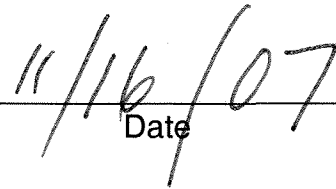


**NOVEMBER 28, 2007 CITY COUNCIL ADDENDUM
CERTIFICATION**

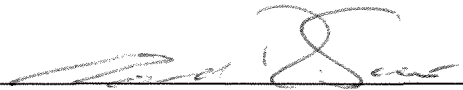
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated November 28, 2007. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City 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.



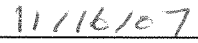
Mary K. Suhm
City Manager



Date



Edward Scott
City Controller



Date

RECEIVED

2007 NOV 16 PM 4: 38

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, NOVEMBER 28, 2007
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

CITY SECRETARY
DALLAS, TEXAS

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

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 23

CONSENT ADDENDUM

Item 1

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:30 a.m.

Items 24 - 25, 29 - 31

To be considered before 3:00 p.m.

Items 26 - 28

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 32 - 48

**ADDENDUM
CITY COUNCIL MEETING
NOVEMBER 28, 2007
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

CONSENT ADDENDUM

Department of Development Services

1. An ordinance abandoning a detention area and drainage easement to TCDFW I-20 I, LP, the abutting owner, containing approximately 4 acres of land located near the intersection of Hampton and Daniieldale Roads - Revenue: \$5,400 plus the \$20 ordinance publication fee

ADDENDUM DATE November 28, 2007

ITEM		IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
1			8	C	DDS	REV \$5,400	NA	NA	An ordinance abandoning a detention area and drainage easement to TCDFW I-20 I, LP, the abutting owner, containing approximately 4 acres of land located near the intersection of Hampton and Daniieldale Roads	

GRAND TOTAL \$0.00

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 28, 2007
COUNCIL DISTRICT(S): 8
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 74E

SUBJECT

An ordinance abandoning a detention area and drainage easement to TCDFW I-20 I, LP, the abutting owner, containing approximately 4 acres of land located near the intersection of Hampton and Daniieldale Roads – Revenue: \$5,400 plus the \$20 ordinance publication fee

BACKGROUND

This item reauthorizes the abandonment of a detention area and drainage easement to TCDFW I-20 I, LP, the abutting owner. The area will be included with the property of the abutting owner for the construction of a distribution center in connection with Home Depot.

This abandonment was previously authorized by City Council on September 12, 2007, by Ordinance No. 26918. Failure to convey a new easement within the required 60 day time period rendered this Ordinance null and void.

The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

This transaction is consistent with the recommendations of the Real Estate Task Force.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This abandonment was approved by City Council on September 12, 2007, by Ordinance No. 26918.

