

BOARD OF ADJUSTMENT

Case BOA-2020-03

October 22, 2020

Case BOA 2020-03 – Sandy Lake Amusement Park Pole Sign

City of Carrollton staff inspected the Sandy Lake Amusement Park pole sign at approximately 2055 North Interstate Highway 35 East and adjacent to 2001 North Interstate Highway 35 East, Carrollton, Dallas County. The sign is located on the Texas Department of Transportation right-of-way and situated on the west side of North Interstate Highway 35 East, approximately 430 feet north of Sandy Lake Road and 26 feet west of the North Interstate Highway 35 East service road. The pole sign was found to be damaged and obsolete. Carrollton Code of Ordinances, Sections 151.20 and 151.22 require the removal of signs determined by the Building Official to be in disrepair and/or obsolete.

A certified letter was mailed through the United States Post Office on June 16, 2020, addressed to the Texas Department of Transportation describing the requirements for removal of the Sandy Lake Amusement Park pole sign within fifteen days. However, the sign remains on the property.

Sandy Lake Amusement Park, previously located at 1800 Sandy Lake Road, ceased operations and the land was subsequently sold on October 16, 2018. This off-site pole sign advertising the now-closed park serves no bona fide use or purpose. Additionally, the sign has sustained extensive weathering and has a partially detached section that could become a public safety concern.

Staff requests the Board of Adjustment, upon review of the evidence and testimony given, to wholly affirm, by Order, the Building Official's determination that the Sandy Lake Amusement Park pole sign denoted above, is obsolete and to wholly affirm the requirement for such sign, including its support structure, to be removed within 30 days. If the property owner fails to comply in the specified time, staff requests the Board to authorize the City of Carrollton to remove the sign and direct bill all costs to the property owner in conformance with the Carrollton Code of Ordinances.

Attachments:

- A. Location Map
- B. Photographs
- C. Ordinance Excerpts
- D. Notice of Violation to Property Owner
- E. Dallas County Appraisal District information for Sandy Lake Amusement Park
- F. Notices of the Public Hearing
- G. Deed filed with the Dallas County Property Records

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Attachment A-1

Current Location of Sign:



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Attachment B-1

Photographs



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Attachment B-2

Photographs



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Attachment C-1

Ordinance Excerpts

Carrollton Code Ordinances, Chapter 151: Sign Regulations –

Section 151.05 Definitions

Building Official: City Manager or designee charged with the administration and enforcement of this code, or the Building Official's duly authorized representative.

Obsolete: Any sign which no longer serves a bona fide use or purpose on a lot with or without a structure.

Section 151.20 Removal of Obsolete Signs

Any sign which the Building Official determines no longer serves a bona fide use conforming to this code or an abandoned use, shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such sign is located within 15 days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected. Abandoned use shall be the voluntary act of the user and/or owner to discontinue a use for a period of one hundred eighty (180) consecutive days or more.

Section 151.22 Maintenance and Removal of Signs

All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. The Building Official may order the removal of any sign that is not maintained in accordance with this section.

Signs posted in the right-of-way, in violation of this Code, unlawfully on City property, or signs posing a traffic or other safety hazard, may be removed by the City without prior notice. All costs associated with sign removal will be paid by the sign owner.

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Attachment C-2

Ordinance Excerpts

Section 151.82 Operational Procedure

(C) Appeals to the Board can be taken by any person aggrieved, or by any officer, department or board of the city affected by any decision of the Building Official relative to the enforcement of this ordinance. Such appeal shall be taken within fifteen (15) days' time after the decision has been rendered by the Building Official, by filing with the Building Official and with the Board a notice of appeal specifying the grounds thereof, and upon payment of a fee in an amount determined by the City Council. The Building Official shall forthwith transmit to the Board all of the papers constituting the records upon which the action appealed from was taken.

Section 151.83 (A) Action of the Board of Adjustment

(A) In exercising its powers, the Board may, in conformity with the provisions of the state of Texas as existing or hereafter amended, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination appealed from and make such order, requirement, decision of determination in the Board's opinion as ought to be made and have all powers of the Building Official. The Board shall have the power to impose reasonable conditions in order to assure compliance and protect adjacent property.

