



201200311097

ORD 1/4

ORDINANCE NO. 4240

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A 15-FOOT-WIDE SANITARY SEWER EASEMENT LOCATED ON LAND OWNED BY CALVARY TEMPLE COMMUNITY CHURCH OF MESQUITE, INC., JUST EAST OF OLD MESQUITE VALLEY ROAD; 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 June 8, 1999, for the exclusive use of constructing and maintaining a sanitary sewer main; and

WHEREAS, during the planning for the construction of a cell tower on property owned by Calvary Temple Community Church of Mesquite, Inc. ("Church"), it was discovered the existing sanitary sewer main had not been constructed within the easement dedicated in 1999; and

WHEREAS, site surveys show the actual location of the sanitary sewer main is 40-feet to 60-feet south of its intended location and well outside of the easement dedicated in 1999; and

WHEREAS, the Church requested abandonment of the incorrectly located easement; and

WHEREAS, the Church had the necessary surveys and legal descriptions prepared for the abandonment and dedicated a new easement that accurately overlays the actual location of the sanitary sewer main; and

WHEREAS, Staff believes the abandonment is in the public interest, has no detrimental impact to the City and recommends abandonment of the subject sanitary sewer easement originally dedicated in 1999.

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

SECTION 1. That the 15-foot-wide sanitary sewer easement located on land owned by Calvary Temple Community Church of Mesquite, Inc., just east of Old Mesquite Valley Road, and 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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 segment 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 15th day of October, 2012.



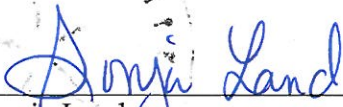
John Monaco
Mayor

APPROVED:



B.J. Smith
City Attorney

ATTEST:



Sonja Land
City Secretary

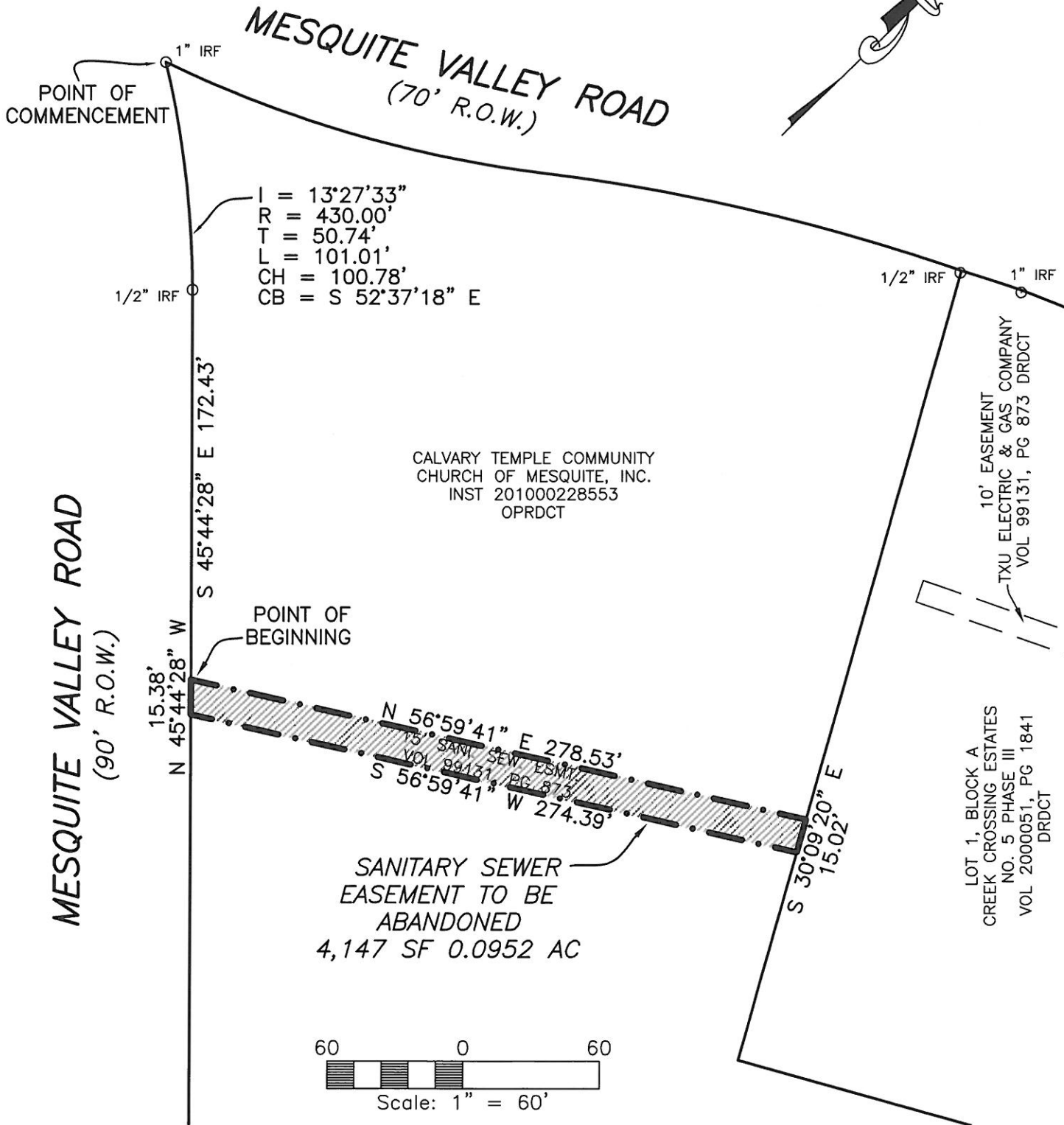
Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
10/18/2012 12:14:09 PM
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EXHIBIT A
 ABANDONMENT OF 15'
 SANITARY SEWER EASEMENT
 SHEET 1 OF 2



