

ORDINANCE NO. 16-1020

AN ORDINANCE OF THE CITY OF WILMER, TEXAS, VACATING, AND ABANDONING A PORTION OF PINTO 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 PORTION; 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; and

WHEREAS, pursuant to a petition submitted by all property owners abutting the portion of the road segment to be abandoned, the Wilmer City Council has determined, after careful study and consideration, such abandonment will be of great benefit to the citizens of the City of Wilmer; and

WHEREAS, a depiction of the area to be abandoned and vacated is attached as a graph, drawing or other graphic as Exhibit "A" and is incorporated herein for all purposes; and

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 segment to the abutting property owners.

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

SECTION 1. The following street segment is vacated and abandoned as public property:

"BEING 0.760 ACRES OF LAND BEING THE FULL WIDTH OF PINTO ROAD LOCATED IN THE JOSEPH MANLEY SURVEY ABSTRACT NO. 867, THE THOMAS J. CAMPBELL SURVEY ABSTRACT NO. 299, AND THE NORTHEAST CORNER OF THAT

46.886 ACRE TRACT AS DESCRIBED IN DOC. NO. 201200092264, COUNTY OF DALLAS, STATE OF TEXAS, SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 5/8 INCH IRON ROD LOCATED AT THE NORTHWEST CORNER OF PARCEL NO. 17 AS DESCRIBED IN INSTRUMENT NO. 201100339298. FROM SAID POINT OF BEGINNING, A FOUND 5/8 INCH IRON ROD LOCATED AT THE SOUTHWEST CORNER OF SAID PARCEL NO. 17 BEARS S 01° 04' 45" E (BASIS OF BEARING), A DISTANCE OF 1266.30 FEET;

THENCE S 01° 04' 45" E, WITH THE WEST LINE OF SAID PARCEL NO. 17, AND THE EAST LINE OF PINTO ROAD, A DISTANCE OF 958.69 FEET. FROM SAID POINT, A FOUND 5/8" IRON ROD AT THE SOUTHWEST CORNER OF SAID PARCEL NO. 17 BEARS S 01° 04' 45" E, A DISTANCE OF 307.61 FEET;

THENCE S 89° 07' 44" W, ACROSS PINTO ROAD, A DISTANCE OF 34.44 FEET;

THENCE N 01° 00' 52" W, WITH THE WEST LINE OF SAID PINTO ROAD, A DISTANCE OF 367.79 FEET, TO A FOUND 5/8" IRON ROD AT THE SOUTHEAST CORNER OF PARCEL NO. 13 AS DESCRIBED IN INSTRUMENT NO. 201100339298. FROM SAID POINT, A FOUND P.K. NAIL IN ASPHALT AT THE NORTHEAST CORNER OF THAT 46.886 ACRE TRACT DESCRIBED IN INSTRUMENT NO. 201200092264 BEARS N 89° 55' 19" E, A DISTANCE OF 17.64 FEET;

THENCE N 01° 13' 08" W, CONTINUING WITH THE WEST LINE OF PINTO ROAD AND THE EAST LINE OF SAID PARCEL NO. 13, A DISTANCE OF 590.77 FEET. FROM SAID POINT, A FOUND 5/8" IRON ROD AT THE NORTHEAST CORNER OF SAID PARCEL NO. 13, BEARS N 01° 13' 08" W, A DISTANCE OF 1821.19 FEET;

THENCE N 88° 55' 15" E, ACROSS PINTO ROAD, A DISTANCE OF 35.47 FEET, TO THE POINT OF BEGINNING;

CONTAINING 0.760 ACRES (33120 SQ. FEET), MORE OR LESS."

The street segment 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 and control of the street segment on behalf of the City of Wilmer, Texas. A copy of the applicable quitclaim deed shall 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 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 provides.

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 20th day of October, 2016.



