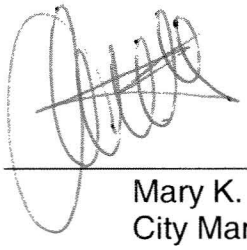
FEBRUARY 13, 2013 CITY COUNCIL ADDENDUM
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated February 13, 2013. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



Mary K. Suhm
City Manager

2/08/13
Date

Edward Scott
City Controller

2/8/13
Date

RECEIVED
2013 FEB -8 PM 5:08
CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 13, 2013
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.

REVISED ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	CLOSED SESSION	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 39
	CONSENT ADDENDUM	Items 1 - 3

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier	Items 40 - 44
than 9:15 a.m.	Addendum Items 4 - 5

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.	Items 45 - 59

ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 13, 2013
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

ADDITIONS:

CONSENT ADDENDUM

Public Works Department

1. Authorize the appointment of Rick Galceran, P.E., Director of Public Works, to represent the City of Dallas as a member of the Senate Bill 1420 Committee to determine the distribution of financial risk, method of financing, and tolling structure and methodology for SH 183 Managed Lanes Project - Financing: No cost consideration to the City

Sanitation Services

2. Authorize the purchase of solid waste containers (dumpsters) for use in City Facility refuse collection - Roll Offs USA, Inc., through the Houston-Galveston Area Council of Governments - Not to exceed $235,106 - Financing: Capital Construction Funds

Sustainable Development and Construction

3. An ordinance abandoning portions of Vistawood Boulevard and Short Boulevard to Corinth I-35 & Ledbetter, LLC, the abutting owner, containing approximately 24,961 square feet of land located near the intersection of Vistawood and Short Boulevards, authorizing the quitclaim, and providing for the dedication of approximately 49,339 square feet of land needed for right-of-way - Revenue: $5,400 plus the $20 ordinance publication fee

ITEMS FOR INDIVIDUAL CONSIDERATION

City Attorney's Office

4. Authorize settlement of the lawsuit styled Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P - Not to exceed $75,000 - Financing: Current Funds

City Secretary’s Office

5. A resolution designating absences by Mayor Pro Tem Pauline Medrano, Deputy Mayor Pro Tem Tennell Atkins, Councilmember Delia Jasso, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis as being for "official city business" - Financing: No cost consideration to the City

ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 13, 2013

DELETION:

Trinity Watershed Management

57. A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 2.77 acres of the current 3.95 acres of land located at 10808 Luna Road, within the floodplain of the Elm Fork of the Trinity River, Fill Permit 12-07 - Financing: No cost consideration to the City

ADDENDUM DATE February 13, 2013

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	C	PBW	NC	NA	NA	Authorize the appointment of Rick Galceran, P.E., Director of Public Works, to represent the City of Dallas as a member of the Senate Bill 1420 Committee to determine the distribution of financial risk, method of financing, and tolling structure and methodology for SH 183 Managed Lanes Project
2			All	C	SAN	$235,106.00	NA	NA	Authorize the purchase of solid waste containers (dumpsters) for use in City Facility refuse collection
3			4	C	DEV	REV $5,400	NA	NA	An ordinance abandoning portions of Vistawood Boulevard and Short Boulevard to Corinth I-35 & Ledbetter, LLC, the abutting owner, containing approximately 24,961 square feet of land located near the intersection of Vistawood and Short Boulevards, authorizing the quitclaim, and providing for the dedication of approximately 49,339 square feet of land needed for right-of-way
4			N/A	I	ATT	$75,000.00	NA	NA	Authorize settlement of the lawsuit styled Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P
5			All	I	SEC	NC	NA	NA	A resolution designating absences by Mayor Pro Tem Pauline Medrano, Deputy Mayor Pro Tem Tennell Atkins, Councilmember Delia Jasso, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis as being for "official city business"

TOTAL $310,106.00

ADDENDUM ITEM # 1

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Public Works Department

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize the appointment of Rick Galceran, P.E., Director of Public Works, to represent the City of Dallas as a member of the Senate Bill 1420 Committee to determine the distribution of financial risk, method of financing, and tolling structure and methodology for SH 183 Managed Lanes Project - Financing: No cost consideration to the City

BACKGROUND

On June 20, 2012, the City Council appointed Rick Galceran P.E., Director of Public Works, to the original Senate Bill (SB) 1420 Committee. Since the scope of the original project known as the SH 183 Managed Lanes Project has significantly expanded to include other municipalities and additional roadways, the Texas Department of Transportation (TxDOT) must appoint a new committee. The City Manager recommends the appointment of Rick Galceran, Director of Public Works, to the Senate Bill 1420 Committee to participate on behalf of the City of Dallas.

Plans for the initial project only included redevelopment of an 8.9 mile section of SH 183 from SH 161 to IH 35E in Dallas County. The expanded scope proposes to include SH 183 from SH 161 west to SH 121, SH 114 from SH 183 to Belt Line Road, and Loop 12 from SH 183 to the proposed LBJ Express. As authorized by the Texas Transportation Commission, TxDOT will re-issue a request for qualifications (RFQ) for the development, design, construction, and potentially finance, maintain and operate all or any portion of the project.

Municipalities and entities that have committed to provide funding and/or right-of-way for this project will be asked to appoint one member to represent them on the SB 1420 Committee. In the City of Dallas 2003 Bond Program, $750,000 was allocated for the purchase of right-of-way in support of this project.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 7, 2003, City Council authorized the acceptance of the Canvasing Committee Report on Election Result 2003, identifying the allocation of $750,000 for right-of-way acquisition for SH 183 in the 2003 Bond Program, by Resolution No. 03-1305.

On June 20, 2012, the City Council authorized the appointment of Rick Galceran, P.E. to represent the City of Dallas as a member of the SB 1420 Committee responsible for the redevelopment of an 8.9 mile section of S.H. 183 from 161 to I.H 35E known as the S.H.183 Managed Lanes Project, by Resolution No. 12-1595.

FISCAL INFORMATION

No cost consideration to the City

February 13, 2013

City of Dallas Resolution
Appointing Representative to Senate Bill 1420 Committee For SH 183 Managed Lanes Project

WHEREAS, the Texas Department of Transportation (TxDOT) is engaged in project development activities associated with the planned redevelopment of a 8.9-mile section of SH 183 from SH 161 to IH 35E and any additional facilities necessary for connectivity and financing purposes in Dallas County and Tarrant Counties (the SH 183 Managed Lanes Project); and

WHEREAS, on January 31, 2013, the Texas Transportation Commission authorized TxDOT to issue a request for qualifications to develop, design, construct, finance, maintain, and operate all or any portion of the SH 183 Managed Lanes Project; and

WHEREAS, TxDOT and local stakeholders, including the City of Dallas, are currently analyzing options for the financing and delivery of the SH 183 Managed Lanes Project; and

WHEREAS, for proposed TxDOT toll projects in which a private entity has a financial interest in the project's performance, Transportation Code Section 228.013 and TxDOT rules implementing that section require formation of a committee (SB 1420 Committee) comprised of representatives from TxDOT, the local toll project entity for the area in which the project is located, the metropolitan planning organization, and each municipality or county that has either provided revenue or right-of-way as described in the statute and rules, or has submitted to TxDOT an order or resolution adopted by the City Council or County Commissioners Court committing local funds or property to the project; and

WHEREAS, the City of Dallas is providing $750,000 for right-of-way acquisition for the SH 183 Managed Lanes Project as referenced in Resolution No. 03-1305, dated May 7, 2003, and is therefore authorized to participate as a member of the SB 1420 Committee for the project; and

WHEREAS, Section 228.013 and the TxDOT rules implementing that section provide that, for a project described therein, the distribution of financial risk, method of financing, and the tolling structure and methodology must be determined by the SB 1420 Committee for that project; and

February 13, 2013

WHEREAS, the SB 1420 Committee for the SH 183 Managed Lanes Project will be comprised of representatives from TxDOT, the North Central Texas Council of Governments (NCTCOG), the North Texas Tollway Authority (NTTA), and each city or county that provides funding or right-of-way for the project, or has submitted to TxDOT an order or resolution adopted by the City Council or County Commissioners Court committing local funds or property to the project, including Resolution No. 03-1305.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City of Dallas hereby authorizes and approves the appointment of Rick Galceran, P.E., Director of Public Works, to serve as the City's representative on the SB 1420 Committee for the SH 183 Managed Lanes Project.

Section 2. That the above-named individual is authorized to participate in meetings, assist with preparation of reports, vote as a member of the committee, and take such other and further actions as deemed appropriate in connection with the SB 1420 Committee function on behalf of the City of Dallas.

Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

ADDENDUM ITEM # 2

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: February 13, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Sanitation Services

CMO: Forest E. Turner, 670-3390

MAPSCO: N/A

SUBJECT

Authorize the purchase of solid waste containers (dumpsters) for use in City Facility refuse collection - Roll Offs USA, Inc., through the Houston-Galveston Area Council of Governments - Not to exceed $235,106 - Financing: Capital Construction Funds

BACKGROUND

Sanitation Services provides refuse collection services to city facilities such as fire stations, parks, recreation centers, municipal complexes and libraries. There are 210 locations and 285 refuse containers that receive weekly or biweekly service. Container sizes range from 3 cubic yard to 10 cubic yard.

Currently, refuse collection at city facilities is provided by a private contractor through a service contract. Sanitation Services will now provide these services with City staff. Sanitation Services needs to purchase 285 solid waste dumpsters to begin providing this service in house.

The Houston-Galveston Area Council of Governments (HGAC) conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, HGAC receives bids from manufacturers and dealers throughout the United States.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$235,106.00 – Capital Construction Funds

ETHNIC COMPOSITION

Roll Offs USA, Inc.

White Male	50	White Female	6
Black Male	0	Black Female	0
Hispanic Male	37	Hispanic Female	0
Other Male	3	Other Female	1

OWNER

Roll Offs USA, Inc.

Danny Hankey, President
Ray Jean Hankey, Vice President

February 13, 2013

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the purchase of solid waste containers (dumpsters) for use in City Facility refuse collection from Roll Offs USA, Inc. through the Houston-Galveston Area Council of Governments in an amount not to exceed $235,106.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for 285 solid waste containers (dumpsters) to be used by Sanitation Services, Collection Unit. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds from the following appropriation, in an amount not to exceed $235,106:

FUND	DEPT	UNIT	AMOUNT	OBJ	ENCUMBRANCE	VENDOR NO.
0671	SAN	P784	$235,106.00	2890	13SANP7842890	VS0000058899

Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

ADDENDUM ITEM # 3

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2013

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 670-3314

MAPSCO: 64M

SUBJECT

An ordinance abandoning portions of Vistawood Boulevard and Short Boulevard to Corinth I-35 & Ledbetter, LLC, the abutting owner, containing approximately 24,961 square feet of land located near the intersection of Vistawood and Short Boulevards, authorizing the quitclaim, and providing for the dedication of approximately 49,339 square feet of land needed for right-of-way - Revenue: $5,400 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of Vistawood Boulevard and Short Boulevard to Corinth I-35 & Ledbetter, LLC, the abutting owner. The area will be included with the property of the abutting owner for the construction of a Wal-mart store and Quick Trip gas station. The owner will dedicate approximately 49,339 square feet of land needed for right-of-way. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is needed.

