



201300371913

ORD 1/9

ORDINANCE NO. 4287

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF PORTIONS OF THREE UTILITY EASEMENTS LOCATED NEAR GUS THOMASSON ROAD IN THE CRAMER ADDITION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, Bury Partners, representing MQ Apple Grove Villas Housing LP, has requested the abandonment of several existing utility easements within the proposed Apple Grove Villas mixed use development currently platted as the Cramer Addition and located east of Gus Thomasson Road north of U. S. Highway 80; and

WHEREAS, two of the easements currently contain water mains that are no longer in service due to maintenance problems and not serving any other properties; and

WHEREAS, the other easement contains a sewer line which is serving an existing development at the intersection of Motley and Gus Thomasson; and

WHEREAS, sewer service will be maintained to the existing development while a new sanitary sewer is being constructed to replace the sewer serving the existing development and a new easement dedicated as part of the required plat; and

WHEREAS, Oncor Electric Delivery, Atmos Energy, AT&T and Time Warner Cable have indicated they have no facilities in the subject easements and have no objections to the abandonments; and

WHEREAS, Bury Partners has provided the necessary surveys and legal descriptions, and paid the fee for the abandonment; and

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

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

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

SECTION 1. That portions of the three utility easements located on Gus Thomasson Road in the Cramer Addition, said portions 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 plat of the proposed Apple Grove Villas Addition approved by the City of Mesquite to dedicate easements for relocated utility lines.

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137

2. Construction and City acceptance of relocated City utilities in accordance with City approved engineering plans.

This abandonment shall not be effective unless, within 18 months after the effective date of this ordinance, these conditions have been met. Failure to timely comply with Conditions (1) and (2) above shall render this ordinance null and void and of no further effect.

SECTION 2. That the abandonment provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Mesquite may legally and lawfully abandon and vacate.

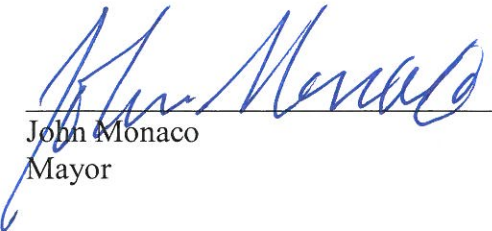
SECTION 3. That the abandonment provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 4. 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.

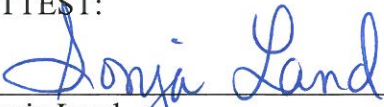
SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 6. That the orderly development of the City of Mesquite requires the release and abandonment of the three 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 7th day of October, 2013.



John Monaco
Mayor

ATTEST:


Sonja Land
City Secretary

APPROVED:


B. J. Smith
City Attorney

APPLE GROVE VILLAS
15' UTILITY EASEMENT
ABANDONMENT

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75148-0137

Job No. 32454-24
Page 1 of 4

EXHIBIT A
TRACT 1

LEGAL DESCRIPTION

BEING a tract of land located in the DANIEL TANNER SURVEY, ABSTRACT NO. 1462, Dallas County, Texas and being a part of a tract of land described in Deed to MQ Apple Grove Villas Housing, L.P. a Texas Limited Partnership, Recorded in Document No. 201300243264, Official Public Records, Dallas County, Texas, and being all of the 15 Foot Utility Easement described in easement recorded in Volume 73131, Page 129, Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found in the west line of said MQ Apple Grove Villas Housing tract, same being the common east corner of Cramer Addition, Phase III, Lot 3, Block A, an addition to the City of Mesquite, Dallas County, Texas according to the Plat thereof, recorded in Volume 86186, Page 3748, Map Records, Dallas County, Texas and The Cramer Addition, Lot 2, an addition to the City of Mesquite, Dallas County, Texas according to the Plat thereof, recorded in Volume 84111, Page 4546, Map Records, Dallas County, Texas, from which a 1/2-inch iron rod found in the east Right-of-Way (ROW) line of Gus Thomasson Road (a variable width ROW), at the common west corner of said Lot 3, Block A and The Cramer Addition, Lot 2, bears South 87 degrees 34 minutes 07 seconds West, a distance of 296.16 feet;

