

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, REPEALING ORDINANCE NO. O22-001 AND APPROVING A SPECIAL WARRANTY DEED FROM GRANTOR VPDEV 2, LLC TO THE TOWN TRANSFERRING A 1.337 ACRE TRACT OF LAND TO THE TOWN FOR USE AS A PUBLIC RIGHT OF WAY IN CONNECTION WITH THE EXTENSION OF BELLA LANE, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”; AUTHORIZING EXECUTION AND 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 approve the Special Warranty Deed in the form attached hereto as Exhibit “A”, and authorizing the same to be executed for use in connection with the extension of the public street and utilities along Bella Lane.

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

**SECTION 1.** The Town of Addison, Texas hereby approves the Special Warranty Deed attached hereto and incorporated herein as Exhibit “A”. The City Manager is authorized to accept the foregoing Special Warranty Deed, which shall be recorded in the official public records of Dallas County, Texas.

**SECTION 2.** Ordinance No. O22-001, approving the acceptance of a public street right-of-way and general utility easement, is hereby repealed in its entirety.

**SECTION 3.** 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 22<sup>nd</sup> day of FEBRUARY 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.**

**STATE OF TEXAS §**  
**COUNTY OF DALLAS §**

**SPECIAL WARRANTY DEED**

**DATE:** \_\_\_\_\_, 2022

**GRANTOR:** VPDEV 2 LLC  
1745 Shea Center Drive, Suite 200  
Highlands Ranch, Colorado 80129

**GRANTEE:** Town of Addison, Texas  
5300 Belt Line Road  
Addison, Texas 75254

**CONSIDERATION:**

Ten Dollars (\$10.00) in hand paid by Grantee, the receipt and sufficient of which is acknowledged by Grantor, the benefits to be derived by Grantor and its remaining property as a result of public improvements to the Property, and other good and valuable consideration (the receipt and sufficient of which is hereby acknowledged).

**PROPERTY (INCLUDING ANY IMPROVEMENTS):**

See Exhibit A attached herein and incorporated herein by reference.

This grant, conveyance and assignment is made and accepted subject to: (i) all zoning, building and developmental laws, codes and ordinances of the Town of Addison and other governmental entities having jurisdiction over the Property; and (ii) all other easements, restrictions, covenants and conditions affecting the Property, or any part thereof, or record in Dallas County, Texas, to the extent the same are validly existing and applicable to the Property.

Grantor, for the Consideration described above, GRANTS, SELLS, AND CONVEYS to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through and under Grantor, but not otherwise.

**SPECIAL WARRANTY DEED – PAGE 1**

**EXHIBIT A**

**MISCELLANEOUS:**

- (a) The Property hereby conveyed may be used as a right-of-way for the passage of vehicular and pedestrian traffic and for street and road purposes together with all and singular related rights and appurtenances, including (without limitation) the construction, installation, improvement, inspections, reconstruction, replacement, repair, use, operation, maintenance, opening, closing, and removal of streets, roads, sidewalks, utilities (including, without limitation, water and sanitary sewer facilities and related appurtenances), drainage facilities, landscaping, trails, signs, traffic control devices, and other uses of a public right-of-way as Grantee may find necessary or appropriate or which are customary or incidental thereto, and may be used for any and all other public uses and related rights and appurtenance thereto as Grantee may find necessary or appropriate. Improvements may be such grade and according to such plans and specifications as will, in the opinion of Grantee, best serve the public purpose.
- (b) The consideration described above shall be deemed full compensation for the conveyance of the Property, and for any diminution in value that may result to the remaining property of Grantor by virtue of Grantee’s use of the Property.
- (c) When the context requires it, singular nouns and pronouns include the plural.

**EXECUTED** effective as of the day first written above.

**FOR GRANTOR:**

VPDEV 2 LLC,  
a Delaware limited liability company

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

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF COLORADO            §  
COUNTY OF DOUGLAS    §

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 Colorado

**EXHIBIT A**

**EXHIBIT "A"  
Description of Property**

**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 'ell' 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 'ell' corner;