Notices were sent to 4 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION /REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: $5,400 plus the $20 ordinance publication fee

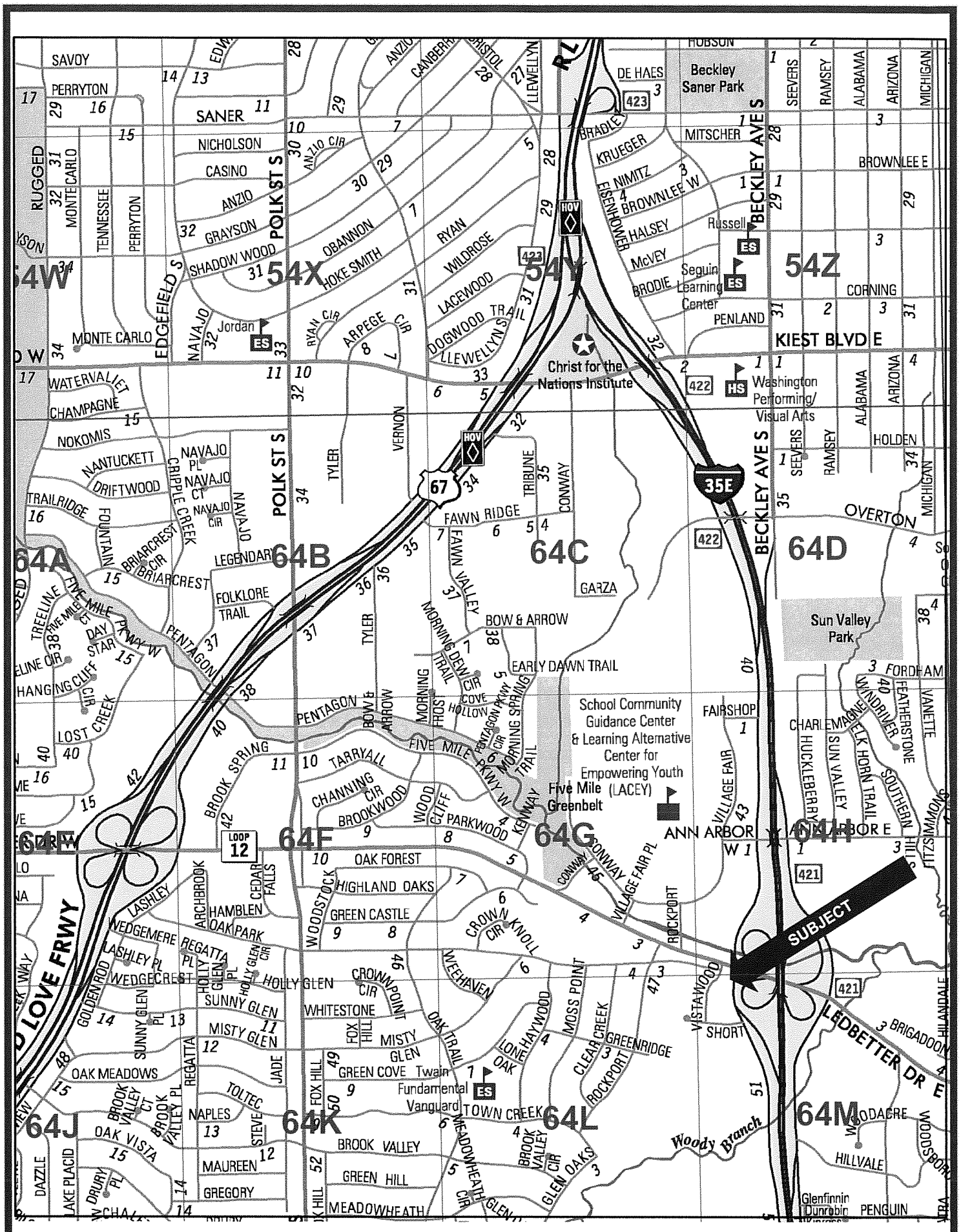
OWNER

Short Boulevard to Corinth I-35 & Ledbetter, LLC

Frank Mihalopoulos, Member

MAPS

Attached



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MAPSCO

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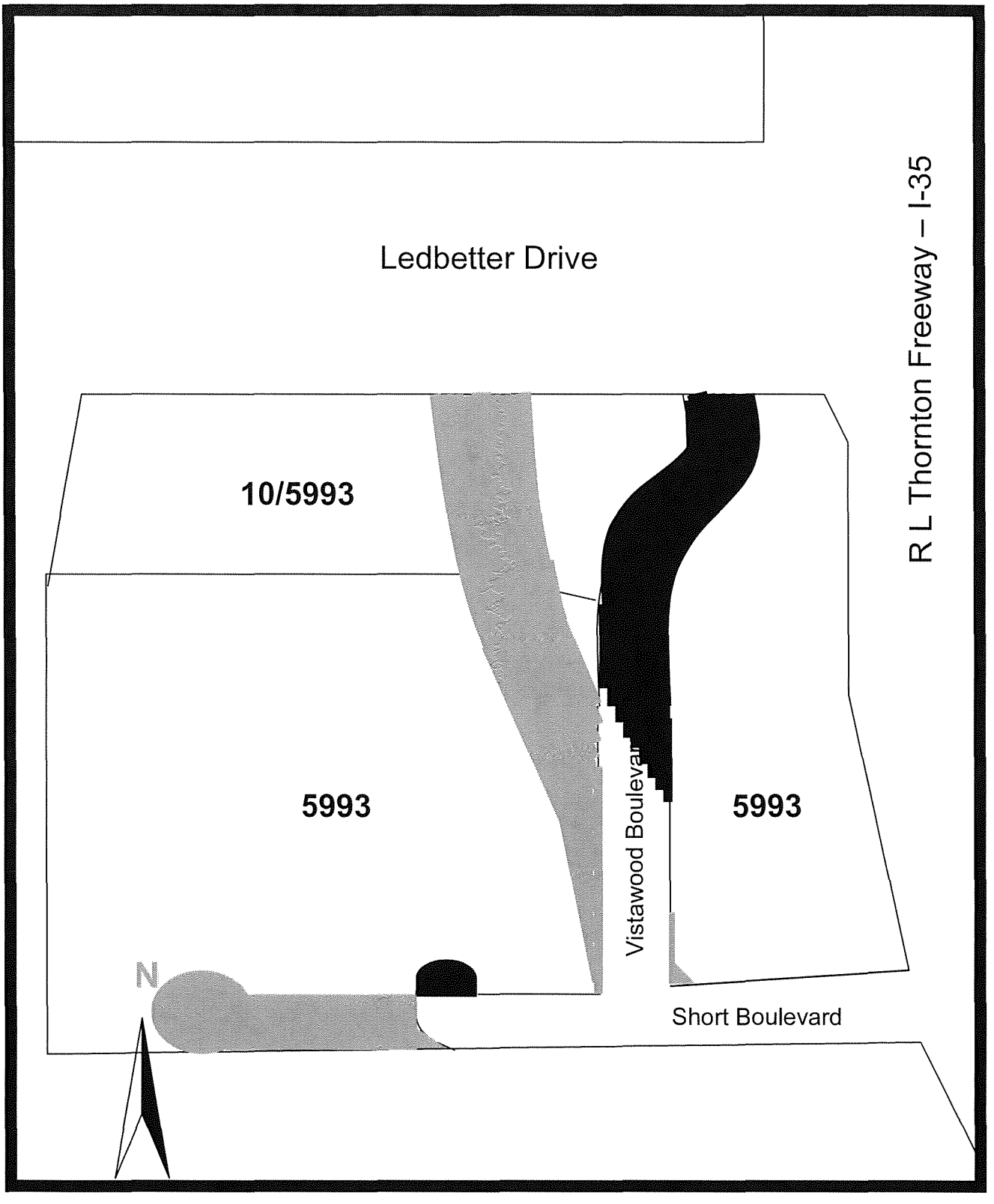
Ledbetter Drive
R L Thornton Freeway – I-35
10/5993
5993
5993
Vistawood Boulevard
Short Boulevard
N
= Abandonment Areas
= Dedication Areas

ORDINANCE NO._____

An ordinance providing for the abandonment of portions of Vistawood Boulevard and Short Boulevard located in and adjacent to City Blocks 5993 and 10/5993 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Corinth I-35 & Ledbetter, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Corinth I-35 & Ledbetter, LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portions of Vistawood Boulevard and Short Boulevard are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE,** as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same are abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the

further consideration described in Sections 8, 9, 10, 11, 14 and 15, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

SECTION 4. That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction – Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold whole and harmless the City of Dallas of, from and against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as part of the consideration for the quitclaim made herein, **GRANTEE** shall grant AT&T the right of ingress and egress to both old and new equipment locations at all times during construction.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey by General Warranty Deed to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable fee simple title, subject to only those title exceptions approved as to form by the City Attorney, and insured by an owner's policy of title insurance approved as to form by the City Attorney, to certain properties located in City Blocks 10/5993 and 5993, containing a total of approximately 49,339 square feet of land, descriptions of which are attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until these dedications are completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 12. That at such time as the instrument described in Section 11 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the property is located.

SECTION 13. That this ordinance and properly executed General Warranty Deed, approved as to form by the City Attorney, be forwarded to a title insurance company for closing. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the official real property records of the county in which the property is located and thereafter returned to the City Secretary for permanent record.

SECTION 14. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall pay all closing costs and title expenses associated with the acquisition of the property described in Section 11 above.

SECTION 15. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the areas described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE,** its successors and assigns, to the satisfaction of the Director of Department Sustainable Development and Construction.

SECTION 16. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Sections 2 and 14, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the completion of the dedications set forth in Section 11, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance; and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 17. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
THOMAS P. PERKINS, JR.
City Attorney

BY _____
Assistant City Attorney

THERESA O'DONNELL
Director of Department of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

LEGAL DESCRIPTION

BEING a 11,403 square foot (0.262 acre) tract of land situated in the Paul Narboe Survey, Abstract No. 1077, part of City of Dallas Block 5993, Dallas County, Texas and being part of Vista Wood Boulevard as described in an easement to the City of Dallas recorded in Volume 93191, Page 8019, Volume 93194, Page 7403 and Volume 93194, Page 7409, all of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with cap found in the west right-of-way line of Vista Wood Boulevard (a variable width right-of-way) at the southernmost corner of Lot 1A, Block 10/5993, Replat of the First Section Glen Oaks Village, an addition to the City of Dallas, Texas according to the plat recorded in Volume 92107, Page 483, Deed Records of Dallas County, Texas and at the easternmost northeast corner of a tract of land described as "Tract 1" in Special Warranty Deed with Vendor's Lien to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas;

THENCE departing said west right-of-way, the following courses and distances:

South 35°13'15" East, a distance of 22.07 feet to a "X" cut in concrete found for corner;
North 54°45'52" East, a distance of 103.18 feet to a point in the east right-of-way line of said Vista Wood Boulevard and in the west line of a tract of land described as "Tract 2" in said Corinth I-35 & Ledbetter, LLC deed at the beginning of a non-tangent curve to the left having a central angle of 43°08'40", a radius of 202.00 feet, a chord bearing and distance of South 25°11'37" West, 148.54 feet;

THENCE departing said east right-of-way line, with the west line of said Corinth I-35 & Ledbetter, LLC tract and the east line of said easement to the City of Dallas, the following courses and distances:

In a southwesterly direction, with said curve to the left, an arc distance of 152.11 feet to a point at the end of said curve;
South 3°37'17" West, a distance of 206.43 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 18°31'48", a radius of 450.00 feet, a chord bearing and distance of North 13°20'31" West, 144.90 feet;

THENCE departing said east right-of-way line and the west line of said Tract 2, the following courses and distances:

In a northwesterly direction, with said curve to the left, an arc distance of 145.54 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the right having a central angle of 5°00'52", a radius of 390.00 feet, a chord bearing and distance of North 20°06'00" West, 34.12 feet;
In a northwesterly direction, with said curve to the right, an arc distance of 34.13 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the end of said curve in the west right-of-way line and the east line of said Tract 1;

THENCE with said west right-of-way line and said east line of Tract 1, the following courses and distances:

North 3°37'17" East, a distance of 36.59 feet to a point at the beginning of a tangent curve to the right having a central angle of 20°33'28", a radius of 258.00 feet, a chord bearing and distance of North 13°54'01" East, 92.07 feet;
In a northeasterly direction with said curve to the right, an arc distance of 92.57 feet to the **POINT OF BEGINNING** and containing 11,403 square feet or 0.262 acres of land.