FISCAL INFORMATION

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

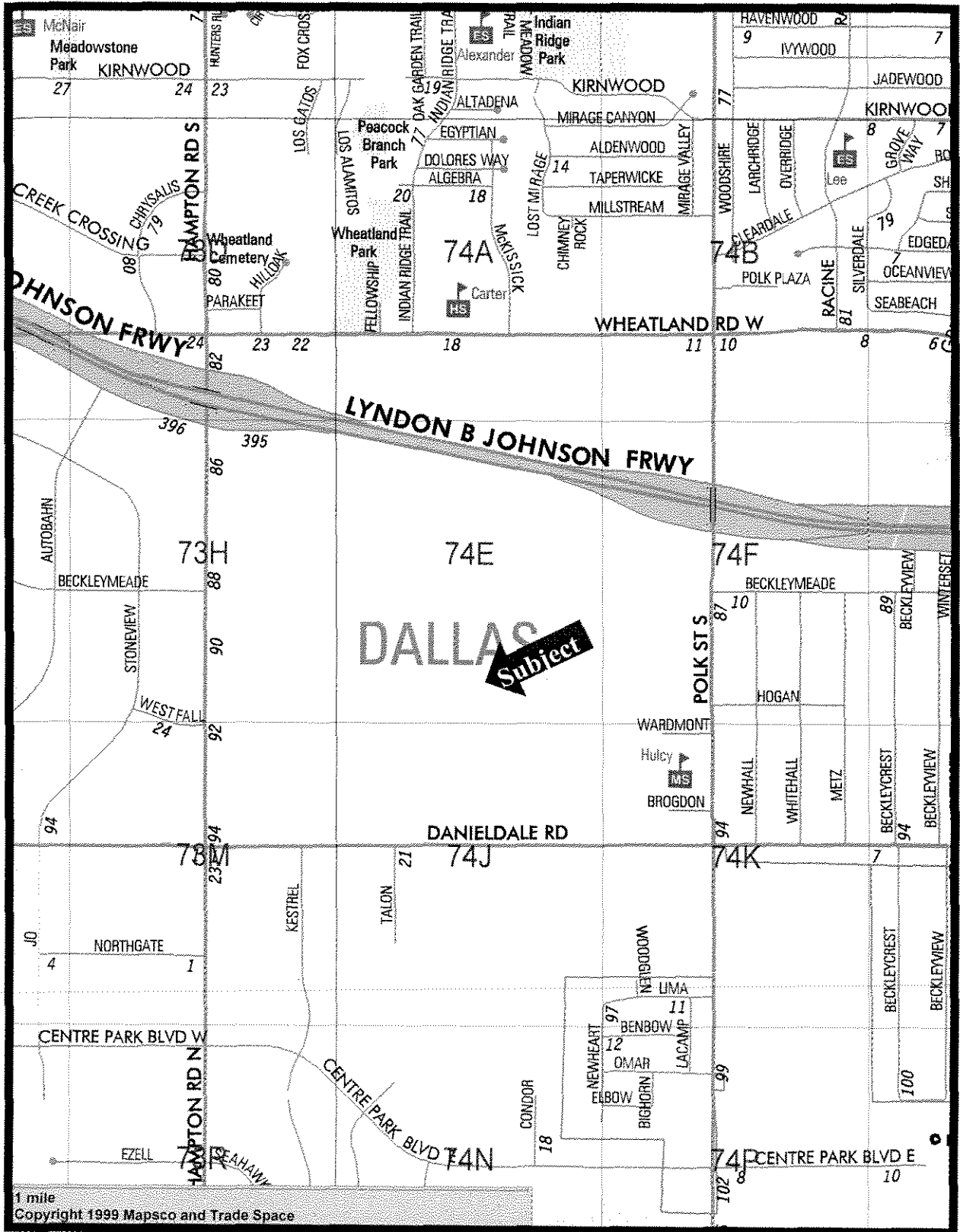
OWNER

TCDFW I-20 I, LP

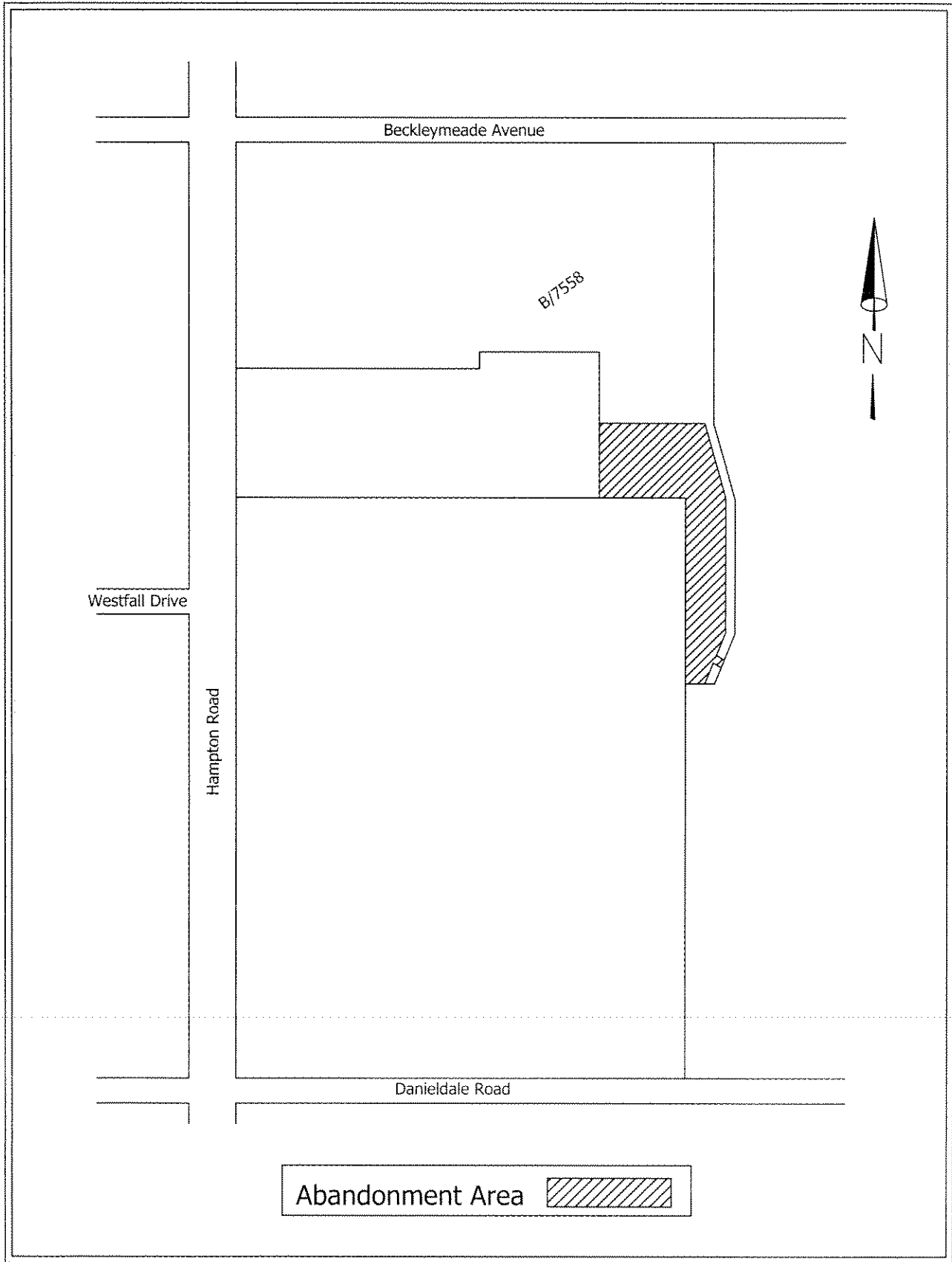
TCDFW Investment and Development, Inc., General Partner
S. Denton Walker III, President

MAPS

Attached



Mapsco 74E



Beckleymeade Avenue

B/7558



Westfall Drive

Hampton Road

Danieldale Road

Abandonment Area 

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a detention area and drainage easement, located in City Block B/7558 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to TCDFW I-20 I, LP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; 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 a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; 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 TCDFW I-20 I, LP, a Delaware limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, Ordinance No. 26918 was adopted by the City Council of the City of Dallas on September 12, 2007, authorizing the abandonment of a detention area and drainage easement located in City Block B/7558 in the City of Dallas and County of Dallas, Texas to **GRANTEE**; and

WHEREAS, Ordinance No. 26918 is now null and void, due to **GRANTEE's** failure to convey to the City of Dallas, a detention area and drainage easement within 60 days after passage of said Ordinance; and

WHEREAS, this ordinance will reauthorize the abandonment of the detention area and drainage easement to **GRANTEE**; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing 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 City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; 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 and 10, 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 its right, title and interest in and to that certain tract or parcel 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, 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 Development Services - 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, relinquishment 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.

