

ORDINANCE NO. 16-0804

AN ORDINANCE OF THE CITY OF WILMER, TEXAS, VACATING, AND ABANDONING PORTIONS OF GOODE ROAD AND SWANGO ROAD IN THE CITY OF WILMER; DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF WILMER, TEXAS TO EXECUTE A QUITCLAIM DEED RELEASING PUBLIC OWNERSHIP, INTEREST AND CONTROL OF SAID PORTIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Wilmer, Texas is a Type A general law municipality located in Dallas County, Texas and is authorized under Chapter 311, *et seq.* of the Texas Transportation Code to abandon, vacate or otherwise close a street;

WHEREAS, pursuant to an application of Wilmer Fulghum 161 LP, owner of the Sunridge Business Park Project has requested an abandonment of certain portions of roads with the city limits of the City of Wilmer and which the City Council of Wilmer has determined, after careful study and consideration, will be of great benefit to the citizens of the City of Wilmer;

WHEREAS, in order to remove any question as to the interest of ownership of the public in said portions of the street, the City desires to execute the appropriate quitclaim deeds releasing all title, ownership and control in said street to

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

SECTION 1. The following streets are vacated and abandoned as public property:

“BEING a 2.264 tract of land situated in the Robert Sloan Survey, Abstract No. 1271, the James S. Lewis Survey, Abstract No. 767 and the G.W. Scott Survey, Abstract No. 1273, the City of Wilmer, Dallas County, Texas, and being part of a called 99.5785 acre tract of land described in deed to Wilmer Fulghum 161, LP as recorded in County Clerks Doc Document No. 20070282842.

and also being a part of that tract of land described in deed to Wilmer Pleasant Run, LP. As recorded in County Clerk's No.20070131503 all Deed Records of Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a 3-inch TxDOT aluminum disc found at the north end of a corner clip at the intersection of the easterly right-of-way line of Interstate Highway 45 (IH 4S) and the southerly right-of-way of said Swango Road, being a southwest corner of a tract of land described in deed to Wilmer Fulgham 161, L.P. as recorded in County Clerk's Document No. 20070282844, D.R.D.C.T., and being the northeast corner of a tract of land described in deed to The State of Texas as recorded in Volume 3949, Page 17 D.R.D.C.T.;

THENCE North 25 degrees 44 minutes 13 seconds West, crossing said Swango Road, a distance of 32.69 feet to a point at the south end of a corner clip at the intersection of said easterly right-of-way line of IH 45 and the northerly right-of-way line of said Swango Road, being a southwest corner of a called 24.2434 acre tract of land described in deed to Wilmer Fulgham 161.L.P.aa recorded in County Clerk's Document No. 20070282843, D.R.D.C.T., and being the southeast corner of a tract of land described in deed to The State of Texas as recorded in Volume 3915, Page 412 D.R.D.C.T.;

THENCE North 59 degrees 33 minutes 29 seconds East, departing the east right-of-way line of IH 45, and along the apparent northerly right-of-way of said Swango Road, and along the southerly line of said 24.2434 acre tract, a distance of 618.55 feet to a 1/2--inch iron rod with cap stamped "RPLS 3989" (hereafter referred to as "with cap) found at the south end of a radial corner clip at the intersection of said apparent northerly right-of-way line of Swango Road and the apparent westerly right-of-way line of Goode Road, said point being the point of curvature of a circular

curve to the left with a radius of 49.62 feet and a chord bearing North 14 degrees 20 minutes 08 seconds East, a distance of 70.45 feet;

THENCE Northeasterly along said radial corner clip, through a central angle of 90 degrees 26 minutes 42 seconds, for an arc distance of 78.33 feet to a ½ inch iron rod with cap found for corner at the end of said corner clip on the apparent westerly right-of-way of said Goode Road;

THENCE North 30 degrees S3 minutes 13 seconds West, along said apparent westerly right-of-way line and along the easterly line of said called 24.2434 acre tract a distance of 1,780.32 feet to the northeast corner of said called 24.2434 acre tract and the southeast corner of a tract described in deed to Celestina Madrigal as recorded in Volume 82022, Page 394 D.R.D.C.T.;

THENCE North 59 degrees 24 minutes 16 seconds East, departing said easterly line and crossing said Goode Road, passing at a distance of 24.30 feet the westerly line of said called 99.5785 acre tract continuing in all, a total distance of 43.38 feet to a point on the apparent easterly right-of-way line of said Goode Road and on a fence line;

THENCE South 30 degrees 44 minutes 11 seconds East, along said apparent easterly right-of-way line and along remnants of said fence line, passing at a distance of 1,841.57 feet the south line of said called 99.5785 acre tract and the north line of said Wilmer Pleasant Run, L.P. tract and continuing in all, a total distance of 1,862.99 feet to a point for corner at the intersection of said apparent easterly right-of-way line of Goode Road and said apparent southerly right-of-way line of Swango Road;

