



201400184184
ORD 1/4

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

ORDINANCE NO. 4318

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A SANITARY SEWER EASEMENT LOCATED AT THE NORTHWEST CORNER OF FRANKLIN DRIVE AND MARIPOSA LANE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, Tarif Al Rousan, representing Mesquite Islamic Center, has requested the abandonment of an existing sanitary sewer easement within the Mesquite Islamic Center property platted as the Hilhome Gardens No. 2 Addition and located at the northwest corner of Franklin Drive and Mariposa Lane; and

WHEREAS, no utilities have been constructed within the easement; and

WHEREAS, the easement is not contiguous with any other City right-of-way or easement and not usable by the City for utilities; and

WHEREAS, the requestor has proposed to construct a new worship center at the location of the existing easement; and

WHEREAS, Lane's Southwest Surveying, Inc., has provided the necessary surveys and legal descriptions, and paid the fee for the abandonment; and

WHEREAS, the sanitary sewer easement is no longer needed for public purposes and it is in the public interest of the City to abandon said described easement.

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

SECTION 1. That the sanitary sewer easement located on Hilhome Gardens No. 2 Addition, Block 3, Lot 27, said easement is more fully described in Exhibit "A" attached hereto and included herein for all purposes, shall be and the same are hereby abandoned.

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 and quitclaim provided for herein are 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 the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, which certified copy shall be delivered to the Director of Public Works or his designee.


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SECTION 5. 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.

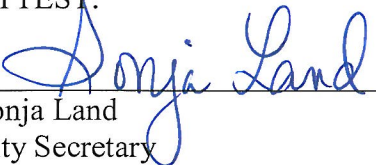
SECTION 6. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 7. That the orderly development of the City of Mesquite requires the release and abandonment 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 7th day of July, 2014.



John Monaco
Mayor

ATTEST:


