

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, APPROVING THE CITY’S ACCEPTANCE OF A PUBLIC STREET RIGHT-OF-WAY AND GENERAL UTILITY EASEMENT FOR A 1.337 ACRE TRACT OF LAND FROM GRANTOR VPDEV 2, LLC IN CONNECTION WITH THE EXTENSION OF BELLA LANE; AUTHORIZING RECORDING OF THE SAME IN THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the Town of Addison, Texas, deems it necessary and in the best interests of the public to acquire the hereinafter described public street right-of-way and general utility easement from VPDEV 2, LLC, grantor and owner of the underlying fee title thereto, for use in connection with the extension of Bella Lane.

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

SECTION 1. The Town of Addison, Texas (“City”) hereby approves the acquisition of the public street right-of-way and easement described in the Public Street Right-of-Way and General Utility Easement attached hereto incorporated herein as **Exhibit “A”**, it being the intent of the City to acquire the foregoing for the public purpose of extending Bella Lane across a portion of the 15.173 acre tract of land owned by VPDEV 2, LLC, as more particularly described in **Exhibit “A”**. The City Manager is authorized to accept the foregoing public right-of-way and easement, which shall be recorded in the official public records of Dallas County, Texas.

SECTION 2. This Ordinance shall become effective from and after its passage.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas, on this the **11th** day of **JANUARY 2022**.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Whitt Wyatt, City Attorney

EXHIBIT A

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

**PUBLIC STREET RIGHT-OF-WAY
AND GENERAL UTILITY EASEMENT**

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF DALLAS §

That VPDEV 2, LLC (“**Grantor**”), a Delaware limited liability company, whose mailing address is 1745 Shea Center Drive, Suite 200, Highlands Ranch, Colorado, 80129, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration in hand paid by the **TOWN OF ADDISON , TEXAS (“Grantee”)**, a Texas home rule municipality whose mailing address is 5300 Belt Line Road, Addison, Dallas County, Texas, 75254, the receipt and sufficiency of which consideration is hereby acknowledged, has **DEDICATED, GRANTED, SOLD AND CONVEYED**, and by these presents does **DEDICATE, GRANT, SELL AND CONVEY** unto Grantee an easement for public street right-of-way purposes, including the passage of vehicular and pedestrian traffic, and the use, construction, reconstruction, installation, inspection, repair, maintenance, opening, closing, and removal of a public street, public utilities (including water, sanitary sewer, natural gas, and telecommunications), drainage facilities, landscaping, signs, and other uses of a public street as Grantee may find necessary or appropriate or which are customary or incidental thereto, (collectively, “the **Easement Purposes**”) on, over, under, and through all that certain real property located in the County of Dallas, State of Texas, described as follows:

Being a 1.337 acre tract of land situated in the Noah Good Survey, Abstract No. 520, City of Addison, Dallas County, Texas, and being a part of the 15.173 acre tract of land conveyed to VPDEV 2, LLC, by Special Warranty Deed of record in Instrument No. 201300203008 of the Official Public Records of Dallas County, Texas, and being a part of Lot 3, Block A, Vitruvian Park Addition, an addition to the City of Addison, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 20130219333, of said Official Public Records; and being more particularly described by metes and bounds in Exhibit “A,” and depicted on Exhibit “B,” attached hereto and incorporated herein by reference (the “Easement Property”).

TO HAVE AND TO HOLD the Easement Property for the Easement Purpose unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, the said premises unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise; provided, however, that this Easement and Grantee’s right to use the Easement Property for the Easement Purpose shall terminate upon abandonment of the Easement Property, or the cessation of use of

EXHIBIT A

the Easement Property as a public roadway by Grantee, which abandonment or cessation shall be deemed to occur only upon, adoption by Grantee's City Council of an ordinance abandoning or ceasing use of the Easement Property as a public roadway.

SIGNED and effective this ____ day of _____, 2022.

FOR GRANTOR:

VPDEV 2, LLC
a Delaware limited liability company

By: DCO Realty, Inc.
a Delaware corporation
Its: Managing Member

By: _____

Name: _____

Title: _____

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

Acknowledged before me, the undersigned authority, this ____ day of _____, 2022, by _____, as authorized agent for and on behalf of said Grantor.

