

ORDINANCE NO. 3672

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A PORTION OF A VARIABLE WIDTH RIGHT-OF-WAY WHILE RETAINING CERTAIN EASEMENTS LOCATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING PART OF A TRACT OF LAND CONVEYED BY DEED TO DALLAS COUNTY AS RECORDED IN VOLUME 3429, PAGES 69 AND 76, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

5077714

4841330 \$28.00 Deed
10/01/04

WHEREAS, the City of Mesquite ("City") has heretofore obtained a variable width right-of-way ("ROW") described in Exhibit "A," attached hereto, portions of which are not needed by the City; and

WHEREAS, the business at the location of the ROW needs additional parking in connection with plans to remodel its business, which need could be met if the City abandons such ROW; and

WHEREAS, the original ROW for this location was purchased by Dallas County ("County") in 1950; and

WHEREAS, the County requires the City to pass an abandonment ordinance before taking the abandonment to the County Commissioners; and

WHEREAS, there is a need to retain easements containing public facilities, including a 12-inch water main owned by the City within the ROW; and

WHEREAS, easements for these public facilities, described in Exhibits "B" and "C," attached hereto, will be retained by the City; and

WHEREAS, based upon the foregoing and Staff recommendation, the City Council believes it is in the best interest of the City to abandon the subject variable ROW and provide for the retention of the described easements.

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

SECTION 1. That a portion of the variable width right-of-way in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being part of a tract of land conveyed by deed to Dallas County as recorded in Volume 3429, Pages 69 and 76, Real Property Records, Dallas County, Texas, and as described in the attached Exhibit "A" is no longer needed for public purposes and it is in the public interest of the City of Mesquite to abandon said right-of-way, provided, however, the easements described in the attached Exhibits "B" and "C," shall be retained.

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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 portions of the right-of-way 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.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of September, 2004.



Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

ROW ABANDONMENT

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being a part of Military Parkway (a variable width ROW) and being more particularly described as follows:

BEGINNING at a point in the Southeast corner of Lot 1, Block 1, Freeway Addition, as recorded in Volume 74226, Page 0056, Deed Records Dallas County, Texas owned by Waffle House Restaurant, said point also being the Southwest corner of Lot 3, Block 1, Freeway Addition as recorded in Volume 95040, Page 0001 Deed Records Dallas County, Texas owned by Chevron USA as recorded in Volume 69206, Page 0977;

THENCE S 11° 39' 52" E, 51.35 feet along the projection of the common line between Lots 1 and 3 of said Freeway Addition to a point for corner in the ROW line of Military Parkway;

THENCE N 86° 42' 45" W, 119.76 feet in the ROW of Military Parkway to a point for corner at the Southeast corner of Lot 2, Block 1, Freeway Addition as recorded in Volume 84038, Page 4215, owned by Mulvaney FIN LLC, as recorded in Volume 2003160, Page 3453, Deed Records Dallas County, Texas;

THENCE N 13° 25' 25" W, 51.80 feet along the East line of said Lot 2, Block 1, Freeway Addition, to a point for corner, said point being N 86° 42' 45" W, 6.58 feet from the Southwest corner of said Lot 1, Block 1, Freeway Addition;

THENCE S 86° 42' 45" E, 121.41 feet along the South property line of Lot 1, Block 1, Freeway Addition to the PLACE OF BEGINNING and containing 0.1373 acres of land.

March 16, 2004



J.L. LANE
REGISTERED PROFESSIONAL LAND SURVEYOR #2509



BASIS OF BEARING is the South line of Lot 1, Block 1, Freeway Addition as recorded in Volume 74226, Page 0056, Deed Records Dallas County, Texas.

