



RESOLUTION NO. 2016-104

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, AUTHORIZING ACCEPTANCE OF A SIDEWALK AND PEDESTRIAN ACCESS EASEMENT FROM DALLAS COUNTY COMMUNITY COLLEGE DISTRICT RELATED TO THE CITY'S BICYCLE AND PEDESTRIAN TRAIL SYSTEM; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Dallas County Community College District has agreed to convey to the City of Farmers Branch an easement needed for the expansion of the City's bicycle and pedestrian trail system along the boundary of the Brookhaven College campus; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, finds it to be in the public interest to accept said easement over the property described herein;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS THAT:

SECTION 1. The City Manager is hereby authorized to accept, on behalf of the City of Farmers Branch, the sidewalk and pedestrian access easement substantially in the form set forth in Attachment "A," attached hereto and incorporated herein by reference, and record said easement in the Official Public Records of Dallas County, Texas.

SECTION 2. This resolution shall become effective immediately upon final passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS THE 13TH DAY OF DECEMBER, 2016.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Bob Phelps, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:11/6/16:81184)

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After Recording, Return to:
Kevin B. Laughlin
Nichols, Jackson, Dillard, Hager & Smith, LLP
500 N. Akard, Suite 1800
Dallas, Texas 75201

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

SIDEWALK AND PEDESTRIAN ACCESS EASEMENT

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS §

Dallas County Community College District ("DCCCD" or "Grantor"), a political subdivision of the State of Texas, for the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid to Grantor by or on behalf of Grantee, does hereby give, convey, and dedicate to the **City of Farmers Branch**, a Texas home rule municipality, for and on behalf of the public ("City" or "Grantee"), a non-exclusive easement ("the Easement") over, under, across and upon a portion of that certain lot, tract or parcel of land situated in the City of Farmers Branch, Dallas County, Texas more particularly described in **Exhibit "A"** and depicted in **Exhibit "B"** (collectively "Easement Property") attached hereto and incorporated herein by reference, for the purpose of allowing pedestrians and others travelling by bicycle and other non-motorized means of transportation the right of ingress, egress, and regress across the Easement Property, and to construct, reconstruct, maintain, repair replace, and remove all improvements determined by Grantee necessary for the establishing of such "bicycle and pedestrian" trail ("the Easement Purpose")

Grantor covenants that, at the time of execution of this Easement, Grantor is the owner of the Easement Property, and has the right to convey the Easement, and that title to the Easement Property is free and clear of any encumbrances which would interfere with the ability to grant the Easement for the Easement Purpose.

Grantor further agrees that access to and from the remainder of the tract of land of which the Easement Property is a part shall not be denied. Grantor retains all rights to the Easement Property, provided that Grantor's exercise of such rights does not interfere with Grantee's or the public's rights under this Easement to use the Easement Property for the Easement Purpose.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns

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forever, in perpetuity. Grantor binds Grantor and Grantor's successors and assigns to Warrant and Forever Defend all and singular the Easement and Easement Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, and subject to all of the following provisions, with which Grantor and Grantee agree and covenant to observe and comply:

1. Grantor reserves unto itself, its successors and assigns, the right to use and enjoy Grantor's adjacent land for any lawful purposes, provided that such use does not unreasonably interfere with the exercise by Grantee of the rights hereby granted.
2. Grantee shall, at all times and at its own expense, be responsible for maintaining, repairing and replacing any and all improvements constructed on the Easement Property in order to facilitate the Easement Purpose including, but not limited to, all pavement, curbs, signs, lighting, bridge structures, benches, and associated appurtenances.
3. The Easement and all of the terms, provisions and obligations hereof are binding upon the parties, their successors and assigns.
4. The person and officer signing below on behalf of Grantor represents and warrants that he has the authority, respectively, to execute this instrument on behalf of Grantor.

SIGNED this ____ day of _____, 201__.

