



201400183991
ORD 1/8

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

ORDINANCE NO. 4319

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF TWO TURNAROUND EASEMENTS AT THE WEST END OF FORNEY ROAD EAST OF THE UNION PACIFIC INTERMODAL FACILITY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, Steven Thomas, P.E., with Union Pacific Railroad (UPRR), has requested abandonment of two existing turnaround easements located within the existing Union Pacific Intermodal Facility, currently platted as the Austin Addition located east of Big Town Boulevard, south of Samuell Boulevard and west of Chase Road; and

WHEREAS, the existing easements provide for a turnaround at the end of Forney Road and encompass a total area less than an acre; and

WHEREAS, the easements were created as a result of the abandonment of a segment of Forney Road within the UPRR Intermodal site to allow for expansion of the facility and security within the site; and

WHEREAS, UPRR is in the process of a major expansion and modernization project that includes expansion of track used to offload containers in the area of the existing turnaround easements and UPRR has submitted development plans to the City of Mesquite which include a new concrete paved cul-de-sac turnaround just east of the existing turnaround that will maintain the ability of the public to turn around at the end of Forney Road; and

WHEREAS, UPRR has purchased the property in the location of the proposed cul-de-sac and has indicated the dedication of public street right-of-way; and

WHEREAS, the City will maintain existing utility easements within the turnaround area and will not lose the use of any other easement rights as part of this abandonment; and

WHEREAS, Transystems, representing UPRR, has provided the legal descriptions and paid the \$500.00 processing fee for the abandonment.

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

SECTION 1. That three turnaround easements located on Forney Road in the Austin Addition, said easements more fully described in Exhibits "A" and "B" 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 dedication of the proposed right-of-way for a new Forney Road cul-de-sac approved by the City of Mesquite.

2. Construction and City acceptance of relocated turnaround 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 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 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.

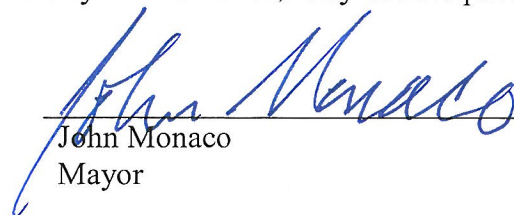
SECTION 4. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, which certified copy shall be delivered to the Director of Public Works or his designee.

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.

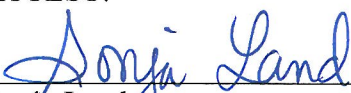
SECTION 7. That the orderly development of the City of Mesquite requires the release and abandonment of the two turnaround easements described herein, creates an urgency and an emergency for the preservation of the public health, safety, and welfare, and requires that this ordinance shall take effect 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 July, 2014.



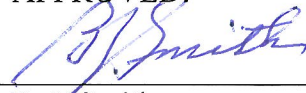
John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

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Turn Around Easement Vacation
UPRR Mesquite – Forney Rd.
Page 1 of 3

EXHIBIT "A"
Turn Around Easement Vacation
Description

Being 0.307 acres (13,381 square feet) of land situated in the Daniel Tanner Survey, Abstract Number 1462, Dallas County, Texas, being a portion of Forney Rd. and being out of that certain 88.965 acre tract of land described as Lot 1, Block E, Austin Addition, as recorded in Volume 2000122, Page 4199, Plat Records, Dallas County, Texas (P.R.D.C.T.) and being further described as follows:

BEGINNING in the abandoned southerly right-of-way line of Forney Rd., in the Northwest line of said Lot 1, Block E and being the West corner of a tract of land to Union Pacific Railroad Company, as recorded in Instrument #201100204444, P.R.D.C.T. being Lot 1, Block A, Forney Road Industrial District No.2, as recorded in Vol.79121, Pg.1, P.R.D.C.T., from which a 3/8 inch iron rod found bears South 46 degrees, 00 minutes, 03 seconds East, 0.20 feet;

