

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS PROVIDING FOR THE ABANDONMENT OF A PORTION OF A 15-FOOT-WIDE SANITARY SEWER EASEMENT ASSOCIATED WITH THE EXPANSION OF THE PEPSICO BOTTLING FACILITY LOCATED AT IH-30 AND BIG TOWN BOULEVARD; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, research of the area indicated the sanitary sewer easement was dedicated on August 3, 1964, for the exclusive use of constructing and maintaining a sanitary sewer main; and

WHEREAS, Staff received a request for the abandonment of a portion of the 15-foot-wide sanitary sewer easement; and

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

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

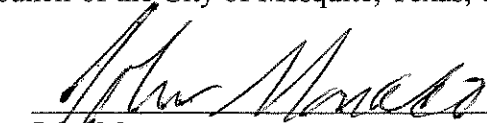
SECTION 1. That a portion of the 15-foot-wide sanitary sewer easement associated with the expansion of the PepsiCo Bottling facility located at IH-30 and Big Town Boulevard, more fully described in Exhibit "A" attached hereto and included herein for all purposes, shall be and the same is hereby abandoned.

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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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

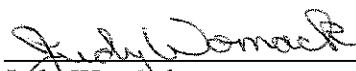
SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That the orderly development of the City of Mesquite requires the release and abandonment of a portion of the sanitary sewer 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 4th day of August, 2008.


John Monaco
Mayor

ATTEST:


Judy Wornack
City Secretary

APPROVED:


B. J. Smith
City Attorney

ORD 20080276290
6 PGS



EXHIBIT A
15' UTILITY EASEMENT ABANDONMENT

BEING a 14,299 square foot tract of land situated in the W. O. Abbott Survey, Abstract Number 34, in the City of Mesquite, Dallas County, Texas, and being a part of that certain tract of land described in Special Warranty Deed to Bottling Group, L.L.C. as recorded in County Clerk's Document # 200600466289, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being part of a 15 foot wide utility easement to the City of Mesquite as recorded in Volume 381, Page 867 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 5/8-inch found iron rod for the common northerly northeast corner of Pepsico Addition, an addition to the City of Mesquite as recorded in Volume 97150, Page 5607 of the Plat Records of Dallas County, Texas (P.R.D.C.T.), and most westerly corner of Action Commercial Addition, an addition to the City of Mesquite as recorded in County Clerk's Document # 200503542044, O.P.R.D.C.T., said point being on the southeasterly right-of-way line of Interstate Highway 30, a variable width right-of-way;

THENCE South 29 degrees 56 minutes 55 seconds East, departing said southeasterly right-of-way line and along the common line between said Pepsico Addition and said Action Commercial Addition, a distance of 181.77 feet to a point for the northwest corner of said Bottling Group, L.L.C. tract;

THENCE North 88 degrees 57 minutes 46 seconds East, departing said common line and along the common southerly line of said Action Commercial Addition and northerly line of said Bottling Group, L.L.C. tract, a distance of 73.96 feet to a point for corner;

THENCE South 48 degrees 12 minutes 04 seconds East, continuing along said common line, a distance of 479.83 feet to a point for corner;

THENCE South 11 degrees 13 minutes 49 seconds East, continuing along said common line, a distance of 100.00 feet to a point for corner; ...

THENCE South 56 degrees 08 minutes 11 seconds East, continuing along said common line, a distance of 149.90 feet to a set "X" cut for the POINT OF BEGINNING, said point being on a westerly line of said 15 foot wide utility easement;

THENCE South 56 degrees 08 minutes 11 seconds East, continuing along said common line, a distance of 18.26 feet to a point for the common northeast corner of said Bottling Group, L.L.C. tract and northwest corner of Block A, Lot 1 of East Meadow Apartments, an addition to the City of Mesquite as recorded in Volume 84077, Page 3910, D.R.D.C.T., and from which point a 1/2-inch found iron rod bears South 26 degrees 08 minutes 22 seconds East a distance of 1.27 feet;

THENCE South 00 degrees 53 minutes 28 seconds East, departing said common line and along the common line between said Block A, Lot 1 and said Bottling Group, L.L.C.

tract, a distance of 385.42 feet to a 1/2-inch set iron rod with a yellow plastic cap stamped "HALFF ASSOC INC" (hereinafter referred to as "with cap") for corner;