The bearings for this survey are based on a bearing of North 81°00'04" West for the south line of Short Boulevard according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

(For SPRG use only)
Reviewed By: JL
Date: 12-12-12
SPRG NO: 2391

Dana Brown
Registered Professional Land Surveyor No. 5336
Kimley-Horn and Associates, Inc.
12750 Merit Drive, Suite 1000
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Ph. 972-770-1300
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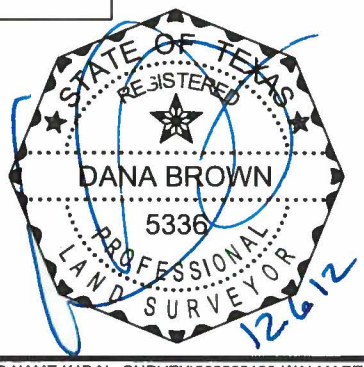

STREET EASEMENT ABANDONMENT
PORTION OF VISTA WOOD BOULEVARD
BLOCK 5993
PAUL NARBOE SURVEY
ABSTRACT NO. 1077
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley-Horn and Associates, Inc.
12750 Merit Drive, Suite 1000
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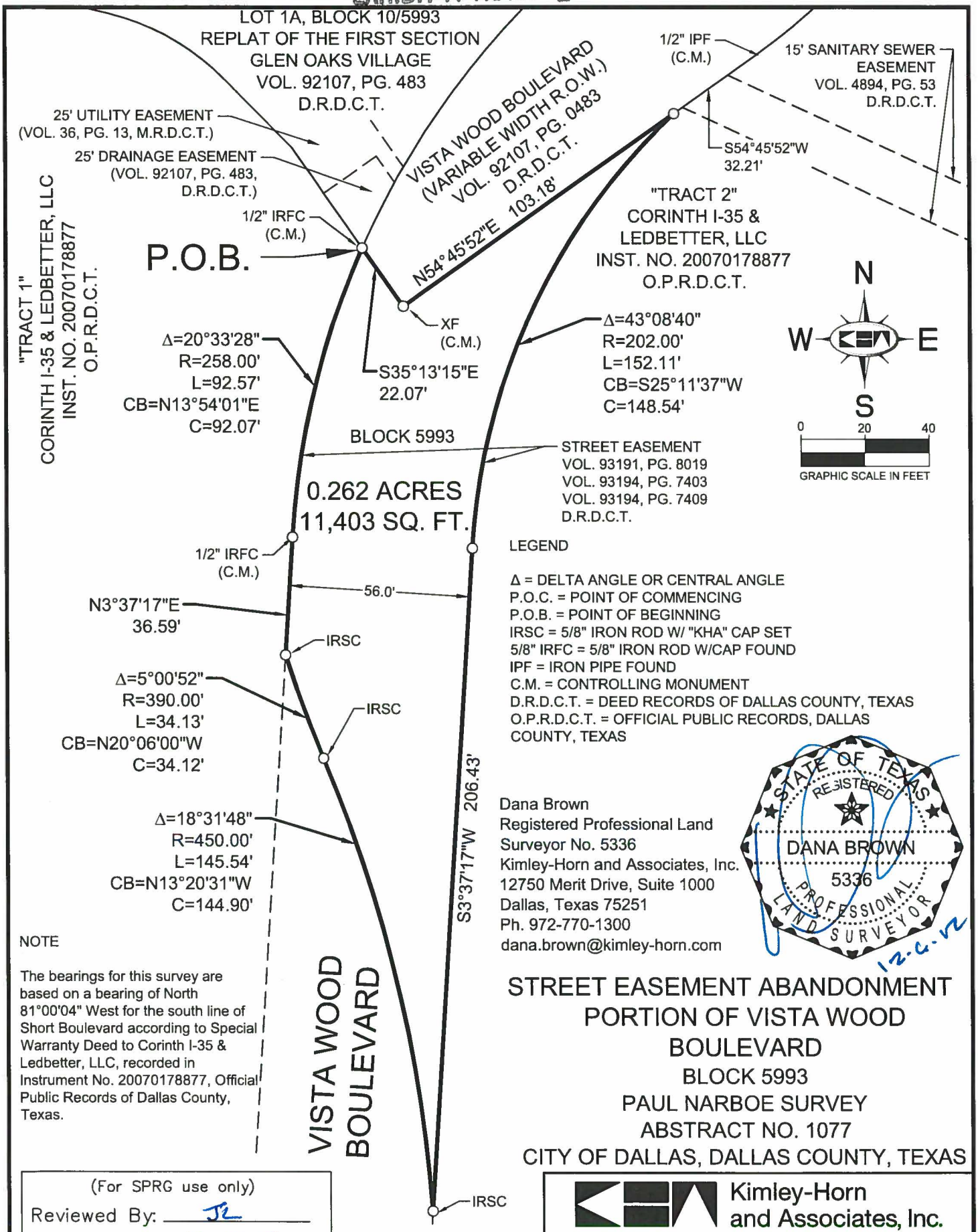
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	DEC. 2012	063362200	1 OF 2

PLOTTED BY DUNN, STACY 12/5/2012 8:18 PM DWG NAME K:\DAL_SURVEY\063362199-WALMART 35 AND LEDBETTER\DWG\063362199-35 AND LEDBETTER STREET ESMT ABANDONMENT 1.DWG LAST SAVED 12/5/2012 8:18 PM

EXHIBIT A-TRACT 1



LEGEND

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IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
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NOTE

The bearings for this survey are based on a bearing of North 81°00'04" West for the south line of Short Boulevard according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

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STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
12-6-12

STREET EASEMENT ABANDONMENT
PORTION OF VISTA WOOD BOULEVARD
BLOCK 5993
PAUL NARBOE SURVEY
ABSTRACT NO. 1077
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	SRD	DAB	DEC. 2012	063362200	2 OF 2

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EXHIBIT A-TRACT 2

LEGAL DESCRIPTION

BEING a 15,484 square foot (0.355 acre) tract of land situated in the Paul Narboe Survey, Abstract No. 1077, City of Dallas Block 5993 and Block 10/5993, Dallas County, Texas and being all of Vista Wood Boulevard as created by the plat of Replat of the First Section Glen Oaks Village, an addition to the City of Dallas, Texas recorded in Volume 92107, Page 483, of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the southernmost corner of Lot 1A, Block 10/5993, of said Glen Oaks Village and at the northern most northeast corner of a tract of land described in Special Warranty Deed with Vendor's Lien, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas, said point also being the beginning of a curve to the to the right having a central angle of 27°09'36", a radius of 258.00 feet, a chord bearing and distance of North 37°45'30" East, 121.16 feet;

THENCE with the northwest right-of-way line of Vista Wood Boulevard and the southeast line of Lot 1A, Block 10/5993, the following courses and distances:

In a northeasterly direction, with said curve to the right, an arc distance of 122.30 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a tangent reverse curve to the left having a central angle of 37°32'26", a radius of 202.00 feet, a chord bearing and distance of North 32°34'05" East, 130.00 feet;
In a northeasterly direction, with said curve to the left, an arc distance of 132.35 feet to a pk nail found at the end of said curve;
North 13°47'52" East, a distance of 7.84 feet to a 5/8" iron rod with "KHA" cap found at the southernmost end of a right-of-way corner clip at the intersection of said northwest right-of-way line and the south right-of-way line of Ledbetter Drive (Loop 12, (a variable width right-of-way);

THENCE with said right-of-way corner clip, North 31°10'47" West, a distance of 14.15 feet to a 5/8" iron rod with "KHA" cap found at the northernmost end of said right-of-way corner clip;

THENCE departing said northwest right-of-way line and with the south right-of-way line of Ledbetter Drive (State Highway Loop 12), South 76°09'27" East, a distance of 66.03 feet to a 1/2" iron pipe found at the northernmost corner of a tract of land described in Cause No. 28546-D awarded to the State of Texas, recorded in Volume 734, Page 7, Deed Records of Dallas County, Texas in the northwest right-of-way line of R.L. Thornton Freeway (a variable width right-of-way);

THENCE with said northwest right-of-way line and the southwest right-of-way line of said Vista Wood Boulevard, South 13°49'09" West, a distance of 52.53 feet to a point in the northwest line of a tract of land described as "Tract 2" in Special Warranty Deed with Vendor's Lien to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas, at the beginning of a tangent curve to the right having a central angle of 40°56'39", a radius of 170.00 feet, a chord bearing and distance of South 34°17'33" West, 118.92 feet;

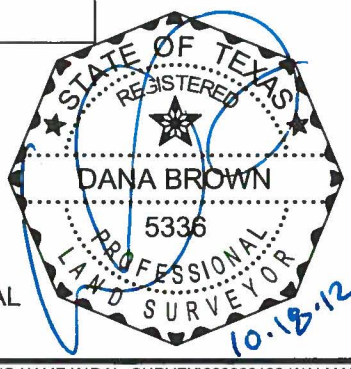
THENCE in a southwesterly direction, continuing with said southwest right-of-way line, with said northwest line of Tract 2 and with said curve to the right, an arc distance of 121.48 feet to a 1/2" iron pipe found at the end of said curve;

THENCE departing said northwest line of the Corinth I-35 & Ledbetter, LLC tract, South 54°45'52" West, a distance of 135.33 feet to a "X" cut in concrete found for corner;

THENCE North 35°11'57" West, a distance of 22.11 feet to the **POINT OF BEGINNING** and containing 15,484 square feet or 0.355 acres of land.

The bearings for this survey are based on a bearing of North 81°00'04" West for the south line of Short Boulevard according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

(For SPRG use only)
Reviewed By: JL
Date: 10-A-12
SPRG NO: 2392



REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336

STREET RIGHT OF WAY ABANDONMENT
PORTION OF VISTA WOOD BOULEVARD
BLOCK 5993 & 10/5993
PAUL NARBOE SURVEY
ABSTRACT NO. 1077
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley-Horn and Associates, Inc.
12750 Merit Drive, Suite 1000
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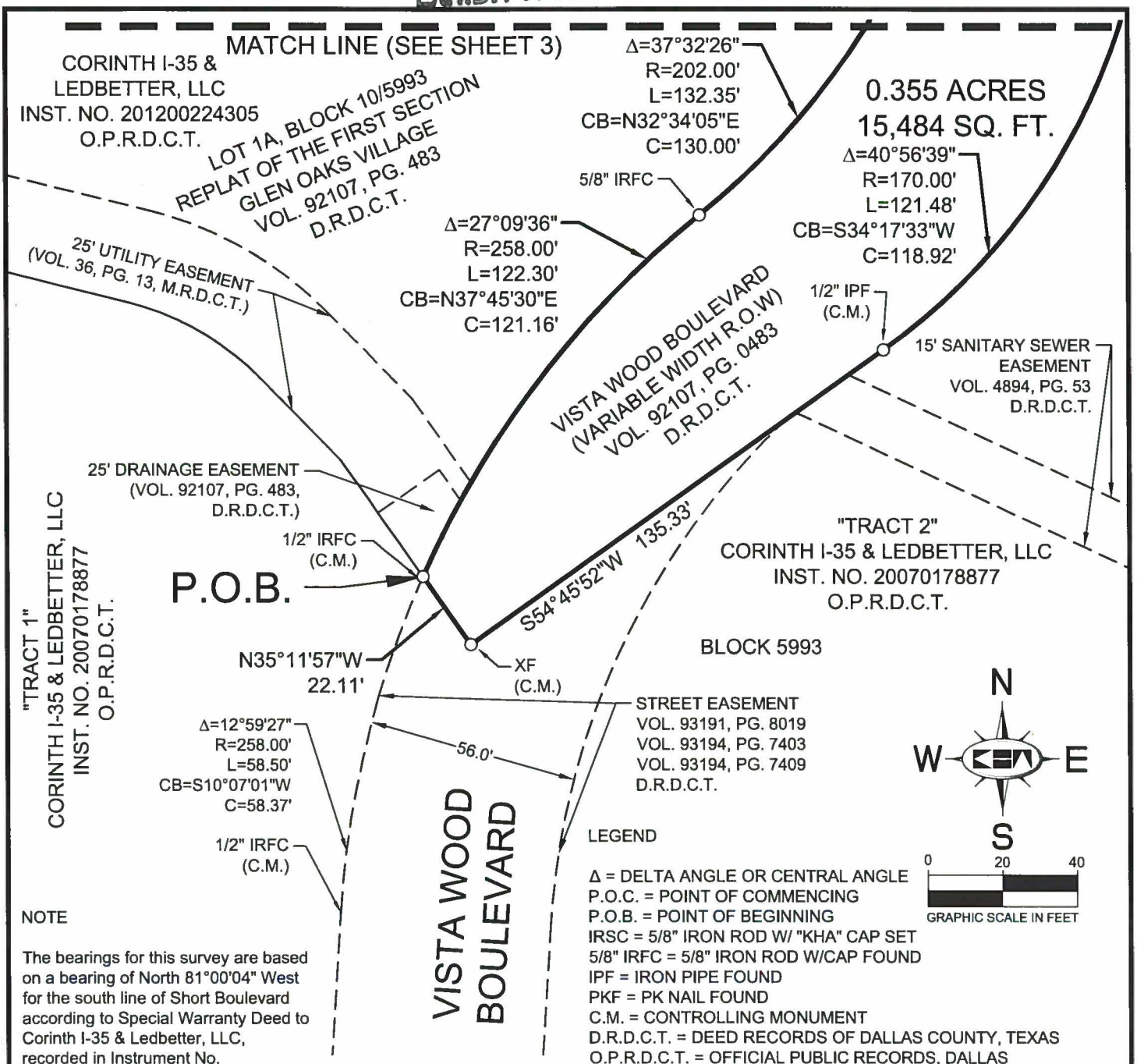
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	FEB. 2012	063362200	1 OF 3