THENCE South 44 degrees, 10 minutes, 39 seconds West, along the Northwest line of said Lot 1, Block E, a distance of 14.07 feet to a point at the beginning of a curve to the left;

THENCE along said curve to the left, an arc distance of 63.01 feet, through a central angle of 90°15'05", a radius of 40.00 feet and a long chord which bears S 0°57'09" E, 56.69 feet to a point;

THENCE South 46 degrees, 04 minutes, 30 seconds East, a distance of 60.64 feet to a point;

THENCE South 44 degrees, 13 minutes, 11 seconds West, a distance of 58.64 feet to a point;

THENCE North 45 degrees, 46 minutes, 49 seconds West, a distance of 162.77 feet to a point at the south corner of an existing turn around easement to the City of Mesquite, as recorded in Volume 97085, Page 4550, Deed Records, Dallas County, Texas (D.R.D.C.T.);

THENCE North 44 degrees, 10 minutes, 39 seconds East, a distance of 115.41 feet to a point;

THENCE South 45 degrees, 36 minutes, 34 seconds East, departing said northerly right-of-way line, a distance of 62.00 feet to a point in the said existing southerly right-of-way line;

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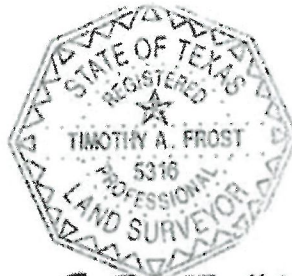
Turn Around Easement Vacation
UPRR Mesquite – Forney Rd.
Page 2 of 3

THENCE South 44 degrees, 10 minutes, 39 seconds West, a distance of 2.86 feet to the POINT OF BEGINNING, containing 0.307 acres (13,381 square feet) of land, more or less.

That I, Timothy A. Frost, a Registered Professional Land Surveyor in Texas, hereby states that this survey was made from an actual on the ground survey made in May 2014 under my supervision, that all monuments exist as shown hereon and this survey substantially conforms with the current professional and technical standards as set forth by the Texas Board of Professional Land Surveying.



Timothy A. Frost
Registered Professional Land Surveyor
Texas Registration Number 5316
TBPLS Firm No.10038300



RETURN TO: CITY SECRETARY

CITY OF MESQUITE

LEGEND 850137

● = MARKER FOUND AS NOTED

○ = MARKER SET AS NOTED

AUSTIN ADDITION
BLOCK A, LOT 1
INSTR. # 198001396701
P. R. D. C. T.

EXHIBIT "A"

TURN AROUND EASEMENT
VOL 97085, PG 4550
D R D C T

N 44° 10' 39" E
115.41'

FORNEY ROAD
ABANDONED PER
ORDINANCE NO 3112
BY THE CITY OF MESQUITE

EXISTING ROW

FORNEY
ROAD

S 45° 36' 34" E
62.00'

EXISTING ROW

S 44° 10' 39" W
14.07'

P.O.B.

S 44° 10' 39" W
2.86'

TURN AROUND
EASEMENT
DEDICATED
PER PLAT

DELTA = 90° 15' 05" (LT)

R = 40.00

L = 63.01

CB = S 0° 57' 09" E

LC = 56.69

N 45° 46' 49" W
162.77'

S 46° 04' 30" E
60.64'

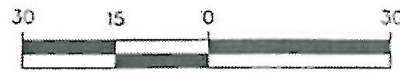
S 44° 13' 11" W
58.64'

UNION PACIFIC
RAILROAD COMPANY
T. J. D. R. P.
77702001102# R.T.S.N.I
FORNEY ROAD INDUSTRIAL
BLOCK A LOT 1
DISTRICT NO. 1
VOL. 12166701
PG. 1
P. R. D. C. T.



AUSTIN ADDITION
BLOCK E, LOT 1
VOL. 2000122, PG. 4199
P. R. D. C. T.

