

ORDINANCE NO. 4213

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A RIGHT-OF-WAY AND TWO UTILITY EASEMENTS LOCATED ON HIGH POINT DRIVE AND IN THE HIGH POINT INDUSTRIAL PARK LOCATED IN THE DALLAS COUNTY LAND RECORDS, VOLUME 87143, PAGE 4430; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Union Pacific Railroad Company (UPRR) has requested the abandonment of a segment of High Point Drive right-of-way (ROW) that is approximately 1.1025 acres and is north of Forney Road; and

WHEREAS, UPRR has also requested the abandonment of portions of two utility easements: one is the north/south easement of 20-foot and 10-foot width with no utility facilities in place; and the other is the east/west easement of 15-foot width which contains a City eight-inch water main and Oncor facilities; and

WHEREAS, Oncor Electric Delivery, Atmos Energy, AT&T and Time Warner Cable have indicated they have no objection to the abandonments as long as they are compensated to relocate their existing facilities; and

WHEREAS, UPRR has prepared the necessary surveys and legal descriptions, and paid the processing fee for the abandonment; and

WHEREAS, the requested abandonment of the ROW and two utility easements are subject to certain conditions being fulfilled; and

WHEREAS, the ROW and two utility easements are no longer needed for public purposes and it is in the public interest of the City to abandon said described ROW and utility easements.

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

SECTION 1. That the right-of-way and two utility easements located on High Point Drive and in the High Point Industrial Park north of Forney Road, more fully described in Exhibit "A" attached hereto and included herein for all purposes, shall be and the same are hereby abandoned after the following conditions are fulfilled:

1. Filing of a replat of High Point Industrial Park (Lots 5 to 11) approved by the City of Mesquite to dedicate right-of-way for the relocated High Point Drive cul-de-sac and easements for relocated utility lines.
2. Construction and City acceptance of paving and relocated City utilities in accordance with City approved engineering plans.


3. Compensation paid to Oncor Electric Delivery and Atmos Energy to relocate their respective facilities.

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.

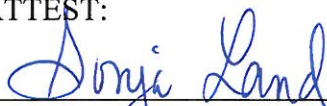
SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That the orderly development of the City of Mesquite requires the release and abandonment of the right-of-way and two utility easements 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.

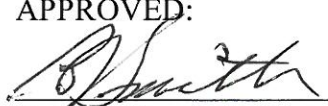
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of May, 2012.



John Monaco
Mayor

ATTEST:


Sonja Land
City Secretary

APPROVED:


B. J. Smith
City Attorney

**WATER & UTILITY
EASEMENT ABANDONMENT
PART OF
HIGH POINT INDUSTRIAL PARK
OUT OF THE
CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

BEING a 0.1317 acre tract of land situated in the D. TANNER SURVEY, ABSTRACT NO. 1462, City of Mesquite, Dallas County, Texas and being part of Lots 6 and 7, Block 1 of the High Point Industrial Park, an addition to the City of Mesquite, according to the plat thereof, recorded in Volume 87143, Page 4430 Plat Records, Dallas County, Texas (P.R.D.C.T.) and being part of that called 28.8927 acre tract of land conveyed by deed to Union Pacific Railroad Company recorded in Instrument No. 201000258035 Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

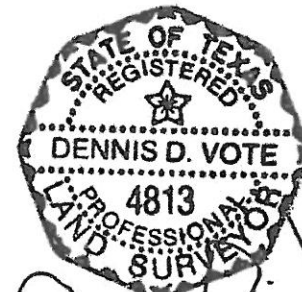
BEGINNING at a point for corner in the southwest line of said Lot 6 said point bearing N 44 deg. 45 min. 38 sec. W, a distance of 7.50 feet from the south corner of said Lot 6 and the west corner of said Lot 7;

THENCE N 44 deg. 41 min. 10 sec. E, 7.5 feet northwest of and parallel with the common line of said Lot 6 and Lot 7, a distance of 380.45 feet to a point for corner in the southwest right-of-way line of High Point Drive (an 85 foot radius cul de sac at this point) and being in a non-tangent curve to the left having a central angle of 10 deg. 35 min. 41 sec., a radius of 85.00 feet and a chord which bears S 62 deg. 25 min. 58 sec. E, a distance of 15.70 feet;

THENCE southeasterly, along the right-of-way line of said High Point Drive and along the said curve, an arc distance of 15.72 feet to a point for corner;

THENCE S 44 deg. 41 min. 10 sec. W, 7.5 feet southeast of and parallel with the common line of said Lot 6 and Lot 7, a distance of 385.22 feet to a point for corner in the southwest line of said Lot 7;

THENCE N 44 deg. 45 min. 38 sec. W, along the southwest line of said Lot 7 and passing at a distance of 7.5 feet the south corner of said Lot 6 and the west corner of said Lot 7, and continuing along the southwest line of said Lot 6, for a total distance of 15.00 feet to the POINT OF BEGINNING and containing 5,739 sq. ft. or 0.1317 acres of land.