APPROVED:



CASEY BURGESS, MAYOR

ATTEST:



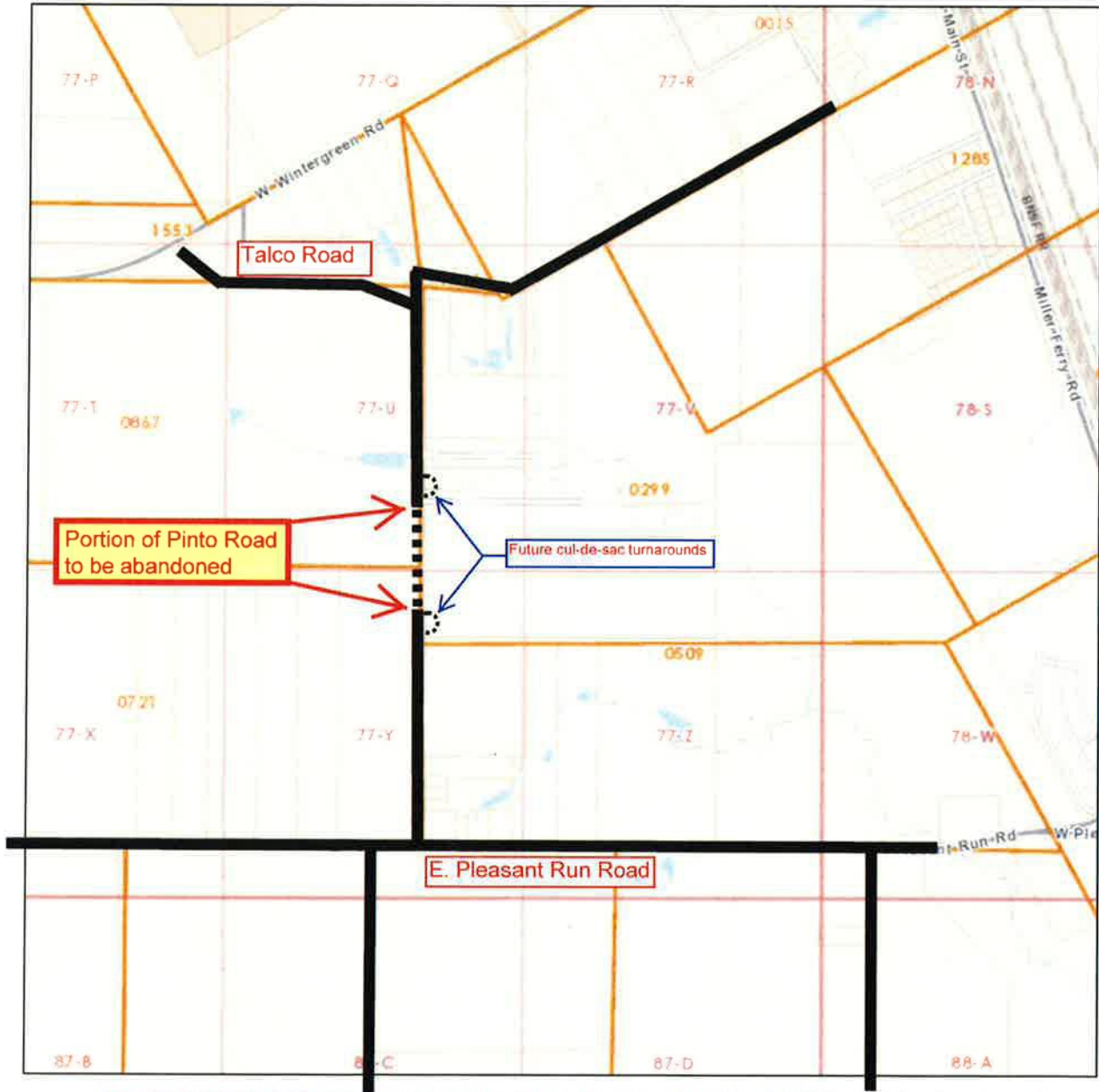
ELIZABETH LOPEZ, CITY SECRETARY

ORDINANCE NO. 16-1020

EXHIBIT "A", cont'd

DCAD ID: 54012760010010000

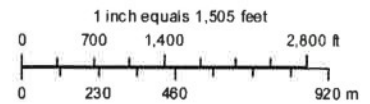
Date of copy: 10/11/2016



This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.




