



201400309753

ORD 1/8

ORDINANCE NO. 4342

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 A 20-FOOT WIDE UTILITY EASEMENT LOCATED AT WEST MESQUITE HIGH SCHOOL MEMORIAL STADIUM SOUTH OF SCYENE ROAD; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Mesquite Independent School District (MISD) requested abandonment of a 20-foot wide utility easement which contains an eight-inch diameter water main and associated valves and fire hydrants which are in conflict with proposed construction and improvements at West Mesquite High School Memorial Stadium; and

WHEREAS, the proposed construction plans include relocating the eight-inch diameter water main to a location that will not interfere with the building construction; and

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

WHEREAS, Nathan D. Maier Consulting Engineers, Inc., provided the necessary surveys and legal descriptions; and

WHEREAS, the requested abandonment of the utility easement is conditional upon relocation of the eight-inch water main in accordance with plans and specifications approved by the City of Mesquite and filing of a new plat that would dedicate a new utility easement for the relocated water main.

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

SECTION 1. That the 20-foot utility easement located at West Mesquite High School Memorial Stadium south of Scyene Road, said easement more fully described in Exhibits "A" and "B" attached hereto and included herein for all purposes, is hereby abandoned conditional upon:

1. Relocation of the eight-inch water main in accordance with plans and specifications approved by the City of Mesquite; and
2. Filing of a new plat that would dedicate a new utility easement for the relocated water main.

This abandonment shall not be effective unless, within 24 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.

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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.

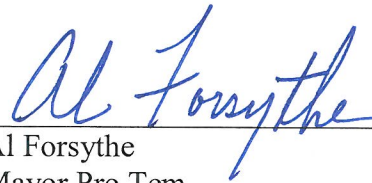
SECTION 3. That the abandonment provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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.

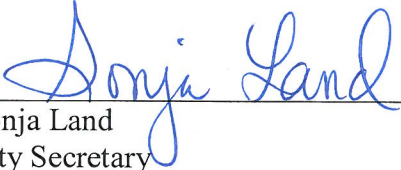
SECTION 6. That the orderly development of the City of Mesquite requires the release and abandonment of the utility easement described herein, creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately 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 3rd day of November, 2014.



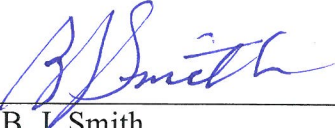
Al Forsythe
Mayor Pro Tem

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

EXHIBIT "A"
UTILITY EASEMENT ABANDONMENT
DANIEL TANNER SURVEY, ABST. NO. 1462
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

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EASEMENT DESCRIPTION

Being a 1.1524 acre (50,199 sq. ft.) tract of land situated in the Daniel Tanner, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, said tract being a portion of Tract No. 1 as described in the Warranty Deed to the Mesquite Independent School District as recorded in Volume 70206, Page 1310 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and being a portion of the 20' utility easement as reflected on Lot 1, Block A of the Amending Plat of West Mesquite High School, an addition to the City of Mesquite, Texas according to the plat thereof as recorded in Volume 91219, Page 2494, D.R.D.C.T., and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the northeast corner of the aforementioned Lot 1, Block A, said corner being at the intersection of the southerly right-of-way line of Scyene Road (State Hwy. No. 352 ~ variable width right-of-way) and the west right-of-way line of Stadium Drive (formerly Peachtree Road ~ 60' right-of-way);

THENCE S 73°57'37" W (plat-N 74°21'30" E), with the northerly line of said Lot 1, Block A and said southerly right-of-way line of Scyene Road 284.25 feet to a 3/8" iron rod found for corner;

THENCE S 68°55'07" W (plat-N 69°19' E), continuing with the northerly line of said Lot 1, Block A and said southerly right-of-way line of Scyene Road, 499.93 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 54°52'37" W (plat-N 55°16'30" E), continuing with the northerly line of said Lot 1, Block A and said southerly right-of-way line of Scyene Road, 103.08 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 76°03'07" W (plat-N 76°27' E), continuing with the northerly line of said Lot 1, Block A and said southerly right-of-way line of Scyene Road, 201.56 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 68°55'07" W (plat-N 69°19' E), continuing with the northerly line of said Lot 1, Block A and said southerly right-of-way line of Scyene Road, 408.92 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 69°01'07" W, continuing with the northerly line of said Lot 1, Block A and said southerly right-of-way line of Scyene Road, 35.00 feet to the POINT OF BEGINNING;