THENCE North 02 degrees 50 minutes 23 seconds West, along the common line of said MQ Apple Grove Housing tract and said The Cramer Addition, Lot 2, a distance of 8.77 feet to the POINT OF BEGINNING of the tract of land herein described;

THENCE North 02 degrees 50 minutes 23 seconds West, along said common line, a distance of 15.00 feet to a point for corner;

THENCE North 86 degrees 44 minutes 04 seconds East, leaving said common line, a distance of 166.79 feet to a point for corner;

THENCE North 71 degrees 39 minutes 55 seconds East, a distance of 49.99 feet to a point for corner;

THENCE South 02 degrees 50 minutes 23 seconds East, a distance of 28.00 feet to a point for corner;

THENCE South 86 degrees 44 minutes 04 seconds West, a distance of 184.47 feet to a point for corner;

THENCE South 02 degrees 50 minutes 23 seconds East, a distance of 15.00 feet to a point for corner;

THENCE South 86 degrees 44 minutes 04 seconds West, a distance of 7.50 feet to a point for corner;

THENCE North 02 degrees 50 minutes 23 seconds West, a distance of 15.00 feet to a point for corner;

THENCE South 86 degrees 44 minutes 04 seconds West, a distance of 23.00 feet to the POINT OF BEGINNING and containing 3,651 square feet or 0.084 of an acre of land, more or less.

BEARING BASIS: ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE.



SEAN SHROPSHIRE
REGISTERED PROFESSIONAL LAND SURVEYOR
NUMBER 5674
SURVEYING AND MAPPING, INC.
DATE: AUGUST 15, 2013

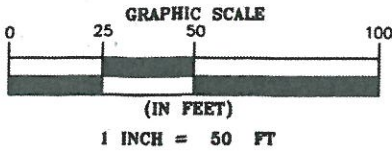


EXHIBIT " A "

TRACT 1

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137



THE CRAMER ADDITION, LOT 2
VOLUME 84111, PAGE 4546
M.R.D.C.T.

15' UTILITY EASEMENT
VOL. 73131, PG. 129
0.084 ACRES
(3,650 S.F.)

N02°50'23"W 8.77' P.O.B.
P.O.C.
S87°34'07"W 296.16'
P.O.R.—1/2" IRON ROD FOUND AT A
CORNER OF THE CRAMER ADDITION,
LOT 2 AND CRAMER ADDITION, PHASE
III, LOT 3, BLOCK A

MQ APPLE GROVE VILLAS HOUSING, L.P.
DOCUMENT No. 201300243264
O.P.R.D.C.T.

CRAMER ADDITION, PHASE III, LOT 3, BLOCK A
VOLUME 86186, PAGE 3748
M.R.D.C.T.

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N02°50'23"W	15.00
L2	N86°44'04"E	166.79
L3	N71°39'55"E	49.99
L4	S02°50'23"E	28.00
L5	S86°44'04"W	184.47
L6	S02°50'23"E	15.00
L7	S86°44'04"W	7.50
L8	N02°50'23"W	15.00
L9	S86°44'04"W	23.00

LEGEND

- M.R.D.C.T. MAP RECORDS DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- P.O.C. POINT OF COMMENCEMENT
- 1/2" IRON ROD FOUND
- △ CALCULATED POINT
- PROPERTY LINE (APPROXIMATE)
- PROPOSED EASEMENT ABANDONMENT



NOTES:

1. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENT OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
2. REFERENCE IS MADE TO THE DESCRIPTION OF EVEN DATE ACCOMPANYING THIS SKETCH

SHEET 02 OF 04

PROJECT: APPLE GROVE VILLAS
JOB NUMBER: 32454-24
DATE: 08/15/2013
SCALE: 1"=50'
TRACT ID: TRACT 1
DRAWN BY: GH

15' UTILITY EASEMENT ABANDONMENT
Daniel Tanner Survey, Abstract No. 1462
City of Mesquite, Dallas County, Texas

7101 Envoy Court, Dallas, Texas 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAMINC.BIZ

APPLE GROVE VILLAS
10' UTILITY EASEMENT
PARTIAL ABANDONMENT

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137
Job No. 32454-24
Page 1 of 2