PLOTTED BY DUNN, STACY 10/18/2012 2:32 PM DWG NAME K:\DAL_SURVEY\063362199-WALMART 35 AND LEDBETTER\DWG\063362199-35 AND LEDBETTER VISTAWOOD ABANDONMENT.DWG LAST SAVED 10/18/2012 2:32 PM

EXHIBIT A-TRACT 2



NOTE

The bearings for this survey are based on a bearing of North 81°00'04" West for the south line of Short Boulevard according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

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(For SPRG use only)
Reviewed By: JL
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SPRG NO: 2392

STREET RIGHT OF WAY ABANDONMENT
PORTION OF VISTA WOOD BOULEVARD
BLOCK 5993 & 10/5993
PAUL NARBOE SURVEY
ABSTRACT NO. 1077
CITY OF DALLAS, DALLAS COUNTY, TEXAS

STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
10-18-12

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
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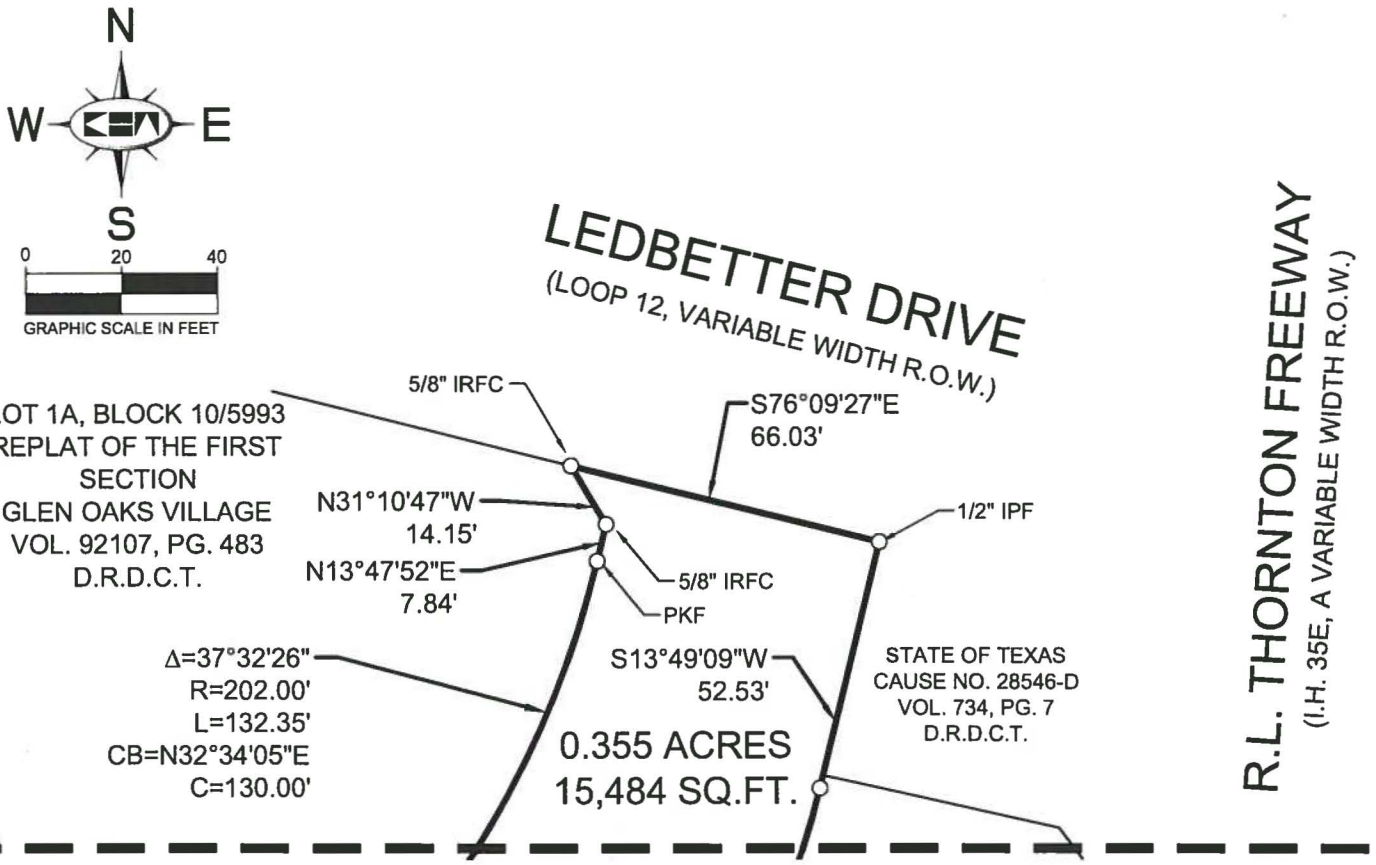
EXHIBIT A-TRACT 2



MATCH LINE (SEE SHEET 2)

NOTE

The bearings for this survey are based on a bearing of North 81°00'04" West for the south line of Short Boulevard according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

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(For SPRG use only)
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STREET RIGHT OF WAY ABANDONMENT
PORTION OF VISTA WOOD BOULEVARD
BLOCK 5993 & 10/5993
PAUL NARBOE SURVEY
ABSTRACT NO. 1077
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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EXHIBIT A-TRACT 3

LEGAL DESCRIPTION

BEING a 3,328 square foot (0.076 acre) tract of land situated in the Paul Narboe Survey, Abstract No. 1077, City of Dallas Block 5993, Dallas County, Texas and being part of Short Boulevard as described in an easement to the City of Dallas recorded in Volume 93191, Page 8019, Volume 93194, Page 7403 and Volume 93194, Page 7409, all of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1" iron rod found in the south line of the easement to the City of Dallas (Short Boulevard, a 56-foot wide easement to the City of Dallas recorded in Volume 93191, Page 8019, Volume 93194, Page 7403 and Volume 93194, Page 7409, all of the Deed Records of Dallas County, Texas), at the northeast corner of Lot 5, Block 10/5993, SWBT Green Ridge Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 93191, Page 7014, Deed Records of Dallas County, Texas and at the northernmost northwest corner of a tract of land described in Special Warranty Deed to Wal-Mart Real Estate Business Trust, recorded in Instrument No. 201200224307, Official Public Records of Dallas County, Texas;

THENCE with the north line of said Lot 5, Block 10/5993 and the south line of said Short Boulevard, North 81°00'04" West, a distance of 35.04 feet to the beginning of a tangent curve to the right having a central angle of 96°53'32", a radius of 50.00 feet, a chord bearing and distance of North 32°33'18" West, 74.83 feet;

THENCE in a northwesterly direction, with said curve to the right, an arc distance of 84.55 feet to a 5/8" iron rod with "KHA" cap set for the **POINT OF BEGINNING**, said point being the beginning of a tangent curve to the right having a central angle of 166°12'56", a radius of 50.00 feet, a chord bearing and distance of South 81°00'04" East, 99.28 feet;

THENCE continuing with the north line of said Short Boulevard, in a southeasterly direction, with said curve to the right, an arc distance of 145.05 feet to a 5/8" iron rod with "KHA" cap set at the end of said curve;

THENCE departing said north line of Short Boulevard, North 81°00'04" West, a distance of 99.28 feet to the **POINT OF BEGINNING** and containing 3,328 square feet or 0.076 acres of land.

The bearings for this survey are based on a bearing of North 81°00'04" West for the south line of Short Boulevard according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

(For SPRG use only)
Reviewed By: JL
Date: 10-18-12
SPRG NO: 2394

STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
10.17.12

REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336

STREET EASEMENT ABANDONMENT
PORTION OF SHORT BOULEVARD
BLOCK 5993
PAUL NARBOE SURVEY
ABSTRACT NO. 1077
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley-Horn and Associates, Inc.
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Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	FEB. 2012	063362200	1 OF 2

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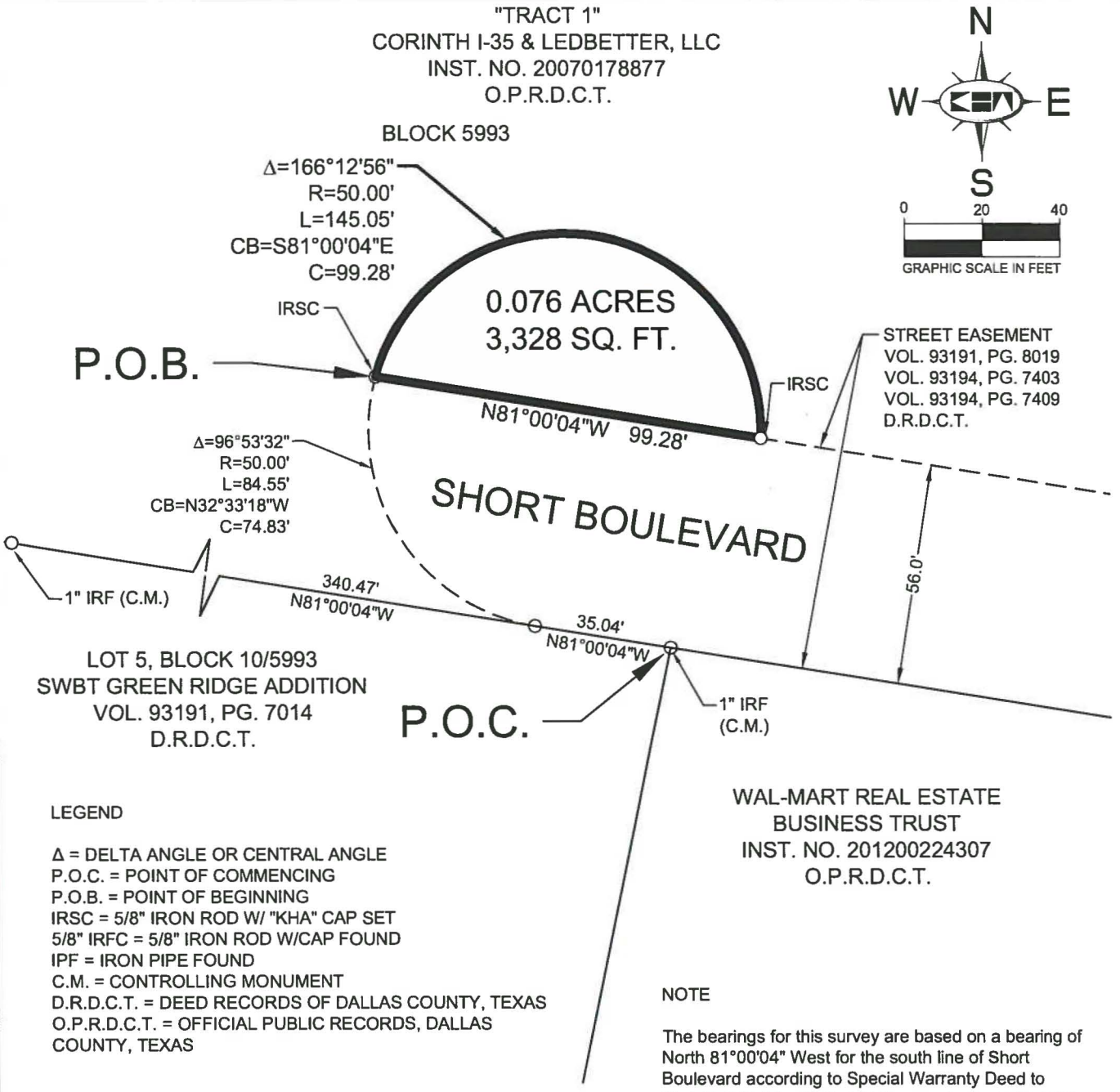
EXHIBIT A-TRACT 3