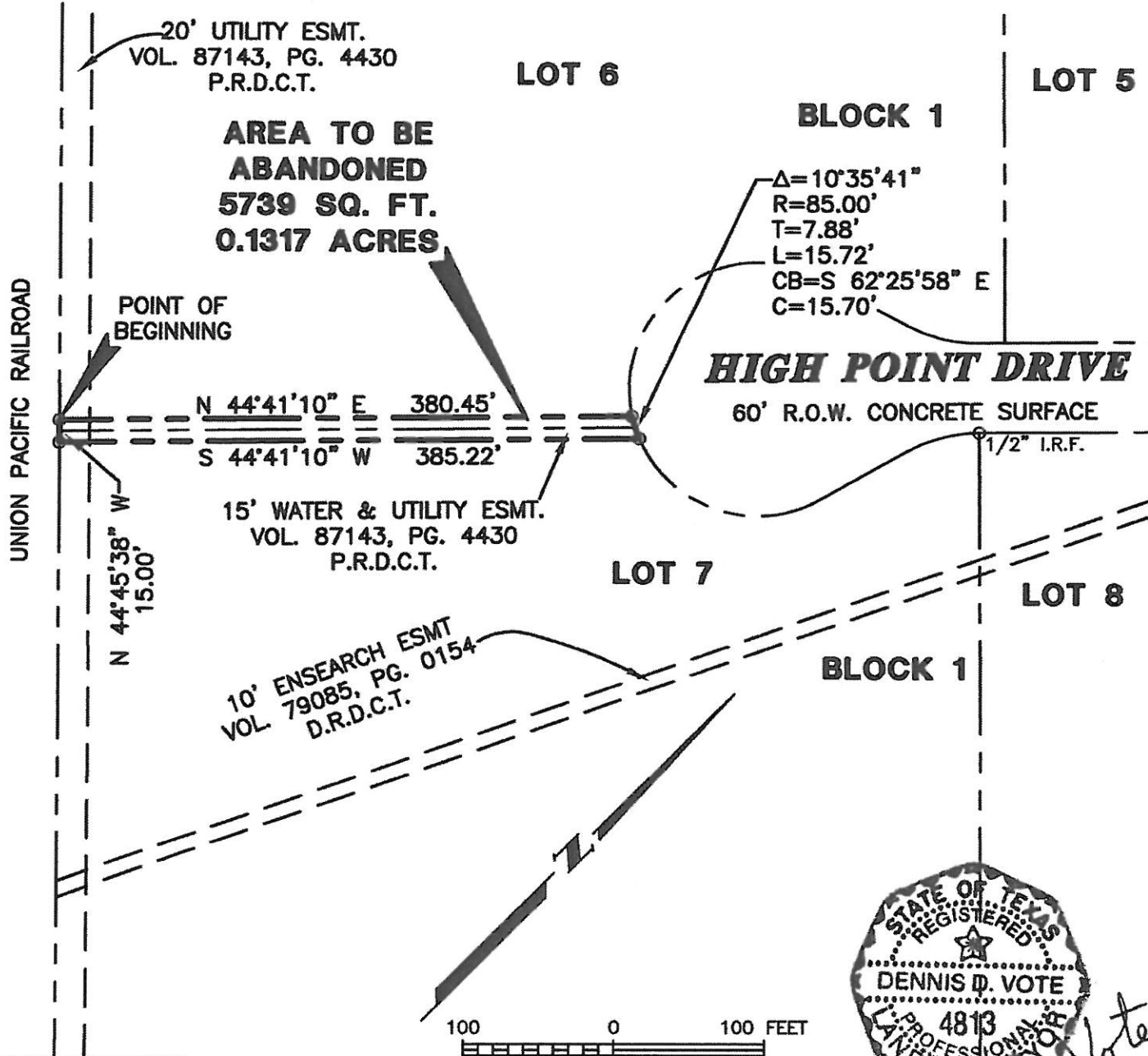


BEARING SOURCE:
THE NORTHWEST RIGHT-OF-WAY LINE OF HIGH
POINT DRIVE (S 44°41'10" W) ACCORDING TO THE
PLAT

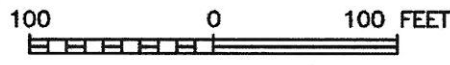
MAY 9, 2012
SHEET 1 OF 2
PROJECT NO. 2010-027-H1