THENCE South 59 degrees 33 minutes 28 seconds West, along said apparent southerly right-of-way line, passing at a distance of 85.97 feet a 5/8-inch iron rod round for the northwest corner of said called 37.2570 acre tract and continuing along said southerly right-of-way and along the north line of said called 37.2570 tract in all. A total distance of 709.98 feet to the POINT OF

BEGINNING AND CONTAINING 98,628 square feet, or 2.264 acres of land, more or less.” This legal description being depicted in Exhibit “A” and attached hereto and incorporated herein by reference for all purposes.

The streets so vacated and abandoned shall revert in fee simple to the owner(s) of the abutting properties.

SECTION 2. The Mayor of the City of Wilmer, Texas is hereby authorized to execute a quitclaim deed to each abutting property owner releasing all claims to title, ownership or control of the streets on behalf of the City of Wilmer, Texas. A copy of the applicable quitclaim deed may be presented for filing with the County Clerk of Dallas County, Texas by each abutting property owner.

SECTION 3. That all ordinances of the City of in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance or the Code of Ordinances, as amended hereby, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. That this ordinance shall take effect immediately from and after its passage, and the publication of the caption, as the law in such cases provide.

SECTION 5. That all recitals contained in this Ordinance are fully incorporated herein as if fully written and found to be true and correct.

DULY PASSED by the City Council of the City of Wilmer, Texas, on the 4th day of August, 2016.



APPROVED:

Casey Burgess
CASEY BURGESS, MAYOR

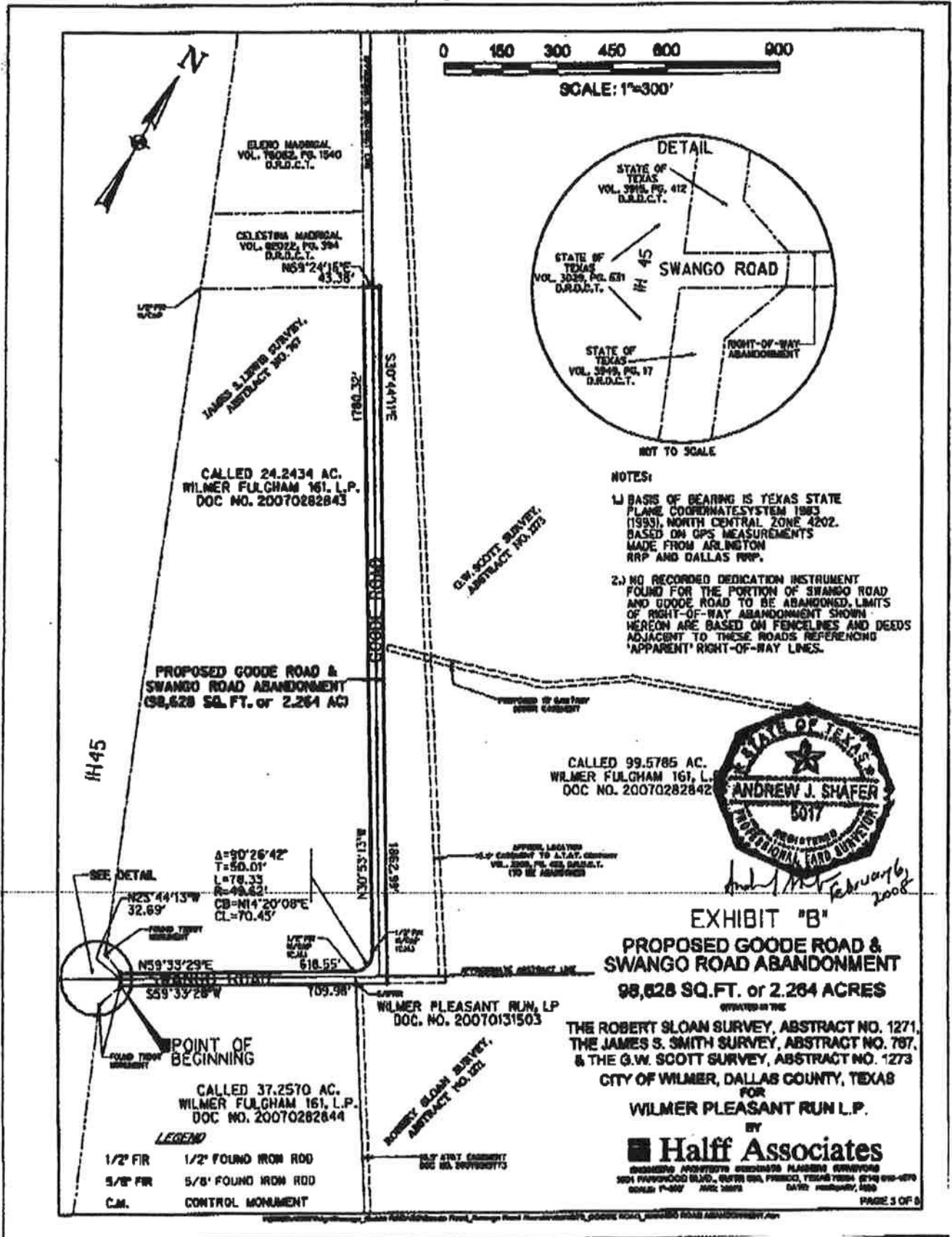
ATTEST:

Elizabeth Lopez
ELIZABETH LOPEZ, CITY SECRETARY

ORDINANCE No. 16-0804

Exhibit A

Abandoning by Ordinance 2.26 Acres of Goode Road that was previously abandoned by Quit Claim Deed in 2008



Wilmer Fulghum 161 LP

July 25, 2016

Denny Wheat
City Administrator
City of Wilmer
128 N Dallas Avenue
Wilmer, Texas 75172

RE: Abandonment of Goode Road

Dear Mr. Wheat,

We have been in discussion with Sherry Sefko about an area of Goode Road that was previously abandoned by the City of Wilmer Council and Quitclaim Deed to Wilmer Fulghum 161 LP recorded in Dallas County Public Records April 14, 2008 recording 20080120985.

We have a purchaser for property affected by this Quitclaim desiring to have the City of Wilmer abandon this 2.264 acres of Goode and Swango Road by Ordinance in compliance with Section 311.008 of the Texas Transportation Code.. With this letter is copy of the Quitclaim Deed with legal description and Application for Abandonment.

We request this item be placed on the August 4, 2016 Council Agenda.

Regards,



Michael E. Rader

Cc: Sherry Sefko



City of Wilmer

DEVELOPMENT APPLICATION

City of Wilmer, Texas

ANTICIPATED MEETING DATES: P&Z: _____ City Council: _____

DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (required): _____

Subdivision/Platting:

- Land Study
- Preliminary Plat
- Final Plat
- Development Plat
- Plat Vacation
- Revised Plat (check type above)
- Residential Replat
- Nonresidential Replat
- Amending Plat (admin.)

Site Plan:

- Concept Plan (PD/CUP only)
- Site Plan
- Revised Site Plan

Other:

- Landscape Plan
- Irrigation Plan
- Elevation/Façade Plan
- Screening Wall/Fence Plan
- Civil/Engineering Plans
- Other: Street Abandonment BY ORDINANCE

Name of Subdivision or Project: Sunridge Business Park, Lot 3, Block G

Physical Location of Property: North of I-45, East of Fulghum Road
[General Location -- approximate distance to nearest existing street corner]

Brief Legal Description of Property (must also attach accurate Surveyor's metes and bounds description): The portion of Goode Rd. depicted as the part of the 2.264 acres of right-of-way (see exhibit "A") that is within Lot 3, Block G, Sunridge Business Park (see exhibit "B")
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Acreage: 24.34 Existing # of Lots/Tracts: 1 Existing Zoning: L1
[If zoned PD, attach a copy of the PD ordinance to this application]

Applicant / Owner's Name: WILMER FULGHUM 161 LP Applicant or Owner? (circle one)

Contact Person: MICHAEL RADER Title: GENERAL PARTNER

Company Name: _____

Street/Mailing Address: P.O. Box 249 City: Concepcion State: TX Zip: 76034

Phone: (817) 9135215 Fax: (817) 3105599 Email Address: MIKE.RADER@PRIME45.NET

Engineer / Representative's Name: _____

Contact Person: _____ Title: _____

Company Name: _____

Street/Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: (____) _____ Fax: (____) _____ Email Address: _____

SUBMITTAL DEADLINE: 21 DAYS PRIOR TO P&Z MEETING DATE. Residential replats must be submitted at least 30 days prior to meeting to allow time for public hearing notification – application must include letter waiving 30-day review time. Please contact City staff for all submittal deadlines.

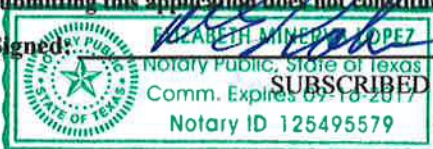
All applications must be COMPLETE before they will be scheduled for a P&Z or City Council agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning/Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be obtained from City staff). Please contact City staff in advance for submittal requirements.