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NOTE

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STREET EASEMENT ABANDONMENT
PORTION OF SHORT BOULEVARD
BLOCK 5993
PAUL NARBOE SURVEY
ABSTRACT NO. 1077
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

EXHIBIT C – TRACT 1

BEING a 16,925 square foot (0.389 acre) tract of land situated in the Paul Narboe Survey, Abstract No. 1077, in City of Dallas Block 5993, Dallas County, Texas and part of a tract of land described as "Tract 1" in Special Warranty Deed With Vendor's Lien to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1/2" iron rod with "RLG INC" cap found in the northwest right-of-way line of Vista Wood Boulevard (a variable width right-of-way) at the southernmost corner of Lot 1A, Block 10/5993, Replat of the First Section, Glen Oaks Village, an addition to the City of Dallas, Texas according to the plat recorded in Volume 92107, Page 483, Deed Records of Dallas County, Texas and the northeast corner of said Tract 1;

THENCE departing said northwest right-of-way line and with the south line of Lot 1A, Block 10/5993 and the north line of said Tract 1, the following courses and distances:

North 35°06'36" West, a distance of 37.93 feet to a point for corner;
North 44°29'57" West, a distance of 23.96 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the **POINT OF BEGINNING**; said point being the beginning of a non-tangent curve to the left having a central angle of 25°52'16", a radius of 390.00 feet, a chord bearing and distance of South 4°39'26" East, 174.61 feet;

THENCE departing said north line and said south line, in a southeasterly direction, with said curve to the left, an arc distance of 176.10 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the end of said curve in the west right-of-way line of Vista Wood Boulevard (a street easement recorded in Volume 93191, Page 8019, Volume 93194, Page 7403 and Volume 93194, Page 7409, Deed Records of Dallas County, Texas) and in the east line of said Tract 1;

THENCE with said east line and said west right-of-way line, South 3°37'17" West, a distance of 227.59 feet to a point at the intersection of said west right-of-way line and the north right-of-way line of Short Boulevard;

THENCE with said north right-of-way line and the south line of said Tract 1, North 81°00'04" West, a distance of 14.95 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

THENCE departing said north right-of-way line and said south line, the following courses and distances:

North 50°34'26" East, a distance of 19.91 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 23°39'13", a radius of 390.00 feet, a chord bearing and distance of North 10°46'49" West, 159.87 feet;
In a northwesterly direction, with said curve to the left, an arc distance of 161.01 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the right having a central angle of 33°27'10", a radius of 450.00 feet, a chord bearing and distance of North 5°52'51" West, 259.02 feet;
In a northwesterly direction, with said curve to the right, an arc distance of 262.74 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the end of said curve in the south line of said Lot 1A, and the north line of said Tract 1;

THENCE with said north line and said south line, the following courses and distances:

South 76°09'25" East, a distance of 16.95 feet to a 5/8" iron rod with plastic cap stamped "KHA" setat the beginning of a non-tangent curve to the right having a central angle of 31°31'49", a radius of 75.00 feet, a chord bearing and distance of South 60°15'52" East, 40.75 feet;
In a southeasterly direction, with said curve to the right, an arc distance of 41.27 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the end of said curve;
South 44°29'57" East, a distance of 5.96 feet to the **POINT OF BEGINNING** and containing 16,925 square feet or 0.389 acres of land.

The bearings for this survey are based on a bearing of North 76°09'27" West for the south line of Ledbetter Drive according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 2007017887, Official Public Records of Dallas County, Texas.

(For SPRG use only)
Reviewed By: JL
Date: 12-18-12
SPRG NO: 2437

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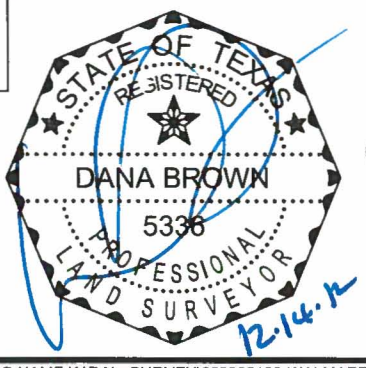

RIGHT-OF-WAY DEDICATION
PART OF VISTA WOOD BOULEVARD
BLOCK 5993
PAUL NARBOE SURVEY
ABSTRACT NO. 1077
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley-Horn and Associates, Inc.
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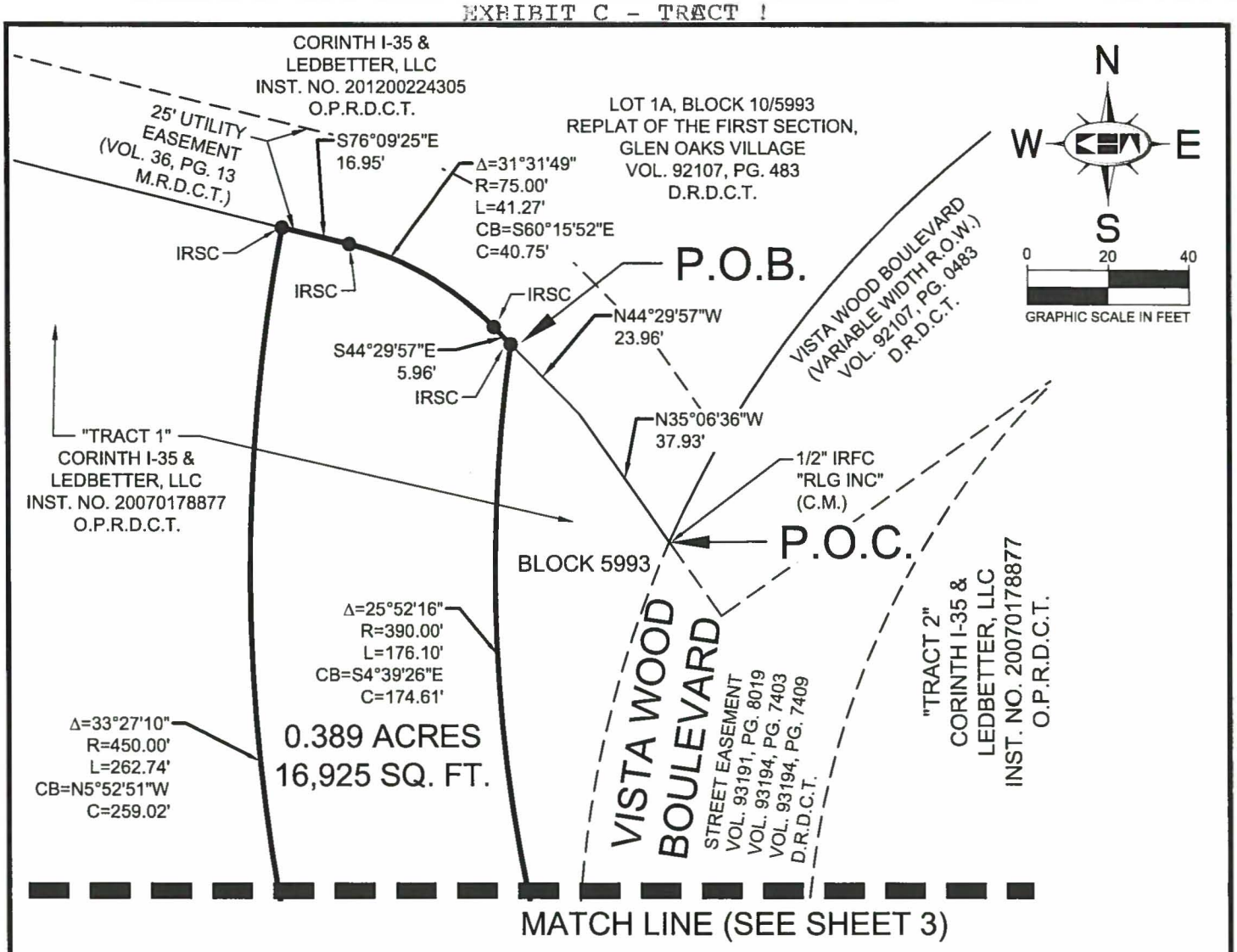
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	DEC. 2012	063362200	1 OF 3

PLOTTED BY DUNN, STACY 12/13/2012 1:08 PM DWG NAME K:\DAL_SURVEY\063362199-WALMART 35 AND LEDBETTER\DWG\063362199-35 AND LEDBETTER STREET ESMT 2.DWG LAST SAVED 12/13/2012 1:08 PM

EXHIBIT C - TRACT 1



MATCH LINE (SEE SHEET 3)

LEGEND

Δ = DELTA ANGLE OR CENTRAL ANGLE
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
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C.M. = CONTROLLING MONUMENT
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
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NOTE

The bearings for this survey are based on a bearing of North 76°09'27" West for the south line of Ledbetter Drive according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

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PAUL NARBOE SURVEY
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STATE OF TEXAS REGISTERED DANA BROWN 5336 PROFESSIONAL LAND SURVEYOR
12-14-12

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	SRD	DAB	DEC. 2012	063362200	2 OF 3

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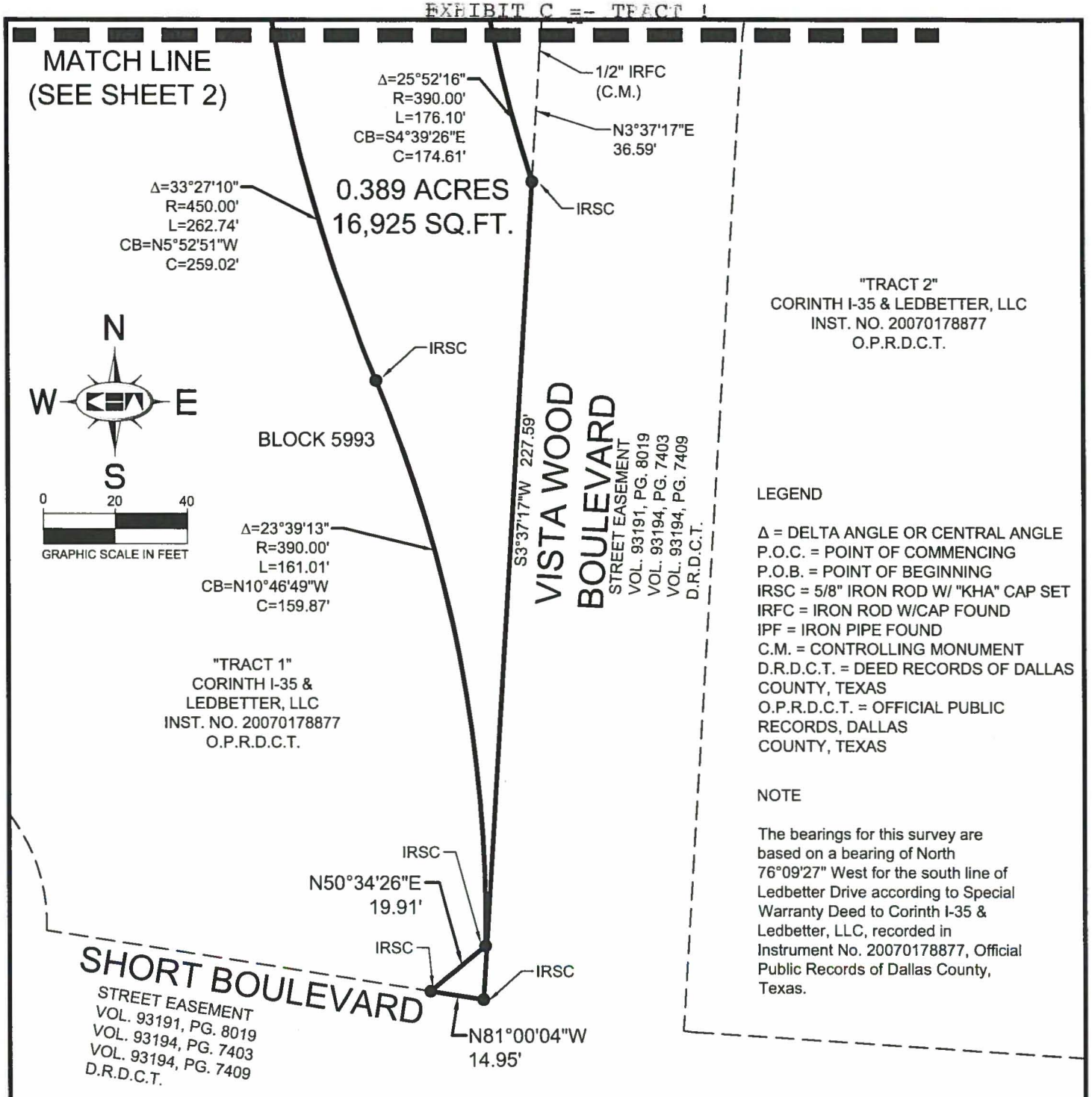