Section 151.84 Notice of Hearing Before the Board of Adjustment Required

The Board shall hold a public hearing on all applications and appeals made thereto. Such notice under this chapter shall be given not less than ten (10) days before the date set for the hearing to all parties in interest. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States Post Office. Notice shall be given by publishing the same at least one (1) time in a newspaper of general circulation in the city of Carrollton at least ten (10) days prior to the date of such hearing, which notice shall state the time and place of such hearing.

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Attachment D-1

Notice of Violation to Property Owner



TEXAS DEPARTMENT OF TRANSPORTATION
TEXAS DEPT OF TRANS 125 E 11TH ST
AUSTIN, TX 78701

COURTESY LETTER

Address: TX DOT Right of Way – Southbound IH35E, north of Sandy Lake Road

Date: June 16, 2020

Case Number: 202003575

Dear Resident/Tenant/Property Owner:

This letter is intended to inform you of a concern on your property and to request your continued assistance in complying with the City of Carrollton Code of Ordinances. The item(s) listed on this letter should be addressed **as soon as reasonably possible**. Code Enforcement staff will follow up in 10 days to check the progress of the listed item(s).

The entire obsolete Sandy Lake Park pole sign located in the TXDOT right-of-way must be removed within 15 days to comply with city code. Sandy Lake Park no longer exists, the sign is in disrepair and no longer serves a bona fide use.

City Ordinance: Section 151.20 Removal of Obsolete Signs

Any sign which the Building Official determines no longer serves a bona fide use conforming to this code or an abandoned use, shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such sign is located within 15 days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected. Abandoned use shall be the voluntary act of the user and/or owner to discontinue a use for a period of 180 consecutive days or more.

If you have questions or if you need a reasonable extension beyond 10 days to correct the issue(s) noted above, please contact the code enforcement officer listed on this letter at **(972) 466-3033** or by email at **cathy.enloe@cityofcarrollton.com**.

Sincerely,

A handwritten signature in cursive script that reads "Cathy Enloe".

Cathy Enloe
Code Enforcement Officer

ENVIRONMENTAL SERVICES DEPARTMENT
1945 E. Jackson Rd, Carrollton, TX 75006 | Fax: 972.466.3175
P.O. Box 110535, Carrollton, TX 75011-0535 | cityofcarrollton.com

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Attachment D-2

Notice of Violation to Property Owner – Returned Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none">Complete items 1, 2, and 3. <i>C.E</i>Print your name and address on the reverse so that we can return the card to you. <i>261001</i>Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>RANDY JON</i> JUN 22 2020 Date of Delivery</p>																
<p>1. Article Addressed to: <i>Texas Department of Transportation Texas Dept of Trans 125E 11th St Austin, TX 78701</i></p> <p>9590 9402 4678 8323 1475 26</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p> <p>2020 JUN 25 AM 10:32</p>																
<p>2. Article Number (Transfer from service label) <i>7015 1520 0002 5577 9147</i></p>	<p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input checked="" type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td><td></td></tr></table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	

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Attachment E

Dallas Central Appraisal District

Information for the previous Sandy Lake Amusement Park property values showing the ownership change in October 2018 and supporting the determination that the sign is obsolete because it advertises a business that no longer exists

Dallas Central Appraisal District Home | Find Property | Contact Us

Commercial Account #65016623510020000

Location Owner Legal Desc Value Improvements Land Exemptions Estimated Taxes Building Footprint History

Location (Current 2020)
Address: 1500 SANDY LAKE RD
Market Area: 0
Mapscot: 2-S (DALLAS)

DCAD Property Map

View Photo

2020 Current Appraisal Notice

Electronic Documents (ENS)

Print Homestead Exemption Form

Owner (Current 2020)
SW TABER 2018 LP
2220 SANDY LAKE RD
CARROLLTON, TEXAS 750063407

Multi-Owner (Current 2020)

Owner Name	Ownership %
SW TABER 2018 LP	100%

Legal Desc (Current 2020)

- JOHN C BEVERS ABST 166 PG 235
- TR 2 & ABST 1151 PG 560 TR 27
- ACS 60.50
- INT201800276323 DD10152018 CO-DC
- 0166235100200 9CC01662351

Deed Transfer Date: 10/16/2018

Taxpayer Rights and ARB Hearing Procedures

AR

Hearing Info: 2020 8:00 AM

Value

2020 Proposed Values

Improvement:	Land:	Market Value:
\$60,000	+\$3,360,270	= \$4,420,270

Tax Agent: SOUTHLAND PROPERTY TAX CONSULTANTS

Revaluation Year: 2019

Previous Revaluation Year: 2017

41.461

Enter PIN From Hearing Notice

LMA Review Cost Method

View VSS

Dallas Central Appraisal District

This website is for informational purposes only. Title research should be performed at the appropriate County Clerks office. This is not deemed a warranty.