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, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold the City of Dallas whole and harmless 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 area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area 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 area 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 this abandonment, relinquishment and quitclaim of the City’s right, title and interest in and to said detention area and drainage easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE’S** expense, to the new easement to be provided by **GRANTEE** and acceptable to the Director of Development Services, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Development Services; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Development Services. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Development Services.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey or cause to be conveyed, to the City of Dallas, a detention area and drainage easement acceptable to the Director of Development Services, within 60 days after passage of this ordinance. Failure to convey the above described easement as set forth shall render this ordinance null and void and of no further effect.

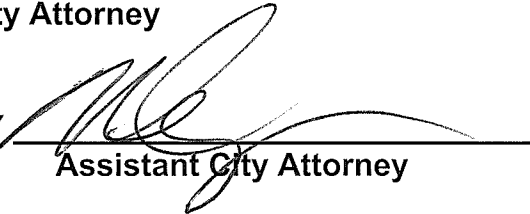
SECTION 11. That as such time as the instrument described in Section 10 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Development Services is authorized and directed to record said instrument in the Deed Records of Dallas, Texas; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or her designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Development Services, or her designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Development Services, or her designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. 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

THERESA O'DONNELL
Director of Development Services

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

DETENTION AREA AND DRAINAGE
EASEMENT ABANDONMENT
BEING PART OF LOT 4, CITY OF DALLAS BLOCK B/7558
BECKLEYMEADE ADDITION

BEING a 4.116 acre tract of land situated in the John Stephens Survey Abstract Number 1302, City of Dallas, Dallas County, Texas being part of Lot 4, Block B/7558 of Beckleymeade Addition, an addition to the City of Dallas as recorded in County Clerk's Document No. 200600436953 and also being part of that tract of land described in Special Warranty Deed to TCDFW I-20 I, LP as recorded in Volume 2005167, Page 2467 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at the southwest corner of said Lot 4 on the east right-of-way line of Hampton Road (100 foot right-of-way);

THENCE South 90 degrees 00 minutes 00 seconds East, along a southerly line of said Lot 4, Block B/7558, a distance of 815.01 feet to an Aluminum Monument stamped " Lot 4, Block B/7558, RPLS 5017" (hereafter referred to as "monument found") found for corner;

THENCE North 00 degrees 00 minutes 00 seconds East, continuing along said southerly line, a distance of 46.00 feet to a point for corner;

THENCE South 90 degrees 00 minutes 00 seconds East, continuing along said southerly line, a distance of 392.00 feet to a point for corner;

THENCE South 00 degrees 00 minutes 00 seconds East, along an easterly west line of said Lot 4, a distance of 248.11 feet to the POINT OF BEGINNING;

THENCE South 89 degrees 47 minutes 11 seconds East, departing said west line, a distance of 377.33 feet to a point at the beginning of a non-tangent curve to the left with a radius of 440.00 feet and a chord bearing South 11 degrees 53 minutes 05 seconds East, a distance of 152.14 feet;

THENCE southeasterly along said curve, through a central angle of 19 degrees 54 minutes 41 seconds, an arc distance of 152.91 feet to a point for corner;

THENCE South 21 degrees 50 minutes 33 seconds East, a distance of 15.56 feet to the beginning of a tangent curve to the right with a radius of 390.00 feet and a chord bearing South 10 degrees 48 minutes 51 seconds East, a distance of 149.21 feet;

THENCE southeasterly along said curve, through a central angle of 22 degrees 03 minutes 26 seconds, an arc distance of 150.14 feet to the point of tangency;

THENCE South 00 degrees 12 minutes 52 seconds West, a distance of 353.36 feet to a point for corner;

(For SPRG use only)	
Reviewed By:	_____
Date:	_____
SPRG NO.:	_____

REVIEWED BY
J2 08-17-2007

DETENTION AREA AND DRAINAGE
EASEMENT ABANDONMENT
BEING PART OF LOT 4, CITY OF DALLAS BLOCK B/7558
BECKLEYMEADE ADDITION

THENCE South 26 degrees 31 minutes 54 seconds West, a distance of 105.28 feet to a point for corner;

THENCE South 63 degrees 28 minutes 06 seconds East, a distance of 28.00 feet to a point on the east line of said Beckleymeade Addition;