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NOTE

The bearings for this survey are based on a bearing of North 76°09'27" West for the south line of Ledbetter Drive according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

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RIGHT-OF-WAY DEDICATION
PART OF VISTA WOOD BOULEVARD
BLOCK 5993
PAUL NARBOE SURVEY
ABSTRACT NO. 1077
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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PLOTTED BY DUNN, STACY 12/13/2012 1:08 PM DWG NAME K:\DAL_SURVEY\063362199-WALMART 35 AND LEDBETTER\DWG\063362199-35 AND LEDBETTER STREET ESMT 2.DWG LAST SAVED 12/13/2012 1:08 PM

BEING a 13,868 square foot or (0.318 acre) tract of land situated in the Paul Narboe Survey, Abstract No. 1077, in City of Dallas Block 10/5993, Dallas County, Texas and part of Lot 1A, Block 10/5993, Replat of the First Section, Glen Oaks Village, an addition to the City of Dallas, Texas according to the plat recorded in Volume 92107, Page 483, Deed Records of Dallas County, Texas; said tract also being part of a tract of land described in Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 201200224305, Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1/2" iron pipe found at the intersection of the west right-of-way line of Vista Wood Boulevard (a variable width right-of-way) and the south right-of-way line of Ledbetter Drive (State Highway Loop 12, a variable width right-of-way);

THENCE with said south right-of-way line, North 76°09'27" West, a distance of 161.00 feet to a 5/8" iron rod with "KHA" cap set for the **POINT OF BEGINNING**;

THENCE departing said south right-of-way line, the following courses and distances:

South 60°42'44" West, a distance of 21.89 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
South 17°34'55" West, a distance of 74.37 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the right having a central angle of 10°06'28", a radius of 200.00 feet, a chord bearing and distance of South 22°38'09" West, 35.24 feet;
In a southwesterly direction, with said curve to the right, an arc distance of 35.28 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the end of said curve;
South 27°41'23" West, a distance of 17.84 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of 17°41'15", a radius of 200.00 feet, a chord bearing and distance of South 18°50'45" West, 61.50 feet;
In a southwesterly direction, with said curve to the left, an arc distance of 61.74 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a compound curve to the left having a central angle of 1°43'26", a radius of 390.00 feet, a chord bearing and distance of South 9°08'25" West, 11.73 feet;
In a southwesterly direction, with said curve to the left, an arc distance of 11.73 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the end of said curve in the south line of said Lot 1A, Block 10/5993 and in the north line of a tract of land described as "Tract 1" in Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas;

THENCE with said north line and said south line, the following courses and distances:

North 44°29'57" West, a distance of 5.96 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of 31°31'49", a radius of 75.00 feet, a chord bearing and distance of North 60°15'52" West, 40.75 feet;
In a northwesterly direction, with said curve to the left, an arc distance of 41.27 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the end of said curve;
North 76°09'25" West, a distance of 16.95 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 6°44'11", a radius of 450.00 feet, a chord bearing and distance of North 14°12'50" East, 52.88 feet;

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RIGHT-OF-WAY DEDICATION
PART OF VISTA WOOD BOULEVARD
BLOCK 10/5993
PAUL NARBOE SURVEY
ABSTRACT NO. 1077
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley-Horn and Associates, Inc.
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N/A	SRD	DAB	DEC. 2012	063362200	1 OF 3

PLOTTED BY DUNN, STACY 12/13/2012 1:04 PM DWG NAME K:\DAL_SURVEY\063362199-WALMART 35 AND LEDBETTER\DWG\063362199-35 AND LEDBETTER STREET ESMT 1.DWG LAST SAVED 12/13/2012 1:03 PM

THENCE departing said north line and said south line, the following courses and distances:

In a northeasterly direction, with said curve to the right, an arc distance of 52.91 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the end of said curve;
North 17°34'55" East, a distance of 137.17 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
North 27°49'18" West, a distance of 8.88 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in said south right-of-way line;

THENCE with said south right-of-way line, the following courses and distances:

South 84°53'57" East, a distance of 23.79 feet to a 1/2" iron pipe found for corner;
South 76°09'27" East, a distance of 69.21 feet to the **POINT OF BEGINNING** and containing 13,868 square feet or 0.318 acres of land.

The bearings for this survey are based on a bearing of North 76°09'27" West for the south line of Ledbetter Drive according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

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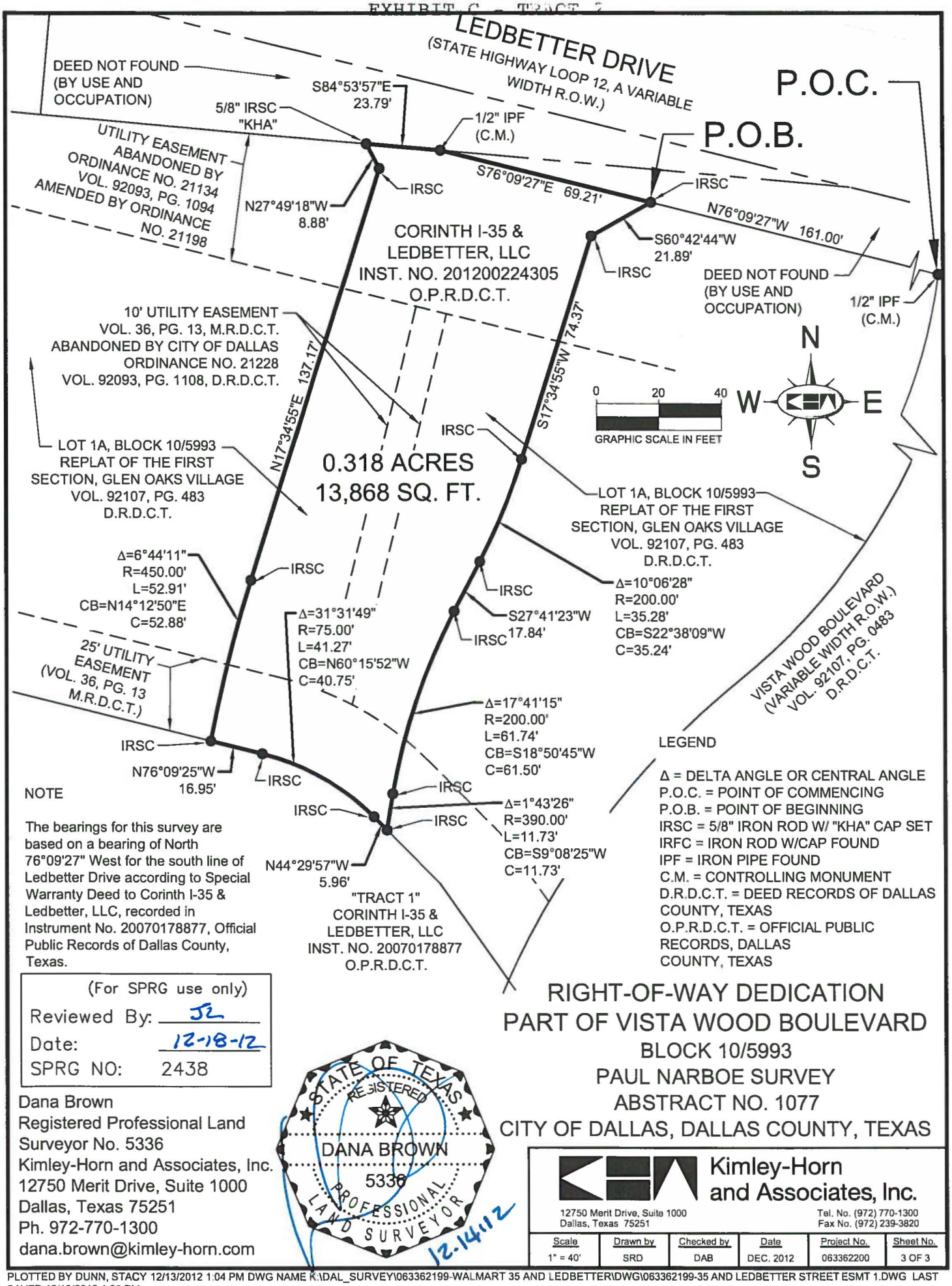
EXHIBIT C - TRACT 2



NOTE

The bearings for this survey are based on a bearing of North 76°09'27" West for the south line of Ledbetter Drive according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

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RIGHT-OF-WAY DEDICATION
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BLOCK 10/5993
PAUL NARBOE SURVEY
ABSTRACT NO. 1077
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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LEGAL DESCRIPTION

BEING a 18,259 square foot (0.419 acre) tract of land situated in the Paul Narboe Survey, Abstract No. 1077, City of Dallas Block 5993, Dallas County, Texas and being part of a tract of land described as "Tract 1" in Special Warranty Deed with Vendor's Lien to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1" iron rod found in the south line of the easement to the City of Dallas (Short Boulevard, a 56-foot wide easement to the City of Dallas recorded in Volume 93191, Page 8019, Volume 93194, Page 7403 and Volume 93194, Page 7409, all of the Deed Records of Dallas County, Texas), at the northeast corner of Lot 5, Block 10/5993, SWBT Green Ridge Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 93191, Page 7014, Deed Records of Dallas County, Texas and at the northernmost northwest corner of a tract of land described in Special Warranty Deed to Wal-Mart Real Estate Business Trust, recorded in Instrument No. 201200224307, Official Public Records of Dallas County, Texas;

THENCE with the south line of Short Boulevard and the north line of said Lot 5, North 81°00'04" West, a distance of 35.04 feet to a 5/8" iron rod with "KHA" cap set for the **POINT OF BEGINNING**;

THENCE continuing with the north line of said Lot 5, North 81°00'04" West, a distance of 266.61 feet to a 5/8" iron rod with "KHA" cap set at the beginning of a tangent curve to the right having a central angle of 263°06'28", a radius of 50.00 feet, a chord bearing and distance of North 50°33'10" East, 74.83 feet;

THENCE departing said south line, the following courses and distances:

In a northeasterly direction, with said curve to the right, an arc distance of 229.60 feet to a 5/8" iron rod with "KHA" cap set at the end of said curve;
South 81°00'04" East, a distance of 167.33 feet to a 5/8" iron rod with "KHA" cap set at the beginning of a non-tangent curve to the left having a central angle of 96°53'31", a radius of 50.00 feet, a chord bearing and distance of South 32°33'18" East, 74.83 feet; said point being in the west line of said Short Boulevard;

THENCE with said west line, in a southeasterly direction and with said curve to the left, an arc distance of 84.55 feet to the **POINT OF BEGINNING** and containing 18,259 square feet or 0.419 acres of land.