WATER & UTILITY EASEMENT ABANDONMENT

PART OF
HIGH POINT INDUSTRIAL PARK
OUT OF THE
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



BEARING SOURCE:
THE NORTHWEST RIGHT-OF-WAY LINE OF HIGH
POINT DRIVE (S 44°41'10" W) ACCORDING TO THE
PLAT
MAY 9, 2012
SHEET 2 OF 2
PROJECT NO. 2010-027-H1



STATE OF TEXAS
REGISTERED
DENNIS D. VOTE
4813
PROFESSIONAL
LAND SURVEYOR
Dennis D. Vote
MAY 9, 2012

UTILITY EASEMENT ABANDONMENT

PART OF
HIGH POINT INDUSTRIAL PARK
OUT OF THE
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

BEING a 0.1884 acre tract of land situated in the D. TANNER SURVEY, ABSTRACT NO. 1462, City of Mesquite, Dallas County, Texas and being part of Lots 8, 9 and 10, Block 1 of the High Point Industrial Park, an addition to the City of Mesquite, according to the plat thereof, recorded in Volume 87143, Page 4430 Plat Records, Dallas County, Texas (P.R.D.C.T.) and being part of that called 28.8927 acre tract of land conveyed by deed to Union Pacific Railroad Company recorded in Instrument No. 201000258035 Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a point for corner in the southeasterly right-of-way line of High Point Drive (a 60' R.O.W.) said point bearing N 44 deg. 41 min. 10 sec. W, a distance of 5.00 feet from the north corner of said Lot 8 and the west corner of said Lot 9;

THENCE S 45 deg. 18 min. 50 sec. E, 5.0 feet northeast of and parallel with the common line of said Lot 8 and said Lot 9, a distance of 100.00 feet to a point for corner;

THENCE N 44 deg. 41 min. 10 sec. E, a distance of 5.00 feet to a point for corner;

THENCE S 45 deg. 18 min. 50 sec. E, 10 feet northeast of and parallel with the northeast line of said Lot 8 and southeast line of said Lot 9 and said Lot 10, a distance of 360.50 feet to a point for corner;

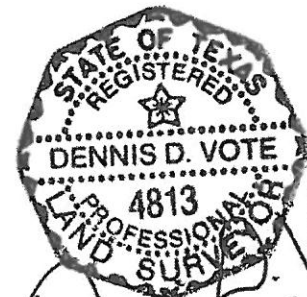
THENCE S 45 deg. 14 min. 52 sec. W, a distance of 20.00 feet to a point for corner;

THENCE N 45 deg. 18 min. 50 sec. W, 10.0 feet southwest of and parallel with the southwest line of said Lot 10 and said Lot 9, and the northeast line of said Lot 8, a distance of 360.30 feet to a point for corner;

THENCE N 44 deg. 41 min. 10 sec. E, a distance of 5.00 feet to a point for corner;

THENCE N 45 deg. 18 min. 50 sec. W, 5.0 feet southwest of the common line of said Lot 8 and said Lot 9, a distance of 100.00 feet to a point for corner in the southeast right-of-way line of said High Point Drive;

THENCE N 44 deg. 41 min. 10 sec. E, along the southeast line of said High Point Drive and passing at a distance of 5.0 feet the north corner of said Lot 8 and the west corner of said Lot 9, and continuing along the southeast line of said High Point Drive, for a total distance of 1000 feet to the POINT OF BEGINNING and containing 8,208 sq. ft. or 0.1884 acres of land.