THENCE S 20°58'53" E, departing the northerly line of said Lot 1, Block A and said southerly right-of-way line of Scyene Road, 14.38 feet;

THENCE N 88°20'07" E, a distance of 396.89 feet;

THENCE N 01°39'53" W, a distance of 10.00 feet;

THENCE N 88°20'07" E, a distance of 10.00 feet;

THENCE S 01°39'53" E, a distance of 10.00 feet;

THENCE N 88°20'07" E, a distance of 230.00 feet;

THENCE S 01°39'53" E, a distance of 208.00 feet;

THENCE N 88°20'07" E, a distance of 65.00 feet;

THENCE S 01°39'53" E, a distance of 20.00 feet;

THENCE S 88°20'07" W, a distance of 65.00 feet;



NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

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EXHIBIT "A"
UTILITY EASEMENT ABANDONMENT
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CITY OF MESQUITE, DALLAS COUNTY, TEXAS

EASEMENT DESCRIPTION

THENCE S 01°39'53" E, a distance of 242.00 feet;
THENCE N 88°20'07" E, a distance of 25.00 feet;
THENCE S 01°39'53" E, a distance of 20.00 feet;
THENCE S 88°20'07" W, a distance of 25.00 feet;
THENCE S 01°39'53" E, a distance of 325.55 feet to the northerly right-of-way line of Memorial Boulevard (80' right-of-way);
THENCE S 88°18'53" W, with said northerly right-of-way line of Memorial Boulevard, 20.00 feet;
THENCE N 01°39'53" W, departing said northerly right-of-way line of Memorial Boulevard, 663.55 feet;
THENCE S 88°20'07" W, a distance of 3.00 feet;
THENCE N 01°39'53" W, a distance of 20.00 feet;
THENCE N 88°20'07" E, a distance of 3.00 feet;
THENCE N 01°39'53" W, a distance of 112.00 feet;
THENCE S 88°20'07" W, a distance of 490.50 feet;
THENCE S 01°39'53" E, a distance of 115.00 feet;
THENCE N 88°20'07" E, a distance of 30.00 feet;
THENCE S 01°39'53" E, a distance of 30.00 feet;
THENCE S 88°20'07" W, a distance of 30.00 feet;
THENCE S 01°39'53" E, a distance of 30.00 feet;
THENCE N 88°20'07" E, a distance of 30.00 feet;
THENCE S 01°39'53" E, a distance of 20.00 feet;
THENCE S 88°20'07" W, a distance of 30.00 feet;
THENCE S 01°39'53" E, a distance of 415.00 feet;
THENCE N 88°20'07" E, a distance of 30.00 feet;
THENCE S 01°39'53" E, a distance of 20.00 feet;
THENCE S 88°20'07" W, a distance of 30.00 feet;
THENCE S 01°39'53" E, a distance of 165.73 feet to the northerly right-of-way line of said Memorial Boulevard;
THENCE S 88°18'53" W, with said northerly right-of-way line of Memorial Boulevard, 20.00 feet;
THENCE N 01°39'53" W, departing said northerly right-of-way line of Memorial Boulevard, 100.74 feet;
THENCE S 88°20'07" W, a distance of 20.00 feet;
THENCE N 01°39'53" W, a distance of 20.00 feet;
THENCE N 88°20'07" E, a distance of 20.00 feet;
THENCE N 01°39'53" W, a distance of 675.00 feet;
THENCE S 88°20'07" W, a distance of 147.06 feet;
THENCE N 20°58'53" W, a distance of 19.80 feet to the northerly right-of-way line of said Scyene Road;



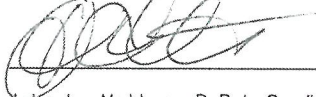
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THENCE N 69°01'07" E, with said northerly right-of-way line of Scyene Road, 45.00 feet to the POINT OF BEGINNING and containing 1.1524 acres or 50,199 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. #4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202.