The bearings for this survey are based on a bearing of North 81°00'04" West for the south line of Short Boulevard according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

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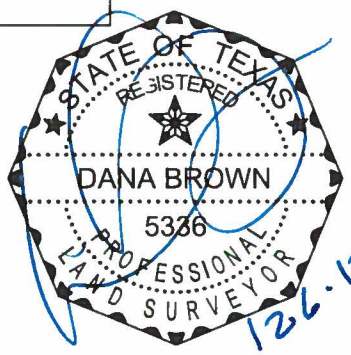

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RIGHT-OF-WAY DEDICATION
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ABSTRACT NO. 1077
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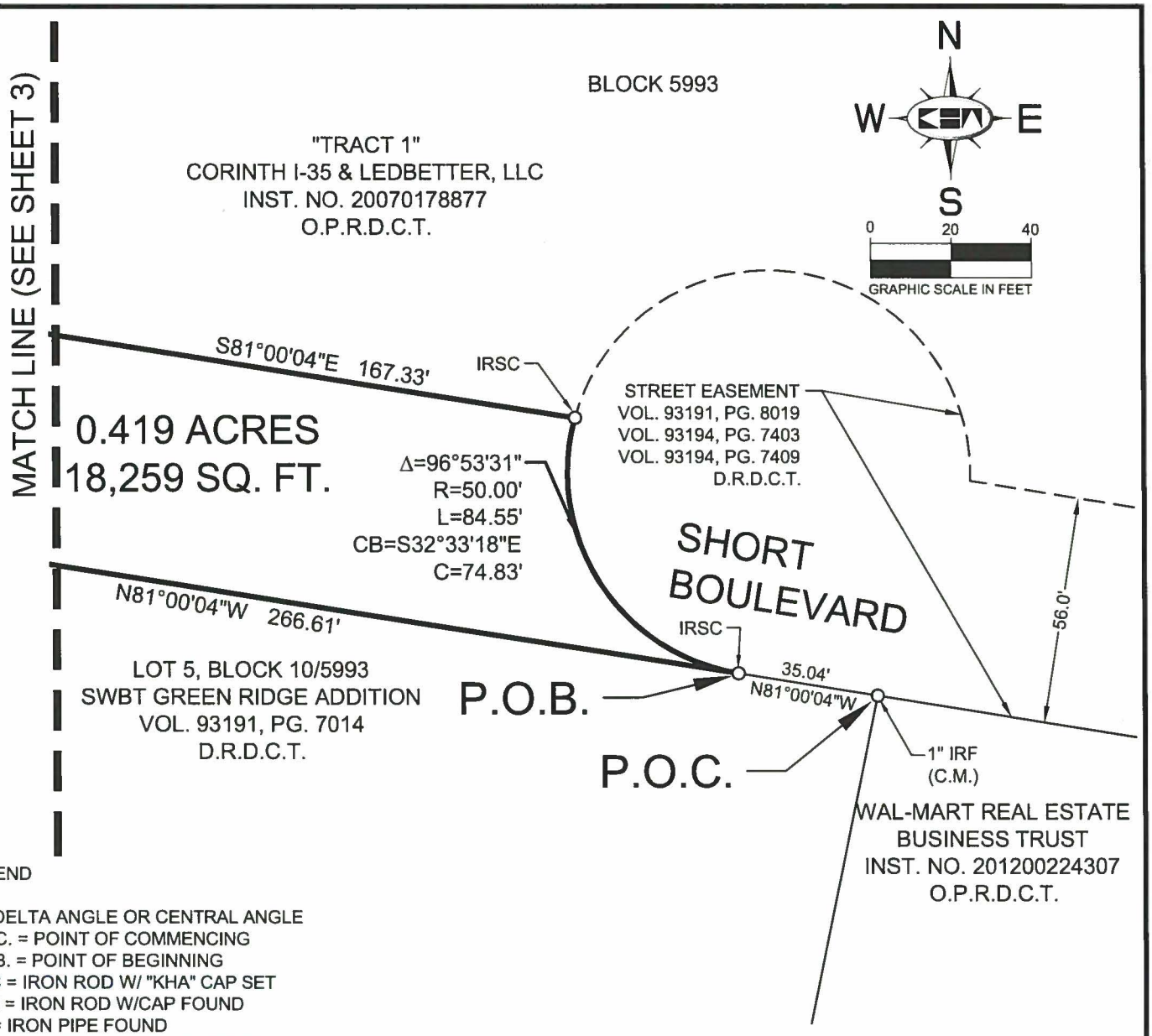
EXHIBIT C - TRACT 3



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NOTE

The bearings for this survey are based on a bearing of North 81°00'04" West for the south line of Short Boulevard according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

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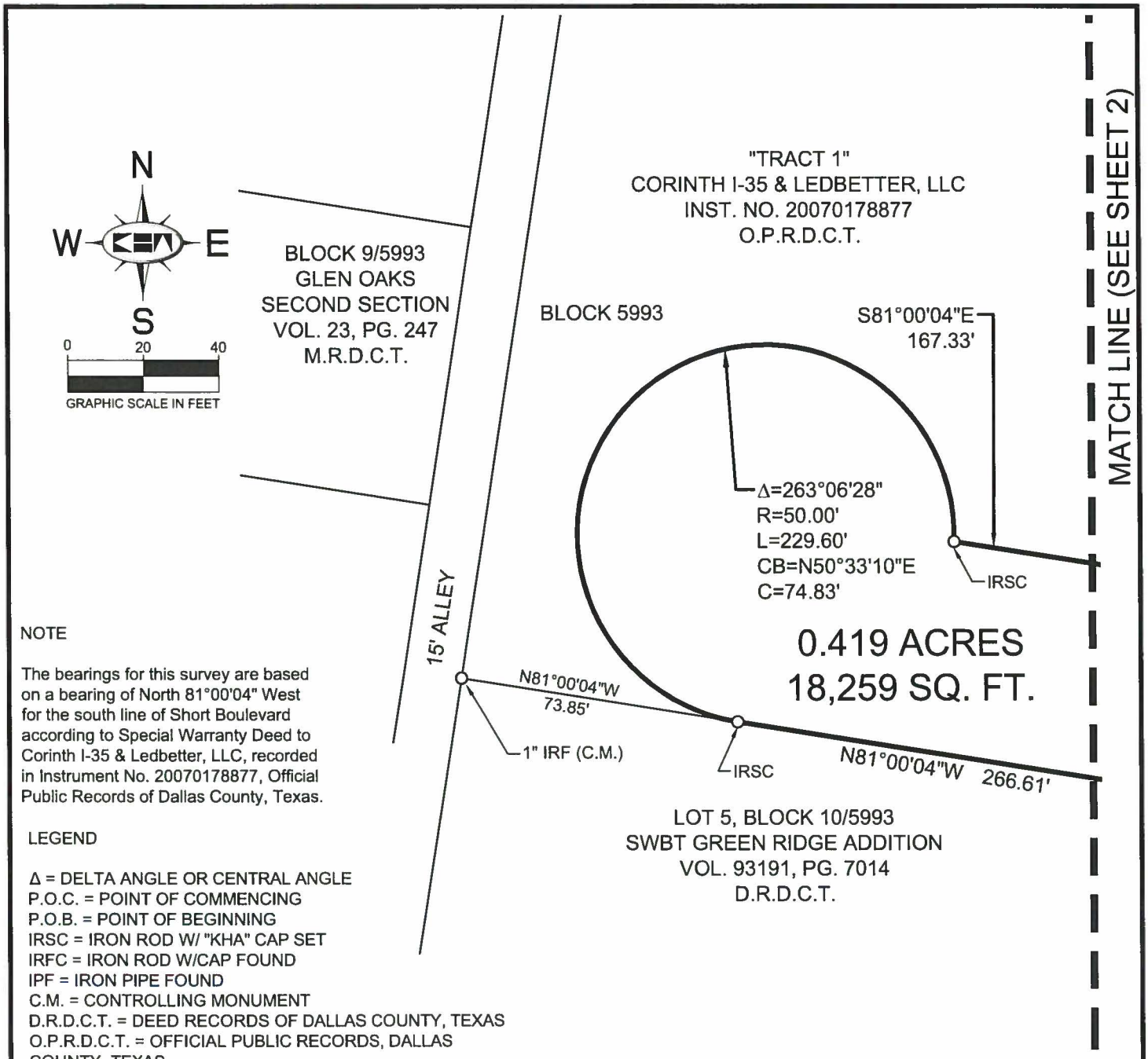

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LEGAL DESCRIPTION

BEING a 287 square foot (0.007 acre) tract of land situated in the Paul Narboe Survey, Abstract No. 1077, City of Dallas Block 5993, Dallas County, Texas and being part of a tract of land described as "Tract 2" in Special Warranty Deed with Vendor's Lien to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1" iron rod found in the south line of the easement to the City of Dallas (Short Boulevard, a 56-foot wide easement to the City of Dallas recorded in Volume 93191, Page 8019, Volume 93194, Page 7403 and Volume 93194, Page 7409, all of the Deed Records of Dallas County, Texas), at the northeast corner of Lot 5, Block 10/5993, SWBT Green Ridge Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 93191, Page 7014, Deed Records of Dallas County, Texas and at the northernmost northwest corner of a tract of land described in Special Warranty Deed to Wal-Mart Real Estate Business Trust, recorded in Instrument No. 201200224307, Official Public Records of Dallas County, Texas;

THENCE with the south line of Short Boulevard and the north line of said Wal-Mart Real Estate Business Trust tract, South 81°00'04" East, a distance of 199.00 feet to a 5/8" iron rod with "RPLS 5199" cap found at an angle point;

THENCE departing said south line of Short Boulevard, North 3°40'22" East, a distance of 56.25 feet, to a 5/8" iron rod with "KHA" cap set for the **POINT OF BEGINNING**; said point being the intersection of said north line of Short Boulevard and the east line of Vista Wood Boulevard (a 56-foot wide easement);

THENCE with the east line of said Vista Wood Boulevard, North 3°37'17" East, a distance of 63.02 feet to a 5/8" iron rod with "KHA" cap set at the beginning of a non-tangent curve to the right having a central angle of 6°10'09", a radius of 450.00 feet, a chord bearing and distance of South 0°59'33" East, 48.43 feet;

THENCE departing said east line, the following courses and distances:

In a southeasterly direction, with said curve to the right, an arc distance of 48.45 feet to a 5/8" iron rod with "KHA" cap set at the end of said curve;
South 41°36'57" East, a distance of 21.34 feet to a 5/8" iron rod with "KHA" cap set in the north line of Short Boulevard;

THENCE with said north line, the following courses and distances:

North 86°15'39" West, a distance of 16.45 feet to a 5/8" iron rod with "KHA" cap set for corner;
North 81°00'04" West, a distance of 2.61 feet to the **POINT OF BEGINNING** and containing 287 square feet or 0.007 acres of land.

The bearings for this survey are based on a bearing of North 81°00'04" West for the south line of Short Boulevard according to Special Warranty Deed to Corinth I-35 & Ledbetter, LLC, recorded in Instrument No. 20070178877, Official Public Records of Dallas County, Texas.

