



201400309755

ORD 1/5

ORDINANCE NO. 4343

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 15-FOOT WIDE UTILITY AND WATER EASEMENTS LOCATED AT PEPSI BEVERAGE COMPANY AT 4532 IH-30; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Pepsi Beverage Company requested abandonment of 15-foot wide utility and water easements which contain an eight-inch diameter water main and associated valves and fire hydrants which are in conflict with proposed plant expansion at the Pepsi facility; and

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

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

WHEREAS, Jacob & Martin, LTD Consulting Engineers provided the necessary survey and legal description; 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 15-foot utility and water easements located at Pepsi Beverage Company at 4532 IH-30, said easements more fully described in Exhibit "A" attached hereto and included herein for all purposes, are hereby abandoned conditional upon:

1. The construction and acceptance of the relocated water main in accordance with City-approved plans and standards; and
2. Filing of a plat that dedicates 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.

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.

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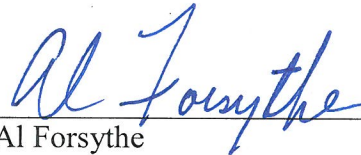
SECTION 3. That the abandonment provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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.

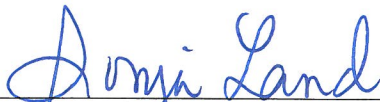
SECTION 6. That the orderly development of the City of Mesquite requires the release and abandonment of the utility and water easements described herein, creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect 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 17th day of November, 2014.



Al Forsythe
Mayor Pro Tem

ATTEST:



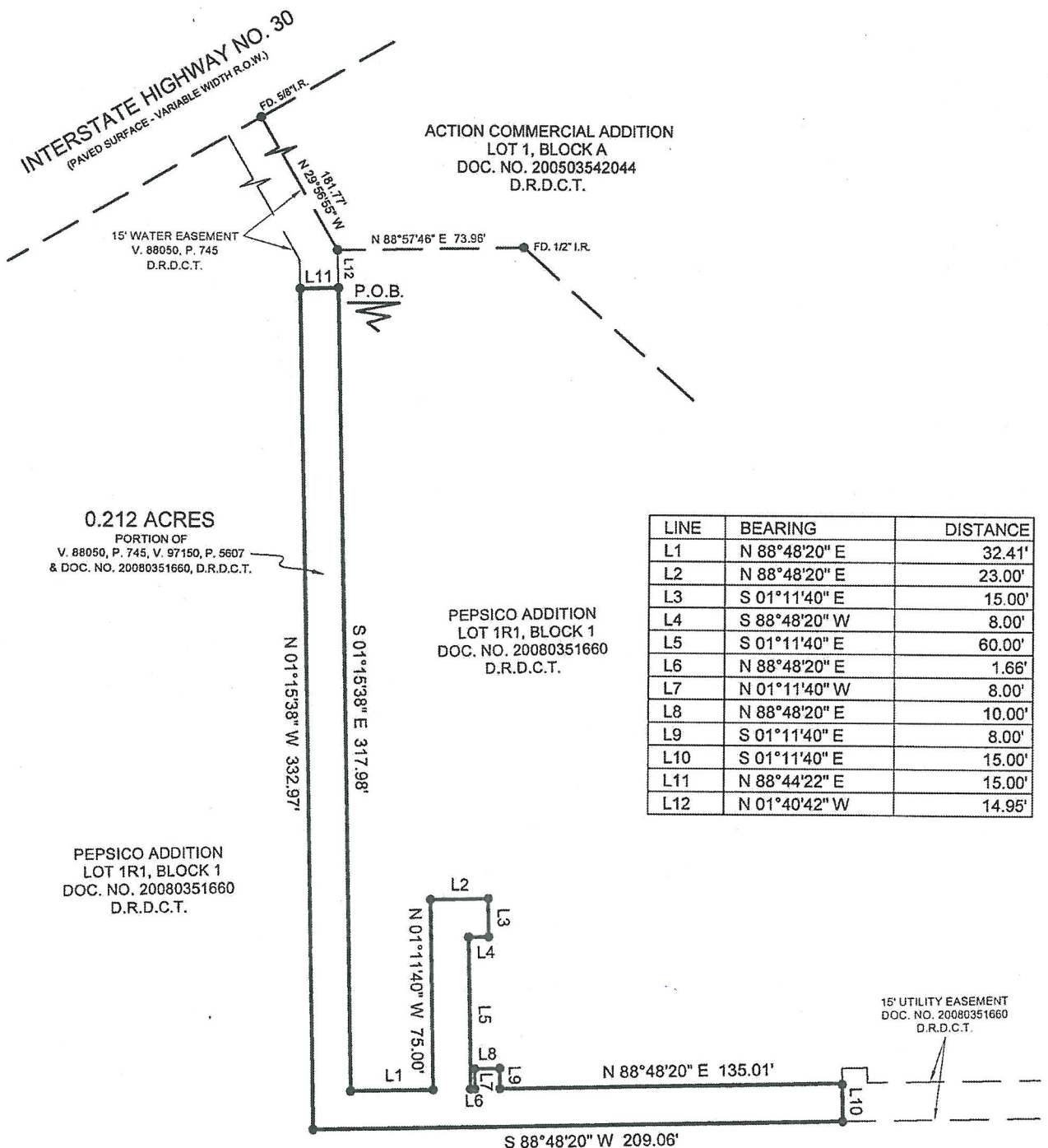
Sonja Land
City Secretary

APPROVED:



B.J. Smith
City Attorney

EXHIBIT "A"



0.212 ACRES
 PORTION OF
 V. 88050, P. 745, V. 97150, P. 5607
 & DOC. NO. 20080351660, D.R.D.C.T.

PEPSICO ADDITION
 LOT 1R1, BLOCK 1
 DOC. NO. 20080351660
 D.R.D.C.T.

PEPSICO ADDITION
 LOT 1R1, BLOCK 1
 DOC. NO. 20080351660
 D.R.D.C.T.

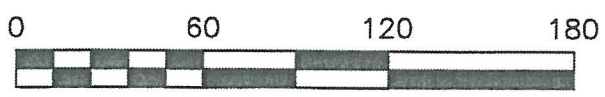
PEPSICO ADDITION
 LOT 1R1, BLOCK 1
 DOC. NO. 20080351660
 D.R.D.C.T.

LINE	BEARING	DISTANCE
L1	N 88°48'20" E	32.41'
L2	N 88°48'20" E	23.00'
L3	S 01°11'40" E	15.00'
L4	S 88°48'20" W	8.00'
L5	S 01°11'40" E	60.00'
L6	N 88°48'20" E	1.66'
L7	N 01°11'40" W	8.00'
L8	N 88°48'20" E	10.00'
L9	S 01°11'40" E	8.00'
L10	S 01°11'40" E	15.00'
L11	N 88°44'22" E	15.00'
L12	N 01°40'42" W	14.95'

BEARINGS AND DISTANCES ARE DERIVED FROM G.P.S. OBSERVATIONS AND REFLECT N.A.D. 1983, STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL TEXAS ZONE 4202.

ALL CORNERS ARE POINTS, UNLESS OTHERWISE NOTED.

UNDERGROUND UTILITIES WERE NOT LOCATED DURING THIS SURVEY. CALL 1-800-DIG-TESS AND/OR UTILITY PROVIDERS BEFORE EXCAVATION OR CONSTRUCTION.



