

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE ABANDONMENT OF 1,062 SQUARE FEET OF VARIABLE WIDTH RIGHT OF WAY LOCATED ALONG CROSBY ROAD AND DEPICTED IN DALLAS COUNTY DEED RECORDS INSTRUMENT NO. 93272; RETAINING ALL RIGHTS TO AND IN THE REMAINING PORTION OF THE ROAD; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, City is the owner of right-of-way located adjacent to William Larner Abstract 799 PG 516 TR 44 ACS 1.0474 (1402 Fannidella Drive), which is described in Exhibit A and shown on Exhibit B, both attached hereto and incorporated for all purposes, (the “ROW”); and

WHEREAS, the adjacent property owner, Fairway 427, LP (“Owner”), has requested to have the ROW abandoned and is the sole owner adjacent to 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 3—11.007 of the Texas Transportation Code provides a home-rule municipality authority to vacate, abandon, or close a street or alley;

WHEREAS, the City will enter into an agreement with the Owner providing for compensation to the City for the ROW abandonment;

WHEREAS, the ROW 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 ROW herein described 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 ROW 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 93272, 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 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 ROW 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 10th day of October, 2017.

CITY OF CARROLLTON, TEXAS

By: _____
Kevin W. Falconer, Mayor

ATTEST:

Laurie Garber, City Secretary

Approved as to form:

Approved as to content:

Susan Keller
Assistant City Attorney

Ravi Shah
Director of Urban Development

EXHIBIT "A"
VARIABLE WIDTH RIGHT-OF-WAY ABANDONMENT
WILLIAM LARNER SURVEY, ABSTRACT NO. 799
CITY OF CARROLLTON, DALLAS COUNTY, TEXAS

BEING a 1,062 square foot (0.0244 acre) tract of land situated in the William Lerner Survey, Abstract No. 799, City of Carrollton, Dallas County, Texas, and being a portion of the existing Right-of-Way (R.O.W.) for E. Crosby Road (having a variable width R.O.W.), and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the northwest corner of Lot 2R, Block A, Fannidella Apartments, Part 2, an addition to the City of Carrollton, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 201700115264, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said point also being the northeast corner of a called 4.643 acre tract of land as described in a Special Warranty Deed to the City of Carrollton, as recorded in Instrument No. 201200231245, O.P.R.D.C.T., and being in the south R.O.W. line of said E. Crosby Road;

THENCE North 77 degrees 12 minutes 19 seconds East, along the common south R.O.W. line of said E. Crosby Road and north line of said Lot 2R, a distance of 105.34 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "CP&Y" (hereafter described as "with cap") for the **POINT OF BEGINNING** of the herein described 1,062 square foot (0.0244 acre) tract of land:

THENCE North 01 degrees 23 minutes 06 seconds West, departing said common lines and crossing said E. Crosby Road R.O.W., a distance of 23.26 feet to a 5/8 inch iron rod set with cap for corner;

THENCE North 87 degrees 24 minutes 42 seconds East, continuing across said E. Crosby Road R.O.W., a distance of 81.22 feet to a 5/8 inch iron rod set with cap on the aforesaid common south R.O.W. line of E. Crosby Road and north line of Lot 2R, from which a 5/8 inch iron rod found with yellow plastic cap stamped "CP&Y" for an angle point on said common lines bears North 68 degrees 44 minutes 27 seconds East, a distance of 43.52 feet;

THENCE South 68 degrees 44 minutes 27 seconds West, along said common south R.O.W. line of E. Crosby Road and north line of Lot 2R, a distance of 57.09 feet to a point;

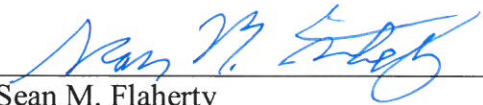
THENCE South 77 degrees 12 minutes 19 seconds West, continuing along said common lines, a distance of 28.06 feet to the **POINT OF BEGINNING** and containing with the metes recited 1,062 square feet (0.0244 acre) of land, more or less.

EXHIBIT "A"
VARIABLE WIDTH RIGHT-OF-WAY ABANDONMENT
WILLIAM LARNER SURVEY, ABSTRACT NO. 799
CITY OF CARROLLTON, DALLAS COUNTY, TEXAS

Bearings are based on the plat of Fannidella Apartments, Part 2, an addition to the City of Carrollton, Dallas County, Texas, as recorded in Instrument No. 201700115264, Official Public Records of Dallas County, Texas.

Exhibit drawing of even survey date herewith accompanies the field note description for the Variable Width Right-of-Way Abandonment.

I, Sean M. Flaherty, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this description and the exhibit attached hereto were prepared from an actual survey of the property performed on the ground and that the same is true and correct.