SCYENE ROAD (STATE HWY 352)

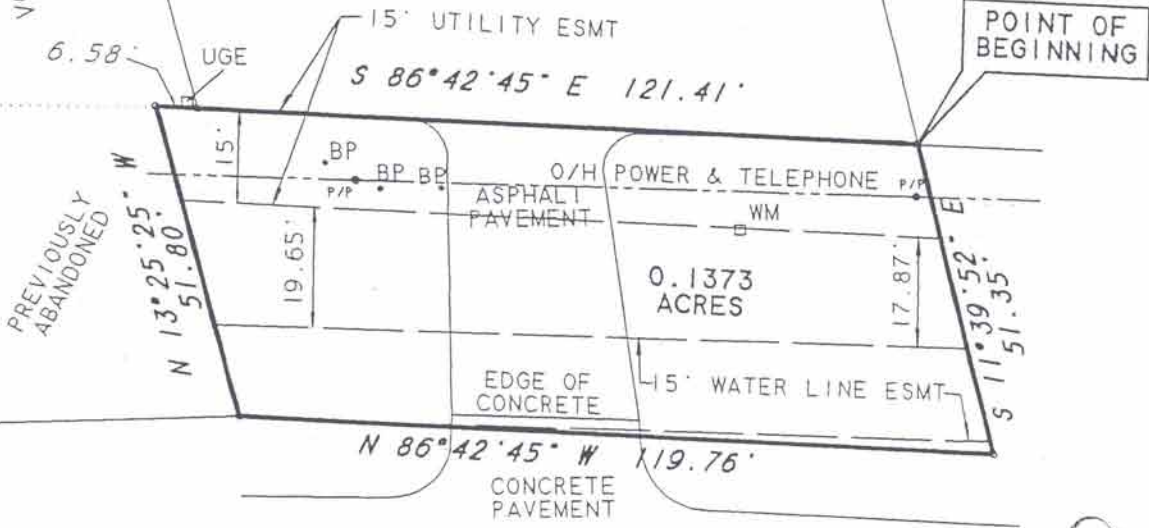
100' PUBLIC R.O.W.

N 77°01'14" E 114.32'

LOT 2, BLOCK 1
FREWAY ADDITION
VOL. 84038, PG. 4215
MULVANEY FIN LLC
VOL. 2003160, PG. 3453

LOT 1, BLOCK 1
FREWAY ADDITION
VOL. 74226, PG. 0056
WAFFLE HOUSE
RESTAURANT

LOT 3, BLOCK 1
FREWAY ADDITION
VOL. 95040, PG. 0001
CHEVRON USA 0977
VOL. 69206, PG.



MILITARY PARKWAY

VARIABLE WIDTH PUBLIC R.O.W.



BASIS OF BEARING:
THE SOUTH LINE OF LOT 1,
BLOCK 1, FREWAY ADDITION
AS RECORDED IN VOLUME 74226,
PAGE 0056, DEED RECORDS DALLAS
COUNTY, TEXAS.

R.O.W. ABANDONMENT

PART OF MILITARY PARKWAY
OUT OF
DANIEL TANNER SURVEY, ABSTRACT NO. 1462
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

SCALE: 1" = 30'
AUGUST 4, 2004

W04046...GV

2004 190 07471

15' WATER LINE EASEMENT

BEING situated in the Daniel Tanner Survey, Abstract no. 1462, City of Mesquite, Dallas County, Texas and also being part of Lot 1, Block 1, Freeway Addition, an Addition in the City of Mesquite as recorded in Volume 74226, Page 0056, Deed Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at an iron rod found at the Southeast corner of said Lot 1, Block 1, Freeway Addition;

THENCE S 11° 39' 52" E, 33.87 feet to the TRUE PLACE OF BEGINNING;

THENCE S 11° 39' 52" E, 15.45 feet to a point for corner in the North ROW line of Military Parkway (a variable width ROW);

THENCE N 87° 46' 11" W, 106.27 feet along the North ROW line of said Military Parkway to a point for angle;

THENCE N 86° 42' 44" W, 12.99 feet continuing along the North ROW line of said Military Parkway to a point for corner;

THENCE N 13° 25' 25" W, 15.32 feet to a point for corner;

THENCE S 87° 46' 11" E, 119.68 feet to the TRUE PLACE OF BEGINNING. 15' WATER LINE EASEMENT

August 6, 2004



J.L. LANE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2509



BASIS OF BEARING is the South line of Lot 1, Block 1, Freeway Addition, an Addition in the City of Mesquite, Texas as recorded in Volume 74226, Page 0056, Deed Records, Dallas County, Texas, said line being S 86° 42' 45" E.

SCYENE ROAD (STATE HWY 352)

100' PUBLIC R.O.W.