Dallas County Community College District
a Political Subdivision of the State of Texas

By: _____
Joe May, Chancellor

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

Acknowledged before me, the undersigned authority, this ____ day of _____, 201__, by Joe May, Chancellor of Dallas County Community College District, a junior college district and political subdivision of the State of Texas, for and on behalf of said district.

Notary Public, State of Texas
Commission Expires: _____

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ACCEPTED AND AGREED this ____ day of _____, 201__.

City of Farmers Branch,
A Texas home rule municipality.

By: _____
Charles S. Cox, City Manager

State of Texas §
 §
County of Dallas §

Acknowledged before me, the undersigned authority, this ____ day of _____, 2016, by Charles Cox, City Manager, City of Farmers Branch, a Texas home rule municipality, for and on behalf of said municipality.

Notary Public, State of Texas
Commission Expires: _____

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Exhibit "A"
Description of Easement Property

EXHIBIT "A"
Sidewalk and Pedestrian Access Easement Part 1
Legal Description

Being a permanent Sidewalk and Pedestrian Access Easement situated in the Noah Good Survey, Abstract No. 520, City of Farmers Branch, Dallas County, Texas and being part of the DCCCD Brookhaven College Addition, an addition to the City of Farmers Branch, Dallas County, Texas as recorded in the Map Records of Dallas County, Texas, Instrument No.200900266486, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod with cap stamped "NDM" (controlling monument) found at the northeast corner of said DCCCD Brookhaven College Addition, and at the most northerly terminus of the west right-of-way line of Alpha Road (a 40 foot wide right of way at this point) as dedicated by said addition, same being in the south line of Cambridge Crossing Addition Phase 2, an addition to the City of Farmers Branch, as shown on the plat recorded in Instrument No. 201100142408, Map Records, Dallas County, Texas, from which a 5/8 inch iron rod with yellow cap stamped "HUITT ZOLLARS" found bears South 89 degrees 22 minutes 45 seconds West, a distance of 456.50 feet;

THENCE, South 00 degrees 38 minutes 52 seconds East, departing said north line of DCCCD Brookhaven College Addition, along said dedicated west right of way line of Alpha Road (a 40 foot wide right of way at this point), a distance of 251.87 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for the **POINT OF BEGINNING** for the herein described easement on the west right of way line of said Alpha Road (an 80 foot wide right of way at this point);

THENCE, South 00 degrees 38 minutes 52 seconds East, continuing along said west right of way line, a distance of 1,549.62 feet to a 1/2 inch iron rod with plastic cap stamped "NDM" (controlling monument) found for corner and the beginning of a tangent curve to the right,

THENCE along said west right-of-way line of Alpha Road, along said curve to the right, having a delta angle of 22 degrees 28 minutes 34 seconds, a radius of 395.00 feet and a long chord that bears South 10 degree 35 minutes 25 seconds West, a distance of 153.96 feet, and an arc length of 154.95 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

THENCE, North 68 degrees 10 minutes 18 seconds West, departing the west right of way line of said Alpha Road, a distance of 10.00 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner and the beginning of a non-tangent curve to the left;

THENCE, along said curve to the left having a delta angle of 22 degrees 28 minutes 34 seconds, a radius of 385.00 feet and a long chord that bears North 10 degrees 35 minutes 25 seconds East, a distance of 150.06 feet, and an arc length of 151.03 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

THENCE North 00 degrees 38 minutes 52 seconds West, a distance of 126.77 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

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THENCE North 35 degrees 38 minutes 27 seconds West, a distance of 43.59 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

THENCE North 00 degrees 38 minutes 52 seconds West, a distance of 184.00 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

THENCE North 15 degrees 08 minutes 10 seconds East, a distance of 91.91 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

THENCE North 00 degrees 38 minutes 52 seconds West, a distance of 554.69 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

THENCE South 89 degrees 21 minutes 08 seconds West, a distance of 5.00 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

THENCE North 00 degrees 38 minutes 52 seconds West, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

THENCE North 89 degrees 21 minutes 08 seconds East, a distance of 5.00 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

THENCE North 00 degrees 38 minutes 52 seconds West, a distance of 510.00 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

THENCE North 89 degrees 21 minutes 08 seconds East, a distance of 10.00 feet to the **POINT OF BEGINNING**, and containing 23,428 square feet or 0.538 acres of land, more or less.