Account History #65016623510020000

Owner Legal Desc Market Value Taxable Value Exemptions

Owner / Legal Description

Year	Owner	Legal Description
2019	SW TABER 2018 LP 2220 SANDY LAKE RD CARROLLTON, TEXAS 750063407	<ol style="list-style-type: none"> JOHN C BEVERS ABST 166 PG 235 TR 2 & ABST 1151 PG 560 TR 27 ACS 60.50 INT201800276323 DD10152018 CO-DC 0166235100200 9CC01662351 Deed Transfer Date: 10/16/2018
2018	R, R & S PROPERTIES INC PO BOX 810536 DALLAS, TEXAS 753810536	<ol style="list-style-type: none"> JOHN C BEVERS ABST 166 PG 235 TR 2 ACS 39.5976 & ABST 698 PG 690 TR 4 5902350100200 Deed Transfer Date: 11/11/1900
2017	R, R & S PROPERTIES INC PO BOX 810536 DALLAS, TEXAS 753810536	<ol style="list-style-type: none"> JOHN C BEVERS ABST 166 PG 235 TR 2 ACS 39.5976 & ABST 698 PG 690 TR 4 5902350100200 11465016623 Deed Transfer Date: 11/11/1900
2016	R, R & S PROPERTIES INC PO BOX 810536 DALLAS, TEXAS 753810536	<ol style="list-style-type: none"> JOHN C BEVERS ABST 166 PG 235 TR 2 ACS 39.5976 & ABST 698 PG 690 TR 4 5902350100200 11465016623 Deed Transfer Date: 11/11/1900
2015	R, R & S PROPERTIES INC PO BOX 810536 DALLAS, TEXAS 753810536	<ol style="list-style-type: none"> JOHN C BEVERS ABST 166 PG 235 TR 2 ACS 39.5976 & ABST 698 PG 690 TR 4 5902350100200 11465016623 Deed Transfer Date: 11/11/1900

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Attachment F-1

Notice of Hearing - Mailed to Property Owner



September 28, 2020

Texas Department of Transportation
125 E 11th St.
Austin, TX 78701

SUBJECT: NOTICE OF PUBLIC HEARING – Sandy Lake Amusement Park pole sign, located in the Texas Department of Transportation Right-of-Way at or near 2055 North Interstate Highway 35 East and adjacent to 2001 North Interstate Highway 35 East, Carrollton, Dallas County, TX 75006

City of Carrollton staff have determined the Sandy Lake Amusement Park pole sign located in the Texas Department of Transportation Right-of-Way at or near 2055 North Interstate Highway 35 East and adjacent to 2001 North Interstate Highway 35 East, Carrollton, Dallas County, TX is obsolete and must be removed in its entirety at the property owner's expense to comply with city code.

The Board of Adjustment will conduct a public hearing at the City Council Chambers located at 1945 E. Jackson Road at 6:30 p.m. on October 22, 2020.

The packet of information that will be provided to the Board is attached to this letter. If you have any questions or concerns, please contact me by email at cathy.enloe@cityofcarrollton.com or at 972-466-3033.

Sincerely,

Cathy Enloe
Sr. Code Enforcement Officer
City of Carrollton

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Attachment F-2

Notice of Hearing – Newspaper Posting

NOTICE OF PUBLIC HEARING

A Public Hearing will be conducted by the Board of Adjustment in the City Council Chambers located at 1945 E. Jackson Road at 6:30 p.m. on October 22, 2020.

The Board of Adjustment received a request from the City of Carrollton for an Order that affirms the Sandy Lake Amusement Park pole sign located at or near 2055 North Interstate Highway 35 East and adjacent to 2001 North Interstate Highway 35 East, approximately 430 feet north of Sandy Lake Road and 26 feet west of the North Interstate Highway 35 East service road, is obsolete and must be removed in its entirety.