THENCE South 26 degrees 31 minutes 54 seconds West, along said east line, a distance of 20.00 feet to a point for corner;

THENCE North 63 degrees 28 minutes 06 seconds West, departing said east line, a distance of 28.00 feet to a point for corner;

THENCE South 26 degrees 31 minutes 54 seconds West, a distance of 87.32 feet to a point for corner on the southernmost line of said Lot 4;

THENCE North 89 degrees 46 minutes 35 seconds West, along said south line, a distance of 54.79 feet to a point for corner, being the most southerly southwest corner of said Lot 4, said point being on the east line of a tract of land described in deed to Sadat Bassampour, as recorded in Volume 2003209, Page 2954, D.R.D.C.T.;

THENCE North 00 degrees 04 minutes 02 seconds East, along an easterly west line of Lot 4 and the east line of said Bassampour tract, passing at a distance of 315.92 feet the northeast corner of said Bassampour tract, same being the southeast corner of Lot 1, Gainey Park Addition, an Addition to the City of Dallas, as recorded in Volume 96242, Page 4094, D.R.D.C.T., and continuing along the east line of said Gainey Park Addition, in all a total distance of 616.16 feet to a monument found for corner;

THENCE South 90 degrees 00 minutes 00 seconds West, continuing along said west line of Lot 4 and along the north line of said Gainey Park Addition, a distance of 292.09 feet to a monument found for corner, said point being on the east line of a tract of land described in deed to TMJ Partnership, as recorded in Volume 85174, Page 4626, D.R.D.C.T.;

THENCE North 00 degrees 00 minutes 00 seconds East, continuing along said west line of Lot 4 and along the east line of said TMJ Partnership tract, passing at a call distance of 181.71 feet the southeast of a tract of land described in deed to Bobby Lee McCord, Trustee, as recorded in Volume 2003179, Page 0283, D.R.D.C.T., and continuing along the west line of Lot 4 and the east line of said McCord tract, in all a total distance of 238.48 feet to the POINT OF BEGINNING AND CONTAINING 179,281 square feet, or 4.116 acres of land, more or less.

REVIEWED BY

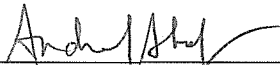
JZ 08.17.2007

(For SPRG use only)
Reviewed By: _____
Date: _____
SPRG NO.: _____

DETENTION AREA AND DRAINAGE
EASEMENT ABANDONMENT
BEING PART OF LOT 4, CITY OF DALLAS BLOCK B/7558
BECKLEYMEADE ADDITION

Basis of bearings is South 90 degrees 00 minutes 00 seconds East, being the northerly most south line of Lot 4 of the Beckleymeade Addition, as recorded in County Clerk's Document No. 200600436953, Deed Records of Dallas County, Texas.

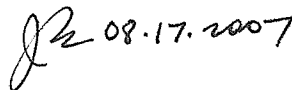
Signed on this 17th day of August, 2007.



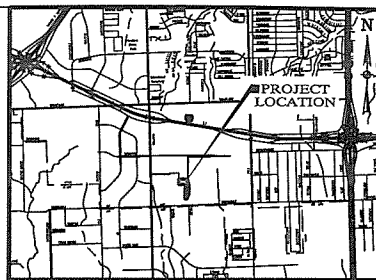
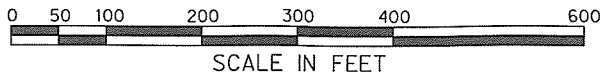
Andrew J. Shafer
Registered Professional Land Surveyor
Texas No. 5017



REVIEWED BY


JR 08.17.2007

(For SPRG use only)	
Reviewed By:	_____
Date:	_____
SPRG NO.:	_____



BECKLEYMEADE ADDITION
 LOT 4, BLOCK B/7558
 CCD#200600436953

OWNER:

TCDFW 1-20, I, LP
 (VOL.2005167, PG.2467)
 D.R.D.C.T.