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EXHIBIT "A"
Sidewalk and Pedestrian Access Easement Part 2
Legal Description

Being a permanent Sidewalk and Pedestrian Access Easement situated in the Noah Good Survey, Abstract No. 520, City of Farmers Branch, Dallas County, Texas and being part of the DCCCD Brookhaven College Addition, an addition to the City of Farmers Branch, Dallas County, Texas as recorded in the real property records of Dallas County, Texas, Instrument No.200900266486, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod with cap stamped "NDM" (controlling monument) found for the southwest corner of said DCCCD Brookhaven College Addition, same being at the intersection of the east right-of-way line of Mash Lane (a variable width right-of-way) and the north right-of-way line of Valley View Lane (a variable width right-of-way);

THENCE, along the south line of said DCCCD Brookhaven College Addition and the existing north right-of-way line of said Valley View Lane, the following three (3) courses and distances:

North 89 degrees 40 minutes 12 seconds East, a distance of 1,174.92 feet to a 1/2 inch iron rod with a plastic cap stamped "NDM" (controlling monument) found for corner;

North 60 degrees 38 minutes 23 seconds East, a distance of 41.65 feet to a 1/2 inch iron rod with plastic cap stamped "NDM" (controlling monument) found for corner;

North 89 degrees 20 minutes 17 seconds East, a distance of 291.58 feet to an "X" cut set for the **POINT OF BEGINNING** for the herein described easement;

THENCE North 00 degrees 39 minutes 43 seconds West, departing the existing north right-of-line of said Valley View Lane, a distance of 10.00 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

THENCE North 89 degrees 20 minutes 17 seconds East, a distance of 785.37 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner and the beginning of a tangent curve to the left;

THENCE, along said tangent curve to the left, having a delta angle of 23 degrees 51 minutes 47 seconds, a radius of 414.33 feet and a long chord that bears North 77 degrees 24 minutes 35 seconds East, a distance of 171.32 feet and an arc length of 172.56 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner;

THENCE South 24 degrees 31 minutes 18 seconds, East, a distance of 10.00 feet to a 5/8 inch iron rod with plastic cap stamped "LTRA" set for corner on the south line of said DCCCD Brookhaven College Addition and on the existing north right-of-way line of said Valley View Lane, same being the beginning of a non-tangent curve to the right;

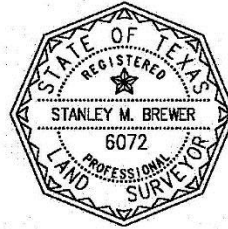
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THENCE along the south line of said DCCCD Brookhaven College Addition and the existing north right-of-way line of said Valley View Lane, along said non-tangent curve to the right, having a delta angle of 23 degrees 54 minutes 07 seconds, a radius of 424.33 feet and a long chord that bears South 77 degrees 25 minutes 43 seconds West, a distance of 175.74 feet and an arc length of 177.02 feet to a concrete monument with brass disk stamped "DCCCD" (controlling monument) found for corner;

THENCE South 89 degrees 20 minutes 18 seconds West, a distance of 785.09 feet the **POINT OF BEGINNING**, and containing 9,601 square feet or 0.220 acres of land, more or less.

