ON MAPS JAMES ADDITION, AN ADDITION TO THE CITY OF CARROLLTON, DALLAS COUNTY TEXAS BY INSTRUMENT RECORDED IN VOLUME 86070, PAGE 3652 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THE SECOND REPLAT OF PART OF THE FIRST INSTALLMENT OF BOOTH INDUSTRIAL DISTRICT, AN ADDITION TO THE CITY OF CARROLLTON, DALLAS COUNTY, TEXAS BY INSTRUMENT RECORDED IN VOLUME 92031, PAGE 4158, OF SAID DEED RECORDS AND HAYES BOOTH ADDITION, AN ADDITION TO THE CITY OF CARROLLTON, DALLAS COUNTY, TEXAS BY INSTRUMENT RECORDED IN VOLUME 99208, PAGE 60 SAID DEED RECORDS, SAID STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND FOR THE SOUTHWESTERLY CORNER OF SIMMONS PARKWAY AS SHOWN ON SAID MAP RECORDED IN VOLUME 86070, PAGE 3652 OF SAID DEED RECORDS;

THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TEN (10) COURSES AND DISTANCES:

NORTH 01°37'34" WEST, 301.12 FEET;

NORTH 89°54'55" WEST, 5.00 FEET;

NORTH 01°37'34" WEST, 164.92 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, TO THE RIGHT;

NORTHEASTERLY, 83.22 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE 79°28'03", A RADIUS OF 60.00 FEET AND WHOSE LONG CHORD BEARS NORTH 71°24'07" EAST, 76.71 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

SOUTHEASTERLY, 33.04 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 21°01'57", A RADIUS OF 90.00 FEET AND WHOSE LONG CHORD BEARS SOUTH 79°22'50" EAST, 32.85 FEET.

SOUTH 89°53'49" EAST, 350.59 FEET;

NORTH 89°04'15" EAST, 27.29 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "MCKIM CREED" SET FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

SOUTHERLY, 60.50 FEET ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 59°47'24", A RADIUS OF 60.50 FEET AND WHOSE LONG CHORD BEARS SOUTH 06°41'35" EAST, 60.31 FEET TO A SET 5/8-INCH IRON ROD WITH CAP STAMPED "MCKIM CREED";

SOUTH 89°04'15" WEST, 33.88 FEET,

EXHIBIT "A"
LEGAL DESCRIPTION

NORTH 89°53'49" WEST, PASSING A 1/2-INCH IRON ROD FOUND THE NORTHEASTERLY CORNER OF LOT 1, BLOCK 1 AS SHOWN ON THE AFORESAID MAP RECORDED IN VOLUME 99208, PAGE 60, OF SAID DEED RECORDS AT 65.34 FEET AND CONTINUING ALONG THE COMMON LINE OF SAID RIGHT-OF-WAY AND BLOCK 1 FOR A TOTAL DISTANCE OF 330.01 FEET TO A 1/2-INCH IRON ROD FOUND;

THENCE ALONG SAID COMMON LINE THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

SOUTH 04°12'40" WEST, 35.02 FEET TO A FOUND 1/2-INCH IRON ROD;

SOUTH 01°38'52" EAST, 125.07 FEET TO A FOUND 1/2-INCH IRON ROD;

SOUTH 02°10'04" WEST, 150.27 FEET TO A FOUND 1/2-INCH IRON ROD;

SOUTH 01°38'52" EAST, 153.00 FEET TO AN "X" IN CONCRETE FOUND THE SOUTHWESTERLY CORNER OF THE AFORESAID BLOCK 1.

THENCE SOUTH 89°15'44" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE, 5.07 FEET TO A FOUND 1/2-INCH IRON ROD

THENCE NORTH 01°39'27" WEST, 30.06 FEET TO A FOUND 1/2-INCH IRON ROD;

THENCE SOUTH 89°17'11" WEST, 79.74 FEET TO THE **POINT OF BEGINNING** AND **CONTAINING** A COMPUTED AREA 1.5708 ACRES OR 68,427 SQUARE FEET OF LAND

A PLAT OF EQUAL DATE ACCOMPANIES THIS LEGAL DESCRIPTION AND MADE A PART THEREOF.

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202).

PRELIMINARY THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

JASON A. JERNIGAN
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6023

DATED: JANUARY 30, 2018

MCKIM & CREED, INC.
4275 KELLWAY CIRCLE, SUITE 144
ADDISON, TEXAS 75001
TEL: 817.484.5695
TBPLS FIRM # 101776-02

EXHIBIT B
GRAPHIC REPRESENTATION

Attach a plat, scale drawing or other graphic exhibit (8 ½ " X 11" *PMT* or "*stat.*") of the easement/right of way to be vacated and abandoned in the above application, and includes the following: the legal description; the record owners of abutting lots; the boundaries of all contiguous lots; the surrounding area to the nearest streets in all directions; the blocks and addition(s) in and upon which the area to be abandoned is located; and any easements or public facilities contained in or affected by the area to be abandoned. The attached will be reviewed by the City Engineering Department. Any discrepancies or missing information could cause a delay or a denial of the request in the review of your application.

EXHIBIT "B"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N01°37'34"W	301.12'
L2	N89°54'55"W	5.00'
L3	N01°37'34"W	164.92'
L4	S89°53'49"E	350.59'
L5	N89°04'15"E	27.29'
L6	S89°04'15"W	33.88'
L7	N89°53'49"W	330.01'
L8	S44°12'40"W	35.02'
L9	S01°38'52"E	125.07'
L10	S02°10'04"W	150.27'
L11	S01°38'52"E	153.00'
L12	S89°15'44"W	5.07'
L13	N01°39'27"W	30.06'
L14	S89°17'11"W	79.74'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	83.22'	60.00'	79°28'03"	N71°24'07"E	76.71'
C2	33.04'	90.00'	21°01'57"	S79°22'50"E	32.85'
C3	63.13'	60.50'	59°47'24"	S06°41'35"E	60.31'

PRELIMINARY THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

NOTES:

- 1) BEARINGS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202).
- 2) VOLUME & PAGES AND INSTRUMENT NUMBERS SHOWN HEREON ARE REFERENCED TO THE DALLAS COUNTY CLERK'S RECORDS.
- 3) METES AND BOUNDS DESCRIPTIONS TO ACCOMPANY THIS EXHIBIT.
- 4) PROPERTY CORNERS ARE 1/2-INCH IRON RODS UNLESS NOTED OTHERWISE.



4275 KELLWAY CIRCLE, SUITE 144
ADDISON, TX 75001
TBPLS Firm Registration No. 101776-02
817.484.5695
www.mckimcreed.com

EXHIBIT SHOWING
1.5708 ACRES 68,427 SQUARE FEET
VARIABLE WIDTH STRIP OF LAND DEDICATED AS
RIGHT-OF-WAY FOR SIMMONS PARKWAY (CAPITAL
DRIVE) AND BOOTH DRIVE
SITUATED IN
MARTHA P. GREEN SURVEY, ABSTRACT 519,
CITY OF CARROLLTON, DALLAS COUNTY, TEXAS

PROJECT # :06022-0067
PROJ. SVYR :JJ
DRAWN BY :RDJ
FIELD BK. :N/A
COMP. FILE :
SHEET # :04 OF 04
DWG. # :060220067_BoothEx