NDM

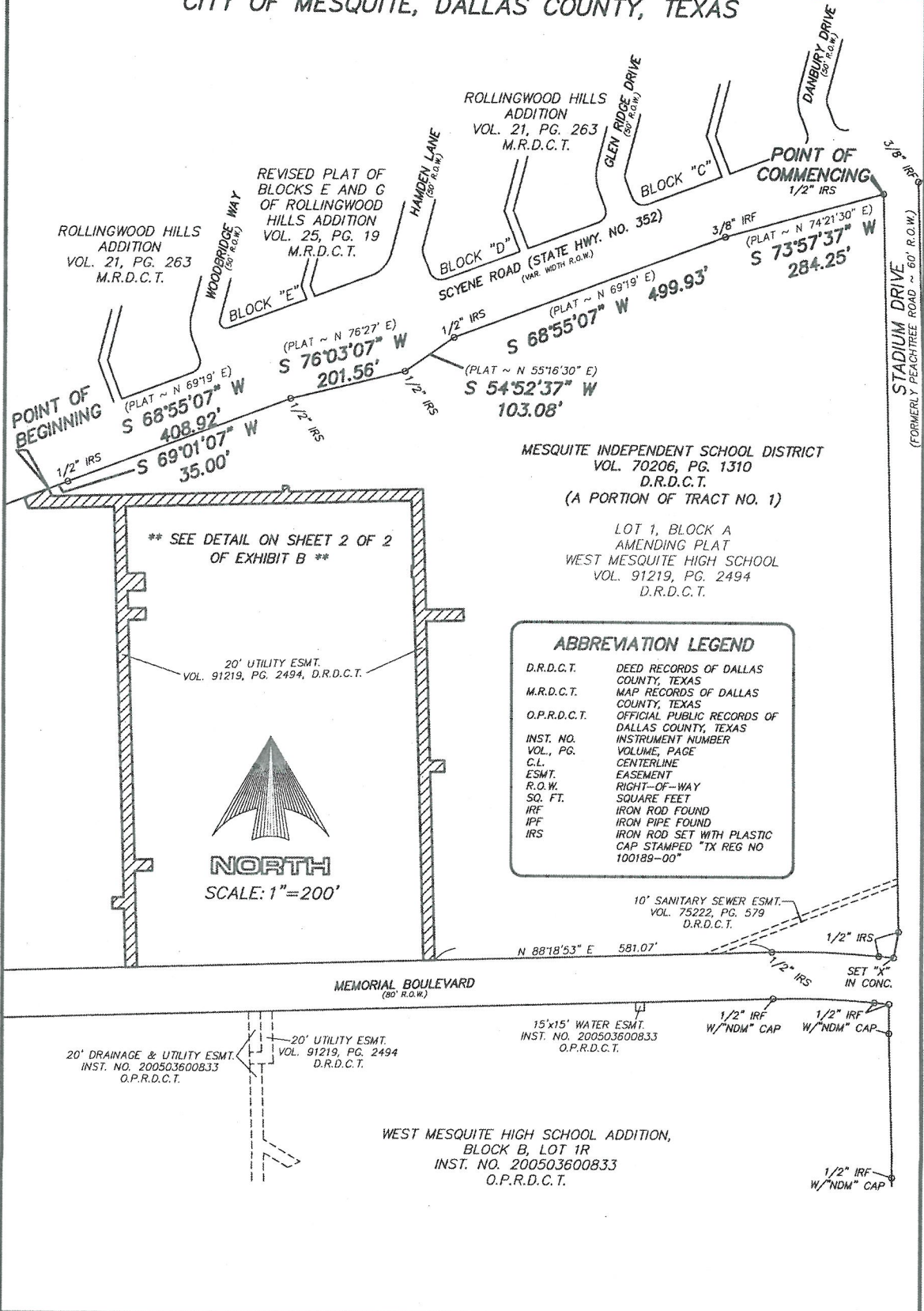
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EXHIBIT "B"
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CITY OF MESQUITE, DALLAS COUNTY, TEXAS