I, Stanley M. Brewer, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

Stanley M. Brewer 11-28-2016
Stanley M. Brewer, R.P.L.S. Date
Texas Registration No. 6072



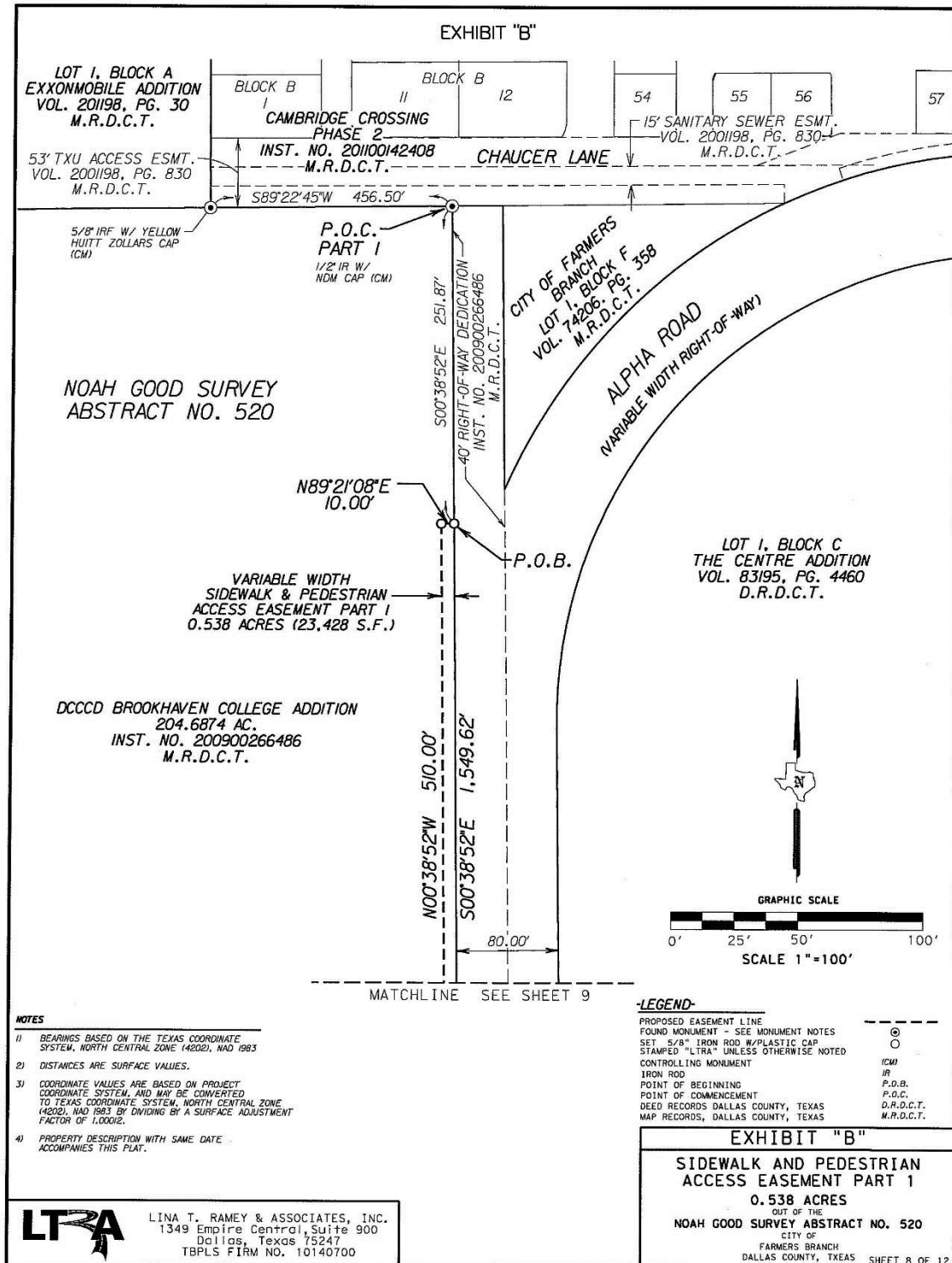
Lina T. Ramey & Associates, Inc.
3320 Belt Line Road
Farmers Branch, Texas 75234
Ph. 214-979-1144
TBPLS Firm Registration No. 10140700