CITY OF CARROLLTON, TEXAS, ENVIRONMENTAL SERVICES DEPARTMENT
Cathy Enloe, Sr. Code Enforcement Officer

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Attachment G-1

Deed for the property for which the sign is located showing ownership by the Texas Department of Transportation

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.



**ELECTRONICALLY RECORDED 201500014822
01/20/2015 03:35:38 PM DEED 1/10**

DEED

TxDOT ROW CSJ: 0196-03-247

TxDOT Parcel No.: 3 Pts 1&2

Grantor(s), whether one or more:

Mary L. Ardinger, Independent Executrix of the Estate of Horace Thompson Ardinger, Jr., Deceased.

Grantor's Mailing Address (including county):

1990 Lakepoint Dr.
Lewisville, TX 75057
Denton County

Grantee:

The State of Texas, acting by and through the Texas Transportation Commission

Grantee's Authority:

The Texas Transportation Commission is authorized under the Texas Transportation Code to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary or convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project.

The Texas Transportation Commission is also authorized under the Texas Transportation Code, Chapter 203 to acquire or request to be acquired such other property rights deemed necessary or convenient for the purposes of operating a state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled facilities and designated controlled access highways and turnpike projects.

Grantee's Mailing Address (including county):

Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701
Travis County

Consideration:

The sum of Two Million Seven Hundred Seventy Six Thousand One Hundred Sixty Three and no/100 Dollars (\$2,776,163.00) to Grantor in hand paid by Grantee, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied.



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Form ROW-N-14
(Rev. 07/13)
Page 2 of 3

The consideration recited herein represents a settlement and compromise by all parties as to the value of the property herein conveyed in order to avoid formal ED proceedings and the added expenses of litigation.

Property:

All of that certain tract or parcel of land in Denton County, Texas, being more particularly described in the attached Exhibit A (the "**Property**").

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made by Grantor and accepted by Grantee subject to the following:

1. Visible and apparent easements not appearing of record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.
3. Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of Denton County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas, sulfur in and under the Property but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein and thereunder.

Grantor is retaining title to the following improvements ("**Retained Improvements**") located on the Property, to wit: None

Grantor covenants and agrees to remove the Retained Improvements from the Property by XX day of XXXX, 20XX, subject to such extensions of time as may be granted by Grantee in writing. In the event Grantor fails, for any reason, to remove the Retained Improvements within the time prescribed, then, without further consideration, title to all or part of such Retained Improvements not so removed shall pass to and vest in Grantee, its successors and assigns, forever.

Access on and off Grantor's remaining property to and from the State highway facility shall be permitted except to the extent that such access is expressly prohibited by the provisions set out in Exhibit "A". Grantor acknowledges that such access on and off the State highway facility is subject to regulation as may be determined by the Texas Department of Transportation to be necessary in the interest of public safety or by applicable local municipal or county zoning, platting or permitting requirements.

GRANTOR, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's heirs, successors and assigns to Warrant and Forever Defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to the claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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Attachment G-3

Form ROW-N-14
(Rev. 07/13)
Page 3 of 3

EXECUTED on the date(s) of acknowledgement indicated below.

GRANTOR:

Mary L. Ardinger

Mary L. Ardinger, Independent Executrix of the
Estate of Horace Thompson Ardinger, Jr.,
Deceased.

Acknowledgement

State of Texas
County of Denton

This instrument was acknowledged before me on November 12, 2014
_____ by Mary L. Ardinger, Independent Executrix of the Estate of Horace Thompson Ardinger, Jr., Deceased.

Paula Jo Acevedo

Notary Public's Signature



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Attachment G-4

Page 1 of 6
August 12, 2010
Revised December 15, 2010
Revised August 01, 2012
Revised November 13, 2013



EXHIBIT "A"

County: Dallas
Highway: Interstate Highway 35E
Parcel No.: 3
R.O.W. CSJ: 0196-03-247