Dallas Central Appraisal District
2949 N Stemmons Freeway
Dallas, TX 75247-6195
(214) 631-1342
www.dallascad.org



DCAD, NCTCOG, USGS, Esri, Inc

QUITCLAIM DEED

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: October 20, 2016

Grantor: City of Wilmer, Texas

Grantor's Mailing Address: 128 North Dallas Avenue, Wilmer, Texas 75172, Dallas County, Texas

Grantee: WHL DALLAS 45 LLC, a Delaware limited liability company

Grantee's Mailing Address: P.O. Box 249
Colleyville, Texas 76034

Consideration:

One Dollar (\$1.00) and other good and valuable consideration and pursuant to formal action taken by the duly elected City Council of the City of Wilmer, Texas at its regular meeting on October 20, 2016, to abandon the Property pursuant to Sections 311, *et. seq.* of the Texas Transportation Code.

Property (including any improvements):

An approximately 958± foot long segment of Pinto Road, located generally and approximately halfway between W. Pleasant Run Road and Talco Road, within the City of, Wilmer, Dallas County, Texas.

BEING 0.760 ACRES OF LAND BEING THE FULL WIDTH OF PINTO ROAD LOCATED IN THE JOSEPH MANLEY SURVEY ABSTRACT NO. 867, THE THOMAS J. CAMPBELL SURVEY ABSTRACT NO. 299, AND THE NORTHEAST CORNER OF THAT 46.886 ACRE TRACT AS DESCRIBED IN DOC. NO. 201200092264, COUNTY OF DALLAS, STATE OF TEXAS, SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 0.760 ACRES (33120 SQ. FEET), MORE OR LESS."

For the Consideration recited herein, Grantor quitclaims to Grantee all of Grantor's right, title, and interest in and to the property, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Neither Grantor nor Grantor's heirs, successors, or assigns will have, claim, or demand any right or title to the property or any part of it.

When the context requires, singular nouns and pronouns include the plural.

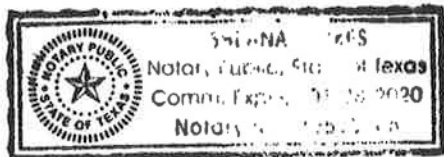
_____, City of Wilmer, Texas


Casey Burgess

Casey Burgess, Mayor

STATE OF TEXAS)
COUNTY OF)

This instrument was acknowledged before me on October 20, 2016 by Casey Burgess, Mayor, for the City of Wilmer, Texas.





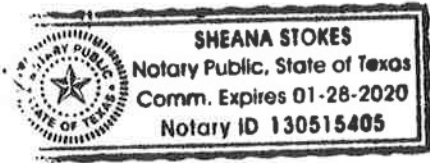
Notary Public, State of Texas

STATE OF TEXAS)
COUNTY OF)

This instrument was acknowledged before me on October 20, 2016 by
_____.