Sean M. Flaherty
Registered Professional Land Surveyor
Texas No. 5258

Date: 8-22-17

CP&Y, Inc.
1820 Regal Row # 150
Dallas, Texas 75235
TBPLS Firm Registration No. 10194115

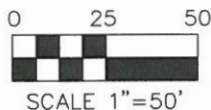
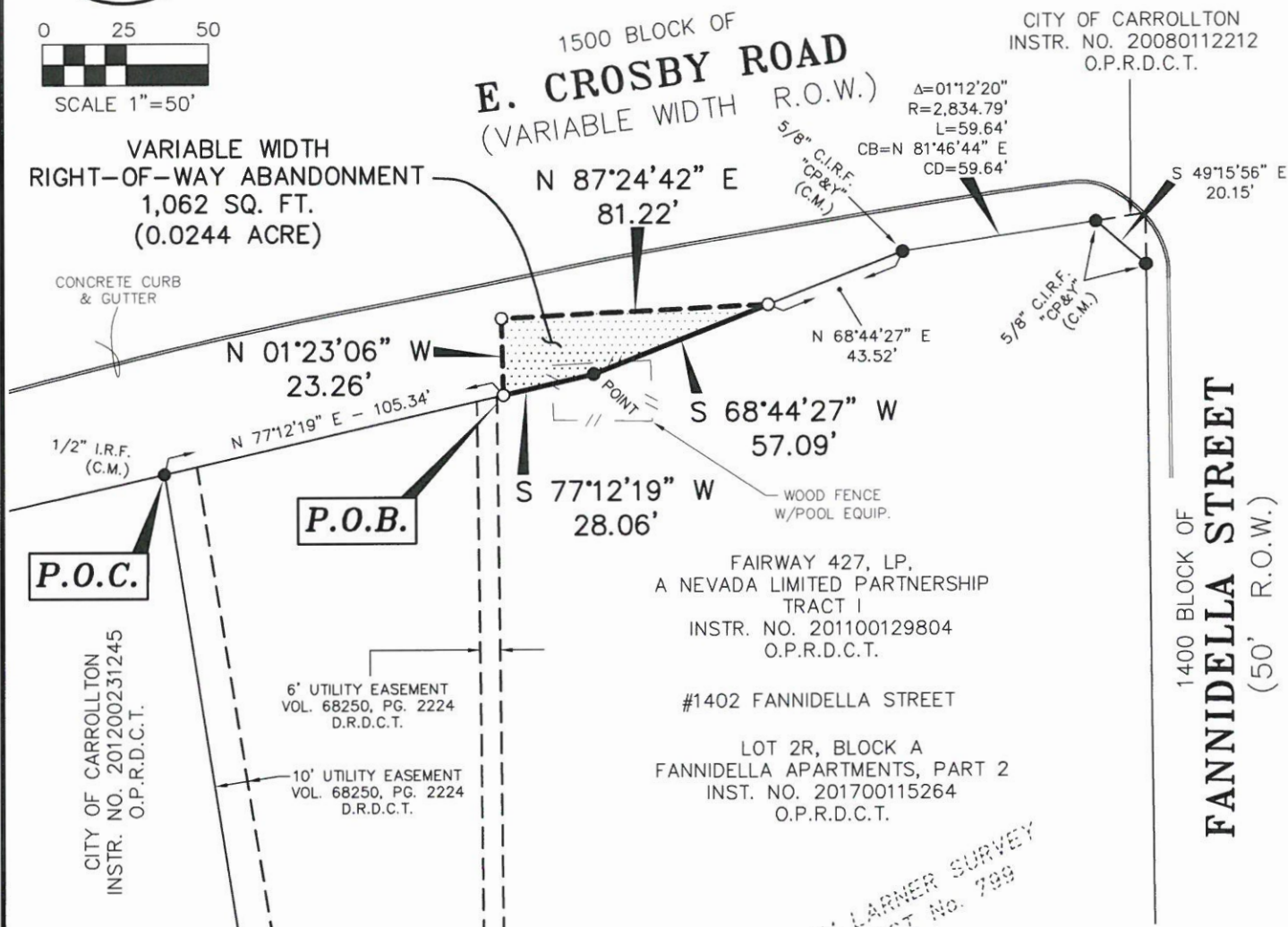


EXHIBIT "B" VARIABLE WIDTH RIGHT-OF-WAY ABANDONMENT

WILLIAM LARNER SURVEY, ABSTRACT NO. 799
CITY OF CARROLLTON, DALLAS COUNTY, TEXAS
PAGE 3 OF 3



LEGEND

- O = 5/8 INCH IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "CP&Y"
- C.I.R.F. = CAPPED IRON ROD FOUND
- I.R.F. = IRON ROD FOUND
- (C.M.) = CONTROL MONUMENT
- R.O.W. = RIGHT-OF-WAY
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- [Pattern] = R.O.W. ABANDONMENT

BEARINGS ARE BASED ON THE PLAT OF FANNIDELLA APARTMENTS, PART 2, AN ADDITION TO THE CITY OF CARROLLTON, DALLAS COUNTY, TEXAS, AS RECORDED IN INSTRUMENT NO. 201700115264, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS.



1820 Regal Row, Suite 150, Dallas, Texas 75235
214.747.3733
TBPLS 10194115

WILLIAM LARNER SURVEY
ABSTRACT NO. 799



Sean M. Flaherty
Registered Professional Land Surveyor
Texas Registration No. 5258

A FIELD NOTE DESCRIPTION OF EVEN SURVEY
DATE HEREWITH ACCOMPANIES THIS DRAWING
SURVEYED ON THE GROUND AUGUST 2017.

DRAWING FILE: 1700181 ROW ABANDONMENT.DWG