EXHIBIT A

LEGAL DESCRIPTION

BEING a tract of land located in the DANIEL TANNER SURVEY, ABSTRACT NO. 1462, Dallas County, Texas and being a part of a tract of land described in Deed to MQ Apple Grove Villas Housing, L.P. a Texas Limited Partnership, Recorded in Document No. 201300243264, Official Public Records, Dallas County, Texas, and being a portion of the 10 Foot Utility Easement described in easement recorded in Volume 51, Page 67, Map Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with yellow cap stamped "RPLS 3989" found at the north common corner of said MQ Apple Grove Villas Housing tract and Big Town Nursing Center, an addition to the City of Mesquite, Dallas County, Texas according to the Plat thereof, recorded in Volume 74244, Page 553, Map Records, Dallas County, Texas, same being in the south line of a Replat of The Barons, Phase 1, Lot 1R, Block 1, an addition to the City of Mesquite, Dallas County, Texas according to the Plat thereof, recorded in Volume 2000135, Page 2150, Map Records, Dallas County, Texas;

THENCE northwesterly, along the common line of said MQ Apple Grove Housing tract and said Lot 1R, Block 1, North 62 degrees 37 minutes 29 seconds West, a distance of 11.57 feet to the POINT OF BEGINNING of the tract of land herein described;

THENCE southerly and westerly, leaving said MQ Apple Grove Housing tract, the following seven (7) courses:

South 02 degrees 50 minutes 23 seconds East, a distance of 11.57 feet to a point for corner;

North 62 degrees 37 minutes 29 seconds West, a distance of 184.87 feet to a point for corner;

South 02 degrees 50 minutes 23 seconds East, a distance of 374.81 feet to a point for corner;

South 87 degrees 01 minutes 41 seconds West, a distance of 224.96 feet to a point for corner;

North 02 degrees 50 minutes 23 seconds West, a distance of 10.00 feet to a 1/2-inch iron rod with red cap stamped "RPLS 5674" found for corner, at an interior ell corner of said MQ Apple Grove Housing tract and the southeast corner of Cramer Addition, Phase III, Lot 3, Block A, recorded in Volume 86186, Page 3748, Map Records, Dallas County, Texas, an addition to the City of Mesquite, Dallas County, Texas according to the Plat thereof

North 87 degrees 01 minutes 41 seconds East, a distance of 214.96 feet to a point for corner;

North 02 degrees 50 minutes 23 seconds West, a distance of 382.23 feet to a 1/2-inch iron rod found for corner, in the common line of said MQ Apple Grove Villas Housing tract and Lot 1R, Block 1;