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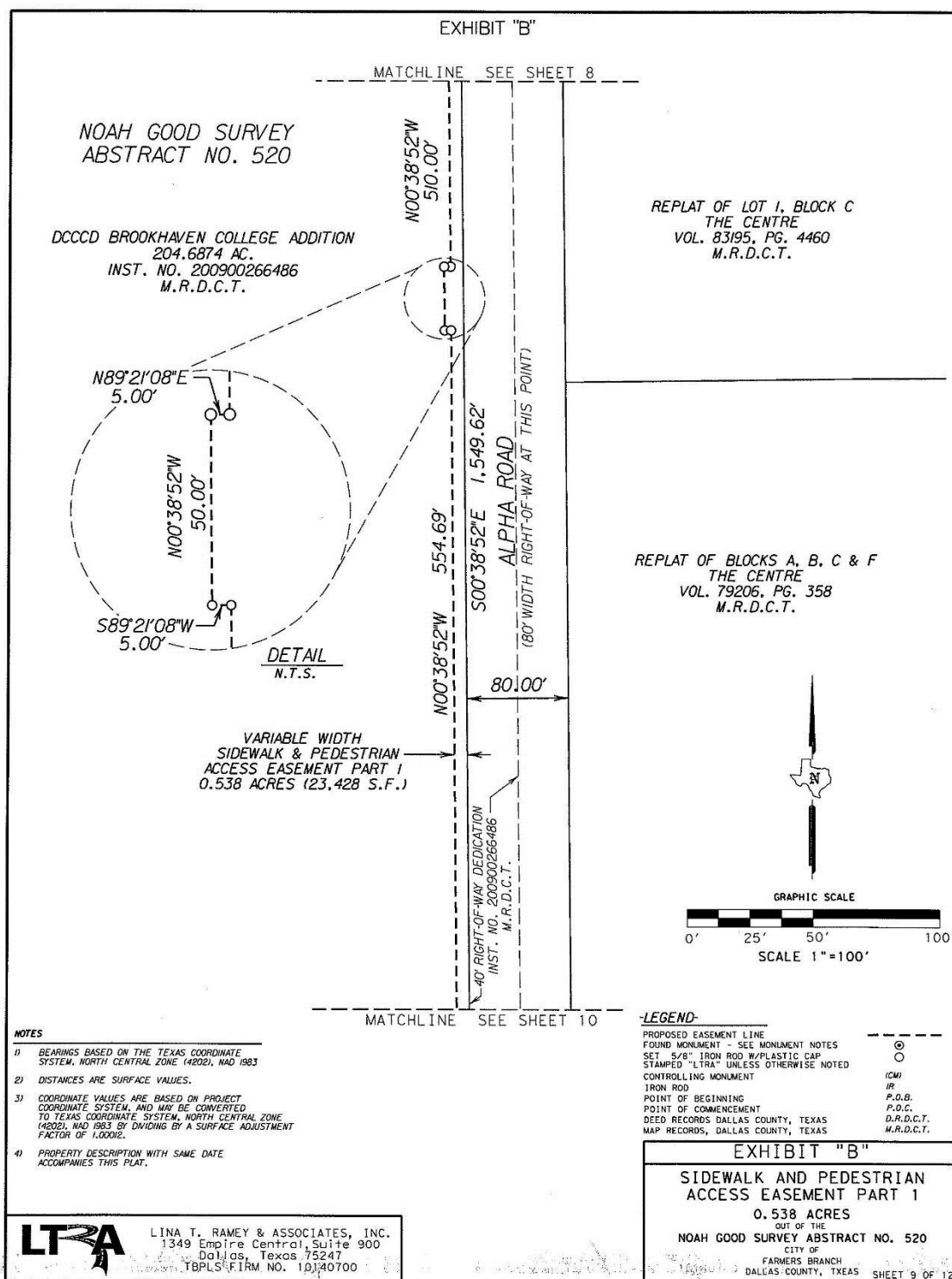
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Exhibit "B"