In addition to the official submittal materials that are delivered to City Hall, one copy of all application materials must be simultaneously delivered directly to the City's Planner (check with City staff and with the City's Planner in advance for submittal requirements for each type of development application). The name, address, phone number, etc. of the City's Planner can be obtained from City staff. Failure to simultaneously submit a copy of all materials (including full engineering plans, if applicable) to the City's Planner may result in delays scheduling the application for a P&Z/CC agenda.

Notice of Public Records. The submission of plans/drawings/etc. with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings/etc.) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: [Signature] Title: GENERAL PARTNER Date: 7-26-16



[seal]

SUBSCRIBED AND SWORN TO before me, this 26 day of July, 2016

Notary Public in and for the State of Texas: Elizabeth M. Lopez

My Commission Expires On: Sept. 16, 2017

Office Use Only: Date Rec'd: _____ Fees Paid:\$ _____ Check #: _____ Receipt #: _____
 Development Case # _____ Accepted By: _____ Official Submittal Date: _____



DEED
6 PGS

20080120985

QUITCLAIM DEED

THE STATE OF TEXAS

*

KNOW ALL ME BY THESE PRESENTS

*

COUNTY OF DALLAS

*

THAT, the City of Wilmer, a government entity. (hereinafter referred to as "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash in hand paid by WILMER FULGHUM 161, LP, ("Grantee"), whose address is 6228 Colleyville Blvd, Suite A, Colleyville, Texas 76034, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, has QUITCLAIMED unto Grantee and all of Grantor's right, title, interest, claim, and demand in and to, and by these presents does QUITCLAIM all of Grantor's right, title, interest, claim, and demand in and to, the property more particularly described as all the land identified as Swango Road on "Exhibit A" attached (the Property), together with all and singular Grantor's right, title, interest, claim, and demand in and to all rights, privileges, hereditaments, and appurtenances pertaining to such Property.

TO HAVE AND TO HOLD the above described rights, titles, interests, claims, and demands to said Property to Grantee and Grantee's respective heirs, executors, personal representatives, successors, and assigns forever. Neither Grantor nor Grantor's respective heirs, executors, personal representatives, successors, and assigns shall have any right, title, interest, claim, or demand to the Property or any part thereof.

EXECUTED to be effective the 11 day of April 2008..

CITY OF WILMER

By: Don Hudson

Name: DON HUDSON

Title: MAYOR

THE STATE OF TEXAS

COUNTY OF DALLAS

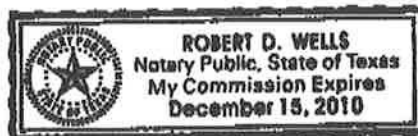
This instrument was acknowledged before me on the 14 day of April,
2008, by DON HUDSON, MAYOR of the City of Wilmer.

Robert D. Wells

Notary Public, State of Texas

(Seal)

Printed Name: Robert D. Wells
My Commission Expires: 12-15-2010



**LEGAL DESCRIPTION
GOODE ROAD AND SWANGO ROAD ABANDONMENT**

Being a 2.264 acre tract of land situated in the Robert Sloan Survey, Abstract No. 1271, the James S. Lewis Survey, Abstract No. 767 and the G.W. Scott Survey, Abstract No. 1273, the City of Wilmer, Dallas County, Texas and being part of a called 99.5785 acre tract of land described in deed to Wilmer Fulgham 161, L.P. as recorded in County Clerk's Document No. 20070282842, and also being a part of that tract of land described in deed to Wilmer Pleasant Run, L.P. as recorded in County Clerk's Document No. 20070131503 all Deed Records of Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

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Andrew J. Shafer
February 6, 2008

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



JFW
John F. Warren, County Clerk
Dallas County TEXAS

April 14, 2005 02:58:43 PM
FEE: \$32.00

20080120985

WILMER CITY COUNCIL
Agenda Item Summary
August 4, 2016

AGENDA ITEM

3

Consider Ordinance No. 16-0804 Abandoning by Ordinance 2.26 Acres of Goode Road that was Previously Abandoned by Quit Claim Deed in 2008.

Issue/Problem

This was abandonment was previously done via quit claim deed signed by Mayor Don Hudson in 2008. It was recorded in Dallas County Public Records April 14, 2008.

In accordance with Section 311.008 Texas Transportation Code, this abandonment of 2.264 acres of Good Rd and Swango Road should have been accompanied by an ordinance. The property is in the process of being sold and the passage of this ordinance will allow for that to occur with a clear title.

Attachments

Attachment A: Ordinance No. 08-0804

Attachment B: Letter from Michael Rader, Application for Abandonment, and Original Quit Claim Deed

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