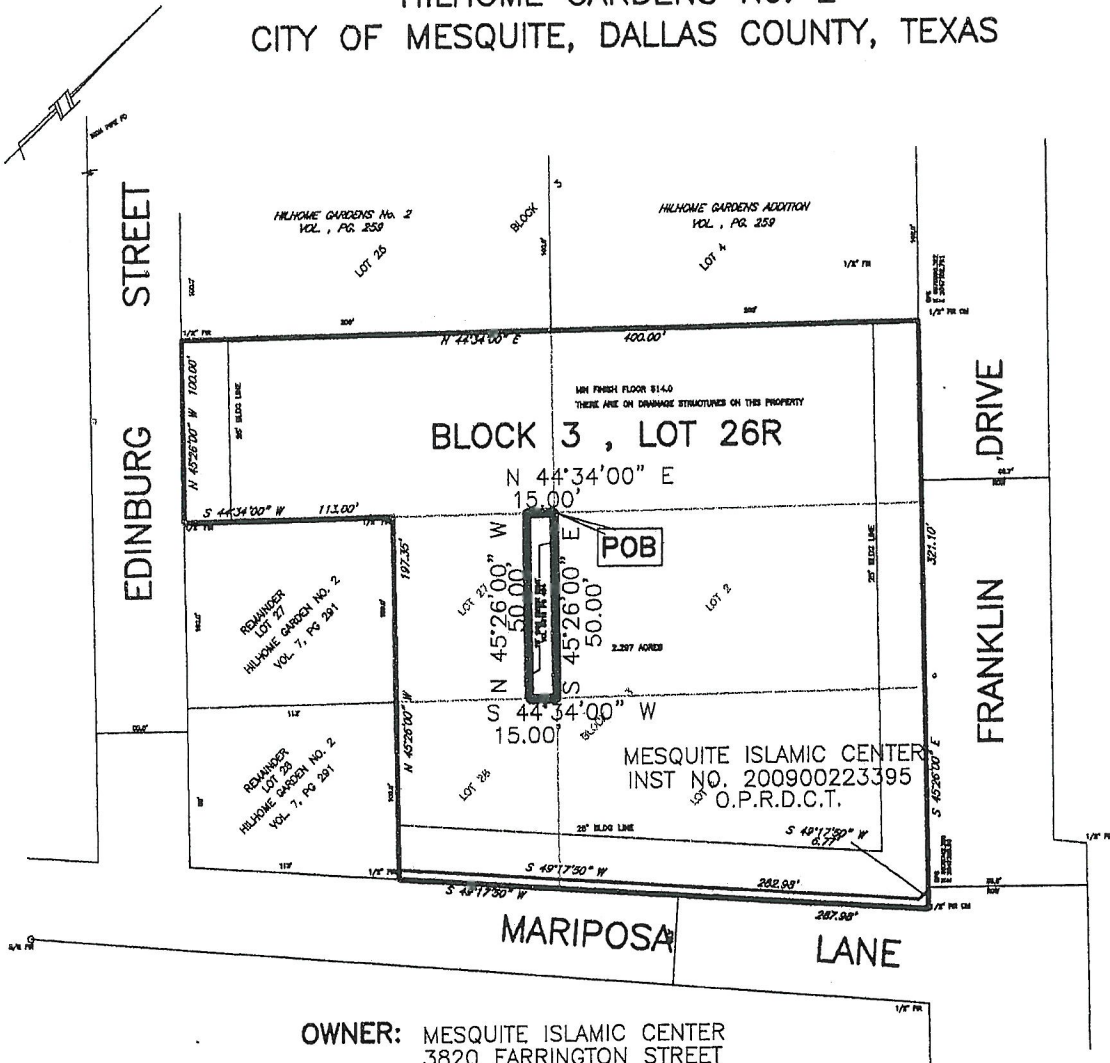
Sonja Land
City Secretary

APPROVED:


B. J. Smith
City Attorney

ABANDONMENT OF
15' SANI SEWER ESMT
VOL 5319 PG 494
PART OF LOT 27, BLOCK 3
HILHOME GARDENS No. 2
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

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MESQUITE, TX 75185-0137



OWNER: MESQUITE ISLAMIC CENTER
3820 FARRINGTON STREET
MESQUITE, TEXAS 75150
CONTACT: MIKE AQRABAWI
PH 972-883-2530

LANE'S SOUTHWEST SURVEYING INC.
2717 MOTLEY DR, SUITE B
MESQUITE, TEXAS 75150 - 3812
Phone (972) 681-4442 Fax 681-4829
EMAIL JLTLKH@EARTHLINK.NET

BASIS OF BEARING IS THE WEST ROW LINE OF FRANKLIN DR
BY PLAT OF HILHOME GARDEN VOL 7, PAGE 291 OPRDCT
S 45°26'00" E

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EXHIBIT "A"
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15' SANITARY SEWER EASEMENT ABANDONMENT

BEING 15.00 feet out of Lot 27, Block 3 of Hillhome Gardens Addition to the City of Mesquite, Texas, as recorded in Volume 7, Page 259 of the Map Records, Dallas County, Texas also being all of the same tract described in Volume 5319, Page 494, Deed Records, Dallas County, Texas;

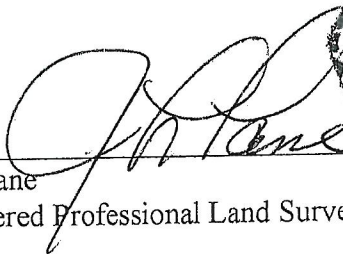
BEGINNING at the Northeast corner of Lot 27;

THENCE: South 45 degrees 26 minutes 00 seconds East, along the East line of said Lot 27, a distance of 50.00 to the Southeast corner of said Lot 27;

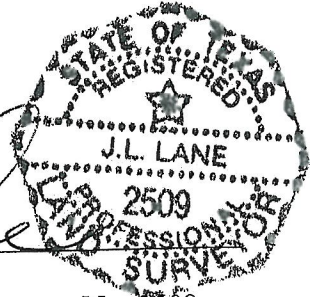
THENCE: South 44 degrees 34 minutes 00 seconds West, along the South line of said Lot 27, a distance of 15.00 feet;

THENCE: North 45 degrees 26 minutes 00 seconds West, parallel to and 15.00 feet from the East line of said Lot 27, a distance of 50.00 feet to the North line of Lot 27;

THENCE: North 44 degrees 34 minutes 00 seconds East, along the North line of said Lot 27, a distance of 15.00 feet to the PLACE OF BEGINNING and containing 750 square feet.


J. L. Lane

Registered Professional Land Surveyor No. 2509



Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
07/23/2014 12:38:48 PM
\$38.00

SHEET 2 OF 2





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