Notary Public, State of Texas

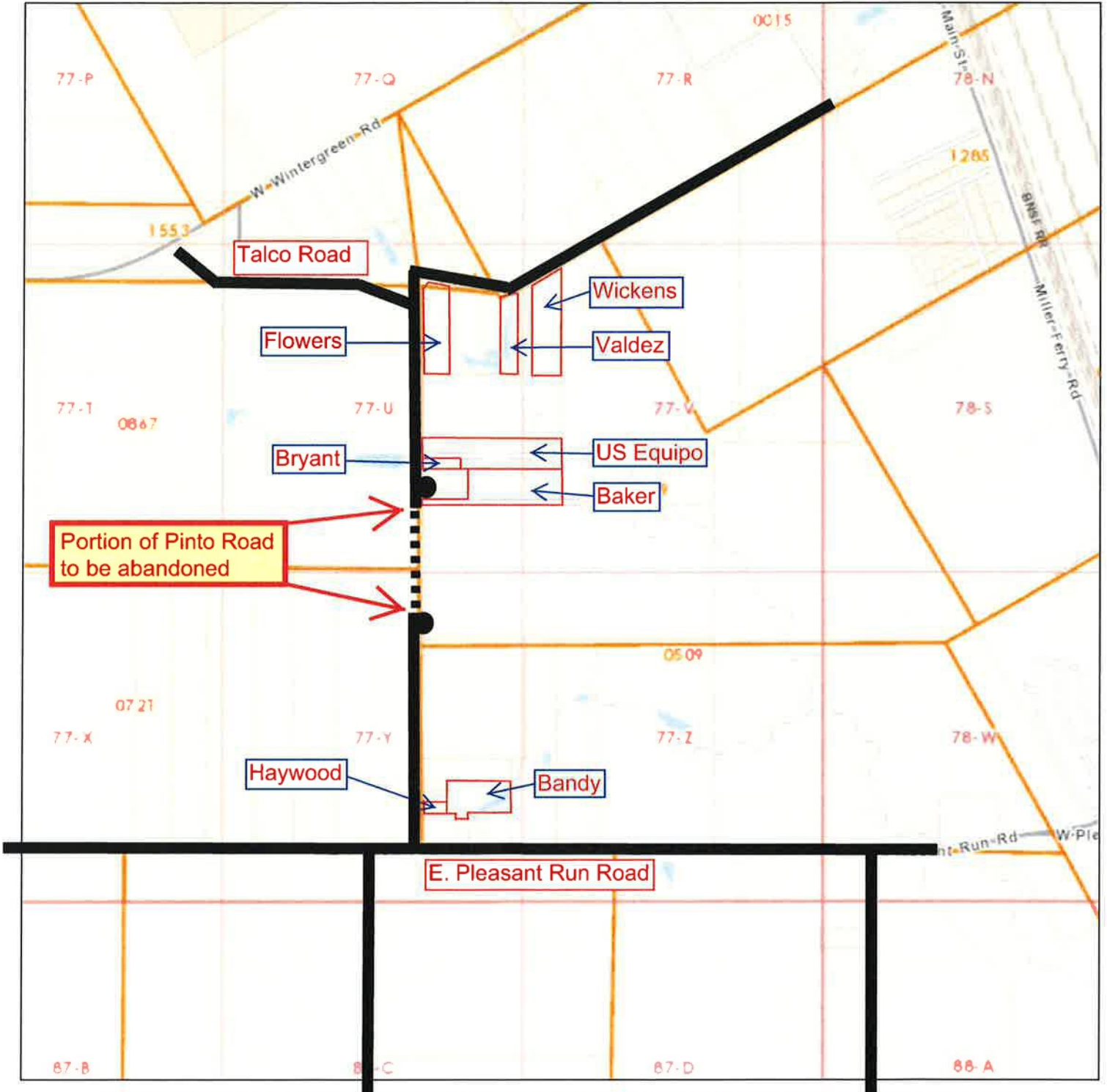


Pinto Road Closure - property ownership exhibit

DCAD ID: 54012760010010000

Properties that are not owned by WHL Dallas 45, LLC

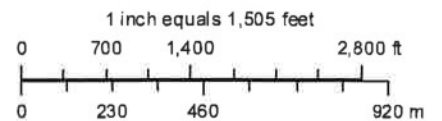
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DEVELOPMENT APPLICATION

City of Wilmer, Texas

ANTICIPATED MEETING DATES: P&Z: _____ City Council: OCTOBER 20, 2016
DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (required): _____