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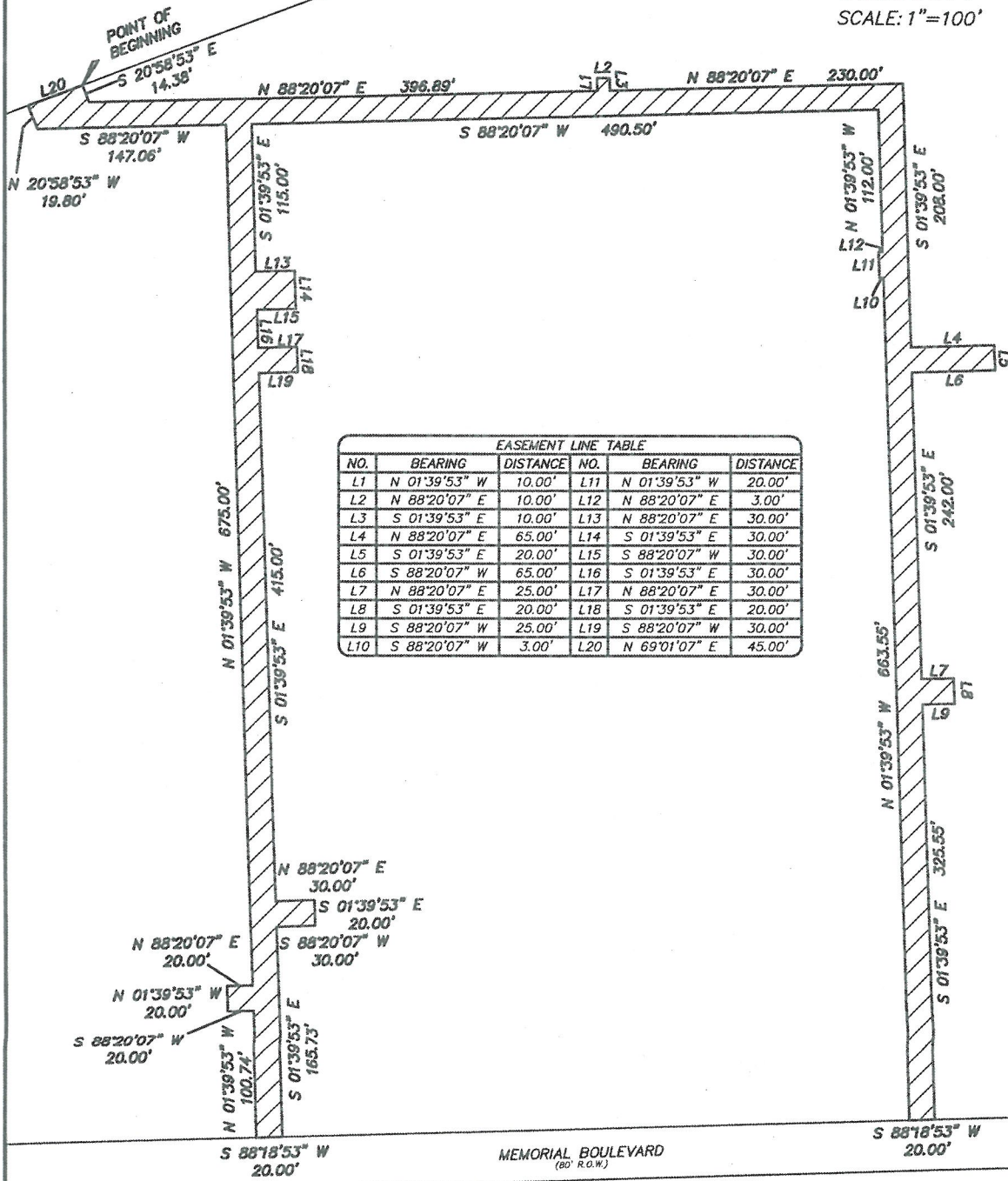
ABBREVIATION LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
C.L.	CENTERLINE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

EXHIBIT "B"
UTILITY EASEMENT ABANDONMENT
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SCYENE ROAD (STATE HWY. NO. 352)
 (VAR. WIDTH R.O.W.)



EASEMENT LINE TABLE					
NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	N 01°39'53" W	10.00'	L11	N 01°39'53" W	20.00'
L2	N 88°20'07" E	10.00'	L12	N 88°20'07" E	3.00'
L3	S 01°39'53" E	10.00'	L13	N 88°20'07" E	30.00'
L4	N 88°20'07" E	65.00'	L14	S 01°39'53" E	30.00'
L5	S 01°39'53" E	20.00'	L15	S 88°20'07" W	30.00'
L6	S 88°20'07" W	65.00'	L16	S 01°39'53" E	30.00'
L7	N 88°20'07" E	25.00'	L17	N 88°20'07" E	30.00'
L8	S 01°39'53" E	20.00'	L18	S 01°39'53" E	20.00'
L9	S 88°20'07" W	25.00'	L19	S 88°20'07" W	30.00'
L10	S 88°20'07" W	3.00'	L20	N 69°01'07" E	45.00'



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Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
12/05/2014 02:51:33 PM
\$50.00



A handwritten signature in black ink, appearing to be "JFW".

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