Description for Parcel 3

PART 1

BEING 3.941 acres of land in the Weston Perry Survey, Abstract Number 1151, City of Carrollton, Dallas County, Texas, being part of a called 9.770 acre tract of land described as Tract 1 in deed to Horace Thompson Ardinger, Jr., as recorded in Volume 95064, Page 4721, Deed Records of Dallas County, Texas (DRDCT); and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found for the northwest corner of Lot 1, Block 1, Wildes Addition, an addition to the City of Carrollton as recorded in Volume 88216, Page 3853, Plat Records Dallas County, Texas (PRDCT) said corner being on the east line of that tract described in a deed to Sandy Lake Amusement Park, as recorded in County Clerk's File No. 20070420673, Official Public Records Dallas County Texas (OPRDCT) and on the south line a called 4.37 acre Tract 4 as described in a deed to the City of Dallas as recorded in Volume 3343, Page 406, DRDCT;

THENCE North 89°49'43" East, with the line common to said Lot 1 and said Tract 4, a distance of 189.71 feet to a set 5/8-inch iron rod with a standard Texas Department of Transportation 3" aluminum cap (set TXDOT cap);

THENCE South 26°44'34" East, across said Lot 1, a distance of 266.56 feet to a set TXDOT cap on the common south line of said Lot 1 and the north line of said Ardinger tract for the POINT OF BEGINNING;

1) THENCE North 89°48'43" East, with said common line, a distance of 239.20 feet to a 1/2-inch iron rod found for the common east corner of said Lot 1 and said Ardinger tract, same being on the existing west right-of-way for Interstate Highway 35 East (variable width right-of-way) as described in a deed to the State of Texas as recorded in Volume 4091, Page 508 DRDCT;

THENCE southerly with said west right-of-way as follows:

- 2) South 25°52'17" East, a distance of 587.75 feet to a point for the intersection of said west right-of-way and the northwest line of a called 0.16 acre parcel described as Tract 1 in a deed to the City of Dallas as recorded in Volume 3343, Page 406, DRDCT;

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Attachment G-5

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August 12, 2010
Revised December 15, 2010
Revised August 01, 2012
Revised November 13, 2013



EXHIBIT "A"

County: Dallas
Highway: Interstate Highway 35E
Parcel No.: 3
R.O.W. CSJ: 0196-03-247

Description for Parcel 3

PART 1

- 3) South 32°44'17" West, with said northwest line, a distance of 226.84 feet to a point for corner on the existing north right-of-way for Sandy Lake Road (variable width right-of-way);
- 4) North 89°56'17" West, with said north right-of-way line, a distance of 625.21 feet to a set TXDOT cap, the intersection of said existing right-of-way and the proposed west right-of-way of Interstate Highway 35 East;**
- 5) THENCE North 85°53'53" East, with said proposed right-of-way, a distance of 504.74 feet to a TXDOT cap set for corner;**

THENCE northerly with the proposed west right-of-way and DENIAL of ACCESS LINE for Interstate Highway 35 East as follows:

- 6) North 31°54'19" East, a distance of 70.34 feet to a set TXDOT cap for corner;**
- 7) North 25°12'03" West, a distance of 315.12 feet to a set TXDOT cap for corner;**
- 8) North 24°23'46" West, passing at a distance of 202.56 feet a 5/8 inch iron rod with TXDOT DENIAL OF ACCESS (D.O.A.) cap set on line for the beginning of a DENIAL OF ACCESS LINE, continuing a total distance of 342.56 feet to a TXDOT cap set for corner;**
- 9) North 26°44'34" West, a distance of 28.29 feet to the POINT OF BEGINNING and the end of a DENIAL of ACCESS LINE and containing 3.941 acres (171,649 square feet) of land.

PART 2

Being 0.364 acre of land in the Weston Perry Survey, Abstract Number 1151, City of Carrollton, Dallas County, Texas, being part of a called 0.290 acre tract of land described as Tract 2 in deed to Horace Thompson Ardinger, Jr., as recorded in Volume 95064, Page 4721, Deed Records of Dallas County, Texas; and being more particularly described by metes and bounds as follows:

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Attachment G-6

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Revised December 15, 2010
Revised August 01, 2012
Revised November 13, 2013



EXHIBIT "A"

County: Dallas
Highway: Interstate Highway 35E
Parcel No.: 3
R.O.W. CSJ: 0196-03-247

Description for Parcel 3

PART 2

Beginning at the south southeast corner of said Tract 2 a 1/2-inch iron rod found on the north right-of-way line of Sandy Lake Road (a variable width right-of-way) and being the west corner of a tract of land as described in a deed to the State of Texas as recorded in Volume 4230, Page 147, DRDCT;