- | | | |
|--|---|--|
| Subdivision/Platting: | Site Plan: | Other: |
| <input type="checkbox"/> Land Study | <input type="checkbox"/> Concept Plan (PD/CUP only) | <input type="checkbox"/> Landscape Plan |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Site Plan | <input type="checkbox"/> Irrigation Plan |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Revised Site Plan | <input type="checkbox"/> Elevation/Façade Plan |
| <input type="checkbox"/> Development Plat | | <input type="checkbox"/> Screening Wall/Fence Plan |
| <input type="checkbox"/> Plat Vacation | | <input type="checkbox"/> Civil/Engineering Plans |
| <input type="checkbox"/> Revised Plat (check type above) | | <input checked="" type="checkbox"/> Other: _____ |

VACATION OF PORTION OF PINTO ROAD

Name of Subdivision or Project: _____
 Physical Location of Property: _____
[General Location – approximate distance to nearest existing street corner]
 Brief Legal Description of Property (must also attach accurate Surveyor's metes and bounds description): _____
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
 Acreage: _____ Existing # of Lots/Tracts: _____ Existing Zoning: _____
[If zoned PD, attach a copy of the PD ordinance to this application]

Applicant / Owner's Name: WHL DALLAS 45 LLC Applicant or Owner? (circle one)
 Contact Person: MIKE RADEL Title: PRESIDENT
 Company Name: PRIME 45 DEVELOPMENT, LLC
 Street/Mailing Address: 601 W WINTERGREEN City: HITCHIN State: TX Zip: 75141
 Phone: (817) 913 5215 Fax: () Email Address: MIKE.RADEL@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: _____ Title: _____ Date: _____
SEE EXHIBIT A - SIGNATURE PAGE

SUBSCRIBED AND SWORN TO before me, this the _____ day of _____, [Month] [Year]

Notary Public in and for the State of Texas: _____

[seal]

My Commission Expires On: _____

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

Signature/Notary Block for WHL Dallas 45 LLC:

WHL DALLAS 45 LLC,
a Delaware limited liability company

By: WHL Dallas 45 Manager LLC,
a Delaware limited liability company,
its manager.

By: Kane Russell Coleman & Logan PC,
a Texas professional corporation,
its sole member

By: David L. Pratt
Name: David L. Pratt
Title: Vice-President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me, the undersigned authority, on the 11th day of October, 2016, by David L. Pratt, the Vice President of Kane Russell Coleman & Logan PC, a Texas professional corporation, sole member of WHL Dallas 45 Manager LLC, a Delaware limited liability company, Manager of WHL Dallas 45 LLC, a Delaware limited liability company, on behalf of said entities.



JO H. STEWART
Notary Public, State of Texas
My commission expires: 8-11-2020

WHL Dallas 45 LLC

October 14, 2016

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

RE: Pinto Road Vacation

Dear Mr. Wheat:

This letter is to petition the City of Wilmer to vacate and abandon that portion of Pinto Road depicted on the attached exhibit and quitclaim said abandoned right-of-way to WHL Dallas 45 LLC.

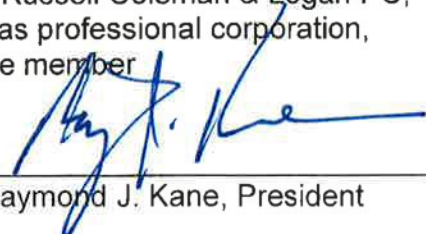
WHL Dallas 45 LLC is the property owner abutting the east and west sides of the Pinto Road right-of-way being vacated.

Sincerely,

WHL DALLAS 45 LLC,
a Delaware limited liability company

By: WHL Dallas 45 Manager LLC,
a Delaware limited liability company,
its manager

By: Kane Russell Coleman & Logan PC,
a Texas professional corporation,
its sole member

By: 
Raymond J. Kane, President