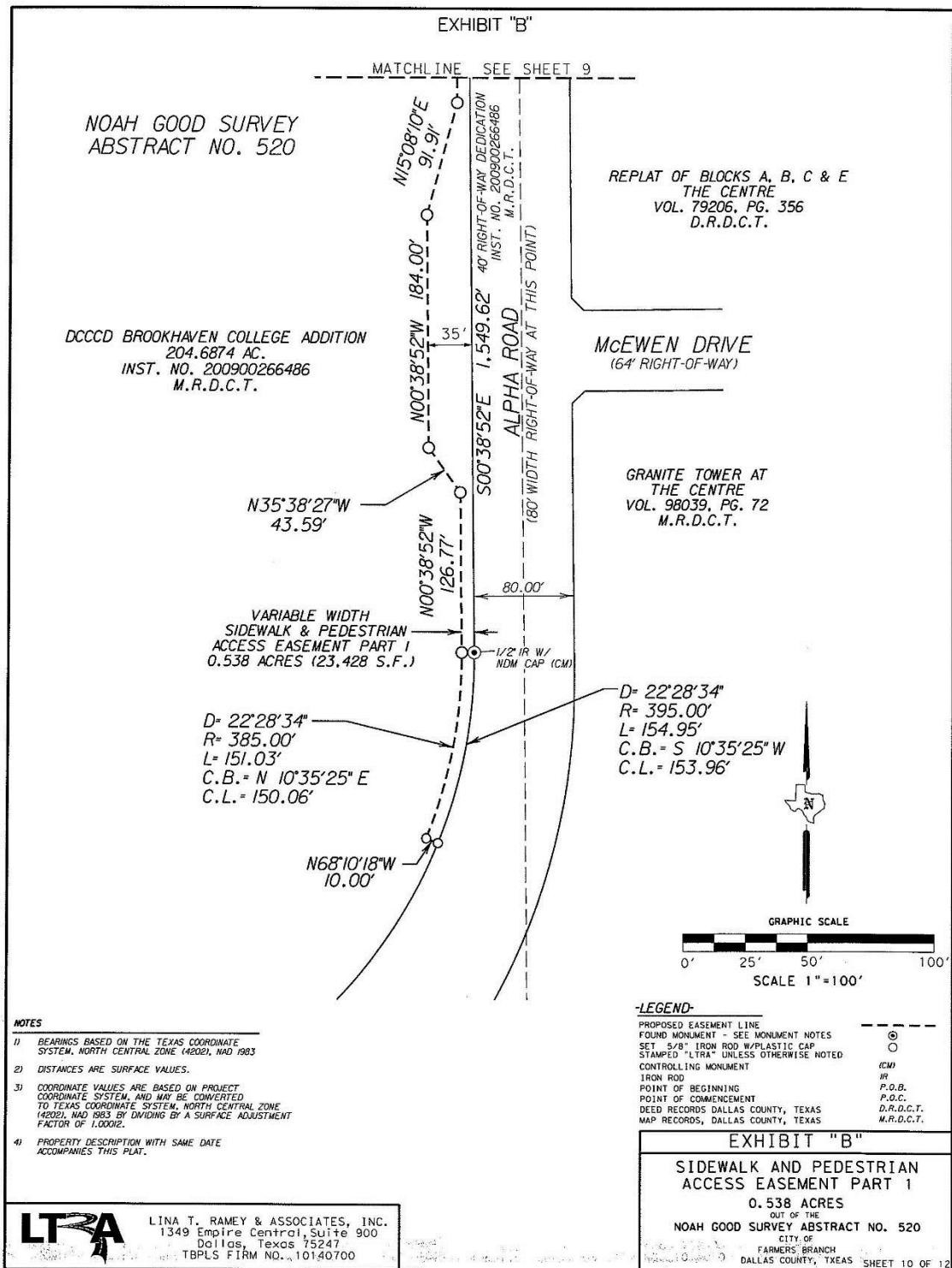
Depiction of Easement Property