1) THENCE North 89°56'17" West, along the south line of said Tract 2 and said north right-of-way line of Sandy Lake Road, a distance of 161.36 feet to a point for the southwest corner of said Tract 2 and the south southeast corner of a called 0.16 acre tract of land as described as Tract No. 1 in a deed to the City of Dallas as recorded in Volume 3343, Page 406, DRDCT;

2) THENCE North 32°44'17" East, along the common line of said Tract 2 and Tract No. 1, a distance of 201.81 feet to a point for the north corner of said Tract 2 and the north southeast corner of said Tract No. 1 and being on the existing west right-of-way of Interstate Highway 35 East as described in a deed to the State of Texas as recorded in Volume 4091, Page 510, DRDCT;

3) THENCE South 25°52'17" East, along the east line of said Tract 2 and said existing west right-of-way line of Interstate Highway 35 East, a distance of 158.89 feet to a 1/2-inch iron rod found for the north southeast corner of said Tract 2 and the north corner of said tract of land as described in a deed to the State of Texas as recorded in Volume 4230, Page 147, DRDCT;

4) THENCE South 32°24'06" West, along the common line of said Tract 2 and said State of Texas tract, a distance of 32.05 feet to the POINT OF BEGINNING and containing 0.364 acre of land (15,879 square feet)

Summary:

Part 1 = 3.941 Acres (171,649 square feet)

Part 2 = 0.364 Acre (15,879 square feet)

Total = 4.305 Acres (187,528 square feet)

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Revised December 15, 2010
Revised August 01, 2012
Revised November 13, 2013



EXHIBIT "A"

County: Dallas
Highway: Interstate Highway 35E
Parcel No.: 3
R.O.W. CSJ: 0196-03-247

Description for Parcel 3

This property description is accompanied by a separate plat of even date.

All bearings are based on the Texas State Plane Coordinate System, North Central Zone (4202), NAD 83(CORS 2002) GEOID 03.

All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 1.000136506 (0.99986351263).

Access is prohibited across the "denial of access line" to the highway facility from the remainder of the abutting property.

**The monument described and set in this call, if destroyed during construction, may be replaced with a TXDOT Type II Right-of-way Marker upon completion on the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TXDOT.

I hereby declare that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.


John F. Pierce 11-13-2013
Registered Professional Land Surveyor
Texas Registration Number 2011

SURVEYING AND MAPPING, Inc.
7101 Envoy Court
Dallas, Texas 75247
Texas Firm No. 10064300