Notary Public, State of Texas
Commission Expires: _____

EXHIBIT A

EXHIBIT "A" Description of Public Street Right-of-Way and General Utility Easement

LEGAL DESCRIPTION PROPOSED BELLA LANE RIGHT-OF-WAY DEDICATION – 1.337 ACRES BEING PART OF LOT 3, BLOCK A VITRUVIAN PARK ADDITION NOAH GOOD SURVEY, ABSTRACT NO. 520

BEING a 1.337 acre tract of land situated in the Noah Good Survey, Abstract No. 520, City of Addison, Dallas County, Texas, and being aa part of the 15.173 acre tract of land conveyed to VPDEV 2, LLC, by Special Warranty Deed of record in Instrument No. 201300203008 of the Official Public Records of Dallas County, Texas, and being a part of Lot 3, Block A, Vitruvian Park Addition, an addition to the City of Addison, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 20130219333, of said Official Public Records; said 1.337 acre tract being more particularly described as follows:

BEGINNING at a found 5/8" iron rod with a yellow plastic cap stamped "KADLECK" for a corner in the west line of Lot 1, Block A, The Parish Episcopal School, an addition to the City of Addison, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 200600450015, of said Official Public Records, at the northeast corner Brookhaven College Replat, an addition to the City of Addison, Dallas County, Texas, according to the plat thereof record in Volume 86105, Page 2676, of the Deed Records of Dallas County, Texas; said point being the southeast corner of said Lot 3, Block A, Vitruvian Park Addition;

THENCE North 89 degrees 50 minutes 23 seconds West, along a common line between said Lot 3, Block A, Vitruvian Park Addition and said Brookhaven College Replat, a distance of 164.00 feet to a set 1/2" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for a corner; said point being South 89 degrees 50 minutes 23 seconds East, a distance of 960.71 feet from a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" at the southeast corner of Lot 2, Block A, Vitruvian Park Addition, an addition to the City of Addison, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 20090022087, of said Official Public Records and the southwest corner of said Lot 3, Block A, Vitruvian Park Addition;

THENCE departing the said common line between Brookhaven College Replat and Lot 3, Block A, Vitruvian Addition, over and across said Lot 3, Block A, Vitruvian Addition, the following courses and distances:

North 00 degrees 09 minutes 37 seconds East, a distance of 22.50 feet to a set 1/2" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for a corner;

South 89 degrees 50 minutes 23 seconds East, a distance of 60.50 feet to a set 1/2" iron rod with a yellow plastic cap stamped "WESTWOOD PS" at an 'el' corner;

North 00 degrees 09 minutes 37 seconds East, a distance of 40.50 feet to a set 1/2" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for a corner;

South 89 degrees 50 minutes 23 seconds East, a distance of 30.50 feet to a set 1/2" iron rod with a yellow plastic cap stamped "WESTWOOD PS" at an 'el' corner;

Page 1 of 3

EXHIBIT A TO PUBLIC STREET RIGHT OF WAY AND GENERAL UTILITY EASEMENT

EXHIBIT A

North 00 degrees 09 minutes 37 seconds East, a distance of 709.79 feet to a found 5/8" iron rod with a yellow plastic cap stamped "KADLECK" for a southwest corner of the south terminus of Bella Lane, a variable width right-of-way, as dedicated in Vitruvian Park Addition and Bella Lane Right Of Way Dedication, an addition to the City of Addison, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 201100123703, of said Official Public Records; said point being a northerly 'ell' corner of said Lot 3, Block A, Vitruvian Park Addition;

THENCE South 89 degrees 50 minutes 23 seconds East, along the said south terminus of Bella Lane and a north line of said Lot 3, Block A, Vitruvian Park Addition, a distance of 69.18 feet to a found 5/8" iron rod with a yellow plastic cap stamped "KADLECK" for corner in the said west line of Lot 1, Block A, The Parish Episcopal School; said point being at the southeast corner of the said south terminus of Bella Lane and the most easterly northeast corner of said Lot 3, Block A, Vitruvian Park Addition;

THENCE South 00 degrees 07 minutes 24 seconds East, departing the said south terminus of Bella Lane and the said north line of Lot 3, Block A, Vitruvian Park Addition, along the said west line of Lot 1, Block A, The Parish Episcopal School and the east line of said Lot 3, Block A, Vitruvian Park Addition, a distance of 772.80 feet to the POINT-OF-BEGINNING, containing 58,219 square feet or 1.337 acres of land.

