

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A PORTION OF A FIVE-FOOT UTILITY EASEMENT BETWEEN LOTS 8 AND 8A OF THE EAST DALLAS ESTATES ADDITION SITUATED IN THE S. W. CALDWELL SURVEY, ABSTRACT NO. 337, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AS RECORDED IN VOLUME 78054, PAGE 3255, MAP RECORDS OF DALLAS COUNTY, TEXAS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.



4 PGS
ORD
20080134914

WHEREAS, research of the area indicated the five-foot wide utility easement was dedicated by plat in 1978 for an overhead electric line that was subsequently removed in the mid-1980's; and

WHEREAS, Staff received a request for the abandonment of a portion of the five-foot wide utility easement; and

WHEREAS, Staff believes the abandonment is in the public interest and recommends abandonment of the subject utility easement.

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

SECTION 1. That a portion of the five-foot wide utility easement located within the East Dallas Estates Addition, more fully described in Exhibit "A" attached hereto and included herein for all purposes, shall be and the same is hereby abandoned.

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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 5. That the orderly development of the City of Mesquite requires the release and abandonment of a portion of the utility 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.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of April, 2008.

John Monaco
Mayor

ATTEST:

Judy Womack
City Secretary

APPROVED:

B. J. Smith
City Attorney

**ABANDONMENT OF A PORTION OF A 5 FOOT UTILITY EASEMENT
SITUATED IN THE S.W. CALDWELL SURVEY, ABSTRACT NO. 337
CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

LEGAL DESCRIPTION

BEING a 931 square feet (0.02) acre tract of land situated in the S.W. Caldwell Survey, Abstract No. 337 in the City of Mesquite, Dallas County, Texas, and being a portion of Lot 8-A, REPLAT OF EAST DALLAS ESTATES, an addition to the City of Mesquite, Dallas County, Texas according to the map thereof recorded in Volume 78054, Page 3255, Map Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a 1/2 inch iron rod found for corner, and being in the intersection of the South line of Hanby Road (a 50 foot right-of-way) and the West line of Belt Line Road (a 100 foot right-of-way); Thence South 01 degrees 36 minutes 20 seconds West, along the West line of said Belt Line Road, a distance of 350.00 feet to a 1/2 inch iron rod found for corner, and being the Southeast corner of Lot 6R, REPLAT OF EAST DALLAS ESTATES, an addition to the City of Mesquite, Dallas County, Texas according to the map thereof recorded in Volume 95193, Page 4700, Deed Records, Dallas County, Texas; Thence North 88 degrees 14 minutes 57 seconds West, along the South line of said Lot 6R, a distance of 403.05 feet to a point for corner and being the Point of Beginning;

Thence South 01 degrees 27 minutes 03 seconds West, leaving the South line of said Lot 6R, a distance of 186.15 feet to a point for corner, and being in the North line of Lot 8R, Block 1, EAST DALLAS ESTATES, an addition to the City of Mesquite, Dallas County, Texas according to the map thereof recorded in Volume 96105, Page 3176, Deed Records, Dallas County, Texas;

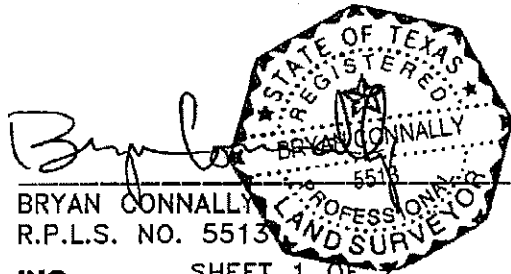
Thence North 88 degrees 14 minutes 57 seconds West, along the North line of said Lot 8R, a distance of 5.00 feet to a point for corner;

Thence North 01 degrees 27 minutes 03 seconds East, leaving the North line of said Lot 8R, a distance of 186.15 feet to a point for corner, and being in the South line of said Lot 6R;

Thence South 88 degrees 14 minutes 57 seconds East, along the South line of said Lot 6R, a distance of 5.00 feet to the Point of Beginning and containing 931 square feet or 0.02 acres of land.

GENERAL NOTES:

- 1) BASIS OF BEARINGS IS THE WEST LINE OF BELT LINE ROAD PER PLAT RECORDED IN VOLUME 95193, PAGE 4700, MAP RECORDS, DALLAS COUNTY, TEXAS. (S01°36'20"W)
- 2) PFC= POINT FOR CORNER
- 3) IRF= IRON ROD FOUND

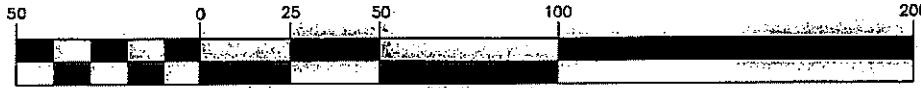


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SHEET 1 OF 2
 JOB NO. 0505094-3
 DRAWN BY: CG

ABANDONMENT OF A PORTION OF A 5 FOOT UTILITY EASEMENT
SITUATED IN THE S.W. CALDWELL SURVEY, ABSTRACT NO. 337
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

GRAPHIC SCALE



LINE TABLE		
LINE	BEARING	LENGTH
L1	S01°27'03"W	186.15'
L2	N88°14'57"W	5.00'
L3	N01°27'03"E	186.15'
L4	S88°14'57"E	5.00'

(IN FEET)
1 inch = 50 ft.

HANBY ROAD
50' R.O.W.

POINT OF COMMENCING

1/2" IRF

S01°36'20"W 350.00'
(BASIS OF BEARINGS)

LOT 6R, BLOCK 1
REPLAT OF
EAST DALLAS ESTATES
VOL. 95193, PG. 4700

5' UTILITY ESM'T
VOL. 78054, PG. 3255

PFC
L4

N88°14'57"W 403.05'

"X" FOUND

1/2" IRF

POINT OF BEGINNING

REMAINDER OF
LOT 8
EAST DALLAS ESTATES
VOL. 6, PG. 62

REMAINDER OF
LOT 8-A
REPLAT OF
EAST DALLAS ESTATES
VOL. 78054, PG. 3255

ESMT. ABANDONMENT
931 sq.ft.
0.02 acres

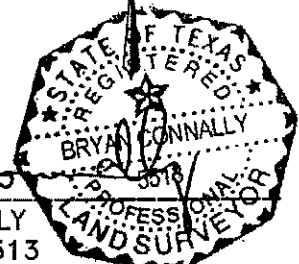
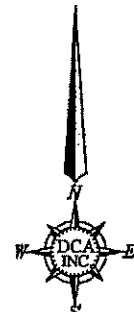
HISE & WITT ENTERPRISES, L.P.
VOL. 2003089, PG. 13362

BELT LINE ROAD
100' R.O.W.

L2
PFC PFC

LOT 8R, BLOCK 1
EAST DALLAS ESTATES
VOL. 96105, PG. 3176

5' UTILITY ESM'T
VOL. 78054, PG. 3255



BRYAN CONNALLY
R.P.L.S. NO. 5513

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SHEET 2 OF 2
JOB NO. 0505094-3
DRAWN BY: CG

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



A handwritten signature in black ink, appearing to be "JFW", is written over the official text.

John F. Warren, County Clerk
Dallas County TEXAS

April 24, 2008 08:32:47 AM

FEE: \$24.00

20080134914