DANIEL TANNER SURVEY
ABSTRACT 1462



GRAPHIC SCALE IN FEET
1" = 30'

NOTE: LEGAL DESCRIPTION TO ACCOMPANY THIS PLAT.

TBPLS FIRM NO.10038300

TranSystems

500 WEST SEVENTH STREET
SUITE 1100
FORT WORTH, TX 76102
(817) 339-8950 (TEL)
(817) 336-2247 (FAX)

PROJ. NO:	P202130017
SCALE:	1" = 30'
DATE:	06-30-2014
DRAWN BY:	JAK
CHECKED BY:	TAF
REVISED DATE:	

SHEET TITLE

EXHIBIT "A"
TURN AROUND EASEMENT VACATION
0.307 ACRES (13,381 SQ. FT.)

PROJECT

UPRR - MESQUITE, TX

BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202) NORTH AMERICAN DATUM (NAD83)(2007) WITH ALL DISTANCES ADJUSTED TO SURFACE BY PROJECT COMBINED SCALE FACTOR 1,00013816409

PG. 3 OF 3

DESCRIPTION
TURN-AROUND EASEMENT

EXHIBIT "B"

BEING A 0.109 ACRE TRACT OF LAND SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, DALLAS COUNTY, TEXAS AND BEING OUT OF THAT CERTAIN ACRE TRACT OF LAND DESCRIBED IN DEED TO LOT 1, BLOCK A, AUSTIN ADDITION AS RECORDED IN VOLUME 80139, PAGE 2018 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.). BEARING BASIS IS NAD 1983, TEXAS PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE, BASED ON NGS MONUMENT "BUCKNER RESET". SAID 0.109 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 3/8" IRON ROD FOUND IN THE SOUTHEAST LINE OF SAID AUSTIN ADDITION MARKING THE WEST CORNER OF LOT 1, BLOCK A, FORNEY INDUSTRIAL DISTRICT NO. 2, A ADDITION RECORDED IN VOLUME 79121, PAGE 0001, D.R.D.C.T., FROM SAID POINT A 1" IRON ROD SET FOR AN OFFSET CORNER IN THE SOUTHEAST LINE OF SAID AUSTIN ADDITION BEARS S 44°11'10" W, A DISTANCE OF 201.01 FEET;

THENCE N 44°11'10" E, WITH THE SOUTHEAST LINE SAID AUSTIN ADDITION AND NORTHWEST LINE SAID FORNEY ADDITION, A DISTANCE OF 2.86 FEET TO A POINT FOR THE NORTH CORNER OF SAID AUSTIN ADDITION;

THENCE N 45°35'35" W, WITH A NORTHEAST LINE OF SAID AUSTIN ADDITION, A DISTANCE OF 62.00 FEET TO A POINT FOR CORNER IN THE WEST LINE OF FORNEY ROAD, A 62 FOOT RIGHT-OF-WAY;

THENCE S 44°11'10" W, WITH THE NORTHWEST LINE OF FORNEY ROAD, A DISTANCE OF 17.65 FEET TO THE POINT OF BEGINNING OF THIS TRACT;

THENCE S 44°11'10" W, WITH THE NORTHWEST LINE OF FORNEY ROAD (62' ROW), A DISTANCE OF 97.62 FEET TO A POINT FOR CORNER;

THENCE ON, OVER AND ACROSS SAID LOT 1, BLOCK A, AUSTIN ADDITION THE FOLLOWING CALLS:

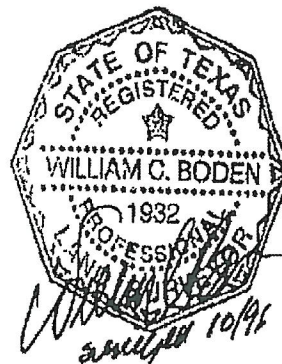
N 45°45'50" W, A DISTANCE OF 76.53 FEET TO A POINT FOR CORNER;