The bearing basis for this survey is a bearing of North 89 Degrees 50 Minutes 23 Seconds West, for the south line of Lot 3, Block B of Vitruvian Park Addition, as recorded in Instrument Number 20130219333, Official Public Records of Dallas County, Texas.

An exhibit of even date accompanies this description.
Date: October 11, 2021



L. Lynn Kadleck
Registered Professional Land Surveyor
Texas Registration No. 3952



EXHIBIT A TO PUBLIC STREET RIGHT OF WAY AND GENERAL UTILITY EASEMENT

EXHIBIT A

EXHIBIT "B" Survey Plat of Public Street Right-of-Way and General Utility Easement

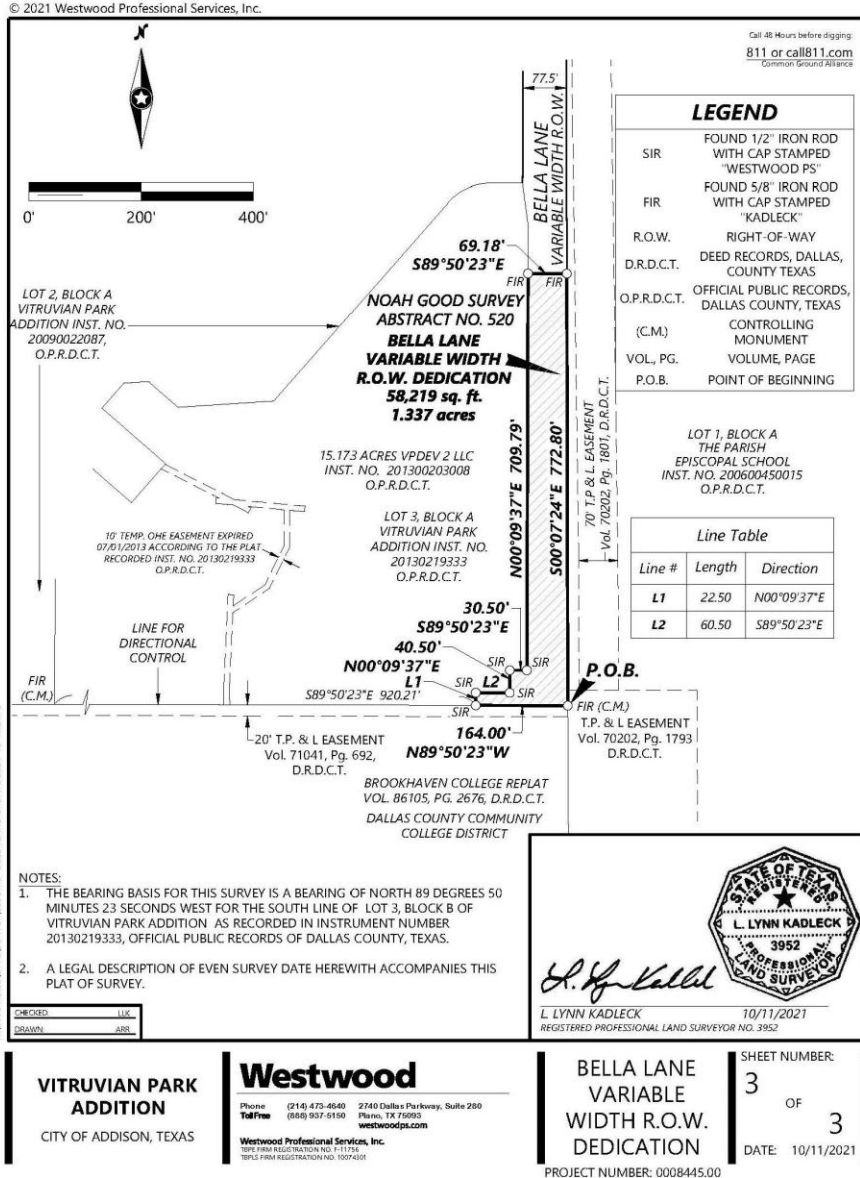


EXHIBIT B TO PUBLIC STREET RIGHT OF WAY AND GENERAL UTILITY EASEMENT