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 6313 Preston Rd.
 Suite 200
 Plano, TX 75024



Land Surveyors
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 Fax: (972) 781-6700
 mail@webbsurveying.com

EXHIBIT A
ABANDONMENT OF 15'
SANITARY SEWER EASEMENT
SHEET 2 OF 2

LEGAL DESCRIPTION

BEING a tract of land situated in the T.P. Summers Survey, Abstract No. 1667, City of Mesquite, Dallas County, Texas, same being out of and a portion of that certain tract of land described as Tract 3 as conveyed to Calvary Temple Community Church of Mesquite, Inc. by Warranty Deed with Vendor's Lien dated August 19, 2010, and recorded in Instrument No. 201000228553, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1" iron rod found for the most westerly corner of said Calvary Temple Community Church of Mesquite, Inc. tract, same being the intersection of the southeast right-of-way line of Mesquite Valley Road (70' right-of-way) with the northeast right-of-way line of Mesquite Valley Road (90' right-of-way);

THENCE along the northeast right-of-way line of said Mesquite Valley Road (90' right-of-way) the following two (2) courses:

1. Along a curve to the right having a radius of 430.00 feet, an arc distance of 101.01 feet, through a central angle of 13 degrees 27 minutes 33 seconds, and whose chord bears South 52 degrees 37 minutes 18 seconds East, a distance of 100.78 feet to a Point;
2. South 45 degrees 44 minutes 28 seconds East, a distance of 172.43 feet to the POINT OF BEGINNING hereof;

THENCE through the interior of said Calvary Temple Community Church of Mesquite, Inc. tract, North 56 degrees 59 minutes 41 seconds East, a distance of 278.53 feet to a point on the southwest line of Lot 1, Block A, Creek Crossing Estates No. 5, an addition to the City of Mesquite, Dallas County, Texas, according to the plat thereof recorded in Volume 2000051, Page 1841, Deed Records, Dallas County, Texas;

THENCE along the southwest line of said Lot 1, Block A, Creek Crossing Estates No. 5, South 30 degrees 09 minutes 20 seconds East, a distance of 15.02 feet to a point;

THENCE through the interior of said Calvary Temple Community Church of Mesquite, Inc. tract, South 56 degrees 59 minutes 41 seconds West, a distance of 274.39 feet to a point on the northeast right-of-way line of Mesquite Valley Road (90' right-of-way);

THENCE along the northeast right-of-way line of said Mesquite Valley Road (90' right-of-way), North 45 degrees 44 minutes 28 seconds West, a distance of 15.38 feet to the POINT OF BEGINNING hereof and containing 0.0952 acres or 4,147 square feet of land, more or less.

Webb Surveying, Inc.
6313 Preston Rd.
Suite 200
Plano, TX 75024



Land Surveyors
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