## 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

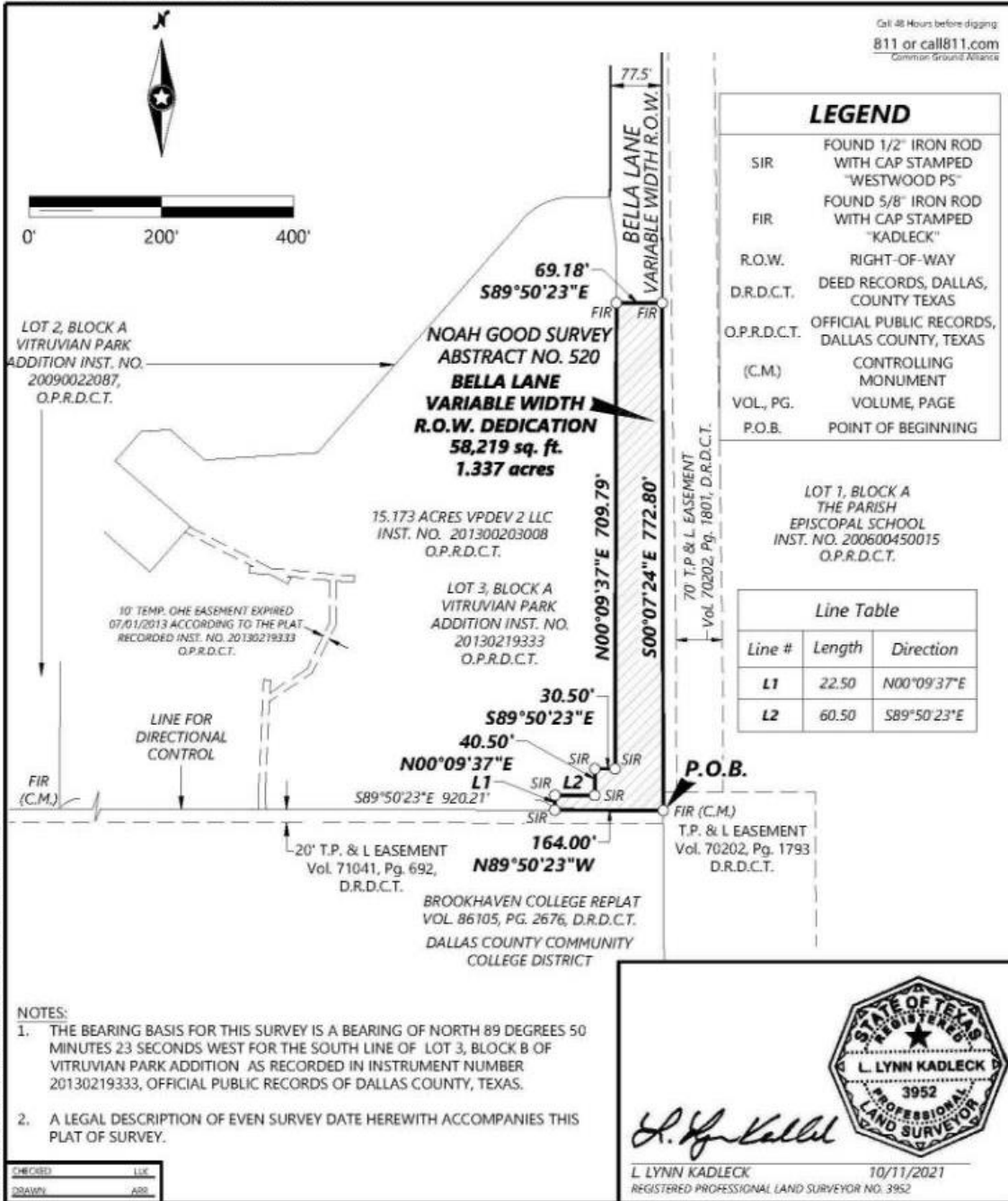


L. Lynn Kadleck  
Registered Professional Land Surveyor  
Texas Registration No. 3952



# EXHIBIT A

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- NOTES:**
1. 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.
  2. A LEGAL DESCRIPTION OF EVEN SURVEY DATE HERewith ACCOMPANIES THIS PLAT OF SURVEY.

CHECKED	LINE
DRAWN	ADD

**VITRUVIAN PARK ADDITION**  
CITY OF ADDISON, TEXAS

**Westwood**  
Phone: (214) 473-8640 2740 Dallas Parkway, Suite 280  
Toll Free: (888) 937-5150 Plano, TX 75093  
westwoodps.com  
Westwood Professional Services, Inc.  
TSPS FORM REGISTRATION NO. 7-11754  
TSPS FORM REGISTRATION NO. 10014301

  
*L. Lynn Kadleck*  
L. LYNN KADLECK 10/11/2021  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3952

**BELLA LANE VARIABLE WIDTH R.O.W. DEDICATION**  
PROJECT NUMBER: 0008445.00

SHEET NUMBER:  
**3** OF **3**  
DATE: 10/11/2021

**EXHIBIT A TO SPECIAL WARRANTY DEED**