HAMPTON ROAD
 (100' RIGHT-OF-WAY)

20' WATER EASEMENT
 (CCD# 200600436953)

20' STORM DRAIN EASEMENT
 (CCD# 200600436953)

BLOCK 7558

OWNER:
 TCDFW 1-20 II, LP
 VOL. 2005167, PG. 2481
 D.R.D.C.T.

POINT OF COMMENCING

POINT OF BEGINNING

BLOCK 7558
 TMJ PARTNERSHIP
 VOL. 85174, PG. 4626
 D.R.D.C.T.

BLOCK 7558
 GINBERG FAMILY TRUST
 VOL. 93187, PG. 2289
 D.R.D.C.T.

BLOCK 7558
 BOBBY LEE MCCORD, TRUSTEE
 VOL. 2003179, PG. 0283
 D.R.D.C.T.

OWNER:
 TCDFW 1-20, I, LP
 (VOL.2005167, PG.2467)
 D.R.D.C.T.

$\Delta = 19^{\circ}54'41''$
 $R = 440.00'$
 $T = 77.23'$
 $L = 152.91'$
 $CL=152.14'$
 $CB=S11^{\circ}53'05''E$

$S21^{\circ}50'33''E$
 $15.56'$

$\Delta = 22^{\circ}03'26''$
 $R = 390.00'$
 $T = 76.01'$
 $L = 150.14'$
 $CL=149.21'$
 $CB=S10^{\circ}48'51''E$

JOHN STEPHENS SURVEY
 ABSTRACT NO. 1302

REVIEWED BY

Jr 08.17.2007

GAINEY REALTY & INV. CORP.
 (VOL. 95171, PG. 1194)
 LOT 1, BLOCK B/7558
 GAINNEY PARK ADDITION
 VOL. 96242, PG. 4094
 D.R.D.C.T.

DETENTION AREA &
 DRAINAGE EASEMENT
 ABANDONMENT
 179,281 SQUARE FEET
 (4.116 ACRES)

BLOCK 7558
 SADAT BASSAMPOUR
 VOL. 2003209, PG. 2954
 D.R.D.C.T.

	BEARING	LENGTH
L1	S26°31'54"W	105.28'
L2	S63°28'06"E	28.00'
L3	S26°31'54"W	20.00'
L4	N63°28'06"W	28.00'
L5	S26°31'54"W	87.32'

LEGEND:

- FMON FOUND ALUMINUM MONUMENT STAMPED "LOT 4, BLOCK B/7558, RPLS 5017"
- (C.M.) CONTROL MONUMENT
- FX FOUND "X" CUT IN CONCRETE
- BREAK LINE

Signed on this 17th day of August, 2007

Andrew J. Shafer
 ANDREW J. SHAFER
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS NO. 5017

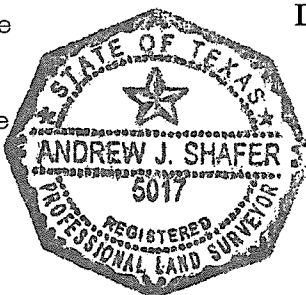
N89°46'35"W
 54.79'

Notes:
 1.) The Basis of Bearing is South 90 degrees 00 minutes 00 seconds East, being the northerly most south line of Lot 4 of the Beckleymeade Addition, as recorded in County Clerk's Document No. 200600436953.

2.) A legal description of even survey date herewith accompanies this plat of survey.

(For SPRG use only)

Reviewed By: _____
 Date: _____
 SPRG NO.: _____



DETENTION AREA AND DRAINAGE
 EASEMENT ABANDONMENT
 BEING PART OF LOT 4
 CITY OF DALLAS BLOCK B/7558
 BECKLEYMEADE ADDITION

BY
Half Associates, Inc.

ENGINEERS ARCHITECTS SCIENTISTS PLANNERS SURVEYORS
 3801 PARKWOOD BLVD., SUITE 500
 FRISCO, TEXAS 75034
 TEL (214) 618-4570
 FAX (214) 618-4574
 SCALE 1"=200' AV0=22217 JULY 31, 2007