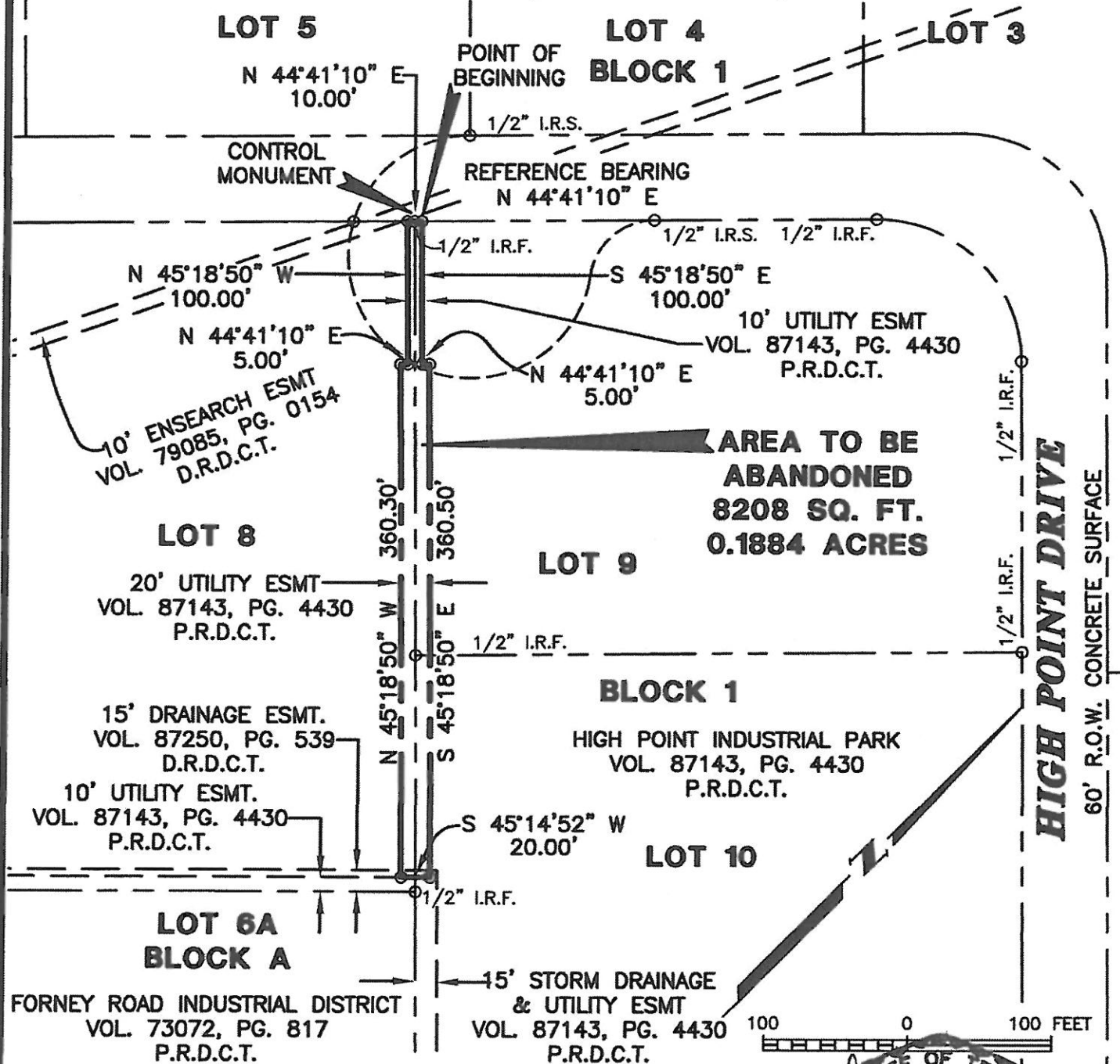
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MAY 9, 2012
SHEET 1 OF 2
PROJECT NO. 2010-027-H2