N 77°01'14" E 114.32'

LOT 2, BLOCK 1
FREWAY ADDITION
VOL. 84038, PG. 4215
MULVANEY FIN LLC
VOL. 2003160, PG. 3453

LOT 1, BLOCK 1
FREWAY ADDITION
VOL. 74226, PG. 0056

WAFFLE HOUSE
RESTAURANT

LOT 3, BLOCK 1
FREWAY ADDITION
VOL. 95040, PG. 0001
CHEVRON USA 0977
VOL. 69206, PG.

N 13°25'25" W 109.41'

S 11°39'52" E 141.34'

PREVIOUSLY
ABANDONED

6.58' UGE

15' UTILITY ESMT

POINT OF
COMMENCING

S 86°42'45" E 121.41'

15'

POINT OF
BEGINNING

19.65'

S 87°46'11" E 119.68'

N 13°25'25" W 15.32'

17.87'

S 11°39'52" E 15.45'

N 87°46'11" W 106.27'

15' WATER LINE ESMT

N 86°42'44" W 12.99'

MILITARY PARKWAY

VARIABLE WIDTH PUBLIC R.O.W.

BASIS OF BEARING:
THE SOUTH LINE OF LOT 1,
BLOCK 1, FREWAY ADDITION
AS RECORDED IN VOLUME 74226,
PAGE 0056, DEED RECORDS DALLAS
COUNTY, TEXAS.



15' WATER LINE EASEMENT

PART OF MILITARY PARKWAY
OUT OF

DANIEL TANNER SURVEY, ABSTRACT NO. 1462
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

SCALE: 1" = 30'
AUGUST 4, 2004

W04046...GV

2004190 07473

15 FOOT UTILITY EASEMENT

BEING situated in the Daniel Tanner Survey, Abstract no. 1462, City of Mesquite, Dallas County, Texas and also being part of Lot 1, Block 1, Freeway Addition, an Addition in the City of Mesquite as recorded in Volume 74226, Page 0056, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found at the Southeast corner of said Lot 1, Block 1, Freeway Addition;

THENCE S 11° 39' 52" E, 15.53 feet to a point for corner;

THENCE N 86° 42' 45" W, 120.91 feet to a point for corner;

THENCE N 13° 25' 25" W, 15.66 feet to a point for corner;

THENCE S 87° 46' 45" E, 121.41 feet to the PLACE OF BEGINNING.