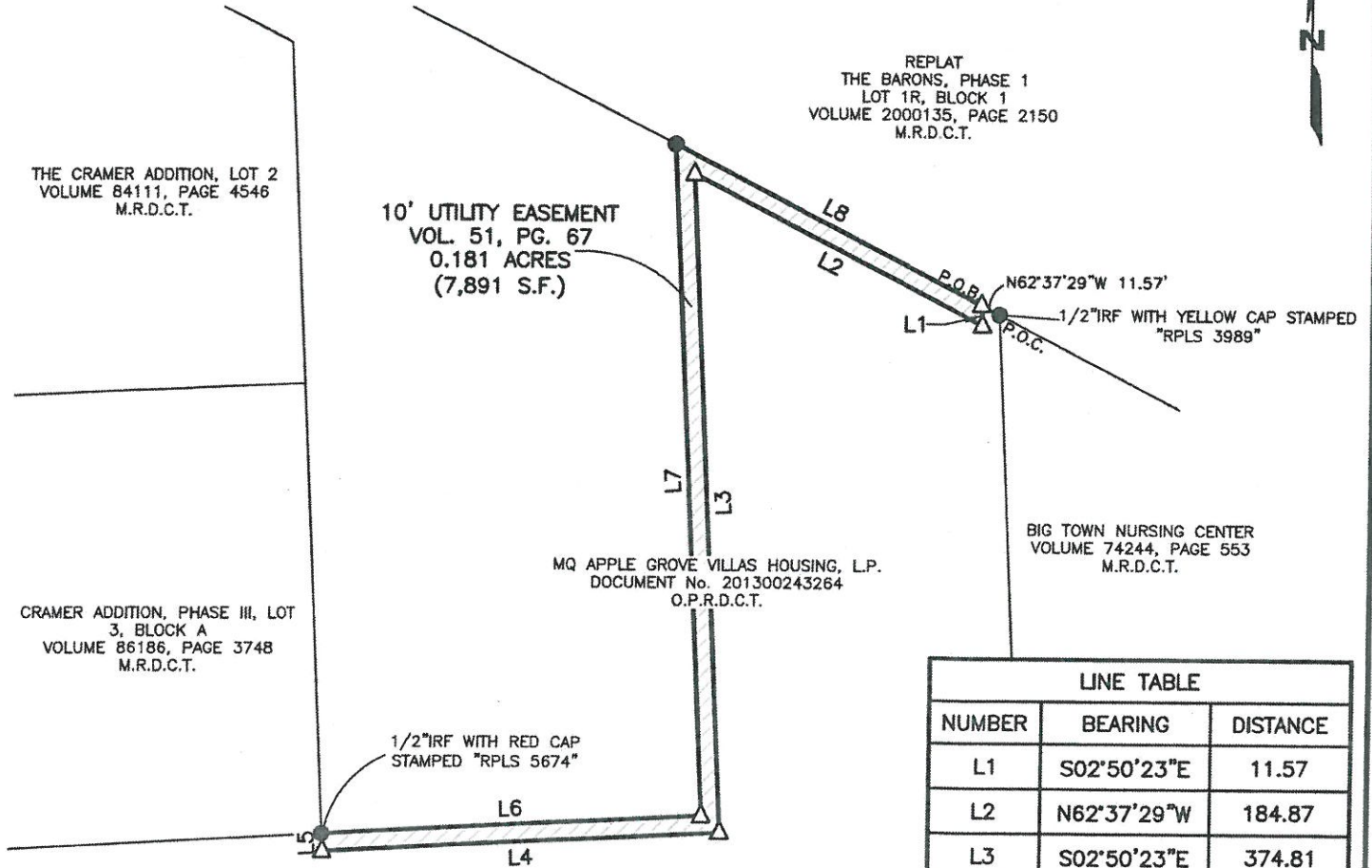
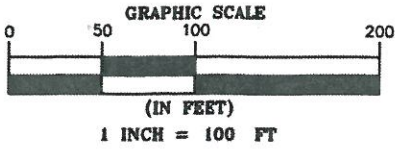
THENCE South 62 degrees 37 minutes 29 seconds East, along said common line, a distance of 196.44 feet to the POINT OF BEGINNING and containing 7,892 square feet or 0.181 of an acre of land, more or less.

BEARING BASIS: ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE.



SEAN SHROPSHIRE
REGISTERED PROFESSIONAL LAND SURVEYOR
NUMBER 5674
SURVEYING AND MAPPING, INC.
DATE: AUGUST 15, 2013

EXHIBIT "A"



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S02°50'23"E	11.57
L2	N62°37'29"W	184.87
L3	S02°50'23"E	374.81
L4	S87°01'41"W	224.96
L5	N02°50'23"W	10.00
L6	N87°01'41"E	214.96
L7	N02°50'23"W	382.23
L8	S62°37'29"E	196.44

LEGEND

- M.R.D.C.T. MAP RECORDS
DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS
DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- 1/2" IRON ROD FOUND
(UNLESS NOTED OTHERWISE)
- △ CALCULATED POINT
- PROPERTY LINE (APPROXIMATE)
- PROPOSED EASEMENT ABANDONMENT



NOTES:

1. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENT OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
2. REFERENCE IS MADE TO THE DESCRIPTION OF EVEN DATE ACCOMPANYING THIS SKETCH

SHEET 02 OF 02

PROJECT: APPLE GROVE VILLAS
 JOB NUMBER: 32454-24
 DATE: 08/15/2013
 SCALE: 1"=100'
 TRACT ID: 51/67
 DRAWN BY: GH

10' UTILITY EASEMENT
 PARTIAL ABANDONMENT
 Daniel Tanner Survey, Abstract No. 1462
 City of Mesquite, Dallas County, Texas