Dennis D. Vote
May 9, 2012

UTILITY EASEMENT ABANDONMENT

PART OF
HIGH POINT INDUSTRIAL PARK
OUT OF THE
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



BEARING SOURCE:
THE NORTHWEST RIGHT-OF-WAY LINE OF HIGH POINT DRIVE (S 44°41'10" W) ACCORDING TO THE PLAT

MAY 9, 2012
SHEET 2 OF 2
PROJECT NO. 2010-027-H2

Dennis D. Vote
May 9, 2012

STATE OF TEXAS
REGISTERED
DENNIS D. VOTE
4813
LAND PROFESSIONAL SURVEYOR

HIGH POINT DRIVE ABANDONMENT

PART OF
HIGH POINT INDUSTRIAL PARK
OUT OF THE
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

BEING a 1.0125 acre tract of land situated in the D. TANNER SURVEY, ABSTRACT NO. 1462, City of Mesquite, Dallas County, Texas and being part of High Point Drive, as dedicated by the High Point Industrial Park, an addition to the City of Mesquite, according to the plat thereof, recorded in Volume 87143, Page 4430 Plat Records, Dallas County, Texas (P.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set for corner in northwest right-of-way line of High Point Drive (a 60' R.O.W.) and being the east corner of Lot 5, Block 1 of said High Point Industrial Park and being at the beginning of a non-tangent curve to the left having a central angle of 72 deg. 57 min. 20 sec., a radius of 85.00 feet and a chord which bears S 08 deg. 12 min. 30 sec. W, a distance of 101.07 feet;

THENCE southwesterly along the said curve, and an arc distance of 108.23 feet to a point for corner in the southeasterly right-of-way line of said High Point Drive;

THENCE S 44 deg. 41 min. 10 sec. W, along the southeasterly right-of-way line of said High Point Drive, a distance of 245.07 feet to a point for corner and being the beginning of a curve to the left having a central angle of 28 deg. 59 min. 06 sec., a radius of 100.00 feet and a chord which bears S 30 deg. 11 min. 37 sec. W. a distance of 50.05 feet;

THENCE southwesterly, along the southeasterly right-of-way line of said High Point Drive and along the said curve, an arc distance of 50.59 feet to a point for corner and being the end of said curve;

THENCE S 15 deg. 42 min. 05 sec. W, continuing along the southeasterly right-of-way line of said High Point Drive, a distance of 65.68 feet to a point for corner and being the beginning of a curve to the right having a central angle of 237 deg. 58 min. 11 sec., a radius of 85.00 feet and a chord which bears N 45 deg. 18 min. 50 sec. W, a distance of 148.71 feet;

THENCE northwesterly along the right-of-way line of said High Point Drive, an arc distance of 353.04 feet to a point for corner and being the end of said curve;

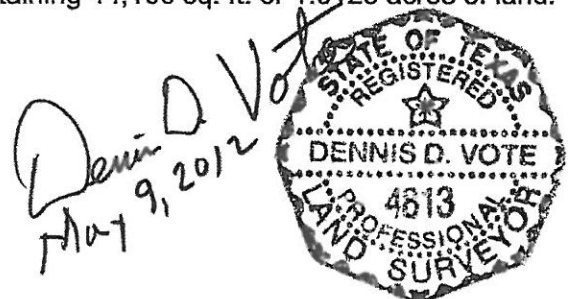
THENCE N 73 deg. 40 min. 16 sec. E, along the northwesterly right-of-way line of said High Point Drive, a distance of 65.51 feet to a point for corner and being the beginning of a curve to the left having a central angle of 28 deg. 59 min. 06 sec., a radius of 100.00 feet and a chord which bears N 59 deg. 10 min. 43 sec. E, a distance of 50.05 feet;

THENCE northeasterly, along the northwesterly right-of-way line of said High Point Drive and along the said curve, an arc distance of 50.59 feet to a point for corner and being the end of said curve;

THENCE N 44 deg. 41 min. 10 sec. E, continuing along the northwesterly right-of-way line of said High Point Drive a distance of 326.49 feet to the POINT OF BEGINNING and containing 44,106 sq. ft. or 1.0125 acres of land.