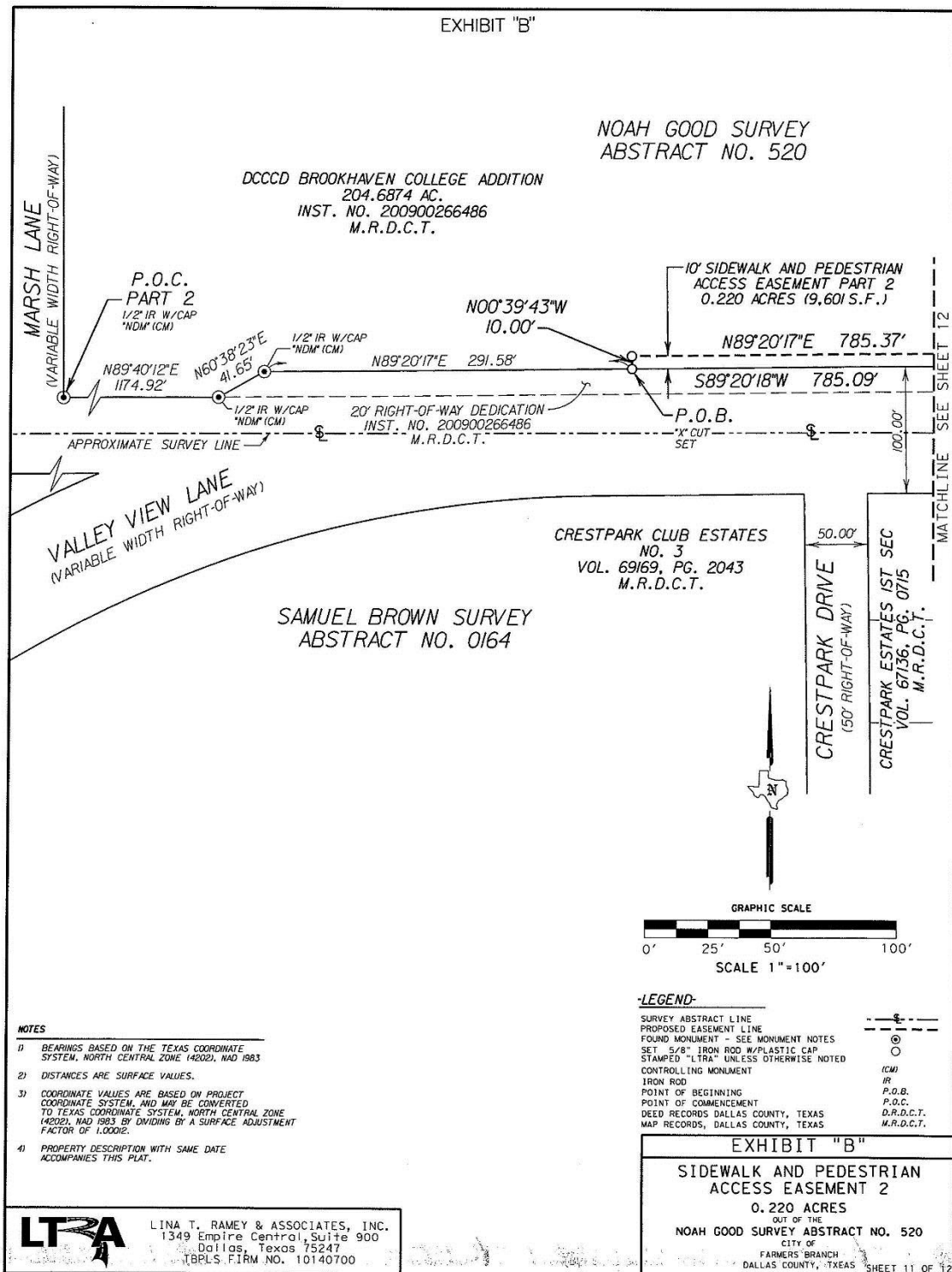
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