CARTER SURVEYING
 & MAPPING
 110 PALO PINTO ST. - WEATHERFORD, TX - 76086
 (P) 817-594-0400 - (F) 817-594-0403

EASEMENT ABANDONMENT SURVEY DESCRIPTION

BEING A 0.212 ACRE EASEMENT ABANDONMENT BEING OVER AND ACROSS LOT 1R1, BLOCK 1, PEPSICO ADDITION, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AS RECORDED IN DOCUMENT NO. 20080351660, DEED RECORDS, DALLAS COUNTY, TEXAS: BEING A PORTION OF THOSE CERTAIN 15' WATER EASEMENTS AS DESCRIBED IN VOLUME 88050, PAGE 745 AND VOLUME 97150, PAGE 5607, D.R.D.C.T. AND A PORTION OF THAT CERTAIN 15 FOOT UTILITY EASEMENT AS RECORDED IN DOCUMENT NO. 20080351660, D.R.D.C.T.: AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST BOUNDARY LINE OF SAID VOLUME 88050, PAGE 745 AND VOLUME 97150, PAGE 5607, D.R.D.C.T, EASEMENTS FOR THE NORTHEAST CORNER OF THIS EASEMENT ABANDONMENT. WHENCE THE NORTHEAST CORNER OF SAID LOT 1R1 BEARS N 01°40'42" W 14.95 FEET, AND N 29°56'55" W 181.77 FEET.

THENCE S 01°15'38" E 317.98 FEET TO A POINT FOR A CORNER OF THIS EASEMENT ABANDONMENT.

THENCE N 88°48'20" E 32.41 FEET TO A POINT FOR A CORNER OF THIS EASEMENT ABANDONMENT.

THENCE N 01°11'40" W 75.00 FEET TO A POINT FOR A CORNER OF THIS EASEMENT ABANDONMENT.

THENCE N 88°48'20" E 23.00 FEET TO A POINT FOR A CORNER OF THIS EASEMENT ABANDONMENT.

THENCE S 01°11'40" E 15.00 FEET TO A POINT FOR A CORNER OF THIS EASEMENT ABANDONMENT.

THENCE S 88°48'20" W 8.00 FEET TO A POINT FOR A CORNER OF THIS EASEMENT ABANDONMENT.

THENCE S 01°11'40" E 60.00 FEET TO A POINT FOR A CORNER OF THIS EASEMENT ABANDONMENT.

THENCE N 88°48'20" E 1.66 FEET TO A POINT FOR A CORNER OF THIS EASEMENT ABANDONMENT.

THENCE N 01°11'40" W 8.00 FEET TO A POINT FOR A CORNER OF THIS EASEMENT ABANDONMENT.

THENCE N 88°48'20" E 10.00 FEET TO A POINT FOR A CORNER OF THIS EASEMENT ABANDONMENT.

THENCE S 01°11'40" E 8.00 FEET TO A POINT FOR A CORNER OF THIS EASEMENT ABANDONMENT.

THENCE N 88°48'20" E 135.01 FEET TO A POINT FOR A CORNER OF THIS EASEMENT ABANDONMENT.

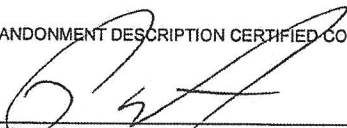
THENCE S 01°11'40" E 15.00 FEET TO A POINT FOR THE SOUTHEAST CORNER OF THIS EASEMENT ABANDONMENT.

THENCE S 88°48'20" W 209.06 FEET TO A POINT FOR THE SOUTHWEST CORNER OF THIS EASEMENT ABANDONMENT.

THENCE N 01°15'38" W 332.97 FEET TO A POINT FOR THE NORTHWEST CORNER OF THIS EASEMENT ABANDONMENT.

THENCE N 88°44'22" E 15.00 FEET TO THE POINT OF BEGINNING.

EASEMENT ABANDONMENT DESCRIPTION CERTIFIED CORRECT:



PATRICK CARTER, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5691.
CARTER SURVEYING & MAPPING, 110A PALO PINTO ST., WEATHERFORD, TX 76086
SEPTEMBER 25, 2014 - JN140921ER1



CARTER SURVEYING
& MAPPING
110 PALO PINTO ST. - WEATHERFORD, TX - 76086
(P) 817-594-0400 - (F) 817-594-0403

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
12/05/2014 02:51:35 PM
\$38.00



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

201400309755

RECEIVED
DEC 15 2014
CITY OF MESQUITE
CITY SECRETARY