THENCE South 88 degrees 49 minutes 05 seconds West, departing said common line, a distance of 15.00 feet to a 1/2-inch set iron rod with cap for corner on a westerly line of said 15 foot wide utility easement;

THENCE North 00 degrees 53 minutes 28 seconds West, along said westerly easement line, a distance of 113.37 feet to a point for corner;

THENCE South 88 degrees 40 minutes 32 seconds West, along a southerly line of said easement, a distance of 562.59 feet to a point for corner on the common west line of said Bottling Group, L.L.C. tract and east line of said Pepsico Addition;

THENCE North 01 degree 15 minutes 52 seconds West, departing said southerly easement line and along said common line, a distance of 15.00 feet to a point for corner on a northerly line of said easement;

THENCE North 88 degrees 40 minutes 32 seconds East, departing said common line and along said northerly easement line, a distance of 562.68 feet to a point for corner;

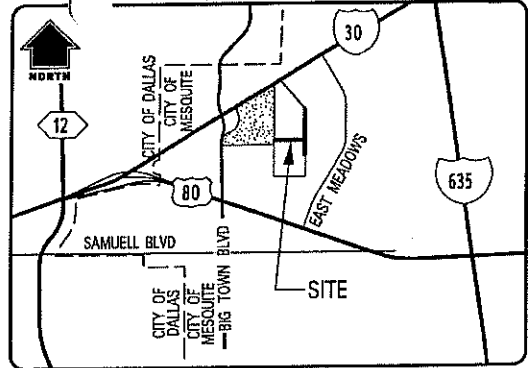
THENCE North 00 degrees 53 minutes 28 seconds West, along a westerly line of said easement, a distance of 267.53 feet to the POINT OF BEGINNING AND CONTAINING 14,299 square feet or 0.3283 acre of land, more or less.

Basis of Bearings is NAD 83 (1993), Texas State Plane Coordinate System, North Central Zone 4202, based on GPS observations of City of Mesquite monuments GPS1 and GPS6. Convergence angle at GPS1 is 01 degree 01 minute 01.5034 seconds, combined scale factor is 0.999861855 as published on City of Mesquite web site www.cityofmesquite.com/engineering.



Gary W. Matthews
May 28, 2008

LOCATION MAP
(NOT TO SCALE)



MAPSCO GRID : 49-A

POINT OF COMMENCING
GRID COORDINATES:
N 6,980,565.669
E 2,532,095.877

5/8" FIR
(C.M.)

INTERSTATE
HIGHWAY 30
(VARIABLE WIDTH R.O.W.)

S29°56'55"E

181.77'

N88°57'46"E
73.96'

ACTION COMMERCIAL ADDITION
LOT 1, BLOCK A
(DOC. 200503542044)

15' WATER LINE
EASEMENT
(VOL. 88050,
PG 745)

PEPSICO
ADDITION
LOT 1, BLOCK 1R
(VOL. 97150,
PG. 5607)

APPROXIMATE LOCATION
15' UTILITY EASEMENT
(SANITARY SEWER)
(VOL. 381 PG. 867)

TRACT 11 EASEMENT ESTATE
60' ACCESS & DRAINAGE
& UTILITY EASEMENT
(VOL. 87129, PG. 4482)

BLOCK A LOT 2
EAST MEADOWS 1
(VOL. 85239, PG. 4577)

S48°12'04"E

479.83'

25' ACCESS/NO BUILD
EASEMENT
(VOL. 97081, PG 2206)

BOTTLING GROUP, L.L.C
(DOC. 200600466289)

15' WATER
EASEMENT
(VOL. 97150,
PG 5607)

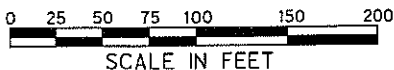
N01°15'52"W

60' NO BUILD EASEMENT
(VOL 97150, PG. 5607)

S11°13'49"E
100.00'

S56°08'11"E
149.90'

MATCH LINE (SEE SHEET 4 OF 4)



Basis of Bearings is NAD 83 (1993), Texas State Plane Coordinate System, North Central Zone 4202, based on GPS observations of City of Mesquite monuments GPS1 and GPS6. Convergence angle at GPS1 is 01 degree 01 minute 01.5034 seconds, combined scale factor is 0.999861855 as published on City of Mesquite web site www.cityofmesquite.com/engineering.