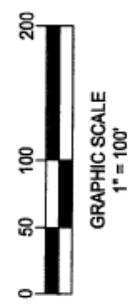
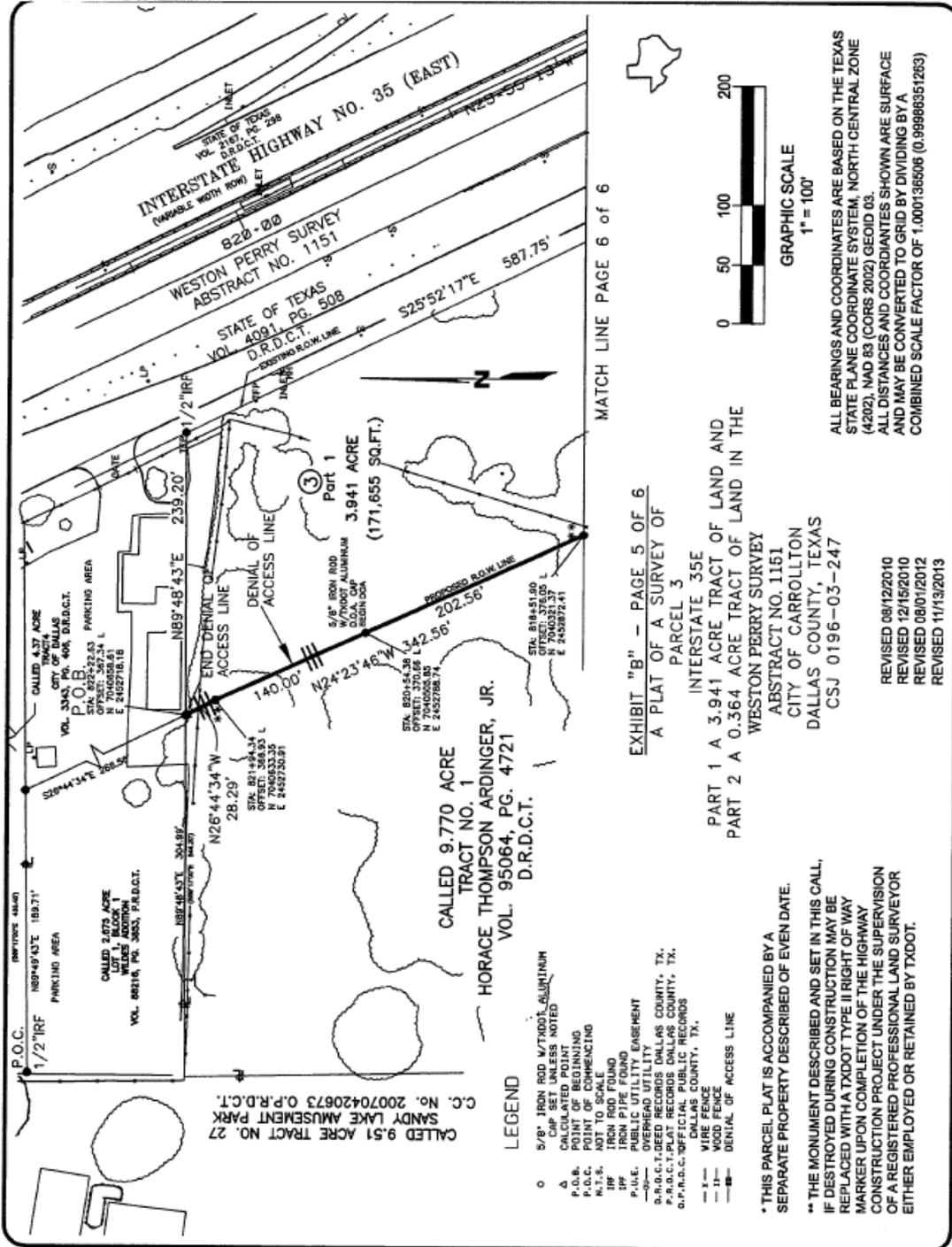


BOARD OF ADJUSTMENT

Case BOA-2020-03

October 22, 2020

Attachment G-8



ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NAD 83 (GORS 2002) GEOID 03. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY A COMBINED SCALE FACTOR OF 1.000136506 (0.98986351263)

EXHIBIT "B" - PAGE 5 OF 6
A PLAT OF A SURVEY OF
PARCEL 3

PART 1 A 3.941 ACRE TRACT OF LAND AND
PART 2 A 0.364 ACRE TRACT OF LAND IN THE
WESTON PERRY SURVEY
ABSTRACT NO. 1151
CITY OF CARROLLTON
DALLAS COUNTY, TEXAS
CSJ 0196-03-247

REVISED 08/12/2010
REVISED 12/15/2010
REVISED 08/01/2012
REVISED 11/13/2013

LEGEND

- 5/8" IRON ROD W/TWOOT ALUMINUM CAP SET UNLESS NOTED
- △ CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- IRP IRON ROD FOUND
- IRP IRON PIPE FOUND
- P.U.E. PUBLIC UTILITY EASEMENT
- O— OVERHEAD UTILITY
- P.R.A.C.T. DEED RECORDS DALLAS COUNTY, TX.
- P.R.A.C.T. DEED RECORDS TARRANT COUNTY, TX.
- P.R.A.C.T. DEED RECORDS DALLAS COUNTY, TX.
- X— WIRE FENCE
- ||— WOOD FENCE
- |— DENIAL OF ACCESS LINE

* THIS PARCEL PLAT IS ACCOMPANIED BY A SEPARATE PROPERTY DESCRIBED OF EVEN DATE.
** THE MONUMENT DESCRIBED AND SET IN THIS CALL, IF DESTROYED DURING CONSTRUCTION MAY BE REPLACED WITH A TXDOT TYPE II RIGHT OF WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR EITHER EMPLOYED OR RETAINED BY TXDOT.

MATCH LINE PAGE 6 OF 6

BOARD OF ADJUSTMENT

Case BOA-2020-03

October 22, 2020

Attachment G-10

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
01/20/2015 03:35:38 PM
\$62.00
201500014822