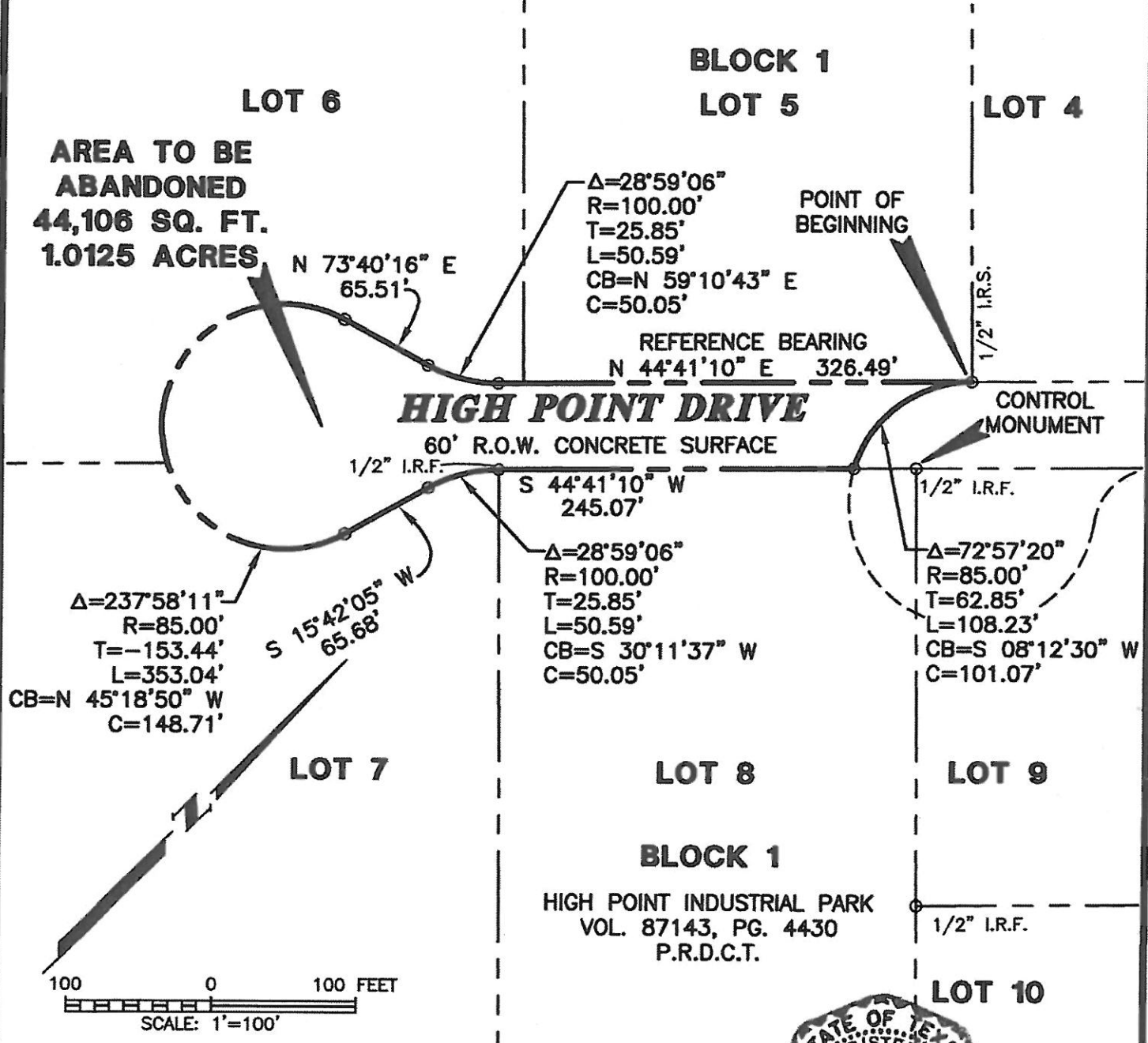
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MAY 9, 2012
SHEET 1 OF 2
PROJECT NO. 2010-027-E



HIGH POINT DRIVE ABANDONMENT

PART OF
HIGH POINT INDUSTRIAL PARK
OUT OF THE
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



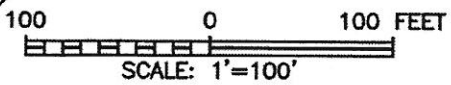
**AREA TO BE
ABANDONED
44,106 SQ. FT.
1.0125 ACRES**

$\Delta=237^{\circ}58'11''$
R=85.00'
T=-153.44'
L=353.04'
CB=N 45°18'50" W
C=148.71'

$\Delta=28^{\circ}59'06''$
R=100.00'
T=25.85'
L=50.59'
CB=N 59°10'43" E
C=50.05'

$\Delta=28^{\circ}59'06''$
R=100.00'
T=25.85'
L=50.59'
CB=S 30°11'37" W
C=50.05'

$\Delta=72^{\circ}57'20''$
R=85.00'
T=62.85'
L=108.23'
CB=S 08°12'30" W
C=101.07'



BEARING SOURCE:
THE NORTHWEST RIGHT-OF-WAY LINE OF HIGH
POINT DRIVE (S 44°41'10" W) ACCORDING TO THE
PLAT
MAY 9, 2012
SHEET 2 OF 2
PROJECT NO. 2010-027-E

STATE OF TEXAS
REGISTERED
DENNIS D. VOTE
LAND SURVEYOR
4813
Dennis D. Vote
May 9, 2012