N 44°14'10" E, A DISTANCE OF 57.39 FEET TO A POINT FOR CORNER;

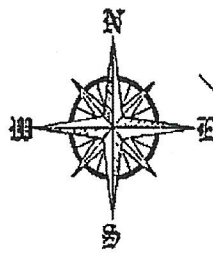
S 46°03'31" E, A DISTANCE OF 36.65 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 40.00 FEET, A DELTA ANGLE OF 89°45'19", A LONG CHORD THAT BEARS N 89°03'50" E A DISTANCE OF 56.45 FEET, AN ARC DISTANCE OF 62.66 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.109 ACRES OF LAND, MORE OR LESS.

97085 04553



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SCALE: 1"=100'

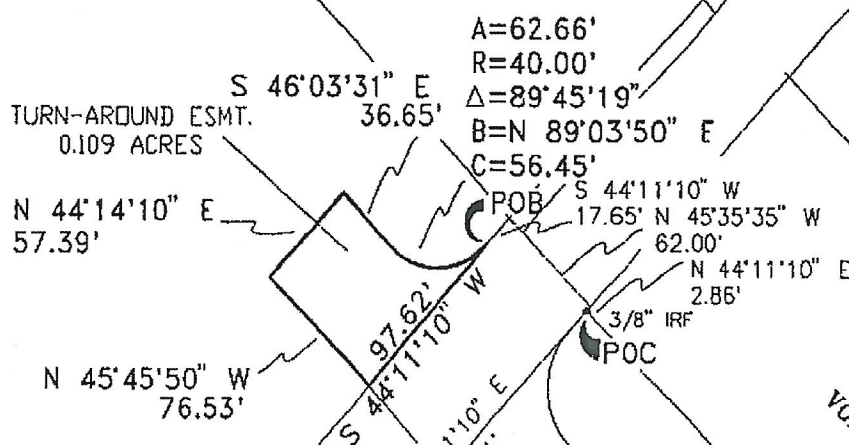
TEXAS POWER & LIGHT COMPANY
VOL. 71139, PG. 1557

JONES, ET AL
VOL. 5109, PG. 1940

FORNEY ROAD
(VARIABLE WIDTH)

EXHIBIT "B"

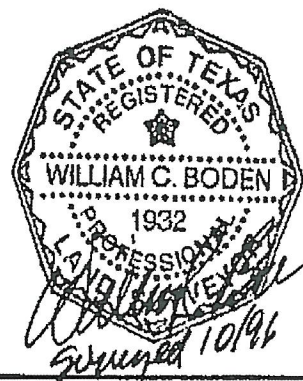
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TURN-AROUND ESMT.
0.109 ACRES

AUSTIN ADDITION
LOT NO. 1, BLK. A
VOL. 80139, PG. 2018

FORNEY IND. DISTRICT NO. 2
LOT 1, BLOCK A
VOLUME 79121, PAGE 0001
THINK MINK INC.
VOLUME 90135, PAGE 0654



BEARING BASIS IS NAD83, TEXAS PLAIN COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE, BASED ON HGS CONTROL MONUMENT "BUCKNER RESET"

D:\SLD\94324801\GRA\248EX005.DWG

SHEET 2 OF 2	DATE 03/20/97	EXHIBIT 0.109 ACRE TURN-AROUND EASEMENT OUT OF LOT 1, BLOCK A, AUSTIN ADDITION IN THE DANIEL TANNER SURVEY, A-1402 CITY OF MESQUITE, DALLAS COUNTY, TEXAS	 Carter & Burgess CARTER & BURGESS, INC. 7950 ELMBROOK DRME DALLAS, TX 75247-4961 (214) 638-0145
	SCALE: 1"=100'		
	DRAWN BY: BB		
	CHECKED BY: RG		

97085 04554

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
07/23/2014 11:25:17 AM
\$50.00



A handwritten signature in black ink, appearing to be "JF2", is written to the right of the seal.

201400183991