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RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137

ORDINANCE NO. 3663

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A PUBLIC UTILITY EASEMENT LOCATED IN THE JOB BADGLEY SURVEY, ABSTRACT NO. 74, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING A PUBLIC UTILITY EASEMENT CONVEYED BY DEED TO THE CITY OF MESQUITE AS RECORDED IN VOLUME 80026, PAGE 0440, DEED RECORDS, DALLAS COUNTY, TEXAS (D.R.D.C.T.); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

3029180

4797269 \$20.00 Deed
06/26/06

WHEREAS, the City of Mesquite ("City") has heretofore obtained a 14,444.18-square-foot public utility easement; and

WHEREAS, the City abandoned a portion of the street right-of-way for Powell Road in October 1979, but retained interest in a 14,444.18-square-foot public utility easement.

WHEREAS, the previously obtained 14,444.18-square-foot public utility easement will not be needed in the future.

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

SECTION 1. That the 14,444.18-square-foot public utility easement in the Job Badgley Survey, Abstract No. 74, City of Mesquite, Dallas County, Texas, and being a public utility easement conveyed by deed to the City of Mesquite as recorded in Volume 80026, Page 0440, Deed Records, Dallas County, Texas (D.R.D.C.T.) more fully described in Exhibits "A" and "B", attached hereto, is not needed for public purposes and is in the public interest of the City of Mesquite to abandon said described easement.

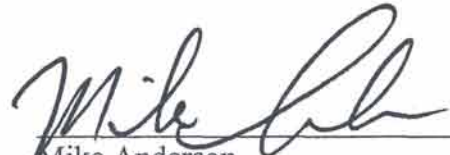
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That the orderly development of the City of Mesquite requires the release and abandonment of the easement described herein creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

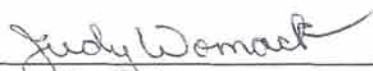
1163 08416

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 2nd day of August, 2004.



Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

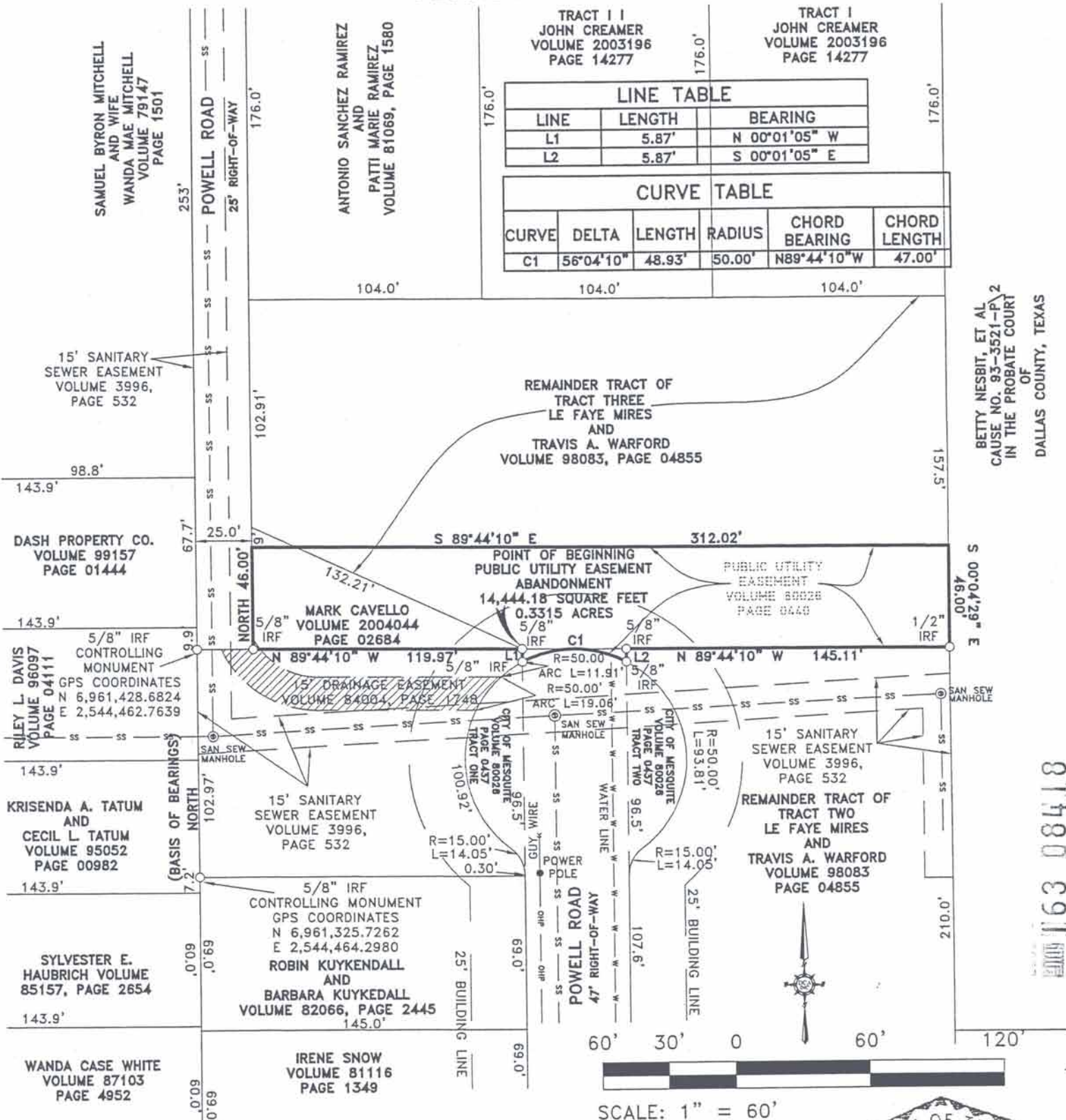
APPROVED:



B. J. Smith
City Attorney

EXHIBIT "A"

PUBLIC UTILITY EASEMENT ABANDONMENT



BETTY NESBIT, ET AL
CAUSE NO. 95-3521-P-2
IN THE PROBATE COURT
OF
DALLAS COUNTY, TEXAS

81480 691

Basis of bearings is the West property line of the deed recorded in Volume 2004044, Page 02684, Deed Records, Dallas County, Texas. (North)

Bryan Connally
Bryan Connally
Registered Professional
Land Surveyor No. 5513
Date: 6-30-04



EXHIBIT "B"
**PUBLIC UTILITY EASEMENT
ABANDONMENT**

BEING a 14,444.18 square foot tract of land, situated in the Job Badgley Survey, Abstract No. 74 in the City of Mesquite, Dallas County, Texas and being the same tract of land conveyed to the City of Mesquite, for a public utility easement, by deed recorded in Volume 80026, Page 0440, Deed Records, Dallas County, Texas, more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found at the Northeast corner of a tract of land conveyed to Mark Cavello by deed recorded in Volume 2004044, Page 02684, Deed Records, Dallas County, Texas;

THENCE North 89 degrees 44 minutes 10 seconds West, a distance of 119.97 feet to a 5/8 inch iron rod found at the Southwest corner of Powell Road, (25 foot right-of-way, at this point);

THENCE North, along the East right-of-way line of said Powell Road, 25 foot right-of-way, a distance of 46.00 feet to a point for corner;

THENCE South 89 degrees 44 minutes 10 seconds East, a distance of 312.02 feet to a point for corner on the East line of a tract of land conveyed to Le Faye Mires and Travis A. Warford, as Tract Three, by deed recorded in Volume 98083, Page 04855, Deed Records, Dallas County, Texas;

THENCE South 00 degrees 04 minutes 29 seconds East, along the East line of said Tract Three, a distance of 46.00 feet to a 1/2 inch iron rod found at the Southeast corner of said Tract Three and the Northeast corner of a tract of land conveyed to Le Faye Mires and Travis A. Warford, as Tract Two, by deed recorded in Volume 98083, Page 04855, Deed Records, Dallas County, Texas;

THENCE North 89 degrees 44 minutes 10 seconds West, along the common line of said Tract Three and said Tract Two, a distance of 145.11 feet to a 5/8 inch iron rod found at the Northwest corner of said Tract Two;

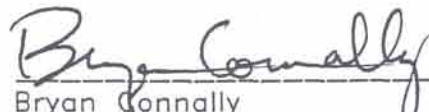
THENCE South 00 degrees 01 minutes 05 seconds East, along the West line of said Tract Two, a distance of 5.87 feet to a 5/8 inch iron rod found on the North right-of-way line of Powell Road, (50 foot radius, cul-de-sac, at this point), said iron rod being at the beginning of a non-tangent curve to the left having a delta of 56 degrees 04 minutes 10 seconds, a radius of 50.00 feet and a chord bearing and distance of North 89 degrees 44 minutes 10 seconds West, 47.00 feet;

THENCE around said curve to the left and along said Powell Road North right-of-way line, an arc distance of 48.93 feet to a 5/8 inch iron rod found at the most Northerly Southeast corner of aforementioned Mark Cavello tract;

THENCE North 00 degrees 01 minute 05 seconds West, along the most Northerly East line of said Mark Cavello tract, a distance of 5.87 feet to the POINT OF BEGINNING and containing 14,444.18 square feet or 0.3315 acres of land.

Basis of bearings is the West property line of the deed recorded in Volume 2004044, Page 02684, Deed Records, Dallas County, Texas. (North)

SHEET 2 OF 2
JOB NO. 0405379-2


Bryan Connally
Registered Professional
Land Surveyor No. 5513
Date: 6-30-04



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63 08420

Christina Johnson, Clerk
COUNTY CLERK
DALLAS CO., TEXAS

2004 AUG 23 PM 3:41
FILED AND RECORDED
OFFICIAL PUBLIC RECORDS