(For SPRG use only)
Reviewed By: JL
Date: 12-12-12
SPRG NO: 2472

STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
12-6-12

REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336

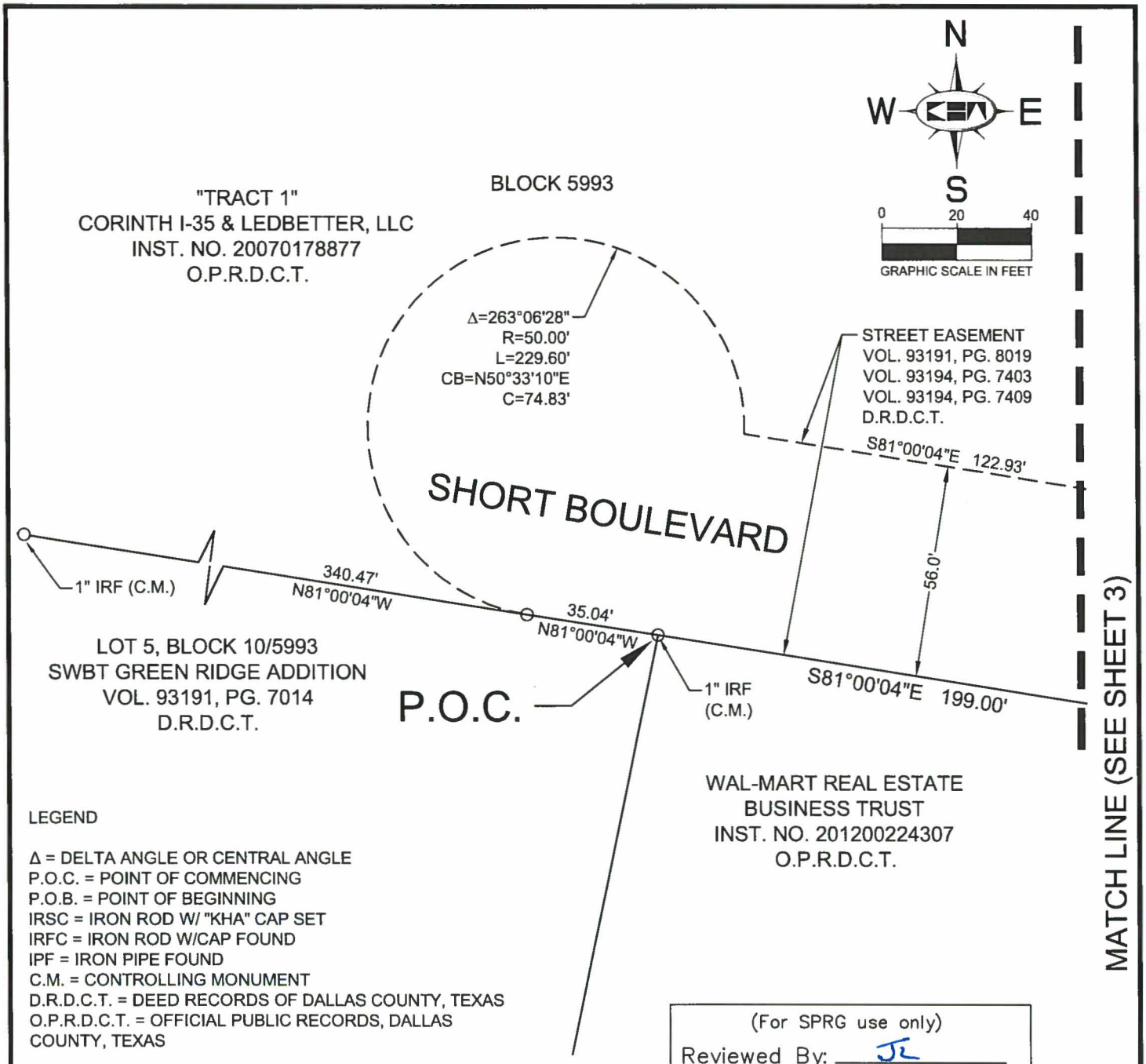
RIGHT-OF-WAY DEDICATION
PART OF VISTA WOOD BOULEVARD
BLOCK 5993
PAUL NARBOE SURVEY
ABSTRACT NO. 1077
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley-Horn and Associates, Inc.
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	DEC. 2012	063362200	1 OF 3

PLOTTED BY DUNN, STACY 12/5/2012 8:11 PM DWG NAME K:\DAL_SURVEY\063362199-WALMART 35 AND LEDBETTER\DWG\063362199-35 AND LEDBETTER STREET ESMT 3.DWG LAST SAVED 12/5/2012 8:11 PM

EXHIBIT C - TRACT 4



LEGEND

Δ = DELTA ANGLE OR CENTRAL ANGLE
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
IPF = IRON PIPE FOUND
C.M. = CONTROLLING MONUMENT
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

NOTE

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1" = 40'	SRD	DAB	DEC. 2012	063362200	2 OF 3

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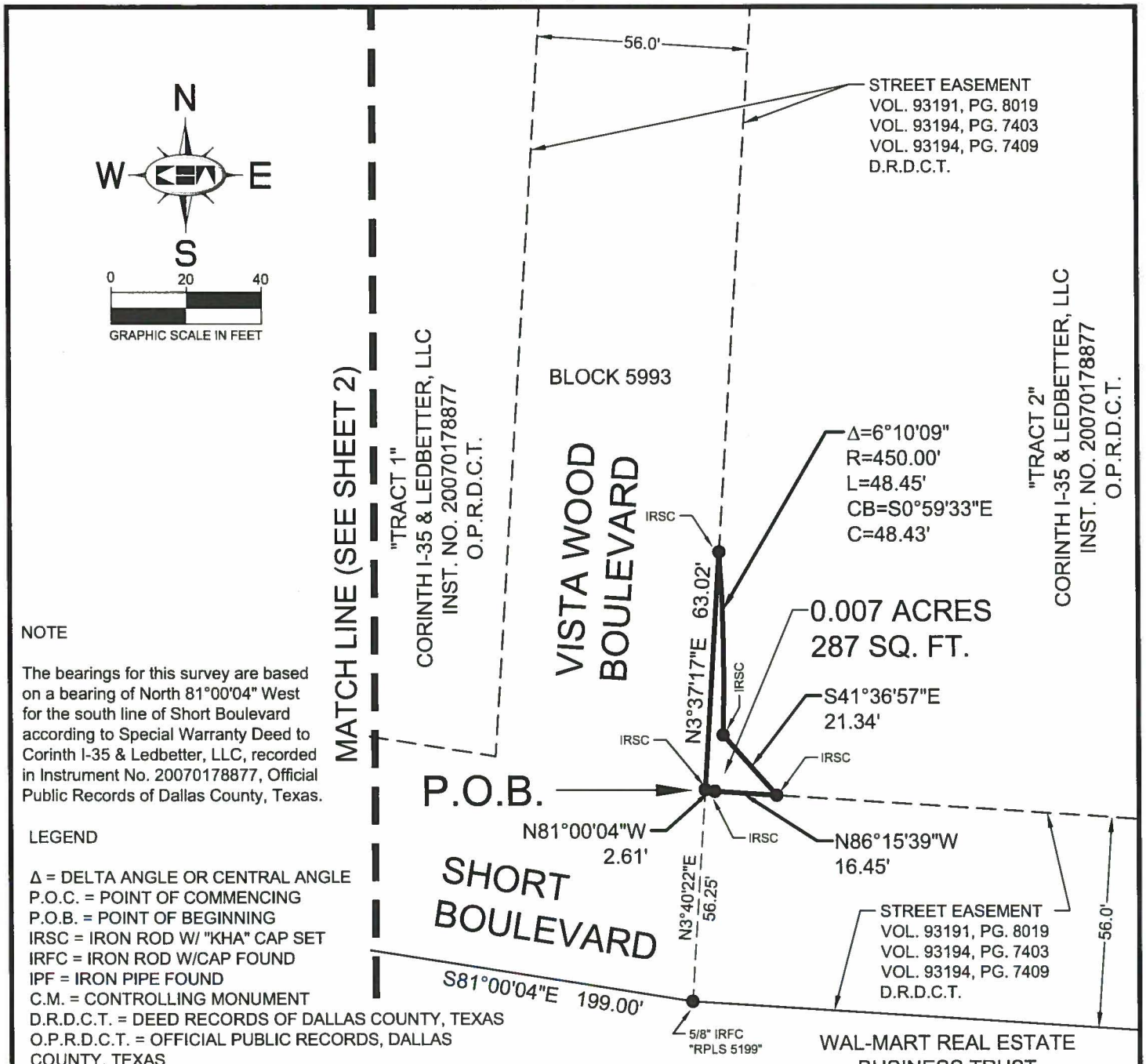

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
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ADDENDUM ITEM # 4

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: February 13, 2013

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Thomas P. Perkins, Jr., 670-3491

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P - Not to exceed $75,000 - Financing: Current Funds

BACKGROUND

Staci Williams is a former municipal judge who was not reappointed. She sued the City, alleging sexual harassment, gender discrimination, and retaliation in violation of Texas Commission on Human Rights Act and Title VII, Americans with Disabilities Act, Family Medical Act Leave, and constitutional violations under 42 U.S.C. Section 1983. Staci Williams is represented by the law firm of Calhoun Pilgrim, LLP.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on February 6, 2013.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

$75,000.00 - Current Funds

February 13, 2013

WHEREAS, a lawsuit styled Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P, was filed by the plaintiff alleging sexual harassment, gender discrimination, and retaliation in violation of Texas Commission on Human Rights Act and Title VII, Americans with Disabilities Act, Family Medical Act Leave, and constitutional violations under Section 1983; and,

WHEREAS, the parties have agreed to a settlement of the case whereby the City of Dallas will pay the plaintiff and her attorney the amount of $75,000.00; and,

WHEREAS, it is in the best interest of the City of Dallas to settle this case; **Now, Therefore,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That settlement of the lawsuit styled Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P, in an amount not to exceed $75,000.00 is hereby approved.

Section 2. That the City Controller is authorized to pay to Staci Williams and her attorney, Calhoun Pilgrim, LLP., the amount of $75,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

ADDENDUM ITEM # 5

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: February 13, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution designating absences by Mayor Pro Tem Pauline Medrano, Deputy Mayor Pro Tem Tennell Atkins, Councilmember Delia Jasso, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis as being for "official city business" - Financing: No cost consideration to the City

BACKGROUND

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city councilmember, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city councilmember's compensation...for that year will be reduced proportionately by the number of meetings missed... Meetings missed by a city councilmember while he or she is on official business of the city and at the direction of the city council will not be counted towards the percentage of meetings missed for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a councilmember for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the councilmember has been appointed by the mayor, or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city councilmember for purposes of determining the councilmember's annual compensation.

BACKGROUND (Continued)

Section 4.11 (c) of the City Council Rules of Procedure provides that in addition to those absences automatically considered to be on "official city business at the direction of the city council," under Section 4.11(b) above, the city council may by resolution designate whenever a councilmember's absence is for official city business and not counted as a missed meeting for purposes of determining the councilmember's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the city.

February 13, 2013

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city councilmember, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city councilmember's compensation for that year will be reduced proportionately by the number of meetings missed . Meetings missed by a city councilmember while he or she is on official business of the city and at the direction of the city council will not be counted towards the percentage of meetings missed for which compensation reduction is required, but will be counted as though the member had attended the meetings that are missed while so engaged in city business; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a councilmember for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the councilmember has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city councilmember for purposes of determining the councilmember's annual compensation; and

WHEREAS, Section 4.11 (c) of the City Council Rules of Procedure provides that in addition to those absences automatically considered to be on "official city business at the direction of the city council," under Section 4.11(b) above, the city council may by resolution designate whenever a councilmember's absence is for official city business and not counted as a missed meeting for purposes of determining the councilmember's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Mayor Pro Tem Pauline Medrano, Deputy Mayor Pro Tem Tennell Atkins, Councilmember Delia Jasso, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis participated in an event/meeting as noted in **Exhibit A** attached, which required them to miss part/all of a city council committee meeting; and

WHEREAS, the purpose for participating in the event required Mayor Pro Tem Pauline Medrano, Deputy Mayor Pro Tem Tennell Atkins, Councilmember Delia Jasso, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis to miss part/or all of a city council committee meeting. **Now**, **Therefore**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS

February 13, 2013

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, certain council members event/meeting as noted in **Exhibit A** attached, is hereby deemed to be for "official city business" and any absence associated with this event/meeting will not be counted against Councilmember in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11 of the City Council Rules of Procedure, the City Secretary shall maintain a record of this absence so that such absence will not count against the council members in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT A

CITY COUNCIL MEMBER(S)
REQUEST ABSENT ON OFFICIAL CITY BUSINESS

COUNCILMEMBER	TRIP/EVENT	LOCATION	DATE	PURPOSE	MEETING(S) MISSED	STATUS
Tennell Atkins	Meeting – Southwest Center Mall	3662 W. Camp Wisdom Rd.	01/07/2013	Representing the City of Dallas	Arts, Culture & Libraries Committee Meeting – 01/07/2013	Complete
Pauline Medrano	Mayor's Domestic Violence Task Force Initiatives – Press Conference	Dallas City Hall	01/14/2013	Represented the City of Dallas	Transportation & Environment Committee Meeting – 01/14/2013	Complete
Dwaine Caraway	MLK Press Conference	Dallas City Hall	01/14/2013	Representing the City of Dallas	Quality of Life & Government Services Committee Meeting – 01/14/2013	Complete
Carolyn R. Davis	Meeting – Renaissance Enterprise	Dallas, TX	01/14/2013	Represented the City of Dallas	Quality of Life & Government Services Committee Meeting – 01/14/2013	Complete
Delia Jasso	Mayor's Domestic Violence Task Force Initiatives – Press Conference	Dallas City Hall	01/14/2013	Representing the City of Dallas	Transportation & Environment Committee Meeting – 01/14/2013	Complete