7101 Envoy Court, Dallas, Texas 75247
 Ph: (214) 631-7888 Fax: (214) 631-7103
 EMAIL: SAM@SAMINC.BIZ

APPLE GROVE VILLAS
UTILITY EASEMENT
ABANDONMENT

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137
Job No. 32454-24
Page 1 of 2

EXHIBIT A

LEGAL DESCRIPTION

BEING a tract of land located in the DANIEL TANNER SURVEY, ABSTRACT NO. 1462, Dallas County, Texas and being a part of a tract of land described in Deed to MQ Apple Grove Villas Housing, L.P. a Texas Limited Partnership, Recorded in Document No. 201300243264, Official Public Records, Dallas County, Texas, and being all of the Utility Easement described in easement recorded in Volume 73173, Page 2137, Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found in the north line of said MQ Apple Grove Villas Housing tract and the south line of a Replat of The Barons, Phase 1, Lot 1R, Block 1, an addition to the City of Mesquite, Dallas County, Texas according to the Plat thereof, recorded in Volume 2000135, Page 2150, Map Records, Dallas County, Texas, from which a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 3989" found at the north common corner of said MQ Apple Grove Villas tract and Big Town Nursing Center, an addition to the City of Mesquite, Dallas County, Texas according to the Plat thereof, recorded in Volume 74244, Page 553, Map Records, Dallas County, Texas, same being in the south line of said Lot 1R, Block 1 bears South 62 degrees 37 minutes 29 seconds East, a distance of 208.04 feet;

THENCE southerly, leaving the common line of said MQ Apple Grove Villas tract and said Lot 1R, Block 1, the following seven (7) courses and distances:

South 02 degrees 50 minutes 23 seconds West, a distance of 112.37 feet to the POINT OF BEGINNING of the tract of land herein described;

South 62 degrees 31 minutes 23 seconds East, a distance of 165.42 feet to a point for corner;

South 02 degrees 50 minutes 23 seconds East, a distance of 41.57 feet to a point for corner;

South 87 degrees 09 minutes 37 seconds West, a distance of 8.00 feet to a point for corner;

North 02 degrees 50 minutes 23 seconds West, a distance of 34.68 feet to a point for corner;

North 62 degrees 31 minutes 23 seconds West, a distance of 156.16 feet to a point for corner;