LEGEND:

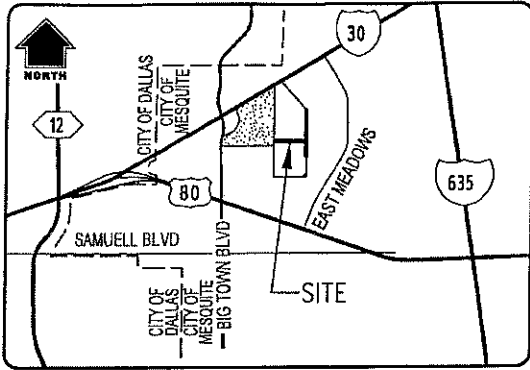
- 1/2" SIR 1/2-INCH SET IRON ROD WITH A YELLOW
- W/CAP PLASTIC CAP STAMPED 'HALFF ASSOC. INC.'
- FIR FOUND IRON ROD
- (C.M.) CONTROL MONUMENT



3/4

HALFF ASSOCIATES INC., ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
(214) 346-6200 AVO. 24677 MAY, 2008

LOCATION MAP
(NOT TO SCALE)



MAPSCO GRID : 49-A

MATCH LINE (SEE SHEET 3 OF 4)

S56°08'11"E
149.90'

SET "X"
CUT

POINT OF BEGINNING

GRID COORDINATES:
N 6,979, 907.9961
E 2,532, 762.2301

S56°08'11"E
18.26'

1/2" FIR
BEARS
S26°08'22"E
1.27'

BOTTLING GROUP, L.L.C
(DOC. 200600466289)

N00°53'28"W
385.42'

PEPSICO
ADDITION
LOT 1, BLOCK 1R
(VOL. 97150,
PG. 5607)

15' WATER EASEMENT
(VOL. 97150, PG. 5607)

15' UTILITY EASEMENT
(SANITARY SEWER)
(VOL. 381 PG. 867)

N88°40'32"E 562.68'

267.53'

N01°15'52"W
15.00'

15' UTILITY EASEMENT
ABANDONMENT
14,299 SQ. FT.
OR
0.3283 ACRES

S88°40'32"W 562.59'

N00°53'28"W
113.37'

1/2" SIR
W/CAP

15' SANITARY SEWER EASEMENT
(VOL. 97150, PG. 5607)

S88°49'05"W
15.00'

BOTTLING GROUP, L.L.C
(DOC. 200600466289)

BLOCK A, LOT 1 EAST
MEADOWS APARTMENTS
(VOL. 84077, PG. 3910)

15' SS EASEMENT
(VOL. 97150, PG. 5607)
35' DRAINAGE EASEMENT
(VOL. 97150, PG. 5607)
15' WATER
EASEMENT
(VOL. 97150, PG. 5607)

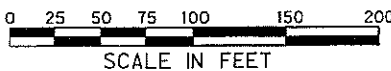
S01°15'52"E
358.75'

1/2" FIR
W/CAP
(C.M.)



Gary W. Matthews
May 28, 2008

15' UTILITY EASEMENT
(VOL. 381, PG. 867)



Basis of Bearings is NAD 83 (1993), Texas State Plane Coordinate System, North Central Zone 4202, based on GPS observations of City of Mesquite monuments GPS1 and GPS6. Convergence angle at GPS1 is 01 degree 01 minute 01.5034 seconds, combined scale factor is 0.999861855 as published on City of Mesquite web site www.cityofmesquite.com/engineering.

LEGEND:

- 1/2" SIR 1/2-INCH SET IRON ROD WITH A YELLOW
- W/CAP PLASTIC CAP STAMPED 'HALFF ASSOC. INC.'
- FIR FOUND IRON ROD
- (C.M.) CONTROL MONUMENT

EXHIBIT A

15' UTILITY EASEMENT ABANDONMENT
SITUATED IN THE

W.O. ABBOTT SURVEY, ABSTRACT NO. 34
CITY OF MESQUITE, DALLAS COUNTY, TX

FOR

PEPSI-COLA METROPOLITAN
BOTTLING COMPANY, INC.

BY



HALFF ASSOCIATES INC., ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
(214) 346-6200 AVO. 24677 MAY, 2008

4/4

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

A handwritten signature in black ink, appearing to read "John F. Warren", is written over the printed name.

John F. Warren, County Clerk

Dallas County TEXAS

August 25, 2008 09:47:48 AM

FEE: \$32.00

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