August 6, 2004

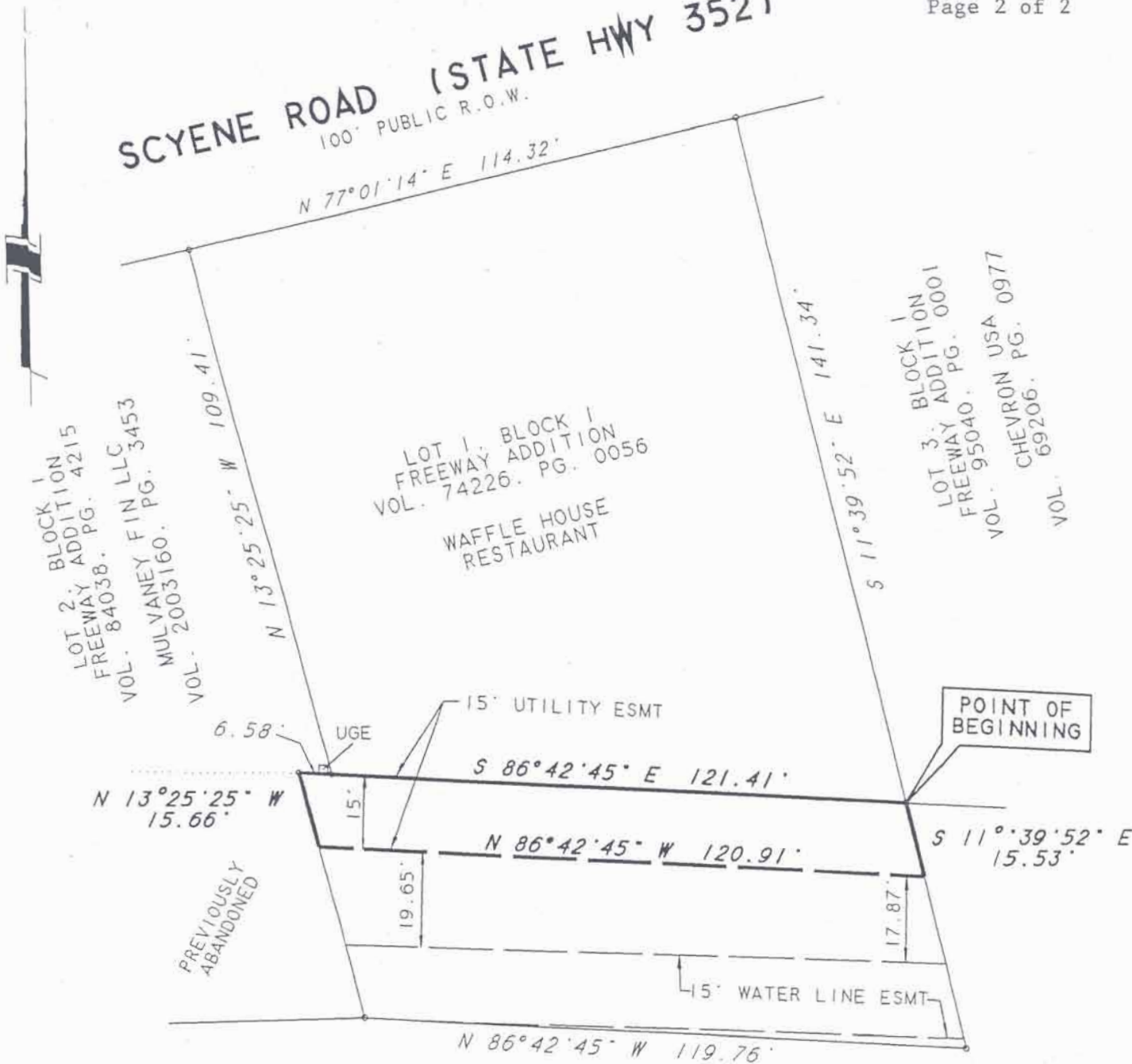


J.L. LANE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2509



BASIS OF BEARING is the South line of Lot 1, Block 1, Freeway Addition, an Addition in the City of Mesquite, Texas as recorded in Volume 74226, Page 0056, Deed Records, Dallas County, Texas, said line being S 86° 42' 45" E.

SCYENE ROAD (STATE HWY 352)
100' PUBLIC R.O.W.



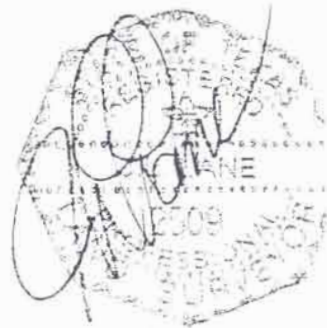
LOT 1, BLOCK 1
FREEWAY ADDITION
VOL. 74226. PG. 0056
WAFFLE HOUSE
RESTAURANT

LOT 2, BLOCK 1
FREEWAY ADDITION
VOL. 84038. PG. 0001
MULVANEY FIN LLC
VOL. 2003160. PG. 3453

LOT 3, BLOCK 1
FREEWAY ADDITION
VOL. 95040. PG. 0001
CHEVRON USA 0977
VOL. 69206.

MILITARY PARKWAY
VARIABLE WIDTH PUBLIC R.O.W.

BASIS OF BEARING:
THE SOUTH LINE OF LOT 1,
BLOCK 1, FREEWAY ADDITION
AS RECORDED IN VOLUME 74226,
PAGE 0056, DEED RECORDS DALLAS
COUNTY, TEXAS.



15' UTILITY EASEMENT
PART OF MILITARY PARKWAY
OUT OF
DANIEL TANNER SURVEY, ABSTRACT NO. 1462
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

SCALE: 1" = 30'
AUGUST 4, 2004

2004 190 07475

W04046...GV

2004190 07476

FILED & RECEIVED
OFFICE OF PUBLIC RECORDS
2004 SEP 30 PM 3:43
C. J. ...
COUNTY CLERK
DALLAS CO., TEXAS