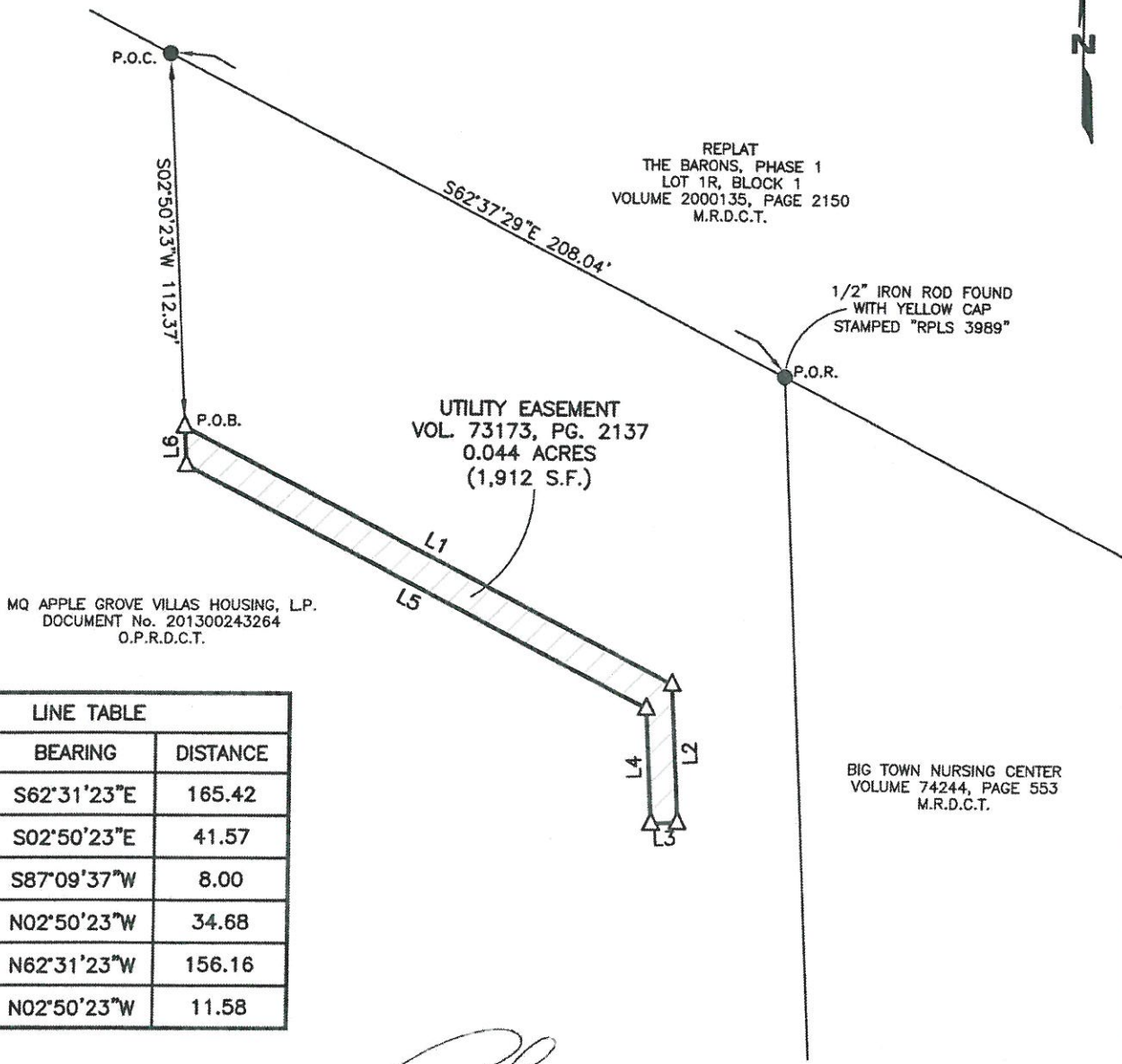
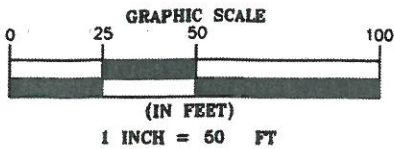
North 02 degrees 50 minutes 23 seconds West, a distance of 11.58 feet to the POINT OF BEGINNING and containing 1,912 square feet or 0.044 of an acre of land, more or less.

BEARING BASIS: ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE.



SEAN SHROPSHIRE
REGISTERED PROFESSIONAL LAND SURVEYOR
NUMBER 5674
SURVEYING AND MAPPING, INC.
DATE: AUGUST 15, 2013

EXHIBIT " A "



MQ APPLE GROVE VILLAS HOUSING, L.P.
 DOCUMENT No. 201300243264
 O.P.R.D.C.T.

BIG TOWN NURSING CENTER
 VOLUME 74244, PAGE 553
 M.R.D.C.T.

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S62°31'23"E	165.42
L2	S02°50'23"E	41.57
L3	S87°09'37"W	8.00
L4	N02°50'23"W	34.68
L5	N62°31'23"W	156.16
L6	N02°50'23"W	11.58

LEGEND

- M.R.D.C.T. MAP RECORDS DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- P.O.C. POINT OF COMMENCEMENT
- 1/2" IRON ROD FOUND
- △ CALCULATED POINT
- PROPERTY LINE (APPROXIMATE)
- PROPOSED EASEMENT ABANDONMENT



NOTES:

1. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENT OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
2. REFERENCE IS MADE TO THE DESCRIPTION OF EVEN DATE ACCOMPANYING THIS SKETCH

SHEET 02 OF 02

PROJECT: APPLE GROVE VILLAS
JOB NUMBER: 32454-24
DATE: 08/15/2013
SCALE: 1"=50'
TRACT ID: 73173/2137
DRAWN BY: GH

UTILITY EASEMENT ABANDONMENT
 Daniel Tanner Survey, Abstract No. 1462
 City of Mesquite, Dallas County, Texas

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
12/09/2013 12:50:49 PM
\$44.00



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

201300371913